REVISED AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, January 13, 2026 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street
The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Governing Body and Town Senior Executive Leadership

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Terry Mahaffey
Council Members: Edward Gray, Arno Zegerman, Shane Reese, Sue Mu
Town Manager: Randal E. Vosburg
Deputy Town Manager: Shawn Purvis
Assistant Town Managers: Demetria John and Marty Stone
Town Clerk: Allen L. Coleman | Town Attorney: Laurie L. Hohe

English	Spanish	Chinese (Simplified)
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 Advisory Board Attendance Reports 2025 – Quarter 4

Allen Coleman, Town Clerk

CN2 Agreement - Greater Raleigh Area Christian Education, Inc. (Grace Christian) - Utility Infrastructure Reimbursement - Construction 2,010 Linear Feet (LF) of 16-inch Restrained Joint Ductile Iron Waterline Along Veridea Parkway

Jonathan K. Jacobs, P.E., Director, Water Resources Department

CN3 Agreement Amendment – Town of Cary and MV Transportation – Amendment No. 4 Related to GoApex Sunday Service

Katie Schwing, Senior Planner – Long Range Transit, Planning Department

CN4 Annexation No. 812 – 2224 Olive Chapel Road – 2.13 acres

Allen Coleman, Town Clerk

CN5 Capital Project Ordinance Amendment No. 2026-5 – Salem Streetscape Project – Ratification from December 16, 2025

Jessica Hoffman, Director, Budget and Performance Management Department

CN6 Contract Amendment Ratification – Barnhill Contracting Company – 2025 Road Rehabilitation Project and Budget Ordinance Amendment No. 9

Chris Johnson, MPA, P.E., Director, Transportation and Infrastructure Dev. Department

CN7 Contract Amendment Ratification – Pavement Technology Inc. – Completion of 2025 Pavement Preservation Project

Chris Johnson, MPA, P.E., Director, Transportation and Infrastructure Dev. Department

CN8 Contract Amendment Ratification – Roadworks Construction Company, LLC – Jones Street Improvements Project

Chris Johnson, MPA, P.E., Director, Transportation and Infrastructure Dev. Department

CN9 Council Meeting Minutes – Various

Allen Coleman, Town Clerk

CN10 Fiscal Year 2026-2027 Annual Operating Budget – First Budget Public Hearing – Scheduled for January 27, 2026

Jessica Hoffman, Director, Budget and Performance Management Department

CN11 Ordinance Amendment – Chapter 2 – Administration, Article II – Governing Body – Removal of Duplicated Sections in Rules of Procedures Adopted December 03, 2025

Terry Mahaffey, Mayor Pro-Tempore (sponsor)

CN12 REMOVED - ~~Ordinance Amendment – Chapter 20 – Traffic, Article V. – Traffic Control Devices – Traffic Schedule III: Parking Time Limits – Redesign of Saunders Lot~~

~~*Russell Dalton, P.E., Traffic Engineering Manager, Transportation and Infra. Dev. Department*~~

CN13 Rezoning Case No. 25CZ18 – Veridea SD Plan Amendment's – Statement and Ordinance

Amanda Bunce, Assistant Director, Planning Department

CN14 Veridea Environmental Enhancement Plan Amendments – Statement

Amanda Bunce, Assistant Director, Planning Department

CN15 Tax Report – November 2025

Allen Coleman, Town Clerk

CN16 Town Council Rules of Procedures Amendment – Limit Mayor Pro-Tempore Term

Terry Mahaffey, Mayor Pro-Tempore (sponsor)

TOWN COUNCIL COMMITTEE REPORTS – *None Scheduled*

TOWN MANAGER'S REPORT

TOWN CLERK'S REPORT

TC1 Appointments – Board of Adjustment (BOA)

Allen Coleman, Town Clerk

TC2 Appointments – Environmental Advisory Board (EAB) – Chair and Vice-Chair

Allen Coleman, Town Clerk

TC3 Appointments – Planning Board – Vice-Chair only

Allen Coleman, Town Clerk

PUBLIC ART MOMENT QUARTERLY – *None Scheduled*

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Mayor and Town Council. The speaker is requested not to address items that appear as Public Hearings. The Mayor will recognize those who would like to speak at the appropriate time.
Large groups are asked to select a representative to speak for the entire group.
Comments must be limited to 3 minutes to allow others the opportunity to speak.
Members of the public are encouraged to view the Public Forum and Public Hearing Participation Guidelines.

PROCLAMATIONS / SPECIAL PRESENTATIONS

PR1 **REVISED** **Proclamation – Human Trafficking Prevention Month – January 2026**

Jacques K. Gilbert, Mayor

PR2 **Proclamation – Martin Luther King Jr. Commemoration Weekend 2026**

Jacques K. Gilbert, Mayor

PUBLIC HEARINGS

PH1 **Annexation No. 798 - 2224 New Hill Olive Chapel Road - 4.80 acres**

AND

PH2 **Rezoning Case No. 25CZ13 – 2224 New Hill Olive Chapel Road**

June Cowles, Senior Planner, Planning Department

PH3 **Annexation No. 807 - 8905 Castleberry Road - 3.35 acres**

AND

PH4 **Rezoning Case No. 25CZ11 – 8905 Castleberry Road – Tracts 10 and 11**

June Cowles, Senior Planner, Planning Department

PH5 **Annexation No. 808 - The Summit Apex - Humie Olive Road - 0.50 acres**

Dianne Khin, Director, Planning Department

PH6 **Rezoning Case No. 25CZ16 – 3521 Old US 1 Highway**

Joshua Killian, Planner II, Planning Department

PH7 **Unified Development Ordinance (UDO) Amendments – January 2026 –** *previously continued from November 13 and December 09, 2025*

Bruce Venable, Planner II, Planning Department

REGULAR MEETING AGENDA – *None Scheduled*

INFORMATIONAL ITEMS – *None Scheduled*

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 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."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to receive and accept the resident advisory board attendance reports for quarter four (4), which includes January through December, of calendar year 2025.

Approval Recommended?

Yes

Item Details

The Town of Apex has six (6) active resident advisory boards that are established to provide expert advice, guidance, and recommendations to the elected body on specific focus areas or identified Town priorities. Each of the resident advisory boards are listed below:

- Culture and Arts Advisory Board (formerly Public Art Committee)
- Board of Adjustment (BOA)
- Environmental Advisory Board (EAB)
- Multimodal Transportation Advisory Board (formerly Transit Advisory Committee)
- Parks and Recreation Advisory Board (PRAB)
- Planning Board

During the June 24, 2025, Regular Town Council Meeting, the Town Council adopted the new Resident Advisory Board Administrative Policy which requires a quarterly report to the elected body on resident advisory board members attendance. In addition, the attendance section of this policy references the following:

- Missing three (3) consecutive meetings shall be cause for dismissal
- Missing twenty-five (25%) of meetings within a twelve (12) month period shall be cause for dismissal

Following the acceptance of this report, the Town Clerk shall send warning letters to the following individuals who have attended seventy-five percent (75%) or less of the meetings held in calendar year 2025 **or** members who have missed a significant number of meetings in calendar year 2025 thus far and identified to be "at risk" for removal.

Members identified below in **RED** have exceed the allowable number of absences and are recommended for removal based on the previously adopted administrative policy. Members will have the option to resign before being removed and an opportunity to review the records and dispute any inaccuracies.

Resident Advisory Board	Member	Meetings Attended % YTD 2025	Notes
Board of Adjustment (BOA)*	**NONE**	**N/A**	**N/A**
Culture and Arts Advisory Board (CAAB)	Durham, Sean	67%	Missed 3 of 9 meetings held
Environmental Advisory Board (EAB)	**Adams, Patrick**	55%	Missed 5 of 11 meetings held
Environmental Advisory Board (EAB)	Gary, Anne	45%	Missed 2 of 6 meetings held
Multimodal Transportation Advisory Board (MTAB)**	**NONE**	**N/A**	**N/A**
Parks and Recreation Advisory Board (PRAB)	**Kanters, Michael**	60%	Missed 4 of 10 meetings held
Parks and Recreation Advisory Board (PRAB)	Lanier, Darryl	70%	Missed 3 of 10 meetings held
Planning Board	**NONE**	**N/A**	**N/A**

Attachments

- CN1-A1: Board of Adjustment Attendance Report 2025 – Quarter 4

- CN1-A2: Culture and Arts Advisory Board Attendance Report 2025 – Quarter 4
- CN1-A3: Environmental Advisory Board Attendance Report 2025 – Quarter 4
- CN1-A4: Multimodal Transportation Advisory Board Attendance Report 2025 – Quarter 4
- CN1-A5: Parks and Recreation Advisory Board Attendance Report 2025 – Quarter 4
- CN1-A6: Planning Board Attendance Report 2025 – Quarter 4

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Board of Adjustment	Angel	Casey	3rd Alternate	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Present	Cancelled Meeting	7	1	0		Appointed in October 2025
Board of Adjustment	Carmac	Robert	Chair	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	7	0	100%	
Board of Adjustment	Hart	William	Vice-Chair	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	7	0	100%	
Board of Adjustment	Hollenbeck	William (Pat)	1st Alternate	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	*Absent*	Present	Cancelled Meeting	*Absent*	Cancelled Meeting	7	5	2	71%	
Board of Adjustment	Pai	Umesh	Board Member	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	7	0	100%	
Board of Adjustment	Sayers	Michael	Board Member	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	7	0	100%	
Board of Adjustment	Siso	Heidi-Marie	2nd Alternate	Cancelled Meeting	Present	*Absent*	Present	Present	Cancelled Meeting	Cancelled Meeting	*Absent*	Present	Cancelled Meeting	*Absent*	Cancelled Meeting	7	4	3	57%	
Board of Adjustment	Stocks	Ross	Board Member	Cancelled Meeting	Present	Present	Present	*Absent*	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	6	1	86%	
Board of Adjustment	Taylor	Tracy	INACTIVE	Cancelled Meeting	Present	Present	*Absent*	Present	Cancelled Meeting	Cancelled Meeting	Present	NA	NA	NA	NA	NA	NA	NA	NA	Term Expired
Total Members Present	8			0	8	7	7	7	0	0	6	7		5						

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Current Planning Manager	Bunce	Amanda	Professional Staff	Cancelled Meeting	Present	NA	NA	NA	Cancelled Meeting	Cancelled Meeting	NA	NA	Cancelled Meeting	NA	Cancelled Meeting	7	1			
Town Clerk	Coleman	Allen	Professional Staff	Cancelled Meeting	Present	NA	NA	NA	Cancelled Meeting	Cancelled Meeting	NA	Present	Cancelled Meeting	Present	Cancelled Meeting	7	2			Overview of December Work Session
Senior Planner	Cowles	June	Professional Staff	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	7			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	Cancelled Meeting	Present	NA	NA	NA	Cancelled Meeting	Cancelled Meeting	NA	Present	Cancelled Meeting	Present	Cancelled Meeting	7	2			Overview of December Work Session
Planner 1	Staudenmaier	Lauren	Board Liaison	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	NA	Cancelled Meeting	NA	Cancelled Meeting	7	7			
Assistant Town Attorney	Welch	Chris	Professional Staff	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	Cancelled Meeting	Present	Present	Cancelled Meeting	Present	Cancelled Meeting	7	6			
Planner II	Baker	Nick	Board Liaison	NA	NA	NA	NA	NA	NA	NA	NA	Present	Cancelled Meeting	NA	Cancelled Meeting	7	1			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Culture and Arts Advisory Board	Ambrose	Aspen	Board Member	NA	Cancelled Meeting	NA	NA	NA	NA	No Meeting In July	NA	NA	NA	Present	Present	9	2	0	22%	New Member started November 2025
Culture and Arts Advisory Board	Barnes	Aaron	Board Member	NA	Cancelled Meeting	NA	NA	NA	NA	No Meeting In July	NA	NA	NA	Present	Present	9	2	0	22%	Partial Term - Replaced Lafayette - started November
Culture and Arts Advisory Board	Bryant	Bethany	Board Member	Present	Cancelled Meeting	Present	Present	Present	Present	No Meeting In July	Present	Present	Present	Present	Present	9	9	0	100%	
Culture and Arts Advisory Board	Colwell	Tom	Chair	*Absent*	Cancelled Meeting	Present	Present	Present	Present	No Meeting In July	Present	Present	Present	Present	Present	9	8	1	89%	
Culture and Arts Advisory Board	Durham	Sean	Vice-Chair	Present	Cancelled Meeting	*Absent*	*Absent*	Present	Present	No Meeting In July	*Absent*	Present	Present	Present	Present	9	6	3	67%	
Culture and Arts Advisory Board	Pritchard	Ewan	**INACTIVE**	*Absent*	Cancelled Meeting	*Absent*	Present	Present	*Absent*	No Meeting In July	NA	NA	NA	NA	NA	9	2	3	22%	Term ended/member resigned July 2025
Culture and Arts Advisory Board	Erickson	Bradley	Board Member	*Absent*	Cancelled Meeting	Present	Present	Present	Present	No Meeting In July	Present	Present	Present	Present	Present	9	8	1	89%	
Culture and Arts Advisory Board	Kirley	Susan	Board Member	Present	Cancelled Meeting	Present	Present	*Absent*	Present	No Meeting In July	*Absent*	Present	Present	Present	Present	9	7	2	78%	
Culture and Arts Advisory Board	Trawick	Lafayette	**INACTIVE**	Present	Cancelled Meeting	*Absent*	Present	Present	Present	No Meeting In July	*Absent*	*Absent*	Present	NA	NA	9	5	3	56%	Terminated - October was last meeting replaced by Aaron Barnes
Culture and Arts Advisory Board	Hota	Ranjit	Board Member	NA	Cancelled Meeting	NA	NA	NA	NA	No Meeting In July	*Absent*	Present	Present	*Absent*	*Absent*	9	2	3	22%	New member starts July 2025
Culture and Arts Advisory Board	Corsetti	Juliana	Youth(Voting)	NA	Cancelled Meeting	NA	NA	NA	NA	No Meeting In July	Present	Present	Present	Present	Present	9	5	0	56%	New member starts July 2025
Total Members Present	**9**			**4**	**0**	**4**	**6**	**6**	**6**		**4**	**7**	**8**	**8**						
Town Staff	**Last Name**	**First Name**	**Position**	**January 2025 (Present or NA)**	**February 2025 (Present or NA)**	**March 2025 (Present or NA)**	**April 2025 (Present/Absent)**	**May 2025 (Present/Absent)**	**June 2025 (Present/Absent**	**July 2025 (Present/Absent) 2**	**August 2025 (Present/Absent)**	**September 2025 (Present/Absent)**	**October 2025 (Present/Absent)**	**November 2025 (Present/Absent)**	**December 2025 (Present/Absent)**	**Total Held**	**Total Attended**		**Attendance % YTD - 2025**	**Notes**
Town Clerk	Coleman	Allen	Staff	Present	Cancelled Meeting	NA	NA	Present	NA	No Meeting In July	Present	NA	NA	NA	NA		3			
Deputy Town Clerk	Gentry	Ashley	Staff	Present	Cancelled Meeting	NA	NA	NA	Present	No Meeting In July	NA	NA	NA	NA	NA		2			
Cultural Arts Center Manager	Wray	Taylor	Board Liaison	Present	Cancelled Meeting	Present	Present	*Absent*	Present	No Meeting In July	*Absent*	Present	Present	Present	Present		5			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 Special Meeting (Present/Absent)	October 2025 Regular Meeting (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Environmental Advisory Board	Adams	Patrick	Board Member	Present	Absent	Present	Absent	Staff Meeting	Present	Present	Absent	Cancelled Meeting	Absent	Present	Absent	Present	11	6	5	55%	
Environmental Advisory Board	Crowell	Sean	Board Member	Present	Present	Absent	Absent	Staff Meeting	Present	Present	Present	Cancelled Meeting	Present	Present	Present	Present	11	9	2	82%	
Environmental Advisory Board	Garrison	John	Vice-Chair	Present	Present	Present	Present	Staff Meeting	Present	Present	Present	Cancelled Meeting	Absent	Present	Present	Present	11	10	1	91%	
Environmental Advisory Board	Efird	Adam	INACTIVE	Absent	NA	NA	NA	Staff Meeting	NA	NA	NA	Cancelled Meeting	NA	NA	NA	NA	NA	NA	NA	NA	Term ended in December 2024 - replacement appointed June 2025
Environmental Advisory Board	Jenson	Bill	Board Member	Present	Present	Present	Present	Staff Meeting	Present	Present	Present	Cancelled Meeting	Present	Present	Present	Present	11	11	0	100%	
Environmental Advisory Board	Mason	Suzanne	Chair	Present	Present	Present	Present	Staff Meeting	Present	Present	Present	Cancelled Meeting	Present	Present	Present	Present	11	11	0	100%	
Environmental Advisory Board	Maynard	Jason	INACTIVE	Present	NA	NA	NA	Staff Meeting	NA	NA	NA	Cancelled Meeting	NA	NA	NA	NA	NA	NA	NA	NA	Term ended in December 2024 - replacement appointed June 2025
Environmental Advisory Board	Moller	Njeri	Board Member	Present	Present	Present	Present	Staff Meeting	Present	Present	Present	Cancelled Meeting	Present	Absent	Present	Present	11	10	1	91%	
Environmental Advisory Board	Villasenor	Sandra	Board Member	NA	NA	NA	NA	NA	NA	NA	NA	Cancelled Meeting	NA	NA	Present	Present	11	2	0	18%	
Environmental Advisory Board	Schaaf	Katie	INACTIVE	Present	Present	Present	Present	Staff Meeting	Absent	Absent	Absent	Cancelled Meeting	Present	Present	NA	NA	NA	NA	NA	NA	Removed due to three consecutive absences - replaced by Sandra Villasenor
Environmental Advisory Board	Gary	Anne	Board Member	NA	NA	NA	NA	NA	NA	Present	Present	Cancelled Meeting	Absent	Present	Present	Absent	11	4	2	36%	New Member - Started July 2025
Environmental Advisory Board	Hu	Changling	Board Member	NA	NA	NA	NA	NA	NA	Present	Present	Cancelled Meeting	Absent	Present	Present	Present	11	5	1	45%	New Member - Started July 2025
Environmental Advisory Board	Schwegel	Mark	Board Member	NA	NA	NA	NA	NA	NA	Present	Present	Cancelled Meeting	Present	Present	Present	Present	11	6	0	55%	New Member - Started July 2025
Environmental Advisory Board	Joshi	Dhvani	Youth (Voting)	NA	NA	NA	NA	NA	NA	NA	NA	Cancelled Meeting	NA	NA	Present	Present	11	2	0	18%	Vacant Youth Position -Started November 2025
Total Members Present	11			7	6	6	5	3	6	9	8	0	6	9	10	10					

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/April)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Town Clerk	Coleman	Allen	Professional Staff	Present	NA	NA	NA	NA	NA	NA	NA	Cancelled Meeting	NA	NA	NA	10	1			
Town Councilmember	Gantt	Brett	Governming Body	Present	Absent	Present	Present	Present	Present	Present	Present	Cancelled Meeting	Present	Present		10	8			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	Present	NA	NA	NA	NA	NA	NA	NA	Cancelled Meeting	NA	NA	Present	10	1			
Environmental Programs Coordinator	Skinner	Nora	Board Liaison	N/A	Present	Present	Present	Present	Present	Present	Present	Cancelled Meeting	Present	Present	Present	10	10			
	Mahaffey	Terry	Governming Body												Present	10	1			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	April 2025 (Present/Absent)	July 2025 (Present/Absent)	September 2025 (Present/Absent)	November 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Multimodal Transportation Advisory Board	Ahler	Jennifer	Board Member	NA	NA	NA	Cancelled Meeting	*Absent*	4	0	1	0%	
Multimodal Transportation Advisory Board	Barrett	Linda	Chair	Present	Present	Present	Cancelled Meeting	Present	4	4	0	100%	
Multimodal Transportation Advisory Board	Brunner	Elizabeth	Board Member	NA	NA	NA	Cancelled Meeting	Present	4	1	0	25%	
Multimodal Transportation Advisory Board	Bryant	Nick	INACTIVE	Present	Present	Present	Cancelled Meeting	NA	NA	NA	NA	NA	Maxed Term Limit
Multimodal Transportation Advisory Board	Kirley	Patrick	Board Member	Present	Present	Present	Cancelled Meeting	Present	4	4	0	100%	
Multimodal Transportation Advisory Board	Perry	Wendy	Board Member	Present	Present	Present	Cancelled Meeting	*Absent*	4	3	0	75%	
Multimodal Transportation Advisory Board	Werking	Andrew	INACTIVE	Present	Present	Present	Cancelled Meeting	NA	NA	NA	NA	NA	Maxed Term Limit
Multimodal Transportation Advisory Board	Williams	Frances	Board Member	Present	Present	Present	Cancelled Meeting	Present	4	4	0	100%	
Multimodal Transportation Advisory Board	Thoppe	Noah	Vice-Chair	NA	NA	NA	Cancelled Meeting	Present	4	1	0	25%	New Member Starts September 2025
Multimodal Transportation Advisory Board	Spanioli	Mark	Board Member	NA	NA	NA	Cancelled Meeting	Present	4	1	0	25%	New Member Starts September 2025
Multimodal Transportation Advisory Board	Kadari	Samkisha	Youth (Voting)	NA	NA	NA	Cancelled Meeting	Present	4	1	0	25%	
Total Members Present	9			6	6	6		7					
Town Staff	**Last Name**	**First Name**	**Position**	**January 2025 (Present or NA)**	**April 2025 (Present or NA)**	**July 2025 (Present or NA)**	**September 2025 (Present or NA)**	**November 2025 (Present/Absent)**	**Total Held**	**Total Attended**		**Attendance % YTD - 2025**	**Notes**
Town Clerk	Coleman	Allen	Professional Staff	Present	Present	Present	Cancelled Meeting	Present	3	2			
Long-Range Planning Manager	Cox	Shannon	Professional Staff	Present	Present	Present	Cancelled Meeting	Present	3	3			
Town Councilmember	Gantt	Brett	Governing Body	Present	Present	Absent	Cancelled Meeting	Present	3	3			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	Present	Present	Present	Cancelled Meeting	NA	3	2			
Director of Economic Development	Helms	Joanna	Professional Staff	Present	NA	Absent	Cancelled Meeting	NA	3	1			
Parks Planning Manager	Reincke	Angela	Professional Staff	Present	Present	Present	Cancelled Meeting	NA	3	3			
Sr. Planner - Long-Range Transit	Schwing	Katie	Professional Staff	Present	Present	Present	Cancelled Meeting	NA	3	3			
Planner II	Watson	Chris	Board Liaison	NA	NA	NA	Cancelled Meeting	NA	0	0			New Staff Member / Board Liaison

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Parks and Recreation Advisory Board	Blatchford	Mary	Board Member	Present	Present	Present	Present	Present	Present	No Meetings in July	Present	Present	Present	No Meeting in November	*Absent*	10	9	1	90%	
Parks and Recreation Advisory Board	Carusona	Matt	INACTIVE	*Absent*	Present	Present	*Absent*	Present	*Absent*	No Meetings in July	NA	NA	NA	No Meeting in November	NA	NA	NA	NA	NA	Term Ended in July 2025
Parks and Recreation Advisory Board	Colwell	Tom	INACTIVE	*Absent*	*Absent*	Present	Present	Present	Present	No Meetings in July	NA	NA	NA	No Meeting in November	NA	NA	NA	NA	NA	Term Ended in July 2025 - CAAB only
Parks and Recreation Advisory Board	Croom	Jeremy	Board Member	Present	Present	Present	Present	Present	Present	No Meetings in July	Present	Present	Present	No Meeting in November	Present	10	10	0	100%	
Parks and Recreation Advisory Board	Esterrich	Lisa	Board Member	Present	Present	Present	Present	Present	Present	No Meetings in July	Present	Present	*Absent*	No Meeting in November	Present	10	9	1	90%	
Parks and Recreation Advisory Board	Kanters	Michael	Multiple	*Absent*	Present	*Absent*	Present	Present	*Absent*	No Meetings in July	Present	Present	Present	No Meeting in November	*Absent*	10	6	4	60%	
Parks and Recreation Advisory Board	Lanier	Darryl	Chair	*Absent*	Present	Present	*Absent*	Present	Present	No Meetings in July	Present	Present	Present	No Meeting in November	*Absent*	10	7	3	70%	
Parks and Recreation Advisory Board	Montoya	Lisa	Board Member	Present	Present	Present	Present	Present	Present	No Meetings in July	Present	Present	Present	No Meeting in November	Present	10	10	0	100%	
Parks and Recreation Advisory Board	Roach	Jeff	INACTIVE	Present	Present	Present	Present	Present	Present	No Meetings in July	NA	NA	NA	No Meeting in November	NA	NA	NA	NA	NA	Term Ended in July 2025
Parks and Recreation Advisory Board	Baber	Robert	Board Member	NA	NA	NA	NA	NA	NA	No Meetings in July	*Absent*	Present	Present	No Meeting in November	Present	10	3	1	30%	New Member - Started August 2025
Parks and Recreation Advisory Board	Rao	Adhvick	Youth (Non-Voting)	NA	NA	NA	NA	NA	NA	No Meetings in July	Present	Present	Present	No Meeting in November	Present	10	4	0	40%	New Member - Started August 2025
Parks and Recreation Advisory Board	Strickland	Johnnie	Board Member	NA	NA	NA	NA	NA	NA	No Meetings in July	Present	Present	Present	No Meeting in November	*Absent*	10	3	1	30%	New Member - Started August 2025
Parks and Recreation Advisory Board	Vosburg	Nick	Board Member	NA	NA	NA	NA	NA	NA	No Meetings in July	*Absent*	Present	Present	No Meeting in November	Present	10	3	1	30%	New Member - Started August 2025
Total Members Present	10			5	8	8	7	9	7	0	8	10	9		6					

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Town Clerk	Coleman	Allen	Professional Staff	NA	Present	NA	NA	NA	NA	No Meetings in July	NA	NA	NA	No Meeting in November	NA	10	2			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	NA	Present	NA	NA	Present	NA	No Meetings in July	NA	NA	NA	No Meeting in November	Present	10	3			
Executive Assistant	Pearson	Candice	Board Liaison	Present	Present	Present	Present	Present	Present	No Meetings in July	Present	Present	Present	No Meeting in November	Present	10	10			
Planning Parks Manager	Reincke	Angela	Professional Staff	Present	Present	Present	Present	NA	Present	No Meetings in July	Present	Present	Present	No Meeting in November	Present	10	10			
Director of PRCR	Setzer	Craig	Professional Staff	Present	Present	Present	Present	Present	Present	No Meetings in July	Present	Present	Present	No Meeting in November	Present	10	10			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	July 2025 (Present/Absent)	August 2025 (Present/Absent)	September 2025 (Present/Absent)	October 2025 (Present/Absent)	November 2025 (Present/Absent)	December 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Planning Board	Byrd	Alyssa	Board Member	Present	Present	Present	Present	Present	*Absent*	Present	Present	Present	Present	Present	Present	12	11	1	92%	
Planning Board	Braswell	Keith	Multiple	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	12	12	0	100%	
Planning Board	Hastings	Jeff	Multiple	Present	Present	Present	Present	Present	*Absent*	Present	Present	Present	Present	Present	Present	12	11	1	92%	
Planning Board	Khodaparast	Daniel	Board Member	Present	Present	Present	Present	Present	Present	*Absent*	Present	Present	Present	*Absent*	Present	12	10	2	83%	
Planning Board	Mitchell	Preston	INACTIVE	Present	Present	Present	*Absent*	*Absent*	Present	Present	Present	*Absent*	Present	Present	*Absent*	12	8	4	67%	Member's term ends December 2025.
Planning Board	Rhodes	Steven	Board Member	Present	Present	Present	Present	Present	Present	Present	Present	*Absent*	Present	Present	Present	12	11	1	92%	
Planning Board	Royal	Tim	Multiple	Present	Present	Present	*Absent*	Present	Present	*Absent*	Present	Present	Present	Present	Present	12	10	2	83%	
Planning Board	Sherman	Tina	INACTIVE	Present	Present	*Absent*	Present	Present	Present	*Absent*	Present	NA	NA	NA	NA	12	6	3	50%	Resigned in September 2025
Planning Board	Yule	Kristy	Board Member	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Present	Present	12	2	0	100%	New member - Started November filling Tina Sherman Partial Term
Planning Board	Soh	Sarah	Board Member	Present	Present	Present	Present	Present	Present	*Absent*	Present	Present	Present	Present	*Absent*	12	11	1	92%	
Planning Board	Petersen	Mary	Apex Historical Rep.	NA	NA	NA	NA	NA	NA	Present	Present	Present	Present	Present	Present	3	3	0	100%	New Member - Started July 2025
Planning Board	Renita	Stanley	Youth (Non-Voting)	NA	NA	NA	N	NA	NA	VACANT	Vacant	NA	*Absent*	Present	*Absent*	3	1	2	33%	New Youth - Started October 2025
Total Members Present	**11**			**9**	**9**	**8**	**7**	**8**	**7**	**6**	**10**	**7**	**9**	**10**	**8**					
Town Staff	**Last Name**	**First Name**	**Position**	**January 2025 (Present or NA)**	**February 2025 (Present or NA)**	**March 2025 (Present or NA)**	**April 2025 (Present/April)**	**May 2025 (Present/Absent)**	**June 2025 (Present/Absent)**	**July 2025 (Present/Absent)**	**August 2025 (Present/Absent)**	**September 2025 (Present/Absent)**	**October 2025 (Present/Absent)**	**November 2025 (Present/Absent)**	**December 2025 (Present/Absent)**	**Total Held**	**Total Attended**		**Attendance % YTD - 2025**	**Notes**
Current Planning Manager	Bunce	Amanda	Professional Staff	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	12	9			
Director of Planning	Khin	Dianne	Professional Staff	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	12	9			
Lead Planning Technician	Pederson	Jeri	Board Liaison	Present	Present	Present	Present	NA	Present	Present	Present	Present	Present	Present	Present	12	8			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	NA	NA	NA	N	Present	NA	NA	NA	NA	NA	Present	NA	12	2			

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

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

Department(s): Water Resources

Requested Motion

Motion to approve a Utility Infrastructure Reimbursement Agreement with Greater Raleigh Area Christian Education Inc., pursuant to North Carolina General Statues (NCGS) §160A-320, to construct a 2,010 linear feet (LF) of 16-inch restrained joint ductile iron waterline along the Veridea Parkway in lieu of the 12-inch waterline needed for the development, and to authorize Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

Greater Raleigh Area Christian Education Inc., (Grace Christian) is developing a 23.68-acre parcel along Veridea Parkway and requires a 12-inch waterline to meet their water demands. To provide reliable, efficient and cost-effective water service that can accommodate future growth, the Town's Master Water Plan requires a 16-inch waterline. This oversizing will not only satisfy the water demand for Grace Christian but will also increase necessary fire flow in the Big Branch Basin for projects like the proposed NC Children's Hospital. North Carolina General Statute §160A-320 authorizes municipalities to contract with a developer for public enterprise improvements that are adjacent or ancillary to a private land development project and to reimburse the developer for construction of improvements which are in excess of the town's land development regulations.

Specifically, the developer will construct 2,010 linear feet (LF) of 16-inch restrained joint ductile iron waterline along Veridea Parkway in lieu of the 12-inch waterline needed for the development. The contract will not be subject to public bidding requirements because the public cost will not exceed $250,000 and the coordination of separately constructed improvements would be impracticable.

Attachments

- CN2-A1: Utility Infrastructure Reimbursement Agreement – Greater Raleigh Area Christian Education, Inc. – Construct Waterline along Veridea Parkway
- CN2-A2: Exhibit B - Utility Infrastructure Reimbursement Agreement – Greater Raleigh Area Christian Education, Inc. – Construct Waterline along Veridea Parkway
- CN2-A3: Exhibit C - Utility Infrastructure Reimbursement Agreement – Greater Raleigh Area Christian Education, Inc. – Construct Waterline along Veridea Parkway
- CN2-A4: Policy Regarding Town Participation in Utility Projects Utility Infrastructure Reimbursement Agreement – Greater Raleigh Area Christian Education, Inc. – Construct Waterline along Veridea Parkway

APEX 1873 NORTH CAROLINA

NORTH CAROLINA

UTILITY REIMBURSEMENT AGREEMENT

WAKE COUNTY

This Utility Reimbursement Agreement (the "**Agreement**") is made this the _____ day of _____, 2026, by and between the Town of Apex, a municipal corporation under the laws of North Carolina (the "**Town**") and Greater Raleigh Area Christian Education, Inc., a North Carolina nonprofit corporation ("**GRACE**"). Developer and the Town are collectively referred to as the "**Parties**".

W I T N E S S E T H:

WHEREAS, GRACE is the owner of certain real property located in Wake County, Town of Apex, North Carolina and more particularly described on **Exhibit A** of this Agreement (the "**GRACE Property**") and GRACE and its affiliated entity(ies) plan to develop the Property in accordance with that certain Major Site Plan for the Grace Property approved by the Town (as the same may be amended and/or supplemented from time to time if at all, the "**GRACE Plan**"); and

WHEREAS, GRACE desires to construct potable water lines and all necessary or convenient appurtenances thereto (collectively, the "**Facilities**") to connect the GRACE Property to certain existing Town potable water infrastructure so that GRACE can develop the GRACE Property in the manner that GRACE desires. GRACE further desires for the Town to accept the public dedication of the Facilities once built and to assume maintenance of the Facilities; and

WHEREAS, to meet its needs, GRACE proposes to arrange for, accomplish, and finance the extension, construction, and installation of the Facilities, upon, across, beneath, and through the GRACE Property (as well as on adjacent properties and other properties necessary for the extension of the facilities) pursuant to Chapter 12 of the Town's Code of Ordinances; and

WHEREAS, Town has requested GRACE to increase the size of the water lines to be constructed by GRACE along Veridea Parkway from 12 inches to 16 inches in excess of the size required to serve the GRACE Plan and to accommodate additional services to other development within the vicinity of the GRACE Property ; and

WHEREAS, pursuant to North Carolina General Statutes 160A-320, the Town may contract with a developer for public enterprise improvements that are adjacent to or ancillary to a private land development project; and

WHEREAS, the Town has determined that the public cost of the improvement subject to reimbursement will not exceed Two Hundred Fifty Thousand and No/100 Dollars ($250,000.00) and that the coordination of separately constructed improvements would be impracticable and therefore, desires to optimize the expansion of its utility infrastructure and related public improvements while minimizing the cost to the Town.

NOW, THEREFORE, IT IS HEREBY AGREED between the Town and GRACE:

1. Recitals. The foregoing recitals shall constitute an integral part of this Agreement, and this Agreement shall be construed in light thereof.

2. Construction of Improvements. GRACE may, at its own expense, construct the Facilities, all of which are more particularly described as "16" Water line" on the preliminary concept redline drawings attached as **Exhibit B** and incorporated herein by reference (the "**Plans**"). GRACE shall design, construct and install the Facilities (i) in a good and workmanlike manner, (ii) in compliance with this Agreement, the Town's policy for reimbursement, Town Specifications, and all applicable Federal, State, and local laws, statutes, ordinances, rules, regulations, policies, approved construction plans, and specifications, and (iii) in accordance with the approved Plans. GRACE hereby represents to the Town, and the Town concurs, that the Facilities are in excess of the size and/or capacity of the facilities required to serve GRACE's proposed development, and therefore the Facilities are subject to reimbursement pursuant to the Policy.

GRACE shall administer the construction contract without cost or expense to the Town except as provided for in this Agreement, and the Town may require GRACE to file reports of its administration with the Town's Engineer.

3. Certification, Inspection, and Acceptance of Facilities. Upon completion of construction of the Facilities, GRACE shall provide the Town with written certification and as-built drawings from GRACE's designated consulting engineering firm that the Facilities are complete and have been constructed and installed in compliance with this Agreement and within appropriate easements or fee simple parcels. GRACE shall provide documentation confirming that all contractors and subcontractors engaged in the execution of this project have been paid in full for their services; subject to GRACE's right to dispute in good faith amounts claimed by such contractors for which final lien releases or waivers have not been received. The Facilities shall be offered for public dedication to the Town upon completion of construction and shall be subject to inspection and acceptance by the Town. Upon the inspection and acceptance of the Facilities, GRACE shall take any steps necessary to transfer title to and possession of the Facilities, including but not limited to all steps necessary to acquire and transfer to the Town all easement rights, rights-of-way, and all other rights of use, access, ingress and egress, necessary or desirable for the existence, improvement, use, operation, inspection, maintenance, repair, reconstruction, replacement and/or removal of the Facilities. Thereafter, the Town shall own the Facilities and have exclusive possession and control of the Facilities. In the event that any defect or breach of warranty claim becomes known after acceptance and dedication of the Facilities, GRACE agrees either to pursue its rights and claims against the contractor or other party responsible for the defect or breach of warranty and pay over any recoveries to the Town or to assign such rights and claims to the Town as directed by the Town.

