



# AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, February 24, 2026 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

## **Governing Body and Town Senior Executive Leadership**

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Terry Mahaffey  
 Council Members: Edward Gray, Arno Zegerman, Shane Reese, Sue Mu  
 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

English	Spanish	Chinese (Simplified)
<p><b>ANNOUNCEMENTS</b>            Members of the public can access and view the meeting on the Town’s YouTube Channel <a href="https://www.youtube.com/c/TownofApexGov">https://www.youtube.com/c/TownofApexGov</a> or attend in-person. The meeting date, start time, and location details are included at the top of this agenda document.</p>	<p><b>ANUNCIOS</b>            Las personas interesadas pueden acceder y ver la reunión a través del canal de YouTube de la Ciudad en <a href="https://www.youtube.com/c/TownofApexGov">https://www.youtube.com/c/TownofApexGov</a> o asistir en persona. En la parte superior de este documento de agenda se indican la fecha, la hora de inicio y la ubicación de la reunión.</p>	<p><b>公告</b>            公众可通过镇政府的YouTube频道 <a href="https://www.youtube.com/c/TownofApexGov">https://www.youtube.com/c/TownofApexGov</a> 在线旁听会议，或选择现场参与。会议日期、开始时间及地点详情见本议程文件顶部。</p>
<p><b>Accommodation Statement:</b>            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) <a href="mailto:allen.coleman@apexnc.org">allen.coleman@apexnc.org</a> or (phone) 919-249-1260.</p>	<p><b>Aviso sobre adaptaciones:</b> Si necesita adaptaciones especiales para asistir a esta reunión o requiere esta información en un formato alternativo, comuníquese con la Oficina del Secretario Municipal, ubicada en el segundo piso del Ayuntamiento de Apex, en 73 Hunter Street, por correo electrónico a través de <a href="mailto:allen.coleman@apexnc.org">allen.coleman@apexnc.org</a> o llamando al 919-249-1260.</p>	<p><b>便利服务声明:</b>            如需特殊便利服务以参加本次会议，或需要将本信息提供为其他格式，请联系镇书记官办公室。            办公地址：Apex镇政务厅二楼（Hunter街73号）            邮箱：<a href="mailto:allen.coleman@apexnc.org">allen.coleman@apexnc.org</a>            电话：919-249-1260</p>

## **COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE**

The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds our community together - inviting members from different faith communities to deliver the invocation at the beginning of our Council meetings, supports this unity.

Recognizing that not everyone practices the same traditions, we welcome you to have a private moment of silence.

Please stand as you are able for the Pledge of Allegiance

## **ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY**

Members of the governing body may use this time to share updates on a variety of different topics or submit petitions for future consideration with the entire board and the community.

### **ADOPTION OF THE MEETING AGENDA**

The Mayor will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions. Items to be pulled or added should be submitted to the Town Clerk in advance of the meeting.

### **CONSENT AGENDA**

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

**CN1 Agreement Ratification - Seegars Fence Company, Inc. - Apex Water Reclamation Facility Gate Repairs**

*Jonathan Jacobs, P.E., CFM, Director, Water Resources Department*

**CN2 Annexation No. 815 - 7200 Jenks Road - 4.53 acres**

*Allen Coleman, Town Clerk*

**CN3 Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres**

*Allen Coleman, Town Clerk*

**CN4 Council Meeting Minutes - January 29, 2026**

*Allen Coleman, Town Clerk*

**CN5 Fee Schedule Amendment - Residential and Residential Time-Of-Use (TOU) Service Schedule for Electricity - Schedule Public Hearing for Tuesday, March 10, 2026**

*Kathy Moyer, Director Electric Utilities Department*

**CN6 Rezoning Case No. 25CZ17 - 0 Smith Road - Statement and Ordinance**

*Joshua Killian, Planner II, Planning Department*

**CN7 Surplus Badge and Service Weapon - Former Apex Detective J.T. Allen - Retired February 1, 2026**

*Joseph Best, Captain, Apex Police Department*

**CN8 Surplus Badge and Service Weapon - Senior Officer Matthew Mellenberger - Retirement Effective March 1, 2026**

*Joseph Best, Captain, Apex Police Department*

**CN9 Surplus Badge and Service Weapon - Sergeant Matthew Kutcher - Retirement Effective April 1, 2026**

*Joseph Best, Captain, Apex Police Department*

**CN10 Surplus Badge and Service Weapon - Captain Joseph Best - Retirement Effective April 1, 2026**

*Ryan Johansen, Police Chief, Apex Police Department*

**CN11 Unified Development Ordinance (UDO) Amendments - February 2026 - Statement**

*Bruce Venable, Planner III, Planning Department*

**TOWN COUNCIL COMMITTEE REPORTS - None Scheduled**

**TOWN MANAGER'S REPORT**

**TOWN CLERK'S REPORT**

**PUBLIC ART MOMENT QUARTERLY - None Scheduled**

**PUBLIC FORUM**

Public Forum allows the public an opportunity to address the Mayor and Town Council. The speaker is requested not to address items that appear as Public Hearings. The Mayor will recognize those who would like to speak at the appropriate time.

Large groups are asked to select a representative to speak for the entire group.

Comments must be limited to 3 minutes to allow others the opportunity to speak.

Members of the public are encouraged to view the Public Forum and Public Hearing Participation Guidelines.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**PR1 Special Recognition of Mike Jones**

*Mayor Jacques K. Gilbert*

**PUBLIC HEARINGS**

**PH1 Annexation No. 807 - 8905 Castleberry Road - 3.35 acres (Associated Rezoning) -**

*Continued from January 13, 2026*

*June Cowles, Senior Planner, Planning Department*

**PH2 Rezoning Case No. 25CZ11 - 8905 Castleberry Road - Tracts 10 and 11 - Continued from**

*January 13, 2026*

*June Cowles, Senior Planner, Planning Department*

**PH3 Rezoning Case No. 25CZ12 - Apex Baptist Church**

*Amanda Bunce, Assistant Director, Planning Department*

**PH4 Unified Development Ordinance (UDO) Amendments - February 2026 - Continued from**

February 10, 2026

*Bruce Venable, Planner III, Planning Department*

**REGULAR MEETING AGENDA**

**RA1 Town Council Committees Review and Discussion**

*Terry Mahaffey, Mayor Pro-Tempore (sponsor)*

**INFORMATIONAL ITEMS**

Information items focus on educating and bringing awareness to matters or topics that do not require immediate decision or action. Information items are for informational purposes only and may not be discussed as part of the business meeting.

**CLOSED SESSION**

Council will enter into closed session pursuant to:

**CS1 Jacques K. Gilbert, Mayor, and Terry Mahaffey, Mayor Pro-Tempore**

**NCGS §143-318.11(a)(6):**

*"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."*

**ADJOURNMENT**

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Jonathan K. Jacobs, P.E., CFM, Director

Department(s): Water Resources

### Requested Motion

Motion to Ratify an Oral Agreement between the Town of Apex and Seegars Fence Company Inc. of Cary for Time-Sensitive Gate Operation Repairs at the Apex Water Reclamation Facility.

### Approval Recommended?

Yes

### Item Details

On December 10, 2025, the main entrance gate at Apex Water Reclamation Facility Malfunctioned and stopped working. To maintain the necessary security at the Apex Water Reclamation Facility, Seegars Fence Company Inc. was contacted to provide time-sensitive assistance and perform necessary temporary repairs outside of the expertise of Town staff. Final repairs were subsequently made on December 19, 2025.

The total cost of services to provide both temporary and final repairs, including replacement of the gate operator are \$7,621.24 as noted in Attachment CNXX-01.

### Attachments

- CN1-A1: Quote 121025-101510 - Agreement Ratification - Seegars Fence Company, Inc. - Apex Water Reclamation Facility Gate Repairs





PO Box 280  
 New Hill, NC 27562  
 Phone:919-461-0990

**CHAIN LINK • WOOD • ORNAMENTAL • PVC • ACCESS CONTROL • CUSTOM FABRICATION**

Proposal Submitted To: Town of Apex–Water Treatment Plant Attn: Kasey Ogletree	Date 12/10/2025	Bid # CACA13167
Street : 300 Pristine Water Drive	Job Name Town of Apex replace operator	
City, State, and Zip Code Apex, NC 27539	Job Location 300 Pristine Water Drive, Apex, NC	Fax Number Job Phone 919-669-4041

*We hereby propose the following work:*

Furnish labor and material to install:

- QTY (1) DOORKING 9150-380 1HP SLIDE GATE OPERATOR**
- INCLUDES NEW LOOP DETECTORS**
- INCLUDES NEW PHOTO EYE SENSOR**
- INCLUDES NEW DRIVE CHAIN AND CHAIN BRACKETS**

**\$7,621.24**



In submitting this proposal, it is assumed that there is no underlying ROCK or concrete on the property which will necessitate drilling or blasting, or any other unusual conditions involving extra labor in the erection of this fence and that the fence right of way will be marked by the owner or general contractor and will be clear, graded, and ready to receive the fence. If any of the above conditions are encountered, or any additions or changes are made by the customer, additional charges will be made at current market prices. It shall be the responsibility of the owner to advise workers of the location of any underground cables, lines, etc. If such are not marked properly, the owner assumes responsibility for them. Should an account not be paid as agreed, any cost of collection including interest and attorney's fees, etc. shall be paid by the customer.

**Payment to be made as follows:**

**50% Deposit / Balance Due Upon Completion**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to industry practices. Any alteration or deviation from above specifications involving extra costs, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation and General Liability Insurance.

Acceptance of Proposal–By signing this proposal, you will be entering into a contract with Seegars Fence Company, Inc. of Cary. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. If proposal is submitted to a tenant of rental property, then the tenant represents that they are the authorized agent for the owner for the purposes of the contracted improvements to real property and is duly authorized to sign this contract.

Proposed By: Jeremy Moore

Customer Acceptance: \_\_\_\_\_

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

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for March 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 4.53 acres, located at 7200 Jenks Road (PIN 0733-41-1651), Annexation No. 815, into the Town Corporate limits.

### Approval Recommended?

Yes

### Item Details

The Town Clerk certifies to the investigation of said annexation.

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

This annexation request is not associated with a rezoning case and is requested to access Town water and sewer services. The current property is zoned as rural residential (RR).

### Attachments

- CN2-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN2-A2: Legal Description - Annexation No. 815 - 7200 Jenks Road - 4.53 acres
- CN2-A3: Aerial Map - Annexation No. 815 - 7200 Jenks Road - 4.53 acres
- CN2-A4: Plat Map - Annexation No. 815 - 7200 Jenks Road - 4.53 acres
- CN2-A5: Annexation No. 815 - 7200 Jenks Road - 4.53 acres





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

Annexation Petition No. 815  
7200 Jenks Road | 4.53 acres

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

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

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

This the 24th day of February, 2026.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen L. Coleman, CMC  
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 815  
7200 Jenks Road | 4.53 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 24th day of February, 2026.

---

Allen L. Coleman, CMC  
Town Clerk

(Seal)



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

Annexation Petition No. 815  
7200 Jenks Road | 4.53 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 10th day of March, 2026.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, [www.apexnc.org](http://www.apexnc.org), Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 24th day of February, 2026.

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Jacques K. Gilbert,  
Mayor

ATTEST:

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Allen L. Coleman, CMC  
Town Clerk

Attachment: Legal Description

## LEGAL DESCRIPTION PER FIELD SURVEY

A certain tract or parcel of land situated in **Wake County, North Carolina**, now or formerly owned by **SJA Global Advisors Inc.**, and being more particularly described as follows:

**BEGINNING** at an existing iron pipe located along the northern right-of-way of Jenks Road (SR 1601), said point being the **southeastern corner** of the tract herein described; said Point of Beginning having North Carolina State Plane Coordinates (NAD83/2011) of **Northing 731,276.66 U.S. Survey Feet** and **Easting 2,034,241.17 U.S. Survey Feet**;

thence from said Point of Beginning the following **eight (8) courses and distances**:

1. **N 00° 52' 41" E**, a distance of 677.72 feet to an existing iron pipe;
2. **N 01° 12' 26" E**, a distance of 22.71 feet to an existing iron pipe on the southern line of property now or formerly owned by Roberts Crossing Homeowners Association, Inc.;
3. **N 86° 25' 20" W**, a distance of 289.15 feet to an existing iron rod, said point being the northeastern corner of the property now or formerly owned by Joseph Mack Morton and Carrie Anne Jones;
4. **S 06° 35' 29" E**, a distance of 215.15 feet to an existing iron pipe, said point being the northeastern corner of the property now or formerly owned by Ronald E. Wright and wife, Talitha F. Wright;
5. **S 06° 36' 13" E**, a distance of 439.38 feet to an existing iron pipe, said point being the northeastern corner of the property now or formerly owned by James H. Hines, Jr. and wife, Brenda T. Hines;
6. **S 06° 38' 16" E**, a distance of 203.62 feet to an existing iron pipe, said point being the southeastern corner of the property now or formerly owned by James H. Hines, Jr. and wife, Brenda T. Hines, and also being located along the northern right-of-way of Jenks Road;
7. **N 53° 35' 55" E**, a distance of 112.37 feet along the northern right-of-way of Jenks Road to a point;
8. **N 52° 43' 24" E**, a distance of 111.23 feet along the northern right-of-way of Jenks Road to the **Point of Beginning**.

Containing **4.228 acres, more or less**, and being subject to any and all **easements, rights-of-way, and restrictions of record**.

**Closure Note:** All bearings are referenced to the **North Carolina State Plane Coordinate System, NAD83/2011**, and are grid bearings. Coordinates shown are grid values expressed in **U.S. Survey Feet**. The description, as written, **mathematically closes**.

**PUBLIC RIGHT-OF-WAY PARCEL (FOR ANNEXATION)**

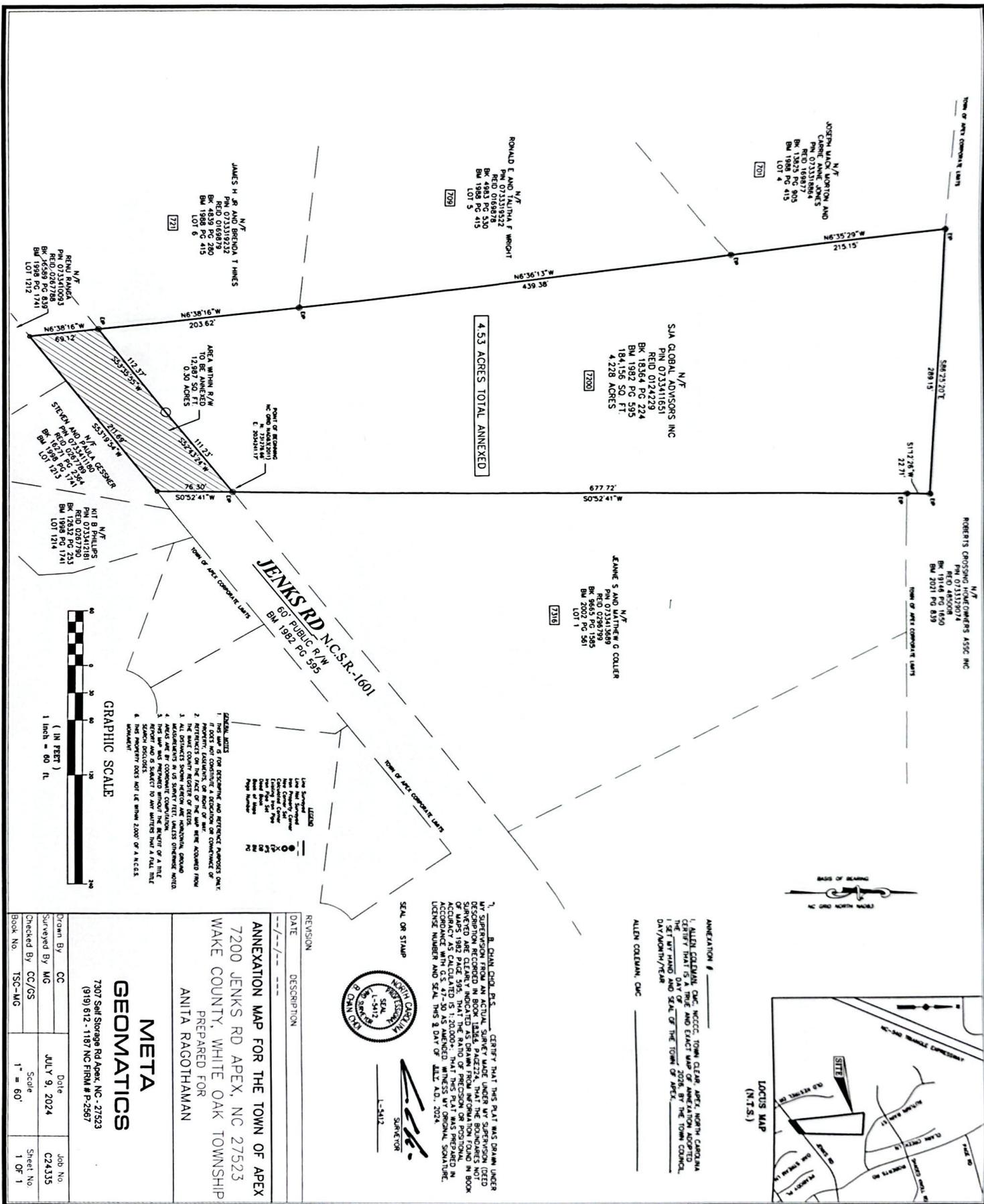
**BEGINNING** at an existing iron pipe located along the northern right-of-way of Jenks Road (SR 1601), said point being the **southeastern corner** of the tract now or formerly owned by **SJA Global Advisors Inc.**; said Point of Beginning having North Carolina State Plane Coordinates (NAD83/2011) of **Northing 731,276.66 U.S. Survey Feet** and **Easting 2,034,241.17 U.S. Survey Feet**;

thence from said Point of Beginning the following **eight (5) courses and distances**:

1. **S 00° 52' 41" W**, a distance of 76.30 feet to a point along the extension of the eastern property line of the tract now or formerly owned by **SJA Global Advisors Inc**, said point located on the southern right-of-way of Jenks Rd;
2. **S 53° 19' 54" W**, a distance of 211.69 feet to a point along the southern right-of-way of Jenks Rd;
3. **N 06° 38' 16" W**, a distance of 69.12 feet to an existing iron pipe along the extension of the western property line of the tract now or formerly owned by **SJA Global Advisors Inc.**, said point also being the southwestern property corner of the property;
4. **N 53° 35' 55" E**, a distance of 112.37 feet to a point,
5. **N 52° 43' 24" E**, a distance of 111.23 feet to the **Point of Beginning**.

Containing **0.30 acres, more or less**, and being part of the 60' public right-of-way of Jenks Rd (NCSR-1601).





4.53 ACRES TOTAL ANNEXED

**JENKS RD N.C.S.R.-1601**  
 60' PUBLIC R/W  
 BK 1982 PG 595



- GENERAL NOTES**
1. THIS MAP IS FOR RECORDING AND RECORDING PURPOSES ONLY. IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE ACCURACY OF THE DATA OR THE RESULTS OF THE SURVEY.
  2. THE SURVEYOR'S RESPONSIBILITY IS TO OBTAIN SUFFICIENT DATA TO BE ANNEXED TO THE MAP.
  3. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES UNLESS OTHERWISE NOTED.
  4. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND IS SURE THAT THE PROPERTY IS THE PROPERTY OF THE PERSONS WHOSE NAMES ARE SHOWN ON THIS MAP.
  5. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SURVEY.
  6. THIS PROPERTY DOES NOT EXCEED 2.000' OF A C.E.S.

**LEGEND**

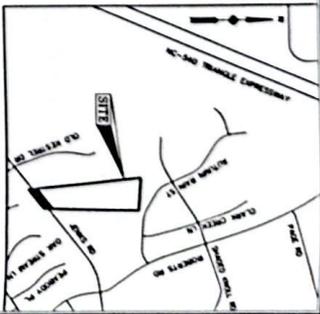
- Line boundaries
- Property boundaries
- Surveyed corners
- Unsurveyed corners
- Property corners
- Other corners
- Other points
- Other features

SEAL OR STAMP



*[Signature]*  
 SURVEYOR

ANNEXATION # \_\_\_\_\_  
 ALLEN COLEMAN, CMC, NCCCO, TOWN CLERK, WAKE COUNTY, NORTH CAROLINA  
 I, ALLEN COLEMAN, CMC, NCCCO, TOWN CLERK, WAKE COUNTY, NORTH CAROLINA, CERTIFY THAT THIS IS A TRUE AND EXACT MAP AS DRAWN AND AS SHOWN ON THE FIELD. I HAVE READ AND SEAL OF THE TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA, THIS DAY OF \_\_\_\_\_, 2024.



REVISION	DATE	DESCRIPTION

**ANNEXATION MAP FOR THE TOWN OF APEX**  
**7200 JENKS RD APEX, NC 27523**  
**WAKE COUNTY, WHITE OAK TOWNSHIP**  
 PREPARED FOR  
**ANITA RAGOTHAMAN**

**META**  
**GEOMATICS**  
 7307 Self Storage Rd Apex, NC - 27523  
 (919) 612-1187 NC FIRM # P-2567

Drawn By	CC	Date	JULY 9, 2024	Job No.	C24335
Surveyed By	MG	Scale	1" = 60'	Sheet No.	1 OF 1
Checked By	CC/GS				
Book No.	TSC-MG				

# 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 #: 815  
 Fee Paid: \$ 200.00

Submittal Date: 9-18-2025  
 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

PIN # 0733411651

SJA GLOBAL ADVISORS INC.      BOOK # 018364 Page # 00224,  
 Owner Name (Please Print)      Property PIN or Deed Book & Page #      225,  
919 300 5550      RAMJEY @ GMAIL.COM      226  
 Phone      E-mail Address

~~XXXXXXXXXXXXXXXXXXXX~~      ~~XXXXXXXXXXXXXXXXXXXX~~  
 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: META GEOMATICS  
 Phone: 919 612 1187      Fax: \_\_\_\_\_  
 E-mail Address: CHAN @ META GEOMATICS.COM

### ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)
Total Acreage to be annexed:	<u>4.53</u> <del><u>4.22</u></del>	Need water service due to well failure <input checked="" type="checkbox"/>
Population of acreage to be annexed:	<del><u>4.22</u></del> <u>6</u>	Need sewer service due to septic system failure <input checked="" type="checkbox"/>
Existing # of housing units:	<u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units:	_____	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 #: 815

Submittal Date: 9-18-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

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

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
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 11th day of September, 2025.

Corporate Name SJA Global Advisors LLC

SEAL

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

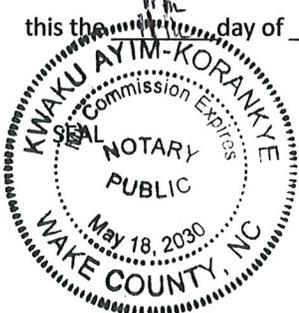
Attest: [Signature]  
ANITA ZAGOTHAMAN  
\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, KWAKU AYIM-KORANKYE, a Notary Public for the above State and County,  
this the 11th day of SEPTEMBER, 2025.

[Signature]  
\_\_\_\_\_  
Notary Public

My Commission Expires: 05-18-2030



**PETITION FOR VOLUNTARY ANNEXATION**

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

Submittal Date: 9-18-2025

**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: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for March 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 2.16 acres, located at 8001 Green Level Church Road (PIN 0723-84-9111), Annexation No. 823, into the Town Corporate limits.

### Approval Recommended?

Yes

### Item Details

The Town Clerk certifies to the investigation of said annexation.

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

This annexation request is not associated with a rezoning case and is requested to access Town water and sewer services. The current property is zoned as rural residential (RR).

### Attachments

- CN3-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN3-A2: Legal Description - Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres
- CN3-A3: Aerial Map - Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres
- CN3-A4: Plat Map - Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres
- CN3-A5: Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres





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

Annexation Petition No. 823  
8001 Green Level Church Road | 2.16 acres

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

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

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

This the 24th day of February, 2026.

---

Jacques K. Gilbert  
Mayor

ATTEST:

---

Allen L. Coleman, CMC  
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 823  
8001 Green Level Church Road | 2.16 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 24th day of February, 2026.

---

Allen L. Coleman, CMC  
Town Clerk

(Seal)



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

Annexation Petition No. 823  
8001 Green Level Church Road | 2.16 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 10th day of March, 2026.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, [www.apexnc.org](http://www.apexnc.org), Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 24th day of February, 2026.

