

AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, January 26, 2021 at 6:00 PM Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

- PRI Amanda Bunce, Current Planning Manager with Tim Maloney, Wake Co. Planning, Development & Inspections Director and Tim Gardiner, Planner III Transportation Presentation on the status of PLANWake, the draft comprehensive plan for Wake County.
- PR2 Mayor Jacques Gilbert
 Presentation of Proclamation recognizing Health and Humanity Yogathon
- PR3 Mayor Jacques Gilbert
 Presentation of Black History Month Proclamation

CONSENT AGENDA

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

- CN1 Donna Hosch, Town ClerkMotion to approve the Apex Tax Report dated 12/07/2020
- CN2 Mayor Jacques Gilbert
 Motion to reappoint Jeff Ulrick, Bill Carraway, and Betsy Sisley to the Tree CAP
 Committee
- CN3 Allyson Coltrane, Long Range Transit Planner II
 Possible motion to approve, and to authorize the Town Manager to sign and execute,
 the Triangle Transportation Demand Management Agreement to fund a portion of

the new Long-Range Transit Planner position and promotion of the GoApex Route 1 in Fiscal Year 2021.

- Marty Stone, P.E. Assistant Town Manager

 Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owner, Andrew J.

 Jablonski (Grantee), regarding Wake County, NC PIN#0732-15-3557, 1032 Diamond Dove Lane, recorded in Book of Maps 2018, Page 1365, Wake County Register of Deeds.
- CN5 Dennis Brown, Senior Capital Projects Manager

 Motion to approve and authorize the Town Manager to execute Contract Amendment
 #2 for GMP 2 with Construction Manager at Risk, J M Thompson, in the amount of
 \$4,537,077.23 for the new Pleasant Park Project. This Guaranteed Maximum Price 2
 (GMP 2) includes turf and fencing packages for the soccer fields, as well as the
 underground drainages systems for the turf..
- CN6 Erika Sacco, IT Director
 Motion to approve Capital Project Ordinance Amendment 2021-04 to allocate \$210,000 funding for IT related contracts related to the Senior Center / Community Center Expansion.
- CN7 Brian Meyer, Deputy Town Attorney and Mitch McKinney, Deputy Police Chief Motion to approve a Resolution adopting an Involuntary Commitment Custody and Transportation Agreement.
- CN8 Drew Havens, Town Manager
 Motion to approve vacation leave payout to retired Police Chief John Letteney for
 96 hours of leave accumulated in excess of what is allowed by policy.

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

PHI Joanna Helms, Economic Development Director
Public hearing to consider and receive public input on providing an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

- PH2 Joanna Helms, Economic Development Director
 Public hearing to consider and receive public input on providing financial assistance
 for Small Business Support initiatives during Winter 2021 and beyond to offset
 hardships created by the COVID-19 pandemic.
- PH3 Dianne Khin, Director of Planning and Community Development
 Public hearing and possible motion to adopt an Ordinance on the Question of
 Annexation Apex Town Council's intent to annex Peak City Partners, LLC (1200
 James Street) property containing 4.777 acres located at 1200 James Street,
 Annexation #699 into the Town's corporate limits.
- PH4 Sarah Van Every, Senior Planner

 Public Hearing and possible motion to approve Rezoning Application #20CZ11

 Roberts Road Properties PUD. The applicant, Justin Michela, seeks to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- PH5 Sarah Van Every, Senior Planner
 Public hearing and possible motion to adopt an Ordinance on the Question of
 Annexation Apex Town Council's intent to annex Yumeewarra Farm Assembly
 property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road,
 Annexation #702 into the Town's corporate limits.
- PH6 Sarah Van Every, Senior Planner
 Public Hearing and possible motion to approve Rezoning Application #20CZ13
 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive
 Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie
 Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County
 Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).
- PHZ Lauren Staudenmaier, Planner I
 Public Hearing and possible motion to approve Rezoning Application #20CZ15
 Smithfield Road Collision Center. The applicant, Spencer B. Terry III, P.E, Carolina
 Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the
 properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and
 portion of PIN 0740649679), from Rural Residential (RR) and High Density Single-Family
 Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).
- PH8 Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR&A Advisors
 Public hearing and possible motion regarding adoption of the Town of Apex
 Affordable Housing Plan.
- PH9 Amanda Bunce, Current Planning Manager
 Public Hearing and possible motion regarding amendments to the Unified
 Development Ordinance related to the deadline for the submittal of requested
 quarterly receipts for businesses that serve alcohol for on-premise consumption.

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

PRESENTATION BY TOWN MANAGER

CLOSED SESSION

WORK SESSION

<u>ADJOURNMENT</u>

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: January 26, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager with Tim Maloney, Wake Co.

Planning, Development & Inspections Director and Tim Gardiner, Planner III -

Transportation

Department(s): Planning and Community Development

Requested Motion

Presentation on the status of PLANWake, the draft comprehensive plan for Wake County.

Approval Recommended?

Not Applicable

<u>Item Details</u>

PLANWake is a process that involves looking at Wake County's major challenges and opportunities and working together to develop a strong vision that represents our diverse values. The process will result in a new comprehensive plan with high-level policies that help guide actions and decision-making addressing critical issues that impact our daily lives.

Attachments

• None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: January 26, 2021

Item Details

Presenter(s): Mayor Jacques Gilbert

Department(s): Governing Body

Requested Motion

Presentation of Proclamation recognizing Health and Humanity Yogathon

<u>Approval Recommended?</u>

N/A

<u>Item Details</u>

This is an annual event held by Hindu Swayamsevak Sangh (HSS), a nonprofit charitable organization.

<u>Attachments</u>

• Proclamation



Proclamation

from the Office of the Mayor

2021 Health for Humanity Yogathon

- WHEREAS, Yoga is an ancient Hindu practice developed thousands of years ago in the Indian subcontinent for maintaining spiritual, mental, and physical wellbeing; and
- WHEREAS, Surya Namaskara, or Sun Salutation, is a traditional yogic practice combining a sequence of postures with breathing exercises; and
- WHEREAS, Hindu Swayamsevak Sangh, or HSS, is a nonprofit charitable organization with over 235 branches in 173 cities and in 32 states including 9 branches in the state of Massachusetts, through which it conducts a Hindu value education program and community service activities such as food drives, providing hot meals to shelters, and providing PPE to first responders in several cities across MA; and
- WHEREAS, HSS is organizing its annual Health for Humanity Yogathon with the goal of having 1000 individual participants cumulatively complete 11,000 repetitions of Surya Namaskara to promote the spiritual, mental, and physical wellbeing of all members of the community; and
- WHEREAS, Yoga enthusiasts, yoga studios, local schools, and other community organizations are participating in the HSS Health for Humanity Yogathon;
- NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby recognize HSS for organizing its annual Health for Humanity Yogathon to promote the spiritual, mental, and physical wellbeing of all members of the community.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 26th day of January 2021.

J	acques K.	Gilbert,	Mayor	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: January 26, 2021

Item Details

Presenter(s): Mayor Jacques Gilbert

Department(s): Governing Body

Requested Motion

Presentation of Black History Month Proclamation

<u>Approval Recommended?</u>

N/A

<u>Item Details</u>

N/A

<u>Attachments</u>

• Proclamation



Proclamation

from the Office of the Mayor

BLACK HISTORY MONTH 2021

- WHEREAS, Black History Month grew out of the establishment of Negro History Week in 1926 by Carter G. Woodson and the Association for the Study of African American Life and History; and
- WHEREAS, the Association for the Study of African American Life and History has selected "The Black Family: Representation, Identity, and Diversity" as the 2021 national theme for Black History Month; and
- WHEREAS, Black History Month seeks to emphasize Black history and its cultural contributions to American life and is designed to recognize and pay tribute to the many contributions of African Americans to the history, society, and culture of our community and to the United States; and
- WHEREAS, this type of emphasis can strengthen the insight of all citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers to equality for minority groups, and the continuing struggle against racial discrimination; and
- WHEREAS, Black History Month will be celebrated in the Town of Apex with a series of virtual exhibits and virtual special events geared towards the enjoyment and education of all citizens;
- NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim the month of February as Black History Month in the Town of Apex and encourage all citizens to celebrate our diverse heritage and culture and to continue our efforts to create a world that is more just, peaceful, and prosperous for all.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 26th day of January 2021

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 26, 2021

Item Details

Presenter(s): Donna Hosch, Town Clerk
Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the Apex Tax Report dated 12/07/2020

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

In regular session on January 4, 2021, the Wake County Board of Commissioners approved and accepted the Apex tax report dated December 7, 2020.

<u>Attachments</u>

• Tax Report



ax Committee Meeting: 12/10/2020

Board of Commissioners Meeting: 01/04/2021

'O: Wake County Board of Commissioners and Town Board of Apex

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

Relief Codes:

Approved by:

Rimdorbaner

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

1. New to North Carolina

5. Military Deployment

2. First time listing

6. Provided proof of timely listing

3. Previous year listing on time

4. Omitted item(s) from listing - Current/previous listing on time

tem #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Late List Appealed Payment Status	Appeal/Request Type	Recommendation	Relief Code
7137	ADVANTAGE SALES & MARKETING LLC ADVANCED PROPERTY TAX COMPLIANCE 1611 N INTERSTATE 35E STE 428 CARROLLTON TX 75006-8616	BUSINESS PERSONAL PROPERTY APEX	0006707784 2020 \$1.01 Not Paid	Late List Penalty	Granted	6
7177	DUNCAN-PARNELL INC EQUIPMENT LEASING DIVISION PO BOX 35649 CHARLOTTE NC 28235-5649	BUSINESS PERSONAL PROPERTY APEX	0006142317 2020 \$43.68 Not Paid	Late List Penalty	Granted	6

'his List Requires Board Action

ax Committee Members: Natasha Baldwin, City Of Raleigh

Kim Lorbacher, Wake County Finance Jessica Murphy-Rhem, Town Of Cary Ms OK

Marcus Kinrade, Tax Administrator

Board Report

Date: 01/04/2021

TO: WAKE COUNTY BOARD OF COMMISSIONERS

RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

Approved By :	unz	LO	bac	he-
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No.	Name of Tax Payer	Account Number	Tax and Penalties		Total Rebate	Total Refund	Request Status
1	CORELOGIC	0000448387- 2020- 2020- 000000	City	42.20	108.85	100.05	Refund
	PO BOX 9202 COPPELL TX, 75019 - 9760	0000446387- 2020- 2020- 000000	County	66.65	108.63	100.03	Relatio
2	LAW OFFICE OF DUANE R HALL PLLC 213 E LANE ST	0000424558- 2020- 2020- 000000	City	105.09	271.02	271.02	Refund
	RALEIGH NC, 27601	0000424330- 2020- 2020- 000000	County	165.93	271.02	211.02	rtelulia
3	SCRATCH KITCHEN AND TAPROOM LLC 225 SALEM ST	0006852843- 2019- 2019- 000000	City	142.66	390.40	300 38	Refund
	APEX NC, 27502	0000032043- 2019- 2019- 000000	County	247.74	390.40	399.30	rtelulia
4	SCRATCH KITCHEN AND TAPROOM LLC 225 N SALEM ST	0006852843- 2020- 2020- 000000	City	130.63	336.88	336.88	Refund
	APEX NC, 27502	0000832043- 2020- 2020- 000000	County 206.25		330.00	330.00	rtelulia
	Marcus D. Kinrade		Total City Rebated	420.58			
	Wake County Tax Administrator		Total County Rebated	686.57			
	Mg DVC		Total Rebate/Refund		1,107.15	1,116.13	

CC:

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^{*}Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.



Wake County Tax Administration Rebate Details

11/01/2020 - 11/30/2020

DATE

TIME

PAGE

12/07/2020

4:11:55 PM

1

NORTH CAROLINA					11/01/2	APEX					
REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER			BILLING TYPE	OWNER
BUSINESS ACCO	UNTS										
770325	1,099.56	0.00	0.00	0.00	1,099.56	11/04/2020	0006445538	2020	2020	000000	WESTSTAR PRECISION INC
771242	4,514.05	0.00	451.41	0.00	4,965.46	11/16/2020	0006845160	2020	2020	000000	CHARTER DEVELOPMENT CO LLC
770623	112.75	0.00	11.28	0.00	124.03	11/09/2020	0006799175	2020	2020	000000	ZOCALO INC
770972	118.75	0.00	11.88	0.00	130.63	11/18/2020	0006852843	2020	2020	000000	SCRATCH KITCHEN AND TAPROOM LLC
770977	129.69	0.00	12.97	0.00	142.66	11/13/2020	0006852843	2019	2019	000000	SCRATCH KITCHEN AND TAPROOM LLC
771379	234.45	0.00	23.45	0.00	257.90	11/18/2020	0006096396	2020	2020	000000	Q S / 1 DATA SYSTEMS DIVISION OF
SUBTOTALS FOR BUSINESS ACCOUNTS	6,209.25	0.00	510.99	0.00	6,720.24	6	Properties 1	Rebated			
BUSINESS REAL ESTATE ACCOUN	NTS										
772238	26,938.58	0.00	0.00	0.00	26,938.58	11/24/2020	0000032658	2020	2020	000000	CSP COMMUNITY OWNER LLC
772234	2.17	0.00	0.00	0.00	2.17	11/24/2020	0000428432	2020		000000	NEW HERITAGE TOWNHOME OWNERS ASSOCIATION
772232	2.17	0.00	0.00	0.00	2.17	11/24/2020	0000428431	2020	2020	000000	NEW HERITAGE TOWNHOME OWNERS ASSOCIATION
772230	2.17	0.00	0.00	0.00	2.17	11/24/2020	0000428430	2020	2020	000000	NEW HERITAGE TOWNHOME OWNERS ASSOCIATION
772219	775.20	0.00	0.00	0.00	775.20	11/24/2020	0000468590	2020	2020	000000	B9 MF VILLAGE WEST OWNER LLC



Wake County Tax Administration

Rebate Details

11/01/2020 - 11/30/2020 **APEX** DATE

TIME

PAGE

12/07/2020

4:12:00 PM

2

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER			BILLING TYPE	OWNER
BUSINESS REAL ESTATE ACCOUN	UTS										
772211	229.57	0.00	0.00	0.00	229.57	11/24/2020	0000468600	2020	2020	000000	WESTFORD COMMERCIAL WEH
771517	16,904.34	0.00	0.00	0.00	16,904.34	11/20/2020	0000358980	2020	2020	000000	BEAVER CREEK CROSSINGS OWNER LLC
771516	12,851.57	0.00	0.00	0.00	12,851.57	11/20/2020	0000358979	2020	2020	000000	BEAVER CREEK CROSSINGS OWNER LLC
770978	3,076.97	0.00	0.00	0.00	3,076.97	11/13/2020	0000411766	2020	2020	000000	BCP LUFKIN LLC
770968	1,807.98	0.00	0.00	0.00	1,807.98	11/13/2020	0000411768	2020	2020	000000	NGO TU HA LLC
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	62,590.72	0.00	0.00	0.00	62,590.72	10	Properties	Rebated			
INDIVIDUAL PROPERTY ACCO	DUNTS										
771008	3.42	0.00	0.34	0.00	3.76	11/12/2020	0006898087	2020	2020	000000	BUTTS, DEBRA JO
771408	26.93	0.00	2.69	0.00	29.62	11/18/2020	0006811926	2020	2020	000000	SOURCE ONE ENTERPRISES NC LLC
772071	1.52	0.00	0.15	0.00	1.67	11/23/2020	0006813642	2020	2020	000000	COMBOPIANO, KEVIN THOMAS
772205	0.00	60.00	15.24	0.00	75.24	11/24/2020	0006847898	2020	2020	000000	SOURCE ONE ENTERPRISES NC LLC
771380	233.79	0.00	23.38	0.00	257.17	11/19/2020	0006872988	2020	2020	000000	GROTEVANT, JOHN
770967	7.60	0.00	0.76	0.00	8.36	11/12/2020	0006904082	2020	2020	000000	PICON, CARLOS MARIO



Wake County Tax Administration Rebate Details

11/01/2020 - 11/30/2020 **APEX** DATE

TIME

PAGE

12/07/2020

4:12:00 PM

3

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER			BILLING TYPE	OWNER
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	273.26	60.00	42.56	0.00	375.82	6	Properties	Rebated			
INDIVIDUAL RE.											
770761	26.81	0.00	0.00	0.00	26.81	11/10/2020	0000455818	2020	2020	000000	CHIONG, ERIC
770762	1,666.15	0.00	0.00	0.00	1,666.15	11/10/2020	0000465719	2020	2020	000000	ARAVETI, VENKATA SUDEEPTH
772190	137.51	0.00	0.00	0.00	137.51	11/24/2020	0000344524	2020	2020	000000	GIRARD, DENIS S
770644	1,468.53	0.00	0.00	0.00	1,468.53	11/06/2020	0000406809	2020	2020	000000	BIGGS, KENNETH JR
770643	1,752.98	0.00	0.00	0.00	1,752.98	11/06/2020	0000406226	2020	2020	000000	GAONKAR, DEEPAK RAMA
770642	2,275.99	0.00	0.00	0.00	2,275.99	11/06/2020	0000438041	2020	2020	000000	LAXMI, NARASIMHA MURTHY PAKKI
770620	244.91	0.00	0.00	0.00	244.91	11/06/2020	0000451550	2020	2020	000000	SCHAALE, STEVEN FRANK
770005	162.32	0.00	0.00	0.00	162.32	11/03/2020	0000326237	2020	2020	000000	SPATARO, ALAN C JR
770616	126.70	0.00	0.00	0.00	126.70	11/06/2020	0000409610	2020	2020	000000	TRINCHARD, GEOFFREY G
770617	383.42	0.00	0.00	0.00	383.42	11/06/2020	0000436608	2020	2020	000000	MARSHALL, PAMELA J/TR
770512	55.49	0.00	0.00	0.00	55.49	11/06/2020	0000238564	2020	2020	000000	FIEDLER, LOUELLA L
770498	15.74	0.00	0.00	0.00	15.74	11/05/2020	0000409139	2020	2020	000000	TILER, DAVID P
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	8,316.55	0.00	0.00	0.00	8,316.55	12	Properties ?	Rebated			
WILDLIFE BOAT ACCOUNTS											
771272	6.95	0.00	0.70	0.00	7.65	11/16/2020	0004197096	2020	2020	000000	PENN, MICHAEL GEORGE



Wake County Tax Administration Rebate Details

DATE

TIME

PAGE

11/01/2020 - 11/30/2020

12/07/2020

4:12:00 PM

4

APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED		ACCOUNT NUMBER	TAX YEAR BILLING OWNER YEAR FOR TYPE
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	6.95	0.00	0.70	0.00	7.65	1	Properti	es Rebated
TOTAL REBATED FOR APEX	77,396.73	60.00	554.25	0.00	78,010.98	35	Propertie	s Rebated for City

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 26, 2021

Item Details

Presenter(s): Mayor Jacques Gilbert

Department(s): Governing Body

Requested Motion

Motion to reappoint Jeff Ulrick, Bill Carraway, and Betsy Sisley to the Tree CAP Committee

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

These current members wish to serve another term, spanning January 1, 2021 through December 31, 2021:

- Jeff Ulrick, would be his sixth consecutive term
- Bill Carraway, would be his second consecutive term
- Betsy Sisley, would be her second consecutive term

<u>Attachments</u>

N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 26, 2021

Item Details

Presenter(s): Allyson Coltrane, Long Range Transit Planner II

Department(s): Planning and Community Development

Requested Motion

Possible motion to approve, and to authorize the Town Manager to sign and execute, the Triangle Transportation Demand Management Agreement to fund a portion of the new Long-Range Transit Planner position and promotion of the GoApex Route 1 in Fiscal Year 2021.

Approval Recommended?

Yes

<u>Item Details</u>

The Town of Apex's adopted budget includes funding for a Long-Range Transit Planner to oversee operation of GoApex Route 1. The Planning Department applied for and was awarded matching funding through the Transportation Demand Management Program to provide funding for 50% percent of this position, promote GoApex Route 1, and establish a Transportation Demand Management Program. The Transportation Demand Management Program Agreement between Town of Apex and Triangle J Council of Governments establishes the terms of the funding agreement and responsibilities of each party. Based on the funding agreement, up to \$25,000 of TDM programming funds would be awarded to the Town of Apex for the Long-Range Transit Planner position, promotion of GoApex Route 1, and TDM Coordination in FY21. The Town of Apex funding match would be provided through a combination of local funds and funds awarded through the Community Funding Area Program for Wake Transit.

<u>Attachments</u>

- Attachment 1 Triangle Transportation Demand Management Apex Sub-Contract
- Attachment 2 Transportation Demand Management Budget
- Attachment 3 Transportation Demand Management Narrative



THIS AGREEMENT made this the day of , 2020, (hereinafter referred to as AGREEMENT) by and between the TRIANGLE J COUNCIL OF GOVERNMENTS ("TJCOG") and Town of Apex ("Recipient").

WHEREAS, TJCOG and the Recipient desire to utilize grant funds for the purpose of encouraging innovative approaches in the provision of transportation demand management services; and

WHEREAS, TJCOG and the Recipient desire to secure and utilize grant funds for the above referenced purposes,

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, TJCOG and the Recipient agree as follows:

Section 1. Purpose of Agreement.

The purpose of this Agreement is to provide for the undertaking of a transportation demand management (TDM) project by the Recipient as described in the project application.

Section 2. Project Implementation.

The Recipient agrees to carry out the Project as follows:

- a. Scope of Project. The Recipient shall undertake and complete the Project as described in the approved Recipient's Project Budget, incorporated into this Agreement as Attachment A, filed with and approved by the TDM Oversight Committee, and in accordance with the Project Application for financial assistance and the terms and conditions of this Agreement. Nothing shall be construed under the terms of this Agreement by TJCOG or the Recipient that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations.
- b. Cost of Project. The total cost of the Project approved by the TDM Oversight Committee is \$50,001.46 as set forth in the Project Description and Budget, incorporated into this Agreement as Attachment A. This includes \$50,001.46 for local activities (50% or \$25,000.73 in grant funding, and 50% or \$25,000.73 in local match). Funds may not be transferred among line items unless written authorization is obtained from the TDM Oversight Committee. TJCOG will then work with the Recipient to prepare a budget amendment.
- c. Period of Performance. This Agreement shall commence upon the date of execution. The period of performance for all expenditures shall extend from **JULY 1, 2020 TO JUNE 30, 2021**, unless written authorization to the contrary is provided by TJCOG. If a contract extension is requested, TJCOG must obtain written authorization from the Department of Transportation and the TDM Oversight Committee. The Recipient shall commence, carry on, and complete the approved Project with all practicable dispatch, in a sound, economical, and efficient manner.
- d. Recipient's Capacity. The Recipient agrees to maintain sufficient legal, financial, technical, and managerial capability to: (a) Plan, manage, and complete the Project and provide for the use of Project property; (b) Carry out the safety and security aspects of the Project; and (c) Comply with the terms of this Agreement, the Approved Project Budget, the Project schedules, and applicable Federal and State laws, regulations, and directives.
- e. Administrative Requirements. The Recipient agrees to comply with the following Federal and State administrative requirements: (1) U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18 at https://one.nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03 DOTComRul 49CFR18.

- <u>html(2)</u> Title 19A North Carolina Administrative Code (N.C.A.C.) Subchapter 5B at <u>http://reports.oah.state.nc.us/ncac.asp.</u>
- f. Application of Federal, State, and Local Laws, Regulations, and Directives. To achieve compliance with changing federal requirements, the Recipient makes note that federal, state and local requirements may change and the changed requirements will apply to this Agreement as required.
- g. Full and Open Competition. In accordance with 49 U.S.C. § 5325(a), the Recipient agrees to conduct all procurement transactions in a manner that provides full and open competition.
- h. Recipient's Responsibility to Extend Federal and State Requirements to Other Entities.
 - a. Entities Affected. Only entities that are signatories to this Agreement for the Project are parties to this agreement. To achieve compliance with certain Federal and State laws, regulations, or directives, however, other Project participants, such as subrecipients and third-party contractors, will necessarily be involved. Accordingly, the Recipient agrees to take the appropriate measures necessary to ensure that all Project participants comply with applicable Federal and State laws, regulations, and directives affecting their performance
 - b. Documents Affected. The applicability provisions of Federal and State laws, regulations, and directives determine the extent to which their provisions affect a Project participant. Thus, the Recipient agrees to include adequate provisions to ensure that each Project participant complies with those Federal and State laws, regulations, and directives. In addition, the Recipient also agrees to require its third party contractors and subrecipients to include adequate provisions to ensure compliance with applicable Federal and State laws, regulations, and directives in each lower tier subcontract and sub agreement for the Project. Additional requirements include the following: (a) Third Party Contracts. Because Project activities performed by a third party contractor must comply with all applicable Federal and State laws, regulations, and directives, the Recipient agrees to include appropriate clauses in each third party contract stating the third party contractor's responsibilities under Federal and State laws, regulations, and directives, including any provisions directing the third party contractor to extend applicable requirements to its subcontractors at the lowest tier necessary. When the third party contract requires the third party contractor to undertake responsibilities for the Project usually performed by the Recipient, the Recipient agrees to include in that third party contract those requirements applicable to the Recipient imposed by the Grant Agreement for the Project. Additional guidance pertaining to third party contracting is contained in the FTA's "Best Practices Procurement Manual." (b) Sub agreements. Because Project activities performed by a subcontractor/ subrecipient must comply with all applicable Federal and State laws, regulations, and directives, the Recipient agrees as follows:
 - Written Sub agreement. The Recipient agrees to enter into a written agreement with each subrecipient (sub agreement) stating the terms and conditions of assistance by which the Project will be undertaken and completed.
 - ii. Compliance with Federal Requirements. The Recipient agrees to implement the Project in a manner that will not compromise the Recipient's compliance with Federal and State laws, regulations, and directives applicable to the Project and the Recipient's obligations under this Agreement for the Project. Therefore, the Recipient agrees to include in each sub agreement appropriate clauses directing the subrecipient to comply with those requirements applicable to the Recipient imposed by this Agreement for the Project and

extend those requirements as necessary to any lower level sub agreement or any third party contractor at each tier.

Section 3. Ethics.

- a. Code of Ethics. The Recipient agrees to maintain a written code or standards of conduct that shall govern the actions of its officers, employees, board members, or agents engaged in the award or administration of third party contracts or sub agreements financed with Federal/State assistance. The Recipient agrees that its code or standards of conduct shall specify that its officers, employees, board members, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from any present or potential third party contractor at any tier or subrecipient at any tier or agent thereof. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in the firm selected for award. The Recipient may set de minimis rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. The Recipient agrees that its code or standards shall also prohibit its officers, employees, board members, or agents from using their respective positions in a manner that presents a real or apparent personal or organizational conflict of interest or personal gain. As permitted by State or local law or regulations, the Recipient agrees that its code or standards of conduct shall include penalties, sanctions, or other disciplinary actions for violations by its officers, employees, board members, or their agents, or its third party contractors or subrecipients or their agents. (1) Personal Conflicts of Interest. The Recipient agrees that its code or standards of conduct shall prohibit the Recipient's employees, officers, board members, or agents from participating in the selection, award, or administration of any third party contract or sub agreement supported by Federal/State assistance if a real or apparent conflict of interest would be involved. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in the firm selected for award. (2) Organizational Conflicts of Interest. The Recipient agrees that its code or standards of conduct shall include procedures for identifying and preventing real and apparent organizational conflicts of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third party contract or sub agreement may, without some restrictions on future activities, result in an unfair competitive advantage to the third party contractor or subrecipient or impair its objectivity in performing the contract work.
- b. Debarment and Suspension. The Recipient agrees to comply, and assures the compliance of each third party contractor, with Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, and U.S. DOT regulations, "Governmentwide Debarment and Suspension (Non procurement)," 49 C.F.R. Part 29. The Recipient agrees to, and assures that its third-party contractors will, review the Excluded Parties Listing System at (http://epls.arnet.gov/) before entering into any contracts.
- c. Bonus or Commission. The Recipient affirms that it has not paid, and agrees not to pay, any bonus or commission to obtain approval of its application for the Project.
- d. Lobbying Restrictions. The Recipient agrees that: (1) It will comply, and will assure the compliance of each third party contractor at any tier and each subrecipient at any tier, with U.S. DOT regulations, "New Restrictions on Lobbying," 49 C.F.R. Part 20, modified as necessary by 31 U.S.C. § 1352, and (2) To the extent applicable, it will comply with Federal/State laws and regulations prohibiting the use of Federal/State assistance for

- activities designed to influence Congress or a State legislature with respect to legislation or appropriations, except through proper, official channels.
- e. Employee Political Activity. To the extent applicable, the Recipient agrees to comply with the provisions of the Hatch Act, 5 U.S.C. §§ 1501 through 1508, and 7324 through 7326, and U.S. Office of Personnel Management regulations, "Political Activity of State or Local Officers or Employees," 5 C.F.R. Part 151. The Hatch Act limits the political activities of State and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with Federal funds including a Federal grant, cooperative agreement, or loan. Nevertheless, in accordance with 49 U.S.C. § 5307(k)(2)(B) and 23 U.S.C. § 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom the Hatch Act would not otherwise apply.
- False or Fraudulent Statements or Claims. The Recipient acknowledges and agrees that: (1) Civil Fraud. The Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq., and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its activities in connection with the Project. By executing this Agreement for the Project, the Recipient certifies or affirms the truthfulness and accuracy of each statement it has made, it makes, or it may make in connection with the Project. In addition to other penalties that may apply, the Recipient also understands that if it makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal/State Government concerning the Project, the Federal/State Government reserves the right to impose on the Recipient the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, to the extent the Federal/State Government deems appropriate. (2) Criminal Fraud. If the Recipient makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal/State Government or includes a false, fictitious, or fraudulent statement or representation in any agreement with the Federal/State Government in connection with a Project authorized under 49 U.S.C. chapter 53 or any other Federal law, the Federal/State Government reserves the right to impose on the Recipient the penalties of 49 U.S.C. § 5323(l), 18 U.S.C. § 1001 or other applicable Federal/State law to the extent the Federal/State Government deems appropriate.

Section 4. Project Expenditures.

- a. General. The Department shall reimburse the Recipient for allowable costs for work performed under the terms of this Agreement. The Recipient shall expend funds provided in this Agreement in accordance with the approved Project Budget, included as Attachment A to this Agreement. It is understood and agreed that the work conducted pursuant to this Agreement shall be done on an actual cost basis by the Recipient. **Expenditures submitted for reimbursement shall include all eligible costs incurred within the quarterly timeframe in which the project reports expenditures to TJCOG.** The amount of reimbursement from TJCOG shall not exceed the award funds budgeted in the approved Project Budget. The Recipient shall initiate and prosecute to completion all actions necessary to enable the Recipient to provide its share of project costs at or prior to the time that such funds are needed to meet project costs. Each project line item included in the program budget and invoice template will only be reimbursed by grant funds at 50%. The remaining costs per line item must be paid by matching funds.
- b. Payment. The Recipient shall submit itemized invoices to TJCOG not less frequently than quarterly, reporting on forms furnished by TJCOG for work performed under this Agreement. Expenditures submitted for reimbursement shall include all eligible cost incurred and be for work performed within the quarter. Failure to request reimbursement for expenses incurred within the quarter may result in non-payment. All requests for

- reimbursement must be submitted within (30) days following the end of the quarter, including the final invoice. Invoices shall be supported by documentation of costs. Failure to request reimbursement for eligible projects costs as outlined may result in termination of the Project. Invoices shall be approved by the TJCOG Energy & Environment Program Manager.
- c. Excluded Costs. The Recipient understands and agrees that ineligible costs will be treated as follows: (1) In determining the amount of assistance TJCOG will provide, TJCOG will exclude: (a) Any Project cost incurred by the Recipient before the Effective Date of the Grant; (b) Any cost that is not included in the latest Approved Project Budget; (c) Any cost for Project property or services received in connection with a third party contract or sub agreement with a subrecipient that must be approved by the TDM Oversight Committee, or other arrangement required to be, but has not been, concurred by the Oversight Committee; (d) Any non-project cost consistent with the prohibitions of 49 U.S.C. § 5323(h); (e) Any cost ineligible for Department participation as provided by applicable Federal/State laws, regulations, or directives; and (f) **Expenditures on incentive items are prohibited.** (g) Items listed in the FY2018 Request for Proposals, including Food (with the exception of branded food items used as a promotional item); Unbranded promotional items, including event decorations (e.g., balloons); Incentives/prizes (unless prior approval has been obtained from the Oversight Committee); Entertainment (e.g., musical bands, DIs); Capital expenses (e.g., vehicle or vehicle parts acquisition, bicycles or bicycle racks, bus or vanpool passes for regular customers, etc. In special circumstances, bus, or vanpool passes may be used for new employees for a limited amount of time); Building costs; Sales tax (except for travel expenses); Operating costs, such as vehicle maintenance; Computer hardware and software (e.g., laptops); (2) The Recipient understands and agrees that payment to the Recipient for any Project cost does not constitute TJCOG's final decision about whether that cost is allowable and eligible for payment and does not constitute a waiver of any violation by the Recipient of the terms of this Agreement. The Recipient acknowledges that TICOG will not make a final determination about the allowability and eligibility of any cost until any audit of the Project has been completed. If TJCOG determines that the Recipient is not entitled to receive any portion of the State assistance the Recipient has requested or provided, TJCOG will notify the Recipient in writing, stating its reasons. The Recipient agrees that Project closeout will not alter the Recipient's responsibility to return any funds due TJCOG as a result of later refunds, corrections, or other transactions; nor will Project closeout alter TJCOG's right to disallow costs and recover funds on the basis of a later audit or other review. Unless prohibited by Federal/State law or regulation, TJCOG may recover any funds made available for the Project as necessary to satisfy any outstanding monetary claims that TICOG may have against the Recipient.
- d. State Claims, Excess Payments, Disallowed Costs, including Interest. (1) Recipient's Responsibility to Pay. Upon notification to the Recipient that specific amounts are owed to TJCOG, whether for excess payments of assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Recipient agrees to remit to TJCOG promptly the amounts owed, including applicable interest and any penalties and administrative charges. (2) Amount of Interest. The Recipient agrees to remit to TJCOG interest owed as determined in accordance with N.C.G.S. 147-86.23.
- e. Travel. Reimbursement for travel subsistence expenses (i.e., hotel and food costs) is allowable at the Federal rate (found at http://www.gsa.gov/perdiem).

Section 5. Accounting Records.

a. Documentation of Project Costs. All costs charged to the Project, including any approved services performed by the Recipient or others, shall be supported by properly executed

- payrolls, time records, invoices, contracts, receipts, or vouchers evidencing in detail the nature and propriety of the charges.
- b. Allowable Costs. Expenditures made by the Recipient shall be reimbursed as allowable costs to the extent they meet all of the requirements set forth below. They must be: (1) consistent with the Project Work Plan, Project Budget, and all other provisions of this Agreement; (2) Necessary in order to accomplish the Project; (3) Reasonable in amount for the goods or services purchased; (4) Actual net costs to the Recipient, i.e., the price paid minus any refunds; (5) Incurred and be for work performed within the period of performance of this Agreement; and (6) Satisfactorily documented.

Section 6. Reporting, Record Retention, and Access.

- a. Reports & Invoices. The Recipient shall provide quarterly reports to TJCOG on the progress of its TDM activities described in the Work Plan. The Recipient shall collect and submit to TJCOG at such time as it may require, such financial statements, data, records, contracts, and other documents related to the Project as may be deemed necessary by TJCOG. Such reports shall include narrative and financial statements of sufficient substance to be in conformance with the reporting requirements of the Triangle TDM Grant Program
- b. Record Retention. The Recipient and its third party contractors shall retain all records pertaining to this Project for a period of five (5) years from the date of final payment to the Recipient, or until all audit exceptions have been resolved, whichever is longer, in accordance with "Records Retention and Disposition Schedule Public Transportation Systems and Authorities, April 1, 2006," at https://files.nc.gov/dncr-archives/documents/files/public transportation systems authorities 20060401 1.pdf
- c. Access to Records of Recipient and Subcontractors. The Recipient shall permit and shall require its third party contractors to permit TJCOG or its authorized representatives to inspect all work, materials, payrolls, and other data and records with regard to the Project, and to audit the books, records, and accounts of the Recipient pertaining to the Project. TJCOG shall reserve the right to reject any and all materials and workmanship for defects and incompatibility with Project Description or excessive cost. The Department shall notify the Recipient, in writing, if materials and/or workmanship are found to be unacceptable. The Recipient shall have ninety (90) days from notification to correct defects or to provide acceptable materials and/or workmanship. Failure by the Recipient to provide acceptable materials and/or workmanship, or to correct noted defects, shall constitute a breach of contract.
- d. Project Closeout. The Recipient agrees that Project closeout does not alter the reporting and record retention requirements of this Section 6 of this Agreement.

Section 7. Project Completion, Audit, Settlement, and Closeout.

- a. Project Completion. Within thirty (30) calendar days following Project completion, the end of the Project's period of performance, the Recipient agrees to submit a final reimbursement request to TJCOG for eligible Project expenses.
- b. Financial Reporting and Audit Requirements. In accordance with OMB Circular A-133 (http://www.ecfr.gov/cgi-bin/text-idx?SID=a4f865859e78a1e545f1d4c22b49fc86&node=sp2.1.200.e&rgn=div6), "Audits of State, Local Governments and Non-Profit Organizations," current as of April 2, 2015, and N.C.G.S. 159-34, the Recipient shall have its accounts audited as soon as possible after the close of each fiscal year by an independent auditor. TJCOG reserves the right to request annual audit reports from the subrecipient.
- c. Audit Costs. Unless prohibited by law, the costs of audits made in accordance with the provisions of OMB Circular A-133 are allowable charges to State awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in OMB Circular A-87 "Cost Principles for State, Local, and Indian Tribal

- Governments." The cost of any audit not conducted in accordance with OMB Circular A-133 and N.C.G.S. 159-34 is unallowable and shall not be charged to State grants.
- d. Funds Owed to TJCOG. The Recipient agrees to remit to TJCOG any excess payments made to the Recipient, any costs disallowed by TJCOG, and any amounts recovered by the Recipient from third parties or from other sources, as well as any penalties and any interest required by Subsection 4d of this Agreement.
- e. Project Closeout. Project closeout occurs when TJCOG issues the final project payment or acknowledges that the Recipient has remitted the proper refund. The Recipient agrees that Project closeout by TJCOG does not invalidate any continuing requirements imposed by this Agreement.

Section 8. Civil Rights. The Recipient agrees to comply with all applicable civil rights laws and implementing regulations including, but not limited to, the following:

- a. Nondiscrimination in Public Transportation Programs. The Recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier of the Project, with the provisions of 49 U.S.C. § 5332, which prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity.
- b. Nondiscrimination Title VI of the Civil Rights Act. The Recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act," 49 C.F.R. Part 21.
- c. Equal Employment Opportunity. The Recipient agrees to comply, and assures the compliance of each third party contractor at any tier of the Project and each subrecipient at any tier of the Project, with all equal employment opportunity (EEO) provisions of 49 U.S.C. § 5332, with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and implementing Federal regulations and any subsequent amendments thereto. The Recipient agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, sex, disability, age, or national origin. The Recipient agrees to take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, sex, disability, age, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- d. Access for Individuals with Disabilities. The Recipient agrees to comply with 49 U.S.C. § 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. The Recipient also agrees to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as amended, with 29 U.S.C. § 794, which prohibits discrimination on the basis of disability; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities; and with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to individuals with disabilities. In addition, the Recipient agrees to comply with applicable Federal regulations and directives

and any subsequent amendments thereto as follows: (1) U.S. DOT regulations. "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37; (2) U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27; (3) Joint U.S. Architectural and Transportation Barriers Compliance Board (U.S. ATBCB)/U.S. DOT regulations, "Americans With Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38; (4) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35; (5) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36; (6) U.S. General Services Administration (U.S. GSA) regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19; (7) U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630; (8) U.S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for the Hearing and Speech Disabled," 47 C.F.R. Part 64, Subpart F; and (9) U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. Part 1194; (10) FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. Part 609; and (11) Federal civil rights and nondiscrimination directives implementing the foregoing regulations.

- e. Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections. To the extent applicable, the Recipient agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1174 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4581 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd-3 and 290ee-3, and any subsequent amendments to these acts.
- f. Access to Services for Persons with Limited English Proficiency. To the extent applicable, the Recipient agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d-1 note, and with the provisions of U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 66 Fed. Reg. 6733 et seq., January 22, 2001.
- g. Environmental Justice. The Recipient agrees to comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note.
- h. Other Nondiscrimination Laws. The Recipient agrees to comply with all applicable provisions of other Federal laws, regulations, and directives pertaining to and prohibiting discrimination that are applicable.

Section 9. Planning and Private Enterprise.

a. General. To the extent applicable, the Recipient agrees to implement the Project in a manner consistent with the plans developed in compliance with the Federal planning and private enterprise provisions of the following: (1) 49 U.S.C. §§ 5303, 5304, 5306, and 5323(a)(1); (2) the joint Federal Highway Administration (FHWA)/FTA document, "Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, and subsequent Federal directives implementing SAFETEA-LU; (3) joint FHWA/FTA regulations, "Planning Assistance and Standards," 23 C.F.R. Part 450 and 49 C.F.R. Part 613 to the extent that those regulations are consistent with the SAFETEA-LU amendments to public transportation planning and private enterprise laws, and subsequent amendments to those regulations that may be promulgated;

- and () FTA regulations, "Major Capital Investment Projects," 49 C.F.R. Part 611, to the extent that those regulations are consistent with the SAFETEA-LU amendments to the public transportation planning and private enterprise laws, and any subsequent amendments to those regulations that may be subsequently promulgated. In addition, other regulations and restrictions pertaining specifically to Transportation Demand Management activities may apply, and TJCOG reserves the right to amend the contract with these regulations as they are brought to our attention.
- b. Governmental and Private Nonprofit Providers of Nonemergency Transportation. In addition to providing opportunities to participate in planning as described in Subsection 9a of this Agreement, to the extent feasible the Recipient agrees to comply with the provisions of 49 U.S.C. § 5323(k), which afford governmental agencies and nonprofit organizations that receive Federal assistance for nonemergency transportation from Federal Government sources (other than U.S. DOT) an opportunity to be included in the design, coordination, and planning of transportation services.

Section 10. Preference for United States Products and Services.

To the extent applicable, the Recipient agrees to comply with U.S. domestic preference requirements.

Section 11. Procurement.

To the extent applicable, the Recipient agrees to comply with the following third party procurement provisions:

- a. Federal and State Standards. The Recipient agrees to comply with the third party procurement requirements of 49 U.S.C. chapter 53 and other applicable Federal laws in effect now or as subsequently enacted; with U.S. DOT third party procurement regulations of 49 C.F.R. §§ 18.36 and other applicable Federal regulations pertaining to third party procurements and subsequent amendments thereto, to the extent those regulations are consistent with SAFETEA-LU provisions; and Article 8 of Chapter 143 of the North Carolina General Statutes. The Recipient also agrees to comply with the provisions of FTA Circular 4220.1E, "Third Party Contracting Requirements," to the extent those provisions are consistent with SAFETEA-LU provisions and with any subsequent amendments thereto. Although the FTA "Best Practices Procurement Manual" provides additional procurement guidance, the Recipient understands that the FTA "Best Practices Procurement Manual" is focused on third party procurement processes and may omit certain Federal requirements applicable to the third party contract work to be performed. The Recipient shall establish written procurement procedures that comply with the required Federal and State standards.
- b. Exclusionary or Discriminatory Specifications. Apart from inconsistent requirements imposed by Federal laws or regulations, the Recipient agrees to comply with the requirements of 49 U.S.C. § 5325(h) by not using any assistance awarded by TJCOG to support a procurement using exclusionary or discriminatory specifications.
- c. Geographic Restrictions. The Recipient agrees that it will not use any State or local geographic preference.
- d. Department Pre-award Approval. The Recipient agrees to submit procurement documents to TJCOG and the TDM Oversight Committee for its review and approval prior to award of a contract/subcontract under this Agreement for any of the following: (1) Any "brand name" product or sole source purchase equal to or greater than \$2,500; (2) Any contract/subcontract to other than apparent lowest bidder equal to or greater than \$2,500; (3) Any procurement equal to or greater than \$90,000; (4) Any contract modification that would change the scope of a contract or increase the contract amount up to or over the formal (sealed) bid threshold of \$90,000.

- e. Project Approval/Third Party Contract Approval. The Recipient agrees that TJCOG's award assistance for the Project does not, by itself, constitute pre-approval of any noncompetitive third party contract associated with the Project.
- f. Preference for Recycled Products. To the extent applicable, the Recipient agrees to comply with U.S. EPA regulations, "Comprehensive Procurement Guidelines for Products Containing Recovered Materials," 40 C.F.R. Part 247, which implements Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and with subsequent Federal regulations that may be promulgated. Accordingly, the Recipient agrees to provide a competitive preference for products and services that conserve natural resources, protect the environment, and are energy efficient.
- g. Clean Air and Clean Water. The Recipient agrees to report the use of facilities placed on or likely to be placed on the U.S. Environmental Protection Agency (U.S. EPA) "List of Violating Facilities," to not use any violating facilities, to report violations to TJCOG and the Regional U.S. EPA Office, and to comply with the inspection and other applicable requirements of: (1) Section 306 of the Clean Air Act, as amended, 42 U.S.C. § 7414, and other applicable provisions of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q; and (2) Section 508 of the Clean Water Act, as amended, 33 U.S.C. §§ 1368, and other applicable requirements of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377.
- h. National Intelligent Transportation Systems Architecture and Standards. To the extent applicable, the Recipient agrees to conform to the National Intelligent Transportation Systems (ITS) Architecture and Standards as required by SAFETEA-LU § 5307(c), 23 U.S.C. § 512 note, and comply with FTA Notice, "FTA National ITS Architecture Policy on Transit Projects" 66 Fed. Reg. 1455 et seq., January 8, 2001, and any subsequent further implementing directives.
- Competitive Proposal/Request for Proposal (RFP). The competitive proposal/ request for proposal (RFP) method of procurement is normally conducted with more than one source submitting an offer, i.e., proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. The Recipient acknowledges that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed below. (1) The Recipient agrees that the RFP Method may not be used in lieu of an invitation for bids (IFB) for: (a) Construction/repair work; or (b) Purchase of apparatus, supplies, materials or equipment. See Subsection 11i(2), this Agreement, regarding information technology goods as services. (2) The Recipient agrees that the RFP method of solicitation may be used (in addition to or instead of any other procedure available under North Carolina law) for the procurement of information technology goods and services [as defined in N.C.G.S. 147-33.81(2)]. This applies to electronic data processing goods and services, telecommunications goods and services, security goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes. The Recipient will comply with the following minimum requirements [N.C.G.S. 143-129.8]: (a) Notice of the request for proposals shall be given in accordance with N.C.G.S. 143-129(b). (b) Contracts shall be awarded to the person or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the request for proposals. (c) The Recipient may use procurement methods set forth in N.C.G.S. 143-135.9 in developing and evaluating requests for proposals. (d) The Recipient may negotiate with any proposer in order to obtain a final contract that best meets the needs of the Recipient. (e) Any negotiations shall not alter the contract beyond the scope of the original request for proposals in a manner that deprives the proposers or potential proposers of a fair opportunity to

compete for the contract; and would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals. (f) Proposals submitted shall not be subject to public inspection until a contract is awarded. (3) The Recipient agrees that the RFP method, in accordance with FTA Circular 4220.1E, under the guidelines of FTA "Best Practices Procurement Manual," should be used for procurements of professional services, such as consultants for planning activities and for transit system operations/management. The Recipient acknowledges that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed in Subsections 11j(1) and 11j(2) of this Agreement. (4) When the RFP method is used for procurement of professional services, the Recipient agrees to abide by the following minimum requirements: (a) Normally conducted with more than one source submitting an offer (proposal); (b) Either fixed price or cost reimbursement type contract will be used; (c) Generally used when conditions are not appropriate for use of sealed bids; (d) Requests for proposals will be publicized; (e) All evaluation factors will be identified along with their relative importance; (f) Proposals will be solicited from an adequate number (3 is recommended) of qualified sources; (g) A standard method must be in place for conducting technical evaluations of the proposals received and for selecting awardees; (h) Awards will be made to the responsible firm whose proposal is most advantageous to the Recipient's program with price and other factors considered; and (i) In determining which proposal is most advantageous, the Recipient may award to the proposer whose proposal offers the greatest business value (best value) to the agency. "Best value" is based on determination of which proposal offers the best tradeoff between price and performance, where quality is considered an integral performance factor.

- j. Award to Other than the Lowest Bidder. In accordance with State statutes, a third party contract may be awarded to other than the lowest bidder, if the award furthers an objective (such as improved long-term operating efficiency and lower long-term costs). When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs will be considered in determining which bid is lowest. Prior to the award of any contract equal to or greater than \$2,500 to other than apparent lowest bidder, the Recipient shall submit its recommendation along with basis/reason for selection to the Department for pre-award approval.
- k. Award to Responsible Recipients. The Recipient agrees to award third party contracts only to responsible contractors who possess potential ability to successfully perform under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Contracts will not be awarded to parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities in accordance with the Federal debarment and suspension 49 C.F.R. 29 rule. (see www.sam.gov and https://www.federalregister.gov/articles/2006/10/25/06-8657/debarment-andsuspension-nonprocurement-requirements for listings). For procurements over \$25,000, the Recipient shall comply, and assure the compliance of each third party contractor and subrecipient at any tier, with the debarment and suspension rule. FTA and the Department recommend that grantees use a certification form for projects over \$25,000, which are funded with Federal and/or State funds. A sample certification form can be obtained from the Department.
- l. Procurement Notification Requirements. With respect to any procurement for goods and services (including construction services) having an aggregate value of \$500,000 or more (in Federal funds), the Recipient agrees to: (1) Specify the amount of Federal and State funds that will be used to finance the acquisition in any announcement of the contract award for such

- goods or services; and (2) Express the said amount as a percentage of the total costs of the planned acquisition.
- m. Contract Administration System. The Recipient shall maintain a contract administration system that ensures that contractors/subcontractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- n. Access to Third Party Contract Records. The Recipient agrees, and agrees to require its third party contractors and third party subcontractors, at as many tiers of the Project as required, to provide to TJCOG access to all third party contract records to the extent required by 49 U.S.C. § 5325(g), and retain such documents for at least five (5) years after project completion.

Section 12. Leases.

- a. Capital Leases. To the extent applicable, the Recipient agrees to comply with FTA regulations, "Capital Leases," 49 C.F.R. Part 639, and any revision thereto.
- b. Leases Involving Certificates of Participation. The Recipient agrees to obtain the concurrence of the TDM Oversight Committee before entering into any leasing arrangement involving the issuance of certificates of participation in connection with the acquisition of any capital asset.

Section 13. Hold Harmless.

Except as prohibited or otherwise limited by State law, upon request by TJCOG, the Recipient agrees to indemnify, save, and hold harmless TJCOG and its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Recipient of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project. The Recipient shall not be required to indemnify TJCOG for any such liability caused by the wrongful acts of TJCOG employees or agents.

Section 14. Use of Real Property, Equipment, and Supplies.

The Recipient understands and agrees that the State Government retains a State interest in any real property, equipment, and supplies financed with State assistance (Project property) until, and to the extent, that the State Government relinquishes its State interest in that Project property. With respect to any Project property financed with State assistance under this Agreement, the Recipient agrees to comply with the following provisions of this Agreement:

- a. Use of Project Property. The Recipient agrees to use Project property for appropriate Project purposes (which may include joint development purposes that generate program income, both during and after the award period and used to support public transportation activities) for the duration of the useful life of that property, as required by TJCOG. Should the Recipient unreasonably delay or fail to use Project property during the useful life of that property, the Recipient agrees that it may be required to return the entire amount of the State assistance expended on that property. The Recipient further agrees to notify TJCOG immediately when any Project property is withdrawn from Project use or when any Project property is used in a manner substantially different from the representations the Recipient has made in its Application or in the Project Description for this Agreement for the Project.
- b. General. The Recipient agrees to comply with the property management standards of 49 C.F.R. §§ 18.31 through 18.33, including any amendments thereto, and with other applicable Federal and State regulations and directives. Any exception to the requirements of 49 C.F.R. §§ 18.31 through 18.33 requires the express approval of TJCOG in writing.
- c. Records. The Recipient agrees to keep satisfactory records pertaining to the use of Project property, and submit to TJCOG upon request such information as may be required to assure compliance with this Section 14 of this Agreement.

- d. Encumbrance of Project Property. The Recipient agrees to maintain satisfactory continuing control of Project property as follows: (1) Written Transactions. The Recipient agrees that it will not execute any transfer of title, lease, lien, pledge, mortgage, encumbrance, third party contract, subagreement, grant anticipation note, alienation, innovative finance arrangement (such as a cross border lease, leveraged lease, or otherwise), or any other obligation pertaining to Project property, that in any way would affect the continuing State interest in that Project property. (2) Oral Transactions. The Recipient agrees that it will not obligate itself in any manner to any third party with respect to Project property. (3) Other Actions. The Recipient agrees that it will not take any action adversely affecting the State interest in or impair the Recipient's continuing control of the use of Project property.
- e. Insurance Proceeds. If the Recipient receives insurance proceeds as a result of damage or destruction to the Project property, the Recipient agrees to: (1) Apply those insurance proceeds to the cost of replacing the damaged or destroyed Project property taken out of service, or (2) Return to TJCOG an amount equal to the remaining interest in the damaged or destroyed Project property.
- f. Misused or Damaged Project Property. If any damage to Project property results from abuse or misuse occurring with the Recipient's knowledge and consent, the Recipient agrees to restore the Project property to its original condition or refund the value of the State interest in that property, as TJCOG may require.
- g. Responsibilities after Project Closeout. The Recipient agrees that Project closeout by TJCOG will not change the Recipient's Project property management responsibilities as stated in Section 14 of this Agreement, and as may be set forth in subsequent Federal and State laws, regulations, and directives.

Section 15. Insurance.

The Recipient shall be responsible for protecting the State financial interests in all items purchased under this Agreement throughout the useful life of the Project property.

Section 16. Employee Protections.

- a. Activities Not Involving Construction. The Recipient agrees to comply, and assures the compliance of each third party contractor, with the employee protection requirements for non construction employees of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3701 et seq., in particular the wage and hour requirements of Section 102 of that Act at 40 U.S.C. § 3702, and with U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non construction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5.
- b. Activities Involving Commerce. The Recipient agrees that the provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq., apply to employees performing Project work involving commerce.

Section 17. Reserved.

Section 18. Energy Conservation.

To the extent applicable, the Recipient agrees to comply with the North Carolina Energy Policy Act of 1975 (N.C.G.S. 113B) issued in accordance with the Energy Policy and Conservation Act, as amended, 42 U.S.C. §§ 6321 et seq.

Section 19. Charter Service Operations.

FTA defines charter service under (49 CFR Part 604.3 (c-h) as Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. Charter service does not include any form of demand-response transportation. The Recipient acknowledges that Federal and State rules and regulations prohibit the provision of charter service using FTA funded equipment and facilities if a registered private charter operator expresses interest in providing the service. Beginning July 30, 2008, all grantees providing charter service under the exceptions shall post the required records on the FTA charter website quarterly using TEAM within 30 days of the end of each calendar quarter. NCDOT requires that any sub-recipient wishing to provide charter service must comply with the procedures in the Final Rule on Charter Service. NCDOT must be notified via email or postal service that a request for charter service exception is being submitted to FTA, including all supporting documentation. The Recipient agrees that neither it nor any public transportation operator performing work in connection with a Project financed under 49 U.S. C. chapter 53 will engage in charter service operations, except as authorized by 49 U.S. C. 53 5323 (d) and FTA regulations, "Charter Service, "49 C.F. R. Part 604, and any subsequent Charter Service regulations or FTA directives that may be issued, except to the extent that FTA determines otherwise in writing. Any charter service agreement required by FTA regulations is incorporated by reference and made part of this Agreement for the Project. The Recipient understands and agrees that in addition to any remedy specified in the charter agreement, if a pattern of violations of that agreement is found, the violator will be barred from receiving Federal transit assistance in an amount to be determined by FTA or U.S. DOT.

Section 20. School Transportation Operations.

The Recipient agrees that neither it nor any public transportation operator performing work in connection with a Project financed with Federal or State funds will engage in school transportation operations for the transportation of students or school personnel exclusively in competition with private school transportation operators, except as authorized by 49 U.S.C. §§ 5323(f) or (g), as applicable, and FTA regulations, "School Bus Operations," 49 C.F.R. Part 605, and any subsequent School Transportation Operations regulations or FTA directives that may be issued. Any school transportation operations agreement required by FTA regulations is incorporated by reference and made part of this Agreement for the Project. The Recipient understands and agrees that if it or an operator violates that school transportation operations agreement the violator will be barred from receiving Federal or State transit assistance in an amount to be determined by the Department.

Section 21. Metric System.

As practicable and feasible, the Recipient agrees to accept products and services with dimensions expressed in the metric system of measurement.

Section 22. Substance Abuse.

To the extent applicable, the Recipient agrees to comply with the following Federal substance abuse regulations:

- a. Drug-Free Workplace. U.S. DOT regulations, "Government wide Requirements for Drug-Free Workplace (Financial Assistance), 49 C.F.R. Part 32, that implement the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 et seq.
- b. Alcohol Misuse and Prohibited Drug Use. FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 C.F.R. Part 655, that implement 49 U.S.C. § 5331.

Section 23. Seat Belt Use.

In accordance with Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U. S. C. § 402 note, the Recipient is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally operated vehicles, and to include this provision in any third party contracts, third party subcontracts, or subagreements involving the Project.

Section 24. Protection of Sensitive Security Information.

To the extent applicable, the Recipient agrees to comply with 49 U.S.C. § 40119(b) and implementing U.S. DOT regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 15, and with 49 U.S.C. § 114(s) and implementing U.S. Department of Homeland Security, Transportation Security Administration regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 1520.

Section 25. Disputes, Breaches, Defaults, or Other Litigation.

The Recipient agrees that TJCOG has a vested interest in the settlement of any dispute, breach, default, or litigation involving the Project. Accordingly:

- a. Notification to TJCOG. The Recipient agrees to notify TJCOG in writing of any current or prospective major dispute, breach, default, or litigation that may affect the State Government's interests in the Project or the State Government's administration or enforcement of Federal/State laws or regulations. If the Recipient seeks to name the State Government as a party to litigation for any reason, in any forum, the Recipient agrees to inform TJCOG in writing before doing so.
- b. TJCOG Interest in Recovery. TJCOG retains the right to a proportionate share of proceeds derived from any third-party recovery, except that the Recipient may return any liquidated damages recovered to its Project Account in lieu of returning the share to TJCOG.
- c. Enforcement. The Recipient agrees to pursue all legal rights provided within any third-party contract.
- d. TJCOG Concurrence. TJCOG reserves the right to concur in any compromise or settlement of any claim involving the Project and the Recipient.
- e. Alternative Dispute Resolution. TJCOG encourages the Recipient to use alternative dispute resolution procedures, as may be appropriate.

Section 26. Amendments/Revisions to the Project.

The Recipient agrees that a change in Project circumstances causing an inconsistency with the terms of this Agreement for the Project will require an amendment or revision to this Agreement for the Project signed by the original signatories or their authorized designees or successors. The Recipient agrees that a change in the fundamental information submitted in its Application will also require an Amendment to its Application or this Agreement for the Project. The Recipient agrees that the project will not incur any costs associated with the amendment or revision before receiving notification of approval from TJCOG. The Recipient agrees that any requests for amendments and or revisions will be submitted in accordance with the policies and procedures established by TJCOG.

Section 27. Information Obtained Through Internet Links.

This Agreement may include electronic links/Web site addresses to Federal/State laws, regulations, and directives as well as other information. The Department does not guarantee the accuracy of information accessed through such links. Accordingly, the Recipient agrees that information obtained through any electronic link within this Agreement does not represent an official version of a Federal/State law, regulation, or directive, and might be inaccurate. Thus, information obtained through such links is neither incorporated by reference nor made part of this Agreement. The Federal

Register and the Code of Federal Regulations are the official sources for regulatory information pertaining to the Federal Government.

Section 28. Severability.

If any provision of this Agreement for the Project is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal/State laws or regulations.

Section 29. Termination of Agreement.

- a. TJCOG. In the event of the Recipient's noncompliance with any of the provisions of this Agreement, TJCOG may suspend or terminate the Agreement by giving the Recipient thirty (30) days advance notice. Any failure to make reasonable progress on the Project or violation of this Agreement for the Project that endangers substantial performance of the Project shall provide sufficient grounds for TJCOG to terminate the Agreement for the Project. In general, termination of State assistance for the Project will not invalidate obligations properly incurred by the Recipient before the termination date to the extent those obligations cannot be canceled. If, however, the department determines that the Recipient has willfully misused State assistance by failing to make adequate progress, failing to make reasonable and appropriate use of Project property, or failing to comply with the terms of this Agreement for the Project, TJCOG reserves the right to require the Recipient to refund the entire amount of State assistance provided for the Project or any lesser amount as TJCOG may determine. Expiration of any Project time period established for the Project does not, by itself, constitute an expiration or termination of the Agreement for the Project. The Department, before issuing notice of Agreement termination, shall allow the Recipient a reasonable opportunity to correct for noncompliance. Upon noncompliance with the nondiscrimination section (Section 8) of this Agreement or with any of the said rules, regulations or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Recipient may be declared ineligible for contracts in accordance with procedures authorized in Executive Orders No. 11246 and No. 11375, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- b. The Recipient. The Recipient may terminate its participation in the Project by notifying and receiving the concurrence of TJCOG thirty (30) days in advance of the termination.

Section 30. Contract Administrators.

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

Section 31. Federal Certification Regarding Lobbying.

The Recipient certifies, by signing this Agreement, its compliance with Subsection 3d of this Agreement.

Section 32. Federal Certification Regarding Debarment.

The Recipient certifies, by signing this Agreement, its compliance with Subsection 3b of this Agreement.

Section 33. Federal Certification Regarding Alcohol Misuse and Prohibited Drug Use.

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the Recipient certifies, by signing this Agreement, that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, and Section 22 of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by TJCOG, an agency of the State of North Carolina, and the Recipient by and through a duly authorized representative and is effective the date and year first above written.

RECIPIENT'S LEGAL NAME:
RECIPIENT'S FEDERAL TAX ID NUMBER:
RECIPIENT'S FISCAL YEAR END:
SIGNATURE:
PRINTED NAME:
TITLE:
(SEAL)
ATTEST:
PRINTED NAME:
TITLE:
Triangle J Council of Governments
SIGNATURE:
PRINTED NAME: Lee Worsley
TITLE: Executive Director
ATTEST:
PRINTED NAME: Judy Weller
TITLE: Finance Director

FY21 Transportation Demand Management Program Grant Application

Applicant	Town of	Apex
Project Type	Local	
	Local	
Total Salaries & Fringe Total Other Direct Cost	\$ \$	36,797.97 13,203.00
Project Total Cost	\$	50,000.97
Amount Requested	\$	25,000.48
Amount of Matching Funds	\$	25,000.48

Program Coordinator	Shuchi Gupta at 919-558-2715 or sgupta@tjcog.org

Resources		
Energy & Environment Program Coordinator	Shuchi Gupta 919-558-2715 or sgupta@tjcog.org	
NCDOT UPTUS Codes		
TDM Conference and Membership Policy		

	Salary-V	Wage Detail			
Object Code	Position Title	No. Employees	Total Annual Salary	% on TDM Grant	Budgeted Amount
G121	Planner - Long Range Transit	1	\$ 70,000	38%	\$ 26,600
G121					\$ -
G121					\$ -
G121					\$ -
G121					\$ -
	All G121 Staff Positions and Salaries	1		38%	\$ 26,600
G125					\$ -
G125					\$ -
G125					\$ -
G125					\$ -
	All G125 Staff Positions and Salaries	0		0%	\$ -
G126					\$ -
G126					\$ -
G126					\$ -
G126					\$ -
	All G126 Staff Positions and Salaries	0		0%	-
	TOTAL STAFF NUMBERS AND SALARIES	1		38%	\$ 26,600
	Administ	rative Budget			
Object					
Code	Title	Total Cost Descriptions			
G120					
G121	Full-time employees	\$ 26,600			
G122	Overtime				

G126 G126				\$ -
G126	All G126 Staff Positions and Salaries		0	0% \$ -
	TOTAL STAFF NUMBERS AND SALARIES	_	1	38% \$ 26,600
	TOTAL STAFF NOWIDERS AND SALARIES		•	36% \$ 20,000
	Administ	rati	ive Budget	
011	Administ	lati	ive buuget	
Object	- 11.		Talal Carl	Barret Mari
Code	Title		Total Cost	Descriptions
G120	E II d'accorde con	4	26.600	
	Full-time employees Overtime	\$	26,600	
	Part-time	\$		
	Temporary and part-time	\$		
	Longevity	\$.5 FTE of 4% merit increase and \$300 longevity pay
0227	Total Salaries		26,600	is the original constraint and post to be good to
G180		7		
	Social security contribution	\$	2,035	
	Retirement contribution	\$	3,990	
	Participating Percentage	-	15%	10.19% local government retirement and 5% 401k
G183	Hospitalization insurance	\$	2,087	
	Hospitalization Insurance Cost/Month/FTE		458	Health, life, dental, vision
G184	Disability insurance	\$	-	
	Disibility Insurance Cost/Month/FTE			
	Unemployment compensation			
	Workers compensation	\$	1,071	
G189	Other	\$	1,015	Medicare
	Total Fringe		10,198	
	TOTAL SALARY & FRINGE	\$	36,798	
G190	Professional Services			
	Other	\$	-	ation, interpretation, graphic design services, video pro
	Supplies and Materials Office cumplies and materials	<u>۲</u>	2,000	Matarials for special avents factivals
	Office supplies and materials Computer supplies	\$	2,000	Materials for special events, festivals
G300	Travel and Transportation	۲	-	
	Travel	\$		
	Conferences/Training/Professional Development	7		
	Outreach, meetings, local events, etc.			
	Travel subsistence	\$	-	
G312a	Conferences/Training/Professional Development			
G312b	Outreach, meetings, local events, etc.			
G314	Vehicle rental	\$	-	
	Conferences/Training/Professional Development			
	Outreach, meetings, local events, etc.			
G320	Communications			
	Telephone service			
	Internet Service Provider Fee	۲.	2.000	Farmtanna mailana @ ĆFOO aaah
	Postage	\$	2,000	Four town-wide mailers @ \$500 each
G329 G340	Other Printing and Binding			
	Printing and reproduction	\$	4,000	Posters, brochures and flyers
	Other	7	7,000	. oscers, products and nyers
G370	Advertising/Promotion			
	Marketing (paid ads, marketing firm, etc.)	\$	2,628	n Cary Magazine, Be Local and paid promotion of social
	Promotional Items	\$		nvas tote bag, reusable water bottle, hat, USB stick cof
G373	Other			
G380	Computer Support Services (contracted)			
	Computer programming services			
	Computer support/technical assistance			
G390	Other Services			
	Training - Employee Education Expense			
	Other			
G480	Indirect Costs	<u></u>		
G481	Central services	\$	-	
	Budget direct cost base Indirect percentage rate			
G490	Other Fixed Charges			
	Dues and Subscriptions	\$	575	ACT annual membership
3 731	·			Act amidal membership
	TOTAL OTHER ADMINISTRATIVE EXPENSES	Ş	13,203	

TOTAL PROJECT COSTS \$

50,001

- Page 37 -

FY21 PROPOSAL NARRATIVE

Please format your narrative as outlined below. Your application will be considered COMPLETE only if information requested is submitted for every item listed below.

AN OVERVIEW OF YOUR PROGRAM

1. Background: Provide a brief description of your organization and its current TDM program.

The Town of Apex, provider of all local government services for the third-largest municipality in Wake County, is working to implement the town's first local bus service, GoApex Route 1 (see Attachment 3). The proposed TDM program includes staff time and materials to support an education, awareness, and marketing campaign for the new bus service and for the Town of Apex to serve as the TDM coordinator for hot spots 58 and14. In the role of TDM coordinator, Apex would: share information about the regional TDM program as part of outreach efforts for GoApex, share information about regional TDM campaigns including multimodal travel options, serve as the first point of contact for TDM questions, and participate in regional and employer outreach meetings. The marketing campaign will be led by the Planning Department with support from communications staff in the Administration Department. The Town does not currently have a local TDM program. Limited TDM services are currently offered by GoTriangle, as the regional provider. This request would help to launch the first TDM activities undertaken by the Town, and would spread awareness about TDM services currently offered by GoTriangle.

2. People in your organization:

Туре	Approx. Total Number
Staff	19 staff in the Planning Department, 2 directly assigned to this effort
	2 communications staff in the Administration Department
	4 staff in the Economic Development Department
Students (if an educational institution)	0
Faculty (if an educational institution)	0

3. **Staff Members:** List all staff members who will work on the project and an estimated percentage of their time to be spent on each major task.

The percentages provided below are estimates of staff time to be spent specifically on the marketing campaign for GoApex and TDM coordination.

- Jenna Shouse 50 percent
- Shannon Cox 10 percent
- Stacie Galloway 2 percent
- Kerrin Cox 2 percent
- Joanna Helms 1 percent
- 4. **Internal Stakeholders and Partnerships:** List all partners IN your organization, which may or may not be funded by the grant but support grant activities currently (Add as many rows as you may need).



- Page 38 -

Stakeholder/Partner	State the nature of partnership/support.	Funded by this grant?
Jenna Shouse	Long Range Planner leading planning for GoApex	No
Shannon Cox	Long Range Planning Manager managing GoApex	No

5. **Existing External Partnerships:** List all partners OUTSIDE your organization, which may or may not be funded by the grant but support grant activities currently (Add as many rows as you may need).

Partner Organization	State the nature of partnership/support.	Funded by this grant?
Town of Cary	Supporting planning efforts for proposed fixed route service for GoApex	No
Wake County/ GoWake Access	Supporting planning efforts for proposed complementary paratransit service for GoApex	No

6. **Potential External Partnerships:** List key potential organizations OUTSIDE your organization that you do not engage with currently, but future collaboration can support your grant work (Add as many rows as you may need).

Organization	How a future partnership will benefit your TDM work?
Wake County/GoWake Access	The Town of Apex intends to partner with Wake County/GoWake Access as the complementary paratransit service provider for GoApex Route 1.
Town of Cary	The Town of Apex intends to partner with the Town of Cary as the fixed route service provider for GoApex Route 1.
GoTriangle	The Town of Apex will coordinate with GoTriangle to determine if there is educational information about the regional TDM program that should be shared with the public during outreach and marketing efforts for GoApex Route 1. The Town of Apex will also coordinate with GoTriangle to share information about regional bus routes serving the Town of Apex, and planned improvements.
Triangle J Council of Governments (TJCOG)	The Town of Apex will coordinate with TJCOG as the TDM program administrator and for regional TDM campaigns.

7. **VMT Reduction:** Discuss why your organization is the best Service Provider to reduce single-occupant vehicle trips in the hotspot of your interest.

The Town of Apex is proposing the first local bus route in Apex – GoApex Route 1. The route will directly serve two hot spots identified in the TDM Plan – 14 and 58, as well as the NC 55 corridor, which is identified on the TDM Hot Spot map as having the highest trip density in Apex. The proposed TDM request is for staff time and materials for a marketing campaign intended to promote, educate, and spread awareness about this new service. The GoApex marketing campaign will encourage use of the new bus service, thus reducing single-occupancy vehicle trips in Apex. The campaign will also be used as an opportunity to increase awareness of regional routes and to share information about regional TDM services.

GoTriangle is the designated regional provider for TDM services addressing hot spots 14 and 58. GoTriangle has confirmed that TDM services are provided to employers in Apex as requested, and that there have been no requests over the past few years. So, essentially, little to no TDM outreach has been provided to address these two hot spots in the third-largest municipality in Wake County over the past several years.



2

In addition to being the proposed service provider for the new route, the Town has experience sharing information with residents and visitors. The Town has the unique ability to: leverage our existing relationships with businesses and organizations, share information via digital and print media already used by residents, promote GoApex at festivals and events, and strengthen partnerships with regional providers. Finally, as the lead agency for GoApex, the Town is investing substantial resources in the new bus service, and is uniquely motivated to ensure success of the new route, and thus the reduction of single-occupant vehicle trips.

8. **Equity in TDM efforts:** Please state if any current efforts are being done by you or your organization to integrate equity in TDM outreach. If not, how do you propose to integrate it in your FY21 efforts?

Equity has been an important consideration in every aspect of planning for the first local bus route in Apex and will continue to be a focus of TDM outreach.

A transit propensity analysis was conducted as part of the Western Wake Comprehensive Operations Analysis – a planning study resulting in the recommended alignment for GoApex Route 1. Differences in transit propensity are based on vehicle ownership, race, ethnicity, and annual income. The study found high propensity for transit along the NC 55 corridor between US 64 and US 1. A diverse population including students, seniors, individuals with low incomes, persons with disabilities, limited English proficiency (LEP) populations, and minority populations reside or visit along the route alignment, especially in the vicinity of Hughes Street, James Street, Justice Heights, Apex Middle School, Cambridge Village, Lakeridge Apartments, Linwood Apartments, Beechridge Apartments, and Rex Rehabilitation and Nursing Care Center.

The alignment of GoApex Route 1 was refined through an implementation study, the Transit Circulator Study. The study involved outreach along the proposed corridor and at existing bus stops. Outreach material was made available in both Spanish and English and Spanish-speaking interpreters were available at outreach events in areas with high percentages of LEP populations. As part of this effort, the Executive Director of the Western Wake Crisis Ministry expressed that their clients have had trouble accessing the facility due to limited transportation services in the area. GoApex Route 1 was refined to provide clients with a reliable, all-day transportation option to this facility.

The initial investment in bus stops for GoApex Route 1 will include very limited amenities. Some enhanced amenities, such as benches, bike racks, and trash receptacles, are proposed for those stops anticipated to have the highest ridership. An analysis was completed to ensure equitable distribution of enhanced amenities at bus stops. The distribution is spread across multiple Census Tracts. Most of the bus stops with proposed amenities are located in Census Tracts with a minority population of at least 30%. Proposed bus stop amenities are not disproportionately concentrated in areas with a low percentage of minority populations. A map of the GoApex Route 1 Title VI Analysis can be found in Attachment 4.

As part of the marketing campaign, the Town will continue to ensure equity is a priority consideration. An initial marketing plan was developed as part of the Transit Circulator Study (see Attachment 5). The plan specifically identifies methods to reach low-income and LEP populations, including using partnerships with service organizations, pop-up events along the transit corridor, and printing materials in both English and Spanish.

9. Additional Impacts of TDM Programming: Discuss why and how your organization is best equipped to enhance quality of life and area economic vitality through your TDM program.

The Town of Apex is in the best possible position to enhance quality of life and area economic vitality through our TDM Program. The local governments' role is to serve the public for which we work. In that effort, we continuously engage the public to understand the community's needs and priorities. More than any other local or regional agency, we understand the fabric of the community and who will be served by the TDM program. Further, the Town has formed a local transit committee including



- Page 40 -

representatives of the business community, economic development, health care, parks and recreation, and residents to guide transit planning and implementation. This local committee will be engaged in the TDM effort to ensure that the program enhances community quality of life and economic development. While promotion of GoApex Route 1 will be the special focus of the first year of the TDM program in Apex, the Planning Department is responsible for multi-modal transportation planning and will ensure maps and information about bicycle and pedestrian travel options are also available as part of outreach.

10. **TDM Goals (only for Core Program Applicants):** State any TDM goals that your organization may have for your Program. If this is not the case for your Program, please cite any organizational or community goals that TDM strategies in your proposed workplan could help achieve. (See Core Programs section on pg. 2 and 3 of the main RFP document for more detail.)

The proposed program would support every goal from Bike Apex: The Comprehensive Bicycle Plan (adopted January 2019):

- Enhance mobility
- Create a positive economic impact
- Protect the environment
- Promote equity
- Enhance health
- Increase safety
- Increase livability

The proposed program would support the following themes from Advance Apex: The 2045 Comprehensive Transportation Plan (adopted February 2019):

- Downtown ...enhance the downtown experience by making it easier to travel to and around the Town core
- Integrated growth coordinate transportation investments with land use and development decisions to support travel by multiple modes
- Mobility and connectivity create a balanced transportation system that connects people to
 destinations with a safe, efficient, progressive, and equitable network that accommodates
 drivers, pedestrians, bicyclists, and transit users
- Quality of life Encourage healthy and active lifestyles…along with multimodal transportation choices for all residents regardless of age or ability

The proposed program would support the following goals from the Town of Apex Downtown Master Plan (adopted December 2019):

- Manage parking efficiently and effectively
- Create connections to downtown
- 11. **Challenges**: State any organizational challenges (physical location of your office, access to communication tools, lack of marketing tools, bureaucracy, organizational silos, outdated technology etc.) that limit the progress you can make in your work and how you propose to address/overcome those in FY21.

The main challenge the Town will confront with implementation of the TDM program is that transit is new to Apex residents and implementation of transit and serving as the TDM coordinator are new to Apex staff. Increasing staff resources is a main purpose of the TDM request. In addition, Apex staff will continue to work with our regional partners to ensure that implementation and marketing is effective. Regional Wake Transit Plan funding is used to fund a portion of staff time at both the Capital Area Metropolitan Planning Organization and GoTriangle to provide technical and public engagement support to community funding area municipalities. As a community funding area, the Town of Apex will continue to leverage these experts as resources to guide our local implementation efforts. In addition, the Town of Apex will work closely with TJCOG and GoTriangle to effectively fulfill our new role as TDM coordinator.

Returning Applicants Only:



- Page 41 -

A. Clearly communicate quantitatively your program's past progress and impacts. Emphasize quantitative data, multi-year progress, and percentage increases in participation in services and programs.

Not applicable – new applicant.

B. Describe any new or major changes to top tasks, activities, or deliverables from what was proposed in your FY20 proposals. (Applicants do not need to discuss changes to print materials, advertising, events, promotional items, etc.)

Not applicable – new applicant.

NEW Applicants Only: Describe any VMT reduction efforts done in past 5 years by your organization that correlate with this project.

This is the Town's first targeted implementation effort to reduce VMT. Related past efforts focused on planning and supporting regional transit, including: making information available about regional transit routes, supporting outreach efforts as requested by regional providers, integrating transit in the 2018 updates to both the long range transportation and land use plans, aggressively building bicycle and pedestrian facilities and considering connections to transit in setting project priorities, and serving as active participants in the Wake Transit Planning Advisory Committee.

WORKPLAN: DETAILED TASKS & ACTIVITIES

Top Tasks: Provide a detailed description of each task per instructions below. Make sure to reference to the Activities as listed in <u>Attachment A</u> that each task will help implement. Please use the same Activity numbering as stated in Attachment A.

- A. For each applicable task under an Activity, applicants must describe in detail how they will collaborate with other Service Providers in neighboring or overlapping hotspots as well as with Regional Programming. Local Service Provider applicants for Core Program funding should budget time to participate in and help coordinate regional activities such as GoPartner meetings and student commuter challenge. They also must describe how they will participate in regional activities and promote regional services. On its end, the Regional Service Provider has the responsibility to assist all Local Service Providers in promoting TDM. Please see Attachment L for details regarding Roles and Responsibilities of different stakeholders of the Triangle TDM Program.
- B. Specify outputs for each task under an Activity and provide an estimate of the quantity of outputs by Activity wherever possible. Outputs are events that a Service Provider can influence more directly such as number of events coordinated, number of presentations given, GoPartner meetings attended, etc. An example of an output could be "We will make a presentation to 16 different employers, at least once during the FY21 grant period, about alternative transportation options." For services that involve recruiting employers or signing up registrants, state how those outcomes (employers recruited, users registered) will be tracked and reported.

Response to parts A and B:

The Town of Apex is requesting TDM program funding under the Core Program category as a Local Service Provider. This funding will be used for staff time and materials for the marketing, education, and outreach campaign for GoApex and for the Town of Apex to serve as the TDM coordinator for hot spots 58 and 14. Specific tasks and anticipated outputs that will be undertaken as part of this request are



- Page 42 -

described below, organized according to the TDM Program Activities outline. It is anticipated that the new bus service would launch in April 2021. Based on this assumption, material development and marketing plan refinement would occur between July 2020 – February 2021 and active outreach for GoApex would begin in March 2021 and continue through the end of the fiscal year. The Town's role as TDM coordinator would begin in July 2020. Launching a new transit program requires substantial effort. While active marketing would begin in March 2021, the staff position leading the campaign would use the time between July 2020 and March 2021 to: create materials; plan details for the campaign including specific presentations, partners, and events; begin building momentum for the new service; prepare social media campaigns; plan special events; and prepare articles and arrange for publication. In addition, the staff position would use the first months to become familiar with the regional TDM program, services, partners, and materials and determine how to integrate the TDM coordinator role into the overall workload and outreach. This will include revamping the Town's transit webpage to provide information about TDM programs.

- Performance Area 1: Planning
 - 1.1 Expand Funding Opportunities
 - 1.1.a. Pursue new funding opportunities.
 - Activity: The Town of Apex will identify and pursue funding opportunities to support GoApex and TDM outreach activities. The Town is aggressive in pursuing funding to help address goals. The Town is currently awaiting a final award decision regarding
 - Output: Additional funding sources to further enhance the Town's outreach and coordination efforts.
 - 1.2 TDM-Supportive Policies
 - 1.2.a. Continue to support implementation of local government adopted TDM policies...
 - **Activity:** The Town will ensure that TDM activities are consistent with goals identified in adopted plans (see section 10 of application).
 - Output: The Town will connect TDM reporting to identified goals.
 - 1.3 Regional TDM Coordination
 - 1.3.b. Serve on technical advisory committees for major transportation projects and studies.
 - Activity: The Town will work with GoTriangle and GoCary to market route changes and improvements in conjunction with the marketing campaign for GoApex.
 - Output: Increased awareness about the new GoCary HSX route and improvements to GoTriangle route 305. A minimum of two calls or meetings with GoTriangle and GoCary to coordinate outreach.
- Performance Area 2: Program Administration
 - o 2.1 Triangle TDM Program Administration
 - 2.1.d. Submit Quarterly Reports to TJCOG with detailed data on the metrics relevant to the Activities in Service Provider Work Plans.
 - Activity: The Town will submit Quarterly Reports to TJCOG based on the work plan and guidance provided by TJCOG regarding applicable metrics.
 - Output: Completed quarterly reports to inform annual reporting and performance measurement for the TDM program.
 - 2.2. Triangle TDM Program Monitoring and Evaluation
 - 2.2.b. Survey Triangle commuters regularly.
 - **Activity:** The Town will participate in development of regional surveys and will work to distribute surveys to commuters in Apex.
 - Output: Increased participation in regional surveys by commuters in Apex and better representation of Apex commuters in survey results.
 - 2.2.c. Track program participation



- Page 43 -

- Activity: The Town will collect and report metrics as coordinated with TJCOG and specified in the work plan. It is anticipated that metrics would include measures of the success of outreach, such as number of events held, number of people reached at each event, number of presentations delivered, number of website hits, number of new partners engaged, etc..
- Output: Reporting of metrics included in quarterly reports.
- 2.2.e. Track customer satisfaction for TDM-related services and programs
 - Activity: Customer satisfaction surveys for GoApex will be completed
 every two years. If TDM program funding is made available for a
 second year of service, the Town will report survey results to TJCOG.
 This task will not be included in the work plan for the first year.
 - **Output:** Customer satisfaction survey summary (year two, if awarded, only).
- 2.2.f. Evaluate effectiveness of marketing & outreach activities
 - Activity: As appropriate and feasible, the Town will incorporate brief satisfaction surveys into marketing activities.
 - Output: Satisfaction survey results and any recommended changes to marketing and outreach activities provided in Quarterly Reports.
- o 2.3 Build the Triangle TDM Program
 - 2.3.a. Conduct organizational and program review at regular intervals as appropriate.
 - Activity: The Town will participate and provide information for the efforts of TJCOG and the Oversight Committee to conduct organization and program review.
 - Output: Additional information to inform the ongoing improvement and effectiveness of the TDM program.
 - 2.3.c and d. Develop processes for training and orienting new service providers, and provide assistance, outreach materials, and support to new service providers.
 - Activity: As a new service provider, the Town will actively seek out and
 participate in training, orientation, and materials that may be available
 and will provide feedback that may inform training and orientation
 programs and materials.
 - Output: The Town will have the necessary resources to serve as a new service provider.
 - 2.3.e. Research TDM policies and connect with other successful TDM programs to inform possible future enhancements to local and regional services, marketing, and outreach in the Triangle.
 - Activity: The Town will participate in learning sessions and will share effective material from outreach conducted by the Town.
 - Output: Overall improvement of the TDM program and incorporation of lessons learned and best practices identified regionally in the activities the Town leads.
 - 2.3.g. and 2.3.h. Participate in professional development and continuing education opportunities and Seek opportunities to share lessons learned with the TDM professional community.
 - Activity: The Town's TDM coordinator position will participate in regional meetings as well as virtual learning opportunities to enhance his/her knowledge relevant to TDM and to share any lessons learned as a new service provider.
 - Output: Professional education and advancement for the new TDM coordinator and additional perspective and information to inform the regional TDM community.
- Performance Area 3: Services and Operations



- Page 44 -

3.2 Travel/Trip Planning Service

- 3.2.c. Explore public-private shuttles.
 - Activity: As opportunities arise, the Town will coordinate with private
 entities interested in shuttle service to connect people to destinations or
 to local or regional bus routes. The Town has already begun this work
 with the Apex Downtown Business Association and the Apex Transit
 Committee, but additional resources will improve coordination.
 - **Output:** Possible new private partnerships and new opportunities to support multi-modal transportation options.
- 3.3 GoTriangle.org Website Enhancements
 - 3.3.a. Maintain regional website content and functionality on an ongoing basis.
 - **Activity:** Based on GoTriangle guidance, the Town will provide information as needed to inform the GoTriangle website.
 - **Output:** The GoTriangle website will be a useful and current resource for Apex residents interested in the TDM program.
- o 3.4 Vanpool Program
 - 3.4.a. Continue support for vanpool group formation.
 - **Activity:** The Town will share information about the vanpool program as part of outreach and TDM coordination.
 - **Output:** Increased awareness about the vanpool program and possible increased participation from Town of Apex residents and workers.
- 3.5 Emergency Ride Home (ERH) Program Enhancements
 - 3.5.b. Support and market ERH services to existing and prospective patron companies.
 - **Activity:** The Town will share information about the ERH program as part of outreach and TDM coordination.
 - Output: Increased awareness about the ERH program and possible increased use of regional bus services by Town of Apex residents and workers.
- Performance Area 4: Marketing and Branding
 - 4.2 Focused Marketing
 - 4.2.a. Develop and implement detailed campaign- and program-specific marketing plans.
 - Activity: An initial marketing plan was developed as part of the implementation study for GoApex Route 1 (see Attachment 3). As part of this task the Town will refine the marketing plan, including specific points of contact, events, costs, and a schedule for implementation.
 - **Output:** Revised Marketing Plan for GoApex, incorporating TDM outreach and materials.
 - 4.2.d. Develop marketing campaigns that increase public awareness of TDM programs, services and their benefits.
 - Activity: The Town will implement the marketing campaign described in the Marketing and Branding Plan, to be refined under Activity 4.2.a. The marketing campaign will include pop-up events along GoApex Route 1, sharing of information at festivals, presentations to local partners, and possible production of an educational video.
 - **Output:** A minimum of: ten pop-up events, presence at two festivals, and three presentations to local partners.
 - 4.2.q. Develop and disseminate outreach materials in multiple languages.
 - Activity: The Town will develop information about GoApex Route 1 in both English and Spanish. Information will be disseminated through local digital and print media, utility bill mailers, at apartment complexes along the corridor, at pop-up events along the corridor, during festivals and events, and through local organizations.



- Page 45 -

 Outputs: English and Spanish versions of the following: utility bill mailer, bus map brochure, bus map poster, and paratransit service brochure.

4.3. Media Relations

- 4.3.b. Seek placements in traditional media for current events and/or feature stories.
 - **Activity:** The Town will seek placement of articles in the *Cary Magazine*, *Be Local*, as well as the Apex Parks and Recreation Program Guide and Senior Program Guide.
 - Outputs: A minimum of two articles in traditional media featuring GoApex.
- 4.3.c. Promote TDM through social media.
 - **Activity:** The Town will seek placement of information about GoApex and TDM campaigns in social media.
 - Outputs: At a minimum, two social media pushes for GoApex and two social media pushes for TDM campaigns will be made through the Town's Facebook, Twitter, and Instagram accounts. The Town will also request the sharing of information through the Parks and Recreation social media feed, Apex Seniors email list, Apex Downtown Business Association email list and website, and Apex Farmers Market website.
- o 4.5 Information and Outreach Materials on TDM Successes and Benefits
 - 4.5.c. Develop and customize outreach materials for government decision makers.
 - Activity: Provide informational briefing regarding the status and success of the marketing campaign to the Apex Planning Board and Apex Town Council. Offer a presentation to the regional Transit Planning Advisory Committee to share lessons learned for other community funding areas.
 - Output: A minimum of one briefing to the Apex Planning Board and one briefing to the Apex Town Council.
- Performance Area 5: Outreach
 - 5.2 Local Outreach
 - 5.2.a. Increase marketing, promotion, and outreach to target areas.
 - Activity: There has been very little TDM outreach in the hot spots in Apex over the past several years. All efforts described under Performance Area 4 will substantially increase the marketing, promotion, and outreach to these target areas. As part of these efforts, the Town will coordinate with the regional provider to determine what information about the overall TDM Program and regional TDM campaigns can be shared to leverage outreach opportunities for multiple purposes and an overall benefit to the program.
 - **Outputs:** Reporting on number of events, publications, posts, people reached, website hits and ridership included in quarterly reports.
 - 5.3 Special Events Outreach
 - 5.3.a. Provide TDM information for special events.
 - **Activity:** The Town will provide information about the overall TDM program and any current TDM campaigns at festivals and events attended as part of the outreach plan.
 - Outputs: Distribution of TDM material and information at a minimum of two special events.



- Page 46 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January, 26, 2021

Item Details

Presenter(s): Marty Stone, P.E. – Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owner, Andrew J. Jablonski (Grantee), regarding Wake County, NC PIN#0732-15-3557, 1032 Diamond Dove Lane, recorded in Book of Maps 2018, Page 1365, Wake County Register of Deeds.

<u>Approval Recommended?</u>

Yes

Item Details

Approve Encroachment Agreement between the Town and property owner Andrew J. Jablonski (Grantee) for the property described as a residential lot known as Wake County PIN#0732-15-3557, Book of Maps 2018, Page 1365, Lot 92, 1032 Diamond Dove Lane, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a concrete driveway expansion that will encroach 22 S.F. into the Pubic Drainage Easement.

<u>Attachments</u>

- Encroachment Agreement
- Exhibit A



After Recording Mail To:

Development Services

Town of Apex PO Box 250 Apex, NC 27502

STATE OF NORTH CAROLINA COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this	day of	, 2021, by
and between Andrew J. Jablonski, unmarried, hereinafter	referred to as "G	rantee," and the Town of
Apex, hereinafter referred to as the "Town."		

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as PIN #0732-15-3557 and more particularly described as Lot 92 of the subdivision known as Peak 502 North Phase 1, which is shown on that certain plat recorded in Book of Maps 2018, Page 1365, Wake County Registry (hereinafter the "Subdivision Plat"). The residential lot is also known as 1032 Diamond Dove Lane, Apex, NC 27502. The residential lot described in this paragraph is hereinafter referred to as the "Residential Lot."

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

WHEREAS, Grantee wishes to install certain improvements, more particularly described as a concrete driveway expansion that will encroach 22 S.F. into the Public Drainage Easement which serves the Residential Lot, hereinafter referred to as the "Encroachment," all as shown on the attached Exhibit A. Grantee desires to make certain agreements and covenants regarding the Encroachment.

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

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

- 1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee's sole risk and expense, to encroach into the **Public Drainage Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.
- 2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.
- 3. Grantee is to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.
- 4. Grantee agrees to and does not 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.

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: Andrew J. Jablonski

1032 Diamond Dove Lane

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.

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

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

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

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

- 12. Grantee, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantee is self-performing the installations, Grantee shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantee shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.
- 13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as Lot 92 Peak 502 North Phase 1 (1032 Diamond Dove Lane, Apex, NC 27502), or by assumption of said obligations by an incorporated property or condominium owners association for Peak 502 North Phase 1. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's 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 by subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEE

By: Cuch Jallien

Andrew J. Jablonski

STATE OF NORTH CAROLINA

COUNTY OF <u>WAKE</u> [county in which acknowledgement taken]

I, do hereby certify that <u>Andrew J. Jablonski</u>, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this $\frac{11}{11}$ day of $\frac{2021}{2020}$.

Vrunda R Mahajani [Signature of Notary Public]

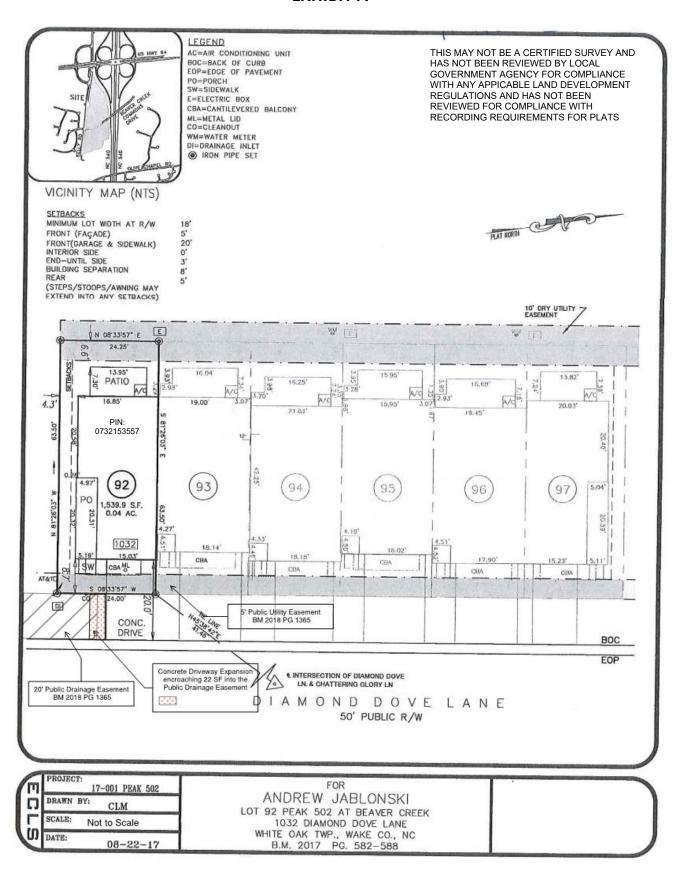
My Commission Expires: 11 24 2024



TOWN OF APEX

	Andrew L. Havens	
	Town Manager	
(Corporate Seal)		
ATTEST:		
Donna B. Hosch, MMC, NCCMC		
Town Clerk		
STATE OF NORTH CAROLI	NA	
COUNTY OF	[county in which acknowledgement taken]	
l,	, a Notary Public of County, North	ı Carolina
certify that <u>Donna B. Hosch</u> persor	nally came before me this day and acknowledged that	<u>s</u> he is
	North Carolina Municipal Corporation, and that by au	
· -	rporation, the foregoing instrument was signed in its r corporate seal and attested by her as its <u>Town Clerk</u> .	iairie by
Witness my hand and official stam	np or seal, this day of, 202	21.
[Signature of Notary Public]	(Seal)	
My Commission Expires:		

EXHIBIT A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 26,2021

Item Details

Presenter(s): Dennis Brown, Senior Capital Projects Manager

Department(s): Administration

Requested Motion

Motion to approve and authorize the Town Manager to execute Contract Amendment #2 for GMP 2 with Construction Manager at Risk, J M Thompson, in the amount of \$4,537,077.23 for the new Pleasant Park Project. This Guaranteed Maximum Price 2 (GMP 2) includes turf and fencing packages for the soccer fields, as well as the underground drainages systems for the turf..

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

This Contract Amendment is necessary to continue the work schedule while the final packages of work can be completed and bid.

Attachments

• Contract Amendment #2



CONTRACT AMENDMENT	#2
DATE:	_

NORTH CAROLINA WAKE COUNTY

CONTRACT AMENDMENT #2

THIS CONTRACT AMENDMENT, dated January ______, 2021, is entered into by and between the Town of Apex, a North Carolina municipal corporation, (hereinafter referred to as the "Town") and J.M. Thompson Company (hereinafter referred to as the "Construction Manager at Risk" or "CMAR"). Town and CMAR may be collectively referred to as "Parties" hereinafter.

WHEREAS, the Town and the CMAR entered into a Construction Manager at Risk Pre-Construction and Construction Services Contract on or about December 18, 2019 (hereinafter the "Contract") for the CMAR to provide construction management services for the construction of the Town of Apex Pleasant Park (hereinafter "Project") to be located at Old US 1 Hwy, Apex, NC 27502; and

WHEREAS, on or about February 18, 2020, the Parties entered into an amendment to the Contract to establish the first Guaranteed Maximum Price (hereinafter "GMP-1") as provided for in the Contract; and

WHEREAS, the Parties desire to amend the Contract to establish the second Guaranteed Maximum Price (hereinafter "GMP-2") as provided for in the Contract and to reduce the terms of this amendment to writing; and

NOW THEREFORE, for and in consideration of the mutual promises and covenants as hereinafter set forth, the Parties hereto do mutually agree to amend the Contract as follows:

- 1. The Contract is hereby amended to establish GMP-2 in accordance with the terms of the Contract. GMP-2 for the Town of Apex Pleasant Park is \$4,537,077.23.
- 2. GMP-2 includes the scope of work for the portion of the Project covered by GMP-2 as described in detail in the attached "Town of Apex Pleasant Park GMP 2", dated December 30, 2020, and labeled "Exhibit A." The budget, plans and specifications, and Project Schedule are detailed in Exhibit A. Exhibit A is incorporated into this Amendment as if fully set forth herein.
- 3. The amended Contract Amount is as follows:

 Original Pre-Construction Amount:
 \$181,710.00

 Contract Amendment #1 (GMP-1):
 \$9,219,199.39

 Change Order #1 to GMP-1
 \$218,312.11

 Contract Amendment #2 (GMP-2):
 \$4,537,077.23

 PROJECT TOTAL:
 \$14,156,298.73

Except as specifically modified by this Contract Amendment #2, all other terms, conditions and other provisions of the Contract and Contract Amendment #1 remain in full force and effect.