4. Approved Project Costs.

a. The "**Approved Project Costs**" are those incremental costs attributed to the construction of the water lines as shown in the estimate provided by GRACE's Engineer and attached hereto as **Exhibit C.** Costs that are not certified by GRACE's Engineer and approved by the Town's Engineer shall not be included in the Approved Project Costs. Approved Project Costs shall not include any costs for designing, bidding, and managing services, or for acquisition of property or easements required for construction of the Facilities. The Approved Project Cost for waterline oversizing is based on an estimate provided by GRACE's engineer of the incremental cost differential for the construction of upsized water lines instead of water lines sized only for the development under the Grace Master Site Plan. The amount of the Approved Project Costs is subject to the review and approval of the engineer designated by the Town and cost to the Town shall not exceed $250,000.

b. The Town shall not participate in or be responsible to pay or reimburse any change order increasing the costs of the Facilities unless agreed to by the Town and approved by the Town's Engineer in writing prior to execution of the change order. In other words, the costs associated with a change order shall be excluded from the Approved Project Costs unless the change order is pre-approved by the Town's Engineer, which approval will not be unreasonably withheld, conditioned or delayed. GRACE shall immediately upon learning of a proposed change order provide the Town with all the documentation and information needed for the Town to evaluate the proposed change order. In addition, the Approved Project Costs incurred by GRACE in constructing the Facilities shall reflect any cost savings that reduce the amount that GRACE actually pays to construct the Facilities.

5. Reimbursements. The Town shall reimburse the Approved Project Cost as provided below:

a. *Credits*. GRACE shall receive a credit against water capital reimbursement fees otherwise due to the Town from GRACE for the development of the GRACE Property but not yet paid up to a total combined amount of credits that is equal to the total amounts of the Approved Incremental Construction Cost not to exceed $250,000.

b. *Payments*. If the fee credits are less than the Approved Project Cost, or if no system development fees are currently owed at the time the Facilities are dedicated to and accepted for maintenance by the Town, the Town shall reimburse GRACE the remaining unreimbursed balance of the Approved Project Cost in one lump sum payment to be made to GRACE within thirty (30) days after the Facilities are dedicated and accepted as required by Paragraph 3 above and GRACE waives any rights it may have to additional credits against water capital reimbursement fees with respect to this Agreement.

c. *Approved Project Costs.* The reimbursement referenced in this Paragraph 5 shall be the only credits, reimbursements, payments, compensation or other remuneration to which GRACE shall be entitled in connection with this Agreement. In no event shall the credits,

payment, or reimbursement paid by the Town under this Agreement exceed the Approved Project Cost.

6. Conditions. The obligation of GRACE pursuant to this Agreement is subject to (i) GRACE obtaining agreements satisfactory to GRACE from RXR Len Apex Owner LLC and the North Carolina Children's Hospital to participate in the additional cost of increasing the size of the water line and (ii) GRACE's determination that its participation in increasing the size of the water line will not negatively impact the schedule for completion of the development of the GRACE Property. In the event GRACE cannot determine the conditions will be satisfied, GRACE shall have the right to terminate this Agreement in which event the parties shall have no further rights or obligations under this Agreement.

7. Notices. Any notice given pursuant to this Agreement shall be deemed given if (a) delivered by hand, or (b) delivered by overnight express delivery or (c) sent by email provided that notice will then be followed pursuant to (a) or (b) addressed as follows:

If to the Town: Town of Apex
Post Office Box 250
Apex, NC 27502-0250
Attention: Jonathan K. Jacobs, Water Resources Director
Email: Jonathan.Jacobs@apexnc.org

With a copy to: Town of Apex
Attn: Town Attorney
PO Box 250
Apex, NC 27502-0250
laurie.hohe@apexnc.org

To GRACE: Greater Raleigh Area Christian Education, Inc.
Attention: Eric Bradley, Head of School
1101 Buck Jones Rd
Raleigh, NC 27606
Telephone: 919-747-2020
Email: ebradley@gracechristian.net

With a copy to: W. Robert Everett
NEMA Management, LLC
1020 Southhill Drive, Suite 180
Cary, NC 27513
Telephone: 919-395-2905
Email: reverett@nemamanagement.com

8. Termination for Failure to Complete. If GRACE does not complete construction of the Facilities on or before the fifth anniversary of the full execution of this Agreement absent force majeure

delays (as defined below), the Town may terminate this Agreement and have no further obligations to GRACE.

9. Delay Beyond the Control of the Parties. Neither GRACE nor Town, having taken commercially reasonable precautions, shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by natural disaster, fire, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, civil disobedience, or other event reasonably outside of the parties' control.

10. Indemnification. To the extent permitted by law, GRACE agrees to defend, pay on behalf of, indemnify, and hold-harmless the Town of Apex, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Apex, its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof solely caused by the negligence of GRACE or GRACE's contractors.

11. Anti-Human Trafficking. GRACE warrants and agrees that no labor supplied by GRACE or GRACE'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.

12. Insurance. GRACE shall maintain valid general liability insurance in the minimum amount of $1,000,000, commercial automobile liability insurance in the minimum amount of $2,000,000, and provide certificates of such insurance naming the Town of Apex as an additional insured by endorsement to the policies. If the policy has a blanket additional insured provision, the contractor's insurance shall be primary and non-contributory to other insurance. Additionally, GRACE shall require all of GRACE's subcontractors to maintain and show proof of workers' compensation and employer's liability insurance in the minimum amount of $1,000,000. GRACE shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company. 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 GRACE 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.

13. Nondiscrimination. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, GRACE hereby warrants and agrees that GRACE 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.

14. E-Verify Compliance. GRACE shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). GRACE shall require all of GRACE's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Town shall comply with North Carolina General Statute § 160A-169.1 (E-Verify).

15. Complete Agreement, Modifications, Waiver and Assignment. This Agreement constitutes the entire agreement between the parties hereto and it is understood and agreed that all undertakings, negotiations, representations, promises, inducements and agreements heretofore had between these parties are merged herein. This Agreement may not be changed, modified, or amended orally, but only by an agreement in writing signed by both the Town and GRACE. No waiver of any of the provisions to this Agreement shall be valid unless in writing and signed by the party against whom it is sought to be enforced. This Agreement is not assignable without the written consent of all parties to this Agreement. There are no third-party beneficiaries of this Agreement.

16. No Agency, Joint Venturer Relationship. The Town and GRACE agree to exercise good faith in dealing with each other. The Town and GRACE are not agents, partners, or joint venturers of any kind, and the Town shall have no relationship via this Agreement with any third party with whom GRACE contracts in furtherance of this Agreement.

17. Choice of Law, Jurisdiction, and Venue. This Agreement shall be governed, interpreted and construed under the laws of the State of North Carolina without regard to principles of conflicts of laws. The parties agree that any dispute or other matter concerning this Agreement shall be decided by state or federal courts sitting in Wake County, North Carolina. The parties irrevocably submit to the sole and exclusive jurisdiction of such courts and waive all objections and defenses based on jurisdiction and/or improper or inconvenient venue. The parties agree that this Agreement may be enforced by specific performance.

18. Electronic Signature. 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'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.

[REMAINDER OF PAGE INTENTIONALLY BLANK – SIGNATURES FOLLOW]

IN WITNESS WHEREOF, the Town and GRACE have duly executed this Agreement under seal as of the day and year first above written.

TOWN OF APEX

BY: _____(SEAL)
Randal Vosburg, Town Manager

ATTEST:

_____
Allen Coleman, Town Clerk

STATE OF NORTH CAROLINA)
WAKE COUNTY)

I, a Notary Public of the County and State aforesaid, certify that Allen Coleman, personally came before me this day and acknowledged that 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 Town 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.

_____ [AFFIX NOTARIAL STAMP SEAL]
[Signature of Notary Public]

My Commission Expires: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

By: _____
Finance Director

GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC.

By: _____
Print Name: Eric Bradley
Title: Head of School

By: _____
A. Moss Withers
Chair of Board of Trustees

STATE OF NORTH CAROLINA
COUNTY OF _____

I, a Notary Public of the County and State aforesaid, do hereby certify that Eric Bradley, as Head of School of GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC., a North Carolina company, personally appeared before me this day and acknowledged due execution of the foregoing instrument on behalf of GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC., a North Carolina company.

Witness my hand and official stamp or seal, this the _____ day of _____, 2026.

_____ [AFFIX NOTARIAL STAMP SEAL]
[Signature of Notary Public]
My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, a Notary Public of the County and State aforesaid, do hereby certify that A. Moss Withers, as Chair of Board of Trustees of GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC., a North Carolina company, personally appeared before me this day and acknowledged due execution of the foregoing instrument on behalf of GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC., a North Carolina company.

Witness my hand and official stamp or seal, this the _____ day of _____, 2026.

_____ [AFFIX NOTARIAL STAMP SEAL]
[Signature of Notary Public]

My Commission Expires: _____

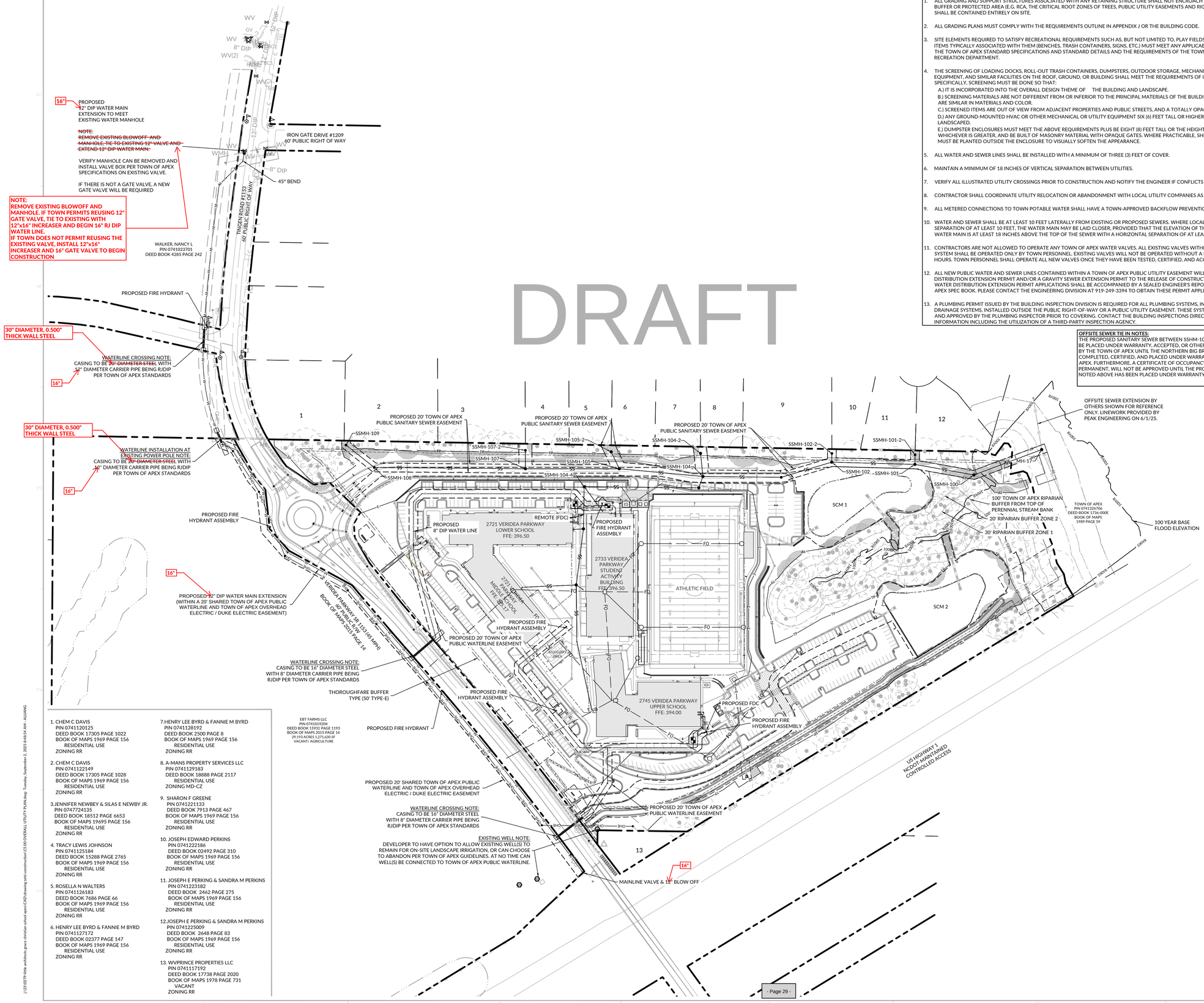
Exhibit A

GRACE Property

Being the same property shown as Tract II on certain Plat entitled Boundary Survey for Judith T. Woodell prepared by Bass, Nixon & Kennedy, Inc., dated November 8, 2014 and recorded in Book of Maps 2015, Page 14, Wake County Registry.

Exhibit B
Description of Facilities

Exhibit C
Projected incremental costs



1. CHEM C DAVIS
PIN 0741120125
DEED BOOK 17305 PAGE 1022
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

2. CHEM C DAVIS
PIN 0741122149
DEED BOOK 17305 PAGE 1028
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

3.JENNIFER NEWBEY & SILAS E NEWBY JR.
PIN 0747724135
DEED BOOK 18512 PAGE 6653
BOOK OF MAPS 19695 PAGE 156
RESIDENTIAL USE
ZONING RR

4. TRACY LEWIS JOHNSON
PIN 0741125184
DEED BOOK 15288 PAGE 2765
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

5. ROSELLA N WALTERS
PIN 0741126183
DEED BOOK 7686 PAGE 66
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

6. HENRY LEE BYRD & FANNIE M BYRD
PIN 0741127172
DEED BOOK 02377 PAGE 147
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

7.HENRY LEE BYRD & FANNIE M BYRD
PIN 0741128192
DEED BOOK 2500 PAGE 8
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

8. A-MANS PROPERTY SERVICES LLC
PIN 0741129183
DEED BOOK 18888 PAGE 2117
RESIDENTIAL USE
ZONING MD-CZ

9. SHARON F GREENE
PIN 0741221133
DEED BOOK 7913 PAGE 467
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

10. JOSEPH EDWARD PERKINS
PIN 0741222186
DEED BOOK 02492 PAGE 310
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

11. JOSEPH E PERKING & SANDRA M PERKINS
PIN 0741223182
DEED BOOK 2462 PAGE 275
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

12.JOSEPH E PERKING & SANDRA M PERKINS
PIN 0741225009
DEED BOOK 2648 PAGE 83
BOOK OF MAPS 1969 PAGE 156
RESIDENTIAL USE
ZONING RR

13. WVPRINCE PROPERTIES LLC
PIN 0741117192
DEED BOOK 17738 PAGE 2020
BOOK OF MAPS 1978 PAGE 731
VACANT
ZONING RR

TOWN OF APEX UTILITY PLAN NOTES:

1. ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENCROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (E.G. RCA, THE CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY EASEMENTS AND RIGHTS-OF-WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.
2. ALL GRADING PLANS MUST COMPLY WITH THE REQUIREMENTS OUTLINE IN APPENDIX J OR THE BUILDING CODE.
3. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS, GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND STANDARD DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
4. THE SCREENING OF LOADING DOCKS, ROLL-OUT TRASH CONTAINERS, DUMPSTERS, OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, GROUND, OR BUILDING SHALL MEET THE REQUIREMENTS OF UDO SEC. 8.2.8. SPECIFICALLY, SCREENING MUST BE DONE SO THAT:
   A.) IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPE.
   B.) SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE, AND ARE SIMILAR IN MATERIALS AND COLOR.
   C.) SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.
   D.) ANY GROUND-MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX (6) FEET TALL OR HIGHER MUST BE FENCED AND LANDSCAPED.
   E.) DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS BE EIGHT (8) FEET TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS GREATER, AND BE BUILT OF MASONRY MATERIAL WITH OPAQUE GATES. WHERE PRACTICABLE, SHRUBS OR OTHER PLANTS MUST BE PLANTED OUTSIDE THE ENCLOSURE TO VISUALLY SOFTEN THE APPEARANCE.
5. ALL WATER AND SEWER LINES SHALL BE INSTALLED WITH A MINIMUM OF THREE (3) FEET OF COVER.
6. MAINTAIN A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION BETWEEN UTILITIES.
7. VERIFY ALL ILLUSTRATED UTILITY CROSSINGS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF CONFLICTS ARE ENCOUNTERED.
8. CONTRACTOR SHALL COORDINATE UTILITY RELOCATION OR ABANDONMENT WITH LOCAL UTILITY COMPANIES AS REQUIRED.
9. ALL METERED CONNECTIONS TO TOWN POTABLE WATER SHALL HAVE A TOWN-APPROVED BACKFLOW PREVENTION ASSEMBLY INSTALLED.
10. WATER AND SEWER SHALL BE AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SEWERS. WHERE LOCAL CONDITIONS PREVENT A SEPARATION OF AT LEAST 10 FEET, THE WATER MAIN MAY BE LAID CLOSER, PROVIDED THAT THE ELEVATION OF THE BOTTOM OF THE WATER MAIN IS AT LEAST 18 INCHES ABOVE THE TOP OF THE SEWER WITH A HORIZONTAL SEPARATION OF AT LEAST THREE (3) FEET.
11. CONTRACTORS ARE NOT ALLOWED TO OPERATE ANY TOWN OF APEX WATER VALVES. ALL EXISTING VALVES WITHIN THE TOWN WATER SYSTEM SHALL BE OPERATED ONLY BY TOWN PERSONNEL. EXISTING VALVES WILL NOT BE OPERATED WITHOUT A MINIMUM NOTICE OF 24 HOURS. TOWN PERSONNEL SHALL OPERATE ALL NEW VALVES ONCE THEY HAVE BEEN TESTED, CERTIFIED, AND ACCEPTED.
12. ALL NEW PUBLIC WATER AND SEWER LINES CONTAINED WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WILL REQUIRE A WATER DISTRIBUTION EXTENSION PERMIT AND/OR A GRAVITY SEWER EXTENSION PERMIT TO THE RELEASE OF CONSTRUCTION DRAWINGS. ALL WATER DISTRIBUTION EXTENSION PERMIT APPLICATIONS SHALL BE ACCOMPANIED BY A SEALED ENGINEER'S REPORT PER THE TOWN OF APEX SPEC BOOK. PLEASE CONTACT THE ENGINEERING DIVISION AT 919-249-3394 TO OBTAIN THESE PERMIT APPLICATIONS.
13. A PLUMBING PERMIT ISSUED BY THE BUILDING INSPECTION DIVISION IS REQUIRED FOR ALL PLUMBING SYSTEMS, INCLUDING STORM DRAINAGE SYSTEMS, INSTALLED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR A PUBLIC UTILITY EASEMENT. THESE SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE PLUMBING INSPECTOR PRIOR TO COVERING. CONTACT THE BUILDING INSPECTIONS DIRECTOR AT 919-249-3381 FOR INFORMATION INCLUDING THE UTILIZATION OF A THIRD-PARTY INSPECTION AGENCY.

OFFSITE SEWER TIE IN NOTES:
THE PROPOSED SANITARY SEWER BETWEEN SSHM-109 AND MH-17 WILL NOT BE PLACED UNDER WARRANTY, ACCEPTED, OR OTHERWISE BE PUT IN SERVICE BY THE TOWN OF APEX UNTIL THE NORTHERN BIG BRANCH SEWER OUTFALL IS COMPLETED, CERTIFIED, AND PLACED UNDER WARRANTY BY THE TOWN OF APEX. FURTHERMORE, A CERTIFICATE OF OCCUPANCY, BOTH TEMPORARY AND PERMANENT, WILL NOT BE APPROVED UNTIL THE PROPOSED SANITARY SEWER NOTED ABOVE HAS BEEN PLACED UNDER WARRANTY BY THE TOWN OF APEX.

UTILITIES LEGEND

SYMBOL	DESCRIPTION
——FL——FL——	FIRE LINE
——FM——FM——	FORCE MAIN
——SS——SS——	SANITARY SEWER PIPE
——W——W——	WATER MAIN
——R——R——	RECLAIMED WATER LINE
– – – – – –	TOWN OF APEX PUBLIC WATERLINE EASEMENT

WATERLINE NOTES:

THE FOLLOWING MINIMUM HORIZONTAL SEPARATIONS SHALL BE MAINTAINED:

1. 100 FEET FROM ANY PRIVATE OR PUBLIC WATER SUPPLY SOURCE, INCLUDING WELLS, WS-1 WATERS OR CLASS I, CLASS II, OR CLASS III IMPOUNDED RESERVOIRS USED AS A SOURCE OF DRINKING WATER (EXCEPT AS NOTED BELOW)

2. 50 FEET FROM WETLANDS AND ANY WATERS (FROM NORMAL HIGH WATER) CLASSIFIED WS-II, WS-III, WS-IV, B, SA, ORW, HQW OR SB (EXCEPT AS NOTED BELOW)

3. 20 FEET FROM WATERS CLASSIFIED AS C, ANY OTHER STREAM, LAKE, OR IMPOUNDMENT (EXCEPT AS NOTED BELOW)

WATER/ELECTRICAL CROSSING NOTE:

WHERE PUBLIC WATER AND ELECTRICAL SERVICE CROSS, A MINIMUM 18" VERTICAL SEPARATION WILL BE REQUIRED.

NOTES:

1. WATER, SEWER, AND ELECTRICAL SERVICES TO BE REQUESTED FROM THE TOWN OF APEX.
2. SEE SHEET C2.00 FOR TREE DEMO AND LANDSCAPE PLANS FOR PROPOSED PLANTINGS.
3. SEE LIGHTING PLAN FOR POLE LOCATIONS, TYPES & HEIGHTS.

TOWN OF APEX ARBORIST NOTES

SEE LEAF AND LIMB ARBORIST'S REPORT ON BEST PRACTICES REGARDING IMPACT WITHIN THE CRITICAL ROOT ZONE (CRZ) AND CONSTRUCTION CARE RECOMMENDATIONS TO PRESERVE TREES WITHIN THE BUFFERS. RECOMMENDATIONS, SOME OF WHICH ARE TO BE PERFORMED UNDER THE SUPERVISION OF AN ISA CERTIFIED ARBORIST INCLUDE:

- CONTACT THE PLANNING DEPARTMENT ARBORIST, MARK SIBURT AT 919-249-3335 OR MARK.SIBURT@APEX.ORG PRIOR TO GRADING OR DISTURBANCE NEAR ANY OF THE BUFFERS IN ORDER TO REVIEW THE CRITICAL ROOT ZONE PROTECTION PROCEDURES.
- PERFORM ROOT PRUNING TO THE TREES THAT HAVE CRITICAL ROOT ZONE IMPACT IN ACCORDANCE WITH THE LEAF AND LIMB ARBORIST REPORT.
- PROVIDE A COMPLETION LETTER TO THE PLANNING DEPARTMENT ARBORIST, ONCE WORK IS COMPLETED ON THE CRITICAL ROOT ZONE AREA.

PRIVATE SEWER PERMIT NUMBER: WQ0046714

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these Construction Plans.	
Transportation Engineering	Planning
Building Inspections	Planning – Transportation
Water Resources – Utility Engineering	Fire
Water Resources Stormwater and S&EC	Parks, Recreation & Cultural Resources
Electric	

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

GREATER RALEIGH AREA CHRISTIAN EDUCATION INC.
1101 BUCK JONES RD RALEIGH, NC 27606
919-747-2020

CONSTRUCTION DRAWINGS
GRACE Christian School Apex Campus
2721, 2733, 2745 VERIDEA PKWY, APEX, NC TOWN OF APEX, WAKE COUNTY

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 042911 — PRELIMINARY NOT APPROVED FOR CONSTRUCTION — JUSTIN MCKENZIE TUCKER

SCALE: 1 inch = 100 ft.

INITIAL PLAN DATE: 03/03/2025
REVISIONS:
---- - 04/28/2025 ADDENDUM 01
---- - 07/03/2025 SUBMITTAL NO. 8
---- - 08/08/2025 SUBMITTAL NO. 9
---- - 09/05/2025 SUBMITTAL NO. 10

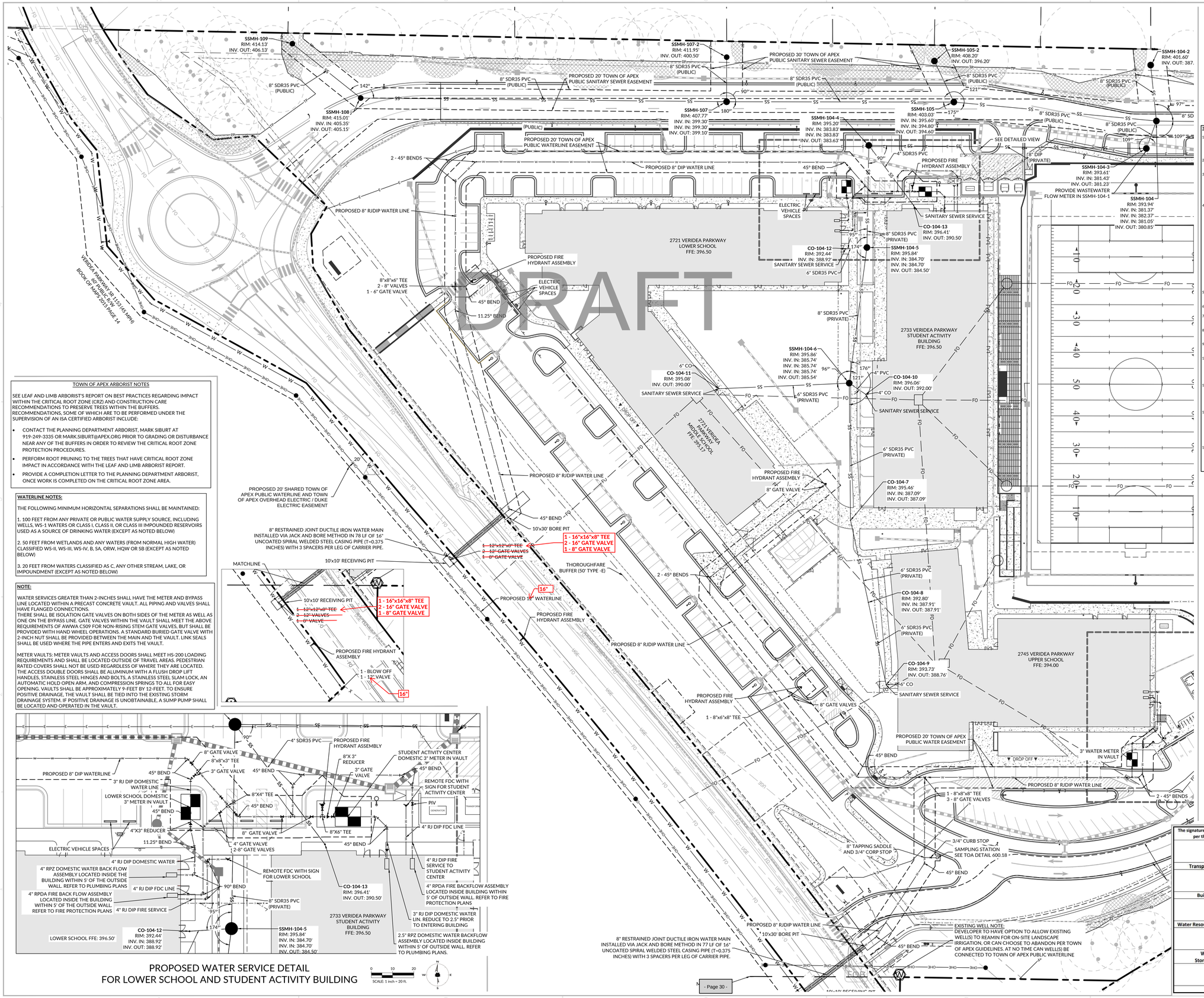
WR JOB NUMBER 25-
DRN: WR DGN: WR CKD: WR

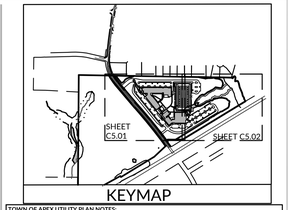
OVERALL UTILITY PLAN

C5.00

DRAFT ONLY. NOT FOR CONSTRUCTION

J:\25\25179-little architects grace christian school apex\CAD\drawing sets\construction\C5.00 OVERALL UTILITY PLAN.dwg, Tuesday, September 2, 2025 8:48:56 AM - ALUANG





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UTILITIES LEGEND

SYMBOL	DESCRIPTION
FL FL	FIRE LINE
FM FM	FORCE MAIN
SS	SANITARY SEWER PIPE
W	WATER MAIN
R R	RECLAIMED WATER LINE
	TOWN OF APEX PUBLIC WATERLINE EASEMENT
	TOWN OF APEX PUBLIC SANITARY SEWER EASEMENT
	FIRE LANE
N	BACKFLOW PREVENTER
	BLOW OFF
	FIRE DEPARTMENT CONNECTION (FDC)
	FIRE HYDRANT ASSEMBLY
	SEWER CLEANOUT
	SEWER MANHOLE
	WATER METER
	WATER VALVE

NOTE:
SEE LIGHTING PLAN FOR POLE LOCATIONS, TYPES & HEIGHTS

TOWN OF APEX ARBORIST NOTES

SEE LEAF AND LIMB ARBORIST'S REPORT ON BEST PRACTICES REGARDING IMPACT WITHIN THE CRITICAL ROOT ZONE (CRZ) AND CONSTRUCTION CARE RECOMMENDATIONS TO PRESERVE TREES WITHIN THE BUFFERS.
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2. 50 FEET FROM WETLANDS AND ANY WATERS (FROM NORMAL HIGH WATER) CLASSIFIED WS-II, WS-III, WS-IV, B, SA, ORW, HQW OR SB (EXCEPT AS NOTED BELOW)

3. 20 FEET FROM WATERS CLASSIFIED AS C, ANY OTHER STREAM, LAKE, OR IMPOUNDMENT (EXCEPT AS NOTED BELOW)

NOTE:

WATER SERVICES GREATER THAN 2-INCHES SHALL HAVE THE METER AND BYPASS LINE LOCATED WITHIN A PRECAST CONCRETE VAULT. ALL PIPING AND VALVES SHALL HAVE FLANGED CONNECTIONS.
THERE SHALL BE ISOLATION GATE VALVES ON BOTH SIDES OF THE METER AS WELL AS ONE ON THE BYPASS LINE. GATE VALVES WITHIN THE VAULT SHALL MEET THE ABOVE REQUIREMENTS OF AWWA C509 FOR NON-RISING STEM GATE VALVES, BUT SHALL BE PROVIDED WITH HAND WHEEL OPERATIONS. A STANDARD BURIED GATE VALVE WITH 2-INCH NUT SHALL BE PROVIDED BETWEEN THE MAIN AND THE VAULT. LINK SEALS SHALL BE USED WHERE THE PIPE ENTERS AND EXITS THE VAULT.

METER VAULTS: METER VAULTS AND ACCESS DOORS SHALL MEET HS-200 LOADING REQUIREMENTS AND SHALL BE LOCATED OUTSIDE OF TRAVEL AREAS. PEDESTRIAN RATED COVERS SHALL NOT BE USED REGARDLESS OF WHERE THEY ARE LOCATED. THE ACCESS DOUBLE DOORS SHALL BE ALUMINUM WITH A FLUSH DROP LIFT HANDLES, STAINLESS STEEL HINGES AND BOLTS, A STAINLESS STEEL SLAM LOCK, AN AUTOMATIC HOLD OPEN ARM, AND COMPRESSION SPRINGS TO ALL FOR EASY OPENING. VAULTS SHALL BE APPROXIMATELY 9-FEET BY 12-FEET. TO ENSURE POSITIVE DRAINAGE, THE VAULT SHALL BE TIED INTO THE EXISTING STORM DRAINAGE SYSTEM. IF POSITIVE DRAINAGE IS UNOBTAINABLE, A SUMP PUMP SHALL BE LOCATED AND OPERATED IN THE VAULT.

PROPOSED WATER SERVICE DETAIL
FOR LOWER SCHOOL AND STUDENT ACTIVITY BUILDING

SCALE: 1 inch = 20 ft.

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these Construction Plans.

Transportation Engineering	Planning
Building Inspections	Planning – Transportation
Water Resources – Utility Engineering	Fire
Water Resources Stormwater and S&EC	Parks, Recreation & Cultural Resources
Electric	

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919-469-3340 | www.withersravenel.com

GREATER RALEIGH AREA
CHRISTIAN EDUCATION INC.
1101 BUCK JONES RD, RALEIGH, NC 27606
919-747-2020

CONSTRUCTION DRAWINGS
GRACE Christian
School Apex Campus
2733, 2745 VERIDEA PKWY, APEX, TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

NORTH CAROLINA
PROFESSIONAL ENGINEER
PRELIMINARY
NOT APPROVED FOR CONSTRUCTION
ENGINEER
TUCKER MCKENZIE

0 20 40
SCALE: 1 inch = 40 ft.

INITIAL PLAN DATE: 03/03/2025
REVISIONS:
---- - 04/28/2025 ADDENDUM 01

---- - 07/03/2025 SUBMITTAL NO. 8

---- - 08/08/2025 SUBMITTAL NO. 9

---- - 09/05/2025 SUBMITTAL NO. 10

WR JOB NUMBER 23000
DRN: WR DGN: WR CKD: WR

DETAILED UTILITY PLAN

C5.01

DRAFT ONLY, NOT FOR CONSTRUCTION

J:\23\23079-Wiley architects grace christian school apex\CAD\drawing sets\construction\C5.01 UTILITY PLAN.dwg, Tuesday, September 2, 2025 8:50:49 AM, BTROSE

DRAFT

0+00 1+00 2+00 4+00 5+00 6+00 7+00 8+00 9+00 10+00 11+00

8" DIP

COMBINATION AIR RELEASE VALVE

45° BEND

EXISTING 12"DIP WATERLINE

STA: 2+38.56
~~CONNECT PROPOSED 12" DIP WATERLINE TO EXISTING 12" VALVE START RJ DIP~~

45° BEND

REFER TO SHEET C3.06 FOR EASEMENT INFORMATION. TYP.

