AGENDA | REGULAR TOWN COUNCIL MEETING

August 23, 2022 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street
The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth
Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Allen Coleman, CMC, NCCCC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

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

CN1 Budget Ordinance Amendment No. 2 - Deer Creek 2022 Capital Reimbursement Fees

Marty Stone, PE, Assistant Town Manager

CN2 Budget Ordinance Amendment No. 3 - Jordan Pointe 2022 Capital Reimbursement Fees

Marty Stone, PE, Assistant Town Manager

CN3 Construction Agreement - CSX Transportation Inc. - Widening Pleasant Plains Road - Pleasant Park Project

Daniel Edwards, Senior Capital Projects Manager

CN4 Contract Multi-Year - Cintas - Uniforms - August 22, 2022 through August 21, 2027

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

CN5 Encroachment Agreement - 1835 Firenza Dr Lot 39

Marty Stone, Assistant Town Manager

CN6 Fee-in-Lieu (FIL) of Land Dedication - Estates at White Oak

Angela Reincke, Parks Planning Project Manager, Parks, Recreation, and Cultural Resources

CN7 Lease Agreement Renewal - New Cingular Wireless PCS, LLC. Tingen - July 1, 2023 through June 30, 2038

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

CN8 Ordinance Amendment for Article I of Chapter 10

Brian Meyer, Deputy Town Attorney, and Senior Zoning Compliance Officers Mark Siburt and Trevor Johnson

CN9 Resolution – Public Utility Easement Abandonment

Steve Adams, Utilities Acquisition Specialist

CN10 Tax Report - July 2022

Allen Coleman, Town Clerk

PRESENTATIONS

PR1 Financial Update - Customer Assistance Program (CAP) and Fiscal Year-End Operating Results

Vance Holloman, Finance Director

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 2022 General Obligation Bond Extension - $15M Street and Sidewalk Improvement Bonds

Vance Holloman, Finance Director

PH2 Annexation No. 733 - Adams Property PUD - 23.92 acres

Liz Loftin, Senior Planner, Planning and Community Development

AND

PH3 Rezoning Case No. 22CZ08 Adams Property PUD

Liz Loftin, Senior Planner, Planning and Community Development

PH4 Annexation No. 737 - 905 Wimberly Road - 7.21 acres

Lauren Staudenmaier, Planner II, Planning and Community Development

AND

PH5 Rezoning Case No. 22CZ14 905 Wimberly Road

Lauren Staudenmaier, Planner II, Planning and Community Development

PH6 Annexation No. 739 - Triad Education Services (TMSA) - 6.524 acres

Dianne Khin, Director of Planning and Community Development

PH7 Rezoning Case No. 22CZ10 Calyx Senior Living (KOBRA PUD Amendment)

Liz Loftin, Senior Planner, Planning and Community Development

PH8 Rezoning Case No. 22CZ15 CarSpace Apex

Amanda Bunce, Current Planning Manager, Planning and Community Development

PH9 Unified Development Ordinance (UDO) Amendments - August 2022

Amanda Bunce, Current Planning Manager, Planning and Community Development

OLD BUSINESS – *None*

UNFINISHED BUSINESS – *None*

NEW BUSINESS – *None*

UPDATES BY TOWN MANAGER

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

Presenter(s): Marty Stone, PE, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve Budget Ordinance Amendment No. 2 which appropriates funds to pay amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement with Meritage Homes of Carolinas, Inc. and which authorizes a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment.

Approval Recommended?

Yes

Item Details

The Town of Apex and Meritage Homes of Carolinas, Inc. executed an Amendment to the original Utility Infrastructure Agreement on August 21, 2018. Under the terms of that agreement, Meritage Homes of Carolinas, Inc. is ultimately due either 20% of the new Capital Reimbursement Fees or the old acreage fees that were in the original Developer's Agreement, whichever is greater, up to the final approved actual construction cost of $5,559,960.25. In this case, the acreage fees are the basis for reimbursement. The calculated reimbursement due is **$238,508.17** as shown on the attached spreadsheet. After this payment, the balance of eligible reimbursement is **$4,663,360.49,** which may be paid in the future as benefited lands develop.

Funds for the reimbursement will be covered by a transfer from the Water Sewer HB 463 Capital Reserve Fund.

Attachments

- Spreadsheet Detailing Credits & Fees for Deer Creek 2022 Reimbursement
- Budget Ordinance Amendment No. 2

Credits and Fees for Deer Creek Reimbursement through June 30, 2022

Deer Creek - 100% CO'd

Plat	Total Acreage	# Units	Water CRF Paid	Potential Water Acreage Fees	Sewer CRF Paid	Potential Sewer Acreage Fees	Date Paid	Date Plat Recorded	Applicable Acreage Fee for Each Water & Sewer ($/ac)
Ph 1	26.84	62	$ 202,616.00	$ 59,853.20	$ 218,054.00	$ 59,853.20	11/13/2017	2/23/2018	$ 2,230.00
Ph 2	8.23	47	$ 153,596.00	$ 18,352.90	$ 165,299.00	$ 18,352.90	11/13/2017	6/7/2018	$ 2,230.00
Ph 3	18.21	58	$ 103,414.00	$ 40,608.30	$ 213,150.00	$ 40,608.30	11/5/2018	6/19/2020	$ 2,230.00
Ph 4	4.85	23	$ 75,164.00	$ 10,815.50	$ 80,891.00	$ 10,815.50	5/8/2018	1/17/2019	$ 2,230.00
Ph 5	6.74	42	$ 137,256.00	$ 15,030.20	$ 147,714.00	$ 15,030.20	5/8/2018	1/17/2019	$ 2,230.00
Ph 6	16.69	22	$ 39,226.00	$ 37,218.70	$ 80,850.00	$ 37,218.70	7/9/2018	7/10/2018	$ 2,230.00
Totals	**81.56**	**254**	**$ 711,272.00**	**$ 181,878.80**	**$ 905,958.00**	**$ 181,878.80**			
20%			**$ 142,254.40**		**$ 181,191.60**				

*Acreage fees in effect at the time of approval FY 2015/2016 Fee Schedule

Benefited Land- Retreat at Cedar Crossing

Plat	Total Acreage	# Units	Water CRF Paid thru 6/30/22	Potential Water Acreage Fees	Sewer CRF Paid thru 6/30/22	Potential Sewer Acreage Fees	Date Paid	Date Plat Recorded	Applicable Acreage Fee for Each Water & Sewer ($/ac)
Ph 1	7.394	24	$ 39,226.00	$ 18,078.33	$ 80,850.00	$ 18,078.33	At Permit	4/20/2021	$ 2,445.00
Ph 2	7.097	22	$ 39,226.00	$ 17,352.17	$ 80,850.00	$ 17,352.17	At Permit	8/3/2021	$ 2,445.00
Ph 3	22.051	42	$ 57,056.00	$ 55,789.03	$ 117,600.00	$ 55,789.03	At Permit	1/12/2022	$ 2,530.00
Totals	**36.542**	**88**	**$ 135,508.00**	**$ 91,219.53**	**$ 279,300.00**	**$ 91,219.53**			
20%			**$ 27,101.60**		**$ 55,860.00**				

Benefited Land- Willow Hills

Plat	Total Acreage	# Units	Water CRF Paid thru 6/30/22	Potential Water Acreage Fees	Sewer CRF Paid thru 6/30/22	Potential Sewer Acreage Fees	Date Paid	Date Plat Recorded	Applicable Acreage Fee for Each Water & Sewer ($/ac)
Ph 1	19.59	17	$ 28,528.00	$ 47,897.55	$ 58,800.00	$ 47,897.55	At Permit	5/5/2021	$ 2,445.00
Ph 2	26.11	27	$ 46,358.00	$ 63,838.95	$ 95,550.00	$ 63,838.95	At Permit	10/1/2021	$ 2,445.00
Ph 3	25.085	26	$ 28,528.00	$ 63,465.05	$ 58,800.00	$ 63,465.05	At Permit	2/8/2022	$ 2,530.00
Totals	**70.785**	**70**	**$ 103,414.00**	**$ 175,201.55**	**$ 213,150.00**	**$ 175,201.55**			
20%			**$ 20,682.80**		**$ 42,630.00**				

CREDITS TO DATE SUMMARY:

DESCRIPTION	WATER	SEWER	TOTAL
Deer Creek Maximum Potential Credit	**$ 1,404,997.48**	**$ 4,154,962.77**	**$ 5,559,960.25**
20% CRFs Value	$ 190,038.80	$ 279,681.60	$ 469,720.40
Potential Acreage Fees	$ 448,299.88	$ 448,299.88	$ 896,599.76
Total Reimbursement Eligible as of 6/30/22	**$ 448,299.88**	**$ 448,299.88**	**$ 896,599.76**
Less 1st Reimbursement Payment on 11/14/18 (Ck# 232828)	$ (134,921.69)	$ (134,921.69)	$ (269,843.38)
Less 2nd Reimbursement Payment on 12/03/21 (EFT)	$ (194,124.11)	$ (194,124.10)	$ (388,248.21)
			$ -
Reimbursement Due through 6/30/22	**$ 119,254.08**	**$ 119,254.09**	**$ 238,508.17**
BALANCE OF REMAINING POTENTIAL CREDITS AFTER THIS REIMBURSEMENT	$ 0	$ 3,706,662.89	$ 4,663,360.49

Town of Apex

Budget Ordinance Amendment No. 2

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:

Water Sewer HB 463 Capital Reserve Fund

Section 1. Revenues:

Appropriated Fund Balance	$238,510
Total Revenues	**$238,510**

Section 2. Expenditures:

Transfer to Water Sewer Fund	$238,510
Total Expenditures	**$238,510**

Water Sewer Fund

Section 3. Revenues:

Transfer from Water Sewer HB 463 Capital Reserve Fund	$238,510
Total Revenues	**$238,510**

Section 4. Expenditures:

Water Maintenance Capital Improvements	$119,255
Sewer Maintenance Capital Improvements	$119,255
Total Expenditures	**$238,510**

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

Adopted this the 23rd day of August, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

Presenter(s): Marty Stone, PE, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve Budget Ordinance Amendment No. 3 which appropriates funds to pay amounts due under the first amendment to the Utility Infrastructure Reimbursement Agreement with WS-JPA, LLC and which authorizes a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment.

Approval Recommended?

Yes

Item Details

The Town of Apex and WS-JPA LLC executed an Amendment to the original Utility Infrastructure Agreement on 21 August, 2018. Under the terms of that agreement, WS-JPA LLC is ultimately due either 20% of the new Capital Reimbursement Fees or the old acreage fees that were in the original Developer's Agreement, whichever is greater, up to the final approved actual construction cost of $2,030,392.97. In this case, the acreage fees are the basis for reimbursement. The calculated reimbursement due is $305,684.92 as shown on the attached spreadsheet. After this payment, the balance of eligible reimbursement is $0.00.

Attachments

- Spreadsheet Detailing Credits & Fees for Jordan Pointe Final Reimbursement 2022
- Budget Ordinance Amendment No. 3

JORDAN POINTE

Reimbursement Worksheet as of June 30, 2022

Plat	Total Acreage	# Units	Fee Type	Water CRFs Paid	Water Acreage Fees Paid	Water Acreage Fee Credit	Potential Water Acreage Fees	Sewer CRFs Paid	Sewer Acreage Fees Paid	Sewer Acreage Fee Credit	Potential Sewer Acreage Fees	Date CRFs Paid	Date Plat Recorded	Applicable Acreage Fee for Each Water & Sewer
JORDAN POINTE														
Ph 1A	27.6696	50	Acreage	$ 138,186.00		$ 61,703.20		$ 155,214.00		$ 61,703.21		8/25/2015	10/8/2015	$ 2,230.00
Ph 1B	16.059	30	Acreage	$ 77,874.00		$ 35,811.57		$ 100,503.00		$ 35,811.57		4/1/2016	4/25/2016	$ 2,230.00
Ph 1C	27.2314	46	Acreage	$ 137,950.00		$ 60,726.02		$ 147,908.00		$ 60,726.02		6/23/2016	7/27/2016	$ 2,230.00
Ph 1D	21.0482	39	Acreage	$ 123,515.00		$ 47,147.97		$ 125,507.00		$ 47,147.97		11/15/2016	11/15/2016	$ 2,240.00
Ph 1E	16.9119	19	Acreage	$ 54,159.00		$ 37,882.65		$ 66,109.00		$ 37,882.66		5/5/2017	5/18/2017	$ 2,240.00
Ph 1F	17.7729	43	Acreage	$ 123,891.00		$ 39,811.29		$ 149,136.00		$ 39,811.30		5/5/2017	6/28/2017	$ 2,240.00
Ph 1G	28.289	16	CRF	$ 52,288.00			$ 64,498.92	$ 56,272.00			$ 64,498.92	10/11/2017	11/9/2017	$ 2,280.00
Ph 2A	9.8934	21	CRF	$ 68,628.00			$ 22,556.95	$ 73,857.00			$ 22,556.95	4/5/2018	4/23/2018	$ 2,280.00
Ph 2B	7.0243	17	CRF	$ 55,556.00			$ 16,015.40	$ 59,789.00			$ 16,015.40	5/16/2018	7/20/2018*	$ 2,280.00
PH 2C**	15.0722	41	CRF	$ 58,482.00			$ 35,419.67	$ 120,540.00			$ 35,419.67	12/21/2018	12/21/2018	$ 2,350.00
Ph 2D	13.7772	35	CRF	$ 62,405.00			$ 32,376.42	$ 128,625.00			$ 32,376.42	11/27/2018	4/17/2019	$ 2,350.00
Ph 2E	13.4819	24	CRF	$ 42,792.00			$ 31,682.47	$ 88,200.00			$ 31,682.47	3/13/2019	6/10/2019	$ 2,350.00
Ph 2F	20.1176	35	CRF	$ 62,405.00			$ 47,276.36	$ 128,625.00			$ 47,276.36	5/30/2019	3/18/2020	$ 2,350.00
Ph 2G	41.2473	25	CRF	$ 23,179.00			$ 98,993.52	$ 47,775.00			$ 98,993.52	varies	5/17/2021	$ 2,400.00
TOTALS	**275.5959**	**441**		**$ 1,081,310.00**		**$ 283,082.70**	**$ 348,819.71**	**$ 1,448,060.00**		**$ 283,082.73**	**$ 348,819.71**			
** cost shown is for totals paid as shown in New World (does not match units x CRF / unit)												*Original Plat recorded with 6.9639 Acres on 6/28/2018		
JORDAN OAKS - SEWER ONLY (showing totals for CRFs only)														
	31.609	50						$ 84,525.00			$ 79,970.77	varies	2/1/2022	$ 2,530.00
TOTALS	**31.609**	**50**		**$ -**			**$ -**	**$ 84,525.00**			**$ 79,970.77**			
WOODBURY														
Ph 1	46.45	123	CRF	$ 401,964.00			$ 105,906.00	$ 432,591.00			$ 105,906.00	12/4/2017	2/15/2018	$ 2,280.00
Ph 2A	4.00	25	CRF	$ 81,700.00			$ 9,120.00	$ 87,925.00			$ 9,120.00	4/18/2018	6/1/2018	$ 2,280.00
Ph 2B-2C	37.658	102	CRF	$ 181,866.00			$ 88,496.30	$ 374,850.00			$ 88,496.30	10/15/2018	11/7/2018	$ 2,350.00
Ph 3A	25.681	40	CRF	$ 71,320.00			$ 61,377.59	$ 147,000.00			$ 61,377.59	7/12/2019	8/29/2019	$ 2,390.00
Ph 3B	10.227	45	CRF	$ 80,235.00			$ 24,442.53	$ 165,375.00			$ 24,442.53	2/6/2020	3/12/2020	$ 2,390.00
Ph 3C&D	24.668	65	CRF	$ 115,895.00			$ 59,203.20	$ 238,875.00			$ 59,203.20	7/7/2020	8/13/2020	$ 2,400.00
TOTALS	**148.684**	**400**		**$ 932,980.00**			**$ 348,545.62**	**$ 1,446,616.00**			**$ 348,545.62**			
JORDAN MANORS - SEWER ONLY														
Ph 1A	19.689	50						$ 181,538.00			$ 44,103.36	varies	8/29/2017	$ 2,240.00
Ph 1B	24.436	33						$ 121,117.00			$ 54,736.64	varies	9/29/2017	$ 2,240.00
Ph 1C	13.205	9	CRF					$ 31,653.00			$ 30,107.40	12/15/2017	12/20/2017	$ 2,280.00
Ph 3	32.1	86	Acreage					$ 308,624.00	$ 71,904.00			5/12/2017	7/24/2017	$ 2,240.00
Ph 2	31.673	62	CRF					$ 227,850.00			$ 75,698.47	9/26/2019	10/22/2019	$ 2,390.00
TOTALS	**121.103**	**240**						**$ 870,782.00**	**$ 71,904.00**		**$ 204,645.87**			
BELTERRA - SEWER ONLY														
Ph 1	18.8	46						$ 143,325.00			$ 47,564.00	varies	8/31/2021	$ 2,530.00
Ph 2	15.57	72						$ 249,900.00			$ 39,392.10	varies	1/11/2022	$ 2,530.00
Ph 3	Not yet Platted													$ -
Ph 4	Not yet Platted													$ -
TOTALS	**34.37**	**118**						**$ 393,225.00**	**$ -**		**$ 86,956.10**			

JORDAN POINTE

Reimbursement Worksheet as of June 30, 2022

Plat	Total Acreage	# Units	Fee Type	Water CRFs Paid	Water Acreage Fees Paid	Water Acreage Fee Credit	Potential Water Acreage Fees	Sewer CRFs Paid	Sewer Acreage Fees Paid	Sewer Acreage Fee Credit	Potential Sewer Acreage Fees	Date CRFs Paid	Date Plat Recorded	Applicable Acreage Fee for Each Water & Sewer
OLIVE RIDGE - SEWER ONLY														
Ph 1A	19.6277	29						$ 44,100.00			$ 49,658.08	varies	4/25/2022	$ 2,530.00
Rest of subdivision not platted yet.														$ -
TOTALS	**19.6277**	**29**						**$ 44,100.00**	**$ -**		**$ 49,658.08**			
FRIENDSHIP STATION SECTIONS 4 - 6 - SEWER ONLY														
Ph 1A	13.68	34						$ 95,550.00			$ 34,610.40	varies	3/4/2022	$ 2,530.00
Ph 1B	8.64	47						$ 62,475.00			$ 21,859.20	varies	6/30/2022	$ 2,530.00
Ph 2	4.2998	50						$ 102,900.00			$ 10,878.49	varies	4/1/2022	$ 2,530.00
Ph 3A	9.4	26						$ 80,850.00			$ 23,782.00	varies	4/1/2022	$ 2,530.00
Rest of subdivision not platted yet.														$ -
TOTALS	**36.0198**	**157**						**$ 341,775.00**	**$ -**		**$ 91,130.09**			

CREDITS TO DATE SUMMARY:

DESCRIPTION	WATER	SEWER	TOTAL
Jordan Pointe Maximum Credit	$ 568,983.64	$ 1,461,409.33	$ 2,030,392.97
Total Acreage Fees (Paid + Credit + Potential)	$ 980,448.03	$ 1,564,712.98	$ 2,545,161.01
Total Reimbursement Eligible as of 3/18/21	**$ 568,983.64**	**$ 1,461,409.33**	**$ 2,030,392.97**
Less 1st Reimbursement Payment on 10/18/2018 (Ck# 232430)	$ (217,898.00)	$ (317,141.00)	$ (535,039.00)
Less 2nd Reimbursement Payment on 11/14/2018 (Ck#232863)	$ -	$ (98,840.00)	$ (98,840.00)
Less W/S acreage fee credits for Jordan Pointe Phases 1A- 1F	$ (283,082.70)	$ (283,082.73)	$ (566,165.43)
Less 20% W/S CRF credits issued to JPM South with Jordan Pt Ph 2C Plat	$ (14,620.60)	$ (30,135.00)	$ (44,755.60)
Less 3rd Reimbursement Payment on 4/23/2021 (Ck#248884))	$ (53,382.34)	$ (426,525.68)	$ (479,908.02)
			$ -
			$ -
Reimbursement Due through 6/30/22	**$0.00**	**$ 305,684.92**	**$ 305,684.92**
BALANCE OF REMAINING CREDITS AFTER THIS REIMBURSEMENT	$ -	$ -	$ -

Town of Apex

Budget Ordinance Amendment No. 3

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:

Water Sewer HB 463 Capital Reserve Fund

Section 1. Revenues:

Appropriated Fund Balance	$305,685
Total Revenues	**$305,685**

Section 2. Expenditures:

Transfer to Water Sewer Fund	$305,685
Total Expenditures	**$305,685**

Water Sewer Fund

Section 3. Revenues:

Transfer from Water Sewer HB 463 Capital Reserve Fund	$305,685
Total Revenues	**$305,685**

Section 4. Expenditures:

Sewer Maintenance Capital Improvements	$305,685
Total Expenditures	**$305,685**

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

Adopted this the 23rd day of August, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

Presenter(s): Daniel Edwards, Senior Capital Projects Manager

Department(s): Administration

Requested Motion

Motion to approve construction agreement between the Town and CSX Transportation for road and signal improvements related to the Pleasant Park project; authorize the Town Manager to execute the same; and authorize the Town Manager to make changes to the agreement if the changes do not substantially alter the agreement and do not make the agreement, as a whole, less favorable to the Town.

Approval Recommended?

Yes

Item Details

This construction agreement is required by CSXT due to the anticipated traffic increase for the new Pleasant Park and includes: widening of Pleasant Plains Road, new sidewalk crossing, asphalt paving, new gates, and new RR signals. Under the terms of the agreement, a fee of **$602,931.00** is due prior to Notice to Proceed to CSXT. The project is subject to reimbursable expenses as outlined in Section 4 of the agreement.

Attachments

- CSX OP: NC0972 Construction Agreement
- Exhibit A – Allocation of Work
- Exhibit B – Plans and Specifications dated 7/29/22
- Exhibit C – CSXT Special Provisions
- Exhibit D – Initial Estimate dated 7/18/22
- Exhibit E – Payment Schedule
- Exhibit F – Insurance Requirements
- Schedule I – Contractor's Acceptance

CONSTRUCTION AGREEMENT

This Construction Agreement ("**Agreement**") is made as of _____, 20____, by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida ("**CSXT**"), and **Town of Apex**, a body corporate and political subdivision of the State of **North Carolina** ("Agency").

EXPLANATORY STATEMENT

1. Agency has proposed to construct, or to cause to be constructed, **widening of Pleasant Plains Rd. including Grading, sidewalks, paving, and signals within CSXT in Apex, Wake County, North Carolina at MP S174.21, DOT No. 630704X** (the "**Project**").

2. Agency has obtained, or will obtain, all authorizations, permits and approvals from all local, state and federal agencies (including Agency), and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and to appropriate all funds necessary to construct the Project.

DRAFT

3. Agency acknowledges that: (i) by entering into this Agreement, CSXT will provide services and accommodations to promote public interest in this Project, without profit or other economic inducement typical of other Agency contractors; (ii) neither CSXT nor its affiliates (including their respective directors, officers, employees or agents) will incur any costs, expenses, losses or liabilities in excess of payments made to CSXT, by or on behalf of Agency or its contractors, pursuant to this Agreement; and (iii) CSXT retains the paramount right to regulate all activities affecting its property and operations.

4. It is the purpose of this Agreement to provide for the terms and conditions upon which the Project may proceed.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Project Plans and Specifications

   1.1 Preparation and Approval. Pursuant to Exhibit A of this Agreement, all plans, specifications, drawings and other documents necessary or appropriate to the design and construction of the Project shall be prepared, at Agency's sole cost and expense, by Agency or CSXT or their respective contractors. Project plans, specifications and drawings prepared by or on behalf of Agency shall be subject, at CSXT's election, to the review and approval of CSXT. Such plans, specifications and drawings, as prepared or approved by CSXT, are referred to as the "**Plans**", and shall be incorporated and deemed

a part of this Agreement. Plans prepared or submitted to and approved by CSXT as of the date of this Agreement are set forth in Exhibit B to this Agreement.

1.2 Effect of CSXT Approval or Preparation of Plans. By its review, approval or preparation of Plans pursuant to this Agreement, CSXT signifies only that such Plans and improvements constructed in accordance with such Plans satisfy CSXT's requirements. CSXT expressly disclaims all other representations and warranties in connection with the Plans, including, but not limited to, the integrity, suitability or fitness for the purposes of Agency or any other persons of the Plans or improvements constructed in accordance with the Plans.

1.3 Compliance with Plans. The Project shall be constructed in accordance with the Plans.

2. Allocation and Conduct of Work

Work in connection with the Project shall be allocated and conducted as follows:

2.1 CSXT Work. Subject to timely payment of Reimbursable Expenses as provided by Section 4, CSXT shall provide, or cause to be provided, the services as set forth by Exhibit A to this Agreement. Agency agrees that CSXT shall provide all services that CSXT deems necessary or appropriate (whether or not specified by Exhibit A) to preserve and maintain its property and operations, without impairment or exposure to liability of any kind and in compliance with all applicable federal, state and local regulations and CSXT's contractual obligations, including, but not limited to, CSXT's existing or proposed third party agreements and collective bargaining agreements.

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2.2 Agency Work. Agency shall perform, or cause to be performed, all work as set forth by Exhibit A, at Agency's sole cost and expense.

2.3 Conduct of Work. CSXT shall commence its work under this Agreement following: (i) delivery to CSXT of a notice to proceed from Agency; (ii) payment of Reimbursable Expenses (as provided by Section 4.1) as required by CSXT prior to the commencement of work by CSXT; (iii) issuance of all permits, approvals and authorizations necessary or appropriate for such work; and (iv) delivery of proof of insurance acceptable to CSXT, as required by Section 9. The initiation of any services by CSXT pursuant to this Agreement, including, but not limited to, the issuance of purchase orders or bids for materials or services, shall constitute commencement of work for the purposes of this Section. The parties intend that all work by CSXT or on CSXT property shall conclude no later than **May 4, 2022**, unless the parties mutually agree to extend such date.

3. Special Provisions. Agency shall observe and abide by, and shall require its contractors ("**Contractors**") to observe and abide by the terms, conditions and provisions set forth in Exhibit C to this Agreement (the "Special Provisions"). To the extent that Agency performs

Project work itself, Agency shall be deemed a Contractor for purposes of this Agreement. Agency further agrees that, prior to the commencement of Project work by any third party Contractor, such Contractor shall execute and deliver to CSXT Schedule I to this Agreement to acknowledge Contractor's agreement to observe and abide by the terms and conditions of this Agreement.

4. Cost of Project and Reimbursement Procedures

4.1 Reimbursable Expenses. Agency shall reimburse CSXT for all costs and expenses incurred by CSXT in connection with the Project, including, without limitation: (1) all out of pocket expenses, (2) travel and lodging expenses, (3) telephone, facsimile, and mailing expenses, (4) costs for equipment, tools, materials and supplies, (5) sums paid to CSXT's consultants and subcontractors, and (6) CSXT labor in connection with the Project, together with CSXT labor overhead percentages established by CSXT pursuant to applicable law (collectively, "**Reimbursable Expenses**"). Reimbursable Expenses shall also include expenses incurred by CSXT prior to the date of this Agreement to the extent identified by the Estimate provided pursuant to Section 4.2.

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4.2 Estimate. CSXT has estimated the total Reimbursable Expenses for the Project as shown on Exhibit D (the "**Estimate**", as amended or revised). In the event CSXT anticipates that actual Reimbursable Expenses for the Project may exceed such Estimate, it shall provide Agency with the revised Estimate of the total Reimbursable Expenses, together with a revised Payment Schedule (as defined by Section 4.3.1), for Agency's approval and confirmation that sufficient funds have been appropriated to cover the total Reimbursable Expenses of such revised Estimate. CSXT may elect, by delivery of notice to Agency, to immediately cease all further work on the Project, unless and until Agency provides such approval and confirmation.

4.3 Payment Terms.

4.3.1 Agency shall pay CSXT for Reimbursable Expenses in the amounts and on the dates set forth in the Payment Schedule as shown on Exhibit E (the "Payment Schedule", as revised pursuant to Section 4.2). CSXT agrees to submit invoices to Agency for such amounts and Agency shall remit payment to CSXT at the later of thirty (30) days following delivery of each such invoice to Agency or, the payment date (if any) set forth in the Payment Schedule.

4.3.2 Following completion of the Project, CSXT shall submit to Agency a final invoice that reconciles the total Reimbursable Expenses incurred by CSXT against the total payments received from Agency. Agency shall pay to CSXT the amount by which Reimbursable Expenses exceed total payments as shown by the final invoice, within thirty (30) days following delivery of such invoice to Agency. In the event

that the payments received by CSXT from Agency exceed the Reimbursable Expenses, CSXT shall remit such excess to Agency.

4.3.3 In the event that Agency fails to pay CSXT any sums due CSXT under this Agreement: (i) Agency shall pay CSXT interest at the lesser of 1.0% per month or the maximum rate of interest permitted by applicable law on the delinquent amount until paid in full; and (ii) CSXT may elect, by delivery of notice to Agency: (A) to immediately cease all further work on the Project, unless and until Agency pays the entire delinquent sum, together with accrued interest; and/or (B) to terminate this Agreement.

4.3.4 All invoices from CSXT shall be delivered to Agency in accordance with Section 16 of this Agreement. All payments by Agency to CSXT shall be made by certified check and mailed to the following address or such other address as designated by CSXT's notice to Agency:

CSX Transportation, Inc.
P.O. Box 530192
Atlanta, GA 30353-0192

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4.4 Effect of Termination. Agency's obligation to pay to CSXT Reimbursable Expenses in accordance with Section 4 shall survive termination of this Agreement for any reason.

5. Appropriations Agency represents to CSXT that: (i) Agency has appropriated funds sufficient to reimburse CSXT for the Reimbursable Expenses encompassed by the Estimate attached as Exhibit D; (ii) Agency shall use its best efforts to obtain appropriations necessary to cover Reimbursable Expenses encompassed by subsequent Estimates approved by Agency; and (iii) Agency shall promptly notify CSXT in the event that Agency is unable to obtain such appropriations.

6. Easements and Licenses

6.1 Agency Obligation. Agency shall acquire all necessary licenses, permits and easements required for the Project.

6.2 Temporary Construction Licenses. Insofar as it has the right to do so, CSXT hereby grants Agency a nonexclusive license to access and cross CSXT's property, to the extent necessary for the construction of the Project (excluding ingress or egress over public grade crossings), along such routes and upon such terms as may be defined and imposed by Railroad and as may be designated on the Plans approved by CSXT.

6.3 Temporary Construction Easements. CSX may grant without warranty to Agency if required temporary non-exclusive easement for access to the extent necessary for the project on terms and conditions, and at a price acceptable to the parties.

6.4 Permanent Easements. Insofar as it has the right to do so, CSXT shall grant, without warranty to Agency, easements for the use and maintenance of the Project wholly or partly on CSXT property as shown on the Plans approved by CSXT, if any, on terms and conditions and at a price acceptable to the parties. Upon request by CSXT, Agency shall furnish to CSXT descriptions and plat plans for the easements.

7. Permits. At its sole cost and expense, Agency shall procure all permits and approvals required by any federal, state, or local governments or governmental agencies for the construction, maintenance and use of the Project, copies of which shall be provided to CSXT.

8. Termination

8.1 By Agency. For any reason, Agency may, as its sole remedy, terminate this Agreement by delivery of notice to CSXT. Agency shall not be entitled to otherwise pursue claims for consequential, direct, indirect or incidental damages or lost profits as a consequence of CSXT's default or termination of this Agreement or Work on the Project by either party.

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8.2 By CSXT. In addition to the other rights and remedies available to CSXT under this Agreement, CSXT may terminate this Agreement by delivery of notice to Agency in the event Agency or its Contractors fail to observe the terms or conditions of this Agreement and such failure continues more than ten (10) business days following delivery of notice of such failure by CSXT to Agency.

8.3 Consequences of Termination. If the Agreement is terminated by either party pursuant to this Section or any other provision of this Agreement, the parties understand that it may be impractical for them to immediately stop the Work. Accordingly, they agree that, in such instance a party may continue to perform Work until it has reached a point where it may reasonably and safely suspend the Work. Agency shall reimburse CSXT pursuant to this Agreement for the Work performed, plus all costs reasonably incurred by CSXT to discontinue the Work and protect the Work upon full suspension of the same, the cost of returning CSXT's property to its former condition, and all other costs of CSXT incurred as a result of the Project up to the time of full suspension of the Work. Termination of this Agreement or Work on the Project, for any reason, shall not diminish or reduce Agency's obligation to pay CSXT for Reimbursable Expenses incurred in accordance with this Agreement. In the event of the termination of this Agreement or the Work for any reason, CSXT's only remaining obligation to Agency shall be to refund to Agency payments made to CSXT in excess of Reimbursable Expenses in accordance with Section 4.

9. Insurance. In addition to the insurance that Agency requires of its Contractor, Agency shall acquire or require its Contractor to purchase and maintain insurance in compliance with CSXT's insurance requirements attached to this Agreement as Exhibit F. Neither Agency nor Contractor shall commence work on the Project until such policy or policies have been submitted to and approved by CSXT's Risk Management Department.

10. Ownership and Maintenance.

- **At Grade Crossings**

10.1 By Agency. Agency shall maintain and repair, at its sole cost and expense, all parts comprising the permanent aspects of the Project, as shown by the Plans, consisting of roadway pavement up to the outer ends of the railroad cross ties, sidewalks, guardrails, and curbs, in good and safe condition to CSXT's satisfaction. In the event Agency fails to do so after reasonable notice from CSXT (unless an emergency condition exists or is imminent in the opinion of CSXT that requires immediate action), CSXT may perform such maintenance and repair, at Agency's sole cost and expense.

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10.2 By CSXT. CSXT shall maintain and repair the crossing surface between the ends of its cross ties and its signal facilities at the crossing, at Agency's sole cost and expense.

10.3 Alterations. Agency shall not undertake any alteration, modification or expansion of the Project, without the prior written approval of CSXT, which may be withheld for any reason, and the execution of such agreements as CSXT may require. CSXT may undertake alterations of its property, track or facilities and shall be reimbursed by Agency for the expenses incurred by CSXT with respect to the removal and restoration of the crossing in connections with such alteration.

11. Indemnification

11.1 Generally. To the maximum extent permitted by applicable law, Agency and its Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect, consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSXT, its affiliates, Agency or its Contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSXT, its affiliates, Agency or its Contractors, and environmental damages and any related remediation brought or recovered against CSXT and its affiliates), arising directly or indirectly from the negligence, recklessness or intentional wrongful misconduct of the Contractors, Agency, and their respective agents, employees, invitees, contractors, or its contractors' agents, employees or invitees in the performance of work in connection with the Project or

activities incidental thereto, or from their presence on or about CSXT's property. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Agreement, except to the extent required by law or otherwise expressly provided by this Agreement.

11.2 Compliance with Laws. Agency shall comply, and shall require its Contractors to comply, with any federal, state, or local laws, statutes, codes, ordinances, rules, and regulations applicable to its construction and maintenance of the Project. Agency's Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless with respect to any fines, penalties, liabilities, or other consequences arising from breaches of this Section.

11.3 "CSXT Affiliates". For the purpose of this Section 11, CSXT's affiliates include CSX Corporation and all entities, directly or indirectly, owned or controlled by or under common control of CSXT or CSX Corporation and their respective officers, directors, employees and agents.

11.4 Notice of Incidents. Agency and its Contractor shall notify CSXT promptly of any loss, damage, injury or death arising out of or in connection with the Project work.

11.5 Survival. The provisions of this Section 11 shall survive the termination or expiration of this Agreement.

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12. Independent Contractor. The parties agree that neither Agency nor its Contractors shall be deemed either agents or independent contractors of CSXT. Except as otherwise provided by this Agreement, CSXT shall exercise no control whatsoever over the employment, discharge, compensation of, or services rendered by Agency or Agency's Contractors, or the construction practices, procedures, and professional judgment employed by Agency or its Contractor to complete the Project. Notwithstanding the foregoing, this Section 12 shall in no way affect the absolute authority of CSXT to prohibit Agency or its Contractors or anyone from entering CSXT's property, or to require the removal of any person from its property, if it determines, in its sole discretion, that such person is not acting in a safe manner or that actual or potential hazards in, on or about the Project exist.

13. "Entire Agreement" This Agreement embodies the entire understanding of the parties, may not be waived or modified except in a writing signed by authorized representatives of both parties, and supersedes all prior or contemporaneous written or oral understandings, agreements or negotiations regarding its subject matter. In the event of any inconsistency between this Agreement and the Exhibits, the more specific terms of the Exhibits shall be deemed controlling.

14. Waiver. If either party fails to enforce its respective rights under this Agreement, or fails to insist upon the performance of the other party's obligations hereunder, such failure shall not be construed as a permanent waiver of any rights or obligations in this Agreement.

15. Assignment. CSXT may assign this Agreement and all rights and obligations herein to a successor in interest, parent company, affiliate, or future affiliate. Upon assignment of this Agreement by CSXT and the assumption of CSXT's assignee of CSXT's obligations under this Agreement, CSXT shall have no further obligation under this Agreement. Agency shall not assign its rights or obligations under this Agreement without CSXT's prior consent, which consent may be withheld for any reason.

16. Notices. All notices, consents and approvals required or permitted by this Agreement shall be in writing and shall be deemed delivered upon personal delivery, upon the expiration of three (3) days following mailing by first class U.S. mail, or upon the next business day following mailing by a nationally recognized overnight carrier, to the parties at the addresses set forth below, or such other addresses as either party may designate by delivery of prior notice to the other party:

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If to CSXT: CSX Transportation, Inc.
500 Water St, J301
Jacksonville, FL 32202
Attn: Todd Allton

If to Agency: Town of Apex
PO Box 250
Apex, NC 27502
Attn: Catherine Crosby

17. Severability. The parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of the Agreement remaining valid and enforceable.

18. Applicable Law. This Agreement shall be governed by the laws of the State of **North Carolina**, exclusive of its choice of law rules. The parties further agree that the venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Wake County, North Carolina, and the parties agree to submit to the personal jurisdiction of any State or Federal court situated in Wake County, North Carolina.

BY SIGNING THIS AGREEMENT, I certify that there have been no changes made to the content of this Agreement since its approval by the CSXT Legal Department on July 21, 2021.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each by its duly authorized officers, as of the date of this Agreement.

Town of Apex

By:_____

Name:_____

Title:_____

CSX TRANSPORTATION, INC.

By:_____
Name: Ed Sparks
Title: Chief Engineer – Bridges, Design & Construction

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EXHIBIT A
ALLOCATION OF WORK

Subject to Section 2.1, work to be performed in connection with the Project is allocated as follows:

A. Agency shall let by contract to its Contractors:

1. Widen and improve road, sidewalk, and RR signals within CSXT per approved plans, subject to CSXT review and approval.

B. CSXT shall perform or cause to be performed:

1. Construction engineering and inspection to protect the interests of CSXT.
2. Install new Cantilever, upgrade existing gates/prediction, and install traffic pre-emption at SR 1170 (Pleasant Plains Rd.)

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EXHIBIT B

PLANS AND SPECIFICATIONS

Plans, Specifications and Drawings:

As of the date of this Agreement, the following plans, specifications and drawings have been submitted by Agency to CSXT for its review and approval:

Sheet	Description	Preparer	Date
1	Pedestrian Crossing Plan	JLF - Moffat & Nichol	July 29, 2022

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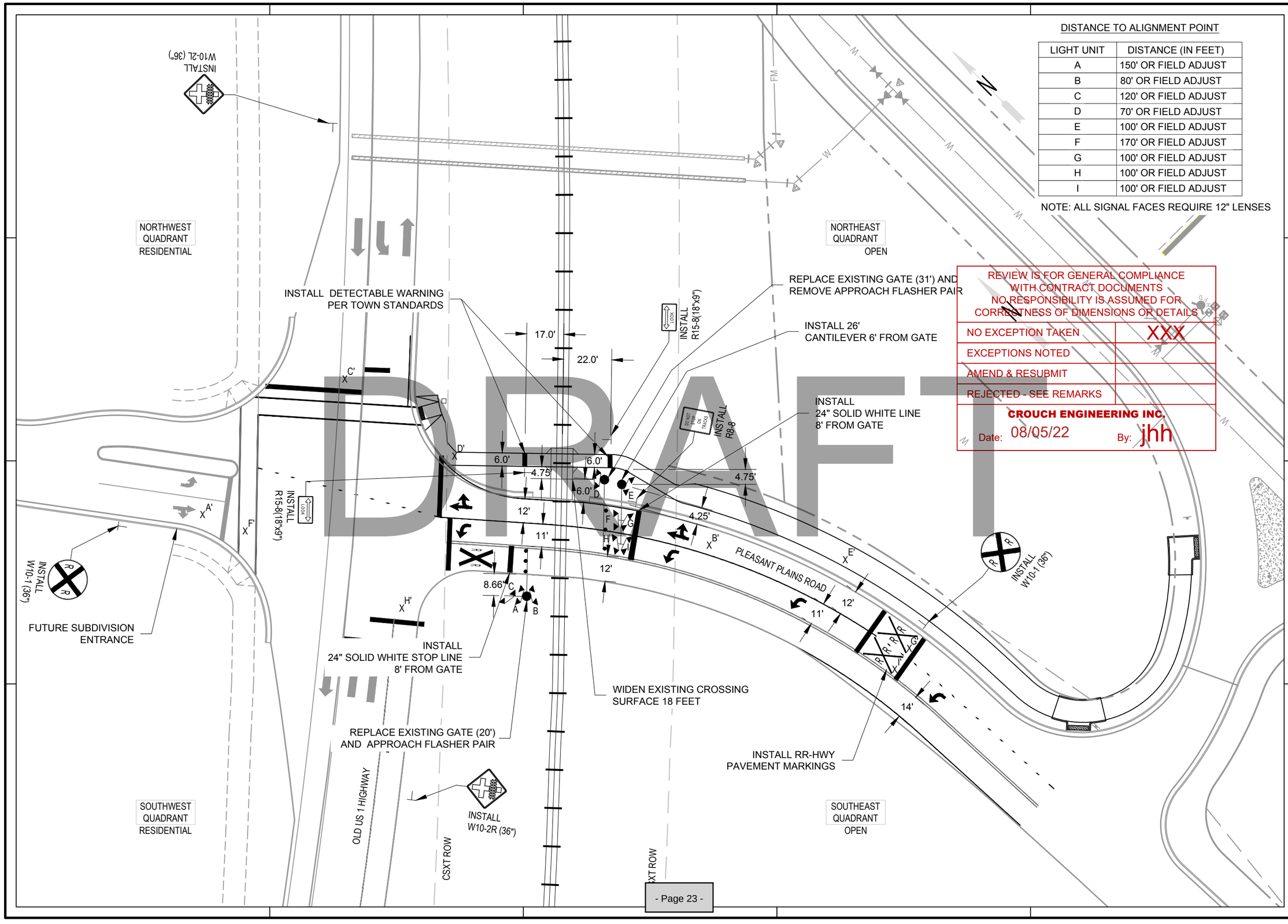
NOTE: In the event subsequent plan submissions are made by Agency to CSXT for review and approval, once approved, said plans shall be considered to be incorporated into this Exhibit B as of the date of CSXT's written approval.



DISTANCE TO ALIGNMENT POINT

LIGHT UNIT	DISTANCE (IN FEET)
A	150' OR FIELD ADJUST
B	80' OR FIELD ADJUST
C	120' OR FIELD ADJUST
D	70' OR FIELD ADJUST
E	100' OR FIELD ADJUST
F	170' OR FIELD ADJUST
G	100' OR FIELD ADJUST
H	100' OR FIELD ADJUST
I	100' OR FIELD ADJUST

NOTE: ALL SIGNAL FACES REQUIRE 12" LENSES

REVIEW IS FOR GENERAL COMPLIANCE WITH CONTRACT DOCUMENTS
NO RESPONSIBILITY IS ASSUMED FOR CORRECTNESS OF DIMENSIONS OR DETAILS

NO EXCEPTION TAKEN	XXX
EXCEPTIONS NOTED	
AMEND & RESUBMIT	
REJECTED - SEE REMARKS	

CROUCH ENGINEERING INC.
Date: 08/05/22 By: jhh

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--- PLEASANT PLACE CROSSING APEX, NC ---

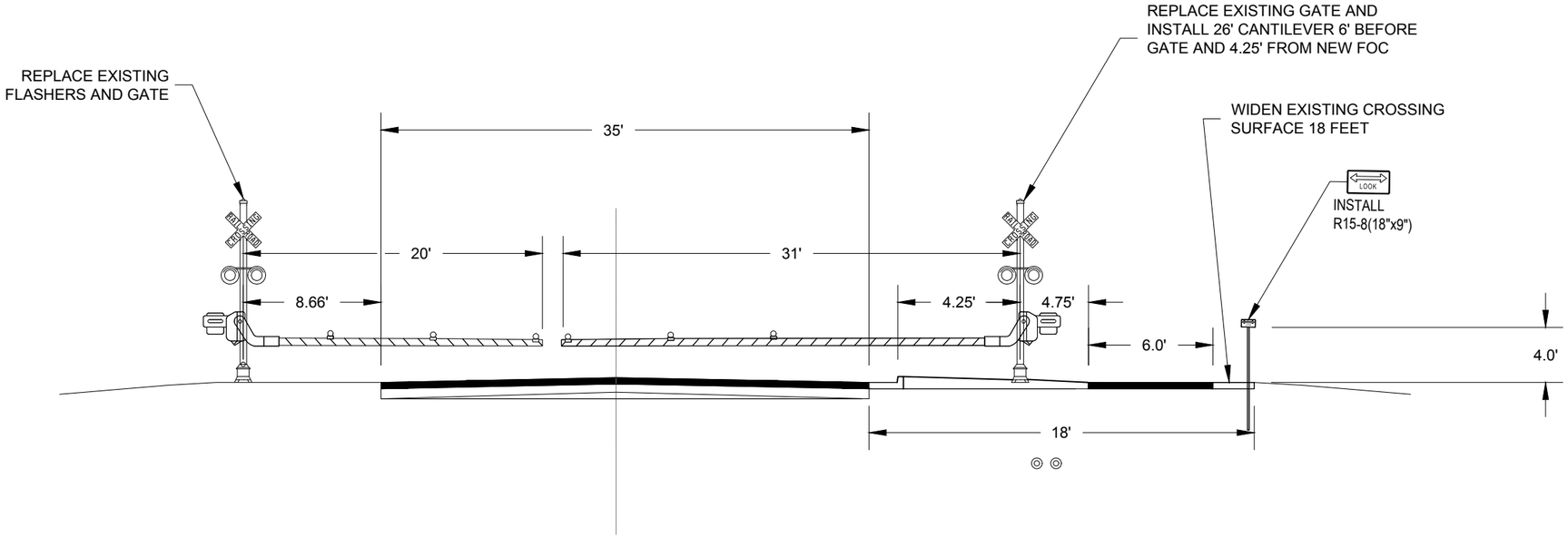
Mark	Description	Date	Appr.

Rev. -
Date: 07/29/2022
M&N Project No. 10494
Drawing code:
Drawing Scale:
Plot scale:
Designed by: JLF
Dwn. by: JRT
Ckd by: DT
Reviewed by: JLF
Submitted by: MOFFATT & NICHOL

moffatt & nichol
4700 FALLS OF NEUSE ROAD, SUITE 300
RALEIGH, NORTH CAROLINA, 27609
(919)781-4826 VOICE (919)781-4869 FAX

Sheet No. 1 OF 1

File G:/RA/10494/0500_CAD/Working/ROADWAY_CROSSING, Plotted: 7/29/2022 2:55 PM by FELIX, JORGE; Saved: 7/8/2022 3:45 PM by JOFELIX



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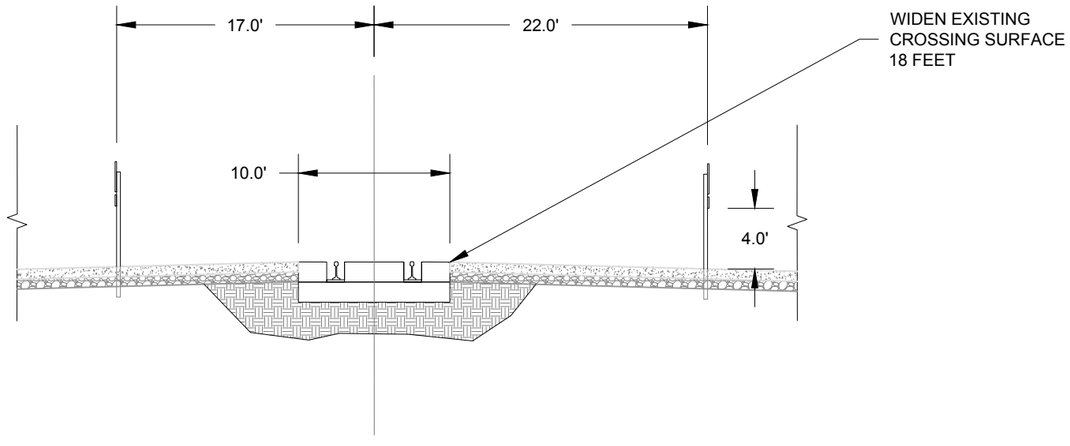

PLEASANT PLACE
CROSSING
APEX, NC

Mark	Description	Date	Appr.

Rev. -
Date: 07/29/2022
M&N Project No. 10494
Drawing code:
Drawing Scale:
Plot scale:
Designed by: JLF
Dwn. by: JRT
Chd by: DT
Reviewed by: JLF
Submitted by: MOFFATT & NICHOL

moffatt & nichol
4700 FALLS OF NEUSE ROAD, SUITE 300
RALEIGH, NORTH CAROLINA, 27609
(919)781-4826 VOICE (919)781-4869 FAX

Sheet
No. 1 OF 1

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EXHIBIT C

CSXT SPECIAL PROVISIONS

DEFINITIONS:

As used in these Special Provisions, all capitalized terms shall have the meanings ascribed to them by the Agreement, and the following terms shall have the meanings ascribed to them below:

"CSXT" shall mean CSX Transportation, Inc., its successors and assigns.

"CSXT Representative" shall mean the authorized representative of CSX Transportation, Inc.

"Agreement" shall mean the Agreement to which this Exhibit C is made a part thereof and as may be amended from time to time.

"Agency" shall mean the **Town of Apex**.

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"Agency Representative" shall mean the authorized representative of **Town of Apex**.

"Contractor" shall have the meaning ascribed to such term by the Agreement.

"Work" shall mean the Project as described in the Agreement.

I. AUTHORITY OF CSXT ENGINEER

The CSXT Representative shall have final authority in all matters affecting the safe maintenance of CSXT operations and CSXT property, and his or her approval shall be obtained by the Agency or its Contractor for methods of construction to avoid interference with CSXT operations and CSXT property and all other matters contemplated by the Agreement and these Special Provisions.

II. INTERFERENCE WITH CSXT OPERATIONS

A. Agency or its Contractor shall arrange and conduct its work so that there will be no interference with CSXT operations, including train, signal, telephone and telegraphic services, or damage to CSXT's property, or to poles, wires, and other facilities of tenants on CSXT's Property or right-of-way. Agency or its Contractor shall store materials so as to prevent trespassers from causing damage to trains, or CSXT Property. Whenever Work is likely to affect the operations or safety of trains, the method of doing such Work shall first be submitted to the CSXT Representative for approval, but such approval shall not relieve Agency or its Contractor from liability in connection with such Work.

B. If conditions arising from or in connection with the Project require that immediate and unusual provisions be made to protect train operation or CSXT's property, Agency or its Contractor shall make such provision. If the CSXT Representative determines that such provision is insufficient, CSXT may, at the expense of Agency or its Contractor, require or provide such provision as may be deemed necessary, or cause the Work to cease immediately.

III. NOTICE OF STARTING WORK. Agency or its Contractor shall not commence any work on CSXT Property or rights-of-way until it has complied with the following conditions:

A. Notify CSXT in writing of the date that it intends to commence Work on the Project. Such notice must be received by CSXT at least ten business days in advance of the date Agency or its Contractor proposes to begin Work on CSXT property. The notice must refer to this Agreement by date. If flagging service is required, such notice shall be submitted at least thirty (30) business days in advance of the date scheduled to commence the Work.

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B. Obtain authorization from the CSXT Representative to begin Work on CSXT property, such authorization to include an outline of specific conditions with which it must comply.

C. Obtain from CSXT the names, addresses and telephone numbers of CSXT's personnel who must receive notice under provisions in the Agreement. Where more than one individual is designated, the area of responsibility of each shall be specified.

IV. WORK FOR THE BENEFIT OF THE CONTRACTOR

A. No temporary or permanent changes to wire lines or other facilities (other than third party fiber optic cable transmission systems) on CSXT property that are considered necessary to the Work are anticipated or shown on the Plans. If any such changes are, or become, necessary in the opinion of CSXT or Agency, such changes will be covered by appropriate revisions to the Plans and by preparation of a force account estimate. Such force account estimate may be initiated by either CSXT or Agency, but must be approved by both CSXT and Agency. Agency or Contractor shall be responsible for arranging for the relocation of the third party fiber optic cable transmission systems, at no cost or expense to CSXT.

B. Should Agency or Contractor desire any changes in addition to the above, then it shall make separate arrangements with CSXT for such changes to be accomplished at the Agency or Contractor's expense.

V. HAUL ACROSS RAILROAD

A. If Agency or Contractor desires access across CSXT property or tracks at other than an existing and open public road crossing in or incident to construction of the Project, the Agency or Contractor must first obtain the permission of CSXT and shall execute a license agreement or right of entry satisfactory to CSXT, wherein Agency or Contractor agrees to bear all costs and liabilities related to such access.

B. Agency and Contractor shall not cross CSXT's property and tracks with vehicles or equipment of any kind or character, except at such crossing or crossings as may be permitted pursuant to this section.

VI. COOPERATION AND DELAYS

A. Agency or Contractor shall arrange a schedule with CSXT for accomplishing stage construction involving work by CSXT. In arranging its schedule, Agency or Contractor shall ascertain, from CSXT, the lead time required for assembling crews and materials and shall make due allowance therefore.

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B. Agency or Contractor may not charge any costs or submit any claims against CSXT for hindrance or delay caused by railroad traffic; work done by CSXT or other delay incident to or necessary for safe maintenance of railroad traffic; or for any delays due to compliance with these Special Provisions.

C. Agency and Contractor shall cooperate with others participating in the construction of the Project to the end that all work may be carried on to the best advantage.

D. Agency and Contractor understand and agree that CSXT does not assume any responsibility for work performed by others in connection the Project. Agency and Contractor further understand and agree that they shall have no claim whatsoever against CSXT for any inconvenience, delay or additional cost incurred by Agency or Contractor on account of operations by others.

VII. STORAGE OF MATERIALS AND EQUIPMENT

Agency and Contractor shall not store their materials or equipment on CSXT's property or where they may potentially interfere with CSXT's operations, unless Agency or Contractor has received CSXT Representative's prior written permission. Agency and Contractor understand and agree that CSXT will not be liable for any damage to such materials and equipment from any cause and that CSXT may move, or require Agency or Contractor to move, such material and equipment at Agency's or Contractor's sole expense. To minimize the possibility of damage to the railroad tracks resulting from the unauthorized use of equipment, all grading or other construction equipment that is left parked near the

tracks unattended by watchmen shall be immobilized to the extent feasible so that it cannot be moved by unauthorized persons.

VIII. CONSTRUCTION PROCEDURES

A. General

1. Construction work on CSXT property shall be subject to CSXT's inspection and approval.
2. Construction work on CSXT property shall be in accord with CSXT's written outline of specific conditions and with these Special Provisions.
3. Contractor shall observe the terms and rules of the CSXT Safe Way manual, which Agency and Contractor shall be required to obtain from CSXT, and in accord with any other instructions furnished by CSXT or CSXT's Representative.

B. Blasting

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1. Agency or Contractor shall obtain CSXT Representative's and Agency Representative's prior written approval for use of explosives on or adjacent to CSXT property. If permission for use of explosives is granted, Agency or Contractor must comply with the following:

   a. Blasting shall be done with light charges under the direct supervision of a responsible officer or employee of Agency or Contractor.

   b. Electric detonating fuses shall not be used because of the possibility of premature explosions resulting from operation of two-way train radios.

   c. No blasting shall be done without the presence of an authorized representative of CSXT. At least 10 days' advance notice to CSXT Representative is required to arrange for the presence of an authorized CSXT representative and any flagging that CSXT may require.

   d. Agency or Contractor must have at the Project site adequate equipment, labor and materials, and allow sufficient time, to (i) clean up (at Agency's expense) debris resulting from the blasting without any delay to trains; and (ii) correct (at Agency's expense) any track misalignment or other damage to CSXT's property resulting from the blasting, as directed by CSXT Representative,

without delay to trains. If Agency's or Contractor's actions result in delay of any trains, including Amtrak passenger trains, Agency shall bear the entire cost thereof.

e. Agency and Contractor shall not store explosives on CSXT property.

2. CSXT Representative will:

a. Determine the approximate location of trains and advise Agency or Contractor of the approximate amount of time available for the blasting operation and clean-up.

b. Have the authority to order discontinuance of blasting if, in his or her opinion, blasting is too hazardous or is not in accord with these Special Provisions.

IX. MAINTENANCE OF DITCHES ADJACENT TO CSXT TRACKS

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Agency or Contractor shall maintain all ditches and drainage structures free of silt or other obstructions that may result from their operations. Agency or Contractor shall provide erosion control measures during construction and use methods that accord with applicable state standard specifications for road and bridge construction, including either (1) silt fence; (2) hay or straw barrier; (3) berm or temporary ditches; (4) sediment basin; (5) aggregate checks; and (6) channel lining. All such maintenance and repair of damages due to Agency's or Contractor's operations shall be performed at Agency's expense.

X. FLAGGING / INSPECTION SERVICE

A. CSXT has sole authority to determine the need for flagging required to protect its operations and property. In general, flagging protection will be required whenever Agency or Contractor or their equipment are, or are likely to be, working within fifty (50) feet of live track or other track clearances specified by CSXT, or over tracks.

B. Agency shall reimburse CSXT directly for all costs of flagging that is required on account of construction within CSXT property shown in the Plans, or that is covered by an approved plan revision, supplemental agreement or change order.

C. Agency or Contractor shall give a minimum of 10 days' advance notice to CSXT Representative for anticipated need for flagging service. No work shall be undertaken until the flag person(s) is/are at the job site. If it is necessary for CSXT to advertise a flagging job for bid, it may take up to 90-days to obtain this service,

and CSXT shall not be liable for the cost of delays attributable to obtaining such service.

D. CSXT shall have the right to assign an individual to the site of the Project to perform inspection service whenever, in the opinion of CSXT Representative, such inspection may be necessary. Agency shall reimburse CSXT for the costs incurred by CSXT for such inspection service. Inspection service shall not relieve Agency or Contractor from liability for its Work.

E. CSXT shall render invoices for, and Agency shall pay for, the actual pay rate of the flagpersons and inspectors used, plus standard additives, whether that amount is above or below the rate provided in the Estimate. If the rate of pay that is to be used for inspector or flagging service is changed before the work is started or during the progress of the work, whether by law or agreement between CSXT and its employees, or if the tax rates on labor are changed, bills will be rendered by CSXT and paid by Agency using the new rates. Agency and Contractor shall perform their operations that require flagging protection or inspection service in such a manner and sequence that the cost of such will be as economical as possible.

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XI. UTILITY FACILITIES ON CSXT PROPERTY

Agency shall arrange, upon approval from CSXT, to have any utility facilities on or over CSXT Property changed as may be necessary to provide clearances for the proposed trackage.

XII. CLEAN-UP

Agency or Contractor, upon completion of the Project, shall remove from CSXT's Property any temporary grade crossings, any temporary erosion control measures used to control drainage, all machinery, equipment, surplus materials, falsework, rubbish, or temporary buildings belonging to Agency or Contractor. Agency or Contractor, upon completion of the Project, shall leave CSXT Property in neat condition, satisfactory to CSXT Representative.

XIII. FAILURE TO COMPLY

If Agency or Contractor violate or fail to comply with any of the requirements of these Special Provisions, (a) CSXT may require Agency and/or Contractor to vacate CSXT Property; and (b) CSXT may withhold monies due Agency and/or Contractor; (c) CSXT may require Agency to withhold monies due Contractor; and (d) CSXT may cure such failure and the Agency shall reimburse CSXT for the cost of curing such failure.

EXHIBIT D

INITIAL ESTIMATE ATTACHED

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ESTIMATE SUBJECT TO REVISION AFTER: **7/14/2023** **DOT NO.:** 630704X

CITY: Apex **COUNTY:** Wake **STATE:** NC

DESCRIPTION: Pleasant Plains Road, Apex, NC, Wake County - SR 1170 - upgrade warning system ; DOT 630704X, Carolinas Zone, Aberdeen Subdivision, MP# S 0174.210.

ZONE: Carolinas **SUB-DIV:** Aberdeen **MILE POST:** S 0174.210

AGENCY PROJECT NUMBER:

	PRELIMINARY ENGINEERING:						
212	Contracted & Administrative Engineering Services - CSXT in-house					$	2,778
212	Contracted & Administrative Engineering Services - CSXT Signal Assistant					$	10,000
212	Contracted & Administrative Engineering Services - Arcadis					$	2,171
212	Contracted & Administrative Engineering Services - Signal South LLC					$	10,313
212	Contracted & Administrative Engineering Services - Crouch Engineering					$	11,492
	Subtotal					**$**	**36,754**
	CONSTRUCTION ENGINEERING/INSPECTION:						
212	Contracted & Administrative Engineering Services - Crouch Engineering					$	47,300
212	Contracted & Administrative Engineering Services - CSXT Signal Assistant					$	6,500
212	Contracted & Administrative Engineering Services - CSXT					$	2,500
	Subtotal					**$**	**56,300**
	FLAGGING SERVICE: (Contract Labor)						
70	Labor (Conductor-Flagman)		0	Days @	$ 350.00	$	-
50	Labor (Foreman/Inspector)		9	Days @	$ 504.00	$	4,536
70	Additive	187.00% (Transportation Department)				$	-
50	Additive	223.00% (Engineering Department)				$	10,115
	Subtotal					**$**	**14,651**
	SIGNAL & COMMUNICATIONS WORK:					**$**	**334,038**
	TRACK WORK:					**$**	**22,050**
	PROJECT SUBTOTAL:					**$**	**463,793**
900	**CONTINGENCIES:**	30.00%				$	139,138
	PROJECT TOTAL:	**********				$	602,931
	CURRENT AUTHORIZED BUDGET:	**********				$	-
	TOTAL SUPPLEMENT REQUESTED:	**********				**$**	**602,931**

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DIVISION OF COST:

Agency	100.00%	$	602,931
Railroad	0.00%	$	-
		$	602,931

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work

Office of Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by: M Moawad, Crouch Engineering **Approved by:** Michael Liebelt **CSXT Public Project Group**

DATE: 07/14/22 **REVISED:** 01/00/00 **DATE:** 07/18/22

ORDER OF MAGNITUDE COST OF SIGNAL REPLACEMENT AT SR 1170, NC0972

SIGNAL WORK:		**BUY AMERICA**		
Material - Field & Consumables			$	60,862
Material - Sales Tax			$	6,457
Material - Shop			$	31,384
Construction Labor			$	53,285
Shop Labor			$	2,975
RR Engineering,Preliminary			$	2,228
RR Engineering,Construction			$	7,993
Additives to Construction Labor			$	118,826
Additives to Shop Labor			$	6,634
Additives to Engineering			$	-
Equipment Expense			$	-
Waste Management			$	300
Contract Engineering			$	24,859
Freight			$	6,735
AC Power Service			$	-
Salvage			$	(1)
Other			$	11,500
	Subtotal		**$**	**334,038**
PROJECT SUBTOTAL:			**$**	**350,538**
CONTINGENCIES:	30.00%		$	105,161
PROJECT TOTAL:		**********	**$**	**455,699**
DIVISION OF COST:				
	Agency	100.00%	$	455,699
	Railroad	0.00%	$	-

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EXHIBIT E

PAYMENT SCHEDULE

Advance Payment in Full

Upon execution and delivery of notice to proceed with the Project, Agency will deposit with CSXT a sum equal to the Reimbursable Expenses, as shown by the Estimate. If CSXT anticipates that it may incur Reimbursable Expenses in excess of the deposited amount, CSXT will request an additional deposit equal to the then remaining Reimbursable Expenses which CSXT estimates that it will incur. CSXT shall request such additional deposit by delivery of invoices to Agency. Agency shall make such additional deposit within 30 days following delivery of such invoice to Agency.

Payment Date	Payment
_____	$602,931.00
Total:	$602,931.00

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EXHIBIT F

INSURANCE REQUIREMENTS

I. Insurance Policies:

Agency and Contractor, if and to the extent that either is performing work on or about CSXT's property, shall procure and maintain the following insurance policies:

1. Commercial General Liability coverage at their sole cost and expense with limits of not less than $5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CG 24 17 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.

2. Statutory Worker's Compensation and Employers Liability Insurance with limits of not less than $1,000,000, which insurance must contain a waiver of subrogation against CSXT and its affiliates (if permitted by state law).

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3. Commercial automobile liability insurance with limits of not less than $1,000,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CA 20 70 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.

4. Railroad protective liability insurance with limits of not less than $5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate annual limit of $10,000,000, which insurance shall satisfy the following additional requirements:

   a. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance - Insurance Services Office (ISO) Form CG 00 35.

   b. CSX Transportation must be the named insured on the Railroad Protective Insurance Policy.

   c. Name and Address of Contractor and Agency must appear on the Declarations page.

d. Description of operations must appear on the Declarations page and must match the Project description.

e. Authorized endorsements must include the Pollution Exclusion Amendment - CG 28 31, unless using form CG 00 35 version 96 and later.

f. Authorized endorsements may include:

(i). Broad Form Nuclear Exclusion - IL 00 21
(ii) 30-day Advance Notice of Non-renewal or cancellation
(iii) Required State Cancellation Endorsement
(iv) Quick Reference or Index - CL/IL 240

g. Authorized endorsements may not include:

(i) A Pollution Exclusion Endorsement except CG 28 31
(ii) A Punitive or Exemplary Damages Exclusion
(iii) A "Common Policy Conditions" Endorsement
(iv) Any endorsement that is not named in Section 4 (e) or (f) above.
(v) Policies that contain any type of deductible

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5. All insurance companies must be A. M. Best rated A- and Class VII or better.

6. The CSX OP number or CSX contract number, as applicable, must appear on each Declarations page and/or certificates of insurance.

7. Such additional or different insurance as CSXT may require.

II. Additional Terms

1. Contractor must submit the original Railroad Protective Liability policy, Certificates of Insurance and all notices and correspondence regarding the insurance policies to:

Insurance Department
CSX Transportation, Inc.
500 Water Street, 14th Floor
Jacksonville, FL 32202
Phone: 904-366-3804

OR

insurancedocuments@csx.com

2. Neither Agency nor Contractor may begin work on the Project until it has received CSXT's written approval of the required insurance.

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SCHEDULE I

CONTRACTOR'S ACCEPTANCE

To and for the benefit of CSX Transportation, Inc. ("CSXT") and to induce CSXT to permit Contractor on or about CSXT's property for the purposes of performing work in accordance with the Agreement dated _____, 20___, between **Town of Apex** and CSXT, Contractor hereby agrees to abide by and perform all applicable terms of the Agreement, including, but not limited to Exhibits C and F to the Agreement, and Sections 3, 9 and 11 of the Agreement.

Contractor: _____

By: _____
Name: _____
Title: _____
Date: _____

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

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

Department(s): Water Resources

Requested Motion

Motion to approve a 5-year Agreement, beginning August 2022 through August 2027, with Cintas and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Water Resources Operations division has struggled the last several years with receiving uniforms in a timely manner for new hires and replacement uniforms for existing staff as a result of COVID related supply chain issues and labor shortages. Approving this Agreement will provide staff with professional, durable, quality uniforms for a fraction of the cost we projected to spend purchasing uniforms and contracting laundry service. In this current budget year, $43,100 was approved for uniform purchases and replacements and laundry service. Cintas will provide staff with Carhartt pants, shirts, jackets and provide weekly laundry service for the annual fee of $35,390.84 which is a savings of approximately $7,700 for the year.

Attachments

- Cintas Agreement
- Quote

FACILITIES SOLUTIONS AGREEMENT

Location No._205__
Contract No._____
Customer No._____
Main Corporate Code → **New CC 21306**

Date_7/12/22

Customer/Participating Agency _Town of Apex Water Resources Department_____ Phone_919.372-7478_

Address: 105 Upchurch Street_____City_Apex State_NC_ Zip_27502

UNIFORM PRODUCT RENTAL PRICING:

Item #	Description	Unit Price
278	Carhartt Shop T	0.35
74533	Carhartt Rugged Flex Pants	0.477
376	Carhartt Active Jacket	1.188
392	Carhartt Featherweight FR Shirt	0.492
73478	Carhartt Featherweight FR Pants	0.53
61356	FR Jacket	1.014
396	Carhartt Ripstop Shirt	0.449

- This agreement is effective as of this date from 8.22.22 to 8/21/27, with a minimum term of 36 months. The length of this rental agreement will commence with the actual uniform rental, not affiliated with the start date of the Master Agreement. Any negotiations of price, terms or discounts must be approved by Prince William County Public Schools for the Master Agreement. Any such changes shall take effect on the anniversary date of the master agreement. All requests for price changes must be justified and based upon verifiable criteria which may include the Bureau of Labor Statistics Consumer Price Index (CPI-U).
- Uniform Advantage:___.08_____
- Premium Uniform Advantage:___.16___
- Emblem Advantage:___.06_____
- Prep Advantage:___.05___
- Name Emblem $ 1.25 ea • Company Emblem $ 2.25 ea
- Customer Emblem $ 2.25 ea • Embroidery $ 4.95 ea
- COD Terms $ - per week charge for prior service (if Amount Due is Carried to Following Week)
- Automatic Lost Replacement Charge: Item - % of Inventory - $ - Ea.
- Automatic Lost Replacement Charge: Item - % of Inventory - $ - Ea.
- Minimum Charge $ 35.00 per delivery.
- Make-Up charge $ 0 per garment.
- Non-Standard/Special Cut Garment (i.e., non-standard, non-stocked unusually small or large sizes, unusually short or long sleeve or length, etc.) premium $ 0 per garment.
- Seasonal Sleeve Change $ 0 per garment.
- Under no circumstances will the Company accept textiles bearing free liquid. Shop towels may not be used to clean up oil or solvent spills.
- Artwork Charge for Logo Mat $ -

- Size Change: Customer agrees to have employees measured by a Cintas representative using garment "size samples". A charge of $ - per garment will be assessed for employee's size changed within 4 weeks of installation.
- Other_____

FACILITY SERVICES PRODUCTS PRICING:

Bundle*	Item #	Description	Rental Freq.	Inventory	Unit Price

*Indicated bundled items/services

NA ☐ Initial and check box if Unilease. All Garments will be cleaned by customer
Date

NA ☐ Initial and check box if receiving Linen Service. Company will take periodic physical inventories of items in possession or under control
Date customer.

NA ☐ Initial and check box if receiving direct embroidery. If service is discontinued for any employee or Customer deletes any of the garments
Date direct embroidery for any reason, or terminates this agreement for any reason or fails to renew this agreement, Customer will purchase all direct embroidered garments at the time they are removed from service at the then current replacement values.