IN WITNESS WHEREOF, the contracting parties, by their authorized agents, affix their signatures and seals this the _____day of January, 2021.

Construction Manager at Risk	Town of Apex
Name:	Andrew L. Havens, Town Manager
By: Signature)	Attest:
Printed Name/Title: JOHN M. PRESIDENT	Donna Hosch, Town Clerk
(Secretary, if a corporation) At M. Thomson / SECT. Printed Name/Title	This instrument has been preaudited in the manner required by the Local Government Budget and Fisca Control Act.
	Vance Holloman, Finance Director

December 30th, 2020

TOWN OF APEX PLEASANT PARK GMP 2





BUILT ON STRONG FOUNDATION

- Page 58 -



Table of Contents

Town of Apex Pleasant Park - December 30, 2020

Cover Page	N/A
COTCI I UBC	11//

Table of Contents Pg. 1

Executive summary Pg. 2

GMP Cost Summary Pg. 3

Unit Prices & Allowances Pg. 4-7

Scope of Work Pg. 8-11

Total Project Budget (w/GMP3) Pg. 12-13

General Conditions Pg. 14-15 (Total Project)

Document enumeration Pg. 16-17

Project Schedule Pg. 18-24

Detailed estimate Pg. 24-38



Executive Summary

Town of Apex Pleasant Park - December 30, 2020

Pleasant Park, approved as part of the 2017 Parks Bond, will be a showcase facility for the Town of Apex and the entire region. The 92 acre park will provide opportunities for all ages and abilities.

Along with the creation of roadways and pathways within the limits of disturbance, the park will include six turf multiuse athletic fields, a signature soccer building, a baseball structure, picnic shelters and amenity buildings with restrooms, a maintenance structure, and a 1.3 acre enclosed water play / splash pad area with an enchanted forest theme.

GMP -2 as conveyed throughout this deliverable encompasses the work detailed herein. The trade scopes include Turf Soccer Fields and Fencing. All sub-contractors have been prequalified. The contractors issued sub contracts have been identified as the lowest responsible bidder and are to be bonded and insured accordingly.

GMP-2 also includes the necessary general conditions as applicable to the scope(s) of work detailed in this deliverable, and correlates to the schedule.

GMP - 2 Is a change order to the existing contract for preconstruction and GMP - 1.



GMP 2 Cost Summary

Town of Apex Pleasant park - December 30, 2020

This GMP 2 Summary is based on an evaluation of the project documents and information reflecting the lowest responsible bidders, as well as abiding by the direction of the Town of Apex. It is understood that the town has accepted only the base bid for the bid packages identified in this summary for GMP2.

Division:	Description:	Cost:	
BP2.4	Soccer Fields	\$	3,334,300.00
BP2.7	Fencing	\$	863,100.00

Subtotal:	\$	4,197,400.00
Bonds & Insurance:	1.25% \$	52,467.50
GMP 2 General Conditions:	\$	133,782.00
Fee:	3.50% \$	153,427.73
Total Investment GMP 2	\$	4,537,077.23



Town of Apex- Pleasant Park Allowances- GMP 2

As applicable to Bid package 2.4 Fields & Turf:

Allowance Description:	Quantity included:	Total Allowance
Allowance #1: (Applicable to BP 2.4) Excavate unsuitable soils & stockpile on site at noted location:	1,500 CY:	\$ 16,875.00
Allowance #2: (Applicable to BP 2.4) Excavate unsuitable soils and haul off site:	1,000 CY:	\$ 16,350.00
Allowance #3 (Applicable to BP 2.4) Excavate soils and stockpile on site at noted location:	500 CY:	\$ 5,625.00
Allowance #4: (Applicable to BP 2.4) Excavate soils and haul off site:	505 CY:	\$ 8,256.75
Allowance #5: (Applicable to BP 2.4) Trench Rock excavation and left on site is designated area:	250 CY:	\$ 11,250.00
Allowance #6: (Applicable to BP 2.4) Trench rock excavation and hauled off site:	250 TN:	\$ 15,000.00
Allowance #7: (Applicable to BP 2.4) Provide, import and place ABC stone:	1,000 TN:	\$ 26,000.00
Allowance #8: (Applicable to BP 2.4) Provide, import and place compactible fill (soil):	1,000 CY:	\$ 20,000.00
Allowance #9: (Applicable to BP 2.4) Place compactable fill from Stock Pile:	250 CY:	\$ 4,562.50
Allowance #10: (Applicable to BP 2.4) Provide, import and place #57 stone:	1,500 CY:	\$ 45,000.00
Allowance #11: (Applicable to BP 2.4) Provide, import and place structural processed fill:	1, 500 TN :	\$ 29,250.00



Town of Apex- Pleasant Park Allowances- GMP 2

As applicable to Bid Package 2.7 Fencing:

Allowance Description:	Quantity included:	<u>Total Allowance</u>
Allowance #1: (Applicable to BP2.7): 4' Decorative Fencing: 16' Sections	96 LF	\$4,512.00
Allowance #2: (Applicable to BP2.7): 4' Chain Link Safety Fence	200 LF	\$4,200.00
Allowance #3: (Applicable to BP2.7): 6' Perimeter Chain link Fence: 20' Sections	160 LF	\$4,320.00
Allowance #4: (Applicable to BP2.7): 8' Baseball Chain link Fence: 20' Sections	300 LF	\$ 9,900.00
Allowance #5: (Applicable to BP2.7): 8' Soccer Field Fence with Safety Netting: 20' Sections	600 LF	\$ 14,400.00
Allowance #6: (Applicable to BP2.7): 10' Chain Link Fence with Windscreen: 20' Sections	160 LF	\$ 8,960.00



Town of Apex- Pleasant Park Unit Prices- GMP 2

UNIT PRICES: These unit prices do not include fee or general conditions and are included only in the event that quantities should go beyond those detailed in the allowances.

UP #1 (Applicable to BP 2.4) Excavate unsuitable soils and stockpile on site at noted location:	\$ 11.25 Per CY
UP #2 (Applicable to BP 2.4) Excavate unsuitable soils and haul off site:	\$ 16.35 Per CY
UP #3 (Applicable to BP 2.4) Excavate soils and stockpile on site at noted location:	\$ 11.25 Per CY
UP #4 (Applicable to BP 2.4) Excavate soils and haul off site:	\$ 16.35 Per CY
UP #5 (Applicable to BP 2.4) Trench Rock excavation and left on site in designated area;	\$ 45.00 Per CY
UP #6 (Applicable to BP 2.4) Trench Rock excavation and hauled off site:	\$ 60.00 Per CY
UP #7 (Applicable to BP 2.0, BP 2.3) Provide, import and place ABC stone 100 TN or more:	\$ 27.00 Per TN
UP #8 (Applicable to BP 2.4) Provide, import and place compactible fill (soil):	\$ 20.00 Per CY
UP #9 (Applicable to BP 2.4) Place compactable fill from stock pile:	\$ 18.25 Per CY
UP #10 (Applicable to BP 2.4) Provide, import and place #57 stone:	\$ 30.00 Per TN
UP #11 (Applicable to BP 2.4) Provide, import and place structural processed fill:	\$ 19.50 Per TN



Town of Apex- Pleasant Park Unit Prices- GMP 2

As applicable to Bid Package 2.7 Fencing:

UP #1: (Applicable to BP2.7): 4' Decorative Fencing: 16' Sections	\$ 752.00
UP #2: (Applicable to BP2.7): 4' Chain Link Safety Fence	\$ 420.00
UP #3: (Applicable to BP2.7): 6' Perimeter Chain link Fence: 20' Sections	\$ 540.00
UP #4: (Applicable to BP2.7): 8' Baseball Chain link Fence: 20' Sections	\$ 660.00
UP #5: (Applicable to BP2.7): 8' Soccer Field Fence with Safety Netting: 20' Sections	\$ 960.00
UP #6: (Applicable to BP2.7): 10' Chain Link Fence with Windscreen: 20' Sections	\$ 1,120.00



- 1. GMP -2 includes BP 2.4 Fields & Synthetic Turf and BP 2.7 Fences & Gates, General conditions and applicable insurances as described herein.
- 2. The Town of Apex has elected to accept only the Base Bid as defined in the bid scope documents for GMP -2. This excludes the baseball fields and related fencing at this time.
- We have not included the removal any hazardous material in GMP-2.
- 4. The Town of Apex (TOA) is buying and installing the site lighting, outside of this project.
- 5. The TOA will provide transformers within 25' of each structure.
- 6. The site amenity structure and any related engineering, foundations, utilities required are by the TOA outside of this contract.
- 7. We've included all permits (at no cost), licenses, inspections, training, tests, certifications, fees, and warranties as required by the Contract Documents, applicable codes, state and local authorities. The work on this project may involve working in or adjacent to a railroad right of way. Specific requirements related to the railroad have not been included as all work within the railway right of way is not included.
- 8. We have included dedicated full time Superintendent to the project at all times that work or deliveries are being performed, or as required for the proper coordination between trades. The Superintendent shall not be replaced or removed by the CM without the written consent of the owner. However, the CM at their discretion may direct a Subcontractor to replace the Superintendent(s).
- 9. Any sub contractor hired direct by the design team or owner shall inspect and verify, at least two (2) weeks prior to the start of their Work that all requirements for installation are complete and acceptable as required for installation to begin. This verification shall be submitted to the Construction Manager in writing. The survey shall include, but not be limited to a detailed review of all work in place furnished & installed by others. Items that do not meet the installation requirements must be identified accordingly. Subcontractor to coordinate all existing utility locating and identification for their work. This includes but not limited to use of NC811 and private utility locating services. Particular attention to be paid to any work within Cardinal Gas Line easement. Subcontractor to coordinate preconstruction meeting with all utilities and notify Construction Manager. Subcontractor to meet all utility company guidelines for work within utility easement.
- 10. Any sub contractor hired direct by the design team or owner shall abide by the contract documents, including but not limited to the project manual, bid scopes and addenda.
- 11. CM will submit all documentation required including shop drawings, submittals, production schedule, delivery, and installation that will meet the milestone dates identified in the Construction Schedule. This schedule is to be updated and submitted by the Construction Manager monthly throughout the performance of this project.



- 12. Warranties start at the date of final acceptance of the work or beneficial occupancy, regardless of when the equipment was installed or placed in service during construction. The CM shall take note of extended warranty requirements outlined in the specifications. For warranties that extend beyond the normal period, a separate warranty may be required to be written directly between the Owner and subcontractor.
- 13. The CM will utilize the Project Team Procore platform. All submittals will be processed in an electronic format, as well as document control, field activity tracking, reports, punch listing and commissioning. All parties shall provide the necessary equipment, personnel and training to support these functions on site. Any deviations, changes, and/or discrepancies differentiating the shop drawings from the Contract Documents shall be clouded.
- 14. Designers and owner shall cooperate fully with building inspection officials, third-party inspectors, and CM's designated representatives for review and inspection of the work. CM shall provide access to any and all areas for required testing, including providing scaffolding, safety equipment, lifts, etc as required.
- 15. Stored materials may be submitted for payment when stored on site, received in a timely fashion and with prior approval of the Owner.
- 16. Owners & designers understand that weekly project meetings will be held on the job site
- 17. The Owner has engaged a third party commissioning agent for this project.
- 18. CM will provide multiple "Mock-ups" or "Prototypes" as required to expedite the approval of any system or product or as required by Specification. Modification or reworking of the "Mock-ups" or "Prototypes" to achieve Owner/Architect/Contractor approval is included in the Scope of Work in accordance with technical specification.
- 19. The Fields & Turf package Includes all surveying and related drainage system, Providing staking for all structures and buildings GMP-1 included subgrade as built for all Athletic Fields. GMP -2 Field Contractor to provide Athletic Fields & drainage as builts. CM shall obtain a signed and sealed drawing to certify all installations, etc. comply with Contract Documents upon completion of each phase of work.
- 20. CM will continue to maintain all erosion control measures and maintenance as required by documents and site conditions. We will furnish, install, maintain and remove all erosion control measures as shown on plans including, but not limited to, construction entrances, silt fence, berms, tree protection fencing, diversion ditches, inlet protections, rock check dams, dewatering silt bags, silt fence outlets, temporary sediment basins complete, temporary seeding, channel lining, and matting. Subcontractor will maintain erosion control measures throughout the entire project duration. Subcontractor will provide all reporting required by regulatory agencies and



Town of Apex Pleasant park - December 30, 2020

Town of Apex. Furnish, install and maintain for the life of the project an erosion control system to prevent the runoff of water from leaving the site.

- 21. Any areas which deflect, rut or pump excessively should be undercut to suitable soil and replaced with fill as directed by the Owners Testing Agency using unit prices and allowances per contract documents.
- 22. Furnish and install site grading to all subgrade elevations shown on the plans and as identified in this scope of work document. All cut and fill to be unclassified to contract documents subgrades. The CM assumes that all material excavated, for whatever reason, on the site will be used on site and all material required as fill material will be excavated from on site with the exception of structural fill for segmented walls.
- 23. The intent is to balance site. Excess material including topsoil and footing spoils to be wasted on site. Area shown as Phase 4 will be primary area for excess fill.
- 24. CM notes the terms and definitions indicated for unsuitable soils, unsatisfactory soils and rock excavation in Specification 312000-Earth Moving. Allowance quantities are to be used for UNSUITABLE soil excavation located at or below proposed subgrade elevations as directed by Owners Testing Agency. UNSTATISFACTORY soil materials (located above subgrade) may be blended if the specification allows and replaced with suitable soil at no additional cost to the project.
- 25. Stockpile existing topsoil from the site and respread as required. Excess topsoil to be wasted on site.
- 26. Furnish and install all stone bedding material as required by plans and specifications.
- 27. Furnish and install trench protection for work per OSHA regulations.
- 28. Furnish, install and maintain temporary roads, laydown areas as required. CM to have sub contractor grade temporary roads for positive drainage. (See logistics/staging plan for further details). Refer to the Site Demolition and Staging plan for information as it relates to the temporary construction access roads and laydown/staging areas and associated temporary fencing. This temporary road will be built and maintained by using ABC stone and fabric as shown. Temporary road width to be 24'. Components to include undercut of paved areas by 6", geotextile fabric, 6" ABC compacted to withstand fully loaded tandem dump truck.CM to have subcontractor furnish, install, maintain and remove temporary construction fencing and gates as shown on logistics/staging plan and provide 6' temporary fencing around existing Patrick Family graveyard prior to any work on site.



- 29. CM to ensure subcontractors furnish, install and maintain concrete wash out areas, including the removal as directed by the Construction Manager along with posted signage.
- 30. CM will ensure subcontractors provide pumps and dewatering devices required to perform all work in this bid package
- 31. CM will coordinate all work for telephone, gas and electrical services which will be by others.
- 32. Temporary water at Trailer Area
- 33. Permits to be provided by Owner at no cost. CM shall obtain permits and coordinate inspections with Town and Construction Manager.



Total Project Budget w/ GMP 3 Estimate

Division:	Description:		Cost:	
	đ.			
BP2.0	Earthwork & Storm Drainage	GMP1	\$	5,712,870.00
BP2.1	Segmental Walls	GMP1	\$	689,484.00
BP2.2	Bridge		\$	450,000.00
BP2.3	Utilities	GMP1	\$	1,451,328.00
BP2.4	Fields & Turf	GMP2	\$	3,334,300.00
BP2.5	Asphalt Paving (inc. Courts, Curb & Gutter)		\$	1,919,541.00
BP2.6	Site Concrete		\$	831,857.00
BP2.7	Fencing	GMP2	\$	863,100.00
BP2.8	Landscaping		\$	1,010,686.00
BP3.0	Building Concrete		\$	344,893.00
BP4.0	Masonry		\$	502,202.00
BP5.0	Misc. Metals		\$	74,475.00
BP6.0	Rough Carpentry		\$	1,000,236.00
BP6.1	Trusses		\$	89,120.00
BP6.2	Casework & Cabinetry		\$	17,283.00
BP7.0	Roofing		\$	623,512.00
BP7.1	Metal Panels		\$	24,000.00
BP7.3	Caulking & Sealants		\$	65,642.00
BP8.0	Doors, Frames & Hardware		\$	74,450.00
BP8.1	Glass & Glazing		\$	79,750.00
BP8.2	Overhead Doors & Coiling Shutters		\$	29,000.00
BP9.0	Framing, Drywall & Acoustic Ceilings		\$	149,619.00
BP9.1	Painting		\$	114,018.00
BP9.2	Flooring		\$	32,576.00
BP10.0	Toilet Partitions & Accessories		\$	80,227.00
BP10.1	Lockers		\$	17,907.00
BP10.2	Fire Extinguishers		\$	4,550.00
BP10.3	Signage		\$	47,950.00
BP10.4	Flagpoles		\$	6,000.00
3P10.6	Canopies		\$	87,200.00



Total Project Budget w/ GMP 3 Estimate Continued

BP11.0	Playground Equipment	\$ ·
BP11.1	Athletic Equipment	\$ 224,000.00
BP12.0	Site Amenities (Garbage cans & Bike racks)	\$ 32,411.00
BP12.1	Roller shades	\$ 2,850.00
BP13.0	Splashpad	\$ 224,667.00
BP15.1	Kitchen equipment	\$ 6,490.00
BP15.2	Plumbing	\$ 214,150.00
BP15.3	Mechanical	\$ 299,380.00
BP16.0	Electrical & Fire Alarm	\$ 905,890.00

	Subtotal:		\$ 21,637,614.00
	Bonds & Insurance:	1.25%	\$ 270,470.18
	General Conditions:		\$ 1,911,172.00
	Fee:	3.50%	\$ 833,673.97
CO#1	Treeprotection fence & Sewer additions	11/24/2020	\$ 218,820.18
CO#2	Additional Storm Drainage Pending	1/8/2021	\$ 721,755.00
	Total Cost of work under Contract with JMT:		\$ 25,593,505.32

*	This budget does not inlcude the below items:		
*	Site Lighting & Amenity	ADD	\$ 5,350,000.00
*	Baseball fields	ADD	\$ 2,245,700.00
*	Baseball field fencing	ADD	\$ 542,466.00
*	Alternate to add shock pad & cooling at turf feilds	ADD	\$ 1,425,751.00



Pleasant Park General Conditions

Item	Description	Takeoff Qty	им	Subcontract Unit Cost	UM	Other Unit Cost	им		Rate	Total Unit Cost		%		Total Amount
							1	1		-			\top	
10	Project Manager	103,00	week					S	3,300.00	\$ 3,300,00	/week	100%	\$	339,900.
10	Asst, Project Manager	103.00	week	\$ -		\$ -		\$	2,211,00	\$ 2,211,00	/week	75%	\$	170,799,
10	Project Engineer	103,00	week					\$	2,178.00	\$ 2,178,00	/week	75%	\$	168,250.
20	PM Vehicle	24.00	mnth			\$ 1,250,00		1		\$ 1,250,00	/mnth	100%	\$	30,000,
10	Project Executive oversight	103,00	week					\$	4,620.00	\$ 4,620,00	/week	10%	\$	47,586,
20	Asst. PM Vehicle	24,00	mnth			\$ 1,250,00	1	1		\$ 1,250,00	/mnth	100%	\$	30,000
30	Mobile Phone - Project Manager	24.00	mnth			\$ 50.00	/mnth	1		\$ 50,00	/mnth	100%	\$	1,200,
30	Mobile Phone - Asst, Project Manager	24.00	mnth			\$ 50.00	/mnlh	\vdash		\$ 50,00	/mnth	50%	\$	600.
10	Superintendent	103.00	week					\$	3,102.00	\$ 3,102.00	/week	100%	\$	319,506
20	Pickup Truck - Superintendent	24.00	mnth			\$ 1,250.00		t		\$ 1,250.00	/mnth	100%	\$	30,000
30	Mobile Phone - Superintendent	24.00	mnth			\$ 50,00	/mnth	\vdash		\$ 50.00	/mnth	100%	\$	1,200
10	Assistant Superintendent #1	103,00	week				1	\$	2,046.00	\$ 2,046.00	/week	75%	s	158,053
10	Assistant Superintendent #2	0,00	week				1	\$	2,046,00	\$ 2,046.00		0%	\$	
10	Assistant Superintendent #3		_		_		1	\$	2,046,00	\$ 2,046,00	/week	0%	\$	
	Pickup Truck - Assist, Superintendent #1		mnth			\$ 1,250.00	+	┢		\$ 1,250,00	/mnth	75%	\$	22,500
	Pickup Truck - Assist, Superintendent #2		mnth			\$ 1,250.00	1—	╁		\$ 1,250.00	/mnth	0%	\$	
	Pickup Truck - Assist, Superintendent #3	150	mnth			\$ 1,250.00	+	╁		\$ 1,250.00	/mnth	0%	\$	
	Mobile Phone - Assist, Superintendent #1		mnth			\$ 50.00	/mnlh	-		\$ 50,00	/mnth	75%	\$	900
	Mobile Phone - Assist, Superintendent #2		mnth		_	\$ 50.00	/mnth	-		\$ 50.00	/mnth	0%	s	- 500
	Mobile Phone - Assist, Superintendent #3		mnth			\$ 50,00	/mnth	-		\$ 50,00		0%	s	
	Office Engineer/ Clerk		week			\$ 50,00	/mitus	-	4.050.00		/mnth			
	Office Trailer	24,00	_			E 050.00	-	S	1,650,00	\$ 1,650,00	/week	0%	S	10.000
			_			\$ 850.00	_	_		\$ 850,00	/mnth	95%	\$	19,380
	Office Trailer - Set up. / Stairs	1,00				\$ 1,200,00		₩		\$ 1,200,00	/ls	100%	S	1,200
	Tool Storage Trailer / Connex (2)		mnth			\$ 500.00	_			\$ 500,00	/mnth	80%	\$	9,600
	Onsite Equipment / Gator	24.00	mnth			\$ 850,00		_		\$ 850,00		100%	\$	20,400
	Personnel Elevator		mnth				_	_		\$	/mnth	0%	\$	
	Schedule Set-up		Isum	S =	/Isum	\$ 7,500.00				\$ 7,500,00	/Isum	100%	\$	7,500
	Schedule Updates		each	\$ 1,500,00	/each	\$ 450.00				\$ 1,950,00	/each	100%	\$	46,800
	Job Photographs		mnth	\$ 150,00	/mnth	\$ 50.00	/mnlh			\$ 200.00	/mnth	100%	\$	4,800
	Job Use Electricity	24.00	mnth	\$ 1,100.00	/mnth					\$ 1,100.00	/mnth	100%	\$	26,400
20	Office Trailer Electricity (2)	23.00	mnth			\$ 300.00	/mnth			\$ 300,00	/mnth	100%	\$	6,900
30	System Start-up	6.00	mrith	\$ 6,000.00	/mnlh					\$ 6,000.00	/mnth	0%	\$	
10	Temporary Heat	6.00	mnlh	\$ 7,500.00	/mnth					\$ 7,500,00	/mnth	0%	\$	
20	Temporary Air Conditioning	6.00	mnlh	\$ 7,500,00	/mnth					\$ 7,500,00	/mnth	0%	S	
10	Water Service Hook-up	1,00	Isum	\$ 15,000.00	/Isum	\$ 500.00	/Isum			\$ 15,500,00	/Isum	100%	S	15,500
20	Job Use Water	23,00	mnth	\$ 1,500,00	/mnth	\$ 100,00	/mnth			\$ 1,600.00	/mnth	100%	S	36,800
30	Ice & Cups	103,00	week							\$ -	/week	100%	\$	
10	Temporary Toilets (6)	24.00	mnth			\$ 540.00	/mnth			\$ 540.00	/mnth	100%	\$	12,960
10	Safety Supplies	24.00	mnth			\$ 250,00				\$ 250,00	/mnlh	100%	s	6,000
20	Traffic Barricades	100.00	Inft							S -		0%	s	
40	Traffic Control	40,00	hour					1		\$		0%	\$	
60	Fire Extinguishers	10,00	each			\$ 150.00		1			/each	100%	5	1,500
	Safety Meetings	103,00	_		_		1			\$ -	/week	100%	\$	
	Safety Officer	103,00			-			\$	2,178.00	\$ 2,178.00	_	50%	\$	112,167
	Construction Fence (misc purposes)	1,000.00		\$ 10.00	/Inft		_	, ·	2,110.00	\$ 10.00	/inft	100%	\$	10,000
$\overline{}$	Construction Fence Screening	1,000.00	_	\$ 10.00	/Inft		 			\$ 10.00	/Inft	0%	\$	10,000
	Personnel Gate		each	\$ 750.00	/each		-			\$ 750.00	/each	100%	\$	750
	Vehicle Gate		each	\$ 1,500.00	/each		-	-						
$\overline{}$			_	a 1,500,00	reacn		-				/each	100%	\$	3,000
$\overline{}$	Structural Shoring		pnts	e 0.000.00	T		-			\$ -		0%	\$	
_	Security/Watchman	103.00		\$ 3,600.00	Week		-			\$ 3,600.00	/week	10%	\$	37,080
$\overline{}$	Temporary Roadway	1,500,00		\$ 10.00	/sqyd					\$ 10.00	/sqyd	0%	\$	
_	Temporary Parking / maintenance	1,000.00		\$ 4.00	/sqyd					\$ 4.00	/sqyd	100%	S	4,000
	Weekly Clean-up	95.00						594		\$ 594.00	/week	100%	\$	56,430
30	Dumpster Rent (2)	24.00	mnth			\$ 900.00				\$ 900.00	/mnth	100%	\$	21

	Surface Water Control		week							\$			0%	\$	
10	Project Sign		each			- \$	2,500,00	-	 	\$	2,500.00	/each	100%	\$	2,500.00
10	Project Traffic Signage	1,00	each		_	s	2,500,00			\$	2,500.00	/each	100%	s	2,500,00
10	Office Set-up	1.00	Isum			S	1,250.00			S	1,250,00	/Isum	100%	\$	1,250,00
20	Office Set-up - Owner's Rep.	0,00	Isum			1				S		/Isum	0%	\$	(2)
30	Temp sanitary to trailer	1,00	Isum	\$ 2,500.	00	\top				S	2,500.00	/Isum	0%	\$	120
30	Temp Water to trailer	1,00	Isum	\$ 2,500.	00	T				\$	2,500,00	/Isum	0%	s	
30	Temp electric to trailer	2,00	Isum	\$ 2,500,	00	\top				\$	2,500,00	/Isum	100%	s	5,000.00
30	Temp power monthly cost	24.00	Isum			\$	350.00			\$	350,00	/Isum	100%	s	8,400.00
10	Office Supplies	24,00	mnth			\$	250,00			\$	250,00	/mnth	100%	\$	6,000,00
10	Plan printing	1,00	LS	\$ 5,000	00	\top				\$	5,000.00	/LS	100%	s	5,000.00
20	Office Furniture	1,00	ls			\$	6,500.00			\$	6,500.00	/ls	100%	\$	6,500.00
30	Computer & Printer	4.00	each			\$	1,500.00			\$	1,500.00	/each	100%	\$	6,000.00
30	IT Support	24.00	mnth			\$	350.00			\$	350,00	/mnth	100%	\$	8,400.00
30	Software	24.00	mnth			\$	1,500,00			\$	1,500,00	/mnth	100%	\$	36,000.00
40	Copy Machine	24.00	mnth			\$	150.00			\$	150,00	/mnlh	100%	\$	3,600.00
60	Postage & Shipping	24.00	mnth	\$ -	/mnth	s	85.00	/mnth		\$	85,00	/mnth	100%	\$	2,040.00
10	Final Cleanup	103.00	wk							\$	3.50	/sqft	0%	\$	

Note:

^{*} Unit costs for labor and Material are allocated & inlcude burden and sales tax.



Document Enumeration

Town of Apex Pleasant Park - December 30, 2020

GMP1 Documents included as part of GMP2:

9-26 Plans Combined

Addenda 1, 11-12-2019

Addenda 2, 11-26-2019

Pleasant Park Temp Road, Staging & Fencing

GMP2 Documents

GMP 2 Bid Manual 11-15-2020

Pleasant Park GMP2 Plans 10-23-2020

Specification 116833 34 Baseball & Softball Field Equipmentv2

Specification 323113_00 Chain Link Fences and Gates DRAFT

Specification - Montage Plus

Synthetic Turf Spec Draft

Synthetic Turf Base Course Spec Draft

Synthetic Turf Subsurface Drainage Spec Draft

Addenda 1:

GMP2 Addenda 1 Cover

Pleasant Park Revised Plans 11-13-2020

Specification 321550 10 Synthetic Turf Base Course

Specification 321813_00 Synthetic Turf

Specification 323113FL-Chain Link Fences and Gates

Specification 323119.53 Decorative Metal Security Fences & Gates

Specification 323119.53.1 Decorative Metal Security Fences & Gates-Swinging

Specification 324116_10 Synthetic Turf Subsurface Drainage

Apex GMP2 Bid Form Fencing

Apex GMP2 Bid Form Fields & Turf

Chain Link Fence Bulletin Drawing 11-12-2020

Addenda 1 Continued:

Pleasant Park Schedule Update 02 Remaining Work 11-10-2020

PP backstop Netting Posts

Soccer Field Curb Taper 11-03-2020

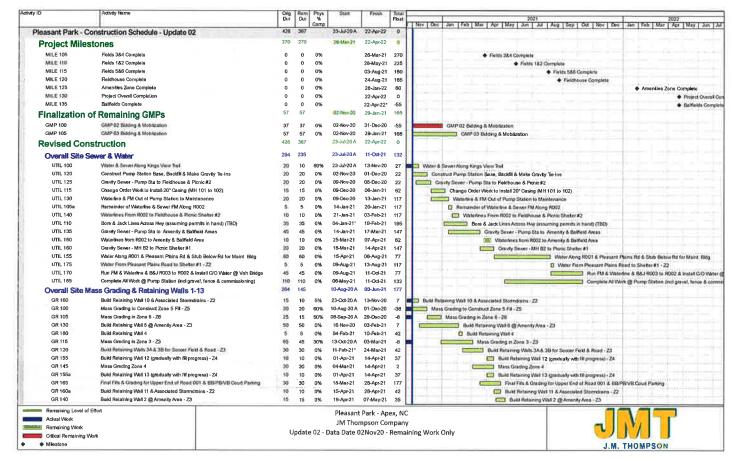
Dugout Post Example photo

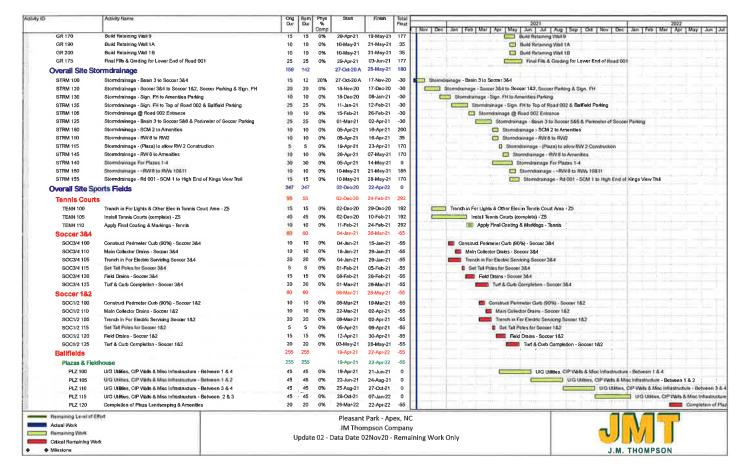
Backstop Post Example photo

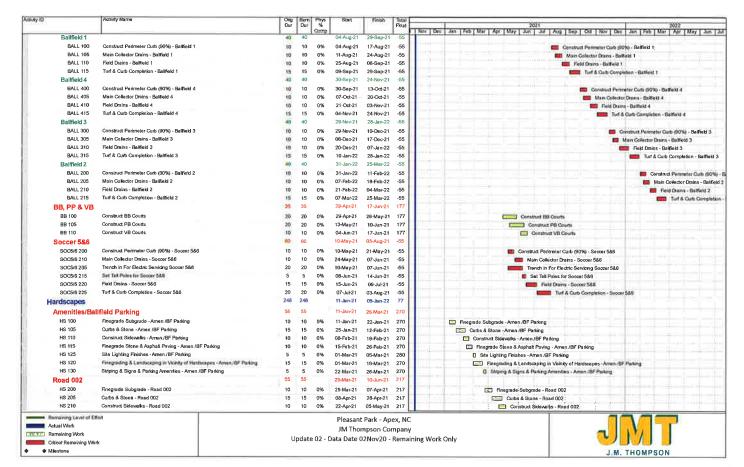
Addenda 2:

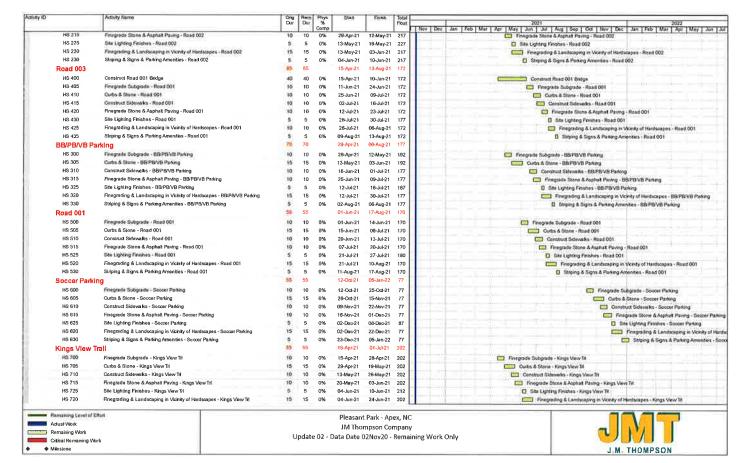
GMP2 Addenda 2 Cover 11-25-2020

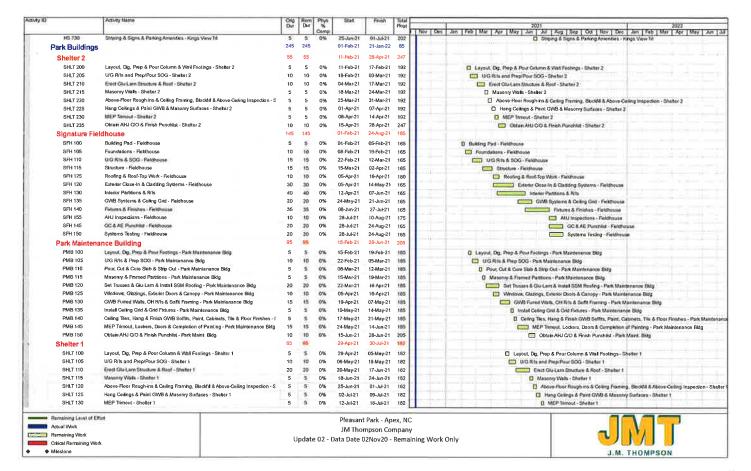
Apex GMP2 Bid Form Fields & Turf Revised 11-25-2020

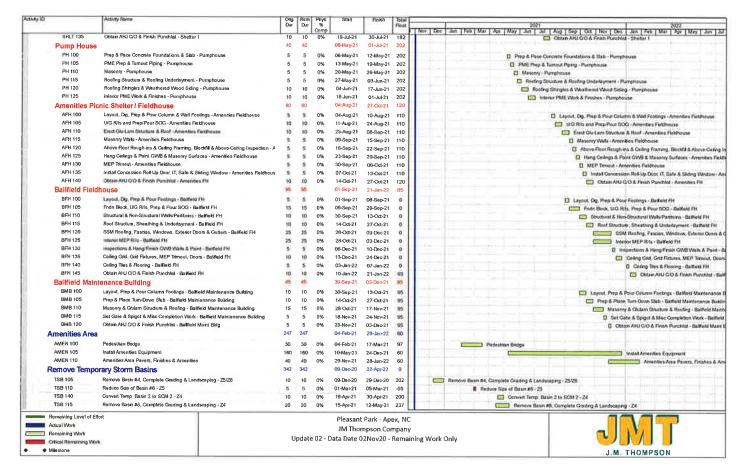


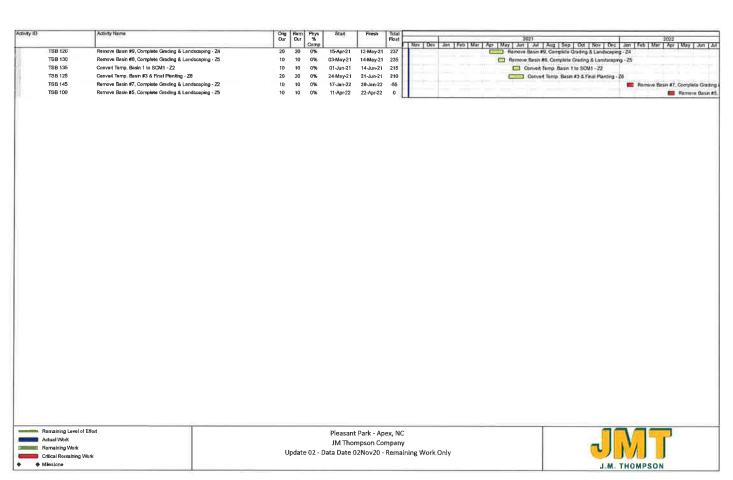












Page 2 1/8/2021 1:43 PM

Item	Description	Takeoff Qty	Labor		Material		Bubcontract		Equipment	Other	Total
liem	Description	такеоп шту	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
BP02.0	Earthwork & Storm										
	05 Earthwork & Storm	1,00 LS	0.00	20	2	\$	5,571,864				5,571,864
	05 Excavate unsuitable soils & stockpile on site at	8,500,00 cuyd	200	*3			63,750				63,750
	noted location (Allowance 1) 05 Excavate unsuitable soils & haul off site	500,00 cuyd					40 500				
	(Allowance 2)	300,00 00,00	8	-	5		10,50D				10,500
	05 Provide, import & place ABC stone (Allowance 7)	100,00 TN		¥1		23	2,700		·		2,700
	05 Provide, import & place compactable fill	100,00 cuyd	920	*:	22	- 5	3,500		-	- 6	3,500
	(Allowance 9) 05 Place compactable fill from stockpile (Allowance	100_00 cuyd	947								
	10)	100,00 cuya		-	*		1,300				1,300
	05 Provide, import & place structural process fill	1,000,00 TN	54.5	43	48	20	21,000			- 0	21,000
	(Allowance 12)										21,000
	05 Provide, install 6" HDPE Drain Leaders	900_00 Inft	(9)	*0	*2	*	32,400				32,400
	(Allowance 13) 05 Provide, install 6" HDPE Drain Leader Bend	16,00 each					4.420				
	(Allowance 14)	10,00 6401		5.5	*3	*	1,136		-	*	1,136
	05 Provide, install 6" HDPE Drain Clean Outs	16.00 each					4,720			-	4,720
	(Allowance 15)	100									
	05 Stream Buffer to be removed 10 Phase 3 Site Cut to Fill	30,589,00 of		•	*	*	9		-		
	10 Phase 2 Site Cut to Fill	107,404,00 cuyd 10,091,00 cuyd		1	- B	- 5	0			*	
	10 Phase 1 Site Cut to Fill	159,539,00 cuyd	- 7			- 5	0		*	-	
	10 Phase 4 Site Cut to Fill	6,947,00 cuyd			2		ő		3	- 5	
	20 Phase 3 Site Cut to Stockpile	1,717,00 cuyd				<u> </u>	o o				
	20 Phase 4 Site Cut to Stockpile	27,690,00 cuyd	-		7.1	**	0			-	
	50 Phase 2 Site fill From Borrow	5,409,00 cuyd	3	16			0		9		
	50 Phase 1 Site fill From Borrow	26,367,00 cuyd	19		-	12	0				
	20 Silt Fence 25 Tree Protection Fence	3,500,00 Inft	4.5		5	**	0		8		
	30 Etusion Control Pand	1,500,00 Inft 2,00 LS				*	0		-	-	
	50 Temporary Seeding	1.00 LS				- 3	0		-	- 5	
	55 Maintain Erosion Control	1,00 lsum			3		o		- 0	- 5	
	60 Inlet Protection	1,00 each	-	1.00			0				
	10 Soil Poisoning	17,985,00 sqft	99		6	*	0			\$	
	90 Dewatraering for Construction	1_00 Isum	/4			*	0		-		
	90 Storm Drainage & Ponds	1,00 Isum	- 35	1.5	*	*	0				
	90 Culvert / Bridge 10 30" RCP	1,00 Isum 80.00 Inft	65			**	0				
	10 42' RCP	104.00 Inft	ő.		- 6	3	9		- 1	- 3	
	10 42° HDPE Storm	700.00 Inft	4	12		2	0		5	- 3	
	10 36" HDPE Storm	300,00 Inft	:*	160		*1	0		2	- 3	
	10 30" HDPE Storm	30 00 Inft	9	1.6	-		0		<u> </u>	3	
	10 24" HDPE Storm	1,440,00 Inft	92			*7	0			*:	
	10 18" HDPE Storm	2,260,00 Inft	2.4 01	1.0	16	影	0			8	
	10 15" HDPE Storm 15 15" RCP	4,500,00 Inft 130,00 Inft				**	0		-	-	
	25 18" RCP	18.00 Inft	15	2		- 5	0			*	
	BP02.0 Earthwork & Storm	10,00 4111	2.5								
	BF02.0 Earthwork & Storm						5,712,870				5,712,870
22											
BP02.1	Segmental retaining walls										
	10 Segmental Retaining Walls 10 Segmented Retaining Walls #8	1.00 LS	it in the second	100		*	689 484		8	*	689,484
	10 Segmented Retaining Walls #9 10 Segmented Retaining Walls #7	1,450.00 sqft 947,00 sqft			1.60		0		-		
	10 Segmented Retaining Walls #6	1,183.00 sqft	9	15	12		0			- 5	
	10 Segmented Retaining Walls #5	3,978,00 sqft	1	- 2	7.5	39	ő				
	10 Segmented Retaining Walls #4	280.00 sqft	3		5.45	- 3	0		3	3	
	10 Segmented Retaining Walls #3	1,127_00 sqft			2.3	Ş1	0		2	22	
	10 Segmented Retaining Walls #2	2,795,00 sqft	57	300	7.55	*:	0		*:	*3	
	10 Segmented Retaining Walls #1 10 Structural fill at walls	2,416,00 sqft	*			- 8	0			*	
	10 Segmented Retaining Walls #10	24,642,00 In	*		1747	-	0			7	
	10 Goginania Remining Assits #10	15,221 00 sqft		3.53	(3)	•	0			**	

Page 3 1/8/2021 1:43 PM

Item	Description	Takeoff Qty	Unit Cost	Amount U	Material Init Cost	Amount	Amount	Name	Equipment	Other	Total Amount
	BP02.1 Segmental retaining walls						689,484				689,484
BP02.2	05 Bridge	1,00 LS	e:	÷	*	-	450,000		æ		450,000
	BP02.2 Bridge						450,000				450,000
BP02.3	Utilities 10 Utilities	1,00 LS									
	 Trench rock excavation & hauled off site (Allowance 5) 	100,00 cuyd		\$	3	3	1,418,828 15,000		3	8	1,418,828 15,000
	10 Provide, Import and place #57 stone 10 Wet Well	500.00 TN 1.00 LS			*		17,500		2	9	17,500
	10 2" Water Distribution Piping	350,00 Inft		2	5	3	0		1		
	10 1 -1/2" Water Distribution Piping	110.00 Inft	-	-	<u></u>	-	0		2	2	
	10 1" Irrigation piping 10 Pump Station water	100,00 Inft 1.00 LS		52	5	8	0			*	
	10 Force main	1.00 LS	7/22	- 5	2	Ş	0				
	10 Irrigation Meter Assemble	1,00 LS	5.55	**			0				
	85 Hydrants 94 Water Service Accessories	7,00 each 1,00 LS			€	-	0		-	-	
	94 Water Meter	6.00 each		Ž/,	2		0		2	ä	
	10 Sanltary Sewer DIP	1,260 00 LF		-	**		0				
	10 Sanitary Sewer 8" PVC 10 Sanitary Manholes	870,00 Isum 13,00 Isum	35	**	*		0			3	
	10 Sanitary Sewer 4" PVC	13,00 fsum 460,00 fsum	- 8	5		Ü	0				
	120 6" DIP	980,00 Inft	±3.				0			1	
	125 8" DIP 135 12" DIP	2,860,00 Inft	(2)	*	23	*	0		2		
	BP02.3 Utilities	800,00 Inft	450	77		: : : : : : : : : : : : : : : : : : :	0		*	*	
	Di Va.S Othitics						1,451,328				1,451,328
BP02.4	Fields & Turf 30 Fields sub contractor	1,00 SF									
	30 Soccer Field 5 & 6 Surface	194,000,00 SF					3,334,300		-	ē	3,334,300
	30 Soccer Field 3 & 4 Surface	194,005.00 SF					0		2	3	
	30 Soccer Field 2 Surface 30 Soccer field 1 Surface	108,000,00 SF 100,000,00 SF					0			-	
	BP02.4 Fields & Turf	100,000,00 51				_	0				
	Brv2.4 rielus a ruit						3,334,300				3,334,300
BP02.5	Asphalt Paving / Curb & Gutter										
	30 Basketball Courts Surface 30 Pickle Ball courts Surface	10,200.00 SF 2,700.00 SF					122,400		*		122,400
	30 Tennie Courts - Surface	11,500,00 SF					32,400 138,000		-		32,400 138,000
	10 24" Curb & Gutter	12,220,00 Inft					366,600			-	366,600
	10 30" Curb & Gutter 10 18" Curb & Gutter	1.00 Inft 1.00 Inft					0				0
	20 Ligh Duty Paving & Base	32,269.00 sqyd				3	0 903,532				903,532
	20 Heavy Duty Paving & Base	11,439.00 sqyd				-	354,609				354,609
	20 Handicap Parking Symbols	8,00 each	(3)		18	*	2,000		-		2,000
	BP02.5 Asphalt Paving / Curb & Gutter					9	4 040 544				4 040 544
	Gales						1,919,541				1,919,541
BP02.6	Site Concrete	400 :-									
	10 Site walls @ BB Fields 10 Concrete Prep	1,00 LS 25,200,00 soft					110,610 44,100			*	110,610
	20 Stone Base	425.00 tons					14,875				44,100 14,875
	30 5' Sidewalk	4,851,00 sf					38,808		2		38,808
	30 HC Ramps 70 10' Concrete path	12,00 sf 24,350,00 sf					10,164			-	10,164
	10 10 contrate here.	24,000,00 85					194,800		- 5		194,800

Page 4 1/8/2021 1:43 PM

Item		Description	Takeoff Qty		Labor	Amount	Unit Cost		Subcontra		Equipment	Other	Total
100		Description	Takeon Qty		Unit Cost	Allipulit	Olif Cost	Amount	Amount	Name	Amount	Amount	Amount
BP02.6		Site Concrete											
	70	Concrete path @ BB Fields	62,000.00	sf					418,500		27	170	418,500
		BP02.6 Site Concrete							831,857				831,857
BP02.7		Fancina											
BFUZ.7		Fencing Fencing sub contractor	1.00	LS	120		27	32	863,100			8	863,100
		Field Fence 1 - 10' Fence (netting separate)	0,00	Inft	180				0		- 2	9	505,100
	10	Field Fence 2 - 10' Fence (netting Separate)	0.00	Inft		- 2		- 3	D				
		Field Fence 3 & 4 - 10' Fence (Netting Separate)	0.00	inft	•				0			-	
		Wall Fence - 4' chainling	468 00	Inft			•	2	D		- 8		
		Tennis court tencing w/ windscreen Field Fence 5 & 5 - 10 Fence (Netting Separate)	753,00 1,280,00				**	-	D 0		-	-	
		Chain Link Fence Temp - For completing soccer	1,500.00						0		- 3	- 3	
		field early											
		7' Chain Link Fence Black Vinyl Coated		lf	5.56				0				
		Chain Link Fence Temp			(*)				0				
		Guard Rail @ roadway 7'x3' Chain Link Gate	199,00	Infl each	~	12	- 5	8	0		- 3		
-		Baseball Netting	0.00	SF	0.00	0	0.00	ō	0				
		Netting @ Soccer fields	41,168.00	SF	0.00	•	0.00		0				
	10	Misc, Concrete Drive apron		SF					0		- 2	-	
		Metal Gates @ Soccer Field 5 & 6	4,00	each	0.00	0			0				
		Metal Gates @ Soccer field 3 & 4	4,00	each	0 00	0			0				
		Metal Gates @ Soccer field 2 Metal Gates @ Soccer field 1	4,00	each	0.00	0			0		-		
		Fence gates @ Tennis Courts	4.00 4.00	each each	0.00	0			0		3	*	
		Batting cage fencing	240.00	LF	0.00	a			0		2	8	
-		7' Steel Fencing		lf.	0,00	- 2			0			- 0	
_		7'x3' Steel Gates		68		- 8			0		2		
		9' In Ground Fence Post	8,00	08	(*)				0				
		BP02.7 Fencing							863,100				863,100
BP02.8		Laurdananium & Davissa											
		Landscaping & Pavers Splash Zone Pavers on Cenc.	4,488.00	sqft					89.720				
		Impation System	1,00	lsum				- 5	75,000				89,720 75,000
		Irrigation Sleeves	500,00	Inft	923	500			10,000		3	8	10,000
	40	Watering& Maintainence / Warranty	1,00	leum		(4)			124,350				124,350
	40	Love grass		SF	-			-	8,960		9		8,960
		Fine grading for lansdscape	1,00	isum	4			-	22,680			9	22,680
		Matting Planting / mulcing		SF LS	30			*	80,250			*	86,250
		SOD						- 5	161,450 383,040				161,450 383,040
		Replant RCA area	28,135 00		5.0		100		49,236		0		49,236
		BP02.8 Landscaping & Pavers							1,010,686				1,010,686
BP03.0		Building Concrete											
D: 00.0		Sub-mobilization	1_00	LS	141			141	23.973		-	-	23,973
		Soil Treatment	5,925,00	ъľ	(5)	- 3		2	889			2	889
		Soil Treatment	4,925,00	af	-			-	739				739
		Soll Treatment		sf					580				580
		Soil Treatment		sf	24.5		1.60	≆	563				563
		Soil Treatment Soil Treatment		sf sf	127		()	•	528		- 5		528
		Footing Exc. Machine		e).		- 3	- 15		326 690		552		326 1,242
		Fooling Exc. Machine		cy		12.		2	1,680		1,344	3	3,024
	40	Footing Exc. Machine		cy				-	1,200		960		2,160
		Footing Exc. Machine	72,00	су		300	0.50		1,080		864		1,944
	40	Footing Exc. Machine		cy					1,005		804	-	1,809
	40	Footing Exc. Machine Excavate @ Slab Turn Down		cy		221			720		576	*	1,296
	41	Excavate @ Slab Turn Down		cy		8			1,220 1,000		915 750	5	2,135 1,750
		Excavate @ Slab Turn Down		cy	4		(3)	- 0	1,000		750	-	1,750
	41	Excavate @ Slab Turn Down		сy	-		3.6		500		375	*	875

Page 5 1/8/2021 1:43 PM

			Labor		Material		Subcontract		Equipment	Other	Total
Item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
BP03.0	Building Concrete										
	43 Excavate @ Thickened Slabs	1,50 cy					45		30	20	75
	43 Excavate @ Thickened Slabs	6,00 cy	-		¥5	9	180		120	2	300
	43 Excavate @ Thickened Stabs	2,00 cy	-		**		60		40		100
	43 Excavate @ Thickened Slabs	1,25 cy					38		25	- 2	63
	43 Excavate @ Thickened Slabs	1_25 cy					38		<u>75</u>	+	113
	43 Excevate @ Thickened Slabs	2,00 cy		1.5			60		40		100
	24 Place Washed Stone Base @ S.O.G.	24_00 cy				*	360		120	*	480
	24 Place Washed Stone Base @ S.O.G.	66_00 cy	-		20		462		462	9	924
	24 Place Washed Stone Base @ Ext. Slab	50,00 cy	58	5.5	•		750		250		1,000
	24 Place Washed Stone Base @ S O G	9_00 cy	÷	98			63		63	22	126
	24 Place Washed Stone Base @ Ext. Slab	37,00 cy	-		*)	2	555		185	25	740
	24 Place Washed Stone Base @ S.O.G.	9.00 cy	-	3.5	製 製		135		<u>45</u>		180
	24 Place Washed Stone Base Under Slab	9 00 cy	:=		-	-	135		45	2)	180
	24 Place Washed Stone Base @ Ext. Slab	37 00 cy	35	/,50		-	555		185		740
	24 Place Washed Stone Base @ Ext. Slab	26,00 cy	0.0		<u>₹</u> {	-	390		130	*	520
	24 Place Washed Stone Base @ S.O.G.	17,00 cy					255		<u>85</u>	53	340
	33 # 57 Stone @ S O G	32,00 ton			27.50 /ton	880	* 3				880
	33 # 57 Stone Under S.O.G. 33 # 57 Stone @ Ext, Slab	89.00 ton 68.00 ton			27 50 /ton	2,448	**				2,448
	33 # 57 Stone @ S.O.G	12.00 lon	- 5	100	27.50 /ton	1,870				- 50	1,870
	33 # 57 Stone Under Ext. Stab	49_00 ton			27.50 /ton 27.50 /ton		59			- 5	330
	33 # 57 Stone @ S O G	12,00 ton	-		27.50 /ton	1,34B 330	-				1,348
	33 # 57 Stone @ S O G	12,00 ton					*			- 5	330
	33 # 57 Stone Under Ext. Slab	49,00 ton	(<u>†</u>	- 6	27,50 /ton	330	•			**	330
	33 #57 Stone Under Ext. Slab	35.00 ton		1.8	27.50 /ton 27.50 /ton	1,348	53		5	- 5	1,348 963
	33 # 57 Stone @ Slab On Grade	24.00 ton	- 5	- 3	27.50 /lon	660	<u> </u>			- 8	
	0 Footing Bokfill-Stockpile				27.50 Non	990	280		440		660
	D Footing Bokfill-Stockpile	14,00 cy 39,00 cy	(ē	1.5	55	-	780		140 390		420
	Footing Bokfill-Stockpile	9,00 cy	- 3	- 23	- 5	-	180		390	*	1,170 270
	D Footing Bokfill-Stockpile	33,00 cy		1			660		330	50	990
	Footing Bakfill-Stockpile	29,00 cy		(4)	- 1		580		290	- 5	870
-	Footing Bckfill-Stockpile	17,00 cy	6				340		170		510
	20 Bacidill @ Turndown Edge	47.00 cy			124	8	752		564	- 5	1,316
	20 Backfill @ Ext. Slab Edge	39.00 cy		-		8	780		468	- 9	1,248
	20 Backfill @ Turn Down Slab Edge	39.00 cy			Dec.		702		468		1,170
	20 Backfill @ Turn Down Edge	20.00 cy	-				320		240	- 5	560
	50 8" Slab On Grade Forms	31.00 lf	32		3.00 /lf	93	279		240	-	372
	50 8" Slab On Grade Edge Forms	48 DO If	4	- 0	3.00 At	144	432		- 2	- 5	576
	io 8" Slab On Grade Forms	21.00 H	\$		3.00 Af	63	189			- 2	252
5	iD 8" Slab On Grade Edge Forms	21,00 W			3.00 //	63	189			40	252
5	60 8" Slab On Grade Forms	20,00 lf	82		3.00 //f	60	200		G.		260
5	60 8" Slab On Grade Edge Forms	15,00 lf	- 2	- 2	3,00 Af	45	135				180
5	55 Slab Turn Down Edge Forms	556,00 sf	2*	5.00	3,50 /sf	1,946	5.004		£	¥9	6,950
5	55 Ext. Slab Turn Down Edge Form	460_00 sf			3,50 /sf	1,610	4,140		2	20	5,750
	5 Ext Slab Turn Down Forms	460,00 sf	*		3,50 /sf	1,610	4,140			*:	5,750
	5 Turn Down Slab Forms	230,00 sf			3,50 /sf	805	2,070		- 8		2,875
	5 Set Ancher Bolts	48,00 ea	-	4	1.0	2	480		2	*	480
	5 Set Anchor Bolts	40,00 ea	=*	5.00	l te	87	400			2	400
	5 Set Anchor Bolts	40,00 ea	*		(4)		400			- 3	400
	5 Set Anchor Bolls	16,00 ea	-			*	16D		8	*	160
	D Grout Base Plates	6,00 ea		- 0	8,00 /ea	48	90				138
	D Grout Base Plates	10,00 ea	- 3	2.00	8,00 /ea	80	150		4	2	230
	O Grout Base Plates	10,00 ma	7.	(2)	8 00 /ea	80	150		*	*3	230
	O Grout Base Plates	4.00 ea	9		8,00 /ea	32	6D			*	92
	5 Floor Sealer @ Slab On Grade	1,427_00 sf	-	-	0,08 /sf	114	428			*	542
	5 Floor Sealers @ S.O.G.	2,272,00 sf		553	1a\ 80,0	182	682			*2	863
	5 Floor Sealers @ S.O.G.	550,00 sf			1a\ 80,0	44	165		9		209
	5 Floor Sealers @ S.O.G.	691_00 sf		57	1a\ 80,0	55	207				263
	5 Floor Sealer @ Slab On Grade	691,00 sf	*		0,08 /sf	55	207		8	- 56	263
	5 Floor Sealer @ Slab On Grade	65_00 sf	*	1.21	0,08 /sf	5	20			*	25
	D Saw Cut Joints @ S.O.G.	111,00 11		===	2.00	S	139		*	- 6	139
	O Saw Cut Joints	443,00 If			× .	*	554		~	•	554
	O Saw Cut Joints @ Ext. Slab	11 00,08				33	100			***	100
	0 Saw Cut Joints @ Ext. Slabs	201,00 lf	*	-		*	251		302	*	553
	O Saw Cut Joints @ Slab On Grade	80,00 If		4		+	100			27	100
	0 Saw Cut Joints @ Ext. Slabs	201,00 If			18	***	251		240	*2	491
	O Saw Cut Joints @ Int. Slab	80.00 If	8	-	(S)		100			*	100
	O Saw Cut Joints @ Exterior Slab	79.00 lf					99		2	3/	99
в	0 Saw Cut Joints @ Slab On Grade	108,00 If		2.0	3.0	±2	135		*	*	135

Page 6 1/8/2021 1:43 PM

	E		Labor		Material		Subcontract		Equipment	Other	Total
Item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
BP03.0	Building Concrete										
	00 Protect & Cura Slab On Grade	1,895,00 sf			0.02 /sf	38	114				152
	00 Protect & Cure Slabs On Grade	5,353.00 sf			0,D2 /sf	107	321			-	428
1	00 Protect & Cure Exterior Slabs	4,072,00 sf		1.0	0,03 /sf	122	244		22	2	366
	00 Protect & Cure Slab On Grade	701,00 sf	3.2	18	0,02 /sf	14	42		+5	*	56
	00 Protect & Cure Exterior Stab	2,970,00 sf			0.04 /sf	119	208		**	- 8	327
	00 Protect & Cure Slab On Grade	724 00 sf			0.02 /s/	14	51		83	7.5	65
	00 Protect & Cure Slab On Grade 00 Protect & Cure Ext. Slab	724,00 sf 2,970,00 sf			0,08 /sf	58	51				109
	00 Protect & Cure Ext. Stab	2,970,00 sf 2,113,00 sf			0.04 /st 0.03 /st	119 63	208 148				327
	00 Protect & Cure Slab On Grade	2,113,00 sf		1.0	0 03 /sf	28	148		- 5	18	211
	30 4" Exp. Joint Filler	302.00 lf	- 3	7.0	0.242 //	73	196		- 5	5	126 269
	30 4" Exp. Joint Filler	561 00 lf			0.275 Af	154	365		- 5	- 5	519
	30 4" Exp. Joint Filler @ Ext. Slabs	219.00 //		32	0.275 //	60	142		- 3	- 5	203
	30 4" Exp Joint Filler @ S.O.G	118,00 If			0.275 ///	32	77				109
	3D 4" Exp. Joint Filler @ Slab On Grade	162.00 If			D 275 /lf	45	105		-	20	150
	3D 4" Exp. Joint Filler @ Ext. Slabs	218 00 lf			0.275 /lf	60	142		20	27	202
	30 4" Exp. Joint Filler @ Slab On Grade	162,00 lf	===		0 275 /lf	45	105		*:	**	150
	30 4" Exp. Joint Filler @ Slab On Grade	153,00 If			0,275 Af	42	99		**	*	142
	31 4" Expansion Jt, @ Ext, Slabs	218 00 If			D 33 /lf	72	142		- 3	7.5	214
	31 4" Expansion Jt, @ Ext, Slabs 40 15 Mil Vapor Barrier @ S.O.G.	122.00 lf 1.895.00 st	*		0.275 /lf	34	79		***	*	113
	40 15 Mil Vapor Barrier 40 15 Mil Vapor Barrier	1,895.00 sf 5.353.00 sf	-		0 033 /sf 0 154 /sf	63	95		*		157
	40 15 Mil Vapor Barrier	701.00 sf	- 3		0.154 /sf	824 108	268 42		詩	- 3	1,092
	40 15 Mil Vapor Barrier	724.00 sf	3		0.154 /sf	112	42		- 5	5	150 155
	40 15 Mil Vapor Barrier	724.00 sf			0.154 /sf	112	43		- 3	- 3	155
	40 15 Mil Vapor Barrier	1,401.00 sf			0.033 /sf	46	70			3	116
	10 Reinforcing Steel	1_00 ton			1,102.50 /ton	1,103	450				1,553
	10 Reinforcing Steel	2.06 ton			1,102,50 fton	2,271	927		*	- 8	3,198
	10 Reinforcing Steel	0.86 ton			1,102,50 /ton	948	387		2	2	1,335
	10 Reinforcing Steel	1,00 ton			1,102,50 /ton	1,103	450		• • • • • • • • • • • • • • • • • • • •		1,553
	10 Reinforcing Steel	1,00 ton	- 3		1,102,50 /ton	1,103	450		**	**	1,553
	10 Reinforcing Steel	1,30 tons	-		1,102,50 /tons	1,433	585		**	23	2,018
	Epoxy Set Rebar Epoxy Set Dowels	20.00 ea 80.00 each	•	(4)	4,00 /ea 4,00 /each	80 320	300		*	***	380
=	Epoxy Dowels @ Thickened Slabs	30.00 each			4.00 /eacn 4.00 /ea	120	1,200 600		**	**	1_520
=	Epoxy Set Dowels	18.00 ea			4.00 /ea	72	270			\$	720 342
	Epoxy Set Dowels	18.00 each	- 3	3.5	4.00 /sach	72	270		20	- 1	342
-	Epoxy Set Dowels	24.00 ea		5.00	4.00 /ea	96	360			- 2	456
	10 6x6 W2 9xW2 9 WWF	2,123.00 sf			0.33 /sf	701	212			- 3	913
	10 6x6 W2,9xW2,9 WWF	5,888,00 sf			0,33 /sf	1,943	589				2,532
	10 6x6 W2,9xW2,9 WWF	5,414,00 sf	-		0,33 /sf	1,787	541		*	*3	2,328
	10 6x6 W2.9xW2.9 WWF	4,250.00 sf	2		0,33 /sf	1,403	425			20	1,828
	1D 6x6 W2,9xW2,9 WWF	4,301,00 sf		1.0	0,33 /sf	1,419	430		*5		1,849
	10 6x6 W2,9xW2.9 WWF	4,207,00 ef	· ·		0,33 /sf	1,388	421		- 3	77	1,809
	20 Place Footing Concrete 20 Place Footing Concrete	20 00 cy			-		320			5	320
	20 Place Footing Concrete	51,00 cy 35,00 cy	3		-		816 560		5	**	816
	20 Place Footing Concrete	33.00 cy			-		528			•	560 528
	20 Place Fooling Concrete	22.00 cy	<u> </u>		42	0.0	352		- 50		352
	D Place & Finish Slabs On Grade	1,895,00 sf			750	- 0	1,895		20	20	1,895
	30 Place & Finish Slabs On Grade	5,353.00 sf		500	6.40		3.479		15	20	3,479
10	DD Place & Finish Exterior Slabs	4,072.00 sf	9		2.22		2,036		**	23	2,036
10	30 Place & Finish Slabs On Grade	701_00 sf	-		(*)		1,052		*/	27	1,052
	DO Place & Finish Exterior Slabs	2,970,00 sf	3				2,228		*	**	2,228
	DD Place & Finish Slabs On Grade	724.00 sf	-		1.6	-	1,086		27	40	1,086
	00 Place & Finish Slabs On Grade	701,00 sf		- 55			2,103		*S		2,103
	00 Place & Finish Exterior States 00 Trownt Finish Est. State	2,970,00 sf					2,228		*	**	2,228
	DO Place & Finish Slab On Grade	2,113,00 sf 1,401,00 sf		- 8			2,113		2	- 57	2,113
	D Pump Concrete Slab On Grade	1,401,00 st 4,00 hrs	9	- 1		13	1,401		- 5	*	1,401
	D Pump Concrete @ Slab On Grade	5.00 hrs					1,925 2,200				1,925 2,200
	DD Pump Concrete @ Exterior Slab	92.D0 cy		- 2	250	12	0		2,200	- E	2,200
	D Pump Concrete @ Ext. Slab	4.00 hrs	¥		75	12	-		1,916	31	1,916
	00 Pump Concrete @ Ext. Slab	4.00 hrs		500	0.00				1,925	-	1,925
	00 Pump Concrete @ Ext. Slabs	3.00 hrs	-	- 2	283		20		1,650	<u> </u>	1,650
	20 3000 PSI Footings	20,00 cy			144,90 /cy	2,898				*	2,898
	20 3000 PSI Footings	51.00 cy			144.90 /cy	7,390			€ (7,390
	20 3000 PSI Foolings	35,00 cy	*	14	144,90 /cy	5,072	2.7		4.0	20	5,072
2	20 3000 PSI Slab On Grade	11,00 cy	*	9.5	138,60 /cy	1,525			**	+0	1,525

Standard Estimate Report Pleasant Park DD

Page 7 1/8/2021 1:43 PM

				Labor	Materi		Subcontract		Equipment	Other	Total
Item	Description	Takeoff Qty	Unit Cost	Amoun	t Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
BP03.0	Building Concrete										
	20 3000 PSI Footings	33,00 cy		(a)	132,300 /cy	4.366					4,366
	20 3000 PSI Footings	22,00 cy			144,90 /cy	3,188	2				3,188
	40	25,00 cy		825	140,800 /cy	3,520	2		9	-	3,520
	40 3500 PSI Slab On Grade	73,00 cy		90	140.800 /cy	10,278	*				10,278
	40 3500 PSI Concrete @ Ext. Slabs	92,00 cy			140.800 /cy	12,954	₩.				12,954
	40 3500 PSI Slab On Grade	11,50 cy			140,800 /cy	1,619	7		7	7	1,619
	40 3500 PSI Exterior Slab 40 3500 PSI S.O.G.	71,00 cy		*	138,60 /cy	9,841					9,841
	40 3500 PSI S.O.G 40 3500 PSI Exterior Slab	11,00 cy 71,00 cy			130,00 /cy	1,525	•			-	1,525
	40 3500 PSI Slab On Grade	71,00 cy 19,00 cy		2	138,60 /cy 134,40 /cy	9,841 2,554	•				9,841 2,554
	50 4000 PSI Ext. Slab	43.00 cy			136.50 /cv	5.870	9		· ·	3	2,554 5,870
	40 Fine Grade @ Slab On Grade	1.895.00 sf			0.03 /sf	57	28.425		0	3	28,482
	40 Fine Grade @ S.O.G.	5,353.00 sf		2	0.03 /sf	161	642		300		1,103
	40 Fine Grade @ Exterior Slab	4,072.00 sf				122	489		+		611
	40 Fine Grade For Slab On Grade	701,00 sf			0,03 /sf	21	84				105
	40 Fine Grade @ Ext. Slab	2,970.00 sf		al.		89	44,550		2	2	44,639
	40 Fine Grade @ Slab On Grade	724,00 sf		**		22	10,860			*	10,882
	40 Fine Grade @ Ext.	2,970_D0 sf			Oldo rai	89	356				446
	40 Fine Grade @ Slab On Grade	724,00 sf			0,03 /sf	22	87			7	109
	40 Fine Grade @ Slab On Grade	1,401,00 sf		(8)	Tal EO,O	42	168		-	*	210
	BP03.0 Building Concrete					120,626	193,600		21,473		335,699
BP04.0	Masonry						ran				
	30 Precast Concrete Pier Caps 30 Precast Concrete Pier Caps	28 00 ***			96,00 /ea 96,00 /ea	2,688	560			*	3,248
	30 Precast Concrete Pier Caps 30 Precast Concrete Pier Caps			<u> </u>	96.00 /ea 96.00 /ea	1,920	400				2,320
	30 Precast Concrete Pier Caps	20.00 ma		3	96.00 /ea	1,920 768	40D 16D		8	17.	2,320 928
	94 Special Sill Brick	45.00			1.08 /ea	49	68		- 3	8	116
	94 Special Sill Brick	60.00		184	1.07 /ea	64	90				154
	94 Accent Brick	2,960.00			0.54 /ea	1.598	3.256				4,854
	95 Face Brick	11,700.00 ***		2.	0,432 /ea	5,054	12,870				17,924
	95 Face Brick	19,540.00		900	0.428 /ea	8,363	21,494		-	-	29,857
	95 Face Brick	15,430.00			0.102700	6,666	16,973			-	23,639
	95 Face Brick	16,341.00		•	D 432 /ea	7,059	17,975				25,034
	95 Face Brick	16,341.00 ea		*	0.428 /ea	6,994	17,975				24,969
	95 Face Brick	13,350,00 es		31	0,432 /ea	5,767	14,685				20,452
	96 Accent Brick 96 Accent Face Brick	2,987,00 ** 6,330,00 **		3	0,54 /ea 0,535 /ea	1,613 3,387	3,286		•	•	4,899
	96 Face Brick #2	1,753.00		20	0.54 /ea	3,387 947	6,963 1,928		Ü	*	10,350 2,875
	96 Accent Brick	1,822.00			0.54 /ea	984	2,004		- 8	- 3	2,988
	96 Accent Brick	1,822.00			0,535 /ea	975	2,004				2,979
	99 Special Sill Brick	60.00			1.08 /ea	65	90				155
_	Special Sill Brick	120.00 ==			1.08 /ea	130	180		2	2	310
-	Special Window Sill Brick	543.00			1.07 /ea	581	815				1,396
-	Special Sill Brick	105.00			1.08 /ea	113	158		8		271
	20 4" Regular Block	169.00		•	1-436 /ea	243	549		-	-	792
	20 4" Regular Block	120.00		3.	1,436 /ea	172	390			*	562
	20 4" Regular Block	120.00 •		1	1,423 /ea	171	390				561
	20 4" Block	48.00 eu			1,436 /ea	69	156		~	-	225
	25 6" Regular Block 25 6" Regular Block	591.00 *** 1,187.00 ***			1.804 /ea 1.787 /ea	1,066 2,121	2,069 4,155		*	•	3,134
	25 6" Regular Block	215.00			1.804 /ea	2,121	753		Ō		6,276 1,140
	25 6" Regular Block	214.00			1.804 /ea	386	749				1,135
	25 6" Regular Block	214.00 ea				382	749				1,131
	25 6" Regular Block	1.055.00				1.903	3.693			-	5,595
	26 6" Beam Block	15.00 ea				32	53				85
	26 6" Beam Block	40.00			2 14 /ea	86	140				226
	26 6" Beam Block	65 00 •			2 16 /ea	140	228				368
	3D 8" Regular Block	4,588.00				8,572	17,205			-	25,777
	30 8" Regular Block	6,705.00 •a			1 851 /ea	12,412	25,144				37,555
	30 8" Block	4,137.00		•	1.868 /ea	7,730	15,514				23,243
	30 8" Regular Block	4,054.00			I dub rea	7,574	15,203		ň		22,777
	30 8" Regular Block	4,054.00 •a 3,860.00 •a			11001100	7,504	15,203			*	22,707
	30 6" Regular Block 31 6" Beam Block	3,860.00 ##			1.868 /ea 2.732 /ea	7,212 847	14,475 1,163				21,687 2,010
	31 8" Beam Block	665.00 62		4 0	2 707 /ea	1,800	2,494		- 3	2	4,284
	31 8" Beam Block	194.00 •			2,732 /ea	530	728		2	2	1,258
		100			71 100	-	. ==				.,

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Page 8 1/8/2021 1:43 PM

			Labor		44.47.74.4			1 72	HISTORY CONTRACTOR		
	DI-1	T.b # Db.			Material		Subcontract		quipment	Ofher	Total
Item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
	**										
BP04.0	Masonry										
	31 8" Beam Block	198,00 ва	3.53		2,732 /ea	541	743		35	(8)	1,284
	31 8" Beam Block	198_D0 ea	€		2,707 /ea	536	743				1,279
	31 8" Beam Block	280_00 ea			2,732 /ea	765	1,050				1,815
	32 8" Beam Block 16" High	64 00 ea	340		2 732 lea	175	240				415
	32 8" Beam Block 16" High	161 00 ea		6.0	2 707 /ea	436	604				1_040
	32 8" Beam Block 16" High	12.00 ea	0.50	1.50	2,733 /ea	33	45				78
	32 8" Beam Block 16" High	23,00 ea		(60	2 733 /ea	63	86			8	149
	32 8" Beam Block 16" High	23,00 ea	0.20	160	2,707 /ea	62	86		-	2	149
-	1,5 6 Cap Block	4,00 ea	(*)	0.40	2,14 /ea	9	14		- 2	- 2	23
	10 Concrete Block Fill	19_00 cy	2.00		140,800 /cy	2,675	2,375				5,050
	10 Concrete Block Fill	34,00 cy			82,50 /cy	2,805	2,380				5,185
	10 Concrete Block Fill	14.00 cy	1.00	1 6	140 800 /cy	1,971	1,750				3,721
	10 Concrete Block Fill	9_00 cy		1.0	140,800 /cy	1,267	1,125			2	2,392
	10 Concrete Block Fill	9.00 cy	1.4.7	180	140,800 /cy	1,267	1,125				2,392
	10 Concrete Block Fill	12 00 cy			140,800 /cy	1,690	1,500		-		3,190
	10 Clean Brick	1,793,00 sf	200	4			717				717
	10 Clean Brick	3,410,00 sf					853		<u>_</u>	2	853
	10 Clean Brick	1,970.00 sf	200		28		76B			9	788
	10 Clean Brick	2,253 00 sf	-		**		901				901
	10 Clean Brick	2,253.00 sf	323		- 3		901				901
	10 Clean Brick	2,186.00 sf					874		- 0	9	874
	2D Clean Block	6,572,00 sf	0.00		0,05 /sf	329	986		- 2	0	1,314
	20 Clean Block	10,085,00 sf			0,03 /sf	303	1,513				1,815
	20 Clean Block	1,185,00 sf			0,05 /sf	59	178		-		237
	20 Clean Block	3,586.00 el			0,05 /sf	179	538		- 5	- 2	717
	20 Clean Block	3,586,00 sf	121		0,05 /sf	179	53B				717
	20 Clean Block	3,635.00 sf			0,05 /sf	182	654			-	836
	10 Regular Mortar	156.00 bag	121	45	7,35 /bag	1,147	654		- 8	- 8	1,147
	10 Regular Mortar	245,00 bag		- 88	7,49 /bag	1,835	8		- 8		1,835
	10 Regular Mortar	132,00 bag	(5)	- 1	7,35 /bag	970	5			- 3	970
	10 Regular Mortar	129.00 bag	(B)	9.50	7,35 /bag 7,35 /bag	948			8	3	948
	10 Regular Morter		1.47		7,49 /bag	948 966	-				
	10 Regular Mortar		570				8				966
		150,00 bag			7,56 /bag	1,134	7				1,134
	12 Colored Mortar 12 Colored Mortar	133,00 bag			15,75 /bag	2,095					2,095
	12 Colored Mortar	237,00 bag	37		16,05 /bag	3,804			*	*	3,804
		155,00 bag	20	3.5	15,75 /bag	2,441					2,441
	12 Colored Mortar	164,00 bag	(*)	3.2	15,75 /bag	2,583			7		2,583
	12 Colored Mortar	164,00 bag			16,05 /bag	2,632	•				2,632
	12 Colored Mortar	147 00 bag			16,20 /bag	2,381	*				2,381
	20 Masonry Sand	32,00 cy	(2)		30,80 /cy	986	2		*	12	986
	20 Masonry Sand	55,00 cy		2.0	29,96 /cy	1,648	*		- 3		1,648
	20 Masonry Sand	32,00 cy			30,80 /cy	986	*				986
	20 Masonry Sand	33.00 cy	3.5	5.65	30,80 /cy	1,016			*		1,016
	20 Masonry Sand	33.00 cy	5000		29.96 /cy	989	90		-		989
	20 Masonry Sand	33,00 cy	30	3.50	30,24 /cy	998			7		998
_	Mortar Net	234,00 If			1,15 /lf	269	351				620
_	Mortar Net	178,00 If			1,265 /lf	225	267		-		492
	Mortar Net	180,00 Inft			1,208 /Inft	217	270		*	*	487
_	Mortar Net	535,00 lf	78 B	355	1,265 ///	677	803			+	1,479
_	Mortar Net	184,00 If		(+)	1,15 /lf	212	276			×	488
	10 5 Oz Copper Flash	605,00 sf	-0		2,10 /sf	1,271	**				1,271
	10 5 Oz Copper Flash	1,040_00 sf	1.41		2,20 /sf	2,288	42		-		2,288
	10 5 Oz. Copper Flash.	368,00 sf			2 10 /sf	773	*2		200		773
	10 5 Oz. Copper Flash	379.00 sf			2,10 /sf	796	¥				796
	10 5 Oz. Copper Flash.	379,00 sf	(2)		2.20 /sf	834					834
	10 5 Oz Copper Flash	500 00 sf			2.16 /sf	1,080				8	1,080
	Mortar Net	178.00 Inft	220		1,15 /Inft	205	267				472
	54 2" Rigid Insulation	2,199,00 sf	3.70	0.00	1,375 /sf	3,024	2,199				5,223
	54 2" Rigid Insulation	4,055.00 sf		36	1,375 /sf	5,576	4,055				9,631
	54 2" Rigid Insulation	2,256.00 sf	927		1,375 /sf	3,102	2,256		9	8	5,358
	54 2" Rigid Insulation	2,573.00 sf	5+5		1,375 /sf	3,538	2,573				6,111
	54 2" Rigid Insulation	2,573.00 sf			1.375 /sf	3,538	2,573			- 2	6,111
	54 2" Rigid Insulation	2.560.00 sf			1,375 /sf	3,520	2,560		-	_	6,080
	20 6" Wall Reinforcing	200.00 1	-	2.00	0.315 //	63	2,000		2	2	63
	20 6" Wall Reinforcing	410.00 If	37	(2)	D.321 /lf	132	27			2	132
	20 6" Wall Reinforcing	510.00 lf			D,315 AF	161	*:				161
	30 8" Wall Reinforcing	1,430,00 lf	2)	- 3	D.294 /lf	420	2		9	9	420
	30 8" Wall Reinforcing	2,280,00 If		123	0.30 //	683			- 0		683
	38 8" Wall Reinforcing	1,224,00 [f	2	- 1	0.294 At	360	<u> </u>		3	8	360
	120	- ()			5,20,,	200	7-			(2)	550

Page 9 1/8/2021 1:43 PM

					Labor		Material		Subcontract		Equipment	Other	Total
Item		Description	Takeoff Qty		Unit Cast	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
BP04.0		Masonry											
D, 04.0		8" Wall Reinforcing	898.00	lf.			0.294 ///	264					264
		8" Wall Reinforcing	898.00	IF.			0.308 //	277			-		277
	30	8" Wall Reinforcing	700,00	lf	120	72	0,294 ///	206	¥2		2	2	206
		15" Cavity Wall Reinforcing	1,931,00	lf .	822		0,473 /lf	912	*:				912
			3,170,00		293		0.482 ///	1,526	*				1,526
			1,765,00		-		0,472 ///	834	35		3	3	834
			2,002,00				0,473 //	946	<u></u>				946
	62	15" Cavity Wall Reinforcing 15" Cavity Wall Reinforcing	2,002,00 1,990,00		-4.	-	0,495 /ll 0,473 /lf	991 940	**				991 940
		1.5 Perimeter Insulation	736,00		(5)		0,473 /llf 0.88 /sf	648	331		- 5	- 5	979
		1.5 Perimeter Insulation	1,852,00			- 0	0.88 /sf	1,630	833		្ន	- 0	2,463
		1.5" Perimeter Insulation	496.00		(%)	100	0.88 /sf	436	223		2		660
		1.5' Perimeter Insulation	612.00		22		0,88 /sf	539	275		2	2	814
	900	Foam In Place Insulation	128,00	af	3.73	10.70	11,719 /sf	1,500	7:		6		1,506
		Foamed in Place Insulation	128.00						1,500		0		1,500
	902				120	-	2)		1,500		6	-	1,506
		Foamed in Place 8" CMU Walls	900.00	sf	8.23		. 2		1,500				1,500
		BP04.0 Masonry						208,740	293,449		13		502,202
BP05.0	21 21 21 21	3 5"x3 5"x3/8"x4'-8" Loose Lintels 3 5"x3 5"x3/8"x4'-8" Loose Lintels	1,00 11,00 7,00 6,00 6,00	6a 6a 6a 6a 6a	:	:			7,500 4,675 2,975 2,550 2,550 1,700		566	000	7,500 4,675 2,975 2,550 2,550 1,700
		3.5"x3.5"x3/8"x4'-8" Loose Lintels	11.00	88					4.675		5	53	4,675
0.000	21	3.5"x3.5"x3/8"x7'-8" Loose Lintels	1.00	69	á				750		- 3		4,675 750
1		3.5 x3.5 x3/6 x6 Lintels	2.00	68		1.0			1,500			-	1,500
_		3 5"x3.5"x3/8"x7'-8" Loose Lintels	2.00	ea	3				1,500			9	1,500
_		3,5"x3,5"x3/8"x7'-8" Loose Lintels	2,00	63	61	-			1,500			-	1,500
	45	8'x8 Beam & Plate Lintels	1,00	ea					1,500				1,500
	45	8'x 8'-8" Beam & Plate Lintels	7.00	ea	54.1				10,500			23	10,500
	45	8"x6" Beam & Plate Lintels	2,00	ea	527				3,000		-	-	3,000
-		8"x9"-4" Beam & Plate Lintels	2,00	ea					3,500			- 8	3,500
-		8"x9'-4" Beam & Plate Lintels	3,00	each	241	-			6,600		-	0.	6,600
_		6"x10" Beam & Plate Lintels	5,00	ea	2.				12,500			81	12,500
-		8"x10"-8" Beam & Plate Lintels	2.00	88	(3-1)	2.00			5,000				5,000
		BP05.0 Misc. Metals							74,475				74,475
BP06.0		Rough Carpentry											
			1,00		39				112,000				112,000
					1,000,00 /LS	1,000	1,000,00 /LS	1,000	1,000		1,000	1,000	5,000
		Wood Structure - Soccer scorers box	8,00	each	1,000.00 /each	8,000	1,000,00 /each	8,000	20,000		8,000	8,000	52,000
		3/4" Marine Plywood	144.00	sf - C			1.21 /s/	174	180			*	354
		3/4" Marine Plywood 5/8" CDX Plywood Roof Sheathing	194,00 4,360,00				1.21 /sf	235	243		S	- 5	477
		Wood Framing @ Cupola			31	- 0	0,605 /sf 1,035 /bf	2,638 693	3,270 2,345		- 3	8	5,908 3,038
		Wood Framing @ Cupola					1.035 /bf	1,456	3,518				4,974
		Wood Blocking					0.977 /bf	992	3,553		8	8	4,545
		Wood Blocking	2,510,00	bf			0.978 /bf	2,454	8,785		4,000		15,239
	10	Wood Blocking	1,310.00	bf			0.978 /bf	1,201	4,585				5,866
	. 11	Treated Wood Blocking	531 00	bf			1 035 /bf	550	1,062		2	2	1,612
					27	0.70	1.035 /bf	1,277	2,468			-	3,745
					*		1 035 /bf	41	80			26	121
				bf		-	21	-	108		=	-	108
							1.035 /bf	33	128				161
		Treated Wood Blacking Non-Com Wood Blacking					1-035 /bf	579 68	1,118				1,697
		Misc. Fasteners, Nails & Joist Hangers					1,553 /bf 3,000.00 /lsum		132		\$	- 5	200 3,000
		Misc. Fasteners, Nalls & Joist Hangers Misc. Fasteners, Nalls & Truss Hangers	1.00	Isum			3,000,00 /lsum 4,500.00 /lsum	3.000 4.500	1		100	- 3	3,000 4,500
			1.00	feum			4,500,00 /Isum	4,500 4,500	-		_		4,500
			4.00	88	-		Tableson madiff	1,000	14,000		8		14,000
		Glue-Laminated Sheller Package	5,720.00	sf				- 2	257,400		- 2		257,400
		Glue-Laminated Shelter Package	4,150.00		-	9			186,750		9		186,750
		-											

Page 10 1/8/2021 1:43 PM

			Labor		Material		Subcontra		Equipment	Other	Total
ltem	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
BP06,0											
	 Glue Laminated Shelter Package 	4,139,00	375		*2		186,255			*	186,255
	10 Glue Laminated Wood Columns	4,00 **					14,000		-	**	14,000
	Glun Laminated Beams	2,00 mach	257	15	7/		13,000			7.0	13,000
_	Glue Laminated Wood Beams	5,00 +1			***		32,500				32,500
_	10 1/2" MDO Plywood @ Cupola	240,00	241		1,00 /sf	240	1.776		1,100		3,116
	Plywood Roof Sheathing Plywood Sheathing	2,781,00 sf 7,815,00 sf	2		5.5		9,734 19,536			- 3	9,734 19,538
_	Plywood Roof Sheathing	7,815,00 st 4,360,00 st				•	10,900		*	**	10,900
_	Prefab Scorers Box @ Soccer Fields	2,00 each			53	8	24,000		- 5	- 2	24,000
		2,00 6461									
	BP06.0 Rough Carpentry			9,000		33,711	934,426		14,100	9,000	1,000,236
BP06.1	Trusses										
D. 00.	10 Wood Trusses	137,00 ea			110,00 /ea	15,070	6,165		3.000		24,235
	10 Wood Trusses	241,00 ea			125,00 /ea	30,125	9,640		3,500	- 2	43,265
	10 Wood Trusses	120.00 ea		- 3	90,00 /ea	10,800	6,000		4.000	-	20,800
_	Temporary Truss Bracing	264.00 bf			1.035 /bf	273	*:			2	273
_	Temporary Trues Bracing	264,00 bf			1,035 /bf	273	\$3 \$3			- 2	273
_	Temporary Truss Bracing	264.00 bf			1,035 /bf	273					273
	BP06.1 Trusses					56,815	21,805		10,500		89,120
	Drug, Husses					30,013	21,000		10,500		03,120
BP06.2	Casework										
	10 5.5"x3/4" Solid Surface Window Sills	13.33					427				427
	10 5.5"x3/4" Solid Surface Window Sills	90.00 #			₽		2.250			Ş2	2,250
	10 5.5"x3/4" Solid Surface Window Sills	12.67 M	-		₽:	-	317			2	317
	10 5.5"x3/4" Solid Surface Window Sills			1.00	*:					*:	
	10 5 5"x3/4" Solid Surface Window Sills	6,00 lf					150				150
	10 5.5"x3/4" Solid Surface Sills	23,33 lf			-		583			-	583
	10 Plastic Laminate Base Cabinets	6,25 If	-		÷:		2,188			*	2,188
	20 Plastic Laminate Wall Hung Cabinets	6.25 If			- 2		1,563				1,563
	30 Tall Plastic Laminate Storage Cabinets	2,50 If			7.1	7.1	875		70	75	875
	11 Solid Surface Countertops	31,25 sf	-	15.			2,031			92	2,031
	11 Solid Surface Wall Hung Counter Tops	60,00 sf			**	*	3,900				3,900
	Wood Graphics Panels @ Exterior	4,00 ea	==		- 52		3,000			500	3,000
	BP06.2 Casework						17,283				17,283
	D 11										
BP07.0	Roofing										
	10 1/2" MDP Wood Paneling @ Cupola	384,00 sf		1.5	1,00 /sf	384	2,362		1,600		4,346
	10 Standing Seam Roof 10 Standing Seam Roof	2,781,00 sf 7,815,00 sf	8				72,306 203,190			- 5	72,306 203,190
	10 Standing Seam Roof	7,815.00 sf 4,360.00 sf					113,36D				113,360
	9D Gutters	4,360,00 sr 350,00 ff	8	15		5	10,500			- 5	10,500
	12' Metal Fascia	260,00 11			Ē.		5,980		- 0	- 8	5,980
	Metal Soffit	374.00 sf	- 5	- 2	3	2	16,830		÷	29	16,830
_	6" Rigid Insulation	2,781,00 sf	- 1			<u> </u>	3,754		<u> </u>	2	3,754
_	Gutter Downspouls	24.00 ea	24				720				720
_	12' Metal Fascia	520,00 If	34		20		15,60D				15,600
_	Metal Soffit Panels	1,410,00 sf	2		23		63,450			*	63,450
_	6" Rigid Insulation	7,815,00 sqft		0.40	**	*	19,538			- 2	19,538
_	12" Metal Fascia Panel	259.00 If	12		- 25	9	9,065			- 3	9,065
_	Metal Soffit Panels	210.00 sf	15	10	7.1	51	9,450			7.0	9,450
_	6" Rigid Insulation	4,360,00 sf	9				10,90D				10,900
	10 Asphalt Shingles	62,00 sq	G.		21		26,350			50	26,350
	10 Asphalt Shingles	45,00 sq	<i>=</i>	1.63			19,125			8	19,125
	10 Asphalt Shingles	44.82 sq	19		=)		19,049			*	19,049
	BP07.0 Roofing					384	621,528		1,600		623,512
	-						•		, -		
BP07.1	Metal Panels										
	10 Metal Wall Panels @Cupola	192,00 sf	18	1,6	*	8	0,640			*5	8,640
	20 Metal Siding @ Cupola	384,00 sf	-	1.5		-	15,360			2	15,360

J M Thompson Company

Standard Estimate Report Pleasant Park DD

Page 11 1/8/2021 1:43 PM

				ibor	Material		Subcontra		Equipment	Other	Total
Item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
	BP07.1 Metal Panels						24,000				24,000
BP07.3	Caulking & Sealants										
	20 Air Barrier	3,010.00 1	727	2	(a)	2	8,729		- 2	-	8,729
	20 Air Barrier	2,577,00 1	3.63		*		7,473				7,473
	20 Air Barrier	2,724.00			8		7,900				7,800
	20 Air Barrier	2,724.00					7,900				7,900
200	2D Air Barrier Air Barrier	1,770.00 of 5,244.00 of	3.5				5,133 15,208				5,133 15,208
	10 Caulking	1.00 %					2,500				2,500
	10 Caulking	1.00 ls		2			3,000				3,000
	10 Caulking	1,00 %	707	2	≅	-	2,000			2	2,000
	10 Caulking	1.00 %	525		*		1.500				1,500
	10 Caulking	1.00 h					1,800				1,800
	10 Caulking	1,00 la	150		- 5	D	2.500				2,500
	BP07.3 Caulking & Sealants						65,642				65,642
BP08.0	Doors / Frames / Hardware										
	10 H.M. Doors	11.00 ea	(.20)	2	356.818 /ea	3,925	2		8	2	3.925
	10 H.M. Doors	12.00 ea			350.00 /ea	4,200	*			*	4,200
	10 H.M. Doors	6.00 ea			350.00 /ea	2,100					2,100
	10 H.M. Doors	6.00 ea		*	350.00 /ea	2,100	*			3	2,100
	10 H.M. Doors	5,00 ea		-	350,00 /ea	1,750					1,750
	10 H.M. Doors 50 Hollow Metal Door Frames	4.00 ea 12.00 ea			350,00 /ea 195,833 /ea	1,400	900		-	-	1,400 3,250
	50 Hollow Metal Door Frames	22.00 ea	-		200 00 /ea	2,350 4,400	1,650		<u> </u>	8	6,050
	50 Hollow Metal Door Frames	5.00 sa	- 3	2	240.00 /ea	1.200	375				1,575
	50 Hollow Metal Ocor Frames	5,00 88			240,00 /ee	1,200	375				1,575
	50 Hollow Metal Door Frames	5,00 ea		2	200.00 /ea	1,000	375				1,375
	50 Hollow Metal Door Frames	12,00 sa	(7/	73	200.00 /ea	2,400	800				3,300
	10 Solid Core Wood Doors 10 Solid Core Wood Doors	2,00 өв			412 50 /ea	825	-				925
	10 Solid Core Wood Doors 10 Solid Core Wood Doors	11.00 ea 00.1	25.00 /es	25	400,00 /ea 400,00 /ea	4,400	-			-	4,400
	10 Solid Core Wood Doors	1,00 ea 8,00 ea	25,00 /69	23	400.00 /ea	400 3,200				- 5	425 3,200
	10 Finish Hardware	13,00 ea	(2)		350.00 /ea	4,550	1,850		Ŭ.		6,500
	10 Finish Hardware	23.00 sets	× .		350.00 /sets	8,050	3,450				11,500
	10 Finish Hardware	6,00 sets			350,00 /sets	2,100	900		9		3,000
	10 Finish Hardware	6,00 sets	(5)		350,00 /sets	2,100	900				3,000
	10 Finish Hardware	6,00 sets		*	350,00 /sets	2,100	900				3,000
	10 Finish Hardware	12.00 ea	-		350.00 /ea	4,200	1,800			*	6,000
	BP08.0 Doors / Frames / Hardware			25		59,950	14,475				74,450
BP08.1	Glass & Glazing										
	10 Aluminum Storefront Windows	180,00 sf		2	¥	-	13,500			*	13,500
	10 Aluminum Storefront Windows	372,00 sf					27,900				27,900
	10 Aluminum Storefront Windows	17,00 af			8	8	1,275		8	8	1,275
	10 Aluminum Storefront Windows	17,00 st		*	*	*	1,275				1,275
	10 Aluminum Starefront Windows 10 Aluminum Starefront Windows	8,00 sf 156,00 sf		\$			600		3	5	600
_	4'x3'-4" Silding Transaction Windows.	155,00 st 4,00 sa					11,700 9,400			-	11,700 9,400
_	4'x3'-4" Sliding Transaction Windows	6.00 ea		3	0		14,100		- 2		14,100
	BP08.1 Glass & Glazing						79,750				79,750
BP08.2	Overhead & Coiling Doors										
	100 Overhead Coiling Counter Shutters	1,00 ea	,,_,,	_			5,000				E 000
	5 Counter Shutter @ Concessions	2,00 ea		- 1	2	-	11,000		9		5,000 11,000
	5 Counter Shutter @ Concessions	2.00 ea					13,000				13,000
	since & concessio	e.00 0d					10,000				10,000

ate Report Pege 12 rk DD 1/8/2021 1:43 PM

			Labor		Material		Bubcontrac	ot .	Equipment	Other	Total
Item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
	BP08,2 Overhead & Coiling Doors						29,000				29,000
BP09.0	Framing & Drywall										
	40 3.5" Faced Batt Insulation R19	750,00 sf	063			-	1,388				1,388
	40 3.5" Faced Batt Insulation R19	700,00 st					1,295		Ų.		1,295
	40 R19 Batt Insulation At Ceilings	725,00 sf					1,631				1,631
	10 Drywall Ceilings	2,100 00 sf	(A)	-	25		15,750				15,750
	10 Drywell Callings	4,100,00 sf	(3)		*:		30,750				30,750
	10 5/8" Drywall Ceilings	1,100,00 sf			8	*	8,250				8,250
	10 5/8" Drywall Ceilings	591,00 sf			2		4,433				4,433
	10 5/8" Drywall Ceilings	800,00 sf	42	5	•		4,500		8	8	4,500
	10 5/8" Drywall Ceilings	550,00 sf 826,00 sf		1		•	4,125				4,125
_	5/8" Gyp/1,5" Furring Hat Channels 5/8 Gyp/3,62" Metal Studs/5/8"Gyp/Batt Ins.	826,00 sf 445,00 sf		- 5	- 5	2	6,608				6,608
_	5/6" Sheathing A 6" Balt Insulation	325,00 sf					3,560 1,625			:	3,560 1,625
_	5/8" Sheathing & 6" Batts @ Cupola	1,625,00 sf	141			-	8,125		-		8.125
_	5/8" Gyp/3 62 Metal Stude/5/8" Gyp/Batt Ins	1,350,00 sf		3	<u> </u>	9	11,475		- 8	-	11,475
_	5/8" Gyp/1.5" Furning Hat Channels	1,350,00 sf		2	8	<u> </u>	10,800			9	10,800
_	Gyp Sheathing & 6" Batt Insulation @ Cupola	350,00 sf			2	9	1,750		3	9	1,750
_	5/8" Gyp/3.62" Metal Studs/5/8" Gyp/Batt Ins.	1,100.00 sf				-	9,350				9,350
_	5/8" Gyp & 1,5" Furring Hat Channels	1,100,00 sf	-		-		8,800				8,800
_	5/8" Gyp/3.62" Metal Studs/5/8" Gyp/Batt Ins.	400,00 3		- 9	<u> </u>		3,400		÷	÷	3,400
	BP09.0 Framing & Drywall						137,614				137,614
	Drug, o Franking & Drywan						137,014				131,014
BP09.1	Painting										
	10 Sub multiple mobilization	1.00 LS	(35)	+	**	· ·	7,255			· ·	7,255
	10 Paint Drywall Ceilings	1,500.00 🔐	(2)	*			2,250		2		2,250
	10 Paint Drywall Ceilings	800,00	200	7	75		1,200				1,200
	10 Paint Drywall Ceilings	800,00	1.0		*		1,200				1,200
	10 Paint Drywall Ceilings	600,00	120		20		900		-		900
	10 Paint Drywall Ceilings	1,750,00	S#2		**		2,625		*		2,625
	10 Sub Multiplemobilization	1,00 LS	3.5			*	15,000		*		15,000
	10 Misc Painting	2,000,00			5		3,000			3	3,000
_	Paint Drywall Partitions Paint CMU Partitions	2,000,00	3.5	*		*	3,000				3,000
_	Paint CMO Parduons Paint Hollow Metal Doors	7,500,00 M			•	•	12,375				12,375
_	Paint Hollow Metal Framies	12.00	(2)		ŧ.		1,100 900		5		1,100 900
_	Paint Drywall Partitions	6,800.00	100	- 5		8	10,200		9	9	10,200
_	Paint H.M. Frames	21.00			2	8	1,575		- 8	- 3	1,575
	Paint 3'x7' H.M. Doors	14.00 oa	(2)		5	- 9	1,400		8	3	1,400
_	Paint CMU Partitions	7,485.00					12,350				12,350
_	Paint/Stain MDO Plywood @ Cupola	784.00 sf					5,488				5,488
_	Paint 12'x12"x12' Steel Columns	6,00 ea			27		2,100		2	2	2,100
_	Paint CMU Walls	2,240,00	0.00	**	**		3,696				3,696
	Paint Hollow Metal Doors	6,00 ea	()				45D				450
_	Paint Hollow Metal Frames	5.00	(*)		40		250				250
_	Paint CMU Walls	2,500.00	3.0	- 2	Q	9	4,125		2		4.125
_	Paint Hollow Metal Doors	6,00 ea	3#3	-		-	450			2	450
_	Paint Hollow Metal Frames	5.00 **	0.00	*	5:		250		-	-	250
_	Paint CMU Partitions	2,540,00		*	*	¥	4,191		9	-	4,191
	Paint Hollow Metal Doors	6.00	· ·		*		450				450
_	Paint Hollow Metal Frames	5.00	7.5				250			8	250
_	Paint Drywall Partitions	1,100.00			¥3		1,650				1,650
_	Paint CMU Partitions	6,750.00	550	7.	2		11,813				11,813
_	Paint 12"x12"x9' Steel Columns	4.00 •=		*		•	1,400				1,400
	Paint Hollow Metal Doors	7.00			•	2	525		-	-	525
_	Paint Hollow Metal Frames	12.00	30%	**	25		60D				600
	BP09.1 Painting						114,018				114,018
BP09.2	Acoustical Ceilings										
	10 2'x2' Acoustical Ceilings & Grid	408.00 sf	580	-	77		1,530				1,530
	10 2'x2' Acoustical Ceilings & Grid	865,00 sf		*	•	*	3,244		8	9	3,244
	10 2'x2' Acoustical Ceilings & Grid	878,00 sf		-	27	-	3,293			*	3,293