CONNECT PROPOSED 16" DIP WATER LINE TO EXISTING 12" VALVE WITH 12"x16" INCREASER AND START 16" RJ DIP WATER LINE

OFF-SITE POND

VERIDEA PARKWAY SR 1153 (45 MPH)
60' PUBLIC R/W
BOOK OF MAPS 2012 PAGE 14

16"x16"x6" TEE

~~12"x12"x6" TEE~~
6" GATE VALVE
8 LF 6" RJ DIP

PROPOSED FIRE HYDRANT ASSEMBLY

~~12" GATE VALVE~~

16" GATE VALVE

10'x30' BORE PIT

10'x10' RECEIVING PIT

~~50 LF OF 20" CASING AT 0.05% SLOPE (SEE APEX DETAIL 450.06)~~

42 LF OF 30" DIAMETER, 0.500" THICK WALL STEEL CASING AT 0.50% SLOPE (SEE APEX DETAIL 450.06)

PROPOSED 12" RJ DIP WATERLINE

16"

22.5° BEND

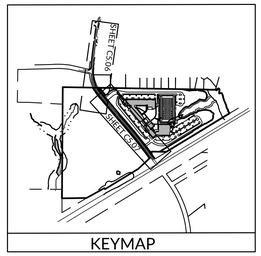
11.25° BEND

25 LF OF 30" DIAMETER, 0.500" THICK WALL STEEL CASING AT 0.50% SLOPE (SEE APEX DETAIL 450.06)
ADJUST LOCATION AS REQUIRED TO AVOID DAMAGE TO EXISTING POLE

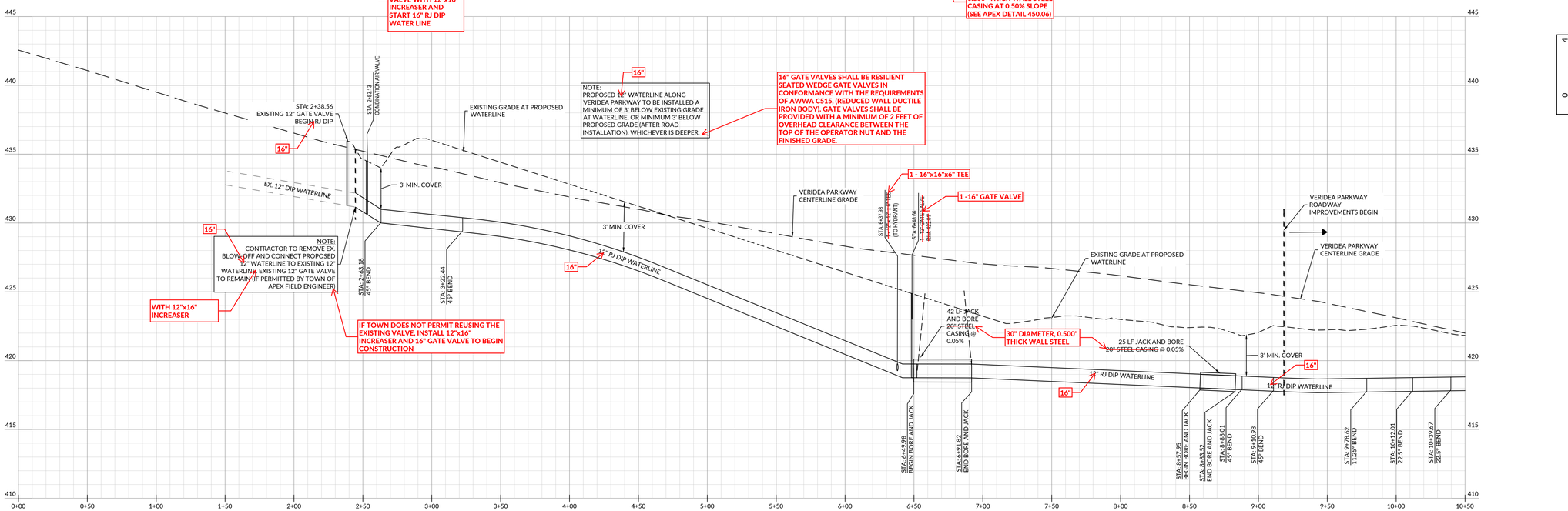
10'x30' BORE PIT

~~25 LF OF 20" CASING AT 0.05% SLOPE (SEE APEX DETAIL 450.06)~~
~~ADJUST LOCATION AS REQUIRED TO AVOID DAMAGE TO EXISTING POLE~~

10'x10' RECEIVING PIT



KEYMAP



PROFILE VIEW
GRAPHIC SCALE
1" = 40' HORZ.
1" = 4' VERT.
0 40 80

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Transportation Engineering	Planning
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1101 BUCK JONES RD, RALEIGH, NC 27606
919-747-2020

CONSTRUCTION DRAWINGS
GRACE CHRISTIAN SCHOOL APEX CAMPUS
2124, 2753, 2745 VERIDEA PKWY, APEX, NC 27502

PRELIMINARY NOT APPROVED FOR CONSTRUCTION
NORTH CAROLINA PROFESSIONAL ENGINEER LUCKER MCKENZIE

SCALE: 1 inch = 40 ft.

INITIAL PLAN DATE: 03/03/2025
REVISIONS:
---- - 07/03/2025 SUBMITTAL NO. 8
---- - 08/08/2025 SUBMITTAL NO. 9
---- - 09/05/2025 SUBMITTAL NO. 10

GRACE CHRISTIAN SCHOOL
ACSI ACCREDITED

LITTLE
DIVERSIFIED ARCHITECTURAL CONSULTING

WR JOB NUMBER 23-
DRN: WR DGN: WR CKD: WR

WATERLINE EXTENSION PLAN & PROFILE

C5.06

DRAFT ONLY NOT FOR CONSTRUCTION

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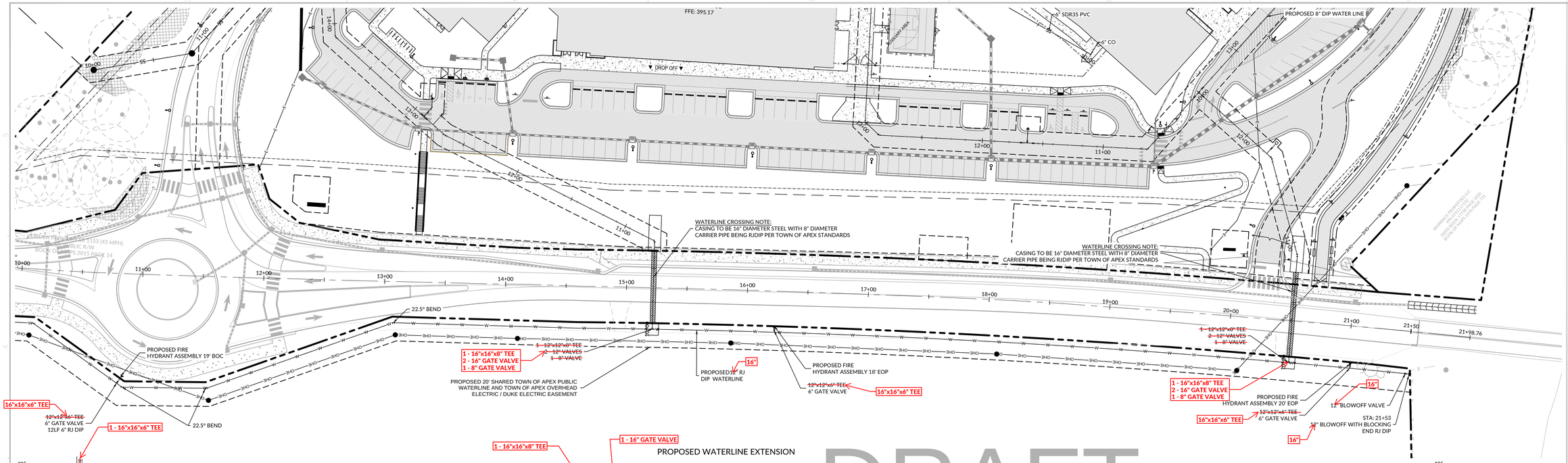

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PROFILE VIEW
GRAPHIC SCALE
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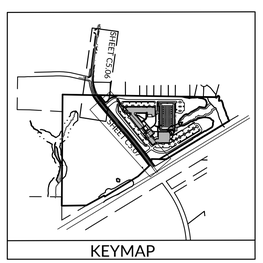

KEYMAP

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these Construction Plans.	
Transportation Engineering	Planning
Building Inspections	Planning – Transportation
Water Resources – Utility Engineering	Fire
Water Resources Stormwater and S&EC	Parks, Recreation & Cultural Resources
Electric	

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GREATER RALEIGH AREA
CHRISTIAN EDUCATION INC.
1101 BUCK JONES RD RALEIGH,
NC 27606
919-747-2020

CONSTRUCTION DRAWINGS
GRACE CHRISTIAN
SCHOOL APEX CAM
2745 VERIDEA PKWY, APEX, NC 27502 TWN OF APEX COUNTY OF WAKE

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION
NORTH CAROLINA
ENGINEER
LUCKER MCKENTHAL

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SCALE: 1 inch = 40 ft.

INITIAL PLAN DATE: 03/03/2025
REVISIONS:
---- - 04/28/2025 ADDENDUM 01
---- - 07/03/2025 SUBMITTAL NO. 8
---- - 08/08/2025 SUBMITTAL NO. 9
---- - 09/05/2025 SUBMITTAL NO. 10

GRACE CHRISTIAN SCHOOL
ACSI EXEMPLARY ACCREDITED

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DIVERSIFIED ARCHITECTURAL CONSULTING

WR JOB NUMBER 25
DRN: WR DGN: WR CKD: WR

WATERLINE EXTENSION PLAN & PROFILE

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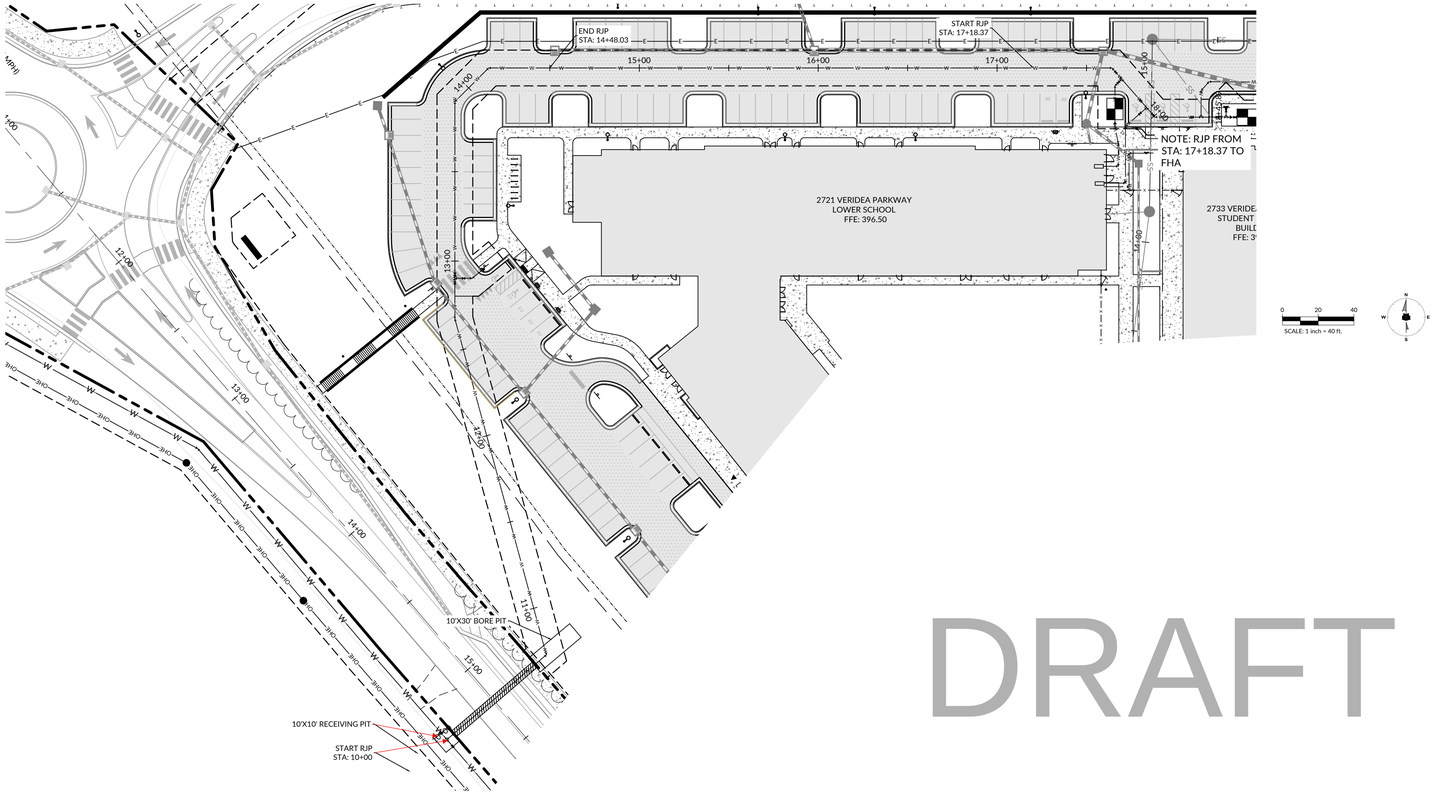

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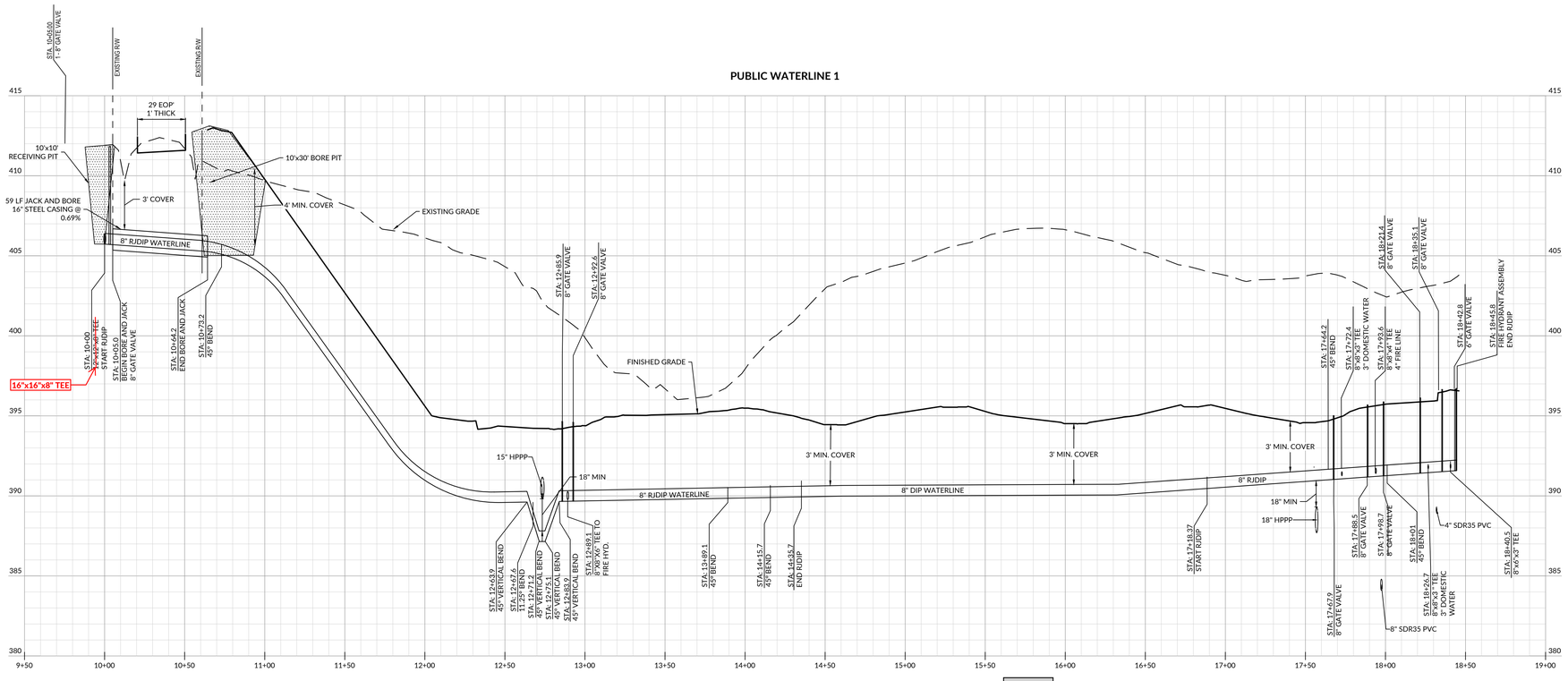

PROFILE VIEW
GRAPHIC SCALE
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1101 BUCK JONES RD. RALEIGH,
NC 27606
919-747-2020

CONSTRUCTION DRAWINGS
GRACE CHRISTIAN
SCHOOL APEX CAMPUS
2721, 2733, 2745 VERIDEA PKWY, APEX, NC 27502, WAKE COUNTY

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION
NORTH CAROLINA PROFESSIONAL ENGINEER
TUCKER MCKENZIE

GRACE CHRISTIAN SCHOOL
ACSI ACCREDITED

LITTLE
DIVERSIFIED ARCHITECTURAL CONSULTING

INITIAL PLAN DATE: 03/03/2025
REVISIONS:
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- ---- - 07/03/2025 SUBMITTAL NO. 8
- ---- - 08/08/2025 SUBMITTAL NO. 9

WR JOB NUMBER 23-0079
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WATERLINE PLAN & PROFILE

C5.08

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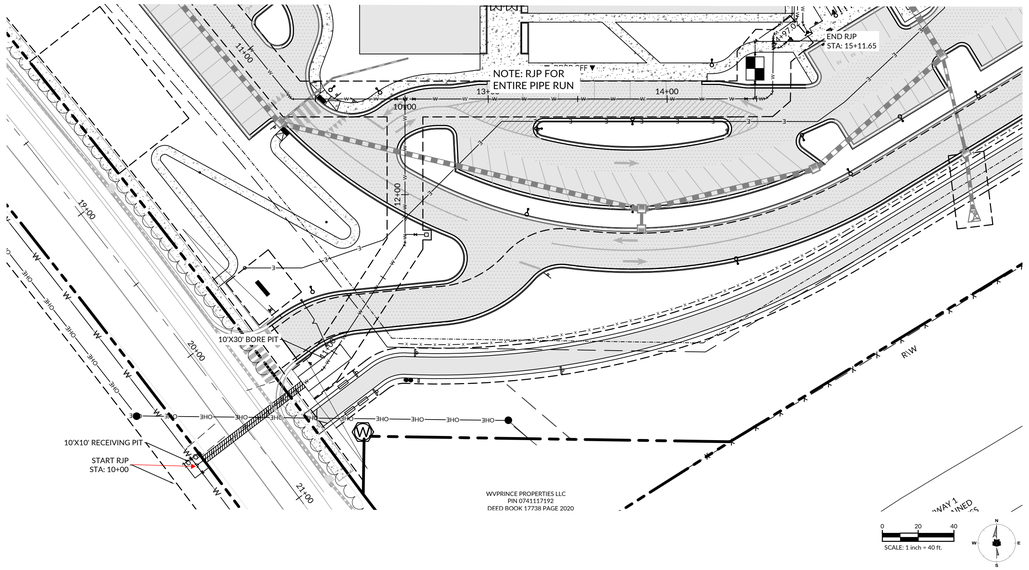

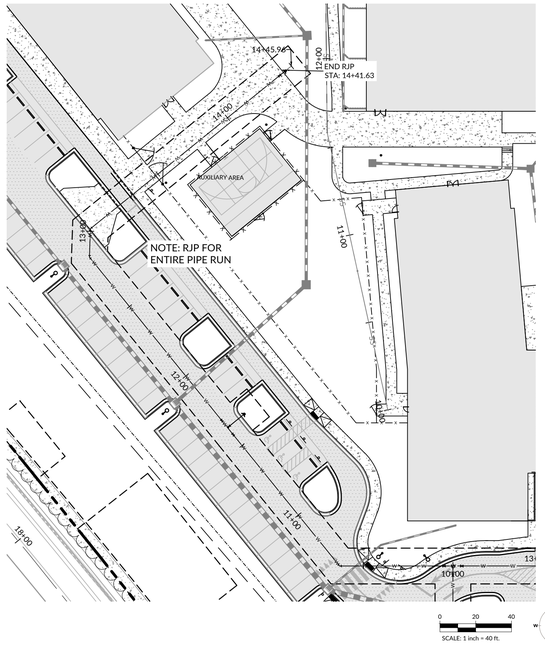

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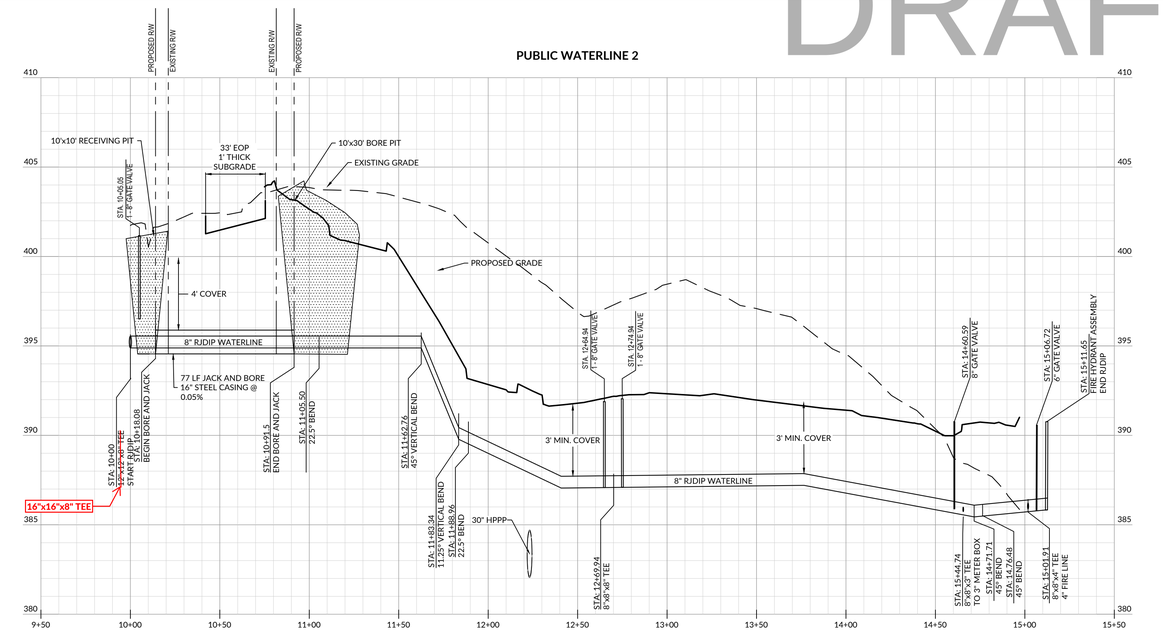

PROFILE VIEW
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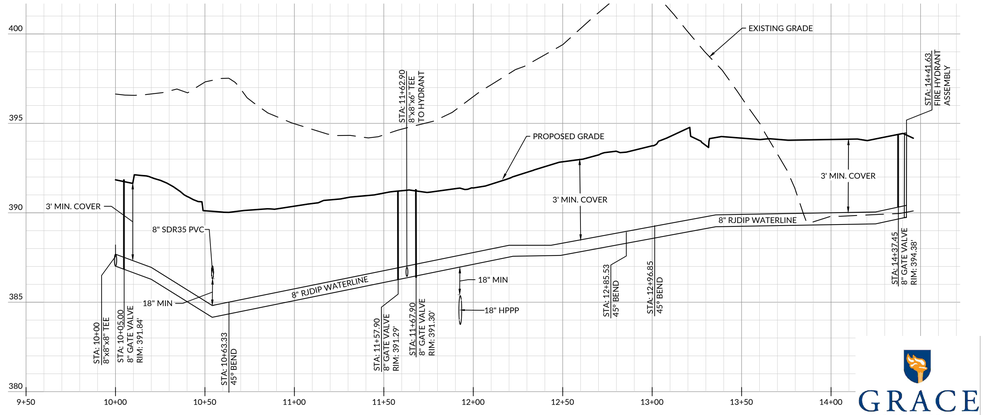
1" = 4' VERT.



PROFILE VIEW
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GRACE CHRISTIAN SCHOOL

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DIVERSIFIED ARCHITECTURAL CONSULTING

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919-747-2020

CONSTRUCTION DRAWINGS
GRACE CHRISTIAN SCHOOL APEX CAMPUS
2722 2733 2745 VERDEA PKWY | APEX, NC | WAKE COUNTY

PRELIMINARY NOT APPROVED FOR CONSTRUCTION

INITIAL PLAN DATE: 03/03/2025
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WATERLINE PLAN & PROFILE

C5.09

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GRACE Christian School - Offsite 12" WL

December 5, 2025

ENGINEER'S OPINION OF PROBABLE COST

Jacob Smith
23-0279
version 1.05

ITEM DESCRIPTION	QUANTITY	UNITS	UNIT COST	TOTAL
WATER SYSTEM				
12" RJDIP	2105	LF	$ 131.25	$ 276,281.00
12" Valve	5	EA	$ 5,407.50	$ 27,038.00
12" Blow-Off Assembly	1	EA	$ 14,490.00	$ 14,490.00
12" Air Release Valve	1	EA	$ 12,280.00	$ 12,280.00
20" Bore and Jack with Encasement pipe	83	LF	$ 829.50	$ 68,849.00
Tie to Existing 12" Watermain	1	EA	$ 3,350.55	$ 3,351.00
12" Fittings	16	EA	$ 1,349.25	$ 21,588.00
Final Inspections	2105	LF	$ 5.87	$ 12,356.00
Traffic Control	1	LS	$ 21,696.00	$ 21,696.00
			Subtotal Water System =	**$ 457,929.00**

	Subtotal =	**$ 457,929.00**
10.0%	Const. Contingency =	**10.0%**
	GRAND TOTAL =	**$ 503,722.00**

NORTH CAROLINA PROFESSIONAL SEAL 44527 ENGINEER TUCKER MCKENZIE

DocuSigned by:
Tucker McKenzie
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12/5/2025

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GRACE Christian School - Offsite 16" WL

December 5, 2025

Jacob Smith

23-0279

version 1.05

ENGINEER'S OPINION OF PROBABLE COST

ITEM DESCRIPTION	QUANTITY	UNITS	UNIT COST	TOTAL
WATER SYSTEM				
16" RJDIP	2105	LF	$ 226.46	$ 476,698.00
16" Valve	5	EA	$ 23,229.76	$ 116,149.00
16" Blow-Off Assembly	1	EA	$ 18,710.74	$ 18,711.00
16" Air Release Valve	1	EA	$ 13,481.40	$ 13,481.00
30" Bore and Jack with Encasement pipe	83	LF	$ 1,408.51	$ 116,906.00
Tie to Existing 12" Watermain	1	EA	$ 3,350.55	$ 3,351.00
16" Fittings	17	EA	$ 2,776.69	$ 47,204.00
Final Inspections	2105	LF	$ 6.87	$ 14,461.00
Traffic Control	1	LS	$ 31,015.00	$ 31,015.00
			Subtotal Water System =	**$ 837,976.00**

	Subtotal =	**$ 837,976.00**
10.0%	Const. Contingency =	**10.0%**
	GRAND TOTAL =	**$ 921,774.00**



12/5/2025

Policy Regarding Town Participation in Utility Projects

1. A developer or property owner is required to install water and sewer facilities sufficient to meet the needs of their development. In order to provide for the orderly and efficient long term growth of the Town's water and sewer infrastructure, the Town of Apex may contract with a developer or property owner ("**Developer**") for the construction of utility improvements that are adjacent or ancillary to a private land development project and in excess of the needs of the private land development project ("**Oversized Improvements**"). Facilities shall be sized in accordance with the Town's Water and Wastewater Facilities Plan ("**Plan**") or as approved by the Director of Water Resources.

2. When Oversized Improvements are required by the Plan, the Developer shall be reimbursed for cost associated with the design and construction of improvements that are in addition to those required to serve the needs of the development in accordance with this Policy.

3. Developer shall be reimbursed the incremental cost differential for construction of water distribution lines, sanitary sewer collection lines, sewer pump stations, and sewer force mains under the following conditions:

    a. The Oversized Improvements exceed the needs of the development; and
    b. The waterline distribution line or sanitary sewer collection line, as applicable, is greater than an 8 inch line; and
    c. The Developer complies with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts where the estimated public cost exceeds $250,000; and
    d. The Developer administers the construction contract without cost or expense to the Town and file reports of its administration with the Town's Water Resources Director or the Water Resources Director's designee; and
    e. A Reimbursement Agreement is approved by the Town Council.

4. "**Approved Incremental Construction Cost**" shall be determined as follows: The incremental cost differential for the Oversized Improvements shall be determined by (a) conducting a publicly bid construction contract process showing the minimum required sizing sufficient to meet the needs of the development as the base bid and the Oversized Improvements as an alternate bid or (b) based on a set unit price cost differential using the Town's published costs for determining performance guarantees. In the case of a pump station, certified estimates will be provided by Developer Engineer and Town Engineer to analyze and reach agreement on an "**Oversized Improvement Percentage**". The Oversized Improvement Percentage would be applied to the publicly bid pricing to determine the Approved Incremental Construction Cost. Any or all of the above methods may be used for a single project or as agreed to in the Reimbursement Agreement. The Approved Incremental Construction Cost shall not include any change orders increasing the costs of the construction unless reviewed and approved by the

Town's Water Resources Director or the Water Resources Director's designee in writing prior to execution of the change order.

5. In addition to the Approved Incremental Construction Cost, the Developer may be reimbursed for non-construction costs such as engineering, surveying, and land acquisition in an amount not to exceed 15% of the Approved Incremental Construction Cost; provided however, Developer must comply with the Mini-Brooks Act and any other state law or regulation applicable to procuring those services as if the Town were procuring said services (**"Approved Incremental Design Cost"**). The aggregate of the Approved Incremental Construction Cost and Approved Incremental Design Cost is the **"Town's Share."**

6. Upon completion of construction of the Oversized Improvements and acceptance of the facilities by the Town, Town's Share shall be reimbursed as follows:

    a. Developer shall receive a credit against Developer owed Capital Reimbursement Fees (**"Fee Credits"**).
    b. Upon acceptance of the facilities and annually thereafter, Developer shall receive payments of any remaining Town Share (**"Annual Payment"**) in accordance with the following schedule:
        - Town Share less Fee Credits is less than or equal to $800,000, Annual Payment shall be paid out over a period of time not to exceed 4 years.
        - Town Share less Fee Credits is between $800,000 and $1,200,000, Annual Payment shall be paid out over a period of time not to exceed 6 years.
        - Town Share less Fee Credits is between $1,200,000 and $1,600,000, Annual Payment shall be paid out over a period of time not to exceed 8 years.
        - Town Share less Fee Credits is greater than $1,600,000, Annual Payment shall be paid out over a period of time not to exceed 10 years.

    For example, if the Town's share is $600,000 and the Fee Credits equal $100,000, the remaining $500,000 will be spread among 4 equal Annual Payments of $125,000.

    c. Reimbursement for water system improvements shall only be received from Water Capital Reimbursement Fee funds. Likewise, reimbursement for sewer system improvements shall only be received from Sewer Capital Reimbursement Fee funds.
    d. In no event shall the Fee Credits or the aggregate of the Fee Credits and Annual Payment received by the Developer exceed the amount of the Town's Share.

7. The Town's obligation to reimburse Developer under this Policy shall automatically terminate on the 10th anniversary of the acceptance of the completed facilities by the Town or the date on which the Developer has been reimbursed in full the amount of the Town's Share, whichever occurs first.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Katie Schwing, Senior Planner – Long Range Transit

Department(s): Planning

Requested Motion

Motion to approve Amendment No. 4 to the GoApex Bus Agreement with Town of Cary and MV Transportation to expand GoApex Bus transportation service to include Sundays, and authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes.

Item Details

The purpose of the amendment is to transfer the federally-required ADA paratransit service for GoApex from the GoApex Door to Door service operated by Wake County, to the GoCary Door to Door Tier-1 service operated by GoCary. The main reason for this change is to allow GoApex Route 1 to operate on Sundays. It is not possible for Wake County to accommodate service on Sundays and GoCary can provide this service. In addition, now that paratransit service is provided for GoCary Route 9, which extends from downtown Cary to downtown Apex, offering the paratransit service for GoApex through GoCary provides an opportunity for a one-seat ride to a more extensive area, improving the overall service to customers.

With this change, the ADA paratransit service for GoApex Route 1 would no longer be independently branded as "GoApex Door to Door". Rather, it would be fully incorporated into GoCary Door to Door policies and branding. While GoCary offers additional Door to Door services; there would be no change to the current eligibility requirements for residents within the Apex service area, which is the minimum federally-required ADA paratransit service for those with a disability that prevents them from riding the fixed route transit service.

The ADA paratransit service will be provided at a rate of $75 per trip for FY26. While the number of trips is not certain, staff expect that this will result in a cost-neutral change from existing service. The Town of

Apex's approved FY26 budget includes funding for operating GoApex Route 1 and the paratransit service, including the addition of service on Sundays, and funding is included in the FY26 Wake Transit Work Plan through the Wake Transit Community Funding Area Program (under Wake Transit Project ID TO005-BF), which provides a 50% match of eligible costs, reimbursable to the Town.

Attachments

- CN3-A1: Amendment No. 4 to GoApex Fixed Route Service Agreement, with updated Exhibits A and D – Sunday Service (pending execution)
- CN3-A2: Executed GoApex Fixed Route Service Agreement, FY23

NORTH CAROLINA
WAKE COUNTY

AMENDMENT #4 TO GOAPEX AGREEMENT

Contract Number: EN23-007-00

THIS AMENDMENT #4 TO GOAPEX AGREEMENT, ("Amendment 4") is entered into by and between the Town of Cary, a North Carolina municipal corporation (hereafter "Cary"), having its office at 316 North Academy St., Cary, NC 27513, Town of Apex, a North Carolina municipal corporation (hereafter "Apex"), having its office at 73 Hunter St., Apex, NC 27502, and Cary's bus services contractor MV Transportation, Inc., a corporation duly organized under the laws of the State of California and duly qualified to transact business in the State of North Carolina (hereafter "MV Transportation"), having an office at 2711 N. Haskell Ave., Suite 1500-LB2, Dallas, TX 75204. The foregoing may be individually referred to herein as "Party" and collectively referred to as "Parties."

WHEREAS, Cary, Apex and MV Transportation entered into the GoApex Agreement for transit service on June 22, 2022 ("EN2300700"), Amendment #1 on May 10, 2023 ("EN2300701"), Amendment #2 on June 3, 2024 ("EN2300702)"), and Amendment #3 on August 6, 2025 ("EN2300703), hereafter referred to collectively as "Agreement"; and

WHEREAS, Cary currently operates the GoCary Door to Door Tier 1 service which is an Americans with Disabilities Act ("ADA")-compliant paratransit service; and

WHEREAS, the Parties desire to amend the Agreement to extend paratransit services to GoApex Route 1, as detailed in this Amendment #4.

NOW THEREFORE, in consideration of the mutual promises to each other, as hereinafter set forth, the Parties hereto do mutually agree to amend the Agreement, as follows:

1. **Section 2. <u>Operations</u>** is deleted in its entirety and replaced with the following:

   The purpose of this Agreement is to set forth the duties and responsibilities of each Party in the provision of Route 1 service and paratransit service. GoApex Route 1 will be a fixed-route transit service open to the general public. Paratransit service will be operated in compliance with all applicable federal, state, and local laws, including the public transit requirements of the ADA. Operational characteristics of the Service may be changed for the benefit of any party upon written approval by all Parties.

   A. Cary shall have the following responsibilities:

      1. Finalize the alignment for Route 1, including the schedule, the span of revenue

service (the time when a vehicle is available to the general public and there is an expectation of carrying passengers), and the timing of revenue service, after collaboration with Apex. Cary agrees to consult with Apex on these elements to maximize regional coordination. Any material change in the route alignment, stop locations, schedule, span of service, timing of service, or overall operation of Route 1 must be agreed to in writing by both parties. Cary will respond to all communications and requests by Apex within ten (10) business days unless such communication or request is specifically identified by Apex as an "Urgent Operational Concern" Cary will respond within two (2) business days. Cary will provide feedback to Apex on the operation of the service.

2. Provide for the GoCary Door to Door Tier 1 service in the area designated "GoApex Route 1 ADA Area" in the attached Exhibit D (hereinafter "Paratransit Services") and update all public materials including applications, brochures, ride guides, and webpages to reflect the Paratransit Service. Paratransit Service will be provided with the same service provisions and policies as the Tier 1 GoCary Door to Door service.

3. Assist Apex where reasonably possible (in Cary's sole discretion) in the provision of information about and marketing of Route 1 and Paratransit Service. This may include reviewing and providing comments on marketing materials, participating in outreach events, distributing ride guides, and assisting with coordination with other regional transit providers. Cary will coordinate with Apex staff on Paratransit Service public materials for the Apex area (such as any ride guide distribution or information for the GoApex webpage).

4. Provide Apex a minimum of 15 days written notice of potential service disruption, except in the case of service disruption due to inclement weather, safety concerns, or other emergency situations in which case notice will be provided as soon as reasonably possible. Cary has final authority on all changes to service level. Cary will attempt to maintain service on all scheduled routes dependent on available resources. Action plans for service disruptions will be communicated by email to the MV Transportation General Manager and Town of Apex Long Range Planning Manager, or designee.

5. Cary shall report Route 1 operating statistics to comply with deliverables outlined in the General Operating Agreement for Bus Operations – Community Funding Area Program executed between the Town of Apex, GoTriangle, and Capital Area Metropolitan Planning Organization (Wake Transit Operating Agreement), including ridership by date, revenue and deadhead hours, revenue and deadhead miles, missed trips, and a log of customer complaints and resolutions, all in an editable format, to Apex by the 15th of the month following the month of service.