CUSTOMER:

Cintas Loc. No: 205 – Raleigh/Durham Please Sign Name _____

By: Ben Elliot / Christopher Dunne Please Print Name _____

Title: Sales Representative / Gov't MAM Please Print Title _____

Accepted-GM: _____ Email _____

Omnia Partners Public Sector Participating Public Agencies Terms

1. Participating Public Agencies: Supplier agrees to extend the same terms, covenants agreed to under the Master Agreement with Lead Public Agency Prince William County Public Schools to other government agencies ("Participating Public Agencies") that, in their discretion, desire to access the Master Agreement in accordance with all terms and conditions contained herein or attached hereto. Each participating Public Agency will be exclusively responsible and deal directly with Supplier on matters relating to length of agreement, ordering, delivery, inspection, acceptance, invoicing, and payment for products and services in accordance with the terms and conditions of the Master Agreement. Any disputes between a Participating Public Agency and Supplier will be resolved directly between them in accordance with and governed by the laws of the State in which the Participating Public Agency exists.
2. Master Agreement available at https://www.omniapartners.com/publicsector

Supplier General Service Terms Section

3. Prices Customer agrees to rent from Company, and Company agrees to provide to Customer, the Merchandise, inventory and services described on Exhibit A, "Merchandise & Pricing" at the prices set forth in Exhibit A. There will be a minimum charge of thirty-five dollars ($35.00) per week for each Customer location required to purchase its rental services from Company as set forth in this Agreement.
4. Buyback of Non-Standard Garments Customer has ordered from Company a garment rental service requiring embroidered garments that may not be standard to Company's normal rental product line. Those non-standard products will be designated as such under-Garment Description in Exhibit C. In the event Customer deletes a non-standard product, alters the design of the non-standard product, fails to renew the Agreement, or terminates the Agreement for any reason other than documented quality of service reasons which are not cured, Customer agrees to buy back all remaining non-standard products allocated to Customer that the Company has in service and out of service at the then current Loss/Damage Replacement Values.
5. Service Guarantee: Company guarantees to deliver the highest quality textile rental service at all times. Any complaints about the quality of the service which have not been resolved in the normal course of business must be sent by registered letter to Company's General Manager. If Company then fails to resolve any material complaint in a reasonable period of time, Customer may terminate this agreement provided all rental items are paid for at the then current replacement values or returned to Company in good and usable condition.
6. Garments' Lack of Flame Retardant or Acid Resistant Features Unless specified otherwise in writing by the Company, the garments supplied under this Agreement are not flame retardant or acid resistant and contain no special flame retardant or acid resistant features. They are not designed for use in areas of flammability risk or where contact with hazardous materials is possible. Flame resistant and acid resistant garments are available from Company upon request. Customer warrants that none of the employees for whom garments are supplied pursuant to this Agreement require flame retardant or acid resistant clothing.
7. Logo Mats In the event that Customer decides to delete any mat bearing the Customer's logo (Logo Mat) from the rental program, changes the design of the Logo Mats, terminates this agreement for any reason or fails to renew this Agreement, the Customer will purchase at the time of deletion, design change or termination, all remaining Logo mats that the Company has in service and out of service held in inventory at the then current Loss/Damage Replacement Value.

8. Adding Employees Additional employees and Merchandise may be added to this Agreement at any time upon written or oral request by the Customer to the Company. Any such additional employees or Merchandise shall automatically become a part of and subject to the terms of this Agreement. If such employees are employed at a Customer location that is then participating under this Agreement, the Customer shall pay Company the one-time preparation fee indicated on Exhibit A. Customer shall not pay Company any one-time preparation fee for garments for employees included in the initial installation of a Customer location. There will be a one-time charge for name and/or company emblems when employees are added to the program in garments requiring emblems.
9. Emblem Guarantee Customer has requested that Company supply emblems designed exclusively for Customer featuring Customer's logo or other specific identification (hereinafter "Customer Emblems"). Company will maintain a sufficient quantity of Customer Emblems in inventory to provide for Customer's needs and maintain a low cost per emblem through quantity purchases.
10. In the event Customer decides to discontinue the use of Customer Emblems, changes the design of the Customer Emblems, terminates this Agreement for any reason or fails to renew this Agreement, the Customer will purchase at the time of deletion, design change, termination or expiration, all remaining Customer Emblems that the Company allocated to Customer at the price indicated on Exhibit A of this Agreement. In no event shall the number of Customer Emblems allocated to Customer exceed the greater of (a) twelve (12) months' volume for each unique Customer Emblem or (b) a quantity agreed to by Company and Customer and noted on Exhibit A.
11. Terminating Employees Subject to the provisions of this Agreement, the weekly rental charge attributable to any individual leaving the employ of the Customer, or on a temporary leave of absence of three (3) weeks or more, shall be terminated upon oral or written notice by the Customer to the Company but only after all garments issued to that individual, or value of same at the then current Loss/Damage Replacement Values, are returned to Company.
12. Replacement In the event any Merchandise is lost, stolen or is not returned to Company, or is destroyed or damaged by fire, welding damage, acid, paint, ink, chemicals, neglect or otherwise, the Customer agrees to pay for said Merchandise at the then current Loss/Damage Replacement Values.
13. Indemnification To the fullest extent permitted by law, Company agrees to defend, indemnify, pay on behalf of and save harmless the Participating Public Agency, its elected and appointed officials, agents, employees and authorized volunteers against any and all claims, liability, demands, suits or loss, including reasonable attorneys' fees and all other costs connected therewith, arising out of or connected to the services provided by Company under this Contract, but only to the extent of Company's negligence.
14. Additional Items: Additional customer employees, products and services may be added to this agreement and shall automatically become a part of and subject to the terms hereof and all of its provisions. If this agreement is terminated early for convenience, the parties agree that the damages sustained by Company will be substantial and difficult to ascertain. Therefore, if this agreement is terminated by Customer prior to the applicable expiration date for any reason other than documented quality of service reasons which are not cured, or terminated by Company for non-payment by Customer at any time Customer will pay to Company, as termination charges and not as a penalty based upon the following schedule:

If this agreement is cancelled for convenience in the first twelve months of the term, Customer shall pay as termination charges equal to 50 weeks of rental service.

If this agreement is cancelled for convenience in months thirteen (13) through eighteen (18) of the term, Customer shall pay as termination charges equal to 36 weeks of rental service.

If this agreement is cancelled for convenience in months nineteen (19) through twenty-four (24) of the term, Customer shall pay as termination charges equal to 23 weeks of rental service.

If this agreement is cancelled for convenience after 24 months of service, Customer shall pay as termination charges of 10 weeks of rental service.

Customer shall also be responsible to return all of the Merchandise allocated to such Customer locations terminating this Agreement at the then current Loss/Damage Replacement Values and for any unpaid charges on Customer's account prior to termination.

15. E-Verify. Company shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Company shall require all of the Company's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

16. Anti-Human Trafficking. Company warrants and agrees that no labor supplied by Company or Company's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

17. Nondiscrimination. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Company hereby warrants and agrees that Company will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, 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.

18. Non-appropriation. Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the Customer are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made availa mer to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Customer.

Participating Entity agrees it bears sole responsibility for selecting the flame resistant clothing and fabrics ("FRC") under this Agreement determining whether such items are appropriate for use by its employees and agents in their applicable work environment(s). PARTICIPATING ENTITY ACKNOWLEDGES THAT CONTRACTOR HAS MADE NO REPRESENTATION, WARRANTY, OR COVENANT WITH RESPECT TO THE FLAME-RESISTANT QUALITIES OR OTHER CHARACTERISTICS OF THE FRC OR WITH RESPECT TO THEIR FITNESS OR SUITABILITY FOR THIS OR ANY OTHER PURPOSE. CONTRACTOR MAKES NO REPRESENTATION WHETHER THE FRC CONSTITUTES APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT FOR THE ENVIRONMENT(S) TO WHICH PARTICIPATING ENTITY'S EMPLOYEES OR AGENTS MAY BE EXPOSED OR AS TO THE FRC'S ABILITY TO
PROTECT USERS FROM INJURY OR DEATH. Participating Entity agrees to notify all employees and other agents of Participating Entity who may wear or will be wearing the FRC that it is not designed for substantial heat exposure or for use around open flames. Participating Entity acknowledges that compliance with any and all OSHA or other similar regulations or requirements relating to personal protective equipment is the sole responsibility of Participating Entity.
For high visibility garments, Participating Entity bears sole responsibility for: (a) determining the level of visibility needed by wearers of the garments for their specific work conditions or uses: (b) identifying and selecting which garments meet the required level of visibility for any particular work conditions or uses; and (c) determining when garments require repair or replacement to meet the required level of visibility. If garment needs to be replaced outside of normal wear and tear, the Participating Entity will be charged the then current replacement value. Participating Entity acknowledges and understands that the garments alone do not ensure visibility of the wearer. Participating Entity further acknowledges that Contractor is relying upon Participating Entity to determine whether any garments need repair or replacement to maintain the required level of visibility. Contractor represents only that the garments supplied satisfy certain ANSIIISEA standards to the extent the garments are so labeled. Participating Entity acknowledges that Contractor has made no other representations, covenants or warranties whether express or implied, related to the garments.

TOWN OF APEX WATER RESOURCES
BREAKDOWN OF ANNUAL UNIFORM BUDGET COST

Budget / Uniform Type	# Employees	Weekly Cost	Annual Cost
8130 1/2 supr 1/2 fdr	1	$ 17.648	$ 917.696
8130 1/2 supr 1/2 Field	1	$ 15.967	$ 830.284
8130 FDR	4	$ 76.360	$ 3,970.720
8130 Field	18	$ 276.714	$ 14,389.128
8130 Supr	3	$ 49.386	$ 2,568.072
Total 8130	27	$ 436.075	$ 22,675.900

Budget / Uniform Type	# Employees	Weekly Cost	Annual Cost
8230 1/2 supr / 1/2 field	1	$ 15.967	$ 830.284
8230 FDR	3	$ 57.270	$ 2,978.040
8230 Field	9	$ 138.357	$ 7,194.564
8230 Supr	2	$ 32.924	$ 1,712.048
Total 8230	15	$ 244.518	$ 12,714.936

Total 8130/8230	**42**	**$ 680.593**	**$ 35,390.836**

CINTAS
READY FOR THE WORKDAY™

Town of Apex 44,768.000000

STC 983B / OMNIA Partners contract R-BB-19002

No. of Employees	Item No.	Color	Item Description	Inventory	Total Pieces	Weekly Unit Price	Weekly Per Person	Total Price	Weekly Totals
Field									
27	278	Any	Carhartt T-Shirt (SS)	11	297	$ 0.350	$ 3.85	$ 103.95	415.071000
27	74533	Any	Carhartt Ripstop Pant	11	297	$ 0.477	$ 5.25	$ 141.67	
27	376	Any	Carhartt Active Jacket	2	54	$ 1.188	$ 2.38	$ 64.15	
on-going	2-R		Uniform Advantage	11	648	$ 0.080	$ 0.88	$ 51.84	
on-going	x7074		Prep Advantage (All Pieces)	11	648	$ 0.050	$ 0.55	$ 32.40	
on-going	x14		Emblem Advantage (Shirts/Jackets)	11	351	$ 0.060	$ 0.66	$ 21.06	
FDR									
7	392	Any	Carhartt FR Shirt - Featherweight	11	77	$ 0.492	$ 5.41	$ 37.88	133.630000
7	73478	Any	Carhartt FR Pant - Featherweight	11	77	$ 0.530	$ 5.83	$ 40.81	
7	61356	Any	FR Jacket	2	14	$ 1.014	$ 2.03	$ 14.20	
on-going	2-R		Premium Uniform Advantage	11	168	$ 0.160	$ 1.76	$ 26.88	
on-going	x7074		Prep Advantage (All Pieces)	11	168	$ 0.050	$ 0.55	$ 8.40	
on-going	x14		Emblem Advantage (Shirts/Jackets)	11	91	$ 0.060	$ 0.66	$ 5.46	
Supervisors									
5	396	Any	Carhartt Rugged Flex	11	55	$ 0.449	$ 4.94	$ 24.70	82.310000
5	74533	Any	Carhartt Ripstop Pant	11	55	$ 0.477	$ 5.25	$ 26.24	
5	376	Any	Carhartt Active Jacket	2	10	$ 1.188	$ 2.38	$ 11.88	
on-going	2-R		Uniform Advantage	11	120	$ 0.080	$ 0.88	$ 9.60	
on-going	x7074		Prep Advantage (All Pieces)	11	120	$ 0.050	$ 0.55	$ 6.00	
on-going	x14		Emblem Advantage (Shirts/Jackets)	11	65	$ 0.060	$ 0.66	$ 3.90	
1/2 Supervisor 1/2 Field									
2	396	Any	Carhartt Rugged Flex	6	12	$ 0.449	$ 2.69	$ 5.39	31.934000
2	278	Any	Carhartt T-Shirt (SS)	5	10	$ 0.350	$ 1.75	$ 3.50	
2	74533	Any	Carhartt Ripstop Pant	11	22	$ 0.477	$ 5.25	$ 10.49	
2	376	Any	Carhartt Active Jacket	2	4	$ 1.188	$ 2.38	$ 4.75	
on-going	2-R		Uniform Advantage	11	48	$ 0.080	$ 0.88	$ 3.84	
on-going	x7074		Prep Advantage (All Pieces)	11	48	$ 0.050	$ 0.55	$ 2.40	
on-going	x14		Emblem Advantage (Shirts/Jackets)	11	26	$ 0.060	$ 0.66	$ 1.56	
1/2 Supervisor 1/2 FDR									
1	396	Any	Carhartt Rugged Flex	6	6	$ 0.449	$ 2.69	$ 2.69	17.648000
1	74533	Any	Carhartt Ripstop Pant	6	6	$ 0.477	$ 2.86	$ 2.86	
1	376	Any	Carhartt Active Jacket	1	1	$ 1.188	$ 1.19	$ 1.19	
1	392	Any	Carhartt FR Shirt - Featherweight	5	5	$ 0.492	$ 2.46	$ 2.46	
1	73478	Any	Carhartt FR Pant - Featherweight	5	5	$ 0.530	$ 2.65	$ 2.65	
1	61356	Any	FR Jacket	1	1	$ 1.014	$ 1.01	$ 1.01	
on-going	2-R		Premium Uniform Advantage	11	11	$ 0.160	$ 1.76	$ 1.76	
on-going	2-R		Uniform Advantage	11	13	$ 0.080	$ 0.88	$ 1.04	
on-going	x7074		Prep Advantage (All Pieces)	11	24	$ 0.050	$ 0.55	$ 1.20	
on-going	x14		Emblem Advantage (Shirts/Jackets)	11	13	$ 0.060	$ 0.66	$ 0.78	
				Weekly Estimate					680.593000
				Annualized Estimate					35,390.836000
~~**Provide New Head & Hand Protection with 6-Month Testing & Rubber Insulator Upgrades Included for any failures**~~									
~~9~~			~~11" CLASS 00 RUBBER INSULATING GLOVES-YELLOW (pair)~~	~~1~~	~~9~~	~~$ 1.890~~	~~$ 1.89~~	~~$ 17.01~~	
~~9~~			~~11" CLASS OO RUBBER INSULATING GLOVES-BLACK (pair)~~	~~1~~	~~9~~	~~$ 1.890~~	~~$ 1.89~~	~~$ 17.01~~	
~~9~~			~~ARC GUARD FR KNIT GLOVE (pair)~~	~~1~~	~~9~~	~~$ 0.780~~	~~$ 0.78~~	~~$ 7.02~~	

9			10" LEATHER PROTECTORS (pair)	1	9	$ 0.660	$ 0.66	$ 5.94	
9			CANVAS GLOVE BAG	1	9	$ 0.500	$ 0.50	$ 4.50	
9			CLEAR SAFETY GLASSES	1	9	$ 0.100	$ 0.10	$ 0.90	
9			12 CAL PUREVIEW FACESHIELD	1	9	$ 2.550	$ 2.55	$ 22.95	108.270000
9			MSA SLOTTED HARD HAT-WHITE	1	9	$ 0.450	$ 0.45	$ 4.05	
9			12 CAL BALACLAVA-NAVY	1	9	$ 0.360	$ 0.36	$ 3.24	
9			ELECTRICAL GEAR BAG	1	9	$ 0.750	$ 0.75	$ 6.75	
on-going	2-R		Premium Uniform Advantage	10	90	$ 0.160	$ 1.60	$ 14.40	
on-going	x7074		Prep Advantage (All Pieces)	10	90	$ 0.050	$ 0.50	$ 4.50	
Head & Hand Protection Turnkey Program						**Weekly Estimate**			108.270000
						Annualized Estimate			5,630.040000
Uniforms PLUS Head & Hand Protection Turnkey Program						**Weekly Estimate**			788.863000
						Annualized Estimate			41,020.876000
	x15		Service Charge	1		$ -		$ -	Not Allowed

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Douglas Ahrens and spouse Tracy Ahrens to install a fence that will encroach 253 square feet onto the Public Utility Easement (Sewer) and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owners Douglas Ahrens and spouse Tracy Ahrens (Grantees) for the property described as a residential lot known as Wake County PIN #0721-54-9986, Book of Maps 2012, Page 00113, lot is also known as 1835 Firenza Drive, Apex, NC 27502. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 253 square feet onto the Public Utility Easement (Sewer).

Attachments

- Encroachment Agreement
- Exhibit A

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

STATE OF NORTH CAROLINA **ENCROACHMENT AGREEMENT**
COUNTY OF WAKE

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2022, by and between Douglas Ahrens and spouse Tracy Ahrens, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0721-54-9986** by the Wake County Revenue Department and more particularly described as **Lot 39** of the subdivision known as **Parkside at Bella Casa Phase 1C** as shown on that certain plat recorded in **Book of Maps 2012, Page 00113**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **1835 Firenza Drive, 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 **TOA Public Utility Easement (Sewer)** as shown on the **Subdivision Plat** hereinafter referred to as the **"Public Utility Easement."**

WHEREAS, Grantee wishes to install certain improvements, more particularly described as a new **fence that will encroach 253 square feet onto the Public Utility Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment,**" all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

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

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

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

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

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

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

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

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

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

To Grantees: Douglas Ahrens and Tracy Ahrens
1835 Firenza Drive
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. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

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

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

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

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

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Wake County PIN #0721-54-9986, 1835 Firenza Drive, Apex, NC 27502.** The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees obligations possesses adequate financial resources and ownership interest, and Grantees delegates and proposed assignee assume and agree to fulfill, in writing, all of Grantees duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEE

By: _____
Douglas Ahrens

By: _____
Tracy Ahrens

STATE OF NORTH CAROLINA

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

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

Witness my hand and official stamp or seal, this 8 day of August, 2022.

_____
[*Signature of Notary Public*]

My Commission Expires: 04/27/2025

KEVIN J. BEVELACQUA NOTARY PUBLIC WAKE COUNTY, NC

****

STATE OF NORTH CAROLINA

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

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

Witness my hand and official stamp or seal, this 8 day of August, 2022.

_____
[*Signature of Notary Public*]

My Commission Expires: 04/27/2025

KEVIN J. BEVELACQUA NOTARY PUBLIC WAKE COUNTY, NC

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]*

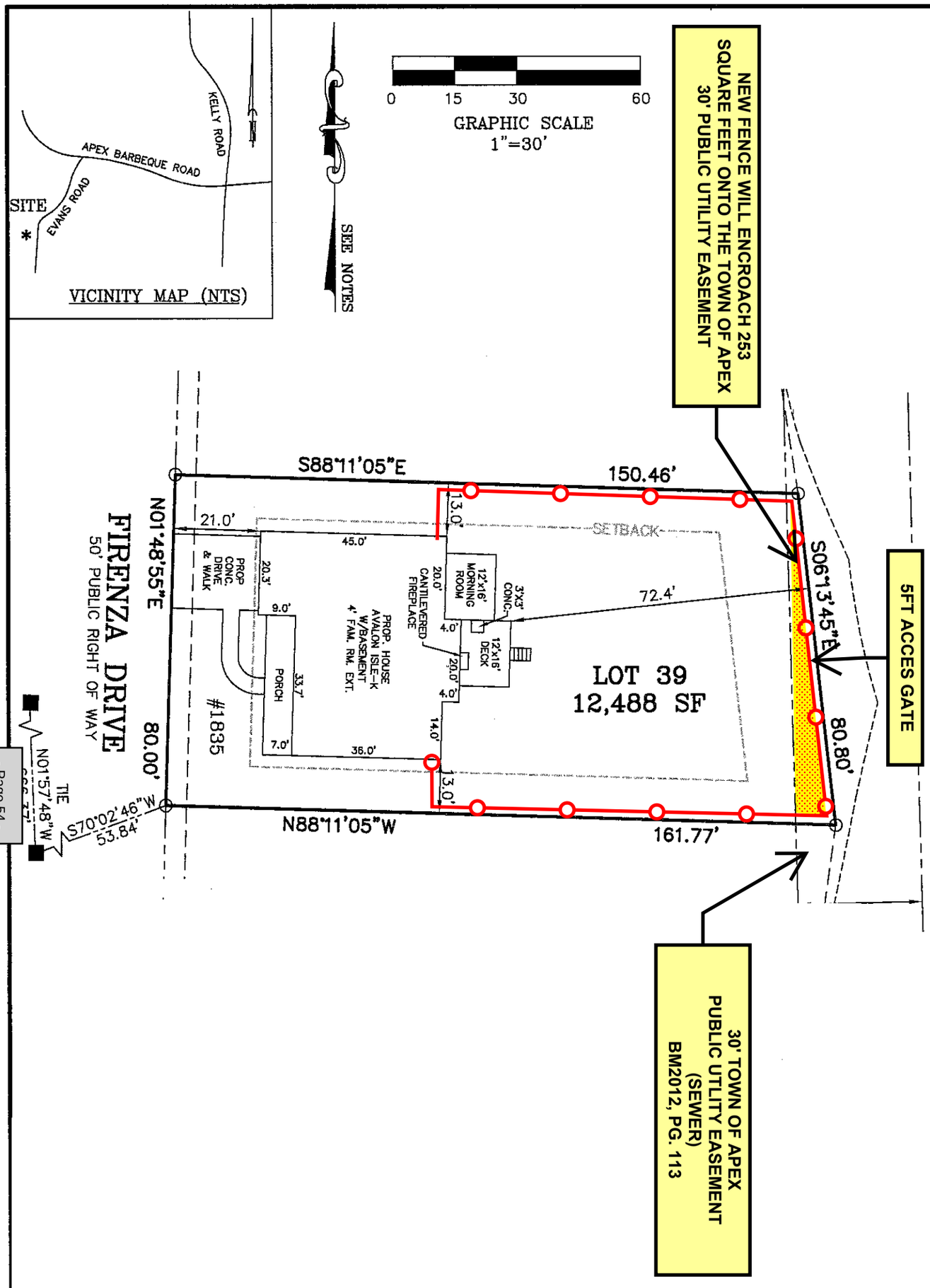
I, _____, a Notary Public of _____ County, North Carolina, certify that Allen Coleman personally came before me this day and acknowledged that he is the Town Clerk for the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing 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 _____, 2022.

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

EXHIBIT A



PARKSIDE AT BELLA CASA, PHASE 1C
BUCKHORN TWP., TOWN OF APEX, WAKE COUNTY, NC

SURVEYED FOR
RYAN HOMES – RALEIGH
1401 SUNDAY DRIVE, SUITE 111
RALEIGH, NC 27607

MSS LAND CONSULTANTS, PC
"Committed to Total Quality Service"
Firm License: C-2070
E S T. 1 9 9 8

6118 St. Giles St
(Suite E)
Raleigh, NC 27612

Phone (919) 510-4464
Fax (919) 510-9102
Email: gowersw@mssland.com

DATE: 04/15/2013	SCALE: 1"=30'	DRAWN: CM	CHECK:	FILE: RHI-11-02

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23,2022

Item Details

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

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to accept a Fee-in-Lieu of Land Dedication for the Estates at White Oak Subdivision.

Approval Recommended?

Yes

Item Details

Per Article 14 of the Unified Development Ordinance all subdivisions of land for residential purposes shall prior to the time of final approval of the Master Subdivision Plan agree to dedicate land, or as an alternative pay a fee-in-lieu of dedication. For subdivisions that are not Planned Unit Developments action is required by Town Council prior to the approval by the Technical Review Committee of the Master Subdivision Plan. Staff is recommending a fee-in-lieu of dedication for this project as it falls under the provision of Sect 14.1.2 EXEMPTIONS being under 30 Single Family Detached Units.

A request to rezone the above property was approved by Council (5-0) on December 14, 2021; rezoning case number 21CZ22.

Attachments

- Estates at White Oak – Master Subdivision Plan Cover Sheet

<RESIDENTIAL MASTER SUBDIVISION PLAN>

ESTATES AT WHITE OAK

1516 OLD IVY ROAD
APEX, NORTH CAROLINA
PROJECT NUMBER: 210201
DATE AUGUST 1, 2022

REZONING CASE # 21CZ22
(December 14, 2021)

ZONING CASE #21CZ22 CONDITIONS

PERMITTED USES:

- SINGLE-FAMILY
- ACCESSORY APARTMENT
- GREENWAY
- RECREATION FACILITY, PRIVATE
- PARK, ACTIVE
- PARK, PASSIVE
- UTILITY, MINOR

CONDITIONS OF ZONING:

1. THE PROJECT DENSITY WILL NOT EXCEED 3.00 DWELLING UNITS/ACRE. MAXIMUM NUMBER OF UNITS IS 26 DWELLING UNITS. MINIMUM LOT SIZE SHALL BE 6,000 SQFT.

2. SETBACKS SHALL BE AS FOLLOWS TO CORRESPOND WITH THE APPROVED HEELAN PUD:
   - FRONT: REDUCE FROM 25' MINIMUM TO 20' MINIMUM
   - SIDE: REDUCE FROM 8' MINIMUM WITH A 20' AGGREGATE TO A 5' MINIMUM
   - REAR: REDUCE FROM 25' MINIMUM TO 15' MINIMUM
   - CORNER SIDE: REDUCE FROM 18' MINIMUM TO 15' MINIMUM

3. VINYL SIDING IS NOT PERMITTED; HOWEVER, VINYL WINDOWS, DECORATIVE ELEMENTS AND TRIM ARE PERMITTED.

4. EAVES SHALL PROJECT AT LEAST 12 INCHES FROM THE WALL OF THE STRUCTURE.

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
   - RECESSED OR DECORATIVE WINDOW
   - WRAP AROUND PORCH OR SIDE PORCH
   - DECORATIVE BRICK/STONE
   - DECORATIVE SHAKE
   - DECORATIVE AIR VENTS ON GABLE
   - COLUMN
   - BALCONY
   - BAY WINDOW
   - TRIM AROUND THE WINDOW
   - TWO OR MORE BUILDING MATERIALS
   - DECORATIVE TRIM
   - DECORATIVE GABLE
   - DECORATIVE CORNICE
   - PORTICO
   - DORMER

6. A VARIED COLOR PALETTE SHALL BE UTILIZED ON HOMES THROUGHOUT THE SUBDIVISION, TO INCLUDE A MINIMUM OF TWO (2) 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. FRONT FAC::ADES AND PORCHES MAY ENCROACH UP TO 5-FEET INTO FRONT SETBACK PROVIDED THE GARAGE IS LOCATED NO CLOSER THAN 20-FEET FROM THE RIGHT-OF-WAY.

8. GARAGE MAY NOT PROTRUDE MORE THAN 5-FEET FROM THE FRONT FAI:ADE OR FRONT PORCH. GARAGE DOORS SHALL HAVE WINDOWS, DECORATIVE DETAILS, OR CARRIAGE-STYLE ADORNMENTS ON THEM. GARAGE MAY PROTRUDE MORE THAN 5-FEET WITH J-DRIVES OR COURTYARDS FOR SIDE ENTRY DOORS.

9. ALL HOMES SHALL BE PRE-CONFIGURED WITH CONDUIT FOR A SOLAR ENERGY SYSTEM.

10. HOMEOWNERS ASSOCIATION COVENANTS SHALL NOT RESTRICT CONSTRUCTION OF ANY ACCESSORY DWELLING UNIT.

11. THE ROOF SHALL BE PITCHED AT 5:12 OR GREATER FOR 75% OF THE BUILDING DESIGNS.

12. THE REAR AND SIDE ELEVATIONS OF THE UNITS THAT CAN BE SEEN FROM THE RIGHT-OF-WAY SHALL HAVE TRIM AROUND THE WINDOWS.

13. FRONT PORCHES SHALL BE A MINIMUM OF 5 FEET DEEP.

14. THE OVERHEAD DUKE ENERGY ELECTRIC EASEMENT FROM JENKS ROAD TO OLD IVEY ROAD SHALL BE COUNTED TOWARDS THE REQUIRED RCA AND BUFFER STANDARDS AS IDENTIFIED WITHIN VARIOUS UDO SECTIONS.

15. VINING BRANCH WAY SHALL REMAIN CLOSED TO CONSTRUCTION TRAFFIC UNTIL DEDICATED TO THE TOWN OF APEX.

16. PRIOR TO RECORDATION OF THE FIRST FINAL PLAT FOR THE PROPERTY, THE DEVELOPER SHALL PROVIDE A DONATION TO THE TOWN OF APEX'S AFFORDABLE HOUSING FUND (THE "FUND") IN THE AMOUNT OF $215/DWELLING UNIT.

17. A SOLAR PV SYSTEM SHALL BE INSTALLED ON AT LEAST 2 HOMES WITHIN THE DEVELOPMENT. ALL SOLAR INSTALLATION REQUIRED BY THIS CONDITION SHALL BE COMPLETED OR UNDER CONSTRUCTION PRIOR TO 90% OF THE BUILDING PERMITS BEING ISSUED FOR THE 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.

THE FOLLOWING CONDITIONS ARE PROVIDED AS A RESULT OF THE ENVIRONMENTAL ADVISORY BOARD (EAB) MEETING AND HAVE BEEN INCORPORATED IN THE REZONING REQUEST FOR THE DEVELOPMENT:

1. THE DEVELOPMENT SHALL MEET APEX UDO STANDARDS FOR POST-DEVELOPMENT STORMWATER RUNOFF RATES. IN ADDITION, THE POST-DEVELOPMENT RUNOFF FOR THE 25-YEAR STORMWATER EVENT SHALL BE MITIGATED TO THE PRE-DEVELOPMENT RATE.

2. SCMS SHALL NOT BE PERMITTED WITHIN RIPARIAN BUFFERS. TREE CLEARING AND GRADING SHALL ONLY BE PERMITTED WITHIN RIPARIAN BUFFERS IF IT IS NECESSARY TO INSTALL PUBLIC INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND GREENWAYS.

3. THE DEVELOPMENT SHALL INSTALL AT LEAST ONE (1) SIGN IDENTIFYING ENVIRONMENTAL SENSITIVE AREAS AND/OR AT LEAST ONE (1) PET WASTE STATION TO DISCOURAGE PET WASTE AND CHEMICAL USAGE NEAR RCA AND SCMS.

4. A MINIMUM OF 50% OF THE REQUIRED LANDSCAPING OUTSIDE OF RCA AND PERIMETER BUFFERS AND ALL SUPPLEMENTAL LANDSCAPING WITHIN RCA AND PERIMETER BUFFERS SHALL BE NATIVE SPECIES LISTED IN THE DESIGN & DEVELOPMENT MANUAL OR APPROVED BY STAFF TO INCREASE THE NATIVE DIVERSITY TO REDUCE IRRIGATION AND CHEMICAL USE. THIS SHALL NOT APPLY TO TURF GRASS.

5. NATIVE FLORA SHALL BE USED WITHIN THE DEVELOPMENT, A MINIMUM OF 50% OF THE PLANTINGS FOR EACH PLANTING GROUP (TREE, SHRUBS, ETC.).

6. WARM SEASON TURF GRASSES SHALL BE PLANTED WHERE TURF GRASS IS PROPOSED.

7. OUTDOOR LIGHTING SHALL BE FULL CUT-OFF AND SHIELDED TO PREVENT GLARE AND LIGHT SPILLOVER TO MINIMIZE THE IMPACT ON NEIGHBORING RESIDENTIAL PROPERTIES. LED FIXTURES SHALL BE USED AND THE LIGHTING TEMPERATURE SHALL BE A MAXIMUM OF 3,000K.

8. A MINIMUM OF THREE (3) NATIVE HARDWOOD TREE SPECIES SHALL BE PLANTED WITHIN THE DEVELOPMENT.

RIPARIAN BUFFER:

RIPARIAN BUFFERS ARE NOT LOCATED ON THE PROPERTY PER THE TOWN OF APEX'S WATERSHED PROTECTION OVERLAY DISTRICT MAP.

PARKS AND RECREATION SITE DATA TABLE:

REVIEWED NOT REQUIRED BY THE PARKS, RECREATION AND CULTURAL RESOURCES ADVISORY COMMISSION BASED UPON THE PROPOSED NUMBER OF RESIDENTIAL UNITS.

CURRENT FEE IN LIEU ESTIMATE:

SINGLE-FAMILY DETACHED UNITS	21 X $3,753.89 / UNIT
SINGLE-FAMILY ATTACHED UNITS	$0.00 / UNIT
MULTI-FAMILY UNITS	$0.00 / UNIT

ACRES OF LAND DEDICATION: n/a ACRES
PUBLIC GREENWAY TRAIL CONSTRUCTION YES ___ NO X

OWNER
Ranjeet Agarwala/
Estates at WhiteOak LLC
2500 STONINGTON DRIVE
APEX, NC 27523
P: (361) 228-2071
E: ragarwala@hotmail.com

ENGINEER/LAND PLANNER
PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
5448 APEX PEAKWAY #368
APEX, NC 27502
Phone (919) 439-0100
www.PeakEngineering.com

DEVELOPER/APPLICANT
Estates at WhiteOak LLC
2500 STONINGTON DRIVE
APEX, NC 27523

SURVEYOR
BATEMAN CIVIL SURVEY PLS
2524 RELIANCE AVENUE
APEX, NC 27539
PHONE: (919) 577-1080
WWW.BATEMANCIVILSURVEY.COM

INDEX OF DRAWINGS:

C000 COVER SHEET SITE DATA TABLE AND NOTES
C002 EXISTING CONDITIONS/TREE SURVEY
C003 DEMOLITION PLAN
C100 SITE PLAN
C150 LANDSCAPE PLAN
C200 UTILITY PLAN
C300 GRADING & DRAINAGE PLAN
C700 SITE DETAILS
C701 SITE AND PLANTING DETAILS
C702 STORM AND SANITARY SEWER DETAILS
C703 WATER DETAILS
C704 EROSION CONTROL DETAILS
C900 BUILDING ELEVATIONS
C901 BUILDING ELEVATIONS

SITE INFORMATION:

Property Owner/Site Address	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book & Page
ESTATES AT WHITEOAK LLC 2500 STONINGTON DR APEX NC 27523-617	0722-89-0666	0046520	0722 02	5.01	DB 018779 PG 02351
ESTATES AT WHITEOAK LLC 2500 STONINGTON DR APEX NC 27523-617	0722-89-3526	0046521	0722 02	3.81 (TOTAL) 0.721 (R/W) 3.089 (NET)	DB 018779 PG 02351
TOTAL DEEDED ACREAGE:				**8.82 acres**	
NET DEVELOPMENT ACREAGE:				**8.099 acres**	

Zoning:	LD - CZ (Low Density Residential - Conditional Zoning Zoning Case #21CZ22
2045 Land Use Map:	Low Density Residential
Existing Use:	Single Family Residential
Proposed Uses:	Single Family Residential
Maximum Building Height:	40' 3 stories (maximum)
Minimum Lot Width:	50'
Proposed Project Density:	2.95 units/acre (< 3.0 units/acre for Low Density Residential developments)
Maximum Number of Lots:	26 Lots (per zoning)
Township:	White Oak
Flood Zone Information:	Firm Panels 3720072200K, 3720072300K, and Panel 3720073300K effective 7/16/2022 do not show the presence of flood zones on properties.
Watershed Information:	Primary Watershed Protection Overlay District, White Oak Creek Basin, Cape Fear River Basin.
Historical:	Per the NC SHPO, no historical structures are located within the project boundary.
Annexation:	Required prior to Construction Document approval by the Town of Apex
Building Setbacks:	
Front:	20' minimum
Rear:	15' minimum
Side:	5' minimum (No aggregate)
Side (Corner Lot):	15' minimum
Lots:	21 lots
Minimum Lot Area:	6,000 Sq ft
** Minimum lot size controls design based upon Zoning case #21CZ22	
Minimum Lot Width	50 ft
Sewer Calculations:	300 gal/day @ 21 Lots = 6,300 gpd
Maximum Build Upon Area:	4.85 acres, 60%
Proposed Build Upon Area:	3.24 acres, 40%
Parking Requirements:	
Single Family Parking:	2 spaces/lot x 21 lots = 42 Spaces
Single Family parking provided by driveway and garage (min 2 spaces/lot)	
Mail Kiosk Parking:	2 spaces (1 must be accessible) (Required spaces must be signed as "Mailbox Use Only")
RCA Required:	123,477 SF, 2.835 acres (*30% + **5% Mass Grading)
RCA Provided	124,010 SF (2.848 acres)
RCA (stream buffers/site perimeter buffers)	118,610 SF (2.72 acres)
RCA (SCM planted area***)	5,400 SF (0.126 acres)

*All developments which are located south and west of NC 540 shall provide buffers and RCA equal to or greater than 30% of the gross site acreage for single-family developments.

**The single-family residential development which are mass graded require additional 5% RCA per UDO requirements.

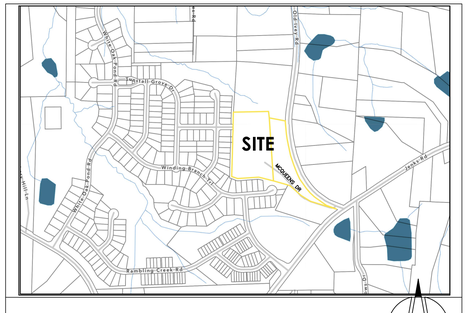
***The plantable area of the SCM is hatched as Resource Conservation Area (RCA). 100% of the SCM plantable area is calculated as proposed RCA for the overall project and that includes the constructed and planted wetland, basin area, vegetated, littoral shelf, and the surrounding interior embankments up to the top of dam elevation.

Grading: Site to be "Mass Graded"

% of total lots to be graded prior to first plat:	50% (limited by Apex UDO to a maximum acreage for mass grading)
% of the pre-development drainage areas that have been preserved within their natural basins:	90%



AERIAL MAP
NO SCALE



VICINITY MAP
NO SCALE

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com
NC License #P-0673

project:
ESTATES AT WHITE OAK
1516 OLD IVEY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523

seal:
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 042427 JEFFREY A. ROACH
PRELIMINARY NOT FOR CONSTRUCTION

NO.	DATE	REVISION	BY

title:
COVER SHEET

proj #: 210201
date: August 1, 2022
dwg by: FS chkd by: JR
scale: As Noted
sheet: C000
(MASTER SUBDIVISION PLAN)

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

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

Department(s): Water Resources

Requested Motion

Motion to approve a lease renewal agreement with New Cingular Wireless PCS, LLC, beginning July 1, 2023 through June 30, 2038, and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

Over the past few years, Apex staff has negotiated with BLCKVDOT (lease consultant for New Cingular Wireless PCS, LLC) on the financial terms of an amendment to the existing lease agreement that was executed back on March 14, 2008. This agreement allows the tenant to occupy space for communications equipment on top of the Town's 1.5 MG elevated water tank located at 610 Tingen Road. The new agreement will increase the current rent by 10% (or $3,727 per month) and will automatically renew for 3 additional 60-month terms (extension term). The rent will be increased by 10% at each extension term.

Attachments

- Agreement

Cell Site Name: 368-325
Fixed Asset No. 10040302
Market: North Carolina
Address: 610 Tingen Road, Apex, NC 27502

FIRST AMENDMENT TO OPTION AND STRUCTURE LEASE AGREEMENT

THIS FIRST AMENDMENT TO OPTION AND STRUCTURE LEASE AGREEMENT ("**First Amendment**") dated as of latter of the signature dates below is by and between Town of Apex, a North Carolina municipal corporation, having a mailing address at 73 Hunter Street, Apex, NC 27502 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company having a mailing address at 1025 Lenox Park Boulevard NE, 3rd Floor, Atlanta, GA 30319 (hereinafter referred to as "**Tenant**").

WHEREAS, Landlord and Tenant entered into an Option and Structure Lease Agreement dated March 14, 2008 (hereinafter referred to as the "**Agreement**"), whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Property located at 610 Tingen Road, Apex, NC 27502; and

WHEREAS, the parties mutually desire to renew the Agreement, memorialize such renewal period and modify the Agreement in certain other respects, all on the terms and conditions contained herein; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to extend the term of the Agreement; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to adjust the Rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to clarify scope of Tenant's permitted use of the Premises; and

WHEREAS, Landlord and Tenant, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree that the recitals set forth above are incorporated herein as if set forth in their entirety and further agree as follows:

1. **Term**. The Term of the Agreement shall be amended to provide that the current term, which commenced on July 1, 2018, shall expire on June 30, 2023 ("**Current Term**"), and commencing on July 1, 2023, will be automatically renewed, upon the same terms and conditions of the Agreement, for three (3) additional five (5) year terms (each an "**Extension Term**"). Hereafter, "Term" shall include the Current Term and any applicable Extension Term. The Terms will automatically renew without further action by Tenant, unless Tenant notifies Landlord in writing of Tenant's intention not to renew the Agreement at least sixty (60) days prior to the expiration of the Current Term or any Extension Term. Landlord agrees and acknowledges that, except as such permitted use or other rights may be amended herein, Tenant may continue to use and exercise its rights under the Agreement as permitted prior to the first Extension Term.

2. **Rent.** Commencing on July 1, 2023, the current Rent payable under the Agreement shall be Three Thousand Seven Hundred Twenty-Seven and No/100 Dollars ($3,727.00) per month and shall continue during the Term, subject to adjustment as provided herein. In the event of any overpayment of Rent prior to or after the Effective Date, Tenant shall have the right to deduct from any future Rent payments an amount equal to the overpayment amount.

3. **Future Rent Increase.** The Agreement is amended to provide that commencing on July 1, 2028, Rent shall increase by ten percent (10.0%) and at the beginning of each Extension Term thereafter, as applicable.

4. **Permitted Use.** Tenant, its personnel, invitees, contractors, agents, subtenants, or its authorized sublessees, or assigns may use the Premises, at no additional cost or expense, for the transmission and reception of any and all communications signals and to modify, supplement, replace, upgrade, expand, including but not limited to the number and type(s) of antennas, or refurbish the equipment and/or improvements thereon, or relocate the same within the Premises at any time during the term of the Agreement for any reason, or in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services or for any other reason. Landlord shall reasonably cooperate in obtaining governmental and other use permits or approvals necessary or desirable for the foregoing permitted use. If Landlord does not comply with the terms of this section, in addition to any other rights it may have at law, Tenant may terminate the Agreement and shall have no further liability to Landlord. If Landlord does not comply with the terms of this section, Tenant will have the right to exercise any and all rights available to it under law and equity, including the right to cure Landlord's default and to deduct the costs of such cure from any monies due to Landlord from Tenant.

5. **Removal/Restoration.** In addition to the terms set forth in the Agreement, Landlord agrees that the Communications Facility and any related equipment brought to the Premises by Tenant, its agents, contractors, predecessors-in-interest or subtenants, except for the corral referred to in Section 2(b) of the Agreement, shall be and remain Tenant's personal property or the personal property of its subtenant(s), as the case may be. Landlord waives any and all rights it may have, including any rights it may have in its capacity as Landlord under the Agreement to assert any liens, encumbrances or adverse claims, statutory or otherwise, related to or in connection with the Communications Facility or any portion thereof. Tenant, in its sole discretion, may remove the Communications Facility or any portion of the Communications Facility at any time during the Term of the Agreement, without notice to Landlord and without Landlord's consent. Notwithstanding any terms to contrary, Tenant will not be responsible for the replacement of any trees, shrubs or other vegetation, nor will Tenant be required to remove from the Premises or the Property any foundations or underground utilities. Tenant, may, in its sole discretion, transfer any improvements or alterations to the Premises to Landlord at any time during the Term of the Agreement without notice to the Landlord and without the Landlord's consent.

6. **Notices.** The notice provision set forth in Section 17(a) of the Agreement is deleted in its entirety, and the following is inserted in lieu thereof:

NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Landlord, to:

Town of Apex
73 Hunter Street
Apex, NC 27502

If to Tenant, to:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
RE: Site Name: 368-325 (NC)
Fixed Asset No. 10040302
1025 Lenox Park Blvd. NE, 3rd Floor
Atlanta, GA 30319

With a required copy to:

New Cingular Wireless PCS, LLC
Attn: General Counsel - Network
RE: Site Name: 368-325 (NC)
Fixed Asset No. 10040302
208 S. Akard Street
Dallas, TX 75202

The copy sent to the Legal Department is an administrative step which alone does not constitute legal notice. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

7. **Acknowledgement.** Landlord acknowledges that: 1) this First Amendment is entered into of the Landlord's free will and volition; 2) Landlord has read and understands this First Amendment and the underlying Agreement and, prior to execution of this First Amendment, was free to consult with counsel of its choosing regarding Landlord's decision to enter into this First Amendment and to have counsel review the terms and conditions of this First Amendment; 3) Landlord has been advised and is informed that should Landlord not enter into this First Amendment, the underlying Agreement between Landlord and Tenant, including any termination or non-renewal provision therein, would remain in full force and effect.

8. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this First Amendment, the terms of this First Amendment shall control. Except as expressly set forth in this First Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this First Amendment.

9. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

[SIGNATURES APPEAR ON THE NEXT PAGE]

Cell Site Name: 368-325
Fixed Asset No. 10040302
Market: North Carolina
Address: 610 Tingen Road, Apex, NC 27502

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute this First Amendment on the dates set forth below.

LANDLORD:	**TENANT:**
Town of Apex, a North Carolina municipal corporation	New Cingular Wireless PCS, LLC, a Delaware limited liability company By: AT&T Mobility Corporation Its: Manager
By: _____	By: Stephen M Howard
Name: _____	Name: Stephen M. Howard
Title: _____	Title: Area Manager
Date: _____	Date: 13 JULY 2022

Recording Requested By
& When Recorded Return To:
Black Dot Wireless
23456 Madero – Suite 210
Mission Viejo, CA 92691

Re: Cell Site Name: 368-325
Fixed Asset Number: 10040302
State: North Carolina
County: Wake

MEMORANDUM
OF
LEASE

This Memorandum of Lease is entered into on this ____ day of _____, 2022, by and between Town of Apex, a North Carolina municipal corporation, having a mailing address at 73 Hunter Street, Apex, NC 27502 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Boulevard NE, 3rd Floor, Atlanta, GA 30319 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into an Option and Structure Lease Agreement dated March 14, 2008, as amended by that certain First Amendment to Agreement dated _____ ___, 2022 (hereinafter referred to as the "**Agreement**") for the purpose of installing, operating and maintaining a communications facility and other improvements at Landlord's real property located at 610 Tingen Road, Apex, NC 27502. All of the foregoing is set forth in the Agreement.

2. The Agreement Term initially commenced July 1, 2008, and commencing on July 1, 2023, the parties agree to further extend the Agreement for three (3) additional five (5) year terms.

3. The portion of the land being leased to Tenant (the "**Premises**") is described in **Exhibit 1** annexed hereto.

4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

LANDLORD:	**TENANT:**
Town of Apex, a North Carolina municipal corporation	New Cingular Wireless PCS, LLC, a Delaware limited liability company
	By: AT&T Mobility Corporation Its: Manager
By: _____	By: Stephen M. Howard
Name: _____	Name: Stephen M. Howard
Title: _____	Title: Area Manager
Date: _____	Date: 13 JULY 2022

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

LANDLORD ACKNOWLEDGMENT

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
)
COUNTY OF _____)

I CERTIFY that on _____ _____, 202__, _____ [name of representative] personally came before me and acknowledged under oath that he or she:

(a) is the _____ [title] of _____ [name of corporation], the corporation named in the attached instrument,

(b) was authorized to execute this instrument on behalf of the corporation and

(c) executed the instrument as the act of the corporation.

_____
Notary Public: _____
My Commission Expires:_____

TENANT ACKNOWLEDGMENT

STATE OF NORTH CAROLINA)
) SS.
COUNTY OF MECKLENBURG)

I certify that I know or have satisfactory evidence that Stephen Howard is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Area Manager of AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 7/13/2022.

Notary Seal

CAMIK MCNEILL
Notary Public, North Carolina
Mecklenburg County
My Commission Expires
4/10/2023

(Signature of Notary)

Camik McNeill
(Legibly Print or Stamp Name of Notary)
Notary Public in and for the State of NC
My appointment expires: 4/10/2023

EXHIBIT 1

DESCRIPTION OF PREMISES
Page 1 of 1

to the Memorandum of Lease dated _____ ___, 2022, by and between Town of Apex, a North Carolina municipal corporation, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

The Premises are a portion of the Property located at 610 Tingen Road, Apex, NC 27502, and legally described and/or depicted as follows:

From NC Grid monument, Salem NAD 83, N 719,622.2057, East 2,043,233.8600, COMB FACTOR 0.9998890, thence South 25 degrees 41 minutes 52 seconds West 1,027.50 feet to an iron pipe set at the southernmost intersection of the right-of-ways of Tingen Road and Salem Street, thence South 00 degrees 15 minutes 35 seconds West 188.49 feet to an existing iron pipe, thence South 01 degrees 30 minutes 38 seconds West 100 feet to an iron pipe set being the PLACE AND POINT OF BEGINNING, thence South 01 degrees 30 minutes 38 seconds 117.33 feet to an iron pipe set, thence along a curve with length 107.56 feet, radius 2,814.76 feet, chord bearing North 49 degrees 28 minutes 19 seconds East, chord distance 107.55 feet to an iron pipe set, thence North 73 degrees 25 minutes 10 seconds West 5.80 feet to an existing iron pipe, thence North 73 degrees 25 minutes 10 seconds West 163.96 feet to an iron pipe set, thence North 29 degrees 47 minutes 17 seconds East 154.25 feet to an iron pipe set, thence North 87 degrees 44 minutes 29 seconds East 165.49 feet to the place and point of beginning. This property is also shown as "Rose A. Lowe Heirs" on that certain plat entitled "Survey for the Town of Apex, Salem and Tingen Road Water Tank Site," being recorded in Map Book 2001, Page 556, Wake County Registry

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

Presenter(s): Brian Meyer, Mark Siburt, Trevor Johnson

Department(s): Legal; Planning

Requested Motion

Motion to adopt an ordinance amendment to Chapter 10, Article I of the Town Code.

Approval Recommended?

Yes

Item Details

Section 10-1 of the Town Code governing the cleanliness of premises is limited in scope to only apply to those conditions on property in which the accumulation of materials outdoors constitutes a fire hazard. This limitation does not adequately address the public nuisances that may exist within the town. The ordinance as amended would prohibit in or on open yard areas the placement, accumulation, or storage of litter, junk, trash, manmade materials, or hazardous waste. It would also prohibit in open yards the placement or storage of furniture, appliances, household goods, or equipment that is not designed to be stored outdoors. Such situations would be declared to be public nuisances. The amended ordinance excepts patio furniture and recreational equipment that is appropriate for outdoor use. Lastly, the amended ordinance would update and clarify the regulation of accumulated weeds, overgrown grass, and undergrowth by identifying acceptable lengths and public nuisance conditions, and would require more frequent cutting of vacant lots.

Attachments

- Ordinance Amendment to Chapter 10

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 10 "HEALTH AND SANITATION" OF THE TOWN OF APEX CODE OF ORDINANCES

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

Section 1. That Sections 10-1, 10-5, 10-6 and 10-7 of Article I of Chapter 10 of the Town of Apex Code of Ordinances are hereby amended as shown below with additions shown by underlined text and deletions shown as struck-through text:

Sec. 10-1. Cleanliness of premises—Generally.

(a) It shall be unlawful for any person to ~~allow the uncontrolled growth of noxious weeds and grass, or the accumulation of offensive animal or vegetable matter dangerous and prejudicial to the public health, or the accumulation of rubbish or trash creating a fire hazard dangerous to the public safety, or allow the existence of any condition which may constitute a public nuisance, upon any premises within the town.~~ neglect a premise or property or create a dilapidated condition on upon any premises within the town. Any of the following described conditions in or on a yard, vacant lot, deck, landing, patio, porch, unenclosed carport, or driveway between a sidewalk and curb or pavement edge are hereby found and declared to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the town and are found and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any of the following nuisances, is hereby declared to be unlawful:

(1) The accumulation of noxious weeds and grass, litter, junk, rubbish, trash, discarded manmade materials, refuse, wood, solid waste materials, industrial materials, or hazardous waste, or potentially dangerous devices.

(2) The creation of a littered condition by leaving materials on property which are partially or wholly rusted, wrecked, dismantled, junked or otherwise in an inoperative condition and which are not completely enclosed within an enclosed structure. Examples of such materials include, but are not limited to, dilapidated or decaying furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or any other items in a state of disrepair.

(3) Placement or accumulation of household fixtures, household or office furniture, domestically used electrical goods or appliances, metal products of any kind and similar items not designed or intended to withstand the elements for outdoor use. This subsection shall not prohibit the following:

(i) The use of household furniture on an enclosed porch having a roof, walls, screens, or glass windows; or

(ii) The use of furniture in good condition which is designed for outdoor use such as patio or lawn furniture on porches, landings, or yard areas; or

(iii) Recreational equipment designed for outdoor use such as swing sets, playhouses, or trampolines.

(b) No owner or occupant of any premises shall bury or allow to remain therein any animal or vegetable matter which, on decaying, may become dangerous or prejudicial to the public health or may constitute a nuisance.

(c) It shall be unlawful for any person to permit or allow to accumulate or remain on any lot or premises, litter or articles of a combustible or flammable nature which create a fire hazard dangerous to the public safety.

(Code 1973, §§ 16-2, 16-10)

Cross reference(s)—Collection of garbage and trash, § 12-110 et seq.; removal of rubbish in cemetery, § 6-23.

State law reference(s)—Regulating disposal of refuse, G.S. 160A-192; littering, G.S. 14-399, 14-399.1.

Sec. 10-2. Same—Businesses.

It shall be unlawful for any person operating any business within the town to fail, refuse or neglect to keep the premises of such business free from trash, empty boxes or any other debris unless such trash, box or other debris is placed in authorized containers for collection as provided in this Code.

(Code 1973, § 16-3)

Sec. 10-3. Same—Care of plots along sidewalk.

The occupant or owner of every lot abutting a sidewalk shall keep the space along the sidewalk cut and in a sanitary condition. Failure to do so will subject the premises to the necessary

work by the town, and the cost shall be assessed against the owner of the abutting lot and collected as taxes.

(Code 1973, § 16-13)

Charter reference(s)—Keeping sidewalks free of debris, § 5-4.

Sec. 10-4. Same—Sweeping trash on streets.

No person shall sweep or in any manner cause trash to be deposited on the streets or sidewalks.

(Code 1973, § 18-10)

Cross reference(s)—Littering in parks, § 15-7(d).

Sec. 10-5. Same—~~Weeds to be cut~~ Accumulation of weeds and undergrowth declared to be a public nuisance.

(a) It is found and determined that there are lots and tracts of land in the town upon which dense growths of weeds, vines, briars or undergrowth have been allowed to grow, accumulate, or remain. Where such conditions provide a harborage for rodents, vermin, mosquitoes or other pests, or exist in such proximity to houses and other structures as to increase the hazards of disease, injury or fire, or otherwise constitute a detriment, danger or hazard to the health, safety and welfare of the residents of the town, they are hereby declared to be unlawful and a public nuisance. Further, where weeds, grass, vines or briars are over eight inches in height such conditions are hereby declared to be unlawful and a public nuisance. Under such circumstances, a public necessity exists to exercise the police power of the town to cause the abatement of such public nuisance in the manner provided by this article.

(b) The owner or any person in possession of any ~~vacant~~ lot vacant of any buildings or structures shall cut ~~or shrub down~~ within four inches of the ground all weeds, grass or ~~other~~ noxious growth from the lot at least ~~twice~~ three times each year; the first time not later than May 31, the second time not later than July 31, ~~June 15~~ and the ~~second~~ final time not later than September 30 ~~August 15~~ of each year. Each day after these dates, respectively, shall be and constitute a separate offense, punishable by civil penalty of~~.~~ ~~The delinquent shall, on conviction, pay a fine of~~ $1.00 for each day any weeds, grass, or ~~other~~ noxious growth shall remain uncut. If, for any cause, the weeds or ~~other~~ noxious growth are not cut down on the lot on or before ~~June 15 and August 15~~ the dates designated in this subsection, the town may cause the same to be cut down and the cost of cutting may be charged against each of the lots from which the weeds or

other noxious growth are moved and against the owners thereof, and charged to them and collected as taxes.

(Code 1973, § 16-12)

Sec. 10-6. Discarded refrigerators, etc.

It shall be unlawful for any person to place, discard, or ~~discard or~~ have stored outside any icebox, refrigerator, freezer chest or any other airtight box on any lot, street, alley, yard, platform or any other location outside of a building without first removing or making the latching mechanism inoperative in such a manner as not to prevent the opening from the inside of such items by small children, or in the alternative shall remove the doors.

(Code 1973, § 16-1)

State law reference(s)—Similar provisions, G.S. 14-318.1.

Sec. 10-7. Persons to comply with order; action by town.

(a) This article may be enforced by any one, all, or a combination of the remedies provided below, elsewhere in this article, or otherwise authorized by state statute.

(b) If any person shall violate any provision of sections 10-1 through 10-6, or create, allow, or maintain a pubic nuisance as described in sections 10-1 through 10-6, the town shall notify the owner of the property by posting notice of the violation in a conspicuous place on the property describing the conditions found to exist and an order requiring the owner to correct the conditions in violation within the time specified in the notice which shall not exceed ten days from the posting of said notice. The town may extend the time for compliance where the town finds such extension to be reasonable. The town shall also mail a copy of the notice of violation to the owner of the property as shown on the Wake County tax listing of the subject property as of the date of the notice.

(c) A violation of this article is punishable as a misdemeanor as provided by G.S. 14-4.

(d) Any person who fails to comply with any provisions of this article shall be subject to an initial civil penalty of $50.00 and an additional civil penalty of $50.00 for each day thereafter in which the violation remains. The penalty may be recovered by the town in the nature of a debt if the owner does not pay the same within 30 days after the date for compliance provided in the notice of violation.

(e) ~~If any person shall violate any provision of sections 10-1 through 10-5, it shall be the duty of the code enforcement officer or the chief of police to give notice to the owner or to any person in possession of the lot, directing that within 12 hours or sooner from the time of notice, all weeds, trash and other offensive vegetable or animal matter shall be removed~~

~~from the lot.~~ Should any owner or any person in possession of a property refuse or fail to abate ~~the~~a nuisance within the time specified in the notice of violation, the ~~code enforcement officer or the chief of police~~ town may ~~shall~~ proceed to remove same or otherwise correct the conditions; and the cost thereof shall be charged against the lot and shall become a lien on the lot. If not paid within 30 days, the lien shall be collected as in the manner provided for the collection of delinquent taxes.

(Code 1973, § 16-11)

State law reference(s)—Authority of town to abate public health nuisances, G.S. 160A-193; abatement of nuisance by local health director, G.S. 130A-19.

Secs. 10-8—10-19. Reserved.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 4. **Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. **Effective Date.** This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the _____ day of _____, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23rd 2022

Item Details

Presenter(s): Steve Adams, Real Estate & Public Utilities

Department(s): Administration / Development and Operations

Requested Motion

Motion to approve a Resolution to Abandon a Portion of an Existing 5' Public Utility Easement.

Approval Recommended?

Yes

Item Details

The Town of Apex currently has a Public Utility Easement on the property at 209 North Salem Street and shown on Book of Maps 2020 Page 944 and a portion of the easement was never utilized.

Town staff has determined that there is no need for this portion of easement presently or in the future and seeks to abandon the shown portion of easement.

Staff recommends donation of the land and easements.

Attachments

1) Resolution
2) Map showing original easement area BM2020 P4 944
3) Exhibit showing area to be abandoned

Resolution No.22-_____

A RESOLUTION TO ABANDON A PORTION OF AN EXISTING 5' PUBLIC UTILITY EASEMENT

WHEREAS, KTJ 366, LLC (**"Owner")** is the owner of certain tracts of land in or near the Town of Apex which are described in the deed recorded in Deed Book 18115, Page 1215, Wake County Registry (the **"Subject Property"**); and

WHEREAS, a 5' Public Utility Easement was conveyed to the Town across the Subject Property by an instrument recorded in Book of Maps 2009, Page 0289, Wake County Registry on Lots 1 and 2 (the **"Plat"**); and

WHEREAS, the Owner requested that the Town abandon the portion of the public utility easement in that certain area designated as "Existing 5' Public Utility Easement A Portion of Hereby Abandoned BM 2009/Page 289" as shown on that certain survey plat entitled "Site Plan Final Plat Of: Salem Street Mixed Use" prepared by McKim & Creed, said survey being attached hereto as **Exhibit A (the "Easement Area to be Abandoned")**; and

WHEREAS, the Easement Area to be Abandoned is more particularly described as follows:

Commencing from a McKim & Creed control point identified as MC #2 having North Carolina (NAD 83-2011) Grid Coordinates of N: 721,600.864 E: 2,044,041.036', thence from said MC #2 along a tie line a bearing and distance of S 32° 11' 13" E 181.45' to a computed point, the northwest corner of said abandoned easement; thence the following five calls all to computed points: S 77° 59' 45" E 5.14', S 25° 26' 18" W 80.45', N 64° 33' 42" W 3.21' and N 25° 13' 36" E 18.04', a curve having a chord bearing and distance of N 20° 48' 32" E 21.35', an arc length of 21.38' and a radius of 138.50' to the beginning containing 343 SF / 0.008 acres, more or less.

WHEREAS, the Town has no future purpose or need for the Easement Area to be Abandoned and it has no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Easement Area to be Abandoned.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex hereby abandons the Easement Area to be Abandoned as shown on Exhibit A hereto and more particularly described above.

Upon motion duly made by Council Member_____, and duly seconded by Council Member _____, the above resolution was duly adopted by the Apex Town Council at the meeting held on the ____ day of _____, 2022, in the Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

_____

_____

_____

and the following Council Members voted in the negative:

_____

_____

_____

This the _____day of _____, 2022.

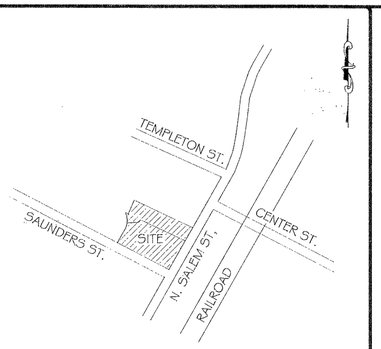
TOWN OF APEX

_____
Catherine Crosby
Town Manager

ATTEST:

_____
Allen Coleman, Town Clerk, CMC, NCCCC

3



VICINITY MAP (NOT TO SCALE)

LEGEND:
- O = EXISTING IRON PIPE
- ● = NEW IRON PIPE
- ⊕ = COMPUTED POINT
- N/F = NOW OR FORMERLY
- ▭ = STREET ADDRESS
- PP = POWER POLE
- MH = MANHOLE
- WM = WATER METER
- CO = CLEANOUT
- FH = FIRE HYDRANT
- OE = OVERHEAD ELECTRIC
- LP = LIGHT POLE
- CB = CATCH BASIN
- DI = DROP INLET

REFERENCES:
1. PIN 0742.18-41-2418
2. PIN 0742.18-41-2309
3. D.B. 15127, PG. 1171
4. D.B. 16681, PG. 341
5. D.B. 16999 PG. 1545
6. B.M. 2009, PG. 1113
7. B.M. 2017 PG. 2362

STATE OF NORTH CAROLINA
TOWN OF APEX

I, Liz Loftin REVIEW OFFICER OF THE TOWN OF APEX, CERTIFY THAT THIS PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

6-17-20 DATE — Liz Loftin REVIEW OFFICER

APPROVAL EXPIRES IF NOT RECORDED ON OR BEFORE 8-17-20

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, AND ALL SHEETS RELATED HERETO, WHICH IS LOCATED IN THE JURISDICTION OF THE TOWN OF APEX, AND THAT I HEREBY ADOPT THIS PLAN OF RECOMBINATION WITH MY FREE CONSENT.

6-17-20 DATE — Joseph Foresta OWNER

6-17-20 DATE — Joseph Foresta OWNER

Wake COUNTY, NORTH CAROLINA
I, Jeri Chastain Pederson A NOTARY PUBLIC FOR SAID COUNTY AND STATE DO HEREBY CERTIFY THAT Joseph P. Foresta PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
MY COMMISSION EXPIRES: 3/10/2024
WITNESS MY HAND AND SEAL THIS 17 DAY OF June 2020
Jeri Chastain Pederson NOTARY PUBLIC

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

Wake COUNTY, NORTH CAROLINA
I, Jeri Chastain Pederson A NOTARY PUBLIC FOR SAID COUNTY AND STATE DO HEREBY CERTIFY THAT Joseph P. Foresta PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
MY COMMISSION EXPIRES: 3/10/2024
WITNESS MY HAND AND SEAL THIS 17 DAY OF June 2020
Jeri Chastain Pederson NOTARY PUBLIC

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

STATE OF NORTH CAROLINA
WAKE COUNTY

I, RUSSELL K. ELINGBURG, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME (OR UNDER MY DIRECT SUPERVISION) – (DEED DESCRIPTION RECORDED IN BOOK------ PAGE------); THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/ 10,000+ ; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES DRAWN FROM INFORMATION FOUND IN BOOK---------- PAGE---------- ; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
WITNESS MY HAND AND SEAL THIS 25TH DAY OF MAY, 2020.

R. K. Elingburg P.L.S. 3414 (N.C.)

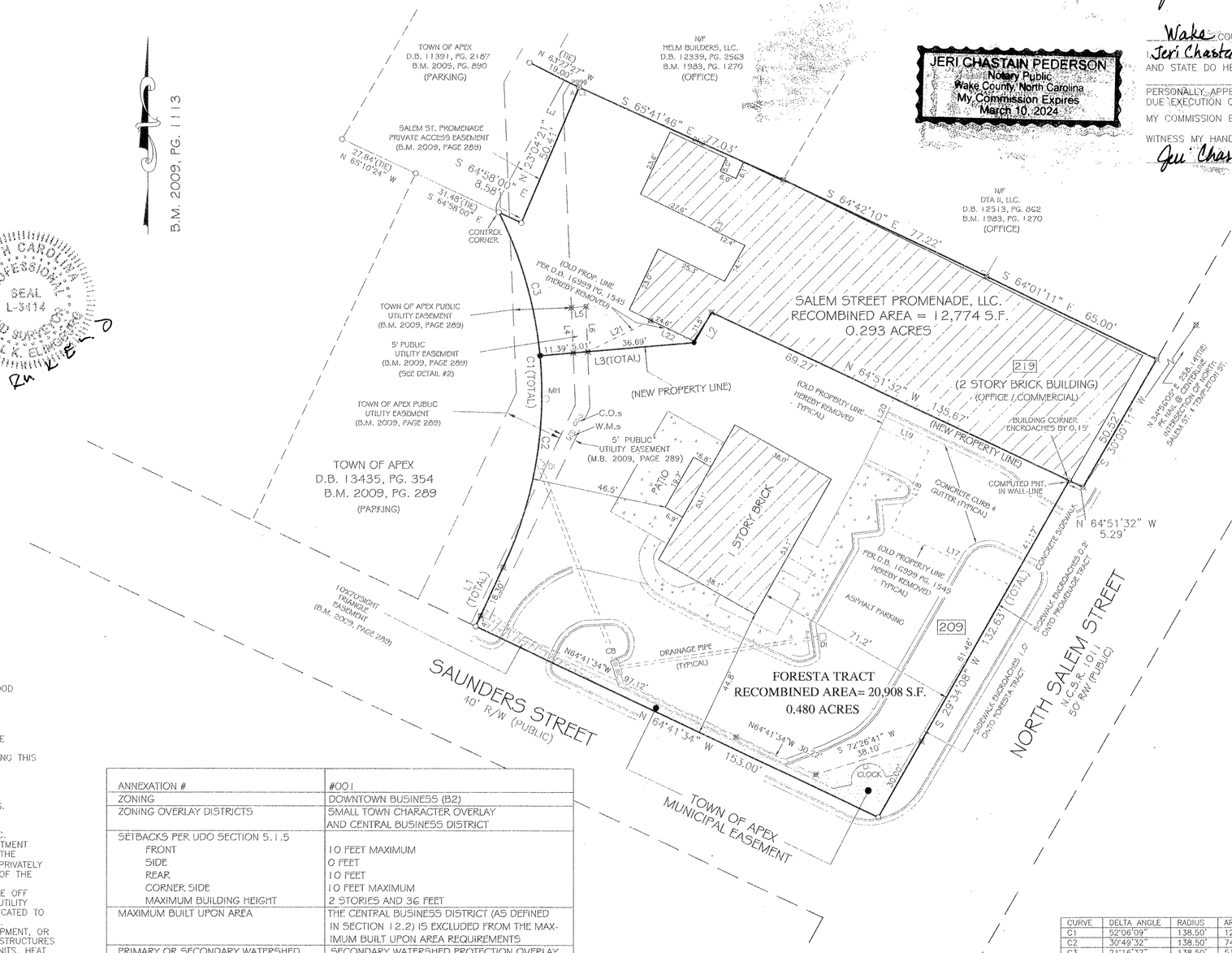
NORTH CAROLINA PROFESSIONAL SEAL L-3414 LAND SURVEYOR RUSSELL K. ELINGBURG

I, RUSSELL K. ELINGBURG, PROFESSIONAL LAND SURVEYOR NO. L-3414, CERTIFY THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

R. K. Elingburg P.L.S. (L-3414)

WAKE COUNTY, NC 7
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
06/22/2020 09:27:52
BOOK:BM2020 PAGE:00944

B.M. 2009, PG. 1113



LINE	BEARING	DISTANCE
L1	N 24°50'54" E	22.30'
L2	S 29°58'32" W	12.00'
L3	S 85°12'14" W	53.09'
L4	N 02°19'55" W	15.54'
L5	N 85°12'14" E	5.00'
L6	S 02°19'55" E	15.54'
L7	N 02°19'55" W	1.21'
L8	N 02°19'55" W	15.53'
L9	N 89°05'26" E	5.86'
L10	S 00°54'34" E	15.53'
L11	S 89°05'26" W	5.27'
L12	S 64°51'32" E	5.64'
L13	S 02°19'55" E	18.57'
L14	N 02°19'55" W	21.39'
L15	S 08°22'48" E	10.52'
L16	S 81°37'12" W	29.23'
L17	N 64°49'27" W	44.86'
L18	N 25°10'33" E	29.78'
L19	N 64°49'27" W	18.38'
L20	N 25°10'33" E	11.23'
L21	N 63°51'40" E	24.07'
L22	S 63°15'48" E	16.75'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	52°06'09"	138.50'	125.95'	67.70'	121.65'	S 00°42'55" E
C2	30°49'32"	138.50'	74.51'	38.18'	73.62'	N 09°55'24" E
C3	21°16'37"	138.50'	51.43'	26.02'	51.14'	N 16°07'41" W

NOTES:
1. NO N.C. GRID MONUMENT FOUND WITHIN 2000'.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. AREAS BY COORDINATE COMPUTATION.
4. THIS SURVEY WAS PERFORMED AND PLAT PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH PROVIDED BY A LICENSED NORTH CAROLINA ATTORNEY. THIS SURVEY IS SUBJECT TO ANY FACTS AND/OR EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
5. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP # 3720074200J (EFFECTIVE DATE MAY 2, 2006).
6. PROPERTIES ARE ZONED B2-DOWNTOWN BUSINESS AND STC – SMALL TOWN CHARACTER OVERLAY DISTRICT.
7. OTHER IMPROVEMENTS EXIST ON PROPERTY AND NOT SHOWN THIS DATE.
8. UNDERGROUND UTILITIES (OTHER THAN THOSE ACCESSIBLE THROUGH SURFACE STRUCTURES) NOT SHOWN HEREON.
9. NO EASEMENTS OF RECORD FOUND FOR UNDERGROUND UTILITY LINES CROSSING THIS SITE WHICH SERVE OTHER PROPERTIES.
10. WHERE TOWN OF APEX PUBLIC UTILITIES ARE INSTALLED WITHIN EASEMENTS CROSSING PRIVATE PROPERTY, THE TOWN'S PUBLIC WORKS DEPARTMENT SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF INSPECTING, REPAIRING, OR REPLACING THE SEWER MAIN AND APPURTENANCES. WHERE PAVED PRIVATE STREETS, DRIVEWAYS, PARKING LOTS, ETC. HAVE BEEN INSTALLED OVER PUBLIC SEWER MAINS, THE TOWN OF APEX SHALL NOT BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF PAVEMENT, CURBING, ETC. WHICH MUST BE REMOVED TO FACILITATE REPAIRS. THE PUBLIC WORKS DEPARTMENT SHALL EXCAVATE AS NECESSARY TO MAKE THE REPAIR, AND SHALL BACKFILL THE DISTURBED AREA TO APPROXIMATELY THE ORIGINAL GRADE. REPLACEMENT OF PRIVATELY OWNED PAVEMENT, CURBING, WALKWAYS, ETC. SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR HOMEOWNER'S ASSOCIATION.
11. ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENTS PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
12. NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPOUNDMENT UPON TOWN OF APEX PUBLIC UTILITY EASEMENTS. PROHIBITED STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: BUILDINGS, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, DECKS, GARAGES, STORAGE/TOOL SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL MECHANISMS/APPURTENANCES, AND FENCES. UPON PRIOR WRITTEN APPROVAL BY THE PUBLIC WORKS DEPARTMENT, FENCES MAY BE PERMITTED ACROSS EASEMENTS; PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
13. NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT.
14. PARCELS ARE LOCATED WITHIN THE SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT.
15. CONTACT THE PLANNING DEPARTMENT TO GET A COPY OF THE ZONING CONDITIONS.

