



AGENDA | **SPECIAL** TOWN COUNCIL MEETING

Thursday, June 27, 2024 at 4:30 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Town Executive Leadership

Mayor: Jacques K. Gilbert | Mayor Pro Tempore: Edward Gray

Council Members: Audra Killingsworth; Brett D. Gantt; Terry Mahaffey; Arno Zegerman

Town Manager: Randal E. Vosburg

Deputy Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

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

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

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 HEARINGS

***CLERK'S NOTE:** *The public hearing resolutions associated with each of the below items were approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.*

PH1* Annexation No. 780 - 7019 Roberts Road (Roberts Crossing Phase 2) - 11.42 acres

Dianne Khin, Director, Planning Department

PH2* Annexation No. 781 - 0 Dezola Street (Horton Road Amenity Parcel) - 3.95 acres

Dianne Khin, Director, Planning Department

PH3* Annexation No. 782 - Townes on Tingen - 2.4938 acres

Dianne Khin, Director, Planning Department

PH4* Annexation No. 784 - 1717 and 1713 Holt Road - 1.882 acres

Dianne Khin, Director, Planning Department

PH5* Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place) - 3.34 acres

Dianne Khin, Director, Planning Department

PH6* Annexation No. 783 - Castleberry Reserve - 0.672 acres

June Cowles, Senior Planner, Planning Department

AND

PH7* Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment

June Cowles, Senior Planner, Planning Department

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 11.42 acres, located at 7019 Roberts Road, also known as Roberts Crossing Phase 2, Satellite Annexation No. 780 into the Town Corporate Limits.

Approval Recommended?

Yes

Item Details

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

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.

Attachments

- PH1-A1: Annexation Ordinance - Satellite Annexation No. 780 - 7019 Roberts Road
- PH1-A2: Revised Public Hearing Notice - Satellite Annexation No. 780 - 7019 Roberts Road
- PH1-A3: Legal Description - Satellite Annexation No. 780 - 7019 Roberts Road
- PH1-A4: Aerial Map - Satellite Annexation No. 780 - 7019 Roberts Road
- PH1-A5: Plat Map - Satellite Annexation No. 780 - 7019 Roberts Road
- PH1-A6: Annexation Petition - Satellite Annexation No. 780 - 7019 Roberts Road





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2024-
SATELLITE ANNEXATION PETITION NO. 780
7019 Roberts Road (Roberts Crossing Phase 2) – 11.42 acres

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 4:30 p.m. on June 27, 2024, 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 finds that the area described therein meets the standards of G.S.§160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. §160A-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on April 09, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, 7019 Roberts Road, White Oak Township, Wake County, North Carolina", the survey plat print dated March 07, 2024 and Land Surveyor dated May 02, 2024 and recorded in Book of Maps book number 2024 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 27th day of June, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

7019 ROBERTS ROAD

PIN#: 0733323058

WHITE OAK TOWNSHIP - WAKE COUNTY-NORTH CAROLINA

ANNEXATION DESCRIPTION

BEGINNING AT AN EXISTING IRON PIPE AT THE INTERSECTION OF THE COMMON CORNER OF SVK ROBERTS RD LLC PIN#: 0733323058, DB. 19299 PG. 1050 AND HAROLD WALTER MEDER, TRUSTEE & NANCY JANIS MEDER, TRUSTEE PIN:0733316822 DB. 1988 PG. 1257 AS SHOWN IN BOOK OF MAPS 1988 PG. 415, HAVING NC NAD83(2011) GRID COORDINATES OF N732024.40, E2033488.33

- THENCE SOUTH 01°42'48" EAST A DISTANCE OF 680.55 FEET TO A 1.5" EIP;
- THENCE NORTH 88°43'02" WEST A DISTANCE OF 394.37 FEET TO A ¾"IPS;
- THENCE NORTH 01°38'14" EAST A DISTANCE OF 985.57 FEET TO A 1" EIP;
- THENCE SOUTH 87°35'21" EAST A DISTANCE OF 69.92 FEET TO A POINT;
- THENCE NORTH 00°15'17" EAST A DISTANCE OF 264.02 FEET TO A 1" EIP;
- THENCE SOUTH 89°46'55" EAST A DISTANCE OF 384.75 FEET TO A POINT;
- THENCE SOUTH 00°13'58" WEST A DISTANCE OF 580.60 FEET TO A POINT;
- THENCE NORTH 86°09'18" WEST A DISTANCE OF 107.90 FEET TO A 2" EIP WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 497,439 SQUARE FEET, 11.42 ACRES

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 27th day of June, 2024, 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 June, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING – **REVISED**

APEX, N.C. (June 17, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **4:30 p.m.** at Apex Town Hall, 73 Hunter Street, on the **27th day of June, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Satellite Annexation Petition No. 780 7019 Roberts Road (Roberts Crossing Phase 2) – 11.42 acres



CLERK'S NOTE: The public hearing resolutions associated with the above item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at this special meeting.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 780" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Thursday, June 27, 2024.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

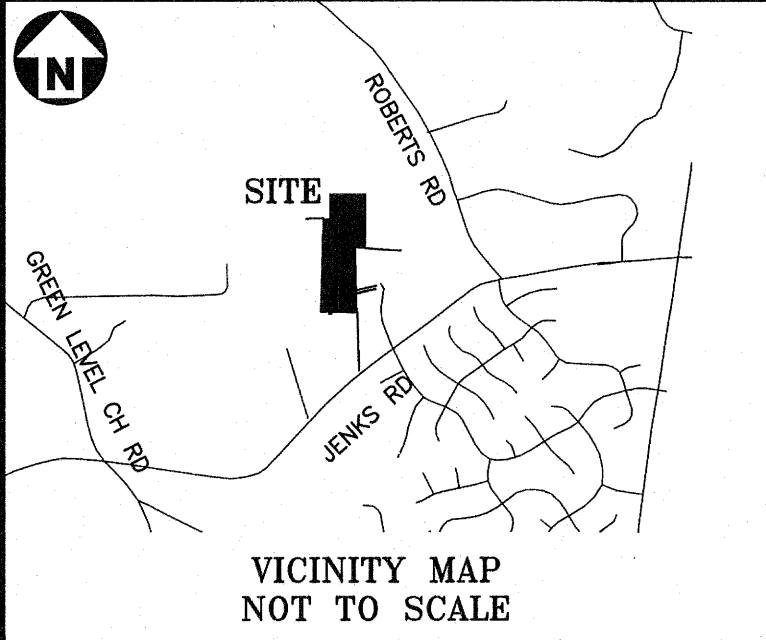
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**7019 ROBERTS ROAD
PIN#: 0733323058
WHITE OAK TOWNSHIP – WAKE COUNTY-NORTH CAROLINA
ANNEXATION DESCRIPTION**

BEGINNING AT AN EXISTING IRON PIPE AT THE INTERSECTION OF THE COMMON CORNER OF SVK ROBERTS RD LLC PIN#: 0733323058, DB. 19299 PG. 1050 AND HAROLD WALTER MEDER, TRUSTEE & NANCY JANIS MEDER, TRUSTEE PIN:0733316822 DB. 1988 PG. 1257 AS SHOWN IN BOOK OF MAPS 1988 PG. 415, HAVING NC NAD83(2011) GRID COORDINATES OF N732024.40, E2033488.33

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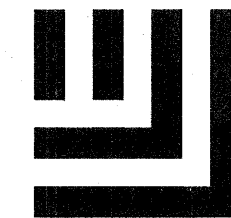




GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS AN ANNEXATION SURVEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON GRID NORTH NAD83 (2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: PUD-CZ
5. AREA BY COORDINATE GEOMETRY.
6. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A F.I.R.M COMMUNITY PANEL #3720073300K DATED 07/19/2022.
7. UTILITY STATEMENT

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



McADAMS

The John R. McAdams Company, Inc.
621 Hillsborough Street
Suite 500
Raleigh, NC 27603

phone 919. 361. 5000

fax 919. 361. 2269

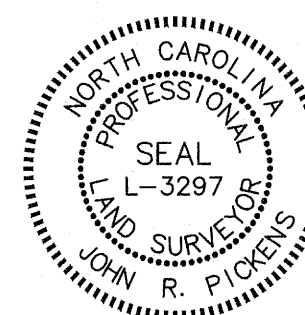
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

CITYPLAT
107 FAYETTEVILLE STREET
RALEIGH, NORTH CAROLINA 27601

7019 ROBERTS ROAD
SATELLITE ANNEXATION MAP
FOR THE TOWN OF APEX
7019 ROBERTS ROAD
WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA



REVISIONS

NO. - DATE
1 - 04.02.2024 APEX REVIEW COMMENTS

PLAN INFORMATION

PROJECT NO.	CTP-23001
FILENAME	CTP23001-A1
CHECKED BY	JBT
DRAWN BY	JRP
SCALE	1"=100'
DATE	03-07-2024

SHEET

1-1

M:\Projects\CTP\CTP23001\02-Geomatics\Survey\Plats\CTP23001-A1.dwg, 5/2/2024 11:18:57 AM, John Pickens

LEGEND(UNLESS OTHERWISE NOTED)

- ▲ CALCULATED POINT
■ CONCRETE MONUMENT
○ IRON PIPE
● IRON PIPE SET
- ADJOINER
— ANNEXATION
— BOUNDARY
— RIGHT OF WAY

ANNEXATION # _____ I, ALLEN COLEMAN, CMC, NCCC, TOWN CLERK, APEX, NORTH
CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____
DAY OF _____, 2024, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF
THE TOWN OF APEX, _____ DAY/MONTH/YEAR

ALLEN COLEMAN, CMC, NCCC, TOWN CLERK

SURVEYOR'S CERTIFICATE

I, JOHN R. PICKENS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE, PAGE MAP); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:70,371±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 02 DAY OF MAY, 2024 A.D.

TYPE OF PLAT

I HEREBY CERTIFY THIS PLAT OF THE FOLLOWING TYPE:
G.S. 47-30 (F)(11)(D). THAT THE SURVEY IS OF ANOTHER CATEGORY,
SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED
SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF
SUBDIVISION.

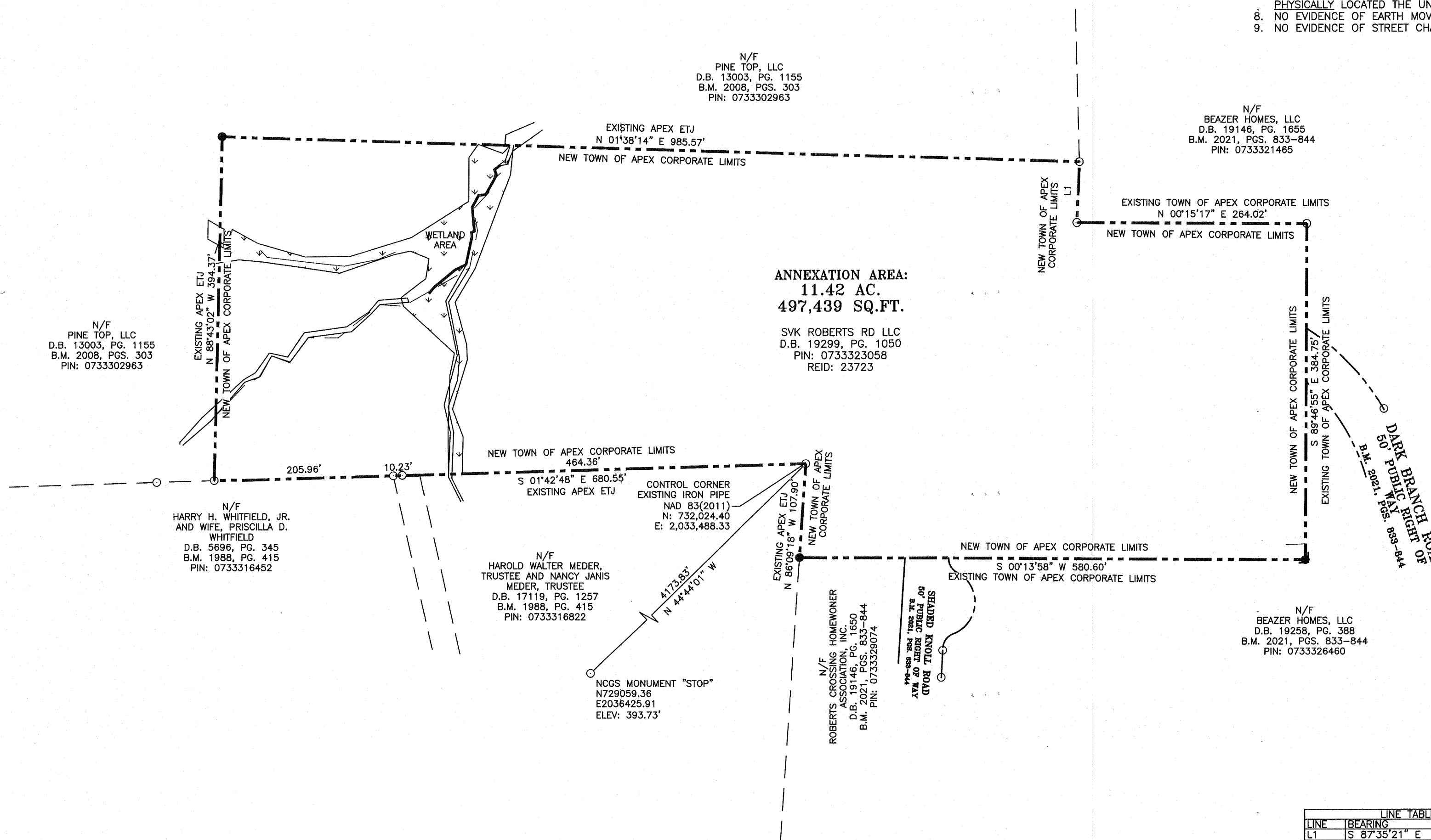
SUBDIVISION. John R. Pickens 5/2/2024
JOHN R. PICKENS, PROFESSIONAL LAND SURVEYOR L-3297

LINE TABLE		
LINE	BEARING	DISTANCE
11	S 87°35'21" E	69.92'

GRAPHIC SCALE

0 50 100 200

1 inch = 100 ft.



SEE INDEX

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 #: # 780
Fee Paid \$ 200.00

Submittal Date: 3-26-2024
Check # 4319

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

SVK Roberts Rd LLC

0733-32-3058

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 757-7462

parekhp@yahoo.com

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: McAdams - Jay Taylor PLS

Phone: 410-703-8918 Fax: N/A

E-mail Address: jtaylor@mcadamscs.com

ANNEXATION SUMMARY CHART

Property Information

Total Acreage to be annexed: 11.42
Population of acreage to be annexed: 0
Existing # of housing units: 0
Proposed # of housing units: 56
Zoning District*: PUD-CZ (#17CZ20)

Reason(s) for annexation (select all that apply)

Need water service due to well failure ☐
Need sewer service due to septic system failure ☐
Water service (new construction) ☒
Sewer service (new construction) ☒
Receive Town Services ☒

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: #780

Submittal Date: 3-26-2024

COMPLETE IF SIGNED BY INDIVIDUALS:

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

_____ Please Print	_____ Signature
_____ Please Print	_____ Signature
_____ Please Print	_____ Signature
_____ Please Print	_____ Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: #780

Submittal Date: 3-26-2024

COMPLETE IF IN A LIMITED LIABILITY COMPANY

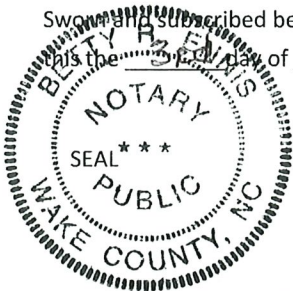
In witness whereof, SVK Roberts Rd LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 03 day of 11, 2023

Name of Limited Liability Company SVK Roberts Rd LLC
VERA VENKATA SATYA PUPPADA

By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Betty R. Ennis, a Notary Public for the above State and County, this the 03 day of November, 2023



Betty R. Ennis
Notary Public

My Commission Expires: 8-05-2025

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.95 acres, located at 0 Dezola Street, also known as Horton Road Amenity Parcel, Annexation No. 781 into the Town Corporate Limits.

Approval Recommended?

Yes

Item Details

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

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.

Attachments

- PH2-A1: Annexation Ordinance - Annexation No. 781 - 0 Dezola Street
- PH2-A2: Revised Public Hearing Notice - Annexation No. 781 - 0 Dezola Street
- PH2-A3: Legal Description - Annexation No. 781 - 0 Dezola Street
- PH2-A4: Aerial Map - Annexation No. 781 - 0 Dezola Street
- PH2-A5: Plat Map - Annexation No. 781 - 0 Dezola Street
- PH2-A6: Annexation Petition - Annexation No. 781 - 0 Dezola Street





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
ANNEXATION PETITION NO. 781
0 DEZOLA STREET - HORTON ROAD AMENITY PARCEL - 3.95 ACRES

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 4:30 p.m. on June 27, 2024, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 27, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, White Oak Township, PIN(S): 0750299045, 0 Dezola Street". Plat map print date March 21, 2024 and Land Surveyor dated April 18, 2024 and recorded in Book of Maps book number 2024 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 27th day of June, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

BEING ALL OF THAT PARCEL NOW OR FORMERLY OF HORTON PARK INVESTMENTS, LLC AS DESCRIBED IN DEED BOOK 19103 AT PAGE 782 OF THE WAKE COUNTY REGISTER OF DEEDS (PIN: 0750299045), SAID PARCEL BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ¾" IRON PIPE FOUND ON THE SOUTHWESTERN CORNER OF THE HEREIN DESCRIBED PARCEL, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N: 709,039.59' AND E: 2,052,582.26'; THENCE, FROM THE POINT OF BEGINNING, N03°36'08"E A DISTANCE OF 247.41 FEET TO A ¾" IRON PIPE FOUND; THENCE, S70°02'13"E A DISTANCE OF 585.53 FEET TO A ¾" IRON PIPE FOUND; THENCE, S70°05'11"E A DISTANCE OF 174.98 FEET TO A ¾" IRON PIPE FOUND; THENCE, S19°54'51"W A DISTANCE OF 49.65 FEET TO A ¾" IRON PIPE FOUND; THENCE, S19°54'51"W A DISTANCE OF 187.19 FEET

TO A ¾" IRON PIPE FOUND; THENCE, N70°05'44"W A DISTANCE OF 691.03 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 172,059 SQUARE FEET OR 3.95 ACRES, MORE OR LESS.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 27th day of June, 2024, 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 June, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

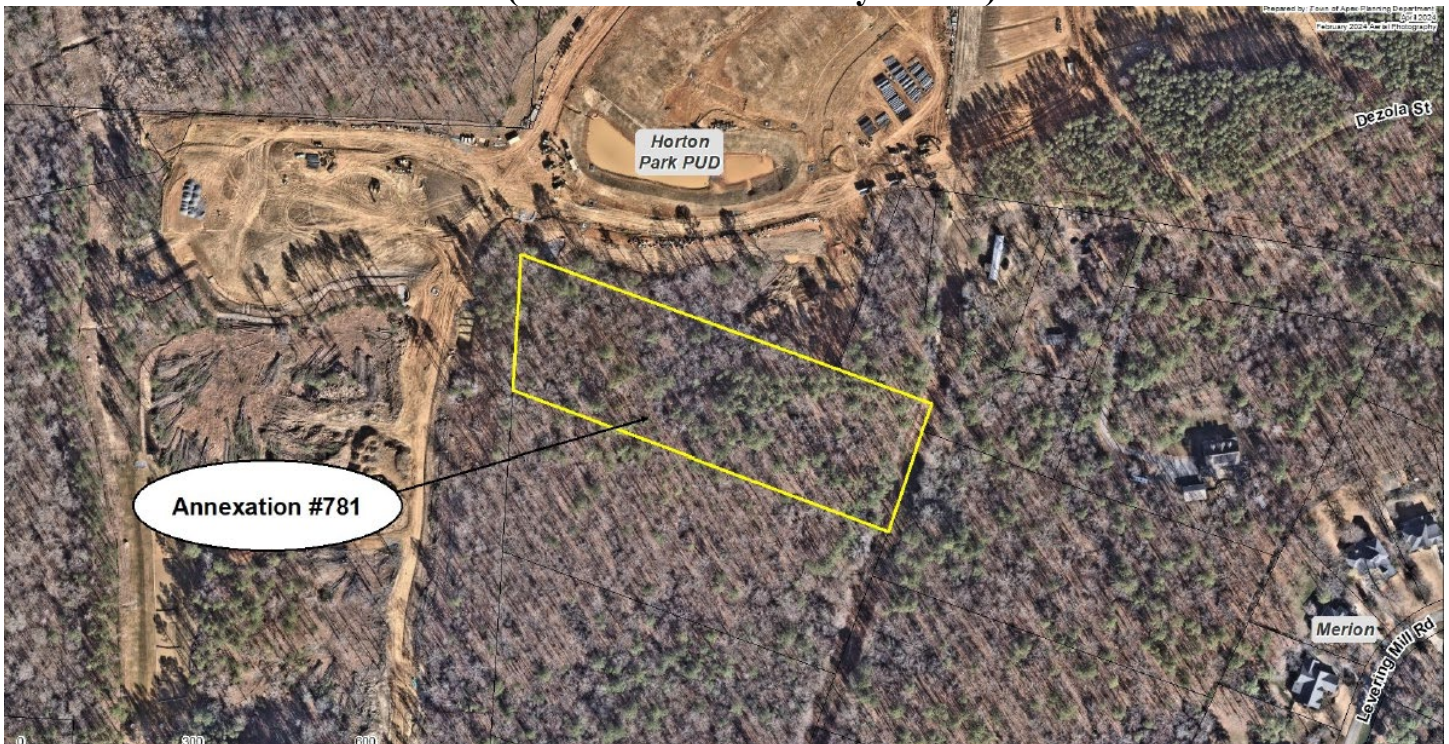
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING – **REVISED**

APEX, N.C. (June 17, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **4:30 p.m.** at Apex Town Hall, 73 Hunter Street, on the **27th day of June, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 781 0 Dezola Street (Horton Road Amenity Parcel) – 3.95 acres



CLERK'S NOTE: *The public hearing resolutions associated with the above item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at this special meeting.*



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 781" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Thursday, June 27, 2024.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

BEING ALL OF THAT PARCEL NOW OR FORMERLY OF HORTON PARK INVESTMENTS, LLC AS DESCRIBED IN DEED BOOK 19103 AT PAGE 782 OF THE WAKE COUNTY REGISTER OF DEEDS (PIN: 0750299045), SAID PARCEL BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A $\frac{3}{4}$ " IRON PIPE FOUND ON THE SOUTHWESTERN CORNER OF THE HEREIN DESCRIBED PARCEL, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N: 709,039.59' AND E: 2,052,582.26'; THENCE, FROM THE POINT OF BEGINNING, N03°36'08"E A DISTANCE OF 247.41 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S70°02'13"E A DISTANCE OF 585.53 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S70°05'11"E A DISTANCE OF 174.98 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S19°54'51"W A DISTANCE OF 49.65 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S19°54'51"W A DISTANCE OF 187.19 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, N70°05'44"W A DISTANCE OF 691.03 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 172,059 SQUARE FEET OR 3.95 ACRES, MORE OR LESS.



Horton
Park PUD

Annexation #781

0 300 600
Feet

Merion

Levering Mill Rd

pezola St

-SEAL-

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

UNITS: US SURVEY FEET

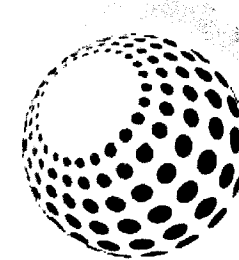
6. SURVEY PERFORMED WITHOUT THE BENIFIT OF A TITLE REPORT.

JOSHUA R. DAVIDSON, PLS
NC LICENSE NO. L-5350

NAD 83 / NSRS 2011 / SPC

N/F
LANA HORTON COFFER
PIN: 750385765
REID: 0203128
DB 12894 PG 785
BM 1988 PG 754

NCBELS FIRM# C-2378



WHITE OAK TOWNSHIP - WAKE COUNTY - NORTH CAROLINA

JOB NUMBER: 220188B

SHEET 1 OF 1

PETITION FOR VOLUNTARY ANNEXATION

Town of Apex, North Carolina



ANNEXATION PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the "[Annexation Petition Schedule](#)" on the website for details.

ANNEXATION FEE: \$200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [GEOCIVIX \(IDT Plans\)](#)

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [GeoCivix](#).
- **REVIEW BY STAFF:** The Planning Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) 18"x24" Mylar annexation plats to the Planning Department by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Planning Department, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Program Coordinator Jessica Sloan at 919-372-7478 or jessica.sloan@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: # 781 Submittal Date: 3-28-2024
Fee Paid \$ 200.00 Check # 6257

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Horton Park Investments, LLC	0750299045
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-422-1166	pablo@prmsinv.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Bateman Civil Survey
Phone: 919-577-1080 Fax: 919-577-1081
E-mail Address: e.schroeder@batemancivilsurvey.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>3.95 ac</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>0</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>0</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: <u>0</u>	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>RR</u>	Receive Town Services <input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: #781

Submittal Date: 3-28-2024

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Horton Park Investments, a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 26 day of March, 2024

Name of Limited Liability Company Horton Park Investments, LLC

By:

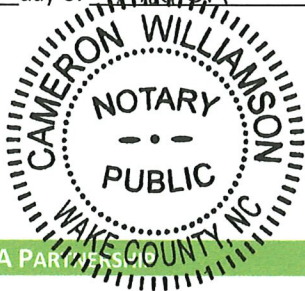
Ray Schmitt

Signature of Member/Manager
Ray Schmitt/CFO

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cameron Williamson, a Notary Public for the above State and County, this the 26 day of March, 2024.

SEAL



Cameron Williamson
Notary Public

My Commission Expires: 6/16/26

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By:

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

Notary Public

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 2.4938 acres, Townes on Tingen, Annexation No. 782 into the Town Corporate Limits.

Approval Recommended?

Yes

Item Details

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

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.

Attachments

- PH3-A1: Annexation Ordinance - Annexation No. 782 - Townes on Tingen
- PH3-A2: Revised Public Hearing Notice - Annexation No. 782 - Townes on Tingen
- PH3-A3: Legal Description - Annexation No. 782 - Townes on Tingen
- PH3-A4: Aerial Map - Annexation No. 782 - Townes on Tingen
- PH3-A5: Plat Map - Annexation No. 782 - Townes on Tingen
- PH3-A6: Annexation Petition - Annexation No. 782 - Townes on Tingen





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
ANNEXATION PETITION NO. 782
TOWNES ON TINGEN - 2.4938 ACRES

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 4:30 p.m. on June 27, 2024, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 27, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex ETJ, White Oak Township". Pin Nos. 0741-26-4605 and 0741-26-6614. Plat map print date June 14, 2021 and Land Surveyor dated May 06, 2024 and recorded in Book of Maps book number 2024 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 27th day of June, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

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

BEGINNING at an existing iron pipe in the southern property line of Board Of Education Of Wake County (D.B. 1206, Pg. 475) located South 87° 38' 14" West, 386.99 feet from an existing concrete monument bearing NAD 83 (2011) coordinate values of North 716,853.62 feet, East 2,042,741.33 feet; thence South 02° 17' 00" East, 106.59 feet to a disturbed existing iron pipe; thence North 88° 16' 28" East, 215.58 feet to an existing iron pipe; thence South 16° 40' 12" West, 51.01 feet to an existing iron pipe; thence South 73° 24' 21" East, 139.77 feet to an iron pipe set on the western right of way of Tingen Road ~ NCSR 1153; thence with western right of way of Tingen Road the following 3 calls: South 18° 28' 28" West, 70.22 feet to an iron pipe set; thence South 18° 22' 11" West, 128.78 feet to a magnetic nail set; thence South 26° 55' 13" West, 14.61 feet to an iron pipe set; thence leaving western right of way of Tingen Road North 69°

14' 31" West, 232.35 feet to an existing iron pipe; thence North 85° 57' 48" West, 189.63 feet to an existing iron pipe; thence North 01° 24' 14" East, 289.75 feet to an existing concrete monument; thence North 87° 40' 19" East, 129.84 feet to the BEGINNING, containing 2.4938 total acres more or less.

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 27th day of June, 2024, 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 June, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING – **REVISED**

APEX, N.C. (June 17, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **4:30 p.m.** at Apex Town Hall, 73 Hunter Street, on the **27th day of June, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 782 Townes on Tingen – 2.4938 acres



CLERK'S NOTE: The public hearing resolutions associated with the above item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at this special meeting.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 782" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Thursday, June 27, 2024.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

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

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

BEGINNING at an existing iron pipe in the southern property line of Board Of Education Of Wake County (D.B. 1206, Pg. 475) located South $87^{\circ} 38' 14''$ West, 386.99 feet from an existing concrete monument bearing NAD 83 (2011) coordinate values of North 716,853.62 feet, East 2,042,741.33 feet; thence South $02^{\circ} 17' 00''$ East, 106.59 feet to a disturbed existing iron pipe; thence North $88^{\circ} 16' 28''$ East, 215.58 feet to an existing iron pipe; thence South $16^{\circ} 40' 12''$ West, 51.01 feet to an existing iron pipe; thence South $73^{\circ} 24' 21''$ East, 139.77 feet to an iron pipe set on the western right of way of Tingen Road ~ NCSR 1153; thence with western right of way of Tingen Road the following 3 calls: South $18^{\circ} 28' 28''$ West, 70.22 feet to an iron pipe set; thence South $18^{\circ} 22' 11''$ West, 128.78 feet to a magnetic nail set; thence South $26^{\circ} 55' 13''$ West, 14.61 feet to an iron pipe set; thence leaving western right of way of Tingen Road North $69^{\circ} 14' 31''$ West, 232.35 feet to an existing iron pipe; thence North $85^{\circ} 57' 48''$ West, 189.63 feet to an existing iron pipe; thence North $01^{\circ} 24' 14''$ East, 289.75 feet to an existing concrete monument; thence North $87^{\circ} 40' 19''$ East, 129.84 feet to the BEGINNING, containing 2.4938 total acres more or less.

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.



Annexation #782

Apex
Elementary
School

Sparta Ln

Perry Hills

Litton St

James Street
Station

Owlsmoor Ln

Wragby Ln

Eversley Ct

Minley Way

James Ext St

West Haven
Townhomes

Harbor Haven Dr

Shelter Haven Dr

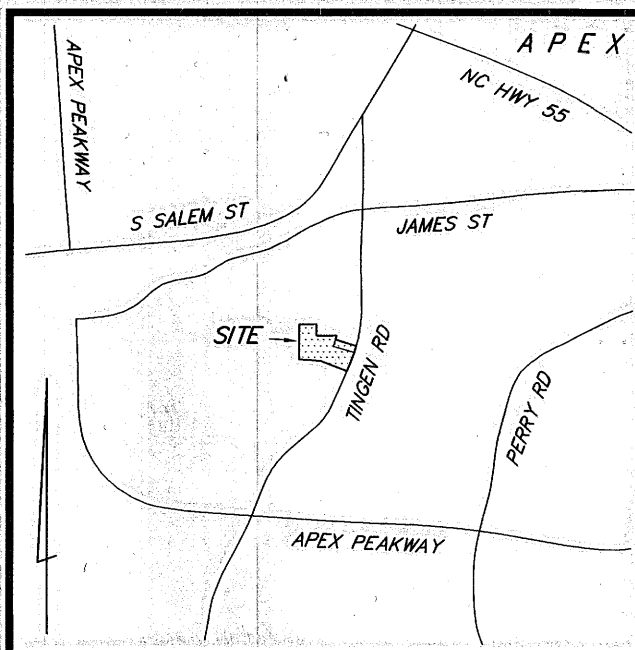
Tingen Rd

Peace Haven Pl

Kissena Ln

Perry
Farms

Prepared by: Town of Apex Planning Department
April 2024
February 2024 Aerial Photography



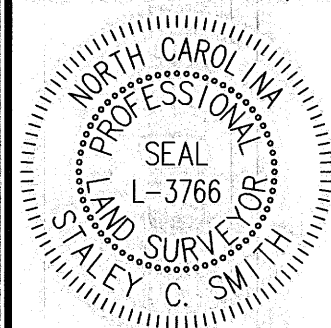
VICINITY MAP (NOT TO SCALE)

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:
D.B. 19232, PG. 2696
BOOK OF MAPS 1997, PAGE 1930
THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: 51,567 AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30(j) AS AMENDED.

CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:

Class of survey: A
Positional Accuracy: $\leq 0.10'$ AT 95% CONFIDENCE LEVEL
Type of GPS field procedure: NCRTN/VRS
Dates of survey: 6-15-2021
Datum/Epoch: NAD 83 (2011)
Published/Fixed-control use: NCGS BASE STATION "NCJL" (PID DL3891)
Geoid model: 2018
GPS/GNSS LOCALIZATION POINT: N= 716,853.62 E= 2,042,741.33
Combined grid factor(s): 0.99990441
Units: U.S. SURVEY FOOT

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 6TH DAY OF MAY, A.D., 2024.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

ALBERT BYRD ET UX. HEIRS
D.B. 1854, PG. 663

ALBERT BYRD ET UX. HEIRS
D.B. 1326, PG. 514

ISOLINE BYRD
D.B. 1340, PG. 108

WESTHAVEN TOWNHOMES
HOMEOWNERS' ASSOCIATION
D.B. 13251, PG. 1696
B.M. 2006, PG. 1766

WESTHAVEN TOWNHOMES
B.M. 2006, PG. 1552

WESTHAVEN TOWNHOMES
B.M. 2003, PG. 386

WESTHAVEN TOWNHOMES
HOMEOWNERS' ASSOCIATION
D.B. 13251, PG. 1696
B.M. 2006, PG. 1766

HARBOR HAVEN DRIVE
50' PUBLIC R/W
B.M. 2001, PG. 2353

WEST HAVEN NC, LLC
D.B. 18944, PG. 939
B.M. 1999, PG. 209 ~ "LOT B"

ANNEXATION # 243
B.M. 1998, PG. 253

ANNEXATION # 322
B.M. 2001, PG. 2396

EASTON, JR.
ET UX.
D.B. 7358, PG. 304
B.M. 1982, PG. 604

MANGUM HEIRS
D.B. 2009, PG. 515

GALLOWAY
D.B. 1633, PG. 415

CURTIS LEROY EPPS
D.B. 16623, PG. 473

DANIEL EPPS, JR.
D.B. 17051, PG. 1299 ~ TRACT 2

BOARD OF EDUCATION OF WAKE COUNTY
D.B. 1206, PG. 475
B.M. 2003, PG. 1861

ANNEXATION # 102
(1987±)

JOHN AMOROSO
JAME L. AMOROSO
D.B. 7287, PG. 240 ~ TRACT ONE

JOHN AMOROSO
JAME L. AMOROSO
D.B. 7287, PG. 240 ~ TRACT TWO

D.B. 19232, PG. 2696
TRACT ONE

D.B. 19232, PG. 2696
TRACT TWO

2.4938 ACRES TOTAL ANNEXED

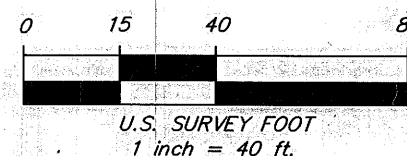
ANNEXATION # _____
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, Apex, North Carolina
certify this is a true and exact map of annexation adopted
the _____ day of _____, 2024.
by the Town Council. I set my hand and seal of
the Town of Apex, _____, 2024.

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

SURVEYOR NOTES:

1. THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD AFFECTING THE SAME.
2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
3. THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FOOT UNIT GROUND MEASUREMENTS.
5. AREA DETERMINED USING THE COORDINATE GEOMETRY METHOD.
6. CURRENT ZONING IS TOWN OF APEX HDMF-CZ (HIGH DENSITY MULTI-FAMILY RESIDENTIAL - CONDITIONAL ZONING 21C227)
7. THIS MAP WAS PREPARED FOR THE SOLE PURPOSE OF ANNEXATION OF A MUNICIPAL BOUNDARY. THIS MAP SHOULD NOT BE USED TO TRANSFER PROPERTY SHOWN HEREON.

- Legend
- EIP - Existing Iron Pipe
 - EIS - Existing Iron Stake
 - IPS - Iron Pipe Set
 - MNS - Magnetic Nail Set
 - ECM - Existing Concrete Monument
 - XXX - Street Address (Typical)
 - R/W - Right Of Way (Approximate)
 - Guy - Guy Anchor
 - TOA - Town of Apex
 - FES - Flared End Section
 - RCP - Reinforced Concrete Pipe
 - NAD 83 (2011) - NORTH AMERICAN DATUM 1983 (YEAR OF ADJUSTMENT)
 - VRS - Virtual Reference Station
 - PIN - Parcel Identification Number
 - PID - Permanent Identifier
 - NCSR - North Carolina Secondary Road
 - GPS - Global Positioning System
 - VRS - Virtual Reference Station
 - NCGS - North Carolina Geodetic Survey
 - NCRTN - North Carolina Real-Time Network
- Surveyed Line
Surveyed Line
Line (not surveyed)
Approximate Right Of Way Line (not surveyed)
Existing Buffer/Easement (not surveyed)
Existing Buffer/Easement (not surveyed)
Existing Town of Apex Corporate Limits (not surveyed)



U.S. SURVEY FOOT
1 inch = 40 ft.

ANNEXATION MAP for the TOWN OF APEX
JVI BUILDING & DEVELOPMENT, INC.
TOWN OF APEX ETJ, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
JVI BUILDING & DEVELOPMENT, INC.
2509 SOUTHWINDS RUN
APEX, NC 27502
PIN 0741-26-4605
0741-26-6614



Smith & Smith,
Surveyors, P.A.

P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111
FIRM LICENSE No. C-0155

FIELD DATE JUNE 14, 2021
SCALE 1" = 40'
DRAWN BY WBH
PROJ. NO. 2021-50

RECORDED IN BOOK OF MAPS 2024, PAGE _____

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____

Submittal Date: _____

Fee Paid \$ _____

Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

JVI Building & Development, Inc., Joey Iannone

Owner Name (Please Print)

(919) 387-8846

Phone

0741-26-6614, DB 19232, PG 2696

Property PIN or Deed Book & Page #

joey@jviconstruction.com

E-mail Address

JVI Building & Development, Inc., Joey Iannone

Owner Name (Please Print)

(919) 387-8846

Phone

0741-26-4605, DB 19232 PG 2696

Property PIN or Deed Book & Page #

joey@jviconstruction.com

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors, P.A.

Phone: (919) 362-7111

Fax: _____

E-mail Address: Staley Smith staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	2.4938	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	1	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	20	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	HDMF-CZ	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: #782

Submittal Date: 4-1-2024

COMPLETE IF SIGNED BY INDIVIDUALS:

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

_____ Please Print	_____ Signature
_____ Please Print	_____ Signature
_____ Please Print	_____ Signature
_____ Please Print	_____ Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the 12 day of MARCH, 2024.

Corporate Name JVI Building & Development, Inc.

SEAL

By: _____

President (Signature)

Attest: _____

Secretary (Signature)

FOR PEAK ENGINEERING & DESIGN (ATTEST)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County,
this the 12 day of MARCH, 2024.

Daniel H. Woods

DANIEL H. WOODS Notary Public

My Commission Expires: 11/18/28



PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

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

Name of Limited Liability Company _____

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 1.882 acres, located at 1717 and 1713 Holt Road, Annexation No. 784 into the Town Corporate Limits.

Approval Recommended?

Yes

Item Details

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

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.

Attachments

- PH4-A1: Annexation Ordinance - Annexation No. 784 - 1717 and 1713 Holt Road
- PH4-A2: Revised Public Hearing Notice - Annexation No. 784 - 1717 and 1713 Holt Road
- PH4-A3: Legal Description - Annexation No. 784 - 1717 and 1713 Holt Road
- PH4-A4: Aerial Map - Annexation No. 784 - 1717 and 1713 Holt Road
- PH4-A5: Plat Map - Annexation No. 784 - 1717 and 1713 Holt Road
- PH4-A6: Annexation Petition - Annexation No. 784 - 1717 and 1713 Holt Road





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
ANNEXATION PETITION NO. 784
1717 and 1713 HOLT ROAD - 1.882 ACRES

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 4:30 p.m. on June 27, 2024, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 27, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex ETJ, White Oak Township". Pin Nos. 0733-93-6472 AND 0733-93-8402. Plat map print date August 08, 2023 and Land Surveyor dated May 06, 2024 and recorded in Book of Maps book number 2024 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 27th day of June, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

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

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 733,440.13 feet, East 2,039,871.43 feet (B.M. 2023, Pg. 1598); thence South 02° 51' 14" East, 187.54 feet to a nail found at the base of disturbed existing iron pipe; thence North 89° 09' 02" West, 286.17 feet to an existing iron pipe; thence North 08° 22' 52" East, 328.74 feet to an existing iron pipe on the southern right of way of Holt Road ~ NCSR 1612; thence along and with the southern right of way of Holt Road a curve to the left North 86° 07' 50" East, 69.81 feet (chord), 1277.55 feet (radius) to a point on the southern right of way of Holt Road; thence along and with the southern right of way of Holt Road a curve to the left North 79° 05' 17" East, 76.11 feet (chord), 550.60 feet (radius) to a point on the southern right of way of Holt Road; thence South 89° 04' 46" East, 18.39 feet to a disturbed existing iron pipe; thence South 29° 48' 42" East, 92.48 feet to an

existing iron pipe; thence South 14° 00' 10" East, 83.22 feet to the BEGINNING, containing 1.882 total acres more or less.

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 27th day of June, 2024, 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 June, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING – **REVISED**

APEX, N.C. (June 17, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **4:30 p.m.** at Apex Town Hall, 73 Hunter Street, on the **27th day of June, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 784 1717 and 1713 Holt Road – 1.882 acres



CLERK'S NOTE: The public hearing resolutions associated with the above item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at this special meeting.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 784" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Thursday, June 27, 2024.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

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

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

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 733,440.13 feet, East 2,039,871.43 feet (B.M. 2023, Pg. 1598); thence South 02° 51' 14" East, 187.54 feet to a nail found at the base of disturbed existing iron pipe; thence North 89° 09' 02" West, 286.17 feet to an existing iron pipe; thence North 08° 22' 52" East, 328.74 feet to an existing iron pipe on the southern right of way of Holt Road ~ NCSR 1612; thence along and with the southern right of way of Holt Road a curve to the left North 86° 07' 50" East, 69.81 feet (chord), 1277.55 feet (radius) to a point on the southern right of way of Holt Road; thence along and with the southern right of way of Holt Road a curve to the left North 79° 05' 17" East, 76.11 feet (chord), 550.60 feet (radius) to a point on the southern right of way of Holt Road; thence South 89° 04' 46" East, 18.39 feet to a disturbed existing iron pipe; thence South 29° 48' 42" East, 92.48 feet to an existing iron pipe; thence South 14° 00' 10" East, 83.22 feet to the BEGINNING, containing 1.882 total acres more or less.

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.



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 #: #784 Submittal Date: 4-26-2024
Fee Paid: \$ 200.00 Check #: 2186

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

PAMELA ALANE FOLAND
GREGORY RAYMOND FOLAND

Owner Name (Please Print)

919-337-7525

Phone

0733-93-6472, 0733-93-8402

Property PIN or Deed Book & Page #

GREG@FOLANDHOMES.COM

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: SMITH+SMITH SURVEYORS, P.A.

Phone: 919-362-7111 Fax: _____

E-mail Address: BEN@SMITHANDSMITHSURVEYORS.NET

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>1.882</u> <u>1.881</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>2</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>2</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>2</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>RR</u>	Receive Town Services	<input type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: #784

Submittal Date: 4-26-2024

COMPLETE IF SIGNED BY INDIVIDUALS:

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

GREGORY RAYMOND FOLAND

Please Print

[Signature]

Signature

PAMELA ALANE FOLAND

Please Print

[Signature]

Signature

Please Print

Signature

Please Print

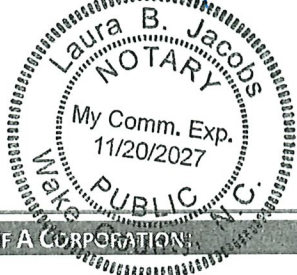
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Laura B. Jacobs, a Notary Public for the above State and County,
this the 26 day of April, 2024.

[Signature]
Notary Public

SEAL



My Commission Expires: 11/20/2027

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: #784

Submittal Date: 4-26-2024

COMPLETE IF IN A LIMITED LIABILITY COMPANY

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

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

VOLUNTARY ANNEXATION-PLAT CHECKLIST**FOR APPLICANT USE ONLY****PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL**

COMMON ACRONYMS/DEFINITIONS			
GeoCivix (IDT)	Electronic Plan Review	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
CONTACT INFORMATION			
Planning Department	(919) 249-3426	Water Resources (Utilities)	(919) 372-7478
Development Services	(919) 249-3394	Clerk's Office	(919) 249-1260

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.363 acres, Tobacco Road Place (Formerly Known As: Beauregard Place), Satellite Annexation No. 786 into the Town Corporate Limits.

Approval Recommended?

Yes

Item Details

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

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.

Attachments

- PH5-A1: Annexation Ordinance - Satellite Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place)
- PH5-A2: Revised Public Hearing Notice - Satellite Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place)
- PH5-A3: Legal Description - Satellite Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place)
- PH5-A4: Aerial Map - Satellite Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place)
- PH5-A5: Plat Map - Satellite Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place)
- PH5-A6: Annexation Petition - Satellite Annexation No. 786 - Tobacco Road Place (FKA: Beauregard Place)





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2024-
SATELLITE ANNEXATION PETITION NO. 786
TOBACCO ROAD PLACE (FKA: BEAUREGARD PLACE) – 3.363 ACRES

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

WHEREAS, the Apex Town Council has been petitioned under G.S. §160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 4:30 p.m. on June 27, 2024, 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 finds that the area described therein meets the standards of G.S. §160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. §160A-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on April 09, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, White Oak Township, Wake County, North Carolina", the survey plat print dated June 06, 2022 and Land Surveyor dated May 23, 2024 and recorded in Book of Maps book number 2024 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 27th day of June, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Beginning at an iron pipe found at a common corner with the "New Town of Apex BMP Maintenance Easement" shown in Book of Maps 2019 Page 1667. Thence from said corner N88°42'08"W a distance of 281.52' to an iron pipe found on the western line of the American Tobacco Trail. Thence with the western line of the American Tobacco Trail N09°49'07"W a distance of 463.94' to a computed pointed. Thence from said computed point S89°08'00"E a distance of 359.94' to an iron pipe found. Thence S00°04'49"E a distance of 210.54' to an iron pipe found in the north west corner of Beauregard Place, a 50' public right of way shown in Book of Maps 2019 Page 1667. Thence S00°05'07"E a distance of 247.55' to the point and place of beginning having an area of 146507 square feet and 3.363 acres.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 27th day of June, 2024, 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 June, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING – **REVISED**

APEX, N.C. (June 17, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **4:30 p.m.** at Apex Town Hall, 73 Hunter Street, on the **27th day of June, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 786 Tobacco Road Place (FKA: Beauregard Place) – 3.34 acres



CLERK'S NOTE: The public hearing resolutions associated with the above item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at this special meeting.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 786" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Thursday, June 27, 2024.

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

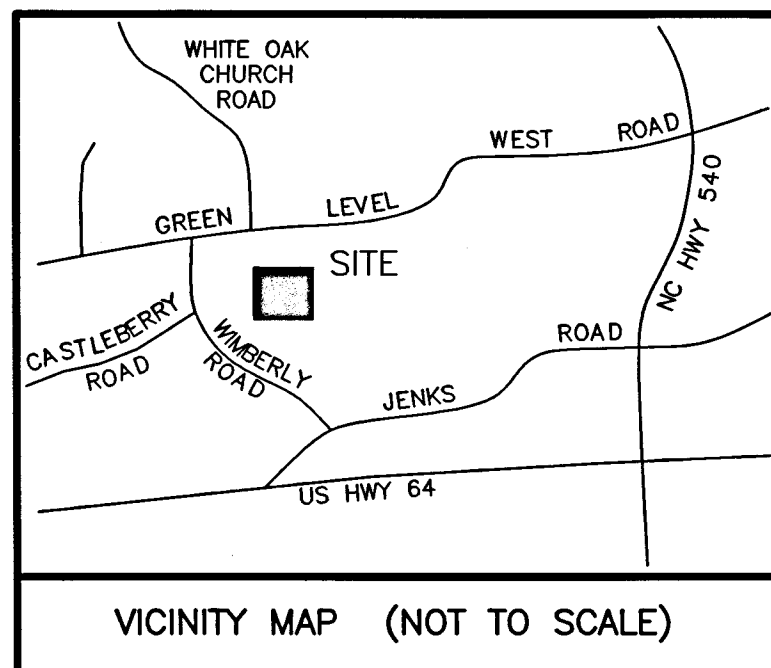
Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

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PROPERTY SHOWN HEREON IS XXXX IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 3720072300k EFFECTIVE DATE: 7/19/2022

5-23-24
DATE SURVEYOR

N/F
THE TRAILS AND ESTATES
AT LAKE CASTLEBERRY COMM.
DB 19320 PG 2228
REID 0277183
RR-CZ

THIS SURVEY:

- ☐ A. CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☐ B. IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☒ C. IS ONE OF THE FOLLOWING:
- 1) IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2) IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - 3) IS A CONTROL SURVEY
 - 4) IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- ☐ D. IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- ☐ E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

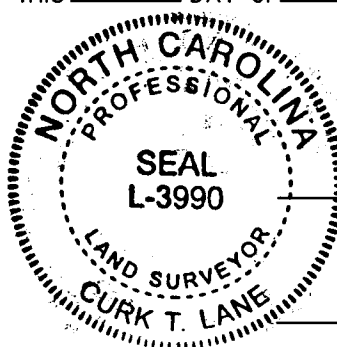
5-23-24
DATE SURVEYOR

SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

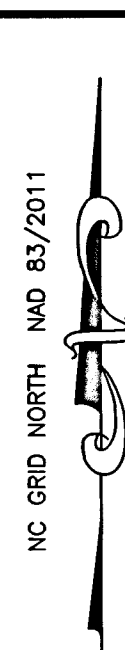
5-23-24
DATE SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 17966, PAGE 1955, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 17966, PAGE 1955; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11 C-1. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 23rd DAY OF MAY, A.D. 2024



SURVEYOR
L - 3990
LICENSE NUMBER



NC GRID NORTH NAD 83/2011

SEWER LINE SSMH

SEWER LINE SSMH

N/F
NC DEPARTMENT
OF TRANSPORTATION
DB 6660 PG 194
REID 0103289
CB

ANNEXATION #

I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION

ADOPTED THE DAY OF 20, BY THE TOWN

COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, DAY/MONTH/YEAR

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

-SEAL-

I, CURK T. LANE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, FOR THE PURPOSE OF HORIZONTAL CONTROL IN ORDER TO TIE THIS SURVEY TO NC GRID; AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

CLASS OF SURVEY: CLASS AA
POSITION ACCURACY: 0.033 FEET, ELLIPTICAL ERROR AXIS
TYPE OF GPS FIELD PROCEDURE: VRS SESSION 2 CONTROL POINTS
DATES OF SURVEY: 07-28-20 & 07-30-20
DATUM/EPOCH: NAD 83(2011)/EPIC 2010.000
PUBLISHED/FIXED-CONTROL USED: NC GNSS CORRS AND RTK
GEOID MODEL: NAVD 88 USING GEOID 18
COMBINED GRID FACTOR: 0.99990941(AVG)
REPORTING UNITS: US FEET

LINE	BEARING	DISTANCE
L1	N88°34'37"W	10.19'
L2	S00°09'42"E	210.73'
L3	S89°41'13"E	9.88'

ANNEXATION LINE - - - - -

REFERENCES:

DB 17966 PG 1955
DB 18096 PG 1111
DB 17956 PG 2160
DB 17954 PG 1629
DB 17626 PG 2546
DB 17157 PG 2078
DB 19320 PG 2228
DB 6660 PG 194
DB 17626 PG 2546

N/F
WEDDINGTON OWNERS
ASSOCIATION INC.
DB 17626 PG 2546
REID 0470657
PUD-CZ

CONTROL CORNER
N: 735218.3360
E: 2023203.0790

NOTE: L1-L2 ARE TIE LINES ONLY

N/F
NAGARAJAN KUPPUSWAMI
DB 17954 PG 1629
REID 0470600
PUD-CZ

N/F
ASHWIN PALANI
DB 17956 PG 2160
REID 0470601
PUD-CZ

N/F
AMBER S. CRAIG
DB 18096 PG 1111
REID 0470602
PUD-CZ

N/F
WEDDINGTON OWNERS
ASSOCIATION INC.
DB 17626 PG 2546
REID 0470658
PUD-CZ

CONTROL CORNER
N: 734760.7420
E: 2023203.7420

N/F
WEDDINGTON OWNERS
ASSOCIATION INC.
DB 17626 PG 2546
REID 0015191
PUD-CZ

AREA OF ANNEXATION
146508 SF
3.363 AC

DB 17966 PG 1955
REID 0159682
146508 SF
3.363 AC
RR-CZ

N/F
CAPITAL PROPERTIES OF
RALEIGH VIII LLC
DB 17157 PG 2078
REID 0183069
RR-CZ

EXISTING APEX
CORPORATE LIMITS

S89°08'00"E

359.94'

N88°42'08"W

281.52'

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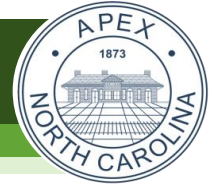
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PETITION FOR VOLUNTARY ANNEXATION Town of Apex, North Carolina



ANNEXATION PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the "[Annexation Petition Schedule](#)" on the website for details.

ANNEXATION FEE: \$200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [GeoCIVIX \(IDT Plans\)](#)

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [GeoCivix](#).
- **REVIEW BY STAFF:** The Planning Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) 18"x24" Mylar annexation plats to the Planning Department by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Planning Department, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Program Coordinator Jessica Sloan at 919-372-7478 or jessica.sloan@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____

Submittal Date: _____

Fee Paid \$ _____

Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

AG Wimberly, LLC (Sudhakar Upadhyaya)

0723249888

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 924-2991

sudhakar.upadhyaya@gmail.com

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: True Line Surveying

Phone: 919-359-0427

Fax: 919-359-0428

E-mail Address: molly@truelinesurveying.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	3.34	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	0	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	2	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	RR	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

President (Signature)

Attest: _____

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, AG Wimberly a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 8 day of May, 2024

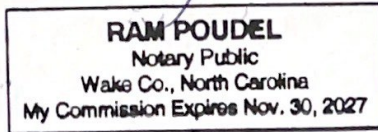
Name of Limited Liability Company AG Wimberly LLC

By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Ram Poude, a Notary Public for the above State and County, this the 8th day of May, 2024.

SEAL



[Signature]
Notary Public

My Commission Expires: Nov 30, 2027

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

Notary Public

My Commission Expires: _____

VOLUNTARY ANNEXATION-PLAT CHECKLIST

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
GeoCivix (IDT)	Electronic Plan Review	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
CONTACT INFORMATION			
Planning Department	(919) 249-3426	Water Resources (Utilities)	(919) 372-7478
Development Services	(919) 249-3394	Clerk's Office	(919) 249-1260

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 0.672 acres, Castleberry Reserve, Satellite Annexation No. 783 into the Town Corporate Limits.

Approval Recommended?

Yes

Item Details

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

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.

Attachments

- PH6-A1: Annexation Ordinance - Satellite Annexation No. 783 - Castleberry Reserve
- PH6-A2: Revised Public Hearing Notice - Satellite Annexation No. 783 - Castleberry Reserve
- PH6-A3: Legal Description - Satellite Annexation No. 783 - Castleberry Reserve
- PH6-A4: Aerial Map - Satellite Annexation No. 783 - Castleberry Reserve
- PH6-A5: Plat Map - Satellite Annexation No. 783 - Castleberry Reserve
- PH6-A6: Annexation Petition - Satellite Annexation No. 783 - Castleberry Reserve





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2024-
SATELLITE ANNEXATION PETITION NO. 783
CASTLEBERRY RESERVE – 0.672 ACRES

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 4:30 p.m. on June 27, 2024, 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 finds that the area described therein meets the standards of G.S.§160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. §160A-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on April 09, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, White Oak Township, Wake County, North Carolina". The survey plat print dated March 28, 2024 and Land Surveyor dated May 25, 2024, PIN No. 0723-21-6874 and recorded in Book of Maps book number 2024 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 27th day of June, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

ANNEXATION OF 0.672 ACRE ACCESS PARCEL

BEING A PORTION OF THAT PARCEL, NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID AREA BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,059.23' AND E= 2,022,262.54'; THENCE, FROM THE POINT OF BEGINNING, S89°49'02"E A DISTANCE OF 95.79 FEET TO A COMPUTED POINT; THENCE, S22°22'45"W A DISTANCE OF 396.87 FEET TO A 1" IRON PIPE FOUND; THENCE, S88°59'08"W A DISTANCE OF 63.66 FEET TO A 3/4" IRON PIPE SET; THENCE, N17°53'44"E A DISTANCE OF 387.14 FEET TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 29,257 SQUARE FEET OR 0.672 ACRES, MORE OR LESS

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 27th day of June, 2024, 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 June, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING – **REVISED**

APEX, N.C. (June 17, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **4:30 p.m.** at Apex Town Hall, 73 Hunter Street, on the **27th day of June, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Satellite Annexation Petition No. 783 Castleberry Reserve – 0.672 acres



CLERK'S NOTE: The public hearing resolutions associated with the above item was approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at this special meeting.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 783" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Thursday, June 27, 2024.

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

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

Legal Description
Annexation of 0.672 acre Access Parcel

BEING A PORTION OF THAT PARCEL, NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID AREA BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,059.23' AND E= 2,022,262.54'; THENCE, FROM THE POINT OF BEGINNING, S89°49'02"E A DISTANCE OF 95.79 FEET TO A COMPUTED POINT; THENCE, S22°22'45"W A DISTANCE OF 396.87 FEET TO A 1" IRON PIPE FOUND; THENCE, S88°59'08"W A DISTANCE OF 63.66 FEET TO A 3/4" IRON PIPE SET; THENCE, N17°53'44"E A DISTANCE OF 387.14 FEET TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 29,257 SQUARE FEET OR 0.672 ACRES, MORE OR LESS.



Annexation #783

Castleberry Estates

Wimberly Oaks Dr

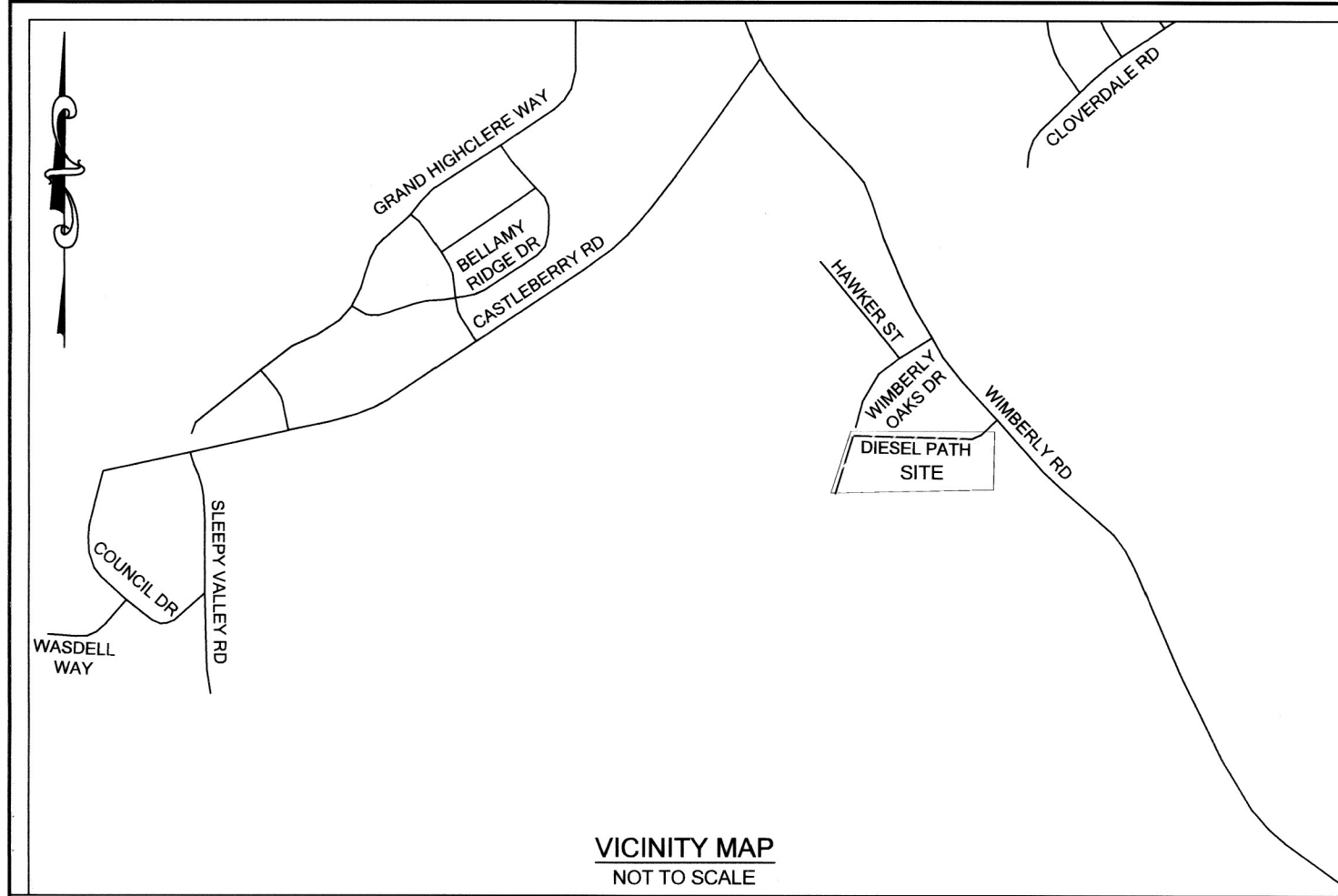
Wimberly Rd

Diesel Path

Serenity Trl

0 200 400
Feet

February 2024 Aerial Photography
Prepared by: Town of Apopka Planning Department
May 2024



VICINITY MAP
NOT TO SCALE

LEGEND	
	EXISTING BOUNDARY CORNER FOUND
	BOUNDARY CORNER SET
	COMPUTED POINT
	CONCRETE MONUMENT FOUND
	PROPERTY LINE SURVEYED
	PROPERTY LINE NOT SURVEYED
	EASEMENTS
	TOWN OF APEX CORPORATE LIMITS (PER WAKE COUNTY GIS)
	EIP EXISTING IRON PIPE
	EIR EXISTING IRON REBAR
	BM BOOK OF MAPS
	DB DEED BOOK
	PG PAGE
	R/W RIGHT OF WAY

CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.07'
TYPE OF GPS FIELD PROCEDURE: NC REAL TIME NETWORK
DATES OF SURVEY: OCTOBER 2022 & APRIL 2023
DATUM/EPOCH: NAD83/NSRS2011
GEOID MODEL: 18
COMBINED GRID FACTOR (CONTROL CORNER 1): 0.999904548
UNITS: US SURVEY FEET

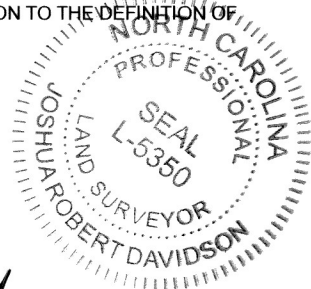
NOTES

1. THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY COMPANY UNDER THE SUPERVISION OF JOSHUA R DAVIDSON, PLS.
2. ALL DISTANCE ARE HORIZONTAL GROUND DISTANCE AND ALL BEARINGS ARE BASED ON GPS OBSERVATIONS, NAD83 / NSRS 2011 / SPC, UNLESS OTHERWISE SHOWN.
3. PROPERTY LIES IN ZONE "X" PER NATIONAL INSURANCE PROGRAM FLOOD INSURANCE RATE MAP #3720072300K, DATED 07/19/2022.
4. SITE ZONED "R-80W" FOR WAKE COUNTY PER COUNTY GIS.
5. AREAS COMPUTED BY COORDINATE METHOD.
6. SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
7. ALL BOUNDARY CORNERS SET ARE 3/4" IRON PIPE SET (3/4" IPS), UNLESS OTHERWISE NOTED.
8. THE SOLE PURPOSE OF THIS PLAT IS TO ANNEX 0.672 ACRES TO THE TOWN OF APEX. THIS IS NOT A BOUNDARY SURVEY. NO EXISTING STRUCTURES OR FEATURES OF THE SUBJECT PARCEL ARE SHOWN.