6. Finalize the provisions of service for Paratransit Service pursuant to the

Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, as amended, and the U.S. Department of Transportation's implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

Cary shall report Paratransit Service operating statistics to Apex, including total number of trips completed, trip origin, trip destination, scheduled pickup time, actual pickup time, scheduled drop-off time, actual drop-time, and whether a trip is a standing order (subscription trip). The following operating statistics shall be made available upon request by Apex: total number of no-shows, total number of late cancellations, total number of trip denials, customer service complaints and follow-up actions.

B. MV Transportation shall have the following responsibilities:

1. Operate Route 1 and Paratransit Service on all applicable days according to the operating schedule set forth in Exhibit A, attached and incorporated by reference, or as otherwise agreed to in writing by the Parties.

2. Ensure appropriate usage and placement of any identifying Route 1 materials on vehicles, including bus wraps, or other appropriate industry accepted signage as agreed upon, and paper schedules.

3. For Route 1 service, use Americans with Disabilities Act (ADA) accessible light transit vehicles (LTVs) with a seated capacity of no less than 16 persons, equipped with automated vehicle locators (AVL) and which comply with all applicable federal and state laws and regulations.

4. Agree that if any vehicle intended for, or normally used for, Route 1 service is inoperable for any reason, MV Transportation will immediately deploy another vehicle of equal or greater seating capacity which is compliant as required in subsection 2.B.3. MV Transportation will ensure that any vehicle deployed will have either a bus wrap or other industry-accepted signage identifying it as a GoApex vehicle.

5. MV Transportation shall use Americans with Disabilities Act (ADA) accessible vans or light transit vehicles (LTVs) which comply with all applicable federal and state laws and regulations, and are branded appropriately with the service name and logo in performance of Paratransit Services.

6. MV Transportation shall operate Route 1 and Paratransit Service 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 as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. MV Transportation is

responsible for the maintenance, cleaning, and safe operation of all vehicles used in providing the Service as well as any claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered for personal injury, including bodily injury or death and/or property damage, including loss of use thereof, resulting from the negligence of MV Transportation.

7. Maintain, throughout the term of the Agreement and any extensions of the term, commercial general liability, auto and umbrella/excess insurance policies at its expense, covering personal injury and property damage on and in the vehicles and inside and outside the park and ride lots. The policies shall have at least the coverage amounts specified in Section 19 of this Agreement and at no time during the term of this Agreement shall coverage amounts be less than the coverage amounts required of MV Transportation by the GoCary Agreement. Cary and Apex shall be named as an additional insured on the general liability, business auto liability, and umbrella/excess policies and the policies will be primary and non-contributory. At Apex or Cary's written request, MV Transportation shall provide certificates of insurance referencing that the coverage is primary and non-contributory with copies of the Additional Insured Endorsement attached. Apex or Cary may request complete, certified copies of the policies. Notwithstanding the foregoing, neither the requirement of MV Transportation to have sufficient insurance nor the requirement that Cary and Apex are named as additional insureds, shall constitute waiver of either Town's governmental immunity in any respect, under North Carolina law.

8. Prepare and maintain on a form developed by Cary or MV Transportation on-going statistical, operational, and service data related to Route 1 separately from regular GoCary data. This includes but is not limited to the following: Vehicle Pre-Trip Inspection Checklist sheets, monthly reports that include total road calls, passenger trips, vehicle miles and vehicle hours, and any other daily, monthly, and/or annual data as required by FTA under the National Transit Database (NTD) program requirements. This information shall be provided to Apex upon request.

9. Report all passenger or vehicle accidents to Cary within one (1) hour of occurrence and follow-up with a detailed written accident report within twenty-four (24) hours. Cary will provide this information to Apex's Planning Director and/or designee by email as soon as is reasonably practical, but no more than 48 hours after the accident.

C. Apex shall have the following responsibilities:

1. Apex shall build or provide ADA accessible bus stops as identified in Exhibit C, or additional future bus stops proposed by Apex with Cary's written approval.

Apex shall maintain the bus stops used for the Service as identified in Exhibit C. Exceptions are stops that are either: (1) shared by a regional provider or (2) located on private property. Maintenance includes maintaining and upkeeping all associated transit amenities, including cutting or trimming of any vegetation; routine cleaning of the transit amenities, including the removal of litter and trash from trash receptacles; snow and ice removal; and maintaining ADA accessible conditions.

2. Provide employees of MV Transportation with access to restroom facilities during all periods of revenue service, including any keys or other methods of entry needed to access such a facility. These locations will be agreed to in writing by all parties.

3. Obtain National Transit Database (NTD) ID and complete annual NTD reporting for Route 1.

4. The initial service will be implemented fare-free. If Apex or Cary desires to charge a fare for Route 1 or Paratransit Service, the Parties will enter into an amendment to this Agreement. Any fare determined for Paratransit service must be no more than double the fare charged for Route 1 service to be in compliance with FTA requirements.

5. Respond to all communications and requests by Cary within ten (10) business days, unless such communication or request is specifically identified by Cary as an "Urgent Operational Concern," in which case Apex will respond within two (2) business days.

6. Establish and implement a plan for marketing Route 1, including: designing and printing schedule brochures or other informational literature; providing such literature to Cary for distribution on vehicles; and following, at a minimum, engagement standards outlined in the Wake Transit Public Engagement Policy ("Engagement Policy"). Materials must be consistent with the service provided. Materials with a GoCary logo, image of a vehicle or person covered by the GoCary Agreement, or any other reference to GoCary, are subject to Cary review and approval to ensure accuracy of information. Images of vehicles or person(s) covered by the GoCary Agreement may be pre-approved for general use in public materials, eliminating the need for review and approval for each use.

7. Report all Route 1 operating statistics in compliance with the deliverables associated with the Wake Transit Operating Agreement.

8. Establish and implement a plan for transitioning existing GoApex Door to Door customers to GoCary Door to Door Tier 1 service and provide all existing customer information to Cary for import into Cary's GoCary Door to Door Tier 1 service scheduling platform if permitted, or provide initial communication with existing GoApex Door to Door customers about the requirement to register for

GoCary Door to Door Tier 1 service. Direct on-going customer inquiries for Paratransit Service to the GoCary Door to Door program.

2. **Section 3**. **<u>Funding and Billing</u>** is deleted in its entirety and replaced with the following:

A. Apex will pay for the cost of installing GoApex branding on the bus operating the Route 1 Service. MV Transportation shall provide a quote for the installation of the images subject to Town of Apex approval. Following completion and inspection of the installation by the Town of Apex, Town of Cary shall invoice the Town of Apex. The invoice shall be paid by the Town of Apex within 30 days of receipt. Apex is responsible for any costs associated with the removal of branding and other identifying characteristics from vehicles and the cost to fabricate and install replacement GoCary wraps on the vehicles at the conclusion of the service agreement.

B. Apex will pay Cary the annual operating cost for Route 1. Costs may be reduced based on any grants, fare revenue collected, or other monetary contributions received from Cary from any other party, if applicable. The annual operating cost for Route 1 Service as agreed by the Parties is determined by the following formula: operating cost per hour ($115.50) multiplied by the number of platform hours per day multiplied by the number of operating days per year. Platform hours are the revenue plus deadhead hours (deadhead hours are times when the bus is away from the maintenance facility but not in revenue service, including travel to and from the facility to the service start/end location). Cary will inform Apex of any changes to its operating cost per hour and the justification therefore, no later than February 15th of each year. Route 1 Operating cost is a fully allocated rate which includes the full cost of the service provided by MV Transportation, fuel, capital expenses and overhead for Cary. It is expected that, at a minimum, the operating cost per hour will be adjusted based on the Municipal Cost Index (MCI), as calculated by Cary.

C. Apex will pay Cary the annual operating cost for the Paratransit Service. Costs may be reduced based on any grants, fare revenue collected, or other monetary contributions received from Cary from any other party, if applicable. The annual operating cost for Paratransit Service as agreed by the Parties is assigned as one flat rate of $75.00 per trip with an origin or destination within the GoApex Route 1 ADA Area which is outside of the existing GoCary service area as detailed in Exhibit D. For this purpose, the trips to be charged shall include completed trips and no-shows (including late cancellations per the no-show policy), but will not include cancelled trips or missed trips. Cary will inform Apex of any changes to its operating cost and the justification therefore, no later than February 15th of each year during the term of this Agreement. It is expected that, at a minimum, the operating cost per trip will be adjusted based on the Municipal Cost Index (MCI), as calculated by Cary.

D. All Route 1 service information will be reported to the National Transit Database (NTD). Apex must obtain an NTD ID and submit all Route 1 data. Cary and MV Transportation will assist Apex in this reporting. As a result, Cary and Apex agree that the provision of Route 1 service may increase the amount of Federal Transit Administration (FTA) formula grant funding that can be acquired by Cary. If Cary secures FTA Section 5307 and Section 5339 formula grant funds that are attributable to Route 1, Cary will deduct from its billing of Apex for the operation of Route 1 an amount equal to the share of FTA Section 5307 and Section 5339 funds allocated to Cary for the preceding federal fiscal year (October 1 – September 30) that is attributable to Route 1, starting with the fourth fiscal year following the first fiscal year of annual reporting. This deduction may be applied on a prorated monthly basis. All Paratransit Service data will be reported to NTD by Cary and any associated increase in FTA formula grant funding will be retained by Cary.

E. Cary will provide a monthly invoice to Apex within fifteen (15) days after the end of each month of Service. Apex shall reimburse Cary within thirty (30) days of receipt of an invoice. In the event Apex finds any part of an invoice inconsistent with this Agreement, Apex shall clearly identify and provide evidence to Cary of any inconsistent or erroneous expenses within ten (10) days of receipt of an invoice and Cary will work in good faith to determine if there is an error in the invoice.

F. MV Transportation will be compensated by Cary pursuant to the terms of the GoCary Agreement.

3. **Section 4. <u>ADA and Paratransit Requirements</u>** is deleted in its entirety and replaced with the following:

A. MV Transportation agrees to provide Route 1 service in a manner that meets all applicable ADA public transit requirements, including the policies, regulations and training of all operators in the safe use of all ADA equipment. Requirements may include, as appropriate, providing ADA accessible vehicles on fixed route service, knowledge of mobility device tie-down procedures, operation of bus kneeling feature (if available), appropriate use of the public address and talking bus technologies, and knowledge of service animal regulations.

B. MV Transportation agrees to provide Paratransit Service in a manner that complies with all applicable federal, state, and local laws, including ADA public transit requirements. MV Transportation shall follow all applicable laws, rules, policies, and regulations in the training of operators in the safe use of all ADA equipment as well as provide drivers with appropriate training to provide safe, courteous, and ADA-compliant transportation.

4. Exhibit A of the Agreement is deleted in its entirety and replaced by Amended Exhibit A, attached hereto and incorporated herein by reference (“Amended Exhibit A”).

5. Exhibit D attached hereto is incorporated herein and made a part of this Agreement as if set forth herein in full.

6. Except as modified herein, the Agreement shall continue in full force and effect.

(SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officials.

Town of Apex

_____ _____

Randal E. Vosburg, Town Manager Date

Reviewed by:

_____ _____

Steve Maynard, Purchasing Manager Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

_____ _____

Jon Griffin, Finance Director Date

MV Transportation, Inc.

_____ _____

Erin K. Niewinski, Executive VP & CFO Date

Town of Cary

_____ _____

Kelly A. Blazey, Transit Director Date

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

_____ _____

Denisha Harris, Deputy Finance Officer Date

Exhibit A

Span of Revenue Service

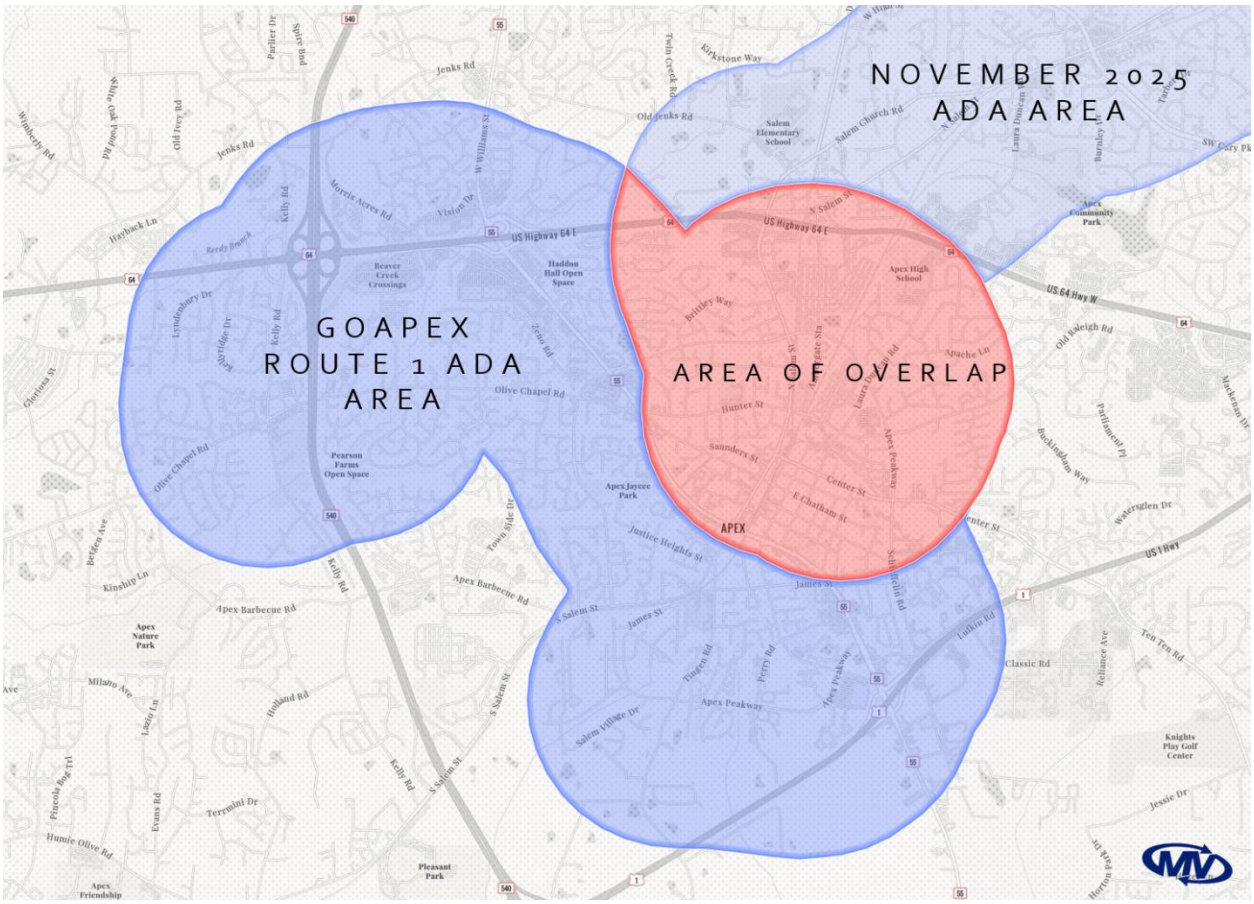
Monday – Saturday	6:00 AM to 10:00 PM (last Paratransit Service Pick-up 9:30 PM)
Sunday	7:00 AM to 9:00 PM (last Paratransit Service Pick-up 8:30 PM)

Holiday Schedule:

Holiday	**Service Type**
New Year's Day	Sunday Schedule
MLK, Jr. Day	Sunday Schedule
Good Friday	Regular Schedule
Memorial Day	Sunday Schedule
Juneteenth (June 19th)	Regular Schedule
4th of July	Sunday Schedule
Labor Day	Sunday Schedule
Veteran's Day	Regular Schedule
Thanksgiving	CLOSED
Day after Thanksgiving	Regular Schedule
Christmas Eve	Sunday Schedule - Service Ends at 7 PM (Last Paratransit Service Pick-up 6:30PM)
Christmas Day	CLOSED
Day after Christmas	Regular Schedule

Exhibit D

GoApex Route 1 Paratransit Service Area Map



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CONTRACT CONTROL FORM
TOWN OF CARY

CCN: EN2300700

D E P A R T M E N T .....: EN
CONTRACT ADMINISTRATOR .: KELLY BLAZEY
ADMINISTRATOR'S PHONE ..: 919 462-2080
CONTRACT NAME .....: GOAPEX ROUTE 1 SERVICE AGREEMENT
CONTRACTOR'S NAME .....: APEX TOWN OF
CONTRACT EXPIRATION DATE: 6/30/2023

TYPE: 4 1=SERVICE
2=EQUIPMENT
3=CONSTRUCTION
4=AGREEMENT
5=REIMBURSEMENT

STATUS: 1 1=NEW
2=RENEWAL
3=REVISION
4=CHANGE ORDER

TRANSMITAL INFORMATION: ACTION DATES
NOTICE OF AWARD SENT ....:
BONDS RECEIVED .....:
* NOTICE TO PROCEED SENT ..:
* INSURANCE CERTIF.RECEIVED:
* OCCURS AFTER CONTRACT EXECUTION

" " ATTORNEY'S REVIEW NOT REQUIRED.

FINANCE INFORMATION
CARY BUSINESS LICENSE VERIFIED:
ENCUMBRANCE/PO NUMBER:
ACCOUNT NUMBER: 25-0000-391.1031
PROJECT NAME .: GOAPEX ROUTE 1 SERVICE
PROJECT NUMBER:
OBLIGATES REVENUE TO THE TOWN: $498,376.00
OBLIGATES TOWN EXPENDITURE ..:
" " NO CHANGE IN PRESENT ENCUMBRANCE/PO

COMMITTEE APPROVALS: ACTION DATES
SAFETY/PUBLIC WORKS ..:
PLANNING & DEVELOPMENT:
FINANCE/PERSONNEL ....:

OTHER APPROVALS: ACTION DATES
COUNCIL .....:
BUDGET ADJUSTMENT:
OTHER:

DEPARTMENT DIR APPROVAL DATE: 4/27/2022

F I N A N C E
INITIALS: DS AF DATE IN: ACTION DATE:
COMMENTS:

T O W N M A N A G E R
INITIALS: DATE IN: ACTION DATE:
COMMENTS:
"

T O W N C L E R K
INITIALS: ACTION DATE:
COMMENTS:
" TO MAYOR FOR SIGNATURE

CONTRACT ADMIN. EXECUTED DATE:

T O W N A T T O R N E Y (Approved as to form only)
INITIALS: DATE IN: ACTION DATE:
COMMENTS:

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GOAPEX AGREEMENT

This Agreement ("Agreement") is made by and between **Town of Cary** (hereinafter "Cary"), a North Carolina municipal corporation having its office at 316 North Academy St., Cary, NC 27513, **Town of Apex** (hereinafter, "Apex"), a North Carolina municipal corporation having its office at 73 Hunter St., Apex, NC 27502**,** and Cary's bus services contractor **MV Transportation, Inc.** ("MV Transportation") a corporation duly organized under the laws of the State of California and duly qualified to transact business in the State of North Carolina having an office at 2711 N. Haskell Ave., Suite 1500-LB2, Dallas, TX 75204. The foregoing may be individually referred to herein as "Party" and collectively referred to as "Parties."

Cary provides a transit service called GoCary. Pursuant to an agreement between Cary and MV Transportation ("GoCary Agreement"), MV Transportation is GoCary's service provider. MV Transportation will extend transit service to Apex pursuant to the terms of this Agreement.

Apex is utilizing the services of MV Transportation pursuant to this Agreement to provide a public bus service called "GoApex Route 1" (hereinafter "Route 1" or "Service") with the respective responsibilities and duties of the Parties as listed below.

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is acknowledged, the Parties agree as follows:

1. Term

The Agreement shall become effective upon execution by all Parties ("Effective Date") and shall expire June 30, 2023. The Route 1 initial date of service will begin at a date agreed upon via email by the Town of Cary Transit Administrator, Town of Apex Long Range Planning Manager, and MV's General Manager. The Parties may extend the term in one-year increments for a period up to three (3) additional years. In January of each year of this Term, Cary and Apex will begin to confer and to review MV Transportation's performance and projected cost for the coming contract year. The option for extending the term of the Agreement must be agreed upon by the Parties in writing at least ninety (90) days before the end of the current term.

2. Operations

The purpose of this Agreement is to set forth the duties and responsibilities of each Party in the provision of Route 1 service. GoApex Route 1 will be a fixed-route transit service open to the general public. Operational characteristics of the Service may be changed for the benefit of any party upon written approval by all Parties.

A. Cary shall have the following responsibilities:

1. Finalize the alignment for Route 1, including the schedule, the span of

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revenue service (the time when a vehicle is available to the general public and there is an expectation of carrying passengers), and the timing of revenue service, after collaboration with Apex. Cary agrees to consult with Apex on these elements to maximize regional coordination. Any material change in the route alignment, stop locations, schedule, span of service, timing of service, or overall operation of Route 1 must be agreed to in writing by both parties. Cary will respond to all communications and requests by Apex within ten (10) business days unless such communication or request is specifically identified by Apex as an "Urgent Operational Concern" Cary will respond within two (2) business days. Cary will provide feedback to Apex on the operation of the service.

2. Assist Apex where reasonably possible (in Cary's sole discretion) in the provision of information about and marketing of Route 1. This may include reviewing and providing comments on marketing materials, participating in outreach events, and assisting with coordination with other regional transit providers.

3. Provide Apex a minimum of 15 days written notice of potential service disruption, except in the case of service disruption due to inclement weather, safety concerns, or other emergency situations in which case notice will be provided as soon as reasonably possible. Cary has final authority on all changes to service level. Cary will attempt to maintain service on all scheduled routes dependent on available resources. Action plans for service disruptions will be communicated by email to the MV Transportation General Manager and Town of Apex Long Range Planning Manager, or designee.

4. Cary shall report Route 1 operating statistics to comply with deliverables outlined in the General Operating Agreement for Bus Operations – Community Funding Area Program executed between the Town of Apex, GoTriangle, and Capital Area Metropolitan Planning Organization (Wake Transit Operating Agreement), including ridership by date, revenue and deadhead hours, revenue and deadhead miles, missed trips, and a log of customer complaints and resolutions, all in an editable format, to Apex by the 15th of the month following the month of service.

B. MV Transportation shall have the following responsibilities:

1. Operate Route 1 on all weekdays and Saturdays according to the operating schedule set forth in Section 2.A.1, except for the holidays listed in Exhibit A, attached and incorporated by reference, or as otherwise agreed to in writing by the Parties. By February 15th of the preceding fiscal year, Cary agrees to provide a revised list of holidays during which time GoCary and Route 1 will not be operated during the subsequent fiscal year. Apex agrees to provide annually a revised list of holidays, if any, during which time Route 1 will or will not be operated by March 1st.

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2. Ensure appropriate usage and placement of any identifying Route 1 materials on vehicles, including bus wraps, or other appropriate industry accepted signage as agreed upon, and paper schedules.

3. Use Americans with Disabilities Act (ADA) accessible light transit vehicles (LTVs) with a seated capacity of no less than 16 persons, equipped with automated vehicle locators (AVL) and which comply with all applicable federal and state laws and regulations.

4. Agree that if any vehicle intended for, or normally used for Route 1 service is inoperable for any reason, MV Transportation will immediately deploy another vehicle of equal or greater seating capacity which is compliant as required in subsection 2.B.3. MV Transportation will ensure that any vehicle deployed will have either a bus wrap or other industry-accepted signage identifying it as a GoApex vehicle.

5. MV Transportation shall operate Route 1 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 as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. MV Transportation is responsible for the maintenance, cleaning, and safe operation of all vehicles used in providing the Service as well as any claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered for personal injury, including bodily injury or death and/or property damage, including loss of use thereof, resulting from the negligence of MV Transportation.

6. Maintain, throughout the term of the Agreement and any extensions of the term, commercial general liability, auto and umbrella/excess insurance policies at its expense, covering personal injury and property damage on and in the vehicles and inside and outside the park and ride lots. The policies shall have at least the coverage amounts specified in Section 19 of this Agreement and at no time during the term of this Agreement shall coverage amounts be less than the coverage amounts required of MV Transportation by the GoCary Agreement. Cary and Apex shall be named as an additional insured on the general liability, business auto liability, and umbrella/excess policies and the policies will be primary and non-contributory. At Apex or Cary's written request, MV Transportation shall provide certificates of insurance referencing that the coverage is primary and non-contributory with copies of the Additional Insured Endorsement attached. Apex or Cary may request complete, certified copies of the policies. Notwithstanding the foregoing, neither the requirement of MV Transportation to have sufficient insurance nor the requirement that Cary and Apex are named as additional insureds, shall constitute waiver of either Town's governmental immunity in any respect, under North Carolina law.

7. Prepare and maintain on a form developed by Cary or MV Transportation

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on-going statistical, operational, and service data related to Route 1 separately from regular GoCary data. This includes but is not limited to the following: Vehicle Pre-Trip Inspection Checklist sheets, monthly reports that include total road calls, passenger trips, vehicle miles and vehicle hours, and any other daily, monthly, and/or annual data as required by FTA under the National Transit Database (NTD) program requirements. This information shall be provided to Apex upon request.

8. Report all passenger or vehicle accidents to Cary within one (1) hour of occurrence and follow-up with a detailed written accident report within twenty-four (24) hours. Cary will provide this information to Apex's Planning Director and/or designee by email as soon as is reasonably practical, but no more than 48 hours after the accident.

C. Apex shall have the following responsibilities:

1. Apex shall build or provide ADA accessible bus stops as identified in Exhibit C, or additional future bus stops proposed by Apex with Cary's written approval. Apex shall maintain the bus stops used for the Service as identified in Exhibit C. Exceptions are stops that are either: (1) shared by a regional provider or (2) located on private property. Maintenance includes maintaining and upkeeping all associated transit amenities, including cutting or trimming of any vegetation; routine cleaning of the transit amenities, including the removal of litter and trash from trash receptacles; snow and ice removal; and maintaining ADA accessible conditions.

2. Provide employees of MV Transportation with access to restroom facilities during all periods of revenue service, including any keys or other methods of entry needed to access such a facility. These locations will be agreed to in writing by all parties.

3. Obtain National Transit Database (NTD) ID and complete annual NTD reporting.

4. Determine the fare, if any, to be charged for the Service. The initial service will be implemented fare-free. If Apex decides to charge a fare, Apex is solely responsible for determining and procuring technology, developing policies and procedures, conducting public involvement and marketing, and paying any associated implementation and operating costs.

5. Respond to all communications and requests by Cary within ten (10) business days, unless such communication or request is specifically identified by Cary as an "Urgent Operational Concern," in which case Apex will respond within two (2) business days.

6. Establish and implement a plan for marketing Route 1, including: designing and printing schedule brochures or other informational literature; providing such literature to Cary for distribution on vehicles; and following, at a minimum, engagement standards outlined in the Wake

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Transit Public Engagement Policy ("Engagement Policy"). Materials must be consistent with the service provided. Materials with a GoCary logo, image of a vehicle or person covered by the GoCary Agreement, or any other reference to GoCary, are subject to Cary review and approval to ensure accuracy of information. Images of vehicles or person(s) covered by the GoCary Agreement may be pre-approved for general use in public materials, eliminating the need for review and approval for each use.

7. Report all Route 1 operating statistics in compliance with the deliverables associated with the Wake Transit Operating Agreement.

3. Funding and Billing

A. Apex will pay for the cost of installing GoApex branding on the bus operating the Service. MV Transportation shall provide a quote for the installation of the images subject to Town of Apex approval. Following completion and inspection of the installation by the Town of Apex, Town of Cary shall invoice the Town of Apex. The invoice shall be paid by the Town of Apex within 30 days of receipt. Apex is responsible for any costs associated with the removal of branding and other identifying characteristics from vehicles and the cost to fabricate and install replacement GoCary wraps on the vehicles at the conclusion of the service agreement.

B. Apex will pay Cary the annual operating cost for the Route 1. Costs may be reduced based on any grants, fare revenue collected, or other monetary contributions received from Cary from any other party, if applicable. The annual operating cost as agreed by the Parties is determined by the following formula: operating cost per hour ($97.50) multiplied by the number of platform hours per day multiplied by the number of operating days per year. Platform hours are the revenue plus deadhead hours (deadhead hours are times when the bus is away from the maintenance facility but not in revenue service, including travel to and from the facility to the service start/end location). Cary will inform Apex of any changes to its operating cost per hour and the justification therefore, no later than February 15th of each year. Operating cost is a fully allocated rate which includes the full cost of the service provided by MV Transportation, fuel, capital expenses and overhead for Cary. It is expected that, at a minimum, the operating cost per hour will be adjusted based on the Municipal Cost Index (MCI), as calculated by Cary.

All service information will be reported to the National Transit Database (NTD). Apex must obtain an NTD ID and submit all Route 1 data. Cary and MV Transportation will assist Apex in this reporting. As a result, Cary and Apex agree that the provision of Route 1 service may increase the amount of Federal Transit Administration (FTA) formula grant funding that can be acquired by Cary. If Cary secures FTA Section 5307 and Section 5339 formula grant funds that are attributable to Route 1, Cary will deduct from its billing of Apex for the operation of Route 1 an amount equal to the share of FTA Section 5307 and Section 5339 funds allocated to Cary for the preceding

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federal fiscal year (October 1 – September 30) that is attributable to Route 1, starting with the fourth fiscal year following the first fiscal year of annual reporting. This deduction may be applied on a prorated monthly basis.

C. Cary will provide a monthly invoice to Apex within fifteen (15) days after the end of each month of Service. Apex shall reimburse Cary within thirty (30) days of receipt of an invoice. In the event Apex finds any part of an invoice inconsistent with this Agreement, Apex shall clearly identify and provide evidence to Cary of any inconsistent or erroneous expenses within ten (10) days of receipt of an invoice and Cary will work in good faith to determine if there is an error in the invoice.

D. MV Transportation will be compensated by Cary pursuant to the terms of the GoCary Agreement.

4. ADA and Paratransit Requirements

A. MV Transportation agrees to provide Route 1 service in a manner that meets all applicable ADA public transit requirements, including the policies, regulations and training of all operators in the safe use of all ADA equipment. Requirements may include, as appropriate, providing ADA accessible vehicles on fixed route service, knowledge of mobility device tie-down procedures, operation of bus kneeling feature (if available), appropriate use of the public address and talking bus technologies, and knowledge of service animal regulations.

B. Apex will be responsible for providing all complementary ADA paratransit service to Route 1. Cary and MV Transportation will not be required to provide complementary ADA paratransit service as part of this Agreement.

5. Technology

MV Transportation agrees to install and utilize the standard technology platform agreed to between Cary and MV Transportation, including Computer-Aided Dispatch/Automated Vehicle Locator systems (CAD/AVL), equipment for counting passenger totals, camera systems, Automated Passenger Counters (APCs), head signs, announcement systems, wi-fi routers, real-time passenger information, and communication systems between drivers and dispatch. Costs of these platforms will be included in the hourly rate.

6. Termination for Failure to Perform ("Breach")

The Parties agree that in the event that a Party breaches any provision of this Agreement, within sixty (60) days of receipt of written notice from a non-breaching Party, the breaching Party will cure the breach to the reasonable satisfaction of the non-breaching Party if the breach can be cured. Any breach of this Agreement

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materially impacting operation of GoApex service ("Operation Breach") shall require immediate response and a plan of action to cure the breach within fifteen (15) days of receipt of written notice from a non-breaching party which clearly states that such breach is considered an Operation Breach. If the breach is not timely cured, or cannot be cured, then, the non-breaching Party may, at its election, terminate the Agreement. The Parties will cooperate on a winding down of the Service, including reasonable notice to the public. Apex shall pay Cary for Service provided prior to date of termination.

7. Termination for Convenience

Any Party may terminate this Agreement at any time for any reason, provided the terminating Party provides a minimum of one hundred eighty (180) days advance written notice to the other Parties. In this event, the Parties will cooperate on a winding down of the service, including reasonable notice to the public. Apex shall pay Cary for the Service provided prior to the date of termination.

8. Customer Information and Complaint Handling

A. Apex agrees to receive and respond to customer complaints regarding stop-related issues applicable to Route 1.

B. MV Transportation will utilize existing customer service and dispatch staff during all hours of operation to respond to inquiries about immediate operational concerns. MV Transportation will work to resolve complaints within 48 hours of receipt, with follow-up to the complainant within one week after receipt. MV Transportation will maintain a separate complaint log that will include both the nature of the complaint and the resolution thereof and share with Cary and Apex on a monthly basis.

C. The GoTransit Regional Information Center, operated by GoTriangle, is the call center responsible for most transit-related inquiries in the Triangle region. Cary contracts with GoTriangle for usage of this call center. Apex, in coordination with Cary, agrees to provide current schedule and stop location information to the Regional Information Center, which the Parties agree will serve as the primary point of contact for customer information about Route 1.

9. Further Agreements

The Parties agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the intention of this Agreement. The Parties agree to work together in good faith and with due diligence to provide for and carry out the purpose of this Agreement.

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10. Amendment

Any modification of this Agreement shall be made by Written Agreement.

11. Notices

Any notice given pursuant to this Agreement shall be deemed given if delivered by hand or if deposited in the United States Mail, postage paid, certified mail, return receipt requested and addressed as follows:

If to Cary:

Transit Administrator
Town of Cary
316 N. Academy St.
Cary, NC 27513

With a copy to:

Senior Transit Planner (Service)
Town of Cary
316 N. Academy St.
Cary, NC 27513

If to Apex:

Town Manager
Town of Apex
Physical - 73 Hunter Street
Mail - PO Box 250
Apex, NC 27502

And with copy to:

Senior Long Range Transit Planner
Town of Apex
Physical - 73 Hunter Street
Mail - PO Box 250
Apex, NC 27502

If to MV Transportation:

Regional Vice President for Division 178
MV Transportation, Inc.
2711 N. Haskell Av., Suite 1500-LB2
Dallas, TX 75204

With a copy to: contractsreview@mvtransit.com

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12. Binding Effect

This Agreement shall be binding upon and inure to the benefit of the Parties and their agents, grantees, successors, and assigns.

13. Dispute Resolution

In the event a dispute arises between the Parties to this Agreement concerning a question of fact in connection with the requirements of this Agreement or compensation therefore, the Parties agree to bargain in good faith towards a mutual resolution. If the Parties, after honest good faith negotiations, cannot reach an agreement, then either Party may adjudicate their dispute as allowed by North Carolina State Law.

14. Force Majeure

The Parties shall not be liable to each other for any failure, delay, or interruption of service or for any failure or delay in the performance of any obligation under this contract due to strikes, walkouts, unusual adverse weather, governmental restriction, enemy action, civil commotion, unavoidable casualty, unavailability of fuel or parts, epidemic, pandemic, or other similar acts beyond the reasonable control of the Parties ("Force Majeure Event"). In the event a Party believes a Force Majeure Event has occurred ("Invoking Party"), the Invoking Party shall provide written notice to the other Party within fifteen (15) days of the date on which the Invoking Party determines that the Force Majeure Event will render performance to be impossible (including temporary delays). Thereafter, the Invoking Party shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting the specific performance noticed and to complete its performance in as timely a manner as is reasonably possible. In no event shall the delayed performance be longer than the duration of the noticed Force Majeure Event without the joint written approval of the other Party.

15. Verification of Work Authorization

All Parties, and any permitted subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes.

16. Compliance with Federal Laws and Regulations

The following federal provisions apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II (as applicable), unless a more stringent state or local law or regulation is applicable: Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland "Anti-Kickback" Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S.C. 1352); Procurement of Recovered Materials (2 C.F.R. § 200.322); and Record Retention Requirements (2 CFR § 200.324); and any other federal

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provisions required by law.

17. Cary Branding

Apex and MV Transportation shall not use the seal, logo, or any other branding identifiers of GoCary or the Town of Cary.

18. Representations and Warranties

The individuals signing the Agreement have the right and power to do so and bind their respective parties to the obligations set forth herein, and such individuals do so personally warrant that they have such authority.

19. Insurance

MV Transportation and MV Transportation's permitted subcontractors shall purchase and maintain on a primary basis and at its sole expense during the term and for three years after the termination of this Agreement insurance or self-insurance for the following: protection from claims under Worker's or Workmen's Compensation Acts covering claims arising out of or related to bodily injury, including bodily injury, sickness, disease or death of any of MV Transportation's employees or subcontractors; Commercial General Liability Insurance, including contractual liability and covering bodily injury, property damage, products and completed operations and personal injury; Commercial Automobile Liability Insurance, including owned, hired and non-owned vehicles, if any, covering bodily injury and property damage; Cyber Liability covering infringement, information theft, release of private information, damage, destruction and alteration of electronic information, extortion, network security, breach response costs, and regulatory fines; and Professional Liability/Errors & Omissions Insurance (if applicable) covering claims arising out of or related to MV Transportation's performance under this Agreement.

