AGENDA | REGULAR TOWN COUNCIL MEETING

PLEASE NOTE THIS MEETING IS SCHEDULED FOR THURSDAY

Thursday, May 28, 2026 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street
The meeting will adjourn when all business is concluded or 11:00 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)
ANNOUNCEMENTS 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. The meeting date, start time, and location details are included at the top of this agenda document.	**ANUNCIOS** Las personas interesadas pueden acceder y ver la reunión a través del canal de YouTube de la Ciudad en https://www.youtube.com/c/TownofApexGov 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.	**公告** 公众可通过镇政府的YouTube频道 https://www.youtube.com/c/TownofApexGov 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。
Accommodation Statement: Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.	**Aviso sobre adaptaciones:** 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 allen.coleman@apexnc.org o llamando al 919-249-1260.	**便利服务声明：** 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：allen.coleman@apexnc.org 电话：919-249-1260

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 Amendment and Resolution – ACRE Manager LLC and Town of Apex – Land Exchange on Perry Road – Amending Terms and Compensation Owed to Town

Marty Stone, Assistant Town Manager – Development and Operations Portfolio

CN2 Construction Contract Award - J.D. Beam, Inc. - Town Hall Renovations 1st Floor and AV Room in Council Chamber - $957,400

Daniel Edwards, Senior Capital Projects Manager, Town Manager's Office

CN3 Construction Contract Award - White Oak Construction Corp of NC - N Hughes St and S Mason St Sidewalk Projects - $898,925

Amir Nezarati, Transportation Engineer, Transportation and Infras. Dev. Department

CN4 Council Meeting Minutes – April 28, 2026

Allen Coleman, Town Clerk

CN5 Rezoning Case No. 23CZ14 - Salem Street Townhomes PUD Text Correction

Joshua Killian, Planner II, Planning Department

CN6 Rezoning Case No. 25CZ19 Camp Branch Lane - Statement and Ordinance

Joshua Killian, Planner II, Planning Department

TOWN COUNCIL COMMITTEE REPORTS – *None Anticipated*

TOWN MANAGER'S REPORT

TM1 Financial Audit Presentation - Fiscal Year Ending June 30, 2025

Jon Griffin, Director, Finance Department, and,

Lee Ann Watters, Cherry Bekaert

TOWN CLERK'S REPORT

TC1 **Appointment – Environmental Advisory Board (EAB) – Chair** – *Remainder of Calendar Year 2026*

Allen Coleman, Town Clerk

PUBLIC ART MOMENT QUARTERLY – *None Scheduled*

The quarterly public art moment spotlights local creativity, reflects community voices, and supports informed decisions that strengthen a vibrant and growing cultural landscape. The purpose of this item is to bring awareness and appreciation of local artist.

PROCLAMATIONS / SPECIAL PRESENTATIONS

PR1 **Proclamation - Standing Together in Pride - LGBTQIA+ Pride Month 2026**

Mayor Jacques K. Gilbert

PR2 **Wake County Board of Elections – Even Year Municipal Elections and Potential Resolution Expressing Interest**

Olivia McCall, Director, Wake County Board of Elections

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.

PUBLIC HEARINGS

PH1 **Annexation No. 813 – Alterra Heights – Jenks Road and Wimberly Road – 15.16 acres**

Dianne Khin, Director, Planning Department

PH2 **Apex Transportation Plan Amendment - Future Pristine Water Drive Extension**

Shannon Cox, Long Range Planning Manager, Planning Department

PH3 **Rezoning Case No. 25CZ21 – 2728 Holland Road –** *Continued from April 28, 2026*

Elise Bielen, Senior Planner, Planning Department

PH4 **Unified Development Ordinance (UDO) Amendments – April 2026 – Part B – Environmental Advisory Board (EAB) Legislative Consideration –** *Continued from April 28, 2026*

Bruce Venable, Planner III, Planning Department

PH5 **Unified Development Ordinance (UDO) Amendments – May 2026**

Bruce Venable, Planner III, Planning Department

REGULAR MEETING AGENDA

RA1 Ordinance Amendment - Chapter 12 - Municipal Utilities and Services, Article V. - Yard Waste Collection - Overall Yard Waste Program Updates

John Mullis, Director, Public Works Department

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 Laurie Hohe, Town Attorney

NCGS §143-318.11(a)(3):

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

CS2 Allen Coleman, Town Clerk

NCGS §143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 28, 2026

Item Details

Presenter(s): Marty Stone, Assistant Town Manager – Development and Operations Portfolio

Department(s): Town Manager's Office

Requested Motion

Motion to adopt a resolution approving an amendment to land exchange agreement between the Town of Apex and ACRE Manager LLC extending the term of the agreement and increasing additional compensation, and to authorize the Town Manager, or their designee, to execute the agreement amendment on behalf of the Town of Apex.

Approval Recommended?

Yes

Item Details

ACRE Manager LLC ("ACRE") and the Town entered into a land exchange agreement after approval at the October 8, 2024 council meeting. ACRE and the Town own adjacent properties on Perry Road. ACRE has proposed a land exchange with the Town pursuant North Carolina General Statute §160A-271 and as described in the attached agreement. ACRE proposes to convey to the Town an approximately 23.27 acre tract of land in exchange for the Town's conveyance of an approximately 34.81 acre tract of land to ACRE. In addition, ACRE proposes to pay addition compensation to the Town for the exchange. The additional compensation is determined at the time of closing as described in the proposed amendment. Additional details of the proposal are contained in the attached amendment and the original land exchange agreement. Because the original agreement terminates in August 2026, it is necessary to amend the agreement to extend the period to close one more year to August 2027. The closing cannot be done by August 2026 because a precondition to close is NC DOT approval of the Perry Road realignment. Additional planning and design is required before NC DOT can provide such approval, but it is expected in early 2027.

Attachments

- CN1-A1: Resolution Authorizing A Land Exchange Between the Town of Apex and ACRE Manager, LLC of Tracts Located on Perry Road

- CN1-A2: First Amendment to Land Exchange Agreement - ACRE Manager LLC and Town of Apex – Land Exchange on Perry Road – Amending Terms and Compensation Owed to Town
- CN1-A3: CONT-2024-295 - Executed Copy of original Land Exchange Agreement – Perry Road Land Exchange between Town and ACRE Manager LLC
- CN1-A4: Public Notice Copy - ACRE Manager LLC and Town of Apex – Land Exchange on Perry Road – Amending Terms and Compensation Owed to Town
- CN1-A5: Public Notice Affidavit – Perry Road Land Exchange ACRE Manager LLC and Town of Apex – Land Exchange on Perry Road – Amending Terms and Compensation Owed to Town

RESOLUTION NO. 2026 - _____

RESOLUTION AUTHORIZING A LAND EXCHANGE BETWEEN THE TOWN OF APEX AND ACRE MANAGER, LLC OF TRACTS LOCATED ON PERRY ROAD IN APEX

Council Member _____ moved, seconded by Council Member _____, and the Town of Apex Town Council (the "Council") approved by a vote of _____ to _____, that the following Resolution be adopted by the Council:

WHEREAS, Section 160A-271 of the North Carolina General Statutes expressly provides that a city may exchange real property belonging to the city for other real property by private negotiations if the city receives a full and fair consideration in exchange for its property; and

WHEREAS, on October 8, 2024 the Apex Town Council approved a Land Exchange Agreement between ACRE Manager, LLC ("ACRE") and the Town to exchange certain tracts of real property and on October 10, 2024, the parties executed the Land Exchange Agreement (the "Agreement");

WHEREAS, the Agreement included a Closing Date of August 26, 2026 but Closing was contingent on Rezoning approval and NCDOT approval of the new Perry Road Alignment;

WHEREAS, Town Council approved the Rezoning, but because ACRE is designing and constructing the full Perry Road section, formal NCDOT approval of the Perry Road Alignment will not occur until construction drawing review for the Development which will occur after August 26, 2026; and

WHEREAS, other requirements for the exchange Closing have been met, but the parties desire to enter a First Amendment to the Land Exchange Agreement to extend the Closing Date to allow NCDOT approval of the Perry Road Alignment to occur before Closing, and revise the Additional Consideration to reflect the extended Closing Date.

RESOLUTION AUTHORIZING A LAND EXCHANGE BETWEEN THE TOWN OF APEX AND ACRE MANAGER, LLC OF TRACTS LOCATED ON PERRY ROAD IN APEX

NOW, THEREFORE, be it resolved by the Town Council of the Town of Apex as follows:

For the purpose stated above, and under the authority of § 160A-271 of the North Carolina General Statutes, the land exchange as described in the Agreement as modified by the First Amendment to the Land Exchange Agreement ("First Amendment") attached hereto is hereby approved, and the Town Manager of the Town of Apex is authorized to sign the First Amendment attached hereto in order to extend and modify said Agreement on behalf of the Town.

This Resolution is effective upon adoption.

This the _____ day of _____, 2026.

TOWN OF APEX

_____

Jacques K. Gilbert,
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

FIRST AMENDMENT TO LAND EXCHANGE AGREEMENT

THIS FIRST AMENDMENT TO LAND EXCHANGE AGREEMENT (this "First Amendment") is made effective as of the latest date of the signatures of the parties hereto (the "Effective Date"), by and between ACRE Manager, LLC, a Delaware Limited Liability Company ("ACE") and the Town of Apex ("Town")(each, a "party" and collectively, the "parties").

WHEREAS, Section 160A-271 of the North Carolina General Statutes expressly provides that a city may exchange any real property belonging to the city for other real property by private negotiations if the city receives full and fair consideration in exchange for its property;

WHEREAS, on October 8, 2024 the Apex Town Council approved a Land Exchange Agreement between ACRE and the Town to exchange certain tracts of real property and on October 10, 2024, the parties executed the Land Exchange Agreement (the "Agreement");

WHEREAS, the Agreement included a Closing Date of August 26, 2026 but Closing was contingent on Rezoning approval and NCDOT approval of the new Perry Road Alignment;

WHEREAS, Town Council approved the Rezoning, but because ACRE is designing and constructing the full Perry Road section, formal NCDOT approval of the Perry Road Alignment will not occur until construction drawing review for the Development which will occur after August 26, 2026; and

WHEREAS, other requirements for the exchange Closing have been met, but the parties desire to enter this First Amendment to extend the Closing Date to allow NCDOT approval of the Perry Road Alignment to occur before Closing, and revise the Additional Consideration to reflect the extended Closing Date.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this First Amendment and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. **Recitals; Defined Terms**. The recitals of this First Amendment form an integral part hereof. Capitalized terms in this First Amendment shall have the meaning ascribed to them in the Agreement.

2. **Closing Date**. The Closing Date in Section 10 of the Agreement shall be revised as follows:

> "Unless the Parties otherwise agree, the Closing shall occur on the date that is thirty (30) days following NCDOT approval of the Perry Road Alignment or August 26, 2027, whichever occurs first (the "Closing Date"), provided ACRE may, in its sole discretion, consummate the Closing earlier than the Closing Date upon thirty (30) days' prior written notice to Town."

3. **Additional Consideration**. Sections 1(c)(i), 1(c)(ii), and 1(c)(iii) of the Agreement shall be replaced with the following:

(i) the Additional Consideration to be paid by ACRE to the Town shall equal $185,220 per acre for the difference in acreage between the Town Exchange Property and the ACRE Exchange Property. The difference in acreage is 11.54 acres and the total Additional Consideration is $2,137,439.

4. **Full Force and Effect**. Except as amended herein, the Agreement shall remain in full force and effecting and binding on ACRE and Town and their respective successors and assigns.

5. **Counterparts; Electronic Signatures**. This First Amendment may be executed in multiple counterparts, each of which shall be deemed an original, and counterpart signature pages may be assembled to form a single original document. Handwritten signatures to the Agreement and this First Amendment transmitted by email or other similar electronic transmission (for example, through the use of a Portable Document Format or "PDF" file), as well as electronic signatures obtained and transmitted via DocuSign®, shall be valid and effective to bind the Party so signing.

[Signature Pages Follow]

EXECUTED the date and year noted beside the respective signatures.

ACRE Manager, LLC,
a Delaware Limited Liability Company

By:_____
Name/Title:

STATE OF _____
_____COUNTY

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document_____.

Date: _____ _____

_____, Notary Public

[Affix Notary Stamp or Seal]

My Commission Expires: _____

Town of Apex

_____

Randal Vosburg, Town Manager

(Corporate Seal)

ATTEST:

_____

Allen Coleman, Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Allen Coleman personally came before me this day and acknowledged he is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Manager, sealed with its corporate seal and attested by him as its Town Clerk. Witness my hand and official stamp or seal, this the ___ day of _____, 2026.

_____

[Notary Signature]

_____, Notary Public

[Print or Type Notary Name]

My Commission Expires: _____

NORTH CAROLINA LAND EXCHANGE AGREEMENT

WAKE COUNTY

THIS LAND EXCHANGE AGREEMENT ("Agreement") is made and entered into this 10th day of October, 2024, by and between ACRE Manager, LLC, a Delaware Limited Liability Company ("ACRE") and the Town of Apex ("Town")(each, a "party" and collectively, the "parties").

WITNESSETH:

WHEREAS, Section 160A-271 of the North Carolina General Statutes expressly provides that a city may exchange any real property belonging to the city for other real property by private negotiations if the city receives full and fair consideration in exchange for its property; and

WHEREAS, ACRE and the Town desire to exchange certain tracts of real property of like value and the Apex Town Council authorized this Agreement on October 8th , 2024.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Land Exchange.

(a) Town is owner of a 51.16-acre tract of land, Wake County PINs 0741326706 and 0741427922 (the "Town Tract") and ACRE is under contract to purchase a 47.01-acre tract of land, Wake County PIN 0741331566 (the "ACRE Tract"). The Town Tract and the ACRE Tract are adjacent and share a common property line.

(b) Subject to the terms and conditions of this Agreement, Town agrees to convey to ACRE an approximately 34.81 acre portion of the Town Tract west of the future alignment of Perry Road, labeled "Tract #2" (the "Town Exchange Property") on the exhibit titled "Hopson Gateway – Land Swap Exhibit 9-24-2024" attached as **Exhibit A** (the "Land Exchange Exhibit") in exchange for an approximately 23.27 acre portion of the ACRE Tract east of the future alignment of Perry Road, labeled "Tract #3" (the "ACRE Exchange Property") on the Land Exchange Exhibit. After Closing (as defined below), ACRE will own "Tract #1" and "Tract #2" (collectively, the "New ACRE Tract") and the Town will own "Tract #3" and "Tract #4" (collectively, the "New Town Tract"). Prior to Closing, the parties shall cause an exempt subdivision plat (the "Exempt Subdivision Plat") to be drafted to create the New ACRE Tract and the New Town Tract. The Exempt Subdivision Plat shall be held in trust and recorded at Closing contemporaneously with the Deeds. The Exempt Subdivision Plat may increase or decrease the acreages of the New ACRE Tract and New Town Tract by up to five (5%) as agreed to between the parties to reflect updated survey data and/or other development needs. If the tract acreages shown on the Exempt Subdivision Plat differ by more than five (5%) from the acreages shown on the Land Exchange Exhibit, either party may elect to terminate this Agreement or consent to the acreage as shown on the Exempt Subdivision Plat. Town consent to a difference in acreage greater than 5% shall be subject to the requirements of Article 12, Sale and Disposition of Property, Chapter 160A of the North Carolina General Statutes.

(c) At Closing (as defined below), ACRE shall pay the Town additional consideration (the "Additional Consideration") which represents the difference between the market value of the Town Tract and the market value of the New Town Tract. The Additional Consideration, together with the conveyance of the ACRE Exchange Property to the Town, shall constitute full and fair consideration for the Town Exchange Property. The Additional Consideration shall be calculated as follows:

(i) If the closing of the swap occurs within 60 days of the approval of the resolution authorizing the exchange, the consideration to be paid by ACRE to the Town shall equal $160,000.00 per acre for the difference in acreage between the Town Exchange Property and the ACRE Exchange Property. The difference in acreage is 11.54 acres. The consideration in this alternative (i) shall equal $1,846,400.00.

(ii) If the closing of the swap occurs between 60 days after the approval of the resolution authorizing the exchange and August 31, 2025, the consideration to be paid by ACRE to the Town shall equal $168,000 per acre for the difference in acreage between the Town Exchange Property and the ACRE Exchange Property. The difference in acreage is 11.54 acres. The consideration in this alternative (ii) shall equal $1,938,720.00.

(iii) If the closing of the swap occurs after August 31, 2025, the consideration to be paid by ACRE to the Town shall equal $176,400 per acre for the difference in acreage between the Town Exchange Property and the ACRE Exchange Property. The difference in acreage is 11.54 acres. The consideration in this alternative (iii) shall equal $2,035,656.00.

If Tract acreages are adjusted on the Exempt Subdivision Plat as permitted by Section 1(b) of this Agreement, the Additional Consideration shall be adjusted using the formula provided above in subsections (i) through (iii).

Section 2. Rezoning. ACRE intends to develop the New ACRE Tract (the "Development"). The Development requires the New ACRE Tract to be rezoned (the "Rezoning"). Town agrees to execute any and all documents reasonably necessary to allow ACRE to submit the Rezoning application to include the Town Exchange Property no later than November 1, 2024.

Section 3. Underlying Contract. Town acknowledges ACRE is party to an agreement with the current property owner to purchase the ACRE Tract (the "Underlying Contract"). If the Underlying Contract is terminated, for any reason or no reason, then this Agreement shall automatically terminate without liability to ACRE, any funds paid to the Town hereunder shall be refunded, and the parties shall have no further rights or obligations under this Agreement. If the Underlying Contract is terminated, ACRE shall provide the Town with written notice no later than ten (10) days following such termination.

Section 4. Perry Road Alignment. The existing Perry Road right of way traverses the New Town Tract (the "Existing Perry Road ROW"). The Land Exchange Agreement depicts a preliminary alignment (the "Perry Road Alignment") of Perry Road to be constructed to its ultimate section as a 4-land divided road by ACRE as part of the Development and based on the alignment shown on the Town's Thoroughfare and Collector Street Plan. NCDOT approval of the Perry Road Alignment is a precondition to closing. Prior to Closing, ACRE and the Town

shall collaborate to obtain initial NCDOT review of plans to close the Existing Perry Road ROW. If NCDOT fails to approve the Perry Road Alignment, then this Agreement shall automatically terminate without liability to either party.

Section 5. Commissions; Agency. Neither party shall be responsible for payment of any commission to a broker or agent arising out of this Agreement except as specifically retained and agreed by that party, and each party agrees to otherwise indemnify the other, non-retaining party from liability for any such commission.

Section 6. Cooperation. Each party agrees to take such action and execute such documents as are reasonably necessary to enable the other party to use the property it acquires under this Agreement for the use intended by the acquiring party.

Section 7. Environmental. Each party warrants that, to the best of that party's actual knowledge, the property being conveyed by that party is free of underground storage tanks, pollution, contamination, hazardous materials, toxic wastes, asbestos, and products containing same, and is in compliance with all environmental regulations. Each party shall, upon signing this Agreement, furnish the other party with any available environmental reports or audits pertaining to the property being conveyed by that party.

Section 8. Property Condition. Except as specifically set forth herein, neither party warrants the physical condition of the property being conveyed by that party or any improvements thereon, and each tract is conveyed "as-is" as to physical condition.

Section 9. Examination Period. The parties shall have the right from the Effective Date of this Agreement through 11:59 p.m. Eastern Time on that date which is one hundred twenty (120) days after the Effective Date (the "Examination Period") to make such investigations, studies and tests with respect to the exchange properties as the parties deem necessary or appropriate to determine the feasibility of acquiring and developing the exchange properties. If, during the Examination Period, either party determines, in its sole discretion, that the other party's Exchange Property is not acceptable, then such party may terminate this Agreement and the parties shall have no further rights or obligations under this Agreement.

Section 10. Closing. Closing of the exchange (the "Closing") shall occur following ACRE closing on the purchase of the ACRE Tract (the "First Closing"). Town acknowledges that Closing is expressly contingent on occurrence of the First Closing and that, if the First Closing does not occur for any reason, the parties shall have no further rights or obligations under this Agreement. Unless the Parties otherwise agree, the Closing shall occur no later than close of business on August 26, 2026 (the "Closing Date"), provided ACRE may, in its sole discretion, consummate the Closing earlier than the Closing Date upon thirty (30) days' prior written notice to Town. At Closing, the following shall occur:

(a) At, or prior to, Closing, each party shall deliver to the other party the following:

(i) A Special Warranty Deed (the "Deed") fully and duly executed and acknowledged by the party, that conveys to the other party the tract as provided in Section 1, subject only to the Permitted Exceptions. Each party agrees to pay at Closing the cost of the excise tax if any due and payable in connection with recording the deed

from it to the other party and to pay at Closing the cost of recording the deed to it from the other party.

(ii) The Exempt Subdivision Plat.

(iii) An affidavit (the "Title Affidavit") stating that there are no liens on the property for work performed on or materials provided to that party's tract as of the Closing Date.

(iv) A certificate (the "FIRPTA Certificate") executed and sworn to by it that it is not a "foreign person" as defined under Section 1445 of the Internal Revenue Code.

(v) If required by the Title Company, a gap indemnity.

(vi) An executed Closing statement reflecting the transaction described in this Agreement.

(vii) Such other executed documents as may be necessary to consummate the transaction.

(b) Each party shall pay for the costs of the title insurance policy (if any) obtained by it for the tract to be conveyed to it. Each party shall pay its own costs and expenses incurred in connection with this Agreement, including its respective attorneys' fees and any other expenses specifically allocated hereunder.

(c) If property tax bills for the ACRE Tract and Town Tract for the year in which Closing occurs are available on the Closing Date, then taxes shall be prorated as of the Closing Date and paid at Closing. If property tax bills for the ACRE Tract and Town Tract for the year in which closing occurs are not available on the Closing Date, then taxes shall not be prorated or paid at Closing and ACRE shall be responsible for paying all property taxes for the New ACRE Tract and the Town shall be responsible for paying all property taxes for the New Town Tract for the year in which Closing occurs.

Section 11. Title.

(a) At Closing, each party shall deliver to the other the Deed, subject to Permitted Exceptions (as defined below), conveying to the other, indefeasible, fee simple, marketable title to the Property, insurable at regular rates by a reputable title insurance company (the "Title Company").

(b) Within ten (10) days after the Effective Date of this Agreement, each party shall deliver to the other copies of all relevant title information and title policies in possession of, or reasonably available to it.

(c) As a condition to being obligated to close, each party shall be able to obtain a commitment for a policy of title insurance insuring title to the property it will receive at standard rates from the Title Company, subject only to the following (collectively, the "Permitted Exceptions"):

(i) Real property taxes for the year of Closing, not yet due and payable.

(ii) Valid and enforceable easements, covenants, restrictions, reservations and rights-of-way and other matters of record (excluding mortgages, deeds of trust, attachments, judgments, liens for delinquent taxes, mechanic's liens and other monetary liens).

(iii) Zoning ordinances affecting the property.

(d) Each party shall have until the end of the Examination Period to cause title to the property to be examined and then to notify the other party of any objections thereto that render title other than good, marketable and insurable. If a party so notifies the other party and the other party does not cure the title defect within fifteen (15) days of receipt of the Notice, then notifying party shall have the right to terminate this Agreement by written Notice to the other party.

Section 12. Warranties. The parties respectively make the following representations to each other. Such representations shall be deemed made as of the Closing Date.

(a) Each party has the full right, power, and authority to execute, deliver, and perform this Agreement.

(b) There are no unpaid bills for labor or materials related to the tracts. There are no taxes, charges or assessments that would constitute a lien against the tracts that are unpaid other than ad valorem taxes for the current year not yet due and payable.

(c) Each party has complied with all applicable laws, ordinances, regulations, and restrictions relating to its tracts.

Section 13. Notices. Any required notice under this Agreement shall be in writing and delivered in person, by certified mail, return receipt requested, or by nationally recognized overnight delivery service. Notices shall be effective as of the time of delivery. Notices shall be addressed as follows:

To ACRE:	ACRE MANAGER, LLC 252 NW 29th Street, 9th floor Miami, FL 33127 Attn: Jesse Kehoe (786) 634-4857 Jesse.Kehoe@acremgt.com
With Copy to:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601 Attn: Matthew Carpenter (919) 835-4049 Matthew.Carpenter@parkerpoe.com
To Town:	Town of Apex PO Box 250 Apex, NC 27502 Attn: Randy Vosburg, Town Manager

(919) 249-1042
Randy.Vosburg@apexnc.org

With Copy to:

Town of Apex
PO Box 250
Apex, NC 27502
Attn: Town Attorney
(919) 249-3376
Laurie.Hohe@apexnc.org

Each party may, at any time, and from time to time, designate in writing a substitute address by giving notice to the other party.

Section 14. Further Assurances. Each party agrees to perform, execute, acknowledge and deliver and cause to be performed, executed, and acknowledged and delivered all such further acts, assignments, transfers and assurances as shall reasonably be requested of it to carry out this Agreement. Without in any manner limiting their specific rights and obligations in this Agreement, the parties declare their intention to cooperate with each other in effecting the terms of this Agreement.

Section 15. Effective Date; Assignment. This Agreement shall become binding on the date signed by both parties (the "Effective Date"). ACRE may assign this Agreement to any party controlled by, under common control with, or affiliated with ACRE without Town's written consent.

Section 16. Severability. If any provision of this Agreement is held to be illegal, invalid, or unenforceable und present or future laws, such provision shall be fully severable and this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never been a part of this Agreement.

Section 17. Other Terms or Conditions. This Agreement is the entire agreement between ACRE and Town concerning the properties and no modification of this Agreement shall be effective unless in writing and signed by the parties.

EXECUTED the date and year noted beside the respective signatures.

ACRE Manager, LLC,
a Delaware Limited Liability Company

By: _____
Name/Title: MICHAEL VANDERVEEN

STATE OF Georgia
Cobb COUNTY

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Managing Partner.

Date: 10/10/2024

Adam M. Holt
Adam M. Holt, Notary Public

[Affix Notary Stamp or Seal]

My Commission Expires: 3/18/2025

Town of Apex

Randal Vosburg, Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Allen Coleman personally came before me this day and acknowledged he is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Manager, sealed with its corporate seal and attested by him as its Town Clerk. Witness my hand and official stamp or seal, this the 9th day of October, 2024.

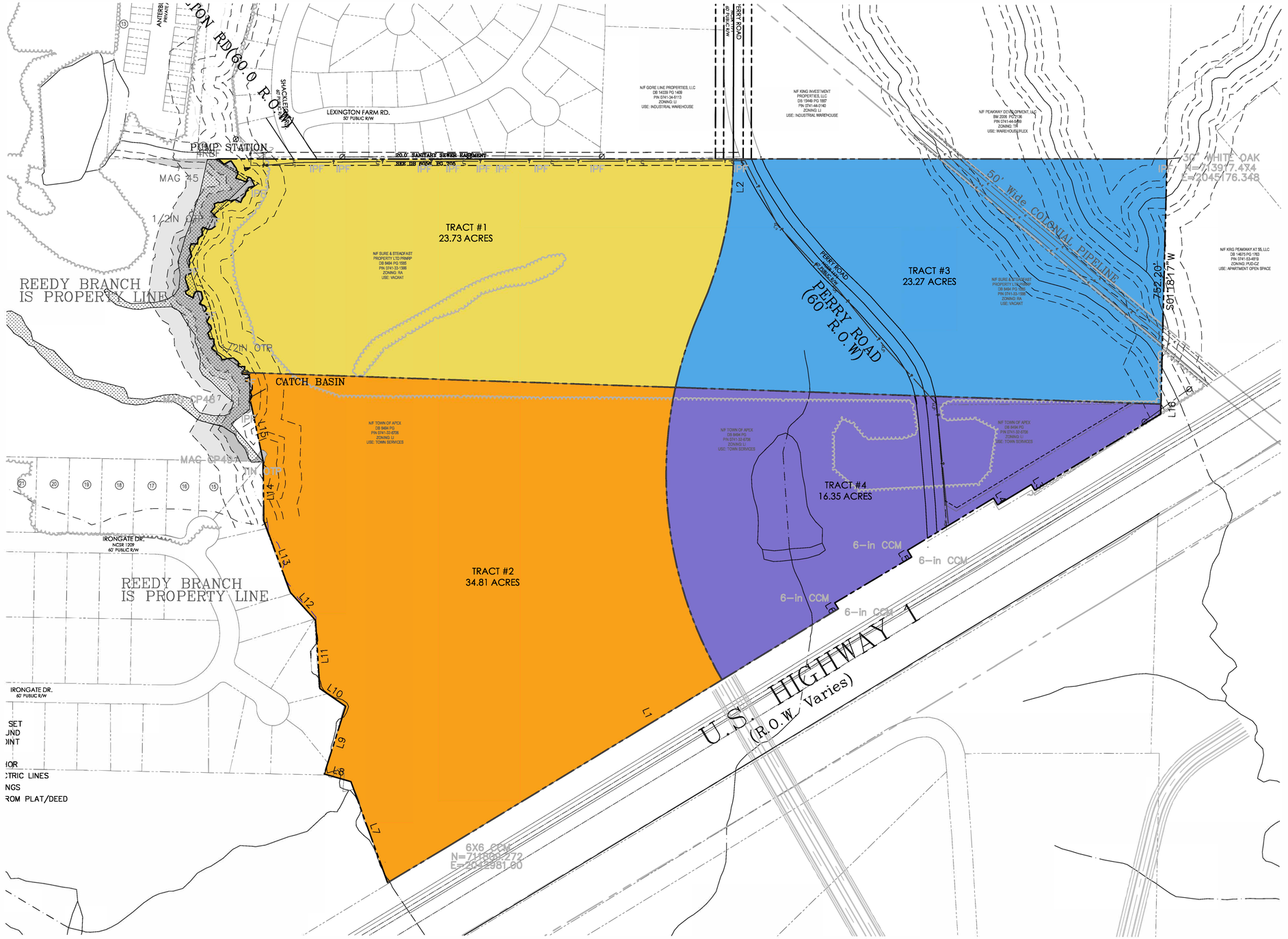
[Notary Signature]

John P. Parris, Notary Public

[Print or Type Notary Name]

My Commission Expires: 03/29/28

EXHIBIT A


TRACT #1
23.73 ACRES
TRACT #2
34.81 ACRES
TRACT #3
23.27 ACRES
TRACT #4
16.35 ACRES
PUMP STATION
REEDY BRANCH
IS PROPERTY LINE
CATCH BASIN
LEXINGTON FARM RD.
50' PUBLIC R/W
SHACKLEFORD DR.
60' PUBLIC R/W
IRONGATE DR.
NCSR 1209
60' PUBLIC R/W
20.0' SANITARY SEWER EASEMENT
SEE DB 8494, PG 705
50' Wide COLONIAL PIPELINE
PERRY ROAD
(60' R.O.W)
U.S. HIGHWAY 1
(R.O.W. Varies)
6-in CCM
MAG 15
1/2IN OTP
MAG CP45.7
MAG CP45.A
752.20'
S01°18'17"W
30" WHITE OAK
N=711939.434
E=2045176.348
6X6 CCM
N=711800.272
E=2042981.00
N/F SURE & STEADFAST PROPERTY LTD PRNPP
DB 8494 PG 1595
PIN 0741-33-1586
ZONING: RA
USE: VACANT
N/F TOWN OF APEX
DB 8494 PG
PIN 0741-32-8706
ZONING: LI
USE: TOWN SERVICES
N/F GORE LINE PROPERTIES, LLC
DB 14229 PG 1408
PIN 0741-34-5113
ZONING: LI
USE: INDUSTRIAL WAREHOUSE
N/F KING INVESTMENT PROPERTIES, LLC
DB 15648 PG 1997
PIN 0741-44-0140
ZONING: LI
USE: INDUSTRIAL WAREHOUSE
N/F PEAKWAY DEVELOPMENT, LLC
BM 2006 PG 0136
PIN 0741-44-5484
ZONING: TR
USE: WAREHOUSE/FLEX
N/F KING PEAKWAY AT 55, LLC
DB 14829 PG 1183
PIN 0741-53-4819
ZONING: PUD-CZ
USE: APARTMENT OPEN SPACE
L1
L2
L3
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
L14
L15
L16
L17
L18
L19
L20
L21
L22
L23
L24
L25
L26
L27
L28
L29
L30
L31
L32
L33
L34
L35
L36
L37
L38
L39
L40

TOWN OF APEX, NORTH CAROLINA

OFFICE OF THE TOWN CLERK
PO BOX 250, APEX, NC 27502
E-mail: Allen.Coleman@apexnc.org
Phone (919) 249-1260

NOTICE OF THE TOWN COUNCIL'S INTENT TO EXCHANGE REAL PROPERTY

Please take notice that at its next regular meeting on the 28th day of May, 2026, the Apex Town Council intends to authorize the exchange of real property owned by it described below as "**the Town Tract**" for real property owned by Sure & Steadfast Properties Limited Partnership ("**ACRE**"), described below as "**the ACRE Tract.**"

(1) **The Town Tract** is a portion of PIN # 0741-32-6706 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows:

BEING A PORTION OF TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 30IN WHITE OAK TREE AT THE NORTHEAST CORNER OF THE ABOVE REFERENCED SURVEY, DESCRIBED AT THAT TIME AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713,917.474 E 2,045,176.348; THENCE SOUTH 89°52'59" WEST, PASSING OVER A REFERENCE IRON PIN AT 3.45 FEET AND AN IRON PIN FOUND ON THE WESTERLY RIGHT-OF-WAY (ROW) OF EXISTING PERRY ROAD (60.0' R.O.W.) AT 1305.43 FEET, FOR A TOTAL DISTANCE OF 1329.28 FEET TO A POINT, SAID POINT BEING ON THE CENTERLINE OF A PROPOSED 110' ROW;

THENCE ALONG SAID PROPOSED CENTERLINE THE FOLLOWING THREE COURSES:

- A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHWESTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.781 FEET WITH A CHORD ANGLE SOUTH 10°46'12" WEST FOR 417.72 FEET TO A COMPUTED POINT;
- A TANGENT SOUTH 22°30'45" WEST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY;

- A CURVE FROM SAID TANGENT POINT SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE SOUTH 16°35'32" WEST FOR 197.03 FEET TO A COMPUTED POINT; SAID POINT BEING THE

POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID CENTERLINE OF THE FUTURE PERRY ROAD EXTENSION WITH A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 928.00 FEET ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,244.07 FEET WITH A CHORD ANGLE SOUTH 09°10'23" EAST FOR 906.63 FEET TO A COMPUTED POINT ALONG THE NORTHERN RIGHT-OF-WAY OF US 1 HIGHWAY;

THENCE LEAVING SAID PROPOSED ROW AND ALONG THE US HIGHWAY 1 ROW SOUTH 58°34'57" WEST, A DISTANCE OF 977.38 FEET TO A CALCULATED POINT; THENCE ALONG THE NORTHERN US HIGHWAY 1 ROW TO A FOUND 6-IN CONCRETE MONUMENT WITH STATE PLANE COORDINATES N 711,809.272 AND E 2,042,981.00; THENCE SOUTH 58°55'33" WEST, A DISTANCE OF 221.57 FEET TO THE CENTER OF REEDY BRANCH;

THENCE ALONG SAID BRANCH THE FOLLOWING TWENTY-THREE (23) COURSES;

NORTH 20°02'18" WEST, A DISTANCE OF 329.56 FEET;
NORTH 74°05'29" WEST, A DISTANCE OF 84.99 FEET;
NORTH 17°23'59" EAST, A DISTANCE OF 217.31 FEET;
NORTH 55°30'13" WEST, A DISTANCE OF 96.25 FEET;
NORTH 03°43'27" WEST, A DISTANCE OF 208.74 FEET;
NORTH 42°12'57" WEST, A DISTANCE OF 115.08 FEET;
NORTH 20°21'51" WEST, A DISTANCE OF 204.80 FEET;
NORTH 20°31'32" WEST, A DISTANCE OF 30.00 FEET;
NORTH 00°41'48" WEST, A DISTANCE OF 181.88 FEET;
NORTH 12°04'12" WEST, A DISTANCE OF 179.91 FEET;
NORTH 41°37'43" WEST, A DISTANCE OF 8.65 FEET;
NORTH 27°36'56" EAST, A DISTANCE OF 18.18 FEET;
NORTH 21°03'46" WEST, A DISTANCE OF 13.80 FEET;
NORTH 31°11'08" EAST, A DISTANCE OF 10.66 FEET;
NORTH 00°04'20" EAST, A DISTANCE OF 11.34 FEET;
NORTH 46°43'00" WEST, A DISTANCE OF 13.69 FEET;
NORTH 76°43'52" WEST, A DISTANCE OF 11.75 FEET;
NORTH 06°15'16" WEST, A DISTANCE OF 7.49 FEET;
NORTH 66°29'35" EAST, A DISTANCE OF 15.99 FEET;
NORTH 32°25'43" WEST, A DISTANCE OF 9.99 FEET;

SOUTH 79°43'00" WEST, A DISTANCE OF 7.50 FEET;
NORTH 78°53'05" WEST, A DISTANCE OF 10.59 FEET;
NORTH 05°25'53" WEST, A DISTANCE OF 4.86 FEET;

THENCE LEAVING SAID BRANCH SOUTH 88°08'27" EAST ALONG THE SOUTHERN BORDER OF THE HEREIN DESCRIBED TRACT 1, BEING ALSO THE SOUTHERN BOUNDARY OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, A DISTANCE OF 1329.43 FEET TO THE POINT OF BEGINNING, CONTAINING 34.81 ACRES, MORE OR LESS.

(2) **The ACRE Tract** is a portion of PIN # 0741-33-1566 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows:

BEING A PORTION OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 30IN WHITE OAK TREE REFERENCED ON SAID SURVEY AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713,917.474 E 2,045,176.348; THENCE SOUTH 01°18'17" WEST, A DISTANCE OF 752.20 FEET; THENCE NORTH 88°08'27" WEST, ALONG THE NORTHERN BOUNDARY OF THE TOWN OF APEX PROPERTY SHOW AS TRACT C-1 OF A DIVISION OF TRACT “C” AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, A DISTANCE OF 1489.45 FEET TO THE CENTERLINE OF THE AFOREMENTIONED FUTURE PERRY ROAD ROW;

THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES:
- A CURVE FROM SAID TANGENT POINT NORTHERLY AND NORTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE NORTH 16°35'32" EAST FOR 197.03 FEET TO A COMPUTED POINT;
- A TANGENT NORTH 22°30'45" EAST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY;
- A CURVE FROM SAID POINT OF BEGINNING NORTHERLY AND NORTHEASTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.78 FEET WITH A CHORD ANGLE NORTH 10°46'12" EAST FOR 417.72

FEET TO A COMPUTED POINT;

THENCE NORTH 89°53'00" EAST, A DISTANCE OF 1329.28 FEET PASSING OVER A REFERENCE IRON PIN AT A DISTANCE OF 1329.28 FEET TO THE POINT OF BEGINNING, CONTAINING 23.27 ACRES, MORE OR LESS.

(3) **Other Consideration**. ACRE will pay to the Town additional consideration for the exchange which shall be $185,220 per acre for the difference in acreage between the Town Tract and the ACRE Tract. The difference in acreage is 11.54 acres. The consideration shall therefore equal $2,137,439.00.

(4) The value of the Town Tract is approximately $3,916,125.00 and the value of the ACRE Tract is approximately $2,385,175.00.

Any persons wishing to submit comments on this action are encouraged to contact the Office of the Town Clerk by sending an email to public.forum@apexnc.org or written mail through the United States Postal Service (USPS) to the Office of the Town Clerk, Attention Allen Coleman at 73 Hunter Street in Apex, North Carolina 27502.

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

SPANISH: Aviso sobre adaptaciones: 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 allen.coleman@apexnc.org o llamando al 919-249-1260.

Submitted by:
Allen L. Coleman, CMC
This the 13th day of May 2026

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer
Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald
The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
42887	125255	Legal Ad - IPL0340570		4.0	376.0L

ATTENTION: TOWN OF APEX IP
PO BOX 250
APEX, NC 27502-2312
Apex.Invoices@apexnc.org

TOWN OF APEX, NORTH CAROLINA
OFFICE OF THE TOWN CLERK
PO BOX 250, APEX, NC 27502
E-mail: Allen.Coleman@apexnc.org
Phone (919) 249-1260

NOTICE OF THE TOWN COUNCIL'S INTENT TO EXCHANGE REAL PROPERTY

Please take notice that at its next regular meeting on the 28th day of May, 2026, the Apex Town Council intends to authorize the exchange of real property owned by it described below as "**the Town Tract**" for real property owned by Sure & Steadfast Properties Limited Partnership ("**ACRE**"), described below as "**the ACRE Tract.**"

- **The Town Tract** is a portion of PIN # 0741-32-6706 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows:

BEING A PORTION OF TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 30IN WHITE OAK TREE AT THE NORTHEAST CORNER OF THE ABOVE REFERENCED SURVEY, DESCRIBED AT THAT TIME AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713,917.474 E 2,045,176.348; THENCE SOUTH 89°52'59" WEST, PASSING OVER A REFERENCE IRON PIN AT 3.45 FEET AND AN IRON PIN FOUND ON THE WESTERLY RIGHT-OF-WAY (ROW) OF EXISTING PERRY ROAD (60.0' R.O.W.) AT 1305.43 FEET, FOR A TOTAL DISTANCE OF 1329.28 FEET TO A POINT, SAID POINT BEING ON THE CENTERLINE OF A PROPOSED 110' ROW;
THENCE ALONG SAID PROPOSED CENTERLINE THE FOLLOWING THREE COURSES:
- A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHWESTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.781 FEET WITH A CHORD ANGLE SOUTH 10°46'12" WEST FOR 417.72 FEET TO A COMPUTED POINT;
- A TANGENT SOUTH 22°30'45" WEST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY;
- A CURVE FROM SAID TANGENT POINT SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE SOUTH 16°35'32" WEST FOR 197.03 FEET TO A COMPUTED POINT; SAID POINT BEING THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID CENTERLINE OF THE FUTURE PERRY ROAD EXTENSION WITH A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 928.00 FEET ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,244.07 FEET WITH A CHORD ANGLE SOUTH 09°10'23" EAST FOR 906.63 FEET TO A COMPUTED POINT ALONG THE NORTHERN RIGHT-OF-WAY OF US 1 HIGHWAY;
THENCE LEAVING SAID PROPOSED ROW AND ALONG THE US HIGHWAY 1 ROW SOUTH 58°34'57" WEST, A DISTANCE OF 977.38 FEET TO A CALCULATED POINT;
THENCE ALONG THE NORTHERN US HIGHWAY 1 ROW TO A FOUND 6-IN CONCRETE MONUMENT WITH STATE PLANE COORDINATES N 711,809.272 AND E 2,042,981.00; THENCE SOUTH 58°55'33" WEST, A DISTANCE OF 221.57 FEET TO THE CENTER OF REEDY BRANCH;
THENCE ALONG SAID BRANCH THE FOLLOWING TWENTY-THREE (23) COURSES;
NORTH 20°02'18" WEST, A DISTANCE OF 329.56 FEET;
NORTH 74°05'29" WEST, A DISTANCE OF 84.99 FEET;
NORTH 17°23'59" EAST, A DISTANCE OF 217.31 FEET;
NORTH 55°30'13" WEST, A DISTANCE OF 96.25 FEET;
NORTH 03°43'27" WEST, A DISTANCE OF 208.74 FEET;
NORTH 42°12'57" WEST, A DISTANCE OF 115.08 FEET;
NORTH 20°21'51" WEST, A DISTANCE OF 204.80 FEET;
NORTH 20°31'32" WEST, A DISTANCE OF 30.00 FEET;
NORTH 00°41'48" WEST, A DISTANCE OF 181.88 FEET;
NORTH 12°04'12" WEST, A DISTANCE OF 179.91 FEET;
NORTH 41°37'43" WEST, A DISTANCE OF 8.65 FEET;
NORTH 27°36'56" EAST, A DISTANCE OF 18.18 FEET;
NORTH 21°03'46" WEST, A DISTANCE OF 13.80 FEET;
NORTH 31°11'08" EAST, A DISTANCE OF 10.66 FEET;
NORTH 00°04'20" EAST, A DISTANCE OF 11.34 FEET;
NORTH 46°43'00" WEST, A DISTANCE OF 13.69 FEET;
NORTH 76°43'52" WEST, A DISTANCE OF 11.75 FEET;
NORTH 06°15'16" WEST, A DISTANCE OF 7.49 FEET;
NORTH 66°29'35" EAST, A DISTANCE OF 15.99 FEET;
NORTH 32°25'43" WEST, A DISTANCE OF 9.99 FEET;
SOUTH 79°43'00" WEST, A DISTANCE OF 7.50 FEET;
NORTH 78°53'05" WEST, A DISTANCE OF 10.59 FEET;
NORTH 05°25'53" WEST, A DISTANCE OF 4.86 FEET;
THENCE LEAVING SAID BRANCH SOUTH 88°08'27" EAST ALONG THE SOUTHERN BORDER OF THE HEREIN DESCRIBED TRACT 1, BEING ALSO THE SOUTHERN BOUNDARY OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, A DISTANCE OF 1329.43 FEET TO THE POINT OF BEGINNING, CONTAINING 34.81 ACRES, MORE OR LESS.

- **The ACRE Tract** is a portion of PIN # 0741-33-1566 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows:

BEING A PORTION OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 30IN WHITE OAK TREE REFERENCED ON SAID SURVEY AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713,917.474 E 2,045,176.348; THENCE SOUTH 01°18'17" WEST, A DISTANCE OF 752.20 FEET; THENCE NORTH 88°08'27" WEST, ALONG THE NORTHERN BOUNDARY OF THE TOWN OF APEX PROPERTY SHOW AS TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, A DISTANCE OF 1489.45 FEET TO THE CENTERLINE OF THE AFOREMENTIONED FUTURE PERRY ROAD ROW;
THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES:
- A CURVE FROM SAID TANGENT POINT NORTHERLY AND NORTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE NORTH 16°35'32" EAST FOR 197.03 FEET TO A COMPUTED POINT;
- A TANGENT NORTH 22°30'45" EAST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY;
- A CURVE FROM SAID POINT OF BEGINNING NORTHERLY AND NORTHEASTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.78 FEET WITH A CHORD ANGLE NORTH 10°46'12" EAST FOR 417.72 FEET TO A COMPUTED POINT;
THENCE NORTH 89°53'00" EAST, A DISTANCE OF 1329.28 FEET PASSING OVER A REFERENCE IRON PIN AT A DISTANCE OF 1329.28 FEET TO THE POINT OF BEGINNING, CONTAINING 23.27 ACRES, MORE OR LESS.

- **Other Consideration**. ACRE will pay to the Town additional consideration for the exchange which shall be $185,220 per acre for the difference in acreage between the Town Tract and the ACRE Tract. The difference in acreage is 11.54 acres. The consideration shall therefore equal $2,137,439.00.
- The value of the Town Tract is approximately $3,916,125.00 and the value of the ACRE Tract is approximately $2,385,175.00.

Any persons wishing to submit comments on this action are encouraged to contact the Office of the Town Clerk by sending an email to public.forum@apexnc.org or written mail through the United States Postal Service (USPS) to the Office of the Town Clerk, Attention Allen Coleman at 73 Hunter Street in Apex, North Carolina 27502.
Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.
SPANISH: Aviso sobre adaptaciones: 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 allen.coleman@apexnc.org o llamando al 919-249-1260.

Submitted by:
Allen L. Coleman, CMC
This the 13th day of May 2026
IPL0340570
May 17 2026

STATE OF NORTH CAROLINA
COUNTY OF WAKE, COUNTY OF DURHAM

Before the undersigned, a Notary duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared the undersigned, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement was inserted in the aforesaid newspaper on dates as follows:

1.0 insertion(s) published on:
05/17/26 Print

Print Tearsheet Link

Marketplace Link

Sherry Chasteen

DIGITALLY SIGNED

Sherry Chasteen

Amanda Rodela

DIGITALLY SIGNED

Sworn to and subscribed before me on May 18, 2026, 10:00 AM EDT

NOTARY PUBLIC STATE OF TEXAS
AMANDA RODELA
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 135511392
MY COMMISSION EXPIRES 4/15/2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

TOWN OF APEX, NORTH CAROLINA
OFFICE OF THE TOWN CLERK
PO BOX 250, APEX, NC 27502
E-mail: Allen.Coleman@apexnc.org
Phone (919) 249-1260

NOTICE OF THE TOWN COUNCIL'S INTENT TO EXCHANGE REAL PROPERTY

Please take notice that at its next regular meeting on the 28th day of May, 2026, the Apex Town Council intends to authorize the exchange of real property owned by it described below as "**the Town Tract**" for real property owned by Sure & Steadfast Properties Limited Partnership ("**ACRE**"), described below as "**the ACRE Tract.**"

- **The Town Tract** is a portion of PIN # 0741-32-6706 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows:

BEING A PORTION OF TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 30IN WHITE OAK TREE AT THE NORTHEAST CORNER OF THE ABOVE REFERENCED SURVEY, DESCRIBED AT THAT TIME AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713,917.474 E 2,045,176.348; THENCE SOUTH 89°52'59" WEST, PASSING OVER A REFERENCE IRON PIN AT 3.45 FEET AND AN IRON PIN FOUND ON THE WESTERLY RIGHT-OF-WAY (ROW) OF EXISTING PERRY ROAD (60.0' R.O.W.) AT 1305.43 FEET, FOR A TOTAL DISTANCE OF 1329.28 FEET TO A POINT, SAID POINT BEING ON THE CENTERLINE OF A PROPOSED 110' ROW;
THENCE ALONG SAID PROPOSED CENTERLINE THE FOLLOWING THREE COURSES:
- A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHWESTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.781 FEET WITH A CHORD ANGLE SOUTH 10°46'12" WEST FOR 417.72 FEET TO A COMPUTED POINT;
- A TANGENT SOUTH 22°30'45" WEST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY;
- A CURVE FROM SAID TANGENT POINT SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE SOUTH 16°35'32" WEST FOR 197.03 FEET TO A COMPUTED POINT; SAID POINT BEING THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID CENTERLINE OF THE FUTURE PERRY ROAD EXTENSION WITH A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 928.00 FEET ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,244.07 FEET WITH A CHORD ANGLE SOUTH 09°10'23" EAST FOR 906.63 FEET TO A COMPUTED POINT ALONG THE NORTHERN RIGHT-OF-WAY OF US 1 HIGHWAY;
THENCE LEAVING SAID PROPOSED ROW AND ALONG THE US HIGHWAY 1 ROW SOUTH 58°34'57" WEST, A DISTANCE OF 977.38 FEET TO A CALCULATED POINT;
THENCE ALONG THE NORTHERN US HIGHWAY 1 ROW TO A FOUND 6-IN CONCRETE MONUMENT WITH STATE PLANE COORDINATES N 711,809.272 AND E 2,042,981.00; THENCE SOUTH 58°55'33" WEST, A DISTANCE OF 221.57 FEET TO THE CENTER OF REEDY BRANCH;
THENCE ALONG SAID BRANCH THE FOLLOWING TWENTY-THREE (23) COURSES;
NORTH 20°02'18" WEST, A DISTANCE OF 329.56 FEET;
NORTH 74°05'29" WEST, A DISTANCE OF 84.99 FEET;
NORTH 17°23'59" EAST, A DISTANCE OF 217.31 FEET;
NORTH 55°30'13" WEST, A DISTANCE OF 96.25 FEET;
NORTH 03°43'27" WEST, A DISTANCE OF 208.74 FEET;
NORTH 42°12'57" WEST, A DISTANCE OF 115.08 FEET;
NORTH 20°21'51" WEST, A DISTANCE OF 204.80 FEET;
NORTH 20°31'32" WEST, A DISTANCE OF 30.00 FEET;
NORTH 00°41'48" WEST, A DISTANCE OF 181.88 FEET;
NORTH 12°04'12" WEST, A DISTANCE OF 179.91 FEET;
NORTH 41°37'43" WEST, A DISTANCE OF 8.65 FEET;
NORTH 27°36'56" EAST, A DISTANCE OF 18.18 FEET;
NORTH 21°03'46" WEST, A DISTANCE OF 13.80 FEET;
NORTH 31°11'08" EAST, A DISTANCE OF 10.66 FEET;
NORTH 00°04'20" EAST, A DISTANCE OF 11.34 FEET;
NORTH 46°43'00" WEST, A DISTANCE OF 13.69 FEET;
NORTH 76°43'52" WEST, A DISTANCE OF 11.75 FEET;
NORTH 06°15'16" WEST, A DISTANCE OF 7.49 FEET;
NORTH 66°29'35" EAST, A DISTANCE OF 15.99 FEET;
NORTH 32°25'43" WEST, A DISTANCE OF 9.99 FEET;
SOUTH 79°43'00" WEST, A DISTANCE OF 7.50 FEET;
NORTH 78°53'05" WEST, A DISTANCE OF 10.59 FEET;
NORTH 05°25'53" WEST, A DISTANCE OF 4.86 FEET;
THENCE LEAVING SAID BRANCH SOUTH 88°08'27" EAST ALONG THE SOUTHERN BORDER OF THE HEREIN DESCRIBED TRACT 1, BEING ALSO THE SOUTHERN BOUNDARY OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, A DISTANCE OF 1329.43 FEET TO THE POINT OF BEGINNING, CONTAINING 34.81 ACRES, MORE OR LESS.

- **The ACRE Tract** is a portion of PIN # 0741-33-1566 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows:

BEING A PORTION OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 30IN WHITE OAK TREE REFERENCED ON SAID SURVEY AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713,917.474 E 2,045,176.348; THENCE SOUTH 01°18'17" WEST, A DISTANCE OF 752.20 FEET; THENCE NORTH 88°08'27" WEST, ALONG THE NORTHERN BOUNDARY OF THE TOWN OF APEX PROPERTY SHOW AS TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, A DISTANCE OF 1489.45 FEET TO THE CENTERLINE OF THE AFORE-MENTIONED FUTURE PERRY ROAD ROW;
THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES:
- A CURVE FROM SAID TANGENT POINT NORTHERLY AND NORTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE NORTH 16°35'32" EAST FOR 197.03 FEET TO A COMPUTED POINT;
- A TANGENT NORTH 22°30'45" EAST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY;
- A CURVE FROM SAID POINT OF BEGINNING NORTHERLY AND NORTHEASTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.78 FEET WITH A CHORD ANGLE NORTH 10°46'12" EAST FOR 417.72
FEET TO A COMPUTED POINT;
THENCE NORTH 89°53'00" EAST, A DISTANCE OF 1329.28 FEET PASSING OVER A REFERENCE IRON PIN AT A DISTANCE OF 1329.28 FEET TO THE POINT OF BEGINNING, CONTAINING 23.27 ACRES, MORE OR LESS.

- **Other Consideration**. ACRE will pay to the Town additional consideration for the exchange which shall be $185,220 per acre for the difference in acreage between the Town Tract and the ACRE Tract. The difference in acreage is 11.54 acres. The consideration shall therefore equal $2,137,439.00.
- The value of the Town Tract is approximately $3,916,125.00 and the value of the ACRE Tract is approximately $2,385,175.00.

Any persons wishing to submit comments on this action are encouraged to contact the Office of the Town Clerk by sending an email to public.forum@apexnc.org or written mail through the United States Postal Service (USPS) to the Office of the Town Clerk, Attention Allen Coleman at 73 Hunter Street in Apex, North Carolina 27502.
Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.
SPANISH: Aviso sobre adaptaciones: 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 allen.coleman@apexnc.org o llamando al 919-249-1260.

Submitted by:
Allen L. Coleman, CMC
This the 13th day of May 2026
IPL0340570
May 17 2026

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 28, 2026

Item Details

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

Department(s): Town Manager's Office

Requested Motion

A. Motion to award a construction contract to J.D. Beam, Inc. for the Town Hall Renovations associated with the relocation of the Human Resources Department, relocation of the Audio Visual (AV) room in the Council Chamber, and infrastructure to support the location of the main lobby desk, in the amount of $957,400.00 for base bid and both alternates, and to authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.
B. Motion to authorize a 10% contingency be added to project budget for the Town Hall Renovations.

Approval Recommended?

Yes

Item Details

This project includes interior renovations of the first floor of Town Hall Building to accommodate the Human Resources Department, renovations on 2nd floor to accommodate the new AV room with viewing window, and infrastructure to support main lobby desk. The project was bid May 14, 2026. J.D. Beam, Inc. of Raleigh, NC was the low bidder with a base bid of $957,400.00 plus zero dollars for Alternates G-1 and M-1, the town plans to accept.

Hobbs Architects, P.A. (designer of record) recommends awarding the contract for Town Hall Human Resources Renovations to J.D. Beam, Inc. plus accepting both Alternates G-1 and M-1.

Attachments

- CN2-A1: Recommendation of Award - Construction Contract Award - J.D. Beam, Inc. - Town Hall Renovations 1st Floor and AV Room in Council Chamber - $957,400
- CN2-A2: Certified Bid Tab - Construction Contract Award - J.D. Beam, Inc. - Town Hall Renovations 1st Floor and AV Room in Council Chamber - $957,400
- CN2-A3: Bid Package - Construction Contract Award - J.D. Beam, Inc. - Town Hall Renovations 1st Floor and AV Room in Council Chamber

- CN2-A4: Notice of Intent to Award - Construction Contract Award - J.D. Beam, Inc. - Town Hall Renovations 1st Floor and AV Room in Council Chamber - $957,400
- CN2-A5: Construction Contract - J.D. Beam, Inc. - Town Hall Renovations 1st Floor and AV Room in Council Chamber - $957,400

Hobbs Architects, P.A.
159 W. Salisbury St.
Pittsboro, North Carolina 27312
919.545.2004
www.hobbsarchitects.com

Date: May 28, 2026

To: Mr. Daniel Edwards
Capital Projects Manager
Town of Apex
Apex, NC 27502

Re: Town of Apex Human Resources Department Renovations– Bid Award Recommendation

Dear Mr. Edwards,

The purpose of this letter is to provide you with the Certified Bid Tabulation and our recommendations regarding the Town of Apex Human Resources Department Renovations Project. Six (6) qualified contractors submitted bids for this project, and the low bidder is J.D. Beam, Incorporated with a Base Bid of $957,400.00.

In addition to the Base Bid for the project, bid alternates may be accepted. Below is a listing of the recommended alternates:

Base Bid:	$	957,400.00
Alternate # G-1: Preferred Brand Alternate for Door Hardware	$	0.00
Alternate # M-1: Preferred Barnd Alternate for Direct Digital Controls (DDC) System for HVAC	$	0.00
Total Contract Amount with Alternates:	$	957,400.00

I have been in contact with J.D. Beam, Incorporated, who indicated that there are no issues with the bid as submitted and the owner and designer references provided by the contractor provided positive feedback. The bid submission included all the necessary documentation for bonding and MBE. As a result, I recommend the award of the construction contract to J.D. Beam, Incorporated.

If you have any questions or need additional information, please contact me.

Sincerely,

Chevon M. Moore

Chevon M. Moore, AIA
Hobbs Architects, PA

Enclosures:
- J.D. Beam, Incorporated – Bid Proposal
- Certified Bid Tab

This is a true and accurate bid tab as received and tabulated.

Chevon M. Moore, AIA

BID TABULATION -
BID - Apex Town Hall HR Renovations

CONTRACTOR	License Number	Add. Rcv'd 1-2-3-4-5	MBE Cert	Bid Bond	BASE BID	Plumbing Sub-Contractor	Mechanical Sub-Contractor	Electrical Sub-Contractor	BID ALT #G-1	BID ALT #M-1	Total Base Bid + Alternates
Vortex Construction Co. LLC	55886	x	x	x	$ 973,803.00	Hinnant Plumbing	Dual Comfort	Oqiluie Enterprise	$0.00	$7,000.00	$ 980,803.00
J.D. Beam, Inc.	141657	x	x	x	$ 957,400.00	Adkins Plumbing	Trademasters	Ross and Sons	$0.00	$0.00	$ 957,400.00
Riggs-Harrod Builders, Inc.	18667	x	x	x	$ 1,146,845.00	Tim McCarter Plumbing	Trademasters	RTP Electrical Services	$0.00	$0.00	$ 1,146,845.00
Salisbury & Moore Construction LLC	100735	x	x	x	$ 969,000.00	Earnhardt	Trademasters	Waco	$0.00	$0.00	$ 969,000.00
J&K General Contractor	78272	x	x	x	$ 920,000.00	Mccarter	CB Trades	SBG Electric	$8,250.00	$38,785.00	$ 967,035.00
Hamlet Associates, Inc.	9628	x	x	x	$ 1,348,950.00	Earnhardt	Integrity	Hockaday	$0.00	$0.00	$ 1,348,950.00

ALTERNATES

Alternate # G-1: Preferred Brand Alternate for Door Hardware

Alternate # M-1: Preferred Brand Alternate for Direct Digital Control (DDC) System for HVAC

FORM OF PROPOSAL

Town of Apex Human Resources Office Renovations Contract: _____

Town of Apex, North Carolina Bidder: J.D. Beam, Inc

_____ Date: May 14, 2026

The undersigned, as bidder, hereby declares that the only person or persons interested in this proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company or parties making a bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud. The bidder further declares that he has examined the site of the work and the contract documents relative thereto, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed. The bidder further declares that he and his subcontractors have fully complied with NCGS 64, Article 2 in regards to E-Verification as required by Section 2.(c) of Session Law 2013-418, codified as N.C. Gen. Stat. § 143-129(j).

.

The Bidder proposes and agrees if this proposal is accepted to contract with the

Town of Apex

in the form of contract specified below, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary to complete the construction of

Work includes interior renovations of the first floor of the Apex Town Hall Building to accommodate the Human Resources Department. The area of renovation is approximately +/- 4,300 sf and include exterior improvements to the southwest side of the building. Interior renovation work includes selective demolition, new interior framing and suspended ceilings, modifications to the existing mechanical systems, reuse and rework of the existing electrical systems, new plumbing fixtures, and new finishes and casework. Exterior Improvements include new storefront infill at existing entrance archway and new lighting. Building portions outside of the area of renovation will remain occupied during construction.

in full in complete accordance with the plans, specifications and contract documents, to the full and entire satisfaction of the laws of the State of North Carolina, and the

Town of Apex and Hobbs Architects, PA

with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and the contract documents, for the sum of:

SINGLE PRIME CONTRACT:

Base Bid:

nine hundred fifty seven thousand and four hundred Dollars($) 957,400.00

General Subcontractor:

J.D. Beam, Inc. Lic 14167

Plumbing Subcontractor:

Adkins Plumbing Lic 36553

Mechanical Subcontractor:

Trademasters Lic 36172

Electrical Subcontractor:

Ross and Sons Lic 37700

GS143-128(d) requires all single prime bidders to identify their subcontractors for the above subdivisions of work. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be non-responsible or non-responsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor.

ALTERNATES:

Should any of the alternates as described in the contract documents be accepted, the amount written below shall be the amount to be "added to" or "deducted from" the base bid. (Strike out "Add" or "Deduct" as appropriate.)

GENERAL CONTRACT:

Alternate No. G-1 Preferred Brand Alternate for Door Hardware

1. Base bid: Provide rough-in, infrastructure, and complete door hardware by acceptable manufacturers as indicated in Section 08 71 00.

2. Alternate G-1: To include the total cost of all labor, materials, and equipment required to provide rough-in, infrastructure, and complete door hardware by owner- preferred brand manufacturers as scheduled in Section 08 71 00.

(Add) no change Dollars($) 0.00

Alternate No. M-1 Preferred brand alternate for Direct Digital Control (DDC) System for HVAC

1. Base Bid: Provide factory standard packaged equipment standalone controls.

2. Alternate M-1: To include the total cost of all labor, materials, and equipment required to provide complete DDC system as specified in Section 23 09 23 by Siemens.

(Add) no change Dollars($) 0.00

The bidder further proposes and agrees hereby to commence work under this contract on a date to be specified in a written order of the designer and shall fully complete all work thereunder within the time specified in the Contract Documents. Applicable liquidated damages amount is also stated in the Contract Documents.

MINORITY BUSINESS PARTICIPATION REQUIREMENTS

Provide with the bid - Under GS 143-128.2(c) the undersigned bidder shall identify **on its bid** (Identification of Minority Business Participation Form) the minority businesses that it will use on the project with the total dollar value of the bids that will be performed by the minority businesses. **Also** list the good faith efforts (Affidavit **A**) made to solicit minority participation in the bid effort.

NOTE: A contractor that performs all of the work with its own workforce may submit an Affidavit (**B**) to that effect in lieu of Affidavit (**A**) required above. The MB Participation Form must still be submitted even if there is zero participation.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (**C**) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 10% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort and Affidavit **D** is not necessary;

*** OR ***

If less than the 10% goal, Affidavit (**D**) of its good faith effort to meet the goal shall be provided. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must always submit **with their bid** the Identification of Minority Business Participation Form listing all MB contractors, vendors and suppliers that will be used. If there is no MB participation, then enter none or zero on the form. Affidavit A **or** Affidavit B, as applicable, also must be submitted with the bid. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder is grounds for rejection of the

Proposal Signature Page

The undersigned further agrees that in the case of failure on his part to execute the said contract and the bonds within fifteen (15) consecutive calendar days after being given written notice of the award of contract, the certified check, cash or bid bond accompanying this bid shall be paid into the funds of the owner's account set aside for the project, as liquidated damages for such failure; otherwise the certified check, cash or bid bond accompanying this proposal shall be returned to the undersigned.

Respectfully submitted this day of May 14, 2026

J.D. Beam, Inc.

(Name of firm or corporation making bid)

WITNESS:

By: _____
Signature

_____
(Proprietorship or Partnership)

Name: Thomas Antoine
Print or type

Title President
(Owner/Partner/Pres./V.Pres)

Address 6870 Perry Creek Road

Raleigh, NC 27616

ATTEST:

By: _____

License No. 14167

Title: Corporate Secretary
(Corp. Sec. or Asst. Sec. only)

Federal I.D. No. 56-1337203

Email Address: toma@jdbeam.com

(CORPORATE SEAL)

J.D. BEAM, INC. CORPORATE SEAL

Addendum received and used in computing bid:

Addendum No. 1	X	Addendum No. 3	X	Addendum No. 5		Addendum No. 7	
Addendum No. 2	X	Addendum No. 4		Addendum No. 6		Addendum No. 8	

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT J.D. Beam, Inc. DBA Beam General Contractors as principal, and Palomar Casualty and Surety Company, as surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto the Town of Apex in the penal sum of Five Percent of Amount Bid (5%) DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 14th day of May 2026

WHEREAS, the said principal is herewith submitting proposal for Apex Town Hall Human Resources Office Renovations and the principal desires to file this bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

Must be signed by Contractor and Surety to be valid

J.D. Beam, Inc. DBA Beam General Contractors (SEAL)

(SEAL)

(SEAL)

J. D. BEAM, INC. CORPORATE SEAL

Palomar Casualty and Surety Company (SEAL)

Julia Wright Allen (SEAL)
Julia Wright Allen, Attorney-in-Fact

PALOMAR CASUALTY AND SURETY SEAL 0001

PALOMAR SPECIALTY INSURANCE COMPANY
PALOMAR CASUALTY AND SURETY COMPANY

POWER OF ATTORNEY FOR BONDS AND UNDERTAKINGS

Bond Number: Bid Bond **Principal:** J.D. Beam, Inc. DBA Beam General Contractors

Description: APEX TOWN HALL HUMAN RESOURCES OFFICE RENOVATIONS

KNOW ALL BY THESE PRESENTS, THAT Palomar Specialty Insurance Company, a corporation duly organized and existing under the laws of the State of Oregon ("***PSIC***"), and Palomar Casualty and Surety Company, duly organized and existing under the laws of Louisiana, ("***PCSC***" and together with PSIC, the "***Companies***" or each "***Company***"), do hereby make, constitute, and appoint:

Mary Hallie Harrington, Cody James McCluskey, Kristen Nicole Gaines, Julia Wright Allen, Christina Danielle Worrells, Heather K Segrist, Julia C. McElligott, Bobbi D. Pendleton, Kenneth J. Peeples, Adam B. Pfanmiller, Chelsea Craney, Margo G. Roberts, and David Knight Liggett, Jr. of Durham, North Carolina

on behalf of the Companies named above its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its deed, bonds, or other writings obligatory in the nature of a bond, as surety, contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of $75,000,000.00.

This Power of Attorney is granted and is signed by facsimile or other electronic transmission under and by the authority of the following Joint Resolutions adopted by the Boards of Directors of Palomar Specialty Insurance Company and Palomar Casualty and Surety Company at meetings duly called and held on the 13th day of March, 2026.

RESOLVED, that any President, or any Executive Vice President, or any Secretary specially authorized to do so by the Boards of Directors of the Companies, and Cullen S. Piske, President of PCSC, be and each of them hereby is authorized and empowered to appoint Attorneys-in-Fact as the business of the Companies may require, or to authorize any person(s) to execute and deliver on behalf of the Companies any bonds, undertakings, and all contracts relating to the surety business of the Companies, and that each or any of them is further authorized to attest to the execution of such Power of Attorney, and to attach the seal of each respective Company thereto.

FURTHER RESOLVED, that the signatures and attestations of such officers and the seal of each Company may be affixed to any such Power of Attorney or to any certificate relating thereto by electronic means and any such Power of Attorney or certificate bearing such electronic signatures or electronic seal shall be valid and binding upon each Company with respect to any bond, undertaking, recognizances or other contract of indemnity of writing obligatory in the nature thereof.

Cullen S. Piske
President
Palomar Casualty and Surety Company

PALOMAR CASUALTY AND SURETY SEAL 0001

State of Louisiana
Parish of St. Tammany
On this 13th day of March, 2026, before me, a Notary Public, personally appeared Cullen S. Piske, President of Palomar Casualty and Surety Company, personally known to me, being duly sworn, acknowledged that they signed the above Power of Attorney and affixed the seals of the Company as an officer of, and acknowledged said instrument to be the voluntary act and deed, of the Company.

Leigh Anne Henican
Notary Public
Notary ID No. 92653
Orleans Parish, Louisiana

Leigh Anne Henican
Notary Public, Parish of Orleans State of Louisiana
My Commission is for Life

I, Angela Grant, Secretary of Palomar Specialty Insurance Company, do hereby certify that the foregoing Joint Resolutions were adopted by the Boards of Directors of the Companies and the Powers of Attorney issued pursuant thereto, are true and correct and that both the Joint Resolution and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have herewith set my hand and affixed the seal of said Corporation this 13th Day of March, 2026.

Dated and effective this 14th day, of May, 2026.

PALOMAR SPECIALTY SEAL 0001

Angela Grant
Secretary

Identification of HUB Certified/ Minority Business Participation

I, J.D. Beam, Inc.
(Name of Bidder)

do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)

AFFIDAVIT A – Listing of Good Faith Efforts

(Name of Bidder)

Affidavit of J.D. Beam, Inc.

I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.

☒ **1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.

☒ **2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.

☒ **3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.

☒ **4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

☒ **5 – (10 pts)** Attended prebid meetings scheduled by the public owner.

☐ **6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.

☐ **7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

☐ **8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

☐ **9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

☐ **10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 05/14/26 Name of Authorized Officer: Thomas Antione

Signature: [signature]

Title: President

KRISTI D POUNDS NOTARY PUBLIC SEAL JOHNSTON COUNTY, NC

State of North Carolina County of Johnston

Subscribed and sworn to before me this 12 day of May 2026

Notary Public Kristi D Pounds

My commission expires 10/22/2028

AFFIDAVIT B

Intent to Perform Contract with Own Workforce.

Affidavit of N/A
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the _____

_____contract.
(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date:_____Name of Authorized Officer:_____

Signature:_____

Title:_____

SEAL

State of _____, County of_____

Subscribed and sworn to before me this _____day of _____20___

Notary Public _____

My commission expires_____

Hobbs Architects, P.A.
159 W. Salisbury St.
Pittsboro, North Carolina 27312
919.545.2004
www.hobbsarchitects.com

May 19, 2026

Mr. Thomas Antoine
President, J.D. Beam Incorporated
6870 Perry Creek Road
Raleigh, NC 27616

Re: Intent to Award Construction Contract for
Town of Apex Town Hall Human Resources Department Renovations

Dear Mr. Antoine:

The purpose of this letter is to inform you that Hobbs Architects, PA has recommended award of the construction contract for the Town of Apex Town Hall Human Resources Department Renovations to J.D. Beam, Inc. in the amount of $957,400.00. This amount represents the Base Bid of $957,400.00 as well as the following Bid Alternates:

Alternate # G-1: Preferred Brand Alternate for Door Hardware	$	0.00
Alternate # M-1: Preferred Brand Alternate for DDC System	$	0.00

The contract will be for all the work included in the Base Bid and the Bid Alternates listed above.

Final award of the contract is contingent upon approval by the Town of Apex Town Council. We anticipate approval by the Town Council at either their May 28, 2026 or June 9, 2026 meeting.

Please let me know if you have any questions. We look forward to working with you.

Sincerely,

Chevon M. Moore

Chevon M. Moore, AIA

TOWN OF APEX
FORMAL CONSTRUCTION CONTRACT

FOR

Construction of the Apex Town Hall Human Resources Office Renovations, Apex, NC 27502

SCOPE OF WORK

Construct the Apex Town Hall Human Resources Office Renovations in accordance with Plans titled "Bid Set" dated April 6, 2026 including the following sheets:

CS-101	Cover Sheet
CS-102	Building Data/Code Summary
CS-103	Original Appendix B
CS-104	UL Details
CS-105	UL Details
CS-111	First Floor Life Safety Plan – HR Dept
CS-112	Second Floor Life Safety Plan – AV Room
CS-122	Partition Legend
CS-123	Abbreviations, Symbols, and Staging Diagram
AD-101	Demolition Plan & Demo RCP – HR Suite
AD-102	Demolition Plan & Demo RCP – AV Suite
A-101	Renovation Plan – HR Suite
A-102	Renovation RCP – HR Suite
A-103	Renovation Plan & Renovation RCP – AV Suite
A-701	Enlarged Plans
A-801	Interior Elevations
A-802	Interior Elevations
A-803	Casework Sections
A-804	Casework Sections
A-805	Casework Sections
A-806	Casework Sections
A-807	Casework Sections
A-901	Door Schedule & Details and Window Details
A-902	Signage
A-1001	Finish Plan & Schedule
A-1101	Furniture Plan
PD-101	Plumbing Demolition Plans
P-101	Plumbing Renovation Plans
P-201	Plumbing Plans
M1.01	Mechanical Plans – HR Suite

M1.02	Mechanical Plans – AV Suite
M2.01	Mechanical Piping Plans – HR Suite
M3.01	Mechanical Details
M4.01	Mechanical Schedules, Notes, Legend
FP1.01	Fire Protection Plans – HR Suite
FP1.02	Fire Protection Plans – AV Studio
FP2.01	Fire Protection Detail, Notes, Legend
E1.01	Electrical Plans
E1.02	Electrical Plans
E1.03	Electrical Plans
E2.01	Electrical Details
E2.02	Electrical Details
E3.01	Electrical Schedules
E4.01	Electrical Notes
FA1.01	Fire Alarm Plans
FA2.01	Fire Alarm Details
FA3.01	Fire Alarm Notes

STATE OF NORTH CAROLINA **PURCHASE ORDER #**
COUNTY OF WAKE **FORMAL CONSTRUCTION CONTRACT**

THIS FORMAL CONSTRUCTION CONTRACT (hereinafter "Contract") is effective the 15th day of July, 2026, by and between, J.D. Beam, Inc. DBA Beam General Contractors, a Corporation with its principal business offices located at 6870 Perry Creek Road, Raleigh, NC, 27616 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, Town is engaged in the planning, operation, and utilization of town facilities which from time to time require construction, building, design, reconfiguration, renovation, installation, evaluation, testing, and other related projects; and

WHEREAS, the professional services of contractors from time to time are needed by the Town for the services as described above; and

WHEREAS, Contractor provides services of the nature required by the Town and employs trained and experienced technical personnel possessing adequate knowledge, skills, and experience to provide such professional services to the Town; and

WHEREAS, the Town has complied with Article 8 of Chapter 143 of the North Carolina General Statutes in announcing its need for services of the nature described in this Contract through a "Request for Proposal" and associated advertisement.

NOW THEREFORE, in consideration of the foregoing recitals, and the premises and mutual covenants herein contained, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound, hereto do contract and agree as follows:

1. SCOPE OF SERVICES.

The Contractor agrees to provide all materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary for the construction of the Apex Town Hall Human Resources Office Renovations, located at 73 Hunter St., Apex, NC 27502, consistent with the "Contract Documents." "Contract Documents" includes this Contract and the following which are hereby incorporated into this Contract as if fully contained herein:

A. General Conditions
B. Supplementary General Conditions (if any)
C. Plan sheets titled "Bid Set", dated April 6, 2026 including the following sheets:

CS-101	Cover Sheet
CS-102	Building Data/Code Summary
CS-103	Original Appendix B
CS-104	UL Details
CS-105	UL Details
CS-111	First Floor Life Safety Plan – HR Dept
CS-112	Second Floor Life Safety Plan – AV Room

CS-122	Partition Legend
CS-123	Abbreviations, Symbols, and Staging Diagram
AD-101	Demolition Plan & Demo RCP – HR Suite
AD-102	Demolition Plan & Demo RCP – AV Suite
A-101	Renovation Plan – HR Suite
A-102	Renovation RCP – HR Suite
A-103	Renovation Plan & Renovation RCP – AV Suite
A-701	Enlarged Plans
A-801	Interior Elevations
A-802	Interior Elevations
A-803	Casework Sections
A-804	Casework Sections
A-805	Casework Sections
A-806	Casework Sections
A-807	Casework Sections
A-901	Door Schedule & Details and Window Details
A-902	Signage
A-1001	Finish Plan & Schedule
A-1101	Furniture Plan
PD-101	Plumbing Demolition Plans
P-101	Plumbing Renovation Plans
P-201	Plumbing Plans
M1.01	Mechanical Plans – HR Suite
M1.02	Mechanical Plans – AV Suite
M2.01	Mechanical Piping Plans – HR Suite
M3.01	Mechanical Details
M4.01	Mechanical Schedules, Notes, Legend
FP1.01	Fire Protection Plans – HR Suite
FP1.02	Fire Protection Plans – AV Studio
FP2.01	Fire Protection Detail, Notes, Legend
E1.01	Electrical Plans
E1.02	Electrical Plans
E1.03	Electrical Plans
E2.01	Electrical Details
E2.02	Electrical Details
E3.01	Electrical Schedules
E4.01	Electrical Notes
FA1.01	Fire Alarm Plans
FA2.01	Fire Alarm Details
FA3.01	Fire Alarm Notes

by Hobbs Architects, PA and EnTech Engineering

D. Bid Advertisement
E. Instructions to Bidders
F. Execution of Bid
G. Bid Form
H. Bid Form Submission

I. Bid Bond
J. Accepted Form of Proposal
K. Notice of Award
L. Performance & Payment Bonds
M. Power of Attorney
N. Notice to Proceed
O. Special Provisions
P. Addenda:
   1. No. 1 Dated: April 17, 2026
   2. No. 2 Dated: April 29, 2026
   3. No. 3 Dated: May 4, 2026
Q. Certificate(s) of Insurance

2. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the work required in this Contract upon the issuance of a Notice to Proceed, and the Contractor shall complete entire work and reach Final Acceptance (as defined by the General Conditions) within **180** consecutive calendar days of the issuance of the Notice to Proceed ("time of completion"). For each day in excess thereof, liquidated damages, reasonably estimated in advance to cover the losses to be incurred by the Owner by reason of failure of Contractor to complete the Work within the time specified, such time being of the essence in this Contract and a material consideration thereof, shall be assessed in the amount of **$ 1000.00** per calendar day. If Contractor has not satisfactorily completed the work and reached Final Acceptance within the times specified in the Contract Documents, the Town may declare such delay a material breach of contract and default and may pursue all available remedies outlined in this Contract as well as all other legal and equitable remedies. Any changes to the schedule(s) provided in the Contract Documents must be agreed to in writing by the Town and the Contractor.

If the Contractor is delayed at any time in the progress of its work by any act or negligence of the Town, its employees, or its separate contractor, by changes ordered in the work; by abnormal weather conditions; by any causes beyond the Contractor's control or by other causes deemed justifiable by Town, then the contract time may be reasonably extended in a written order from the Town upon written request from the Contractor within ten days following the cause for delay. Time extensions for weather delays, labor disputes, fire, delays in transportation, unavoidable casualties or other delays which are beyond the control of the Town do not entitle the Contractor to compensable damages for delays. Any Contractor claim for compensable damages for delays is limited to delays caused solely by the Town or its agents.

3. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor, subject to additions and deductions as provided in the Contract Documents, as follows:

Nine Hundred Fifty Seven Thousand and Four Hundred ($957,400.00).

Summary of Contract Award:

Base Bid:	$ 957,400.00
Alternate G-1:	$ 0.00
Alternate M-1:	$ 0.00
Total:	$ 957,400.00

Contractor shall submit applications for payment reflecting work completed during the preceding calendar month to the Designer in accordance with the General Conditions. If certified by the Designer and approved by the Town, the Town will process all pay applications within 30 days after receipt from the Designer. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all applications for payment. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

Retainage:

In accordance with N.C.G.S 143-134.1, Town may withhold a percentage of payment until the project has been satisfactorily completed for projects costing more than $100,000.00. For projects costing $100,000.00 or more:

a. Retainage withheld shall not exceed 5% at any time.
b. The same terms shall apply to the general contractor and subcontractors alike.
c. Following 50% completion of the project no further retainage will be withheld if the Contractor/subcontractor has performed satisfactorily and any nonconforming work identified in writing prior to that time by the architect, engineer, or Owner has been corrected by the Contractor and accepted by the architect, engineer, or Owner.
d. Town may reinstate retainage if the Contractor/subcontractor does not continue to perform satisfactorily. Following 50% completion of the project, Town is authorized to withhold additional retainage from a subsequent payment application if the amount of retainage withheld falls below 2.5%.

Upon completion, the Contractor shall submit satisfactory evidence that all payrolls, material bills and other costs incurred by the Contractor in connection with the construction of the work have been paid in full. Final payment will be made within forty-five (45) days after Final Acceptance (as defined by the General and Supplementary General Conditions) and Final Acceptance of the work by the Town and after the Town has received all required warranty information, Operation and Maintenance Manuals, releases and waivers of liens, red-line drawings have been submitted to Designer as required, and receipt by the Owner of the final pay request which shall include the Contractor's affidavit in the following form:

"This is to certify that all costs of materials, equipment, labor, subcontracted work, and all else entering into the accomplishment of this contract, including payrolls, have been paid in full."

The Town, or the Designer with the Town's approval, may withhold payment for any of the following reasons:

a. Faulty or defective work not corrected.
b. The unpaid balance remaining on the Contract is not sufficient to complete the work in the sole judgement and discretion of the Designer or Town.
c. To provide a sufficient contract balance to cover liquidated damages that will be assessed.
d. Evidence that subcontractors have not been paid.

Payment will be released once the grounds for withholding payments has been removed.

4. SURETY.

If at any time after the execution of this Contract and the surety bonds included in the Contract Documents for the faithful performance of the Contract, the Town shall deem the surety or sureties upon

such bonds to be unsatisfactory, or if, for any reason, such bonds cease to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the Town so to do, furnish an additional bond or bonds in such form and amount, and with such surety or sureties as shall be satisfactory to the Town. In such event no further payment to the Contractor shall be deemed to be due under this Contract until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the Town.

5. CHANGE ORDERS.

In the event Town has changes in the work not covered by the Contract, these changes will not invalidate or relieve Contractor from any guarantee it has given in this Contract. If a bond was required these changes will not relieve the surety or sureties of said bond. Changes in work shall ***not*** proceed without a Change Order approved by the Town. Change Orders will be governed by the General Conditions and Supplementary General Conditions. Any work performed pursuant to an approved change order shall be governed by the terms of this Contract.

6. INDEMNIFICATION.

To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the Owner, the Designer and the agents, consultants, elected officials, and employees of the Owner and Designer, from and against all claims, damages, losses and expenses, including, but not limited to, attorneys' fees, arising out of or resulting from the performance or failure of performance of the work, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including the loss of use resulting there from, and (2) is caused in whole or in part by any negligent act or omission of the Contractor, the Contractor's subcontractor, or the agents of either the Contractor or the Contractor's subcontractor. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this article.

7. APPLICABILITY OF LAWS AND REGULATIONS.

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Wake, and the Town of Apex in the performance of the services outlined in this contract and any attached specifications. This Contract shall be governed by the laws of the State of North Carolina.

Contractor shall obtain all required permits and inspections and shall give all notices required by law in performance of this project. In the event Contractor observes that any drawings or specifications are not in compliance with any such rules, laws, or regulations, Contractor shall promptly notify the Town in writing. Contractor shall not perform any work knowing it to be contrary to any laws, ordinances, codes, rules or regulations.

All work under this Contract shall be performed in accordance with the North Carolina Building Code and all other applicable state or national codes.

8. E-VERIFY COMPLIANCE.

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

9. QUALITY AND WORKMANSHIP.
Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Contractor hereby certifies that he/she is a licensed general contractor as defined by N.C.G.S. 87-1.

10. INSURANCE.
Work under this Contract shall not begin until the Contractor has obtained all required insurance. The Contractor shall maintain insurance as detailed in the General Conditions and Supplementary General Conditions. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

11. SUBCONTRACTORS.
Contractor shall be fully responsible for his/her own acts or omissions as well as those of any subcontractor retained to perform services pursuant to this Contract. Contractor acknowledges that no contractual relationship exists between the subcontractor and the Town in regards to this Contract and that the subcontractor is acting as an agent or employee of the Contractor. Contractor acknowledges that the terms of this Contract apply to each subcontractor as it does to the Contractor and Contractor will take whatever steps necessary to bind all subcontractors working on this project to these terms.

12. DEFAULT.
In the event of default by the Contractor the terms in the General Conditions and Supplementary General Conditions shall control.

13. TERMINATION FOR CONVENIENCE.
Town shall have the right to terminate this Contract for the Town's convenience in accordance with the General and Supplementary General Conditions.

14. NOTICE.
Any formal notice, demand, or request required by or made in connection with this Contract shall be deemed properly made if delivered in writing in person by registered mail to the address specified below.

TO CONTRACTOR:	TO TOWN:
J.D. Beam, Inc. DBA Beam General Contractors Attn: Thomas Antoine 6870 Perry Creek Road Raleigh, NC 27616 toma@jdbeam.com	Town of Apex Attn: Daniel Edwards PO Box 250 Apex, NC 27502 Daniel.edwards@apexnc.org

15. NONWAIVER FOR BREACH.
No breach or non-performance of any term of this Contract shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Contract shall be deemed to constitute a waiver of any subsequent

breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

16. CONSTRUCTION.
Should any portion of this Contract require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

17. NO REPRESENTATIONS.
The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Contract, and they rely on no such representations; that they have fully read and understood this Contract before signing their names; and that they act voluntarily and with full advice of counsel.

18. SEVERABILITY.
In the event for any reason that any provision or portion of this Contract shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Contract, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

19. COUNTERPARTS.
This Contract may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

20. MODIFICATION.
This Contract contains the full understanding of the parties. Any modifications or addendums to this Contract must be in writing and executed with the same formality as this Contract.

21. BINDING EFFECT.
The terms of this Contract shall be binding upon the parties' heirs, successors, and assigns.

22. ASSIGNMENT.
Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Contract without the written consent of the Town. Nothing contained in this paragraph shall prevent Contractor from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Contractor in the performance of services rendered.

23. INDEPENDENT CONTRACTOR.
Contractor is an independent contractor and shall undertake performance of the services pursuant to the terms of this Contract as an independent contractor. Contractor shall be wholly responsible for the methods, means and techniques of performance.

24. NON-APPROPRIATION.
Notwithstanding any other provisions of this Contract, the parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Contract for any fiscal year, this Contract shall terminate immediately without further obligation of the Town.

25. IRAN DIVESTMENT ACT CERTIFICATION.
N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Contract the Contractor hereby certifies that the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Contractor will not utilize any subcontractors found on the Final Divestment List.

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

27. NONSCRIMINATION.
Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Contractor hereby warrants and agrees that Contractor will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

[The Remainder of This Page Intentionally Left Blank; Signatures Follow]

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this _____day of _____, 2026.

Contractor:

J.D. Beam, Inc. DBA Beam General Contractors

_____

(Print name)

_____

Signature

_____

Title

Attest:

_____

Secretary (if a corporation)

Town of Apex

_____

Randal E. Vosburg, Town Manager

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

Finance Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 28, 2026

Item Details

Presenter(s): Amir Nezarati, Transportation Engineer

Department(s): Transportation and Infrastructure Development (TID)

Requested Motion

Motion to award a construction contract with White Oak Construction Corp. of NC, for the North Hughes Street and South Mason Street Sidewalk projects, in the amount of $898,925.00, authorize the Town Manager, or their designee, to execute the contract on behalf of the Town, and authorize a 10% contingency be added to the project budget.

Approval Recommended?

Yes

Item Details

The scope of work includes construction of narrow road widening, new gutter, and new sidewalk along the east side of N Hughes Street from E Chatham Street to dead end and along the east side of S Mason Street from E Moore Street to E Chatham Street.

Sealed bids for construction and furnishing of all materials were received and opened on Wednesday, April 29, 2026. It is the recommendation of staff that the contract be awarded to White Oak Construction Corp. of NC as the lowest responsive bidder. Funding for construction is included in the current Transportation Improvements Project Fund. Bid summary:

	N Hughes Street	S Mason Street	Total
White Oak Construction Corp.	**$622,564.00**	**$276,361.00**	**$898,925.00**
Visco Corporation	$705,306.00	$276,909.75	$982,215.75
Pacos Construction Co, Inc.	$666,013.60	$317,014.80	$983,028.40
Lanier Construction Co, Inc.	$722,225.28	$316,980.60	$1,039,205.88
Hollins Construction Services, Inc.	$763,558.00	$299,419.00	$1,062,977.00
Cardinal Civil Contracting, LLC	$704,423.74	$373,644.24	$1,078,067.98
Engineer's Estimate	*$819,465.00*	*$290,188.00*	*$1,109,653.00*
Fred Smith Company	$825,825.00	$360,360.00	$1,186,185.00
Browe Construction Company	$797,115.00	$394,493.00	$1,191,608.00
Morgan Trucking & Gen Const	$850,719.60	$449,441.34	$1,300,160.94
Sandhills Contractors, Inc.	$919,716.00	$412,040.00	$1,331,756.00
Crossroads Site Development	$1,014,755.00	$437,170.00	$1,451,925.00

Attachments

- CN3-A1: Agreement - Construction Contract Award – White Oak Construction Corp. of North Carolina (NC) - N Hughes St and S Mason St Sidewalk Projects
- CN3-A2: Bid Tabulation Version No. 3 - Construction Contract Award – White Oak Construction Corp. of North Carolina (NC) - N Hughes St and S Mason St Sidewalk Projects

AGREEMENT
BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between Town of Apex ("Owner") and White Oak Construction Corp. of NC ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

ARTICLE 2 – THE PROJECT

2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: N Hughes St & S Mason St Sidewalks.

ARTICLE 3 – ENGINEER

3.01 The part of the Project that pertains to the Work has been designed by Transportation & Infrastructure Development Department, Town of Apex.

3.02 Indicate the applicable provision:

[X] Owner has designated the individual or department identified in Paragraph 3.01 of this Agreement as the Engineer ("Engineer") on the Project. Contractor acknowledges that the Engineer identified in this Article is an internal employee, or department comprised of staff of the Owner, and accepts that arrangement and the decision-making and interpretive authority of the Engineer as detailed in the Contract Documents.

[ ] The Owner has retained _____ ("Engineer") to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Days*

A. The Work will be substantially completed within **150** days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within **180** days after the date when the Contract Times commence to run.

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 1 of 8

4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner $ **1,000** for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.

2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner $ **200** for each day that expires after such time until the Work is completed and ready for final payment.

3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

A. All specific cash allowances are included in the above price in accordance with Paragraph 13.02 of the General Conditions.

B. Total of Unit Price Work $ **$898,925.00** .

C. All Work, at the prices stated in Contractor's Bid, is attached hereto as an exhibit.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 25th day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 2 of 8

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract

    a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and

    b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

6.03 *Final Payment*

A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 7 – INTEREST

7.01 Interest on final payments due to prime contracts shall accrue in accordance with North Carolina General Statute 143-134.1.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.

B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 3 of 8

E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor's safety precautions and programs.

F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.

G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

J. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

A. The Contract Documents consist of the following:

1. This Agreement (pages 1 to 8, inclusive).
2. Performance bond.
3. Payment bond.
4. Power of Attorney.
5. Certificate of Insurance.
6. General Conditions.
7. Supplementary Conditions.
8. Specifications as listed in the table of contents of the Project Manual.
9. Drawings (not attached but incorporated by reference) consisting of 14 and 11 sheets with each sheet bearing the following general title: N Hughes St Sidewalk and S Mason St Sidewalk
10. Addenda.
11. Exhibits to this Agreement (enumerated as follows):
    a. Contractor's Bid.

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 4 of 8

b. Notice of Award.

c. Documentation submitted by Contractor prior to Notice of Award.

d. Affidavits.

12. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:

a. Notice to Proceed.

b. Work Change Directives.

c. Change Orders.

B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 9.

D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 5 of 8

10.05 *Contractor's Certifications*

A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;

2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 E-Verify

A. Contractor hereby acknowledges that "E-Verify" is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. Contractor further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). Contractor hereby pledges, attests and warrants through execution of this Agreement that Contractor complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by Contractor shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.

10.07 Iran Divestment Act Certification

A. N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement Contractor hereby certifies that it is not listed on the Final Divestment List created by the North Carolina State Treasurer and that Contractor will not utilize any subcontractors found on the Final Divestment List.

10.08 Anti-Human Trafficking

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 6 of 8

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

10.09 Non-discrimination

A. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Contractor hereby warrants and agrees that it will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

10.10 Electronic Signature

A. Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement 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 of Apex's Electronic Signature Policy and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 7 of 8

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____ (which is the Effective Date of the Contract).