---

Jacques K. Gilbert,  
Mayor

ATTEST:

---

Allen L. Coleman, CMC  
Town Clerk

Attachment: Legal Description

**Book of Maps 2014, Page 706 2.16 Acre Parcel – Annexation Description**

ALL of that certain piece, parcel, or tract of land laying, situate, and being in the Township of White Oak, County of Wake, State of North Carolina, and being all of a 2.16 acre parcel identified as the Morris Property on a plat recorded in Book of Maps 2014, Page 706 of the Wake County Register of Deeds (the Registry), now or formerly of Prasad B. and Archana Patel as described in Deed Book 18933, Page 576 of the Registry, and being more particularly described as follows:

BEGINNING at a point, the northwestern corner of the lands herein described, and the northeastern corner of lands now or formerly White Oak Creek Homeowners Association, Inc. as described in Deed Book 18910, Page 1844 of the Registry and as shown as HOA Common Area on a plat recorded in Book of Maps 2018, page 2259 of the Registry, and being a common corner with lands now or formerly of Joy W. Williams as described in Deed Book 20-E, Page 3730 of the Registry; thence with said Williams lands North 88 degrees 35 minutes 46 seconds East, a distance of 311.24 feet to a point on the eastern right-of-way of Green Level Church Road (S.R. 1600); thence with said eastern right-of-way of Green Level Church Road the following three (3) courses and distances:

- 1) South 02 degrees 27 minutes 51 seconds West, a distance of 91.51 feet to a point;
- 2) South 02 degrees 39 minutes 15 seconds West, a distance of 99.05 feet to a point;
- 3) South 02 degrees 41 minutes 15 seconds West, a distance of 135.11 feet to a point;

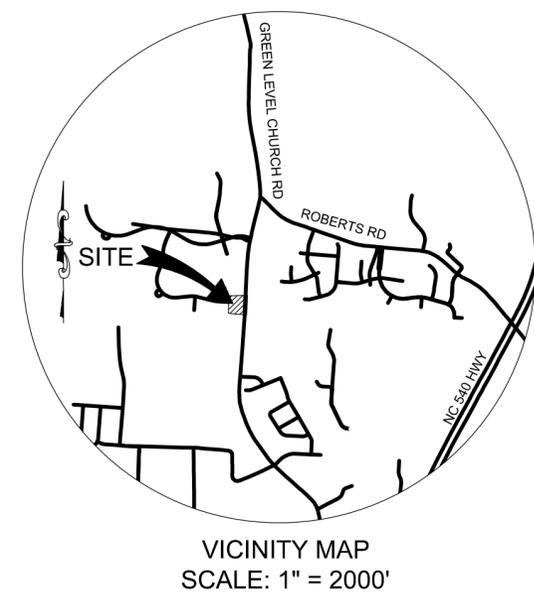
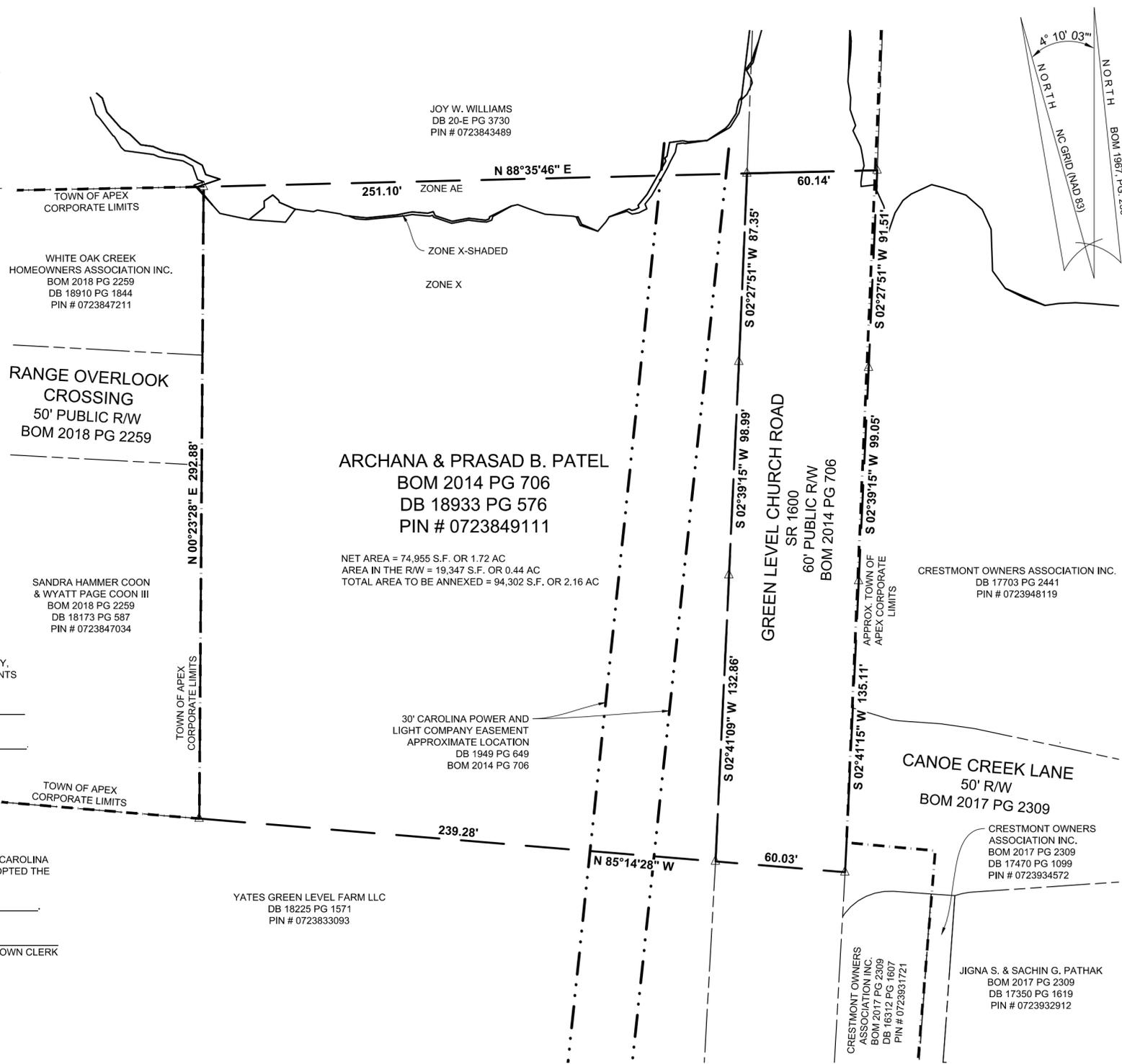
thence through the right-of-way of Green Level Road and continuing with lands now or formerly of Yates Green Level Farm, LLC as described in Deed Book 18225, Page 1571 of the Registry North 85 degrees 14 minutes 28 seconds West, a distance of 299.31 feet to a point, said point being the southwestern corner of the lands herein described, and the southeastern corner of lands now or formerly of Sandra Hammer Coon and Wyatt Page Coon, III as described in Deed Book 18173, Page 587 of the Registry and as shown as Lot 33 on said plat recorded in Book of Maps 2018, Page 2259 of the Registry; thence with said Coon lands and continuing with the right-of-way of Range Overlook Crossing as shown on said plat recorded in Book of Maps 2018, Page 2259 of the Registry and continuing with said White Oak Creek Homeowners Association, Inc. lands North 00 degrees 23 minutes 28 seconds East, a distance of 292.88 feet to the POINT AND PLACE OF BEGINNING;

and containing a total of 2.16 acres or 94,302 square feet, more or less, all as shown on said plat recorded in Book of Maps 2014, Page 706 of the Registry.



**GENERAL NOTES**

1. THIS DOCUMENT WAS DRAWN FROM DEEDS AND MAPS OF RECORD AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY.
2. NO TITLE SEARCH WAS PROVIDED AS PART OF THIS SURVEY, ALL UNDERLYING EASEMENTS MAY NOT BE SHOWN.
3. NO DETERMINATION HAS BEEN MADE BY THE SURVEYOR AS TO THE EXISTENCE OF UNDERGROUND UTILITIES ON THE PROPERTY SHOWN HEREON.
4. THE PURPOSE OF THIS PLAT IS TO SHOW THE AREA TO BE ANNEXED ONLY.
5. THE PROPERTY SHOWN APPEARS TO LIE PARTIALLY IN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM PANEL NO. 3720072300K, EFFECTIVE DATE 7/19/2022.
6. BEARINGS SHOWN HEREON ARE BASED ON BOOK OF MAPS 2014 PAGE 706.



**LEGEND**

- PROPERTY LINE (NOT SURVEYED)
- - - ADJOINER PROPERTY LINE (NOT SURVEYED)
- · - · - EASEMENT
- · - · - CORPORATE LIMITS
- △ CALCULATED POINT (NO MONUMENT SET)
- BOM BOOK OF MAPS
- DB DEED BOOK

I, \_\_\_\_\_ REVIEW OFFICER OF WAKE COUNTY, CERTIFY THAT THIS PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER

APPROVAL EXPIRES IF NOT RECORDED ON OR BEFORE \_\_\_\_\_

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 \_\_\_\_\_, 2025, BY THE TOWN COUNCIL.

I SET MY HAND AND SEAL OF THE TOWN OF APEX, \_\_\_\_\_

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

**SURVEYOR'S CERTIFICATION**

I, MATTHEW C. SMITH, CERTIFY THAT THIS MAP OR PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 18933, PAGE 576, AND AS SHOWN ON BOOK OF MAPS 2014, PAGE 706), THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON, THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000 +/-; THAT THIS MAP OR PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY THAT THIS 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.

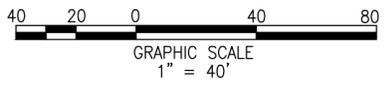
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 14TH DAY OF JANUARY, 2025.

MATTHEW C. SMITH  
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR  
LICENSE NO. L-5507



**ANNEXATION AREA SUMMARY**

8001 GREEN LEVEL CHURCH ROAD (PIN: 0723849111)
NET AREA: 74,955 S.F. OR 1.72 AC
AREA IN R/W: 19,347 S.F. OR 0.44 AC
TOTAL AREA: 94,302 S.F. OR 2.16 AC
TOTAL AREA TO BE ANNEXED: 2.16 ACRES
OWNER: ARCHANA & PRASAD B. PATEL 565 WHITE OAK POND RD APEX, NC 27523-8035



ANNEXATION MAP FOR THE TOWN OF APEX:  
**± 2.16 AC**  
PROPERTY OWNED BY  
**ARCHANA & PRASAD B. PATEL**  
PIN # 0723849111  
WHITE OAK TOWNSHIP,  
WAKE COUNTY, NORTH CAROLINA  
8001 GREEN LEVEL CHURCH ROAD  
PREPARED FOR  
PRASAD B. PATEL

DATE: 12-3-2025

SCALE: 1" = 40'

REVISION	
1/14/2025	TOWN COMMENTS
© 2021 Bowman Consulting Group Ltd	
DWG: V:\220269-8001 Green Level Church Road\220269-01-001 (SUR) - 8001 Green Level Church Road\Survey\Plats\Annexation\220269-01-001 ANNEXATION PLAT	
BY: MH	CHK: MS
BCG PROJECT NO: 220269-01-001	TASK: 0002
SURVEY DATE: 12-3-2025	
SHEET 1 OF 1	



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meetings:

- January 29, 2026 - Regular Town Council Work Session Meeting Minutes

### Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

### Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

### Attachments

- CN4-A1: **DRAFT** Minutes - January 29, 2026 - Regular Town Council Work Session Meeting Minutes



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Kathy Moyer, Director

Department(s): Electric Utilities

### Requested Motion

Motion to schedule a public hearing on March 10, 2026 at 6:00 p.m. on possible fee schedule amendments to the Town's residential and residential time-of-use service scheduled for electricity.

### Approval Recommended?

Yes

### Item Details

The Town of Apex currently does not consider detached garages that are separately metered on the same premises as a residential dwelling as domestic space required in the rate schedule availability section of the residential and residential time of use rate schedules. As such customers with separately metered detached garages are billed on the small general service rate.

The request is to modify residential and residential time of use rate schedules to include detached garages, if separately metered and on the same premise as a residential dwelling unit, be billed under the residential rate instead of the small general service rate.

Staff have identified less than 20 accounts. Upon approval these accounts would be changed to the residential rate.

### Attachments

- CN5-A1: Residential Rate Schedule
- CN5-A2: Residential Time-of-Use Rate Schedule



**TOWN OF APEX  
ELECTRIC RATE SCHEDULE**

**RESIDENTIAL SERVICE**

**AVAILABILITY**

This schedule is available when electric service is used for domestic purposes in and about a residential dwelling unit including detached garages that are separately metered and primarily used for residential purposes that are located on the same premise as the separate residential dwelling unit. This schedule is not available for any non-residential application. Delivery of service under this schedule shall be to the customer's premises at one point of delivery through one meter.

**TYPE OF SERVICE**

The Town will furnish service through one meter, at one delivery point.

**MONTHLY RATE**

Customer Charge	\$28.00
Energy Charge All kWh	\$0.1178/kWh

**DETERMINATION OF ENERGY**

The kWh of energy shall be the difference between the current month's watt-hour meter reading and the previous month's watt-hour reading.

**PAYMENT**

All bills are due and payable upon receipt. Billing dates are the 1<sup>st</sup> and 15<sup>th</sup> of the month. Bills are considered past due and delinquent 18 days after the billing date and shall be subject to a late payment charge of 1% of the unpaid balance amount if not paid by 10:00 am on the 19<sup>th</sup> day after the billing date. In addition, if any bills are not paid within 30 days of the billing date, the Town has the right to suspend service in accordance with its service policies.

**SALES TAX**

North Carolina sales tax of 7% will be applied to the above rates.

Effective \_\_\_\_\_, 2026

**TOWN OF APEX  
ELECTRIC RATE SCHEDULE**

**RESIDENTIAL TOU**

**While some existing customers are enrolled in the Time of Use (TOU) rate program, this option is currently unavailable for new enrollment.**

***AVAILABILITY***

This schedule is available when electric service is used for domestic purposes in and about a residential dwelling unit including detached garages that are separately metered and primarily used for residential purposes that are located on the same premise as the separate residential dwelling unit. This schedule is not available for any non-residential application. Delivery of service under this schedule shall be to the customer's premises at one point of delivery through one meter.

***TYPE OF SERVICE***

The Town will furnish service through one meter, at one delivery point.

***MONTHLY RATE***

Basic Customer Charge	\$28.00
Energy Charge	
All On Peak Energy	\$0.2439/kWh
All Off Peak Energy	\$0.0648/kWh

***DETERMINATION OF ON-PEAK AND OFF-PEAK HOURS***

A. **On-Peak Hours**

The on-peak hours occur Monday-Friday at the following times:

January 1 to March 31	6:00 am to 9:00 am
April 1 to April 15	6:00 am to 9:00 am & 1:00 pm to 6:00 pm
April 16 to September 30	1:00 pm to 6:00 pm
October 1 to October 15	6:00 am to 9:00 am & 1:00 pm to 6:00 pm
October 16 to December 31	6:00 am to 9:00 am

B. **Off-Peak Hours**

The off-peak hours in any month are defined as all hours not specified as on-peak hours above. In addition, the following holidays will be considered off-peak: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day plus the day after, and Christmas Day. When one of these holidays falls on a Saturday, the Friday before will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

**MINIMUM BILL**

The Minimum monthly charge shall be the Basic Customer charge.

**TERM OF CONTRACT**

Customer's initial term of service shall be 1 year.

**PAYMENT**

All bills are due and payable upon receipt. Billing dates are the 1st and 15<sup>th</sup> of the month. Bills are considered past due and delinquent 18 days after the billing date and shall be subject to a late payment charge of 1% of the unpaid balance amount if not paid by 10:00 am on the 19 day after the billing date. In addition, if any bills are not paid within 30 days of the billing date, the Town has the right to suspend service in accordance with its service policies.

**SALES TAX**

North Carolina sales tax of 7% will be applied to the above rates.

Effective \_\_\_\_\_, 2026

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

### Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ17, Vimb LLC, applicant, for the property located at 0 Smith Road (PIN 0751-40-9074).

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

Rezoning Application No. 25CZ17 was approved at the February 10, 2026 Town Council meeting.

### Attachments

- CN6-A1: Statement of the Town Council and Ordinance - Rezoning Case No. 25CZ17 - 0 Smith Road
- CN6-A2: Attachment A: Legal Description - Rezoning Case No. 25CZ17 - 0 Smith Road



**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 5.33 ACRES LOCATED AT 0 SMITH ROAD FROM RURAL RESIDENTIAL (RR) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)**

**#25CZ17**

**WHEREAS**, Vimb LLC, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 30th day of September, 2025 (the “Application”). The proposed conditional zoning is designated #25CZ17;

**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 #25CZ17 before the Planning Board on the 12<sup>th</sup> day of January 2026;

**WHEREAS**, the Apex Planning Board held a public hearing on the 12<sup>th</sup> day of January 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ17. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ17;

**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 #25CZ17 before the Apex Town Council on the 10th day of February 2026;

**WHEREAS**, the Apex Town Council held a public hearing on the 10th day of February 2026. Joshua Killian, Planner II, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #25CZ17 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district Medium Density Residential-Conditional Zoning (MD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed density and uses are consistent with the adjacent development to the west, at least 10% of the units shall be designated as affordable housing, and conditions are offered to address the proximity to the close Sorrell landfill; and

**WHEREAS**, the Apex Town Council by a vote of 5 to 0 approved Application #25CZ17 rezoning the subject tract located at 0 Smith Road from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-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 #25CZ17**

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

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

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

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

- |                        |                  |
|------------------------|------------------|
| 1. Single-family       | 4. Greenway      |
| 2. Accessory apartment | 5. Park, active  |
| 3. Utility, minor      | 6. Park, passive |

**Architectural Conditions:**

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
5. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
8. Front porches shall be a minimum of 5 feet deep.

## Ordinance Amending the Official Zoning District Map #25CZ17

### Zoning Conditions

1. The number of resultant residential lots of this rezoning shall be limited to 17 single family units, equivalent to approximately 3.2 dwelling units per acre.
2. The perimeter landscape buffer along the northern property line shall be a 50' Type A buffer. All other perimeter buffers shall adhere to the widths and types that are established in UDO Sec. 8.2.6.
3. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
4. Developer shall install pollinator-friendly and native flora within SCM planting areas.
5. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
6. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
7. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
8. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, HOA covenants shall not prohibit clover lawns throughout the neighborhood. Additionally, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter.
9. A minimum of one pet waste station shall be installed within HOA common area.
10. A minimum of ten percent (10%) of the total units shall be designated as affordable housing units. These units shall be for sale units and shall be indistinguishable from the market units. If the affordable units calculation results in a fraction between 0.50 and 0.99, the number of affordable units shall be rounded up to the nearest whole number. If the calculation results in a fraction between 0.01 and 0.49, the number of affordable units shall be rounded down to the nearest whole number. The affordable units shall be subject to the following terms and conditions:
  - a. The affordable units shall be occupied by low-income households earning no more than one-hundred and twenty percent (120%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD)(the "AMI") for a period of twenty (20) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").
  - b. Following expiration of the Affordability Period, this affordable housing condition shall expire, the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the affordable units may be freely marketed and leased at market-rate rents.
11. A minimum of two (2) homes shall be built with solar PV systems installed at the time of construction. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
12. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Developer shall emphasize the availability of solar by providing the statement "Solar Options Available" on the development sign at the front of the subdivision.
13. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
14. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, and 25-year 24-hour storm events.
15. Developer shall extend Percussion Drive in accordance with the Apex Transportation Plan from the existing terminus west of the property boundary to the eastern property boundary as a Minor Collector Street, meaning the street shall be constructed within a 60' wide public right of way with a 27' wide curb and gutter section and 5' wide sidewalks on both sides.
16. Developer shall propose and install a traffic mini-circle or other horizontal deflection traffic calming feature subject to approval of Apex staff along Percussion Drive.

**Ordinance Amending the Official Zoning District Map #25CZ17**

17. All homes shall be designed and constructed with a permanently installed methane monitoring device. HOA covenants shall include a requirement that homeowners will maintain the methane monitoring device to ensure effective operation.
18. All homes shall be designed and constructed with a methane-resistant vapor barrier installed beneath the concrete slab or crawlspace. For homes constructed on slab foundations, a sub-slab ventilation system (passive or active) shall also be installed. Installation of the vapor barrier shall be documented by the builder and made available for inspection upon request by Town staff.
19. A note shall be included in the Master Subdivision Final Plat that summarizes the methane mitigation practices required for all residential lots within the development.

**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 \_\_\_\_\_ 2026.

**TOWN OF APEX**

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

**ATTEST:**

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Attachment A

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

Lying and being in 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 northeast corner for NEW LOT 1 (B.M. 2025, PG. 225); thence South  $16^{\circ} 27' 15''$  West, 147.98 feet to an existing iron pipe; thence South  $16^{\circ} 26' 12''$  West, 151.00 feet to an existing iron pipe; thence South  $16^{\circ} 28' 56''$  West, 388.68 feet to an existing iron pipe; thence North  $61^{\circ} 43' 09''$  West, 432.98 feet to an existing iron pipe; thence North  $24^{\circ} 42' 08''$  East, 517.78 feet to an existing iron pipe; thence South  $87^{\circ} 26' 29''$  East, 360.19 feet to the BEGINNING, containing 5.3288 total acres (232,124 square feet) more or less.

The sole purpose of this land description is to be included in a 2025 rezoning application in the Town of Apex and for no other purpose.

**PRELIMINARY**

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Captain Joseph Best

Department(s): Apex Police Department

### Requested Motion

Motion to declare one (1) badge and (1) service weapon (Glock Model 19 9mm handgun, with S/N Serial Number BHSV992) as surplus property, set the price for such weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Detective J.T. Allen who retired from the Apex Police Department effective February 1, 2026.

### Approval Recommended?

Yes

### Item Details

North Carolina General Statute 20-187.2(a) allows the governing body of a municipality to, upon request, declare as surplus the badge and side arm of a retiring police officer. The statute states that the badge is to be awarded at "no cost" to the retiring member and that the side arm be awarded "at a price determined by such governing body".

Apex Police Detective J.T. Allen retired from the Apex Police Department effective February 1, 2026, and has made a request to be awarded his badge and service handgun.

Former Apex Police Detective Allen began his career at the Apex Police Department on July 18, 2000. Previously she served the City of Raleigh, North Carolina, in their Police Department from July 1996 until July 2000.

In recognition of his thirty years (30) years of service in law enforcement, Chief Johansen requests that one "Police Officer" badge and one handgun (described below) be declared "surplus", that the price for such handgun be set at \$1.00 (One Dollar) and that the badge and handgun be awarded to Former Apex Police Detective J.T. Allen.

- Glock Model 19 9mm handgun, Serial Number BHSV992

Attachments

N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Captain Joseph Best

Department(s): Apex Police Department

### Requested Motion

Motion to declare one (1) badge and (1) service weapon (Glock Model 47 9mm handgun, with S/N Serial Number CCVX725) as surplus property, set the price for such weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to Retiring Apex Senior Police Officer Matthew Mellenberger who will be retiring from the Apex Police Department effective March 1, 2026.

### Approval Recommended?

Yes

### Item Details

North Carolina General Statute 20-187.2(a) allows the governing body of a municipality to, upon request, declare as surplus the badge and side arm of a retiring police officer. The statute states that the badge is to be awarded at "no cost" to the retiring member and that the side arm be awarded "at a price determined by such governing body".

Apex Senior Police Officer Matthew Mellenberger is scheduled to retire from the Apex Police Department effective March 1, 2026, and has made a request to be awarded his badge and service handgun.

Senior Officer Mellenberger began his career at the Apex Police Department on July 24, 2000. Previously he served with the North Carolina State University Police Department from August 1999 until September 1999.

In recognition of his twenty-five (25) years of service in law enforcement, Chief Johansen requests that one "Police Officer" badge and one handgun (described below) be declared "surplus", that the price for such handgun be set at \$1.00 (One Dollar) and that the badge and handgun be awarded to Senior Apex Police Officer Matthew Mellenberger upon his retirement.

- Glock Model 47 9mm handgun, Serial Number CCVX725

Attachments

N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Captain Joseph Best

Department(s): Apex Police Department

### Requested Motion

Motion to declare one (1) badge and (1) service weapon (Glock Model 47 9mm handgun, with S/N Serial Number CBXU224) as surplus property, set the price for such weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to Retiring Apex Sergeant Matthew Kutcher who will be retiring from the Apex Police Department effective April 1, 2026.

### Approval Recommended?

Yes

### Item Details

North Carolina General Statute 20-187.2(a) allows the governing body of a municipality to, upon request, declare as surplus the badge and side arm of a retiring police officer. The statute states that the badge is to be awarded at "no cost" to the retiring member and that the side arm be awarded "at a price determined by such governing body".

Apex Police Sergeant Matthew Kutcher is scheduled to retire from the Apex Police Department effective April 1, 2026, and has made a request to be awarded his badge and service handgun.

Sergeant Matthew Kutcher began his career at the Apex Police Department on January 26, 2004.

Previously he served with the Jefferson County Sheriff's Department in West Virginia and Shepherdstown Police Department in West Virginia from 1997 until 2000. In addition, he served with the North Carolina State University Police Department from 2000 until 2004.

In recognition of his thirty (30) years of service in law enforcement, Chief Johansen requests that one "Police Officer" badge and one handgun (described below) be declared "surplus", that the price for such handgun be set at \$1.00 (One Dollar) and that the badge and handgun be awarded to Sergeant Matthew Kutcher upon his retirement.

- Glock Model 47 9mm handgun, Serial Number CBXU224

Attachments

N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Chief Ryan Johansen

Department(s): Apex Police Department

### Requested Motion

Motion to declare one (1) badge and (1) service weapon (Glock Model 47 9mm handgun, with S/N Serial Number CBXS741) as surplus property, set the price for such weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to Retiring Apex Police Captain Joseph "Joey" Best who will be retiring from the Apex Police Department effective April 1, 2026.

### Approval Recommended?

Yes

### Item Details

North Carolina General Statute 20-187.2(a) allows the governing body of a municipality to, upon request, declare as surplus the badge and side arm of a retiring police officer. The statute states that the badge is to be awarded at "no cost" to the retiring member and that the side arm be awarded "at a price determined by such governing body".