Minimum limits of insurance coverage are:

General Liability	$2,000,000 per occurrence/ $2,000,000 aggregate
Commercial Automobile Liability	$2,000,000 CSL
Commercial Excess/Umbrella Liability	$5,000,000 per occurrence
Workers Compensation	Statutory Limits
Employer's Liability	$500,000 each accident
Professional Liability	$1,000,000 per claim
Cyber Liability	$2,000,000 per claim and aggregate

MV Transportation may satisfy the insurance limits above with a combination of primary and umbrella/excess liability insurance policies or self-insurance. Umbrella/Excess liability shall follow form as to each of the underlying policies. Any available insurance proceeds in excess of or broader than the specified minimum limits of insurance and coverage shall be available to Cary and Apex, as applicable based on loss.

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The insurance policies are to contain, or be endorsed to contain, the following provisions:

Insurers
The minimum insurance ratings for any company insuring MV Transportation shall be Best's A- or a qualified self-insurance program approved by the state of North Carolina. Should the ratings of any insurance carrier fall below the minimum rating, Cary or Apex, may, at their option, require MV Transportation to purchase insurance from a company whose rating meets the minimum standard. MV Transportation's insurance carrier(s) shall be authorized to do business in the state of North Carolina. If MV Transportation is unable to find an authorized carrier for any line of insurance coverage, MV Transportation shall notify Cary in writing. Cary shall then notify Apex.

Additional Insured Status
All insurance policies (except Workers Compensation and Professional Liability) shall name Cary and Apex, and each Town's elected officials, officers, employees, and volunteers as additional insureds.

Notice of Cancellation
Each policy shall provide that Cary and Apex shall receive not less than thirty (30) days prior written notice, when available, of any cancellation or non-renewal of coverage of any of the policies. Upon notice of such cancellation, non-renewal or if a policy's limits are exhausted, MV Transportation shall procure substitute insurance so as to assure Cary and Apex that the minimum limits of coverage are maintained continuously throughout the periods specified herein.

Primary
MV Transportation's insurance coverage shall be primary for any claims related to this Agreement.

Waiver of Subrogation
The insurer shall have no right of recovery or subrogation against Cary or Apex, or either Town's agents or agencies, it being the intention of the parties that the insurance policies shall protect Cary and Apex and be primary coverage for any and all losses covered by the policies.

Verification of Coverage
A certificate of insurance and all endorsements required shall be provided at, or prior to, execution of this Agreement. Cary's or Apex's review or acceptance of certificates of insurance shall neither relieve MV Transportation of any requirement to provide the specific insurance coverage set forth herein nor shall it constitute a waiver or acknowledgement of satisfaction of the specific insurance requirements set forth in this Agreement.

Certificate Holder addresses should read:

Town of Cary
PO Box 8005
Cary, NC 27512-8005

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Town of Apex
PO Box 250
Apex, NC 27502

Special Risks or Circumstances
Cary, with prior written consent from the Town of Apex, reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. Written consent from Apex may be provided by electronic communication.

20. Indemnification

To the fullest extent permitted by law, MV Transportation shall indemnify and hold harmless Cary and Apex, their elected officials, officers, and employees, from and against any and all claims, costs, civil penalties, fines, losses, and damages (including but not limited to professionals' fees and charges and all court or other dispute resolution costs) (collectively "Claims"), by whomsoever brought or alleged, arising out of, resulting from, or in connection with (a) any breach by MV Transportation of any term or condition of Agreement, (b) any breach or violation by MV Transportation of any applicable law or regulation, or (c) any other cause resulting from any act or failure to act by MV Transportation under this Agreement, but only to the extent caused by any negligence, act, or omission of MV Transportation. This indemnification shall survive the termination of Agreement.

21. Independent Contractor

MV Transportation is an independent contractor and is solely responsible for its Services and the supervision of its employees and permitted subcontractors. All persons assigned by MV Transportation to provide Services pursuant to this Agreement shall, for all purposes of this Agreement, be considered employees of MV Transportation only. MV Transportation shall assume the sole and exclusive responsibility for the payment of wages to individuals for services performed under this Agreement and the withholding of all applicable Federal, State, and local taxes, unemployment insurance, and maintaining workers compensation coverage in an amount and under such terms as required by law. If Cary notifies MV Transportation in writing that any person providing Services appears to be incompetent, disorderly, or otherwise unsatisfactory to Cary or Apex, such person shall be removed from the project and shall not again be employed on it except with the prior written consent of Cary. No extension to any "Milestone Date" or completion date will be granted for replacement of such personnel or subcontractors.

22. Public Records

All parties acknowledge that records in the custody of Cary or Apex may be public records and subject to public records requests. Cary or Apex may provide copies of such records, including copyrighted records, in response to public record requests, except that, upon request of and indemnification by MV Transportation, the Town will not disclose records that meet all of the requirements of a trade secret as set forth in

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N.C.G.S. 66-152, that are specifically designated as "trade secret" or "confidential" at the time of initial disclosure by the Contractor, and that are otherwise entitled to protection under N.C.G.S. 132-1.2(1).

23. Entire Agreement; Amendments to Agreement

This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either written or oral, including clickthrough agreements, clickwrap agreements, clickwrap licenses, or similar non-reciprocal agreements (collectively, "clickthrough agreement"). Agreement may be amended only by written amendment signed by both parties. Neither party may amend, or seek to amend, this Agreement by clickthrough agreement.

24. Dissemination of Information.

Cary takes efforts to assure that accurate information about Cary is disseminated such that neither the public trust nor the public's perception of Cary impartiality is compromised. MV Transportation and Apex, mindful of those efforts, agrees that they shall not publicly disseminate any information concerning Cary or GoCary, to include images of vehicles or people covered by the GoCary Agreement, without prior approval from Cary. Images of vehicles or person(s) covered by the GoCary Agreement may be pre-approved for general use in public materials, eliminating the need for review and approval for each use. Any approval given by Cary may be given with certain stipulations, such as Cary participation in the creation of the public product or Cary review and the option to refuse ultimate release of the final product should it fail to meet Cary's standards and goals. "Publicly disseminate" means but is not limited to electronic, video, audio, photographic or hard copy materials serving as, in whole or part, advertising, sales promotion, professional papers or presentations, news releases, articles, or other media products, and/or business collateral pieces. Notwithstanding the foregoing, the parties agree that MV Transportation may list Cary as a reference in response to requests for proposal and may identify Cary as a customer in presentations to potential customers.

25. Non-Exclusive Remedies/No Waiver

The selection of one or more remedies for breach shall not limit a party's right to invoke any other remedy available under Agreement or by law. No delay, omission or forbearance to exercise any right, power or remedy accruing to a party shall impair any such right, power or remedy or shall be construed to be a waiver of any breach hereof or default. Every right, power or remedy may be exercised from time-to-time and as often as deemed expedient.

26. Survival

All representations, indemnifications and other terms and conditions of Agreement which by their nature should survive Agreement termination shall survive its expiration or termination.

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27. No Waiver of Immunity

Nothing in this Agreement shall be construed to mandate purchase of insurance by Cary pursuant to N.C.G.S. 160A-485 or to in any way waive Cary's defense of governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law. No officer, agent or employee of either Cary or Apex shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

28. Gifts and Favors

MV Transportation shall become aware of and comply with laws related to gifts and favors, conflicts of interest and the like, including N.C.G.S. §14-234, N.C.G.S. §133-1, and N.C.G.S. §133-32.

29. Nondiscrimination

No party shall discriminate in violation of any federal, state, or local law. MV Transportation and Apex shall comply with the Americans with Disabilities Act of 1990 (“ADA”).

30. Electronic Version of Agreement

Cary may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.

31. No Third Party Beneficiaries

Unless otherwise explicitly stated, there are no third-party beneficiaries to Agreement.

32. Electronic Signatures

Apex and MV Transportation acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of Cary, to execute this Agreement and any associated documents. By selecting "I Agree," “I Accept,” or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, Apex and MV Transportation consents to be legally bound by the terms and conditions of this Agreement and that such act constitutes Apex and MV Transportation's signature as if actually signed by Apex and MV Transportation in writing. Apex and MV Transportation also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the

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enforceability of its electronic signature. Apex and MV Transportation acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby, through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

33. Recitals

The Recitals are incorporated into this Agreement.

(SIGNATURE PAGE FOLLOWS)

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IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officials

APEX, Town of Apex

Catherine Crosby — DocuSigned by: C2037E33C2CC4B3... — 6/16/2022

Town Manager — Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Vance Holloman — DocuSigned by: D6B80595BB1C440... — 6/15/2022

Finance Director — Date

MV TRANSPORTATION, MV Transportation, Inc.

Marie Meisenbach Graul — DocuSigned by: CC90E4517A6F42E... — 6/20/2022

Chief Financial Officer — Date

CARY, Town of Cary

Shelley Curran — DocuSigned by: FD832D7BD2C2497... — 6/20/2022

Assistant Town Manager — Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Denisha Harris — DocuSigned by: 8AA23C6AF1284D3... — 6/22/2022

Deputy Finance Officer — Date

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Exhibit A

Initial Span of Revenue Service

Monday – Saturday 6:00 AM to 10:00 PM

GoApex Route 1 does not operate on the following holidays:

New Year's Day

Martin Luther King Jr.'s Birthday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Eve

Christmas Day

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Exhibit B

Initial GoApex Route 1 Map

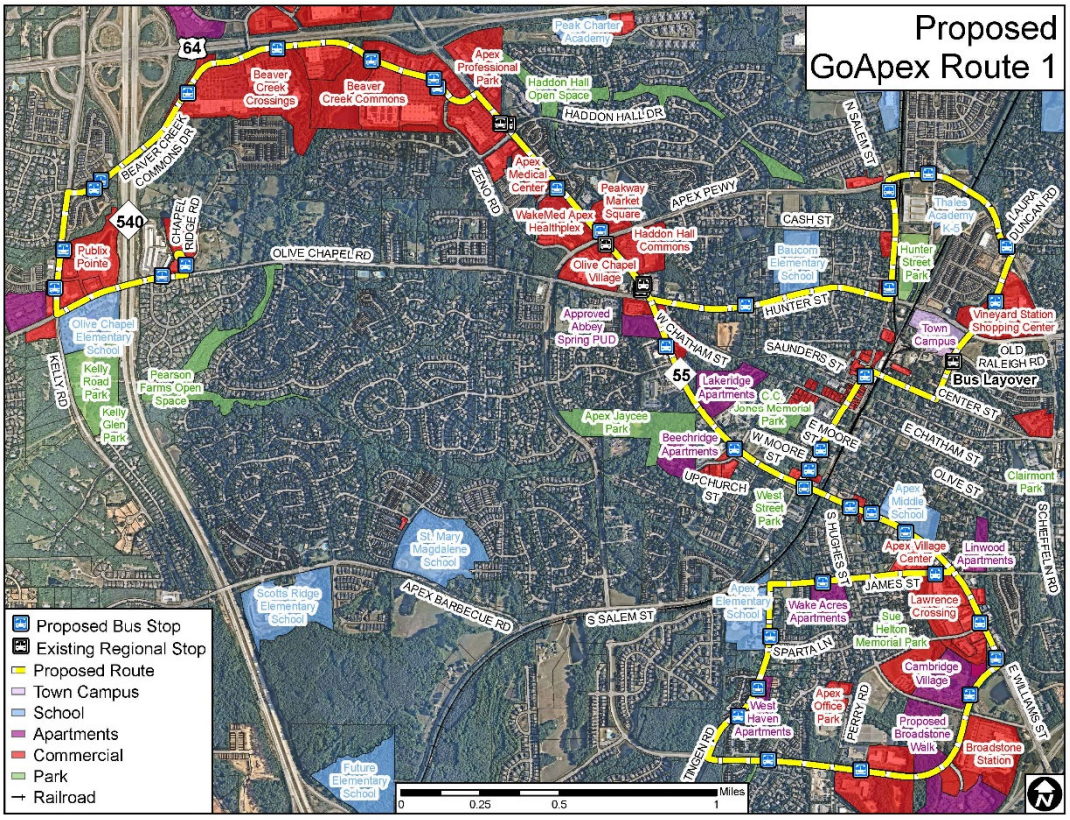

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Exhibit C

GoApex Route 1 Initial Bus Stops and Commitments

Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities on private property?
1	1452	N Mason St at Old Mill Village Dr (Town Hall (NB))	NB	35.732839	-78.845471	No	Trash removal only	Yes (GoTriangle 305)	
2	1165	Laura Duncan Rd at Vineyard Station (NB)	NB	35.735576	-78.843081	Yes	Yes	Yes (GoTriangle 305)	
3	16005	Apex Peakway at Laura Duncan Rd	WB	35.738116	-78.842433	Yes	Yes		
4	16007	Apex Peakway at Ambergate Station	WB	35.741476	-78.846851	Yes	Yes		
5	16009	N Salem St at Apex Peakway	SB	35.740682	-78.849079	Yes	Yes		
6	11371	N Salem St at Hunter St (Liberty Station (SB))	SB	35.73621	-78.849066	Yes	Yes	Yes (GoCary ACX)	
7	16013	Hunter St at Hillcrest Rd	WB	35.735441	-78.857171	Yes	Yes		
8	1593	W Williams St at Hunter St (NB)	NB	35.736411	-78.862941	No	No	Yes (GoTriangle 311)	
9	16017	W Williams St at Apex Peakway (NB)	NB	35.738837	-78.865363	Yes	Yes		
10	1725	W Williams St at Haddon Hall Dr (NB)	NB	35.743772	-78.870595	No	No	Yes (GoTriangle 311)	
11	16021	Beaver Creek Commons Dr at Chick-fil-A (WB)	WB	35.745855	-78.874754	Yes	Yes		
12	16023	Beaver Creek Commons Dr at Beaver Creek Greenway (WB)	WB	35.7468	-78.878228	Yes	Yes		
13	16027	Beaver Creek Commons Dr at Diamond Dove Ln (WB)	WB	35.741207	-78.893545	Yes	Yes		
14	16029	Kelly Rd at Evening Star Dr (SB)	SB	35.736275	-78.896151	Yes	Yes		
15	16031	Chapel Ridge Rd at Olive Chapel	SB	35.737313	-78.888764	Yes	Yes		

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Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities on private property?
		Professional Park							
16	16033	Olive Chapel Rd at Western Wake Crisis Ministry	WB	35.736819	-78.890092	Yes	Yes		
17	16035	Kelly Rd at Publix Pointe (NB)	NB	35.738028	-78.895671	Yes	Yes		
18	16037	Beaver Creek Commons Dr at Diamond Dove Ln (EB)	EB	35.740821	-78.893927	Yes	Yes		
19	16039	Beaver Creek Commons Dr at Beaver Creek Crossings West	EB	35.745216	-78.888646	Improved	No		Yes
20	16041	Beaver Creek Commons Dr at Regal Cinemas	EB	35.747255	-78.883581	Yes	Yes		
21	16043	Beaver Creek Commons Dr at Beaver Creek Greenway (EB)	EB	35.746706	-78.878278	Yes	Yes		
22	16045	Beaver Creek Commons Dr at Lowe's (EB)	EB	35.745468	-78.874547	Improved	Yes		Yes
23	1731	W Williams St at Haddon Hall Dr (SB)	SB	35.743802	-78.871002	No	No	Yes (GoTriangle 311)	
24	16049	W Williams St at Healthplex Way (SB)	SB	35.740806	-78.867814	Yes	Yes		
25	1723	W Williams St at Apex Peakway (SB)	SB	35.738247	-78.865063	No	No	Yes (GoTriangle 311)	
26	1447	W Williams St at Olive Chapel Rd (SB)	SB	35.736155	-78.863075	No	No	Yes (GoTriangle 311)	
27	16055	W Williams St at Bryan Dr (Post Office)	SB	35.733557	-78.861665	Yes	Yes		
28	16057	W Williams St at Upchurch St	SB	35.728802	-78.85782	Yes	Yes		
29	16059	E Williams St at Salem St	SB	35.727015	-78.8539	Yes	Yes		
30	16061	E Williams St at S Hughes St	SB	35.726105	-78.851297	Yes	Yes		

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Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities on private property?
		(Park and Ride (SB))							
31	16063	E Williams St at Apex Village Center (SB)	SB	35.724946	-78.848173	Yes	Yes		
32	16065	E Williams St at Perry Rd	SB	35.720795	-78.843994	Yes	Yes		
33	16067	E Williams St at Apex Peakway	SB	35.71916	-78.843082	Yes	Yes		
34	1183	Apex Peakway at S Hughes St (Cambridge Village)	SB	35.717491	-78.844572	Yes	Yes	Yes (GoTriangle 305)	
35	16071	Apex Peakway at Norris Park	WB	35.714045	-78.850733	Yes	Yes		
36	16073	Apex Peakway at Shackleton Rd	WB	35.714521	-78.855948	Yes	Yes		
37	16075	Tingen Rd at Baberton Dr	NB	35.716528	-78.857636	Yes	Yes		
38	16077	Tingen Rd at Peace Haven Pl	NB	35.717794	-78.856513	Yes	Yes		
39	16079	Tingen Rd at Sparta Ln	NB	35.720186	-78.855802	Yes	Yes		
40	16081	James St at Germaine St	EB	35.72266	-78.852845	Yes	Yes		
41	16083	James St at E Williams St	EB	35.723031	-78.846483	Yes	Yes		
42	16085	E Williams St at S Mason St (Apex Middle School (NB))	NB	35.725827	-78.8501	Yes	Yes		
43	16087	S Salem St at Williams St	NB	35.727836	-78.853603	Yes	Yes		
44	16089	S Salem St at Moore St	NB	35.728765	-78.852957	Yes	Yes		
45	16091	N Salem St at The Depot	NB	35.732186	-78.85045	Yes	Yes		

MVTRANS-01 CMILLONIG

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 5/16/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Fairly Consulting Group, LLC
1800 S. Washington, Suite 400
Amarillo, TX 79102

CONTACT NAME:
PHONE (A/C, No, Ext): (806) 376-4761 FAX (A/C, No): (806) 376-5136
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : ACE American Insurance Company	22667
INSURER B : Gemini Insurance Company	10833
INSURER C : Indemnity Insurance Company of North America	43575
INSURER D : Lloyd's Syndicate 2623 (Beazley Furlong Limited)	C2166
INSURER E :	
INSURER F :	

INSURED
MV Transportation, Inc. and subsidiaries
2711 N. Haskell, Suite 1500
Dallas, TX 75204

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			HDOG72478575	2/1/2022	2/1/2023	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 5,000,000 $ 100,000 $ $ 5,000,000 $ 5,000,000 $ 5,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY			XSAH25555247	2/1/2022	2/1/2023	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ $ $
B	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			GVE100144807	2/1/2022	2/1/2023	EACH OCCURRENCE AGGREGATE General Agg	$ 5,000,000 $ $ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		WLRC68929593	2/1/2022	2/1/2023	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
D	Cyber Security Liab.			W1A99B220701	2/1/2022	2/1/2023	Each incident/Agg	2,000,000
A	Professional Liab.			MPBG72478654	2/1/2022	2/1/2023	Each Claim/Agg	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: GoApex Agreement - GoCary Transit Service
Town of Cary, Town of Apex are additional insureds on a primary and non-contributory basis as respects General Liability, Auto Liability and Umbella/Excess Liability where required by written contract.
A Waiver of Subrogation applies as respects General Liability, Auto Liability, Workers Compensation and Umbrella/Excess Liability where required by written contract.

MV Transportation, Inc. is self-insured for Auto Liability in the state of North Carolina. The above Auto policy provides coverage excess of a $3M self-insured retention.

CERTIFICATE HOLDER
Town of Apex
73 Hunter Street
P. O. Box 250
Apex, NC 27502

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Workers' Compensation and Employers' Liability Policy

Named Insured **MV TRANSPORTATION, INC.** **2711 N. HASKELL AVE, SUITE 1500, LB-2** **DALLAS TX 75204**	Endorsement Number Policy Number Symbol: **WLR** Number: **C68929593**
Policy Period **02-01-2022 TO 02-01-2023**	Effective Date of Endorsement **02-01-2022**
Issued By (Name of Insurance Company) **INDEMNITY INS. CO. OF NORTH AMERICA**	
Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.	

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

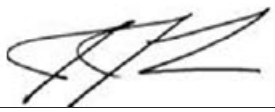
Schedule

ANY PERSON OR ORGANIZATION AGAINST WHOM YOU HAVE AGREED TO WAIVE YOUR RIGHT OF RECOVERY IN A WRITTEN CONTRACT, PROVIDED SUCH CONTRACT WAS EXECUTED PRIOR TO THE DATE OF LOSS.

For the states of CA, UT, TX, refer to state specific endorsements.
This endorsement is not applicable in KY, NH, and NJ.

The endorsement does not apply to policies in Missouri where the employer is in the construction group of code classifications. According to Section 287.150(6) of the Missouri statutes, a contractual provision purporting to waive subrogation rights against public policy and void where one party to the contract is an employer in the construction group of code classifications.

For Kansas, use of this endorsement is limited by the Kansas Fairness in Private Construction Contract Act(K.S.A.. 16-1801 through 16-1807 and any amendments thereto) and the Kansas Fairness in Public Construction Contract Act(K.S.A 16-1901 through 16-1908 and any amendments thereto). According to the Acts a provision in a contract for private or public construction purporting to waive subrogation rights for losses or claims covered or paid by liability or workers compensation insurance shall be against public policy and shall be void and unenforceable except that, subject to the Acts, a contract may require waiver of subrogation for losses or claims paid by a consolidated or wrap-up insurance program.



Authorized Representative

DocuSign Envelope ID: 98CD82EC-F31E-48FF-8062-3386BBC727B0

POLICY NUMBER: HDO G72478575 Endorsement Number: 1

COMMERCIAL GENERAL LIABILITY
CG 20 26 12 19

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s): Any person or organization whom you have agreed to include as an additional insured under a written contract, provided such contract was executed prior to the date of loss.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or

2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

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DocuSign Envelope ID: 98CD82EC-F31E-48FF-8062-3386BBC727B0

NON-CONTRIBUTORY ENDORSEMENT FOR ADDITIONAL INSUREDS

Named Insured			Endorsement Number
MV Transportation, Inc.			2
Policy Symbol	Policy Number	Policy Period	Effective Date of Endorsement
HDO	G72478575	02/01/2022 to 02/01/2023	
Issued By (Name of Insurance Company)			
ACE American Insurance Company			

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

COMMERCIAL GENERAL LIABILITY COVERAGE

Schedule

Organization	Additional Insured Endorsement
Any additional insured with whom you have agreed to provide such non-contributory insurance, pursuant to and as required under a written contract executed prior to the date of loss.	

(If no information is filled in, the schedule shall read: "All persons or entities added as additional insureds through an endorsement with the term "Additional Insured" in the title)

For organizations that are listed in the Schedule above that are also an Additional Insured under an endorsement attached to this policy, the following is added to Section IV.4.a:

> If other insurance is available to an insured we cover under any of the endorsements listed or described above (the "Additional Insured") for a loss we cover under this policy, this insurance will apply to such loss on a primary basis and we will not seek contribution from the other insurance available to the Additional Insured.

Authorized Agent

DocuSign Envelope ID: 98CD82EC-F31E-48FF-8062-3386BBC727B0

POLICY NUMBER: HDO G72478575 Endorsement Number: 8

COMMERCIAL GENERAL LIABILITY
CG 24 04 12 19

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US (WAIVER OF SUBROGATION)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

SCHEDULE

Name Of Person(s) Or Organization(s): Any person or organization against whom you have agreed to waive your right of recovery in a written contract, provided such contract was executed prior to the date of loss.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph **8. Transfer Of Rights Of Recovery Against Others To Us** of **Section IV – Conditions:**

We waive any right of recovery against the person(s) or organization(s) shown in the Schedule above because of payments we make under this Coverage Part. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person(s) or organization(s) prior to loss. This endorsement applies only to the person(s) or organization(s) shown in the Schedule above.

 © Insuranc ffice, Inc., 2018

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NON-CONTRIBUTORY ENDORSEMENT FOR ADDITIONAL INSUREDS

Named Insured MV Transportation, Inc.			Endorsement Number 48
Policy Symbol XSA	Policy Number H25555247	Policy Period 02/01/2022 TO 02/01/2023	Effective Date of Endorsement
Issued By (Name of Insurance Company) ACE American Insurance Company			

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

THIS ENDORSEMENT MODIFIES INSURANCE PROVIDED UNDER THE FOLLOWING:

EXCESS BUSINESS AUTOMOBILE POLICY

Schedule

Organization

All persons or entities where there is a contractual requirement for a Named Insured's auto policy to respond on either a primary or non-contributory basis, subject to satisfaction of the “retained limit”.

For organizations that are listed in the Schedule above that are also an Additional Insured under an endorsement attached to this policy, the following is added to the Other Insurance Condition under General Conditions:

If other insurance is available to an insured we cover for a loss we cover under this policy, this insurance will apply to such loss and is primary (subject to satisfaction of the “retained limit”), meaning we will not seek contribution from the other insurance available to the Additional Insured. Your “retained limit” still applies to such loss, and we will only pay the Additional Insured for the “ultimate net loss” in excess of the “retained limit” shown in the Declarations of this policy.

©Chubb. eserved.

DocuSign Envelope ID: 98CD82EC-F31E-48FF-8062-3386BBC727B0

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS

Named Insured			Endorsement Number
MV Transportation, Inc.			40
Policy Symbol	Policy Number	Policy Period	Effective Date of Endorsement
XSA	H25555247	02/01/2022 to 02/01/2023	
Issued By (Name of Insurance Company)			
ACE American Insurance Company			

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

EXCESS BUSINESS AUTO COVERAGE FORM
EXCESS TRUCKERS COVERAGE FORM

We waive the right of recovery we may have against the person or organization shown in the Schedule below because of payments we make for injury or damage arising out of the use of a covered "auto". The waiver applies only to the person or organization shown in the Schedule.

SCHEDULE

Any person or organization against whom you have agreed to waive your right of recovery in a written contract, provided such contract was executed prior to the date of loss.

Authorized Agent

DocuSign Envelope ID: 98CD82EC-F31E-48FF-8062-3386BBC727B0

ADDITIONAL INSURED – DESIGNATED PERSONS OR ORGANIZATIONS

Named Insured MV Transportation, Inc.			Endorsement Number 3
Policy Symbol XSA	Policy Number H25555247	Policy Period 02/01/2022 TO 02/01/2023	Effective Date of Endorsement
Issued By (Name of Insurance Company) ACE American Insurance Company			

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
AUTO DEALERS COVERAGE FORM
MOTOR CARRIER COVERAGE FORM
EXCESS BUSINESS AUTO COVERAGE FORM

Additional Insured(s): Any person or organization whom you have agreed to include as an additional insured under a written contract, provided such contract was executed prior to the date of loss.

A. For a covered "auto," Who Is Insured is amended to include as an "insured," the persons or organizations named in this endorsement. However, these persons or organizations are an "insured" only for "bodily injury" or "property damage" resulting from acts or omissions of:

1. You.
2. Any of your "employees" or agents.
3. Any person operating a covered "auto" with permission from you, any of your "employees" or agents.

B. The persons or organizations named in this endorsement are not liable for payment of your premium.

_____
Authorized Representative

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for January 27, 2026, on the Question of Annexation - Apex Town Council's intent to annex 2.13 acres, located at 2224 Olive Chapel Road (PIN 0722-70-2657), Annexation No. 812, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

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

This annexation request is NOT associated with a rezoning.

Attachments

- CN4-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN4-A2: Legal Description – Annexation No. 812 – 2224 Olive Chapel Road – 2.13 acres
- CN4-A3: Aerial Map – Annexation No. 812 – 2224 Olive Chapel Road – 2.13 acres
- CN4-A4: Plat Map – Annexation No. 812 – 2224 Olive Chapel Road – 2.13 acres
- CN4-A5: Annexation Petition – Annexation No. 812 – 2224 Olive Chapel Road – 2.13 acres

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

Annexation Petition No. 812
2224 Olive Chapel Road | 2.13 acres

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

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

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

This the 13th day of January, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 812
2224 Olive Chapel Road | 2.13 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 13th day of January, 2026.

_____
Allen L. Coleman, CMC
Town Clerk

(Seal)

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

Annexation Petition No. 812
2224 Olive Chapel Road | 2.13 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 27th day of January, 2026.

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

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

This the 13th day of January, 2026.

_____
Jacques K. Gilbert,
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

Attachment: Legal Description

Canoy Surveying
Adam Canoy, PLS
1154 Shonele Ln
Stem, NC 27581
984.377.2626
canoysurveying@gmail.com

Legal Description of RL Property Group LLC Property

Property located at 2224 Olive Chapel Rd, Apex, NC 27502

Metes and bounds description of RL Property Group LLC Property, as described in deed book 19462, at page 1817, and book of maps 1981, at page 488, of the Wake County Register

Beginning at an Iron Pipe Found along the right-of-way of Olive Chapel Rd, State Route 1160, and being the southeast corner of Munshi Mohammad Ebne Chayen & Nasrin Sumee property, and the southwest corner of RL Property Group LLC property, as described in book of maps 1981, page 488, having NCGRID NAD83 (2011) coordinates of N: 720,457.28', E: 2,027,175.42';

Thence from said beginning point, along and with Chayen & Sumee property, leaving the right-of-way of Olive Chapel Rd, N 04°50'28" W a distance of 436.89' to an IRON PIPE FOUND;

Thence along and with the southern boundary of Woodridge Subdivision as described in book of maps 1997, page 1703, of the Wake County Register, N 82°40'00" E a distance of 199.87' to an IRON PIPE FOUND;

thence along and with the western boundary Lucas Farms Subdivision as described in book of maps 2015, page 657, of the Wake County Register, S 04°51'18" E a distance of 436.96' to an IRON PIPE FOUND along the right-of-way of Olive Chapel Rd;

thence S 04°51'18" E a distance of 30.04' to a COMPUTED POINT along the centerline of Olive Chapel Rd;

thence along and with the centerline of Olive Chapel Rd the following courses and distances,
S 84°09'17" W a distance of 50.02' to a COMPUTED POINT;

thence S 83°33'41" W a distance of 49.91' to a COMPUTED POINT;

thence S 82°20'00" W a distance of 49.82' to a COMPUTED POINT;

thence S 81°12'50" W a distance of 30.37' to a COMPUTED POINT;

thence S 79°45'11" W a distance of 19.92' to a COMPUTED POINT;

thence leaving the centerline of Olive Chapel Rd, N 04°50'28" W a distance of 30.11' to an IRON PIPE FOUND along the right-of-way of Olive Chapel Rd;

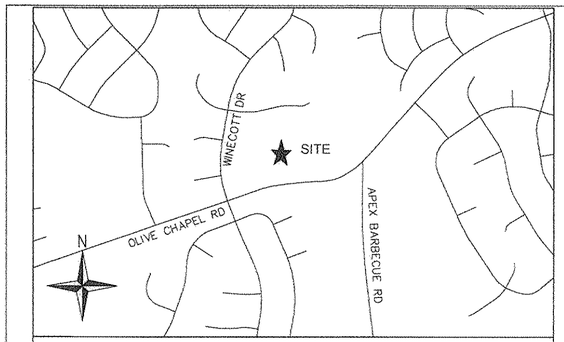
which is the point of beginning,

having an area of 93012 square feet, 2.13 acres

Canoy Surveying
Adam Canoy, PLS
1154 Shonele Ln
Stem, NC 27581
984.377.2626
canoysurveying@gmail.com

For further description see map entitled Property of Clyde A Douglass, III, and Wife Amanda E Douglass; for Clyde A Douglass, III, and Wife Amanda E Douglass, prepared by Vernon Wayne Johnson, PLS-1496, said map dated May 29th, 1981, book of maps 1981, at page 488 of the Wake County Register


Annexation #812
Jehon Ct
Starita Ct
Simca Ct
Woodridge
Tamora Ct
Winecott Dr
Olive Chapel Rd
Apex Barbecue Rd
Hollands Crossing
0
200
400
Feet
December 2025
November 2025 Aerial
Photography Prepared by: Town of Apex Planning Department



VICINITY MAP (NOT TO SCALE)

GENERAL NOTES

1. THIS IS AN ANNEXATION SURVEY OF AN EXISTING PARCEL(S) OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD83 (2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. AREA BY COORDINATE GEOMETRY.
5. REFERENCES: DB 19462 PG 1817; BM 1981 PG 488; OF THE WAKE COUNTY REGISTRY. PIN: 0722702657
6. THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. .
7. NO NCGS MONUMENTS FOUND WITHIN 2000 FEET.
8. NO ENVIRONMENTAL FEATURES LOCATED, OR CONSIDERED AT THE TIME OF THIS SURVEY.
9. THE DEPICTION OF SURFACE AND SUBSURFACE UTILITIES IS DERIVED SOLELY FROM VISIBLE EVIDENCE. CONTACT RELEVANT UTILITY COMPANIES FOR COMPREHENSIVE UTILITY INFORMATION AND EASEMENT DETAILS.
10. APPROXIMATE LOCATION OF APEX CORPORATE LIMITS SHOWN. DATA DOWNLOADED FROM: gisdata-apexnc.opendata.arcgis.com

Annexation # _____

I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify thathis a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.
Day/Month/Year

_____
Allen Coleman, CMC, NCCCC, Town Clerk

-Seal-

SURVEYORS CERTIFICATE [G.S. 47-30]

I, DUSTIN A. DANIELS, P.L.S., PROFESSIONAL LAND SURVEYOR NO .5675 CERTIFY TO ONE OF THE FOLLOWING; THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

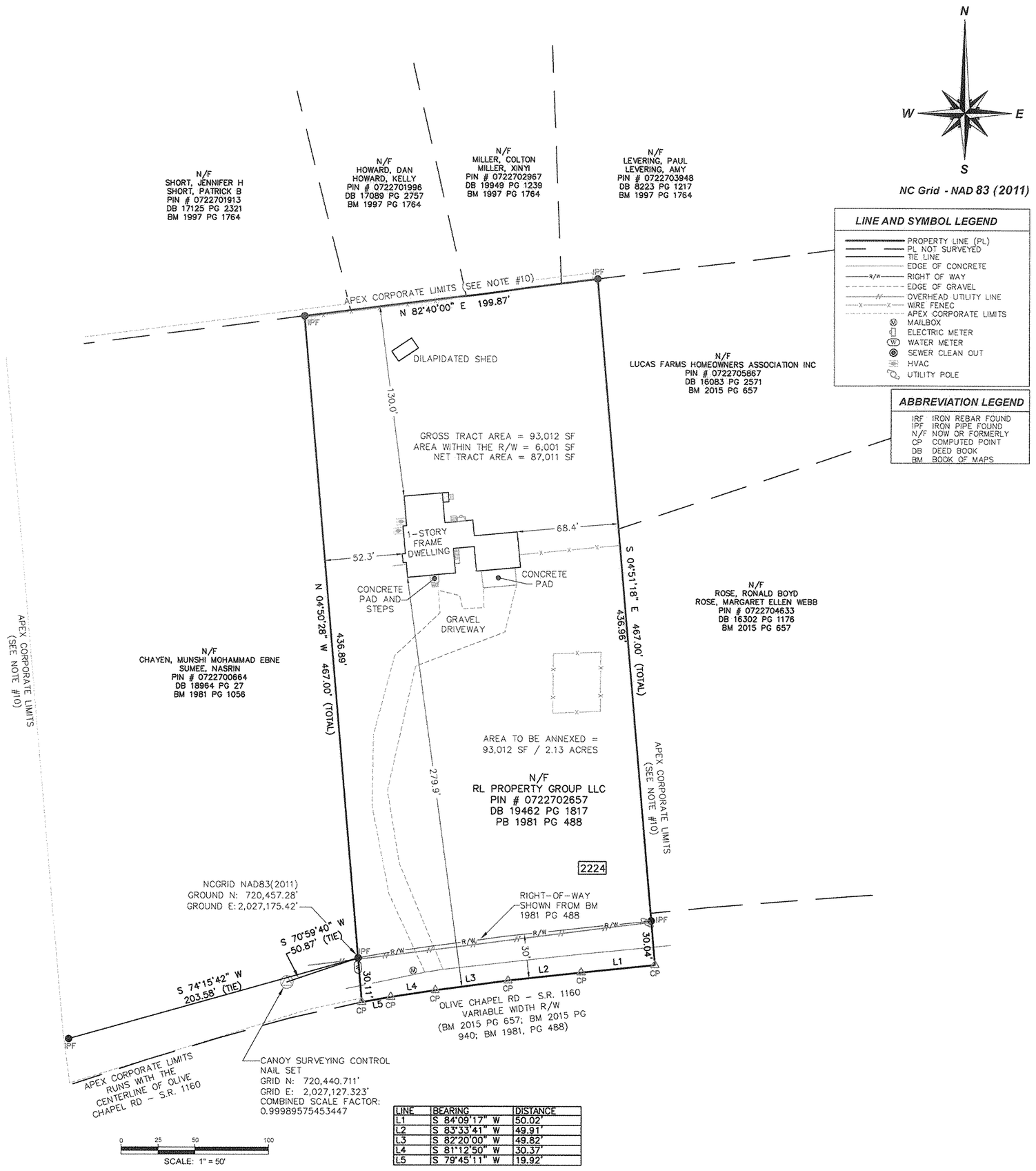
Dustin A Daniels 09/24/2025
DUSTIN A. DANIELS, P.L.S. N.C. REG. No.: L-5675

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 19462, PAGE 1817; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK OF MAPS 1981 PAGE 488; THAT THE RATIO OF PRECISION IS 1:10000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS 24th DAY OF September, 2025
SEAL

NORTH CAROLINA PROFESSIONAL L-5675 LAND SURVEYOR DUSTIN A. DANIELS

Dustin A Daniels
DUSTIN A. DANIELS, PLS L-5675



LINE	BEARING	DISTANCE
L1	S 84°09'17" W	50.02'
L2	S 83°33'41" W	49.91'
L3	S 82°20'00" W	49.82'
L4	S 81°12'50" W	30.37'
L5	S 79°45'11" W	19.92'

PREPARED FOR
RL PROPERTY GROUP LLC

PREPARED BY
CANOY SURVEYING
P-1938
1154 SHONELE LANE
STEM, NC 27581
PHONE (984) 377-2626

ANNEXATION MAP for the TOWN OF APEX
2224 OLIVE CHAPEL RD
PIN # 0722702657 - BM 1981 PG 488
2224 OLIVE CHAPEL RD, APEX, NORTH CAROLINA
WAKE COUNTY - NC - WHITE OAK TOWNSHIP

REVISIONS:

DATE OF SURVEY:	8/19/2025
SCALE:	1" = 50'
DRAWN BY:	DL
CHECKED BY:	DAD
PROJECT:	2224 OLIVE CHAPEL
SHEET:	1 / 1

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 #: 812 Submittal Date: 8-26-2025

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

RL Property Group LLC	0722702657
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(630) 615-9523	ricardo.govincorp@gmail.com
Phone	E-mail Address
[redacted]	
Owner Name (Please Print)	Property PIN or Deed Book & Page #
[redacted]	
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Canoy Surveying

Phone: (984) 377-2626 Fax:

E-mail Address: canoysurveying@gmail.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	2.13	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☐
Proposed # of housing units:	4	Sewer service (new construction)	☐
Zoning District*:	RR	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 #: 812 Submittal Date: 8-26-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, RL Property Group 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 26 day of AUGUST, 2025.