ANNEXATION #	#0011
ZONING	DOWNTOWN BUSINESS (B2)
ZONING OVERLAY DISTRICTS	SMALL TOWN CHARACTER OVERLAY AND CENTRAL BUSINESS DISTRICT
SETBACKS PER UDO SECTION 5.1.5	
FRONT	10 FEET MAXIMUM
SIDE	0 FEET
REAR	10 FEET
CORNER SIDE	10 FEET MAXIMUM
MAXIMUM BUILDING HEIGHT	2 STORIES AND 36 FEET
MAXIMUM BUILT UPON AREA	THE CENTRAL BUSINESS DISTRICT (AS DEFINED IN SECTION 12.2) IS EXCLUDED FROM THE MAXIMUM BUILT UPON AREA REQUIREMENTS
PRIMARY OR SECONDARY WATERSHED	SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT

OWNER:
FORESTA TRACT
JOSEPH FORESTA
5448 APEX PEAKWAY
APEX, N.C. 27502

OWNER:
SALEM STREET PROMENADE, LLC
219 N. SALEM STREET
SUITE 202
APEX, N.C. 27502

SCALE : 1" = 30'
0 30' 60' 90'

RECORDED IN BOOK OF MAPS 2020 PAGE 944 WAKE COUNTY REGISTRY.

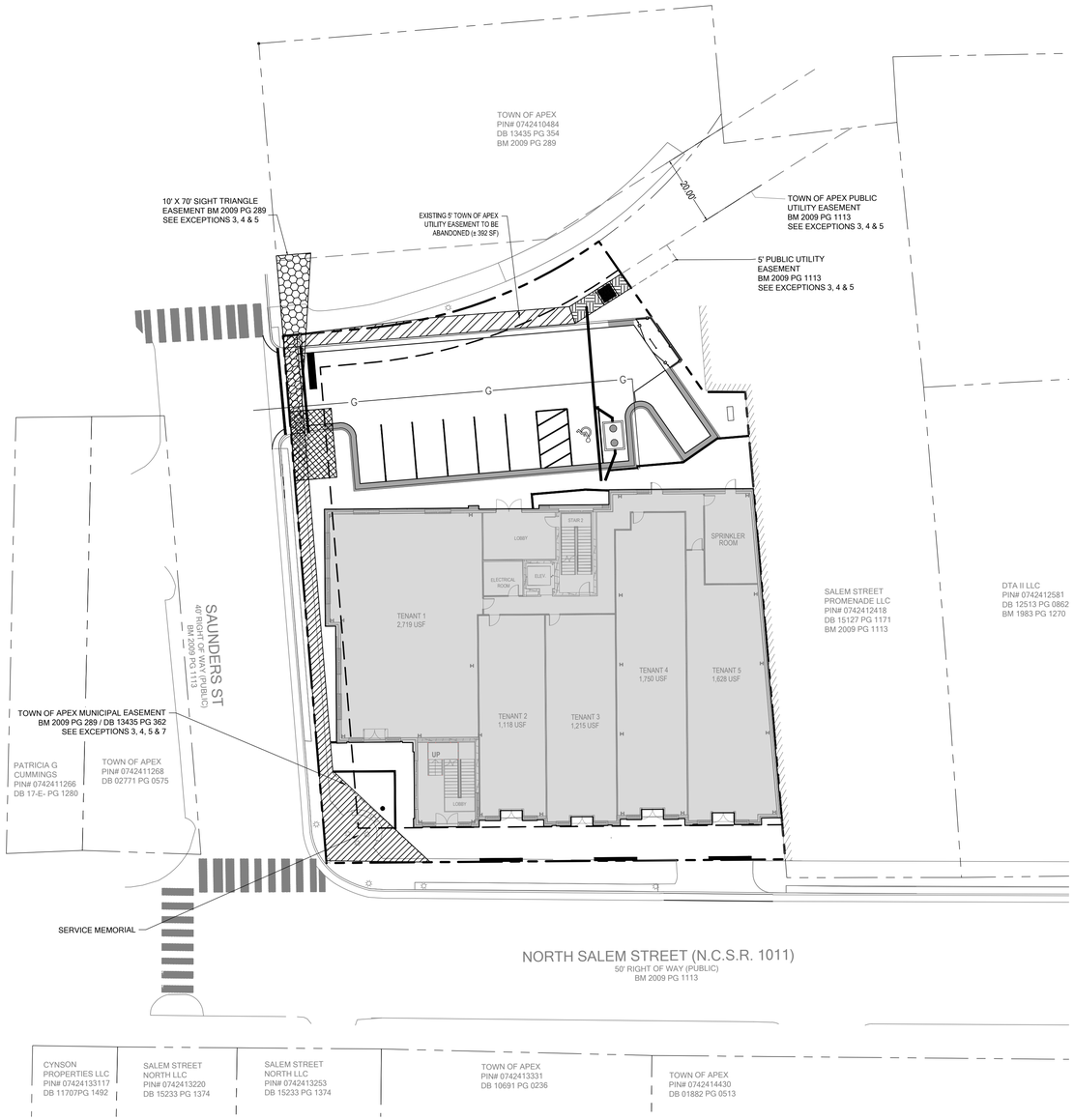
ELSC
ELINGBURG LAND SURVEY CO., P.A.
RESIDENTIAL - COMMERCIAL
P.O. BOX 2262
APEX, NORTH CAROLINA 27502
PHONE (919) 796-0205

SHEET 1 OF 1

TITLE :
RECOMBINATION PLAT
FOR
JOSEPH FORESTA &
SALEM STREET PROMENADE, LLC
WHITE OAK TOWNSHIP WAKE COUNTY NORTH CAROLINA

DATE	REVISIONS	BY
6/10/20	TOWN COMMENTS	RE

DATE : 25 MAY 2020
SCALE : 1" = 30'
DRAWN BY : RKE
CHECKED BY : RUSS ELINGBURG
FILE NAME : PROMENADE-RECOM-2020.DWG



EASEMENT LEGEND

	5' PUBLIC UTILITY EASEMENT TO BE ABANDONED
	5' PUBLIC UTILITY EASEMENT TO REMAIN
	PROPOSED TOWN OF APEX PUBLIC UTILITY EASEMENT
	EXISTING TOWN OF APEX MUNICIPAL EASEMENT

N

0 10' 20' 40'
SCALE: 1" = 20'

811
Know what's below.
Call before you dig.

REV | DE | RI | ON

DESIGNED BY: W
DRAWN BY: W
REVIEWED BY: L

BGE
5440 WADE PARK BLVD, SUITE 102
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

O D N INVE MEN
OM NY
2000 REGENCY PARKWAY, SUITE 435
CARY, NC 27518

LEM REE
MI ED E
209 N. SALEM STREET
APEX, NC

E EMEN
NDONMEN E I I

FILE N M ER
D E

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 23, 2022

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated July 05, 2022.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on August 15, 2022, approved and accepted the enclosed tax report for the Town of Apex, dated July 05, 2022.

Attachments

- Tax Report

WAKE COUNTY
NORTH CAROLINA

Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SIG HUTCHINSON, CHAIR
SHINICA THOMAS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
MARIA CERVANIA
SUSAN EVANS
JAMES WEST

August 16, 2022

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 August 15, 2022, 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,

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Board Report

Return

Date : 08/08/2022

Approved By : W. Pat J

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	TW APEX REAL ESTATE LLC PO BOX 498 BONAIRE GA, 31005	0006914805- 2021- 2021- 000000	City County	3,885.24 5,977.29	9,862.53	10,133.75	Refund
	Marcus D. Kinrade **Wake County Tax Administrator**		Total City Rebated Total County Rebated **Total Rebate/Refund**	3,885.24 5,977.29	9,862.53	10,133.75	

CC:
***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
NORTH CAROLINA

Wake County Tax Administration
Rebate Details
06/01/2022 - 06/30/2022
APEX

DATE	TIME	PAGE
07/05/2022	12:57:01 PM	1

BUSINESS REAL ESTATE ACCOUNTS

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
817715	2.42	0.00	0.00	0.00	2.42	06/15/2022	0000369994	2015	2015	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817738	3.51	0.00	0.00	0.00	3.51	06/15/2022	0000369997	2021	2021	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817717	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369994	2018	2018	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817718	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369994	2017	2017	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817719	3.42	0.00	0.00	0.00	3.42	06/15/2022	0000369994	2020	2020	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817720	3.51	0.00	0.00	0.00	3.51	06/15/2022	0000369994	2021	2021	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817721	2.42	0.00	0.00	0.00	2.42	06/15/2022	0000369995	2015	2015	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817722	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369995	2016	2016	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817723	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369995	2017	2017	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817724	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369995	2018	2018	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817725	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369995	2019	2019	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817726	3.51	0.00	0.00	0.00	3.51	06/15/2022	0000369995	2021	2021	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817728	2.42	0.00	0.00	0.00	2.42	06/15/2022	0000369996	2015	2015	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817729	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369996	2016	2016	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS REAL ESTATE ACCOUNTS											
817730	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369996	2017	2017	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817731	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369996	2018	2018	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817732	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369996	2019	2019	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817733	3.51	0.00	0.00	0.00	3.51	06/15/2022	0000369996	2021	2021	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817734	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369997	2016	2016	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817735	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369997	2017	2017	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817736	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369997	2018	2018	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817737	2.91	0.00	0.00	0.00	2.91	06/15/2022	0000369997	2019	2019	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
817716	2.66	0.00	0.00	0.00	2.66	06/15/2022	0000369994	2016	2016	000000	WHITEHALL VILLAGE HOMEOWNERS ASSOCIATION
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	**66.37**	**0.00**	**0.00**	**0.00**	**66.37**		**23**	**Properties Rebated**			
DMV ACCOUNTS											
817346	5.07	2.08	0.00	0.00	7.15	06/02/2022	0511214943	2011	2011	000000	PELLETIER, KEVIN MARK

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
SUBTOTALS FOR DMV ACCOUNTS	**5.07**	**2.08**	**0.00**	**0.00**	**7.15**	**1**	**Properties Rebated**				
INDIVIDUAL PROPERTY ACCOUNTS											
817579	6.11	0.00	0.61	0.00	6.72	06/06/2022	0006827164	2020	2020	000000	ZIMMERMANN, WILLIAM ANDREW
819350	22.95	30.00	0.00	0.00	52.95	06/27/2022	0006917582	2021	2020	000000	HOLLINGSWORTH, JAIVER LAMAR
818850	160.49	30.00	0.00	0.00	190.49	06/21/2022	0006969463	2022	2021	000000	OLDJA, RYAN TED
817578	7.41	0.00	0.74	0.00	8.15	06/06/2022	0006827164	2019	2019	000000	ZIMMERMANN, WILLIAM ANDREW
817580	5.64	0.00	0.56	0.00	6.20	06/06/2022	0006827164	2021	2021	000000	ZIMMERMANN, WILLIAM ANDREW
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**202.60**	**60.00**	**1.91**	**0.00**	**264.51**	**5**	**Properties Rebated**				
WILDLIFE BOAT ACCOUNTS											
819613	93.90	0.00	9.39	0.00	103.29	06/29/2022	0004206064	2021	2021	000000	RICE, OLIVIA MARLOWE
817577	40.52	0.00	4.05	0.00	44.57	06/06/2022	0004194087	2020	2020	000000	ZIMMERMANN, WILLIAM ANDREW
817576	48.63	0.00	4.86	0.00	53.49	06/06/2022	0004194087	2019	2019	000000	ZIMMERMANN, WILLIAM ANDREW

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	183.05	0.00	18.30	0.00	201.35		3 Properties Rebated				
TOTAL REBATED FOR APEX	457.09	62.08	20.21	0.00	539.38		32 Properties Rebated for City				

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: August 23, 2022

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

Receive as information an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds.

Approval Recommended?

Yes

Item Details

At its April 27th 2021 meeting the Council established the Town's Customer Assistance Program (CAP) to assist utility customers behind on their bills due to the economic hardships caused by COVID 19. The Town appropriated $503,000 for assistance, allowing qualified applicants to receive up to $636 in assistance if they met the CAP's eligibility requirements. The Town contracted with Western Wake Crisis Ministry, Inc. to make eligibility determinations. Assistance was initially given out in June, 2021.

In addition, Council will receive an update on the financial condition and operating results of the Town's major funds (General Fund, Electric Fund and Water Sewer Fund) through the fiscal year ended June 30, 2022.

Attachments

- PowerPoint August 23, 2022 Finance Update



Financial Update: Town of Apex

August 23, 2022

Write Offs and Delinquent Accounts as of June 30, 2022

Fund	Write Offs FY 22	Accounts 90+ Days Past Due
General	$35,086	$12,982
Electric	364,453	178,056
Water Sewer	138,442	61,407
Total December 31, 2021	$537,981	$252,445
Percentage of Cumulative Revenues	.34%	.16%

Summary of CAP Awards

	Through July 31, 2022
Number of Awards Given	327
Assistance Given	$144,062
Average Assistance per Approval	$441

Approval by Income Level New Eligibility Standards

HUD Area Median Income Raleigh Metro Stat. Area	Number of Approvals
0 to 40% (Family of Four $30,620)	78
41 to 50% (Family of Four $38,275)	4
51 to 60% (Family of Four $45,930)	6
61 to 70% (Family of Four $53,585)	3
71 to 80% (Family of Four $61,240)	1

Available Funds as of July 31, 2022

Original Appropriation	Awards	Eligibility Determination	Remaining Balance
$549,675	$144,062	$40,230	$365,383

General Fund Results June 30, 2022

Revenues	Budget	Actual	Percentage
Taxes	$58,666,100	$59,941,231	102%
Intergovernmental	6,587,500	5,996,503	91%
Services and Fees	10,344,200	10,957,129	106%
Miscellaneous	451,977	840,347	186%
Transfers In	738,162	600,000	81%
Appropriated Fund Balance	9,123,729	-	0%
Total	$85,911,668	$78,335,210	91%

General Fund Results (Continued)

Expenditures	Budget	Actual	Percentage
Personnel	$42,127,855	39,121,761	93%
Operations	22,084,028	15,305,848	69%
Capital Outlay	7,913,720	3,744,780	47%
Debt Service	7,645,065	7,322,038	96%
Transfers Out	5,991,000	5,991,000	100%
Contingency	150,000	-	0%
Total	$85,911,668	$71,485,427	83%
Net Result of Operations		$6,849,783	

Electric Operating Fund Results
June 30, 2022

		Budget	Actual	Percentage
Revenues	Sales Revenue	$42,905,000	$42,980,729	100%
	Other Revenues	3,871,200	4,074,782	105%
	Fund Balance Appropriated	337,125	-	0%
	Total	$47,113,325	$47,055,511	100%
Expenditures	Purchases for Resale	$29,558,800	$30,535,256	103%
	Operations	10,780,712	10,187,354	94%
	Capital Outlay	4,225,013	3,751,937	89%
	Transfers Out	1,000,000	600,000	60%
	Debt Service	1,248,800	1,249,969	100%
	Contingency	300,000	-	0%
	Total	$47,113,325	$46,324,516	98%
		Net Results	$730,995	

Water Sewer Operating Fund Results
June 30, 2022

		Budget	Actual	Percentage
Revenues	Sales Revenue	$22,452,000	23,879,791	106%
	Other Revenues	758,070	750,068	99%
	Fund Balance Appropriated	1,743,140	-	0%
	Total	$24,953,210	$24,629,859	99%
Expenditures	Purchases for Resale	$4,235,000	$3,675,208	87%
	Operations	12,388,865	10,850,559	88%
	Capital Outlay	3,120,083	1,399,345	45%
	Debt Service	3,721,100	3,712,167	100%
	Transfers Out	1,338,162	1,200,000	90%
	Contingency	150,000	-	0%
	Total	$24,953,210	$20,837,279	84%
		Net Results	$3,792,580	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

Public hearing and possible motion to adopt an Order extending a Bond Order authorizing $15,000,000 of Street and Sidewalk Improvement General Obligation Bonds and directing the Town Clerk to publish the Order.

Approval Recommended?

Yes

Item Details

The Council previously approved the submission of an application to extend the Bond Order authorizing the $15,000,000 Street and Sidewalk Improvement Bonds to the Local Government Commission. That application was approved by the Commission on July 12, 2022. The Bond Order was originally approved by voters on November 3, 2015 and will expire seven years after that date. The Order under consideration would extend the Bond Order for an additional three years. The Resolution also directs the Town Clerk to publish the Order and a Notice that that the order was adopted, will take effect in 30 days and any action questioning the validity of the order must be originated within 30 days of the publication of the Notice.

Attachments

- Public Hearing Adopt Order 2022 Apex GO Extension
- Adopted Bond Order Apex 2022 GO Extension (2015 Streets)

The Town Council of the Town of Apex, North Carolina met in a regular meeting in the Council Chambers of the Town Hall located at 73 Hunter Street in Apex, North Carolina, the regular place of meeting, at 6:00 p.m. on August 23, 2022.

Present: Mayor Jacques K. Gilbert, presiding, and Council Members

Absent: Council Members

Also present:

* * * * * *

_____ announced that this was the hour and day fixed by the Town Council for the public hearing upon the proposed extension of the bond order entitled "ORDER AUTHORIZING $15,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS" and that the Town Council would immediately hear anyone who might wish to be heard on the question of whether the maximum time period for issuing bonds under such bond order should be extended from seven years to 10 years.

A list of all persons making comments and a summary of such comments are attached as Exhibit A.

The public hearing was closed.

All statements and comments by participants at the public hearing were duly considered by the Town Council.

Thereupon, Council Member _____ introduced the following order the title of which was read and a copy of which had been distributed to each Council Member.

ORDER AUTHORIZING THE EXTENSION OF A BOND ORDER AUTHORIZING $15,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS OF THE TOWN OF APEX, NORTH CAROLINA

BE IT ORDERED by the Town Council (the "Town Council") of the Town of Apex, North Carolina (the "Town"):

1. That, after a public hearing and due consideration by the Town Council, the maximum time period for issuing bonds under the order entitled "Order Authorizing $15,000,000 Street and Sidewalk Improvement Bonds" of the Town, adopted by the Town Council on September 1, 2015, and approved by the vote of a majority of the qualified voters of the Town who voted thereon at a referendum duly called and held on November 3, 2015, is hereby extended from seven years to 10 years after the date such order has taken effect.

2. That this order shall take effect 30 days from the date of publication of said order.

Upon motion of Council Member _____, seconded by Council Member _____, the order entitled "ORDER AUTHORIZING THE EXTENSION OF A BOND ORDER AUTHORIZING $15,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS OF THE TOWN OF APEX, NORTH CAROLINA" was adopted by the following vote:

Ayes:_____

_____

Noes:_____

_____

The Town Clerk was thereupon directed to publish said order, together with the appended statement as required by §159-64 of the General Statutes of North Carolina, as amended, once in The News and Observer.

* * * * * *

I, Allen Coleman, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on August 23, 2022, as it relates in any way to the holding of a public hearing and the adoption of an order authorizing the extension of a bond order authorizing street and sidewalk improvement bonds of said Town, and that said proceedings are to be recorded in the minutes of said Town Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 23rd day of August, 2022.

_____

Town Clerk

[SEAL]

EXHIBIT A

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]

TO THE PUBLISHER OF THE NEWS AND OBSERVER:

Please publish the following once in The News and Observer on Friday, August 26, 2022:

ORDER AUTHORIZING THE EXTENSION OF A BOND ORDER AUTHORIZING $15,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS OF THE TOWN OF APEX, NORTH CAROLINA

BE IT ORDERED by the Town Council (the "Town Council") of the Town of Apex, North Carolina (the "Town"):

1. That, after a public hearing and due consideration by the Town Council, the maximum time period for issuing bonds under the order entitled "Order Authorizing $15,000,000 Street and Sidewalk Improvement Bonds" of the Town, adopted by the Town Council on September 1, 2015, and approved by the vote of a majority of the qualified voters of the Town who voted thereon at a referendum duly called and held on November 3, 2015, is hereby extended from seven years to 10 years after the date such order has taken effect.

2. That this order shall take effect 30 days from the date of publication of said order.

The foregoing order was adopted on the 23rd day of August, 2022, and is hereby published this 26th day of August, 2022. Any action or proceeding questioning the validity of such order must be begun within 30 days after the date of publication of this notice.

Allen Coleman
Town Clerk
Town of Apex, North Carolina

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

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 Adams Property Planned Unit Development (PUD) containing 23.92 acres, Annexation No. 733 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition

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. 2022-082
ANNEXATION PETITION NO. #733
Adams Property Planned Unit Development (PUD) – 23.92 acres

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 23, 2022, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 23, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Map for the Town of Apex (Parcel ID Number(s): 0710889798, 0710889126, & 0710879844 – Buckhorn Township, Wake County, North Carolina), dated May 20, 2022" and recorded in Book of Maps book number 2022 and page number , 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 23rd day of August, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING

AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-082, adopted at a meeting of the Town Council, on the 23rd day of August, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of August, 2022.

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (August 11, 2022) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **23rd day of August, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #733
Adams Property PUD – 23.92 acres



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. 733" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, August 23, 2022.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 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.

###

TWIN POND OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

VICINITY MAP
NOT TO SCALE



ANNEXATION # _____

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

_____
DAY/MONTH/YEAR

_____
_____, _____TOWN CLERK
-SEAL-

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S00° 06' 38"W	29.93'
L2	S00° 06' 38"W	29.94'
L3	N24° 57' 29"E	17.79'
L4	N17° 37' 41"E	13.06'
L5	S69° 29' 27"E	48.31'
L6	S71° 31' 34"E	62.60'
L7	S80° 38' 27"E	155.34'
L8	N88° 08' 07"E	151.09'
L9	N88° 08' 07"E	100.54'
L10	N89° 10' 19"E	66.34'
L11	S00° 48' 29"E	29.86'
L12	N00° 48' 29"W	30.00'

CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.06'
TYPE OF GPS FIELD PROCEDURE: NC REAL TIME NETWORK
DATES OF SURVEY: JANUARY 2022
DATUM/EPOCH: NAD83 / NSRS 2011 / SPC
GEOID MODEL: 18
COMBINED GRID FACTOR(S): 0.99988951
UNITS: US SURVEY FEET

NOTES

1. THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY COMPANY UNDER THE SUPERVISION OF STEVEN P. CARSON, PLS.

2. ALL DISTANCE ARE HORIZONTAL GROUND DISTANCE AND ALL BEARINGS ARE BASED ON GPS OBSERVATIONS, NAD83 / NSRS 2011 / SPC, UNLESS OTHERWISE SHOWN.

3. PROPERTY LIES IN ZONE "X" PER NATIONAL INSURANCE PROGRAM FLOOD INSURANCE RATE MAP# 3720071000K, DATED 02/02/2007.

4. SITE ZONED IN WAKE COUNTY"R-40W" PER WAKE COUNTY GIS.

5. AREAS COMPUTED BY COORDINATE METHOD.

6. THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

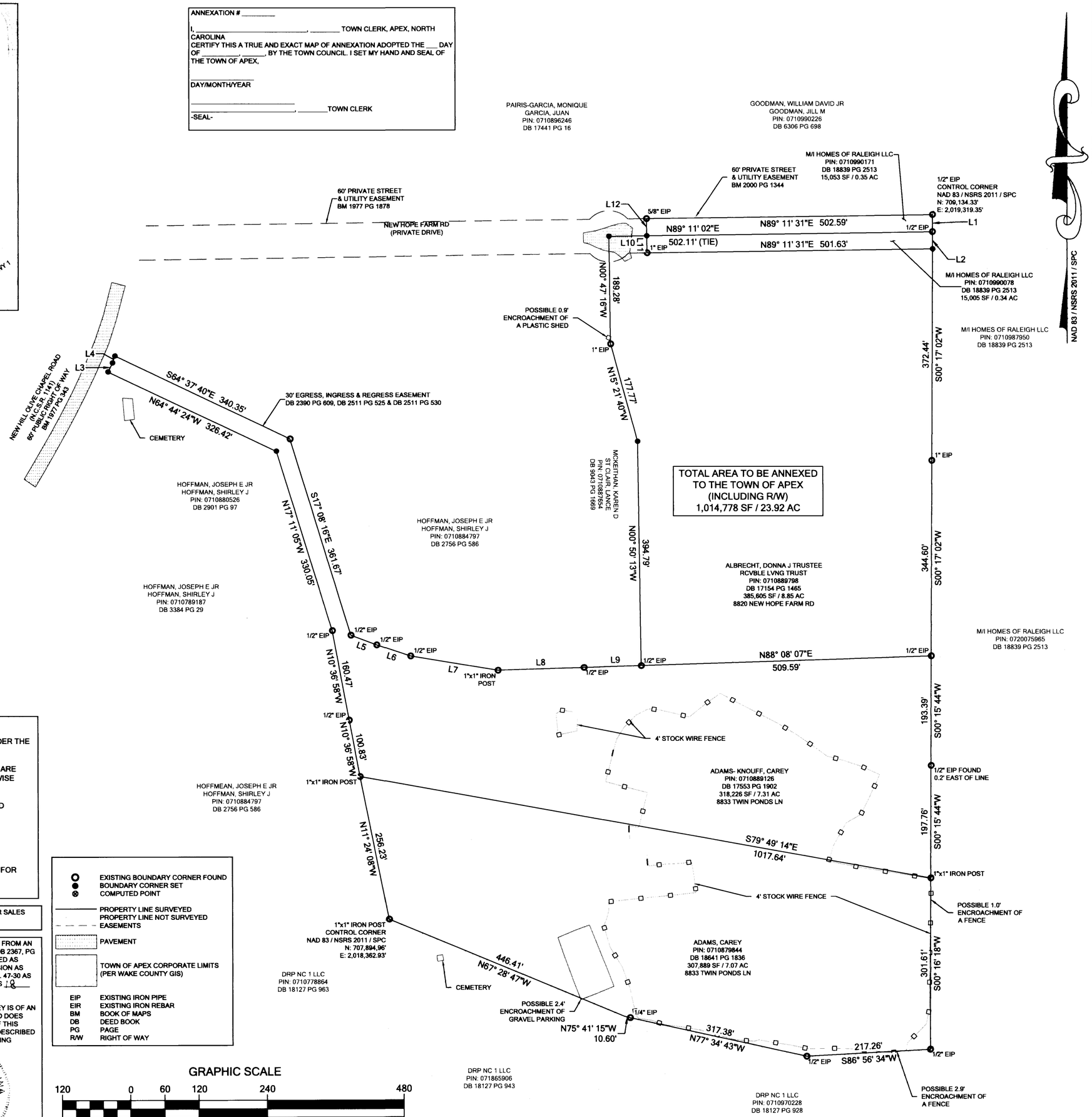
THIS MAP IS CONSIDERED PRELIMINARY, NOT FOR RECORDATION, CONVEYANCE OR SALES UNLESS SIGNED AND SEALED BY THE LICENSED SURVEYOR.

I, STEVEN P. CARSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB 2367, PG 693 & DB 7883 PG 737); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS SHOWN HERE ON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 18 DAY OF JULY, A.D., 2022.

I, FURTHER THAT IN ACCORDANCE WITH G.S. 47-30-F-11-C-1; CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSE OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

NORTH CAROLINA PROFESSIONAL SEAL L-4752 LAND SURVEYOR STEVEN P. CARSON

7/18/22
STEVEN P. CARSON, PLS — DATE
NC LICENSE NO. L-4752



EXISTING BOUNDARY CORNER FOUND
BOUNDARY CORNER SET
COMPUTED POINT
PROPERTY LINE SURVEYED
PROPERTY LINE NOT SURVEYED
EASEMENTS
PAVEMENT
TOWN OF APEX CORPORATE LIMITS (PER WAKE COUNTY GIS)

EIP	EXISTING IRON PIPE
EIR	EXISTING IRON REBAR
BM	BOOK OF MAPS
DB	DEED BOOK
PG	PAGE
R/W	RIGHT OF WAY

GRAPHIC SCALE

120 0 60 120 240 480

(IN FEET)
1 inch = 120 ft.

BATEMAN CIVIL SURVEY COMPANY
ENGINEERS • SURVEYORS • PLANNERS
2524 RELIANCE AVENUE, APEX, NC 27539
PHONE: (919) 577-1080 FAX: (919) 577-1081
INFO@BATEMANCIVILSURVEY.COM
NCBELS FIRM# C-2378

ANNEXATION MAP
FOR THE TOWN OF APEX

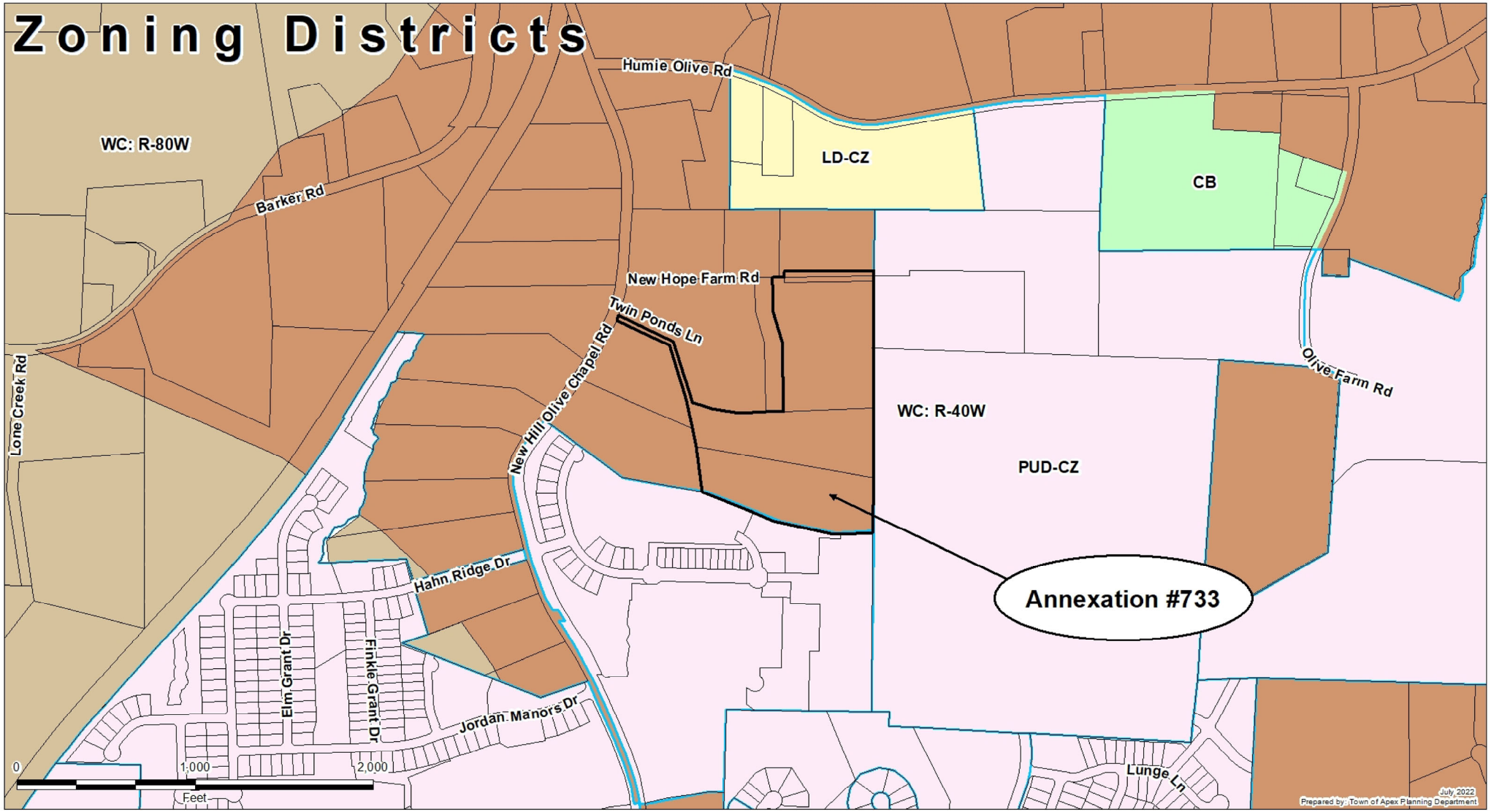
PARCEL ID NUMBER(S): 0710889798, 0710889126 & 0710879844
AS RECORDED IN DB 17154 PG 1465,
DB 17553 PG 1902 & DB 18641 PG 1836
BUCKHORN TWSP • WAKE COUNTY • NORTH CAROLINA

REVISIONS
1.
2.
3.
4.
5.

DESIGNED BY: N/A
DRAWN BY: JKF
CHECKED BY: SPC
SCALE: 1" = 120'
DATE: 05/20/2022
JOB NUMBER: 210860

SHEET 1 OF 1


Annexation #733
Barker Rd
New Hope Farm Rd
Twin Ponds Ln
New Hill Olive Chapel Rd
Retreat at Friendship
Jordan Manors
Delphi Grove Aly
Mission Olive Pl
Olive Ridge
Hahn Ridge Dr
0
500
1,000
Feet
May 2022 Aerial Photography
July 2022
Prepared by: Town of Apex Planning Department


Zoning Districts
Humie Olive Rd
WC: R-80W
LD-CZ
CB
Barker Rd
New Hope Farm Rd
Twin Ponds Ln
Lone Creek Rd
New Hill Olive Chapel Rd
Olive Farm Rd
WC: R-40W
PUD-CZ
Annexation #733
Hahn Ridge Dr
Elm Grant Dr
Finkle Grant Dr
Jordan Manors Dr
Lunge Ln
0
1,000
2,000
Feet
July, 2022
Prepared by: Town of Apex Planning Department

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Carey Adams-Knouff Owner Name (Please Print)	0710-88-9126 & 0710-87-9844 Property PIN or Deed Book & Page #
(919)308-9546 Phone	careyak@icloud.com E-mail Address
Donna J. Albrecht - Trustee Owner Name (Please Print)	0710-88-9798 Property PIN or Deed Book & Page #
(919)362-5516 Phone	N/A (Son's = tomnchd@gmail.com) E-mail Address
M/I Homes of Raleigh LLC Owner Name (Please Print)	0710-99-0078 & 0710-99-0171 Property PIN or Deed Book & Page #
(919) 233-5725 Phone	eleatham@mihomes.com E-mail Address

SURVEYOR INFORMATION

Surveyor: BATEMAN CIVIL SURVEY CO.

Phone: (919) 577-1080 Fax: _____

E-mail Address: JEFF.BAKER@BATEMANCIVILSURVEY.COM

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	23.92 AC.	Need water service due to well failure	☐
Population of acreage to be annexed:	UNKNOWN	Need sewer service due to septic system failure	☐
Existing # of housing units:	2	Water service (new construction)	☑
Proposed # of housing units:	~65	Sewer service (new construction)	☑
Zoning District*:	PUD-CZ (PROPOSED)	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Carey Adams-Knouff — Please Print

x _____ — Signature

_____ — Please Print

_____ — Signature

_____ — Please Print

_____ — Signature

_____ — Please Print

_____ — Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sara S. Clifton, a Notary Public for the above State and County, this the 6th day of, April, 2022.

SEAL

Notary Public

My Commission Expires: January 10, 2025

COMPLETE IF BY CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Donna J. Albrecht, Trustee — x Donna J. Albrecht, Trustee
Please Print — Signature

_____ — _____
Please Print — Signature

_____ — _____
Please Print — Signature

_____ — _____
Please Print — Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sara S. Clifton, a Notary Public for the above State and County, this the 5th day of, April, 2022.

Sara S. Clifton
Notary Public

SEAL
SARA S. CLIFTON
NOTARY
PUBLIC
WAKE COUNTY, N.C.

My Commission Expires: January 10, 2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, m/I Homes of Raleigh, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 4th day of April, 2022.

Name of Limited Liability Company m/I Homes of Raleigh, LLC

By: X _____
Signature of Member/Manager

Ryan Shears, Area President

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sara S. Clifton, a Notary Public for the above State and County, this the 4th day of April, 2022.

Sara S. Clifton
Notary Public

SARA S. CLIFTON NOTARY PUBLIC WAKE COUNTY, N.C.

My Commission Expires: January 10, 2025

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20_____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ08 Adams Property PUD and Ordinance. The applicant, M/I Homes of Raleigh, LLC, seeks to rezone approximately 23.92 acres from Wake County Residential-40W (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0710889798, 0710990078, 0710990171, 0710889126, 0710879844.

Attachments

- Staff Report
- Vicinity Map
- Application

All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0, 0 & 8820 New Hope Farm Road and 8841 & 8833 Twin Ponds Lane
Applicant/Agent: M/I Homes of Raleigh, LLC
Owners: M/I Homes of Raleigh, LLC; Carey Adams; Carey Adams-Knouff; Donna J. Albrecht Revocable Living Trust

PROJECT DESCRIPTION:

Acreage: ±23.92 acres
PINs: 0710990078, 0710990171, 0710889798, 0710889126, 0710879844
Current Zoning: Wake County Residential-40W (R-40W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: Currently in Wake County jurisdiction; to be annexed with rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential (R-40W)	Single-family Residential
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ34)	Single-family Residential (Olive Ridge subdivision)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ16)	Vacant; Single-family Residential (Retreat at Friendship)
West:	Wake County Residential (R-40W)	Vacant; Single-family Residential

EXISTING CONDITIONS:

The properties are situated on the east side of New Hill Olive Chapel Road, north of the Olive Ridge subdivision, and west of the Retreat at Friendship subdivision. The properties contain two single-family homes, several accessory structures, two existing ponds and one stream with a riparian buffer.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on March 29, 2022. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject properties as Low Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated.

School expansion or construction within the next five years may address concerns at the elementary and high school grade levels.

PLANNED UNIT DEVELOPMENT PLAN:
The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

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

Residential Uses:
- Single-family
- Accessory Apartment

Recreation Uses:
- Recreation Facility, private
- Greenway
- Park, active
- Park, passive
- Utility, minor

Proposed Design Controls:
Proposed Land Area: 23.23acres
Maximum Number of units: 66 units
Maximum Density: 2.8 units per acre
Maximum Building Height: 45 feet, 3 stories
Maximum Built-Upon Area**:** 60%
Minimum Lot Size: 4,000 sq ft
Minimum Lot Width: 40 feet

Setbacks:

Minimum Setbacks	
Front	10’
Rear	20’
Side	5’
Corner	5’
From Buffer/RCA	10’ for Buildings; 5’ for Parking Areas
Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.	

Proposed RCA & Buffers:
The proposed Adams Property PUD is located west of the Highway 540 Corridor and is required to provide a minimum 30% of RCA for the residential development. If the property is mass graded, an additional 5% RCA per UDO Section 7.2.5.B will be required.

Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual or approved by Planning Department Staff. Where possible, the developer shall also provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall in required planting or landscape areas.

Perimeter Buffers	UDO Required	PUD Proposed
Private New Hope Farm Road:	0-foot	0-foot
Northern boundary:	20-foot Type B	20-foot Type B
Southern boundary:	20-foot Type B	10-foot Type B
Western boundary:	20-foot Type B	20-foot Type B 100-foot Type E
Eastern boundary:	15-foot Type A	10-foot minimum, 30-foot average Type B
Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.		

ZONING CONDITIONS:

The following conditions shall also apply:

1. A maximum of 66 residential units shall be permitted upon the property.
2. No covenant prohibiting the accessory apartment use shall encumber the property.
3. All single-family detached dwellings shall be pre-configured with conduit for future installation of roof-mounted solar PV panels.
4. Homes shall be designed to meet or exceed Energy Star requirements.
5. Signage shall be provided by any homeowner's association regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Signage or other marking shall be provided by any homeowner's association at the boundary of lots adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
7. Developer shall install at least three (3) pet waste stations within the community.
8. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
9. Any required outdoor lighting (e.g. amenities, signage, decorative walls/fences, etc.) shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. This condition shall not apply to the lighting on single-family homes or their accessory structures.
10. Construction traffic shall be prohibited from utilizing existing Twin Ponds Lane. Developer may erect a barrier or barriers on the property to prevent access to Twin Ponds Lane.

Architectural Standards

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with

administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
2. Residential areas will utilize brick, stone, and fiber cement plank siding.
3. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
4. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
5. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
6. Garage doors shall have windows, decorative details or carriage-style adornments on them.
7. The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
8. J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    - Windows
    - Bay window
    - Recessed window
    - Decorative window
    - Trim around the windows
    - Wrap around porch or side porch
    - Two or more building materials
    - Decorative brick/stone
    - Decorative trim
    - Decorative shake
    - Decorative air vents on gable
    - Decorative gable
    - Decorative cornice
    - Column
    - Portico
    - Balcony
    - Dormer
13. Front porches shall be a minimum of 5 feet deep.

NATURAL RESOURCE AND ENVIRONMENTAL DATA

The Property is within the Beaver Creek Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2022. According to the FEMA Floodplain Map # 3720071000K the majority of the subject property is located in the Zone X

(non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

PARKING
Parking for the development shall meet the requirements of UDO Section 8.3.

PUBLIC FACILITIES:
The proposed PUD shall be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. The development will be served water and sewer by the Town of Apex.

STORMWATER MANAGEMENT:
This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 6.1.7 of the UDO, such that:

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

SCMs shall not be located within NC DEQ required stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

The developer shall install pollinator-friendly flora within SCM planting areas, as permitted by the NC Department of Environmental Quality's SCM Manual.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:
The proposed PUD is consistent with the Apex Transportation Plan and Bicycle Pedestrian System Plan.

General Roadway Infrastructure

The road network will promote connectivity where possible to adjacent neighborhoods and undeveloped property. Connectivity to adjacent communities will be coordinated with existing or planned rights-of-way to Retreat at Friendship (Future Phase 10) to the east and Olive Ridge to the south. Opportunities for future connection have been shown to the west at New Hope Farm Road and the residential properties to the west. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

Transportation Improvements

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

<u>Humie Olive and New Hill Olive Chapel Road</u>

- Developer shall pay a fee in lieu in the amount of $25,000 toward the cost of the design,

right-of-way acquisition, and installation of a future traffic signal at the intersection of Humie Olive Road and New Hill Olive Chapel Road prior to platting 80% of the lots

Pedestrian Facilities

Sidewalks will be provided on both sides of streets internal to the site and along street frontage. The Bicycle and Pedestrian System Plan Map shows a 10-foot side path along the eastern side of New Hill Olive Chapel Road which the project area has approximately 30 linear feet of frontage upon. This project will not construct the side path along that frontage and instead will make a payment-in-lieu equal to $4,224.00 for the future installation of the side path.

AFFORDABLE HOUSING

This project does not include additional affordable housing units over those committed in the original Heelan Property PUD. The Heelan Property PUD requires 15 affordable housing finished townhouse ownership lots to be sold to Habitat for Humanity of Wake County (Habitat Wake) as part of the development of that property. Additionally, the developer of the Heelan Property PUD and the Adams Property PUD also is the developer of the Friendship Station PUD. The Friendship Station PUD requires 8 affordable townhouse ownership lots to be sold to Habitat Wake as part of the development of that property. Through these two developments a total of 23 affordable housing townhouse ownership units will be produced in Apex.

HOUSING STAFF RECOMMENDATION:

Staff is very proactive in (1) providing affordable housing documentation upfront to applicants, (2) reviewing applicant financial and project documentation and (3) working with applicants early in the process on the affordable housing rezoning condition to determine if there are opportunities to provide affordable units on-site. Currently the Town has limitations in regards to affordable housing such as (1) the inability to implement and enforce mandatory Inclusionary Housing Zoning, (2) no adopted Affordable Housing Incentive Zoning Policy to-date, (3) the inability to collect fee-in-lieu of onsite units or a donation to the Affordable Housing Fund, and (4) restrictive use of the Town's Affordable Housing Fund per North Carolina General Statues. For example, there was no recommendation for collection of an affordable housing fee to the Town's Affordable Housing Fund as a proposed affordable housing fee may be considered an impact fee. In North Carolina, impact fees must be specifically authorized by statute. The General Assembly has not yet specifically authorized impact fees for the purposes of affordable housing. In addition, per North Carolina General Statue § 157-3, if the Town chooses to provide financial assistance (i.e. Affordable Housing Fund grant for fee reimbursement), at least twenty-percent (20%) of the total housing units within the development must be set-aside as affordable housing units for the exclusive use of persons of low-income earning no more than sixty-percent (60%) AMI. This proposed development does not meet the North Carolina General 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 on several occasions, the applicant concluded that providing on-site affordable housing units was not financially feasible based on the economics of their financial pro-forma in this proposed development. Due to the applicant's analysis of their pro-forma and the limitations listed above, staff concluded that it was not recommended to request on-site affordable housing units in this proposed development.

ENVIROMENTAL ADVISORY BOARD:
The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on February 17, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	**Applicant's Response**
Add a zoning condition which minimizes tree clearing, stormwater control measure, or infrastructure in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities.	Added
Existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location.	Not Added
Install signage near environmental sensitive areas in order to: • Reduce pet waste near SCM drainage areas. • Eliminate fertilizer near SCM drainage areas.	Added
Increase pervious surface.	Added
Install pervious pavements where practicable (e.g. when parking maximums are exceeded).	Not Added
Install pet waste stations in neighborhoods.	Added
It is requested that the "solar options" sign (attached below) be added when the temporary construction sign permit is submitted for review.	Not Added
Pre-configure all homes with electrical conduit for solar PV per Town specifications.	Added
Five of the 62 homes shall be constructed with a solar PV system of minimum 4 kilowatts.	Not Added
Wire all garages with 220-volt outlets at the exterior to provide for EV charging stations.	Not Added
Minimize roof protrusions on roofs facing along the arc ESW (sides facing the sun) or/and concentrate the protrusions in one location where possible.	Not Added
Stormwater re-use application. • Integrate irrigation from the SCM (wet pond) on site, if possible.	Not Added
Increase biodiversity. • Plant pollinator-friendly flora. • Plant native flora (Refer to the Apex Design & Development Manual for approved native species).	Added
Implement green infrastructure. • Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall.	Added
Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.	Added
Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.	Added
Include International Dark Sky Association compliance standards for amenity areas, signage and other nonresidential uses.	Added

EAB Suggested Condition	Applicant's Response
• Outdoor lighting shall be shielded in a way that focuses lighting to the ground. • Lighting that minimizes the emission of blue light to reduce glare shall be used.	

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:
The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Adams Property PUD project at their May 25, 2022 meeting. The Commission made a recommendation for a fee-in-lieu of dedication with a credit for construction of greenway trail if an opportunity is identified at the time of Master Subdivision plan review and approval. The recommendation is based on the 2022-2023 rates:

Single Family Detached Units: $3,753.89/lot

Final PRCR amount will be coordinated with staff during Master Subdivision Plan and Construction Document reviews. Per Article 14 of the UDO, credit for greenway against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of rezoning #22CZ08 Adams Property PUD with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board heard this rezoning at August 8, 2022 meeting and unanimously recommended approval with the conditions as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the subject properties as Low Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

The proposed rezoning is reasonable and in the public interest in that the density, use, and architectural standards proposed are consistent with those to the south and east. The rezoning will encourage compatible development of the property and increase the tax base.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:
Standards

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

1. *Planned Unit Development (PUD-CZ) District*
   In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:
   a) *Development parameters*
      (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table.*
      (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
      (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
      (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
      (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
      (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
      (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
   b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
   c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced

by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

(i) A non-residential component;

(ii) An overall density of 7 residential units per acre or more; or

(iii) Environmental measures including but not limited to the following:

a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;

b. The installation of a geothermal system for a certain number or percentage of units within the development; or

c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).

d) *Landscaping*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision and* Article 14: *Parks, Recreation, Greenways, and Open Space*.

(i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.

(ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.

(iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

(iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.

g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.

h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.

i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.

k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

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

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

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

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

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

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

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

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

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

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

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

March 25, 2022

Joshua Reinke
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

Subject: **Staff summary and comments for the Twin Ponds Lane TIA, 02/28/2022**

Mr. Reinke:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The TIA studied access to the proposed development at the following intersections:

- Humie Olive Road and Heelan Driveway
- New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

The intersection of New Hill Olive Chapel Road and Humie Olive Road was also included in the study area for analysis in the TIA.

Trip Generation

The proposed development is expected to consist of up to 87 single-family homes. The development is projected to generate approximately 17 new trips entering and 50 new trips exiting the site during the weekday A.M. peak hour and 56 new trips entering and 33 new trips exiting the site during the weekday P.M. peak hour. The development is projected to add a total of 920 daily trips onto the adjacent roadway network.

Background traffic

Background traffic consists of 3% annual background traffic growth compounded to build out year 2025, and the following approved developments:

- Jordan Manors (75% built out, 25% remaining)
- Woodbury / Bristol Assemblage (75% built out, 25% remaining)
- Gracewood PUD
- Friendship Station PUD
- Belterra
- Olive Ridge
- Heelan Property

Trip Distribution and Assignment

The trip distributions to and from the development are as follows:

- 30% to/from the north via New Hill Olive Chapel Road
- 10% to/from the south via New Hill Olive Chapel Road
- 60% to/from the east via Humie Olive Road

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 3 describe the levels of service (LOS) for the scenarios analyzed in the TIA. *NA"* is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2021** - Existing year 2021 traffic counts adjusted to account for pandemic traffic conditions.
- **No Build 2025** Projected year (2025) with background growth, approved development traffic from others, and committed transportation improvements by others where applicable.
- **Build 2025 –** Projected year (2025) with background traffic, background improvements, and site build-out including recommended improvements where applicable.

Humie Olive Road and Heelan Driveway

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service Humie Olive Road and Heelan Driveway		
	No Build 2025	**Build 2025**
Overall	NA	NA
Eastbound (Humie Olive Road)	*NA*	*NA*
Westbound (Humie Olive Road)	*A / A*[2]	*A / A*[2]
Northbound (Heelan Driveway)	*B / B*[1]	*B / B*[1]

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection. The Heelan Property is committed to constructing Heelan Driveway as a stop-controlled, northbound approach with one lane of ingress and one lane of egress. Additionally, the Heelan Property has committed to constructing an exclusive eastbound right turn lane and a westbound left turn lane both with 75 feet of storage and appropriate deceleration length and taper along Humie Olive Road at the site driveway. Based on these improvements, the left turn movement and the stop controlled northbound approach are projected to operate at LOS B or better during both peak hours in the Build scenario.

Apex staff recommendations:

- Apex staff concur with the recommendations that no additional geometric improvements are needed. All movements at the access drive are projected to operate at LOS B or better with minimal vehicle delays and minimal queues.
- It should be noted that the development is reliant on access to the site to be constructed by adjacent development. Per the UDO Section 7.5.4, development is restricted to 50 single family homes or 100 multi-family homes on a single point of access to the public street system, and 300 residential units on two points of access. Three points of access are required for development exceeding 300 residential units. Therefore, adjacent developments need to establish adequate connections to the thoroughfare and major collector street network to allow for this development to develop to its capacity.

New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway			
	No Build 2025	**No Build 2025**	**Build 2025**
Overall	NA	NA	NA
Eastbound (Hahn Ridge Drive)	*B / B[1]*	*C / C[1]*	*C / D[1]*
Westbound (Olive Ridge Driveway)	*NA*	*C / D[1]*	*C / D[1]*
Northbound (New Hill Olive Chapel Road)	*A / A[2]*	*A / A[2]*	*A / A[2]*
Southbound (New Hill Olive Chapel Road)	*NA*	*A / A[2]*	*A / A[2]*

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection. The Olive Ridge development is committed to constructing Olive Ridge Driveway as a stop-controlled, westbound approach with one lane of ingress and one lane of egress. Additionally, the Olive Ridge development has committed to constructing an exclusive southbound left turn lane with 50 feet of storage and appropriate deceleration length and taper along New Hill Olive Chapel Road at the site driveway. Based on these improvements, the major street left turn movements are projected to operate at LOS A during both peak hours and the stop-controlled minor street approaches are projected to operate at LOS C and D in the AM and PM peak hours of the Build scenario, respectively.

Apex staff recommendations:

- Apex staff concur with the recommendations that no additional geometric improvements are needed. The development is projected to add less than 20 trips to and from the site driveway during the peak hours. Average vehicle delays are projected to increase to 26 seconds per vehicle in the PM peak on the stop-controlled approaches. Per the UDO, no mitigation is required if LOS remains at level D or better.
- It should be noted that the development is reliant on access to the site to be constructed by adjacent development. Per the UDO Section 7.5.4, development is restricted to 50 single family homes or 100 multi-family homes on a single point of access to the public street system, and 300 residential units on two points of access. Three points of access are required for development exceeding 300 residential units. Therefore, adjacent developments need to establish adequate connections to the thoroughfare and major collector street network to allow for this development to develop to its capacity.

Humie Olive Road and New Hill Olive Chapel Road

Table 3. A.M. / P.M. Signalized Peak Hour Levels of Service Humie Olive Road and New Hill Olive Chapel Road			
	Existing 2021	**No Build 2025**	**Build 2025**
Overall	NA	NA	NA
Westbound (Humie Olive Road)	*B / B[1]*	*D / F[1]*	*D / F[1]*
Northbound (New Hill Olive Chapel Road)	*NA*	*NA*	*NA*
Southbound (New Hill Olive Chapel Road)	*A / A[2]*	*A / A[2]*	*A / A[2]*

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection. Overlapping committed intersection improvements by adjacent developments include:
    - Extension of the westbound left-turn lane to 250 feet of storage and appropriate deceleration length and taper, and construction of a southbound left-turn lane with 150 feet of storage plus deceleration length and taper by the Friendship Station PUD.
    - Extension of the westbound left-turn lane to 200 feet of storage plus deceleration length and taper, and construction of a southbound left-turn lane with 150 feet of storage plus deceleration length and taper by the Heelan Property.

Apex staff recommendations:

- Town staff recommends this intersection be studied for signal warrants and a traffic signal be installed if permitted by NCDOT prior to the development s build out.
- The stop-controlled approach of Humie Olive Road is projected to operate at LOS D and F in the AM and PM peak hours respectively. Average vehicle delays are projected to increase to over 2 minutes per vehicle on the westbound approach with 95th percentile queues extending beyond 250 feet in the PM peak hour. Staff evaluated converting this intersection to all-way stop control (AWSC), however due to high traffic volumes on New Hill Olive Chapel Road, the AWSC operations did not show an operational benefit. Some approaches still showed operational failure with LOS F in both peak hours. A traffic signal was shown to improve operations to LOS C or better on all approaches during both peak hours of the day.

Please coordinate with the NCDOT District E r O r r d d improvements. Town staff will be available for meetings with NCDOT staff to discuss improvements on state maintained roadways as needed. All recommendations are subject to review by Town Council prior to approval.

Sincerely,



Serge Grebenschikov
Traffic Engineer
919-372-7448


Rezoning #22CZ08
New Hope Farm Rd
Twin Ponds Ln
New Hill Olive Chapel Rd
Olive Ridge
Delphi Grove Aly
Gordal Trl
Mission Olive Pl
Jordan Manors
Hahn Ridge Dr
May 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: #22CZ08 Submittal Date: 4-1-22

Fee Paid $ paid Check #

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Adams Property PUD

Address(es): 8820, 0 & 0 New Hope Farm Road and 8841 & 8833 Twin Ponds Lane

PIN(s) 0710889798, 0710990078,0710990171, 0710889126 & 0710879844

Acreage: 23.92

Current Zoning: R-40W Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: LDR (up to 3 du/ac)

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

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: M/I Homes of Raleigh LLC

Address: 1511 Sunday Drive, Suite 100

City: Raleigh State: NC Zip: 27607

Phone: 919-233-5725 E-mail: eleatham@mihomes.com

Owner Information

Name: See Attached

Address:

City: State: Zip:

Phone: E-mail:

Agent Information

Name: M/I Homes of Raleigh LLC

Address: 1511 Sunday Drive, Suite 100

City: Raleigh State: NC Zip: 27607

Phone: 919-233-5725 E-mail: eleatham@mihomes.com

Other contacts:

Adams Property PUD - Owner List

PIN	ADDRESS	OWNER
0710889798	8820 New Hope Farm Rd	ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST
0710990078	0 New Hope Farm Rd	M/I HOMES OF RALEIGH LLC
0710990171	0 New Hope Farm Rd	M/I HOMES OF RALEIGH LLC
0710889126	8841 Twin Ponds Lane	ADAMS-KNOUFF, CAREY
0710879844	8833 Twin Ponds Lane	ADAMS, CAREY

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: #22CZ08 Submittal Date: 4-1-22

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The 2045 Land Use Map designates this area for low density residential, which is contemplated not to exceed a density of 3 du/ac. The proposed project is for a single-family detached residential community around 2.8 du/ac. Therefore, the proposed rezoning is consistent with the 2045 Land Use Map.

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

The surrounding area has been approved for, and is being built as, residential communities. The Olive Ridge community directly south and the Heelan community directly east are both planned at similar densitites as what is being proposed. The proposed rezoning is compatible with the existing land use pattern for the area.

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

The proposed rezoning establishes development standards for the new community as part of the zoning through the requested PUD district. The standards set forth in the proposed PUD are similar to those established for the adjacent Heelan community.

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

The proposed rezoning is meant to facilitate the development of a community which will operate as another phase of the adjacent Heelan community. Nevertheless, the project has been desgined with large boundary buffers where possible, both to create separation from adjacent development and to protect environmental features.

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

As noted above, the proposed project has been designed to provide large buffers around the environmental features on or near the property. Moreover, the project will provide 35% of the project area as RCA. The project minimizes impacts to the environment through thoughtful design.

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

The proposed project consists of no more than 65 single-family homes. This level of development is not expected to have a significant impact on the Town's ability to continue providing excellent services. The proposed project does not represent a strain on the provision of public services like roads, water, wastewater, schools & emergency services.

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

The proposed development will add more housing to Apex in an area already planned fpr growth. By following existing development patterns, this infill project avoids leapfrog development, which can lead to sprawl, and ultimately to more vehicle miles being driven, and more time away from family while commuting. Infill development, like what is proposed, promotes welfare.

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

Adjacent properties are, for the most part, slated for residential development of a similar kind proposed here. In fact, the adjacent Heelan community is being built by the applicant for this proposed rezoning. This actually creates some better efficiencies and will not be a detriment.

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 develpments which are much larger than what is proposed. Moreover, the surrounding developments also will be residential in nature and of a similar density/intensity. As a result, the proposed project is consistent with uses on adjacent properties and is neither a nuisance or a hazard.

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

The proposed rezoning establishes development standards for the new community as part of the zoning through the requested PUD district. The standards set forth in the proposed PUD are similar to those established for the adjacent Heelan community. Where the PUD is silent, the UDO provisions apply.

TWIN POND OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
8833 TWIN PONDS LN	0710879844	ADAMS, CAREY	8833 TWIN PONDS LN	NEW HILL NC 27562-9235
8841 TWIN PONDS LN	0710889126	ADAMS-KNOUFF, CAREY	8833 TWIN PONDS LN	NEW HILL NC 27562-9235
8820 NEW HOPE FARM RD	0710889798	ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST	8820 NEW HOPE FARM RD	NEW HILL NC 27562-9178
2108 NEW HILL OLIVE CHAPEL RD	0710782623	BARTH, PAUL A BARTH, SUSAN M	2108 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9736
8801 NEW HOPE FARM RD	0710892208	DIPROFIO, DAVID P DIPROFIO, VICKI M	8801 NEW HOPE FARM RD	NEW HILL NC 27562-9179
8848 TWIN PONDS LN	0710970228	DRP NC 1 LLC	590 MADISON AVE FL 13	NEW YORK NY 10022-2524
8825 NEW HOPE FARM RD	0710990226	GOODMAN, WILLIAM DAVID JR GOODMAN, JILL M	PO BOX 307	NEW HILL NC 27562-0307
8800 NEW HOPE FARM RD	0710884797	HOFFMAN, JOSEPH E JR HOFFMAN, SHIRLEY J	8800 NEW HOPE FARM RD	NEW HILL NC 27562-9178
3120 OLIVE FARM RD	0720075965	MI HOMES OF RALEIGH LLC	1511 SUNDAY DR STE 100	RALEIGH NC 27607-5195
8812 NEW HOPE FARM RD	0710887654	MCKEITHAN, KAREN D ST CLAIR, LANCE	8812 NEW HOPE FARM RD	NEW HILL NC 27562-9178
2020 NEW HILL OLIVE CHAPEL RD	0710784941	MEILLEUR, GUY	2020 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9734
8815 NEW HOPE FARM RD	0710896246	PAIRIS-GARCIA, MONIQUE GARCIA, JUAN	8815 NEW HOPE FARM RD	NEW HILL NC 27562-9179
2008 NEW HILL OLIVE CHAPEL RD	0710794176	SCHNORR, CHRISTOPHER T SCHNORR, EVELYN A	2008 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9734
		APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
		Current Tenant	2041 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2105 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2125 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2205 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	8824 New Hope Farm RD	NEW HILL NC 27562
		Current Tenant	8825 New Hope Farm RD	NEW HILL NC 27562
		Current Tenant	8829 New Hope Farm RD	NEW HILL NC 27562
		Current Tenant	3120 Olive Farm RD	NEW HILL NC 27562
		Current Tenant	8836 Twin Ponds LN	NEW HILL NC 27562
		Current Tenant	8841 Twin Ponds LN	NEW HILL NC 27562
		Current Tenant	8848 Twin Ponds LN	NEW HILL NC 27562

Developer Company *Information*	
Company *Name*	M/I Homes of Raleigh LLC
Company Phone *Number*	919-233-5725
Developer Representative *Name*	Erica Leatham
Developer Representative *Phone Number*	919-233-5725
Developer Representative *Email*	eleatham@mihomes.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	April 1, 2022
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	0 & 8820 New Hope Farm Rd and 8833 & 8841 Twin Ponds Lane
REID(s)	0096776, 0107563, 0096777, 0105635, 0117372
PIN(s)	0710-87-9844, 0710-88-9798,0710-88-9126, 0710-99-0078, 0710-99-0171

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

Projected Dates *Information*	
Subdivision *Completion Date*	2026
Subdivision *Projected First Occupancy Date*	2025

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	65					35	30	2200	3300	$400,000	$600,000	2025	30	2026	35		
Townhomes																	
Condos																	
Apartments																	
Other																	

AGENT AUTHORIZATION FORM

Application #: #22CZ08 Submittal Date: 4-1-22

M/I Homes of Raleigh LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 New Hope Farm Road & 0 New Hope Farm Road

The agent for this project is: M/I Homes of Raleigh LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 | Raleigh, NC 27607

Telephone Number: (919) 233-5725

E-Mail Address: eleatham@mihomes.com

Signature(s) of Owner(s)*

x Erica Leatham

Erica Leatham — Type or print name

March 30, 2022 — Date

_____

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #22CZ08 Submittal Date: 4-1-22

The undersigned, M/I Homes of Raleigh LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

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

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

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated December 13, 2021, and recorded in the Wake County Register of Deeds Office on December 13, 2021, in Book 18839 Page 2513.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on December 13, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on December 13, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30th day of March, 2022.

× Erica Leatham (seal)

Erica Leatham

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

SARA S. CLIFTON NOTARY [NOTARY SEAL] PUBLIC WAKE COUNTY, N.C.

Sara S. Clifton

Notary Public Sara S. Clifton
State of North Carolina
My Commission Expires: January 10, 2025

AGENT AUTHORIZATION FORM

Application #: #22CZ08 Submittal Date: 4-1-22

Donna J Albrecht, Trustee is the owner* of the property for which the attached application is being submitted:

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

The property address is: 8820 New Hope Farm Road

The agent for this project is: M/I Homes of Raleigh LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 | Raleigh, NC 27607

Telephone Number: (919) 233-5725

E-Mail Address: eleatham@mihomes.com

Signature(s) of Owner(s)*

x Donna J. Albrecht

Donna J. Albrecht, Trustee — 3/30/2022

Type or print name — Date

_____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #22CZ08 Submittal Date: 4-1-22

The undersigned, Donna J Albrecht, Trustee of the Donna J. Albrecht Revocable Living Trust (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 8820 New Hope Farm Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

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

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated June 6, 2018, and recorded in the Wake County Register of Deeds Office on June 13, 2018, in Book 17154 Page 1465.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on June 13, 2018, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on June 13, 2018, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30th day of March, 2022.

x Donna J. Albrecht (seal)

Donna J. Albrecht, Trustee
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Donna J. Albrecht, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC DL # 1770121, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

SARA S. CLIFTON NOTARY [NOTARY SEAL] PUBLIC WAKE COUNTY, N.C.

Sara S. Clifton
Notary Public
State of North Carolina
My Commission Expires: January 10, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #22CZ08 Submittal Date: 4-1-22

Insert legal description below.

Being all of Lot 3, Section I, New Hope Farm Subdivision, according to a plat of a survey entitled "New Hope Farm Subdivision, Lot 3, 4, 8, Section I, Buckhorn Township, Wake County, North Carolina, Proeprty of New Hope Land Partnership, Larry Kingsley, et. al.", by Glen D. Ward & Associates, Engineers, dated June 7, 1978 and recorded in Book of Maps 1978, Page 383, Wake County Registry.

AGENT AUTHORIZATION FORM

Application #: #22CZ08 Submittal Date: 4-1-22

~~Cary~~ Carey Adams-Knouff is the owner* of the property for which the attached application is being submitted:

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

The property address is: 8833 & 8841 Twin Ponds Lane

The agent for this project is: M/I Homes of Raleigh LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 | Raleigh, NC 27607

Telephone Number: (919) 233-5725

E-Mail Address: eleatham@mihomes.com

Signature(s) of Owner(s)*

X _____

Carey Adams-Knouff — 3/30/2022

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #22CZ08 Submittal Date: 4-1-22

The undersigned, ~~Gary~~ Carey Adams-Knouff (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 8833 & 8841 Twin Ponds Lane and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

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

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated August 11, 2021, and recorded in the Wake County Register of Deeds Office on August 11, 2021, in Book 18641 Page 1836.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on August 11, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on August 11, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30th day of March, 2022.

X _____ (seal)
Carey Adams-Knouff
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Carey Adams-Knouff, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's —, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

SARA S. CLIFTON NOTARY PUBLIC WAKE COUNTY, N.C. [NOTARY SEAL]

Sara S. Clifton
Notary Public Sara S. Clifton
State of North Carolina
My Commission Expires: January 10, 2025

NOTICE OF NEIGHBORHOOD MEETING

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

3/15/2022
Date

Dear Neighbor:

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

Address(es)	PIN(s)
8820 & 0 New Hope Farm Rd	0710889798, 0710990078, & 0710990171
8833 & 8841 Twin Ponds Ln	0710889126 & 0710879844

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

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

This rezoning is sought to facilitate the development of approximately 65 single family homes adjacent to the Heelan PUD. The applicant for this project is M/I Homes, the builder of Heelan. This community is proposed as an addition to and in conjunction with the existing Heelan community.

Estimated submittal date: April 1

MEETING INFORMATION:

Property Owner(s) name(s): Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Applicant(s): M/I Homes of Raleigh

Contact information (email/phone): nghosh@morningstarlawgroup.com/919-590-0362

Meeting Address: https://morningstarlaw.group/03292022mtg2

Date/Time of meeting**: March 29, 2022 5:00 PM

Welcome: 5:00 PM Project Presentation: 5:03 PM Question & Answer: 5:06 PM

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Adams Property PUD Zoning: PUD-CZ

Location: New Hope Farm Road

Property PIN(s): 0710889798; 0710990078; 0710888126; & 0710879844 Acreage/Square Feet: 23.64 acres

Property Owner: Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Address:

City: State: Zip:

Phone: Email:

Developer: M/I Homes of Raleigh

Address: 1511 Sunday Drive

City: Raleigh State: NC Zip: 27607

Phone: Fax: Email:

Engineer: Jones & Cnossen, PE

Address: P.O. Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: Email: peter@jonescnossen.com

Builder (if known): Same as developer

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts	
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (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.

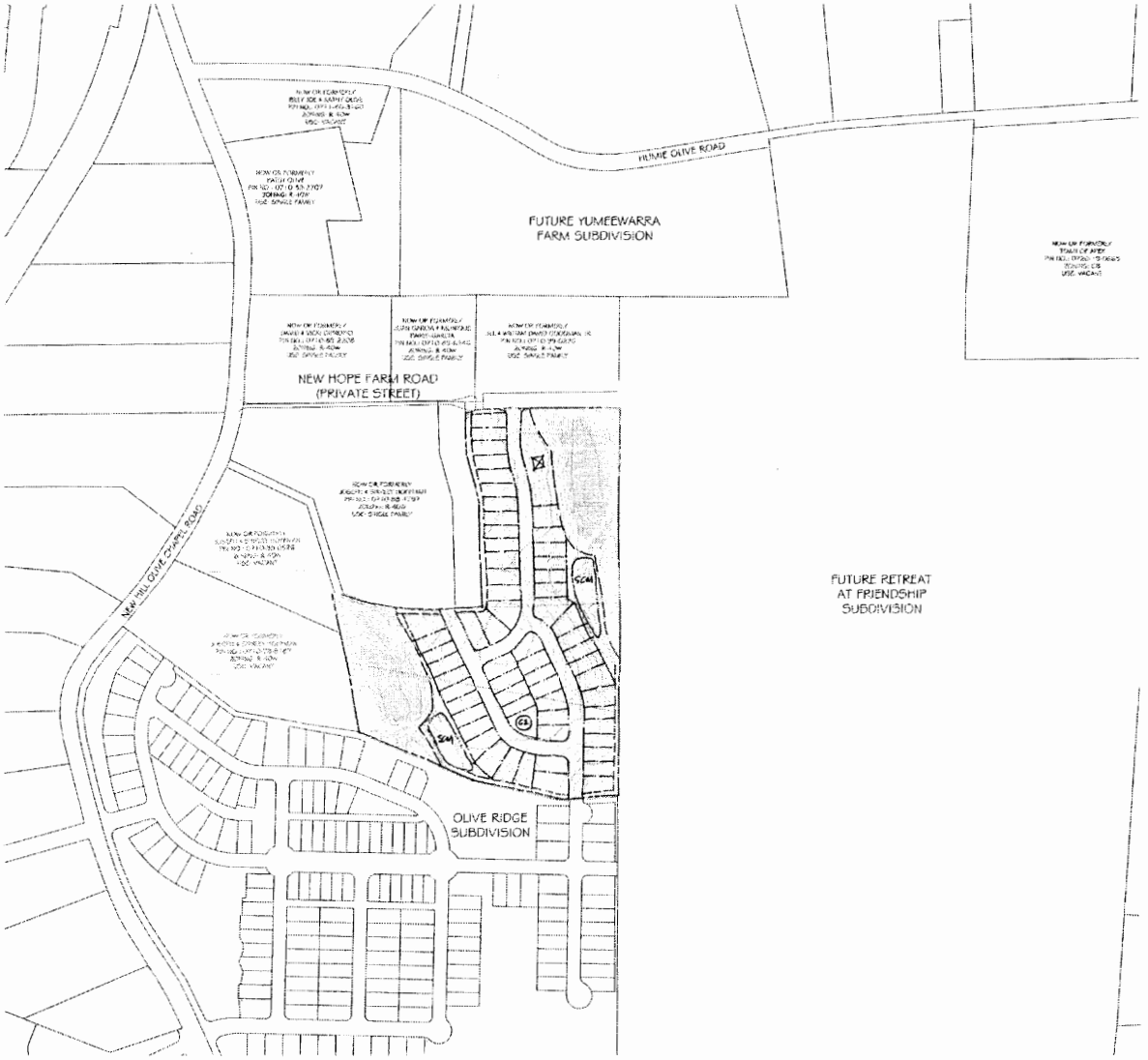
It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce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



Jones & Cnossen ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST.
SUITE 601
PO BOX 1962
APEX, NC 27502
Office: 919-367-1174
Registration: P-0151
www.jonescnossen.com

ADAMS PUD

PRELIMINARY SKETCH LAYOUT

SCALE	1"=200'
DRAWN BY	PLK
DATE	JANUARY 27, 2022
PROJECT NO.	2152

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: https://morningstarlaw.group/03292022mtg2

Date of meeting: 3/29/2022 Time of meeting: 5:00 PM

Property Owner(s) name(s): Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Applicant(s): M/I Homes of Raleigh

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Tom Albrecht - Seller				
2.	NIL GHOSH		919-590-0362	NGHOSH@MORNINGSTARLAWGROUP.COM	
3.	PATRICK KIERNAN		919-387-1174	PATRICK@JONESCROSSEN.COM	
4.	PATRICK ADAMS		919-422-4681	PADAMS@MIHOMES.COM	
5.	JOSHUA REINKE		919-987-1293	JREINKE@RAMEYKEMP.COM	
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

DEVELOPMENT TEAM

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Applicant(s): M/I Homes of Raleigh

Contact information (email/phone): nghosh@morningstarlawgroup.com/919-590-0362

Meeting Address: https://morningstarlaw.group/03292022mtg2

Date of meeting: 3/29/2022 Time of meeting: 5:00 PM

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

Question/Concern #1:

What is the timeline for this project?

Applicant's Response:

The project will unfold over three processes. Right now, we are in the rezoning phase. From submittal, rezoning takes about 4 months. After that, we will submit for master subdivision plan approval. That takes about 5 months. Following that, we can submit for CDs which may take another 3 months or so before construction can begin.