Page 13 1/8/2021 1:43 PM

			-								
ù	B	T-1		bor	Materi		Subcontra		Equipment	Other	Total
item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount	Amount
	BP09.2 Acoustical Cellings					-	8,066				8,066
BP09.3											
	10 Thin Set Ceramic Tile 10 Thin Set Ceramic Tile	106,00 M 108,00 M	- 5	2		- 6	1,590 1,620				1,590 1,620
.0	20 Tile Base	59.00 II			<u> </u>	2	1,062		3	2	1,062
m	20 Tile Base	59.00 W				8	1,062		1	-	1,062
	10 VCT	148,00 1	55			27	2,220			1.5	2,220
	10 VCT 30 Rubber Base	916.00 w	**				13,740 250				13,740
	30 Rubber Base	578.00 af					1,012				250 1,012
	30 Rubber Base	318,00 #				<u></u>	557				557
	10 Carpet	44,00 sy				9	1,232				1,232
	10 Carpet	261.00 sy	*	*			7,308				7,308
	20 Carpet Tile	33.00 sy	**	•			924		-	-	924
	BP09.3 Flooring						32,576				32,576
BP10.0	Toilet Partitions & Accessories										
	10 Toilet Partitions	8.00 ea	¥5		700,00 /ea	5,600	2,000		- 3	-	7,600
	10 Toilet Partitions	9,00 60				6,300	2,250				8,550
	10 Toilet Partitions	5.00 ea	- 5			3,500	1,250				4,750
	10 Toilet Partitions 10 Toilet Partitions	6.00 ea	**		1 -0 40 100	4,200 4,200	1,500 1,500				5,700 5,700
	10 Urinal Screens	1,00 ea	- 1	-		250	100		5		350
	10 Urinal Screens	2.00 ##	20	2		500	200				700
	10 Urinel Screens	2.00 ea	*		250 00 /ea	500	200				700
	10 Urinal Screens	2.00 es	*		200.00 100	500	200		1		700
	10 Urinal Screens 10 Toilet Accessories	2,00 ma 35,00 ma	2		250 00 /ea 225 143 /ea	500 <u>7.880</u>	200 875		35	8	700 8 ₁ 755
	10 Toilet Accessories	52,00 60		9		12,000	1,300			3	13,300
	10 Toilet Accessories	25 00 ea	*:	7.	252,40 /ea	6,310	625			125	6,935
	10 Toilet Accessories	25.00 ea	*			6,310	625				6,935
	10 Toilet Accessories 10 Toilet Accessories	25.00 ea 11.00 ea		-		6,322	625 275				6,947
		11,00 64	±/-		140,102 /ea	<u>1,630</u>	2/5				1,905
	BP10.0 Tollet Partitions & Accessories					66,502	13,725				80,227
BP10.1	Lockers										
	10 Lockers	8.00 ea	*)			*	2,496				2,498
	10 Lockers	10.00 ea	2	-		*	2,982				2,982
	10 Single Tier Lockers 10 Locker Room Benches (with above)	12,00 ea 1,00 ea				-	<u>5,229</u> 2,200				5,229 2,200
	10 Locker Room Benches (Wabove)	1.00 ea	2	2			2,500			- 2	2,500
	10 Locker Room Benches (with above)	1,00 ва	20				2,500				2,500
	BP10.1 Lockers						17,907				17,907
0040.0	Eleo Esdi-cuinho										
BP10.2	Fire Extinguishers 10 Fire Extinguisher & Cabinet Allowance	4,00 es					1,400				4.400
	10 Fire Extinguisher & Cabinets Allowance	3,00 ea					1,400				1,400 1,050
	10 Fire Extinguisher & Cabinet Allowance	1,00 ea	2	3		- 3	350				350
	10 Fire Extinguisher & Cabinet Allowance	1,00 ea					350			- 2	350
	10 Fire Extinguisher & Cabinet Allowance	1,00 ea	**				350				350
	10 Fire Extinguisher & Cabinet Allowance	3,00 ва			90		1,050		~	- 2	1,050
	BP10.2 Fire Extinguishers						4,550				4,550
BP10.3	Signage										
	30 Monument sign w/ Cast Aluminum Letters	1.00 each	35	-			14,500			5	14,500
	30 Way finding signage	1.00 LS					25,000				25,000

Page 14 1/8/2021 1:43 PM

Item	Description	Takeoff Qty	Unit Cost		Materia Unit Cost	Amount	Amount	ntract Name	Equipment	Other	Total
ile.	Description	randon quy	diff Cost	Amount	Unit Cost	Amount	Amount	Niime	Amount	Amount	Amount
BP10.3	Signage										
	125 Building Signage Allowance	1,00 ls	16		- V	~	1,200				1,200
	125 Signage (Allowance) 125 Building Signage Allowance	1,00 ls 1,00 lsum				<u>:</u>	3,00D				3,000
	125 Building Signage Allowance	1,00 lsum 1,00 lsum				3	750 500		- 2	-	750 500
	125 Building Signage Allowance	1.00 ls	100		600,00 //s	50D	300		9		500
	125 Building Signage Allowance	1.00 ls	120	1.6	**	-	1,200		100		1,200
	Exterior Bracket Board Allowance	1,00 sa		1.5	į.	-	800		22		800
777	Exterior Info Board Allowance	1_00 ea		1.60	±1		500				500
	BP10.3 Signage					500	47,450				47,950
BP10.4	Fiagpoles										
	10 Flagpole	5.00 each	1,200.00 /each	6,000			8		- 3		6,000
	BP10.4 Flagpoles			6,000							6,000
BP10.5	Operable Partitions										
	10 12' Horizontal Stiding Accordian Doors	1.00 ***	-41	2.40	*:		4.000		14	-	4,000
	BP10.5 Operable Partitions						4,000				4,000
	•						-,				1,000
BP10.6	Canoples										
_	Wall Hung Aluminum Canopies Wall Hung Aluminum Canopies	510,00 sf 215,00 sf	\$	· ·	7	5	47,500			-	47,500
	10 Wall Hung Canopy	90.00 sf	<u> </u>		į.		28,000 11,700				28,000 11,700
	BP10.6 Canoples						87,200				87,200
	ai inio ounopido						87,200				07,200
BP11.1	Athletic Equipment 50 Baseball/Softball Foot Poles										
	10 Basketball Goals	8,00 each 4,00 each					40,000 20,000		-	-	40,000 20,000
	25 Picklehall Nets & Standards	4.00 sats	0.00	0			12,000			- 5	12,000
	25 Tennis Poles Nets & Standards	4,00 2500	0,00	0			12,000		2		12,000
	45 Scoreboards - standard	9,00 each	~				90,000			*	90,000
	45 Scoreboard - LED	1,00 each	(9)	2.90		· ·	50,000		~	-	50,000
	BP11.1 Athletic Equipment						224,000				224,000
BP11.2	Kitchen Equipment										
	10 Stainless Steel Countertops	88,00 af	391	3.00	185		2,640			-	2,640
_	Stainless Steel Countartops	110,00 sf		-		-	3,850				3,850
	BP11.2 Kitchen Equipment						6,490				6,490
BP12.0	Site Amenities										
	50 Concrete Bike rack pads	73,00 SF					511		9		511
	10 Trash Receptacles	33,00 each					29,700			-	29,700
	30 Bike Racks	2,00 each					2,200		3		2,200
	BP12.0 Site Amenities						32,411				32,411
BP12.1	Roller Shades										
20.12.1	50 Manual Roller Shades	3.00 es	: •	-			450			0.	450
	50 Manual Roller Shades	3.00 ea		-		9	1,350		3	S	1,350
	50 Manual Roller Shades	7.00 ea	.5	22	100		1,050			-	1,050

$J\,M\,Thompson\,Company$

Standard Estimate Report Pleasant Park DD

Page 15 1/8/2021 1:43 PM

			Labor		Material		Subcontract		Equipment	Other	Total
Item	Description	Takeoff Qty	Unit Cost	Amount	Unit Cost	Amount	Amount	Neme	Amount	Amount	Amount
	BP12.1 Roller Shades						2,850				2,850
BP13.0	Spieshped										
	30 Splashpad broom Sidewalk	6,024,00 sf					36,144		*	- 55	36,144
	30 Splashpad integrasi colored concrete 10 Splash pad concrete	4,902.00 s/ 4,627.00 SF					44,118 69,405		3		44,118 69,405
	10 Splashpad equipment	1,00 LS	3	- 5	2		75,000		- 5		75,000
	BP13.0 Splashpad						224,667			-	224,667
2245.0	Di										
BP15.2	Plumbing 10 Plumbing (28 fixtures)	2,175,00 sf			46		36,975		-	27	36.975
	10 Plumbing (40 fixtures)	6,197,00 af			7	3	105,349		5	2	105.349
	10 Plumbing (18 fixtures)	875,00 st	2.5	18.2			14,875			*	14,875
	10 Plumbing (19 fixtures)	875,00 sf			*	*	14,875			**	14,875
	10 Plumbing (18 fixtures)	875,00 ef	•		*		14,875		5	5.	14,875
	10 Plumbing (11 fixtures)	1,600,00 ef			**		27,200		*	**.	27,200
	BP15.2 Plumbing						214,149				214,149
BP15.3	Mechanical										
	10 Wall louvers 10 HVAC	1,00 ea 2,176,00 ef			0.00	0	3,315 51,136		- 5	**	3,315
	10 HVAC	6,197.00 sf	- 1		- 3		145,630		- 1		51,136 145,630
	10 HVAC	675,00 sf			- 5		20,563		3	2	20,563
	10 HVAC	675,00 af					20,563			1	20,563
	10 HVAC	875.00 af	12	1.50	55	-	20,563		5	#3	20,563
	10 HVAC	1,600.00 sf	3.6	(6)	*		37,600		*	¥6.	37,600
	BP15.3 Mechanical						299,368				299,368
BP16.0	Electrical										
	10 Electrical	2,176,00 af		1	*2		43,520		*	**	43,520
	10 Electrical	5,931,00 ef	15		20	20	118,620		-	-	118,620
	10 Electrical	875,00 ef	- 7	1.5	- 5		17,500		5	75	17,500
	10 Electrical 10 Electrical	875,00 sf 875,00 sf		- 15			17,500 17,500		*		17,500
	10 Electrical	3,750.00 sf				2	17,500 56,250		<u> </u>	- 2	17,500 56,250
	10 Site Lighting	1.00 leum	- 3		-		75,000		€.	<u> </u>	75.000
	10 Maintainence bldg Electrical Service	5,00 lsum			-		25,000		-		25,000
	10 Maintainence bldg Electrical Service	10,00 Isum		1	€		75,000				75,000
	10 Charging trees (phone chargers)	4.00 Isum			**	2	60,000		-	20	60,000
	10 Car charging stations	6.00 leum			55	5	300,000		8	5	300,000
	10 Audio system / Conduits 10 Conduits for Data	muel 00.1 muel 00.1		- 6	<u> </u>		50,000		- 5		50,000
	BP16.0 Electrical	IIDG IGUII			5%	8	50,000			- T	50,000
	Brio.U Electrical						905,890				905,890

Estimate Totals

Description	Amount	Totals	Hours	Rate	Cost B	lasisCost per Unit		Percent of Total	
Labor	15,025					158,158	/ac	0.07%	
Material	547,227					5,760,281	/ac	2,53%	
Subcontract	21,009,530					221,152,952	/ac	96,96%	
	21,571,782	21,571,782				227,071.389	lac	99.56%	#####
Equipment	47,686					501,958	/ac	0.22%	
Other	9,000					94,737	/ac	0.04%	
	56,686	21,628,468				227,668.084	/ac	0.26%	#####
SALES TAX	39,674			#### %	C	417,620	/ac	0.18%	
Total		21,668,142				**********	/ac		

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 29,2021

Item Details

Presenter(s): Erika Sacco, IT Director

Department(s): Information Technology, Administration

Requested Motion

Motion to approve Capital Project Ordinance Amendment 2021-04 to allocate \$210,000 funding for IT related contracts related to the Senior Center / Community Center Expansion.

<u>Approval Recommended?</u>

Yes

Item Details

These funds will be used for secondary contracts for the installation of cabling, wireless access points, fiber, security cameras, sound and A/V, and facility badge access system. Funding for this portion of the project will come from bond premiums and interest earnings already in the Capital Project Fund.

<u>Attachments</u>

• Capital Project Ordinance Amendment 2021-04



67-Recreation Capital Project Fund

BE IT ORDAINED, by the Council of the Town of Apex that the Capital Project Ordinance previously entitled "Recreation Capital Project Fund" be amended as follows:

Section 1. The revenues anticipated for the projects are:

Bond Premium	120,000
Interest Earnings (Debt Proceeds)	37,000
Interest Earnings	53,000
Total Revenues	\$ 210,000

Section 2. The expenditures anticipated are:

47820: Senior Center	210,000
Total Expenditures	\$ 210,000

Section 3. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 26th day of January, 2021.

	Attest:	
Jacques K. Gilbert, Mayor	Donna B. Hosch, Town Clerk	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 26, 2021

Item Details

Presenter(s): Brian Meyer, Deputy Town Attorney and Mitch McKinney, Deputy Police Chief

Department(s): Legal and Police

Requested Motion

Motion to approve a Resolution adopting an Involuntary Commitment Custody and Transportation Agreement.

<u>Approval Recommended?</u>

Yes

Item Details

One of the duties of the Apex Police Department is to provide transportation of Apex residents subject to involuntary commitment proceedings to a facility where an initial commitment examination may be conducted. This responsibility also applies to individuals who are located in Apex at the time of the issuance of the Order even if the individual is not a resident. Having an agreement or plan for this type of custody and transport has always been at the election of the local government and its police department but recent legislative changes now mandate that such a plan be adopted by the governing board. The attached plan does not change the current procedure and is drafted to comply with new statutory requirements. The Local Management Entity/Managed Care Organization (Alliance Healthcare), Wake County, and the Wake County Sheriff's Department were consulted as part of the drafting of this Agreement, as required by statute.

<u>Attachments</u>

- Involuntary Commitment Custody and Transportation Agreement
- Resolution adopting Involuntary Commitment Custody and Transportation Agreement
- Alliance Health Community Crisis Services Plan for Wake County (Informational)



RESOLUTION NO. 21-0126-24

RESOLUTION ADOPTING INVOLUNTARY COMMITMENT CUSTODY AND TRANSPORTATION AGREEMENT PURSUANT TO N.C.G.S. 122C-251(g)

WHEREAS, Chapter 122C of the North Carolina General Statutes provides guidance and requirements regarding the involuntary commitment process and the responsibilities placed on local law enforcement agencies; and

WHEREAS, North Carolina General Statute § 122C-251(g) requires the governing body of a local government to adopt a written involuntary commitment transportation agreement; and

WHEREAS, the Apex Town Council wishes to make clear the policies and procedures of the Town and its police department with regard to the transportation of persons subject to the involuntary commitment process so as to ensure the safety and dignity of such persons while minimizing the physical and emotional stress and impact.

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

The Involuntary Commitment Custody and Transportation Agreement is hereby adopted.

Upon motion duly made by Council	Member, and duly seconded by				
Council Member,	the above Resolution was duly adopted by the Ape				
Town Council at the meeting held on the 26th day of January, 2021, in the Town Hall.					
Upon call for a vote the following Council	Members voted in the affirmative:				
and the following Council Members voted i	n the negative:				
This the 26th day of January 2021.					
ATTEST:	Jacques K. Gilbert Mayor				
Donna B. Hosch, MMC Town Clerk					

STATE OF NORTH CAROLINA COUNTY OF WAKE

INVOLUNTARY COMMITMENT ("IVC") CUSTODY AND TRANSPORTION AGREEMENT

THIS INVOLUNTARY COMMITMENT ("IVC") CUSTODY AND TRANSPORTION AGREEMENT ("Agreement") is made and entered into this the 26th day of January, 2021 (the "Effective Date"), by the Town of Apex, a municipal corporation in the State of North Carolina ("Town"), which includes its police department, the Apex Police Department ("APD").

RECITALS:

WHEREAS, the Apex Town Council desires to make clear the policies of the Town and the APD regarding the custody and transportation of involuntarily commitment ("IVC") Respondents and the APD's role and responsibilities with respect to custody, commitment, supervision, and transportation of IVC Respondents in accordance with Chapter 122C, Article 5, Parts 6, 7, and 8 of the North Carolina General Statutes;

WHEREAS, specifically, pursuant to and in accordance with N.C.G.S. § 122C-251(g), the Town intends and desires that this Agreement shall serve as its "Involuntary Commitment Transportation Agreement" or "Transportation Agreement" for the custody and transportation of individuals in IVC proceedings under Chapter 122C, Article 5, Parts 6, 7, and 8 of the North Carolina General Statutes, applicable to all APD law enforcement officers ("LEOs"); and

WHEREAS, this Agreement shall be utilized to comply with N.C.G.S. § 122C-251(g) and assure adequate safety and protections for both the public and Respondents.

NOW, THEREFORE, the Apex Town Council ordains that the following is the Town's plan for the custody and transportation of persons subject to involuntary commitment proceedings.

AGREEMENT

ARTICLE I DEFINED TERMS

- 1.0 Unless otherwise specified or defined herein, the following terms, wherever used herein, shall have the following meanings:
- 1.1 <u>IVC Order</u>. A custody order issued by a Magistrate or a Clerk of Court or an Involuntary Commitment Custody Order entered by a District Court Judge.
 - 1.2 **LEO.** Law enforcement officer.

- 1.3 **Respondent.** The individual who is committed under an IVC Order and subject to IVC proceedings pursuant to Chapter 122C, Article 5 of the North Carolina General Statutes, including IVC custody and transport.
- 1.4 <u>Alliance Behavioral Health ("Alliance").</u> Alliance is the Local Management Entity/Managed Care Organization ("LME/MCO") for Wake County as defined by N.C.G.S. § 122C-3(1), N.C.G.S. § 122C-3(20b), and N.C.G.S. § 122C-3(20c). Alliance is responsible for managing, coordinating, facilitating and monitoring mental health, developmental disability, and substance abuse services in Wake County. Alliance's contact information is as follows:

Alliance Health

5200 W. Paramount Parkway, Suite 200

Morrisville, NC 27560

Telephone: 1-919-651-8500 (Offices)

Telephone: 1-800-510-9132 (Access and Information Center)

Website: https://www.alliancehealthplan.org/

- 1.5 <u>Crisis Service Providers.</u> The following is a list of current crisis service providers in Wake County:
 - 24-Hour crisis telephone line
 - Alliance Health Access Call Center
 - Walk-in crisis services:
 - Monarch Behavioral Health Urgent Care
 - WakeBrook Crisis and Assessment
 - Holly Hill Respond
 - Triangle Springs Hospital
 - Mobile crisis outreach
 - Therapeutic Alternatives MCM
 - Enhanced Mobile Crisis/Advanced Para-medicine team
 - Advanced Para-medicine ED diversion
 - Crisis respite/residential services
 - Lutheran Family Services child respite
 - Methodist Home for Children and Access Family Services Rapid Response Beds
 - Crisis stabilization units/facilities
 - 23-Hour beds: UNC WakeBrook
 - Facility Based Crisis UNC WakeBrook
 - Detox Services: UNC WakeBrook
- 1.6 **24-Hour Facility.** A medical facility where a Respondent is taken if the first examination by a commitment examiner or other physician determines that the Respondent is mentally ill and requires inpatient commitment. A physician will conduct the second examination of a Respondent at a 24-Hour Facility.

ARTICLE II APPLICABILITY

- 2.0 To the extent required to provide all or parts of the custody and transportation required by IVC proceedings, the Town shall follow the procedures in Chapter 122C, Article 5 of the North Carolina General Statutes. Moreover, the custody and transportation of individuals in IVC proceedings by APD LEOs shall be in accordance with Chapter 122C, Article 5, Parts 6, 7, and 8 of the North Carolina General Statutes and this Agreement. This Agreement does not in any way change any statutorily prescribed responsibility for IVC custody and transport.
- 2.1 To the extent this Agreement does not address or incorrectly addresses any statutory obligation or procedure, or if any inconsistency exists between the Agreement and a corresponding statutory provision, the Parties understand that the statute shall control.

ARTICLE III <u>DESIGNATED WAKE COUNTY</u> COMMITMENT EXAMINER FACILITIES

- 3.0 Pursuant to the Alliance Community Crisis Services Plan for Wake County; Chapter 122C, Article 5, specifically including but not limited to N.C.G.S. § 122C-3(8a), N.C.G.S. § 122C-252, N.C.G.S. § 122C-261, N.C.G.S. § 122C-262, N.C.G.S. § 122C-263, and N.C.G.S. § 122C-283; the following non-emergency facilities may provide first examinations and health screenings:
 - UNC WakeBrook Crisis and Assessment: 107 Sunnybrook Rd., Raleigh, NC 27610
 - Monarch Behavioral Health Urgent Care: 319 Chapanoke Rd., Suite 120, Raleigh, NC 27603
 - Holly Hill Hospital: 3019 Falstaff Rd., Raleigh, NC 27610
 - Triangle Springs Hospital: 10901 World Trade Blvd., Raleigh, NC27617

ARTICLE IV TRANSPORTATION OBLIGATIONS FOR APD

4.0 Transportation of a Respondent within the Town of Apex corporate limits, under the IVC proceedings of Chapter 122C, Article 5, Parts 6, 7, and 8 of the North Carolina General Statutes shall be provided by the APD in accordance with the duties listed below. However, a Respondent being discharged from a facility may use his or her own transportation at his or her own expense.

A. Apex Police Duties

(1) IVC Orders:

(a) APD will provide the service of IVC Orders upon any Respondent physically located at an address inside the Town of Apex corporate limits, regardless of the Respondent's residential address.

- (b) If the Respondent cannot be served at the call for service address inside the Apex corporate limits, but the Respondent has a home address inside the corporate limits, APD will continue to attempt to serve the Respondent at any other address inside the Town corporate limits until the IVC Order expires.
- (c) If the Respondent cannot be served at the call for service address inside the Apex corporate limits, but the Respondent has a home address in Wake County but outside of the Town of Apex, APD will endeavor to pass the IVC Order to the Wake County Sheriff's department if the Respondent resides in the county limits and outside a municipal jurisdiction, or the police department in the municipality in Wake County in which the Respondent resides if inside municipal corporate limits.
- (d) After serving the initial IVC Order APD will provide the initial transport of the Respondent to a Commitment Examiner Facility or 24 Hour Facility as required. APD will primarily transport individuals to UNC WakeBrook but may transport to any other qualified facility in Wake County.

(2) Voluntary Respondent:

In the event a respondent has a home address inside the Apex corporate limits and voluntarily seeks mental health treatment at a facility outside the Apex corporate limits, and is then issued an IVC Order, service of the IVC Order and the transport of the Respondent to any other 24 Hour Facility in Wake County shall be provided by the Wake County Sheriff's Office.

(3) Out of County Transport:

APD will have no responsibility to transport a Respondent to any facility located outside Wake County.

(4) Subsequent Transport:

Following initial transport by APD, The Wake County Sheriff's Office, either through their personnel or through contract with a private agency, will handle all subsequent transports inside Wake County to another facility regardless of the facility location within Wake County or the residence of the Respondent.

ARTICLE V TRANSPORTATION BETWEEN COUNTIES

5.0 Transportation between counties under the IVC proceedings of Chapter 122C, Article 5 of the North Carolina General Statutes for a first examination as described in N.C.G.S.

- § 122C-263(a) and N.C.G.S. § 122C-283(a) and for admission to a 24-hour facility shall be provided by the county where the Respondent is taken into custody.
- 5.1 Transportation between counties under the IVC proceedings of Chapter 122C, Article 5 of the North Carolina General Statutes for Respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated.
- 5.2 Transportation between counties under the IVC proceedings of Chapter 122C, Article 5 of the North Carolina General Statutes for discharge of a Respondent from a 24-hour facility shall be provided by the county of residence of the Respondent. However, a Respondent being discharged from a facility may use his own transportation at his own expense.

ARTICLE VI TRANSPORTATION PROCEDURES

- 6.0 <u>LEO Vehicles and Manner of Dress</u>. Transportation of a Respondent by the APD shall be in a Town-owned vehicle. To the extent feasible, APD LEOs transporting Respondents shall dress in plain clothes and shall travel in unmarked vehicles.
- 6.1 <u>Advising Respondents</u>. To the extent possible, APD LEOs transporting Respondents shall advise Respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for the Respondent's own safety and that of others.
- 6.2 <u>Driver or Attendant of Same Sex as Respondent</u>. To the extent feasible, in providing transportation of a Respondent, the APD shall provide a driver or attendant who is the same sex as the Respondent, unless the LEO allows a family member of the Respondent to accompany the Respondent in lieu of an attendant of the same sex as the Respondent.
- 6.3 <u>Use of Force to Restrain by LEO</u>. In taking custody and providing transportation as required by statute, APD LEOs may use reasonable force to restrain the Respondent if it appears necessary to protect the LEO, the Respondent, or others. Any use of restraints shall be as reasonably determined by the LEO to be necessary under the circumstances for the safety of the Respondent, the LEO, and other persons. Every effort to avoid restraint of a child under the age of 10 shall be made by the transporting LEO unless the child's behavior or other circumstances dictate that restraint is necessary.
- 6.4 **LEO Response to Facility Inquiries.** The LEO shall respond to all inquiries from the facility concerning the Respondent's behavior and the use of any restraints related to the custody and transportation of the Respondent, except in circumstances where providing that information is confidential or would otherwise compromise a law enforcement investigation.

ARTICLE VII CRIMINAL OR CIVIL LIABILITY

- 7.0 No APD LEO or other person designated or required to provide custody or transport of a Respondent under N.C.G.S. § 122C-251 may be held criminally or civilly liable for assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of Chapter 122C, Article 5 of the North Carolina General Statutes.
- 7.1 In accordance with N.C.G.S. § 122C-210.1, no facility, person, or entity, including an area facility, a facility licensed under Chapter 122C of the North Carolina General Statutes, an acute care hospital, a general hospital, an area authority, a law enforcement officer, an LME, or an LME/MCO, or any of their officials, staff, or employees, or any other physician or individual who is responsible for the custody, transportation, examination, admission, management, supervision, treatment, or release of a Respondent or client and who is not grossly negligent, is civilly or criminally liable, personally or otherwise, for that person's or entity's actions or omissions arising from the responsibilities of Chapter 122C of the North Carolina General Statutes or for the actions or omissions of a Respondent or client. This immunity is in addition to any other legal immunity from liability to which these persons, entities, facilities, agencies, or individuals may be entitled and applies to actions performed in connection with, or arising out of, the custody, transportation, examination, commitment, admission, management, supervision, treatment, or release of any individual pursuant to or under the authority of Chapter 122C, Article 5 of the North Carolina General Statutes or otherwise.

ARTICLE VIII OTHER AUTHORIZED TRANSPORT

8.0 It is understood by the APD that pursuant to N.C.G.S. § 122C-251(f), a clerk, a magistrate, or a district court judge, where applicable, may authorize the family or immediate friends of the Respondent, if they so request, to transport the Respondent in accordance with the procedures of Chapter 122C, Article 5 of the North Carolina General Statutes. This authorization shall only be granted in cases where the danger to the public, the family, or friends of the Respondent, or the Respondent himself or herself is not substantial. The family or immediate friends of the Respondent shall bear the costs of providing this transportation.

ARTICLE IX COST AND EXPENSES OF CUSTODY AND TRANSPORTATION

9.0 The cost and expenses of custody and transportation of a Respondent as required by the IVC procedures of Chapter 122C, Article 5, to the extent they are not reimbursed by a third-party insurer, are the responsibility of the county of residence of the Respondent, to the extent they are not reimbursed by a third-party insurer. The State (when providing transportation under N.C.G.S. § 122C-408(b), a municipality, or a county is entitled to recover the reasonable cost of transportation from the county of residence of the Respondent. The county of residence of the Respondent shall reimburse the State, another county, or a municipality the reasonable transportation costs incurred as authorized by N.C.G.S. § 122C-251(h). The county of residence of the Respondent is entitled to recover the reasonable cost of transportation it has paid to the State, a municipality, or a county. Provided that the county of residence provides the Respondent or other individual liable for the Respondent's support a reasonable notice and opportunity to object to the reimbursement, the county of residence of the Respondent may recover that cost from:

- A. The Respondent, if the Respondent is not indigent;
- B. Any person or entity that is legally liable for the resident's support and maintenance provided there is sufficient property to pay the cost;
- C. Any person or entity that is contractually responsible for the cost; or
- D. Any person or entity that otherwise is liable under federal, State, or local law for the cost.

ARTICLE X TRAINING

10.0 APD LEOs may, from time to time, at their convenience, participate in Crisis Intervention Training (CIT), or other related training, as offered by Alliance or any other approved provider, as set forth in N.C.G.S. § 122C-202.2(a)(3).

ARTICLE XI OTHER

- 11.0 <u>Mutual Assistance</u>. Nothing herein shall change any APD agreement to provide mutual assistance to another agency when necessary and upon request for any matter involving crime control and public safety.
- 11.1 **Recitals Incorporated.** The recitals hereto are incorporated herein by reference and constitute an integral part hereof.
- 11.2 <u>Counterparts.</u> This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.
- Amendment or Modification. This Agreement may only be amended, modified, or supplemented by an agreement in writing adopted by the Apex Town Council. If the Town modifies this Agreement, the Town will submit the modified agreement to the Wake County Magistrate's Office, the Wake County Clerk of Superior Court's Office, Alliance, and the NCDHHS, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services at least 10 days prior to the effective date of the new Agreement.
- 11.4 <u>Required Distribution of Agreement</u>. In accordance with N.C.G.S. § 122C-251(g)(3), this Agreement shall be submitted to the Wake County Magistrate's Office, the Wake County Clerk of Superior Court's Office, to Alliance, and to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
- 11.5 Inclusion of Agreement in Alliance Community Crisis Services Plan. Pursuant to N.C.G.S. § 122C-202.2, the Alliance Community Crisis Services Plan shall incorporate this Agreement.

Th day of Jan	Agreement is hereby approved and adopted by the Apex Town Council this the 26th ary, 2021.
TOWN O	APEX
By: Name: Jac Title: Ma	que K. Gilbert vor
_	ng is agreed to and will be adhered to by myself and my agency for the transports of ject to the involuntary commitment process.
	day of, 2021. LICE DEPARTMENT
Name:	Tony Godwin Interim Chief of Police



COMMUNITY CRISIS SERVICES PLAN Wake County



Contents

Introduction	2
Why a county-specific community crisis services plan?	
Brief summary of Involuntary Commitment (IVC) law revisions	
Wake County Community Crisis Services Plan	
Crisis collaborative & stakeholders who developed the plan	
Wake County Crisis Services	
Involuntary Commitment Process	
County Transportation Agreement	
List of Facilities (first examination + health screening tool)	
Approved and recommended training for IVC responders/transporters	



Introduction

Why a county-specific community crisis services plan?

Session Law 2018-33 (SB630) represents a significant revisions to North Carolina's Involuntary Commitment (IVC) law. The most recent revised bill put into effect the requirement for every LME/MCO to develop local area crisis services plans. Alliance Health covers four single counties, each with unique strengths, challenges and needs. Each of the four counties in the Alliance Health catchment area has its own local area or community crisis services plan.

Wake has been at the forefront in North Carolina in regards to developing and organizing a community crisis system. Wake opened its 24/7/365 Crisis and Assessment center in 1993, providing a combination of 24/7 STR, phone and walk-in crisis assessment, involuntary commitment evaluations, 23 hour observation, and the centralized "drop-off site" for police CIT officers. Wake County expanded crisis services in 2010 with the construction of the WakeBrook campus, which included expansion of inpatient psychiatric services, facility-based crisis, and non-hospital detoxification as well as relocation of the Wake Crisis and Assessment unit. Wake was also one of the first communities to develop a local crisis collaborative, inclusive of community stakeholders, looking to improve behavioral health crisis services and reduce the unnecessary use of the local emergency departments. Over the years the landscape of crisis services in Wake has evolved and expanded, consisting of an array of services delivered within the community. Mobile Crisis Management services are delivered by a team of mental health professionals through Therapeutic Alternatives. For individuals experiencing non-emergent behavioral health issues, Monarch operates a Behavioral Health Urgent Care that accepts walkins. UNC Healthcare assumed operations of the WakeBrook crisis campus in 2012 and provides an array of crisis services on through its Crisis and Assessment Services, 28-bed inpatient psychiatric unit, Facility Based Crisis and Detox Services.

Brief summary of Involuntary Commitment (IVC) law revisions

IVC Laws provide for custody, transportation and evaluations for individuals identified as potentially having a mental illness or substance use disorder that may be a danger to themselves or others.

IVC also allows an individual found to be a danger to themselves or others to be remanded into the custody of a facility that provides treatment for mental illness or substance use when that individual does not voluntarily seek treatment.



Wake County Community Crisis Services Plan

According to revised Senate Bill 630, every LME/MCO shall adopt a community crisis services plan to facilitate first examinations in conjunction with a health screening at the same location. This plan shall be comprised of separate "local area crisis services plans," for each of the local areas or regions within the catchment area (local areas/regions defined by LME/MCOs). Alliance Health developed the local area crisis services plan in coordination with the county crisis collaborative groups that were already meeting regularly. Each county crisis collaborative is comprised of members from various agencies and organizations, including law enforcement and other first responders, connected to the crisis services continuum.

Crisis collaborative & stakeholders who developed the plan

The Wake County crisis collaborative group meets monthly to discuss strategies to reduce the number of mental health and substance use crises, reduce inappropriate utilization of the local emergency departments and to provide a space to share data and brainstorm opportunities to improve the quantity and quality of crisis services in Wake County. The stakeholder group is comprised of members who represent the following:

- Local Hospitals
 - Duke Raleigh Hospital
 - UNC Rex Hospital
 - WakeMed Health & Hospital
- Monarch
- NAMI of Wake County
- Therapeutic Alternatives
- UNC WakeBrook Crisis & Assessment, Facility Based Crisis
- Wake County Emergency Medical Services
- Wake County Manager's Office
- Wake County Magistrate's Office
- Local Law Enforcement
- Alliance Health

Representatives of the Standard Plans were also invited to provide input and will receive a final copy of this plan. The Wake Chief Magistrate provided the following statement regarding an effective communication process within the county. "One system that has been working really well when it is a clinician initiated petition is having the Custody Order faxed directly to the facility where the respondent is located, which saves law enforcement time and also gets the commitment order over faster. "This practice will be continued.



Wake County Crisis Services

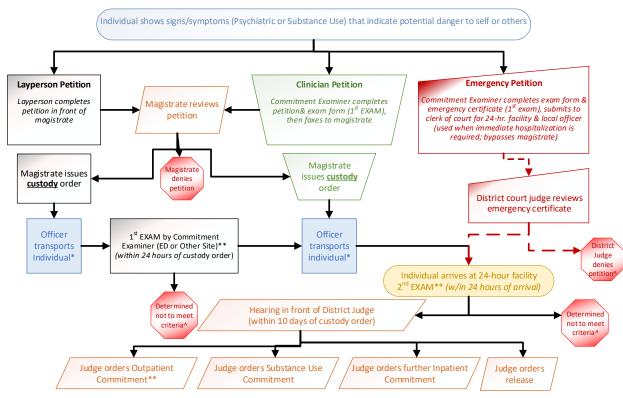
The following serves as a list of the current crisis service providers in Wake County. The providers listed deliver specific services related to each category of the crisis continuum.

- 24-Hour crisis telephone line
 - Alliance Health Access Call Center
- Walk-in crisis services:
 - o Monarch Behavioral Health Urgent Care
 - WakeBrook Crisis and Assessment
 - o Holly Hill Respond
 - Triangle Springs Hospital
- Mobile crisis outreach
 - o Therapeutic Alternatives MCM
 - o Enhanced Mobile Crisis/Advanced Para-medicine team
 - Advanced Para-medicine ED diversion
- Crisis respite/residential services
 - Lutheran Family Services child respite
 - o Methodist Home for Children and Access Family Services Rapid Response Beds
- Crisis stabilization units/facilities
 - o 23-Hour beds: UNC WakeBrook
 - Facility Based Crisis UNC WakeBrook
 - o Detox Services: UNC WakeBrook

Involuntary Commitment Process



NC Involuntary Commitment Process (IVC): Inpatient Treatment^



Based on Information from Criteria for Involuntary Commitment in NC (Mark Botts, 2009, UNC School of Government); Commitment Issues for Law Enforcement (NCAG, 2014); and SB630 IVC Revisions (2018). * Officer must take the individual into custody within 24 hours or new order needed. **If individual is found in need of Involuntary Outpatient Psychiatric or Substance Use Treatment, the provider will be identified and the individual will be released from custody; returned to residence after 1st Exam. *If determined not to meet IVC criteria, individual is released and proceedings are terminated.); *^Andividual can, at any time, elect to have voluntary treatment. If voluntary, law enforcement will not transport.

County Transportation Agreement

The Wake County involuntary commitment transportation agreement adopted pursuant to G.S. 122C-251(g) which identifies the law enforcement officers, designees under G.S. 122C-251(g), or individuals or entities otherwise required to provide custody and transportation of a respondent for a first examination in conjunction with a health screening at the same location required by G.S. 122C-263(a) and G.S. 122C-283 is incorporated herein by reference to it. The Transportation Agreement provided by Wake County is attached.

List of Facilities (first examination + health screening tool)

The following are facilities that are not emergency departments that are able to complete the first examination and health screening tool:



- Monarch Behavioral Health Urgent Care: 319 Chapanoke Road, Suite 120, Raleigh, NC 27603
- UNC WakeBrook Crisis and Assessment: 107 Sunnybrook Road, Raleigh, NC 27610
- Holly Hill Hospital: 3019 Falstaff Road, Raleigh, NC 27610
- Triangle Springs Hospital: 10901 World Trade Boulevard, Raleigh, NC 27617

Approved and recommended training for IVC responders/transporters

The recommended training for law enforcement first responders responsible for responding to and transporting individuals experiencing a mental health crisis is:

Crisis Intervention Team (CIT) training

More than a training, <u>CIT</u> is a program that provides the foundation necessary to promote community and statewide solutions to assist individuals with a mental illness and/or addictions. The CIT model reduces both stigma and the need for further involvement with the criminal justice system. CIT provides a forum for effective problem solving regarding the interaction between the criminal justice and mental health care system and creates the context for sustainable change.

The recommended training for community and family members responding to individuals experiencing mental health crises is:

Mental Health First Aid

This training, offered upon request at various community locations, is designed to teach individuals how to identify, understand and respond to signs of mental illnesses and substance use disorders in their community.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 26, 2021

Item Details

Presenter(s): Drew Havens, Town Manager

Department(s): Administration

Requested Motion

Motion to approve vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

<u>Approval Recommended?</u>

Yes

Item Details

Upon retirement, Chief Letteney had 336 hours of accumulated vacation leave which is in excess of the 240 allowed to be carried from year to year. Due to COVID and other factors he was unable to take accumulated leave and it was agreed that we would pay out this additional balance rather than transferring it to sick time to use toward creditable service under the retirement system. Because the Personnel Policy does not explicitly grant the Town Manager the authority to approve this, we are asking for Council approval of this exception to the Policy.

Attachments

N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Joanna Helms, Economic Development Director

Department(s): Economic Development

Requested Motion

Public hearing to consider and receive public input on providing an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

Approval Recommended?

Yes

<u>Item Details</u>

<u>Attachments</u>

• Project Description and Proposed Incentive Scenario



PROJECT DELTA

Type: Distribution and Office

Location: Cash Corporate Center, Apex, NC

Acreage: Approximately 29 acres

Facility: 300,000 sf (new construction)

Jobs: 220

Wages - \$52,000/year average

Investment: \$32 million

Proposed Incentive Scenario:

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Joanna Helms, Economic Development Director

Department(s): Economic Development

Requested Motion

Public hearing to consider and receive public input on providing financial assistance for Small Business Support initiatives during Winter 2021 and beyond to offset hardships created by the COVID-19 pandemic.

Approval Recommended?

Yes

<u>Item Details</u>

<u>Attachments</u>

• Proposal



Town of Apex Small Business Support Proposal (COVID) Winter 2021

PURPOSE: To assist small businesses in Apex that continue to be adversely affected by the COVID pandemic by creating and implementing initiatives that provide support and promotion.

FUNDING SOURCE: Re-allocation of \$500,000 from the Apex Small Business Emergency Loan Program.

NOTE: Many of these initiative can start in winter 2021 but can extend indefinitely throughout the year.

PHYSICAL

Parking-to-Dining Program Phase II

- Idea: Create outside dining areas by closing off specific parking spaces along one block of Salem Street (Saunders to Chatham).
- Date: March 15, 2021 until TBD
- Approvals Needed: removal of parking spaces on Salem Street

Costs: \$12,900 (35 water barriers)

PROMOTIONAL/MARKETING

"Winter on Salem"

- Idea: Create an atmosphere that promotes visitors and shoppers to downtown Apex by closing one block of Salem Street (Saunders to Chatham). Merchants would have access to additional outside space for merchandise and eating areas and would advertise specials. A "Snow Zone" could also be created. This event could be co-sponsored by the ADBA.
- Dates: TBD (tentatively Feb. 13, and March 13) from 10:00 a.m. 3:00 p.m.
- Approvals Needed: street closure; APD and PW staff assistance
- Costs: \$4,500 date 1; \$2,000 date 2 (street banners; snow zone items, marketing materials; other)

Social Media Ad Campaign

- Idea: "Shop-Dine-Play this Winter in Apex". Coordinate with TOA Communications to implement a focused campaign that promotes local business support. Also continue to encourage the community to support Apex businesses with carryout, curbside pickup, purchasing gift cards and by shopping online.
- Date: late January through March; a Spring campaign could also be considered
- Approvals Needed: non- anticipated
- Costs: TBD (advertising, printing)

Small Business highlight videos

- Idea: Create brief videos to highlight 6-7 geographic areas in Apex of retail and small businesses to be shared on the Town's YouTube channel and social media. Coordinate with TOA Communications.
- Date: March until (on-going media shares)
- Approvals Needed: non-anticipated
- Costs: TBD (professional video production by Kino Mountain)

Count on Me NC

- Idea: Promote the state's established program for businesses to become certified as a safe place for customers and visitors to patronize through a series of social media posts and webinars on how to become certified.
- Date: March until (ongoing)
- Approvals Needed: non-anticipated
- Costs: TBD (webinar presenter fees)

TRAINING/EDUCATION

Webinars

- Idea: Host a series of webinars featuring subject matter experts to train and/or educate business owners/managers in areas of promotion and marketing, on-line presence, SEO, ecommerce, POS, networking, etc.
- Date: February until (ongoing)
- Approvals Needed: non-anticipated
- Costs: TBD (webinar presenter fees)

White Paper

- Idea: Create a best practices white paper that outlines tips and tricks for businesses in areas of promotion and marketing, on-line presence, SEO, ecommerce, POS, networking, etc. Send the document to our small business list, post on our website and on social media.
- Date: February ongoing (updated as needed)
- Approvals Needed: non-anticipated
- Costs: \$500 (printing and postage)

FINANCIAL RESOURCES

Grant and/or Micro-Loan Program

- Idea: Create a program that awards up to \$2,000 per business/applicant that would provide support for specific needs (re: COVID) such as:
 - Indoor ventilation improvements
 - o Outdoor seating areas
 - Marketing / ecommerce / Website / POS improvements
- Date: Application period opens Feb. 1 and closes March 31
- Approvals Needed: allocation of funding
- Costs: TBD suggest \$250,000 in funding

KNOWN COSTS - \$269,900 ESTIMATED COSTS - \$294,900

Town Council Approval Required

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter: Dianne Khin, Director of Planning and Community Development

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Peak City Partners, LLC (1200 James Street) property containing 4.777 acres located at 1200 James Street, Annexation #699 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

<u>Item Details</u>

The Town Clerk certifies to the investigation of said annexation.

<u>Attachments</u>

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA Municipality No. 333

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

> ORDINANCE NO. 2021-0126-03 ANNEXATION PETITION NO. #699 Peak City Partners, LLC (1200 James Street)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF APEX, NORTH CAROLINA

P.O. Box 250, Apex, North Carolina 27502

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on January 26, 2021, 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.

Page 2

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 26, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Contiguous Annexation Map for The Town of Apex, Robinson & Plante, P.C., dated January 15, 2020" and recorded in Book of Maps book number 2021 and page number , Wake County Registry.

<u>Section 2</u>. 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.

<u>Section 3</u>. 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 26th day of January 2021.

ATTEST:	Jacques K. Gilbert Mayor	
Donna B. Hosch, MMC, NCCMC Town Clerk		
APPROVED AS TO FORM:		
Laurie L. Hohe Town Attorney		

Page 3

Legal Description

Beginning at an iron pipe found disturbed on the Eastern Right of Way of Schieffelin Road (S.R. 1306) (60' Public Right of Way), said iron pipe having N.C. Grid Coordinates (NAD83/2001) of N=717,752.03, E= 2,047,768.85 as shown on Book of Maps 2003, Page 503, Wake County Registry, thence from said beginning point, leaving and crossing said Right of Way, South 71°45'42" West 60.02' to a point on the Western Right of Way of Schieffelin Road (S.R. 1306) (60' Public Right of Way), thence with said Right of Way North 19°34'32" West 17.56' to a point, thence North 18°31'03" West 52.61' to a point, thence North 17°32'19" West 51.14' to a point, thence North 15°50'28" West 51.25' to a point, thence North 15°04'37" West 50.98' to a point, thence North 14°04'25" West 50.90' to a point, thence North 12°51'19" West 101.26' to a point, thence North 11°28'18" West 12.75' to an existing rebar at the Southwestern Right of Way intersection with James Street (60' Public Right of Way), thence continuing along Schieffelin Road (S.R. 1306) Right of Way North 11°45'39" West 60.96' to a point at the Northwestern Right of Way intersection with James Street (60' Public Right of Way), thence North continuing along Schieffelin Road (S.R. 1306) Right of Way 11°42'39" West 28.32' to a point, thence North 11°16'48" West 10.29' to a point, thence leaving and crossing said Right of Way North 87°55'26" East 526.12' to a an existing iron pipe, thence South 44°36'52" East 24.15' to an existing iron pipe, thence South 02°01'14" East 331.66' to an existing iron pipe, thence South 71°45'42" West 394.36' to the point and place of Beginning containing 4.777 Acres more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-0126-03, adopted at a meeting of the Town Council, on the 26th day of January, 2021, 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 27th day of January 2021.

Donna B. Hosch, MMC, NCCMC Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties. 10/1/20 Submittal Date: Application #: 699 \$ 200.00 Check # Fee Paid To THE TOWN COUNCIL APEX, NORTH CAROLINA We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina. The area to be annexed is <a> contiguous, <a> 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** Peak City Partners LLC 0741789012 Property PIN or Deed Book & Page # Owner Name (Please Print) vdhawan@greenhawkcorp.com 919-210-1996 E-mail Address Phone Property PIN or Deed Book & Page # Owner Name (Please Print) E-mail Address Phone Owner Name (Please Print) Property PIN or Deed Book & Page # E-mail Address Phone **Surveyor Information** Surveyor: Robinson & Plante, PC Fax: 919-859-6032 919-859-6030 Phone: E-mail Address: kevin@robinsonplante.com **Annexation Summary Chart** Reason(s) for annexation (select all that apply) **Property Information** 4.777 Need water service due to well failure Total Acreage to be annexed:

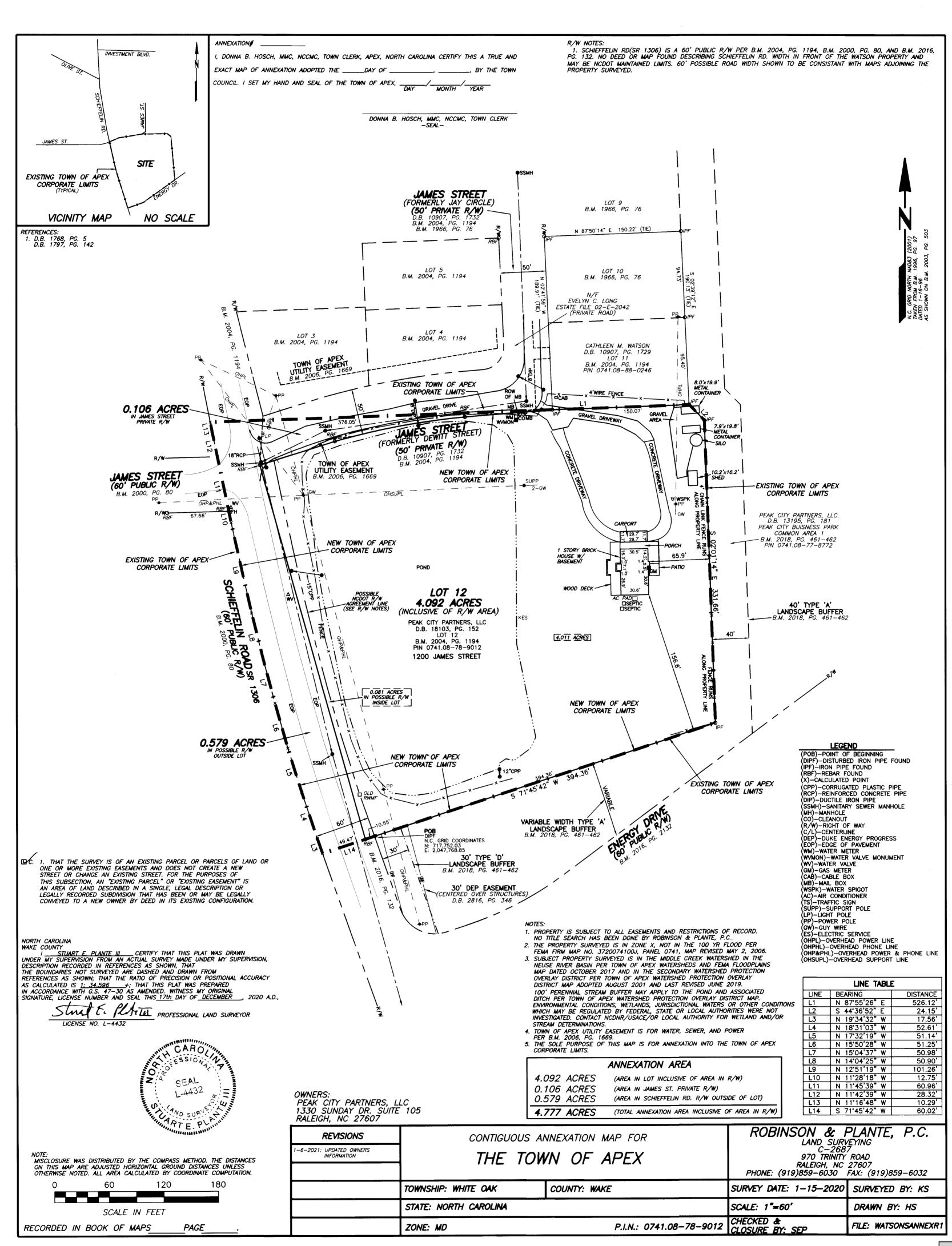
0 Need sewer service due to septic system failure Population of acreage to be annexed: 1 Water service (new construction) Existing # of housing units: 0 Sewer service (new construction) Proposed # of housing units: TF-CZ **Receive Town Services V** Zoning District*:

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

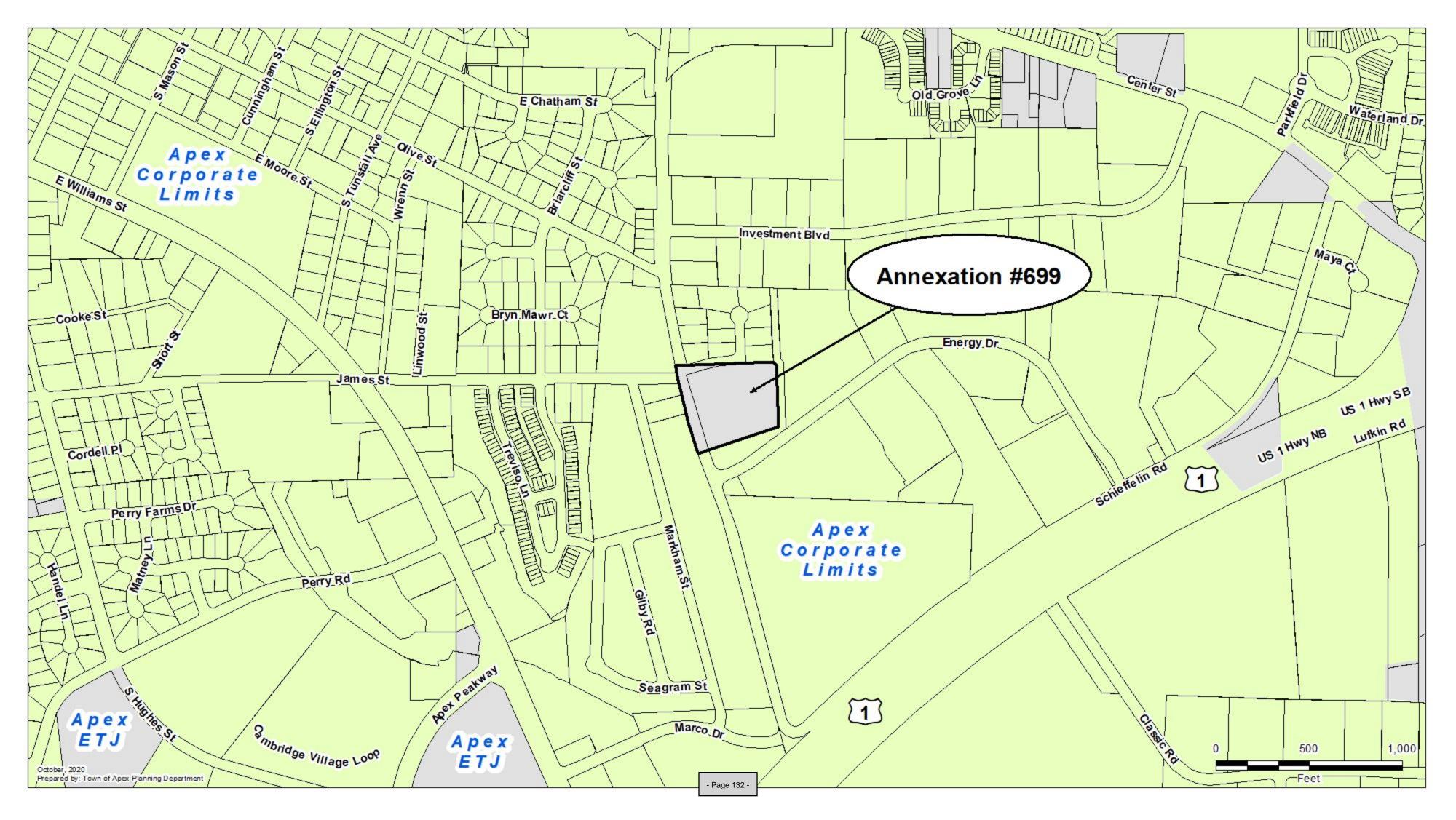
Application #: 699	Submittal Date:	10/1/2020
COMPLETE IF IN A LIMITED LIABILITY COMPANY	57 SHIP - 10 - 10	
n witness whereof, Reak City Restines UC ts name by a member/manager pursuant to authority of	a limited liability company, cauduly given, this the day of	sed this instrument to be executed September, 2025.
Name of Limited Liability Co	mpany <u>Peak City</u>	Partners, LLC
200 700 2	By: Vailhal Par	
	Signatur	e of Member/Manager
STATE OF NORTH CAROLINA COUNTY OF WAKE		
oworn and subscribed before me, Andria Fra	nklin, a Notary Public	for the above State and County,
SEAL OND TARLE OF SERIES O	My Commission Expires:	ry Public 4/14/2023
COMPLETE IF IN A PARTNEPSYIC		
n witness whereof, name by a member/manager pursuant to authority dul	given, this the day of _	this instrument to be executed in, 20
Name of Part	tnership	
	By:	
		ture of General Partner
STATE OF NORTH CAROLINA COUNTY OF WAKE		
Sworn and subscribed before me,	, a Notary Public	for the above State and County,
his the day of, 20		
SEAL	Nota	ry Public
SERE		

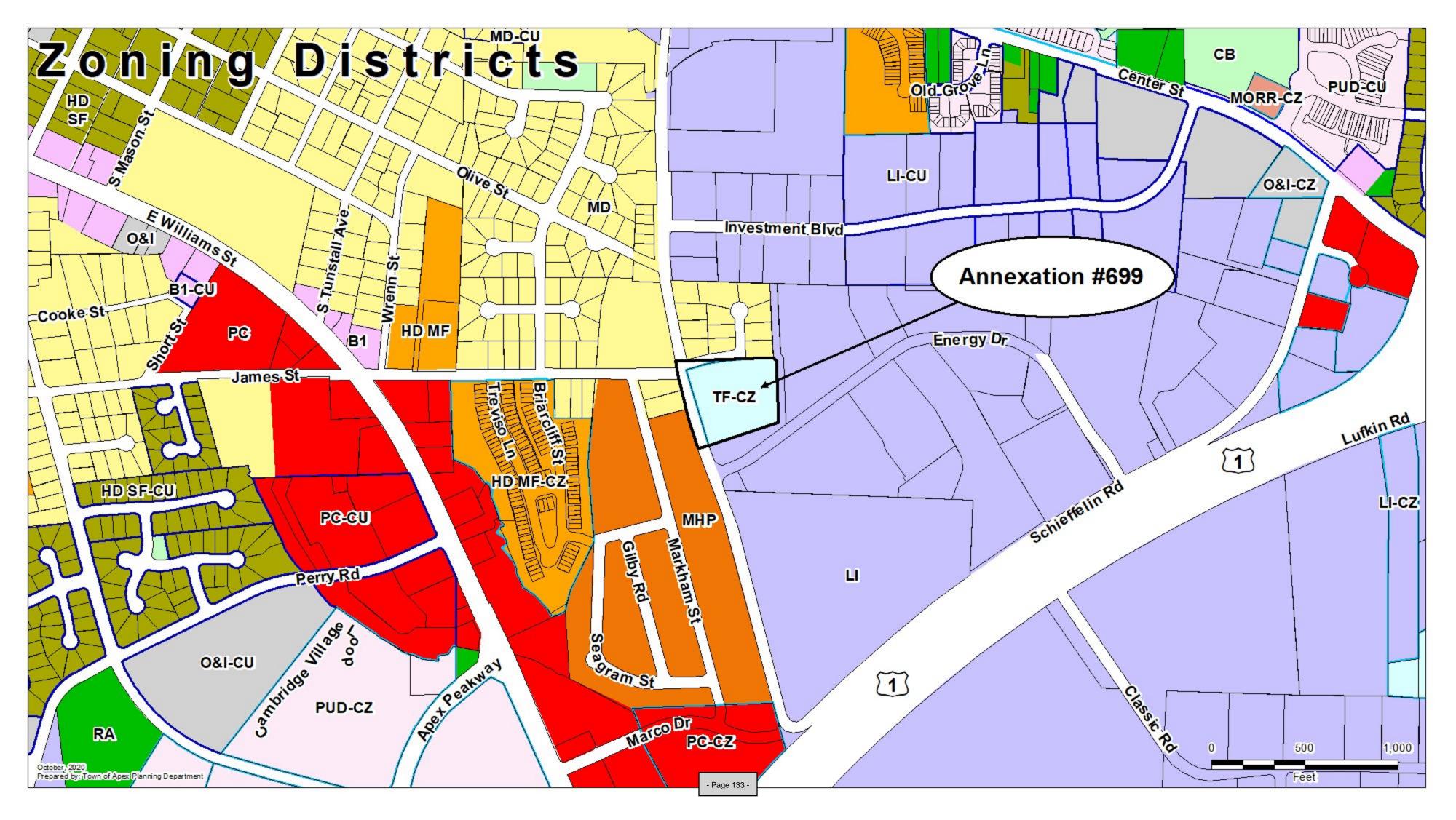
- Page 128 Petition for voluntary Annexation

Beginning at an iron pipe found disturbed on the Eastern Right of Way of Schieffelin Road (S.R. 1306) (60' Public Right of Way), said iron pipe having N.C. Grid Coordinates (NAD83/2001) of N=717,752.03, E= 2,047,768.85 as shown on Book of Maps 2003, Page 503, Wake County Registry, thence from said beginning point, leaving and crossing said Right of Way, South 71°45'42" West 60.02' to a point on the Western Right of Way of Schieffelin Road (S.R. 1306) (60' Public Right of Way), thence with said Right of Way North 19°34'32" West 17.56' to a point, thence North 18°31'03" West 52.61' to a point, thence North 17°32'19" West 51.14' to a point, thence North 15°50'28" West 51.25' to a point, thence North 15°04'37" West 50.98' to a point, thence North 14°04'25" West 50.90' to a point, thence North 12°51'19" West 101.26' to a point, thence North $11^{\circ}28'18"$ West 12.75' to an existing rebar at the Southwestern Right of Way intersection with James Street (60' Public Right of Way), thence continuing along Schieffelin Road (S.R. 1306) Right of Way North 11°45'39" West 60.96' to a point at the Northwestern Right of Way intersection with James Street (60' Public Right of Way), thence North continuing along Schieffelin Road (S.R. 1306) Right of Way 11°42'39" West 28.32' to a point, thence North 11°16'48" West 10.29' to a point, thence leaving and crossing said Right of Way North 87°55'26" East 526.12' to a an existing iron pipe, thence South 44°36'52" East 24.15' to an existing iron pipe, thence South 02°01'14" East 331.66' to an existing iron pipe, thence South 71°45'42" West 394.36' to the point and place of Beginning containing 4.777 Acres more or less.









| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning & Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, seeks to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

The Planning Board held a Public hearing on January 11, 2021 and voted on January 13, 2021 to recommended approval, with the conditions as offered by the applicant, by a vote of 8-0.

<u>Item Details</u>

<u>Attachments</u>

- Staff Report
- Vicinity Map
- Application



Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



All property owners within three hundred (300) feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road

Applicant/Owner: Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew

& Michelle Michela, and Justin & Maryanne Michela

PROJECT DESCRIPTION:

Acreage: 10.54 ± acres

PINs: 0733059045, 0733049734, 0733049444

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Town of Cary Residential-40 (R-40)	Roberts Rd; School, public or private (Green Level High School)
South:	Low Density Residential (LD #05RZ22)	Single-family Residential (The Pines at Wake Crossing Subdivision)
East:	Low Density Residential (LD #05RZ22)	Single-family Residential (The Pines at Wake Crossing Subdivision)
West:	Medium Density Residential-Conditional Zoning (MD-CZ #13CZ35)	Single-family Residential (Crestmont Subdivision)

Existing Conditions:

The subject properties are located south of Roberts Road, between The Pines at Wake Crossing and Crestmont subdivisions. Green Level High School sets on the north side of Roberts Road. The properties are mostly wooded, containing single-family residences and accessory structures.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on September 28, 2020 and October 13, 2020. The neighborhood meeting reports are attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, 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 (5) years is not anticipated to address these concerns.

Staff contacted WCPSS after the applicant reduced the maximum density for the rezoning and WCPSS stated that change does not affect the Letter of Impact as written.

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that land use classification.

PLANNED UNIT DEVELOPMENT:

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. Residential:

Single family (Minimum Lot Size = 6,000 sf) Townhouse (Maximum of 8 lots) Accessory apartment

2. Utilities:

Utility, Minor

3. Recreational Uses:

Park, active

Park, passive

Greenway

Recreational facility, private

Design Controls:

1. Maximum Density

Maximum residential density for the project is 3.2units per gross acre. Maximum number of lots is 50 (25 single-family lots; 8 townhouse lots).

2. Maximum Height of the Buildings

Maximum height = 45' Maximum stories = 3

3. Minimum Building Setbacks

Single-family, detached From Buffer or RCA – 10' Front Yard – 10' Side Yard – 5' (no aggregate)

Rear Yard – 10'

Driveways from Back of Sidewalk to Garage – 20' (12' minimum width)

Townhouse

From Buffer or RCA – 10' Front Yard – 15' Rear Yard – 15' Side (end units) – 5'

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



Side (corner) -10'Driveways from Back of Sidewalk to Garage -20' (12' minimum width) Building Side to Side -10'Building Side to Rear -30'Building Rear to Rear -40'

4. Percentage of Built Upon Area

The UDO allows for a maximum 70% of built upon area in a PUD project and the Roberts Road Properties PUD will not exceed that amount.

5. Perimeter Buffers

Perimeter Buffers:	Required	Proposed
Western property boundary	10' Type B	10' Type B
Eastern property boundary	10' Type B	10' Type B
Southern property boundary	10' Type B	10' Type B
Northern property boundary	30' Type B (undisturbed) 50' Type B (disturbed)	30' Type B (undisturbed)* 50' Type B (disturbed)*

^{*}Additional proposed buffer standards detailed in Section 6 Percentage of Resource Conservation Area

6. Percentage of Resource Conservation Area

The Roberts Road Properties PUD is requesting to reduce the required percentage of Resource Conservation Area to 25% of the total acreage (which amounts to 2.64 acres of RCA) based on the provisions stated in UDO Sec. 2.3.4.F.1.c RCA. This 5% reduction from the standard 30% required per UDO Sec. 8.1.2 Resource Conservation Area is being requested in exchange for the additional zoning conditions listed below. If Town Council votes to approve the rezoning without the RCA reduction, these zoning conditions shall not be included in the approval:

- In addition to all single-family detached homes being pre-configured with conduit for a solar energy system (condition #12 in Section 7), at least 8% of the total number of homes proposed in the Master Subdivision Plan shall be built with solar PV systems installed at the time of construction. When measurements of the number of units results in a fractional number greater than 0.10, it shall be rounded to the next higher whole number. 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 lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- This project shall be stage graded per Section 7.2.5.C.
- All single-family detached homes within this development shall be built with HVAC systems that meet or exceed a SEER rating of 18.
- The 30' Type B thoroughfare buffer (undisturbed) along Roberts Road shall be increased to a 40' Type B thoroughfare buffer (undisturbed). In the case that this buffer must be disturbed, the width of the type B buffer shall increase from 40' to 60'. See Section 6.E and Section 10.D for reference to the 30' Type B thoroughfare buffer (undisturbed) that would otherwise be proposed if not for the condition to reduce the RCA requirement.
- Evergreen trees shall be planted as a windbreak on the northern side of buildings, where practical.
- Landscape design shall include pollinator-friendly flora in common areas.
- Landscape design shall include a minimum of three (3) native hardwood species.



 A pet waste station shall be installed at the mail kiosk, or at the community center/recreation site, to be determined at the time of Master Subdivision Plan.

7. 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 \$215 per lot to this Fund prior to Master Subdivision Final Plat approval for each phase. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

8. Builder Condition

In order to maintain a unique residential development, the project shall consist of lots developed with custom homes.

9. Construction Access Condition

The location of the temporary gravel construction entrance shall be limited to only provide construction access from Pollard Place to the east via Gartrell Way.

10. Neighborhood Meeting Condition

This project shall hold a neighborhood meeting prior to the first Master Subdivision Plan submittal, in accordance with UDO Sec. 2.2.7.

Architectural Standards

<u>Single-Family Detached Residential Standards</u>

- 1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. The visible side of a home on a corner lot facing the public street shall contain at least 2 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
- 3. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.
- 4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 5. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
- 6. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
- 7. The garage shall not protrude more than 1 foot out from the front façade and/or front porch for at least 75% of building designs.

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



- Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
- 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. All single-family detached homes shall be pre-configured with conduit for a solar energy system.

Townhouse Residential Standards

- 1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. Garage doors must have windows, decorative details or carriage-style adornments on them.
- 3. The visible side of a home on a corner lot facing the public street shall contain at least 2 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
- 4. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- 5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
- 7. For townhome buildings with three (3) units or more, the roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- 8. The garage cannot protrude more than 1 foot out from the front façade or front porch.
- 9. Maximum number of units per townhome building shall be limited to four (4) units.
- 10. No townhomes shall be constructed along the western property line.

Existing Structure Preservation

Roberts Road Properties PUD shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site, which will be owned and maintained by the HOA. The exterior appearance of the structure may remain unchanged during its conversion, but parking, as well as ADA accessible paths, shall be provided in accordance with the Town of Apex UDO. The timing of the conversion shall not be tied to any specific number of lots being platted.

Tree Preservation

Prior to recording the first subdivision plat for the property, the developer will provide a donation of \$1,600 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 1.6 acres of existing tree canopy in other places on the site, and replacing and

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



replanting trees over 0.8 acres of the rest of the property. As such, this \$1,600 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

Stormwater Management

Roberts Road Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year and 10-year 24 hour storm events.

Roberts Road Properties PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas, or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

As proposed, Roberts Road Properties PUD will include the extension of public streets into the site from Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision). There will be no direct vehicular access to Roberts Road. All public streets (with the exception of Pollard Place) will have a 5' sidewalk on both sides of the street. The Pollard Place extension will have an 8' Side Path on the north side of the road to connect to the existing 8' Side Path on the north side of existing Pollard Place (to the east). The future amenity center shall provide pedestrian connection to the existing pedestrian path on Gartrell Way. The project shall provide pedestrian access from the future subdivision to Roberts Road via the 8' Side Path along Pollard Place and Gartrell Way, unless a public street within the subdivision is constructed within 300-feet of the northwest property corner, in which case a direct pedestrian connection shall be made to Roberts Road, consistent with UDO Sec. 7.5.4.C. The project will dedicate additional right-of-way along Roberts Road in the northeast corner to achieve a total of 40' for ½ of the Roberts Road R/W. A 5' public sidewalk shall be installed along the frontage of the project along Roberts Road prior to the first plat.

Public Facilities:

As shown on the PUD Utility Plan, the sanitary sewer connection will come by connecting to the existing sewer system in Pollard Place to the west, from the Crestmont subdivision. Water distribution service will be provided to this project by the connection to an existing eight inch waterline along Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision).

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The PRCR Advisory Commission reviewed the Roberts Road Properties PUD project on December 9, 2020 and the Commission unanimously recommended a fee-in-lieu for recreation land dedication based on the number of units and types proposed at the time of Master Subdivision Approval. The fee rate will be based on the rate of the current year when Town Council approves the PUD.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #20CZ11 Roberts Road Properties PUD with conditions as proposed, with the exception of the lack of direct pedestrian connection from future subdivision to Roberts Road, which is a thoroughfare.

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



While the Roberts Road Properties PUD is consistent with the Thoroughfare and Collector Street Plan, the PUD as proposed does not provide for direct pedestrian connection from the future subdivision to the thoroughfare, Roberts Road, as required in UDO Sec. 7.5.4 C. Sidewalks:

C) Sidewalks

- 2) The subdivider shall construct sidewalks along both sides of all major and minor thoroughfares, all collectors, and on one side of all other streets within and bordering the subdivision property boundaries. Such sidewalks shall provide direct pedestrian connections to adjacent properties outside the subdivision.
 - b) Where street interconnectivity is not provided (such as but not limited to cul-de-sacs) within the development plan, pedestrian connections shall be constructed. The pedestrian connection requirement does not apply when a connection between two (2) cul-de-sacs would not improve connectivity with the subdivision or to surrounding areas as determined by the Planning Director. The pedestrian connection shall be constructed according to the following:
 - (i) The developer shall construct the required pedestrian connections within open space or Resource Conservation Area owned by a homeowner's association, using a minimum five-(5) foot width instead of the 10-foot wide standard section for concrete greenways;
 - (ii) The developer shall provide a 10-foot wide public access and maintenance easement along these paths, with the paths in the center of the easements;
 - (iii) The open space shall be provided between lots (not within lots) to maintain pedestrian connectivity and shall include destination and directional signs;

Without the provision of direct internal pedestrian connection to the Thoroughfare, staff cannot recommend support of the Roberts Road Properties PUD as presented.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their January 11, 2021 meeting and voted on January 13, 2021 to recommend approval, with the conditions as offered by the applicant, by a vote of 8-0.

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 proposed rezoning to the PUD-CZ zoning district is reasonable in that it is consistent with the 2045 Land Use Map, which classifies the subject property as Medium Density Residential.

While the proposed rezoning allows for infill single-family residential development consistent and compatible with existing single-family residential development in the area, the proposed rezoning is not in the public interest because of the lack of a pedestrian connection between the future residential development and Roberts Road.

${\bf PLANNED\ UNIT\ DEVELOPMENT\ DISTRICT\ AND\ CONDITIONAL\ ZONING\ STANDARDS:}$

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

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



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

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



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 ten percent (10%) provided that the PD Plan for PUD-CA includes one or more of the following:
 - (i) A non-residential component; or
 - (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.

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



- 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 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 onsite 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.

STAFF REPORT

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Planned Unit Development-Conditional Zoning (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.



PLANNED UNIT DEVELOPMENT APPLICATION

This document is a public record under the North Carolina Public third parties.					
Application #: 20CZ11 Fee Paid \$			Submittal Date: Check #	10/1/	2020
PETITION T	O AMEND THE OFFICIAL Z				
Project Nam	7547 0005070 00		00 04 PIN 00 / F PP		
Address(es)	•), 2310 POLLARD PL, 200	O CABIN COVE RD		
PIN(s)	733-05-9045, 0733-04-973	34, 0733-04-9444			
_	DD		DUD	_ Acreage.	0.54
Current Zoning: RR Proposed Zoning: PUD-CZ					· - , , ,
	5 LUM Designation:	Medium Density Residen	uai	1.112	
•	2045 LUM Designation: e next page for LUM amend				
	on of the project is shown a		ipes on the 2045 Land I	Use Map) provid	le the following:
Are	ea classified as mixed use:		Acreage:		
Are	ea proposed as non-residen	tial development:	Acreage:	5.000	
Per	cent of mixed use area pro	posed as non-residential:	Percent:		
Applicant Ir	ıformation	and the second	and the second		
Name:	Justin Michela			and the second	COLOR DE LA CO
Address:	714 Main Street				
City:	Hudson	State:	MA	Zip:	01749
Phone:	978-875-0821	E-mail:	justin@themichelas.		
Owner Info				New Asset Co.	
	See Attached List		100		
Name:					, , , , , , , , , , , , , , , , , , ,
Address:		Chahai		7:	
City:		State:		Zip:	
Phone:		E-mail:			
Agent Infor		The Control of the Co			
Name:	Jones & Cnossen Engine	ering, PLLC			
Address:	PO Box 1062				
City:	Apex	State:	NC	Zip:	27502
Phone:	919-387-1174	E-mail:	patrick@jonescnoss	en.com	
Other conta	icts:	14			

- Page 147 -

Owner	Mail Address 1	Mail Address 2	PIN	SITE ADDRESS
MATTHEW & MICHELLE MICHELA	7517 ROBERTS RD	CARY NC 27519-8920	0733059045	7517 ROBERTS RD
JUSTIN & MARYANN MICHELA AND				
MATTHEW & MICHELLE MICHELA	2000 CABIN COVE RD	CARY NC 27519-8919	0733049734	2310 POLLARD PL
JUSTIN & MARYANN MICHELA	2000 CABIN COVE RD	CARY NC 27519-8966	0733049444	2000 CABIN COVE RD

Smith & Smith Surveyors, P.A. P.O. Box 457 Apex, N.C. 27502 (919) 362-7111 Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe on the southern 60' right of way of Roberts Road (NCSR 1608), Herman Wayne Roberts' northeast corner (D.B. 3814, PG. 154) located North 79° 50' 43" East, 90.62 feet from a 6 inch nail set bearing NAD 83 (2011) NC grid coordinate values of North 735,205.28 US survey feet, East 2,031,105.04 US survey feet; thence South 00° 51' 41" West, 906.78 feet to an existing iron pipe; thence North 89° 10' 59" West, 497.98 feet to an existing iron pipe; thence North 00° 31' 12" East, 946.86 feet to an existing iron pipe; thence South 78° 40' 50" East, 125.30 feet to an existing iron pipe; thence South 82° 49' 27" East, 124.34 feet to an iron pipe set; thence South 88° 24' 41" East, 256.84 feet to the BEGINNING, containing 10.5432 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Jones & Cnossen Engineering, PLLC", dated September 22, 2020.

PRELIMINARY

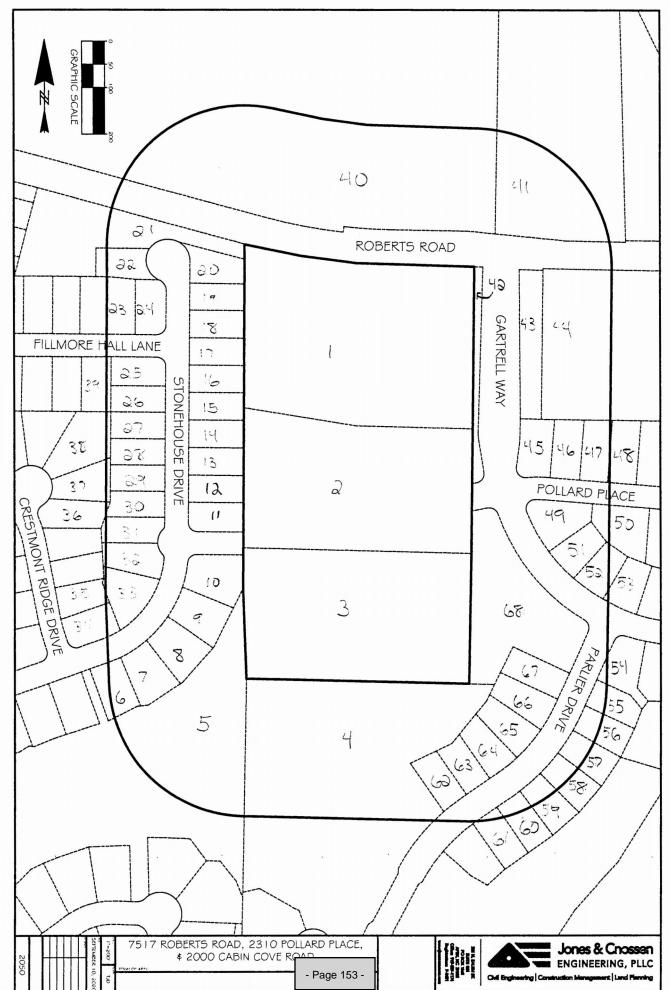
CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ11	Submittal Date:	10/1/2020
Provide a certified list of property owners subject to the	is application and all propand HOA Contacts.	perty owners within 300' of the
Owner's Name 1 See Attached List		PIN
See Attached List 2.		
3		
4		
5		
6		
7.		
8.		
9.		
10.		
11.		
12		
13		
14		
15		
, PATRICK L. KIEPNAN, certify that property owners within 300' of the subject property.	this is an accurate listing	of all property owners and
Date: 9/29/20 By:	What I fin	
COUNTY OF WAKE STATE OF NORTH CAROLINA	/	
Sworn and subscribed before me, <u>Erin Marco</u> County, on this the <u>39th</u> day of <u>September</u>	a Notary F	Public for the above State and
SEAL RIN MARCUM NOTARY PUBLIC Wake County North Carolina My Commission Expires 11/1/2000	Notary Frint N Print N Ty Commission Expires:)accom

- Page 150 -

	Α	В	С	D	E	F
1	Parcel	Owner	Mail Address 1	Mail Address 2	Mail Address 3	PIN
2 [NA	Town of Apex	Planning Department	PO Box 250	Apex NC 27502	
3	1	HERMAN ROBERTS	7517 ROBERTS RD	CARY NC 27519-8920		0733059045
4	2	BRIAN & JULIE ROBERTS	7421 ROBERTS RD	CARY NC 27519-8919		0733049734
5	3	MICHAEL & CATHERINE ROBERTS	2000 CABIN COVE RD	CARY NC 27519-8966		0733049444
6	4	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733049008
7	5	CRESTMONT OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243	RALEIGH NC 27624-7243	0723948119
8	6	NATARAJ DASGUPTA & SURAIYA NAHAR	363 STONEHOUSE DR	APEX NC 27523-7127		0733044300
9	7	SUNIL KUMAR & RASHMI MARUVADA	359 STONEHOUSE DR	APEX NC 27523-7127		0733044373
10	8	SRIKANTH & SWARNALATHA CHERUKURI	355 STONEHOUSE DR	APEX NC 27523-7127		0733045348
11	9	DEEPTI KRISHNAKUMAR & ARUNKUMAR VIJAYAKUMAR	351 STONEHOUSE DR	APEX NC 27523-7127		0733045495
12	10	AJIT & DEEPTI DABADE	347 STONEHOUSE DR	APEX NC 27523-7127		0733046524
13	11	JAYARAM MUMMADI & ANITHA GUDDHETI	339 STONEHOUSE DR	APEX NC 27523-7127		0733046627
14	12	NEELKAMAL DOPPALAPUDI & GNANALAKSHMI SAISUDHA KATRAGADDA	335 STONEHOUSE DR	APEX NC 27523-7127		0733046723
15	13	LINGMING HOU & WEIHONG CAO	331 STONEHOUSE DR	APEX NC 27523-7127		0733046729
16		MINGLIANG WEI & CHUNHUA YANG	327 STONEHOUSE DR	APEX NC 27523-7127		0733046825
17		JEFFREY & MEGHAN RICHMOND	323 STONEHOUSE DR	APEX NC 27523-7127		0733046921
18		CHAKRADHAR REDDY CHEEMARLA & DAMODHAR PRATHIBA REDDY CHARLA	319 STONEHOUSE DR	APEX NC 27523-7127		0733046927
19		SHANNON & WILLIAM ALMAND IV	315 STONEHOUSE DR	APEX NC 27523-7127		0733056023
20		MIKLOS NAGY & ILDIKO HORVATH	311 STONEHOUSE DR	APEX NC 27523-7127		0733056039
21		SHIVA REDDY BUSIREDDY & RASHMI RAJKUMAR WADHWA	307 STONEHOUSE DR	APEX NC 27523-7127		0733056135
22		UMESH KEDLA & SAPNA GUDDEKOPPA	303 STONEHOUSE DR	APEX NC 27523-7127		0733056222
23		CRESTMONT OWNERS ASSOCIATION INC	812 SALEM WOODS DR STE 202	RALEIGH NC 27615-3346		0733053268
24		VARUN KUMAR SINGH & KUMUDINI TEWARI	302 STONEHOUSE DR	APEX NC 27523-7127		0733054222
25		CELESTE & ORLANDO DIZON JR	2304 FILLMORE HALL LN	APEX NC 27523-7126		0733054123
26		BAIHAN YU & JING PAN	2300 FILLMORE HALL LN	APEX NC 27523-7126		0733054183
27		PRANAVI BUKKA & PRAVEEN KUMAR KONALA	318 STONEHOUSE DR	APEX NC 27523-7127		0733044959
28		SUNIL KUMAR SINGH RAMBRICHH & SNEHLATA SINGH	322 STONEHOUSE DR	APEX NC 27523-7127		0733044953
29		JAWAHAR & SMITHA RUDDARRAJU	326 STONEHOUSE DR	APEX NC 27523-7127		0733044857
30		NAGARJUNA REDDY CHINTA & SIRISHA SINGASANI	330 STONEHOUSE DR	APEX NC 27523-7127		0733044851
31		KRISHNAM RAJU & LAKSHMI PENUMATCHA	334 STONEHOUSE DR	APEX NC 27523-7127		0733044756
32		SRIKANTH MAKINENI & CHANDANA BUJINGA TUMMALA	338 STONEHOUSE DR	APEX NC 27523-7127		0733044750
33 34		MEENAKSHI SUNDARAM RAMANATHAN & GEETHA MEENAKSHI SUNDARAM	342 STONEHOUSE DR	APEX NC 27523-7127		0733044644
35		DANIEL & JESSICA THORN	346 STONEHOUSE DR	APEX NC 27523-7127		0733044548 0733044530
36		IAN & MA FATIMA GOMEZ RAJESH & MANASA NADIPALLI	350 STONEHOUSE DR 267 CRESTMONT RIDGE DR	APEX NC 27523-7127 APEX NC 27523-7119		0733044530
37		PRANAB & PUJA SHRESTHA	263 CRESTMONT RIDGE DR	APEX NC 27523-7119 APEX NC 27523-7119		0733043439
38		TAO FENG & JING CHAI	2305 BRAXTON WOOD LN	APEX NC 27523-7119 APEX NC 27523-7128		0733043439
39		RAMASAMEERA PALAVALI & SIVANAGARJUNA SANIVARAPU	2301 BRAXTON WOOD LN	APEX NC 27523-7128		0733043018
40		ADAM & STACEY LISI	2300 BRAXTON WOOD LN	APEX NC 27523-7128		0733043734
41		CHINAR KULKARNI & SANUJA DABADE	2307 FILLMORE HALL LN	APEX NC 27523-7128 APEX NC 27523-7126		0733043833
42		WAKE CNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145	0733043960
43		121 LENNOX LLC	SMULTRON LP	1892 BLUE JAY PT	APEX NC 27502-9711	0733001403
44		TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323	LA 140 27 302 37 11	0733133781
45		TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733153015
46		AMANDALEE2 LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136		0733146978
47		TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733143822
48		TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733143892
49		HYUNSOOK CHAE & IL WON	2218 POLLARD PL	CARY NC 27519-8963		0733144851
50		JIN S & YOUNG LEE	2214 POLLARD PL	CARY NC 27519-8963		0733145811

	Α	В	С	D	E	F
51	49	CHIRAG A SAXENA & PUJITA PATNI	251 GARTRELL WAY	CARY NC 27519-8962		0733143676
52	50	JAVEEDA MIYA & NURUS SABA	2215 POLLARD PL	CARY NC 27519-8963		0733145614
53	51	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733144610
54	52	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733144565
55	53	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145522
56	54	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145314
57	55	HAN ZHU & RUI WANG	309 PARLIER DR	CARY NC 27519-8964		0733144296
58	56	DAOYU WANG & QINGFANG LIN	313 PARLIER DR	CARY NC 27519-8964		0733144270
59	57	MADHUSUDHAN BELLAMKONDA & USHA ANNAMANENI	317 PARLIER DR	CARY NC 27519-8964		0733144145
60	58	ELDHOSE KURIAN THATTARATH & CAROLINE THOMAS	321 PARLIER DR	CARY NC 27519-8964		0733144009
61	59	NARENDER & JYOTI RAO YELLANKI	325 PARLIER DR	CARY NC 27519-8964		0733143054
62	60	LALIT GOEL & ANUBHA GUPTA	329 PARLIER DR	CARY NC 27519-8964		0733143001
63	61	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733132947
64	62	BONG JIN YOUM & HAEJA KIM	336 PARLIER DR	CARY NC 27519-8964		0733141110
65	63	KAI-DI & CHENG-KUO CHI	332 PARLIER DR	CARY NC 27519-8964		0733141163
66	64	ALI QAMAR & MADIHA ALI	326 PARLIER DR	CARY NC 27519-8964		0733142117
67	65	SARAH YONGMEI XU & DONG XIANG	7 RANDOLPH CIR	WESTFORD MA 01886-2595		0733142261
68	66	CHANDRA SEKHAR VELIGETI BHASKARA & ANUSHA KARYAMPUDI	314 PARLIER DR	CARY NC 27519-8964		0733142297
69	67	YANG LI WU & YU FANG SHANG	310 PARLIER DR	CARY NC 27519-8964		0733143323
70	68	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733142477
71	69	NIKITA SWAPNIL PATIL & SWAPNIL KHANDERAO PATIL	2308 FILLMORE HALL LANE	APEX, NC 27523-7126		0733053163
72	-					
73						



AGEN	T A UTHORIZATI	ON FORM		
Applic	ation #:	20CZ11	Submittal Date:	
Justin &	Justin & Maryann Michela		is the owner* of the property	for which the attached
applica	tion is being sul	omitted:		
	Land Use An	nendment		
Ø	a	_	ed Development rezoning applica onsent to zoning conditions that a lication is approved.	
	Site Plan			
7	Subdivision			
	Variance			
	Other:		7. N. W. V.	
The pro	perty address i	2000 Cabin Cove Road		
The age	ent for this proje	ect is: Jones & Cnossen Engir	neering, PLLC	
	☐ I am the c	wner of the property and will b	e acting as my own agent	
Agent N	Name:	Patrick Kiernan		
Addres	s:	221 N . Salem St, Suite 001,	Apex NC 27502	
Telepho	one Number:	919-387-1174		
E-Mail	Address:	patrick@jonescnossen.com		
		Signature(s) of Owner(s)*		
		Juston	Mahel	
		Justin	Mich ela Type or print name	12/28/2020
		1.1.1.	Type of print flame	Juic
		Maryann A	Lichela. Type or print name	12/28/2020 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.

al Zoning Application

Ар	plication #:	20CZ11	Submittal Date:
	undersigned, ers or affirms a	Justin & Maryann Michela	(the "Affiant") first being duly sworn, hereby
1.	owner, 0	or is the authorize	and legally described in Exhibit "A" attached hereto and
2.	This Affida		for the purpose of filing an application for development approval with
3.		ed in the Wake County R	rty, Affiant acquired ownership by deed, dated 11/18/2020, egister of Deeds Office on 11/30/2020, in Book 018213 Page
4.	indicating		of the owner(s) of the Property, Affiant possesses documentation granting the Affiant the authority to apply for development approval
	ownership Affiant's or claim or ac acting as a nor is any Property.	have been in sole and u . Since taking possession wnership or right to posse tion has been brought ag n authorized agent for o	nimed sole ownership of the Property. Affiant or Affiant's predecessors indisturbed possession and use of the property during the period of in of the Property on 11/18/2020, no one has questioned ession nor demanded any rents or profits. To Affiant's knowledge, no gainst Affiant (if Affiant is the owner), or against owner(s) (if Affiant is wner(s)), which questions title or right to possession of the property, g against Affiant or owner(s) in court regarding possession of the
		·	Justin Michela Maryann Michela Type or print name
	E OF NORTH (NTY OF <u>__\</u>		Type of print name
	1		and for the County of WAKE, hereby certify that conally known to me or known to me by said Affiant's presentation of
-	•		, personally appeared before me this day and acknowledged the
		execution of the foregoin	<u>.</u>
	My	ERIN MARCUM NOTARY PUBLIC Wake County North Carolina Commission Expires	Notary Public State of North Carolina My Commission Expires: November 19, 2025

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:	20CZ11	Submittal Date:
	Insert legal desc	cription below.
Subdivision Map of Close, Inc., Land Registry, reference FOGETHER WITH and over the 30-for referenced map a Road].	of Herman Wayne Roberts Pro Surveying, and recorded in Bo e to which is hereby made for H an appurtenant perpetual ea not private access easement a s Cabin Cove Road extending	hown on map entitled "Recombination and operty", dated August 25, 1996, by Kenneth ook of Maps 1997, Page 1624, Wake County greater certainty of description. Its ement and right of ingress and egress upon and turn around shown on the above from said property to S.R. 1608 [Roberts and by Grantor by instrument recorded in Deed

- Page 156 -

AGEN	T AUTHORIZATI	ON FORM		
Applic	ation #:	20CZ11	Submittal Date:	
Justin &	Maryann Michel	a and Matthew & Michelle Michela	is the owner* of the property fo	or which the attached
applica	tion is being sub	bmitted:	_	
	Land Use Am	nendment		
Ø	aı	_	ed Development rezoning applications and insent to zoning conditions that are ication is approved.	-
	Site Plan			
7	Subdivision			
	Variance			
	Other:			
The pro	perty address is	s: 2310 Pollard Place		
The age	ent for this proje	ect is: Jones & Cnossen Engin	eering, PLLC	
	☐ I am the o	wner of the property and will be	e acting as my own agent	
Agent N	lame:	Patrick Kiernan		
Addres	s:	221 N . Salem St, Suite 001, A	Apex NC 27502	
Telepho	one Number:	919-387-1174		
E-Mail	Address:	patrick@jonescnossen.com		
		Signature(s) of Owner(s)* Justin Michela Tustin Michela	Mayann Michela Type or print name M. M. M. M.	10/28/2020 Date
		MATHEN MICHELA	MicHELLE MICHELA Type or print name	12/28/2020 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.

	FIDAVIT OF O		
Ap	plication #:	20CZ11	Submittal Date:
	undersigned, ars or affirms a	Justin & Maryann Michela and Matthew & Michelle Michela	(the "Affiant") first being duly sworn, hereby
31100		, , , , , , , , , , , , , , , , , , ,	
1.		or is the authorized agent	d authorized to make this Affidavit. The Affiant is the sole of all owners, of the property located at and legally described in Exhibit "A" attached hereto and
	incorporat	ed herein (the "Property").	
2.	This Affida the Town o		rpose of filing an application for development approval with
3.	If Affiant is	the owner of the Property, Affian	t acquired ownership by deed, dated 11/18/2020
	and record 01665-01666	ed in the Wake County Register of ·	Deeds Office on 11/30/2020 in Book 018213 Page
4.	indicating t	_	vner(s) of the Property, Affiant possesses documentation ne Affiant the authority to apply for development approva
	ownership. Affiant's overlaim or acting as a nor is any Property.	have been in sole and undisturbe. Since taking possession of the famous with the second possession nor tion has been brought against Affian authorized agent for owner(s)), and claim or action pending against	r demanded any rents or profits. To Affiant's knowledge, no ant (if Affiant is the owner), or against owner(s) (if Affiant is which questions title or right to possession of the property Affiant or owner(s) in court regarding possession of the
	This the	28 day of <u>December</u>	_ 20_20 D
	Justin M	lichela Mayum	Michela Mannen midel. MICHELLE MI Type or print name
	E OF NORTH C		
COUI ا, th	e undersigne	d, a Notary Public in and for	
I, the	NTY OF WAI e undersigne Nary Amn Mic Mickille M	d, a Notary Public in and for the and for	wn to me or known to me by said Affiant's presentation o
I, the said	e undersigne Naryann Mic Michelle M Affiant's dri	d, a Notary Public in and for the and for	the County of <u>WAKE</u> , hereby certify that two me or known to me by said Affiant's presentation of the conally appeared before me this day and acknowledged the st.

- Page 158 -

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION Application #: 20CZ11 Submittal Date: Insert legal description below. BEING all of Lot 2, containing 3.228 acres including the Cabin Cove Road access easement,

BEING all of Lot 2, containing 3.228 acres including the Cabin Cove Road access easement, Exempt Plat Herman Wayne Roberts as recording in Book of Maps 2017, Page 2026, Wake County Registry.

- Page 159 -

AGENT	AUTHORIZA	TION FORM		
Applica	ation #:	20CZ11	Submittal Date:	
Matthew & Michelle Michela		ichela is	the owner* of the property	for which the attached
applicat	ion is being s	ubmitted:		
	Land Use A	mendment		
I		or Conditional Zoning and Planned D authorization includes express conser Agent which will apply if the applicati	nt to zoning conditions that a	
	Site Plan			
7	Subdivision			
	Variance			
	Other:			
The pro	perty address	is: 7517 Roberts Road		
The age	nt for this pro	ject is: Jones & Cnossen Engineeri	ng, PLLC	
	☐ I am the	owner of the property and will be ac	ting as my own agent	
Agent N	lame:	Patrick Kiernan		
Address	::	221 N . Salem St, Suite 001, Apex	NC 27502	
Telepho	ne Number:	919-387-1174		
E-Mail A	Address:	patrick@jonescnossen.com		
		Signature(s) of Owner(s)* MANYIEW MICHE	Type or print name	12/೭૪/೭೪ Date
		Muchillippe	Lile	
		MICHELLE MICH		12/08/20
			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.