OWNER: Town of Apex	CONTRACTOR:_____
By: Randal E. Vosburg	By:
Signature:	Signature:
Title: Town Manager	Title:
	(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)
	Attest:
	Title:
Address for giving notices:	Address for giving notices:
P.O. Box 250	
Apex, NC 27502-0250	
	License No.: *(where applicable)*

If Contractor is a corporation, partnership, or joint venture, attach evidence of authority to sign.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Jon Griffin, Finance Director

This document is a MODIFIED version of the EJCDC® C-520(Rev. 1), Agreement Between Owner and Contractor For Construction Contract (Stipulated Price), Copyright © 2013 by the National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers, or is based in part on e yrighted EJCDC documents. Those portions of the text that originated in copyrighted EJCDC do subject to the copyright. Page 8 of 8

					Engineer's Estimate		White Oak Construction Corp.		Visco Corporation		Pacos Construction Co, Inc.	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
N HUGHES ST SIDEWALK												
1	800	MOBILIZATION	1	LS	$ 38,430.00	$ 38,430.00	$15,000.00	$ 15,000.00	$33,500.00	$ 33,500.00	$30,700.00	$ 30,700.00
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$ 1,000.00	$ 5,000.00	$1,500.00	$ 7,500.00	$500.00	$ 2,500.00	$800.00	$ 4,000.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$ 1,500.00	$ 7,500.00	$2,500.00	$ 12,500.00	$1,500.00	$ 7,500.00	$3,800.00	$ 19,000.00
4	226	UNDERCUT EXCAVATION	50	CY	$ 100.00	$ 5,000.00	$70.00	$ 3,500.00	$30.00	$ 1,500.00	$100.00	$ 5,000.00
5	226	GRADING	1	LS	$ 155,000.00	$ 155,000.00	$20,000.00	$ 20,000.00	$65,580.00	$ 65,580.00	$90,000.00	$ 90,000.00
6	310	15-INCH PIPE CULVERT, POLYPROPYLENE	155	LF	$ 250.00	$ 38,750.00	$140.00	$ 21,700.00	$90.00	$ 13,950.00	$85.00	$ 13,175.00
7	310	15-INCH FLARED END SECTION, RCP	1	EA	$ 3,000.00	$ 3,000.00	$2,500.00	$ 2,500.00	$3,500.00	$ 3,500.00	$3,100.00	$ 3,100.00
8	310	24-INCH PIPE CULVERT, POLYPROPYLENE	10	LF	$ 300.00	$ 3,000.00	$250.00	$ 2,500.00	$250.00	$ 2,500.00	$175.00	$ 1,750.00
9	310	24-INCH FLARED END SECTION, RCP	1	EA	$ 4,000.00	$ 4,000.00	$3,500.00	$ 3,500.00	$4,500.00	$ 4,500.00	$3,800.00	$ 3,800.00
10	340	PIPE REMOVAL	20	LF	$ 50.00	$ 1,000.00	$50.00	$ 1,000.00	$50.00	$ 1,000.00	$65.00	$ 1,300.00
11	545	INCIDENTAL STONE BASE	10	TN	$ 100.00	$ 1,000.00	$100.00	$ 1,000.00	$100.00	$ 1,000.00	$75.00	$ 750.00
12	607	MILLING ASPHALT PAVEMENT, 0-1.5"	440	SY	$ 5.00	$ 2,200.00	$10.00	$ 4,400.00	$35.00	$ 15,400.00	$20.00	$ 8,800.00
13	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	95	TN	$ 200.00	$ 19,000.00	$270.00	$ 25,650.00	$200.00	$ 19,000.00	$220.00	$ 20,900.00
14	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	77	TN	$ 250.00	$ 19,250.00	$190.00	$ 14,630.00	$200.00	$ 15,400.00	$203.00	$ 15,631.00
15	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	324	TN	$ 250.00	$ 81,000.00	$190.00	$ 61,560.00	$200.00	$ 64,800.00	$203.00	$ 65,772.00
16	801	CONSTRUCTION SURVEYING	1	LS	$ 21,000.00	$ 21,000.00	$9,500.00	$ 9,500.00	$19,500.00	$ 19,500.00	$22,000.00	$ 22,000.00
17	840	MASONRY DRAINAGE STRUCTURES	2	EA	$ 3,800.00	$ 7,600.00	$6,000.00	$ 12,000.00	$5,500.00	$ 11,000.00	$4,500.00	$ 9,000.00
18	846	24-INCH CONCRETE VALLEY GUTTER	2,186	LF	$ 42.00	$ 91,812.00	$58.00	$ 126,788.00	$50.00	$ 109,300.00	$30.20	$ 66,017.20
19	846	6-INCH HEADER CURB	116	LF	$ 35.00	$ 4,060.00	$53.00	$ 6,148.00	$40.00	$ 4,640.00	$40.00	$ 4,640.00
20	846	2'-6" CONCRETE CURB AND GUTTER	140	LF	$ 42.00	$ 5,880.00	$60.00	$ 8,400.00	$45.00	$ 6,300.00	$30.00	$ 4,200.00
21	848	CONCRETE CURB RAMP - SHARED FLARE	1	EA	$ 5,000.00	$ 5,000.00	$3,700.00	$ 3,700.00	$3,500.00	$ 3,500.00	$3,500.00	$ 3,500.00
22	848	CONCRETE CURB RAMP - TYPE N-1A	7	EA	$ 5,000.00	$ 35,000.00	$3,700.00	$ 25,900.00	$2,500.00	$ 17,500.00	$2,900.00	$ 20,300.00
23	848	CONCRETE CURB RAMP - TYPE R-1	5	EA	$ 5,000.00	$ 25,000.00	3,700	$ 18,500.00	$2,500.00	$ 12,500.00	$2,900.00	$ 14,500.00
24	848	CONCRETE CURB RAMP - TYPE R-2B	1	EA	$ 5,000.00	$ 5,000.00	3,700	$ 3,700.00	$3,500.00	$ 3,500.00	$2,900.00	$ 2,900.00
25	848	6" CONCRETE DRIVEWAY	50	SY	$ 100.00	$ 5,000.00	$170.00	$ 8,500.00	$110.00	$ 5,500.00	$150.00	$ 7,500.00
26	848	4" CONCRETE SIDEWALK	556	SY	$ 60.00	$ 33,360.00	$150.00	$ 83,400.00	$105.00	$ 58,380.00	$65.00	$ 36,140.00
27	SP	BRICK PAVERS	25	SF	$ 150.00	$ 3,750.00	$175.00	$ 4,375.00	$55.00	$ 1,375.00	$65.00	$ 1,625.00
28	SP	BOARDWALK	1,050	SF	$ 50.00	$ 52,500.00	$35.00	$ 36,750.00	$100.00	$ 105,000.00	$36.00	$ 37,800.00
29	867	FENCE RESET	100	LF	$ 120.00	$ 12,000.00	$40.00	$ 4,000.00	$45.00	$ 4,500.00	$25.00	$ 2,500.00
30	SP	GATE FOR EXISTING PRIVACY FENCE	1	EA	$ 5,000.00	$ 5,000.00	$1,500.00	$ 1,500.00	$2,500.00	$ 2,500.00	$1,500.00	$ 1,500.00
31	876	RIP RAP, CLASS B	15	TN	$ 100.00	$ 1,500.00	$175.00	$ 2,625.00	$100.00	$ 1,500.00	$125.00	$ 1,875.00
32	901	CONTRACTOR FURNISHED, TYPE E SIGNS	95	SF	$ 30.00	$ 2,850.00	$30.00	$ 2,850.00	$13.50	$ 1,282.50	$28.00	$ 2,660.00
33	903	SUPPORTS, SQUARE-CHANNEL	10	EA	$ 300.00	$ 3,000.00	$225.00	$ 2,250.00	$15.75	$ 157.50	$200.00	$ 2,000.00
34	904	SIGN ERECTION, TYPE E	10	EA	$ 600.00	$ 6,000.00	$450.00	$ 4,500.00	$250.00	$ 2,500.00	$175.00	$ 1,750.00
35	1746	RELOCATE EXISTING SIGN	4	EA	$ 550.00	$ 2,200.00	$450.00	$ 1,800.00	$215.00	$ 860.00	$100.00	$ 400.00
36	1105	TRAFFIC CONTROL	1	LS	$ 40,000.00	$ 40,000.00	$5,500.00	$ 5,500.00	$30,000.00	$ 30,000.00	$85,000.00	$ 85,000.00
37	1515	RELOCATE AND REPLACE FIRE HYDRANT	2	EA	$ 6,000.00	$ 12,000.00	$12,000.00	$ 24,000.00	$5,500.00	$ 11,000.00	$12,000.00	$ 24,000.00
38	1515	FIRE HYDRANT LEG	30	LF	$ 156.00	$ 4,680.00	$70.00	$ 2,100.00	$250.00	$ 7,500.00	$100.00	$ 3,000.00
39	1515	6" VALVE	2	EA	$ 3,250.00	$ 6,500.00	$2,000.00	$ 4,000.00	$4,250.00	$ 8,500.00	$2,800.00	$ 5,600.00
40	1515	RELOCATE WATER METERS	2	EA	$ 10,000.00	$ 20,000.00	$1,800.00	$ 3,600.00	$1,650.00	$ 3,300.00	$2,900.00	$ 5,800.00
41	SP	ADJUST SEWER CLEANOUTS	3	EA	$ 900.00	$ 2,700.00	$500.00	$ 1,500.00	$750.00	$ 2,250.00	$450.00	$ 1,350.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 120 MILS)	191	LF	$ 5.00	$ 955.00	$2.50	$ 477.50	$2.50	$ 477.50	$2.20	$ 420.20
43	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	378	LF	$ 10.00	$ 3,780.00	$5.00	$ 1,890.00	$5.00	$ 1,890.00	$4.40	$ 1,663.20
44	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	95	LF	$ 30.00	$ 2,850.00	$19.00	$ 1,805.00	$17.50	$ 1,662.50	$12.00	$ 1,140.00
45	1605	TEMPORARY TREE PROTECTION FENCE	306	LF	$ 8.00	$ 2,448.00	$3.75	$ 1,147.50	$16.00	$ 4,896.00	$5.00	$ 1,530.00
46	1605	TEMPORARY SILT FENCE	403	LF	$ 10.00	$ 4,030.00	$6.00	$ 2,418.00	$5.00	$ 2,015.00	$5.00	$ 2,015.00
47	1631	MATTING FOR EROSION CONTROL	980	SY	$ 6.00	$ 5,880.00	$5.00	$ 4,900.00	$8.00	$ 7,840.00	$4.50	$ 4,410.00
48	1660	SEEDING AND MULCHING	0.30	AC	$ 10,000.00	$ 3,000.00	$17,000.00	$ 5,100.00	$3,500.00	$ 1,050.00	$12,000.00	$ 3,600.00
					SUBTOTAL:	**$ 819,465.00**		**$ 622,564.00**		**$ 705,306.00**		**$ 666,013.60**
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
S MASON ST SIDEWALK												
1	800	MOBILIZATION	1	LS	$ 13,220.00	$ 13,220.00	$12,500.00	$ 12,500.00	$13,100.00	$ 13,100.00	$14,500.00	$ 14,500.00
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$ 1,000.00	$ 5,000.00	$1,500.00	$ 7,500.00	$500.00	$ 2,500.00	$800.00	$ 4,000.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$ 1,500.00	$ 7,500.00	$2,500.00	$ 12,500.00	$1,500.00	$ 7,500.00	$3,800.00	$ 19,000.00
3	226	UNDERCUT EXCAVATION	30	CY	$ 100.00	$ 3,000.00	$70.00	$ 2,100.00	$50.00	$ 1,500.00	$100.00	$ 3,000.00
4	226	GRADING	1	LS	$ 55,000.00	$ 55,000.00	$16,000.00	$ 16,000.00	$30,000.00	$ 30,000.00	$45,000.00	$ 45,000.00
5	310	15-INCH PIPE CULVERT, POLYPROPYLENE / RCP CLIII	5	LF	$ 250.00	$ 1,250.00	$200.00	$ 1,000.00	$150.00	$ 750.00	$200.00	$ 1,000.00
6	340	PIPE REMOVAL	20	LF	$ 50.00	$ 1,000.00	$50.00	$ 1,000.00	$50.00	$ 1,000.00	$65.00	$ 1,300.00
7	545	INCIDENTAL STONE BASE	20	TN	$ 100.00	$ 2,000.00	$100.00	$ 2,000.00	$100.00	$ 2,000.00	$85.00	$ 1,700.00
8	607	MILLING ASPHALT PAVEMENT, 0-1.5"	150	SY	$ 5.00	$ 750.00	$10.00	$ 1,500.00	$65.00	$ 9,750.00	$20.00	$ 3,000.00
9	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	61	TN	$ 200.00	$ 12,200.00	$270.00	$ 16,470.00	$200.00	$ 12,200.00	$220.00	$ 13,420.00
10	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	66	TN	$ 250.00	$ 16,500.00	$190.00	$ 12,540.00	$200.00	$ 13,200.00	$203.00	$ 13,398.00
11	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	166	TN	$ 250.00	$ 41,500.00	$190.00	$ 31,540.00	$200.00	$ 33,200.00	$203.00	$ 33,698.00
12	801	CONSTRUCTION SURVEYING	1	LS	$ 8,000.00	$ 8,000.00	$6,500.00	$ 6,500.00	$7,500.00	$ 7,500.00	$11,000.00	$ 11,000.00
13	840	MASONRY DRAINAGE STRUCTURES	3	EA	$ 6,500.00	$ 19,500.00	$6,000.00	$ 18,000.00	$5,500.00	$ 16,500.00	$4,500.00	$ 13,500.00
14	840	FRAME W/ GRATE, STANDARD 840.03	1	EA	$ 1,050.00	$ 1,050.00	$1,200.00	$ 1,200.00	$1,500.00	$ 1,500.00	$1,200.00	$ 1,200.00
15	840	FRAME W/ GRATE, STANDARD 840.16	1	EA	$ 1,050.00	$ 1,050.00	$1,200.00	$ 1,200.00	$1,500.00	$ 1,500.00	$1,200.00	$ 1,200.00
16	840	FRAME W/ COVER, STANDARD TOA 700.05	1	EA	$ 1,050.00	$ 1,050.00	$1,200.00	$ 1,200.00	$1,500.00	$ 1,500.00	$900.00	$ 900.00
17	846	24-INCH CONCRETE VALLEY GUTTER	734	LF	$ 42.00	$ 30,828.00	$58.00	$ 42,572.00	$48.00	$ 35,232.00	$30.20	$ 22,166.80
18	846	2'-6" CONCRETE CURB AND GUTTER	65	LF	$ 42.00	$ 2,730.00	$60.00	$ 3,900.00	$65.00	$ 4,225.00	$30.00	$ 1,950.00
19	848	CONCRETE CURB RAMP - TYPE N-1A	2	EA	$ 5,000.00	$ 10,000.00	$3,700.00	$ 7,400.00	$3,500.00	$ 7,000.00	$2,900.00	$ 5,800.00
20	848	6" CONCRETE DRIVEWAY	116	SY	$ 100.00	$ 11,600.00	$170.00	$ 19,720.00	$100.00	$ 11,600.00	$150.00	$ 17,400.00
21	848	4" CONCRETE SIDEWALK	237	SY	$ 60.00	$ 14,220.00	$150.00	$ 35,550.00	$110.00	$ 26,070.00	$65.00	$ 15,405.00
22	901	CONTRACTOR FURNISHED, TYPE E SIGNS	7	SF	$ 30.00	$ 210.00	$30.00	$ 210.00	$13.50	$ 94.50	$60.00	$ 420.00
23	903	SUPPORTS, SQUARE-CHANNEL	1	EA	$ 300.00	$ 300.00	$225.00	$ 225.00	$15.75	$ 15.75	$200.00	$ 200.00
24	904	SIGN ERECTION, TYPE E	1	EA	$ 500.00	$ 500.00	$450.00	$ 450.00	$250.00	$ 250.00	$190.00	$ 190.00
25	1105	TRAFFIC CONTROL	1	LS	$ 15,000.00	$ 15,000.00	$3,500.00	$ 3,500.00	$15,000.00	$ 15,000.00	$50,000.00	$ 50,000.00
26	1515	RELOCATE WATER METERS	5	EA	$ 900.00	$ 4,500.00	$1,800.00	$ 9,000.00	$1,800.00	$ 9,000.00	$2,900.00	$ 14,500.00
27	SP	ADJUSTMENT/MODIFICATION OF MANHOLES	1	EA	$ 1,500.00	$ 1,500.00	$1,500.00	$ 1,500.00	$750.00	$ 750.00	$1,000.00	$ 1,000.00
28	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	60	LF	$ 10.00	$ 600.00	$5.00	$ 300.00	$5.00	$ 300.00	$4.20	$ 252.00
29	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	11	LF	$ 30.00	$ 330.00	$19.00	$ 209.00	$17.50	$ 192.50	$15.00	$ 165.00
30	1605	TEMPORARY TREE PROTECTION FENCE	540	LF	$ 8.00	$ 4,320.00	$3.75	$ 2,025.00	$16.00	$ 8,640.00	$5.00	$ 2,700.00
31	1631	MATTING FOR EROSION CONTROL	330	SY	$ 6.00	$ 1,980.00	$5.00	$ 1,650.00	$8.00	$ 2,640.00	$5.00	$ 1,650.00
32	1660	SEEDING AND MULCHING	0.20	AC	$ 10,000.00	$ 2,000.00	$17,000.00	$ 3,400.00	$3,500.00	$ 700.00	$12,000.00	$ 2,400.00
					SUBTOTAL:	**$ 290,188.00**		**$ 276,361.00**		**$ 276,909.75**		**$ 317,014.80**
					TOTAL:	**$ 1,109,653.00**		**$ 898,925.00**		**$ 982,215.75**		**$ 983,028.40**

					Lanier Construction Co, Inc.		Hollins Construction Services, Inc.		Cardinal Civil Contracting, LLC	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
N HUGHES ST SIDEWALK										
1	800	MOBILIZATION	1	LS	$34,000.00	$ 34,000.00	$37,000.00	$ 37,000.00	$76,363.86	$ 76,363.86
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$1,000.00	$ 5,000.00	$750.00	$ 3,750.00	$1,560.00	$ 7,800.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$2,000.00	$ 10,000.00	$1,250.00	$ 6,250.00	$2,600.00	$ 13,000.00
4	226	UNDERCUT EXCAVATION	50	CY	$60.00	$ 3,000.00	$50.00	$ 2,500.00	$162.09	$ 8,104.50
5	226	GRADING	1	LS	$95,000.00	$ 95,000.00	$155,000.00	$ 155,000.00	$192,047.80	$ 192,047.80
6	310	15-INCH PIPE CULVERT, POLYPROPYLENE	155	LF	$90.00	$ 13,950.00	$80.00	$ 12,400.00	$117.67	$ 18,238.85
7	310	15-INCH FLARED END SECTION, RCP	1	EA	$1,400.00	$ 1,400.00	$1,900.00	$ 1,900.00	$2,947.05	$ 2,947.05
8	310	24-INCH PIPE CULVERT, POLYPROPYLENE	10	LF	$250.00	$ 2,500.00	$150.00	$ 1,500.00	$767.14	$ 7,671.40
9	310	24-INCH FLARED END SECTION, RCP	1	EA	$2,375.00	$ 2,375.00	$3,100.00	$ 3,100.00	$2,947.05	$ 2,947.05
10	340	PIPE REMOVAL	20	LF	$35.00	$ 700.00	$30.00	$ 600.00	$81.35	$ 1,627.00
11	545	INCIDENTAL STONE BASE	10	TN	$60.00	$ 600.00	$65.00	$ 650.00	$64.64	$ 646.40
12	607	MILLING ASPHALT PAVEMENT, 0-1.5"	440	SY	$30.00	$ 13,200.00	$40.00	$ 17,600.00	$21.74	$ 9,565.60
13	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	95	TN	$165.00	$ 15,675.00	$372.00	$ 35,340.00	$207.33	$ 19,696.35
14	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	77	TN	$225.00	$ 17,325.00	$253.00	$ 19,481.00	$199.71	$ 15,377.67
15	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	324	TN	$205.00	$ 66,420.00	$115.00	$ 37,260.00	$126.12	$ 40,862.88
16	801	CONSTRUCTION SURVEYING	1	LS	$15,000.00	$ 15,000.00	$26,000.00	$ 26,000.00	$14,924.00	$ 14,924.00
17	840	MASONRY DRAINAGE STRUCTURES	2	EA	$4,000.00	$ 8,000.00	$5,000.00	$ 10,000.00	$2,105.64	$ 4,211.28
18	846	24-INCH CONCRETE VALLEY GUTTER	2,186	LF	$36.50	$ 79,789.00	$30.00	$ 65,580.00	$24.73	$ 54,059.78
19	846	6-INCH HEADER CURB	116	LF	$45.65	$ 5,295.40	$25.00	$ 2,900.00	$4.48	$ 519.68
20	846	2'-6" CONCRETE CURB AND GUTTER	140	LF	$37.85	$ 5,299.00	$30.00	$ 4,200.00	$41.60	$ 5,824.00
21	848	CONCRETE CURB RAMP - SHARED FLARE	1	EA	$5,000.00	$ 5,000.00	$3,000.00	$ 3,000.00	$1,014.00	$ 1,014.00
22	848	CONCRETE CURB RAMP - TYPE N-1A	7	EA	$4,000.00	$ 28,000.00	$3,000.00	$ 21,000.00	$1,158.86	$ 8,112.02
23	848	CONCRETE CURB RAMP - TYPE R-1	5	EA	$4,000.00	$ 20,000.00	$3,000.00	$ 15,000.00	$1,040.00	$ 5,200.00
24	848	CONCRETE CURB RAMP - TYPE R-2B	1	EA	$4,500.00	$ 4,500.00	$3,000.00	$ 3,000.00	$1,664.00	$ 1,664.00
25	848	6" CONCRETE DRIVEWAY	50	SY	$115.85	$ 5,792.50	$100.00	$ 5,000.00	$56.16	$ 2,808.00
26	848	4" CONCRETE SIDEWALK	556	SY	$70.00	$ 38,920.00	$62.00	$ 34,472.00	$56.16	$ 31,224.96
27	SP	BRICK PAVERS	25	SF	$160.00	$ 4,000.00	$40.00	$ 1,000.00	$52.00	$ 1,300.00
28	SP	BOARDWALK	1,050	SF	$100.00	$ 105,000.00	$90.00	$ 94,500.00	$80.08	$ 84,084.00
29	867	FENCE RESET	100	LF	$30.00	$ 3,000.00	$50.00	$ 5,000.00	$62.40	$ 6,240.00
30	SP	GATE FOR EXISTING PRIVACY FENCE	1	EA	$900.00	$ 900.00	$1,750.00	$ 1,750.00	$3,640.00	$ 3,640.00
31	876	RIP RAP, CLASS B	15	TN	$165.00	$ 2,475.00	$125.00	$ 1,875.00	$104.08	$ 1,561.20
32	901	CONTRACTOR FURNISHED, TYPE E SIGNS	95	SF	$30.00	$ 2,850.00	$20.00	$ 1,900.00	$24.02	$ 2,281.90
33	903	SUPPORTS, SQUARE-CHANNEL	10	EA	$230.00	$ 2,300.00	$200.00	$ 2,000.00	$195.52	$ 1,955.20
34	904	SIGN ERECTION, TYPE E	10	EA	$150.00	$ 1,500.00	$400.00	$ 4,000.00	$130.00	$ 1,300.00
35	1746	RELOCATE EXISTING SIGN	4	EA	$95.00	$ 380.00	$250.00	$ 1,000.00	$78.00	$ 312.00
36	1105	TRAFFIC CONTROL	1	LS	$45,000.00	$ 45,000.00	$61,000.00	$ 61,000.00	$19,500.00	$ 19,500.00
37	1515	RELOCATE AND REPLACE FIRE HYDRANT	2	EA	$9,700.00	$ 19,400.00	$13,000.00	$ 26,000.00	$6,506.74	$ 13,013.48
38	1515	FIRE HYDRANT LEG	30	LF	$135.00	$ 4,050.00	$100.00	$ 3,000.00	$127.55	$ 3,826.50
39	1515	6" VALVE	2	EA	$3,000.00	$ 6,000.00	$3,500.00	$ 7,000.00	$2,409.94	$ 4,819.88
40	1515	RELOCATE WATER METERS	2	EA	$3,500.00	$ 7,000.00	$2,000.00	$ 4,000.00	$2,041.75	$ 4,083.50
41	SP	ADJUST SEWER CLEANOUTS	3	EA	$800.00	$ 2,400.00	$600.00	$ 1,800.00	$884.11	$ 2,652.33
42	1205	THERMO PAVEMENT MARKING LINES (4", 120 MILS)	191	LF	$5.00	$ 955.00	$11.00	$ 2,101.00	$1.46	$ 278.86
43	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	378	LF	$9.71	$ 3,670.38	$15.00	$ 5,670.00	$2.91	$ 1,099.98
44	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	95	LF	$10.10	$ 959.50	$60.00	$ 5,700.00	$8.74	$ 830.30
45	1605	TEMPORARY TREE PROTECTION FENCE	306	LF	$3.50	$ 1,071.00	$4.00	$ 1,224.00	$3.12	$ 954.72
46	1605	TEMPORARY SILT FENCE	403	LF	$4.50	$ 1,813.50	$5.00	$ 2,015.00	$3.12	$ 1,257.36
47	1631	MATTING FOR EROSION CONTROL	980	SY	$7.00	$ 6,860.00	$3.00	$ 2,940.00	$2.08	$ 2,038.40
48	1660	SEEDING AND MULCHING	0.30	AC	$13,000.00	$ 3,900.00	$12,000.00	$ 3,600.00	$3,120.00	$ 936.00
						$ 722,225.28		**$ 763,558.00**		**$ 704,423.74**
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
S MASON ST SIDEWALK										
1	800	MOBILIZATION	1	LS	$15,000.00	$ 15,000.00	$20,000.00	$ 20,000.00	$46,548.99	$ 46,548.99
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$1,000.00	$ 5,000.00	$750.00	$ 3,750.00	$1,560.00	$ 7,800.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$2,000.00	$ 10,000.00	$1,250.00	$ 6,250.00	$2,600.00	$ 13,000.00
3	226	UNDERCUT EXCAVATION	30	CY	$60.00	$ 1,800.00	$50.00	$ 1,500.00	$160.73	$ 4,821.90
4	226	GRADING	1	LS	$50,000.00	$ 50,000.00	$58,000.00	$ 58,000.00	$134,459.48	$ 134,459.48
5	310	15-INCH PIPE CULVERT, POLYPROPYLENE / RCP CLIII	5	LF	$285.00	$ 1,425.00	$80.00	$ 400.00	$234.50	$ 1,172.50
6	340	PIPE REMOVAL	20	LF	$35.00	$ 700.00	$30.00	$ 600.00	$148.34	$ 2,966.80
7	545	INCIDENTAL STONE BASE	20	TN	$60.00	$ 1,200.00	$55.00	$ 1,100.00	$64.30	$ 1,286.00
8	607	MILLING ASPHALT PAVEMENT, 0-1.5"	150	SY	$30.00	$ 4,500.00	$40.00	$ 6,000.00	$55.50	$ 8,325.00
9	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	61	TN	$165.00	$ 10,065.00	$461.00	$ 28,121.00	$286.64	$ 17,485.04
10	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	66	TN	$225.00	$ 14,850.00	$334.00	$ 22,044.00	$223.09	$ 14,723.94
11	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	166	TN	$205.00	$ 34,030.00	$115.00	$ 19,090.00	$124.51	$ 20,668.66
12	801	CONSTRUCTION SURVEYING	1	LS	$15,000.00	$ 15,000.00	$10,000.00	$ 10,000.00	$14,924.00	$ 14,924.00
13	840	MASONRY DRAINAGE STRUCTURES	3	EA	$4,000.00	$ 12,000.00	$4,000.00	$ 12,000.00	$3,231.16	$ 9,693.48
14	840	FRAME W/ GRATE, STANDARD 840.03	1	EA	$1,275.00	$ 1,275.00	$1,000.00	$ 1,000.00	$1,210.78	$ 1,210.78
15	840	FRAME W/ GRATE, STANDARD 840.16	1	EA	$1,150.00	$ 1,150.00	$1,000.00	$ 1,000.00	$1,096.11	$ 1,096.11
16	840	FRAME W/ COVER, STANDARD TOA 700.05	1	EA	$850.00	$ 850.00	$1,000.00	$ 1,000.00	$851.82	$ 851.82
17	846	24-INCH CONCRETE VALLEY GUTTER	734	LF	$35.15	$ 25,800.10	$30.00	$ 22,020.00	$25.23	$ 18,518.82
18	846	2'-6" CONCRETE CURB AND GUTTER	65	LF	$50.00	$ 3,250.00	$30.00	$ 1,950.00	$41.60	$ 2,704.00
19	848	CONCRETE CURB RAMP - TYPE N-1A	2	EA	$5,500.00	$ 11,000.00	$3,000.00	$ 6,000.00	$2,028.00	$ 4,056.00
20	848	6" CONCRETE DRIVEWAY	116	SY	$125.00	$ 14,500.00	$100.00	$ 11,600.00	$56.16	$ 6,514.56
21	848	4" CONCRETE SIDEWALK	237	SY	$70.00	$ 16,590.00	$62.00	$ 14,694.00	$56.16	$ 13,309.92
22	901	CONTRACTOR FURNISHED, TYPE E SIGNS	7	SF	$70.00	$ 490.00	$20.00	$ 140.00	$58.68	$ 410.76
23	903	SUPPORTS, SQUARE-CHANNEL	1	EA	$230.00	$ 230.00	$150.00	$ 150.00	$195.52	$ 195.52
24	904	SIGN ERECTION, TYPE E	1	EA	$150.00	$ 150.00	$400.00	$ 400.00	$130.00	$ 130.00
25	1105	TRAFFIC CONTROL	1	LS	$36,000.00	$ 36,000.00	$33,000.00	$ 33,000.00	$13,000.00	$ 13,000.00
26	1515	RELOCATE WATER METERS	5	EA	$4,200.00	$ 21,000.00	$2,000.00	$ 10,000.00	$1,820.10	$ 9,100.50
27	SP	ADJUSTMENT/MODIFICATION OF MANHOLES	1	EA	$1,500.00	$ 1,500.00	$1,500.00	$ 1,500.00	$1,407.02	$ 1,407.02
28	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	60	LF	$3.50	$ 210.00	$15.00	$ 900.00	$2.91	$ 174.60
29	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	11	LF	$10.50	$ 115.50	$60.00	$ 660.00	$8.74	$ 96.14
30	1605	TEMPORARY TREE PROTECTION FENCE	540	LF	$3.50	$ 1,890.00	$4.00	$ 2,160.00	$3.12	$ 1,684.80
31	1631	MATTING FOR EROSION CONTROL	330	SY	$7.00	$ 2,310.00	$3.00	$ 990.00	$2.07	$ 683.10
32	1660	SEEDING AND MULCHING	0.20	AC	$15,500.00	$ 3,100.00	$7,000.00	$ 1,400.00	$3,120.00	$ 624.00
						$ 316,980.60		**$ 299,419.00**		**$ 373,644.24**
						$ 1,039,205.88		**$ 1,062,977.00**		**$ 1,078,067.98**

					Fred Smith Company		Browe Construction Company		Morgan Trucking & Gen Const	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
N HUGHES ST SIDEWALK										
1	800	MOBILIZATION	1	LS	$40,000.00	$ 40,000.00	$31,835.00	$ 31,835.00	$41,261.19	$ 41,261.19
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$850.00	$ 4,250.00	$1,200.00	$ 6,000.00	$1,370.00	$ 6,850.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$2,000.00	$ 10,000.00	$2,200.00	$ 11,000.00	$1,510.00	$ 7,550.00
4	226	UNDERCUT EXCAVATION	50	CY	$100.00	$ 5,000.00	$100.00	$ 5,000.00	$32.00	$ 1,600.00
5	226	GRADING	1	LS	$184,656.00	$ 184,656.00	$92,650.00	$ 92,650.00	$124,000.00	$ 124,000.00
6	310	15-INCH PIPE CULVERT, POLYPROPYLENE	155	LF	$140.00	$ 21,700.00	$225.00	$ 34,875.00	$170.00	$ 26,350.00
7	310	15-INCH FLARED END SECTION, RCP	1	EA	$1,850.00	$ 1,850.00	$2,350.00	$ 2,350.00	$2,230.00	$ 2,230.00
8	310	24-INCH PIPE CULVERT, POLYPROPYLENE	10	LF	$220.00	$ 2,200.00	$350.00	$ 3,500.00	$293.00	$ 2,930.00
9	310	24-INCH FLARED END SECTION, RCP	1	EA	$2,050.00	$ 2,050.00	$3,850.00	$ 3,850.00	$2,850.00	$ 2,850.00
10	340	PIPE REMOVAL	20	LF	$50.00	$ 1,000.00	$100.00	$ 2,000.00	$165.00	$ 3,300.00
11	545	INCIDENTAL STONE BASE	10	TN	$80.00	$ 800.00	$125.00	$ 1,250.00	$80.00	$ 800.00
12	607	MILLING ASPHALT PAVEMENT, 0-1.5"	440	SY	$22.00	$ 9,680.00	$42.00	$ 18,480.00	$30.00	$ 13,200.00
13	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	95	TN	$230.00	$ 21,850.00	$535.00	$ 50,825.00	$275.00	$ 26,125.00
14	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	77	TN	$195.00	$ 15,015.00	$385.00	$ 29,645.00	$275.00	$ 21,175.00
15	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	324	TN	$155.00	$ 50,220.00	$240.00	$ 77,760.00	$275.00	$ 89,100.00
16	801	CONSTRUCTION SURVEYING	1	LS	$11,000.00	$ 11,000.00	$22,500.00	$ 22,500.00	$20,500.00	$ 20,500.00
17	840	MASONRY DRAINAGE STRUCTURES	2	EA	$7,500.00	$ 15,000.00	$4,000.00	$ 8,000.00	$13,500.00	$ 27,000.00
18	846	24-INCH CONCRETE VALLEY GUTTER	2,186	LF	$32.00	$ 69,952.00	$28.00	$ 61,208.00	$33.50	$ 73,231.00
19	846	6-INCH HEADER CURB	116	LF	$38.00	$ 4,408.00	$35.00	$ 4,060.00	$35.00	$ 4,060.00
20	846	2'-6" CONCRETE CURB AND GUTTER	140	LF	$33.00	$ 4,620.00	$35.00	$ 4,900.00	$40.00	$ 5,600.00
21	848	CONCRETE CURB RAMP - SHARED FLARE	1	EA	$3,100.00	$ 3,100.00	$2,100.00	$ 2,100.00	$2,500.00	$ 2,500.00
22	848	CONCRETE CURB RAMP - TYPE N-1A	7	EA	$2,500.00	$ 17,500.00	$2,100.00	$ 14,700.00	$2,500.00	$ 17,500.00
23	848	CONCRETE CURB RAMP - TYPE R-1	5	EA	$2,500.00	$ 12,500.00	$2,100.00	$ 10,500.00	$2,500.00	$ 12,500.00
24	848	CONCRETE CURB RAMP - TYPE R-2B	1	EA	$2,500.00	$ 2,500.00	$2,100.00	$ 2,100.00	$2,500.00	$ 2,500.00
25	848	6" CONCRETE DRIVEWAY	50	SY	$150.00	$ 7,500.00	$125.00	$ 6,250.00	$110.00	$ 5,500.00
26	848	4" CONCRETE SIDEWALK	556	SY	$63.00	$ 35,028.00	$58.00	$ 32,248.00	$75.00	$ 41,700.00
27	SP	BRICK PAVERS	25	SF	$250.00	$ 6,250.00	$200.00	$ 5,000.00	$52.00	$ 1,300.00
28	SP	BOARDWALK	1,050	SF	$78.00	$ 81,900.00	$50.00	$ 52,500.00	$115.00	$ 120,750.00
29	867	FENCE RESET	100	LF	$40.00	$ 4,000.00	$50.00	$ 5,000.00	$25.00	$ 2,500.00
30	SP	GATE FOR EXISTING PRIVACY FENCE	1	EA	$1,500.00	$ 1,500.00	$3,650.00	$ 3,650.00	$2,500.00	$ 2,500.00
31	876	RIP RAP, CLASS B	15	TN	$110.00	$ 1,650.00	$250.00	$ 3,750.00	$112.00	$ 1,680.00
32	901	CONTRACTOR FURNISHED, TYPE E SIGNS	95	SF	$25.00	$ 2,375.00	$35.00	$ 3,325.00	$23.10	$ 2,194.50
33	903	SUPPORTS, SQUARE-CHANNEL	10	EA	$105.00	$ 1,050.00	$250.00	$ 2,500.00	$188.00	$ 1,880.00
34	904	SIGN ERECTION, TYPE E	10	EA	$185.00	$ 1,850.00	$500.00	$ 5,000.00	$125.00	$ 1,250.00
35	1746	RELOCATE EXISTING SIGN	4	EA	$175.00	$ 700.00	$350.00	$ 1,400.00	$75.00	$ 300.00
36	1105	TRAFFIC CONTROL	1	LS	$110,000.00	$ 110,000.00	$35,000.00	$ 35,000.00	$65,575.00	$ 65,575.00
37	1515	RELOCATE AND REPLACE FIRE HYDRANT	2	EA	$12,500.00	$ 25,000.00	$35,100.00	$ 70,200.00	$14,600.00	$ 29,200.00
38	1515	FIRE HYDRANT LEG	30	LF	$95.00	$ 2,850.00	$250.00	$ 7,500.00	$210.00	$ 6,300.00
39	1515	6" VALVE	2	EA	$3,750.00	$ 7,500.00	$8,775.00	$ 17,550.00	$3,510.00	$ 7,020.00
40	1515	RELOCATE WATER METERS	2	EA	$2,750.00	$ 5,500.00	$4,100.00	$ 8,200.00	$5,780.00	$ 11,560.00
41	SP	ADJUST SEWER CLEANOUTS	3	EA	$3,750.00	$ 11,250.00	$1,800.00	$ 5,400.00	$1,780.00	$ 5,340.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 120 MILS)	191	LF	$2.00	$ 382.00	$6.00	$ 1,146.00	$1.40	$ 267.40
43	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	378	LF	$4.00	$ 1,512.00	$8.00	$ 3,024.00	$2.80	$ 1,058.40
44	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	95	LF	$15.00	$ 1,425.00	$20.00	$ 1,900.00	$8.40	$ 798.00
45	1605	TEMPORARY TREE PROTECTION FENCE	306	LF	$3.00	$ 918.00	$10.00	$ 3,060.00	$3.18	$ 973.08
46	1605	TEMPORARY SILT FENCE	403	LF	$3.00	$ 1,209.00	$8.00	$ 3,224.00	$5.01	$ 2,019.03
47	1631	MATTING FOR EROSION CONTROL	980	SY	$2.75	$ 2,695.00	$15.00	$ 14,700.00	$2.90	$ 2,842.00
48	1660	SEEDING AND MULCHING	0.30	AC	$3,100.00	$ 930.00	$15,000.00	$ 4,500.00	$5,000.00	$ 1,500.00
						$ 825,825.00		**$ 797,115.00**		**$ 850,719.60**
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
S MASON ST SIDEWALK										
1	800	MOBILIZATION	1	LS	$18,000.00	$ 18,000.00	$15,750.00	$ 15,750.00	$22,471.80	$ 22,471.80
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$850.00	$ 4,250.00	$1,200.00	$ 6,000.00	$1,370.00	$ 6,850.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$2,000.00	$ 10,000.00	$2,200.00	$ 11,000.00	$1,510.00	$ 7,550.00
3	226	UNDERCUT EXCAVATION	30	CY	$100.00	$ 3,000.00	$100.00	$ 3,000.00	$32.00	$ 960.00
4	226	GRADING	1	LS	$78,000.00	$ 78,000.00	$86,750.00	$ 86,750.00	$78,653.00	$ 78,653.00
5	310	15-INCH PIPE CULVERT, POLYPROPYLENE / RCP CLIII	5	LF	$140.00	$ 700.00	$225.00	$ 1,125.00	$400.00	$ 2,000.00
6	340	PIPE REMOVAL	20	LF	$50.00	$ 1,000.00	$100.00	$ 2,000.00	$165.00	$ 3,300.00
7	545	INCIDENTAL STONE BASE	20	TN	$80.00	$ 1,600.00	$125.00	$ 2,500.00	$80.00	$ 1,600.00
8	607	MILLING ASPHALT PAVEMENT, 0-1.5"	150	SY	$30.00	$ 4,500.00	$42.00	$ 6,300.00	$80.00	$ 12,000.00
9	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	61	TN	$230.00	$ 14,030.00	$535.00	$ 32,635.00	$305.00	$ 18,605.00
10	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	66	TN	$195.00	$ 12,870.00	$385.00	$ 25,410.00	$305.00	$ 20,130.00
11	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	166	TN	$155.00	$ 25,730.00	$240.00	$ 39,840.00	$305.00	$ 50,630.00
12	801	CONSTRUCTION SURVEYING	1	LS	$8,498.50	$ 8,498.50	$11,150.00	$ 11,150.00	$11,000.00	$ 11,000.00
13	840	MASONRY DRAINAGE STRUCTURES	3	EA	$7,500.00	$ 22,500.00	$4,000.00	$ 12,000.00	$15,000.00	$ 45,000.00
14	840	FRAME W/ GRATE, STANDARD 840.03	1	EA	$2,100.00	$ 2,100.00	$850.00	$ 850.00	$1,450.00	$ 1,450.00
15	840	FRAME W/ GRATE, STANDARD 840.16	1	EA	$2,100.00	$ 2,100.00	$1,250.00	$ 1,250.00	$1,450.00	$ 1,450.00
16	840	FRAME W/ COVER, STANDARD TOA 700.05	1	EA	$2,100.00	$ 2,100.00	$850.00	$ 850.00	$1,450.00	$ 1,450.00
17	846	24-INCH CONCRETE VALLEY GUTTER	734	LF	$32.00	$ 23,488.00	$28.00	$ 20,552.00	$33.50	$ 24,589.00
18	846	2'-6" CONCRETE CURB AND GUTTER	65	LF	$33.00	$ 2,145.00	$35.00	$ 2,275.00	$40.00	$ 2,600.00
19	848	CONCRETE CURB RAMP - TYPE N-1A	2	EA	$2,500.00	$ 5,000.00	$2,100.00	$ 4,200.00	$2,500.00	$ 5,000.00
20	848	6" CONCRETE DRIVEWAY	116	SY	$150.00	$ 17,400.00	$125.00	$ 14,500.00	$110.00	$ 12,760.00
21	848	4" CONCRETE SIDEWALK	237	SY	$63.00	$ 14,931.00	$58.00	$ 13,746.00	$75.00	$ 17,775.00
22	901	CONTRACTOR FURNISHED, TYPE E SIGNS	7	SF	$25.00	$ 175.00	$80.00	$ 560.00	$56.42	$ 394.94
23	903	SUPPORTS, SQUARE-CHANNEL	1	EA	$105.00	$ 105.00	$250.00	$ 250.00	$188.00	$ 188.00
24	904	SIGN ERECTION, TYPE E	1	EA	$185.00	$ 185.00	$500.00	$ 500.00	$125.00	$ 125.00
25	1105	TRAFFIC CONTROL	1	LS	$67,000.00	$ 67,000.00	$35,000.00	$ 35,000.00	$65,575.00	$ 65,575.00
26	1515	RELOCATE WATER METERS	5	EA	$2,750.00	$ 13,750.00	$4,100.00	$ 20,500.00	$5,780.00	$ 28,900.00
27	SP	ADJUSTMENT/MODIFICATION OF MANHOLES	1	EA	$1,650.00	$ 1,650.00	$9,950.00	$ 9,950.00	$2,500.00	$ 2,500.00
28	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	60	LF	$4.00	$ 240.00	$8.00	$ 480.00	$2.80	$ 168.00
29	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	11	LF	$15.00	$ 165.00	$20.00	$ 220.00	$8.40	$ 92.40
30	1605	TEMPORARY TREE PROTECTION FENCE	540	LF	$3.00	$ 1,620.00	$10.00	$ 5,400.00	$3.18	$ 1,717.20
31	1631	MATTING FOR EROSION CONTROL	330	SY	$2.75	$ 907.50	$15.00	$ 4,950.00	$2.90	$ 957.00
32	1660	SEEDING AND MULCHING	0.20	AC	$3,100.00	$ 620.00	$15,000.00	$ 3,000.00	$5,000.00	$ 1,000.00
						$ 360,360.00		**$ 394,493.00**		**$ 449,441.34**
						$ 1,186,185.00		**$ 1,191,608.00**		**$ 1,300,160.94**

					Sandhills Contractors, Inc.		Crossroads Site Development	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
N HUGHES ST SIDEWALK								
1	800	MOBILIZATION	1	LS	$28,000.00	$ 28,000.00	$55,000.00	$ 55,000.00
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$3,000.00	$ 15,000.00	$1,950.00	$ 9,750.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$4,000.00	$ 20,000.00	$2,600.00	$ 13,000.00
4	226	UNDERCUT EXCAVATION	50	CY	$150.00	$ 7,500.00	$110.00	$ 5,500.00
5	226	GRADING	1	LS	$98,000.00	$ 98,000.00	$43,500.00	$ 43,500.00
6	310	15-INCH PIPE CULVERT, POLYPROPYLENE	155	LF	$120.00	$ 18,600.00	$50.00	$ 7,750.00
7	310	15-INCH FLARED END SECTION, RCP	1	EA	$4,100.00	$ 4,100.00	$1,300.00	$ 1,300.00
8	310	24-INCH PIPE CULVERT, POLYPROPYLENE	10	LF	$350.00	$ 3,500.00	$60.00	$ 600.00
9	310	24-INCH FLARED END SECTION, RCP	1	EA	$4,900.00	$ 4,900.00	$2,150.00	$ 2,150.00
10	340	PIPE REMOVAL	20	LF	$105.00	$ 2,100.00	$75.00	$ 1,500.00
11	545	INCIDENTAL STONE BASE	10	TN	$40.00	$ 400.00	$70.00	$ 700.00
12	607	MILLING ASPHALT PAVEMENT, 0-1.5"	440	SY	$70.00	$ 30,800.00	$15.00	$ 6,600.00
13	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	95	TN	$350.00	$ 33,250.00	$300.00	$ 28,500.00
14	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	77	TN	$300.00	$ 23,100.00	$260.00	$ 20,020.00
15	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	324	TN	$250.00	$ 81,000.00	$320.00	$ 103,680.00
16	801	CONSTRUCTION SURVEYING	1	LS	$23,000.00	$ 23,000.00	$29,000.00	$ 29,000.00
17	840	MASONRY DRAINAGE STRUCTURES	2	EA	$8,500.00	$ 17,000.00	$6,150.00	$ 12,300.00
18	846	24-INCH CONCRETE VALLEY GUTTER	2,186	LF	$60.00	$ 131,160.00	$35.00	$ 76,510.00
19	846	6-INCH HEADER CURB	116	LF	$100.00	$ 11,600.00	$30.00	$ 3,480.00
20	846	2'-6" CONCRETE CURB AND GUTTER	140	LF	$70.00	$ 9,800.00	$50.00	$ 7,000.00
21	848	CONCRETE CURB RAMP - SHARED FLARE	1	EA	$4,500.00	$ 4,500.00	$2,750.00	$ 2,750.00
22	848	CONCRETE CURB RAMP - TYPE N-1A	7	EA	$3,500.00	$ 24,500.00	$2,750.00	$ 19,250.00
23	848	CONCRETE CURB RAMP - TYPE R-1	5	EA	$3,500.00	$ 17,500.00	$2,750.00	$ 13,750.00
24	848	CONCRETE CURB RAMP - TYPE R-2B	1	EA	$4,000.00	$ 4,000.00	$2,750.00	$ 2,750.00
25	848	6" CONCRETE DRIVEWAY	50	SY	$200.00	$ 10,000.00	$125.00	$ 6,250.00
26	848	4" CONCRETE SIDEWALK	556	SY	$70.00	$ 38,920.00	$110.00	$ 61,160.00
27	SP	BRICK PAVERS	25	SF	$100.00	$ 2,500.00	$440.00	$ 11,000.00
28	SP	BOARDWALK	1,050	SF	$110.00	$ 115,500.00	$115.00	$ 120,750.00
29	867	FENCE RESET	100	LF	$40.00	$ 4,000.00	$95.00	$ 9,500.00
30	SP	GATE FOR EXISTING PRIVACY FENCE	1	EA	$3,000.00	$ 3,000.00	$5,200.00	$ 5,200.00
31	876	RIP RAP, CLASS B	15	TN	$130.00	$ 1,950.00	$350.00	$ 5,250.00
32	901	CONTRACTOR FURNISHED, TYPE E SIGNS	95	SF	$15.00	$ 1,425.00	$30.00	$ 2,850.00
33	903	SUPPORTS, SQUARE-CHANNEL	10	EA	$150.00	$ 1,500.00	$120.00	$ 1,200.00
34	904	SIGN ERECTION, TYPE E	10	EA	$600.00	$ 6,000.00	$970.00	$ 9,700.00
35	1746	RELOCATE EXISTING SIGN	4	EA	$980.00	$ 3,920.00	$1,950.00	$ 7,800.00
36	1105	TRAFFIC CONTROL	1	LS	$40,000.00	$ 40,000.00	$85,000.00	$ 85,000.00
37	1515	RELOCATE AND REPLACE FIRE HYDRANT	2	EA	$10,000.00	$ 20,000.00	$9,000.00	$ 18,000.00
38	1515	FIRE HYDRANT LEG	30	LF	$100.00	$ 3,000.00	$110.00	$ 3,300.00
39	1515	6" VALVE	2	EA	$4,500.00	$ 9,000.00	$5,200.00	$ 10,400.00
40	1515	RELOCATE WATER METERS	2	EA	$1,000.00	$ 2,000.00	$4,000.00	$ 8,000.00
41	SP	ADJUST SEWER CLEANOUTS	3	EA	$1,000.00	$ 3,000.00	$485.00	$ 1,455.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 120 MILS)	191	LF	$10.00	$ 1,910.00	$150.00	$ 28,650.00
43	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	378	LF	$12.00	$ 4,536.00	$195.00	$ 73,710.00
44	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	95	LF	$40.00	$ 3,800.00	$715.00	$ 67,925.00
45	1605	TEMPORARY TREE PROTECTION FENCE	306	LF	$10.00	$ 3,060.00	$5.00	$ 1,530.00
46	1605	TEMPORARY SILT FENCE	403	LF	$15.00	$ 6,045.00	$10.00	$ 4,030.00
47	1631	MATTING FOR EROSION CONTROL	980	SY	$8.00	$ 7,840.00	$5.00	$ 4,900.00
48	1660	SEEDING AND MULCHING	0.30	AC	$45,000.00	$ 13,500.00	$2,850.00	$ 855.00
						$ 919,716.00		**$ 1,014,755.00**
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
S MASON ST SIDEWALK								
1	800	MOBILIZATION	1	LS	$10,000.00	$ 10,000.00	$55,000.00	$ 55,000.00
2	SP	SUPPLEMENTARY CLEARING AND GRUBBING - LESS THAN 12"	5	EA	$3,000.00	$ 15,000.00	$1,950.00	$ 9,750.00
3	SP	SUPPLEMENTARY CLEARING AND GRUBBING - GREATER THAN OR EQUAL TO 12"	5	EA	$4,000.00	$ 20,000.00	$2,600.00	$ 13,000.00
3	226	UNDERCUT EXCAVATION	30	CY	$150.00	$ 4,500.00	$110.00	$ 3,300.00
4	226	GRADING	1	LS	$55,000.00	$ 55,000.00	$29,500.00	$ 29,500.00
5	310	15-INCH PIPE CULVERT, POLYPROPYLENE / RCP CLIII	5	LF	$400.00	$ 2,000.00	$170.00	$ 850.00
6	340	PIPE REMOVAL	20	LF	$100.00	$ 2,000.00	$75.00	$ 1,500.00
7	545	INCIDENTAL STONE BASE	20	TN	$90.00	$ 1,800.00	$75.00	$ 1,500.00
8	607	MILLING ASPHALT PAVEMENT, 0-1.5"	150	SY	$70.00	$ 10,500.00	$15.00	$ 2,250.00
9	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	61	TN	$350.00	$ 21,350.00	$300.00	$ 18,300.00
10	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	66	TN	$300.00	$ 19,800.00	$260.00	$ 17,160.00
11	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	166	TN	$250.00	$ 41,500.00	$335.00	$ 55,610.00
12	801	CONSTRUCTION SURVEYING	1	LS	$14,000.00	$ 14,000.00	$22,000.00	$ 22,000.00
13	840	MASONRY DRAINAGE STRUCTURES	3	EA	$7,500.00	$ 22,500.00	$6,150.00	$ 18,450.00
14	840	FRAME W/ GRATE, STANDARD 840.03	1	EA	$2,150.00	$ 2,150.00	$1,000.00	$ 1,000.00
15	840	FRAME W/ GRATE, STANDARD 840.16	1	EA	$2,150.00	$ 2,150.00	$1,000.00	$ 1,000.00
16	840	FRAME W/ COVER, STANDARD TOA 700.05	1	EA	$2,150.00	$ 2,150.00	$1,000.00	$ 1,000.00
17	846	24-INCH CONCRETE VALLEY GUTTER	734	LF	$70.00	$ 51,380.00	$35.00	$ 25,690.00
18	846	2'-6" CONCRETE CURB AND GUTTER	65	LF	$100.00	$ 6,500.00	$50.00	$ 3,250.00
19	848	CONCRETE CURB RAMP - TYPE N-1A	2	EA	$3,500.00	$ 7,000.00	$2,750.00	$ 5,500.00
20	848	6" CONCRETE DRIVEWAY	116	SY	$150.00	$ 17,400.00	$125.00	$ 14,500.00
21	848	4" CONCRETE SIDEWALK	237	SY	$100.00	$ 23,700.00	$110.00	$ 26,070.00
22	901	CONTRACTOR FURNISHED, TYPE E SIGNS	7	SF	$30.00	$ 210.00	$35.00	$ 245.00
23	903	SUPPORTS, SQUARE-CHANNEL	1	EA	$150.00	$ 150.00	$120.00	$ 120.00
24	904	SIGN ERECTION, TYPE E	1	EA	$600.00	$ 600.00	$970.00	$ 970.00
25	1105	TRAFFIC CONTROL	1	LS	$30,000.00	$ 30,000.00	$65,000.00	$ 65,000.00
26	1515	RELOCATE WATER METERS	5	EA	$1,000.00	$ 5,000.00	$4,000.00	$ 20,000.00
27	SP	ADJUSTMENT/MODIFICATION OF MANHOLES	1	EA	$4,500.00	$ 4,500.00	$500.00	$ 500.00
28	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	60	LF	$12.00	$ 720.00	$195.00	$ 11,700.00
29	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	11	LF	$40.00	$ 440.00	$715.00	$ 7,865.00
30	1605	TEMPORARY TREE PROTECTION FENCE	540	LF	$10.00	$ 5,400.00	$5.00	$ 2,700.00
31	1631	MATTING FOR EROSION CONTROL	330	SY	$8.00	$ 2,640.00	$4.00	$ 1,320.00
32	1660	SEEDING AND MULCHING	0.20	AC	$50,000.00	$ 10,000.00	$2,850.00	$ 570.00
						$ 412,040.00		**$ 437,170.00**
						$ 1,331,756.00		**$ 1,451,925.00**

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 28, 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:

- April 28, 2026 – Regular Town Council 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 Statues (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 – April 28, 2026 – Regular Town Council Meeting Minutes

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 28, 2026
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 28th, 2026 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=LOgY8Vk5qtc

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Terry Mahaffey
Councilmember Ed Gray
Councilmember Arno Zegerman
Councilmember Sue Mu
Councilmember Shane Reese

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE]

Mayor Gilbert called the meeting to order at 6:00 p.m. and welcomed all that were in attendance. He read a diversity statement and lead everyone in the Pledge of Allegiance. He invited the daughter of Alicia Ramsey, owner of Glam Soldier to come up and deliver some words of encouragement for the invocation. He welcomed Arya.

Arya spoke about what makes Apex special, which are the people, teachers and small business owners.

Mayor Gilbert announced three vehicles that were parked in no parking zones that needed to be moved. He also recognized all of the town staff for all that they do for Apex.

[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]

Mayor Gilbert asked for any announcements and petitions by the governing body.

- **Mayor Pro-Tempore Mahaffey**: Shared highlights from recent community events, including attending the Young Men Service League annual banquet and recognized the students featured in the Lufkin art opening. He also praised the success of EarthFest and thanked staff and vendors, humorously mentioning the Council's participation in the fashion show.
- **Councilmember Gray:** Thanked fellow Councilmembers for their work during budget season and acknowledged community members who have submitted feedback. He encouraged residents to review the proposed budget on the town website and participate in the upcoming public hearing, emphasizing that the budget reflects the community's priorities and values.
- **Councilmember Zegerman:** Echoed appreciation for the success of EarthFest and thanked town staff for organizing the event, especially the new fashion show component. He commented humorously on his participation in the show and noted how town festivals contribute to the community identity of Apex. He also mentioned he would miss PeakFest due to travel.
- **Councilmember Mu:** Thanked town staff for organizing EarthFest and proposed creating a separate Council team for next year's fashion show. She announced that the Peak Resilience and Well-Being Task Force resolution was passed at the April 14th Council meeting and will host its first workshop on May 29th 6:00 - 8:00 p.m. at the Apex Senior Center. She invited all residents to attend and participate.
- **Councilmember Reese:** Thanked the community and staff for supporting EarthFest. Provided an Economic Development update announcing that three new industrial buildings at Apex Commerce Center on Production Drive that

are completed and available for lease. He encouraged residents and businesses to share the information to help attract industrial tenants.

- **Mayor Gilbert:** Stated there were no additional announcements or comments for the evening.

[ADOPTION OF THE MEETING AGENDA]

Mayor Gilbert asked Town Clerk Coleman to announce the proposed changes to the meeting agenda.

Town Clerk Allen Coleman gave the following amendments to the meeting agenda.

- **Removal of Consent Agenda Item CN7:** Memorandum of Understanding (MOU) agreement between NC Children and the Town of Apex from the consent agenda and moved it to the Regular Meeting Agenda as Regular Agenda Item #3.
- **Add a new Consent Agenda Item CN8:** to continue the Town Council Ad Hoc Finance Committee meetings through June 30, 2026.
- **Add Presentation Item PR4:** National Tennis Month Proclamation.
- **Continue Public Hearing PH9:** Rezoning Case #25CZ21, 2728 Holland Road to the May 28, 2026 Town Council meeting.
- **Deferred Public Hearing PH11:** Unified Development Ordinance (UDO) Amendments – April 2026 – Part B back to the Planning Board for its May 11, 2026 meeting and continue the item to the May 28, 2026 Town Council meeting.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Zegerman,** to approve the Regular Meeting Agenda with the following changes: Move CN7 to RA3, add CN8 – continue Town Council Ad-Hoc Finance Committees through June 30, 2026, add PR4 – National Tennis Month Proclamation, continue PH9 until May 28, 2026, and defer PH11 back to Planning Board, and continue the item until May 28, 2026.

VOTE: UNANIMOUS (5-0)

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Mahaffey,** seconded by **Councilmember Gray,** to approve the Consent Agenda, with the removal of Consent Item 7 and addition of Consent Item 8.

VOTE: UNANIMOUS (5-0)

CN1 Advisory Board Attendance Reports 2026 – Quarter 1

Council voted to receive and accept the Resident Advisory Board attendance reports for Quarter One (1) for calendar year 2026, covering January 1, 2026 through March 31, 2026.

CN2 Agreement Ratification – Barbour's Towing and Truck Repair – Yard Waste Immediate Truck Repair *(CONT-2026-045)*

Council voted to ratify an oral agreement between the Town of Apex and Barbour's Towing and Truck Repair for emergency hydraulic fluid leak clean-up services on multiple Town roadways.

CN3 Agreement Ratification – Sanford Electrical Contractors Inc. – Provide Emergency Electrical Services at Apex Water Reclamation Facility *(CONT-2026-046)*

Council voted to ratify an oral agreement between the Town of Apex and Sanford Electrical Contractors, Inc. for the provisions of emergency electrical services at the Apex Water Reclamation Facility located 300 Pristine Water Drive in Apex, North Carolina.

CN4 Annexation No. 829 – 3501 Highway 64 – 14.75 acres *(RES-2026-041) (RES-2026-041) (OTHER-2026-056)*

Council voted 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 May 12, 2026, on the Question of Annexation - Apex Town Council's intent to annex 14.75 acres, located at 3501 Highway 64 (PIN 0722-04-7650), Annexation No. 829, into the Town Corporate limits.

CN5 Contract Award - PGA Construction, Inc. - Wayfinding Signage - Phase 1 *(CONT-2026-047)*

Council voted to award a construction contract between the Town of Apex and PGA Construction, Inc, for the construction of the Town of Apex Wayfinding Signage – Phase 1 in the amount of $246,950.00, effective June 15, 2026, and to approve a ten percent (10%) contingency to be added to the project budget; and to authorize the Town Manager, or their designee to execute the contract on behalf of the Town.

CN6 Contract Multi-Year – Infrastructure Technology Services (ITS) Inc. – Electric Utility Installation Services – Underground Cables – through April 30, 2029 *(CONT-2026-048)*

Council voted to approve a Master Services Agreement (MSA) between Infrastructure Technology Services (ITS), Inc. and the Town of Apex to provide electric utility installation services related to underground cables from May 1, 2026 through June 30, 2029, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

~~**CN7 PROPOSED TO MOVE TO REGULAR MEETING AGENDA - Memorandum of Understanding (MOU) between North Carolina Children's Health Inc. Expectations for Establishment and Support of Healthcare Programs and Services**~~

Item removed and added to RA3, per Council vote

CN8 ADDED Town Council Ad-Hoc Finance Committee – Continue until June 30, 2026

Council voted to establish the effective date of the Governance, Fiscal Stewardship, and Internal Support Committee for July 1, 2026, with the following membership determined at the April 21, 2026, Town Council Work Session:
Councilmember Edward Gray, Chair
Councilmember Arno Zegerman, Committee Member

Mayor Gilbert said an Ad Hoc Finance Committee meeting is scheduled for Thursday April 30th, 2026 at 10:00 a.m. and Work Session will follow later the same day at 3:30 p.m.

[TOWN MANAGER'S REPORT]

Town Manager Randy Vosburg provided the following updates:

Special Events & Community Programs

- **PeakFest:** Announced upcoming scheduled for **Saturday, May 2nd, 9:00 a.m.–4:00 p.m.**, noting it is a rain-or-shine event and will be held at **Town Hall** due to a new location arrangement.
- **Asian American and Pacific Islander Heritage Month**: Highlighted events:
  - **Sushi and Sumo** event at Apex Community Park volleyball courts on May 7th from 6:00-8:00 p.m.
  - **Mahjong Social** on May 21 at the Apex Senior Center 5:00-8:00 p.m. (registration required).

- **The Halle Cultural Arts Center events:**
  - Apex Community Dance (formerly Apex Family Dance) Friday, May 1st 7:00-9:00 p.m.
  - Apex Pride Art Reception Friday, May 1st 6:00-8:00 p.m.
  - "Suite Surrender" spring play with 6 different events (check Apex's website for details)
  - Super Fun Saturday children's arts and crafts event May 16th 10:30-12:30 p.m.

Electric Meter Replacement Project

- Reported approximately 15,200 electric meters have been replaced.
- Stated the project continues to progress well and is expected to conclude in the fall.

Ask Apex Customer Service Update

- Reported 94% of calls are now resolved directly by Ask Apex staff.
- Average wait time is currently 49 seconds.
- Encouraged residents to contact Ask Apex for assistance or service direction.

Salem Streetscape Project Update - Upcoming meetings this week with more information to come

- Reported construction activity has slowed due to the need for an updated electrical plan caused by field conditions and redesign requirements.
- Updated electrical plans were received from the design consultant on April 24 and are currently under expedited review.
- Anticipated some impact to the project timeline but noted staff and contractors are exploring options to recover lost time.
- Additional project updates are expected following upcoming meetings later in the week.

Peak Plan 2055

- Encouraged residents to provide input on the town's long-range planning initiative, Peak Plan 2055.
- Comment period remains open through May 1st via the town website.
- Explained the plan addresses future visioning for transportation, transit, development regulations, and overall community growth through 2055.

Volunteer Program Update

- Clarified, the town already maintains a robust volunteer program.
- Reported from January 2025–January 2026:
    - Approximately 2,077 volunteers with nearly 58,000 volunteer hours
    - Estimated savings of nearly $2 million
- Announced upcoming volunteer appreciation dinner and encouraged additional community participation.
- If interested in volunteering, reach out to the Town of Apex

Budget Process & Public Hearings

- Reported the Town is actively in budget season following presentation of the proposed budget on April 16th.
- Announced upcoming budget-related meetings and hearings:
    - Fourth public hearing: May 12th
    - Tentative adoption hearing: May 28th
    - Additional meeting date if needed: June 9th
- Upcoming Finance Committee meeting on Thursday, April 30th and a couple of upcoming Council Work Sessions on May 8th and tentative dates are June 2nd and June 28th.
- Encouraged residents to review budget information available on the town website and continue submitting questions and feedback.

Councilmember Gray asked for a brief overview of Peak Plan 2055.

Town Manager Randy Vosburg gave an overview of what the Peak Plan 2055 entailed. He said it is an opportunity to help shape the future of Apex and have input to help guide the future of Apex and what it will look like.

Councilmember Reese said that there was feedback from downtown business owners. He asked if there would be communication apparatus forthcoming.

Town Manager Randy Vosburg said the communication plan was being planned and there had been an email sent out a week or so ago.

TM1 Recognizing Outstanding Contributions of Apex Fire Department – Insurance Services Office (ISO) Rating

Town Manager Randy Vosburg invited up Fire Chief Herman to talk about the good news.

Chief Herman said that there was a special announcement. He played a video to showcase the announcement about the ISO rating for Apex being in the top 1% of

fire departments nationwide. He recognized Darryl Alford, Fire Services Director of Wake County Fire Services and Emergency Management, and Joe Vindigni, Deputy Fire Marshal of Wake County. He gave an overview of what an ISO certification means. He then invited Brian Taylor, NC State Fire Marshal up to speak.

Fire Marshal Taylor thanked the Mayor and Council for the opportunity to speak. He recognized the Apex Fire Department for achieving and maintaining a Class 1 fire protection rating, including expansion of the rating into the town's rural service area under Chief Herman's leadership. He noted that only 41 fire departments in North Carolina and around 400 nationwide hold a Class 1 rating. He presented the certificate of the Class 1 to the Apex Fire Department.

Chair Herman thanked department staff, firefighters and town leadership for their contributions and support in achieving this recognition. He invited the two Assistant Chiefs and firefighters up to receive the certification and take photographs.

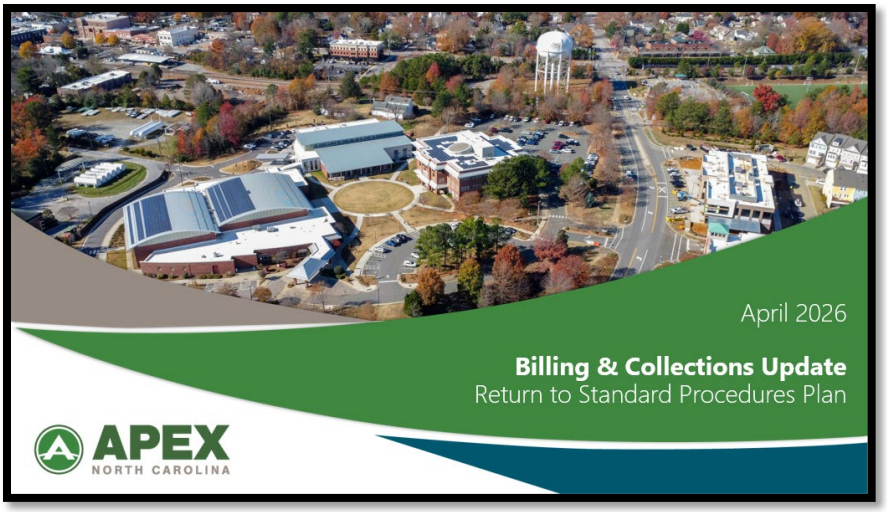
Town Manager Randy Vosburg congratulated all that worked so hard to achieve this certification.

TM2 Utility Billing Update

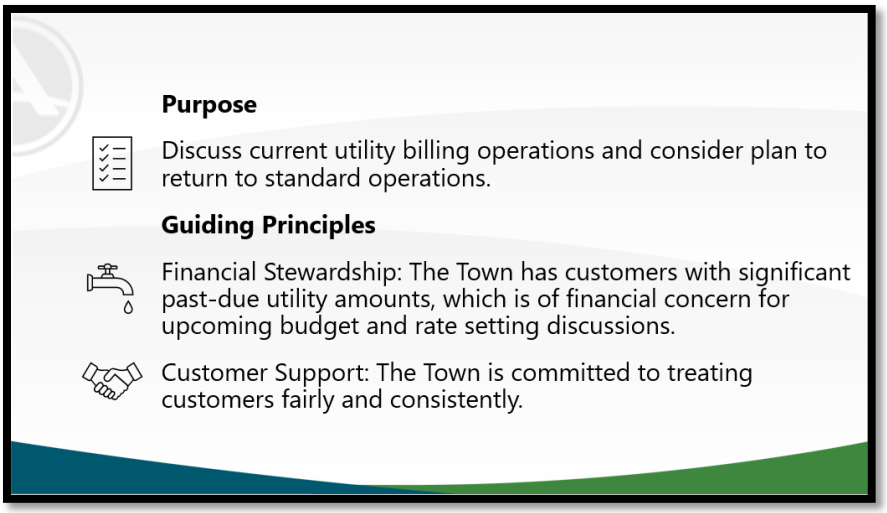
Town Manager Randy Vosburg invited Jon Griffin, Director of Finance, to give a presentation on utility billing updates.

Jon Griffin, Director, Finance Department, gave the following presentation:

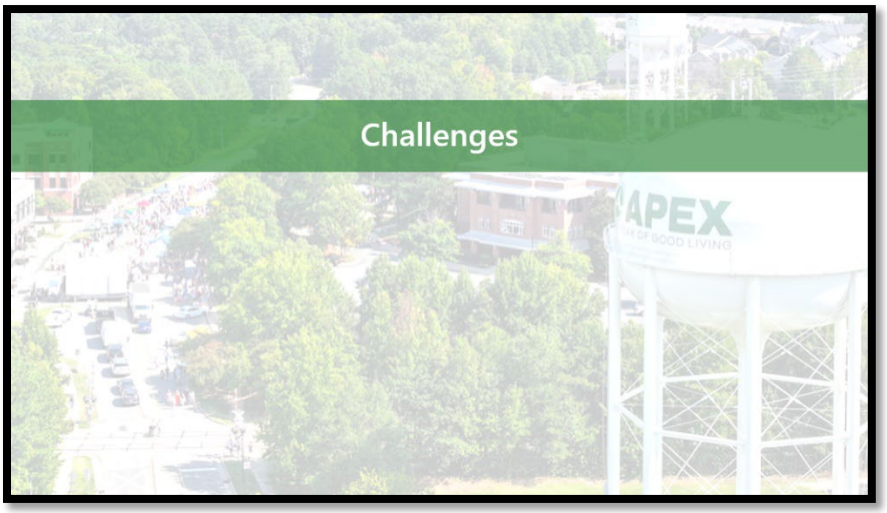
[SLIDE NO. 1]



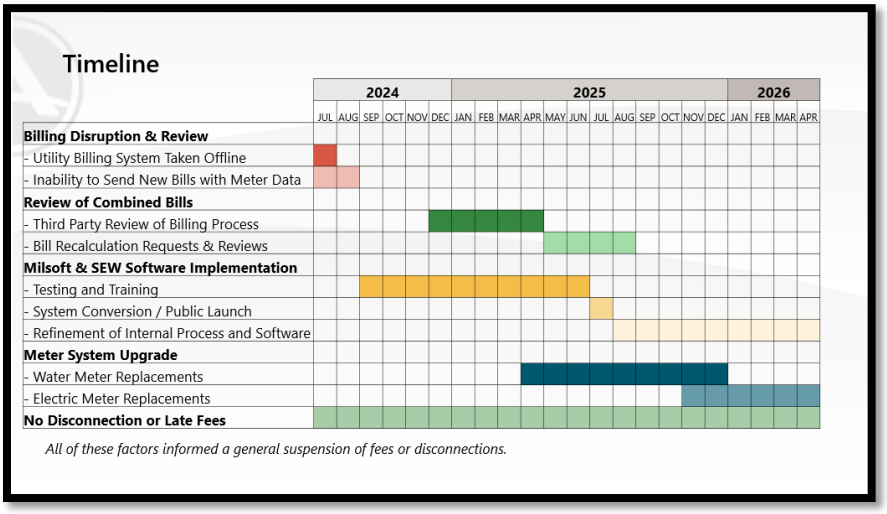
[SLIDE NO. 2]



[SLIDE NO. 3]



[SLIDE NO. 4]



[SLIDE NO. 5]

Impact

The town has 30,597 active customer accounts as of April 2026.

There are 4,405 Customers with a past due balance (4088 residential accounts, 317 commercial accounts)

	Residential	Commercial
Maximum	$15,094	$61,523
Average	$1,292	$2,478
Customers Over $500	1,715	110

- $6,069,472 in balances due over 30 days for **active** accounts.
- $4,363,249 in balances due over 90 days for **active** accounts

4/1/2026 Data

[SLIDE NO. 6]

Call Volume and SEW Ticket Trend

Months	Ask Apex	ABD	Portal Queries	QBD	Combined
Aug-25	2159	70	1315	42	112
Sep-25	2984	99	813	27	127
Oct-25	1882	61	424	14	74
Nov-25	1491	50	295	10	60
Dec-25	1909	62	291	9	71
Jan-26	1440	46	272	9	55
Feb-26	1469	52	216	8	60
Mar-26	1675	54	382	12	66

[SLIDE NO. 7]

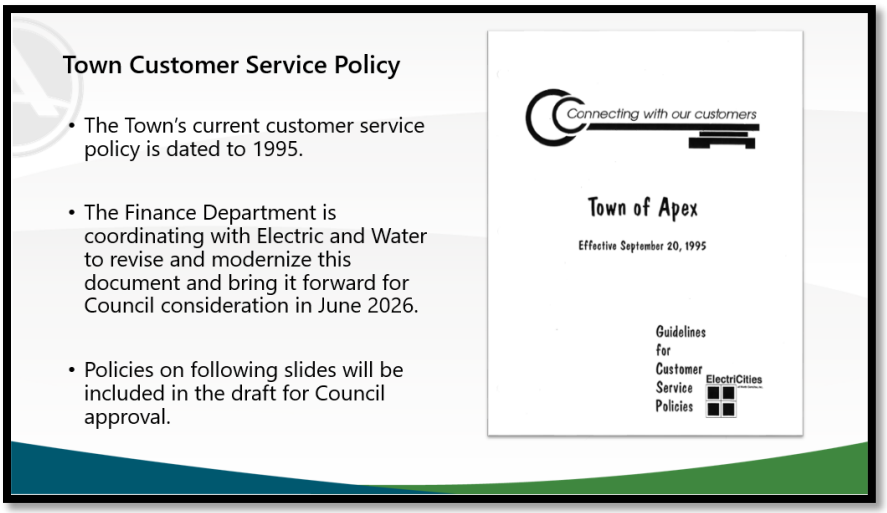
Billing Update

	Total Billed	Adjustments	Corrections	Net	
Sep-25	$ 9,716,610	$ (24,524)	$ (317,036)	$ (341,560)	3.5%
Oct-25	$ 8,769,278	$ (19,764)	$ (478,412)	$ (498,176)	5.7%
Nov-25	$ 8,249,948	$ 37,164	$ (424,363)	$ (387,199)	4.7%
Dec-25	$ 8,458,281	$ 58,429	$ (288,065)	$ (229,636)	2.7%
Jan-26	$ 8,437,227	$ 17,055	$ (90,584)	$ (73,530)	0.9%
Feb-26	$ 8,106,314	$ 16,764	$ (116,200)	$ (99,436)	1.2%
Mar-26	$ 7,587,998	$ (6,876)	$ (31,209)	$ (38,086)	0.5%
	$ 59,325,657	$ 78,247	$ (1,745,870)	$ (1,667,623)	2.8%

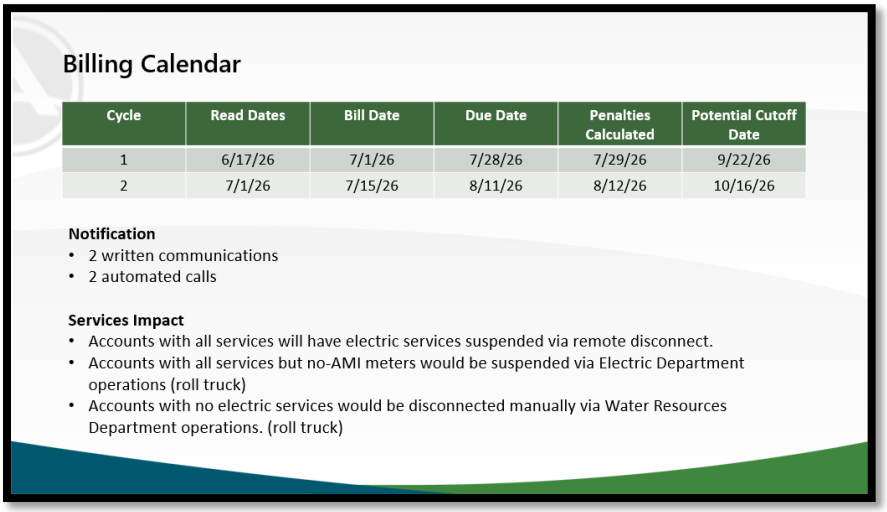
- Number of corrections and adjustments to usages/amounts on customer accounts continues to trend downward.

[SLIDE NO. 8]

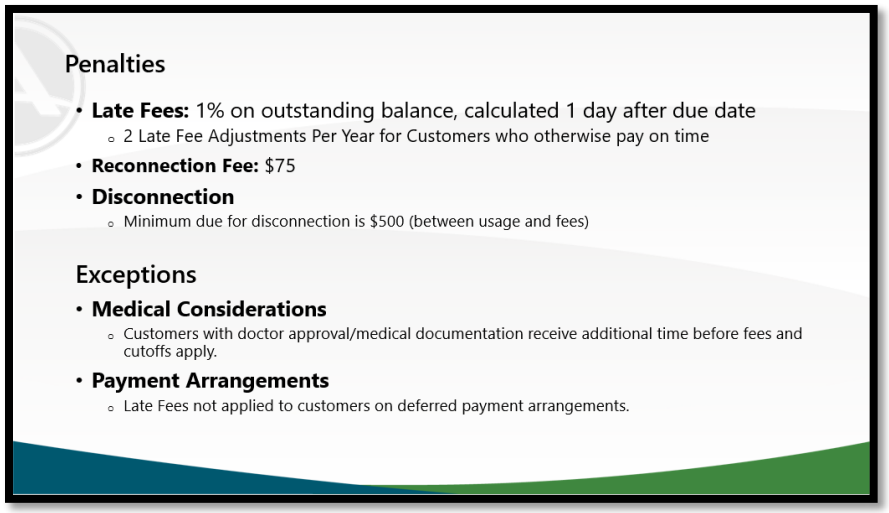
[SLIDE NO. 9]



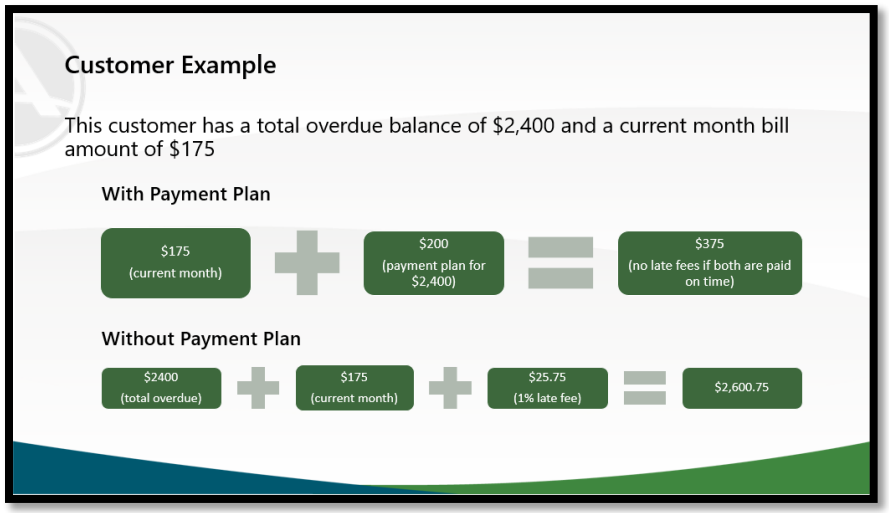
[SLIDE NO. 10]



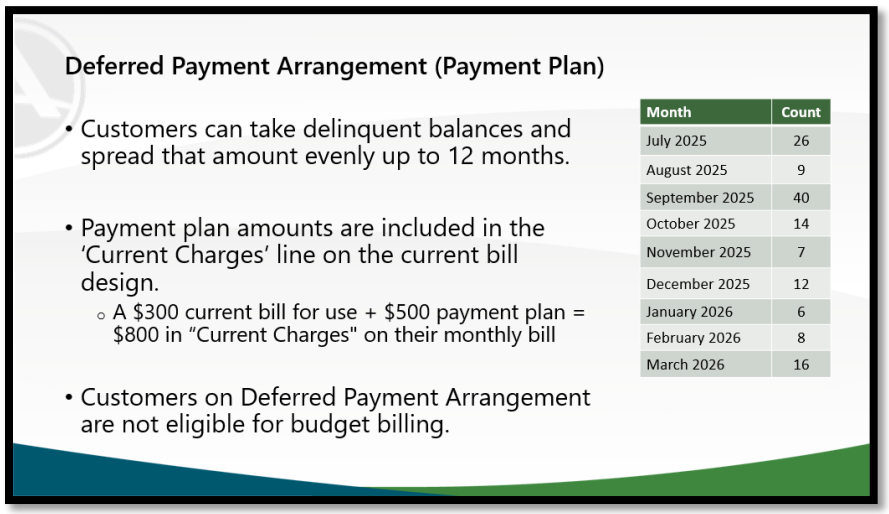
[SLIDE NO. 11]



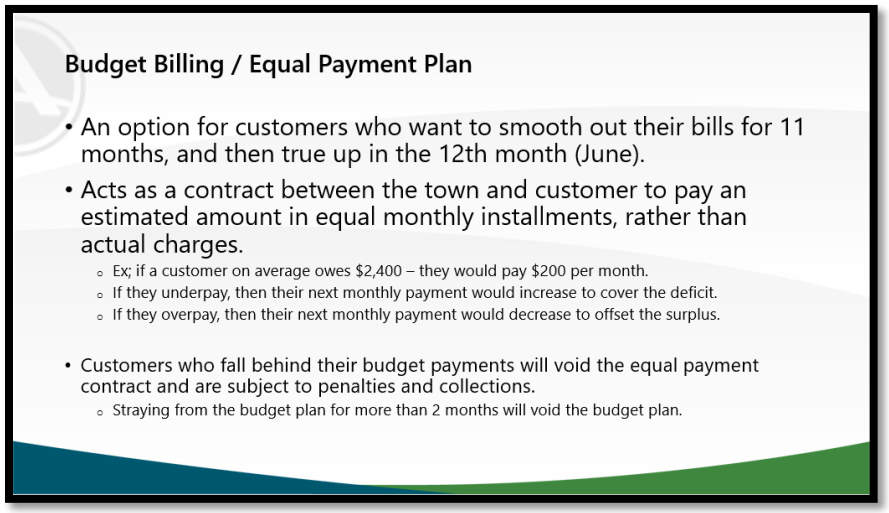
[SLIDE NO. 12]



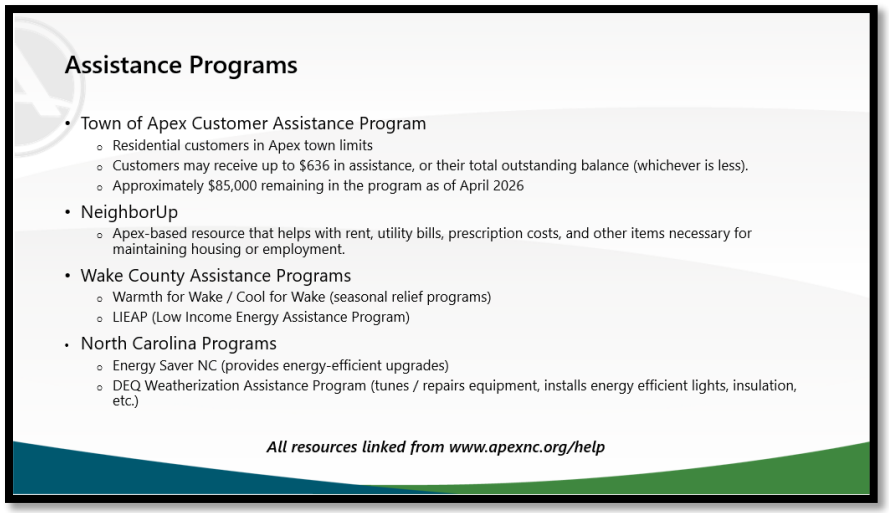
[SLIDE NO. 13]



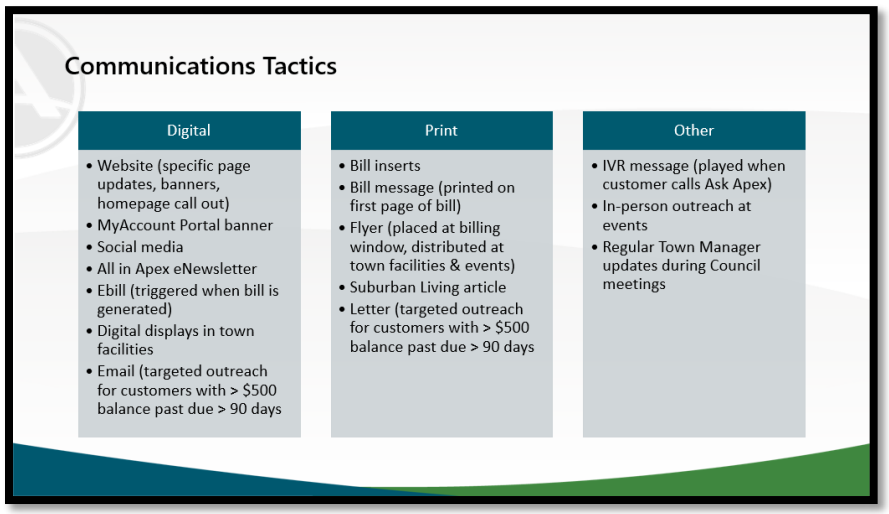
[SLIDE NO. 14]



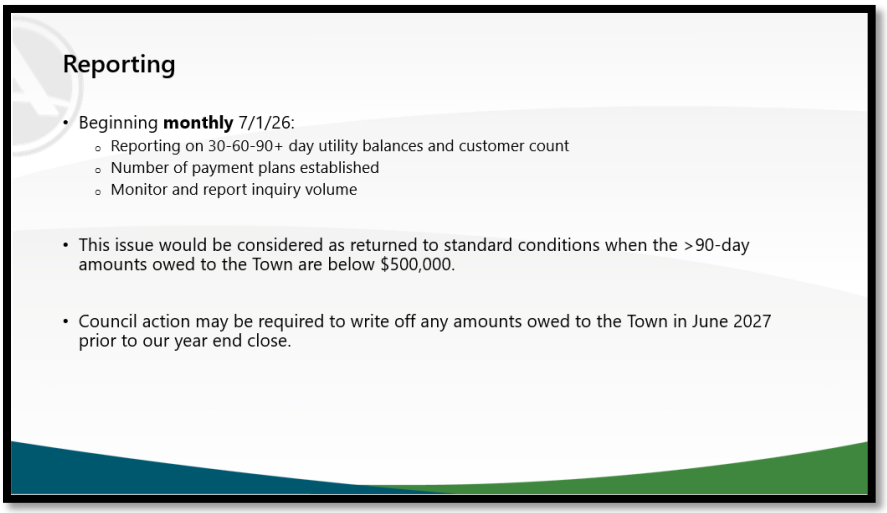
[SLIDE NO. 15]



[SLIDE NO. 16]



[SLIDE NO. 17]



[SLIDE NO. 18]

Councilmember Zegerman asked when it is required to write off the balance.

Director Griffin said the balance is written off once the applicable statute of limitations for collection has expired and that varies depending on the type of service. He said that after a write-off, the town generally can't continue formal enforcement or collection actions because of the statute of limitations but the debt can be submitted to NC's Debt Setoff Program and if the resident is entitled to any money from the state, like an income tax refund, then the debt will be collected and sent back to Apex.

Councilmember Gray asked how much money is in delinquency.

Director Griffin said about $6 million over 30 days delinquent and longer-term delinquencies are $4.3 million.

Mayor Pro-Tempore Mahaffey asked what the balance of the electric fund cash balance.

Director Griffin said about $8 million.

Councilmember Zegerman said that putting the $6 million in context with the current recommendation from the Manager's budget, each cent on the tax rate is about 2 million dollars' worth of income to the town, and this balance is roughly the equivalent of three cents on the tax rate. He said that although these are different funds this is a perspective for people that if there comes to a point of writing off these balances, rates will increase to offset the loss of money, so those not paying their bills potentially will increase the bills for everyone else in the town. He said the town has a legal obligation to collect when there are outstanding balances. He said that Apex has to make sure that the electric fund balance stays whole.

Mayor Gilbert asked what the plan for those who can't pay their bill is and what are some resources that are available.

Director Griffin said there is communications to highlight the programs to try to help those citizens.

Councilmember Gray said there are payment plans and budget billing. He said the concern is there is only so much that can be done for the free riders. He said there are four different communications before utilities are turned off. He asked the town manager if there had been communication for years with some of these residents for months, and years at this time.

Town Manager Vosburg said yes and there are a lot of different reasons for this situation. He said there are some accounts that have made 0 payments in 6-12 months or more, some that disagreed with the billing and made what they felt was a reasonable payment, and some have just stopped paying altogether. He said that the first line of defense is a payment plan, there is budget billing and other opportunities and assistance outside of the Town. He said that it's not just electric utilities and these funds need to be made whole and if the funds can't be collected then there has to be a plan to shore these funds up which will impact rates.

Councilmember Gray asked if people who haven't paid for utilities over a long period of time have reduced their usage.

Town Manager Vosburg said no, the usage has stayed the same.

Councilmember Reese asked to confirm, if there is a payment plan set up there is no penalty.

Director Griffin said there are no fees or sign-up costs.

Councilmember Reese said the possibility of getting up to $636.00 in need-based assistance seems like customers could make a call. He asked who they would call to see if they were eligible and apply.

Town Manager Vosburg said Ask Apex can assist with that.

Councilmember Reese said there were several commercial accounts and one with $61,000 outstanding. He asked if there was customer outreach to those super users who are businesses were done in the same way as residential customers with the 2 emails and 2 phone calls. He asked could there be a visit made to those businesses.

Director Griffin said a visit could be made and that there will be a separate communication for the extremely large outstanding balances.

Councilmember Reese said that 5.5% of all customers owe more than $500.00 and that's a small group of residents. He said to reach out to work something out with these residents.

Mayor Pro-Tempore Mahaffey said that once residents receive notices that their utilities are getting cut off it may be harder to get in touch with them to get them set up on the payment plan. He encouraged residents to reach out to get on the payment plan or see if they are eligible for the Apex CARES program because there is $85,000.00 available and it will eventually run out.

[TOWN CLERK'S REPORT]

Town Clerk Allen Coleman yielded his time given the length of the meeting.

[PROCLAMATIONS/SPECIAL PRESENTATIONS]

PR1 Peak S.T.A.R. Award – Quarterly

Mayor Pro-Tempore Mahaffey said the town of Apex in coordination with the Apex Public School Foundation comes together once a quarter to honor one of Apex's public schools' employees, a staff member, a teacher, administration to recognize their work in educating Apex's students and being an important part of the community. He invited Aspen Ambrose, Secretary of Apex Public School Foundation, to present the quarterly Peak S.T.A.R Award.

Ms. Ambrose said the Apex Public School Foundation supports all Wake County Public Schools with an Apex mailing address, which is currently 4 high Schools, 5 middle Schools and 12 elementary schools with the primary goal being the teacher grant program and this year awarded over $30,000.00. She said that unfortunately this will be the last time that Apex Public School Foundation will be presented at the Town Council meeting due to the board having unanimously decided to close these operations because the demands have exceeded the pace of

the organization and is no longer sustainable. She thanked the founder of the organization, Barbara Conroy and Stephanie Mitchell, for giving this foundation their all over the last several years. She gave an overview of the social media shoutouts and introduced the final Peak Star award recipient for Apex Public School Foundation, Guy Civitello, better known as Coach, a PE Department Chair at Apex Friendship High School. She said he demonstrates dedication to his students, players and school community on a regular basis through several events and foundations. She thanked him for all that he did and congratulated him on being a PEAK S.T.A.R. winner. He came up to accept the award and take photographs.

Mayor Gilbert said that APSF has done great work in Apex and hated to see them go and thanked the founders for what they have done.

PR2 Proclamation – Asian American and Pacific Islander Month 2026 – May 2026 *(PRO-2026-021)*

Mayor Gilbert, along with the rest of the Town Council, joined in the reading of the Proclamation recognizing Asian American and Pacific Islander Month 2026 – May 2026. He asked Councilmember Mu to invite those receiving the proclamation.

Councilmember Mu invited up Susan Chung from UCA WAVES, Dr. Bikash Shakya and Niveeta Sharma from NCNC, Vishal Ghadia from BAPS, and Haipeng Chen, Captain of the Dragon Dance Team at the Triangle Chinese Language School, Dadin Pandey from NCNC, Xinlan Li from the Margin of Victory Empowerment Foundation, Yunli Hi, Captain of the Dragon Dance Team of the Chinese School at Chapel Hill, Miao Li from RACL and Lei Li with the Food Lounge to receive the proclamation and take pictures. She then presented a video performance by Triangle Chinese Language School and Chapel Hill Chinese Language School.

PR3 Proclamation – Jewish American Heritage Month 2026 - May 2026 *(PRO-2026-022)*

Mayor Gilbert, along with the rest of the Town Council, joined in the reading of the Proclamation recognizing Jewish American Heritage Month 2026 - May 2026.

Mayor Gilbert invited Robin Talley from the Jewish Federation of Raleigh, Lorraine Meehan, Andrew Gluck, Amy Rosenthal, Deborah Friedman, and Ken Friedman from the North Carolina Coalition for Isreal and any others to receive the proclamation and take pictures.

PR4 ADDED – Proclamation – National Tennis Month 2026 – May 2026 *(PRO-2026-026)*

Mayor Gilbert, along with the rest of the Town Council, joined in the reading of the Proclamation recognizing National Tennis Month 2026 – May 2026.

Mayor Gilbert invited Kris Merck, Executive Director and Kris Merck, President to receive the proclamation and take pictures.

PR5 Proclamation – Older Americans Month 2026 – May 2026 *(PRO-2026-023)*

Mayor Gilbert, along with the rest of the Town Council, joined in the reading of the Proclamation recognizing Older Americans Month 2026 – May 2026.

Mayor Gilbert invited Meghan Rushing, Recreation Programs Supervisor, Allie Prelaske, Senior Center Manager, Don Hassinger, Erik Wiedenman, Terry Edwards, Karen Matthews Lee, Sheila Morrison, Allen Wight, and Millicent Wight and Jamila Godfrey, Assistant Parks and Recreation Director, to receive the proclamation and take pictures.

PR6 Proclamation – Public Service Recognition Week – Sunday, May 03 through Saturday, May 09, 2026 *(PRO-2026-024)*

Mayor Gilbert, along with the rest of the Town Council, joined in the reading of the Proclamation recognizing Public Service Recognition Week 2026.

Mayor Gilbert invited Karmen McGee, HR Director, and all other town employees in the room to come forward to receive the proclamation and take pictures.

PR7 Proclamation - Safe Drinking Water Week 2026 – Sunday, May 03 through Saturday, May 09, 2026 *(PRO-2026-025)*

Mayor Gilbert, along with the rest of the Town Council, joined in the reading of the Proclamation recognizing Safe Drinking Water Week 2026.

Mayor Gilbert invited Jonathan Jacobs, Water Resources Director, all members of the Water Resources team and Assistant Town Manager Marty Stone to receive the proclamation and take pictures.

PR8 Think Apex Award Presentations 2026

Mayor Gilbert invited Brianne Gill, Community Engagement Manager, Community Development and Neighborhood Connection, to give the award.

Ms. Gill welcomed all to the 2026 Think Apex Awards and celebrating 10 years of acknowledging community and all contributions that Community Stakeholders make towards the Town of Apex. She said the award was created in 2016 and recognizes outstanding local businesses, individuals, groups, nonprofits and youth for their dedicated service to others and to the Apex community. She said nominations were received through a public online application process where winners were selected by previous Think Apex Award recipients. Assisting with the awards are Mayor Gilbert, Marla Newmon, Mayor Pro-Tempore Mahaffey and former Mayor Pro-Tempore Nichole Dozier. She recognized the nominees and called each of their names or organizations for them to stand.

Individual & Group Nominees

- Camerina Munoz
- Adam Whitaker
- Richard Modela
- Ivania Gutierrez
- Maryna Biloshytska
- Pawan Mishra
- Phil Welch
- Prasan Gurung
- Drew Ludlow
- Daniel Khodaraprast
- Pat Smith
- Marianne Georgiou
- Angelika Swantek
- Sean Rowlett

Business Nominees

- Peak of the Vine
- South Line Brewing Taproom
- Harmony Home
- Positively Apex
- Montessori Creative School of Apex
- Chello Design Co.

- Foxtail Coffee

Nonprofit Nominees

- A Voice for All Foundation
- Shining Light in the Darkness
- Connecting Community
- St. Vincent de Paul Conference of St. Andrew
- Triple T Foundation
- Scott Herndon Foundation

Youth Category Nominees

- Juliana Corsetti
- Nishka Karki

Ms. Gill invited up the Honorable Mention and Top Thinker categories to receive their award and take photographs.

Individual or Group Category

Honorable Mention Award **–** Ivania Gutierrez

Ms. Gutierrez said that everybody matters and deserves a chance, an opportunity and she fights for the Latino community because they are resilient and she admires her people.

Top Thinker Award – Pawan Mishra

Business Category

Honorable Mention Award – Chello Design Co.
Top Thinker Award – Peak of the Vine

Nonprofit Category

Honorable Mention Award – Connecting Community
Top Thinker Award – Voice for All Foundation

Youth Category

Honorable Mention Award – Juliana Corsetti
Top Thinker Award – Nishka Karki

Ms. Gill said on behalf of the town of Apex, thank you all for coming tonight and congratulated all the winners. She thanked former Mayor Pro-Tempore Dozier for bringing this idea to life and the town council for always supporting initiatives that keep community at the center of Apex. She asked for the award recipients to stay for a photograph.

Mayor Gilbert announced a 10-minute recess at **7:58** p.m.

Mayor Gilbert reconvened the meeting at **8:08** p.m.

[PUBLIC FORUM] ***(To view sign in sheets, see OTHER-2026-057)***

Mayor Gilbert opened the Public Forum and asked the first speaker to come up.

First to speak was **Thomas Scott** of 1204 Maple Avenue:

"Mayor Gilbert, City Councilmembers, this is in regard to, I've had several email correspondences with the Council, Mu, Mahaffey, Mayor Gilbert, Mr. Vosburg. This is in regards to contractors who are unlicensed. They performed uninspected work. The town has issued notices of compliance and the town through Mr. Vosburg, let me quote the UDO please. UDO, Article 11 Enforcement 11.1, 11.5. This is in regards to the town being able to fine contractors for unpermitted work, uninspected work, and non-compliance with town directives and the town could actually sue to force compliance. The town has refused to adhere to the UDO and I can't for the life of me understand why. Councilwoman Mu, I had a meeting with her at Foxtail, I gave her a whole binder and she dropped it on somebody's desk and nothing's happened. Absolutely zero. And I don't understand why. You're looking at a revenue shortfall, but you have an avenue per the town manager to be able to rectify this and to go after builders that do not follow the code. Period. I'm kind of hot because this has happened to me. I ended up with a contractor during COVID. Who wasn't licensed GC, electrical, plumbing, nothing. Jasper Garner with the electrical department came out, he's put a block on my property. Well, that's going to affect the sale of my property. I'm in a lawsuit now with Luxury Bath and Kitchen in Raleigh. It's been going on for a couple years now and I've got an attorney. I have talked to your city attorney Laurie Hohe. I think Marty Stone has been copied in on this, assistant manager. Zero. I want answers. I want to know why you're not adhering to the UDO and following the provisions of the UDO. That's it. Thank you so much for your time."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Karen Delventhal** of 507 Homestead Park:

"Good evening, Mayor, Town Council. First of all, Councilman Gray, you said talk about the budget. Listen up. I've been talking for a while. First of all, one of the Councilmembers told us that it was only going to be pennies increases on taxes. Well, it's pennies on a percentage of the price of the valuation of the property. We don't have any control over that, but that can be hundreds of dollars. Number two, I want to make it perfectly clear to the entire council and to the Mayor and to the police department and to the fire department. I completely support what they need to do the job, their equipment, their uniforms, their pay, whatever. I support it. Next, you're raising the fees on the youth sports, that's kind of like a tax on your citizens here in Apex. Them little kids, we're already paying for parks and recreation in our tax dollars. Now, you're going to add on extra bucks on the youth sports. You're increasing the services, but you're giving us less service for things like yard waste. I'll get to that later on. You just got done recognizing older Americans. I'm one in that category. Okay, we'll admit it anytime, anywhere, but you're taxing us out of Apex and our homes. I've got one neighbor who already has to move because he can't afford to live in his house. And don't get me started on your QR crap. We're going to now have to pay in our taxes, if I understand what you discussed, but it's a little hard to hear over in that corner, that us taxpayers are going to have to have an increase in our taxes to pay for the people that haven't paid their utility bills. I want you to show me where the cuts are to the budget. Thank you. Be around in a little bit."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor and Town Council, good evening. I want to first stop and thank Councilmember Zegerman for clearly and transparently laying out how the $6 million in delinquent electric bills equates to roughly 3 cents or 7.6% of the town's proposed property tax rate. It is a substantial number. When I first saw the number looking at the agenda, I was like, "Okay, am I overreacting?" I was like, "Whoa." Dropped it into AI and well that was really the wrong thing. It came back with much more alarming information. So, I was like okay, let's go look at the town's audited financials. Well, I could find the fiscal year 22, 23, 24, but I could not find last year's fiscal 25-26 audited

financials. I went back to the council meeting minutes and the last time that we had the annual comprehensive financial report presented to the council was January of 2025. So, nothing has occurred this year to talk about the fiscal year end of June 30th of 2025. So, I said, "Okay, let me go to the local government commission." and for my neighbors here who may not know about it, it's a division of the North Carolina Treasury and it is the department where all municipalities and councils have to submit their audited financials. They aren't showing they've received the financials from Apex yet and that was really surprising because the last three years the deadline was December of that fiscal year following the close of June 30th, that December, and Apex was late the last three years. So, I thought this year was going to be an easy year because they extended the deadline to March 31st and now we're sitting here at the end of April and they don't have anything. So now I'm starting to question the town's delinquent and, in the past, you would have to write a simple little letter, but the consequence is according to General Statute 159-34, they can actually withhold a portion of your sales tax and that was actually mentioned in last year's presentation. It wasn't in the meeting minutes, but if you go back and listen to the YouTube video, you will hear that was laid out that we could not be late again because the consequences were different. So, if we're in a year where there's declining revenue and we have people not paying their bills, certainly we should file things on time so we don't have our sales tax withheld. So, I ask you to look into it and figure out what's going on because we as a town should not have our financials late. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Mary Miskimmon** of 3177 Retama Run:

"Good evening, Mayor Gilbert and Councilmembers. Free. It's a word I see a lot in Town of Apex posts on social media, including those about the GoApex bus service that few people utilize, the 20 or so town-organized and paid-for events in addition to the 13 other events the town provides staff support for, not to mention the community engagement series. All of these events are fun and appeal to various groups in our community, no doubt, but in reality, none of these services or events is really free. Taxpayers fund all of these initiatives to some degree. That's money that is not going to public safety, including school resource officers, or to other infrastructure needs that would benefit the entire Apex community. So, I implore the council to please review attendance at these events, around the bus routes, and other discretionary expenditures and scale back or eliminate those with low attendance or find alternative funding sources. The annual budget for the town has increased from about

$160 million in fiscal year 2019 to potentially $245 million in fiscal year 2027. Along with tax hikes, we've seen huge increases in utility bills that are absolutely crushing families. Now, the council is likely to approve a reduction in the popular yard waste removal services. This is an essential government responsibility that should be funded. So, I ask the council to please focus on essential services such as public safety and seek more private sponsorships for the fun and fancy expenditures because at the end of the day, nothing is free. Thank you."

Mayor Gilbert thanked the speaker and invited the final speaker.

Next speaker was **Frank Jackson** of 2104 Abbey Marie Lane:

"Mr. Mayor Gilbert, Town Councilmembers, good evening. Like you said, my name is Frank Jackson. My address is 2104 Abbey Marie Lane in Fuquay-Varina, but I'm also a parishioner, 32-year parishioner at St. Andrew the Apostle Catholic Church here in Apex. I'm also the executive director of the nonprofit St. Francis Builds. I'm here tonight to join others on our heartfelt quest to improve housing affordability in the town of Apex and the surrounding Triangle communities. Many have come before me to talk about affordable housing. It's not the mega mansions that are currently being built by developers in the $600,000 to more than a million-dollar range. Average blue-collar and now even many white-collar workers can no longer afford to live and flourish here in the Peak of Good Living. When families are approaching 50 or more percent of their income paying their mortgage, insurance, property taxes, there's not much left for the rest of their bills that we're all confronted with. It's a fallacy by many that as individuals receive salary increases, they move into larger, newer homes and that lower-income individuals can then move into those single-family homes, those condos, and the town homes. And maybe they're a little rundown, but they're adequate for their needs. What we have found is that affordable homes means more than low price. For many, it means being able to continue living in place, often places they can no longer afford to pay for or even maintain. For several years, St. Francis Builds has been providing home repairs to seniors, veterans, and disabled families that are living below poverty level. We do it with volunteers and financial contributions. There's a large need for individuals and families right here in Apex that are living in deplorable conditions that in many cases are so dangerous you wouldn't even have your pets living there. We're currently working on four simultaneous projects with many more on our growing waiting list as people hear about the efforts that we do. One example that we've worked on is a single disabled gentleman, a 72-year-old veteran. He owns a mobile home here in Apex. He brings in about $1,200 a month from Social Security, for which he pays about $600 in rent for

his land. But imagine having $600 left to pay for utilities, taxes, doctor visits, medications, and food. His floor, manufactured from fiberboard, had rotted over the years, creating potholes inside of his home every couple of feet. He often fell through those holes, getting injured. In addition, none of his appliances worked and his roof leaked as though it were raining inside. His shower leaked so badly that if he turned the water on, it cascaded through the wall into his bedroom, flooding it. With volunteers and donations, we were able to create a safe, warm, and dry home for this man, gave him back his dignity, and changed his life and his attitude. Another example is a retired couple who own a home here in Apex. He's partially blind and he's had three strokes. His wife had major back problems and she's also disabled. They also, by the way, care for their 2-year-old grandson who lives with them only because his mom didn't want the responsibility of a child, so, the grandparents took him in. The rear of the house that they live in has already collapsed unto itself and it's pulling down the rest of the structure. They have no central heating and have been relying on a single fireplace for warmth and often for cooking as the appliances aren't always working. At least that's what they've told me. They've also fallen behind in utility bills for which St. Andrew's Parish and the St. Vincent de Paul Conference, which was represented here tonight, has assisted. Essentially, this family is camping in their dilapidated home. St. Francis Builds is doing what it can to assist, but so much more needs to be done and for years, no one seems to be listening to their needs. I'm sure you're thinking, well, why don't these families do something about it? We have programs here in Apex. Yes, you do, but many of them don't even come close to the level of need that exists. Often, there are so many hurdles to overcome, and the lead times to receive that help are substantial. There are many reasons for this, and St. Francis Builds volunteers are here because we want to make a difference in our communities. Our studies have found that of the more than 25,000 households just here in Apex, approximately 1% are classified as seniors and/or disabled living below poverty level. That equates to conservatively more than 250 homes that are in this condition. If each home required an average of $10,000 in renovations, bringing it just to a point of basic living, that still amounts to about $2.5 million. As I've mentioned, our nonprofit, St. Francis Builds, has repaired several homes here in Apex. The average cost of materials has been about $7,000. Throw in a new HVAC system, which costs between $12,000 and $15,000, and quickly you're up to $19,000-$20,000 per household. Does every poverty-stricken house need these extensive repairs? No, but many do and these people just don't know how to communicate their needs. There's no neighborhood watch, if you will, to keep an eye on these home repair needs. I personally retired after serving as a project manager for 35 years while simultaneously volunteering for over 20 years repairing homes around

the country ravaged by hurricanes, tornadoes, floods, and natural disasters. I've even been as far as Haiti after their devastating earthquake. So, I've seen poor. The poor in Haiti are living under plastic tarps with their family. Poor is feeding your family clay just to stop the hunger pangs. Yes, clay. Is that a bleak outlook? Perhaps it is. We're not there yet. But ignoring the growth of poverty right here in our own backyard won't make the problems go away. Having had a thriving handyman business, myself and having impoverished residents coming up to me desperately asking for help, we looked at ourselves and decided to shutter our for-profit business. We started our nonprofit, St. Francis Builds. We've been blessed with good jobs all our lives, the ability to save for our own retirement, and others helping us when we needed it. At St. Francis Builds, we decided upfront not to take salaries and to engage like-minded people willing to volunteer their time and their talents. Somehow, we've convinced people that what we do benefits the community and themselves, and many have helped to partially finance our projects as well. St. Francis Builds wants to be part of the changes that are taking place here in Apex. We want to be part of the discussion, part of the solution. We realize that the town budget can't do it alone. The county budget can't do it alone. The federal budget might be able to, but they're not going to do it alone and builders can't do it alone and those living in poverty in these deplorable conditions, they absolutely can't do it alone. But working together, coming up with not just common-sense goals, but formalizing commitments and accountability on the part of local government and its citizens, searching out and truly listening to those residents in need, those changes can and do move mountains. I'm not naive to believe that these are simple changes, they're not, but this is the Peak of Good Living. It should be good living for all residents, not just those who can afford the current out-of-control cost of living. Everybody deserves respect, dignity, and a safe place to live. On behalf of all of the volunteers at St. Francis Builds, I really appreciate your time."