Apex Police Captain Joseph "Joey" Best is scheduled to retire from the Apex Police Department effective April 1, 2026, and has made a request to be awarded his badge and service handgun.

Captain Best began his career at the Apex Police Department on February 7, 1999. Previously he served with the Wake County Sheriff's Office from December 1997 until January 1999.

In recognition of his over twenty-five (25) years of service in law enforcement, Chief Johansen requests that one "Police Officer" badge and one handgun (described below) be declared "surplus", that the price for such handgun be set at \$1.00 (One Dollar) and that the badge and handgun be awarded to Sergeant Matthew Kutcher upon his retirement.

- Glock Model 47 9mm handgun, Serial Number CBXS741

Attachments

N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

### Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 10, 2026, proposed by staff.

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

On February 10, 2026, the Apex Town Council unanimously approved the Unified Development Ordinance (UDO) amendments referenced.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of February 10, 2026, are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to Secs. 8.2.2.B General Landscaping Design Standards, Plant Materials and 12.2 Terms Defined provide the opportunity for artificial turf to be used within high-activity or heavily trafficked areas where the establishment or long-term maintenance of natural vegetation is impractical, provided it meets applicable drainage and installation standards. This provides flexibility in site design while ensuring compliance with applicable drainage, built-upon area, and erosion control standards. The amendment supports durable, functional landscapes without compromising environmental performance requirements or the Town's broader sustainability objectives.
2. The amendments to Sec. 8.3.6 Off-Street Parking and Loading, Parking Lot Design Standards allow gravel overflow parking for "Church or place of worship" and "Assembly hall, non-profit" uses located in the Residential Agricultural (RA) and Rural Residential (RR) zoning districts. Such uses often experience peak parking needs during limited times rather than daily continuous demand. Permitting

gravel overflow parking in these rural districts reduces unnecessary impervious surface, preserves rural character, and provides a context-sensitive parking solution that balances operational needs with environmental stewardship and compatibility with surrounding properties.

3. The amendments to Sec. 8.3.9.C Off-Street Alternatives, Shared Parking, Table 8.3-8: Shared Parking Demand by Land Use and Time of Day revise the percentage of parking spaces required during the weekend daytime hours for the “Medical/Dental Office” and “Bank” land use categories. This update ensures that parking requirements are data-informed and aligned with actual demand, preventing overbuilding of parking infrastructure while maintaining adequate access. This promotes more efficient land use, supports shared parking arrangements, and advances the Plan’s goals of compact, fiscally responsible development.

4. The amendment to Sec. 2.3.6.C.1 Site Plan, Exemptions adds language to clarify that all developments qualifying as “exempt” under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO. This clarification codifies the existing practice and enhances procedural transparency and ensures consistent administrative oversight, while preserving the streamlined nature of exempt developments.

#### Attachments

- CN11-A1: Statement of Town Council - Unified Development Ordinance (UDO) Amendments - February 2026



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF FEBRUARY 10, 2026**

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, 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 UDO Amendments before the Town Council on the 10<sup>th</sup> day of February 2026.

The Apex Town Council held a public hearing on the 10<sup>th</sup> day of February 2026. Bruce Venable, Planner III, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

All persons who desired to present information relevant to the UDO were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council on the 10<sup>th</sup> day of February 2026, by a vote of 5-0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of February 10, 2026, are consistent with the *Advance Apex: The 2045 Plan* and reasonable and in the public interest for the following reason(s):

1. The amendments to Secs. 8.2.2.B *General Landscaping Design Standards, Plant Materials* and 12.2 *Terms Defined* provide the opportunity for artificial turf to be used within high-activity or heavily trafficked areas where the establishment or long-term maintenance of natural vegetation is impractical, provided it meets applicable drainage and installation standards. This provides flexibility in site design while ensuring compliance with applicable drainage, built-upon area, and erosion control standards. The amendment supports durable, functional landscapes without compromising environmental performance requirements or the Town's broader sustainability objectives.
2. The amendments to Sec. 8.3.6 *Off-Street Parking and Loading, Parking Lot Design Standards* allow gravel overflow parking for "Church or place of worship" and "Assembly hall, non-profit" uses located in the Residential Agricultural (RA) and Rural Residential (RR) zoning districts. Such uses often experience peak parking needs during limited times rather than daily continuous demand. Permitting gravel overflow parking in these rural districts reduces unnecessary impervious surface, preserves rural character, and provides a context-sensitive parking solution that balances operational needs with environmental stewardship and compatibility with surrounding properties.
3. The amendments to Sec. 8.3.9.C *Off-Street Alternatives, Shared Parking, Table 8.3-8: Shared Parking Demand by Land Use and Time of Day* revise the percentage of parking spaces required during the weekend daytime hours for the "Medical/Dental Office" and "Bank" land use categories. This update ensures that parking requirements are data-informed and aligned with actual demand, preventing overbuilding of parking infrastructure while maintaining adequate access. This promotes more efficient land use, supports shared parking arrangements, and advances the Plan's goals of compact, fiscally responsible development.
4. The amendment to Sec. 2.3.6.C.1 *Site Plan, Exemptions* adds language to clarify that all developments qualifying as "exempt" under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO. This clarification codifies the existing practice and enhances procedural transparency and ensures consistent administrative oversight, while preserving the streamlined nature of exempt developments.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen Coleman, CMC, NCCCC  
Town Clerk

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Date

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: February 24, 2026

## Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

### Requested Motion

#### **CONTINUED FROM JANUARY 13, 2026**

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.35 acres, located at 8905 Castleberry Road (PIN 0713-71-9698 and PIN 0713-71-9580), Annexation No. 807, into the Town Corporate limits

### Approval Recommended?

Yes

### Item Details

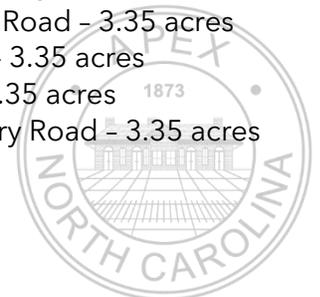
The annexation petition has been certified and a public hearing notice has been posted.

This annexation is associated with Rezoning Case No. 25CZ11 - 8905 Castleberry Road - Tracts 10 and 11. The question of annexation and the rezoning petition will be heard together during the Council Meeting.

**Clerk Note:** The petitioner desires to withdrawal this annexation petition. The withdrawal request letter is included in the attachments (A7).

### Attachments

- PH1-A1: Annexation Ordinance - Satellite Annexation No. 807 - 8905 Castleberry Road - 3.35 acres
- PH1-A2: Public Hearing Notice - Satellite Annexation No. 807 - 8905 Castleberry Road - 3.35 acres
- PH1-A3: Legal Description - Satellite Annexation No. 807 - 8905 Castleberry Road - 3.35 acres
- PH1-A4: Aerial Map - Satellite Annexation No. 807 - 8905 Castleberry Road - 3.35 acres
- PH1-A5: Plat Map - Satellite Annexation No. 807 - 8905 Castleberry Road - 3.35 acres
- PH1-A6: Annexation Petition - Satellite Annexation No. 807 - 8905 Castleberry Road - 3.35 acres
- PH1-A7: Applicant Withdrawal Request - Rezoning Case No. 25CZ11





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## TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2026-\_\_\_\_\_  
SATELLITE ANNEXATION PETITION NO. 807  
8905 CASTLEBERRY ROAD - 3.35 ACRES

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on February 24, 2026, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S. §160A-58.1(b), to wit:

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S.§160A-58.2, as amended, the non-contiguous territory described in the attached property description and also shown on the below identified survey plat entitled "SATELLITE ANNEXATION MAP FOR TOWN OF APEX" is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on February 24, 2026. The total area to be annexed is identified on the aforementioned plat map as a total of 3.353 acres also known as Trac 10 - PIN No. 0713-71-9698 (1.994 acres) and Tract 11 - PIN No. 0713-71-9580 (1.007 acres), and Right-Of-Way (ROW) of 0.352 acres. The revised survey plat printed date is October 27, 2025 and Land Surveyor dated November 18, 2025 and recorded in Book of Maps book number 2026 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 24th day of February, 2026.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Allen L. Coleman, CMC  
Town Clerk

APPROVED AS TO FORM:

---

Laurie L. Hohe  
Town Attorney

Legal Description

**8905 Castleberry Road  
Area to Be Annexed:  
REID 0062234 (8905 Castleberry Road), REID 0529629, and p/o  
Castleberry Road Right-of-Way**

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said existing iron pipe being the southwestern corner of Tract 11, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry; running thence along Council Drive with a curve turning to the right with an arc length of 43.62', with a radius of 310.38', with a chord bearing of N 07°57'10" E, with a chord length of 43.59', to a 3/4" existing iron pipe 0.1' above grade; running thence N 11°49'34" E a distance of 69.54' to a 3/4" existing iron pipe 0.1' above grade; running thence N 11°51'46" E a distance of 248.63' to a 3/4" existing iron pipe 0.2' above grade; running thence N 11°51'46" E a distance of 81.96' to a calculated point in the northern side of Castleberry Road Right-of-Way (S.R. 1604); running thence along Castleberry Road N 77°53'48" E a distance of 242.17' to a calculated point; running thence S 12°00'56" E a distance of 60.00' to a 1" existing iron pipe flush in the southern side of Castleberry Road; running thence S 12°00'56" E a distance of 289.16' to a 3/4" existing iron pipe (crimped) flush; running thence S 12°05'29" E a distance of 110.11' to a 3/4" existing iron pipe 0.1' above grade; running thence S 85°03'41" W a distance of 422.35' to a 3/4" existing iron pipe 0.1' above grade, which is the POINT OF BEGINNING, containing an area of 3.353 acres, 146,074 square feet, and being in accordance with a survey by Stephen M. Hallstrom, Professional Land Surveyor, dated September 4, 2025, and entitled "Satellite Annexation Map For The Town Of Apex Property Of Sri Lakshmi Koneru & Ramya Devabhakthuni."

\*\*\*\*\*

ORDINANCE NO. 2026-\_\_\_\_\_  
SATELLITE ANNEXATION PETITION NO. 807  
8905 CASTLEBERRY ROAD - 3.35 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. 2026-\_\_\_\_\_, adopted at a meeting of the Town Council, on the 24th day of February, 2026, 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 24th day of February, 2026.

---

Allen L. Coleman, CMC  
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**

APEX, N.C. (December 22, 2025) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **13th day of January, 2026**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

**Annexation Petition No. 807  
8905 Castleberry Road – 3.35 acres**



**CLERK NOTE:** This annexation petition is associated with a rezoning petition (Case No. 25CZ11) which will be heard on January 13, 2026 as well. Additional information about the rezoning case can be found at this link: <https://www.apexnc.org/DocumentCenter/View/51504/Annexation807?bidId=> or by contacting the Apex Planning Department at 919-249-3426.



*"The Peak of Good Living"*

**OFFICE OF THE TOWN CLERK**

# TOWN OF APEX NORTH CAROLINA

## **CONTINUED – PUBLIC NOTICE – PUBLIC HEARING**

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org). Please use subject line "Annexation Petition No. 807" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, January 13, 2026.

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

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

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

###

2025-09-04

8905 Castleberry Road

Area to Be Annexed:

REID 0062234 (8905 Castleberry Road), REID 0529629, and p/o  
Castleberry Road Right-of-Way

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said existing iron pipe being the southwestern corner of Tract 11, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry; running thence along Council Drive with a curve turning to the right with an arc length of 43.62', with a radius of 310.38', with a chord bearing of N 07°57'10" E, with a chord length of 43.59', to a 3/4" existing iron pipe 0.1' above grade; running thence N 11°49'34" E a distance of 69.54' to a 3/4" existing iron pipe 0.1' above grade; running thence N 11°51'46" E a distance of 248.63' to a 3/4" existing iron pipe 0.2' above grade; running thence N 11°51'46" E a distance of 81.96' to a calculated point in the northern side of Castleberry Road Right-of-Way (S.R. 1604); running thence along Castleberry Road N 77°53'48" E a distance of 242.17' to a calculated point; running thence S 12°00'56" E a distance of 60.00' to a 1" existing iron pipe flush in the southern side of Castleberry Road; running thence S 12°00'56" E a distance of 289.16' to a 3/4" existing iron pipe (crimped) flush; running thence S

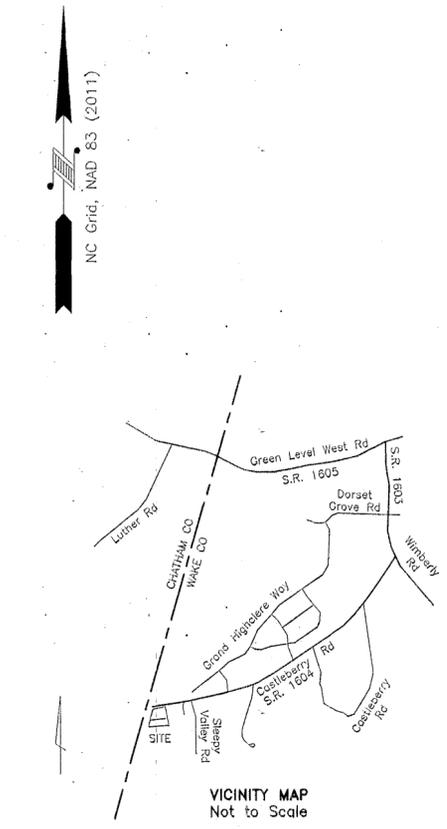
12°05'29" E a distance of 110.11' to a 3/4" existing iron pipe 0.1' above grade; running thence S 85°03'41" W a distance of 422.35' to a 3/4" existing iron pipe 0.1' above grade, which is the POINT OF BEGINNING, containing an area of 3.353 acres, 146,074 square feet, and being in accordance with a survey by Stephen M. Hallstrom, Professional Land Surveyor, dated September 4, 2025, and entitled "Satellite Annexation Map For The Town Of Apex Property Of Sri Lakshmi Koneru & Ramya Devabhakthuni."



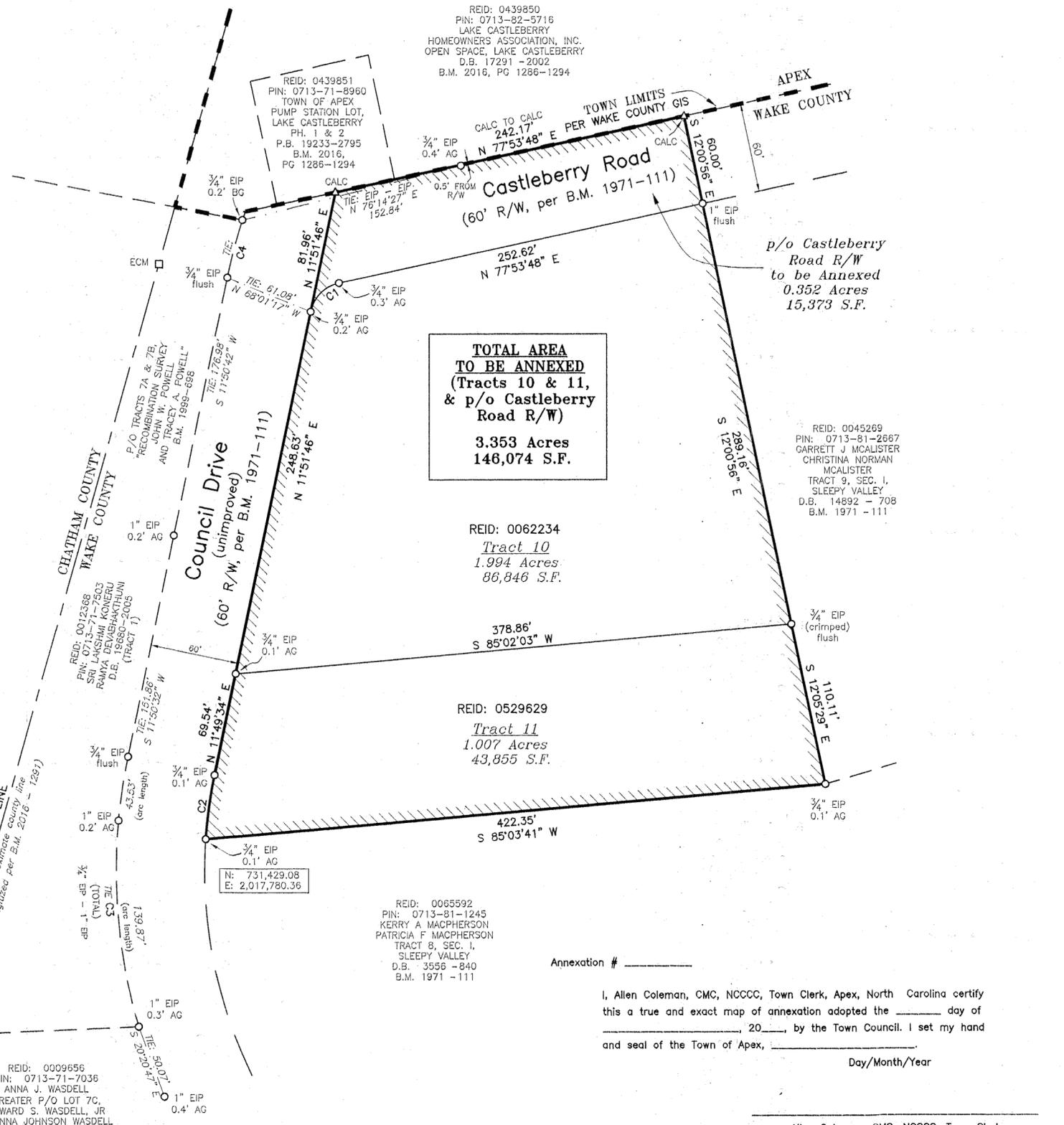
**Notes**

- 1) This survey was performed without the benefit of a title report. This survey is subject to any facts and easements which may be disclosed by a full and accurate title search.
- 2) All distances are horizontal ground distances, unless otherwise noted. All areas by coordinate computation.
- 3) This property is not in a flood hazard zone per DFIRM panel 0713, map #3720071300K, effective 7/19/2022.
- 4) State Plane coordinates were established for this survey using a Spectra SP85 GPS antenna with the RTK method.
- 5) This property may be subject to Protective Covenants of Sleepy Valley Subdivision, Section 1, per D.B. 1990-281 (Wake County Registry).
- 6) This property is in the Jordan Lake Critical Area Watershed per Wake County GIS.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	28.75'	27.19'	S 44°41'22" W	85°53'17"
C2	310.38'	43.62'	43.59'	S 07°57'10" W	8°03'10"
C3	370.38'	183.40'	181.53'	N 02°17'45" W	28°22'16"
C4	377.92'	40.05'	40.03'	N 14°38'00" E	6°04'17"



- LEGEND**
- EIP ○ EXISTING IRON PIPE
  - EIR ○ EXISTING IRON ROD
  - ECM □ EXISTING CONCRETE MONUMENT
  - CALC △ CALCULATED POINT
  - AG ▲ ABOVE GRADE
  - BG ▼ BELOW GRADE
  - TOWN LIMITS
  - /// AREA TO BE ANNEXED



REID: 0439850  
 PIN: 0713-82-5716  
 LAKE CASTLEBERRY  
 HOMEOWNERS ASSOCIATION, INC.  
 OPEN SPACE, LAKE CASTLEBERRY  
 D.B. 17291 - 2002  
 B.M. 2016, PG 1286-1294

REID: 0439851  
 PIN: 0713-71-8960  
 TOWN OF APEX  
 PUMP STATION LOT,  
 LAKE CASTLEBERRY  
 PH. 1 & 2  
 P.B. 19233-2795  
 B.M. 2016,  
 PG 1286-1294

**TOTAL AREA  
 TO BE ANNEXED**  
 (Tracts 10 & 11,  
 & p/o Castleberry  
 Road R/W)  
**3.353 Acres**  
**146,074 S.F.**

REID: 0062234  
 Tract 10  
 1.994 Acres  
 86,846 S.F.

REID: 0529629  
 Tract 11  
 1.007 Acres  
 43,855 S.F.

REID: 0065592  
 PIN: 0713-81-1245  
 KERRY A MACPHERSON  
 PATRICIA F MACPHERSON  
 TRACT 8, SEC. 1,  
 SLEEPY VALLEY  
 D.B. 3556 - 840  
 B.M. 1971 - 111

REID: 0009656  
 PIN: 0713-71-7036  
 ANNA J. WASDELL  
 GREATER P/O LOT 7C,  
 EDWARD S. WASDELL, JR  
 & ANNA JOHNSON WASDELL  
 D.B. 352-E

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

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 19680, PAGE 2005); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM SOURCES NOTED HEREON; THAT THE RATIO OF PRECISION IS 1:10,000 OR BETTER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY:

- THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ANY ONE OF THE FOLLOWING:
  - THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
  - THAT THE SURVEY IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
  - THAT THE SURVEY IS A CONTROL SURVEY.
  - THAT THE SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- 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.
- THAT 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.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 12th DAY OF November, 2025.

*Stephen M. Hallstrom*  
 STEPHEN M. HALLSTROM PROFESSIONAL LAND SURVEYOR L-5083



**SATELLITE ANNEXATION MAP  
 for the TOWN OF APEX**

PROPERTY OF  
**SRI LAKSHMI KONERU &  
 RAMYA DEVABHAKTHUNI**

PROPERTY ADDRESS: 8905 CASTLEBERRY ROAD  
 TRACT 10, SECTION 1, SLEEPY VALLEY  
 REID: 0062234  
 PIN REFERENCE: 0713-71-9698  
 DEED REFERENCE: 19680-2005 (TRACT 2)  
 PLAT REFERENCE: B.M. 1971 - 111 (TRACT 10)

TRACT 11, SECTION 1, SLEEPY VALLEY  
 REID: 0529629  
 PIN REFERENCE: 0713-71-9580  
 DEED REFERENCE: 19680-2005 (TRACT 2)  
 PLAT REFERENCE: B.M. 1971 - 111 (TRACT 11)

OWNERS' ADDRESS:  
 SRI LAKSHMI KONERU  
 RAMYA DEVABHAKTHUNI  
 709 VINE POND CT.  
 APEX, NC 27523

WHITE OAK TOWNSHIP  
 WAKE COUNTY  
 NORTH CAROLINA

PLAT REV DATE: OCT. 27, 2025  
 PLAT REV DATE: SEPT. 4, 2025  
 PLAT DATE: JULY 28, 2025  
 SURVEY DATE: APRIL 12, 2024

SCALE: 1" = 60'

mailing address: P.O. BOX 188, CARRBORO, NC 27510  
 office address: 1777 FORDHAM BLVD. SUITE 104  
 CHAPEL HILL, NC 27514  
 phone: 919-929-8090  
 website: www.freeholdlandsurveys.com

STEPHEN M. HALLSTROM PROFESSIONAL LAND SURVEYOR L-5083

J26252

# 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

- 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.
- 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.
- 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

Sri Lakshmi Koneru Owner Name (Please Print)	0713-71-9698 & 0713-71-9580 Property PIN or Deed Book & Page #
Phone	kp@konerugroup.com E-mail Address
Ramya Devabhakthuni Owner Name (Please Print)	0713-71-9698 & 0713-71-9580 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: Freehold Land Surveys, Inc. - Steve Hallstrom, PLS  
 Phone: (919) 929-8090 Fax: \_\_\_\_\_  
 E-mail Address: steve@freeholdlandsurveys.com

## ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: 3.35	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 type="checkbox"/>
Proposed # of housing units: 4	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: LD	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 #: 807

Submittal Date: 8-1-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

SRI LAKSHMI KONERU  
Please Print

Sri Lakshmi  
Signature

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

\_\_\_\_\_  
Signature

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

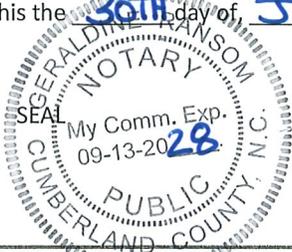
\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Geraldine Ransom, a Notary Public for the above State and County,  
this the 30th day of JUNE, 2025



Geraldine Ransom  
Notary Public

My Commission Expires: 09/13/2028

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

Attest:

By: \_\_\_\_\_  
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 #: 807

Submittal Date: 8-1-2025

**COMPLETE IF SIGNED BY INDIVIDUALS:**

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

RAMYA DEVABHAKTHUNI  
Please Print

D. Ramya  
Signature

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

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

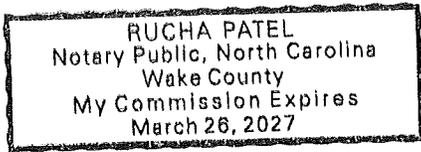
\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Rucha Patel, a Notary Public for the above State and County,  
this the 15<sup>th</sup> day of July, 2025.

[Signature]  
Notary Public

SEAL



My Commission Expires: March 26, 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: \_\_\_\_\_



Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 200  
PO BOX 1062  
APEX, NC 27502  
Office: 919-387-1174  
Fax: 919-387-3375  
[www.jonescrossen.com](http://www.jonescrossen.com)

February 18, 2026

June Cowles  
Town of Apex

Re.: Castleberry Road Rezone 25CZ11

Dear Ms. Cowles,

We would like to formally request the withdrawal of rezoning case 25CZ11 as proposed. We have submitted our request for rezoning for a different zoning district for the same two subject parcels under a new and separate project number. Thank you for your help with this matter.