Name of Limited Liability Company RL Property Group LLC

By: _____
Signature of Member/Manager

RICARDO GOVINDASAMY

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, MARIA CRISTINA DEZA PALOMINO, a Notary Public for the above State and County, this the 26 day of August, 2025.

Maria Cristina Deza Palomino
Notary Public

SEAL

MARIA CRISTINA DEZA PALOMINO
Notary Public
Wake Co., North Carolina
My Commission Expires Feb. 19, 2028

My Commission Expires: Feb. 19, 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: _____

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Jessica Hoffman, Director

Department(s): Budget and Performance Management

Requested Motion

Motion to ratify a previously approved Capital Project Ordinance No. 2026-5 appropriating funds for the Salem Streetscape project. The Apex Town Council voted on December 16, 2025 to authorize the construction contract and capital project ordinance amendment associated with the Salem Streetscape project.

Approval Recommended?

Yes

Item Details

Capital Project Ordinance No. 2026-5 allocates $200,000 from debt proceeds to move forward with the Salem Street Streetscape project. The project bids came in over the project estimate and were discussed at the December 16th Town Council Regular Work Session. The Apex Town Council unanimously passed a motion to approve this Amendment and move forward with the project. The motion was as follows:

> *"A motion was made by **Councilmember Gray**, seconded by **Councilmember Mahaffey**, to award a construction contract to Browe Construction with a ten (10) percent contingency added for the construction budget, authorize the Town Manager to execute the agreement, and approve an associated budget ordinance amendment for the project."*
>
> **VOTE: UNANIMOUS**

This serves as the formal Budget Ordinance Amendment documentation.

Attachments

- CN5-A1: Capital Project Ordinance No. 2026-5 – Salem Streetscape Project

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-5

210 - Transportation Capital Project Fund

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

SECTION 1: The project authorized by this ordinance consists of transportation capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
Grants (State/Federal)	-	21,640,989
Interest Earned	-	816,600
Interest Earned - Debt Proceeds	-	335,650
Developer Reimbursement	-	150,250
Payments in Lieu of Streets	-	65,000
Town of Cary Reimbursement	-	750,412
Bond Proceeds/Premium	200,000	60,906,265
Transfer from General Fund	-	21,342,378
Transfer from Transportation Capital Reserve	-	8,239,373
Total Revenues		**$114,246,917**

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
Transportation Capital Project Expenditures	200,000	114,246,917
Total Expenditures		**$114,246,917**

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 13th day of January, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation and Infrastructure Development

Requested Motion

A. Motion to ratify an oral amendment to a construction contract between the Town of Apex and Barnhill Constructing Company for the completion of the 2025 Road Rehabilitation Project; and,
B. Motion to adopt Budget Ordinance Amendment No. 9 to appropriate funds for the 2025 Road Rehabilitation Project contract.

Approval Recommended?

Yes

Item Details

The 2025 Road Rehabilitation Project included milling, asphalt patching, curb ramp reconstruction, sidewalk and curb and gutter replacement, and asphalt resurfacing for 8.2 miles of Town streets. Construction is complete. The construction agreement is a unit cost contract based on estimated quantities that requires reconciliation based on actual quantities installed. Therefore, standard practice requires preparation of a final change order to address all line items with overruns/underruns, and/or to remove items that were not used.

The total amount completed was $3,260,873.82, exceeding the contract amount by $170,299.82 (5.5%). Itemization of all contract line items are shown in the attached table for reference and staff recommends approval of the change order for issuance of final payment for project closeout.

Attachments

- CN6-A1: Accounts Payable Summary – Barnhill Constructing Company – 2025 Road Rehabilitation Project
- CN6-A2: Budget Amendment No. 9 - Barnhill Constructing Company – 2025 Road Rehabilitation Project


APEX
1873
NORTH CAROLINA

2025 ROAD REHABILITATION
PAY RECORDS SUMMARY

				CONTRACT			ACTUAL		OVER/UNDER	
#	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT COST	$ AMOUNT	QTD	$ AMOUNT	%	$ AMOUNT
1	800	MOBILIZATION	LS	1	$ 100,000.00	$ 100,000.00	1.00	$ 100,000.00	100%	$ -
2	607	MILLING, 1.25-INCH DEPTH	SY	140,683	$ 3.10	$ 436,117.30	116,544.22	$ 361,287.08	83%	$ (74,830.22)
3	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B	TN	9,848	$ 78.00	$ 768,144.00	10,819.81	$ 843,945.18	110%	$ 75,801.18
4	SP	PATCHING EXISTING PAVEMENT	TN	6,140	$ 113.90	$ 699,346.00	6,407.75	$ 729,842.73	104%	$ 30,496.73
5	620	ASPHALT BINDER FOR PLANT MIX	TN	935	$ 410.00	$ 383,350.00	942.43	$ 386,397.12	101%	$ 3,047.12
		AC ADJUSTMENT JULY 2025	TN		$ 3.13		211.07	$ 660.65		$ 660.65
		AC ADJUSTMENT AUGUST 2025	TN		$ 4.38		63.81	$ 279.49		$ 279.49
		AC ADJUSTMENT SEPTEMBER 2025	TN		$ 4.38		87.28	$ 382.29		$ 382.29
		AC ADJUSTMENT OCTOBER 2025	TN		$ 3.13		185.96	$ 582.06		$ 582.06
		AC ADJUSTMENT NOVEMBER 2025	TN		$ 1.88		63.52	$ 119.41		$ 119.41
6	802/846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	LF	1,467	$ 55.00	$ 80,685.00	1,745.52	$ 96,003.60	119%	$ 15,318.60
7	802/846	CURB & GUTTER, MEDIAN (18") - REMOVE & REPLACE	LF	944	$ 52.00	$ 49,088.00	1,531.50	$ 79,638.00	162%	$ 30,550.00
8	802/848	CONCRETE SIDEWALK - REMOVE & REPLACE	SY	430	$ 75.00	$ 32,250.00	317.81	$ 23,835.75	74%	$ (8,414.25)
9	802/848	CONCRETE CURB RAMP - REMOVE & REPLACE	EA	85	$ 2,450.00	$ 208,250.00	94.70	$ 232,015.00	111%	$ 23,765.00
10	848	CONCRETE CURB RAMP - RETROFIT DOMES	EA	10	$ 500.00	$ 5,000.00	-	$ -	0%	$ (5,000.00)
11	1101	TRAFFIC CONTROL	LS	1	$ 162,485.00	$ 162,485.00	1.00	$ 162,485.00	100%	$ -
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 90 MILS	LF	8,397	$ 0.89	$ 7,473.33	16,614.00	$ 14,786.46	198%	$ 7,313.13
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	LF	1,113	$ 2.00	$ 2,226.00	1,728.00	$ 3,456.00	155%	$ 1,230.00
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 16" 90 MIL	LF	42	$ 10.00	$ 420.00	42.00	$ 420.00	100%	$ -
15	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 90 MIL	LF	552	$ 10.00	$ 5,520.00	456.00	$ 4,560.00	83%	$ (960.00)
16	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL 90 MILS	EA	53	$ 250.00	$ 13,250.00	53.00	$ 13,250.00	100%	$ -
17	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTERS 90 MILS	EA	14	$ 100.00	$ 1,400.00	14.00	$ 1,400.00	100%	$ -
18	1725	INDUCTIVE LOOP SAWCUT	LF	1,080	$ 12.00	$ 12,960.00	922.00	$ 11,064.00	85%	$ (1,896.00)
19	SP	ADJUSTMENT OF MANHOLES W/ RINGS	EA	22	$ 275.00	$ 6,050.00	3.00	$ 825.00	14%	$ (5,225.00)
20	SP	ADJUSTMENT OF MANHOLES, MANUAL	EA	10	$ 750.00	$ 7,500.00	14.00	$ 10,500.00	140%	$ 3,000.00
21	SP	ADJUSTMENT OF VALVE BOXES W/ RINGS	EA	28	$ 225.00	$ 6,300.00	34.00	$ 7,650.00	121%	$ 1,350.00
22	SP	ADJUSTMENT OF VALVE BOXES, MANUAL	EA	10	$ 650.00	$ 6,500.00	25.00	$ 16,250.00	250%	$ 9,750.00
23	SP	ADJUSTMENT OF VALVE BOXES INCLUDING REPLACEMENT	EA	10	$ 750.00	$ 7,500.00	37.00	$ 27,750.00	370%	$ 20,250.00
24	SP	WEDGING	TN	85	$ 144.00	$ 12,240.00	-	$ -	0%	$ (12,240.00)
2	CO1	MILLING, 1.25-INCH DEPTH	SY	(17,064)	$ 3.10	$ (52,898.40)			0%	$ 52,898.40
25	CO1	MILLING, 3-INCH DEPTH	SY	17,064	$ 4.90	$ 83,613.60	17,486.70	$ 85,684.83	102%	$ 2,071.23
26	CO2	UNDERCUT EXCAVATION	CY	62	$ 135.72	$ 8,468.93	62.40	$ 8,468.93	100%	$ 0.00
27	CO2	ASPH CONCR BASE COURSE, B25.0C	TN	66	$ 204.32	$ 13,454.47	65.85	$ 13,454.47	100%	$ (0.00)
28	CO2	BACKFILL UNDERCUT W/ ABC STONE	TN	39	$ 96.50	$ 3,726.83	38.62	$ 3,726.83	100%	$ -
29	CO2	SOIL STABILIZATION – GEOGRID	SY	187	$ 8.55	$ 1,595.94	186.66	$ 1,595.94	100%	$ (0.00)
30	CO2	ADD'L MOBILIZATION-HUNTER ST	LS	1	$ 6,100.00	$ 6,100.00	1.00	$ 6,100.00	100%	$ -
31	CO2	ADD'L TRAFFIC CONTROL-HUNTER ST	LS	1	$ 3,700.00	$ 3,700.00	1.00	$ 3,700.00	100%	$ -
32	CO3	ADD'L MOBILIZATION-WATERFORD GREEN DR	LS	1	$ 3,885.00	$ 3,885.00	1.00	$ 3,885.00	100%	$ -
33	CO3	ADD'L TRAFFIC CONTROL-WATERFORD GREEN DR	LS	1	$ 4,873.00	$ 4,873.00	1.00	$ 4,873.00	100%	$ -
					TOTAL:	**$ 3,090,574.00**	TOTAL:	**$ 3,260,873.82**	105.5%	$ 170,299.82

Town of Apex

Budget Ordinance Amendment No. 9

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2025-2026 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

48020	Fund Blance - Amended	170,300
Total Revenues		**$170,300**

Section 2. Expenditures:

57020	Capital Outlay Improvements	170,300
Total Expenditures		**$170,300**

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

Adopted this the 13th day of January 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation and Infrastructure Development

Requested Motion

Motion to ratify an oral amendment to construction contract between the Town of Apex and Pavement Technology, Inc for completion of the 2025 Pavement Preservation Project.

Approval Recommended?

Yes

Item Details

The 2025 Pavement Preservation Project applied Reclamite asphalt rejuvenator to approximately 21 miles of town-maintained streets. The project is now complete. Application areas were estimated using existing GIS data (290,598 square yards). Actual field measurements (312,688 square yards) exceeded the estimated values by ~7.6%.

Staff agreed to the actual quantities needed on-site as necessary and the contract needed to be amended to account for the additional cost.

Attachments

- CN7-A1: Street List with Field Measurement Summary – Contract Ratification – Pavement Technology Inc. – 2025 Pavement Preservation Project

Streets Completed Daily

Apex, Town of

Job #: 10565

Street Name	From	To	Units	Treated
CROCKETTS CT	ROCKY MOUNTAIN WAY	DEAD END	613	11/5/2025
PILOT MOUNTAIN CT	DEAD END	FRISSELL AVE	3,840	11/5/2025
ROCKY MOUNTAIN WAY	BRASSTOWN LN	FRISSELL AVE	2,518	11/5/2025
WOODLANDS CREEK WAY	DEAD END	HOLLAND RD	4,115	11/5/2025
JERIMOUTH DR	DEAD END	BRASSTOWN LN	3,036	11/5/2025
HIMALAYA WAY	PILOT MOUNTAIN CT	DEAD END	622	11/5/2025
FRISSELL AVE	DEAD END	BRASSTOWN LN	5,228	11/5/2025
EDINBURGH DOWNS LN	PILOT MOUNTAIN CT	WOODLANDS CREEK WAY	2,390	11/5/2025
MOUNTAIN CT	PILOT MOUNTAIN CT	DEAD END	573	11/5/2025
DRISKILL CT	JERIMOUTH DR	DEAD END	946	11/5/2025
BRASSTOWN LN	APEX BARBEQUE RD	DEAD END	6,109	11/5/2025
CARVERS CREEK LN	PILOT MOUNTAIN CT	DEAD END	281	11/5/2025
CHIMNEY ROCK CT	FRISSELL AVE	DEAD END	692	11/5/2025
COPPER RIDGE CT	WOODLANDS CREEK WAY	DEAD END	816	11/5/2025
		11/5/2025 Units:	31,779	sq yards

Street Name	From	To	Units	Treated
CAMERON VALLEY CT	KELLY WEST DR	DEAD END	794	11/6/2025
CRANWELL CT	BRICKSTONE DR	DEAD END	1,266	11/6/2025
CABIN WOOD CT	CHAPEL VALLEY LN	DEAD END	806	11/6/2025
KELLY WEST DR	CHAPEL VIEW LN	CAMERON VALLEY CT	3,581	11/6/2025
CHAPEL VALLEY LN	AVERROE DR	CAMERON VALLEY CT	4,872	11/6/2025
CHAPEL VIEW LN	KELLY WEST DR	AVERROE DR	917	11/6/2025
OLD HOUSE CT	CHAPEL VALLEY LN	DEAD END	870	11/6/2025
MONTVALE CT	AVERROE DR	DEAD END	599	11/6/2025
BONHILL CT	BRICKSTONE DR	DEAD END	870	11/6/2025
GRASSY RIDGE CT	AVERROE DR	DEAD END	1,584	11/6/2025
KELLY BROOK CT	KELLY WEST DR	DEAD END	674	11/6/2025
KELLY POINT CT	KELLY WEST DR	DEAD END	1,215	11/6/2025
BURHAM CT	BRICKSTONE DR	DEAD END	934	11/6/2025
		11/6/2025 Units:	18,982	sq yards

Street Name	From	To	Units	Treated
SHINING STAR CT	HOMESTEAD PARK DR	DEAD END	792	11/7/2025
SUMMER DAYS CT	HOMESTEAD PARK DR	DEAD END	872	11/7/2025
LAZY DAYS CT	HOMESTEAD PARK DR	DEAD END	701	11/7/2025
CHECKER CT	HOMESTEAD PARK DR	DEAD END	765	11/7/2025
AVERROE DR	DEAD END	CHAPEL VIEW LN	4,310	11/7/2025
GREEN GRASS CT	EVENING STAR DR	DEAD END	694	11/7/2025
BREEZEMERE CT	HOMESTEAD PARK DR	DEAD END	714	11/7/2025
SHALON CT	BRIERRIDGE DR	DEAD END	755	11/7/2025
GARRITY CT	BRICKSTONE DR	DEAD END	709	11/7/2025
FALLON CT	BRIERRIDGE DR	DEAD END	643	11/7/2025
BRIERRIDGE DR	OLIVE CHAPEL RD	BRICKSTONE DR	4,855	11/7/2025
BRICKSTONE DR	BONHILL CT	DEAD END	5,024	11/7/2025
		11/7/2025 Units:	20,834	sq yards
HAPPY DAYS CT	EVENING STAR DR	DEAD END	613	11/8/2025
HOMESONG WAY	HOMESTEAD PARK DR	HOMESTEAD PARK DR	922	11/8/2025
HOMESTEAD PARK DR	HOMESTEAD PARK DR	BRIERRIDGE DR	10,059	11/8/2025
EVENING STAR DR	HOMESTEAD PARK DR	WINDY CREEK LN	4,363	11/8/2025
		11/8/2025 Units:	15,957	sq yards

Street Name	From	To	Units	Treated
SANBOUR DR	SATINWOOD DR	DEAD END	1,215	11/10/2025
THORNCROFT LN	SATINWOOD DR	DEAD END	696	11/10/2025
WOODBRIAR ST	DEAD END	DEAD END	3,139	11/10/2025
THORNGATE RD	VINTAGE GROVE LN	DEAD END	638	11/10/2025
SATINWOOD DR	DEAD END	CENTER ST	3,735	11/10/2025
SANTA ROSA DR	SATINWOOD DR	DEAD END	1,342	11/10/2025
BRITTANY POINT CT	PATE ST	DEAD END	882	11/10/2025
VINTAGE GROVE LN	SATINWOOD DR	INGLENOOK PL	3,475	11/10/2025
SAMARA ST	RAINESVIEW LN	DEAD END	3,496	11/10/2025
BLANCHARD ST	HUNTER ST	DEAD END	2,878	11/10/2025
GRAYBARK CT	WOODBRIAR ST	DEAD END	520	11/10/2025
RAINESVIEW LN	MEADOWROCK LN	SATINWOOD DR	4,674	11/10/2025
HILT CT	PATE ST	DEAD END	628	11/10/2025
PATE ST	HUNTER ST	WOODBRIAR ST	2,964	11/10/2025
ROYAL HUNT CT	BLANCHARD ST	DEAD END	1,083	11/10/2025
		11/10/2025 Units:	31,365	sq yards

Street Name	From	To	Units	Treated
MILKY WAY DR	SUGARLAND DR	DEAD END	2,906	11/12/2025
WINTER HILL DR	DEAD END	APEX PEAKWAY	3,158	11/12/2025
WINDCREST DR	WINTER HILL DR	WIRKS WORTH CIR	1,989	11/12/2025
SUGARLAND DR	DEAD END	S SALEM ST	2,200	11/12/2025
LYNCH ST	THIRD ST	DEAD END	4,756	11/12/2025
LEMON DROP CIR	GUMDROP PATH	DEAD END	1,183	11/12/2025
GUMDROP PATH	LYNCH ST	MILKY WAY DR	1,582	11/12/2025
GABLEFIELD LN	HUNTER ST	DEAD END	3,668	11/12/2025
CORRENNA ST	LYNCH ST	DEAD END	1,128	11/12/2025
BULLOCK CT	LYNCH ST	DEAD END	1,138	11/12/2025
ABRAHAM CIR	LYNCH ST	DEAD END	999	11/12/2025
SWEET TART LN	MILKY WAY DR	DEAD END	1,095	11/12/2025
		11/12/2025 Units:	25,802	sq yards

Street Name	From	To	Units	Treated
CELANDINE DR	FAIRFAX WOODS DR	FAIRFAX WOODS DR	4,618	11/13/2025
RAPP LN	KELLERHIS DR	RED BARN WAY	1,979	11/13/2025
RIVER DEE CT	CELANDINE DR	DEAD END	699	11/13/2025
RED BARN WAY	FAIRFAX WOODS DR	ZENO RD	4,378	11/13/2025
TROYER PL	RED BARN WAY	DEAD END	1,139	11/13/2025
GOPHER LN	CELANDINE DR	FAIRFAX WOODS DR	843	11/13/2025
CALEY RD	TROYER PL	DEAD END	1,222	11/13/2025
FAIRFAX WOODS DR	CELANDINE DR	CELANDINE DR	8,574	11/13/2025
CAIRPHILLY CASTLE CT	FAIRFAX WOODS DR	DEAD END	1,210	11/13/2025
ARGUS CT	FAIRFAX WOODS DR	DEAD END	767	11/13/2025
KELLERHIS DR	RED BARN WAY	DEAD END	2,300	11/13/2025
PARSIFAL PL	CELANDINE DR	DEAD END	704	11/13/2025
HENSON PL	CALEY RD	DEAD END	590	11/13/2025
		11/13/2025 Units:	29,023	sq yards

Street Name	From	To	Units	Treated
GREEN HICKORY CT	WALDEN CREEK DR	DEAD END	565	11/14/2025
WALDEN GLEN WAY	WALDEN CREEK DR	W Williams St	1,167	11/14/2025
WALDEN WOODS DR	WALDEN CREEK DR	DEAD END	2,508	11/14/2025
WHITE POND CT	POETS GLADE DR	DEAD END	3,226	11/14/2025
WALDEN CREEK DR	MORRIS ACRES RD	COLONY WOODS DR	11,421	11/14/2025
SQUAW WALDEN LN	DEAD END	DEAD END	2,603	11/14/2025
SHEPHERDS GLADE DR	POETS GLADE DR	WALDEN CREEK DR	1,869	11/14/2025
WALDEN GLADE RUN	BRISTERS SPRING WAY	DEAD END	1,973	11/14/2025
POETS GLADE DR	WALDEN CREEK DR	WHITE POND CT	2,378	11/14/2025
FLINTS POND CIR	DEAD END	DEAD END	2,576	11/14/2025
RABBIT WALK LN	SQUAW WALDEN LN	DEAD END	1,092	11/14/2025
		11/14/2025 Units:	31,378	sq yards

Street Name	From	To	Units	Treated
POETS CORNER CT	BRISTERS SPRING WAY	DEAD END	848	11/15/2025
ASTON WOODS CT	GOOD SHEPHERD WAY	DEAD END	738	11/15/2025
BAFFINS BAY PATH	GOOD SHEPHERD WAY	DEAD END	828	11/15/2025
BRISTERS SPRING WAY	WALDEN CREEK DR	WALDEN CREEK DR	4,407	11/15/2025
CRANSWICK PL	COLONY WOODS DR	DEAD END	1,122	11/15/2025
DAWN RIDGE CT	COLONY WOODS DR	DEAD END	850	11/15/2025
DEVERON CT	COLONY WOODS DR	DEAD END	714	11/15/2025
SOUTH DUNWICK CT	COLONY WOODS DR	DEAD END	1,327	11/15/2025
NORTH DUNWICK CT	COLONY WOODS DR	DEAD END	1,073	11/15/2025
GOOD SHEPHERD WAY	WALDEN MEADOW DR	DEAD END	2,156	11/15/2025
LOGANWOOD DR	COLONY WOODS DR	DEAD END	1,444	11/15/2025
STEAM RIDGE CT	COLONY WOODS DR	DEAD END	1,083	11/15/2025
WALDEN MEADOW DR	DEAD END	COLONY WOODS DR	2,293	11/15/2025
KENTSHIRE PL	COLONY WOODS DR	DEAD END	1,897	11/15/2025
		11/15/2025 Units:	20,780	sq yards

Street Name	From	To	Units	Treated
NUTTING LN	HENNIKER ST	DEAD END	1,596	11/17/2025
DIAL DR	DEAD END	COLONY WOODS DR	3,943	11/17/2025
ECHO GLEN LN	DEAD END	DEAD END	3,087	11/17/2025
HENNIKER ST	JENKS RD	COLONY WOODS RD	4,671	11/17/2025
OAK STREAM LN	DEAD END	DEAD END	2,896	11/17/2025
PEABODY PL	DIAL DR	DEAD END	1,164	11/17/2025
SPECKLED ALDER CT	HENNIKER ST	DEAD END	897	11/17/2025
WILD APPLE CT	HENNIKER ST	DEAD END	794	11/17/2025
FITCHBURG CT	DIAL DR	DEAD END	235	11/17/2025
COLONY WOODS DR	JENKS RD	WEST WILLIAMS ST	9,024	11/17/2025
		11/17/2025 Units:	28,307	sq yards
KEOKUK CT	DEAD END	DEAD END	3,348	11/18/2025
WEEHAWKEN PL	CASTLEBURG DR	DEAD END	897	11/18/2025
PASSAIC WAY	BATTLEWOOD RD	HOLT RD	1,722	11/18/2025
IRONSIDES LN	CASTLEBURG DR	DEAD END	941	11/18/2025
HOUSATONIC CT	CASTLEBURG DR	DEAD END	1,410	11/18/2025
CATSKILL CT	BATTLEWOOD RD	DEAD END	1,792	11/18/2025
CASTLEBURG DR	CASTLEBURG DR	OLD JENKS RD	12,816	11/18/2025
BEAUDET LN	CASTLEBURG DR	DEAD END	1,725	11/18/2025
BATTLEWOOD RD	CASTLEBURG DR	DEAD END	5,035	11/18/2025
BATTERY WAGNER DR	BATTLEWOOD RD	DEAD END	868	11/18/2025
BATTERY BEE LN	CUMBERLAND GAP CT	DEAD END	750	11/18/2025
CUMBERLAND GAP CT	CASTLEBURG DR	DEAD END	1,244	11/18/2025
SHELL POINT WAY	KEOKUK CT	DEAD END	574	11/18/2025
		11/18/2025 Units:	33,122	sq yards

Street Name	From	To	Units	Treated
HASBROUCK DR	HOLT RD	HOLT RD	4,759	11/19/2025
TENAFLY CT	HASBROUCK DR	HOLTRIDGE DR	721	11/19/2025
TEMPLETON GAP DR	DEAD END	CASTLEBURG DR	4,659	11/19/2025
SUTTON GLEN DR	HOLT RD	HILL HOLLOW WAY	2,178	11/19/2025
SIR BRENNAN CT	HASBROUCK DR	DEAD END	1,029	11/19/2025
SASSACUS LN	TEMPLETON GAP DR	DEAD END	968	11/19/2025
PATAPSCO DR	SUTTON GLEN DR	TEMPLETON GAP DR	1,965	11/19/2025
JERRYANNE CT	HASBROUCK DR	DEAD END	1,078	11/19/2025
HOLTRIDGE DR	DEAD END	SUTTON GLEN DR	2,762	11/19/2025
HILL HOLLOW WAY	DEAD END	HOLTRIDGE DR	2,180	11/19/2025
DUMONT CT	HASBROUCK DR	DEAD END	855	11/19/2025
CANONICUS CT	TEMPLETON GAP DR	DEAD END	611	11/19/2025
BAYSDALE LN	TEMPLETON GAP DR	DEAD END	594	11/19/2025
HOBOKEN CT	HASBROUCK DR	DEAD END	1,000	11/19/2025

11/19/2025 Units: 25,359 sq yards

Total Units: 312,688 sq yards

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation and Infrastructure Development

Requested Motion

Motion to ratify an oral amendment to construction contract between the Town of Apex and Roadworks Construction Company, LLC for completion of Jones Street Improvements Project.

Approval Recommended?

Yes

Item Details

The Jones Street Improvements Project included pavement widening, asphalt resurfacing, storm drainage, sewer main relocation, valley gutter, and sidewalk between W. Chatham Street and Holleman Street. Construction is complete. This construction agreement is a unit cost contract based on estimated quantities that requires reconciliation based on actual quantities installed. Therefore, standard practice requires preparation of a final change order to address all line items with overruns/underruns, and/or to remove items that were not used.

The total amount completed was $411,248.32, exceeding the contract amount by $3,475.43 (0.8%). Itemization of all contract line items are shown in the attached table for reference and staff recommends approval of the change order and issue final payment for the project closeout.

Attachments

- CN8-A1: Accounts Payable Summary – Roadworks Construction Company, LLC – Jones Street Improvements Project

JONES ST IMPROVEMENTS
PAY RECORDS SUMMARY

				CONTRACT			ACTUAL		OVERRUN / UNDERRUN	
ITEM #	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT COST	AMOUNT BID	TTD	TTD	%	AMOUNT
1	800	MOBILIZATION	LS	1	$ 17,500.00	$ 17,500.00	1.00	$ 17,500.00	100%	$ -
2	226	UNDERCUT EXCAVATION	CY	50	$ 45.00	$ 2,250.00	-	$ -	0%	$ (2,250.00)
3	226	GRADING	LS	1	$ 61,280.00	$ 61,280.00	1.00	$ 61,280.00	100%	$ -
4	310	8" DUCTILE IRON PIPE CULVERT	LF	15	$ 420.00	$ 6,300.00	-	$ -	0%	$ (6,300.00)
5	340	PIPE REMOVAL	LF	38	$ 84.50	$ 3,211.00	38.00	$ 3,211.00	100%	$ -
6	545	INCIDENTAL STONE BASE	TN	10	$ 215.00	$ 2,150.00	-	$ -	0%	$ (2,150.00)
7	607	MILLING ASPHALT PAVEMENT, 0-1.5"	SY	820	$ 10.55	$ 8,651.00	820.00	$ 8,651.00	100%	$ -
8	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	TN	80	$ 197.80	$ 15,824.00	80.00	$ 15,824.00	100%	$ -
9	610	ASPHALT CONCRETE BASE COURSE, TYPE B 25.0C	TN	120	$ 172.00	$ 20,640.00	182.90	$ 31,458.80	152%	$ 10,818.80
10	SP	WEDGING	TN	20	$ 290.00	$ 5,800.00	34.59	$ 10,031.10	173%	$ 4,231.10
11	SP	PATCHING EXISTING PAVEMENT	TN	80	$ 296.00	$ 23,680.00	43.89	$ 12,991.44	55%	$ (10,688.56)
12	620	ASPHALT BINDER FOR PLANT MIX - GRADE PG64-22	TN	7	$ 1,530.00	$ 10,710.00	16.01	$ 24,495.30	229%	$ 13,785.30
13	801	CONSTRUCTION SURVEYING	LS	1	$ 8,180.00	$ 8,180.00	1.00	$ 8,180.00	100%	$ -
14	846	2'-6" CONCRETE VALLEY GUTTER	LF	775	$ 42.00	$ 32,550.00	790.00	$ 33,180.00	102%	$ 630.00
15	848	CONCRETE CURB RAMP	EA	3	$ 2,300.00	$ 6,900.00	3.00	$ 6,900.00	100%	$ -
16	848	6" CONCRETE DRIVEWAY	SY	200	$ 148.00	$ 29,600.00	182.82	$ 27,057.36	91%	$ (2,542.64)
17	848	4" CONCRETE SIDEWALK	SY	210	$ 68.00	$ 14,280.00	203.79	$ 13,857.72	97%	$ (422.28)
18	SP	CONCRETE FLUME	EA		$ 460.00	$ -	-	$ -	#DIV/0!	$ -
19	SP	TEMPORARY CONCRETE WASHOUT	LS	1	$ 1,520.00	$ 1,520.00	1.00	$ 1,520.00	100%	$ -
20	858	ADJUSTMENT OF MANHOLES	EA	3	$ 1,565.00	$ 4,695.00	3.00	$ 4,695.00	100%	$ -
21	858	ADJUSTMENT OF VALVE BOXES	EA	2	$ 1,212.00	$ 2,424.00	2.00	$ 2,424.00	100%	$ -
22	876	RIP RAP, CLASS B	TN	10	$ 300.00	$ 3,000.00	15.50	$ 4,650.00	155%	$ 1,650.00
23	903	SUPPORTS, SQUARE-CHANNEL	EA	4	$ 460.00	$ 1,840.00	3.00	$ 1,380.00	75%	$ (460.00)
24	904	SIGN ERECTION, TYPE E	EA	4	$ 330.00	$ 1,320.00	3.00	$ 990.00	75%	$ (330.00)
25	1105	TRAFFIC CONTROL	LS	1	$ 15,120.00	$ 15,120.00	1.00	$ 15,120.00	100%	$ -
26	1515	RELOCATE FIRE HYDRANT	EA	1	$ 21,200.00	$ 21,200.00	1.00	$ 21,200.00	100%	$ -
27	1515	FIRE HYDRANT LEG	LF	16	$ 148.00	$ 2,368.00	17.00	$ 2,516.00	106%	$ 148.00
28	1515	6" VALVE	EA	1	$ 3,290.00	$ 3,290.00	1.00	$ 3,290.00	100%	$ -
29	1515	RELOCATE WATER METERS	EA	6	$ 995.00	$ 5,970.00	6.00	$ 5,970.00	100%	$ -
30	SP	ADJUST SEWER CLEANOUTS	EA	3	$ 780.00	$ 2,340.00	3.00	$ 2,340.00	100%	$ -
31	1205	THERMO PAVEMENT MARKING LINES (8", 120 MILS)	LF	80	$ 29.00	$ 2,320.00	79.00	$ 2,291.00	99%	$ (29.00)
32	1205	THERMO PAVEMENT MARKING LINES (24", 120 MILS)	LF	15	$ 165.00	$ 2,475.00	12.00	$ 1,980.00	80%	$ (495.00)
33	1605	TEMPORARY SILT & TREE PROTECTION COMBO FENCE	LF	650	$ 5.90	$ 3,835.00	640.00	$ 3,776.00	98%	$ (59.00)
34	1631	MATTING FOR EROSION CONTROL	SY	400	$ 4.70	$ 1,880.00	-	$ -	0%	$ (1,880.00)
35	1660	SEEDING	LS	1	$ 3,550.00	$ 3,550.00	1.00	$ 3,550.00	100%	$ -
36	CO1	SEWER BYPASS PUMP-AROUND	LF	1	$ 8,054.75	$ 8,054.75	1.00	$ 8,054.75	100%	$ -
37	CO1	8" DI SANITARY SEWER	LF	68	$ 181.29	$ 12,327.72	67.00	$ 12,146.43	99%	$ (181.29)
38	CO1	MASONRY DRAINAGE STRUCTURES	LF	4	$ 3,774.49	$ 15,097.96	4.00	$ 15,097.96	100%	$ -
39	CO1	15" PP DRAINAGE PIPE	EA	73	$ 128.70	$ 9,395.10	73.00	$ 9,395.10	100%	$ -
40	CO1	DRAINAGE CASTINGS	LS	4	$ 1,109.83	$ 4,439.32	4.00	$ 4,439.32	100%	$ -
41	CO1	ADDITIONAL TRAFFIC CONTROL	LS	1	$4,109.85	$ 4,109.85	1.00	$ 4,109.85	100%	$ -
42	CO2	15-INCH PARALLEL END SECTION	EA	1	$3,594.86	$ 3,594.86	1.00	$ 3,594.86	100%	$ -
43	CO2	REMOVE EXISTING RETAINING WALL	LS	1	$2,100.33	$ 2,100.33	1.00	$ 2,100.33	100%	$ -
					TOTAL:	**$ 407,772.89**	TOTAL:	**$ 411,248.32**	100.9%	$ 3,475.43

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 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:

- December 09, 2025 – Town Council Regular Meeting Minutes
- December 16, 2025 – Town Council Work Session Meeting Minutes

Approval Recommended?