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Nil Ghosh, do hereby declare as follows:
Print Name

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

2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Zoom (location/address) on 3/29/2022 (date) from 5:00 PM (start time) to 7:00 PM (end time).

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

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

3/30/22
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Nil Ghosh, a Notary Public for the above State and County, on this the 30th day of March, 2022.

SEAL

ROBIN EDWARDS
My Commission Expires
NOTARY PUBLIC
February 10, 2027
WAKE COUNTY, NC

Robin Edwards
Notary Public

Robin Edwards
Print Name

My Commission Expires: 2/10/2027

Adams Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:

April 1, 2022

PREPARED BY:

Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

Section 14: Phasing Plan

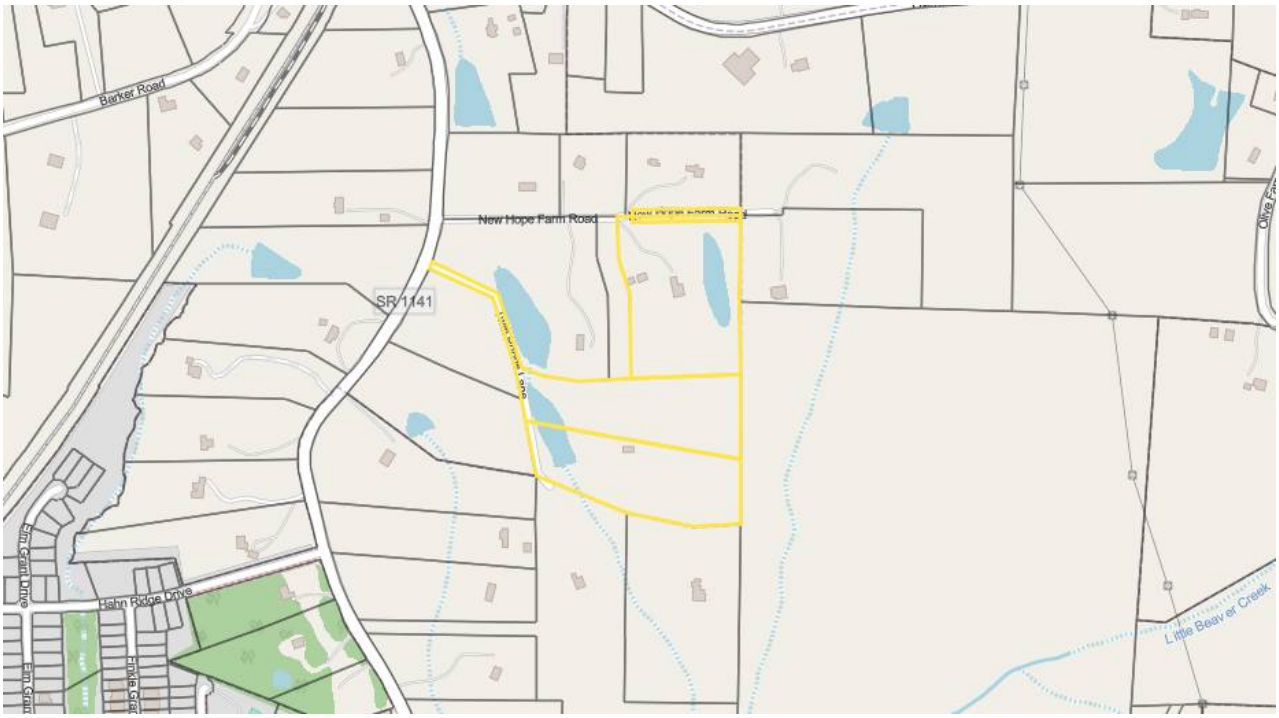
Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 18: Affordable Housing

Section 2: Vicinity Map



The Adams Property PUD is located just outside the southwest region of Apex's planning jurisdiction, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Heelan Property PUD is being developed just east of the property. The Olive Ridge Community is being developed south of the property.

Section 3: Project Data

A. Name of Project:

Adams Property PUD

B. Property Owners:

M/I Homes of Raleigh
Carey Adams
Albrecht Revocable Living Trust

C. Prepared By:

Nil Ghosh, Associate
Morningstar Law Group
700 W Main St | Second Floor
Durham, NC 27701

D. Current Zoning Designation:

R-40W (Wake County)

E. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

F. Current 2045 Land Use Map Designation:

Low Density Residential (≤3 units/acre)

G. Proposed 2045 Land Use Map Designation:
Low Density Residential

H. Proposed Use

Up to 66 dwelling units, associated open space, recreational amenities, and infrastructure.

I. Size of Project

Wake County Tax Identification Number	Acreage
0710-88-9798 0710-99-0078 0710-99-0171 0710-88-9126 0710-87-9844	23.92 acres

Section 4: Purpose Statement

The Adams Property PUD development will be a single-family residential community with detached homes. This community is meant to operate as a phase of the Heelan Property PUD, so main amenities will be shared with that community. Nevertheless, this community will include the requisite amount of open space and amenities for a project of this size.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*. The proposed PUD will provide a development density that is consistent with principles found throughout the recently updated Advance Apex 2045.

Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

Accessory apartment	Single-family
Greenway	Recreation Facility, private
Park, active	Park, passive
Utility, minor	

Additionally, the following conditions shall also apply:

A. A maximum of 66 residential units shall be permitted upon the property.
B. No covenant prohibiting the accessory apartment use shall encumber the property.
C. All single-family detached dwellings shall be pre-configured with conduit for future

installation of roof-mounted solar PV panels.

D. Homes shall be designed to meet or exceed Energy Star requirements.
E. Signage shall be provided by any homeowner's association regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
F. Signage or other marking shall be provided by any homeowner's association at the boundary of lots adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
G. Developer shall install at least three (3) pet waste stations within the community.
H. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
I. Any required outdoor lighting (e.g. amenities, signage, decorative walls/fences, etc.) shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. This condition shall not apply to the lighting on single-family homes or their accessory structures.
J. Construction traffic shall be prohibited from utilizing existing Twin Ponds Lane. Developer may erect a barrier or barriers on the Property to prevent access to Twin Ponds Lane.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Design Controls

This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density The overall gross density shall not exceed 2.8 units per acre.

Design Controls At a minimum all residential uses shall comply with the following dimensional standards:

Maximum Density:	2.8 Units/Acre
Maximum Number of Units:	66
Maximum Built-Upon Area:	60%
Minimum Lot Size:	4,000 sf
Minimum Lot Width:	40'
Maximum Building Height:	45' and 3 stories
Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.	

Minimum Setbacks	
Front	10'
Rear	20'
Side	5'
Corner	5'
Building to Building	NA

From Buffer/RCA	10’ for Buildings 5’ for Parking Areas

C. Perimeter Buffers

North boundary	
Former New Hope Farm Road:	0-foot
Other:	20-foot Type B
South boundary:	10-foot Type B
West boundary:	
Adjacent to REID #0101565	20-foot Type B
Other:	100-foot Type E
East boundary:	10-foot minimum, 30-foot average Type B
Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.	

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal. The following conditions shall apply:

A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
B. Residential areas will utilize brick, stone, and fiber cement plank siding.
C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
D. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
F. Garage doors shall have windows, decorative details or carriage-style adornments on them.
G. The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
H. J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than

two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

I. Eaves shall project at least 12 inches from the wall of the structure.

J. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

K. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

L. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

1. Windows
2. Bay window
3. Recessed window
4. Decorative window
5. Trim around the windows
6. Wrap around porch or side porch
7. Two or more building materials
8. Decorative brick/stone
9. Decorative trim
10. Decorative shake
11. Decorative air vents on gable
12. Decorative gable
13. Decorative cornice
14. Column
15. Portico
16. Balcony
17. Dormer

M. Front porches shall be a minimum of 5 feet deep.

Section 8: Parking and Loading

Parking for the development shall be per Town of Apex UDO.

Section 9: Signage

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

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the primary watershed within the Beaver Creek Basin. According to the FEMA Floodplain Map # 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

B. Resource Conservation Areas (RCA) and Landscaping

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

The Site is located on the west of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

The developer shall install pollinator-friendly flora within SCM planting areas, as permitted by the NC Department of Environmental Quality's SCM Manual.

Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual or approved by Planning Department Staff. Where possible, the developer shall also provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall in required planting or landscape areas.

C. Any Historic Structures Present

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

Section 11: Stormwater Management

A. This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 6.1.7 of the UDO, such that:

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

SCMs shall not be located within NC DEQ required stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.

Section 12: Parks and Recreation

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on May 25, 2022, and unanimously recommended fee-in-lieu of dedication with a credit for construction of greenway trail if an opportunity is identified at the time of Master Subdivision plan review and approval. The recommendation is based on the 2022-2023 rates:

Single Family Detached Units: $3,753.89/lot

(final PRCR amount will be coordinated with staff during Master Subdivision Plan and Construction Document reviews)

Per Article 14 of the UDO, credit for greenway against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

A. General Roadway Infrastructure

The road network will promote connectivity where possible to adjacent neighborhoods and undeveloped property. Connectivity to adjacent communities will be coordinated with existing or planned rights-of-way and opportunities for future connections will be provided. Further, cul-de-sacs will be avoided except where environmental features make through streets infeasible.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

B. Transportation Improvements

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

<u>Humie Olive and New Hill Olive Chapel Road</u>

- Developer shall pay a fee in lieu in the amount of $25,000 toward the cost of the design, right-of-way acquisition, and installation of a future traffic signal at the intersection of Humie Olive Road and New Hill Olive Chapel Road prior to platting 80% of the lots

C. Pedestrian Facilities:

Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

The Bicycle and Pedestrian System Plan Map shows a 10-foot side path along the eastern side of New Hill Olive Chapel Road which the project area has approximately 30 linear feet of frontage upon. This project will not construct the side path along that frontage and instead will make a payment-in-lieu equal to $4,224.00 for the future installation of the side path.

D. Water and Sanitary Sewer

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development Plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.

E. Other Utilities

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

Section 14: Phasing Plan

This development may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or below:

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

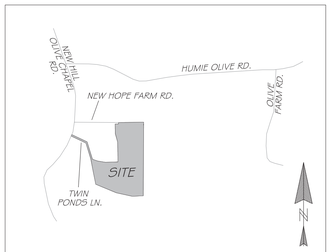
Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan.

Section 18: Affordable Housing

This project does not include additional affordable housing units over those committed in the original Heelan Property PUD. The Heelan Property PUD requires 15 affordable housing finished townhouse ownership lots to be sold to Habitat for Humanity of Wake County (Habitat Wake) as part of the development of that property. Additionally, the developer of the Heelan Property PUD and the Adams Property PUD also is the developer of the Friendship Station PUD. The Friendship Station PUD requires 8 affordable townhouse ownership lots to be sold to Habitat Wake as part of the development of that property. Through these two developments a total of 23 affordable housing townhouse ownership units will be produced in Apex. This developer has shown its commitment to providing affordable housing within the Town of Apex with its new construction projects when possible. However, due to the overall financial aspects of the Adams Property PUD, it is not economically feasible to include additional affordable housing units in light of the numerous affordable housing units which this developer has provided in previous PUDs before the Town codified any incentives for the provision of affordable housing.

ADAMS PROPERTY
PLANNED UNIT DEVELOPMENT





VICINITY MAP
N.T.S.

SITE DATA

PROJECT NAME	ADAMS PROPERTY PUD
PREPARER'S CONTACT INFORMATION	JONES & CNOSSEN 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	M/I HOMES-RALEIGH 1511 SUNDAY DRIVE SUITE #110 RALEIGH, NC 27607 PHONE - (919) 205-9980 CONTACT PERSON - ERICA LEATHAM
CURRENT ZONING	R-40W
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
PROPOSED ZONING DESIGNATION	PUD-CZ
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
WAKE COUNTY PINS	0710-87-9844, 0710-88-9798, 0710-88-9126, 0710-99-0078, 0710-99-0171
TOTAL PROJECT AREA	23.92 ACRES
AREA IN LAND DEDICATION	N/A
NET SITE AREA	23.92 ACRES
MAXIMUM DENISTY	2.8 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	66 UNITS
MINIMUM LOT SIZE	4,000 SF
REQUIRED RCA / BUFFER AREA	7.18 ACRES (30%, IF STAGED GRADING) 8.37 ACRES (35%, IF MASS GRADING)
PROVIDED RCA / BUFFER AREA	8.37 ACRES (35.0%)
MAXIMUM BUILT UPON AREA FOR PUD	14.35 ACRES (60%)
MAXIMUM BUILDING HEIGHT	45'
OFF STREET PARKING	PARKING WILL COMPLY WITH TOWN OF APEX UDO SECTION 8.3 FOR SINGLE-FAMILY RESIDENTIAL LOTS
PUBLIC RECREATION REQUIREMENT (FEE-IN-LIEU)	SINGLE-FAMILY DETACHED ($3,753.89/LOT)
PRCR ADVISORY COMMISION MEETING DATE	5/25/22
WATERSHED INFORMATION	PRIMARY; BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	APEX 21-004
HISTORIC STRUCTURE?	NO
PHASED DEVELOPMENT	NO
FEMA FLOODPLAIN INFORMATION	MAP #3720071000K - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN

PERMITTED USE:

- SINGLE-FAMILY
- ACCESSORY APARTMENT
- GREENWAY
- RECREATION FACILITY, PRIVATE
- PARK, ACTIVE
- PARK, PASSIVE
- UTILITY, MINOR

MINIMUM BUILDING SETBACKS-SINGLE FAM.

FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	10'
REAR	20'
SIDE	5'
CORNER SIDE	5'

PD PLAN - DRAWING SHEET INDEX

1 COVER SHEET
2 PRELIMINARY LAYOUT PLAN
3 EXISTING CONDITIONS PLAN
4 PRELIMINARY UTILITY PLAN

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

0 150 300 600
GRAPHIC SCALE

Jones & Cnossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning
221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescnossen.com

NORTH CAROLINA PROFESSIONAL SEAL 049636 ENGINEER PATRICK L KIERNAN 5/4/22

ADAMS PROPERTY PUD
PD PLANS
WAKE COUNTY, NORTH CAROLINA
TOWN OF APEX

COVER SHEET

SCALE 1"=300'
DRAWN PLK
DATE APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PBATC SET
8/4/22	EX. ACCESS EASE.

SHEET 1
PROJECT 2152

TOWN REQUIRED PUD NOTES:

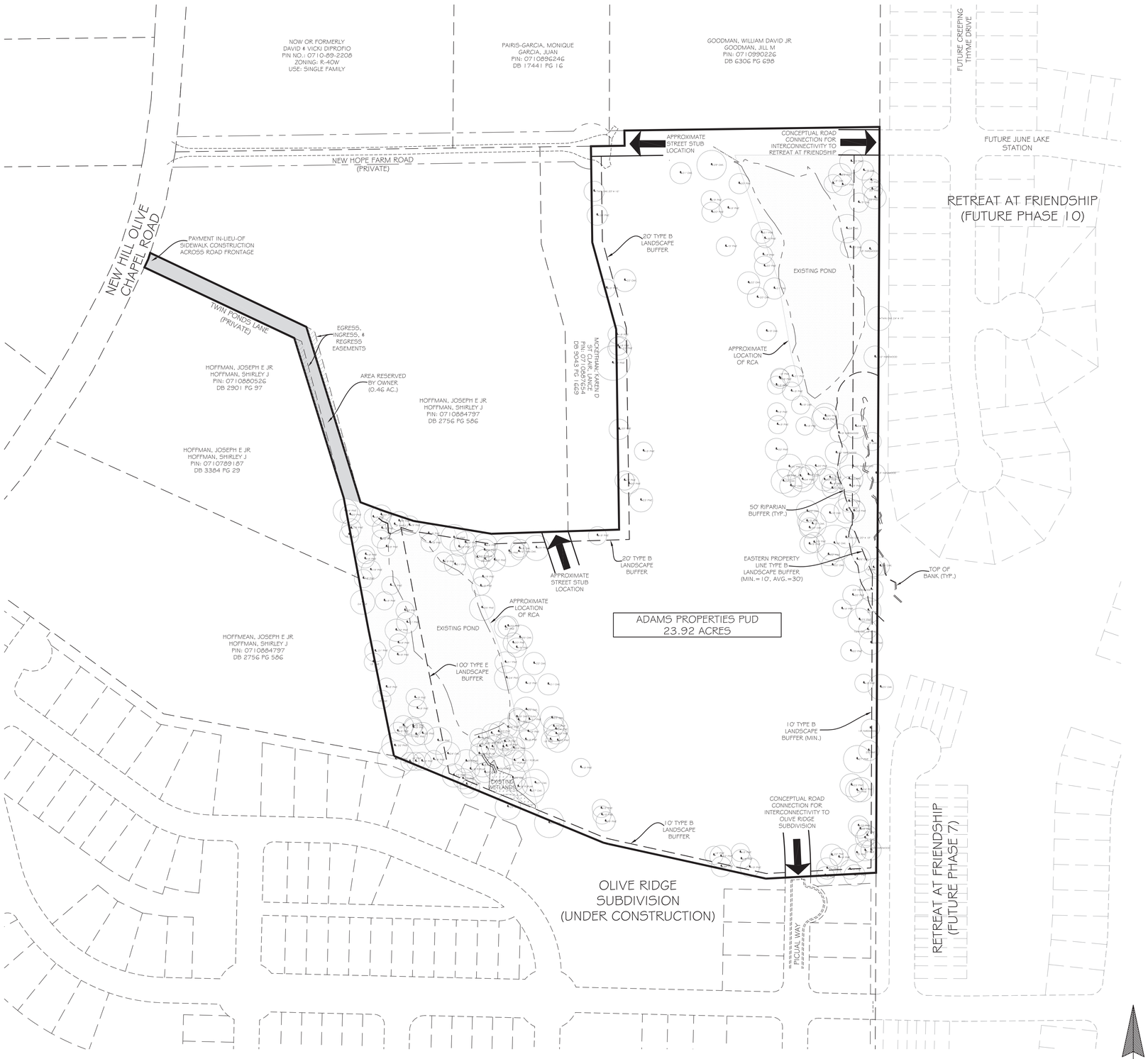
1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
8. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

PLANNING NOTES:

1. A TRANSPORTATION IMPACT ANALYSIS HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOC.
4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALK ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
5. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS
6. THE PUD SHALL MEET AND EXCEED THE TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR, 10-YEAR, AND 25-YEAR 24 HOUR STORM EVENTS.
7. THIS DEVELOPMENT IS EXPECTED TO BE MASS GRADED AND IS NOT EXPECTED TO BE PHASED.



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS NOT FOR CONSTRUCTION

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NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 049836 PATRICK L KIERNAN 5/4/22

ADAMS PROPERTY PUD
PD PLANS
WAKE COUNTY, NORTH CAROLINA
TOWN OF APEX

PRELIMINARY LAYOUT PLAN

SCALE	1"= 100'
DRAWN	PLK
DATE	APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PB/TC SET
8/4/22	EX. ACCESS EASE.

SHEET	2
PROJECT	2152

TOWN REQUIRED PUD NOTES:

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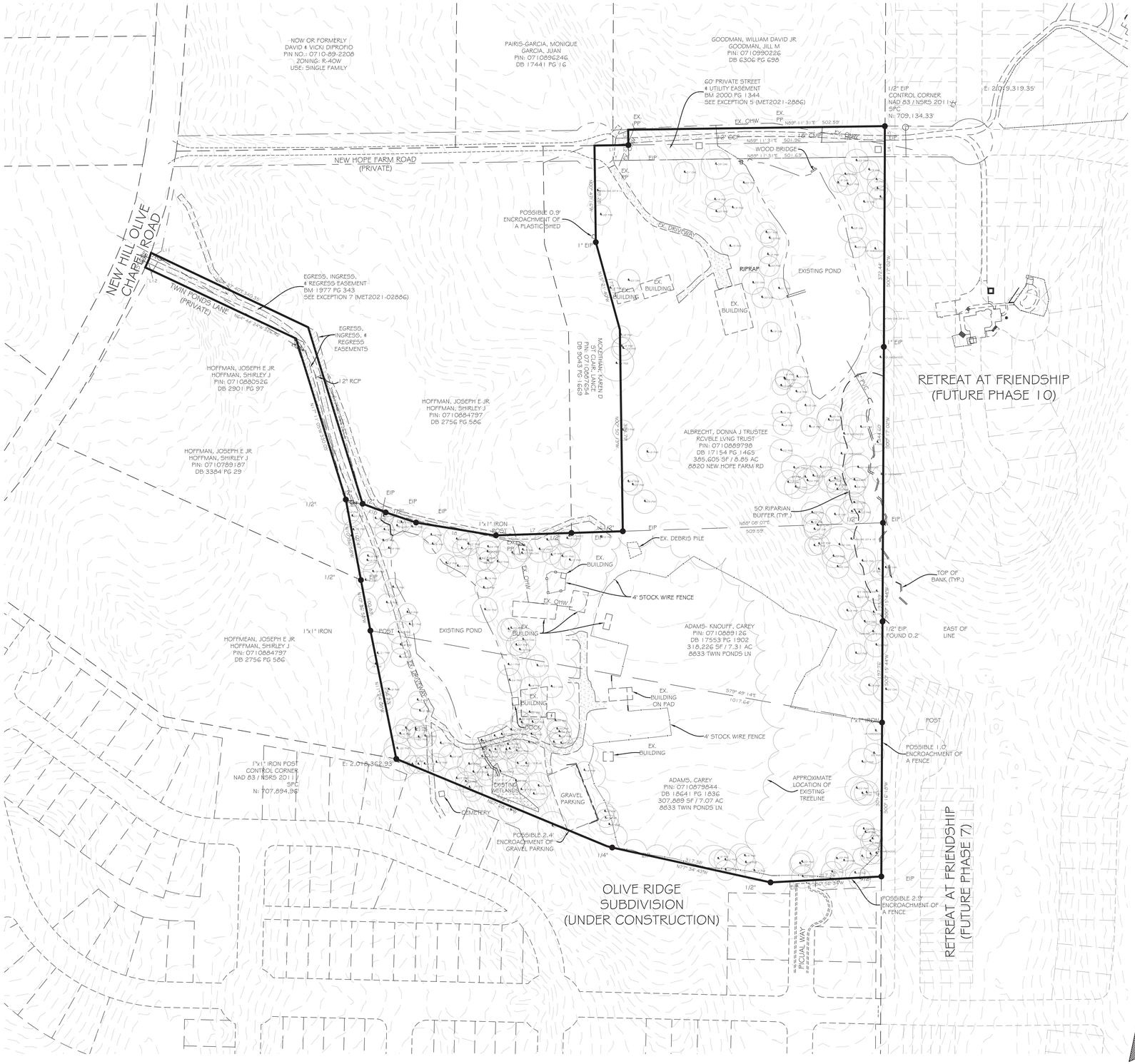
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S00° 06' 38"W	29.93'
L2	S00° 06' 38"W	29.94'
L3	N24° 57' 29"E	17.79'
L4	N17° 37' 41"E	13.06'
L5	S69° 29' 27"E	48.31'
L6	S71° 31' 34"E	62.60'
L7	S80° 38' 27"E	155.34'
L8	N88° 08' 07"E	151.09'
L9	N88° 08' 07"E	100.54'
L10	N89° 10' 19"E	66.34'
L11	S00° 48' 29"E	29.86'
L12	N00° 48' 29"W	30.00'

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.



THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

0 50 100 200
GRAPHIC SCALE

N

Jones & Chossen
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Civil Engineering | Construction Management | Land Planning
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PO BOX 1062
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Office: 919-387-1174
Registration: P-0151
www.jonescnossen.com

NORTH CAROLINA PROFESSIONAL SEAL 049636 ENGINEER PATRICK L KIERNAN
5/4/22

ADAMS PROPERTY PUD
PD PLANS
TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA

EXISTING CONDITIONS PLAN

SCALE	1"= 100'
DRAWN	PLK
DATE	APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PB/TC SET
8/4/22	EX. ACCESS EASE.

SHEET	3
PROJECT	2152

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
8. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
9. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC R/W SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
10. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
11. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
12. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
13. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
14. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



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PRELIMINARY PLANS NOT FOR CONSTRUCTION

GRAPHIC SCALE 0 50 100 200

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NORTH CAROLINA PROFESSIONAL SEAL 049636 ENGINEER PATRICK L KIERNAN 8/4/22

ADAMS PROPERTY PUD
PD PLANS

TOWN OF APEX — WAKE COUNTY, NORTH CAROLINA

PRELIMINARY UTILITY PLAN

SCALE	1"=100'
DRAWN	PLK
DATE	APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PBVTC SET
8/4/22	EX. ACCESS EASE.

SHEET 4

PROJECT 2152



Belmont Plan

in Grove at White Oak | Garner, North Carolina

Bed **3 - 5** Bath **3 - 4** Garage **2 - 3** Sq Ft **2,302 - 2,400**

View Details



Crabtree Plan

in Grove at White Oak | Garner, North Carolina

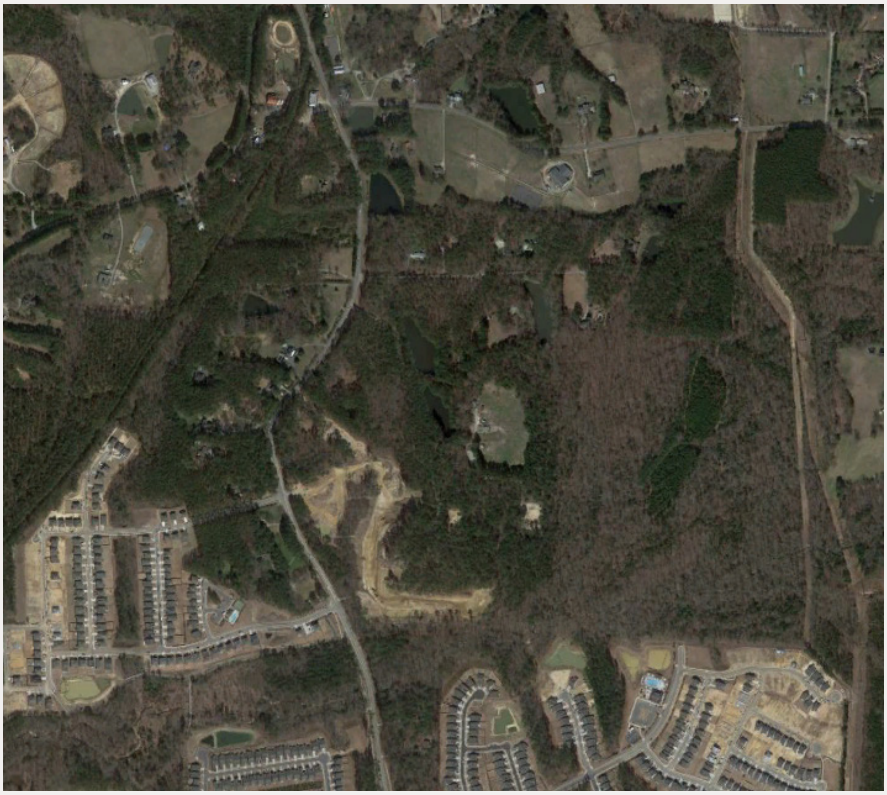
Bed **3 - 4** Bath **2 - 4** Garage **2 - 3** Sq Ft **2,561**

View Details













Twin Ponds Lane Development

Traffic Impact Analysis
Apex, North Carolina

TRAFFIC IMPACT ANALYSIS

FOR

TWIN PONDS LANE DEVELOPMENT

LOCATED

IN

APEX, NC

Prepared For:
M/I HOMES OF RALEIGH, LLC
1511 Sunday Drive, 100
Raleigh, NC

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910



2/28/2022

FEBRUARY 2022

RKA Project No. 21765

Prepared By: MLS

Reviewed By: JTR

TRAFFIC IMPACT ANALYSIS
TWIN PONDS LANE DEVELOPMENT
APEX, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Twin Ponds Lane Development in accordance with the Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. The proposed development is expected to be a maximum of 87 single-family home development and estimated to be built out in 2025. Site access will be provided via interconnectivity with Heelan Property (one full movement driveway along Humie Olive Road, five full movement driveways along Horton Ridge Boulevard, one full movement driveway along Olive Farm Road to align with Friendship Station Northern Site Driveway, one full movement driveway along Future Cave Junction Street and interconnectivity with Olive Ridge Subdivision). The primary access points to be analyzed in this study are via Humie Olive Road and Heelan Driveway and via New Hill Olive Chapel Road and Olive Ridge Driveway (to be aligned with Hahn Ridge Drive, providing access to Jordan Manors.)

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- New Hill Olive Chapel Road and Humie Olive Road

- New Hill Olive Chapel Road and Hahn Ridge Drive.

Peak hour turning movement counts were conducted by Ramey Kemp & Associates, Inc. at the intersection of New Hill Olive Chapel Road and Humie Olive Road in December of 2021 during weekday AM (7:00 to 9:00) and weekday PM (4:00 to 6:00) peak hours, while schools were in session.

Turning movement counts at the intersections of New Hill Olive Chapel Road and Olive Ridge Driveway/ Hahn Ridge Drive and Humie Olive Road and Heelan Site Drive were determined based on the TIAs for Jordan Manors, Olive Ridge, and Heelan Property. Based on coordination with the Town only 75% of Jordan Manors was assumed to be built-out at the time of data collection; therefore, only 75% of the turning movement volumes (based on the Jordan Manors TIA) were included along Hahn Ridge Drive under 2021 existing conditions. Through volumes were determined by balancing the traffic counts at the adjacent intersection of Humie Olive Road and New Hill Olive Chapel Road.

Traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

The proposed development is assumed to consist of a maximum of 87 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 10th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	87 dwellings	920	17	50	56	33

4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2025 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Jordan Manors
- Woodbury / Bristol Assemblage
- Gracewood PUD
- Friendship Station PUD
- New Hill Assembly / Belterra / Jordan Vistas
- Olive Ridge
- Heelan Property

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2021 existing, 2025 no-build, and 2025 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Committed Improvements by Friendship Station PUD

<u>New Hill Olive Chapel Road and Humie Olive Road</u>

- Extend the westbound left-turn lane to 250 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

Committed Improvements by Heelan Property

<u>New Hill Olive Chapel Road and Humie Olive Road</u>

- Extend the westbound left-turn lane to 200 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

Humie Olive Road and Heelan Driveway

- Provide an exclusive eastbound right-turn lane with 75 feet of storage.
- Provide an exclusive westbound left-turn lane with 75 feet of storage.
- Construct a northbound approach with one ingress and one egress lane as a shared left/right-turn lane.
- Provide stop control for the northbound approach.

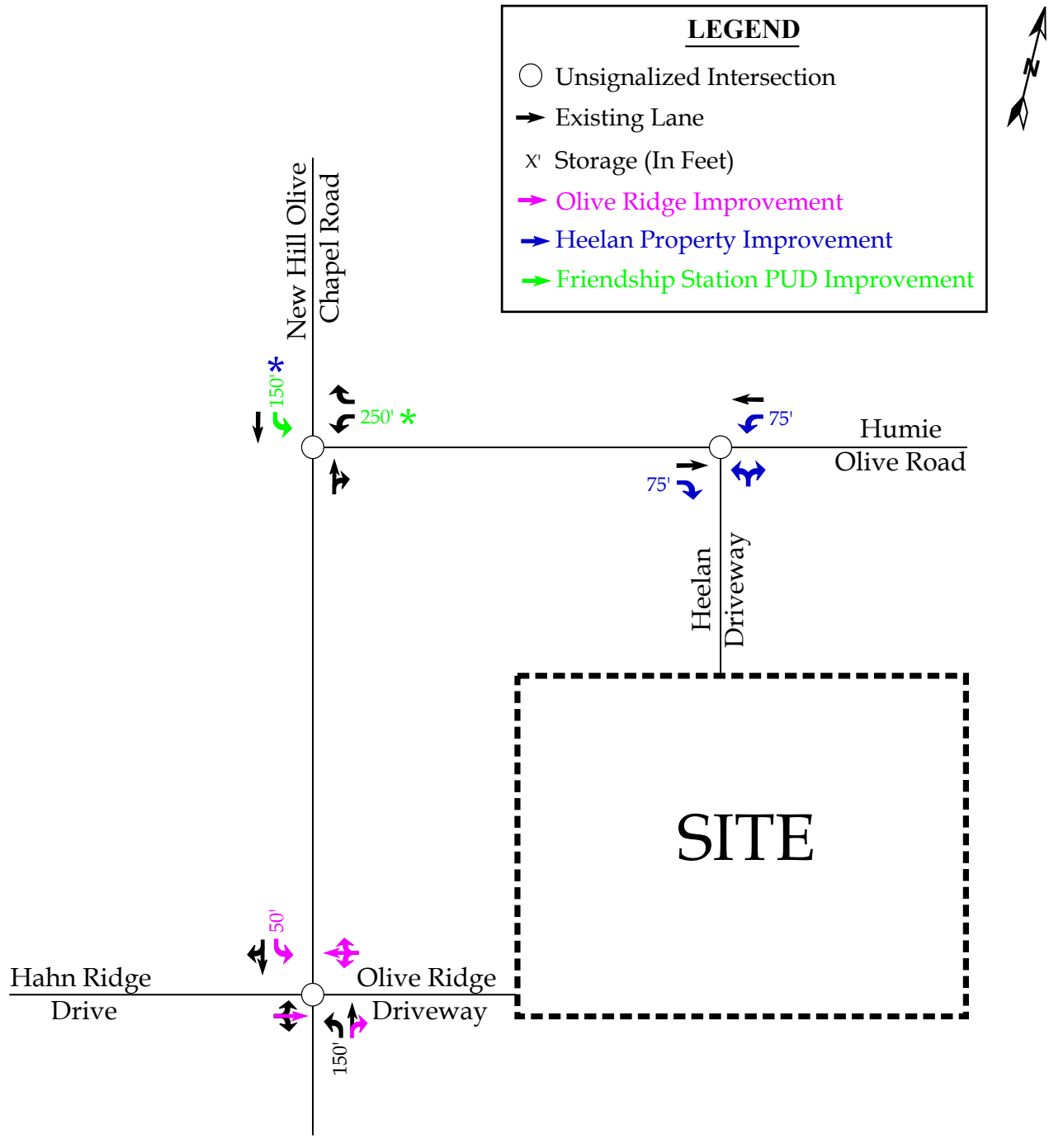
Committed Improvements by Olive Ridge

New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

- Construct a westbound approach with one ingress and one egress lane as a shared left/through/right turn lane.
- Provide stop control for the westbound approach.
- Provide an exclusive southbound left-turn lane with 50 feet of storage.

Recommended Improvements by the Twin Ponds Lane Development

Due to committed improvements by other developments and low impacts to the study intersections, no additional improvements are recommended by the developer.



* Improvement also committed by Heelan Property
* Storage extended by Friendship Station PUD

RKA RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	Recommended Lane Configurations
		Scale: Not to Scale | Figure E-1

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Appendix A: Scoping Documentation

Appendix B: Traffic Counts

Appendix C: Adjacent Development Information

Appendix D: Capacity Calculations – New Hill Olive Chapel Road and Humie Olive Road

Appendix E: Capacity Calculations – New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

Appendix F: Capacity Calculations – Humie Olive Road and Heelan Driveway

Appendix G: SimTraffic Queuing Reports

TRAFFIC IMPACT ANALYSIS
TWIN PONDS LANE DEVELOPMENT
APEX, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Twin Ponds Lane development to be located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2025, is assumed to consist of a maximum of 87 single-family homes. The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following existing intersections:

- New Hill Olive Chapel Road and Humie Olive Road
- New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway
- Humie Olive Road and Heelan Driveway*

*No-build and build conditions only

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The site is located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road. The proposed development, anticipated to be completed in 2025, is assumed to consist of a maximum of 87 single-family homes.

Site access will be provided via interconnectivity with Heelan Property (one full movement driveway along Humie Olive Road, five full movement driveways along Horton Ridge Boulevard, one full movement driveway along Olive Farm Road to align with Friendship Station Northern Site Driveway, one full movement driveway along Future Cave Junction Street, and interconnectivity with Olive Ridge Subdivision). The primary access points to be analyzed in this study are via the intersection of Humie Olive Road and Heelan Driveway and via the intersection of New Hill Olive Chapel Road and Olive Ridge Driveway (to be aligned with Hahn Ridge Drive, providing access to Jordan Manors.) Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of residential development. Additionally, Apex Friendship Middle School and Apex Friendship High School are located east of the proposed development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2020 AADT (vpd)
New Hill Olive Chapel Road	SR 1141	2-lane undivided	45 mph	NCDOT	4,900
Humie Olive Road	SR 1142	2-lane undivided	45 mph	NCDOT	1,450*
Hahn Ridge Drive	N/A	2-lane undivided	25 mph	Private	540*

*ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.





N

LEGEND

- Proposed Site Location
- Existing Study Intersection
- Study Area

RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	Site Location Map	
		Scale: Not to Scale	Figure 1

NOTES:

1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF APEX STANDARDS AND SPECIFICATIONS.
2. BOUNDARY & EXISTING CONDITIONS INFORMATION TAKEN FROM A SURVEY COMPLETED BY ROBINSON & PLANTE SURVEYORS.
3. TOPOGRAPHIC INFORMATION TAKEN FROM TOWN OF APEX LIDAR INFORMATION.
4. PER FEMA MAP #3720072000J & #3720071000K DATED 02 MAY 2006, A 100-YEAR FLOODPLAIN IS PRESENT.
5. THE SITE WAS REVIEWED FOR ENVIRONMENTAL FEATURES BY SPANGLER ENVIRONMENTAL, INC. THE TOWN OF APEX PROJECT NUMBERS ARE 19-003
6. FUTURE COMPLETION OF THE STREET STUBS AND UTILITIES FOR ALL STREETS GREATER THAN 10 FEET AWAY FROM THE PUD BOUNDARY LINE SHALL BE PAID FOR BY FEE-IN-LIEU.
7. THE DEVELOPER IS REQUESTING TOWN WATER SERVICE AND SEWER SERVICE.
8. ALL SANITARY SEWER CLEAN-OUTS IN VEHICLE TRAFFIC AREAS SHALL BE CONSTRUCTED IN ACCORDANCE WITH TOWN OF APEX STANDARD DETAIL 7.15.
9. ALL VALVE BOXES AND COVERS, STORM DRAINAGE GRATES AND MANHOLE COVERS SHALL MEET ASTM A48, GRADE 35B IRON REQUIREMENTS.
10. ALL SANITARY SEWER SERVICES SHALL BE 4" PVC SERVICES.
11. ALL WATER SERVICES TO RESIDENTIAL LOTS SHALL BE 3/4" SERVICES.
12. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH @ 919-249-3342.
13. A PRE-CONSTRUCTION MEETING IS REQUIRED PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.
14. A PLUMBING PERMIT ISSUED BY THE BUILDING INSPECTIONS DIVISION IS REQUIRED FOR ALL PLUMBING SYSTEMS, INCLUDING STORM DRAINAGE SYSTEMS, INSTALLED OUTSIDE THE PUBLIC RIGHT OF WAY OR A PUBLIC UTILITY EASEMENT. THESE SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE PLUMBING INSPECTOR PRIOR TO COVERING. CONTACT RUDY BAKER AT 249-3381 FOR INFORMATION INCLUDING THE UTILIZATION OF A THIRD-PARTY INSPECTION AGENCY FOR STORM DRAIN SYSTEMS.
15. ALL WATER AND SEWER SERVICES SHALL BE LOCATED WITHIN A 5' UTILITY EASEMENT LOCATED ALONG THE FRONT OF ALL LOTS.
16. ALL WATERLINE MAINS SHALL HAVE A TEE OR CROSS AT JUNCTIONS. ALL MAIN LINE GATE VALVES SHALL BE THE SAME SIZE AS THE WATER MAIN THEY ARE LOCATED ON.
17. CONSTRUCTION VEHICLE PARKING LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH & SPANISH SHALL BE INSTALLED.
18. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED. THE DEVELOPER WILL BE REQUIRED TO INSTALL WEATHER RESISTANT TEMPORARY ROAD NAME SIGNS AT INTERSECTIONS PRIOR TO FLAY APPROVAL. THESE SIGNS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL REPLACED BY THE PERMANENT SIGNS.
19. DURING INSTALLATION OF SILT FENCE, MAINTAIN 3' CLEARANCE AROUND FIRE HYDRANTS.

HATCH LEGEND:	
RCA	
PROPOSED MITIGATION AREA	
PLAY LAWN	
WETLANDS	

TOWN OF APEX REQUIRED PLAN NOTES:

1. ALL WATER AND SEWER LINES SHALL BE INSTALLED WITH A MINIMUM OF THREE-FEET OF COVER.
2. MAINTAIN 18 INCHES OF MINIMUM VERTICAL SEPARATION BETWEEN UTILITIES.
3. VERIFY ALL ILLUSTRATED UTILITY CROSSINGS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF CONFLICTS ARE ENCOUNTERED.
4. CONTRACTOR SHALL COORDINATE UTILITY RELOCATION OR ABANDONMENT WITH LOCAL UTILITY COMPANIES AS REQUIRED.
5. ALL METERED CONNECTIONS TO TOWN POTABLE WATER SHALL HAVE A TOWN-APPROVED BACKFLOW PREVENTION ASSEMBLY INSTALLED.
6. WATER AND SEWER SHALL BE SEPARATED AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SEWERS. WHERE LOCAL CONDITIONS PREVENT A SEPARATION OF 10 FEET, THE WATER MAIN MAY BE LAID CLOSER, PROVIDED THAT THE ELEVATION OF THE BOTTOM OF THE WATER MAIN IS AT LEAST 18 INCHES ABOVE THE TOP OF THE SEWER WITH A HORIZONTAL SEPARATION OF AT LEAST THREE-FEET.
7. ALL NEW PUBLIC WATER AND SEWER LINES CONTAINED WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WILL REQUIRE A WATER DISTRIBUTION EXTENSION PERMIT AND/OR A GRAVITY SEWER EXTENSION PERMIT PRIOR TO THE RELEASE OF CONSTRUCTION DRAWINGS. ALL WATER DISTRIBUTION EXTENSION PERMIT APPLICATIONS SHALL BE ACCOMPANIED BY A SEALED ENGINEER'S REPORT PER THE TOWN OF APEX STANDARD SPECIFICATIONS AND STANDARD DETAILS. CONTACT THE ENGINEERING DIVISION AT 919-249-3394 TO OBTAIN THESE PERMIT APPLICATIONS.
8. A PLUMBING PERMIT ISSUED BY THE BUILDING INSPECTION DIVISION IS REQUIRED FOR ALL PLUMBING SYSTEMS, INCLUDING STORM DRAINAGE SYSTEMS, INSTALLED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR A PUBLIC UTILITY EASEMENT. THESE SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE PLUMBING INSPECTOR PRIOR TO COVERING. CONTACT THE BUILDING INSPECTIONS DIRECTOR AT 919-249-3381 FOR INFORMATION INCLUDING THE UTILIZATION OF A THIRD-PARTY INSPECTION AGENCY. IT IS THE RESPONSIBILITY OF THE OWNER OR HIS REPRESENTATIVE(S) TO LOCATE AND IDENTIFY ALL EXISTING AND PROPOSED UTILITIES AND TO CLEARLY IDENTIFY THEM ON THE APPROVED PLANS.
9. NO PRIVATE UTILITY EASEMENTS SHALL BE ALLOWED TO BE COUNTED IN THE CALCULATIONS FOR BUFFERS, RCA, OR REQUIRED LANDSCAPE AREAS.

7
SFA (RL): 21 Lots
SFA (FL): 22 Lots
SFD: 29 Lots, 46 Lots
DEV. 17-18 Months

8
SFD: 41 Lots, 1 Lot
Dev. 7-8 Months

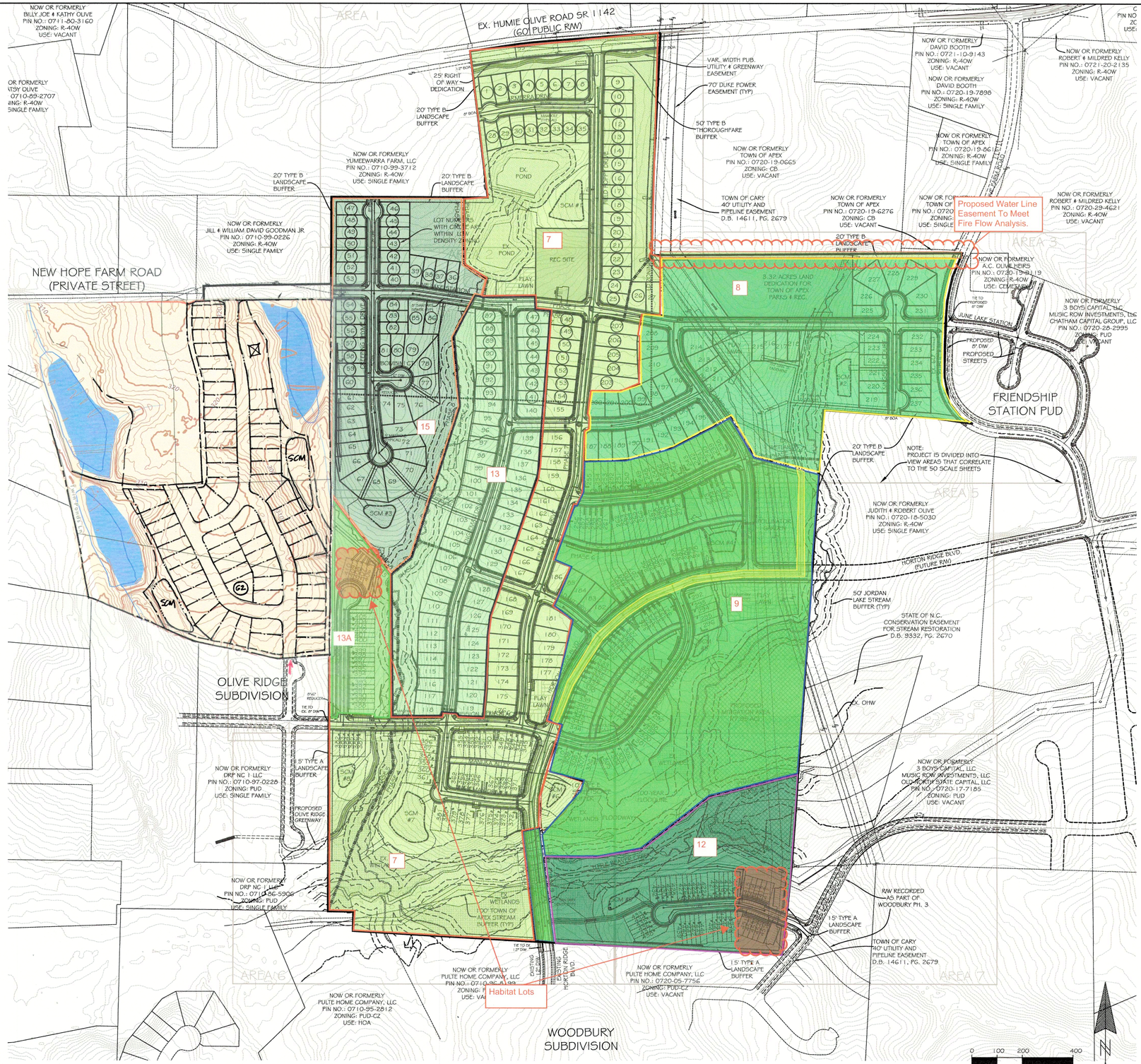
9
SFA (RL): 70 Lots
SFA (FL): 37 Lots
SFD: 4 Lots
Dev. 8-9 Months

13
SFD: 47 Lots
SFD: 14 Lots
Dev. 8-9 Months

15
SFD: 16 Lots
SFD: 35 Lots
Dev. 7-8 Months

13A
SFA: 18 Lots
Habitat: 5 Lots
Dev. 4-5 Months

12
SFA: 35 Lots
Habitat: 10 Lots
Dev. 6-7 Months



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70 UNITS

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www.jonescrossen.com

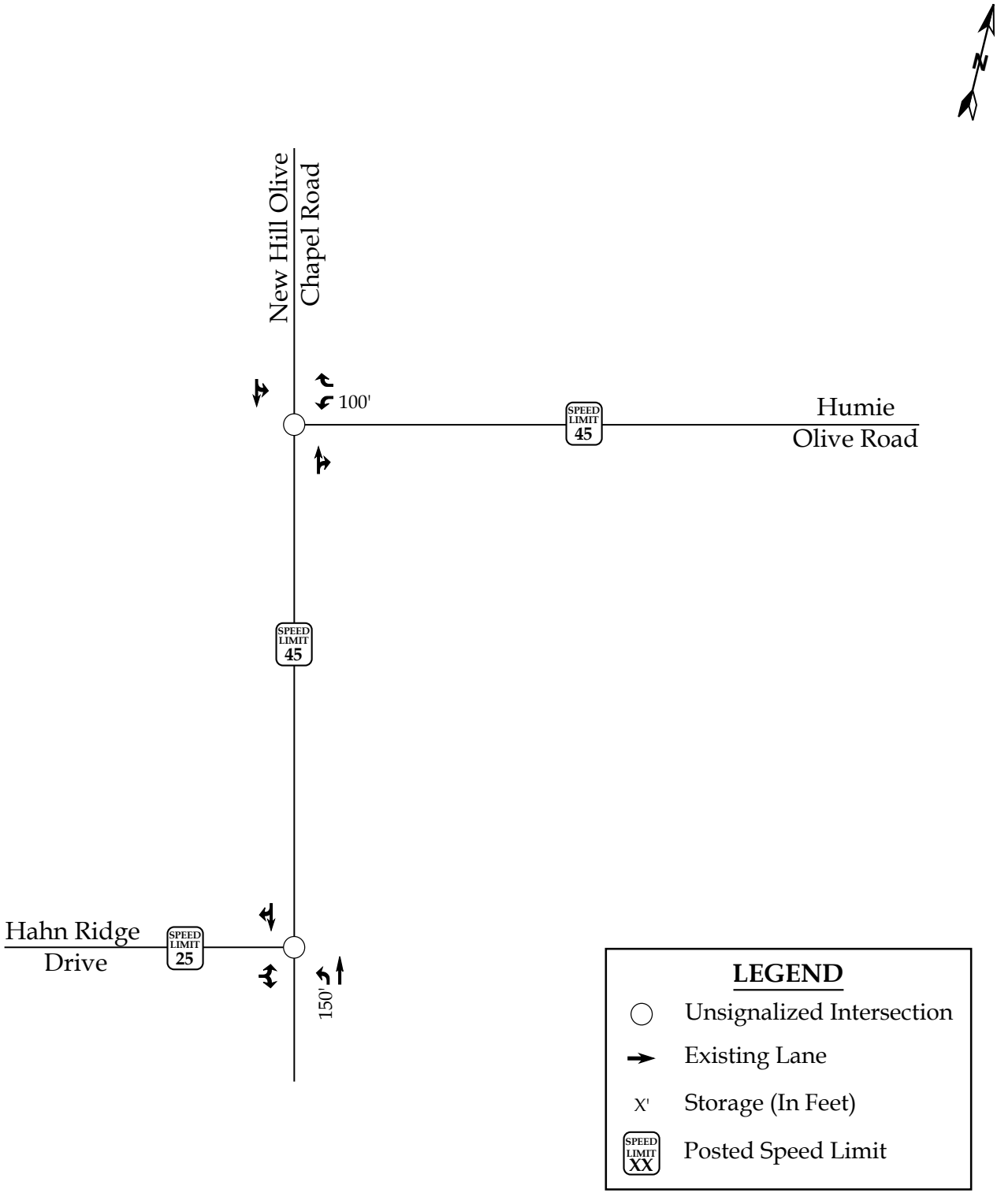
FOR REVIEW ONLY

RETREAT AT FRIENDSHIP
MASTER SUBDIVISION PLAN
TOWN OF APEX — WAKE COUNTY, NORTH CAROLINA
PRELIMINARY UTILITY PLAN OVERALL

SCALE	1"=200'
DRAWN	WCN
DATE	DECEMBER 1, 2020

REVISION	
2/1/21	PER TRC
5/3/21	NEW LAYOUT / TRC
6/10/21	PER TRC
7/6/21	MSP APPROVAL SET

SHEET 27
PROJECT 1910



RAMEY KEMP ASSOCIATES

Twin Ponds Lane Development
Apex, NC

2021 Existing Lane Configurations

Scale: Not to Scale | Figure 3

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

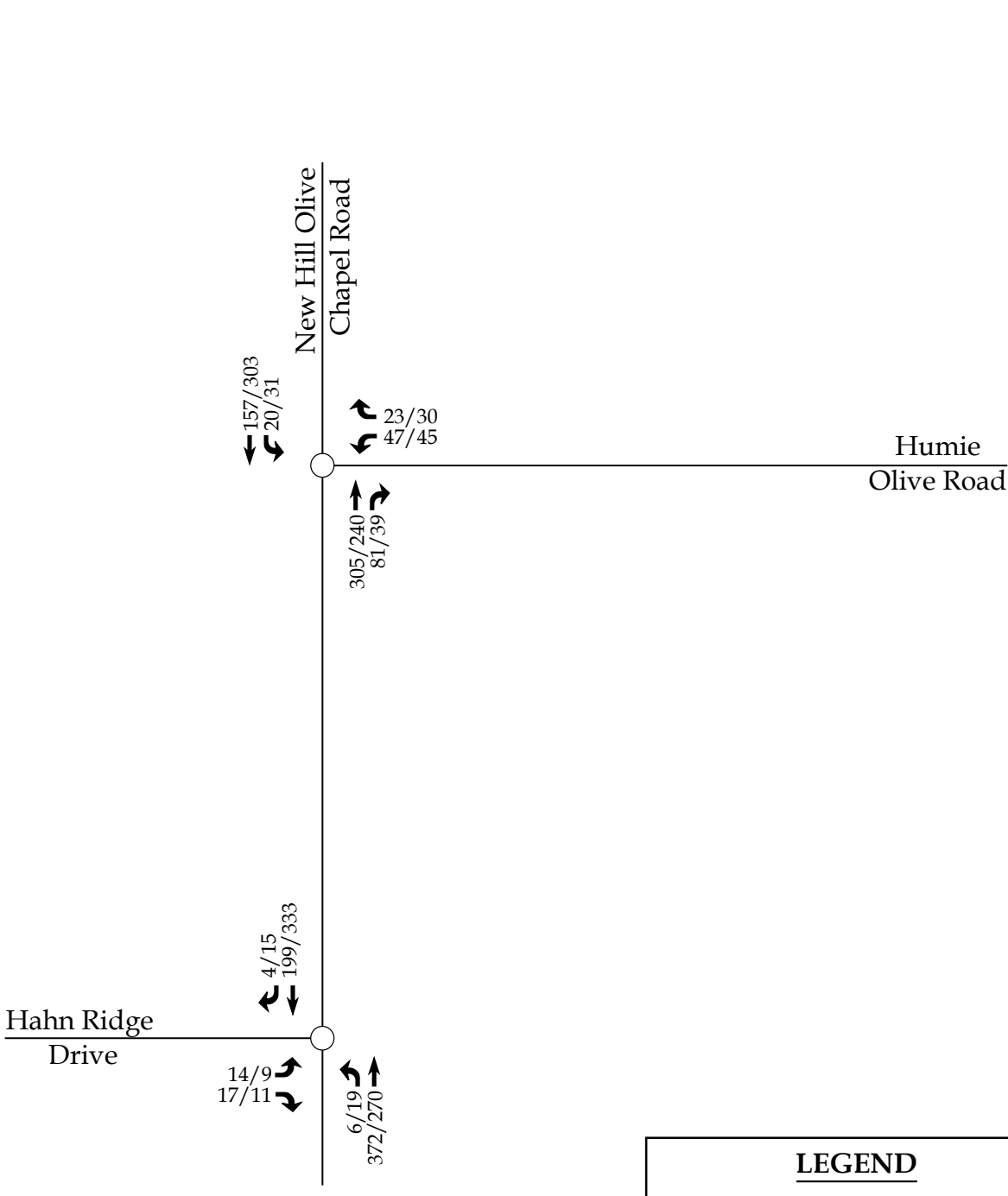
Peak hour turning movement counts were conducted by Ramey Kemp & Associates, Inc. at the intersection of New Hill Olive Chapel Road and Humie Olive Road in December of 2021 during weekday AM (7:00 to 9:00) and weekday PM (4:00 to 6:00) peak hours, while schools were in session. Previously collected traffic data (November of 2018) was grown to 2021 and compared with the new counts. It was determined that the new traffic counts at this intersection were reasonable when compared to the grown older counts; therefore, no adjustments were made to the new count data. This methodology was approved as part of the Memorandum of Understanding (MOU).

Turning movement counts at the intersections of New Hill Olive Chapel Road and Olive Ridge Driveway/ Hahn Ridge Drive and Humie Olive Road and Heelan Site Drive were determined based on the TIAs for Jordan Manors, Olive Ridge, and Heelan Property. Based on coordination with the Town only 75% of Jordan Manors was assumed to be built-out at the time of data collection; therefore, only 75% of the turning movement volumes (based on the Jordan Manors TIA) were included along Hahn Ridge Drive under 2021 existing conditions. Through volumes were determined by balancing the traffic counts at the adjacent intersection of Humie Olive Road and New Hill Olive Chapel Road.

Weekday AM and PM traffic volumes were balanced between study intersections. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. Refer to Appendix A for a copy of the approved MOU. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 7 of this report.



LEGEND

◯ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic

RAMEY KEMP ASSOCIATES

Twin Ponds Lane Development
Apex, NC

2021 Existing Peak Hour Traffic

Scale: Not to Scale | Figure 4

3. 2025 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2025 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2025 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Jordan Manors
- Woodbury / Bristol Assemblage
- Friendship Station PUD
- New Hill Assembly / Belterra / Jordan Vistas
- Olive Ridge
- Gracewood PUD
- Heelan Property

Table 2, on the following pages, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Percent Built-Out	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Jordan Manors	75%*	West of New Hill Olive Chapel Road, adjacent to Olive Ridge	*Expected prior to the build-out of the proposed Twin Ponds Lane development*	240 single-family homes	May 2015 by KHA
Woodbury / Bristol Assemblage	75%*	Along Horton Ridge Boulevard, east of New Hill Holleman Road	*Expected prior to the build-out of the proposed Twin Ponds Lane development*	311 single-family homes and 89 townhomes	May 2016 by VHB
Friendship Station PUD	N/A	Along Humie Olive Road at Olive Farm Road	2025	316 single-family homes, 185 apartment, 337 townhomes, 144,000 sq. ft. of retail space, and 68,000 sq. ft. office	March 2017 by RKA
New Hill Assembly / Belterra / Jordan Vistas	N/A	West of New Hill Olive Chapel Road and north of Old US 1	2022	152 single-family detached homes	April 2018 by RKA
Olive Ridge	N/A	East of New Hill Olive Chapel Road, across from Jordan Manors Drive	2022	169 single-family homes	December 2018 by RKA
Gracewood PUD	75%*	Northwest of the intersection of Old US 1 at Horton Road	2024	409 single-family homes	May 2017 by Kimley Horn
Heelan Property	N/A	Southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road	2026*	250 single-family detached homes and 268 townhomes	September 2019 by RKA

*The remaining 25% of trips were included as adjacent development trips to be added to the projected conditions.
**Assumed to be 75% built / occupied prior to the built-out of the proposed Twin Ponds Lane development.

The Jordan Manors, Woodbury, and Gracewood PUD are expected to be 75% built/occupied prior to the build-out of the Twin Ponds Lane development; therefore, the remaining 25% of trips were included as adjacent development trips to be added to projected conditions. Roadway improvements committed by Friendship Station PUD at the intersection of New Hill Olive Chapel Road and Humie Olive Road include the extension of the westbound left turn lane to 250 feet of storage and to provide an exclusive southbound left-turn lane with 150 feet of storage. It should be noted that the Heelan Property also committed to provide an extended westbound left-turn lane (200 feet of storage) and an exclusive southbound left-turn lane at the intersection of New Hill Olive Chapel Road and Humie Olive Road. The Heelan Property development also committed to provide the intersection of Humie Olive Road and Heelan Driveway with an exclusive eastbound right-turn lane and an exclusive westbound left-turn lane both with 75 feet of storage. Additionally, the Olive Ridge Development committed to provide a 50-foot southbound left-turn lane at the intersection of New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway. All of these roadway improvements committed by the adjacent developments listed above were included in 2025 no-build conditions.

The Jordan Manors, Woodbury, Friendship Station PUD, and Heelan Property developments are committed to the construction of Horton Ridge Boulevard. The roadway is expected to be a major collector street that is expected to add interconnectivity to neighborhoods within the vicinity of the site and ultimately connect to Richardson Road. Based on the anticipated connection, traffic relief is expected at the intersection of Humie Olive Road and New Hill Olive Chapel Road. Horton Ridge Boulevard was not included under future conditions since Heelan Property is not expected to be fully built and to provide conservative results within the external study area.

It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Adjacent development trips are shown in Figure 6. Adjacent

development information can be found in Appendix C. Refer to Appendix A for a copy of the approved MOU.

3.3. Future Roadway Improvements

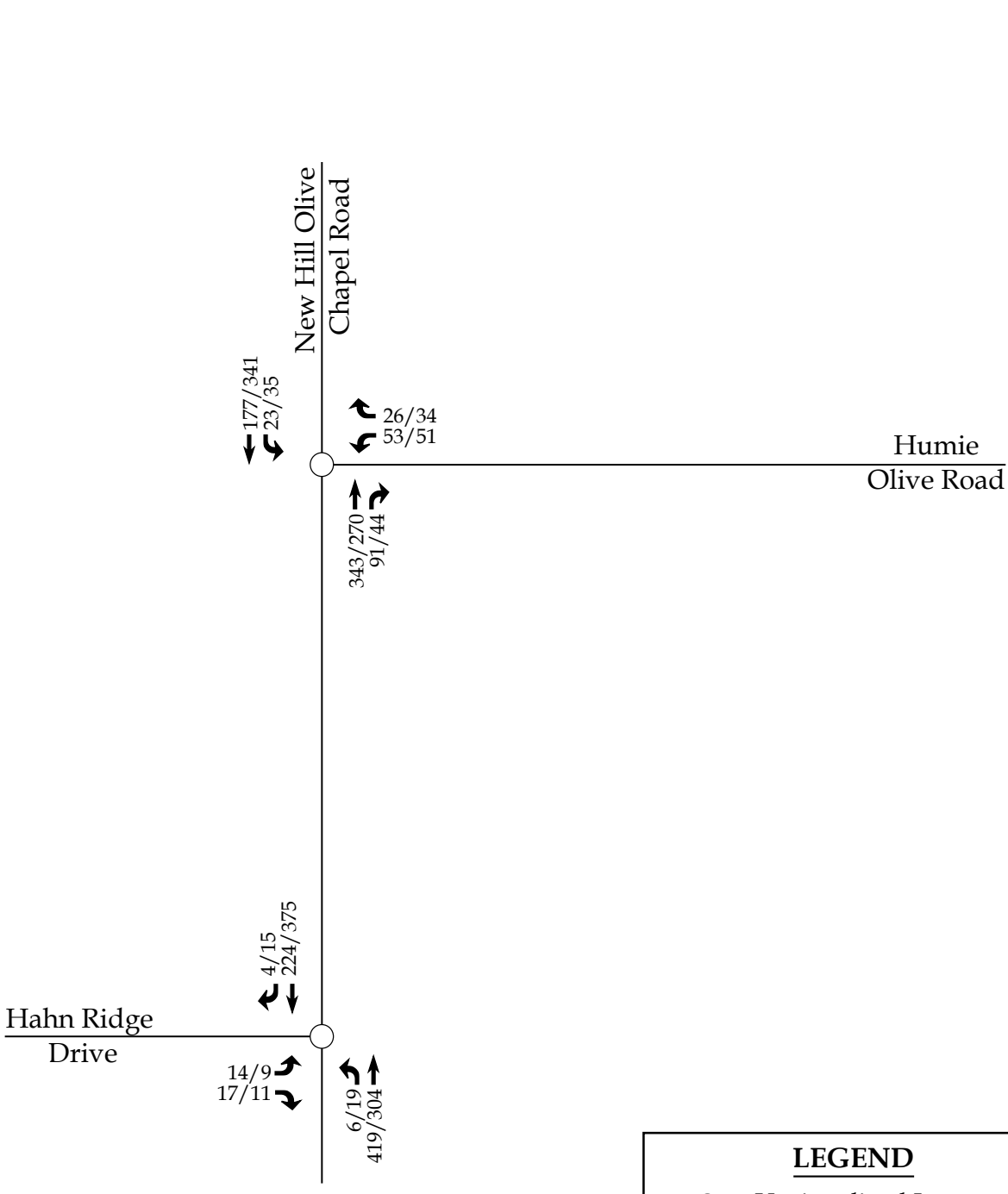
Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study apart from the committed improvements by the adjacent developments mentioned above.

3.4. 2025 No-Build Peak Hour Traffic Volumes

The 2025 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2025 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2025 no-build peak hour traffic volumes at the study intersections.

3.5. Analysis of 2025 No-Build Peak Hour Traffic Conditions

The 2025 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

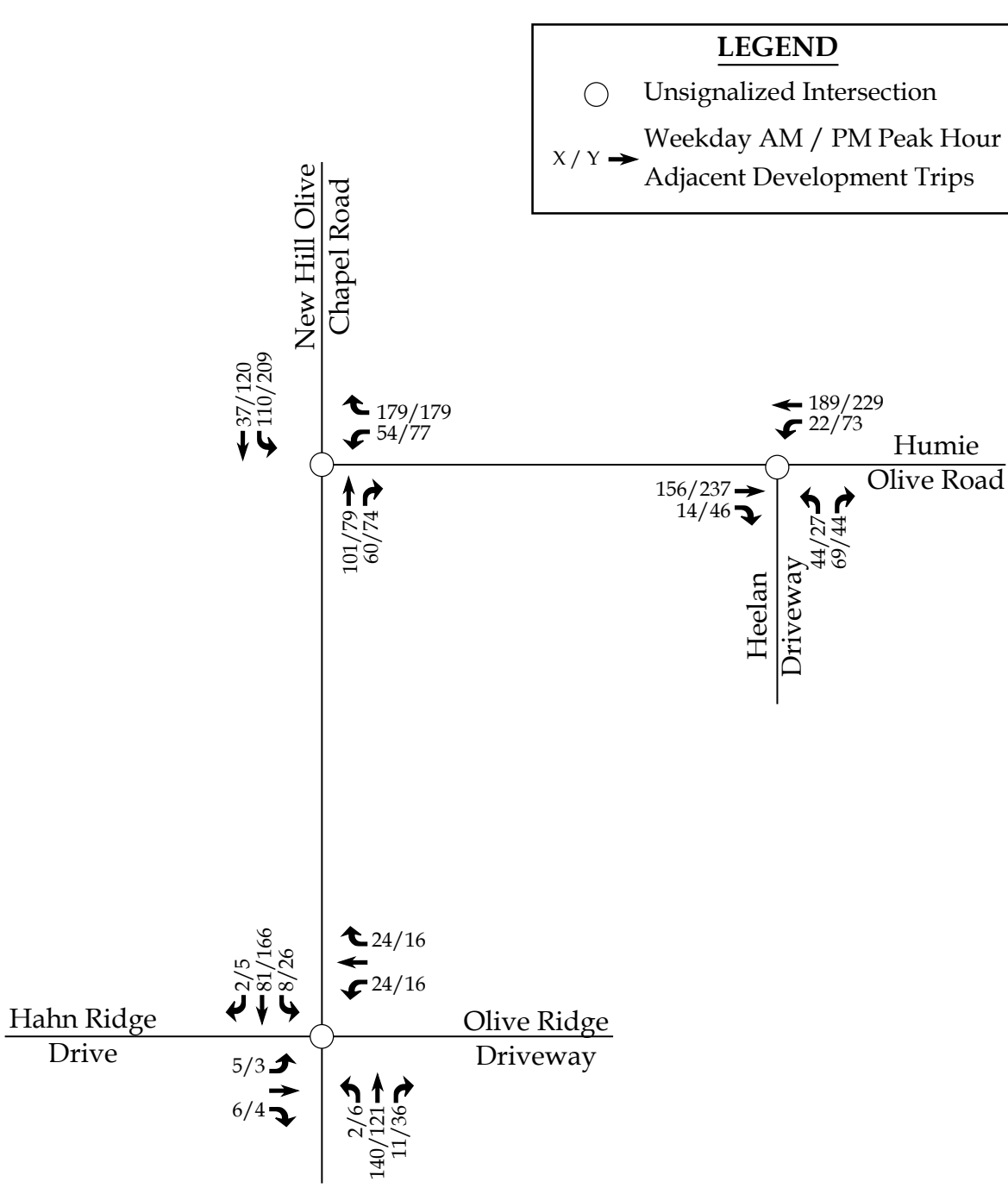


RAMEY KEMP ASSOCIATES

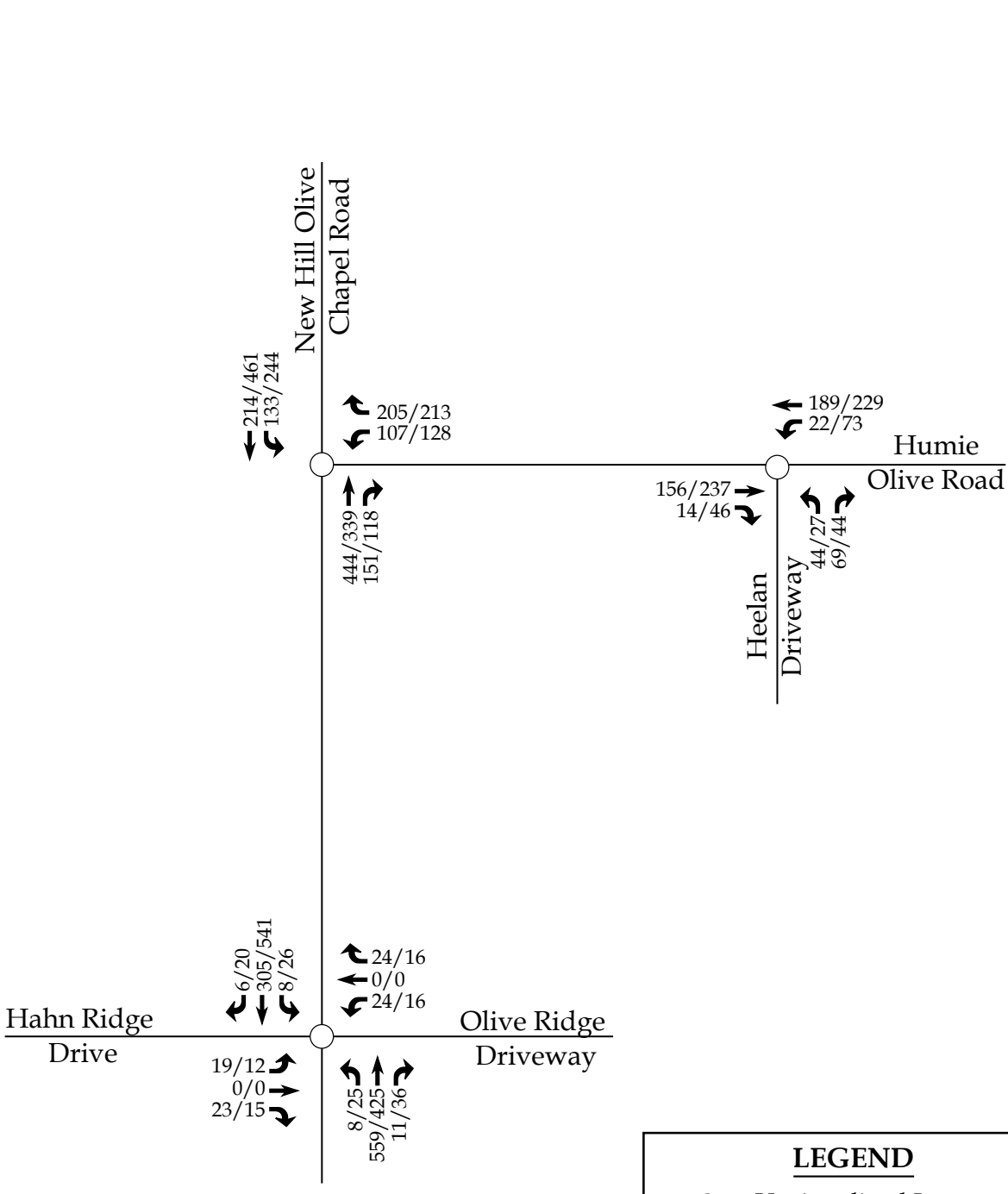
Twin Ponds Lane Development
Apex, NC

2025 Projected Peak Hour Traffic

Scale: Not to Scale | Figure 5



RKA RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	Peak Hour Adjacent Development Trips
		Scale: Not to Scale | Figure 6



RAMEY KEMP ASSOCIATES

Twin Ponds Lane Development
Apex, NC

2025 No-Build Peak Hour Traffic

Scale: Not to Scale | Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of a maximum of 87 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Detached Housing (210)	87 units	920	17	50	56	33

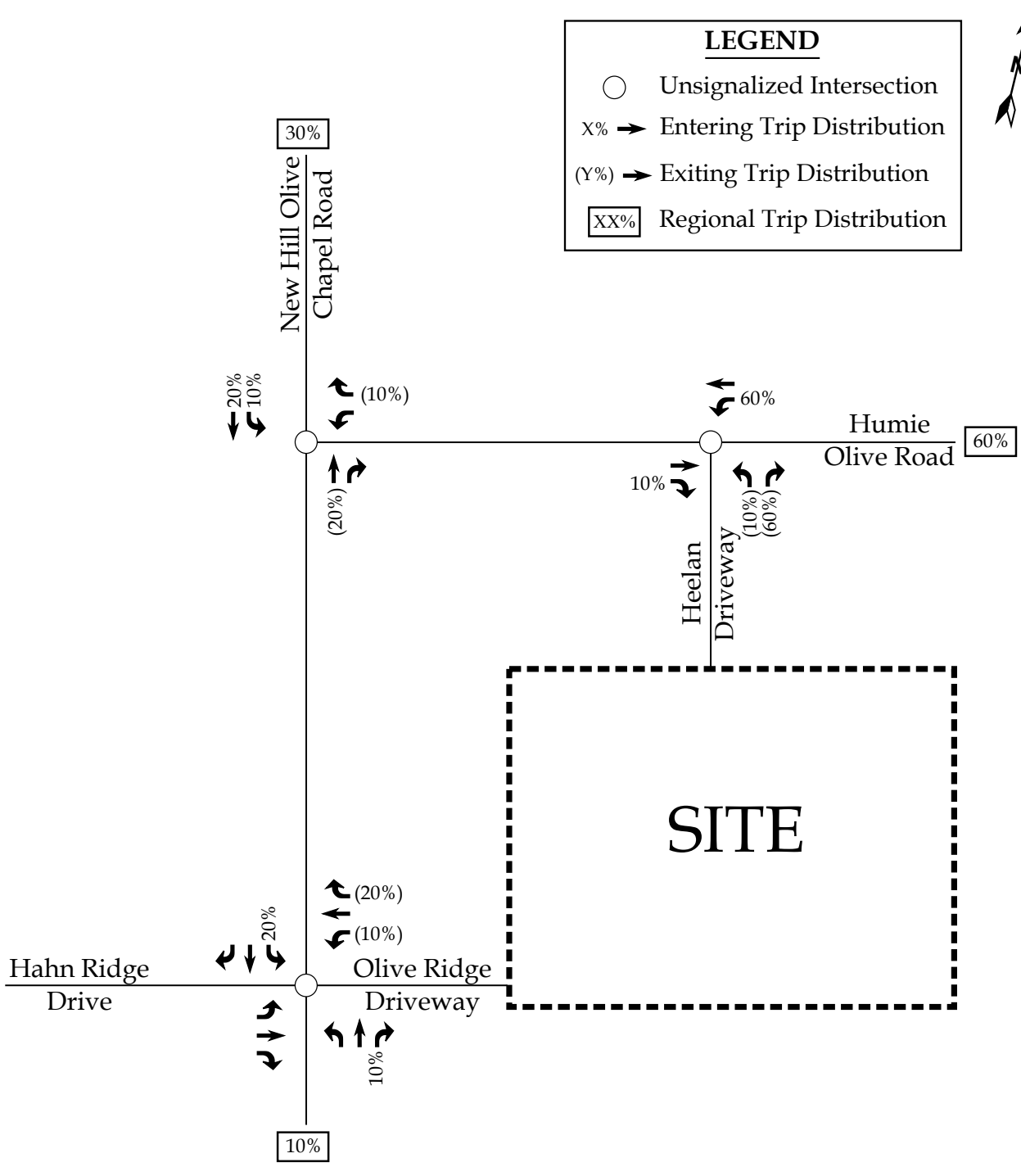
It is estimated that the proposed development will generate approximately 920 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 67 trips (17 entering and 50 exiting) will occur during the weekday AM peak hour and 89 trips (56 entering and 33 exiting) will occur during the weekday PM peak hour. It should be noted that this development is expected to generate less trips than typical NCDOT guidelines to require a TIA (3,000 daily trips); however, a courtesy copy of the TIA will be provided to NCDOT for review.