Sincerely,

William C. Norton, PE

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: February 24, 2026

## Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

### Requested Motion

**CONTINUED FROM JANUARY 13, 2026.**

**The applicant will be revising the requested zoning district. Therefore, this item will be re-noticed for a future public hearing date.** Public hearing and possible motion concerning Rezoning Application #25CZ11 8905 Castleberry Road-Tracts 10 & 11. The applicant, Silver Developers, LLC, seeks to rezone approximately 3 acres from Wake County Residential-80W (R-80W) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 8905 Castleberry Road & 0 Castleberry Road.

### Approval Recommended?

The Planning Department recommends denial.

The Planning Board held a Public Hearing on December 8, 2025 and by a vote of 8-0 recommended denial of the rezoning.

**Clerk Note:** The applicant will be revising the requested zoning district. Therefore, this item will be re-noticed for a future public hearing date. Administratively the applicant is requesting to withdrawal this rezoning petition and will be assigned a new identified number when they resubmit their application.

### Item Details

The properties to be rezoned are identified as PINs 0713719698 & 0713719580.

### Attachments

- PH2-A1: Applicant Withdrawal Request - Rezoning Case No. 25CZ11 - 8905 Castleberry Road - Tract 10 and Tract 11





Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 200  
PO BOX 1062  
APEX, NC 27502  
Office: 919-387-1174  
Fax: 919-387-3375  
[www.jonescrossen.com](http://www.jonescrossen.com)

February 18, 2026

June Cowles  
Town of Apex

Re.: Castleberry Road Rezone 25CZ11

Dear Ms. Cowles,

We would like to formally request the withdrawal of rezoning case 25CZ11 as proposed. We have submitted our request for rezoning for a different zoning district for the same two subject parcels under a new and separate project number. Thank you for your help with this matter.

Sincerely,

William C. Norton, PE

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: February 24, 2026

## Item Details

Presenter(s): Amanda Bunce, Assistant Director

Department(s): Planning

### Requested Motion

Public hearing and possible motion to approve Rezoning No. 25CZ12 Apex Baptist Church. The applicants, Matthew Carpenter, Parker Poe and Staley Smith, seek to rezone approximately 1.05 acres from Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11) to Office & Institutional-Conditional Zoning (O&I-CZ) at 111 Jones Street.

### Approval Recommended?

The Planning Department recommends denial.

The Planning Board held a Public Hearing on February 9, 2026 and voted to recommend denial of the rezoning by a vote of 6-2.

### Item Details

The property to be rezoned is identified as PIN 0742302925.

### Attachments

- PH3-A1: Staff Report, Attachments, and Application - Rezoning Case No. 25CZ12 - Apex Baptist Church
- PH3-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ12 - Apex Baptist Church



# STAFF REPORT

## Rezoning #25CZ12 Apex Baptist Church

February 24, 2026 Town Council Meeting



All property owners, tenants, and neighborhood associations within 500 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

### **BACKGROUND INFORMATION:**

**Location:** 111 Jones Street  
**Applicant:** Apex Baptist Church, Inc.

### **PROJECT DESCRIPTION:**

**Acreage:** ±1.05 acres  
**PIN:** 0742302925  
**Current Zoning:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)  
**Proposed Zoning:** Office & Institutional-Conditional Zoning (O&I-CZ)  
**Overlay District:** Small Town Character Overlay District  
**2045 Land Use Map:** Medium Density Residential/Office Employment  
**Town Limits:** Town Limits

### **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)	Single-family residential
<b>South:</b>	Conservation Buffer (CB)	Holleman Street; CC Jones Park
<b>East:</b>	Neighborhood Business-Conditional Use (B1-CU #98CU03)	Church
<b>West:</b>	High Density Single-Family (HDSF)	Jones Street; Single-family residential

### **Existing Conditions:**

The subject property is located at the northeast corner of Holleman Street and Jones Street within the Apex National Register Historic District. The subject property contains two structures, the Bailey House (built in 1950) and a concrete house (built in 1957), both of which are listed as contributing structures.

### **Neighborhood Meeting:**

The applicant conducted neighborhood meetings on July 28, 2025 and January 8, 2026. Both neighborhood meeting reports are attached.

### **2045 Land Use Map:**

The 2045 Land Use Map classifies the subject property as Medium Density Residential/Office Employment. The proposed rezoning to Office & Institutional-Conditional Zoning (O&I-CZ) is consistent with the Office Employment part of that land use classification.

### **Zoning Background:**

The property, along with several other properties, was rezoned to MORR-CU on June 21, 2005 with the following permitted uses and zoning conditions:

# STAFF REPORT

## Rezoning #25CZ12 Apex Baptist Church

February 24, 2026 Town Council Meeting



### Uses:

By right: Single family, duplex, accessory apartments, professional and business office

Special Use: Bed & Breakfast

### Conditions:

Standards: All structures listed as "contributing" to the National Register of Historic Places (1994) and requiring site plan approval shall follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings." All other structures or new construction shall comply with the applicable Sections of the UDO.

Parking: All off-street parking shall be limited to the rear or side driveway of the subject property and be subject to Section 8.3.9(d), Other Eligible Alternatives. No parking shall be permitted in the front yard. On-street parking of non-resident commercial vehicles shall be permitted only between the hours of 6:00 a.m. and 6:00 p.m.

Signs: Wall: 3 square feet (no suspended signs permitted); Ground: 12 square feet not to exceed 3' in height (a bracket sign may be installed if permitted by the UDO).

Storage: Storage of heavy equipment shall not be permitted. Heavy equipment is defined as a moveable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to: trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders and lifts.

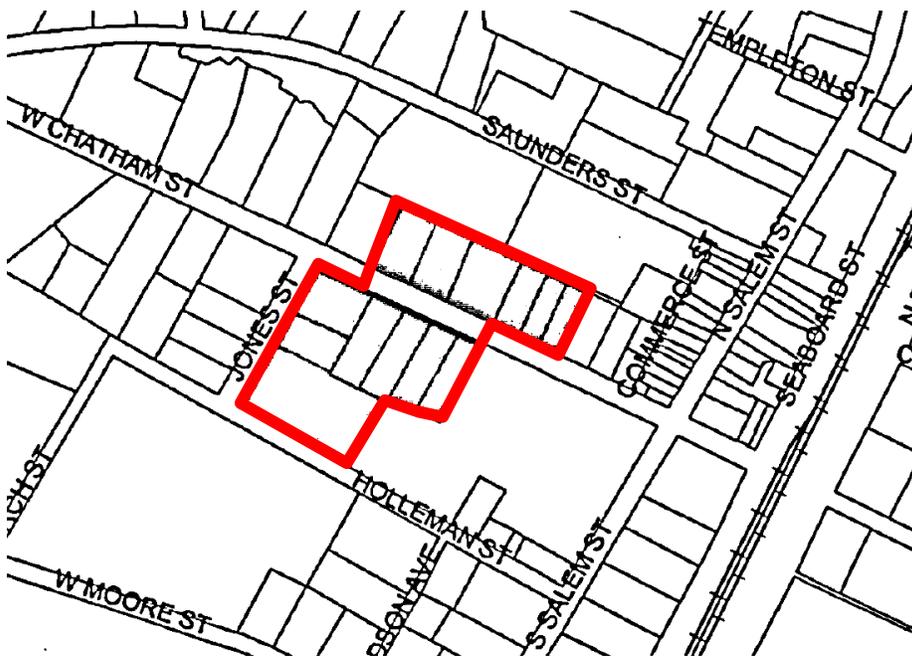


Figure 1: Zoning Map from Rezoning #05CU11 (color added)



**Purpose of this rezoning:**

The current zoning of the property does not allow the use “Church or place of worship”. Apex Baptist Church desires to demolish the concrete block house and relocate the Bailey house closer to the intersection in order to allow room for the construction of a table-top parking structure.

UDO Sec. 2.3.6.B.2.b prohibits relocation of historic structures within the National Register Historic District in order to protect the integrity of the district. For homes that are eligible to be relocated, “...an historic preservation easement and a rehabilitation agreement shall be granted to a qualified holder of historic preservation agreements as defined by NCGS Chapter 121, Article 4.” Further, UDO Sec. 2.2.8 prohibits the Town from accepting any development application for a property on which an historic structure has been demolished for 48 months.

Therefore, the property must be rezoned in order for the use “Church or place of worship” to be permitted and for the 48-month waiting period to not apply due to the demolition and relocation of the structures onsite. The church also wants to remove the requirement to grant an historic preservation easement and a rehabilitation agreement for the Bailey House if relocated.

**PROPOSED ZONING CONDITIONS:**

**Limitation of Uses:**

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

• Permitted Uses:

- a. Church or place of worship
- b. Utility, minor
- c. Greenway
- d. Park, active
- e. Park, passive
- f. Youth or day camps
- g. Medical or dental office or clinic
- h. Office, business or professional
- i. Parking garage, public
- j. Floral shop
- k. Studio for art
- l. Pet Services

1. The subject property (PIN 0742302925, the “Property”), owned by Apex Baptist Church (“Owner”) is located in the Apex National Register Historic District (the “Historic District”). There are two contributing structures on the Property identified in the 2008 Apex National Register Historic District Expansion - the James and Martha Bailey House (associated with WA4704), a one and a half story brick house constructed in 1950 (the “Bailey House”), and a one-story concrete block structure constructed in 1957 (associated with WA4702) (the “Concrete Structure”) and expanded in or about 1990. This zoning condition shall modify the Town of Apex Unified Development Ordinance (“UDO”) provisions regarding preservation of historic properties as follows:

- a. The Concrete Structure shall be demolished and the Property shall not be subject to the prohibition on subsequent development applications in UDO Section 2.2.8.
- b. The Bailey house shall not be demolished but may be relocated on the Property (the “Relocation”).



- i. The final location of the Bailey House on the Property shall be determined by the Property owner. The Relocation process shall be overseen and directed by the Property owner and shall comply with all applicable setback standards in UDO Section 5.1 and no approvals from or easements to Capital Area Preservation, the State Historic Preservation Office, or any other historic preservation group shall be required for the Relocation. The Property shall not be subject to the prohibition on relocation in UDO Section 2.3.6.
  - ii. The property shall be compliant with applicable UDO Small Town Character Overlay standards.
2. The parking structure shall include a brick wall with a minimum height of 3.5 feet above the deck floor on the top level of the parking structure facing Jones Street and Holleman Street. The Planning Director or their designee may approve alternative building materials or architectural treatment.
3. A Type A planted buffer with an average width of 10 feet shall be provided along the northern property line adjacent to PINs 0742312029, 0742313069, and 0742314027.
4. The parking structure shall comply with the following architectural conditions in lieu of the requirements of UDO Section 6.3.1.F:
  - a. The maximum blank wall area of any parking structure façade shall be 20 feet.
  - b. The ground floor façade treatment of any parking structure façade (building materials, windows and architectural detailing) shall be continued on upper stories.
  - c. Plantings shall be located between the façade of the parking structure and Jones Street and Holleman Street. Provided, however, that plantings shall not be located within 10 feet of any existing Town of Apex water lines.
5. Exterior lighting shall have a maximum color temperature of 3000K and be extinguished no later than 12:00 AM. Provided, however, that exterior security lighting may remain lit after 12:00 AM for security purposes. Light poles shall be placed on the perimeter of the parking structure and have house side shields on the rear.
6. There shall be at least one (1) trash receptacle on each parking level.
7. Only one (1) level of parking shall have access to and/or from Jones Street.
8. Parking deck signage shall be limited to Holleman Street except for incidental signs as permitted in UDO Section 8.7.1.A.11.
9. If a parking deck is constructed on the property, there shall be a traffic attendant at each parking deck entrance to direct traffic thirty minutes before the start and thirty minutes after the conclusion of Sunday church services. The traffic attendant may be a police officer, church employee, or church volunteer.

**Summary of Revisions to Zoning Conditions:**

After the February 9, 2026 Planning Board meeting, the applicant revised conditions 1 and 2 and added condition 9.

- The revision to condition 1 ensures that the Bailey House shall not be demolished and indicates that it may be relocated.

## STAFF REPORT

### Rezoning #25CZ12 Apex Baptist Church

February 24, 2026 Town Council Meeting



- The revision to condition 2 eliminates the phrase “or other fully opaque screening” to address staff’s concerns that a material other than brick would be used and adds language allowing the Planning Director or designee to approve alternative building materials or architectural treatment.
- Condition 9 requires a traffic attendant to be stationed at each entrance to a parking deck to direct traffic 30 minutes before the start and 30 minutes after the conclusion of Sunday church services.

#### **ENVIRONMENTAL ADVISORY BOARD:**

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per UDO Section 2.1.9.

#### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends denial of Rezoning #25CZ12 with the conditions as offered by the applicant.

#### **PLANNING BOARD RECOMMENDATION:**

The Planning Board held a public hearing on February 9, 2026 and by a vote of 6-2 recommended denial of the rezoning.

#### **ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:**

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

The 2045 Land Use Map classifies the subject property as Medium Density Residential/Office Employment. The proposed rezoning to Office & Institutional-Conditional Zoning (O&I-CZ) is consistent with that land use classification.

However, the proposed rezoning is not reasonable and in the public interest for the following reasons:

1. The rezoning would allow for the demolition of the historic concrete house and the relocation of the Bailey House without the 48-month waiting period to submit a development application. Even though the Bailey House is proposed to be relocated on the same parcel, moving the house poses a risk to the structure. The standards in the UDO were added in order to protect the structures within and the integrity of the Apex National Register Historic District.
2. Planning staff does not agree with the proposed wording of Condition 1.b, which removes the requirement for a preservation easement and rehabilitation agreement for the relocated Bailey House as is required for all other historic structure relocations in the Town and ETJ.
3. The rezoning would allow for the construction of a table-top parking structure or parking lot for the adjacent church. A table-top parking structure is atypical for this area and expansion of the parking to the west encroaches into the residential character of the neighborhood. The church’s current parking lot does not have access to Jones Street. This would change if the rezoning is approved. An expanded parking area, whether as a table top parking structure or surface parking lot, with access to Jones Street would bring more vehicular activity any time the parking is open to the public and not just during church services.



**CONDITIONAL ZONING STANDARDS:**

The Town Council shall find the O&I-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.

Rezoning #25CZ12

Upchurch St

Carey C. Jones Memorial Park

Jones St

Holleman St

W Chatham St

Apex Baptist Church

S Salem St

## PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 25CZ12 Submittal Date: 8-1-26  
Fee Paid: \_\_\_\_\_

### Project Information

Project Name: Apex Baptist Church Rezoning  
Address(es): 111 Jones Street  
PIN(s): 0742302925  
Acreage: 1.05 ac  
Current Zoning: MORR-CU (Rezoning #05CU11) Proposed Zoning: O&I-CU  
Current 2045 LUM Classification(s): Medium Density Residential/Office Employment  
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

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

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

### Applicant Information

Name: Apex Baptist Church, Inc., a North Carolina non-profit corporation  
Address: c/o Matthew J. Carpenter, 301 Fayetteville Street, Suite 1400  
City: Raleigh State: NC Zip: 27601  
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

### Owner Information

Name: Same as Applicant  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: Matthew J. Carpenter  
Address: 301 Fayetteville St, Suite 1400  
City: Raleigh State: NC Zip: 27601  
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com  
Other contacts: Staley Smith; staley@smithandsmithsurveyors.net  
Jesse Davis; jdavis@apexbaptist.org



**111 Jones Street**  
**Proposed Uses and Zoning Conditions**

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

1. Church or place of worship
2. Utility, minor
3. Greenway
4. Park, active
5. Park, passive
6. Youth or day camps
7. Medical or dental office or clinic
8. Office, business or professional
9. Parking garage, public
10. Floral shop
11. Studio for art
12. Pet services

## Zoning Conditions

1. The subject property (PIN 0742302925, the “Property”), owned by Apex Baptist Church (“Owner”) is located in the Apex National Register Historic District (the “Historic District”). There are two contributing structures on the Property identified in the 2008 Apex National Register Historic District Expansion - the James and Martha Bailey House (associated with WA4704), a one and a half story brick house constructed in 1950 (the “Bailey House”), and a one-story concrete block structure constructed in 1957 (associated with WA4702)(the “Concrete Structure”) and expanded in or about 1990. This zoning condition shall modify the Town of Apex Unified Development Ordinance (“UDO”) provisions regarding preservation of historic properties as follows:
  - a. The Concrete Structure shall be demolished and the Property shall not be subject to the prohibition on subsequent development applications in UDO Section 2.2.8.
  - b. The Bailey house shall not be demolished but may be relocated on the Property (the “Relocation”).
    - i. The final location of the Bailey House on the Property shall be determined by the Property owner. The Relocation process shall be overseen and directed by the Property owner and shall comply with all applicable setback standards in UDO Section 5.1 and no approvals from or easements to Capital Area Preservation, the State Historic Preservation Office, or any other historic preservation group shall be required for the Relocation. The Property shall not be subject to the prohibition on relocation in UDO Section 2.3.6.
    - ii. The property shall be compliant with applicable UDO Small Town Character Overlay standards.
2. The parking structure shall include a brick wall with a minimum height of 3.5 feet above the deck floor on the top level of the parking structure facing Jones Street and Holleman Street. The Planning Director or their designee may approve alternative building materials or architectural treatment.
3. A Type A planted buffer with an average width of 10 feet shall be provided along the northern property line adjacent to PINs 0742312029, 0742313069, and 0742314027.
4. The parking structure shall comply with the following architectural conditions in lieu of the requirements of UDO Section 6.3.1.F:
  - a. The maximum blank wall area of any parking structure façade shall be 20 feet.
  - b. The ground floor façade treatment of any parking structure façade (building materials, windows and architectural detailing) shall be continued on upper stories.

- c. Plantings shall be located between the façade of the parking structure and Jones Street and Holleman Street. Provided, however, that plantings shall not be located within 10 feet of any existing Town of Apex water lines.
5. Exterior lighting shall have a maximum color temperature of 3000K and be extinguished no later than 12:00 AM. Provided, however, that exterior security lighting may remain lit after 12:00 AM for security purposes. Light poles shall be placed on the perimeter of the parking structure and have house side shields on the rear.
6. There shall be at least one (1) trash receptacle on each parking level.
7. Only one (1) level of parking shall have access to and/or from Jones Street.
8. Parking deck signage shall be limited to Holleman Street except for incidental signs as permitted in UDO Section 8.7.1.A.11.
9. If a parking deck is constructed on the property, there shall be a traffic attendant at each parking deck entrance to direct traffic thirty minutes before the start and thirty minutes after the conclusion of Sunday church services. The traffic attendant may be a police officer, church employee, or church volunteer.



## PETITION INFORMATION

Application #: 25CZ12 Submittal Date: \_\_\_\_\_

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

The proposed zoning district will comply with all Supplemental Standards in UDO Section 4.4.

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

The proposed zoning conditions include conditions to minimize adverse effects on adjacent properties including architectural requirements for the proposed parking structure (Conditions 2 and 4) and a planted buffer along the northern property line with an average width of 10 feet (Condition 3). The property will remain in the Small Town Character Overlay District. The design and layout of the parking structure will be determined at Site Plan/Construction Drawings and will comply with all UDO requirements for trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration.

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

The property is a cleared and developed downtown Apex lot with two existing structures. It has no known environmental features. Development on site will meet all applicable local, state, and federal environmental regulations.

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 property is already in the Town limits and situated in downtown Apex, where public services and facilities are available. The proposed parking structure will handle church parking on site and reduce stress on existing public parking downtown that is needed for downtown businesses.

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 Conditional Zoning District, which will allow the construction of a tabletop parking deck to meet church parking demand, will improve the health, safety, and welfare of Town residences by providing safe and available parking for church members and visitors adjacent to the existing church campus. It will meet parking demand without requiring visitors to cross downtown streets or otherwise impede traffic circulation downtown.

## PETITION INFORMATION

Application #:

25CZ12

Submittal Date:

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

The proposed zoning conditions include conditions to minimize adverse effects on adjacent properties including architectural requirements for the proposed parking structure (Conditions 2 and 4) and a planted buffer along the northern property line with an average width of 10 feet (Condition 3). The property will remain in the Small Town Character Overlay District. The design and layout of the parking structure will be determined at Site Plan/Construction Drawings and will comply with all UDO requirements for trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration.

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

The proposed zoning conditions include conditions to minimize adverse effects on adjacent properties including architectural requirements for the proposed parking structure (Conditions 2 and 4) and a planted buffer along the northern property line with an average width of 10 feet (Condition 3). The property will remain in the Small Town Character Overlay District. The design and layout of the parking structure will be determined at Site Plan/Construction Drawings and will comply with all UDO requirements for trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration.

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

Development on the property will comply with the proposed zoning conditions and all applicable UDO regulations for use, layout, and general development characteristics.

# AGENT AUTHORIZATION FORM

Application #: 25CZ12

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

Apex Baptist Church, Inc. 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: 111 Jones Street (PIN 0742302925)

The agent for this project is: Matthew J. Carpenter and Staley Smith

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

Agent Name: Matthew J. Carpenter and Staley Smith

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)\*

**APEX BAPTIST CHURCH, INC.,**  
a North Carolina non-profit corporation

By:   
76F9391024C2492...  
Jesse Davis, Director of Operations

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

Application #: 25CZ12

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

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

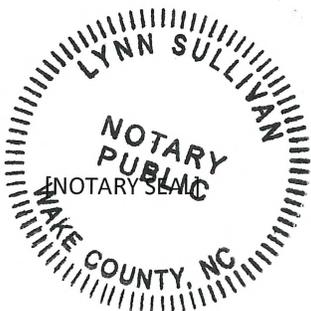
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 111 Jones Street and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 29<sup>th</sup> day of July, 2025

[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 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.



[Signature]  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 11/16/2027

**Exhibit A**

**(DESCRIPTION OF THE PROPERTY)**

That certain lot or parcel of land situated in the Town of Apex, White Oak Township, Wake County, North Carolina and more particularly described as follows:

**BEING all of Lot 1, containing 45,537 sq. feet, as shown on map entitled "James Albert Bailey and Martha C. Bailey" by Smith and Smith Surveyors and recorded in Book of Maps 1999, Page 1723, Wake County Registry.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1730, Page 587 and Book 1056, Page 413, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 1999, Page 1723.

# NOTICE OF NEIGHBORHOOD MEETING

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

July 14, 2025

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
 111 Jones Street 0742302925

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 type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to Office & Institutional District-Conditional Zoning (O&I-CZ or another similar district to allow construction of parking and/or office space for Apex Baptist Church.

Estimated submittal date: August 1, 2025

### MEETING INFORMATION:

Property Owner(s) name(s): APEX BAPTIST CHURCH, INC.  
 Applicant(s): APEX BAPTIST CHURCH, INC. c/o Mathew Carpenter  
 Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032  
 Meeting Address: Apex Baptist Church; 110 S. Salem Street, Apex, NC 27502  
 Date/Time of meeting\*\*: July 28, 2025  
 Welcome: 6:00 PM      Project Presentation: 6:00 PM      Question & Answer: 6:30 PM

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

To: Neighboring Property Owners and Tenants  
From: Matthew Carpenter  
Date: July 14, 2025  
  
Re: Notice of Neighborhood Meeting

You are invited to attend a neighborhood meeting on July 28, 2025 at 6:00pm at Apex Baptist Church, located at 110 S. Salem Street, Apex, NC 27502. The purpose of the meeting is to discuss an upcoming application to rezone a parcel of land located at 111 Jones Street (PIN 0742302925) from Mixed Office-Residential-Retail District-Conditional Use (MORR-CU) to Office & Institutional District-Conditional Zoning (O&I-CZ) or another similar district to allow construction of parking and/or office space for Apex Baptist Church.

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

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at [matthewcarpenter@parkerpoe.com](mailto:matthewcarpenter@parkerpoe.com).

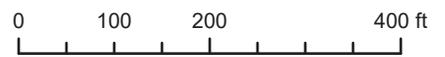
Sincerely,

Matthew Carpenter



111 Jones Street

Vicinity Map



1 inch equals 200 feet

**Disclaimer**

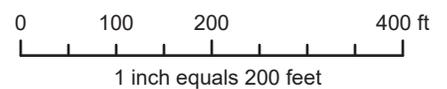
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



111 Jones Street

## Zoning Map

**Current Zoning: MORR-CU**



**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: Apex Baptist Church Rezoning Zoning: MORR-CU

Location: 111 Jones Street

Property PIN(s): 0742302925 Acreage/Square Feet: 1.05 ac

Property Owner: APEX BAPTIST CHURCH, INC.

Address: 110 S. Salem Street

City: Apex State: NC Zip: 27502

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: APEX BAPTIST CHURCH, INC. c/o Mathew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: \_\_\_\_\_ Email: matthewcarpenter@parkerpoe.com

Engineer: To Be Determined.

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Builder (if known): Same as Developer.

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

# 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.

<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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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 am to 8:30 pm 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-Friday from 8:00 am to 5:00 pm. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

<b>Construction Traffic:</b>	<b>Infrastructure Inspections</b>	<b>919-249-3386</b>
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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).

<b>Road Damage &amp; Traffic Control:</b>	<b>Infrastructure Inspections</b>	<b>919-249-3386</b>
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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 Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

<b>Parking Violations:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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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.

<b>Dirt in the Road:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

<b>Dust:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

<b>Stormwater Control Measures:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
-------------------------------------	------------------------	---------------------

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed.