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

I, JOSHUA R. DAVIDSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB 11370 PG 2312); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS SHOWN HERE ON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 05 DAY OF MAY, A.D., 2024.

I FURTHER THAT IN ACCORDANCE WITH G.S. 47-30-F-11-D; CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

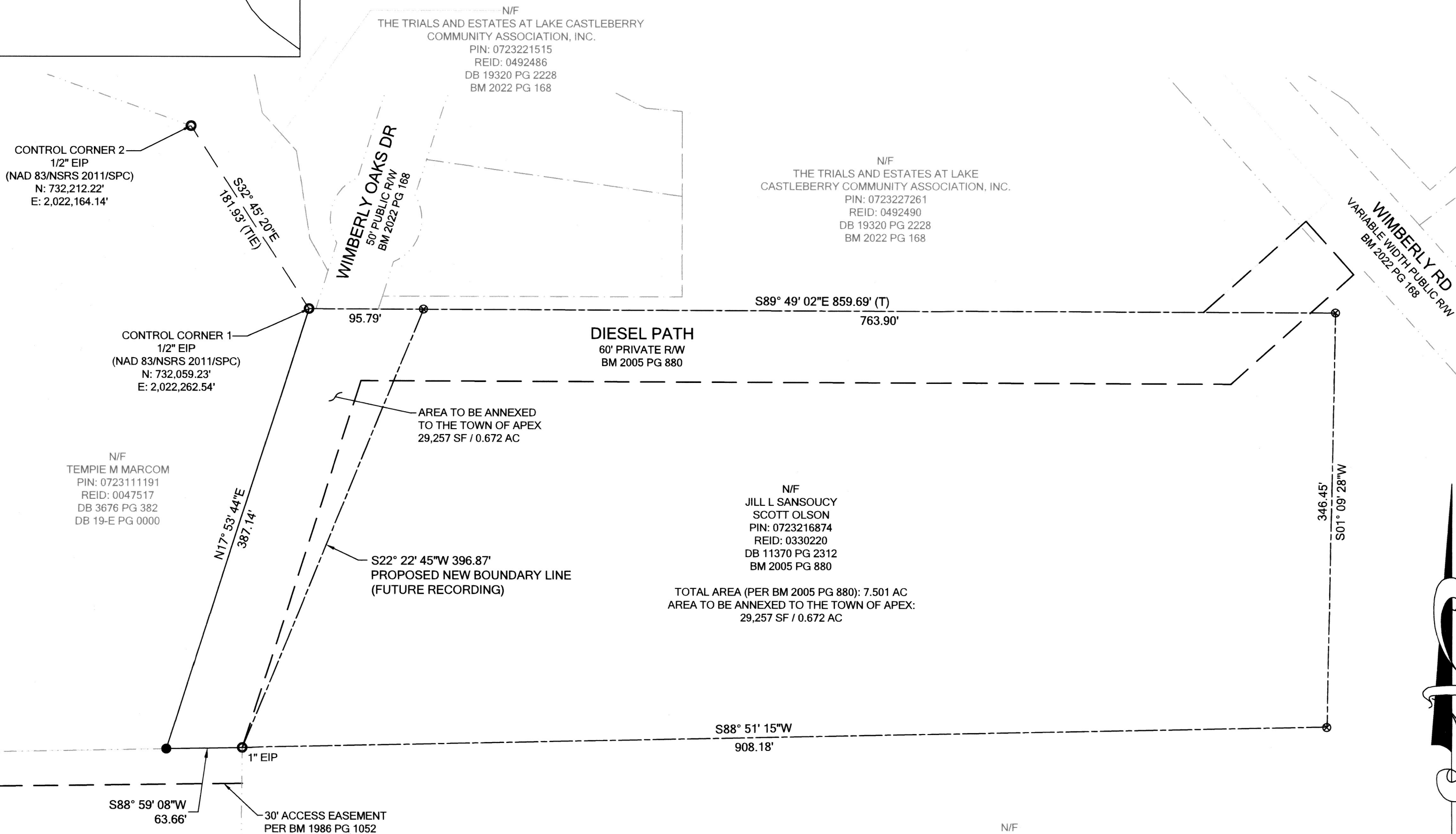


JOSHUA R. DAVIDSON, PLS
NC LICENSE NO. L-5350

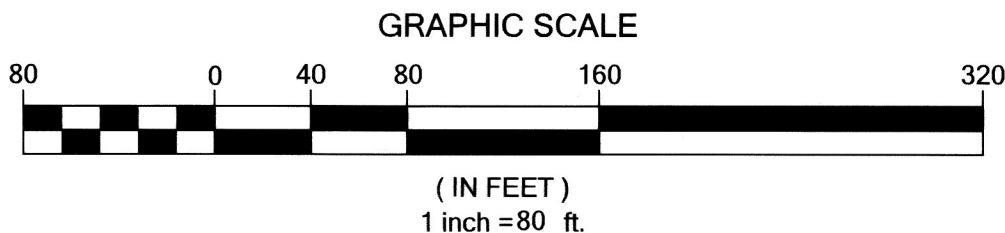
DATE

05/25/2024

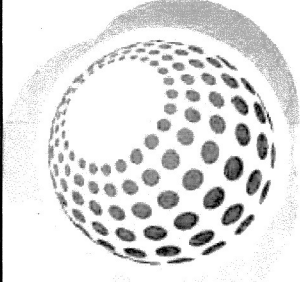
ANNEXATION # _____
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____, DAY/MONTH/YEAR
TOWN CLERK _____ ALLEN COLEMAN, CMC, NCCCC,



TOTAL AREA TO BE ANNEXED TO THE TOWN OF APEX
29,257 SF / 0.672 AC



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



SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX

PIN: 0723216874, REID: 0330220
AS RECORDED IN DB 11370 PG 2312
4201 DIESEL PATH, APEX
WHITE OAK TOWNSHIP - WAKE COUNTY - NORTH CAROLINA

- REVISIONS
1. REVISED PER TOWN OF APEX COMMENTS (05/09/2024)
 - 2.
 - 3.
 - 4.

DRAWN BY: ELS
CHECKED BY: JRD
SCALE: 1" = 80'
DATE: 03/28/2024
JOB NUMBER: 220679

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 #: # 783
Fee Paid: \$ 200.00

Submittal Date: 4-18-2024
Check #: CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Jill Sansoucy and Scott Olson

Owner Name (Please Print)

c/o Jennifer Trudnak, Broker, 804-683-9434

Phone

A 0.672 acre portion of PIN 0723216874; Deed Book 11370, Page 2312

Property PIN or Deed Book & Page # See attached Exhibits for a complete description

jennifer@jentrudnakrealestate.com

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: Bateman Civil Survey Company - Joshua Davidson, PLS

Phone: (919) 577-1080

Fax: (919) 577-1081

E-mail Address: josh@batemancivilsurvey.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>0.672</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>R-80W</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: #783

Submittal Date: 4-18-2024

COMPLETE IF SIGNED BY INDIVIDUALS:

Matthew J. Carpenter, Authorized Agent

Please Print


Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Amanda C. Turner, a Notary Public for the above State and County,
this the 1st day of, April, 2024.



Notary Public

SEAL



My Commission Expires:

6/30/2025

AGENT AUTHORIZATION FORM

Application #: #783

Submittal Date: 4-18-2024

Jill Sansoucy and Scott Olson is the owner* of the property for which the attached application is being submitted:

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

The property address is: Approximately 0.67 acres of 4201 Diesel Path (PIN 0723216874); Area #1 and Area #2 on the attached Exhibit A

The agent for this project is: Matthew J. Carpenter

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

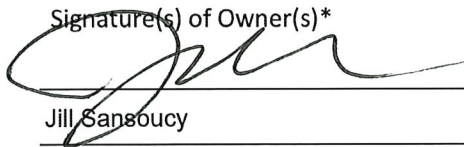
Agent Name: Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Signature(s) of Owner(s)*



Jill Sansoucy

Type or print name

3.18.24

Date



Scott Olson

Type or print name

3.18.24

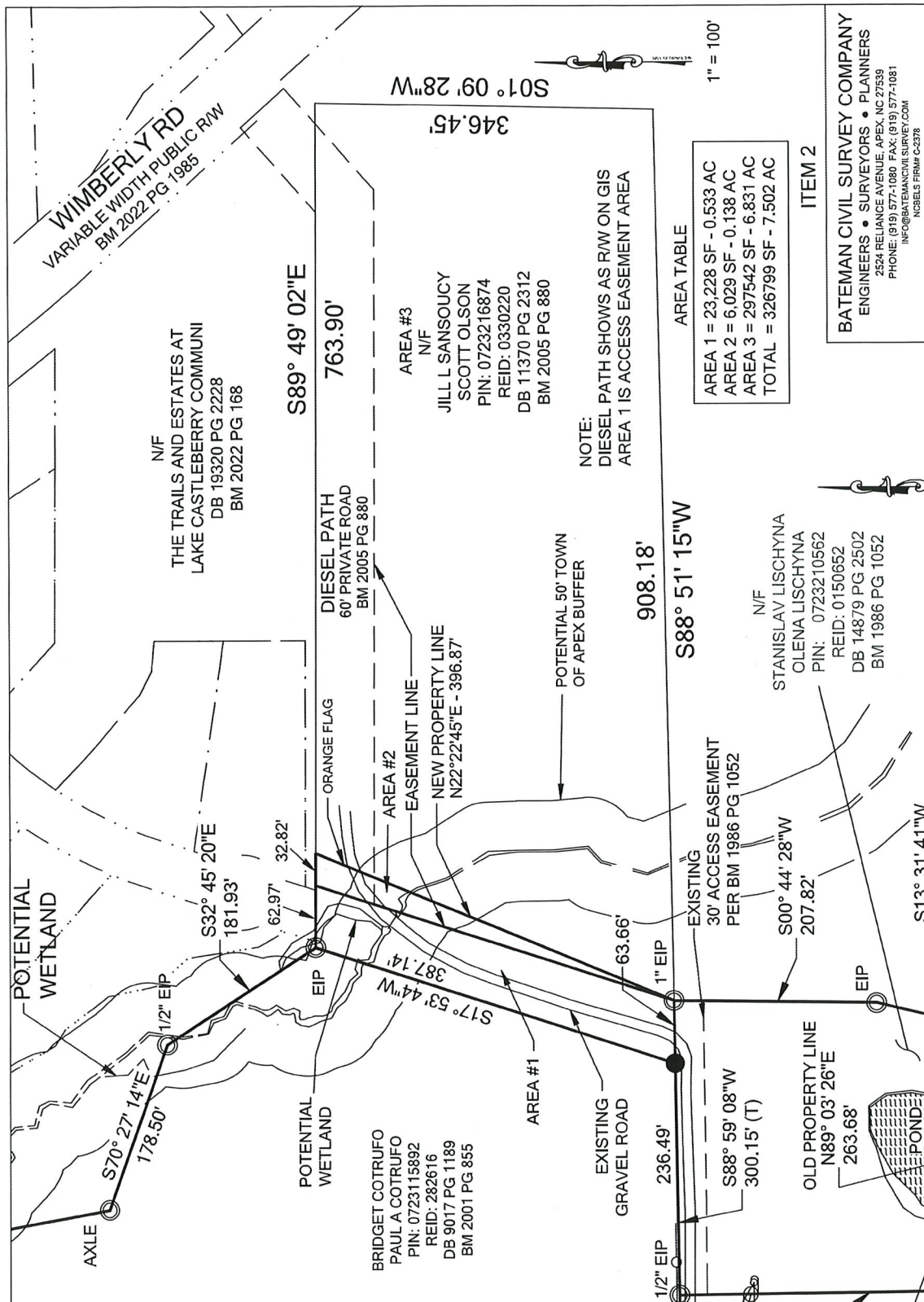
Date

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.

EXHIBIT A
to
Agent Authorization Form



Sellers *[Signature]* Sco

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 27, 2024

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 24CZ09 Castleberry Reserve PUD Amendment. The applicant, Matthew Carpenter, Parker Poe, seeks to rezone approximately 104.09 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road, 8309 Serenity Trail, and 4201 Diesel Path (portion of).

Approval Recommended?

The Planning Department recommends approval.

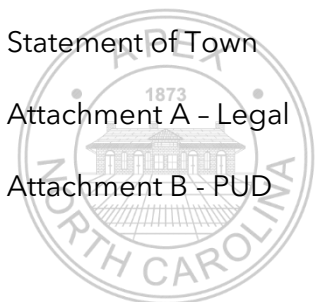
The Planning Board held a Public Hearing on June 10, 2024 and by a vote of 8-0 recommended approval of the rezoning.

Item Details

The properties to be rezoned are identified as PINs 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, and 0723316874 (portion of).

Attachments

- PH7-A1: Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment - Staff Report and Application
- PH7-A2: Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment - Planning Board Report to Town Council
- PH7-A3: Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment Statement of Town Council and Ordinance
- PH7-A4: Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment Attachment A - Legal Description
- PH7-A5: Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment Attachment B - PUD Text Plan



STAFF REPORT

Rezoning #24CZ09 Castleberry Reserve PUD Amendment

June 25, 2024 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road, 8309 Serenity Trail, & 4201 Diesel Path (portion of)
Applicant/Agent: Matthew Carpenter, Parker Poe
Owners: Deborah and Ronnie Strickland, Bridget and Paul Anthony Cotrufo, Thomas and Nancy Marcom, Sonya and Steve Ammons, Timothy C. Johnson, Joshua T. Johnson, Ethan J. Johnson, Jill Sansoucy and Scott Olson.

PROJECT DESCRIPTION:

Acreage: ±104.09 acres
PINs: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, 0723216874 (portion of).
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) and Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Low Density Residential and Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Town Limits: Inside and Outside – annexation of parcel to be added is required at the time of rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-80W (R-80W); Low Density Residential-Conditional Zoning (LD-CZ #13CZ17)	Castleberry Road; Single-family Residential (Lake Castleberry subdivision)
South:	Wake County Residential-80W (R-80W)	Vacant (North Carolina Wildlife Resources Commission Game Land)
East:	Rural Residential-Conditional Zoning (RR-CZ #22CZ04); Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ23); Wake County Residential-80W (R-80W)	Single-family Residential (Wimberly Estates subdivision); Single-family Residential; Vacant (North Carolina Wildlife Resources Commission Game Land)
West:	Wake County Residential-80W (R-80W)	Single-family Residential

BACKGROUND:

The Castleberry Reserve Planned Unit Development project timeline includes the following:

- September 12, 2023, the Town Council approved the Castleberry Reserve Planned Unit Development that totaled 89.90 acres.
- April 9, 2024 the Town Council approved the Castleberry Reserve Planned Unit Development Amendment that totaled 103.42 acres.

STAFF REPORT

Rezoning #24CZ09 Castleberry Reserve PUD Amendment

June 25, 2024 Town Council Meeting



The applicant is requesting to add 0.672 acres, a portion of 4201 Diesel Path (PIN 0723316874), for the access road from the Castleberry Reserve PUD to Wimberly Oaks Drive. This additional point of access is required since the proposed development exceeds 50 single-family lots.

EXISTING CONDITIONS:

The approved Castleberry Reserve PUD properties are located south of Castleberry Road, north of the North Carolina Wildlife Resources Commission Game Land/Protected Open Space, and approximately 800 feet west of Wimberly Road (See Figure 1: Site Location, outlined in orange).

The proposed 0.672 acres “access road area” (See Figure 1: Site Location, outlined in red) is located to the east of the existing PUD. The proposed access road will connect with the existing stub of Wimberly Oaks Drive and includes a stream, mature trees, and an existing unpaved driveway.

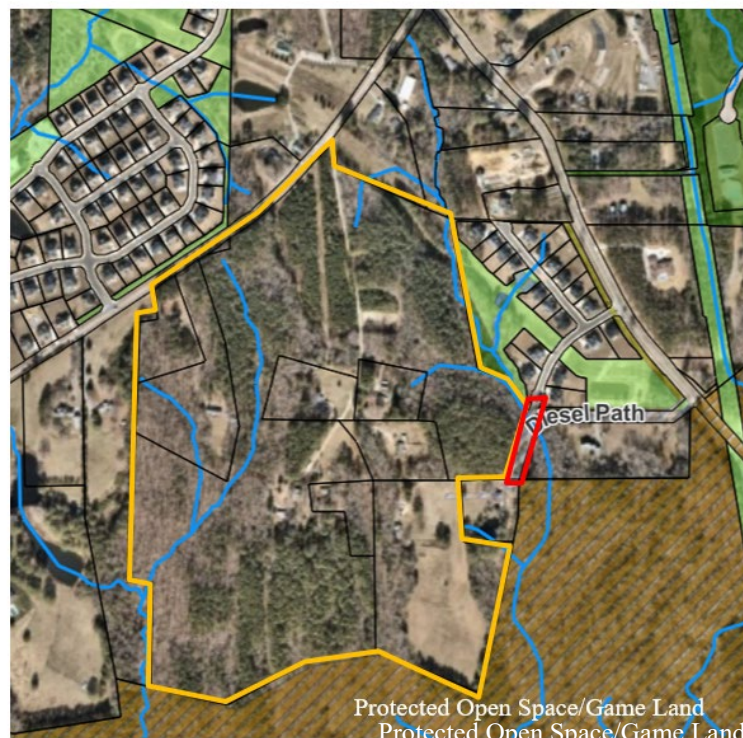


Figure 1: Site Location

NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on May 7, 2024 and May 29, 2024. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map designates the approved Castleberry Reserve PUD parcels as Low Density Residential. The area proposed to be rezoned and incorporated into the existing PUD is designated as Rural Density Residential. If the property is rezoned as proposed, the 2045 Land Use Map will automatically be amended to Low Density Residential per NCGS 160D-605(a).

STAFF REPORT

Rezoning #24CZ09 Castleberry Reserve PUD Amendment

June 25, 2024 Town Council Meeting



PROPOSED PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development Plan Amendment in order to add the 0.672 acre “access road area”. All approved PUD Plan uses and development standards would apply to the proposed addition. The attached PUD Text shows the proposed revisions in **bold and underline font**.

- The addition of the “access road area” will increase the acreage from 103.42 acres to 104.09 acres. No increase in density is proposed.
- A 20-foot wide Type B buffer along the west side of the “access road area” as shown in the Concept Plan.
- No buffer on the east side of the “access road area” as shown in the Concept Plan. The UDO does not require a buffer along a residential street and removing the buffer allows parcels to the east provides an opportunity for parcels to the east to connect to this new road.

Environmental Zoning Conditions

The Environmental Zoning Conditions of the approved Castleberry PUD Plan will apply to the “access road area”.

Access and Circulation:

The approved PUD Plan transportation improvements and pedestrian improvements will apply to the “access road area”.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a meeting for the PUD Amendment on May 16, 2024. The EAB recommended the conditions that were approved with the approved Castleberry Reserve PUD Plan rezoning with the following additional recommendation:

EAB Suggested Condition	Applicant's Response
All homes shall provide a 220-volt outlet in the garage for electric vehicle charging	Not Added

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on June 10, 2024 meeting and recommended approval by a vote of 8 to 0 with the conditions as proposed by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #24CZ09 Castleberry Reserve PUD Plan Amendment as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town’s comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the “access road area” as Rural Density Residential classification. The applicant proposes a rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) district to incorporate the property into the Castleberry Reserve PUD. If the “access road area” is rezoned as proposed, the 2045 LUM will automatically be amended to Low Density Residential per NCGS 160D-605(a).



The proposed rezoning is reasonable and is in the public interest because the proposed rezoning will provide necessary infrastructure connection to the adjacent Wimberly Oaks Drive stub street. All approved PUD Plan uses and development standards will apply to the area to be rezoned and no additional residential density is proposed.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1. *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-



sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component;
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

STAFF REPORT

Rezoning #24CZ09 Castleberry Reserve PUD Amendment

June 25, 2024 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 Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

CONDITIONAL ZONING STANDARDS:

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

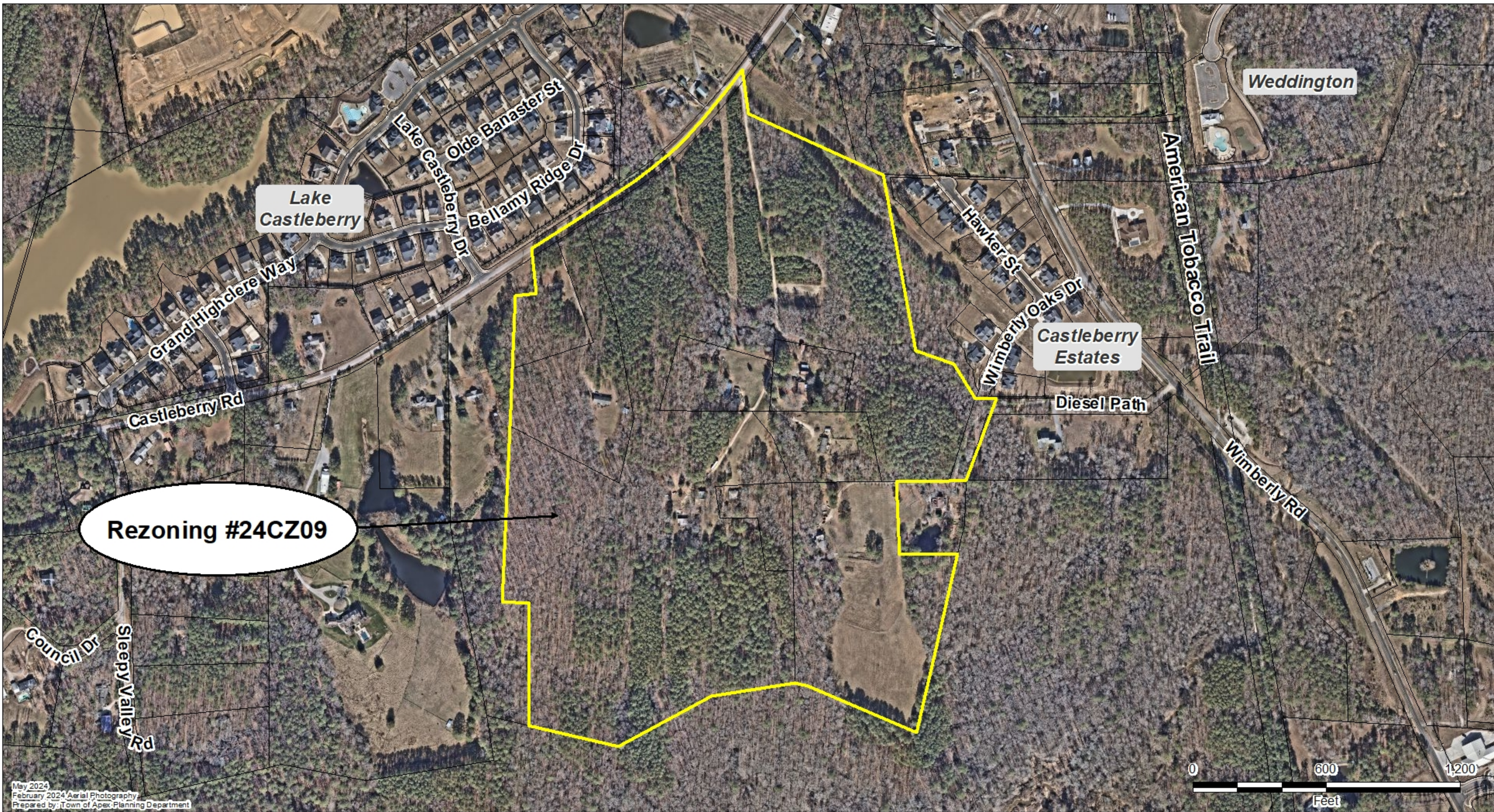
Legislative Considerations

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



interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>24CZ09</u>	Submittal Date:	<u>May 8, 2024</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Castleberry Reserve PUD Amendment

Address(es): 4201 Diesel Path, Apex, NC 27523

PIN(s) See attached. This application is being filed to add the 0.672 acre access road to the Castleberry Reserve PUD approved by Town Council September 12, 2023 (REZ 23CZ04) and amended April 9, 2024 (REZ 23CZ21) Acreage: 104.092

Current Zoning: PUD-CZ and R-80W (Wake County) Proposed Zoning: Planned Unit Development (PUD-CZ)

Current 2045 LUM Designation: Rural Density Residential (PIN 0723117077) & Low Density Residential

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

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

Applicant Information

Name: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

Name: See attached

Address:

City: State: Zip:

Phone: E-mail:

Agent Information

Name: Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 24CZ09

Submittal Date: May 8, 2024

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

103.42 acres of property adjacent to the east was recently rezoned to Planned Unit Development Conditional (PUD-CZ) to permit development of a low density single-family subdivision referred to as Castleberry Reserve. Accordingly, the land use map of the adjacent property was changed to Low Density Residential. This rezoning request would add the 0.672 acre access road to the Castleberry Reserve PUD and change the property's LUM designation to Low Density Residential, consistent with the designation of the adjacent property.

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

The 0.672 acre access road will be added to the recently approved Castleberry Reserve PUD. All conditions in the Castleberry Reserve PUD - including the density maximum, minimum lot sizes, and architectural conditions - will apply to the property to ensure compatibility with surrounding land uses.

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

The proposed PUD-CZ will comply with any applicable standards in UDO Section 4.4.

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

Buffers and RCAs have been located to help minimize adverse effects on adjacent properties, including the Army Corp property adjacent to the south.

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

As shown in the Concept Plan, there will be no construction within the riparian buffers throughout the site other than the minimum required to install road, utility, and stormwater infrastructure. Additionally, RCAs will be located to preserve sensitive environmental areas. Stormwater ponds will be designed to meet the 25-year storm standard.

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

The proposed project will not have adverse impacts on public facilities or services. Rather, the project will add to the Town's housing supply and improve vehicular and pedestrian infrastructure in the area.

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

The proposed zoning will facilitate the construction of additional housing for the Town as housing prices in Apex continue to rise. Streets and sidewalks proposed by the project will improve vehicular and pedestrian connectivity in the area.

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

The proposed single-family detached homes will be of similar size, scale, and quality to existing homes in nearby neighborhoods. Uses that could be harmful to adjacent properties will be prohibited by the PUD Text. Other conditions in the PUD Text - including buffers, setbacks, and minimum architectural requirements - will ensure that the project is not detrimental to adjacent properties. The property will be subject to all conditions approved as part of the Castleberry Reserve PUD including the 450-foot game lands buffer along the southern property line.

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

The proposed project will not create a nuisance or hazard, but rather will be similar in size, scale, and quality to existing homes in the area.

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

The proposed district will comply with all standards imposed by the UDO and additional standards set forth in the PUD Text which exceed the base requirements of the UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 24CZ09

Submittal Date: _____

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 24CZ09

Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: Castleberry Road

Nearest intersecting roads: Wimberly Road/Wimberly Oaks Drive

Wake County PIN(s): see attached

Township: White Oak

Contact Information (as appropriate)

Contact person: Matthew Carpenter

Phone number: 919-835-4032 Fax number: N/A

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

E-mail address: matthewcarpenter@parkerpoe.com

Owner: See attached

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Castleberry Reserve

2nd Choice (*Optional*): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 24CZ09 Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

See attached Exhibit

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED: Inspire Commercial, LLC

CUSTOMER: [Signature] TOWN OF APEX

BY: Matthew J. Carpenter BY: _____
Authorized Agent Authorized Agent

DATE: 10/13/2023 DATE: _____

AFFIDAVIT OF OWNERSHIP

Application #: 24CZ09

Submittal Date: _____

The undersigned, Matthew J. Carpenter (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at _____ and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on N/A, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on N/A, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 8th day of May, 2024.