Mayor Gilbert thanked all that spoke and closed Public Forum.

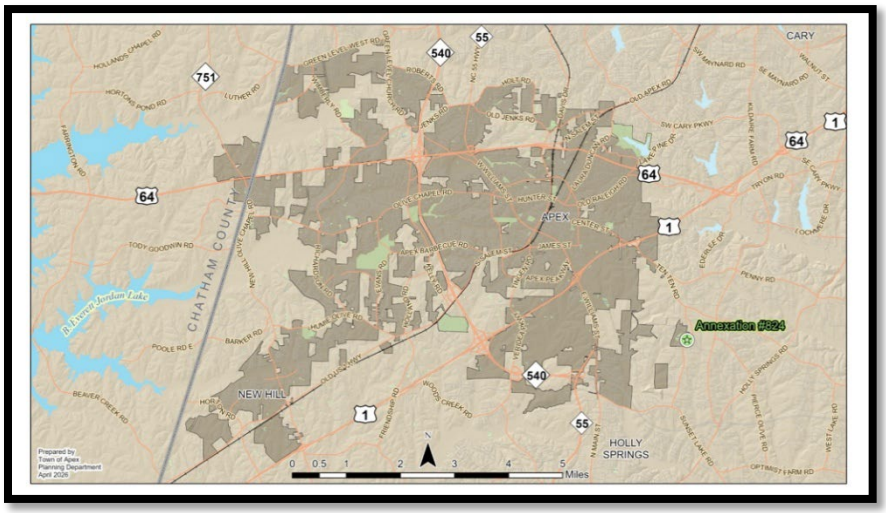
[PUBLIC HEARINGS]

PH1 Annexation No. 824 – 8204 Stephenson Road – 0.754 acres *(ORD-2026-035)*

Planning Director, Dianne Khin, gave the following presentation:

[SLIDE NO. 1]

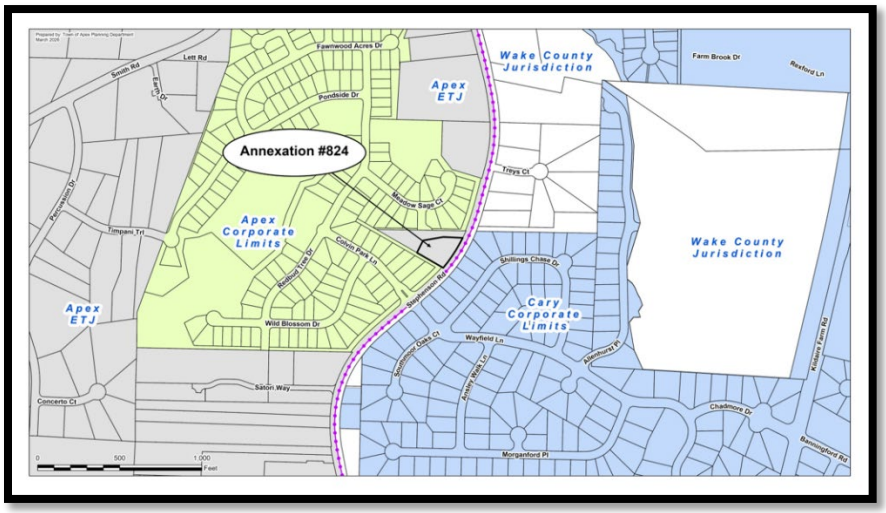
[SLIDE NO. 2]



[SLIDE NO. 3]

[SLIDE NO. 4]

[SLIDE NO. 5]



Mayor Gilbert asked if there were any questions.

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

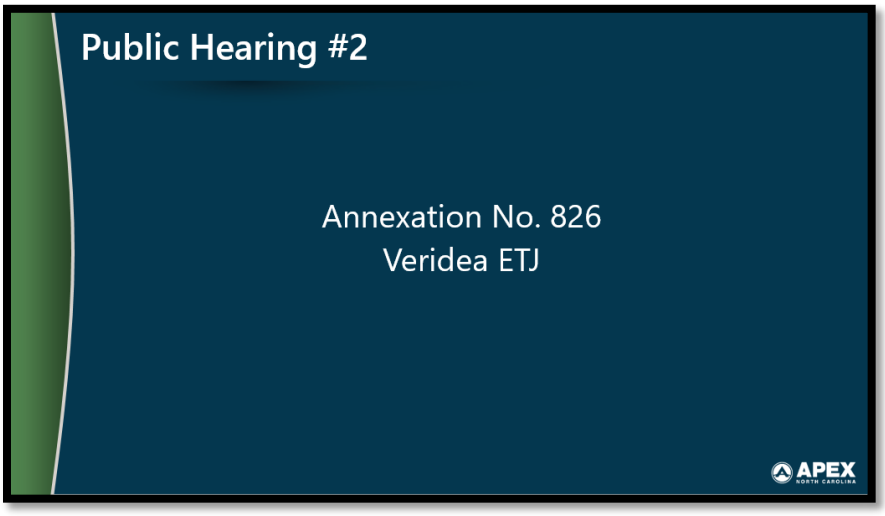
A **motion** was made by **Councilmember Gray** and seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 0.754 acres, located at 824 Stephenson Road (PIN 0750-88-3839), Annexation No. 824, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

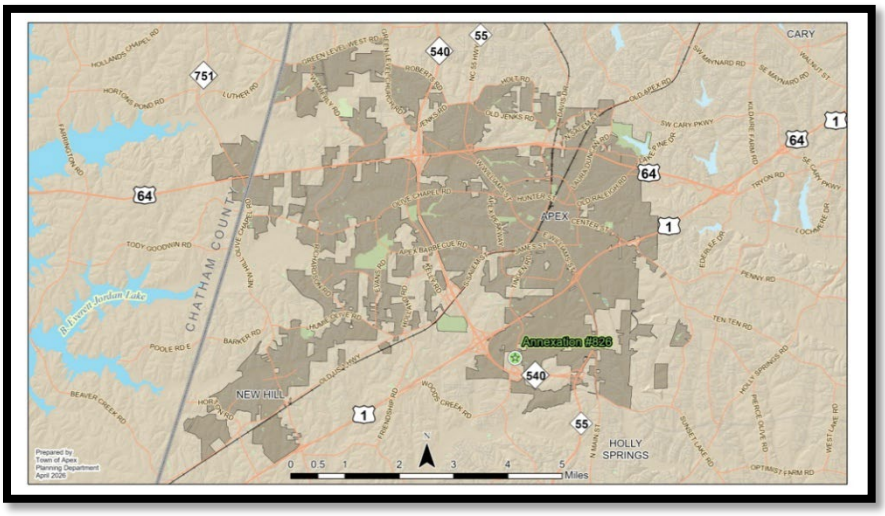
PH2 Annexation No. 826 - Veridea ETJ - 119.59 acres *(ORD-2026-036)*

Planning Director, Dianne Khin gave the following presentation:

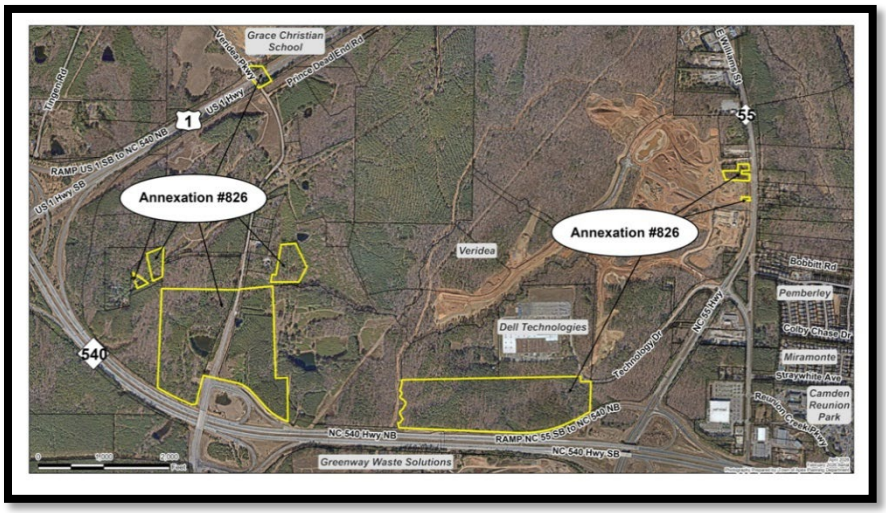
[SLIDE NO. 1]



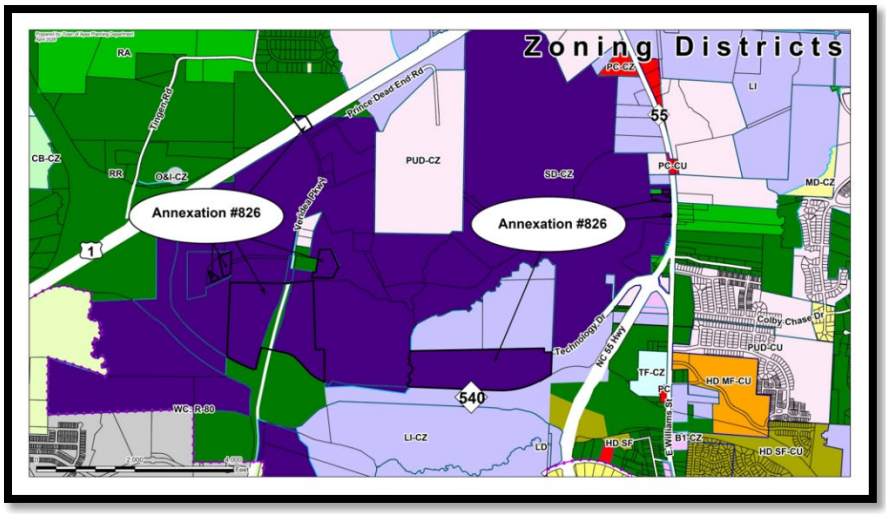
[SLIDE NO. 2]



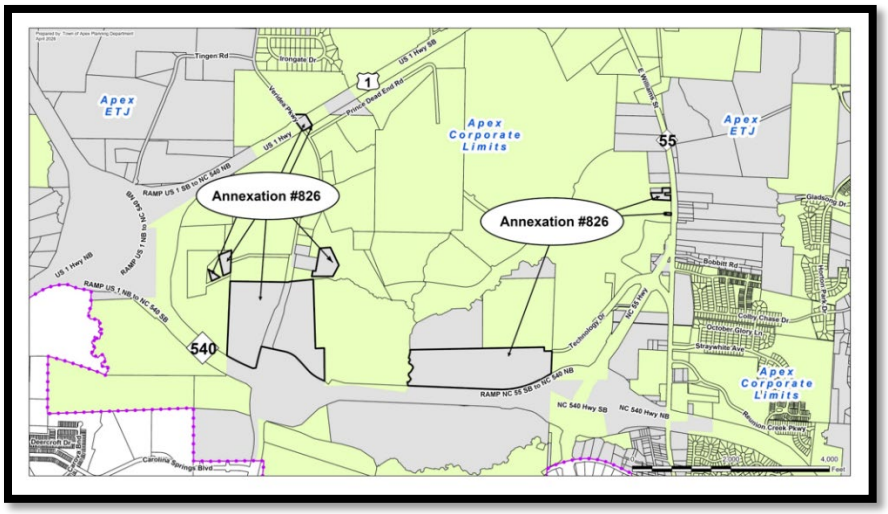
[SLIDE NO. 3]



[SLIDE NO. 4]



[SLIDE NO. 5]



Mayor Gilbert asked if there were any questions.

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Reese** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 119.59 acres, Annexation No. 826, into the Town Corporate limits.

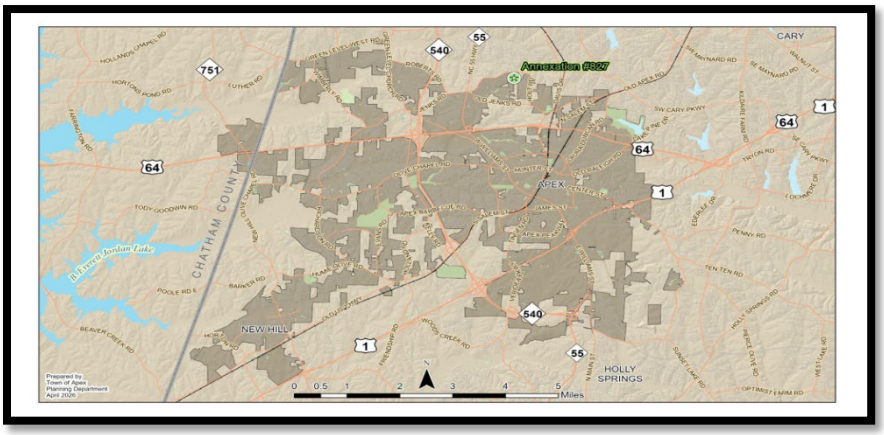
VOTE: UNANIMOUS (5-0)

PH3 Annexation No. 827 – 1217 Twin Creek Road – 5 acres *(ORD-2026-037)*

Planning Director, Dianne Khin gave the following presentation:

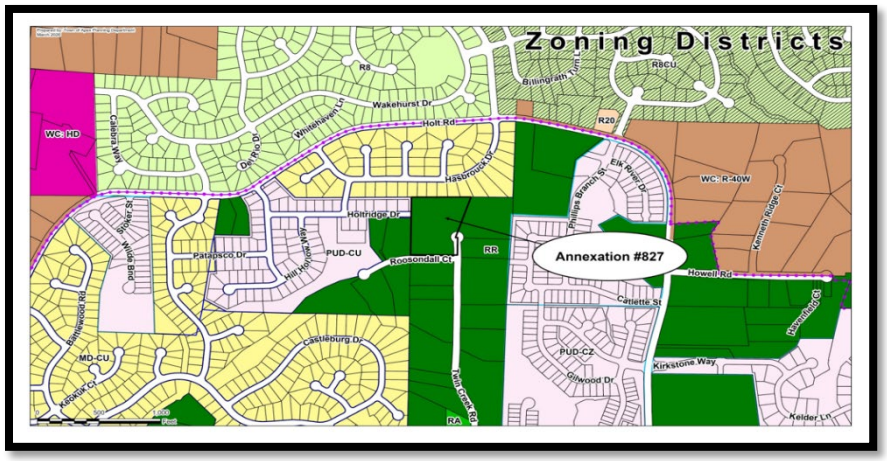
[SLIDE NO. 1]

[SLIDE NO. 2]

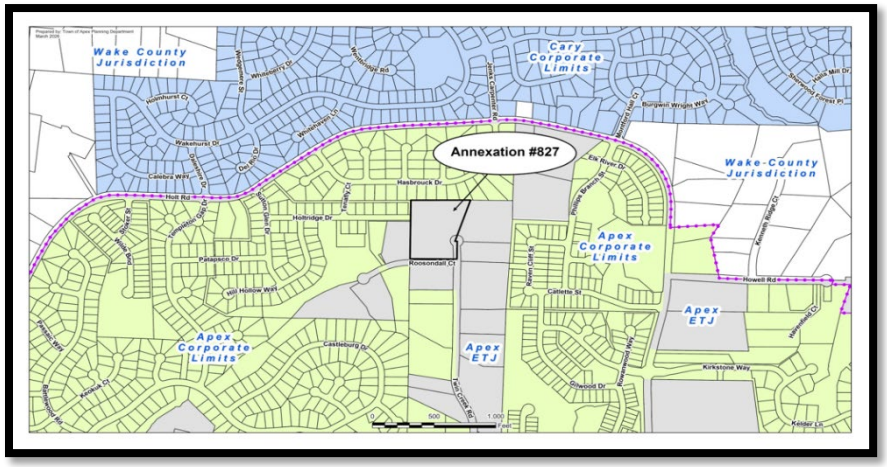


[SLIDE NO. 3]

[SLIDE NO. 4]



[SLIDE NO. 5]



Mayor Gilbert asked if there were any questions.

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 5 acres, located at 1217 Twin Creek Road, Annexation No. 827, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

PH4 Yard Waste Program Updates

Mayor Gilbert said there was a presentation by Town Manager Vosburg and John Mullins, Director of Public Works Department, at the last meeting. He said this is an opportunity for members of the community to speak.

Mayor Gilbert opened Public Hearing and called the first speaker.

First speaker was **Karen Delventhal** of 507 Homestead Park:

"Good evening, Councilmembers and mayor, yada yada. Yard waste. Okay, previously, a couple weeks ago, I presented council or Mayor Pro-Tem Mahaffey with a picture of five wheelbarrows full of pine needles out on my curb. Not leaves, not grass, not branches, twigs, anything else just pine needles from one blow. A blow is a big windstorm. One. One. Five wheelbarrows. That's from my gutters, from one side of my house, from pine trees that aren't even on my property. Five wheelbarrows. The HOA requires that I have a pretty lawn. I don't want to get fined. Your proposed already-done-deal yard waste program not taking the suck-them-up truck, that's what I call it, the vacuum truck, around to pick up grass. You'll do it in the fall for the leaves. I want to know what you're going to do about the pine needles. Do I put them in the trash can? Do I wait until you get around in a big container for me that I can't, number one, got wheels, hard for me to get these trash cans, these big suckers, out to the curb as it is and get them back in because got to get them out of sight. Can't leave them out. HOA. Don't know what you're going to do about these pine needles. Every time we get a big storm, we got one, was it last night or the night before? A lot of the wind. Guess who's going to have to have a crew come rake up the pine needles and put them to the curb? What you going to do for these big blows? Because they're still going to happen. I have no authority to cut down those pine trees. If I did, I would, they'd be out of there, but they aren't. You better come up with a solution, you proposed all this yard waste increase. You're decreasing my services. What are you gonna do about my pine needles? I got time to spare."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker **Mary Miskimmon** of 3177 Retama Run New Hill:

"When I first moved to Apex in 1995, one of the best services the town offered was that curbside yard waste collection. As an avid gardener, it was so easy just to

place all my pruned plant material at the curb, especially now in the Spring. Now, Apex is cutting this popular service to bi-weekly and effectively requiring Apex families to store a third cart when many of us live in townhomes with little to no storage for the two carts we already have to store. I understand that some people put out large trees and that was burdensome to the town. It just seems to me that we could have come up with a more creative solution than cutting the weekly yard waste pickup and requiring materials to be placed in a cart, which can be difficult for some people with physical limitations. Additionally, people are going to dump their grass clippings and other yard waste material in the neighborhood RCAs. They're going to do it there or elsewhere in Apex rather than use those carts. As for what other neighboring towns are doing, frankly, I do not care. I live in Apex, not Holly Springs or Cary. Thank you."

Mayor Gilbert thanked the last speaker.

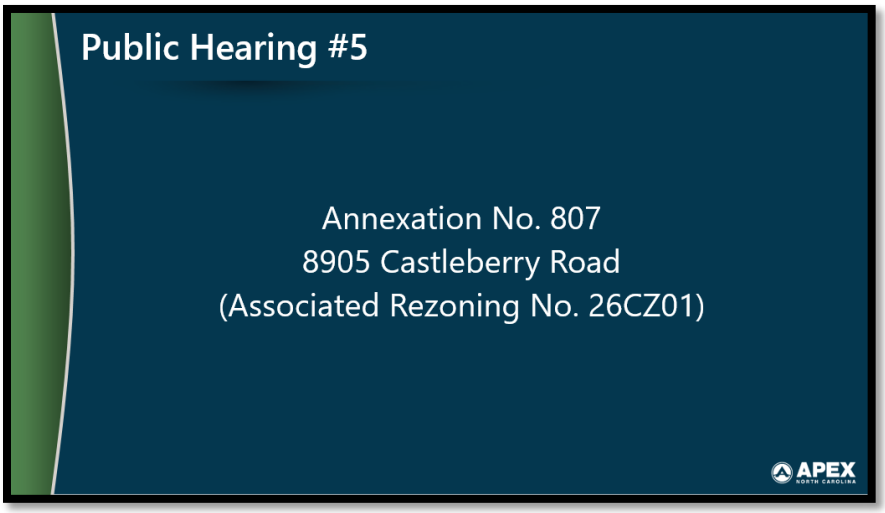
Mayor Gilbert closed Public Hearing. He asked Town Manager Vosburg what the next steps were for the yard waste.

Town Manager Vosburg said that this ordinance would be brought to the May 12th meeting for Council consideration.

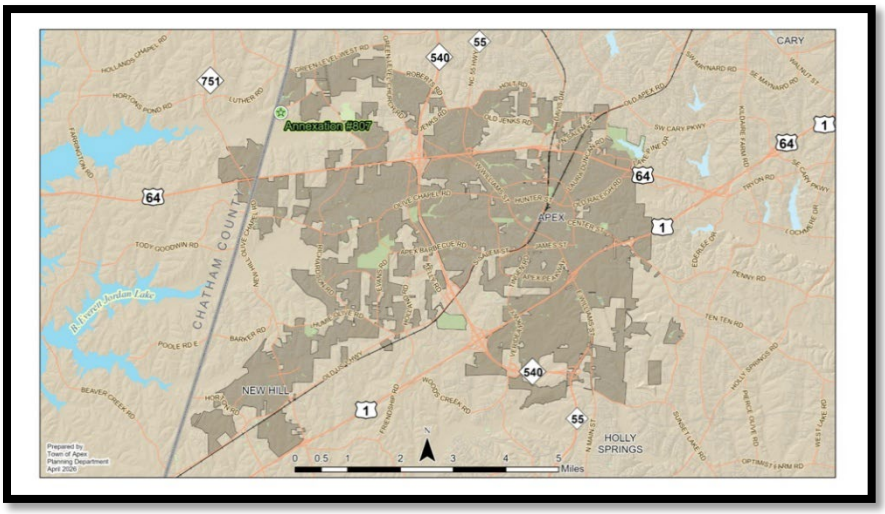
PH5 Annexation No. 807 – 8905 Castleberry Road – 3.35 acres (Associated Rezoning 26CZ01) *(ORD-2026-038)*

Senior Planner, Planning Department, June Cowles said this property is located in the northwestern section of Apex with 2 lots for a total of 3 acres. She gave the following presentation:

[SLIDE NO. 1]

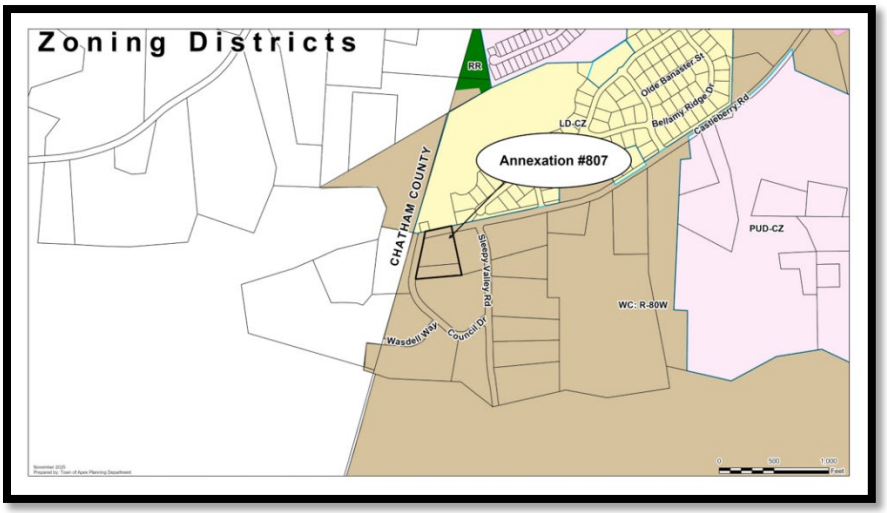


[SLIDE NO. 2]

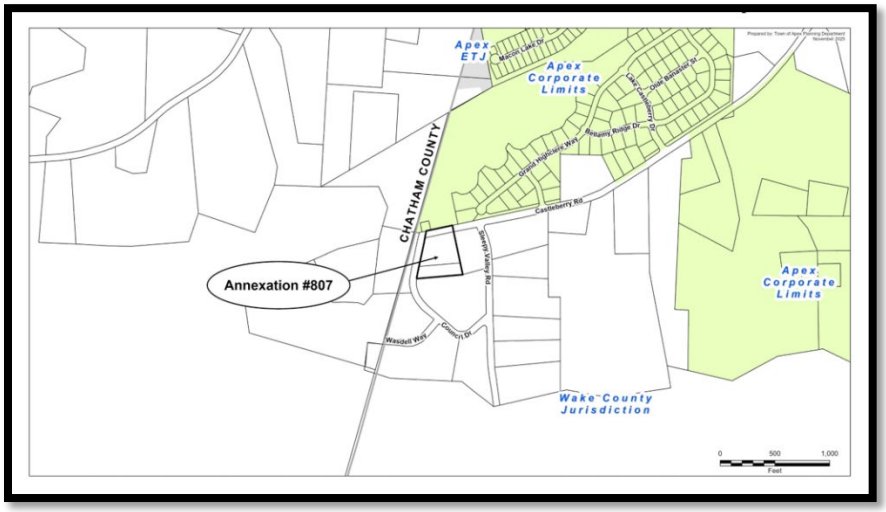


[SLIDE NO. 3]

[SLIDE NO. 4]



[SLIDE NO. 5]



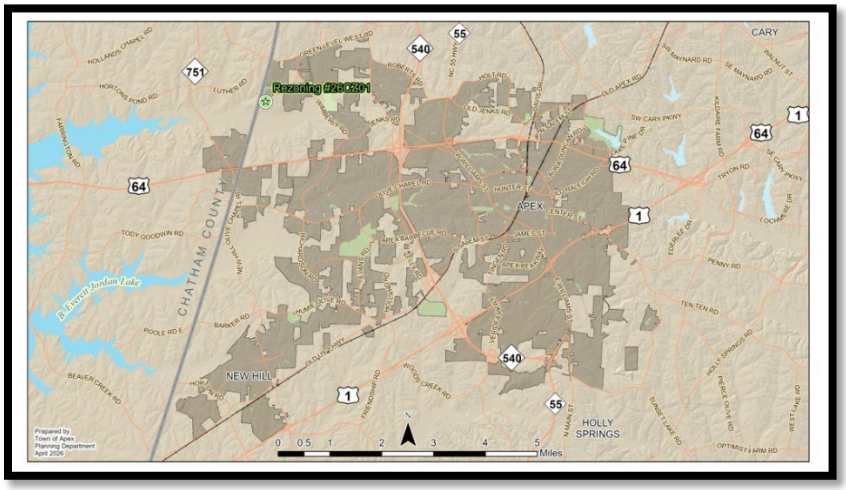
AND

PH6 Rezoning Case No. 26CZ01 – 8905 Castleberry Road – Tracts 10 and 11 *(ORD-2026-039)*

Senior Planner, Planning Department, June Cowles, gave the following presentation:

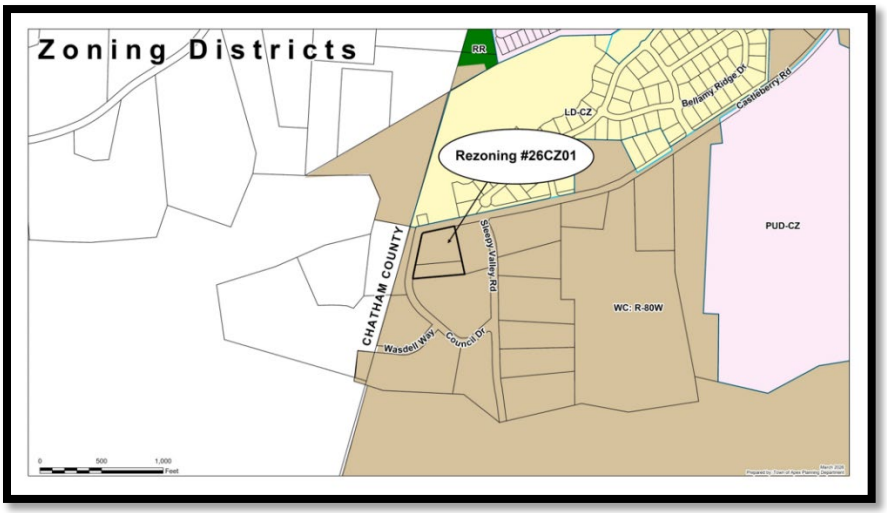
[SLIDE NO. 1]

[SLIDE NO. 2]

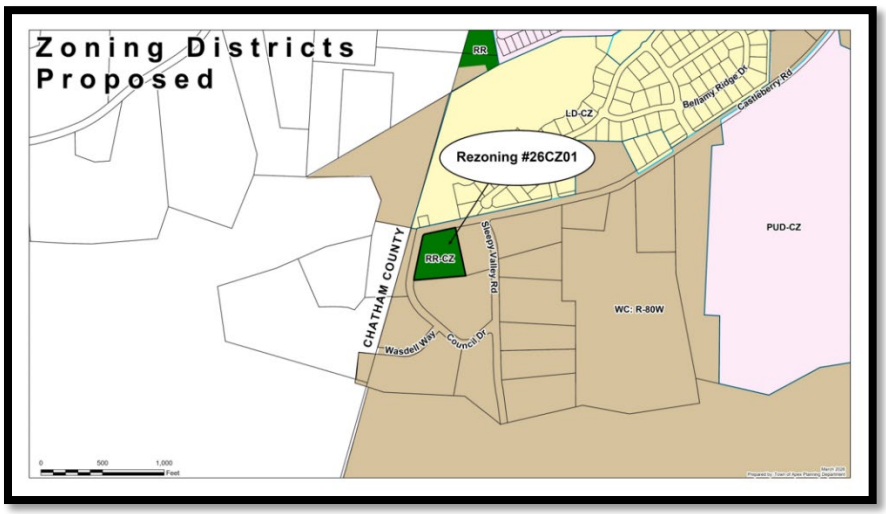


[SLIDE NO. 3]

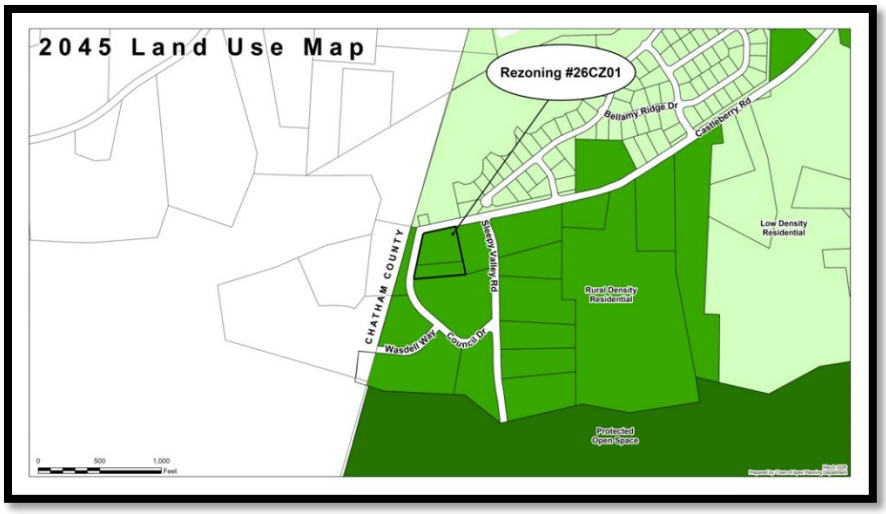
[SLIDE NO. 4]



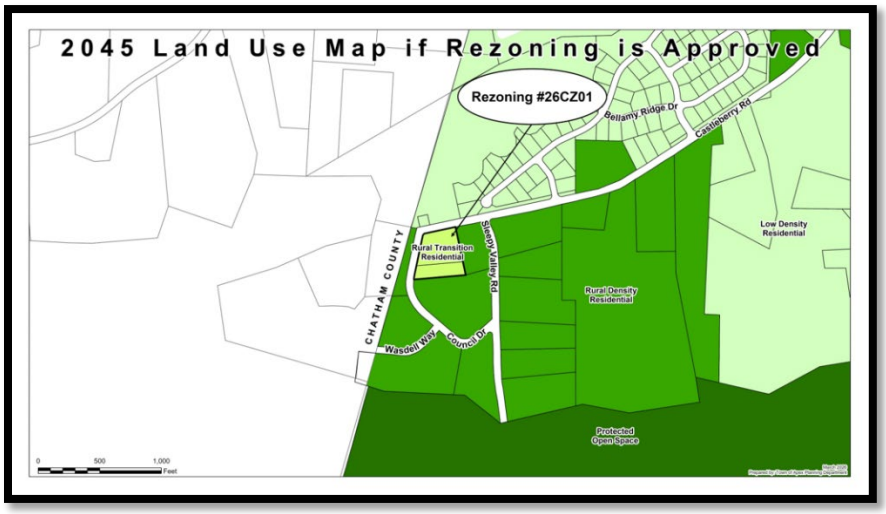
[SLIDE NO. 5]



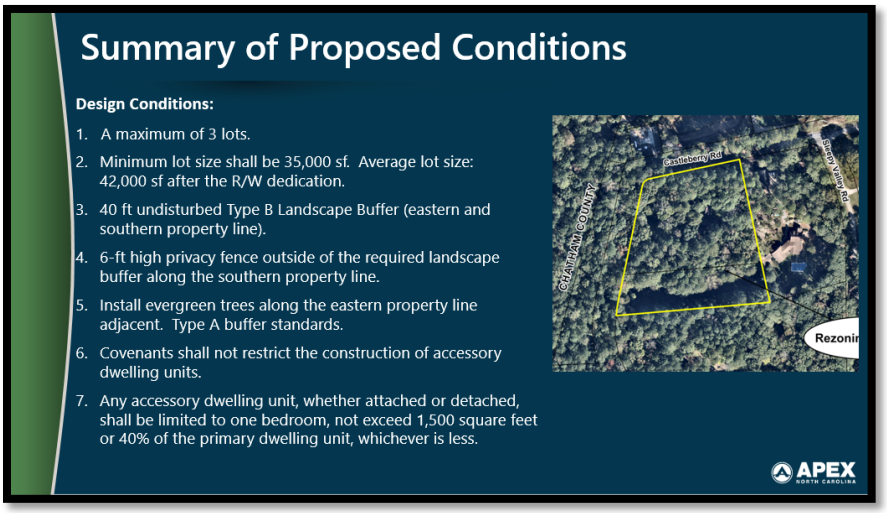
[SLIDE NO. 6]



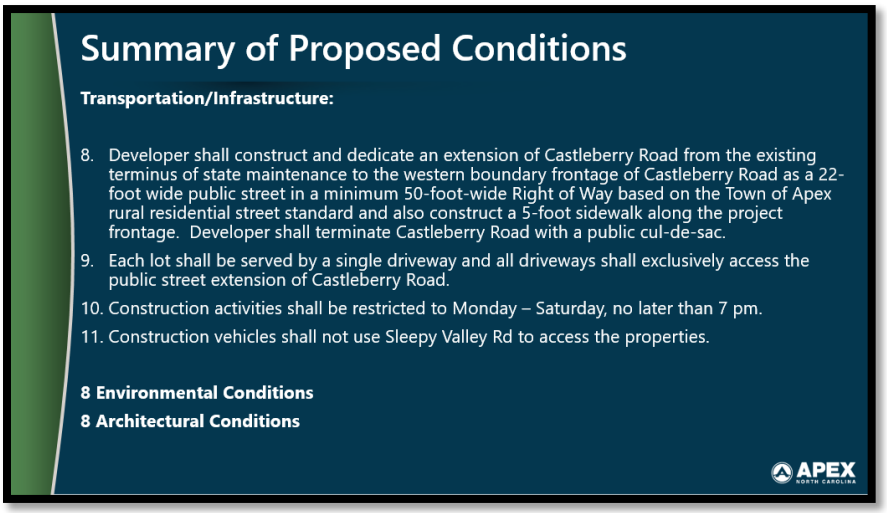
[SLIDE NO. 7]



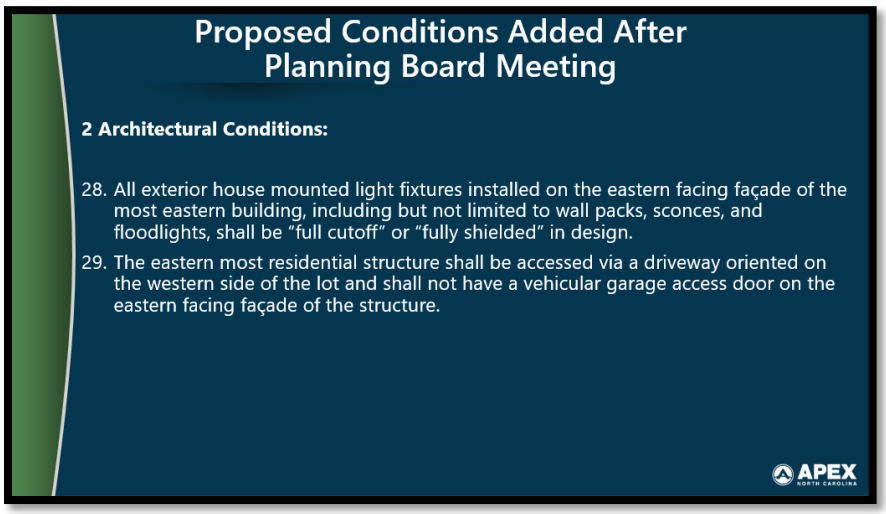
[SLIDE NO. 8]



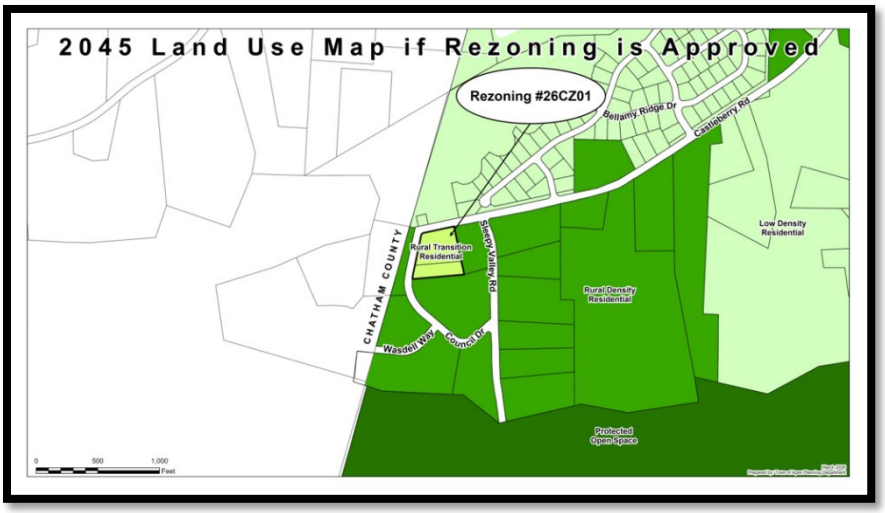
[SLIDE NO. 9]



[SLIDE NO. 10]



[SLIDE NO. 11]



[SLIDE NO. 12]

[SLIDE NO. 13]

Ms. Cowles said the applicant would give a presentation.

Mayor Gilbert asked if there were any questions for staff.

Councilmember Zegerman asked whether the rezoning request combined two lots into a single rezoning application and whether there was a northern and southern lot.

Ms. Cowles said the request combined two lots, consisting of a northern and southern parcel.

Councilmember Zegerman asked how many structures could currently be built on the property by right without rezoning

Ms. Cowles said that two structures could currently be built without rezoning.

Councilmember Zegerman asked about the stream shown on the site diagram, why riparian buffers were not mentioned in the staff report, and what would happen to the stream area if the property were subdivided into three lots. He asked what would happen with the stream if there were no buffer requirements.

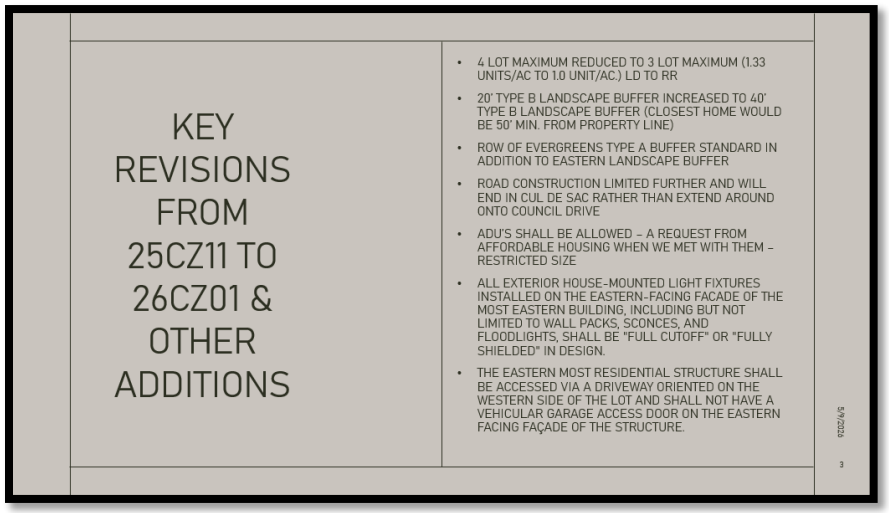
Ms. Cowles said the site had been reviewed through Technical Review Committee (TRC) and no required buffer had been identified through the review process. She said the applicant would have more information.

Will Norton with Jones and Cnossen Engineering said that the stream is not classified as a stream and the drainage comes from the southeastern area of the lot towards the northwestern part. He said it would be covered further in the following presentation:

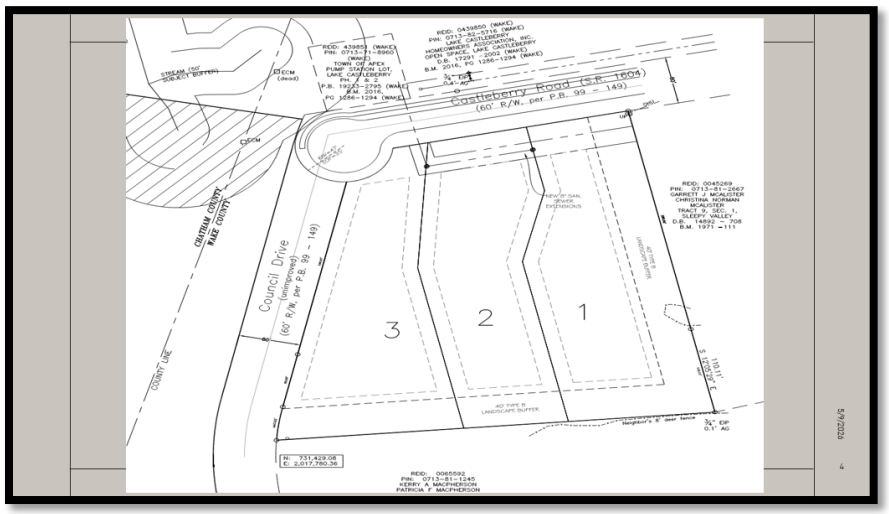
[SLIDE NO. 1]

[SLIDE NO. 2]

[SLIDE NO. 3]



[SLIDE NO. 4]



Mr. Norton thanked staff and Council.

Councilmember Gray said there were a lot of comments from the neighbors and asked what the applicant had taken to address their concerns.

Mr. Norton said some highlights that have been done is the lot count has been taken down from 4 to 3 lots, increasing the buffer from a 20' to a 40' type B and added evergreen trees, which will help with lighting, the driveway access will only come out to Castleberry Road and this will not have as many access points.

Councilmember Mu asked about clear cutting the trees and asked what a more practical way was to avoid this.

Mr. Norton said with the nature of the construction of these being 1 acre lots and where the houses will be set back, only what is necessary will be removed for construction.

Mayor Gilbert opened Public Hearing and invited the first speaker.

First to speak was **Tom Kendig** of 409 Sleepy Valley Road:

"We and our neighbors, most of whom are here this evening, are all a part of the Sleepy Valley rural residential community. Stand up. Last summer, we invited Mayor Gilbert to our neighborhood to show him that we are a tight-knit, longstanding rural residential community. We care for and watch over each other's properties. We celebrate birthdays, anniversaries, and sometimes just the joy of gathering. For years, we gathered at one of our neighbor's house for her birthday. We did that until she turned 102. For her 103rd birthday, we had to go to a nearby assisted living facility. She almost made it to her 104th. Our kids used to ride a tractor-drawn hay wagon to go house-to-house to do their trick-or-treating for Halloween. Our properties are on large lots ranging from 2 to 21 acres with an average of about six. Several are actually in Chatham County. Our neighborhood adjoins and is surrounded by the United States Army Corps of Engineers White Oak Creek floodplain and ultimately Jordan Lake, and of course, if you go just a little further down there, it's actually the water intake for both you and Cary. The Corps land is leased as wildlife game lands and is teeming with wildlife. Mr. Mayor, the pair of eagles are again nesting in the tree that we walked you to last summer. Most of us are in Wake County and are currently under the county's zoning R-80W, and the Town of Apex's land use plan calls for this remaining rural residential with zoning of one house per every five acres. This proposed development with its rural transitional zoning is still considerably higher than our existing rural community and much higher than what's actually called for in the plan. We feel this development is still inconsistent with our community and with

the town's own plan. While we have watched and continue to watch increasing development all around us, this will be the first development directly impacting our rural community. If approved, we believe this will make it difficult for us to maintain the rural character which we so cherish and desire and which the town itself calls for in your adopted land use plan. This first seemingly small encroachment we worry about as kind of setting the stage for future impacts on our community."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Eddie Wasdale** of 812 Wasdale Way:

"Good evening. Thank you for allowing me to share my thoughts on the matter at hand. My name is Eddie Wasdale. I live at 812 Wasdale Way, and I've been a lifelong resident of the Sleepy Valley community. Last time I spoke before you, I started with a flashback about how our community of rural residents used to stretch, how far it used to stretch, and how much things have changed once you turn off our gravel road. Today, I'm going to focus on current events and developments I hope will help highlight why this proposed rezoning does not make sense. While I understand that change is constant, this is not a case where that concept should apply. When this development was first proposed, we were told that the pump station the homes would tie into was at capacity. That assessment was updated and our new understanding is the proposed homes will take it to capacity before any of the potential accessory buildings were added. The City of Durham recently put a five-year moratorium on new construction in its eastern area due to a sewer line being maxed out. I am certainly not a sewage expert but taking a pump station to capacity and possibly beyond that seems like a bad idea. More development with the potential for contaminated runoff closer to a creek that feeds into Jordan Lake, Apex's source for water, also raises major concerns. The creek is on Corps land northwest of the property in question, which is much closer than 920 feet that was referenced earlier that is south of that property, also, shout out Safe Drinking Water Week. I do not believe I am exaggerating when I say we live in a rural sanctuary where large lots and friendly neighbors provide insulation from the suburban sprawl that has been creeping in. The peace and tranquility are why we all live in Sleepy Valley. This project, if approved by the Council, would severely disrupt the defining characteristics of our rural community. Wooded lots of two acres or more where you can barely even see your neighbors, allowing for total privacy. We care for each other and we help take care of our community and more importantly with the matter at hand, we are united against this proposed rezoning. It does not make sense given the 2045 land use map,

which has the property as rural density. You saw one of my co-workers' names up there on the screen. I teach at Green Level High School and she is one of our agricultural teachers and FFA adviser, and she submitted a letter of support opposing the rezoning. One of our community families, the McAllister's, you'll hear from Christine in a moment, will be the most impacted. They have a farm that has helped not only my co-worker's classes but countless other children interested in agriculture. This proposed development not only ruined their idyllic setting but also endangered their animals and, in all fairness, their family and the many children who visit their farm. How so, you may be wondering, part of this proposal is to pave the end of Castleberry Road, which runs past their property. Paved roads bring more traffic and people driving faster and faster. In my co-worker's letter of support, she included a jarring fact from the Wake County Farmland Preservation Program. It stated in the last nine years, Wake County lost 22,964 acres of its farm and forest land, that's almost 20%. The 104 acres just down the road where they're about to build 270 homes was just clear-cut. You have the opportunity to protect a few more acres today with your vote. Please deny the proposal and let our rural residential haven live on where the pavement ends. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Christina McAllister**:

"Good evening, Mayor and Council. I'm Christina McAllister and I live at 8901 Castleberry Road, directly adjacent to the proposed rezoning. I'm on the eastern side. I'm asking the Town Council to deny the rezoning and keep this property rural density residential consistent with the current 2045 land use map. This is not about stopping growth. It's about putting the right growth in the right place. This property is currently rural density, approximately one home per five acres. The request would move it toward a rural transitional, approximately one home per acre, directly beside an active farm, youth education space, livestock, horses, and rural dead-end road conditions that is not transitional, it's a land use conflict. The applicant compares this proposal to large nearby neighborhoods, but those are not the same context. This parcel is only about 3 acres, surrounded by rural density residential lots, protected spaces, woodlands, agricultural uses, private gravel drives, and existing homes with greater separation. True compatibility would be measured against the immediate neighborhood, not the larger suburban development down the road. Castleberry Road is not a typical road it is a dead-end road where the gravel section naturally slows drivers. Paving that section beyond this historic tobacco barn may look like an improvement on paper, but in real life it will likely increase speed, traffic flow,

congestion, and unsafe turnarounds. Cars already miss the dead end and use our clearly marked private circular driveway to turn around, adding density increases that risk. Our property is not just a residence. It's an active farm agritourism property and educational space serving Apex and Wake County over the past 12 years. We have children walking ponies and horses near that driveway, goats, chickens, camps, classes, farm tours, and youth leadership programs. Traffic, lights, noise, storm water, dogs, trespassing, and construction impacts us differently than it would a typical residential lot. At the Planning Board meeting, the developer did not answer whether streetlights would be installed. That matters. Streetlights, headlights, garages, driveways, and security lights change the rural character and directly affect adjacent homes, pastures, animals, and privacy. The rezoning also raises a bigger planning concern, if rural density can be changed to higher density on a small parcel without strong compatibility protections, then the rural edge becomes meaningless. It sets a precedent for piece-by-piece erosion on Apex rural areas. My request and the neighborhood's request is please deny the rezoning and keep the property rural density. If Council chooses to move it forward, then meaningful and enforceable conditions are necessary. Larger buffers, I think 100 is okay, especially next to the farmland. Preserve trees. No clearing where avoidable. Don't understand how they said no blasting. They're going to have to tear a house down. We'll have to remove prey animals from the property. No streetlights near rural edges. Lighting restrictions. Thank you for your time."

Mayor Gilbert asked if the rest of the speaker's comments were in her handout.

Ms. McAllister said yes, it does have the rest of her speech and the legislative conditions that help phases one through nine where it will impact the neighborhood.

Mayor Gilbert thanked all that spoke and closed Public Forum. He brought it back to Council for discussion.

Councilmember Zegerman said he had consistently voted against development in this area because it meant to be a transitional area toward the game lands and the Jordan Lake watershed and approving higher-density development conflicts with the current town's adopted land use vision that was developed with resident input. He said that said that he opposed the Castleberry Reserve rezoning and had seen it as the first domino toward additional higher-density redevelopment in this area and as a matter of principle and consistency with the current land use map, he could not support the rezoning request.

Mayor Pro-Tempore Mahaffey asked staff if there could be two houses built currently.

Ms. Cowles said that was correct.

Mayor Pro-Tempore Mahaffey asked if they could currently recombine the lots.

Ms. Cowles said that was correct.

Mayor Pro-Tempore Mahaffey said that most of the conditions are reasonable, but the owners can already build two lots by right. He said if Council denies, they can build those two lots with no buffers and no other conditions. He said if they approve the rezoning, it would add one lot with better conditions and buffers for the community and neighboring areas.

Councilmember Gray said this is difficult because the rezoning would only increase the potential development from two homes to three homes and it raises the question of what additional community benefits would be gained through the rezoning, including access to the pump station. He said there was concern about paving the road and increased traffic but also that the proposed conditions, environmental concessions, and limitations appeared preferable to the alternative of by-right development, which could allow two homes and additional site clearing without returning to Council for approval. He said that it was uncertain if the outcome clearly aligned with the intent of the Land Use Map.

Mayor Pro-Tempore Mahaffey said that he is starting to feel bad for the property owners because they had come back several times and addressed almost every condition. He said the rezoning would only add one additional home beyond the two homes the owners already can build without any approval. He said this has happened several times in the past where Council has denied a small rezoning and the owner of the property built what they were entitled to and it was a bad outcome. He said that the property owner has been extremely accommodating and he will be supporting the project.

Councilmember Reese asked for clarification on the proposed development of the three lots. He said that the presentation showed what the land lots could look like but wanted to know what they will look like.

Mr. Norton said with the zoning conditions there are limits on what can be done because of the UDO standards that will have to be met as far as widths and size restrictions.

Councilmember Mu said that the owner has the right to build two homes and would be able to do it how they would like to, and the other option is to come to Council to ask for rezoning for a third home with tighter restrictions.

Mayor Gilbert asked if there was any other discussion from Council.

Councilmember Reese complimented the applicant on their hard work, but he would not be supporting this. He said it is important that they follow the land use

map as their legislative strategy. He said in this case it seems to be a bit of an anomaly overall and seems to be a bit of the "camel's nose under the tent", and the next phase of what we hope to do preserving land along especially the county line. He said he understands more about the implications but doesn't support it for consistency with what the Land Use Map and enforcement the Town aims to do.

A **motion** was made by **Mayor Pro-Tempore Mahaffey,** seconded by **Councilmember Gray,** 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.
AND
Approve Rezoning Application #26CZ01 8905 Castleberry Road-Tracts 10 & 11 and Ordinance - rezone approximately 3 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ) at 8905 Castleberry Road & 0 Castleberry Road.

Mayor Pro-Tempore Mahaffey requested a roll call vote.

Town Clerk Coleman conducted a roll call vote:

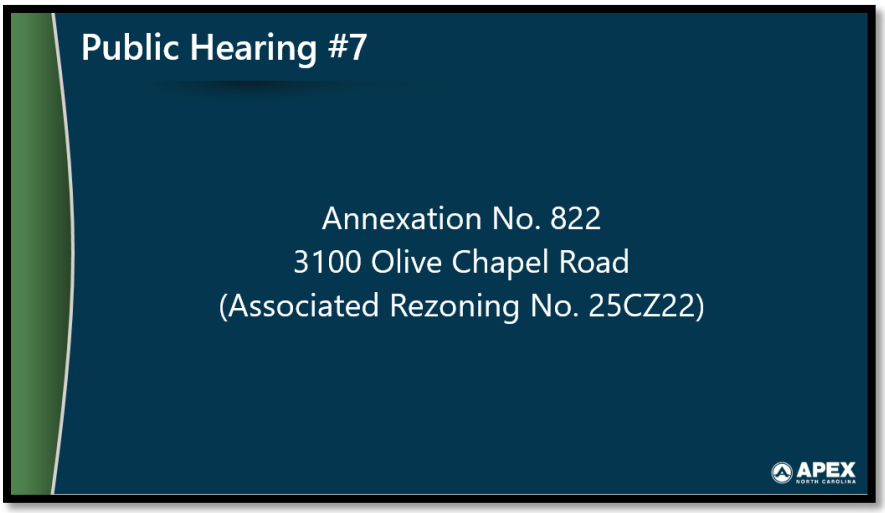
Mayor Pro-Tempore Mahaffey – Aye
Councilmember Gray – Aye
Councilmember Zegerman – Nay
Councilmember Reese – Nay
Councilmember Mu - Aye

VOTE: 3-2, *with Councilmember Zegerman and Councilmember Reese dissenting*

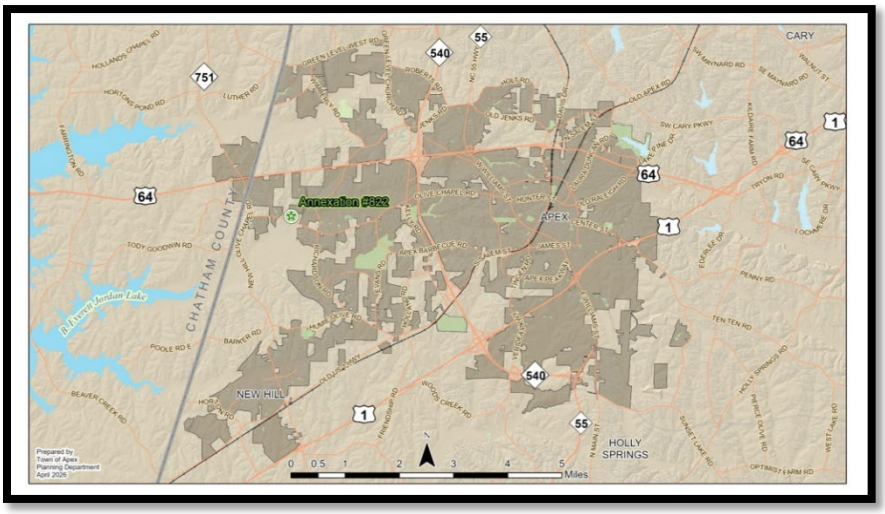
PH7 Annexation No. 822 – 3100 Olive Chapel Road (Associated Rezoning 25CZ22) *(ORD-2026-040)*

Senior Planner, Planning Department, June Cowles said this is in the western area of the town northeast corner of Olive Chapel Road and Transit Trail. She gave the following presentation:

[SLIDE NO. 1]

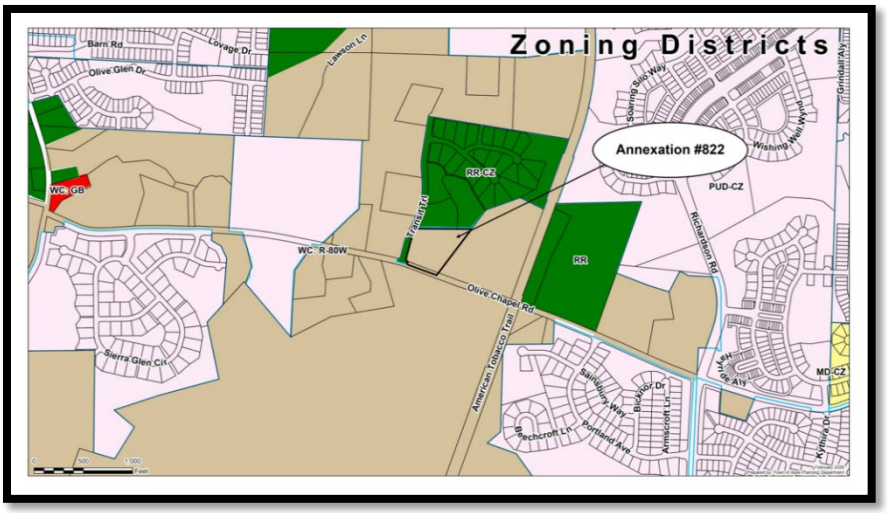


[SLIDE NO. 2]

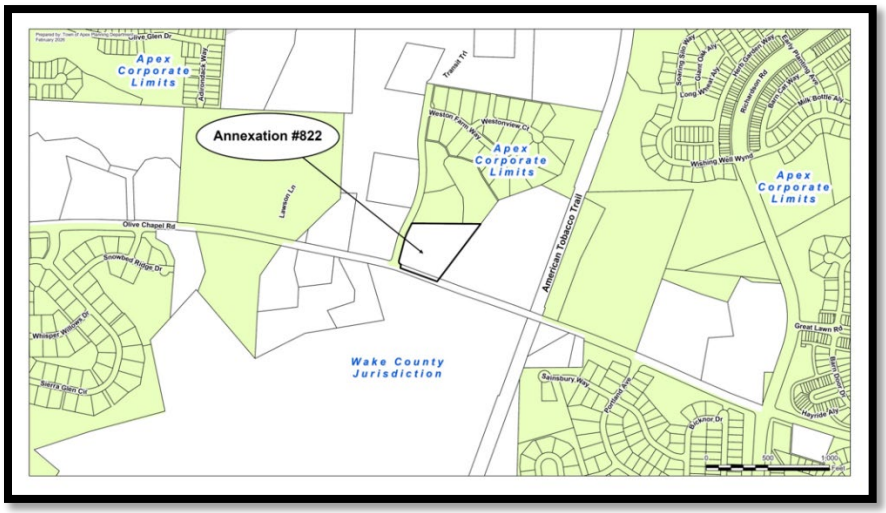


[SLIDE NO. 3]

[SLIDE NO. 4]



[SLIDE NO. 5]

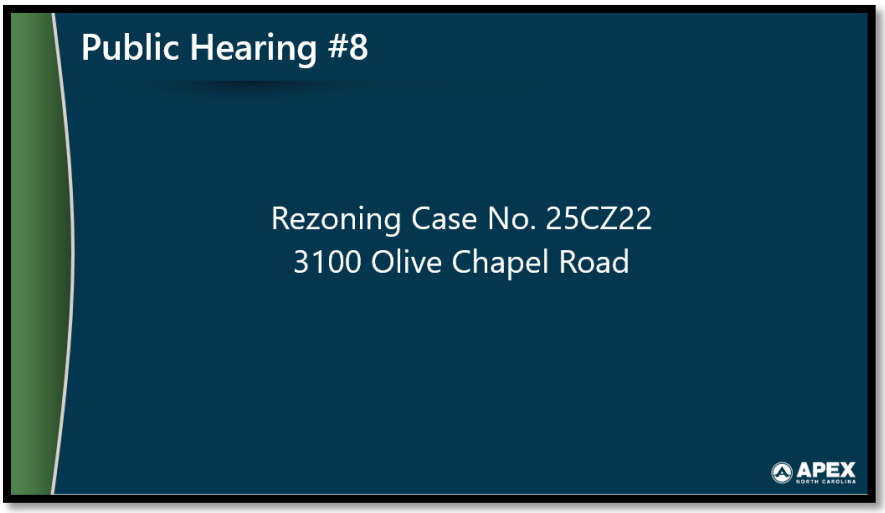


AND

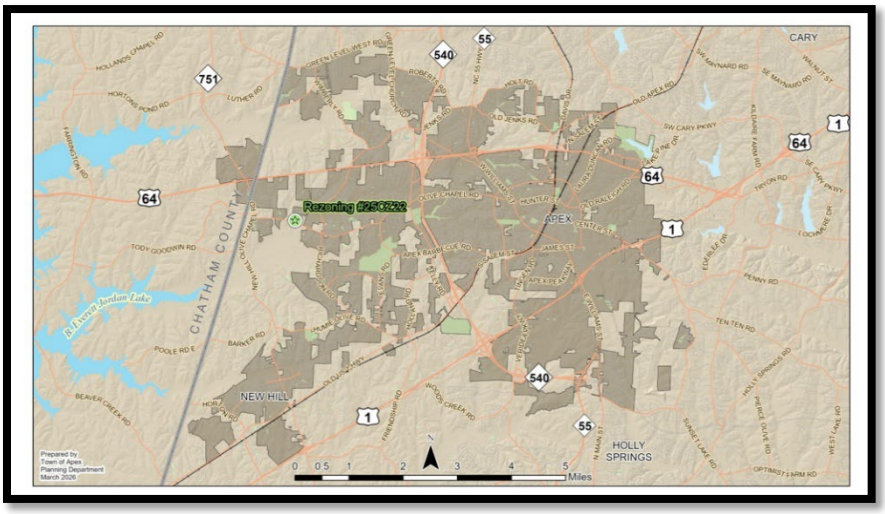
PH8 Rezoning Case No. 25CZ11 – 25CZ22 – 3100 Olive Chapel Road *(ORD-2026-041)*

Senior Planner, Planning Department, June Cowles, gave the following presentation:

[SLIDE NO. 1]

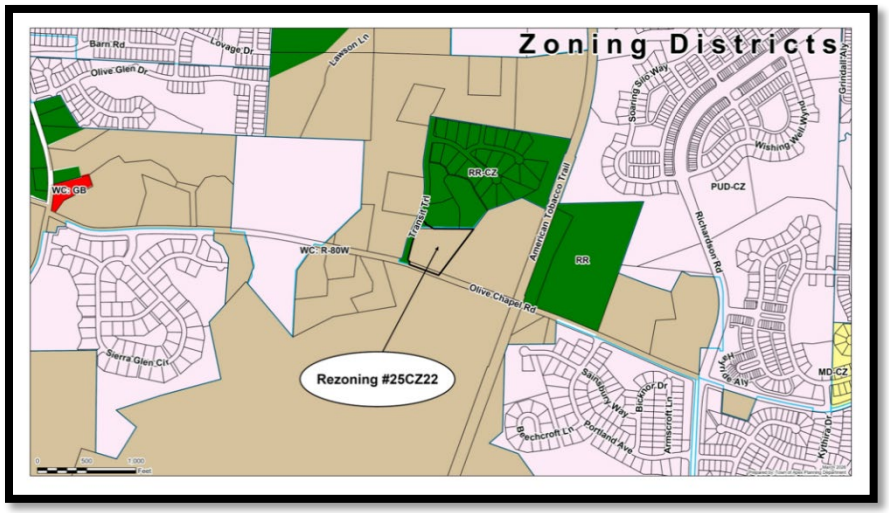


[SLIDE NO. 2]

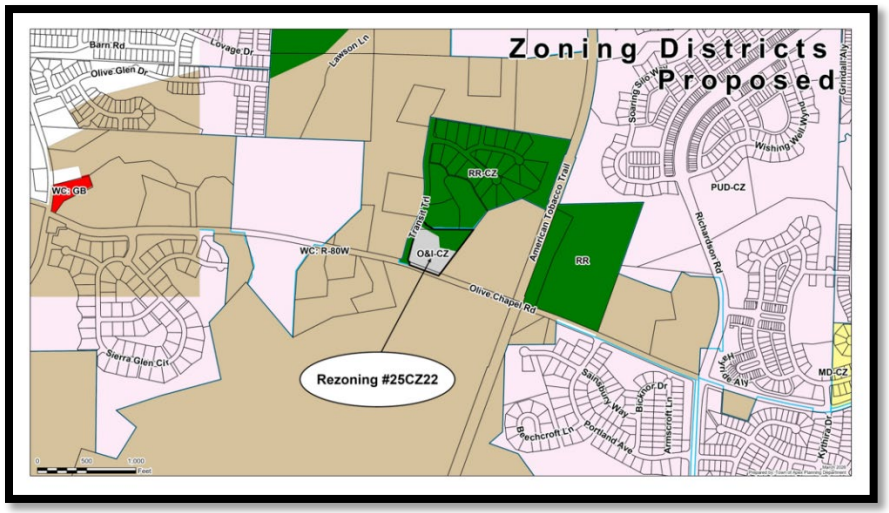


[SLIDE NO. 3]

[SLIDE NO. 4]

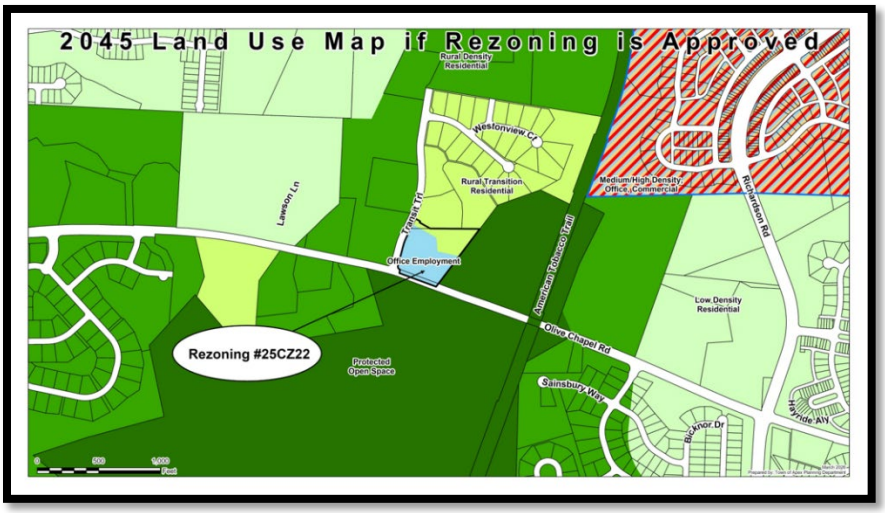


[SLIDE NO. 5]

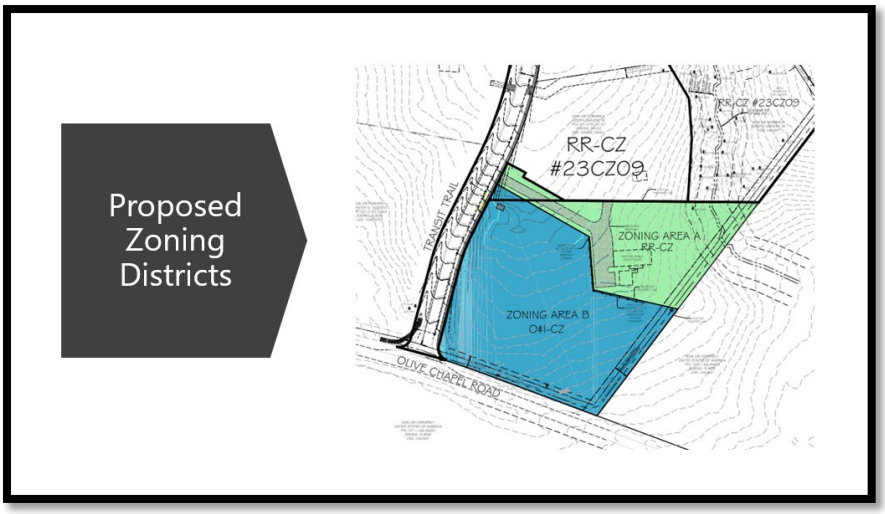


[SLIDE NO. 6]

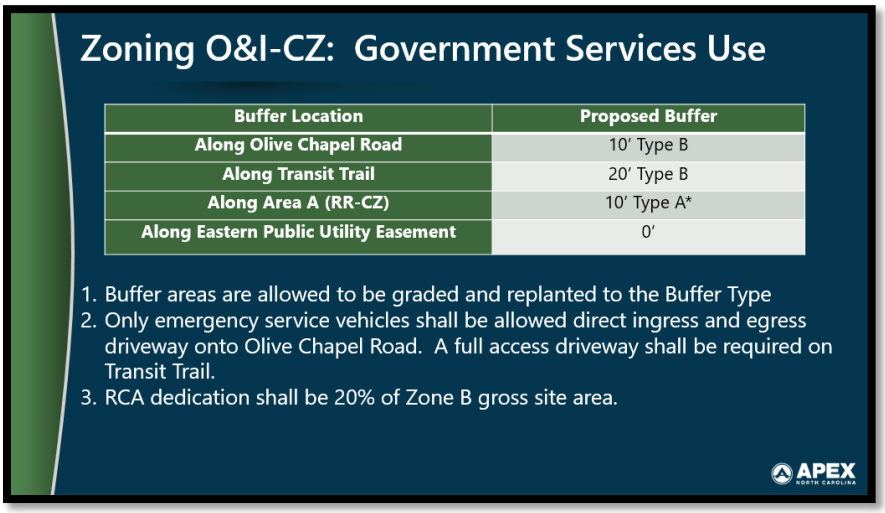
[SLIDE NO. 7]



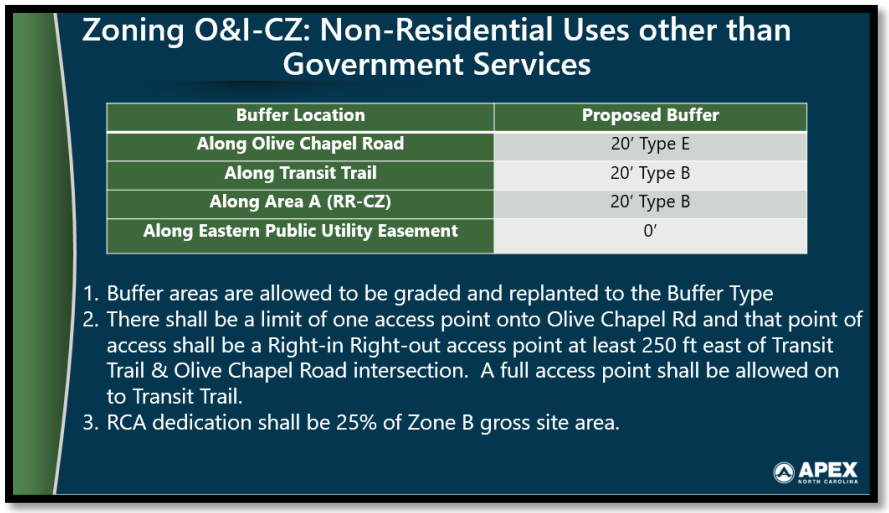
[SLIDE NO. 8]



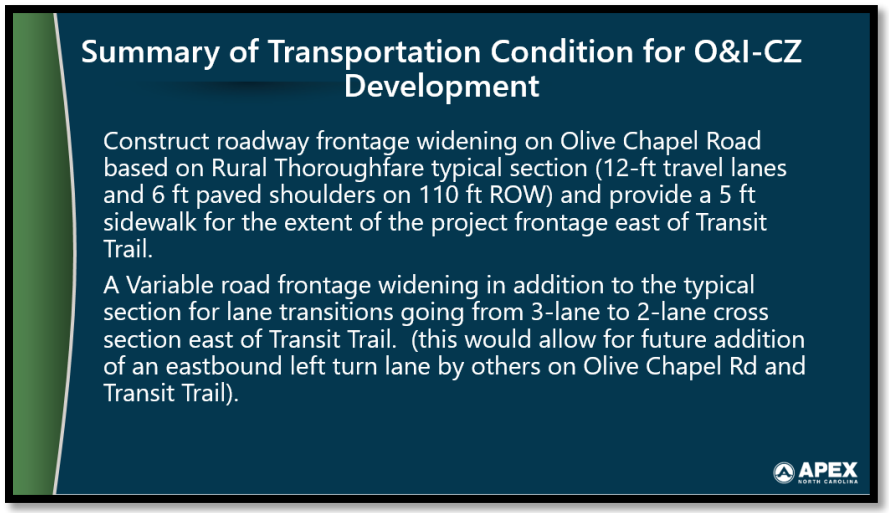
[SLIDE NO. 9]



[SLIDE NO. 10]



[SLIDE NO. 11]



[SLIDE NO. 12]

Ms. Cowles asked if there were any questions. She said the applicant was available for questions.

Mayor Gilbert asked if there were any questions from Council.

Councilmember Zegerman asked why there is a difference between buffer requirements for governmental use and other commercial use.

Ms. Cowles said for this site it was trying to create more area for Office and Industrial uses.

Councilmember Zegerman asked if 10' would make a difference, and seems like a very small buffer size that doesn't materially change the usability.

Ms. Cowles said it would also have an additional 10-foot building setback from the buffer area so it would be 30' versus 20'.

Councilmember Zegerman asked if there was a proposed layout of the fire station.

Director Khin said they did a fit test but not an official submittal.

Councilmember Zegerman asked if the fit test requires the buffer reduction.

Director Khin said that it does require a buffer reduction.

Will Norton with Jones and Cnossen Engineering thanked the staff and all that has worked on this project. He said this was targeted as the next fire station location to serve more of the western area of Apex. He reiterated that this is targeted at government services uses and the other Office and Industrial uses are limited to being more neighborhood oriented for what is to come along Transit Trail. He said this corner location is central to anticipated future development in this corner of town.

Councilmember Gray asked what the plan for the existing structure there and the residents that occupy it.

Mr. Norton said that it will remain there and the current resident who rents the property desired to stay there and based on the need of the fire station, they were able to accommodate that and not have to displace the resident who has been at that location for a while.

Councilmember Gray said essentially that the current resident would remain in place during the initial phase and stated the request was essentially seeking approval to plan for future use of the property after the fire station is constructed.

Mr. Norton said the resident's anticipation is to stay there for a considerable amount of time and he is renting to own from his understanding.

Mayor Gilbert opened public hearing for the above-mentioned item (PH8).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Gray,** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 4.5509 acres, located at 3100 Olive Chapel Road (PIN 0712-90-5851), Annexation No. 822, into the Town Corporate limits
AND
Approve Rezoning Application #25CZ22 3100 Olive Chapel Road and Ordinance – rezoning approximately 4.58 acres from Wake County Residential-80W (R-80W) to Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-CZ) at 3100 Olive Chapel Road & 1911 Transit Trail (portion of).

VOTE: UNANIMOUS (5-0)

Councilmember Zegerman said it was irritating that Council enforces these buffer requirements and then when Apex wants to rezone the property that there is some liberty with the request. He said the reason he is in favor of this project is because it is becoming exceedingly more difficult to acquire the land needed for Apex's Public Safety stations and this was an opportunity that comes up less frequently.

Councilmember Reese said he makes exceptions to the Land Use Map when Apex is looking to institute a new Fire Station.

PH9 Rezoning Case No. 25CZ21 – 2728 Holland Road (Teeter Property)

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded **Councilmember Gray** by to continue Public Hearing 9 – Rezoning Case No. 25CZ21 – 2728 Holland Road (Teeter Property) to the May 28th, 2026 Regular Town Council Meeting

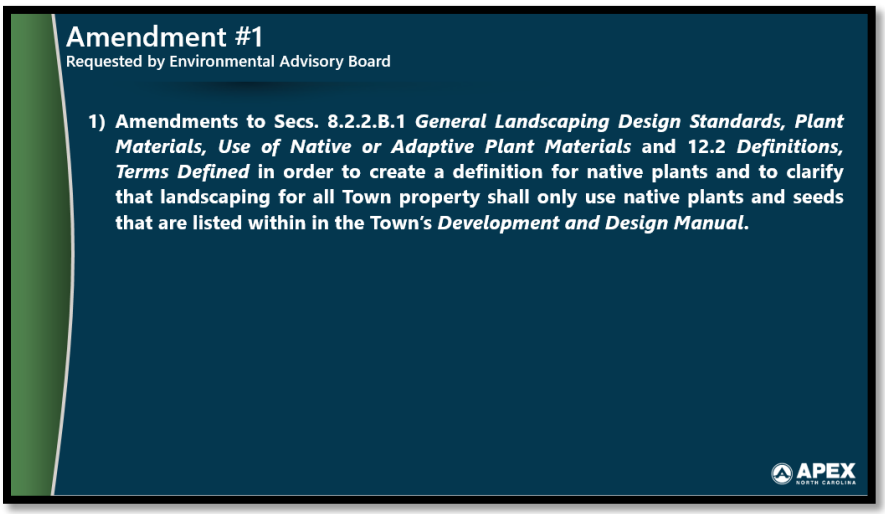
VOTE: UNANIMOUS (5-0)

PH10 Unified Development Ordinance (UDO) Amendments – April 2026 – Part A *(ORD-2026-042)*

Planner III, Planning Department, Bruce Venable said this amendment was requested by the Environmental Advisory Board when they came before Council last year and presented a resolution to institute the use of native species for all Town properties moving forward. He gave the following presentation:

[SLIDE NO. 1]

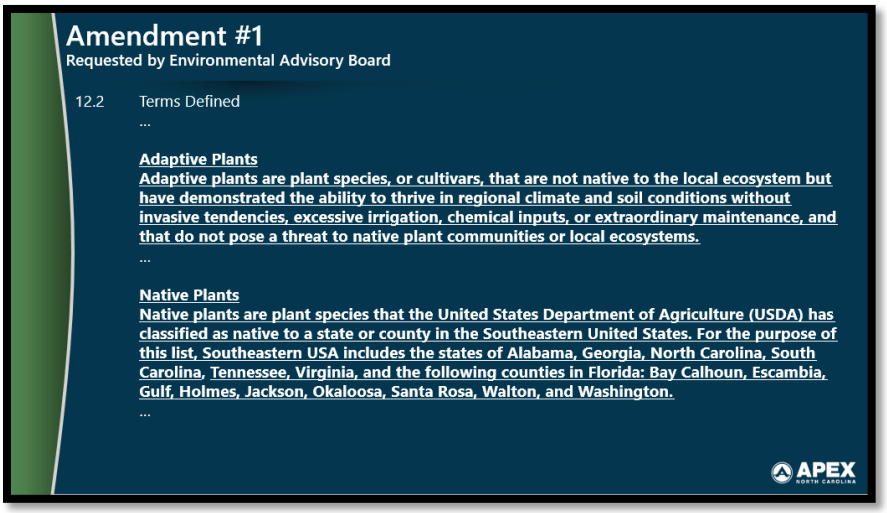
[SLIDE NO. 2]



[SLIDE NO. 3]

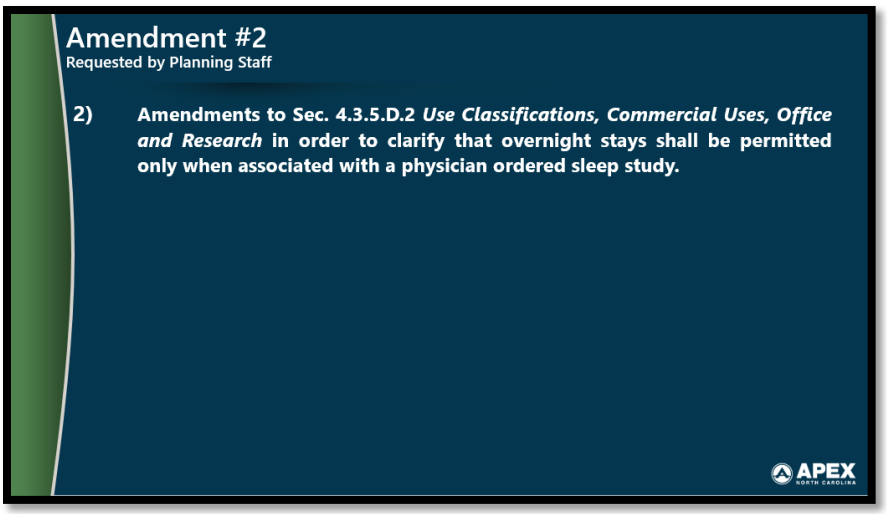
[SLIDE NO. 4]

[SLIDE NO. 5]

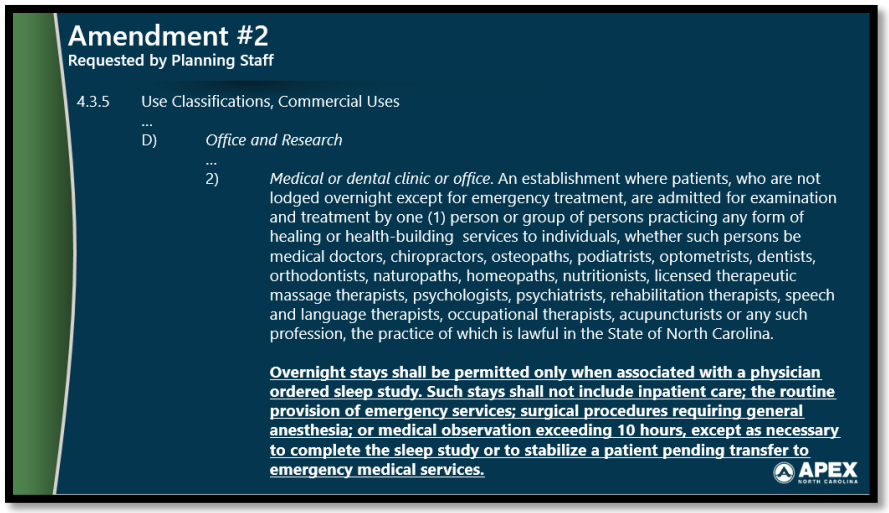


Mr. Venable asked if there were any questions on Amendment #1.

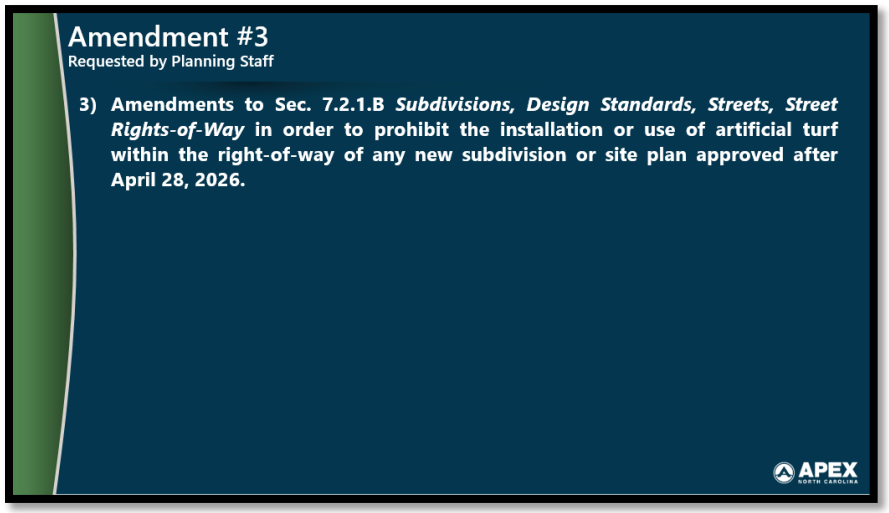
[SLIDE NO. 6]



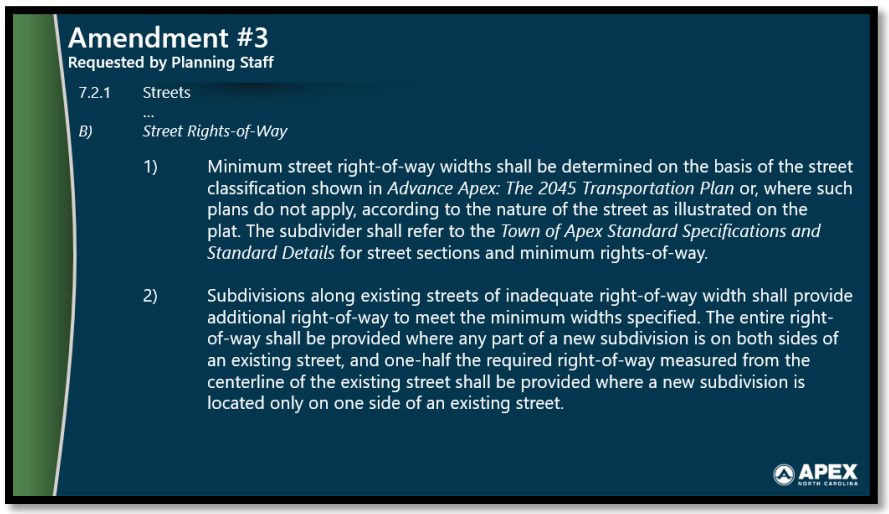
[SLIDE NO. 7]



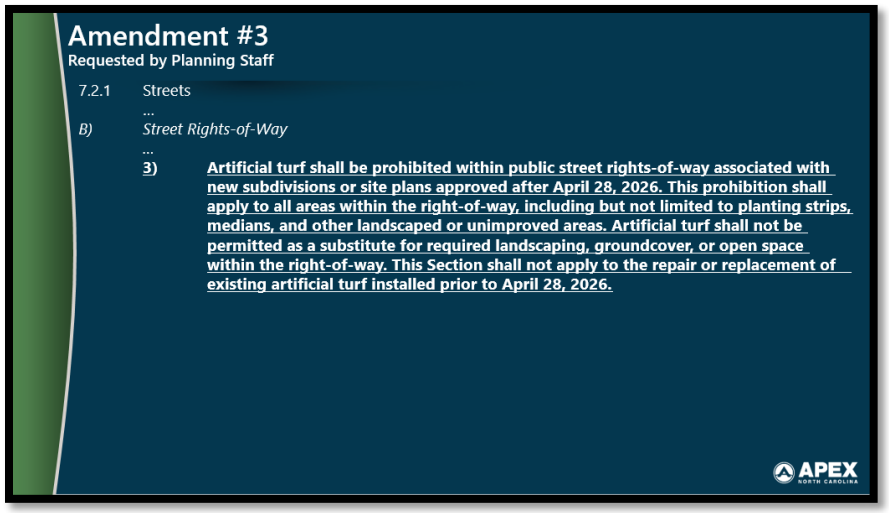
[SLIDE NO. 8]



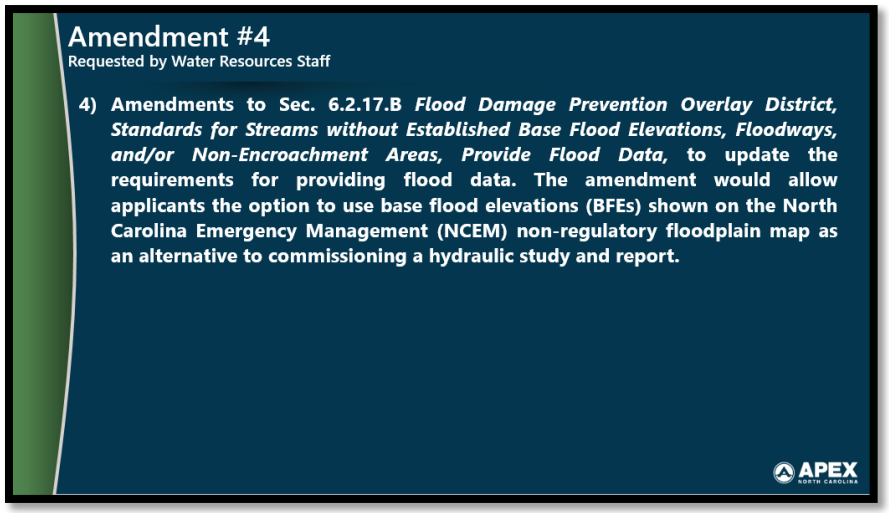
[SLIDE NO. 9]



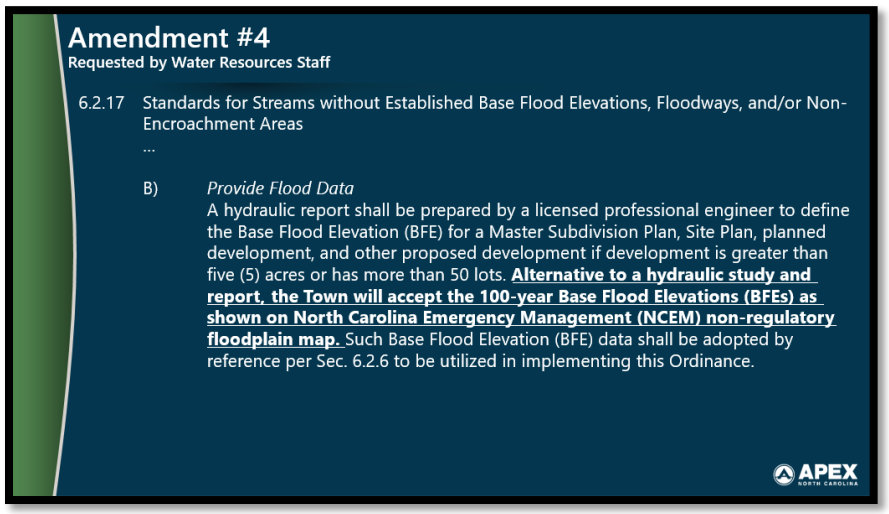
[SLIDE NO. 10]



[SLIDE NO. 11]



[SLIDE NO. 12]



Mr. Venable asked if there were any questions on Amendment #4.

Councilmember Zegerman asked how often the hydraulic studies are updated.

Mr. Venable said that he would have to communicate with Water Resources on how often the map is updated.

Councilmember Zegerman said it sounds like instead of doing or requiring the study, Apex is accepting a previous study conducted by the State.

Mr. Venable said that was correct.

Councilmember Zegerman asked about the age and frequency of updates to State updates with concerns that conditions and water runoff patterns could make older studies outdated.

Mr. Venable said that this item could be tabled for more information.

Councilmember Zegerman said no, he would defer to the expertise of staff.

Mayor Gilbert opened public hearing for the above-mentioned item (PH10).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-Tempore Mahaffey** to approve Unified Develop Ordinance (UDO) Amendments – April 2026 – Part A.

VOTE: UNANIMOUS (5-0)

PH11 Unified Development Ordinance (UDO) Amendments – April 2026 – Part B

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded **Councilmember Gray** by to defer PH11 back to the Planning Board for their Regular Meeting on May 11th, 2026 and continue the item for Council's consideration to the May 28th, 2026 Regular Town Council meeting.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert announced a five minute recess at **9:46** p.m.

Mayor Gilbert called the meeting back in session and reconvened the meeting at **9:53 p.m.**

[REGULAR MEETING AGENDA]

RA1 Annexation No. 805 – Welch Homestead (Associated Rezoning 25CZ10) – *Public Hearing Closed on March 24, 2026 and Item Continued* ***(ORD-2026-044)***

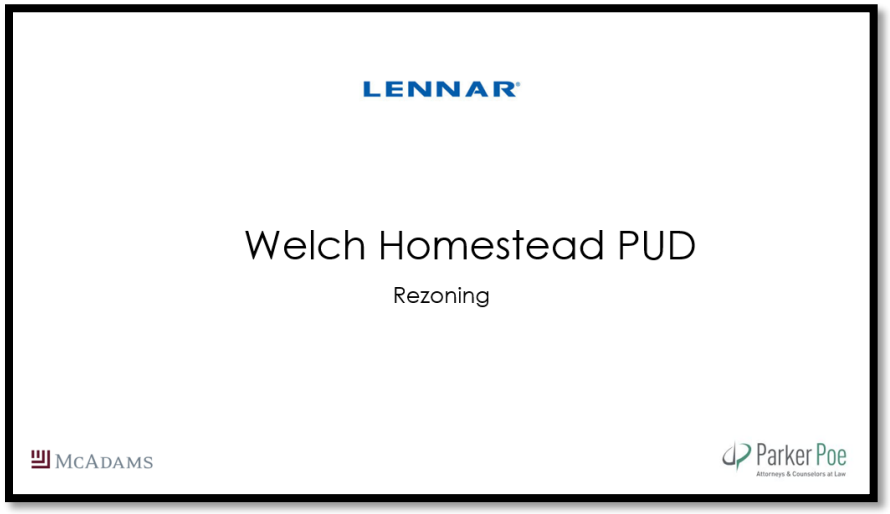
AND

RA2 Rezoning Case No. 25CZ10 – Welch Homestead PUD – *Public Hearing Closed on March 24, 2026 and Item Continued* ***(ORD-2026-045)***

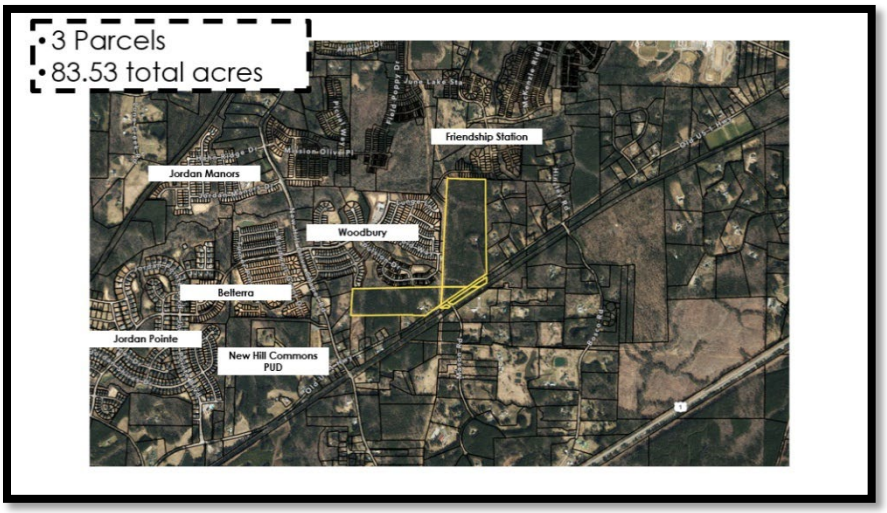
Planner III, Bruce Venable said this item was continued from the Council meeting on March 24, 2026 and the applicant has come back to offer some changes to their proposal.

Matthew Carpenter with Parker Poe on behalf of the developer and applicant, Lennar gave the following presentation:

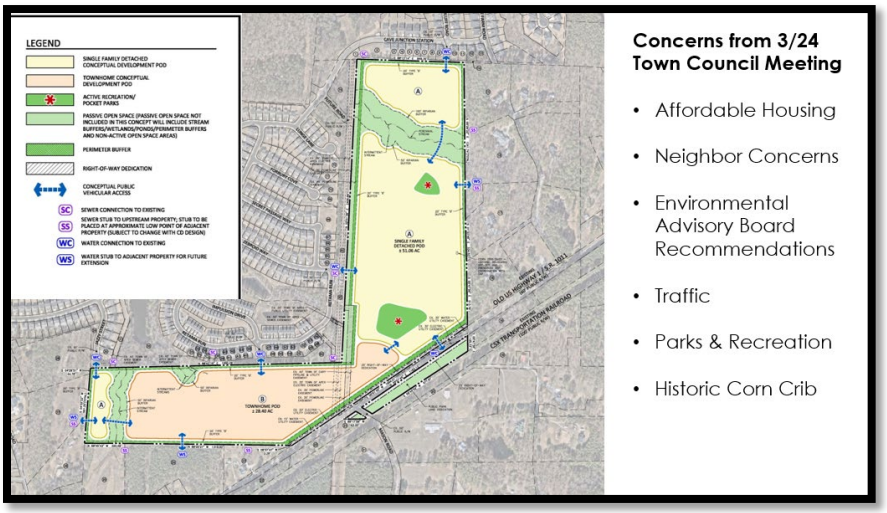
[SLIDE NO. 1]



[SLIDE NO. 2]



[SLIDE NO. 3]



[SLIDE NO. 4]

[SLIDE NO. 5]

Neighbor Concerns

Concern	How Addressed
Density	PUD limits density to 3.3 units/acre, well below 7 units/acre recommended by LUM
Lot sizes	40% of single-family lots are required to be a minimum of 50' in width. All single family detached lots within 150' of single family detached lots recorded in the Woodbury subdivision and Friendship Station subdivision shall be a minimum of 50' in width.
Do not want stub street adjacent to property to east	Stub street removed
Potential restriction of Mason Road access due to median construction	Written confirmation from NCDOT that NCDOT will not restrict access to/from Mason Road
Potential clearing of buffer for street stubs	The public right of way dedication for the stub streets to PINs 0720265065, 0710937592, 0710931641 and 0710940061 shall extend to the shared property line with PINs 0720265065, 0710937592, 0710931641 and 0710940061 (the "Property Line"), but the street shall terminate approximately 25 feet west of the Property Line. Developer shall pay a fee in lieu for the future extension of the stub streets to the Property Line in accordance with the UDO.
Privacy/trespassing concerns along eastern property line	• Planned retaining wall along eastern property line • Specific Type B planting standard in PUD Text • Buffer widened from 15' to 20' • 6' privacy fence along eastern property line

[SLIDE NO. 6]

EAB Recommendations

3/24 Town Council Meeting	Tonight
6/15 recommendations included	13/15 recommendations included

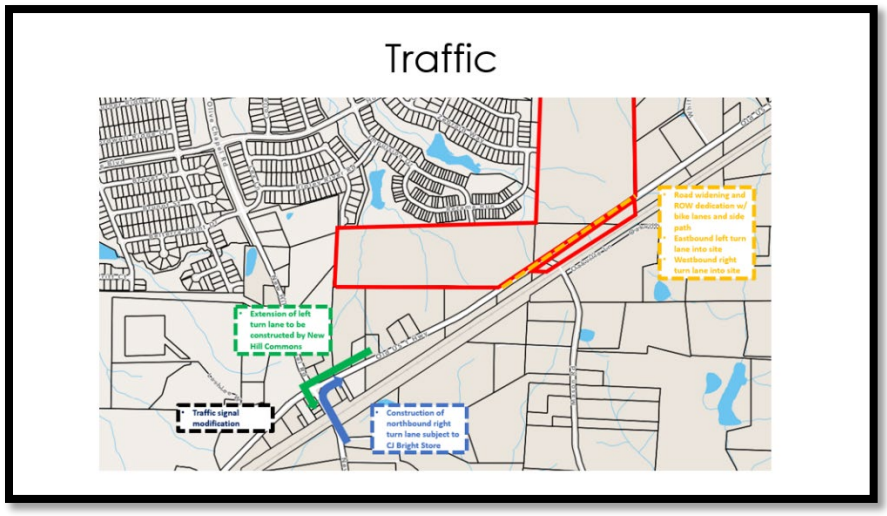
[SLIDE NO. 7]

EAB Suggested Condition	Applicant's Response	Explanation
The project shall install signage adjacent to wooded or natural condition RCA. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. A sign shall be installed every 100 linear feet along the boundary of the RCA, with each sign measuring at least 6 inches by 6 inches and mounted at a height of 4 feet above the ground.	Yes	N/A
If single family, the project shall install at least one (1) pet waste station per 25 residential units/townhomes and at least two (2) pet waste stations per apartment building throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there are fewer than 25 homes, at least one (1) pet waste station shall be installed.	Yes	N/A
Wire all garages with 220-volt outlets at the exterior to provide for EV charging stations in SF and Townhomes.	Yes	N/A
The project shall install conduits for solar energy systems for all residential buildings.	Yes	N/A
The project shall ensure that 75% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review	Yes	N/A
No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.	Yes	N/A
HOA covenants, conditions, and restrictions shall not prohibit clover or native grass mixed species lawns.	Yes	N/A
In order to support nesting and overwintering wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant pants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	Yes	N/A
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths	Yes	N/A
Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the UDO	Yes	N/A
To reduce irrigation requirements, the project shall select and plant only warm season grasses.	Yes	N/A

[SLIDE NO. 8]

EAB Suggested Condition	Applicant's Response	Explanation
A solar PV system of at least 3.5kW shall be installed on at least 10% of homes in the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being used for the development. The lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended from time to time.	Yes, 10% of single-family homes in the development	We have not added a solar commitment for townhomes. Pre-installed solar is difficult on townhomes for several reasons. First, individual townhome roofs have limited usable roof area that reduces production of solar panels. Accordingly, a system would need to cover the entire townhome building (multiple units). Second, although individual roofs are owned by property owners, the roof is managed entirely by the HOA. Panels on the roof make it difficult for the HOA to maintain the roof and create potential liability. Third, because the panels would need to be owned by the HOA (on roofs of multiple townhome units), it's unclear how energy from the panels would be distributed to property owners that have individual electric meters.
The project shall preserve a minimum of 35% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open space.	Yes, 30% of existing tree canopy shall be preserved	Increasing the commitment beyond 30% would likely result in additional lot loss. The property has a Medium Density LUM designation which recommends up to 7 units/acre. The PUD proposes a maximum density of 3.3 units/acre. If the density is reduced further, the PUD will be inconsistent with the LUM designation.
No buffer averaging shall be allowed for Zone 3 of the riparian buffers	No	UDO Section 6.11.F.(1)(c) specifies that Zone 3 shall meet average width requirements. Averaging provides design flexibility – the Zone 3 width can be slightly reduced in tight areas or expanded in other areas. Subdivision plans have not been designed at this time and prohibiting averaging of the Zone 3 buffer could result in losing lots at Master Subdivision. The property has a Medium Density (LUM designation which recommends up to 7 units/acre. The PUD proposes a maximum density of 3.3 units/acre. If the density is reduced further, the PUD will be inconsistent with the LUM designation. Additionally, the UDO already prohibits averaging for Zones 1 and 2 (the most critical riparian buffer zones) and the PUD proposes no changes to riparian buffer regulations.
The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inchesin caliper size or larger, that are removed as part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist. No further clearing shall be conducted for replacement planting if there is insufficient space.	No	Subdivision plans have not been designed at this time. Given RCA (35% of gross site acreage), tree canopy (30% of existing tree canopy), play lawn, and stormwater requirements, the site may not have sufficient land for additional plantings.