<b>Electric Utility Installation:</b>	<b>Electric Utilities</b>	<b>919-249-3531</b>
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

# 111 Jones Street Rezoning

## 7/28/25 Neighborhood Meeting Sign-In Sheet

<u>Name</u>	<u>Address</u>	<u>Email</u>	<u>Phone Number</u>
Wayne English	415 E Chatham St Apt 4		919-745-0263
Don Grimes	210 S. Salem		mail.com
Laura Grimes	"		919-303-7328
Jesse Davis	110 S. Salem St		919-606-8070
Penny Maguire	210 W. Chatham		m
Mary Trotter	215 W. Chatham		919-815-5305 .net
Donna Hibbert	110 + 112 Jones St		.com
Kelly Radford	107 & 108 Jones Street		919-210-7786
Marshall Barnes	103 S Salem St		919-362-6253
Ann Richard	<del>912</del> 922 Green Level Chk Cary		o.com 919-368-2503
Dieter Griffiths	own 219 W Chatham St		919-368-2504
Mike Proctor	<del>207</del> 115 S Salem		919 815 4263 mail.com

# 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): Apex Baptist Church, Inc., a North Carolina non-profit corporation

Applicant(s): Same as Property Owner

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

Meeting Address: Apex Baptist Church; 110 S. Salem Street, Apex, NC 27502

Date of meeting: July 28, 2025

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:

See attached.

Applicant's Response:

Question/Concern #2:

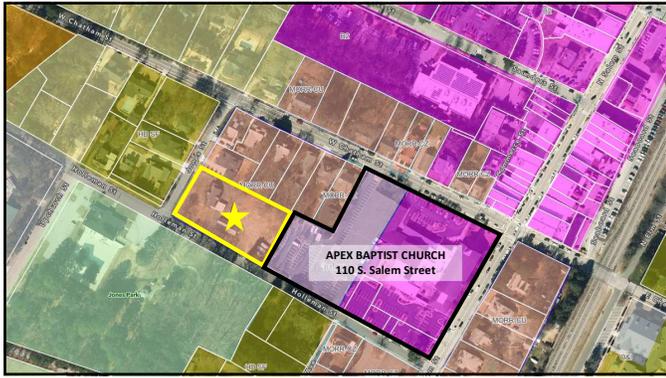
Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:



1

**Town of Apex 2045  
Land Use Map (LUM)**

- Medium Density Residential/Office Employment
- Proposed Zoning: Office and Institutional Conditional (O&I-CZ)

2



3

**Concrete Structure**

**Bailey House**

4



5

**Apex Baptist Church Rezoning  
Summary of Pre-Application Neighborhood Meeting  
July 28, 2025**

I. WELCOME

- a. Introduction of team - Matthew Carpenter w/ Parker Poe on behalf of Apex Baptist Church; Jesse Davis, Director of Operations for Apex Baptist Church
- b. Explanation of process. This is a pre-filing neighborhood meeting for a potential rezoning case. The purpose of this meeting is to hear your feedback and consider it as we put together our rezoning application. So, I'll start by providing an overview of the request and then we'll be happy to answer any questions.

II. PRESENTATION

- a. Site Overview - location and existing uses adjacent
  - i. 1 acre lot at the corner of Jones Street and Holleman Street
  - ii. Main Apex Baptist parking lot and campus adjacent to the east
  - iii. Residential neighborhoods adjacent to the north and west
  - iv. Jones Street Park to the south
  - v. Property has two structures on the lot - the Martha Bailey House and a concrete block structure. The church currently uses the lot for overflow parking and the Martha Bailey House as office space.
  - vi. The church has owned the lot since 2006.
- b. Proposed Zoning and Land Use Map Designation
  - i. A lot has changed since 2006 - for the church and for downtown Apex. The church, and downtown, have grown significantly and the church has had a big parking problem for several years.
  - ii. For the last few years, the church has explored options to meet the needs of the growing church which has led to the solution we'll discuss tonight which is a tabletop parking structure on the property.
  - iii. The lot is currently zoned MORR-CZ and the conditions only allow parking to the side and rear of buildings, so the church needs a rezoning to permit construction of the deck.
  - iv. The proposal is to rezone the property to O&I-CZ to permit construction of the deck.
  - v. The LUM is the primary document the Town reviews in evaluating a rezoning request and designates this property for office/medium density residential. So, the proposed zoning district, together with existing residential neighborhoods, is consistent with the LUM designation.
  - vi. The CZ designation means the case will be a conditional rezoning case and include zoning conditions that, if approved, will run with the land and govern any development on the property.
  - vii. Since the application has not been filed, these conditions are not finalized, but we can give you an idea tonight of several commitments we expect will be included in our proposed zoning conditions.
- c. Parking Structure Rendering
  - i. The rezoning process typically concerns the uses permitted on property and does not involve specific building layouts and designs which occur at later phases of the development process.

- ii. However, since the church has been working on this for several years, we're happy to share this rendering which gives you an idea of what the parking deck could look like.
  1. You can see it's a two story tabletop style deck
  2. This rendering shows a brick exterior. The proposed rezoning conditions will address architectural features of the deck including the materials uses and fencing/design of the top story.
  3. The first story will likely be slightly below grade at Jones Street which will help with the overall massing of the structure.
  4. The rezoning conditions will also include buffer/planting conditions including a 10-foot average type A buffer along the northern property line adjacent to the existing homes to our north. Type A is the Town's strictest planting standard for buffers.
- d. Historic Designations
  - i. The property is in the downtown Apex Historic District. As I mentioned, there are two structures on the property - the Martha Bailey House and the Concrete Block Structure. The church understands the significance of the Historic District and has worked for several years with Town staff and Capital Area Preservation (CAP) on a plan to preserve the Bailey House.
  - ii. The conceptual solution we've reached with CAP and staff, and that will be memorialized in the proposed zoning conditions, is that the Concrete Block structure will be demolished and the Bailey House will be relocated and preserved 300 feet from the site on another lot the church owns at 400 Holleman Street.
  - iii. Following relocation, the church will petition SHPO to extend the Historic District to the property to ensure the home's preservation. If the Historic District cannot be extended, the church will record a preservation easement on the property.
  - iv. You can see on the exhibit the location of the subject property in relation to 400 Holleman Street and the existing Historic District boundaries.
- e. Rezoning Process and Timeline
  - i. Working on our application and plan to submit August 1. After that, we will have several months of staff review. During that time, staff will provide comments on our application and we'll make changes to address staff comments. Once comments have been addressed, the project will go to Planning Board. Planning Board will hold a public hearing and make a recommendation to Council. After that, Town Council will hold a public hearing and make the final decision on the rezoning.

### III. QUESTION AND ANSWER

- a. The neighbor notice letter stated the rezoning will permit a parking structure and office space. Are there plans for office space?
  - i. *No, the church's intent is to build only the parking structure. However, as I mentioned, zoning is about what uses are permitted on the property and the proposed O&I district will permit a number of uses including office. We wanted to be clear in the letter that the rezoning will permit more uses than just the parking structure.*
- b. How many spaces will be in the parking deck?
  - i. *Approximately 200 spaces.*

- c. Does the church really need that much parking? Is this the best option?
  - i. Yes, the church has a huge parking need, especially on Sundays. The church is already maxing out its surface parking lot and shuttling folks from satellite parking lots to the church. This solution allows the church to meet parking demand on a lot it already owns without having to acquire additional property, displace current downtown residents or businesses, or compete for parking with growing downtown businesses.*
- d. Has the church looked at purchasing other property?
  - i. Yes, but generally speaking, there is not vacant land in downtown Apex and other sites are not as proximate to the existing church parking lot.*
- e. How many driveways will the parking deck have?
  - i. The design has not been finalized and driveway locations will be determined at Site Plan; although, we expect there will be one driveway on Jones Street and one on Holleman Street.*
- f. Could you limit driveway access to only Holleman Street?
  - i. We're happy to look into that and discuss with Town staff. We have to be sure we're meeting all UDO requirements for parking deck access.*
- g. Has the church considered moving the Bailey House closer to the street and building a parking deck behind it?
  - i. Yes, we did consider it. It's generally not feasible due to UDO setback and buffering requirements and costs. Even if the house were moved, the UDO would still require front and rear setbacks and a buffer between the parking deck and home. Once you account for setbacks and buffers, it leaves very little developable area for the parking deck. At such a small size, the parking deck would not be financially feasible given construction costs.*
- h. Has the church considered selling the lot to a developer who could build up to four smaller infill homes on the lot? There are great examples of new downtown homes that have been designed and built on smaller lots.
  - i. Other neighbors responded that they would not be okay with four smaller lots/homes on the property because it would change the historic character of the area.*
  - ii. The church has considered this but it wouldn't solve the church's parking problem. The church would still have to find another lot to purchase for parking and there is limited to no land available for sale close to the main church campus. Additionally, there are UDO regulations which limit where parking decks can be located.*
- i. I'm concerned about lights on the parking deck. How will lighting work?
  - i. A lighting plan will be provided at site plan, but the Town recently adopted extensive lighting requirements in the UDO which will apply to this deck. We're happy to review those standards and consider whether there are any other lighting conditions we can add to the conditions to address lighting concerns. We will follow up.*
- j. The church does not care about this neighborhood and is not being fair to residents. All the church cares about is a parking deck that will be used for one day. Residents of the neighborhood will be harmed by the parking deck 24/7.
  - i. No one lives on the property and the deck will not be displacing anyone. The request is about more than just a parking deck. The church cares*

*deeply about the community and is working hard to meet parking demand to continue serving the community and being a cornerstone of downtown Apex. The tabletop deck concept is the product of years of work and the relocation of the Bailey House is an expensive commitment the church has voluntarily undertaken in consideration of the historic character of the area. The church could have demolished the structures years ago, but instead has opted to work with the community and through the rezoning process in good faith.*

*The below responses were presented by Laura Grimes at the meeting. Applicant responses are included in blue below.*

## **Response to Proposed Rezoning of 111 Jones Street, Apex, NC**

Submitted by: Laura M. Grimes, 210 S. Salem St., July 28, 2025

The rezoning of 111 Jones Street from MORR-CU to O&I-CZ to allow office and/or parking for Apex Baptist Church is not the **highest and best use of that property**, as follows:

1. The rezoning would devalue the adjoining residential properties on Jones and Holleman Streets. Four of these properties are **newly built or extensively renovated** at great expense. If 111 Jones Street were kept residential, two or three beautiful homes could be added to the neighborhood, thereby insuring its integrity. The desire for homes in the downtown area is intense, as can be seen from the new homes on Edward's Pond Ct., East Moore, S. Elm, Saunders, Hudson, Hughes, Culvert, Cunningham, Ellington, and Mason Streets.
  - a. *Values should be addressed by an appraiser. Two of the neighboring homes, at 209 W. Chatham Street and 207 W. Chatham Street are adjacent to the existing church paved surface parking lot and their Wake County property tax appraised values increased by \$156,382 and \$210,675 respectively in 2024. 215 W. Chatham Street and 211 W. Chatham Street are already adjacent to the cleared portion of the subject property that is currently being used for parking and their Wake County property tax appraised values increased by \$126,930 and \$104,130 respectively in 2024.*
  - b. *Due to subdivision and setback regulations, it's unlikely that the Bailey House could be preserved and three new homes constructed on the lot.*
  - c. *During the meeting, several neighbors expressed they would not support the property being subdivided to allow construction of three or four new homes as the new homes on smaller lots would not be consistent with the historic character of the neighborhood.*
2. The neighborhood is ideally suited for residential living because it is **adjacent to a park** with a play area, swimming pool and community center.
  - a. *Although the lot is suitable for residential living, it is also suited for the church use and associated parking. The lot is in downtown Apex, an increasingly urban area where a mix of residential, office, civic, and retail uses coexist. The lot is adjacent to the existing church campus and less than 600 feet from shops and restaurants on N. Salem Street.*

3. The church wants extra parking for just **three hours** of Sunday school and church services plus evening activities. This is a very small amount of time to justify impairing the character of the adjoining neighborhood.
  - a. *The church's parking needs are much wider in scope than just three hours on Sunday and the proposed deck will be used throughout the week.*
4. Finally, the rezoning of Jones St. is **unnecessary** because **many new parking spaces** have been or are being added that the church can use. Moore St. Extension has added **74** new spaces (half vacant on Sunday morning) and **152** are being added on Saunders St. to the 240 already there. The church already has use of about 350 other parking spaces on or adjacent to South Salem or Chatham streets.
  - a. *Over 1250 people attend Apex Baptist Church on a given Sunday. The church uses a variety of parking solutions - including available spaces downtown and park and ride shuttles - but still has a parking shortage. Many of these new downtown spaces are needed to meet parking demand for growing businesses downtown. The church does not want to compete with downtown businesses for parking, but instead be a good neighbor by meeting parking demand on site.*

Rather than rezone the Jones St. Property, it is suggested that the church develop or sell the subject property for residential use and purchase the former SunTrust Bank lot on Salem St. for these reasons:

1. The lot is already **built for parking**. It is flat, covered with asphalt, and landscaped. It is also directly across the street from the church.
  - a. *To our knowledge, the property at 202 S. Salem Street is not for sale. Regardless, Apex UDO regulations would not permit a parking deck or lot on this property. Because the bank building is separated from the church by a public street, the parking use would likely be considered "parking lot, commercial" which is not permitted adjacent to residential zoning districts.*
2. With removal of the building, the bank lot would accommodate approximately **40 parking spaces**. Most importantly, it would also provide parking for **the downtown business district** and could be used all week instead of for just three hours. Perhaps it is time for the Baptist Church to consider building an annex instead, just as the Methodist Church has done.
  - a. *See above for Apex UDO regulations. Additionally, the bank lot is half an acre smaller than 111 Jones Street. 40 spaces would only be 20% of the total parking the proposed parking structure can provide.*

This letter was shared during the meeting by Ann Richard on behalf of Jane Bailey Pearson and Doris Bailey Schompert. During the meeting, the applicant team shared that under the proposed conditions, the home will not be demolished but instead relocated and permanently preserved.

Jane Bailey Pearson and Doris Bailey Schompert  
1432 Old Hickory Lane  
Forest, VA 24551  
Mogaiter@msn.com  
(434) 944-2240

To the Leadership and Members of Apex Baptist Church  
110 S Salem Street  
Apex, NC 27502

Dear Pastors and Church Leadership,

We are writing with a heavy heart and deep concern regarding the proposed demolition of our mother and father's former home, which we understand is being considered for conversion into a parking lot.

Our parents, Albert and Martha Bryant Bailey, built that house in 1950, and it remained their home until their passing. For over 70 years, that house was filled with love, family, faith, and service. It's where they raised us, and more importantly, where they raised us in the church.

Albert and Martha Bryant were faithful members of Apex Baptist Church for many years. They attended regularly, tithed faithfully, and instilled in us a deep respect for God, the church, and community. Their lives were a testimony of quiet, steady faith, and their support of the church was unwavering.

When the church acquired their home, we were comforted and encouraged to hear that it would be used to house missionaries. That purpose reflected the very values our parents lived by—hospitality, generosity, and a commitment to supporting the work of the gospel. Knowing their home would continue to serve the Kingdom gave our family peace.

To now learn that the house may be torn down for a parking lot is incredibly upsetting. It feels not only like a loss of a meaningful family place, but also like a departure from the purpose that was shared with us. We understand that churches have evolving needs, but we believe this decision deserves thoughtful reconsideration—especially in light of the commitment that was made and the legacy that home represents.

We ask, on behalf of our family, that the leadership of Apex Baptist Church prayerfully explore other options—ones that preserve the spirit of the original promise and honor the lives of Albert and Martha Bryant Bailey, who gave so much to this church and its people.

Thank you for hearing our heart. We would welcome the opportunity to speak further, if that would be helpful. We continue to pray for wisdom and grace as you move forward.

With sincerity and hope,

Jane Bailey Pearson and Doris Bailey Schompert

# 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 500 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 Apex Baptist Church; 110 S. Salem Street, Apex, NC 27502 (location/address) on July 28, 2025 (date) from 6:00 PM (start time) to 7:45 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

7/29/2025  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this 28th day of June, 2025.



[Signature]  
Notary Public  
Lynn Sullivan  
Print Name

My Commission Expires: 11/16/2027



## APEX ENVIRONMENTAL ADVISORY BOARD

### Suggested Zoning Conditions

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The Town of Apex Environmental Advisory Board (EAB) offers this general list of suggested rezoning conditions for rezoning applicants to consider before filing 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 application 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.

#### **Residential and Non-Residential Development Categories and Coverage**

**Part I applies to all developments; Part II applies exclusively to residential developments, and Part III exclusively to non-residential developments. Your development may include elements of each part.**

- **Part I** – Includes suggestions for **BOTH** residential and non-residential developments (see definitions below).
- **Part II – Residential** applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.

**Part III – 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

**Please be sure to read and complete the entire document. Please select “Yes” to each zoning condition you are proposing to add to your rezoning application. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.**

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# 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.

December 19, 2025

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
 111 Jones Street 0742302925

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 type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant has proposed to rezone the property to Office & Institutional District-Conditional Zoning (O&I-CZ)

to allow construction of parking and/or office space for Apex Baptist Church.

Estimated submittal date: Submitted on August 1, 2025

### MEETING INFORMATION:

Property Owner(s) name(s): APEX BAPTIST CHURCH, INC.  
 Applicant(s): APEX BAPTIST CHURCH, INC. c/o Mathew Carpenter  
 Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032  
 Meeting Address: Apex Baptist Church; 110 S. Salem Street, Apex, NC 27502  
 Date/Time of meeting\*\*: January 8, 2026

Welcome: 6:00 PM Project Presentation: between 6:00 - 7:00PM Question & Answer: between 6:00 - 7:00PM

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

To: Neighboring Property Owners and Tenants  
From: Matthew J. Carpenter  
Date: December 19, 2025  
  
Re: Notice of Second Neighborhood Meeting

You are invited to attend a second neighborhood meeting on January 8, 2026 at 6:00pm at Apex Baptist Church (110 S. Salem Street, Apex, NC 27502) to discuss 25CZ12, the requested rezoning of 111 Jones Street (PIN 0742302925) from Mixed Office-Residential-Retail District-Conditional Use (MORR-CU) to Office & Institutional District-Conditional Zoning (O&I-CZ). The purpose of the rezoning is to allow construction of parking and/or office space for Apex Baptist Church.

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

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at [matthewcarpenter@parkerpoe.com](mailto:matthewcarpenter@parkerpoe.com).

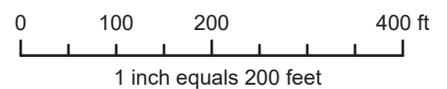
Sincerely,

Matthew J. Carpenter



111 Jones Street

Vicinity Map



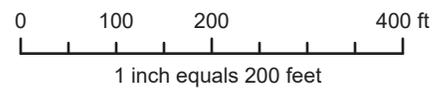
**Disclaimer**  
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



111 Jones Street

## Zoning Map

**Current Zoning: MORR-CU**



**Disclaimer**  
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# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Apex Baptist Church Rezoning Zoning: MORR-CU

Location: 111 Jones Street

Property PIN(s): 0742302925 Acreage/Square Feet: 1.05 ac

Property Owner: APEX BAPTIST CHURCH, INC.

Address: 110 S. Salem Street

City: Apex State: NC Zip: 27502

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: APEX BAPTIST CHURCH, INC. c/o Mathew 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: To Be Determined.

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Builder (if known): APEX BAPTIST CHURCH, INC. c/o Mathew 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
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

# 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.

<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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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 am to 8:30 pm 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-Friday from 8:00 am to 5:00 pm. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

<b>Construction Traffic:</b>	<b>Infrastructure Inspections</b>	<b>919-249-3386</b>
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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).

<b>Road Damage &amp; Traffic Control:</b>	<b>Infrastructure Inspections</b>	<b>919-249-3386</b>
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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 Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

<b>Parking Violations:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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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.

<b>Dirt in the Road:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

<b>Dust:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

<b>Stormwater Control Measures:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed.

<b>Electric Utility Installation:</b>	<b>Electric Utilities</b>	<b>919-249-3531</b>
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

# 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: 110 S. Salem Street, Apex, NC 27502  
 Date of meeting: 1/8/2026 Time of meeting: 6:00 pm  
 Property Owner(s) name(s): Apex Baptist Church  
 Applicant(s): Apex Baptist Church

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.	Don Grimes	210 S. Salem St	919-303-7328		<input type="checkbox"/>
2.	Laura Grimes	"	"		<input type="checkbox"/>
3.	Cheryl Koch	218 W. Chatham St	919 906 0511		<input checked="" type="checkbox"/>
4.	Kew Koch	"	919 426 871		<input checked="" type="checkbox"/>
5.	Karla Gertis	206 W. Chatham	919-622-0133		<input checked="" type="checkbox"/>
6.	Mary Trotter	215 W Chatham	919-815-538		<input checked="" type="checkbox"/> net
7.	Penny Maguire	210 W. Chatham	919-819-6323		<input checked="" type="checkbox"/>
8.	ROGER SQUIRES	207 HOLLEMAN ST	919-414-9246		<input checked="" type="checkbox"/>
9.	Brian Yates	7113 Beaver Trl	919-422-0739		<input type="checkbox"/>
10.	Bob Conolly	104 Jones St.	919-924-309		<input type="checkbox"/>
11.	Debby "	"	" " 308		<input type="checkbox"/>
12.	Michael Kunters	309 W. Chatham.	919-427-3586		<input checked="" type="checkbox"/>
13.	Colleen Kunters	308 W. Chatham.	919-427-3159		<input checked="" type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

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	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Karen Cooper	211 W Chatham	919 523 1911	[REDACTED]	<input checked="" type="checkbox"/>
2.	Paula Banning	222 W Chatham	919 656-5185	[REDACTED]	<input checked="" type="checkbox"/>
3.	Donna D. Hibbard	110 Jones St		[REDACTED]	<input checked="" type="checkbox"/>
4.	Jeanette Jones	502 DIVE ST	919-362-8984	[REDACTED]	<input checked="" type="checkbox"/>
5.	David & Magee Jaski	203 Holloman St	919 523 5645	[REDACTED]	<input checked="" type="checkbox"/>
6.	Perry & Debra Cox	207 Hudson Ave	919-924-6431	[REDACTED]	<input type="checkbox"/>
7.	Mike & Tonya Procter	115 S Salem St	919 730 6369	[REDACTED]	<input checked="" type="checkbox"/>
8.	Don & Gloria Murdock	304 W CHATHAM ST	919 624 9766	[REDACTED]	<input checked="" type="checkbox"/>
9.	Kelly Radford	108 Jones St	919 210 7786	[REDACTED]	<input checked="" type="checkbox"/>
10.				[REDACTED]	<input type="checkbox"/>
11.				[REDACTED]	<input type="checkbox"/>
12.				[REDACTED]	<input type="checkbox"/>
13.				[REDACTED]	<input type="checkbox"/>
14.				[REDACTED]	<input type="checkbox"/>

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	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Amick, Charles	9212 Green Level Ch Rd (on 219 W Chatham)	919-368-2503	[REDACTED]	<input checked="" type="checkbox"/>
2.	Dieter, Eric	11 11	11 -2504	[REDACTED]	<input type="checkbox"/>
3.	Andrea Pomarino	223 W. Chatham	248-756-3007	[REDACTED]	<input checked="" 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.

**Apex Baptist Church Rezoning  
Summary of Second Neighborhood Meeting  
January 8, 2026**

I. WELCOME

- a. Introduction - Matthew Carpenter w/ Parker Poe on behalf of Apex Baptist Church; Staley Smith with Apex Baptist planned to be here, but he could not attend due to a family emergency.
- b. Explanation of process. This is the second neighborhood meeting for a rezoning request by the church. We held the first neighborhood meeting July 28 of last year. At that time, we had not yet filed our rezoning application but were gathering feedback as we worked on our application. We did file our application August 1 and over the last six months have been working with Town staff to revise our application. The purpose of tonight's meeting is to give you an update on the case. Since there may be folks here that weren't at the first meeting, I'll give an overview of the case, share updates since the last meeting, and then be happy to answer any questions.