4.2. Site Trip Distribution and Assignment

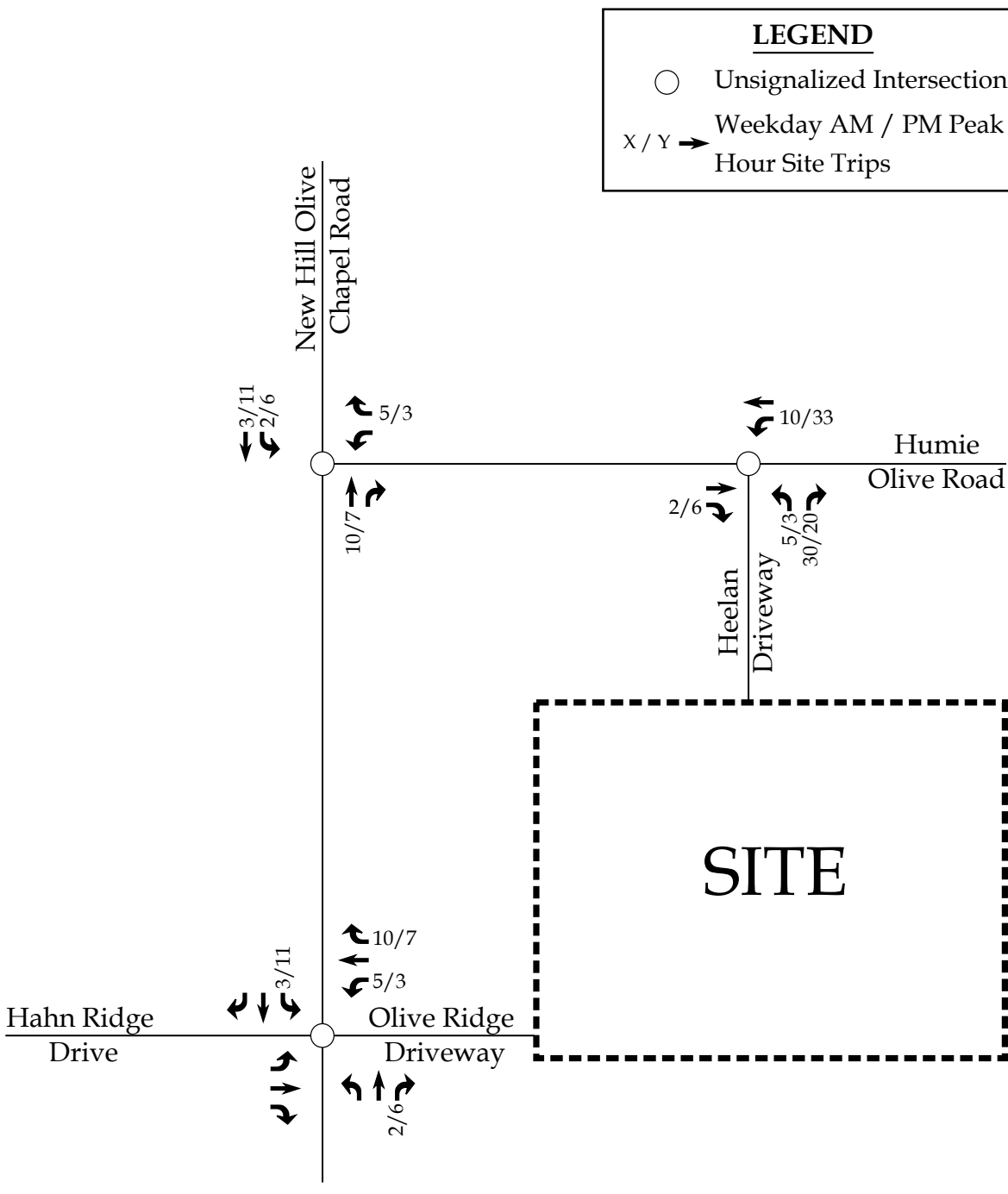
Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that the site trips will be regionally distributed as follows:

- 30% to/from the north via New Hill Olive Chapel Road
- 10% to/from the south via New Hill Olive Chapel Road
- 60% to/from the east via Humie Olive Road

These regional distributions are consistent with connecting adjacent developments and were approved as part of the MOU. The site trip distribution is shown in Figure 8 and the site trip assignment is shown in Figure 9.



RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	Site Trip Distribution	
		Scale: Not to Scale	Figure 8



RKA RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	Site Trip Assignment
		Scale: Not to Scale | Figure 9

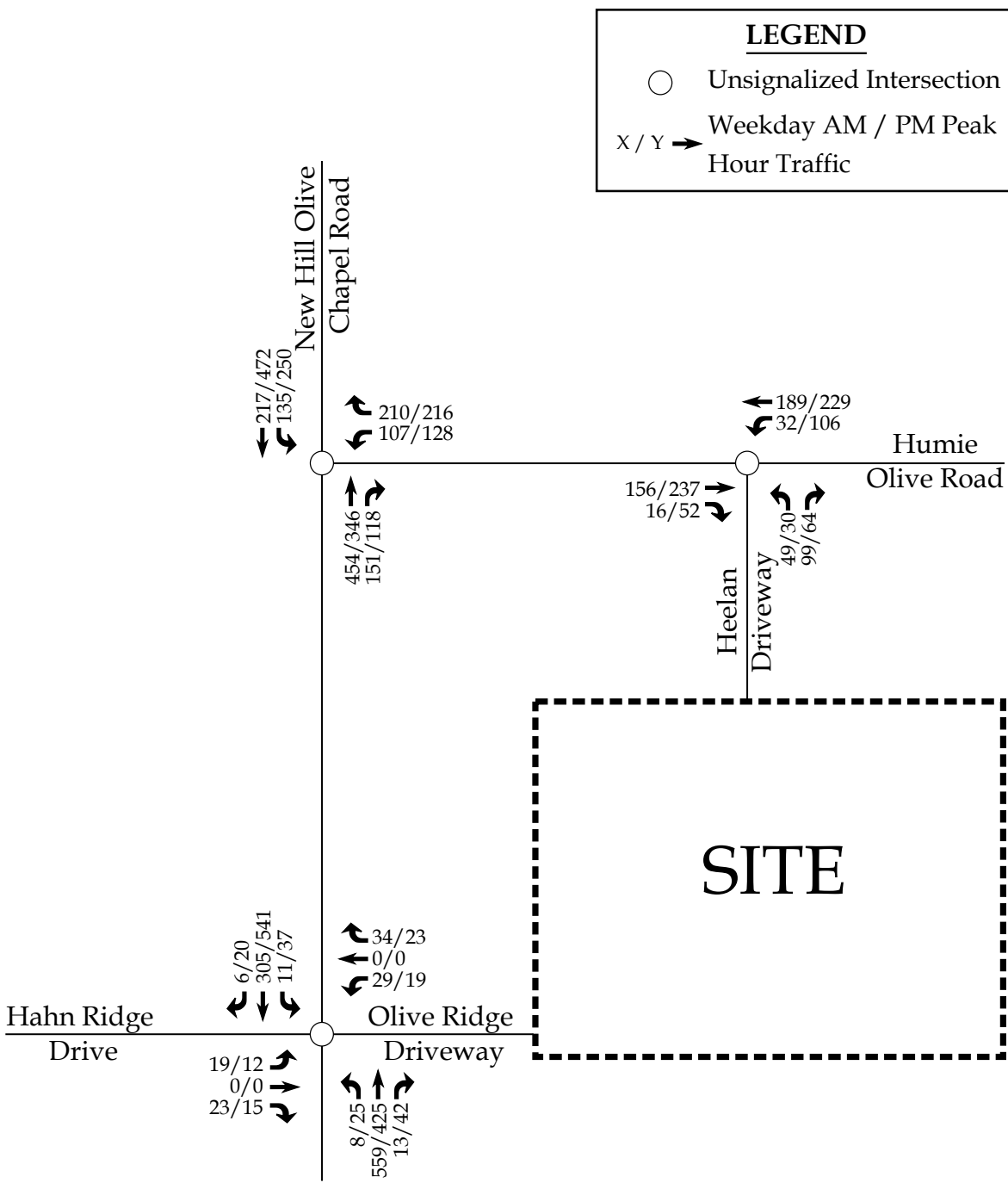
5. 2025 BUILD TRAFFIC CONDITIONS

5.1. 2025 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2025 no-build traffic volumes to determine the 2025 build traffic volumes. Refer to Figure 10 for an illustration of the 2025 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2025 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2025 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.



RKA RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	2025 Build Peak Hour Traffic
		Scale: Not to Scale | Figure 10

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as "the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions." Level of service (LOS) is a term used to represent different driving conditions and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers." Level of service varies from Level "A" representing free flow, to Level "F" where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes "initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay". An average control delay of 50 seconds at a signalized intersection results in LOS "D" operation at the intersection.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the Town's UDO and NCDOT Congestion Management Guidelines.

7. CAPACITY ANALYSIS

7.1. New Hill Olive Chapel Road and Humie Olive Road

The existing unsignalized intersection of New Hill Olive Chapel Road and Humie Olive Road was analyzed under 2021 existing, 2025 no-build, and 2025 build traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports and Appendix G for the SimTraffic queuing reports.

Table 5: Analysis Summary of New Hill Olive Chapel Road and Humie Olive Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	WB NB SB	1 LT, 1 RT 1 TH-RT 1 LT-TH	B[2] -- A[1]	N/A	B[2] -- A[1]	N/A
2025 No-Build	WB NB SB	1 LT*, 1 RT 1 TH-RT **1 LT**, 1 TH	D[2] -- A[1]	N/A	F[2] -- A[1]	N/A
2025 Build	WB NB SB	1 LT*, 1 RT 1 TH-RT **1 LT**, 1 TH	D[2] -- A[1]	N/A	F[2] -- A[1]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Committed improvements to the lane configuration by the Friendship Station PUD and Heelan Property are shown in **red**.

*Additional storage committed by Friendship Station PUD and Heelan Property.

Capacity analysis of 2021 existing, 2025 no-build, and 2025 build traffic conditions indicates the major street left-turn movement at the intersection of New Hill Olive Chapel Road and Humie Olive Road is expected to operate at LOS A during both weekday AM and PM peak hours. The minor-street approach is expected to operate at LOS B under 2021 existing traffic conditions during both weekday AM and PM peak hours. Under 2025 no-build and 2025 build traffic conditions, the minor-street approach is expected to operate at LOS D during the weekday AM peak hour and LOS F during the PM peak hour. These levels of service are not uncommon for an unsignalized minor-street approaches at a mainline (New Hill Olive Chapel Road) with heavy through volumes.

Due to poor minor-street approach LOS during the weekday AM and PM peak hour, a traffic signal was considered at this intersection. 2025 no-build and 2025 build traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal is expected to be warranted during both weekday peak hours. Due to the high volume of residential development, (which typically generate trips during two distinct peak hours each weekday) it is anticipated that the 4- or 8-hour signal warrants would not be met, which NCDOT typically prefers for signalization.

The 150-foot southbound left-turn lane improvement committed by Friendship Station PUD and the Heelan Property along New Hill Olive Chapel Road is anticipated to provide sufficient storage for the southbound left-turning queues under 2025 build traffic conditions.

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95th queue is anticipated to be 131 feet during the weekday AM peak hour and 245 feet during the weekday PM peak hour. Friendship Station PUD committed to extend the westbound left-turning movement to 250 feet which is anticipated to provide sufficient storage under 2025 build conditions.

It should be noted the proposed development is only expected to account for 2% of the total traffic at this study intersection during the weekday AM and PM peak hours under 2025 build conditions. Additionally, interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate some of the traffic currently at the intersection of New Hill Olive Chapel Road and Humie Olive Road.

No improvements are recommended at this intersection since the 4- and 8- hour warrants for signalization are not anticipated to be met, there is low impact by the proposed development, and there will be future interconnectivity / connector road between adjacent developments.

7.2. New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

The existing unsignalized intersection of New Hill Olive Chapel Road and Hahn Ridge Drive was analyzed under 2021 existing traffic conditions with the lane configurations and traffic control shown in Table 6. Olive Ridge Driveway is anticipated to align with Hahn Ridge Drive along New Hill Olive Chapel Road under 2025 no-build traffic conditions. Olive Ridge Driveway is anticipated to be a main access point for the Twin Ponds Lane development. Refer to Table 6 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports and Appendix G for the SimTraffic queuing reports.

Table 6: Analysis Summary of New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB NB SB	1 LT-RT 1 LT, 1 TH 1 TH-RT	B[2] A[1] --	N/A	B[2] A[1] --	N/A
2025 No-Build	EB **WB** NB SB	1 LT-**TH**-RT **1 LT-TH-RT** 1 LT, 1 TH-**RT** **1 LT**, TH-RT	C[2] C[2] A[1] A[1]	N/A	C[2] D[2] A[1] A[1]	N/A
2025 Build	EB **WB** NB SB	1 LT-**TH**-RT **1 LT-TH-RT** 1 LT, 1 TH-**RT** **1 LT**, TH-RT	C[2] C[2] A[1] A[1]	N/A	D[2] D[2] A[1] A[1]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Committed improvements to the lane configuration by the Olive Ridge development are shown in **red**.

Capacity analysis of 2021 existing traffic conditions indicates the minor-street approach at the intersection of Hahn Ridge Drive and New Hill Olive Chapel Road currently operates at LOS B during the weekday AM and PM peak hour. Under 2025 no-build traffic conditions, Olive Ridge Driveway will align with Hahn Ridge Drive at New Hill Olive Chapel Road. The minor-street approaches are expected to operate at LOS C during the weekday AM peak hour and

LOS D or better during the weekday PM peak hour under 2025 no-build and 2025 build traffic conditions. It should be noted the proposed development is only expected to account for 2% of the total traffic at this study intersection during the weekday AM and PM peak hours under 2025 build conditions.

Exclusive left- and right-turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to the North Carolina Highways.* Based on the SimTraffic queuing reports under 2025 build traffic conditions, the southbound left-turning movement 95th queue is anticipated to be 18 feet during the weekday AM peak hour and 33 feet during the weekday PM peak hour. Olive Ridge Development is committed to constructing a southbound left-turn lane with 50 feet of storage. This improvement is anticipated to provide sufficient storage under 2025 build conditions.

An exclusive northbound right-turn lane was considered, but not recommended at this intersection due to the low contribution of traffic by the proposed Twin Ponds Lane Development.

No improvements by the developer are recommended at this intersection due to minimal queuing and low contribution of traffic to the intersection.

7.3. Humie Olive Road and Heelan Driveway

The unsignalized intersection of Humie Olive Road and Heelan Driveway was analyzed under 2025 no-build and 2025 build traffic conditions with the lane configurations and traffic control shown in Table 7. Heelan Driveway is anticipated to be a main access point for the Twin Ponds Lane development. Refer to Table 7 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports and Appendix G for the SimTraffic queuing reports.

Table 7: Analysis Summary of Humie Olive Road and Heelan Driveway

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 No-Build	EB WB NB	1 TH, **1 RT** **1 LT**, 1 TH **1 LT-RT**	-- A[1] B[2]	N/A	-- A[1] B[2]	N/A
2025 Build	EB WB NB	1 TH, **1 RT** **1 LT**, 1 TH **1 LT-RT**	-- A[1] B[2]	N/A	-- A[1] B[2]	N/A

Committed improvements to lane configurations by the Heelan Property development shown in **red**.
1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2025 no-build and build traffic conditions indicates the minor-street movement and major-street left-turn movement currently operates at LOS B or better during the weekday AM and PM peak hours. Under 2025 no-build traffic conditions, the Heelan Property is expected to construct this intersection with a stop control for the southbound approach, an exclusive eastbound right-turn lane, and a westbound left-turn lane each with 75 feet of storage.

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95th queue for the westbound left-turning movement is anticipated to be 18 feet during the weekday AM peak hour and 47 feet during the weekday PM peak hour. It should be noted interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate

some of queuing at the intersection of Humie Olive Road and Heelan Driveway. Turn lane storages committed by the Heelan Property development are expected to sufficiently accommodate 2025 build traffic volumes. Due to minimal queuing, future interconnectivity, and sufficient turn lane storages, no improvements by the developer are recommended at this intersection.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed residential development, located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. The proposed development is expected to be built out in 2025. Site access will be provided via interconnectivity with Heelan Property (one full movement driveway along Humie Olive Road, five full movement driveways along Horton Ridge Boulevard, one full movement driveway along Olive Farm Road to align with Friendship Station Northern Site Driveway, one full movement driveway along Future Cave Junction Street and interconnectivity with Olive Ridge Subdivision). The primary access points to be analyzed in this study are via Humie Olive Road and Heelan Driveway and via New Hill Olive Chapel Road and Olive Ridge Driveway (to be aligned with Hahn Ridge Drive, providing access to Jordan Manors.)

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

Trip Generation

It is anticipated that the proposed development will generate approximately 920 total site trips on the roadway network during a typical 24-hour weekday period. It is estimated that the proposed development will generate approximately 67 trips (17 entering and 50 exiting) during the weekday AM peak hour and 89 trips (56 entering and 33 exiting) during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

A summary of the study area intersections are as follows:

New Hill Olive Chapel Road and Humie Olive Road

Due to poor minor-street approach LOS during the weekday AM and PM peak hour, a traffic signal was considered at this intersection. 2025 no-build and 2025 build traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal is expected to be warranted during both weekday peak hours. Due to the high volume of residential development, (which typically generate trips during two distinct peak hours each weekday) it is anticipated that the 4- or 8-hour signal warrants would not be met, which NCDOT typically prefers for signalization.

The 150-foot southbound left-turn lane improvement committed by Friendship Station PUD and the Heelan Property along New Hill Olive Chapel Road is anticipated to provide sufficient storage for the southbound left-turning queues under 2025 build traffic conditions.

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95th queue is anticipated to be 141 feet during the weekday AM peak hour and 245 feet during the weekday PM peak hour. Friendship Station PUD committed to extend the westbound left-turning movement to 250 feet which is anticipated to provide sufficient storage under 2025 build conditions.

It should be noted the proposed development is only expected to account for 2% of the total traffic at this study intersection during the weekday AM and PM peak hours under 2025 build conditions. Additionally, interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate some of the traffic currently at the intersection of New Hill Olive Chapel Road and Humie Olive Road.

No improvements are recommended at this intersection since the 4- and 8- hour warrants for signalization are not anticipated to be met, there is low impact by the proposed development, and there will be future interconnectivity / connector road between adjacent developments.

New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

Exclusive left- and right-turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to the North Carolina Highways*. Based on the SimTraffic queuing reports under 2025 build traffic conditions, the southbound left-turning movement 95th queue is anticipated to be 15 feet during the weekday AM peak hour and 33 feet during the weekday PM peak hour. Olive Ridge Development is committed to constructing a southbound left-turn lane with 50 feet of storage. This improvement is anticipated to provide sufficient storage under 2025 build conditions.

An exclusive northbound right-turn lane was considered, but not recommended at this intersection due to the low contribution of traffic by the proposed Twin Ponds Lane Development.

No improvements by the developer are recommended at this intersection due to minimal queuing and low contribution of traffic to the intersection.

Humie Olive Road and Heelan Driveway

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95th queue for the westbound left-turning movement is anticipated to be 18 feet during the weekday AM peak hour and 47 feet during the weekday PM peak hour. It should be noted interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate some of queuing at the intersection of Humie Olive Road and Heelan Driveway. Turn lane storages committed by the Heelan Property development are expected to sufficiently accommodate 2025 build traffic volumes. Due to minimal queuing, future interconnectivity, and sufficient turn lane storages, no improvements by the developer are recommended at this intersection.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified to accommodate future traffic conditions. See a more detailed description of the improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Committed Improvements by Friendship Station PUD

New Hill Olive Chapel Road and Humie Olive Road

- Extend the westbound left-turn lane to 250 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

Committed Improvements by Heelan Property

New Hill Olive Chapel Road and Humie Olive Road

- Extend the westbound left-turn lane to 200 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

Humie Olive Road and Heelan Driveway

- Provide an exclusive eastbound right-turn lane with 75 feet of storage.
- Provide an exclusive westbound left-turn lane with 75 feet of storage.
- Construct a northbound approach with one ingress and one egress lane as a shared left/right-turn lane.
- Provide stop control for the northbound approach.

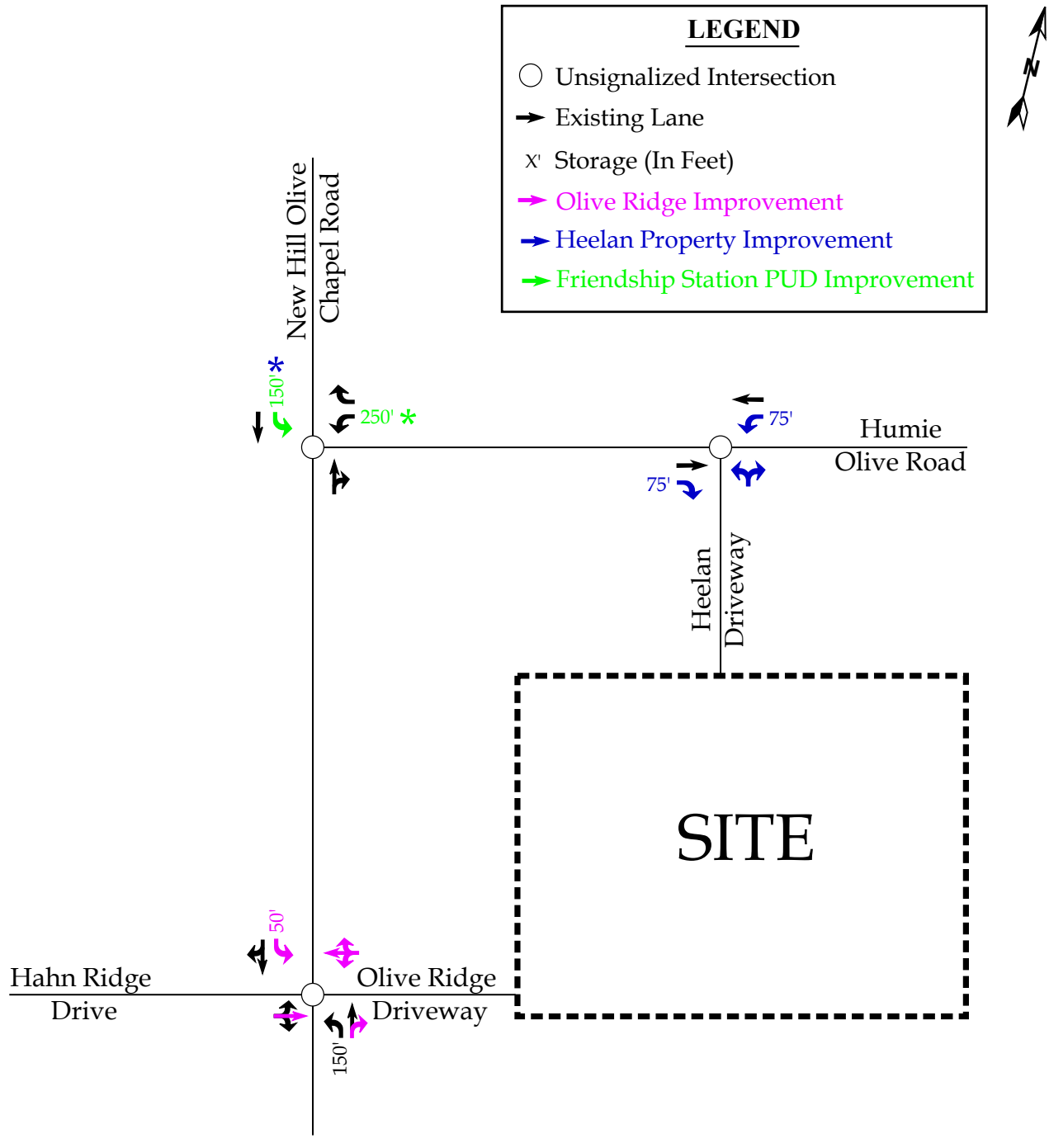
Committed Improvements by Olive Ridge

New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

- Construct a westbound approach with one ingress and one egress lane as a shared left/through/right turn lane.
- Provide stop control for the westbound approach.
- Provide an exclusive southbound left-turn lane with 50 feet of storage.

Recommended Improvements by Twin Ponds Lane Development

Due to committed improvements by other developments and low impacts to the study intersections, no additional improvements are recommended by the developer.



* Improvement also committed by Heelan Property
* Storage extended by Friendship Station PUD

RKA RAMEY KEMP ASSOCIATES	Twin Ponds Lane Development Apex, NC	Recommended Lane Configurations
		Scale: Not to Scale | Figure 11

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ08 Adams Property PUD

Planning Board Meeting Date: August 8, 2022

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: 23.92 acres

PIN(s): 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

Current Zoning: Wake County Residential-40W (R-40W)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Low Density Residential

Town Limits: Currently in Wake County jurisdiction; to be annexed

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Sarah Soh

☑ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8 day of August 2022.

Attest:

Mark Steele, Planning Board Vice-Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.08.08 17:34:59 -04'00'

Dianne Khin, Director of Planning and Community Development

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ08
Adams Property PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: M/I Homes of Raleigh, LLC
Property Addresses: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Acreage: ±23.23 acres
Property Identification Numbers (PINs): 0710990078, 0710990171, 0710889798, 0710889126, 0710879844
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County Residential-40W (R-40W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/38989.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: M/I Homes of Raleigh, LLC
Agente autorizado: M/I Homes of Raleigh, LLC
Dirección de la propiedades: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Superficie: ±23.23 acres
Número de identificación de la propiedades: 0710990078, 0710990171, 0710889798, 0710889126, 0710879844
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de la propiedades: Wake County Residential-40W (R-40W)
Ordenamiento territorial propuesto para la propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/38989.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 202

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ08
Adams Property PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: M/I Homes of Raleigh, LLC
Property Addresses: 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Acreage: ±23.92 acres
Property Identification Numbers (PINs): 0710990078, 0710990171, 0710889798, 0710889126, 0710879844
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County Residential-40W (R-40W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 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: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/38989.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: M/I Homes of Raleigh, LLC
Agente autorizado: M/I Homes of Raleigh, LLC
Dirección de la propiedades: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
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Ordenamiento territorial existente de la propiedades: Wake County Residential-40W (R-40W)
Ordenamiento territorial propuesto para la propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



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Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 202

Legal Notice of Public Hearings | 22CZ08-Public-Notice-Combo
apexnc.org/DocumentCenter/View/40326/22CZ08-Public-Notice-Combo?bidId=
Municode Meetings | Plan Review | Planning Departme... | iMAPS | Real Estate Search | Register of Deeds | Unified Developme... | ExecuTime Enterpri... | Maps & Publication...
22CZ08-Public-Notice-Combo 1 / 2 67%



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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ08
Adams Property PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

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Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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Vicinity Map:



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80°F 10:45 AM 7/25/2022

Legal Notice of Public Hearings
22CZ08-Public-Notice-Combo
apexnc.org/DocumentCenter/View/40326/22CZ08-Public-Notice-Combo?bidId=
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22CZ08-Public-Notice-Combo
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Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.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/38989.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: M/I Homes of Raleigh, LLC
Agente autorizado: M/I Homes of Raleigh, LLC
Dirección de la propiedades: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
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Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/38989.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 2022

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22CZ08-Legal-Ad-TC-Combined

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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ08
Adams Property PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: M/I Homes of Raleigh, LLC
Property Addresses: 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Acreage: ±23.92 acres
Property Identification Numbers (PINs): 0710990078, 0710990171, 0710889798, 0710889126, 0710879844
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County Residential-40W (R-40W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 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: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/38980.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: M/I Homes of Raleigh, LLC
Agente autorizado: M/I Homes of Raleigh, LLC
Dirección de la propiedades: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
ón de la propiedades: 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

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8/5/2022

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Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.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/38089.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: M/I Homes of Raleigh, LLC
Agente autorizado: M/I Homes of Raleigh, LLC
Dirección de la propiedades: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Superficie: ±23.92 acres
Número de identificación de la propiedades: 0710990078, 0710990171, 0710889798, 0710889126, 0710879844
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de la propiedades: Wake County Residential-40W (R-40W)
Ordenamiento territorial propuesto para la propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal [73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502], al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/38089.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 2022

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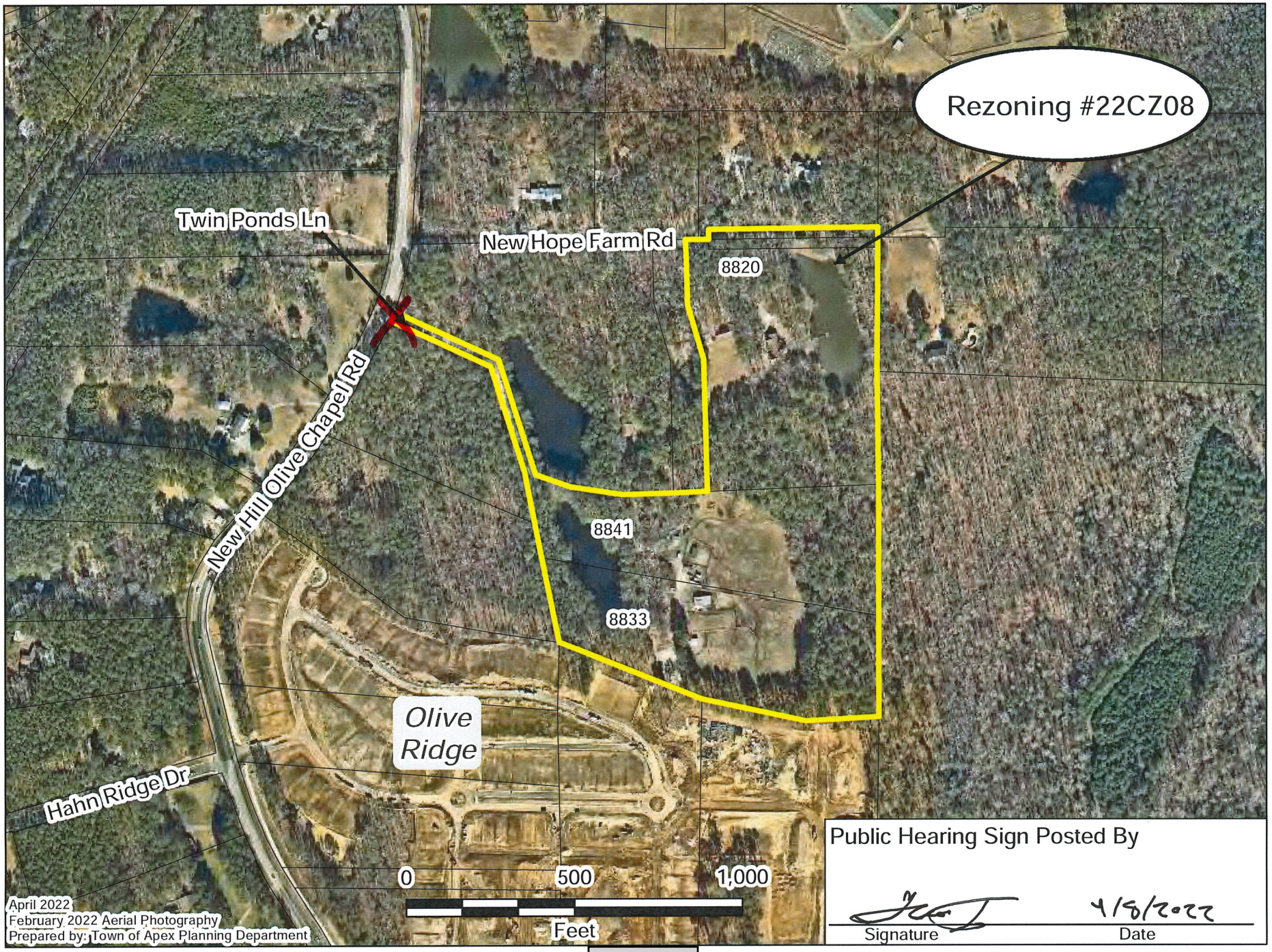
8/5/2022



Public Hearing Sign Posted By

Signature

4/8/2022

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 #22CZ08 Adams Property PUD
Project Location:	0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Applicant or Authorized Agent:	M/I Homes of Raleigh, LLC
Firm:	M/I Homes of Raleigh, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/25/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above State and County, this the 25 day of July, 2022.

JOSHUA KILLIAN Notary Public Wake County My Comm. Exp. 6/19/2027 NORTH CAROLINA

Joshua Killian
Notary Public

My Commission Expires: 6/19/2027

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #22CZ08 Adams Property PUD
Project Location:	0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane
Applicant or Authorized Agent:	M/I Homes of Raleigh, LLC
Firm:	M/I Homes of Raleigh, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 5, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/8/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Aderson, a Notary Public for the above State and County, this the 8 day of August, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024

Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

April 13, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: April 1, 2022
- Name of development: 22CZ08 Adams Property PUD
- Address of rezoning: 0, 0, and 8820 New Hope Farm Rd; 8833 & 8841 Twin Ponds Ln
- Total number of proposed residential units: 67
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

☑ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

☑ Elementary ☑ Middle ☑ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

☐ Not applicable – existing school capacity is anticipated to be sufficient.

☐ School expansion or construction within the next five years is not anticipated to address concerns.

☑ School expansion or construction within the next five years may address concerns at these grade levels:

☑ Elementary ☐ Middle ☑ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,
Glenn Carrozza

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 23.92 ACRES LOCATED AT 0,0 & 8820 NEW HOPE FARM ROAD; 8841 & 8833 TWIN PONDS LANE FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#22CZ08

WHEREAS, M/I Homes of Raleigh, LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of April 2022 (the "Application"). The proposed conditional zoning is designated #22CZ08;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ08 before the Planning Board on the 8th day of August 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of August 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ08. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ08;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ08 before the Apex Town Council on the 23rd day of August 2022;

WHEREAS, the Apex Town Council held a public hearing on the 23rd day of August 2022. Liz Loftin, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ08 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the density, use, and architectural standards proposed are consistent with those to the south and east. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of ____ to ___ approved Application #22CZ08 rezoning the subject tracts located at 0,0 & 8820 New Hope Farm; 8841 & 8833 Twin Ponds Lane from Wake County Residential- 40W (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the

zoning classification of the "Rezoned Lands" from Wake County Residential-40W (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Adams Property PUD which are imposed as part of this rezoning.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member_____

Seconded by Council Member_____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the _____ day of _____ 2022.

TOWN OF APEX

_____
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

TWIN POND OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

"Attachment B"

Adams Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:

April 1, 2022

PREPARED BY:

MORNINGSTAR LAW GROUP

Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

Section 14: Phasing Plan

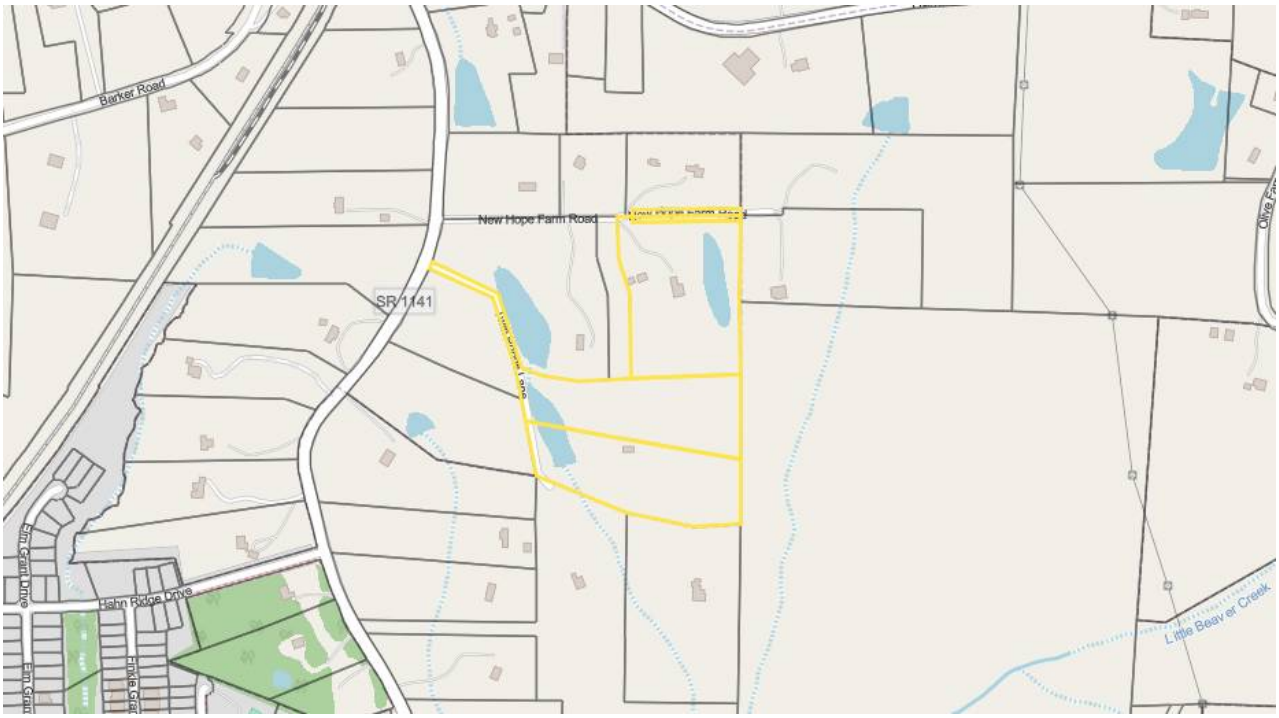
Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 18: Affordable Housing

Section 2: Vicinity Map



The Adams Property PUD is located just outside the southwest region of Apex's planning jurisdiction, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Heelan Property PUD is being developed just east of the property. The Olive Ridge Community is being developed south of the property.

Section 3: Project Data

A. Name of Project:

Adams Property PUD

B. Property Owners:

M/I Homes of Raleigh
Carey Adams
Albrecht Revocable Living Trust

C. Prepared By:

Nil Ghosh, Associate
Morningstar Law Group
700 W Main St | Second Floor
Durham, NC 27701

D. Current Zoning Designation:

R-40W (Wake County)

E. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

F. Current 2045 Land Use Map Designation:

Low Density Residential (≤3 units/acre)

G. Proposed 2045 Land Use Map Designation:
Low Density Residential

H. Proposed Use

Up to 66 dwelling units, associated open space, recreational amenities, and infrastructure.

I. Size of Project

Wake County Tax Identification Number	Acreage
0710-88-9798 0710-99-0078 0710-99-0171 0710-88-9126 0710-87-9844	23.92 acres

Section 4: Purpose Statement

The Adams Property PUD development will be a single-family residential community with detached homes. This community is meant to operate as a phase of the Heelan Property PUD, so main amenities will be shared with that community. Nevertheless, this community will include the requisite amount of open space and amenities for a project of this size.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*. The proposed PUD will provide a development density that is consistent with principles found throughout the recently updated Advance Apex 2045.

Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

Accessory apartment	Single-family
Greenway	Recreation Facility, private
Park, active	Park, passive
Utility, minor	

Additionally, the following conditions shall also apply:

A. A maximum of 66 residential units shall be permitted upon the property.
B. No covenant prohibiting the accessory apartment use shall encumber the property.
C. All single-family detached dwellings shall be pre-configured with conduit for future

installation of roof-mounted solar PV panels.

D. Homes shall be designed to meet or exceed Energy Star requirements.
E. Signage shall be provided by any homeowner's association regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
F. Signage or other marking shall be provided by any homeowner's association at the boundary of lots adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
G. Developer shall install at least three (3) pet waste stations within the community.
H. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
I. Any required outdoor lighting (e.g. amenities, signage, decorative walls/fences, etc.) shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. This condition shall not apply to the lighting on single-family homes or their accessory structures.
J. Construction traffic shall be prohibited from utilizing existing Twin Ponds Lane. Developer may erect a barrier or barriers on the Property to prevent access to Twin Ponds Lane.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Design Controls

This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density The overall gross density shall not exceed 2.8 units per acre.

Design Controls At a minimum all residential uses shall comply with the following dimensional standards:

Maximum Density:	2.8 Units/Acre
Maximum Number of Units:	66
Maximum Built-Upon Area:	60%
Minimum Lot Size:	4,000 sf
Minimum Lot Width:	40'
Maximum Building Height:	45' and 3 stories
Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.	

Minimum Setbacks	
Front	10'
Rear	20'
Side	5'
Corner	5'
Building to Building	NA

From Buffer/RCA	10’ for Buildings 5’ for Parking Areas

C. Perimeter Buffers

North boundary	
Former New Hope Farm Road:	0-foot
Other:	20-foot Type B
South boundary:	10-foot Type B
West boundary:	
Adjacent to REID #0101565	20-foot Type B
Other:	100-foot Type E
East boundary:	10-foot minimum, 30-foot average Type B
Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.	

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal. The following conditions shall apply:

A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
B. Residential areas will utilize brick, stone, and fiber cement plank siding.
C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
D. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
F. Garage doors shall have windows, decorative details or carriage-style adornments on them.
G. The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
H. J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than

two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

I. Eaves shall project at least 12 inches from the wall of the structure.

J. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

K. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

L. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

1. Windows
2. Bay window
3. Recessed window
4. Decorative window
5. Trim around the windows
6. Wrap around porch or side porch
7. Two or more building materials
8. Decorative brick/stone
9. Decorative trim
10. Decorative shake
11. Decorative air vents on gable
12. Decorative gable
13. Decorative cornice
14. Column
15. Portico
16. Balcony
17. Dormer

M. Front porches shall be a minimum of 5 feet deep.

Section 8: Parking and Loading

Parking for the development shall be per Town of Apex UDO.

Section 9: Signage

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

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the primary watershed within the Beaver Creek Basin. According to the FEMA Floodplain Map # 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

B. Resource Conservation Areas (RCA) and Landscaping

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

The Site is located on the west of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

The developer shall install pollinator-friendly flora within SCM planting areas, as permitted by the NC Department of Environmental Quality's SCM Manual.

Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual or approved by Planning Department Staff. Where possible, the developer shall also provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall in required planting or landscape areas.

C. Any Historic Structures Present

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

Section 11: Stormwater Management

A. This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 6.1.7 of the UDO, such that:

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

SCMs shall not be located within NC DEQ required stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.

Section 12: Parks and Recreation

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on May 25, 2022, and unanimously recommended fee-in-lieu of dedication with a credit for construction of greenway trail if an opportunity is identified at the time of Master Subdivision plan review and approval. The recommendation is based on the 2022-2023 rates:

Single Family Detached Units: $3,753.89/lot

(final PRCR amount will be coordinated with staff during Master Subdivision Plan and Construction Document reviews)

Per Article 14 of the UDO, credit for greenway against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

A. General Roadway Infrastructure

The road network will promote connectivity where possible to adjacent neighborhoods and undeveloped property. Connectivity to adjacent communities will be coordinated with existing or planned rights-of-way and opportunities for future connections will be provided. Further, cul-de-sacs will be avoided except where environmental features make through streets infeasible.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

B. Transportation Improvements

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

<u>Humie Olive and New Hill Olive Chapel Road</u>

- Developer shall pay a fee in lieu in the amount of $25,000 toward the cost of the design, right-of-way acquisition, and installation of a future traffic signal at the intersection of Humie Olive Road and New Hill Olive Chapel Road prior to platting 80% of the lots

C. Pedestrian Facilities:

Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

The Bicycle and Pedestrian System Plan Map shows a 10-foot side path along the eastern side of New Hill Olive Chapel Road which the project area has approximately 30 linear feet of frontage upon. This project will not construct the side path along that frontage and instead will make a payment-in-lieu equal to $4,224.00 for the future installation of the side path.

D. Water and Sanitary Sewer

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development Plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.

E. Other Utilities

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

Section 14: Phasing Plan

This development may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or below:

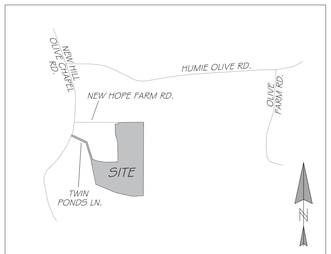
Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan.

Section 18: Affordable Housing

This project does not include additional affordable housing units over those committed in the original Heelan Property PUD. The Heelan Property PUD requires 15 affordable housing finished townhouse ownership lots to be sold to Habitat for Humanity of Wake County (Habitat Wake) as part of the development of that property. Additionally, the developer of the Heelan Property PUD and the Adams Property PUD also is the developer of the Friendship Station PUD. The Friendship Station PUD requires 8 affordable townhouse ownership lots to be sold to Habitat Wake as part of the development of that property. Through these two developments a total of 23 affordable housing townhouse ownership units will be produced in Apex. This developer has shown its commitment to providing affordable housing within the Town of Apex with its new construction projects when possible. However, due to the overall financial aspects of the Adams Property PUD, it is not economically feasible to include additional affordable housing units in light of the numerous affordable housing units which this developer has provided in previous PUDs before the Town codified any incentives for the provision of affordable housing.

ADAMS PROPERTY
PLANNED UNIT DEVELOPMENT



VICINITY MAP
N.T.S.



SITE DATA

PROJECT NAME	ADAMS PROPERTY PUD
PREPARER'S CONTACT INFORMATION	JONES & CNOSSEN 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	M/I HOMES-RALEIGH 1511 SUNDAY DRIVE SUITE #110 RALEIGH, NC 27607 PHONE - (919) 205-9980 CONTACT PERSON - ERICA LEATHAM
CURRENT ZONING	R-40W
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
PROPOSED ZONING DESIGNATION	PUD-CZ
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
WAKE COUNTY PINS	0710-87-9844, 0710-88-9798, 0710-88-9126, 0710-99-0078, 0710-99-0171
TOTAL PROJECT AREA	23.92 ACRES
AREA IN LAND DEDICATION	N/A
NET SITE AREA	23.92 ACRES
MAXIMUM DENISTY	2.8 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	66 UNITS
MINIMUM LOT SIZE	4,000 SF
REQUIRED RCA / BUFFER AREA	7.18 ACRES (30%, IF STAGED GRADING) 8.37 ACRES (35%, IF MASS GRADING)
PROVIDED RCA / BUFFER AREA	8.37 ACRES (35.0%)
MAXIMUM BUILT UPON AREA FOR PUD	14.35 ACRES (60%)
MAXIMUM BUILDING HEIGHT	45'
OFF STREET PARKING	PARKING WILL COMPLY WITH TOWN OF APEX UDO SECTION 8.3 FOR SINGLE-FAMILY RESIDENTIAL LOTS
PUBLIC RECREATION REQUIREMENT (FEE-IN-LIEU)	SINGLE-FAMILY DETACHED ($3,753.89/LOT)
PRCR ADVISORY COMMISION MEETING DATE	5/25/22
WATERSHED INFORMATION	PRIMARY; BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	APEX 21-004
HISTORIC STRUCTURE?	NO
PHASED DEVELOPMENT	NO
FEMA FLOODPLAIN INFORMATION	MAP #3720071000K - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN

PERMITTED USE:

- SINGLE-FAMILY
- ACCESSORY APARTMENT
- GREENWAY
- RECREATION FACILITY, PRIVATE
- PARK, ACTIVE
- PARK, PASSIVE
- UTILITY, MINOR

MINIMUM BUILDING SETBACKS-SINGLE FAM.

FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	10'
REAR	20'
SIDE	5'
CORNER SIDE	5'

PD PLAN - DRAWING SHEET INDEX

1 COVER SHEET
2 PRELIMINARY LAYOUT PLAN
3 EXISTING CONDITIONS PLAN
4 PRELIMINARY UTILITY PLAN

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

0 150 300 600
GRAPHIC SCALE

N

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ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning
221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescnossen.com

NORTH CAROLINA PROFESSIONAL SEAL 049636 ENGINEER PATRICK L KIERNAN 5/4/22

ADAMS PROPERTY PUD
PD PLANS
WAKE COUNTY, NORTH CAROLINA
TOWN OF APEX

COVER SHEET

SCALE 1"=300'
DRAWN PLK
DATE APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PB/TC SET
8/4/22	EX. ACCESS EASE.

SHEET 1
PROJECT 2152

TOWN REQUIRED PUD NOTES:

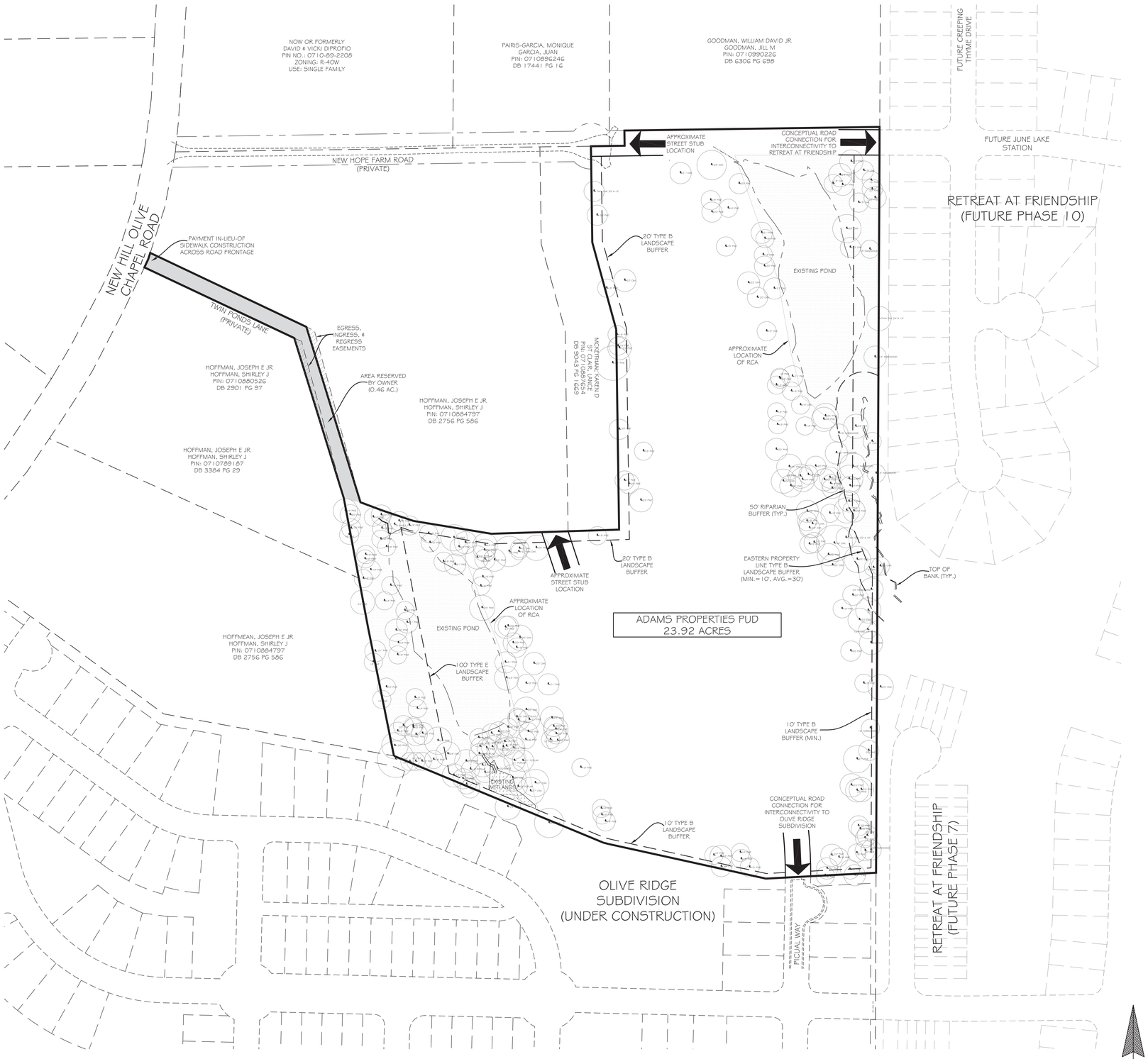
1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
8. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

PLANNING NOTES:

1. A TRANSPORTATION IMPACT ANALYSIS HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOC.
4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALK ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
5. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS
6. THE PUD SHALL MEET AND EXCEED THE TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR, 10-YEAR, AND 25-YEAR 24 HOUR STORM EVENTS.
7. THIS DEVELOPMENT IS EXPECTED TO BE MASS GRADED AND IS NOT EXPECTED TO BE PHASED.



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS NOT FOR CONSTRUCTION

0 50 100 200
GRAPHIC SCALE

N

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NORTH CAROLINA PROFESSIONAL SEAL 049836 ENGINEER PATRICK L KIERNAN 5/4/22

ADAMS PROPERTY PUD
PD PLANS
WAKE COUNTY, NORTH CAROLINA
TOWN OF APEX

PRELIMINARY LAYOUT PLAN

SCALE	1"= 100'
DRAWN	PLK
DATE	APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PB/TC SET
8/4/22	EX. ACCESS EASE.

SHEET	2
PROJECT	2152

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4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S00° 06' 38"W	29.93'
L2	S00° 06' 38"W	29.94'
L3	N24° 57' 29"E	17.79'
L4	N17° 37' 41"E	13.06'
L5	S69° 29' 27"E	48.31'
L6	S71° 31' 34"E	62.60'
L7	S80° 38' 27"E	155.34'
L8	N88° 08' 07"E	151.09'
L9	N88° 08' 07"E	100.54'
L10	N89° 10' 19"E	66.34'
L11	S00° 48' 29"E	29.86'
L12	N00° 48' 29"W	30.00'

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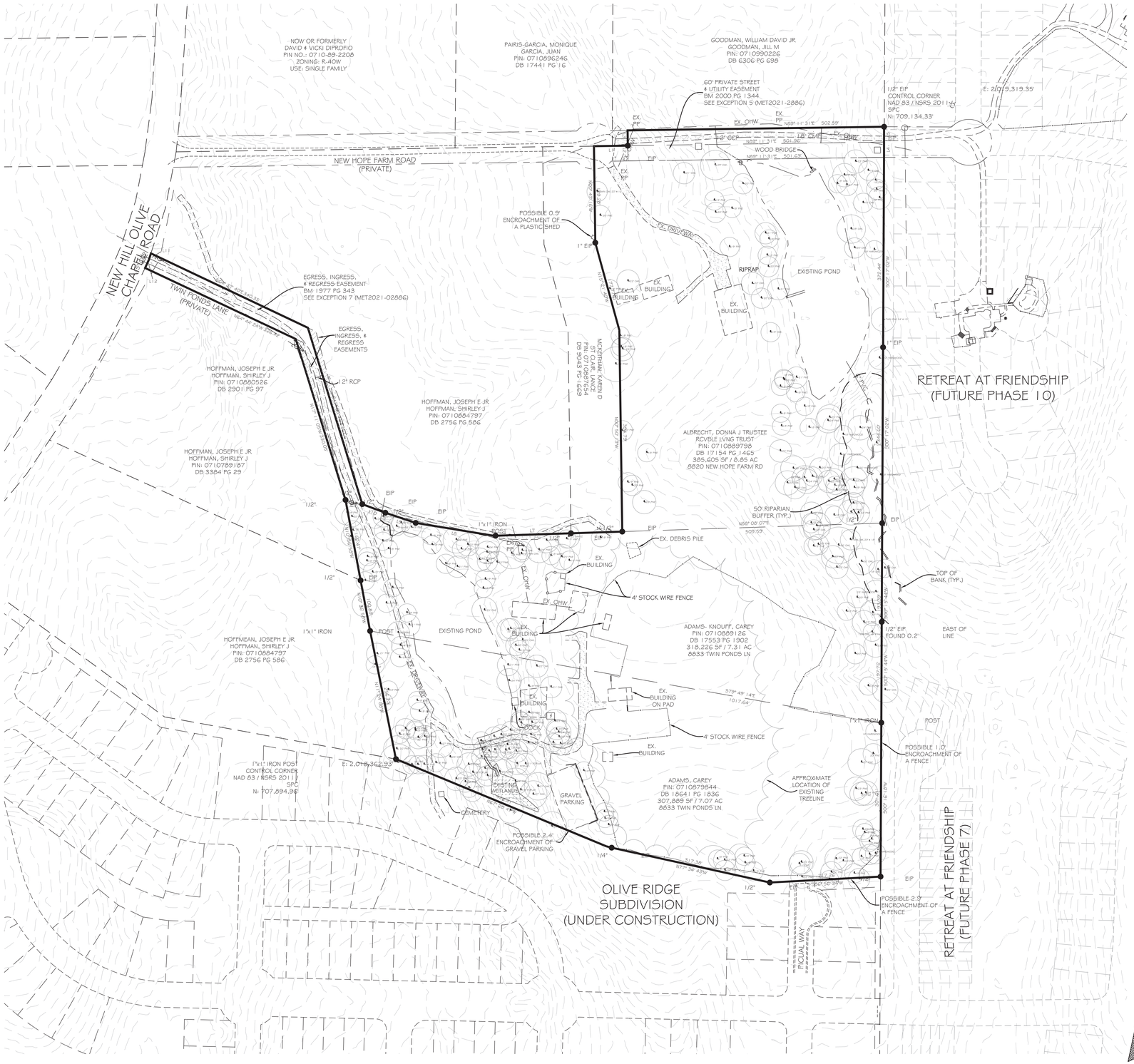
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.



THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

0 50 100 200
GRAPHIC SCALE

N

Jones & Chossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning
221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescnossen.com

NORTH CAROLINA PROFESSIONAL SEAL 049636 ENGINEER PATRICK L KIERNAN
5/4/22

ADAMS PROPERTY PUD
PD PLANS
TOWN OF APEX — WAKE COUNTY, NORTH CAROLINA

EXISTING CONDITIONS PLAN

SCALE	1"= 100'
DRAWN	PLK
DATE	APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PB/TC SET
8/4/22	EX. ACCESS EASE.

SHEET	3
PROJECT	2152

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
8. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
9. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC R/W SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
10. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
11. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
12. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
13. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
14. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS NOT FOR CONSTRUCTION

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NORTH CAROLINA PROFESSIONAL SEAL 049636 ENGINEER PATRICK L KIERNAN
8/4/22

ADAMS PROPERTY PUD
PD PLANS

WAKE COUNTY, NORTH CAROLINA

TOWN OF APEX

PRELIMINARY UTILITY PLAN

SCALE	1"=100'
DRAWN	PLK
DATE	APRIL 1, 2022

REVISION	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PBVTC SET
8/4/22	EX. ACCESS EASE.

SHEET 4

PROJECT 2152



Belmont Plan

in Grove at White Oak | Garner, North Carolina

Bed **3 - 5** Bath **3 - 4** Garage **2 - 3** Sq Ft **2,302 - 2,400**

View Details



Crabtree Plan

in Grove at White Oak | Garner, North Carolina

Bed **3 - 4** Bath **2 - 4** Garage **2 - 3** Sq Ft **2,561**

View Details







| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

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 7.21 acres located at 905 Wimberly Road, Annexation No. 737 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition

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. 2022-083
ANNEXATION PETITION NO. #737
905 Wimberly Road – 7.21 acres

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 23, 2022, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 23, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Map for the Town of Apex (PIN#0723-22-9734), dated July 6, 2022" and recorded in Book of Maps book number 2022 and page number _____, Wake County Registry.

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

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

Adopted this the 23rd day of August, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

Being that certain parcel of land located in White Oak Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing ½" iron pipe with a cap and tack, said iron pipe having North Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W a distance of 42.21' to a point in the approximate center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

1) N 41°30'42" W a distance of 34.32' to a point;
2) N 39°48'36" W a distance of 128.73' to a point;
3) A curve turning to the right with an arc length of 285.97', with a radius of 2181.41', with a chord bearing of N 31°28'26" W, with a chord length of 285.76',to a point;
4) N 27°43'06" W a distance of 253.0[illegible]t;

5) A curve turning to the right with an arc length of 136.86', with a radius of 2433.91', with a chord bearing of N 26°06'26" W, with a chord length of 136.84',to a point;

Thence leaving said approximate center of Wimberly Road, S 88°39'20" E a distance of 577.73' to an existing ½" iron pipe (passing through a disturbed 3/4" iron pipe at a distance of 86.69'); thence S 09°38'01" E a distance of 488.36' to an existing ½" iron pipe; thence N 80°12'30" E a distance of 10.12' to an existing ½" iron pipe; thence S 09°49'00" E a distance of 218.44' to a new ¾" iron pipe; thence S 88°36'55" W a distance of 232.13' to the original point of BEGINNING.

Said parcel containing an area of 7.21 acres (314,206 square feet).

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-083, adopted at a meeting of the Town Council, on the 23rd day of August, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of August, 2022.

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (August 11, 2022) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **23rd day of August, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #737
905 Wimberly Road – 7.21 acres



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. 737" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, August 23, 2022.

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

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

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

###

ANNEXATION PROPERTY DESCRIPTION
905 Wimberly Road

Being that certain parcel of land located in White Oak Township, Wake County, North Carolina, and being more particularly described as follows:

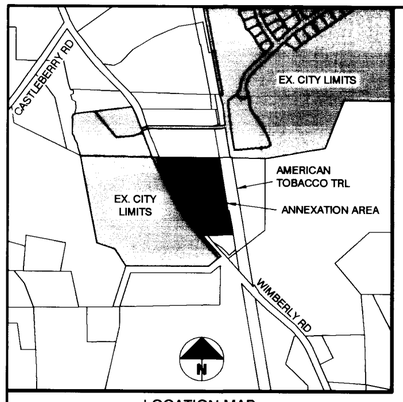
BEGINNING a r d d r N r Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W d r center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

1) N 41°30'42" W a distance of 34.32' to a point;
2) N 39°48'36" W a distance of 128.73' to a point;
3) A curve turning to the right with an arc length of 285.97', with a radius of 2181.41', with a chord bearing of N 31°28'26" W, with a chord length of 285.76',to a point;
4) N 27°43'06" W a distance of 253.03' to a point;
5) A curve turning to the right with an arc length of 136.86', with a radius of 2433.91', with a chord bearing of N 26°06'26" W, with a chord length of 136.84',to a point;

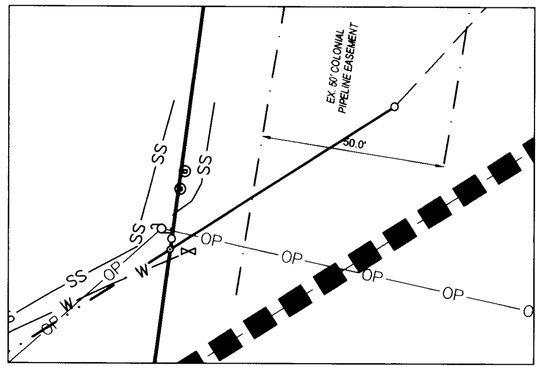
Thence leaving said approximate center of Wimberly Road, S 88°39'20" E a distance of r r d r d r d thence S 09°38'01" E a distance of 488.36' to a r ; thence N 80°12'30" E a distance of 10.12' to a r ; thence S 09°49'00" E a distance of 218.44' to a r ; thence S 88°36'55" W a distance of 232.13' to the original point of BEGINNING.

Said parcel containing an area of 7.21 acres (314,206 square feet).

ANNEXATION MAP for the TOWN OF APEX



LOCATION MAP
1" = 1000'



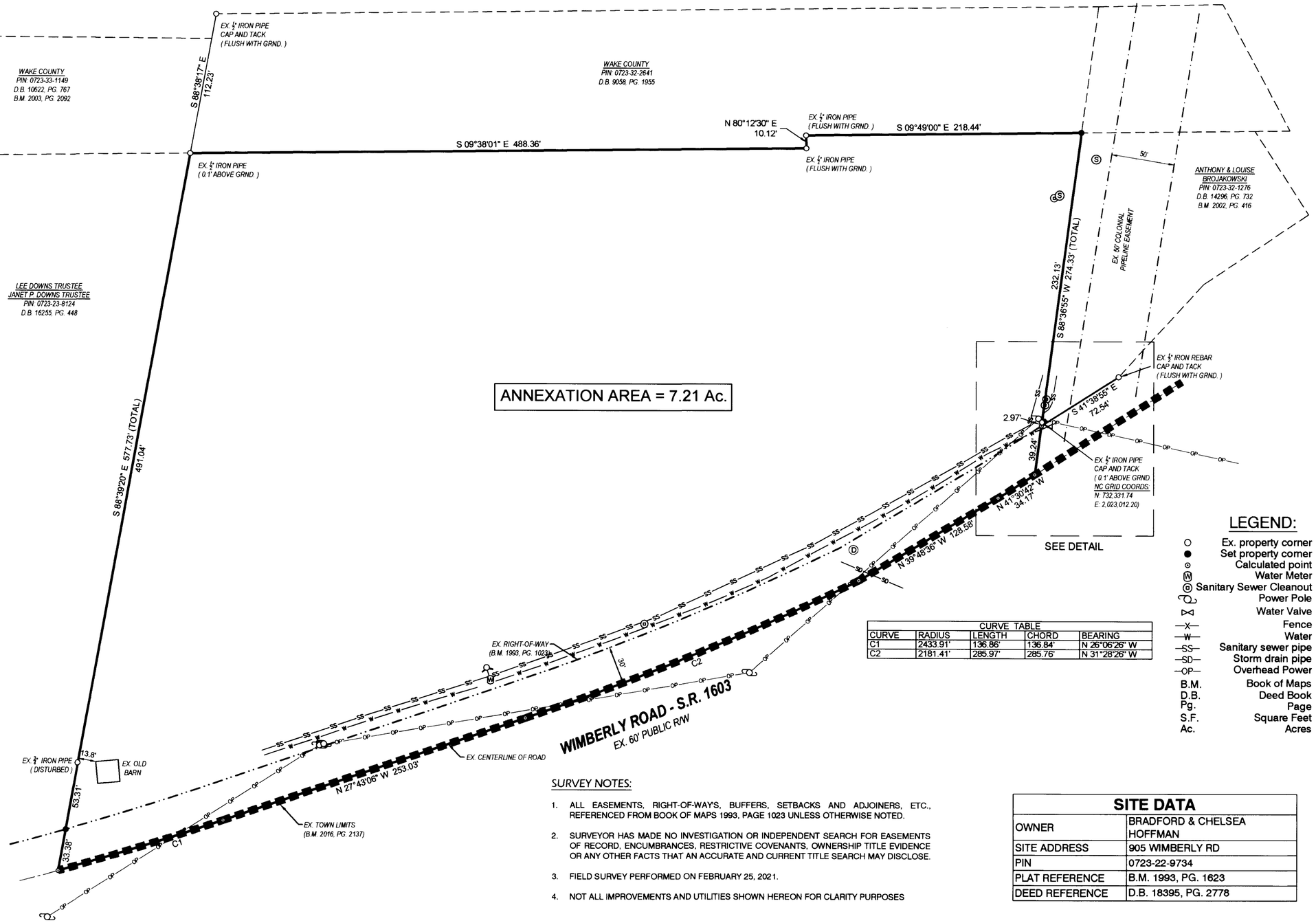
DETAIL 1" = 30'

ANNEXATION #737

I, ALLEN L. COLEMAN, CMC, NCCCC TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____DAY OF _____, 2022, BY THE TOWN COUNCIL.

I SET MY HAND AND SEAL OF THE TOWN OF APEX,
_____DAY/MONTH/YEAR

_____
ALLEN L. COLEMAN, CMC, NCCCC, TOWN CLERK



CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	2433.91'	136.86'	136.84'	N 26°06'26" W
C2	2181.41'	285.97'	285.76'	N 31°28'26" W

LEGEND:

○	Ex. property corner
●	Set property corner
⊙	Calculated point
Ⓦ	Water Meter
Ⓢ	Sanitary Sewer Cleanout
	Power Pole
	Water Valve
—X—	Fence
—W—	Water
—SS—	Sanitary sewer pipe
—SD—	Storm drain pipe
—OP—	Overhead Power
B.M.	Book of Maps
D.B.	Deed Book
Pg.	Page
S.F.	Square Feet
Ac.	Acres

SURVEY NOTES:

1. ALL EASEMENTS, RIGHT-OF-WAYS, BUFFERS, SETBACKS AND ADJOINERS, ETC., REFERENCED FROM BOOK OF MAPS 1993, PAGE 1023 UNLESS OTHERWISE NOTED.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
3. FIELD SURVEY PERFORMED ON FEBRUARY 25, 2021.
4. NOT ALL IMPROVEMENTS AND UTILITIES SHOWN HEREON FOR CLARITY PURPOSES

SITE DATA	
OWNER	BRADFORD & CHELSEA HOFFMAN
SITE ADDRESS	905 WIMBERLY RD
PIN	0723-22-9734
PLAT REFERENCE	B.M. 1993, PG. 1623
DEED REFERENCE	D.B. 18395, PG. 2778

NC GRID (NAD 83/2011)

PROJECT

905 WIMBERLY ROAD
TOWN OF APEX
WAKE COUNTY
NORTH CAROLINA

OWNER

BRADFORD & CHELSEA HOFFMAN
204 ECHO CREEK PLACE
APEX, NC 27539

DATE

JULY 6, 2022

REVISIONS

NO.	REVISION	DATE

SURVEYOR CERTIFICATION

I, Jeremy Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed and description recorded in Book referenced etc.)(other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book referenced; that the ratio of precision or positional accuracy as calculated exceeds 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Furthermore, I certify that this plat is of the following type: G.S. 47-30 (f)(11)(c)(1). This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

Witness my original signature, license number and seal this 1st day of August, A.D.,2022.