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

Item Details

In accordance with 160A-72 of North Carolina General 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

- CN9-A1: **DRAFT** Minutes – December 09, 2025 – Town Council Regular Meeting Minutes
- CN9-A2: **DRAFT** Minutes – December 16, 2025 – Town Council Work Session Meeting Minutes

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, DECEMBER 9, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, December 9th, 2025 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=I-fwL4gGSsM

[ATTENDANCE]

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

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]

Call to Order | Invocation | Pledge of Allegiance

Mayor Gilbert called the meeting to order at 6:00 p.m. and thanked those who were in person as well as watching on live stream, and moved to the invocation and a moment of silence. He then led in the Pledge of Allegiance. He introduced the new Council Members and gave them an opportunity to speak.

Councilmember Reese said he was ready to get to work.

Councilmember Mu said that she was ready to serve.

[CONSENT AGENDA]

Mayor Gilbert made a note that CN22 has been added - amending the 2026 Apex Town Council Meeting Schedule. He added that there were members of the community were here with questions about CN2 and asked staff to provide some clarity before Consent is approved.

Russell Dalton, Traffic Engineer Manager with Transportation, gave an overview of the agreement with NCDOT and questions about the design of this project. He said this project is still in the design phase and anyone that has a concern about design could contact Transportation and they would meet with them as a group to discuss the project.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Gray**, to approve the Consent Agenda with the addition of CN22.

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

CN1 Agreement - Bolton and Menk Inc. - Professional Services related to Hughes Street Mixed Use Site Planning and Design (REF: CONT-2025-413)

Council voted to approve a Professional Services Agreement between Bolton & Menk, Inc. and Town of Apex, for the Hughes Street Site Planning and Design Services in the amount of $307,700, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN2 Agreement - North Carolina Department of Transportation (NCDOT) - Required Federal Funds Reimbursement for Right-of-Way (ROW) Acquisition for Construction of New Sidewalk Along Tunstall Avenue and Center Street and Capital Project Ordinance Amendment No. 2026-3 (REF: CONT-2025-414 and ORD-2025-083)

Council voted to approve an Agreement with NCDOT to be eligible for up to $429,200 in federal funds reimbursement toward a total estimated cost of $536,500 in right of way acquisition for project BL-0173, Tunstall Avenue and Center Street Sidewalk, requiring a minimum 20% local cost match of $107,300, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and adopt Capital Project Ordinance Amendment 2026-3.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Review and Oversight Agreement Project No. BL-0173 - Tunstall Avenue and Center Street Sidewalk (REF: CONT-2025-415)

Council voted to approve a Review and Oversight Agreement with the North Carolina Department of Transportation (NCDOT) for BL-0173, Tunstall Ave and Center St Sidewalks, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN4 Agreement - Town of Holly Springs - Reimbursement for Old US 1 Highway at Holland & Friendship Road Intersection Improvements - Total Sum of $150,253 (REF: CONT-2025-416)

Council voted to approve a Transportation Infrastructure Reimbursement Agreement between the Town of Holly Springs and the Town of Apex, for reimbursement of a portion of the Old US 1 and Friendship Road Traffic Signal Project, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN5 Agreement Multi-Year - Master Services Agreement - RoadSafe Traffic Systems Inc. - On-Call Traffic Control Services - December 9, 2025 through June 30, 2028 (REF: CONT-2025-417)

Council voted to approve a Master Services Agreement (MSA) between RoadSafe Traffic Systems, Inc., and the Town of Apex, effective December 9, 2025 through June 30, 2028, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Agreement Multi-Year - Master Services Agreement - Southern Grounds Control Inc. - On-Call Stormwater Utilities Repair, Replacement, or Installation - December 9, 2025 through September 30, 2027 (REF: CONT-2025-418)

Council voted to approve a Master Services Agreement between Southern Grounds Control, Inc., and the Town of Apex, effective December 9, 2025 through September 30, 2027, to perform general stormwater services and emergency on-call services for stormwater utilities including pipes, drains, facilities and associated equipment repair, replacement, or installation and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Agreement Renewal and Amendment - Wake County Government - ADA Paratransit Service - Fiscal Year 2025-2026 (Revised) (REF: CONT-2025-419)

Council voted to approve ADA Paratransit Agreement Amendment and Renewal No. 3 between Wake County and Town of Apex, to renew the agreement and to update the maximum operating cost to $132.60 per hour, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Annexation No. 798 - 2224 New Hill Olive Chapel Road - 4.80 acres (Associated Rezoning No. 25CZ13) (REF: RES-2025-073, RES-2025-074, and OTHER-2025-103)

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 January 13, 2025, on the Question of Annexation - Apex Town Council's intent to annex 4.80 acres, located at 2224 New Hill Olive Chapel Road (PIN 0710-77-2057), Annexation No. 798, into the Town Corporate limits.

CN9 Annexation No. 807 - 8905 Castleberry Road - 3.35 acres (Associated Rezoning No. 25CZ11) (REF: RES-2025-075, RES-2025-076, and OTHER-2025-104)

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 January 13, 2025, 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.

CN10 Annexation No. 808 - The Summit Apex – 2236 Old US 1 Highway - 0.50 acres (REF: RES-2025-077, RES-2025-078, and OTHER-2025-105)

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 January 13, 2025, on the Question of Annexation - Apex Town Council's intent to annex 0.50 acres, located at 2236 Old US 1 Highway (aka The Summit Apex) (PIN 0720-99-4626), Annexation No. 808, into the Town Corporate limits.

CN11 Appointment - Board of Adjustment - Chair and Vice Chair

Council voted to confirm the following leadership position on the Apex Board of Adjustment (BOA) for calendar year 2026:

Robert Carmac, Chair of the Apex Board of Adjustment (BOA)

William Hart, Vice-Chair of the Apex Board of Adjustment (BOA)

CN12 Appointment - Planning Board - Chair

Council voted to confirm the following leadership position on the Apex Planning Board for calendar year 2026:

Keith Braswell, Chair of the Apex Planning Board

CN13 Budget Ordinance Amendment No. 8 - Reporting of Non-Exchange and Fiduciary Transactions Consistent w-GASB 84 Rules (REF: ORD-2025-084)

Council voted to approve Budget Ordinance Amendment No. 8 appropriating funds for transactions that are currently accounted for as liabilities to instead be budgeted as revenues and expenditures, consistent with Governmental Accounting Standards Board (GASB) Rule 84 standards.

CN14 Capital Project Ordinance Amendment No. 2026-4 - Reedy Branch Greenway Great Trail State Grant Award - $200,000 (REF: ORD-2025-085)

Council voted to approve Great Trails State Program Grant Agreement between North Carolina Department of Natural and Cultural Resources and the Town of Apex, effective November 1, 2025 through October 31, 2026, for $200,000 Grant Funding for the new trail development and extension of existing trails, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

AND

Council voted to adopt Capital Project Ordinance Amendment No. 2026-4 to accept and allocate $200,000 in grant funds for the Design and Engineering for Reedy Branch Greenway (Kelly Road to Goliath Lane) GTSP2025-0003.

CN15 Contract Multi-Year - Waste Industries, LLC dba GFL Environmental - Solid Waste and Recyclable Materials Collection, Transportation, Disposal, and Processing - June 30, 2036 (REF: CONT-2025-421)

Council voted to approve a Multi-Year Solid Waste and Recyclable Materials Collection, Transportation and Disposal/Processing Agreement between Waste Industries, LLC and Town of Apex, effective through June 30, 2036, for the collection of residential curbside solid

waste and recyclable materials, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and authorize the Town Manager, upon consultation with the Town Attorney, to execute amendments to the contract that do not increase the cost to the Town.

CN16 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:

October 10, 2025 – Town Council Strategic Planning Session Meeting Minutes
October 28, 2025 – Town Council Regular Meeting Minutes
November 13, 2025 – Town Council Regular Meeting Minutes
November 18, 2025 – Town Council Work Session Meeting Minutes Cancellation Statement

CN17 Deed for Highway Right-of-Way (ROW) - Conveyance to North Carolina Department of Transportation (NCDOT) - related to Olive Chapel Road Repairs (REF: DEED-2025-001)

Council voted to conveyance of property without consideration to North Carolina Department of Transportation (NCDOT) pursuant to NCGS § 160A-274 and to authorize the Town Manager to execute the Deed for Highway Right of Way and any other associated documents to complete the transaction.

CN18 Personnel Policy Amendment - Administration of Peak Lifestyle Allowance Payments (REF: PLCY-2025-020)

Council voted to adopt an amendment to the Personnel Policies for the Town of Apex, effective December 09, 2025, related to the administration of the Peak Lifestyle allowance payments for Town employees.

CN19 Rezoning Case No. 24CZ20 Hopson Gateway PUD & Town of Apex LI-CZ - Statement and Ordinance (REF: ORD-2025-086)

Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case No. 24CZ20 Hopson Gateway PUD portion, ACRE Manager, LLC, petitioner, for the property located at 0 Tingen Road (portion of) & 1341 Perry Road (portion of) (PINs 0741331566 portion of, 0741326706 portion of) and Town of Apex LI-CZ portion, Matt Wetherell, Town of Apex, petitioner, for the property located at 0 Tingen Road (portion of), 1341 Perry Road (portion of), 0 Perry Road (PINs. 0741331566 portion of, 0741326706 portion of, 074142922).

CN20 Rezoning Case No. 25CZ15 Veridea Expansion IV - Statement and Ordinance (REF: ORD-2025-087)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ15, Todd Rechler, RXR Realty, petitioner, for the properties located at 0, 0, 0, 3142, 3138, 3130, 0, & 3134 Veridea Pkwy; 0 Technology Dr (portion of); and 6300 King David Ct (PINs 0740167653, 0740078021, 0740558687 (portion of), 0741117192, 0730977967, 0740081019, 0740082199, 0740082327, 0740070950, & 0740283126).

CN21 Tax Report – October 2025 (REF: OTHER-2025-106)

Council voted to approve the Apex Tax Report dated November 17, 2025.

CN22 Town Council Meeting Schedule Amendment – Calendar Year 2026 (REF: OTHER-2025-108)

Council voted to amend the Apex Town Council Regular Meeting Schedule for Calendar 2026.

[REGULAR MEETING AGENDA]

Mayor Gilbert noted there were changes to the Regular Meeting Agenda. He said first was switching PH4 with PH5 and that the Rezoning will be heard with the Transportation Plan Amendments, and the Environmental Enhancement Plan is proposed to be separate from the rezoning. The next item to change was the deferral of PH7 to the January 13, 2026 Council meeting and the final change was to remove NB1 and defer consideration to the December 16, 2025 Work Session meeting.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Gray**, to approve the Regular Meeting Agenda, with the switching of items PH4 and PH5, the deferral of PH7 to the January 13, 2026 Regular Town Council Meeting, and the deferral of NB1 to the December 16, 2025 Work Session.

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave the following updates:

Cigna-UNC Network Update - UNC went out of network with Cigna effective December 1st, impacting employees and families. UNC and Cigna are in active negotiations, with meetings continuing through the evening and hope for resolution tonight, and a counterproposal submitted by UNC yesterday (December 8, 2025) is under review. Employees have experienced appointment cancellations; leadership is hopeful disruption will be resolved imminently.

Staffing - Kathy Moyer has been hired as Electric Director, joining Apex from ElectriCities where she served as COO. She is an Apex resident and Peak Academy graduate and will begin in January.

Events & Programs

- Holiday Tour of Lights: December 6th – 31st, 6–9 p.m.; maps available online.
- Snowman Stroll: December 5th – 14th in downtown Apex with a passport available from Economic Development to get stamps from participating businesses.
- "Astrix the Little Star" play/musical: December 12th – 14th at the Halle Cultural Arts Center.

- Hanukkah Festival: December 14th, 3–6 p.m. at the Apex Senior Center, concluding with menorah lighting.
- Movie in the Park: December 19th at Pleasant Park (sold out).
- Apex Friendship High School Band Holiday Showcase: December 20th, 3–4 p.m. at Halle Cultural Arts Center.

Meetings - Work Session is Tuesday, December 16 at 3:30 p.m. Topics will include Peak Plan 2055, Community Readiness Plan, Capital Investment Plan, and Salem Streetscaping.

Community Events Recap - Rotary Parade and Tree Lighting were successful despite cold weather and some band cancellations.

Town Closures
December 24th – 26th for Christmas.
January 1 for New Year's Day.

Employee Recognition - Annual employee awards ceremony recognizes nearly 70 employees, recognizing employes with 5 years of service up to 25 years, including eight with 25 years of service.

Award recipients included:

  - Closer Award: Emily Woody (Electric)
  - Community All-Star: Ellison Lambert (PRCR)
  - Team Captain: Melissa Stuart (Public Works)
  - All-Star Team: Julia Blonshine, Kendall Hart, Jenny Jessen
  - Special Administration Peak Award: IT Department
  - Rookie of the Year: Marlene Alvarez (Ask Apex/CDNC)
  - Coach of the Year: Samantha Ewens (Inspections & Permitting)
  - Audra Killingsworth MVP Award: Jessica Sloan (Water Resources)
- Finance & Billing won the Spirit Week "Deck Your Desk" competition.

Utilities Update - Water meter exchange program was completed and electric meter replacement underway: 4,000 completed, with 28,000 remaining the completion expected by next fall. Electric meter read success rate is 99%.

Ask Apex & Billing Performance - Ask Apex handles 90% of calls; average wait time is 1 minute 31 seconds and the Utility billing call volume continues to decline. Billing cycle lengths have normalized at 10 periods for cycle one with an average of 30 days for both cycles.

Variance & Backlog Reporting - Cycle 1 variances reduced from 5,469 (October) to 945 (November) to 865 (December) and Cycle 2 variances reduced from 5,919 (September) to 2,567 (October) 1,125 (November) with December data pending. There are 75% of backlog cases resolved with 250 remaining, primarily related to bill reviews and solar. Full resolution is expected to extend slightly into January and the electric meter upgrades will help streamline solar billing in the future.

[PUBLIC FORUM]

First to speak was **Patrick Campbell** of 3717 Jordan Shires Drive:

"My name is Patrick Campbell, and I reside at 3717 Jordan Drive. For the last three months, my fellow town residents have been speaking with you about our increasing concerns over the currently proposed 300-megawatt data center. This data center is being developed by a developer whose largest completed data center to date is 30 megawatts, a developer who has made it completely clear that their only involvement is to have the project rezoned, close on the property, and immediately put the property up for auction to the highest bidder, at which time they currently have four people bidding. It is clear to everyone that the developer's only concern is making as quick a buck as possible while minimizing any physical work or responsibility, that they have no idea how many buildings will be installed, where they will be located, what the building dimensions will be, how the buildings will be cooled, what kind of waste the buildings will give off, or even how many people will be employed. All developer talks contain the same word, conceptual, whenever describing anything detailed. For a reported $1.3 billion project, the lack of detail is deafening and screams of, "We don't want to tell you what will actually be installed because you won't vote for us." What we can infer from all the discussions the developer has had in open forum, whether at the public meetings they have hosted or the Environmental Advisory Board, is that they continue to hold up their previously built 30-megawatt data center as the example people should expect and not worry so much about what they are doing here, expecting that our town residents not think for themselves. One of the hard parts of writing this speech is trying to describe the difference between a 30-megawatt data center and a 300-megawatt data center. Thanks to the Apex Fire Department last night, responding to an issue in my neighborhood last night, I think I figured out a good analogy. A 30-megawatt data center is typical to a sedan, a Ford Fusion, as a 300-megawatt data center is to a fire engine. A Ford Fusion will get you where you need to go, does not typically disrupt your neighbors in their houses when driving past at night, and has decent gas mileage. A fire engine, which is ten times the weight of a Ford Fusion, is two to three times the length, can easily be heard in your house as it drives past on a street, even with no lights or sirens, has horrible fuel economy, and has the potential devastation in the event of an accident that is far greater than that of a Ford Fusion. By the way, congratulations must be presented to the developer for trying to sneak a 300-megawatt power plant into the town of Apex under the guise of light industrial

zoning, as that will be the on-site power generation capability of the proposed data center, with approximately 120 standby generators and the permanent on-site storage of over 500,000 gallons of diesel. For comparison, that is more than five Costco gas stations' worth of fuel on one site. Speaking of the developer's plan to provide power to the proposed data center, the developer has decided to bypass the Town of Apex Electric Utility to work out a MOU directly with Duke Energy. Having been part of these kinds of deals in the past, I have the experience and knowledge to explain why they are bypassing the Town of Apex.
It is not due to the Town of Apex Electric Utility's inexperience with substations, seeing as they run six substations and are starting their seventh within the next 18 months. It is because transmission line operators provide pricing incentives for very large loads, with incentives variable depending on the size of the load. You are probably asking yourself, what does that mean by loads and incentives? A load is how much power KW, your house, building, or group of buildings uses per hour, thus you get kilowatt per hour. The typical incentive a utility can use is agreeing to lock in a set kilowatt-hour rate for an extended period of time. Typical extended periods of time are from one to ten years for loads between 50 and 200 megawatts. For a load of 300 megawatts, the extended period will likely be between ten and twenty years, locked in at roughly four cents per kilowatt hour. Just to make sure that we understand each other, the residential rate for Apex is eleven cents per kilowatt hour. Why am I bringing up Duke Energy providing electric power over Apex Electric Utility? What is the issue? The issue is that electric and natural gas billing rates typically rise between 15 and 25 percent year over year in areas near data centers, if you just Google electric power rate increased by data centers for the news articles and hard data. But while our power bills go up year over year, data centers that are signed with transmission organizations are heavily protected by ironclad MOUs. To clarify what that means: if you are paying $250 a month for electricity today, you can expect to be paying roughly $700 a month within seven years. That accounts for the two years it takes to build the data center and the fact that there are currently 40 data centers in the works around the county. Why seven years' time? It takes approximately 2 years to build and commission data centers, once the property is zoned and permits are issued, most people in Apex will not immediately be affected. That will change one year after it goes live, when power bills begin rising at an alarming rate. These are just a few reasons why we, the residents of Apex, demand data-center-specific zoning in the Town UDO, with strict building ordinances for any data center estimated at 30 megawatts or greater. Some of these stricter ordinances include the requirement of any properties that request to be annexed into the Town of Apex for access to town utilities must use utilities provided by the Town of Apex, with the only exception of natural gas, which the town does not offer. The data center developers are only interested in having the property annexed for two reasons: water and sewage. If the Town of Apex Electric Utility is the utility provider for the data center, then the data center doesn't get their twenty-year MOU pricing fixed pricing at four cents per kilowatt hour. The data center gets hit with yearly rate increases as Duke Energy Transmission will increase power rates on a year-over-year rate on basis, by the way, thank you for hiring the person from ElectriCities, as she is well aware of these situations. For everyone except those lucky few working under private NDAs, their neighbors and local officials never learn of the sweetheart

deals in place, which is exactly what is occurring right now with Duke Energy Transmission. The data center does not get power while the rest of the town is in brown or blackout conditions due to not being enough capacity on the grid to support the town load. With regards to the noise ordinance, the noise requirement of no greater than 55 dBA dbc at the property line during the daytime and 45 dba dbc at the property line during the overnight period. This includes when all on-site generators are active. Any engineer that says they cannot meet the goal is saying due to trying to keep the cost down and willing to gamble that the town will not push the issue. It's called engineering controls. Anyone that's taken OSHA or any engineering classes is well aware of this. This requirement needs to be kept as the exterior noise will not be entering their buildings. It would affect their servers. If they can insulate the building to keep outside noise from intruding and disturbing their servers, then they can insulate the generators to keep the noise from escaping to the property line of almost 200 acres. Finally, as a Fortune 100 company will almost certainly be the ultimate owner of this site, we strongly request that daily penalties for noise ordinance violations specific to data centers zoning be set at a minimum of $1 million per day, as any less would just be factored into the cost of just doing the business and ignored by companies that use the word trillion to describe their worth. To make this as clear as possible, no matter how often the developer swears they will be here for the full design, build running of this facility, they have stated point blank on numerous occasions that they are selling this property as soon as the property is rezoned. Please trust them the same way you would trust a car salesman who says he will be there if problems occur but reminds you that all sales are final and to contact the 1-800 number for warranty issues. Thank you for your time, and I hope everyone has happy holidays."

Mayor Gilbert thanked the speaker and called up the next speaker.

Next to speak was **Morgan Campbell** of 3717 Jordan Shires Drive:

"Hi, my name is Morgan, and I am here to talk about data centers. I know some of you all want to put in a data center near my home, and a lot of us disagree on that, but there's a tiny problem with putting in data centers. That's a 300-megawatt center. It takes up so much energy. As you might have heard, two people had found their forever home, but their home was near a data center, and their water and air got polluted, and they had to move. And I don't think that's what anyone wants to happen to Apex. So, join us, instead of putting in a data center, try to think of something else you can put in that won't mess around with anyone else's home or neighborhood."

Mayor Gilbert thanked the speaker and called up the next speaker.

Next to speak was **Dr. Michelle Hoffner O'Connor** of 2664 Jordan Pointe Blvd:

"It has been a long fall for some folks in this room. Many have learned things they never imagined they would, and others are understandably very fearful of their future for their homes and families. Here's a few reasons as to why. The data center intends to utilize diesel generators as a backup power source. The regular exercising of these generators exposes citizens to harmful pollutants, including nitrogen and sulfur oxides and fine particulate matter, affecting everything from asthma attack frequency and severity to cancer development. I reference my speech from October 14th for the record for further details concerning this. Also, the developer is expecting these generators will be exempt from sound ordinances. Whether via water or air, we will experience increased PFAS exposure, which will further contaminate our environment and affect our health. I reference my spoken and written remarks from November 13th for the record for further information. The developer has not discussed refrigerants at all, even though most data centers utilize these and they do release PFAS gases. On the other hand, while they claim that the water will be polished before it enters the cooling towers, PFAS removal is not considered to be standard in that process, which means a more concentrated pollutant will be sent back to the water reclamation facility and emptied into the basin, or it will be released via the blowdown. To further elaborate on the issue of polishing, the developer does not acknowledge that potent biocides will need to be used to limit bacterial growth in the cooling towers. Incidentally, biocides are for mitigation, not prevention. We should absolutely expect biofilms to form given the ideal moisture content and temperature, and that aerosolized bacteria such as Legionella will travel up to 12 kilometers and will kill 5 to 15 percent of those who develop Legionnaires' disease. The 60-awaited decibel request will be disruptive to our sleep, cause neurological and psychiatric problems, and even exacerbate conditions like hypertension. A lower awaited decibel mandated by the town will not fully address the problem, as DBC is the most accurate to address lower frequency sounds. On November 12th, their sound engineer could not answer my question concerning an acceptable DBC level for the human ear. As an expert, you would think he could answer a basic question related to hearing, but like the rest of their team, expertise is in short supply. This project is a zebra in a metaphorical field of horses that are actually light industrial businesses. The resource use alone is damning, but the flagrant disregard of the developer for things that will cause harm to the community should be the nail in the coffin. They are offering next to nothing in terms of best practices because they don't want to restrict the end user, and that should tell you that the end user won't care about this town either. Amazon is responsible for rapidly increasing environmental nitrate levels that have resulted in health problems for people in Oregon, and Meta has contaminated people's wells in Georgia, just to quickly name a few examples. We cannot and should not allow these harms to threaten people's livelihoods here in Apex. So, with that, I hope you all have a happy holiday, and you consider this during your quiet time off."

Mayor Gilbert thanked the speaker and called up the next speaker.

Next to speak was **Glenn Rinne** of 3537 Jordan Shires Drive:

"The title of my talk is *Gaming the System*. Let me start by saying I do not believe that New Hill is an acceptable site for the data center. However, we may not be successful in preventing a data center in Apex. So, we must ensure that our codes and ordinances are sufficient in preventing undesirable impacts on our community. Remember, they have more lawyers than we do. In the small town of Box town in Memphis, Tennessee, a huge data center was built, permitted for 15 generators. xAI installed 35. The installation of the additional 20 generators used a weakness in the UDO that allowed temporary generator use for 364 days. No permits were required, so the generators lack the required pollution controls. Another common loophole is called the emergency waveform. It allows the use of generators which exceed federal and local noise and environmental limits. Poor definitions of emergency have allowed 24/7 generation because Memphis Power Company needs time to increase generating capacity. By the way, during hot days here when the electricity demand is high, Duke Energy asks the wastewater reclamation facility to switch over to their generators because there's not enough power available for the grid. Will the data centers have to use their generators when the grid is heavily loaded? In just 17 hours, these generators can emit enough particulate matter to reach the EPA limit over all of Apex to a height of 100 meters. Natelli Investments held a community meeting and assured us that they are designing the data center to be well within the codes and ordinances. For example, if the noise limits are 60 dB at the property line, they will design for 50 dB. But then, answering another question, they stated they won't be building the data center, the user will. Is there any legal requirement for the user to honor Natelli's promises? In both meetings, Natelli argued that doubling the number of generators doesn't double the amount of sound. It only increases it by 3 dB. The decibel is a logarithmic scale used by engineers, where the increase of 3 dB means twice as much sound. They're using technical terms to try to deceive us. Natelli promised to pay the town of Apex the cost of hiring sound engineers. We need to hire the best engineers to ensure that the noise studies and designs are technically valid. These promises are easy to make if you aren't the one that has to honor them. We must codify these promises into ordinances. I reserve the rest of my time for the next meeting. Thank you."

Mayor Gilbert thanked the speaker and called up the next speaker.

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor, Council Members. North Carolina's former Attorney General, now Governor Josh Stein, said it best: North Carolinians shouldn't be charged junk fees for basic rights or services. Transparency is a core obligation of government, not a revenue source. I'm here regarding the proposed public records fee that's in the consent agenda tonight. North Carolina law is clear. Local governments cannot charge for digital records unless a request requires something truly extraordinary. Routine emails, PDFs, and spreadsheets do not meet the threshold, and charging for them violates Chapter 132. Under North Carolina General Statute 132-6.2B, a fee is allowed only when a request requires

extensive clerical work, supervisory involvement, or IT resources, meaning beyond normal government duties, not simply large or inconvenient requests. UNC School of Government guidance confirms free access is the rule. The government bears the burden to prove a request is unusually intensive. Digital records have no copying cost, and any fee must reflect actual cost, not staff value, a budget offset, or a deterrent. The town is treating this narrow exception as the rule. Their claimed eight-day median and sixty-four percent ten-day completion rate does not match my own experience, as I have come before the Council before. This is a process and compliance problem, not a fee problem, and charging residents for internal delays solves nothing. To the newly elected officials that we have before us tonight, your oath is to uphold the U.S. and North Carolina constitutions, requiring protecting the public's right to records, and any fee that restricts access violates both the law and that oath that you took. Chapter 132 provides real consequences: court orders, attorney fee awards, and civil penalties. Transparency must come before politics or revenue, and Apex should be the model of compliance, not a test case. I urge you to reject this fee and this narrow legal exception, and that public records again belong to the public, not the town. Thank you."

Mayor Gilbert thanked the speaker and called up the next speaker.

Next to speak was **Pastor Green** with 700 Center Street of Christian Home Christian Church:

"Thank you, Mr. Mayor, for allowing me to address this council. I will not need nine minutes. I normally preach close to an hour, but I'll be less than three minutes because my wife is here as well. I am Reverend Dr. George Green. Seven hundred Center Street is our location. It is the Christian Home Christian Church, and we have occupied this grid square since 1864, 1865. As a matter of fact, we have been in existence nine years longer than, or before, the inception of Apex itself. And I will start by saying that I have reached out today by telephone call to every Council person sitting in my presence, and I don't know what the wait time on that is but I did ask that the CN2 be withheld from the consent agenda. This safe route sidewalk project, if implemented in the design that we have received the rendering, will be detrimental and will present a huge safety issue. We will lose our parking and will be literally into the street. My second point is that I don't feel that we have been communicated with properly, last night was my first even hearing of this, and I learned this from a neighbor across the street. I have not received any official notification from this Council or Apex at all. You are the guys that deemed us a historical site, and we're just asking for some respect. I'm glad to hear it's still in design because we'd like to have some input about this. So, this is a tremendous project. We've done some studies and things of that nature after finding out about it, and I'll just let Mr. Stam talk about that but thank you so much for your time, and I want to honor your time."

Mayor Gilbert thanked Pastor Green.

Next speaker was **Paul Stam** of 714 Hunter Street:

"Ladies and gentlemen, members of the council, Mr. Mayor, I'm Paul Stam. I live at 714 Hunter Street, just two blocks that way. I've been living here in Apex for 49 years. I know this area pretty well, the area in question. I heard about the dispute about a week ago, maybe eight days ago, and heard about the meeting tonight earlier today. The problems are many. First of all, I contacted the Engineer, who put me in touch with the Planner. The planner did not indicate that there would be a meeting coming up but did give me some reasons why this project is on the agenda. One, school walking safety. I'm in favor of that. Many years ago, when I was town attorney, I helped do the sidewalks on Hunter Street to get to Baucom, and I helped Mayor Pro Tem Atwater to get sidewalks elsewhere, for example, Apex Elementary. I'm all in favor of that. But guess what? Kids don't walk where the church is. Mr. Atoji lives right there, and he helped count last Monday the number of kids walking there to school in the morning and the afternoon. Zero in the morning, one in the afternoon. This is not a school safety issue. Second, I was told by the Planner, or maybe it was the Engineer, but one of them, that they were assuming a 50-foot-wide current right-of-way and I have not had the opportunity to do the title search necessary to determine if that's true but my current belief and working assumption is that that is not a 50-foot right-of-way because it is not actually dedicated to the town rather, it's just been used for many decades, back in the 1950s probably, when Sam Blackwell, you may have heard of Sam Blackwell, took his bulldozer there and made it. When that's the way that a street is obtained and there's nothing recorded, the Department of Transportation only has access to title to the limits of highway maintenance, which is usually the back of the ditch, here is no ditch here and in my opinion, sitting today, but subject to being corrected, is that the width on this side of the church is 11 feet, not 25 feet. So, the cost to the town will be much, much greater than what the documents I saw on the record tonight indicate. It will be much greater, and there'll be a safety problem because the parking spaces that are right there will immediately back into the street, as if you were downtown, and it's not a really good thing. The third thing I did was wander around these streets several times. I'm very familiar with it, my kids went to Apex Middle School, a lot of my friends live in this area in between. This is not the way to go to get to school. It doesn't go directly to the school like another street would. Instead, you have to make another quarter-of-a-mile jog to get to where school lets out. It's not a good location for this. When do the people get a chance to talk about the location? Of course, there'll be discussions about design. There'll be resolutions required to acquire property by eminent domain from people who've lived there, in the case of the Atojis, 30 years, and the church that's been there since 1865. There'll be eminent domain required. This should be rethought, and we would ask you to defer the agenda item for at least a month so we can get to the bottom of the reasons. One of the reasons was residents' requests. It wouldn't surprise me if there were a lot of residents' requests up near 55, but I'm sure there weren't a lot of residents' requests down toward Center Street, because the Planner can tell us where the request came

from. And with that, I'll conclude and appreciate you letting us be heard this evening. Thank you very much."

Mayor Gilbert thanked the speaker. He said that there was noted a written statement.

Town Clerk Coleman said that the written statement would be included in the official record and that the written statement was from Star Lyon.

Clerk's Note: This Statement was emailed to the Town Council and requested to be included in the official record.

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To the Apex Town Clerk and Town Council,
I respectfully request that this statement be entered into the public record and provided to all Council members before your vote.
December 9 Forum Statement – Wrongful Termination and Retaliation
Star Lyon 15 Otelia Ct
Lillington, NC 27546
To the Apex Town Council,
I am submitting this statement for the public forum record and request that it be delivered to all Council members before your vote.
On July 23, 2025, I was terminated by the Town of Apex two months after my EEOC Right to Sue expired on May 21, 2025. This termination followed my protected activity of filing a charge of discrimination and retaliation.
The Town verbally claimed that I had exhibited misconduct for years; however, I received no verbal or written warnings, no poor evaluations, and no progressive discipline as required by Article IX of the Personnel Policy. Instead, I was handed a paper at termination citing Article IX violations for the first time, without prior notice or documentation. This contradiction exposes a fabricated justification.
I was subjected to detrimental personal conduct by Olga Gomez. To ensure fairness, I requested a neutral third-party mediator and the presence of the new HR Director, but my request was denied. Ms. Gomez remained employed and was only formally disciplined weeks later before resigning. Under Article IX, such conduct requires immediate discipline. Instead, I was terminated while she was protected. This unequal enforcement of policy demonstrates retaliation and violates the Town's own standards.
I filed an EEOC charge, a protected activity under federal law. HR, the Assistant Town Attorney, and the Town Manager all knew of my filing. My termination came two months after my Right to Sue expired. Even if the EEOC did not find cause in my initial filing, the law on retaliation is clear: employers cannot punish employees for engaging in protected activity. The EEOC's closure does not absolve the Town.
The Town also ignored my grievance filings and Final Demand for Resolution, violating Article X of the Personnel Policy, which requires a fair resolution process. The Council remained silent despite documented outreach, and three closed sessions were held under NCGS § 143-318.11(a)(6), which permits discussion of grievances and personnel matters.
This statement is submitted to you before your vote. The Town cannot hide behind at-will employment or fabricated misconduct claims. Authority does not equal immunity. Retaliation is unlawful, policy violations are undeniable, and unequal treatment is documented.

Resolution is not optional; it is your duty to uphold justice, enforce your own policies, and restore public trust.
Respectfully, Star Lyon
Email: starlyon626@gmail.com Phone: 910-808-8059

Mayor Gilbert closed Public Forum and thanked all who came out to speak.

[PUBLIC HEARINGS]

PH1 Annexation No. 816 – 1000 Classic Road – 2.59 acres

Dianne Khin, Director, Planning Department gave the following presentation on Annexation No. 816 – 1000 Classic Road – 2.59 acres in the far easter portion of Apex's jurisdiction.