II. PRESENTATION

- a. Site Overview - location and existing uses adjacent
  - i. 1 acre lot at the corner of Jones Street and Holleman Street
  - ii. Main Apex Baptist parking lot and campus adjacent to the east
  - iii. Residential neighborhoods adjacent to the north and west
  - iv. Jones Street Park to the south
  - v. Property has two structures on the lot - the Martha Bailey House and a concrete block structure. The church currently uses the lot for overflow parking and the Martha Bailey House as office space.
  - vi. The church purchased the lot for \$400,000 in 2006.
- b. Proposed Zoning and Land Use Map Designation
  - i. A lot has changed since 2006 - for the church and for downtown Apex. The church, and downtown, have grown significantly and the church has had a big parking problem for several years.
  - ii. For the last few years, the church has explored options to meet the needs of the growing church which has led to the solution discussed at the first neighborhood meeting - a tabletop parking structure on the property.
  - iii. The lot is currently zoned MORR-CZ and the conditions only allow parking to the side and rear of buildings, so the church needs a rezoning to permit construction of the deck.
  - iv. The proposal is to rezone the property to O&I-CZ to permit construction of the deck.
  - v. The LUM is the primary document the Town reviews in evaluating a rezoning request and designates this property for office/medium density residential. So, the proposed zoning district, together with existing residential neighborhoods, is consistent with the LUM designation.
  - vi. The CZ designation means the case is a conditional rezoning case and we have several rezoning conditions we've worked through with Town staff that, if approved, will run with the land.
- c. Historic Designations

- i. The property is in the downtown Apex Historic District. As I mentioned, there are two structures on the property - the Martha Bailey House and the Concrete Block Structure.
  - ii. As we discussed at the first neighborhood meeting in July, the church's original plans were to relocate the Bailey House offsite to another lot the church owns and build the parking deck on the entire lot.
  - iii. At the first neighborhood meeting, we received a letter from the Bailey sisters who grew up in the house requesting the church not tear the house down.
  - iv. In August, we filed the rezoning case with rezoning conditions that specified the house would be relocated offsite and permanently preserved.
  - v. In September, we received a neighborhood statement signed by several folks here tonight requesting the Bailey House be preserved on site rather than relocated. The statement outlined several options including keeping the Bailey house on site and building a parking deck behind it.
  - vi. We're happy to provide an update this evening that we've updated the rezoning conditions to state the Bailey House will be permanently preserved on site on the existing lot. The plan is to move the Bailey House closer to Jones Street and build the parking deck behind it. This change has several benefits including:
    - 1. The Bailey House will be preserved on its lot in the Downtown Apex National Register Historic District. We are not asking that the property be removed from the historic district or for any other changes to the historic district boundary.
    - 2. The change will preserve the residential character of Jones Street with the parking deck as a natural extension of the existing church parking lot.
- d. Other Proposed Rezoning Conditions
- i. We've also added several other important zoning conditions including:
    - 1. Architectural conditions that the structure will include a brick wall or other opaque screening with a minimum height of 3.5 feet, max blank wall area, and commitment that the ground floor façade will be continued on upper stories.
    - 2. A lighting condition that lights will be extinguished by midnight, max color temperature will not exceed 3,000K (stricter than UDO requirement), and light poles will be placed along the perimeter with full cutoff shades.
    - 3. Traffic/access condition that only one level of parking shall have access to and from Jones Street.
- e. Rezoning Process and Timeline
- i. Targeting February Planning Board and Town Council meetings. Planning Board will hold a public hearing where anyone can speak for or against the rezoning and make a recommendation to Town Council whether to approve or deny the case. Approx. two weeks later, Town Council will also hold a public hearing and make the ultimate decision on the rezoning.

### III. SUMMARY OF QUESTION AND ANSWER PERIOD

- a. By how many spaces does the change reduce the parking structure?

- i. While the final deck hasn't been designed, we estimate the change results in a loss of around 70 spaces from the initial concept deck which covered the entire lot and stretched all the way to Jones Street.*
- b. Does the church really need that much parking? Is this the best option?
  - i. Yes, the church has a huge parking need, especially on Sundays. The church is already maxing out its surface parking lot and shuttling folks from satellite parking lots to the church. This solution allows the church to meet parking demand on a lot it already owns without having to acquire additional property, displace current downtown residents or businesses, or compete for parking with growing downtown businesses.*
- c. Has the church looked at purchasing other property?
  - i. Yes, but generally speaking, there is not vacant land in downtown Apex and other sites are not as proximate to the existing church parking lot.*
- d. How many driveways will the parking deck have?
  - i. The design has not been finalized and driveway locations will be determined at Site Plan; although, we expect there will be one driveway on Jones Street and one on Holleman Street.*
- e. Where will the driveway on Jones Street be located given the preservation of the Bailey House?
  - i. Most likely to the north of the Bailey House in the approximate location of the current driveway.*
- f. Has the church considered leaving the home in its current location (rather than moving it closer to Jones Street) and building a smaller parking deck behind it?
  - i. With the recent commitment to preserve the Bailey House on site, the church lost approximately 70 spaces in the deck. If the Bailey House remains in its current location, the size of the parking deck would be reduced further to the point it would no longer be financially feasible to build the deck at all.*
- g. Could the church not purchase and build a parking deck on the former bank building parcel at 202 S. Salem Street?
  - i. The UDO prohibits parking garages on S. Salem Street. Additionally, the property is not for sale to our knowledge. It's also at an intersection and separated from the church and existing church parking lot by a road.*
- h. The church does not care about this neighborhood and is not being fair to residents. All the church cares about is a parking deck that will be used for one day. Residents of the neighborhood will be harmed by the parking deck 24/7.
  - i. No one lives on the property and the deck will not be displacing anyone. The request is about more than just a parking deck. The church cares deeply about the community and is working hard to meet parking demand to continue serving the community and being a cornerstone of downtown Apex. The tabletop deck concept is the product of years of work and the preservation of the Bailey House on site is an expensive commitment the church has voluntarily undertaken in response to neighborhood concerns in consideration of the historic character of the area. The church could have demolished the structures years ago, but instead has opted to work with the community and through the rezoning process in good faith.*

# 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

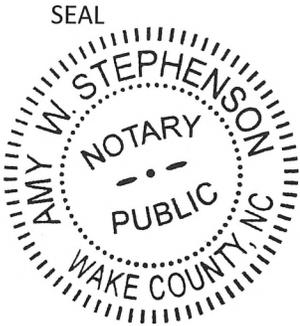
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 500 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 Apex Baptist Church  
110 S. Salem St. (location/address)  
on January 8 (date) from 6:00 PM (start time) to 7:30 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

1/20/2026  
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 20<sup>th</sup> day of January, 2026.



Amy W. Stephenson  
Notary Public  
Amy W. Stephenson  
Print Name

My Commission Expires: 10/2/2028

OWNER	MAILING ADDRESS	
209 W CHATHAM STREET LLC	1720 MIRAMAR DR	VENTURA CA 93001-2345
ANDERSON, HANNAH DIXON, HARRISON	214 W CHATHAM ST	APEX NC 27502-1408
APEX BAPTIST CHURCH INC	110 S SALEM ST	APEX NC 27502-1823
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
BANNING, PAULA H	222 W CHATHAM ST	APEX NC 27502-1408
BRENNAN, ROBERT OWEN BRENNAN, AMBER ROSE	506 KELLYRIDGE DR	APEX NC 27502-9531
C & D INVESTMENT CO INC	THOMAS DIXON	2950 SANDY FORD RD
CAREY C JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781
CONOLTY, ROBERT H III CONOLTY, DEBRAH J	104 JONES ST	APEX NC 27502-1819
COPE, CHARLES V COPE, SUSAN M	306 W CHATHAM ST	APEX NC 27502-1410
COX, PERRY COX, DEBRA	721 HILLSFORD LN	APEX NC 27502-6270
CRETA, ERIC D CRETA, PATRICIA POLLOCK	203 W MOORE ST	APEX NC 27502-1820
FARRELL, ANN B FARRELL, ROBERT G	308 HOLLEMAN ST	APEX NC 27502-1814
FOWLER, ANGELA JONES	4308 OAK HOLLOW DR	HIGH POINT NC 27265-9652
GERTIS, KARLA S	206 W CHATHAM ST	APEX NC 27502-1408
GILBERT, JUDITH P NIMMO, ELLEN J	404 W CHATHAM ST	APEX NC 27502-1412
GOODWIN, LARRY P II	404 HOLLEMAN ST	APEX NC 27502-1816
GRIMES, DONALD W GRIMES, LAURA M	210 S SALEM ST	APEX NC 27502-1825
HIBBERT, DONNA DAVIES	110 JONES ST	APEX NC 27502-1819
HOLLEMAN STREET LLC	109 HOLLEMAN ST	APEX NC 27502-1809
JASKI, DAVID JOHN JASKI, MAGEE JASPER	1422N WRAGBY LN	APEX NC 27502-6605
JEREMIAH 29 11 PROPERTIES LLC	207 W CHATHAM ST	APEX NC 27502-1895
JONES, GLENN THEOPHILUS TRUSTEE JONES, BRENDA RAGAN TRUSTEE	614 SUNSET AVE	APEX NC 27502-1344
JOYNER, JASON A JOYNER, JENNIFER E	206 S SALEM ST	APEX NC 27502-1825
KANTERS, MICHAEL ANTHONY KANTERS, COLLEEN KENNY	309 W CHATHAM ST	APEX NC 27502-1409
KOCH, KENNETH E JR KOCH, CHERYL H	218 W CHATHAM ST	APEX NC 27502-1408
KPW INVESTMENTS LLC	108 W CHATHAM ST	APEX NC 27502-1406
KRUEGER, TIMOTHY J KRUEGER, GRETCHEN W	1203 CAIRPHILLY CASTLE CT	APEX NC 27502-4064
MAGUIRE, PENELOPE	210 W CHATHAM ST	APEX NC 27502-1408
MARTIN, SYLVIA EDWARDS MARTIN, ANNA HAMILTON	310 W CHATHAM ST	APEX NC 27502-1410
MURDOCK, DANIEL W MURDOCK, GRETA LYN	304 W CHATHAM ST	APEX NC 27502-1410
PEAK CITY PROPERTIES LLC	260 MOUNT PISGAH CHURCH RD	APEX NC 27523-5506
PEAKWAY LIVING LLC	PO BOX 457	APEX NC 27502-0457
POMARICO, WILLIAM ANGELO JR ABATEMARCO, ANDREA JEAN	223 W CHATHAM ST	APEX NC 27502-1407
PURTELL, GREGORY STEVEN PURTELL, STEVEN M	205 W MOORE ST	APEX NC 27502-1820
RADFORD, BRUCE A RADFORD, KELLY M	108 JONES ST	APEX NC 27502-1819
RADFORD, KELLY MARTIN	108 JONES ST	APEX NC 27502-1819
READER PROPERTIES LLC	202 W CHATHAM ST	APEX NC 27502-1408
RICHARD, ANN M RICHARD, DIETER P	9212 GREEN LEVEL CHURCH RD	CARY NC 27519-8308
SQUIRES, ROGER M COLUCCI, ANGEL L	207 HOLLEMAN ST	APEX NC 27502-1811
STEPHENS, ERIC STEPHENS, ANN	311 W CHATHAM ST	APEX NC 27502-1409
STEPHENS, ERIC THOMAS STEPHENS, ANN MOORE	311 W CHATHAM ST	APEX NC 27502-1409
TALBERT, CYNTHIA D	211 HUDSON AVE	APEX NC 27502-1840
TROTTER, MARY NELL	215 W CHATHAM ST	APEX NC 27502-1407
WILKINSON PROPERTIES OF NORTH CAROLINA LLC	104 DOWNING PL	APEX NC 27502-9342
WRENNWOOD DEVELOPMENT LLC	PO BOX 4122	CARY NC 27519-4122
Current Tenant	104 W Chatham ST	APEX NC 27502
Current Tenant	106 W Chatham ST	APEX NC 27502
Current Tenant	106 W Chatham ST Suite 200	APEX NC 27502
Current Tenant	200 W Chatham ST	APEX NC 27502
Current Tenant	209 W Chatham ST	APEX NC 27502
Current Tenant	211 W Chatham ST Unit A	APEX NC 27502
Current Tenant	211 W Chatham ST Unit B	APEX NC 27502
Current Tenant	219 W Chatham ST	APEX NC 27502
Current Tenant	219A W Chatham ST	APEX NC 27502
Current Tenant	219B W Chatham ST	APEX NC 27502
Current Tenant	203 Holleman ST	APEX NC 27502
Current Tenant	400 Holleman ST	APEX NC 27502
Current Tenant	207 Hudson AVE	APEX NC 27502
Current Tenant	107 Jones ST	APEX NC 27502
Current Tenant	111 Jones ST	APEX NC 27502
Current Tenant	112 Jones ST	APEX NC 27502
Current Tenant	200 W Moore ST	APEX NC 27502
Current Tenant	206 W Moore ST	APEX NC 27502
Current Tenant	210 W Moore ST	APEX NC 27502
Current Tenant	202 S Salem ST	APEX NC 27502
Current Tenant	212 S Salem ST	APEX NC 27502



# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #25CZ12 Apex Baptist Church

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:** Apex Baptist Church, Inc.
- Authorized Agent:** Matthew Carpenter, Parker Poe and Staley Smith
- Property Address:** 111 Jones Street
- Acreage:** ±1.05 acres
- Property Identification Number (PIN):** 0742302925
- 2045 Land Use Map Designation:** Medium Density Residential/Office Employment
- Existing Zoning of Property:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)
- Proposed Zoning of Property:** Office & Institutional-Conditional Zoning (O&I-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: February 9, 2026 4:30 PM**

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

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (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 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/51500/25CZ12>.

Dianne F. Khin, AICP  
Planning Director



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

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OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #25CZ12  
Apex Baptist Church

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**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/i/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/51500/25CZ12>.

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 #25CZ12**  
 Apex Baptist Church

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:** Apex Baptist Church, Inc.
- Agente autorizado:** Matthew Carpenter, Parker Poe and Staley Smith
- Dirección de la propiedad:** 111 Jones Street
- Superficie:** ±1.05 acres
- Números de identificación de la propiedad:** 0742302925
- Designación en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment
- Ordenamiento territorial existente de la propiedad:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)
- Ordenamiento territorial propuesto para la propiedad:** Office & Institutional-Conditional Zoning (O&I-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: 9 de febrero de 2026 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (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 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/51500/25CZ12>.

Dianne F. Khin, AICP  
 Directora de Planificación



**TOWN OF APEX**  
 PO BOX 250  
 APEX, NORTH CAROLINA 27502  
 TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ12**  
 Apex Baptist Church

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:** Apex Baptist Church, Inc.  
**Agente autorizado:** Matthew Carpenter, Parker Poe and Staley Smith  
**Dirección de la propiedad:** 111 Jones Street  
**Superficie:** ±1.05 acres  
**Números de identificación de la propiedad:** 0742302925  
**Designación en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment  
**Ordenamiento territorial existente de la propiedad:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)  
**Ordenamiento territorial propuesto para la propiedad:** Office & Institutional-Conditional Zoning (O&I-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
 Cámara del Consejo, 2º piso  
 73 Hunter Street, Apex, Carolina del Norte

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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 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/51500/25CZ12>.

Dianne F. Khin, AICP  
 Directora de Planificación



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

**AFFIDAVIT CERTIFYING**  
**Public Notification – Written (Mailed) Notice**  
 Section 2.2.11  
 Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #25CZ12 Apex Baptist Church  
 Project Location: 111 Jones Street  
 Applicant or Authorized Agent: Matthew Carpenter  
 Firm: Parker Poe  
 Planning Board Public Hearing Date: February 9, 2026  
 Project Planner: Amanda Bunce

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 January 23, 2026, 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 500' 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 500' of the land subject to notification.

1/27/2026  
 Date

*Sharré F. Khan*  
 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 27<sup>th</sup> day of January, 2026.

*[Signature]*  
 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 #25CZ12  
 Apex Baptist Church**

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:** Apex Baptist Church, Inc.
- Authorized Agent:** Matthew Carpenter, Parker Poe and Staley Smith
- Property Address:** 111 Jones Street
- Acreage:** ±1.05 acres
- Property Identification Number (PIN):** 0742302925
- 2045 Land Use Map Designation:** Medium Density Residential/Office Employment
- Existing Zoning of Property:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)
- Proposed Zoning of Property:** Office & Institutional-Conditional Zoning (O&I-CZ)

**Public Hearing Location:** Apex Town Hall  
 Council Chamber, 2<sup>nd</sup> Floor  
 73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

**Town Council Public Hearing Date and Time: February 24, 2026 6:00 PM**

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

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/51500/25CZ12>.

Dianne F. Khin, AICP  
 Planning Director



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #25CZ12  
Apex Baptist Church**

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:** Apex Baptist Church, Inc.  
**Authorized Agent:** Matthew Carpenter, Parker Poe and Staley Smith  
**Property Address:** 111 Jones Street  
**Acreage:** ±1.05 acres  
**Property Identification Number (PIN):** 0742302925  
**2045 Land Use Map Designation:** Medium Density Residential/Office Employment  
**Existing Zoning of Property:** Mixed Office-Residential-Retail-Conditional Use (MDRR-CU #05CU11)  
**Proposed Zoning of Property:** Office & Institutional-Conditional Zoning (O&I-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: February 24, 2026 6:00 PM**

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

If you are unable to attend, you may provide a written statement by email to [public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

**Vicinity Map:**



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Dianne F. Khin, AICP  
Planning Director



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ12**  
Apex Baptist Church

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:** Apex Baptist Church, Inc.

**Agente autorizado:** Matthew Carpenter, Parker Poe and Staley Smith

**Dirección de la propiedad:** 111 Jones Street

**Superficie:** ±1.05 acres

**Números de identificación de la propiedad:** 0742302925

**Designación en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment

**Ordenamiento territorial existente de la propiedad:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)

**Ordenamiento territorial propuesto para la propiedad:** Office & Institutional-Conditional Zoning (O&I-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: 24 de febrero de 2026 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/51500/25CZ12>.

Dianne F. Khin, AICP  
Directora de Planificación



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ12  
Apex Baptist Church

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:** Apex Baptist Church, Inc.  
**Agente autorizado:** Matthew Carpenter, Parker Poe and Staley Smith  
**Dirección de la propiedad:** 111 Jones Street  
**Superficie:** ±1.05 acres  
**Números de identificación de la propiedad:** 0742302925  
**Designación en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment  
**Ordenamiento territorial existente de la propiedad:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)  
**Ordenamiento territorial propuesto para la propiedad:** Office & Institutional-Conditional Zoning (O&I-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: 24 de febrero de 2026 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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**Mapa de las inmediaciones:**



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Dianne F. Khin, AICP  
Directora de Planificación



**TOWN OF APEX**

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

**AFFIDAVIT CERTIFYING  
Public Notification – Written (Mailed) Notice**

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #25CZ12 Apex Baptist Church  
Project Location: 111 Jones Street  
Authorized Agent: Matthew Carpenter  
Firm: Parker Poe  
Town Council Public Hearing Date: February 24, 2026  
Project Planner: Amanda Bunce

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 January 30, 2026, 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 500' 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.

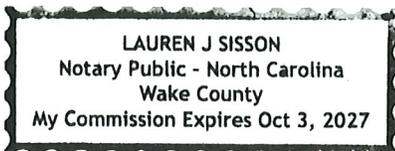
2/2/2026  
Date

*Shirley F. Klein*  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

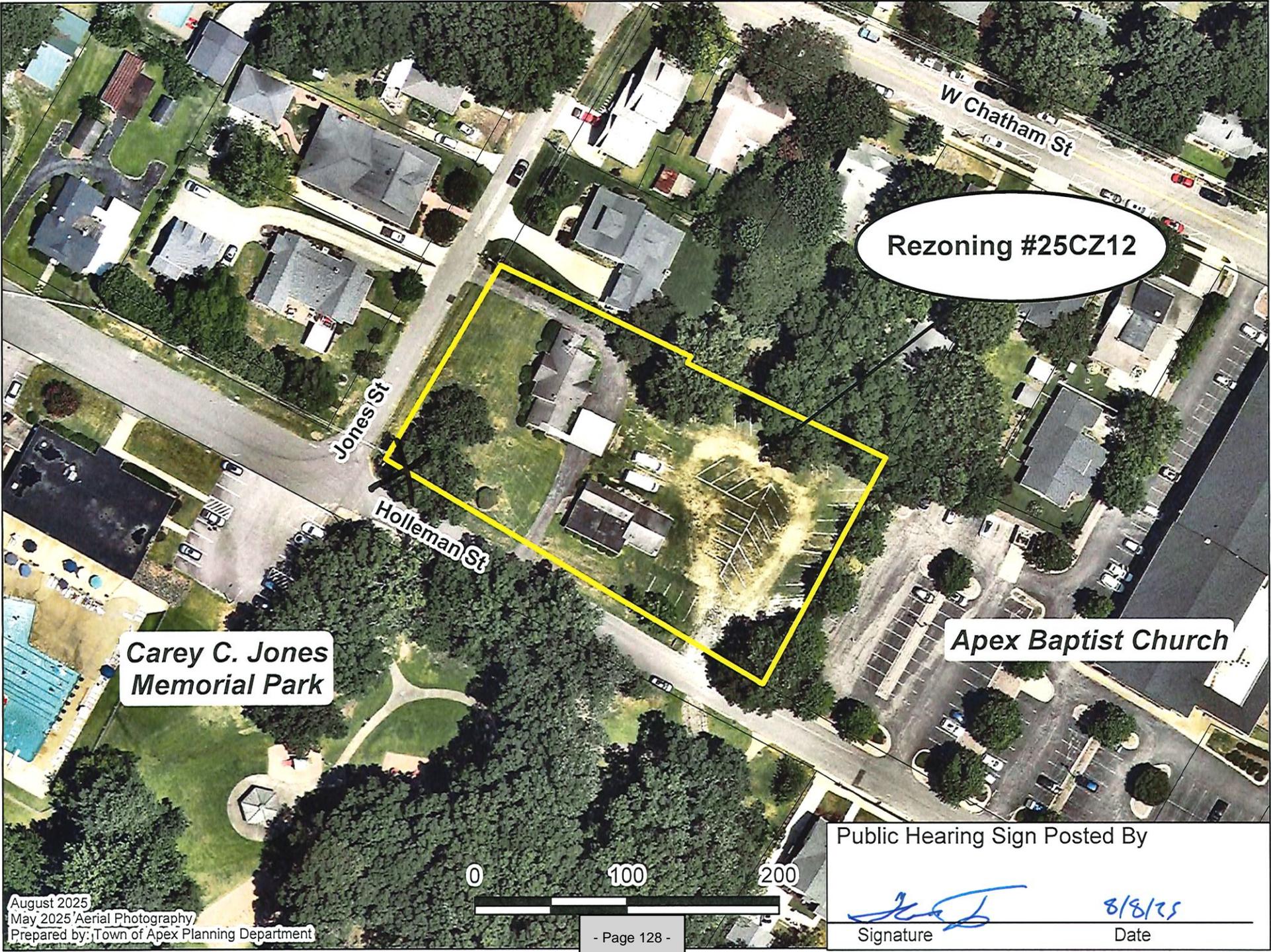
State and County, this the 2<sup>nd</sup> day of FEBRUARY, 2026.



SEAL

*[Signature]*  
Notary Public

My Commission Expires: 10 / 3 / 2027



Rezoning #25CZ12

Carey C. Jones  
Memorial Park

Apex Baptist Church

Public Hearing Sign Posted By

8/8/25

Signature

Date



# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ12 Apex Baptist Church

Planning Board Meeting Date: February 9, 2026



## 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:** ±1.05

**PIN(s):** 0742302925

**Current Zoning:** Mixed Office-Residential-Retail-Conditional Use (MORR-CU #05CU11)/  
Small Town Character Overlay District

**Proposed Zoning:** Office & Institutional-Conditional Zoning (O&I-CZ)/  
Small Town Character Overlay District

**2045 Land Use Map:** Medium Density Residential/Office Employment

**Town Limits:** Town 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: #25CZ12 Apex Baptist Church

Planning Board Meeting Date: February 9, 2026



## 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: Due to intensity of the proposed

use in a transitional district.

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: Visual impact, increased traffic,

light pollution compared to existing use

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: #25CZ12 Apex Baptist Church

Planning Board Meeting Date: February 9, 2026



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: The proposed use would be

detrimental with regard to traffic, safety, home value, and noise.

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: Use would be a nuisance due to

noise and the number of people using the site.

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: Proposed conditions to allow

relocation of one structure and demo of another without the 48-month waiting period based on the historic designation of the property and precedent that would be set.

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ12 Apex Baptist Church

Planning Board Meeting Date: February 9, 2026



Planning Board Recommendation:

Motion: Motion to deny

Introduced by Planning Board member: Kristy Yule

Seconded by Planning Board member: Mary Petersen

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 2 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached

This report reflects the recommendation of the Planning Board, this the 9th day of February 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda Bunce  
Date: 2026.02.09 18:49:04 -05'00'

Amanda Bunce, Assistant Planning Director

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
**Dissenting Member Comments**



**Planning Board Member Name:** Tim Royal

**Meeting Date:** 2/9/2026

Rezoning # 25CZ12 Apex Baptist Church

Long Range Plan amendment(s) \_\_\_\_\_

Other \_\_\_\_\_

Reason(s) for dissenting vote:

The rezoning should carry due to the overall benefit to the church and town. Reasons to support:

1. The church plans to build the structure at no cost to the town and has historically provided parking to our residents.
2. The proposed area of construction allows for minimal height above grade. Nowhere else can you build a 2 story parking deck where the topography already supports such structure and minimally impacts visual disturbances.
3. Preservation of the Bailey house. I believe that the church has every intention on saving the structure despite the condition offered by the applicant.

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
**Dissenting Member Comments**



**Planning Board Member Name:** Keith Braswell

**Meeting Date:** Feb 9 2026

Rezoning # 25CZ12

Long Range Plan amendment(s) \_\_\_\_\_

Other \_\_\_\_\_

Reason(s) for dissenting vote:

I believe we the town should look at this from the perspective of when is another property owner willing to build a parking deck within walking distance to the Downtown Historic District? Apex Baptist has been and still is extremely cooperative in allowing roughly 300 parking spaces to be used now for public events. And are asking to build a parking deck within a very short walking distance to the historic district, when is this going to happen again? I really believe an opportunity can be made. Imagine Apex Baptist not allowing public parking on their lot, I believe the town needs that mutual understanding of allowing parking.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: February 24, 2026

## Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

### Requested Motion

**This item was continued at the November 13, December 9, 2025, January 13, and February 10, 2026, Town Council meetings.**

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

### Approval Recommended?

The Planning Department recommends approval.