Professional Land Surveyor
License Number: L-3841

NORTH CAROLINA PROFESSIONAL SEAL L-3841 LAND SURVEYOR JEREMY TAYLOR

TAYLOR LAND CONSULTANTS, PLLC
License # P-0829
1600 Olive Chapel Rd., #140
Apex, NC 27502
(919) 801-1104

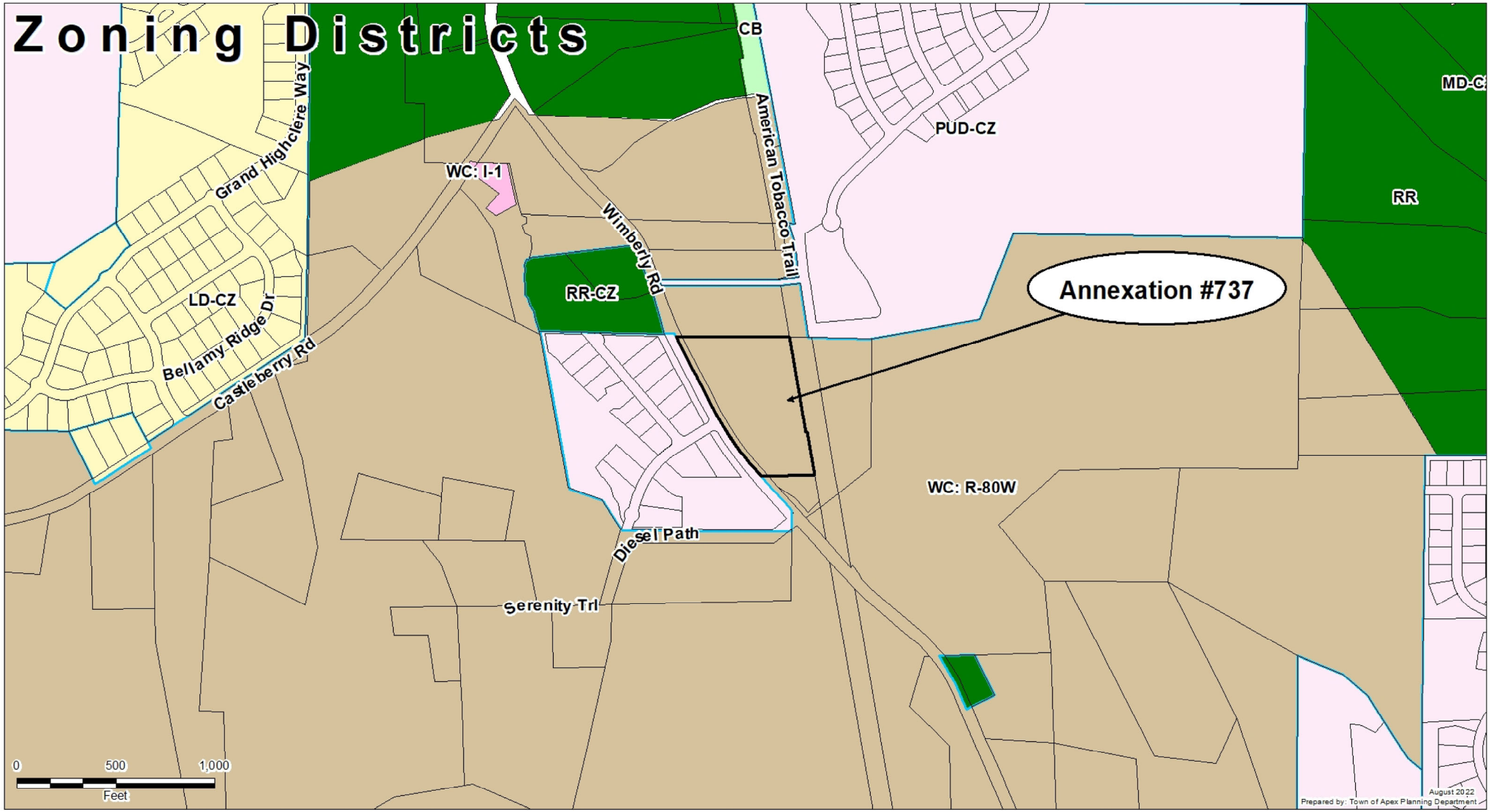
SHEET TITLE

ANNEXATION PLAT

0 20 40 60

1" = 60'


Weddington
Wimberly Rd
Annexation #737
Hawker St
Castleberry Estates
American Tobacco Trail
0
250
500
Feet
August 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department


Zoning Districts
CB
MD-C
PUD-CZ
RR
WC: I-1
Grand Highclere Way
American Tobacco Trail
Wimberly Rd
RR-CZ
LD-CZ
Bellamy Ridge Dr
Castleberry Rd
Annexation #737
WC: R-80W
Diesel Path
Serenity Trl
0
500
1,000
Feet
August 2022
Prepared by: Town of Apex Planning Department

PETITION FOR VOLUNTARY ANNEXATION
Town of Apex, North Carolina

ANNEXATION PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the "Annexation Petition Schedule" on the website for details.

ANNEXATION FEE: $200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: IDT Plans

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via IDT Plans.
- **REVIEW BY STAFF:** The Planning and Community Development Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) Mylar annexation plats to the Department of Planning and Community Development by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Department of Planning and Community Development, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Director Michael Deaton at 919-249-3413 or michael.deaton@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the Town of Apex Fee Schedule for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Bradford Cliff Hoffman, Chelsea Danielle Hoffman	0723229734
Owner Name (Please Print)	Property PIN or Deed Book & Page #
480-518-5415	bradford.hoffman@gmail.com - chelseaglass@yahoo.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: Taylor Land Consultants, PLLC

Phone: 919-801-1104 Fax: _____

E-mail Address: jeremy@taylorlc.com - bryan@taylorlc.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	7.21	Need water service due to well failure	☐
Population of acreage to be annexed:	4	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☑
Proposed # of housing units:	1	Sewer service (new construction)	☑
Zoning District*:	R-80W	Receive Town Services	☐

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print	Signature
Bradford Hoffman	
Chelsea Hoffman	

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Evan Bost, a Notary Public for the above State and County, this the 20th day of November, 2022.

SEAL

EVAN BOST
Notary Public
Wake
County
My Comm. Exp.
04-12-2027
NORTH CAROLINA

_____
Notary Public

My Commission Expires: 4/12/27

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof,_____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20_____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual

CONTACT INFORMATION			
Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20___, by the Town Council. I set my hand and seal of the Town of Apex, _____ Day/Month/Year _____ Donna B. Hosch, MMC, NCCMC, Town Clerk -Seal-
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ14 905 Wimberly Road and Ordinance. The applicant, Evan Bost, Bost Custom Homes, seeks to rezone approximately 7.21 acres from Wake County Residential-80W (R-80W) to Residential Agricultural-Conditional Zoning (RA-CZ). The proposed rezoning is located at 905 Wimberly Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0723229734.

Attachments

- Staff Report
- Vicinity Map
- Application

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: 905 Wimberly Road
Applicant/Owners: Evan Bost, Bost Custom Homes /Brad & Chelsea Hoffman

PROJECT DESCRIPTION:

Acreage: ±7.21 acres
PIN: 0723229734
Current Zoning: Wake County Residential-80W (R-80W)
Proposed Zoning: Residential Agricultural-Conditional Zoning (RA-CZ)
2045 Land Use Map: Rural Density Residential
Town Limits: Outside ETJ (annexation is required at time of rezoning)

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-80W (R-80W)	Single-family Residential
South:	Wake County Residential-80W (R-80W)	Vacant
East:	Wake County Residential-80W (R-80W)	American Tobacco Trail; Single-family Residential
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ23)	Single-family Residential (Castleberry Estates); Wimberly Road

Existing Conditions:

The subject property totals ±7.21 acres and is located on the east side of Wimberly Road and west of the American Tobacco Trail. The property is vacant and heavily wooded.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on May 16, 2022. The neighborhood meeting report is attached.

WCPSS Coordination:

This rezoning does not allow the property to be subdivided to increase the number of homes. Therefore, a Letter of Impact from Wake County Public School System (WCPSS) was not requested for this rezoning.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Rural Density Residential. The proposed rezoning to Residential Agricultural-Conditional Zoning (RA-CZ) is consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

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

Permitted Uses and Limitations:

1. Single-family (P)
2. Accessory apartment (P)

Conditions:

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.
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. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front porches shall be a minimum of 6 feet deep.
8. The home shall be sited such that it will preserve as many large specimen trees along the perimeter of the property and the southern third of the property as can reasonably be preserved.
9. Evergreen trees shall be planted along the northern side of the property, the species of which shall mature above 15' tall.
10. The final landscaping shall include tree, shrub, and perennial blooming species with special attention to providing pollinator friendly and bird food source species.
11. The final landscaping shall include a minimum of 50% native plants.
12. The final landscaping shall include warm season grasses in order to minimize the need for irrigation and chemical use.
13. The building shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, skylights, sun tunnels, and large windows in order to reduce electric light demand.
14. The home shall at minimum be pre-configured with conduit and wiring for rooftop photo-voltaic solar.
15. The minimum front building setback shall be 55 feet from the current right of way.

EAB RECOMMENDATIONS:

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
• Preserving large specimen tree canopy on property perimeter and in southern third of property.	Added
• Evergreen trees as windbreak on Northern side of home.	Added
• Pollinator friendly plantings in final landscaping	Added
• Native flora in final landscaping.	Added
• Warm season grass to reduce irrigation use.	Added
• On home construction, EcoSelect certification.	Not added
• Natural lighting is included in the home plan – skylights and sun tunnels throughout home to reduce electric light demand.	Added
• Rooftop solar array of 4-kW to be installed at minimum.	Not added

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with conditions as proposed by the applicant.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #22CZ14 with the conditions as offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Residential Agricultural-Conditional Zoning (RA-CZ) district is consistent with the 2045 Land Use Map. The 2045 Land Use Map classifies the subject property as Rural Density Residential which includes the RA-CZ district.

The proposed rezoning is reasonable and in the public interest because it will permit one single-family residential dwelling, consistent and compatible with the surrounding area. In addition, the proposed rezoning will allow the property to connect to Town water and sewer services.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the RA-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

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

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

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

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

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

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

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

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

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

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

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


Rezoning #22CZ14
Hawker St
Castleberry Estates
Wimberly Oaks Dr
Wimberly Rd
Diesel Path
July 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

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 #: 22CZ14 Submittal Date:

Fee Paid:

Project Information

Project Name: 905 Wimberly Rd.

Address(es): 905 Wimberly Rd. Apex, NC 27523

PIN(s): 0723229734

Acreage: 7.21

Current Zoning: R-80W Proposed Zoning: RA-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: Evan Bost

Address: 1941 Evans Rd.

City: Cary State: NC Zip: 27513

Phone: 919-460-1983 E-mail: info@bosthomes.com

Owner Information

Name: Bradford Cliff Hoffman, Chelsea Danielle Hoffman

Address: 204 Echo Creek Pl

City: Apex State: NC Zip: 27539

Phone: 480-518-5415 E-mail: bradford.hoffman@gmail.com
chelseaglass@yahoo.com

Agent Information

Name: Evan Bost

Address: 1941 Evans Rd.

City: Cary State: NC Zip: 27513

Phone: 919-460-1983 E-mail: Evan@bosthomes.com

Other contacts:

PETITION INFORMATION

Application #: 22CZ14 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from R-80W to RA-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 ~~ntial Home Construction~~

2 Accessory Apartment

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

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23 _____

24 _____

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26 _____

27 _____

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29 _____

30 _____

31 _____

32 _____

33 _____

34 _____

35 _____

36 _____

37 _____

38 _____

39 _____

40 _____

Application #: 22CZ14 Submittal Date:

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

1 SFH proposed - does not require any supplemental standards

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.

1 SFH proposed, which will not create a nuisance or impact on surrounding land or roadways

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.

1 SFH proposed with approved erosion control plan will manage stormwater during construction. Clearing will be restricted to the area for the home, yard, and driveway. Design minimizes environmental impact.

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.

1 SFH proposed, will have minimal impact on roads, water and wastewater facility, parks, schools, 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.

1 SFH proposed - no impact to health, safety, or welfare of other residents in the town or ETJ

Application #: 22CZ14 Submittal Date:

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

1 SFH proposed on a large lot. No detrimental impact 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.

1 SFH proposed - no significant impact

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.

1 SFH proposed, will comply with all standards

AGENT AUTHORIZATION FORM

Application #: 22CZ14 Submittal Date: 5/24/22

Chelsea and Brad Hoffman 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: 905 Wimberly Rd. Apex NC 27523

The agent for this project is: Evan BOST

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

Agent Name: Evan Bost - Bost Construction Co. Inc. dba Bost Custom Homes

Address: 1941 Evans Rd. Cary, NC 27513

Telephone Number: 919-460-1983

E-Mail Address: info@bosthomes.com

Signature(s) of Owner(s)*

* Bradford Hoffman

Bradford Hoffman — Type or print name — 5.20.22 — Date

* Chelsea Hoffman

Chelsea Hoffman — Type or print name — 5.20.22 — 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 #: 22CZ14 Submittal Date: _____

The undersigned, Evan Bost (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 905 Wimberly Rd., Apex 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 N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.

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 N/A, 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 N/A, 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 N/A day of N/A, 20 N/A.

N/A (seal)

N/A

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 Evan Bost, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Person, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

EVAN BOST
Notary Public
Wake
County
My Comm. Exp.
04-12-2027
NORTH CAROLINA

[NOTARY SEAL]

Notary Public
State of North Carolina
My Commission Expires: 4/12/27

Application #: ~~22CZ14~~ Submittal Date: _____

Insert legal description below.

LOT TRACT 1, BM1993/ PAGE 1623

ANNEXATION PROPERTY DESCRIPTION
905 Wimberly Road

Being that certain parcel of land located in White Oak Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing ½" iron pipe with a cap and tack, said iron pipe having North Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W a distance of 42.21' to a point in the approximate center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

1) N 41°30'42" W a distance of 34.32' to a point;
2) N 39°48'36" W a distance of 128.73' to a point;
3) A curve turning to the right with an arc length of 285.97', with a radius of 2181.41', with a chord bearing of N 31°28'26" W, with a chord length of 285.76',to a point;
4) N 27°43'06" W a distance of 253.03' to a point;
5) A curve turning to the right with an arc length of 136.86', with a radius of 2433.91', with a chord bearing of N 26°06'26" W, with a chord length of 136.84',to a point;

Thence leaving said approximate center of Wimberly Road, S 88°39'20" E a distance of 577.73' to an existing ½" iron pipe (passing through a disturbed 3/4" iron pipe at a distance of 86.69'); thence S 09°38'01" E a distance of 488.36' to an existing ½" iron pipe; thence N 80°12'30" E a distance of 10.12' to an existing ½" iron pipe; thence S 09°49'00" E a distance of 218.44' to a new ¾" iron pipe; thence S 88°36'55" W a distance of 232.13' to the original point of BEGINNING.

Said parcel containing an area of 7.21 acres (314,206 square feet).

WAKE COUNTY PUBLIC SCHOOL SYSTEM

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*	BOST CUSTOM HOMES
Company Phone *Number*	(919) 460-1983
Developer Representative *Name*	EVAN BOST
Developer Representative *Phone Number*	(919) 460-1983
Developer Representative *Email*	EVAN@BOSTHOMES.COM

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

Projected Dates *Information*	
Subdivision *Completion Date*	N/A
Subdivision *Projected First Occupancy Date*	

Lot by Lot Development *Information*

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	1											2023	1				
Townhomes																	
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

905 Wimberly Rd. Rezoning - #22CZ14

Proposed Zoning Conditions

Architectural:

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
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. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front porches shall be a minimum of 6 feet deep.

Environmental:

1. The home shall be sited such that it will preserve as many large specimen trees along the perimeter of the property and the southern third of the property as can reasonably be preserved.
2. Evergreen trees shall be planted along the northern side of the property, the species of which shall mature above 15' tall.
3. The final landscaping shall include tree, shrub, and perennial blooming species with special attention to providing pollinator friendly and bird food source species.
4. The final landscaping shall include a minimum of 50% native plants.
5. The final landscaping shall include warm season grasses in order to minimize the need for irrigation and chemical use.
6. The building shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, skylights, sun tunnels, and large windows in order to reduce electric light demand.
7. The home shall at minimum be pre-configured with conduit and wiring for rooftop photo-voltaic solar.

Transportation:

1. The minimum front building setback shall be 55 feet from the current right of way.

PROPERTY DESCRIPTION
905 Wimberly Road

Being that certain parcel of land located in White Oak Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing ½" iron pipe with a cap and tack, said iron pipe having North Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W a distance of 42.21' to a point in the approximate center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

1) N 41°30'42" W a distance of 34.32' to a point;
2) N 39°48'36" W a distance of 128.73' to a point;
3) A curve turning to the right with an arc length of 285.97', with a radius of 2181.41', with a chord bearing of N 31°28'26" W, with a chord length of 285.76',to a point;
4) N 27°43'06" W a distance of 253.03' to a point;
5) A curve turning to the right with an arc length of 136.86', with a radius of 2433.91', with a chord bearing of N 26°06'26" W, with a chord length of 136.84',to a point;

Thence leaving said approximate center of Wimberly Road, S 88°39'20" E a distance of 577.73' to an existing ½" iron pipe (passing through a disturbed 3/4" iron pipe at a distance of 86.69'); thence S 09°38'01" E a distance of 488.36' to an existing ½" iron pipe; thence N 80°12'30" E a distance of 10.12' to an existing ½" iron pipe; thence S 09°49'00" E a distance of 218.44' to a new ¾" iron pipe; thence S 88°36'55" W a distance of 232.13' to the original point of BEGINNING.

Said parcel containing an area of 7.21 acres (314,206 square feet).

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.

4.21.22

Date

Dear Neighbor:

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

905 Wimberly Rd. Apex, NC 27523 — Address(es)

0723229734 — 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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

This rezoning is required for the property to be annexed into the town of Apex. The goal is to change the property jurisdiction from Wake Co. to Town of Apex for a Single Family Home development for the current property owner.

Estimated submittal date: 6/1/22

MEETING INFORMATION:

Property Owner(s) name(s): HOFFMAN, BRADFORD CLIFF; HOFFMAN, CHELSEA DANIELLE

Applicant(s): Evan Bost - Bost Custom Homes

Contact information (email/phone): info@bosthomes.com | (919) 460-1983

Meeting Address: Zoom Meeting ID: 959 8352 8416 Passcode: unh6J7 ; Dial in #: 1-646-568-7788

Date/Time of meeting**: Monday, May 16th 2022 | 5 pm - 7pm

Welcome: 5pm Project Presentation: 5:30pm Question & Answer: 6:00pm

**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 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: 905 Wimberly Rd Zoning: R-80W

Location: 905 Wimberly Rd., Apex, NC 27523

Property PIN(s): 0723229734 Acreage/Square Feet: 7.61

Property Owner: HOFFMAN, BRADFORD CLIFF; HOFFMAN, CHELSEA DANIELLE

Address: 204 Echo Creek Pl

City: Apex State: NC Zip: 27539

Phone: 480-518-5415 Email: bradford.hoffman@gmail.com chelseaglass@yahoo.com

Developer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Builder (if known): Bost Custom Homes

Address: 1941 Evans Rd.

City: Cary State: NC Zip: 27513

Phone: (919) 460-1983 Fax: 919-460-1986 Email: info@bosthomes.com

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

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

905 Wimberly Rd. - Town of Apex Rezoning Petition

Neighborhood Meeting #1 Minutes

May 16th, 5:00 PM – 7:00 PM

Location: ZOOM - Meeting ID: 959 8352 8416 Passcode: unh6J7

Host: Evan Bost, Dir. of Sales and Marketing, Bost Custom Homes

Attendance:

1. Evan Bost
2. Sylvia Monaco, 805 Wimberly Rd.

Minutes:

Meeting began at 5:00 PM. No participants jointed until 6:20 PM. Sylvia Monaco of 805 Wimberly Rd. joined the call, and the scope of the proposed project was explained, including a reference to existing zoning through Wake Co. and what the proposed zoning is in Apex jurisdiction. Once the proposed project scope was identified, Sylvia understood that the main goal is to achieve annexation and access to town utilities. There were no follow up questions or concerns from there. Sylvia left the call at around 6:30 PM. No other neighbors joined the call, and the meeting was adjourned at 7:05 PM.

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: ID: 959 8352 8416 PASSCODE: unh6J7
Date of meeting: 5/16/22 Time of meeting: 5:00 - 7:00 PM
Property Owner(s) name(s): BRADFORD & CHELSEA HOFFMAN
Applicant(s): EVAN BOST, BOST CONSTRUCTION Co. dba BOST CUSTOM HOMES

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.	Evan Bost	Bost Custom Homes	HOST		
2.	SYLVIA MONACO	805 WIMBERLY RD.	N/A	N/A	N/A
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): BRAD & CHELSEA HOFFMAN

Applicant(s): EVAN BOST

Contact information (email/phone): _____

Meeting Address: ZOOM

Date of meeting: 5/16/22 Time of meeting: 5:00 - 7:00PM

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

Question/Concern #1:
What is the Rezoning for?

Applicant's Response:
Property owner is seeking annexation to access town utilities. Zoning is consistent with current Wake Co. Zoning. Proposed project is (1) SFH

Question/Concern #2:
NO FURTHER CONCERNS

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, Evan Bost, 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: 959 8352 8416 unh6J7 (location/address) on 5/16/22 (date) from 5:00 PM (start time) to 7:05 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.

5/18/22
Date

By: Evan Bost

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Evan Bost, a Notary Public for the above State and County, on this the 18th day of May, 2022.

SEAL

EVAN BOST
Notary Public
Wake
County
My Comm. Exp.
04-12-2027
NORTH CAROLINA

Notary Public

Evan Bost
Print Name

My Commission Expires: 4/12/27

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ14 905 Wimberly Road

Planning Board Meeting Date: August 8, 2022

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±7.21 acres

PIN(s): 0723229734

Current Zoning: Wake County Residential-80W (R-80W)

Proposed Zoning: Residential Agricultural-Conditional Zoning (RA-CZ)

2045 Land Use Map: Rural Density Residential

Town Limits: Outside ETJ (annexation is required at time of rezoning)

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Mark Steele

☑ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8 day of August 2022.

Attest:

Mark Steele, Planning Board Vice-Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.08.08 18:13:05 -04'00'

Dianne Khin, Director of Planning and Community Development

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ14
905 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Owner/Applicant: Bradford & Chelsea Hoffman
Authorized Agent: Evan Bost, Bost Custom Homes
Property Address: 905 Wimberly Road
Acreage: ±7.21 acres
Property Identification Number (PIN): 0723229734
2045 Land Use Map Designation: Rural Density Residential
Existing Zoning of Property: Wake County Residential-80W (R-80W)
Proposed Zoning of Property: Residential Agricultural-Conditional Zoning (RA-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

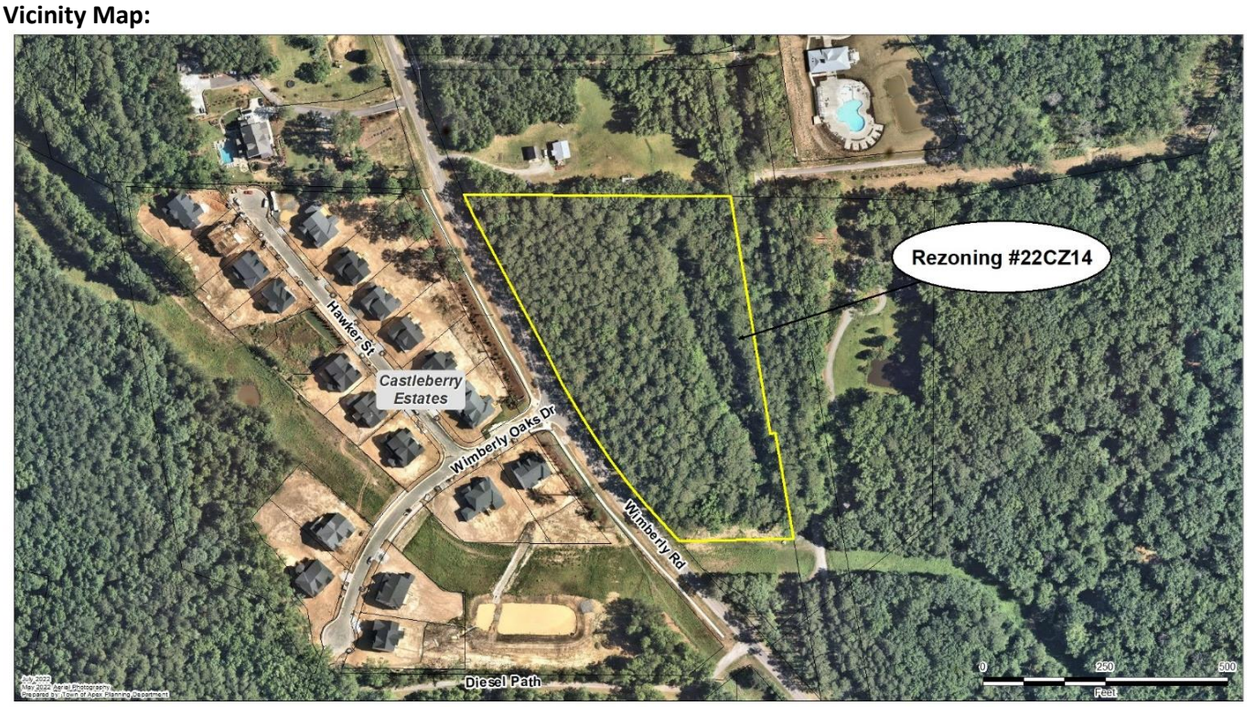
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39906.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

Legal Notice of Public Hearings / AGENDA
Not secure | apexnc.org/DocumentCenter/View/40330/22CZ14-PB-only-Regular-with-remote-info-Public-Notice-Conditional-Zoning-CO...
Apex, NC - Official... IDT Planning Departme... Real Estate Search Unified Developme... Applications & Sch... ExecuTime Enterpri... Municode Meetings Other bookmarks
AGENDA 1 / 2 50%

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ14
905 Wimberly Road

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Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Vicinity Map:



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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ14
905 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Bradford & Chelsea Hoffman
Agente autorizado: Evan Bost, Bost Custom Homes
Dirección de la propiedad: 905 Wimberly Ro
Superficie: ±7.21 acres
Número de identificación de la propiedad:

82°F 11:09 AM 7/25/2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ14
905 Wimberly Road

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Solicitante: Bradford & Chelsea Hoffman
Agente autorizado: Evan Bost, Bost Custom Homes
Dirección de la propiedad: 905 Wimberly Road
Superficie: ±7.21 acres
Número de identificación de la propiedad: 0723229734
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Ordenamiento territorial existente de la propiedad: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedad: Residential Agricultural-Conditional Zoning (RA-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

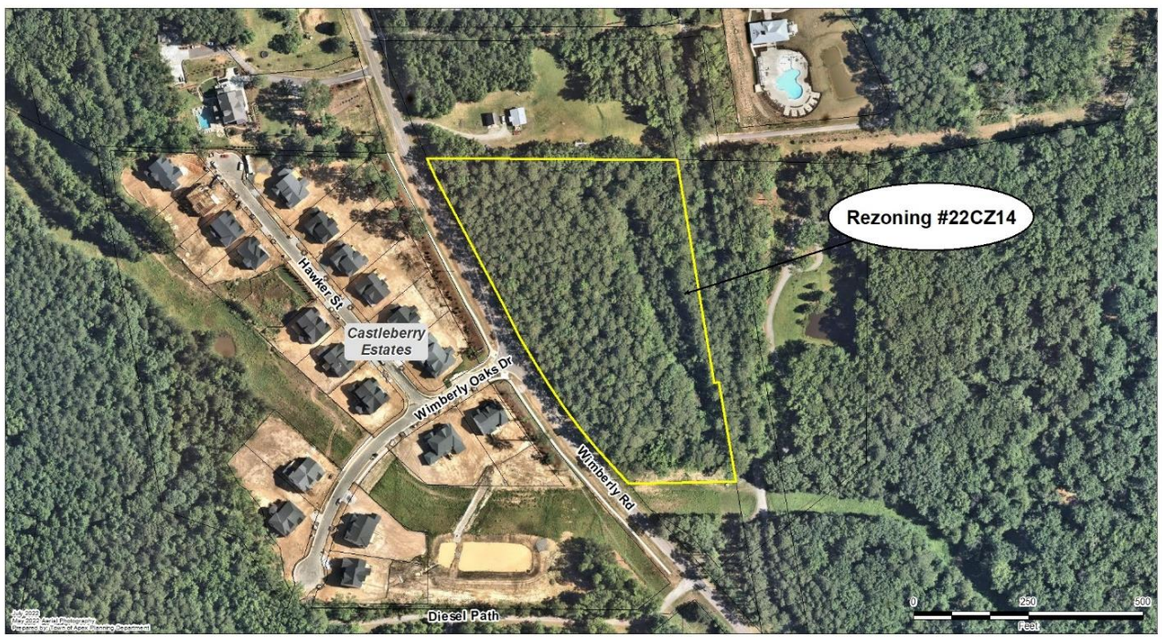
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39906.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 202



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/39905.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ14
905 Wimberly Road

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Ordenamiento territorial existente de la propiedad: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedad: Residential Agricultural-Conditional Zoning (RA-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2ª piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39905.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 2022

82°F 11:09 AM 7/25/2022

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 #22CZ14 905 Wimberly Road
Project Location:	905 Wimberly Road
Applicant or Authorized Agent:	Evan Bost
Firm:	Bost Custom Homes

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/25/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above State and County, this the 25 day of July, 2022.

JOSHUA KILLIAN Notary Public Wake County My Comm. Exp. 6/19/2027 NORTH CAROLINA

Notary Public

My Commission Expires: 6/19/2027

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ14
905 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Owner/Applicant: Bradford & Chelsea Hoffman
Authorized Agent: Evan Bost, Bost Custom Homes
Property Address: 905 Wimberly Road
Acreage: ±7.21 acres
Property Identification Number (PIN): 0723229734
2045 Land Use Map Designation: Rural Density Residential
Existing Zoning of Property: Wake County Residential-80W (R-80W)
Proposed Zoning of Property: Residential Agricultural-Conditional Zoning (RA-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.

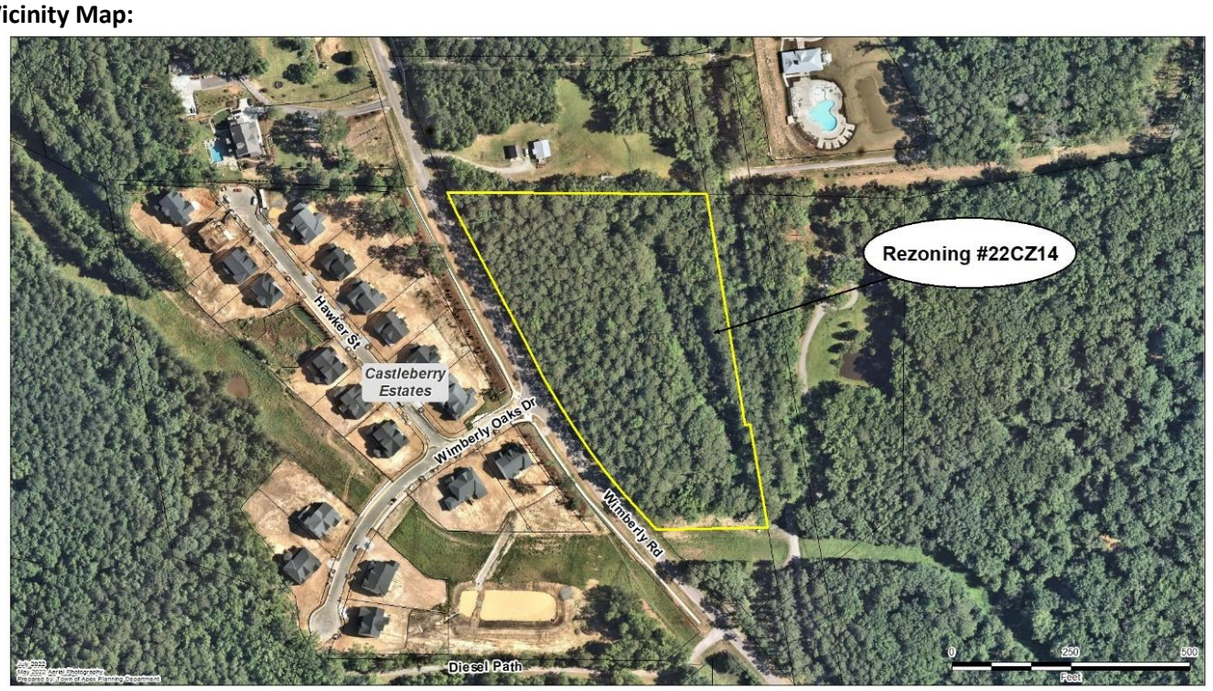
Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39906.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

Legal Notice of Public Hearings / AGENDA
Not secure | apexnc.org/DocumentCenter/View/40456/22CZ14-only-remote-info--PN-TC-Conditional-Zoning-COMBO?bidId=
Apex, NC - Official... IDT Planning Departme... Real Estate Search Unified Developme... Applications & Sch... ExecuTime Enterpri... Municode Meetings Other bookmarks
AGENDA 1 / 2 50%

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ14
905 Wimberly Road

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Owner/Applicant: Bradford & Chelsea Hoffman
Authorized Agent: Evan Bost, Bost Custom Homes
Property Address: 905 Wimberly Road
Acreage: ±7.21 acres
Property Identification Number (PIN): 0723229734
2045 Land Use Map Designation: Rural Density Residential
Existing Zoning of Property: Wake County Residential-80W (R-80W)
Proposed Zoning of Property: Residential Agricultural-Conditional Zoning (RA-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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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/39906.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ14
905 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Bradford & Chelsea Hoffman
Agente autorizado: Evan Bost, Bost Custom Homes
Dirección de la propiedad: 905 Wimberly Road
Superficie: ±7.21 acres
Número de identificación de la propiedad: 07

80°F 9:25 AM 8/5/2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ14
905 Wimberly Road

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Solicitante: Bradford & Chelsea Hoffman
Agente autorizado: Evan Bost, Bost Custom Homes
Dirección de la propiedad: 905 Wimberly Road
Superficie: ±7.21 acres
Número de identificación de la propiedad: 0723229734
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Ordenamiento territorial existente de la propiedad: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedad: Residential Agricultural-Conditional Zoning (RA-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

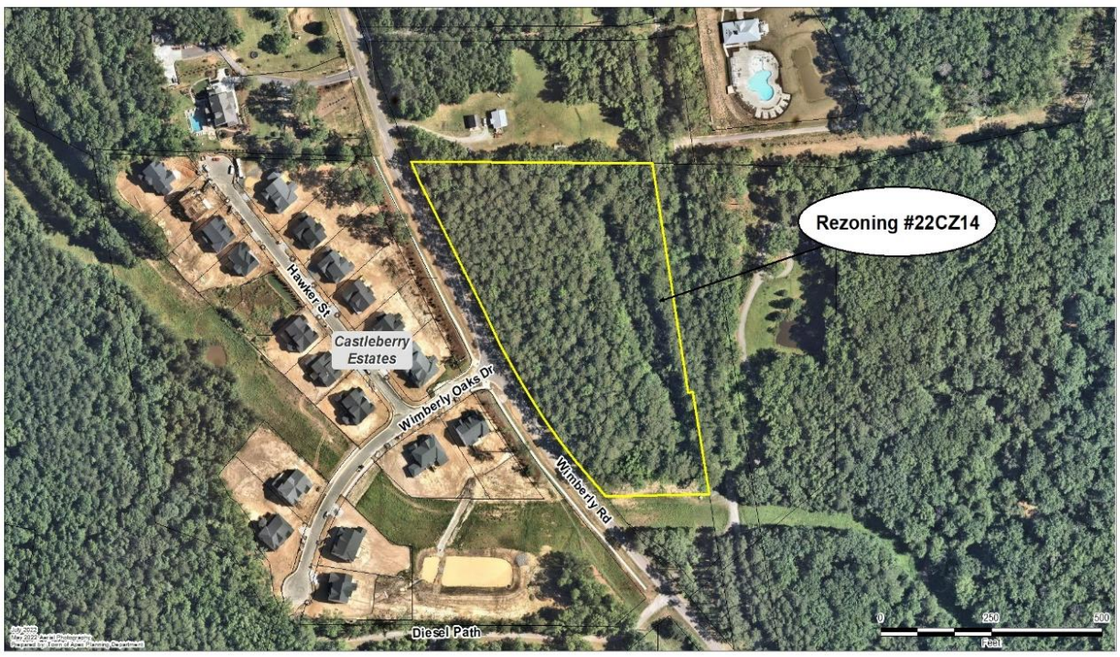
Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39906.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 202



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/39906.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ14
905 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Bradford & Chelsea Hoffman
Agente autorizado: Evan Bost, Bost Custom Homes
Dirección de la propiedad: 905 Wimberly Road
Superficie: ±7.21 acres
Número de identificación de la propiedad: 0723229734
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Ordenamiento territorial existente de la propiedad: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedad: Residential Agricultural-Conditional Zoning (RA-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/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/39906.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 2022

80°F 9:25 AM 8/5/2022

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 #22CZ14 905 Wimberly Road
Project Location:	905 Wimberly Road
Applicant or Authorized Agent:	Evan Bost
Firm:	Bost Custom Homes

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 5, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/8/2022
Date

Director of Planning and Community Development

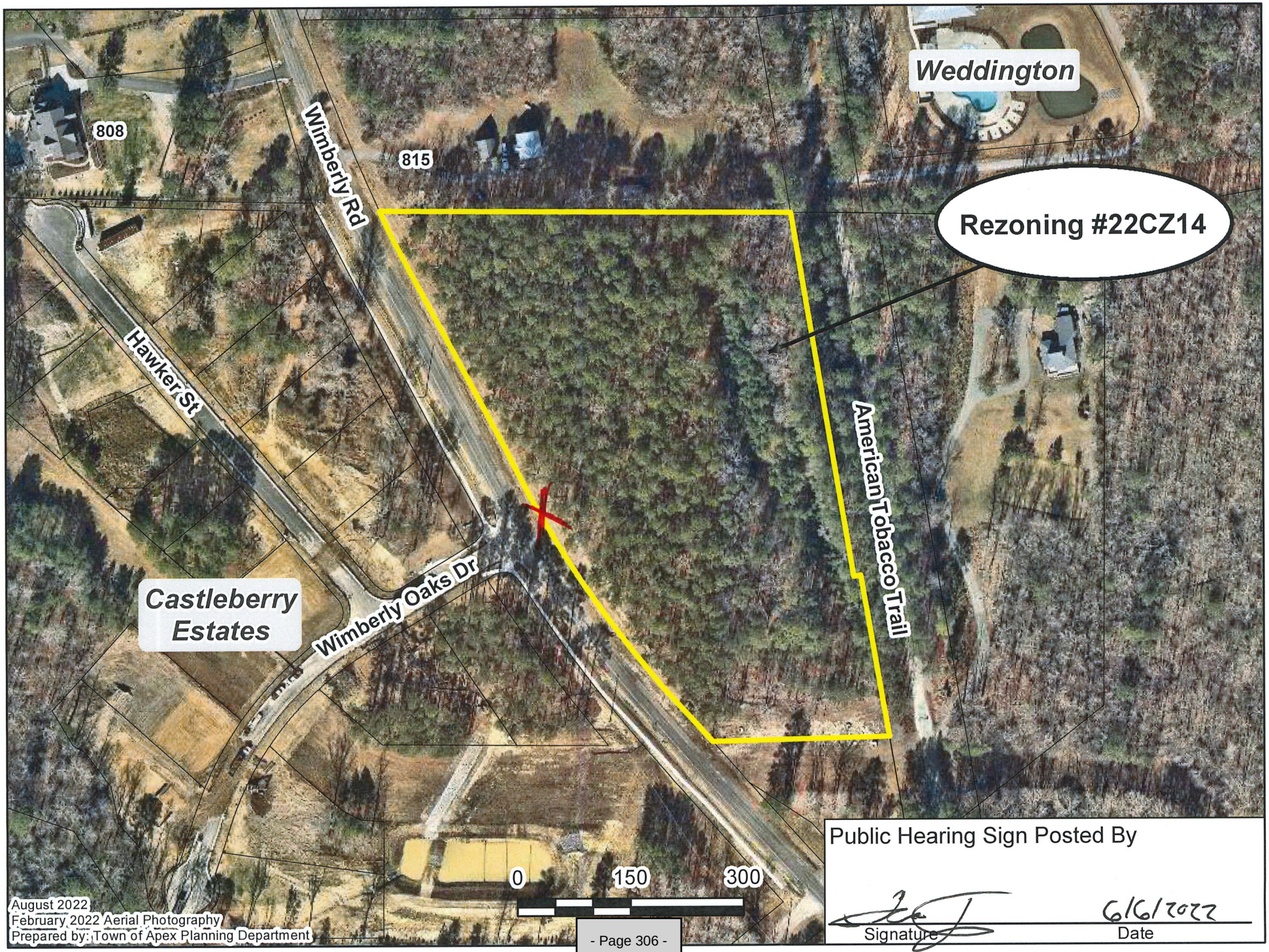
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 8 day of August, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024
SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024



Public Hearing Sign Posted By

Signature

6/6/2022
Date

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 7.21 ACRES LOCATED AT 905 WIMBERLY ROAD FROM WAKE COUNTY RESIDENTIAL-80W (R-80W) TO RESIDENTIAL AGRICULTURAL-CONDITIONAL ZONING (RA-CZ)

#22CZ14

WHEREAS, Evan Bost, Bost Custom Homes/ Brad & Chelsea Hoffman, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of June 2022 (the "Application"). The proposed conditional zoning is designated #22CZ14;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ14 before the Planning Board on the 8th day of August 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of August 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ14. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ14;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ14 before the Apex Town Council on the 23rd day of August 2022;

WHEREAS, the Apex Town Council held a public hearing on the 23rd day of August 2022. Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ14 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 Density Residential. This designation on the 2045 Land Use Map includes the zoning district Residential Agricultural-Conditional Zoning (RA-CZ) and the Apex Town Council has further considered that the proposed rezoning to Residential Agricultural-Conditional Zoning (RA-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 proposed rezoning is reasonable and in the public interest because it will permit one single-family residential dwelling, the size and physical conditions of which are consistent and compatible with the surrounding area. In addition, the proposed rezoning will benefit the landowner by allowing the property to connect to Town water and sewer services; and

WHEREAS, the Apex Town Council by a vote of ___ to ___ approved Application #22CZ14 rezoning the subject tract located at 905 Wimberly Road from Wake County Residential-80W (R-80W) to Residential Agricultural-Conditional Zoning (RA-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 Wake County Residential-80W District (R-80W) to Residential Agricultural-Conditional Zoning (RA-CZ) District, subject to the conditions stated herein.

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

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

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

Permitted Uses and Limitations:
1. Single-family (P)
2. Accessory apartment (P)

Conditions:
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.
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. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front porches shall be a minimum of 6 feet deep.
8. The home shall be sited such that it will preserve as many large specimen trees along the perimeter of the property and the southern third of the property as can reasonably be preserved.
9. Evergreen trees shall be planted along the northern side of the property, the species of which shall mature above 15' tall.
10. The final landscaping shall include tree, shrub, and perennial blooming species with special attention to providing pollinator friendly and bird food source species.
11. The final landscaping shall include a minimum of 50% native plants.
12. The final landscaping shall include warm season grasses in order to minimize the need for irrigation and chemical use.
13. The building shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, skylights, sun tunnels, and large windows in order to reduce electric light demand.
14. The home shall at minimum be pre-configured with conduit and wiring for rooftop photo-voltaic solar.
15. The minimum front building setback shall be 55 feet from the current right of way.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member_____

Seconded by Council Member_____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the _____ day of _____ 2022.

TOWN OF APEX

_____
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

PROPERTY DESCRIPTION
905 Wimberly Road

Being that certain parcel of land located in White Oak Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing ½" iron pipe with a cap and tack, said iron pipe having North Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W a distance of 42.21' to a point in the approximate center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

1) N 41°30'42" W a distance of 34.32' to a point;
2) N 39°48'36" W a distance of 128.73' to a point;
3) A curve turning to the right with an arc length of 285.97', with a radius of 2181.41', with a chord bearing of N 31°28'26" W, with a chord length of 285.76',to a point;
4) N 27°43'06" W a distance of 253.03' to a point;
5) A curve turning to the right with an arc length of 136.86', with a radius of 2433.91', with a chord bearing of N 26°06'26" W, with a chord length of 136.84',to a point;

Thence leaving said approximate center of Wimberly Road, S 88°39'20" E a distance of 577.73' to an existing ½" iron pipe (passing through a disturbed 3/4" iron pipe at a distance of 86.69'); thence S 09°38'01" E a distance of 488.36' to an existing ½" iron pipe; thence N 80°12'30" E a distance of 10.12' to an existing ½" iron pipe; thence S 09°49'00" E a distance of 218.44' to a new ¾" iron pipe; thence S 88°36'55" W a distance of 232.13' to the original point of BEGINNING.

Said parcel containing an area of 7.21 acres (314,206 square feet).

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

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 6.524 acres as petitioned by Triad Education Services; Triangle Math and Science Academy (TMSA), Annexation No. 739 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition

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. 2022-084
ANNEXATION PETITION NO. #739
Triad Education Services (TMSA) – 6.524 acres

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 23, 2022, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 23, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Satellite Annexation Map for the Town of Apex (PIN#0712642615 and 0712647694), dated July 28, 2022" and recorded in Book of Maps book number 2022 and page number , Wake County Registry.

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

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

Adopted this the 23rd day of August, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

Being all of a certain portion of land situated in White Oak Township, Wake County, North Carolina, bounded on the north by US 64 (200' public r/w), on the east by Mabopane Foundation (PIN 0712742710) on the south by Triad Educational Services, Inc.(PIN 0712642296) and Meritage Homes of the Carolinas, Inc.(PIN 0712649560) and on the west by New Hill Olive Chapel Road(variable width public r/w) and being more particularly described as:

Beginning at a "Mag" nail on the eastern right-of-way of New Hill Olive Chapel Road, said nail being on the northern property line of Triad Educational Services, Inc. and also being a corner of the existing Town of Apex Limits (Annexation # 720) and having NC Grid Values of N=724,571.97 E=2,015,730.76; thence, with said eastern r/w and with new Town of Apex Limits the following three calls: N 87°14'05" W 14.66' to an existing iron stake(eis),

N 16°35'54" E 85.55' to an eis, N 52°02'22" E 105.77' to an existing iron pipe(eip) on the southern r/w of US 64; thence, with said southern r/w and continuing with said New Town of Apex Limits, N 82°54'58" E 783.20' to an eis; thence, with said southern r/w and continuing with said New Town of Apex Limits, N 82°50'56" E 350.95' to an eis at Mabopane Foundation's northwest corner; thence leaving said southern r/w, continuing with said New Town of Apex Limits and with Mabopane Foundation's western line, S 07°03'36" W 347.66' to an eis in the northern line of Meritage Homes of the Carolinas, Inc.; thence, continuing with said New Town of Apex Limits and said northern line,

N 87°18'12" W 49.97' to an eis at the northeast corner of Triad Educational Services, Inc., a corner of the existing Town of Apex Limits (Annexation #720); thence, with Triad Educational Services, Inc.'s northern line and the existing Town of Apex Limits the following two calls: N 87°10'57" W 280.05' to an eip and N 87°14'05" W 847.25' to the point or place of beginning containing 6.524 acres more or less as shown on a Map Riley Surveying, PA titled "Satellite Annexation Map for the Town of Apex property of Triad Educational Services, Inc." dated June 29, 2021.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-084, adopted at a meeting of the Town Council, on the 23rd day of August, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of August, 2022.

_____

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (August 11, 2022) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **23rd day of August, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #739
Triad Education Services (TMSA) – 6.524 acres



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. 739" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, August 23, 2022.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 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.

###

Riley Surveying, P.A.

3326 Durham Chapel Hill Blvd., Ste. B-100
Durham, North Carolina 27707

Town of Apex Satellite Annexation

PIN 0712642615 and PIN 0712647694 (DB 19005 PG 2397)

Properties of

Triad Educational Services, Inc.

June 29, 2022

Being all of a certain portion of land situated in White Oak Township, Wake County, North Carolina, bounded on the north by US 64 (200' public r/w), on the east by Mabopane Foundation (PIN 0712742710) on the south by Triad Educational Services, Inc.(PIN 0712642296) and Meritage Homes of the Carolinas, Inc.(PIN 0712649560) and on the west by New Hill Olive Chapel Road(variable width public r/w) and being more particularly described as:

Beginning at a "Mag" nail on the eastern right-of-way of New Hill Olive Chapel Road, said nail being on the northern property line of Triad Educational Services, Inc. and also being a corner of the existing Town of Apex Limits (Annexation # 720) and having NC Grid Values of N=724,571.97 E=2,015,730.76; thence, with said eastern r/w and with new Town of Apex Limits the following three calls: N 87º14'05" W 14.66' to an existing iron stake(eis), N 16º35'54" E 85.55' to an eis, N 52º02'22" E 105.77' to an existing iron pipe(eip) on the southern r/w of US 64; thence, with said southern r/w and continuing with said New Town of Apex Limits, N 82º54'58" E 783.20' to an eis; thence, with said southern r/w and continuing with said New Town of Apex Limits, N 82º50'56" E 350.95' to an eis at Mabopane Foundation's northwest corner; thence leaving said southern r/w, continuing with said New Town of Apex Limits and with Mabopane Foundation's western line, S 07º03'36" W 347.66' to an eis in the northern line of Meritage Homes of the Carolinas, Inc.; thence, continuing with said New Town of Apex Limits and said northern line, N 87º18'12" W 49.97' to an eis at the northeast corner of Triad Educational Services, Inc., a corner of the existing Town of Apex Limits (Annexation #720); thence, with Triad Educational Services, Inc.'s northern line and the existing Town of Apex Limits the following two calls: N 87º10'57" W 280.05' to an eip and N 87º14'05" W 847.25' to the point or place of beginning containing 6.524 acres more or less as shown on a Map Riley Surveying, PA titled "Satellite Annexation Map for the Town of Apex property of Triad Educational Services, Inc." dated June 29, 2021.

Phone – (919)667-0742 philr@rileysurveyingpa.com
Firm License – C-1281

SURVEYOR'S CERTIFICATE

I, PHILLIP W. RILEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND PLATS AS FOUND IN THE WAKE COUNTY REGISTRY

RECORDED IN BOOK 19005, PAGE 2397; THAT THE ERROR OF CLOSURES AS CALCULATED BY LATITUDES AND

DEPARTURES IS 1:10,000+ ; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN REFERENCES AS NOTED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER,

AND SEAL THIS 28th DAY OF July, 2022

PROFESSIONAL LAND SURVEYOR

L-3066
LICENSE NUMBER

I, PHILLIP W. RILEY, PLS, L-3066, FURTHER CERTIFY TO ANY ONE OF THE FOLLOWING AS INDICATED BY AN "X":

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

NORTH CAROLINA PROFESSIONAL SEAL L-3066 LAND SURVEYOR PHILLIP W. RILEY

NOTES

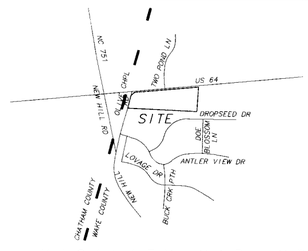
1. AREAS BY THE CO-ORDINATE METHOD.
2. HORIZONTAL GROUND DISTANCES SHOWN HEREON.
3. THE SURVEY CO-ORDINATES NOTED WERE DERIVED FROM GPS OBSERVATIONS BASED ON THE FOLLOWING
   1) CLASS OF SURVEY: CLASS C
   2) POSITIONAL ACCURACY: MAXIMUM RESIDUAL 0.038 FT
   3) TYPE OF GPS FIELD SURVEY: REAL TIME KINEMATIC VIA NCVRS
   4) DATE OF SURVEY: March 10-12, 2021
   5) DATUM/EPOCH: NAD '83/(2011)
   6) PUBLISHED/FIXED CONTROL USED: NONE
   7) GEOID MODEL: G12A
   8) COMBINED GRID FACTOR: 0.99959983
   9) UNITS: US SURVEY FOOT
   10) GPS INSTRUMENTATION: TRIMBLE R8

ANNEXATION # _____

TOWN CLERK CERTIFICATE

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

ALLEN COLEMAN, MMC, NCCCC, TOWN CLERK



VICINITY MAP NTS

NAD '83(2011) VIA NCVRS

EXISTING TOWN OF APEX LIMITS (ANNX. #726)

US 64
200' PUBLIC R/W

CHATHAM COUNTY - NEW HOPE TOWNSHIP
WAKE COUNTY - WHITE OAK TOWNSHIP

N 52°02'22" E 105.77'
(1/2"BENT)
58.46'
C/A

N 16°39'54" E 85.55'

30' CP&L EASEMENT
DB 5951 PG 192
DB 5789 PG 768

13.84
14.66'
(1/2")
17.06'
20.80

N: 724,571.97
E: 2,015,730.76
("MAG"NAIL)

200'

0

N 82°54'58" E 783.20'
C/A
30' TOWN OF CARY UTILITY & PIPELINE EASEMENT
DB 16415 PG 941 & DB 16415 PG 843
N 82°54'58" E 827.04'

TRIAD EDUCATIONAL SERVICES, INC.
DB 19005 PG 2397
PB 2009 PG 216
PIN 0712642615
ZONED: PUD-CZ

N 87°14'05" W
861.91'(TOTAL)

APEX CORPORATE LIMITS

TRIAD EDUCATIONAL SERVICES, INC.
DB 18818 PG 892
PB 2016 PG 160
PIN 0712642296
ANNEXATION PLAT – PB 2021 PG 2278

EXISTING TOWN OF APEX LIMITS (ANNX. #720)

VARIABLE WIDTH PUBLIC R/W
APEX CORPORATE LIMITS
PB 2018 PG 399
20' TOWN OF APEX PUBLIC UTILITY EASEMENT

EXISTING TOWN OF APEX LIMITS (ANNX. #616)

NEW HILL OLIVE CHAPEL ROAD
SR 1141

LINE	BEARING	DISTANCE
L1	S 16°37'14" W	43.28
L2	N 73°22'46" W	30.00
L3	N 16°37'14" E	35.88
L4	S 23°19'24" W	50.31
L5	S 66°40'36" E	30.00
L6	N 23°19'24" E	47.50
L7	N 84°04'21" E	189.07
L8	S 18°30'48" W	115.09
L9	S 65°15'14" W	72.37
L10	S 65°15'14" W	12.04
L11	S 24°44'46" E	30.00
L12	N 65°15'14" E	97.38
L13	N 18°30'48" E	135.04
L14	S 66°42'19" E	15.09

3917

C/A
11.19'
(1/2")
30.95'
S 5°91'
31.25'

N 82°50'56" E 350.95'
L7
N 82°51'00" E 357.32'
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
30' CP&L EASEMENT
DB 5951 PG 193

30.66'
(1/2")
85.30'

286.24'

S 04°50'17" W

TRIAD EDUCATIONAL SERVICES, INC.
DB 19005 PG 2397
PB 2009 PG 216
PIN 0712647694
ZONED: B1-CZ

S 07°03'38" W
347.66'

MABOPANE FOUNDATION
DB 17693 PG 551
PIN 0712742710

N 87°10'57" W
280.05'
(1/2")
N 87°18'12" W
49.97'
(1/2")

APEX CORPORATE LIMITS

MERITAGE HOMES OF THE CAROLINAS, INC.
DB 16284 PG 79
PB 2019 PG 117
PIN 0712649560

EXISTING TOWN OF APEX LIMITS (ANNX. #720)

EXISTING TOWN OF APEX LIMITS (ANNX. #561)

TOTAL ANNEXATION AREA
284,191 SF
6.524± AC.

LEGEND

- CALCULATED POINT
- EXISTING "MAG" NAIL
- IRON PIPE SET(5/8") IN 2021
- EXISTING IRON PIPE(SIZE)
- PROPERTY LINE
- PUBLIC ROADWAY RIGHT OF WAY LIMITS
- TOWN OF APEX PUBLIC UTILITY EASEMENT LIMITS
- EXISTING TOWN OF APEX LIMITS
- NEW TOWN OF APEX LIMITS
- #### STREET ADDRESS
- C/A CONTROLLED ACCESS PUBLIC R/W

SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX

PROPERTY OF

TRIAD EDUCATIONAL SERVICES, INC.

WHITE OAK TOWNSHIP, WAKE COUNTY
NORTH CAROLINA

80 40 0 80 160 240
SCALE IN FEET

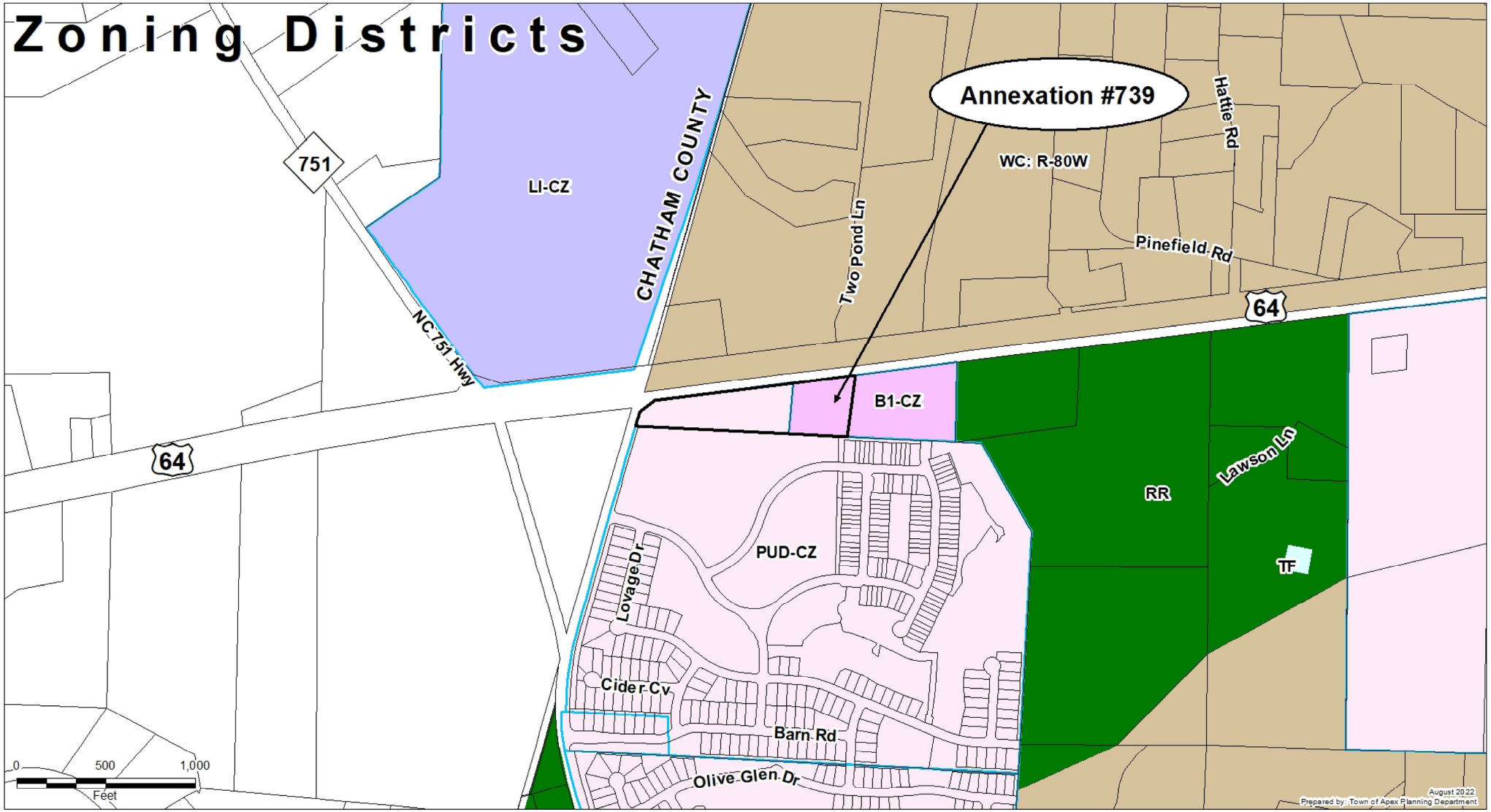
SCALE: 1"= 80'

JULY 28, 2022

RILEY SURVEYING, P.A.
3326 DURHAM CHAPEL HILL BLVD. STE B-100
DURHAM, N.C. 27707
919-667-0742 C-1281 philr@rileysurveyingpa.com

2201ANNEX


Annexation #739
64
64
New Hill Olive Chapel Rd
Triangle Math and Science Academy
Dropseed Dr
Deer Creek
Doe Blossom Ln
Chestnut Bluff Run
0
250
500
Feet
August 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department


Zoning Districts
Annexation #739
WC: R-80W
LI-CZ
CHATHAM COUNTY
751
NC 751 Hwy
Two Pond Ln
Hattie Rd
Pinefield Rd
64
B1-CZ
64
RR
Lawson Ln
PUD-CZ
Lovage Dr
TF
Cider Cv
Barn Rd
Olive Glen Dr
0
500
1,000
Feet
August 2022
Prepared by: Town of Apex Planning Department

Annexation #739

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 #:	2022-016 (NW)	Submittal Date:	7-11-2022
Fee Paid	$ 200.00	Check #	2007

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

Triad Educational Services, Inc. by Ahmet Bozdag	Deed BK 19005 Pg 2397
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(336) 944-6559	ahmetbozdag@yahoo.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: Riley Surveying, P.A.

Phone: 919-667-0742 Fax:

E-mail Address: philr@rileysurveyingpa.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	6.524	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☐
Proposed # of housing units:	0	Sewer service (new construction)	☐
Zoning District*:	PUD-CZ; B1CZ	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-016 (NW) Submittal Date: 7-11-2022

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print	Signature
Please Print	Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the 07 day of July, 2022.

SEAL

TRIAD
EDUCATIONAL SERVICES
104 Towerview Court
Cary, NC 27513

Corporate Name Triad Educational Services, Inc

Attest: _____
Secretary (Signature)

By: _____
President (Signature)

STATE OF ~~NORTH CAROLINA~~ Florida
COUNTY OF ~~WAKE~~ Alachua

Sworn and subscribed before me, Jignesh P. Tanna, a Notary Public for the above State and County, this the 7th day of July, 2022.

_____
Notary Public

SEAL

JIGNESH P. TANNA
Notary Public - State of Florida
Commission # GG 354424
My Comm. Expires Jul 14, 2023
Bonded through National Notary Assn.

My Commission Expires: 7/14/2023

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ10 Calyx Senior Living Apex (KOBRA PUD Amendment). The applicant, TMTLA Associates, seeks to rezone approximately 5.738 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 7501 Jenks Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0732196422.

Attachments

- Staff Report
- Vicinity Map
- Application

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: 7501 Jenks Road
Applicant: TMTLA Associates
Owner: Kobra, LLC

PROJECT DESCRIPTION:
Acreage: ±5.738 acres
PINs: 0732196422
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development- Conditional Zoning (PUD-CZ #20CZ04); Rural Residential (RR)	Townhomes (Reams Grove); Vacant; Jenks Rd
South:	Rural Residential (RR); Medium Density Residential (MD)	Dominik Ct.; Single Family Residential
East:	Rural Residential (RR)	NC 540 Hwy
West:	Rural Residential (RR); Medium Density Residential (MD)	Vacant; Apex Utilities

EXISTING CONDITIONS:
The properties to be rezoned were originally rezoned to Planned Unit Development-Conditional Zoning on October 20, 2020. The subject property is on the south side of Jenks Road, adjacent to NC 540 right-of-way, and is currently vacant.

NEIGHBORHOOD MEETING:
The applicant conducted a neighborhood meeting on April 26, 2022. The neighborhood meeting report is attached.

2045 LAND USE MAP:
The 2045 Land Use Map classifies the property subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed amendments to the PUD-CZ zoning are consistent with that classification.

PLANNED UNIT DEVELOPMENT PLAN:
The applicant is proposing the following changes with this PUD amendment:

Change to the Cover Sheet
The following change to reflect PUD amendment for Tract 2 only.

Applicant: TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713

Change to Section 2.0: Vicinity Map
The following amendment is proposed to Section 2.0 Vicinity Map:
Add a note indicating that the PUD amendment is focused on southern parcel of the KOBRA Tracts PUD-CZ.

Change to Section 3.0: Project Data
Name of Project to include "Calyx Senior Living of Apex."

Preparer of PUD amendment:
TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880
pam@tmtla.com

Area of Mixed-Use Property proposed as Congregate Living Facility is 5.46 acres.
Percent of Mixed-Use areas proposed as non-residential development is 0%.
Percent of Mixed-Use Areas Proposed as Congregate Living Facility: 100%

Change to Section 4.0: Proposed List of Uses
The following amendment is requested in Section 4.0:
Add "Congregate Living Facility" to the list of allowable uses.

Changes to 6.0: Proposed Design Controls
The following amendments are requested in Section 6.0:

- The maximum building square footage for Tract 2 to be 58,000 square feet.
- The residential density for Tract 2 to be 11 resident rooms per acre.
- The setbacks listed as "Non-Residential Setbacks" shall be applicable to the proposed use (congregate living facility) on Tract 2.
- Requesting a reduction of the landscape buffer on the east, I-540 side of the site from 100' to 50'. The applicant is requesting to utilize the 50% buffer reduction noted in Sec. 8.2.6 of the UDO for non-residential uses adjacent to a limited access highway are able to use.

Change to Section 7.0: Proposed Residential Architectural Controls
Residential architectural controls will not apply to Tract 2.

Changes to Section 8.0: Proposed Non-Residential Architectural Controls
Amend this section to read "Proposed Congregate Living Facility Architectural Controls" and revise this list to the following items:

1. The predominant exterior building material shall be fiber cement siding.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.

Changes to Section 9.0: Parking and Loading
The applicant is requesting a 20% reduction or 0.8 parking spaces per resident room in the required parking for a congregate living facility. Section 8.3 of the Town of Apex Unified Development Ordinance calls for 1 parking space per dwelling unit.

Change to Section 15.0 Phasing Plan
Amending the language to note Phase 2 as the Congregate Living Facility parcel.

Changes to Section 16.0: Consistency with 2045 Land Use Plan
The parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex' 2045 Land Use Map.

Change to Section 17.0: Consistency with Unified Development Ordinance
The following amendment is requested in Section 17.0:

- Development in Tract 2 will no longer supply a stub a connection to Dominik Court.

Change to Section 19.0: Affordable Housing
The following amendment is requested in Section 19.0:

- The affordable housing contribution is not applicable to Tract2.

New Section 20.0: Environmental Advisory Board (EAB) Zoning Conditions
The following language has been added:

1. Building will include conduit to the roof to make it solar ready.
2. Site lighting will utilize full cut-off parking lot fixtures.
3. Site landscaping will exceed the minimum UDO landscape requirements.

EAB RECOMMENDATIONS:
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
Consider the use of previous pavement as well as integrated irrigation from the SCM as we start to refine the site design.	Not added
To the extent possible, preserve existing trees on site.	Not added
Apply a landscape package with a lot of additional plant material, including many plants that are good pollinator plans and as many native plants as possible.	Not added
Exceed the UDO requirements for landscaping.	Added
Consider planting trees for efficiency (deciduous trees on the south side of the building and evergreen trees on the north side of the building).	Not added
Install a couple of gardens throughout the site and consider creating pockets of pollinator gardens with a spring through fall bloom. Consider including a rain garden and implementing xeriscaping.	Not added
Consider making the building solar panel ready.	Added
Consider timers on any building or pathway lighting.	Not added
Solar PV system installation that has a minimum size based on the smallest of the Following criteria 1. A 100-kilowat DC system 2. A system that fits on space available on the rooftop. 3. A system that will generate 90% of the expected yearly consumption of the building.	Not added
The landscaping shall consist of a minimum of 75% native species to the eastern U.S.	Not added
Include International Dark Sky Association compliance standards. a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground. b. Lighting that minimizes the emission of blue light to reduce glare shall be used. c. Lighting with a color temperature of 3000k or less shall be used for outside installation.	Added

APEX TRANSPORTATION PLAN:
The proposed PUD amendment is consistent with the Apex Transportation Plan

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #22CZ10 Calyx Senior Living PUD Amendment.

PLANNING BOARD RECOMMENDATION:
The Planning Board heard this rezoning at August 8, 2022 meeting and unanimously recommended approval with the conditions as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed amendments to Planned Unit Development-Conditional Zoning (PUD-CZ) are consistent with the Mixed Use: High Density Residential/Office Employment/Commercial Services land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for a needed use that will 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.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1. Planned Unit Development (PUD-CZ) District
   In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:
   a) *Development parameters*
      (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table.*
      (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
      (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
      (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
      (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public

transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

(vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.

(vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

(i) A non-residential component;

(ii) An overall density of 7 residential units per acre or more; or

(iii) Environmental measures including but not limited to the following:

a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;

b. The installation of a geothermal system for a certain number or percentage of units within the development; or

c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).

d) *Landscaping*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision and* Article 14: *Parks, Recreation, Greenways, and Open Space*.

(i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.

(ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.

(iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

(iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.

g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.

h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.

i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.

k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. Sec. 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.

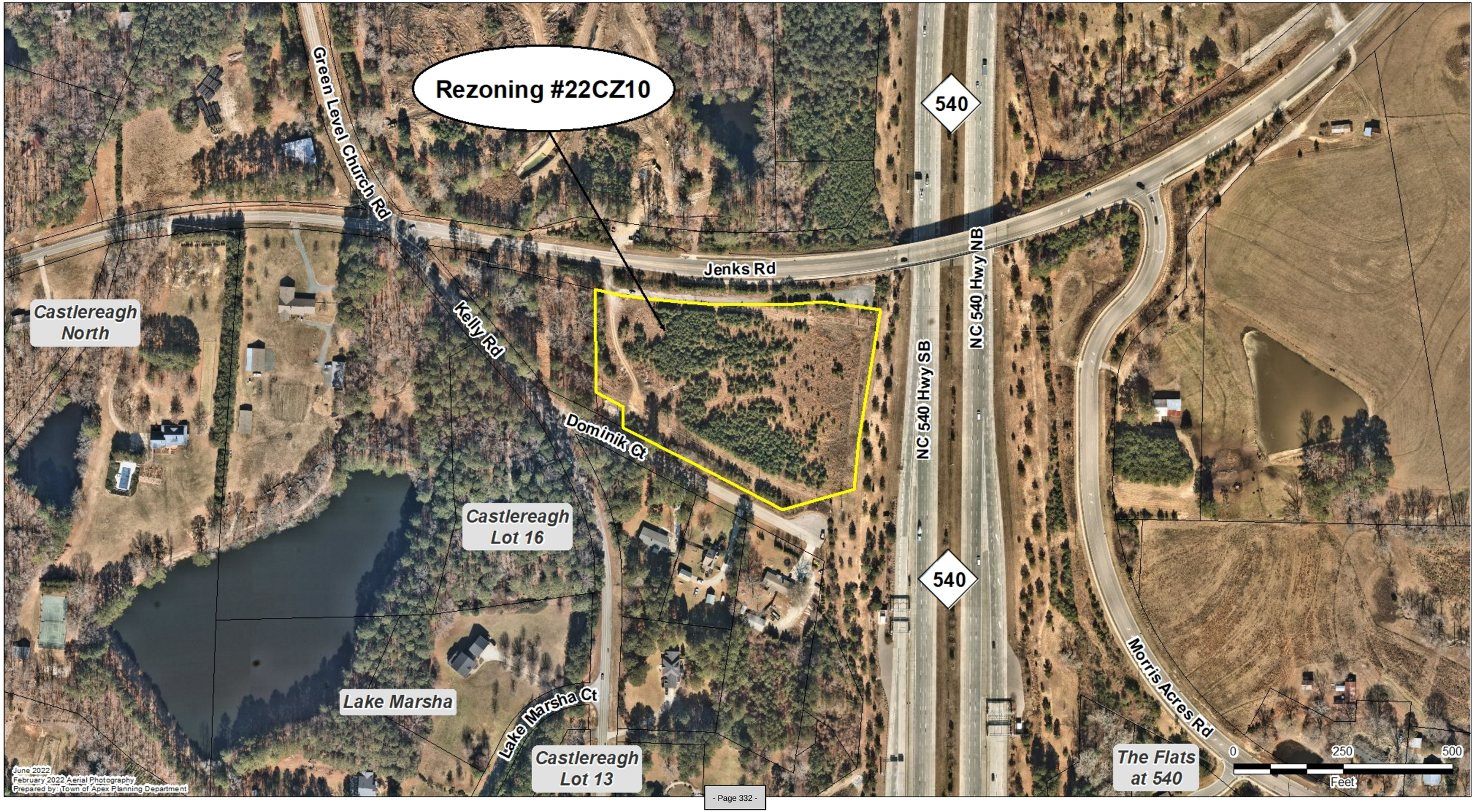
6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

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.