[SLIDE NO. 9]



Nate Bowkin, Traffic Engineer with McAdams Engineering gave this part of the presentation.

[SLIDE NO. 10]

Traffic Impact Analysis Overview

Old US 1 + New Hill Holleman Road / New Hill Olive Chapel Road

- Reduction of overall intersection delay in weekday AM and PM peak hours due to Welch Homestead Improvements.
- Welch Homestead improves the intersection to overall LOS D in both peak hours.
- New Hill Commons is required to construct all improvements if not already built

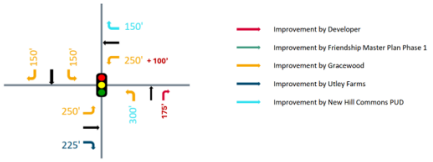


TABLE 1: CAPACITY ANALYSIS SUMMARY OF OLD US 1 + NEW HILL HOLLEMAN ROAD / NEW HILL OLIVE CHAPEL ROAD

Conditions	Approach	Lane Configurations	Weekday AM Peak Hour: LOS and Approach Delay (seconds)	Weekday AM Peak Hour: Overall Delay (seconds)	Weekday PM Peak Hour: LOS and Approach Delay (seconds)	Weekday PM Peak Hour: Overall Delay (seconds)
Existing (2025) (From Original June 2025 TIA)	EB	1 LT-TH-RT	C (23)	B (15)	B (19)	B (18)
	WB	1 LT-TH-RT	C (20)		C (25)	
	NB	1 LT-TH-RT	B (14)		B (15)	
	SB	1 LT-TH-RT	A (10)		A (10)	
No-Build (2029) (From Original June 2025 TIA)	EB	1 LT, 1 TH, 1 RT	E (67)	E (59)	D (48)	E (59)
	WB	1 LT, 1 TH, 1 RT	E (58)		E (61)	
	NB	1 LT, 1 TH-RT	E (62)		E (64)	
	SB	1 LT, 1 TH, 1 RT	D (50)		E (57)	
Build (2029) (From Original June 2025 TIA)	EB	1 LT, 1 TH, 1 RT	E (69)	E (73)	D (50)	E (67)
	WB	1 LT, 1 TH, 1 RT	F (123)		E (73)	
	NB	1 LT, 1 TH-RT	E (68)		E (77)	
	SB	1 LT, 1 TH, 1 RT	D (51)		E (59)	
No-Build (2029) – Without New Hill Commons PUD Improvements (From Original June 2025 TIA)	EB	1 LT, 1 TH, 1 RT	E (65)	E (57)	D (47)	E (65)
	WB	1 LT, 1 TH-RT	E (70)		E (78)	
	NB	1 LT, 1 TH-RT	D (55)		E (69)	
	SB	1 LT, 1 TH, 1 RT	D (44)		E (60)	
Build (2029) – Without New Hill Commons PUD Improvements (From Original June 2025 TIA)	EB	1 LT, 1 TH, 1 RT	E (69)	E (71)	D (48)	E (75)
	WB	1 LT, 1 TH-RT	F (138)		F (84)	
	NB	1 LT, 1 TH-RT	E (57)		F (92)	
	SB	1 LT, 1 TH, 1 RT	D (45)		F (82)	
Build (2029) – Improved	EB	1 LT, 1 TH, 1 RT	D (51)	D (55)	D (48)	D (52)
	WB	1 LT, 1 TH, 1 RT	F (95)		E (61)	
	NB	1 LT, 1 TH, 1 RT	D (43)		D (50)	
	SB	1 LT, 1 TH, 1 RT	D (45)		D (50)	

Background improvements by adjacent developments are shown underlined.
Improvements recommended by the Developer are shown in bold.

[SLIDE NO. 11]

Traffic Impact Analysis Overview

US 1 Southbound Ramps + New Hill Holleman Road

- We maintain LOS C in AM peak hour and LOS D in PM peak hour.
- All improvements being constructed as part of HE -0010 with construction funding in 2027.

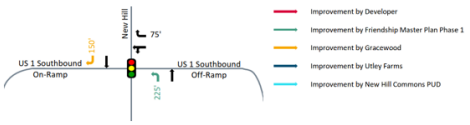


TABLE 6: CAPACITY ANALYSIS SUMMARY OF US 1 SOUTHBOUND RAMPS + NEW HILL HOLLEMAN ROAD

Conditions	Approach	Lane Configurations	Weekday AM Peak Hour: LOS and Approach Delay (seconds)	Weekday AM Peak Hour: Overall Delay (seconds)	Weekday PM Peak Hour: LOS and Approach Delay (seconds)	Weekday PM Peak Hour: Overall Delay (seconds)
Existing (2025)	WB	1 LT-TH, 1 RT	E (66)	B (19)	E (57)	D (36)
	NB	1 LT-TH	A (8)		C (27)	
	SB	1 LT-TH	A (9)		C (32)	
No-Build (2029)	WB	1 LT-TH, 1 RT	E (57)	C (21)	E (64)	D (46)
	NB	1 LT, 1 TH	A (3)		C (29)	
	SB	1 TH, 1 RT	B (19)		D (38)	
Build (2029)	WB	1 LT-TH, 1 RT	E (57)	C (23)	E (63)	D (51)
	NB	1 LT, 1 TH	A (4)		D (38)	
	SB	1 TH, 1 RT	C (21)		D (48)	

Background improvements by adjacent developments are shown underlined.

[SLIDE NO. 12]

Traffic Impact Analysis Overview

US 1 Northbound Ramps + New Hill Holleman Road

- We maintain LOS D in AM peak hour and LOS C in PM peak hour.
- All improvements being constructed as part of HE -0010 with construction funding in 2027.

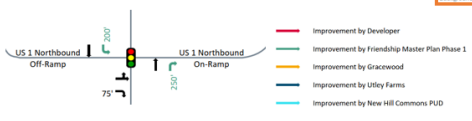
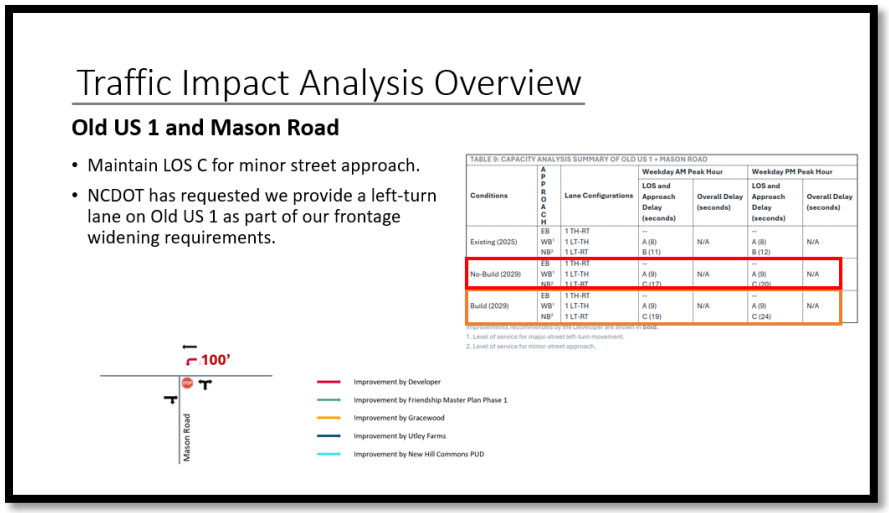


TABLE 5: CAPACITY ANALYSIS SUMMARY OF US 1 NORTHBOUND RAMPS + NEW HILL HOLLEMAN ROAD

Conditions	Approach	Lane Configurations	Weekday AM Peak Hour: LOS and Approach Delay (seconds)	Weekday AM Peak Hour: Overall Delay (seconds)	Weekday PM Peak Hour: LOS and Approach Delay (seconds)	Weekday PM Peak Hour: Overall Delay (seconds)
Existing (2025)	EB	1 LT-TH, 1 RT	E (78)	D (42)	E (65)	C (25)
	NB	1 TH-RT	B (14)		B (11)	
	SB	1 LT-TH	E (78)		C (21)	
No-Build (2029)	EB	1 LT-TH, 1 RT	E (72)	D (43)	E (60)	C (31)
	NB	1 TH, 1 RT	D (42)		C (32)	
	SB	1 LT, 1 TH	C (32)		B (17)	
Build (2029)	EB	1 LT-TH, 1 RT	E (72)	D (46)	E (60)	C (32)
	NB	1 TH, 1 RT	D (46)		C (34)	
	SB	1 LT, 1 TH	C (35)		B (17)	

Background improvements by adjacent developments are shown underlined.

[SLIDE NO. 13]



Mr. Carpenter continued.

[SLIDE NO. 14]

Mayor Pro-Tempore Mahaffey asked if this was the appraisal of this parcel or is it the average selling price of an acre in the area.

Mr. Carpenter said that it would be the market value of the land that's dedicated is the way the UDO reads, and so it would be the market value of Old US1 and the railroad.

Councilmember Zegerman said that the cash value would essentially be $950,000 minus the value of the land

Mr. Carpenter said that was correct.

[SLIDE NO. 15]

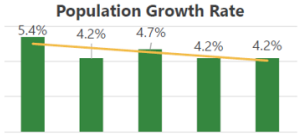
Historic Corn Crib Relocation

The corn crib shall be evaluated for relocation by a licensed house mover or other qualified third-party professional experienced in the relocation of historic structures (the "Relocation Professional"). The Relocation Professional shall be approved by the Town Planning Director prior to engagement. If the Relocation Professional determines relocation of the corn crib is infeasible due to structural or other documented concerns, then this condition shall be deemed satisfied. If the Relocation Professional determines relocation is feasible, the corn crib shall be relocated to an off-site property identified by developer prior to Master Subdivision Final Plat approval. The receiving property shall be approved by the Planning Director for compliance with the UDO and be subject to a recorded historic preservation easement and rehabilitation agreement held by Capital Area Preservation or another qualified preservation easement holder to ensure the long-term preservation and maintenance of the structure. The developer shall be responsible for all costs associated with the relocation, including evaluation, permitting, transportation, stabilization, and reassembly.

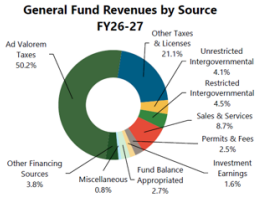
[SLIDE NO. 16]

Property Tax Projections

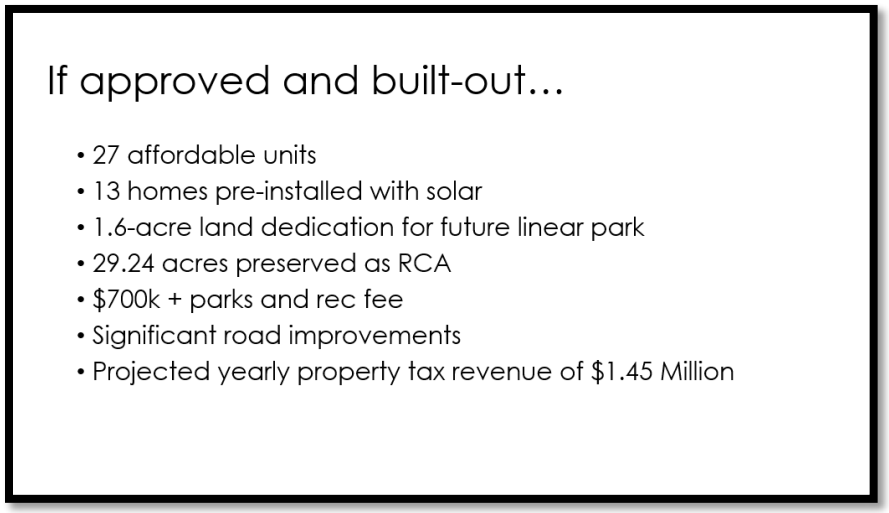
• Proposed Apex 2026-2027 property tax rate:	$0.3914/$100 of valuation
• Proposed Wake County property tax rate:	$0.5171/$100 of valuation
• Maximum total units per PUD:	270
• Proposed single-family (approx.):	130
• Assumed market value of sf home:	$750,000
• Property tax to Apex/sf home:	$2,936
• Property tax to Wake County/sf home:	$3,878
• Proposed townhomes (approx.):	140
• Property tax to Apex/townhome:	$1,761
• Property tax to Wake County/townhome:	$2,327
• Assumed value of townhome:	$450,000
• **Total projected yearly revenue to Apex:**	**$628,220**
• **Total projected yearly revenue to Wake County:**	**$829,920**
• ***Total projected yearly property tax revenue:***	***$1,458,140***



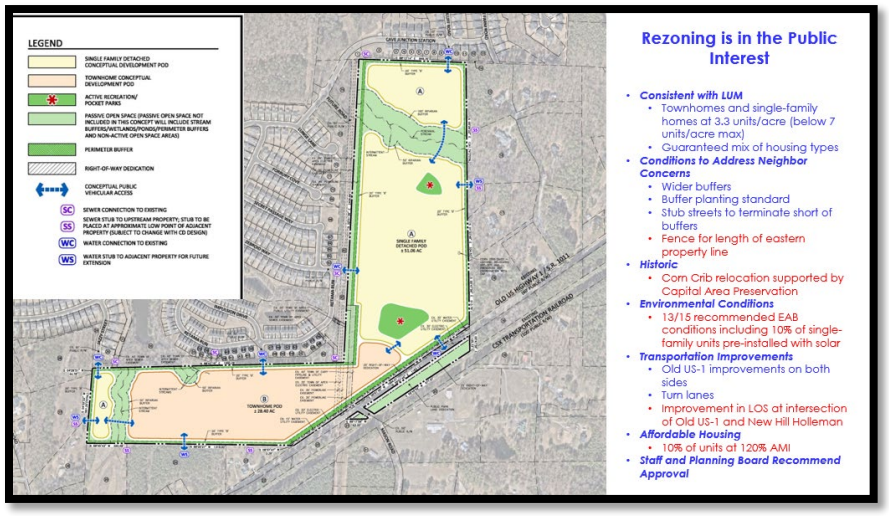
Population Growth Rate from DRAFT 2026-2027 Budget



[SLIDE NO. 17]



[SLIDE NO. 18]



Mr. Carpenter said they appreciated the Council's time and would answer questions.

Councilmember Zegerman asked for clarification on the $700,000+ parks and recreation fees, referring to slide number 17.

Mr. Carpenter said that was an estimate based on what the market value for the 1.6 acres would be. He said the Parks and Rec fee would be offset by the value of the land, which is yet to be fully determined.

Councilmember Zegerman asked why the TIA is more favorable in traffic conditions in this current presentation than the previous presentation.

Mr. Bowkin said that the original TIA did not account for a right-turn lane requested later by NCDOT and when this was added, the updated analysis reflected improved level-of-service results.

Mr. Carpenter said that they submitted the TIA when the rezoning application was filed and then TIA recommended certain improvements which were added to the zoning case. He said when Apex staff reviewed those and gave their recommendations for the applicants to include in the PUD text. Then, DOT asked for a right turn lane on New Hill Holleman Road not recommended by the TIA, but was added in the PUD text as a condition. He said at the March 24th meeting, it was included in the PUD text, but had not been reflected in the TIA. This current TIA is updated to reflect that.

Councilmember Zegerman asked about the feasibility and status of required off-site improvements, including collaboration with other developers and progress on right-of-way acquisition for the turn lane improvements near US 1 and New Hill Holleman Road.

Mr. Bowkin said that they had been looking at improvements conceptually but had not gotten into the full design of the improvements.

Mr. Carpenter said that it is believed the biggest potential issue with the right-of-way acquisition is for the right-turn lane because of a barn which is a historic structure that is right at the road. He said they have reached out to the property owner several times but haven't gotten a response. He said the plan is once the plan is in the Master Subdivision Plan review, then there will be a concrete offer to the property owners to purchase that property. He gave an overview of other projects including New Hill Commons and Gracewood, who are in the same phase of the process or a little farther ahead.

Mayor Pro-Tempore Mahaffey said he appreciated the work that had been done on this project and that most of the issues have been addressed particularly with the EAB conditions, and there was a big impact on quality.

Councilmember Zegerman said the revised plan was appreciated and the work that and commitments that are being made. He said a concern was the southern tract that is slated for either residential or commercial and this lends itself to a neighborhood commercial hub and more of these are needed to address some of the traffic impacts in the area. He said there isn't a lot of commercial land available. He said another concern is still with traffic and the possibility of not being able to acquire the property. He said if they could not secure the land, a fee in lieu would be paid to the town and then the town at some point would be responsible for future construction for the intersection. He said the concern was addressed about the traffic going to the US1 ramps with the NCDOT work that is now included will offset that. He said his last concern was the potential park in the future which is a very small section of the much larger tract, and he wasn't sure it would be large enough to really benefit

the public meaningfully. He said there were projects already ahead of this and didn't see how this would be helping the public.

Councilmember Gray said he appreciates and understands his colleagues' concerns and is appreciative of the concerns that Mr. Carpenter has addressed. He said there has been a lot of give and take on this project. He is excited that the applicant is considering the Parks and Recreation aspects on this and giving a lead way forward on future park goals and living up to the affordable housing plan and many of the EAB conditions that were considered. He said that he supports this project and appreciates the many steps taken by the applicant moving forward.

Councilmember Reese said he agreed with Councilmember Zegerman about the traffic concerns, and hopes that Apex can be proactive to lend building trust and addressing real issues for residents. He said this project is in a lot better place than when it came to the meeting in March as far as adhering to the conditions and affordable housing. He is in support.

A **motion** was made by **Councilmember Gray** and seconded by **Mayor Pro-Tempore Mahaffey** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 83.53 acres, located at 3204 Old US 1 Highway (PIN 0720-15-8891), 3216 Old US 1 Highway (PIN 0720-14-4298), and 3312 Old US 1 Highway (PIN 0720-04-6146), and Associated Right-of-Way (ROW), Annexation No. 805, into the Town Corporate limits.
AND
Approve Rezoning Case No. 25CZ10 Welch Homestead PUD-CZ and Ordinance - rezone approximately 83.53 acres from Wake County Residential-40 Watershed (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ) at 3204, 3216 & 3312 Old US 1, with the proposed additional conditions

VOTE: UNANIMOUS (5-0)

RA3 PROPOSED TO MOVE FROM CONSENT - Memorandum of Understanding (MOU) between North Carolina Children's Health Inc. Expectations for Establishment and Support of Healthcare Programs and Services *(CONT-2026-049)*

Mayor Gilbert asked Town Manager Vosburg to start off the discussion for this item.

Town Manager Vosburg said that there has been a great partnership so far with NC Children's Hospital and they are an entity that is committed to the long-term presence in Apex which lays the foundation for what is at the forefront of this MOU. He said that this MOU is a formalization of the discussions into a Memorandum of Understanding and then there will be an additional agreement after this MOU is adopted that will follow at a subsequent meeting with additional details. He said that the proposed MOU remained consistent with the original framework previously presented to Council, including the overall $13 million commitment composed of $8 million over 20 years and approximately $5 million in fee waivers. He said revisions to the agreement resulted from changes identified during discussions with NC Children's and the State, including clarification that the state would retain ownership of the property, meaning the Town of Apex would not conduct facility inspections as initially anticipated and concerns regarding the timing and budgeting of fee reimbursements, which could have created large short-term financial obligations for the town and to address this, the town and NC Children's agreed to consolidate the commitments into a single amortized 20-year schedule with an annual commitment of approximately $650,000 to provide greater budget predictability. He also explained that certain staffing positions related to the project and the broader basin area had already been approved and allocated. He said it also references utility infrastructure investments reflecting broader capital improvement projects serving the entire basin and were not solely attributable to the hospital project. He said there was long-term community benefit of having a state-of-the-art children's hospital located in Apex, with improved access to pediatric care for residents and the project's long-term regional significance with spin off projects was a benefit to residents. He invited Director Helms to come up with additional comments.

Director of the Economic Development, Joanna Helms, gave an overview of the projected economic impact of the NC Children's Hospital project, describing it as a transformative development with long-term positive and sustainable impact for Apex and the region. She said the 230-acre campus that would be anchored by a 500-bed pediatric hospital, behavioral health center, medical offices, and related facilities, and would become the second-largest freestanding children's hospital in the United States upon completion. She said the project represents an estimated $3 billion investment and is expected to generate approximately 3,000 construction jobs during buildout and approximately 5,000 permanent jobs across the campus. She referenced remarks made at the press conference by North Carolina Secretary of Commerce Lee Lilley at the July 10, 2025 announcement event, noting projections of at least 8,000 direct jobs and approximately 18,000 indirect jobs associated with the

project over time. She said the proposed Town investment was justified based on the anticipated return, including economic growth, ancillary benefits, long-term employment opportunities, and the recession-resistant nature of the medical industry.

Councilmember Zegerman said that the transformative nature of a hospital is very visible and compared it to Cleveland where the Cleveland Clinic is located and how it is prospering. He said that there have been comments from the public about why Apex would be investing in a project from Duke Health and UNC who have large endowments, but the $13 million is not a large amount for the return to the Town.

Mayor Pro-Tempore Mahaffey said that residents should know that this is not the first time that Council has seen this agreement, there have been a lot of conversations between staff and Council and now it is the time that it is coming out for approval. He said that Council is a big supporter of the project and Apex has committed to the project.

Councilmember Gray said that this project has been a topic of conversation for about a year and the MOU is the memorialization and next step in the process, and everyone gets to see the terms with the MOU. He said the MOU is an explanation and a roadmap for how the town is going to be involved in the various aspects of how this entire enterprise is going to work. He said he appreciates Town Manager Vosburg moving this from consent but didn't think it was necessary because Council has given the go to move forward with this. He said the MOU will help explain a lot about what happens next and the process is open with more contracts coming and more conversations taking place, and everyone gets to see the starting point. He said this is the few times that Apex is seeing public and private cooperation at this level, and it's a beautiful thing and for a beautiful purpose. He said he is in support of this.

Councilmember Reese said this is an easy vote and agreed it wasn't necessary to pull from Consent but appreciated it just for the opportunity to educate a little bit and talk about what this means. He said from the taxpayer's perspective, this is the deal of the decade if not more. He said other towns and cities would have loved this because every dollar being invested will pay out so much more in the future. He also reiterated what was said about Secretary Lilly in regard of the real economic impacts going beyond the direct, and said this hospital was perfect for Apex. He thanked staff for all the hard work.

Councilmember Mu thanked Director Helms and the Economic Development team, as well as Town Manager Vosburg. She said the Children's Hospital was approved during her campaign and recalled how excited she was. She said the 8,000 direct jobs and 18,000 indirect jobs that this project brings to Apex will impact 50 or 100 years to the residents of Apex. She said the $13 million agreed by Apex to invest is worth it for the many long-term benefits.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Mu** to approve the Memorandum of Understanding (MOU) between North Carolina Children's Health Inc. and the Town of Apex regarding Expectations for Establishment and Support of Healthcare Programs and Services.

VOTE: UNANIMOUS (5-0)

Town Manager Vosburg thanked legal staff for the work that went into this MOU.

Mayor Pro-Tempore Mahaffey said that the rules require adjournment at 11:00 p.m.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to adjust the time to adjourn the meeting to 11:30 p.m.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray,** to enter into closed session pursuant to NCGS §143-318.11(a)(6), NCGS §143-318.11(a)(3), and NCGS §143-318.11(a)(1).

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **10:57 p.m.**

CS1 Karmen McGee, Human Resources Director
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."

CS2 Laurie Hohe, Town Attorney
NCGS §143-318.11(a)(3):
"To consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege between the attorney and the public body".

CS3 Allen Coleman, Town Clerk
NCGS §143-318.11(a)(1):
"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

CS4 Laurie Hohe, Town Attorney
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."

Council returned from closed session at **11:29 p.m.**

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to approve a resolution concerning authorizing the execution of opioid settlement agreements with six remaining defendants ***(REF: RES-2026-043)***.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

With no further business before the Town Council, **Mayor Gilbert** adjourned the meeting at **11:30 p.m.**

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council
Submitted for approval by Town Clerk Allen Coleman and approved on _____.

S | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 28, 2026

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

Motion to amend the Planned Unit Development (PUD) text associated with ORD-2024-008, approved on February 13, 2024, for Rezoning Case No. 23CZ14 – Salem Street Townhomes PUD, to correct and reconcile the discrepancy between the rear setback requirements identified in the PUD text and the approved site layout sheet.

Approval Recommended?

Planning Staff recommends approval.

Item Details

Rezoning Application No. 23CZ14 was approved at the February 13, 2024 Town Council meeting.

Attachments

- CN5-A1: Attachment A: Salem Street Townhomes PUD Amendment Letter
- CN5-A2: ORD-2024-008 - Statement of the Town Council and Ordinance to Amend the Official Zoning District Map - #23CZ14 Salem Street Townhomes PUD – Approved on February 13, 2024

COLEY GROUP
RESIDENTIAL OF COMPASS

May 7, 2026

Town of Apex Planning Department
322 N. Mason Street
Apex, NC 27502

RE: Salem Street Townhomes PUD Amendment

To Whom it May Concern,

This letter is to inform you of a proposed PUD Amendment to resolve a discrepancy of building setbacks. Per our review of the approved PUD #23CZ14 we identified a discrepancy between the rear setback in the PUD Text and the rear setback shown on the accompanying site layout sheet. To resolve this discrepancy, we propose replacing the 15' rear setback in Section 6 of the PUD Text to "Variable", matching the rear setbacks as shown on Sheet C200 of the approved PUD as set forth in **Exhibit A** and **Exhibit B**. We appreciate your attention to this matter.

Sincerely,

Scott Moore
Land Acquisitions & Entitlement
The Coley Group

Exhibit A

Salem Street Townhomes PUD Amendment

Revision to Section 6 of #23CZ14

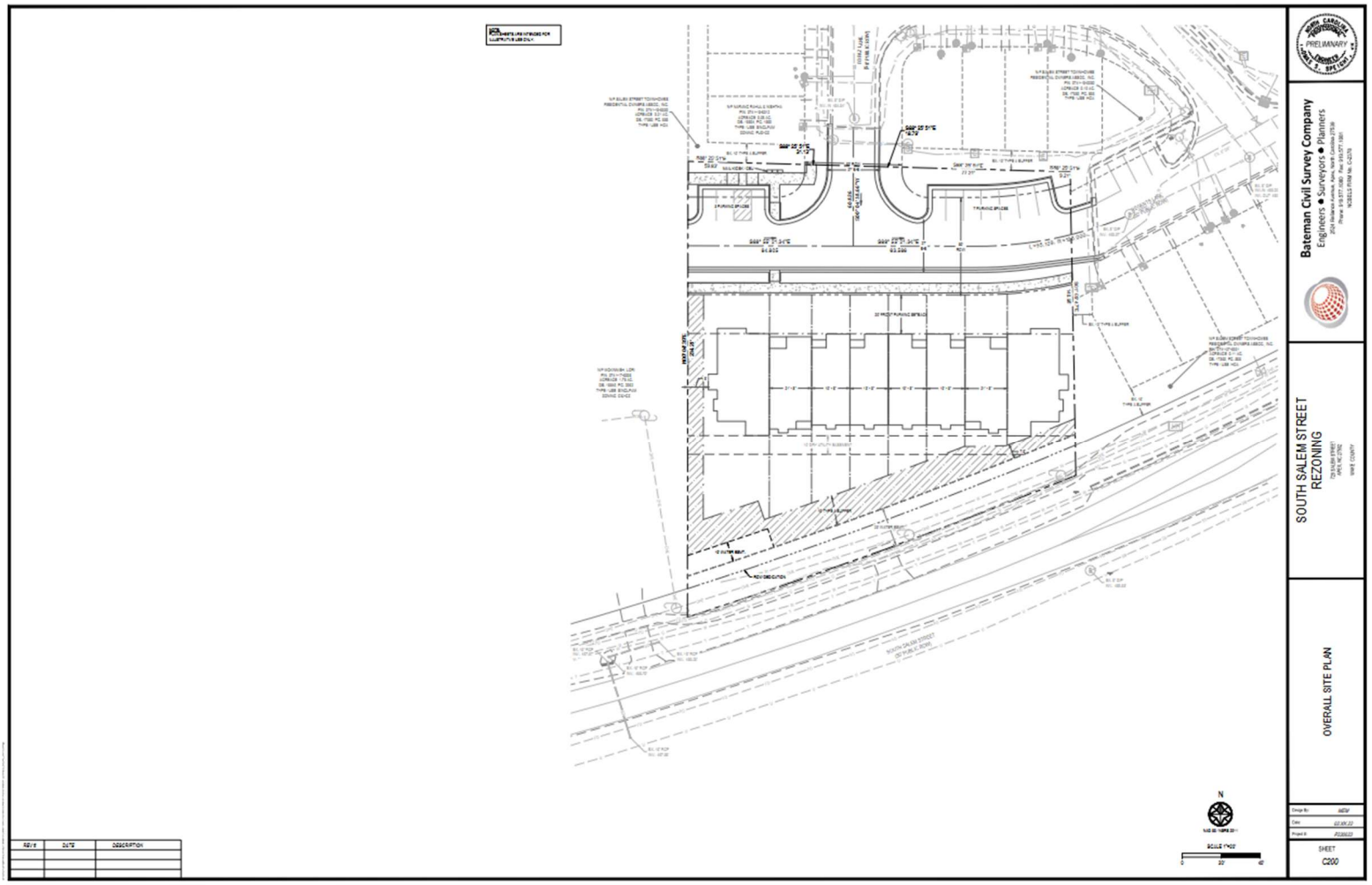
6. Proposed Design Controls

a. Maximum Square Footage per Non-Residential Use: 0 SF
b. Max Densities per Residential Use: 10 DU/Acre
c. Lot Sizes for Residential Use: 1,618 SF to 3,779 SF
d. Maximum Height of Buildings: Max height is 37' from FFE. Number of stories varies from 1.5 to 2.5 stories.
e. Front, side, and rear setbacks: 15', 0', ~~**15'**~~ **Variable**
f. Amount and Percentage of Built Upon Area Allowed: 0.68 Ac., 65%
g. Amount and Percentage of Built Upon Area: 0.44 Ac., 42.3%

Exhibit B

Salem Street Townhomes PUD Amendment

Approved PUD- Overall Site Plan Sheet C200



ORD-2024-008

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.04 ACRES LOCATED AT 0, 0, 720 SOUTH SALEM STREET FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#23CZ14

WHEREAS, P&R Properties Group, LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of July 2023 (the "Application"). The proposed conditional zoning is designated #23CZ14;

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 #23CZ14 before the Planning Board on the 8th day of January 2024;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of January 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ14. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #23CZ14;

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 #23CZ14 before the Apex Town Council on the 23rd day of January 2024;

WHEREAS, the Apex Town Council held a public hearing on the 23rd day of January 2024. Liz Loftin, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ14 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/High Density Residential & Office Employment. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will construct extensions of Topaz Lane and Regents Lane, provide a future stub street to the western property line, and will maintain compatibility with adjacent townhome development; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #23CZ14 rezoning the subject tract located at 0 ,0, 720 South Salem Street from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ) Dis[illegible]to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Salem Street Townhome PUD which are imposed as part of this rezoning.

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

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

Motion by Council Member Zegerman

Seconded by Council Member Gantt

With 4 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 13th day of February 2024.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APEX 1873 NORTH CAROLINA

APPROVED AS TO FORM:

Town Attorney

SALEM CREEK OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THOSE THREE PARCELS OF LAND NOW OR FORMERLY OF SALEM STREET TOWNES, LLC (PINS: 0741178829, 0741179910, & 0741179971) AS DESCRIBED IN DEED BOOK 19262 AT PAGE 540 AND IN BOOK OF MAPS 2023 AT PAGE 226 OF THE WAKE COUNTY REGISTER OF DEEDS. LYING IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PARCEL NOW OR FORMERLY OF SALEM STREET TOWNES, LLC (PIN: 0741178829) AS DESCRIBED IN DEED BOOK 19262 AT PAGE 540 AND IN BOOK OF MAPS 2023 AT PAGE 226 OF THE WAKE COUNTY REGISTER OF DEEDS, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N: 718,001.19' AND E: 2,041,782.02'; THENCE, FROM THE POINT OF BEGINNING, S88°25'51"E A DISTANCE OF 59.83 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S88°25'51"E A DISTANCE OF 31.13 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°25'51"E A DISTANCE OF 18.79 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S88°25'51"E A DISTANCE OF 77.21 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S88°25'51"E A DISTANCE OF 9.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S01°05'47"E A DISTANCE OF 140.68 FEET TO A 1/2" IRON PIPE FOUND; THENCE S01°05'57"E A DISTANCE OF 140.68 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S01°05'47"E A DISTANCE OF 21.43 FEET TO A 1" IRON PIPE FOUND; THENCE, S77°55'54"W A DISTANCE OF 12.82 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°04'39"W A DISTANCE OF 105.00 FEET TO A COMPUTED POINT; THENCE, N88°25'51"W A DISTANCE OF 96.00 FEET TO A COMPUTED POINT; THENCE, N00°04'39"E A DISTANCE OF 37.47 FEET TO A COMPUTED POINT ON THE CENTERLINE OF SOUTH SALEM STREET; THENCE, CONTINUING WITH SAID CENTERLINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2,897.00 FEET AND A CHORD OF 96.00 FEET BEARING S71°22'12"W AND AN ARC LENGTH OF 96.00 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N00°04'39"E A DISTANCE OF 30.93 FEET TO A COMPUTED POINT; THENCE, N00°04'39"E A DISTANCE OF 234.77 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 50,369 SQUARE FEET OR 1.16 ACRES, MORE OR LESS.

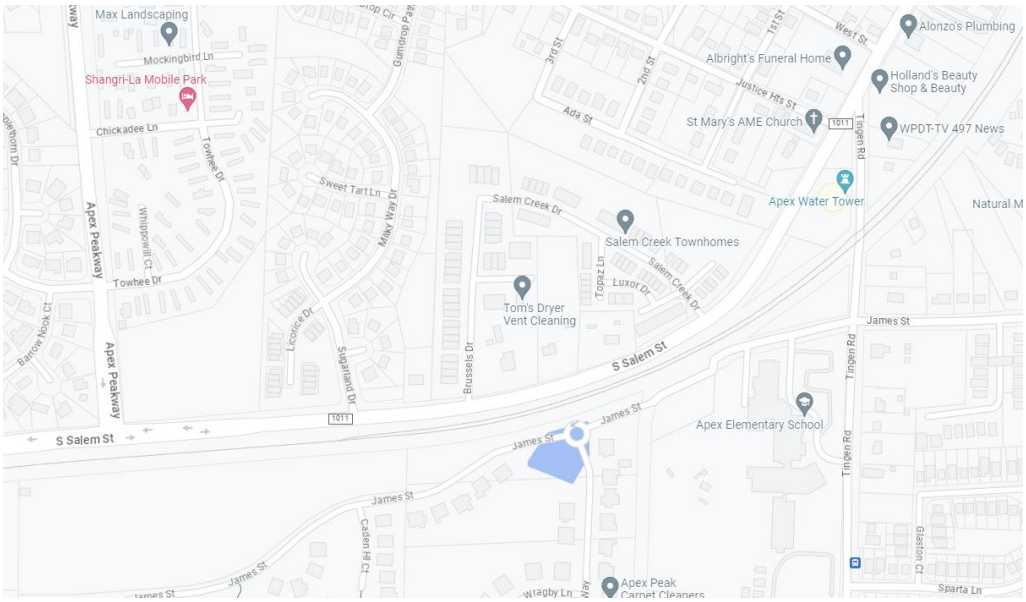
LESS AND EXCEPT THOSE PORTIONS OF THE PROPERTIES LYING WITHIN THE RIGHT OF WAY OF SOUTH SALEM STREET AND THE RIGHT OF WAY OF CSX TRANSPORTATION, INC.

Salem Street Townhomes PD Plan Text

Section 1: Table of Contents-

Vicinity Map
Base Items
Purpose Statement- Planned Unit Development Standards
Purpose Statement- Conditional Zoning Standards
Proposed Design Controls
Proposed Architectural Controls
Parking and Loading
Sign Statement
Natural Resource and Environmental Data
Stormwater Requirements
Projected must be reviewed by Parks, Recreation and Culture Commissions
Public Facilities Requirements
Phasing Plan
Consistency with Land Use Plan
Compliance with relevant portions of the UDO
Building Elevations

Section 2: Vicinity Map



Section 3: Project Data

- Name of Project- Salem Street Townhomes
- Preparer's Information:

  Bateman Civil Survey Company
  Phone: 919-577-1080 Fax: 919-577-1081
  engineering@batemancivilsurvey.com

  Owner's Information:
  P&R Properties Group, LLC
  Kevin Poythress
  Phone: 919-463-5403
  kevin@pccbuilder.com

- Current Zoning Designation: MD, Small Town Character Overlay District
- Proposed Zoning Designation: PUD-CZ, Small Town Character Overlay District
- Current 2045 Land Use Map Designation: Medium/High Density Residential, Office employment
- Area of Tract: 1.04 Acres
- Area designated as mixed use on 2045 LUM: 0.00 Acres
- Area of mixed use property proposed as non-residential development: 0.00 Acres
- Percent of mixed use areas proposed as non-residential development: 0.0%

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

  Residential Uses:
  Townhouse
  Accessory Apartment

  Recreation Uses:
  Recreation facility, private
  Greenway
  Park, active
  Park, passive
  Utility, minor

Section 4: Purpose Statement- Planned Unit Development Standards

The PUD-CZ proposes an 8-unit single townhome building which will serve as an extension of the existing Salem Creek Townhome community. The PUD-CZ shows a roadway pattern that interconnects Regents Lane and Topaz Lane and will provide for a future stub street on the western property line. The PUD-CZ dedicates Right-Of-Way along South Salem Street. The PUD-CZ shall contain parking, open space and buffers as shown on the plan. The proposal shall endeavor to meet all of the Legislative Considerations as detailed in Sec. 2.3.3.F 1-10 of the UDO to the extent practicable.

Section 5: Purpose Statement- Conditional Zoning Standards

The PUD-CZ proposes an 8-unit single townhome building which will serve as an extension of the existing Salem Creek Townhome community. The PUD-CZ shows a roadway pattern that interconnects Regents Lane and Topaz Lane and will provide for a future stub street on the western property line. The PUD-CZ shall contain parking, open space and buffers as shown on the plan. The proposal shall endeavor to meet all of the Legislative Considerations as detailed in Sec. 2.3.3.F 1-10 of the UDO to the extent practicable.

Section 6: Proposed Design Controls

- Maximum Square Footage per Non-Residential Use: 0 SF
- Max Densities per Residential Use: 10 DU/Acre
- Lot Sizes for Residential Use: 1,618 SF to 3,779 SF
- Maximum Height of Buildings: Max height is 37’ from FFE. Number of stories varies from 1.5 to 2.5 stories.
- Front, side, and rear setbacks: 15’, 0’, 15’
- Amount and Percentage of Built Upon Area Allowed: 0.68 Ac., 65%
- Amount and Percentage of Built Upon Area: 0.44 Ac., 42.3%

Section 7: Proposed Architectural Controls

1. Proposed Materials-James Hardie or equal lap siding, James Hardie or equal decorative shake siding, James Hardie or equal soffits, Decorative cultured stone or brick veneer, Miratec or equal corner boards, fascia boards, frieze boards, column and window wraps. CertainTeed Landmark or equal architectural shingles, vinyl single-hung windows, vinyl shutters, decorative wood main entry doors
2. Proposed Structural Materials- Covered main entrances via porches or stoops, main roof overhangs 12”.
3. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trims are permitted.

4. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
5. Garage doors must have windows, decorative details or carriage-style adornments on them.
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 garage cannot protrude more than 1 foot out from the front façade or front porch.
8. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    a. Windows, bay window, recessed window, decorative window, trim around the window, wrap around porch or side porch, two or more building materials, decorative brick/stone, decorative trim, decorative shake, decorative air vents on gable, decorative gable, decorative cornice, column, portico, balcony, dormer
9. Building facades shall have horizontal relief achieved by the use of recesses and projections.
10. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

Section 8: Parking and Loading

Parking calculations are based on Apex UDO Sec. 8.3. The required is 2 spaces/unit plus .25 per unit for guest, therefore requiring 18 spaces. Our development provides 26 spaces. Each unit provides 2 parking spaces. The mail kiosk area provides 3 parking spaces. There are an additional 7 parking spaces to accommodate for guest parking.

Section 9: Signage

All signage will comply with UDO section 8.7.

Section 10: Natural Resource and Environmental Data

- The site is located in a Secondary Watershed Protection Overlay District.
- The site does not contain a FEMA designated 100 year floodplain.
- Gross square footage and percent of RCA required: Exempt by being in a small town character overlay district per UDO 6.3.1.
- Gross square footage and percent of RCA provided: Exempt by being in a small town character overlay district, per UDO 6.3.1.
- The site does not contain a historic structure.

Section 11: Stormwater Management

This site disturbs less than 1.0 acres, therefore no SCM is required for this development.

Section 12: Parks and Recreation

Per Section 14.1.2 Exemptions of the UDO, only a payment of fees-in-lieu shall be required. The fee rate will be $2,705.23 per single-family detached unit paid at the time of plat.

Section 13: Public Facilities

The PD plan for the PUD-CZ demonstrates a safe and adequate on-site transportation circulation system by connecting two existing stub streets and providing for a future stub to the west. The PD Plan demonstrates a safe and adequate on-site system of potable water and wastewater lines which will provide a loop system with the existing community which is integrated into existing off-site potable water and wastewater facilities. Water and sewer infrastructure will be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications at the time of CD. There are adequate off-site facilities to serve the proposal including a potable water supply, sewage disposal, solid waste disposal, electrical supply, and fire protection.

The roads are planned and programmed for the development and the development is conveniently located in relation to schools and police protection services as permitted by the town. The developer will dedicate public right of way along South Salem Street. The developer is not proposing direct access to South Salem Street and is not proposing roadway frontage improvements along South Salem Street. The existing 5-foot sidewalk along South Salem Street shall remain. The developer shall dedicate public right-of-way extending 60 feet northward from the south side edge of asphalt (60 feet north of CSXT right of way) along the entirety of the project limits along South Salem Street. The PD Plan demonstrates compliance with the parks and recreation and open space requirements of Sec. Article 14 & Sec. 7.3.1.

Section 14: Phasing Plan

This project will be constructed in one phase.

Section 15: Compliance with the UDO

The 2045 Apex Land Use Plan shows a future land classification as Medium/High Density Residential which supports townhome use withing the Town Center with a recommended density of 7-14 units per acre. This development plan shows 8 units on 1.04 acres.

Section 16: Compliance with the UDO

Since this property is in the Small-Town Character Overlay District, no buffers are required per UDO Section 6.3.1.D.6. All buffers shown on the plan are being offered but not required. This development has provided a variable type A streetscape to the south along South Salem Street and an 8' planting area to the west.

Section 17: Elevations

Building elevations showing all sides of the structure have been provided in this submittal. The max height is 37' from FFE. The number of stories varies from 1.5 to 2.5 stories.

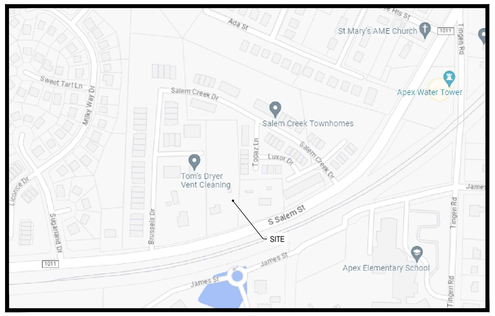
SALEM STREET TOWNHOMES

APEX PUD REZONING
SUBMITTAL 1: 07.03.23
SUBMITTAL 2: 09.08.23
SUBMITTAL 3: 10.06.23
SUBMITTAL 4: 11.08.23
720 S SALEM STREET
APEX, NC 27502

WAKE COUNTY

PRELIMINARY
NORTH CAROLINA PROFESSIONAL ENGINEER THOMAS S. SPEIGHT, JR.

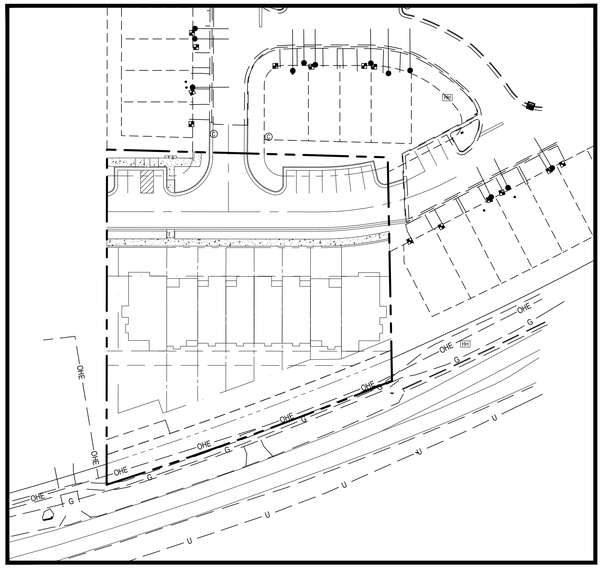
P230023_SALEM_STREET_TOWNHOMES



VICINITY MAP
SCALE: NTS

SITE DATA	
OWNER	SALEM STREET TOWNES, LLC
SITE ADDRESS	720 SALEM STREET APEX, NC 27502
PIN	0741-17-8829, 0741-17-9910, 0741-17-9971
OVERLAY	N/A
EXISTING USE	MEDIUM DENSITY
PROPOSED USE	MEDIUM/HIGH DENSITY RESIDENTIAL
ZONING	PUD-CZ
WATERSHED	SECONDARY PROTECTION OVERLAY DISTRICT
WATERSHED WATER SUPPLY	JORDAN LAKE
RIVER BASIN	CAPE FEAR
FEMA MAP	MAP#3720074100J DATE 05.02.06
TRACT AREA	1.04 AC. (45,302 SF)

DEVELOPMENT TYPE - TOWNHOMES	
PROPOSED USE	MEDIUM/HIGH DENSITY RESIDENTIAL
DENSITY	14 UNITS / AC.
UNITS PROVIDED	8 UNITS
MIN. LOT WIDTH	18'
PROPOSED LOT WIDTH	19' 8"
PROPOSED GROSS SF BY FLOOR AREA	905-1571 SF
PROPOSED HEIGHT AND NUMBER OF STORIES	37', 2 Stories
BUILDING SETBACKS - TOWNHOMES	
PRIMARY STREET	15'
SIDE STREET	0'
REAR LOT LINE	15'
PARKING	
PARKING CALCS.	2 SPACE / UNIT PLUS .25 PER UNIT FOR GUEST
PARKING REQUIRED	18 SPACES
PARKING PROVIDED	26 SPACES



PROJECT PLAN
SCALE: 1" = 500'

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
C000	COVER
C100	EXISTING CONDITIONS
C101	TREE SURVEY
C200	OVERALL SITE PLAN
C400	UTILITY AND STORMWATER PLAN

NOTES:
- THIS PROJECT WILL BE COMPLETED IN ONE PHASE
- THIS PROJECT WILL BE REQUESTING FULL TOWN SERVICES (WATER, SEWER, AND ELECTRIC)
- THE DISTURBED ACREAGE ON THIS PROJECT IS LESS THAN 1 ACRE. THEREFORE, NO SCM IS REQUIRED.

OWNER:
P&R PROPERTIES GROUP, LLC
KEVIN POYTHRESS
1011 CLASSIC ROAD
APEX, NC 27536
P: 919.463.5403

DEVELOPER:
THE COLEY GROUP
CONTACT: SCOTT MOORE
4350 LASSITER AT NORTH HILLS AVE, SUITE 256
RALEIGH, NC 27609
P: 919.526.0401

ENGINEER:
BATEMAN CIVIL SURVEY COMPANY
THOMAS S. SPEIGHT, JR. PE.
2524 RELIANCE AVE.
APEX, NC 27539

Bateman Civil Survey Company
Engineers • Surveyors • Planners
2524 Reliance Avenue, Apex, North Carolina 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

REV #	DATE	DESCRIPTION

KNOW WHAT IS BELOW
CALL BEFORE YOU DIG

Date: xx.xx.23
Project #: P230023
SHEET
C000

p:\2023 projects\230023 salem creek townhomes\ENG\DWG\Sheets\P230023_C000_COVR.dwg

REV #	DATE	DESCRIPTION

NORTH CAROLINA PROFESSIONAL ENGINEER TOMAS S. SPEIGHT
PRELIMINARY

Bateman Civil Survey Company
Engineers ● Surveyors ● Planners
2524 Reliance Avenue, Apex, North Carolina 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

SOUTH SALEM STREET REZONING

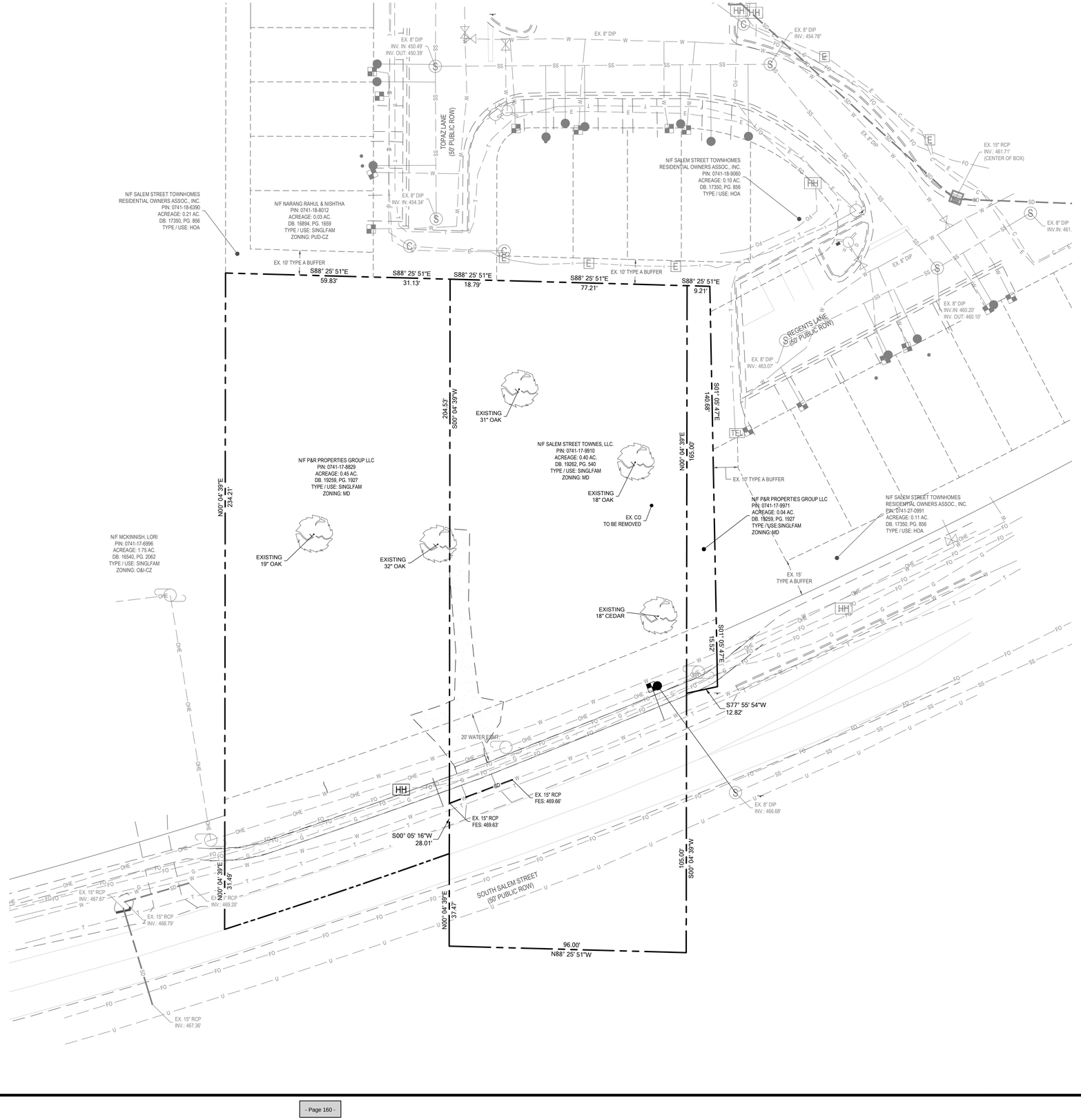
720 SALEM STREET
APEX, NC 27502
WAKE COUNTY

EXISTING CONDITIONS

Design By:	MEM
Date:	02.XX.22
Project #:	P230023

SHEET
C100

p:\2023 projects\230023 salem creek townhomes\ENGR\DWG Sheets\P230023_C100_EXST.dwg



REV #	DATE	DESCRIPTION

NORTH CAROLINA PROFESSIONAL ENGINEER TOMAS S. SPEIGHT

PRELIMINARY

Bateman Civil Survey Company
Engineers ● Surveyors ● Planners
252H Reliance Avenue, Apex, North Carolina 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

SOUTH SALEM STREET REZONING

720 SALEM STREET
APEX, NC 27502
WAKE COUNTY

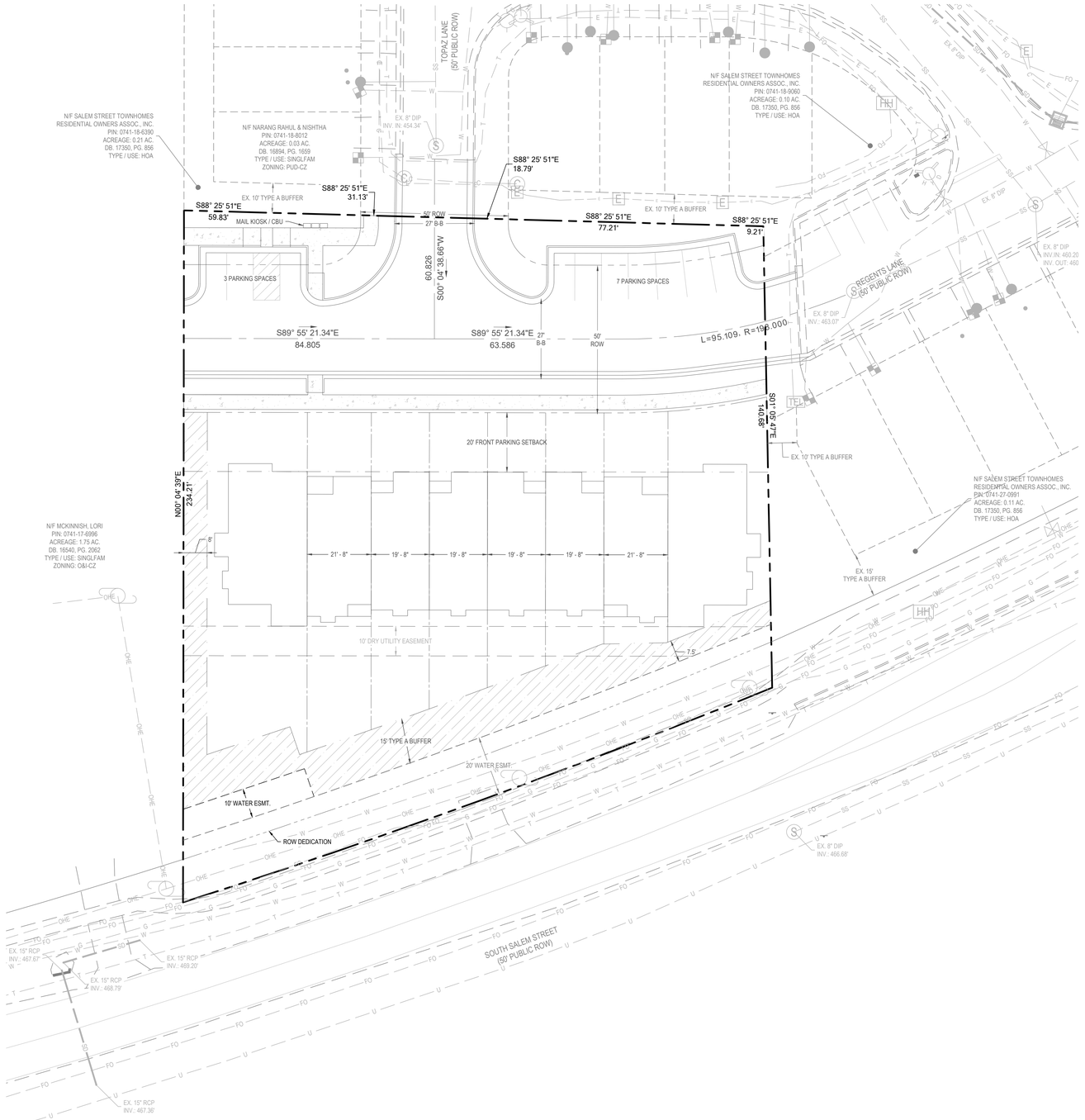
TREE SURVEY

Design By:	MEM
Date:	02.XX.22
Project #:	P230023

SHEET
C101

p:\2023 projects\230023 salem creek townhomes\ENGR\DWG\Sheets\P230023_C100_EXST.dwg

NOTE:
PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



N

NAD 83 / NSRS 2011

SCALE 1"=20'

0 20' 40'

REV #	DATE	DESCRIPTION

p:\2022 projects\230023 dallen creek townhomes\ENGD\WGS\Sheets\P230023_C200_SITE.dwg

NORTH CAROLINA PROFESSIONAL ENGINEER TOMAS S. SPEIGHT
PRELIMINARY

Bateman Civil Survey Company
Engineers ● Surveyors ● Planners
2524 Reliance Avenue, Apex, North Carolina 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

SOUTH SALEM STREET REZONING

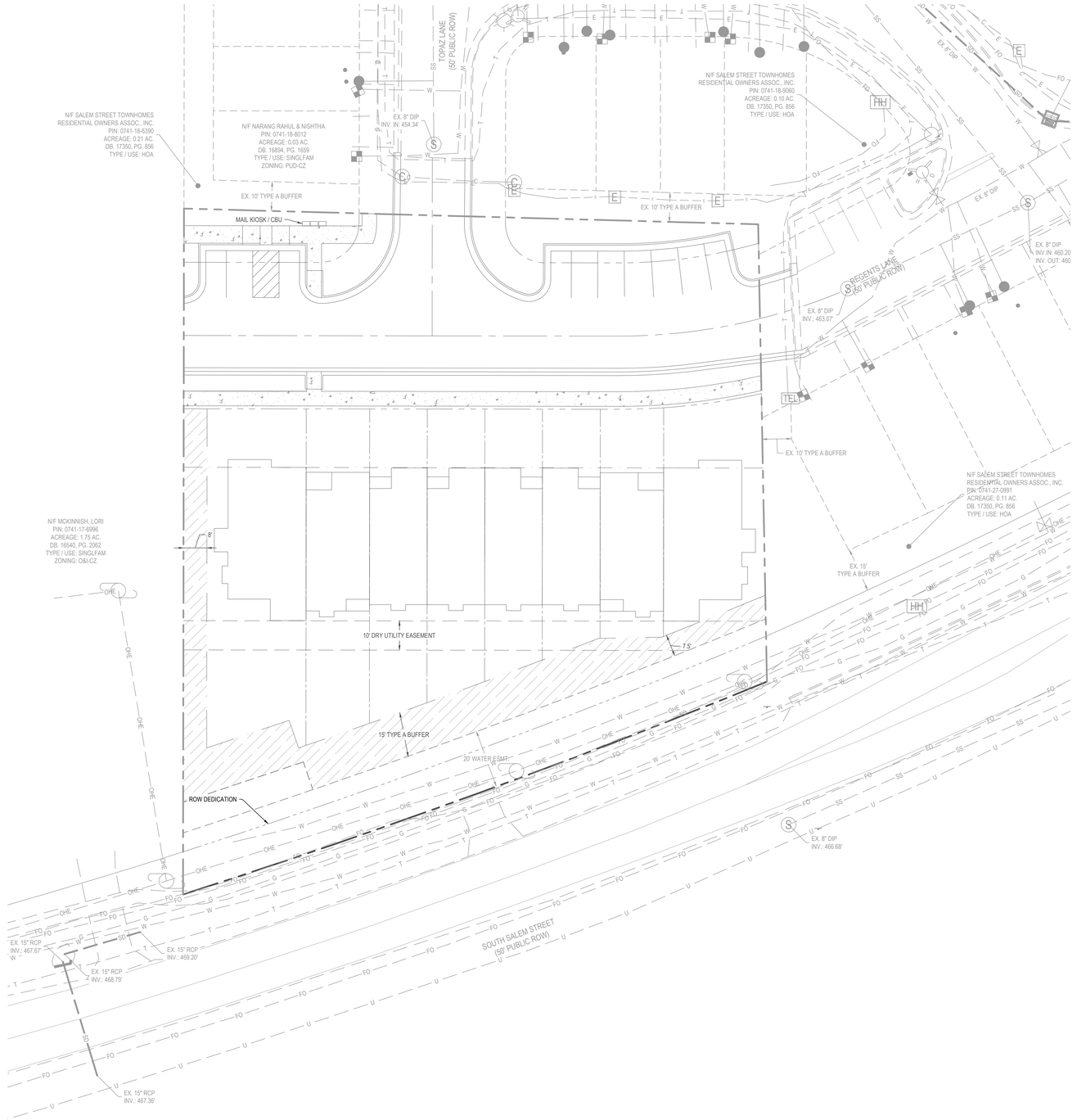
720 SALEM STREET
APEX, NC 27502
WAKE COUNTY

OVERALL SITE PLAN

Design By:	MEM
Date:	02.XX.22
Project #:	P230023

SHEET
C200

NOTE:
PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



N

NAD 83 / NSRS 2011

SCALE 1"=20'

0 20' 40'

REV #	DATE	DESCRIPTION

p:\2023 projects\230023 salem creek townhomes\ENGDWG\Sheets\P230023_CA00_UTIL.dwg

NORTH CAROLINA PROFESSIONAL ENGINEER TOM'S SPEIGHT, JR.

PRELIMINARY

Bateman Civil Survey Company
Engineers ● Surveyors ● Planners
2524 Reliance Avenue, Apex, North Carolina 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

SOUTH SALEM STREET REZONING

720 SALEM STREET
APEX, NC 27502
WAKE COUNTY

UTILITY AND STORMWATER PLAN

Design By:	MEM
Date:	02.XX.22
Project #:	P230023

SHEET
C400

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 28, 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 #25CZ19, Chris Bowley, Lennar Carolinas, LLC, applicant, for the property located at 0 & 7104 Camp Branch Lane (PINs 0731142050 & 0731140691).

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 25CZ19 was approved at the May 12, 2026 Town Council meeting.

Attachments

- CN6-A1: Statement of the Town Council and Ordinance to Amend the Official Zoning District Map - Rezoning Case No. 25CZ19 Camp Branch Lane - Statement and Ordinance
- CN6-A2: Attachment A: Legal Description - Rezoning Case No. 25CZ19 Camp Branch Lane - Statement and Ordinance

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 22.19 ACRES LOCATED AT 0 & 7104 CAMP BRANCH LANE FROM RURAL RESIDENTIAL (RR) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)

#25CZ19

WHEREAS, Chris Bowley, Lennar Carolinas, LLC, applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of November, 2025 (the "Application"). The proposed conditional zoning is designated #25CZ19;

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 #25CZ19 before the Planning Board on the 9th day of March 2026;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of March 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning 25CZ19. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ19;

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 #25CZ19 before the Apex Town Council on the 24th day of March 2026;

WHEREAS, the Apex Town Council held a public hearing on the 24th day of March 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 #25CZ19 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 conditions provided will allow the property to be developed in a manner that is consistent with the residential character of the area and limits the allowable density consistent with subdivisions within 300 feet of the rezoning. The proposed rezoning also includes dedication of right-of-way along the parcel's frontage consistent with the Apex Transportation Plan; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #25CZ19 rezoning on the 12th day of May 2026 for the subject tract located at 0 & 7104 Camp Branch Lane 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."

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
2. Accessory apartment
3. Utility, minor
4. Wireless support structure
5. Greenway
6. Park, active
7. Park, passive
8. Recreation facility, private

Zoning Conditions:

1. There shall be a maximum of fifty-eight (58) residential units on the property.

2. Minimum lot width shall be forty (40) feet.

3. The minimum side setbacks shall be five (5) feet and the minimum combined side setback shall be ten (10) feet.

4. The minimum front setback shall be twenty (20) feet.

5. There shall be a 20-foot Type B buffer and privacy fence along the shared property line with PIN 0731149410 (the "Donnelly Property"). The privacy fence shall have a minimum height of six (6) feet and be located along the west side of the buffer.

6. There shall be a privacy fence with a minimum height of six (6) feet where residential lots are adjacent to the buffer along PIN 0731038661. The privacy fence shall be located along the north side of the buffer.

7. The public right of way for the stub street to the Donnelly Property shall extend to the shared property line with the Donnelly Property (the "Property Line"), but the paved street and curb and

gutter shall terminate approximately 25 feet west of the Property Line. Developer shall pay a fee-in-lieu for the future extension of the stub street in accordance with the UDO.

8. The development shall construct a stub street to PIN 0731038661 in a location determined by developer and coordinated with Town staff during Master Subdivision Plan and Construction Document review.

9. No more than fifty (50) units shall be permitted with one (1) point of access to the public street system. If more than fifty (50) units are developed, the project shall have a minimum of two (2) points of access to the public street system.

10. Subject to Town of Apex and North Carolina Department of Transportation review and approval, Developer shall dedicate public right-of-way for the length of the property's Holland Road frontage, measured 40 feet from the existing centerline of Holland Road, and widen and improve Holland Road for the length of the property's Holland Road frontage based on a 50-foot curb and gutter 3-lane thoroughfare section with an 11-foot turn lane, 11-foot travel lanes, and 6-foot bike lanes, and construct 5-foot sidewalk offset one foot from the right-of-way consistent with the Town of Apex Bicycle and Pedestrian System Plan Map (the "Road Widening"). There are one or more streams on the property and the Road Widening will require approval from the U.S. Army Corps of Engineers and any other applicable governing body (the "Permitting Body") to permit the stream disturbance. If the Permitting Body will not permit the stream disturbance, developer shall pay a fee in lieu for the portion of the Road Widening that cannot be completed including the estimated cost of final design and permitting plus 15% contingency subject to review and approval of an engineer's estimate.

11. A southbound left turn lane shall be provided on Holland Road to serve Camp Branch Lane. In the event the developer is unable to acquire all necessary rights of way and easements for construction of the southbound left turn lane through good faith efforts, and the Town of Apex is unable or unwilling to assist in that acquisition, then the developer shall redesign the road improvements to eliminate the turn lane and pay a fee in lieu in the amount of the estimated cost of acquisition and construction plus 15% contengincy subject to review and approval of an engineer's estimate.

12. The following architectural conditions shall apply to single-family units:

    a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.

    b. Garage doors shall have windows, decorative details, or carriage style adornments.

    c. A varied color palette shall be used on all homes to include a minimum of three color families.

    d. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

    e. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

    f. The garage shall not protrude more than one (1) foot out from the façade or front porch. Living space above a garage shall not be considered part of the front façade.

13. A minimum of five percent (10%) of the total units on the property shall be affordable housing units. The affordable units may be for sale or for rent units, at the election of developer prior to issuance of building permits for the affordable units. Final affordable housing unit floor plan selection which includes unit size and bedroom size will be at the discretion of the developer. If the affordable units calculation results in a fraction between 0.50 and 0.99, the affordable units shall be rounded up to the nearest whole number. If the affordable units calculation results in a fraction between 0.01 and 0.49, the affordable units shall be rounded down to the nearest whole number.

    For sale affordable units (the "For Sale Units") shall be subject to the following terms and conditions:

    - The For Sale Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable median income ownership initial sales price (the "Initial Sales Price").

    - The For Sale Units shall be occupied by households earning no more than one-hundred twenty (120%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI) as most recently published by HUD (the "Income Limit"). For purposes of calculating the Initial Sales Price for the For Sale Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership (the "Housing Costs"). For purposes of the calculation, monthly Housing Costs shall not exceed thirty percent (30%) of the Income Limit divided by twelve (12).

    - A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years (the "Affordability Period") shall be recorded in the Wake County Registry against the For Sale Units concurrently at the close of escrow upon the sale of each For Sale Unit.

    - Following the first sale of the For Sale Units to a buyer for use as a residence, Developer shall not be responsible for managing the For Sale Units or performing marketing, applicant screening, and selection related to future sales of the For Sale Units.

    For rent affordable units (the "Rental Units") shall be subject to the following terms and conditions:

    - The Rental Units shall be occupied by low-income households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, as most recently published by the U.S. Department of Housing and Urban Development (HUD) for a period of thirty (30) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").

    - Prior to issuance of the first Certificate of Occupancy for the Rental Units, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.

    - During the Affordability Period, the property owner shall submit annual compliance reports to the Town to verify compliance with the affordable housing terms and conditions.

- Following expiration of the Affordability Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Rental Units may be freely marketed and leased at market rate rents.

14. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

15. The development shall install at least one pet waste stations per twenty-five (25) residential units residential units in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths. If there are fewer than 25 homes, at least one pet waste station shall be installed.

16. The development shall install one (1) sign per Stormwater Control Measure to reduce pet waste and prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.

17. At least 75% of the landscaping shall be native species which shall provide diverse and abundant pollinator and bird food sources. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.

18. No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.

19. The HOA Declaration of Covenants shall not prohibit clover or native grass mixed species lawns.

20. The HOA Declaration of Covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.

21. A solar PV system of at least 3.5kW shall be installed on at least 10% of single-family homes in the development. Solar installation shall be under construction prior to issuance of 90% of the building permits for the development.

22. Each unit shall have at least one electrical receptacle suitable for electric vehicle charging with minimum voltage of 220V.

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

CAMP BRANCH LANE
PIN: 0731-14-0691
7104 CAMP BRANCH LANE
BUCKHORN TOWNSHIP – WAKE COUNTY – NORTH CAROLINA
LEGAL DESCRIPTION

BEGINNING AT A CALCULATED POINT IN THE RIGHT-OF-WAY OF HOLLAND ROAD/S.R. 1187 VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, SAID POINT HAVING NC GRID NAD83(2011) COORDINATES NORTHING: 714,377.13, EASTING: 2,030,799.10; THENCE NORTH 21°13'52" EAST 0.42 FEET TO A CALCULATED POINT; THENCE NORTH 21°13'52" EAST 48.07 FEET TO A CALCULATED POINT; THENCE NORTH 23°55'12" EAST 106.39 FEET TO A CALCULATED POINT; THENCE NORTH 25°05'30" EAST 108.15 FEET TO A CALCULATED POINT; THENCE NORTH 24°30'05" EAST 355.48 FEET TO A CALCULATED POINT; THENCE NORTH 26°34'29" EAST 39.90 FEET TO A CALCULATED POINT IN THE CENTERLINE OF A BRANCH; THENCE RUNNING WITH THE CENTERLINE OF SAID BRANCH SOUTH 84°03'42" EAST 88.06 FEET TO A CALCULATED POINT; THENCE NORTH 88°12'55" EAST 63.26 FEET TO A CALCULATED POINT; THENCE SOUTH 59°58'11" EAST 39.58 FEET TO A CALCULATED POINT; THENCE NORTH 13°24'29" EAST 26.15 FEET TO A CALCULATED POINT; THENCE SOUTH 76°56'24" EAST 47.71 FEET TO A CALCULATED POINT; THENCE SOUTH 60°22'04" EAST 31.61 FEET TO A CALCULATED POINT; THENCE NORTH 69°21'25" EAST 26.28 FEET TO A CALCULATED POINT; THENCE SOUTH 62°29'41" EAST 42.54 FEET TO A CALCULATED POINT; THENCE NORTH 77°41'47" EAST 65.67 FEET TO A CALCULATED POINT; THENCE NORTH 51°14'07" EAST 41.68 FEET TO A CALCULATED POINT; THENCE NORTH 47°17'20" EAST 29.04 FEET TO A CALCULATED POINT; THENCE NORTH 89°09'59" EAST 19.66 FEET TO A CALCULATED POINT; THENCE SOUTH 61°58'42" EAST 33.59 FEET TO A CALCULATED POINT; THENCE SOUTH 64°33'34" EAST 38.33 FEET TO A CALCULATED POINT; THENCE NORTH 83°54'55" EAST 47.35 FEET TO A CALCULATED POINT; THENCE SOUTH 53°34'16" EAST 24.69 FEET TO A CALCULATED POINT; THENCE SOUTH 86°07'58" EAST 29.54 FEET TO A CALCULATED POINT, SAID POINT BEING THE NORTHEASTERN MOST COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY MYRTLE B. BAKER HEIRS AS RECORDED IN ESTATE FILE 14-E-986 IN THE WAKE COUNTY REGISTER OF DEEDS; THENCE RUNNING WITH THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY MYRTLE B. BAKER HEIRS SOUTH 00°34'58" EAST 266.70 FEET TO AN EXISTING IRON STAKE, SAID IRON STAKE BEING THE NORTHERN MOST COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY TIMOTHY L. DONNELLY AND CYNTHIA O. DONNELLY AS RECORDED IN DEED BOOK 7858, PAGE 100 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS OFFICE; THENCE LEAVING THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY MYRTLE B. BAKER HEIRS AND RUNNING WITH THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY TIMOTHY L. DONNELLEY AND CYNTHIA O. DONNELLY SOUTH 00°24'02" WEST 965.06 FEET TO AN EXISTING SECTION OF RAILROAD TRACK, SAID SECTION OF RAILROAD TRACK BEING THE SOUTHEASTERN MOST COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY BRIAN GREGORY BRILL AND ANTHONY NEAL AS RECORDED IN DEED BOOK 19178, PAGE 2750 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS, AND LANDS NOW OR FORMERLY OWNED BY JAMES R. TRUELOVE AND TINA U. TRUELOVE AS RECORDED IN DEED BOOK 10783, PAGE 947 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS, AND LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE AS RECORDED IN DEED BOOK 16245, PAGE 1513 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS; THENCE LEAVING SAID COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY BRIAN GREGORY BRILL AND ANTHONY NEAL AND RUNNING WITH THE COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE NORTH 88°39'44" WEST 649.86 FEET TO A CALCULATED POINT, SAID CALCULATED POINT BEING THE NORTHEASTERN MOST COMMON CORNER OF SAID LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE AND LANDS NOW OR FORMERLY OWNED BY AMOS A. JONES AS RECORDED IN DEED BOOK 6883, PAGE 579 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1991, PAGE 1133 IN THE WAKE COUNTY REGISTER OF DEEDS OFFICE; THENCE LEAVING SAID COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE AND RUNNING WITH THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY AMOS A. JONES NORTH 15°47'06" EAST 248.05 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 74°41'08" WEST 425.00 FEET TO A CALCULATED POINT IN THE RIGHT-OF-WAY OF HOLLAND ROAD/S.R. 1187

VARIABLE WIDTH PUBLIC RIGHT-OF-WAY; THENCE LEAVING SAID COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY AMOS. A JONES NORTH 15°18'10" EAST 36.11 FEET TO A CALCULATED POINT; THENCE NORTH 17°06'25" EAST 104.11 FEET TO A CALCULATED POINT; THENCE NORTH 20°32'36" EAST 106.98 FEET TO A CALCULATED POINT; THENCE NORTH 21°13'52" EAST 57.58 FEET TO A CALCULATED POINT; WHICH IS THE POINT AND PLACE OF BEGINNING, CONTAINING 966,651 SQUARE FEET OR 22.19 ACRES AND IS THE SAME PARCELS DESCRIBED AS “LOT 1” AND “LOT 2” ON A SURVEY TITLED “CAMP BRANCH LANE ALTA/NSPS LAND TITLE SURVEY” PRODUCED BY THE JOHN R. MCADAMS COMPANY, DATED NOVEMBER 13, 2025.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: TOWN MANAGER'S REPORT

Meeting Date: May 12, 2026

Item Details

Presenter(s): Jon Griffin, Director
Lee Ann Watters, Assurance Director

Department(s): Finance
Cherry Bekaert

Requested Motion

Receive as information the Fiscal Year Ended June 30, 2025 Financial Audit Report from the External Auditors, Cherry Bekaert.

Approval Recommended?

Yes

Item Details

Cherry Bekaert, the Town of Apex's external auditor, has not completed the audit of the Town's financial statements and management letter for the fiscal year from July 1, 2024 through June 30, 2025.

During the meeting, the auditors will share all relevant information concerning the expressed audit opinion, concerns, and recommendations concerning the financial statements of the Town for the fiscal year of 2024-2025.

According to North Carolina General Statute § 159-34, each local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts.

The Town produces its financial statements internally, and all figures, calculations and representations are performed by the Town.
It is the auditor's responsibility to express opinions on these financial statements based on the audit. The Government Auditing Standards require that they plan and perform the audit to obtain reasonable

assurance about whether the financial statements are free from material misstatements. The audit shall evaluate the performance of a unit of local government with regard to compliance with applicable federal and State agency regulations.

The preparation and auditing of this year's financial statements were delayed by the following factors:

- Turnover in the Finance Director and Assistant Finance Director positions between April 2025 and August 2025 delayed or prevented the audit firm from performing interim (mid-year) procedures.
- From September 2025 to date, the Town received 4 additional external reviews of the Town's financial records, which required staff time and effort to prepare and transmit records and respond to inquiries.
- The Federal Government shutdown in October and November 2025 delayed the release of the OMB Compliance Supplement, the baseline document published annually to guide auditor reviews of compliance with federal funding. Apex reports $17,757,103 in federal/state grant funded expenditures in FY 2025, only slightly less than the last 4 fiscal years combined (FY 2021 through FY 2024 $17,921,632).
- FY 2025 required the implementation of GASB 101 (Compensated Absences) that required the Town Finance department to assess and calculate liabilities on employee leave balances with additional accounting complexity (assumptions on flow, likelihood to be settled in cash). Work to comply with GASB 101 was completed in January 2026.
- The Town prepares its Annual Comprehensive Financial Report internally, a time-intensive process that was lengthened by challenges with accounting data conversion and implementation of the Town's new accounting platform.
- Cherry Bekaert received draft versions of the Town's government-wide and basic financial statements (statements of revenues, expenditures and changes in fund balance and balance sheets), notes to the financial statements and statistical tables for audit on March 20th, 2026.

In prior public presentations of the Local Government Commissions' staff, , the most common reasons for audit delay are:

1. Staffing turnover in Finance office leadership positions (director)
2. CPA firm staffing and availability
3. System implementation and data conversion
4. Complexity of new GASB standards

In this case, the Town has experienced items 1, 3 and 4 simultaneously while working to complete the FY2025 financial report

Attachments

- TM1-A1: Fiscal Year 2025 Audit PowerPoint Overview ***(to be provided at the meeting)***
- TM1-A2: Fiscal Year 2025 Audit – Annual Comprehensive Financial Report (ACFR) ***(to be provided at the meeting)***

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: TOWN CLERK'S REPORT

Meeting Date: May 28, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to confirm the following leadership position on the Apex Environmental Advisory Board (EAB) for calendar year 2026:

- Daniel Valle, Chair of the Environmental Advisory Board (EAB) for calendar year 2026, expiring December 31, 2026. Mr. Valle replaces Mr. Mark Schwegel who resigned from the Board effective May 21, 2026.

Approval Recommended?

Yes

Item Details

The Town's Environmental Advisory Board (EAB) was established in 2019. The Environmental Advisory Board (EAB) is responsible for assisting the Town Council in strengthening environmentally responsible practices that protect, promote, and nurture our community and the natural world through advice and program support.

On May 21, 2026 the Environmental Advisory Board (EAB) nominated Daniel Valle and Melissa Ripper for the Chair position. Following a ballot selection process, Daniel Valle received a majority of the votes.

Members of the public can view the nomination and selection process using the following link: https://www.youtube.com/watch?v=kLi714dbPMs – beginning at minute mark 26:49.

In accordance with the Town of Apex Code of Ordinances, Chapter 2, Article IV., Section 2-58(e), the chair and vice-chair of the environmental advisory board shall be appointed by the mayor from the voting members of the board and confirmed by the town council. The term of the chair and vice-chair shall be one year. **A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for**

more than three consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment.

Attachments

- N/A

"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Standing Together in Pride – LGBTQIA+ Month 2026

from the Office of the Mayor

WHEREAS, LGBTQIA+ Pride Month is celebrated each June to honor the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual community, while recognizing the importance of dignity, equality, and opportunity for all people to live openly and authentically; and,

WHEREAS, LGBTQIA+ Pride organizations across North Carolina and the United States have embraced 2026 themes such as "Rallying Together," highlighting joy, visibility, resilience, and voice, and underscoring that communities thrive when strengthened through love, understanding, and unity; and,

WHEREAS, the Town of Apex proudly values the diversity of its residents and remains committed to fostering a welcoming community where every person is respected, supported, and encouraged to be their authentic self regardless of sexual orientation, gender identity, or gender expression; and,

WHEREAS, love and compassion are the foundation of a thriving and connected community, and through empathy, kindness, and mutual respect, we create spaces where individuals and families from all walks of life feel a true sense of belonging and acceptance; and,

WHEREAS, Pride Month is an opportunity to celebrate the resilience, contributions, and lived experiences of LGBTQIA+ individuals, while continuing to encourage meaningful conversations that strengthen understanding, visibility, and human connection throughout our community; and,

WHEREAS, the Town of Apex invites residents and visitors to gather for Pride Stories on Thursday, June 4, 2026, from 6:00 p.m. to 8:00 p.m. at Hunter Street Park, an evening of contemplation, exploration, storytelling, and celebration that honors the LGBTQ+ community and their loved ones while bringing people together through shared experiences, joy, and fellowship; and,

WHEREAS, Pride Month serves as an opportunity to celebrate the contributions, resilience, and spirit of the LGBTQIA+ community while encouraging continued dialogue, understanding, and connection among all people.

WHEREAS, the Town of Apex encourages residents to come together in a spirit of unity and community pride, recognizing that our differences strengthen us and our shared humanity connects us all.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the Month of June, 2026, as "LGBTQIA+ Pride Month" in the Town of Apex, and encourage all residents to celebrate with love, respect, unity, and appreciation for every member of our community – because we are stronger together!

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 28th day of May 2026.

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 28, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk
Olivia McCall, Board of Elections (BOE) Director

Department(s): Town Clerk's Office
Wake County Board of Elections (BOE)

Requested Motion

Receive as information a presentation from the Wake County Board of Elections (BOE) regarding the potential advantages and disadvantages associated with transitioning municipal elections to even-numbered years, and consider adopting a resolution expressing the Apex Town Council's interest in further exploring the feasibility and implications of even-year municipal elections.

Approval Recommended?

TBD

Item Details

The Town of Apex is evaluating the feasibility of transitioning its municipal elections from the current odd-year cycle to even-numbered years, aligning with state and federal elections as part of its 2025-2026 Legislative Agenda priority.

This initiative reflects the Town's commitment to enhancing voter participation, improving operational efficiency, and promoting fiscal responsibility. Even-year election cycles historically yield higher turnout due to increased public engagement during federal and state races, while also reducing voter fatigue. Financially, consolidating elections offers opportunities to share costs with county and state partners, decreasing expenses associated with staffing, polling site operations, ballot production, and overall administration. Operational benefits include fewer disruptions to Town programs, services, and events, along with reduced environmental impacts tied to standalone election logistics.

Apex is in the beginning stages of coordinating with the Wake County Board of Elections and other municipalities to explore a regionally aligned approach, especially as statewide trends continue to shift toward even-year municipal elections.

The proposed resolution **does not change** the current election structure but signals the Town's intent to conduct a comprehensive analysis, engage regional partners, and return findings to the Town Council to consider next steps.

Attachments

- PR2-A1: PowerPoint Presentation – Wake County Board of Elections – Even Year Elections ***(to be provided at the meeting)***
- PR2-A2: Even Year Election Summary Document to Municipalities
- PR2-A3: Survey Questions for Neighboring Municipalities
- PR2-A4: Possible Resolution – Expressing Interest in Exploring Even Year Municipal Elections and Requesting Wake County Municipalities to Consider the Same
- PR2-A5: Summary of Financial Expenses – Wake County Municipal Elections 2021, 2023, and 2025

Town of Apex
Even Year Elections
Informational Purposes Only

OVERVIEW

The Town Council of Apex is considering the adoption of a resolution expressing interest in exploring the feasibility of transitioning municipal elections from odd-numbered years to even-numbered years, aligning with state and federal election cycles. This effort is part of the Town's broader commitment to efficiency, civic engagement, and fiscal responsibility. The Town's Legislative Agenda list this structure change as a priority for 2026.

COLLABORATION PARTNERS

- Wake County Board of Elections
- Wake County Municipalities (as desired)

TOWN OF APEX CURRENT STRUCTURE

- Elections held in odd-numbered years
- Nonpartisan plurality method
- Governing Body:
    - Mayor (1) – Non voting
    - Councilmembers (5)
- Staggered Terms:
    - Alternating Cycles of:
        - 3 Council seats, or
        - 2 Council seats + Mayor

WHY WE ARE CONSIDERING A CHANGE

1. Increased Voter Participation

- Even-year elections typically coincide with higher-turnout federal and state races
- Greater accessibility and awareness for voters
- Potentially decrease voter fatigue and burnout

2. Cost Efficiency

- Current model requires standalone municipal election administration
- Reduction in:
    - County Staffing costs

- Polling place operations
- Equipment and logistics

3. Operational Efficiency

- Fewer disruptions to Town services and facilities
- Improved scheduling flexibility for:
  - Parks & recreation programs
  - Community events

4. Environmental & Logistical Benefits

- Fewer standalone elections reduce:
  - Paper usage
  - Transportation/logistics footprint
- Candidate Signage, Mailings, overall election liter

5. Regional Alignment Opportunity

- Potential for a countywide coordinated approach
- Shared benefits across municipalities
- Strengthened regional collaboration and consistency
- Increased costs to smaller municipalities as larger move to even-year

FINANCIAL CONSIDERATIONS

Current Cost Drivers (Odd-Year Elections):

- Poll worker staffing
- Polling site setup and operations
- Ballot production and equipment
- Administrative coordination

Potential Financial Benefits (Even-Year Alignment):

- Shared election costs with county/state cycles – decreasing overall costs to each municipality and the county.
- Reduced duplication of resources
- Lower administrative burden on Town staff

HISTORICAL

See summary of Financial Expenses Chart attached as Exhibit A.

WHAT OUR RESOLUTION DOES (AND DOES NOT DO)

✓ Does:

- Express formal interest in exploring the transition
- Initiate staff analysis (legal, financial, operational)
- Encourage regional dialogue with Wake County municipalities
- Direct a report back to Council by June 30, 2026

✕ Does Not:

- Change the current election schedule
- Commit the Town to implementation

ACTIVE LEGISLATION FOR EVEN YEAR ELECTIONS

- **House Bill 1035 (Senate Bill 818) – Even Year Elections – Pink Hill**
  - Filed April 21, 2026
- **House Bill 1037 – Even Year Elections – Belville**
  - Filed April 23, 2026
- **Senate Bill 810 – Even Year Elections – Catawba County**
  - Filed April 23, 2026
- **Senate Bill 833 – Even Year Elections – Bolivia**
  - Filed April 27, 2026

Town of Apex
Even Year Elections
Informational Purposes Only

NEXT STEPS

1. Conduct internal feasibility analysis
2. Engage Wake County Board of Elections
3. Survey and meet with other municipalities
4. Develop recommendations for Council consideration

DRAFT Survey Questions for Wake County Municipalities

Section 1: General Interest

1. What is your role?
    - Elected Official
    - Town Manager
    - Town Clerk
2. Are you aware of discussions regarding aligning municipal elections with even-year cycles?
    - Yes / No
3. What is your initial level of interest in exploring this change?
    - Not interested
    - Neutral / Need more information
    - Moderately interested
    - Highly interested

Section 2: Current Election Structure

3. Does your municipality currently hold elections in:
    - Odd-numbered years
    - Even-numbered years
    - Other (please describe)
4. Are your governing body terms staggered?
    - Yes / No

Section 3: Perceived Benefits

5. What potential benefits do you see in aligning with even-year elections? *(Select all that apply)*
    - Increased voter turnout
    - Cost savings

DRAFT

- Administrative efficiency
- Reduced operational disruption (facility usage)
- Regional consistency
- Other: _____

6. How significant do you believe voter turnout improvements would be?
    - Minimal
    - Moderate
    - Significant
    - Unsure

Section 4: Concerns / Barriers

7. What concerns would you have regarding this transition? *(Select all that apply)*
    - Decrease focus on local elections (more likely to feel partisan)
    - Legal or statutory barriers
    - Transition complexity (term adjustments)
    - Cost uncertainty
    - Voter confusion
    - Other: _____

Section 5: Financial Considerations

9. How would you characterize your current municipal election costs?
    - Low
    - Moderate
    - High
    - Unsure
10. Would potential cost savings influence your willingness to consider this change?

- Yes, significantly

DRAFT

- Somewhat
- No
- Unsure

Section 6: Willingness to Collaborate

11. Would you / your municipality be interested in participating in a **countywide coordinated effort** to explore this transition?

- Yes
- No
- Maybe

12. Would your staff or elected officials be willing to participate in meetings or workgroups on this topic?

- Yes
- No

Section 7: Implementation Considerations

13. What level of analysis would your municipality need before making a decision?

- Basic overview
- Detailed financial analysis
- Legal review
- Full implementation plan

14. What timeline would be reasonable for your municipality to consider such a change?

- Within 1 year
- 1–3 years
- More than 3 years
- Unsure

DRAFT

Section 8: Open Feedback

15. Please provide any additional comments, concerns, or suggestions regarding aligning municipal elections with even-year cycles:

DRAFT

TOWN OF APEX TOWN COUNCIL
RESOLUTION EXPRESSING INTEREST IN EXPLORING THE ALIGNMENT OF MUNICIPAL ELECTIONS WITH EVEN-YEAR STATE AND FEDERAL ELECTIONS AND ENCOURAGING OTHER WAKE COUNTY MUNICIPALITIES TO CONSIDER THE SAME
RES-2026-_____

WHEREAS, pursuant to the Town Charter for the Town of Apex, the Governing Body of the Town of Apex shall consist of one (1) Mayor and five (5) Town Councilmembers who are elected according to the nonpartisan plurality election method; and,

WHEREAS, the Town Charter for the Town of Apex prescribes that regular municipal elections shall be held in the Town every two (2) years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Terms of the governing body are staggered so that voters fill three Councilmember seats or two Councilmember seats and the Mayor seat every two-years; and,

WHEREAS, the Town Council of the Town of Apex is committed to promoting effective, efficient, and transparent governance, maximizing civic engagement, and ensuring responsible stewardship of public resources; and,

WHEREAS, municipal elections currently held in odd-numbered years impose substantial costs on the Town's operating budget due to standalone election administration, polling operations, and related staffing requirements; and,

WHEREAS, the Town Council acknowledges that the current legislative agenda of the Town of Apex identifies the transition to even-year municipal elections as a priority item, reflecting the Council's commitment to efficiency, civic engagement, and responsible fiscal management; and,

WHEREAS, the alignment of municipal elections with state and federal elections in even-numbered years has the potential to:

(a) Enhance voter participation by coinciding with higher-profile election cycles;
(b) Reduce election-related administrative and operational costs for both the Town and the Wake County Board of Elections;
(c) Minimize disruption to Town operations and allow increased flexibility in scheduling recreation, community programming, and other civic activities;
(d) Reduce environmental and logistical burdens associated with separate standalone elections; and,

WHEREAS, the Town Council recognizes that pursuing even-year municipal elections could serve as a model for other municipalities within Wake County, encouraging a countywide effort to enhance voter turnout, reduce administrative costs, and strengthen local democracy.

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

Section 1: The Town Council formally expresses its interest in exploring the feasibility of aligning municipal elections with even-numbered years.

Section 2: The Town Council encourages the Wake County Board of Elections and other municipalities within Wake County to consider the potential benefits of transitioning to even-year municipal elections.

Section 3: The Town Council directs the Town Clerk, Town Attorney, and other appropriate Town staff to study the legal, operational, fiscal, and procedural implications of such a transition and provide a report with findings and recommendations to the Council by June 30, 2026. As part of the report, the Town Clerk, along with selected members of the elected body, may meet with elected officials and Town staff in other municipalities in Wake County to gauge their interest in moving to even-year elections.

Section 4: The Town Council affirms that this resolution is a formal expression of interest and support for further examination and collaboration and does not constitute a change in the Town's current election schedule at this time.

Section 5: The Town Council emphasizes that the alignment of municipal elections with even-numbered years remains a priority item on the Town's legislative agenda, reflecting the Council's ongoing commitment to promoting efficient governance, increased voter participation, and responsible resource management; and,

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide a certified copy of this resolution to all Wake County Commissioners, Wake County Municipal Mayors, Town Councilmembers, and Town Clerks and request their support of this effort.

ADOPTED, this the _____ day of _____ 2026.

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

Attest:

_____
Allen Coleman, CMC
Town Clerk

11/4/2025														
Municipality	**Angier**	**Apex**	**Cary**	**Durham**	**Fuquay-Varina**	**Garner**	**Holly Springs**	**Knightdale**	**Morrisville**	**Raleigh**	**Rolesville**	**Wake Forest**	**Wendell**	**Zebulon**
Election Day	$5,978.02	$63,538.46	$212,231.79	$5,978.02	$62,559.93	$80,806.59	$42,428.48	$37,636.26	$17,490.11	Moved to Even Years	$14,612.08	$60,660.44	$26,124.17	$11,734.06
Early Voting	$390.01	$93,083.82	$103,159.06	$390.01	$4,223.85	$94,253.87	$2,859.97	$2,535.09	$1,170.04	Moved to Even Years	$975.04	$4,095.15	$1,755.06	$780.03
Filing Fees	$0.00	-$400.00	-$798.00	$0.00	-$60.00	-$150.00	-$400.00	-$250.00	-$270.00	Moved to Even Years	-$45.00	-$190.00	-$200.00	-$400.00
Total	$6,368.03	$156,222.28	$314,592.85	$6,368.03	$66,723.78	$174,910.46	$44,888.45	$39,921.35	$18,390.15	$0.00	$15,542.12	$64,565.59	$27,679.23	$12,114.09

10/7/2025														
Municipality	**Angier**	**Apex**	**Cary**	**Durham**	**Fuquay-Varina**	**Garner**	**Holly Springs**	**Knightdale**	**Morrisville**	**Raleigh**	**Rolesville**	**Wake Forest**	**Wendell**	**Zebulon**
Election Day	$0.00	$0.00	$0.00	$6,408.71	$0.00	$0.00	$0.00	$0.00	$0.00	Moved to Even Years	$0.00	$0.00	$0.00	$0.00
Early Voting	$0.00	$0.00	$0.00	$1,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	Moved to Even Years	$0.00	$0.00	$0.00	$0.00
Filing Fees	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	Moved to Even Years	$0.00	$0.00	$0.00	$0.00
Total	$0.00	$0.00	$0.00	$7,408.71	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

11/7/2023														
Municipality	**Angier**	**Apex**	**Cary**	**Durham**	**Fuquay-Varina**	**Garner**	**Holly Springs**	**Knightdale**	**Morrisville**	**Raleigh**	**Rolesville**	**Wake Forest**	**Wendell**	**Zebulon**
Election Day	$9,128.52	$113,368.51	$35,188.51	$9,128.52	$87,308.52	$122,055.18	$69,935.17	$56,905.18	$43,875.18	Moved to Even Years	$17,815.18	$87,308.52	$39,531.85	$17,815.18
Early Voting	$534.44	$93,001.78	$88,191.78	$534.44	$5,344.44	$93,536.22	$4,275.56	$3,473.89	$2,672.22	Moved to Even Years	$1,068.89	$5,344.44	$2,405.00	$1,068.89
Filing Fees	$0.00	-$375.00	$0.00	$0.00	-$80.00	-$125.00	-$450.00	-$150.00	-$75.00	Moved to Even Years	-$95.00	-$90.00	-$200.00	-$150.00
Total	$9,662.96	$205,995.29	$123,380.29	$9,662.96	$92,572.96	$215,466.40	$73,760.73	$60,229.07	$46,472.40	$0.00	$18,789.07	$92,562.96	$41,736.85	$18,734.07

10/10/2023														
Municipality	Angier	Apex	Cary	Durham	Fuquay-Varina	Garner	Holly Springs	Knightdale	Morrisville	Raleigh	Rolesville	Wake Forest	Wendell	Zebulon
Election Day	$0.00	$0.00	$346,059.20	$9,893.27	$0.00	$0.00	$0.00	$0.00	$0.00	Moved to Even Years	$0.00	$0.00	$0.00	$0.00
Early Voting	$0.00	$0.00	$302,592.29	$1,030.71	$0.00	$0.00	$0.00	$0.00	$0.00	Moved to Even Years	$0.00	$0.00	$0.00	$0.00
Filing Fees	$0.00	$0.00	-$1,049.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	Moved to Even Years	$0.00	$0.00	$0.00	$0.00
Total	$0.00	$0.00	$647,602.49	$10,923.98	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

11/2/2021														
Municipality	**Angier**	**Apex**	**Cary**	**Durham**	**Fuquay-Varina**	**Garner**	**Holly Springs**	**Knightdale**	**Morrisville**	**Raleigh**	**Rolesville**	**Wake Forest**	**Wendell**	**Zebulon**
Election Day	$5,391.71	$60,519.42	Muni Held in May/July 2022	$5,391.71	$50,496.20	$70,542.64	$35,461.37	$25,438.15	$25,438.15	Muni Held 11/8/2022	$10,403.32	$45,484.59	$25,438.15	$10,403.32
Early Voting	$488.20	$48,158.78	Muni Held in May/July 2022	$488.20	$4,881.97	$45,263.67	$3,417.38	$2,440.99	$2,440.99	Muni Held 11/8/2022	$976.39	$4,393.77	$2,440.99	$976.39
Filing Fees	$0.00	-$300.00	Muni Held in May/July 2022	$0.00	-$70.00	-$75.00	-$400.00	-$300.00	-$175.00	Muni Held 11/8/2022	-$25.00	-$175.00	-$175.00	-$200.00
Total	$5,879.91	$108,378.20	$0.00	$5,879.91	$55,308.17	$115,731.31	$38,478.75	$27,579.14	$27,704.14	$0.00	$11,354.71	$49,703.36	$27,704.14	$11,179.71

10/5/2021														
Municipality	**Angier**	**Apex**	**Cary**	**Durham**	**Fuquay-Varina**	**Garner**	**Holly Springs**	**Knightdale**	**Morrisville**	**Raleigh**	**Rolesville**	**Wake Forest**	**Wendell**	**Zebulon**
Election Day	$0.00	$0.00	Muni Held in May/July 2022	$3,590.69	$0.00	$0.00	$0.00	$0.00	$0.00	Muni Held 11/8/2022	$0.00	$0.00	$0.00	$0.00
Early Voting	$0.00	$0.00	Muni Held in May/July 2022	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	Muni Held 11/8/2022	$0.00	$0.00	$0.00	$0.00
Filing Fees	$0.00	$0.00	Muni Held in May/July 2022	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	Muni Held 11/8/2022	$0.00	$0.00	$0.00	$0.00
Total	$0.00	$0.00	$0.00	$3,590.69	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 28, 2026

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and consider a possible motion to adopt an ordinance on the Question of Annexation - Apex Town Council's intent to annex 15.16 +/- acres, located at 1440 Wimberly Road (PIN No. 0722-68-1610) 2.08 acres, 1508 Wimberly Road (PIN No. 0722-68-2430) 2.24 acres, 8108 Jenks Road (PIN No. 0722-67-3959) 10.31 acres, and Wimberly Road Eastern Right-of-Way 0.52 acres, Annexation No. 813, 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 the Altera Heights PUD rezoning case that was heard on May 27, 2025 and the associated ordinance was adopted on June 09, 2025 which rezoned the parcels from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ). The approved statement and ordinance are included as Attachment (A6) for reference.

Attachments

- PH1-A1: Annexation Ordinance – Annexation No. 813 – Alterra Heights – Wimberly and Jenks Road – 15.16 acres
- PH1-A2: Public Hearing Notice - Annexation No. 813 – Alterra Heights – Wimberly and Jenks Road – 15.16 acres
- PH1-A3: Legal Description – Annexation No. 813 – Alterra Heights – Wimberly and Jenks Road – 15.16 acres
- PH1-A4: Aerial Map – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres
- PH1-A5: Plat Map – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres
- PH1-A6: Annexation Petition – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres

- PH1-A7: ORD-2025-037 - Statement and Ordinance – Altera Heights PUD – Approved on June 09, 2025

TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2026-____
ANNEXATION PETITION NO. 813
ALTERRA HEIGHTS | JENKS ROAD AND WIMBERLY ROAD | 15.16 ACRES

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on April 28, 2026, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described on the below identified survey plat, also referred to as PIN No. 0722-68-1610, PIN No. 0722-68-2430, and PIN No. 0722-67-3959 is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on May 28, 2026. The survey plat that describes the annexed territory is that certain survey plat entitled "ANNEXATION MAP FOR THE TOWN OF APEX". Plat map print date August 28, 2025, Revised Print Date March 11, 2026, and Land Surveyor dated March 11, 2026 and recorded in Book of Maps book number 2026 and page numbers _____, 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 28th day of May, 2026.