[Signature] (seal)
Matthew J. Carpenter
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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



Maria Stallings
Notary Public
State of North Carolina
My Commission Expires: April 11, 2026

EXHIBIT A
Legal Description
The Property
104.092 acres

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON

PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING PARCEL:

BEING A PORTION OF THAT PARCEL, NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID AREA BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,059.23' AND E= 2,022,262.54'; THENCE, FROM THE POINT OF BEGINNING, S89°49'02"E A DISTANCE OF 95.79 FEET TO A COMPUTED POINT; THENCE, S22°22'45"W A DISTANCE OF 396.87 FEET TO A 1" IRON PIPE FOUND; THENCE, S88°59'08"W A DISTANCE OF 63.66 FEET TO A 3/4" IRON PIPE SET; THENCE, N17°53'44"E A DISTANCE OF 387.14 FEET TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 29,257 SQUARE FEET OR 0.672 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORMApplication #: 24CZ09

Submittal Date: _____

Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson, as Heirs to the Estate of Lola Coleman Johnson (Wake Co. Estate Number 22-E-03547), are the owners* of the property for which the attached application is being submitted

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

The property address is: 8309 Serenity Trail, Apex, NC 27523; 0723117077The agent for this project is: Matthew Carpenter☐ I am the owner of the property and will be acting as my own agentAgent Name: Matthew CarpenterAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601Telephone Number: 919-835-4032E-Mail Address: MatthewCarpenter@parkerpoe.com*Tim Johnson*dotloop verified
05/17/24 1:54 PM EDT
AKUC-H0T6-K1AL-OE14Timothy C. Johnson_____
Date*Josh Johnson*dotloop verified
05/17/24 11:17 AM EDT
XSRG-CWRD-Z5JT-IXSHJoshua T. Johnson_____
Date*Ethan Johnson*dotloop verified
05/17/24 4:09 PM EDT
MSCL-FMPZ-F3K1-WW1BEthan J. Johnson_____
Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 24CZ09

Submittal Date: _____

Sonya Ammons and Steve Ammons is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0723113507, 0723111191, 0723120194, 0723026951

The agent for this project is: Matthew Carpenter and Luke Turner

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

Agent Name: Matthew Carpenter and Luke Turner

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

Sonya Ammons dotloop verified
05/21/24 11:53 AM EDT
WBNH-CHEN-6GKS-APXR
Sonya Ammons

Type or print name

Date

Steve Ammons dotloop verified
05/21/24 6:36 PM EDT
COBH-ZIPG-BCWW-5QCD
Steve Ammons

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 24CZ09

Submittal Date: _____

Bridget Cotrufo and Paul Cotrufo

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 8635 Castleberry Road; PIN 0723115892The agent for this project is: Matthew Carpenter and Luke Turner☐ I am the owner of the property and will be acting as my own agentAgent Name: Matthew Carpenter and Luke TurnerAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601Telephone Number: (919) 835-4032E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

dotloop verified
05/20/24 1:45 PM EDT
4C8J-SMTJ-H26V-UNHXBridget Cotrufo

Type or print name

Date

dotloop verified
05/20/24 3:03 PM EDT
KB64-YUQR-QQM8-GEURPaul Cotrufo

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 24CZ09

Submittal Date: _____

Thomas Marcom and Nancy Marcom

is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0723113507, 0723111191, 0723024085, 0723023450, 0723026951The agent for this project is: Matthew Carpenter and Luke Turner☐ I am the owner of the property and will be acting as my own agentAgent Name: Matthew Carpenter and Luke TurnerAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601Telephone Number: (919) 835-4032E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

*Thomas Marcom*dotloop verified
05/17/24 12:23 PM EDT
YQDL-NJCJ-F58D-KPLRThomas Marcom

Type or print name

Date*Nancy Marcom*dotloop verified
05/17/24 12:22 PM EDT
MPQZ-JHUD-D87P-F0MJNancy Marcom

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 24CZ09

Submittal Date: _____

Deborah Strickland and Ronald Strickland is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0723125145, 0723113507, 0723111191, 0723026951

The agent for this project is: Matthew Carpenter and Luke Turner

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

Agent Name: Matthew Carpenter and Luke Turner

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

Deborah Strickland dotloop verified
05/20/24 12:45 PM EDT
EKMS-F5MO-YLHL-UKWB

Deborah Strickland

Type or print name

Date

Ronnie Strickland dotloop verified
05/20/24 12:44 PM EDT
SLP9-WAGE-T2TD-4VH7

Ronald Strickland

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 24CZ09

Submittal Date: _____

Jill Sansoucy and Scott Olson

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: Approximately 0.67 acres of 4201 Diesel Path (PIN 0723216874); Area #1 and Area #2 on the attached Exhibit A

The agent for this project is: Matthew J. Carpenter

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

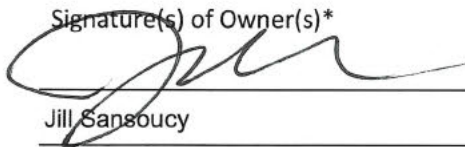
Agent Name: Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Signature(s) of Owner(s)*



Jill Sansoucy

Type or print name

3.18.24

Date



Scott Olson

Type or print name

3.18.24

Date

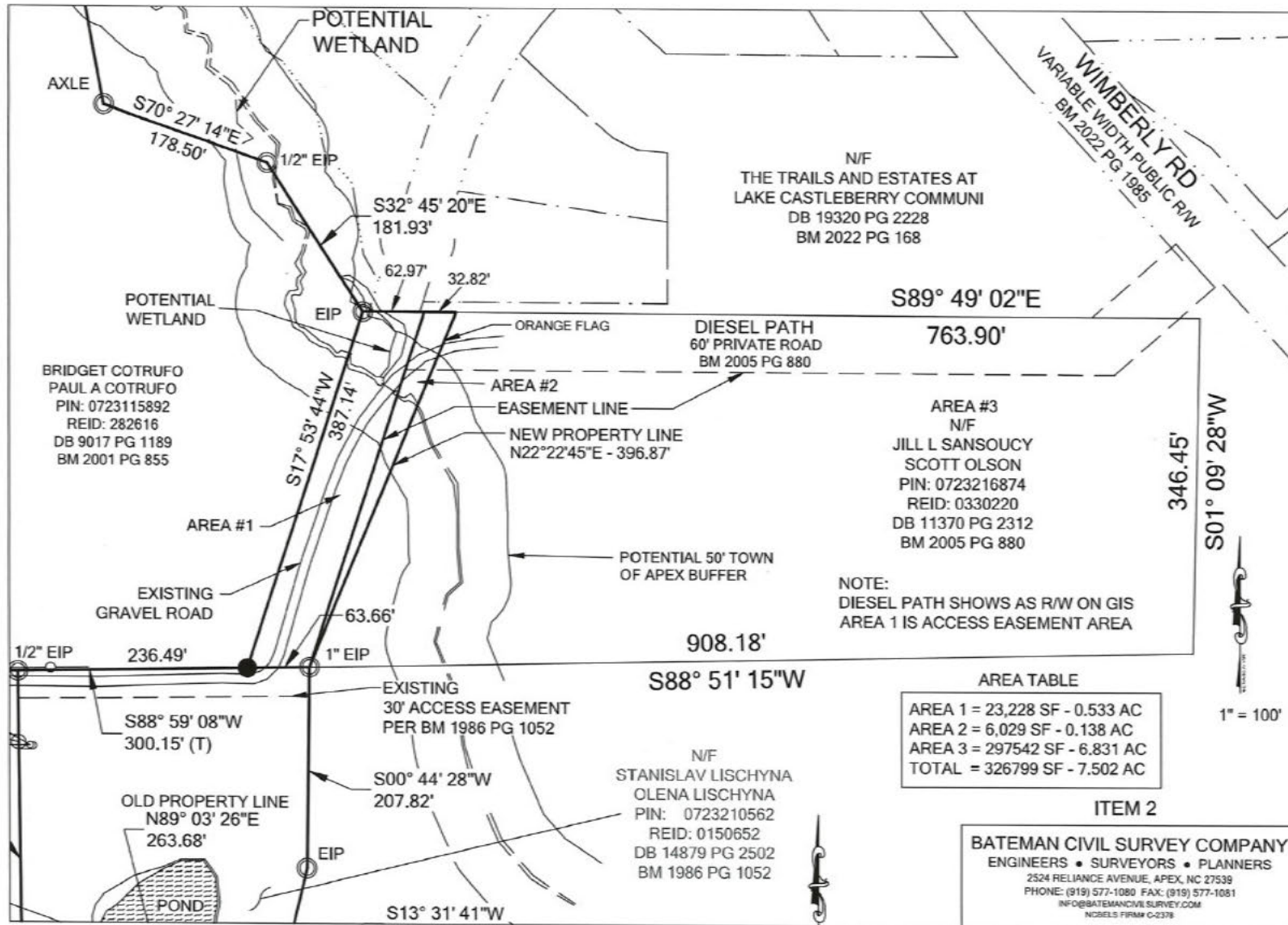
Attach additional sheets if there are additional owners.

*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.

EXHIBIT A
to
Agent Authorization Form

Sellers City Sea



Wake County Residential Development Notification

Developer Company Information	
Company Name	Inspire Commercial LLC
Company Phone Number	c/o Matthew J. Carpenter; 919-835-4032
Developer Representative Name	See above
Developer Representative Phone Number	See above
Developer Representative Email	MatthewCarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	November 1, 2023
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Castleberry Reserve
Address of Subdivision (if unknown enter nearest cross streets)	south side of Castleberry Road
REID(s)	See attached
PIN(s)	See attached

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

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	170					34	136	2000	5000	TBD	TBD	2026					
Townhomes																	
Condos																	
Apartments																	
Other																	

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

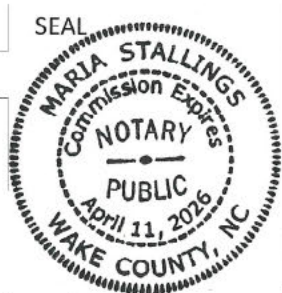
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at virtually via Zoom (location/address) on 5/7/2024 (date) from 6:00pm (start time) to 7:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

5/8/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 8 day of May, 2024.



Maria Stallings
Notary Public
Maria Stallings
Print Name

My Commission Expires: April 11, 2026

NOTICE OF NEIGHBORHOOD MEETING

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

April 23, 2024

Date

Dear Neighbor:

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

See attached Exhibit A.

See attached Exhibit A.

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

See attached notice letter.

Estimated submittal date: May 2024

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

May 7, 2024

Welcome: 6:00 PM

Project Presentation: 6:00PM

Question & Answer: 6:30PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: April 23, 2024

Re: Development approvals for 8633 Castleberry Road (PIN 0723125145), 8635 Castleberry Road (PIN 0723115892), 8637 Castleberry Road (PIN 0723113507), 8639 Castleberry Road (PIN 0723111191), 8649 Castleberry Road (PIN 0723120194), 8709 Castleberry Road (PIN 0723024085), 8717 Castleberry Road (PIN 0723023450), 8705 Castleberry Road (PIN 0723026951), 8309 Serenity Trail (PIN 0723117077), & 4201 Diesel Path (PIN 0723216874) (collectively, the "Property")

On September 12, 2023, Apex Town Council voted to rezone approximately 89.90 acres of the Property to Planned Unit Development Conditional (PUD-CZ)(the "PUD") to allow the development of Castleberry Reserve, a single-family residential community (the "Project"). On April 9, 2024, Town Council approved a PUD amendment to add a 13.52 acre parcel located at 8309 Serenity Trail (PIN 0723117077) to the Project and rezone it from Residential-80 Watershed (R-80W)(Wake County) to Planned Unit Development-Conditional Zoning (PUD-CZ). The developer now proposes to amend the PUD to add a 0.672 acre parcel located at 4201 Diesel Path as shown on the attached maps. The new parcel will serve as the Project's second access and the total units and density of the PUD will not change. The developer is holding a **virtual neighborhood meeting on May 7, 2024 at 6:00 PM** to discuss the proposed rezoning.

During the meeting, the applicant will describe the nature of the rezoning and field any questions from the public. Enclosed are: (1) an updated vicinity map outlining the location of the Property; (2) an updated zoning map of the Property; (3) an updated PUD Concept Plan; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

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

Visit: <https://zoom.us/join>
Enter the following meeting ID: 811 9193 4571
Enter the following password: 060096

To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 811 9193 4571#
Enter the Participant ID: #
Enter the Meeting password: 060096 #

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

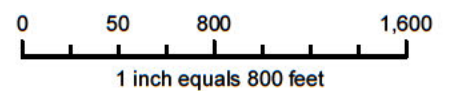
Sincerely,


Matthew Carpenter



**8633/8635/8637/8639/8649/8705/8709/8717 Castleberry Road;
8309 Serenity Road; &
4201 Diesel Path**

Vicinity Map



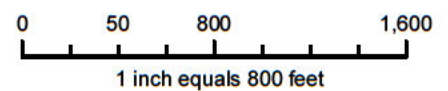
Disclaimer
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**8633/8635/8637/8639/8649/8705/8709/8717 Castleberry Road;
8309 Serenity Road; &
4201 Diesel Path**

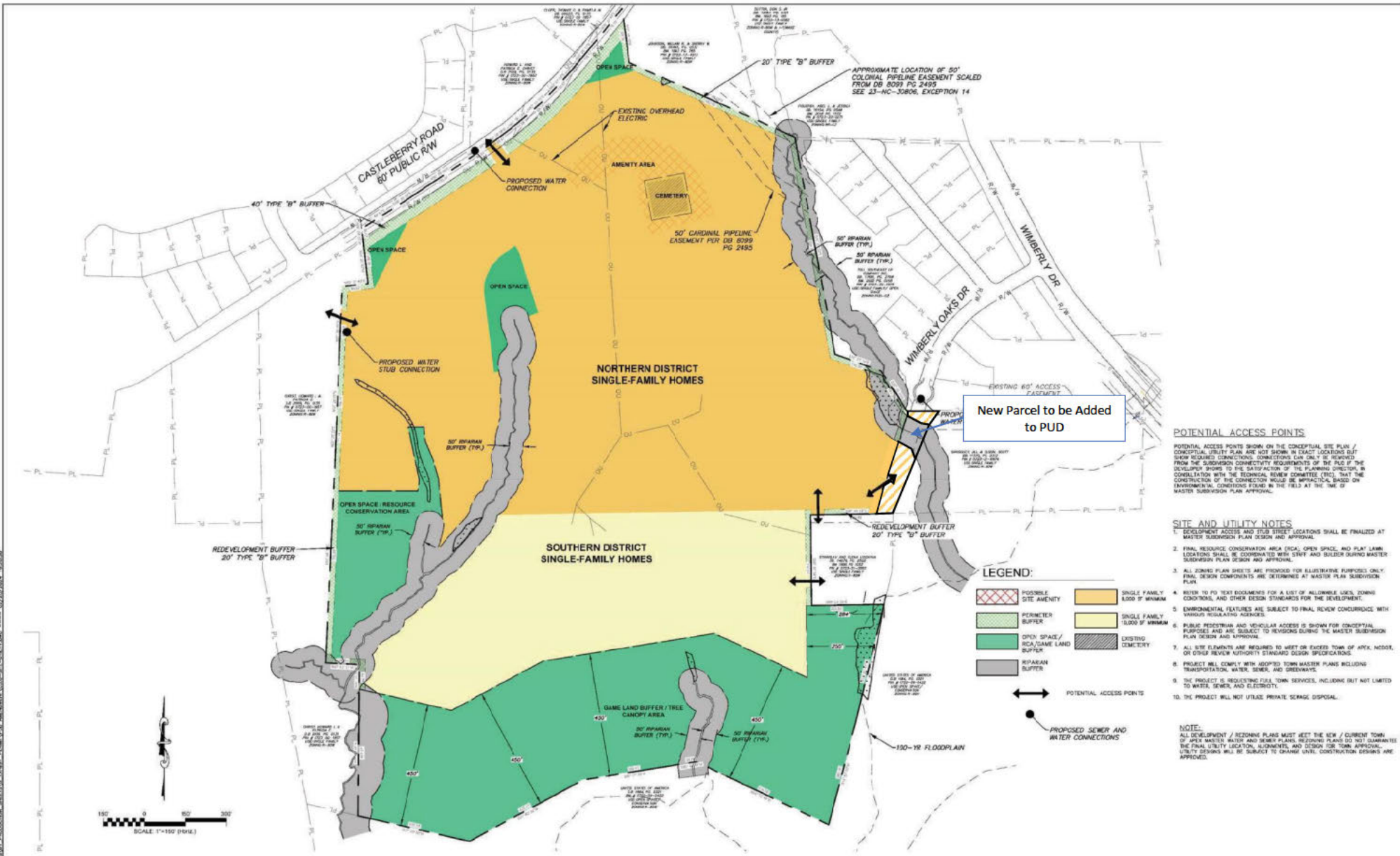
Zoning Map

Current Zoning: PUD-CZ & R-80W (Wake Co.)



Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



New Parcel to be Added to PUD

POTENTIAL ACCESS POINTS
POTENTIAL ACCESS POINTS SHOWN ON THE CONCEPTUAL SITE PLAN / CONCEPTUAL UTILITY PLAN ARE NOT SHOWN IN EXACT LOCATIONS BUT SHOW REQUIRED CONNECTIONS. CONNECTIONS CAN ONLY BE REVIEWED FROM THE SUBDIVISION CONNECTIVITY REQUIREMENTS OF THE PUD IF THE DEVELOPER SHOWS TO THE SATISFACTION OF THE PLANNING DIRECTOR, IN CONSULTATION WITH THE TECHNICAL REVIEW COMMITTEE (TRC), THAT THE CONSTRUCTION OF THE CONNECTION WOULD BE APPROPRIATE BASED ON ENVIRONMENTAL CONDITIONS FOUND IN THE FIELD AT THE TIME OF MASTER SUBDIVISION PLAN APPROVAL.

- SITE AND UTILITY NOTES**
1. DEVELOPMENT ACCESS AND STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAMIN LOCATIONS SHALL BE COORDINATED WITH STATE AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER PLAN SUBDIVISION PLAN.
 4. REFER TO PG TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
 5. ENVIRONMENTAL TEXTURES ARE SUBJECT TO FINAL REVIEW CONFORMANCE WITH VARIOUS REGULATING AGENCIES.
 6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APOK, INDOOR, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
 8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 9. THE PROJECT IS REQUESTING TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND ELECTRICITY.
 10. THE PROJECT WILL NOT UTILIZE PRIVATE WASTE DISPOSAL.

NOTE:
ALL DEVELOPMENT / REZONING PLANS MUST MEET THE NEW / CURRENT TOWN OF APOK MASTER WATER AND SEWER PLANS. REZONING PLANS DO NOT GUARANTEE THE FINAL UTILITY LOCATION, ALIGNMENTS, AND DESIGN FOR TOWN APPROVAL. UTILITY DESIGNS WILL BE SUBJECT TO CHANGE UNTIL CONSTRUCTION DESIGN IS APPROVED.

REVISIONS		PRELIMINARY PLAN FOR REVIEW PURPOSES ONLY		PRELIMINARY PLAN FOR REVIEW PURPOSES ONLY		MCKIM & CREED 1700 Varsity Drive, Suite 300 Raleigh, North Carolina 27608 Phone: (919) 233-8091, Fax: (919) 233-8031 F-1222 www.mckimcreed.com	CASTLEBERRY RESERVE PUD AMENDMENT (23CZ21)	SITE AND UTILITY PLAN	SCALE HORIZONTAL: 1" = 100' VERTICAL: 1" = 10' C3.0	DATE: FEBRUARY 23, 2024 DESIGNED BY: JLS CHECKED BY: JLS IN CHARGE: JLS	STATUS: PRELIMINARY NOT FOR CONSTRUCTION
1	1	1	1	1	1						

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): 2348/692

Acreage: 12.74

Owner: Stanley Johnson and Lola Johnson

Owner Address: 203 Windsor Wynd Place, Fuquay Varina, NC 27526

Parcel 10

Site Address: 4201 Diesel Path

PIN: 0723216874

Deed Reference (book/page): 11370/2312

Acreage: 7.501 (see recorded plat BM 2005, Pg 880

Owner: Jill Sansoucy and Scott Olson

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: Castleberry Reserve Zoning: PUD-CZ

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 103.42

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: McKim & Creed; Luke Turner

Address: 4300 Edwards Mill Road, Suite 200

City: Raleigh State: NC Zip: 27612

Phone: (919) 233-8091 Fax: N/A Email: klturner@mckimcreed.com

Builder (if known): Inspire Commerical, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

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

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

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

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

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

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

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

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

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

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual via Zoom
Date of meeting: May 7, 2024 Time of meeting: 6:00 PM
Property Owner(s) name(s): See attached
Applicant(s): Inspire Commercial, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Shreyans Kochar	2935 Wimberly Oaks Drive			<input checked="" type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See attached

Applicant(s): Inspire Commercial, LLC

Contact information (email/phone): _____

Meeting Address: Virtual via Zoom

Date of meeting: May 7, 2024 Time of meeting: 6:00 PM

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

Question/Concern #1:

I live on Wimberly Oaks Drive at the end of the cul-de-sac. What will happen to the cul-de-sac?

Applicant's Response:

This project will connect to the existing cul-de-sac and extend the public street south into the proposed subdivision.

Question/Concern #2:

How wide will the street be?

Applicant's Response:

It will be a 27-foot roadway with a sidewalk which should match the existing Wimberly Oaks Drive street section.

Question/Concern #3:

What will happen to the trees across from my house and trees to the south along Diesel Path?

Applicant's Response:

It appears the trees directly across from your house are owned by the HOA, so they will not be disturbed as part of this project. Additionally, there is a stream across from your house and we will not be permitted to disturb the riparian buffer, other than for the single stream crossing for the access Road. The trees south of your property line on Diesel Path are not part of this project.

Question/Concern #4:

Where will construction traffic enter/exit the site?

Applicant's Response:

There will be some construction traffic that will have to enter from Wimberly Oaks Drive to construct the new street for the subdivision. We will also have an entrance on Castleberry Road which will be the main entrance to the subdivision and where much of the construction traffic will enter.

OWNER	MAILING ADDRESS	
BOYAPALLY, RAVIKANTH PATNAM, SWAPNA	458 HAWKER ST	APEX NC 27523-6243
BRIAN HAMILTON FARMS LLC	219 RALEIGH ST	HOLLY SPRINGS NC 27540-8046
BROJAKOWSKI, LOUISE TRUSTEE BROJAKOWSKI, ANTHONY TRUSTEE	921 WIMBERLY RD	APEX NC 27523-6762
CARONE, MICHAEL CARONE, KRISTINA	3223 BELLAMY RIDGE DR	APEX NC 27523-9604
CLOER, THOMAS G JR CLOER, PAMELA M	8624 CASTLEBERRY RD	APEX NC 27523-9669
COSTA, LUIZ CLAUDIO MARQUES, NATASHA F	3236 BELLAMY RIDGE DR	APEX NC 27523-9604
COTRUFO, BRIDGET COTRUFO, PAUL ANTHONY	8635 CASTLEBERRY RD	APEX NC 27523-9695
CRIST, HOWARD L CRIST, PATRICIA E	8729 CASTLEBERRY RD	APEX NC 27523-6757
DABADE, PREETAM JAVKHEDKAR, APURVA	3235 BELLAMY RIDGE DR	APEX NC 27523-9604
DHARIA, NIRAV JITENDRA DHARIA, SHIVANI NIRAV	452 HAWKER ST	APEX NC 27523-6243
DUNNA, SATISH K TRUSTEE KATHIVARAPU, NAGAVALLI TRUSTEE	470 HAWKER ST	APEX NC 27523-6243
FIGUEROA, ABEL L, FIGUEROA, JESSICA	804 WIMBERLY RD	APEX NC 27523-6765
HAMILTON, BRIAN	8805 CASTLEBERRY RD	APEX NC 27523-6759
HARRIS, JESSICA LONG HARRIS, GARLAND LUTHER III	3254 BELLAMY RIDGE DR	APEX NC 27523-9604
HOFFMAN, BRADFORD CLIFF HOFFMAN, CHELSEA DANIELLE	905 WIMBERLY RD	APEX NC 27523-6762
JAISWAL, VISHAL SUBHALAL JAISWAL, SHWETA VISHAL	3251 BELLAMY RIDGE DR	APEX NC 27523-9604
JOHNSON, STANLEY RAY JR JOHNSON, LOLA C	203 WINDSOR WYND PL	FUQUAY VARINA NC 27526-6629
JOHNSON, WILLIAM R III JOHNSON, SHERRY W	3511 NC 55 HWY	CARY NC 27519-8371
JONNALA, SRIKAR PENSALWAR, NAMRATA	3244 BELLAMY RIDGE DR	APEX NC 27523-9604
KOCHAR, SHREYANS KOCHAR, SALONI	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
KOCHAR, SHREYANS KOCHAR, SALONI	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
KOMMAREDDY, SUNIL BOYAPATI, SARITHA	440 HAWKER ST	APEX NC 27523-6243
KRISHNAN, SRIRAM SWAMINATHAN, APARNA CHANDRA	3228 BELLAMY RIDGE DR	APEX NC 27523-9604
KUNCHANAPALLI, RAMESH BABU KUNCHANAPALLI, DEVI SUDHA RANI	3248 BELLAMY RIDGE DR	APEX NC 27523-9604
LAKE CASTLEBERRY OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
LAMBE, MORGAN TAYLOR LAMBE, MATTHEW T	3239 BELLAMY RIDGE DR	APEX NC 27523-9604
LATORE, JOSEPH A LATORE, ERIN MARIE	3247 BELLAMY RIDGE DR	APEX NC 27523-9604
LISHCHYNA, STANISLAV LISHCHYNA, OLENA	8301 SERENITY TRL	APEX NC 27523-9603
MAHA PATRA, MANAS KUMAR SINHA MAHANTY, SANGITA	2927 WIMBERLY OAKS DR	APEX NC 27523-6244
MARCOM, SONYA BETH	8649 CASTLEBERRY RD	APEX NC 27523-9695
MARCOM, TEMPIE M	8637 CASTLEBERRY RD	APEX NC 27523-9695
MARCOM, TEMPIE M STRICKLAND, DEBORAH M	8637 CASTLEBERRY RD	APEX NC 27523-9695
MARCOM, THOMAS RUSSELL	2309 7 LKS S	WEST END NC 27376-9601
MARCOM, THOMAS RUSSELL MARCOM, NANCY	2309 7 LKS S	WEST END NC 27376-9601
NC DEPARTMENT OF TRANSPORTATION	ATTORNEY GENERAL'S OFFICE	1505 MAIL SERVICE CTR
NC DEPARTMENT OF TRANSPORTATION	PO BOX 25201	RALEIGH NC 27611-5201
PALAKODETI, ANUPAMA DINAVAH, VENKATA C	3255 BELLAMY RIDGE DR	APEX NC 27523-9604
PATEL, VISHAL PATEL, KESHA	424 LAKE CASTLEBERRY DR	APEX NC 27523-9612
PUTLURI, VENKAT REDDY KUNREDDY, KAVITHA	2926 WIMBERLY OAKS DR	APEX NC 27523-6244
RAMAKRISHNAN, DINESHBABU KOTHANDARAMAN, MOUSHMI	3243 BELLAMY RIDGE DR	APEX NC 27523-9604
RENFER, R A JR TRUSTEE RENFER, BETTY DISHONG TRUSTEE	8644 CASTLEBERRY RD	APEX NC 27523-9669
REYNOLDS, KATIE COLE REYNOLDS, ROBERT JAY	3231 BELLAMY RIDGE DR	APEX NC 27523-9604
SAHA, ARJUN ROYCHOWDHURY, RUPSA	2932 WIMBERLY OAKS DR	APEX NC 27523-6244
SANSOUCY, JILL L OLSON, SCOTT	4201 DIESEL PATH	APEX NC 27523-6791
STRICKLAND, DEBORAH MARCOM KAY	8633 CASTLEBERRY RD	APEX NC 27523-9695
SUTTON, DON SCOTT JR	8621 CASTLEBERRY RD	APEX NC 27523-9695
TAI, DEYONG YUAN, ZHONGFENG	3240 BELLAMY RIDGE DR	APEX NC 27523-9604
THE TRAILS AND ESTATES AT LAKE CASTLEBERRY COMMUNI	PPM	11010 RAVEN RIDGE RD
UNITED STATES OF AMERICA	310 NEW BERN AVE	RALEIGH NC 27601-1441
WAHL, JAMES WAHL, LAURA	3227 BELLAMY RIDGE DR	APEX NC 27523-9604
WAKE COUNTY	WAKE COUNTY ATTORNEY'S OFFICE	PO BOX 550
YENDLURI, PRUDHVI KATRAGADDA, GIRIJA	446 HAWKER ST	APEX NC 27523-6243
Current Tenant	8625 Castleberry RD	APEX NC 27523
Current Tenant	8639 Castleberry RD	APEX NC 27523
Current Tenant	8709 Castleberry RD	APEX NC 27523
Current Tenant	8717 Castleberry RD	APEX NC 27523
Current Tenant	8737 Castleberry RD	APEX NC 27523
Current Tenant	8309 Serenity TRL	APEX NC 27523
Current Tenant	808 Wimberly RD	APEX NC 27523
Current Tenant	1105 Wimberly RD	APEX NC 27523
Current Tenant	2932 Oaks DR	APEX NC 27523
Current Tenant	8639 CASTLEBERRY RD	APEX NC 27523-9695
Current Tenant	0 HAWKER ST	APEX NC 27523
Current Tenant	0 WIMBERLY RD	APEX NC 27523
Current Tenant	1017 WIMBERLY RD	APEX NC 27523

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at virtually via Zoom (location/address)
on 5/29/24 (date) from 6:00pm (start time) to 7:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

5/30/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 30th day of May, 2024.



[Signature]
Notary Public
Lynn Sullivan
Print Name

My Commission Expires: 11/16/2027

Castleberry

NOTICE OF NEIGHBORHOOD MEETING

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

May 15, 2024

Date

Dear Neighbor:

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

See attached Exhibit A.

See attached Exhibit A.

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

See attached notice letter.

Estimated submittal date: Application was submitted May 8, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

May 29, 2024

Welcome: 6:00 PM

Project Presentation: 6:00PM

Question & Answer: 6:30PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: May 15, 2024

Re: Development approvals for 8633 Castleberry Road (PIN 0723125145), 8635 Castleberry Road (PIN 0723115892), 8637 Castleberry Road (PIN 0723113507), 8639 Castleberry Road (PIN 0723111191), 8649 Castleberry Road (PIN 0723120194), 8709 Castleberry Road (PIN 0723024085), 8717 Castleberry Road (PIN 0723023450), 8705 Castleberry Road (PIN 0723026951), 8309 Serenity Trail (PIN 0723117077), & 4201 Diesel Path (PIN 0723216874) (collectively, the "Property")

On September 12, 2023, Apex Town Council voted to rezone approximately 89.90 acres of the Property to Planned Unit Development Conditional (PUD-CZ)(the "PUD") to allow the development of Castleberry Reserve, a single-family residential community (the "Project"). On April 9, 2024, Town Council approved a PUD amendment to add a 13.52 acre parcel located at 8309 Serenity Trail (PIN 0723117077) to the Project and rezone it from Residential-80 Watershed (R-80W)(Wake County) to Planned Unit Development-Conditional Zoning (PUD-CZ). The developer now proposes to amend the PUD to add a 0.672 acre parcel located at 4201 Diesel Path as shown on the attached maps. The new parcel will serve as the Project's second access and the total units and density of the PUD will not change. The developer is holding a **second virtual neighborhood meeting on May 29, 2024 at 6:00 PM** to discuss the proposed rezoning.

During the meeting, the applicant will describe the nature of the rezoning, provide updates since the first neighborhood meeting, and field any questions from the public. Enclosed are: (1) an updated vicinity map outlining the location of the Property; (2) an updated zoning map of the Property; (3) an updated PUD Concept Plan; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

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

Visit: <https://zoom.us/join>
Enter the following meeting ID: 813 0767 8013
Enter the following password: 731353

To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 813 0767 8013 #
Enter the Participant ID: #
Enter the Meeting password: 731353 #

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

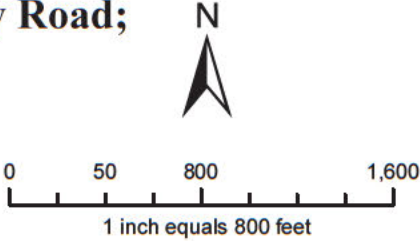
Sincerely,


Matthew Carpenter

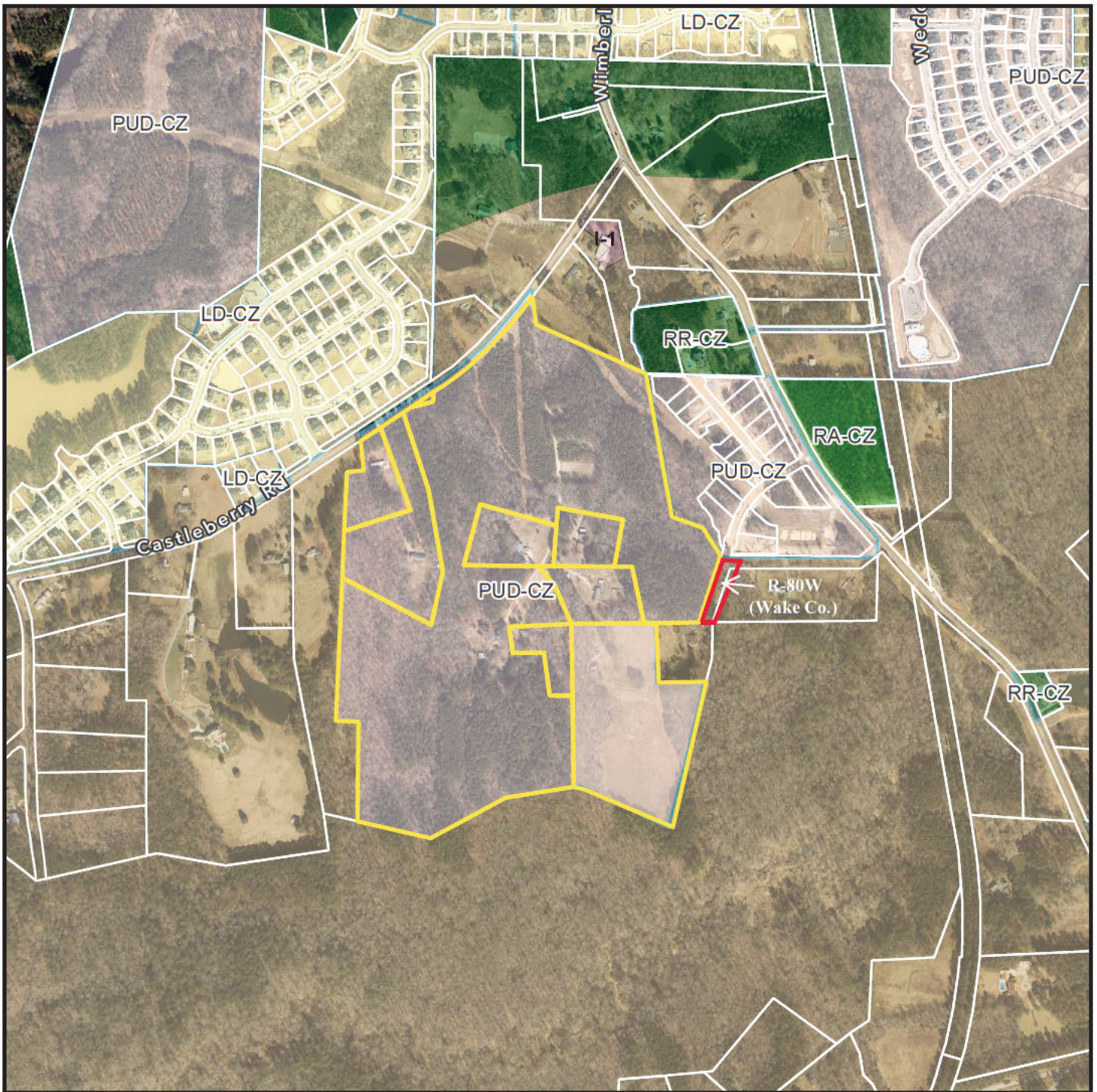


8633/8635/8637/8639/8649/8705/8709/8717 Castleberry Road;
8309 Serenity Road; &
4201 Diesel Path

Vicinity Map



Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



**8633/8635/8637/8639/8649/8705/8709/8717 Castleberry Road;
8309 Serenity Road; &
4201 Diesel Path**

Zoning Map

Current Zoning: PUD-CZ & R-80W (Wake Co.)

Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Castleberry Reserve Zoning: PUD-CZ

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 104.092

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: McKim & Creed; Luke Turner

Address: 4300 Edwards Mill Road, Suite 200

City: Raleigh State: NC Zip: 27612

Phone: (919) 233-8091 Fax: N/A Email: klturner@mckimcreed.com

Builder (if known): Inspire Commerical, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): 2348/692

Acreage: 13.52

Owner: Stanley Johnson and Lola Johnson

Owner Address: 203 Windsor Wynd Place, Fuquay Varina, NC 27526

Parcel 10

Site Address: 4201 Diesel Path

PIN: a portion of 0723216874

Deed Reference (book/page): 11370/2312

Acreage: 0.672

Owner: Jill Sansoucy and Scott Olson

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

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

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

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

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

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

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

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

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

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

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

Temporary Sediment Basins:	James Misciagno	919-372-7470
-----------------------------------	------------------------	---------------------

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

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

Electric Utility Installation:	Rodney Smith	919-249-3342
---------------------------------------	---------------------	---------------------

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual via Zoom
 Date of meeting: May 29, 2024 Time of meeting: 6:00 PM
 Property Owner(s) name(s): See attached
 Applicant(s): Inspire Commercial, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jim Wahl	3227 Bellamy Ridge Drive			<input checked="" type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See attached

Applicant(s): Inspire Commercial, LLC

Contact information (email/phone): c/o Matthew Carpenter; 919-835-4032; MatthewCarpenter@parkerpoe.com

Meeting Address: Virtual via Zoom

Date of meeting: May 29, 2024

Time of meeting: 6:00 PM

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

Question/Concern #1:

Updates since first neighborhood meeting

Applicant's Response:

Question/Concern #2:

Overview of PUD Amendment request - request is solely to add 0.6 acre access road. Conditions approved in original PUD will not change.

Applicant's Response:

Question/Concern #3:

Project will extend existing Wimberly Oaks cul-de-sac south to connect to the subdivision.

Applicant's Response:

Question/Concern #4:

When will construction begin?

Applicant's Response:

There's not a set construction timeline yet. After Subdivision Plan approval we will have to submit Construction Drawings for review and approval. After that, horizontal construction (grading, roads, utilities, etc.) can begin, likely late 2024 or early 2025.

OWNER	MAILING ADDRESS	
BOYAPALLY, RAVIKANTH PATNAM, SWAPNA	458 HAWKER ST	APEX NC 27523-6243
BRIAN HAMILTON FARMS LLC	219 RALEIGH ST	HOLLY SPRINGS NC 27540-9046
BROJAKOWSKI, LOUISE TRUSTEE BROJAKOWSKI, ANTHONY TRUSTEE	921 WIMBERLY RD	APEX NC 27523-6762
CARONE, MICHAEL CARONE, KRISTINA	3223 BELLAMY RIDGE DR	APEX NC 27523-9604
CLOER, THOMAS G JR CLOER, PAMELA M	8624 CASTLEBERRY RD	APEX NC 27523-9669
COSTA, LUIZ CLAUDIO MARQUES, NATASHA F	3236 BELLAMY RIDGE DR	APEX NC 27523-9604
COTRUFO, BRIDGET COTRUFO, PAUL ANTHONY	8635 CASTLEBERRY RD	APEX NC 27523-9695
CRIST, HOWARD L CRIST, PATRICIA E	8729 CASTLEBERRY RD	APEX NC 27523-6757
DABADE, PREETAM JAVKHEDKAR, APURVA	3235 BELLAMY RIDGE DR	APEX NC 27523-9604
DHARIA, NIRAV JITENDRA DHARIA, SHIVANI NIRAV	452 HAWKER ST	APEX NC 27523-6243
DUNNA, SATISH K TRUSTEE KATHIVARAPU, NAGAVALLI TRUSTEE	470 HAWKER ST	APEX NC 27523-6243
FIGUEROA, ABEL L. FIGUEROA, JESSICA	804 WIMBERLY RD	APEX NC 27523-6765
HAMILTON, BRIAN	8805 CASTLEBERRY RD	APEX NC 27523-6759
HARRIS, JESSICA LONG HARRIS, GARLAND LUTHER III	3254 BELLAMY RIDGE DR	APEX NC 27523-9604
HOFFMAN, BRADFORD CLIFF HOFFMAN, CHELSEA DANIELLE	905 WIMBERLY RD	APEX NC 27523-6762
JAISWAL, VISHAL SUBHALAL JAISWAL, SHWETA VISHAL	3251 BELLAMY RIDGE DR	APEX NC 27523-9604
JOHNSON, STANLEY RAY JR JOHNSON, LOLA C	203 WINDSOR WYND PL	FUQUAY VARINA NC 27526-6629
JOHNSON, WILLIAM R III JOHNSON, SHERRY W	3511 NC 55 HWY	CARY NC 27519-8371
JONNALA, SRIKAR PENSALWAR, NAMRATA	3244 BELLAMY RIDGE DR	APEX NC 27523-9604
KOCHAR, SHREYANS KOCHAR, SALONI	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
KOCHAR, SHREYANS KOCHAR, SALONI	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
KOMMAREDDY, SUNIL BOYAPATI, SARITHA	440 HAWKER ST	APEX NC 27523-6243
KRISHNAN, SRIRAM SWAMINATHAN, APARNA CHANDRA	3228 BELLAMY RIDGE DR	APEX NC 27523-9604
KUNCHANAPALLI, RAMESH BABU KUNCHANAPALLI, DEVI SUDHA RANI	3248 BELLAMY RIDGE DR	APEX NC 27523-9604
LAKE CASTLEBERRY OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
LAMBE, MORGAN TAYLOR LAMBE, MATTHEW T	3239 BELLAMY RIDGE DR	APEX NC 27523-9604
LATORE, JOSEPH A LATORE, ERIN MARIE	3247 BELLAMY RIDGE DR	APEX NC 27523-9604
LISHCHYNA, STANISLAV LISHCHYNA, OLENA	8301 SERENITY TRL	APEX NC 27523-9603
MAHA PATRA, MANAS KUMAR SINHA MAHANTY, SANGITA	2927 WIMBERLY OAKS DR	APEX NC 27523-6244
MARCOM, SONYA BETH	8649 CASTLEBERRY RD	APEX NC 27523-9695
MARCOM, TEMPIE M	8637 CASTLEBERRY RD	APEX NC 27523-9695
MARCOM, TEMPIE M STRICKLAND, DEBORAH M	8637 CASTLEBERRY RD	APEX NC 27523-9695
MARCOM, THOMAS RUSSELL	2309 7 LKS S	WEST END NC 27376-9601
MARCOM, THOMAS RUSSELL MARCOM, NANCY	2309 7 LKS S	WEST END NC 27376-9601
NC DEPARTMENT OF TRANSPORTATION	ATTORNEY GENERAL'S OFFICE	1505 MAIL SERVICE CTR
NC DEPARTMENT OF TRANSPORTATION	PO BOX 25201	RALEIGH NC 27611-5201
PALAKODETI, ANUPAMA DINAVAH, VENKATA C	3255 BELLAMY RIDGE DR	APEX NC 27523-9604
PATEL, VISHAL PATEL, KESHA	424 LAKE CASTLEBERRY DR	APEX NC 27523-9612
PUTLURI, VENKAT REDDY KUNREDDY, KAVITHA	2926 WIMBERLY OAKS DR	APEX NC 27523-6244
RAMAKRISHNAN, DINESHBABU KOTHANDARAMAN, MOUSHMI	3243 BELLAMY RIDGE DR	APEX NC 27523-9604
RENFER, R A JR TRUSTEE RENFER, BETTY DISHONG TRUSTEE	8644 CASTLEBERRY RD	APEX NC 27523-9669
REYNOLDS, KATIE COLE REYNOLDS, ROBERT JAY	3231 BELLAMY RIDGE DR	APEX NC 27523-9604
SAHA, ARJUN ROYCHOWDHURY, RUPSA	2932 WIMBERLY OAKS DR	APEX NC 27523-6244
SANSOUCY, JILL L OLSON, SCOTT	4201 DIESEL PATH	APEX NC 27523-6791
STRICKLAND, DEBORAH MARCOM KAY	8633 CASTLEBERRY RD	APEX NC 27523-9695
SUTTON, DON SCOTT JR	8621 CASTLEBERRY RD	APEX NC 27523-9695
TAI, DEYONG YUAN, ZHONGFENG	3240 BELLAMY RIDGE DR	APEX NC 27523-9604
THE TRAILS AND ESTATES AT LAKE CASTLEBERRY COMMUNI	PPM	11010 RAVEN RIDGE RD
UNITED STATES OF AMERICA	310 NEW BERN AVE	RALEIGH NC 27601-1441
WAHL, JAMES WAHL, LAURA	3227 BELLAMY RIDGE DR	APEX NC 27523-9604
WAKE COUNTY	WAKE COUNTY ATTORNEY'S OFFICE	PO BOX 550
YENDLURI, PRUDHVI KATRAGADDA, GIRIJA	446 HAWKER ST	RALEIGH NC 27602-0550
Current Tenant	8625 Castleberry RD	APEX NC 27523
Current Tenant	8639 Castleberry RD	APEX NC 27523
Current Tenant	8709 Castleberry RD	APEX NC 27523
Current Tenant	8717 Castleberry RD	APEX NC 27523
Current Tenant	8737 Castleberry RD	APEX NC 27523
Current Tenant	8309 Serenity TRL	APEX NC 27523
Current Tenant	808 Wimberly RD	APEX NC 27523
Current Tenant	1105 Wimberly RD	APEX NC 27523
Current Tenant	2932 Oaks DR	APEX NC 27523
Current Tenant	8639 CASTLEBERRY RD	APEX NC 27523-9695
Current Tenant	0 HAWKER ST	APEX NC 27523
Current Tenant	0 WIMBERLY RD	APEX NC 27523
Current Tenant	1017 WIMBERLY RD	APEX NC 27523

APEX ENVIRONMENTAL ADVISORY BOARD

Suggested Zoning Conditions



Castleberry Reserve

11/1/2023

The Town of Apex Environmental Advisory Board offers this general list of suggested rezoning conditions for rezoning applicants to consider before filling a rezoning petition. The purpose of this list is to encourage and recommend implementation of exceptional environmental practices for future development that exceeds Town requirements. The Board will review each rezoning pre-application request and expand on suggested conditions by offering specific recommendations on a case-by-case basis.

The decision to include any of the recommendations below is voluntary by the applicant and the Board does not expect applicants to add all of the suggested conditions. Planning staff will include all zoning conditions suggested by this Board and will note which conditions have been added by the applicant in the staff reports to the Planning Board and Town Council. Applicants should review this list before meeting with the Board. NOTE: Text in green indicates suggested zoning condition language from Planning Staff. Underlined text indicates text or numbers that may be changed based on the specific project. Additional conditions may be suggested by the EAB at the meeting.

This document is divided into two parts:

- Part I – Residential applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.
- Part II – Non-Residential includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas. Your development may include elements of each part.

Please be sure to read and complete the entire document. Please provide a response to each goal and/or sub-goal. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.

Part I – Residential

Single-family dwelling and townhome subdivisions (excluding parking lots, exterior building lights and exterior architecture).

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
Goal 1. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 2. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.			

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 3. Implement Low Impact Development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of _____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 4. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. <u>Option 5.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded). The Department of Public Works & Transportation does not currently support these options within the right-of-way (ROW). These may be done on private sites, but not within the public ROW. a. The project shall utilize pervious pavement when constructing the parking spaces for parking lot-style townhomes. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association. AND/OR b. The project shall utilize pervious pavement when constructing the driveways for residential units. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 5. Use the stormwater captured in the on-site SCM to irrigate landscaping within the development. At least _____ SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 6. Preserve tree canopy and prioritize medium to large, healthy, desirable species. <u>Option 6.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The project shall preserve a minimum of _____ % of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. <u>Option 6.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree of similar species or mature size. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 7. Plant trees to improve energy efficiency. <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 8. Increase biodiversity. <u>Note:</u> Invasive species are prohibited. Please see the Town's Design and Development Manual for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).			
a. The project shall ensure that _____% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.4:</u> Increase the number of native trees and shrubs.			
a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AND/OR			
b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.			
a. The project commits to planting only drought tolerant plants, of which _____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 10. Promote the benefits of native pollinators. The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.			

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed on each lot and within disturbed common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 12. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a _____-foot buffer along the _____perimeter of the property. The applicant shall add _____-foot buffer in that location, which would be an increase of _____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 13. Reduce impacts to resource conservation Areas (RCAs). a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. OR b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (14)	YES	NO	N/A
Goal 14. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for one of the green building certifications listed above. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE MANAGEMENT (15)	YES	NO	N/A
Goal 15. Encourage the proper disposal of pet waste to reduce environmental impacts. <i>Numbers shown may be changed based on project.</i> The project shall install at least one (1) pet waste station per 25 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there fewer than 25 homes, at least one (1) pet waste station shall be installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (16-18)	YES	NO	N/A
Goal 16. Install rooftop solar on buildings. a. A solar PV system of at least _____kW shall be installed on at least _____homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. AND/OR b. A solar PV system shall be installed on a minimum of _____model home. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. AND/OR	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 18. Encourage clean transportation. The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part II - Non-Residential

Includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas.

STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)	YES	NO	N/A
Goal 1. Increase design storm for retention basin in flood-prone areas. The UDO requires that treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. Each option is intended to be used as an improvement to the minimum UDO requirements. If an area is already required to mitigate the 25-year storm, option b should not be selected.			
a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and <u>100-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and <u>25-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
Goal 2. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 3. Limit tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 4. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of ____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.			
<p>Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. The Department of Public Works & Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW.</p> <p><u>Option 6.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded).</p> <p>a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p style="text-align: center;">AND/OR</p> <p>b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p><u>Option 6.2:</u> Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens.</p> <p>To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p> <p><u>Option 6.3:</u> Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation.</p> <p>The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p>	<input type="checkbox"/> 	<input type="checkbox"/> 	<input checked="" type="checkbox"/>
Goal 7. Stormwater re-use application: Integrate irrigation from the SCM (wet pond) on site.			
At least one ____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
Goal 8. Preserve tree canopy and prioritize medium to large, healthy, desirable species.			
<u>Option 8.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The EAB's preference is for a minimum of 50%.			
a. The project shall preserve a minimum of ____% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. The project shall preserve a minimum of ____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces.</p> <p><u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space.</p> <p>The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 9. Plant trees for improved energy efficiency.</p> <p><u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings.</p> <p>To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.</p> <p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings.</p> <p>To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<p>Goal 10. Increase biodiversity.</p> <p><u>Option 10.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).</p> <p>a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.</p> <p style="text-align: center;">OR</p> <p>b. The project shall ensure that ____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound.</p> <p>To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p> <p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p> <p>a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of ____% of the species selected shall be native or a native of North Carolina.</p> <p style="text-align: center;">OR</p> <p>b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<p>Goal 11. Implement green infrastructure.</p> <p><u>Option 11.1:</u> Plant rain gardens.</p> <p>The project shall install one or more rain gardens throughout the site.</p> <p><u>Option 11.2:</u> Install vegetated rooftops.</p> <p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p> <p style="text-align: center;">OR</p> <p>b. The project shall install a vegetated rooftop, aka green roof, on at least ____ft² of each building.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<u>Option 11.3:</u> Implement xeriscaping in design.			
a. The project commits to planting ____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. The project commits to planting only drought tolerant plants. At least ____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 12. Install community gardens and native pollinator demonstration gardens. The project shall plant at least ____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings. To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant is proposing a ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.			
a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for ____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE REDUCTION (17)	YES	NO	N/A
Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.			

Environmental Advisory Board – Suggested Zoning Conditions

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (18-20)	YES	NO	N/A
Goal 18. Install rooftop solar on buildings.			
a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area. OR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. A solar PV system of at least 3.5kW shall be installed on at least ____% of or ____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to ____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time. OR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 19. Include solar conduit in building design.			
The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 20. Encourage clean transportation.			
a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet. AND/OR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. EV charging spaces shall be located such that the cords shall not cause a trip hazard. AND/OR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The developer shall provide 5% of all parking spaces as EV charging spaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
<p>Goal 21. Include energy efficient lighting in building design.</p> <p><u>Option 21.1:</u> Increase the use of LEDs. The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures.</p> <p><u>Option 21.2:</u> Lower maximum foot-candles outside of buildings. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least <u>0.5</u> footcandles lower than the UDO requires.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 22. Install timers or light sensors or smart lighting technology.</p> <p>a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 23. Include International Dark Sky Association compliance standards.</p> <p>The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

Applicant Clarification/Additional Language:
The purpose of the requested rezoning is to add a 0.672 acre access parcel (the "Access Parcel") to the Castleberry Reserve PUD approved September 12, 2023 and amended April 9, 2024. Accordingly, if the proposed rezoning is approved, the Access Parcel will be subject to all environmental conditions reviewed and approved as part of the Castleberry Reserve PUD. We are not proposing any changes to those conditions.
Additional Board Recommendations:

EXHIBIT A
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): N/A; Estate File

Acreage: 13.52

Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

Parcel 10 (Access Parcel)

Site Address: 4201 Diesel Path

PIN: a portion of 0723216874

Deed Reference (book/page): 11370/2312

Acreage: 0.672

Owner: Jill Sansoucy and Scott Olson

CASTLEBERRY RESERVE PUD AMENDMENT

Planned Unit Development

Apex, North Carolina

Original PUD

Approved September 12, 2023

First Amendment

Approved April 9, 2024

Second Amendment

Approved _____

Developer

Inspire Commercial, LLC
1124 Grogans Mill Drive
Cary, NC 27519

Civil Engineer

McKim & Creed
4300 Edwards Mill Road
Suite 200
Raleigh, NC 27612

Land Use Attorneys

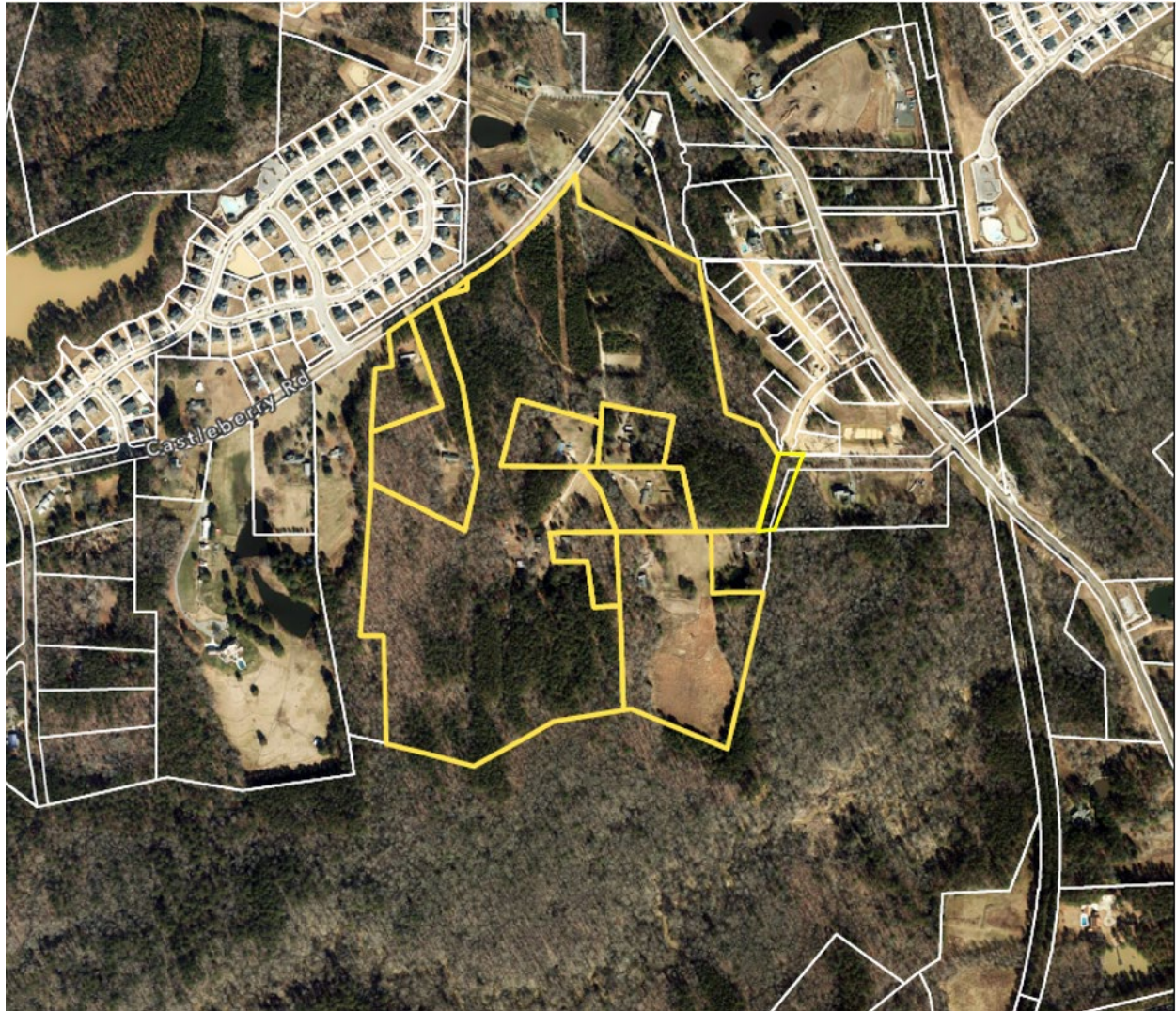
Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27602



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VICINITY MAP



PROJECT DATA

Name of Project:	Castleberry Reserve PUD Amendment
Property Owners:	See attached <u>Exhibit B</u>
Developer:	Inspire Commercial, LLC 1124 Grogans Mill Drive Cary, NC 27519
Prepared by:	Matthew J. Carpenter Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601
Current Zoning:	Planned Unit Development Conditional Zoning (23CZ04 & 23CZ21) and Residential-80W (R-80W)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Low Density Residential & Rural Density Residential
Proposed 2045 Land Use Map Designation	Low Density Residential
Site Address:	See attached <u>Exhibit B</u>
Property Identification Number:	See attached <u>Exhibit B</u>
Total Acreage:	<u>104.092 acres</u>
Area Designated as Mixed Use on LUM	None
Area Proposed as Non- Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 104.092 acres on Castleberry Road, near the intersection of Castleberry and Wimberly Road. The Property is mostly undeveloped with the exception of several single-family homes. There is an existing private cemetery in the northern portion of the Property. There is an existing 50-foot Colonial Pipeline crossing the eastern Property line and public overhead electrical lines along Castleberry Road, all as more specifically set forth on the Existing Conditions sheet.

Castleberry Reserve PUD will be a single-family detached community, designed to respect environmental features and have a well-connected pedestrian network (the “Development”). The PUD is intended to create flexibility in design and land uses to deliver a high-quality residential development that fits the context of existing development in the area. Although the Development proposes greater density than envisioned by the Rural Residential Land Use Map (“LUM”) designation, it is generally consistent with the Apex Comprehensive Plan’s (“Peak Plan”) goals of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population, a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (i) ***The uses proposed to be developed in the PD plan for PUD-CZ are those uses permitted in Sec. 4.2.2 Use Table***

RESPONSE: The uses permitted within The Castleberry Reserve PUD are permitted within this designation in UDO Section 4.2.2 Use Table.

- (ii) ***The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.***

RESPONSE: The Castleberry Reserve PUD is a residential single-family detached community.

- (iii) ***The dimensional standards in Sec. 5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The PUD's standards, which propose multiple pedestrian connections and commit to preserving a 450-foot undisturbed buffer and 25% of existing tree canopy, are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Castleberry Reserve will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

(iv) *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Advance Apex: The 2045 Transportation Plan and the Town of Apex Standard Specifications and Standard Details, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*

RESPONSE: Castleberry Reserve PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Castleberry Estates neighborhood to the east, improving pedestrian connectivity. The PUD will also place additional housing supply in close proximity to the American Tobacco Trail, improving recreation opportunities for residents. The PUD also offers two offsite pedestrian connections that will significantly improve connectivity in the area; a paved sidewalk connection to the American Tobacco Trail along Wimberly Road, and a new sidewalk to connect to Lake Castleberry and fill the existing sidewalk gap along Castleberry Road.

(v) *The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.*

RESPONSE: The proposed street layout will be designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. Generally, the Development will have two primary access roads – one on Castleberry Road and a second connection to the existing Wimberly Oaks Drive street stub. The Development will also provide stub streets along the western property line and eastern property for future connectivity, with final stub street locations to be determined at the Subdivision Plan stage.

- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.***

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town is characterized by low density single-family detached subdivisions and rural/agricultural uses in western Wake County. Nearby residential neighborhoods include Castleberry Estates to the east and Lake Castleberry to the north. Castleberry Estates is a 19 lot single family detached subdivision still under construction with an overall density of 1 unit/acre and lots ranging from 0.30 to 0.40 acres. Lake Castleberry is a large single-family subdivision with overall density of 1.28 units/acre. Adjacent to the south is permanently protected land owned by the U.S. Army Corps of Engineers. To the north of the property, on the north side of Castleberry Road, is the Cloer Family Vineyard.

Castleberry Reserve PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 1.65 units/acre, together with the offered architectural conditions, will ensure the project is compatible with existing neighborhoods and rural/agricultural uses in the area.

- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.***

RESPONSE: Castleberry Reserve PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Castleberry Reserve PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. See the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

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

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential	
Single-family	Permitted
Accessory apartment*	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted
Public and Civic Uses	
Cemetery	Permitted

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

DESIGN CONTROLS

Total Project Area	<u>104.092 acres</u>
Maximum Built-Upon Area	45% of gross site acreage
Maximum Residential Density	170 units
Maximum Residential Density	1.65 units/acre (includes RCA and rights-of-way)
Northern District Single-Family Detached	
Minimum Lot Size	8,000 square feet
Minimum Lot Width	60 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Southern District Single-Family Detached	
Minimum Lot Size	10,000 square feet
Minimum Lot Width	75 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Recreation Facility, Private	
Minimum Setbacks	
Front	10 ft.
Side	10 ft.
Rear	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's Castleberry Road frontage	40 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
<u>Along the west side of the Access Parcel as shown on the Concept Plan</u>	<u>20 ft. Type B</u>
<u>Along the east side of the Access Parcel shown on the Concept Plan</u>	<u>0 ft.</u>
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Cemetery's Road Frontage	0 ft.
Along the Property's southernmost property line adjacent to PIN 0722090422	450 ft. undisturbed (the "Southern Game Lands Buffer")**
Along the Property's easternmost property line adjacent to PIN 0722090422	Variable width undisturbed. See Concept Plan (the "Eastern Game Lands Buffer")**

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

**The Southern Game Lands Buffer and the Eastern Game Lands Buffer shall be referred to as the Game Lands Buffer. The Game Lands Buffer shall remain undisturbed in its current natural state and shall not be cleared or graded other than for necessary tree/forestry/open space maintenance and/or installation of passive recreation amenities such as unpaved trails, benches, and natural areas. The Game Lands Buffer shall not require any supplemental plantings.

AFFORDABLE HOUSING

- The Development shall include a minimum of three (3) residential restricted affordable housing detached single-family median-income ownership units (the “Affordable Units”).
- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the “Initial Sales Price”).
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the “Income Limit”). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x’s) one-hundred thirty five percent (135%) times (x’s) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the “Affordability Period”) shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the “First Sale”).
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

- Prior to issuance of the Master Subdivision Final Plat for the Property, Developer shall make a donation of \$170,000 to the Town of Apex Affordable Housing Fund.

ARCHITECTURAL STANDARDS

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

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Decorative trim
• Bay window	• Decorative shake
• Recessed window	• Decorative air vents on gable
• Decorative window	• Decorative gable
• Trim around the windows	• Decorative cornice
• Wrap around porch or side porch	• Column
• Two or more building materials	• Portico
• Decorative brick/stone	• Balcony
	• Dormer
7. 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.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.

11. Garages on the front façade of homes that face the street shall not exceed 50% of the total width of the house and garage together.

CONCEPTUAL BUILDING ELEVATIONS







PARKING AND LOADING

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The Property is within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

UDO Section 8.1.2.C.3 does not require Resource Conservation Area (“RCA”) for low density developments 2 units/acre or less. However, the Development shall designate a minimum of twenty percent (20%) of the Property as RCA. If the Development is mass graded, it shall designate a minimum of 20% of the Property as RCA and shall not be required to provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8. The Game Lands Buffer, as defined in the Landscaping, Buffering, and Screening section of this PUD, and as shown on the concept plan, shall qualify as RCA provided it meets the requirements of UDO Section 8.1.2.

Floodplain

The project will not be located in a designated current or future 100-year floodplain as shown on the Town of Apex’s Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015. There is a small floodplain area along the southeastern property line of PIN 0723117077 and the Project will not disturb this area.

Historic Structures

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the “Cemetery”). The

Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- A solar PV system of at least 4 kilowatts shall be installed on a minimum of 20 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of five (5) pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
- The project shall preserve at least 25% of existing tree canopy.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

This original PUD was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and the First Amendment on January 31, 2024, and a fee-in-lieu of dedication was recommended.

Original PUD Single-family detached Units:	$\$ 4,016.66 \times 148 =$	$\$ 594,465.68$
First Amendment Single-family detached Units:	$\$ 4,165.28 \times 22 =$	$\$ 91,636.16$

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications as set forth at the time of Master Subdivision Plan submittal. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

- Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.
- Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, Developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the Property's Castleberry Road frontage.
- Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.
- Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and/or NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.
- Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
- Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening

and gutter typical roadway section (the “ATT Connection”). Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.



WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer as set forth at the time of Master Subdivision Plan submittal. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

Although the Development proposes greater density than recommended by the Rural Residential Land Use Map designation, it is generally consistent with the goals of the Peak Plan 2030 and the 2045 Land Use Map. The Rural Residential designation recommends “single-family residential uses” that provide “a transition from the Protected Open Spaces around Jordan Lake...” The proposed maximum density of 1.65 units/acre is consistent with recommended density for Low Density Residential, as defined in the Comp Plan. The Development, together with conditions of this PUD, will add low density single-family housing while respecting the Protected Open Space adjacent to the south, providing pedestrian connections to recreational opportunities, and preserving the historic Cemetery, consistent with the following goals and policies of Peak Plan 2030.