Rezoning #22CZ10
Green Level Church Rd
Jenks Rd
Kelly Rd
Dominik Ct
Castlereagh North
Castlereagh Lot 16
Lake Marsha
Lake Marsha Ct
Castlereagh Lot 13
NC 540 Hwy SB
NC 540 Hwy NB
540
540
Morris Acres Rd
The Flats at 540
0
250
500
Feet
June 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: #22CZ10 Submittal Date: 5-2-22

Fee Paid $ paid Check #

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Calyx Senior Living of Apex

Address(es): 7501 Jenks Road

PIN(s) 0732-19-6422

Acreage: 5.738

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

Current 2045 LUM Designation: Mixed Use

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: 5.738

Area proposed as non-residential development: Acreage: 0

Percent of mixed use area proposed as non-residential: Percent: 0

Applicant Information

Name: TMTLA Associates

Address: 5011 Southpark Drive, Ste. 200

City: Durham State: NC Zip: 27713

Phone: 919-484-8880 E-mail: pam@tmtla.com

Owner Information

Name: Kobra, LLC

Address: 117 Woodland Ridge Drive

City: Fuquay Varina State: NC Zip: 27526

Phone: E-mail:

Agent Information

Name: Carillon Assisted Living (contact: Marcos Vidal)

Address: 4901 Waters Edge Drive, Ste. 200

City: Raleigh State: NC Zip: 27606

Phone: 919-852-4000 E-mail: marcos.vidal@carillonassistedliving.com

Other contacts: Bob Steenson (bob.steenson@carillonassistedliving.com)

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: #22CZ10 Submittal Date: 5-2-22

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: #22CZ10 Submittal Date: 5-2-22

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 #: #22CZ10 Submittal Date: 5-2-22

Proposed Subdivision/Development Information

Description of location: 7501 Jenks Road

Nearest intersecting roads: Jenks Road and Hwy 540

Wake County PIN(s): 0732-19-6422

Township: White Oak

Contact Information (as appropriate)

Contact person: Pamela Porter

Phone number: 919-484-8880 Fax number: n/a

Address: 5011 Southpark Drive, Ste. 200 Durham NC 27713

E-mail address: pam@tmtla.com

Owner: Kobra, LLC

Phone number: (919) 377-8066 Fax number: n/a

Address: 117 Woodland Ridge Drive Fuquay Varina, NC 27526

E-mail address: SRJEWETT54@GMAIL.COM

Proposed Subdivision/Development Name

1st Choice: Calyx Senior Living of Apex

2nd Choice *(Optional)*:

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: #22CZ10 Submittal Date: 5-2-22

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

7501 Jenks Road

(the "Premises")

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

Carillon Assisted Living, 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: Carillon Assisted Living, LLC	TOWN OF APEX
BY: _____ Authorized Agent	BY: _____ Authorized Agent
DATE: 04/29/2022	DATE: _____

AGENT AUTHORIZATION FORM

Application #: #22CZ10 Submittal Date: 5-2-22

Kobra, 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: 7501 Jenks Road

The agent for this project is: Carillon Assisted Living, LLC

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

Agent Name: Carillon Assisted Living, LLC (Contact person: Marcos Vidal)

Address: 4901 Waters Edge Drive, Ste. 200 Raleigh, NC 27606

Telephone Number: 919-852-4000

E-Mail Address: marcos.vidal@carillonassistedliving.com

Signature(s) of Owner(s)*

Susan Jewell /ss

Susan Jewell — Type or print name

4/28/22 — Date

_____

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #22CZ10 Submittal Date: 5-2-22

The undersigned, Carillon Assisted Living, 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 7501 Jenks 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 n/a, and recorded in the Wake County Register of Deeds Office on n/a, in Book n/a Page n/a.

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 n/a, 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 n/a, 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 29th day of April, 20 22.

(seal)

Karen Moriarty, President
Carillon Assisted Living, LLC Type or print name
authorized agent of Owner

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

MELINDA B TAYLOR
Notary Public, North Carolina
Lee County
My Commission Expires
May 6, 2023
[NOTARY SEAL]

Melinda B. Taylor
Notary Public
State of North Carolina
My Commission Expires: May 6, 2023



Calyx Senior Living of Apex
Legislative Considerations

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 parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex' 2045 Land Use Map.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
The proposed use is compatible and complementary with the character of the surrounding land uses. The north portion of the current KOBRA TRACTS PUD is being developed into townhomes. The adjacent land uses are larger residential tracts or vacant lots. The assisted living use will harmonize and complement the surrounding area as it is quiet, a low traffic generator, and will be landscaped and constructed to blend with the character of the neighborhood.

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
The proposed project will comply with the Supplemental Standards listed in UDO Section 4.4 for Congregate Living Facility.

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 project will be a single story, licensed assisted living community providing assistance with activities of daily living for the frail elderly. This use produces no noise, odors, pollution, or glare. Assisted living communities are not large consumers of civic resources. Traffic impact is minimal as the typical resident is in their early to mid-80's and no longer drives. Service and food deliveries are minimal as well, usually once or twice a week. The visual impact will be an enhancement to the adjacent areas as the proposed building is an attractive, single-story structure designed to scale residential and the site will include extensive landscaping.



5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
The proposed project does not present any meaningful environmental impact. The site will be engineered to comply with state and municipal storm water and erosion control measures to minimize environmental impact during and after construction. The proposed project will adhere to state and federal regulations for streams and wetlands on site, if any are present.

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 use will have zero impact on schools and limited impact on other public facilities such as potable water, waste water, police, fire, and EMS. The project's engineer will verify with Town of Apex that utilities required are available and the proposed facility can use said facilities within their current capacity. Being a low traffic generator, we anticipate the impact on roads to be far less than another commercial or residential use. The proposed project is not a nursing home, does not provide medical care and thus will not impact police, fire, or EMS resources.

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 project by providing sorely needed essential care services to seniors, including memory care services for those suffering from Alzheimer's disease and other acuities of dementia, will actually enhance the health, safety and welfare of Apex residents.

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
The proposed Calyx Senior Living community will not be detrimental to adjacent properties. Licensed assisted living is a low intensity use in contrast to other commercial and residential uses permitted on this site under the current zoning.

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 use will not constitute a nuisance or hazard due to traffic impact or noise. The primary users of the site include the residents, staff, and family visitors. Staffing is relatively low compared to other users and shift changes at 7am, 3pm and 11pm do not coincide with commuter traffic. The estimated traffic generation was not enough to trigger a traffic study as per the Apex UDO.



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 project is seeking relief on two relevant standards of this Ordinance. Specifically, we're requesting a reduction of the required parking for a Congregate Living Facility from 1 parking space per resident room to 0.8 parking spaces per resident room. The reduction in parking will not adversely affect safety or convenience of residents, visitors and staff as demonstrated by Calyx Senior Living's 25 years of operating history on sites with even less parking. Eliminating unnecessary impervious surface also provides environmental benefits.

In addition, we're requesting relief of 50% of buffer width on the east side of the site from 100' to 50' along the I-540 corridor. Such a reduction is allowed for commercial designations in the Apex UDO. Congregate living of this type is both residential and commercial in nature and neither the building nor any of the residential components of the property will fall within the former 100' buffer.

Calyx Living
by Carillon Assisted Living

April 5, 2022

RE: Neighborhood Meeting for proposed Calyx Senior Living at 7501 Jenks Road, Apex, County of Wake, North Carolina

Dear Neighbor:

Carillon Assisted Living, based in Raleigh, NC, is a 25+ year owner and operator of senior living communities. We are proposing to build and operate a licensed assisted living facility at 7501 Jenks Road in Apex. We would like to share the proposed site plan, describe the nature and appearance of our community, and address any questions or concerns our future neighbors may have. The neighborhood meeting will be virtual; the meeting's details and registration instructions are included in the Notice.

However, if you are unable to attend, I will be happy to share information and answer any questions. I can be reached via email at marcos.vidal@carillonassistedliving.com or via phone at (919)852-4000.

Sincerely,

Marcos Vidal
Vice President of Development
Carillon Assisted Living, LLC

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.

4/4/2022
Date

Dear Neighbor:

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

7501 Jenks Road — Address(es)

0732-19-6422 — 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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	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)):

Our proposal is for the construction of a congregate living facility at 7501 Jenks Road. To achieve this we are requesting a modification to the Kobra Tract PUD to allow congregate living facility under list of permitted uses.

Estimated submittal date: May 2, 2022

MEETING INFORMATION:

Property Owner(s) name(s):	Kobra, LLC
Applicant(s):	TMTLA Associates (Pam Porter)
Contact information (email/phone):	pam@tmtla.com / 919-484-8880
Meeting Address:	meeting will be virtual - see instructions included with this letter
Date/Time of meeting**:	April 26th, 2022 5:00 pm - 7:00 pm

Welcome: 5:05 Project Presentation: 5:15 Question & Answer: 5:45

**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.



How to Register for and Participate in the April 26th Neighborhood Meeting

Please note registration is required.

To Participate by PC, Mac, iPad, iPhone, or Android Device:
NOTE: This meeting will require registration prior to attending if participating by video.

- Go to the following website to attend the meeting: https://zoom.us/
- Click on the "Join A Meeting" link at the top of the website.
- Enter the following information where prompted:
  - Meeting ID: **857 5221 5591**
- Once you enter the Meeting ID and click "Join" you will be prompted to register for the meeting. Please fill out the required information. After you register for the meeting you will receive an email with a link to join the meeting.

To Participate by Phone:

- Dial the following number: **(929) 205-6099**
- Enter the following information when prompted:
  - Meeting ID: **857 5221 5591**
  - After you enter the Meeting ID please press # to enter the meeting. There is no passcode for this meeting.
- If you are participating by phone all graphics to be discussed during the meeting are included with this letter.

Once the meeting has started and attendance has been taken, all participants will be muted to allow for presentation by the meeting host. Please note that participants' video will be off by default, as well, so meeting host can display the below maps during the meeting. **Please note this meeting will be recorded.**

During the call attendees are asked to use the raise hand function to ask questions. This can be done by using the Raise Hand function if joining by video or by dialing *9 if joining by telephone.

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: Calyx Senior Living of Apex Zoning: PUD-CZ

Location: 7501 Jenks Road

Property PIN(s): 0732-19-6422 Acreage/Square Feet: 5.46 acres

Property Owner: Kobra, LLC

Address: 117Woodland Ridge Drive

City: Fuquay Varina State: NC Zip: 27526

Phone: _____ Email: _____

Developer: Carillon Assisted Living

Address: 4901 Waters Edge Drive, #200

City: Raleigh State: NC Zip: 27606

Phone: 919-852-4000 Fax: n/a Email: Marcos.Vidal@carillonassistedliving.com

Engineer: Summit Design and Engineering

Address: 1110 Navaho Drive, #600

City: Raleigh State: NC Zip: 27609

Phone: 919-332-0115 Fax: n/a Email: Don Sever,don.sever@summitde.com

Builder (if known): n/a

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning 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) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (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

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

Construction Traffic:	James Misciagno	919-372-7470

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

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

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

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

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

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

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

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

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

Dust:	James Misciagno	919-372-7470

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

Trash:	James Misciagno	919-372-7470

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

Temporary Sediment Basins:	James Misciagno	919-372-7470

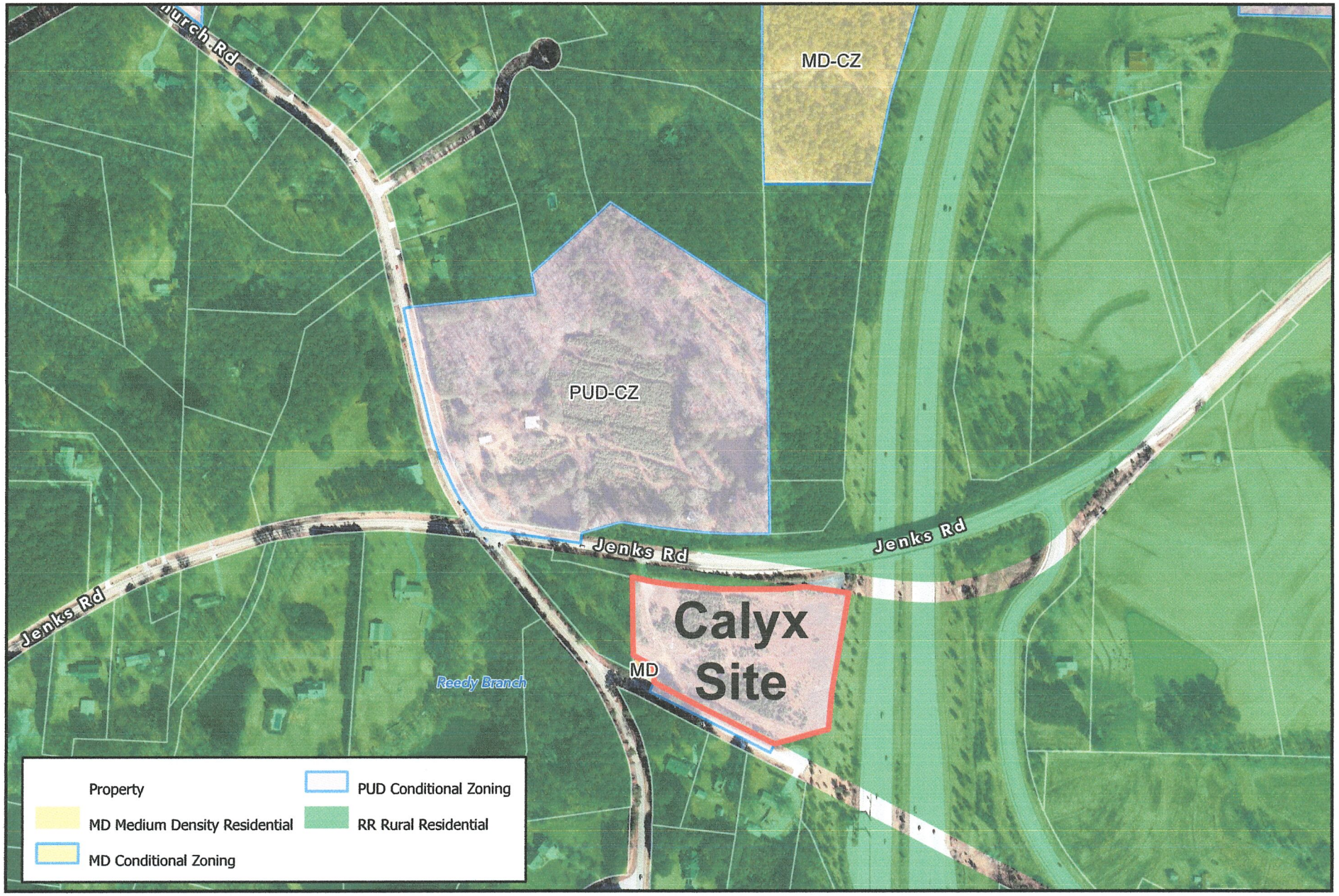
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Jessica Bolin	919-249-3537

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

Electric Utility Installation:	Rodney Smith	919-249-3342

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



Calyx Senior Living of Apex
Vicinity and Zoning Map

N

0 200 400 800 ft

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.*

PRELIMINARY CONCEPTUAL DESIGN

CALYX SENIOR LIVING OF APEX - 7501 JENKS ROAD

KOBRA TRACT PUD
REAMS FARM DEVELOPMENT
OWNER: LENNAR OF THE CAROLINAS





JENKS ROAD

KELLY ROAD

DOMINIK COURT

HWY 540

List of Addresses provided by Town of Apex

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
7344 DOMINIK CT	0732193336	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
1025 KELLY RD	0732184749	BRUHN, ANDREW YEPEZ, MELISSA	1025 KELLY RD	APEX NC 27523-9565
7339 DOMINIK CT	0732195021	CESPEDES, MERQUIADES	7704 JENKS RD	APEX NC 27523-7818
7341 DOMINIK CT	0732194101	CESPEDES, MERQUIADES JR	7704 JENKS RD	APEX NC 27523-7818
7333 DOMINIK CT	0732186777	CESPEDES, MERQUIADES N	7704 JENKS RD	APEX NC 27523-7818
1004 KELLY RD	0732190294	EDNEY, SUZANNE S	1004 KELLY RD	APEX NC 27523-9558
7450 JENKS RD	0732198808	JAINIX LLC	1012 TIMBER MIST CT	CARY NC 27519-7510
7501 JENKS RD	0732196422	KOBRA LLC	117 WOODLAND RIDGE DR	FUQUAY VARINA NC 27526-5923
7500 GREEN LEVEL CHURCH RD	0733102211	LENNAR CAROLINAS LLC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
7533 JENKS RD	0732192507	MILLER, ROY B	6604 BRANDYWINE RD	RALEIGH NC 27607-4847
7305 DOMINIK CT	0732188735	NC TURNPIKE AUTHORITY NC DEPT OF TRANSPRTATION	1578 MAIL SERVICE CENTER	RALEIGH NC 27599-1578
7605 JENKS RD	0732097324	SEARS, JOHN BRUCE SEARS, ELIZABETH C	7605 JENKS RD	APEX NC 27523-7817
		Current Tenant	7333 Dominik CT	APEX NC 27523-7817
		Current Tenant	7339 Dominik CT	APEX NC 27523-7817
		Current Tenant	7341 Dominik CT	APEX NC 27523-7817

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 - via Zoom

Date of meeting: April 26th, 2022 Time of meeting: 5pm - 7pm

Property Owner(s) name(s): Kobra LLC

Applicant(s): TMTLA Associates

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.	Bobby Jain (neighbor)	[redacted]			
2.	Thomas Beebe (rep. for seller)				
3.	Pam Porter (TMTLA Associates)				
4.	Marcos Vidal (Carillon Asst. Living)				
5.	Bob Steenson (Carillon Asst. Living)				
6.	Kerry Perkins (Carillon Asst. Living)				
7.	Jennifer Moore (Carillon Asst. Living)				
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): Kobra, LLC

Applicant(s): TMTLA Associates

Contact information (email/phone): pam@tmtla.com / 919-484-8880

Meeting Address: virtual

Date of meeting: April 26th, 2022 Time of meeting: 5pm-7pm

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

Question/Concern #1:
Bobby Jainix asked if we would have issues with water and sewer capacity.

Applicant's Response:
It was noted that we will connect to the sewer being stubbed to our site from the development across the street. Water is available in Jenks Road. We are not aware of any capacity issues and this was not mentioned at our presubmittal meeting with the Town.

Question/Concern #2:
Bobby Jainix asked about access to the site - specifically how people leaving site would make a left turn.

Applicant's Response:
It was noted that our entrance will line up with the proposed entrance for the Lennar development across the street. Full access movement is we are planning for.

Question/Concern #3:
Bobby Jainix asked if our project was related to the Lennar project that was approved across the street.

Applicant's Response:
It was noted that this development is not related to the Lennar development across the street.

Question/Concern #4:
Tom Beebe asked if our project would include any memory care. He also noted this was a needed use for Apex.

Applicant's Response:
It was noted this building would have 24 memory care units.

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, Pamela Porter, 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 virtually (location/address) on April 26th, 2022 (date) from 5pm (start time) to 7pm (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.

4-27-2022
Date

By: Pamela Porter

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Duke

Sworn and subscribed before me, Misty N Oakley, a Notary Public for the above State and County, on this the 27th day of April, 2022.

SEAL

Misty N. Oakley
Notary Public - North Carolina
Granville County
My Commission Expires April 8, 2025

Misty N Oakley
Notary Public

Misty N Oakley
Print Name

My Commission Expires: April 8 2025



To: Town of Apex Planning Department
From: Pamela Porter, TMTLA Associates
Date: May 2, 2022, Revised August 12, 2022
RE: KOBRA Tract PUD Amendment (Tract 2)

This memo is being submitted to note the changes being proposed to the previously approved KOBRA Tract PUD-CZ. Please note these changes only apply to Tract 2 (Wake County PIN 0732-19-6422) and all previously approved conditions still apply to Tract 1. This memo will reference sections from the approved KOBRA Tract PUD Text.

Cover Sheet
The following change to reflect PUD amendment for Tract 2 only.

Applicant: TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713

2.0 Vicinity Map
The following amendment is proposed to Section 2.0 Vicinity Map:
Add a note indicating that the PUD amendment is focused on southern parcel of the KOBRA Tracts PUD-CZ.

3.0 Project Data
Name of Project to include "Calyx Senior Living of Apex."

Preparer of PUD amendment:
TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880
pam@tmtla.com

Area of Mixed-Use Property proposed as Congregate Living Facility is 5.46 acres.

Percent of Mixed-Use areas proposed as non-residential development is 0%.

Percent of Mixed-Use Areas Proposed as Congregate Living Facility: 100%



4.0 Proposed List Of Uses
The following amendment is requested in Section 4.0:
Add "Congregate Living Facility" to the list of allowable uses.

5.0 Purpose Statement PUD Standards
No amendment to Section 5.0.

6.0 Proposed Design Controls
The following amendments are requested in Section 6.0:

We are requesting the maximum building square footage for Tract 2 to be 58,000 s.f.

We are requesting the residential density for Tract 2 be 11 resident rooms per acre.

We are requesting the setbacks listed as "Non-Residential Setbacks" be applicable to our proposed use (congregate living facility) on Tract 2.

We are requesting a reduction of the landscape buffer on the east, I-540 side of the site from 100' to 50'. While our use is residential by Town definition our use is institutional and commercial by nature. None of the residential components will fall within 100' of I-540, so we request to utilize the 50% buffer reduction noted in Sec. 8.2.6 of the UDO that non-residential uses adjacent to a limited access highway are able to use.

7.0 Proposed Residential Architectural Controls
We propose that these would only apply to Tract 1 (Lennar Corporation).

8.0 Proposed Non-Residential Architectural Controls
We request to amend this section to read "Proposed Congregate Living Facility Architectural Controls" and revise this list to the following items:

1. The predominant exterior building material shall be fiber cement siding.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.





9.0 Parking and Loading
We are requesting a 20% reduction in the required parking for a congregate living facility. Section 8.3 of the Town of Apex Unified Development Ordinance calls for 1 parking space per dwelling unit. We propose amending this to 0.8 parking spaces per resident room.

11.0 Natural Resource and Environmental Data
We propose no amendment to Section 11.0 however, note the required RCA is accounted for on Tract 1 and there are no wetlands or streams located on Tract 2.

12.0 Stormwater Management Requirements
No amendment to Section 12.0.

13.0 Parks, Recreation and Cultural Advisory Commission Review
We propose a modified interpretation of UDO Article 14.1.1.B.2, which currently stipulates that a developer may be allowed to "pay to the Town a fee-in-lieu of dedication as provided herein." We recognize that a fee-in-lieu of land dedication would make the most sense for this project however, we support a fee-in-lieu that reflects the room count equal to the total licensed assisted living rooms in the Congregate Care Facility less the rooms designated as memory care. We request to have room count for memory care removed from the fee-in-lieu calculation.

14.0 Public Facilities Requirements
No amendment in Section 14.0.

15.0 Phasing Plan
We request amending the language to note Phase 2 as the Congregate Living Facility parcel.

16.0 Consistency With 2045 Land Use Plan
The parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care



services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex' 2045 Land Use Map.

17.0 Consistency with Unified Development Ordinance
The following amendment is requested in Section 17.0:

Note that the development in Tract 2 will not supply a connection to Dominik Court.

18.0 Elevations
No amendment to Section 18.0.

19.0 Affordable Housing
The following amendment is requested in Section 19.0:

The $15,000 contribution noted is only applicable to Tract 1. No contributions applicable to Tract 2 (congregate living facility).

20.0 Environmental Advisory Board (EAB) Zoning Conditions
The following conditions are being proffered as a result of the outcome of the meeting with the Environmental Advisory Board (EAB).

1. Building will include conduit to the roof to make it solar ready.
2. Site lighting will utilize full cut-off parking lot fixtures.
3. Site landscaping will exceed the minimum UDO landscape requirements.

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 24.63 ACRES LOCATED AT 7500 GREEN LEVEL CHURCH ROAD & 7501 JENKS ROAD FROM RURAL RESIDENTIAL TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)
#20CZ04

WHEREAS, the application of KOBRA LLC/WithersRavenel petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 14th day of September 2020 before the Planning Board and the 6th day of October 2020, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes; **NOW, THEREFORE,**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The "Rezoned Lands" are subject the conditions in Attachment "B" Kobra Tracts PUD which are imposed as part of this rezoning.

Section 4: 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 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 STALLINGS

Seconded by Council Member KILLINGSWORTH

With 5 Council Member(s) voting "aye."
With 0 Council Member(s) voting "no."

This the 20 day of OCTOBER 2020.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Legal Description - Tract 2/Lot 2 BM 2014, Pg. 384-386

Beginning at an existing iron pipe on the eastern right of way of Green Level Church Road (SR 1600), a common corner with (now or formerly) Arthur H. Laford (DB 6295, Pg. 580), said iron pipe having NC grid, NAD 83 (2011) coordinates of Y(N): 730,468.49 and X(E): 2,030,626.73 and being the true point of beginning for the property herein described:

Thence N84°21'29"E, 369.96 feet along a common line with Laford to an existing iron pipe;

Thence N12°09'14"W, 62.39 feet along a common line with Laford to an existing iron pipe, a common corner with (now or formerly) Robert S. and Lynn S. Craycroft (DB 5018, Pg. 504);

Thence N47°52'48"E, 139.68 feet along a common line with Craycroft to an existing iron pipe;

Thence N47°57'19"E, 128.00 feet along a common line with Craycroft to an existing iron pipe, a common corner with (now or formerly) John and Kristel M. Weldon (DB 16653, Pg. 1598);

Thence N47°16'47"E, 55.55 feet along a common line with Weldon to an existing iron pipe;

Thence S56°40'28"E, 438.88 feet along a common line with Weldon to an existing iron pipe;

Thence S58°25'06"E, 122.64 feet along a common line with Weldon to an existing iron pipe at the base of an 8" gum in the line of (now or formerly) Jainix, LLC (DB 17341, Pg. 1696);

Thence S00°52'14"E, 700.93 feet along a common line with Jainix to an existing iron pipe on the northern right of way of Jenks Road (SR 1601), passing an existing iron pipe marking the boundary between adjoining Jainix properties (DB 17341, Pg. 1696 and DB 17239, Pg. 1509) at 539.35 feet;

Thence along the northern right of way of Jenks Road the following courses and distances:

1. Along the arc of a curve to the right having a radius of 1,920.00 feet, an arc length of 331.36 feet, and a chord bearing and distance of N86°36'58"W, 330.95 feet to an existing iron pipe;
2. N81°40'19"W, 119.30 feet to an existing iron pipe; and
3. S74°05'18"W, 122.94 feet to an existing iron pipe;

Thence S08°08'33"W, 30.00 feet to a new mag nail in the centerline of Jenks Road;

Thence N81°51'27"W, 303.85 along the centerline of Jenks Road to a new mag nail in the centerline intersection of Jenks and Green Level Church Roads;

Thence along the centerline of Green Level Church Road the following courses and distances:

1. Along the arc of a curve to the right, having a radius of 900.89 feet, an arc length of 111.75 feet, and a chord bearing and distance of N34°42'19"W, 111.68 feet to a new mag nail;
2. Along the arc of a curve to the right, having a radius of 880.73 feet, an arc length of 252.92 feet and a chord bearing and distance of N21°36'21"W, 252.05 feet to a new mag nail;
3. N13°18'37"W, 196.98 feet to a new mag nail; and
4. N12°02'38"W, 154.60 feet to a new mag nail;

Thence leaving the centerline of Green Level Church Road N77°57'22"E, 30.00 feet to the point and place of beginning, containing 823,040 square feet or 18.894 acres for the tract herein described.

Legal Description - Tract 2/Lot 3 BM 2014, Pg. 384-386

Beginning at an existing NCDOT right of way disc on the southern right of way of Jenks Road (SR 1601), said disc having NC grid, NAD 83 (2011) coordinates of Y(N): 729,622.35 and X(E): 2,031,811.59 and being the true point of beginning for the property herein described:

Thence S81°55'19"E, 131.38 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc on the western right of way of NC Highway 540;

Thence along the western right of way of NC Highway 540 the following courses and distances:

1. S09°16'13"W, 304.25 feet to an existing NCDOT right of way disc;
2. S05°39'21"W, 110.31 feet to an existing NCDOT right of way disc; and
3. S74°18'38"W, 168.88 feet to an existing NCDOT right of way disc on the northern right of way of Dominik court (formerly Green Level Church Road, SR 1600);

Thence S27°20'07"W, 30.00 feet to a new mag nail in the centerline of Dominik court;

Thence N62°39'53"W, 231.82 feet along the centerline of Dominik court to a new mag nail;

Thence N62°55'28"W, 176.19 feet along the centerline of Dominik court to a new mag nail;

Thence leaving the centerline of Dominik court N27°04'31"E, 29.72 feet to an existing iron pipe, a common corner with (now or formerly) the Town of Apex (DB 9991, Pg. 1308);

Thence N00°33'05"W, 49.68 feet along a common line with the Town of Apex to an existing iron pipe;

Thence N62°29'58"W, 69.96 feet along a common line with the Town of Apex to an existing iron pipe in the line of (now or formerly) Roy B. Miller (DB 2799, Pg. 154);

Thence N00°29'01"W, 235.19 feet along a common line with Miller to an existing iron pipe on the southern right of way of Jenks Road;

Thence S76°36'12"E, 59.39 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc;

Thence along the southern right of way of Jenks Road along the arc of a curve to the left having a radius of 2,080.00 feet, an arc length of 463.43 feet, and a chord bearing and distance of S88°03'21"E 462.48 feet to the point and place of beginning, containing 249,931 square feet or 5.738 acres for the tract herein described.

Planned Unit Development Plan

KOBRA TRACTS

Apex, North Carolina

Revision Date: 10-06-2020

Prepared for The Town of Apex

Applicant

Lennar Corporation – Raleigh Division

1100 Perimeter Park Drive, Suite 112

Morrisville, NC 27560

Property Owner

KOBRA LLC

117 Woodland Ridge Drive

Fuquay-Varina, NC 27526

WithersRavenel
Our People. Your Success.

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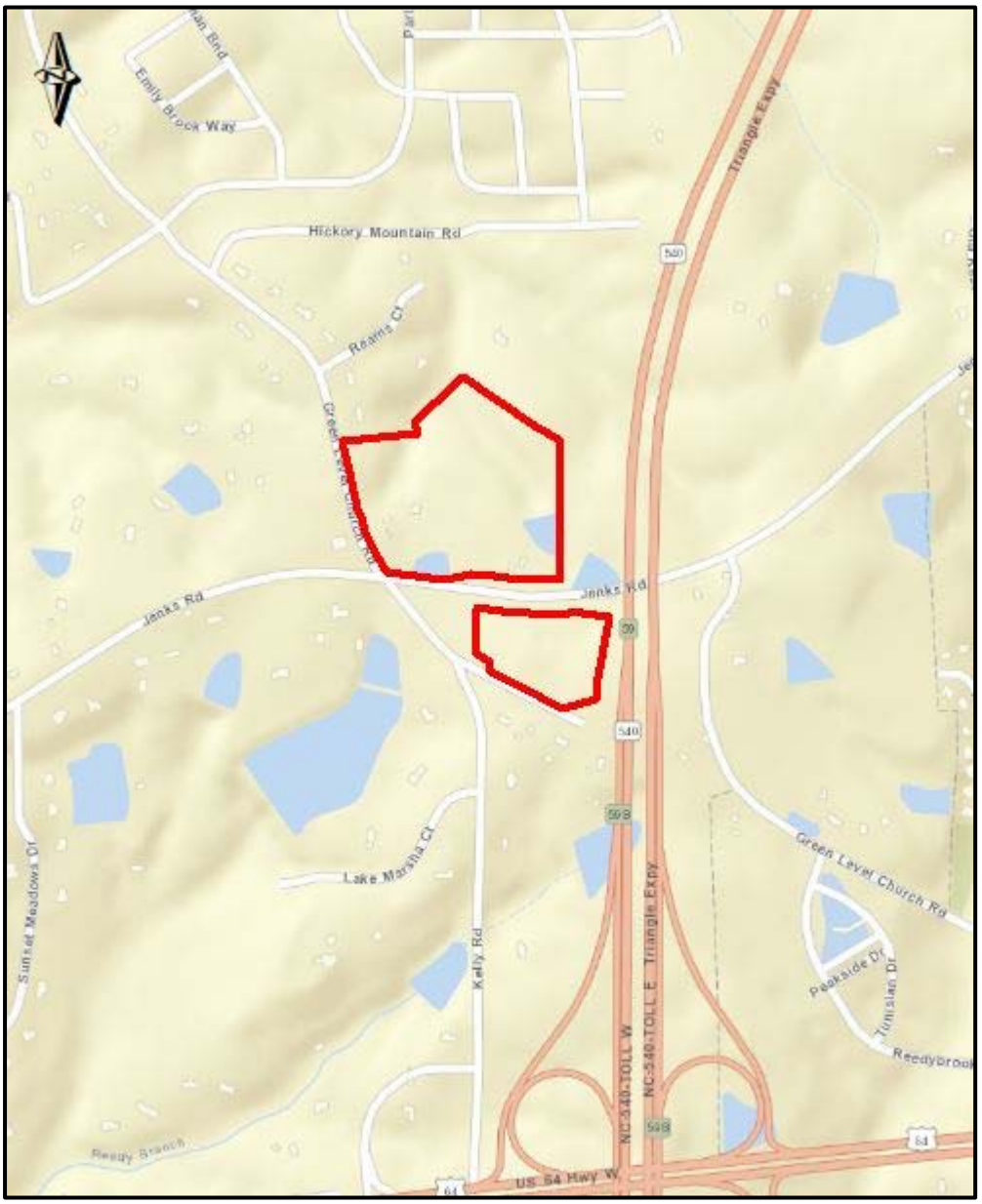
2.0 VICINITY MAP



Project Parcels: Not to Scale

3.0 PROJECT DATA

Name of Project	KOBRA Tracts	
PIN(s)	0733102211 0732196422	
Preparer/Owner Information	Prepared by	WithersRavenel 137 S. Wilmington Street, Suite 200 Raleigh, NC 27601 Phone: 919.469.3340 Fax: 919.467.6008 Email: bvega@withersravenel.com
	Owner	KOBRA LLC 117 Woodland Ridge Drive Fuquay-Varina, NC 27526
Current Zoning Designation	Rural Residential (RR)	
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)	
Current 2045 Land Use Map Designation	Med. Density Residential/Office Employment & Mixed-Use: High Density Residential/Office Employment/Commercial Services	
Proposed 2045 Land Use Map Designation	No Proposed Change	
Area of Tracts	18.21 ac & 5.46 ac (Total 23.67 ac)	
Area designated as Mixed-Use on 2045 Land Use Map	5.46 ac	
Area of Mixed-Use Property Proposed as Non-Residential Development	5.46 ac	
Percent of Mixed-Use Areas Proposed as Non-Residential Development	100%	

4.0 PROPOSED LIST OF USES

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

Residential

- Single-Family
- Accessory Dwelling Unit
- Townhouse
- Townhouse, Detached

Non-Residential

- Utility, Minor
- Greenway
- Park, Active
- Park, Passive
- Office, Business or Professional
- Restaurant, General
- Medical or Dental Office or Clinic
- Medical or Dental Laboratory
- Hotel or Motel
- Artisan Studio
- Barber and Beauty Shop
- Pet Services
- Studio for Art
- Tailor Shop
- Microbrewery
- Microdistillery
- Retail Sales, General
- Grocery, Specialty
- Book Store
- Financial Institution
- Floral Shop
- Funeral Home
- Kennel
- Newsstand or Gift Shop
- Personal Service
- Pharmacy
- Printing and Copying Service
- Real Estate Sales

5.0 PURPOSE STATEMENT-PLANNED UNIT DEVELOPMENT STANDARDS

The KOBRA Tracts Conceptual Layout has been carefully designed in order to help establish appropriately-sized residential and non-residential land uses strategically along major thoroughfares. With the Town of Apex expanding, intentional development along the 540 corridor will help the nearby areas grow in a purposeful manner according to the concepts laid out in the Advance Apex Future Land Use Plan. The site will provide a mixture of residential options and non-residential uses that will set the tone for corridor development in northwest Apex. This elegant mixture of uses will create a live/work environment that will promote walkability and serve as an anchor for strategic, intentional development.

6.0 PROPOSED DESIGN CONTROLS

<table>
<tr><td>Maximum Square Footage per Non-Residential Use</td><td colspan="3">39,000 sq. ft.</td></tr>
<tr><td>Maximum Densities per Residential Use (du/Acre)</td><td colspan="3">3 du/acre (70 du total)</td></tr>
<tr><td rowspan="2">Maximum Height of Buildings</td><td colspan="3">Residential – 32 feet</td></tr>
<tr><td colspan="3">Non-residential - 48 feet</td></tr>
<tr><td rowspan="2">Minimum Residential Setbacks</td><td rowspan="2">Front:
5’ from façade
19’ from garage to lot line
20’ from garage to back of sidewalk</td><td>Side: 5’</td><td rowspan="2">Rear: 10’</td></tr>
<tr><td>Corner Side: 10’</td></tr>
<tr><td rowspan="2">Non-Residential Setbacks</td><td rowspan="2">Front:
20’</td><td>Side:
10’</td><td rowspan="2">Rear: 20’</td></tr>
<tr><td>Corner Side: 10’</td></tr>
<tr><td>Amount and Percentage of Built Upon Area Allowed</td><td colspan="3">70%</td></tr>
<tr><td>Amount and Percentage of Proposed Built Upon Area (Max)</td><td colspan="3">16.57 Acres, 70%</td></tr>
</table>

Buffers shall be designated as such:

Northern Parcel (PIN #0733102211)	
North	10' Type B Buffer
East	10' Type B Buffer
South	30' Type B Buffer
West	30' Type B Buffer
Southern Parcel (PIN #0732196422)	
North	30' Type E Buffer
West	20' Type B Buffer
South	20' Type B Buffer
East	100' Type A Buffer**
**May be reduced to 50' Type A Buffer per UDO Section 8.2.6	

A 30 ft. wide minimum cross access easement will be provided from PIN# 0733102211 to PIN# 0732198808 in order to provide an access point for the parcel through a driveway at Jenks Road. In the event that the driveway extends to the main entrance of the subdivision on Jenks Road, the buffer will be reduced to no less than 15' to accommodate the access easement.

7.0 PROPOSED RESIDENTIAL ARCHITECTURAL CONTROLS

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
4. Garage doors must have windows, decorative details or carriage-style adornments on them.
5. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.

7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

- 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 gables
- Decorative gable
- Decorative cornice
- Column
- Portico
- Balcony
- Dormer

10. The Residential dwelling units will be provided with solar conduit to accommodate the future installation of solar panels.

8.0 PROPOSED NON-RESIDENTIAL ARCHITECTURAL CONTROLS

1. The predominant exterior building materials shall be brick, wood, stone, and tinted/textured concrete masonry units.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.

9.0 PARKING AND LOADING

All parking provided on the Site will comply with the requirements outlined in Section 8.3 of the Town of Apex Unified Development Ordinance.

10.0 SIGNAGE

All signage on the Site will comply with the requirements outlined in Section 8.7 of the Town of Apex Unified Development Ordinance.

11.0 NATURAL RESOURCE AND ENVIRONMENTAL DATA

The KOBRA Tracts Site is located within the Primary Watershed Protection Overlay District and is therefore subject to the requirements outlined in Section 6.1 of the Town of Apex Unified Development Ordinance.

The parcels that make up the Site do not contain FEMA designated 100-year floodplains according to FEMA FIRM Panels 3720073300J and 3720073200J, effective 05/02/2006.

The Site is also subject to the Resource Conservation Area requirements outlined in Section 8.1 of the Town of Apex Unified Development Ordinance.

- 5.92 acres (25% of gross site acreage) required for the Resource Conservation Area
- 6.0 acres (25.35% of gross site acreage) of Resource Conservation Area provided.

Existing deciduous trees greater than 18" in diameter (DBH), as identified in the tree survey, 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.

According the North Carolina Historic Preservation Office's HPOWEB 2.0 Mapping application, there are no historic structure contained on the Site.

12.0 STORMWATER MANAGEMENT REQUIREMENTS

The parcels on which the development is proposed upon currently consist of a few existing structures, some cleared lands, and wooded lands. Two ponds exist on the northern parcel, and drain to Clark Branch Creek and Reedy Branch Creek, eventually feeding into Jordan Lake. The proposed development plan will require stormwater management measures in accordance with Sections 6.1 and 7.5.7 in the Town of Apex Unified Development Ordinance. Stormwater captured on the Site will be conveyed to proposed Stormwater Control Measures, which will be identified on plans during the master subdivision or site plan approval stage. Post-development peak runoff shall not

exceed pre-development peak runoff for the 24-hour, 1-year and 10-year storm events in accordance with the Unified Development Ordinance. Treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. All stormwater devices will meet the design requirements of NCDENR and the Town of Apex.

13.0 PARKS, RECREATION AND CULTURAL ADVISORY COMMISSION REVIEW

At the June 24, 2020 meeting, the PRCAC recommended a fee-in-lieu of $2,321.54 per unit to be paid at the time of the first final subdivision plat.

14.0 PUBLIC FACILITIES REQUIREMENTS

All utilities shall meet the Town of Apex Master Utility Maps.

Sanitary Sewer Service

All on-site sanitary sewer lines will be designed according to Town of Apex Engineering Standards and Specifications. Easements will be established for public sewer outside of Public R/W.

Sanitary Sewer will be established upon the site and will tie into an existing manhole at the southern end of the Greenmoor Subdivision via an offsite sewer outfall to be within a Town of Apex utility easement. Potable water will be established upon the site and tie to the existing lines along Green Level Church Road and Jenks Road.

Water Service

All on-site water lines will be designed according to Town of Apex Engineering Standards and Specifications.

Gas & Electric Service

The Public Service Company of North Carolina (PSNC) will require a revenue analysis based on the proposed development in order to determine the applicable costs to the developer for installation of infrastructure.

The Site is in the service area of both the Town of Apex Electric Utilities and Progress Energy.

Roadways

The Site will require an internal public roadway network and parking spaces. The onsite transportation circulation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details. Frontage improvements along Jenks Road & Green Level Church Road have been identified during the pre-application correspondence and will be incorporated into the design, subject to approval by the Town of Apex & NCDOT.

Phase 1 roadway improvements are as follows:

i. Developer shall dedicate public right-of-way along Green Level Church Road based on a minimum of half of a 4-lane, 110' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1.
ii. Developer shall construct a southbound left turn lane on Green Level Church Road at Jenks Road with at least 150' of storage and adequate taper & deceleration lengths per NCDOT standards.
iii. Developer shall construct a southbound left turn lane on Green Level Church Road at proposed site access with at least 50' of storage and adequate taper & deceleration lengths per NCDOT standards. This access shall be located a minimum of 500 feet from Jenks Road.
iv. Developer shall dedicate public right-of-way along Jenks Road based on a minimum of half of a 3-lane, 80' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1. Jenks Road improvements shall include the extension of the existing two-way left turn lane from west of the NC 540 bridge to the intersection with Green Level Church Road. The access points for Phase 1 and Phase 2 shall align across from each other and be located a minimum of 500 feet from Green Level Church Road.
v. Developer shall coordinate with traffic signal installation by others at the intersection of Green Level Church Road at Jenks Road if not already installed by the time this development plan moves forward. Developer is responsible for plan revisions and

modifications to the traffic signal to accommodate roadway improvements associated with Phase 1 and Phase 2.

vi. Developer shall dedicate additional right-of-way along the project frontage to accommodate a roundabout based on the preliminary layout on file with the Town (designed as part of the Westford development zoning conditions) if not removed from the Transportation Plan prior to subdivision plan approval.

Phase 2 roadway improvements are as follows:

i. Developer shall not propose access to Dominik Court until either one of the following conditions is met:
   a. Dominik Court is realigned southward to provide an approximate right-angle intersection with Kelly Road approximately 700-800' south of Jenks Road, and a southbound left turn lane is provided on Kelly Road at Dominik Court with a minimum of 100' of storage plus deceleration and taper according to NCDOT standards.
   b. A public street connecting Dominik Court to Jenks Road is constructed and Dominik Court is converted to a right-in/right-out access at Kelly Road.

Transit

According to the Advance Apex 2045 Transportation Plan, there are no existing or proposed transit routes designated on or adjacent to the Site.

Pedestrian Facilities

According to the Advance Apex 2045 Plan, sidewalks are planned along both Green Level Church Road and Jenks Road. The development plan will incorporate sidewalk infrastructure along both streets as well as the internal street network, and thus is in compliance with the future land use plan.

Phase 1 pedestrian facility improvements are as follows:

i. Developer shall construct a 10' side path on the east side of Green Level Church Road along the frontage within Phase 1.
ii. Developer shall construct a 5' sidewalk on the north side of Jenks Road along the frontage within Phase 1.

Phase 2 pedestrian facility improvements are as follows:

i. Developer shall construct a 10' side path on the south side of Jenks Road along the frontage within Phase 2.
ii. Developer shall construct an extension of the 10' side path located on the south side of Jenks Road from Phase 2 to the intersection of Jenks Road and Green Level Church Road and design and install a signalized crosswalk across Jenks Road at the traffic signal. Fee-in-lieu, in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed if easement or right-of-way cannot be secured prior to completion of the first CO within Phase 2. Any performance guarantee provided for this section of side-path shall be released upon acceptance of said fee-in-lieu by the Town.
iii. Developer shall improve the north side of Dominik Court along the frontage of Phase 2 based on a minimum 27' b-b curb and gutter roadway with 5' sidewalk.

Education

Wake County Public Schools Long Range Planning has verified the following base schools for this future residential area:

Base School	Enrollment Cap	Student Overflow School
White Oak Elementary	Yes	Davis Drive Elementary
Mills Park Middle	Yes	West Cary Middle
Green Level High	No	

The Apex Friendship Elementary School on Humie Olive Road is expected to open in August 2022.

15.0 PHASING PLAN

KOBRA Tracts development will be constructed in phases according to economic considerations and infrastructure requirements. The residential section of the site

will be developed as a standalone phase separate from the commercial section. Phase 1 and phase 2 improvements shall be constructed as described in the previous section.

Please note the following considerations for the phasing plan:

1. Access points are preliminary in nature and subject to Town of Apex and NCDOT review and approval.
2. Limits of land disturbance within each phase shall be determined at the master subdivision plan and site plan stages.
3. Public utilities shall be provided for each phase of development.

16.0 CONSISTENCY WITH 2045 LAND USE PLAN

The Advance Apex 2045 Future Land Use Map depicts the future land use of the northern parcel as a mixture of Medium Density Residential and Office Employment. Medium Density Residential lands are described in the Land Use Plan as consisting of single-family homes, duplexes, and townhomes with densities between three (3) and seven (7) dwelling units per acre. It is intended to act as a transition between higher and lower residential densities. The Office Employment land use is described as allowing for a wide range of businesses that provide professional, managerial, or administrative services. The plan also states that Office Employment lands should match the scale and character of their surroundings.

The southern parcel is made up of High Density Residential, Office Employment and Commercial Service designations, as well as being considered a Mixed-Use land classification. High Density Residential land is described as providing housing options located in close proximity to major commercial areas or corridors, and includes townhomes, triplexes, quadplexes and apartments at densities greater than 14 dwelling units per acre. Similar to Office Employment, Commercial Services land is described as match the scale and character of its surroundings. These lands are designated to supply commercial services and conveniences. Being within a Mixed-Use portion of land, the

site is required to have greater than or equal to 30 percent of its development be related to non-residential uses.

Overall, the KOBRA Tracts Site proposes medium density residential housing options appropriate to its proximity to major thoroughfares, as well as establishing a healthy mixture of non-residential space to nurture a live/work environment in northwestern Apex. Uses proposed for the site are directly in line with the uses declared in the Future Land Use Plan.

17.0 CONSISTENCY WITH UNIFIED DEVELOPMENT ORDINANCE

The proposed development is consistent with all applicable requirements of the Town of Apex Unified Development Ordinance. To this extent, it is worth noting that the development will not supply stub streets on the eastern termination of the residential section of the project per the text of the following section:

- 7.2.1.A.2.c.iii - Where severe topography or other physical features exist, the Planning Director in conjunction with the Stormwater and Utility Engineering Manager, may determine that a stub street is not required.

Due to the environmental impact of the potential connection to the eastern parcel, it is requested that no stub be required at this location.

18.0 ELEVATIONS

Please see the following pages for typical elevations illustrative of the proposed residential building.

19.0 AFFORDABLE HOUSING

If the Town of Apex has a fund or other mechanism in place to receive donations to construct, subsidize, or participate in the development of affordable housing units (the "Fund"), the developer will contribute $15,000 to this Fund prior to the first residential Certificate of Occupancy. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a local non-profit working on affordable housing

initiatives. The developer will work with the Town of Apex to identify a mutually acceptable local non-profit organization to receive these funds.

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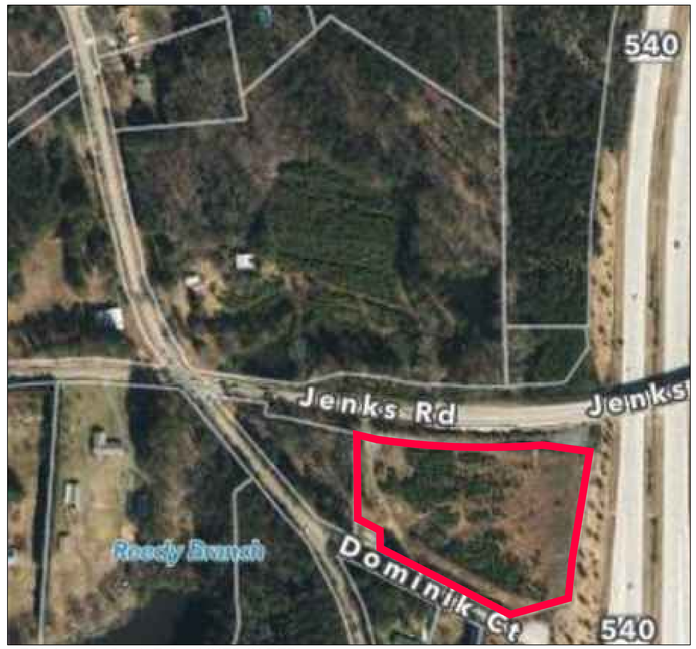

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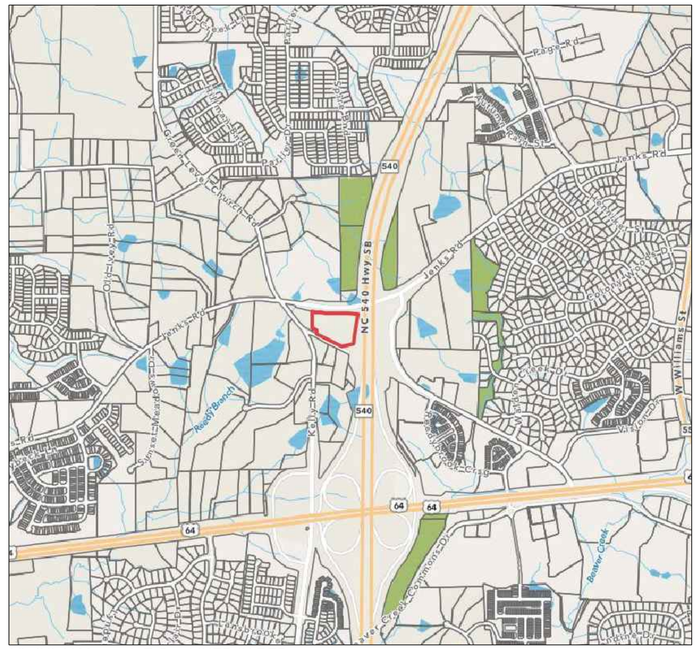

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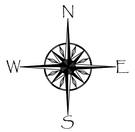

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TMTLA ASSOCIATES
5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com

NORTH CAROLINA No. C-551 PORTERLAND DESIGN PLLC DBA TMTLA ASSOCIATES

FOR REVIEW ONLY

REVISIONS:

COVER
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE: AS NOTED
DRAWN BY: PMP
PROJECT # 22024
DATE: 5/2/2022

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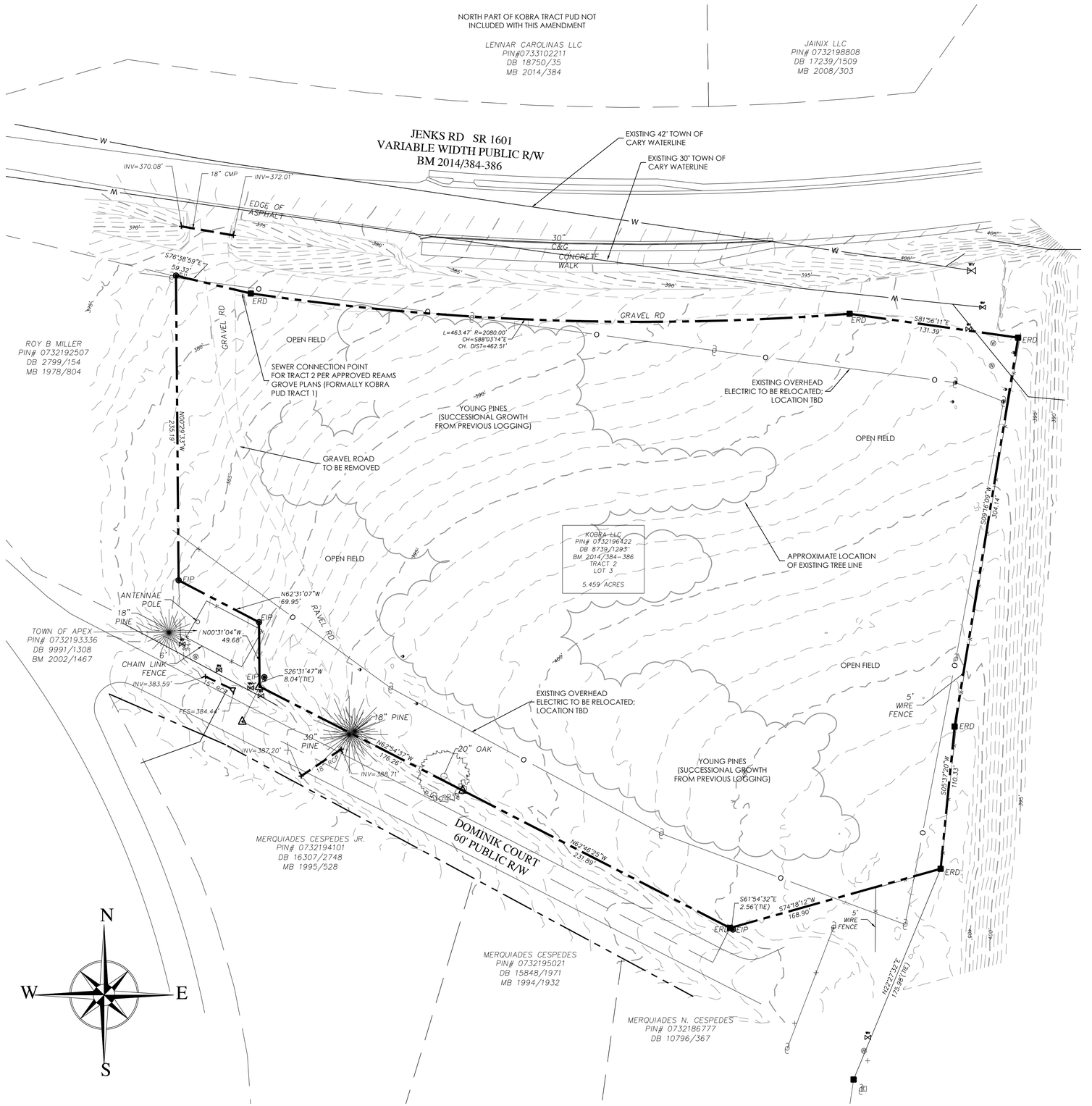

1 L-1 EXISTING CONDITIONS PLAN
SCALE: 1"=40'

40' 20' 0 40' 80'
SCALE: 1" = 40'

EXISTING CONDITIONS NOTES

1. BOUNDARY AND FIELD TOPOGRAPHIC SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
2. PROJECT SITE IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL #3720073300JJ DATED 5/2/2006 AND PANEL #3720073200J DATED 5/2/2006.
3. THERE ARE NO PROTECTED WETLANDS WITHIN THE PROJECT SITE.
4. THERE ARE NO BUFFERED STREAMS WITHIN THE PROJECT SITE.
5. TREE INFORMATION BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
6. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. ANY EXISTING MISCELLANEOUS STRUCTURES AND DRIVEWAYS SHALL BE REMOVED PER THE TOWN OF APEX STANDARDS AND REQUIREMENTS.
8. EXISTING CONDITIONS AS SHOWN ON THESE PLANS ARE GENERAL AND ILLUSTRATIVE IN NATURE AND DO NOT INCLUDE MECHANICAL, ELECTRICAL AND MISCELLANEOUS STRUCTURES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW THE PROJECT SITE AND FAMILIARIZE WITH ACTUAL FIELD CONDITIONS PRIOR TO BIDDING AND COMMENCING WORK. IF FIELD CONDITIONS ARE FOUND TO BE SIGNIFICANTLY DIFFERENT THE CONTRACTOR SHALL NOTIFY THE PROJECT LANDSCAPE ARCHITECT OR ENGINEER IMMEDIATELY.

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION





TMTLA ASSOCIATES
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p: (919) 484-8880 e: info@tmtla.com

NORTH CAROLINA No. C-551 LANDSCAPE DESIGN PLLC DBA TMTLA ASSOCIATES

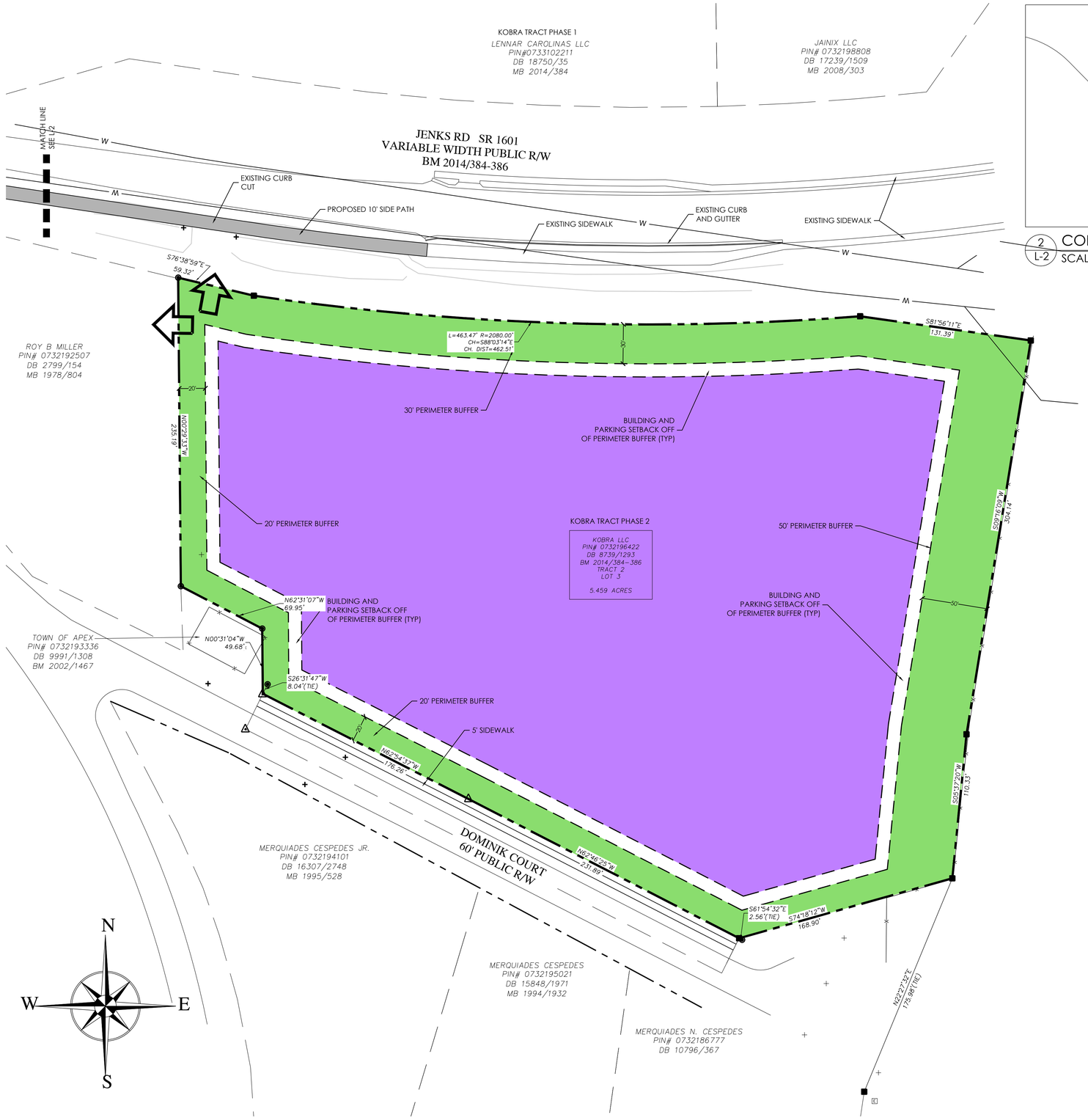
FOR REVIEW ONLY

REVISIONS:

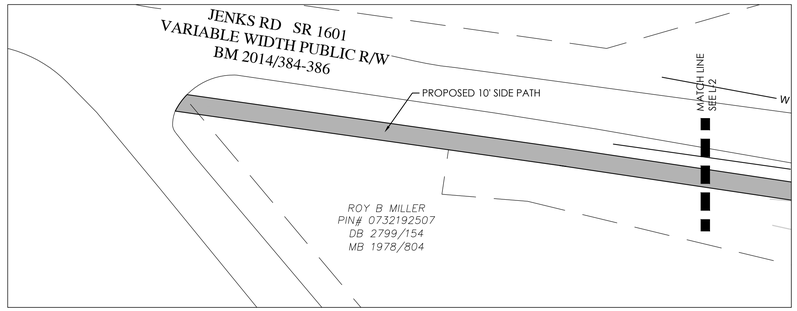
EXISTING CONDITIONS
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE: AS NOTED
DRAWN BY: PMP
PROJECT # 22024
DATE: 5/2/2022

SHEET L-1 OF



1 L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'



2 L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'

40' 20' 0 40' 80'
SCALE: 1" = 40'

NOTES

1. MAXIMUM NUMBER OF RESIDENTIAL UNITS: 58
2. MAXIMUM RESIDENTIAL AREA: 165,000 S.F. (AREA IN PURPLE ON THIS MAP)
3. NO RESOURCE CONSERVATION AREA (RCA) IS REQUIRED AS IT WAS ALL INCLUDED WITH PHASE ONE OF THE KOBRA TRACT PUD.
4. 50' TYPE A BUFFER ALONG 540 IS BEING PROPOSED.

INTERSTATE 540
VARIABLE WIDTH PUBLIC R/W

PRELIMINARY

NOT APPROVED FOR CONSTRUCTION

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

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p: (919) 484-8880 e: info@tmtla.com

NORTH CAROLINA No. C-551 LANDSCAPE DESIGN PLLC DBA TMTLA ASSOCIATES

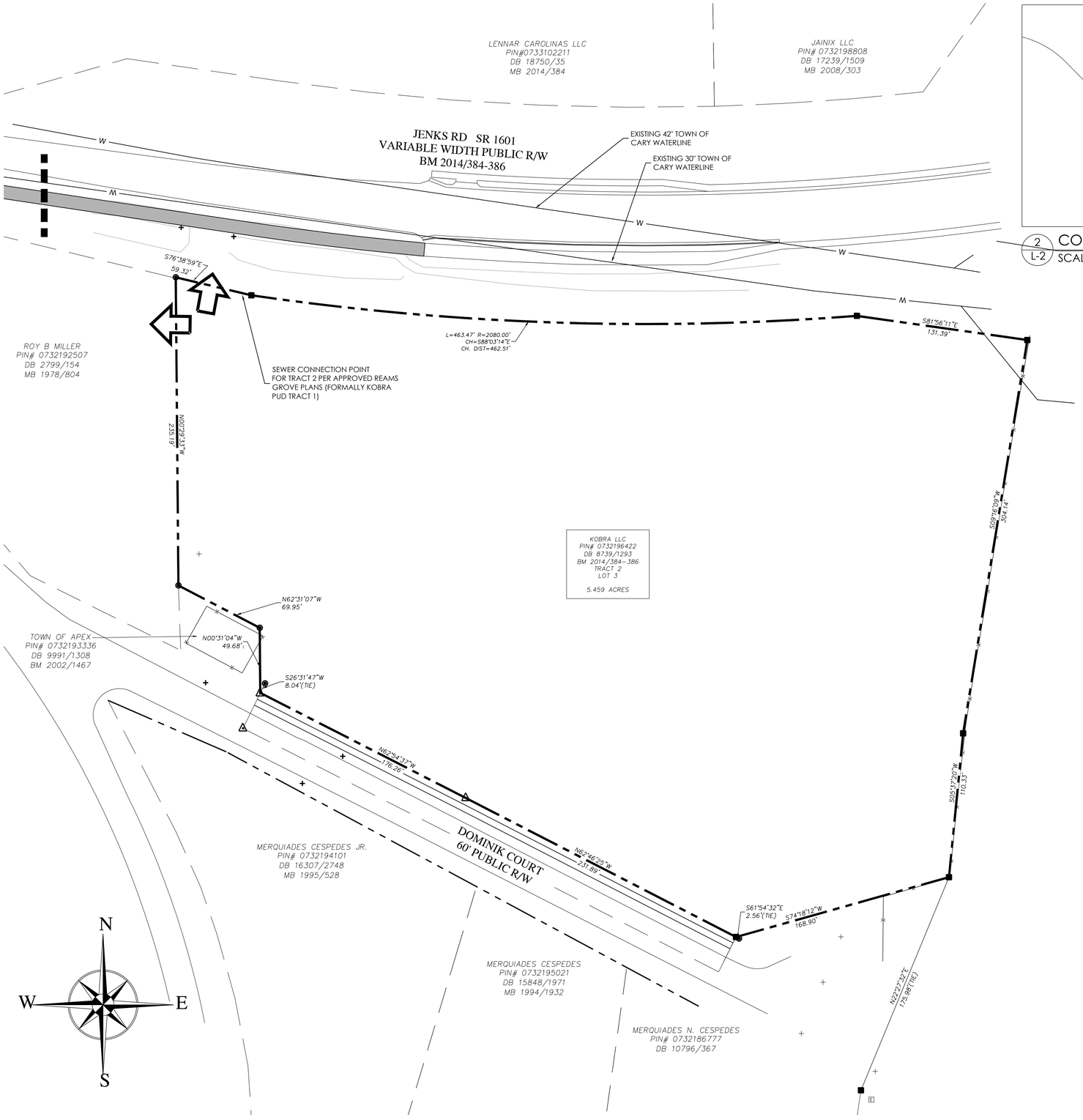
FOR REVIEW ONLY

REVISIONS:

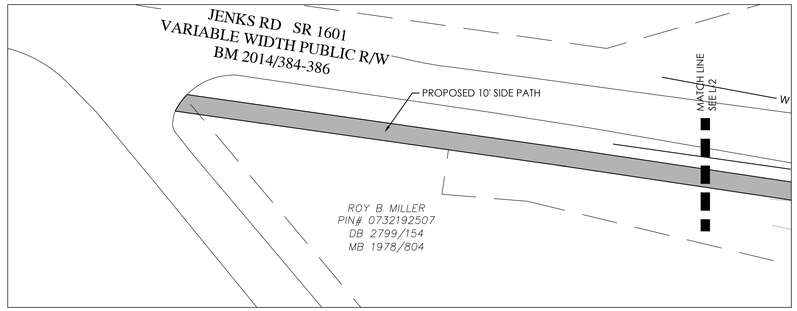
CONCEPTUAL LAYOUT PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE: AS NOTED
DRAWN BY: PMP
PROJECT # 22024
DATE: 5/2/2022

SHEET L-2 OF



1 L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'



2 L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'

40' 20' 0 40' 80'
SCALE: 1" = 40'

UTILITY NOTES

1. WATER AND SANITARY SEWER WILL BE OWNED AND MAINTAINED BY THE TOWN OF APEX.
2. FIRE HYDRANTS, VALVES, SERVICES, METERS, AND APPURTENANCES SHALL BE DESIGNED PER THE TOWN OF APEX CONSTRUCTION SPECIFICATIONS AND SHALL BE SHOWN ON THE CONSTRUCTION PLANS.
3. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN OF INTERNAL PUBLIC STREETS AT THE SUBDIVISION PLAN STAGE. MINIMUM UNDISTURBED BUFFER WIDTHS SHALL BE EXCLUSIVE OF UTILITY EASEMENTS UNLESS APPROVED BY THE DIRECTOR OF THE PUBLIC WORKS & UTILITIES DEPARTMENT.
4. THE DEVELOPER WILL ACTIVELY WORK WITH THE TOWN OF APEX TO PRESERVE EXISTING TREES ON SITE. THESE AREAS SHALL INCLUDE REQUIRED LANDSCAPE BUFFERS, RCA AREAS, NON-BUFFERED AND NON-RCA AREAS. AREAS OF PROPOSED UTILITY LINES, AND ADJACENT TO THE SUBJECT PROPERTY, TO THE MAXIMUM EXTENT POSSIBLE.
5. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED AT THE SUBDIVISION PLAN STAGE.