_____
Jacques K. Gilbert
Mayor | Town of Apex

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk | Town of Apex

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney | Town of Apex

Legal Description

ANNEXATION AREA DESCRIPTION
TOWN OF APEX
ORDINANCE NO. 2026-____
ANNEXATION PETITION NO. 813
ALTERRA HEIGHTS | JENKS ROAD AND WIMBERLY ROAD | 15.16 ACRES

TOWN OF APEX CONTIGUOUS ANNEXATION DESCRIPTION
LANDS OF TERRY D POOLE, DJ 1300 HOLDINGS LLC
AND TERRY CICHOCKI AND ADJACENT RIGHTF OF WAY

A PARCEL OF LAND LOCATED IN WHITE OAK TOWNSHIP, WAKE COUNTY, NC AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OWNED BY THE TERRY CICHOCKI (DB16193 PG 229);
THENCE N 01° 32' 25" E, ON THE WEST LINE OF SAID CICHOCKI LANDS, A DISTANCE OF 436.85 FEET TO A POINT, THENCE N 01° 32' 25" E, ON THE WEST

LINE OF LANDS NOW OR FORMERLY OWNED BY DJ 1300 HOLDINGS, LLC, A DISTANCE OF 167.49 FEET TO A POINT; THENCE N 01° 32' 15" E, ON THE WEST LINE OF LANDS NOW OR FORMERLY OWNED BY TERRY D POOLE (DB 12394 PG 1101), A DISTANCE OF 493.89 FEET TO A POINT; THENCE N 01° 43' 26" E, CONTINUING ON THE WEST LINE OF POOLE LANDS, A DISTANCE OF 7.10 FEET TO A POINT;
THENCE N 01° 32' 25" E, A DISTANCE OF 33.52 FEET TO A POINT;
THENCE N 01° 32' 25" E, A DISTANCE OF 28.52 FEET TO A POINT;
THENCE S 61° 04' 30" E , A DISTANCE OF 202.59 FEET TO A POINT;
THENCE S 59° 15' 47" E, FOR A DISTANCE OF 76.83 FEET TO A POINT;
THENCE S 56° 02' 01" E, A DISTANCE OF 99.02 FEET TO A POINT;
THENCE S 49° 11' 56" E, A DISTANCE OF 115.54 FEET TO A POINT;
THENCE, S 40° 47' 17" E, A DISTANCE OF 114.97 FEET TO A POINT;
THENCE S 33° 48' 16" E, A DISTANCE OF 86.59 FEET TO A POINT;
THENCE S 28° 07' 12" E, A DISTANCE OF 99.90 FEET TO A POINT;
THENCE S 24° 01' 03" E, A DISTANCE OF 8.79 FEET TO A POINT;
THENCE S 88° 50' 28" W, A DISTANCE OF 35.75 FEET TO A POINT;
THENCE S 22° 04' 13" E, A DISTANCE OF 425.44 FEET TO A POINT;
THENCE S 31° 59' 44" E, A DISTANCE OF 230.48 FEET TO A POINT;
THENCE S 00° 09' 18" E, A DISTANCE OF 68.81 FEET TO A POINT;
THENCE N 88° 58' 17" W, A DISTANCE OF 254.06 FEET TO A POINT
THENCE N 88° 58' 17" W, ON THE SOUTH LINE OF SAID CICHOCKI LANDS, A DISTANCE OF 610.77 FEET TO THE
POINT OF BEGINNING;
TOTAL ANNEXATION AREA CONTAINING 660,194 SQUARE FEET, OR 15.16 ACRES OF LAND MORE OR LESS.

****

ORDINANCE NO. 2026-____
ANNEXATION PETITION NO. 813
ALTERRA HEIGHTS | JENKS ROAD AND WIMBERLY ROAD | 15.16 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 Annexation Ordinance No. 2026_____, adopted at a meeting of the Town Council, on the 28th day of May, 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 28th day of May, 2026.

_____
Allen L. Coleman, CMC
Town Clerk

(SEAL)

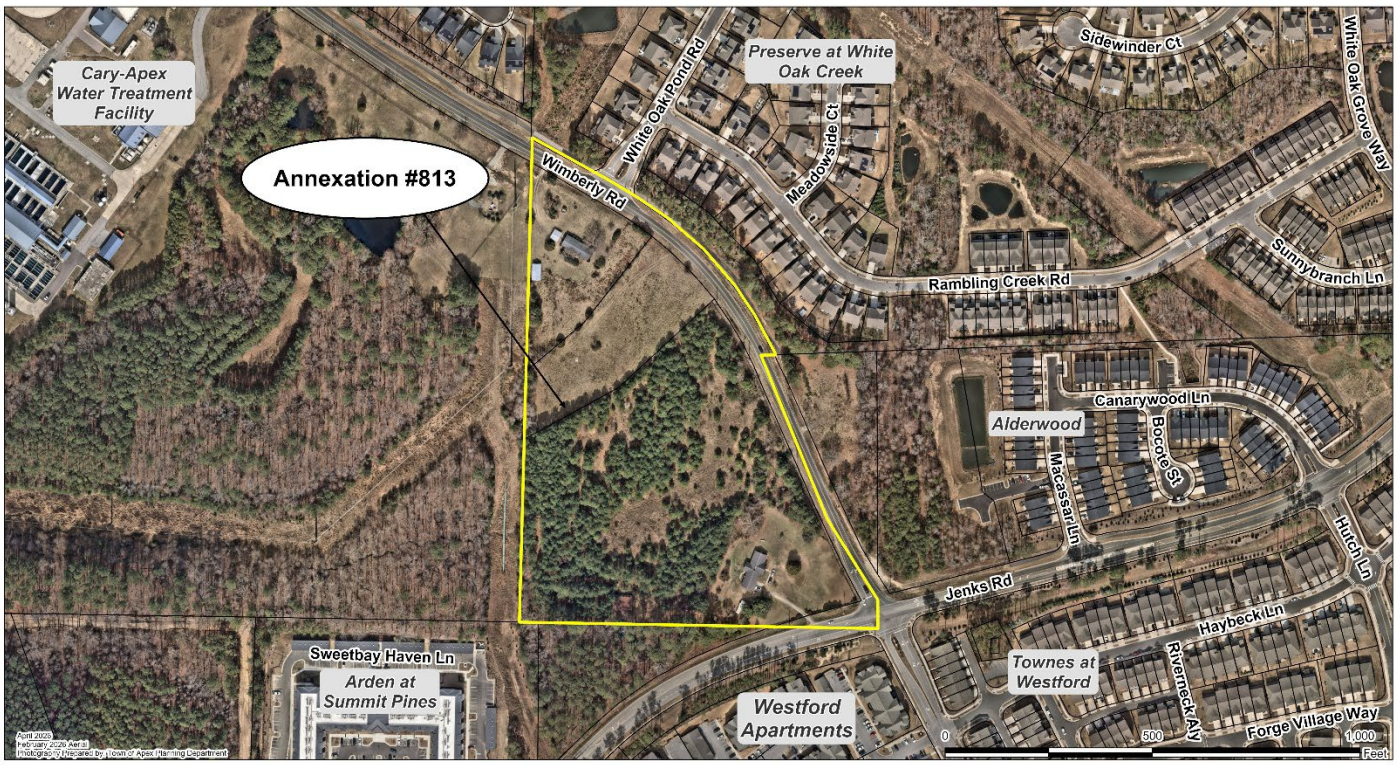
Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (May 13, 2026) – 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 **28th day of May, 2026**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 813
Altera Heights Development
Jenks Road and Wimberly Road – 15.16 acres



Continued on next page

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. Please use subject line "Annexation Petition No. 813" 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, May 28, 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 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

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

###

KCI

ENGINEERS • SURVEYORS• SCIENTISTS • CONSTRUCTION MANAGERS
4800 Falls of Neuse Rd, Suite 200 Raleigh, NC 27607 (919) 783-9214 (919) 783-9266 Fax

TOWN OF APEX CONTIGUOUS ANNEXATION DESCRIPTION
LANDS OF TERRY D POOLE, DJ 1300 HOLDINGS LLC
AND TERRY CICHOCKI AND ADJACENT RIGHTF OF WAY

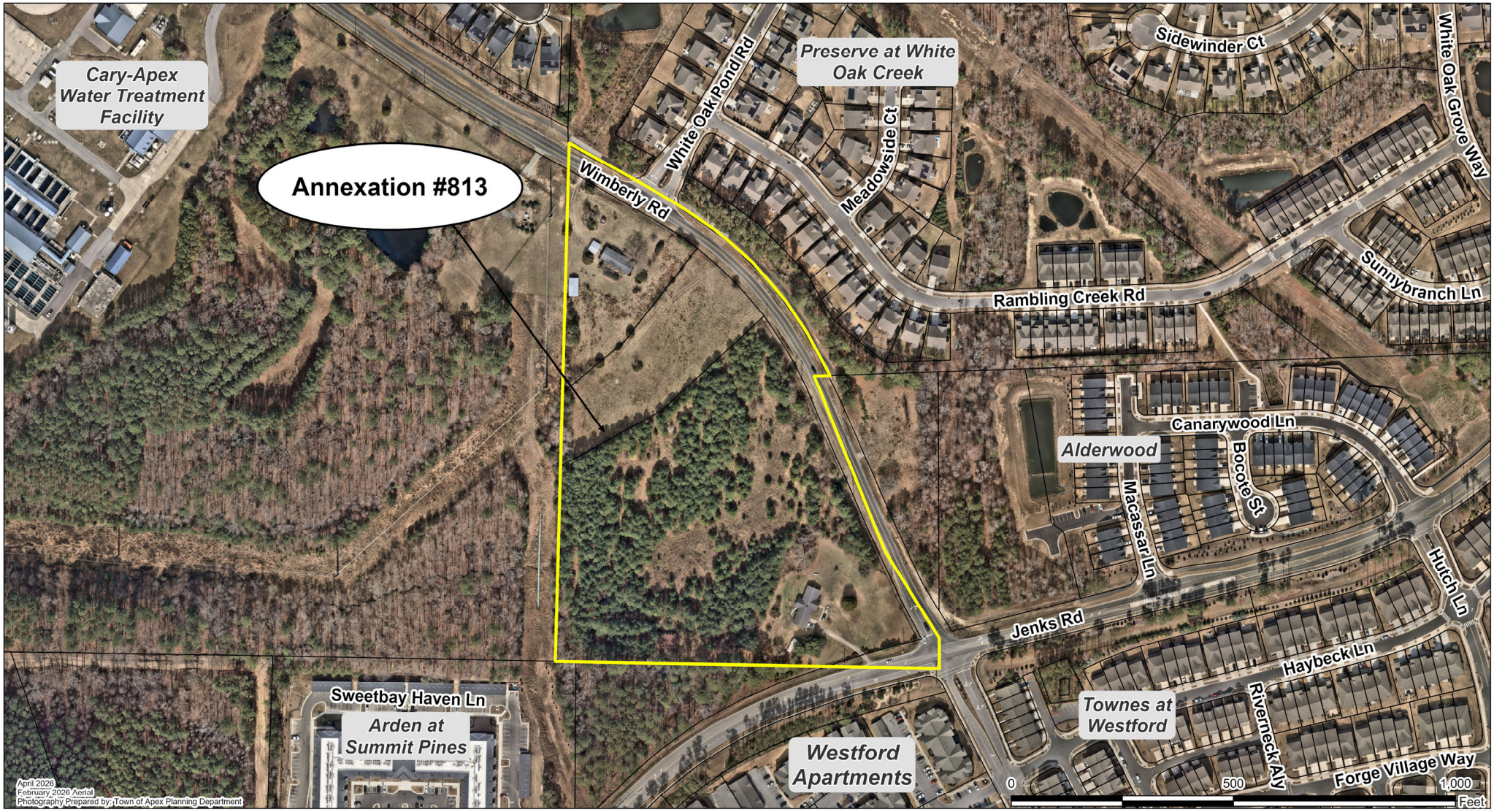
A PARCEL OF LAND LOCATED IN WHITE OAK TOWNSHIP, WAKE COUNTY, NC AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OWNED BY THE TERRY CICHOCKI (DB 16193 PG 229);

THENCE N 01° 32' 25" E, ON THE WEST LINE OF SAID CICHOCKI LANDS, A DISTANCE OF 436.85 FEET TO A POINT;
THENCE N 01° 32' 25" E, ON THE WEST LINE OF LANDS NOW OR FORMERLY OWNED BY DJ 1300 HOLDINGS, LLC, A DISTANCE OF 167.49 FEET TO A POINT;
THENCE N 01° 32' 15" E, ON THE WEST LINE OF LANDS NOW OR FORMERLY OWNED BY TERRY D POOLE (DB 12394 PG 1101), A DISTANCE OF 493.89 FEET TO A POINT;
THENCE N 01° 43' 26" E, CONTINUING ON THE WEST LINE OF POOLE LANDS, A DISTANCE OF 7.10 FEET TO A POINT;

THENCE N 01° 32' 25" E, A DISTANCE OF 33.52 FEET TO A POINT;
THENCE N 01° 32' 25" E, A DISTANCE OF 28.52 FEET TO A POINT;
THENCE S 61° 04' 30" E , A DISTANCE OF 202.59 FEET TO A POINT;
THENCE S 59° 15' 47" E, FOR A DISTANCE OF 76.83 FEET TO A POINT;
THENCE S 56° 02' 01" E, A DISTANCE OF 99.02 FEET TO A POINT;
THENCE S 49° 11' 56" E, A DISTANCE OF 115.54 FEET TO A POINT;
THENCE, S 40° 47' 17" E, A DISTANCE OF 114.97 FEET TO A POINT;
THENCE S 33° 48' 16" E, A DISTANCE OF 86.59 FEET TO A POINT;
THENCE S 28° 07' 12" E, A DISTANCE OF 99.90 FEET TO A POINT;
THENCE S 24° 01' 03" E, A DISTANCE OF 8.79 FEET TO A POINT;
THENCE S 88° 50' 28" W, A DISTANCE OF 35.75 FEET TO A POINT;
THENCE S 22° 04' 13" E, A DISTANCE OF 425.44 FEET TO A POINT;
THENCE S 31° 59' 44" E, A DISTANCE OF 230.48 FEET TO A POINT;
THENCE S 00° 09' 18" E, A DISTANCE OF 68.81 FEET TO A POINT;
THENCE N 88° 58' 17" W, A DISTANCE OF 254.06 FEET TO A POINT
THENCE N 88° 58' 17" W, ON THE SOUTH LINE OF SAID CICHOCKI LANDS, A DISTANCE OF 610.77 FEET TO THE POINT OF BEGINNING;

TOTAL ANNEXATION AREA CONTAINING 660,194 SQUARE FEET, OR 15.16 ACRES OF LAND MORE OR LESS.


Cary-Apex Water Treatment Facility
Annexation #813
Wimberly Rd
White Oak Pond Rd
Preserve at White Oak Creek
Meadowside Ct
Sidewinder Ct
White Oak Grove Way
Rambling Creek Rd
Sunnybranch Ln
Canarywood Ln
Alderwood
Bocote St
Macassar Ln
Hutch Ln
Jenks Rd
Haybeck Ln
Townes at Westford
Riverneck Aly
Forge Village Way
Sweetbay Haven Ln
Arden at Summit Pines
Westford Apartments
April 2026
February 2026 Aerial
Photography Prepared by: Town of Apex Planning Department
0
500
1,000
Feet

ORD-2025-037

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 13.55 ACRES LOCATED AT 8108 JENKS RD; 1440 & 1508 WIMBERLY RD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#24CZ11

WHEREAS, Wood Partners, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of June, 2024 (the "Application"). The proposed conditional zoning is designated #24CZ11;

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 #24CZ11 before the Planning Board on the 12th day of May, 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of May, 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ11. A motion was made by the Apex Planning Board to recommend denial; the motion passed unanimously for the application for #24CZ11;

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 #24CZ11 before the Apex Town Council on the 27th day of May, 2025;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of May, 2025. Bruce Venable, 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 #24CZ11 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 not consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Office Employment/Commercial Services and approval of this rezoning will automatically amend the 2045 Land Use Map to High Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Dvelopment-Conditional Zoning (PUD-CZ) and the Apex Town Council has considered that the proposed rezoning to PUD-CZ will maintain the character and appearance of the area while providing the flexibility to accommodate growth in population, economy, and infrastructure consistent with the intent of the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is reasonable and in the public interest in that: The rezoning will allow for the development of high-density residential housing including affordable units, which are needed to support the continued residential growth in this area. Additionally, the rezoning will promote compatible development with surrounding land uses and contribute to an increased tax base, supporting the Town's long-term fiscal sustainability; and

WHEREAS, the Apex Town Council by a vote of 3 to 2 approved Application #24CZ11 rezoning the subject tracts located at 8108 Jenks Rd; 1440 & 1508 Wimberly Rd from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

Ordinance Amending the Official Zoning District Map #24CZ11

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 8108 Jenks Rd; 1440 & 1508 Wimberly Rd from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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 conditions in Attachment "B" Altera Heights PUD which are imposed as part of this rezoning:

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

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

Motion by Council Member Zegerman

Seconded by Council Member Gantt

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 10th day of June 2025.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

Legal Description
Altera Heights PUD

BEGINNING ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY) AT AN EXISTING IRON PIPE ON THE NORTHEASTERN CORNER OF LOT 1 RECORDED IN BOOK OF MAPS 1994 PAGE 435 RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS AND HAVING N.C. GRID COORDINATES OF N: 728,630.67, E: 2,026,294.61 NAD83/2011, THENCE FROM SAID POINT AND WITH THE SOUTHERN RIGHT OF WAY SOUTH 49° 11' 09" EAST FOR A DISTANCE OF 107.51 FEET TO AN IRON PIPE SET, THENCE SOUTH 40° 46' 30" EAST FOR A DISTANCE OF 106.86 FEET TO AN IRON PIPE SET, THENCE SOUTH 33° 47' 29" EAST FOR A DISTANCE OF 79.92 FEET TO AN IRON PIPE SET, THENCE SOUTH 28° 06' 25" EAST FOR A DISTANCE OF 94.74 FEET TO AN IRON PIPE SET, THENCE SOUTH 24° 00' 16" EAST FOR A DISTANCE OF 484.42 FEET TO AN IRON PIPE SET, THENCE SOUTH 25° 31' 04" EAST FOR A DISTANCE OF 82.88 FEET TO AN IRON PIPE SET, THENCE SOUTH 27° 41' 54" EAST FOR A DISTANCE OF 31.47 FEET TO AN IRON PIPE SET, THENCE SOUTH 23° 56' 01" WEST FOR A DISTANCE OF 47.61 FEET TO AN IRON PIPE SET ON THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY), THENCE ALONG THE NORTHERN RIGHT OF WAY SOUTH 75° 33' 56" WEST FOR A DISTANCE OF 115.59 FEET TO AN IRON PIPE, THENCE SOUTH 74° 18' 49" WEST A DISTANCE OF 68.97 FEET TO AN IRON PIPE WITH CAP, THENCE LEAVING THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY) NORTH 88° 58' 44" WEST FOR A DISTANCE OF 563.29 FEET TO AN ANGLE IRON, THENCE NORTH 88° 58' 44" WEST FOR A DISTANCE OF 47.06 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 424.08 FEET TO AN AXLE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 12.51 FEET TO AN IRON PIPE THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 151.76 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 15.73 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 84.35 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 18" EAST FOR A DISTANCE OF 411.13 FEET TO AN IRON PIPE SET ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY), THENCE WITH THE SOUTHERN RIGHT OF WAY SOUTH 61° 03' 43" EAST FOR A DISTANCE OF 170.57 FEET TO AN IRON PIPE SET, THENCE SOUTH 59° 15' 00" EAST FOR A DISTANCE OF 74.16 FEET TO AN IRON PIPE SET, THENCE SOUTH 56° 01' 14" EAST FOR A DISTANCE OF 93.72 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 13.55 ACRES, MORE OR LESS.

Attachment "B"

ALTERA HEIGHTS

Planned Unit Development

Apex, North Carolina

Submittal Dates
First Submittal: June 3, 2024
Second Submittal: August 2, 2024
Third Submittal: February 7, 2024
Fourth Submittal: April 4, 2025
Fifth Submittal: April 23, 2025
Sixth Submittal: May 22, 2025

Developer
Wood Partners
1414 Raleigh Road, Suite 429
Chapel Hill, NC 27517

Civil Engineer
BGE, Inc.
5438 Wade Park Blvd, Suite 420
Raleigh, NC 27607

Land Use Attorney
Matthew J. Carpenter
Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601

TABLE OF CONTENTS

VICINITY MAP 3

PROJECT DATA 4

PURPOSE STATEMENT 5

PERMITTED USES 8

AFFORDABLE HOUSING 9

DESIGN CONTROLS 10

ARCHITECTURAL STANDARDS 10

PARKING AND LOADING 11

SIGNAGE 11

NATURAL RESOURCES AND ENVIRONMENTAL DATA 11

STORMWATER MANAGEMENT 13

PARKS AND RECREATION 13

PUBLIC FACILITIES 13

PHASING 15

CONSISTENCY WITH LAND USE PLAN 15

COMPLIANCE WITH UDO 16

VICINITY MAP

PROJECT DATA

Name of Project:	Altera Heights
Property Owner:	See attached **Exhibit B**
Developer:	Wood Partners 1414 Raleigh Road, Suite 429 Chapel Hill, NC 27517
Prepared by:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601 BGE, Inc. 5438 Wade Park Blvd., Suite 420 Raleigh, NC 27607
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 LUM Designations:	Office Employment/Commercial Services
Proposed 2045 LUM Designations:	High Density Residential
Site Address:	8108 Jenks Rd, 1508 Wimberly Rd, 1440 Wimberly Rd
Property Identification Number:	0722673959, 0722682430, 0722681610
Total Acreage:	13.55 acres
Area Designated as Mixed Use on LUM:	None
Area Proposed as Non-Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the "PUD") are provided pursuant to the Town of Apex Unified Development Ordinance ("UDO") Planned Unit Development provisions. This PUD addresses the development of an approximately 13.55-acre site at the corner of Wimberly Road and Jenks Road. The property is in the Town's ETJ and primarily undeveloped with two existing single-family homes.

Altera Heights aims to offer upscale living at cost-effective rates to fill a gap in the housing market. The project will be an attainable housing community for middle income earners, those often overlooked by the multi-family housing market which consists primarily of government subsidized affordable projects on one end and luxury high rent apartment communities on the other. In addition, the community will provide 12% of the total units as AMI restricted affordable units to ensure affordability for different income bands. The community will be conveniently located near goods and services and future commercial development on US-64, offering people of all backgrounds the opportunity to live in and enjoy Apex.

The Town of Apex 2045 Land Use Map (the "LUM") designates the property as Office/Commercial Services. However, non-residential uses are infeasible on the property. The office market has not recovered from COVID-19; in first quarter 2024, the direct vacancy rate for office space in Raleigh-Durham increased to 15.6% and the suburban vacancy rate increased to 16.2%.[1] Seven of the ten largest vacancies were in suburban submarkets, mostly concentrated in the RTP/I-40 Corridor submarket which had the highest overall vacancy rate of 30.9%. Commercial uses on the site face challenges due to the lot configuration. Because of the configuration of the Town owned property to the south (PIN 0722671588), the property has minimal frontage on Jenks Road, the primary transportation corridor, and will only have driveway access to Wimberly Road. Additionally, non-residential development is drawn to US-64 where visibility is better and daily trips are higher.

Given these constraints, an attainable housing community is the highest and best use of the property. It will further Goal 1.2(d) of the Affordable Housing Incentive Zoning Policy and Procedures Manual, to create "mixed-income communities, with affordable housing units integrated within residential and mixed-use market rate developments." According to the Affordable Housing Plan, over the next decade, Apex is projected to add 1,900 jobs with incomes below $75,000, which will further contribute to the Town's affordable housing need; jobs such as grocery cashiers, firefighters, and nurses.

[1] See Cushman & Wakefield Q1 2024 Raleigh Office Report. https://cw-gbl-gws-prod.azureedge.net/-/media/cw/marketbeat-pdfs/2024/q1/us-reports/office/raleigh-durham_americas_marketbeat_office_q12024.pdf?rev=e3d179927e8343c69bd3895c5d3d6fab

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

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

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

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

RESPONSE: Altera Heights is a multi-family development. None of the parcels in the PUD have three stripes on the LUM. Accordingly, this PUD is not required to designate 30% of the property as non-residential.

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

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The proposed PUD is consistent with the UDO Planned Unit Development standards – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, the development will comply with all requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

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

RESPONSE: The project will have 10-foot Side Paths along its frontage on Wimberly Road and Jenks Road as recommended by the Bicycle and Pedestrian System Plan Map. Internal sidewalks will connect to the Side Paths to improve pedestrian connectivity and safety.

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

RESPONSE: The project does not propose any new public streets. Additionally, vehicular cross access connections are undesirable due to the use of adjacent properties. The adjacent property to the west is the Cary-Apex Water Plant. The adjacent property to the south is owned by the Town and will be used for utilities. The project will improve pedestrian connectivity by constructing Side Paths along its frontage on Wimberly Road and Jenks Road.

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

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of Town includes a wide array of housing types including the Villages at Westford luxury apartments and Westford Townhomes to the south, the Alderwood single-family subdivision to the east, and the future Arden 55+ community to the west. The project will add an attainable rental housing type, with conditions to ensure a high quality product that complements existing neighborhoods in the area.

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

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

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

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

PERMITTED USES

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

The following uses shall be permitted:

Residential

- Multi-family or apartment
- Condominium

Utilities

- Utility, minor

Recreational

- Greenway
- Park, Active
- Park, Passive
- Recreation Facility, private

AFFORDABLE HOUSING

A minimum of 12% of the total residential apartment units (as shown on the first site plan submittal) shall be designated as restricted low-income affordable housing rental units (the "Affordable Units") for a minimum affordability period of 15 years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Restriction Period").

- 5% of the total residential apartment units shall be Affordable Units occupied by low-income households earning no more than 80% 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") and rented at maximum rent limits per bedroom count, no greater than the 80% AMI limits as stipulated by the most recently published NC Housing Finance Agency Low-Income Housing Tax Credit Multifamily Tax Subsidy Program income and rent limits for the Wake County Metropolitan Area (the "MTSP Rent Limits").

- 5% of the total residential apartment units shall be Affordable Units occupied by low-income households earning no more than 100% AMI and rented at maximum rent limits as stipulated by the 100% AMI MTSP Rent Limits.

- 2% of the total residential apartment units shall be Affordable Units occupied by low-income households earning no more than 110% AMI and rented at maximum rent limits as stipulated by the 110% AMI MTSP Rent Limits.

- If the Affordable Units calculation results in a fraction between 0.00 and 0.49, the number of Affordable Units shall be rounded down to the nearest whole number. 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.

- Prior to issuance of the first residential Certificate of Occupancy, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.

- During the Affordable Restriction Period, the property owner shall be responsible for performing, or contracting for, all property management and administration duties to ensure compliance with this affordable housing condition and shall submit annual compliance reports to the Town verifying compliance.

- Following expiration of the Affordable Restriction Period, this affordable housing condition shall expire, and the property owner shall be relived of all obligations set forth in this affordable housing condition, and the Affordable Units may be freely marketed and leased at market-rate rents.

DESIGN CONTROLS

Multi-Family Design Controls

- Acreage: 13.55
- Maximum number of multi-family apartment units: 300
- Maximum Building Height: 60 ft./4 stories
- Minimum Building Setbacks
  - Front 10 ft.
  - Rear 10 ft.
  - Corner 10 ft.
  - Minimum Building Separation 30 ft.
  - From Buffer or RCA 10 ft.

LANDSCAPING, BUFFERING, AND SCREENING

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

Location:	**Buffer Size & Type:**
Along the southern property line	30 ft. Type B/15 ft. Type B*
Along the western property line	25 ft. Type A
Along Wimberly Road	20 ft. Type B**

*There is an existing Duke Energy Electric Easement (Deed Book 5389, Page 112)(the "Jenks Duke Easement") along the property's Jenks Road frontage. The Jenks Road right of way dedication and road widening set forth in the Transportation Improvements section of this PUD may require relocation of the Jenks Duke Easement north onto the property as shown on the Preliminary Layout Plan (the "Relocation"). If the Relocation occurs, the portion of the buffer adjacent to the easement shall be reduced to a 15-foot Type B buffer and located outside of the relocated Jenks Duke Easement.

**This buffer may overlap with the existing Town of Apex Electric Easement (Deed Book 16203, Page 1465) and Duke Energy Electric Easement along Wimberly Road provided there is a 10-foot wide planting area as measured from the edge of the easement.

ARCHITECTURAL STANDARDS

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

RESIDENTIAL DESIGN GUIDELINES

Multi-Family/Apartments/Condominiums:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
2. Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.
3. A minimum of three of the following features shall be used on each building:
   a. Decorative shake
   b. Board and batten
   c. Decorative porch railing/posts
   d. Shutters
   e. Decorative/functional air vents on roof or foundation
   f. Recessed windows
   g. Decorative windows
   h. Decorative brick/stone
   i. Gables
   j. Decorative cornices
   k. Tin/metal roof
4. Garage doors must have windows, decorative details, or carriage-style adornments on them.
5. Windows that are not recessed must be trimmed.

PARKING AND LOADING

Multi-Family buildings shall provide the following minimum parking spaces per dwelling unit based on the number of bedrooms:

Bedrooms per unit	**Minimum ratio**
1 or 2	1.3 spaces per dwelling unit
3	1.8 spaces per dwelling unit

SIGNAGE

Signage shall comply with UDO Section 8.7.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The property is in the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area,

vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

This PUD will meet the requirements of Section 8.1.2 of the UDO, Resource Conservation Area, and Section 2.3.4, Planned Development Districts.

The PUD will provide a minimum of 25% of the gross project area as Resource Conservation Area ("RCA"). Designated RCA areas will be consistent with the items listed in UDO Section 8.1.2(B). Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the site. Additional RCA areas may include perimeter and street front buffers, stormwater management areas, and greenways.

Floodplain

The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex Watershed & FEMA Map dated April 2015. FIRM Panel 3720072200J dated May 2, 2006 does not include a floodplain within the property boundary.

Historic Structures

There are no known historic structures present on the Property.

Environmental Commitments Summary

As shown elsewhere in the PUD, the following environmental conditions shall apply to the Development:

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

- At least 70% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Director at site plan or subdivision review.

- The project shall install a sign adjacent to wooded or natural condition Resource Conservation Area that indicates the area is RCA and to be preserved in perpetuity and not disturbed.

- The project shall install at least two (2) pet waste stations in the project in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths.

- No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.

- The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.

STORMWATER MANAGEMENT

The Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

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

PARKS AND RECREATION

Altera Heights PUD #24CZ11 was reviewed at the 02/26/2025 PRCR Advisory Commission meeting. The Commission unanimously recommended a fee in lieu of dedication for a maximum of 300 Multi-Family units. The fee in lieu rate will be set at the time of Town Council action on the Rezoning and run for the life of the project. The total fee-in-lieu (based on the final unit count) will be calculated at Site Plan and Construction Document review and deposited prior to issuance of the first building permit for each building.

PUBLIC FACILITIES

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

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements (the "Road Improvements") apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. All proposed driveway access and improvements on state-maintained roadways are subject to both Apex and NCDOT review and approval. All proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan.

1. **Wimberly Road Widening**. Developer shall widen Wimberly Road to accommodate turn lanes as required based on a minimum 35-foot back to back curb and gutter 2-lane section with a 10-foot Side Path in a 60-foot right-of-way. Developer shall dedicate up to 5 feet of additional right of way along the property's frontage where needed to accommodate required turn lanes.

2. **Wimberly Road/White Oak Pond Road/North Site Driveway Intersection**. Developer shall construct a full-movement stop-controlled two-lane driveway across from White Oak Pond Road.

3. **Wimberly Road/Retreat at Preserve at White Oak Driveway/South Site Driveway Intersection.** Developer shall construct**:**

a. a full-movement stop-controlled two-lane driveway across from the planned Alderwood commercial site driveway approximately 550 feet north of Jenks Road;

b. a northbound left turn lane on Wimberly Road with a minimum 50 feet of storage and appropriate deceleration length and taper; and

c. a southbound left turn lane on Wimberly Road with a minimum 25 feet of storage and appropriate deceleration length and taper.

4. **Jenks Road/Wimberly Road Intersection.**

a. Developer shall dedicate right-of-way in the northwestern quadrant of the intersection sufficient for the future construction of a metal pole traffic signal with signal cabinet and associated equipment.

b. Prior to recordation of the Final Plat for the last phase of the development, Developer shall pay a fee in lieu for 50% of the estimated costs to design, acquire easements for, and construct a metal pole span wire traffic signal with pedestrian accommodations. Prior to Final Plat approval for the last phase of the development, Developer shall provide a preliminary signal geometric plan and engineer's estimate to the Town for review and approval.

5. **Jenks Road Widening**. Developer shall dedicate right of way and widen the northern half of Jenks Road for the length of the property's Jenks Road frontage based on a minimum 84-foot back to back curb and gutter 4-lane divided section with a 10-foot Side Path in a 110-foot right-of-way (the "Jenks Road Widening").

6. **Right of Way/Easement Acquisition**. The Road Improvements are intended to be located in existing Jenks Road and Wimberly Road rights of way and in additional right of way to be dedicated along the subject property's road frontage. If any Road Improvements require offsite rights of way, easements, or other property interests, the developer shall be responsible for acquiring all offsite easements and right of way necessary to construct committed transportation improvements. In the event that developer is unable to acquire the aforementioned easements and right of way through good faith efforts, Developer shall request assistance from the Town of Apex. In the event that the Town is unwilling or unable to assist with the acquisitions, Developer shall update engineering plans accordingly and pay a fee in lieu based on the fair market value of the offsite easements and right of way and estimated construction cost of the improvements, based on an engineer's estimate, subject to Town review and approval. Payment of the fee in

lieu shall satisfy the requirement to construct the committed transportation improvements.

CROSS ACCESS

Adjacent to the west of the property is the Cary-Apex Water Treatment Plant (PIN 0722488535). Adjacent to the south of the property is an undeveloped tract owned by the Town of Apex to be used for utilities (PIN 0722671588). Due to the nature of adjacent uses, the project shall not be required to provide vehicular or pedestrian cross access to adjacent properties.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

Per the Town of Apex Bicycle and Pedestrian System Plan Map and UDO requirements, the developer shall construct a 10-foot Side Path along the property's Jenks Road and Wimberly Road frontage.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex Sewer and Water Master Plan and Standards and Specifications. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone and cable will be provided by the Developer via third parties and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The project may be completed in phases. Final locations of phases will be determined at the time of Site Plan review and approval.

CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map (the "LUM") designates the property as Office/Commercial Services. However, non-residential uses are infeasible on the property. The office market has not recovered from COVID-19; in first quarter 2024, the direct vacancy rate for office space in Raleigh-Durham increased to 15.6% and the suburban vacancy rate increased to 16.2%.[2] Seven of the ten largest vacancies were in suburban submarkets, mostly concentrated in the RTP/I-40

[2] See Cushman & Wakefield Q1 2024 Raleigh Office Report. https://cw-gbl-gws-prod.azureedge.net/-/media/cw/marketbeat-pdfs/2024/q1/us-reports/office/raleigh-durham_americas_marketbeat_office_q12024.pdf?rev=e3d179927e8343c69bd3895c5d3d6fab

Corridor submarket which had the highest overall vacancy rate of 30.9%. Commercial uses on the site face challenges due to the lot configuration. Because of the configuration of the Town owned property to the south (PIN 0722671588), the property has minimal frontage on Jenks Road, the primary transportation corridor, and will only have driveway access to Wimberly Road. Additionally, non-residential development is drawn to US-64 where visibility is better and daily trips are higher.

Given those constraints, an attainable housing community is the highest and best use of the property. It will further Goal 1.2(d) of the Affordable Housing Incentive Zoning Policy and Procedures Manual (the "Affordable Policy"), to create "mixed-income communities, with affordable housing units integrated within residential and mixed-use market rate developments." According to the Affordable Housing Plan (the "Affordable Plan"), over the next decade, Apex is projected to add 1,900 jobs with incomes below $75,000, which will further contribute to the Town's affordable housing need; jobs such as grocery cashiers, firefighters, and nurses.

COMPLIANCE WITH UDO

The development standards proposed for this PUD comply with those set forth in the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Altera Heights. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEGINNING ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY) AT AN EXISTING IRON PIPE ON THE NORTHEASTERN CORNER OF LOT 1 RECORDED IN BOOK OF MAPS 1994 PAGE 435 RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS AND HAVING N.C. GRID COORDINATES OF N: 728,630.67, E: 2,026,294.61 NAD83/2011, THENCE FROM SAID POINT AND WITH THE SOUTHERN RIGHT OF WAY SOUTH 49° 11' 09" EAST FOR A DISTANCE OF 107.51 FEET TO AN IRON PIPE SET, THENCE SOUTH 40° 46' 30" EAST FOR A DISTANCE OF 106.86 FEET TO AN IRON PIPE SET, THENCE SOUTH 33° 47' 29" EAST FOR A DISTANCE OF 79.92 FEET TO AN IRON PIPE SET, THENCE SOUTH 28° 06' 25" EAST FOR A DISTANCE OF 94.74 FEET TO AN IRON PIPE SET, THENCE SOUTH 24° 00' 16" EAST FOR A DISTANCE OF 484.42 FEET TO AN IRON PIPE SET, THENCE SOUTH 25° 31' 04" EAST FOR A DISTANCE OF 82.88 FEET TO AN IRON PIPE SET, THENCE SOUTH 27° 41' 54" EAST FOR A DISTANCE OF 31.47 FEET TO AN IRON PIPE SET, THENCE SOUTH 23° 56' 01" WEST FOR A DISTANCE OF 47.61 FEET TO AN IRON PIPE SET ON THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY), THENCE ALONG THE NORTHERN RIGHT OF WAY SOUTH 75° 33' 56" WEST FOR A DISTANCE OF 115.59 FEET TO AN IRON PIPE, THENCE SOUTH 74° 18' 49" WEST A DISTANCE OF 68.97 FEET TO AN IRON PIPE WITH CAP, THENCE LEAVING THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY) NORTH 88° 58' 44" WEST FOR A DISTANCE OF 563.29 FEET TO AN ANGLE IRON, THENCE NORTH 88° 58' 44" WEST FOR A DISTANCE OF 47.06 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 424.08 FEET TO AN AXLE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 12.51 FEET TO AN IRON PIPE THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 151.76 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 15.73 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 84.35 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 18" EAST FOR A DISTANCE OF 411.13 FEET TO AN IRON PIPE SET ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY), THENCE WITH THE SOUTHERN RIGHT OF WAY SOUTH 61° 03' 43" EAST FOR A DISTANCE OF 170.57 FEET TO AN IRON PIPE SET, THENCE SOUTH 59° 15' 00" EAST FOR A DISTANCE OF 74.16 FEET TO AN IRON PIPE SET, THENCE SOUTH 56° 01' 14" EAST FOR A DISTANCE OF 93.72 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 13.55 ACRES, MORE OR LESS.

EXHIBIT B
Ownership Addendum

PIN 0722673959
Address: 8108 Jenks Road
Acreage: 9.64 acres
Owner: Terry Cichocki
Deed Book/Page: 16193/229
Owner Address: 8108 Jenks Road, Apex, NC 27523

PIN 0722682430
Address: 1508 Wimberly Road
Acreage: 2.08 acres
Owner: Danny Ottaway and Joan Ottaway
Deed Book/Page: 13368/821
Owner Address: 10401 Chapel Hill Road, Morrisville, NC 27560

PIN 0722681610
Address: 1440 Wimberly Road
Acreage: 1.83 acres
Owner: Terry Poole
Deed Book/Page: 12394/1101
Owner Address: 1440 Wimberly Road, Apex, NC 27523

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

ALTERA HEIGHTS

JENKS ROAD AND WIMBERLY ROAD
APEX, NORTH CAROLINA

FIRST SUBMITTAL: JUNE 3RD, 2024
SECOND SUBMITTAL: AUGUST 2ND, 2024
THIRD SUBMITTAL: FEBRUARY 7TH, 2025
FOURTH SUBMITTAL: APRIL 4TH, 2025

SITE DATA TABLE		
DEVELOPER	WP EAST ACQUISITIONS, LLC. 1414 RALEIGH ROAD, SUITE 429 CHAPEL HILL, NC 27517	
PARCELS	0722681610, 0722682430, 0722673959	
SITE AREA	GROSS	13.55 ACRES
	R/W DEDICATION	0.13 ACRES
	NET	13.42 ACRES
EXISTING ZONING	RR (RURAL RESIDENTIAL)	
PROPOSED ZONING	PUD-CZ	
RIVER BASIN	CAPE FEAR	
WATERSHED OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT	
HISTORIC STRUCTURES	NONE	
MAX BUILT UPON AREA (IMPERVIOUS)	9.39 ACRES (70%)	
2045 LAND USE MAP (LUM) DESIGNATION	OFFICE EMPLOYMENT, COMMERCIAL	
AREA DESIGNATED AS MIXED-USE ON 2045 LUM	NONE	
AREA OF MIXED-USE PROPOSED AS NON-RESIDENTIAL	NONE	
PROPOSED USE	MULTI-FAMILY APARTMENTS	
MAXIMUM DENSITY	300 UNITS	
BUFFER CALL IDENTIFICATION NUMBER	APEX 23-008	
EXISTING SF OF BUILDINGS	4,158 SF	
PROPOSED BLDG HEIGHT	60 FEET (4 STORIES)	
REQUIRED PARKING SPACES	1-2 BEDROOMS	1.3 SPACES PER DWELLING
	3+ BEDROOMS	1.8 SPACES PER DWELLING
REQUIRED RESOURCE CONSERVATION AREA	25% (RCA AREA WILL MEET CRITERIA IN UDO SECTION 8.1.2.)	
SETBACKS	FRONT	10 FEET
	CORNER	10 FEET
	REAR	10 FEET
	BUILDING SEPARATION	30 FEET

OWNERS
1. PIN: 0722673959 TERRY CICHOCKI 8108 JENKS ROAD APEX, NC 27523-9423
2. PIN: 0722682430 DANNY L. AND JOAN M. OTTAWAY 10401 CHAPEL HILL ROAD MORRISVILLE, NC 27560-8710
3. PIN: 0722681610 TERRY D. POOLE 1440 WIMBERLY ROAD APEX, NC 27523-9660

VICINITY MAP
SCALE: 1" = 1000'

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
C0-0	COVER SHEET
C1-0	EXISTING CONDITIONS
C1-1	PRELIMINARY LAYOUT PLAN
C1-2	CONCEPTUAL BUILDING ELEVATIONS
C1-3	CONCEPTUAL BUILDING ELEVATIONS
C1-4	CONCEPTUAL BUILDING ELEVATIONS
C1-5	CONCEPTUAL BUILDING ELEVATIONS
C1-6	CONCEPTUAL BUILDING ELEVATIONS
C1-7	CONCEPTUAL BUILDING ELEVATIONS
C1-8	CONCEPTUAL BUILDING ELEVATIONS
C1-9	CONCEPTUAL BUILDING ELEVATIONS
C1-10	CONCEPTUAL BUILDING ELEVATIONS
C1-11	CONCEPTUAL BUILDING ELEVATIONS
C1-12	CONCEPTUAL BUILDING ELEVATIONS
C1-13	CONCEPTUAL BUILDING ELEVATIONS
C1-14	CONCEPTUAL BUILDING ELEVATIONS
C1-15	CONCEPTUAL BUILDING ELEVATIONS
C1-16	CONCEPTUAL BUILDING ELEVATIONS
C1-17	CONCEPTUAL BUILDING ELEVATIONS
C1-18	CONCEPTUAL BUILDING ELEVATIONS

REZONING CONDITIONS

ARCHITECTURAL CONDITIONS:

1. VINYL SIDING IS NOT PERMITTED; HOWEVER, VINYL WINDOWS, DECORATIVE ELEMENTS, AND TRIM ARE PERMITTED.
2. REAR AND SIDE ELEVATIONS OF UNITS THAT HAVE RIGHT-OF-WAY FRONTAGE SHALL HAVE TRIM AROUND THE WINDOWS.
3. A MINIMUM OF THREE OF THE FOLLOWING FEATURES SHALL BE USED ON EACH BUILDING:
   a. DECORATIVE SHAKE
   b. BOARD AND BATTEN
   c. DECORATIVE PORCH RAILING/POSTS
   d. SHUTTERS
   e. DECORATIVE/FUNCTIONAL AIR VENTS ON ROOF OR FOUNDATION
   f. RECESSED WINDOWS
   g. DECORATIVE WINDOWS
   h. DECORATIVE BRICK/STONE
   i. GABLES
   j. DECORATIVE CORNICES
   k. TIN/METAL ROOF
4. GARAGE DOORS MUST HAVE WINDOWS, DECORATIVE DETAILS, OR CARRIAGE-STYLE ADORNMENTS ON THEM.
5. WINDOWS THAT ARE NOT RECESSED MUST BE TRIMMED.

AS SHOWN ELSEWHERE IN THE PUD, THE FOLLOWING ENVIRONMENTAL CONDITIONS SHALL APPLY TO THE DEVELOPMENT:

1. THE PROJECT SHALL INSTALL AT LEAST ONE (1) SIGN PER SCM DISCOURAGING THE USE OF FERTILIZER AND TO REDUCE PET WASTE NEAR SCM DRAINAGE AREAS. THE SIGN SHALL BE INSTALLED IN LOCATIONS THAT ARE PUBLICLY ACCESSIBLE, SUCH AS ADJACENT TO, BUT OUTSIDE OF PUBLIC PROPERTY AND/OR PUBLIC EASEMENT(S), AMENITY CENTERS, SIDEWALKS, GREENWAYS, OR SIDE PATHS.
2. AT LEAST 70% OF PLANTS SHALL BE NATIVE SPECIES. LANDSCAPING WILL BE COORDINATED WITH AND APPROVED BY THE PLANNING DIRECTOR AT SITE PLAN OR SUBDIVISION REVIEW.
3. NO INVASIVE SPECIES SHALL BE PERMITTED. NO SINGLE SPECIES OF TREE OR SHRUB SHALL CONSTITUTE MORE THAN 20% OF THE PLANT MATERIAL OF ITS TYPE WITHIN A SINGLE DEVELOPMENT SITE.
4. THE PROJECT SHALL INSTALL A SIGN ADJACENT TO WOODED OR NATURAL CONDITION RESOURCE CONSERVATION AREA THAT INDICATES THE AREA IS RCA AND TO BE PRESERVED IN PERPETUITY AND NOT DISTURBED.
5. THE PROJECT SHALL INSTALL AT LEAST TWO (2) PET WASTE STATIONS IN THE PROJECT IN LOCATIONS THAT ARE PUBLICLY ACCESSIBLE, SUCH AS ADJACENT TO AMENITY CENTERS, SCMS, SIDEWALKS, GREENWAYS, OR SIDE PATHS.
6. THE PROJECT SHALL USE FULL CUTOFF LED FIXTURES THAT HAVE A MAXIMUM COLOR TEMPERATURE OF 3000K FOR ALL EXTERIOR LIGHTING, INCLUDING, BUT NOT LIMITED TO, PARKING LOT AND BUILDING MOUNTED FIXTURES.

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

CONTACT:
RYAN FISHER
rfisher@bgeinc.com
(984) 212-8825

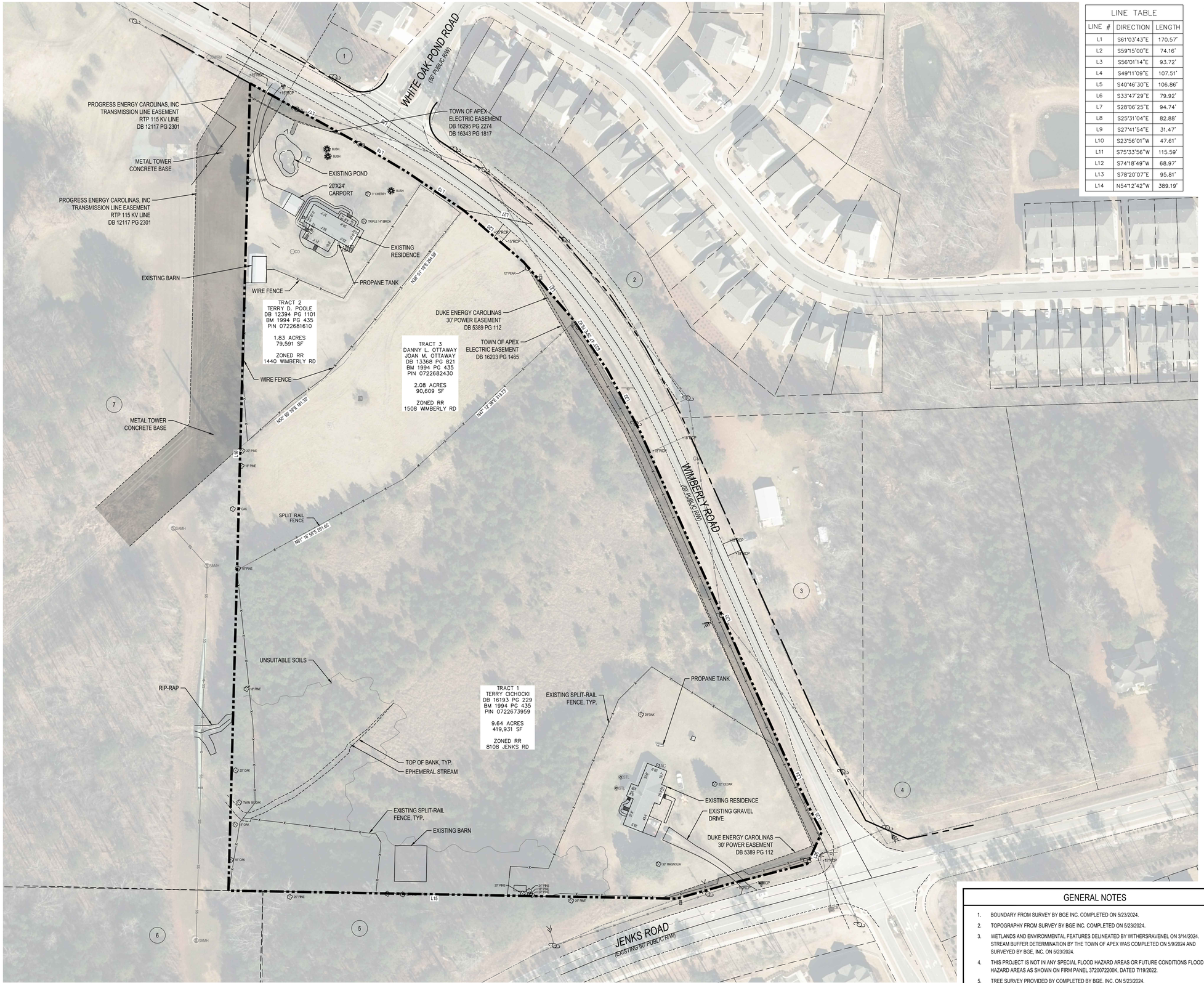
DEVELOPER:
WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517
PHONE: (704) 332-8995

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

PUD-CZ DRAWINGS FOR:
ALTERA HEIGHTS
8108 JENKS ROAD
APEX, NC 27523-9423

FILE NUMBER:
13123-00

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C0-0 - COVER.dwg Layout: C0-0 Plotted: 4/4/2025 9:28:04 AM



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S61°03'43"E	170.57'
L2	S59°15'00"E	74.16'
L3	S56°01'14"E	93.72'
L4	S49°11'09"E	107.51'
L5	S40°46'30"E	106.86'
L6	S33°47'29"E	79.92'
L7	S28°06'25"E	94.74'
L8	S25°31'04"E	82.88'
L9	S27°41'54"E	31.47'
L10	S23°56'01"W	47.61'
L11	S75°33'56"W	115.59'
L12	S74°18'49"W	68.97'
L13	S78°20'07"E	95.81'
L14	N54°12'42"W	389.19'

ADJACENT PROPERTY OWNER INFORMATION:

1. PIN: 0722692652
DB. 018946 PG. 02091
THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION
15501 WESTON PARKWAY, SUITE 100
CARY, NC 27513-8636

2. PIN: 0722689944
DB. 017584 PG. 02495
THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION
15501 WESTON PARKWAY, SUITE 100
CARY, NC 27513-8636

3. PIN: 0722687241
D.B. 019165 PG. 02160
COLUMBIA INVESTMENTS LLC.
P.O. BOX 1897
APEX, NC 27502-1100

4. PIN: 0722689065
D.B. 019165 PG. 02155
COLUMBIA INVESTMENTS LLC.
P.O. BOX 1897
APEX, NC 27502-1100

5. PIN: 0722671588
D.B. 017267 PG. 01687
TOWN OF APEX
P.O. BOX 250
APEX, NC 27502-0250

6. PIN: 0722576478
D.B. 019499 PG. 02788
CRP/BI JENKS ROAD APEX OWNER LLC
1001 PENNSYLVANIA AVE NW SUITE 220
WASHINGTON, DC 20004-2525

7. PIN: 0722488535
D.B. 004409 PG. 00746
TOWN OF APEX / TOWN OF CARY
P.O. BOX 8005
CARY, NC 27512-8005

GENERAL NOTES

1. BOUNDARY FROM SURVEY BY BGE INC. COMPLETED ON 5/23/2024.
2. TOPOGRAPHY FROM SURVEY BY BGE INC. COMPLETED ON 5/23/2024.
3. WETLANDS AND ENVIRONMENTAL FEATURES DELINEATED BY WITHERSRAVENEL ON 3/14/2024. STREAM BUFFER DETERMINATION BY THE TOWN OF APEX WAS COMPLETED ON 5/9/2024 AND SURVEYED BY BGE, INC. ON 5/23/2024.
4. THIS PROJECT IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS AS SHOWN ON FIRM PANEL 3720072200K, DATED 7/19/2022.
5. TREE SURVEY PROVIDED BY COMPLETED BY BGE, INC. ON 5/23/2024.

N

0 30' 60' 120'
SCALE: 1" = 60'

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397
©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

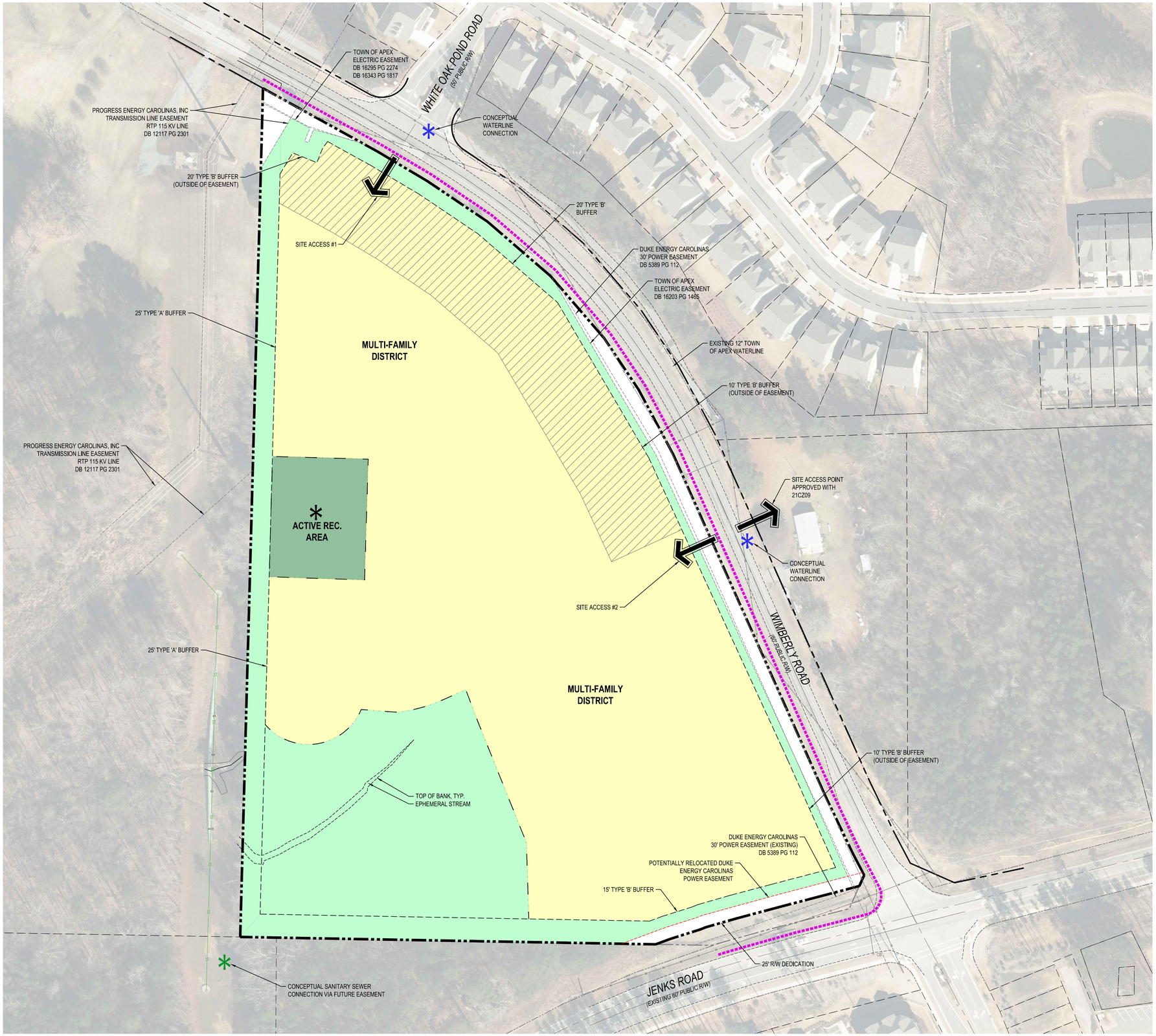
ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

EXISTING CONDITIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 JOHN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-0

G:\INCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-0 - EXIST COND.dwg Layout: C1-0 Plotted: 4/4/2025 9:29:12 AM



LEGEND

- PROPERTY LINE
- MULTIFAMILY CONCEPTUAL DEVELOPMENT BLOCK
- BUILDINGS LOCATED IN THIS AREA SHALL BE LIMITED TO 3 FLOORS (50 FT)
- RESOURCE CONSERVATION AREA
- ACTIVE RECREATION AREA
- CONCEPTUAL SITE ACCESS
- CONCEPTUAL 10' SIDEPATH
- CONCEPTUAL WATERLINE CONNECTION
- CONCEPTUAL SANITARY SEWER CONNECTION

PRELIMINARY LAYOUT NOTES

GENERAL NOTES:

1. ALL ZONING PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS SHALL BE DETERMINED DURING THE MINOR SITE PLAN APPROVAL PROCESS.
2. REFER TO THE PUD TEXT DOCUMENTS FOR ALLOWABLE USES, ZONING CONDITIONS AND OTHER DESIGN STANDARDS.
3. ALL VEHICULAR ACCESS LOCATIONS AND PEDESTRIAN CIRCULATION ARE CONCEPTUAL AND SHALL BE FINALIZED DURING THE MINOR SITE PLAN APPROVAL PROCESS.
4. TREE PROTECTION FENCING SHALL BE PLACED IN ACCORDANCE WITH THE TOWN OF APEX'S UNIFIED DEVELOPMENT ORDINANCE.
5. EXACT LOCATION OF OPEN SPACE AND RESOURCE CONSERVATION AREA TO BE FINALIZED DURING THE MINOR SITE PLAN APPROVAL PROCESS.
6. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ APPROVAL PROCESS. A SEPARATE SIGN PERMIT MUST BE OBTAINED IN ACCORDANCE WITH THE TOWN OF APEX'S UNIFIED DEVELOPMENT ORDINANCE.
7. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
8. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING, SCREENING, SITE STABILIZATION (SEEDING), PARKING, AND PAVEMENT MARKING, MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.

UTILITY NOTES:

1. THIS PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER AND ELECTRICITY.
2. THE SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.
3. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. EXACT LOCATION SHALL BE DETERMINED AT THE TIME OF CONSTRUCTION DRAWINGS.
4. ALL CONSTRUCTION SHALL COMPLY WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
5. ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE TOWN OF APEX.

N

0 30' 60' 120'

SCALE: 1" = 60'

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

PRELIMINARY LAYOUT PLAN

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-1

G:\NC\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-1 - PRELIM LAYOUT PLAN.dwg Layout: C1-0 Plotted: 4/4/2025 9:29:59 AM

AMENITY BUILDING FRONT AND REAR ELEVATION

NOT TO SCALE

NOTE: FRONT AND REAR ELEVATIONS OF AMENITY BUILDING ARE IDENTICAL

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

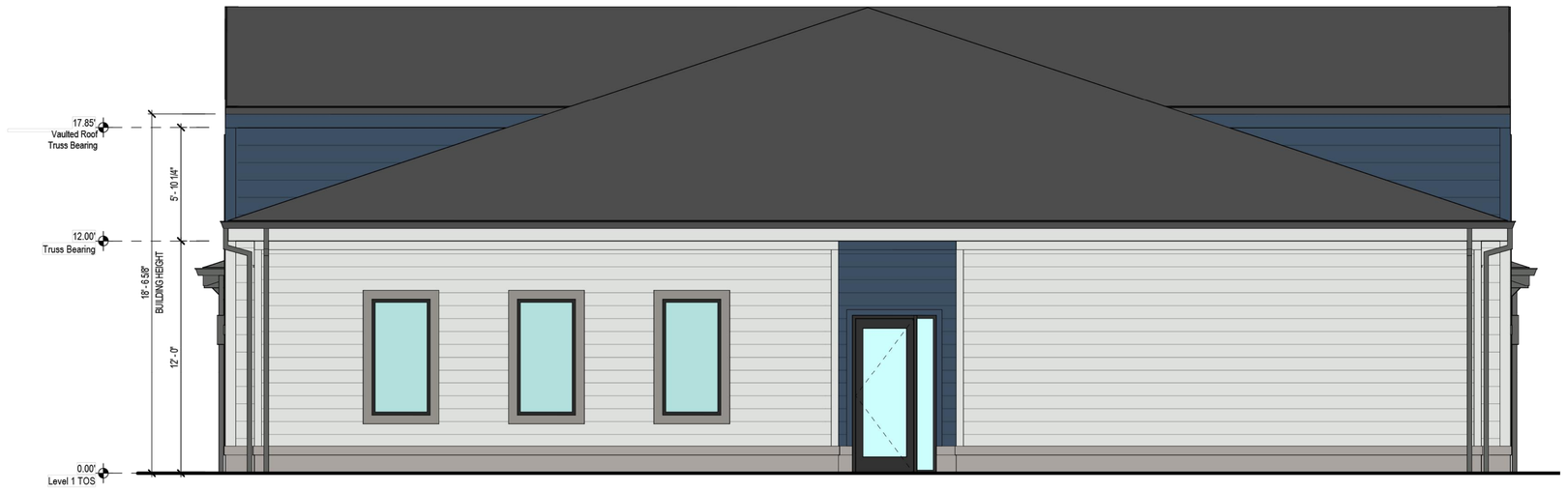
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-2

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-2 Plotted: 4/4/2025 9:30:33 AM



AMENITY BUILDING WEST ELEVATION

NOT TO SCALE

AMENITY BUILDING EAST ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

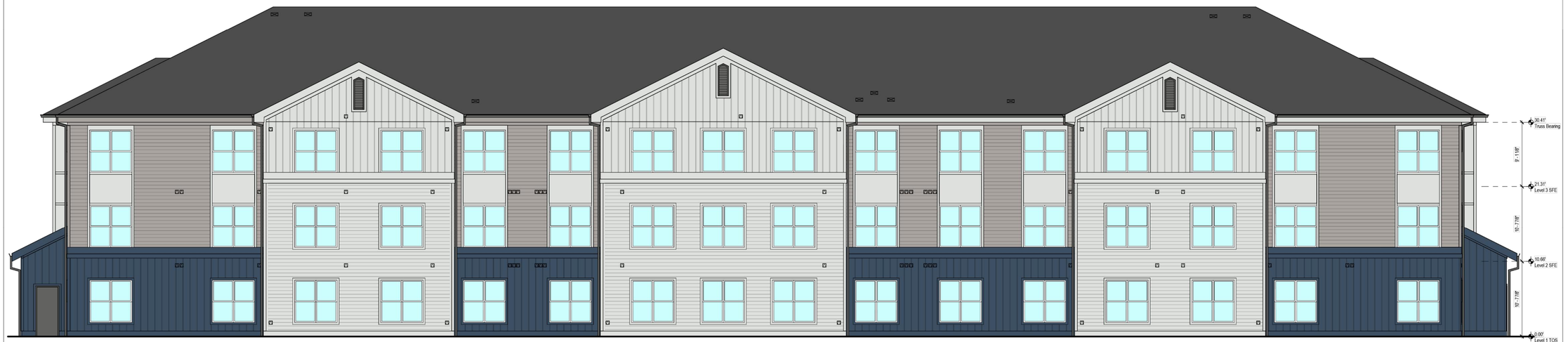
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

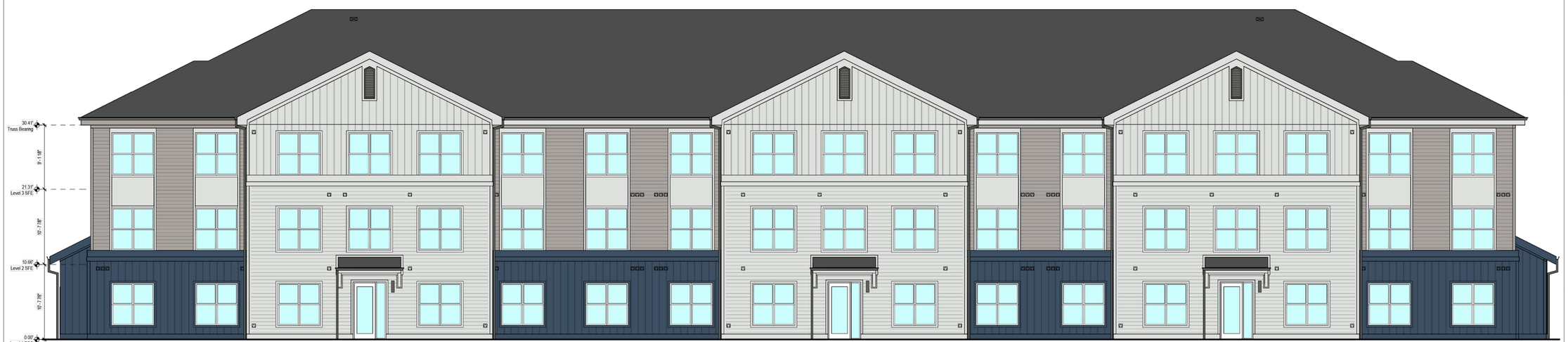
C1-3

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-3 Plotted: 4/4/2025 9:30:49 AM



RESIDENTIAL BUILDING TYPE B1 REAR ELEVATION - OPTION 2

NOT TO SCALE



RESIDENTIAL BUILDING TYPE B1 FRONT ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SW 6165: Connected Gray	SW 7068: Grizzle Gray	SW 7004: Snowbound
SCHEME 2	SW 6150: Universal Khaki	SW 7625: Mount Etna	SW 6071: Popular Gray
SCHEME 3	SW 7672: Knitting Needles	SW 7602: Indigo Batik	SW 7070: Site White

BOARD & BATTEN VENEER | HORIZONTAL SIDING VENEER | ROOF SHINGLES | FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-4

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-4 Plotted: 4/4/2025 9:31:07 AM

RESIDENTIAL BUILDING TYPE B1 EAST ELEVATION - OPTION 2

scale: 3/16" = 1'-0"

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

RESIDENTIAL BUILDING TYPE B1 WEST ELEVATION - OPTION 2

scale: 3/16" = 1'-0"

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

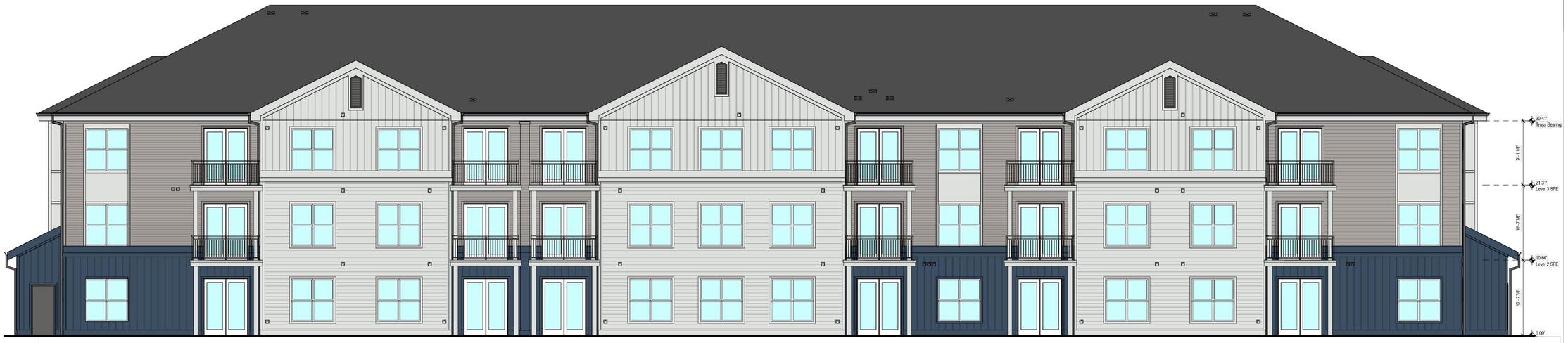
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

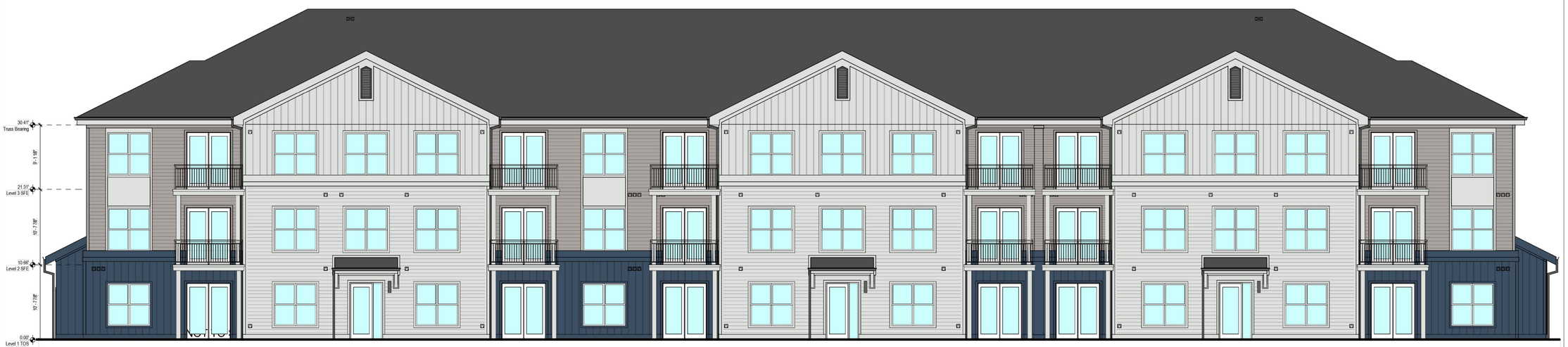
C1-5

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-5 Plotted: 4/4/2025 9:31:23 AM



RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES REAR ELEVATION - OPTION 2

NOT TO SCALE



RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES FRONT ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SCHEME 2	SCHEME 3
SW 6165: Connected Gray	SW 6150: Universal Khaki	SW 7672: Knitting Needles
SW 7068: Grizzle Gray	SW 7625: Mount Etna	SW 7602: Indigo Batik
SW 7004: Snowbound	SW 6071: Popular Gray	SW 7070: Site White

BOARD & BATTEN VENEER | HORIZONTAL SIDING VENEER | ROOF SHINGLES | FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-6

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-6 Plotted: 4/4/2025 9:31:48 AM

RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES EAST ELEVATION - OPTION 2

NOT TO SCALE

RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES WEST ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

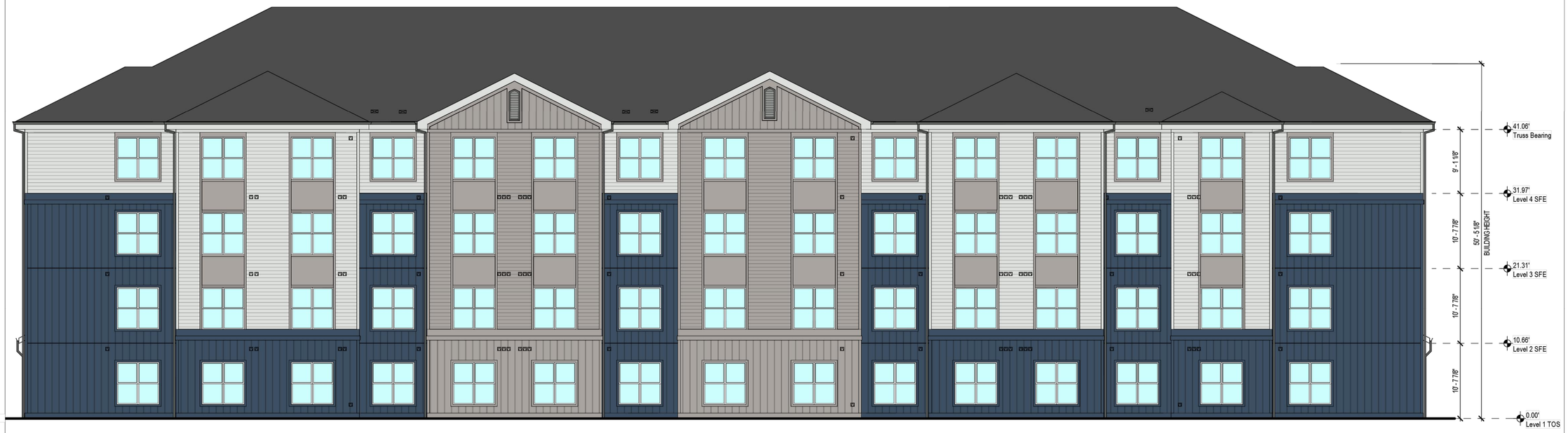
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

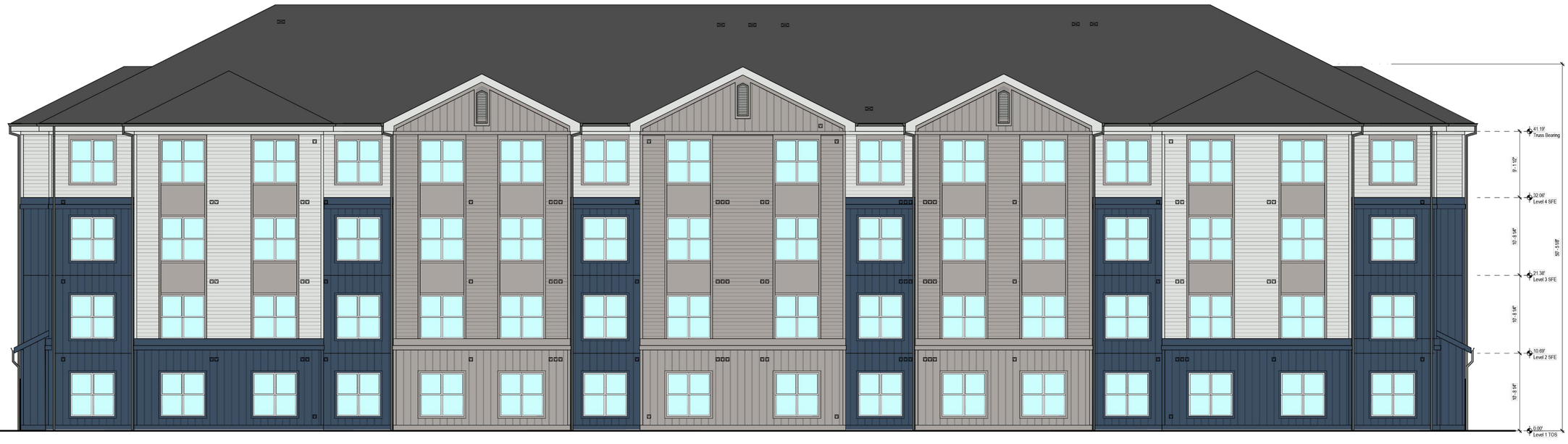
C1-7

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-7 Plotted: 4/4/2025 9:32:02 AM



RESIDENTIAL BUILDING REAR ELEVATION - OPTION 1

NOT TO SCALE



RESIDENTIAL BUILDING FRONT ELEVATION - OPTION 1

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY:	CM
DRAWN BY:	CM
REVIEWED BY:	RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

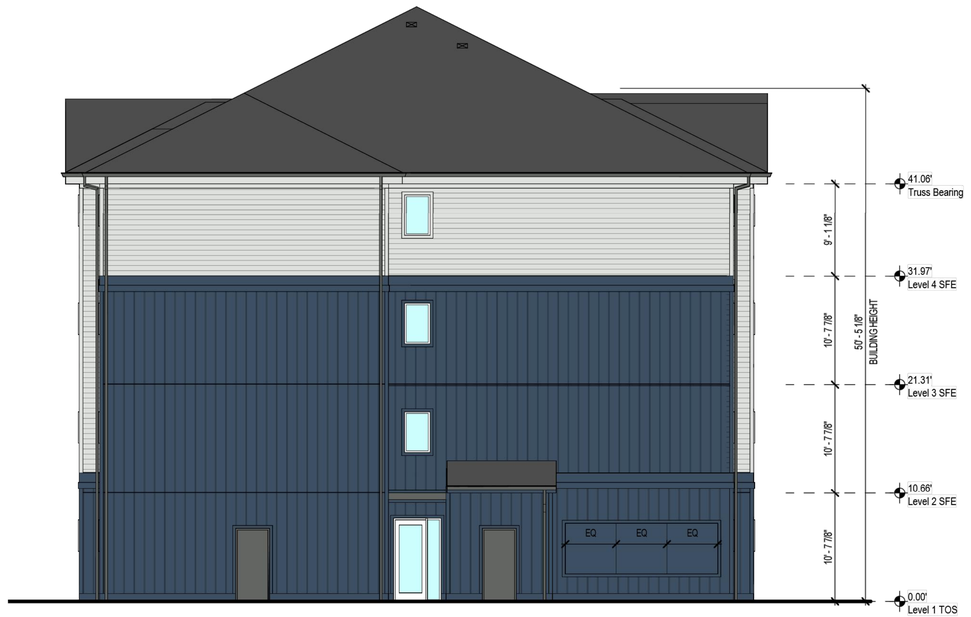
DATE: 06/03/2024

C1-8

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-8 Plotted: 4/4/2025 9:32:14 AM

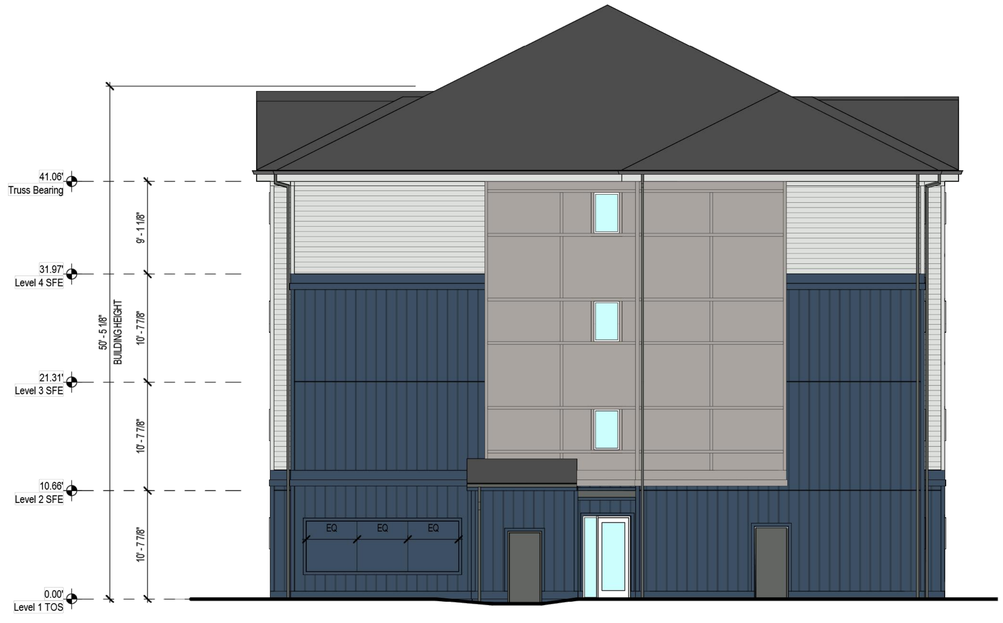
RESIDENTIAL BUILDING EAST ELEVATION - OPTION 1

NOT TO SCALE



RESIDENTIAL BUILDING WEST ELEVATION - OPTION 1

NOT TO SCALE



RESIDENTIAL BUILDING EAST ELEVATION - OPTION 2

NOT TO SCALE

RESIDENTIAL BUILDING WEST ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

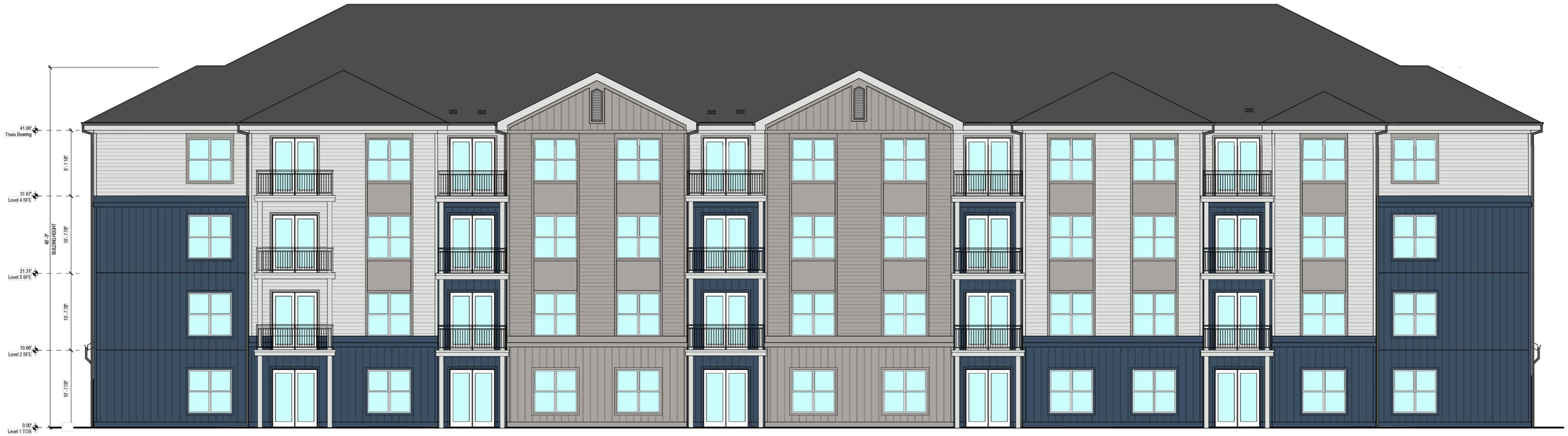
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 JOHN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-9

G:\NC\Projects\Wood Partners\131123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-9 Plotted: 4/4/2025 9:34:54 AM



RESIDENTIAL BUILDING REAR ELEVATION - OPTION 2

NOT TO SCALE

RESIDENTIAL BUILDING FRONT ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039786 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-10

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-10 Plotted: 4/4/2025 9:35:18 AM

RESIDENTIAL BUILDING EAST ELEVATION - OPTION 3

NOT TO SCALE '

RESIDENTIAL BUILDING WEST ELEVATION - OPTION 3

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY:	CM
DRAWN BY:	CM
REVIEWED BY:	RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

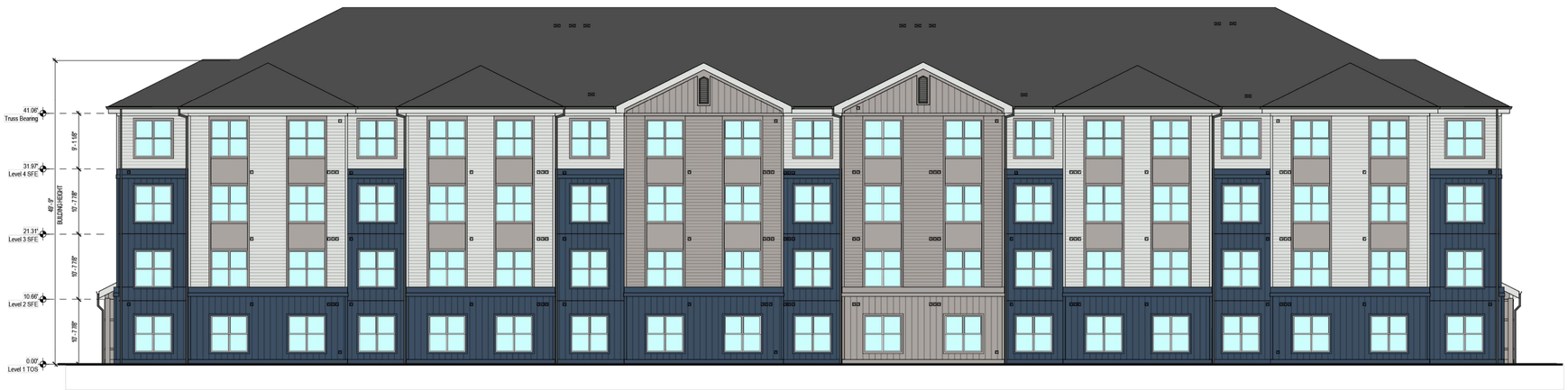
DATE: 06/03/2024

C1-11

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-11 Plotted: 4/4/2025 9:35:34 AM

RESIDENTIAL BUILDING TYPE D2 REAR ELEVATION

NOT TO SCALE



RESIDENTIAL BUILDING TYPE D2 FRONT ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SW 6165: Connected Gray	SW 7068: Grizzle Gray	SW 7004: Snowbound
SCHEME 2	SW 6150: Universal Khaki	SW 7625: Mount Etna	SW 6071: Popular Gray
SCHEME 3	SW 7672: Knitting Needles	SW 7602: Indigo Batik	SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
3	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

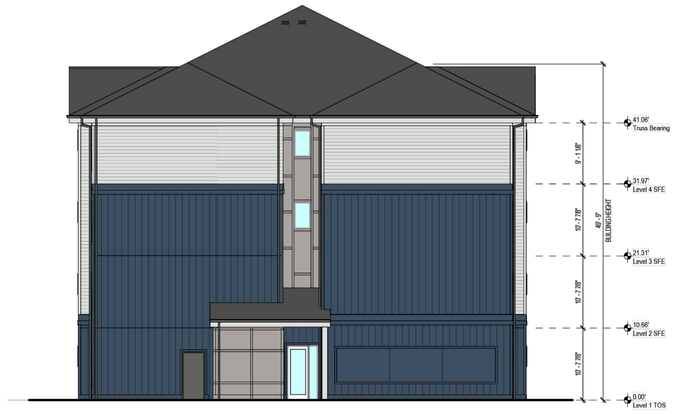
DATE: 06/03/2024

C1-12

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-12 Plotted: 4/4/2025 9:36:54 AM

RESIDENTIAL BUILDING TYPE D2 EAST ELEVATION

NOT TO SCALE



RESIDENTIAL BUILDING TYPE D2 WEST ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7802: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-13

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-13 Plotted: 4/4/2025 9:37:15 AM

RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES REAR ELEVATION

NOT TO SCALE

RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES FRONT ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SW 6165: Connected Gray	SW 7068: Grizzle Gray	SW 7004: Snowbound
SCHEME 2	SW 6150: Universal Khaki	SW 7625: Mount Etna	SW 6071: Popular Gray
SCHEME 3	SW 7672: Knitting Needles	SW 7602: Indigo Batik	SW 7070: Site White

BOARD & BATTEN VENEER | HORIZONTAL SIDING VENEER | ROOF SHINGLES | FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
3	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-14

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-14 Plotted: 4/4/2025 9:37:28 AM

RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES EAST ELEVATION

NOT TO SCALE

RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES WEST ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7802: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

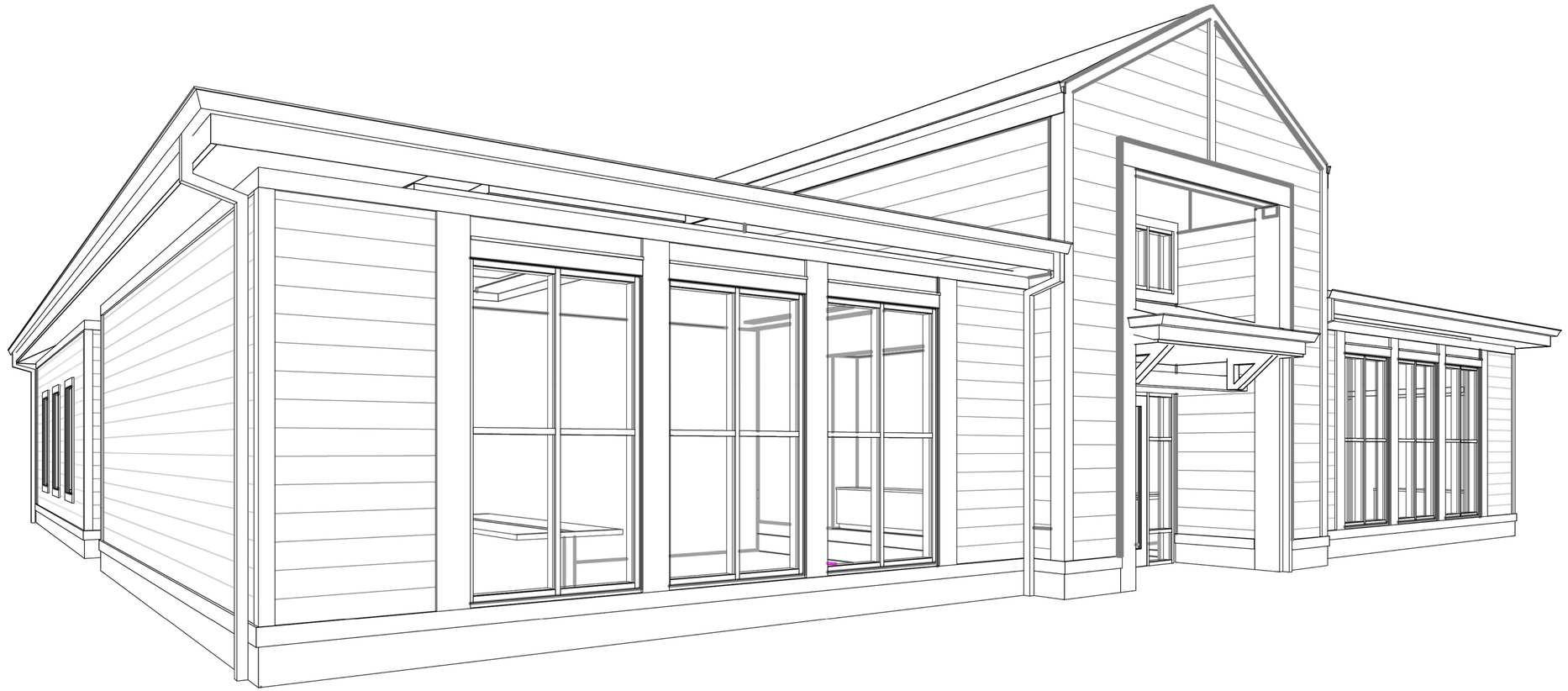
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 PRELIMINARY NOT FOR CONSTRUCTION BRYAN S. FISHER

FILE NUMBER:

DATE: 06/03/2024

C1-15

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-15 Plotted: 4/4/2025 9:37:46 AM



AMENITY BUILDING PERSPECTIVE

NOT TO SCALE

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-16

G:\NC\Projects\Wood Partners\131123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-16 Plotted: 4/4/2025 9:37:59 AM

RESIDENTIAL BUILDING PERSPECTIVE

NOT TO SCALE

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-17

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-17 Plotted: 4/4/2025 9:38:21 AM

RESIDENTIAL BUILDING PERSPECTIVE

NOT TO SCALE

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2025

WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-18

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-18 Plotted: 4/4/2025 9:38:34 AM

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 #: 813 Submittal Date: 9-2-2025

Fee Paid $ 300.00 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

CICHOKI, TERRY — Owner Name (Please Print)

0722673959 — Property PIN or Deed Book & Page #

Phone

E-mail Address

DJ 1300 HOLDINGS LLC — Owner Name (Please Print)

0722682430 — Property PIN or Deed Book & Page #

Phone

E-mail Address

POOLE, TERRY D — Owner Name (Please Print)

0722681610 — Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: KCI Associates of NC (attn: Rob Baumgartner)

Phone: 919-280-7944 Fax:

E-mail Address: Rob.Baumgartner@kci.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	15.16 acres	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	2	Water service (new construction)	☑
Proposed # of housing units:	280	Sewer service (new construction)	☑
Zoning District*:	PUD-CZ	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 813 Submittal Date: 9-2-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Robert Zummwalt
Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Marsha Nichols, a Notary Public for the above State and County, this the 2nd day of Sept, 20 25.

Marsha Nichols
Notary Public

SEAL

MARSHA NICHOLS My Comm. Expires NOTARY PUBLIC October 15, 2028 WAKE COUNTY NC

My Commission Expires: Oct. 15, 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

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

Petition for Voluntary Annexation

Application #: 813 Submittal Date: 9-2-2025

Complete If In A Limited Liability Company

In witness whereof, DJ 1300 Holdings LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 2 day of September, 20 25.

Name of Limited Liability Company DJ 1300 Holdings LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Marsha Nichols, a Notary Public for the above State and County, this the 2nd day of Sept., 20 25.

_____
Notary Public

SEAL

MARSHA NICHOLS
My Comm. Expires
NOTARY PUBLIC
October 15, 2028
WAKE COUNTY NC

My Commission Expires: Oct. 15, 2028

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: _____

AGENT AUTHORIZATION FORM

Application #: 813 **Submittal Date:** 9-2-2025

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

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

The property address is: 8108 Jenks Road; PIN 0722673959

The agent for this project is: Caitlin Shelby and Bob Zumwalt

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

Agent Name: Caitlin Shelby and Bob Zumwalt

Address: 1414 Raleigh Road, Suite 429, Chapel Hill, NC 27517

Telephone Number: 919-355-0110

E-Mail Address: caitlin.shelby@woodpartners.com

Signature(s) of Owner(s)*

Terry Cichocki — 07/25/2025

Terry Cichocki — Type or print name — Date

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 813 Submittal Date: 9-2-2025

Terry D. Poole is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1440 Wimberly Road; PIN 0722681610

The agent for this project is: Caitlin Shelby and Bob Zumwalt

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

Agent Name: Caitlin Shelby and Bob Zumwalt

Address: 1414 Raleigh Road, Suite 429, Chapel Hill, NC 27517

Telephone Number: 919-355-0110

E-Mail Address: caitlin.shelby@woodpartners.com

Signature(s) of Owner(s)*

Terry D. Poole

Terry D. Poole
Type or print name

July 30 2025
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 813 Submittal Date: 9-2-2025

DJ 1300 HOLDINGS, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1508 Wimberly Road; PIN 0722682430

The agent for this project is: Caitlin Shelby and Bob Zumwalt

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

Agent Name: Caitlin Shelby and Bob Zumwalt

Address: 1414 Raleigh Road, Suite 429, Chapel Hill, NC 27517

Telephone Number: 919-355-0110

E-Mail Address: caitlin.shelby@woodpartners.com

Signature(s) of Owner(s)*

DJ 1300 HOLDINGS, LLC,
a North Carolina limited liability company

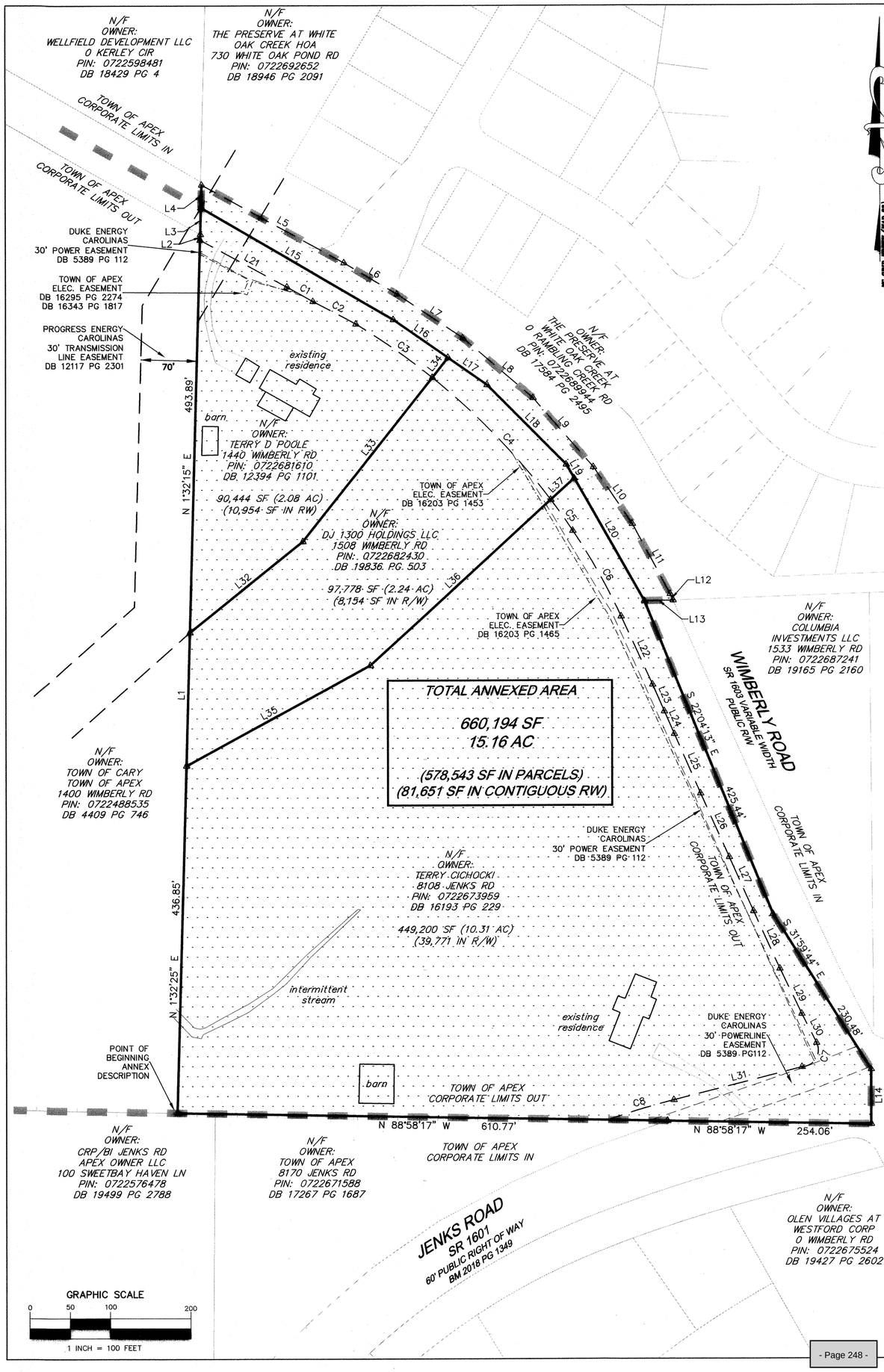
By: _____
Danny L. Ottaway, Sr., its Member

By: _____
Joan M. Ottaway, its Manager

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.

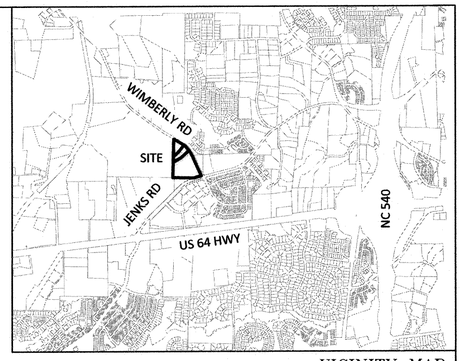


THIS MAP IS FOR ANNEXATION PURPOSES ONLY AND IS NOT TO BE USED TO TRANSFER ANY PROPERTY SHOWN HEREON. NO FIELD SURVEY WAS CONDUCTED; INFORMATION SHOWN HEREON BASED UPON RECORD INFORMATION. NO INTERNAL STRUCTURES, PHYSICAL FEATURES, ENCROACHMENTS, OR FLOOD PRONE AREAS ARE DELINEATED, DEFINED OR ELIMINATED BY THIS PLAT. NOT ALL EASEMENTS ARE SHOWN.

CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1718.25'	37.21'	37.21'	S60°43'35"E
C2	1491.05'	60.52'	60.52'	S61°53'01"E
C3	865.00'	116.83'	116.74'	S54°41'48"E
C4	865.00'	213.87'	213.33'	S43°44'39"E
C5	865.00'	47.70'	47.69'	S35°04'53"E
C6	790.50'	123.48'	123.35'	S29°01'38"E
C7	21.13'	41.91'	35.37'	S30°52'15"W
C8	1056.00'	85.59'	85.57'	S73°14'37"W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 1°32'25" E	167.49'
L2	N 1°43'26" E	7.10'
L3	N 1°32'25" E	33.52'
L4	N 1°32'25" E	28.52'
L5	S 61°04'30" E	202.59'
L6	S 59°15'47" E	76.83'
L7	S 56°02'01" E	99.02'
L8	S 49°11'56" E	115.54'
L9	S 40°47'17" E	114.97'
L10	S 33°48'16" E	86.59'
L11	S 28°07'12" E	99.90'
L12	S 24°01'03" E	8.79'
L13	N 88°50'28" E	35.75'
L14	S 0°09'18" E	68.81'
L15	S 59°31'06" E	278.03'
L16	S 54°55'18" E	83.25'
L17	S 54°55'18" E	59.47'
L18	S 44°32'10" E	140.61'
L19	S 29°22'28" E	20.21'
L20	S 29°22'28" E	177.33'

LINE TABLE		
LINE #	BEARING	DISTANCE
L21	S 61°20'49" E	123.24'
L22	S 24°33'08" E	94.18'
L23	S 23°28'47" E	36.45'
L24	S 23°33'59" E	31.25'
L25	S 23°30'37" E	81.67'
L26	S 23°58'26" E	87.78'
L27	S 23°49'40" E	74.71'
L28	S 24°19'24" E	79.64'
L29	S 25°38'34" E	62.98'
L30	S 26°46'02" E	40.90'
L31	N 75°33'56" E	165.00'
L32	N 50°58'44" E	181.36'
L33	N 38°04'49" E	262.03'
L34	N 38°04'49" E	31.76'
L35	N 61°18'08" E	261.63'
L36	N 47°14'04" E	306.51'
L37	N 47°14'04" E	39.90'



VICINITY MAP

SURVEYOR'S NOTES

1. THIS PLAT IS PART OF AN ANNEXATION PETITION OF 3 PARCELS OF LAND AND RIGHTS OF WAY INTO THE TOWN OF APEX
2. AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
3. THE BASIS OF THE BEARING SHOWN HEREON IS BM 1994 PG 435
4. SUBJECT PROPERTIES KNOWN AS PARCEL NUMBERS: AS SHOWN
5. SUBJECT PARCELS ARE LOCATED IN ZONE X AS SHOWN ON FIRM 3720072200K EFFECTIVE 07/19/2022.