The Planning Board recommended approval at their January 12, 2026 meeting.

### Item Details

Requested by Planning and Transportation & Infrastructure Development Staff:

1. Amendments to Secs. 7.2.1.l *Design Standards, Streets*; 7.2.4 *Design Standards* and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

## Attachments

- PH4-A1: Staff Report - Unified Development Ordinance (UDO) Amendments- February 2026
- PH4-A2 Planning Board Report to Town Council- Unified Development Ordinance (UDO) Amendments-February 2026
- PH4-A3: Public Notice - Unified Development Ordinance (UDO) Amendments - February 2026
- PH4-A4: Ordinance - Unified Development Ordinance (UDO) Amendments - February 2026
- PH4-A5: Example Specification Details - Unified Development Ordinance (UDO) Amendments - February 2026



# STAFF REPORT

## Amendments to the Unified Development Ordinance

February 24, 2026, Town Council Meeting



Requested by Planning and Transportation & Infrastructure Development Staff:

- 1) **Amendments to Secs. 7.2.1 *Design Standards, Streets*; 7.2.4 *Design Standards*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.**

**Background:** Staff propose the following amendments to clarify that temporary turnarounds, may be permitted in connection with stub streets. The intent of this amendment is to 1) ensure that emergency and other Town-related vehicles can safely and efficiently maneuver throughout a subdivision and 2) provide guidance for their eventual removal as the stub streets are connected to future development on adjacent properties and the temporary turnaround is no longer required.

### 7.2.1 Design Standards, Streets

#### l) Temporary Turnaround

**A temporary turnaround shall be provided at the terminus of any stub street exceeding 150 feet in length. Temporary turnarounds shall be constructed within a temporary public access and construction easement or within the public right-of-way and shall comply with all applicable standards, including the Town of Apex Standard Specifications and Standard details.**

- 1) *Applicability.* The provisions of this subsection shall apply only to temporary turnarounds approved after March 10, 2026.**
- 2) *Easement and Design.* The temporary turnaround shall be placed in a temporary public access and construction easement meeting the standards of Sec. 7.2.4.C *Temporary Public Access and Construction Easement* or within a dedicated public right-of-way until such time as the roadway is extended.**
- 3) *Fee-In-Lieu (FIL).* A fee-in-lieu pursuant to Sec. 7.5.4.F *Stub Street Fee-In-Lieu* shall be required for the future conversion and removal of the temporary turnaround prior to Master Subdivision Final Plat or Site Plan Final Plat approval.**
- 4) *Removal and Restoration.* The developer of the adjacent property making a street connection to the existing stub street shall be responsible for the removal of the temporary turnaround, restoration of the affected area, ~~landscaping to meet the buffer type that would have been required adjacent to the roadway extension that would have been required had the temporary turnaround not been located there,~~ and construction of any additional improvements required by the UDO for street extensions, including typical roadway cross-sections, sidewalks, and utilities.**
- 5) *Use Limitations.* Temporary turnarounds shall not be used for parking and/or driveways.**

- 6) **Signage.** When a temporary turnaround is provided, a clearly visible street sign per the Town of Apex's *Standard Specifications and Standard Details* shall be erected at the end of the stub street stating that the street is planned to be connected to a future street.
- 7) **Size and Dimensions.** The temporary turnaround shall comply with the size and dimensional requirements set forth in the Town of Apex's *Standard Specifications and Standard Details*.
- 8) **Platting.** Any plat containing a stub street shall include the following note: **"The street system shown on this plat includes one or more stub streets that are intended to connect to adjacent property when such property is developed. These connections are required to promote the efficient flow and distribution of traffic and to provide additional points of access for emergency vehicles."**
- 9) **Materials.** The temporary turnaround shall be built to the Town of Apex's standards per Town of Apex *Standard Specifications and Standard Details*.
- 10) **Buffer and Landscaping Restrictions.** **Temporary turnarounds and any associated temporary public access and construction easements, grading, or pavement shall be located outside of all required buffers established by this Ordinance.**

7.2.4 Design Standards

...

- C) **Temporary Public Access and Construction Easement.** **A temporary public access and construction easement shall be required for any portion of a temporary turnaround located outside of public right-of-way. The temporary public access and construction easement and any improvements within such easement shall not encroach into required buffers unless expressly permitted elsewhere in this Ordinance. The temporary public access and construction easement shall be of sufficient size to allow for necessary construction and future conversion of the roadway to a through street. Any slope easements, construction easements, and/or right-of-way dedication needed to construct the future roadway connection shall be dedicated. The temporary public access and construction easement shall follow one of the following methods:**
  - (1) **If the adjacent land is owned by the subdivider, a temporary turnaround can be provided within a temporary public access and construction easement on such adjacent land. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround; or**
  - (2) **The subdivider may provide the required turnaround on one of the last lots or common area nearest to the adjacent land and fronting on the temporary stub street through use of a temporary public access and construction easement dedicated to the Town. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround.**

...

13.4 Transportation, Definitions

...

**Temporary Turnaround**

**A turnaround area, constructed in accordance with the *Town of Apex Standard Specifications and Standard Details*, located within a temporary public access easement or public right-of-way at the terminus of a street that is planned for future extension.**

...

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommend approval of the proposed amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board voted unanimously to recommend approval of the proposed amendments during their January 12, 2026, meeting.

**PLANNING BOARD REPORT TO TOWN COUNCIL**

**Unified Development Ordinance Amendments**

Planning Board Meeting Date: January 12, 2026



**Report Requirements:**

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

**Planning Board Recommendation:**

Motion: Recommend approval as presented.

Introduced by Planning Board member: Jeff Hastings

Seconded by Planning Board member: Sarah Soh

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of January 2026.

Attest:  
  
\_\_\_\_\_  
Keith Braswell, Planning Board Chair

**Amanda Bunce** Digitally signed by Amanda Bunce  
Date: 2026.01.12 17:04:53 -05'00'  
\_\_\_\_\_  
Amanda Bunce, Assistant Planning Director





**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TEL. 919-249-3426

**CONTINUED PUBLIC NOTIFICATION  
OF PUBLIC HEARING  
AMENDMENTS TO THE UNIFIED  
DEVELOPMENT ORDINANCE (UDO)**

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance that are applicable Town-wide:

**Requested by Planning Staff:**

- 1) Amendments to Secs. 7.2.1.1 *Design Standards, Streets*; 7.2.4 *Design Standards*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> floor  
73 Hunter Street, Apex, North Carolina

**Town Council Public Hearing Date and Time:** ~~November 13, 2025, December 9, 2025, January 13, 2026, February 10, 2026, 2026~~ **February 24, 2026, 6:00 PM**

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

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: October 24, 2025 – ~~November 13, 2025, December 9, 2025, January 13, 2026, February 10, 2026, 2026~~ **February 24, 2026**



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TEL. 919-249-3426

**CONTINUADA NOTIFICACIÓN PÚBLICA DE  
AUDIENCIAS PÚBLICAS**  
Modificación de la Ordenanza  
de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a todo el pueblo:

**Solicitado por el personal de Planificación y Desarrollo de Transporte e Infraestructura:**

1. Modificaciones a las secciones 7.2.1.1 *Estándares de diseño, Calles*; 7.2.4 *Estándares de diseño*; y 13.4 *Transporte, Definiciones* con el fin de permitir el uso de vueltas temporales en relación con calles sin salida.

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2.º piso  
73 Hunter Street, Apex, North Carolina

**Fecha y hora de la audiencia pública del Consejo Municipal:** ~~13 de noviembre 2025 9 de diciembre 2025 de 10 febrero, 2026 de 24 febrero, 2026 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 proporcionar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la Oficina de la Secretaria Municipal (73 Hunter Street o por correo postal a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: del 24 de octubre de 2025 al ~~13 de noviembre de 2025 9 de diciembre de 2025~~ de 10 febrero, 2026 de 24 febrero, 2026



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TEL. 919-249-3426

**CONTINUED PUBLIC NOTIFICATION  
OF PUBLIC HEARING  
AMENDMENTS TO THE UNIFIED  
DEVELOPMENT ORDINANCE (UDO)**

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**Requested by Planning Staff:**

- 1) Amendments to Secs. 7.2.1.1 *Design Standards, Streets*; 7.2.4 *Design Standards*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

**Public Hearing Location:** Apex Town Hall  
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The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: October 24, 2025 – ~~November 13, 2025, December 9, 2025, January 13, 2026, February 10, 2026, 2026~~ **February 24, 2026**



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TEL. 919-249-3426

**CONTINUADA NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**

**Modificación de la Ordenanza de Desarrollo Unificado (UDO)**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a todo el pueblo:

**Solicitado por el personal de Planificación y Desarrollo de Transporte e Infraestructura:**

1. Modificaciones a las secciones 7.2.1.I *Estándares de diseño, Calles*; 7.2.4 *Estándares de diseño*; y 13.4 *Transporte, Definiciones* con el fin de permitir el uso de vueltas temporales en relación con calles sin salida.

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2.º piso  
73 Hunter Street, Apex, North Carolina

**Fecha y hora de la audiencia pública del Consejo Municipal:** ~~13 de noviembre 2025 9 de diciembre 2025 de 10 febrero, 2026 de 24 febrero, 2026 6:00 p. m.~~

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Se puede acceder a la UDO en línea en <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: del 24 de octubre de 2025 al ~~13 de noviembre de 2025 9 de diciembre de 2025~~ de 10 febrero, 2026 de 24 febrero, 2026

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE**

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

**Section 1.** Sections 7.2.1, 7.2.4, and 13.4 of the Unified Development Ordinance are now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.2.1 Design Standards, Streets

l) **Temporary Turnaround**

**A temporary turnaround shall be provided at the terminus of any stub street exceeding 150 feet in length. Temporary turnarounds shall be constructed within a temporary public access and construction easement or within the public right-of-way and shall comply with all applicable standards, including the Town of Apex Standard Specifications and Standard details.**

- 1) **Applicability.** The provisions of this subsection shall apply only to temporary turnarounds approved after March 10, 2026.
- 2) **Easement and Design.** The temporary turnaround shall be placed in a temporary public access and construction easement meeting the standards of Sec. 7.2.4.C *Temporary Public Access and Construction Easement* or within a dedicated public right-of-way until such time as the roadway is extended.
- 3) **Fee-In-Lieu (FIL).** A fee-in-lieu pursuant to Sec. 7.5.4.F *Stub Street Fee-In-Lieu* shall be required for the future conversion and removal of the temporary turnaround prior to Master Subdivision Final Plat or Site Plan Final Plat approval.
- 4) **Removal and Restoration.** The developer of the adjacent property making a street connection to the existing stub street shall be responsible for the removal of the temporary turnaround, restoration of the affected area adjacent to the roadway extension, and construction of any additional improvements required by the UDO for street extensions, including typical roadway cross-sections, sidewalks, and utilities.
- 5) **Use Limitations.** Temporary turnarounds shall not be used for parking and/or driveways.
- 6) **Signage.** When a temporary turnaround is provided, a clearly visible street sign per the Town of Apex's *Standard Specifications and Standard Details* shall be erected at the end of the stub street stating that the street is planned to be connected to a future street.
- 7) **Size and Dimensions.** The temporary turnaround shall comply with the size and dimensional requirements set forth in the Town of Apex's *Standard Specifications and Standard Details*.

- 8) **Platting.** Any plat containing a stub street shall include the following note: **“The street system shown on this plat includes one or more stub streets that are intended to connect to adjacent property when such property is developed. These connections are required to promote the efficient flow and distribution of traffic and to provide additional points of access for emergency vehicles.”**
- 9) **Materials.** The temporary turnaround shall be built to the Town of Apex’s standards per **Town of Apex Standard Specifications and Standard Details.**
- 10) **Buffer and Landscaping Restrictions.** **Temporary turnarounds and any associated temporary public access and construction easements, grading, or pavement shall be located outside of all required buffers established by this Ordinance.**

7.2.4 Design Standards

...

**C) Temporary Public Access and Construction Easement.**  
**A temporary public access and construction easement shall be required for any portion of a temporary turnaround located outside of public right-of-way. The temporary public access and construction easement and any improvements within such easement shall not encroach into required buffers unless expressly permitted elsewhere in this Ordinance. The temporary public access and construction easement shall be of sufficient size to allow for necessary construction and future conversion of the roadway to a through street. Any slope easements, construction easements, and/or right-of-way dedication needed to construct the future roadway connection shall be dedicated. The temporary public access and construction easement shall follow one of the following methods:**

- (1) If the adjacent land is owned by the subdivider, a temporary turnaround can be provided within a temporary public access and construction easement on such adjacent land. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround; or**
- (2) The subdivider may provide the required turnaround on one of the last lots or common area nearest to the adjacent land and fronting on the temporary stub street through use of a temporary public access and construction easement dedicated to the Town. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround.**

...

13.4 Transportation, Definitions

...

**Temporary Turnaround**

**A turnaround area, constructed in accordance with the Town of Apex Standard Specifications and Standard Details, located within a temporary public access easement or public right-of-way at the terminus of a street that is planned for future extension.**

**Section 2.** The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**Section 4.** The ordinances shall be effective upon enactment on the \_\_\_\_ day of \_\_\_\_\_ 2026.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX

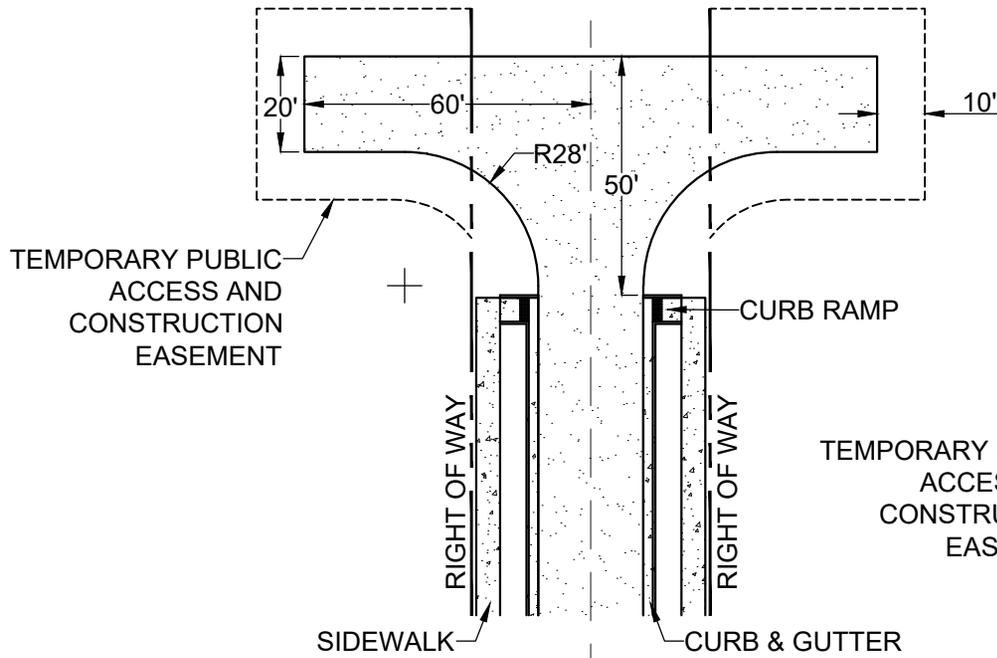
\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

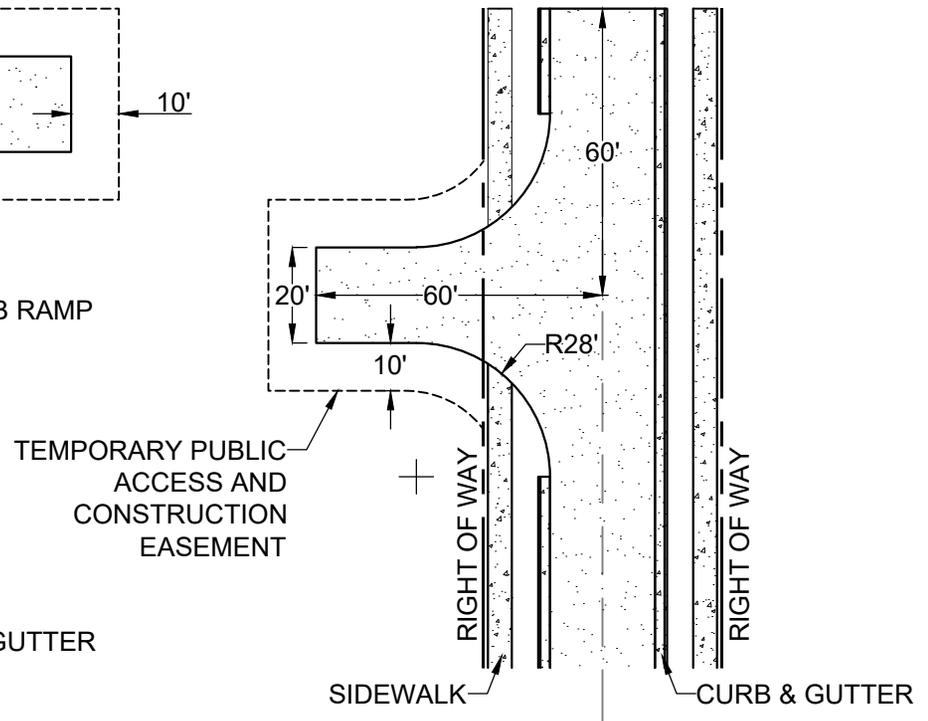
Approved as to Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

### HAMMERHEAD TURNAROUND

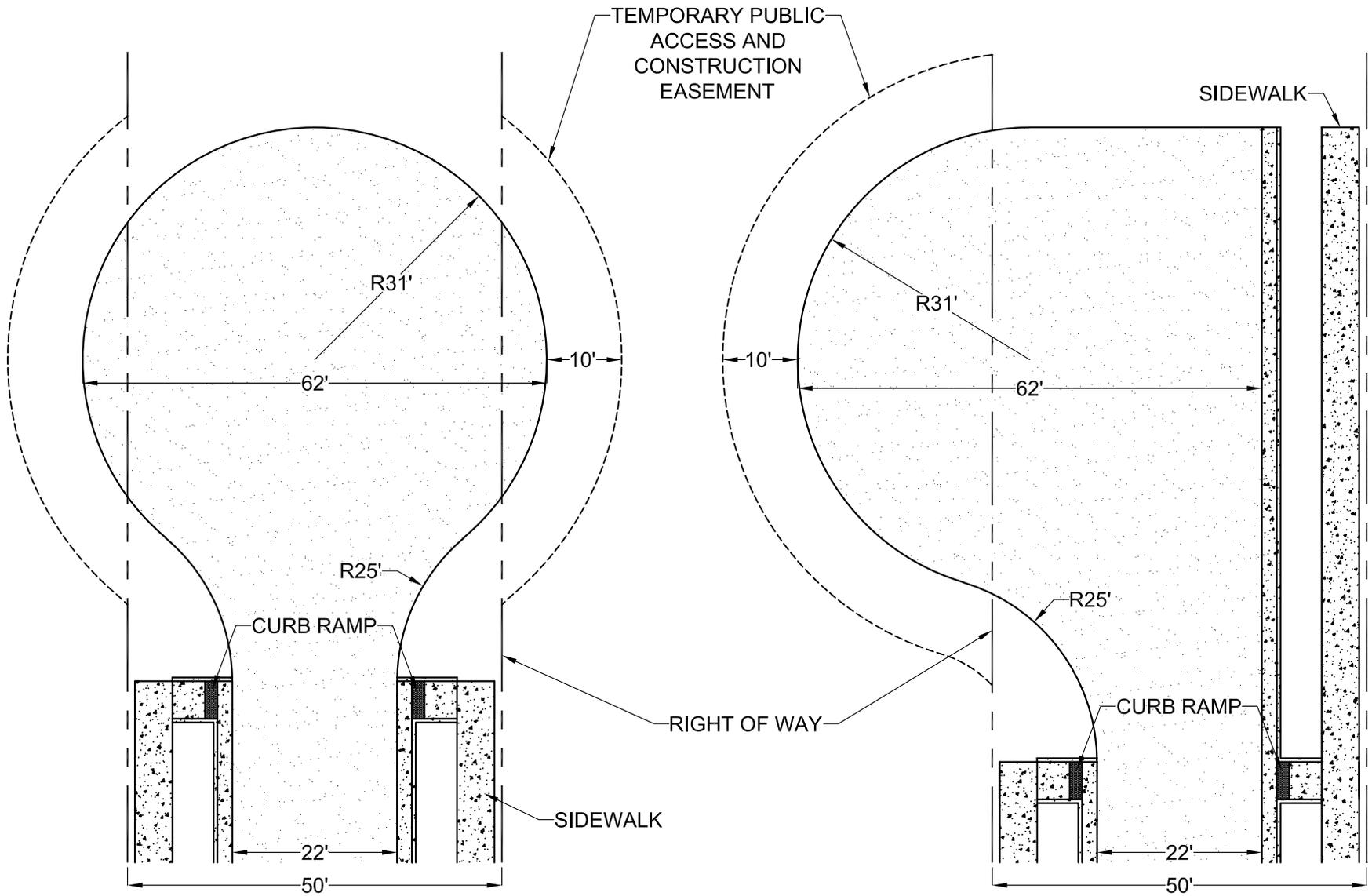


### ALTERNATIVE TURNAROUND



**NOTES:**

1. DEVELOPER CONNECTING TO THE EXISTING STREET NETWORK SHALL BE RESPONSIBLE FOR REMOVING TEMPORARY TURNAROUND AND RECONSTRUCTING THE STREET TO MEET TOWN OF APEX STANDARDS, INCLUDING REMOVAL OF CURB RAMPS AND EXTENSION OF SIDEWALKS.
2. STREET WIDTHS AND RIGHT-OF-WAY WIDTHS MAY VARY ACCORDING TO LOCATIONS AND TYPES OF STREETS REQUIRED.
3. THE DIMENSIONS OF THE HAMMERHEAD TURNAROUND SHALL MEET THE DIMENSIONS SHOWN REGARDLESS OF STREET AND RIGHT OF WAY WIDTHS.
4. DRIVEWAY CONNECTIONS FROM TURNAROUND ARE PROHIBITED.
5. PARKING IS PROHIBITED WITHIN THE TURNAROUND. THE END OF THE STUB STREET SHALL BE SIGNED IN ACCORDANCE WITH 'BARRICADE FOR DEAD END ROADS' STANDARD DETAIL.
6. PROPER DRAINAGE MUST BE PROVIDED TO ENSURE THERE IS POSITIVE DRAINAGE AT TURNAROUND.
7. A TEMPORARY PUBLIC TURNAROUND EASEMENT IS REQUIRED AS DEPICTED IN DRAWING DETAIL.
8. THE TEMPORARY PUBLIC TURNAROUND EASEMENT SHALL BE TERMINATED WHEN A FUTURE ROAD CONNECTION IS MADE AND THE TURNAROUND IS REMOVED.
9. TEMPORARY TURNAROUNDS SHALL NOT ENCROACH PERIMETER LANDSCAPE BUFFERS.



TOWN OF APEX  
STANDARDS

TEMPORARY TURNAROUND

STD. NO.

300.25

SHEET 1 OF 2

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Mayor Pro-Tempore Terry Mahaffey

Department(s): Governing Body

### Requested Motion

- A. Possible motion to restructure the Town Council Committees, previously established on December 03, 2026, and request a new slate of committee membership be presented by the Mayor at the March 10, 2026, Regular Town Council meeting.
- B. Possible motion to amend the Council's Rules of Procedure document to define Council Committee membership, clarify the Mayor's role on Council Committees, add language regarding Council confirming the Mayor's appointees, and authorize the Town Clerk to renumber and make grammatical adjustments as necessary to the Council's Rules of Procedures.

### Approval Recommended?

Yes

### Item Details

On Wednesday, December 03, 2025, the Mayor announced his Council appointments to the various Town Council Committees, Partner Agencies, and Resident Advisory Boards. The selections were presented as follows:

#### **Environmental Leadership Committee**

- Mayor Pro-Tempore Terry Mahaffey, *Chair*
- Councilmember Shane Reese, *Committee Member*

#### **Governance, Fiscal Stewardship, and Internal Support Committee**

- Mayor Jacques K. Gilbert, *Chair*
- Councilmember Ed Gray, *Committee Member*
- Councilmember Sue Mu, *Committee Member*

#### **Public Safety Committee**

- Mayor Jacques K. Gilbert, *Chair*
- Councilmember Ed Gray, *Committee Member*

### **Responsible Development Committee**

- Mayor Jacques K. Gilbert, *Chair*
- Mayor Pro-Tempore Terry Mahaffey, *Committee Member*
- Councilmember Sue Mu, *Committee Member*

### **Vibrant Community and Economic Vitality Committee**

- Mayor Jacques K. Gilbert, *Chair*
- Councilmember Arno Zegerman, *Committee Member*

### **Mayor Appointments to Partner Agencies and Resident Advisory Boards**

- Apex Chamber of Commerce: Council Member Shane Reese
- Central Pines Regional Council of Governments (formerly TJCOG): Mayor Pro-Tempore Terry Mahaffey
- Environmental Advisory Board (EAB): Mayor Pro-Tempore Terry Mahaffey
- Executive Board of NC CAMPO: Mayor Jacques K. Gilbert (Alternate: Mayor Pro-Tempore Terry Mahaffey)
- Multimodal Transportation Advisory Board: Council Member Arno Zegerman
- Parks and Recreation Advisory Board: Mayor Jacques K. Gilbert

The original committee structure (Attachment 1) stated that membership would consist of “Two Elected Members”. Both the Governance, Fiscal Stewardship, and Internal Support Committee and the Responsible Development Committee have been improperly constructed based on the original framework which was adopted by the Town Council on March 25, 2026.