PRELIMINARY

NOT APPROVED FOR CONSTRUCTION

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

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p: (919) 484-8880 e: info@tmtla.com

NORTH CAROLINA No. C-551 PORTFOLIO DESIGN PLLC DBA TMTLA ASSOCIATES

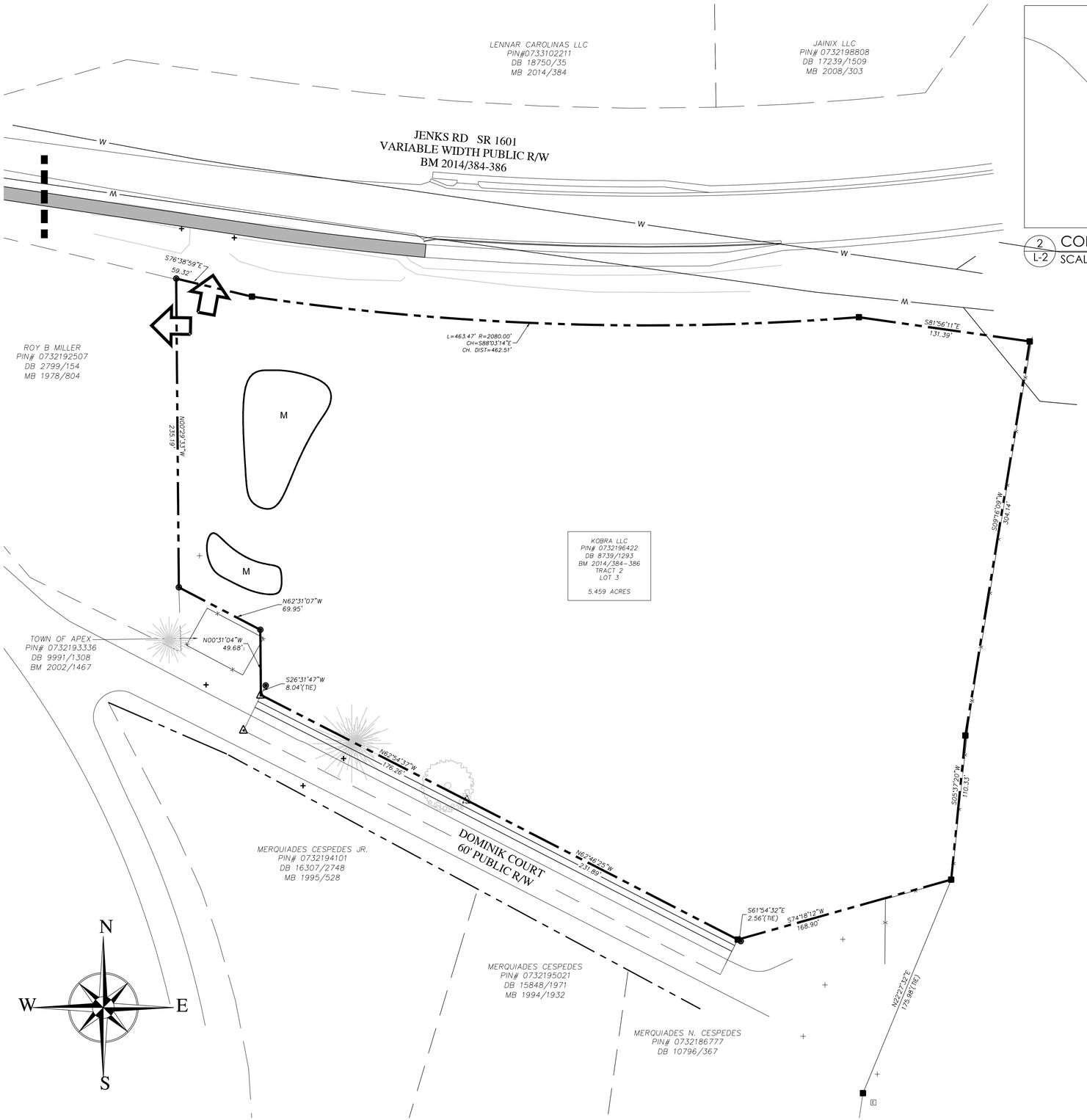
FOR REVIEW ONLY

REVISIONS:

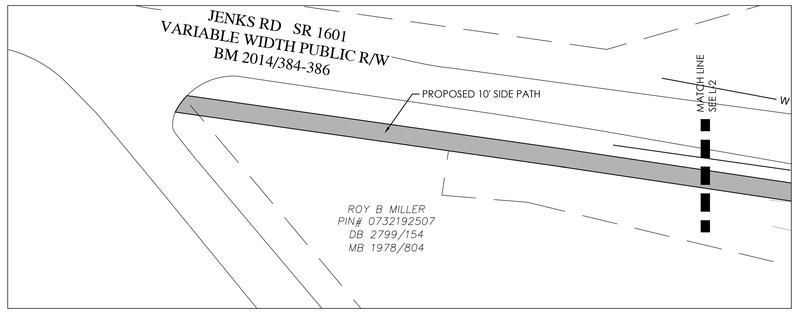
PRELIMINARY UTILITY PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE: AS NOTED
DRAWN BY: PMP
PROJECT # 22024
DATE: 5/2/2022

SHEET L-3 OF



1 L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'



2 L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'

40' 20' 0 40' 80'
SCALE: 1" = 40'

STORMWATER MANAGEMENT NOTES

1. BOUNDARY AND FIELD TOPOGRAPHIC SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
2. PROJECT SITE IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS. AS SHOWN ON FIRM PANEL #3720073300JJ DATED 5/2/2006 AND PANEL #3720073200J DATED 5/2/2006.
3. THERE ARE NO PROTECTED WETLANDS WITHIN THE PROJECT SITE.
4. THERE ARE NO BUFFERED STREAMS WITHIN THE PROJECT SITE.
5. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
6. STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED PER THE TOWN OF APEX STANDARDS AND REGULATIONS FOR STORMWATER QUANTITY AND QUALITY (UDO SECTION 6.1.7 B).
7. ALL APPLICABLE LOCAL AND STATE ENVIRONMENTAL PERMITS SHALL BE OBTAINED PRIOR TO START OF CONSTRUCTION.
8. STORMWATER TREATMENT WILL BE HANDLED BY INDIVIDUAL OR REGIONAL FACILITIES WITHIN THE SUBJECT PROPERTY OR ADJACENT OFF-SITE DRAINAGE EASEMENT.

PRELIMINARY

NOT APPROVED FOR CONSTRUCTION

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

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TMTLA ASSOCIATES
5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com

NORTH CAROLINA No. C-551 LANDSCAPE DESIGN PLLC DBA TMTLA ASSOCIATES

FOR REVIEW ONLY

REVISIONS:

STORMWATER MANAGEMENT PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE: AS NOTED
DRAWN BY: PMP
PROJECT # 22024
DATE: 5/2/2022
SHEET L-4 OF





ILLUSTRATIVE ELEVATIONS OF THE CALYX FACILITY IN FUQUAY-VARINA. CALYX SENIOR LIVING OF APEX WILL HAVE A BUILDING WITH SIMILAR STYLE AND MATERIALS



PRELIMINARY

NOT APPROVED FOR CONSTRUCTION

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

RENDERINGS BY HR ASSOCIATES

TMTLA ASSOCIATES
5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com

NORTH CAROLINA No. C-551 LANDSCAPE ARCHITECTURAL DESIGN P.L.L.C. DBA TMTLA ASSOCIATES

FOR REVIEW ONLY

REVISIONS:

BLDG. ELEVATION RENDERINGS
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE: AS NOTED
DRAWN BY: PMP
PROJECT # 22024
DATE: 5/2/2022

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SUMMIT
DESIGN AND ENGINEERING SERVICES
919.732.3883 Summitde.net
320 Executive Court, Hillsborough, NC 27278

TRAFFIC IMPACT STATEMENT

Calyx Assisted Living Facility – Apex, (Wake County) NC Site Information Requirements

The proposed development is planning to construct a new assisted living facilty with ninety-one (91) beds on a site of approximately 5.5 acres at the intersection of Dominik Court and Kelly Road in Apex, North Carolina, west of the Triangle Expressway and south of Jenks Road. The site will access Jenks Road from a proposed driveway on the west end of the property.

From the Town of Apex Unified Development Ordinance:

Article 13 Transportation

13-19 Traffic Impact Analysis Required

> A Traffic Impact Analysis (TIA) shall be prepared by a qualified professional engineer registered to practice in North Carolina and submitted with the initial application for any development that would generate 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater.

Trip Generation review

A review was made of the ITE Trip Generation Manual, 10th Edition, Land Use Code 254 for Assisted Living Facility was selected to provide the trip generation. The variable selected for the trip generation is based on trips per number of beds, and the Trip Generation was calculated by the average rate method, for the generator itself. This is the recommended method to use in estimating the trip generation by NCDOT, using the *Congestion Management Rate vs. Equation Spreadsheet ver 7/1/2018*, the current version. The attached tables summarize the trip generation for the facility based on the proposed construction.

The proposed use is expected to generate 234 total trips on an average weekday, split evenly at 50% entering and 50% exiting, which equates to 117 vehicles per day entering and 117 vehicles per day exiting. The trip generation for the peak hours is 16 total trips (11 entering, 5 exiting) in the AM peak hour, and 31 total trips (14 entering, 17 exiting) in the PM peak hour. The total weekday trip generation of 234 trips for the proposed expansion does not meet the threshhold for requiring aTraffic Impact Analyses (TIA) , nor does either peak hour trip generation of 16 and 31 trips meet the threshold for requiring a TIA., based on trip generation rates.

Conclusion

Based on input from the owners, and the trip generation rates calculated, the proposed development will not generate enough additional traffic (1,000 weekday trips or more than 100 in either peak hour) such that the UDO would require a Traffic Impact Analysis for this site.

Respectfully,

Edward W. Sirgany, P.E.
Traffic & Technology Engineer

NORTH CAROLINA PROFESSIONAL SEAL 18174 ENGINEER EDWARD WILLIAM SIRGANY

Edward W Sirgany

4/14/2022

Trip Generation Summary

Alternative: Alternative 1
Phase:
Project: Apex Assisted Living - Calyx

Open Date: 4/13/2022
Analysis Date: 4/13/2022

ITE	Land Use		Weekday Average Daily Trips			Weekday AM Peak Hour of Generator			Weekday PM Peak Hour of Generator		
		*	Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
254	ASSISTLIVE 1		117	117	234	11	5	16	14	17	31
	90 Beds										
Unadjusted Volume			117	117	234	11	5	16	14	17	31
Internal Capture Trips			0	0	0	0	0	0	0	0	0
Pass-By Trips			0	0	0	0	0	0	0	0	0
Volume Added to Adjacent Streets			117	117	234	11	5	16	14	17	31

Total Weekday Average Daily Trips Internal Capture = 0 Percent
Total Weekday AM Peak Hour of Generator Internal Capture = 0 Percent
Total Weekday PM Peak Hour of Generator Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ10 Calyx Senior Living (KOBRA Tract PUD Amendment)

Planning Board Meeting Date: August 8, 2022

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: 5.738 acres

PIN(s): 0732196422

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/ Commercial Services

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Elaine Boyle

☑ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8 day of August 2022.

Attest:

Mark Steele, Planning Board Vice-Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.08.08 17:59:55 -04'00'

Dianne Khin, Director of Planning and Community Development

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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:

Owner: Kobra, LLC
Applicant: TMTLA Associates
Authorized Agent: Marcos Vidal, Carillon Assisted Living
Property Address: 7501 Jenks Road
Acreage: ±5.738 acres
Property Identification Number (PIN): 0732196422
2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)
Proposed Zoning of Property: 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: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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: TMTLA Associates
Agente autorizado: Marcos Vidal, Carillon Assisted Living
Dirección de la propiedad: 7501 Jenks Road
Superficie: ±5.738 acres
Número de identificación de la propiedad: 0732196422
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

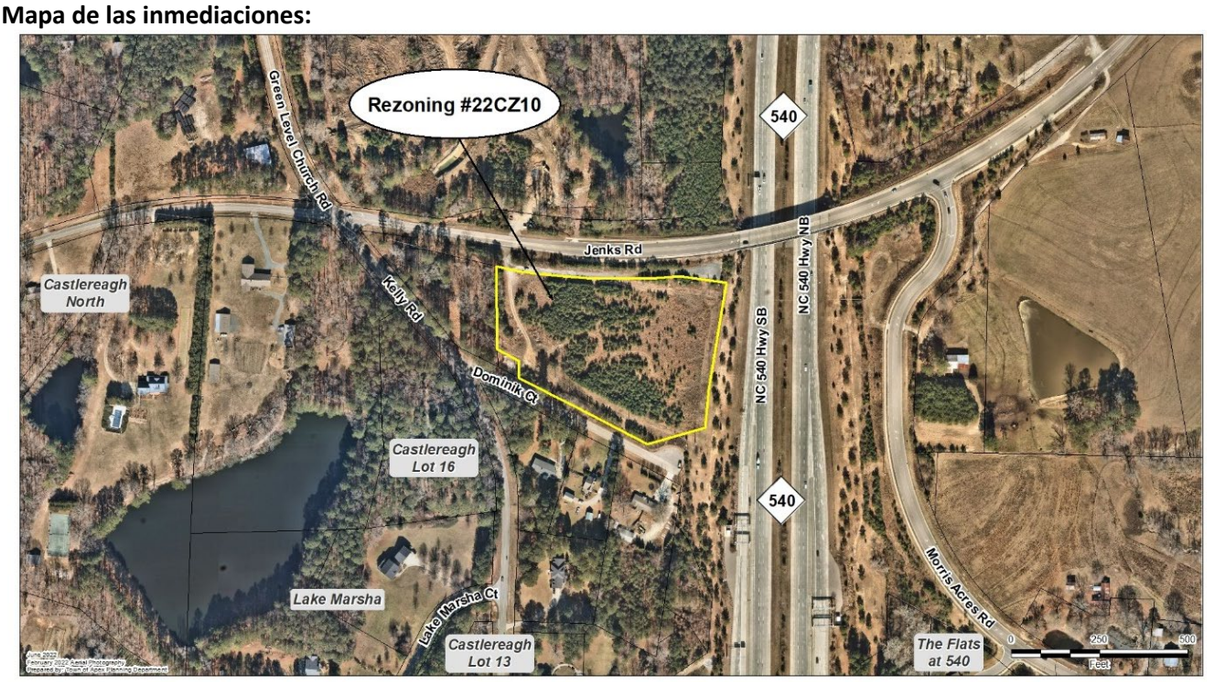
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 202

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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:

Owner: Kobra, LLC
Applicant: TMTLA Associates
Authorized Agent: Marcos Vidal, Carillon Assisted Living
Property Address: 7501 Jenks Road
Acreage: ±5.738 acres
Property Identification Number (PIN): 0732196422
2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)
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: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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: TMTLA Associates
Agente autorizado: Marcos Vidal, Carillon Assisted Living
Dirección de la propiedad: 7501 Jenks Road
Superficie: ±5.738 acres
Número de identificación de la propiedad: 0732196422
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39389/22CZ10.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 202



1



2

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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:

Owner: Kobra, LLC
Applicant: TMTLA Associates
Authorized Agent: Marcos Vidal, Carillon Assisted Living
Property Address: 7501 Jenks Road
Acreage: ±5.738 acres
Property Identification Number (PIN): 0732196422
2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)
Proposed Zoning of Property: 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: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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: TMTLA Associates
Agente autorizado: Marcos Vidal, Carillon Assisted Living
Dirección de la propiedad: 7501 Jenks Road
[illegible]ción de la propiedad: 0732196422

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Legal Notice of Public Hearings
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Municode Meetings | Plan Review | Planning Departme... | iMAPS | Real Estate Search | Register of Deeds | Unified Developme... | ExecuTime Enterpri... | Maps & Publication...
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Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.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/39389.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 2022

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1 of 2

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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:

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Applicant: TMTLA Associates
Authorized Agent: Marcos Vidal, Carillon Assisted Living
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Proposed Zoning of Property: 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: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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: TMTLA Associates
Agente autorizado: Marcos Vidal, Carillon As

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8/5/2022

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2 of 2



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/39389.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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: TMTLA Associates
Agente autorizado: Marcos Vidal, Carillon Assisted Living
Dirección de la propiedad: 7501 Jenks Road
Superficie: ±5.738 acres
Número de identificación de la propiedad: 0732196422
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39389.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 2022

12:05 PM
8/5/2022



Public Hearing Sign Posted By

5/9/2022

Signature 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 #22CZ10 Calyx Senior Living Apex
Project Location:	7501 Jenks Road
Applicant or Authorized Agent:	TMTLA Associates/Marcos Vidal, Carillon Assisted Living
Firm:	TMTLA Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 5, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/8/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 8 day of August, 2022.

Jeri Chastain Pederson
Notary Public

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

My Commission Expires: 3/10/2024

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 #22CZ10 Calyx Senior Living Apex
Project Location:	7501 Jenks Road
Applicant or Authorized Agent:	TMTLA Associates/Marcos Vidal, Carillon Assisted Living
Firm:	TMTLA Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/25/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above State and County, this the 25 day of July, 2022.

JOSHUA KILLIAN Notary Public Wake County My Comm. Exp. 6/19/2027 NORTH CAROLINA

Joshua Killian
Notary Public

My Commission Expires: 6/19/2027

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ15 Carspace Apex. The applicant, Chris Rurkowski, TMTLA Associates seeks to rezone approximately 6.92 acres from Tech/Flex-Conditional Zoning (TF-CZ #14CZ30) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 1720 & 1740 Pinnacle Center Drive.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0751272154 & 0751270023.

Attachments

- Staff Report
- Vicinity Map
- Application

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: 1720 & 1740 Pinnacle Center Drive
Applicant/Owners: Chris Rurkowski, TMTLA Associates/Classic Road Partners, LLC

PROJECT DESCRIPTION:

Acreage: ±6.92
PINs: 0751272154 & 0751270023
Current Zoning: Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)
Proposed Zoning: Light Industrial Conditional Zoning (LI-CZ)
2045 Land Use Map: Industrial Employment
Town Limits: Yes

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Light Industrial (LI); Neighborhood Business-Conditional Zoning (B1-CZ #19CZ01)	Auto repair; Church or place of worship (Summit Church)
South:	Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)	Pinnacle Center Dr; Wholesaling, general (WorldPAC)
East:	Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)	Light manufacturing (Pentair)
West:	Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)	Vacant

Existing Conditions:

The subject properties total ±6.92 acres and are located on the northwest side of Pinnacle Center Drive, north of its intersection with Classic Rd and south of US 1 Hwy. The properties are currently vacant and are bisected from southwest to northeast by a 135-foot wide Duke Energy electric easement. Buffered streams are located along the western and eastern property lines.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on May 16, 2022. The neighborhood meeting report is attached.

2045 Land Use Map:

The 2045 Land Use Map classifies the subject properties as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) is consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do

not imply that other sections of the UDO do not apply. An "(SUP)" designation indicates a Special Use Permit is required prior to commencing this use.

Permitted Uses and Limitations:

1. Security or caretaker quarters
2. Assembly hall, nonprofit
3. Assembly hall, for-profit
4. Church or place of worship (P/SUP)
5. Day care facility
6. Drop-in or short-term day care
7. Government service
8. Transportation facility
9. Veterinary clinic or hospital
10. Vocational school
11. Communication tower, commercial (SUP)
12. Communication tower, constructed stealth (SUP)
13. Communication tower, camouflage stealth (SUP)
14. Recycling Center
15. Recycling collection station (SUP)
16. Utility, minor
17. Botanical garden
18. Entertainment, indoor
19. Entertainment, outdoor (SUP)
20. Greenway
21. Park, active
22. Park, passive
23. Youth or day camps
24. Restaurant, general
25. Dispatching Office
26. Medical or dental office or clinic
27. Medical or dental laboratory
28. Office, business or professional
29. Pilot plant
30. Research facility
31. Glass sales
32. Health/fitness center or spa
33. Kennel (SUP)
34. Monument sales, retail
35. Repair services, limited
36. Retail sales, bulky goods
37. Retail sales, general (%)
38. Self-service storage
39. Studio for art
40. Upholstery shop
41. Pet services
42. Automotive paint or body shop
43. Car wash or auto detailing
44. Repair and maintenance, general
45. Vehicle sales and rental, light
46. Building supplies, wholesale
47. Contractor's office and storage yard
48. Laboratory, industrial research
49. Machine or welding shop
50. Warehousing
51. Woodworking or cabinetmaking
52. Wholesale, general
53. Manufacturing and processing
54. Brewery
55. Distillery
56. Microbrewery
57. Microdistillery

Conditions:

1. Building exteriors shall have more than two material colors.
2. The building shall have architectural elements such as varied roof forms, articulation of the façade, breaks in the roof, walls with texture materials and ornamental details.
3. Architectural detail such as windows, awnings, trellises, articulation, arcades, and material changes shall be utilized.
4. Building main entrances shall be emphasized.
5. The predominant building materials shall be high quality materials, including brick, native stone, metal panel, glass, fiber cement cladding and/or masonry units.
6. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
7. The supplemental standards for the self-service storage use found in UDO Sec. 4.4.5.G.14 shall be amended as follows only for a self-service storage use where the storage units are designed solely to accommodate the storage of vehicles in addition to office and/or co-working space.

a) Self-service storage bays shall be allowed to be designed to accommodate office space, including co-working space as well as the storage of vehicles. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site;
b) A security or caretaker quarters use may be established on the site of a self-storage facility;
c) Except as provided in this section, all property stored on the site of a self-service storage facility use shall be entirely within enclosed buildings;
d) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:
   (i) The storage shall occur only within a designated area. The designated area shall be clearly delineated;
   (ii) The storage area shall not exceed 25% of the buildable area of the site;
   (iii) The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building and/or solid fencing with landscaping on the outside of the fence;
   (iv) Storage shall not occur within the area set aside for minimum building setbacks;
   (v) No dry stacking of boats shall be permitted on site; and
   (vi) No vehicle maintenance, washing or repair shall be permitted.
e) The minimum lot size for a self-service storage facility shall be three acres. No variance or other relief shall be granted from this standard;
f) The development shall not encroach into any buffer required by this Ordinance; the minimum required setback from any property line shall be the greater of any required buffer or setback (Sec. 8.2.6.B).
g) If separate structures are constructed, there shall be a minimum separation of 10 feet between the buildings within the facility;
h) The maximum size of a storage bay shall be 4,000 square feet;
i) The maximum height of a self-service storage facility use shall be 48 feet. Stair structures for roof access shall be allowed to exceed the maximum building height by no more than five (5) feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.
j) The following on-site circulation standards shall apply:
   (i) Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;
   (ii) The one-or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows;
   (iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.
k) Outdoor lighting shall be the minimum necessary to discourage vandalism and theft. If a facility abuts a residential district, outdoor lighting fixtures shall be no more than 15 feet in height;
l) No exterior loudspeakers or paging equipment shall be permitted on the site;
m) Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road; and

n) The minimum building setback distance from RCA area shall be 5 feet.
o) Parking internal to each unit shall count as 2 parking spaces towards the minimum parking requirement of the site.

Additional Zoning Conditions

8. At least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
9. A minimum of 3 native hardwood tree species shall be used for the landscaping on site.
10. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
11. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
12. The building(s) shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, clerestory windows, solar tubes, skylights, light redirection devices, and/or large windows.
13. 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.
14. The project shall install a minimum of two (2) signs adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on May 19, 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
Preserve tree canopy and prioritize medium to large, healthy, desirable species. • Preserve existing trees (percentage-based) • Replace canopy (percentage- or DBH- size- based) where there is sufficient space.	Added
Increase biodiversity. • Plant pollinator-friendly flora. • Plant native flora (Refer to the Apex Design & Development Manual for approved native species).	Added
Include landscaping that requires less irrigation and chemical use. • Plant warm season grasses for drought resistance.	Not added
Increase the number of native hardwood trees species planted to 3, probably 4.	Added
Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and not to be disturbed.	Added
Include energy efficient lighting in building design. • Lower maximum foot-candles outside of buildings.	Added
Include International Dark Sky Association compliance standards. o Outdoor lighting shall be shielded in a way that focuses lighting to the ground. o Lighting that minimizes the emission of blue light to reduce glare shall be used.	Added

EAB Suggested Condition	Applicant's Response
○ Lighting with a color temperature of 3000K or less shall be used for outside installations in nonresidential or multifamily areas.	
Install timers or light sensors or smart lighting technology.	Added
Incorporate natural lighting techniques into building design.	Added
Installation of rooftop solar PV system of minimum size based on one of the following specifications. • A 20 kW DC solar PV system be installed on the building. • A solar PV system that will provide at least 90% of the expected yearly electricity usage. • A solar PV system that fits on the rooftop.	Not Added
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.	Added
A minimum of 75% of the plantings used to meet the landscaping requirements for Section 8.2 of the UDO shall be species native to the eastern US and there shall be a minimum of four different hardwood tree species installed.	Added
Existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.	Not Added
If any of the currently designated RCA is impacted, apply a 2:1 per square foot ratio replacement area.	Not Added

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #22CZ15 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with the conditions as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject properties as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) is consistent with that land use classification.

Approval of the rezoning is reasonable and in the public interest in that it provides flexibility for the use "Self-service storage facility" that will allow the establishment of a use that is unique within Apex and that is also compatible with the surrounding uses and those anticipated on nearby vacant parcels. In addition, several recommended conditions from the Environmental Advisory Board have been added that will mitigate the environmental impact of proposed development beyond what would be anticipated with development under the current zoning.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the LI-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

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

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

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

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

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

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

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

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

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

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


US 1 Hwy SB
US 1 Hwy NB
1
Lufkin Rd
The Summit Church
Apex Campus
Sheetz
Meridian Point Dr
Meridian
at Ten Ten
Reliance Ave
Ten Ten Rd
Lufkin Road
Middle School
Pinnacle Center Dr
Rezoning #22CZ15
July 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
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250
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Feet

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 #: 22CZ15 Submittal Date: 6-1-22

Fee Paid: $1,000

Project Information

Project Name: Car Space Apex

Address(es): 1740, 1720 Pinnacle Center Drive

PIN(s): 0751-27-2154, 0751-27-0023

Acreage: 6.92

Current Zoning: TF-CZ Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Industrial Employment

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

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Chris Rurkowski- TMTLA Associates

Address: 5011 Southpark Dr, Ste 200

City: Durham State: NC Zip: 27713

Phone: 919-484-8880 E-mail: chris@tmtla.com

Owner Information

Name: Classic Road Partners, LLC

Address: 10500 World Trade Blvd

City: Raleigh State: NC Zip: 27617

Phone: E-mail: gfutrell@jlgcorp.com

Agent Information

Name: Chris Rurkowski- TMTLA Associates

Address: 5011 Southpark Dr, Ste 200

City: Durham State: NC Zip: 27713

Phone: 919-484-8880 E-mail: chris@tmtla.com

Other contacts: Jonathan Fifield- jonathan@carspaceinc.com

PETITION INFORMATION

Application #: 22CZ15 Submittal Date: 6-1-22

An application has been duly filed requesting that the property described in this application be rezoned from TF-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	See attached.	21	
2		22	
3		23	
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20		40	

PETITION INFORMATION

Application #: 22CZ15 Submittal Date: 6-1-22

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.

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 zoning is consistent with the 2045 Land Use Map as the requested zoning is light manufacturing, which is an intended use under the Industrial Employment district. This is consistent and compatible with surrounding uses and uses/conditions are largely unchanged from the existing zoning.

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

The proposed zoning district is largely similar to the existing zoning district. This location is surrounded by TF-CZ. LI-CZ is another compatible light industrial district that will have similar character to the surrounding properties and largely the same zoning conditions including architectural.

Revised: 7/27/2022
Limitation of Uses:
The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. An "(SUP)" designation indicates a Special Use Permit is required prior to commencing this use.

1. Security or caretaker quarters
2. Assembly hall, nonprofit
3. Assembly hall, for-profit
4. Church or place of worship (P/SUP)
5. Day care facility
6. Drop-in or short-term day care
7. Government service
8. Transportation facility
9. Veterinary clinic or hospital
10. Vocational school
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12. Communication tower, constructed stealth (SUP)
13. Communication tower, camouflage stealth (SUP)
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22. Park, passive
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27. Medical or dental laboratory
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29. Pilot plant
30. Research facility
31. Glass sales
32. Health/fitness center or spa
33. Kennel (SUP)
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39. Studio for art

40. Upholstery shop
41. Pet services
42. Automotive paint or body shop
43. Car wash or auto detailing
44. Repair and maintenance, general
45. Vehicle sales and rental, light
46. Building supplies, wholesale
47. Contractor's office and storage yard
48. Laboratory, industrial research
49. Machine or welding shop
50. Warehousing
51. Woodworking or cabinetmaking
52. Wholesale, general
53. Manufacturing and processing
54. Brewery
55. Distillery
56. Microbrewery
57. Microdistillery

Architecture Conditions:
1. Building exteriors shall have more than two material colors.
2. The building shall have architectural elements such as varied roof forms, articulation of the façade,
breaks in the roof, walls with texture materials and ornamental details.
3. Architectural detail such as windows, awnings, trellises, articulation, arcades, and material changes
shall be utilized.
4. Building main entrances shall be emphasized.
5. The predominant building materials shall be high quality materials, including brick, native stone, metal panel, glass, fiber cement cladding and/or masonry units.
6. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.

4.4.5.G.14 Supplemental Use Standards

The supplemental standards for the self-service storage use found in UDO Sec. 4.4.5.G.14 shall be amended as follows only for a self-service storage use where the storage units are designed solely to accommodate the storage of vehicles in addition to office and/or co-working space.

a) Self-service storage bays shall be allowed to be designed to accommodate office space, including co-working space as well as the storage of vehicles. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site;

b) A security or caretaker quarters use may be established on the site of a self-storage facility;

c) Except as provided in this section, all property stored on the site of a self-service storage facility use shall be entirely within enclosed buildings;

d) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

(i) The storage shall occur only within a designated area. The designated area shall be clearly delineated;
(ii) The storage area shall not exceed 25% of the buildable area of the site;
(iii) The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building and/or solid fencing with landscaping on the outside of the fence;
(iv) Storage shall not occur within the area set aside for minimum building setbacks;
(v) No dry stacking of boats shall be permitted on site; and
(vi) No vehicle maintenance, washing or repair shall be permitted.

e) The minimum lot size for a self-service storage facility shall be three acres. No variance or other relief shall be granted from this standard;

f) The development shall not encroach into any buffer required by this Ordinance; the minimum required setback from any property line shall be the greater of any required buffer or setback (Sec. 8.2.6.B).

g) If separate structures are constructed, there shall be a minimum separation of 10 feet between the buildings within the facility;

h) The maximum size of a storage bay shall be 4,000 square feet;

i) The maximum height of a self-service storage facility use shall be 48 feet. Stair structures for roof access shall be allowed to exceed the maximum building height by no more than five (5) feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.

j) The following on-site circulation standards shall apply:

(i) Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;
(ii) The one-or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows;
(iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

k) Outdoor lighting shall be the minimum necessary to discourage vandalism and theft. If a facility abuts a residential district, outdoor lighting fixtures shall be no more than 15 feet in height;

l) No exterior loudspeakers or paging equipment shall be permitted on the site;

m) Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road; and

n) The minimum building setback distance from RCA area shall be 5 feet.

o) Parking internal to each unit shall count as 2 parking spaces towards the minimum parking requirement of the site.

Additional Zoning Conditions

1. At least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
2. A minimum of 3 native hardwood tree species shall be used for the landscaping on site.
3. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
4. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
5. The building(s) shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, clerestory windows, solar tubes, skylights, light redirection devices, and/or large windows.
6. 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.
7. The project shall install a minimum of two (2) signs adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

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

The proposed zoning district modifies the Supplemental Standards of Sec. 4.4 to allow for greater flexibility towards the 'self-service storage use.' This will allow for larger self-storage units for the 'car condos' that are proposed on site.

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 conditional district allows uses that are only compatible with the surrounding industrial park, and maintains all landscape buffers, stream buffers, RCA areas, and existing SCMs from the approved subdivision master plan. The nature of the intended use is also compatible with surrounding uses and shall 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.

The proposed zoning district does not impose any greater impact to existing resources and shall retain all existing environmentally sensitive areas as such.

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 zoning district shall not have an adverse impact on public facilities and services any greater than the existing zoning.

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

The proposed zoning district shall not have a negative effect on the health, safety, or welfare of the residents of the Town of Apex and shall provide employment and services for the Town of Apex and surrounding communities.

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

The proposed zoning district shall not be detrimental to adjacent properties and is largely identical to the existing zoning district, including architectural features and the adherence to the master subdivision plan that is existing.

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 zoning district shall not constitute nuisance or hazard and as the zoning conditions and allowed uses are largely the same and compatible with the existing zoning district.

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 zoning district shall meet all other standards of the UDO except for the required parking. Applicant and staff are continuing to work on an appropriate parking rate for this combination of proposed uses.

AGENT AUTHORIZATION FORM

Application #: 22CZ15 Submittal Date:

Classic Road Partners, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1720, 1740 Pinnacle Center Dr

The agent for this project is: Jonathan Fifield

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

Agent Name: Jonathan Fifield

Address:

Telephone Number: 919-200-0051

E-Mail Address: jonathan@carspaceinc.com

Signature(s) of Owner(s)* Classic Road Partners, LLC
Glenn Futrell - Manager

GLENN FUTRELL — Type or print name

6-20-22 — 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

Application #: 22CZ15 Submittal Date: _____

The undersigned, Glenn Futrell (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 Classic Road Partners, LLC 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 May 20, 2015, and recorded in the Wake County Register of Deeds Office on 5-22-15, in Book 16023 Page 1810.

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 May 20, 2015, 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 May 20, 2015, 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 25 day of May, 2022.

Glenn Futrell (seal)

Glenn Futrell
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Glenn Futrell, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N.C. Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

KARI SULLIVAN NOTARY PUBLIC JOHNSTON COUNTY, NC [NOTARY SEAL]

Kari Sullivan
Notary Public
State of North Carolina
My Commission Expires: 12/3/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

22CZ15

Beginning at a rebar set on the western right of way of Pinnacle Center Drive (60’ Public Right of Way), said rebar being the south eastern property corner of Lot 5 Pinnacle Park Center as recorded in Book of Maps 2017, Pages 2325-2328 Wake County Registry, thence from said beginning point, leaving said right of way, North 71°23’03” West 92.87 feet to a rebar set, thence North 09°18’45” West 547.67 feet to a rebar set, thence North 24°10’32” West 298.35 feet to a rebar set, thence South 86°38’02” East 292.06 feet to an existing iron pipe, thence South 01°09’50” West 16.22 feet to an existing iron pipe at lightwood stump, thence South 87°52’56” East 379.11 feet to a rebar set, thence South 20°26’43” West 500.50 feet to a rebar set, thence South 13°03’37” East 36.02 feet to rebar set on the western right of way of Pinnacle Center Drive cul-de-sac (60’ Public Right of Way), thence with said cul-de-sac right of way, along a curve to the left, having a radius of 55.00 feet, an arc length of 61.51 feet, and a chord bearing and distance of South 47°16’58” West 58.36 feet to a rebar set, thence leaving said cul-de-sac, with said right of way, along a curve to the right, having a radius of 25.00 feet, an arc length of 13.89 feet, and a chord bearing and distance of South 31°09’17” West 13.71 feet to a rebar set, thence along a curve to the left, having a radius of 580.00 feet, an arc length of 13.02 feet, and a chord bearing and distance of South 46°25’33” West 13.02 feet to a rebar set, thence along a curve to the left having a radius of 580.00 feet, an arc length of 275.01 feet, and a chord bearing and distance of South 32°11’57” West 272.44 feet to the point and place of Beginning containing 6.919 Acres more or less and as shown as Lots 4 and 5 Pinnacle Park Center recorded in Book of Maps 2017, Page 2325-2328.

MAP ID	MAILING RECIPIENT	MAILING ADDRESS LINE 1
4	CURRENT TENANT	1040 CLASSIC RD
7	MERRITT COMMERCIAL PROPERTIES LLC	105 BALZAC CT
5	CURRENT TENANT	1050 CLASSIC RD
C	CLASSIC ROAD PARTNERS LLC	10500 WORLD TRADE BLVD
6	CURRENT TENANT	1070 CLASSIC RD
6	CURRENT TENANT	1072 CLASSIC RD
6	CURRENT TENANT	1074 CLASSIC RD
6	CURRENT TENANT	1076 CLASSIC RD
6	CURRENT TENANT	1078 CLASSIC RD
7	CURRENT TENANT	1080 CLASSIC RD
5	WHITLEY 1050 CLASSIC LLC	114 MACKENAN MILL CT
6	CLASSIC ROAD CONDOMINIUM	120 NEW EDITION CT
8	CLASSIC ROAD PARTNERS, LLC	150 TOWERVIEW CT
1	CURRENT TENANT	1701 PINNACLE CENTER DR
2	CURRENT TENANT	1721 PINNACLE CENTER DR
3	CURRENT TENANT	1751 PINNACLE CENTER DR
3	CW SQUARED LLC	1972 STANLAKE DR
11	CURRENT TENANT	2010 LUFKIN RD
9	CURRENT TENANT	2014 LUFKIN RD
12	CURRENT TENANT	2016 LUFKIN RD
13	CURRENT TENANT	2020 LUFKIN RD
4	WEIGAND HOLDINGS, LLC	220 MIDDEN WAY
10	GANDSWRIGHT PROPERTIES LLC	225 GORDON LN
15	3050 LUFKIN LLC	2607 OBERLIN RD STE 104
13	FRIDLEY, DARIN L FRIDLEY, ELIZABETH M	30 TODY GOODWIN RD
14	CURRENT TENANT	3000 LUFKIN RD
11	LUFKIN ROAD PROPERTIES, LLC	3600 BRACKENRIDGE LN
14	KIRK FAMILY REAL ESTATE HOLDING LLC	6204 CAPE CHARLES DR
1	1701 PINNACLE CENTER LLC	724 GIMGHOUL RD
2	STRAIGHT ARROW PROPERTIES LLC	PO BOX 791

MAILING ADDRESS LINE 2	SITE ADDRESS	WAKE COUNTY PIN	WAKE COUNTY REID
APEX, NC 27539	1040 CLASSIC RD		
CARY, NC 27511-6398	1080 CLASSIC RD	0751164285	0237770
APEX, NC 27539	1050 CLASSIC RD		
RALEIGH, NC 27617-4246	1720 PINNACLE CENTER DR	0751272154	0451621
APEX, NC 27539	1070 CLASSIC RD		0253885
APEX, NC 27539	1072 CLASSIC RD		0253886
APEX, NC 27539	1074 CLASSIC RD		0253887
APEX, NC 27539	1076 CLASSIC RD		0253888
APEX, NC 27539	1078 CLASSIC RD		0253889
APEX, NC 27539	1080 CLASSIC RD		
RALEIGH, NC 27617	1050 CLASSIC RD	0751169201	0304770
CARY, NC 27511-4449	1070 CLASSIC RD	0751166254	0244418
CARY, NC 27513-3595	0 LUFKIN RD	0751165409	0031261
APEX, NC 27539	1701 PINNACLE CENTER DR		
APEX, NC 27539	1721 PINNACLE CENTER DR		
APEX, NC 27539	1751 PINNACLE CENTER DR		
APEX, NC 27502-2526	1751 PINNACLE CENTER DR	0751263408	0451618
APEX, NC 27539	2010 LUFKIN RD		
APEX, NC 27539	2014 LUFKIN RD		
APEX, NC 27539	2016 LUFKIN RD		
APEX, NC 27539	2020 LUFKIN RD		
HOLLY SPRINGS, NC 27540-6842	1040 CLASSIC RD	0751262240	0238820
MACON, NC 27551-9054	0 LUFKIN RD	0751176062	0173606
RALEIGH, NC 27608-1320	3050 LUFKIN RD	0751276575	0411767
APEX NC 27502-8020	2020 LUFKIN RD	0751178628	0352508
APEX, NC 27539	3000 LUFKIN RD		
FUQUAY-VARINA, NC 27526-7562	2010 LUFKIN RD	0751174098	0031197
RALEIGH, NC 27617-7637	3000 LUFKIN RD	0751271697	0411766
CHAPEL HILL, NC 27514-3811	1701 PINNACLE CENTER DR	0751276002	0451620
APEX, NC 27502-0791	1721 PINNACLE CENTER DR	0751266507	0451619

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.

4/26/2022

Date

Dear Neighbor:

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

1720,1740,1760 Pinnacle Center Dr | 0751-16-8768, 0754-27-0023, 0751-27-2154

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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	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 is a rezoning from TF-CZ to LI-CZ to allow for the Car Space business flexibility towards use standards of self-service storage. All other applicable uses allowed by right that were restricted from the previous zoning will remain.

Estimated submittal date: June 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s):	Jonathan Fifield- Car Space
Applicant(s):	Chris Rurkowski- TMTLA Associates
Contact information (email/phone):	chris@tmtla.com, 919-484-8880
Meeting Address:	Virtual via Zoom
Date/Time of meeting**:	May 16th, 2022

Welcome: 5:05 Project Presentation: 5:05-5:15 Question & Answer: 5:15-7:00

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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.



April 26th, 2022

Re: Pinnacle Park/Car Space Apex Rezoning

Dear Neighbor:

You are invited to attend a public information meeting on **May 16, 2022** to discuss the proposed rezoning located on Pinnacle Center Drive as shown on the attached map. You are getting this notice because you are within the 300' notification boundary for our proposed annexation. This meeting will be **held virtually from 5:00pm-7:00pm** and you can join in anytime in that two-hour window. Call-in directions on the following page. Please note you have the option to join the call virtually using the Zoom URL provided or you can join by calling in on your telephone. Registration is required for those participating by video.

The applicant on the rezoning and annexation is TMTLA Associates. The developer is Car Space.

The purpose of this meeting is to introduce our rezoning of the properties in Apex as shown on the attached map and learn about our proposal.

As a reminder these parcels are currently located within the Town of Apex limits. These parcels are currently zoned TF-CZ. Our proposal is to rezone to a LI-CZ designation to allow many similar uses as the existing zoning and include additional allowance for self-service storage for Car Space.

If you have questions or are unable to attend the meeting please reach out. My contact information below.

We look forward to speaking with you on Monday, **May 16th.**

Thank you,
Chris Rurkowski, PLA, LEED AP
TMTLA Associates
P: (919) 484-8880
E: chris@tmtla.com





How to Register for and Participate in the May 16th Neighborhood Meeting:

To Participate by PC, Mac, iPad, iPhone, or Android Device:
NOTE: This meeting will require registration prior to attending if participating by video.

- Go to the following website to attend the meeting: https://zoom.us/
- Click on the "Join A Meeting" link at the top of the website.
- Enter the following information where prompted:
    - Meeting ID: **847 1904 5086**
- Once you enter the Meeting ID and click "Join" you will be prompted to register for the meeting. Please fill out the required information. After you register for the meeting you will receive an email with a link to join the meeting.

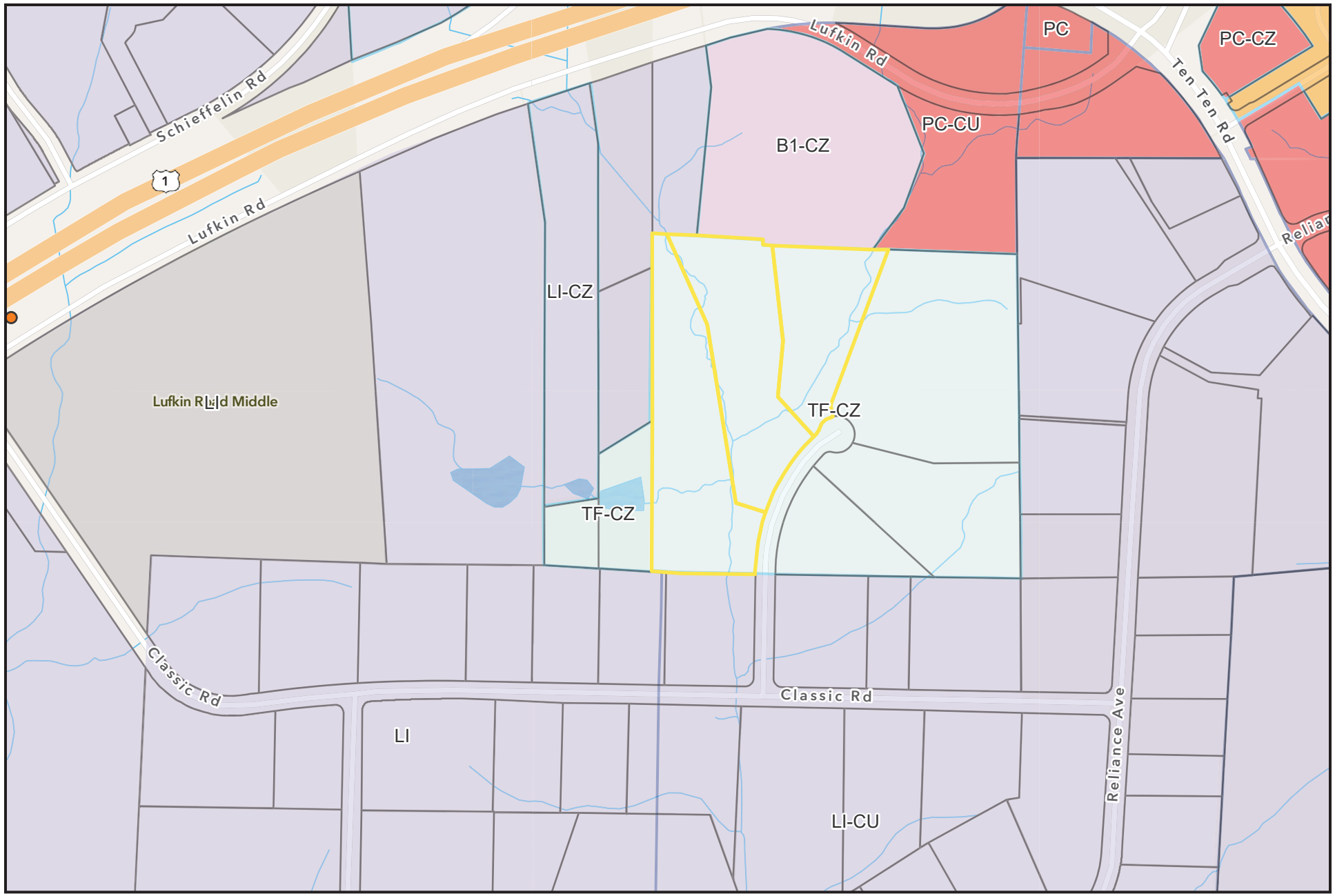
To Participate by Phone:

- Dial the following number: **(929) 205-6099**
- Enter the following information when prompted:
    - Meeting ID: **847 1904 5086**
    - After you enter the Meeting ID please press # to enter the meeting. There is no passcode for this meeting.
- If you are participating by phone all graphics to be discussed during the meeting are included with this letter.

Once the meeting has started and attendance has been taken, all participants will be muted to allow for presentation by the meeting host. Please note that participants' video will be off by default, as well, so meeting host can display the below maps during the meeting. **Please note this meeting will be recorded.**

During the call attendees are asked to use the raise hand function to ask questions. This can be done by using the Raise Hand function if joining by video or by dialing *9 if joining by telephone.

If you have difficulty connecting or have technical difficulties during the meeting you can reach out to Chris at chris@tmtla.com or calling (919) 229-0632.



Car Space Rezoning Vicinity Map

N

0 200 400 800 ft

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: Car Space Apex Zoning: TF-CZ

Location: 1720, 1740, 1760 Pinnacle Center Dr

Property PIN(s): 0751168768, 0751270023, 0751272154 Acreage/Square Feet: 11.75 AC

Property Owner: Classic Road Partners, LLC

Address: 10500 World Trade Blvd

City: Raleigh State: NC Zip: 27617

Phone: Email:

Developer: Car Space- Jonathan Fifield

Address:

City: State: Zip:

Phone: 919-200-0051 Fax: Email:

Engineer: Chris Rurkowski- TMTLA Associates

Address: 5011 Southpark Dr, Suite 200

City: Durham State: NC Zip: 27703

Phone: 919-484-8880 Fax: Email: chris@tmtla.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) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (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/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

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

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

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

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

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

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

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

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

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

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

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

Stormwater Control Measures: **Jessica Bolin** **919-249-3537**

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

Electric Utility Installation: **Rodney Smith** **919-249-3342**

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual Meeting via Zoom

Date of meeting: 5/16/2022 Time of meeting: 5:00 PM to 7:00 PM

Property Owner(s) name(s): Classic Road Partners, LLC

Applicant(s): Chris Rurkowski- TMTLA Associates

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.	Curt Wheeler	1751 Pinnacle Center Drive, Apex, NC 27539	919-924-6496	[redacted]	y
2.	Dennis Merritt	1080 Classic Rd, Apex, NC 27539		[redacted]	y
3.	Chris Rurkowski	5011 Southpark Dr, Durham, NC 27713	919-484-8880	chris@tmtla.com	
4.	Jonathan Fifield				
5.	Glenn Futrell	10500 World Trade Center Blvd, Raleigh, NC			
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): Classic Road Partners, LLC

Applicant(s): Chris Rurkowski- TMTLA Associates

Contact information (email/phone): chris@tmtla.com, 919-484-8880

Meeting Address: Virtual via Zoom

Date of meeting: 5/17/2022 Time of meeting: 5:00 PM to 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:
Will there be gatherings of tenants or outside people at this facility for social events?

Applicant's Response:
Yes, there will be occasional gatherings at this location with events that are hosted by Carspace.

Question/Concern #2:
Will the tenants with vehicles drive the cars or are they just stored here? (will the drivers drive responsibly)

Applicant's Response:
Tenants will drive the vehicles. Carspace has a conduct policy that requires tenants to be responsible car owners and when these vehicles are driven on the street, they are subject to the same traffic laws as anyone else. There is not a burnout or skidpad associated with this development so that is not encouraged on site.

Question/Concern #3:
Can users come and go 24/7?

Applicant's Response:
24 hour access will be limited to the tenants that own car condos, and these tenants will only have access to their units. Access to the common space will be limited to when there is staff present, which is M-F 9-7 unless there is an event that night.

Question/Concern #4:
Are events indoors or outdoors?

Applicant's Response:
Events can be hosted indoors or outdoors.

Question: Are there any similar projects to this one in Wake County?

Applicant Response: Yes, Carolina Exotic Car Club would be the closest to this concept, but they are only a car club and do not have any office space.

Question: What type of cars do tenants typically have?

Applicant Response: There are no restrictions as to what type of vehicles owner's can have at this space. They don't need an exotic car or classic car to participate in events or be a part of Carspace.

Question: We're in an industrial park, and on nights when working late, over the years there have been plenty of examples of people being unsafe in the area. This is a new concept and typically car owners keep their cars in their own garage at home and meet at public places. It's imaginable that an exotic car owner can operate an exotic vehicle irresponsibly here.

Applicant Response: There is a code of conduct for members that join Carspace that speaks to this. Carspace is looking to be a good neighbor and not encourage that type of behavior. And once on a public road, drivers are always subject to traffic laws.

Question: What is happening with the parcel directly behind mine? (1760 Pinnacle Center Drive, 0 and 24 Lufkin Rd)

Applicant Response: Those parcels are not a part of this rezoning. They are part of another project for a construction company that is going to build an office building there.

Question: Where are the access drives for these sites going to be?

Applicant Response: There will be 1 access for Carspace that will be near the end of the cul de sac at the end of Pinnacle Center Dr.

Question: How many total units will there be in Carspace? What size are the units?

Applicant Response: There will be 50 units/car condos per the current plan. Units will be accessed by either an internal drive inside the building or external doors.

Question: Are all the units conditioned space?

Applicant Response: Yes, all units are conditioned/climate controlled.

Question: Cars will be able to park on the upper floor?

Applicant Response: Yes, cars will be able to park on the second floor. The structure itself is build similarly to a parking deck, so it can support the weight of cars.

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, Chris Rurkowski, 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 Virtually via Zoom (location/address) on 5/16/2022 (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.

5/17/2022
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Durham

Sworn and subscribed before me, Misty N Oakley, a Notary Public for the above State and County, on this the 17th day of May, 20 22.

SEAL
Misty N. Oakley
Notary Public - North Carolina
Granville County
My Commission Expires April 8, 2025

Misty N Oakley
Notary Public

Misty N Oakley
Print Name

My Commission Expires: April 8 2025

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ15 CarSpace Apex

Planning Board Meeting Date: August 8, 2022

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±6.92 acres

PIN(s): 0751272154 & 0751270023

Current Zoning: Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)

Proposed Zoning: Light Industrial Conditional Zoning (LI-CZ)

2045 Land Use Map: Industrial Employment

Town Limits: Yes

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☐ Parks, Recreation, Open Space, and Greenways Plan
☐ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Tim Royal

☑ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8 day of August 2022.

Attest:

Mark Steele, Planning Board Vice-Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.08.08 18:31:40 -04'00'

Dianne Khin, Director of Planning and Community Development

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ15
CarSpace Apex

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:

Owner: Classic Road Partners, LLC
Applicant: Chris Rurkowski, TMTLA Associates
Authorized Agent: Jonathan Fifield, CarSpace, Inc.
Property Addresses: 1720 & 1740 Pinnacle Center Drive
Acreage: ±6.92 acres
Property Identification Number (PIN): 0751272154 & 0751270023
2045 Land Use Map Designation: Industrial Employment
Existing Zoning of Property: Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)
Proposed Zoning of Property: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39907.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ15
CarSpace Apex

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: Chris Rurkowski, TMTLA Associates
Agente autorizado: Jonathan Fifield, CarSpace, Inc
Dirección de la propiedades: 1720 & 1740 Pinnacle Center Drive
Superficie: ±6.92 acres
Número de identificación de la propiedades: 0751272154 & 0751270023
Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment
Ordenamiento territorial existente de la propiedad: Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)
Ordenamiento territorial propuesto para la propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39907.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 202

www.apexnc.org/DocumentCenter/View/40327/22...

Viewer | iMAPS | IDT | ExecuTime | Thor-Coll Plan | 2045 LUM | BikePed Systems | Other favorites

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ15
CarSpace Apex

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Dianne F. Khin, AICP
Director of Planning

Published Dates: July 25 – August 8, 2022

11:26 AM
7/25/2022

www.apexnc.org/DocumentCenter/View/40327/22...
iMAPS IDT ExecuTime Thor-Coll Plan 2045 LUM BikePed Systems Other favorites

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ15
CarSpace Apex

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Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/39907.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 25 de julio- 8 de agosto de 2022

11:27 AM
7/25/2022

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 #22CZ15 CarSpace Apex
Project Location:	1720 & 1740 Pinnacle Center Drive
Applicant or Authorized Agent:	Chris Rurkowski
Firm:	TMTLA Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/25/2022
Date

Jeanne F. Krueger
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above State and County, this the 25 day of July, 2022.

JOSHUA KILLIAN
Notary Public
Wake
County
My Comm. Exp.
6/19/2027
SEAL
NORTH CAROLINA

Joshua Killian
Notary Public

My Commission Expires: 6/19/2027

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ15
CarSpace Apex

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:

Owner: Classic Road Partners, LLC
Applicant: Chris Rurkowski, TMTLA Associates
Authorized Agent: Jonathan Fifield, CarSpace, Inc.
Property Addresses: 1720 & 1740 Pinnacle Center Drive
Acreage: ±6.92 acres
Property Identification Number (PIN): 0751272154 & 0751270023
2045 Land Use Map Designation: Industrial Employment
Existing Zoning of Property: Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)
Proposed Zoning of Property: Light Industrial-Conditional Zoning (LI-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: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. 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/39907.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ15
CarSpace Apex

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: Chris Rurkowski, TMTLA Associates
Agente autorizado: Jonathan Fifield, CarSpace, Inc
Dirección de la propiedades: 1720 & 1740 Pinnacle Center Drive
Superficie: ±6.92 acres
Número de identificación de la propiedades: 0751272154 & 0751270023
Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment
Ordenamiento territorial existente de la propiedad: Tech/Flex-Conditional Zoning (TF-CZ #14CZ30)
Ordenamiento territorial propuesto para la propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



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Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 202

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 #22CZ15 Car Space Apex
Project Location:	1720 & 1740 Pinnacle Center Drive
Applicant or Authorized Agent:	Chris Rurkowski
Firm:	TMTLA Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 5, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/8/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 8 day of August, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024
SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024



Public Hearing Sign Posted By

6/6/2022

Signature Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 23, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval. The Planning Board heard these amendments at their August 8, 2022 meeting and unanimously recommended approval.

Item Details

Summary of UDO Amendments:

Requested by Planning Board:

1. Amendments to Sec. 2.2.6 *Pre-Application Meeting* and 2.2.7.B Neighborhood Meetings in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to correct a grammatical error.

Requested by Planning Staff:

2. Amendment to Sec. 4.4.3.G *Supplemental Standards; Utilities; Utility, Minor* in order to remove the height limitation for water towers.
3. Amendments to Sec. 8.2.7.A *Fences, Walls, and Berms; Materials* in order to allow the unfinished side of a fence to face an alley.
4. Amendments to Sec. 8.3.2 *Off-Street Parking Requirements* in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.
5. Amendment to Sec. 8.3.6.E *Parking Lot Design Standards, Dimensions* in order to clarify that the standards for parking spaces are minimu[illegible]imums.

6. Amendments to Secs. 8.3.9.C *Shared Parking* in order to increase the percentage of parking for the use "Church or place of worship" that may be shared.

Attachments

- Staff Report
- Planning Board Report to Town Council
- Public Notice
- Ordinance

Requested by Planning Board:

1. Amendments to Sec. 2.2.6 *Pre-Application Meeting* and 2.2.7.B *Neighborhood Meetings* in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to make a grammatical change for clarity.

2.2.6 Pre-Application Meeting

A) *General Overview*
A pre-application meeting is required prior to submission of the following application types: Rezoning (including Planned Development districts), Special Use Permit, Minor or Major Site Plan, Master Subdivision Plan, Variance Permit, or any application within the Small Town Character Overlay District. The purpose of a pre-application meeting is to familiarize the applicant and the Town staff with the applicable provisions of this Ordinance required to permit the proposed development. **The pre-application meeting shall be held prior to the applicant mailing a notice of a neighborhood meeting as required by Sec. 2.2.7.B *Neighborhood Meetings.***

…

2.2.7 Neighborhood Notice

…

B) Neighborhood Meetings
Neighborhood meetings are required for all applications for Rezonings~~,~~; Major Site Plans~~,~~; residential subdivisions, excluding exempt subdivisions~~,~~; Special Use Permits~~,~~; and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for one or more of these applications, the petitioner must file in the office of the Director of Planning and Community Development a written report of at least one (1) neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

1) *General*
The pre-application meeting with the Technical Review Committee shall be held prior to the applicant mailing a notice of a neighborhood meeting. The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application **and any associated long range plan amendments**, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting.

…

4) *Conduct of Meetings*
At the neighborhood meeting, the applicant shall explain the development proposal and application **and any associated long range plan amendments**, answer any questions, respond to concerns neighbors have about the application and proposed resolutions to these concerns.

…

Requested by Planning Staff:

2. Amendment to Sec. 4.4.3.G *Supplemental Standards; Utilities; Utility, Minor* in order to remove the height limitation for water towers.

4.4.3 *Supplemental Standards; Utilities*

…

G) Utility, Minor
A minor utility use shall comply with the following standards:

…

3) *Water towers*

~~a) The height of a water tower may reach up to but not more than 200 feet.~~

~~b~~**a**) The perimeter of the water tower shall be screened from off-site view with large evergreen trees from the ground to a height of eight (8) feet at installation. No trees are required to be planted at the point of ingress and egress.

~~c~~**b**) If a fence is erected at the base of the water tower, the large evergreen trees must be planted on the outside of the fence and the gate across the point of ingress and egress must be opaque.

~~d~~**c**) An obsolete or unused water tower shall be removed within 12 months of cessation of use.

3. Amendments to Sec. 8.2.7.A *Fences, Walls, and Berms; Materials* in order to allow the unfinished side of a fence to face an alley.

8.2.7 Fences, Walls, and Berms

…

A) Materials

…

2) All fencing shall be finished on the side facing a public right-of-way or adjacent properties**, except within the Downtown Festival Overlay District where the side facing an alley may be unfinished**.

…

4. Amendments to Sec. 8.3.2 *Off-Street Parking Requirements* in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Recreational Uses		
Recreation facility, private (multi-family or apartment)	~~No requirement~~ **None**	6 spaces or 1 space per 30 dwelling units, whichever is greater
Commercial Uses		
Parking garage, commercial	None	2 spaces
Parking lot, commercial	None	2 spaces
Parking garage, public	**None**	**2 spaces**
Parking lot, public	**None**	**2 spaces**

5. Amendment to Sec. 8.3.6.E *Parking Lot Design Standards, Dimensions* in order to clarify that the standards for parking spaces are minimums not maximums based on a recent change to State law.

8.3.6.E Parking Lot Design Standards

…

1) *General*

Required off-street parking spaces shall comply with the following **minimum** dimensional standards in addition to parking standards found in the Town of Apex Standard Specifications and Standard Details:

a) The maximum angle for angled parking shall be 60 degrees.

Table 8.3-4: General Dimensional Standards for Required Off-Street Parking Spaces

Use	Type of Space	**Minimum** Dimensions (feet)
Residential	Spaces in Garage or Carport	10 x 20
	Uncovered	9 × 18
Nonresidential	Angled and perpendicular spaces	9 × 18
	Compact (see 8.3.2.D)	9 x 15
All	Parallel	8 x 22

…

6. Amendments to Secs. 8.3.9.C *Shared Parking* in order to increase the percentage of parking for the use "Church or place of worship" that may be shared.

8.3.9 Off-Street Parking Alternatives

…

C) Shared Parking

The Director of Planning and Community Development may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

1) *Location*

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2) *Zoning Classification*

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3) *Shared Parking Study*

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Director of Planning and Community Development that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director of Planning and Community Development and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

Table 8.3-8: Shared Parking Demand by Land Use and Time of Day

Land Use	Weekday		Weekend		Nighttime
	Daytime (6am-5pm)	Evening (5pm-12am)	Daytime (6am-5pm)	Evening (5pm-12am)	(12am-6am)
Residential	60%	100%	80%	100%	100%
Office/warehouse/industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	70%	100%	100%	70%	10%
Hotel/motel	75%	100%	75%	100%	100%
Entertainment	40%	100%	80%	100%	10%
Church or place of worship	10%	~~30~~**10**%	100% **during regularly scheduled worship/ service times, including 1 hour before and after such times; otherwise 10%**	~~30~~**10**%	5%
Bank	100%	5%	100%	5%	5%
Health/fitness centers and spas	70%	100%	80%	60%	5%
Medical/dental office	100%	50%	100%	5%	5%

To use this table:

1) Determine the minimum parking requirements in accordance with Table 8.3-1: Off-Street Parking Schedule "A" for each land use as if it is a separate use.
2) Multiply each amount by the corresponding percentages for each of the five time periods.
3) Calculate the total for each time period.
4) Select the column with the highest total and use this number as the required minimum number of parking spaces

4) *Agreement for Shared Parking*

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director of Planning and Community Development for recordation in a form established by the Town Attorney. Recordation of the agreement must take place before issuance of a Certificate of Zoning Compliance for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (Sec. 8.3.2).

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their August 8, 2022 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: August 8, 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: Sarah Soh

Seconded by Planning Board member: Elaine Boyle

☑ Approval of the proposed UDO amendment(s)

☐ Approval of the proposed UDO amendment(s) with the following conditions:

☐ Denial of the proposed UDO amendment(s)

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8 day of August 2022.

Attest:

Mark Steele, Planning Board Vice-Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.08.08 18:42:01 -04'00'

Dianne Khin, Director of Planning and Community Development

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Board:

1. Amendments to Sec. 2.2.6 *Pre-Application Meeting* and 2.2.7.B *Neighborhood Meetings* in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to make a grammatical change for clarity.

Requested by Planning Staff:

2. Amendment to Sec. 4.4.3.G *Supplemental Standards; Utilities; Utility, Minor* in order to remove the height limitation for water towers.
3. Amendments to Sec. 8.2.7.A *Fences, Walls, and Berms; Materials* in order to allow the unfinished side of a fence to face an alley.
4. Amendments to Sec. 8.3.2 *Off-Street Parking Requirements* in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.
5. Amendments to Sec. 8.3.6.E *Parking Lot Design Standards, Dimensions* in order to clarify that the standards for parking spaces are minimums not maximums based on a recent change to State law.
6. Amendments to Secs. 8.3.9.C *Shared Parking* in order to increase the percentage of parking for the use "Church or place of worship" that may be shared.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

The UDO can be accessed online at: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5-23, 2022

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por la Junta de Planificación:

1. Enmienda a la sección 2.2.6, *Reunión previa a la solicitud,* y 2.2.7.B, *Reuniones de vecinos,* para pedirles a los solicitantes que brinden información en la carta de notificación de la reunión del vecindario y durante dicha reunión sobre las enmiendas a cualquier plan a largo plazo (p. ej., Plan de Transporte, Mapa de Uso Territorial 2045, etc.) que estén directamente asociadas con la propuesta de rezonificación o desarrollo para solicitar que las reuniones previas a la solicitud con el Comité de Revisión Técnica se lleven a cabo antes del envío de la carta de notificación de la reunión de vecinos y para hacer un cambio gramatical a fin de brindar mayor claridad.

Solicitado por el personal de planificación:

2. Enmienda a la sección 4.4.3.G, *Normas complementarias; Servicios públicos; Utilidad, Menores,* a fin de eliminar la limitación de altura para las torres de agua.
3. Enmienda a la sección 8.2.7.A, *Cercas, muros y bermas; Materiales,* para permitir que el lado de una cerca que no está terminado dé a un callejón.
4. Enmienda a la sección 8.3.2, *Requisitos de estacionamiento fuera de la vía pública,* para agregar normas respecto de los usos "edificio de estacionamiento público" y "estacionamiento público", y modificar el requisito de estacionamiento para "centro recreativo privado (vivienda multifamiliar o apartamento)" de "Sin requisitos" a "Ninguno" por motivos de consistencia.
5. Enmienda a la sección 8.3.6.E, *Normas de diseño de espacios de estacionamiento, dimensiones,* para aclarar que las normas sobre los espacios para estacionar se refieren a valores mínimos y no máximos, según un cambio reciente a las leyes estatales.
6. Enmienda a la sección 8.3.9.C, *Estacionamiento compartido,* a fin de aumentar el porcentaje de estacionamiento para el uso de "iglesias o lugares de culto" que puedan compartirse.

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: 23 de augusto de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Se puede acceder a la UDO en línea en: http://www.apexnc.org/233.

Fechas de publicación: 5-23 de augusto de 2022

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC 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 Board:

1. Amendments to Sec. 2.2.6 *Pre-Application Meeting* and 2.2.7.B *Neighborhood Meetings* in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to make a grammatical change for clarity.

Requested by Planning Staff:

2. Amendment to Sec. 4.4.3.G *Supplemental Standards; Utilities; Utility, Minor* in order to remove the height limitation for water towers.
3. Amendments to Sec. 8.2.7.A *Fences, Walls, and Berms; Materials* in order to allow the unfinished side of a fence to face an alley.
4. Amendments to Sec. 8.3.2 *Off-Street Parking Requirements* in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.
5. Amendments to Sec. 8.3.6.E *Parking Lot Design Standards, Dimensions* in order to clarify that the standards for parking spaces are minimums not maximums based on a recent change to State law.
6. Amendments to Secs. 8.3.9.C *Shared Parking* in order to increase the percentage of parking for the use "Church or place of worship" that may be shared.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

The UDO can be accessed online at: http://www.apexnc.org/233.

Published Dates: August 5-23, 2022

Community Development

11:26 AM
8/5/2022

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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
modificación de la Ordenanza
de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por la Junta de Planificación:

1. Enmienda a la sección 2.2.6, *Reunión previa a la solicitud*, y 2.2.7.B, *Reuniones de vecinos*, para pedirles a los solicitantes que brinden información en la carta de notificación de la reunión del vecindario y durante dicha reunión sobre las enmiendas a cualquier plan a largo plazo (p. ej., Plan de Transporte, Mapa de Uso Territorial 2045, etc.) que estén directamente asociadas con la propuesta de rezonificación o desarrollo para solicitar que las reuniones previas a la solicitud con el Comité de Revisión Técnica se lleven a cabo antes del envío de la carta de notificación de la reunión de vecinos y para hacer un cambio gramatical a fin de brindar mayor claridad.

Solicitado por el personal de planificación:

2. Enmienda a la sección 4.4.3.G, *Normas complementarias; Servicios públicos; Utilidad, Menores*, a fin de eliminar la limitación de altura para las torres de agua.
3. Enmienda a la sección 8.2.7.A, *Cercas, muros y bermas; Materiales*, para permitir que el lado de una cerca que no está terminado dé a un callejón.
4. Enmienda a la sección 8.3.2, *Requisitos de estacionamiento fuera de la vía pública*, para agregar normas respecto de los usos "edificio de estacionamiento público" y "estacionamiento público", y modificar el requisito de estacionamiento para "centro recreativo privado (vivienda multifamiliar o apartamento)" de "Sin requisitos" a "Ninguno" por motivos de consistencia.
5. Enmienda a la sección 8.3.6.E, *Normas de diseño de espacios de estacionamiento, dimensiones*, para aclarar que las normas sobre los espacios para estacionar se refieren a valores mínimos y no máximos, según un cambio reciente a las leyes estatales.
6. Enmienda a la sección 8.3.9.C, *Estacionamiento compartido*, a fin de aumentar el porcentaje de estacionamiento para el uso de "iglesias o lugares de culto" que puedan compartirse.

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: 23 de augusto de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Se puede acceder a la UDO en línea en: http://www.apexnc.org/233.

Fechas de publicación: 5-23 de augusto de 2022

ción y Desarrollo Comunitario

11:27 AM
8/5/2022

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Sections 2.2.6 and 2.2.7.B 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:

2.2.6 Pre-Application Meeting

A) *General Overview*

A pre-application meeting is required prior to submission of the following application types: Rezoning (including Planned Development districts), Special Use Permit, Minor or Major Site Plan, Master Subdivision Plan, Variance Permit, or any application within the Small Town Character Overlay District. The purpose of a pre-application meeting is to familiarize the applicant and the Town staff with the applicable provisions of this Ordinance required to permit the proposed development. **The pre-application meeting shall be held prior to the applicant mailing a notice of a neighborhood meeting as required by Sec. 2.2.7.B *Neighborhood Meetings.***

…

2.2.7 Neighborhood Notice

…

B) Neighborhood Meetings

Neighborhood meetings are required for all applications for Rezonings~~,~~**;** Major Site Plans~~,~~**;** residential subdivisions, excluding exempt subdivisions~~,~~**;** Special Use Permits~~,~~**;** and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for one or more of these applications, the petitioner must file in the office of the Director of Planning and Community Development a written report of at least one (1) neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

1) *General*

The pre-application meeting with the Technical Review Committee shall be held prior to the applicant mailing a notice of a neighborhood meeting. The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application **and any associated long range plan amendments**, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting.

…

4) *Conduct of Meetings*

At the neighborhood meeting, the applicant shall explain the development proposal and application **and any associated long range plan amendments**, answer any questions, respond to concerns neighbors have about the application and proposed resolutions to these concerns.

…

Section 2. Section 4.4.3.G of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.4.3 *Supplemental Standards; Utilities*

…

G) Utility, Minor

A minor utility use shall comply with the following standards:

…

3) *Water towers*

~~a) The height of a water tower may reach up to but not more than 200 feet.~~

~~b~~**a**) The perimeter of the water tower shall be screened from off-site view with large evergreen trees from the ground to a height of eight (8) feet at installation. No trees are required to be planted at the point of ingress and egress.

~~c~~**b**) If a fence is erected at the base of the water tower, the large evergreen trees must be planted on the outside of the fence and the gate across the point of ingress and egress must be opaque.

~~d~~**c**) An obsolete or unused water tower shall be removed within 12 months of cessation of use.

Section 3. Section 8.2.7.A of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.7 Fences, Walls, and Berms

…

A) Materials

…

2) All fencing shall be finished on the side facing a public right-of-way or adjacent properties**, except within the Downtown Festival Overlay District where the side facing an alley may be unfinished**.

…

Section 4. Section 8.3.2, Table 8.3-1 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Recreational Uses		
Recreation facility, private (multi-family or apartment)	~~No requirement~~ **None**	6 spaces or 1 space per 30 dwelling units, whichever is greater

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
Parking garage, commercial	None	2 spaces
Parking lot, commercial	None	2 spaces
Parking garage, public	**None**	**2 spaces**
Parking lot, public	**None**	**2 spaces**

Section 5. Section 8.3.6.E of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.3.6.E Parking Lot Design Standards

…

1) *General*

Required off-street parking spaces shall comply with the following **minimum** dimensional standards in addition to parking standards found in the Town of Apex Standard Specifications and Standard Details:

a) The maximum angle for angled parking shall be 60 degrees.

Table 8.3-4: General Dimensional Standards for Required Off-Street Parking Spaces

Use	Type of Space	**Minimum** Dimensions (feet)
Residential	Spaces in Garage or Carport	10 x 20
	Uncovered	9 × 18
Nonresidential	Angled and perpendicular spaces	9 × 18
	Compact (see 8.3.2.D)	9 x 15
All	Parallel	8 x 22

…

Section 6. Section 8.3.9.C of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.3.9 Off-Street Parking Alternatives

…

C) Shared Parking

The Director of Planning and Community Development may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

1) *Location*

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2) *Zoning Classification*

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3) *Shared Parking Study*

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Director of Planning and Community Development that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director of Planning and Community Development and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

Table 8.3-8: Shared Parking Demand by Land Use and Time of Day

Land Use	Weekday		Weekend		Nighttime
	Daytime (6am-5pm)	Evening (5pm-12am)	Daytime (6am-5pm)	Evening (5pm-12am)	(12am-6am)
Residential	60%	100%	80%	100%	100%
Office/warehouse/industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	70%	100%	100%	70%	10%
Hotel/motel	75%	100%	75%	100%	100%
Entertainment	40%	100%	80%	100%	10%
Church or place of worship	10%	~~30~~**10**%	100% **during regularly scheduled worship/ service times, including 1 hour before and after such times; otherwise 10%**	~~30~~**10**%	5%
Bank	100%	5%	100%	5%	5%
Health/fitness centers and spas	70%	100%	80%	60%	5%
Medical/dental office	100%	50%	100%	5%	5%

To use this table:

1) Determine the minimum parking requirements in accordance with Table 8.3-1: Off-Street Parking Schedule "A" for each land use as if it is a separate use.
2) Multiply each amount by the corresponding percentages for each of the five time periods.
3) Calculate the total for each time period.
4) Select the column with the highest total and use this number as the required minimum number of parking spaces

4) *Agreement for Shared Parking*

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director of Planning and Community Development for recordation in a form established by the Town Attorney. Recordation of the agreement must take place before issuance of a Certificate of Zoning Compliance for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (Sec. 8.3.2).

Section 7. Amendments in Section 1 shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

Section 8. The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 9. 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 10. Section 1 of this ordinance is effective September 1, 2022. Any neighborhood meetings conducted in accordance with the Unified Development Ordinance before September 1, 2022 shall be valid and remain in effect after Section 1 becomes effective.

Section 11. Except as provided in Section 10, the ordinance is effective upon enactment on the _____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

Approved As To Form:

_____
Laurie L. Hohe
Town Attorney