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,

_____
DAY/MONTH/YEAR

_____
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

LEGEND

CALCULATED POINT
BOUNDARY MONUMENT
RIGHT OF WAY
ADJOINER LINES
BOUNDARY LINES
TOWN LIMITS

I, JAMES M. GELLENTHIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING THE DEED DESCRIPTIONS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS GREATER THAN 1:10,000; THAT THIS MAP DOES REPRESENT AN OFFICIAL BOUNDARY SURVEY AND HAS BEEN PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11TH DAY OF MARCH, 2026.

THAT THIS PLAT MEETS THE REQUIREMENTS OF G.S. 47-30 SECTION (F)-(11):

(C)(1) THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. F

NORTH CAROLINA REGISTRATION NUMBER L-3860
JAMES M. GELLENTHIN

NORTH CAROLINA PROFESSIONAL SEAL L-3860 LAND SURVEYOR JAMES M. GELLENTHIN

KCI ASSOCIATES OF NORTH CAROLINA C-0764

KCI ASSOCIATES OF N.C.
ENGINEERS, SURVEYORS AND PLANNERS

4800 FALLS OF NEUSE ROAD, SUITE 200
RALEIGH, NC 27609
PHONE (919) 783-9214 * FAX (919) 783-9266

ANNEXATION PLAT FOR TOWN OF APEX

PROPERTY OF TERRY D POOLE,
DJ 1300 HOLDINGS LLC AND TERRY CICHOCKI
WHITE OAK TOWNSHIP
WAKE COUNTY NORTH CAROLINA

DATE: AUGUST 28, 2025	SCALE:	SHEET:
REV: MAR 11, 2026	1" = 100'	1 OF 1

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 28, 2026

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning

Requested Motion

Public hearing and possible motion to amend the Apex Transportation Plan to revise the alignment of the future major collector street between Pristine Water Drive and Ten Ten Road.

Approval Recommended?

Planning Department staff recommend approval of the proposed amendment. At their May 11, 2026, meeting, the Planning Board unanimously recommended approval of the proposed amendment.

Item Details

The purpose of the public hearing is to consider an amendment to the Thoroughfare and Collector Street Plan Map to revise the alignment of the future major collector street between Pristine Water Drive and Ten Ten Road. The amendment is requested by the potential developer of 2320 Ten Ten Road and the revised alignment would allow for a second point of access to that property.

Attachments

- PH2-A1: Staff Report - Apex Transportation Plan Amendment - Future Pristine Water Drive Extension
- PH2-A2: Memorandum – Kimly Horn Requesting Modification - Apex Transportation Plan Amendment - Future Pristine Water Drive Extension
- PH2-A3: Planning Board Report to Town Council - Apex Transportation Plan Amendment - Future Pristine Water Drive Extension

Purpose of the Apex Transportation Plan

The Thoroughfare and Collector Street Plan Map, Transit Plan Map, and Bicycle and Pedestrian System Plan Map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not provide a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider a proposed amendment to the Thoroughfare and Collector Street Plan Map in order to make a decision.

A map of the proposed amendment to the Transportation Plan is displayed in Figure 1.

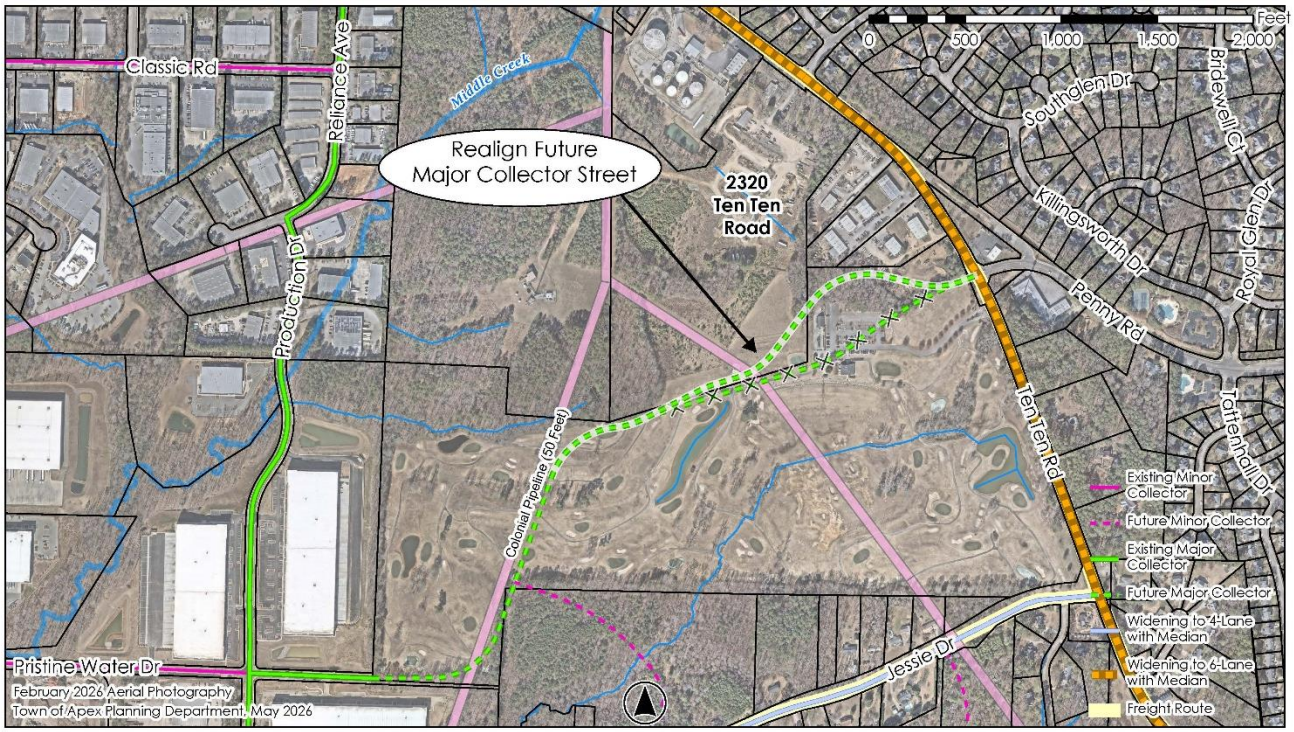


Figure 1. Proposed amendment to the Thoroughfare and Collector Street Plan Map

Explanation of Proposed Amendment

The amendment is associated with proposed development at 2320 Ten Ten Road (labeled). The developer's engineer has provided a detailed explanation of the reasoning for the proposed amendment, included as Attachment 1.

In summary, the amendment is to realign the future major collector street between the existing terminus of Pristine Water Drive and Ten Ten Road. The intent of the realignment is to provide a second point of access for 2320 Ten Ten Road, while minimizing impacts of the segment crossing the existing parking lot at 2512 Ten Ten Road, the location of Knight's Play Golf Course. The proposed alignment would intersect Ten Ten Road across from Penny Road, as shown on the adopted plan. The alignment minimizes stream crossings, crosses the Colonial Pipeline easement as directly as possible, and avoids the structure associated with the existing tower on 2320

Ten Ten Road. It was also designed to meet the Town's major collector street standards should NCDOT adjust the alignment of Penny Road in the future.

As explained in the attachment, the developer of 2320 Ten Ten Road intends to coordinate with the property owners of 2512 Ten Ten Road for permission to construct the segment of the major collector street closest to Ten Ten Road. It is anticipated that the existing Knight's Play entrance would become right-in/right-out only, subject to NCDOT approval. There is no intent to construct the segment of the major collector street west of 2320 Ten Ten Road, crossing the Knight's Play golf course and connecting to existing Pristine Water Drive. That segment would be anticipated to move forward if the golf course is redeveloped to another use in the future.

Staff Recommendation:
Planning Department staff recommend approval of the proposed amendment. The amendment was reviewed by staff in Transportation and Infrastructure Development; Water Resources; Parks, Recreation, and Cultural Resources; Police; and Fire. All were supportive or had no concerns.

Planning Board Recommendation:
The Planning Board considered the amendment at their May 11, 2026 meeting and unanimously recommended approval.

Attachment

Kimley»Horn

MEMORANDUM

To:	Shannon Cox, AICP, Town of Apex Russell Dalton, P.E., Town of Apex
From:	Kevin Dean, P.E., Kimley-Horn and Associates, Inc.
Date:	April 2, 2026
Subject:	Advance Apex Thoroughfare and Collector Street Plan Amendment: Penny Road Extension – Realignment Request

Kimley-Horn, on behalf of Foundry Commercial, does hereby request a modification to the Town of Apex Thoroughfare and Collector Street Plan to change the alignment of the proposed extension of Penny Road west of Ten-Ten Road through the Knight's Play Golf Center property (PIN 0751532815) and 2320 Ten-Ten Road (PIN 0751449982). Foundry Commercial is proposing to construct an industrial development on the 2320 Ten-Ten Road site that will be served by a site access on Ten-Ten Road at Arbordale Court. To provide additional site access, the applicant is also proposing the construction of the Penny Road Extension from Ten-Ten Road through the project site. The Advance Apex Thoroughfare and Collector Street Plan currently identifies the extension of Penny Road as a major collector that will run west through Knight's Play and along the property line between the subject properties. The proposed alignment would shift the road north to avoid the existing Knight's Play development. The current and proposed alignments are shown on the attached **Figure 1.**

Modification Justification

As this CTP amendment request does not involve changes to the Town-required street-type or adjacent intersections, no traffic analyses were performed as justification for the request. However, we offer the following justification to support the proposed realignment of the Penny Road Extension.

Constructability of Roadway Extension

The current alignment of the Penny Road Extension west of Ten-Ten Road would have significant impacts on the existing site layout of the Knight's Play Golf Center. While we are unaware of design plans depicting the current alignment, the alignment shown on the Thoroughfare and Collector Street Plan runs through the existing parking lot, clubhouse, multiple playing holes, and more than 1,000 feet of cart path.

The proposed alignment of Penny Road Extension would minimize impacts to the parking lot, would not impact the clubhouse, and would minimize impacts to cart paths/playing areas through the majority of the shared property between the subject property and Knight's Play.

Timing of Extension Construction

It is our understanding that neither the Town, NCDOT, nor Knight's Play have plans to construct the Penny Road Extension as currently identified in the CTP. Given the impacts to Knight's Play that would be necessary to achieve the current alignment, it is unlikely that extension would be constructed in the near future.

Conversely, if this CTP amendment and subsequent site plans are approved through the Town's entitlement processes, the roadway extension would be constructed with this project through the subject property.

Property Owner Support

It is our understanding that Knight's Play is not supportive of construction of the current alignment of the Penny Road Extension given the impacts to site operations and that an alignment on the northern side of the property (as envisioned with this amendment) would be preferred. The Applicant is currently coordinating with Knight's Play representatives on other accommodations (directional signing, monument signs, buffers, etc.) associated with Penny Road Extension. No other properties are expected to be impacted with the proposed change.

Ten-Ten Road Widening Project Accommodations

NCDOT State Transportation Improvement Program (STIP) #U-5825, which is not currently funded for construction, proposes the widening of Ten-Ten Road from Apex Peakway to Kildaire Farm Road. Based on public hearing maps for that project, the existing Penny Road intersection is proposed to be shifted approximately 120 feet to the north. Per Figure 1, the Penny Road Extension is proposed to connect to Ten-Ten Road at the existing Penny Road intersection, but will also accommodate the future alignment of Penny Road with project U-5825 if that reconfiguration was ultimately pursued by NCDOT.

The existing Knight's Play driveway on Ten-Ten Road is proposed to be limited to right-in/right-out only access with Project U-5825. Left-turns into and out of Knight's Play would then be diverted to proposed U-turn bulbs along Ten-Ten Road. The applicant and Knight's Play have both agreed to limit the existing Knight's Play driveway on Ten-Ten Road to right-in/right-out only access if required when the Penny Road Extension is completed as this connection would serve the otherwise-limited movements to/from Knight's Play without the requirement for U-turn bulbs.

Conclusions

As this proposed modification limits impacts to Knight's Play that would otherwise leave it unconstructed for the foreseeable future, we believe that this realignment offers the best opportunity for this extension to be achieved. Further, as proposed, this realignment would intersect Ten-Ten Road at existing Penny Road but would also allow for a realignment to the north in the future with the completion of the Ten-Ten Road widening project. Given that this modification is both constructable in the near-term and flexible for the long-term, we believe there is sufficient justification to support the CTP modification through this property boundary.

Please feel free to contact me at 919-678-4185 or kevin.dean@kimley-horn.com with any questions or comments.

Posted By:Rohn, Jacob Sheet Set:Kha Layout:PRELIMINARY SITE PLAN January 26, 2026 04:18:54pm \\kimley-horn.com\CE_RAL\RAL_PDE\V01\308203_TenTenRoad Industrial\08_CAD Files\Exhibits\01 Conceptual Site Plan\2023-12-11 Penny Road\Ten-Ten Road-Industrial-CSP Penny Road-CTP Amendment 2024-0701.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

2132 TEN TEN ROAD
APEX, NC 27539
PIN: 0751359861
OWNER: VERTICAL BRIDGE AM II LLC

2320 TEN TEN ROAD
APEX, NC 27539
FUTURE LAND USE: LIGHT INDUSTRIAL
PIN: 0751449982
OWNER: BRITE PROPERTIES LLC

2420 TEN TEN ROAD
APEX, NC 27539
PIN: 0751574483
OWNER: AMEC PARTNERS LLC

5504 CATERPILLAR DRIVE
APEX, NC 27539
PIN: 0751556784
OWNER: MONTAGUE PROPERTIES LLC

5505 CATERPILLAR DRIVE
APEX, NC 27539
PIN: 0751451104
OWNER: SHIRLEY JONES

TEN TEN ROAD

FUTURE RIGHT TURN LANE

FUTURE PENNY ROAD WIDENING PLAN & CONNECTION POINT

PENNY ROAD

R371.0'

R371.0'

R371.0'

80.0' RIGHT-OF-WAY

R371.0'

80.0' RIGHT-OF-WAY

2512 TEN TEN ROAD
APEX, NC 27539
PIN: 0751532815
OWNER: CAREY C JONES MEMORIAL PARK INC

R371.0'

R371.0'

MAJOR COLLECTOR STREET / 2 LANE URBAN THOROUGHFARE

R371.0'

ALIGNMENT PER TOWN OF APEX CTP

R371.0'

NORTH

GRAPHIC SCALE IN FEET
0 50 100 200

No.	REVISIONS	DATE	BY

Kimley»Horn
2026 KIMLEY-HORN AND ASSOCIATES, INC.
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
PHONE: 919-677-2000 FAX: 919-677-2050
WWW.KIMLEY-HORN.COM
#F-0102

PRELIMINARY
NOT FOR CONSTRUCTION

KHA PROJECT	013082013
DATE	01/26/2026
SCALE	AS SHOWN
DESIGNED BY	ACP
DRAWN BY	ADC
CHECKED BY	ACP

PENNY ROAD EXTENSION

TEN-TEN ROAD INDUSTRIAL

PREPARED FOR
FOUNDRY COMMERCIAL

TOWN OF APEX NORTH CAROLINA

SHEET NUMBER
PSP-01

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: May 11, 2026

Long range plan(s) proposed to be amended:
Transportation Plan
Description of the proposed amendment(s):
Revise alignment of the future major collector street between existing Pristine Water Drive and Ten Ten Road.
Planning Board recommendation:
Motion: Recommend approval
Introduced by Planning Board member: Alyssa Byrd
Seconded by Planning Board member: Mark Spanioli
☑ Approval of the proposed amendment(s) as presented
☐ Approval of the proposed amendment(s) with the following conditions or changes:
☐ Denial of the proposed amendment(s)
With 8 Planning Board member(s) voting "aye"
With 0 Planning Board member(s) voting "no"
Reason(s) for dissenting votes:
This report reflects the recommendation of the Planning Board, this the 11th day of May 2026.
Attest:
Keith Braswell, Planning Board Chair
Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.05.11 17:04:22 -04'00'
Amanda Bunce, Assistant Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 28, 2026

Item Details

Presenter(s): Elise Bielen, Senior Planner

Department(s): Planning

Requested Motion

This item was continued at the April 28, 2026 Town Council meeting.

Public hearing and possible motion concerning Rezoning #25CZ21 2728 Holland Road. The applicant, Ardent Building, LLC, seeks to rezone approximately 10.35 acres from Rural Residential (RR) to Medium Density Residential -Conditional Zoning (MD-CZ) at 2728 Holland Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on April 13, 2026 and unanimously voted to recommend approval of the rezoning.

Item Details

The property to be rezoned is identified as PIN 0721926962.

Attachments

- PH3-A1: Staff Report and Associated Attachments - Rezoning Case No. 25CZ21 2728 Holland Rd
- PH3-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ21 2728 Holland Rd

This item was continued at the April 28, 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: 2728 Holland Road
Applicant: Ardent Building, LLC
Owners: Victor L & Cindy L Teeter

PROJECT DESCRIPTION:

Acreage: ±10.35 acres
PIN: 0721926962
Current Zoning: Rural Residential (RR)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Medium Density Residential-Conditional Use (MD-CU #05CU07)	Single-family residential (Holland Farm)
South:	Rural Residential (RR)	Single-family residential
East:	Rural Residential (RR)	Holland Rd; Single-family residential
West:	Medium Density Residential-Conditional Zoning (MD-CZ #13CZ16)	Single-family residential (Bella Casa)

Existing Conditions:
The property to be rezoned is fully wooded with mature trees. A stream runs along the majority of the western border of the property and also branches diagonally from the northwestern corner to the center of the southern border of the property.

Neighborhood Meeting:
The applicant conducted two neighborhood meetings on November 26, 2025 and March 4, 2026. Both neighborhood meeting reports are attached.

WCPSS Coordination:
A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicated that schools at the middle school grade levels within the current assignment area for the proposed rezoning are anticipated to have insufficient capacity for future students and transportation to schools outside of the current assignment area should be anticipated. WCPSS indicates that school expansion or construction or reassignment within the next five years may address concerns at the middle school grade levels.

2045 Land Use Map:
The 2045 Land Use Map classifies the subject properties as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is generally consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

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

Permitted Uses and Limitations:

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

Architectural Conditions

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. The garage shall not protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
5. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
6. Garage doors shall have windows, decorative details or carriage-style adornments on them.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    - Windows
    - Bay window
    - Recessed window
    - Decorative window
    - Trim around the windows
    - Wrap around porch or side porch
    - Two or more building materials
    - Decorative brick/stone
    - Decorative trim
    - Decorative shake
    - Decorative air vents on gable
    - Decorative gable
    - Decorative cornice
    - Column
    - Portico
    - Balcony
    - Dormer
8. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 6 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

Zoning Conditions

1. The number of resultant residential lots of this rezoning shall be limited to 13 single family units, equivalent to approximately 1.3 dwelling units per acre.
2. A minimum lot width of 65' shall be provided for all residential lots that are not facing a cul-de-sac. The minimum building setbacks shall be as follows: (a) Front – 15 ft; (b) Side – 8 ft. min/20 ft. total; (c) Corner side – 15 ft; (d) Rear – 15 ft.
3. 35% of the project area shall be recorded as Resource Conservation Area (RCA) if the project is stage-graded. An additional 5% RCA shall be required if the project is mass-graded.
4. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
5. Developer shall install pollinator-friendly and native flora within SCM planting areas.
6. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native to the eastern United States or a native of North Carolina.
7. 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.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
9. HOA covenants, conditions, and restrictions shall not prohibit clover or native grass mixed species lawns.
10. In order to support nesting and overwintering wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.
11. A minimum of one pet waste station shall be installed within HOA common area.
12. HOA covenants shall not restrict the construction of accessory dwelling units.
13. 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.
14. A monetary donation of $50,000 shall be made to the Town of Apex Affordable Housing Fund. Payment shall be made prior to recordation of the first plat.
15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
16. 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.
17. Two (2) new street stubs – one of which being designed for the future connection to Pretorio Place – shall be provided to PIN# 0731-02-3636 in order to facilitate future interconnectivity between neighboring developments. The exact location of the street stubs shall be determined at time of Master Subdivision Plan.
18. Subject to Town of Apex and North Carolina Department of Transportation review and approval, Developer shall dedicate public right-of-way for the length of the property's Holland Road frontage, measured 40 feet from the existing centerline of Holland Road. Developer shall also widen and improve Holland Road for the length of the property's road frontage based on a 3-lane thoroughfare section with 50-foot curb and gutter (11-foot travel lanes, 11-foot two-way left turn lane, and 6-foot bike lanes) and 5-foot sidewalk, consistent

with the Town of Apex Bicycle and Pedestrian System Plan Map and the Town of Apex Thoroughfare and Collector Street Plan Map.

19. The property shall not directly access Holland Road except for the purpose of temporary construction activities.
20. Due to the inability to access Holland Road because of the proximity of Old Byre Way, combined with the street stubs proffered in Condition #17, the developer shall not be required to provide a connecting secondary access point per UDO Sec. 7.5.4.E at the time of build-out. The two street stubs proffered by the developer provide opportunity for future connectivity. In its pre-development condition, the Holland Farm neighborhood has 81 lots that access Holland Road via one single access point. The 13 proposed units would bring this to a maximum of 94 lots off one single access point.
21. The construction entrance for this development shall be located along Holland Road. Construction vehicles shall be prohibited from accessing the site via Steeple Chase Bend until first plat of the subdivision, at which time the Holland Road frontage improvements must be completed and accepted.
22. Subject to the Applicant obtaining necessary easements from the property owner(s) of PIN #0731-03-4134 and #0731-03-4317 at appraised fair market value, or, subject to approval for construction within the existing right-of-way, an off-site sidewalk shall be constructed along Holland Road to the intersection of Old Byre Way and a crosswalk with ramps shall be installed to connect to the existing sidewalk on the north side of Old Byre Way. If the Applicant is unable to get permission to construct the off-site sidewalk completely within the right-of-way and is unable to acquire the necessary additional right-of-way and/or easement(s) to permit construction, then the Applicant shall submit the appraisal with documentation of property owner correspondence along with an engineer's estimate of the sidewalk construction cost subject to review and approval. The Applicant shall pay the fee-in-lieu for additional right-of-way and/or easement(s) and sidewalk construction at the time of construction plan approval. This condition is subject to review and approval by the North Carolina Department of Transportation. If the location of the proposed crosswalk does not meet NCDOT safety requirements without modifying the existing median within Old Byre Way, then the crosswalk shall not be built.

Housing Staff Recommendation:

The applicant has offered the following zoning condition in response to the Town of Apex Affordable Housing Incentive Zoning Policy:

> "A monetary donation of $50,000 shall be made to the Town of Apex Affordable Housing Fund. Payment shall be made prior to recordation of the first plat."

The Housing Division within the Community Development and Neighborhood Connections Department does recognize the effort of the applicant for Rezoning Case #25CZ21 (2728 Holland Rd Teeter Property). However, we do not support the proposed contribution of $50,000.00 Payment In-Lieu, for it is not consistent with the Town's adopted Affordable Housing Incentive Zoning Policy (revised June 24, 2025), which requests that 10% of the total proposed dwelling units be provided as affordable housing or In-Lieu, that a sum of $218,000 be assigned per unit of affordable housing not contributed. Under the policy, affordable units should be restricted to households earning up to 120% of Area Median Income (AMI) for for-sale units with a 20-year affordability period, or up to 80% AMI for rental units with a 30-year affordability period.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a meeting for this rezoning on February 19, 2026. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Conditions	Applicant's Response
No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required greenway and sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The infrastructure shall be designed to minimize impacts to the riparian buffer.	Not Added
The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native to the eastern United States or a native of North Carolina.	Added
HOA covenants, conditions, and restrictions shall not prohibit clover or native grass mixed species lawns.	Added
In order to support nesting and overwintering wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	Added
RCA Protection: Provide RCA signage or a farm-style fence (Option A or B)	Not Added
Solar PV: Require at least one home with a 3.5 kW solar PV system installed before 50% of building permits are issued.	Not Added
A single stub street shall be provided to the property to the south (PIN# 0731-02-3636) in order to facilitate future interconnectivity between neighboring developments. The location of the street stub shall be determined at time of Master Subdivision Plan. Board recommendation: Adjust the road to run more north–south.	Amended

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #25CZ21 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on April 13, 2026 and unanimously recommended approval.

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. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is generally consistent with that land use classification.

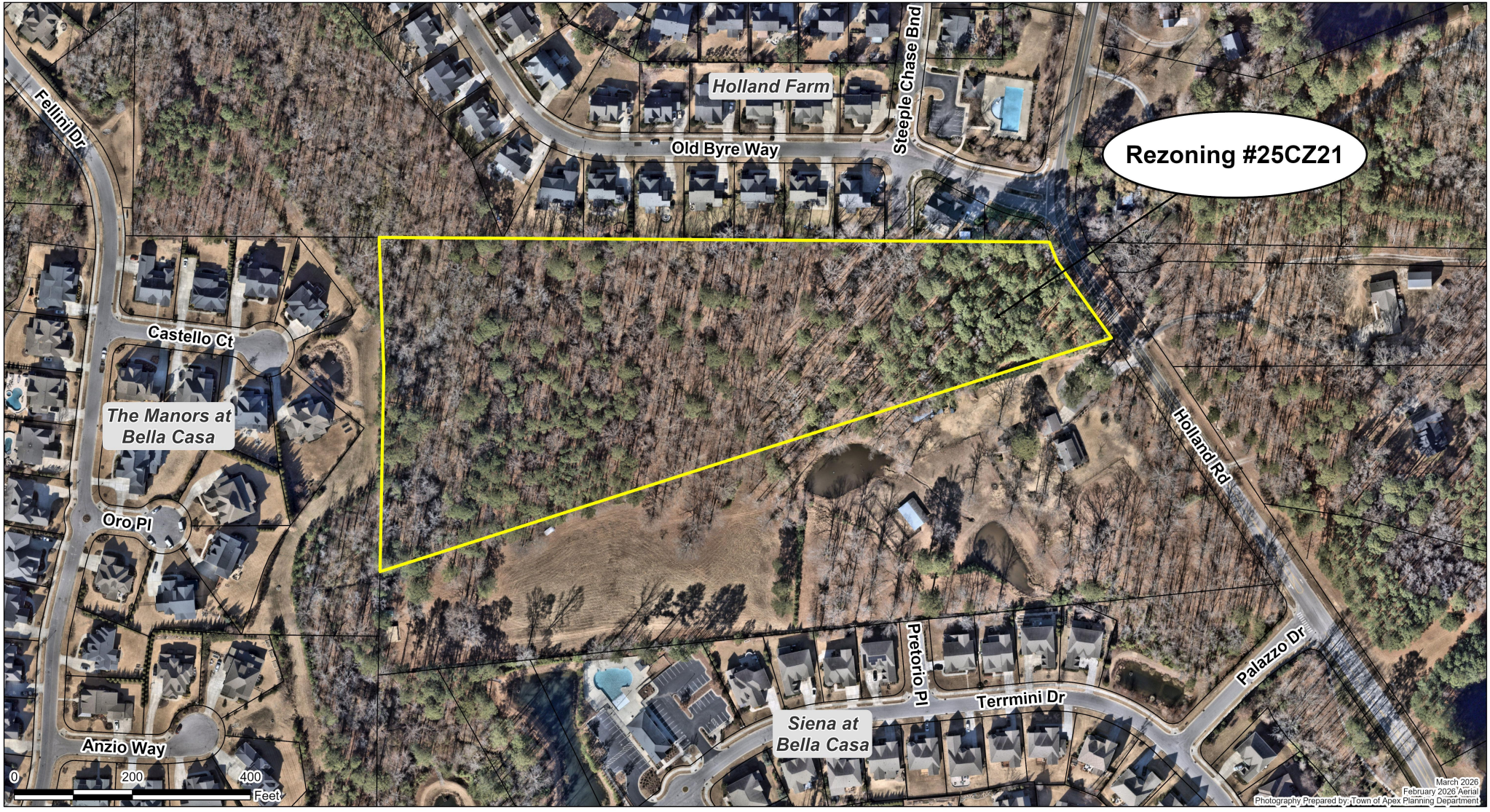
The proposed rezoning is reasonable and in the public interest as the proposed density, uses, and architectural conditions are consistent with the adjacent developments to the north, west, and south and requires more Resource Conservation Area than required by the Unified Development Ordinance (UDO). In addition, the proposed rezoning provides more street connections to the south than required by the UDO to support future neighborhood connectivity without the addition of another public street connection on Holland Road, which is a major thoroughfare. Finally, a condition is offered to extend and connect the

pedestrian network to the north along the frontage of the Holland Farm subdivision.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the MD-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 #25CZ21
Holland Farm
Old Byre Way
Steeple Chase Bnd
Fellini Dr
Castello Ct
The Manors at Bella Casa
Oro Pl
Anzio Way
Holland Rd
Pretorio Pl
Terrmini Dr
Palazzo Dr
Siena at Bella Casa
0
200
400
Feet
March 2026
February 2026 Aerial
Photography Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 25CZ21 Submittal Date: _____

Fee Paid: _____

Project Information

Project Name: Teeter Property Rezoning

Address(es): 2728 Holland Rd

PIN(s): 0721-92-6962

Acreage: 10.35

Current Zoning: RR Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): Medium Density Residential

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

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

Area classified as mixed use: Acreage: _____

Area proposed as non-residential development: Acreage: _____

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

Applicant Information

Name: Ardent Building, LLC

Address: PO Box 5509

City: Cary State: NC Zip: 27515

Phone: (919) 991-1428 E-mail: cschmidt@e1homes.com

Owner Information

Name: Victor & Cindy Teeter

Address: 2728 Holland Rd

City: Apex State: NC Zip: 27502

Phone: _____ E-mail: _____

Agent Information

Name: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: 221 N Salem St., Suite 001

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 E-mail: patrick@jonescnossen.com

Other contacts: _____

PETITION INFORMATION

Application #: _____ Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from RR to MD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

1	Single Family	21	
2	Accessory Apartment	22	
3	Utility, minor	23	
4	Park, active	24	
5	Park, passive	25	
6	Greenway	26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: _____ Submittal Date: _____

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached list.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

This proposed rezoning is consistent with the goals and objectives 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.

The proposed rezoning is compatible with the surrounding uses, as it matches the use and lot size / price point of the surrounding neighborhoods.

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

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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

The proposed design would strategically place roads in a way that would avoid future impacts to the existing pond on the Hartley property. The roads would also introduce a circuitous route whenever a future connection to Bella Casa is made in order to discourage these streets being used as a "cut-through" for residents of Bella Casa

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

The proposed rezoning shall minimize environmental impacts by offering more RCA and tree canopy preservation than the threshold defined in the UDO. A condition has also been proposed to increase the threshold of stormwater requirements to include treatment of the 25-year storm (an increase to state requirements).

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.

Since the project would begin at the Steeple Chase Bend intersection, the majority of the Holland Farm neighborhood would be unaffected by these additional lots. Per the NC Fire Code, the total number of dwelling units accessing Holland Road via Old Byre Way would be a max. of 94, which is below the 100-lot threshold.

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

The development of this parcel should not have a negative affect on the health, safety or welfare of Apex citizens. It would develop as single-family residential lots, which matches the surrounding land uses.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

We do not believe this project would be detrimental to adjacent properties. The project would only have access via the Holland Farm neighborhood, so there would be an additional 13 lots introduced to the current traffic in their neighborhood, however we do not believe that number to be detrimental.

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

Residential homes generally do not constitute a nuisance or hazard because of the character of the neighborhood. The number of units planned for this parcel is small and the impact of these units on the surrounding area should be minimal.

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

The conditional zoning district will follow the standards of the Town of Apex UDO.

Architectural Conditions

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.

3. Eaves shall project at least 12 inches from the wall of the structure.

4. The garage shall not protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.

5. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.

6. Garage doors shall have windows, decorative details or carriage-style adornments on them.

7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    - Windows
    - Bay window
    - Recessed window
    - Decorative window
    - Trim around the windows
    - Wrap around porch or side porch
    - Two or more building materials
    - Decorative brick/stone
    - Decorative trim
    - Decorative shake
    - Decorative air vents on gable
    - Decorative gable
    - Decorative cornice
    - Column
    - Portico
    - Balcony
    - Dormer

8. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

9. House entrances for units with front-facing garages shall have a prominent covered porch/stoop area leading to the front door.

10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

11. Front porches shall be a minimum of 6 feet deep.

12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

Additional Zoning Conditions

1. The number of resultant residential lots of this rezoning shall be limited to 13 single family units, equivalent to approximately 1.3 dwelling units per acre.

2. A minimum lot width of 65' shall be provided for all residential lots that are not facing a cul-de-sac. The minimum building setbacks shall be as follows: (a) Front – 15 ft; (b) Side – 8 ft. min/20 ft. total; (c) Corner side – 15 ft; (d) Rear – 15 ft.

3. 35% of the project area shall be recorded as Resource Conservation Area (RCA) if the project is stage-graded. An additional 5% RCA shall be required if the project is mass-graded.

4. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.

5. Developer shall install pollinator-friendly and native flora within SCM planting areas.

6. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native to the eastern United States or a native of North Carolina.

7. 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.

8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.

9. HOA covenants, conditions, and restrictions shall not prohibit clover or native grass mixed species lawns.

10. In order to support nesting and overwintering wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.

11. A minimum of one pet waste station shall be installed within HOA common area.

12. HOA covenants shall not restrict the construction of accessory dwelling units.

13. 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.

14. A monetary donation of $50,000 shall be made to the Town of Apex Affordable Housing Fund. Payment shall be made prior to recordation of the first plat.

15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.

16. 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.

17. Two (2) new street stubs – one of which being designed for the future connection to Pretorio Place – shall be provided to PIN# 0731-02-3636 in order to facilitate future interconnectivity between neighboring developments. The exact location of the street stubs shall be determined at time of Master Subdivision Plan.

18. Subject to Town of Apex and North Carolina Department of Transportation review and approval, Developer shall dedicate public right-of-way for the length of the property's Holland Road frontage, measured 40 feet from the existing centerline of Holland Road. Developer shall also widen and improve Holland Road for the length of the property's road frontage based on a 3-lane thoroughfare section with 50-foot curb and gutter (11-foot travel lanes, 11-foot two-way left turn lane, and 6-foot bike lanes) and 5-foot sidewalk, consistent with the *Town of Apex Bicycle and Pedestrian System Plan Map* and the *Town of Apex Thoroughfare and Collector Street Plan Map.*

19. The property shall not directly access Holland Road except for the purpose of temporary construction activities.

20. Due to the inability to access Holland Road because of the proximity of Old Byre Way, combined with the street stubs proffered in Condition #17, the developer shall not be required to provide a connecting secondary access point per UDO Sec. 7.5.4.E at the time of build-out. The two street stubs proffered by the developer provide opportunity for future connectivity. In its pre-development condition, the Holland Farm neighborhood has 81 lots that access Holland Road via one single access point. The 13 proposed units would bring this to a maximum of 94 lots off one single access point.

21. The construction entrance for this development shall be located along Holland Road. Construction vehicles shall be prohibited from accessing the site via Steeple Chase Bend until first plat of the subdivision, at which time the Holland Road frontage improvements must be completed and accepted.

22. Subject to the Applicant obtaining necessary easements from the property owner(s) of PIN #0731-03-4134 and #0731-03-4317 at appraised fair market value, or, subject to approval for construction within the existing right-of-way, an off-site sidewalk shall be constructed along Holland Road to the intersection of Old Byre Way and a crosswalk with ramps shall be installed to connect to the existing sidewalk on the north side of Old Byre Way. If the Applicant is unable to get permission to construct the off-site sidewalk completely within the right-of-way and is unable to acquire the necessary additional right-of-way and/or easement(s) to permit construction, then the Applicant shall submit the appraisal with documentation of property owner correspondence along with an engineer's estimate of the sidewalk construction cost subject to review and approval. The Applicant shall pay the fee-in-lieu for additional right-of-way and/or easement(s) and sidewalk construction at the time of construction plan approval. This condition is subject to review and approval by the North Carolina Department of Transportation. If the location of the proposed crosswalk does not meet NCDOT safety requirements without modifying the existing median within Old Byre Way, then the crosswalk shall not be built.

Bateman Civil Survey Company, PC
2524 Reliance Avenue
Apex, NC 27539

Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

LEGAL DESCRIPTION (HOLLAND ROAD):

BEGINNING AT A 1" IRON PIPE, SAID IRON PIPE BEING A CONTROL CORNER WITH NORTH CAROLINA STATE PLANE COORDINATES N: 713,127.55' & E: 2,029,373.38' (NSRS 2011 / NAD 83 / SPC), AND BEING THE NORTH-WESTERN MOST PROPERTY CORNER OF PIN# 0721926962, AS RECORDED IN DEED BOOK 3446 PAGE 88 IN THE WAKE COUNTY REGISTRY, THENCE RUNNING THE FOLLOWING CALLS:

S89°36'54"E, 1,129.61 FEET TO AN EXISTING 1" IRON PIPE; THENCE

S89°12'12"E, 69.61 FEET TO A CAPPED & TACKED IRON PIPE ON THE EASTERN RIGHT OF WAY OF HOLLAND ROAD; THENCE

ALONG THE EASTERN RIGHT OF WAY OF HOLLAND ROAD, S34°41'23"E, 175.00 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF HOLLAND ROAD; THENCE

LEAVING SAID RIGHT OF WAY, S72°20'28"W, 1,361.30 FEET TO A CAPPED & TACKED IRON PIPE, SAID IRON PIPE BEING A CONTROL CORNER WITH NORTH CAROLINA STATE PLANE COORDINATES N: 712,562.14’ & E: 2,029,375.01' (NSRS 2011 / NAD 83 / SPC); THENCE

N01°00'51"E, 89.55 FEET TO A CAPPED & TACKED IRON PIPE; THENCE

N01°00'50"E, 251.28 FEET TO A CAPPED & TACKED IRON PIPE; THENCE

N01°57'12"W, 224.75 FEET TO A 1" IRON PIPE, SAID IRON PIPE BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 451,194 SQUARE FEET / 10.36 ACRES, MORE OR LESS, OF WHICH AREA IS INCLUSIVE OF A PORTION OF RIGHT OF WAY OF HOLLAND ROAD.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Victor & Cindy Teeter 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: 2728 Holland Rd

The agent for this project is: Jones & Cnossen Engineering, PLLC

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

Agent Name: Patrick Kiernan

Address: 221 N Salem St., Suite 001, Apex NC 27502

Telephone Number: (919) 387-1174

E-Mail Address: patrick@jonescnossen.com

Signature(s) of Owner(s)*

Victor L Teeter

VICTOR L TEETER — 12-12-2025

Type or print name — Date

Cindy L. Teeter

CINDY L TEETER — 12-12-2025

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Victor & Cindy Teeter (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 2728 Holland Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

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

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 03/14/1985, and recorded in the Wake County Register of Deeds Office on 03/15/1985, in Book 3446 Page 88.

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

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 03/14/1985, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 03/14/1985, 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 12 day of December, 2025.

Victor L Teeter Cindy L Teeter (seal)

Victor L Teeter Cindy L. Teeter
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

I, the undersigned, a Notary Public in and for the County of CHATHAM, hereby certify that Victor & Cindy Teeter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers licenses, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

ERIN MARCUM
NOTARY PUBLIC
Chatham County
North Carolina
My Commission Expires November 19, 2030
[NOTARY SEAL]

Erin Marcum
Notary Public
State of North Carolina
My Commission Expires: November 19, 2030

Last Updated: August 30, 2019

Application #: _____ Submittal Date: _____

Insert legal description below.

Bateman Civil Survey Company, PC
2524 Reliance Avenue
Apex, NC 27539

Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

LEGAL DESCRIPTION (HOLLAND ROAD):

BEGINNING AT A 1" IRON PIPE, SAID IRON PIPE BEING A CONTROL CORNER WITH NORTH CAROLINA STATE PLANE COORDINATES N: 713,127.55' & E: 2,029,373.38' (NSRS 2011 / NAD 83 / SPC), AND BEING THE NORTH-EASTERNMOST PROPERTY CORNER OF PIN# 0721923703, AS RECORDED IN DEED BOOK 16255 PAGE 912 IN THE WAKE COUNTY REGISTRY, THENCE RUNNING THE FOLLOWING CALLS:

S89°36'54"E, 1,129.61 FEET TO AN EXISTING 1" IRON PIPE;
THENCE S89°12'12"E, 69.61 FEET TO A CAPPED & TACKED IRON PIPE ON THE EASTERN RIGHT OF WAY OF HOLLAND ROAD;
THENCE, ALONG THE EASTERN RIGHT OF WAY OF HOLLAND ROAD, S34°41'23"E, 175.00 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF HOLLAND ROAD;
THENCE, LEAVING SAID RIGHT OF WAY, S72°20'28"W, 1,361.30 FEET TO A CAPPED & TACKED IRON PIPE, SAID IRON PIPE BEING A CONTROL CORNER WITH NORTH CAROLINA STATE PLANE COORDINATES N: 712,562.14' & E: 2,029,375.01' (NSRS 2011 / NAD 83 / SPC);
THENCE N01°00'51"E, 89.55 FEET TO A CAPPED & TACKED IRON PIPE;
THENCE N01°00'50"E, 251.28 FEET TO A CAPPED & TACKED IRON PIPE;
THENCE N01°57'12"W, 224.75 FEET TO A 1" IRON PIPE, SAID IRON PIPE BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 451,194 SQUARE FEET, MORE OR LESS, OF WHICH AREA IS INCLUSIVE OF A PORTION OF RIGHT OF WAY OF HOLLAND ROAD.

11/20/2025 PIN# 0721926962– Legal Description.docx

NOTICE OF NEIGHBORHOOD MEETING

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

November 12, 2025

Date

Dear Neighbor:

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

2728 Holland Rd — 0721-92-6962

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

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

The following is a description of the proposal including any proposed long range plan amendments (also see attached map(s) and/or plan sheet(s)):

This parcel is proposed to be rezoned to Medium Density-Conditional Zoning (MD-CZ) to allow for approximately thirteen single family lots. Lot sizes would be compatible with surrounding developments. Rezoning to Medium Density Residential meets the Town of Apex 2045 Land Use Map designation for this parcel.

Estimated submittal date: December 01, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	Victor & Cindy Teeter
Applicant(s):	Ardent Building, LLC and Jones & Cnossen Engineering, PLLC
Contact information (email/phone):	patrick@jonescnossen.com/(919) 387-1174
Meeting Address:	Zoom - see enclosed details
Date/Time of meeting**:	November 26, 2025

Welcome: 5:30 PM Project Presentation: 5:35 PM Question & Answer: 6:00 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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.

Jones & Cnossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

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

Zoom Meeting Details – 2728 Holland Rd Rezoning

When: November 26, 2025 05:30 PM Eastern Time (US and Canada)

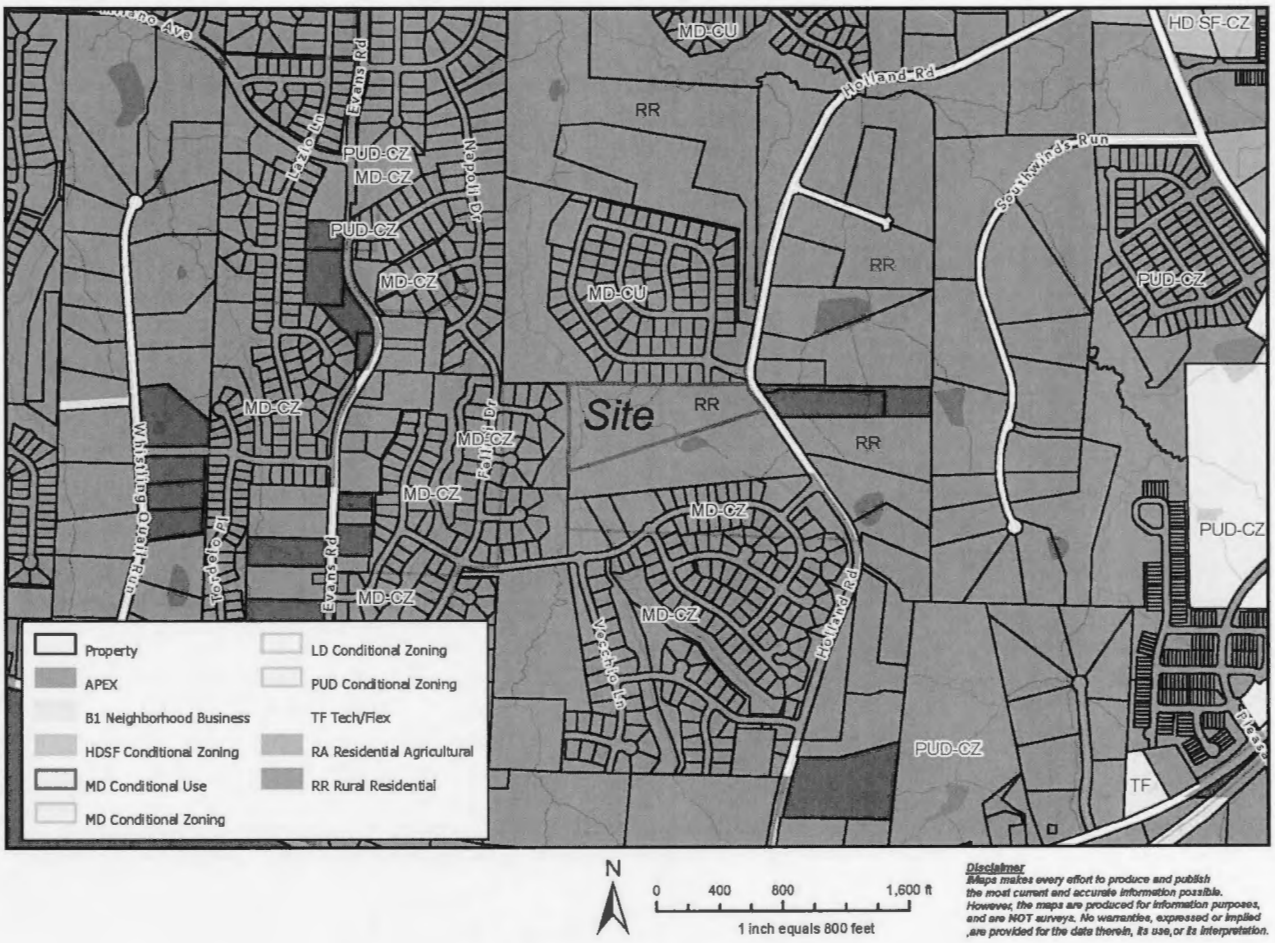
Register using the QR code:

Or go to: www.zoom.com. Click on "JOIN". Enter the Meeting ID: 875 3178 5834 and then the Passcode: 310977

Provide your First & Last Name, Email address, and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on November 26th.

Or to join the meeting by phone: dial (646) 931-3860 or (929) 205-6099 and enter the Meeting ID 875 3178 5834 and the Passcode 310977. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity & Existing Zoning Exhibit



Disclaimer
Maps 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: 2728 Holland Rd Rezoning Zoning: RR

Location: 2728 Holland Rd

Property PIN(s): 0721-92-6962 Acreage/Square Feet: 10.35

Property Owner: Victor & Cindy Teeter

Address: 2728 Holland Rd

City: Apex State: NC Zip: 27502

Phone: Email:

Developer: Ardent Building LLC

Address: PO Box 5509

City: Cary State: NC Zip: 27512

Phone: (919) 991-1428 Fax: Email: dschmidt@e1homes.com

Engineer: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: 221 N Salem St, Suite 001

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 Fax: Email: patrick@jonescnossen.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning 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) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 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.

Construction Traffic: **Infrastructure Inspections** **919-249-3386**

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

Road Damage & Traffic Control: **Infrastructure Inspections** **919-249-3386**

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

Parking Violations: **Non-Emergency Police** **919-362-8661**

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

Dirt in the Road: **Water Resources** **919-362-8166**

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.

Dirt on Properties or in Streams: **Water Resources** **919-362-8166**

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.

Dust: **Water Resources** **919-362-8166**

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.

Trash: **Water Resources** **919-362-8166**

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.

Temporary Sediment Basins: **Water Resources** **919-362-8166**

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.

Stormwater Control Measures: **Water Resources** **919-362-8166**

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.

Electric Utility Installation: **Electric Utilities** **919-249-3531**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

Notified Properties within 500ft of the Project Property

2412 CASTELLO CT	0721930075	ALOBA, OLUWOLE TITUS ALOBA, OLATUBOSUN ODUTOLA	2412 CASTELLO CT	APEX NC 27502-9702	
2384 TERRMINI DR	0731020379	AMMAR, MOHAMAD AMMAR, SHADIA	2384 TERRMINI DR	APEX NC 27502-9669	
2405 ORO PL	0721820531	BAYLIS, LEE D BAYLIS, ERIN L	2405 ORO PL	APEX NC 27502-9701	
1972 COMBINE CIR	0731031418	BAYNON, JOHN B BAYNON, MEGHANN	1972 COMBINE CIR	APEX NC 27502-9105	
0 FELLINI DR	0721837254	BELLA CASA HOMEOWNERS ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 TERRMINI DR	0721926225	BELLA CASA HOMEOWNERS ASSOCIATION INC	OMEGA ASSOCIATION MANAGMENT	160 NE MAYNARD RO STE 210	CARY NC 27513-9676
0 TERRMINI DR	0731027434	BELLA CASA HOMEOWNERS ASSOCIATION INC	OMEGA MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 FELLINI DR	0721839145	BELLA CASA HOMEOWNERS ASSOCIATION, INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
2408 CASTELLO CT	0721931085	BLOOM, O JOSH TRUSTEE BLOOM, CARIE LEE TRUSTEE	2408 CASTELLO CT	APEX NC 27502-9702	
2409 ORO PL	0721829525	BLOUIN, NATHAN P SHARNAK, BARBARA	2409 ORO PL	APEX NC 27502-9701	
2388 TERRMINI DR	0721929398	BRACKEN, SONALI BRACKEN, TRAVIS	2388 TERRMINI DR	APEX NC 27502-9669	
1993 STEEPLE CHASE BND	0731033585	BULLARD, CHRISTOPHER K BULLARD, JENNIFER E	1993 STEEPLE CHASE BND	APEX NC 27502-9102	
1956 COMBINE CIR	0721937561	BUTLER, HUGH III BUTLER, DORI SUZANNE	1956 COMBINE CIR	APEX NC 27502-9105	
1948 COMBINE CIR	0721936855	CAI, NING WANG, PEIYING	1948 COMBINE CIR	APEX NC 27502-9105	
1968 COMBINE CIR	0731030438	CASEBER, WILLIAM JR. CASEBER, ANDREA	1968 COMBINE CIR	APEX NC 27502-9105	
1977 OLD BYRE WAY	0721937358	CHEEVER, MATTHEW CHEEVER, DANAE	1977 OLD BYRE WAY	APEX NC 27502-9114	
2713 HOLLAND RD	0731038861	COLE, DAVID C LEE, KATELYN E	2713 HOLLAND RD	APEX NC 27502-9631	
2415 CASTELLO CT	0721829867	CORIN, DAVID L CORIN, HEATHER E	2415 CASTELLO CT	APEX NC 27502-9702	
2000 OLD BYRE WAY	0731031178	COWLEY, LAUREN M JEWELL, GARRY B	2000 OLD BYRE WAY	APEX NC 27502-9109	
1952 POST RAIL LN	0721939625	DELITIZIA, DARREN J DELITIZIA, LEAH M	1952 POST RAIL LN	APEX NC 27502-9107	
1953 OLD BYRE WAY	0721935614	DOUGLASS, THOMAS D JR DOUGLASS, JILL E	1953 OLD BYRE WAY	APEX NC 27502-9114	
1963 OLD BYRE WAY	0721936419	EVANS, BENJAMIN EVANS, KAITLYN	1963 OLD BYRE WAY	APEX NC 27502-9114	
1969 OLD BYRE WAY	0721936471	FLETCHER, ERIC FLETCHER, COURTNEY	1969 OLD BYRE WAY	APEX NC 27502-9114	
1972 OLD BYRE WAY	0721935283	FLITCROFT, DESIRAE V	1972 OLD BYRE WAY	APEX NC 27502-9113	
2729 HOLLAND RD	0731134000	FOX, JARED ALAN FOX, CHRISTIE LEA	2729 HOLLAND RD	APEX NC 27502-9631	
2801 HOLLAND RD	0731120919	FOX, RICHARD E JR FOX, SANDRA L	2801 HOLLAND RD	APEX NC 27502-9150	
2401 CASTELLO CT	0721922758	GALLAGHER, BRIAN P GALLAGHER, VALERIE L	2401 CASTELLO CT	APEX NC 27502-9702	
1968 OLD BYRE WAY	0721936129	GARRISON, JUSTIN SCOTT GARRISON, KELLY HEATHER	1968 OLD BYRE WAY	APEX NC 27502-9113	
2474 TERRMINI DR	0721921058	GEORGY, HANI S HANNA, LUCY B	2474 TERRMINI DR	APEX NC 27502-9673	
1984 OLD BYRE WAY	0721936139	GIARDINO, MICHAEL GIARDINO, JILL	1984 OLD BYRE WAY	APEX NC 27502-9113	
2008 OLD BYRE WAY	0731033126	GIRI, ANMOL LAMICHHANE, SAJJANI	2008 OLD BYRE WAY	APEX NC 27502-9109	
2804 HOLLAND RD	0731023636	HARTLEY, JOSEPH B JR HARTLEY, JUNE C	2804 HOLLAND RD	APEX NC 27502-9150	
1978 OLD BYRE WAY	0721936156	HEPBURN, DAVID M HEPBURN, KARI L	1978 OLD BYRE WAY	APEX NC 27502-9113	
2030 FELLINI DR	0721827995	HERBST, CHRISTOPHER CHARLES HERBST, MICHELLE SCHLAGE	2030 FELLINI DR	APEX NC 27502-9698	
1955 COMBINE CIR	0721938628	HILDER, THOMAS LAWSON TRUSTEE HILDER, BRANDI WHITLEY TRUSTEE	1955 COMBINE CIR	APEX NC 27502-9104	
1952 OLD BYRE WAY	0721933529	HILLER, DANIEL P HILLER, ALYSSA	1952 OLD BYRE WAY	APEX NC 27502-9113	
0 STEEPLE CHASE BND	0721931750	HOLLAND FARM COMMUNITY ASSN INC	KDK PROPERTY MANAGEMENT	PO BOX 863	HILLSBOROUGH NC 27278-0863
2411 CASTELLO CT	0721920856	HOPKINS, JEREMY D HOPKINS, SUZANNE F	2411 CASTELLO CT	APEX NC 27502-9702	
2039 FELLINI DR	0721829784	HUGHES, ROBERT L HUGHES, TARA N	2039 FELLINI DR	APEX NC 27502-9698	
2418 CASTELLO CT	0721839086	HUNTLEY, KARA HUNTLEY, JAMES	2418 CASTELLO CT	APEX NC 27502-9702	
2101 VITTORIO LN	0721929199	JIMENEZ ZUNIGA, VICENTE ROGELIO TRUSTEE DE JIMENEZ, ELIA GALLARDO TRUSTEE	2101 VITTORIO LN	APEX NC 27502-9678	
2408 ANZIO WAY	0721920328	JOYNER, MICHAEL C. TRUSTEE JOYNER, KELLI W. TRUSTEE	2408 ANZIO WAY	APEX NC 27502-9700	
1998 OLD BYRE WAY	0731030198	KING, BYRON LEE III KING, REBECCA	1998 OLD BYRE WAY	APEX NC 27502-9113	
1992 OLD BYRE WAY	0731030108	KIRK, BRIAN KIRK, COLLEEN	1992 OLD BYRE WAY	APEX NC 27502-9113	
1960 OLD BYRE WAY	0721934426	KLEIN, JARED LAUGHLIN, HEATHER	1960 OLD BYRE WAY	APEX NC 27502-9113	
2401 ORO PL	0721921527	KRISHNAMURTHI, SUDARSHAN SUDARSHAN, MEGHANA	2401 ORO PL	APEX NC 27502-9701	
2407 ANZIO WAY	0721920177	LAVERGNE, MARC PIERRE LAVERGNE, KERI	2407 ANZIO WAY	APEX NC 27502-9700	
2700 HOLLAND RD	0721949424	LEE, JAMES D LEE, KARMA F	2700 HOLLAND RD	APEX NC 27502-9631	
0 HOLLAND RD	0721947973	LEE, JAMES D TRUSTEES LEE, KARMA F TRUSTEES	2700 HOLLAND RD	APEX NC 27502-9631	
1997 STEEPLE CHASE BND	0731033457	LEWIS, WILLIAM T. JR LEWIS, JAMIE LYNN	1997 STEEPLE CHASE BND	APEX NC 27502-9102	
1968 OLD BYRE WAY	0721935332	MAHINTHAKUMAR, GNANAMANIKAM MAHINTHAKUMAR, RITA N	1968 OLD BYRE WAY	APEX NC 27502-9113	
1960 COMBINE CIR	0721938458	MATTIA, ANTHONY R MATTIA, LINDA L	1960 COMBINE CIR	APEX NC 27502-9105	
1976 COMBINE CIR	0731032408	MCCARTY, CRAIG C MCCARTY, REBECCA D	1976 COMBINE CIR	APEX NC 27502-9105	
2024 FELLINI DR	0721838025	MCCOY, BRIAN LABHART MCCOY, LAURA HUTCHISON	2024 FELLINI DR	APEX NC 27502-9698	
1995 OLD BYRE WAY	0731031308	MILES, HOWARD EVERETT MILES, KATHRYN P	1995 OLD BYRE WAY	APEX NC 27502-9114	
2370 TERRMINI DR	0731023442	OLDJA, TODOR TED OLDJA, HELGA	2370 TERRMINI DR	APEX NC 27502-9669	
2376 TERRMINI DR	0731022421	ORAGUDOSI, CELESTINE EMEKA	2376 TERRMINI DR	APEX NC 27502-9669	
1990 STEEPLE CHASE BND	0731031693	OSMENT, BENJAMIN J OSMENT, SARAH S	1990 STEEPLE CHASE BND	APEX NC 27502-9103	
2053 FELLINI DR	0721829413	PADMA SINGITHAM, NAGA PARIMALA REDDY ALLA, VIJAYA VAMSI KRISHNA	2053 FELLINI DR	APEX NC 27502-9698	
1953 POST RAIL LN	0731030883	PAGAN, WILLIAM GABRIEL COLETRANE-PAGAN, CANDICE LEONTINE	7207 HAYBECK LN	APEX NC 27523-6161	
2386 TERRMINI DR	0731024413	PAN, MICHAEL THY NGUYEN, LINH VINH	2386 TERRMINI DR	APEX NC 27502-9669	
2381 TERRMINI DR	0731021253	PATEL-RAMAN, SONNA TRUSTEE RAMAN, VINAY TRUSTEE	2381 TERRMINI DR	APEX NC 27502-9669	
2809 HOLLAND RD	0731120759	PATTERSON, RAYMOND A PATTERSON, VICKIE H	2809 HOLLAND RD	APEX NC 27502-9150	
2404 CASTELLO CT	0721932052	PAYNE, JOHN R III PAYNE, CHRISTINA C	2404 CASTELLO CT	APEX NC 27502-9702	
1987 OLD BYRE WAY	0721936336	PREWITT, ROBERT W II PREWITT, DEBORAH A	1987 OLD BYRE WAY	APEX NC 27502-9114	
2057 FELLINI DR	0721829303	PRICE, ELLEN R TRUSTEE PRICE, GORDON M TRUSTEE	2057 FELLINI DR	APEX NC 27502-9698	
1952 COMBINE CIR	0721936597	PULLEN, STUART H CLOUGH, SHERRY L	1952 COMBINE CIR	APEX NC 27502-9105	
1991 OLD BYRE WAY	0731030316	SANCHEZ, DANIEL SANCHEZ, JULIA	1991 OLD BYRE WAY	APEX NC 27502-9114	
1989 STEEPLE CHASE BND	0731033664	SANDERS, ADAM O SANDERS, DANA K	1989 STEEPLE CHASE BND	APEX NC 27502-9102	
2411 ANZIO WAY	0721829176	SCHMITT, DAVID SCHMITT, MARTHA MUCCI	2411 ANZIO WAY	APEX NC 27502-9700	
1984 COMBINE CIR	0721939448	SEFRIED, DAVID SEFRIED, HEATHER LYNN	1918 NAPOLI DR	APEX NC 27502-9662	
2400 ORO PL	0721921629	SHARDA, THOMAS M SHARDA, JENNIFER W	2400 ORO PL	APEX NC 27502-9701	
2403 ANZIO WAY	0721921271	SHIH, CHRISTOPHER T SHIH, ELIZABETH C	2403 ANZIO WAY	APEX NC 27502-9700	
2407 CASTELLO CT	0721921843	SMITH, ROBERT BRIAN SMITH, MANDY DIPRESSO	2407 CASTELLO CT	APEX NC 27502-9702	
2721 HOLLAND RD	0731037189	SMITH, SUSAN L C	2721 HOLLAND RD	APEX NC 27502-9631	
1999 OLD BYRE WAY	0731031396	SMITHBERGER, BRYAN TRUSTEE THE BRYAN SMITHBERGER REVOCABLE LIVING TRUST	1999 OLD BYRE WAY	APEX NC 27502-9114	
2358 TERRMINI DR	0731025463	SNIPES, CHRISTINA D SNIPES, TRAVIS P	2358 TERRMINI DR	APEX NC 27502-9669	
1959 OLD BYRE WAY	0721935566	STANDIFER, CHARLES CLAYTON TRUSTEE STANDIFER, JESSICA LEIGH TRUSTEE	1959 OLD BYRE WAY	APEX NC 27502-9114	
1963 OLD BYRE WAY	0721936346	STARR, BRANDON MCKINNLEY STARR, MARIRYAN MCCANN	1963 OLD BYRE WAY	APEX NC 27502-9114	
1956 OLD BYRE WAY	0721933573	STOIKOFF, JAMES BUREC, DEBORAH	1956 OLD BYRE WAY	APEX NC 27502-9113	
2728 HOLLAND RD	0721926962	TEETER, VICTOR L TEETER, CINDY L	2728 HOLLAND RD	APEX NC 27502-9631	
1984 OLD BYRE WAY	0721934389	THE DREES COMPANY	8521 SIX FORKS RD STE 500	RALEIGH NC 27615-5279	
1980 OLD BYRE WAY	0721937159	THE FRIEDMAN FAMILY LIVING TRUST	1980 OLD BYRE WAY	APEX NC 27502-9113	
2387 TERRMINI DR	0731020282	TIPPIREDDY, VENKATAPPA R KALLAM, RAMA	2387 TERRMINI DR	APEX NC 27502-9669	
2717 HOLLAND RD	0731132391	TRUELOVE, JAMES R TRUELOVE, TINA U	2717 HOLLAND RD	APEX NC 27502-9631	
2817 HOLLAND RD	0731123404	TRUSTEE OF THE HERITAGE LEGACY TRUST	2823 HOLLAND RD	APEX NC 27502-9150	
2380 TERRMINI DR	0731021450	WALTER, THEODORE WALTER, JENNY	2380 TERRMINI DR	APEX NC 27502-9669	
1948 OLD BYRE WAY	0721933607	WATSON, ROBERT R WATSON, LYANA	1948 OLD BYRE WAY	APEX NC 27502-9113	
2400 ANZIO WAY	0721921339	WITTE, ROSS JAMES WITTE, MARIE NOONAN	2400 ANZIO WAY	APEX NC 27502-9700	
2362 TERRMINI DR	0731024484	ZHENG, ZONG CHEN, ZI	2362 TERRMINI DR	APEX NC 27502-9669	
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		STACEY SEWELL	160 NE MAYNARD RD SUITE 210	CARY NC 27513	
		Current Tenant	1984 Combine CIR	APEX NC 27502	
		Current Tenant	1964 Old Byre WAY	APEX NC 27502	
		Current Tenant	1953 Post Rail LN	APEX NC 27502	

Created by Town of Apex Planning Department
Date Created: 11/10/2025

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom

Date of meeting: November 26, 2025 Time of meeting: 5:30 - 6:30 PM

Property Owner(s) name(s): Victor & Cindy Teeter

Applicant(s): Ardent Building, LLC and Jones & Cnossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Patrick Kiernan/Jones & Cnossen Engineering	221 N Salem St. Suite 001	(919) 387-1174	[redacted]	☐
2.	Chris Bullard	1993 Steeple Chase Bend			☐
3.	Brandi Hilder	1955 Combine Circle			☐
4.	Brian Gallagher	2401 Castello Ct			☐
5.	Theodore Walter	2380 Terrmini Dr			☐
6.	Matt Cheever	1977 Old Byre Way			☐
7.	Erik Maki	1964 Old Byre Way			☐
8.	Craig McCarty	1976 Combine Circle			☐
9.	Julia Sanchez	1991 Old Byre Way			☐
10.	Colleen Kirk	1992 Old Byre Way			☐
11.	Michael Friedman	1980 Old Byre Way			☐
12.	Jill Giardino	1984 Old Byre Way			☐
13.	Will & Jamie Lewis	1997 Steeple Chase Bend			☐
14.	Jessica Standifer	1959 Old Byre Way			☐

Use additional sheets, if necessary.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom

Date of meeting: November 26, 2025 Time of meeting: 5:30 - 6:30 PM

Property Owner(s) name(s): Victor & Cindy Teeter

Applicant(s): Ardent Building, LLC and Jones & Cnossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Ted Oldja	2370 Terrmini Dr		[redacted]	☐
2.	Daniel Sanchez	1991 Old Byre Way			☐
3.	Rick Fox	2801 Holland Rd			☐
4.	Michael Giardino	1984 Old Byre Way			☐
5.	Becky King	1996 Old Byre Way			☐
6.	Trey King	1996 Old Byre Way			☐
7.	Alex Bryan	1999 Old Byre Way			☐
8.	Lauren Jewell	2000 Old Byre Way			☐
9.	David Hepburn	1976 Old Byre Way			☐
10.	Rick Fox	2801 Holland Rd			☐
11.	Dana Sanders	1989 Steeple Chase Bend			☐
12.	David Schmidt	1132 Goliath Way			☐
13.	Bill Stealey	1944 Combine Circle			☐
14.	Alyssa Hiller	1952 Old Byre Way			☐

Use additional sheets, if necessary.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom

Date of meeting: November 26, 2025 Time of meeting: 5:30 - 6:30 PM

Property Owner(s) name(s): Victor & Cindy Teeter

Applicant(s): Ardent Building, LLC and Jones & Cnossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Miguel Lozada	1986 Steeple Chase Bend		[redacted]	☐
2.	Rita Mahinthakumar	1968 Old Byre Way			☐
3.	Eric Fletcher	1969 Old Byre Way			☐
4.	Iris Ria Dickinson	1977 Steeple Chase Bend			☐
5.	Becky King	1996 Old Byre Way			☐
6.	Brooke Kirchner	1933 Steeple Chase Way			☐
7.	Jared Klein	1960 Old Byre Way			☐
8.	Jennifer Bullard	1993 Steeple Chase Bend			☐
9.	Casey Sheppard	1941 Steeple Chase Bend			☐
10.	Corey Schmidt	1953 Steeple Chase Bend			☐
11.	Amanda Goins	1932 Combine Circle			☐
12.	Brian Kirk	1992 Old Byre Way			☐
13.	Andrew Goins	1932 Combine Circle			☐
14.	DesiRae Flitcroft	1972 Old Byre Way			☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Victor & Cindy Teeter

Applicant(s): Ardent Building, LLC and Jones & Cnossen Engineering, PLLC

Contact information (email/phone): patrick@jonescnossen.com/(919) 387-1174

Meeting Address: Zoom

Date of meeting: November 26, 2025 Time of meeting: 5:30 - 6:30 PM

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

Question/Concern #1:

See attached Summary of Discussion

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Jones & Cnossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

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

Neighborhood Meeting – Summary of Discussion

Question/Concern #1: Several neighbors in the Holland Farm neighborhood to the north are concerned with adding more homes into the Holland Farm street network, since direct connection to Holland Road is unachievable due to limited spacing from the Old Byre Way intersection. Traffic and fire safety response time were cited as reasons for concern. The current Apex UDO caps the number of dwelling units on a single access point at 50 lots, which is the emphasis for concern. **Applicant's Response:** All valid concerns, although without this developing as an assemblage with the Hartley property to the south, this is the only viable option for this property to develop. The new NC Fire Code was referenced as justification for adding up to 13 lots into the Holland Farm street network. Holland Farm was developed prior to the 50 lot maximum, so that development currently has 81 dwelling units on a single point of access. Even in adding 13 more units, the total lot count would be less than 100, which was the ordinance at the time Holland Farm was being developed, and which is also currently the threshold that is used in the NC Fire Code. As part of this response, the Land Use Map was also referenced which designates this property as Medium Density, allowing up to 6 units per acre. Since this project would propose a much lower density at 1.3 units per acre, we believe we have addressed the traffic concern to the maximum extent possible. Also, while this is not specifically noted in the zoning conditions, we are planning a street network which would create a "circuitous" route if/when the Hartley property ever develops, and a connection to Bella Casa is introduced. This is planned as a way to discourage a future "cut-through" between Bella Casa and Holland Farm.

Question/Concern #2: A few property owners that back up to this property had stormwater concerns with our development, as there is currently stormwater issues on the rear of their lots. **Applicant's Response:** We explained that our project should not have any effect on current stormwater conditions, as our project sits lower in topography than the lots in Holland Farm. However, we did acknowledge that we have taken note of that "drainage feature" in their back yard, and have already begun strategizing how to mitigate any problems that could arise if our current assumptions are wrong.

Question/Concern #3: Can you explain the condition about the construction entrance and why that would be allowed, but a true public access is not?
Applicant's Response: That condition was added as a way to prohibit construction vehicles from using Steeple Chase Bend to access the site. It has nothing to do with future road connectivity, and is strictly in regards to the gravel construction entrance. There is currently a driveway cut off Holland Road, so there should be an inherent right to install a construction entrance from the perspective of NCDOT. A true public roadway connection is not feasible because the southern edge of our property frontage on Holland Road is still only ~200' from the Old Byre Way intersection.

Question/Concern #4: Can you explain the difference between 1, 10 and 25 year storms?
Applicant's Response: This has to do with the intensity of any rainfall event. They are categorized into "return frequencies", which dictates how stormwater measures are designed. The state requirement is to treat the 10-year storm, however with this development we are proposing to increase that threshold to also treat the 25-year storm.

Question/Concern #5: Can you confirm you will be preserving the required tree canopy/RCA?
Applicant's Response: Yes we will be, and as noted in our zoning conditions, we are actually proposing to increase the threshold for required RCA and tree canopy preservation. The project has a lot of environmental features that would prevent development along the western half of the property, so it is anticipated that around 40% of the existing tree canopy will actually be preserved.

Question/Concern #5: How would this development work from an HOA perspective? Are you anticipating these lots becoming apart of the Holland Farm HOA?
Applicant's Response: It is a little early to answer that question as conversations with the HOA have not occurred, but that is certainly one possibility that is being considered. To that effect, the developer has offered an additional, "informal" neighborhood meeting with the Holland Farm residents, as well as the Holland Farm HOA, to discuss this (and all other issues/concerns) further.

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

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

I, Patrick Kiernan, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, 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 Zoom (location/address) on November 26, 2025 (date) from 5:30 PM (start time) to 6:30 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.

12/1/25
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 1st day of December, 2025.

SEAL
ERIN MARCUM
NOTARY PUBLIC
Chatham County
North Carolina
My Commission Expires November 19, 2030

Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2030

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.

February 11, 2026
Date

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

2728 Holland Rd — 0721-92-6962

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

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

The following is a description of the proposal including any proposed long range plan amendments (also see attached map(s) and/or plan sheet(s)):

This parcel is proposed to be rezoned to Medium Density-Conditional Zoning (MD-CZ) to allow for approximately thirteen single family lots. Lot sizes would be compatible with surrounding developments. Rezoning to Medium Density Residential meets the Town of Apex 2045 Land Use Map designation for this parcel.

Estimated submittal date: submitted January 02, 2026 *This is the second required neighborhood meeting*

MEETING INFORMATION:

Property Owner(s) name(s):	Victor & Cindy Teeter
Applicant(s):	Ardent Building, LLC and Jones & Cnossen Engineering, PLLC
Contact information (email/phone):	patrick@jonescnossen.com/(919) 387-1174
Meeting Address:	Zoom - see enclosed details
Date/Time of meeting**:	March 04, 2026

Welcome: 5:30 PM Project Presentation: 5:35 PM Question & Answer: 6:00 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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.

Jones & Cnossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

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

Zoom Meeting Details – 2728 Holland Rd Rezoning

When: March 04, 2026 05:30 PM Eastern Time (US and Canada)

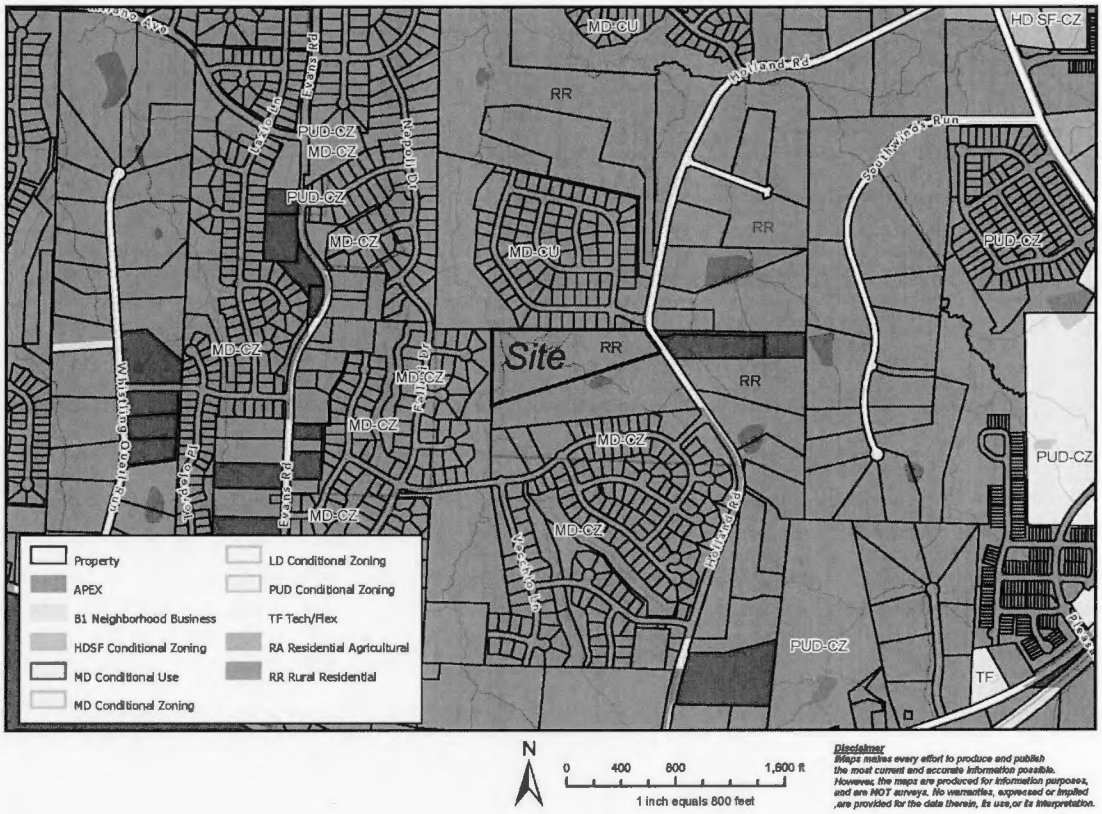
Register using the QR code:

Or go to: www.zoom.com. Click on "JOIN". Enter the Meeting ID: 815 2667 5862 and then the Passcode: 616731

Provide your First & Last Name, Email address, and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on March 4th.

Or to join the meeting by phone: dial (646) 931-3860 or (929) 205-6099 and enter the Meeting ID 815 2667 5862 and the Passcode 616731. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity & Existing Zoning Exhibit



PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: 2728 Holland Rd Rezoning Zoning: RR

Location: 2728 Holland Rd

Property PIN(s): 0721-92-6962 Acreage/Square Feet: 10.35

Property Owner: Victor & Cindy Teeter

Address: 2728 Holland Rd

City: Apex State: NC Zip: 27502

Phone: Email:

Developer: Ardent Building LLC

Address: PO Box 5509

City: Cary State: NC Zip: 27512

Phone: (919) 991-1428 Fax: Email: dschmidt@e1homes.com

Engineer: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: 221 N Salem St, Suite 001

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 Fax: Email: patrick@jonescnossen.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning 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) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 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.

Construction Traffic: **Infrastructure Inspections** **919-249-3386**

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

Road Damage & Traffic Control: **Infrastructure Inspections** **919-249-3386**

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

Parking Violations: **Non-Emergency Police** **919-362-8661**

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

Dirt in the Road: **Water Resources** **919-362-8166**

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.

Dirt on Properties or in Streams: **Water Resources** **919-362-8166**

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.

Dust: **Water Resources** **919-362-8166**

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.

Trash: **Water Resources** **919-362-8166**

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.

Temporary Sediment Basins: **Water Resources** **919-362-8166**

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.

Stormwater Control Measures: **Water Resources** **919-362-8166**

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.

Electric Utility Installation: **Electric Utilities** **919-249-3531**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

Notified Properties within 500ft of the Project Property

2412 CASTELLO CT	0721830076	ALOBA, OLUWOLE TITUS ALOBA, OLATUBOSUN ODUTOLA	2412 CASTELLO CT	APEX NC 27502-9702	
2384 TERRMINI DR	0731020379	AMMAR, MOHAMAD AMMAR, SHADIA	2384 TERRMINI DR	APEX NC 27502-9689	
2405 ORO PL	0721920531	BAYLIS, LEE D BAYLIS, ERIN L	2405 ORO PL	APEX NC 27502-9701	
1972 COMBINE CIR	0731031418	BAYNON, JOHN B BAYNON, MEGHANN	1972 COMBINE CIR	APEX NC 27502-9105	
0 FELLINI DR	0721837254	BELLA CASA HOMEOWNERS ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 TERRMINI DR	0721926225	BELLA CASA HOMEOWNERS ASSOCIATION INC	OMEGA ASSOCIATION MANAGMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 TERRMINI DR	0731027434	BELLA CASA HOMEOWNERS ASSOCIATION INC	OMEGA MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 FELLINI DR	0721839145	BELLA CASA HOMEOWNERS ASSOCIATION, INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
2408 CASTELLO CT	0721931065	BLOOM, O JOSH TRUSTEE BLOOM, CARIE LEE TRUSTEE	2408 CASTELLO CT	APEX NC 27502-9702	
2409 ORO PL	0721829525	BLOUIN, NATHAN P SHARNAK, BARBARA	2409 ORO PL	APEX NC 27502-9701	
2388 TERRMINI DR	0721929398	BRACKEN, SONALI BRACKEN, TRAVIS	2388 TERRMINI DR	APEX NC 27502-9689	
1993 STEEPLE CHASE BND	0731033565	BULLARD, CHRISTOPHER K BULLARD, JENNIFER E	1993 STEEPLE CHASE BND	APEX NC 27502-9102	
1956 COMBINE CIR	0721937561	BUTLER, HUGH III BUTLER, DORI SUZANNE	1956 COMBINE CIR	APEX NC 27502-9105	
1948 COMBINE CIR	0721936655	CAI, NING WANG, PEIYING	1948 COMBINE CIR	APEX NC 27502-9105	
1968 COMBINE CIR	0731030438	CASEBER, WILLIAM JR. CASEBER, ANDREA	1968 COMBINE CIR	APEX NC 27502-9105	
1977 OLD BYRE WAY	0721937356	CHEEVER, MATTHEW CHEEVER, DANAE	1977 OLD BYRE WAY	APEX NC 27502-9114	
2713 HOLLAND RD	0731038661	COLE, DAVID C LEE, KATELYN E	2713 HOLLAND RD	APEX NC 27502-9631	
2415 CASTELLO CT	0721829867	CORIN, DAVID L CORIN, HEATHER E	2415 CASTELLO CT	APEX NC 27502-9702	
2000 OLD BYRE WAY	0731031178	COWLEY, LAUREN M JEWELL, GARRY B	2000 OLD BYRE WAY	APEX NC 27502-9109	
1952 POST RAIL LN	0721939625	DELITIZIA, DARREN J DELITIZIA, LEAH M	1952 POST RAIL LN	APEX NC 27502-9107	
1953 OLD BYRE WAY	0721935814	DOUGLASS, THOMAS D JR DOUGLASS, JILL E	1953 OLD BYRE WAY	APEX NC 27502-9114	
1963 OLD BYRE WAY	0721936419	EVANS, BENJAMIN EVANS, KAITLYN	1963 OLD BYRE WAY	APEX NC 27502-9114	
1969 OLD BYRE WAY	0721936471	FLETCHER, ERIC FLETCHER, COURTNEY	1969 OLD BYRE WAY	APEX NC 27502-9114	
1972 OLD BYRE WAY	0721935283	FLITCROFT, DESIRAE V	1972 OLD BYRE WAY	APEX NC 27502-9113	
2729 HOLLAND RD	0731134000	FOX, JARED ALAN FOX, CHRISTIE LEA	2729 HOLLAND RD	APEX NC 27502-9631	
2801 HOLLAND RD	0731120919	FOX, RICHARD E JR FOX, SANDRA L	2801 HOLLAND RD	APEX NC 27502-9150	
2401 CASTELLO CT	0721922758	GALLAGHER, BRIAN P GALLAGHER, VALERIE L	2401 CASTELLO CT	APEX NC 27502-9702	
1988 OLD BYRE WAY	0721939129	GARRISON, JUSTIN SCOTT GARRISON, KELLY HEATHER	1988 OLD BYRE WAY	APEX NC 27502-9113	
2474 TERRMINI DR	0721921056	GEORGY, HANI S HANNA, LUCY B	2474 TERRMINI DR	APEX NC 27502-9673	
1984 OLD BYRE WAY	0721936139	GIARDINO, MICHAEL GIARDINO, JILL	1984 OLD BYRE WAY	APEX NC 27502-9113	
2006 OLD BYRE WAY	0731033126	GIRI, ANMOL LAMICHHANE, SAJJANI	2006 OLD BYRE WAY	APEX NC 27502-9109	
2804 HOLLAND RD	0731029636	HARTLEY, JOSEPH B JR HARTLEY, JUNE C	2804 HOLLAND RD	APEX NC 27502-9150	
1976 OLD BYRE WAY	0721936156	HEPBURN, DAVID M HEPBURN, KARI L	1976 OLD BYRE WAY	APEX NC 27502-9113	
2030 FELLINI DR	0721827995	HERBST, CHRISTOPHER CHARLES HERBST, MICHELLE SCHLAGE	2030 FELLINI DR	APEX NC 27502-9698	
1955 COMBINE CIR	0721936628	HILDER, THOMAS LAWSON TRUSTEE HILDER, BRANDI WHITLEY TRUSTEE	1955 COMBINE CIR	APEX NC 27502-9104	
1952 OLD BYRE WAY	0721933529	HILLER, DANIEL P HILLER, ALYSSA	1952 OLD BYRE WAY	APEX NC 27502-9113	
0 STEEPLE CHASE BND	0721931750	HOLLAND FARM COMMUNITY ASSN INC	KDK PROPERTY MANAGEMENT	PO BOX 863	HILLSBOROUGH NC 27278-0863
2411 CASTELLO CT	0721920856	HOPKINS, JEREMY D HOPKINS, SUZANNE F	2411 CASTELLO CT	APEX NC 27502-9702	
2039 FELLINI DR	0721829784	HUGHES, ROBERT L HUGHES, TARA N	2039 FELLINI DR	APEX NC 27502-9698	
2416 CASTELLO CT	0721839086	HUNTLEY, KARA HUNTLEY, JAMES	2416 CASTELLO CT	APEX NC 27502-9702	
2101 VITTORIO LN	0721829199	JIMENEZ ZUNIGA, VICENTE ROGELIO TRUSTEE DE JIMENEZ, ELIA GALLARDO TRUSTEE	2101 VITTORIO LN	APEX NC 27502-9678	
2408 ANZIO WAY	0721920328	JOYNER, MICHAEL C. TRUSTEE JOYNER, KELLI W. TRUSTEE	2408 ANZIO WAY	APEX NC 27502-9700	
1996 OLD BYRE WAY	0731030198	KING, BYRON LEE III KING, REBECCA	1996 OLD BYRE WAY	APEX NC 27502-9113	
1992 OLD BYRE WAY	0731030108	KIRK, BRIAN KIRK, COLLEEN	1992 OLD BYRE WAY	APEX NC 27502-9113	
1960 OLD BYRE WAY	0721934426	KLEIN, JARED LAUGHLIN, HEATHER	1960 OLD BYRE WAY	APEX NC 27502-9113	
2401 ORO PL	0721921527	KRISHNAMURTHI, SUDARSHAN SUDARSHAN, MEGHANA	2401 ORO PL	APEX NC 27502-9701	
2407 ANZIO WAY	0721920177	LAVERGNE, MARC PIERRE LAVERGNE, KERI	2407 ANZIO WAY	APEX NC 27502-9700	
2700 HOLLAND RD	0721949424	LEE, JAMES D LEE, KARMA F	2700 HOLLAND RD	APEX NC 27502-9631	
0 HOLLAND RD	0721947973	LEE, JAMES D TRUSTEES LEE, KARMA F TRUSTEES	2700 HOLLAND RD	APEX NC 27502-9631	
1997 STEEPLE CHASE BND	0731033457	LEWIS, WILLIAM T. JR LEWIS, JAMIE LYNN	1997 STEEPLE CHASE BND	APEX NC 27502-9102	
1968 OLD BYRE WAY	0721935332	MAHINTHAKUMAR, GNANAMANIKAM MAHINTHAKUMAR, RITA N	1968 OLD BYRE WAY	APEX NC 27502-9113	
1964 OLD BYRE WAY	0721934389	MAKI, ERIK D. MAKI, AMY E.	1964 OLD BYRE WAY	APEX NC 27502-9113	
1960 COMBINE CIR	0721938458	MATTIA, ANTHONY R MATTIA, LINDA L	1960 COMBINE CIR	APEX NC 27502-9105	
1976 COMBINE CIR	0731032408	MCCARTY, CRAIG C TRUSTEE MCCARTY, REBECCA D TRUSTEE	1976 COMBINE CIR	APEX NC 27502-9105	
2024 FELLINI DR	0721838025	MCCOY, BRIAN LABHART MCCOY, LAURA HUTCHISON	2024 FELLINI DR	APEX NC 27502-9698	
1995 OLD BYRE WAY	0731031306	MILES, HOWARD EVERETT MILES, KATHRYN P	1995 OLD BYRE WAY	APEX NC 27502-9114	
2370 TERRMINI DR	0731023442	OLDJA, TODOR TED OLDJA, HELGA	2370 TERRMINI DR	APEX NC 27502-9689	
2376 TERRMINI DR	0731022421	ORAGUDOSI, CELESTINE EMEKA	2376 TERRMINI DR	APEX NC 27502-9689	
1990 STEEPLE CHASE BND	0731031693	OSMENT, BENJAMIN J OSMENT, SARAH S	1990 STEEPLE CHASE BND	APEX NC 27502-9103	
2053 FELLINI DR	0721829413	PADMA SINGITHAM, NAGA PARIMALA REDDY ALLA, VIJAYA VAMSI KRISHNA	2053 FELLINI DR	APEX NC 27502-9698	
1953 POST RAIL LN	0731030683	PAGAN, WILLIAM GABRIEL COLETRANE-PAGAN, CANDICE LEONTINE	7207 HAYBECK LN	APEX NC 27523-6161	
2368 TERRMINI DR	0731024413	PAN, MICHAEL THY NGUYEN, LINH VINH	2368 TERRMINI DR	APEX NC 27502-9689	
2381 TERRMINI DR	0731021253	PATEL-RAMAN, SONNA TRUSTEE RAMAN, VINAY TRUSTEE	2381 TERRMINI DR	APEX NC 27502-9689	
2809 HOLLAND RD	0731120759	PATTERSON, RAYMOND A PATTERSON, VICKIE H	2809 HOLLAND RD	APEX NC 27502-9150	
2404 CASTELLO CT	0721932052	PAYNE, JOHN R III PAYNE, CHRISTINA C	2404 CASTELLO CT	APEX NC 27502-9702	
1987 OLD BYRE WAY	0721939336	PREWITT, ROBERT W II PREWITT, DEBORAH A	1987 OLD BYRE WAY	APEX NC 27502-9114	
2057 FELLINI DR	0721829303	PRICE, ELLEN R TRUSTEE PRICE, GORDON M TRUSTEE	2057 FELLINI DR	APEX NC 27502-9698	
1952 COMBINE CIR	0721936597	PULLEN, STUART H CLOUGH, SHERRY L	1952 COMBINE CIR	APEX NC 27502-9105	
1991 OLD BYRE WAY	0731030316	SANCHEZ, DANIEL SANCHEZ, JULIA	1991 OLD BYRE WAY	APEX NC 27502-9114	
1989 STEEPLE CHASE BND	0731033664	SANDERS, ADAM O SANDERS, DANA K	1989 STEEPLE CHASE BND	APEX NC 27502-9102	
2411 ANZIO WAY	0721829176	SCHMITT, DAVID SCHMITT, MARTHA MUCCI	2411 ANZIO WAY	APEX NC 27502-9700	
1964 COMBINE CIR	0721939448	SEFRIED, DAVID SEFRIED, HEATHER LYNN	1919 NAPOLI DR	APEX NC 27502-9662	
2400 ORO PL	0721921629	SHARDA, THOMAS M SHARDA, JENNIFER W	2400 ORO PL	APEX NC 27502-9701	
2403 ANZIO WAY	0721921271	SHIH, CHRISTOPHER T SHIH, ELIZABETH C	2403 ANZIO WAY	APEX NC 27502-9700	
2407 CASTELLO CT	0721921843	SMITH, ROBERT BRIAN SMITH, MANDY DIPRESSO	2407 CASTELLO CT	APEX NC 27502-9702	
2721 HOLLAND RD	0731037169	SMITH, SUSAN L C	2721 HOLLAND RD	APEX NC 27502-9631	
1999 OLD BYRE WAY	0731031386	SMITHBERGER, BRYAN TRUSTEE THE BRYAN SMITHBERGER REVOCABLE LIVING TRUST	1999 OLD BYRE WAY	APEX NC 27502-9114	
2358 TERRMINI DR	0731025463	SNIPES, CHRISTINA D SNIPES, TRAVIS P	2358 TERRMINI DR	APEX NC 27502-9689	
1959 OLD BYRE WAY	0721935566	STANDIFER, CHARLES CLAYTON TRUSTEE STANDIFER, JESSICA LEIGH TRUSTEE	1959 OLD BYRE WAY	APEX NC 27502-9114	
1983 OLD BYRE WAY	0721938346	STARR, BRANDON MCKINNLEY STARR, MARIRYAN MCCANN	1983 OLD BYRE WAY	APEX NC 27502-9114	
1956 OLD BYRE WAY	0721933573	STOIKOFF, JAMES BUREC, DEBORAH	1956 OLD BYRE WAY	APEX NC 27502-9113	
2728 HOLLAND RD	0721926962	TEETER, VICTOR L TEETER, CINDY L	2728 HOLLAND RD	APEX NC 27502-9631	
1980 OLD BYRE WAY	0721937159	THE FRIEDMAN FAMILY LIVING TRUST	1980 OLD BYRE WAY	APEX NC 27502-9113	
2387 TERRMINI OR	0731020282	TIPPIREDDY, VENKATAPPA R KALLAM, RAMA	2387 TERRMINI DR	APEX NC 27502-9689	
2717 HOLLAND RD	0731132391	TRUELOVE, JAMES R TRUELOVE, TINA U	2717 HOLLAND RD	APEX NC 27502-9631	
2617 HOLLAND RD	0731123404	TRUSTEE OF THE HERITAGE LEGACY TRUST	2823 HOLLAND RD	APEX NC 27502-9150	
2380 TERRMINI DR	0731021450	WALTER, THEODORE WALTER, JENNY	2380 TERRMINI DR	APEX NC 27502-9689	
1948 OLD BYRE WAY	0721933607	WATSON, ROBERT R WATSON, LYANA	1948 OLD BYRE WAY	APEX NC 27502-9113	
2400 ANZIO WAY	0721921339	WITTE, ROSS JAMES WITTE, MARIE NOONAN	2400 ANZIO WAY	APEX NC 27502-9700	
2362 TERRMINI DR	0731024484	ZHENG, ZONG CHEN, ZI	2362 TERRMINI DR	APEX NC 27502-9689	
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		STACEY SEWELL	160 NE MAYNARD RD SUITE 210	CARY NC 27513	
		Current Tenant	1964 Combine CIR	APEX NC 27502	
		Current Tenant	1953 Post Rail LN	APEX NC 27502	

Created by Town of Apex Planning Department
Date Created: 2/9/2026

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom

Date of meeting: March 04, 2026 Time of meeting: 5:30 - 6:30 PM

Property Owner(s) name(s): Victor & Cindy Teeter

Applicant(s): Ardent Building, LLC and Jones & Cnossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Patrick Kiernan/Jones & Cnossen Engineering	221 N Salem St, Suite 001	(919) 387-1174	[redacted]	☑
2.	Jared Fox	2729 Holland Rd			☐
3.	Brian Gallagher	2401 Castello Ct			☐
4.	Eric Fletcher	1969 Old Byre Way			☐
5.	Brandi Hilder	1955 Combine Circle			☐
6.	Rick Fox	2801 Holland Rd			☐
7.	Corey Schmidt	1953 Steeple Chase Bend			☐
8.	Jamie Lewis	1997 Steeple Chase Bend			☐
9.	Andrea Caseber	1968 Combine Cir			☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Victor & Cindy Teeter

Applicant(s): Ardent Building, LLC and Jones & Cnossen Engineering, PLLC

Contact information (email/phone): patrick@jonescnossen.com/(919) 387-1174

Meeting Address: Zoom

Date of meeting: March 04, 2026 Time of meeting: 5:30 - 6:30 PM

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

Question/Concern #1:

If there are any future Holland Road widenings along the Holland Farm frontage, should we expect them to widen into our subdivision, or would they widen it to the east since Holland Farm already has curb & gutter, sidewalk, etc.

Applicant's Response:

Since Holland Farm already has c&g and sidewalk, I would not expect the Town to acquire additional R/W from Holland Farm in order to widen any more along the west side of the road. My assumption is they would shift the widening to the east as an asymmetrical widening, and hold the existing curbline along the west.

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Patrick Kiernan, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, 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 Zoom (location/address) on March 04, 2026 (date) from 5:30 PM (start time) to 6:30 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.

3/5/26
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 5th day of March, 2026.

SEAL

ERIN MARCUM
NOTARY PUBLIC
Chatham County
North Carolina
My Commission Expires November 19, 2030

Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2030

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ21
2728 Holland Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Ardent Building, LLC
Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Property Address: 2728 Holland Road
Acreage: 10.35 acres
Property Identification Number (PIN): 0721926962
Current 2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 13, 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, 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. 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/52976.

Dianne F. Khin, AICP
Planning Director

Published Dates: April 1 – April 13, 2026

1

2

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ21
2728 Holland Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ardent Building, LLC
Agente autorizado: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Dirección de la propiedad: 2728 Holland Road
Superficie: 10.35 acres
Números de identificación de la propiedad: 0721926962
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de abril 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, o presentarla a la secretaría 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. 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/52976.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 1 de abril - 13 de abril de 2026

Search
2:45 PM
4/7/2026

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ21
2728 Holland Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Ardent Building, LLC
Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Property Address: 2728 Holland Road
Acreage: 10.35 acres
Property Identification Number (PIN): 0721926962
Current 2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 13, 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, 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. 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/52976.

Dianne F. Khin, AICP
Planning Director

Published Dates: April 1 – April 13, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ21
2728 Holland Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ardent Building, LLC
Agente autorizado: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Dirección de la propiedad: 2728 Holland Road
Superficie: 10.35 acres
Números de identificación de la propiedad: 0721926962
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

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

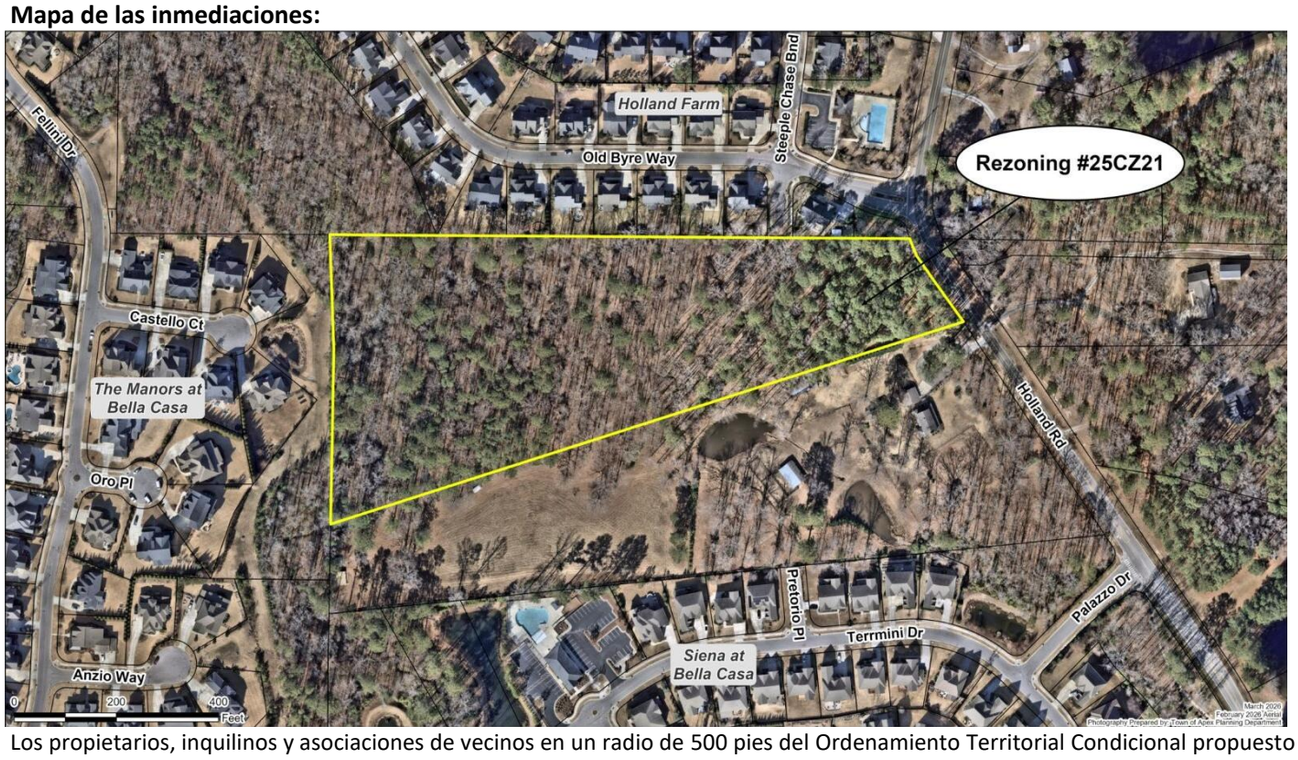
Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de abril de 2026 4:30 P.M.

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, o presentarla a la secretaría 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. 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/52976.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 1 de abril - 13 de abril de 2026

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 #25CZ21
Project Location:	2728 Holland Road
Authorized Agent:	Patrick Kiernan, Jones & Cnossen Engineering
Planning Board Public Hearing Date:	April 13, 2026
Project Planner:	Elise Bielen

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 April 1, 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.

4/1/2026
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 1st day of APRIL, 2026.

Notary Public

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

My Commission Expires: 10/3/2027

tice of Public Hearings | 25CZ21-TC-PN-Eng-Span-Com | Ask Gemini
Google Calendar | Gmail | Google Maps | School | Camps | Google Sheets | Your Sets | Quizlet | Planning Departme... | All Bookmarks
63%

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ21
2728 Holland Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Ardent Building, LLC
Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Property Address: 2728 Holland Road
Acreage: 10.35 acres
Property Identification Number (PIN): 0721926962
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: April 28, 2026 at 6:00 pm
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

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

Vicinity Map:

Property owners, tenants, and neighborhood associations within 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. 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/52976.

Dianne F. Khin, AICP
Planning Director

Published Dates: April 6-28, 2026

2:49 PM
4/6/2026

Legal Notice of Public Hearings | 25CZ21-TC-PN-Eng-Span-Combined | Ask Gemini
apexnc.org/DocumentCenter/View/54055/25CZ21-TC-PN-Eng-Span-Combined?bidId=
HR Talent | Apex | UDO | Planning Map Viewer | GeoCivix | Bookmarks | Work | Apex, NC Weather... | All Bookmarks
25CZ21-TC-PN-Eng-Span-Combined 2 / 2 92%

1

2

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ21
2728 Holland Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ardent Building, LLC
Agente autorizado: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Dirección de la propiedad: 2728 Holland Road
Superficie: 10.35 acres
Números de identificación de la propiedad: 0721926962
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de abril 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, 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. 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/52976.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6 de abril de 2025 - 28 de abril de 2026

64°F Mostly cloudy
Search
5:17 PM 4/6/2026

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ21
2728 Holland Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Ardent Building, LLC
Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Property Address: 2728 Holland Road
Acreage: 10.35 acres
Property Identification Number (PIN): 0721926962
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: April 28, 2026 at 6:00 pm

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

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

Vicinity Map:

Property owners, tenants, and neighborhood associations within 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. 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/52976.

Dianne F. Khin, AICP
Planning Director

Published Dates: April 6-28, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ21
2728 Holland Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ardent Building, LLC
Agente autorizado: Patrick Kiernan, Jones & Cnossen Engineering, PLLC
Dirección de la propiedad: 2728 Holland Road
Superficie: 10.35 acres
Números de identificación de la propiedad: 0721926962
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de abril 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, 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. 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/52976.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6 de abril de 2025 - 28 de abril de [illegible]

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 #25CZ21
Project Location:	2728 Holland Road
Applicant or Authorized Agent:	Patrick Kiernan
Firm:	Jones & Cnossen Engineering, PLLC
Town Council Public Hearing Date:	April 28, 2026
Project Planner:	Elise Bielen

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 April 6, 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.

4/6/2026
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above State and County, this the 6th day of April, 2026.

Notary Public

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

My Commission Expires: 10/3/2027

Public Hearing Sign Posted By:

1/15/26

Signature Date

WAKE COUNTY
PUBLIC SCHOOL SYSTEM

Office of Student Assignment
5625 Dillard Dr.
Cary, NC 27518
studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

January 9, 2026

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

Dear Dianne,

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

- Date of application: January 2, 2026
- Name of development: 25CZ21 2728 Holland Rd (Teeter property)
- Address of rezoning: 2728 Holland Rd (PIN 0751409074)
- Total number of proposed residential units: 13
- Type(s) of residential units proposed: Single-family detached

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

☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

☐ Elementary ☒ Middle ☐ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

☐ Not applicable – existing school capacity is anticipated to be sufficient.