Committee membership has historically been two members of the elected body with rotating leadership roles based on the committee and the members seniority. It is recommended that the Committee Membership policy (Attachment A) be amended to reflect that the Mayor may serve as a non-voting ex-officio member on each of the Council Committees but not be eligible for the role of Chair or Vice-Chair.

In addition, the Council’s Rules of Procedures manual is recommended to be amended (**red below**) with the following language in Part XI. Appointments and Appointed Bodies:

### **Part XI. Appointments and Appointed Bodies**

#### **Rule 35. Committees and Boards**

- (a) **Establishment and Appointment.** The council may establish temporary and standing committees to help carry on the work of town government. Unless otherwise provided by law or the council, the

power of appointment of vacancies to such bodies lies with the mayor **subject to confirmation by the Town Council**. The council may prescribe the membership of temporary or non-standing committees at the time of establishment by resolution.

At the time of adoption of these rules, the current council committees consist of the following:

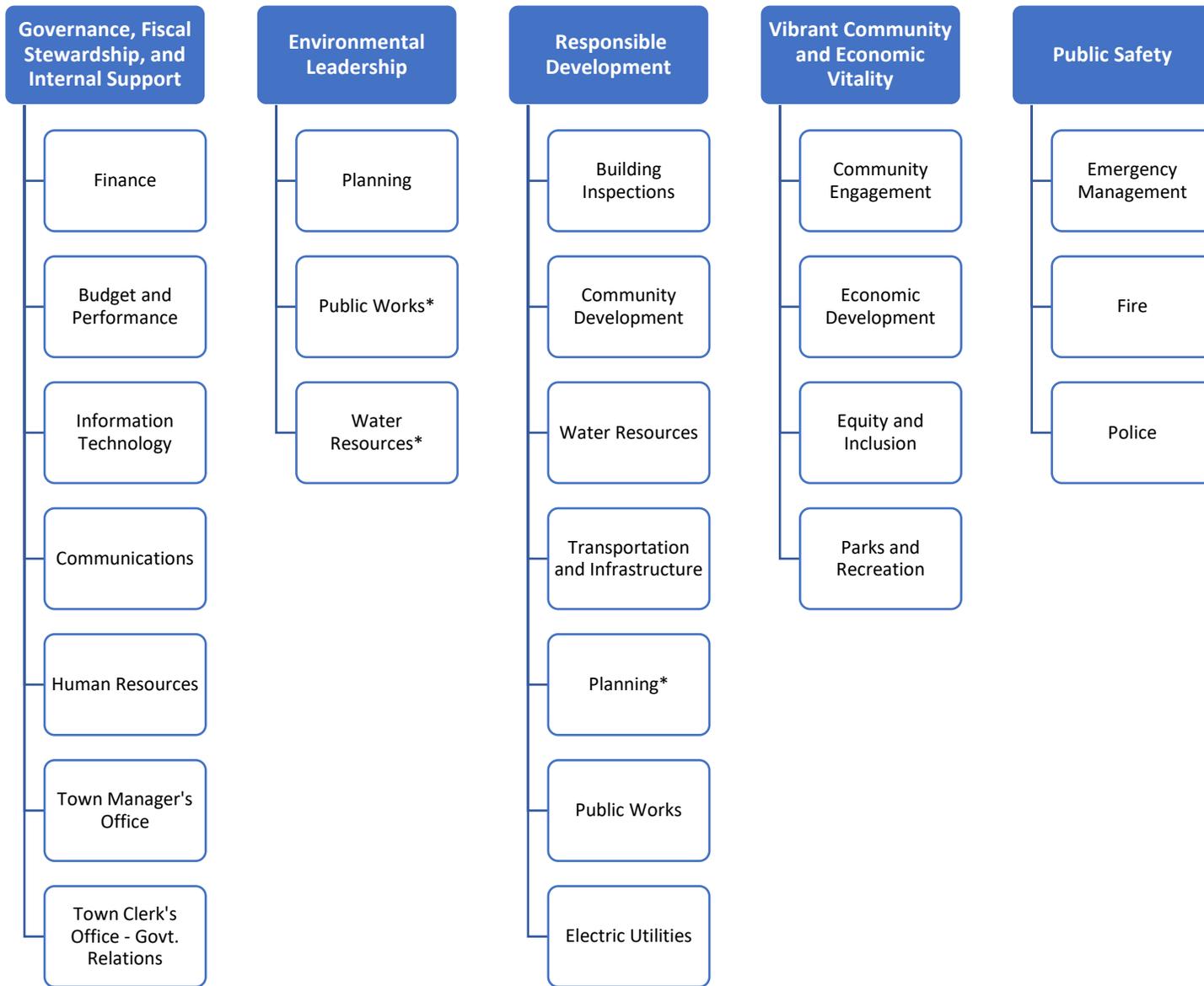
- a. Governance, Fiscal Stewardship, and Internal Support
  - b. Environmental Leadership
  - c. Responsible Development
  - d. Vibrant Community and Economic Vitality
  - e. Public Safety
- (b) **NEW - Committee Membership.** Council Committees shall consist of two (2) voting Councilmembers and the Mayor as a non-voting, ex officio member. The Mayor shall not be eligible to serve as a Committee Chair or Vice-Chair. Committee chairs and memberships shall be equitably distributed among Councilmembers, with assignment preferences informed by Councilmember seniority.
- (c) **MOVE DOWN - Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.
- (d) **MOVE DOWN - Procedural Rules.** The council may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. [In the absence of rules adopted by the council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.]

#### Attachments

- RA1-A1: Town Council Committee Framework - Adopted March 25, 2025
- RA1-A2: Proposed Amendment to Council Rules of Procedures - Council Committee Appointments



# TOWN OF APEX COUNCIL COMMITTEE FRAMEWORK



**ADOPTED 3/25/2025**

*\*means their home Committee but matter may overlap with other comm*

## TOWN OF APEX COUNCIL COMMITTEE FRAMEWORK

### Governance, Fiscal Stewardship, and Internal Support Committee

**Objective:** Governance related matters and the policy development process; Government Relations Strategy Recommendations, Town Council’s Rules of Procedures, establishment of Council Committees; the annual budget process, capital improvement programming and debt, financial reporting, annual audit, and fees; and Policies and strategies related to Human Resources, including personnel, benefits, and compensation; Communication strategies and Innovative practices, policies related to advisory boards and commissions.

**Membership:** Two Elected Members

**Advisory Board Alignment:** N/A

### Environmental Leadership Committee

**Objective:** Ensure the contributions of natural resources to human well-being are explicitly recognized and valued and that maintaining their health is a primary objective; Public health needs are recognized and addressed through provisions for healthy foods, physical activity, access to recreation, healthcare, environmental justice, and safe neighborhoods; Building and maintenance resilience to climate change

**Membership:** Two Elected Members

**Advisory Board Alignment:** Environmental Advisory Board (EAB), Planning Board

## TOWN OF APEX COUNCIL COMMITTEE FRAMEWORK

### Responsible Development Committee

**Objective:** Support Town Council’s long-range vision and comprehensive planning goals; Provide direction on development policies and processes and transportation standards that ensure sustainable development and redevelopment strategies; and Ensure that all local proposals account for, connect with, and support the plans of adjacent jurisdictions and the surrounding region; Review policy updates and make policy recommendations that enhance the quality of life in Apex and the livability of neighborhoods on all matters relating to the creation and maintenance of housing within the Town, including public housing and affordable private housing; Review policy matters relating to solving homelessness and the provision of services to unhoused individuals within the Town; and Oversee the City’s investments of Federal Housing and Urban Development (HUD) Funding Programs to address a wide range of community development needs.

**Membership:** Two Elected Members

**Advisory Board Alignment:** Planning Board, Multimodal Transportation Advisory Board (MTAB)

### Economic Vitality and Community Support Committee

**Objective:** Provide economic development strategies that enhance the health of the economy and improve the employability of Apex residents; Reviews and recommends policies that promote workforce development, economic opportunities and business growth.

**Membership:** Two Elected Members

**Advisory Board Alignment:** Parks and Recreation Advisory Board, Arts and Culture Advisory Board

## TOWN OF APEX COUNCIL COMMITTEE FRAMEWORK

### Public Safety Committee

**Objective:** Public safety policy direction in areas of interest including police, fire, EMS, and emergency management.

**Membership:** Two Elected Members

**Advisory Board Alignment:** N/A (Current) – Potential Future: Police Advisory Board or Public Safety Advisory Board

# Rules of Procedure for Apex Town Council

## Part I. Applicability

### Rule 1. Applicability of Rules

These rules apply to all meetings of the Apex Town Council. For purposes of these rules, a meeting of the council occurs whenever a majority of the council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the council's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

## Part II. Quorum

### Rule 2. Quorum

The presence of a quorum is necessary for the council to conduct business. A majority of the council's actual membership excluding the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

## Part III. Open Meetings

### Rule 3. Remote Participation in Council Meetings

Except as permitted by North Carolina General Statute 166A-19.24, no member who is not physically present for a council meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the council. [Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the council.]

### Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the council shall be open to the public, and any person may attend its meetings.

### Rule 5. Closed Sessions

**(a) Motion to Enter Closed Session.** The town council may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in North Carolina General Statute 143-318.11.

**(b) Closed Session Participants.** Unless the council directs otherwise, the town manager, town attorney, town clerk, or other town staff as required may attend closed sessions of the council. No other person may attend a closed session unless invited by majority vote of the council.

**(c) Motion to Return to Open Session.** Upon completing its closed session business, the council shall end the closed session by adopting a duly made motion to return to open session.

## **Rule 6. Meeting Minutes**

**(a) Minutes Required for All Meetings.** The council must keep full and accurate minutes of all of its meetings, including closed sessions. To be “full and accurate,” minutes must record all actions taken by the council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the council, though the council in its discretion may decide to incorporate such details into the minutes.

**(b) Record of “Ayes” and “Noes.”** At the request of any member of the council, the minutes shall list each member by name and record how each member voted on a particular matter.

**(c) General Accounts of Closed Sessions.** In addition to minutes, the council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The council may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

**(d) Sealing Closed Session Records.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the council or, if the council delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the council. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

## **Rule 7. Broadcasting and Recording Meetings**

**(a) Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a council meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a council meeting.

**(b) Advance Notice.** Any radio or television station that plans to broadcast any portion of a council meeting shall so notify the town clerk no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a council meeting.

**(c) Equipment Placement.** The Town Clerk may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a council meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Clerk determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Clerk may require the pooling of the equipment and the personnel operating it.

**(d) Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the council grants the request, the news media making the request shall pay the costs incurred by the town in securing an alternative meeting site.

## Part IV. Organization of the Council

### Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

**(a) Scheduling Organizational Meeting.** The council must hold an organizational meeting following each general election in which council members are elected. The organizational meeting must be held either (1) on the date and at the time of the council's first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent council. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

**(b) Oath of Office.** As the first order of business at the organizational meeting, all newly elected members of the council must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

**(c) Selection of Mayor Pro Tempore.** At the organizational meeting, or if a vacancy occurs, the council shall elect from among its members a mayor pro tempore. The mayor pro tempore shall serve at the council's pleasure.

## Part V. Types of Meetings

### Rule 9. Regular Meetings

**(a) Regular Meeting Schedule.** The council shall hold a regular meeting on the second and fourth Tuesday of each month. The meeting shall be held at Town Council Chambers at 73 Hunter Street Apex and begin at 6:00 pm. The council shall adopt a meeting schedule each year consistent with this rule. A copy of the council's current meeting schedule shall be filed with the town clerk and posted on the town's website. Regular meetings of the council shall adjourn no later than 11:00 pm.

**(b) Change to Meeting Schedule.** Notwithstanding paragraph (a) of this rule, the council may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the town clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the town's website.

### Rule 10. Special Meetings

**(a) Calling Special Meetings.** A special meeting of the council may be called by the mayor, the mayor pro tempore, or any two council members. A special meeting may also be called by vote of the council in open session during a regular meeting or another duly called special meeting.

**(b) Notice to the Public.** At least forty-eight hours before a special meeting of the council, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board or, if the council has no such board, at the door of the council's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Furthermore, if

the council has a website maintained by at least one town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

**(c) Notice to Members.**

- (1) *Meeting called by the mayor, the mayor pro tempore, or any two council members.* At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two council members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each council member or left at his or her usual dwelling place.
- (2) *Meeting called by vote of the council in open session.* When a special meeting is called by vote of the council in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. [Written notice of the special meeting's date, time, place, and purpose shall be mailed or delivered at least forty-eight hours before the meeting to each council member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.]

**(d) Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to council members may be taken up at a special meeting. [Even when all members are present or any absent member has signed a waiver, the council may take up an item of business not covered by the notice only if the council first determines in good faith that the item must be discussed or acted upon immediately.]

## **Rule 11. Emergency Meetings**

**(a) Grounds for Emergency Meeting.** Emergency meetings of the town council may be called only to address generally unexpected circumstances demanding the council's immediate attention.

**(b) Calling Emergency Meetings.** There are two methods by which an emergency meeting of the council may be called.

- (1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.
- (2) An emergency meeting may be held when the mayor and all members of the council are present and consent thereto, or when any absent member has signed a written waiver of notice.

**(c) Notice to Media of Emergency Meetings.** Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the town clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify council members. Notice must be provided immediately after council members have been notified and at the expense of the party notified.

**(d) Transaction of Other Business Prohibited.** Only business connected with the emergency may be considered at an emergency meeting.

### **Rule 12. Recessed Meetings**

**(a) Calling Recessed Meetings.** When conducting a properly called regular, special, or emergency meeting, the council may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 27, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

**(b) Notice of Recessed Meetings.** If the council has a website maintained by one or more town employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

## **Part VI. Agenda**

### **Rule 13. Agenda**

#### **(a) Draft Agenda.**

- (1) *Preparation.* The Town Clerk shall prepare a draft agenda in advance of each meeting of the Town Council.
- (2) *Requesting placement of items on draft agenda.* For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the Town Clerk at least [two] working days before the date of the meeting. The Town Clerk must place an item on the draft agenda in response to a council member's timely request provided that the item is eligible for adoption considering by limited to any applications of Rule 26, Rule 27, Motions 8, 10 or 11.
- (3) *Supplemental information/materials.* If the council is expected to consider a proposed ordinance or ordinance amendment, a copy of the proposed ordinance or amendment shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.
- (4) *Delivery to council members.* Each council member shall receive a hard or electronic copy of the draft agenda and the agenda package. Except in the case of an emergency meeting, the agenda and agenda package shall be furnished to each member at least twenty-four hours before the meeting.
- (5) *Public inspection.* The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

#### **(b) Adoption of the Agenda.**

- (1) *Adoption.* As its first order of business at each meeting, the council shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.
- (2) *Amending the agenda.* Both before and after it adopts the agenda, the council may add or subtract agenda items by majority vote of the members present and voting, except that

the council may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied and only business connected with the emergency may be considered at an emergency meeting.

- (3) *Designation of items “For Discussion and Possible Referral to Committee.”* The council may designate an agenda item “for discussion and possible referral to committee.” The designation signifies that the council intends to discuss the item and may, if it so chooses, refer the item to committee for further consideration. No additional action may occur at the initial hearing of the matter.

**(c) Consent Agenda.** The council may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the agenda item if the items are judged to be noncontroversial and routine and subject to review and approval by the Town Manager, or their designee, and the Town Clerk. Prior to the council’s adoption of the meeting agenda under subparagraph (b)(1) of this rule, the request of any member to have an item moved from the consent agenda to new business must be honored by the council. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

**(d) Informal Discussion of Agenda Items.** The council may informally discuss an agenda item even when no motion regarding that item is pending.

## Rule 14. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- Commencement, Invocation, and Pledge of Allegiance
- Adoption of the Agenda
- Announcements and Petitions by the Governing Body
- Public Art Moment (quarterly)
- Consent Agenda
- Town Manager Report
- Town Clerk Report
- Proclamations/Special presentations
- Council Committee Reports
- Public Forum/General Comments
- Public Hearings
- Regular Agenda
- Information Items
- Closed Session
- Adjournment

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

## Part VII. Role of the Presiding Officer

### Rule 15. The Mayor

(a) **Presiding Officer.** When present, the mayor shall preside at meetings of the council.

(b) **Right to Vote.** The mayor may vote only when an equal number of affirmative and negative votes have been cast, though in no event may the mayor break a tie on a motion on which he or she has already voted.

(c) **Recognition of Members.** A member must be recognized by the mayor (or other presiding officer) in order to address the council, but recognition is not necessary for an appeal pursuant to Rule 27, Motion 1.

(d) **Powers as Presiding Officer.** As presiding officer, the mayor is to enforce these rules and maintain order and decorum during council meetings. To that end, the mayor may

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure; and,
- (4) adjourn in an emergency.

(e) **Appeals of Procedural Rulings.** A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 27, Motion 1.

### Rule 16. The Mayor Pro Tempore

(a) **Presiding in Mayor's Absence.** When present, the mayor pro tempore shall preside over council meetings in the mayor's absence with all the powers specified in Rule 17(d).

(b) **Delegation of Mayor's Powers/Duties.** In the mayor's absence, the council confers on the mayor pro tempore the mayor's powers and duties. Likewise, if the mayor becomes physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare the mayor incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor announces that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties.

(c) **Duty to Vote.** Even when presiding over a council meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

**(d) Term Limit.** The appointment of Mayor Pro-Tempore shall be for a maximum of a two-year term. No member of the Council shall serve as Mayor Pro-Tempore more than one-term unless all members of the current Council have served as Mayor Pro-Tempore.

### Rule 17. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the council may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 15(d). Service as a temporary presiding officer does

not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 24.

## **Part VIII. Motions and Voting**

### **Rule 18. Action by the Council**

Except as otherwise provided in these rules, the council shall act by motion. Any member may make a motion, not including the mayor.

### **Rule 19. One Motion at a Time**

A member may make only one motion at a time.

### **Rule 20. Withdrawal of Motion**

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

### **Rule 21. Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- Members may speak an unlimited number of times subject to motion to end debate.

### **Rule 22. Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

### **Rule 23. Changing a Vote**

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

### **Rule 24. Duty to Vote**

**(a) Duty to Vote.** Every council member must vote except when excused from voting as provided by this rule.

**(b) Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to

member), G.S. 160D-109(a) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160D-109(d) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.

**(c) Procedure for Excusal.**

- (1) *At member's request.* Upon being recognized at a duly called meeting of the council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
- (2) *On council's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

**(d) Consequence of Non-Excused Failure to Vote.** Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided

- (1) the member is physically present in the council chamber or
- (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

**(e) Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

**(f) Mayor's Duty to Vote.** The provisions of this rule apply to the mayor when the mayor is permitted to vote to break the tie.

**Rule 25. Voting by Written Ballot**

**(a) Secret Ballots Prohibited.** The council may not vote by secret ballot.

**(b) Rules for Written Ballots.** The council may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the town clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

**Rule 26. Substantive Motions**

A "substantive motion," also known as "main motion," refers to the main topic of discussion that directly impacts a decision or policy, as opposed to procedural motions that manage the meeting process. A substantive motion is not in order if made while another motion is pending. Once the council disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 27, Motion 14.

## Rule 27. Procedural Motions

**(a) Certain Motions Allowed.** The council may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

**(b) Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on first.

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the council is in closed session.

**Motion 3. To Recess to a Time and Place Certain.** This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the council is in closed session.

**Motion 4. To Take a Brief Recess.**

**Motion 5. To Follow the Agenda.** This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

**Motion 6. To Suspend the Rules.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The council may not suspend provisions in these rules that are required under state law. *(By way of example and not limitation, the council may not suspend the rules to add a proposed zoning amendment unless it has complied with the statutory public notice and hearing requirements. A Council may not suspend the notice requirements for a special meeting because they are required by state law.)*

**Motion 7. To Divide a Complex Motion.** Pursuant to Apex Town Code, Section 2-35, this action shall be granted upon request and proper second, except a motion to strike and insert shall be indivisible.

**Motion 8. To Defer Consideration.** The council may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the council votes to revive it pursuant to Motion 13 within [365] days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 9. To End Debate (Call the Previous Question).** To be adopted, this motion must receive votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor. If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 10. To Postpone to a Certain Time.** This motion may be employed to delay the council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 11. To Refer an Item to a Committee.** The council may vote to refer an item to a committee for study and recommendations. Debate on motion to refer an item to a committee is limited to 5 minutes. While the item is pending before a committee, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to act on the item within 90 days of the referral date, the council must take up the motion if asked to do so by the member who introduced it.

**Motion 12. To Amend.**

**(a) Germaneness.** A motion to amend must concern the same subject matter as the motion it seeks to alter.

**(b) Limit on Number of Motions to Amend.** When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

**(c) Amendments to Ordinances.** Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

**Motion 13. To Revive Consideration.** The council may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within [100] days of its vote to defer consideration.

**Motion 14. To Reconsider.** The council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting or next regular meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the council's deliberation on a pending matter.

## Part IX. Ordinances and Contracts

### Rule 28. Introduction of Ordinances

For purposes of these rules, the “date of introduction” for a proposed ordinance is the date on which the council first votes on the proposed ordinance’s subject matter. [The council votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.]

### Rule 29. Adoption, Amendment, and Repeal of Ordinances

#### (a) Adoption of Ordinances.

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- (2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the council’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the council.
- (3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all council members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the council shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor’s vote counts if there is an equal division.

**(b) Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

### Rule 30. Adoption of the Budget Ordinance

**(a) Special Rules for the Adoption or Amendment of the Budget Ordinance.** Notwithstanding any provision in the town charter, general law, or local act,

- (1) the council may adopt or amend the budget ordinance at a regular or special meeting of the council by a simple majority of those members present and voting, a quorum being present;
- (2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

**(b) Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and

- no business other than consideration of the budget is taken up.

**(c) No Authority for Closed Sessions.** This rule shall not be construed to authorize the council to hold closed sessions on any basis other than the grounds set out in Rule 5.

### **Rule 31. Approval of Contracts and Authorization of Expenditures**

**(a) Contracts to be in Writing.** No contract shall be approved or ratified by the town council unless it has been reduced to writing at the time of the council's vote.

**(b) Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all council members not excused from voting on the contract, including the mayor's vote in the event of a tie.

**(c) Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

## **Part X. Public Hearings and Comment Periods**

### **Rule 32. Public Hearings**

**(a) Calling Public Hearings.** In addition to holding public hearings required by law, the council may hold any public hearings it deems advisable. The council may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the council itself to call the hearing. If the council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

**(b) Public Hearing Locations.** Public hearings may be held anywhere within the town or within the county where the town is located.

**(c) Rules for Public Hearings.** The council may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

**(d) Notice of Public Hearings.** Any public hearing at which a majority of the council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

**(e) Continuing Public Hearings.** The council may continue any public hearing without further

advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the council is not present for a properly scheduled public hearing, the hearing must be continued until the council's next regular meeting without further advertisement.

**(f) Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the council for the hearing. Unless the council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall declare the hearing closed, and the council shall resume the regular order of business.

### **Rule 33. Public Comment Periods**

**(a) Frequency of Public Comment Periods.** The council must provide at least one opportunity for public comment each month at a regular meeting, except that the council need not offer a public comment period during any month in which it does not hold a regular meeting.

**(b) Rules for Public Comment Periods.** The council may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

**(c) Content-Based Restrictions Generally Prohibited.** The council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the council's real or apparent jurisdiction.

## **Part XI. Appointments and Appointed Bodies**

### **Rule 35. Committees and Boards**

**(a) Establishment and Appointment.** The council may establish temporary and standing committees to help carry on the work of town government. Unless otherwise provided by law or the council, the power of appointment of vacancies to such bodies lies with the mayor, **subject to confirmation by the Town Council**. The council may prescribe the membership of temporary or non-standing committees at the time of establishment by resolution.

At the time of adoption of these rules, the current council committees consist of the following:

- (i) Governance, Fiscal Stewardship, and Internal Support
- (ii) Environmental Leadership
- (iii) Responsible Development

- (iv) Vibrant Community and Economic Vitality
- (v) Public Safety

**(b) Committee Membership.** Council Committees shall consist of two (2) voting Councilmembers and the Mayor as a non-voting, ex-officio member. The Mayor shall not be eligible to service as a Committee Chair or Vice-Chair. Committee Chairs and membership shall be equitably distributed among Councilmembers, with assignment preferences informed by Councilmember seniority.

**(c) Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

**(d) Procedural Rules.** The council may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. [In the absence of rules adopted by the council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.]

## Part XII. Miscellaneous

### Rule 36. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a two-thirds of the council's members, excluding vacant seats.

### Rule 37. Reference to Robert's Rules of Order Newly Revised

The council shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the council under Rule 27, Motion 1.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: February 24, 2026

## Item Details

Presenter(s): Mayor Jacques K. Gilbert, and,  
Mayor Pro-Tempore Terry Mahaffey

Department(s): Governing Body

### Requested Motion

Possible motion to enter into closed session pursuant to NCGS § 143-318.11(a)(6) to consider a personnel matter.

### Approval Recommended?

N/A

### Item Details

#### **NCGS § 143-318.11(a)(6)**

“To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee”

### Attachments

- N/A