App	olication #:	20CZ11	Submittal Date:
	undersigned, rs or affirms a		The "Affiant") first being duly sworn, hereby
1.		or is the authoriz	ars of age and authorized to make this Affidavit. The Affiant is the sole rized agent of all owners, of the property located at and legally described in Exhibit "A" attached hereto and
	incorporat	ed herein (the "Propert	
2.	This Affida the Town o	•	de for the purpose of filing an application for development approval with
3.		led in the Wake County	perty, Affiant acquired ownership by deed, dated 11/18/2020, y Register of Deeds Office on 11/30/2020, in Book 018213 Page
4.	indicating		nt of the owner(s) of the Property, Affiant possesses documentation ip granting the Affiant the authority to apply for development approval
	in interest ownership Affiant's or claim or acting as a nor is any Property.	, Affiant has on have been in sole and a since taking possession whership or right to postion has been brought in authorized agent for a claim or action pendicular claim.	ne Property, from the time Affiant was deeded the Property on claimed sole ownership of the Property. Affiant or Affiant's predecessors d undisturbed possession and use of the property during the period of sion of the Property on 11/18/2020, no one has questioned ossession nor demanded any rents or profits. To Affiant's knowledge, no t against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is rowner(s)), which questions title or right to possession of the property, ding against Affiant or owner(s) in court regarding possession of the
			Michael (seal)
		~~ <i>A</i>	Type or print name
COUN	E OF NORTH O ITY OF <u>いん</u>	<u> </u>	in and for the County of $\triangle AKE$, hereby certify that
			ersonally known to me or known to me by said Affiant's presentation of
said A	Affiant's di	river licenses	personally appeared before me this day and acknowledged the
		execution of the forego	
	My	ERIN MARCUM NOTARY PUBLIC Wake County North Carolina Commission Expires 1/1/4	Notary Public State of North Carolina My Commission Expires: November 19, 2025

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP: EXHIBIT A - LEGAL DESCRIPTION Application #: 20CZ11 Submittal Date: Insert legal description below.

BEING all of Lot 1 of that certain map entitled "Herman Wayne Roberts" dated November 16, 2016, surveyed by Smith and Smith surveyors and recorded in Book of Maps 2017, Page 2026, Wake County Registry. The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 3814, Page 154 and Deed Book 3673, Page 127, Wake County Registry.

Planned Unit Develo



Wake County Residential Development Notification

randra de la companya de la company	eveloper Company <i>Information</i>
Company Name	
Company Phone <i>Number</i>	
Developer Representative Name	Justin Michela
Developer Representative Phone Number	978-875-0821
Developer Representative Email	justin@themichelas.org

New Residential Subdiv	ision Information
Date of Application for Subdivision	October 01, 2020
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD
REID(s)	0147821, 0450952, 0235566
PIN(s)	0733-05-9045, 0733-04-9734, 0733-04-9444

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-gisgroup@wcpss.net

Projected Dat	es Information
Subdivision Completion Date	2024
Subdivision Projected First Occupancy Date	2022

	16.87					or by L	of Deve	lejon chi e	14 (41) (14)	(a)							
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	1	e Foot nge	Price	Range	,	Anticipate	d Compl	etion Uni	ts & Date	∋s
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	40					10	30	1800	3500	\$275K	\$600K	2022	5	2023	20	2024	15
Townhomes	10				5	5		1200	2100	\$180K	\$320K	2022	5	2023	5		
Condos												**************************************					
Apartments		•															
Other		, , , , , , , , , , , , , , , , , , , ,										yron creese consensors consesses	Access to the control of the control				

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties. September 18, 2020 Date Dear Neighbor: You are invited to an electronic neighborhood meeting to review and discuss the development proposal at 7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD 0733-05-9045, 0733-04-9734, 0733-04-9444 Address(es) PIN(s) in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application. An Electronic Neighborhood Meeting is required because this project includes (check all that apply): **Application Type Approving Authority** Rezoning (including Planned Unit Development) **Town Council** Major Site Plan Town Council (QJPH*) 0 Town Council (QJPH*) Special Use Permit 0 **Technical Review** Residential Master Subdivision Plan (excludes exempt subdivisions) Committee (staff) *Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing. The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

The parcels are currently zoned Rural Residential (RR). We are proposing a change in zoning to Planned Unit Development Conditional District (PUD-CZ). This will allow for a mix of primarily single family homes and

a small number of townhomes. The parcels will remain Medium Density Residential for the Land Use.

Estimated submittal date: October 01, 2020 **MEETING INFORMATION:** HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS Property Owner(s) name(s): Jones & Cnossen Engineering, PLLC Applicant(s): patrick@jonescnossen.com; 919-387-1174 Contact information (email/phone): Electronic Meeting invitation/call in See enclosed instructions info:

September 28, 2020 Date of meeting**:

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

MEETING AGENDA TIMES:

Project Presentation: 6:05 pm _ Question & Answer: 6:30 pm Welcome: 6:00 pm

Instruction Packet & Affi - Page 164 -

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



221 N. SALEM ST, SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-3174 Fax: 919-387-3375 www.jonescnossen.com

Zoom Meeting Details - Roberts Rd Properties Rezoning

When: Sep 28, 2020 06:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://zoom.us/meeting/register/tJwvceqvrDspHdLp8ExGEy06GbEh8Lo9ky1o

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

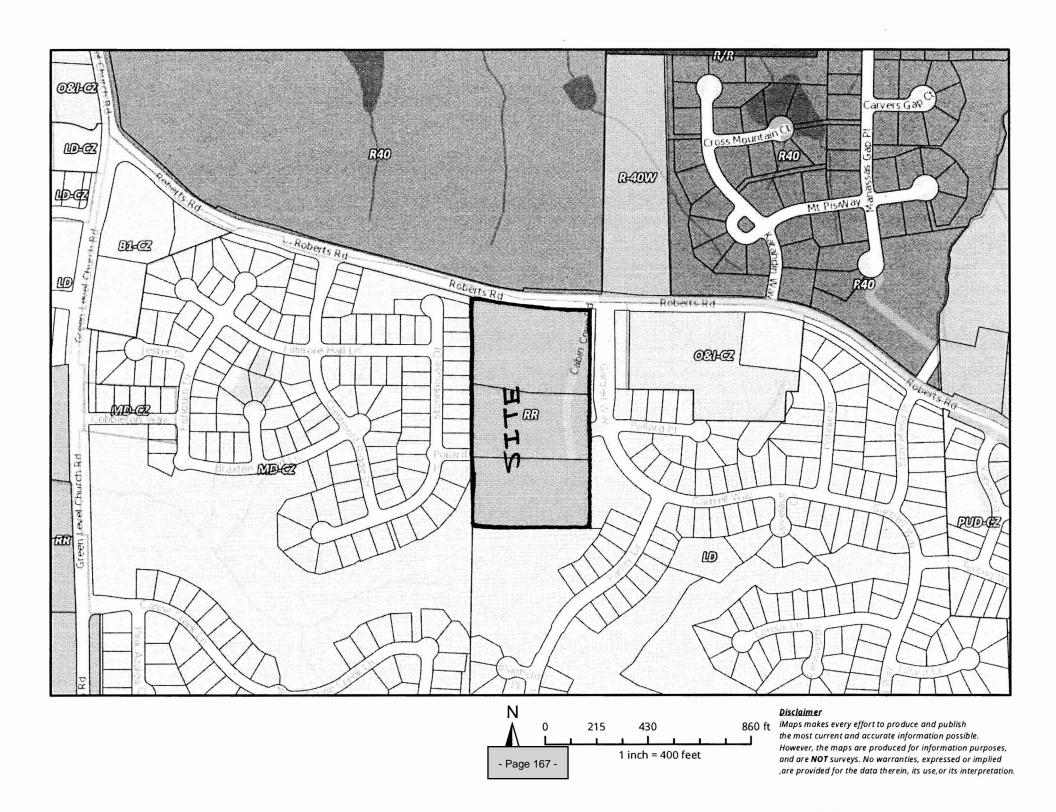
PROJECT CONTACT INFORMATION

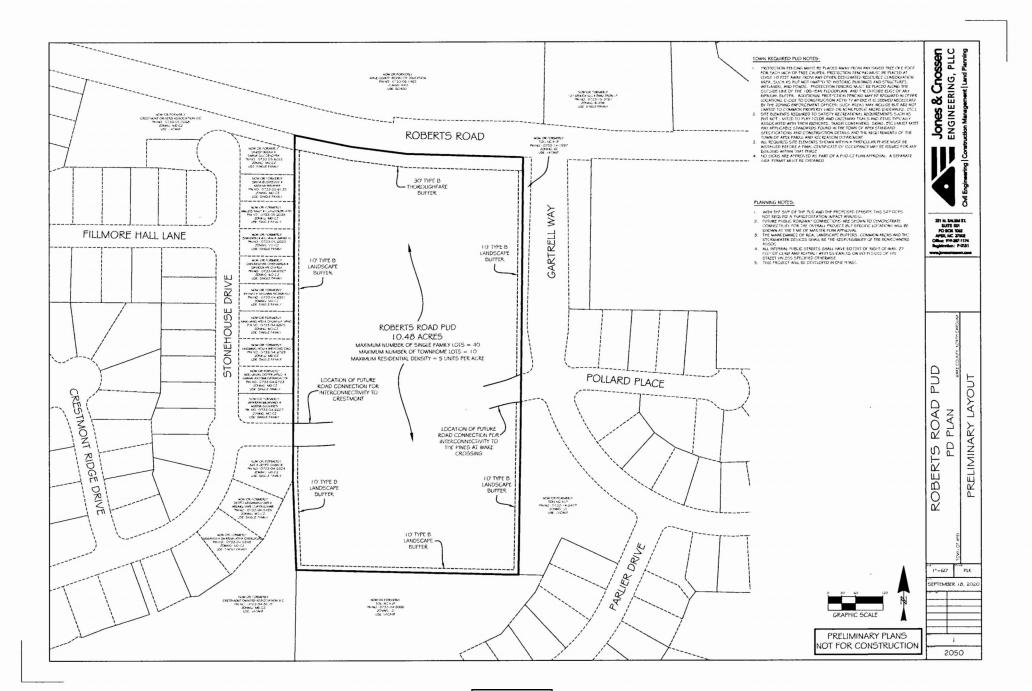
This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:							
Project Name: Roberts Road Properties Zoning: RR Location: 7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD							
Property PIN(s): 0733-05-9045, 0733-04-9734, 0	⁰⁷³³⁻⁰⁴⁻⁹⁴⁴⁴ Acreage/	Square Feet: 10	0.48				
Property Owner: HERMAN ROBE Address: 7517 ROBERTS RD;							
City: Cary		State: NC	Zip: 27519				
Phone:	Email:						
Developer: Justin Michela Address: 714 Main Street							
City: Hudson	State:	MA	Zip: 01749				
Phone: F	ax:	Email:					
Engineer: Jones & Cnossen Engi	ineering, PLLC - F	atrick Kiernan					
Address: PO Box 1062			Mark and the second				
City: Apex		State: NC	Zip: 27502				
Phone: 919-387-1174	ax: 919-387-	3375 Email:	patrick@jonescnossen.com				
Builder (if known):			N. S. 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.

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





ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format:	Zoom meeting	
Date of meeting:	September 28, 2020	Time of meeting: 6:00 pm - 8:00 pm
Property Owner(s) name(s): HERMAN ROBERTS;	BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
	es & Cnossen Engineering, PLLC	

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Brian Fruits	375 Storehouse Dr.			
2.	Dong Xiang	375 Storehouse Dr. 380 Parlier Dr.			
3.	Justin Michela		*		
4.	Laura Michela				
5.	Matt Minor				
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

Last Updated: March 25, 2020

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
Applicant(s): Jones & Cnossen Engineering, PLLC
Contact information (email/phone): patrick@jonescnossen.com; 919-387-1174
Meeting Format: Zoom meeting
Date of meeting: September 28, 2020 Time of meeting: 6:00 pm - 8:00 pm
Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.
Question/Concern #1: We reviewed the development process/timeline and the Preliminary PUD layout including connecting streets, right of
way, and buffers.
Applicant's Response: We asked for questions from the meeting attendees and there were no questions.
If attendees wanted to receive email updates we requested that they let us know using the chat feature. One
attendee requested updates.
Question/Concern #2:
Applicant's Response:
Question/Concern #3:
Applicant's Response:
Question/Concern #4:
Applicant's Response:

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

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

ı, Pat	rick Kiernan	, do hereby decla	ire as follows:	
	Print Name			
1.	I have conducted an Electronic Ne Residential Master Subdivision Pl Neighborhood Meeting.	•		
2.	The meeting invitations were maile feet of the subject property and an first class mail a minimum of 10 day	y neighborhood associati	ion that represents citizens in	
3.	The meeting was conducted via Z	oom meeting	(indica	te format of
	meeting) on September 28, 2020	(date) from <u>6:00 pm</u>	(start time) to 8:00 pm	(end time).
4.	I have included the mailing list, m zoning map/reduced plans with the		ance sheet issue/response su	ımmary, and
5.	I have prepared these materials in g	good faith and to the best	of my ability.	
_9,	/29/20 Date	By: Jatale	11/m	
	E OF NORTH CAROLINA ITY OF WAKE			
Sworr	SEAL ERIN MARCUM NOTARY PUBLIC Wake County North Carolina My Commission Expires	tember, 2020.	Notary Public Notary Public Print Name Expires: November 1	,



Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-1174 Fax: 919-387-3375 www.jonescnossen.com

October 13, 2020

NIKITA SWAPNIL PATIL & SWAPNIL KHANDERAO PATIL 2308 FILLMORE HALL LANE APEX, NC 27523-7126

Dear Neighbor,

We conducted a Neighborhood Meeting on September 28th regarding a Rezoning for several properties on Roberts Road that are within 300' of your property. Your names and address were inadvertently missed in our mailing of the notices for that meeting. We are enclosing the notification that was mailed for that previous meeting for your reference. We have scheduled an additional Zoom meeting on October 29th at 6 pm, so that we can ensure that you have an opportunity to hear about the project and ask us any questions that you may have. The meeting details are enclosed.

You are always welcome to contact us by phone or email with any questions, if you would prefer. As well, if you would like to receive future updates regarding the project or to receive a copy of the project documents that were submitted to the Town, we can send those by email. We would need for you to call our office or email us to provide your email address. The project information is also publicly accessible on the Town of Apex website (www.apexnc.org) by clicking on the link for the "Interactive Development Map" if that is more convenient.

I can be reached at (919) 387-1174 or by email at patrick@jonescnossen.com with any questions.

Sincerely,

Patrick Kiernan, P.E.

Enclosures



221 N. SALEM ST, SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-1174 Fax: 919-387-3375 www.jonescnossen.com

Civil Engineering | Construction Management | Land Planning

Zoom Meeting Details - Roberts Rd Properties Rezoning

When: Oct 29, 2020 06:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://zoom.us/meeting/register/tJcsfuygrz4vHNQYwXHctvK5ai8D1Wd-eGR_

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

or disclosed to third parties.	blic Records Act and may be published on the	e rown's website
•		
September 18, 2020		
Date		
Dear Neighbor:		
You are invited to an electronic neighborhood meeting	g to review and discuss the developmer	nt proposal at
7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE	RD 0733-05-9045, 0733-04-9734, 0	733-04-9444

Address(es) PIN(s)

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

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

App	olication Type	Approving Authority
Ø	Rezoning (including Planned Unit Development)	Town Council
a	Major Site Plan	Town Council (QJPH*)
0	Special Use Permit	Town Council (QJPH*)
Q	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review
	Residential iviaster Subdivision Fian (excludes exempt subdivisions)	Committee (staff)

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)): The parcels are currently zoned Rural Residential (RR). We are proposing a change in zoning to Planned Unit

Development Conditional District (PUD-CZ). This will allow for a mix of primarily single family homes and

a small number of townhomes. The pe	arcels will remain Medium Density Residential for the Land Use.		
Estimated submittal date: October (01, 2020		
MEETING INFORMATION: Property Owner(s) name(s):	HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS		
Applicant(s):	Jones & Cnossen Engineering, PLLC		
Contact information (email/phone):	patrick@jonescnossen.com; 919-387-1174		
Electronic Meeting invitation/call in info:	See enclosed instructions		
Date of meeting**:	September 28, 2020		
Time of meeting**:	6:00 pm - 8:00 pm		
MEETING AGENDA TIMES:			

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

Project Presentation: 6:05 pm

Instruction Packet & A

Question & Answer: 6:30 pm

Welcome: 6:00 pm



Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-1174 Fax: 919-387-3375 www.jonescnossen.com

Zoom Meeting Details - Roberts Rd Properties Rezoning

When: Sep 28, 2020 06:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://zoom.us/meeting/register/tJwvceqvrDspHdLp8ExGEy06GbEh8Lo9ky1o

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

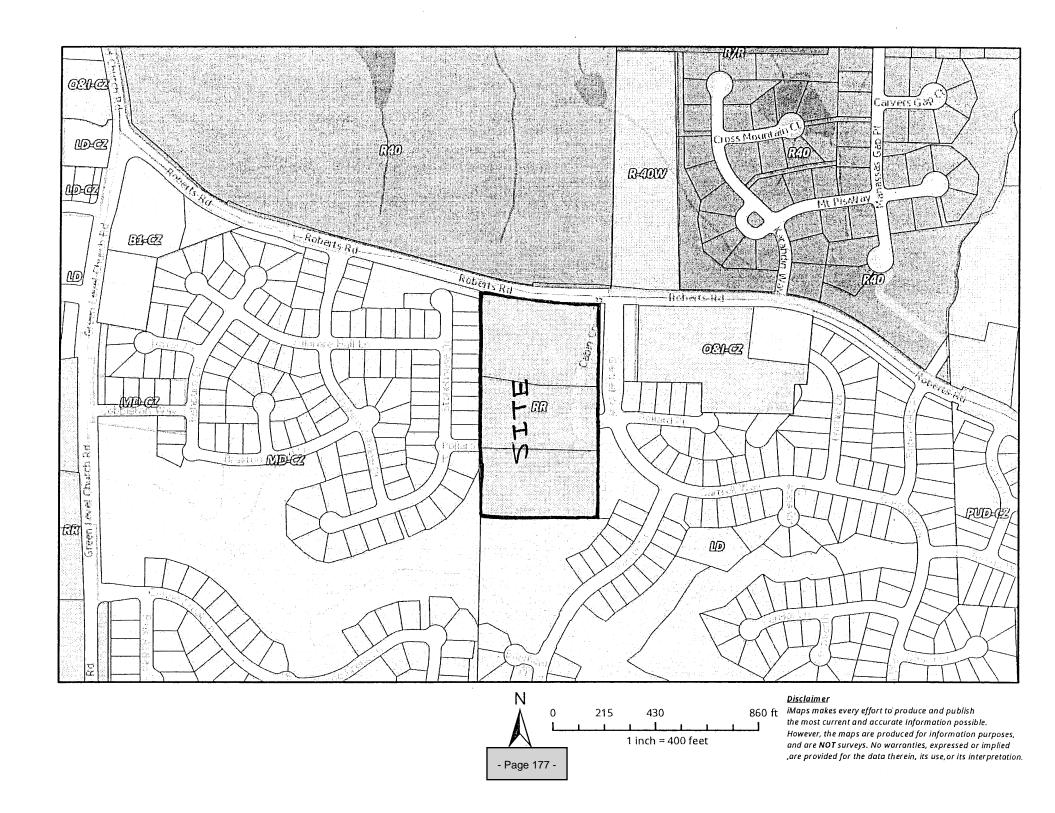
PROJECT CONTACT INFORMATION

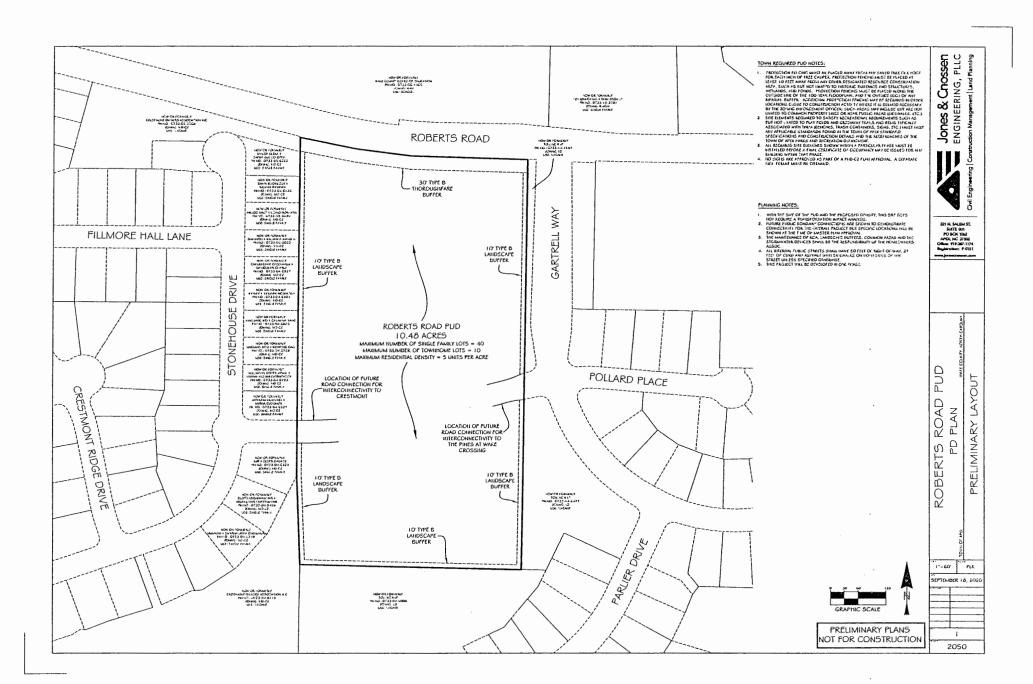
This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:			
Project Name: Roberts Road For Location: 7517 ROBERTS RE		D PL, 2000 CA	Zoning: RR ABIN COVE RD
Property PIN(s): 0733-05-9045, 0733-04-9734	. ⁰⁷³³⁻⁰⁴⁻⁹⁴⁴⁴ Acreage	/Square Feet:	10.48
Property Owner: HERMAN ROE	BERTS; BRIAN & J	ULIE ROBERTS	; MICHAEL & CATHERINE ROBERTS
Address: 7517 ROBERTS RD;	7421 ROBERT	S RD; 2000 CA	ABIN COVE RD
City: Cary		State: NC	Zip: 27519
Phone:	Email:		
Developer: Justin Michela			
Address: 714 Main Street			
City: Hudson	State:	MA	Zip: 01749
Phone:	Fax:	Em	ail:
Engineer: Jones & Cnossen Engineer	gineering, PLLC -	Patrick Kiernan	
Address: PO Box 1062			
City: Apex		State: NC	Zip: 27502
Phone: 919-387-1174	Fax: 919-387	-3375 Em	ail: patrick@jonescnossen.com
Builder (if known):			
Address:			
City:		State:	Zip:
Phone:	Fax:	Em	ail:

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

Town of Apex Department Contacts	
Planning Department Main Number	(010) 240 2426
(Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department	
Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation	10 Table 1 Tab
Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department	
Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control)	(919) 249-1166
James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3324
Electric Utilities Division	
Rodney Smith, Electric Technical Services Manager	(919) 249-3342





ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format:	Zoom meeting	
	October 29, 2020	Time of meeting: 6:00 pm - 8:00 pm
Property Owner(s	LIEDIANI DODERTO DRIANI	& JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
Applicant(s): Jon	es & Cnossen Engineering, PLLC	

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	No one attended				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
Applicant(s): Jones & Cnossen Engineering, PLLC
Contact information (email/phone): patrick@jonescnossen.com; 919-387-1174
Meeting Format: Zoom meeting
Date of meeting: October 29, 2020 Time of meeting: 6:00 pm - 8:00 pm
Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.
Question/Concern #1: No one attended.
Applicant's Response:
Question/Concern #2:
Applicant's Response:
Question/Concern #3:
Applicant's Response:
Question/Concern #4:
Applicant's Response:

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

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

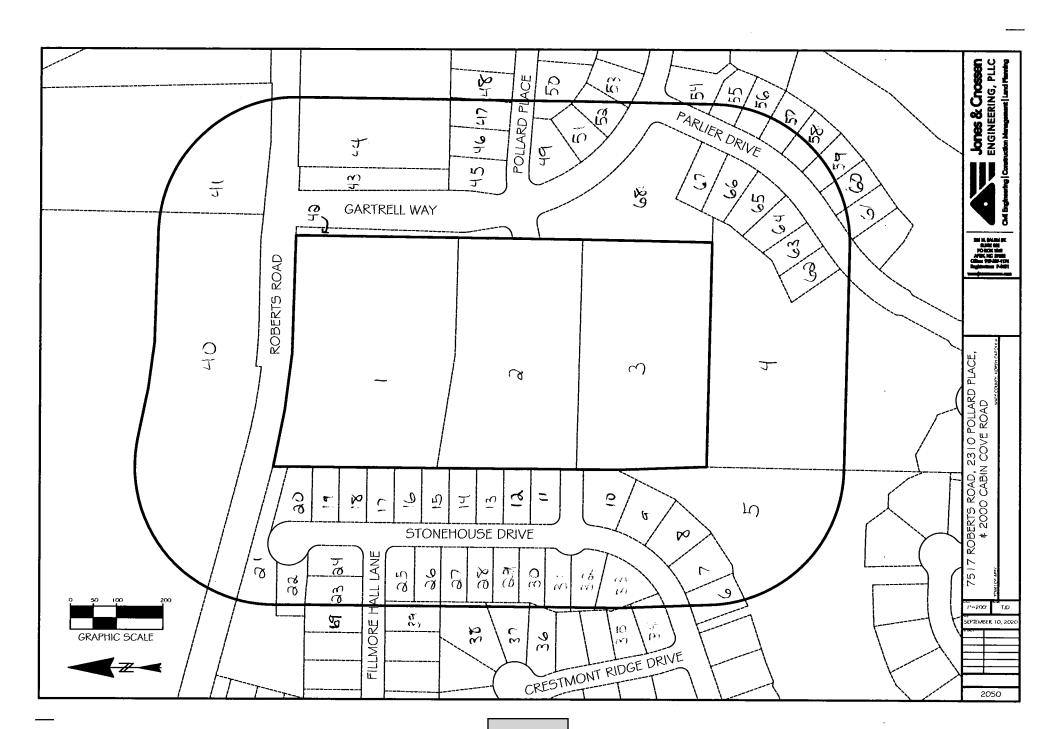
, Patri	rick Kiernan	, do hereby declare as follows:	
	Print Name		
1.	_	aborhood Meeting for the proposed Rezoning, Major Site Plan or Special Use Permit in accordance with UDO Sec. 2.2.	
2.	feet of the subject property and any i	o the Apex Planning Department, all property owners within 30 neighborhood association that represents citizens in the area very advance of the Electronic Neighborhood Meeting.	
3.	The meeting was conducted via Zoo	m meeting(indicate format o	of
	meeting) on October 29, 2020	date) from 6:00 pm (start time) to 8:00 pm (end time	<u>:</u>).
4.	I have included the mailing list, mee zoning map/reduced plans with the ap	ting invitation, attendance sheet issue/response summary, an plication.	ıd
5.	I have prepared these materials in goo	d faith and to the best of my ability.	
101	130/20 /Date	By: fatul I fri	
	OF NORTH CAROLINA TY OF WAKE		
	and subscribed before me, <u>Zrin</u> y, on this the <u>30th</u> day of <u>Octob</u>	a Notary Public for the above State and	ł
	SEAL	Notary Public	
	ERIN MARCUM NOTARY PUBLIC	Zrin Marcum Print Name	
	Wake County North Carolina My Commission Expires 11/19/3030	My Commission Expires: November 19, 2000	
		TO OVER THE TELL TO THE TELL THE THE TELL THE THE TELL TH	_

Last Updated: March 25, 2020

- Page 181 -

	A	В	C	D	E	F
1	Parcel	Owner	Mail Address 1	Mail Address 2	Mail Address 3	PIN
2	NA	Town of Apex	Planning Department	PO Box 250	Apex NC 27502	
3		HERMAN ROBERTS	7517 ROBERTS RD	CARY NC 27519-8920		0733059045
4		BRIAN & JULIE ROBERTS	7421 ROBERTS RD	CARY NC 27519-8919	-	0733049734
5		MICHAEL & CATHERINE ROBERTS	2000 CABIN COVE RD	CARY NC 27519-8966		0733049444
6	4	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323	<u> </u>	0733049008
7		CRESTMONT OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243	RALEIGH NC 27624-7243	0723948119
8		NATARAJ DASGUPTA & SURAIYA NAHAR	363 STONEHOUSE DR	APEX NC 27523-7127		0733044300
9		SUNIL KUMAR & RASHMI MARUVADA	359 STONEHOUSE DR	APEX NC 27523-7127		0733044373
10	ł	SRIKANTH & SWARNALATHA CHERUKURI	355 STONEHOUSE DR	APEX NC 27523-7127		0733045348
11		DEEPTI KRISHNAKUMAR & ARUNKUMAR VIJAYAKUMAR	351 STONEHOUSE DR	APEX NC 27523-7127		0733045495
12		AJIT & DEEPTI DABADE	347 STONEHOUSE DR	APEX NC 27523-7127		0733046524
13		JAYARAM MUMMADI & ANITHA GUDDHETI	339 STONEHOUSE DR	APEX NC 27523-7127		0733046627
14		NEELKAMAL DOPPALAPUDI & GNANALAKSHMI SAISUDHA KATRAGADDA	335 STONEHOUSE DR	APEX NC 27523-7127		0733046723
15		LINGMING HOU & WEIHONG CAO	331 STONEHOUSE DR	APEX NC 27523-7127		0733046729
16		MINGLIANG WEI & CHUNHUA YANG	327 STONEHOUSE DR	APEX NC 27523-7127		0733046825
17		JEFFREY & MEGHAN RICHMOND	323 STONEHOUSE DR	APEX NC 27523-7127		0733046921
18		CHAKRADHAR REDDY CHEEMARLA & DAMODHAR PRATHIBA REDDY CHARLA	319 STONEHOUSE DR	APEX NC 27523-7127		0733046927
19		SHANNON & WILLIAM ALMAND IV	315 STONEHOUSE DR	APEX NC 27523-7127		0733056023
20		MIKLOS NAGY & ILDIKO HORVATH	311 STONEHOUSE DR	APEX NC 27523-7127		0733056039
21		SHIVA REDDY BUSIREDDY & RASHMI RAJKUMAR WADHWA	307 STONEHOUSE DR	APEX NC 27523-7127		0733056135
22	-	UMESH KEDLA & SAPNA GUDDEKOPPA	303 STONEHOUSE DR	APEX NC 27523-7127		0733056222
23		CRESTMONT OWNERS ASSOCIATION INC	812 SALEM WOODS DR STE 202	RALEIGH NC 27615-3346		0733053268
24		VARUN KUMAR SINGH & KUMUDINI TEWARI	302 STONEHOUSE DR	APEX NC 27523-7127		0733054222
25		CELESTE & ORLANDO DIZON JR				0733054123
26		BAIHAN YU & JING PAN			-	0733054183
27		PRANAVI BUKKA & PRAVEEN KUMAR KONALA				0733044959
28	4	SUNIL KUMAR SINGH RAMBRICHH & SNEHLATA SINGH			-	0733044953
29		JAWAHAR & SMITHA RUDDARRAJU	326 STONEHOUSE DR	APEX NC 27523-7127 APEX NC 27523-7127		0733044857
30	d	NAGARJUNA REDDY CHINTA & SIRISHA SINGASANI			-	0733044851
31		KRISHNAM RAJU & LAKSHMI PENUMATCHA	334 STONEHOUSE DR	APEX NC 27523-7127 APEX NC 27523-7127		0733044756
32		SRIKANTH MAKINENI & CHANDANA BUJINGA TUMMALA	338 STONEHOUSE DR	APEX NC 27523-7127		0733044750
33		MEENAKSHI SUNDARAM RAMANATHAN & GEETHA MEENAKSHI SUNDARAM	342 STONEHOUSE DR	APEX NC 27523-7127		0733044644
34		DANIEL & JESSICA THORN	346 STONEHOUSE DR	APEX NC 27523-7127		0733044548
35		IAN & MA FATIMA GOMEZ	350 STONEHOUSE DR	APEX NC 27523-7127		0733044530
36		RAJESH & MANASA NADIPALLI	267 CRESTMONT RIDGE DR	APEX NC 27523-7119		0733043453
37		PRANAB & PUJA SHRESTHA	263 CRESTMONT RIDGE DR	APEX NC 27523-7119		0733043439
38		TAO FENG & JING CHAI	2305 BRAXTON WOOD LN	APEX NC 27523-7128		0733043618
		RAMASAMEERA PALAVALI & SIVANAGARJUNA SANIVARAPU	2301 BRAXTON WOOD LN	APEX NC 27523-7128		0733043734
39 40		ADAM & STACEY LISI	2300 BRAXTON WOOD LN	APEX NC 27523-7128		0733043833
			2307 FILLMORE HALL LN	APEX NC 27523-7126		0733043966
41		CHINAR KULKARNI & SANUJA DABADE	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145	0733043360
42		WAKE CNTY BOARD OF EDUCATION	SMULTRON LP	1892 BLUE JAY PT	APEX NC 27502-9711	0733001403
43 44		121 LENNOX LLC TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323	LX (10 L 100 L 3 / 11	0733133701
44			250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733153015
	1	TOLL NC II LP	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136	 	0733133013
46		AMANDALEE2 LLC	2226 POLLARD PL	CARY NC 27519-8963		0733143978
47		AJAY EDARA & LEELA MADHAVI UPPALA		CARY NC 27519-8963		0733143892
48		JAMAL MOHAMED ABDUL KADAR & FATIMA FIROSE ABDULLAH	2222 POLLARD PL	CARY NC 27519-8963	 	0733143851
49		HYUNSOOK CHAE & IL WON	2218 POLLARD PL			0733144831
50	48	JIN S & YOUNG LEE	2214 POLLARD PL	CARY NC 27519-8963	<u> </u>	[U/33145811

	A	В	С	D	E	F
51	49	CHIRAG A SAXENA & PÚJITA PATNI	251 GARTRELL WAY	CARY NC 27519-8962		0733143676
52	50	JAVEEDA MIYA & NURUS SABA	2215 POLLARD PL	CARY NC 27519-8963		0733145614
53	51	BYUNG CHAN & SHIN HYUN CHOI	267 GARTRELL WAY	CARY NC 27519-8962	·	0733144610
54	52	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733144565
55	53	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145522
56	54	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145314
57	55	HAN ZHU & RUI WANG	309 PARLIER DR	CARY NC 27519-8964		0733144296
58		DAOYU WANG & QINGFANG LIN	313 PARLIER DR	CARY NC 27519-8964		0733144270
59	57	MADHUSUDHAN BELLAMKONDA & USHA ANNAMANENI	317 PARLIER DR	CARY NC 27519-8964		0733144145
60	58	ELDHOSE KURIAN THATTARATH & CAROLINE THOMAS	321 PARLIER DR	CARY NC 27519-8964	-	0733144009
61	59	NARENDER & JYOTI RAO YELLANKI	325 PARLIER DR	CARY NC 27519-8964		0733143054
62	60	LALIT GOEL & ANUBHA GUPTA	329 PARLIER DR	CARY NC 27519-8964		0733143001
63		TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733132947
64	62	BONG JIN YOUM & HAEJA KIM	336 PARLIER DR	CARY NC 27519-8964		0733141110
65		KAI-DI & CHENG-KUO CHI	332 PARLIER DR	CARY NC 27519-8964		0733141163
66	64	ALI QAMAR & MADIHA ALI	326 PARLIER DR	CARY NC 27519-8964		0733142117
67	65	SARAH YONGMEI XU & DONG XIANG	7 RANDOLPH CIR	WESTFORD MA 01886-2595		0733142261
68	66	CHANDRA SEKHAR VELIGETI BHASKARA & ANUSHA KARYAMPUDI	314 PARLIER DR	CARY NC 27519-8964		0733142297
69		YANG LI WU & YU FANG SHANG	310 PARLIER DR	CARY NC 27519-8964	·	0733143323
70		TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733142477
71	69	NIKITA SWAPNIL PATIL & SWAPNIL KHANDERAO PATIL	2308 FILLMORE HALL LANE	APEX, NC 27523-7126		0733053163
72						
73						



PUD PLAN

Roberts Road Properties A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

Justin Michela

October 1, 2020

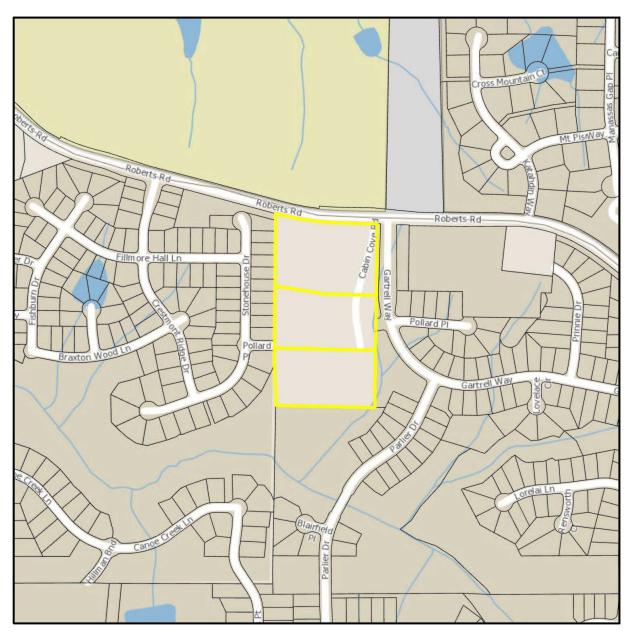
Revised: 11/05/20 Revised: 12/03/20 Revised: 12/21/20 Revised: 01/14/21

Jones & Cnossen Engineering, PLLC

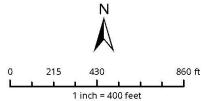
221 N. Salem Street, Suite 001 P.O. Box 1062 Apex, NC 27502 (919)387-1174

SECTION I - TABLE OF CONTENTS

SECTION	HEADING	PAGE
SECTION I	TABLE OF CONTENTS	1
SECTION 2	VICINITY MAP	2
SECTION 3	PROJECT DATA	3
SECTION 4	PURPOSE STATEMENT	3
SECTION 5	PERMITTED USES	4
SECTION 6	DESIGN CONTROLS	4
SECTION 7	ARCHITECTURAL STANDARDS	6
SECTION 8	PARKING AND LOADING	8
SECTION 9	5IGN5	8
SECTION 10	NATURAL RESOURCES AND ENVIRONMENT DATA	8
SECTION I I	STORMWATER MANAGEMENT	9
SECTION 12	PARKS AND RECREATION	9
SECTION 13	PUBLIC FACILITIES	9
SECTION 14	PHASING	10
SECTION 15	CONSISTENCY	10
SECTION 16	COMPLIANCE WITH THE UDO	10
SECTION 17	LAND USE NOTES	1.1







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SECTION 3 - PROJECT DATA

A. Project name: Roberts Road Properties

B. Owner/Developer Justin Michela

714 Main Street Hudson, MA 01749

C. Prepared by: Jones & Cnossen Engineering, PLLC

P.O. Box 1062, 221 N. Salem Street, Suite 001

Apex, NC 27502 (919) 387-1174

D. Designated Single Point of Contact:

Patrick L. Kiernan (Jones & Cnossen Engineering, PLLC)

E. Current and Proposed Zoning of the Property:

Current zoning: Rural Residential (RR)

Proposed zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

F. Current and Proposed Land Uses:

Current: Residential, Vacant

Proposed: Residential

G. Current and Proposed 2045 Land Use Designation:

Current/Proposed: Medium Density Residential

<u>SECTION 4 – PURPOSE STATEMENT</u>

Roberts Road Properties PUD is a proposed residential project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). This project contains three (3) parcels under contract by Justin Michela. The project is located along Roberts Road and is situated between two (2) Residential Developments. The PUD may develop as single-family detached homes, residential townhomes, or a combination of these uses. The project will provide vehicular connections to the Crestmont subdivision to the west and the Pines at Wake Crossing subdivision to the east, improving traffic circulation in the area, and completing the residential development of this basin. The three (3) parcels that form the Roberts Road Properties PUD are all designated as Medium Density Residential on the 2045 Land Use Map, and that designation shall remain with this proposed project. The proposal to rezone these properties to PUD-CZ is in keeping with the Town's objectives to create high-quality developments with a small-town feel. This development will be a pedestrian friendly community with sidewalk along both sides of the internal public streets, as well as sidewalk interconnectivity between the subdivisions to the east and west. This project shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site. This development will enhance the value of the surrounding properties by providing quality residential development for the area, as a small residential infill project.

SECTION 5 – PERMITTED USES

The Town of Apex UDO allows a mixture of uses in the PUD zoning district and the owners have chosen to further restrict the allowable uses as listed below:

Residential Uses

Single-Family (Min. lot size = 6,000 sf)

Townhouse

Accessory apartment

Utilities

Utility, minor

Recreational Uses

Park, active

Park, passive

Greenway

Recreational facility, private

SECTION 6 - DESIGN CONTROLS

A. Maximum Densities

Maximum residential density for the project is 3.2 units per gross acre.

Maximum number of residential lots = 33

- Maximum number of Single-Family detached lots (min. lot size = 6,000 SF) = 25
- Maximum number of Townhome lots = 8

B. Proposed Maximum Height of the Buildings and Number of Stories

Maximum height – 45'

Maximum stories – 3

C. Proposed Minimum Building Setbacks

Residential Single-Family Detached

From Buffer or RCA - 10'

Front Yard - 10' Minimum

Side Yard - 5' Minimum (no aggregate)

Rear Yard - 10' Mınımum

Driveways from back of sidewalk to garage - 20' (12' min. width)

Townhouse

From Buffer or RCA - 10'

Front - 15'

Rear - 15'

Side (end units) – 5'
Side (corner) – 10'
Driveways from back of sidewalk to garage – 20' (12' min. width)
Building Side to Side – 10'
Building Side to Rear – 30'
Building Rear to Rear – 40'

D. Percentage of Built upon Area

The UDO allows for a maximum 70 percent of built upon area in a PUD project and the Roberts Road Properties PUD will not exceed that amount.

E. Perimeter Buffers

The PUD plans show buffers around the site to provide visual breaks between uses and public roads as shown on Sheet 2 of the PUD Plans (Layout Plan). These buffers include 10' Type B Landscape Buffers along the southern, eastern, and western perimeters, and a 30' Type B Thoroughfare Buffer (undisturbed) along Roberts Road to the north. In the case that the thoroughfare buffer along Roberts Road must be disturbed, the width of the type B buffer shall increase from 30' to 50'. See Section 6.F for increase in Roberts Road buffer width in exchange for a 5% reduction in required RCA.

F. Percentage of Resource Conservation Area

The Roberts Road Properties PUD is requesting to reduce the required percentage of Resource Conservation Area to 25% of the total acreage (which amounts to 2.64 acres of RCA) based on the provisions stated in UDO Sec. 2.3.4.F. I.c. (RCA). This 5% reduction from the standard 30% required per UDO Sec. 8.1.2 (Resource Conservation Area) is being requested in exchange for the additional zoning conditions listed below. If Town Council votes to approve without the RCA reduction, these zoning conditions shall not be included in the approval.

- In addition to all single-family detached homes being pre-configured with conduit for a solar energy system (condition #12 in Section 7), at least 8% of the total number of homes proposed in the Master Subdivision Plan shall be built with solar PV systems installed at the time of construction. When measurements of the number of units results in a fractional number greater than 0.10, it shall be rounded to the next higher whole number. 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 lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- This project shall be stage graded per Section 7.2.5.C.
- All single-family detached homes within this development shall be built with HVAC systems that meet or exceed a SEER rating of 18.

- The 30' Type B thoroughfare buffer (undisturbed) along Roberts Road shall be increased to a 40' Type B thoroughfare buffer (undisturbed). In the case that this buffer must be disturbed, the width of the type B buffer shall increase from 40' to 60'. See Section 6.E and Section 10.D for reference to the 30' Type B thoroughfare buffer (undisturbed) that would otherwise be proposed if not for the condition to reduce the RCA requirement.
- Evergreen trees shall be planted as a windbreak on the northern side of buildings, where practical.
- Landscape design shall include pollinator-friendly flora in common areas.
- Landscape design shall include a minimum of three (3) native hardwood species.
- A pet waste station shall be installed at the mail kiosk, or at the community center/recreation site, to be determined at the time of Master Subdivision Plan.

G. Affordable Housing Condition

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 \$2 | 5 per lot to this Fund prior to Master Subdivision Final Plat approval for each phase. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

H. Builder Condition

This project shall consist of lots developed with custom homes.

I. Construction Access Condition

The location of the temporary gravel construction entrance shall be limited to only provide construction access from Pollard Place to the east via Gartrell Way.

J. Neighborhod Meeting Condition

This project shall hold a neighborhood meeting prior to the first Master Subdivision Plan submittal, in accordance with UDO Sec. 2.2.7.

<u>SECTION 7 – ARCHITECURAL STANDARDS</u>

Single-Family Detached Residential Standards

- I. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. The visible side of a home facing the public street shall contain at least three (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
- 3. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- 4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 5. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
- 6. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
- 7. The garage shall not protrude more than I foot out from the front façade and/or front porch for at least 75% of building designs.
- 8. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
- 9. Eaves shall project at least 12 inches from the wall of the structure.
- IO. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- I I. All single-family detached homes shall be pre-configured with conduit for a solar energy system.

Townhouse Residential Standards

- 1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. Garage doors must have windows, decorative details, or carriage-style adornments on them.
- 3. The visible side of a townhome facing the public street shall contain at least three (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
- 4. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- 5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
- 7. For townhome buildings with three (3) units or more, the roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- 8. The garage cannot protrude more than I foot out from the front façade or front porch.
- 9. Maximum number of units per townhome building shall be limited to four (4) units.
- 10. No townhomes shall be constructed along the western property line.

<u>SECTION 8 - PARKING AND LOADING</u>

Parking and loading requirements for the residential areas shall conform to the parking standards listed in the Town of Apex UDO Section 8.3.

SECTION 9- SIGNS

Signage for this project will comply with UDO section 8.7. The developer shall submit a master sign plan that shows signage locations and details of signage patterns throughout the development.

<u>SECTION IO – NATURAL RESOURCE AND ENVIRONMENTAL DATA:</u>

A. This project is located in the White Oak Creek drainage basin, which is in the Jordan Lake Basin. This project currently falls within both the primary and the secondary watershed protection overlay districts, as shown on the Town of Apex Watershed Protection Overlay District Map.

- B. There are no FEMA mapped floodplains on these parcels as shown on FEMA FIRM Map Number 3720073300J, dated May 2, 2006.
- C. There are no known historic structures on this project.
- D. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the property, the developer will provide a donation of \$1,600 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 1.6 acres of existing tree canopy in other places on the site, and replacing and replanting trees over 0.8 acres of the rest of the property. As such, this \$1,600 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

<u>SECTION I I – STORMWATER MANAGEMENT</u>

Roberts Road Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the predevelopment stormwater runoff for the 1-year and 10-year 24 hour storm events.

Roberts Road Properties PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas, or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

SECTION 12 - PARKS AND RECREATION

The project was reviewed by the PRCR Advisory Commission on December 9^{th} , 2020 and the Commission unanimously recommended a fee-in-lieu for recreation land dedication based on the number of units and types proposed at the time of Master Subdivision Approval. The fee rate will be based on the rate of the current year when the PUD is approved by Town Council.

<u>SECTION 13 – PUBLIC FACILITIES</u>

Roberts Road Properties PUD will include the extension of public streets into the site from Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision). There will be no direct vehicular access to Roberts Road. All public streets (with the exception of Pollard Place) will have a 5' sidewalk on both sides of the street. The Pollard Place extension will have an 8' Side Path on

the north side of the road to connect to the existing 8' Side Path on the north side of existing Pollard Place (to the east). The future amenity center shall provide pedestrian connection to the existing pedestrian path on Gartrell Way. The project shall provide pedestrian access from the future subdivision to Roberts Road via the 8' Side Path along Pollard Place and Gartrell Way, unless a public street within the subdivision is constructed within 300 -feet of the northwest property corner, in which case a direct pedestrian connection shall be made to Roberts Road, consistent with UDO Sec. 7.5.4.C. The project will dedicate additional right-of-way along Roberts Road in the northeast corner to achieve a total of 40' for ½ of the Roberts Road RW. A 5' public sidewalk shall be installed along the frontage of the project along Roberts Road prior to the first plat. The transportation network for Roberts Road Properties PUD will be consistent with the Town of Apex Transportation Plan and associated requirements of the UDO.

As shown on the PUD Utility Plan, the sanitary sewer connection will come by connecting to the existing sewer system in Pollard Place to the west, from the Crestmont subdivision. Water distribution service will be provided to this project by the connection to an existing eight inch waterline along Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision).

Roberts Road Properties PUD shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site, which will be owned and maintained by the HOA. The exterior appearance of the structure may remain unchanged during its conversion, but parking, as well as ADA accessible paths, shall be provided in accordance with the Town of Apex UDO. The timing of the conversion shall not be tied to any specific number of lots being platted.

SECTION 14 - PHASING

The project shall be developed in at least two (2) phases. The first phase will be developed because of the availability of sewer and water connections, and access to Pollard Place to the east and to the west. The development of Phase I will likely begin construction in 2021. The timing of the subsequent phase(s) will depend on market demand.

<u>SECTION 15 - CONSISTENCY WITH LAND USE PLAN</u>

The Town of Apex 2045 Land Use Map currently designates these parcels as Medium Density Residential. We believe this PUD is appropriate for the area and is consistent with the current Land Use Map.

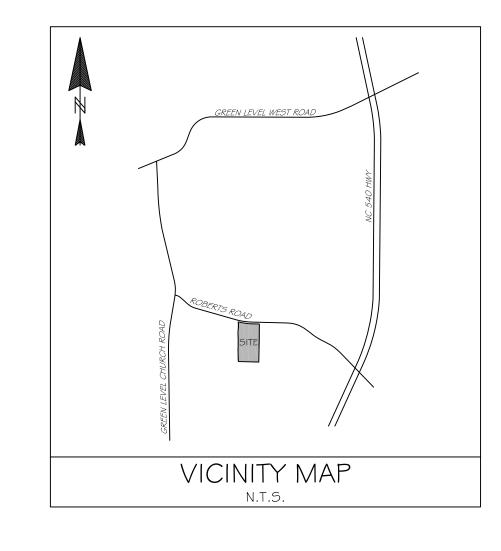
<u>SECTION 16 – COMPLIANCE WITH THE UDO</u>

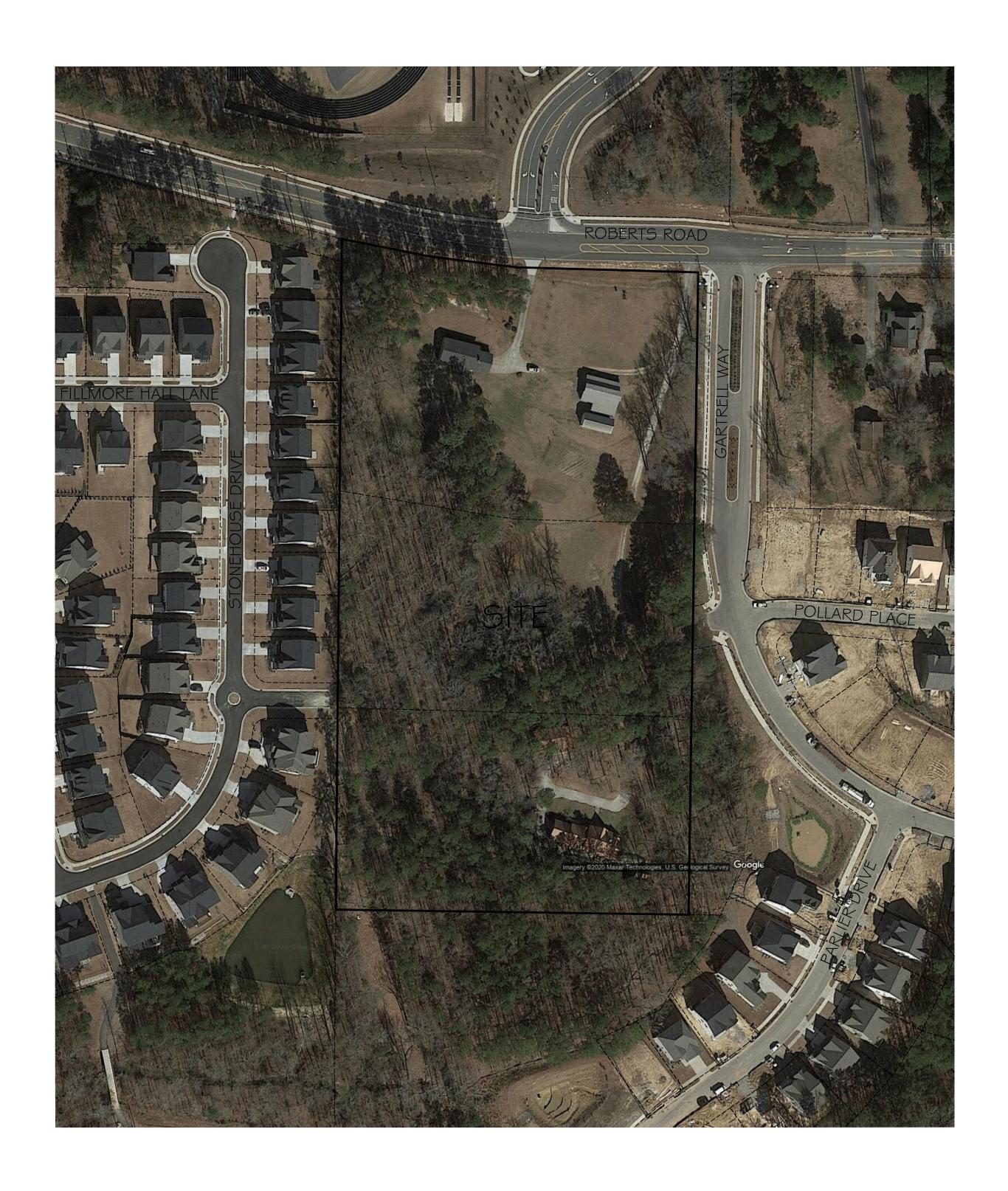
The proposed plans for Roberts Road Properties PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

SECTION 17 - LAND USE NOTES

A. This project will require the formation of at least one Homeowners Association, which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

ROBERTS ROAD PROPERTIES PUD



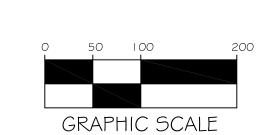


SITE DATA	
PROJECT NAME	ROBERTS ROAD PROPERTIES PUD
PREPARER'S CONTACT INFORMATION	JONES & CNOSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	JUSTIN MICHELA 7 4 MAIN STREET HUDSON, MA 0 749 PHONE - (978) 875-082 CONTACT PERSON - JUSTIN MICHELA
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
AREA DESIGNATED AS MIXED USE ON 2045 LUM	O ACRES
CURRENT ZONING	RURAL RESIDENTIAL
PROPOSED ZONING	PUD-CZ
WAKE COUNTY PINS	0733-05-9045. 0733-04-9734, \$ 0733-04-9444
TOTAL PROJECT AREA	10.54 ACRES
AREA WITHIN EXISTING ROBERTS ROAD R/W	0.04 ACRES
AREA TO BE DEDICATED TO ROBERTS ROAD R/W	0.002 ACRES
NET PROJECT AREA	IO.50 ACRES
MAXIMUM RESIDENTIAL DENSITY	33 LOTS (3.2 LOTS/ACRE)
TOTAL RCA / BUFFER AREA REQUIRED FOR PUD	25% OR 2.64 ACRES
MAXIMUM BUILT UPON AREA FOR PUD	70% OR 7.38 ACRES
PUBLIC RECREATION REQUIREMENT	SINGLE FAMILY DETACHED UNITS (RATE TBD) SINGLE FAMILY ATTACHED UNITS (RATE TBD)
WATERSHED INFORMATION	PRIMARY & SECONDARY
FEMA FLOODPLAIN INFORMATION	MAP #3720073300J - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN.
SMALL TOWN CHARACTER OVERLAY DISTRICT	NO
HISTORIC STRUCTURE?	NO

MINIMUM BUILDING SETBACKS							
SINGLE FAMILY	DETACHED	TOWNHOUSE					
FRONT	10'	FRONT	15'				
REAR	10'	REAR	15'				
SIDE	5' (MIN.) NO AGG.	SIDE (END UNITS)	5'				
BUFFER/RCA	10'	SIDE (CORNER)	10'				
		BUFFER/RCA	10'				
		BUILDING SIDE TO SIDE	10'				
		BUILDING SIDE TO REAR	30'				
		BUILDING REAR TO REAR	40'				

PUD PLAN - DRAWING SHEET INDEX

- COVER SHEET
- 2 PRELIMINARY LAYOUT & PHASING PLAN
- 3 EXISTING CONDITIONS PLAN 4 PRELIMINARY UTILITY PLAN



200

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

IMINARY PLANS

Jones & Chosser
ENGINEERING, PLL(
gineering | 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

FOR REVIEW ONLY

WAKE COUNTY, NORTH CAROLINA

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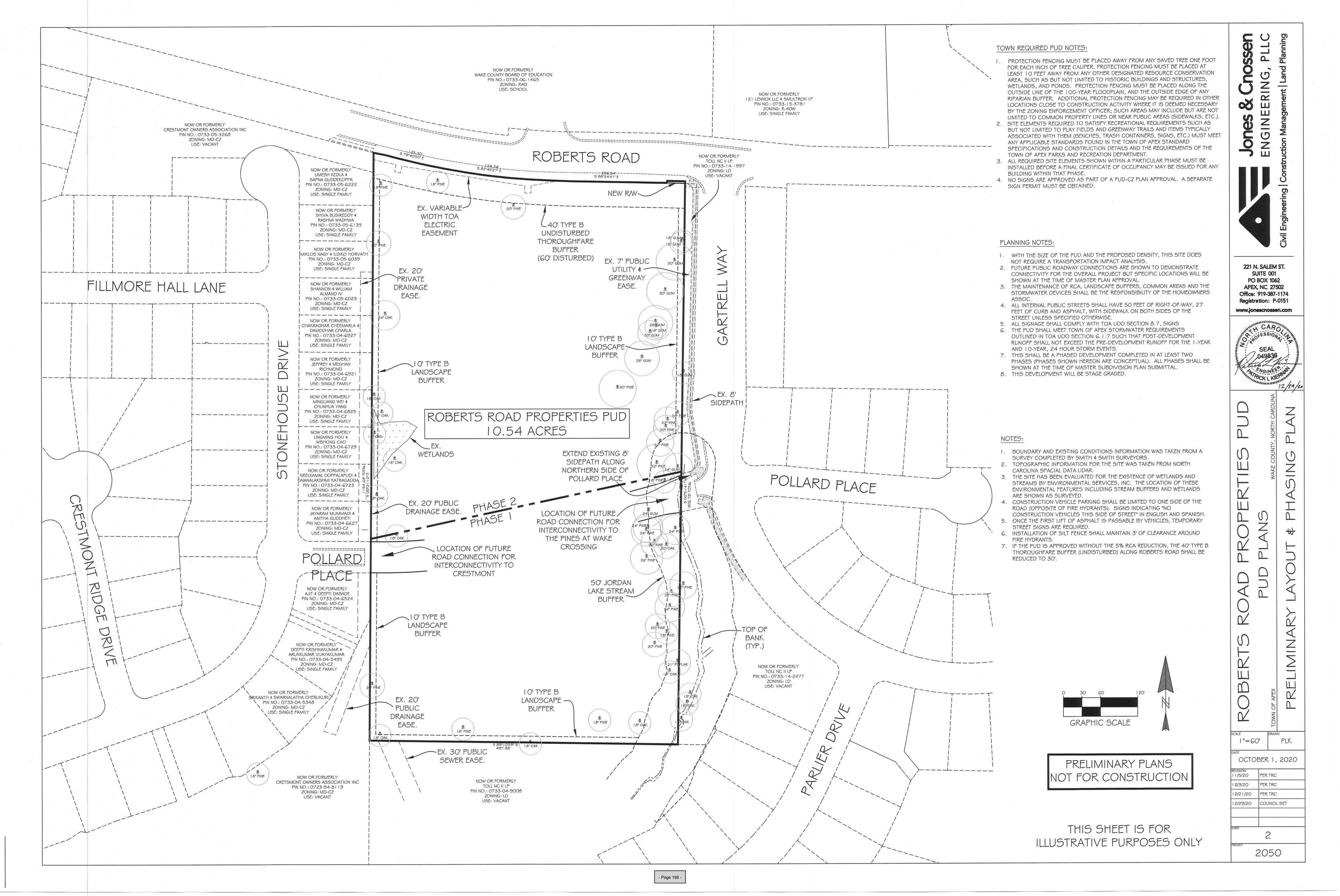
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DATE
OCTOBER 1, 2020

REVISION
1 1/5/20 PER TRC
1 2/29/20 COUNCIL SET
1/6/2 1 DENSITY CHANGE

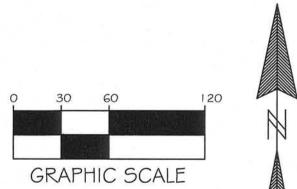
1 2050





TOWN REQUIRED PUD NOTES

- 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.) 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
- 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.
- I. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH
- 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 ENVIRONMENTAL SERVICES, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS AND WETLANDS ARE SHOWN AS
- 4. THE STREAM BUFFER CALL ON THIS PROPERTY IS REFERENCED
- 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.



PRELIMINARY PLANS NOT FOR CONSTRUCTION

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



221 N. SALEM ST. SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-1174 Registration: P-0151 www.jonescnossen.com

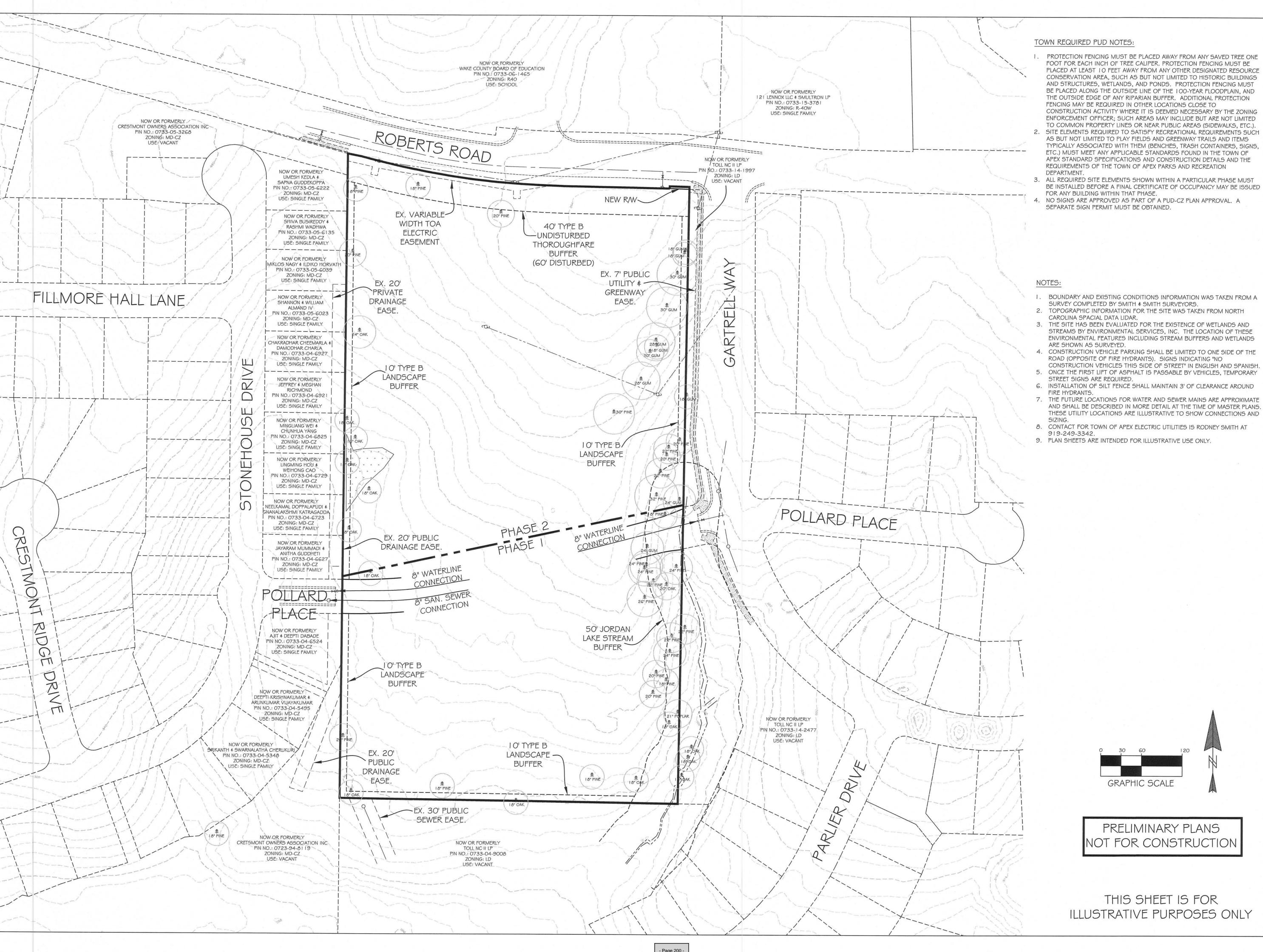


1"=60 PLK

OCTOBER 1, 2020

11/5/20 PER TRC 12/29/20 COUNCIL SET

2050



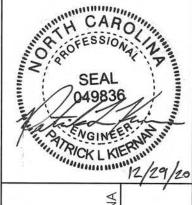
FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING

AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE

- STREAMS BY ENVIRONMENTAL SERVICES, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS AND WETLANDS
- CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
- 5. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY
- AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND

Go

221 N. SALEM ST. SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-1174 Registration: P-0151 www.jonescnossen.com



ELIMIN

1"=60

OCTOBER 1, 2020 REVISION
1 1/5/20 PER TRC

12/3/20 PER TRC 1 2/29/20 COUNCIL SET 2050







































Wake County Residential Development Notification

Developer Company <i>Information</i>					
Company Name					
Company Phone <i>Number</i>					
Developer Representative Name	Justin Michela				
Developer Representative Phone Number	978-875-0821				
Developer Representative Email	justin@themichelas.org				

New Residential Subdivision Information					
Date of Application for Subdivision	October 01, 2020				
City, Town or Wake County Jurisdiction	Apex				
Name of Subdivision	TBD				
Address of Subdivision (if unknown enter nearest cross streets)	7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD				
REID(s)	0147821, 0450952, 0235566				
PIN(s)	0733-05-9045, 0733-04-9734, 0733-04-9444				

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	2024			
Subdivision Projected First Occupancy Date	2022			

	Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Squar Raı	e Foot nge	Price	Range	Å	Anticipate	ed Compl	etion Uni	ts & Date	es
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	25					6	19	1800	3500	\$275K	\$600K	2022	2	2023	13	2024	10
Townhomes	10				4	4		1200	2100	\$180K	\$320K	2022	4	2023	4		
Condos																	
Apartments																	
Other																	

Rezoning Case: 20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date: January 11 and 13, 2021



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.

approval of the proposed amendment by the Town Council.									
PROJECT DESCRIPTION	<u>N:</u>								
Acreage:	±10.54 acres	±10.54 acres							
PIN(s):	0733059045, 0	0733049734, 0733049444							
Current Zoning:	Rural Resident	ial (RR)							
Proposed Zoning:	Planned Unit D	Development-Conditional Z	oning (PUD-CZ)						
2045 Land Use Map:	Medium Densi	ity Residential							
Town Limits:	ETJ								
	whether the prole		istent with the following officia	lly adopted plans,					
Apex Transportation Plan Consistent		☐ Inconsistent	Reason:						
Parks, Recreation, Open Space Consistent		and Greenways Plan Inconsistent	Reason:						

Rezoning Case: 20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date: January 11 and 13, 2021



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.	•		ditional Zoning (CZ) District use's appropriateness for goals, objectives, and policies of the 2045 Land Us Reason:	
2.	Compatibility. The proposed and compatibility with the compatibility with the compatibility with the compatibility with the compatibility.		trict use's appropriateness for its proposed location duses. Reason:	1
3.	Zoning district supplemental Sec. 4.4 Supplemental Stana ✓ Consistent		onditional Zoning (CZ) District use's compliance with Reason:	1
4.	minimization of adverse ef	fects, including visual imp verse impacts on surround	e proposed Conditional Zoning (CZ) District use's act of the proposed use on adjacent lands; and ing lands regarding trash, traffic, service delivery nd not create a nuisance. Reason:	t
5.	_	protection from significan	d Conditional Zoning District use's minimization of t deterioration of water and air resources, wildlife Reason:	9

Rezoning Case: 20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date: January 11 and 13, 2021



6.		<i>lic facilities</i> . The proposed Conditional Zoning (CZ) District use's avoidance of having adverse blic facilities and services, including roads, potable water and wastewater facilities, parks, fire and EMS facilities.					
	✓ Consistent	Inconsistent	Reason:				
7.	Health, safety, and welfare. The or welfare of the residents of the Consistent		ing (CZ) District use's effect on the health, safety, Reason:				
8.	Detrimental to adjacent propsubstantially detrimental to adj	•	oposed Conditional Zoning (CZ) District use is Reason:				
	E consistent	meonsistent					
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:				

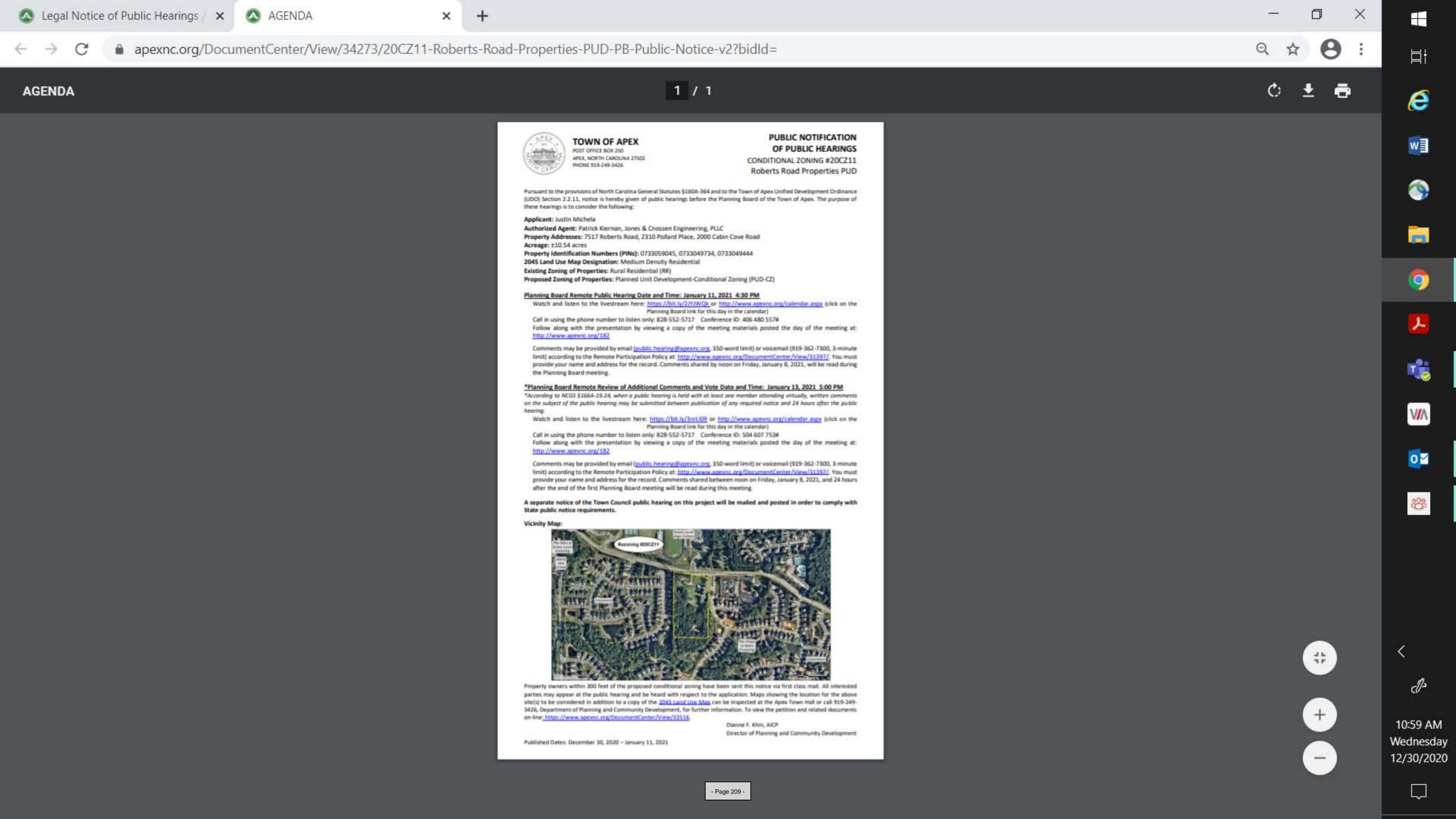
Rezoning Case: 20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date: January 11 and 13, 2021



Planning Board Recommendation:

	Motion:	To recommend app	oroval with conditions as offered	d by applican				
	Introduced by Planning Board member:	Reginald Skinner						
	Seconded by Planning Board member:	Keith Braswell						
	Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.							
✓	Approval with conditions: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:							
Cond	litions offered by applicant as present	ted on January 11, 2	2021, five new/amended condit	ions				
pres	ented on January 13, 2021 (see attach	ned), and a sixth co	ndition offered by the applicant	at the				
Janu	ary 13th meeting to hold an additiona	al neighborhood me	eeting prior to submitting the M	aster				
Subd	livision Plan.							
	Denial: the project is not consistent legislative considerations as noted above	• •	officially adopted plans and/or tl	ne applicable				
		With 8 Planning	Board Member(s) voting "aye"					
		With 0 Planning	Board Member(s) voting "no"					
	Reasons for dissenting votes:							
This	report reflects the recommendation of the	he Planning Board, th	nis the <u>13th</u> day of <u>Januar</u>	y 2021.				
Atte	st:							
Mic	chael Marks Digitally signed by Michael Date: 2021.01.13 19:01:01	l Marks 1 -05'00'	Dianne Khin Digitally sign Date: 2021.	ned by Dianne Khin 01.13 17:55:12				
Mich	nael Marks, Planning Board Chair		Dianne Khin, Director of Planning Community Development	gand				





PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ11
Roberts Road Properties PUD

Pursuant to the provisions of North Carolina General Statutes §160A-364 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: Justin Michela

Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Property Addresses: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road

Acreage: ±10.54 acres

Property Identification Numbers (PINs): 0733059045, 0733049734, 0733049444

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Rural Residential (RR)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4:30 PM

Watch and listen to the livestream here: http://www.apexnc.org/calendar.aspx (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 557#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: http://www.apexnc.org/182

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. Comments shared by noon on Friday, January 8, 2021, will be read during the Planning Board meeting.

*Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

Watch and listen to the livestream here: http://www.apexnc.org/calendar.aspx (click on the Planning Board link for this day in the calendar)

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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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/33516.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

POST OFFICE BOX 250 APEX. NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

_				
Р	roi	ect	Nan	ne.
		CCL	IVAL	

Conditional Zoning #20CZ11

Roberts Road Properties PUD

Project Location:

7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road

Applicant or Authorized Agent:

Patrick Kiernan

Firm:

Jones & Cnossen Engineering, PLLC

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 30, 2020, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

2-30-2020 Date

Notion for Dianne Khining and Community Development Director

STATE OF NORTH CAROLINA **COUNTY OF WAKE**

Sworn and subscribed before me, State and County, this the

Jeri Chastain Rederson
day of
December

, a Notary Public for the above

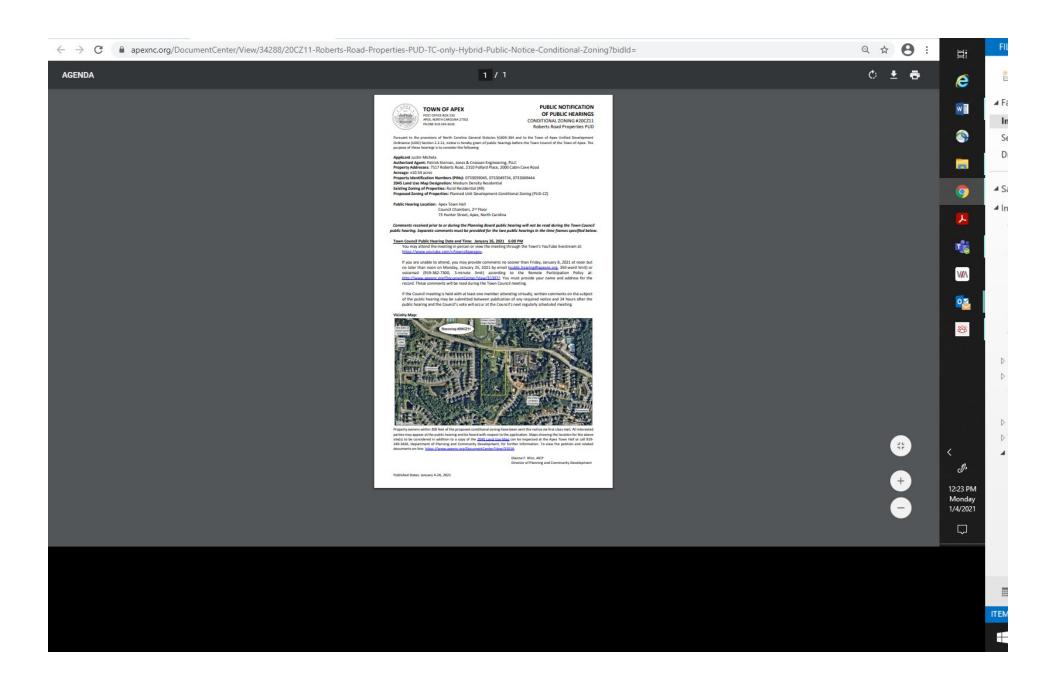
2020

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

Jan Chastain Lederson Notary Public

My Commission Expires: 03 / 10 / 2024







PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ11
Roberts Road Properties PUD

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

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2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Rural Residential (RR)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall

Council Chambers, 2nd Floor

73 Hunter Street, Apex, North Carolina

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: January 26, 2021 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide comments no sooner than Friday, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/33516.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: January 4-26, 2021 - Page 214



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 #20CZ11

Roberts Road Properties PUD

Project Location:

7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road

Applicant or Authorized Agent:

Patrick Kiernan

Firm:

Jones & Cnossen Engineering, PLLC

This is to certify that I, as Planning and Community Development Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 4, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

0	-	04	-202	
			Date	

Lauren Handenmaios for Dianne Planning and Community Development Director

STATE OF NORTH CAROLINA **COUNTY OF WAKE**

Sworn and subscribed before me, <u>Jeri Chastain Aderson</u>, a Notary Public for the above

State and County, this the 4 day of 3 d

Jeu Chastain Pedesson Notary Public

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

My Commission Expires: 3 / 10 / 2024



Office of Student Assignment Glenn Carrozza 5625 Dillard Drive Cary, NC 27518

October 21, 2020

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: October 1, 2020
- Name of development: 20CZ11 Roberts Road PUD
- Address of rezoning/development: 7517 Roberts Rd, 2310 Pollard Pl, 2000 Cabin Cove Rd
- Total number of proposed residential units: 50 (max of 40 single-family dwellings and 10 townhouses)
- Type(s) of residential units proposed: Single-family; townhouse; townhouse, detached; accessory apartment

Based on the information received at the time of application, the Office of Student Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

assessi	Herit Of	hossinie	impacts to the	e wake co	Julity Fubili	c School Syste	:111.				
		chools at <u>all</u> grade levels within the current assignment area for the proposed rezoning/development are nticipated to have <u>sufficient</u> capacity for future students.									
×	are ant	Schools at the following grade levels within the current assignment area for the proposed rezoning/developme are anticipated to have <u>insufficient</u> capacity for future students; transportation to schools outside of the currer assignment area should be anticipated:									
	X	Elemer	ntary	X	Middle		X	Í	High		
The fol	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 concer								cerns		
	School expansion or construction within the next five years may address concerns at these grade level							rade levels:			
	•		Elementary his information relopment.	□ n with the	Middle e Town of A	apex Planning	□ Board and	Towr	High n Council a	as they cons	ider the
2.											

Sincerely,

Glenn Carrozza

Sarah Van Every

From: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>

Sent: Tuesday, January 12, 2021 10:21 AM

To: Amanda Bunce Cc: Sarah Van Every

Subject: Re: Request for Letter of Impact: Rezoning 20CZ11 Roberts Rd Properties PUD

Notice: This message is from an external sender.

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

That reduction would not be significant enough to make an impact.

From: Amanda Bunce <Amanda.Bunce@apexnc.org>

Sent: Tuesday, January 12, 2021 10:18 AM

To: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>

Cc: Sarah Van Every <Sarah.VanEvery@apexnc.org>

Subject: RE: Request for Letter of Impact: Rezoning 20CZ11 Roberts Rd Properties PUD

CAUTION: This email originated from outside of the organization! Proceed with caution!

Glenn,

During the Planning Board meeting last night, the applicant for rezoning 20CZ11 Roberts Rd Properties PUD reduced the maximum number of residential lots from 50 (40 single-family, 10 townhomes) to 33 (25 single-family, 8 townhomes). One of the Planning Board members wants to know, ideally before they vote tomorrow evening, whether this 18 lot reduction would change the capacity concern for the elementary, middle or high schools in this area.

A response to this email would be sufficient, rather than a new letter. We will ensure this gets shared with Town Council as well.

Thanks in advance,

Amanda

From: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>

Sent: Monday, January 4, 2021 12:12 PM

To: Amanda Bunce < Amanda. Bunce@apexnc.org>

Subject: Re: Request for Letter of Impact: Rezoning 20CZ11 Roberts Rd Properties PUD

Notice: This message is from an external sender.

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter: Sarah Van Every, Senior Planner

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Yumeewarra Farm Assembly property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

<u>Item Details</u>

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

> ORDINANCE NO. 2021-0126-04 ANNEXATION PETITION NO. #702 Yumeewarra Farm Assembly

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF APEX, NORTH CAROLINA

P.O. Box 250, Apex, North Carolina 27502

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on January 26, 2021, 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.

Page	2
1 496	_

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 26, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for The Town of Apex, CE Group, dated October 23, 2020" and recorded in Book of Maps book number 2021 and page number "Wake County Registry."

<u>Section 2</u>. 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.

<u>Section 3</u>. 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 26th day of January 2021.

ATTEST:	Jacques K. Gilbert Mayor	
Donna B. Hosch, MMC, NCCMC Town Clerk		
APPROVED AS TO FORM:		
Laurie L. Hohe Town Attorney		

Legal Description

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS JORDAN LAKE CORS ARP (PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.05' & EASTING: 1,989,789.69'; THENCE S45°13'18"E A GRID DISTANCE OF 41,628.09' TO A 60D "MAG HUB" NAIL KNOWN AS CE GROUP POINT NUMBER 2 HAVING NC GRID COORDINATES OF NORTHING: 709,949.21' AND EASTING: 2,019,341.41'; THENCE N78°49'38"E A DISTANCE OF 537.58' TO AN EXISTING RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT WHICH IS HEREBY KNOW AS THE POINT OF BEGINNING.

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Page 4

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-0126-04, adopted at a meeting of the Town Council, on the 26th day of January, 2021, 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 27th day of January 2021.

(SEAL)	
	Donna B. Hosch, MMC, NCCMC
	Town Clerk

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 #: 702	Submittal Date:	11/2/2020
Fee Paid \$ 200	Check #	3107
To The Town Council Apex, North Carolina		
TO THE TOWN COUNCIL APEX, NORTH CAROLINA		
1. We, the undersigned owners of real property, respectf to the Town of Apex, Wake County, North Carolina.	ully request that the area d	lescribed in Part 4 below be annexed
2. The area to be annexed is \blacksquare contiguous, \square non-cont boundaries are as contained in the metes and bounds of		• •
3. If contiguous, this annexation will include all intervenin G.S. 160A-31(f), unless otherwise stated in the annexat		railroads and other areas as stated in
Owner Information		
Yumeewarra Farm LLC	0711-80-5090	
Owner Name (Please Print)	Property PIN or Deed Bo	ok & Page #
Phone	E-mail Address	
Yumeewarra Farm LLC	0710-89-7972	
Owner Name (Please Print)	Property PIN or Deed Bo	ok & Page #
Phone	E-mail Address	
Yumeewarra Farm LLC	0710-99-3712	
Owner Name (Please Print)	Property PIN or Deed Bo	ok & Page #
Phone	E-mail Address	
Surveyor Information		
Surveyor: CE Group (Shane Strickland)		
Phone: (919) 367-8790	Fax: (919) 233-0032	
E-mail Address: shane@cegroupinc.com		
Annexation Summary Chart		
Property Information	Reason(s) for a	nnexation (select all that apply)

Annexación Summary Chart			
Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	18.737 acres	Need water service due to well failure	
Population of acreage to be annexed:	2	Need sewer service due to septic system failure	
Existing # of housing units:	1	Water service (new construction)	2
Proposed # of housing units:	53	Sewer service (new construction)	~
Zoning District*:	R-40W	Receive Town Services	~

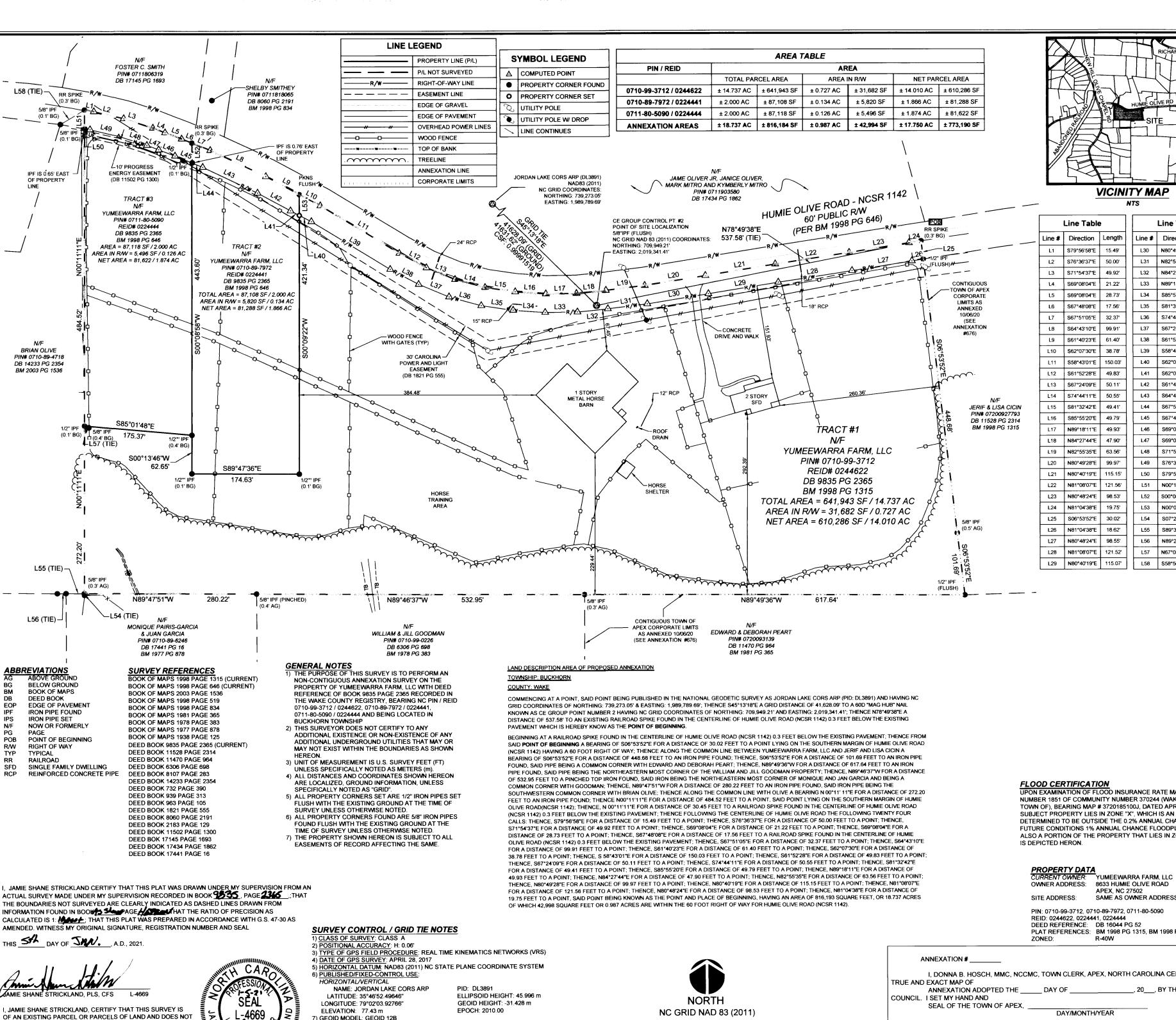
^{*}If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR V	OLUNTARY ANNE	XATION		
Application #:	702		Submittal Date:	11/2/2020
OMPLETE IF IN A LI	MITTED LIABILITY COA	MPANY		
n witness whereof, s name by a memb	Yumeewarra Fa per/manager pursua	arm LLC a lim	nited liability company, caus given, this the day of _	sed this instrument to be executed ir
	Name of Lir	nited Liability Compa	nyYumeewarra Fa	rm LLC
		Ву:	Signature	e of Member/Manager
TATE OF NORTH CA				
worn and subscribinis the AFWO SEAS NOTAN		And Be	Kell And	for the above State and County, White State and County, Yell Ye
n witness whereof,	AKTNERSHIP		, a partnership, caused	this instrument to be executed in it
ame by a member	/manager pu r suant	to authority duly giv	en, this the day of	, 20
		Name of Partners	ship	
		Ву:	Signa	ture of General Partner
TATE OF NORTH C. OUNTY OF WAKE	AROLINA			
	ed before me,		, a Notary Public	for the above State and County,
SEAL		:-	Notai	y Public
JLAL			My Commission Expires:	
			iviy Commission expires:	

Yumeewarra Farm, LLC Legal Description

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS JORDAN LAKE CORS ARP (PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.05' & EASTING: 1,989,789.69'; THENCE S45°13'18"E A GRID DISTANCE OF 41,628.09' TO A 60D "MAG HUB" NAIL KNOWN AS CE GROUP POINT NUMBER 2 HAVING NC GRID COORDINATES OF NORTHING: 709,949.21' AND EASTING: 2,019,341.41'; THENCE N78°49'38"E A DISTANCE OF 537.58' TO AN EXISTING RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT WHICH IS HEREBY KNOW AS THE POINT OF BEGINNING.

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GRAPHIC SCALE

SCALE: 1" = 100' (Horiz.)

OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT

CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

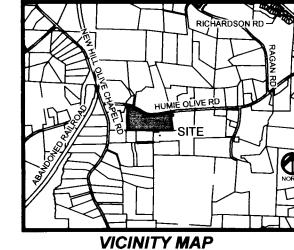
GEOID MODEL: GEOID 12B

BUSINESS CENTER. V3.8x

COMBINED FACTOR: 0.99991519 9) UNITS: U.S. SURVEY FEET

10) POINT OF LOCALIZATION: CE GROUP PT #2 60D "MAG HUB" NAIL 11) GPS ANTENNA: TOPCON HYPER+ (SERIAL # 391-0795)

2) ADJUSTMENT: SURVEY DATA WAS POST PROCESSED WITH TRIMBLE



	Line Table	,		Line Table		
Line #	Direction	Length		Line #	Direction	Length
L1	S79°56'58"E	15.49'		L30	N80°49'28"E	100.56'
L2	S76°36'37"E	50.00'		L31	N82°55'35"E	64.51
L3	S71°54'37"E	49.92'		L32	N84°27'44"E	49.57'
L4	\$69°08'04"E	21.22'		L33	N89°18'11"E	52.45'
L5	S69°08'04"E	28.73		L34	\$85°55'20"E	52.19'
L6	S67°48'08"E	17.56		L35	S81°32'42"E	52.34'
L7	\$67°51'05"E	32.37'		L36	S74°44'11"E	54.26'
L8	S64°43'10"E	99.91'		L37	S67°24'09"E	53.48'
L9	S61°40'23"E	61.40'		L38	S61°52'28"E	52.11'
L10	\$62°07'30"E	38.78		L39	S58°43'01"E	149.96
L11	S58°43'01"E	150.03'		L40	S62°07'30'E	22.12'
L12	\$61°52'28"E	49.83'		L41	\$62°07'30"E	15.88'
L13	\$67°24'09"E	50.11'		L42	S61°40'23"E	60.72'
L14	S74°44'11"E	50.55'		L43	S64°43'10"E	98.29'
L15	S81°32'42"E	49.41'		L44	S67°51'05"E	19.43'
L16	S85°55'20"E	49.79'		L45	S67°48'08"E	17.21'
L17	N89°18'11"E	49.93'		L46	S69°08'04"E	28.38
L18	N84°27'44"E	47.90		L47	S69°08'04"E	20.49'
L19	N82°55'35"E	63.56'		L48	S71°54'37"E	47.96'
L20	N80°49'28"E	99.97'		L49	\$76°36'37"E	47.89'
L21	N80°40'19"E	115.15'	1	L50	\$79°56'58"E	9.40'
L22	N81°08'07"E	121.56'		L51	N00°11'11"E	30.45
L23	N80°48'24"E	98.53'		L52	S00°08'58"W	32.36
L24	N81°04'38"E	19.75'		L53	N00°09'22"E	33.89'
L25	S06°53'52"E	30.02'		L54	S07°27'31"E	2.87'
L26	N81°04'38"E	18.62'		L55	S89°35'58"E	29.73'
L27	N80°48'24"E	98.55'		L56	N89°27'50"E	14.10'
L28	N81°08'07"E	121.52		L57	N67°08'13"W	7.35
L29	N80°40'19"E	115.07'		L58	\$58°56'28''W	45.70'

UPON EXAMINATION OF FLOOD INSURANCE RATE MAPS, PANEL NUMBER 1851 OF COMMUNITY NUMBER 370244 (WAKE FOREST, TOWN OF), BEARING MAP # 3720185100J, DATED APRIL 16, 2013: THE SUBJECT PROPERTY LIES IN ZONE "X", WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE AND FUTURE CONDITIONS 1% ANNUAL CHANCE FLOODPLAIN. THERE IS ALSO A PORTION OF THE PROPERTY THAT LIES IN ZONE "AE" WHICH

APEX, NC 27502 SAME AS OWNER ADDRESS

PIN: 0710-99-3712, 0710-89-7972, 0711-80-5090 REID: 0244622, 0224441, 0224444 DEED REFERENCE: DB 16044 PG 52 PLAT REFERENCES: BM 1998 PG 1315, BM 1998 PG 646

DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

Д	NNEXATION #	_			
TRUE AND	I, DONNA B. HOSCH, I	MMC, NCCM	IC, TOWN CLERK,	APEX, NORTH CAR	OLINA CERTIFY THIS
	ANNEXATION ADOPTI I SET MY HAND AND SEAL OF THE TOWN (DAY OF	, 20_	, BY THE TOWN
			DAY/MON	TH/YEAR	

301 GLENWOOD AVE. 220 RALEIGH,NC 27603 PHONE: 919-367-8790 FAX: 919-233-0032

www.cegroupinc.com

License # C-1739

FARM, Q 0 **N**O PROPER⁻ В **ANNEXAT** 8633

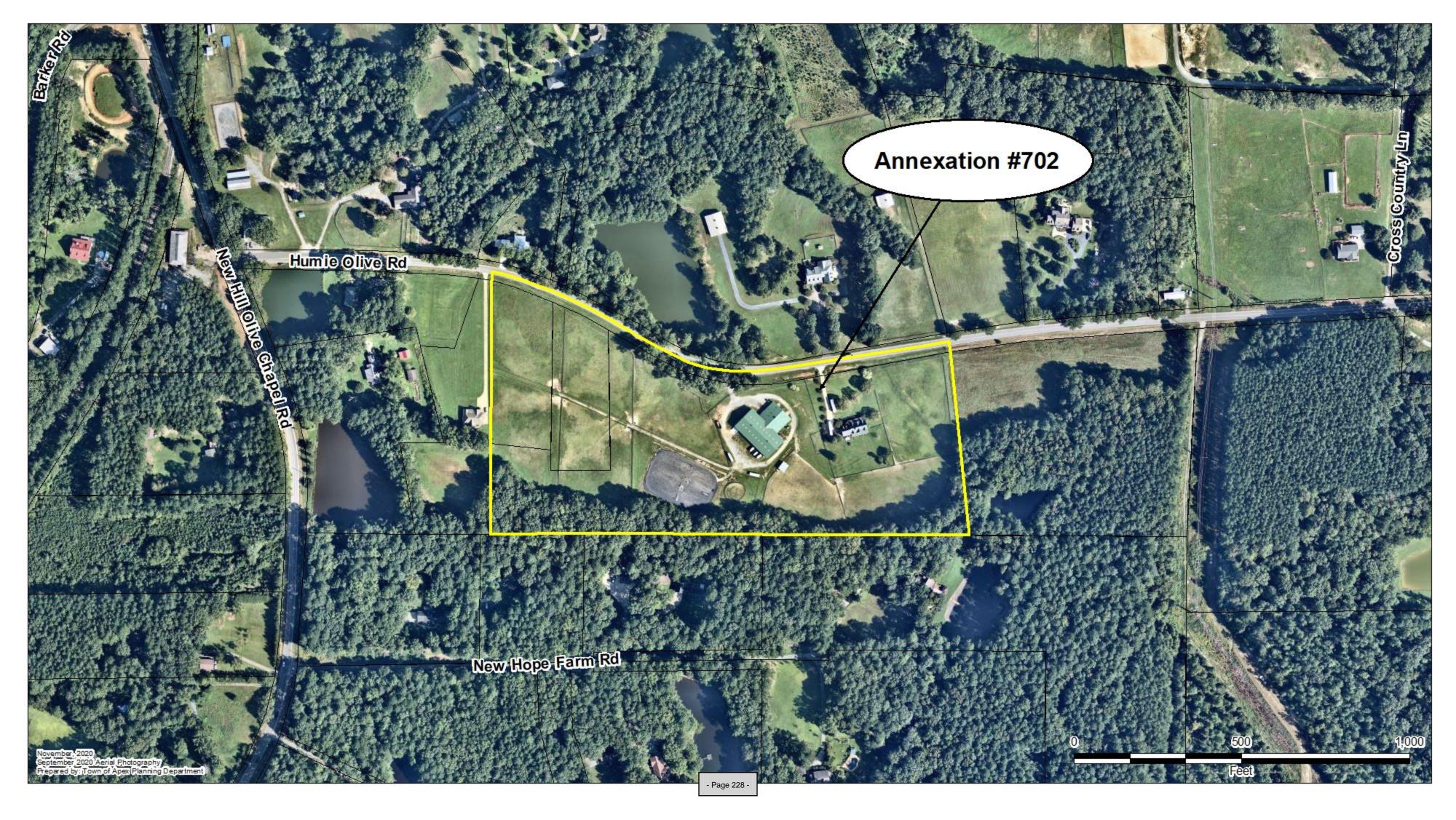
OCTOBER 23, 2020 $| \cdot | \cdot | = | \cdot | \cdot | \cdot | \cdot | \cdot |$ TM hecked JSS oject No 127-227 omputer Dwg. Name vey\127-227_Humie_Olive_Annex.d

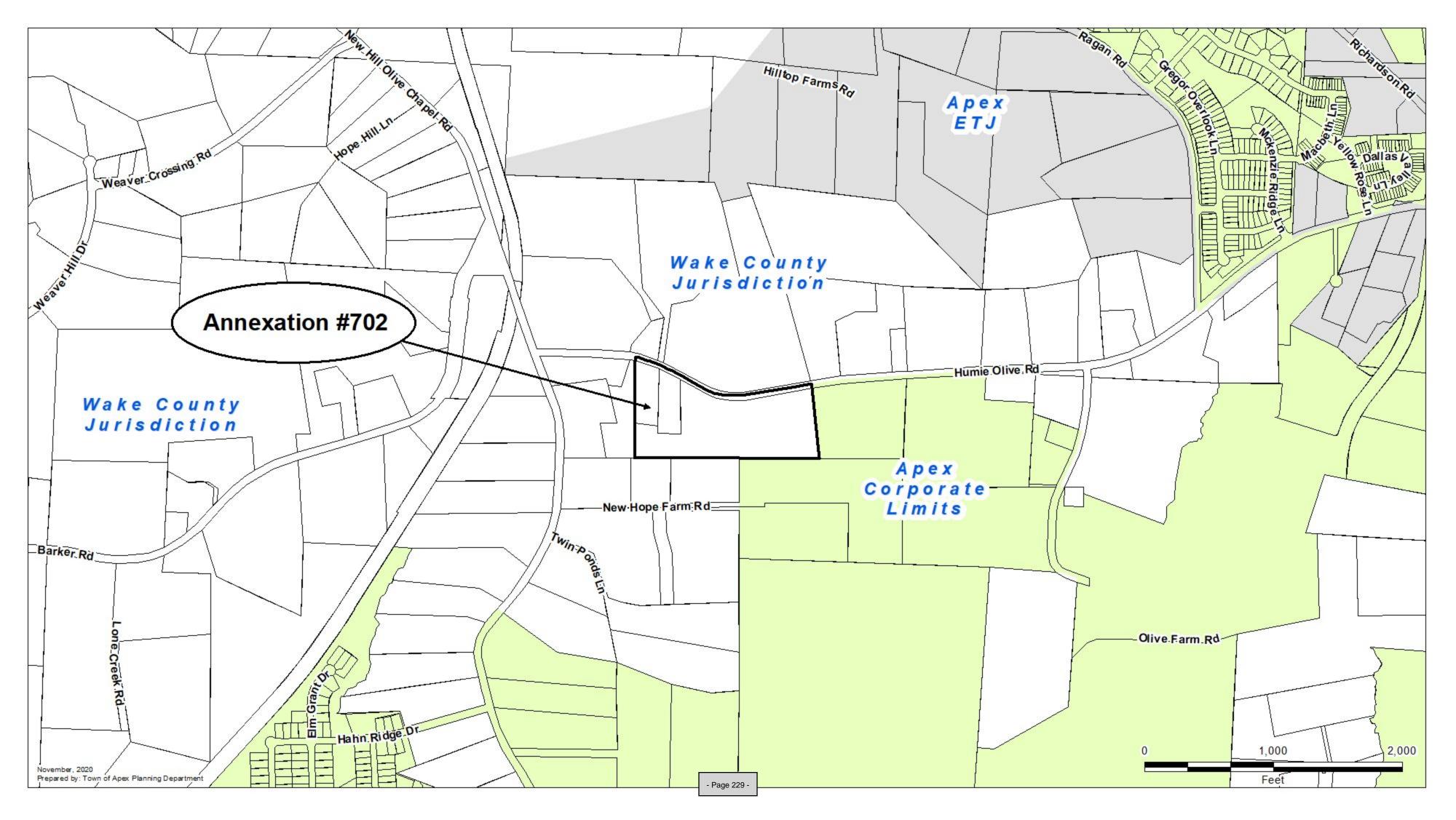
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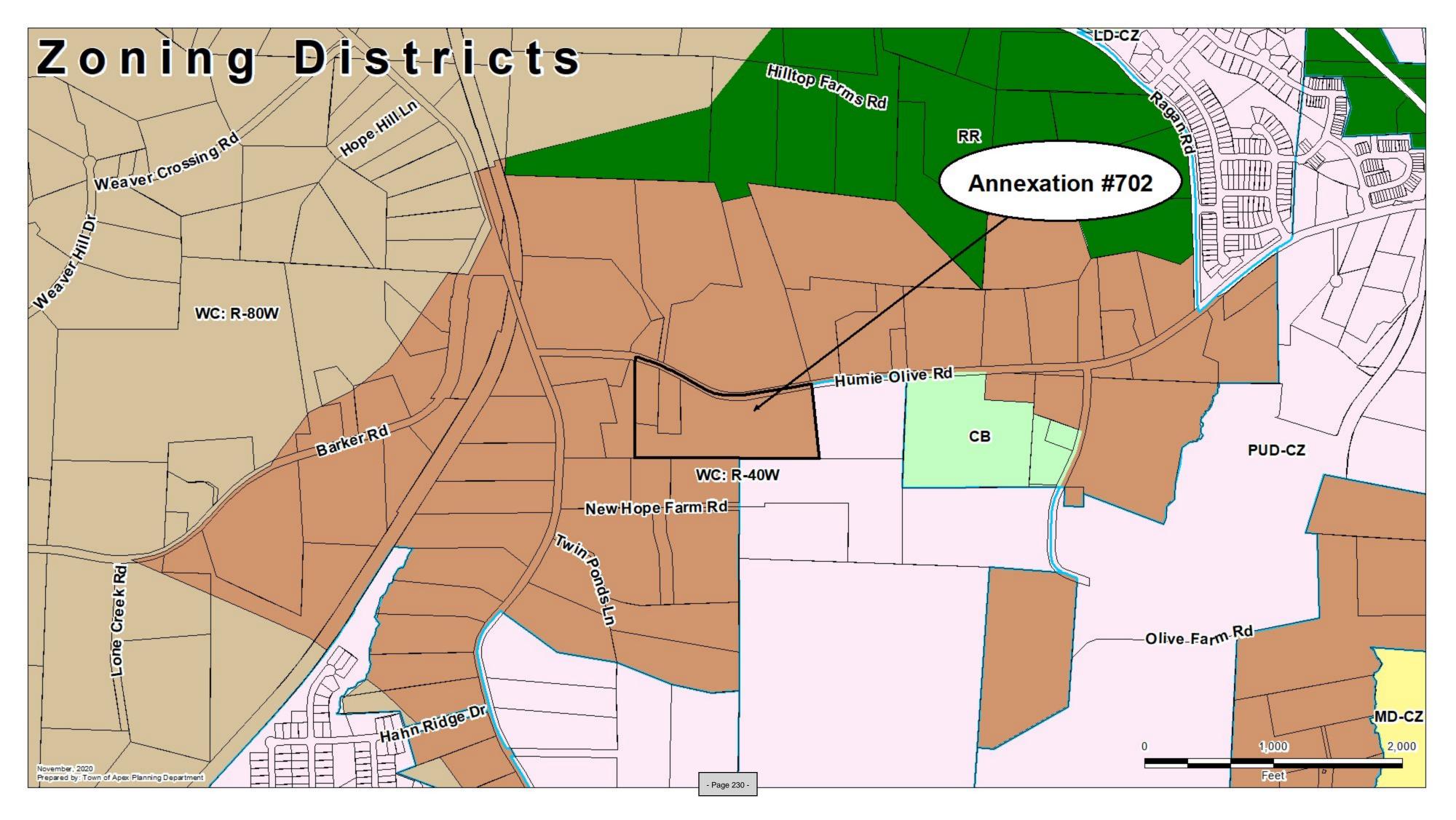
neet No: Of

Page 227 -

-SEAL-







| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning & Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #20CZ13 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on January 11, 2021 and voted on January 13, 2021 to recommend approval, with the conditions as offered by the applicant, by a vote of 8-0.

<u>Item Details</u>

<u>Attachments</u>

- Staff Report
- Vicinity Map
- Application
- Ordinance



Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 & 8633 Humie Olive Road **Applicant:** Bill Zahn, Humie Olive Associates

Owner: Yumeewarra Farm, LLC

PROJECT DESCRIPTION:

Acreage: ±18.737 acres

PINs: 0711805090, 0710897972, 0710993712 **Current Zoning:** Wake County Residential-40W (R-40W)

Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)

2045 Land Use Map: Low Density Residential

Town Limits: Outside (annexation is required at the time of rezoning)

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-40W (R-40W)	Humie Olive Rd; Single-family Residential
South:	Wake County Residential-40W (R-40W); Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)	Single-family Residential; Future Heelan Subdivision
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)	Vacant (Future Heelan Subdivision)
West:	Wake County Residential-40W (R-40W);	Single-family Residential

EXISTING CONDITIONS:

The properties to be rezoned are located on the south side of Humie Olive Road, approximately 800 feet east of New Hill Olive Chapel Road. Two (2) of the properties are vacant; the other contains a single-family residence, barn, accessory structures, and pond. There are two (2) small streams that transverse the developed property.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on October 27, 2020. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current

Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five (5) years is not anticipated to address these concerns.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject properties as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning (LD-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.

- 1. Single-family
- 2. Family care home
- 3. Accessory apartment
- 4. Utility, minor

- 5. Park, active
- 6. Park, passive
- 7. Greenway
- 8. Recreation facility, private

Conditions:

- 1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 56 dwelling units. Minimum lot size shall be 5,865 sqft.
- 2. The project will provide a minimum of two (2) points of access if over fifty (50) residential lots are proposed. Project shall be accessed on Humie Olive Road, and a stub provided to the N/F Edward & Deborah Peart property (PIN 0720-09-3139), consistent with the location of the stub streets approved in the Heelan PUD, or as agreed upon with the Town of Apex Planning and Transportation staff during Master Subdivision Plan review and approval.
- 3. All homes shall have a crawl space or raised foundation which at a minimum rises 20 inches from average grade across the front of the house to the finished floor level at the front door. Zero-entry homes without the 20-inch rise are permitted if 1st- floor owner suite is provided. Lots permitted as "zero-entry" shall be noted on the Final Plat.
- 4. 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
- 5. The project will provide sidewalk on both sides of all internal streets.
- 6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 7. Eaves shall project at least 12 inches from the wall of the structure.
- 8. 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 or Decorative window

- Trim around the window
- Wrap around porch or side porch
- Two or more building materials

Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



- Decorative brick/stone
- Decorative trim
- Decorative shake
- Decorative gable
- Decorative air vents on gable

- Decorative cornice
- Column
- Portico
- Balcony
- Dormer
- 9. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three (3) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
- 10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades 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.
- 11. Garage may protrude up to 5-feet from the front façade 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.
- 12. All homes shall be pre-configured with conduit for a solar energy system.
- 13. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
- 14. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- 15. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
- 16. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 17. Front porches shall be a minimum of 6 feet deep.
- 18. Existing deciduous 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 site location approved by Town Planning Staff, above and beyond standard UDO requirements.
- 19. The overhead electric easement along Humie Olive Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections. The buffer is proposed to be an average width buffer of 50'. The buffer shall be planted to a Type 'B' buffer standard along the Humie Olive Road frontage.
- 20. Left turn lane(s) meeting NCDOT requirements shall be provided on Humie Olive Road for each proposed point of access where left turn movements are proposed if permitted by NCDOT.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #20CZ13 Yumeewarra Farm Assembly as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their January 11, 2021 meeting and voted on January 13, 2021 to recommend approval, with the conditions as offered by the applicant, by a vote of 8-0.

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:

Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



Approval of the rezoning is reasonable because the proposed Low Density Residential-Conditional Zoning (LD-CZ) district is consistent with the Low Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow for future development consistent and compatible with the proposed residential development to the east and south.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Low Density Residential-Conditional Zoning (LD-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

Legislative Considerations

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

- 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.

Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



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) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP & 2045 LAND USE MAP AMENDMENT

Town of Apex, North Carolina



REZONING PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the <u>Rezoning Schedule</u> on the website for details.

REZONING PETITION FEES:

Conditional Zoning: \$900.00

Rezoning: \$600.00*

2045 Land Use Map Amendment: \$700.00

PRE-APPLICATION MEETING: A pre-application meeting with members of the Technical Review Committee is required to be scheduled prior to the submittal of a Rezoning Petition. Pre-application meetings are typically scheduled on the 1st, 2nd and 5th Thursdays of the month.

To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

PURPOSE OF A CONDITIONAL ZONING:

Conditional Zoning (CZ) Districts are zoning districts in which the development and use of property is subject to the ordinance standards applicable to the corresponding general use district as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision creating the district. A Conditional Zoning (CZ) District allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations, the adopted 2045 Land Use Map and adopted area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to site-specific standards and conditions.

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an <u>annexation petition</u> is **required** to be submitted on the same day as this application.

Electronic Submittal Requirements: Submit via IDT

• Upload one full copy of the application and other sheets listed below via IDT.

Hard Copy Submittal Requirements:

Submit to Planning Department

- One (1) original Rezoning Petition Application
- Petition Fee
- Legal Description (metes and bounds)
- Certified List of Property Owners within 300 feet of subject property
- Agent Authorization Form
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description and \$200.00 fee
- One (1) set of envelopes addressed to Certified List of Property Owners within 300 feet of subject property and all the HOAs of those properties within 300' of the subject property. Planning staff may require an additional set of

- envelopes based on the timing of the Planning Board and Town Council meetings.
- Addresses must be from a current list obtained from the Wake County GIS Map Services. A buffer report service is offered for \$1 per page. Please contact them at 919-856-6360 or
 - http://www.wakegov.com/gis/services/Pages/gisservices.aspx

Last Updated: January 10, 2020

 Affixed with first class stamps & the following return address:

Town of Apex Planning Department P.O. Box 250 Apex, NC 27502

(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP & 2045 LAND USE MAP

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

REVIEW FOR SUFFICIENCY: Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to the planning staff for review.

REVIEW BY STAFF: Planning staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

<u>Public Hearing Notification</u>: Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners not more than 25 days nor less than 14 days prior to the public hearings, as required by the UDO. The Planning Department will prepare these written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings, and a notice will be posted at the land subject to the application at least 14 days prior to the public hearings.

1st Public Hearing/Planning Board Meeting: The Planning Board will consider the application, relevant support materials, the Staff Report and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

2ND **PUBLIC HEARING/TOWN COUNCIL MEETING:** The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

Last Updated: January 10, 2020

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

This documenthird parties.	t is a pub	lic record	under the N	North Carolina Publ	ic Records Act	and may b	e published on the	Town's website	e or disclosed to
Application	#:		20CZ13	}	Subm	ittal Date	:		
2045 LUM A	Amendn	nent:			Fee P	aid:			
Project Info	ormatio	n							
Project Nam	ne: Yu	ımeewa	ırra Farm <i>i</i>	Assembly					
Address(es)		§ 8633	Humie Oli	ve Road, Apex,	NC 27502				
	-	5090, 0	710-89-79	72, 0710-99-37	712				
(-,							A	creage: 18	3.737
Current Zon	ing: R	R-40W			Proposed	Zoning:	LD-CZ (Low D		tional Zoning)
Current 204	_	Designat	tion:	Low Density R	_	Ü			
Proposed 20		_		N/A					
•		•	JM Amend	ment.					
If any portion	on of the	e projec	t is shown	as mixed use (3	or more str	ipes on th	ne 2045 Land Use	Map) provid	e the following:
Area	classifi	ed as m	ixed use:				Acreage:		
Area	propos	ed as no	on-residen	tial developmen	t:		Acreage:		
Perce	ent of m	ixed us	e area prop	oosed as non-res	sidential:		Percent:		
Applicant In	ıformati	ion							
Name:	Humie	Olive A	ssociates	(Bill Zahn)					
Address:	113 Du	ıncanst	y Drive						
City:	Cary				State:	NC		Zip:	27511
Phone:	(919) 5	522-562	26		 E-mail:	billzahn	@bellsouth.net		
Owner Info	rmation								
Name:	Yumee	warra F	arm LLC						
Address:	8633 H	lumie O	live Road						
City:	Apex				State:	NC		Zip:	27502
Phone:					E-mail:				
Agent Infor	mation								
Name:	Peak E	nginee	ring & Des	sign (Jeff Roach)				
Address:	1125 A	pex Pe	akway						
City:	Apex				State:	NC		Zip:	27502
Phone:	(919) 4	139-010	00		— E-mail:	jroach@	peakengineerir	ng.com	
Other conta	cts:	jedwar	ds@peak	engineering.com	<u>-</u> า				
		dwood	s@peaker	ngineering.com					
		fspinne	enweber@	peakengineerin	g.com				

Last Updated: January 10, 2020

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP 20CZ13 Application #: Submittal Date: 2045 LAND USE MAP AMENDMENT (IF APPLICABLE) The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown: The area sought to be amended on the 2045 Land Use Map is located at: N/A Low Density Residential Current 2045 Land Use Classification: no change Proposed 2045 Land Use Classification: What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed. N/A

PETITION INFORMATION			
Application #:	20CZ13	Submittal Date:	

An application has been duly filed requesting that the property described in this application be rezoned from R-40W to LD-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. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	Single-Family	21	
2	Family care home	22	
3	Accessory apartment	23	
4	Utility, minor	24	
5	Park, active	25	
6	Park, passive	26	
7	Greenway	27	
8	Recreation facility, private	28	
9		29	
10		30	
11		31	
12		22	
13		22	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION	ı	
Application #:	20CZ13	Submittal Date:
PROPOSED COMPITIONS	٠.	
	uests that the Town C Conditional Zoning for	ouncil of the Town of Apex, pursuant to the Unified Development the above listed use(s) subject to the following condition(s). Use
Please see attached shee	et for proposed zonin	g conditions.
LEGISLATIVE CONSIDERA	ATIONS - CONDITION	IAL ZONING
which are considerations zoning district rezoning re	that are relevant to tequest is in the public i	ards and conditions that take into account the following considerations, the legislative determination of whether or not the proposed conditional interest. These considerations do not exclude the legislative consideration interest. Use additional pages as needed.
	•	e proposed Conditional Zoning (CZ) District use's appropriateness for its rooses, goals, objectives, and policies of the 2045 Land Use Map.
The proposed residential	development will not	require a modification to the 2045 Land Use Map and is in
keeping with the adopted	plans from the Town	of Apex. The LD zoning district restricts density to a maximum of
3.0 dwelling units/acre an	d complies with the 2	2045 Land Use Map.
2) <i>Compatibility.</i> The p compatibility with the char	· · · · · · · · · · · · · · · · · · ·	Zoning (CZ) District use's appropriateness for its proposed location and land uses.
The proposed residential	use is in keeping with	n the surrounding uses (residential) as well as compliance with
the Town Future Land Us	se Map for residential	at this location. Buffers being provided are based upon UDO standards
to assure compatibility wi	th surrounding prope	rties. Building architectural standards are also provided to assure

compatibility.

PETITION INFORMATION			
Application #:	20CZ13	Submittal Date:	
3) Zoning district supplem Supplemental Standards, i		posed Conditional Zoning (CZ) Distri	ct use's compliance with Sec 4.4,
The site and proposed use	e(s) will comply with UDC	O Section 4.4 - Supplemental Stand	dards as applicable.
4) Desires estimates and a	The decision	falls and Conditional Zerian	CZ/ District condensation of
adverse effects, including	visual impact of the pro ands regarding trash, tra	of the proposed Conditional Zoning (opposed use on adjacent lands; and affic, service delivery, parking and	avoidance of significant adverse
The rezoning proposes us	e restrictions, a maximur	m density, perimeter buffers, estab	lished RCA, stormwater
controls, utility extensions	, architectural standards	and compliance with various UDO	standards to assure
minimization of impacts or	n surrounding properties.		
		posed Conditional Zoning District use on of water and air resources, wildl	
The site is proposed to me	eet UDO standards for st	ormwater controls, minimization an	d avoidance of
environmentally sensitive	areas, preservation of pe	erimeter landscaping/buffers, and g	rading only to the extent
require for the infrastructu	re and home sites.		
		onal Zoning (CZ) District use's avoida le water and wastewater facilities, p	<u> </u>
The site is located close to	o or will extend ex public	facilities, including water, sewer, st	tormwater, gas, electric and
telephone to the property.	Recently approved deve	elopments in the area are bringing s	said services along with
roadway improvements fo	r easy emergency vehicle	es access.	
7) Hoghth cafety and well	fare. The proposed Condition	tional Zoning (CZ) District woods offer	t on the health cafety ar welfare
of the residents of the Tov		tional Zoning (CZ) District use's effec	t on the health, safety, or welfare
The proposed residential of	development will not be d	detrimental to the health, safety, an	d welfare of Apex residents. The
proposed will provided hou	using options for current	and future Apex residents.	

PETITION INFORMATION				
Application #:	20CZ13		Submittal Date:	
8) Detrimental to adjacent detrimental to adjacent prop		Whether the p	roposed Condition	al Zoning (CZ) District use is substantially
The use is in keeping with th	e adopted pl	ans and compat	ble with the existin	g surrounding properties. The
residential use will not be de	trimental to a	djacent properti	es with the buffers	and setbacks from property lines.
or hazard due to traffic impa (CZ) District use.	act or noise, o	or because of the	number of person	ning (CZ) District use constitutes a nuisance s who will be using the Conditional Zoning
The residential use and limit	ed number of	f dwellings does	not constitute a nu	isance or hazard based upon the
anticipated project size, density, and required utility extensions.				
				cional Zoning (CZ) District use complies with e for use, layout, and general development
The proposed development	will meet the	standards withir	various sections of	of the Town of Apex UDO not otherwise
noted in the zoning application	on.			

20CZ13

HUMIE OLIVE RESIDENTIAL (YUMEEWARRA FARM) CONDITIONS OF ZONING

Single-Family Detached Residential:

- 1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 56 dwelling units. Minimum lot size shall be 5,865 sqft.
- 2. The project will provide a minimum of two (2) points of access if over fifty (50) residential lots are proposed. Project shall be accessed on Humie Olive Road, a stub provided to the N/F Edward & Deborah Peart property (PIN 0720-09-3139), consistent with the location of the stub streets approved in the Heelan PUD, or as agreed upon with the Town of Apex Planning and Transportation staff during Master Subdivision Plan review and approval.
- 3. All homes shall have a crawl space or raised foundation which at a minimum rises 20 inches from average grade across the front of the house to the finished floor level at the front door. Zero-entry homes without the 20-inch rise are permitted if 1st- floor owner suite is provided. Lots permitted as "zero-entry" shall be noted on the Final Plat.
- 4. 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
- 5. The project will provide sidewalk on both sides of all internal streets.
- 6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 7. Eaves shall project at least 12 inches from the wall of the structure.
- 8. 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 or Decorative window
 - Trim around the window
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim

- Decorative shake
- Decorative gable
- Decorative air vents on gable
- Decorative cornice
- Column
- Portico
- Balcony
- Dormer
- 9. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three (3) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
- 10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades 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.
- 11. Garage may protrude up to 5-feet from the front façade 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.

20CZ13

HUMIE OLIVE RESIDENTIAL (YUMEEWARRA FARM) CONDITIONS OF ZONING

(continued)

- 12. All homes shall be pre-configured with conduit for a solar energy system.
- 13. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
- 14. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- 15. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
- 16. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 17. Front porches shall be a minimum of 6 feet deep.
- 18. Existing deciduous 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 site location approved by Town Planning Staff, above and beyond standard UDO requirements.
- 19. The existing overhead electric easement along Humie Olive Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections. The buffer is proposed to be an average width buffer of 50'. The buffer shall be planted to a Type 'B' buffer standard along the Humie Olive Road frontage.
- 20. Left turn lane(s) meeting NCDOT requirements shall be provided on Humie Olive Road for each proposed point of access where left turn movements are proposed if permitted by NCDOT.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #:	20CZ13	
Application #:	200213	

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

Submittal Date:

Owner's Name	PIN
YUMEEWARRA FARM LLC	0710-89-7972, 0710-99-3712, 0711-80-509
DAVID P & VICKI M DIPROFIO	0710-89-2208
PATSY OLIVE	0710-89-2707
BRIAN J OLIVE	0710-89-4718
JUAN GARCIA & MONIQUE PAIRIS-GARCIA	0710-89-6246
HARRY HOLLOWAY & SHELBY R SMITHEY	0711-80-0615
KATHY OLIVE	0711-80-3160
FOSTER C SMITH	0711-80-6319
SHELBY R SMITHEY	0711-81-8065
JAMES E. JR. & JANICE OLIVER	0711-90-3580 & 0721-00-0505
WILLIAM DAVID JR & JILL M GOODMAN	0710-99-0226
JERIF & LISA CICIN	0720-09-2779
EDWARD A & DEBORAH N PEART	0720-09-3139
JAMES E. JR. & JANICE OLIVER	0721-00-3444

14. JAMES E. JR. & JANICE OLIVER	0721-00-3444
15.	
, Jonathan Edwards	certify that this is an accurate listing of all property owners and
property owners within 300' of the subject p	
Date: October 13, 2020	By: Jonathan Els
COUNTY OF WAKE STATE OF NORTH CAROLI	NA C
Sworn and subscribed before me, DANIE County, on this the 13 day of OCTOR	
country, on this the day of	of my strain and
Wille H. Work	Notary Public
SEAL STATE OF THE SEAL OF THE SEAL SEAL STATE OF THE SEAL STATE OF	DANIBL H. WOODS
TAN DE LA CONTRACTION DE LA CO	Print Name
PURITO	1.1.
14/2 00/01	My Commission Expires: 11/18/2023
mber 18.	
COUNT	

AGENT AUTHOR	IZATION FORM
Application #:	20CZ13 Submittal Date:
Yumeewarra Farn	is the owner* of the property for which the attached
application is bei	ng submitted: PIN #s 0711-80-5090, 0710-89-7972, 0710-99-3712
☐ Land U	se Amendment
☑ Rezoni	ng: 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 Pla	an
✓ Subdiv	ision
☐ Varian	ce
☐ Other:	
The property add	dress is: 0 & 8633 Humie Olive Road, Apex, NC 27502
The agent for this	s project is: Peak Engineering & Design
□lam	the owner of the property and will be acting as my own agent
Agent Name:	Peak Engineering & Design, PLLC (Jeff Roach)
Address:	1125 Apex Peakway, Apex, NC 27502
Telephone Number: (919) 439-0100	
E-Mail Address: jroach@peakengineering.com	
	Signature(s) of Owner(s)* M.D. CONNA GHAN MEMBER MANAGER Type or print name Date Da
	Type or print name Dat

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.

AFF	IDAVIT OF OW	/NERSHIP			
App	lication #:	20CZ13	Submittal Date:		
	indersigned, _ s or affirms as	follows:	(the "Affiant") first being duly sworn, hereby		
1.	owner, or 0 & 8633 Humi	• • • •	ge and authorized to make this Affidavit. The Affiant is the sole agent of all owners, of the property located at and legally described in Exhibit "A" attached hereto and		
2.	•	it of Ownership is made for tl	he purpose of filing an application for development approval with		
3.	If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1-5-2003 and recorded in the Wake County Register of Deeds Office on 1-5-2003, in Book 009835 Page 02365				
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 approva on behalf of the owner(s).				
5.	in interest h ownership. Affiant's ow claim or act acting as an nor is any Property.	Affiant has claimed nave been in sole and undistricted since taking possession of the possession has been brought against authorized agent for owner	perty, from the time Affiant was deeded the Property on d sole ownership of the Property. Affiant or Affiant's predecessors turbed possession and use of the property during the period of the Property on Osciolation of the Property of Osciolation of the Osciolation of the Osciolation of Osciolation		
	E OF NORTH CA				
I, the	undersigned	d, a Notary Public in and	for the County of WAKE, hereby certify that		
M.	Dennis C	<u>೦೪೪AG#4</u> Affiant, personall	y known to me or known to me by said Affiant's presentation of		
said A	Affiant's	Deives License,	personally appeared before me this day and acknowledged the		
due a	JENNI NOT	FER GREGG ARY PUBLIC ake County	Notary Public State of North Carolina		
	No. My Co (INDISAB)	rth Carolina	My Commission Expires:		

- Page 250 -

Affidavit of Ownership: Exhibit A – Legal Description

Application #: 20CZ13 Submittal Date:

Insert legal description below.

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS JORDAN LAKE CORS ARP (PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.05' & EASTING: 1,989,789.69'; THENCE S45°13'18"E A GRID DISTANCE OF 41,628.09' TO A 60D "MAG HUB" NAIL KNOWN AS CE GROUP POINT NUMBER 2 HAVING NC GRID COORDINATES OF NORTHING: 709,949.21' AND EASTING: 2,019,341.41'; THENCE N78°49'38"E A DISTANCE OF 537.58' TO AN EXISTING RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT WHICH IS HEREBY KNOW AS THE POINT OF BEGINNING.

BEGINNING AT A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE FROM SAID POINT OF BEGINNING A BEARING OF 806° 53'52"E FOR A DISTANCE OF 30.02 FEET TO A POINT LYING ON THE SOUTHERN MARGIN OF HUMIE OLIVE ROAD (NCSR 1142) HAVING A 60 FOOT RIGHT OF WAY; THENCE ALONG THE COMMON LINE BETWEEN YUMEEWARRA FARM, LLC AND JERIF AND LISA CICIN A BEARING OF S06°53'52"E FOR A DISTANCE OF 448.68 FEET TO AN IRON PIPE FOUND; THENCE, S06°53'52"E FOR A DISTANCE OF 101.69 FEET TO AN IRON PIPE FOUND, SAID PIPE BEING A COMMON CORNER WITH EDWARD AND DEBORAH PEART; THENCE, N89° 49'36"W FOR A DISTANCE OF 617.64 FEET TO AN IRON PIPE FOUND, SAID PIPE BEING THE NORTHEASTERN MOST CORNER OF THE WILLIAM AND JILL GOODMAN PROPERTY; THENCE, N89°46'37"W FOR A DISTANCE OF 532.95 FEET TO A PINCHED TOP IRON FOUND, SAID IRON BEING THE NORTHEASTERN MOST CORNER OF DENNIS AND SELENA RUSH AND BEING A COMMON CORNER WITH GOODMAN; THENCE, N89°47'51"W FOR A DISTANCE OF 280.22 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE BEING THE SOUTHWESTERN COMMON CORNER WITH BRIAN OLIVE; THENCE ALONG THE COMMON LINE WITH OLIVE A BEARING N $\,00^{\circ}11'\,11''$ E FOR A DISTANCE OF 272.20 FEET TO AN IRON PIPE FOUND; THENCE N $\,00^{\circ}$ 11'11"E FOR A DISTANCE OF 484.52 FEET TO A POINT, SAID POINT LYING ON THE SOUTHERN MARGIN OF HUMIE OLIVE ROAD(NCSR 1142); THENCE, N 00°11'11"E FOR A DISTANCE OF 30.45 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE FOLLOWING THE CENTERLINE OF HUMIE OLIVE ROAD THE FOLLOWING TWENTY FOUR CALLS: THENCE, S79°56'58"E FOR A DISTANCE OF 15.49 FEET TO A POINT; THENCE, S76°36'37"E FOR A DISTANCE OF 50.00 FEET TO A POINT; THENCE, S71°54'37"E FOR A DISTANCE OF 49.92 FEET TO A POINT; THENCE, S69°08'04"E FOR A DISTANCE OF 21.22 FEET TO A POINT; THENCE, S69°08'04"E FOR A DISTANCE OF 28.73 FEET TO A POINT; THENCE, S67°48'08"E FOR A DISTANCE OF 17.56 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE, S67°51'05"E FOR A DISTANCE OF 32.37 FEET TO A POINT; THENCE, S64°43'10"E FOR A DISTANCE OF 99.91 FEET TO A POINT; THENCE, S61°40'23"E FOR A DISTANCE OF 61.40 FEET TO A POINT; THENCE, S62°07'30"E FOR A DISTANCE OF 38.78 FEET TO A POINT; THENCE, S 58°43'01"E FOR A DISTANCE OF 150.03 FEET TO A POINT; THENCE, S61°52'28"E FOR A DISTANCE OF 49.83 FEET TO A POINT; THENCE, S67°24'09"E FOR A DISTANCE OF 50.11 FEET TO A POINT; THENCE, S74°44'11"E FOR A DISTANCE OF 50.55 FEET TO A POINT; THENCE, S81°32'42"E FOR A DISTANCE OF 49.41 FEET TO A POINT; THENCE, S85°55'19'E FOR A DISTANCE OF 49.79 FEET TO A POINT; THENCE, N89°18'11"E FOR A DISTANCE OF 49.93 FEET TO A POINT; THENCE, N84°27'44"E FOR A DISTANCE OF 47.90 FEET TO A POINT; THENCE, N82°55'35"E FOR A DISTANCE OF 63.56 FEET TO A POINT; THENCE, N80°49'28"E FOR A DISTANCE OF 99.97 FEET TO A POINT; THENCE. N80°40'19"E FOR A DISTANCE OF 115.15 FEET TO A POINT; THENCE, N81°08'07"E FOR A DISTANCE OF 121.56 FEET TO A POINT; THENCE, N80°48'24"E FOR A DISTANCE OF 98.53 FEET TO A POINT; THENCE, N81°04'38"E FOR A DISTANCE OF 19.75 FEET TO A POINT, SAID POINT BEING KNOWN AS THE POINT AND PLACE OF BEGINNING, HAVING AN AREA OF 816,193 SQUARE FEET, OR 18.737 ACRES OF WHICH 42,998 SQUARE FEET OR 0.987 ACRES ARE WITHIN THE 60 FOOT RIGHT OF WAY FOR HUMIE OLIVE ROAD (NCSR 1142).



Instruction Packet and Affidavit for

Neighborhood Meetings

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

T: 919-249-3426 F: 919-249-3338 This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

INSTRUCTIONS

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

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

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the
 existing zoning map of the area or preliminary plans of the proposed development (see
 Handout requirements below).

- Page 252 -

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

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
 - o For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the "send plans" box on the sign-in sheet; applicant shall provide reduced copies upon request.
 - o Printed copies must equal the number of notices required to be sent.
 - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
 - o "Common Construction Issues & Who to Call" sheet (attached) must be included as part of the handout.
 - o A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
 - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
 - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
 - Explanation of development proposal uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the "Send Plans & Updates" box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

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

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



NOTICE OF NEIGHBORHOOD MEETING

or disc	locument is a public record under the closed to third parties. 9/2020	North Carolina Public Re	cords Act and may be pub	lished on the Town's website				
Dat	e							
Dear	Neighbor:							
	are invited to a neighborhood mee	_	·	• •				
8633 HUMIE OLIVE RD, APEX NC 27502-8976 0710993712, 0711805090, 0710897972								
	Address(es)			IN(s)				
way neigh oppo subm Deve	for the applicant to discuss the particle applicant to discuss the particle applications before the particle applications and discontituded. Once an application has belopment Map or the Apex December 2. Application applica	project and review the submittal of an appuss any concerns about the submitted to the evelopment Report	ne proposed plans with lication to the Town. The jut the impacts of the property a Town, it may be trace located on the Tow	n adjacent neighbors and his provides neighbors an roject before it is officially ked using the <u>Interactive</u> n of Apex website at				
	olication Type		erades (erreek arr triat a	Approving Authority				
✓	Rezoning (including Planned Unit	Development)		Town Council				
	Major Site Plan			Town Council (QJPH*)				
	Special Use Permit			Town Council (QJPH*)				
/	Residential Master Subdivision P	lan (excludes exempt	subdivisions)	Technical Review Committee (staff)				
*0	Quasi-Judicial Public Hearing: The 1	own Council cannot	discuss the project prio					
	following is a description of the property to rezone from R-40W to MD	•						
Mee	ting will take place via Zoom. Plea	se use web address b	pelow to register for me	eting. Please pre-register.				
https	s://us02web.zoom.us/j/8424801498	30?pwd=Y05HUzlsNz	:IUa0J6UDJqUkRaUWd	0UT09				
Esti	mated submittal date: November	er 2, 2020						
ME	ETING INFORMATION:							
Pro	perty Owner(s) name(s):	YUMEEWARRA FA	RM LLC					
App	olicant(s):	Humie Olive Associa	ates					
Con	tact information (email/phone):	Jeff Roach, jeffroach	@peakengineering.cor	m, 919-439-0100				
Me	eting Address:	Meeting being held via Zoom						
Dat	e of meeting**:	10/27/2020						
Tim	e of meeting**:	5:30						
	TING AGENDA TIMES: come: 5:30-5:40 Project P	resentation: 5:40- 6:	00 Question & A	Answer: 6:00 - ?				

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

- Page 254 -

Last Updated: December 20, 2019

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: Yumeewarra Farms- To be na	med Zoning: R-40W, Wake County									
Location: 8633 Humie Olive Rd, Apex, NC 27502-8976										
Property PIN(s): 0710993712, 0711805090, 0710897972 Acreage/Square Feet: 18.737 acres										
Property Owner: Yumeewarra Farms LLC										
Address: 8633 Humie Olive Rd										
City: Apex	State: NC Zip: 27502-8976									
Phone: Email:										
Developer: Humie Olive Associates (Bill Zah	n)									
Address: 113 Duncansby Drive										
City: Cary State:	NC z _{ip:} 27511									
Phone: (919) 522-5626 Fax:	Email: billzahn@bellsouth.net									
Engineer: Peak Engineering & Design (Jeff	Roach)									
Address: 1125 Apex Peakway										
City: Apex	State: NC Zip: 27502									
Phone: (919) 439-0100 Fax:	Email: jroach@peakengineering.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 Department Main Number	
(Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department	
Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation	
Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department	
Mike Deaton, Stormwater & Utility Engineering Manager	(919) 249-3413
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-1166
Electric Utilities Division	
Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Last Updated: December 20, 2019

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

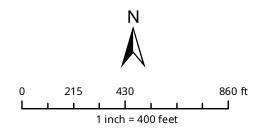
To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d a27d9e795

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.



Yumeewarra Farm



<u>Disclaimer</u>
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.

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: Meeting held via Zoom	
Date of meeting: October 27, 2020	Time of meeting: 5:30 - 7:30 pm
Property Owner(s) name(s): Yumeewarra Farm LLC	
Applicant(s): Humie Olive Associates	

Please <u>print</u> 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jill Goodman	8825 New Hope Farm Rd, New Hill,	NC 27562		Yes
2.	Vicki DiProfio	8801 New Hope Farm Rd, New Hill			Yes
3.	Deborah Peart	8829 New Hope Farm Rd, New Hill,	NC 27562		Yes
4.	Bill Zahn (Humie Olive Assoc)	113 Duncansby Ct, Cary, NC 27511			Yes
5.	Craig Duerr (Land Alternatives)	403 April Bloom Dr, Cary, NC 27519			Yes
6.	Jeff Roach - Peak Engineering	1125 Apex Peakway, Apex, NC 275	o		
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

- Page 258 -

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.

o. siscissed to time per too.
Property Owner(s) name(s): Yumeewarra Farm LLC
Applicant(s): Humie Olive Associates
Contact information (email/phone):
Meeting Address: Meeting held via Zoom
Date of meeting: October 27, 2020 Time of meeting: 5:30 - 7:30 pm
Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.
Question/Concern #1:
The property owners asked about zoning and the schedule associated with the project?
Applicant's Response: Explained the process, timing and documents which are required. Spoke a lot about the Heelan property which
was recently rezoned. Also discussed the existing properties on New Hope Farm Road and what would happen
with these properties in the future (sell, stay, development?).
Question/Concern #2: Would the project start construction prior to the development of Heelan? Deborah Peart was asking as her property currently abuts the Yumeewarra property.
Property currently abate the runneswaria property.
Applicant's Response: Explained that earliest timing would be start construction in late 2021 with zoning, MSP and CD approvals.
Project should not be started prior to Heelan as the Yumeewarra site requires sewer from Heelan to develop.

Question/Concern #3:
Is there an option to purchase the properties on New Hope Farm Road? Combine the properties into Yumeewarra or
Heelan projects?
Applicant's Response: That is something that we can look at with the builders/buyers. But that is not a decision for this project - this is
something that the owners in the area need to decide what they want to do. Developer did offer to evaluate the
properties on New Hope Farm Road
Question/Concern #4:
What would the project look like?
Applicant's Response: Showed a proposed Sketch Plan (SP-3) to those on the call showing 53 lots, 2 points of access to Humie Olive
and a stub to Peart property (part of Heelan PUD). Also discussed buffers, roadway improvements and

- Page 259 - ed to timing, proce

project specifics.

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, Jeff	Roach	do hereby decl	are as follows:
	Print Name		
1.	_		oosed Rezoning, Major Site Plan, Master DO Sec. 2.2.7 <i>Neighborhood Meeting</i> .
2.	_	nd any neighborhood associat	epartment, all property owners within 300 ion that represents citizens in the area vianborhood Meeting.
3.	The meeting was conducted at	Zoom	(location/address)
	on October 27, 2020	(date) from <u>5:30 pm</u>	(start time) to 7:30 pm (end time)
4.	I have included the mailing list, map/reduced plans with the ap		heet, issue/response summary, and zoning
5.	I have prepared these materials	s in good faith and to the bes	t of my ability,
	Date OF NORTH CAROLINA TY OF WAKE	Ву:	Lelle
Sworn	and subscribed before me, <u>PA</u>	WIEL H WOODS	a Notary Public for the above State and
		CTOBER 2020	
	SEALMINE ON THE SEAL OF THE SE	My Commission	Notary Public FL H. Wood 5 Print Name



Wake County Residential Development Notification

Developer Company Information					
Company Name	Humie Olive Associates, LLC				
Company Phone Number	(919) 522-5626				
Developer Representative Name	Bill Zahn				
Developer Representative Phone Number					
Developer Representative Email	billzahn@bellsouth.net				

New Residential Subdivision Information								
Date of Application for Subdivision	November 2, 2020							
City, Town or Wake County Jurisdiction	Apex							
Name of Subdivision	TBD (currently submitted as Yumeewarra Farm Assembly)							
Address of Subdivision (if unknown enter nearest cross streets)	8633 and 0 Humie Olive Road (Apex, NC)							
REID(s)	022444; 0224441; 0244622							
PIN(s)	0711-80-5090; 0710-89-7972; 0710-99-3712							

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	June 2023					
Subdivision Projected First Occupancy Date	March 2022					

	Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Squar Raı	e Foot nge	Price	Range	,	Anticipate	d Compl	etion Uni	ts & Dat	es
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	53							2800	3500			2022	35	2023	18		
Townhomes																	
Condos																	
Apartments																	
Other					Jeff Roach, jroach												

Rezoning Case: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



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.

approval of the proposed amendment by the Town Council.										
PROJECT DESCRIPTION:										
Acreage:	±18.737 acres									
PIN(s):	0711805090, 0	7108	397972, 0710993712							
Current Zoning:	Wake County R	esid	ential-40 (R-40W)							
Proposed Zoning:	Low Density Re	side	ntial-Conditional Zonin	g						
2045 Land Use Map:	Low Density Re	side	ntial							
Town Limits:	Outside (annex	atio	n required at time of re	zoning)						
Applicable Officially The Board must state of applicable. Applicable 2045 Land Use N Consistent	whether the pro le plans have a c	ject		stent with Reason:	the following officially adopted plans,					
Apex Transporta Consistent	ition Plan		Inconsistent	Reason:						
Parks, Recreatio Consistent	n, Open Space, a	and (Greenways Plan Inconsistent	Reason:						

Rezoning Case: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



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.	its proposed location and co	nsistency with the purposes	gitional Zoning (CZ) District use's appropriateness for goals, objectives, and policies of the 2045 Land Us	
	✓ Consistent	Inconsistent	Reason:	
2.		d Conditional Zoning (CZ) Dis character of surrounding land Inconsistent	trict use's appropriateness for its proposed location d uses. Reason:	1
3.	Zoning district supplementa Sec. 4.4 Supplemental Stand		onditional Zoning (CZ) District use's compliance with	1
4.	minimization of adverse e avoidance of significant ac	ffects, including visual imp	e proposed Conditional Zoning (CZ) District use's act of the proposed use on adjacent lands; and ing lands regarding trash, traffic, service delivery nd not create a nuisance. Reason:	t
5.	environmental impacts and		d Conditional Zoning District use's minimization of the deterioration of water and air resources, wildlife Reason:	9
	consistent	meonsistem	Reason:	

Rezoning Case: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



6.	Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adver impacts on public facilities and services, including roads, potable water and wastewater facilities, park schools, police, fire and EMS facilities. Consistent Inconsistent Reason:					
7.	Health, safety, and welfare. The proposed Conditional Zonir or welfare of the residents of the Town or its ETJ. Consistent Inconsistent	ng (CZ) District use's effect on the health, safety, Reason:				
8.	Detrimental to adjacent properties. Whether the propsubstantially detrimental to adjacent properties. Consistent Inconsistent	oosed Conditional Zoning (CZ) District use is				
9.	Not constitute nuisance or hazard. Whether the proposed Conditional Zoning (CZ) District use. Consistent Inconsistent	- · · · · · · · · · · · · · · · · · · ·				
10.	Other relevant standards of this Ordinance. Whether the complies with all standards imposed on it by all other applications and general development characteristics. Consistent Inconsistent	• •				

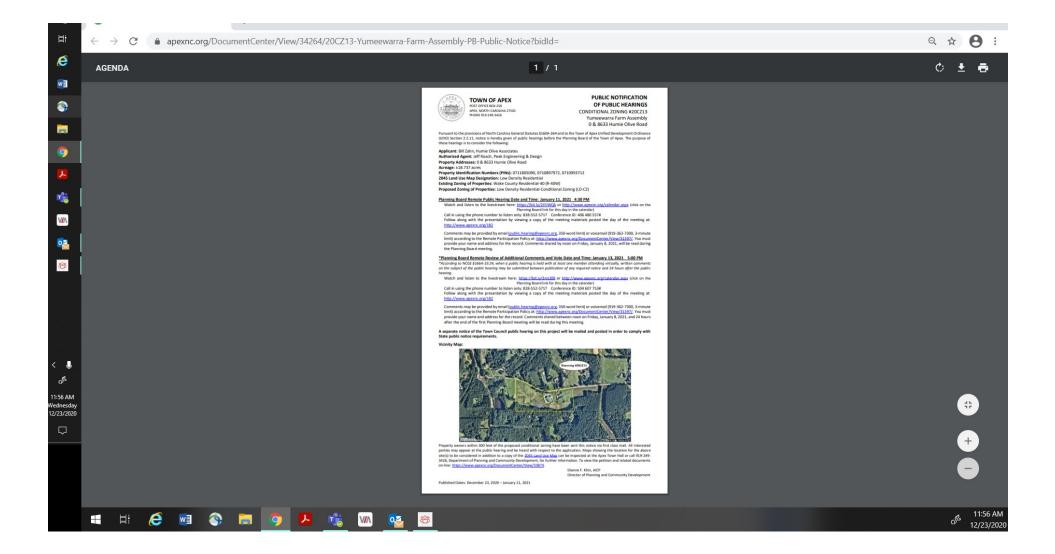
Rezoning Case: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



Planning Board Recommendation:

	Motion:	To recommend app	oroval with conditions as offered by ap	oplican
	Introduced by Planning Board member:	Ryan Akers		
	Seconded by Planning Board member:	Tim Royal		
	Approval: the project is consistent with considerations listed above.	h all applicable officia	illy adopted plans and the applicable legi	islative
✓		s noted above, so the	all applicable officially adopted plans and, e following conditions are recommended	
Conc	ditions as offered by applicant.			
	Denial: the project is not consistent legislative considerations as noted about		officially adopted plans and/or the app	olicable
		With 8 Planning	Board Member(s) voting "aye"	
		With 0 Planning	Board Member(s) voting "no"	
	Reasons for dissenting votes:			
			_	
This	report reflects the recommendation of t	the Planning Board, th	is the <u>13th</u> day of <u>January</u>	2021.
Atte	est:			
Vlic	chael Marks Digitally signed by Michael Date: 2021.01.13 19:02:0	el Marks 5 -05'00'	Dianne Khin Digitally signed by D Date: 2021.01.13 17	ianne Khin :53:42
Mich	hael Marks, Planning Board Chair		Dianne Khin, Director of Planning and Community Development	





PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ13

Yumeewarra Farm Assembly

0 & 8633 Humie Olive Road

Pursuant to the provisions of North Carolina General Statutes §160A-364 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: Bill Zahn, Humie Olive Associates

Authorized Agent: Jeff Roach, Peak Engineering & Design

Property Addresses: 0 & 8633 Humie Olive Road

Acreage: ±18.737 acres

Property Identification Numbers (PINs): 0711805090, 0710897972, 0710993712

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Wake County Residential-40 (R-40W)

Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4:30 PM

Watch and listen to the livestream here: http://www.apexnc.org/calendar.aspx (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 557#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: http://www.apexnc.org/182

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. Comments shared by noon on Friday, January 8, 2021, will be read during the Planning Board meeting.

*Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

Watch and listen to the livestream here: http://www.apexnc.org/calendar.aspx (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 504 607 753#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: http://www.apexnc.org/182

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. Comments shared between noon on Friday, January 8, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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.

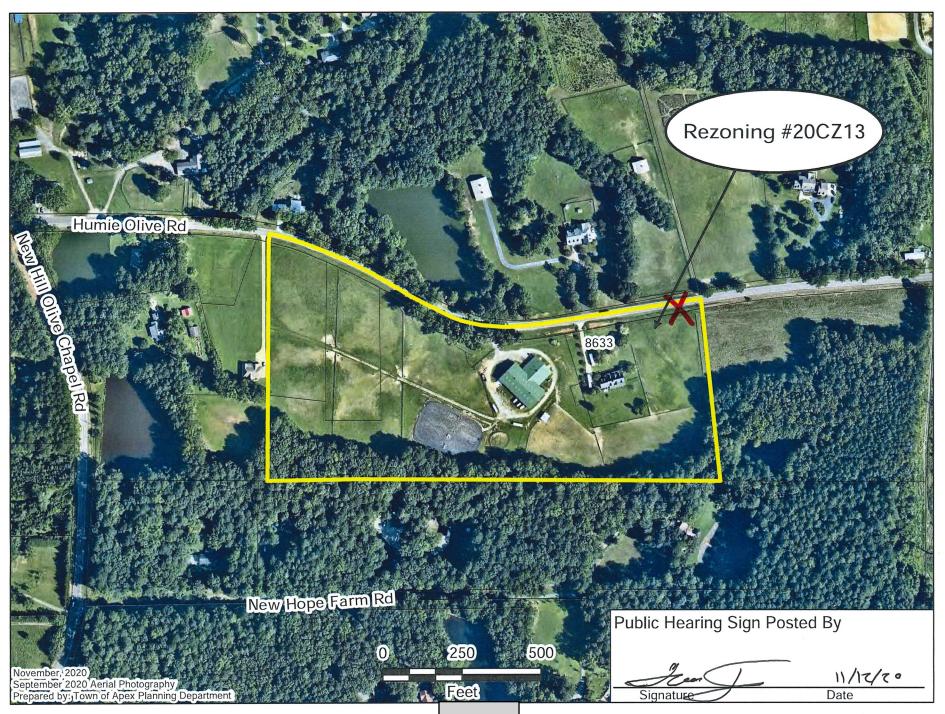
Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/33874.

Dianne F. Khin, AICP
Director of Planning and Community Development

- Page 267 -





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 #20CZ13

Yumeewarra Farm Assembly

Project Location:

0 & 8633 Humie Olive Road

Applicant or Authorized Agent:

Jeff Roach

Firm: Peak Engineering & Design

Peak Engineering & Design

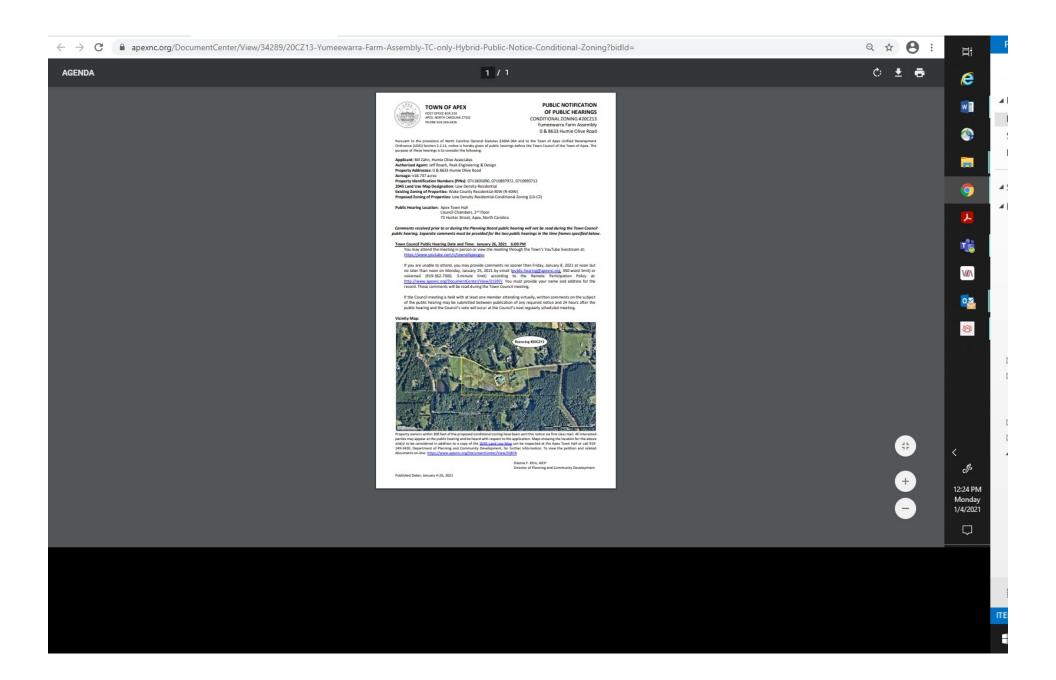
This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 23, 2020, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

STATE OF NORTH CAROLINA **COUNTY OF WAKE**

Sworn and subscribed before me, State and County, this the

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

My Commission Expires: 03 / 10 / 2024





PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ13
Yumeewarra Farm Assembly
0 & 8633 Humie Olive Road

Pursuant to the provisions of North Carolina General Statutes §160A-364 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: Bill Zahn, Humie Olive Associates

Authorized Agent: Jeff Roach, Peak Engineering & Design

Property Addresses: 0 & 8633 Humie Olive Road

Acreage: ±18.737 acres

Property Identification Numbers (PINs): 0711805090, 0710897972, 0710993712

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Wake County Residential-40W (R-40W)

Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

Public Hearing Location: Apex Town Hall

Council Chambers, 2nd Floor

73 Hunter Street, Apex, North Carolina

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: January 26, 2021 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide comments no sooner than Friday, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/33874.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name:

Conditional Zoning #20CZ13

Yumeewarra Farm Assembly

Project Location:

0 & 8633 Humie Olive Road

Applicant or Authorized Agent:

Jeff Roach

Firm: Peak Engineering & Design Peak Engineering & Design

This is to certify that I, as Planning and Community Development Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 4, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

Planning and Community Development Director

STATE OF NORTH CAROLINA **COUNTY OF WAKE**

Sworn and subscribed before me, Jeri Chastam Pederson, a Notary Public for the above

State and County, this the

4 day of January

Ju Chastain Pederson Notary Public

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

My Commission Expires: $\frac{3}{10}$ / $\frac{10}{2024}$



Glenn Carrozza 5625 Dillard Drive Cary, NC 27511

919-694-0306 FAX: 919-694-7753

January 4, 2021

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: November 2, 2020
- Name of development: 20CZ13 Yumeewarra Farm
- Address of rezoning/development: 0 and 8633 Humie Olive Rd
- Total number of proposed residential units: 56
- Type(s) of residential units proposed: Single-family; accessory apartment

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:

essm	ent	от р	oossible impacts to the wake Col	ınty	Public School System:		
	Schools at <u>all</u> grade levels within the current assignment area for the proposed rezoning/development are anticipated to have <u>sufficient</u> capacity for future students.						
X	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:						
		X	Elementary		Middle	⊠ High	
The	foll	owii	ng mitigation of capacity concerr	ıs dı	ue to school construction or expansion	n 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, Senior Director
Glenn Carrozza

- Page 273 -

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 18.737 ACRES LOCATED ON 0 AND 8633 HUMIE OLIVE ROAD FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) TO LOW DENSITY RESIDENTIAL-CONDITIONAL ZONING (LD-CZ)

#20CZ13

WHEREAS, the application of Bill Zahn, Humie Olive Associates, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearings was held hereon on the 11th day of January 2021 before the Planning Board and on the 13th day of January 2021 the Planning Board voted. 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. A public hearing was held on the 26th day of January 2021, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; NOW, THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

<u>Section 1</u>: 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."

<u>Section 2</u>: 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 Low Density Residential-Conditional Zoning (LD-CZ) District, subject to the conditions stated herein.

Section 3: The "Rezoned Lands" are subject to all of the following conditions which are imposed as part of this rezoning:

Zoning Conditions:

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
- 2. Family care home
- 3. Accessory apartment
- 4. Utility, minor
- 5. Park, active
- 6. Park, passive
- 7. Greenway
- 8. Recreation facility, private

Conditions:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 56 dwelling units. Minimum lot size shall be 5,865 sq.ft.

Ordinance Amending the Official Zoning District Map #20CZ13 Page 2

- 2. The project will provide a minimum of two (2) points of access if over fifty (50) residential lots are proposed. Project shall be accessed on Humie Olive Road, and a stub provided to the N/F Edward & Deborah Peart property (PIN 0720-09-3139), consistent with the location of the stub streets approved in the Heelan PUD, or as agreed upon with the Town of Apex Planning and Transportation staff during Master Subdivision Plan review and approval.
- 3. All homes shall have a crawl space or raised foundation which at a minimum rises 20 inches from average grade across the front of the house to the finished floor level at the front door. Zero-entry homes without the 20-inch rise are permitted if 1st- floor owner suite is provided. Lots permitted as "zero-entry" shall be noted on the Final Plat.
- 4. 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
- 5. The project will provide sidewalk on both sides of all internal streets.
- 6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 7. Eaves shall project at least 12 inches from the wall of the structure.
- 8. 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 or Decorative window
 - Trim around the window
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim

- Decorative shake
- Decorative gable
- Decorative air vents on gable
- Decorative cornice
- Column
- Portico
- Balcony
- Dormer
- 9. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three (3) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
- 10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades 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.
- 11. Garage may protrude up to 5-feet from the front façade 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.
- 12. All homes shall be pre-configured with conduit for a solar energy system.
- 13. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
- 14. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- 15. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
- 16. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- 17. Front porches shall be a minimum of 6 feet deep.
- 18. Existing deciduous 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 site location approved by Town Planning Staff, above and beyond standard UDO requirements.
- 19. The existing overhead electric easement along Humie Olive Road shall be counted towards the required RCA and buffer standards within various UDO sections. The buffer is

- Page 275 -

Ordinance Amending the Official Zoning District Map #20CZ13 Page 3

- proposed to be an average width buffer of 50'. The buffer shall be planted to a Type 'B' buffer standard along the Humie Olive Road frontage.
- 20. Left turn lane(s) meeting NCDOT requirements shall be provided on Humie Olive Road for each proposed point of access where left turn movements are proposed if permitted by NCDOT.

<u>Section 4:</u> 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.

<u>Section 5:</u> The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member	
Seconded by Council Member	
With Council Member(s) voting "aye With Council Member(s) voting "no."	
This the day of	2021.
	TOWN OF APEX
ATTEST:	Mayor
Town Clerk	
APPROVED AS TO FORM:	
 Town Attorney	

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ13 Submittal Date:

Insert legal description below.

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS JORDAN LAKE CORS ARP (PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.05' & EASTING: 1,989,789.69'; THENCE S45°13'18"E A GRID DISTANCE OF 41,628.09' TO A 60D "MAG HUB" NAIL KNOWN AS CE GROUP POINT NUMBER 2 HAVING NC GRID COORDINATES OF NORTHING: 709,949.21' AND EASTING: 2,019,341.41'; THENCE N78°49'38"E A DISTANCE OF 537.58' TO AN EXISTING RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT WHICH IS HEREBY KNOW AS THE POINT OF BEGINNING.

BEGINNING AT A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE FROM SAID POINT OF BEGINNING A BEARING OF 806° 53'52"E FOR A DISTANCE OF 30.02 FEET TO A POINT LYING ON THE SOUTHERN MARGIN OF HUMIE OLIVE ROAD (NCSR 1142) HAVING A 60 FOOT RIGHT OF WAY; THENCE ALONG THE COMMON LINE BETWEEN YUMEEWARRA FARM, LLC AND JERIF AND LISA CICIN A BEARING OF S06°53'52"E FOR A DISTANCE OF 448.68 FEET TO AN IRON PIPE FOUND; THENCE, S06°53'52"E FOR A DISTANCE OF 101.69 FEET TO AN IRON PIPE FOUND, SAID PIPE BEING A COMMON CORNER WITH EDWARD AND DEBORAH PEART; THENCE, N89° 49'36"W FOR A DISTANCE OF 617.64 FEET TO AN IRON PIPE FOUND, SAID PIPE BEING THE NORTHEASTERN MOST CORNER OF THE WILLIAM AND JILL GOODMAN PROPERTY; THENCE, N89°46'37"W FOR A DISTANCE OF 532.95 FEET TO A PINCHED TOP IRON FOUND, SAID IRON BEING THE NORTHEASTERN MOST CORNER OF DENNIS AND SELENA RUSH AND BEING A COMMON CORNER WITH GOODMAN; THENCE, N89°47'51"W FOR A DISTANCE OF 280.22 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE BEING THE SOUTHWESTERN COMMON CORNER WITH BRIAN OLIVE; THENCE ALONG THE COMMON LINE WITH OLIVE A BEARING N $\,00^{\circ}11'\,11''$ E FOR A DISTANCE OF 272.20 FEET TO AN IRON PIPE FOUND; THENCE N $\,00^{\circ}$ 11'11"E FOR A DISTANCE OF 484.52 FEET TO A POINT, SAID POINT LYING ON THE SOUTHERN MARGIN OF HUMIE OLIVE ROAD(NCSR 1142); THENCE, N 00°11'11"E FOR A DISTANCE OF 30.45 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE FOLLOWING THE CENTERLINE OF HUMIE OLIVE ROAD THE FOLLOWING TWENTY FOUR CALLS: THENCE, S79°56'58"E FOR A DISTANCE OF 15.49 FEET TO A POINT; THENCE, S76°36'37"E FOR A DISTANCE OF 50.00 FEET TO A POINT; THENCE, S71°54'37"E FOR A DISTANCE OF 49.92 FEET TO A POINT; THENCE, S69°08'04"E FOR A DISTANCE OF 21.22 FEET TO A POINT; THENCE, S69°08'04"E FOR A DISTANCE OF 28.73 FEET TO A POINT; THENCE, S67°48'08"E FOR A DISTANCE OF 17.56 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE, S67°51'05"E FOR A DISTANCE OF 32.37 FEET TO A POINT; THENCE, S64°43'10"E FOR A DISTANCE OF 99.91 FEET TO A POINT; THENCE, S61°40'23"E FOR A DISTANCE OF 61.40 FEET TO A POINT; THENCE, S62°07'30"E FOR A DISTANCE OF 38.78 FEET TO A POINT; THENCE, S 58°43'01"E FOR A DISTANCE OF 150.03 FEET TO A POINT; THENCE, S61°52'28"E FOR A DISTANCE OF 49.83 FEET TO A POINT; THENCE, S67°24'09"E FOR A DISTANCE OF 50.11 FEET TO A POINT; THENCE, S74°44'11"E FOR A DISTANCE OF 50.55 FEET TO A POINT; THENCE, S81°32'42"E FOR A DISTANCE OF 49.41 FEET TO A POINT; THENCE, S85°55'19'E FOR A DISTANCE OF 49.79 FEET TO A POINT; THENCE, N89°18'11"E FOR A DISTANCE OF 49.93 FEET TO A POINT; THENCE, N84°27'44"E FOR A DISTANCE OF 47.90 FEET TO A POINT; THENCE, N82°55'35"E FOR A DISTANCE OF 63.56 FEET TO A POINT; THENCE, N80°49'28"E FOR A DISTANCE OF 99.97 FEET TO A POINT; THENCE. N80°40'19"E FOR A DISTANCE OF 115.15 FEET TO A POINT; THENCE, N81°08'07"E FOR A DISTANCE OF 121.56 FEET TO A POINT; THENCE, N80°48'24"E FOR A DISTANCE OF 98.53 FEET TO A POINT; THENCE, N81°04'38"E FOR A DISTANCE OF 19.75 FEET TO A POINT, SAID POINT BEING KNOWN AS THE POINT AND PLACE OF BEGINNING, HAVING AN AREA OF 816,193 SQUARE FEET, OR 18.737 ACRES OF WHICH 42,998 SQUARE FEET OR 0.987 ACRES ARE WITHIN THE 60 FOOT RIGHT OF WAY FOR HUMIE OLIVE ROAD (NCSR 1142).

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Lauren Staudenmaier, Planner I

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #20CZ15 Smithfield Road Collision Center. The applicant, Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on January 11, 2021 and voted on January 13, 2021 to recommend approval of the rezoning with the conditions as offered by the applicant, by a vote of 8-0.

<u>Item Details</u>

<u>Attachments</u>

- Staff Report
- Vicinity Map
- Application



Rezoning #20CZ15 Smithfield Road Collision Center 5920 & 0 Old Smithfield Road

January 26, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 5920 & 0 Old Smithfield Road

Applicant/Owner: Spencer B. Terry III, Carolina Land Development Group, Inc./Anthony K. & Melissa

S. Woodell and R. Markham & Ruth B. Stewart

PROJECT DESCRIPTION:

Acreage: <u>+</u>3.816

PINs: 0740-64-9391 (portion of) and 0740-64-9679 (portion of)

Current Zoning: Rural Residential (RR) and High Density Single-Family Residential (HDSF)

Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)

2045 Land Use Map: Industrial Employment **Town Limits**: Corporate Limits and ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	High Density-Single Family (HDSF)	NC 540 Highway; vacant
South:	Holly Springs Residential-15 (R-15)	Old Smithfield Rd; vacant
East:	High Density-Single Family (HDSF); Rural Residential (RR)	Highway 55 Bypass; vacant
West:	Light Industrial (LI); High Density-Single Family (HDSF)	Greenway Waste Solutions; Wake County Sanitary Landfill

Existing Conditions:

The subject properties are a total of +/- 3.816 acres and are located west of Highway 55 Bypass, south of NC 540 Highway, and east of the Wake County Landfill. Both properties are vacant and wooded with a stream located generally along the common property line.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on October 29, 2020 and December 10, 2020. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject properties as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) is consistent with that land use classification.

Rezoning #20CZ15 Smithfield Road Collision Center 5920 & 0 Old Smithfield Road

January 26, 2021 Town Council Meeting



PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

- 1. Security or caretaker quarters (P)
- 2. Government service (P)
- 3. Transportation facility (P)
- 4. Veterinary clinic or hospital (P)
- 5. Vocational school (P)
- 6. Communication tower, commercial (S)
- 8. Communication tower, camouflage stealth (S)
- 9. Communication tower, public safety (S)
- 10. Electrical power facility (S)
- 11. Recycling collection station (P)
- 12. Utility, minor (P)
- 13. Wireless support structure (P)
- 14. Wireless communication facility (P)
- 15. Botanical garden (P)
- 16. Entertainment, indoor (P)
- 17. Entertainment, outdoor (S)
- 18. Greenway (P)
- 19. Park, active (P)
- 20. Park, passive (P)
- 21. Broadcasting station (radio and television (P)
- 22. Radio and television recording studio (P)
- 23. Commissary (P)
- 24. Dispatching office (P)
- 25. Medical or dental office or clinic (P)
- 26. Medical or dental laboratory (P)
- 27. Office, business or professional (P)
- 28. Research facility (P)
- 29. Artisan Studio (P)
- 30. Gas and fuel, retail (P)
- 31. Glass sales (P)
- 32. Kennel (P)

- 33. Repair services, limited (P)
- 34. Retail sales, bulky goods (P)
- 35. Self-service storage (P)
- 36. Studio for art (P)
- 37. Upholstery shop (P)
- 38. Pet services (P)
- 7. Communication tower, constructed stealth (S) 39. Automotive Accessory Sales and Installation (P)
 - 40. Automotive paint or body shop (P)
 - 41. Automotive parts (P)
 - 42. Automotive service station (P)
 - 43. Car wash or auto detailing (P)
 - 44. Repair and maintenance, general (P)
 - 45. Towing service (P)
 - 46. Towing service storage (P)
 - 47. Truck terminal (P)
 - 48. Vehicle sales and rental, heavy (P)
 - 49. Building supplies, wholesale (P)
 - 50. Contractor's office and storage yard (P)
 - 51. Gas and fuel, wholesale (P)
 - 52. Laboratory, industrial research (P)
 - 53. Machine or welding shop (P)
 - 54. Warehousing (P)
 - 55. Woodworking or cabinetmaking (P)
 - 56. Wholesaling, general (P)
 - 57. Brewery (P)
 - 58. Distillery (P)
 - 59. Manufacturing and processing (P)
 - 60. Manufacturing and processing, minor (P)
 - 61. Microbrewery (P)
 - 62. Microdistillery (P)

Rezoning #20CZ15 Smithfield Road Collision Center 5920 & 0 Old Smithfield Road

January 26, 2021 Town Council Meeting



Conditions:

- Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other
 native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing
 public roadways and public areas within the development shall be constructed with similar materials.
- 2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
- 3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
- 4. A 100' riparian buffer shall be provided for all perennial streams in accordance with the requirements of UDO Sec.6.1 as of November 2, 2020.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning #20CZ15 with conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on January 11, 2021 and voted on January 13, 2021 to unanimously recommend approval of the rezoning with the conditions offered by the applicant, by a vote of 8-0.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Light Industrial-Conditional Zoning (LI-CZ) district is consistent with the 2045 Land Use Plan and other adopted plans. The 2045 Land Use Map classifies the subject property as Industrial Employment which includes the LI-CZ district.

The proposed rezoning is reasonable and in the public interest because it will allow for the development of non-residential uses that are consistent with the surrounding properties, especially those to the west. It will also encourage compatible development of the property and increase the tax base.

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.

Rezoning #20CZ15 Smithfield Road Collision Center 5920 & 0 Old Smithfield Road

January 26, 2021 Town Council Meeting



- 2) Compatibility. The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) Zoning district supplemental standards. The proposed Conditional Zoning District use's compliance with Sec 4.4 Supplemental Standards, if applicable.
- 4) Design minimizes adverse impact. The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) Design minimizes environmental impact. The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) Impact on public facilities. The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) Health, safety, and welfare. The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) Detrimental to adjacent properties. Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) Not constitute nuisance or hazard. Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) Other relevant standards of this Ordinance. Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



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

	nt is a public rec	ord under the	North Carolina Public	Records Act	and may be	published on the	Town's website	e or disclosed to
third parties. Application	#:		20CZ15	Subm	ittal Date:		11/2/20	0
2045 LUM Amendment:			Fee Paid:					
Project Inf	ormation							
•	Ciul.C	old Dood Co	llicion Contor					
Project Nar	·····		Ilision Center	27520 /	0.014.0		N 0 07	500
Address(es	(es): 5920 Old Smithfield Road, Apex, N.C. 27539 / 0 Old Smithfield Road, Apex, N.C. 27539 Portion 0740649391							539
<u> </u>	Portion 07406	49679				A	$\frac{3.8}{2}$	816 Acres
Current Zoi	ning: RR - F	Rural Reside	ntial ————————————————————————————————————	Proposed	Zoning: l	LI-CZ - Light Ir	ndustrial	
Current 20	45 LUM Desig	nation:	Industrial Emplo	yment				
Proposed 2	045 LUM Des	ignation:	N/A					
	next page for							
If any port	ion of the pro	ject is shown	as mixed use (3 o	r more stri	pes on the	2045 Land Use	e Map) provid	le the following:
Are	a classified as	mixed use:				Acreage:		
Are	a proposed as	non-residen	tial development:			Acreage:	-	
Perd	cent of mixed	use area pro	posed as non-resid	dential:		Percent:		
Applicant I	nformation							
Name:	Carolina La	nd Developr	ment Group, Inc.					
Address:	1304 N. Re	spess St						
City:	Washingtor	1		State:	NC		Zip:	27889
Phone:	(919) 608-9	390		E-mail:	spencer@	ocldgcorp.com	·	
				1110111.	·			
Owner Info								
Name:			S. Woodell / R. M	larkham a	nd Ruth B.	Stewart		
Address:	345 Camelo	ot Lane						
City:	Sanford			State:	NC		Zip:	27330
Phone:	(919) 708-2	854		E-mail:	doubleba	rrel36@gmail.	com	
Agent Info	rmation							
Name:	Imperial Se	If Storage D	evelopment Inc.					
Address:	800 N. Rale	eigh St. Suite	 e C1					
City:	Angier			State:	NC		Zip:	27501
•	(919) 369-9	872		_		SSDinc.com	Ζίμ.	
Phone:	1-1-	ո L. Auton, II	 I	E-mail:				
Other cont	acis: Join		•					

PETITION TO AMEND THE OFFICIAL Z	CONING MAP & 2045 LAND USE MAP
Application #:	Submittal Date:
2045 LAND USE MAP AMENDMENT	(IF APPLICABLE)
The applicant does hereby respectfully request, the following facts are shown	request the Town Council amend the 2045 Land Use Map. In support of this:
The area sought to be amended on the	2045 Land Use Map is located at:
N/A	
Current 2045 Land Use Classification:	
Proposed 2045 Land Use Classification:	
	of the amendment to the 2045 Land Use Map? Discuss the existing use lition to the adjacent land use classifications. Use additional pages as needed.

PETI	TION INFORMATION			
Appli	cation #:	Submitta	ıl Date:	
RR describ subsec acknow	pplication has been duly filed requesting that the to LI-CZ. It is understood and acknowle bed in this request will be perpetually bound to the use quently changed or amended as provided for in the wledged that final plans for any specific development ted for site or subdivision plan approval. Use addition	dged that (s) authori Unified De to be ma	if the property is rezoned as requested, the prozed and subject to such conditions as imposed, velopment Ordinance. It is further understood de pursuant to any such Conditional Zoning sl	operty unless od and
PROI	POSED USES:			
the li	Rezoned Lands may be used for, and only for, the uses mitations and regulations stated in the UDO and any a enience, some relevant sections of the UDO may be restDO do not apply.	dditional l	imitations or regulations stated below. For	
1	62 light industrial proposed uses were identified	21		
2	with staff and deemed appropriate for this	22		
3	property (See attached list).	23		
4		24		
5		25		
6		26		
7		27		
8		28		
9		29		
10		30		
11		31		
12		32		
13		33		
14		34		
15		35		
16		36		
17		37		
18		38		
19		39		
20		40		

Light Industrial permitted uses per Section 4.2

- 1. Security or caretaker quarters (P)
- 2. Government service (P)
- 3. Transportation facility (P)
- 4. Veterinary clinic or hospital (P)
- 5. Vocational school (P)
- 6. Communication tower, commercial (S)
- 7. Communication tower, constructed stealth (S)
- 8. Communication tower, camouflage stealth (S)
- 9. Communication tower, public safety (S)
- 10. Electrical power facility (S)
- 11. Recycling collection station (P)
- 12. Utility, minor (P)
- 13. Wireless support structure (P)
- 14. Wireless communication facility (P)
- 15. Botanical garden (P)
- 16. Entertainment, indoor (P)
- 17. Entertainment, outdoor (S)
- 18. Greenway (P)
- 19. Park, active (P)
- 20. Park, passive (P)
- 21. Broadcasting station (radio and television (P)
- 22. Radio and television recording studio (P)
- 23. Commissary (P)
- 24. Dispatching office (P)
- 25. Medical or dental office or clinic (P)
- 26. Medical or dental laboratory (P)
- 27. Office, business or professional (P)
- 28. Research facility (P)
- 29. Artisan Studio (P)
- 30. Gas and fuel, retail (P)
- 31. Glass sales (P)
- 32. Kennel (P)
- 33. Repair services, limited (P)
- 34. Retail sales, bulky goods (P)
- 35. Self-service storage (P)
- 36. Studio for art (P)
- 37. Upholstery shop (P)
- 38. Pet services (P)
- 39. Automotive Accessory Sales and Installation (P)
- 40. Automotive paint or body shop (P)
- 41. Automotive parts (P)
- 42. Automotive service station (P)
- 43. Car wash or auto detailing (P)
- 44. Repair and maintenance, general (P)
- 45. Towing service (P)
- 46. Towing service storage (P)
- 47. Truck terminal (P)
- 48. Vehicle sales and rental, heavy (P)
- 49. Building supplies, wholesale (P)
- 50. Contractor's office and storage yard (P)
- 51. Gas and fuel, wholesale (P)
- 52. Laboratory, industrial research (P)

- 53. Machine or welding shop (P)
- 54. Warehousing (P)55. Woodworking or cabinetmaking (P)
- 56. Wholesaling, general (P)
- 57. Brewery (P) 58. Distillery (P)
- 59. Manufacturing and processing (P)
- 60. Manufacturing and processing, minor (P)
- 61. Microbrewery (P)
- 62. Microdistillery (P)

PETITION INFORMATION	
Application #: Submittal Date:	
PROPOSED CONDITIONS:	
The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.	
1. Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other native	
stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways	
and public areas within the development shall be constructed with similar materials.	
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of	
each building façade.	
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include	
decorative concrete masonry, metal coping, or EIFS trim.	
4. A 100' riparian buffer shall be provided for all perennial streams in accordance with the requirements of	
UDO Sec. 6.1 as of November 2, 2020.	
LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING	
The applicant shall propose site-specific standards and conditions that take into account the following consideration which are considerations that are relevant to the legislative determination of whether or not the proposed conditions 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.	al
1) Consistency with 2045 Land Use Map. The proposed Conditional Zoning (CZ) District use's appropriateness for it proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.	its
The proposed use will not require a modification to the 2045 Land Use Map and is consistent with the purpose,	
goal, objective, and policies of the 2045 Land Use Map.	
2) Compatibility. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location an compatibility with the character of surrounding land uses.	nd
The proposed use will have buffers, setbacks, and architectural standards that are compatible with the surrounding	
uses and the Town's long range plans for this area.	

PETITION INFORMATION
Application #: Submittal Date:
3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4, Supplemental Standards, if applicable.
The proposed use will comply with the required 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.
The design will provide perimeter buffers, streetscape buffers, architectural features, and utility connections to avoid
adverse impacts to the surrounding properties.
5) Design minimizes environmental impact. The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
The site is proposed to meet UDO requirements for design and avoidance of environmentally sensitive areas by
limiting site development and protecting perimeter vegetation.
6) Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts or public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
Existing public utilities are adjacent to the proposed development including sanitary sewer, water, telephone,
stormwater, gas, electric and cable. The site is bordered by Hwy 55 Bypass providing adequate access for
emergency vehicles.
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 use will not be determental to the health, safety, or welfare of Apex residents. The future use will be a
service to the Apex community.

PETITION INFORMATION							
Application #:			Submit	tal Date:			
8) Detrimental to adjacent detrimental to adjacent prop	•	Whether th	e proposed	Conditional	Zoning (C	Z) District	use is substantially
The proposed use is consiste	ent with the 20	45 Land U	se Plan and	objectives a	and will not	be a detri	ment to
the adjacent property owners	· ·						
9) Not constitute nuisance of or hazard due to traffic impa		•					
The proposed use does not constitute a nuisance or hazard based on the limited number of people who							
will use the proposed facility and services.							
10) Other relevant standards all standards imposed on it b characteristics.	•				_	• •	•
The proposed development v	vill meet all the	e applicable	e standards v	within The T	own of Ap	ex UDO.	

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: Submittal Date:			
Prov	ide a certified list of property owners subject to this application and a subject property and HOA Contacts.		
	Owner's Name	PIN	
1.	Anthony and Melissa Woodell	0740649391	
2.	Anthony and Melissa Woodell	0740649679	
3.	Greenway Waste	0740448719	
4.	Highway 55 C & D Landfill LLC	0740648548/0740648236	
5.	Town of Apex	0740647406	
6.	Wake County Landfill	0740437240	
7.	Patsy Smith Morgan Trustees	0740638890/0740730950	
8.	Patsy Smith Morgan Trustees	0740743082	
9.			
10.			
11.			
12.			
13.			
14.			
15.			
	Spencer B. Terry III, P.E, certify that this is an accurate literty owners within 300' of the subject property.	sting of all property owners and	
Dutt		G	

COUNTY OF WAKE STATE OF NORTH CAROLINA

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

SEAL

CASEY RUSS EVANS
Notary Public, North Carolina
Harnett County
My Commission Expires

Notary Public
ASEY LUSS EVANS
Print Name

My Commission Expires: _

5 07 7024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Appl	ication #: Submittal Date	2:			
Prov	ide a certified list of property owners subject to this application and subject property and HOA Contacts.	all property owners within 300' of the			
	Owner's Name	PfN			
1.	Anthony and Melissa Woodell	0740649391			
2.	Anthony and Melissa Woodell	0740649679			
3.	Greenway Waste	0740448719			
4.	Highway 55 C & D Landfill LLC	0740648548/0740648236			
5.	Town of Apex	0740647406			
6.	Wake County Landfill	0740437240			
7.	Patsy Smith Morgan Trustees	0740638890/0740730950			
8.	Patsy Smith Morgan Trustees	0740743082			
9.	Natalie B. Hinton Brooks	0740748420			
10.	Natalie B. Hinton Brooks Trustee	0740840331			
11.	Alice Beckwith Lee	0740738946			
12.	Patsy Smith Morgan Trustee Smith Family Irrev Charitable Unitrust	0740746062/0740734977			
13.	NCDOT Turnpike Authority	0740842586			
14.	R. Markham and Ruth B. Stewart	0740746347/0740649391			
15.					
ا, _S	pencer. B. Terry III, P.E, certify that this is an accurate	e listing of all property owners and			
prop	erty owners within 300' of the subject property.				
Date	Date: 12/4/2020 By: 4 3 7 3 11/2				
coul	NTY OF WAKE STATE OF NORTH CAROLINA				
Swor	n and subscribed before me, CASEY KUSS TUCINS, a Note, on this the Little day of DECEMBER, 20 20.	And I was Daw			
SE		Print Name Dires: Part 5/07/2024			

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Cal	CITIED LIST OF NEIGHBORING PROPERTY OWNERS	
Арр	olication #: Submittal Dat	re:
Prov	vide a certified list of property owners subject to this application and subject property and HOA Contacts	
	Owner's Name	PIN
1.	Anthony and Melissa Woodell / R. Markham and Ruth B. Stewart	0740649391
2.	Anthony and Melissa Woodell / R. Markham and Ruth B. Stewart	0740649679
3.	Greenway Waste	0740448719
4.	Highway 55 C & D Landfill LLC	0740648548/0740648236
5.	Town of Apex	0740647406
6.	Wake County Landfill	0740437240
7.	Patsy Smith Morgan Trustees	0740638890/0740730950
8.	Patsy Smith Morgan Trustees	0740743082
9.	Natalie B. Hinton Brooks	0740748420
10.	Natalie B. Hinton Brooks Trustee	0740840331
11.	Alice Beckwith Lee	0740738946
12.	Patsy Smith Morgan Trustee Smith Family Irrev Charitable Unitrust	0740746062/0740734977
13.	NCDOT Turnpike Authority	0740842586
14.	R. Markham and Ruth B. Stewart	0740746347/0740649391
15.		
·,	pencer. B. Terry III, P.E, certify that this is an accurate erty owners within 300' of the subject property.	e listing of all property owners and
Date:	By: By:	7511
COU	NTY OF WAKE STATE OF NORTH CAROLINA	
	n and subscribed before me, <u>CASEY RUSS TUANS</u> , a N ty, on this the <u>23rd</u> day of <u>DECEMBER</u> , 20 <u>20</u> . A	lotary Public for the above State and
SEA	AL CASEY RUSS EVANS Notary Public, North Caroline AEY K	Notary Public

- Page 294 -

My Commission Expires:

AGEN	T AUTHORIZAT	ION FC)RM	enderge van state in de state		
Application #:				Submittal Date:		
Anthony	K. and Melissa	S. Wo	oodell	is the owner* of the property	for which the att	ached
applicat	tion is being su	bmitte	d:			
 ✓ Land Use Amendment ✓ Rezoning: For Conditional Zoning and Planne authorization includes express conditional 			ditional Zoning and Plar	nned Development rezoning applic consent to zoning conditions that		:he
		gent w	hich will apply if the ap	pplication is approved.		
	Site Plan					
	Subdivision Variance					
	Other:					
The pro	perty address i	s:	5920 Old Smithfield I	Road / 0 Old Smithfield Road, Apex	κ, NC 27539	
The agent for this project is: Imperial Self Storage Deve			Imperial Self Storage	Development, Inc.		
	☐ I am the o	wner	of the property and will	be acting as my own agent		
Agent N	lame:	John	L. Auton, III			
Address	::	800	N Raleigh St. Suite C1,	Angier, NC 27501		
Telepho	one Number:	(919)	369-9872			
E-Mail A	Address:	jauto	n@ISSDinc.com			
			ature(s) of Owner(s)*			
		Anth	ony K. Woodell	-	12/23/2020	
				Type or print name		Date
			Melissa & Woodel	λ		,
		Melis	ssa S. Woodell		12/23/2020	
				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.

Sheet 1 of 2

ndment Application

AGEN	T A UTHORIZAT	ON FORM		
Applic	ation #:		Submittal Date:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
R. Markl	ham and Ruth I	3. Stewart is t	he owner* of the property	for which the attached
applicat	tion is being su			
V	Land Use An	nendment		
7	a	or Conditional Zoning and Planned Devuthorization includes express consent gent which will apply if the application	to zoning conditions that a	
V	Site Plan			
	Subdivision			
	Variance			
	Other:			
The pro	The property address is: 5920 Old Smithfield Road / 0 Old Smithfield Road, Apex, NC 27539			
The agent for this project is: Imperial Self Storage Development, Inc.				
	☐ I am the c	wner of the property and will be actin	ng as my own agent	
Agent Name: John L. Auton, III				
Address	:	800 N Raleigh St. Suite C1, Angier,	NC 27501	
Telepho	ne Number:	(919) 369-9872		
E-Mail A	Address:	jauton@ISSDinc.com		
		Signature(s) of Owner(s)*		
R. Markham Stewart 12/23/		12/23/2020		
			Type or print name	Date
		Ruth B Stewa	t	
		Ruth B. Stewart		12/23/2020
			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.

Sheet 2 of 2

ndment Application

Appl	plication #: Submittal Date:	
	undersigned, John L. Auton, III (the "Affiant") first being duly sworn, h	nereby
1.	Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the owner, or is the authorized agent of all owners, of the property locate 5920 Old Smithfield Road; 0 Old Smithfield Road and legally described in Exhibit "A" attached herein incorporated herein (the "Property").	d at
2.	This Affidavit of Ownership is made for the purpose of filing an application for development approva	al with
3.	If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated and recorded in the Wake County Register of Deeds Office on, in Book,	, _Page
4.	If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documen indicating the agency relationship granting the Affiant the authority to apply for development apply on behalf of the owner(s).	
5.	If Affiant is the owner of the Property, from the time Affiant was deeded the Property. Affiant has claimed sole ownership of the Property. Affiant or Affiant's predection in interest have been in sole and undisturbed possession and use of the property during the per ownership. Since taking possession of the Property on, no one has quest Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowled claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiacting as an authorized agent for owner(s)), which questions title or right to possession of the pronor is any claim or action pending against Affiant or owner(s) in court regarding possession of Property. This the day of	essors iod of ioned ge, no iant is perty,
	John Logan Auton, III	name
	E OF NORTH CAROLINA NTY OF HAYNET	
on Wo	e undersigned, a Notary Public in and for the County of HUYNEH, hereby certify of Market Affiant, personally known to me or known to me by said Affiant's presentation of the foregoing Affidavit.	ion of
	CASEY RUSS EVANS Notary Public, North Carolina Harnett County My Commission Expires [NOTARY SEAL] CASEY RUSS EVANS Notary Public Notary Public Harnett County Notary Public Notary Public Notary State of North Carolina My Commission Expires: [NOTARY SEAL]	

AFFIDAVIT OF OWNERSHIP: EXHIBIT A - LEGAL DESCRIPTION

Application #: Submittal	Date:
--------------------------	-------

Insert legal description below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Said property contains 3.816 acres more or less.

NOTICE OF NEIGHBORHOOD MEETING

or dis	locument is a public record under the I closed to third parties. 7/2020	North Carolina Pub	lic Records Act a	nd may be publ	ished on the Town's website
Dat	e				
	Neighbor: are invited to a neighborhood mee	ting to review a	nd discuss the	development	proposal at
5920	Old Smithfield Road, Apex, N.C.	27539	0740649	391 / 0740649	9679
	Address(es)			PI	N(s)
way neigh oppo subm Deve	for the applicant to discuss the paborhood organizations before the artunity to raise questions and discustited. Once an application has belopment Map or the Apex Devicepex.	project and revie e submittal of an uss any concerns een submitted to evelopment Rep	ew the propos n application to s about the imp o the Town, it port located	ed plans with the Town. The pacts of the pr may be track on the Tow	adjacent neighbors and nis provides neighbors an oject before it is officially ked using the Interactive of Apex website at
	ighborhood Meeting is required be	ecause this proje	ect includes (ch	neck all that ap	
✓	lication Type Rezoning (including Planned Unit	Davalanmant)			Approving Authority Town Council
	Major Site Plan	Development)			Town Council (QJPH*)
			Town Council (QJPH*)		
Technical Rev			Technical Review		
Residential Master Subdivision Plan (excludes exempt subdivisions) Committee (staff			Committee (staff)		
*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing. The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)): Rezone from High Density Single Family Residential / Rural Residential to Light Industrial for an Autobody Repair Shop. (See attached preliminary site plan)					
Esti	mated submittal date: 11/02/202	20			
ME	ETING INFORMATION:				
Pro	perty Owner(s) name(s):	Anthony and M	elissa Woodell		
_ · · · · · · · ·		Carolina Land Development Group, Inc Spencer B. Terry III, P.E.			
		spencer@cldgo	oencer@cldgcorp.com / (919) 608-9390		
Meeting Address: Panera Bread - 231 Grand Hill Place, Holly Springs, NC 27540		Springs, NC 27540			
Date of meeting**:		10/29/2020			
Tim	e of meeting**:	5:30 - 7:30 pm			
	TING AGENDA TIMES: ome: 5:30 pm Project Pi	resentation: 5:4	15 pm	Question & A	nswer: 6:00 pm
holid	eetings shall occur between 5:00 p.r ays). If you have questions about the g 9-249-3426. You may also find inform	general process fo	or this application	n, please conta	ct the Planning Department

- Page 299 -

Instruction Packet and Affidavit for Neighborhood Meetings

http://www.apexnc.org/180/Planning.

Last Updated: December 20, 2019

PROJECT CONTACT INFORMATION

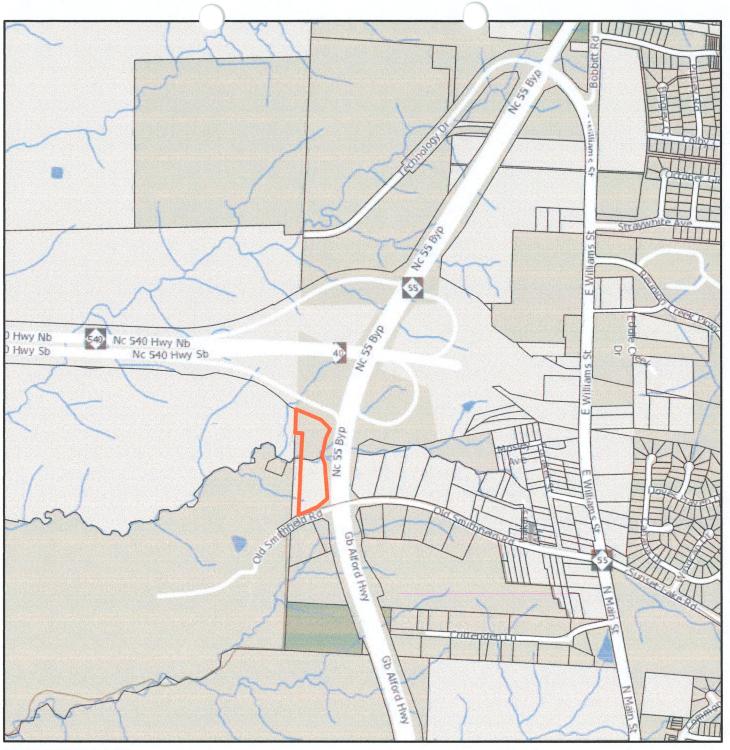
This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:				
Project Name: Smithfield Road Collision Center Location: 5920 Old Smithfield Road, Apex, N.C	Zoning: <u>HDSF/RR</u> . 27539			
Property PIN(s): 0740649391/0740649679 Acreage	/Square Feet: 3.816 Ac.			
Property Owner: Anthony K Woodell and Melissa S	. Woodell / R. Markham and Ruth B. Stewart			
Address: 345 Camelot Lane				
City: Sanford	State: NC zip: 27330			
Phone: (919) 708-2854 Email: doub	lebarrel36@gmail.com			
Developer: Imperial Self Storage Development Inc.				
Address: 800 N. Raleigh St. Suite C1				
City: Angier State:	NC zip: 27501			
Phone: (919) 369-9872 Fax:	Email: jauton@ISSDinc.com			
Engineer: Carolina Land Development Group Inc Spencer B. Terry III, P.E.				
Address: 1304 N. Respess Street				
City: Washington	State: NC Zip: 27889			
Phone: (919) 608-9390 Fax:	Email: spencer@cldgcorp.com			
Builder (if known): Imperial Self Storage Development Inc.				
Address: 800 N. Raleigh St. Suite C1`				
City: Angier	State: NC Zip: 27501			
Phone: (919) 369-9872 Fax:	Email: jauton@ISSDinc.com			

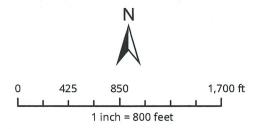
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts			
Planning Department Main Number			
(Provide development name or location to be routed to correct planner)	(919) 249-3426		
Parks, Recreation & Cultural Resources Department			
Angela Reincke, Parks Planner	(919) 249-7468		
Public Works - Transportation			
Russell Dalton, Senior Transportation Engineer (919) 249-33.			
Water Resources Department			
Mike Deaton, Stormwater & Utility Engineering Manager (919) 249-3413			
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control) (919) 249-1166			
Electric Utilities Division			
Rodney Smith, Electric Technical Services Manager	(919) 249-3342		

Last Updated: December 20, 2019

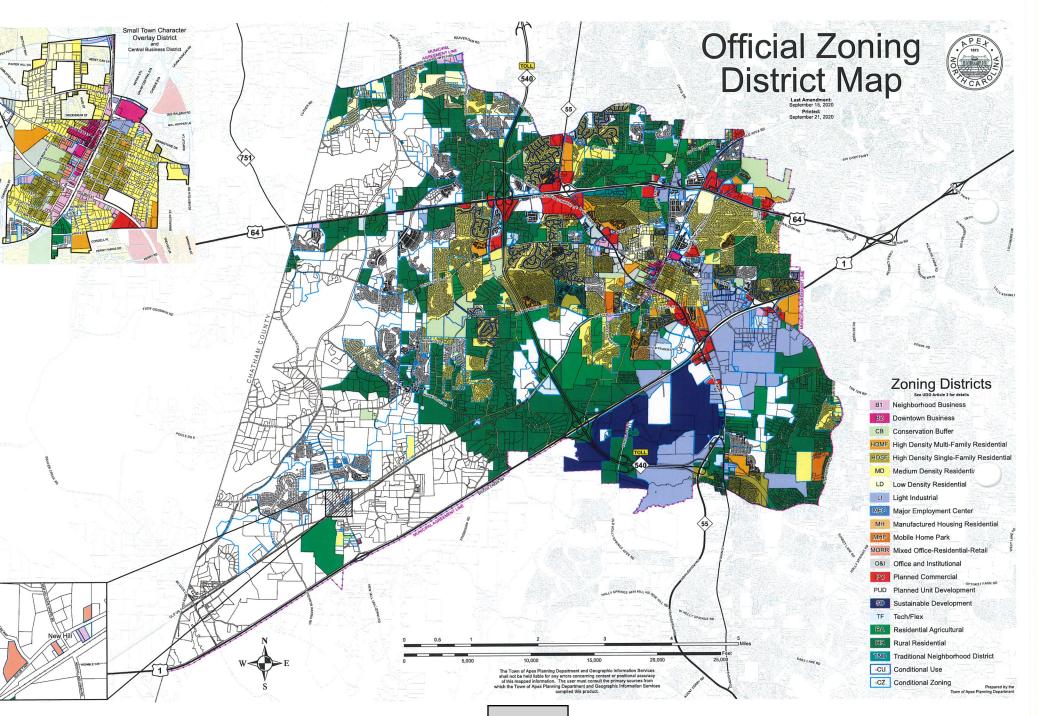


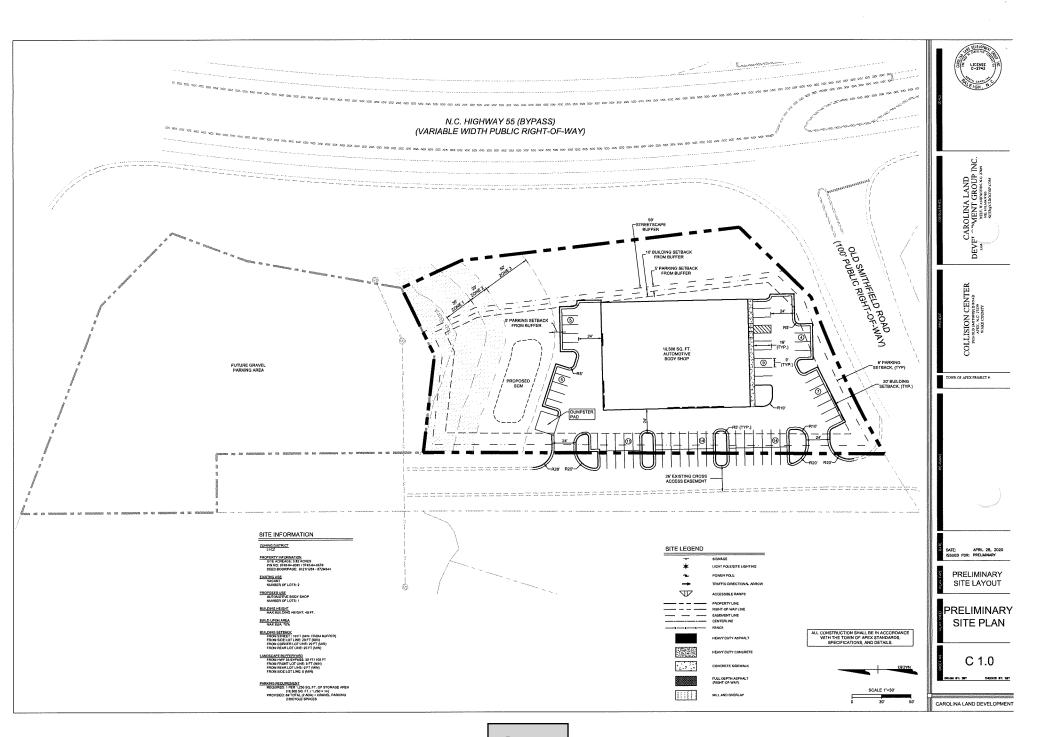
VICINITY MAP



<u>Disclaimer</u>

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.