- Preservation of historic places and cultural resources;
- Protection of environmental and natural resources;
- A variety of housing types available to a range of incomes;
- Maintain low density residential uses as a transition to rural areas and protected open space areas.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town’s Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Castleberry Reserve. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property
104.092 acres

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO

A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING PARCEL:

BEING A PORTION OF THAT PARCEL, NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID AREA BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,059.23' AND E= 2,022,262.54'; THENCE, FROM THE POINT OF BEGINNING, S89°49'02"E A DISTANCE OF 95.79 FEET TO A COMPUTED POINT; THENCE, S22°22'45"W A DISTANCE OF 396.87 FEET TO A 1" IRON PIPE FOUND; THENCE, S88°59'08"W A DISTANCE OF 63.66 FEET TO A 3/4" IRON PIPE SET; THENCE, N17°53'44"E A DISTANCE OF 387.14 FEET TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 29,257 SQUARE FEET OR 0.672 ACRES, MORE OR LESS.

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): N/A; Estate File

Acreage: 13.52

Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

Parcel 10 (Access Parcel)

Site Address: 4201 Diesel Path

PIN: a portion of 0723216874

Deed Reference (book/page): 11370/2312

Acreage: 0.672

Owner: Jill Sansoucy and Scott Olson

PUD AMENDMENT
CASTLEBERRY RESERVE

CASTLEBERRY ROAD, APEX, NC

DATE: MAY 8, 2024

REZONING CASE #

(AMENDMENT TO CASE #23CZ04, 23CZ21)

PREPARED BY:
MCKIM & CREED, INC.
4300 EDWARDS MILL ROAD, SUITE 200, RALEIGH, NC 27612
PHONE: (919) 233-8091
CONTACT: LUKE TURNER, KLTurner@mckimcreed.com

DEVELOPER:
INSPIRE COMMERCIAL, LLC
301 FAYETTEVILLE STREET, SUITE 1400, RALEIGH, NC 27601
PHONE: (919) 835-4032
CONTACT: matthewcarpenter@parkerpoe.com

LAND USE ATTORNEY:
PARKER, POE, ADAMS, & BERSTEIN LLP
301 FAYETTEVILLE STREET, SUITE 1400
PHONE: (919) 835-4032
CONTACT: matthewcarpenter@parkerpoe.com

SURVEYOR:
BATEMAN CIVIL SURVEY COMPANY
2524 RELIANCE AVENUE
APEX, NC 27502
PHONE: (919) 577-1080

ENVIRONMENTAL CONSULTANT:
SOIL & ENVIRONMENTAL CONSULTANTS, PA
STEVEN BALL, RF, PWS
8412 FALLS OF THE NEUSE ROAD, SUITE 104
RALEIGH, NC 27615
PHONE: (919) 846-5900

Property Ownership

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Site Address: 8637 Castleberry Road
PIN: 0723113507
Deed Reference (book/page): Wake County Estate File Number 22-E-2148 for Temple Grace Mills Marcom
Acreage: 1.94
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
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Parcel 4
Site Address: 8639 Castleberry Road
PIN: 0723111191
Deed Reference (book/page): Wake County Estate File Number 22-E-2148 for Temple Grace Mills Marcom
Acreage: 68.82
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
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Parcel 5
Site Address: 8649 Castleberry Road
PIN: 0723120194
Deed Reference (book/page): 3292/220
Acreage: 3.0
Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons
Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

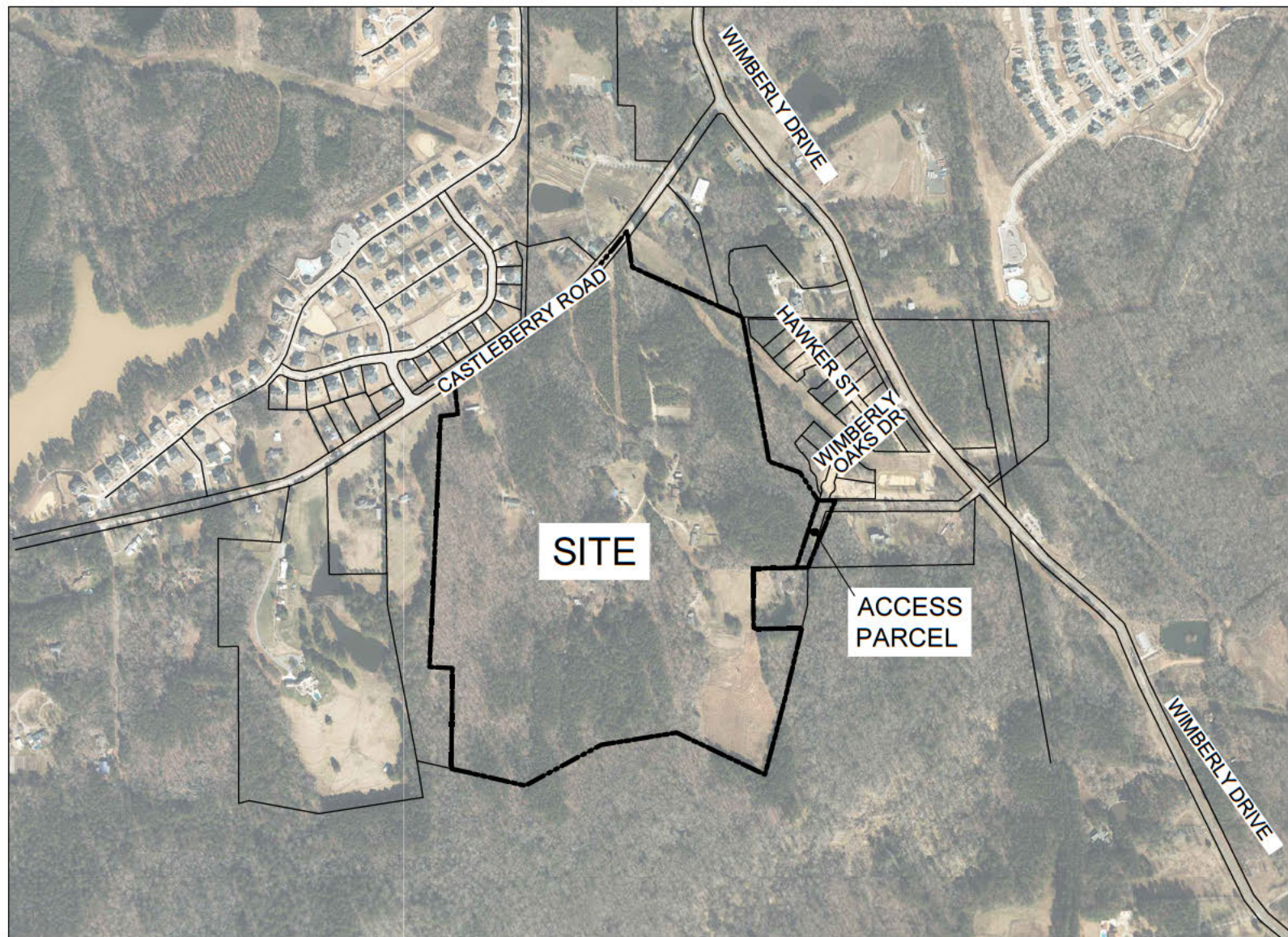
Parcel 6
Site Address: 8709 Castleberry Road
PIN: 0723024085
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Acreage: 7.29
Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

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Site Address: 8717 Castleberry Road
PIN: 0723023450
Deed Reference (book/page): 16865/2012
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Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

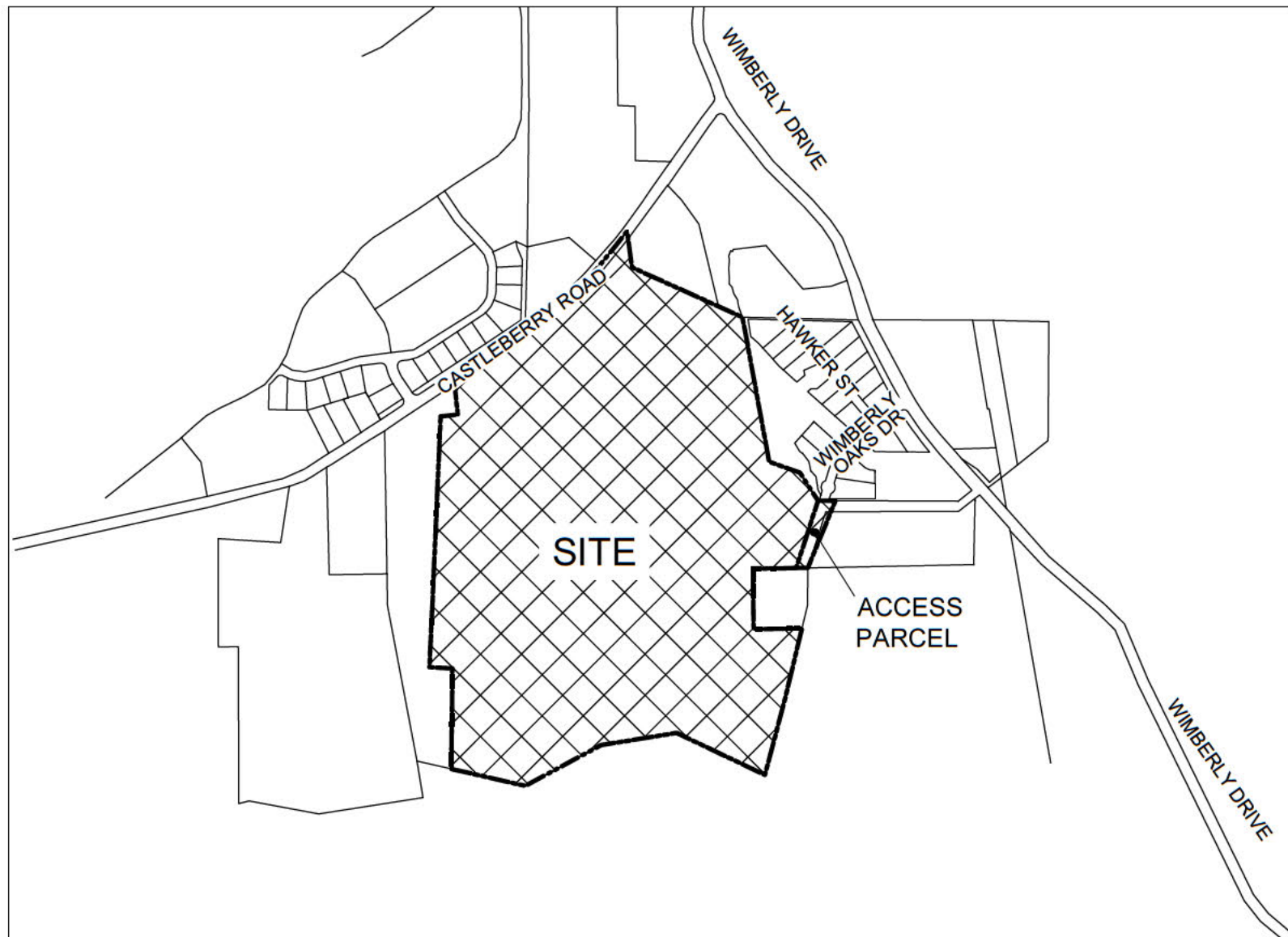
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Site Address: 8705 Castleberry Road
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Deed Reference (book/page): Wake County Estate File Number 22-E-2148 for Temple Grace Mills Marcom
Acreage: 0.19
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9
Site Address: 8309 Serenity Trail
PIN: 0723117077
Deed Reference (book/page): N/A; Estate File
Acreage: 13.52
Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

Parcel 10
Site Address: 4201 Diesel Path
PIN: 0723216874 (Portion)
Deed Reference (book/page): 11370 / 2312
Acreage: 0.672 (of total 5.93 acres)
Owner: Jill L. Sansoucy; Scott Olson
Owner Address: 4201 Diesel Path, Apex, NC, 27523



AERIAL MAP SCALE: 1" = 850'



VICINITY MAP SCALE: 1" = 850'



MCKIM & CREED

1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222

www.mckimcreed.com

<u>PARKS AND RECREATION DATA TABLE</u>			
DATE REVIEWED BY PRCR ADVISORY COMMISSION:		JANUARY 31, 2024	
FEE-IN-LIEU: 2023 RATES			
SINGLE-FAMILY DETACHED UNITS	\$4,016.66 / DWELLING UNIT x 148	UNITS = \$594,465.68	
SINGLE-FAMILY DETACHED UNITS	\$4165.28/DWELLING UNIT x 22	UNITS = \$91,636.16	
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT		
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT		
ACERS OF LAND DEDICATION: <u> n/a </u> ACRES			
PUBLIC GREENWAY TRAIL CONSTRUCTION YES <u> NO </u> X			
THE PRCR ADVISORY COMMISSION UNANIMOUSLY RECOMMENDED A FEE-IN-LIEU OF DEDICATION FOR 179 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AT THEIR APRIL 26TH, 2023 MEETING. IF APPROVED BY TOWN COUNCIL IN 2023 THE RATE WOULD BE \$4,016.66 PER SINGLE-FAMILY DETACHED RESIDENTIAL UNIT AND WOULD RUN THE LIFE OF THE PROJECT UNLESS ADDITIONAL ACREAGE OR UNITS WERE ADDED TO THE PROJECT. THE FEE-IN-LIEU OF DEDICATION IS PAID PER UNIT AT THE TIME OF FINAL SUBDIVISION PLAT.			

SHEET LIST TABLE

C1.0	COVER
C2.0	EXISTING CONDITIONS AND TREE SURVEY
C3.0	SITE AND UTILITY PLAN

SITE DATA:

TOWNSHIP: WHITE OAK TOWNSHIP

FLOOD ZONE INFORMATION: FIRM PANEL 3720072300K EFFECTIVE JULY 19, 2022. NO FLOOD ZONE DEVELOPMENT IS PROPOSED.

WATERSHED INFORMATION: PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, WHITE OAK CREEK, CAPE FEAR RIVER BASIN

HISTORICAL: NC SHPO DOES NOT SHOW ANY EXISTING HISTORICAL STRUCTURES.

ANNEXATION: A CEMETERY DOES EXIST WITHIN THE PROPERTY ASSEMBLAGE (~0.30 ACRES AND 59 GRAVESITES)
ANNEXATION REQUIRED AS THE PROPERTY IS LOCATED OUTSIDE OF THE APEX ETJ
ANNEXATION NUMBER: #752 (APPROVED), #771 (APPROVED), AND #783 (PENDING)

EXISTING ZONING: R-80W (WAKE COUNTY), AND PUD-CZ (#23CZ04)

PROPOSED ZONING: PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)

EXISTING 2045 LAND USE MAP: RURAL DENSITY RESIDENTIAL(PIN 0723117077) AND LOW DENSITY RESIDENTIAL

PROPOSED 2045 LAND USE MAP: LOW DENSITY RESIDENTIAL

EXISTING USE: SINGLE-FAMILY RESIDENTIAL AND VACANT

PROPOSED USES: SINGLE-FAMILY RESIDENTIAL ACCESSORY APARTMENT
PARK, ACTIVE GREENWAY
PARK, PASSIVE RECREATION FACILITY, PRIVATE
UTILITY, MINOR CEMETERY

*HOMEOWNERS ASSOCIATION COVENANTS SHALL NOT RESTRICT THE CONSTRUCTION OF ACCESSORY DWELLING UNITS.

TOTAL PROJECT AREA: 104.09 ACRES (103.42 AC. SITE + 0.67 AC. ACCESS ROAD)

MAXIMUM NUMBER OF LOTS: 170 DWELLING UNITS

MAXIMUM RESIDENTIAL DENSITY: 1.65 DWELLING UNITS/ACRE (INCLUDES RCA AND RIGHTS-OF-WAY)

LOTS:	MIN LOT SIZE	MIN LOT WIDTH	MAX BUILDING HEIGHT
NORTHERN DISTRICT SINGLE-FAMILY DETACHED:	8,000 SF	60 FEET	45 FEET (3 STORIES)
SOUTHERN DISTRICT SINGLE-FAMILY DETACHED:	10,000 SF	75 FEET	45 FEET (3 STORIES)

BUILDING SETBACKS (MINIMUM SETBACKS UNLESS OTHERWISE NOTED):

	RESIDENTIAL	PRIVATE RECREATION FACILITY
FRONT:	10 FEET	10 FEET
FRONT (GARAGE):	20 FEET	N/A
REAR:	10 FEET	10 FEET
SIDE:	5 FEET	10 FEET
SIDE (CORNER LOT):	10 FEET	N/A
FROM BUFFER OR RCA:	10 FEET	10 FEET
PARKING SETBACK FROM BUFFER OR RCA:	5 FEET	5 FEET

PARKING REQUIREMENTS:

SINGLE FAMILY DETACHED: 2 SPACES/DWELLING UNIT REQUIRED
SINGLE FAMILY PARKING PROVIDED BY DRIVEWAY AND GARAGE (MIN 2 SPACES/LOT)
PARKING SHALL BE BASED UPON SIZE AND USE WITHIN THE RECREATION FACILITY

PRIVATE RECREATION FACILITY: 46.53 ACRES OR 45% (PER PLANNED UNIT DEVELOPMENT DESIGN CONTROLS)

MAXIMUM BUILT UPON AREA:

RCA REQUIRED: PER PUD: 20% RCA

GRADING: DEVELOPMENT TO BE MASS GRADED, IT SHALL DESIGNATE A MINIMUM OF 20% OF THE PROPERTY AS RCA AND SHALL NOT BE REQUIRED TO PROVIDE THE ADDITIONAL 5% RCA FOR MASS GRADING UNDER UDO SECTION 7.2.5.B.8.

% OF LOTS GRADED PRIOR TO FIRST PLAT: 50% (LIMITED BY APEX UDO TO A MAXIMUM ACREAGE FOR MASS GRADING)
MAXIMUM OF 20 ACRES OF CLEARING FOR SINGLE-FAMILY DETACHED DEVELOPMENTS

% OF PRE-DEVELOPMENT DRAINAGE AREAS PRESERVED WITHIN THEIR NATURAL BASINS: 90%



J:\09545\0001\ENG-BG-DRAWINGS\81- PRODUCTION- SHEETS\5- EXHIBIT- PERMIT-PUD- AMENDMENT\22.0- EXISTING- CONDITIONS - DEMOLITION.DWG ----- 05/08/2024 13:51:28



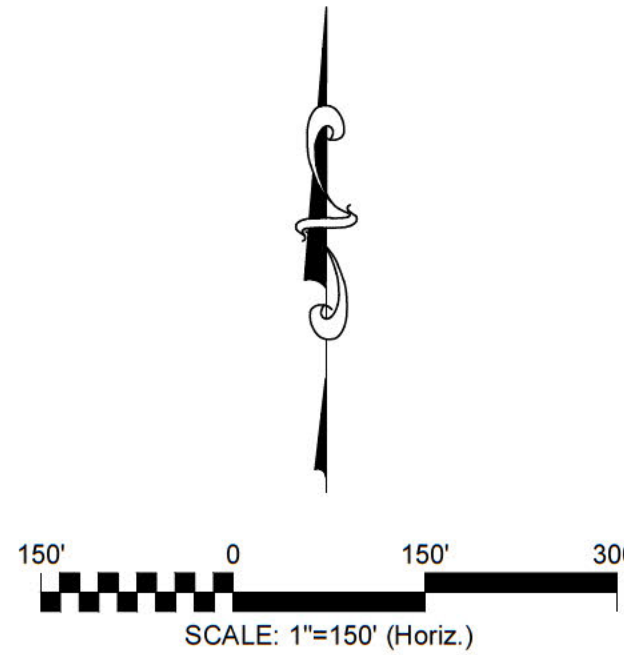
EXISTING CONDITIONS NOTES

- SURVEY INFORMATION PROVIDED BY WITHERSRAVENEL DATED 04/19/23. NAD83(2011) HORIZONTAL, NAVD88 VERTICAL.
- TREE SURVEY PROVIDED BY SOIL & ENVIRONMENTAL CONSULTANTS DATED 02/01/2023 AND 10/26/2023.
- ALL WELL AND SEPTIC AREA LOCATIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- RIPARIAN BUFFER LABELS SHOWN ON THIS PLAN ARE INDICATIVE OF THE RIPARIAN BUFFER CALLS MADE IN THE FIELD BY PROJECT ENVIRONMENTAL CONSULTANT. SEE PROJECT BUFFER DETERMINATION LETTER (APEX - 22-018).

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S89° 28' 25\"W	409.63'
L2	S89° 28' 25\"W	335.00'
L3	S06° 13' 34\"E	155.00'
L4	S88° 58' 34\"E	170.00'
L5	S06° 13' 34\"E	235.00'
L6	S88° 58' 34\"E	128.00'
L7	N76° 02' 08\"E	147.61'
L8	N76° 53' 27\"E	57.38'
L9	N01° 34' 15\"W	81.30'
L10	N89° 36' 52\"W	97.96'
L11	S09° 40' 51\"W	265.35'
L12	N89° 36' 52\"W	340.90'
L13	S79° 43' 20\"E	363.65'
L14	S04° 53' 00\"W	228.83'
L15	N89° 37' 25\"W	420.72'
L16	N15° 24' 40\"E	349.74'
L17	S74° 36' 52\"E	431.11'
L18	S11° 58' 56\"E	332.28'
L20	N20° 49' 26\"W	234.46'
L21	N38° 26' 23\"W	146.49'
L22	N89° 37' 25\"W	68.58'
L23	S04° 53' 00\"W	98.52'
L24	N07° 01' 03\"W	33.51'

LEGEND:

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING R/W
- EXISTING GAS LINE
- OVERHEAD POWERLINE
- EXISTING EASEMENT
- EXISTING POND
- RIPARIAN BUFFER LINE
- EXISTING CONTOUR
- EXISTING WETLANDS
- CLEAN OUT
- GUY WIRE
- WELL
- LIGHT POLE



REVNO	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	11/01/2023

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

MCKIM & CREED
1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222
www.mckimcreed.com

CASTLEBERRY RESERVE
PUD AMENDMENT
EXISTING
CONDITIONS & TREE
SURVEY

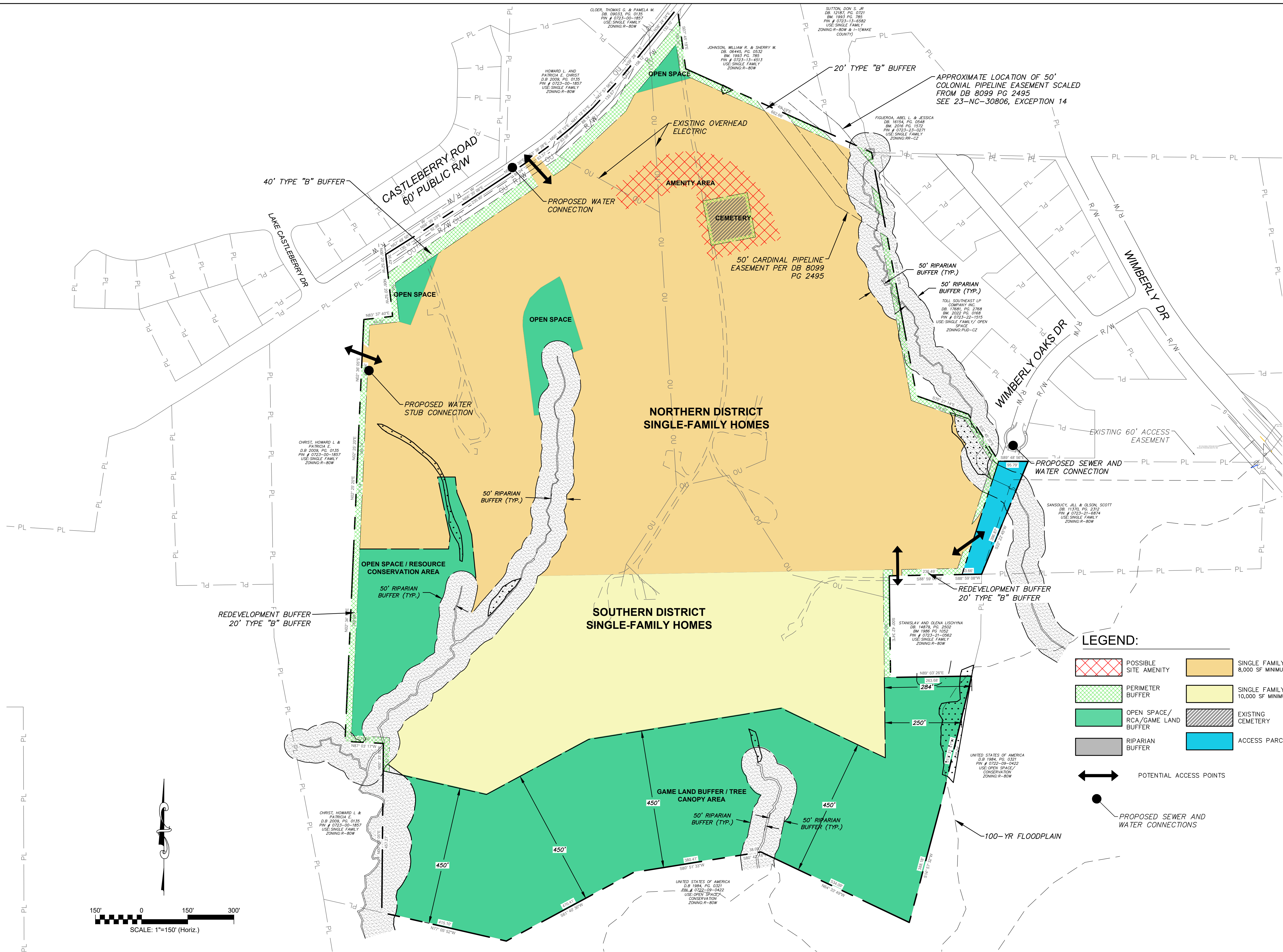
DATE: FEBRUARY 19, 2024
MCE PROJ. #: 09545-0001
DRAWN: KLT/CEC
DESIGNED: KLT
CHECKED: PEH/KLT
PROJ. MGR: PEH

SCALE
HORIZONTAL:
1\"/>

M&C FILE NUMBER
EXISTING CONDITIONS - DEMOLITION
DRAWING NUMBER
C2.0
REVISION

STATUS: **PRELIMINARY**
NOT FOR CONSTRUCTION

\\MCKIMCREED.COM\NASJUN\DATA\PROJ\095445\0001\ENG\80-DRAWINGS\81-PRODUCTION_SHEETS\EXHIBIT_PUD_AMENDMENT\C3-0-SITE-UTILITY.DWG ----- 06/04/2024 15:06:48



POTENTIAL ACCESS POINTS

POTENTIAL ACCESS POINTS SHOWN ON THE CONCEPTUAL SITE PLAN / CONCEPTUAL UTILITY PLAN ARE NOT SHOWN IN EXACT LOCATIONS BUT SHOW REQUIRED CONNECTIONS. CONNECTIONS CAN ONLY BE REMOVED FROM THE SUBDIVISION CONNECTIVITY REQUIREMENTS OF THE PUD IF THE DEVELOPER SHOWS TO THE SATISFACTION OF THE PLANNING DIRECTOR, IN CONSULTATION WITH THE TECHNICAL REVIEW COMMITTEE (TRC), THAT THE CONSTRUCTION OF THE CONNECTION WOULD BE IMPRACTICAL BASED ON ENVIRONMENTAL CONDITIONS FOUND IN THE FIELD AT THE TIME OF MASTER SUBDIVISION PLAN APPROVAL.

SITE AND UTILITY NOTES

1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER PLAN SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NC DOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

NOTE:
ALL DEVELOPMENT / REZONING PLANS MUST MEET THE NEW / CURRENT TOWN OF APEX MASTER WATER AND SEWER PLANS. REZONING PLANS DO NOT GUARANTEE THE FINAL UTILITY LOCATION, ALIGNMENTS, AND DESIGN FOR TOWN APPROVAL. UTILITY DESIGNS WILL BE SUBJECT TO CHANGE UNTIL CONSTRUCTION DESIGNS ARE APPROVED.

REV	DESCRIPTION	DATE
1	REVISED TO ADD ACCESS PARCEL FOR FUTURE ROAD CONNECTION	2024.05.08
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PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

MCKIM & CREED
1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
www.mckimcreed.com

CASTLEBERRY RESERVE
PUD AMENDMENT

SITE AND UTILITY PLAN

DATE: JUNE 4, 2024	SCALE: 1" = 150'	MAC FILE NUMBER: C3-0-SITE-UTILITY.dwg
MCE PROJ #: 09545-0001	HORIZONTAL: 1" = 150'	DRAWING NUMBER: C3.0
DRAWN: KLT	VERTICAL: N/A	
DESIGNED: KLT		
CHECKED: PEH/KLT		
PROJ. MGR: KLT		
STATUS: PRELIMINARY	REVISION:	
NOT FOR CONSTRUCTION		



TOWN OF APEX
POST OFFICE BOX 260
APEX, NORTH CAROLINA 27502
PHONE 919-249-3438

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #24C209
Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC
Authorized Agent: Matthew Carpenter, Parker Poe
Property Address(es): 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail; 4201 Diesel Path (portion of)
Acreage: ±104.69 acres
Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, and 0723216874 (portion of).
Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23C231) & Wake County Residential-BOW (R-BOW)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: June 10, 2024 - 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/channel/apexnc>

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://www.apexnc.org/Maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3438, Planning Department, with questions or for further information. To view the petition and related documents go to: <https://www.apexnc.org/DocumentCenter/View/479>

Dianne F. Khin, AICP
Planning Director

Published Dates: May 24 - June 10, 2024



TOWN OF APEX
PO BOX 260
APEX, NC 27502

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24C209
Castleberry Reserve PUD Amendment



TOWN OF APEX
PO BOX 260
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3438

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24C209
Castleberry Reserve PUD Amendment
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC
Agente autorizado: Matthew Carpenter, Parker Poe
Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail, & porción de 4201 Diesel Path
Superficie: ±104.69 acres
Números de Identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, & porción de 0723216874.
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23C231) & Wake County Residential-BOW (R-BOW)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2^o piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de junio de 2024 - 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/channel/apexnc>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://www.apexnc.org/Maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <http://www.apexnc.org/DocumentCenter/View/478>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3438. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/479>

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 24 de mayo - 10 de junio de 2024

9:27 AM
5/24/2024

9:26 AM
5/24/2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ09 Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail; 4201 Diesel Path (portion of)

Acreage: ±104.09 acres

Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, and 0723216874 (portion of).

Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) & Wake County Residential-80W (R-80W)

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

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

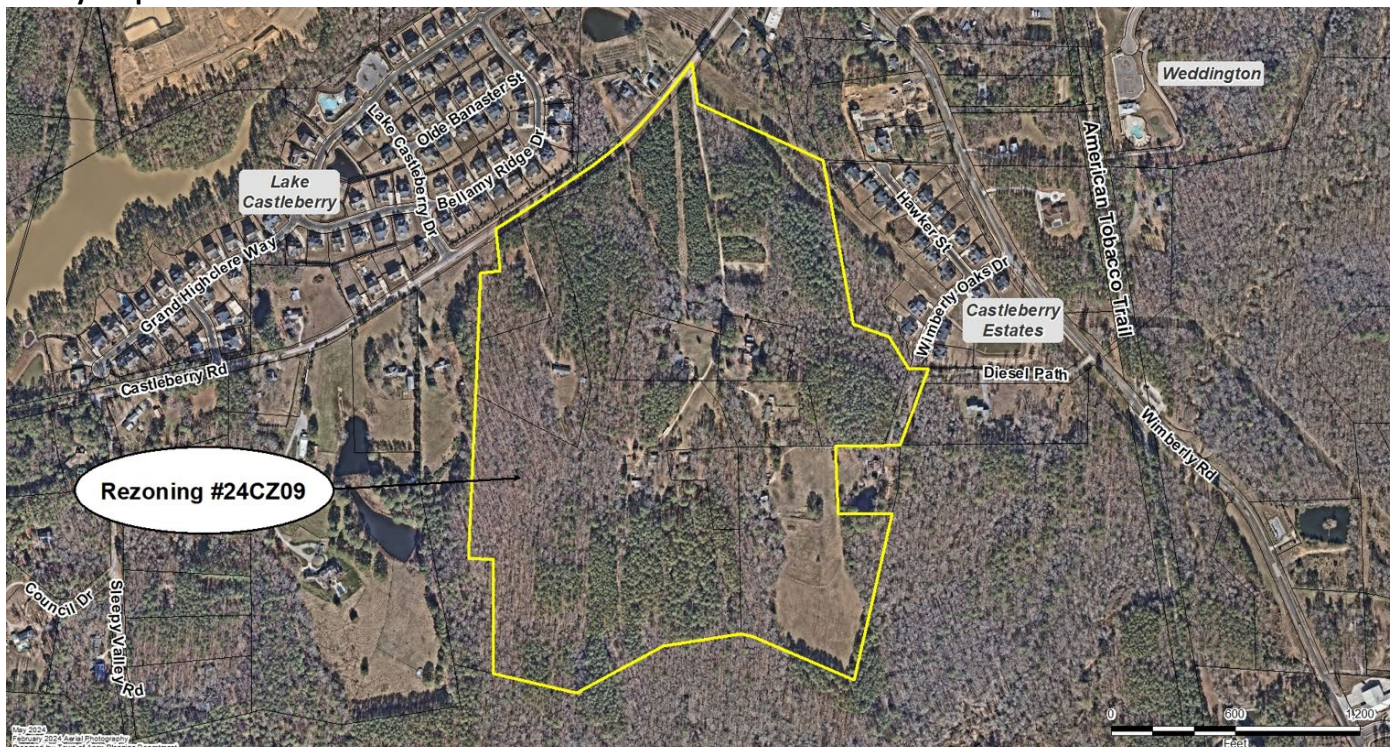
Planning Board Public Hearing Date and Time: June 10, 2024 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: [https://www.apexnc.org/DocumentCenter/View/47098](http://www.apexnc.org/DocumentCenter/View/47098).

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ09

Castleberry Reserve PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road, 8309 Serenity Trail, & porción de 4201 Diesel Path

Superficie: ±104.09 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, & porción de 0723216874.

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) & Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

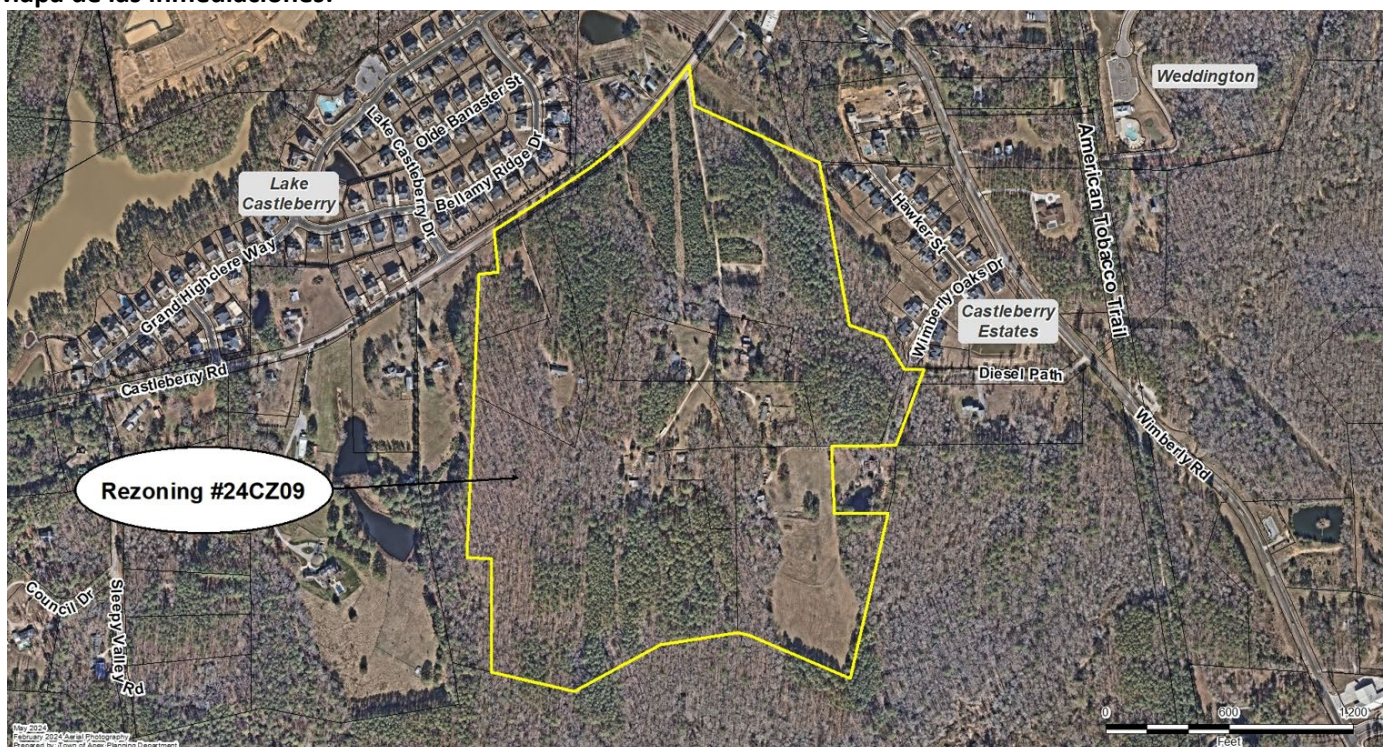
Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de junio de 2024 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47098>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 24 de mayo - 10 de junio de 2024



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ09 Castleberry Reserve PUD Amendment
Project Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road,
8309 Serenity Trail, and 4201 Diesel Path (portion of)
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Planning Board: June 10, 2024
Public Hearing Date:
Project Planner: June Cowles

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 May 24, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

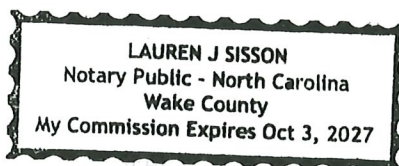
5/28/2024
Date


Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 28th day of May, 2024.




Notary Public

My Commission Expires: 10 / 03 / 2027



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #24CZ09
Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §360D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road, 8309 Serenity Trail, & 4201 Diesel Path (portion of)

Acreage: ±104.09 acres

Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723020951, 0723117077, and 0723216874 (portion of)

Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) & Wake County Residential-BOW (R-BOW)

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

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: June 25, 2024 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/t/townofapex>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <http://maps.apexnc.org/imag2>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4796. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/4796>.

Dianne F. Khin, AICP
Planning Director

Published Dates: May 31- June 25, 2024

10:34 AM
6/4/2024



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ09
Castleberry Reserve PUD Amendment
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §360D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifica la audiencia pública ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail, & porción de 4201 Diesel Path

Superficie: ±104.09 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723020951, 0723117077, & porción de 0723216874

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) & Wake County Residential-BOW (R-BOW)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2^o piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de junio de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/t/townofapex>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <http://maps.apexnc.org/imag2>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4796. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/4796>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 31 de mayo - 25 de junio de 2024

10:33 AM
6/4/2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ09 Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail, & 4201 Diesel Path (portion of)

Acreage: ±104.09 acres

Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, and 0723216874 (portion of)

Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) & Wake County Residential-80W (R-80W)

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

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

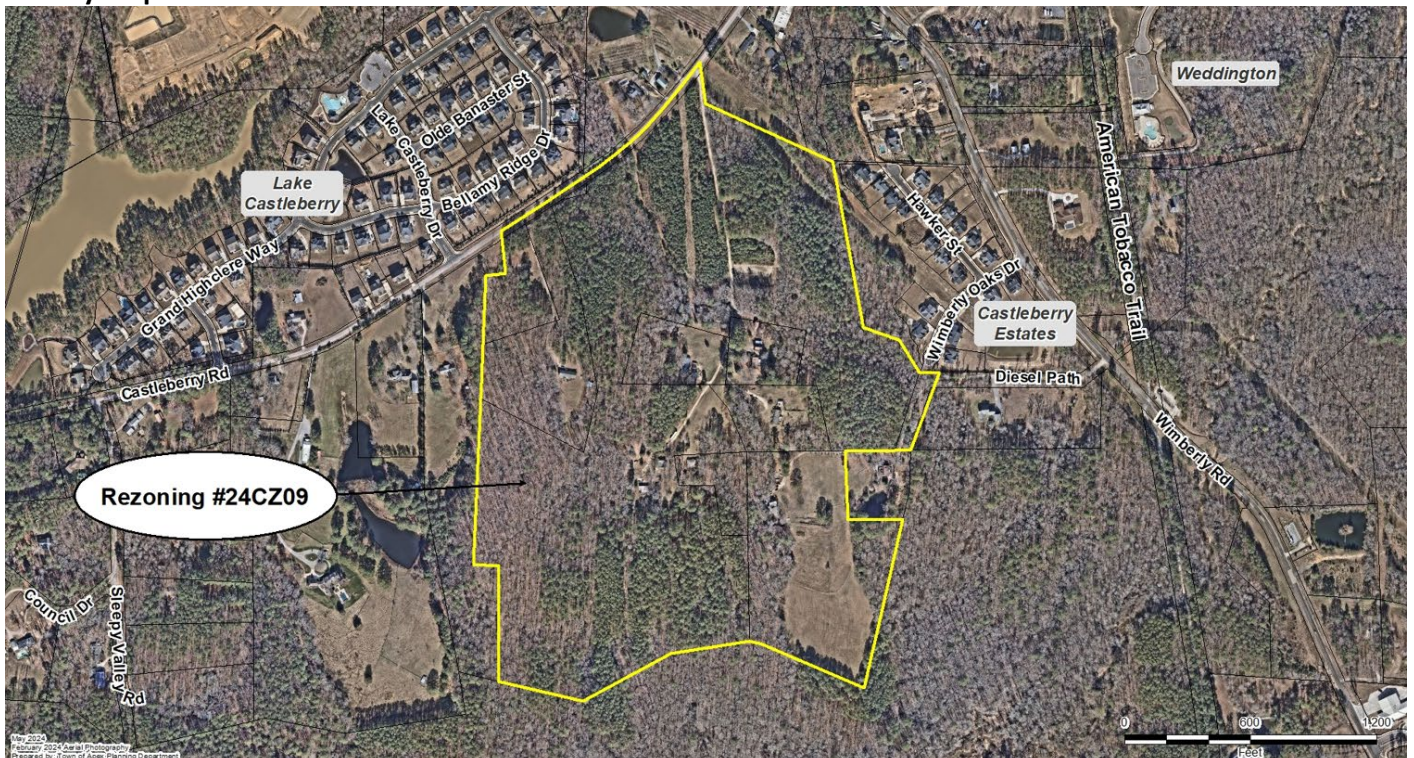
Town Council Public Hearing Date and Time: June 25, 2024 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/47098>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ09

Castleberry Reserve PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail; & porción de 4201 Diesel Path

Superficie: ±104.09 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, & porción de 0723216874

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) & Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

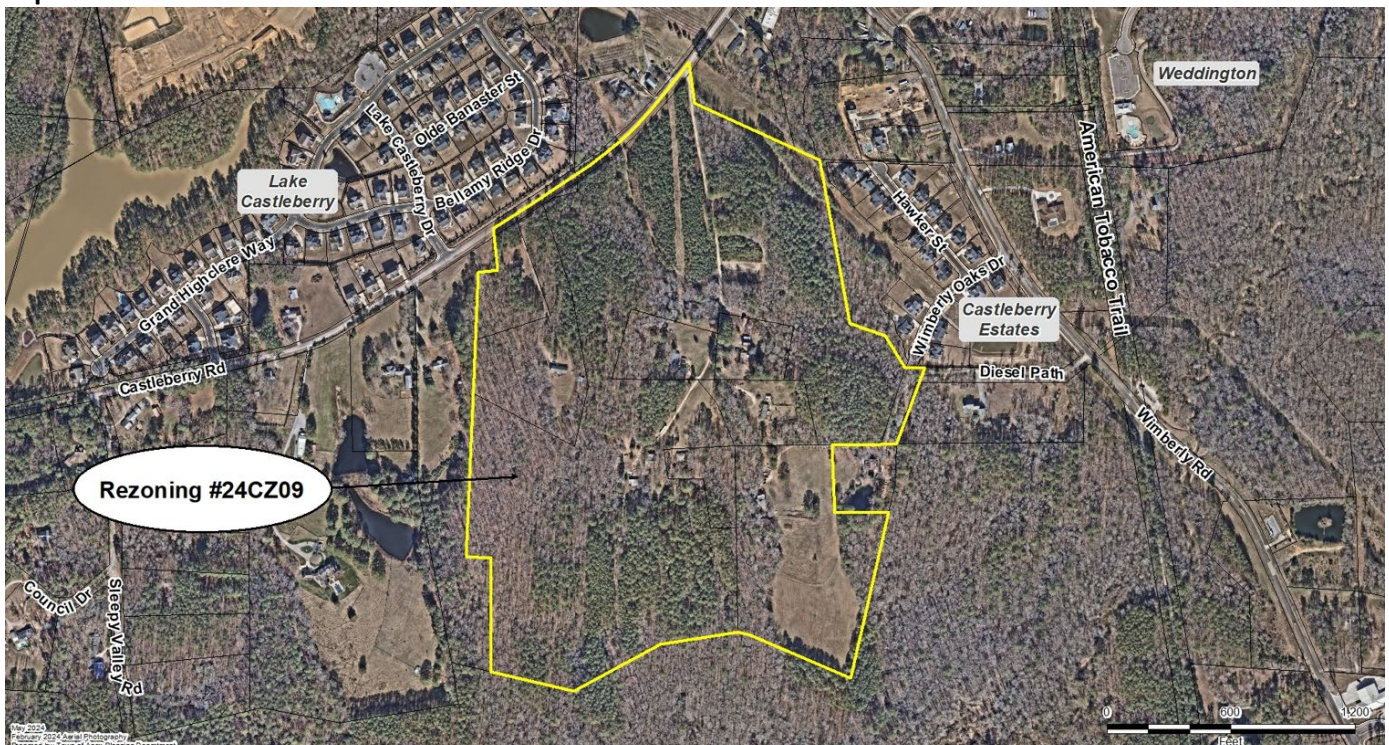
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de junio de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47098>.

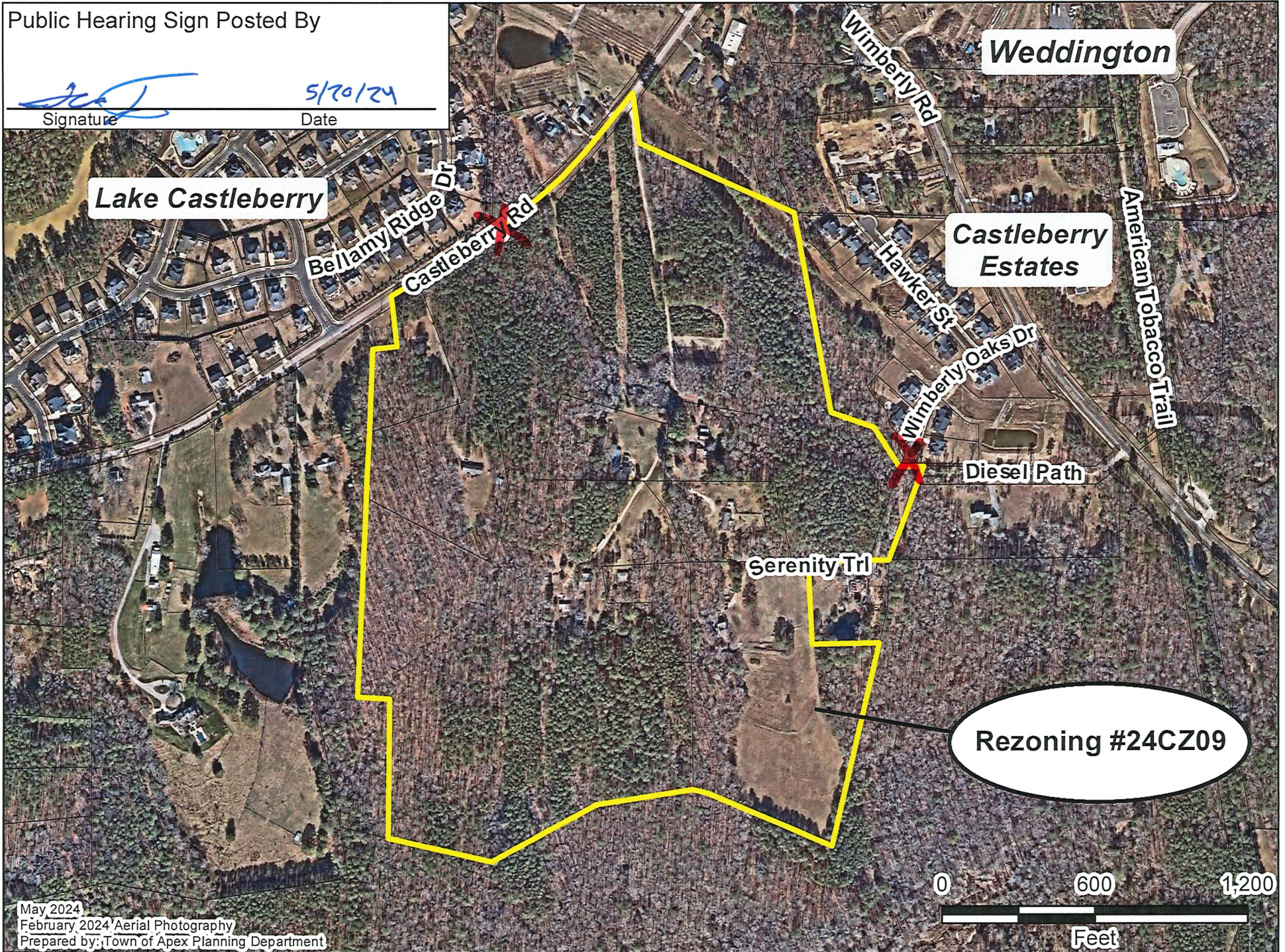
Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 31 de mayo – 25 de junio de 2024

Public Hearing Sign Posted By


Signature

5/20/24
Date



Lake Castleberry

Bellamy Ridge Dr

Castleberry Rd

Wimberly Rd

Weddington

Castleberry Estates

American Tobacco Trail

Hawker St

Wimberly Oaks Dr

Diesel Path

Serenity Trl

Rezoning #24CZ09

0 600 1,200
Feet

May 2024
February 2024 Aerial Photography
Prepared by: Town of Apex Planning Department



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ09 Castleberry Reserve PUD Amendment
Project Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road;
8309 Serenity Trail; and 4201 Diesel Path (portion of)
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Town Council June 25, 2024
Public Hearing Date:
Project Planner: June Cowles

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 May 31, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/31/2024
Date

Sharon L. Poe
Planning Director

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 31 day of May, 202 4.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 19 / 2029

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ09 Castleberry Reserve PUD Amendment

Planning Board Meeting Date: June 10, 2024



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 104.09
PIN(s): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, 0723117077, and 0723216874 (portion of)
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) and Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

Current 2045 Land Use Map: Low Density Residential and Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Inside and Outside Corporate Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 24CZ09 Castleberry Reserve PUD Amendment
Planning Board Meeting Date: June 10, 2024



Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
- ☒ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- ☒ Consistent ☐ Inconsistent Reason: _____

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- ☒ Consistent ☐ Inconsistent Reason: _____

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

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- ☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 24CZ09 Castleberry Reserve PUD Amendment

Planning Board Meeting Date: June 10, 2024



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 24CZ09 Castleberry Reserve PUD Amendment
Planning Board Meeting Date: June 10, 2024



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Steven Rhodes

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by applicant.

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

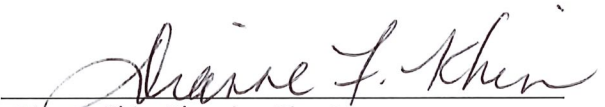
Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 10th day of June 2024.

Attest:



Tina Sherman, Planning Board Chair



Dianne Khin, Planning Director

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 104.09 ACRES LOCATED AT 8633, 8635, 8637, 8639, 8649, 8705, 8709, AND 8717 CASTLEBERRY ROAD, 8309 SERENITY TRAIL, AND 4201 DIESEL PATH (PORTION OF) FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #23CZ21) AND WAKE COUNTY RESIDENTIAL-80W (R-80W) ZONING TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#24CZ09

WHEREAS, Matthew Carpenter, Parker Poe/Inspire Commercial, LLC, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 6th day of May 2024 (the “Application”). The proposed conditional zoning is designated #24CZ09;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #24CZ09 before the Planning Board on the 10th day of June 2024;

WHEREAS, the Apex Planning Board held a public hearing on the 10th day of June 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ09. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8 to 0 for the application for #24CZ09;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #24CZ09 before the Apex Town Council on the 25th day of June 2024;

WHEREAS, the Apex Town Council held a public hearing on the 25^h day of June 2024. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #24CZ09 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Map and other adopted plans for the 103.42 acres Castleberry Reserve area and not consistent with the 2045 Land Use Plan and other adopted plans for the additional 0.672 acre parcel in that: the 2045 Land Use Map designates this additional 0.672 acre area Rural Density Residential and approval of this rezoning will automatically amend the 2045 Land Use Map to Low Density Residential. The rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will provide the flexibility to accommodate the growth in population and infrastructure consistent with that contemplated by the 2045 Land Use Map.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the Planned Unit Development-Conditional Zoning (PUD-CZ) rezoning will provide necessary infrastructure connection to the adjacent Wimberly Oaks Drive stub street. All approved PUD Plan uses and development standards will apply to the area to be rezoned and no additional residential density is proposed.

WHEREAS, the Apex Town Council by a vote of __ to __ approved Application #24CZ09 rezoning the subject properties located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road, 8309 Serenity Trail, and 4201 Diesel Path (portion of) from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

Ordinance Amending the Official Zoning District Map #24CZ09

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) and Wake County Residential -80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Castleberry Reserve PUD which are imposed as part of this rezoning.

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

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

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2024.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A
Legal Description
The Property
104.092 acres

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON

PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING PARCEL:

BEING A PORTION OF THAT PARCEL, NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID AREA BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF JILL L. SANSOUCY AND SCOTT OLSON AS DESCRIBED IN DB 11370, PG 2312 (PIN 0723216874) SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,059.23' AND E= 2,022,262.54'; THENCE, FROM THE POINT OF BEGINNING, S89°49'02"E A DISTANCE OF 95.79 FEET TO A COMPUTED POINT; THENCE, S22°22'45"W A DISTANCE OF 396.87 FEET TO A 1" IRON PIPE FOUND; THENCE, S88°59'08"W A DISTANCE OF 63.66 FEET TO A 3/4" IRON PIPE SET; THENCE, N17°53'44"E A DISTANCE OF 387.14 FEET TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 29,257 SQUARE FEET OR 0.672 ACRES, MORE OR LESS.

CASTLEBERRY RESERVE PUD AMENDMENT

Planned Unit Development

Apex, North Carolina

Original PUD

Approved September 12, 2023

First Amendment

Approved April 9, 2024

Second Amendment

Approved _____

Developer

Inspire Commercial, LLC
1124 Grogans Mill Drive
Cary, NC 27519

Civil Engineer

McKim & Creed
4300 Edwards Mill Road
Suite 200
Raleigh, NC 27612

Land Use Attorneys

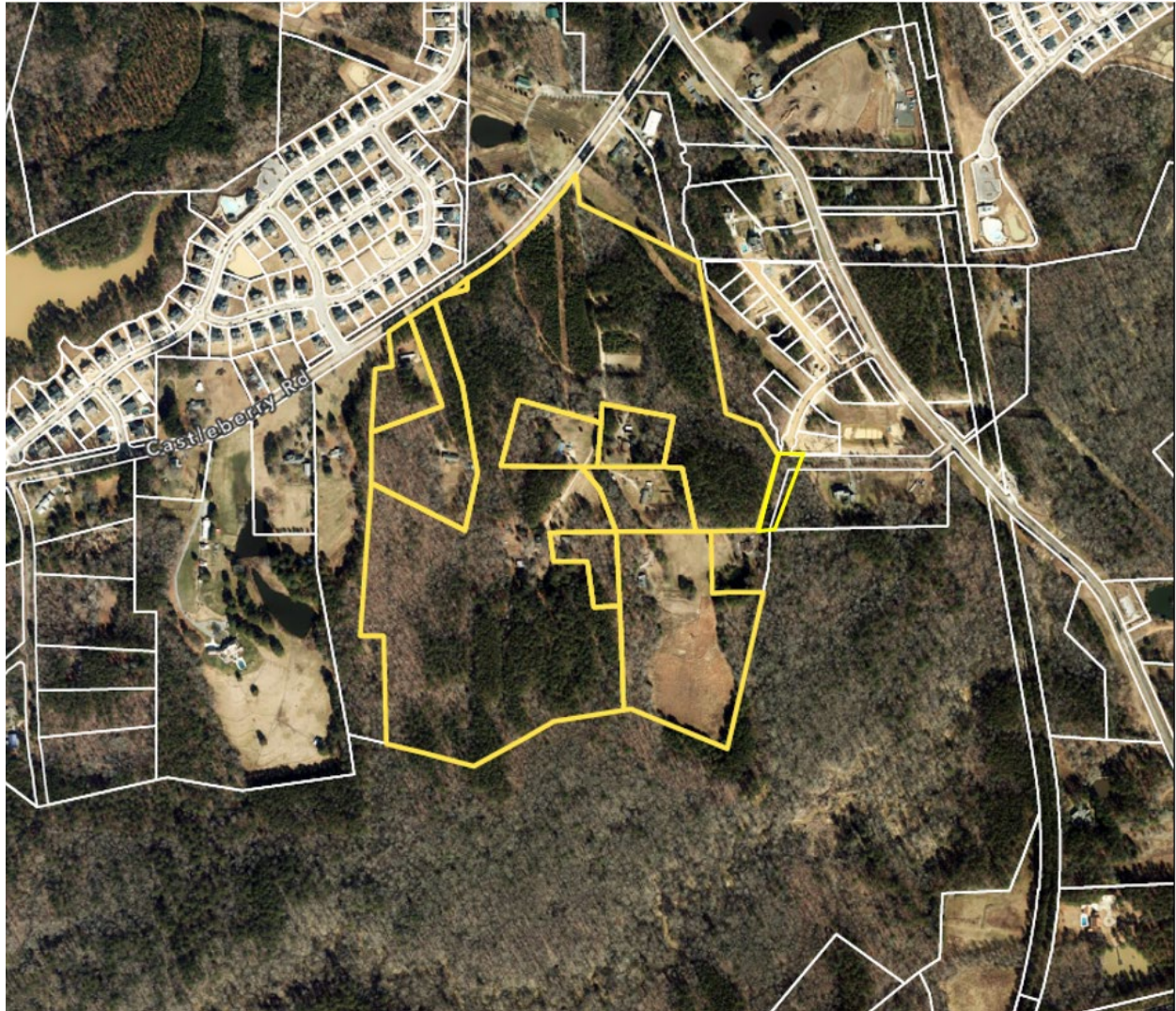
Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27602



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VICINITY MAP



PROJECT DATA

Name of Project:	Castleberry Reserve PUD Amendment
Property Owners:	See attached <u>Exhibit B</u>
Developer:	Inspire Commercial, LLC 1124 Grogans Mill Drive Cary, NC 27519
Prepared by:	Matthew J. Carpenter Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601
Current Zoning:	Planned Unit Development Conditional Zoning (23CZ04 & 23CZ21) and Residential-80W (R-80W)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Low Density Residential & Rural Density Residential
Proposed 2045 Land Use Map Designation	Low Density Residential
Site Address:	See attached <u>Exhibit B</u>
Property Identification Number:	See attached <u>Exhibit B</u>
Total Acreage:	104.092 acres
Area Designated as Mixed Use on LUM	None
Area Proposed as Non- Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 104.092 acres on Castleberry Road, near the intersection of Castleberry and Wimberly Road. The Property is mostly undeveloped with the exception of several single-family homes. There is an existing private cemetery in the northern portion of the Property. There is an existing 50-foot Colonial Pipeline crossing the eastern Property line and public overhead electrical lines along Castleberry Road, all as more specifically set forth on the Existing Conditions sheet.

Castleberry Reserve PUD will be a single-family detached community, designed to respect environmental features and have a well-connected pedestrian network (the “Development”). The PUD is intended to create flexibility in design and land uses to deliver a high-quality residential development that fits the context of existing development in the area. Although the Development proposes greater density than envisioned by the Rural Residential Land Use Map (“LUM”) designation, it is generally consistent with the Apex Comprehensive Plan’s (“Peak Plan”) goals of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population, a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (i) *The uses proposed to be developed in the PD plan for PUD-CZ are those uses permitted in Sec. 4.2.2 Use Table***

RESPONSE: The uses permitted within The Castleberry Reserve PUD are permitted within this designation in UDO Section 4.2.2 Use Table.

- (ii) *The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.***

RESPONSE: The Castleberry Reserve PUD is a residential single-family detached community.

- (iii) *The dimensional standards in Sec. 5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The PUD's standards, which propose multiple pedestrian connections and commit to preserving a 450-foot undisturbed buffer and 25% of existing tree canopy, are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Castleberry Reserve will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

(iv) *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Advance Apex: The 2045 Transportation Plan and the Town of Apex Standard Specifications and Standard Details, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*

RESPONSE: Castleberry Reserve PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Castleberry Estates neighborhood to the east, improving pedestrian connectivity. The PUD will also place additional housing supply in close proximity to the American Tobacco Trail, improving recreation opportunities for residents. The PUD also offers two offsite pedestrian connections that will significantly improve connectivity in the area; a paved sidewalk connection to the American Tobacco Trail along Wimberly Road, and a new sidewalk to connect to Lake Castleberry and fill the existing sidewalk gap along Castleberry Road.

(v) *The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.*

RESPONSE: The proposed street layout will be designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. Generally, the Development will have two primary access roads – one on Castleberry Road and a second connection to the existing Wimberly Oaks Drive street stub. The Development will also provide stub streets along the western property line and eastern property for future connectivity, with final stub street locations to be determined at the Subdivision Plan stage.

- (vi) *The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.***

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town is characterized by low density single-family detached subdivisions and rural/agricultural uses in western Wake County. Nearby residential neighborhoods include Castleberry Estates to the east and Lake Castleberry to the north. Castleberry Estates is a 19 lot single family detached subdivision still under construction with an overall density of 1 unit/acre and lots ranging from 0.30 to 0.40 acres. Lake Castleberry is a large single-family subdivision with overall density of 1.28 units/acre. Adjacent to the south is permanently protected land owned by the U.S. Army Corps of Engineers. To the north of the property, on the north side of Castleberry Road, is the Cloer Family Vineyard.

Castleberry Reserve PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 1.65 units/acre, together with the offered architectural conditions, will ensure the project is compatible with existing neighborhoods and rural/agricultural uses in the area.