☐ School expansion or construction within the next five years is not anticipated to address concerns.

☒ School expansion or construction or reassignment within the next five years may address concerns at these grade levels:

☐ Elementary ☒ Middle ☐ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 25CZ21 2728 Holland Road

Planning Board Meeting Date: April 13, 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: 10.35

PIN(s): 0721926962

Current Zoning: Rural Residential (RR)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map

☑ Consistent ☐ Inconsistent Reason: _____

_____

_____

☑ Apex Transportation Plan

☑ Consistent ☐ Inconsistent Reason: _____

_____

_____

☑ Parks, Recreation, Open Space, and Greenways Plan

☑ Consistent ☐ Inconsistent Reason: _____

_____

_____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: Recommend approval as presented.

Introduced by Planning Board member: Mary Petersen

Seconded by Planning Board member: Kristy Yule

☑ *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 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13th day of April 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.04.13 18:00:59 -04'00'

Amanda Bunce, Assistant Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 28, 2026

Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

Requested Motion

This item was continued at the April 28, 2026, Town Council meeting and referred back to the Planning Board for reconsideration.

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance (UDO) related to the duties of the Environmental Advisory Board (EAB).

Approval Recommended?

The Planning Department recommends approval.

The Planning Board recommended denial by a vote of 9-0 at their April 13, 2026 meeting and requested that the minutes from that meeting be provided to Town Council. The approved minutes were not available at the April 28, 2026 Town Council meeting.

The Planning Board recommended denial by a vote of 8-1 at their May 11, 2026 meeting.

Item Details

Requested by Planning Staff:

1. Amendments to Sec. 2.1.9.A *Review and Decision-Making Bodies, Apex Environmental Advisory Board, Powers and Duties* in order to add a requirement for the Environmental Advisory Board to provide a recommendation on whether the proposed rezoning complies with the Town's adopted legislative consideration in Sec. 2.3.3.F.5 *Developmental Review, Conditional Zoning Districts, Legislative Considerations* regarding how the rezoning's design minimizes environmental impact.

Attachments

- PH4-A1: Staff Report - Unified Development Ordinance (UDO) Amendments– April 2026 - B
- PH4-A2: PB Report to TC- Unified Development Ordinance (UDO) Amendments–April 2026 - B
- PH4-A3: Public Notice - Unified Development Ordinance (UDO) Amendments – April 2026 - B
- PH4-A4: Ordinance - Unified Development Ordinance (UDO) Amendments – April 2026 – B
- PH4-A5: Approved April 13, 2026 Planning Board Meeting Minutes - Unified Development Ordinance (UDO) Amendments – April 2026 – B

At their April 28, 2026, regular meeting, the Town Council voted to remove this proposed amendment from the agenda and referred it back to the Planning Board for further consideration, including coordination with the Environmental Advisory Board (EAB).

Requested by Planning Staff:

1) **Amendments to Sec. 2.1.9.A *Review and Decision-making Bodies*, *Apex Environmental Advisory Board, Powers and Duties*, to formalize the Board's authority to review and provide recommendations regarding a project's compliance with the Town's adopted legislative considerations in Sec. 2.3.3.F.5 *Developmental Review, Conditional Zoning Districts, Legislative Considerations,* including an evaluation of how effectively the project design minimizes environmental impact.**

Background: Planning Staff propose an amendment to Sec. 2.1.9.A *Review and Decision-making Bodies, Apex Environmental Advisory Board* (EAB), *Powers and Duties* to clarify and formalize the Board's role in the review of certain Conditional Rezoning applications. Currently, the UDO authorizes the EAB to review conditional rezoning applications and provide suggested zoning conditions to applicants based on the Board's adopted list of recommendations. However, Town Council has expressed its intent for the EAB to more directly evaluate an application's ability to comply with Sec. 2.3.3.F.5 *Legislative Considerations*, *Design minimizes environmental impact*, and to provide a formal recommendation to Town Council based on that evaluation.

Sec. 2.3.3.F.5 reads as follows:

> 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.

In practice, while the EAB is often engaged early in the review process, the absence of a defined review framework has resulted in limited transparency and continuity between the Board's recommendations and the final rezoning application. Specifically, the EAB frequently provides recommended zoning conditions but does not receive follow-up regarding which recommendations are ultimately incorporated, nor does it currently provide a formal recommendation on the merits of the rezoning request.

The proposed amendment establishes a more structured and predictable review process by clarifying the EAB's role and creating a clearer feedback loop between the Board, staff, and the applicant. Under this framework, the EAB will provide a formal recommendation to Town Council on the rezoning request based on the project's ability to demonstrate that design minimizes environmental impact, including the protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This amendment shall have an effective date of July 1, 2026.

2.1.9 Apex Environmental Advisory Board

A) *Powers and Duties*

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

…

2) Review, with applicants, during the staff review phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. **The Board shall provide a recommendation to Town Council regarding approval or denial based on the application's ability to comply with Sec. 2.3.3.F.5 *Legislative Considerations, Design minimizes environmental impact.***

The following conditional rezoning requests shall be exempt from review by this Board:

a) Rezonings to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;

b) Rezonings to resolve nonconformities;

c) Rezonings of 10 acres or less; and

d) Rezonings within the Small Town Character Overlay District.

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:

At their May 11, 2026, meeting, the Planning Board discussed the intent of the proposed amendment with Mayor Pro Tempore Mahaffey, conducted additional deliberations among Board members, and held a new vote on the proposed amendment.

A motion was made to recommend denial of the amendment and the Board reiterated its concern that the amendment would bring unnecessary added time and complexity to the current process. The motion to recommend denial passed by a vote of 8-1. The dissenting member's comments are included in the attached Planning Board Report to Town Council.

During discussion, the Planning Board also expressed interest in establishing a formal process that would allow the Environmental Advisory Board to submit documentation to the Town Council and Planning Board identifying specific comments, requests, and concerns related to their review of each rezoning application.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: May 11, 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 denial due to the unnecessary added time and complexity this change would bring to the process.

Introduced by Planning Board member: Kristy Yule

Seconded by Planning Board member: Mark Spanioli

☐ Approval of the proposed UDO amendment(s)

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

☑ Denial of the proposed UDO amendment(s)

With 8 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of May 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.05.11 18:44:00 -04'00'

Amanda Bunce, Assistant Planning Director

Planning Board Member Name: Daniel Khodaparast

Meeting Date: 05/11/2026

☐ Rezoning # _____

☐ Long Range Plan amendment(s)_____

☒ Other UDO Amendment related to the duties of the Environmental Advisory Board

Reason(s) for dissenting vote:

I think that the proposed amendment helps close a gap in the EAB's effectiveness. The EAB currently proposes recommendations but does not receive necessary feedback in order to grow as an effective part of local government. There is a lack of transparency which is a deteriment to our residents who need protections as our Town continues to rapidly evolve.

The weight that a more formal process would have on the board should help developers pay closer attention to submissions coming before Planning Board and Town Council. Things that are on an "official record" tend to get more serious engagement in any context. Formalization tends to also shift behavior over time and could yeild better quality submissions from developers. Politically and procedurally I believe this would be a win. In the end, regardless it is a recommendation that PB or TC can choose to ignore.

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

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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

Requested by Environmental Advisory Board:

1. Amendments to Sec. 2.1.9.A *Review and Decision-Making Bodies, Apex Environmental Advisory Board, Powers and Duties* in order to add a requirement for the Environmental Advisory Board to provide a recommendation on whether the proposed rezoning complies with the Town's adopted legislative consideration in Sec. 2.3.3.F.5 *Developmental Review, Conditional Zoning Districts, Legislative Considerations* regarding how the rezoning's design minimizes environmental impact.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 28, 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, 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: May 5, 2026 – May 28, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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:

A solicitud de la Junta Asesora Ambiental:

1. Enmiendas a la sección 2.1.9.A, *Órganos de revisión y toma de decisiones, Junta Asesora Ambiental de Apex, facultades y deberes*, para agregar el requisito de que la Junta Asesora Ambiental proporcione una recomendación sobre si la rezonificación propuesta cumple con la consideración legislativa adoptada por el pueblo en la sección 2.3.3.F.5, *Revisión del desarrollo, distritos de zonificación condicional, consideraciones legislativas*, con respecto a cómo el diseño de la rezonificación minimiza el impacto ambiental.

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: 28 de mayo 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 proporcionar una declaración escrita por correo electrónico a 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 5 de mayo de 2026 al 28 de a mayo de 2026

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

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

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

Requested by Environmental Advisory Board:

1. Amendments to Sec. 2.1.9.A *Review and Decision-Making Bodies, Apex Environmental Advisory Board, Powers and Duties* in order to add a requirement for the Environmental Advisory Board to provide a recommendation on whether the proposed rezoning complies with the Town's adopted legislative consideration in Sec. 2.3.3.F.5 *Developmental Review, Conditional Zoning Districts, Legislative Considerations* regarding how the rezoning's design minimizes environmental impact.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 28, 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, 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: May 5, 2026 – May 28, 2026

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

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

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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 [illegible] todo el pueblo:

81°F Sunny
Search
2:34 PM 5/5/2026

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

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

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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:

A solicitud de la Junta Asesora Ambiental:

1. Enmiendas a la sección 2.1.9.A, *Órganos de revisión y toma de decisiones, Junta Asesora Ambiental de Apex, facultades y deberes*, para agregar el requisito de que la Junta Asesora Ambiental proporcione una recomendación sobre si la rezonificación propuesta cumple con la consideración legislativa adoptada por el pueblo en la sección 2.3.3.F.5, *Revisión del desarrollo, distritos de zonificación condicional, consideraciones legislativas*, con respecto a cómo el diseño de la rezonificación minimiza el impacto ambiental.

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: 28 de mayo 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 proporcionar una declaración escrita por correo electrónico a 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 5 de mayo de 2026 al 28 de a mayo de 2026

81°F Sunny
Search
2:34 PM 5/5/2026

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. Section 2.1.9 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.9 Apex Environmental Advisory Board

A) *Powers and Duties*
The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:
…

2) Review, with applicants, during the staff review phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. **The Board shall provide a recommendation to Town Council regarding approval or denial based on the application's ability to comply with Sec. 2.3.3.F.5 *Legislative Considerations, Design minimizes environmental impact.***

The following conditional rezoning requests shall be exempt from review by this Board:

a) Rezonings to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;

b) Rezonings to resolve nonconformities;

c) Rezonings of 10 acres or less; and

d) Rezonings within the Small Town Character Overlay District.

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 on the 1st day of July 2026.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

Approved as to Form:

_____
Laurie L. Hohe
Town Attorney

APPROVED

TOWN OF APEX
PLANNING BOARD MEETING MINUTES
MONDAY, APRIL 13, 2026
4:30 P.M.

The Apex Planning Board met on Monday, April 13, 2026 at 4:30 PM in the Council Chamber at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=z0vzjlUvQ8s.

[ATTENDANCE]

Board Members
Keith Braswell, Chair
Jeff Hastings, Vice-Chair (Wake County Representative)
Steven Rhodes
Sarah Soh
Alyssa Byrd
Daniel Khodaparast
Mary Petersen (Apex Historical Society Representative)
Kristy Yule
Renita Stanley (Non-Voting Youth Member)

Absent
Tim Royal (ETJ Member)

Town Staff
Planning Director Dianne Khin
Assistant Planning Director Amanda Bunce
Senior Planner June Cowles
Senior Planner Elise Bielen

[COMMENCEMENT]

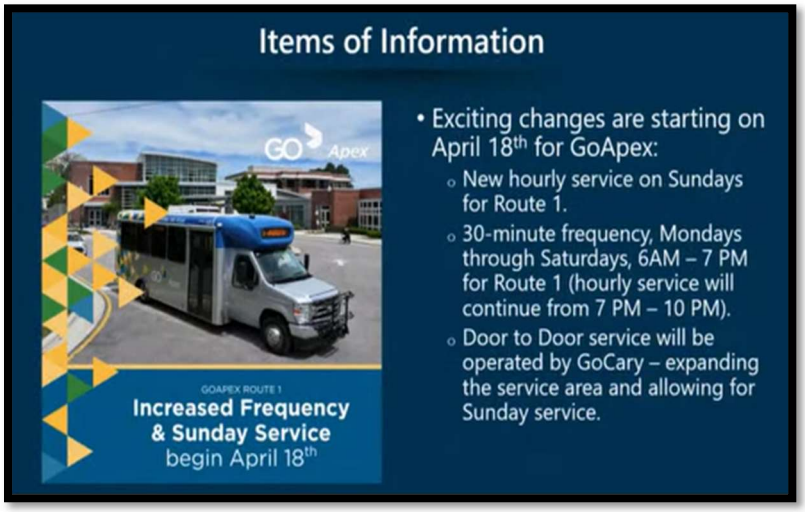
Chair Braswell called the meeting to order at **4:30 pm**. He offered an invocation and led the Pledge of Allegiance.

[ITEMS OF INFORMATION]

Dianne Khin, Planning Director, shared two items of information:

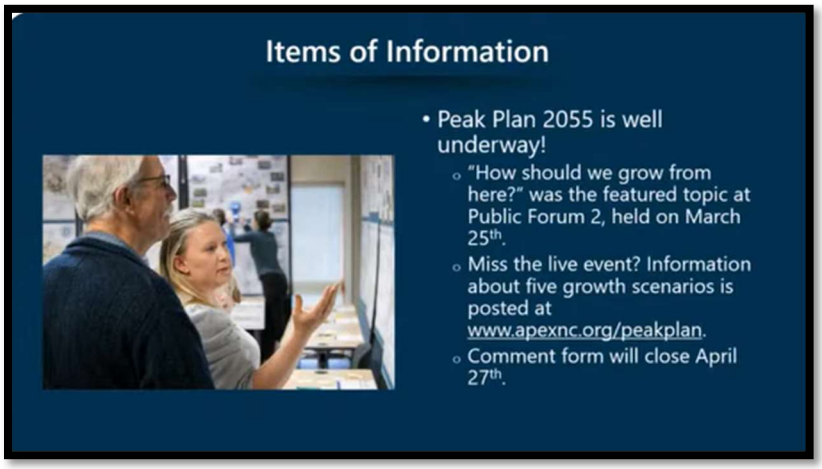
1. Changes in the Go Apex schedules and frequency and the addition of door-to-door service operated by GoCary.

[SLIDE 1]



2. There are additional opportunities to comment on Peak Plan 2055 at www.apexnc.org/peakplan until April 27, 2026.

[SLIDE 1]



[PUBLIC COMMENT]

Chair Braswell opened Public Comment and invited the first speaker.

First to speak was **Jeff Roach** with Peak Engineering Design:

"It is public forum tonight, but I am here this evening to discuss New Business Item #1. Since it's a new business item, it is not a public forum item. Specifically, I want to address item number four in the UDO amendments. It is in reference to changing the requirements or standards for the Environmental Advisory Board. At present, the Environmental Advisory Board makes a recommendation to both the Planning Board and the Town Council on zonings related to environmental warm-season grasses, invasive species, and so on. There is currently an amendment here tonight that Board not only to make a recommendation for environmental conditions they would like to see implemented, but to also make a zoning recommendation to council based on those same conditions. So, if we as engineers or attorneys stand up to present a case and the Environmental Advisory Board does not feel that the commitment from the engineer or architect is strong enough, then they can make a recommendation directly to you and the Council to deny a rezoning. At present, I do not believe that is how they operate. They are simply an advisory board to the Council and Planning Board. I think it presents a lot of problems. It usurps some of the powers that you have. You are a very technical board. You review ordinance items. I am concerned that this UDO amendment will give more power to the Environmental Advisory Board to make recommendations for approval or denial to Council. Whether I agree or disagree with their motion is, I think the ordinance is very clear on the separation of powers between the Planning Board and Environmental Advisory Board as advisory bodies. So, it is just a concern on my part. I do not know if they can do it legislatively. I do not know how it works. I just see it on the agenda tonight and it very much concerns me that the Environmental advisory Board will start making recommendations if we do not agree to 27 environmental conditions. That is all. I appreciate you listening and giving me a minute and a half to speak."

Chair Braswell closed the Public Comment with no one else signed up to speak.

[CONSENT]

Chair Braswell presented the minutes from March 9, 2026, meeting and asked if there was a motion.

A **motion** was made by **Member Soh** and seconded by **Member Khodaparast** to approve the meeting minutes from the March 9, 2026 regular meeting.

VOTE: UNANIMOUS (8-0) with **Member Royal** absent

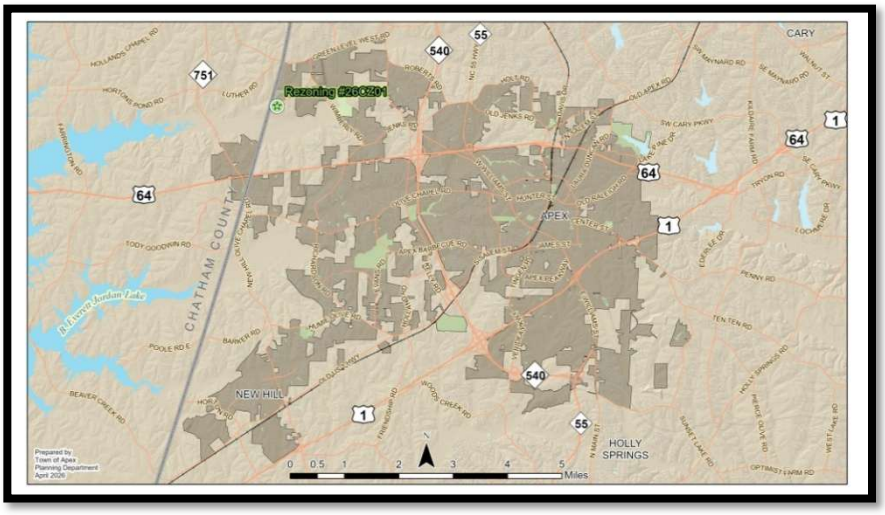
[PUBLIC HEARINGS]

PH1 - Rezoning Case #26CZ01 8905 Castleberry Road

June Cowles, Senior Planner presented Rezoning Case #26CZ01 8905 Castleberry Road Tracts 10 & 11. The applicant Silver Developers, LLC along with their agent William Norton, Jones & Cnossen Engineering, PLLC seeks to rezone ± 3 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The property is located at 8905 Castleberry Road & 0 Castleberry Road. Planning staff recommended approval for this rezoning. She gave the following presentation:

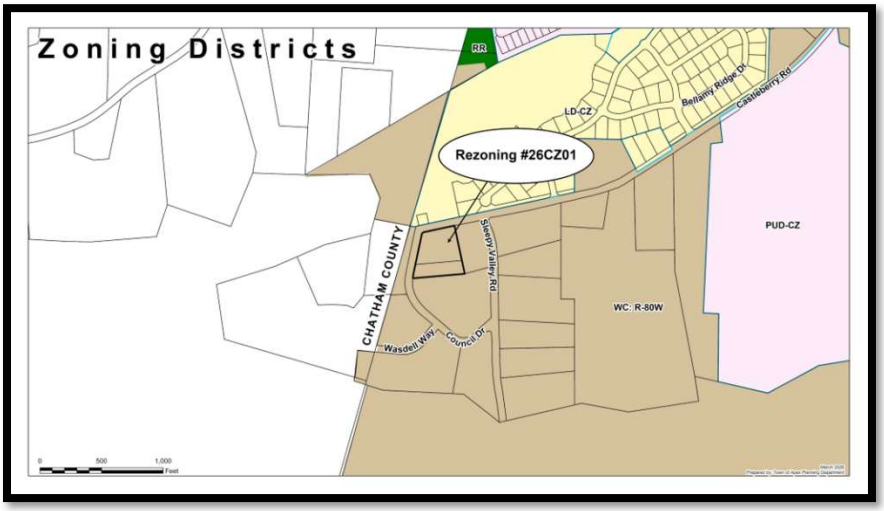
[SLIDE 1]

[SLIDE 2]

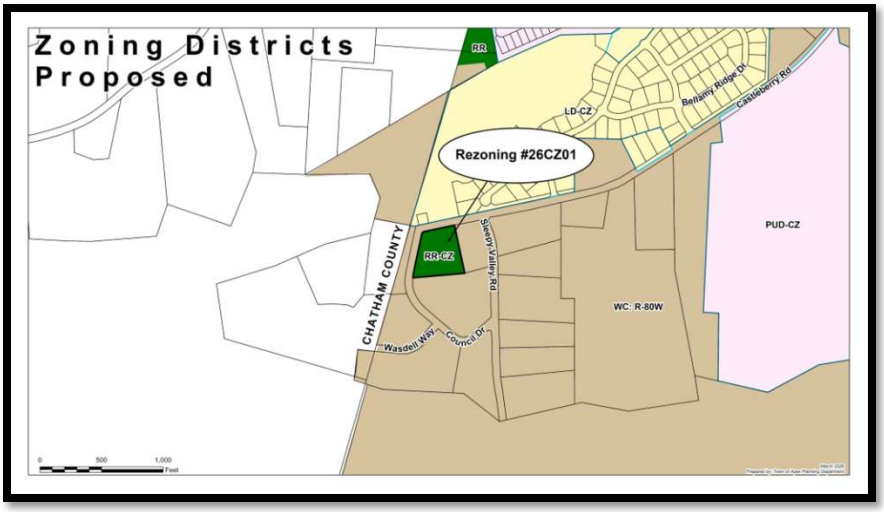


[SLIDE 3]

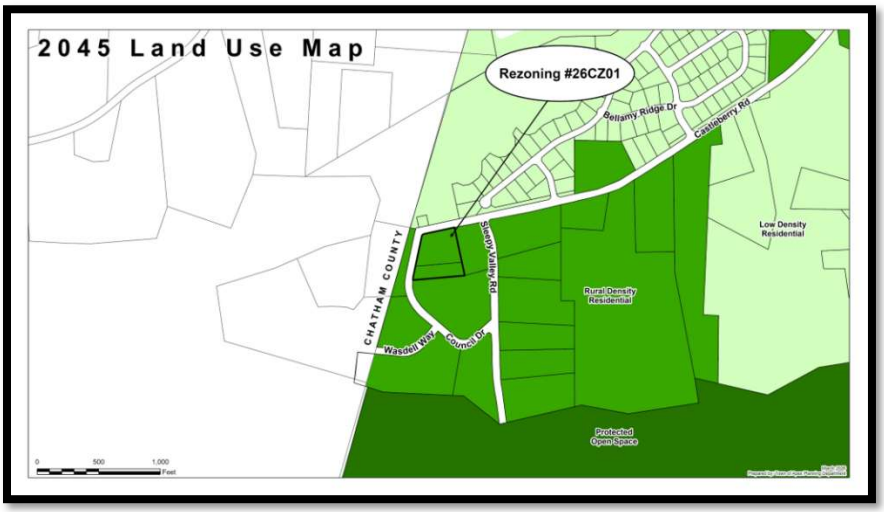
[SLIDE 4]



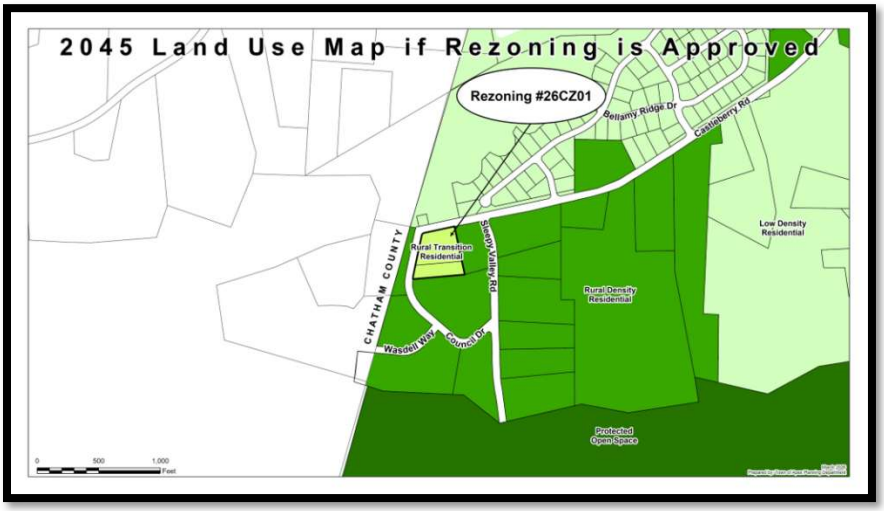
[SLIDE 5]



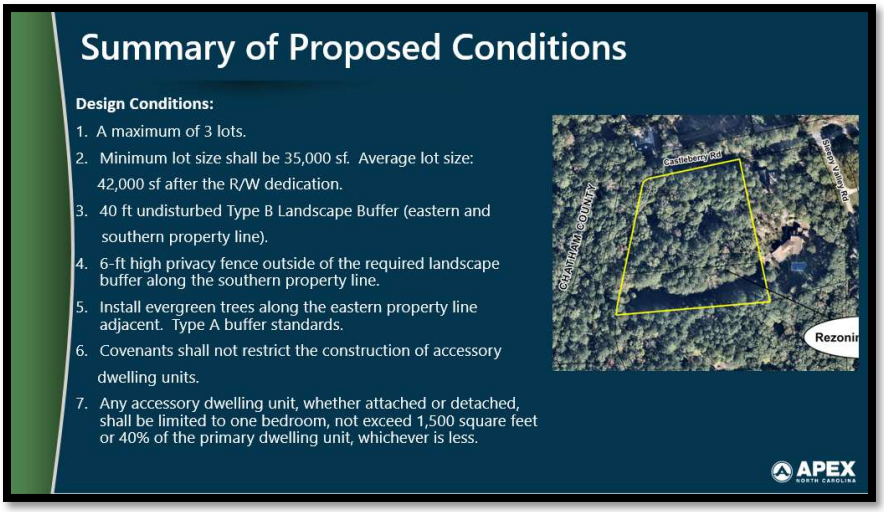
[SLIDE 6]



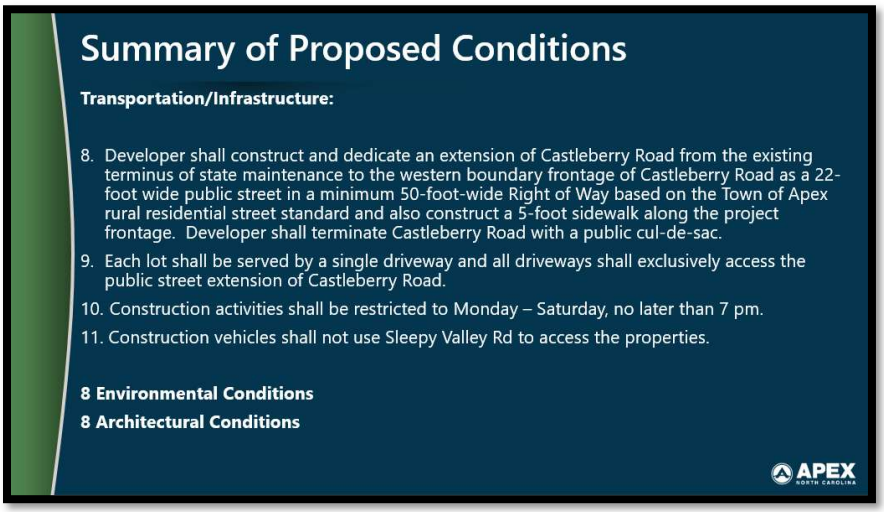
[SLIDE 7]



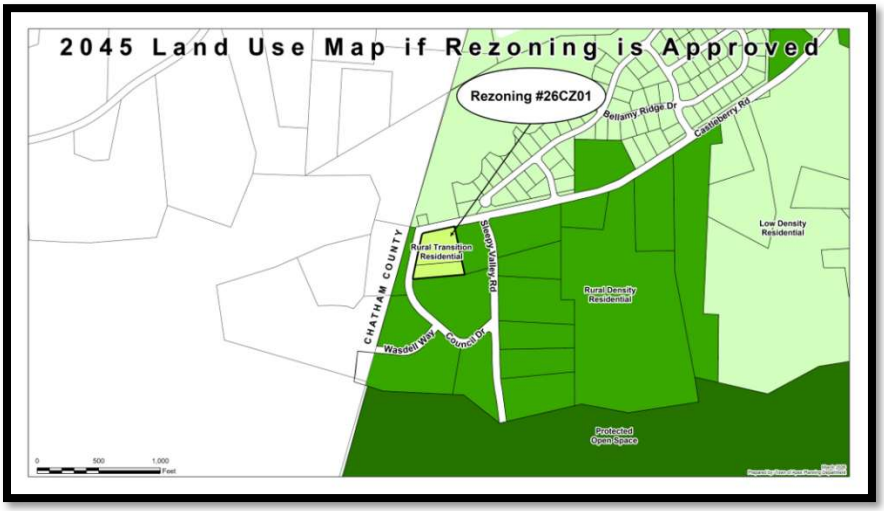
[SLIDE 8]



[SLIDE 9]



[SLIDE 10]



[SLIDE 11]

Chair Braswell asked if there were any questions on this item.

Member Byrd confirmed that Rural Density Residential future land use is one dwelling unit per five acre and Rural Transition is one dwelling unit per one acre and then Low Density is up to three units per acre.

Ms. Cowell confirmed that was correct.

Member Petersen asked for the reason why this item wasn't recommended in December.

Ms. Cowell said that Planning Staff stated that this needed to be lower density so that this is below low density residential for the land use classification.

Member Peterson asked if that is because the current properties are one house per five acres or thereabouts.

Ms. Cowell said that was the classification and some of the properties were lower than 5 acres.

Member Yule asked about the concerns from the owners of a tourism business referencing the traffic and how it would impact that business been addressed.

Ms. Cowell gave an overview of how the traffic would be addressed and how residents would access their property. She said the applicant may be able to speak more on this.

Member Byrd asked if the condition was that all driveways should come off of Castleberry Drive.

Ms. Cowell said it was.

Chair Braswell asked the applicant to come up and speak.

Will Norton, Jones and Cnossen Engineering, PLLC provided additional information. He thanked the staff for all their help and work on this project. He highlighted the low density rural residential going to one unit per acre maximum, the accessory dwelling unit standpoint from residential neighbors not wanting to have an unlimited size and unrestricted from the ADU, increasing the buffer from 20' to 40', and not building Council Drive.

Member Petersen asked for more information about the pump station and what was covered with residents.

Mr. Norton said that the pump station was put into place with the Lake Castleberry subdivision and there have been discussions with staff and there are no issue with this amount of the four lots because of the peaking factor of the pump station design being able to allow more capacity, although staff can't say exactly how much capacity there is, they have assured him there is plenty of sufficient capacity for this as proposed and into the future with no issues as far as maintenance goes.

Chair Braswell opened the Public Hearing and invited the first speaker.

First to speak was **Christina McAlister** of 8901 Castleberry Road:

"In front of you, you probably all have pamphlets so you can read along as I do my three-minute spiel. You have pictures in there if you are more visual, and then you have a summary list of our conditions, as well as extended conditions that we are hoping will be considered. Good afternoon. My name is Christina McAlister. I live adjacent to the proposed rezoning application at 26CZ01 Castleberry Road. I would like my comments tonight to be understood as a request for your help in protecting our home and our farm through meaningful conditions included as part of this rezoning. I previously emailed a list of requested conditions for your consideration. I also want to be clear that we continue to support this land remaining rural residential, at approximately one house per two acres. As an adjacent property owner, I want to share what we have at 8901 Castleberry Road. It is more than a residence. It is an active farm, agritourism property, and educational space that has served Apex and Wake County families for more than 12 years. We invite the public onto our land for farm tours, youth camps, agricultural education, horse experiences, volunteer opportunities, and hands-on learning about animals and local food systems. Because of that special use, we are asking for the conditions that maintain a true rural edge between our property and future homes. We are requesting larger buffers, at a minimum of 100 feet, along with a stronger Type A buffer, double rows of evergreen trees, privacy fencing, and building orientation that places garages, driveways, lighting, and outdoor activity away from the rural property, such as our pastures and bedroom windows. We're also concerned about additional traffic and safety for our guests and animals, regarding potential future construction vehicles and neighborhood traffic using our private circular driveway. For that reason, we have requested developer participation in entrance and exit gates for our property. Most importantly, we ask that future homeowners be informed through recorded deed notices that they are moving next to an active agricultural education farm operation that includes livestock, animals, sounds, smells, farm equipment, and youth programming, and that these activities should not be considered a nuisance. A huge concern for us is not only the impact construction will have on our daily lives, but also the effect it will have on our horses, other animals, and the farm business we have worked hard to build. My request is simple: please leave the zoning as rural residential, because that is what fits this area best. However, if the zoning moves forward, I respectfully ask that meaningful conditions be incorporated to maintain the rural character of the area, protect adjacent agricultural uses, and preserve what makes this part of Apex special. I also respectfully ask Planning staff, the board, and Town Council to help guide me through the condition process and how residential protection conditions can be incorporated before any potential rezoning approval. I am trying to understand and navigate the process, and I hope you can appreciate the effort I have put into learning, participating, and advocating for my home, farm, and community. I am not a developer who works on these processes every month, so I truly appreciate your patience, guidance, and willingness to help, as well as your time in reading our emails. Thank you very much for your time and consideration."

Vice-Chair Hastings asked if this property was between rezoning and Sleepy Valley.

Ms. McAlister said that was correct. She also gave an overview of the entrances of her property and spoke about the traffic flow and the implications for kids riding horses.

Chair Braswell closed the Public Hearing with no one else signed up to speak and brought the item back to the Board for discussion and a possible motion.

Vice-Chair Hastings asked if there was any discussion to address the light pollution and arrangement of the garages.

Mr. Norton said driveways would come out on Castleberry Road and the first lot there was a request for the garage to be on the western side but there were concerns for doing this because the general grade from east to west and driveways usually sits on the high side of the road for drainage so there is a 40' type B buffer and a 10-ft buffer planned now, also a row of evergreen trees at a type A buffer standard. He said this rezoning would be 3 houses and there would be standard house lighting on the outside.

Member Soh gave a description of this area and the farms in this community and the charm that it has and this would be something that should be kept this way. She said this had been denied because it didn't fit in that area and wasn't consistent with the land use map and was leaning towards voting no to this to keep that charm and the concerns of disturbances for the farm animals in that community.

Member Peterson said this was a teaching and learning farm and supported them for this community.

Member Stanley said she lives in Castleberry and one of her favorite things to do is to walk around in that area and the area is beautiful and would like to keep this community the same as it is.

Member Byrd said to be clear, this is not a vote to get rid of any farm. She asked if there were any considerations that the proposed road improvements along Castleberry would be a benefit in potentially deferring traffic from turning around on Sleepy Valley and support the agritourism traffic that's headed that way.

Member Soh said that there are more than a dozen homes on Sleepy Valley and it is not known if it will benefit extending the pavement a couple of feet.

Member Rhodes said the widening of the road will also take away from the character of the area.

Member Petersen said that this was denied last time it came before the Board because it wasn't keeping in with rural residential and there are so few places left like this community, and this is a special community.

Member Soh asked if there was information about the watershed on the property being close in vicinity to Jordan Lake.

Member Petersen said this was discussed at the December meeting and it was a concern and it was addressed.

Mr. Norton said the Corps land is roughly 900' south of southern property line so that would be where the buffer would be and this is why nothing more considered. There is not a stream onsite.

Member Yule asked hypothetically if this property went from three houses down to two, would there still be a cul-de-sac and paving.

Mr. Norton said it would not be and that there are two lots of record currently.

Member Yule asked if they would just leave it as it is. She asked if the concern from the residents was about the extra house and everything that would come along with the extra house and that seemed senseless if it would still be paving and the extra things to go down one house.

Mr. Norton said with this being a rezoning case with Apex it would be annexed into the Town of Apex and it has to be up to a minimum standard and what is proposed this is the minimum standard for a road. He said that as for trees, Apex doesn't allow trees to be within their public right-of-way once the road is accepted for maintenance.

Member Soh asked if infrastructure would include street lighting because currently Castleberry Road doesn't have streetlights.

Mr. Norton said that would be the decision of Apex.

There was further discussion about where streetlights are on other streets in Apex and if this was not annexed this would stay in Wake County.

Member Soh asked if there were currently any existing houses on the other lot.

Mr. Norton said no, the only existing structure is on the lot to the north.

Member Khodaparast asked how significant the elevation change would be that was mentioned.

Mr. Norton said it wouldn't be significant and from a rezoning standpoint it is hard to portray but it wouldn't be clear-cut and mass graded.

Member Rhodes asked if this property stayed in Wake County would this perc for accessory structures.

Mr. Norton said that had not been explored but there is an existing septic system and with the hopes that the pump station being across the street the hope was that this would not ever have been an issue.

Someone attending the meeting asked if she could ask a question and **Chair Braswell** said that Public Hearing was closed.

Chair Braswell asked if the Board had any further questions.

Member Petersen said there were 18 conditions listed and they should be considered if the Board is going to vote to approve this. She said that the idea of trying to keep this rural residential or even if the area is moving to rural transitional residential there should be some semblance of that and it is important to note if the conditions were agreed upon by the neighbors or the developer if the Board is saying yes to approving this, but she wasn't in support of this.

Member Yule said the struggle was the respect for the property owner that owns the home or land now and what it is that the Town wants to maintain for rural character. She would like to respect people who came forward and asked did the Town leave this like that because the intent was for the road to remain gravel and there may be a compromise for this.

Chair Braswell said that it was maybe that this was going from 5 acre lots to low density which allows three acres a lot which was the case in December, and this proposal is one step up.

Vice-Chair Hastings said this was a difficult decision. He said the biggest concern is the light and encouraged the developer to meet again to discuss this. He said that currently with this property being in Wake County, a 3-story building could be built 10' off Ms. McAlister's property line. He said there didn't seem to be enough consideration by the developers for the neighbors to address a fair amount of their concerns.

Chair Braswell said there were some concerns addressed but not exactly was agreeable. He said the lighting was a concern.

Member Yule said that it would be beneficial to both parties to try to come together in an agreement. She said for the right-of-way, that is an Apex requirement.

Vice-Chair Hastings said it would be good for there to be more communication between the neighbors and the developers.

Member Yule said that it has to be understood that some things may not be able to be fixed, for example ADU units. She said there may need to be more given and would be something for existing homeowners who would like to do something with their land.

A **motion** was made by **Vice-Chair Hastings** and seconded by **Member Soh** to recommend denial of Rezoning Case #26CZ01 - 8905 Castleberry Road – Tracts 10 & 11.

VOTE: (6-2) Chair Braswell and **Member Byrd** dissented and **Member Royal** absent.

Ms. Bunce went through all the Legislative Considerations stating why the Board recommended denial:

1. **Consistency with Land Use Map:** Inconsistent – does not align with the adopted land use plan.
2. **Compatibility with Surrounding Area:** Inconsistent – conflicts with the established character of the area and prior efforts to preserve it; insufficient justification for change.
3. **Supplemental Standards:** Not applicable – no specific standards apply to this type of development.
4. **Minimization of Adverse Impacts:** Inconsistent – concerns about impacts such as lighting and glare not being adequately addressed.
5. **Design Minimization of Environmental Impact:** Consistent – proposal adequately addresses environmental considerations.

6. **Impact on Public Facilities:** Consistent – overall acceptable impact on roads and public services despite some concerns.
7. **Health, Safety, and Welfare:** Consistent – no major concerns given the scale of development.
8. **Detrimental to Adjacent Properties:** Inconsistent – potential negative impacts on neighboring properties, including road changes and existing agricultural uses.
9. **Not Constitute Nuisance or Hazard:** Inconsistent – could create nuisance or hazard conditions, particularly related to traffic.
10. **Compliance with Other Ordinance Standards:** Consistent – meets technical ordinance requirements for development.

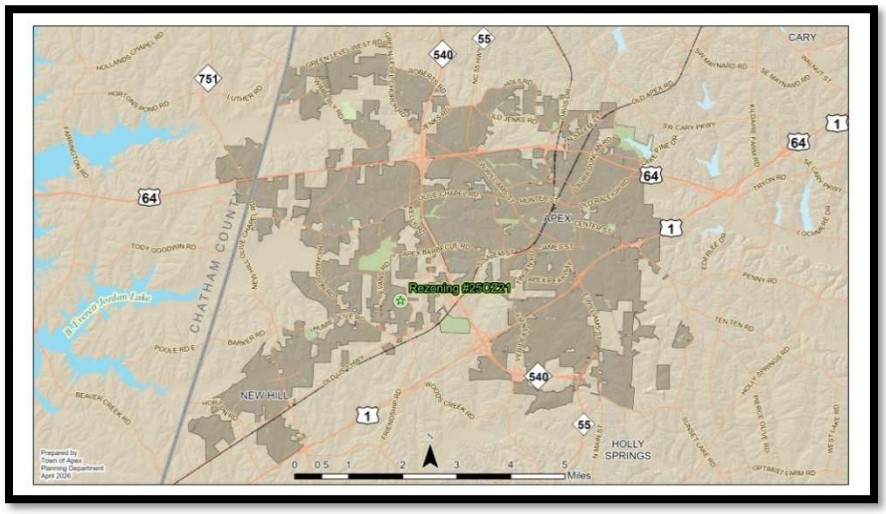
Member Byrd stated for the record that it seems these are worded in a way to inhibit discussions.

PH2 - Rezoning Case #25CZ21 2728 Holland Road

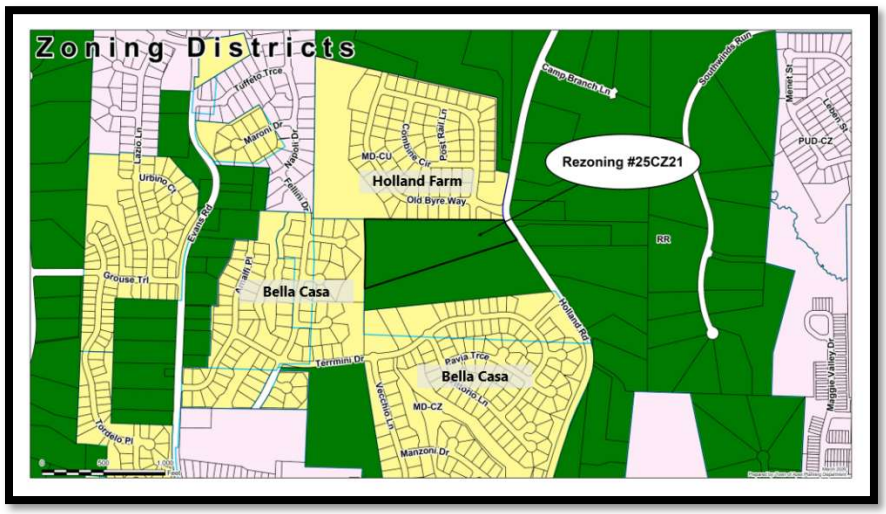
Elise Bielen, Senior Planner presented Rezoning Case #25CZ21 2728 Holland Road. The applicant Ardent Building, LLC along with their agent Patrick Kiernan, Jones and Cnossen Engineering, PLLC seeks to rezone ± 10.35 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ). The property is located at 2728 Holland Road. Planning staff recommended approval for this rezoning. She gave the following presentation:

[SLIDE 1]

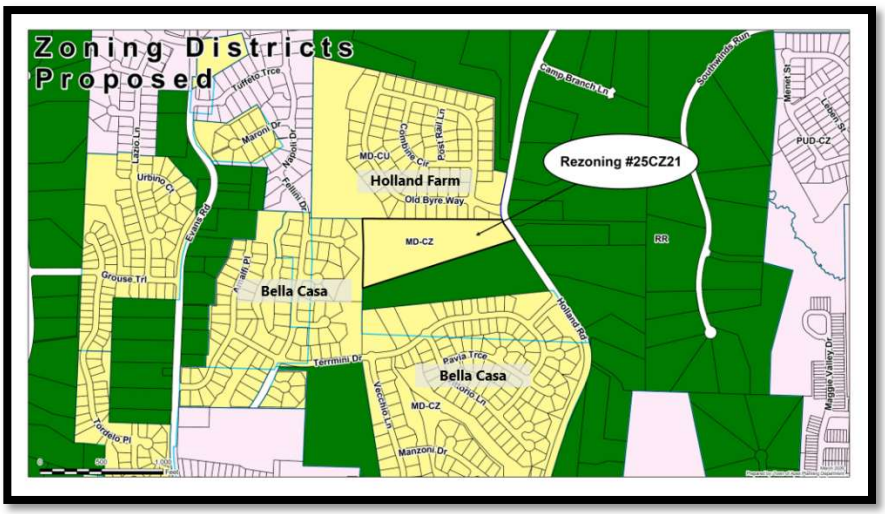
[SLIDE 2]



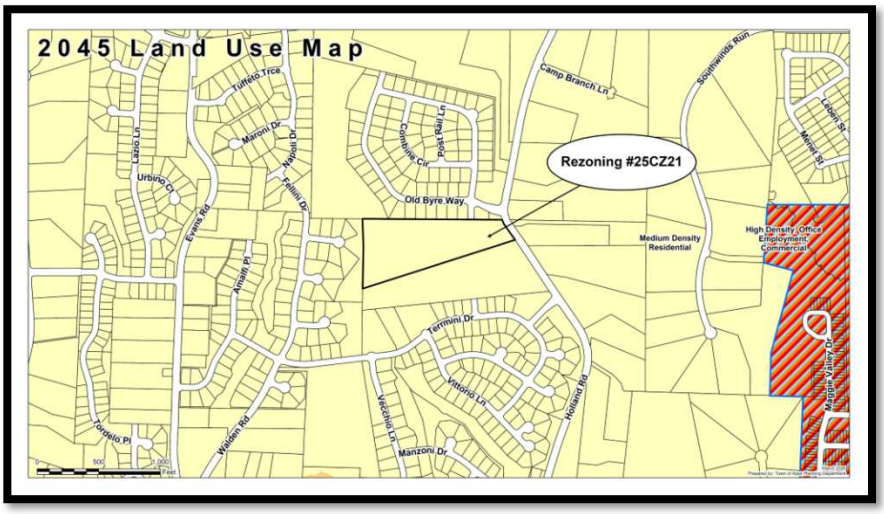
[SLIDE 3]



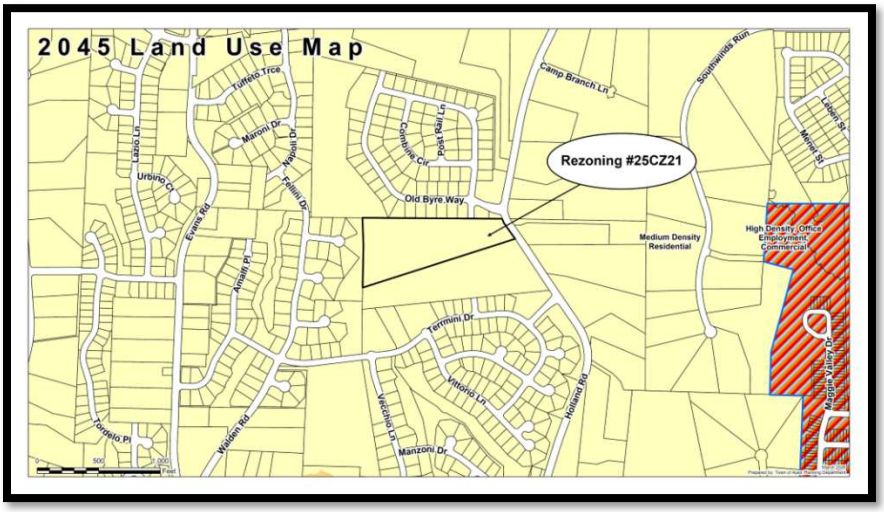
[SLIDE 4]



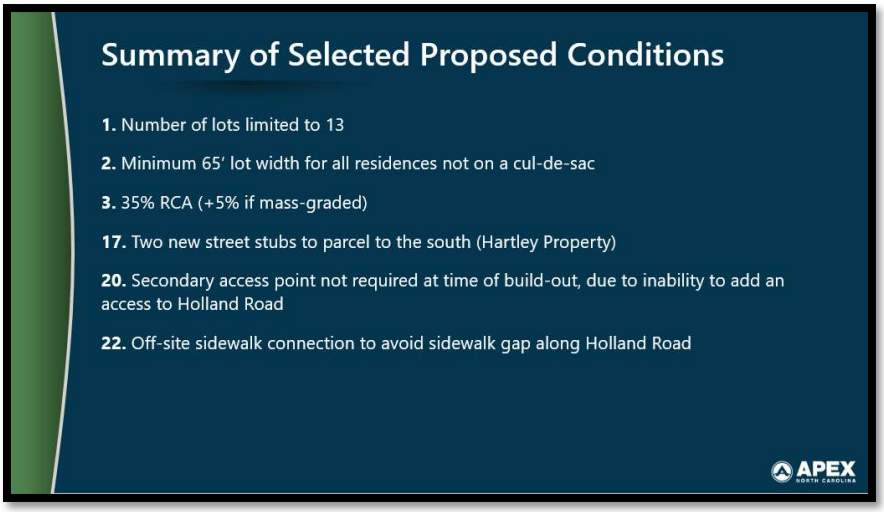
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



[SLIDE 8]

Chair Braswell thanked Ms. Bielen for the presentation and asked if there were any questions from the Board.

Member Soh asked if there was any communication from the Hartley family about this proposed rezoning case.

Ms. Bielen said that the applicant would speak on that.

Member Petersen asked if the street stubs were placed for future development if the Hartley's agree.

Ms. Bielen said that was correct.

Member Peterson asked what the timeline was for the Teeter property development to be built.

Ms. Bielen said that the Hartley property would have to go through the same process as the Teeter property.

Ms. Bunce said that once all of the process is completed it would be around 2 years.

Ms. Bielen stated that the Hartley property would have to go through the same process.

Ms. Petersen asked what happens to the affordable housing contribution since Planners gave recommendations for approval, specifically if the $50,000.00 offer would be accepted are there be other options.

Ms. Bielen said Planning staff make recommendations based on established criteria and discussions with the applicant but the final decision on affordable housing contributions is ultimately up to Council.

Chair Braswell asked if the applicant would like to speak.

Nil Ghosh with Morningstar Law Group introduced Corey Schmidt with Ardent Building and Patrick Kiernan, with Jones and Cnossen Engineering who would be presenting.

Mr. Kiernan highlighted some of the issues that possibly would have questions, starting with the affordability and the compatibility with the surrounding area. He said that they were thoughtful about laying out the subdivision making sure the home sizes would match the surrounding area and gave details on how this was decided. He also gave information about how affordable housing was addressed. He said that the EAB made 7 additional conditions other than the 8 that were brought and 4 of the 7 conditions were met. He said that this property equates more to low density and is on the lower end of a low density and this is as minimal as it could be while still meeting the intent of the land use map and meeting all of the environmental concerns and one being increasing on storm water control, RCA with the HOA covenants not restricting clover lawns or dormant leaf piles as some examples. He said this might look on the surface as a negative but given the recommendations on conditions it is the best that could happen with the property.

Members Byrd thanked them for speaking with neighbors.

Vice-Chair Hastings asked about the conversations about the Hartley property.

Mr. Kiernan said there were multiple conversations with the owners. He said that discussions about the 50-lot ordinance to address future environmental concerns which they addressed and the second two options were to buy the Hartley property or half of the property which there were discussions with the owners but ultimately their decision was not to sell.

Chair Braswell opened Public Hearing and with no one signed up to speak the Public Hearing was closed and brought the item back to the Board for discussion and a possible motion.

Member Byrd said these are some of the most challenging pieces of land for rezonings being brought before the Board in the most recent months which is an indication of where Apex is and approaching these little infill sites in already developed areas.

Chair Braswell thanked the developer for working with the neighbors. He said that with the 13 lots with the 1.3 units per acre it is equal to low density and hard to argue. He said that after discussing the affordable housing issue it should be kept consistent and the street connections are also extremely important and something to consider.

Member Soh said that more connectivity between Holland Farm and the Manors to the west would have been better but understood all the RCA area and the challenges.

Mr. Kiernan said that there would be multiple stream crossings that would have had to been made and valid reasons this wasn't done.

Member Soh said that on the other hand it was nice not to disturb the area for environmental reasons.

Member Yule said that if there were concerns from the neighbors, they can reach out to let the Board or developer know.

A **motion** was made by **Member Petersen** and seconded by **Member Yule** to recommend approval of Rezoning Case #25CZ21.

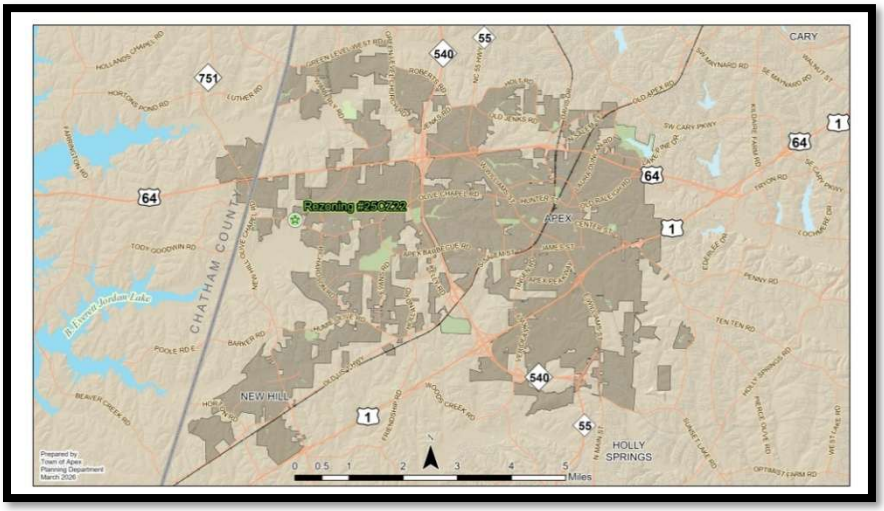
VOTE: (8-0) UNANIMOUS with **Member Royal** absent

PH3 - Rezoning Case #25CZ22 - 3100 Olive Chapel Road

June Cowles, Senior Planner presented Rezoning Case #25CZ22 3100 Olive Chapel Road. The applicant, Joey Iannone, along with this agent William Norton, Jones & Cnossen Engineering, PLLC seeks to rezone ± 4.58 acres from Wake County Residential-80W (R-80W) & Rural Residential-Conditional Zoning (RR-CZ #23CZ09) to Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-CZ). The properties are located at 3100 Olive Chapel Road and 1911 Transit Trail (portion of). Planning Staff recommends approval of the rezoning. She gave the following presentation:

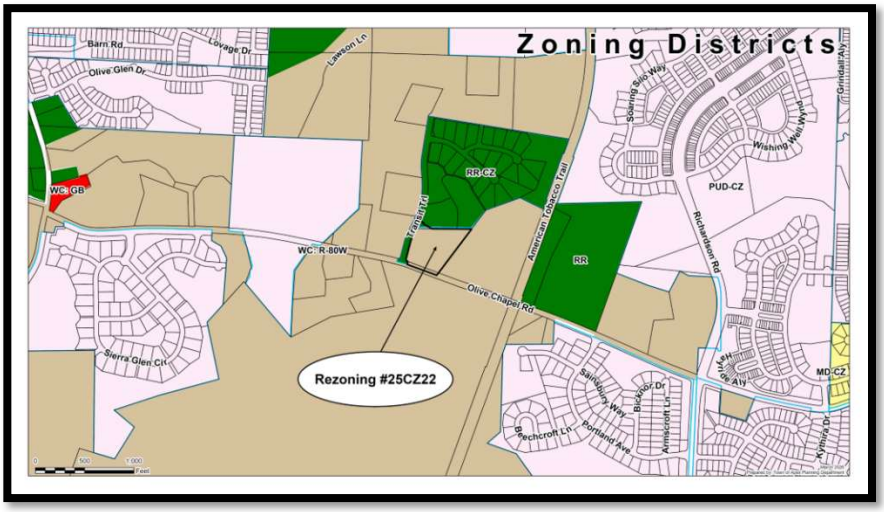
[SLIDE 1]

[SLIDE 2]

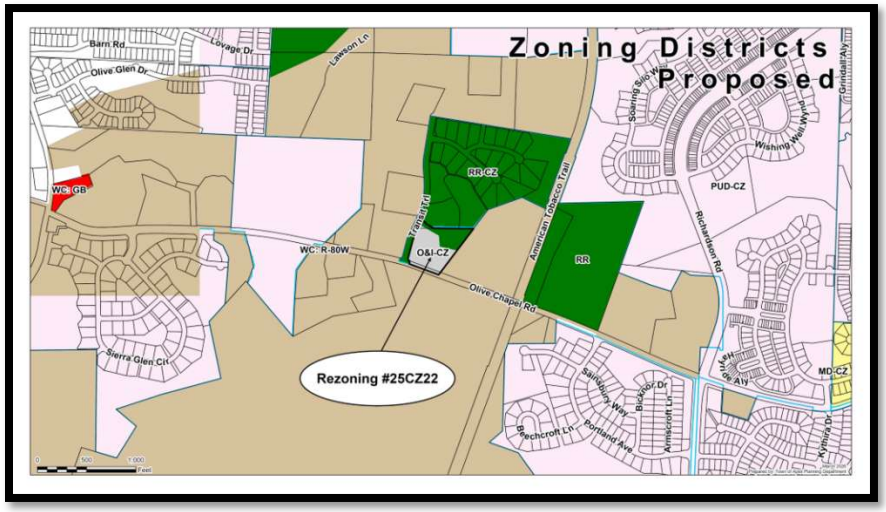


[SLIDE 3]

[SLIDE 4]

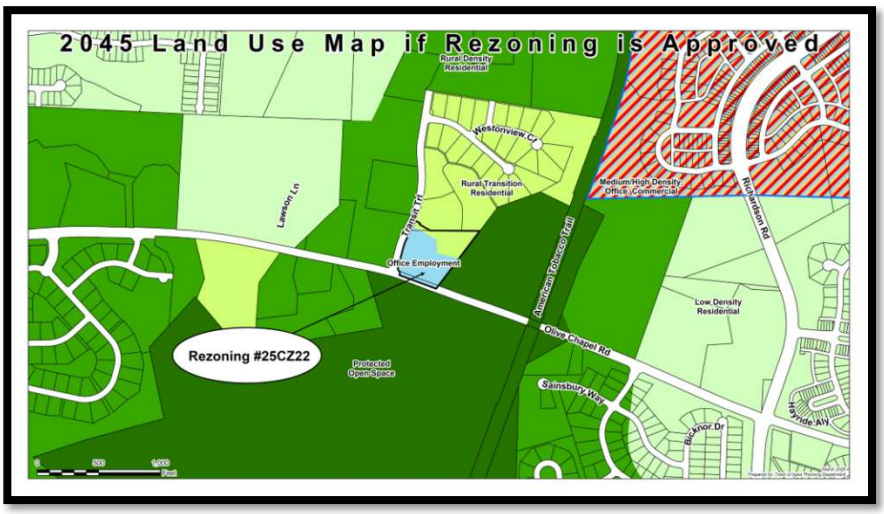


[SLIDE 5]

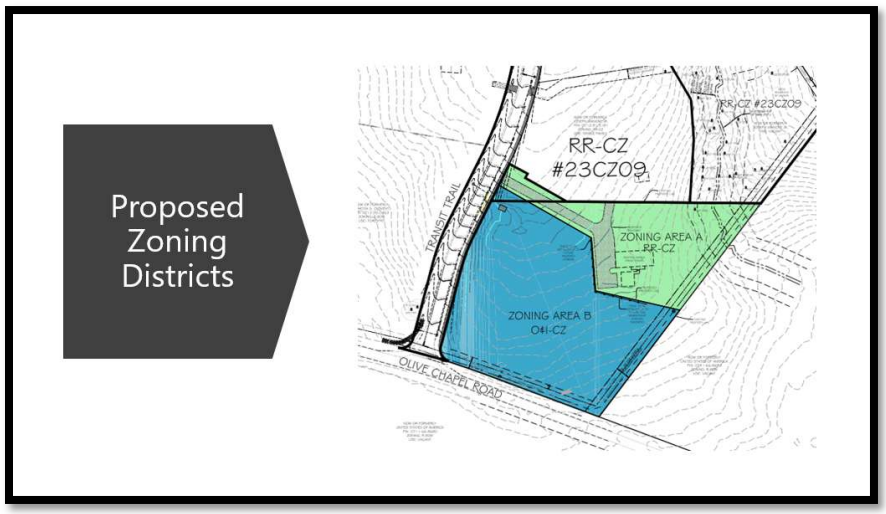


[SLIDE 6]

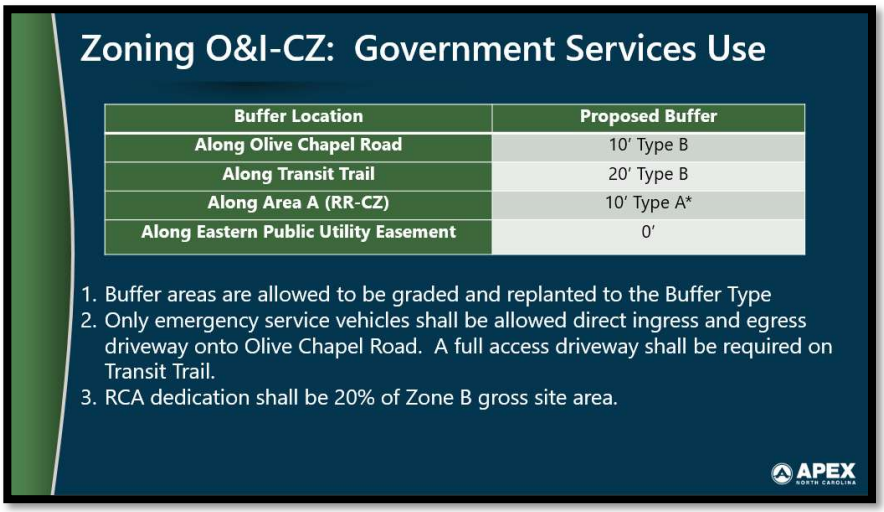
[SLIDE 7]



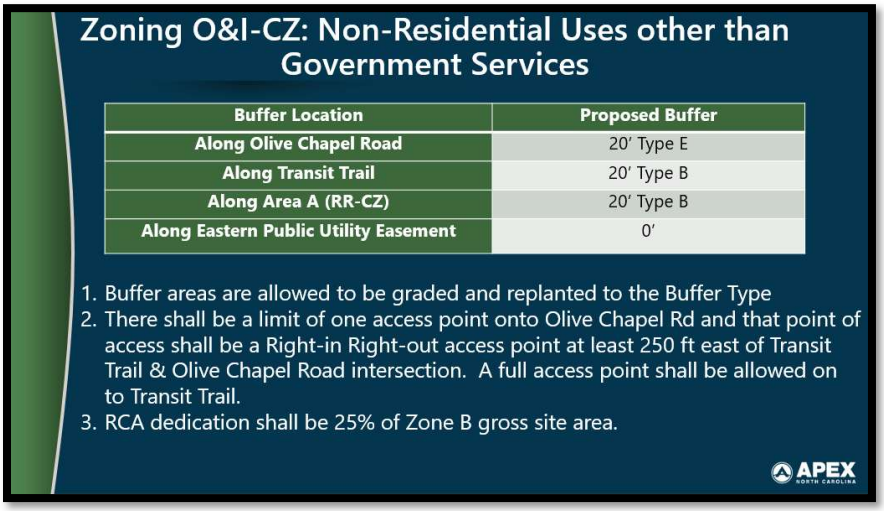
[SLIDE 8]



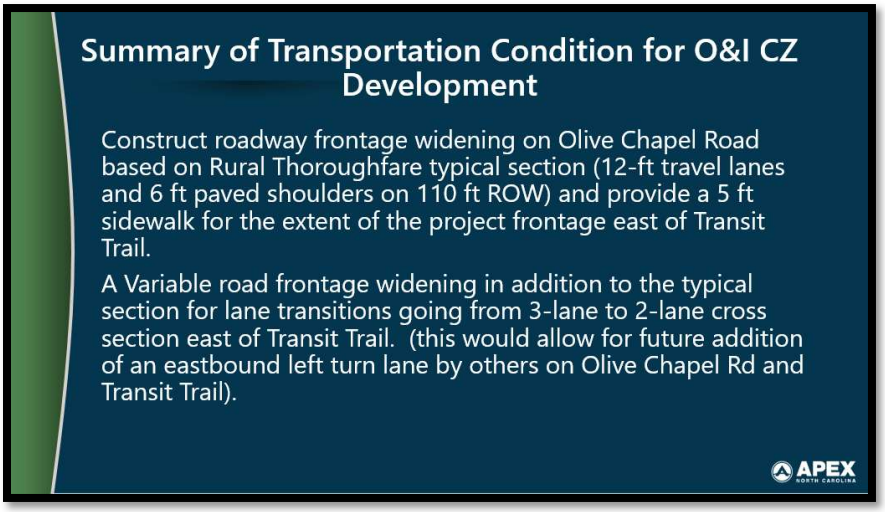
[SLIDE 9]



[SLIDE 10]



[SLIDE 11]



[SLIDE 12]

Member Yule asked if this property is approved would the 2045 plan update only affect this parcel or would it affect other parcels around this.

Ms. Cowles said it would affect only this parcel but would take a little section of another parcel and would change to office and institutional and it would be a recombination and include the zone area A the same as it is to the north.

Member Petersen asked to see the maps to show how close this property is to the American Tobacco Trail.

Ms. Cowles showed it on the map.

Chair Braswell asked if there were any other questions and Mr. Norton came up to speak.

Will Norton, Jones and Cnossen Engineering, PLLC spoke on behalf of the applicant. He gave an overview of where the property is located, how this rezoning came about and overview of the project including the proposal for the 3 acres for the new Apex Fire Department station.

Chair Braswell asked if the Fire Department would also include Police and Ambulance services or just fire.

Mr. Norton said that it was believed to be just a Fire Department, possibly the same as the Fire Department off Kelly Road.

Member Soh asked if the fire station would face Olive Chapel Road or Transit Trail.

Mr. Norton said the garages and the bays would egress out to Olive Chapel Road.

Member Peterson asked if the property behind this parcel was sold by the homeowners.

Mr. Norton said that JVI purchased the property from the Clement family when Weston Reserve was developed.

Chair Braswell brought the item back to the Board for discussion. There were thoughts and discussions about the property.

Vice-Chair Hastings said that the neighbors being impacted are the owners of the property in this case and it's a great location. He said that from the noise and light issue there isn't much around for this to be an impact.

Member Byrd said that there isn't anything intense uses proposed for the area.

A **motion** was made by **Member Byrd** and seconded by **Member Peterson** to recommend approval Rezoning Case #25CZ22 – 3100 Olive Chapel Road.

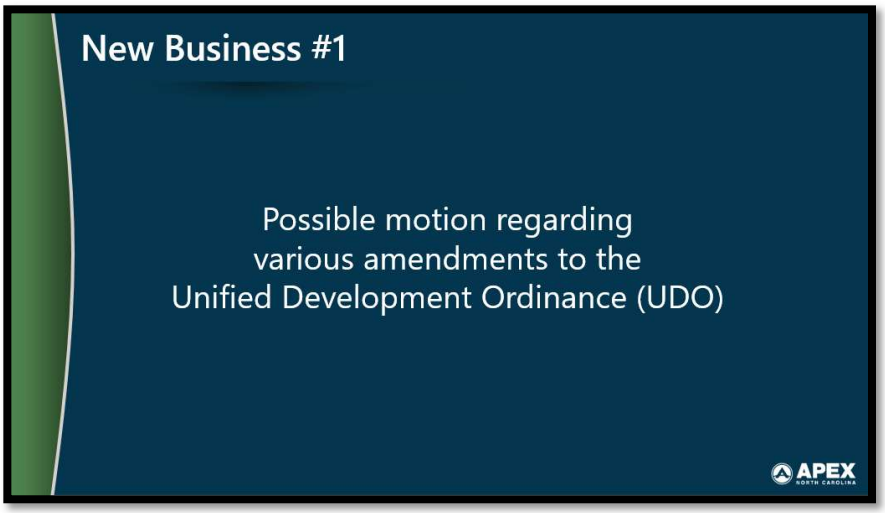
VOTE: (8-0) UNANIMOUS with Member Royal absent

[NEW BUSINESS]

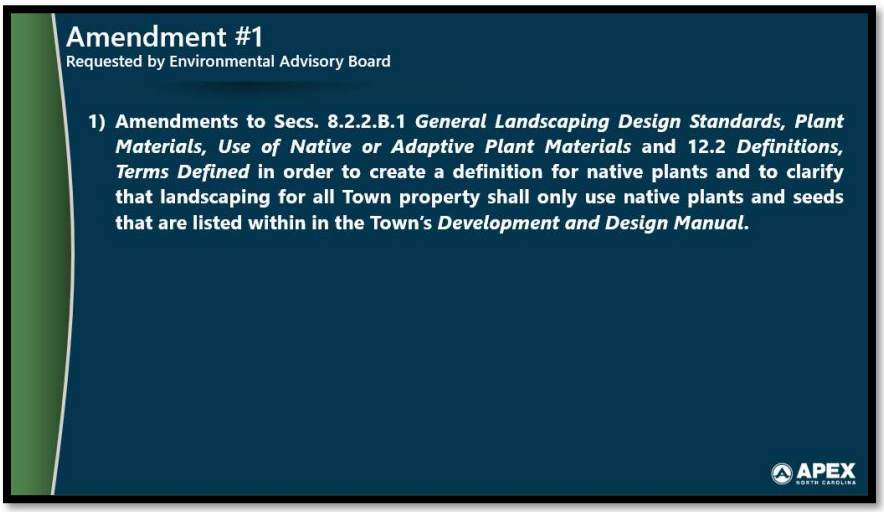
NB1 – Possible motion regarding various amendments to the Unified Development Ordinance (UDO)

Amanda Bunce, Assistant Planning Director, presented several amendments to the Unified Development Ordinance for approval. She gave the following presentation.

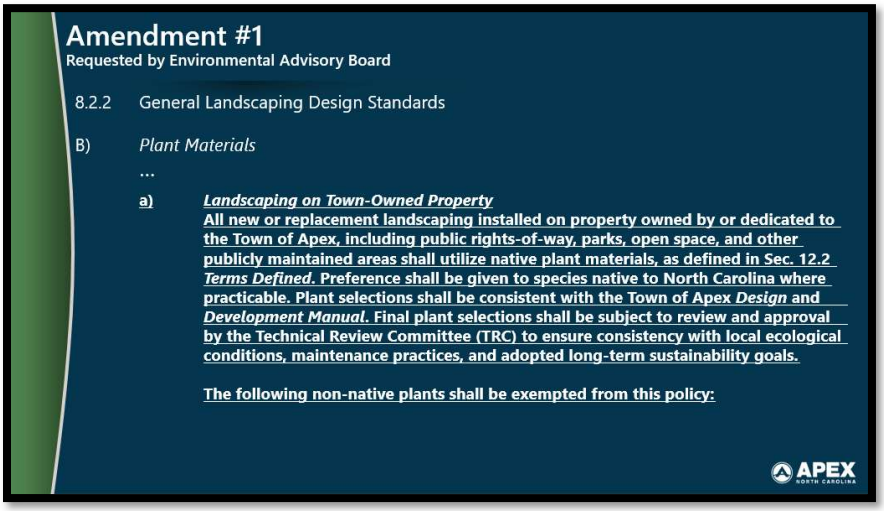
[SLIDE 1]



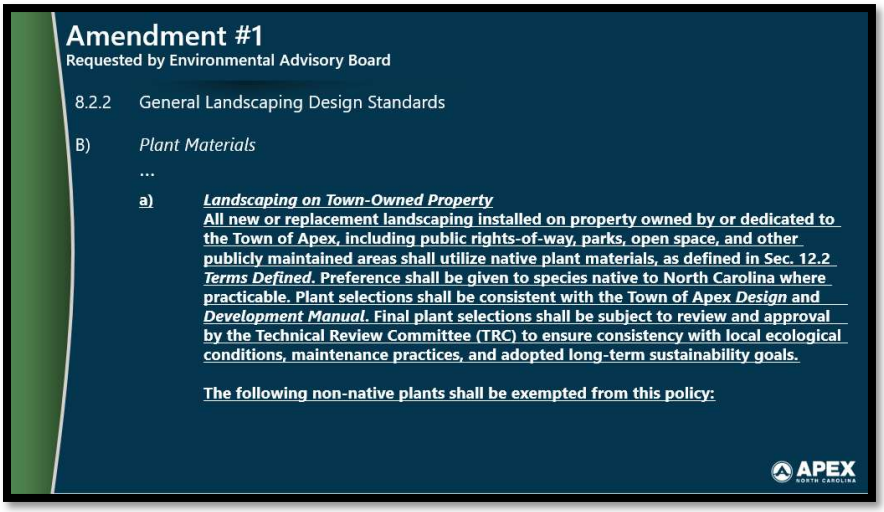
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]

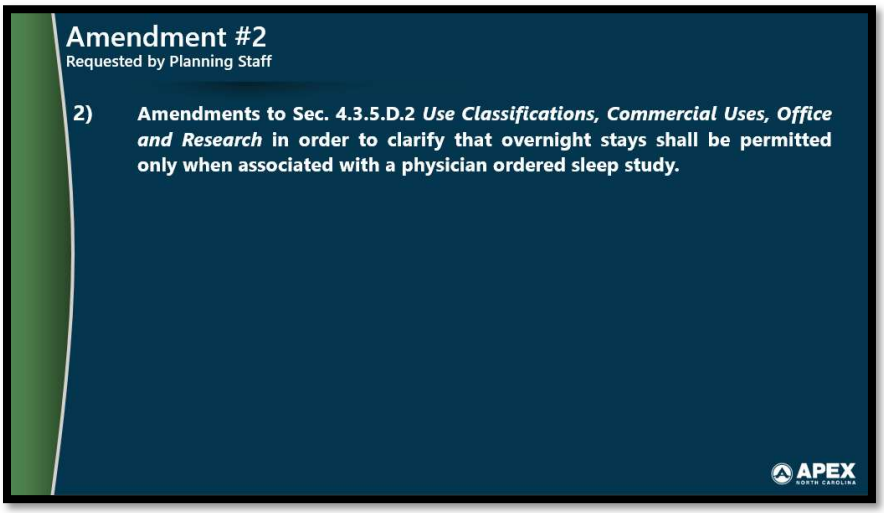
Member Yule asked if the amendments would be approved individually.

Ms. Bunce said if there were issues with one of them, they could be separated but they didn't have to have individual votes.

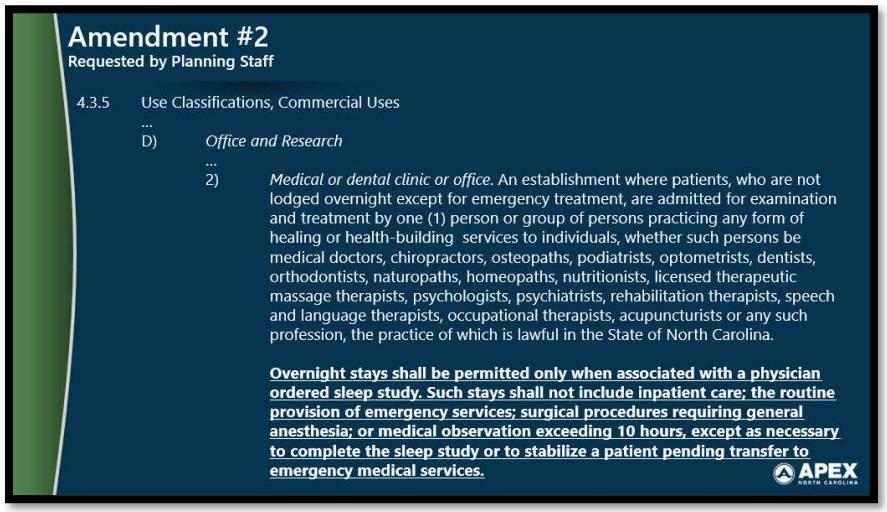
Member Byrd asked why there are exceptions in certain Florida counties.

Ms. Kihn said they are based on the climate zones.

[SLIDE 6]



[SLIDE 7]



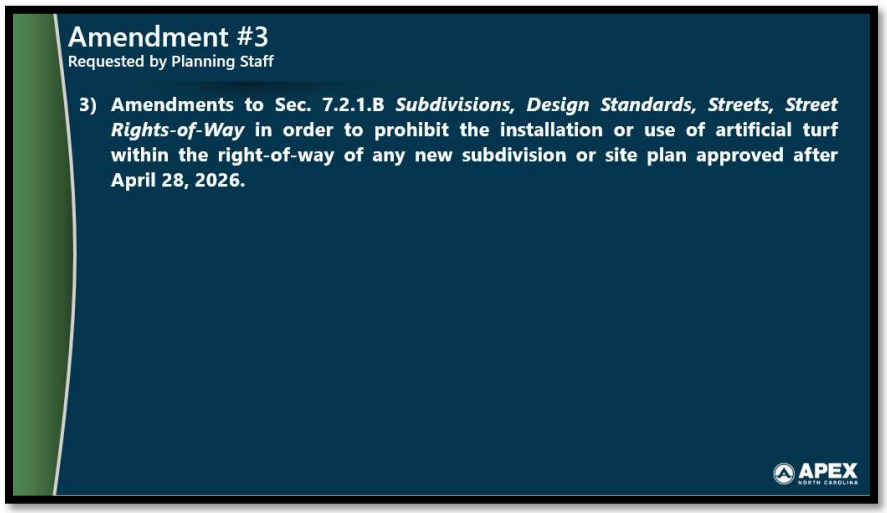
Member Soh asked if the businesses would need to file for a CON (Certificate of Need).

Ms. Bunce said this is just a standard sleep doctor like that is in most medical office parks, it's not a hospital doing surgery and is just for observation.

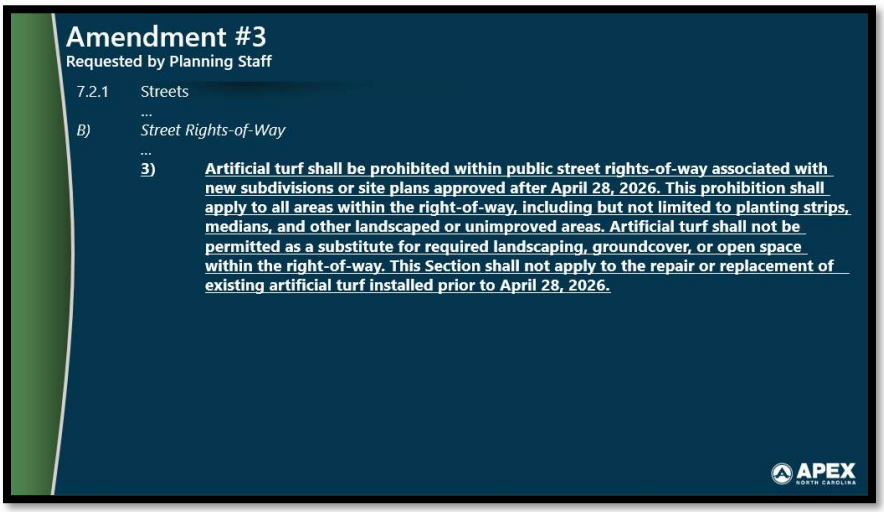
Member Soh asked if it would allow 24 hours of operation.

Ms. Bunce said they aren't always open for 24 hours but would allow staff and function for observing overnight.

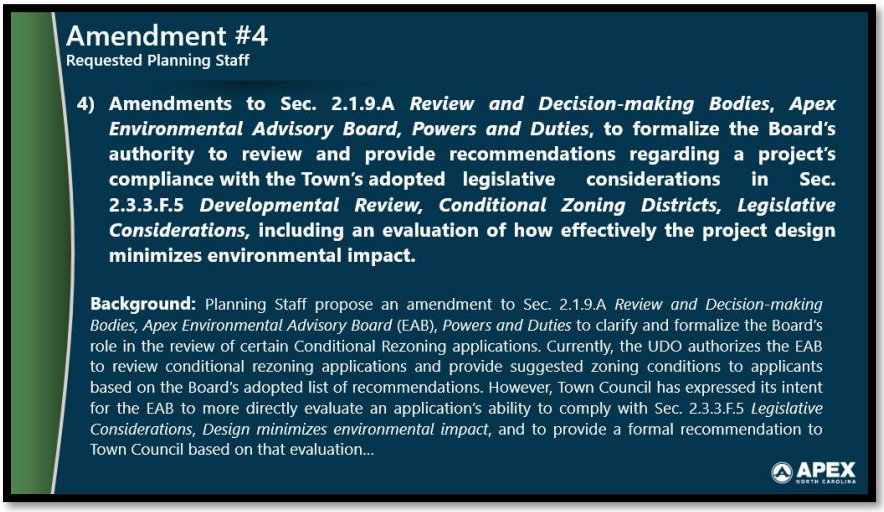
[SLIDE 8]



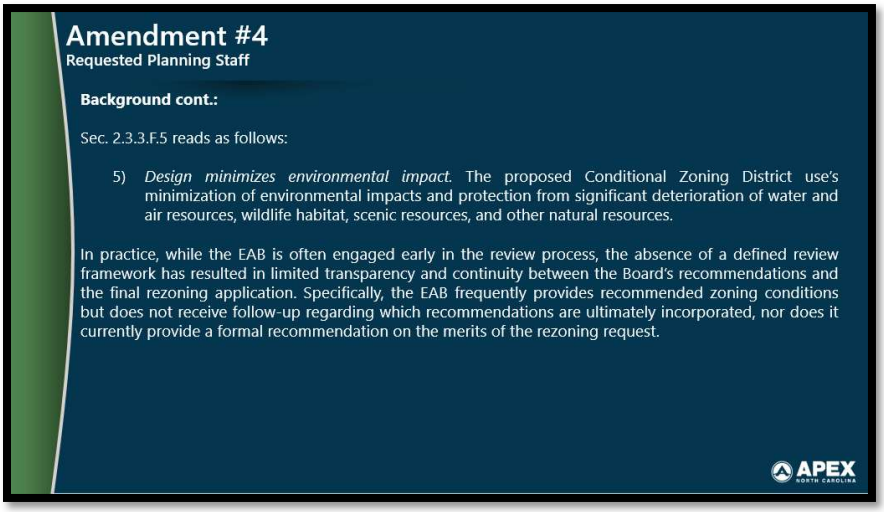
[SLIDE 9]



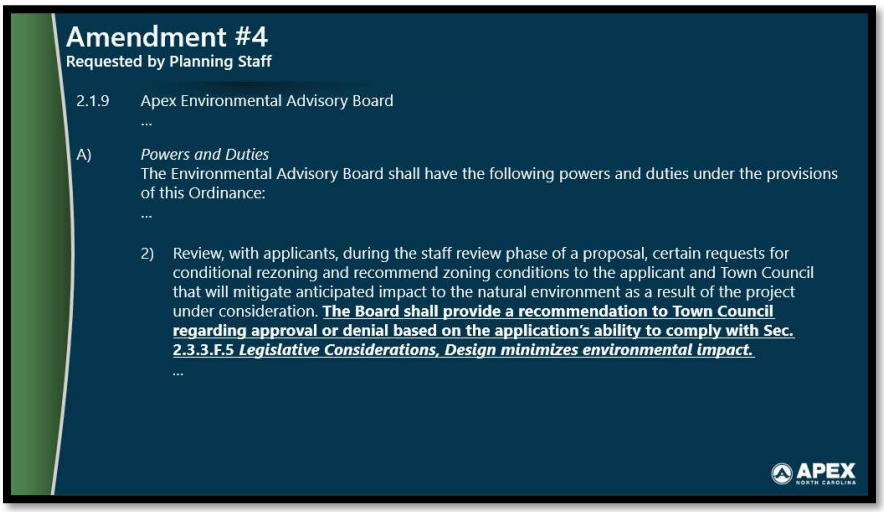
[SLIDE 10]



[SLIDE 11]



[SLIDE 12]



Member Byrd asked when the EAB meets and makes the recommendation from a timing perspective and does Planning then get it back. She said there is potential opportunities for there to be the continued information gap where the developer makes the change prior to the request going to the Council and Planning Board.

Ms. Bunce said there is the possibility that the EAB will end up reviewing rezonings twice unless the applicant comes to the EAB with a list of environmental conditions that fully meets the EAB's expectations or they are able to add recommended conditions on the spot. If the developer is not ready to add all requested conditions at that time, they may have to come back for another meeting or receive a recommendation from EAB that the rezoning doesn't meet legislative condition #5. The EAB meets monthly.

There was further discussion on the EAB and their processes for recommendations within the scope of that Board.

Member Soh asked if the EAB is a group of volunteers.

Ms. Bunce stated the EAB is an appointed board just like the Planning Board.

Member Rhodes asked if the EAB doesn't recommend a rezoning and it comes to Planning Board, will it be highlighted that way and can the Planning Board still recommend approval and can the Town Council still approve it.

Ms. Bunce confirmed that this will remain similar to the process now where the EAB recommended conditions and whether the applicant added those conditions are provided in the staff report. You just receiving a recommendation indicating whether that legislative condition is met. What we see is that the developer is often working on which recommended conditions they can add after the EAB meeting.

Member Yule said that being clear of what the developer is being asked to do from the EAB and to be cognizant of the developer's time by not making them appear multiple times before the EAB since that adds costs to the project.

Member Khodaparast asked if there were any additional legal requirements for the EAB like what had to be done at this current meeting with going through denials and explanations.

Ms. Bunce said no, not to the level of involvement if there was a recommendation for denial like the Planning Board has to because this board has to look at each legislative consideration and there are requirements in state law specifically for the Planning Board and Town Council. She said that the EAB should be focused on environmental impacts of the development.

Member Byrd said there are UDO requirements and then additional condition requests that are above and beyond that can hold up from achieving a positive recommendation.

Member Rhodes asked why the EAB is being treated any different than other boards like for affordability.

Ms. Bunce said that there's not a housing advisory board any longer and there isn't another board that a rezoning has to go before. They go to EAB and then the Planning Board and then to Council. She said the intent is that the EAB would give a recommendation and then it comes to the Planning Board.

Board members asked if the applicant was required to make the changes.

Ms. Bunce said the applicant may or may not make the changes and it's up to the Planning Board to look at the legislative considerations as well as the Town Council to weigh everything together and whether the rezoning should be approved or denied.

Member Petersen asked if there was a conversation with the EAB members to see if they wanted to do this.

Ms. Bunce said there was a conversation at an EAB meeting and there is a Town Council liaison at the meeting.

Member Petersen asked if the EAB meetings were open to the public.

Ms. Bunce said they are open to the public.

Member Soh asked if the Planning Board had a Town Council liaison.

Ms. Bunce said no that the Planning Board acts completely separate from Town Council.

Member Soh asked if the EAB process has streamlined the Planning Department reviews.

Ms. Bunce said that the EAB has existed since 2020 and the processes have been refined with some improvements made and they have adopted a standardized list of suggested zoning conditions that are offered. She said that wording has been worked through so that it's legally enforceable.

Member Petersen asked how the EAB would need to get rezonings twice for their approval.

Ms. Bunce said that if there are recommendations at that meeting and the applicant wants the approval on that legislation condition, they would work on the issue and bring it back to the EAB.

Member Yule said that no one wants to come back because of time and the concern is that would the applicant feel like they must come back, this seems like some of the other things that we are suggesting and we can't require. She said they should be thoughtful if there is going to be a change to the process.

Member Byrd said with all the legislation considerations at this current meeting, some of them were subjective. She said the timing piece of it, and with Planning doing a lot of work between meetings, this would be the other part of this if they have to go back to Planning and address staff and they've been recommended denial prior to the Planning Board meeting.

Ms. Bunce said this could be reflected in staff reports and worked out as how staff would represent this.

Vice-Chair Hastings said that the concern is the authority is being given to a board that has a liaison and they have a Council member that has an active part in the EAB meetings.

Ms. Bunce said the Council member does not vote.

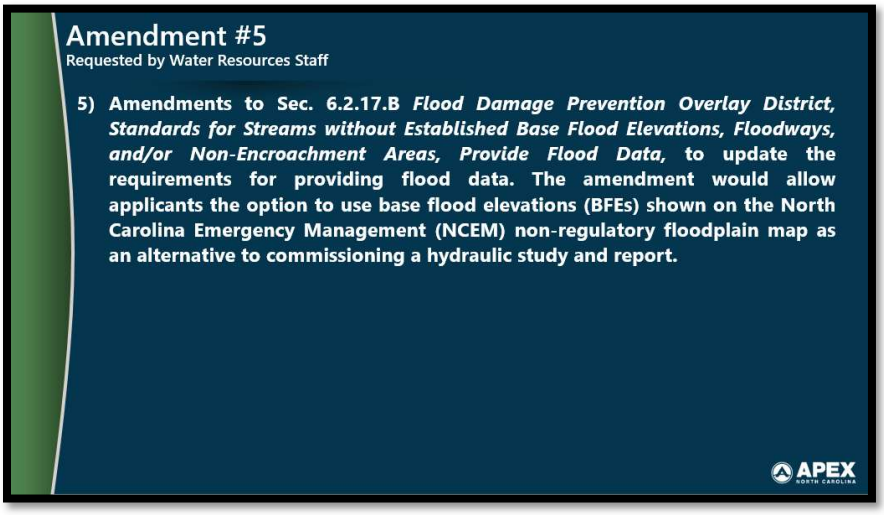
Vice-Chair Hastings said that they can discuss and 20% of the Council is present to influence potentially, maybe not the current Council member but a future Council member could.

Ms. Bunce said as a reminder rezonings are legislative decisions and applicants can meet and talk with Council members before the public hearing, outside of the meeting.

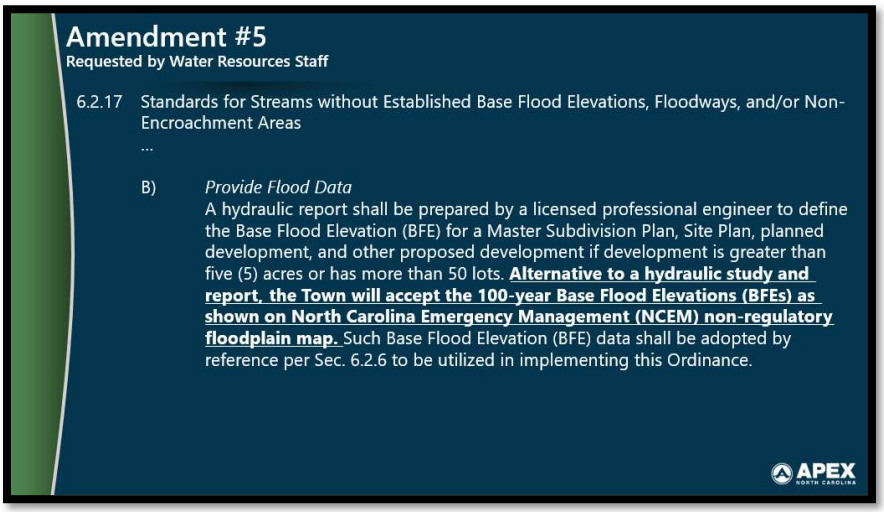
Member Soh asked should item #5 be voted on separately.

Ms. Bunce said this one can be removed. She moved to #5 at the direction of the Board.

[SLIDE 13]



[SLIDE 14]



Member Peterson recommended pulling item #4 out for voting.

A **motion** was by **Member Soh** and seconded by **Vice-Chair Hastings** to recommend approval of the UDO Amendment item numbers 1, 2, 3 and 5.

VOTE: UNANIMOUS (8-0) with **Member Royal** absent

Ms. Khin asked **Ms. Bunce** if she had enough information on the denial of Amendment #4 for Council.

Ms. Bunce said that she planned to go back and watch the video and document. She said that it is important as the Board members are summarizing their vote to note the concerns of timing that the process would extend the process for applicants.

Member Yule added that ambiguity of process is a concern.

Member Byrd said that it was also a concern about the influence of a future Council member liaison, not a current member.

A **motion** was made by **Chair Braswell** and seconded by **Member Petersen** to recommend denial of UDO Amendment #4 as presented and request that the Planning Board minutes from the Public Forum and New Business discussion be included with the staff report to Town Council.

VOTE: UNANIMOUS (8-0) with **Member Royal** absent

A **motion** was made by **Member Soh** and seconded by **Vice-Chair Hastings** to adjourn the Planning Board meeting at **6:46 PM**.

VOTE: UNANIMOUS (8-0) with **Member Royal** absent.

Keith Braswell
Planning Board Chair

Jeri Pederson
Lead Planning Technician
Submitted for approval by Jeri Pederson and approved on May 11, 2026.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 28, 2026

Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

Requested Motion

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

Approval Recommended?

The Planning Department recommends approval.

The Planning Board recommended approval at their May 11, 2026, meeting.

Item Details

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to establish the Transitional Business (B3) and Heavy Industrial (HI) zoning districts. These changes introduce new zoning classifications, update district-specific standards, and integrate the new districts into the existing regulatory framework of the UDO.

   The amendment modifies provisions related to zoning districts, permitted uses, dimensional standards, development approvals, and design standards to ensure the B3 and HI districts are consistently applied and enforceable. In particular, updates to the Use Table, district purpose statements, and intensity and dimensional standards incorporate these new districts into the Town's overall zoning structure.

   Sections affected by these amendments include:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.2
   - 3.2.3
   - 3.2.6
   - 3.3
   - 4.1.2
   - 4.2.2
   - 4.3.1.A
   - 4.3.5.G
   - 4.3.6
   - 4.4.3.B
   - 4.4.5.C
   - 4.4.5.D
   - 4.4.5.F
   - 4.5.6
   - 5.1
   - 5.2.2
   - 6.3.1
   - 9.2.2.E
   - 9.2.4.A
   - 9.3.3
   - 9.3.5.A

In addition, several sections have been amended to update internal references, terminology, and cross references to reflect the inclusion of the B3 and HI districts. These edits are administrative in nature and intended to maintain clarity, accuracy, and consistency across the UDO.

Sections where only references and section labeling have been updated as part of this amendment include:

- 2.3.4.F
- 2.3.6.2.I
- 3.2.7
- 3.3.3
- 4.4.3.B
- 4.4.3.J
- 5.1.4
- 5.2.2
- 6.3.1

Requested by Mayor Pro-Tempore Mahaffey:

2. Amendments to Secs. 4.2.2 *Use Table*; 4.3.2 *Use Classifications, Public and Civic Uses;* 4.4.2 *Supplemental Standards, Public and Civic Uses;* 8.2.6.B.4 *Landscaping, Buffering, Screening, Land Use Classes* to add the use "Detention center, jail, prison, or correctional facility" as well as the use classification, supplemental standards, and other related development standards for such use.

Requested by Planning Staff:

3. Amendment to Secs. 4.1.2 *Outdoor Storage and Sales;* 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 8.2.6.B.4 *Landscaping, Buffering, Screening, Land Use Classes*; and 8.3-1 *Off-street Parking Schedule "A"* in order to add "Food truck courts" as a principal use within the Town's jurisdiction and provide the associated use and development standards.

Attachments

- PH5-A1: Staff Report - Unified Development Ordinance (UDO) Amendments– May 2026
- PH5-A2 Planning Board Reports to Town Council- Unified Development Ordinance (UDO) Amendments– May 2026
- PH5-A3: Public Notice - Unified Development Ordinance (UDO) Amendments – May 2026
- PH5-A4: Ordinance - Unified Development Ordinance (UDO) Amendments – May 2026

Requested by Planning Staff:

1) Amendments to various sections of the UDO in order to establish the Transitional Business (B3) and Heavy Industrial (HI) zoning districts. These changes introduce new zoning classifications, update district-specific standards, and integrate the new districts into the existing regulatory framework of the UDO.

The amendment modifies provisions related to zoning districts, permitted uses, dimensional standards, development approvals, and design standards to ensure the B3 and HI districts are consistently applied and enforceable. In particular, updates to the Use Table, district purpose statements, and intensity and dimensional standards incorporate these new districts into the Town's overall zoning structure.

Sections affected by these amendments include:

- **2.3.4.F**
- **2.3.6.2.I**
- **3.2.2**
- **3.2.3**
- **3.2.6 & 7**
- **3.3**
- **4.1.2**
- **4.2.2**
- **4.3.1.A**
- **4.3.5.G**
- **4.3.6**
- **4.4.3.B**
- **4.4.3.J**
- **4.4.5.C**
- **4.4.5.D**
- **4.4.5.F**
- **4.5.6**
- **5.1**
- **5.2.2**
- **6.3.1**
- **9.2.2.E**
- **9.2.4.A**
- **9.3.3**
- **9.3.5.A**

In addition, several sections have been amended to update internal references, terminology, and cross references to reflect the inclusion of the B3 and HI districts. These edits are administrative in nature and intended to maintain clarity, accuracy, and consistency across the UDO.

Sections where only references and section labeling have been updated as part of this amendment include:

- **2.3.4.F**
- **2.3.6.2.I**
- **3.2.7**
- **3.3.3**
- **4.4.3.B**
- **4.4.3.J**
- **5.1.4**
- **5.2.2**
- **6.3.1**

Background: Planning Staff propose the following amendments to establish two new zoning districts: the B3 Business Transitional District and the Heavy Industrial (HI) District. These districts are intended to expand the Town's zoning framework to better accommodate a range of commercial and industrial uses that are not fully addressed by existing districts. The B3 District is intended to provide a transitional area between higher-intensity vehicular corridors and lower-intensity zoning districts. The HI District is intended to accommodate high-intensity industrial uses with greater potential impacts than those allowed in the Light Industrial (LI) zoning district. The proposed amendments will define the purpose, permitted uses, and applicable standards for each district, improving land use compatibility, clarity, and consistency in the development review process.

2.3.4 Development Approvals, Planned Development Districts

…

F) *Standards*

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

a) *Development parameters*

…

(iii) The dimensional standards in Sec. 5.1.~~3~~**4** *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

…

…

2) *Traditional Neighborhood District (TND-CZ)*

…

b) *Development parameters*

…

(iii) The dimensional standards in Sec. 5.1.~~3~~**4** *Table of Intensity and Dimensional Standards*, *Planned Development Districts* may be varied in the PD Plan for TND-CZ. The TND-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

2.3.6 Development Approvals, Site Plan

…

2) The following development or activities shall be exempted from the requirements of this Section:

…

i) *Small Town Character Overlay District*. Small Town Character Overlay District as referenced in 3.3.5 except that demolition (as defined in Sec. 12.2) shall be governed by Sec. 2.2.8 and new construction, additions, renovations, or redevelopment shall be governed by Sec. 5.1.~~5~~**6** *Table of Intensity and Dimensional Standards* and Sec. 6.3 *Small Town Character Overlay District.*

3.2 Zoning Districts

…

3.2.2 Business Districts

A) *O&I Office and Institutional District;*
B) *B1 Neighborhood Business District;*
C) *B2 Downtown Business District;*
D) ***B3 Transitional Business District****;*
E) ~~D~~ *PC Planned Commercial District;* ***and***
F) ~~E)~~ *TF Tech/Flex District****;.*** ~~*and*~~
~~F) LI Light Industrial District~~

3.2.3 Industrial Districts

A) ***LI Light Industrial District; and***
B) ***HI Heavy Industrial District.***

3.2.6 Conditional Zoning Business Districts

…

D) ***B3-CZ Transitional Business Conditional Zoning District;***

~~D)~~**E)** PC-CZ Planned Commercial Conditional Zoning District; ***and***

~~E)~~**F)** *TF-CZ Tech/Flex Conditional Zoning District*~~;and~~**.**

~~F)~~ ~~*LI-CZ Light Industrial Conditional Zoning District*~~

3.2.7 Conditional Zoning Industrial Districts

A) ***LI-CZ Light Industrial Conditional Zoning District; and***

B) ***HI-CZ Heavy Industrial Conditional Zoning District***

3.2.~~7~~**8** Conditional Zoning Planned Development Districts

…

3.2.~~8~~**9** Conditional Zoning Other Districts

…

3.2.~~9~~**10** Overlay Districts

…

3.3 District Purposes

…

3.3.2 Business Districts

The purpose and intent of the business districts is to provide lands that allow for a wide range of businesses, services and goods to the residents of Apex and the Triangle region in ways that are consistent with the Town's small-town character, encourage interconnectivity between business uses and residential areas, encourage the development and protection of pedestrian ways between business and residential districts, and ensure businesses are served by adequate public facilities.

…

D) ***B3 Transitional Business District***

The purpose of the B3 Transitional Business District is to provide service-oriented commercial uses in areas that act as a transition along auto-oriented commercial corridors near adjacent residential neighborhoods.

E) ~~D)~~ *PC Planned Commercial District*

The purpose and intent of the PC Planned Commercial District is to encourage the development of a moderate and high intensity mix of convenience and city-wide serving convenience and regional retail and related uses within a planned environment at the intersections of the Town's arterials and major collector roads.

F) ~~E)~~ *TF Tech/Flex*

The purpose and intent of the TF Tech/Flex District is to provide locations for a wide range of employment opportunities for office, institutional, research and development and light industrial uses. The district also provides for "flex space" where different combinations of uses on a site may occur over time as the market changes and adjusts to new or different conditions.

~~F) *LI Light Industrial District*~~

~~The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands~~.

3.3.3 Industrial Districts

A) *LI Light Industrial District*

The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands.

B) *HI Heavy Industrial District*

The purpose and intent of the HI Heavy Industrial District is to provide sufficient lands in appropriate locations for high-intensity industrial, manufacturing, processing, or similar uses that may generate noise, traffic, or other impacts not suitable for residential or commercial areas. This district is intended to accommodate uses that require larger sites, specialized infrastructure, or separation from incompatible uses, while promoting orderly development and protecting public health, safety, and welfare.

3.3.3~~4~~ Planned Development Districts

…

3.3.4**5** Other Districts

…

3.3.5~~6~~ Overlay Districts

…

4.1.2 General Overview, Outside Storage and Sales

A) The purpose and intent of this section is to allow outside storage, display, and sales/rentals in the RA, MORR, O&I, B1, B2, **B3,** PC, TF, LI, **HI,** MEC-CZ, TND-CZ, PUD-CZ, and SD-CZ districts provided that such outside storage, display, and sales/rentals are within designated areas that are adequately screened and meet the standards listed within this section. However, this section does not apply to “Vehicle sales and rental, light”.