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	Panera Bread - 231 Grand Hill Place, Holly Springs, NC 27540			
		_ Time of meeting: 5:30 pm		
Property Owner	(s) name(s): Anthony and Melissa Woodell			
Applicant(s): Carolina Land Development Group, Inc Spencer B. Terry III, P.E.				

Please <u>print</u> 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	No one attended the meeting				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Anthony and Melissa Woodell
Applicant(s): Carolina Land Development Group, Inc Spencer B. Terry III, P.E.
Contact information (email/phone): spencer@cldgcorp.com - (919) 608-9390
Meeting Address: Panera Bread - 231 Grand Hill Place, Holly Springs, NC 27540
Date of meeting: 10/29/2020 Time of meeting: 5:30 pm
Please summarize the questions/comments and your response from the Neighborhood Meeting in the space below (attach additional sheets, if necessary). Please state if/how the project has been modified in response any concerns. The response should not be "Noted" or "No Response". There has to be documentation of who consideration the neighbor's concern was given and justification for why no change was deemed warranted. Question/Concern #1:
Applicant's Response:
Question/Concern #2:
Applicant's Response:
Question/Concern #3:
Applicant's Response:
Question/Concern #4:
Applicant's Response:

- Page 305 -

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, Sper	ncer B. Terry, III	, do hereby declare as follows:
	Print Name	
1.		od Meeting for the proposed Rezoning, Major Site Plan, Master rmit in accordance with UDO Sec. 2.2.7 Neighborhood Meeting.
2.	feet of the subject property and a	ed to the Apex Planning Department, all property owners within 300 ny neighborhood association that represents citizens in the area via ys in advance of the Neighborhood Meeting.
3.	The meeting was conducted at Pa on 10/29/2020	nera Bread - 231 Gand Hill Place, Holly Springs, NC 27540 (location/address)(date) from $\underline{5:30 \text{ pm}}$ (start time) to $\underline{7:30 \text{ pm}}$ (end time).
4.	I have included the mailing list, me map/reduced plans with the applic	eeting invitation, sign-in sheet, issue/response summary, and zoning ration.
5.	I have prepared these materials in	good faith and to the best of my ability.
	10/29/2020 Date	By: Ag BigIII
	OF NORTH CAROLINA Y OF HARNETT	
County,	on this the 29th day of CASEY RUSS EVA	a Notary Public for the above State and Notary Public for the above St
SEAL	Notary Public, North C Harnett County My Commission Ext	Print Name

Parcel 1 - Main Tract

Anthony Woodell and Melissa Woodell 345 Camelot Lane Sanford NC 27330

Parcel 2 - Main Tract

Anthony Woodell and Melissa Woodell 345 Camelot Lane Sanford NC 27330

Parcel 3 – Greenway Waste (Private Landfill)

Greenway Waste Solutions of Apex, LLC 19109 W. Catawha Ave. Ste 110 Cornelius, NC 28031

Parcel 4 – Highway 55 C & D Landfill LLC

Highway 55 C & D Landfill LLC. 19109 W. Catawha Ave. Ste 110 Cornelius, NC 28031

Parcel 5 – Highway 55 C & D Landfill LLC

Highway 55 C & D Landfill LLC. 19109 W. Catawha Ave. Ste 110 Cornelius, NC 28031

Parcel 6 – Town of Apex

Town of Apex PO Box 250 Apex, NC 27502

Parcel 7 – Wake County Landfill

Wake County Attorney's Office PO Box 550 Raleigh, NC 27602

Parcel 8 – Patsy Smith Morgan Trustee

Patsy Smith Morgan Trustee 323 Golf Course Drive Raleigh, NC 27610

Parcel 9 – Patsy Smith Morgan Trustee

323 Golf Course Drive Raleigh, NC 27610

Parcel 10 - Patsy Smith Morgan Trustee

323 Golf Course Drive Raleigh, NC 27610

NOTICE OF NEIGHBORHOOD MEETING

or disc	document is a public record under the closed to third parties. 4/2020	North Carolina Pu	ublic Records Act	and may be publ	ished on the Town's website
Dat	e				
	Neighbor: are invited to a neighborhood mee	eting to review	and discuss the	e development	proposal at
	Old Smithfield Road, Apex, N.C.	_		9391 / 0740649	
	Address(es)			PI	N(s)
way neigh oppo subm Deve	for the applicant to discuss the paborhood organizations before the artunity to raise questions and discustited. Once an application has belopment Map or the Apex Downance.	oroject and reverse submittal of a uss any concere submitted evelopment R	view the propo an application t ns about the im to the Town, deport located	sed plans with to the Town. Th spacts of the pr it may be track on the Tow	adjacent neighbors and is provides neighbors an oject before it is officially sed using the <u>Interactive</u> n of Apex website at
App	olication Type				Approving Authority
V	Rezoning (including Planned Unit	: Development)		Town Council
	Major Site Plan				Town Council (QJPH*)
	Special Use Permit				Town Council (QJPH*)
	Residential Master Subdivision Plan (excludes exempt subdivisions) Technical Review Committee (staff)				
*C	Quasi-Judicial Public Hearing: The 1	own Council c	annot discuss tl	ne project prior	to the public hearing.
	following is a description of the propertion of the propertione from High Density Single Fam	•	•		
an A	utobody Repair Shop. (See attach	ed preliminary	site plan)		
Esti	mated submittal date: 11/02/202	20			
ME	ETING INFORMATION:				
Pro	perty Owner(s) name(s):	Anthony and	Melissa Woode	II / R. Markham	and Ruth B. Stewart
App	olicant(s):	Carolina Land Development Group, Inc Spencer B. Terry III, P.E.		pencer B. Terry III, P.E.	
Con	tact information (email/phone):	spencer@cld	gcorp.com / (91	9) 608-9390	
Meeting Address: Panera Bread - 231 Grand Hill Place, Holly Springs, NC 27540			Springs, NC 27540		
Date of meeting**: 12/10/2020					
Time of meeting**: 5:30 - 7:30 pm					
	TING AGENDA TIMES: come: 5:30 pm Project P	resentation: $_{-}^{5}$	i:45 pm	Question & A	nswer: 6:00 pm
	eetings shall occur between 5:00 p.rays). If you have questions about the	m9:00 p.m. on	a Monday thro		

- Page 308 -

Last Updated: December 20, 2019

holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at http://www.apexnc.org/180/Planning.

PROJECT CONTACT INFORMATION

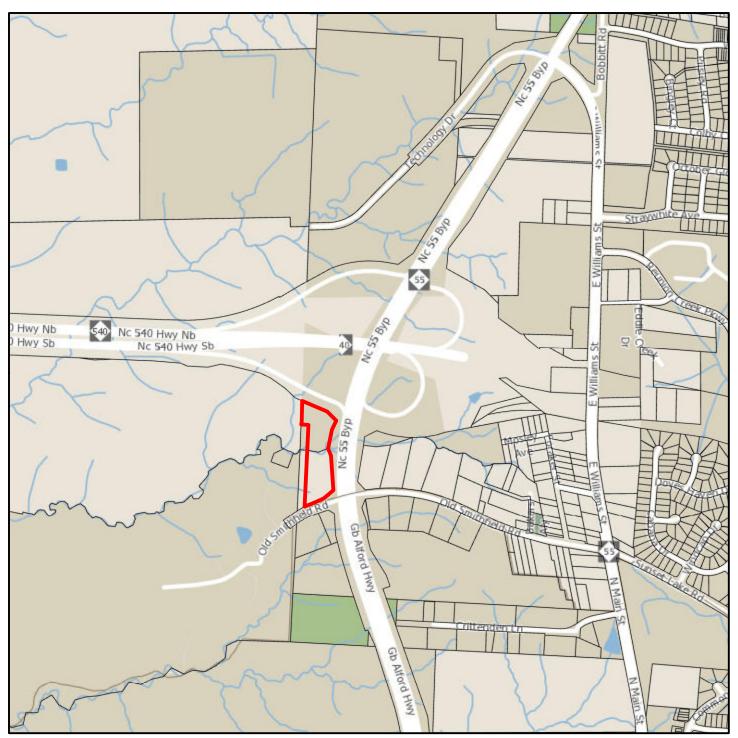
This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:				
Project Name: Smithfield Road Collision Center Location: 5920 Old Smithfield Road, Apex, N.C. 2753	Zoning: HDSF/RR			
Property PIN(s): 0740649391/0740649679 Acreage/Square	re Feet: 3.816 Ac.			
Property Owner: Anthony K Woodell and Melissa S. Wood	dell / R. Markham and Ruth B. Stewart			
Address: 345 Camelot Lane				
City: Sanford State:	NC zip: 27330			
Phone: (919) 708-2854 Email: doublebarr	el36@gmail.com			
Developer: Imperial Self Storage Development Inc.				
Address: 800 N. Raleigh St. Suite C1				
City: Angier State: NC	zip: 27501			
Phone: (919) 369-9872 Fax:	Email: jauton@ISSDinc.com			
Engineer: Carolina Land Development Group Inc Spenc	er B. Terry III, P.E.			
Address: 1304 N. Respess Street				
City: Washington State	e: NC Zip: 27889			
Phone: (919) 608-9390 Fax:	Email: spencer@cldgcorp.com			
Builder (if known): Imperial Self Storage Development Inc	:.			
Address: 800 N. Raleigh St. Suite C1`				
City: Angier State:	NC Zip: 27501			
Phone: (919) 369-9872 Fax:	Email: jauton@ISSDinc.com			

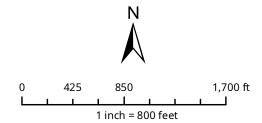
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts			
Planning Department Main Number			
(Provide development name or location to be routed to correct planner)	(919) 249-3426		
Parks, Recreation & Cultural Resources Department			
Angela Reincke, Parks Planner	(919) 249-7468		
Public Works - Transportation			
Russell Dalton, Senior Transportation Engineer (919) 249-3358			
Water Resources Department			
Mike Deaton, Stormwater & Utility Engineering Manager (919) 249-3413			
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control) (919) 249-1166			
Electric Utilities Division			
Rodney Smith, Electric Technical Services Manager	(919) 249-3342		

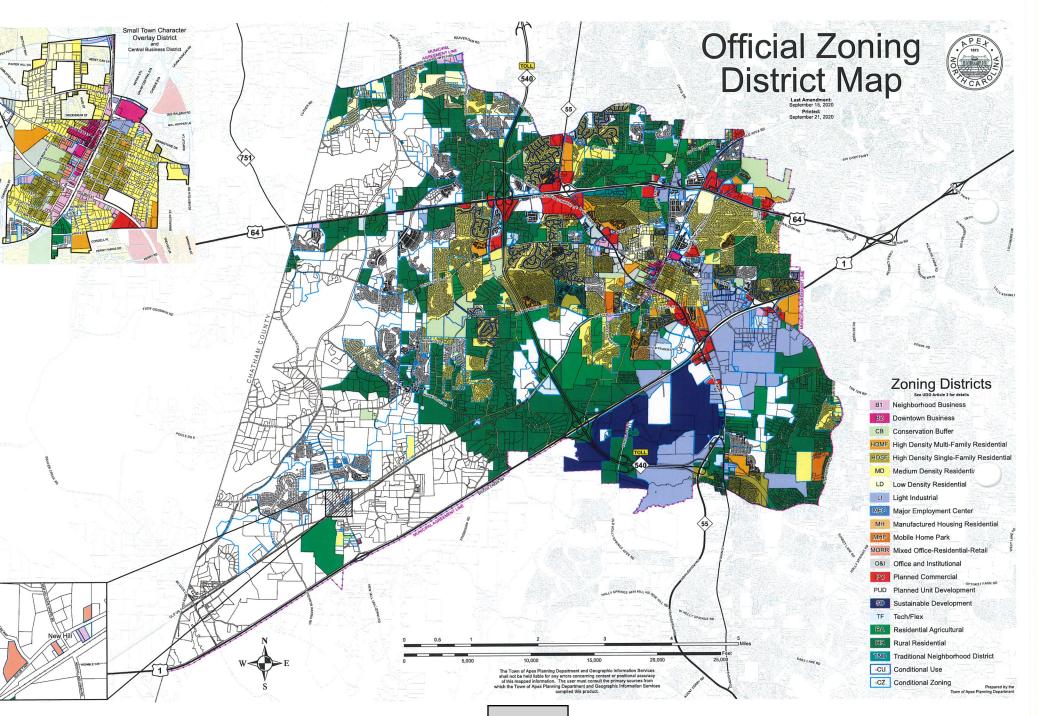
Last Updated: December 20, 2019

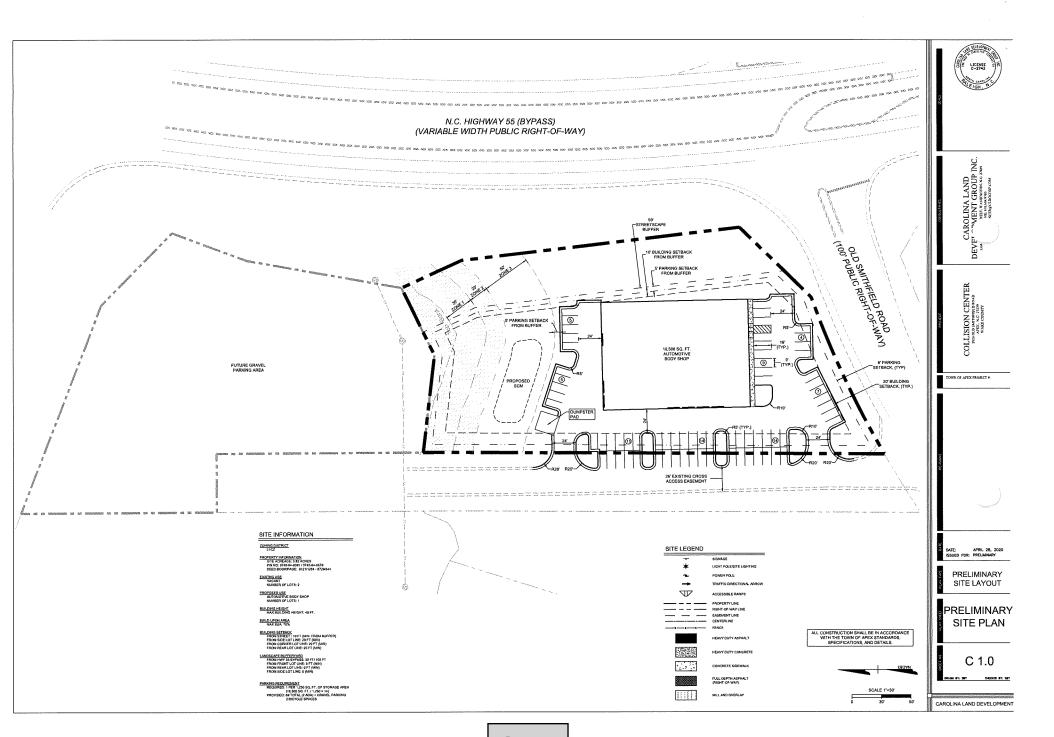


VICINITY MAP



<u>Disclaimer</u> 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.





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:	Panera Bread - 231 Grand Hill Place, Holly Springs, NC 27540			
Date of meeting:		Time of meeting:	5:30 pm	
) name(s): Anthony and Melissa Woodell			
Applicant(s): Carolina Land Development Group, Inc Spencer B. Terry III, P.E.				

Please <u>print</u> 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	No one attended the meeting				
2.	Natilee Hinton Brok	5 5900 OH Smithfuld 5400 BOBBHA			
3.	Inetta Hinton	5400 BOBBHRJ			
4.		17			
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): Anthony and Melissa Woodell Applicant(s): Carolina Land Development Group, Inc Spencer B. Terry III, P.E. Contact information (email/phone): spencer@cldgcorp.com - (919) 608-9390					
					Meeting Address: Panera Bread - 231 Grand Hill Place, Holly Springs, NC 27540
					Date of meeting: 12/10/20 Time of meeting: 5:30 pm
Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted. Question/Concern #1: There were no questions or concerns with the development the project.					
Applicant's Response:					
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, Sper	ncer B. Terry, III	, do hereby declare as follows:
	Print Name	
1.	I have conducted a Neighbor Subdivision Plan, or Special Use	thood Meeting for the proposed Rezoning, Major Site Plan, Master Permit in accordance with UDO Sec. 2.2.7 Neighborhood Meeting.
2.	feet of the subject property an first class mail a minimum of 10	nailed to the Apex Planning Department, all property owners within 300 and any neighborhood association that represents citizens in the area via days in advance of the Neighborhood Meeting.
3.	The meeting was conducted at	Panera Bread - 231 Gand Hill Place, Holly Springs, NC 27540 (location/address)
	on 12/10/20	(date) from $\underline{5:30 \text{ pm}}$ (start time) to $\underline{7:30 \text{ pm}}$ (end time).
4.	I have included the mailing list map/reduced plans with the ap	, meeting invitation, sign-in sheet, issue/response summary, and zoning oplication.
5.	I have prepared these material	s in good faith and to the best of my ability.
1	2 14 20 Date	By:
	OF NORTH CAROLINA	
COUN	TY OF WAKE	
	and subscribed before me, 4 , on this the 4 day of 1	SEL KUSS EVANS, a Notary Public for the above State and PLEMPLY, 20 20.
	SEAL	(apey Kunzuan
	CASEY RUSS EVANS Notary Public, North Carolina Harnett County My Commission Expires	Notary Public CACEY KUSS EVANS Print Name My Commission Expires: 5/07/2024

Parcel 11 - Natalie B Hinton-Brooks

Natalie B. Hinton-Brooks 5900 Old Smithfield Road Apex, NC 27539

Parcel 12 - Natalie B Hinton-Brooks

Natalie B. Hinton-Brooks 5900 Old Smithfield Road Apex, NC 27539

Parcel 13 - Alice Beckwith Lee

Alice Beckwith Lee 209 West St Apex, NC 27502

Parcel 14 – Patsy Smith Morgan Trustee

Patsy Smith Morgan Trustee 323 Golf Course Drive Raleigh, NC 27610

Parcel 15 – Patsy Smith Morgan Trustee

Patsy Smith Morgan Trustee 323 Golf Course Drive Raleigh, NC 27610

Parcel 16 – NC Dept of Transportation Turnpike Authority

NC Dept. of Transportation Turnpike Authority Transportation Section 1578 MSC Raleigh, NC 27699

Parcel 17 – R Markham Stewart – B. Ruth Stewart

R. Markham Stewart and B. Ruth Stewart 345 Camelot Lane Sanford NC 27330

Parcel 18 – R Markham Stewart – B. Ruth Stewart

R. Markham Stewart and B. Ruth Stewart 345 Camelot Lane Sanford NC 27330

Rezoning Case: 20CZ15 Smithfield Road Collision Center

Planning Board Meeting Date: January 11 and 13, 2021



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 DESCR	RIPTION:					
Acreage:	+/- 3.816					
PIN(s):	0740649391					
Current Zoning	: Rural Resider					
Proposed Zonin	ng: Light Industri	Light Industrial-Conditional Zoning (LI-CZ)				
2045 Land Use	Map: Industrial Em	Industrial Employment 0740649391 (portion of) in ETJ; 0740649679 (portion of) in Corporate Limits				
Town Limits:	0740649391					
The Board must if applicable. Ap	pplicable plans have a d Use Map		onsistent with the following officially adopted plans, n. Reason:			
	nsportation Plan sistent	☐ Inconsistent	Reason:			
	creation, Open Space sistent	, and Greenways Plan Inconsistent	Reason:			

Rezoning Case: 20CZ15 Smithfield Road Collision Center

Planning Board Meeting Date: January 11 and 13, 2021



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.	•		ditional Zoning (CZ) District use's appropriateness for goals, objectives, and policies of the 2045 Land Us	
	✓ Consistent	Inconsistent	Reason:	
2.		d Conditional Zoning (CZ) Discharacter of surrounding lan Inconsistent	strict use's appropriateness for its proposed location d uses. Reason:	
3.	Zoning district supplemento Sec. 4.4 Supplemental Stan ✓ Consistent		onditional Zoning (CZ) District use's compliance with Reason:	1
4.	minimization of adverse e avoidance of significant ad	effects, including visual imp	e proposed Conditional Zoning (CZ) District use's act of the proposed use on adjacent lands; and ing lands regarding trash, traffic, service delivery nd not create a nuisance. Reason:	b
	_	_		
5.	environmental impacts an		d Conditional Zoning District use's minimization of deterioration of water and air resources, wildlife	
	✓ Consistent	Inconsistent	Reason:	

Rezoning Case: 20CZ15 Smithfield Road Collision Center

Planning Board Meeting Date: January 11 and 13, 2021



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. Tor welfare of the residents of Consistent		ning (CZ) District use's effect on the health, safety, Reason:		
8.	Detrimental to adjacent prosubstantially detrimental to a Consistent	· ·	oposed Conditional Zoning (CZ) District use is Reason:		
9.		ffic impact or noise, or becau	d Conditional Zoning (CZ) District use constitutes a use of the number of persons who will be using the Reason:		
		_			
10.	•	posed on it by all other appl	ne proposed Conditional Zoning (CZ) District use icable provisions of this Ordinance for use, layout, Reason:		

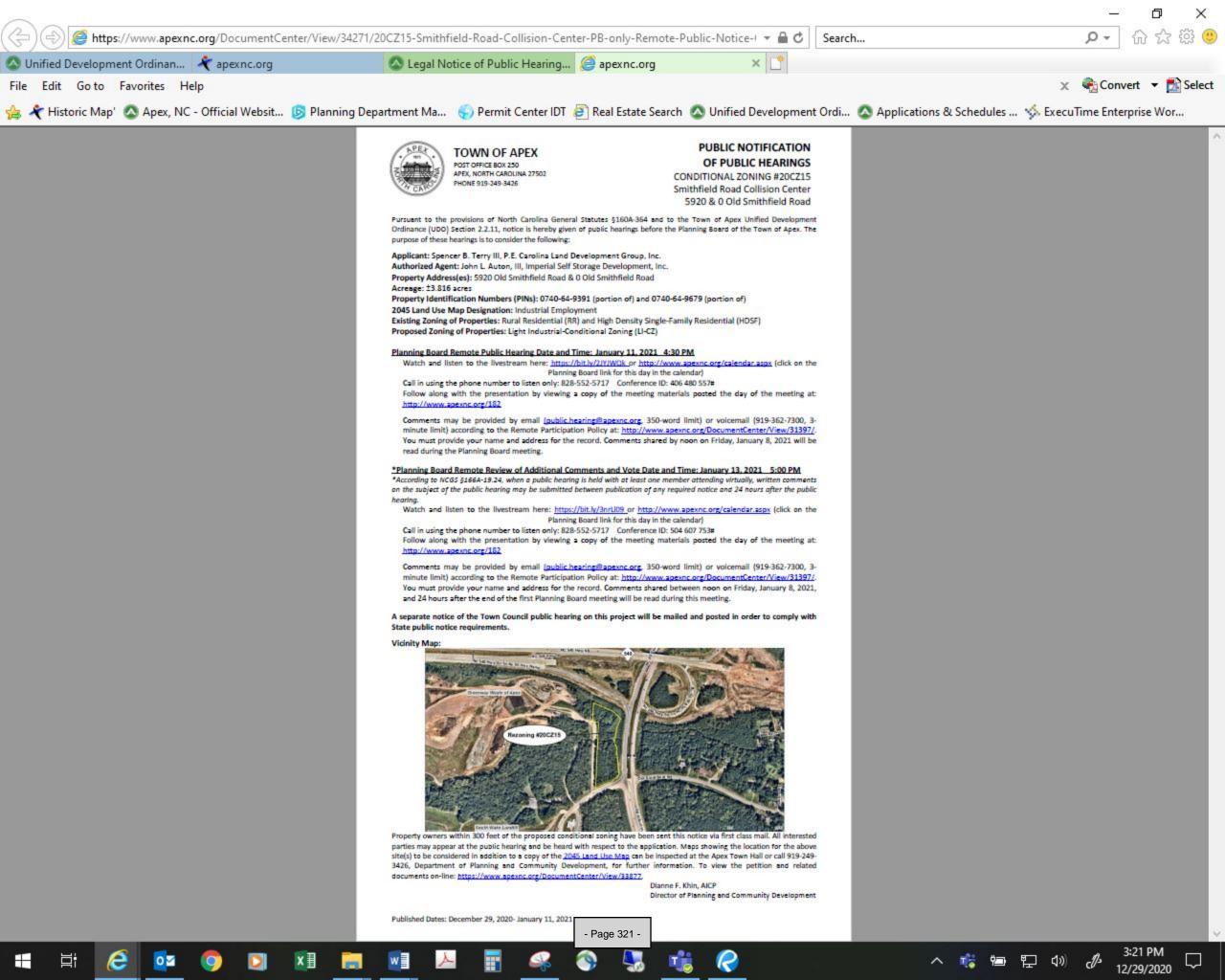
Rezoning Case: 20CZ15 Smithfield Road Collision Center

Planning Board Meeting Date: January 11 and 13, 2021



Planning Board Recommendation:

	Motion:	To recommend app	oroval with condition	s as offered by applicant
- 1	ntroduced by Planning Board member:	Mark Steele		
	Seconded by Planning Board member:	Reginald Skinner		
	Approval: the project is consistent wit considerations listed above.	th all applicable officia	ally adopted plans and	the applicable legislative
V	Approval with conditions: the project is applicable legislative considerations a included in the project in order to make	s noted above, so th		
Cond	itions as offered by applicant.			
	Denial: the project is not consistent legislative considerations as noted about	• • •	officially adopted plan	s and/or the applicable
		With ⁸ Planning	Board Member(s) voti	ng "aye"
			Board Member(s) voti	
	Reasons for dissenting votes:			
•				
•				
This	report reflects the recommendation of t	the Planning Board, th	nis the <u>13th</u> day o	f January 2021.
Attes	st:			
Mic	chael Marks Digitally signed by Michael Date: 2021.01.13 19:02:4	el Marks 48 -05'00'	Dianne Khi	Digitally signed by Dianne Khin Date: 2021.01.13 17:54:51
Mich	ael Marks, Planning Board Chair		Dianne Khin, Director Community Developr	ū





PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ15 Smithfield Road Collision Center 5920 & 0 Old Smithfield Road

Pursuant to the provisions of North Carolina General Statutes §160A-364 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: Spencer B. Terry III, P.E. Carolina Land Development Group, Inc. **Authorized Agent:** John L. Auton, III, Imperial Self Storage Development, Inc. **Property Address(es):** 5920 Old Smithfield Road & 0 Old Smithfield Road

Acreage: ±3.816 acres

Property Identification Numbers (PINs): 0740-64-9391 (portion of) and 0740-64-9679 (portion of)

2045 Land Use Map Designation: Industrial Employment

Existing Zoning of Properties: Rural Residential (RR) and High Density Single-Family Residential (HDSF)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4:30 PM

Watch and listen to the livestream here: http://www.apexnc.org/calendar.aspx (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 557#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: http://www.apexnc.org/182

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. Comments shared by noon on Friday, January 8, 2021 will be read during the Planning Board meeting.

*Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

Watch and listen to the livestream here: http://www.apexnc.org/calendar.aspx (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 504 607 753#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: $\frac{\text{http://www.apexnc.org/182}}{\text{http://www.apexnc.org/182}}$

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. Comments shared between noon on Friday, January 8, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/33877.

Dianne F. Khin, AICP
Director of Planning and Community Development

- Page 322 -



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 #20CZ15

Smithfield Road Collision Center

Project Location:

5920 Old Smithfield Road & 0 Old Smithfield Road

Applicant or Authorized Agent:

Spencer B. Terry III

Firm:

Carolina Land Development Group, Inc.

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 29, 2020, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

12-	29-	2020	
		Data	

vate

Lauren Standenmaier for Dianne Khin Planning Director

STATE OF NORTH CAROLINA **COUNTY OF WAKE**

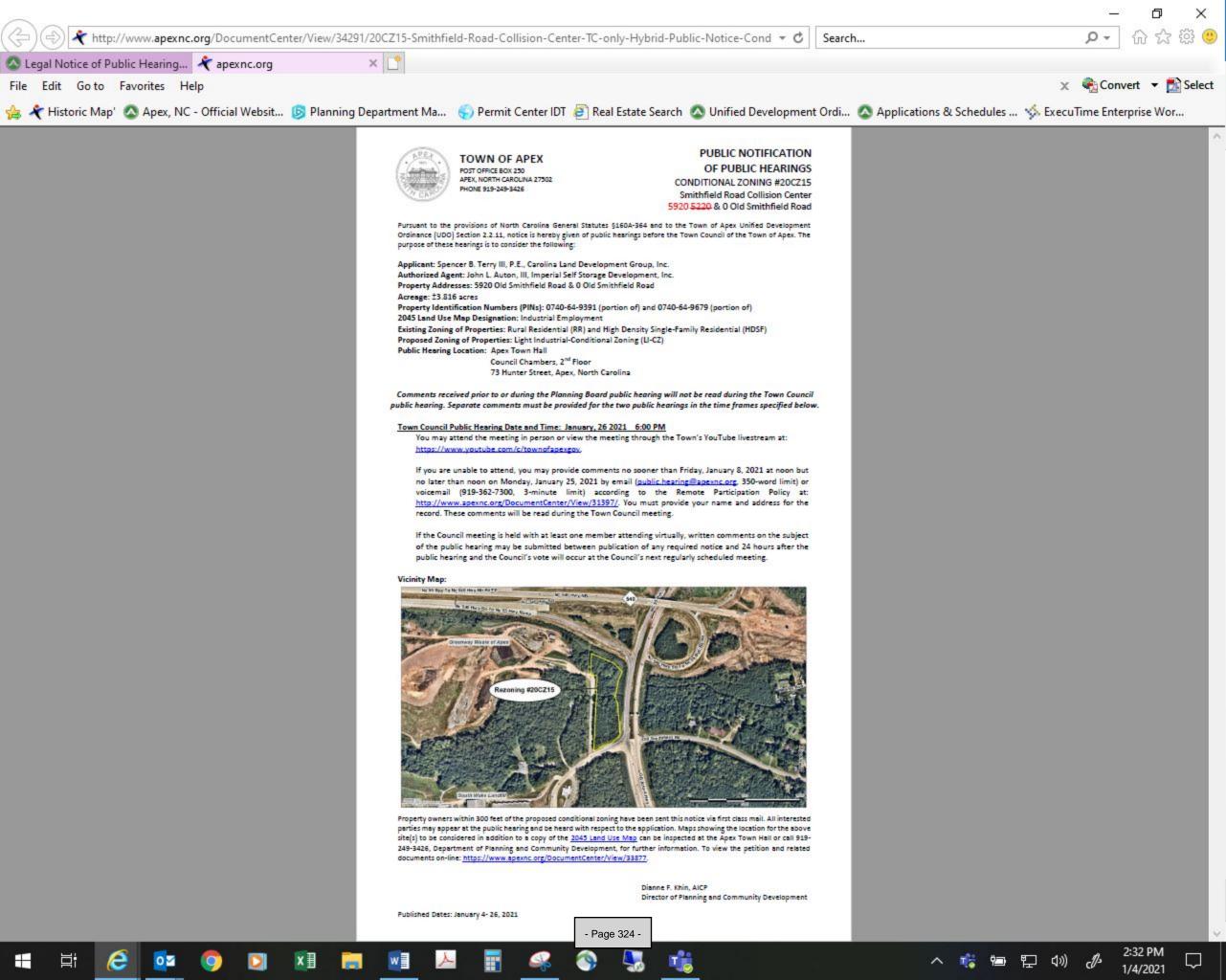
Sworn and subscribed before me, State and County, this the

<u>Jeri Chastain Pederson</u>, a Notary Public for the above day of <u>December</u>, 2020.

Gesi Chastain Hederso Notary Public

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

My Commission Expires: <u>Q3</u> / 10 / 2024





PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ15
Smithfield Road Collision Center
5920 5220 & 0 Old Smithfield Road

Pursuant to the provisions of North Carolina General Statutes §160A-364 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: Spencer B. Terry III, P.E., Carolina Land Development Group, Inc. **Authorized Agent:** John L. Auton, III, Imperial Self Storage Development, Inc. **Property Addresses:** 5920 Old Smithfield Road & 0 Old Smithfield Road

Acreage: ±3.816 acres

Property Identification Numbers (PINs): 0740-64-9391 (portion of) and 0740-64-9679 (portion of)

2045 Land Use Map Designation: Industrial Employment

Existing Zoning of Properties: Rural Residential (RR) and High Density Single-Family Residential (HDSF)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall

Council Chambers, 2nd Floor

73 Hunter Street, Apex, North Carolina

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

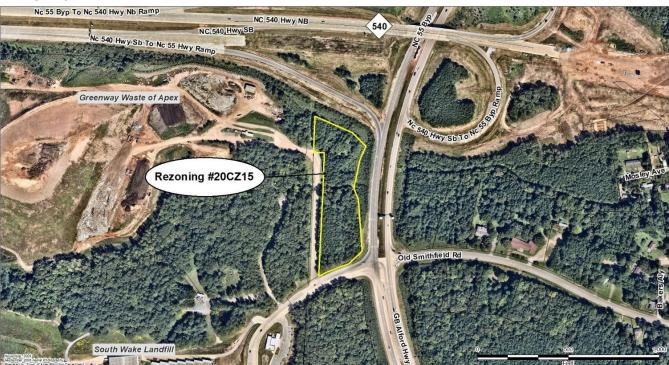
Town Council Public Hearing Date and Time: January, 26 2021 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide comments no sooner than Friday, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: http://www.apexnc.org/DocumentCenter/View/31397/. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/33877.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name:

Conditional Zoning #20CZ15

Smithfield Road Collision Center

Project Location:

5920 Old Smithfield Road & O Old Smithfield Road

Applicant or Authorized Agent:

Spencer B. Terry III

Firm:

Carolina Land Development Group, Inc.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 4, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

01-04-2021	7
Date	

Wenttandermain for Dianne Khin Director of Planning & Community Development

STATE OF NORTH CAROLINA **COUNTY OF WAKE**

Sworn and subscribed before me,

Jeri Chastain Pederson, a Notary Public for the above

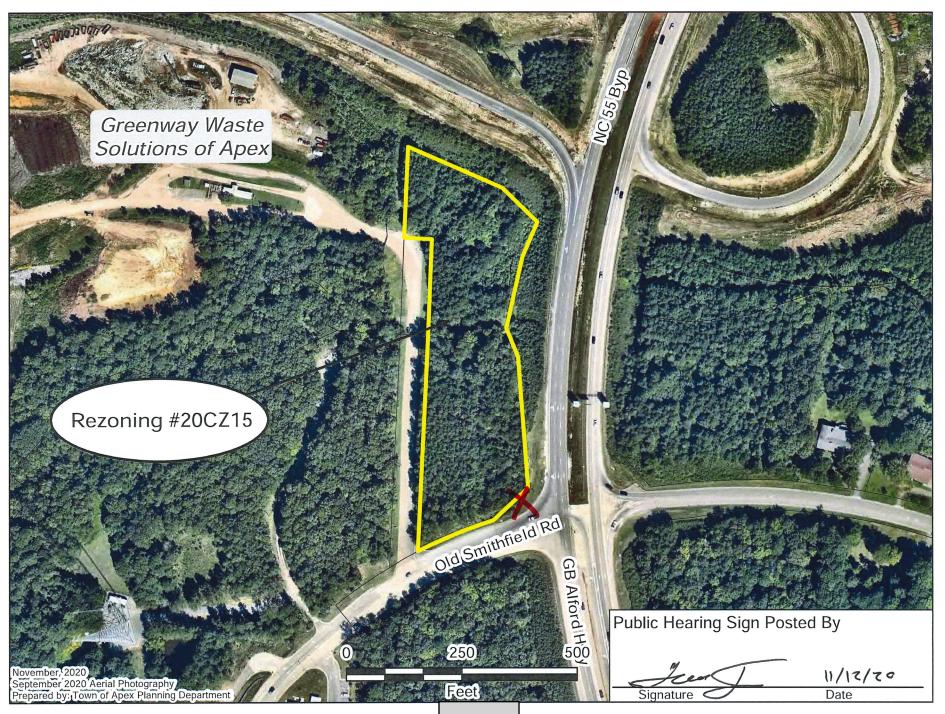
State and County, this the

<u>4</u> day of <u>January</u> , 202 <u>1</u> .

Jew Chartain Pederson Notary Public

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

My Commission Expires: 3 / 10 / 2024



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR&A Advisors

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion regarding adoption of the Town of Apex Affordable Housing Plan.

<u>Approval Recommended?</u>

Planning staff recommends adoption of the *Town of Apex Affordable Housing Plan*, as recommended by the Steering Committee, with changes described in the staff report and presentation.

The Planning Board held a public hearing on January 11, 2021 and voted on January 13, 2021. Their recommendation was split with four in favor and four against recommending adoption of the Town of Apex Affordable Housing Plan as recommended by the Steering Committee with alternate wording for the Incentive Zoning Condition as explained in the staff report.

<u>Item Details</u>

The Town of Apex engaged HR&A Advisors to develop the Town's first Affordable Housing Plan (Plan). The Plan is intended to: establish a vision and goals related to affordable housing, analyze needs based on existing conditions and trends, and provide recommendations with an action plan for implementation. Development of the Plan kicked off in May, 2020. The process was informed by a well-rounded Steering Committee and robust public engagement process. Updates were provided to the Town Council in September, 2020 and December, 2020. The Recommended Draft Affordable Housing Plan as recommended by the Steering Committee, with additional changes proposed as part of ongoing community engagement process will be presented to the Town Council for consideration and possible adoption.

Attachments

- Staff Report
- Attachment 1: Detailed Disposition of Public Comments
- Attachment 2: Town of Apex Affordable Housing Plan, December 2020 Public Draff
- Attachment 3: Town of Apex Affordable Housing Plan, January 2021, Steering Committee
 Recommended Draft
- Attachment 4: Alternate wording for the Incentive Zoning Condition (page 32)

STAFF REPORT

The Town of Apex Affordable Housing Plan

January 26, 2021 Town Council Meeting



In May of 2020, The Town of Apex began work to develop the first *Town of Apex Affordable Housing Plan* (Plan). The Plan was prepared for the Town by HR&A Advisors. The Town Council will consider the Plan, hear comments from the public, and formulate a decision regarding Plan adoption.

The purpose of the Plan is to guide the Town's efforts to identify and address the affordable housing needs of its residents. The Plan includes a detailed assessment of housing needs based on analysis of data and public input. Using that assessment, the Plan establishes the following vision: "Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities."

To fulfill this vision, the Plan outlines the following goals:

- Welcome, attract, and retain a diverse population.
- Meet the housing needs of a diverse population, including providing housing that is affordable to people with moderate and low incomes.
- Connect affordable housing development with transit service, transportation infrastructure, and amenities.
- Partner regionally to meet the needs of vulnerable populations.
- Raise community awareness of affordable housing needs, solutions, and broader impacts.

The Plan includes 14 recommendations generally grouped in three categories: (1) Building the Town's Capacity, (2) Advancing Advocacy and Public Education, and (3) Implementing Programs and Policies. An Action Plan is included to provide guidance for prioritizing implementation of each recommendation over time, measuring success, and allocating funds from the Town's Affordable Housing Fund.

The planning process, including establishment of the vision and goals and development of recommendations, was guided by a Steering Committee with representation from:

- Citizen stakeholders
- Wake County
- Triangle J Council of Governments
- Town Council
- Planning Board
- Apex Business Community

- Non-profit organizations
- Developers, including developers of affordable single-family and multi-family homes
- Town of Cary

In addition to citizen representation on the Steering Committee, the Apex community was engaged through an online survey, stakeholder interviews, a virtual presentation of the Plan, and the project web page. Information about the planning process was distributed through flyers in utility bills, flyers posted in public places, social media, the Town's website, information available throughout Town Hall, email notifications, and through support from the Steering Committee.

Public Comments

The Plan was presented to the public on December 17, 2020. Comments were requested by December 28, 2020. Comments received by December 28, 2020 are summarized in Table 1 of **Attachment 1**. These comments were considered by the Steering Committee during their final meeting on January 7, 2021.

Comments may be received up to and through the public hearings before the Planning Board and Town Council. Comments received from December 29, 2020 through January 18, 2021 are summarized in Table 2 of

STAFF REPORT

The Town of Apex Affordable Housing Plan

January 26, 2021 Town Council Meeting



Attachment 1. These comments were received following the final meeting of the Steering Committee, and therefore were not considered as part of the Steering Committee's recommendation.

Plan Versions

The Plan, as presented to the public on December 17, 2020, is provided as Attachment 2.

The Plan, as recommended by the Steering Committee on January 7, 2021, is provided as **Attachment 3**. Changes to the December draft are highlighted and shown with a red star on the upper right corner of each page.

Based on comments received following the Steering Committee recommendation, additional changes to the Incentive Zoning Condition recommendation (page 32) the Plan have been proposed. An alternative version of the Incentive Zoning Condition is provided as **Attachment 4**.

Recommendations

Steering Committee Recommendation:

The Steering Committee met on January 7, 2021 to review public comments and consider recommending the Plan for adoption. The Steering Committee members in attendance unanimously recommended adoption of the *Town of Apex Affordable Housing Plan, January 2021, Steering Committee Recommended Draft* (Attachment 3).

Planning Board Recommendation:

The Planning Board held a remote public hearing on January 11, 2021 and a vote on January 13, 2021. Comments on the Incentive Zoning Condition (page 32) were received during the public hearing. Alternate wording to the Incentive Zoning Condition intended to address those comments was presented on January 13, 2021. The Planning Board voted four in favor and four against recommending adoption of the *Town of Apex Affordable Housing Plan, January 2021, Steering Committee Recommended Draft* with the alternate wording to the Town Council.

The Planning Board requested that details of their deliberation and specific reasons for their vote be shared with Town Council:

- One Planning Board member indicated he would vote against recommending adoption of any version of the Plan and is generally opposed to the Plan.
- Seven of eight Planning Board members indicated that they were initially prepared to vote in favor of recommending adoption of the Plan, prior to introduction of the alternate wording.
 - Three of eight Planning Board members expressed concerns mainly with the process of changing the Plan following the Steering Committee recommendation. They were concerned the alternate wording of the Incentive Zoning Condition could not be vetted with the Steering Committee or other stakeholders and may not be representative of all perspectives.
 - Four of eight Planning Board members expressed support for the Plan with the alternate wording. They indicated the alternate wording clarifies the intent of the Incentive Zoning Condition recommendation and removes ambiguity.

Staff Recommendation:

Planning staff requests that the Town Council adopt *The Town of Apex Affordable Housing Plan, January 2021, Steering Committee Recommended Draft* with the alternate wording proposed for the Incentive Zoning

STAFF REPORT

The Town of Apex Affordable Housing Plan

January 26, 2021 Town Council Meeting



Condition provided in **Attachment 4**. Note that staff considers both versions shown in Attachment 3 and Attachment 4 valid, but the alternate wording in Attachment 4 is more clear in terms of what state law allows.

Attachments:

Attachment 1: Detailed Disposition of Public Comments

Attachment 2: Town of Apex Affordable Housing Plan, December 2020 Public Draft

Attachment 3: Town of Apex Affordable Housing Plan, January 2021, Steering Committee Recommended Draft

Attachment 4: Alternate wording for the Incentive Zoning Condition (page 32)

Summary of Questions, Comments & Responses on the Town of Apex Draft Affordable Housing Plan

The Town of Apex Draft Affordable Housing Plan (Draft Plan) was presented to the public during a virtual presentation on December 17, 2020 at 6:00 PM. A comment form was made available for written comments. The following document summarizes comments received both during the presentation and via the comment form.

Table 1 includes comments received by December 28, 2020 and considered by the Steering Committee. Changes recommended by the Steering Committee based on these comments are included in the Recommended Draft Affordable Housing Plan.

Table 2 includes comments received between December 29, 2020 and January 19, 2021. This table includes comments made during the Planning Board public hearing and additional comments received through the comment form. Additional comments may be received up to and through the Town Council public hearing. Any substantive comments received following the preparation of the staff report will be summarized during the public hearing presentation.

Table 1. Comments received by December 28, 2020 and Considered as part of the Steering Committee's Recommended Draft Affordable Housing Plan

#	Category	Comment	Source	Response	Suggested Change
01	General	Will there be clear construction density and design guidelines?	Presentation	Construction density and design guidelines are not included in the Draft Plan. The Future Land Use Map establishes the vision for future land use in the Town's planning area. The Draft Plan does include recommendations to consider amending the Future Land Use Map to increase residential densities in areas adjacent to transit. This is an action that Town staff are actively working on per direction from the Planning Committee of Town Council. A workshop will be held on January 19 th to review potential amendments. As transit services increase and improve, further amendments to the Future Land Use Map may be considered. Amendments to the Future Land Use Map are always presented through a public hearing before the Planning Board and Town Council with opportunities for the public to provide comments.	None
02	General	Would the Town of Apex have a role in determining who is eligible for affordable housing units or would the Town's main role be to subsidize the building of housing units? Would the Town operate similarly to the Durham Housing Authority?	Presentation	The Town of Apex does not have a Housing Authority, so the Town's role would not be similar to Durham's. Generally, the Town would not have influence over who lives in affordable housing units. As part of providing funding, the Town could make requests regarding levels of affordability of the housing units. The Town may have more responsibility for determining eligibility for recommendations like the Down Payment Assistance Program and Owner-Occupied Rehabilitation Assistance Program, depending on how those programs are implemented and structured.	None
03	General	How can the Town assure that the housing units are not only affordable but also accessible?	Presentation	The Owner-Occupied Rehabilitation Assistance Program includes measures to address needs to renovate homes to address accessibility needs. The Plan does not include specific benchmarks for Senior or Accessible housing units, but as the programs are designed, these measures could be put in place.	None
04	General	Can we obtain a copy of the slide set? If so, how?	Presentation	The slides will be made available on the Affordable Housing Plan web page. An email will be sent to those who have signed up for updates when this material is available.	None
05	General	Will there be any requirements for vegetation and landscaping for affordable housing developments?	Presentation	Affordable housing developments have to meet all of the requirements of the Unified Development Ordinance for landscaping unless those	None

#	Category	Comment	Source	Response	Suggested Change
				requirements are reduced through a zoning condition. Such a condition would require approval by Town Council through a public hearing process with notification to surrounding property owners. At this point, the affordable housing that has moved forward for multi-family housing has met the requirements. There have been some reductions for single-family residential housing.	
06	General	I am hoping to join other residents in stopping this proposed plan. It is a terrible idea and will ruin our community.	Survey	Comment noted.	None
07	General	I think it would be unfortunate if the outcome of all of these actions is to create islands of affordable housing that are not integrated into the life of the community.	Survey	Comment noted.	None
08	General	Great work by all involved! This is much needed in Apex. We need to also keep a strong focus on providing opportunities for next gen to stay in our town. This is a great way to accomplish this!	Survey	Comment noted.	None
09	General	I agree that Apex should prioritize affordable housing in order to encourage and enable a diversity of folks to live in and contribute to our town. The cultural richness from a variety of backgrounds will continue to be an essential component to Apex!	Survey	Comment noted.	None
10	General	This is very impressive. Way to go Apex! Another feather in your cap, this is why I love living here. Thanks so much for focusing on this tremendously important issue.	Survey	Comment noted.	None
11	General	Appendix Public Survey Results: So, 1,250 respondents, 89% were Apex residentsso 1,113 Apex respondents. Apex population is approximately 53,852 as of 2018. 58% of respondents (1,250*.58) = 725 total think the Town should address AH.	Survey	The survey is a sample of sentiment and is not intended to be a statistical survey. That said, participation is generally high compared to other surveys. The public has additional opportunities to participate through the public draft, public hearings, and through the budgeting process.	None
12	Purpose	So, that's1.35% of Apex's population. Regarding the first question about the Purpose of the Plan, it seems like this is on page 6, not page 4. The middle paragraph ("To accommodate future growth") on that page is a little confusing to me. Are these meant to be the motivations behind the Vision? I would think that those were covered in the first paragraph. If this paragraph is retained, I would suggest the following edits: To plan intelligently for future growth, encourage a much broader range of home prices, align housing development with other Town, County and State planning efforts, and attract and retain a more diverse population, Apex has set a vision for its future.	Survey	The suggested language clarifies the purpose (on p 6).	P6 – Change sentence as follows: To plan intelligently for future growth, encourage a much broader range of home prices, align housing development with other Town, County and State planning efforts, and attract and retain a more diverse population, Apex has set a vision for its future.
13	Purpose	Page 8: "These Town policies and practices impact the type of housing available and the cost of housing." I completely agree with this statement and encourage the Town to put priority on actions to change Town policies sooner rather than later that add to housing costs and create a narrow community in Apex.	Survey	Comment noted.	None
14	Needs Assessment	Per last bullet on page 16Historically, Apex didn't want "affordable housing". They implemented all kinds of policies that fly in the face of itaesthetic controls, alleys, solar requirements, not approving density, etc. They wanted the upper end housingnot the "affordable housing". It's not the fault of the	Survey	Comment noted.	None

#	Category	Comment	Source	Response	Suggested Change
		development community, they didn't bring other stuff before Council b/c it wouldn't get approved.			
15	Needs Assessment	Page 17: "Struggle to find housing of the type they want." That they "want" or that they can afford? I struggle to find what I want, but that's because I want more than I can afford, as do many. It should read, "Struggle to find housing of the type they can afford."	Survey	The Plan is reporting results of the initial survey. The wording reflects what was asked in the survey.	None
16	Needs Assessment	On p. 16 – First bullet (paraphrase) – significant shortage of rental housing that is affordable for low-income households is estimated to be about 2,000 homes now, doubling to almost 4,000 over next 10 years. Second bullet (paraphrase) – presently a total of 3,850 cost-burdened and extremely cost-burdened households in Apex. These are a good start at estimating the gap in affordable homes, both now and projected out 10 years. In addition, we need an estimate of essential workers who work in Apex, but don't live here, in many cases because they can't find affordable homes here. This estimate should be converted to households by accounting for an average of more than one worker per household. The 10-year projection of these totals could be divided by 10 to provide an approximate annual target. It's not unreasonable to expect a number as high as 1,000 additional affordable homes per year using this approximate method. This is illustrative of the type of numeric objective for affordable homes which Town Council members, Town planners and affordable housing advocates could use to track progress on an affordable housing dashboard.	Survey	The Housing Needs Assessment includes the metrics that are most meaningful based on the current and projected situation in Apex. There is not a good way to reasonably estimate the need for units at different price points for homeownership. That is why the needs assessment focuses on the loss of moderate-income families, loss of starter homes, and overall trends in the number of cost-burdened households. The specific data points that are most compelling and informing to the public can be explored and improved upon over time through regional coordination on the Annual Housing Report & Dashboard.	None
17	Vision and Goals	Keep a solid focus on next gen in our goals.	Survey	Comment noted.	None
18	Vision and Goals	On p. 24 – I agree with revised first goal: "Welcome, attract, and retain a diverse population" Please consider updating first goal on p. 3 to be consistent.	Survey	This was an oversight that will be corrected.	P3 – Correct goal to "Welcome, attract, and retain"
19	Vision and Goals	The recommendations, vision, and goal statements regarding diversity extend beyond the scope of the Affordable Housing Plan. They are not related to housing affordability and should not be included in the Draft Plan.	Presentation	The Steering Committee felt it was important for the Town to be welcoming to diverse residents and established that as the first goal to inform recommendations. Housing and race have been tied to each other for a very long time in this country and the Town is making a bold step to address that in a direct way.	None
20	Vision and Goals	I agree this project needs to be all-inclusive and welcoming.	Presentation	Comment noted.	None
21	Vision and Goals	"Meeting the needs of a diverse housing population, including providing housing that is affordable to people with moderate to low incomes." As stated in a comment earlier, is Apex talking about being in the business of actually building affordable housing units or are they "approving housing that" instead of "providing housing that"	Survey	Based on the recommendations, "approve" would be too specific of a term. "Provide" is intended to reflect the Town's typical role of approving as well as providing gap financing, owner-occupied rehabilitation assistance, etc.	None
22	Vision and Goals	Regarding the third question about the Vision and Goals, they do relate to housing needs with the possible exception of "Partner regionally to meet the needs of vulnerable." I recall a steering committee discussion in which service providers strongly recommended that this Plan be tightly focused on affordable housing, specifically, vs. social services, in general. Furthermore, I find it hard to assess if the goals are reasonable and achievable without associated quantified and time-specific objectives.	Survey		P 3 & 24 – Consider revising to "Partner regionally to meet the housing needs of vulnerable populations."

#	Category	Comment	Source	Response	Suggested Change
23	Recommendations	What plans are you making for affordable units for very low income families?	Presentation	Very low income households are typically those that earn 50% or less of the Area Median Income. While the Draft Plan makes it clear that it is important to address the housing needs of very low income households, the Draft Plan does not set quantitative targets for units for specific household income levels. Low Income Housing Tax Credit Gap Financing is the best tool to meet the needs of very low income households. The Draft Plan includes this tool as a recommendation for the Town and further stresses the importance of working with the County to address the needs of households at different income levels.	None
24	Recommendations	Need a recommendation for very low income (less than 50% AMI); this is a HUGE need in the Triangle, and every town should do its share.	Survey	Very low income households are typically those that earn 50% or less of the Area Median Income. While the Draft Plan makes it clear that it is important to address the housing needs of very low income households, the Draft Plan does not set quantitative targets for units for specific household income levels. Low Income Housing Tax Credit Gap Financing is the best tool to meet the needs of very low income households. The Draft Plan includes this tool as a recommendation for the Town and further stresses the importance of working with the County to address the needs of households at different income levels.	None
25	Recommendations	I'd like to see the Town targeting younger, first-time homebuyers.	Presentation	The Down Payment Assistance program recommendation is intended for first-time homebuyers. The Vision and Goals also address diversity including age.	P. 26, 36 – Clarified that DPA is a recommendation for first-time homebuyers.
26	Recommendations	Do you foresee an Affordable Housing Zoning Overlay covering specific areas in Apex, such as the Downtown or other areas?	Presentation	This is not anticipated; however, the Town is looking at the Future Land Use Map and considering amendments to increase residential densities near transit routes. More information will be available during a workshop on January 19, 2021. Any amendments that move forward will also be presented during public hearings to the Planning Board and Town Council.	None
27	Recommendations	There need to be city guidelines around design density and construction material recommendations.	Presentation	For single-family and duplexes, State law prohibits the Town from having requirements for architectural standards in terms of material and quality of development.	None
28	Recommendations	Consider amending the Town's Fair Housing Ordinance to include source of income, in other words Section 8 vouchers, or pass a law to prohibit property managers and landlords from refusing to accept Section 8 vouchers. Section 8 vouchers are the best way to eliminate homelessness. Other cities have done this, but not in North Carolina.	Presentation	The Town does not have authority to prohibit landlords from refusing to accept Section 8 vouchers. Based on our research we don't believe this is a power the state has given to local governments at this time. There are some localities in other states that have anti-discrimination ordinances applying to housing and these may be general enough to encompass section 8 vouchers. Local legislation would be needed for something that goes beyond current state standards.	None
29	Recommendations	I understand the plan concerns housing affordability and not homelessness however if the Town really wants to be bold it should require property managers and landlords to accepts housing choice vouchers (section 8) when presented by prospective tenants. Today, a landlord can refuse to accept a voucher which is used by low income people to afford market-rate rental units. Many cities and municipalizes across the county have enacted such laws or amended their fair housing ordinance to include source of income as a protected class. None exist in North Carolina although a group of homeless service providers and advocates are pushing for one in Charlotte. Numerous	Survey	The Town does not have authority to prohibit landlords from refusing to accept Section 8 vouchers. Based on our research we don't believe this is a power the state has given to local governments at this time. There are some localities in other states that have anti-discrimination ordinances applying to housing and these may be general enough to encompass section 8 vouchers. Local legislation would be needed for something that goes beyond current state standards.	None

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		studies have shown that long-term rental assistance is the best solution to ending homeless. Expanding the voucher program is a key part of the incoming Biden administration housing plan. One idea is to require any new rental developments to accept vouchers. Property managers and landlords refuse to accept vouchers for many reasons but implicit in their refusal is that they don't want "poor" people or people of color in their properties which are often in high opportunity areas of the town. That is exactly where we want people who have been impacted by racism or poverty to live. Accepting the voucher is not a panacea. There are other reasons why landlords deny applicants (convictions, income, previous evictions, etc). However if Apex were to do this it would send a strong message to other cities in NC that it does not matter where your income comes from when it comes to paying the rent.			
30	Recommendations	We've made good progress toward the stated goals. Low Income Housing Tax Credit Gap Financing via the Town's Affordable Housing Fund is the best opportunity to spur actual development. Other ideas thus far don't go far enough to provide incentive to developers. Rent at \$1,000 isn't feasible to spur development of 2-bedroom units as it is too far below market. Consider granting land and foregoing water and sewer capital fees and other significant cost reductions for the developer.	Presentation	The recommendation for an Incentive Zoning Condition is intended to increase the feasibility for developers to build affordable units. The specific design of the Incentive Zoning Condition recommendation will create the structure for addressing these types of incentives.	None
31	Recommendations	Good	Survey	Comment noted.	None
32	Recommendations	I would suggest a focus on beautifying the landscape while meeting housing needs.	Survey	Affordable housing developments have to meet all of the requirements of the Unified Development Ordinance for landscaping unless those requirements are reduced through a zoning condition. Such a condition would require approval by Town Council through a public hearing process with notification to surrounding property owners. At this point, the affordable housing that has moved forward for multi-family housing has met the requirements. There have been some reductions for single-family residential housing.	None
33	Recommendations	Yes on walkability! As a young adult who purchased in Apex planning to start a family. After a breakup, I greatly regret moving here and I plan to rent my house and move out of Apex.	Survey	Comment noted.	None
34	Recommendations	Require electric car parking!	Survey	Requirements for electric car parking are included in the Town's Unified Development Ordinance. Currently EV parking is required for parking structures.	None
35	Recommendations	On p. 41 – In the description of Accessory Apartments, there's a proposal for the Town to "pilot a program to provide permanent financing, to be re-paid over time, for the construction of Accessory Apartments that are rented to low-income renters." I think partnering with local community-minded financial institutions to provide these mortgages, under guidelines established by the Town would be more effective. When Habitat-Wake formed similar partnerships with local mortgage providers, it was able to greatly expand its ability to produce affordable homes. Does the Town really want to be in the business of servicing mortgages?	Survey	This recommendation could be implemented through a partnership with Town funding, much like the Owner-Occupied Rehabilitation Assistance Program (Apex Cares). This can be clarified in the plan.	P41 – Implementation box – clarify "Conduct a pilot program to develop 5 affordable units by offering \$50,000 low-cost construction loans. Consider a partnership for management of loans.
36	Recommendations	Just know that a Housing manager will add annually recurring personnel costs, which can be quite burdensome too.	Survey	Comment noted.	None

#	Category	Comment	Source	Response	Suggested Change
37	Recommendations	The staff positions working to implement the recommendations in the Draft Plan should be representative of the populations the Town of Apex is trying to attract and have the ability to address potential language barriers.	Presentation	The comment is noted for further consideration. The Town of Apex is an Equal Opportunity Employer.	None
38	Recommendations	A housing advisory board is more for the town to manage, thereby adding to administrative cost. Also, this may add to the approval process for a project if required to be seen by this board, which usually adds time and thereby additional cost. I'm not suggesting the ideas aren't valid, but I think costs of a housing manager and an advisory board should be quantified and shared.	Survey	The intent is not that development proposals would be required to be reviewed by the Housing Advisory Board. As part of the personnel request and budgeting process, the salary grade for the Housing Manager will be determined. This is public information shared through the budgeting process. More information is available at: www.apexnc.org/Budget. The administrative cost is not anticipated to be paid for using the Affordable Housing Fund. There is a cost of managing and staffing a committee. It varies greatly by the committee and their tasks. There are also advantages to having these types of working committees in place as they can assist with plan implementation.	None
39	Recommendations	It will be important to be intentional about the advisory board. Make sure housing advocates and representatives of non-profits are included, also the faith community.	Survey	Comment noted.	None
40	Recommendations	Under Affordable Housing Incentive Zoning, need to add some language in there that says that unwillingness to include affordable housing cannot, by itself, be grounds for denial of a project. This section is very wishy washy and uses words like "suggest" and "incentive" and then turns around and uses words like "ensure" and "set expectations for developers to provide affordable units or an equivalent fee payment"	Survey		P32 – "Recommendations for Apex" paragraph has been revised to make it clear that it is an incentive, not a requirement.
41	Recommendations	The section on Affordable Housing Incentive Zoning needs more work. This is essentially saying that a "voluntary" incentive is going to be mandated to get a rezoning throughor you have to pay into the fund, which is extortion given that inclusionary zoning is not a tool allowed by the NC general assembly.	Survey		P32 – "Recommendations for Apex" paragraph has been revised to make it clear that it is an incentive, not a requirement.
42	Recommendations	I am from the Friendship/New Hill community. My family and neighbors owned much land in the area with rich history. A lot of people moved here and developed here not understanding the roots of the community. A place that was once affordable, diverse and all ethnic was welcomed. Now the once majority and now the minority. We can talk about equality, equity etc globally but we must start in the communities that we live and are developing. I have yet to see one affordable community for the people who lived here or would like to live here. Let's get some minority development and diversity.	Survey	Comment noted.	None
43	Recommendations	Good	Survey	Comment noted.	None
44	Recommendations	Yes to making affordable housing tenants not need cars	Survey	Comment noted.	None
45	Recommendations	On p. 45 – The response to my fourth comment on this page in the November draft (p. 56) indicated that the priority of Public Land Acquisition and Sale would be changed to "Mid-Term." Maybe I misunderstand this response?	Survey	This was an oversight and will be corrected.	P43 and P45 – Changed Public Land Acquisition & Sale from Long Term to Mid Term
46	Recommendations	Is there any program that would forgive homeowners in affordable housing a forgiveness of their property taxes for a period of time? I realize that this is a Wake County issue, but if no such program exists, could the plan include an action to work with the County to develop such a program?	Survey	Tax abatement is not allowed under NC law.	None
47	Recommendations	My quick review of the plan did not turn up any reference to the role of HOAs in affordable housing. It would be great if HOAs could provide support for	Survey	The Plan focuses on actions the Town can take and does not make recommendations for HOA actions.	None

#	Category	Comment	Source	Response	Suggested Change
		families in low cost housing in their community. This might include help with ongoing maintenance (e.g., lawn mowing), holiday decorating, landscaping, etc. Thanks!			
48	Recommendations	Good progress toward the stated goals. LIHTC \$ via the Town Annual fund has the best chance of spurring actual development. Other ideas thus far don't go far enough toward providing incentive to developers. Rent at \$1000 isn't feasible to spur development of 2BR units because it is too far below market. Consider granting land and forgoing Water Sewer Capital fees and other significant cost reductions for the developer.	Survey	This is the intent of the Affordable Housing Incentive Zoning recommendation.	None
49	Recommendations	I don't think that we should overlook the issue of parking and landscape. Most families will have multiple cars and most likely will not use the public transportation service.	Survey	Parking requirements and landscaping requirements are addressed in the Town's Unified Development Ordinance. Any reductions or relief from requirements in the UDO would need to be considered through a public hearing process as part of a rezoning.	None
50	Recommendations	Why should we subsidize housing for workers outside of Apex? If you get any subsidy in Apex, you should need to work in apex as well.	Survey	Comment noted.	None
51	Recommendations	No down payment assistance! We shouldn't give someone 20,000 to move to apex!	Survey	Comment noted.	None
52	Action Plan	On p. 46 – Second page under Action Plan is labeled Metrics of Success. I agree that the metrics and targets are critical to measuring progress during implementation of the AHP. The response to my questions about these comments (my fourth through sixth comments on p. 38 of November draft) was: "We make it very clear that these are samples of the types of metrics that can and should be tracked by the Town. We have also (in response to discussion with the Town and the Steering Committee) made it more clear which metrics the Town should merely track vs. set targets for." So, I guess what I'm trying to understand is whether the Affordable Housing Plan will include a set of metrics and specific targets for measuring progress? If either of these will not be included in the Plan, it seems more work will be needed to deliver a plan that is ready to implement. If so, what entities will be responsible for deciding on the implementation metrics and targets, e.g., the new Housing Manager (who won't be in place until the second half of 2021 at the earliest), or a return engagement of HR&A? I was hoping that an Action Plan would lead to tangible results during 2021. Based on the housing needs analysis, I'm convinced that the need is urgent. Note: there are a couple of responses to questions on the Metrics for Success that say: "This will need to be addressed through the implementation process." So, I'm wondering how the "implementation process" is related to the AHP? Does this imply that the AHP is not implementable by itself?	Survey	The AHP establishes a guiding vision and recommendations to address the need for affordable housing in Apex. More work will definitely need to be done to implement each recommendation. This work will be done by Town staff, along with the recommended Housing Advisory Board and regional partners, and with ultimate approvals from Town Council. It is not anticipated that HR&A or other professional consultants will need to be engaged to implement plan recommendations at this time. The metrics in the plan give us a good starting point for measuring success but the intent was to provide enough flexibility that these measures can be refined over time.	None
53	Action Plan	The Sample Target for Equitable impacts of housing programs is "Disaggregated housing program metrics show no racial or other disparities." I realize there may be limited space here, but maybe a couple of examples would be helpful?	Survey	This will be evaluated further as part of the development of each program.	None
54	Action Plan	On p. 46 – Number of households served "75 newly-developed units serving households at or below 50% AMI receive Town funding or zoning incentives within five years." Would the Town funding come from the affordable housing fund? Is that reflected in the potential allocations on the next page (p. 47)?	Survey	The intent of the sample metric 75 units would be produced through LIHTC Gap Financing or through the incentive zoning overlay The 300 units are of any income level including market rate, so yes it would theoretically be inclusive of the 75 low-income units, but again	None

#	Category	Comment	Source	Response	Suggested Change
				these are not necessarily meant to be targets that all align exactly because they are samples.	
55	Action Plan	On p. 46 – Number of new subsidized affordable units developed "300 units developed or in development within five years" Are these 300 homes in addition to the 75 newly-developed units within 5 years which are serving households in the category above? If these are in addition, would the Town need to allocate additional funds from the Affordable Housing Fund for this purpose?	Survey	The intent of the sample metric 75 units would be produced through LIHTC Gap Financing or through the incentive zoning overlay The 300 units are of any income level including market rate, so yes it would theoretically be inclusive of the 75 low-income units, but again these are not necessarily meant to be targets that all align exactly because they are samples.	None
56	Action Plan	On p. 47 – Response to my third comment on p. 39 of November draft (which corresponds to this page in December draft) reads: "Regarding how recommended programs & their impacts relate to housing need, we do not have a direct estimate. It is fair to say that the production of new rental units across multiple programs is more likely to keep the rental affordability gap from growing, rather than close the gap. We have focused on showing how Apex can use funds already allocated to address housing needs. Specific targets for particular programs, as outlined on the metrics page, should be set by the Town in partnership with the Housing Advisory Board." My concern is one of the timing of the implementation of the AHP. I would like to see the setting of initial targets for particular programs taking place in the first half of 2021; if necessary, before the Housing Manager is hired and the Housing Advisory Board established. Since ultimately the Town Council will approve the targets, Planning staff along with some members of the steering committee should be well-qualified to propose targets for Council to review and approve. As mentioned before, the issue is one of the urgency and priority of launching these programs as soon as possible. Waiting to launch the AHP-recommended programs until late in 2021 will lose valuable time and momentum. I believe that the AHP provides ample evidence and direction for beginning implementation of multiple parts of the recommended Action Plan beginning in early 2021. Given the estimated gap of well over 4,000 affordable homes now, with the needs of essential workers included (see comment on p. 16 above), and if an average of about 100 affordable homes are added each year, it could literally take decades to fill a gap that could well multiply during that time. To me, this reinforces the need for accurate estimates of the gaps in affordable homes here – both now and projected into the future. There are estimates in the December draft on this on pages 21-21. The estimates on page 21 app	Survey	Per the response above, the data points provided in the Housing Needs Assessment are the most meaningful to the needs identified in Apex. The full needs assessment is also provided in the Appendix. Early implementation efforts are already underway and the Action Plan now highlights the need for maintaining momentum and prioritizing the hiring of the Housing Manager position.	P47 – Additions made to Action Plan to stress the need for maintaining momentum and hiring a Housing Manager.
57	Action Plan	Page 45: The decision on some of these being near, mid and long term is interesting. Why not tackle the low hanging fruit of accessory apartments first? Also, it seems that "emergency" rental assistance and supportive services should be of high priority, instead of "long-term" along with public land acquisition & sale	Survey	While all recommendations are worthwhile, they cannot all be accomplished in the near- or mid-term. The accessory apartments recommendation is palatable to the public based on the survey responses, but results in fewer new units than other recommendations.	None

#	Category	Comment	Source	Response	Suggested Change
58	Action Plan	Regarding the fourth question about Recommendations, in general, I think the Plan Recommendations are a constructive start. However, I believe that limiting the funding to the total in the Affordable Housing Fund each year is unrealistic in the 5-10 time frame. I'm basing this on a very rough estimate of filling a gap of at least 7,000-8,000 affordable homes (rehabbed and new) over the next 10 years.	Survey		P47 & Appendix – Text was added to indicate the Town should pursue and leverage other funds beyond the local Affordable Housing Fund. A list of opportunities is provided as a new Appendix.
59	Action Plan	Regarding the fifth question about timing priorities, I "agree," but with the caveat that the need for affordable homes is urgent enough that the nearterm goals should be targeted for the first and second half of 2021, i.e., 6-12 months vs. 0-2 years. I go into more detail on that below.	Survey	Given that this is a 10-year plan a near-term period of 0-2 years is reasonable. Recommendations can and will move forward in less time than 2 years.	None
60	Action Plan	Regarding the sixth question about the sample allocation, I "agree," but with the following caveats. First, referring to the explanation given with the third question above, the \$50,000 allocated to Emergency Rental Assistance (ERA) and Supportive Services should be allocated to other affordable housing recommendations, because these services won't produce any additional affordable homes. Second, this allocation is limited to the \$1M collected annually in the Affordable Housing Fund. As pointed out in my final comment on the Action Plan above, this Plan seems to be limited by this \$1M annual budget over the entire time horizon of the Plan. The best that can be expected is "to keep the rental affordability gap from growing, rather than close the gap." I think Apex can and must find ways to significantly reduce the housing affordability gap over the 10-year Plan horizon.	Survey		A second sample allocation has been added so that there is a recommendation for the nearterm than removes the funding for ERA & Supportive services. Additional text explains the fund should be prioritized for programs that create new units or preserve existing units. Other possible funding sources are referenced in a new appendix.
61	Action Plan	On p. 46 – I'm repeating my first comment on this page (p. 38) of November draft. Given that hiring a Housing Manager and setting up a Housing Advisory Board are high priority/ near-term objectives, I would urge Town Council and staff to expedite these two actions, so they're in place during the first half of 2021. I understand the comment about the normal personnel process being tied to the next fiscal year budget, but hiring the Housing Manager and appointing HAB members are in the critical path for implementation of the plan which is even more essential with the pandemic and related economic impacts. Surely, these circumstances would warrant exceptional treatment? In addition, 2021 is an election year, so it could be beneficial for incumbents to point to these early accomplishments.	Survey	Hiring a Housing Manager prior to July 2021 would require use of the Affordable Housing Fund, which is not the main priority. It is also not desirable to rush the hiring process too much and risk not finding the best candidate. Steps can be taken to prepare for the position and target a start date in early July.	Text has been added to the Action Plan, Housing Manager recommendation, and Metrics of Success pages to reiterate this is a critical milestone and should move forward efficiently.
62	Action Plan	An expedited transition from planning into implementation. The three updates you (Shannon Cox) provided on 12/17/20 are impressive. Maybe the raised awareness of the Mayor and Mayor Pro Tem, as a result of their participation on the steering committee, led to a smoother approval of the major funding for DHIC's Broadstone Walk project? My concern is what happens in early 2021 right after the Plan is approved? Here are the practical constraints and dependencies that I picked up as I read over the December draft: • The Housing Manager position won't be funded until the new fiscal year which begins July 2021. So the position can't be filled until the second half of the year. • The Housing Manager needs to be in place before the Housing Advisory	Survey	Hiring a Housing Manager prior to July 2021 would require use of the Affordable Housing Fund, which is not the main priority. It is also not desirable to rush the hiring process too much and risk not finding the best candidate. Steps can be taken to prepare for the position and target a start date in early July.	Text has been added to the Action Plan, Housing Manager recommendation, and Metrics of Success pages to reiterate this is a critical milestone and should move forward efficiently.

#	Category	Comment	Source	Response	Suggested Change
		Board can be constituted. I understand the need for a Housing Manager to provide the dedicated support needed to implement housing initiatives. I've been saying this for at least the last year. Since that hiring appears to be in the critical path, I wonder what could be done to bridge the funding gap until the second half of 2021? For example, could funds in this year's Affordable Housing Fund be used to temporarily fund a Housing Manager until the next fiscal year budget is in place? Are there any funds in this fiscal year's budget that won't be spent due to the COVID pandemic that might be allocated to temporarily fund the Housing Manager position? Regarding the Housing Advisory Board, I wonder whether some of the steering committee members might be willing to help out on a temporary basis until the HAB members are appointed? With the SC members' involvement in the creation of the Affordable Housing Plan, it should be relatively easy for some of them to serve in transitional roles from the Plan approval until the HAB is appointed?			
63	Action Plan	I completely agree withUrgency to hire a Housing Manager position early in 2021. While I realize it is not yet in the approved budget, I also know there are ways to deal with that and I believe this will be the most important move to give momentum to the plan. It is a critical step and needs to happen as quickly as possible.	Email	Hiring a Housing Manager prior to July 2021 would require use of the Affordable Housing Fund, which is not the main priority. It is also not desirable to rush the hiring process too much and risk not finding the best candidate. Steps can be taken to prepare for the position and target a start date in early July.	Text has been added to the Action Plan, Housing Manager recommendation, and Metrics of Success pages to reiterate this is a critical milestone and should move forward efficiently.
64	Action Plan	Is the Town planning to hire a Housing Manager?	Presentation	Staff will be requesting the Housing Manager position through the annual budget process. It will be Town Council's determination as part of the budget process whether and when a Housing Manager position will be created. The budget will not be approved until June 2021.	None
65	Action Plan	Appendix Public Survey Results: I don't see the timeline of near, mid and long term reflecting these responses. Seems that supportive/emergency services and ADU's (accessory apartments) should be higher priority on the timeline.	Survey	Supportive services and ADUs were some of the more supported tools based on the initial public survey. The Steering Committee recommended "long-term" priorities for these given the other sources of funds for supportive services and the relatively low number of units anticipated to be created through ADUs.	None
66	Action Plan	Estimates of total gap(s) in need for affordable homes. I believe we need accurate estimates of the need for affordable homes to drive the programs and priorities. The Action Plan's recommendations, proposed metrics and sample budget allocations in the draft Plan are a great starting point. But the need is much greater than what the sample allocation implies to be at most about 100 homes a year. I think the key is in the response I quoted above: "It is fair to say that the production of new rental units across multiple programs is more likely to keep the rental affordability gap from growing, rather than close the gap. We have focused on showing how Apex can use funds already allocated to address housing needs." I was hoping and praying that this Plan would envision filling the affordability gap over a reasonable timeframe, say, 5-10 years, and tapping into resources beyond the penny tax, e.g., an affordable housing bond along the lines of what Durham and Raleigh have recently passed, and the possibility of far-sighted	Survey		P47 & Appendix – Text was added to indicate the Town should pursue and leverage other funds beyond the local Affordable Housing Fund. A list of opportunities is provided as a new Appendix.

#	Category	Comment	Source	Response	Suggested Change
		business leaders and community-minded philanthropists providing additional resources. From a political standpoint, I understand that it might be easier to marshal support for additional resources once there are a couple of success stories to point to?			
67	Action Plan	I also agree we need to develop strategies to increase the funding for affordable housing action by the town beyond the \$1M from the additional tax. I believe there are opportunities for public/private partnerships.	Email		P47 & Appendix – Text was added to indicate the Town should pursue and leverage other funds beyond the local Affordable Housing Fund. A list of opportunities is provided as a new Appendix.
68	Action Plan	The funds set aside for services or for rental assistance should not be taken from the \$1M. Services are crisis response and I believe these funds need to be directed toward long-term sustainable solutions. The outcome for these funds needs to focus on 1. New units of affordable housing or 2. Maintaining current affordable housing stock. Services and rental assistance are necessary to be sure, but it does not impact an increase of affordable housing.	Email		Provide both a near-term and long-term sample allocation.
69	Action Plan	I am extremely concerned about the long-term affordability of a plan such as this. As an Apex homeowner, I am concerned that the costs of a program like this will require me to pay a lot more in taxes to support in the long run, which will in and of itself make my home unaffordable for our family.	Survey		P47 & Appendix – Text was added to indicate the Town should pursue and leverage other funds beyond the local Affordable Housing Fund. A list of opportunities is provided as a new Appendix.
70	Action Plan	What will implementation of the Affordable Housing Plan cost in taxpayer dollars?	Presentation	The total cost to fully implement the Affordable Housing Plan has not been quantified; however, the Town Council created an Affordable Housing Fund in Fiscal Year 2020 that is anticipated to generate approximately \$1 million per year. The sample allocation of funds included in the Action Plan is based on the assumption that \$1 million per year will be available to advance Plan recommendations.	P47 & Appendix – Text was added to indicate the Town should pursue and leverage other funds beyond the local Affordable Housing Fund. A list of opportunities is provided as a new Appendix.

Table 2. Comments received between December 29, 2020 and January 18, 2021

#	Category	Comment	Source	Response	Suggested Change
71	Process	The Town should review successful programs in other jurisdictions rather than recreate a program from scratch. For example, Durham just successfully adopted a new housing policy and there are numerous other jurisdictions with affordable housing plans in place long enough to provide best practices.	Planning Board Public Hearing	The consultant team includes experts in the field with experience drafting other local and regional Affordable Housing Plans. Town staff are collaborating in regional efforts to address affordable housing.	None
72	Process	We applaud the Town for their efforts to address the issue of housing affordability. No doubt, this was especially challenging to kick off in a year such as 2020 played out to be. That being said, the timing of this draft becoming available for public comment was very poor. It was basically put out there over the holiday season with an expectation to squeeze in two public hearings 2 weeks apart with a potential final vote on January 26th. This is not a recipe for getting meaningful public input on the document or to potentially incorporate those comments into a second draft.	Planning Board Public Hearing	The development of the Affordable Housing Plan was guided by a Public Engagement Plan and opportunities for input throughout the nine-month process. The Draft Affordable Housing Plan was made available for review and comment between December 4, 2020 and January 26, 2021.	None
73	Process	Secondly, the stakeholder group should have included the private residential building industry if there is an expectation to strongly encourage them to utilize affordable housing incentive zoning. The Home Builders Association of Raleigh-Wake County is a great resource to provide member volunteers who do business in Apex and can provide useful insight and perspective. This was a missed opportunity.	Planning Board Public Hearing	The Triangle Community Coalition (TCC), a strategic partner of the Home Builders Association (HBA), was represented on the Steering Committee. The HBA was included on all public communications, and market-rate developers were included in the stakeholder interviews. The process was intended to balance the many perspectives and stakeholders of the Affordable Housing Plan. The HBA will be included among the stakeholders in the drafting of the Incentive Zoning Condition Policy.	None
74	Process	As a Latino, I'm highly offended by the use of the Term LatinX as a placeholder in the presentation. While I understand and appreciate that the document is trying to be inclusive, you've chosen gender identification OVER my culture and heritage. The Spanish Language by default is a masculine and feminineand using this term is taking the Latin out of Latino (i.e. how is it pronounced, the "a" is no longer pronounced the sameit's no longer Spanish but an English construct). I would explore more about the acceptance of "Latinx" in the Latino communityit's deeply disliked.	Survey	Based on feedback received during the initial public survey, and research into concerns presented then, documents and presentations use Latino/Latina/Latinx to attempt to represent the varied perspectives on this issue. Use of Latinx alone would have been a reference to early plan documentation.	None
75	Vision and Goals	This is good especially the Regional Vision	Survey	Comment noted.	None
76	Needs Assessment	The biggest concern I see is the lack of defining what is "affordable housing" to Apex. I see HUD's definition and the types, but what is it to Apex? Housing affordability, missing middle, 80% AMI, 60% AMI, market rate, 30% housing costs of income, all of the above, etc? Trying to establish market rate components, which are likely the most suitable as they are the least subsidized, means council members trying to assess each project case by case on what affordable is as development occurs. That can be unpredictable and may cause challenges with the development community and ultimately hinder development, which increases demand thus raising prices and increasing the housing affordability issue. Having a clear definition and clear incentives is critical to make progress on the affordability issues. In summary, Apex is a great community in which many people want to live. Hence the strong demand and challenging affordability. However, Apex has a wonderful staff and a passionate and active council that I have complete confidence can preserve and enhance the ability for all individuals to live in Apex.	Survey	The Summary of Housing Needs on page 16 is intended to briefly capture those needs related to affordable housing that were found to be the most pressing issues for Apex. The Incentive Zoning Condition policy, when drafted, can be more specific related to specific ranges of area median income. The Metrics of Success on page 46 do include some specific sample targets for specific income levels; however, these are intended to be flexible and adjusted by the Housing Advisory Board.	None
77	Needs Assessment	Before proceeding further with the Plan, the Town must set clear policy and priorities for the need being served. As noted in the Plan, there are multiple strata of housing needs and each requires a different set of actions.	Planning Board Public Hearing	The Summary of Housing Needs on page 16 is intended to briefly capture those needs related to affordable housing that were found to be the most pressing issues for Apex. The Incentive Zoning Condition policy, when drafted, can be more specific related to specific ranges of area median income. The Metrics of Success on page 46 do include some specific sample targets for specific income levels; however, these are intended to be flexible and adjusted by the Housing Advisory Board.	None

#	Category	Comment	Source	Response	Suggested Change
78	Needs Assessment	It is clear and accurate. I would love to see a REGIONAL PLAN. Every city/town big and small has the same issues with affordability. Yet, every city/town forms a committee, pays a consultant. does "the study." This same thing was completed in Cary 10 to 15 years ago. I was on the TCAP "Town Center Area Plan" Committee. What I'm reading in this report is much the same. I Realize all towns are different and the political will ebbs and flows. As a builder doing primarily infill a common set of guidelines to support affordable housing would be nice. As a downtown Apex resident I see the gentrification coming on FAST. I wish I had perfect answers This form is a great start! Thank you. I was involved in an affordable housing plan in Downtown Cary 21 townhomes units in partnership with DHIC they provided down payment assistance with income limits. 30% median income if I recall correctly.	Survey	Comment noted.	None
79	Recommendations	Diversity and Racial Equity Initiatives (page 30) This section deals with many diversity issues that are beyond the scope of any need to increase the availability of affordable housing. The Steering Committee that drafted this plan has stepped beyond the goal of providing a plan for affordable housing and has introduced several policy issues pertaining to social and morality diversity that are not germane to the issue of housing affordability. This section inappropriately includes reference to diversity policies based upon race, ethnicity, personal beliefs, sexual orientation, and gender identity. Such policies have no direct relevance to housing affordability should be completely removed from this Plan. In addition, I speak now to those diversity policies proposed in this section of the Plan. I speak to the statement, "Racial equity initiatives acknowledge the intentional design of many racial inequities" In this country racism is now abhorrent to almost everyone. We are to be proud that we as a country have effectively reduced racism to the point that those individuals who are racist have no substantial power in this country. The diligent efforts of the black community have very effectively reduced racism in this country to a very small minority, and race is not tolerated as a legitimate basis for discrimination. I do not see evidence that there is "intentional design of many racial inequities." There should be equality of opportunity, i.e., decisions should be blind to race, and that is what we have now in this country. Today in this country, one is free to pursue whatever he wants, free from racial discrimination. This has been described by many as the most profound moral accomplishment in history, for no other country has been able to rectify this moral sin like the US has. I am opposed to setting "racial equity goals." There should be no initiatives to force some type of racial balance. The achievements and accomplishments of a free man, including the black man in this country, are his own doings.	Survey	Diversity and racial equity were purposefully and intentionally included in both the vision and goals and the recommendations by the Steering Committee.	None
80	Recommendations	Multiple: Town Staff Capacity (page 27), Housing Advisory Board (page 28), Diversity & Racial Equity Initiatives (page 30) The Town of Apex Affordable Housing Plan is focused on increasing the diversity of the citizens in Apex. Narrowing this focus to housing will not improve citizen diversity. Apex needs a more holistic approach to this goal. Apex has spent years legislating for higher pricing homes by requiring certain aesthetic controls, development standards, low density and solar requirements. These requirements add costs to housing and lead to a lack of "affordable housing". The goal at the time these requirements were enacted was to increase housing	Planning Board Public Hearing	Diversity and Racial Equity Initiatives are included among the Plan recommendations. "Welcome, attract, and retrain a diverse population" is listed among the Plan goals. Diversity in these references includes, but is not limited to, racial and cultural diversity. Also, while a part of the plan, this is not the only focus of the plan. The Steering Committee strongly recommended prioritizing the hiring of a Housing Manager and establishing the Housing Advisory Board to carry out all of the plan recommendations. The	None

#	Category	Comment	Source	Response	Suggested Change
		assessments to expand the tax base and limit "certain" kind of home. The first step to increasing diversity in housing should be to roll back these high cost requirements. The second step to increase citizen diversity would be to improve town cultural offerings that are targeted to certain demographics. If you review the town's list of programming, there is absolutely no offerings of cultural activities geared toward minorities. Instead of wasting taxpayer dollars on a housing manager, the town should focus on utilizing existing staff to plan a more diverse cultural program offering. The third step to increase citizen diversity would be through economic development. The town has four staff members on the economic development staff. These staff members could recruit minority owned businesses. The town could subsidize the rent for minority owned businesses in the Coworking Station. The town could set up a grant to help minority owned business buy building to expand their businesses. The fourth step to increase citizen diversity would be through staff recruiting and development. Recruiting to fill town staff positions through minority-based colleges, churches or organizations. Creating scholarship programs for minority citizens to attend the law enforcement academy or the community college for a trade education. The Town of Apex has several boards and committees that can successfully managed a diversity and inclusion plan. A Housing Advisory Board is not needed. The Planning and Community Development Board, the Parks, Recreation and Cultural Resources Advisory Commission and the Public Arts Committee along with the Economic Development Department can work together to successfully address the issue of citizen diversity in the Town of Apex.		comments regarding incorporating diversity and inclusion across Town departments has been shared with Town Administration.	
		Thank you for your time and I look forward to hearing from you with any questions you may have			
81	Recommendations	Incentive Zoning Conditions (page 32) While I support having affordable, equitable, and quality housing for all, I am concerned with the incentive zoning components. The first sentence includes the sentence "the town has the opportunity to ensure that new development includes affordable housing." "Ensure" does not read as an option, but more as a requirement. Furthermore, the only town listed options for incentives were increased density and reduced parking requirements/setbacks. Having increased density is a great way to provide more housing and increase supply which helps combat cost increases. However, not ever[y] site has the opportunity to increase density. The existing RCA, perimeter buffer, stream buffer, stormwater requirements per the UDO utilize a great deal of developable area that in many cases the density is already at its capacity from what a site can yield horizontally. I would offer the increased density is likely more pertinent to apartment/condos however, if the land is maximized horizontally, then the only option is to go vertical. This is possible, but this likely transitions an apartment from a garden style to an internal corridor, elevator and possible not stick built. These components equal more costs and likely equate to the demand for higher rents, which in turn may provide some affordable housing units, but also increases the cost of the other units. Ultimately, higher density may not be a great incentive to developers if the density is not feasible. The other option is parking reductions. This may help in a few specific circumstances, but if you apply this to townhomes, then you may be compounding concerns from staff regarding citizen complaints of nowhere to park. I would also add SF homes in Apex rarely have reduction needs, so there is not much incentive present. Parking reductions typically work well if there is dependable public transit in which communities are not car dependent. I	Survey	The two types of incentives shown as part of this recommendation are examples only. Other types of incentives could be considered when the Incentive Zoning Conditions policy is drafted. The language is intended to reflect that the policy should be designed in a way that ensures developers are able to provide affordable housing. The alternative wording to clarify the intent and remove the use of "ensure" that was presented to the Planning Board will also be provided for Town Council consideration. The plan does not establish policy. When the Incentive Zoning Condition policy is drafted, it will be within the bounds of State law.	P32 – Revised wording clarifies that incentive zoning is not a requirement and that the two types of incentives listed are examples only.

#	Category	Comment	Source	Response	Suggested Change
		I understand this document states that the goal would be to establish a clear policy for Apex for incentive zoning, but I was hoping that is what this documents would do. I think the goals are good, but there is a strong demand for housing and a strong demand for affordability so the quicker the better. In developing the future "policy setting expectations for developers to provide affordable housing" (again doesn't sound optional) I think it would also be wise to consider incentives like waiving the architectural requirements that Apex requires that add cost. I think you could consider waiving/reducing the amount of fees that are associated with development. There are some high fees that a reduction in those would seem more of an			
82	Recommendations	Incentive to the masses and could be substantial in providing more affordability. Incentive Zoning Conditions (page 32) The Incentive Zoning and "Soft Density" By-Right Zoning are very effective tools at providing additional housing units, directly and indirectly influencing affordability. By-right zoning can bring units to the market more efficiently (both in terms of time and dollars) and can be applied throughout the Town. Incentive zoning is also a useful tool, if used properly. In North Carolina, where inclusionary zoning is not permitted, the incentives must be tailored to actually produce affordable units ("affordable" should be specifically defined) and should include more than just bonus density, such as waiver of UDO standards, reduction or elimination of fees and/or expediated approvals. Specifically, because such conditions are voluntary, affordable housing proffers must be just that, proffers, not the price of the rezoning: all projects cannot support significant affordable housing obligations and if a one-size-fits-all standard becomes the norm, there will less impact than otherwise could be produced. Finally,		The two types of incentives shown as part of this recommendation are examples only. Other types of incentives could be considered when the Incentive Zoning Conditions policy is drafted. The language is intended to reflect that the policy should be designed in a way that ensures developers are able to provide affordable housing. The alternative wording to clarify the intent and remove the use of "ensure" that was presented to the Planning Board will also be provided for Town Council consideration. The plan does not establish policy. When the Incentive Zoning Condition policy is drafted, it will be within the	P32 – Revised wording clarifies that incentive zoning is not a requirement and that the two types of incentives listed are examples only.
83	Recommendations	the architectural conditions traditionally applied in zoning proceedings have the unintended consequence of preventing affordable units because the smaller the unit, the more affordable; however, the garage requirement, among other elements, prohibit smaller homes with a two car garage. Incentive Zoning Conditions (page 32) In reading the draft plan, it suggests the use of affordable housing incentive zoning as a way to achieve affordable housing units. The use of this zoning would presumably be voluntary given that required inclusionary zoning is illegal in North Carolina. However, the word "voluntary" is not in the document at all and instead, words and phrases like, "ensure" and "sets expectations" are used, which sound more required that voluntary. We request that the Affordable Housing Plan incorporate clear language that states that the unwillingness or inability to include affordable housing units (or payment in lieu) cannot, by itself, be grounds for denial of a project. The economics just cannot work for every project out there, especially the smaller in scale they are.	Planning Board Public Hearing	The two types of incentives shown as part of this recommendation are examples only. Other types of incentives could be considered when the Incentive Zoning Conditions policy is drafted. The language is intended to reflect that the policy should be designed in a way that ensures developers are able to provide affordable housing. The alternative wording to clarify the intent and remove the use of "ensure" that was presented to the Planning Board will also be provided for Town Council consideration. The plan does not establish policy. When the Incentive Zoning Condition policy is drafted, it will be within the	P32 – Revised wording clarifies that incentive zoning is not a requirement and that the two types of incentives listed are examples only.
84	Recommendations	Accessory Apartments (page 41) ADU's will required more cooperation and perhaps a different set of setbacks and other Dimensional Standards	Survey	bounds of State law. This input will be used to inform implementation of the Accessory Apartments recommendation.	None
85	Recommendations	changes to make the numbers work. Accessory Apartments (page 41) I strongly support the program of "Encouragement of development of accessory apartments". I think this idea has a good potential of accomplishing the desired goal. In this regard, I beg to draw your attention to two challenges and request you to work on them if you haven't already:	Survey	This input will be used to inform implementation of the Accessory Apartments recommendation.	None

#	Category	Comment	Source	Response	Suggested Change
		1. Utility companies are known to oppose "sub-metering". So some support will be required from planning/utilities departments for providing a way to meter the resident of accessory apartment, for electricity & water.			
		2. Accessory apartments are currently restricted to 25% of the total square footage (Ordinance section 4.5.2.A). Assuming that a reasonable accessory apartment will be around 800 sq ft in size, it implies that the main dwelling unit must be 3200 sq ft or bigger in size. I think a family that can afford a 3200 sq ft home in Apex area in today's time will probably not be driven to generate extra wealth from an accessory unit. I mean, a family that lives in a 2000 ~2400 sq ft home with sufficient lot size is more likely to be motivated to take the pain of building a 700~800			
		sq ft acessory apartment, which is possible only when 25% size restriction is increased to at least 33%.			
86	Recommendations	Multiple: Soft Density By-Right Zoning (page 43) and Accessory Apartments (page 41)	Survey	These specific comments will be considered as part of Plan implementation.	None
		My thoughts & a couple of questions most pertaining to infill lots located in Downtown Apex. The downtown area is at a precipice of major gentrification which of course is the exact opposite of affordable housing. 1. As land prices soar builders must build bigger & bigger homes on smaller lots to justify the square footage value of the lot price. Currently around \$125k to \$200k.			
		2. The charm of Downtown Apex will remain in tact assuming there is tight architectural control combined with higher density.			
		Downtown Apex Small town Character UDO permits a min. lot width of 60'. Compared to other adjoining jurisdictions min lot size 5,000 sf, min width at 50' with 3' side setbacks. 6' aggregate. Medium Density Residential MDR width = 40'			
		• Relaxing the min lot width could help with affordability allowing smaller lots. It would also help with density for public transportation (assuming these folks would use public transportation.) but the bigger issue would be to reduce "super high priced homes" and the continued gentrification of the downtown area, due to the large single family lots. Yes it would protect the existing housing stock and charm keeping the min lot width at 60'.			
		Political will to reduce lot widths? Staff would have to agree.			
		• The town is encouraging ADU's (accessory Apartments) as mentioned in the preliminary affordable draft plan on pg. 41.			
		Assuming this counts as an affordable rental.3. Affordability has a shot assuming a combination of:			
		 Increased density. Townhomes, Duplexes, Triplexes. 			
		 Public - private partnership Discounted fees in exchange of for a % of units committed to buyers that meet the Wake county Threshold 30%. 			
	51	Down payment money that can be forgiven after a period of time.			
87	Action Plan	The Plan's implementation schedule ignores certain low-hanging fruit, such as by-right zoning, accessory apartments, and housing assistance. These elements can be implemented quickly and have immediate and direct impact.	Planning Board Public Hearing	Since it is not possible to move forward all recommendations in the near-term, the action plan prioritizes those recommendations that are anticipated to result in the most affordable housing units and/or are most needed now.	None
88	Action Plan	Lastly, we are perplexed by the prioritization in the Action Plan section under the Matrix of Recommendations. We would recommend putting low hanging fruit such as the Accessory Apartments and "Soft Density" Zoning By-Right in the near-term timeline as well as Emergency Rental Assistance and Supportive Services given its urgent nature.	Planning Board Public Hearing	Since it is not possible to move forward all recommendations in the near-term, the action plan prioritizes those recommendations that are anticipated to result in the most affordable housing units and/or are most	None

#	Category	Comment	Source	Response	Suggested Change
				needed now. Emergency Rental Assistance is currently	
				being supported through other resources.	
89	Action Plan	Action plan is a very good start and detailed enoughof course execution is key.	Survey	Comment noted.	None





DRAFT
December 2020



Acknowledgements

The Apex Affordable Housing Plan was guided by the efforts of the Steering Committee, a group of engaged residents and housing professionals who lent their support, guidance, and opinions to the planning process over an eight-month period.