- (vii) *The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.***

RESPONSE: Castleberry Reserve PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Castleberry Reserve PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. See the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

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

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential	
Single-family	Permitted
Accessory apartment*	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted
Public and Civic Uses	
Cemetery	Permitted

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

DESIGN CONTROLS

Total Project Area	104.092 acres
Maximum Built-Upon Area	45% of gross site acreage
Maximum Residential Density	170 units
Maximum Residential Density	1.65 units/acre (includes RCA and rights-of-way)
Northern District Single-Family Detached	
Minimum Lot Size	8,000 square feet
Minimum Lot Width	60 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Southern District Single-Family Detached	
Minimum Lot Size	10,000 square feet
Minimum Lot Width	75 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Recreation Facility, Private	
Minimum Setbacks	
Front	10 ft.
Side	10 ft.
Rear	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's Castleberry Road frontage	40 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
Along the west side of the Access Parcel as shown on the Concept Plan	20 ft. Type B
Along the east side of the Access Parcel shown on the Concept Plan	0 ft.
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Cemetery's Road Frontage	0 ft.
Along the Property's southernmost property line adjacent to PIN 0722090422	450 ft. undisturbed (the "Southern Game Lands Buffer")**
Along the Property's easternmost property line adjacent to PIN 0722090422	Variable width undisturbed. See Concept Plan (the "Eastern Game Lands Buffer")**

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

**The Southern Game Lands Buffer and the Eastern Game Lands Buffer shall be referred to as the Game Lands Buffer. The Game Lands Buffer shall remain undisturbed in its current natural state and shall not be cleared or graded other than for necessary tree/forestry/open space maintenance and/or installation of passive recreation amenities such as unpaved trails, benches, and natural areas. The Game Lands Buffer shall not require any supplemental plantings.

AFFORDABLE HOUSING

- The Development shall include a minimum of three (3) residential restricted affordable housing detached single-family median-income ownership units (the “Affordable Units”).
- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the “Initial Sales Price”).
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the “Income Limit”). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x’s) one-hundred thirty five percent (135%) times (x’s) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the “Affordability Period”) shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the “First Sale”).
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

- Prior to issuance of the Master Subdivision Final Plat for the Property, Developer shall make a donation of \$170,000 to the Town of Apex Affordable Housing Fund.

ARCHITECTURAL STANDARDS

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

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

● Windows	● Decorative trim
● Bay window	● Decorative shake
● Recessed window	● Decorative air vents on gable
● Decorative window	● Decorative gable
● Trim around the windows	● Decorative cornice
● Wrap around porch or side porch	● Column
● Two or more building materials	● Portico
● Decorative brick/stone	● Balcony
	● Dormer
7. 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.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.

11. Garages on the front façade of homes that face the street shall not exceed 50% of the total width of the house and garage together.

CONCEPTUAL BUILDING ELEVATIONS







PARKING AND LOADING

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waster near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The Property is within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

UDO Section 8.1.2.C.3 does not require Resource Conservation Area (“RCA”) for low density developments 2 units/acre or less. However, the Development shall designate a minimum of twenty percent (20%) of the Property as RCA. If the Development is mass graded, it shall designate a minimum of 20% of the Property as RCA and shall not be required to provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8. The Game Lands Buffer, as defined in the Landscaping, Buffering, and Screening section of this PUD, and as shown on the concept plan, shall qualify as RCA provided it meets the requirements of UDO Section 8.1.2.

Floodplain

The project will not be located in a designated current or future 100-year floodplain as shown on the Town of Apex’s Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015. There is a small floodplain area long the southeastern property line of PIN 0723117077 and the Project will not disturb this area.

Historic Structures

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the “Cemetery”). The

Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- A solar PV system of at least 4 kilowatts shall be installed on a minimum of 20 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of five (5) pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
- The project shall preserve at least 25% of existing tree canopy.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

This original PUD was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and the First Amendment on January 31, 2024, and a fee-in-lieu of dedication was recommended.

Original PUD Single-family detached Units:	$\$ 4,016.66 \times 148 =$	$\$ 594,465.68$
First Amendment Single-family detached Units:	$\$ 4,165.28 \times 22 =$	$\$ 91,636.16$

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications as set forth at the time of Master Subdivision Plan submittal. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

- Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.
- Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, Developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the Property's Castleberry Road frontage.
- Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.
- Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and/or NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.
- Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
- Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening

and gutter typical roadway section (the “ATT Connection”). Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.



WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer as set forth at the time of Master Subdivision Plan submittal. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

Although the Development proposes greater density than recommended by the Rural Residential Land Use Map designation, it is generally consistent with the goals of the Peak Plan 2030 and the 2045 Land Use Map. The Rural Residential designation recommends “single-family residential uses” that provide “a transition from the Protected Open Spaces around Jordan Lake...” The proposed maximum density of 1.65 units/acre is consistent with recommended density for Low Density Residential, as defined in the Comp Plan. The Development, together with conditions of this PUD, will add low density single-family housing while respecting the Protected Open Space adjacent to the south, providing pedestrian connections to recreational opportunities, and preserving the historic Cemetery, consistent with the following goals and policies of Peak Plan 2030.

- Preservation of historic places and cultural resources;
- Protection of environmental and natural resources;
- A variety of housing types available to a range of incomes;
- Maintain low density residential uses as a transition to rural areas and protected open space areas.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town’s Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Castleberry Reserve. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

PUD AMENDMENT
CASTLEBERRY RESERVE

CASTLEBERRY ROAD, APEX, NC

DATE: MAY 8, 2024

REZONING CASE #

(AMENDMENT TO CASE #23CZ04, 23CZ21)

PREPARED BY:

MCKIM & CREED, INC.
4300 EDWARDS MILL ROAD, SUITE 200, RALEIGH, NC 27612
PHONE: (919) 233-8091
CONTACT: LUKE TURNER, KLTurner@mckimcreed.com

DEVELOPER:

INSPIRE COMMERCIAL, LLC
301 FAYETTEVILLE STREET, SUITE 1400, RALEIGH, NC 27601
PHONE: (919) 835-4032
CONTACT: matthewcarpenter@parkerpoe.com

LAND USE ATTORNEY:

PARKER, POE, ADAMS, & BERSTEIN LLP
301 FAYETTEVILLE STREET, SUITE 1400
PHONE: (919) 835-4032
CONTACT: matthewcarpenter@parkerpoe.com

SURVEYOR:

BATEMAN CIVIL SURVEY COMPANY
2524 RELIANCE AVENUE
APEX, NC 27502
PHONE: (919) 577-1080

ENVIRONMENTAL CONSULTANT:

SOIL & ENVIRONMENTAL CONSULTANTS, PA
STEVEN BALL, RF, PWS
8412 FALLS OF THE NEUSE ROAD, SUITE 104
RALEIGH, NC 27615
PHONE: (919) 846-5900

Property Ownership

*Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.

Parcel 1

Site Address: 8633 Castleberry Road
PIN: 0723125145
Deed Reference (book/page): 2284/124
Acreage: 2.38
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)
Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road
PIN: 0723115892
Deed Reference (book/page): 9017/1189
Acreage: 3.37
Owner: Bridget Cotrufo and Paul Anthony Cotrufo
Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road
PIN: 0723113507
Deed Reference (book/page): Wake County Estate File Number 22-E-2148 for Temple Grace Mills Marcom
Acreage: 1.94
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road
PIN: 0723111191
Deed Reference (book/page): Wake County Estate File Number 22-E-2148 for Temple Grace Mills Marcom
Acreage: 68.82
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road
PIN: 0723120194
Deed Reference (book/page): 3292/220
Acreage: 3.0
Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons
Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road
PIN: 0723024085
Deed Reference (book/page): 16865/2012
Acreage: 7.29
Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road
PIN: 0723023450
Deed Reference (book/page): 16865/2012
Acreage: 2.92
Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

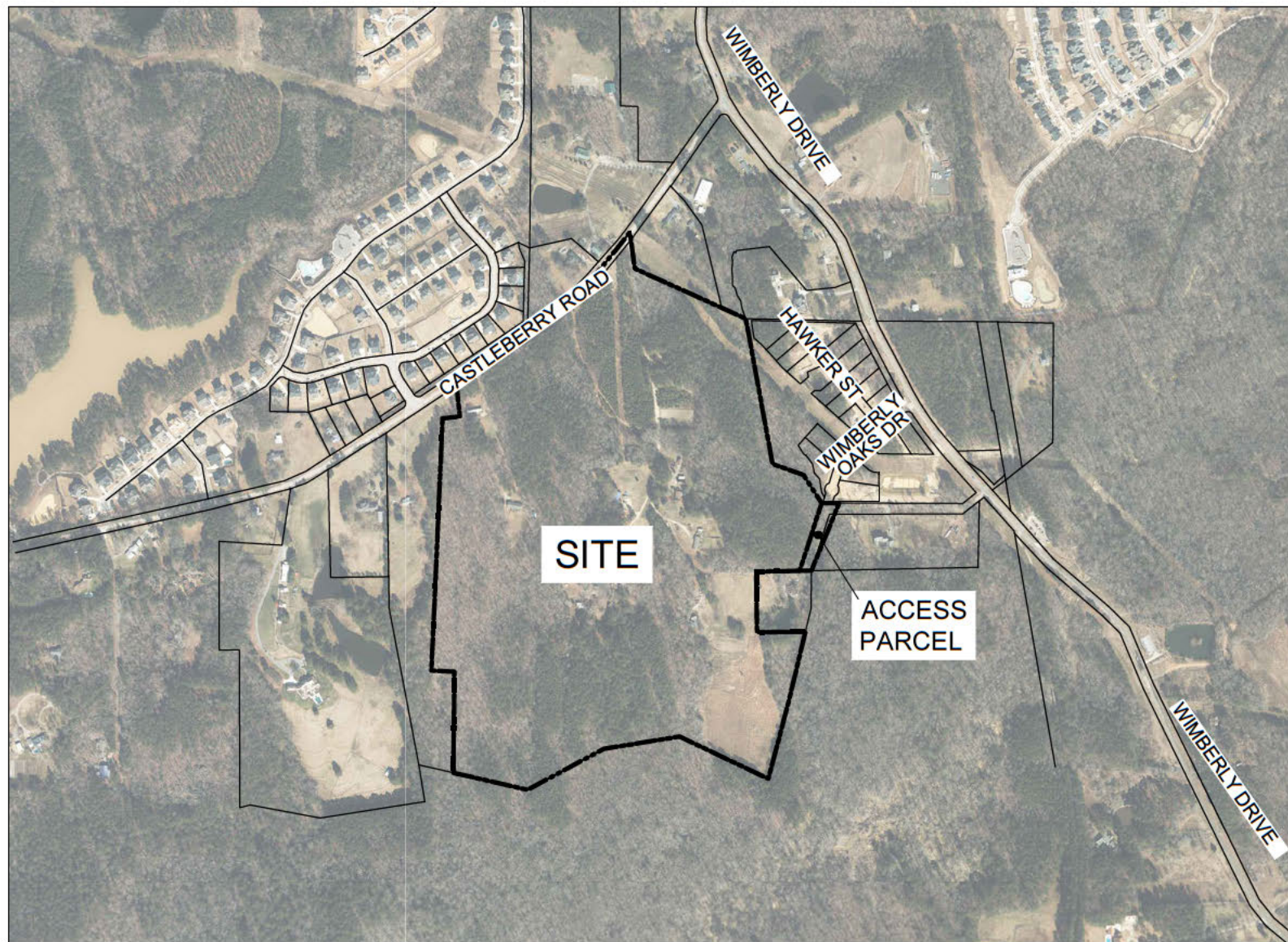
Site Address: 8705 Castleberry Road
PIN: 0723026951
Deed Reference (book/page): Wake County Estate File Number 22-E-2148 for Temple Grace Mills Marcom
Acreage: 0.19
Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

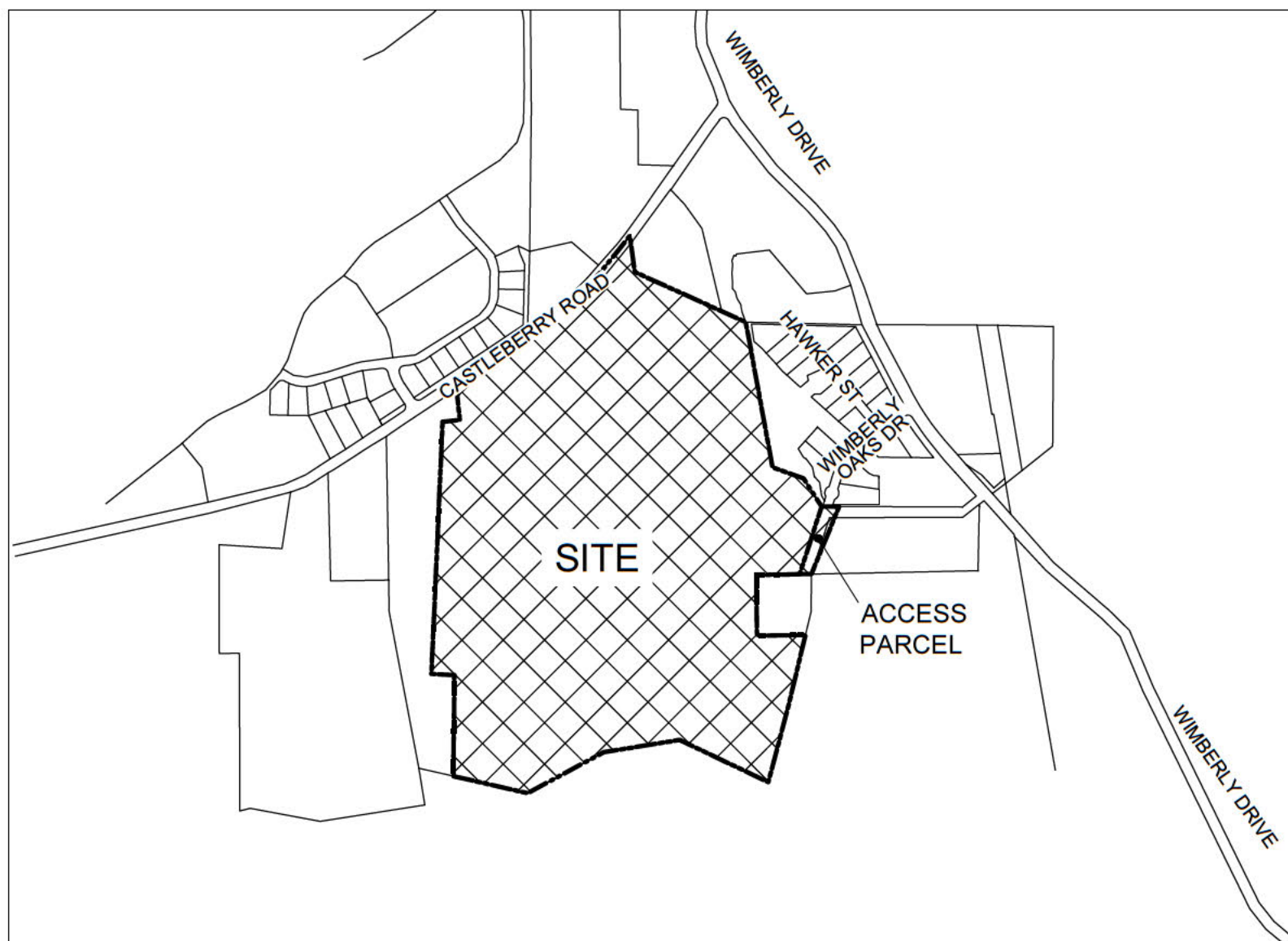
Site Address: 8309 Serenity Trail
PIN: 0723117077
Deed Reference (book/page): N/A; Estate File
Acreage: 13.52
Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

Parcel 10

Site Address: 4201 Diesel Path
PIN: 0723216874 (Portion)
Deed Reference (book/page): 11370 / 2312
Acreage: 0.672 (of total 5.93 acres)
Owner: Jill L. Sansoucy; Scott Olson
Owner Address: 4201 Diesel Path, Apex, NC, 27523



AERIAL MAP SCALE: 1" = 850'



VICINITY MAP SCALE: 1" = 850'



MCKIM & CREED

1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222

www.mckimcreed.com

PARKS AND RECREATION DATA TABLE

DATE REVIEWED BY PRCR ADVISORY COMMISSION:	JANUARY 31, 2024
FEE-IN-LIEU: 2023 RATES	
SINGLE-FAMILY DETACHED UNITS	\$4,016.66 / DWELLING UNIT x 148 UNITS = \$594,465.68
SINGLE-FAMILY DETACHED UNITS	\$4165.28/DWELLING UNIT x 22 UNITS = \$91,636.16
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT

ACERS OF LAND DEDICATION: 0 n/a ACRES
PUBLIC GREENWAY TRAIL CONSTRUCTION YES NO X

THE PRCR ADVISORY COMMISSION UNANIMOUSLY RECOMMENDED A FEE-IN-LIEU OF DEDICATION FOR 179 SINGLE FAMILY DETACHED RESIDENTIAL UNITS AT THEIR APRIL 26TH, 2023 MEETING. IF APPROVED BY TOWN COUNCIL IN 2023 THE RATE WOULD BE \$4,016.66 PER SINGLE-FAMILY DETACHED RESIDENTIAL UNIT AND WOULD RUN THE LIFE OF THE PROJECT UNLESS ADDITIONAL ACREAGE OR UNITS WERE ADDED TO THE PROJECT. THE FEE-IN-LIEU OF DEDICATION IS PAID PER UNIT AT THE TIME OF FINAL SUBDIVISION PLAT.

SHEET LIST TABLE

C1.0	COVER
C2.0	EXISTING CONDITIONS AND TREE SURVEY
C3.0	SITE AND UTILITY PLAN

SITE DATA:

TOWNSHIP: WHITE OAK TOWNSHIP
FLOOD ZONE INFORMATION: FIRM PANEL 3720072300K EFFECTIVE JULY 19, 2022. NO FLOOD ZONE DEVELOPMENT IS PROPOSED.
WATERSHED INFORMATION: PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, WHITE OAK CREEK, CAPE FEAR RIVER BASIN
HISTORICAL: NC SHPO DOES NOT SHOW ANY EXISTING HISTORICAL STRUCTURES.
A CEMETERY DOES EXIST WITHIN THE PROPERTY ASSEMBLAGE (~0.30 ACRES AND 59 GRAVESITES)
ANNEXATION: ANNEXATION REQUIRED AS THE PROPERTY IS LOCATED OUTSIDE OF THE APEX ETJ
ANNEXATION NUMBER: #752 (APPROVED), #771 (APPROVED), AND #783 (PENDING)

EXISTING ZONING: R-80W (WAKE COUNTY), AND PUD-CZ (#23CZ04)
PROPOSED ZONING: PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)
EXISTING 2045 LAND USE MAP: RURAL DENSITY RESIDENTIAL(PIN 0723117077) AND LOW DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP: LOW DENSITY RESIDENTIAL

EXISTING USE: SINGLE-FAMILY RESIDENTIAL AND VACANT
PROPOSED USES: SINGLE-FAMILY RESIDENTIAL ACCESSORY APARTMENT
PARK, ACTIVE GREENWAY
PARK, PASSIVE RECREATION FACILITY, PRIVATE
UTILITY, MINOR CEMETERY

*HOMEOWNERS ASSOCIATION COVENANTS SHALL NOT RESTRICT THE CONSTRUCTION OF ACCESSORY DWELLING UNITS.

TOTAL PROJECT AREA: 104.09 ACRES (103.42 AC. SITE + 0.67 AC. ACCESS ROAD)
MAXIMUM NUMBER OF LOTS: 170 DWELLING UNITS
MAXIMUM RESIDENTIAL DENSITY: 1.65 DWELLING UNITS/ACRE (INCLUDES RCA AND RIGHTS-OF-WAY)

LOTS:	MIN LOT SIZE	MIN LOT WIDTH	MAX BUILDING HEIGHT
NORTHERN DISTRICT SINGLE-FAMILY DETACHED:	8,000 SF	60 FEET	45 FEET (3 STORIES)
SOUTHERN DISTRICT SINGLE-FAMILY DETACHED:	10,000 SF	75 FEET	45 FEET (3 STORIES)

BUILDING SETBACKS (MINIMUM SETBACKS UNLESS OTHERWISE NOTED):

	RESIDENTIAL	PRIVATE RECREATION FACILITY
FRONT:	10 FEET	10 FEET
FRONT (GARAGE):	20 FEET	N/A
REAR:	10 FEET	10 FEET
SIDE:	5 FEET	10 FEET
SIDE (CORNER LOT):	10 FEET	N/A
FROM BUFFER OR RCA:	10 FEET	10 FEET
PARKING SETBACK FROM BUFFER OR RCA:	5 FEET	5 FEET

PARKING REQUIREMENTS:
SINGLE FAMILY DETACHED: 2 SPACES/DWELLING UNIT REQUIRED
SINGLE FAMILY PARKING PROVIDED BY DRIVEWAY AND GARAGE (MIN 2 SPACES/LOT)
PRIVATE RECREATION FACILITY: PARKING SHALL BE BASED UPON SIZE AND USE WITHIN THE RECREATION FACILITY
MAXIMUM BUILT UPON AREA: 46.53 ACRES OR 45% (PER PLANNED UNIT DEVELOPMENT DESIGN CONTROLS)

RCA REQUIRED: PER PUD: 20% RCA

GRADING: DEVELOPMENT TO BE MASS GRADED, IT SHALL DESIGNATE A MINIMUM OF 20% OF THE PROPERTY AS RCA AND SHALL NOT BE REQUIRED TO PROVIDE THE ADDITIONAL 5% RCA FOR MASS GRADING UNDER UDO SECTION 7.2.5.B.8.

% OF LOTS GRADED PRIOR TO FIRST PLAT: 50% (LIMITED BY APEX UDO TO A MAXIMUM ACREAGE FOR MASS GRADING)
MAXIMUM OF 20 ACRES OF CLEARING FOR SINGLE-FAMILY DETACHED DEVELOPMENTS

% OF PRE-DEVELOPMENT DRAINAGE AREAS
PRESERVED WITHIN THEIR NATURAL BASINS: 90%



J:\09545\0001\ENG-BG-DRAWINGS\81- PRODUCTION- SHEETS\5- EXHIBIT- PERMIT-PUD- AMENDMENT\22.0- EXISTING- CONDITIONS - DEMOLITION.DWG ----- 05/08/2024 13:51:28



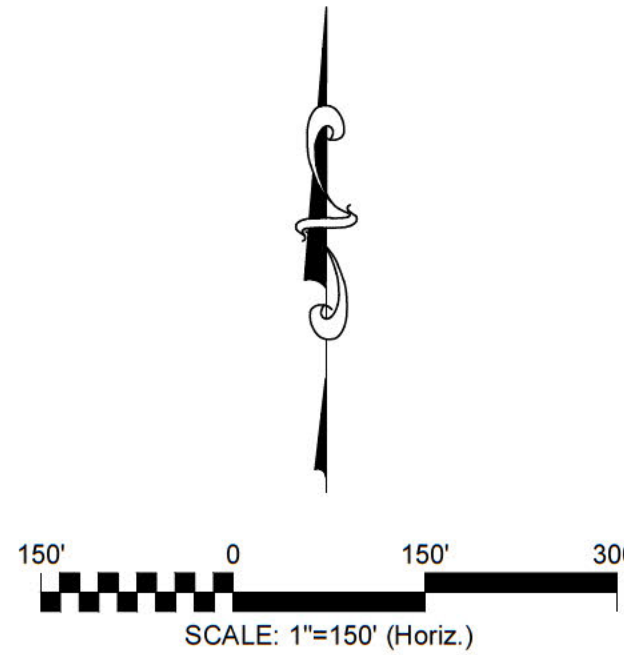
EXISTING CONDITIONS NOTES

- SURVEY INFORMATION PROVIDED BY WITHERSRAVENEL DATED 04/19/23. NAD83(2011) HORIZONTAL, NAVD88 VERTICAL.
- TREE SURVEY PROVIDED BY SOIL & ENVIRONMENTAL CONSULTANTS DATED 02/01/2023 AND 10/26/2023.
- ALL WELL AND SEPTIC AREA LOCATIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- RIPARIAN BUFFER LABELS SHOWN ON THIS PLAN ARE INDICATIVE OF THE RIPARIAN BUFFER CALLS MADE IN THE FIELD BY PROJECT ENVIRONMENTAL CONSULTANT. SEE PROJECT BUFFER DETERMINATION LETTER (APEX - 22-018).

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S89° 28' 25\"W	409.63'
L2	S89° 28' 25\"W	335.00'
L3	S06° 13' 34\"E	155.00'
L4	S88° 58' 34\"E	170.00'
L5	S06° 13' 34\"E	235.00'
L6	S88° 58' 34\"E	128.00'
L7	N76° 02' 08\"E	147.61'
L8	N76° 53' 27\"E	57.38'
L9	N01° 34' 15\"W	81.30'
L10	N89° 36' 52\"W	97.96'
L11	S09° 40' 51\"W	265.35'
L12	N89° 36' 52\"W	340.90'
L13	S79° 43' 20\"E	363.65'
L14	S04° 53' 00\"W	228.83'
L15	N89° 37' 25\"W	420.72'
L16	N15° 24' 40\"E	349.74'
L17	S74° 36' 52\"E	431.11'
L18	S11° 58' 56\"E	332.28'
L20	N20° 49' 26\"W	234.46'
L21	N38° 26' 23\"W	146.49'
L22	N89° 37' 25\"W	68.58'
L23	S04° 53' 00\"W	98.52'
L24	N07° 01' 03\"W	33.51'

LEGEND:

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING R/W
- EXISTING GAS LINE
- OVERHEAD POWERLINE
- EXISTING EASEMENT
- EXISTING POND
- RIPARIAN BUFFER LINE
- EXISTING CONTOUR
- EXISTING WETLANDS
- CLEAN OUT
- GUY WIRE
- WELL
- LIGHT POLE



REV	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	11/01/2023

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

MCKIM & CREED
1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
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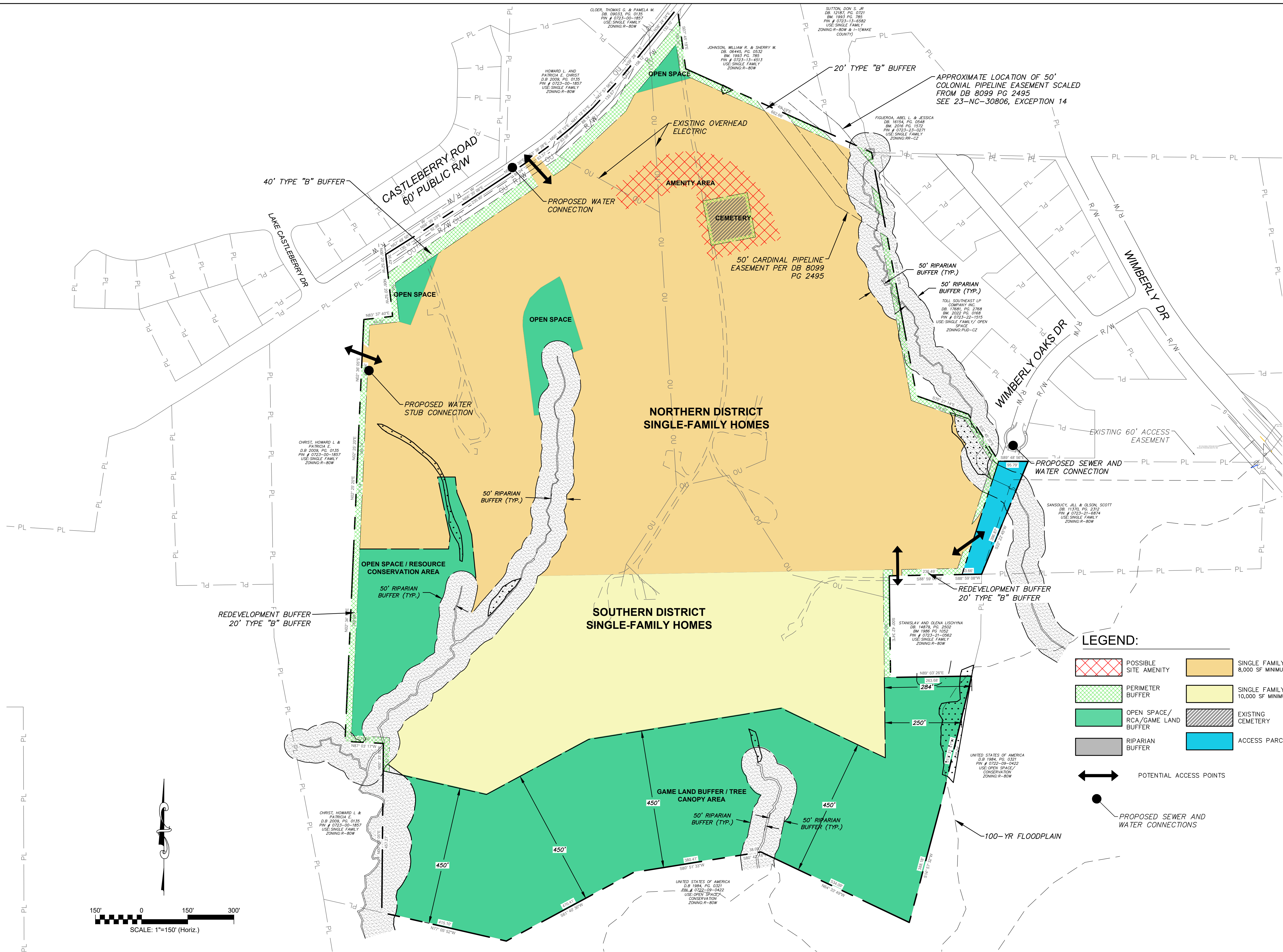
CASTLEBERRY RESERVE
PUD AMENDMENT
EXISTING
CONDITIONS & TREE
SURVEY

DATE: FEBRUARY 19, 2024
MCE PROJ. #: 09545-0001
DRAWN: KLT/CEC
DESIGNED: KLT
CHECKED: PEH/KLT
PROJ. MGR: PEH

SCALE
HORIZONTAL: 1\"/>
VERTICAL: N/A
M&C FILE NUMBER
EXISTING CONDITIONS - DEMOLITION
DRAWING NUMBER
C2.0
REVISION

STATUS: **PRELIMINARY**
NOT FOR CONSTRUCTION

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POTENTIAL ACCESS POINTS

POTENTIAL ACCESS POINTS SHOWN ON THE CONCEPTUAL SITE PLAN / CONCEPTUAL UTILITY PLAN ARE NOT SHOWN IN EXACT LOCATIONS BUT SHOW REQUIRED CONNECTIONS. CONNECTIONS CAN ONLY BE REMOVED FROM THE SUBDIVISION CONNECTIVITY REQUIREMENTS OF THE PUD IF THE DEVELOPER SHOWS TO THE SATISFACTION OF THE PLANNING DIRECTOR, IN CONSULTATION WITH THE TECHNICAL REVIEW COMMITTEE (TRC), THAT THE CONSTRUCTION OF THE CONNECTION WOULD BE IMPRACTICAL BASED ON ENVIRONMENTAL CONDITIONS FOUND IN THE FIELD AT THE TIME OF MASTER SUBDIVISION PLAN APPROVAL.

SITE AND UTILITY NOTES

1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER PLAN SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

NOTE:
ALL DEVELOPMENT / REZONING PLANS MUST MEET THE NEW / CURRENT TOWN OF APEX MASTER WATER AND SEWER PLANS. REZONING PLANS DO NOT GUARANTEE THE FINAL UTILITY LOCATION, ALIGNMENTS, AND DESIGN FOR TOWN APPROVAL. UTILITY DESIGNS WILL BE SUBJECT TO CHANGE UNTIL CONSTRUCTION DESIGNS ARE APPROVED.

REV	DESCRIPTION	DATE
1	REVISED TO ADD ACCESS PARCEL FOR FUTURE ROAD CONNECTION	2024.05.08
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PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

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CASTLEBERRY RESERVE
PUD AMENDMENT

SITE AND UTILITY PLAN

DATE: JUNE 4, 2024	SCALE: 1" = 150'	MAC FILE NUMBER: C3-0-SITE-UTILITY.dwg
MCE PROJ #: 09545-0001	HORIZONTAL: 1" = 150'	DRAWING NUMBER: C3.0
DRAWN: KLT	VERTICAL: N/A	
DESIGNED: KLT		
CHECKED: PEH/KLT		
PROJ. MGR: KLT		
STATUS: PRELIMINARY	REVISION:	
NOT FOR CONSTRUCTION		