4.2.2 Use Table

See Next Page

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Residential Uses																										
Accessory apartment	4.3.1.A	P	P	P	P	P				P		P	P***	**P**					P	P	P		**	P*	4.5.6; 6.3
Congregate living facility	4.3.1.C						P												P	P	P		**		4.4.1.B
Duplex	4.3.1.D				P	P	P			P									P	P	P		**		
Family care home	4.3.1.E	P	P	P	P	P	P	P	P	P									P	P	P		**	P*	4.4.1.C; 6.3
Farm residence	4.3.1.F	P	P																		P	P	**		
Manufactured home	4.3.1.H							P															**		4.4.1.E
Mobile home	4.3.1.I								P																
Multi-family or apartment	4.3.1.K						P			P									P	P	P		**	P*	4.4.1.G;6.3
Nursing or convalescent facility	4.3.1.L						P				P				P				P	P	P		**	P*	4.4.1.H; 6.3
Security or caretaker quarters	4.3.1.M	P	P													P	P		P				**		4.4.1.I
Single-family	4.3.1.N	P	P	P	P	P		P		P									P	P	P		**	P*	6.3
Townhouse	4.3.1.O					P/S	P			P									P	P	P		**	P/S*	4.4.1.F; 6.3
Townhouse, detached	4.3.1.P				P	P/S	P			P									P	P	P		**	P/S*	4.4.1.J; 6.3
Triplex or quadplex	4.3.1.Q						P			P									P	P	P		**		
Public and Civic Uses																										
Airplane landing strip	4.3.2.A	S	S														S								
Airport	4.3.2.B	S	S														S								

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						**Industrial**		Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Ambulatory Health-care Facility with Emergency Dept.	4.3.2.C										P										P		**		
Assembly hall, nonprofit	4.3.2.D	S	S							S	P				P	P	P				P		**	P*	6.3
Assembly hall, for-profit	4.3.2.E	S	S							S	P				P	P	P				P		**	P*	6.3
Cemetery	4.3.2.F	P	P																			P	**	P*	4.4.2.A; 6.3
Church or place of worship	4.3.2.G	S	S	P/S	P/S	P/S	P/S	P/S	P/S	S	P/S	P/S	P/S	**P/S**	P/S	P/S	P/S		P/S	P/S	P/S		**	P/S*	4.4.2.B; 6.3
Day care facility	4.3.2.H						S			P	P	P		**P**	P	P	%		P	P	P		**	P*	4.4.2.C; 6.3
Drop-in or short-term day care	4.3.2.P										P	P		**P**	P	P	P			P	P		**	P*	4.4.2.F; 6.3
Government service	4.3.2.I	P	P							P	P	P	P	**P**	P	P	P		P	P	P		**	P*	4.4.2.G; 6.3
Heliport or helipad	4.3.2.J																P		P				**		
Hospital	4.3.2.K										P								P		P		**		4.4.2.D
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P			P	P	P		**	P*	6.3
Transportation facility	4.3.2.M														P	P	P		P	P	P		**	P*	6.3
Veterinary clinic or hospital	4.3.2.N										P	P		**P**	P	P	P		P	P	P		**	P*	4.4.2.E; 6.3
Vocational school	4.3.2.O										P	P				P	P		P		P		**	P*	6.3
Utilities																									
Chipping and mulching	4.3.3.A																S						**		4.4.3.A
Communication tower, commercial	4.3.3.B										S				S	S	S				S	S	**		4.4.3.B

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Communication tower, constructed stealth	4.3.3.C.1	S	S				S	S	S		S				S	S	S				S	S	**		4.4.3.B.2
Communication tower, camouflage stealth	4.3.3.C.2	S	S	S	S	S	S	S	S	S	S	S			S	S	S		S	S	S	S	**		4.4.3.B.3
Communication tower, public safety	4.3.3.P	S	S	S	S	S	S	S	S		S	S			S	S	S		S	S	S	S	**		4.4.3.B.5
Electrical power facility	4.3.3.D	S	S														S						**		4.4.3.C
Incinerator	4.3.3.E																S						**		
Recycling center	4.3.3.F															S	P						**		4.4.3.D
Recycling collection station	4.3.3.G														P	P	P		P		P	P	**		4.4.3.E
Recycling plant	4.3.3.H																S						**		4.4.3.F
Sanitary landfill	4.3.3.I																S								4.4.3.H
Utility, minor	4.3.3.J	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	**	P*	4.4.3.G; 6.3
Water reservoir	4.3.3.K	P	P	P																		P	**		
Water or wastewater plant	4.3.3.L	P	P	P													P		P	P	P		**		
Land Clearing and Inert Debris Landfill	4.3.3.M																S								4.4.3.I
Wireless support structure	4.3.3.N	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	P	P	4.4.3.J
Wireless communication facility	4.3.3.O	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	P	P	4.4.3.J

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Yard Waste Transfer Station	4.3.3.Q																S								4.4.3.K
Recreational Uses																										
Arena, auditorium or stadium	4.3.4.A														P	S	S		P		P		**		4.4.4.A
Beach bingo	4.3.4.B											S											**	S*	6.3
Botanical garden	4.3.4.C	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P	**	P*	6.3
Campground	4.3.4.D	S																				S	**		4.4.4.B
Entertainment, indoor	4.3.4.E											P	P***		P	P	P			P	P		**	P*	6.3
Entertainment, outdoor	4.3.4.F	S													S	S	S			S	S		**		4.4.4.C
Fish hatchery and fish pond	4.3.4.G	P	P																			S	**		
Golf course	4.3.4.I	P	P	P	P	P	P														P		**		
Greenway	4.3.4.J	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	**	P*	6.3
Horse boarding and riding stable	4.3.4.K	P	P																		P		**		
Park, active	4.3.4.L	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P		P	P	P	P	**	P*	6.3
Park, passive	4.3.4.M	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P		P	P	P	P	**	P*	6.3
Recreation facility, private	4.3.4.N	P	P	P	P	P	P	P	P	P									P	P	P		**	P*	4.4.4.D; 6.3
Regional recreation complex	4.3.4.Q																P/S								4.4.4.F
Youth or day camps	4.3.4.P										P	P		**P**	P	P	P			P	P		**	P*	4.4.4.E; 6.3
Zoological garden	4.3.4.O	S	S																				**		
Shooting range, indoor	4.3.4.R															P	P								4.4.4.G

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Shooting range, outdoor	4.3.4.S		S																						4.4.4.H
Commercial Uses																										
Adult use																										
Adult establishment	4.3.5.A.1																S								4.4.5.A.1
Bar, nightclub, wine bar, or taproom	4.3.5.A.2											P	P	**P**	P					P	P		**	P*	4.4.5.A.2; 6.3
Electronic gaming operation	4.3.5.A.3																S						**		4.4.5.A.3
Tattoo parlor and body piercing	4.3.5.A.4														P									S*	6.3
Communication																										
Broadcasting station (radio and television)	4.3.5.B.1															P	P		P				**		
Radio and television recording studio	4.3.5.B.2										P	P				P	P						**		
Food and beverage service																										
Commissary	4.3.5.C.3													**P**		P	P						**		4.4.5.C.3
Restaurant, drive-through	4.3.5.C.1									P		P			P				P		P		**		4.4.5.C.1
Restaurant, general	4.3.5.C.2									P	%	P	P	**P**	P	P	P		P	P	P		**	P*	4.4.5.C.2; 6.3
Office and research																										
Dispatching office	4.3.5.D.1															P	P	**P**			P		**		
Medical or dental office or clinic	4.3.5.D.2									P	P	P	P***	**P**	P	P	P		P	P	P		**	P*	6.3
Medical or dental laboratory	4.3.5.D.3										P	P	P***	**P**	P	P	P		P		P		**	P*	4.4.5.D.3; 6.3

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	B3	PC	TF	LI	HI	MEC	TND	PUD	CB	SD	STC	Section(s)
Office, business or professional	4.3.5.D.4									P	P	P	P***	P	P	P	P		P	P	P		**	P*	4.4.5.D.2; 6.3
Pilot plant	4.3.5.D.5															S	P	P	P				**		4.4.5.D.1
Publishing office	4.3.5.D.6										P		P***			P			P	P	P		**	P*	6.3
Research facility	4.3.5.D.7															P	P	P	P		P		**	P*	6.3
Parking, principal use																									
Parking garage, commercial	4.3.5.E.1										P	P	P				P		P	P	P		**	P*	4.4.5.E.1; 6.3
Parking lot, commercial	4.3.5.E.2										P	P	P				P		P				**	P*	4.4.5.E.1; 6.3
Parking garage, public	4.3.5.E.3										P	P	P				P		P	P	P		**	P*	4.4.5.E.2; 6.3
Parking lot, public	4.3.5.E.4										P	P	P				P		P				**	P*	4.4.5.E.2; 6.3
Public accommodation																									
Bed and breakfast	4.3.5.F.1	S	S							S	P		P		P					P	P		**	P*	4.4.5.F.1; 6.3
Hotel or motel	4.3.5.F.2											P	P	P	P				P	P	P		**	P*	4.4.5.F.2; 6.3
Retail sales and service																									
Artisan Studio	4.3.5.G.38											S	S	S		P	P				P		**	P/S*	4.4.5.G.19; 6.3
Barber and beauty shop	4.3.5.G.1									P	P	P	P***	P	P				P	P	P		**	P*	4.4.5.G.1; 6.3
Book store	4.3.5.G.2									P		P	P	P	P					P	P		**	P*	6.3
Building supplies, retail	4.3.5.G.3											P			P						P		**		
Convenience store	4.3.5.G.4									P		P		P	P	P			P	P	P		**	P*	4.4.5.G.2; 6.3
Convenience store with gas sales	4.3.5.G.5											P			P	P					P		**		4.4.5.G.2
Dry cleaners and laundry service	4.3.5.G.6									P		P			P				P	P	P		**	P*	6.3

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						**Industrial**		Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Farmer's market	4.3.5.G.7											P	P	**P**						P	P		**	P*	4.4.5.G.3; 6.3
Financial institution	4.3.5.G.8									P	P	P	P***		P				P	P	P		**	P*	4.4.5.G.4; 6.3
Flea Market	4.3.5.G.9																				S		**		
Floral shop	4.3.5.G.10									P	P	P	P	**P**	P				P	P	P		**	P*	6.3
Funeral home	4.3.5.G.11										P	P					P				P		**	P*	6.3
Gas and fuel, retail	4.3.5.G.12														P		P				P		**		4.4.5.G.5
Glass sales	4.3.5.G.13															P	P						**		
Greenhouse or nursery, retail	4.3.5.G.14	P								P		P			P				P		P		**	P*	6.3
Grocery, general	4.3.5.G.15											P			P	P			P	P	P		**	P*	6.3
Grocery, specialty	4.3.5.G.16									P		P	P	**P**	P	P			P	P	P		**	P*	6.3
Health/fitness center or spa	4.3.5.G.17									P	P	P			P	P	P		P	P	P		**	P*	6.3
Kennel	4.3.5.G.18	S	S												P	P	P		P	P	P		**	P*	4.4.5.G.6; 6.3
Laundromat	4.3.5.G.21											P			P				P	P	P		**	P*	4.4.5.G.9; 6.3
Monument sales, retail	4.3.5.G.22															P	P						**		
Newsstand or gift shop	4.3.5.G.23									P	%	P	P	**P**	P				P	P	P		**	P*	4.4.5.G.10; 6.3
Personal service	4.3.5.G.24									P	%	P	P***	**P**	P	P			P	P	P		**	P*	4.4.5.G.11; 6.3
Pharmacy	4.3.5.G.25									P	%	P			P				P	P	P		**	P*	4.4.5.G.12; 6.3
Printing and copying service	4.3.5.G.26										P	P	P***		P	P			P	P	P		**	P*	6.3
Real estate sales	4.3.5.G.27									P	P	P	P***		P	P			P	P	P		**	P*	6.3
Repair services, limited	4.3.5.G.28											P				P	P				P		**		
Retail sales, bulky goods	4.3.5.G.29														P	P	P				P		**		

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Retail sales, general	4.3.5.G.30									P		P	P	**P**	P	%	%		P	P	P		**	P*	4.4.5.G.13; 6.3
Self-service storage	4.3.5.G.31															P	P						**		4.4.5.G.14
Studio for art	4.3.5.G.32									P	P	P	P	**P**	P	P	P			P	P		**	P*	6.3
Tailor shop	4.3.5.G.33									P	P	P	P***	**P**	P	P			P	P	P		**	P*	6.3
Theater	4.3.5.G.34											P	P		P				P	P	P		**	P*	4.4.5.G.15; 6.3
Upholstery shop	4.3.5.G.35											P				P	P				P		**		4.4.5.G.16
Pet services	4.3.5.G.36									P	P	P		**P**	P	P	P		P	P	P			P*	4.4.5.G.17; 6.3
Pawn shop	4.3.5.G.37														P										4.4.5.G.18
Vehicle repair and service																									
Automotive Accessory Sales and Installation	4.3.5.H.12															P	P						**		4.4.5.H.7
Automotive paint or body shop	4.3.5.H.1															P	P						**		4.4.5.H.1
Automotive parts	4.3.5.H.2											P			P		P				P		**	P*	6.3
Automotive service station	4.3.5.H.3														P		P				P		**		4.4.5.H.2
Car wash or auto detailing	4.3.5.H.4														P	P	P				P		**		4.4.5.H.3
Repair and maintenance, general	4.3.5.H.5														P	P	P						**		4.4.5.H.4
Towing service	4.3.5.H.6																P						**		4.4.5.H.5
Towing service storage	4.3.5.H.7																P						**		
Truck terminal	4.3.5.H.8																P						**		
Vehicle inspection center	4.3.5.H.9											P			P	P			P		P		**		

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Vehicle sales and rental, heavy	4.3.5.H.10																P						**		
Vehicle sales and rental, light	4.3.5.H.11														P	P	P						**	P*	4.4.5.H.6; 6.3
Industrial Uses																									
Industrial service																									
Building supplies, wholesale	4.3.6.A.1															P	P						**		
Contractor's office and storage yard	4.3.6.A.2															P	P						**		
Gas and fuel, wholesale	4.3.6.A.3																P						**		4.4.6.A.3
Greenhouse or nursery, wholesale	4.3.6.A.4	P																					**		4.4.6.A.1
Laboratory, industrial research	4.3.6.A.5															P	P		P		P		**		
Machine or welding shop	4.3.6.A.6															P	P						**		4.4.6.A.2
Railroad facility	4.3.6.A.7																P						**		
Warehousing, general	4.3.6.A.8															P	P						**		
Warehousing fulfillment center	4.3.6.A.11															P	P								
Woodworking or cabinetmaking	4.3.6.A.9															P	P						**		
Wholesaling distribution center	4.3.6.A.10															P	P						**		
Production																									

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Asphalt or concrete plant	4.3.6.B.1																S								4.4.6.B.1
Brewery	4.3.6.B.7															P	P								4.4.6.B.2
Distillery	4.3.6.B.9															P	P								4.4.6.B.4
Dry cleaning and dyeing plant	4.3.6.B.2																S						**		
Forestry	4.3.6.B.3	P	P																				**		
Laundry plant	4.3.6.B.4																S						**		
Manufacturing and processing	4.3.6.B.5															S	P		P				**		
Manufacturing and processing, minor	4.3.6.B.11															P	P						**		
Microbrewery	4.3.6.B.8											P	P	**P**	P	P	P		P	P	P		**	P*	4.4.6.B.3; 6.3
Microdistillery	4.3.6.B.10												P	**P**		P	P				P			P*	4.4.6.B.5; 6.3
Wood or lumber processing	4.3.6.B.6																S						**		
Agricultural Uses																									
Active farm	4.3.7.A	P	P																		P		**		

4.3 Use Classification

4.3.1 Residential Uses

A) *Accessory Apartment*
A secondary dwelling unit either (1) inside of or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, (3) on any floor except for the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, or (4) on any floor of a commercial use in the MORR Mixed Office-Residential-Retail District or SD-CZ Sustainable Development Conditional Zoning District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory structure may include a loft.

…

4.3.5 Commercial Uses

…

G) *Retail Sales and Service*

…

3) *Building supplies, retail*. An establishment primarily engaged in the retail sale of building supplies and home improvement products including, but not limited to, above ground pools, pool forms, spas, greenhouses, and outdoor play sets. In the B2 **and B3** District**s**, this includes traditional hardware stores not exceeding 7,000 square feet in area, but not building supplies or hardware stores in excess of 7,000 square feet.

…

…

4.3.6 Industrial Uses

Industrial Uses shall be allowed to have a showroom as an accessory use provided the goods and services offered are directly related to the primary use and the showroom meets the requirements in Sec. 4.5.2 *Accessory Uses and Structures, Generally*.

…

C) Heavy Industrial Uses
A facility or use characterized by the potential to generate significant off-site impacts, including but not limited to smoke, odor, noise, glare, fumes, gases, vibration, fire or explosion hazards, particulate emissions, electromagnetic interference, or radiation. These uses typically involve processes, materials, or operations that may be dangerous, noxious, or otherwise offensive if not properly mitigated.

4.4 Supplemental Standards

…

4.4.3 Utilities

…

B) *Communication Tower*

…

2) *Stealth communication tower.* A stealth communication tower shall be placed on a building or other permitted structure or as a stand-alone tower. Prior to approval of a stealth communication tower, it shall be demonstrated that:

…

g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.4**5**), except that:

…

…

4) *Commercial communication tower*. Prior to approval of a commercial communication tower, it shall be demonstrated that:

…

g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.4**5**), except that:

…

5) *Public Safety communication tower.* Prior to approval of a Public Safety communication tower, it shall be demonstrated that:

…

d) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.4**5**), except that:

…

J) *Wireless Support Structures and Wireless Communication Facilities*

…

2) *Definitions applicable to this Sec. 4.4.3.J.*

…

Commercial zone**:** Commercial zone shall refer to rights-of-way adjacent to the following zones: B1, B2, **B3,** CB, LI, **HI,** MEC, O&I, PC, SD, TF.

…

4.4.5 Commercial Uses

…

C) *Food and Beverage Service*

1) Restaurant, general

…

b) Cafeterias are allowed within a permitted use in the LI Light Industrial ~~District~~ **and HI Heavy Industrial Districts** if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.

D) *Office and Research*

…

2) *Office, business or professional*. Contractor's office without storage yard use shall comply with the following standards:

…

d) Having more than eight (8) standard-sized contractor's vehicles, or outside storage of any materials, equipment, trailers, oversized vehicles, or construction equipment on-site shall make the use "Contractor's

office and storage yard", which is only permitted in the Light Industrial (LI)**, Heavy Industrial (HI),** and Tech Flex (TF) zoning districts.

3) *Medical or dental laboratory*
"Medical or dental laboratory" shall be allowed as an accessory use to "Medical or dental office or clinic" in all zoning districts. In the B2 **and B3** zoning district**s** "Medical and dental laboratory" shall be allowed as the primary use provided:

F) *Public Accommodation*

…

2) Hotel or motel. A hotel or motel use shall comply with the following standards:

a) In the B1 ~~and~~, B2**, and B3** districts the following standards shall apply:

…

4.5.6 Accessory Apartment

Accessory apartment means a secondary dwelling unit either (1) in or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, or (3) on all but the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, MORR Mixed Office-Residential-Retail District, or SD-CZ Sustainable Development District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory apartment use shall comply with the following standards:

…

E) *Compatible Character*
The accessory apartment shall be compatible in character and subordinate in size to the principal dwelling unit or the commercial uses in which they are located in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment Center District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, Small Town Character Overlay District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District.

…

G) *Ownership*
The accessory apartment in the residential districts shall remain accessory to and under the same ownership as the principal single family dwelling unit. The accessory units in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District may be under separate ownership.

5.1 Table of Intensity and Dimensional Standards

…

5.1.2 Business Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
…									
B3									
All other uses		**25**	**15**	**20**	**15**	**36**	**70**	**___**	**___**
…									
~~LI~~									
~~Regional Recreation Complex~~	___	~~20~~	~~20~~	~~20~~	~~20~~	~~60~~	~~70~~	___	___
~~All other uses~~	___	~~20~~	~~20~~	~~20~~	~~20~~	~~48~~	~~70~~	___	___

*See Sec 6.1~~,~~ *Watershed Protection Overlay Districts*.
**These setbacks are for the perimeter of entire project only.
***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Upon Area requirements.

5.1.3 Industrial Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
LI									
Regional Recreation Complex	___	**20**	**20**	**20**	**20**	**60**	**70**	___	___
All other uses	___	**20**	**20**	**20**	**20**	**48**	**70**	___	___
HI									
All other uses		**50**	**50**	**50**	**50**	**70**	**70**	___	___
…									

***See Sec 6.1 *Watershed Protection Overlay Districts*.**
****These setbacks are for the perimeter of entire project only.**
*****The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Upon Area requirements.**

5.1.~~3~~**4** Planned Development Districts

…

5.1.~~4~~**5** Other Development Districts

…

5.1.~~5~~**6** Small Town Character Overlay District

…

5.2 General Measurement Requirements

…

5.2.2 Setbacks

A) *Measurement*

…

3) *No buffer required*. Where there is no buffer required pursuant to Sec. 6.1.11 *Riparian Buffer* or 8.2.6 *Buffering*, the setback shall be the setback required for the use in Secs. 5.1.1- 5.1.~~4~~**5**, whichever is appropriate.

6.3.1 Small Town Character Overlay District

…

D) *Approval Criteria*

…

3) The maximum built-upon area, height, setbacks and minimum lot width, must be in compliance with the Sec. 5.1.~~5~~**6** *Table of Intensity and Dimensional Standards*.

…

G) *Residential Building Standards*

1) *Setbacks*

Setbacks shall be provided in accordance to Sec. 5.1.~~5~~**6** *Table of Intensity and Dimensional Standards.*

8.2 Landscaping, Buffering, and Screening

…

8.2.6 Buffering

See Next Page

Table 1: Type and Width of Buffer Required

I	II						III					IV			V	
	PERIMETER BUFFER											STREETFRONT[1, 4] (Major and Minor Collectors)			THOROUGHFARE[3,4]	
Req'd Buffer	Adjacent Property Developed: Land Use Class						Adjacent Property Vacant: Zoning District									
Proposed Land Use Class	1	2	3	4	5	6[2]	All Res.	TND-CZ, PUD-CZ, SD-CZ	MEC-CZ, O&I, PC	B1, B2, **B3**	LI, TF, **HI**	1,2,3	4	5,6	Undisturbed	Disturbed
1	10 B[5]	20 B	20 B	20 B	30 B	40 A	10 B	10 B	10 A	30 A	40 A	10 A	20 D	30 D	30 B	50 A/B[6]
2	20 B	10 B	15 A	20 A	40 A	60 A	10 B	10 A	20 A	40 A	60 A	10 A	20 D	30 D	30 B	50 A/B[6]
3	20 B	15 A	15 A	15 A	20 A	50 A	10 B	20 B	20 B	20 B	50 A	10 A	20 D	30 D	30 B	50 A/B[6]
4	20 B	20 A	15 A	0	0	15 B	20 A	10 B	0	0	15 B	30 D	10 D	10 D	30 E	50 E
5	30 B	40 A	20 A	0	0	0	40 A	20 B	0	0	0	30 D	10 D	10 D	30 E	50 E
6[2]	40 A	60 A	50 A	15 B	0	0	60 A	60 A	15 B	0	0	30 D	20 D	10 D	30 E	50 E

[1] For streetfront buffers only, non-residential uses in the Residential Agricultural (RA) zoning district shall have a 10' Type D buffer. Within residential developments, no streetfront buffer is required on minor collectors or residential streets.

[2] For Land Use Classes 1, 2, 3, 4, and 5 a 20' Type A buffer is required along the use "Railroad tracks", which is classified as Class 6. No buffer is required along the use "Railroad tracks" for Land Use Class 6. However, it is recommended that the developer consider the comfort of future occupants and security of the development in determining if additional buffering and/or screening should be implemented.

[3] Pedestrian-oriented streetscape buffers shall be allowed in lieu of standard landscaped thoroughfare buffers when such buffers are located inside the Apex Peakway. Pedestrian-oriented streetscape buffer shall contain both hardscape elements (such as but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical minimum island widths or sizes.

[4] Where alley-loaded homes face a thoroughfare, a Type E buffer shall be required; where alley-loaded homes face a major collector, a Type D buffer shall be required.

[5] This buffer shall only be required when the proposed or adjacent land use is a single-family detached dwelling on a lot 12,000 square feet or greater.

[6] Disturbed portion of 50' Thoroughfare Buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare Buffer shall be supplemented to a Type B buffer standard

9.2 Building Aesthetics

…

9.2.2 Building Design

…

E) *Massing*

1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning district**s**.

9.2.4 Harmony of Design

A) *Purpose*

The purpose of this Section is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form. Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) ~~zoning district~~ **and Heavy Industrial (HI) zoning districts** shall meet this standard to the maximum extent reasonable and practicable.

9.3 Architectural Character

…

9.3.3 Facades

A) *Recesses and Projections*

…

2) Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning district**s** shall incorporate recesses and projections including windows and awnings at all public entrances. At least 10% of the façade along a public street shall contain windows or other glazing. In the case of a corner lot, this standard shall only apply to the façade(s) that contains a public entrance or the façade closest to the public entrance.

B) *Repeating Design Patterns*

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically. For buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning district**s**, all elements should repeat at regular intervals proportional to the length of the façade and designed to break up the mass of the building.

…

G) *Exterior Wall Cladding*

All exterior walls visible from a parking lot or public right-of-way in any zoning district except Light Industrial (LI) **and Heavy Industrial (HI)** shall be clad with the same material

required for the front of the building. Buildings in the LI **and HI** district**s** are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way. All walls not visible from a parking lot or public right-of-way, or the remaining 75% of the side façades in the LI **and HI** district**s**, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, is incorporated into the overall color scheme of the building, and is approved by the Planning Director. See also Sec. 9.3.5.A *Predominant Exterior Building Materials.*

9.3.5 Colors and Materials

A) *Predominant Exterior Building Materials*
Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. In the LI **and HI** district**s**, concrete masonry units shall be tinted/textured or painted.

Requested by Mayor Pro Tempore Mahaffey:

2) Amendments to Secs. 4.2.2 *Use Table*; 4.3.2 *Use Classifications, Public and Civic Uses;* 4.4.2 *Supplemental Standards, Public and Civic Uses;* 8.2.6.B.4 *Landscaping, Buffering, Screening, Land Use Classes* to add the use "Detention center, jail, prison, or correctional facility" as well as the use classification, supplemental standards, and other related development standards for such use.

Background: This amendment is proposed to establish a use classification and associated supplemental standards for the new use "Detention centers, jails, prisons, or correctional facilities". This use is not currently specifically listed in the Unified Development Ordinance (UDO), which may create uncertainty during the development review process. The proposed amendment will define the use and set appropriate standards to ensure such facilities are evaluated with consideration of their operational characteristics and potential impacts on surrounding properties. The provisions and tables included in this amendment are contingent upon the adoption of the HI Heavy Industrial zoning district.

See next page.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	B3	PC	TF	LI	HI	MEC	TND	PUD	CB	SD	STC		Section(s)
Public and Civic Uses																										
…																										
Detention center, jail, prison, or correctional facility																		**P**								**4.3.2.Q**
…																										

4.3.2 Use Classifications, Public and Civic Uses

…

Q) ***Detention center, jail, prison, or correctional facility***

Any facility, building, or portion thereof used for the detention, confinement, custody, or supervision of individuals under the authority of a governmental entity, court, or law enforcement agency, or their authorized agents. This includes, but is not limited to, prisons, jails, detention centers, holding facilities, and any similar use where individuals are involuntarily housed or restricted in movement.

4.4.2 Supplemental Standards, Public and Civic Uses

…

H) ***Detention center, jail, prison, or correctional facility***

1) **The site shall be a minimum of 10 acres.**

2) **The facility shall be located a minimum of ~~1,320~~ 1,620 feet from, any public or private school, day care, place of worship, or any property zoned or used for residential purposes.**

3) **A 60-foot Type A Buffer shall be required around the perimeter of the site, including along public streets.**

8.2.6 Landscaping, Buffering, and Screening, Buffering

…

B) *Landscape Buffers between Uses*

…

4) *Land Use Classes*

…

f) *Class 6*

…

Detention center, jail, prison, or correctional facility

…

Requested by Planning Staff:

3) Amendment to Secs. 4.1.2 *Outdoor Storage and Sales;* 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 8.2.6.B.4 *Landscaping, Buffering, Screening, Land Use Classes*; and 8.3-1 *Off-street Parking Schedule "A"* in order to add "Food truck courts" as a principal use within the Town's jurisdiction and provide the associated use and development standards.

Background: Staff propose amendments to the Unified Development Ordinance (UDO) that will permit the establishment of "Food Truck Courts" as a principal use within the Town of Apex. This amendment provides greater opportunities for mobile food vendors while preserving the Town's small-town character and ensuring compliance with the Town's Unified Development Ordinance. The provisions and tables included in this amendment are contingent upon the adoption of the B3 Transitional Business zoning district.

4.1.2 Outside Storage and Sales

…

B) Unless specifically permitted for a particular use and on a site-specific development plan, no outdoor storage, display, or sales/rentals are permitted in any district.

1) No mobile food vendor vehicle shall be parked where visible from the public right-of-way except as shown on an approved Site Plan for a food truck court.

…

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	B3	PC	TF	LI	HI	MEC	TND	PUD	CB	SD	STC		Section(s)
Food and Beverage Service																										
…																										
Food truck court														**P**		**P**			**P**				* *	**P***	**4.4.5.C.4**
…																										

4.3.5 Use Classifications, Commercial Uses

C) *Food and Beverage Service*

…

4) ***Food Truck Court.*** **An establishment where three (3) or more mobile food vendors, as defined in Section 13-60 of the Apex Town Code, can operate simultaneously for the preparation and sale of food and beverages in a ready-to-consume state, and where the design or principal method of operation consists of all of the following:**

a) **A mobile vendor in the form of a food truck, cart, or trailer, with a walk-up counter offering quick service where orders are not taken at the customer's table, but at a window or counter of a licensed food truck, cart or trailer, and where the food is generally served in disposable wrapping or containers.**

b) **The food truck court shall include a permanent structure on the site containing the use "Restaurant, general", "Bar, nightclub, wine bar, or taproom", "Microbrewery", or "Microdistillery".**

c) **This use may include the on-premises sale, service, and consumption of alcoholic beverages as an accessory and secondary use.**

4.4.5 Supplemental Standards, Commercial Uses

C) *Food and Beverage Service*

4) *Food Truck Court*

a) A food truck court may be permitted as an accessory use to the uses "Commissary", "Restaurant, general", "Bar, nightclub, wine bar, or taproom", "Microbrewery", or "Microdistillery. The use shall have on-site management to ensure the safe and orderly operation of the food truck court during hours of operation.

b) Food truck courts shall comply with the following:

(i) Mobile food vendors operating in association with a food truck court use shall comply with Chapter 13, Article IV*: Transient and Mobile Food Vendors* of the Town of Apex Code of Ordinances and all other applicable standards and regulations of the permit issuing county's environmental health and safety department.

(ii) Mobile food vendors shall be permitted to have one (1) sandwich board sign that may be displayed adjacent to their designated location on-site.

(iii) Mobile food vendors shall be located only in areas designated for vending on the approved site plan.

(iv) Mobile food vendor locations shall be clearly defined and separated from all patron parking with fencing, decorative bollards, or planters in order to separate the food truck court from parking. Fencing shall not exceed four (4) feet in height.

(v) Mobile food vendors shall maintain at least 10 feet of clearance around the entire perimeter of the vehicle, trailer, or cart.

(vi) A food truck court shall be required to provide indoor and/or outdoor seating. All designated seating and dining areas shall be shown on the approved Site Plan. Temporary enclosures, including but not limited to, plastic sheathing, vinyl tarps, and tents, shall be prohibited.

(vii) Individual mobile food vendors shall not provide additional outdoor seating for dining (e.g., tables, tents, chairs, booths, bar stools, benches, etc.). All seating and dining areas shall comply with the approved Site Plan for the food truck court.

(viii) A food truck court shall be required to provide permanent restrooms on-site.

(ix) **A permanent power source shall be provided to each mobile vendor; individual generators shall not be allowed. A temporary power pole made of wood or similar materials shall not be permitted.**

(x) **Mobile food vendors shall not operate on-site outside of the established operating hours of the food truck court.**

(xi) **The site shall utilize two (2) shared dumpsters, one for trash and one for cardboard recycling, that shall be located within a masonry dumpster enclosure per the standards found in Sec. 8.2.8.B.1.**

(xii) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

(a) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

(b) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

(xv) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

(a) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

(b) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

(xvi) **Mobile food vendors shall be required to store, transport, and dispose of grease and wastewater to the commissary identified on the mobile food vendor permit issued by the applicable county department.**

8.2.6 Landscaping, Buffering, and Screening, Buffering

…

B) *Landscape Buffers between Uses*

…

4) *Land Use Classes*

…

e) *Class 5:*

…

Food truck court

…

…

…

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
…		
Commissary	Schedule C	2 spaces
Food truck court	**2 per designated mobile food vendor stall; and 1 per 50 square feet of indoor dining space devoted to public use**	**2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater**
…		
Restaurant, general	1 per 50 square feet of floor space devoted to public use	2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater
…		

PLANNING STAFF RECOMMENDATION:
Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION: At their May 11, 2026, meeting, the Planning Board voted separately on each proposed amendment. The results were as follows:

- Amendment #1 establishing the B3 and HI zoning districts: Approved, 8–1.
- Amendment #2 creating the "Detention, jail, prison, and correctional facility" use: Approved unanimously, 9–0, with the condition that the minimum separation distance from certain uses be increased from 1,320 feet to 1,620 feet.
- Amendment #3 establishing the "Food truck court" use: Approved, 7–2.

The reasons for the dissenting votes has been provided with the Planning Board Reports to Town Council.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: May 11, 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 of Amendment 1

Introduced by Planning Board member: Kristy Yule

Seconded by Planning Board member: Mark Spanioli

☑ Approval of the proposed UDO amendment(s)

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

☐ Denial of the proposed UDO amendment(s)

With 8 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of May 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.05.11 18:03:44 -04'00'

Amanda Bunce, Assistant Planning Director

Planning Board Member Name: Sarah Soh

Meeting Date: 05/11/2026

☐ Rezoning # _____

☐ Long Range Plan amendment(s)_____

☒ Other Amendments to UDO - New Business Item #1

Reason(s) for dissenting vote:

I understand the need to separate LI & a new HI zoning land-use, to be more cognizant of what future entails for Apex. In my opinion, more time is needed to process and work out the details, further separating the usages, construction, lighting, etc.

In regards to B3 zoning, at the moment solely for the food truck court usage, there seems to be many overlaps and redundancy with B1 & B2. Could it somehow be embedded with existing B1 or B2? What other usages would fall under this zoning? I have more luring and would like to see answers prior to making a decision to whether recommend or not to Town Council.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments
Planning Board Meeting Date: May 11, 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 of Amendment 2

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Jeff Hastings

☐ Approval of the proposed UDO amendment(s)

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

Increase the separation standard from 1,320 to 1,620 feet.

☐ Denial of the proposed UDO amendment(s)

With 9 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 11th day of May 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.05.11 18:04:40 -04'00'

Amanda Bunce, Assistant Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments
Planning Board Meeting Date: May 11, 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 of Amendment 3

Introduced by Planning Board member: Jeff Hastings

Seconded by Planning Board member: Mary Petersen

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of May 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.05.11 18:06:06 -04'00'

Amanda Bunce, Assistant Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments

Planning Board Member Name: Sarah Soh

Meeting Date: 05/11/2026

☐ Rezoning # _____

☐ Long Range Plan amendment(s)_____

☒ Other Amendments to UDO - New Business Item #1 - Amendment 3: B3 Food Truck Court

Reason(s) for dissenting vote:

I am not against a Food Truck Court, having a designated area solely for a "permanent" food truck spot with nice furniture and restrooms. It could be a successful project with the right developer, owner maintaining the beautified area. There are other towns and cities where food trucks station at parking lots and it becomes and hot spot.

I am dissenting this due to the thought of having may be a little too much control on it. Food trucks are nomadic and have a high turnover. Most of these owners cannot afford brick & mortar so this is their way to start their beginning. I am concerned that we may be touching on their means & methods of where to park, what they need to provide, etc. I do wish we could have more input from existing truckers to get their thoughts and also those neighbors, residents and/or business owners the trucks park close to.

In addition, the language needs to be defined on duration of time of parking and min/ max quantity of trucks in an square footage area.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments

Planning Board Member Name: Mark Spanioli

Meeting Date: 5/11/2026

☐ Rezoning # _____

☐ Long Range Plan amendment(s)_____

☒ Other UDO Amendment #3 to New Business Item #1

Reason(s) for dissenting vote:

I don't believe that the Town should permit Food Truck Courts. This is just promoting food trucks to cluster and in some respects cause visual clutter along public facing corridors (trucks, tables and chairs, garbage cans, etc). Code Compliance will not be able to keep up with these properties. These trucks also compete with restaurants that have many more UDO requirements compared to a food truck court. The cost to run a restaurant far exceeds that of a food truck and therefore provides unfair competition. Do we want beautiful facades and urbanized pedestrian friendly corridors or food trucks parked in parking lots of existing restaurants at prominent locations? Also, promoting the public to congregate in a parking lot can cause safety concerns with vehicle and pedestrian conflicts within the food court area.

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

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to establish the Transitional Business (B3) and Heavy Industrial (HI) zoning districts. These changes introduce new zoning classifications, update district-specific standards, and integrate the new districts into the existing regulatory framework of the UDO.

   The amendment modifies provisions related to zoning districts, permitted uses, dimensional standards, development approvals, and design standards to ensure the B3 and HI districts are consistently applied and enforceable. In particular, updates to the Use Table, district purpose statements, and intensity and dimensional standards incorporate these new districts into the Town's overall zoning structure.

   Sections affected by these amendments include:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.2
   - 3.2.3
   - 3.2.6
   - 3.3
   - 4.1.2
   - 4.2.2
   - 4.3.1.A
   - 4.3.5.G
   - 4.3.6
   - 4.4.3.B
   - 4.4.5.C
   - 4.4.5.D
   - 4.4.5.F
   - 4.5.6
   - 5.1
   - 5.2.2
   - 6.3.1
   - 9.2.2.E
   - 9.2.4.A
   - 9.3.3
   - 9.3.5.A

   In addition, several sections have been amended to update internal references, terminology, and cross references to reflect the inclusion of the B3 and HI districts. These edits are administrative in nature and intended to maintain clarity, accuracy, and consistency across the UDO.

   Sections where only references and section labeling have been updated as part of this amendment include:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.7
   - 3.3.3
   - 4.4.3.B
   - 4.4.3.J
   - 5.1.4
   - 5.2.2
   - 6.3.1

Requested by Mayor Pro-Tempore Mahaffey:

2. Amendments to Secs. 4.2.2 *Use Table*; 4.3.2 *Use Classifications, Public and Civic Uses; 4.4.2 Supplemental Standards, Public and Civic Uses;* 8.2.6.4 *Landscape, Buffering, Screening, Land use Classes* to add the use "Detention center, jail, prison, or correctional facility" as well as the use classification, supplemental standards, and other related development standards for such use.

Requested by Planning Staff:

3. Amendment to Secs. 4.1.2 *Outdoor Storage and Sales;* 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 8.2.6.B *Buffering, Landscape Buffers between Uses*; and 8.3-1 *Off-street Parking Schedule "A"* in order to add "Food truck courts" as a principal use within the Town's jurisdiction and provide the associated use and development standards.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 28, 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, 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: May 8, 2026 – May 28, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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::

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO, en inglés) para establecer los distritos de zonificación Comercial de Transición (B3) e Industrial Pesado (HI). Estos cambios introducen nuevas clasificaciones de zonificación, actualizan los estándares específicos de los distritos e integran los nuevos distritos en el marco regulador existente de la UDO.

   La enmienda modifica las disposiciones relacionadas con los distritos de zonificación, los usos permitidos, los estándares dimensionales, las aprobaciones de desarrollo y los estándares de diseño para garantizar que los distritos B3 y HI se apliquen y se hagan cumplir de forma uniforme. En particular, las actualizaciones de la *Tabla de usos*, las declaraciones de propósito de los distritos y los estándares de intensidad y dimensiones incorporan estos nuevos distritos a la estructura general de zonificación de la población.

   Entre las secciones afectadas por las enmiendas, se encuentran las siguientes:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.2
   - 3.2.3
   - 3.2.6 & 7
   - 3.3
   - 4.1.2
   - 4.2.2
   - 4.3.1.A
   - 4.3.5.G
   - 4.3.6
   - 4.4.3.B
   - 4.4.3.J
   - 4.4.5.C
   - 4.4.5.D
   - 4.4.5.F
   - 4.5.6
   - 5.1
   - 5.2.2
   - 6.3.1
   - 9.2.2.E
   - 9.2.4.A
   - 9.3.3
   - 9.3.5.A

   Además, se han modificado varias secciones para actualizar las referencias internas, la terminología y las referencias cruzadas para reflejar la inclusión de los distritos B3 y HI. Estas ediciones son de naturaleza administrativa y pretenden mantener la claridad, la precisión y la coherencia en toda la UDO.

   Entre las secciones en las que solo se han actualizado las referencias y el etiquetado de las secciones como parte de esta enmienda se incluyen las siguientes:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.7
   - 3.3.3
   - 4.4.3.B
   - 4.4.3.J
   - 5.1.4
   - 5.2.2
   - 6.3.1

Solicitado por la alcaldesa interina Mahaffey:

2. Enmiendas a las secciones 4.2.2, *Tabla de usos*; 4.3.2, *Clasificaciones de usos, usos públicos y cívicos*; 4.4.2, estándares *suplementarios, usos públicos y cívicos*; y 8.2.6.4, *Paisajismo, zonas de amortiguamiento, protección visual y clases de uso del suelo*, para agregar el uso "centro de detención, cárcel, prisión o centro correccional", así como la clasificación de uso, los estándares suplementarios y otros estándares de desarrollo relacionados con dicho uso.

Solicitado por el personal de planificación:

3. Enmienda a las secciones 4.1.2, *Almacenamiento y ventas al aire libre*; 4.2.2, *Tabla de usos*; 4.3.5, *Clasificaciones de usos, usos comerciales*; 4.4.5, estándares *suplementarios, usos comerciales*; 8.2.6.B, *Zonas de amortiguamiento, zonas de amortiguamiento paisajísticas entre usos*; y 8.3-1, *Programa "A" de estacionamiento fuera de la vía pública*, con el fin de agregar "patios de camiones de comida" como uso principal dentro de la jurisdicción de la población y establecer los estándares de uso y desarrollo correspondientes.

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: 28 de mayo 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 proporcionar una declaración escrita por correo electrónico a 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 8 de mayo de 2026 al 28 de a mayo de 2026

https://www.apexnc.org/DocumentCenter/View/54710/UDO_Legal_Ad_May-set-2-Combined?bidId=

Team Apex Landin... | Town of Apex, Nor... | Planning Departm... | 2045LUM_0409202... | Development in A... | iMAPS | Home | Books! Online Rec... | PL Team - Internal... | Design and Develo... | Watershed Protecti... | Other favorites

Draw | 1 of 2

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

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

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

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to establish the Transitional Business (B3) and Heavy Industrial (HI) zoning districts. These changes introduce new zoning classifications, update district-specific standards, and integrate the new districts into the existing regulatory framework of the UDO.

   The amendment modifies provisions related to zoning districts, permitted uses, dimensional standards, development approvals, and design standards to ensure the B3 and HI districts are consistently applied and enforceable. In particular, updates to the Use Table, district purpose statements, and intensity and dimensional standards incorporate these new districts into the Town's overall zoning structure.

   Sections affected by these amendments include:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.2
   - 3.2.3
   - 3.2.6
   - 3.3
   - 4.1.2
   - 4.2.2
   - 4.3.1.A
   - 4.3.5.G
   - 4.3.6
   - 4.4.3.B
   - 4.4.5.C
   - 4.4.5.D
   - 4.4.5.F
   - 4.5.6
   - 5.1
   - 5.2.2
   - 6.3.1
   - 9.2.2.E
   - 9.2.4.A
   - 9.3.3
   - 9.3.5.A

   In addition, several sections have been amended to update internal references, terminology, and cross references to reflect the inclusion of the B3 and HI districts. These edits are administrative in nature and intended to maintain clarity, accuracy, and consistency across the UDO.

   Sections where only references and section labeling have been updated as part of this amendment include:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.7
   - 3.3.3
   - 4.4.3.B
   - 4.4.3.J
   - 5.1.4
   - 5.2.2
   - 6.3.1

Requested by Mayor Pro-Tempore Mahaffey:

2. Amendments to Secs. 4.2.2 *Use Table*; 4.3.2 *Use Classifications, Public and Civic Uses; 4.4.2 Supplemental Standards, Public and Civic Uses;* 8.2.6.4 *Landscape, Buffering, Screening, Land use Classes* to add the use "Detention center, jail, prison, or correctional facility" as well as the use classification, supplemental standards, and other related development standards for such use.

Requested by Planning Staff:

3. Amendment to Secs. 4.1.2 *Outdoor Storage and Sales;* 4.2.2 *Use Table;* 4.3.5 *Use Classifications, Commercial Uses;* 4.4.5 *Supplemental Standards, Commercial Uses;* 8.2.6.B *Buffering, Landscape Buffers between Uses;* and 8.3-1 *Off-street Parking Schedule "A"* in order to add "Food truck courts" as a principal use within the Town's jurisdiction and provide the associated use and development standards.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 28, 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, 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.

Published Dates: May 8, 2026 – May 28, 2026

Dianne F. Khin, AICP
Planning Director

Search

12:50 PM
5/8/2026

https://www.apexnc.org/DocumentCenter/View/54710/UDO_Legal_Ad_May-set-2-Combined?bidId=

Team Apex Landin... Town of Apex, Nor... Planning Departm... 2045LUM_0409202... Development in A... iMAPS Home Books! Online Rec... PL Team - Internal... Design and Develo... Watershed Protecti... Other favorites

Draw 2 of 2

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

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

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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::

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO, en inglés) para establecer los distritos de zonificación Comercial de Transición (B3) e Industrial Pesado (HI). Estos cambios introducen nuevas clasificaciones de zonificación, actualizan los estándares específicos de los distritos e integran los nuevos distritos en el marco regulador existente de la UDO.

   La enmienda modifica las disposiciones relacionadas con los distritos de zonificación, los usos permitidos, los estándares dimensionales, las aprobaciones de desarrollo y los estándares de diseño para garantizar que los distritos B3 y HI se apliquen y se hagan cumplir de forma uniforme. En particular, las actualizaciones de la *Tabla de usos*, las declaraciones de propósito de los distritos y los estándares de intensidad y dimensiones incorporan estos nuevos distritos a la estructura general de zonificación de la población.

   Entre las secciones afectadas por las enmiendas, se encuentran las siguientes:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.2
   - 3.2.3
   - 3.2.6 & 7
   - 3.3
   - 4.1.2
   - 4.2.2
   - 4.3.1.A
   - 4.3.5.G
   - 4.3.6
   - 4.4.3.B
   - 4.4.3.J
   - 4.4.5.C
   - 4.4.5.D
   - 4.4.5.F
   - 4.5.6
   - 5.1
   - 5.2.2
   - 6.3.1
   - 9.2.2.E
   - 9.2.4.A
   - 9.3.3
   - 9.3.5.A

   Además, se han modificado varias secciones para actualizar las referencias internas, la terminología y las referencias cruzadas para reflejar la inclusión de los distritos B3 y HI. Estas ediciones son de naturaleza administrativa y pretenden mantener la claridad, la precisión y la coherencia en toda la UDO.

   Entre las secciones en las que solo se han actualizado las referencias y el etiquetado de las secciones como parte de esta enmienda se incluyen las siguientes:

   - 2.3.4.F
   - 2.3.6.2.I
   - 3.2.7
   - 3.3.3
   - 4.4.3.B
   - 4.4.3.J
   - 5.1.4
   - 5.2.2
   - 6.3.1

Solicitado por la alcaldesa interina Mahaffey:

2. Enmiendas a las secciones 4.2.2, *Tabla de usos*; 4.3.2, *Clasificaciones de usos, usos públicos y cívicos*; 4.4.2, estándares *suplementarios, usos públicos y cívicos*; y 8.2.6.4, *Paisajismo, zonas de amortiguamiento, protección visual y clases de uso del suelo*, para agregar el uso "centro de detención, cárcel, prisión o centro correccional", así como la clasificación de uso, los estándares suplementarios y otros estándares de desarrollo relacionados con dicho uso.

Solicitado por el personal de planificación:

3. Enmienda a las secciones 4.1.2, *Almacenamiento y ventas al aire libre*; 4.2.2, *Tabla de usos*; 4.3.5, *Clasificaciones de usos, usos comerciales*; 4.4.5, estándares *suplementarios, usos comerciales*; 8.2.6.B, *Zonas de amortiguamiento, zonas de amortiguamiento paisajísticas entre usos*; y 8.3-1, *Programa "A" de estacionamiento fuera de la vía pública*, con el fin de agregar "patios de camiones de comida" como uso principal dentro de la jurisdicción de la población y establecer los estándares de uso y desarrollo correspondientes.

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: 28 de mayo 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 proporcionar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la Oficina de la Secretaría 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 8 de mayo de 2026 al 28 de a mayo de 2026

Search 12:51 PM 5/8/2026

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

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

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

Requested by Environmental Advisory Board:

1. Amendments to Sec. 2.1.9.A *Review and Decision-Making Bodies, Apex Environmental Advisory Board, Powers and Duties* in order to add a requirement for the Environmental Advisory Board to provide a recommendation on whether the proposed rezoning complies with the Town's adopted legislative consideration in Sec. 2.3.3.F.5 *Developmental Review, Conditional Zoning Districts, Legislative Considerations* regarding how the rezoning's design minimizes environmental impact.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 28, 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, 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: May 5, 2026 – May 28, 2026

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

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

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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 [illegible] todo el pueblo:

81°F Sunny
Search
2:34 PM 5/5/2026

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

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

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del 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:

A solicitud de la Junta Asesora Ambiental:

1. Enmiendas a la sección 2.1.9.A, *Órganos de revisión y toma de decisiones, Junta Asesora Ambiental de Apex, facultades y deberes*, para agregar el requisito de que la Junta Asesora Ambiental proporcione una recomendación sobre si la rezonificación propuesta cumple con la consideración legislativa adoptada por el pueblo en la sección 2.3.3.F.5, *Revisión del desarrollo, distritos de zonificación condicional, consideraciones legislativas*, con respecto a cómo el diseño de la rezonificación minimiza el impacto ambiental.

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: 28 de mayo 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 proporcionar una declaración escrita por correo electrónico a 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 5 de mayo de 2026 al 28 de a mayo de 2026

81°F Sunny
Search
2:34 PM 5/5/2026

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 2.3.4.F, 2.3.6.2.I, 3.2.2, 3.2.3, 3.2.6, 3.2.7, 3.3, 4.1.2, 4.2.2, 4.3.1.A, 4.3.5.G, 4.3.6, 4.4.3.B, 4.4.3.J, 4.4.5.C, 4.4.5.D, 4.4.5.F, 4.5.6, 5.1, 5.2.2, 6.3.1, 9.2.2.E, 9.2.4.A, 9.3.3 and 9.3.5.A 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:

2.3.4 Development Approvals, Planned Development Districts

…

F) *Standards*

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

a) *Development parameters*

…

(iii) The dimensional standards in Sec. 5.1.~~3~~**4** *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

…

…

2) *Traditional Neighborhood District (TND-CZ)*

…

b) *Development parameters*

…

(iii) The dimensional standards in Sec. 5.1.~~3~~**4** *Table of Intensity and Dimensional Standards*, *Planned Development Districts* may be varied in the PD Plan for TND-CZ. The TND-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

2.3.6 Development Approvals, Site Plan

…

2) The following development or activities shall be exempted from the requirements of this Section:

…

i) *Small Town Character Overlay District*. Small Town Character Overlay District as referenced in 3.3.5 except that demolition (as defined in Sec. 12.2) shall be governed by Sec. 2.2.8 and new construction, additions, renovations, or redevelopment shall be governed by Sec. 5.1.~~5~~**6** *Table of Intensity and Dimensional Standards* and Sec. 6.3 *Small Town Character Overlay District.*

3.2 Zoning Districts

…

3.2.2 Business Districts

A) *O&I Office and Institutional District;*

B) *B1 Neighborhood Business District;*

C) *B2 Downtown Business District;*

D) ***B3 Transitional Business District****;*
E) ~~D~~ *PC Planned Commercial District;* ***and***
F) ~~E)~~ *TF Tech/Flex District****;****.* ~~*and*~~
~~F) LI Light Industrial District~~

3.2.3 Industrial Districts

A) ***LI Light Industrial District; and***
B) ***HI Heavy Industrial District.***

3.2.6 Conditional Zoning Business Districts

…

D) ***B3-CZ Transitional Business Conditional Zoning District;***
~~D)~~**E)** PC-CZ Planned Commercial Conditional Zoning District; ***and***
~~E)~~**F)** *TF-CZ Tech/Flex Conditional Zoning District*~~;and~~**.**
~~F) *LI-CZ Light Industrial Conditional Zoning District*~~

3.2.7 Conditional Zoning Industrial Districts

A) ***LI-CZ Light Industrial Conditional Zoning District; and***
B) ***HI-CZ Heavy Industrial Conditional Zoning District***

3.2.~~7~~**8** Conditional Zoning Planned Development Districts

…

3.2.~~8~~**9** Conditional Zoning Other Districts

…

3.2.~~9~~**10** Overlay Districts

…

3.3 District Purposes

…

3.3.2 Business Districts

The purpose and intent of the business districts is to provide lands that allow for a wide range of businesses, services and goods to the residents of Apex and the Triangle region in ways that are consistent with the Town's small-town character, encourage interconnectivity between business uses and residential areas, encourage the development and protection of pedestrian ways between business and residential districts, and ensure businesses are served by adequate public facilities.

…

D) ***B3 Transitional Business District***

The purpose of the B3 Transitional Business District is to provide service-oriented commercial uses in areas that act as a transition along auto-oriented commercial corridors near adjacent residential neighborhoods.

E) ~~D)~~ *PC Planned Commercial District*

The purpose and intent of the PC Planned Commercial District is to encourage the development of a moderate and high intensity mix of convenience and city-wide serving convenience and regional retail and related uses within a planned environment at the intersections of the Town's arterials and major collector roads.

F*)* ~~E)~~ *TF Tech/Flex*

The purpose and intent of the TF Tech/Flex District is to provide locations for a wide range of employment opportunities for office, institutional, research and development and light industrial uses. The district also provides for "flex space" where different combinations of uses on a site may occur over time as the market changes and adjusts to new or different conditions.

~~F) *LI Light Industrial District*~~

~~The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands~~.

3.3.3 Industrial Districts

A) ***LI Light Industrial District***

The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands.

B) ***HI Heavy Industrial District***

The purpose and intent of the HI Heavy Industrial District is to provide sufficient lands in appropriate locations for high-intensity industrial, manufacturing, processing, or similar uses that may generate noise, traffic, or other impacts not suitable for residential or commercial areas. This district is intended to accommodate uses that require larger sites, specialized infrastructure, or separation from incompatible uses, while promoting orderly development and protecting public health, safety, and welfare.

3.3.~~3~~**4** Planned Development Districts

…

3.3.4**~~5~~** Other Districts

…

3.3.~~5~~**6** Overlay Districts

…

4.1.2 General Overview, Outside Storage and Sales

A) The purpose and intent of this section is to allow outside storage, display, and sales/rentals in the RA, MORR, O&I, B1, B2, **B3,** PC, TF, LI, **HI,** MEC-CZ, TND-CZ, PUD-CZ, and SD-CZ districts provided that such outside storage, display, and sales/rentals are within designated areas that are adequately screened and meet the standards listed within this section. However, this section does not apply to “Vehicle sales and rental, light”.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						**Industrial**		Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Residential Uses																									
Accessory apartment	4.3.1.A	P	P	P	P	P				P		P	P***	**P**					P	P	P		**	P*	4.5.6; 6.3
Congregate living facility	4.3.1.C						P												P	P	P		**		4.4.1.B
Duplex	4.3.1.D				P	P	P			P									P	P	P		**		
Family care home	4.3.1.E	P	P	P	P	P	P	P	P	P									P	P	P		**	P*	4.4.1.C; 6.3
Farm residence	4.3.1.F	P	P																		P	P	**		
Manufactured home	4.3.1.H							P															**		4.4.1.E
Mobile home	4.3.1.I								P																
Multi-family or apartment	4.3.1.K						P			P									P	P	P		**	P*	4.4.1.G;6.3
Nursing or convalescent facility	4.3.1.L						P				P				P				P	P	P		**	P*	4.4.1.H; 6.3
Security or caretaker quarters	4.3.1.M	P	P													P	P		P				**		4.4.1.I
Single-family	4.3.1.N	P	P	P	P	P		P		P									P	P	P		**	P*	6.3
Townhouse	4.3.1.O					P/S	P			P									P	P	P		**	P/S*	4.4.1.F; 6.3
Townhouse, detached	4.3.1.P				P	P/S	P			P									P	P	P		**	P/S*	4.4.1.J; 6.3
Triplex or quadplex	4.3.1.Q						P			P									P	P	P		**		
Public and Civic Uses																									
Airplane landing strip	4.3.2.A	S	S														S								
Airport	4.3.2.B	S	S														S								

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						**Industrial**		Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Ambulatory Health-care Facility with Emergency Dept.	4.3.2.C										P										P		**		
Assembly hall, nonprofit	4.3.2.D	S	S							S	P				P	P	P				P		**	P*	6.3
Assembly hall, for-profit	4.3.2.E	S	S							S	P				P	P	P				P		**	P*	6.3
Cemetery	4.3.2.F	P	P																			P	**	P*	4.4.2.A; 6.3
Church or place of worship	4.3.2.G	S	S	P/S	P/S	P/S	P/S	P/S	P/S	S	P/S	P/S	P/S	**P/S**	P/S	P/S	P/S		P/S	P/S	P/S		**	P/S*	4.4.2.B; 6.3
Day care facility	4.3.2.H						S			P	P	P		**P**	P	P	%		P	P	P		**	P*	4.4.2.C; 6.3
Drop-in or short-term day care	4.3.2.P										P	P		**P**	P	P	P			P	P		**	P*	4.4.2.F; 6.3
Government service	4.3.2.I	P	P							P	P	P	P	**P**	P	P	P		P	P	P		**	P*	4.4.2.G; 6.3
Heliport or helipad	4.3.2.J																P		P				**		
Hospital	4.3.2.K										P								P		P		**		4.4.2.D
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P			P	P	P		**	P*	6.3
Transportation facility	4.3.2.M														P	P	P		P	P	P		**	P*	6.3
Veterinary clinic or hospital	4.3.2.N										P	P		**P**	P	P	P		P	P	P		**	P*	4.4.2.E; 6.3
Vocational school	4.3.2.O										P	P				P	P		P		P		**	P*	6.3
Utilities																									
Chipping and mulching	4.3.3.A																S						**		4.4.3.A
Communication tower, commercial	4.3.3.B										S				S	S	S				S	S	**		4.4.3.B

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Communication tower, constructed stealth	4.3.3.C.1	S	S				S	S	S		S				S	S	S				S	S	**		4.4.3.B.2
Communication tower, camouflage stealth	4.3.3.C.2	S	S	S	S	S	S	S	S	S	S	S			S	S	S		S	S	S	S	**		4.4.3.B.3
Communication tower, public safety	4.3.3.P	S	S	S	S	S	S	S	S		S	S			S	S	S		S	S	S	S	**		4.4.3.B.5
Electrical power facility	4.3.3.D	S	S														S						**		4.4.3.C
Incinerator	4.3.3.E																S						**		
Recycling center	4.3.3.F															S	P						**		4.4.3.D
Recycling collection station	4.3.3.G														P	P	P		P		P	P	**		4.4.3.E
Recycling plant	4.3.3.H																S						**		4.4.3.F
Sanitary landfill	4.3.3.I																S								4.4.3.H
Utility, minor	4.3.3.J	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	**	P*	4.4.3.G; 6.3
Water reservoir	4.3.3.K	P	P	P																		P	**		
Water or wastewater plant	4.3.3.L	P	P	P													P		P	P	P		**		
Land Clearing and Inert Debris Landfill	4.3.3.M																S								4.4.3.I
Wireless support structure	4.3.3.N	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	P	P	4.4.3.J
Wireless communication facility	4.3.3.O	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	P	P	4.4.3.J

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Yard Waste Transfer Station	4.3.3.Q																S								4.4.3.K
Recreational Uses																										
Arena, auditorium or stadium	4.3.4.A														P	S	S		P		P		**		4.4.4.A
Beach bingo	4.3.4.B											S											**	S*	6.3
Botanical garden	4.3.4.C	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P	**	P*	6.3
Campground	4.3.4.D	S																				S	**		4.4.4.B
Entertainment, indoor	4.3.4.E											P	P***		P	P	P			P	P		**	P*	6.3
Entertainment, outdoor	4.3.4.F	S													S	S	S			S	S		**		4.4.4.C
Fish hatchery and fish pond	4.3.4.G	P	P																			S	**		
Golf course	4.3.4.I	P	P	P	P	P	P														P		**		
Greenway	4.3.4.J	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P	**P**	P	P	P	P	**	P*	6.3
Horse boarding and riding stable	4.3.4.K	P	P																		P		**		
Park, active	4.3.4.L	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P		P	P	P	P	**	P*	6.3
Park, passive	4.3.4.M	P	P	P	P	P	P	P	P	P	P	P	P	**P**	P	P	P		P	P	P	P	**	P*	6.3
Recreation facility, private	4.3.4.N	P	P	P	P	P	P	P	P	P									P	P	P		**	P*	4.4.4.D; 6.3
Regional recreation complex	4.3.4.Q																P/S								4.4.4.F
Youth or day camps	4.3.4.P										P	P		**P**	P	P	P			P	P		**	P*	4.4.4.E; 6.3
Zoological garden	4.3.4.O	S	S																				**		
Shooting range, indoor	4.3.4.R															P	P								4.4.4.G

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Shooting range, outdoor	4.3.4.S		S																						4.4.4.H
Commercial Uses																										
Adult use																										
Adult establishment	4.3.5.A.1																S								4.4.5.A.1
Bar, nightclub, wine bar, or taproom	4.3.5.A.2											P	P	**P**	P					P	P		**	P*	4.4.5.A.2; 6.3
Electronic gaming operation	4.3.5.A.3																S						**		4.4.5.A.3
Tattoo parlor and body piercing	4.3.5.A.4														P									S*	6.3
Communication																										
Broadcasting station (radio and television)	4.3.5.B.1															P	P		P				**		
Radio and television recording studio	4.3.5.B.2										P	P				P	P						**		
Food and beverage service																										
Commissary	4.3.5.C.3													**P**		P	P						**		4.4.5.C.3
Restaurant, drive-through	4.3.5.C.1									P		P			P				P		P		**		4.4.5.C.1
Restaurant, general	4.3.5.C.2									P	%	P	P	**P**	P	P	P		P	P	P		**	P*	4.4.5.C.2; 6.3
Office and research																										
Dispatching office	4.3.5.D.1															P	P	**P**			P		**		
Medical or dental office or clinic	4.3.5.D.2									P	P	P	P***	**P**	P	P	P		P	P	P		**	P*	6.3
Medical or dental laboratory	4.3.5.D.3										P	P	P***	**P**	P	P	P		P		P		**	P*	4.4.5.D.3; 6.3

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Office, business or professional	4.3.5.D.4									P	P	P	P***	**P**	P	P	P		P	P	P		**	P*	4.4.5.D.2; 6.3
Pilot plant	4.3.5.D.5															S	P	**P**	P				**		4.4.5.D.1
Publishing office	4.3.5.D.6										P		P***			P			P	P	P		**	P*	6.3
Research facility	4.3.5.D.7															P	P	**P**	P		P		**	P*	6.3
Parking, principal use																										
Parking garage, commercial	4.3.5.E.1										P	P	P				P		P	P	P		**	P*	4.4.5.E.1; 6.3
Parking lot, commercial	4.3.5.E.2										P	P	P				P		P				**	P*	4.4.5.E.1; 6.3
Parking garage, public	4.3.5.E.3										P	P	P				P		P	P	P		**	P*	4.4.5.E.2; 6.3
Parking lot, public	4.3.5.E.4										P	P	P				P		P				**	P*	4.4.5.E.2; 6.3
Public accommodation																										
Bed and breakfast	4.3.5.F.1	S	S							S	P		P		P					P	P		**	P*	4.4.5.F.1; 6.3
Hotel or motel	4.3.5.F.2											P	P	**P**	P				P	P	P		**	P*	4.4.5.F.2; 6.3
Retail sales and service																										
Artisan Studio	4.3.5.G.38											S	S	**S**		P	P				P		**	P/S*	4.4.5.G.19; 6.3
Barber and beauty shop	4.3.5.G.1									P	P	P	P***	**P**	P				P	P	P		**	P*	4.4.5.G.1; 6.3
Book store	4.3.5.G.2									P		P	P	**P**	P					P	P		**	P*	6.3
Building supplies, retail	4.3.5.G.3											P			P						P		**		
Convenience store	4.3.5.G.4									P		P		**P**	P	P			P	P	P		**	P*	4.4.5.G.2; 6.3
Convenience store with gas sales	4.3.5.G.5											P			P	P					P		**		4.4.5.G.2
Dry cleaners and laundry service	4.3.5.G.6									P		P			P				P	P	P		**	P*	6.3

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						**Industrial**		Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Farmer's market	4.3.5.G.7											P	P	**P**						P	P		**	P*	4.4.5.G.3; 6.3
Financial institution	4.3.5.G.8									P	P	P	P***		P				P	P	P		**	P*	4.4.5.G.4; 6.3
Flea Market	4.3.5.G.9																				S		**		
Floral shop	4.3.5.G.10									P	P	P	P	**P**	P				P	P	P		**	P*	6.3
Funeral home	4.3.5.G.11										P	P					P				P		**	P*	6.3
Gas and fuel, retail	4.3.5.G.12														P		P				P		**		4.4.5.G.5
Glass sales	4.3.5.G.13															P	P						**		
Greenhouse or nursery, retail	4.3.5.G.14	P								P		P			P				P		P		**	P*	6.3
Grocery, general	4.3.5.G.15											P			P	P			P	P	P		**	P*	6.3
Grocery, specialty	4.3.5.G.16									P		P	P	**P**	P	P			P	P	P		**	P*	6.3
Health/fitness center or spa	4.3.5.G.17									P	P	P			P	P	P		P	P	P		**	P*	6.3
Kennel	4.3.5.G.18	S	S												P	P	P		P	P	P		**	P*	4.4.5.G.6; 6.3
Laundromat	4.3.5.G.21											P			P				P	P	P		**	P*	4.4.5.G.9; 6.3
Monument sales, retail	4.3.5.G.22															P	P						**		
Newsstand or gift shop	4.3.5.G.23									P	%	P	P	**P**	P				P	P	P		**	P*	4.4.5.G.10; 6.3
Personal service	4.3.5.G.24									P	%	P	P***	**P**	P	P			P	P	P		**	P*	4.4.5.G.11; 6.3
Pharmacy	4.3.5.G.25									P	%	P			P				P	P	P		**	P*	4.4.5.G.12; 6.3
Printing and copying service	4.3.5.G.26										P	P	P***		P	P			P	P	P		**	P*	6.3
Real estate sales	4.3.5.G.27									P	P	P	P***		P	P			P	P	P		**	P*	6.3
Repair services, limited	4.3.5.G.28											P				P	P				P		**		
Retail sales, bulky goods	4.3.5.G.29														P	P	P				P		**		

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Retail sales, general	4.3.5.G.30									P		P	P	**P**	P	%	%		P	P	P		**	P*	4.4.5.G.13; 6.3
Self-service storage	4.3.5.G.31															P	P						**		4.4.5.G.14
Studio for art	4.3.5.G.32									P	P	P	P	**P**	P	P	P			P	P		**	P*	6.3
Tailor shop	4.3.5.G.33									P	P	P	P***	**P**	P	P			P	P	P		**	P*	6.3
Theater	4.3.5.G.34											P	P		P				P	P	P		**	P*	4.4.5.G.15; 6.3
Upholstery shop	4.3.5.G.35											P				P	P				P		**		4.4.5.G.16
Pet services	4.3.5.G.36									P	P	P		**P**	P	P	P		P	P	P			P*	4.4.5.G.17; 6.3
Pawn shop	4.3.5.G.37														P										4.4.5.G.18
Vehicle repair and service																									
Automotive Accessory Sales and Installation	4.3.5.H.12															P	P						**		4.4.5.H.7
Automotive paint or body shop	4.3.5.H.1															P	P						**		4.4.5.H.1
Automotive parts	4.3.5.H.2											P			P		P				P		**	P*	6.3
Automotive service station	4.3.5.H.3														P		P				P		**		4.4.5.H.2
Car wash or auto detailing	4.3.5.H.4														P	P	P				P		**		4.4.5.H.3
Repair and maintenance, general	4.3.5.H.5														P	P	P						**		4.4.5.H.4
Towing service	4.3.5.H.6																P						**		4.4.5.H.5
Towing service storage	4.3.5.H.7																P						**		
Truck terminal	4.3.5.H.8																P						**		
Vehicle inspection center	4.3.5.H.9											P			P	P			P		P		**		

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Vehicle sales and rental, heavy	4.3.5.H.10																P						**		
Vehicle sales and rental, light	4.3.5.H.11														P	P	P						**	P*	4.4.5.H.6; 6.3
Industrial Uses																									
Industrial service																									
Building supplies, wholesale	4.3.6.A.1															P	P						**		
Contractor's office and storage yard	4.3.6.A.2															P	P						**		
Gas and fuel, wholesale	4.3.6.A.3																P						**		4.4.6.A.3
Greenhouse or nursery, wholesale	4.3.6.A.4	P																					**		4.4.6.A.1
Laboratory, industrial research	4.3.6.A.5															P	P		P		P		**		
Machine or welding shop	4.3.6.A.6															P	P						**		4.4.6.A.2
Railroad facility	4.3.6.A.7																P						**		
Warehousing, general	4.3.6.A.8															P	P						**		
Warehousing fulfillment center	4.3.6.A.11															P	P								
Woodworking or cabinetmaking	4.3.6.A.9															P	P						**		
Wholesaling distribution center	4.3.6.A.10															P	P						**		
Production																									

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						**Industrial**		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	**B3**	PC	TF	LI	**HI**	MEC	TND	PUD	CB	SD	STC	Section(s)
Asphalt or concrete plant	4.3.6.B.1																S								4.4.6.B.1
Brewery	4.3.6.B.7															P	P								4.4.6.B.2
Distillery	4.3.6.B.9															P	P								4.4.6.B.4
Dry cleaning and dyeing plant	4.3.6.B.2																S						**		
Forestry	4.3.6.B.3	P	P																				**		
Laundry plant	4.3.6.B.4																S						**		
Manufacturing and processing	4.3.6.B.5															S	P		P				**		
Manufacturing and processing, minor	4.3.6.B.11															P	P						**		
Microbrewery	4.3.6.B.8											P	P	**P**	P	P	P		P	P	P		**	P*	4.4.6.B.3; 6.3
Microdistillery	4.3.6.B.10												P	**P**		P	P				P			P*	4.4.6.B.5; 6.3
Wood or lumber processing	4.3.6.B.6																S						**		
Agricultural Uses																									
Active farm	4.3.7.A	P	P																		P		**		

4.3 Use Classification

4.3.1 Residential Uses

A) *Accessory Apartment*
A secondary dwelling unit either (1) inside of or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, (3) on any floor except for the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, or (4) on any floor of a commercial use in the MORR Mixed Office-Residential-Retail District or SD-CZ Sustainable Development Conditional Zoning District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory structure may include a loft.

…

4.3.5 Commercial Uses

…

G) *Retail Sales and Service*

…

3) *Building supplies, retail*. An establishment primarily engaged in the retail sale of building supplies and home improvement products including, but not limited to, above ground pools, pool forms, spas, greenhouses, and outdoor play sets. In the B2 **and B3** District**s**, this includes traditional hardware stores not exceeding 7,000 square feet in area, but not building supplies or hardware stores in excess of 7,000 square feet.

…

…

4.3.6 Industrial Uses

Industrial Uses shall be allowed to have a showroom as an accessory use provided the goods and services offered are directly related to the primary use and the showroom meets the requirements in Sec. 4.5.2 *Accessory Uses and Structures, Generally*.

…

C) Heavy Industrial Uses
A facility or use characterized by the potential to generate significant off-site impacts, including but not limited to smoke, odor, noise, glare, fumes, gases, vibration, fire or explosion hazards, particulate emissions, electromagnetic interference, or radiation. These uses typically involve processes, materials, or operations that may be dangerous, noxious, or otherwise offensive if not properly mitigated.

4.4 Supplemental Standards

…

4.4.3 Utilities

…

B) *Communication Tower*

…

2) *Stealth communication tower.* A stealth communication tower shall be placed on a building or other permitted structure or as a stand-alone tower. Prior to approval of a stealth communication tower, it shall be demonstrated that:

…

g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.4**5**), except that:

…

…

4) *Commercial communication tower*. Prior to approval of a commercial communication tower, it shall be demonstrated that:

…

g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.4**5**), except that:

…

5) *Public Safety communication tower.* Prior to approval of a Public Safety communication tower, it shall be demonstrated that:

…

d) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.4**5**), except that:

…

J) *Wireless Support Structures and Wireless Communication Facilities*

…

2) *Definitions applicable to this Sec. 4.4.3.J.*

…

Commercial zone**:** Commercial zone shall refer to rights-of-way adjacent to the following zones: B1, B2, **B3,** CB, LI, **HI,** MEC, O&I, PC, SD, TF.

…

4.4.5 Commercial Uses

…

C) *Food and Beverage Service*

1) Restaurant, general

…

b) Cafeterias are allowed within a permitted use in the LI Light Industrial ~~District~~ **and HI Heavy Industrial Districts** if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.

D) *Office and Research*

…

2) *Office, business or professional*. Contractor's office without storage yard use shall comply with the following standards:

…

d) Having more than eight (8) standard-sized contractor's vehicles, or outside storage of any materials, equipment, trailers, oversized vehicles, or construction equipment on-site shall make the use "Contractor's

office and storage yard", which is only permitted in the Light Industrial (LI)**, Heavy Industrial (HI),** and Tech Flex (TF) zoning districts.

3) *Medical or dental laboratory*
"Medical or dental laboratory" shall be allowed as an accessory use to "Medical or dental office or clinic" in all zoning districts. In the B2 **and B3** zoning district**s** "Medical and dental laboratory" shall be allowed as the primary use provided:

F) *Public Accommodation*

…

2) Hotel or motel. A hotel or motel use shall comply with the following standards:

a) In the B1 ~~and~~, B2**, and B3** districts the following standards shall apply:

…

4.5.6 Accessory Apartment

Accessory apartment means a secondary dwelling unit either (1) in or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, or (3) on all but the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, MORR Mixed Office-Residential-Retail District, or SD-CZ Sustainable Development District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory apartment use shall comply with the following standards:

…

E) *Compatible Character*
The accessory apartment shall be compatible in character and subordinate in size to the principal dwelling unit or the commercial uses in which they are located in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment Center District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, Small Town Character Overlay District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District.

…

G) *Ownership*
The accessory apartment in the residential districts shall remain accessory to and under the same ownership as the principal single family dwelling unit. The accessory units in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District,** MEC-CZ Major Employment District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District may be under separate ownership.

5.1 Table of Intensity and Dimensional Standards

…

5.1.2 Business Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
…									
B3									
All other uses		**25**	**15**	**20**	**15**	**36**	**70**	___	___
…									
~~LI~~									
~~Regional Recreation Complex~~	___	~~20~~	~~20~~	~~20~~	~~20~~	~~60~~	~~70~~	___	___
~~All other uses~~	___	~~20~~	~~20~~	~~20~~	~~20~~	~~48~~	~~70~~	___	___
*See Sec 6.1~~,~~ *Watershed Protection Overlay Districts*. **These setbacks are for the perimeter of entire project only. ***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Upon Area requirements.									

5.1.3 Industrial Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
LI									
Regional Recreation Complex	___	**20**	**20**	**20**	**20**	**60**	**70**	___	___
All other uses	___	**20**	**20**	**20**	**20**	**48**	**70**	___	___
HI									
All other uses		**50**	**50**	**50**	**50**	**70**	**70**	___	___
…									
***See Sec 6.1 *Watershed Protection Overlay Districts*.** ****These setbacks are for the perimeter of entire project only.** *****The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Upon Area requirements.**									

5.1.~~3~~**4** Planned Development Districts

…

5.1.~~4~~**5** Other Development Districts

…

5.1.~~5~~**6** Small Town Character Overlay District

…

5.2 General Measurement Requirements

…

5.2.2 Setbacks

A) *Measurement*

…

3) *No buffer required*. Where there is no buffer required pursuant to Sec. 6.1.11 *Riparian Buffer* or 8.2.6 *Buffering*, the setback shall be the setback required for the use in Secs. 5.1.1- 5.1.4**5**, whichever is appropriate.

6.3.1 Small Town Character Overlay District

…

D) *Approval Criteria*

…

3) The maximum built-upon area, height, setbacks and minimum lot width, must be in compliance with the Sec. 5.1.5**6** *Table of Intensity and Dimensional Standards*.

…

G) *Residential Building Standards*

1) *Setbacks*

Setbacks shall be provided in accordance to Sec. 5.1.5**6** *Table of Intensity and Dimensional Standards.*

8.2 Landscaping, Buffering, and Screening

…

8.2.6 Buffering

See Next Page

Table 1: Type and Width of Buffer Required

I	II						III					IV			V	
	PERIMETER BUFFER											STREETFRONT[1, 4] (Major and Minor Collectors)			THOROUGHFARE[3,4]	
Req'd Buffer	Adjacent Property Developed: Land Use Class						Adjacent Property Vacant: Zoning District									
Proposed Land Use Class	1	2	3	4	5	6[2]	All Res.	TND-CZ, PUD-CZ, SD-CZ	MEC-CZ, O&I, PC	B1, B2, **B3**	LI, TF, **HI**	1,2,3	4	5,6	Undisturbed	Disturbed
1	10 B[5]	20 B	20 B	20 B	30 B	40 A	10 B	10 B	10 A	30 A	40 A	10 A	20 D	30 D	30 B	50 A/B[6]
2	20 B	10 B	15 A	20 A	40 A	60 A	10 B	10 A	20 A	40 A	60 A	10 A	20 D	30 D	30 B	50 A/B[6]
3	20 B	15 A	15 A	15 A	20 A	50 A	10 B	20 B	20 B	20 B	50 A	10 A	20 D	30 D	30 B	50 A/B[6]
4	20 B	20 A	15 A	0	0	15 B	20 A	10 B	0	0	15 B	30 D	10 D	10 D	30 E	50 E
5	30 B	40 A	20 A	0	0	0	40 A	20 B	0	0	0	30 D	10 D	10 D	30 E	50 E
6[2]	40 A	60 A	50 A	15 B	0	0	60 A	60 A	15 B	0	0	30 D	20 D	10 D	30 E	50 E

[1] For streetfront buffers only, non-residential uses in the Residential Agricultural (RA) zoning district shall have a 10' Type D buffer. Within residential developments, no streetfront buffer is required on minor collectors or residential streets.

[2] For Land Use Classes 1, 2, 3, 4, and 5 a 20' Type A buffer is required along the use "Railroad tracks", which is classified as Class 6. No buffer is required along the use "Railroad tracks" for Land Use Class 6. However, it is recommended that the developer consider the comfort of future occupants and security of the development in determining if additional buffering and/or screening should be implemented.

[3] Pedestrian-oriented streetscape buffers shall be allowed in lieu of standard landscaped thoroughfare buffers when such buffers are located inside the Apex Peakway. Pedestrian-oriented streetscape buffer shall contain both hardscape elements (such as but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical minimum island widths or sizes.

[4] Where alley-loaded homes face a thoroughfare, a Type E buffer shall be required; where alley-loaded homes face a major collector, a Type D buffer shall be required.

[5] This buffer shall only be required when the proposed or adjacent land use is a single-family detached dwelling on a lot 12,000 square feet or greater.

[6] Disturbed portion of 50' Thoroughfare Buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare Buffer shall be supplemented to a Type B buffer standard

9.2 Building Aesthetics

…

9.2.2 Building Design

…

E) *Massing*

1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning district**s**.

9.2.4 Harmony of Design

A) *Purpose*

The purpose of this Section is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form. Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) ~~zoning district~~ **and Heavy Industrial (HI) zoning districts** shall meet this standard to the maximum extent reasonable and practicable.

9.3 Architectural Character

…

9.3.3 Facades

A) *Recesses and Projections*

…

2) Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning district**s** shall incorporate recesses and projections including windows and awnings at all public entrances. At least 10% of the façade along a public street shall contain windows or other glazing. In the case of a corner lot, this standard shall only apply to the façade(s) that contains a public entrance or the façade closest to the public entrance.

B) *Repeating Design Patterns*

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically. For buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning district**s**, all elements should repeat at regular intervals proportional to the length of the façade and designed to break up the mass of the building.

…

G) *Exterior Wall Cladding*

All exterior walls visible from a parking lot or public right-of-way in any zoning district except Light Industrial (LI) **and Heavy Industrial (HI)** shall be clad with the same material required for the front of the building. Buildings in the LI **and HI** district**s** are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way. All walls not visible from a parking lot or public right-of-way, or the remaining 75% of the side façades in the LI **and HI** district**s**, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, is incorporated into the overall color scheme of the building, and is approved by the Planning Director. See also Sec. 9.3.5.A *Predominant Exterior Building Materials.*

9.3.5 Colors and Materials

A) *Predominant Exterior Building Materials*

Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. In the LI **and HI** district**s**, concrete masonry units shall be tinted/textured or painted.

Section 2. **Sections 4.2.2, 4.3.2, 4.4.2 and 8.2.6.B.4 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																								Standards
		Residential									Business						Industrial		Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	B3	PC	TF	LI	HI	MEC	TND	PUD	CB	SD	STC		Section(s)
Public and Civic Uses																										
…																										
Detention center, jail, prison, or correctional facility																		**P**								**4.3.2.Q**
…																										

4.3.2 Use Classifications, Public and Civic Uses

…

Q) ***Detention center, jail, prison, or correctional facility***

Any facility, building, or portion thereof used for the detention, confinement, custody, or supervision of individuals under the authority of a governmental entity, court, or law enforcement agency, or their authorized agents. This includes, but is not limited to, prisons, jails, detention centers, holding facilities, and any similar use where individuals are involuntarily housed or restricted in movement.

4.4.2 Supplemental Standards, Public and Civic Uses

…

H) ***Detention center, jail, prison, or correctional facility***

1) **The site shall be a minimum of 10 acres.**

2) **The facility shall be located a minimum 1,620 feet from, any public or private school, day care, place of worship, or any property zoned or used for residential purposes.**

3) **A 60-foot Type A Buffer shall be required around the perimeter of the site, including along public streets.**

8.2.6 Landscaping, Buffering, and Screening, Buffering

…

B) *Landscape Buffers between Uses*

…

4) *Land Use Classes*

…

f) *Class 6*

…

Detention center, jail, prison, or correctional facility

…

Section 3. Sections 4.1.2, 4.2.2, 4.3.5, 4.4.5, 8.2.6.B.4, and 8.3-1 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.1.2 Outside Storage and Sales

…

B) Unless specifically permitted for a particular use and on a site-specific development plan, no outdoor storage, display, or sales/rentals are permitted in any district.

1) No mobile food vendor vehicle shall be parked where visible from the public right-of-way except as shown on an approved Site Plan for a food truck court.

…

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						Industrial		Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	B3	PC	TF	LI	HI	MEC	TND	PUD	CB	SD	STC	Section(s)
Food and Beverage Service																									
…																									
Food truck court														**P**		**P**			**P**				**	**P***	**4.4.5.C.4**
…																									

4.3.5 Use Classifications, Commercial Uses

C) *Food and Beverage Service*

…

4) ***Food Truck Court.*** **An establishment where three (3) or more mobile food vendors, as defined in Section 13-60 of the Apex Town Code, can operate simultaneously for the preparation and sale of food and beverages in a ready-to-consume state, and where the design or principal method of operation consists of all of the following:**

a) **A mobile vendor in the form of a food truck, cart, or trailer, with a walk-up counter offering quick service where orders are not taken at the customer's table, but at a window or counter of a licensed food truck, cart or trailer, and where the food is generally served in disposable wrapping or containers.**

b) **The food truck court shall include a permanent structure on the site containing the use "Restaurant, general", "Bar, nightclub, wine bar, or taproom", "Microbrewery", or "Microdistillery".**

c) **This use may include the on-premises sale, service, and consumption of alcoholic beverages as an accessory and secondary use.**

4.4.5 Supplemental Standards, Commercial Uses

C) *Food and Beverage Service*

4) *Food Truck Court*

a) A food truck court may be permitted as an accessory use to the uses "Commissary", "Restaurant, general", "Bar, nightclub, wine bar, or taproom", "Microbrewery", or "Microdistillery. The use shall have on-site management to ensure the safe and orderly operation of the food truck court during hours of operation.

b) Food truck courts shall comply with the following:

(i) Mobile food vendors operating in association with a food truck court use shall comply with Chapter 13, Article IV*: Transient and Mobile Food Vendors* of the Town of Apex Code of Ordinances and all other applicable standards and regulations of the permit issuing county's environmental health and safety department.

(ii) Mobile food vendors shall be permitted to have one (1) sandwich board sign that may be displayed adjacent to their designated location on-site.

(iii) Mobile food vendors shall be located only in areas designated for vending on the approved site plan.

(iv) Mobile food vendor locations shall be clearly defined and separated from all patron parking with fencing, decorative bollards, or planters in order to separate the food truck court from parking. Fencing shall not exceed four (4) feet in height.

(v) Mobile food vendors shall maintain at least 10 feet of clearance around the entire perimeter of the vehicle, trailer, or cart.

(vi) A food truck court shall be required to provide indoor and/or outdoor seating. All designated seating and dining areas shall be shown on the approved Site Plan. Temporary enclosures, including but not limited to, plastic sheathing, vinyl tarps, and tents, shall be prohibited.

(vii) Individual mobile food vendors shall not provide additional outdoor seating for dining (e.g., tables, tents, chairs, booths, bar stools, benches, etc.). All seating and dining areas shall comply with the approved Site Plan for the food truck court.

(viii) **A food truck court shall be required to provide permanent restrooms on-site.**

(ix) **A permanent power source shall be provided to each mobile vendor; individual generators shall not be allowed. A temporary power pole made of wood or similar materials shall not be permitted.**

(x) **Mobile food vendors shall not operate on-site outside of the established operating hours of the food truck court.**

(xi) **The site shall utilize two (2) shared dumpsters, one for trash and one for cardboard recycling, that shall be located within a masonry dumpster enclosure per the standards found in Sec. 8.2.8.B.1.**

(xii) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

(a) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

(b) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

(xv) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

(a) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

(b) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

(xvi) **Mobile food vendors shall be required to store, transport, and dispose of grease and wastewater to the commissary identified on the mobile food vendor permit issued by the applicable county department.**

8.2.6 Landscaping, Buffering, and Screening, Buffering

…

B) *Landscape Buffers between Uses*

…

4) *Land Use Classes*

…

e) *Class 5:*

…

Food truck court

…

…

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
…		
Commissary	Schedule C	2 spaces
Food truck court	**2 per designated mobile food vendor stall; and 1 per 50 square feet of indoor dining space devoted to public use**	**2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater**
…		
Restaurant, general	1 per 50 square feet of floor space devoted to public use	2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater
…		

Section 4. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 5. All ordinances 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 6. The ordinances shall be effective upon enactment on the ____ day of _____2026.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

Approved as to Form:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: REGULAR MEETING AGENDA

Meeting Date: May 28, 2026

Item Details

Presenter(s): John Mullis, Director

Department(s): Public Works

Requested Motion

Discussion and possible motion to adopt an Ordinance amending Chapter 12 - Municipal Utilities and Services, Article V. - Yard Waste Collection section of the Code of Ordinances for the Town of Apex.

Approval Recommended?

Yes

Item Details

The Apex Town Council provided direction at the Council Retreat to consider various changes to the Town's Yard Waste Program. A presentation was provided at the April 14 Regular Town Council Meeting, and a public hearing was held on April 28.

This requires the concurrent presentation of two distinct ordinance revisions to Chapter 12 of the Town of Apex Code, establishing a clear regulatory roadmap from July 1, 2026, through the transition to containerization.

Phase I: Effective July 1, 2026 the first ordinance amendment primarily clarifies and strengthens regulations governing curbside yard waste collection, preparation, and enforcement. Key updates refine definitions, exclude collection of contractors generated yard waste and lowers the threshold for "small limbs" to less than six feet in length and six inches in diameter. It also establishes administrative authority and introduces explicit enforcement provisions to replace the previous baseline of simply refusing collection. While education and turning away non-compliant material remain primary tools, new provisions give the Town concrete teeth to abate nuisance yard waste at the owner's expense. Violators will receive an initial written warning (via certified mail, hand delivery, or front door posting) and must remedy the issue within seven days. Failure to comply, or any subsequent violation within a 12-month window, allows the Town to execute immediate civil abatement to remove the material. The property owner is then held liable

for the full cost of removal plus a $100.00 administrative fee, which can be recovered via a civil debt lawsuit or property lien if unpaid after 30 days.

Operationally, this phase places greater emphasis on pre-collection staging and infrastructure safety, establishing setbacks from storm drains and obstacles. Routine service is capped at two cubic yards per cycle at no charge. To accommodate residents with higher-volume landscaping needs, this ordinance formally introduces a structured, fee-based scheduled on-demand collection option. Residential customers can proactively schedule up to five excess yard waste collections per cycle through the Public Works Department, with the corresponding fees conveniently invoiced directly on their municipal utility bill. Notably, during this initial phase, yard waste definitions and vacuum collection services will continue to include grass clippings as a courtesy to residents. Per Section 3 of this amendment, the Town will officially transition from weekly collection to a bi-weekly zone collection (no assigned day) schedule on October 19, 2026.

Phase II: Effective January 1, 2027 the second ordinance amendment is presented simultaneously to codify the next major programmatic milestone: the formal elimination of grass clippings from the Town's collection services. Effective January 1, 2027, the definition of yard waste is officially updated to exclude grass clippings. Vacuum collection standards are updated to restrict collection strictly to loose-leaves and small shrubbery clippings. This forward-dated ordinance ensures regulatory clarity and gives the Town a firm legal foundation to conduct public education and enforcement leading up to the final transition toward full system containerization.

Ultimately, presenting these two updates together structures a predictable, phased transition for Apex residents. By indexing service limitations, introducing flexible on-demand scheduling, establishing robust civil enforcement mechanisms, and shifting to bi-weekly zone routing, the Town balances immediate municipal operational efficiency with a long-term commitment to environmental stewardship and robust infrastructure protection.

Based on this direction, staff developed a phased implementation framework that seeks to balance operational efficiency with a stronger commitment to environmental stewardship. By providing clearer guidelines for residents, the town aims to enhance community aesthetics, bolster safety and accountability, and ensure more robust environmental protections.

Outreach efforts have already begun, including a combination of in-person engagement, print and digital messaging, and coordination with community partners to maximize awareness and understanding of the evolving yard waste program.

Attachments

- RA1-A1: PowerPoint Presentation ***(to be provided at meeting).***
- RA1-A2: Ordinance Amendments effective July 1, 2026 – Yard Waste Program
- RA1-A3: Ordinance Amendments effective January 1, 2027 – Yard Waste Program

ORDINANCE NO. 2026-_____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF APEX TOWN CODE

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

Section 1. Article V of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-134. Definitions.

For the purposes of this article, the following definitions apply:

Curbside means along **or behind** the concrete curb or edge of pavement located within the town right-of-way.

Public works ~~and transportation~~ director means the public works ~~and transportation~~ director of the town or designee of same.

~~*Environmental programs manager* means the town employee who manages the environmental programs division or designee of same.~~

Land clearing debris means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Ordinance means the ordinances of the Town of Apex, North Carolina.

Small limbs means tree limbs that are less than ~~eight~~ **six** feet in length and ~~a maximum~~ **less than** ~~diameter of~~ ~~eight~~ **six** inches **in diameter**.

Town means the Town of Apex, a North Carolina Municipal Corporation.

Yard waste means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, grass clippings, twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones and small shrubs.

Sec. 12-135. Administration and enforcement.

The collection of yard waste in the town ~~shall be under the jurisdiction of the environmental programs manager~~ and enforcement of the provisions of this article shall be under

the jurisdiction of the public works ~~and transportation~~ director. **Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town. Violation of this Article is subject to additional enforcement measures in accordance with section 12-142.**

Sec. 12-136. Pre-collection practices.

(a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and grass clippings must be separated from**, and not commingled with,** other qualifying yard waste materials. **Leaves, pine straw, and grass clippings are collected by a vacuum and therefore must be free from other yard waste materials, rocks, and any inorganic material.**

(b) Yard waste to be collected by the town shall not be **commingled with** ~~contaminated by~~ materials that are not included in the definition of yard waste provided above.

(c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date **during regular collection**. **During seasonal zone collection, the collection date shall be considered Monday for each customer in the zone which is being collected that week.**

(d) Yard waste shall not be placed at curbside within ten feet **upstream** of any storm drain catch basin **and shall be placed in compliance with Section 12-202**.

(e) **Where practicable, yard waste shall not be placed at curbside adjacent to any property other than the property from which it was harvested, further than three (3) feet behind the curb, within ten (10) feet of side property lines, or within six (6) feet of any obstacles, including but not limited to, vehicles, mailboxes, and fire hydrants.** ~~Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.~~

(f) **Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside during the months of December or January. All tinsel,**

nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material. ~~A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

(g) Where practicable, yard waste shall not be blown, placed, or allowed to be placed upon travel lanes, parking spaces, sidewalks, or curb ramps.

(h) Small limbs, twigs, trimmings, and straw produced by routine yard maintenance shall be placed in piles at curbside with cut ends facing in the direction of travel.

(i) The town will collect a maximum of two cubic yards of yard waste and small limbs per residential customer per collection cycle at no charge. For yard waste and small limbs exceeding two cubic yards, a separate fee will be charged in accordance with section 12-137(e) and the town Fee Schedule.

Sec. 12-137. Limitations on service.

(a) Yard waste collection will be provided by the town on a weekly basis year round. **Seasonal collection for peak leaf season is identified as November through January.**

(b) Curbside yard waste collection service shall be provided only to residents **within** ~~who are annexed into~~ the town corporate limits **who receive individual residential trash and recycling services through the town**. This service will not be provided to **multi-family,** institutional, business, commercial or industrial properties. **For the purposes of this ordinance, multi-family shall include apartments and condominiums.**

(c) Yard waste collection service**, including special collection for excess yard waste,** does not include the collection of land clearing debris**, dirt, root balls, loose soil, plants or grasses containing soil, sod, mulch, concrete, rocks, construction debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts**.

(d) Residential yard waste generated from commercial landscaping**, tree service,** or other ~~businesses~~ **commercial entities or contractors will not be collected by the town.** ~~shall be left at the original project site to be collected by the town, or properly~~

~~disposed of by the contractor in accordance with all applicable local ordinances, state and federal rules and regulations.~~ **Residential customers are responsible for yard waste generated from their property and shall ensure that any private contractors doing work on their property are aware of this article and its requirements that contractors properly dispose of any waste off-site.** ~~Town employees will not collect yard waste generated from one property and disposed at another.~~ **The town will not collect any limbs cut by a landscaping or tree service contractor.**

(e) **Collection of yard waste and small limbs in excess of the volume limitations set forth in section 12-136(h) is considered excess yard waste and may be collected by the town for a fee. Fees for excess yard waste collection are set forth in the current Town of Apex Fee Schedule. Each residential customer may schedule up to five (5) excess yard waste collections per collection cycle. Excess yard waste collection must be scheduled through the public works department, and the applicable fees will be invoiced on the customer's utility bill.** ~~Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.~~

(f) Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.

Sec. 12-138. Disposal of yard waste.

(a) All yard waste shall be disposed of in accordance with all applicable local ordinances and state and federal rules and regulations.

(b) Open burning of yard waste is prohibited.

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

Sec. 12-139. ~~Right of entry~~ Reserved.

~~The environmental programs manager, public works and transportation director, chief of police, the county health officer or any assistants of same, shall have the right to enter at any reasonable time any premises for the purposes of making any inspections or investigations to insure the health, welfare and safety of the public.~~

Sec. 12-142. ~~Reserved~~ Enforcement procedure.

(a) Any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the town, including vacant property, who violates any provision contained in this article shall be subject to an initial warning for the first violation. When a designated employee of the town finds a violation of any provision of this article, the person in violation shall be notified by registered or certified mail, by the posting of a notice on the front door, or by hand delivery to such person. Such person shall be required to remedy the violation within the time stated in the notice which shall not exceed seven (7) days, or else be subject to an abatement action as set out below. If the violation has been determined by the town to be a potential hazard to the public health, safety or welfare, the person shall be required to correct the violation immediately.

(b) Pursuant to NCGS §160A-175, any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the town, including vacant property, who refuses or fails to remedy the violation within seven (7) days of the notice, the town may proceed to remove the yard waste and/or other materials constituting the violation, and the person in violation shall be subject to the cost of removal thereof, plus an administrative fee of one hundred dollars ($100.00).

(c) No notice and compliance period shall be required for second violations or any subsequent violations thereafter of any provision of this article within twelve months of the date of the notice for the first violation. Such person may be subject to an abatement action and fees as provided in subsection (b) of this section.

(d) Pursuant to NCGS §160A-175, if a person fails to pay the costs of removal and administrative fee within thirty (30) days after being notified of the amount due, the town may recover the amount due, together with all costs, by filing a civil action in the General Court Of Justice in the nature of a suit to collect a debt. In addition to all other remedies and penalties outlined in this article, the town may institute any

other appropriate action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this article.

Section 2. Section 12-126 of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-126. – Building materials~~; tree and lawn trimmings~~.

(a) Removal of scrap building~~s~~ materials shall be the responsibility of the occupant or owner of any premises.

(b) ~~All leaves, grass, clippings, and pie straw shall be bagged or boxed at curbside except during the period from October 1 through February. During this period, the collection of these items will be made curbside using equipment designated for this purpose.~~

~~(c) Tree trimming and tree limbs under eight feet long shall be removed. All trimmings and limbs should be placed curbside in an orderly fashion.~~

~~(d) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

Section 3. Subsection (a) of Section 12-137 of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text:

Sec. 12-137. Limitations on service.

(a) Yard waste collection will be provided by the town on a **bi-**weekly basis year round. Seasonal collection for peak leaf season is identified as November through January.

Section 4. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 5. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 6. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. Sections 1 and 2 of this ordinance shall be effective on July 1, 2026. Section 3 of this ordinance shall be effective on October 1, 2026.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ___ day of _____, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

ORDINANCE NO. 2026-_____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF APEX TOWN CODE

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

Section 1. Article V of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-134. Definitions.

For the purposes of this article, the following definitions apply:

Curbside means along or behind the concrete curb or edge of pavement located within the town right-of-way.

Public works director means the public works director of the town or designee of same.

Land clearing debris means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Ordinance means the ordinances of the Town of Apex, North Carolina.

Small limbs means tree limbs that are less than six feet in length and less than six inches in diameter.

Town means the Town of Apex, a North Carolina Municipal Corporation.

Yard waste means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, ~~grass clippings,~~ twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones**,** and small shrubs. **Yard waste excludes grass clippings.**

Sec. 12-136. Pre-collection practices.

(a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and **pine straw** ~~grass clippings~~ must be separated from, and not commingled with, other qualifying yard waste materials. Leaves~~,~~ **and**

pine straw~~, and grass clippings~~ are collected by a vacuum and therefore must be free from other yard waste materials, rocks, and any inorganic material.

(b) Yard waste to be collected by the town shall not be commingled with materials that are not included in the definition of yard waste provided above**, including grass clippings**.

(c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date during regular collection. During seasonal zone collection, the collection date shall be considered Monday for each customer in the zone which is being collected that week.

(d) Yard waste shall not be placed at curbside within ten feet upstream of any storm drain catch basin and shall be placed in compliance with Section 12-202.

(e) Where practicable, yard waste shall not be placed at curbside adjacent to any property other than the property from which it was harvested, further than three (3) feet behind the curb, within ten (10) feet of side property lines, or within six (6) feet of any obstacles, including but not limited to, vehicles, mailboxes, and fire hydrants.

(f) Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside during the months of December or January. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.

(g) Where practicable, yard waste shall not be blown, placed, or allowed to be placed upon travel lanes, parking spaces, sidewalks, or curb ramps.

(h) Small limbs, twigs, trimmings, and straw produced by routine yard maintenance shall be placed in piles at curbside with cut ends facing in the direction of travel.

(i) The town will collect a maximum of two cubic yards of yard waste and small limbs per residential customer per collection cycle at no charge. For yard waste and small limbs exceeding two cubic yards, a separate fee will be charged in accordance with section 12-137(e) and the town Fee Schedule.

Sec. 12-137. Limitations on service.

(a) Yard waste collection will be provided by the town on a bi-weekly basis year round. Seasonal collection for peak leaf season is identified as November through January.

(b) Curbside yard waste collection service shall be provided only to residents within the town corporate limits who receive individual residential trash and recycling services through the town. This service will not be provided to multi-family, institutional, business, commercial or industrial properties. For the purposes of this ordinance, multi-family shall include apartments and condominiums.

(c) Yard waste collection service, including special collection for excess yard waste, does not include the collection of **grass clippings,** land clearing debris, dirt, root balls, loose soil, plants or grasses containing soil, sod, mulch, concrete, rocks, construction debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts.

(d) Residential yard waste generated from commercial landscaping, tree service, or other commercial entities or contractors will not be collected by the town. Residential customers are responsible for yard waste generated from their property and shall ensure that any private contractors doing work on their property are aware of this article and its requirements that contractors properly dispose of any waste off-site. The town will not collect any limbs cut by a landscaping or tree service contractor.

(e) Collection of yard waste and small limbs in excess of the volume limitations set forth in section 12-136(h) is considered excess yard waste and may be collected by the town for a fee. Fees for excess yard waste collection are set forth in the current Town of Apex Fee Schedule. Each residential customer may schedule up to five (5) excess yard waste collections per collection cycle. Excess yard waste collection must be scheduled through the public works department, and the applicable fees will be invoiced on the customer's utility bill.

(f) Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.

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

Section 3. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and

diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

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

Section 5. Effective Date. This ordinance shall be effective on January 1, 2027.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ___ day of _____, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 28, 2026

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Services

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney in order to preserve attorney-client privilege.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(3)

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

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 28, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to enter into closed session pursuant to NCGS § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

Attachments

- N/A