Bill Ahern

Habitat for Humanity Wake County

Francisco Arellano

Citizen Stakeholder

Alicia Arnold

Wake County

Mairym Azcona

Citizen Stakeholder

Beth Bordeaux

Western Wake Crisis Ministries

Erika Brown

Triangle J Council of Governments

John Buck

Citizen Stakeholder

Nicole Dozier

Mayor Pro Tem, Town of Apex

Phillip Farrington

Citizen Stakeholder

Tim Fisher

DHIC

Lou Fortunato

Apex Business Community

Seth Friedman

Passage Home

Jacques K. Gilbert

Mayor, Town of Apex

Michele Harrison

White Oak Foundation

Tyrell Hines

Citizen Stakeholder

Laura Holley

Citizen Stakeholder

Tahira Hyman

Citizen Stakeholder

Yume Iwakura

Citizen Stakeholder

Morgan Mansa

Town of Cary

Timothy Morgan

Evergreen Construction Company

Kandy Osborne

Citizen Stakeholder

Molly Rodgers

Citizen Stakeholder

Jacob Rogers

Triangle Community Coalition

Mark Steele

Apex Planning Board

Phil Welch

Citizen Stakeholder

Apex Affordable Housing Plan Overview

Vision: Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities.

To fulfill this vision, Apex will...



Welcome and attract a diverse population.



Meet the housing needs of a diverse population, including providing housing that is affordable to people with moderate and low incomes and of different age groups.



Connect affordable housing development with transit service, transportation infrastructure, and amenities.



Partner regionally to meet the needs of vulnerable populations.



Raise community awareness of affordable housing needs, solutions, and broader impacts.

Apex will meet these goals by...

BUILDING THE TOWN'S CAPACITY	IMPLEMENTING PROGRAMS AND POLICIES
Town Staff Capacity	Affordable Housing Incentive Zoning
Housing Advisory Board	Owner-Occupied Rehabilitation (OOR) Assistance Low Income Housing Tax Credit (LIHTC) Gap Financing
ADVANCING ADVOCACY AND PUBLIC EDUCATION	Support for Homeownership
Annual Housing Report	Transit Oriented Development Density
iversity & Racial Equity Initiatives	"Soft Density" Zoning By-Right
Affordable Housing Advocacy Partners	Emergency Rental Assistance & Supportive Services
	Accessory Apartments
	Public Land Acquisition & Sale

Table of Contents

05	Introduction Purpose of the Affordable Housing Plan Role of the Town in Housing Affordability Definition and Types of Affordable Housing Planning Context Planning Process
14	Housing Needs Assessment Purpose of a Housing Needs Assessment Summary of Housing Needs Public Input on Housing Needs Housing Trends and Challenges
23	Vision and Goals
25	Recommendations Build the Town's Capacity Advance Advocacy and Public Education Implement Programs and Policies
44	Action Plan Matrix of Recommendations and Goals Measures of Success Apex Affordable Housing Fund
48	Appendix Data Sources & Glossary Housing Affordability Limits in Apex Survey and Stakeholder Engagement Summary Housing Needs Assessment Detail

Introduction

Purpose of the Affordable Housing Plan

Apex needs an Affordable Housing Plan to guide the Town's efforts to identify and address the affordable housing needs of its residents.

Apex has experienced significant population growth in the past two decades, outpacing growth in both the County and the State. As demand for new housing has grown, home prices have been increasing sharply since the Great Recession. Because of this, an increasing number of low- and moderate-income households in Apex struggle to afford their rent or mortgage. In addition, the Town's population has become less diverse compared with Countywide trends.

To accommodate future growth, reduce the market pressures on home prices, align housing development with other Town planning efforts, and attract and retain a more diverse population, Apex has set a vision for its future.

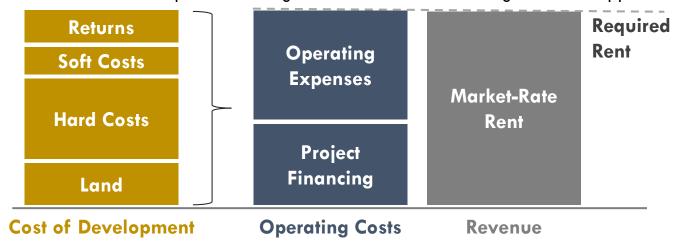
Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities.

The Affordable Housing Plan sets goals and makes recommendations that will help Apex to fulfill this vision.

Role of the Town in Housing Affordability

The affordability of housing is influenced by: market forces, state and local regulations, and affordable housing programs that receive funding from federal, state, county, and local governments.

The market alone cannot adequately address the affordable housing issues that Apex residents face. Market rate rents are determined by both the cost to build housing, including land, and the cost to operate housing. Because of high land costs and growing demand, market rate rents are higher than what many low- and moderate-income households can afford. The market cannot provide housing to these households without government support.



Existing government programs to support housing affordability do not fully address the affordability needs in Apex. These include federal programs administered by the North Carolina Housing Finance Agency (NCHFA) and Wake County, as well as other State and County programs. Apex can provide funding to leverage or supplement these existing programs to help their impacts.

Low-Income Housing Tax Credits Community Development STATE PROGRAMS NC 1st Home Advantage Down Payment Assistance NC Home Advantage Elderly & Disabled Housing Rehabilitation Emergency Rehabilitation

- Community Development NC Home Advantage
 Block Grants Mortgage
- Emergency Solutions

 NC Home Advantage Tax

 Grant

 Credit
- Home Investment

 Displacement Prevention
 Partnerships Program

 Partnership
- Housing Choice Vouchers Urgent Repair
- Housing Opportunities for Community Partners Loan
 Persons with AIDS Pool
- Public Land DispositionRental Assistance Housing

Affordable Housing

Development Program

- Program

 Emergency Assistance
- Emergency Assistance,Street Outreach, & RapidRehousing

- Page 355 -

Role of the Town in Housing Affordability

The Town of Apex can change its regulations and deploy funds to meet affordable housing needs not met by the market or existing federal, state, and county programs.

The Town of Apex already plays a central role in the housing market through regulation and public investments, which influence both the supply of and the demand for housing. These Town policies and practices impact the type of housing available and the cost of housing.



The Town influences the regulatory environment in which developers make investment decisions and disseminates information to developers and residents.



The Town deploys public funds for infrastructure, amenities, and development



e.g. Unified Development Ordinance, development processes, design



The Affordable Housing Plan outlines recommendations that will help ensure that the Town's policies and investments are aligned with its vision.

Definition and Types of Affordable Housing

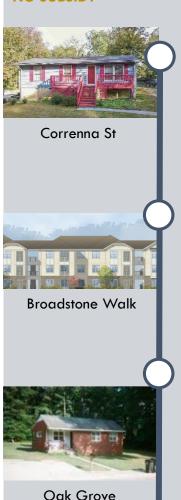
"Affordability" can have different meanings depending on the context. Under a standard



set by the U.S. Department of Housing and Urban Development (HUD), housing is affordable when a household's housing costs (including rent or mortgage and utilities) are less than 30% of the household's income. A household that spends 30% or more of its income on housing costs is considered "cost burdened". A summary of affordable housing costs by income in Apex is provided in the Appendix.

There are many different types of "affordable housing":

NO SUBSIDY



Naturally Occurring Affordable Housing (NOAH): Market-rate housing (for rent or purchase) that is priced at levels that are affordable to low- or moderate-income residents. In Apex, rising rents, home prices, and redevelopment have led to a limited amount of NOAH.

Subsidized Housing: Rental and ownership housing which has received local, state, or federal subsidy funding to make it affordable to income-qualified residents. The most common form of subsidized housing is through the federal Low-Income Housing Tax Credit (LIHTC) program, which in North Carolina primarily serves households at or below 60% of Area Median Income, or about \$56,000 for a family of four in Wake County, well above minimum wage. Apex presently has fewer than 200 units of subsidized housing.

Public Housing: Housing owned and managed by public housing agencies with operating and capital funds provided by HUD, and typically serving extremely low-income households (a family of four making \$25,300 or less). The Wake County Housing Authority operates 10 units of public housing in Apex.

Permanent Supportive Housing: Housing that also provides health care and supportive services to help individuals and families with higher levels of need (for example, adults with chronic health or developmental difficulties) to remain housed and lead more stable lives.

HIGHEST LEVEL OF SUBSIDY

Planning Context

Prior plans in Apex and Wake County established a strong foundation to begin the affordable housing planning processes. The Town's and region's prior comprehensive plans, small area plans, and housing strategies helped the planning team to understand the local and regional priorities that the Affordable Housing Plan would need to address for Apex, as well as planned investments and ongoing initiatives around land use, transportation, and affordable housing.



The Apex Downtown Master Plan (2019) provides a vision to guide development in and around downtown.

- Expanding housing options including mixed-income and senior-friendly housing near downtown is a key goal of the plan
- Realtors see a need for additional duplex, triplex, and quad housing near downtown to support housing affordability



Advance Apex (2019) is a transportation and land use plan.

- It includes the 2045 Future Land Use map and sets the goals of investing in activity centers, creating walkable, mixed-use areas, and preserving rural character
- It identified the conceptual route for the first local transit route in Apex



The Wake County Affordable Housing Plan (2017) identifies strategies to produce and preserve affordable housing.

Recommendations include use of public land, an acquisition and preservation fund, funding for affordable rental production, and dedicating funding for housing programs



Peak Plan 2030 (2013) is an update to the Town's Comprehensive Plan.

The plan recommends allowing and encouraging more housing development, especially rental housing, in and around downtown; increasing density near downtown without altering neighborhood character; increasing diversity of housing types and tenure; and encouraging weatherization and modernization, particularly for senior and disabled housing

Planning Process

The Apex Affordable Housing Plan is the result of an eight-month planning effort. The planning process included:

- Assessing housing needs, which combined analysis of demographic, economic, and real estate market trends with input from stakeholders to identify a clear picture of housing trends and affordability needs in Apex;
- Working with a Steering Committee in six sessions to develop a vision and goals for the plan and discuss potential affordable housing tools that Apex could implement to meet its housing needs;
- Developing recommendations for feasible and impactful strategies and tools the Town can pursue to address its housing needs and meet its affordable housing goals; and
- Drafting a plan for public review prior to adoption by the Town Council.

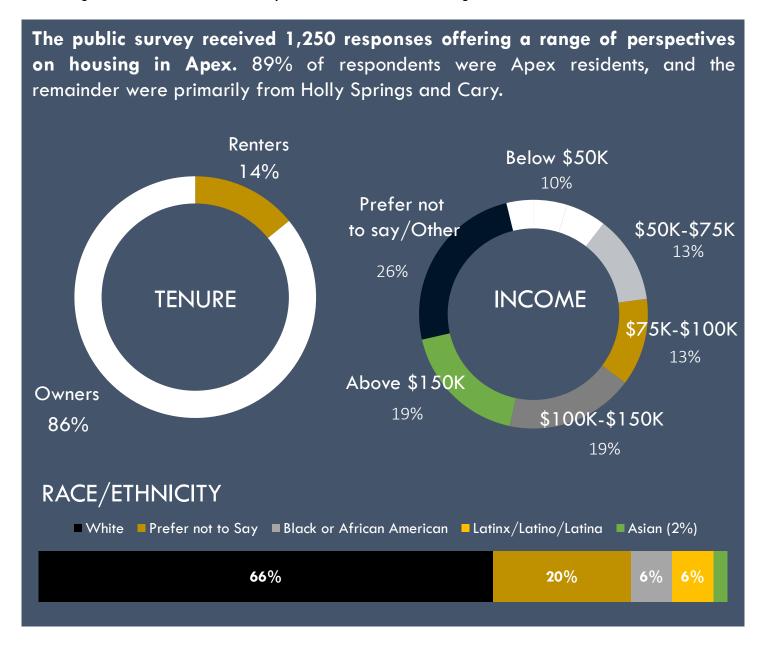


The Apex Affordable Housing Plan was developed in collaboration with Apex residents and stakeholders from a diversity of backgrounds. Throughout the plan, input from stakeholders provided crucial context about local needs and priorities. Engagement activity included:

- 15 Interviews with stakeholders including providers of affordable housing, developers, community leaders, nonprofit service providers, and Apex residents directly impacted by housing challenges;
- A Town-wide public survey that was publicized in utility mailers, emails, Town social media pages, posters, and through community leaders and Steering Committee members;
- Regular website and email updates to inform residents about the progress of the plan;
- A public presentation to share the draft plan and receive public feedback;
- Presentations to the Apex Planning Board and Town Council; and
- Input from a steering Committee of local stakeholders including engaged residents and housing professionals who lent their support, guidance, and opinions throughout the planning process.

Planning Process

A town-wide public survey was released in July 2020 using publicinput.com in order to gather broad feedback on the housing issues that Apex residents face. This survey took place over a two-month period and reached over 1,250 residents, shaping the housing goals around which the Apex Affordable Housing Plan is organized and informing the plan's recommendations. The survey was supplemented with individual interviews to reach populations that were underrepresented in the survey. The survey also helped highlight topics that require further public engagement and public education around Apex's affordable housing needs. This will need to continue throughout the implementation of the Affordable Housing Plan and could be led by members of the Steering Committee as well as Town Staff.



Planning Process

A public engagement plan (PEP) was developed to guide outreach throughout the planning process. The PEP included the survey as well as targeted metrics reflecting a goal to reach a diverse audience. The survey was supplemented with targeted interviews to reach lower income households. Higher income homeowners are overrepresented in the survey, but representation was more diverse than the targeted metrics.

Tenure o	f Apex	Residents
& R	espond	lents

Apex 74% homeowners:

Respondent 86% homeowners:

PEP Goal: 50 renter

respondents

Reached: 139 renter

respondents

Income of Apex Residents & Respondents

Apex households with 13% incomes below \$35k:

Respondents with 5% incomes below\$35k*:

PEP Goal: Responses from all income groups, including lowincome.

Race of Apex Residents & Respondents

White Apex **75%** residents:

White survey 66% respondents*:

PEP Goal: 60 non-white

respondents

Reached: 150 non-white

respondents

^{*26%} of survey respondents declined to state their household income and 22% of survey respondents declined to state their race/ethnicity. Apex residents under the age of 35 are also underrepresented in the survey.

Housing Needs Assessment

Purpose of a Housing Needs Assessment

The Housing Needs Assessment identifies the most pressing housing affordability challenges in Apex.

In particular, the Housing Needs Assessment uses demographic and market data as well as stakeholder input to answer three questions:

What are the most pressing issues related to housing affordability in Apex?

Housing affordability is made up of many distinct but related factors including the supply and diversity of available housing, the accessibility of homeownership, and the availability of housing and services to meet the needs of all residents including seniors, adults with disabilities, and households that rely on public transit. The Housing Needs Assessment provides insight into which of these issues are most pressing for Apex residents.

What policies or market trends are driving these issues?

Local and regional trends in population and income, housing development and prices, employment, and other factors all impact housing affordability in Apex. In addition, the Town's policies related to development review, land use, housing programs, and other regulations impact the cost of development and the cost of living in Apex. The Housing Needs Assessment evaluates which of these trends are most contributing to housing affordability challenges in the Town.

Who is and is not served by Apex's housing market?

Some residents may face affordability challenges that others do not. In addition, there may be regional residents who want to live in Apex but cannot, or who choose not to live in Apex. Understanding who is struggling with housing affordability in Apex is crucial to informing the priorities of the Affordable Housing Plan.

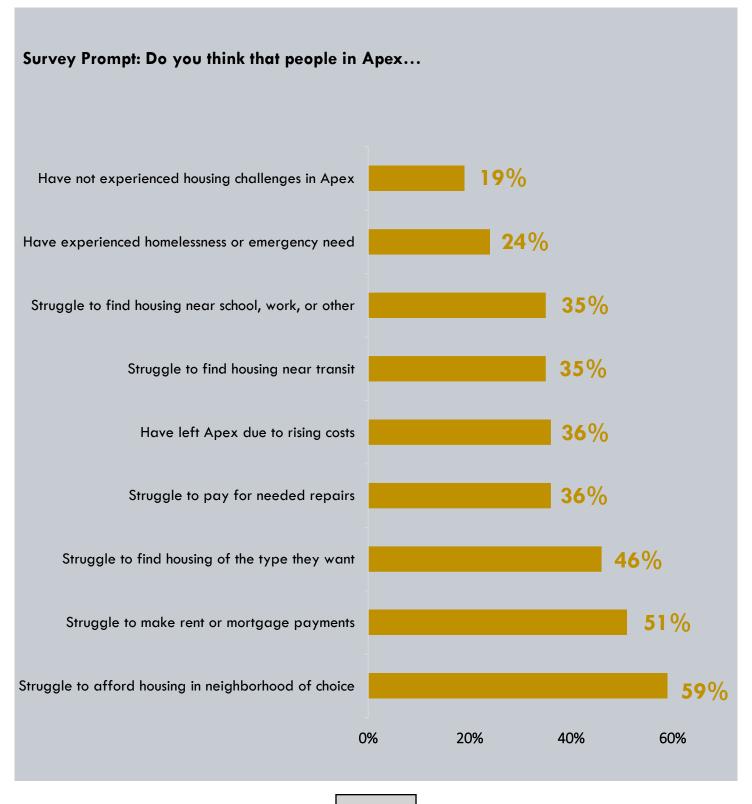
Summary of Housing Needs in Apex

The key findings of the Housing Needs Assessment informed the goals and recommendations of the Affordable Housing Plan.

- There is a significant shortage of rental housing that is affordable for low-income households (2,000 units for households earning less than \$40,000), and that rental housing gap is projected to nearly double over the next 10 years. While it is not possible to quantify a homeownership gap, the increasing cost burden of low-income homeowners and qualitative data on homeownership indicate that there is an unmet need.
- In Apex, there are presently 3,150 cost burdened households earning less than \$75,000, and 700 extremely cost burdened households (those paying over 50% of their income in housing costs).
- Apex is rapidly losing affordable entry-point homes or "starter homes" for new owners including young families.
- Apex is attracting a less racially diverse population compared to Wake County overall.
- Affordable housing options and supportive services are limited for seniors who want to age in place.
- Apex does not have a proportional share of the region's subsidized rental housing, and new development of LIHTC units has been limited. Barriers to subsidized affordable housing development include high land costs and limited access to transit.
- Most of the supportive housing and services in Apex are provided through small programs run by religious organizations or other nonprofits.
- Market pressures appear to be displacing moderate-income families, including homeowners, and threaten existing Naturally-Occurring Affordable Housing (NOAH).
- High land and maintenance costs place redevelopment pressure on NOAH in Apex, including mobile home parks and older homes.
- Lack of clear affordable housing development requirements leads to uncertainty in negotiation with developers, which can pose a barrier to the production of new housing.

Public Input on Housing Needs

The public survey was used to gather general input regarding housing needs. **Survey respondents agree that housing affordability is a challenge in Apex.** The Appendix provides more detailed public survey results.



Public Input on Housing Needs

Respondents shared both their perspective on housing issues in Apex and the role that they think the Town should play. The Appendix provides more detailed Public Survey results.



Many of the lower-income families would like to stay in Apex to give their children a better life. Many are forced to move to areas that have less access to resources. We would love to see Apex stay balanced and not become a place accessible only for a certain demographic.

Couples in their late 20s and early 30s with young children I know had a hard time affording a single family house in this area.

I know many Latino families that have moved away from Apex because of rising housing cost. This racial/class gentrification by means of rising housing costs, reduces social and economic diversity which hurts everyone's quality of life.

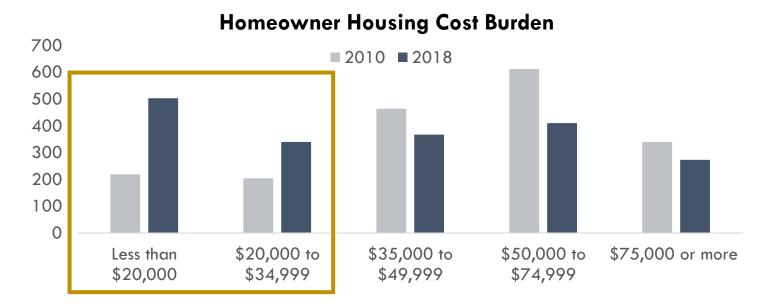
I believe the Town should be looking at ways to work with local and county organizations to develop more affordable housing.

> People retiring have to move to Fuguay or Holly Springs to downsize.

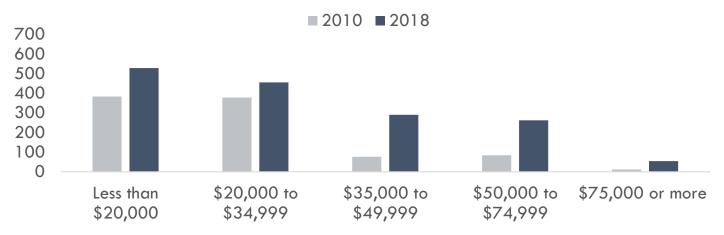
It should not be the Town's responsibility to provide financial assistance or down payment assistance. There are federal programs available to support those needs.

I agree the Town should be the implementer of affordable housing and not hinder it through arbitrary zoning and land use laws. But I do not agree it is the Town's obligation to finance.

Cost burden for Apex residents is increasing for homeowners at lower income levels and renters at all income levels.



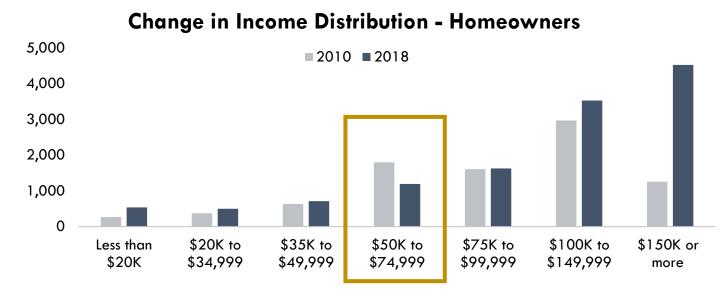
Renter Housing Cost Burden



A household is cost burdened if it spends more than 30 percent of income on housing costs, including utilities. In Apex, there are presently 3,150 cost burdened households earning less than \$75,000, and 700 extremely cost burdened households (those paying over 50% of their income in housing costs).

Since 2010, cost burden has increased dramatically for low-income households who own and rent, and also for higher-income renters, perhaps due to the luxury price points of new multifamily development (a structure containing more than four dwelling units). This indicates the growing need for affordable rental and homeownership opportunities within the Town.

Apex is losing moderate-income households, particularly among homeowners, who may be moving to nearby towns with lower home prices.



While Apex has continued to gain higher-income households, the Town has seen a significant decrease in households earning \$50,000 to \$75,000 each year, primarily driven by a loss of homeowners. These income tiers are generally considered to be moderate-income households in Wake County. Since 2010, the Town of Apex lost 605 homeowner households earning between \$50,000 to \$75,000 each year.

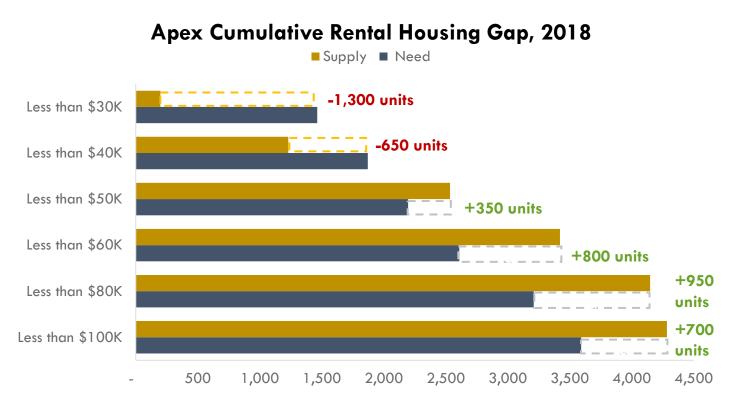
Based on Apex's increasing home values, as well as the survey responses and interviews of Apex residents, this loss in moderate-income homeowners appears to be driven by a combination of existing homeowners leaving Apex, and the inability of other moderateincome homeowners to replace them. While existing homeowners may be leaving due to their independent desire to sell or their inability to afford growing costs of homeownership (such as rising property taxes), the rising financial barrier to moving to Apex is an undisputed challenge for prospective residents earning moderate incomes, as well as the increasing cost burden for low income renters and homeowners.

"In some cases, people can't stay here [in Apex]. I see this near Downtown and the Publix. So, they sell and move to Holly Springs." -Apex resident

Source: ACS 5-Year Estimates (2018), Decennial Census (2010)

- Page 368 -

The limited availability of subsidized rental housing and rising rents have led to a rental housing gap of roughly 2,000 units affordable to households earning less than \$40,000 in Apex. When the need from individuals of certain incomes levels exceeds the number of units affordable at that income level, a housing gap exists. This gap is particularly pronounced for households earning less than \$40,000 each year, as the number of units meeting their maximum affordable rent (\$750 each month for households making \$30k and \$1000 each month for households making \$40k, including utilities) continues to dwindle. As a result, many of these renters are likely paying 50% or more of their income for housing. Like many towns, Apex has a gap of rental units for low-income renters and a surplus of units for higher-income renters. This indicates that the market is meeting the needs of most renters, particularly those earning more than \$50,000, but that public subsidy may be needed to increase the availability of rental housing that is affordable to households with incomes below \$40,000.



As rents increase, NOAH is lost, and the low-income population continues to grow; this gap is projected to nearly double for lower income households over the next ten years. While the Town can't fully address the rental housing gap, funding and partnerships with the County will help to reduce it or keep it from growing.

Source: ACS 5-Year Public Use Microdata Samples (2018)

Over the next decade, Apex is projected to add 1,900 jobs with incomes below \$75,000, which will further contribute to the Town's affordable housing need.







Though not all people who work in Apex will choose to live in the Town, employment growth is one source of potential new residents. Much of the projected employment growth (83% of jobs added) in Apex will be in occupations that pay less than \$75,000 annually, and almost half of those jobs will be retail and service-industry jobs that pay less than \$35,000. For those making minimum wage, annual salary can be closer to \$14,000 in North Carolina.

Presently, only 10.4% of people who work in Apex live in the Town. 65% of all Apex workers commute 10 miles or more from Wake County and surrounding counties, a rate that is high even amongst other suburbs. increasing stock of the affordable homes for low and moderateincome households, Apex could retain a larger share of its employees as residents, ensuring that the individuals who help keep the Town running are also able to call it home. Further, given the location of these jobs, it is beneficial for affordable units to be located near retail and commercial centers as well as transit access.

Source: EMSI, ACS 5-Year Estimates (2018), LEHD On The Man

Vision and Goals

Plan Vision and Goals

The Steering Committee used public input and the results of the Housing Needs Assessment to establish the plan vision and goals.

Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities.

To fulfill this vision, Apex will...



Welcome, attract, and retain a diverse population.



Meet the housing needs of a diverse population, including providing housing that is affordable to people with moderate and low incomes.



Connect affordable housing development with transit service, transportation infrastructure, and amenities.



Partner regionally to meet the needs of vulnerable populations.



Raise community awareness of affordable housing needs, solutions, and broader impacts.

Recommendations

Recommendations Overview

The Affordable Housing Plan includes fourteen recommendations intended to address the plan vision and goals. These are generally grouped in three categories: (1) Building the Town's Capacity, (2) Advancing Advocacy and Public Education, and (3) Implementing Programs and Policies. A brief explanation for each recommendation is provided in this section.

BUILDING THE TOWN'S CAPACITY

Town Staff Capacity

Housing Advisory Board

ADVANCING ADVOCACY AND PUBLIC EDUCATION

Annual Housing Report & Dashboard

Diversity & Racial Equity Initiatives

Affordable Housing Advocacy Partners

IMPLEMENTING PROGRAMS AND POLICIES

Affordable Housing Incentive Zoning

Owner-Occupied Rehabilitation (OOR) Assistance

Low Income Housing Tax Credit (LIHTC) Gap Financing

Support for Homeownership

Transit Oriented Development Density

"Soft Density" Zoning By-Right

Emergency Rental Assistance & Supportive Services

Accessory Apartments

Public Land Acquisition & Sale

Town Staff Capacity

Apex will increase the capacity of staff to support the successful implementation of the Affordable Housing Plan by hiring a Housing Manager.

What it Means

Aligning staff capacity with the level of programming is crucial to the success of the Affordable Housing Plan. By ensuring that the Town's departments are adequately staffed and funded to administer and manage housing programs and development, and by setting clear priorities and measures of success, the Town can increase both its ability to support affordable housing and to communicate and engage with the public.



Need in Apex

Apex lacks housing staff to oversee the implementation of the Plan including the administration of the Affordable Housing Fund and proposed Housing Advisory Board.

Recommendations for Apex

As the Town develops new housing programs, it will need a full-time Housing Manager to manage and oversee those programs. This role would be responsible for continued program improvement, research of best practice, and monitoring of success. The Town may need to contribute additional staff time and resources to support the Housing Manager as needed.

Implementation

- Hire a housing manager to oversee the implementation of the Affordable Housing Plan.
- 2. Review current staffing and make changes to accommodate new priorities and increase capacity.

Timing: Near-term (<2 years)











Housing Advisory Board

Apex will create a Housing Advisory Board to provide input on the use of the Town's affordable housing funding and policy, as well as to be responsible for championing education and outreach around affordable housing.

What it Means

A Housing Advisory Board or Committee is a public, non-regulatory committee that advises Town leadership on policy and funding priorities related to affordable housing. Much like other public boards, committees, and commissions, it should bring together stakeholders with multiple viewpoints who can advocate for affordable housing to Town Council and the public.

How it Works

8-10 council-appointed members, representing the following groups:

MEMBERSHIP

- affordable housing • affordable housing residents providers (recipients of Town funds) • regional representatives
- real estate professionals & lenders Planning Board member
- at-large community members
- Town Council member (nonvoting)

Membership should reflect a broad diversity of ages, races, and incomes, and a combination of homeowners and renters.

RESPONSIBILITY

- 1. Provide Town Council with policy and funding recommendations.
- 2. Assist in the creation of an Annual Housing Report.
- 3. Advise on Housing Advocacy efforts.

TOWN STAFF ROLE

Provide administrative support and technical assistance for board activity. Provide information about related Town initiatives, policies, and programs.

Need in Apex

Apex has a committed base of housing advocates and professionals it can leverage to support the activities of Town staff, to inform the priorities of Town leadership, and to communicate with the public about affordable housing. In addition, meeting the housing needs of diverse residents requires a mechanism for diverse voices to participate in the Town's decision-making.

Recommendations for Apex

By establishing a Housing Advisory Board the Town can formalize existing advocacy efforts and ensure the Town's capacity to successfully implement the Affordable Housing Plan.

Implementation

- After hiring a Town Housing Manager, establish a board and develop a charter and by-laws to guide inclusive membership, governance, and training.
- 2. Appoint members, hold regular meetings, and coordinate with the Planning Board and Town Council.

Timing: Near-term (<2 years)











Annual Housing Report & Dashboard

Apex will produce an annual report and online dashboard on the impacts of the Town's affordable housing activities and spending.

What it Means

An annual housing report with online dashboard serves two main functions: (1) To track key performance indicators and metrics associated with affordable housing programs and expenditures and monitor the impacts to ensure that the Town's investments support racial equity goals; and (2) To convey to residents the importance of housing affordability and racial equity initiatives. It can both serve as an outreach tool and track efforts related to outreach and education.

How it Works

Annual Housing Reports should include:

Metrics to diagnose affordability e.g. entry price point, rates of housing cost burden by tenure

Key Performance Indicators for programs e.g. households served by income range, units produced or preserved

The online dashboard can be updated more frequently, including data such as assistance provided through the Owner-Occupied Rehabilitation Program.



Need in Apex

Public engagement revealed uncertainty among Apex residents about the areas of greatest need and the Town's role in supporting affordable housing.

Recommendations for Apex

Producing an annual report on housing and an online dashboard, once implementation of programs is underway, will provide a forum for educating and informing the public about the state of housing affordability in Apex. Use advocacy to communicate early progress.

Implementation

Following the hiring of a Town Housing Manager, identify key housing metrics and program performance indicators to track and report.

2. Develop a format and begin annual housing report and dashboard for Town of Apex.

Timing: Mid-term (2-5 years)











Diversity & Racial Equity Initiatives

Apex will identify and eliminate potential barriers to attracting a diverse population and adopt a racial equity lens to evaluate all housing policies and investments.

What it Means

Diversity initiatives are comprised of marketing and partnership efforts that emphasize a Town's values, with the goal of becoming more welcoming of people of different races, ethnicities, beliefs, sexual orientations, gender identities, incomes, and other groups. Racial equity initiatives acknowledge the intentional design of many racial inequities and set racial equity goals for programs.

Need in Apex

Apex's vision is to become a community that is welcoming to people of diverse backgrounds. However, new residents in Apex are predominantly white, even as the County's population growth has been relatively diverse, indicating that the Town can do more to advance a welcoming message and provide housing opportunities for prospective residents. Further, a commitment to racial equity requires that the Town understands the impacts of its policies and investments and makes decisions that mitigate rather than exacerbate racial disparities.

Recommendations for Apex

To advance diversity, the Town should engage with a diverse group of residents to understand the current messages, explicit and implicit, that may influence who moves to Apex; work with real estate agents to coordinate messaging and ensure understanding of and compliance with Fair Housing regulations; and emphasize the Town's values in all communications. As part of ongoing Town efforts to increase diversity and equity, the Town should adopt a racial equity lens to evaluate housing investments and consider hiring a Diversity Officer to implement these changes throughout the Town's government.

Implementation of Diversity Initiatives

Work with marginalized communities to understand 1. Apex's current messaging, and to develop core values that emphasize diversity.

Timing: Mid-term (2-5 years)









- 2. Develop a resident marketing strategy for Town communications that reflects core values.
- 3. Engage with real estate professionals including brokers and mortgage lenders to align messaging and mitigate potential barriers to attracting diverse residents.

Implementation of Racial Equity Initiatives

- 4. Adopt a racial equity lens to evaluate and make decisions about housing programs and investments. Track program impacts and disaggregate data by race.
- 5. Evaluate the need for a Diversity Officer and hire a Diversity Officer if needed.
- 6. Join the North Carolina cohort of GARE (Government Alliance on Race and Equity), and participate in educational sessions, technical assistance, and peer-to-peer exchanges to shape Town racial equity initiatives.

Affordable Housing Advocacy Partners

Apex will develop partnerships with pro-affordable housing advocates to coordinate an education campaign.

What it Means

Advocacy activities can help to build public awareness and dispel misconceptions about affordable housing. In small towns, many preexisting community groups function as advocates by educating the public about the benefits of development, the need for affordable housing, and the populations impacted by that need.



Need in Apex

Public engagement revealed a need for greater education and communication about the need for affordable housing in Apex and the Town's role in addressing affordable housing needs.

Recommendations for Apex

The Town should support the advocacy efforts of the Housing Advisory Board members and their associated groups, offering organizational resources (such as public meeting space) and educational resources about housing programs. Progress made and reported in the annual housing report can be conveyed through these partnerships and a potential public forum.

Implementation

- Work with Housing Advisory Board members and organizations to develop advocacy and education plan.
- 2. Develop public-facing informational materials to explain the Town's affordable housing plan.
- 3. Integrate advocacy efforts into Annual Housing Report.

Timing: Mid-term (2-5 years)

Goals: (1)







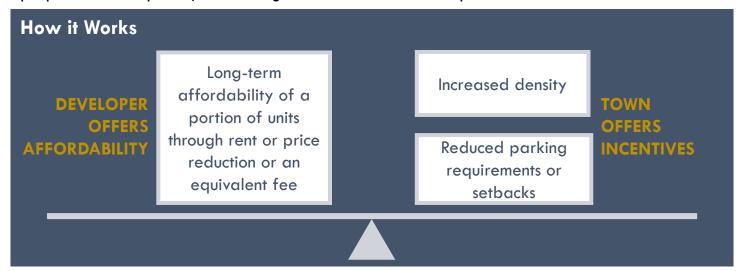


Affordable Housing Incentive Zoning

Apex will create a clear menu of suggested affordable housing zoning conditions for developers to choose from in exchange for incentives as part of the rezoning and Planned Unit Development approval processes.

What it Means

When proposed development requires Town Council approval, the Town has an opportunity to ensure that new development includes affordable housing units. Incentive zoning conditions encourage developers to provide a public good, such as affordable housing units, as part of a proposed development, in exchange for incentives that compensate for the loss of revenue.



Need in Apex

Apex already provides incentives for affordable housing and other public benefits, but lacks a clear set of conditions, which can pose a barrier to the production of new housing. In addition, the Town wants to protect Naturally-Occurring Affordable Housing and limit gentrification pressures from new housing development.

Recommendations for Apex

Establishing a clear policy that sets expectations for developers to provide affordable housing units or an equivalent fee payment toward the Town's Housing Trust Fund will help to ensure that affordable housing is created in Apex as part of new residential development. Further, the program should include special requirements for discretionary development in areas particularly sensitive to redevelopment, such as mobile home parks, to minimize displacement.

Implementation

- Review existing approval processes and recentlyapproved projects to help develop clear guidelines.
- 2. Develop an incentive zoning condition, specifying target affordability and available incentives.
- 3. Establish criteria and a process to review projects.

Timing: Near-term (<2 years)









Affordable Housing Incentive Zoning (cont'd)

Example Affordable Housing Incentives in Apex | Depot 499 PUD

The Project: A proposed 200-acre mixed-use development including residential and

non-residential components, seeking rezoning as a Planned Unit

Development (PUD), a type of zoning district with specific requirements

outlined in the Unified Development Ordinance.

The Opportunity: The proposal included no affordable housing but was requesting a

significant zoning change for the development to move forward.

The Request: The Town requested that the developer set aside at least 2 acres (1% of

the total land area) for affordable housing or set aside a portion of the

proposed multifamily housing units for affordable housing.

The Outcome: The Developer agreed to make a monetary donation to an affordable

housing fund or non-profit affordable housing developer if a target



number of affordable housing units were not built by 2025. In addition, Wake County Public School System committed to building an elementary school within the development area. Based on these commitments, the Town approved the rezoning.

Example Affordable Housing Incentives in Apex | Kissena Lane PUD

The Project: A proposed 10-lot development of affordable, detached single family

housing within an existing subdivision, seeking rezoning as a Planned Unit

Development (PUD).

The Opportunity: The proposal for a 100% affordable development serving households

with incomes at or below 70% of Area Median Income required certain changes to the zoning requirements in order to provide housing that was

both affordable and in character with surrounding development.

The Request: The developer requested changes to the zoning including the required lot

width and building setbacks, as well as a grant to assist with fees, in order to make the development feasible at the specified level of

affordability.

The Outcome: The Town approved the PUD, which enabled the project to move forward.

Owner-Occupied Rehabilitation (OOR) Assistance

Apex will work with a nonprofit partner to support homeowners in making repairs so they can remain in their homes and communities.

What it Means

Owner-occupied rehabilitation programs help maintain the affordability of homeownership by ensuring that income-qualifying homeowners can make necessary repairs to make their homes safe. Qualifying repairs typically include structural repairs, modernization or repairs to systems such as heating and plumbing, and weatherization, as well as accessibility improvements to help seniors age in place. Cosmetic improvements are not eligible costs.



Need in Apex

Apex has been losing moderate-income homeowners, and older homes are one remaining source of Naturally-Occurring Affordable Housing (NOAH) in Apex.

Recommendations for Apex

The Town has approved a program, Apex Cares, to provide rehabilitation assistance to income-qualified homeowners. Apex should implement Apex Cares in a way that compliments the County rehabilitation programs. This program will help preserve NOAH, prevent displacement of moderate-income homeowners, and allow seniors to age in place.

Implementation

- 1. Standardize Apex Cares program operations with Wake County rehabilitation program.
- 2. Identify qualified private contracts from the County.
- 3. Conduct outreach to potential Apex Cares participants.

Timing: Near-term (<2 years)

Goals:







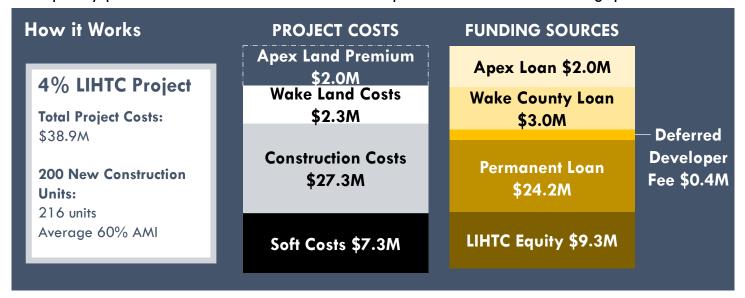


Low Income Housing Tax Credit (LIHTC) **Gap Financing**

Apex will collaborate with Wake County to provide gap financing to increase the production of LIHTC housing and adopt a policy to provide assistance to reduce the cost of local fees for affordable housing developments.

What it Means

LIHTC is a federal program administered through the state, and the primary tool for the development of new affordable rental units. There are two types of LIHTC: 9%, which provide greater federal subsidy but are highly competitive; and 4%, which have less federal subsidy and therefore require more local support, but are not as competitive. Local governments frequently provide low-cost loans to LIHTC developers to close the financial "gap".



Need In Apex

Apex has a low-income rental housing gap, and a disproportionately low share of the County's low-income housing. Land costs and site requirements make LIHTC development difficult.

Recommendations for Apex

The Town can leverage County funding to meet Apex's affordable housing needs. Apex should explore opportunities to support 9% as well as 4% projects, which have fewer barriers to development in Apex. Apex should provide low-cost loans for LIHTC in partnership with Wake County to account for the higher cost of land in Apex. In addition, the Town can provide grants to reduce the costs of permit fees.

Implementation

In the near-term gather input on gap financing needs Goals: (1) and loan requirements from developers and County staff and dedicate a portion of Apex Affordable Housing Funds to gap financing.

2. In the mid-term coordinate with Wake County to negotiate financing for proposed LIHTC developments and adopt a policy to provide grants for permit fees.

Timing: Near-term (<2 years)

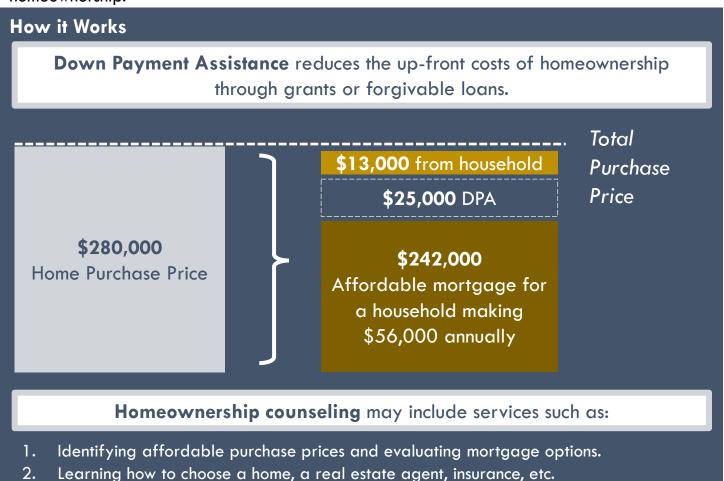
Support for Homeownership (Down Payment Assistance & Counseling)

Apex will increase access to homeownership for residents through financial assistance and counseling services provided through nonprofit partners.

What it Means

Down Payment Assistance (DPA) reduces the up-front costs of homeownership by providing income-qualified households with a forgivable loan (for those meeting requirements) or grant to cover a portion of the down payment and closing costs. Paired with homebuyer counseling, Down Payment Assistance can help low-and moderate-income households find stable housing and build wealth through home equity.

Homebuyer counseling provides prospective first-time homebuyers with assistance in planning for buying a home and budgeting for the full costs of homeownership, including utilities, insurance and maintenance, to ensure that households are financially prepared for homeownership.



Planning for full costs of homeownership including maintenance needs.

Navigating inspections, home purchase, and closing.

Financial planning assistance or foreclosure prevention.

Avoiding discrimination & predatory lenders.

3.

4. 5.

6.

Support for Homeownership (continued)

Need in Apex

Apex has been losing moderate-income homeowners, and the entry point for homeownership is putting homeownership out of reach for young families and first-time homebuyers.

Recommendations for Apex

Apex can provide funding for Down Payment Assistance to nonprofit operators of local programs, and layer funding with both State and County programs to maximize available funding and help Apex residents build wealth. Because, in Apex, there are increasingly few homes inexpensive enough North Carolina Housing Finance Agency requirements, this program would work best with a higher maximum purchase price, and in combination with tools that increase the supply of moderately-priced housing, including soft density zoning.

Implementation

1. Develop and issue a request for proposals for a nonprofit partner to administer homeownership programs.

Goals:





Timing: Mid-term (2-5 years)





- 2. Review proposals and select a nonprofit partner.
- 3. Provide funding to support homeownership programs.

Building Wealth versus Preserving Affordability

Support for homeownership helps low- and moderate-income households build wealth by accumulating home equity, but Down Payment Assistance does not preserve the affordability of the home purchased after the homebuyer sells the house. Depending on the type of Down Payment Assistance, funds can be forgiven or become part of a revolving program to support new first-time homebuyers. Shared equity homeownership limits the wealth households can build but maintains the affordability of the house. This can be done through a variety of mechanisms, including Community Land Trusts. The Town must weigh the tradeoffs between helping residents build wealth and making housing affordable over the long-term.



TYPES OF FUNDING ASSISTANCE

EMPHASIS ON PRESERVING AFFORDABILITY

Forgivable Loan or	Loan with 0%	Loan with Interest	Shared Equity
Grant	Interest		Homeownership
If homebuyer remains in the home for a minimum period (e.g. 5 years), the down payment assistance loan is forgiven and becomes part of the household's assets.	When homebuyer sells the home, they repay the down payment assistance out of sale proceeds. Funds are redirected to a new homebuyer. The loan could be partially forgiven.	When homebuyer sells the home, they repay the down payment assistance with interest out of sale proceeds. Funds are redirected to a new homebuyer.	Both the homebuyer and the homeownership program build equity in the property, which must be sold to another income-qualified household.

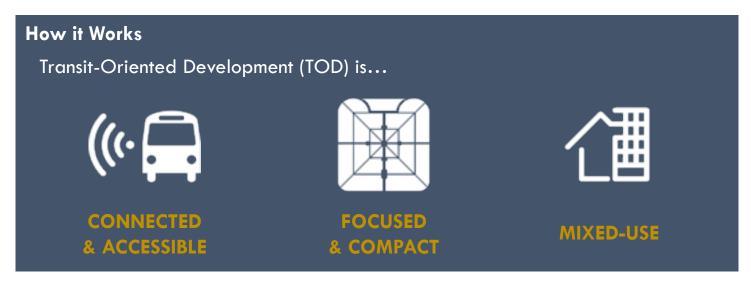
- Page 385 -

Transit-Oriented Development Density

Apex will amend its Future Land Use Map to show higher density multifamily development in areas adjacent to key transit infrastructure.

What it Means

Allowing increased density of multifamily development will help to reduce development costs and clearly communicate where the Town is interested in supporting new development. Encouraging development of multifamily development near employment centers and transit helps create denser nodes and reduces the need for renters to rely on personal vehicles.



Need in Apex

The Town of Apex is launching its first local bus route in Spring 2021, and enhanced GoTriangle bus services including extended Apex to Raleigh service and a new Apex-Cary Express which will connect to the planned multi-modal hub and further increase access to public transit for Apex residents.

Recommendations for Apex

Apex has proposed increases in density for its 2045 Future Land Use Map. By planning for denser multifamily, the Town can ensure that development is consistent with the Town's growing transit system and support the development of affordable housing near transit.

Implementation

Review current future land use map and proposed transit system improvements to identify areas suitable for increased density.

Timing: Mid-term (2-5 years)

Goals:











- Determine desired density of residential or mixed-use in transit-adjacent areas.
- 3. Engage the public to explain TOD and adopt proposed Land Use Map changes.

"Soft Density" By-Right Zoning

Apex will amend its zoning to allow or encourage more types of housing, including duplexes, triplexes, and small multifamily developments, in residential districts adjacent to downtown.

What it Means

"Soft Density" refers to attached single family housing such as townhomes, duplexes, and triplexes which can accommodate more households and provide smaller units for residents. Allowing by-right development of more types of housing will help reduce development costs and clearly communicate where the Town is interested in supporting new development.



Needs in Apex

Apex has been losing moderate-income homeowners, which may be due in part to a lack of affordable smaller homes such as townhomes.

Recommendations for Apex

Apex has a "small town character" zoning overlay district to preserve the architectural qualities that define the downtown. The Town can amend this overlay district to ensure that it allows soft density development, minimizes barriers to the development of soft density, and limits the maximum unit size of new development. This should help to provide smaller housing units near downtown while preserving affordability and enhancing neighborhood character.

Implementation

- Review current zoning regulations including Affordable Housing Incentive Zoning condition to identify areas suitable for increased density.
- 2. Engage with developers and residents in downtownadjacent neighborhoods to evaluate opportunities and barriers to increasing the development of "soft density" housing.

Timing: Mid-term (2-5 years)

Goals:







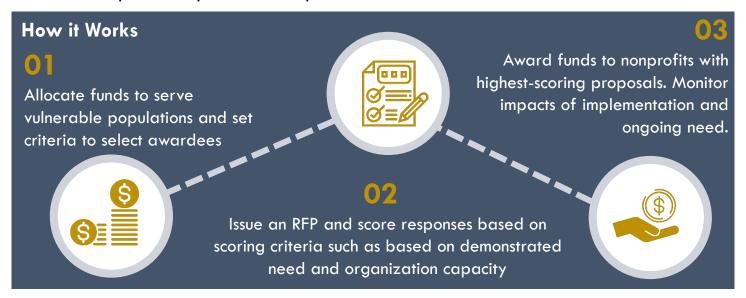


Emergency Rental Assistance and Supportive Services

Apex will support residents at risk of homelessness and other vulnerable populations with emergency rental assistance and related services.

What it Means

Emergency rental assistance helps households with a short-term need due to illness, job loss, or another emergency to pay rent or utilities to avoid eviction and shut-offs. Supportive services are a broad category of programs that help vulnerable populations maintain stable housing. Vulnerable populations may include: the chronically homeless; veterans; seniors; adults with chronic illness, addiction, or disabilities; and victims of domestic abuse.



Need in Apex

Apex provides grant funds to nonprofit service providers but can allocate Affordable Housing Funds to expand supportive services and emergency assistance to vulnerable residents. Public survey respondents supported assistance for residents facing housing instability.

Recommendations for Apex

Setting aside funds to help families facing short-term emergencies will help to reduce eviction risk and providing funds for short-term emergencies can help avoid higher costs associated with eviction and homelessness. The Town can provide funds for emergency and supportive services through a competitive Request-for-Proposals process.

Implementation

Issue RFP for nonprofit partners to provide emergency or supportive services such as funding for supportive housing, resources for shared housing, emergency rental or utility assistance, or other programs that meet demonstrated need.

Timing: Long-term (5-10 years)

Goals:











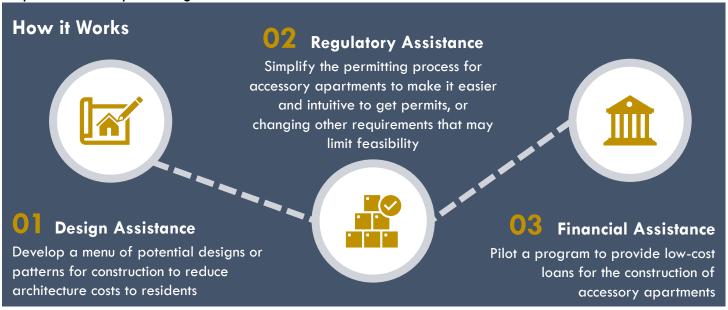
2. Award funds and work with nonprofit partners to monitor ongoing need.

Accessory Apartments

Apex will provide residents with resources to encourage the development of accessory apartments.

What it Means

Accessory apartments are small secondary units built as part of or adjacent to single family homes. Cities around the country are beginning to explore ways to increase the construction of accessory apartments to provide affordable housing and wealth-building opportunities. Common strategies include making it easier for residents and developers to build accessory apartments or providing low-cost construction loans.



Need in Apex

Apex allows accessory apartments, and costs range from approximately \$45-90k per unit.

Recommendations for Apex

The Town can support the development of accessory apartments by working with developers to provide them in new housing developments; providing design and regulatory assistance; and encouraging Homeowners Associations (HOAs) to allow accessory apartments. In addition, the Town could pilot a program to provide permanent financing, to be re-paid over time, for the construction of Accessory Apartments that are rented to low-income renters.

Implementation

Identify best practices from successful regional and local examples.

Timing: Long-term (5-10 years)

Goals:











- 2. Work with homeowners, HOAs, and developers to reduce barriers and encourage development.
- 2. Create a menu of designs based on the building code and the local building stock.
- 3. Conduct a pilot program to develop 5 affordable units by offering \$50,000 low-cost construction loans.

Accessory Apartments (continued)

Case Study | Encinitas, California Permit Ready ADU Program (PRADU)

To encourage the construction of Accessory Dwelling Units (ADUs), the City of Encinitas, California offers a range of services to encourage and reduce barriers to the development of ADUs. The City's website provides a selection of pre-approved building plans with customizable options that fit the community's character, as well as an expedited permit process and reduced fees. Through a competitive process, the City selected two local architects to develop criteria and create a selection of designs and plans for the PRADU program, including a studio, a



one-bedroom, a two-bedroom, and a three-bedroom option. These plans are available for download from the City's website, along with a checklist, permit application, and other relevant documents. The program was launched in 2019 to support the City's goal of supporting diverse housing options throughout Encinitas. Whereas in 2012, the City was permitting fewer than 10 ADUs per year, in 2019 the City issued over 150 permits for ADUs.

DESIGN PATH STUDIO architecture + design

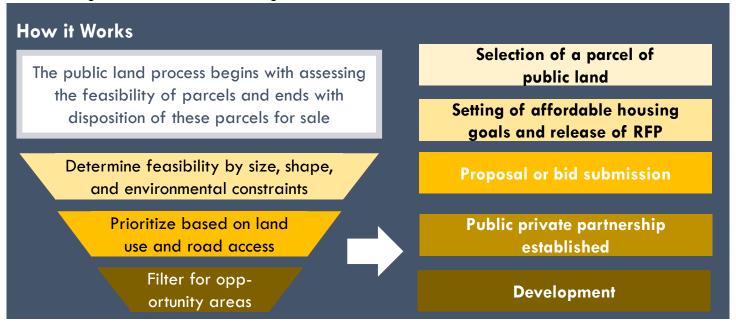
Source: City of Encinitas, DZN Partners, Design Path Studio; Western City

Public Land Acquisition and Sale

Apex will adopt a Town-wide policy to evaluate publicly-owned land prior to development and disposition and sell suitable property to developers at a reduced price in exchange for developing affordable units, and to evaluate any new purchases of property for affordable housing opportunities.

What it Means

Free or reduced cost land is another form of public subsidy the Town can use to create opportunities for the development of new affordable housing. In North Carolina, local governments can provide land to developers through a competitive process at reduced prices in exchange for affordable housing.



Need in Apex

Land costs are high in Apex, which is a barrier to affordable housing development. In addition, Apex owns limited public land that could be suitable for development.

Recommendations for Apex

Adopting a public land policy will help to ensure that suitable parcels are prioritized for affordable housing, and that as the Town makes new purchases of land for public uses it evaluates and identifies opportunities for affordable housing development. The Town may be able to partner with Wake County to develop affordable housing on County-owned property.

Implementation

Develop a land policy that ensures suitable sites are designated for affordable housing.

2. Inventory and review opportunities on Town- and Countypublic land in coordination with the Housing Advisory Board.

3. Release an RFP for development of priority sites. **Timing:** Long-term (5-10 years)

Goals:









Action Plan

Matrix of Recommendations

While many affordable housing solutions require national, state, and county support, the Town of Apex can take action to support affordable housing.

Recommendation	Timing	Welcome, Attract, and Retain Meet Housing Needs Connect with Infrastructure Partner Regionally			
BUILD THE TOWN'S CAPACITY To ensure the successful implementation of the Affordable Housing Plan, Apex needs to build its capacity to oversee new housing programs.					
Town Staff Capacity	Near-term				
Housing Advisory Board	Near-term				
ADVANCE ADVOCACY AND PUBLIC EDUCATION Building awareness and understanding about Affordable Housing in Apex will be critical to the success of the Plan.					
Annual Housing Report & Dashboard	Mid-term				
Diversity & Racial Equity Initiatives	Mid-term				
Affordable Housing Advocacy Partners	Mid-term				
IMPLEMENT PROGRAMS AND POLICIES Apex will provide funding for new programs and make policy changes to meet its affordable housing goals.					
Affordable Housing Incentive Zoning	Near-term				
Owner-Occupied Rehabilitation (OOR) Assistance	Near-term				
Low Income Housing Tax Credit (LIHTC) Gap Financing	Near-term				
Support for Homeownership	Mid-term				
Transit Oriented Development Density	Mid-term				
"Soft Density" Zoning By-Right	Mid-term				
Emergency Rental Assistance and Supportive Services	Long-term				
Accessory Apartments	Long-term				
Public Land Acquisition & Sale	Long-term				

Metrics of Success

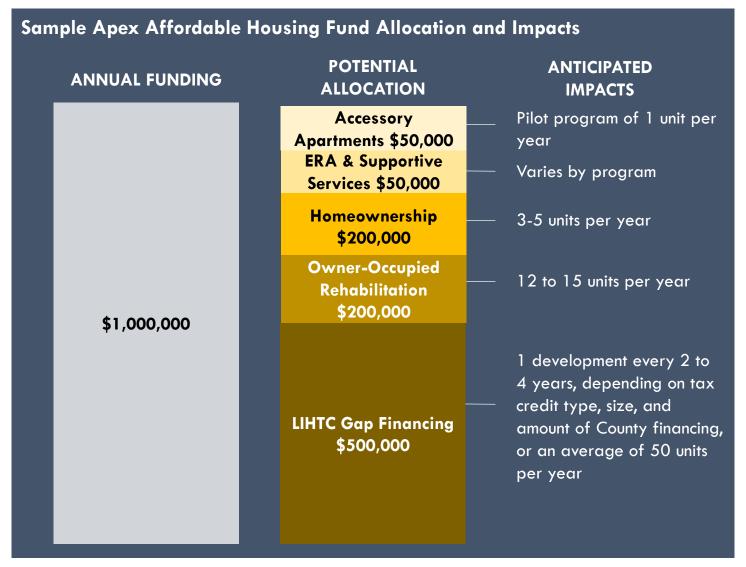
Each of the Town's actions will require specific metrics of success and targets to communicate progress, evaluate program effectiveness, and assess the Town's long-term prioritization. As the Town works toward implementing the plan, it will need to set ambitious but achievable targets. While the Town should track a broad array of housing affordability metrics, it should only set targets for the direct outputs and impacts of Town programs.

Proposed Metric*	Sample Target			
BUILD THE TOWN'S CAPACITY				
Number of dedicated housing staff	Hire a Housing Manager within 1 year			
Formation of a Housing Advisory Board	Establish a Housing Advisory Board within 1 year			
Number of Board meetings held	Quarterly (4) at a minimum			
ADVANCE ADVOCACY AND PUBLIC EDUCATION				
Equitable impacts of housing programs	Disaggregated housing program metrics show no racial or other disparities			
Publication of an annual housing report	First report released within 2 years			
Number of advocacy events held or materials produced by the Town or partners	One initiative per year with Town support			
Increased diversity of Apex residents	Track and report – no sample target			
IMPLEMENT PROGRAMS AND POLICIES				
Number of households served by program, tenure (renter or owner), and income	 Five households/year with income up to 80% of AMI receive down payment assistance Fifteen households/year with income up to 65% of AMI receive Owner-Occupied rehabilitation assistance 75 newly-developed units serving households at or below 50% AMI receive Town funding or zoning incentives within five years 			
Number of new subsidized affordable units developed	 300 units developed or in development within five years Track development of subsidized units against identified gap of 2,000 rental units affordable to households under \$40,000 			
Number of accessory apartments built	 Five permits for accessory apartments issued per year Successful completion of a pilot program to build 5 units that are affordable to renters up to 60% AMI within 5 years 			
Total new housing units developed	Track and report – no sample target			
Median home price & median rent	Track and report – no sample target			
Homeownership rates	Track and report – no sample target			
Eviction rate	Track and report – no sample target			
*Where applicable all impact data should	d be alternated by the and the			

*Where applicable, all impact data should be dicagareaated by income and race.

Apex Affordable Housing Fund

In recent years, many local governments have established Housing Trust Funds (HTF) to provide funding for affordable housing programs. The Town of Apex recently created a new HTF, referred to as the Apex Affordable Housing Fund, and approved a one cent property tax increase (a "penny tax") with the proceeds of this tax designated to the fund to support affordable housing programs. This penny tax is anticipated to generate \$1 million annually. The specific allocation of these funds will be determined by Apex's Town Council, with input from the Housing Advisory Board, which will make annual budget allocation recommendations.



Funding priorities should be reevaluated each year. Budgeting should emphasize flexibility, so that funds can be reallocated between approved programs as needed. Funds can be set aside annually for expenditure in later years (such as for LIHTC gap financing). The Town can also set aside funds to cover administrative costs such as a portion of staff time. In the long term, the Town could explore dedicating a fund to preserve older affordable and marketrate affordable rental housing, however the complexity of this program makes it a lower priority for Apex.

Appendix

1. Data Sources & Glossary

Data Sources

The Apex Affordable Housing Plan draws on public and proprietary data sources.

Data Source	Used For
CoStar Commercial Listing Service	Data on multifamily developments including number of units, vacancy, and rent
EMSI (Economic Modeling Specialists, Inc.)	Current and projected employment data in industry-specific clusters. EMSI uses data from the U.S. Bureau of Labor Statistics and other public sources.
Housing Authority of Wake County	Detailed property records for local subsidized housing
LEHD On the Map	Data on commuter patterns and projected employment growth
NC Housing Finance Agency Qualified Allocation Plan	State-established eligibility and criteria for scoring of Low-Income Housing Tax Credit (LIHTC) applications
Public survey responses	Comments and opinions shared by residents who completed the Town's public Affordable Housing survey
Resident and stakeholder interviews	Observations, data points, and recommendations from Apex residents and housing professionals
Steering Committee meetings and survey responses	Points of consensus and expert information from Steering Committee members during meetings and interim communication (such as survey responses and emails)
Town of Apex Development Report	Information regarding approved and proposed residential projects in the Town development process, including site plans, unit counts, and preliminary renderings
U.S. Department of Housing and Urban Development (HUD) & HUD Exchange	Federal funding by program over time, Area Median Income limits
U.S. Census Bureau American Community Survey 2018 5-Year Estimates, 1-Year Estimates, & 2010 Decennial Census	Demographic data including population estimates, income, and housing tenure
Zillow Home Value Index	Data on median housing values for each third of a housing market over the past decades

Glossary of Terms

Term	Definition
Accessory Apartments	Secondary rental units attached to or detached from a primary unit on a single family housing lot. Also known as Accessory Dwelling Units (ADUs).
Area Median Income (AMI)	See Page 33.
By-Right Development	Development allowed under the Unified Development Ordinance without requiring Town approval such as a variance or rezoning.
Community Land Trust (CLT)	A community-based nonprofit that reduces the cost of homeownership and supports long-term affordability of homes by separating the ownership of land from ownership of the home. The CLT owns the land and while the resident can build equity through a long-term lease.
Cost Burden	Under a standard set by the U.S. Department of Housing and Urban Development, a household is considered cost burdened when it spends 30% or more of its income on gross housing costs, including rent, mortgage payments, and utilities.
Down Payment Assistance (DPA)	Down payment assistance programs support homeownership by providing a grant or forgivable loan to first-time homebuyers to reduce the upfront costs of purchasing a home.
Housing Trust Fund (HTF)	A locally-designated and controlled fund to pay for affordable housing development and programs.
Infill Development	Development or redevelopment of a vacant or under-used property within an existing developed area.
Low-Income Housing Tax Credit (LIHTC)	A federal program that provides a dollar-for-dollar tax credit to support the development of affordable rental housing. The LIHTC program distributes federal income tax credits to developers through states' individual Housing Finance Agencies (HFA), which determine which projects receive tax credits under their federal allocation. There are two general types of credits that can be awarded, 9% credits and 4% credits.
Naturally-Occurring Affordable Housing (NOAH)	Market-rate housing that is affordable to low- or moderate-income households without public subsidy.
Planned Unit Development (PUD)	A zoning designation that permits variations from Apex's other zoning categories in order to allow flexibility and site-specific development.
Soft Density	Primarily single family areas that allow additional housing typologies such as duplexes, triplexes, quadplexes, townhomes or row houses, and live-work housing - also known as "missing middle" housing.
Subsidized Housing	Affordable rental and ownership housing developed and/or operated by non-profit and for-profit developers using public subsidies.
Unified Development Ordinance (UDO) HR&A Advisors, Inc.	The policy document through which Apex designates its zoning and land use regulations and of Page 399 - Apex Affordable Housing Plan 51

Housing Affordability Limits in Apex

The Department of Housing and Urban Development (HUD) sets income limits by household size that determine eligibility for subsidized housing programs. HUD develops income limits based on Median Family Income estimates by Metropolitan Statistical Area. Apex is in the Raleigh Metropolitan Statistical Area (MSA), which includes Franklin, Johnston, and Wake Counties.

Area Median Income (AMI) Limits for Raleigh MSA, 2020

Income Level	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
30% AMI (Extremely Low Income)	19,800	22,600	23,450	28,250	30,680
50% AMI (Very Low Income)	32,950	37,650	42,350	47,050	50,850
60% AMI	39,540	45,180	49,500	56,460	61,140
80% AMI (Low Income)	52,750	60,250	67,800	75,300	81,350
100% AMI	65,900	75,300	82,500	94,100	101,900

Housing costs are considered affordable when a household spends less than 30% of its income on gross housing costs, including rent or mortgage payments and utilities. For example, a household earning \$50,000 can afford housing costs up to \$1,250 per month. If housing costs exceed that limit, the household is cost burdened. The monthly cost limit for households in Apex by size and income level is shown in the table below.

Maximum Affordable Monthly Housing Costs for Raleigh MSA, 2020

	•	•			
Income Level	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
30% AMI (Extremely Low Income)	\$495	\$565	\$586	\$706	\$767
50% AMI (Very Low Income)	\$824	\$941	\$1,059	\$1 , 176	\$1,271
60% AMI	\$989	\$1,130	\$1,238	\$1,412	\$1,529
80% AMI (Low Income)	\$1,319	\$1,506	\$1,695	\$1,883	\$2,034
100% AMI	\$1,648	\$1,883	\$2,063	\$2,353	\$2,548

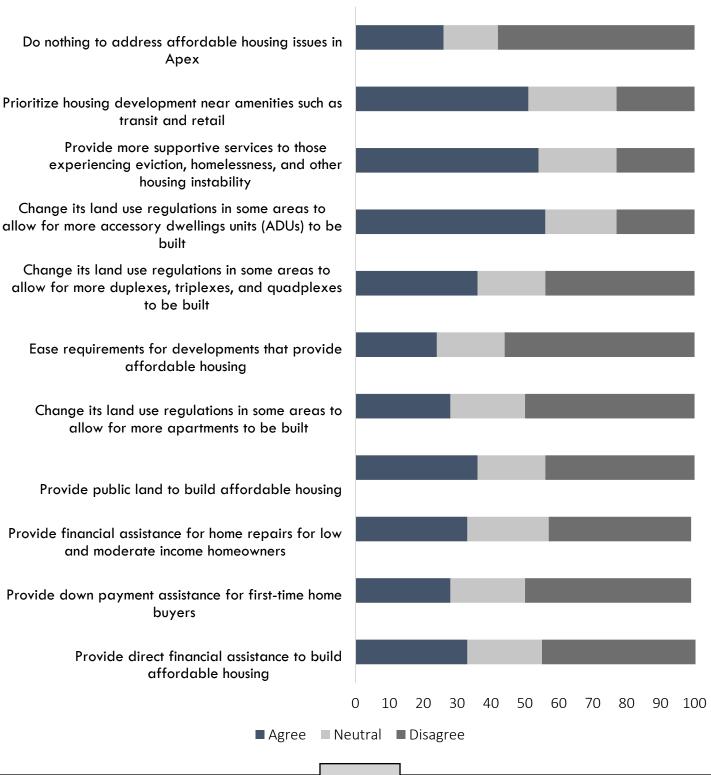
Source: U.S Department of Housing and Urban Development (HUD)

2. Public Engagement

Public Survey Results

58% of survey respondents think the Town should address affordable housing, but few types of potential tools received majority support.

The Town should....



Public Survey Results

Survey responses varied most significantly by housing tenure.

Statement	Owners	Renters	Incomes \$75k and Above	Incomes \$35k and Below
Everyone deserves access to safe, quality housing that is affordable to their income	62%	85%	68%	82%
Those that work in Apex should be able to live in Apex	54%	82%	61%	75%
Displacement of Residents is a concern in Apex	31%	55%	37%	41%
The Town should provide direct financial assistance to build affordable housing	23%	50%	26%	52%
The Town should offer down-payment assistance for first-time home buyers	19%	51%	24%	57%

Stakeholder Engagement Summary

HR&A interviewed 1.5 stakeholders between June 5th and August 10th as part of the initial data and information gathering process to guide the Housing Needs Assessment. These individuals are not quoted by name but are social service providers, housing developers, realtors, and individuals who have personally been impacted by affordable housing issues in Apex with a range of incomes and housing needs.

Pressing Challenges: Vulnerable Populations

- Most of the residents that local housing service providers are working with have been in and around Apex for generations ("Apex is growing up around them"). They shared that there are not people moving to Apex who are at the lower income bracket, and so most of the housing vulnerabilities seen in their clients are about preservation of affordable housing and mitigation of displacement.
- Apex residents utilizing housing services include both renters and multigenerational homeowners. Roughly 40% of these residents are seniors.
- Lower income homeowners sometimes choose not to sell to flippers because they know that it won't be enough to get them another house in Apex.
- Apex's Hispanic/Latino/Latina/Latinx community has especially struggled with housing affordability, because of their incomes and because some are undocumented and thus unable to secure a mortgage.
- Several residents observed a steep shift in naturally-occurring affordable housing (NOAH) around 2014-2016 and were priced out of Apex during this time frame. Others have observed a gradual trend since 2008 of lower-income residents in Apex moving to Holly Springs, Clayton, and other further-out locations.
- Several interviewees agreed that Apex's remaining trailer parks are "ripe for the picking" and are concerned about the threat of displacement of Apex renters in this source of NOAH.
- Others felt that foreclosures are the biggest risk for displacement of homeowners.
- Many interviewees were also unclear if many vulnerable individuals in the Triangle would want to live in the town if more affordable housing was available. Particular groups that may be less incentivized to live in Apex: families without cars (due to Apex's limited transportation amenities), or racial and ethnic minorities (due to concerns about racism and racist events at local schools).

Pressing Challenges: Land

- Many builders noted the high land costs in Western Wake County as a primary challenge in building affordable housing.
- It is also difficult for affordable housing developers to acquire land for projects, as they have found challenges competing in the private market. The main form of land acquisition for affordable housing has come through donation of scattered sites, but interviewees did not see this as a sustainable long-term solution.
- National builders have come to the Western part of the County (Cary, Apex, Morrisville, Holly Springs) to meet growing demand and pushed prices up (\$150,000 per acre for land zoned for 3-8 units/acre). At the same time: existing home prices are escalating in the eastern and southern parts of the County, even when their land prices are still in \$60-70K/per acre.
- Apex also has a land availability problem because it lacks parcels that meet Qualified Allocation Plan (QAP) requirements. This directly inhibits the construction of Low Income Housing Tax Credit (LIHTC) projects. Apex has few parcels that would meet an adequate site score due to the land's distance from amenities and transit.

Stakeholder Engagement Summary

Who are the major service providers in the area, and what are they doing?

- Mostly the churches and County service providers have worked in Western Wake.
- The towns (Apex, Cary, etc.) don't have federal homelessness dollars in their communities, so most funding is private dollars from various fundraising activities that is disseminated towards small churches.
- Apex is seen as having "a good group of people that are coordinating and collaborating", but not on a larger scale similar to the Continuum of Care.
- When someone needs homeless prevention and rapid rehousing in Apex, housing service providers have to connect them with a larger organization in Raleigh or an Apex church or the Western Wake Crisis Ministry.
- Many providers are balancing providing emergency services now with trying to find land to build affordable housing in the long-term.
- Others are providing support on down payment issues for first time home buyers and trying to educate
 these buyers with classes. However, participation for first-time homeownership programs in Apex is low,
 because home prices are so expensive.

How has COVID shifted the work of housing service providers?

- Since COVID, housing providers have shifted from financial assistance to providing greater amounts of emergency rental assistance.
- Several partnerships (such as between local providers and the Partnership to End Homelessness) have emerged to meet the increased need, but these County-wide providers are at an immense backlog due to the need in lower-income sections of Wake County.
- Providers have witnessed more individuals at risk of homelessness in Apex than ever before. Roughly 4-5 families per week in the town need to be housed in hotels or other accommodations. This is a third of the annual total of Apex families served in previous years.
- Apex and Western Wake housing providers are currently attempting to close the gap between intake, referral, and assistance (given the imminent risk of eviction for many families).

Stakeholder Engagement Summary

Recommendations from Housing Advocates and Professionals

- Try to use builders from Wake County and North Carolina (for affordable housing).
- Nearly all stakeholders agreed that Apex needs to build more houses that cost under \$200,000 and are affordable to lower-income households. There is a consensus that while down-payment assistance and mortgage programs could help supplement existing need, the core issue is about building more homes that are affordable with existing state programs and within reach of lower and middle-income households.
- Several also believe that the success of this plan will be tied to the ability to tell a compelling story about the benefits of affordable housing in Apex. "If we can shift away from language that points the problem at the people who need housing to language about creating healthier communities, that will go very far."
- A growing concern: on a few Apex projects completed by a regional affordable housing provider, property taxes were a concern for residents. These taxes are making it difficult for lower AMI homeowners to remain in their homes.
- Housing providers that we spoke to want to see a shift to preservation through rehab and describe it as a crucial opportunity to serve communities as land is becoming more scarce and/or expensive. Rehab can take place through partnerships with the Town and other nonprofits.
- Finally, nearly all participants agreed that the Town will need to partner with housing providers to land bank for affordable housing.
 - "The more we can land bank now, the more we'll be able to address future affordability challenges."
 - Some suggested that Town staff may need to go back to GIS and identify parcels that, even if unavailable now, would be priorities to "snatch up" when possible.
 - "We need the City's buy-in as land values go up—they can help us find land at \$20-\$25K per lot."

Recommendations from Residents with Housing Challenges

- Residents with housing challenges equally prioritized the need for smaller, more affordable homes in Apex.
 - 0 Many remarked that 1,500 SF homes would be suitable sizes for "starter homes" and affordable homes for seniors. Interviewees named \$300,000 as a feasible starting price in their communities.
- Others agreed on the growing property tax burden for seniors and lower-income residents. One resident recommended that the County freeze property taxes for seniors (like herself), who are 65 years old and above.
- Residents wanted the Town to try to use builders from Wake County and North Carolina (for affordable housing, in order to keep revenue for builders in NC.
- Other residents have witnessed instances of predatory lending and higher down-payment requirements for undocumented immigrants in Apex. This has led them to move to mobile home subdivisions instead of pursuing homeownership or expensive luxury apartments.
 - One interviewee felt that down payment assistance and/or alternative mortgage products would help improve this issue.
- Finally, one resident felt that there is a potential opportunity for Apex to deliver more "affordable" student or employee housing.
 - They felt that local universities and major employers (such as IBM, Lenovo, Red Hat, Cisco, GSK, Credit Suisse, and Fidelity) may be open to providing this for their employees.

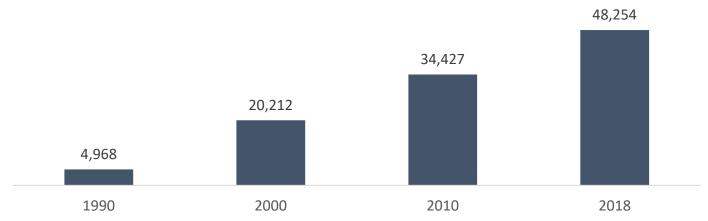
3. Housing Needs Assessment

Population Trends in Apex

In recent decades, Apex's population has grown significantly faster than County, state, and national trends. Since 2010, the Town of Apex has gained nearly 14,000 residents, an overall growth rate of 40%. This is compared to 23% growth in the rest of Wake County, and 9.5% growth in the state of North Carolina. Since 1990, Apex's population has grown by nearly ten times the number of residents, meaning that much of the Town and its housing, are relatively new.

This monumental growth is evidenced by several accolades that indicate Apex's appeal. In the past five years alone, Apex has been ranked the fastest growing suburb in the United States, the second-best city in North Carolina to get a job, the fourth safest place to live in North Carolina, and the best place to live in America.





40.0%

Apex population growth since 2010

23.0%

Wake County population growth since 2010

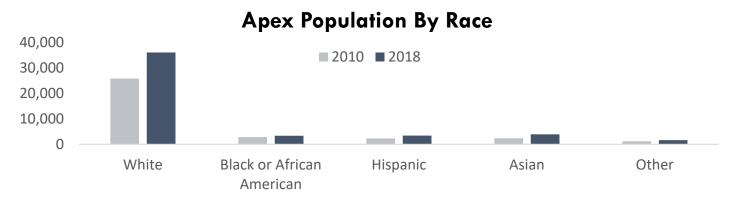
9.5%

North Carolina population growth since 2010

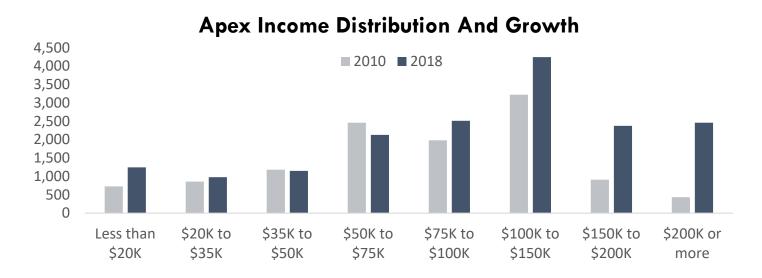
Source: ACS 5-Year Estimates (2018), Movoto, Realtor.Com, Money Magazine, Time Magazine

Population Trends in Apex

Though population grew for many groups, Apex's population remains predominantly white and affluent. While Apex has grown amongst all income categories and racial or ethnic groups since 2010, a significant majority of new residents continue to be white. From 2010 to 2018, Apex gained over 10,000 White residents, and the Town's share of White residents remained at 75%. During the same time period, Wake County's share of White residents declined, from 63% to 60%. This suggests that even through there has been some growth in the Town's residents of color, the population growth in Apex is less diverse than population growth in the county.



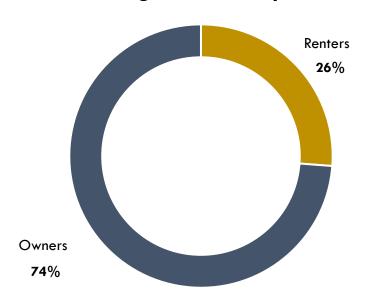
Apex's median income is much higher than Wake County's. In 2018, the median household in Apex earned \$105,000, which is higher than the countywide median income of \$72,000. This difference is driven in part by significant growth in Apex's high-income households. Since 2010, 85% of new Apex households earn more than \$100,000 each year. This rate is similar to Wake County, where 81% of new households earn over \$100,000 each year. Apex has decreased its share of low and moderate-income residents (earning \$35,000 to \$75,000), whereas Wake County, still has many moderate-income enclaves.



Source: ACS 5-Year Estimates (2018), Decennial Census (2010)

The majority of Apex households own their homes, but the number of renters is increasing. Like many suburban towns, an overwhelming majority of Apex households own

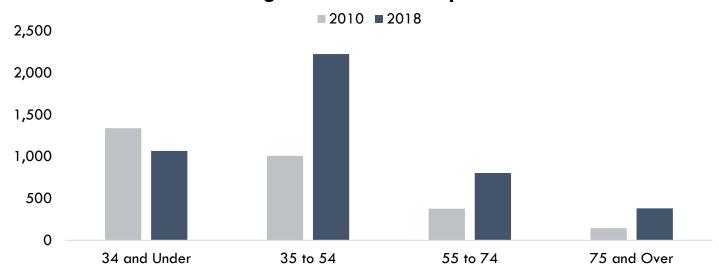
Housing Tenure in Apex, 2018



their homes. 74% percent of Apex households are homeowners, compared to 64% of households in Wake County, which includes more urbanized areas and a larger stock of multifamily housing.

Homeowner households are continuing to grow rapidly—Apex has added 3,700 homeowner households since 2010 for an overall growth rate of 42%. However, in a noted shift from prior trends, Apex added 1,600 renter households since 2010, for an overall growth rate of 56%. This percent growth is high in part because of the relatively low number of renters (and available rental units) in Apex in 2010. This growth in renters has largely been at the highest-income bands (over \$75,000), reflecting the high price point of recent multifamily developments.

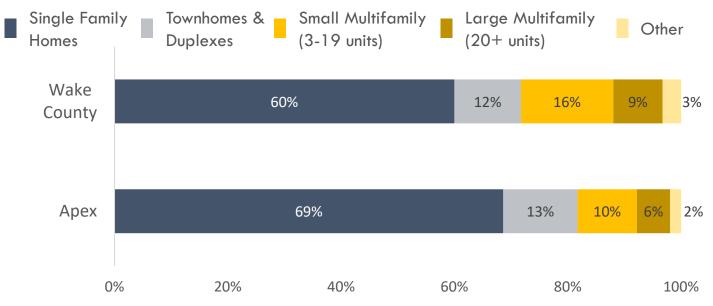
Age Of Renters in Apex



Source: ACS 5-Year Estimates (2018), Decennial Census (2010)

The majority of Apex's housing is single family, and large multifamily development makes up a relatively small percentage of total units.

Housing Units By Type



Single family detached homes comprise just under 70% of Apex's housing stock, indicating the predominance of this form in the Town. The majority of these single family homes (89%) are owner-occupied (versus renter-occupied), which confirms that tenure in Apex generally correlates with housing type. Apex's housing stock has a larger share of single family homes and smaller share of small and large multifamily developments than the Wake County housing stock as a whole.

"The rising costs of single family and multifamily homes are way too high for me, as a single parent."

-- Apex resident and survey respondent

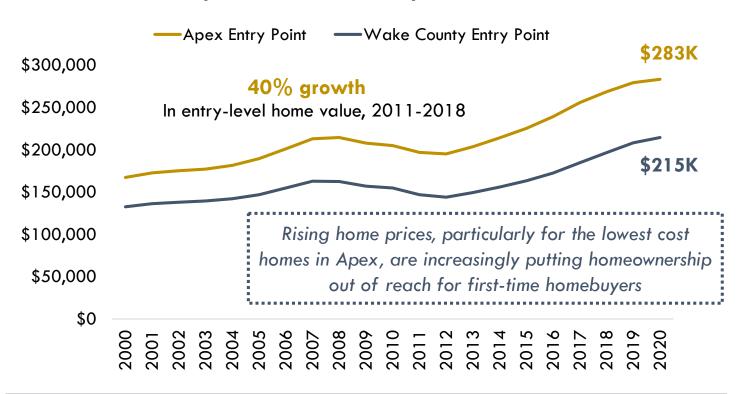
Even with the predominance of single family housing stock, survey responses have indicated that there is a need for greater affordable units amongst all housing types.

Source: ACS 5-Year Estimates (2018)

Single family home prices have been increasing sharply since the 2009 Great Recession, with the entry point for homes in Apex becoming particularly high.

When discussing home values, the entry point represents the median value for the bottom third of all homes in the housing market. This is generally the "point of entry" for most prospective homebuyers. Since 2000, Apex's entry point has ballooned to nearly \$300,000, which is consistent with the affordability challenges highlighted by many residents.

Apex and Wake County Home Values



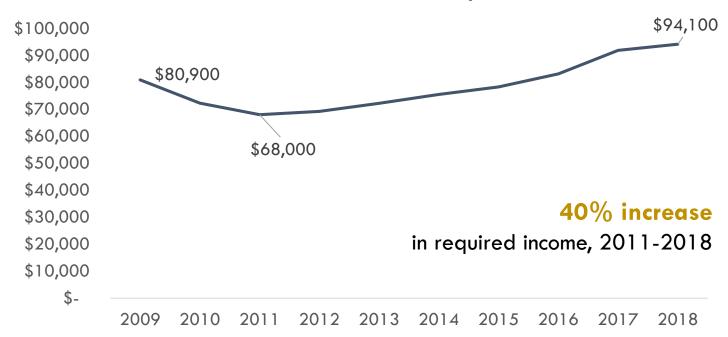
"We purchased a home over a decade ago when prices were still reasonable. We would not be able to afford a home in Apex now, especially a new construction home that averages \$400K."

-Apex resident and survey respondent.

If trends continue, households earning less than \$100K will have limited access to homeownership in Apex. Since the Great Recession, Apex home values have risen 4.2% each year, and now exceed pre-recession prices. While this rebound is a sign of economic prosperity and the desirability of the Town, in recent years, rising home values have exacerbated affordability challenges in Apex. Accounting for inflation, the income required to purchase a median value home in Apex has increased by 40% since 2011.

In order to purchase the median home in Apex, which costs \$377,000, residents would need to earn \$94,000, or otherwise would spend more of their income on housing than is advised by HUD guidelines. \$377,000 is well above the affordable home value for Apex residents without a college degree (\$138,000), or the median household in Wake County (\$307,000). This gap suggests that many households will have increasing difficulty accessing homeownership opportunities in Apex, as they continue to be priced out of its housing market.

Income Required to Purchase the Median Value Home in Apex



The increasing income required to purchase a house in Apex makes it more difficult for low- and moderate-income households to participate in the housing market, which can contribute to gentrification and displacement.

Source: Zillow Home Value Index, ACS 5-Year Estin

of Labor Statistics Consumer Price Index

The number of multifamily housing units in Apex has increased substantially in recent years, in part due to the development of four new high-amenity apartment buildings.



New construction typically has a rent premium, and these recently built communities have luxury amenities. This has impacted the median gross rent in Apex, which is \$1,300 compared to \$1,100 in Wake County, which has a broader range of multifamily housing including apartments that have fewer amenities.

Excluding new developments, many of which are still in the lease-up and stabilization phases, Apex has a healthy multifamily vacancy rate of 5%.

These newly built properties are commanding rents similar to other parts of Western Wake County, and certain communities in Raleigh. However, while these other parts of Wake County have seen a growth in market-rate apartment communities as well as new construction of LIHTC-subsidized apartments, Apex has not grown its stock of affordable multifamily development in recent years.

Source: CoStar Commercial Listing Service, ACS 5-Year Estimates

The Town also has several multifamily projects in development or recently completed.

These developments will help to add density near downtown and create mixed-use, pedestrian-friendly activity centers in other sections of town. These developments will help to meet demand amongst Apex's quickly-growing population of high-income renters and deliver housing that suits the preferences of the growing number of Americans who prefer to live in suburban communities that feature walkable, mixed-use nodes.





2030 Laura Duncan Road



Recently Completed



Senior Housing





0 Wrenn Street



Proposed



Small Town Character Overlay





3115 US Highway 64



Proposed



Mixed-Use Town Center

Source: Town of Apex

Stakeholder interviews and public survey responses confirm that rising home costs are creating housing affordability challenges for Apex residents.

"We need to figure out how to slow gentrification. Charming affordable 1950s homes in my neighborhood are being demolished and replaced with McMansions crammed into little lots."

-Apex resident and survey respondent

Market Challenges to Housing Affordability in Apex

- Gentrification reduces the availability of naturally-occurring affordable housing (NOAH) and puts homeownership out of reach for many moderate-income households
- Zoning and development patterns limit opportunities for denser development that could reduce price pressures by increasing the supply of housing. However, higher density redevelopment can also lead to the loss of older housing that tends to be more affordable
- Mobile home parks, one type of NOAH in Apex, are susceptible to redevelopment, which could displace current residents
- Older single family housing near downtown, another type of NOAH, is also susceptible to redevelopment by property investors
- New construction is costly, which means that rents for new market rate apartments are high compared to the limited number of older apartments in Apex

Source: Public Survey, Stakeholder interviews

Although Apex has seen additional multifamily development in recent years, the Town has a very limited stock of subsidized affordable rental housing.



Because new market-rate development is expensive, subsidy is required to develop new affordable rental housing. While continued luxury development can help free up some naturally-occurring affordable units for low-income households, subsidized housing is a core means of providing adequate housing for lower-income residents. Presently, Apex has fewer than 200 subsidized units that can meet the needs of these residents. Apex has 4.2% of all the housing units in Wake County, but only 1.6% of the subsidized units in Wake County. While Wake County recently exceeded its subsidized housing development goal by funding 780 affordable housing units in a single year, the Town of Apex has not had a proportional share of subsidized development over the past two decades. As rents and home prices continue to increase in Apex, this leaves fewer options for low-income residents to remain in Apex.

Source: CoStar, NC HFA, Housing Authority of County of Wake (HACW), Wake County Division of Housing Affordability and Community Revitalization

High land costs and a lack of sites that meet LIHTC location requirements make it expensive to increase Apex's subsidized housing stock.

Compared to many neighboring parts of Wake County, Apex has prohibitively high land costs, which makes it difficult for affordable housing developers (many of which are non-profits) to compete with market-rate developers in the land sale process. The lack of available public land from the Town, which could potentially offer low-cost land, further complicates this challenge.

"National builders came to Western Wake and pushed up land prices. You're now at \$150K per acre for land zoned for 3-8 units/acre, when [land in] the rest of the County is still at \$60K per acre."

-Non-profit housing developer in Wake County

Furthermore, even in the cases when affordable housing developers can find parcels that are large enough for multifamily development, Apex's suburban character makes it difficult to find land that is proximate to grocery stores, transit, and other amenities. Due to the rigorous site selection scoring in the North Carolina Housing Finance Agency's Qualified Allocation Plan, many parcels that are not close to these amenities do not score highly enough to be selected for competitive Low-Income Housing Tax Credit funding. Several Wake County LIHTC developers articulated this as a core challenge to realizing affordable rental housing in Apex.

Site Score Evalue From 2020 NC Qualif			
Primary Amenities	Under 1 mi.	Under 1.5 mi.	Under 2 mi.
Grocery	12 points	10 points	8 points
Shopping	7 points	6 points	5 points
Pharmacy	7 points	6 points	5 points
Transit	6 points if stop is: within	n 0.25 mi., has continuous a covered waiting area	sidewalks, and includes

Source: NC HFA, Stakeholder interviews

The lack of racial diversity in Apex is an area of concern and will require an explicit focus on racial equity to make sure that Apex is welcoming to all. This lack of diversity is likely due to a combination of factors, including:

HISTORICAL **POLICIES AND ONGOING DRIVERS OF SEGREGATION**

Historical national and local policies have contributed to creating and enforcing patterns of segregation, particularly in suburbs*.

- Policies including mortgage lending policy and suburban zoning patterns - have historically restricted homeownership opportunities for Black residents and other people of color
- Housing discrimination persists in communities across the US

AFFORDABILITY CHALLENGES

In part due to this discrimination, income, wealth, and race are correlated. A persistent racial wealth gap and access to credit limits opportunities for homeownership by nonwhite households.

- In Wake County, the median income for Black households is \$52,300, compared with \$89,700 for White, non-Hispanic households.
- In Wake County, the homeownership rate is 44% for Black householders compared with 72% for White, non-Hispanic householders.

RESIDENT **PERCEPTIONS** AND **EXPERIENCES**

Public survey responses note challenges to Apex welcoming diverse residents.

- "How can we better integrate our neighborhoods, instead of having the 'black' and 'white' sides of Town divided by Williams Street?"
- "I think more diverse people would move here if there were a bigger POC [people of color] community, or at the very least diverse businesses/restaurants/shops."

Source: ACS 5-Year Estimates (2018), Public survey

* Richard Rothstein's The Color of Law provides a thorough account of the federal and local policies that have created and shaped residential segregation in the United State





DRAFT
January 2021



Acknowledgements

The Apex Affordable Housing Plan was guided by the efforts of the Steering Committee, a group of engaged residents and housing professionals who lent their support, guidance, and opinions to the planning process over an eight-month period.

Bill Ahern

Habitat for Humanity Wake County

Francisco Arellano

Citizen Stakeholder

Alicia Arnold

Wake County

Mairym Azcona

Citizen Stakeholder

Beth Bordeaux

Western Wake Crisis Ministries

Erika Brown

Triangle J Council of Governments

John Buck

Citizen Stakeholder

Nicole Dozier

Mayor Pro Tem, Town of Apex

Phillip Farrington

Citizen Stakeholder

Tim Fisher

DHIC

Lou Fortunato

Apex Business Community

Seth Friedman

Passage Home

Jacques K. Gilbert

Mayor, Town of Apex

Michele Harrison

White Oak Foundation

Tyrell Hines

Citizen Stakeholder

Laura Holley

Citizen Stakeholder

Tahira Hyman

Citizen Stakeholder

Yume Iwakura

Citizen Stakeholder

Morgan Mansa

Town of Cary

Timothy Morgan

Evergreen Construction Company

Kandy Osborne

Citizen Stakeholder

Molly Rodgers

Citizen Stakeholder

Jacob Rogers

Triangle Community Coalition

Mark Steele

Apex Planning Board

Phil Welch

Citizen Stakeholder

Apex Affordable Housing Plan Overview

Vision: Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities.

To fulfill this vision, Apex will...



Welcome, attract, and retain a diverse population.



Meet the housing needs of a diverse population, including providing housing that is affordable to people with moderate and low incomes and of different age groups.



Connect affordable housing development with transit service, transportation infrastructure, and amenities.



Partner regionally to meet the housing needs of vulnerable populations.



Raise community awareness of affordable housing needs, solutions, and broader impacts.

Apex will meet these goals by...

BUILDING THE TOWN'S CAPACITY	IMPLEMENTING PROGRAMS AND POLICIES	
Town Staff Capacity	Affordable Housing Incentive Zoning	
Housing Advisory Board	Owner-Occupied Rehabilitation (OOR) Assistance Low Income Housing Tax Credit (LIHTC) Gap Financing	
ADVANCING ADVOCACY AND PUBLIC EDUCATION	Support for Homeownership	
Annual Housing Report	Transit Oriented Development Density	
Diversity & Racial Equity Initiatives	Public Land Acquisition & Sale	
Affordable Housing Advocacy Partners	Emergency Rental Assistance & Supportive Services	
	Accessory Apartments	
	"Soft Density" Zoning By-Right	

Table of Contents

05	Introduction Purpose of the Affordable Housing Plan Role of the Town in Housing Affordability Definition and Types of Affordable Housing Planning Context Planning Process
14	Housing Needs Assessment Purpose of a Housing Needs Assessment Summary of Housing Needs Public Input on Housing Needs Housing Trends and Challenges
23	Vision and Goals
25	Recommendations Build the Town's Capacity Advance Advocacy and Public Education
	Implement Programs and Policies
44	Action Plan Matrix of Recommendations and Goals Measures of Success Apex Affordable Housing Fund

Introduction

Purpose of the Affordable Housing Plan

Apex needs an Affordable Housing Plan to guide the Town's efforts to identify and address the affordable housing needs of its residents.

Apex has experienced significant population growth in the past two decades, outpacing growth in both the County and the State. As demand for new housing has grown, home prices have been increasing sharply since the Great Recession. Because of this, an increasing number of low- and moderate-income households in Apex struggle to afford their rent or mortgage. In addition, the Town's population has become less diverse compared with Countywide trends.

To plan intelligently for future growth; encourage a much broader range of home prices; align housing development with other Town, County, and State planning efforts; and attract and retain a more diverse population; Apex has set a vision for its future.

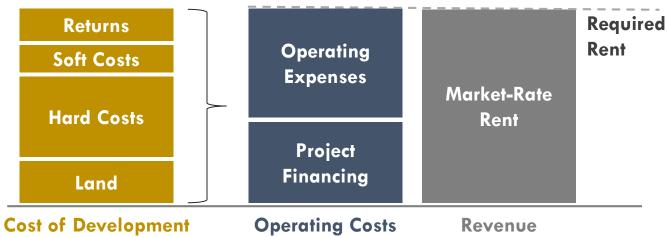
Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities.

The Affordable Housing Plan sets goals and makes recommendations that will help Apex to fulfill this vision.

Role of the Town in Housing Affordability

The affordability of housing is influenced by: market forces, state and local regulations, and affordable housing programs that receive funding from federal, state, county, and local governments.

The market alone cannot adequately address the affordable housing issues that Apex residents face. Market rate rents are determined by both the cost to build housing, including land, and the cost to operate housing. Because of high land costs and growing demand, market rate rents are higher than what many low- and moderate-income households can afford. The market cannot provide housing to these households without government support.



Existing government programs to support housing affordability do not fully address the affordability needs in Apex. These include federal programs administered by the North Carolina Housing Finance Agency (NCHFA) and Wake County, as well as other State and County programs. Apex can provide funding to leverage or supplement these existing programs to help their impacts.

FEDERAL PROGRAMS WAKE COUNTY PROGRAMS STATE PROGRAMS Low-Income Housing Tax NC 1st Home Advantage Elderly & Disabled Credits **Down Payment Assistance** Housing Rehabilitation Community Development NC Home Advantage **Emergency Rehabilitation Block Grants** Mortgage Affordable Housing NC Home Advantage Tax **Emergency Solutions Development Program** Grant Credit **Public Land Disposition Displacement Prevention** Home Investment Rental Assistance Housing Partnerships Program **Partnership** Program Housing Choice Vouchers **Urgent Repair** Emergency Assistance, Housing Opportunities for Community Partners Loan Street Outreach, & Rapid Persons with AIDS Pool Rehousing

Role of the Town in Housing Affordability

The Town of Apex can change its regulations and deploy funds to meet affordable housing needs not met by the market or existing federal, state, and county programs.

The Town of Apex already plays a central role in the housing market through regulation and public investments, which influence both the supply of and the demand for housing. These Town policies and practices impact the type of housing available and the cost of housing.



The Town influences the regulatory environment in which developers make investment decisions and disseminates information to developers and residents.



The Town deploys public funds for infrastructure, amenities, and development



e.g. Unified Development Ordinance, development



The Affordable Housing Plan outlines recommendations that will help ensure that the Town's policies and investments are aligned with its vision.

Definition and Types of Affordable Housing

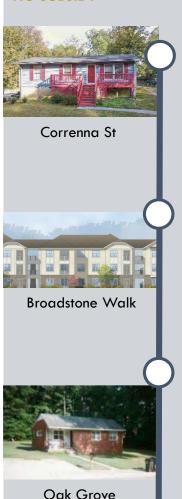
"Affordability" can have different meanings depending on the context. Under a standard



set by the U.S. Department of Housing and Urban Development (HUD), housing is affordable when a household's housing costs (including rent or mortgage and utilities) are less than 30% of the household's income. A household that spends 30% or more of its income on housing costs is considered "cost burdened". A summary of affordable housing costs by income in Apex is provided in the Appendix.

There are many different types of "affordable housing":

NO SUBSIDY



Naturally Occurring Affordable Housing (NOAH): Market-rate housing (for rent or purchase) that is priced at levels that are affordable to low- or moderate-income residents. In Apex, rising rents, home prices, and redevelopment have led to a limited amount of NOAH.

Subsidized Housing: Rental and ownership housing which has received local, state, or federal subsidy funding to make it affordable to income-qualified residents. The most common form of subsidized housing is through the federal Low-Income Housing Tax Credit (LIHTC) program, which in North Carolina primarily serves households at or below 60% of Area Median Income, or about \$56,000 for a family of four in Wake County, well above minimum wage. Apex presently has fewer than 200 units of subsidized housing.

Public Housing: Housing owned and managed by public housing agencies with operating and capital funds provided by HUD, and typically serving extremely low-income households (a family of four making \$25,300 or less). The Wake County Housing Authority operates 10 units of public housing in Apex.

Permanent Supportive Housing: Housing that also provides health care and supportive services to help individuals and families with higher levels of need (for example, adults with chronic health or developmental difficulties) to remain housed and lead more stable lives.

HIGHEST LEVEL OF SUBSIDY

Planning Context

Prior plans in Apex and Wake County established a strong foundation to begin the affordable housing planning processes. The Town's and region's prior comprehensive plans, small area plans, and housing strategies helped the planning team to understand the local and regional priorities that the Affordable Housing Plan would need to address for Apex, as well as planned investments and ongoing initiatives around land use, transportation, and affordable housing.



The Apex Downtown Master Plan (2019) provides a vision to guide development in and around downtown.

- Expanding housing options including mixed-income and senior-friendly housing near downtown is a key goal of the plan
- Realtors see a need for additional duplex, triplex, and quad housing near downtown to support housing affordability



Advance Apex (2019) is a transportation and land use plan.

- It includes the 2045 Future Land Use map and sets the goals of investing in activity centers, creating walkable, mixed-use areas, and preserving rural character
- It identified the conceptual route for the first local transit route in Apex



The Wake County Affordable Housing Plan (2017) identifies strategies to produce and preserve affordable housing.

Recommendations include use of public land, an acquisition and preservation fund, funding for affordable rental production, and dedicating funding for housing programs



Peak Plan 2030 (2013) is an update to the Town's Comprehensive Plan.

The plan recommends allowing and encouraging more housing development, especially rental housing, in and around downtown; increasing density near downtown without altering neighborhood character; increasing diversity of housing types and tenure; and encouraging weatherization and modernization, particularly for senior and disabled housing

Planning Process

The Apex Affordable Housing Plan is the result of an eight-month planning effort. The planning process included:

- Assessing housing needs, which combined analysis of demographic, economic, and real estate market trends with input from stakeholders to identify a clear picture of housing trends and affordability needs in Apex;
- Working with a Steering Committee in six sessions to develop a vision and goals for the plan and discuss potential affordable housing tools that Apex could implement to meet its housing needs;
- Developing recommendations for feasible and impactful strategies and tools the Town can pursue to address its housing needs and meet its affordable housing goals; and
- Drafting a plan for public review prior to adoption by the Town Council.

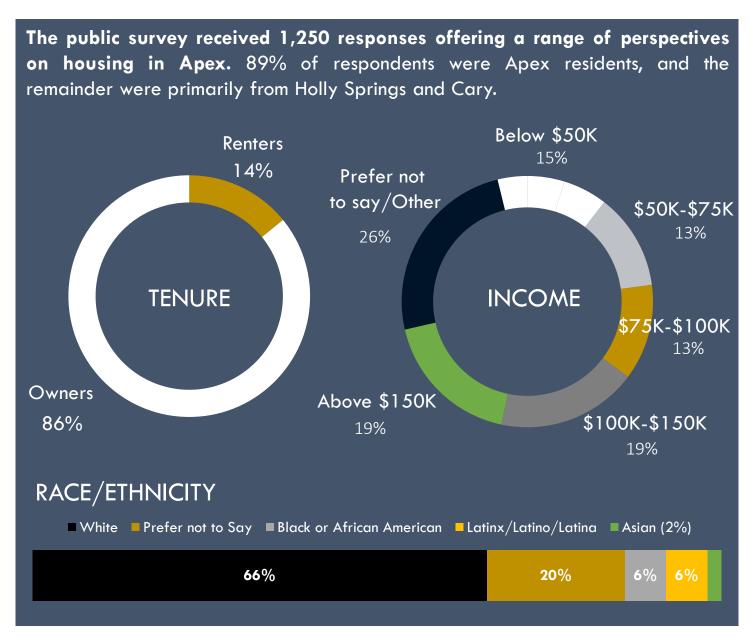


The Apex Affordable Housing Plan was developed in collaboration with Apex residents and stakeholders from a diversity of backgrounds. Throughout the plan, input from stakeholders provided crucial context about local needs and priorities. Engagement activity included:

- 15 Interviews with stakeholders including providers of affordable housing, developers, community leaders, nonprofit service providers, and Apex residents directly impacted by housing challenges;
- A Town-wide public survey that was publicized in utility mailers, emails, Town social media pages, posters, and through community leaders and Steering Committee members;
- Regular website and email updates to inform residents about the progress of the plan;
- A public presentation to share the draft plan and receive public feedback;
- Presentations to the Apex Planning Board and Town Council; and
- Input from a steering Committee of local stakeholders including engaged residents and housing professionals who lent their support, guidance, and opinions throughout the planning process.

Planning Process

A town-wide public survey was released in July 2020 using publicinput.com in order to gather broad feedback on the housing issues that Apex residents face. This survey took place over a two-month period and reached over 1,250 residents, shaping the housing goals around which the Apex Affordable Housing Plan is organized and informing the plan's recommendations. The survey was supplemented with individual interviews to reach populations that were underrepresented in the survey. The survey also helped highlight topics that require further public engagement and public education around Apex's affordable housing needs. This will need to continue throughout the implementation of the Affordable Housing Plan and could be led by members of the Steering Committee as well as Town Staff.



Planning Process

A public engagement plan (PEP) was developed to guide outreach throughout the planning process. The PEP included the survey as well as targeted metrics reflecting a goal to reach a diverse audience. The survey was supplemented with targeted interviews to reach lower income households. Higher income homeowners are overrepresented in the survey, but representation was more diverse than the targeted metrics.

Tenure of Apex Residents & Respondents

Apex **74**% homeowners:

Respondent 86% homeowners:

PEP Goal: 50 renter

respondents

Reached: 139 renter

respondents

Income of Apex Residents & Respondents

Apex households with 13% incomes below \$35k:

Respondents with 5% incomes below\$35k*:

PEP Goal: Responses from all income groups, including lowincome.

Race of Apex Residents & Respondents

White Apex **75%** residents:

White survey 66% respondents*:

PEP Goal: 60 non-white

respondents

Reached: 150 non-white

respondents

^{*26%} of survey respondents declined to state their household income and 22% of survey respondents declined to state their race/ethnicity. Apex residents under the age of 35 are also underrepresented in the survey.

Housing Needs Assessment

Purpose of a Housing Needs Assessment

The Housing Needs Assessment identifies the most pressing housing affordability challenges in Apex.

In particular, the Housing Needs Assessment uses demographic and market data as well as stakeholder input to answer three questions:

What are the most pressing issues related to housing affordability in Apex?

Housing affordability is made up of many distinct but related factors including the supply and diversity of available housing, the accessibility of homeownership, and the availability of housing and services to meet the needs of all residents including seniors, adults with disabilities, and households that rely on public transit. The Housing Needs Assessment provides insight into which of these issues are most pressing for Apex residents.

What policies or market trends are driving these issues?

Local and regional trends in population and income, housing development and prices, employment, and other factors all impact housing affordability in Apex. In addition, the Town's policies related to development review, land use, housing programs, and other regulations impact the cost of development and the cost of living in Apex. The Housing Needs Assessment evaluates which of these trends are most contributing to housing affordability challenges in the Town.

Who is and is not served by Apex's housing market?

Some residents may face affordability challenges that others do not. In addition, there may be regional residents who want to live in Apex but cannot, or who choose not to live in Apex. Understanding who is struggling with housing affordability in Apex is crucial to informing the priorities of the Affordable Housing Plan.

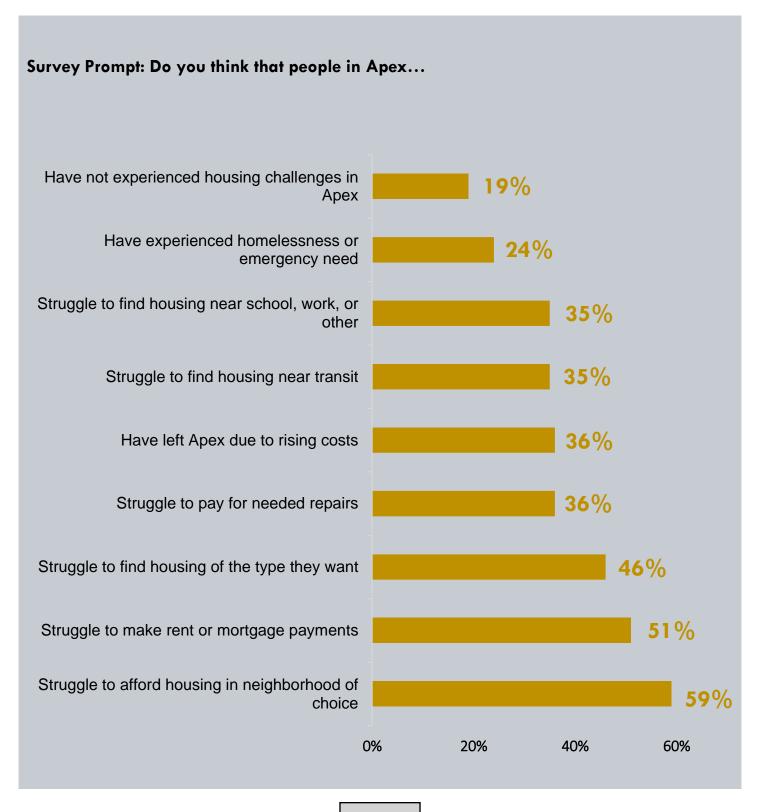
Summary of Housing Needs in Apex

The key findings of the Housing Needs Assessment informed the goals and recommendations of the Affordable Housing Plan.

- There is a significant shortage of rental housing that is affordable for low-income households (2,000 units for households earning less than \$40,000), and that rental housing gap is projected to nearly double over the next 10 years. While it is not possible to quantify a homeownership gap, the increasing cost burden of low-income homeowners and qualitative data on homeownership indicate that there is an unmet need.
- In Apex, there are presently 3,150 cost burdened households earning less than \$75,000, and 700 extremely cost burdened households (those paying over 50% of their income in housing costs).
- Apex is rapidly losing affordable entry-point homes or "starter homes" for new owners including young families.
- Apex is attracting a less racially diverse population compared to Wake County overall.
- Affordable housing options and supportive services are limited for seniors who want to age in place.
- Apex does not have a proportional share of the region's subsidized rental housing, and new development of LIHTC units has been limited. Barriers to subsidized affordable housing development include high land costs and limited access to transit.
- Most of the supportive housing and services in Apex are provided through small programs run by religious organizations or other nonprofits.
- Market pressures appear to be displacing moderate-income families, including homeowners, and threaten existing Naturally-Occurring Affordable Housing (NOAH).
- High land and maintenance costs place redevelopment pressure on NOAH in Apex, including mobile home parks and older homes.
- Lack of clear affordable housing development requirements leads to uncertainty in negotiation with developers, which can pose a barrier to the production of new housing.

Public Input on Housing Needs

The public survey was used to gather general input regarding housing needs. Survey respondents agree that housing affordability is a challenge in Apex. The Appendix provides more detailed public survey results.



Public Input on Housing Needs

Respondents shared both their perspective on housing issues in Apex and the role that they think the Town should play. The Appendix provides more detailed Public Survey results.



Many of the lower-income families would like to stay in Apex to give their children a better life. Many are forced to move to areas that have less access to resources. We would love to see Apex stay balanced and not become a place accessible only for a certain demographic.

Couples in their late 20s and early 30s with young children I know had a hard time affording a single family house in this area.

I know many Latino families that have moved away from Apex because of rising housing cost. This racial/class gentrification by means of rising housing costs, reduces social and economic diversity which hurts everyone's quality of life.

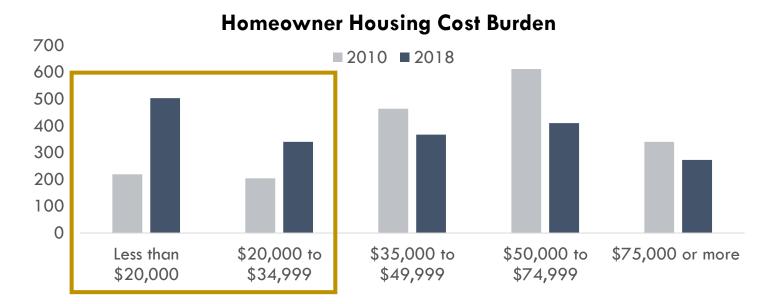
I believe the Town should be looking at ways to work with local and county organizations to develop more affordable housing.

> People retiring have to move to Fuguay or Holly Springs to downsize.

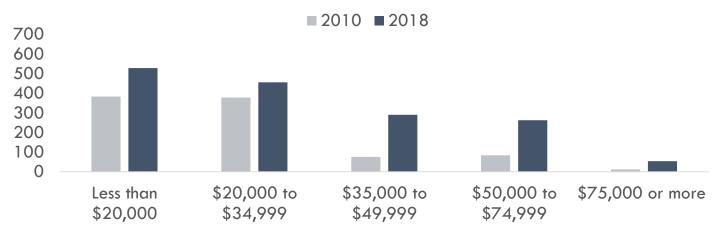
It should not be the Town's responsibility to provide financial assistance or down payment assistance. There are federal programs available to support those needs.

I agree the Town should be the implementer of affordable housing and not hinder it through arbitrary zoning and land use laws. But I do not agree it is the Town's obligation to finance.

Cost burden for Apex residents is increasing for homeowners at lower income levels and renters at all income levels.



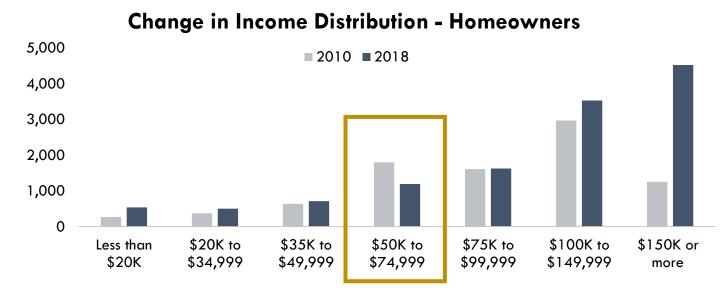
Renter Housing Cost Burden



A household is cost burdened if it spends more than 30 percent of income on housing costs, including utilities. In Apex, there are presently 3,150 cost burdened households earning less than \$75,000, and 700 extremely cost burdened households (those paying over 50% of their income in housing costs).

Since 2010, cost burden has increased dramatically for low-income households who own and rent, and also for higher-income renters, perhaps due to the luxury price points of new multifamily development (a structure containing more than four dwelling units). This indicates the growing need for affordable rental and homeownership opportunities within the Town.

Apex is losing moderate-income households, particularly among homeowners, who may be moving to nearby towns with lower home prices.



While Apex has continued to gain higher-income households, the Town has seen a significant decrease in households earning \$50,000 to \$75,000 each year, primarily driven by a loss of homeowners. These income tiers are generally considered to be moderate-income households in Wake County. Since 2010, the Town of Apex lost 605 homeowner households earning between \$50,000 to \$75,000 each year.

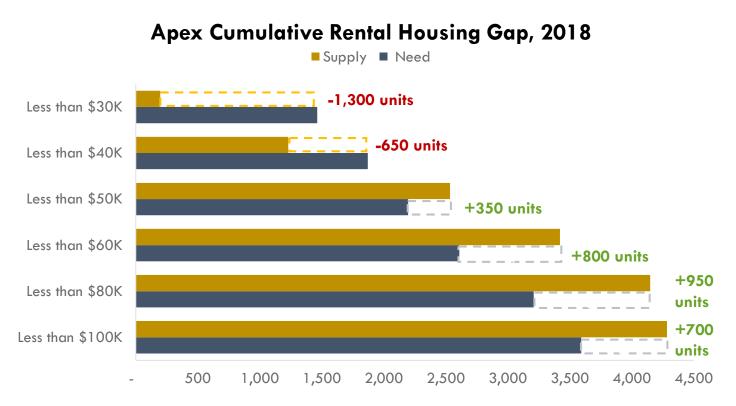
Based on Apex's increasing home values, as well as the survey responses and interviews of Apex residents, this loss in moderate-income homeowners appears to be driven by a combination of existing homeowners leaving Apex, and the inability of other moderateincome homeowners to replace them. While existing homeowners may be leaving due to their independent desire to sell or their inability to afford growing costs of homeownership (such as rising property taxes), the rising financial barrier to moving to Apex is an undisputed challenge for prospective residents earning moderate incomes, as well as the increasing cost burden for low income renters and homeowners.

"In some cases, people can't stay here [in Apex]. I see this near Downtown and the Publix. So, they sell and move to Holly Springs." -Apex resident

Source: ACS 5-Year Estimates (2018), Decennial Census (2010)

- Page 439 -

The limited availability of subsidized rental housing and rising rents have led to a rental housing gap of roughly 2,000 units affordable to households earning less than \$40,000 in Apex. When the need from individuals of certain incomes levels exceeds the number of units affordable at that income level, a housing gap exists. This gap is particularly pronounced for households earning less than \$40,000 each year, as the number of units meeting their maximum affordable rent (\$750 each month for households making \$30k and \$1000 each month for households making \$40k, including utilities) continues to dwindle. As a result, many of these renters are likely paying 50% or more of their income for housing. Like many towns, Apex has a gap of rental units for low-income renters and a surplus of units for higher-income renters. This indicates that the market is meeting the needs of most renters, particularly those earning more than \$50,000, but that public subsidy may be needed to increase the availability of rental housing that is affordable to households with incomes below \$40,000.



As rents increase, NOAH is lost, and the low-income population continues to grow; this gap is projected to nearly double for lower income households over the next ten years. While the Town can't fully address the rental housing gap, funding and partnerships with the County will help to reduce it or keep it from growing.

Source: ACS 5-Year Public Use Microdata Samples, (2018)

Over the next decade, Apex is projected to add 1,900 jobs with incomes below \$75,000, which will further contribute to the Town's affordable housing need.







Though not all people who work in Apex will choose to live in the Town, employment growth is one source of potential new residents. Much of the projected employment growth (83% of jobs added) in Apex will be in occupations that pay less than \$75,000 annually, and almost half of those jobs will be retail and service-industry jobs that pay less than \$35,000. For those making minimum wage, annual salary can be closer to \$14,000 in North Carolina.

Presently, only 10.4% of people who work in Apex live in the Town. 65% of all Apex workers commute 10 miles or more from Wake County and surrounding counties, a rate that is high even amongst other suburbs. increasing stock of the affordable homes for low and moderateincome households, Apex could retain a larger share of its employees as residents, ensuring that the individuals who help keep the Town running are also able to call it home. Further, given the location of these jobs, it is beneficial for affordable units to be located near retail and commercial centers as well as transit access.

Source: EMSI, ACS 5-Year Estimates (2018), LEHD On The Man

Vision and Goals

Plan Vision and Goals

The Steering Committee used public input and the results of the Housing Needs Assessment to establish the plan vision and goals.

Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities.

To fulfill this vision, Apex will...



Welcome, attract, and retain a diverse population.



Meet the housing needs of a diverse population, including providing housing that is affordable to people with moderate and low incomes.



Connect affordable housing development with transit service, transportation infrastructure, and amenities.



Partner regionally to meet the housing needs of vulnerable populations.



Raise community awareness of affordable housing needs, solutions, and broader impacts.

Recommendations

Recommendations Overview

The Affordable Housing Plan includes fourteen recommendations intended to address the plan vision and goals. These are generally grouped in three categories: (1) Building the Town's Capacity, (2) Advancing Advocacy and Public Education, and (3) Implementing Programs and Policies. A brief explanation for each recommendation is provided in this section.

BUILDING THE TOWN'S CAPACITY

Town Staff Capacity

Housing Advisory Board

ADVANCING ADVOCACY AND PUBLIC EDUCATION

Annual Housing Report & Dashboard

Diversity & Racial Equity Initiatives

Affordable Housing Advocacy Partners

IMPLEMENTING PROGRAMS AND POLICIES

Affordable Housing Incentive Zoning

Owner-Occupied Rehabilitation (OOR) Assistance

Low Income Housing Tax Credit (LIHTC) Gap Financing

Support for Homeownership for First-Time Homebuyers

Transit Oriented Development Density

Public Land Acquisition & Sale

Emergency Rental Assistance & Supportive Services

Accessory Apartments

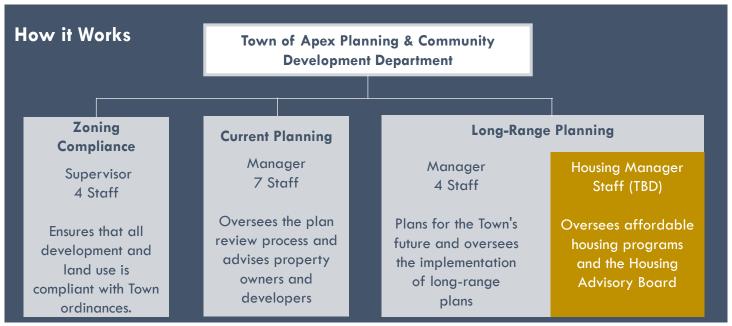
"Soft Density" Zoning By-Right

Town Staff Capacity

Apex will increase the capacity of staff to support the successful implementation of the Affordable Housing Plan by hiring a Housing Manager.

What it Means

Aligning staff capacity with the level of programming is crucial to the success of the Affordable Housing Plan. By ensuring that the Town's departments are adequately staffed and funded to administer and manage housing programs and development, and by setting clear priorities and measures of success, the Town can increase both its ability to support affordable housing and to communicate and engage with the public.



Need in Apex

Apex lacks housing staff to oversee the implementation of the Plan including the administration of the Affordable Housing Fund and proposed Housing Advisory Board.

Recommendations for Apex

As the Town develops new housing programs, it will need a full-time Housing Manager to manage and oversee those programs. This role would also be responsible for continued improvement, research, and monitoring of success. The Town may need to contribute additional staff time and resources to support the Housing Manager as needed.

Implementation

- Prioritize hiring a Housing Manager to oversee the implementation of the Affordable Housing Plan as soon as possible without using the Affordable Housing Fund.
- 2. Review current staffing and make changes to accommodate new priorities and increase capacity.

Timing: Near-term (<2 years)









Housing Advisory Board

Apex will create a Housing Advisory Board to provide input on the use of the Town's affordable housing funding and policy, as well as to be responsible for championing education and outreach around affordable housing.

What it Means

A Housing Advisory Board or Committee is a public, non-regulatory committee that advises Town leadership on policy and funding priorities related to affordable housing. Much like other public boards, committees, and commissions, it should bring together stakeholders with multiple viewpoints who can advocate for affordable housing to Town Council and the public.

How it Works

8-10 council-appointed members, representing the following groups:

MEMBERSHIP

- affordable housing providers (recipients of Town funds) • regional representatives
 - affordable housing residents
- real estate professionals & lenders Planning Board member
- at-large community members
- Town Council member (nonvoting)

Membership should reflect a broad diversity of ages, races, and incomes, and a combination of homeowners and renters.

RESPONSIBILITY

- 1. Provide Town Council with policy and funding recommendations.
- 2. Assist in the creation of an Annual Housing Report.
- 3. Advise on Housing Advocacy efforts.

TOWN STAFF ROLE

Provide administrative support and technical assistance for board activity. Provide information about related Town initiatives, policies, and programs.

Need in Apex

Apex has a committed base of housing advocates and professionals it can leverage to support the activities of Town staff, to inform the priorities of Town leadership, and to communicate with the public about affordable housing. In addition, meeting the housing needs of diverse residents requires a mechanism for diverse voices to participate in the Town's decision-making.

Recommendations for Apex

By establishing a Housing Advisory Board the Town can formalize existing advocacy efforts and ensure the Town's capacity to successfully implement the Affordable Housing Plan.

Implementation

After hiring a Town Housing Manager, establish a board and develop a charter and by-laws to guide inclusive membership, governance, and training.

2. Appoint members, hold regular meetings, and coordinate with the Planning Board and Town Council. **Timing:** Near-term (<2 years)









Annual Housing Report & Dashboard

Apex will produce an annual report and online dashboard on the impacts of the Town's affordable housing activities and spending.

What it Means

An annual housing report with online dashboard serves two main functions: (1) To track key performance indicators and metrics associated with affordable housing programs and expenditures and monitor the impacts to ensure that the Town's investments support racial equity goals; and (2) To convey to residents the importance of housing affordability and racial equity initiatives. It can both serve as an outreach tool and track efforts related to outreach and education. A dashboard can be enhanced over time through coordination with regional partners and as additional data are gathered.

How it Works

Annual Housing Reports should include:

Metrics to diagnose affordability e.g. entry price point, rates of housing cost burden by tenure

Key Performance Indicators for programs e.g. households served by income range, units produced or preserved

The online dashboard can be updated more frequently, including data such as assistance provided through the Owner-Occupied Rehabilitation Program.



Need in Apex

Public engagement revealed uncertainty among Apex residents about the areas of greatest need and the Town's role in supporting affordable housing.

Recommendations for Apex

Producing an annual report on housing and an online dashboard, once implementation of programs is underway, will provide a forum for educating and informing the public about the state of housing affordability in Apex. Use advocacy to communicate early progress.

Implementation

Following the hiring of a Town Housing Manager, identify key housing metrics and program performance indicators to track and report.

2. Develop a format and begin annual housing report and dashboard for Town of Apex.

Timing: Mid-term (2-5 years)











Diversity & Racial Equity Initiatives

Apex will identify and eliminate potential barriers to attracting a diverse population and adopt a racial equity lens to evaluate all housing policies and investments.

What it Means

Diversity initiatives are comprised of marketing and partnership efforts that emphasize a Town's values, with the goal of becoming more welcoming of people of different races, ethnicities, beliefs, sexual orientations, gender identities, incomes, and other groups. Racial equity initiatives acknowledge the intentional design of many racial inequities and set racial equity goals for programs.

Need in Apex

Apex's vision is to become a community that is welcoming to people of diverse backgrounds. However, new residents in Apex are predominantly white, even as the County's population growth has been relatively diverse, indicating that the Town can do more to advance a welcoming message and provide housing opportunities for prospective residents. Further, a commitment to racial equity requires that the Town understands the impacts of its policies and investments and makes decisions that mitigate rather than exacerbate racial disparities.

Recommendations for Apex

To advance diversity, the Town should conduct engagement to understand the current messages, explicit and implicit, that may influence who moves to Apex; work with real estate agents to coordinate messaging; and emphasize the Town's values in all communications. As part of ongoing Town efforts to increase diversity and equity, the Town should adopt a racial equity lens to evaluate housing investments and evaluate hiring a Diversity Officer to implement these changes throughout the Town's government.

Implementation of Diversity Initiatives

Work with marginalized communities to understand Apex's current messaging, and to develop core values that emphasize diversity.

Timing: Mid-term (2-5 years)

Goals: (11)









- 2. Develop a resident marketing strategy for Town communications that reflects core values.
- Engage with real estate professionals including brokers and mortgage lenders to align messaging and mitigate potential barriers to attracting diverse residents.

Implementation of Racial Equity Initiatives

- 4. Adopt a racial equity lens to evaluate and make decisions about housing programs and investments. Track program impacts and disaggregate data by race.
- 5. Evaluate the need for a Diversity Officer and hire a Diversity Officer if needed.
- 6. Join the North Carolina cohort of GARE (Government Alliance on Race and Equity), and participate in educational sessions, technical assistance, and peer-to-peer exchanges to shape Town racial equity initiatives.

Affordable Housing Advocacy Partners

Apex will develop partnerships with pro-affordable housing advocates to coordinate an education campaign.

What it Means

Advocacy activities can help to build public awareness and dispel misconceptions about affordable housing. In small towns, many preexisting community groups function as advocates by educating the public about the benefits of development, the need for affordable housing, and the populations impacted by that need.



Need in Apex

Public engagement revealed a need for greater education and communication about the need for affordable housing in Apex and the Town's role in addressing affordable housing needs.

Recommendations for Apex

The Town should support the advocacy efforts of the Housing Advisory Board members and their associated groups, offering organizational resources (such as public meeting space) and educational resources about housing programs. Progress made and reported in the annual housing report can be conveyed through these partnerships and a potential public forum.

Implementation

- Work with Housing Advisory Board members and organizations to develop advocacy and education plan.
- 2. Develop public-facing informational materials to explain the Town's affordable housing plan.
- 3. Integrate advocacy efforts into Annual Housing Report.

Timing: Mid-term (2-5 years)

Goals: (11)







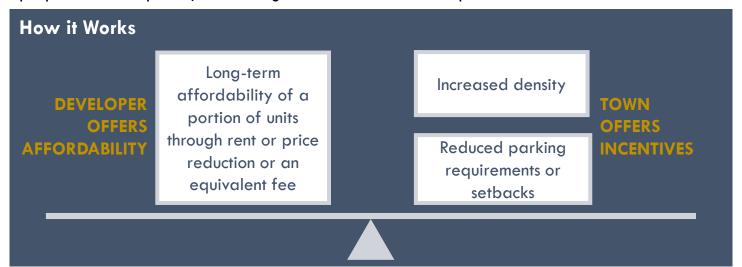


Affordable Housing Incentive Zoning

Apex will create a clear menu of suggested affordable housing zoning conditions for developers to choose from in exchange for incentives as part of the rezoning and Planned Unit Development approval processes.

What it Means

When proposed development requires Town Council approval, the Town has an opportunity to ensure that new development includes affordable housing units. Incentive zoning conditions encourage developers to provide a public good, such as affordable housing units, as part of a proposed development, in exchange for incentives that compensate for the loss of revenue.



Need in Apex

Apex already provides incentives for affordable housing and other public benefits, but lacks a clear set of conditions, which can pose a barrier to the production of new housing. In addition, the Town wants to protect Naturally-Occurring Affordable Housing and limit gentrification pressures from new housing development.

Recommendations for Apex

The Town should establish a clear policy to provide incentives for developers in exchange for affordable housing units or an equivalent fee payment toward the Town's Housing Trust Fund to help to ensure that affordable housing is created as part of new residential development. The program should include special requirements for discretionary development in areas particularly sensitive to redevelopment, such as mobile home parks, to minimize displacement.

Implementation

- Review existing approval processes and recentlyapproved projects to help develop clear guidelines.
- 2. Develop an incentive zoning condition, specifying target affordability and available incentives.
- 3. Establish criteria and a process to review projects.

Timing: Near-term (<2 years)











Affordable Housing Incentive Zoning (cont'd)

Example Affordable Housing Incentives in Apex | Depot 499 PUD

The Project: A proposed 200-acre mixed-use development including residential and

non-residential components, seeking rezoning as a Planned Unit

Development (PUD), a type of zoning district with specific requirements

outlined in the Unified Development Ordinance.

The Opportunity: The proposal included no affordable housing but was requesting a

significant zoning change for the development to move forward.

The Request: The Town requested that the developer set aside at least 2 acres (1% of

the total land area) for affordable housing or set aside a portion of the

proposed multifamily housing units for affordable housing.

The Outcome: The Developer agreed to make a monetary donation to an affordable

housing fund or non-profit affordable housing developer if a target



number of affordable housing units were not built by 2025. In addition, Wake County Public School System committed to building an elementary school within the development area. Based on these commitments, the Town approved the rezoning.

Example Affordable Housing Incentives in Apex | Kissena Lane PUD

The Project: A proposed 10-lot development of affordable, detached single family

housing within an existing subdivision, seeking rezoning as a Planned Unit

Development (PUD).

The Opportunity: The proposal for a 100% affordable development serving households

> with incomes at or below 70% of Area Median Income required certain changes to the zoning requirements in order to provide housing that was

both affordable and in character with surrounding development.

The Request: The developer requested changes to the zoning including the required lot

> width and building setbacks, as well as a grant to assist with fees, in order to make the development feasible at the specified level of

affordability.

The Town approved the PUD, which enabled the project to move forward. The Outcome:

Owner-Occupied Rehabilitation (OOR) **Assistance**

Apex will work with a nonprofit partner to support homeowners in making repairs so they can remain in their homes and communities.

What it Means

Owner-occupied rehabilitation programs help maintain the affordability of homeownership by ensuring that income-qualifying homeowners can make necessary repairs to make their homes safe. Qualifying repairs typically include structural repairs, modernization or repairs to systems such as heating and plumbing, and weatherization, as well as accessibility improvements to help seniors age in place. Cosmetic improvements are not eligible costs.



Need in Apex

Apex has been losing moderate-income homeowners, and older homes are one remaining source of Naturally-Occurring Affordable Housing (NOAH) in Apex.

Recommendations for Apex

The Town has proposed a program, Apex Cares, to provide rehabilitation assistance to income-qualified homeowners. Apex should implement Apex Cares in a way that compliments the County rehabilitation programs. This program will help preserve NOAH, prevent displacement of moderate-income homeowners, and allow seniors to age in place.

Implementation

- Standardize Apex Cares program operations with Wake County rehabilitation program.
- 2. Identify qualified private contracts from the County.
- Conduct outreach to potential Apex Cares participants.

Timing: Near-term (<2 years)







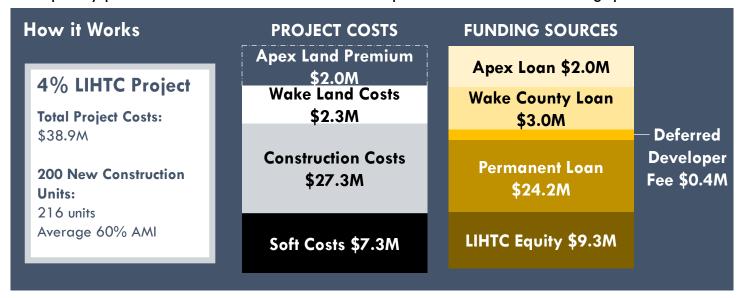


Low Income Housing Tax Credit (LIHTC) **Gap Financing**

Apex will collaborate with Wake County to provide gap financing to increase the production of LIHTC housing and adopt a policy to provide assistance to reduce the cost of local fees for affordable housing developments.

What it Means

LIHTC is a federal program administered through the state, and the primary tool for the development of new affordable rental units. There are two types of LIHTC: 9%, which provide greater federal subsidy but are highly competitive; and 4%, which have less federal subsidy and therefore require more local support, but are not as competitive. Local governments frequently provide low-cost loans to LIHTC developers to close the financial "gap".



Need In Apex

Apex has a low-income rental housing gap, and a disproportionately low share of the County's low-income housing. Land costs and site requirements make LIHTC development difficult.

Recommendations for Apex

The Town can leverage County funding to meet Apex's affordable housing needs. Apex should explore opportunities to support 9% as well as 4% projects, which have fewer barriers to development in Apex. Apex should provide low-cost loans for LIHTC in partnership with Wake County to account for the higher cost of land in Apex. In addition, the Town can provide grants to reduce the costs of permit fees.

Implementation

In the near-term gather input on gap financing needs and loan requirements from developers and County staff and dedicate a portion of Apex Affordable Housing Funds to gap financing.

Timing: Near-term (<2 years)

Goals: (1)









2. In the mid-term coordinate with Wake County to negotiate financing for proposed LIHTC developments and adopt a policy to provide grants for permit fees.

Support for Homeownership (Down Payment Assistance & Counseling)

Apex will increase access to homeownership for first-time homebuyers through financial assistance and counseling services provided through nonprofit partners.

What it Means

Down Payment Assistance (DPA) reduces the up-front costs of homeownership by providing income-qualified households with a forgivable loan (for those meeting requirements) or grant to cover a portion of the down payment and closing costs. Paired with homebuyer counseling, Down Payment Assistance can help low-and moderate-income households find stable housing and build wealth through home equity.

Homebuyer counseling provides prospective first-time homebuyers with assistance in planning for buying a home and budgeting for the full costs of homeownership, including utilities, insurance and maintenance, to ensure that households are financially prepared for homeownership.

How it Works Down Payment Assistance reduces the up-front costs of homeownership through grants or forgivable loans. Total \$13,000 from household **Purchase Price \$25,000** DPA \$280,000 \$242,000 Home Purchase Price Affordable mortgage for a household making \$56,000 annually Homeownership counseling may include services such as: 1.

- Identifying affordable purchase prices and evaluating mortgage options.
- 2. Learning how to choose a home, a real estate agent, insurance, etc.
- 3. Navigating inspections, home purchase, and closing.
- Planning for full costs of homeownership including maintenance needs. 4.
- 5. Avoiding discrimination & predatory lenders.
- 6. Financial planning assistance or foreclosure prevention.

Support for Homeownership (continued)

Need in Apex

Apex has been losing moderate-income homeowners, and the entry point for homeownership is putting homeownership out of reach for young families and first-time homebuyers.

Recommendations for Apex

Apex can provide funding for Down Payment Assistance to nonprofit operators of local programs, and layer funding with both State and County programs (see Appendix) to maximize available funding and help Apex residents build wealth. Because, in Apex, there are increasingly few homes inexpensive enough North Carolina Housing Finance Agency requirements, this program would work best with a higher maximum purchase price, and in combination with tools that increase the supply of moderately-priced housing, including soft density zoning.

Implementation

Develop and issue a request for proposals for a nonprofit partner to administer homeownership programs.

Timing: Mid-term (2-5 years)

Goals:









- 2. Review proposals and select a nonprofit partner.
- Provide funding to support homeownership programs.

Building Wealth versus Preserving Affordability

Support for homeownership helps low- and moderate-income households build wealth by accumulating home equity, but Down Payment Assistance does not preserve the affordability of the home purchased after the homebuyer sells the house. Depending on the type of Down Payment Assistance, funds can be forgiven or become part of a revolving program to support new first-time homebuyers. Shared equity homeownership limits the wealth households can build but maintains the affordability of the house. This can be done through a variety of mechanisms, including Community Land Trusts. The Town must weigh the tradeoffs between helping residents build wealth and making housing affordable over the long-term.

EMPHASIS ON BUILDING **WEALTH**

TYPES OF FUNDING ASSISTANCE

EMPHASIS ON PRESERVING AFFORDABILITY

Forgivable Loan or	Loan with 0%	Loan with Interest	Shared Equity
Grant	Interest		Homeownership
If homebuyer remains in the home for a minimum period (e.g. 5 years), the down payment assistance loan is forgiven and becomes part of the household's assets.	When homebuyer sells the home, they repay the down payment assistance out of sale proceeds. Funds are redirected to a new homebuyer. The loan could be partially forgiven.	When homebuyer sells the home, they repay the down payment assistance with interest out of sale proceeds. Funds are redirected to a new homebuyer.	Both the homebuyer and the homeownership program build equity in the property, which must be sold to another income-qualified household.

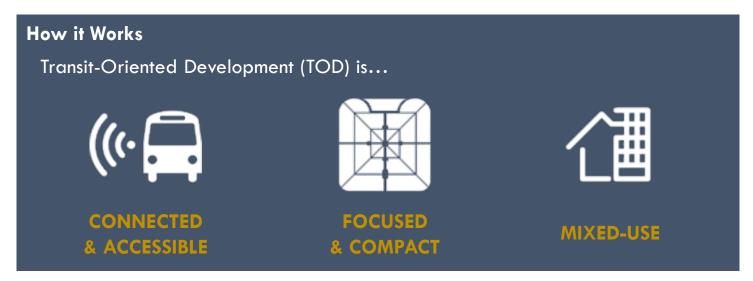
- Page 456 -

Transit-Oriented Development Density

Apex will amend its Future Land Use Map to show higher density multifamily development in areas adjacent to key transit infrastructure.

What it Means

Allowing increased density of multifamily development will help to reduce development costs and clearly communicate where the Town is interested in supporting new development. Encouraging development of multifamily development near employment centers and transit helps create denser nodes and reduces the need for renters to rely on personal vehicles.



Need in Apex

The Town of Apex is launching its first local bus route in Spring 2021, and enhanced GoTriangle bus services including extended Apex to Raleigh service and a new Apex-Cary Express which will connect to the planned multi-modal hub and further increase access to public transit for Apex residents.

Recommendations for Apex

Apex has proposed increases in density for its 2045 Future Land Use Map. By planning for denser multifamily, the Town can ensure that development is consistent with the Town's growing transit system and support the development of affordable housing near transit.

Implementation

1. Review current future land use map and proposed transit system improvements to identify areas suitable for increased density.

Timing: Mid-term (2-5 years)

Goals: (1)









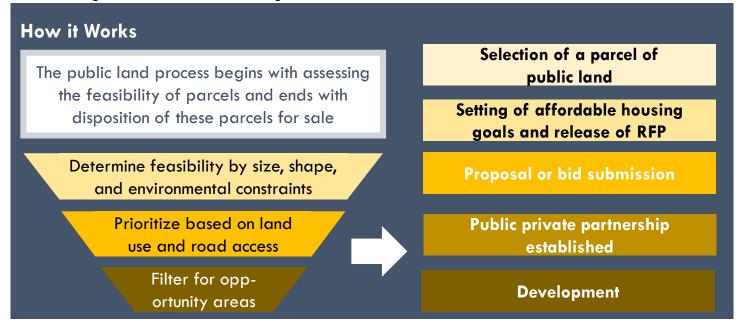
- 2. Determine desired density of residential or mixed-use in transit-adjacent areas.
- 3. Engage the public to explain TOD and adopt proposed Land Use Map changes.

Public Land Acquisition and Sale

Apex will adopt a Town-wide policy to evaluate publicly-owned land prior to development and disposition and sell suitable property to developers at a reduced price in exchange for developing affordable units, and to evaluate any new purchases of property for affordable housing opportunities.

What it Means

Free or reduced cost land is another form of public subsidy the Town can use to create opportunities for the development of new affordable housing. In North Carolina, local governments can provide land to developers through a competitive process at reduced prices in exchange for affordable housing.



Need in Apex

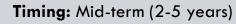
Land costs are high in Apex, which is a barrier to affordable housing development. In addition, Apex owns limited public land that could be suitable for development.

Recommendations for Apex

Adopting a public land policy will help to ensure that suitable parcels are prioritized for affordable housing, and that as the Town makes new purchases of land for public uses it evaluates and identifies opportunities for affordable housing development. The Town may be able to partner with Wake County to develop affordable housing on County-owned property.

Implementation

Inventory and review opportunities on Town- and Countypublic land in coordination with the Housing Advisory Board. Goals: (11) 📀 👔 🔊



2. Develop a land policy that ensures suitable sites are designated for affordable housing.









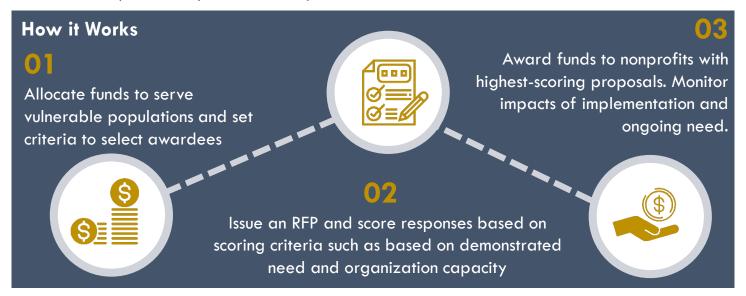
3. Release an RFP for development of priority sites.

Emergency Rental Assistance and Supportive Services

Apex will support residents at risk of homelessness and other vulnerable populations with emergency rental assistance and related services.

What it Means

Emergency rental assistance helps households with a short-term need due to illness, job loss, or another emergency to pay rent or utilities to avoid eviction and shut-offs. Supportive services are a broad category of programs that help vulnerable populations maintain stable housing. Vulnerable populations may include: the chronically homeless; veterans; seniors; adults with chronic illness, addiction, or disabilities; and victims of domestic abuse.



Need in Apex

Apex provides grant funds to nonprofit service providers but can allocate Affordable Housing Funds to expand supportive services and emergency assistance to vulnerable residents. Public survey respondents supported assistance for residents facing housing instability.

Recommendations for Apex

Setting aside funds to help families facing short-term emergencies will help to reduce eviction risk and providing funds for short-term emergencies can help avoid higher costs associated with eviction and homelessness. The Town can provide funds for emergency and supportive services through a competitive Request-for-Proposals process.

Implementation

Issue RFP for nonprofit partners to provide emergency or supportive services such as funding for supportive housing, resources for shared housing, emergency rental or utility assistance, or other programs that meet demonstrated need.

Award funds and work with nonprofit partners to monitor ongoing need.

Timing: Long-term (5-10 years)













2.

Accessory Apartments

Apex will provide residents with resources to encourage the development of accessory apartments.

What it Means

Accessory apartments are small secondary units built as part of or adjacent to single family homes. Cities around the country are beginning to explore ways to increase the construction of accessory apartments to provide affordable housing and wealth-building opportunities. Common strategies include making it easier for residents and developers to build accessory apartments or providing low-cost construction loans.



Need in Apex

Apex allows accessory apartments, and costs range from approximately \$45-90k per unit.

Recommendations for Apex

The Town can support the development of accessory apartments by working with developers to provide them in new housing developments; providing design and regulatory assistance; and encouraging Homeowners Associations (HOAs) to allow accessory apartments. In addition, the Town could pilot a program to provide permanent financing, to be re-paid over time, for the construction of Accessory Apartments that are rented to low-income renters.

Implementation

Identify best practices from successful regional and local examples.

Timing: Long-term (5-10 years)

Goals:









2.

- Work with homeowners, HOAs, and developers to reduce barriers and encourage development.
- 2. Create a menu of designs based on the building code and the local building stock.
- 3. Conduct a pilot program to develop 5 affordable units by offering \$50,000 low-cost construction loans. Consider a partnership for the management of these loans.

- Page 460 -

Accessory Apartments (continued)

Case Study | Encinitas, California Permit Ready ADU Program (PRADU)

To encourage the construction of Accessory Dwelling Units (ADUs), the City of Encinitas, California offers a range of services to encourage and reduce barriers to the development of ADUs. The City's website provides a selection of pre-approved building plans with customizable options that fit the community's character, as well as an expedited permit process and reduced fees. Through a competitive process, the City selected two local architects to develop criteria and create a selection of designs and plans for the PRADU program, including a studio, a



one-bedroom, a two-bedroom, and a three-bedroom option. These plans are available for download from the City's website, along with a checklist, permit application, and other relevant documents. The program was launched in 2019 to support the City's goal of supporting diverse housing options throughout Encinitas. Whereas in 2012, the City was permitting fewer than 10 ADUs per year, in 2019 the City issued over 150 permits for ADUs.

DESIGN PATH STUDIO orchitecture + design

Source: City of Encinitas, DZN Partners, Design Path Studio; Western City

"Soft Density" By-Right Zoning

Apex will amend its zoning to allow or encourage more types of housing, including duplexes, triplexes, and small multifamily developments, in residential districts adjacent to downtown.

What it Means

"Soft Density" refers to attached single family housing such as townhomes, duplexes, and triplexes which can accommodate more households and provide smaller units for residents. Allowing by-right development of more types of housing will help reduce development costs and clearly communicate where the Town is interested in supporting new development.



Needs in Apex

Apex has been losing moderate-income homeowners, which may be due in part to a lack of affordable smaller homes such as townhomes.

Recommendations for Apex

Apex has a "small town character" zoning overlay district to preserve the architectural qualities that define the downtown. The Town can amend this overlay district to ensure that it allows soft density development, minimizes barriers to the development of soft density, and limits the maximum unit size of new development. This should help to provide smaller housing units near downtown while preserving affordability and enhancing neighborhood character.

Implementation

- Review current zoning regulations including Affordable Housing Incentive Zoning condition to identify areas suitable for increased density.
- 2. Engage with developers and residents in downtownadjacent neighborhoods to evaluate opportunities and barriers to increasing the development of "soft density" housing.

Timing: Long-term (5-10 years)

Goals:









Action Plan

Matrix of Recommendations

While many affordable housing solutions require national, state, and county support, the Town of Apex can take action to support affordable housing.

Recommendation	Timing	Welcome, Attract, and Retain	Meet Housing Needs	Connect with Infrastructure	Partner Regionally	Raise Awareness
BUILD THE TOWN'S CAPACITY To ensure the successful implementation of the Affordable Housing Plan, Apex needs to build its capacity to oversee new housing programs.						
Town Staff Capacity	Near-term	ATI		a		OŢ.
Housing Advisory Board	Near-term	ATI		a		O.J.o
ADVANCE ADVOCACY AND PUBLIC EDUCATION Building awareness and understanding about Affordable Housing in Apex will be critical to the success of the Plan.						
Annual Housing Report & Dashboard	Mid-term	(1)		al		○ ①
Diversity & Racial Equity Initiatives	Mid-term	(11)		al		0 <u>0</u> 0000
Affordable Housing Advocacy Partners	Mid-term	it1		A		OÎ.œ
IMPLEMENT PROGRAMS AND POLICIES Apex will provide funding for new programs and make policy changes to meet its affordable housing goals.						
Affordable Housing Incentive Zoning	Near-term	ith		Al		0,00
Owner-Occupied Rehabilitation (OOR) Assistance	Near-term	ith		Al		0,00
Low Income Housing Tax Credit (LIHTC) Gap Financing	Near-term	it		al a		0 0
Support for Homeownership	Mid-term	113		A		0 0
Transit Oriented Development Density	Mid-term	(11)		a		000
Public Land Acquisition & Sale	Mid-term	iti		A		000
Emergency Rental Assistance and Supportive Services	Long-term	H)		a		O TO
Accessory Apartments	Long-term	ith		Al		OÎ.
"Soft Density" Zoning By-Right	Long-term	113		A		0 10

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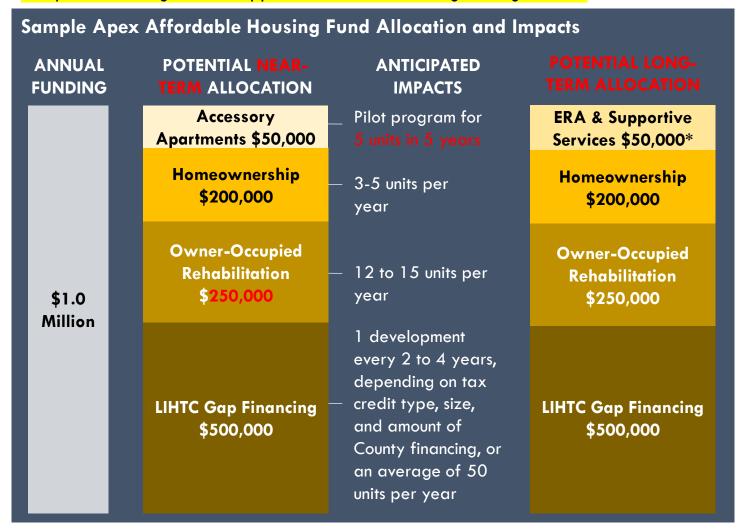
Metrics of Success

Each of the Town's actions will require specific metrics of success and targets to communicate progress, evaluate program effectiveness, and assess the Town's long-term prioritization. As the Town works toward implementing the plan, it will need to set ambitious but achievable targets. While the Town should track a broad array of housing affordability metrics, it should only set targets for the direct outputs and impacts of Town programs.

Proposed Metric*	Sample Target				
BUILD THE TOWN'S CAPACITY					
Number of dedicated housing staff	Approve and fill a Housing Manager position as soon as possib				
Formation of a Housing Advisory Board	Establish a Housing Advisory Board within 1 year				
Number of Board meetings held	Quarterly (4) at a minimum				
ADVANCE ADVOCACY AND PUBLIC EDUCATION					
Equitable impacts of housing programs	Disaggregated housing program metrics show no racial or other disparities				
Publication of an annual housing report	First report released within 2 years				
Number of advocacy events held or materials produced by the Town or partners	One initiative per year with Town support				
Increased diversity of Apex residents	Track and report – no sample target				
IMPLEMENT PROGRAMS AND POLICIES					
Number of households served by program, tenure (renter or owner), and income	 Five households/year with income up to 80% of AMI receive down payment assistance Fifteen households/year with income up to 65% of AMI receive Owner-Occupied rehabilitation assistance 75 newly-developed units serving households at or below 50% AMI receive Town funding or zoning incentives within five years 				
Number of new subsidized affordable units developed	 300 units developed or in development within five years Track development of subsidized units against identified gap of 2,000 rental units affordable to households under \$40,000 				
Number of accessory apartments built	 Five permits for accessory apartments issued per year Successful completion of a pilot program to build 5 units that are affordable to renters up to 60% AMI within 5 years 				
Total new housing units developed	Track and report – no sample target				
Median home price & median rent	Track and report – no sample target				
Homeownership rates	Track and report – no sample target				
Eviction rate	Track and report – no sample target				
*Where applicable, all impact data should be digagaregated by income and race.					

Funding Recommendations

In recent years, many local governments have established Housing Trust Funds (HTF) to provide funding for affordable housing programs. The Town of Apex recently created a new HTF, the Apex Affordable Housing Fund, and approved a one cent property tax increase (a "penny tax") with the proceeds of this tax designated to the fund to support affordable housing programs. This penny tax is anticipated to generate \$1 million annually. The specific allocation of these funds will be determined by Apex's Town Council, with input from the Housing Advisory Board, which will make annual allocation recommendations. To maximize the impact of these funds, the Town can leverage County, State, and Federal funding sources and private funding. See the Appendix for a list of housing funding sources.



The Town should reevaluate funding priorities annually, with a focus on programs that create new units of affordable housing or maintain naturally occurring affordable housing. The Town should explore additional funding sources to support administrative costs and emergency assistance & supportive services if feasible. Budgeting should emphasize flexibility, so funds can be reallocated between approved programs, and be set aside for later years. In the long term, Apex could dedicate a fund to preserve older affordable and market-rate rental housing, however the complexity of this program makes it a low priority.

Appendix

1. Data Sources & Glossary

Data Sources

The Apex Affordable Housing Plan draws on public and proprietary data sources.

Data Source	Used For
CoStar Commercial Listing Service	Data on multifamily developments including number of units, vacancy, and rent
EMSI (Economic Modeling Specialists, Inc.)	Current and projected employment data in industry-specific clusters. EMSI uses data from the U.S. Bureau of Labor Statistics and other public sources.
Housing Authority of Wake County	Detailed property records for local subsidized housing
LEHD On the Map	Data on commuter patterns and projected employment growth
NC Housing Finance Agency Qualified Allocation Plan	State-established eligibility and criteria for scoring of Low-Income Housing Tax Credit (LIHTC) applications
Public survey responses	Comments and opinions shared by residents who completed the Town's public Affordable Housing survey
Resident and stakeholder interviews	Observations, data points, and recommendations from Apex residents and housing professionals
Steering Committee meetings and survey responses	Points of consensus and expert information from Steering Committee members during meetings and interim communication (such as survey responses and emails)
Town of Apex Development Report	Information regarding approved and proposed residential projects in the Town development process, including site plans, unit counts, and preliminary renderings
U.S. Department of Housing and Urban Development (HUD) & HUD Exchange	Federal funding by program over time, Area Median Income limits
U.S. Census Bureau American Community Survey 2018 5-Year Estimates, 1-Year Estimates, & 2010 Decennial Census	Demographic data including population estimates, income, and housing tenure
Zillow Home Value Index	Data on median housing values for each third of a housing market over the past decades

Glossary of Terms

Term	Definition
Accessory Apartments	Secondary rental units attached to or detached from a primary unit on a single family housing lot. Also known as Accessory Dwelling Units (ADUs).
Area Median Income (AMI)	See Page 33.
By-Right Development	Development allowed under the Unified Development Ordinance without requiring Town approval such as a variance or rezoning.
Cost Burden	Under a standard set by the U.S. Department of Housing and Urban Development, a household is considered cost burdened when it spends 30% or more of its income on gross housing costs, including rent, mortgage payments, and utilities.
Down Payment Assistance (DPA)	Down payment assistance programs support homeownership by providing a grant or forgivable loan to first-time homebuyers to reduce the upfront costs of purchasing a home.
Housing Trust Fund (HTF)	A locally-designated and controlled fund to pay for affordable housing development and programs.
Infill Development	Development or redevelopment of a vacant or under-used property within an existing developed area.
Low-Income Housing Tax Credit (LIHTC)	A federal program that provides a dollar-for-dollar tax credit to support the development of affordable rental housing. The LIHTC program distributes federal income tax credits to developers through states' individual Housing Finance Agencies (HFA), which determine which projects receive tax credits under their federal allocation. There are two general types of credits that can be awarded, 9% credits and 4% credits.
Naturally-Occurring Affordable Housing (NOAH)	Market-rate housing that is affordable to low- or moderate-income households without public subsidy.
Planned Unit Development (PUD)	A zoning designation that permits variations from Apex's other zoning categories in order to allow flexibility and site-specific development.
Soft Density	Primarily single family areas that allow additional housing typologies such as duplexes, triplexes, quadplexes, townhomes or row houses, and live-work housing - also known as "missing middle" housing.
Subsidized Housing	Affordable rental and ownership housing developed and/or operated by non-profit and for-profit developers using public subsidies.
Unified Development Ordinance (UDO)	The policy document through which Apex designates its zoning and land use regulations and other rules that govern development.

Housing Affordability Limits in Apex

The Department of Housing and Urban Development (HUD) sets income limits by household size that determine eligibility for subsidized housing programs. HUD develops income limits based on Median Family Income estimates by Metropolitan Statistical Area. Apex is in the Raleigh Metropolitan Statistical Area (MSA), which includes Franklin, Johnston, and Wake Counties.

Area Median Income (AMI) Limits for Raleigh MSA, 2020

Income Level	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
30% AMI (Extremely Low Income)	19,800	22,600	23,450	28,250	30,680
50% AMI (Very Low Income)	32,950	37,650	42,350	47,050	50,850
60% AMI	39,540	45,180	49,500	56,460	61,140
80% AMI (Low Income)	52,750	60,250	67,800	75,300	81,350
100% AMI	65,900	75,300	82,500	94,100	101,900

Housing costs are considered affordable when a household spends less than 30% of its income on gross housing costs, including rent or mortgage payments and utilities. For example, a household earning \$50,000 can afford housing costs up to \$1,250 per month. If housing costs exceed that limit, the household is cost burdened. The monthly cost limit for households in Apex by size and income level is shown in the table below.

Maximum Affordable Monthly Housing Costs for Raleigh MSA, 2020

	-				
Income Level	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
30% AMI (Extremely Low Income)	\$495	\$565	\$586	\$706	\$767
50% AMI (Very Low Income)	\$824	\$941	\$1,059	\$1,1 <i>7</i> 6	\$1,271
60% AMI	\$989	\$1,130	\$1,238	\$1,412	\$1,529
80% AMI (Low Income)	\$1,319	\$1,506	\$1,695	\$1,883	\$2,034
100% AMI	\$1,648	\$1,883	\$2,063	\$2,353	\$2,548

Source: U.S Department of Housing and Urban Development (HUD)

*

Funding Sources

While Apex has set aside \$1 million annually for affordable housing, leveraging other funding sources may help the Town increase the impact of its affordable housing programs. There are many funding sources available to support the Town in achieving its goals, including County and Federal sources of funding for housing programs, philanthropic funding, and private investment.

Funding Source	Description
HOME Funds	Federal funds allocated to states and local government to increase homeownership and affordable housing opportunities. Administered locally by Wake County.
Housing Choice Vouchers (HCV)	Federally-funded vouchers that assist very low-income families to rent affordable housing in the private market. Administered locally by the Wake County Housing Authority.
Low-Income Housing Tax Credit (LIHTC)	A federal program that provides a dollar-for-dollar tax credit to support the development of affordable rental housing. In North Carolina, the NC Housing Finance Agency allocates federal income tax credits to developers through an application process. There are two general types of credits that can be awarded: 9% credits and 4% credits.
Wake County Affordable Housing Development Program (AHDP)	Gap financing for LIHTC developments provided by the County through a competitive process.
Elderly & Disabled Housing Rehabilitation Program	Wake County grant to improve the health and safety of homes for elderly (62 & older) or disabled individuals.
Emergency Rehabilitation Program	Wake County grant to respond to immediate health and safety risks of very low-income residents.
Neighborhood Revitalization, Public Facilities, & Public Improvements	Wake County grant to increase housing affordability, neighborhood revitalization, and public improvement projects for low-to-moderate income eligible areas of municipalities outside of Raleigh and Cary.
Public Land Disposition	Wake County program to analyze, identify, and dispose of County-owned property for the purpose of affordable housing.
Rental Assistance Housing Program	Wake County program to provide rental subsidies and case management services for individuals experiencing: chronic homelessness with a behavioral health diagnosis, HIV/AIDS, youth aging out of foster care, and veterans.
Emergency Assistance, Street Outreach, & Rapid Rehousing	Wake County program to provide funding, through local non-profits, for low-income individuals or families to resolve homelessness through immediate outreach, shelter, and/or rehousing.

Funding Sources (continued)

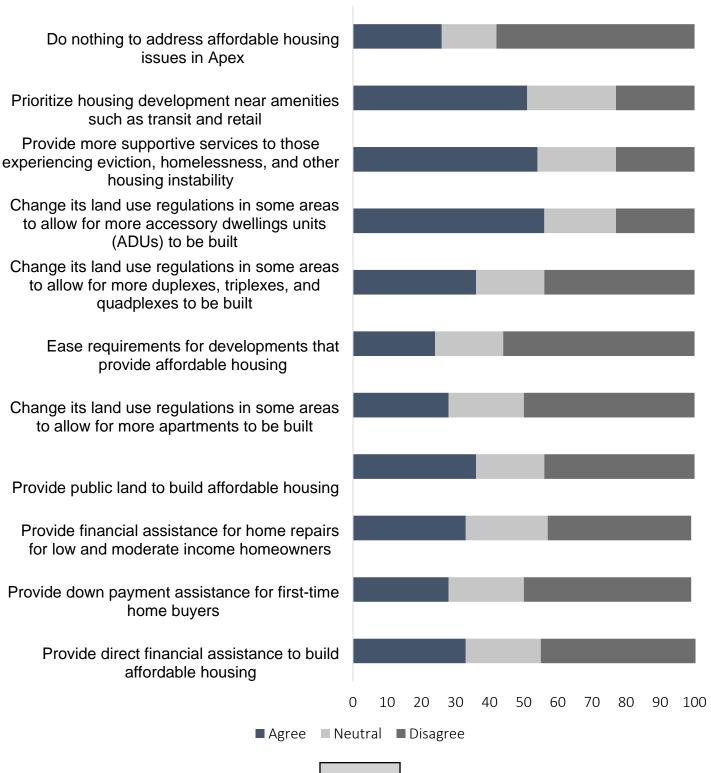
Funding Source	Description
NC Home Advantage Tax Credit	A Mortgage Credit Certificate provided by the State for eligible first-time home buyers and veterans.
NC 1 st Home Advantage Down Payment Assistance	Down payment assistance provided by the State for eligible first-time home buyers and veterans.
Urgent Repair	Funding provided by the State for partner organizations to provide deferred, forgiven loans of up to \$10,000 for emergency home repairs for very low-income owner-occupied homes.
Community Partners Loan Pool	A State program that offers eligible home buyers a 0 percent interest, deferred second mortgage. The loan is typically repaid when the home is sold or at the end of the loan term.
Philanthropy	Philanthropic grants can support nonprofit affordable housing programs and activities including small-scale development and home repairs.
Private Banks	In order to meet their obligations under the Community Reinvestment Act (CRA), some banks offer mortgage financing for housing for low and moderate-income households.
Private Investment	Private investment in the development and repair of housing is crucial to the health of Apex's housing market.

2. Public Engagement

Public Survey Results

58% of survey respondents think the Town should address affordable housing, but few types of potential tools received majority support.

The Town should....



Public Survey Results

Survey responses varied most significantly by housing tenure.

Statement	Owners	Renters	Incomes \$75k and Above	Incomes \$35k and Below
Everyone deserves access to safe, quality housing that is affordable to their income	62%	85%	68%	82%
Those that work in Apex should be able to live in Apex	54%	82%	61%	75%
Displacement of Residents is a concern in Apex	31%	55%	37%	41%
The Town should provide direct financial assistance to build affordable housing	23%	50%	26%	52%
The Town should offer down-payment assistance for first-time home buyers	19%	51%	24%	57%

Stakeholder Engagement Summary

HR&A interviewed 15 stakeholders between June 5th and August 10th as part of the initial data and information gathering process to guide the Housing Needs Assessment. These individuals are not quoted by name but are social service providers, housing developers, realtors, and individuals who have personally been impacted by affordable housing issues in Apex with a range of incomes and housing needs.

Pressing Challenges: Vulnerable Populations

- Most of the residents that local housing service providers are working with have been in and around Apex for generations ("Apex is growing up around them"). They shared that there are not people moving to Apex who are at the lower income bracket, and so most of the housing vulnerabilities seen in their clients are about preservation of affordable housing and mitigation of displacement.
- Apex residents utilizing housing services include both renters and multigenerational homeowners. Roughly 40% of these residents are seniors.
- Lower income homeowners sometimes choose not to sell to flippers because they know that it won't be enough to get them another house in Apex.
- Apex's Hispanic/Latino/Latina/Latinx community has especially struggled with housing affordability, because of their incomes and because some are undocumented and thus unable to secure a mortgage.
- Several residents observed a steep shift in naturally-occurring affordable housing (NOAH) around 2014-2016 and were priced out of Apex during this time frame. Others have observed a gradual trend since 2008 of lower-income residents in Apex moving to Holly Springs, Clayton, and other further-out locations.
- Several interviewees agreed that Apex's remaining trailer parks are "ripe for the picking" and are concerned about the threat of displacement of Apex renters in this source of NOAH.
- Others felt that foreclosures are the biggest risk for displacement of homeowners.
- Many interviewees were also unclear if many vulnerable individuals in the Triangle would want to live in the town if more affordable housing was available. Particular groups that may be less incentivized to live in Apex: families without cars (due to Apex's limited transportation amenities), or racial and ethnic minorities (due to concerns about racism and racist events at local schools).

Pressing Challenges: Land

- Many builders noted the high land costs in Western Wake County as a primary challenge in building affordable housing.
- It is also difficult for affordable housing developers to acquire land for projects, as they have found challenges competing in the private market. The main form of land acquisition for affordable housing has come through donation of scattered sites, but interviewees did not see this as a sustainable long-term solution.
- National builders have come to the Western part of the County (Cary, Apex, Morrisville, Holly Springs) to meet growing demand and pushed prices up (\$150,000 per acre for land zoned for 3-8 units/acre). At the same time: existing home prices are escalating in the eastern and southern parts of the County, even when their land prices are still in \$60-70K/per acre.
- Apex also has a land availability problem because it lacks parcels that meet Qualified Allocation Plan (QAP) requirements. This directly inhibits the construction of Low Income Housing Tax Credit (LIHTC) projects. Apex has few parcels that would meet an adequate site score due to the land's distance from amenities and transit.

Stakeholder Engagement Summary

Who are the major service providers in the area, and what are they doing?

- Mostly the churches and County service providers have worked in Western Wake.
- The towns (Apex, Cary, etc.) don't have federal homelessness dollars in their communities, so most funding is private dollars from various fundraising activities that is disseminated towards small churches.
- Apex is seen as having "a good group of people that are coordinating and collaborating", but not on a larger scale similar to the Continuum of Care.
- When someone needs homeless prevention and rapid rehousing in Apex, housing service providers have to connect them with a larger organization in Raleigh or an Apex church or the Western Wake Crisis Ministry.
- Many providers are balancing providing emergency services now with trying to find land to build affordable housing in the long-term.
- Others are providing support on down payment issues for first time home buyers and trying to educate these buyers with classes. However, participation for first-time homeownership programs in Apex is low, because home prices are so expensive.

How has COVID shifted the work of housing service providers?

- Since COVID, housing providers have shifted from financial assistance to providing greater amounts of emergency rental assistance.
- Several partnerships (such as between local providers and the Partnership to End Homelessness) have emerged to meet the increased need, but these County-wide providers are at an immense backlog due to the need in lower-income sections of Wake County.
- Providers have witnessed more individuals at risk of homelessness in Apex than ever before. Roughly 4-5 families per week in the town need to be housed in hotels or other accommodations. This is a third of the annual total of Apex families served in previous years.
- Apex and Western Wake housing providers are currently attempting to close the gap between intake, referral, and assistance (given the imminent risk of eviction for many families).

Stakeholder Engagement Summary

Recommendations from Housing Advocates and Professionals

- Try to use builders from Wake County and North Carolina (for affordable housing).
- Nearly all stakeholders agreed that Apex needs to build more houses that cost under \$200,000 and are affordable to lower-income households. There is a consensus that while down-payment assistance and mortgage programs could help supplement existing need, the core issue is about building more homes that are affordable with existing state programs and within reach of lower and middle-income households.
- Several also believe that the success of this plan will be tied to the ability to tell a compelling story about the benefits of affordable housing in Apex. "If we can shift away from language that points the problem at the people who need housing to language about creating healthier communities, that will go very far."
- A growing concern: on a few Apex projects completed by a regional affordable housing provider, property taxes were a concern for residents. These taxes are making it difficult for lower AMI homeowners to remain in their homes.
- Housing providers that we spoke to want to see a shift to preservation through rehab and describe it as a crucial opportunity to serve communities as land is becoming more scarce and/or expensive. Rehab can take place through partnerships with the Town and other nonprofits.
- Finally, nearly all participants agreed that the Town will need to partner with housing providers to land bank for affordable housing.
 - "The more we can land bank now, the more we'll be able to address future affordability
 - Some suggested that Town staff may need to go back to GIS and identify parcels that, even if unavailable now, would be priorities to "snatch up" when possible.
 - "We need the City's buy-in as land values go up—they can help us find land at \$20-\$25K per lot."

Recommendations from Residents with Housing Challenges

- Residents with housing challenges equally prioritized the need for smaller, more affordable homes in Apex.
 - Many remarked that 1,500 SF homes would be suitable sizes for "starter homes" and affordable 0 homes for seniors. Interviewees named \$300,000 as a feasible starting price in their communities.
- Others agreed on the growing property tax burden for seniors and lower-income residents. One resident recommended that the County freeze property taxes for seniors (like herself), who are 65 years old and above.
- Residents wanted the Town to try to use builders from Wake County and North Carolina (for affordable housing, in order to keep revenue for builders in NC.
- Other residents have witnessed instances of predatory lending and higher down-payment requirements for undocumented immigrants in Apex. This has led them to move to mobile home subdivisions instead of pursuing homeownership or expensive luxury apartments.
 - One interviewee felt that down payment assistance and/or alternative mortgage products would help improve this issue.
- Finally, one resident felt that there is a potential opportunity for Apex to deliver more "affordable" student or employee housing.
 - They felt that local universities and major employers (such as IBM, Lenovo, Red Hat, Cisco, GSK, Credit Suisse, and Fidelity) may be open to providing this for their employees.

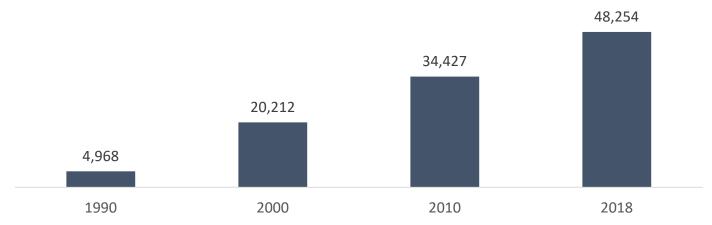
3. Housing Needs Assessment

Population Trends in Apex

In recent decades, Apex's population has grown significantly faster than County, state, and national trends. Since 2010, the Town of Apex has gained nearly 14,000 residents, an overall growth rate of 40%. This is compared to 23% growth in the rest of Wake County, and 9.5% growth in the state of North Carolina. Since 1990, Apex's population has grown by nearly ten times the number of residents, meaning that much of the Town and its housing, are relatively new.

This monumental growth is evidenced by several accolades that indicate Apex's appeal. In the past five years alone, Apex has been ranked the fastest growing suburb in the United States, the second-best city in North Carolina to get a job, the fourth safest place to live in North Carolina, and the best place to live in America.





40.0%

Apex population growth since 2010

23.0%

Wake County population growth since 2010

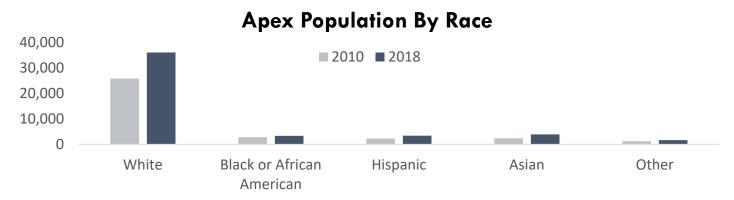
9.5%

North Carolina population growth since 2010

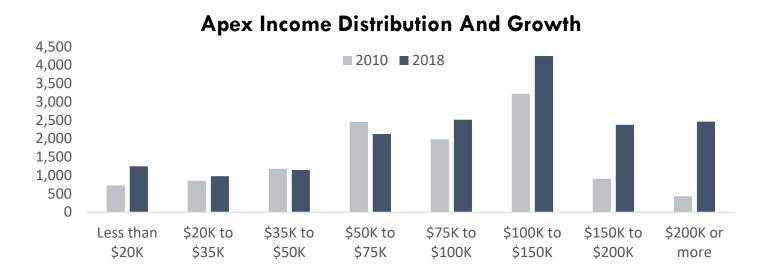
Source: ACS 5-Year Estimates (2018), Movoto, Realtor.Com, Money Magazine, Time Magazine

Population Trends in Apex

Though population grew for many groups, Apex's population remains predominantly white and affluent. While Apex has grown amongst all income categories and racial or ethnic groups since 2010, a significant majority of new residents continue to be white. From 2010 to 2018, Apex gained over 10,000 White residents, and the Town's share of White residents remained at 75%. During the same time period, Wake County's share of White residents declined, from 63% to 60%. This suggests that even through there has been some growth in the Town's residents of color, the population growth in Apex is less diverse than population growth in the county.



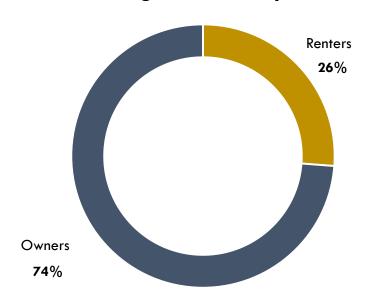
Apex's median income is much higher than Wake County's. In 2018, the median household in Apex earned \$105,000, which is higher than the countywide median income of \$72,000. This difference is driven in part by significant growth in Apex's high-income households. Since 2010, 85% of new Apex households earn more than \$100,000 each year. This rate is similar to Wake County, where 81% of new households earn over \$100,000 each year. Apex has decreased its share of low and moderate-income residents (earning \$35,000 to \$75,000), whereas Wake County, still has many moderate-income enclaves.



Source: ACS 5-Year Estimates (2018), Decennial Census (2010)

The majority of Apex households own their homes, but the number of renters is increasing. Like many suburban towns, an overwhelming majority of Apex households own

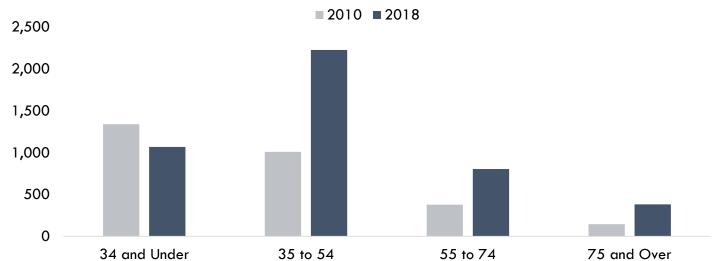
Housing Tenure in Apex, 2018



their homes. 74% percent of Apex households are homeowners, compared to 64% of households in Wake County, which includes more urbanized areas and a larger stock of multifamily housing.

Homeowner households are continuing to grow rapidly—Apex has added 3,700 homeowner households since 2010 for an overall growth rate of 42%. However, in a noted shift from prior trends, Apex added 1,600 renter households since 2010, for an overall growth rate of 56%. This percent growth is high in part because of the relatively low number of renters (and available rental units) in Apex in 2010. This growth in renters has largely been at the highest-income bands (over \$75,000), reflecting the high price point of recent multifamily developments.

Age Of Renters in Apex



Source: ACS 5-Year Estimates (2018), Decennial Census (2010)

The majority of Apex's housing is single family, and large multifamily development makes up a relatively small percentage of total units.

Housing Units By Type



Single family detached homes comprise just under 70% of Apex's housing stock, indicating the predominance of this form in the Town. The majority of these single family homes (89%) are owner-occupied (versus renter-occupied), which confirms that tenure in Apex generally correlates with housing type. Apex's housing stock has a larger share of single family homes and smaller share of small and large multifamily developments than the Wake County housing stock as a whole.

"The rising costs of single family and multifamily homes are way too high for me, as a single parent."

-- Apex resident and survey respondent

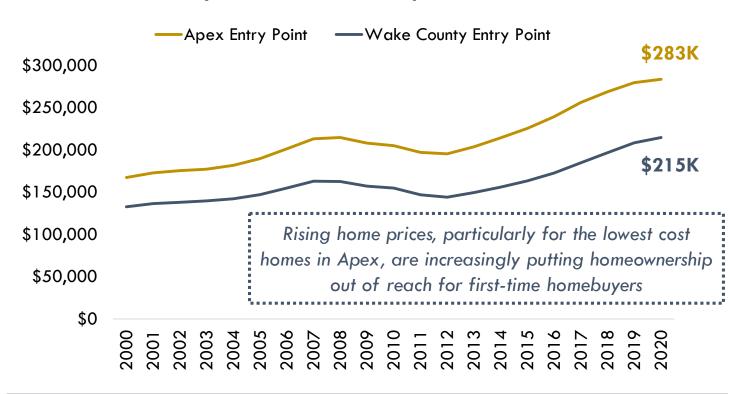
Even with the predominance of single family housing stock, survey responses have indicated that there is a need for greater affordable units amongst all housing types.

Source: ACS 5-Year Estimates (2018)

Single family home prices have been increasing sharply since the 2009 Great Recession, with the entry point for homes in Apex becoming particularly high.

When discussing home values, the entry point represents the median value for the bottom third of all homes in the housing market. This is generally the "point of entry" for most prospective homebuyers. Since 2000, Apex's entry point has ballooned to nearly \$300,000, which is consistent with the affordability challenges highlighted by many residents.

Apex and Wake County Home Values



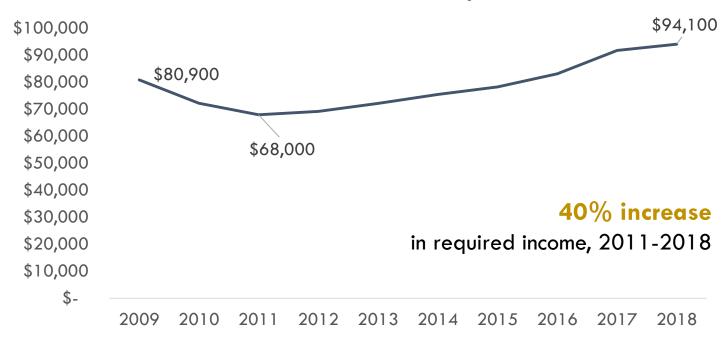
"We purchased a home over a decade ago when prices were still reasonable. We would not be able to afford a home in Apex now, especially a new construction home that averages \$400K."

-Apex resident and survey respondent.

If trends continue, households earning less than \$100K will have limited access to homeownership in Apex. Since the Great Recession, Apex home values have risen 4.2% each year, and now exceed pre-recession prices. While this rebound is a sign of economic prosperity and the desirability of the Town, in recent years, rising home values have exacerbated affordability challenges in Apex. Accounting for inflation, the income required to purchase a median value home in Apex has increased by 40% since 2011.

In order to purchase the median home in Apex, which costs \$377,000, residents would need to earn \$94,000, or otherwise would spend more of their income on housing than is advised by HUD guidelines. \$377,000 is well above the affordable home value for Apex residents without a college degree (\$138,000), or the median household in Wake County (\$307,000). This gap suggests that many households will have increasing difficulty accessing homeownership opportunities in Apex, as they continue to be priced out of its housing market.

Income Required to Purchase the Median Value Home in Apex



The increasing income required to purchase a house in Apex makes it more difficult for low- and moderate-income households to participate in the housing market, which can contribute to gentrification and displacement.

Source: Zillow Home Value Index, ACS 5-Year Estin

of Labor Statistics Consumer Price Index

The number of multifamily housing units in Apex has increased substantially in recent years, in part due to the development of four new high-amenity apartment buildings.



New construction typically has a rent premium, and these recently built communities have luxury amenities. This has impacted the median gross rent in Apex, which is \$1,300 compared to \$1,100 in Wake County, which has a broader range of multifamily housing including apartments that have fewer amenities.

Excluding new developments, many of which are still in the lease-up and stabilization phases, Apex has a healthy multifamily vacancy rate of 5%.

These newly built properties are commanding rents similar to other parts of Western Wake County, and certain communities in Raleigh. However, while these other parts of Wake County have seen a growth in market-rate apartment communities as well as new construction of LIHTC-subsidized apartments, Apex has not grown its stock of affordable multifamily development in recent years.

Source: CoStar Commercial Listing Service, ACS 5-Year Estimates

The Town also has several multifamily projects in development or recently completed.

These developments will help to add density near downtown and create mixed-use, pedestrian-friendly activity centers in other sections of town. These developments will help to meet demand amongst Apex's quickly-growing population of high-income renters and deliver housing that suits the preferences of the growing number of Americans who prefer to live in suburban communities that feature walkable, mixed-use nodes.





2030 Laura Duncan Road



Recently Completed



Senior Housing





0 Wrenn Street



Proposed



Small Town Character Overlay





3115 US Highway 64



Proposed



Mixed-Use Town Center

Source: Town of Apex

Stakeholder interviews and public survey responses confirm that **rising home costs are** creating housing affordability challenges for Apex residents.

"We need to **figure out how to slow gentrification**. Charming affordable 1950s homes in my neighborhood are being demolished and replaced with McMansions crammed into little lots."

-Apex resident and survey respondent

Market Challenges to Housing Affordability in Apex

- Gentrification reduces the availability of naturally-occurring affordable housing (NOAH) and puts homeownership out of reach for many moderate-income households
- Zoning and development patterns limit opportunities for denser development that could reduce price pressures by increasing the supply of housing. However, higher density redevelopment can also lead to the loss of older housing that tends to be more affordable
- Mobile home parks, one type of NOAH in Apex, are susceptible to redevelopment, which could displace current residents
- Older single family housing near downtown, another type of NOAH, is also susceptible to redevelopment by property investors
- New construction is costly, which means that rents for new market rate apartments are high compared to the limited number of older apartments in Apex

Source: Public Survey, Stakeholder interviews

Although Apex has seen additional multifamily development in recent years, the Town has a very limited stock of subsidized affordable rental housing.



Because new market-rate development is expensive, subsidy is required to develop new affordable rental housing. While continued luxury development can help free up some naturally-occurring affordable units for low-income households, subsidized housing is a core means of providing adequate housing for lower-income residents. Presently, Apex has fewer than 200 subsidized units that can meet the needs of these residents. Apex has 4.2% of all the housing units in Wake County, but only 1.6% of the subsidized units in Wake County. While Wake County recently exceeded its subsidized housing development goal by funding 780 affordable housing units in a single year, the Town of Apex has not had a proportional share of subsidized development over the past two decades. As rents and home prices continue to increase in Apex, this leaves fewer options for low-income residents to remain in Apex.

Source: CoStar, NC HFA, Housing Authority of County of Wake (HACW), Wake County Division of Housing Affordability and Community Revitalization

High land costs and a lack of sites that meet LIHTC location requirements make it expensive to increase Apex's subsidized housing stock.

Compared to many neighboring parts of Wake County, Apex has prohibitively high land costs, which makes it difficult for affordable housing developers (many of which are non-profits) to compete with market-rate developers in the land sale process. The lack of available public land from the Town, which could potentially offer low-cost land, further complicates this challenge.

"National builders came to Western Wake and pushed up land prices. You're now at \$150K per acre for land zoned for 3-8 units/acre, when [land in] the rest of the County is still at \$60K per acre."

-Non-profit housing developer in Wake County

Furthermore, even in the cases when affordable housing developers can find parcels that are large enough for multifamily development, Apex's suburban character makes it difficult to find land that is proximate to grocery stores, transit, and other amenities. Due to the rigorous site selection scoring in the North Carolina Housing Finance Agency's Qualified Allocation Plan, many parcels that are not close to these amenities do not score highly enough to be selected for competitive Low-Income Housing Tax Credit funding. Several Wake County LIHTC developers articulated this as a core challenge to realizing affordable rental housing in Apex.

Site Score Evaluation Criteria From 2020 NC Qualified Allocation Plan						
Primary Amenities	Under 1 mi.	Under 1.5 mi.	Under 2 mi.			
Grocery	12 points	10 points	8 points			
Shopping	7 points	6 points	5 points			
Pharmacy	7 points	6 points	5 points			
Transit	6 points if stop is: within	n 0.25 mi., has continuous a covered waiting area	sidewalks, and includes			

Source: NC HFA, Stakeholder interviews

The lack of racial diversity in Apex is an area of concern and will require an explicit focus on racial equity to make sure that Apex is welcoming to all. This lack of diversity is likely due to a combination of factors, including:

HISTORICAL **POLICIES AND ONGOING DRIVERS OF SEGREGATION**

Historical national and local policies have contributed to creating and enforcing patterns of segregation, particularly in suburbs*.

- Policies including mortgage lending policy and suburban zoning patterns - have historically restricted homeownership opportunities for Black residents and other people of color
- Housing discrimination persists in communities across the US

AFFORDABILITY CHALLENGES

In part due to this discrimination, income, wealth, and race are correlated. A persistent racial wealth gap and access to credit limits opportunities for homeownership by nonwhite households.

- In Wake County, the median income for Black households is \$52,300, compared with \$89,700 for White, non-Hispanic households.
- In Wake County, the homeownership rate is 44% for Black householders compared with 72% for White, non-Hispanic householders.

RESIDENT **PERCEPTIONS** AND **EXPERIENCES**

Public survey responses note challenges to Apex welcoming diverse residents.

- "How can we better integrate our neighborhoods, instead of having the 'black' and 'white' sides of Town divided by Williams Street?"
- "I think more diverse people would move here if there were a bigger POC [people of color] community, or at the very least diverse businesses/restaurants/shops."

Source: ACS 5-Year Estimates (2018), Public survey

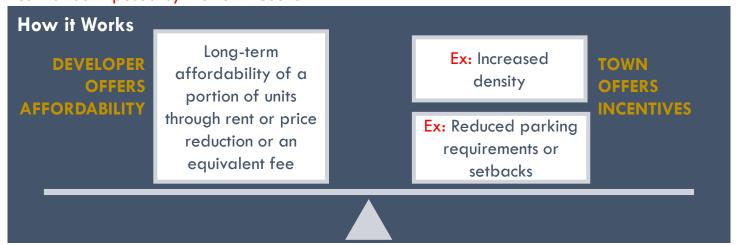
* Richard Rothstein's The Color of Law provides a thorough account of the federal and local policies that have created and shaped residential segregation in the United States

Affordable Housing Incentive Zoning

Apex will create a clear menu of suggested affordable housing zoning conditions for developers to choose from in exchange for incentives as part of the rezoning and Planned Unit Development approval processes.

What it Means

When proposed development requires Town Council approval, the Town has an opportunity to encourage new development to include affordable housing units. Incentive zoning conditions are intended to prompt and help developers provide a public good, such as affordable housing units, as part of a proposed development, in exchange for incentives that compensate for the loss of revenue. Such incentive zoning conditions are proffered by the developer and cannot be imposed by the Town Council.



Need in Apex

Apex already provides incentives for affordable housing and other public benefits, but lacks a clear set of conditions, which can pose a barrier to the production of new housing. In addition, the Town wants to protect Naturally-Occurring Affordable Housing and limit gentrification pressures from new housing development.

Recommendations for Apex

The Town should establish a clear policy to provide incentives for developers in exchange for affordable housing units or an equivalent fee payment toward the Town's Housing Trust Fund. The program should include special requirements for discretionary development in areas particularly sensitive to redevelopment, such as mobile home parks, to minimize displacement.

Implementation

- Review existing approval processes and recentlyapproved projects to help develop clear guidelines.
- 2. Develop an incentive zoning condition, specifying target affordability and available incentives.
- 3. Establish criteria and a process to review projects.

Timing: Near-term (<2 years)

Goals: (11) (2) (11) (3) (2)









| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 26, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager
Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance related to the deadline for the submittal of requested quarterly receipts for businesses that serve alcohol for on-premise consumption.

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

The Planning Board heard these amendments at their January 11, 2021 meeting and unanimously recommended approval.

Item Details

Summary of UDO Amendments:

Requested by Planning Staff:

1. Amendment to Secs. 4.3.5 Use Classifications, Commercial Uses; 4.3.6 Use Classifications, Industrial Uses; 4.4.4 Supplemental Standards, Recreational Uses; 4.4.5 Supplemental Standards, Retail Sales and Service in order to require a business with alcohol sales for on-premise consumption to submit quarterly gross receipts within 10 days upon request of a Zoning Compliance Officer.

Attachments

- Staff Report
- Ordinance
- Legal Notice



STAFF REPORT

Amendments to the Unified Development Ordinance

January 26, 2021 Town Council Meeting



Requested by Planning Staff:

- 1. Amendment to Secs. 4.3.5 Use Classifications, Commercial Uses; 4.3.6 Use Classifications, Industrial Uses; 4.4.4 Supplemental Standards, Recreational Uses; 4.4.5 Supplemental Standards, Retail Sales and Service in order to require a business with alcohol sales for on-premise consumption to submit quarterly gross receipts within 10 days upon request of a Zoning Compliance Officer.
- 4.3.5 Use Classifications, Commercial Uses
 - A) Adult Use

•••

2) Bar, nightclub, wine bar, or taproom. An establishment that generates more than 49% of its quarterly gross receipts from the sale of alcoholic beverages from on-premise consumption. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance. This use may include live bands, other music, and dancing as well as games of skill, such as, but not limited to, pool or darts for use by the patrons of the establishment.

•••

C) Food and Beverage Service

...

- 2) Restaurant, general. "Restaurant, general" means an establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, the receipts from alcohol sales do not exceed the limit stated in UDO Subsection 4.3.5{.c}{.c}{.e}, and the design or principal method of operation consists of one or more of the following:
 - A sit-down restaurant or café where customers normally sit at a table, are provided with an individual menu, and are generally served food and beverages in non-disposable containers by a restaurant employee.
 Customers may also be served food and beverages by a restaurant employee at a counter; or
 - b) A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
 - c) A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway.

- d) An establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an automobile. Typical uses include delicatessens, retail bakeries, coffee shops, donut shops, and ice cream parlors.
- e) This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts from the sale of food, non-alcoholic beverages, and alcoholic beverages. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.

4.3.6 Use Classifications, Industrial Uses

•••

B) Production

...

7) Brewery. A facility for the brewing of beer that produces greater than 15,000 barrels per year. This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.

...

- 9) Distillery. A facility for the distillation of spirituous liquor that produces greater than 15,000 barrels per year. This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.
- 10) Microdistillery. A small facility for the distillation of spirituous liquor that produces less than 15,000 barrels per year. It may include a tasting room on the site. This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified

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time frame is a violation of this Ordinance.

4.4.4 Supplemental Standards, Recreational Uses

An establishment in the recreational uses category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.

4.4.5 Supplemental Standards, Commercial Uses

...

G) Retail Sales and Service

An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their January 11, 2021 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: January 11, 2021



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	written.
Introduced by Planning Board member:	Reginald Skinner
Seconded by Planning Board member:	Tina Sherman
Approval of the proposed UDO amendr Approval of the proposed UDO amendr	
Denial of the proposed UDO amendment	nt(s)
	With 8 Planning Board Member(s) voting "aye"
	With 0 Planning Board Member(s) voting "no"
Reasons for dissenting votes:	
This report reflects the recommendation of t	the Planning Board, this the $\frac{11\text{th}}{}$ day of $\frac{\text{January}}{}$ 2021.
Attest: Michael Marks Digitally signed by Mich Date: 2021.01.13 19:04	nael Marks 1:20 -05'00' Digitally signed by Dianne Khin Date: 2021.01.13 10:21:24
Michael Marks, Planning Board Chair	Dianne Khin, Director of Planning and hmunity 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)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendment to Secs. 4.3.5 *Use Classifications, Commercial Uses*; 4.3.6 *Use Classifications, Industrial Uses*; 4.4.4 *Supplemental Standards, Recreational Uses*; 4.4.5 *Supplemental Standards, Retail Sales and Service* in order to require a business with alcohol sales for on-premise consumption to submit quarterly gross receipts within 10 days upon request of a Zoning Compliance Officer. Failure to provide the receipts within the specified time frame would be a violation of the Unified Development Ordinance.

Public Hearing Location: Apex Town Hall

Council Chambers, 2nd Floor

73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: January 26, 2021 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

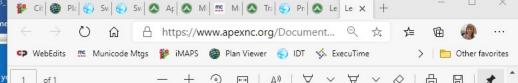
If you are unable to attend, you may share comments by noon on Monday, January 25, 2021, following instructions in the http://www.apexnc.org/DocumentCenter/View/31397/. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit). You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

The UDO can be accessed online at: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: January 4-26, 2021





TOWN OF APEX

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Dianne F. Khin, AICP

of Planning and Community Development

Published Dates: January 4-26, 2021

- Page 500 -

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

Section 1. Sections 4.3.5.A.2, 4.3.5.C.2, 4.3.6.B, 4.4.4, and 4.4.5.G 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:

- 4.3.5 Use Classifications, Commercial Uses
 - A) Adult Use

...

2) Bar, nightclub, wine bar, or taproom. An establishment that generates more than 49% of its quarterly gross receipts from the sale of alcoholic beverages from onpremise consumption. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance. This use may include live bands, other music, and dancing as well as games of skill, such as, but not limited to, pool or darts for use by the patrons of the establishment.

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 Customers may also be served food and beverages by a restaurant employee at a counter; or
 - b) A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
 - c) A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway.
 - d) An establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an

- automobile. Typical uses include delicatessens, retail bakeries, coffee shops, donut shops, and ice cream parlors.
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4.3.6 Use Classifications, Industrial Uses

B) Production

7) Brewery. A facility for the brewing of beer that produces greater than 15,000 barrels per year. This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.

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4.4.5	Supplemental	Standards.	Commercial	Uses
7.7.3	Juppicificital	Juliuai us,	COMMITTER	0303

...

- G) Retail Sales and Service
 - An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts. Such receipts shall be provided within 10 days upon request of a Zoning Compliance Officer; failure to provide the receipts in the specified time frame is a violation of this Ordinance.

...

Town Attorney

- Section 2. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.
- **Section 3.** 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 4.	The ordinance shall be effe	ective upon enactment on the	day of	2021
Introdu	ced by Council Member		_	
Seconde	ed by Council Member		_	
Attest:		TOWN OF APEX		
 Donna l	Hosch, MMC, NCCMC	 Jacques K. Gilbert		
Town C		Mayor		
Approve	ed As To Form:			
		_		
Laurie L	Hohe			