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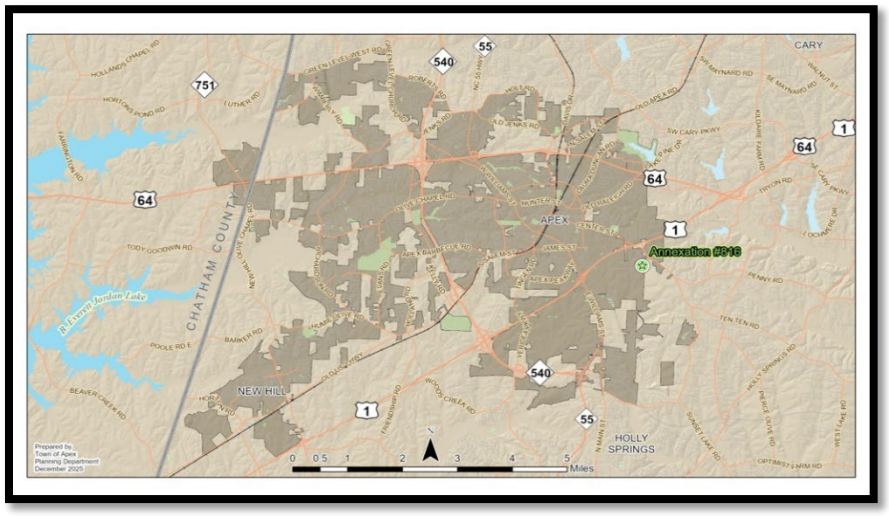
[SLIDE 2]



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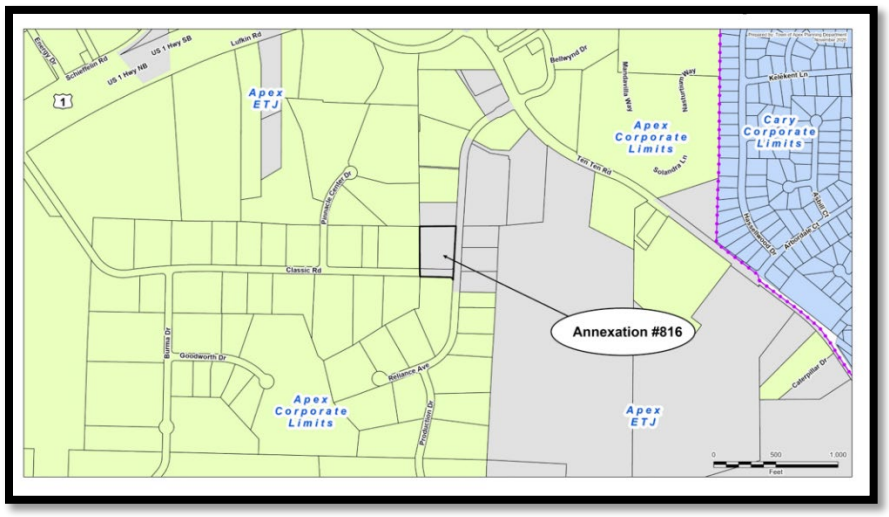

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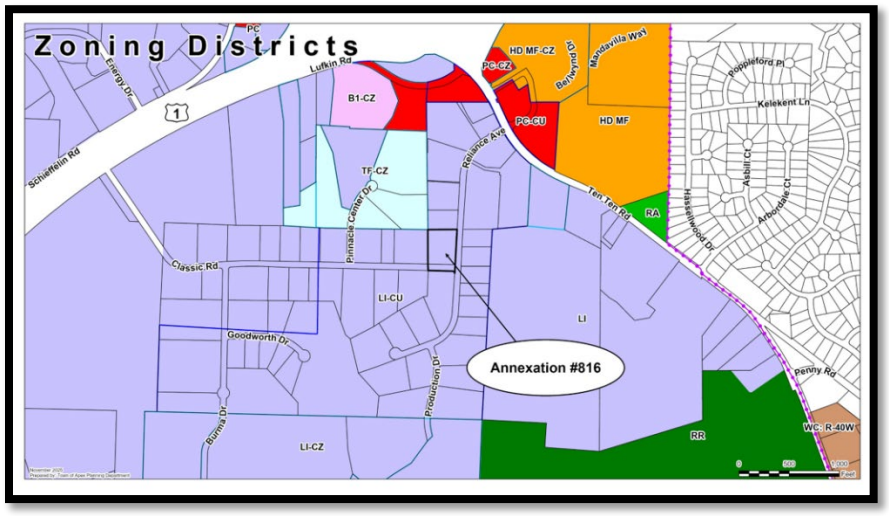

Director Khin said staff recommended approval of the annexation and opened for questions.

Mayor Gilbert asked if there were any questions, hearing none he opened Public Hearing, with no one signed up to speak he closed Public Hearing. He asked if there was a motion.

A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Reese** to approve Annexation No. 816 1000 Classic Road.

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

PH2 Apex Transportation Plan Amendments - Veridea – Thoroughfare and Collector Street Plan Map and Bicycle and Pedestrian System Plan Map

Shannon Cox, Long-Range Planning Manager, Planning Department said this is the first of three related Public Hearings and asked to wait until the third item to vote when all of the information will be given. She gave the following presentation:

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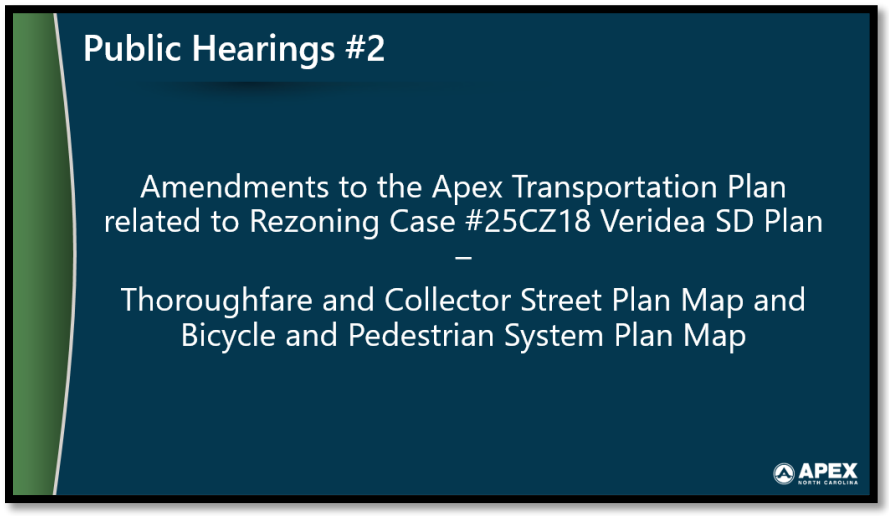

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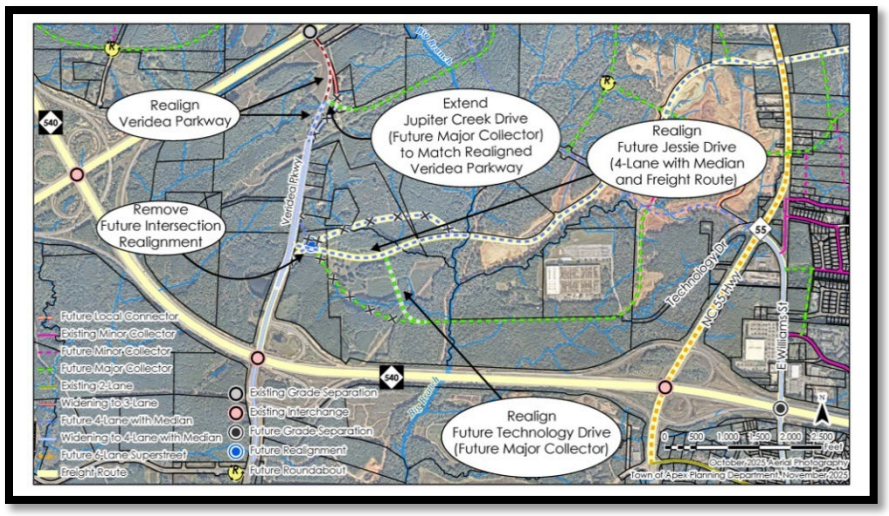

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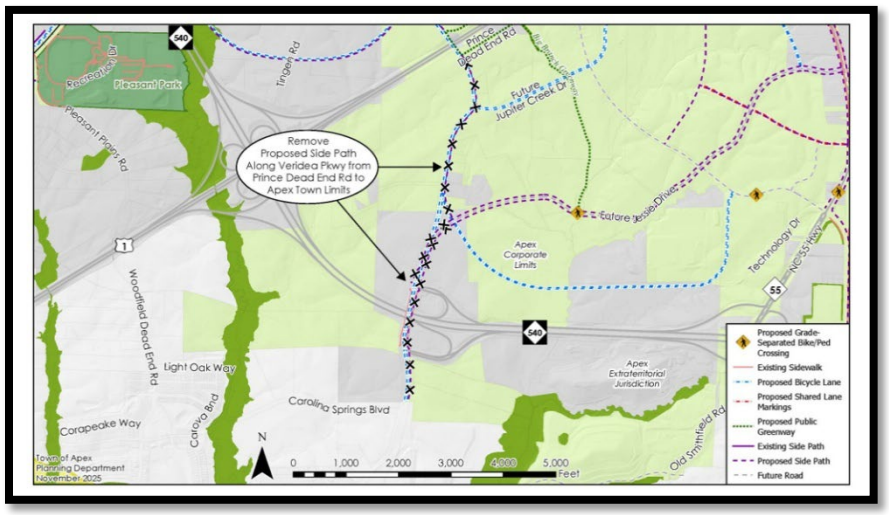

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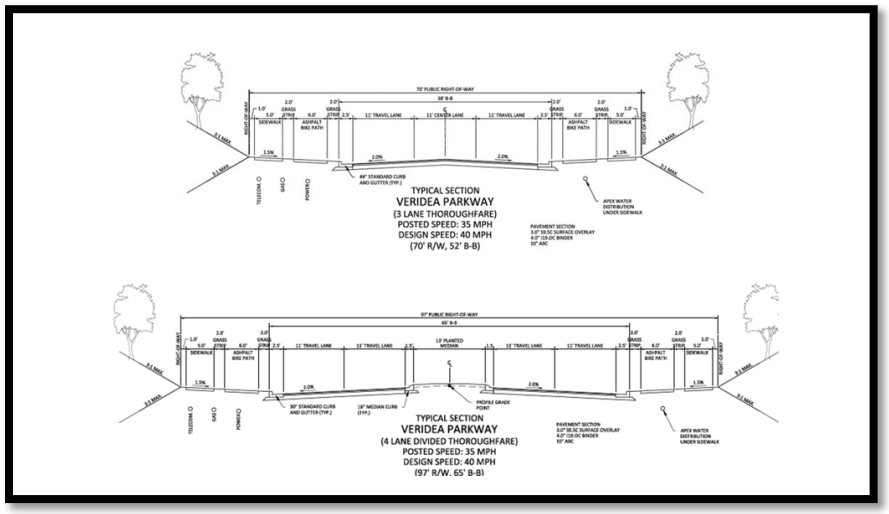

Ms. Cox said that this is recommended for approval by the Planning Board and opened up for questions.

Councilmember Gray said that NCDOT is moving away from bike lanes within or on the same roadway, and asked if she could she give some background on why this is moving toward separate lanes at this time.

Ms. Cox said that there have been changes in "best practice" and federal highways has put out recommendations for certain facility types based on travel speeds and volume, so for a roadway like Veridia Parkway the recommendation is that the bicycle facilities are vertically separated from traffic.

Councilmember Gray asked if that was applied to the major collectors and not to the smaller thoroughfares.

Ms. Cox said that it would apply more to thoroughfares and less to collectors and residential streets.

Mayor Pro-Tempore Mahaffey said he is happy that the team at Veridia is continuing to do updated traffic studies and talking with NCDOT, and adjusting the plan as things change like the new future Children's Hospital.

Mayor Gilbert opened up for Public Hearing and with no one signed up to speak, he closed Public Hearing and moved to the next item.

PH3 Apex Transportation Plan Amendment - Veridea – Transit Plan Map

Shannon Cox, Long-Range Planning Manager, Planning Department gave the following presentation:

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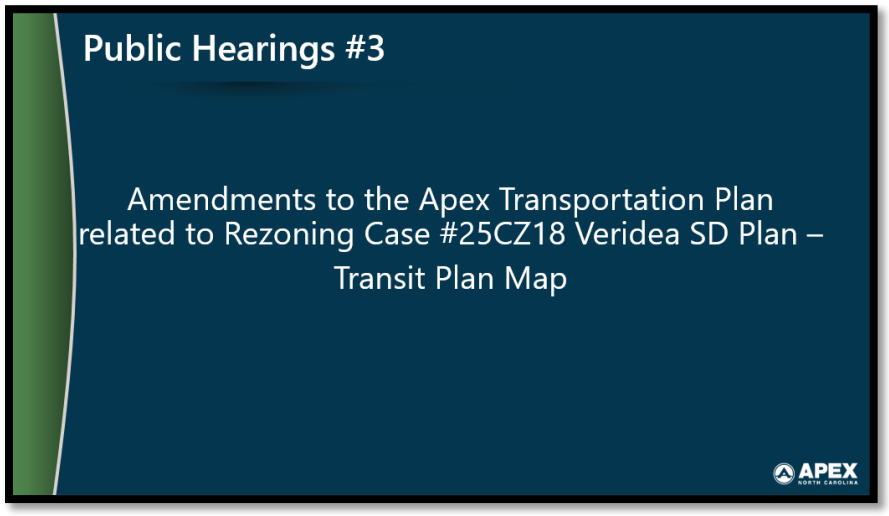

[SLIDE 2]



Ms. Cox said that this is recommended for approval by the Planning Board and opened for questions.

Mayor Gilbert opened Public Hearing and with no one signed up for comment, he closed Public Hearing and moved to the next item.

PH4 Rezoning Case No. 25CZ18 - Veridea SD Plan Amendments

Amanda Bunce, Assistant Director, Planning Department gave the following presentation:

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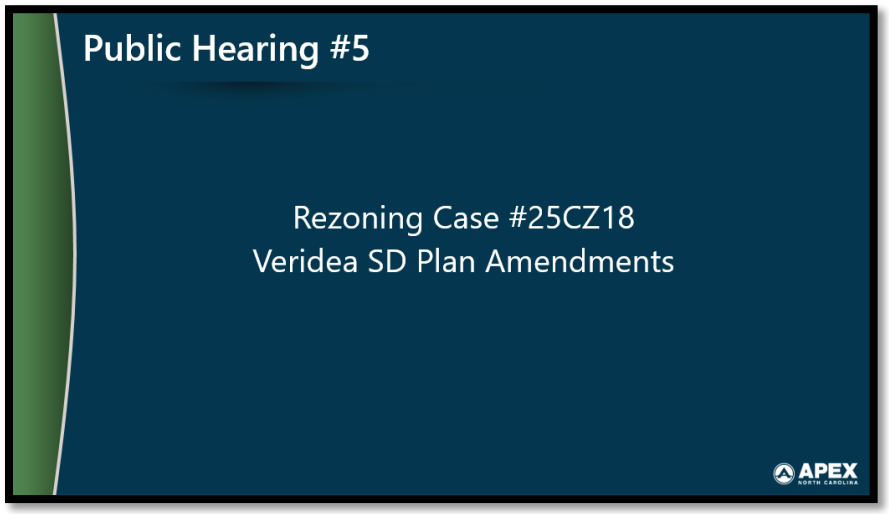

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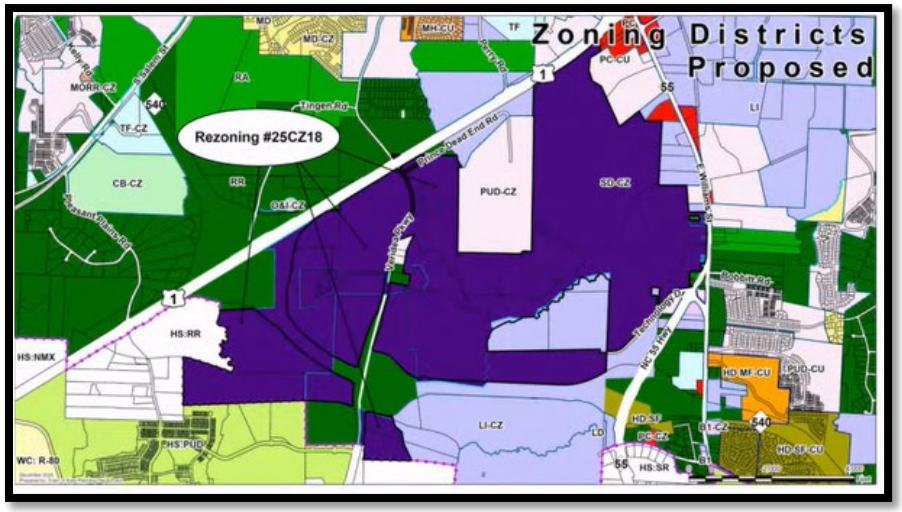

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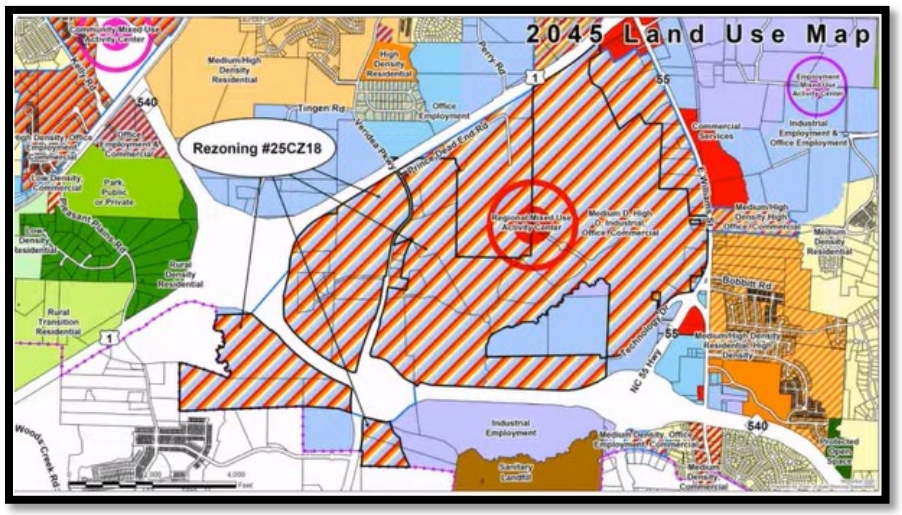

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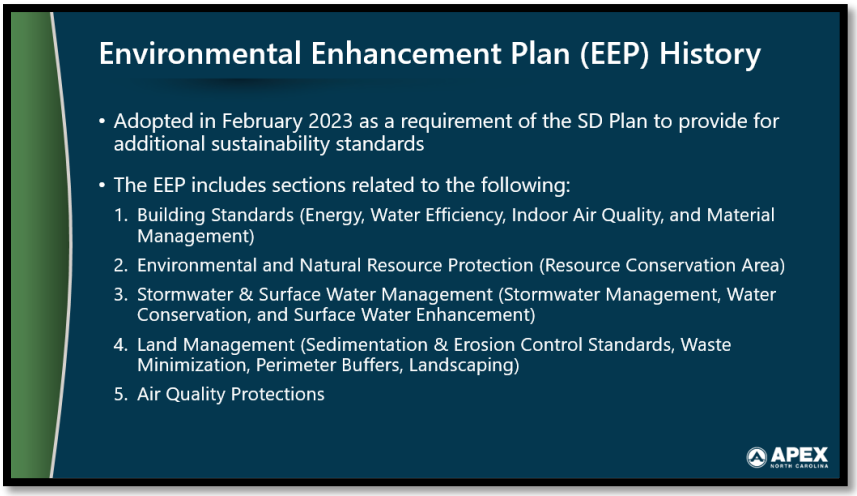

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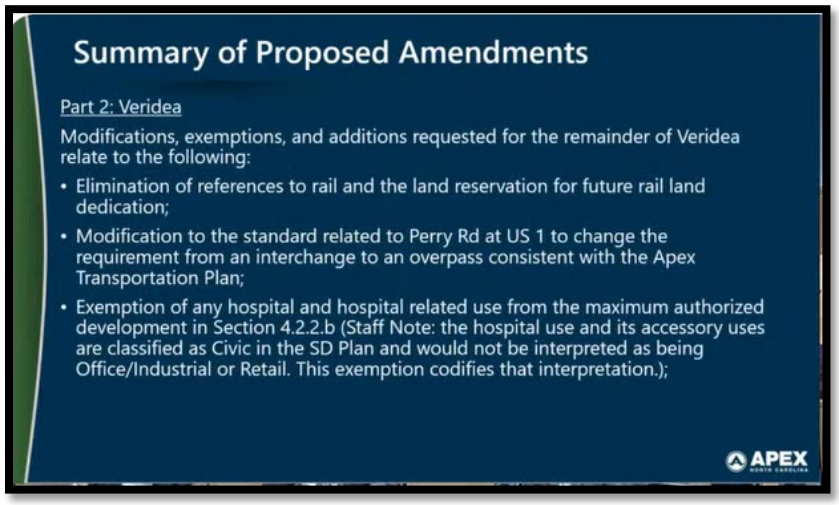

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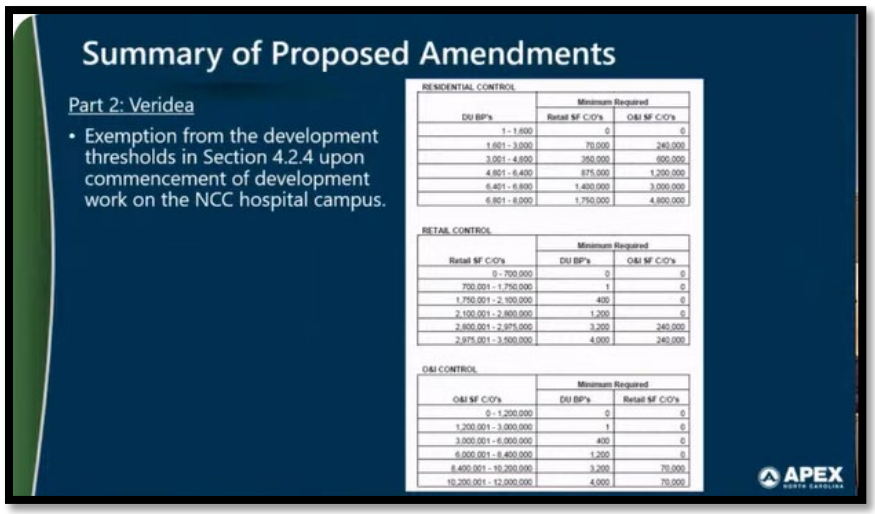

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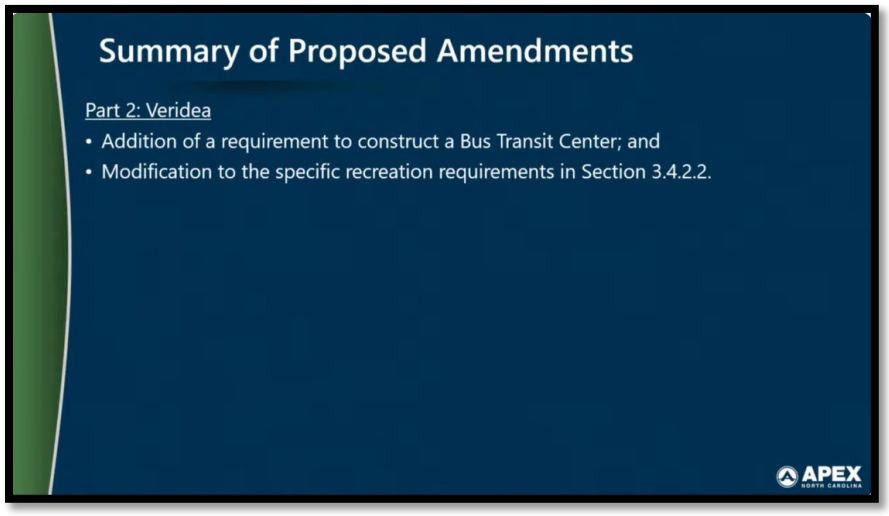

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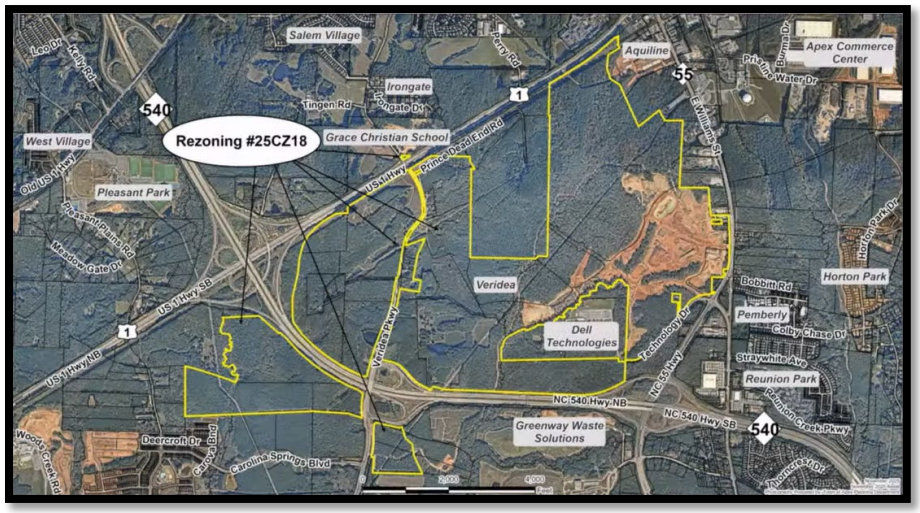


[SLIDE 12]



Assistant Director Bunce opened for questions.

Councilmember Gray said that in previous actions when it was created in the initial request for the Parks and Recreation requirements for park and recreation facilities it may take years to fulfil, but it looks like there will be a facility relatively quickly.

Assistant Director Bunce said that in the current plan that it was the dedication of land area to accomplish to account for specific requirements but now there are 230 acres dedicated for the hospital campus that reduces the land area available for recreation commitments and potentially it may take less time.

Councilmember Reese said that there is a need for 100,000 square feet of indoor recreational space by 2030 or so and this project provides a quarter of this.

Assistant Director Bunce said also that Veridia is within the target search area in the Parks Master Plan for an indoor facility as well. She said that this meets that need as well.

Mayor Gilbert opened up Public Hearing and called Mr. Baron to speak.

Jason Barron with Morning Star Law Group spoke on behalf of the owners, RXR Realty and North Carolina Children's. He said that Joe Graziose with RXR and Simon George with North Carolina Children's is also in attendance and they will also speak. He thanked the staff for their exemplary service on this project. He spoke on the partnership with RXR, North Carolina Children's hospital and the history of how this project began and has evolved.

Joe Graziose, Vice President of RXR spoke about the beginning of the project to where the project is currently. He thanked the staff for their commitment to the project and recognized Apex's staff for their knowledge and dedication to this project. He went through the benefits for Apex that would be provided by RXR and this project.

Simon Goerge, Vice President of Real Estate Development and Facilities for NC Children's gave updates on the project timeline for the process and thanked the staff and Administration for being so phenomenal. He said that NC Children's and RXR teams were available for any questions.

Mr. Barron gave updates on changes and the reasons for the changes in the following presentation:

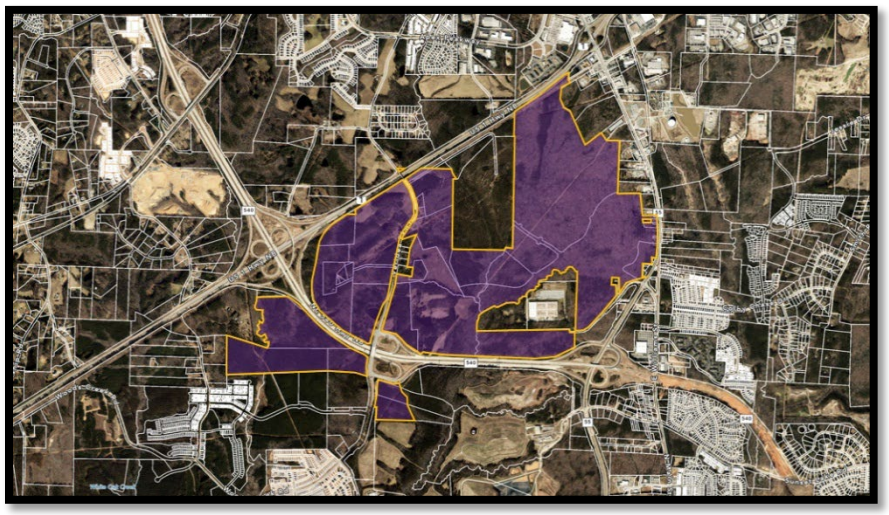
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



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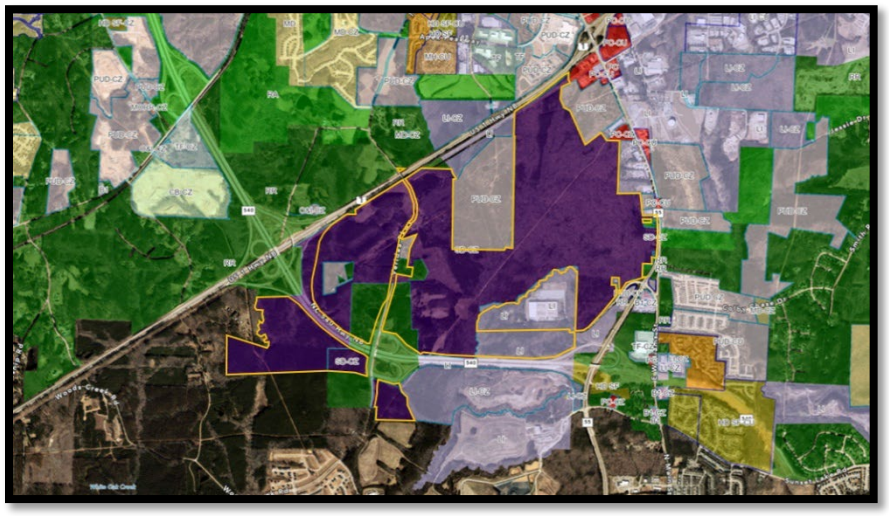

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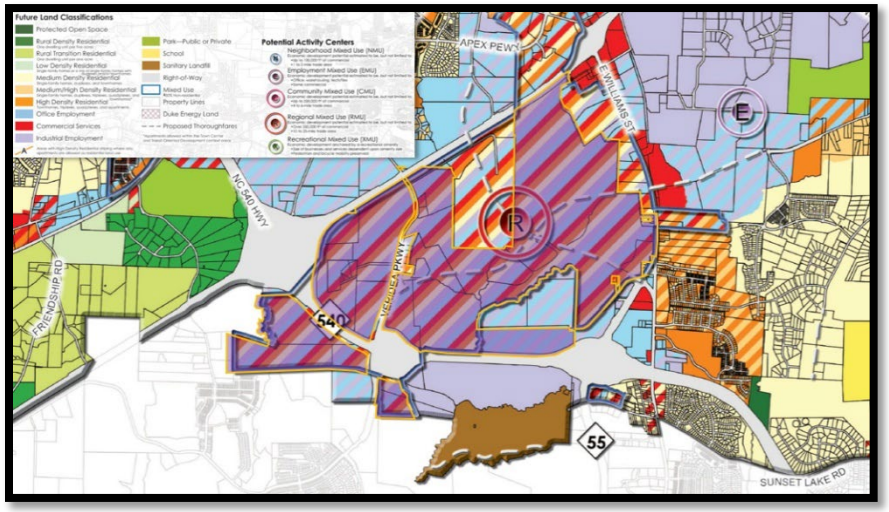

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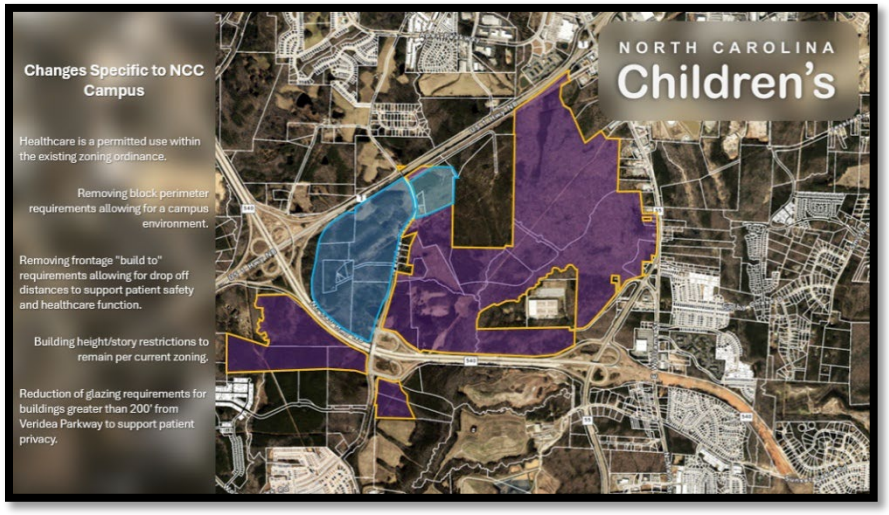

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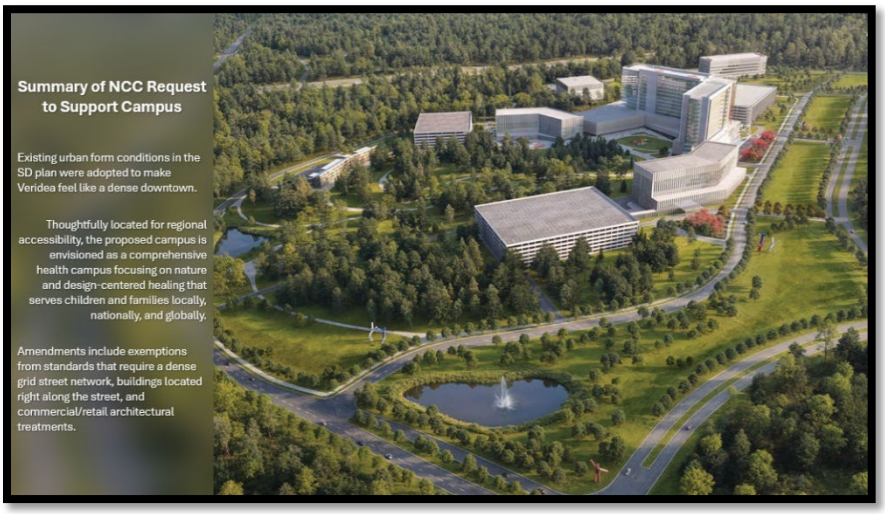

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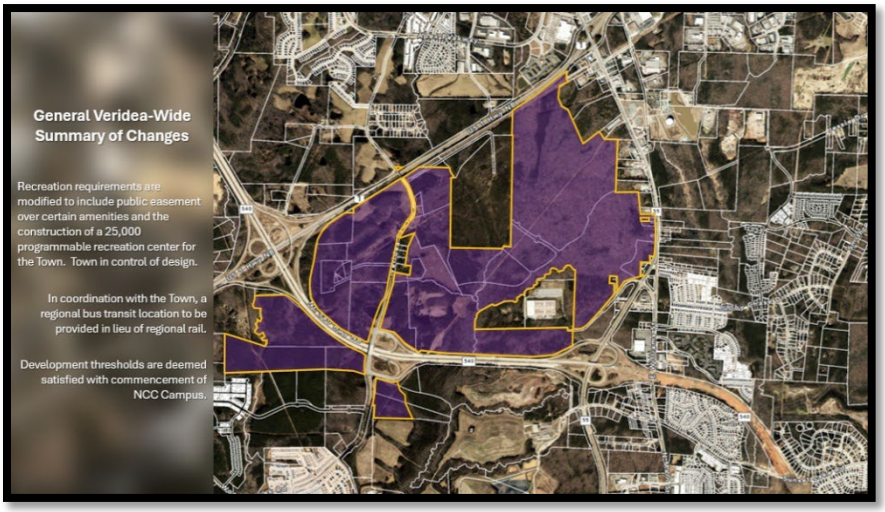

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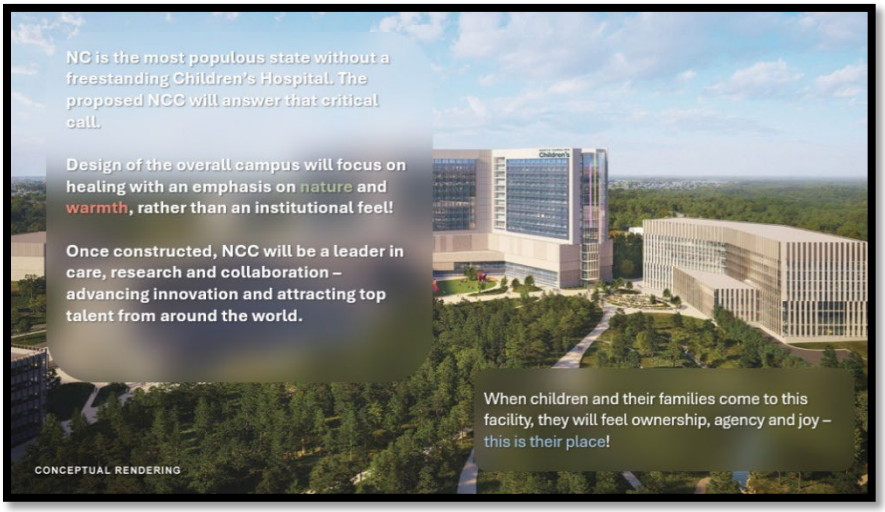

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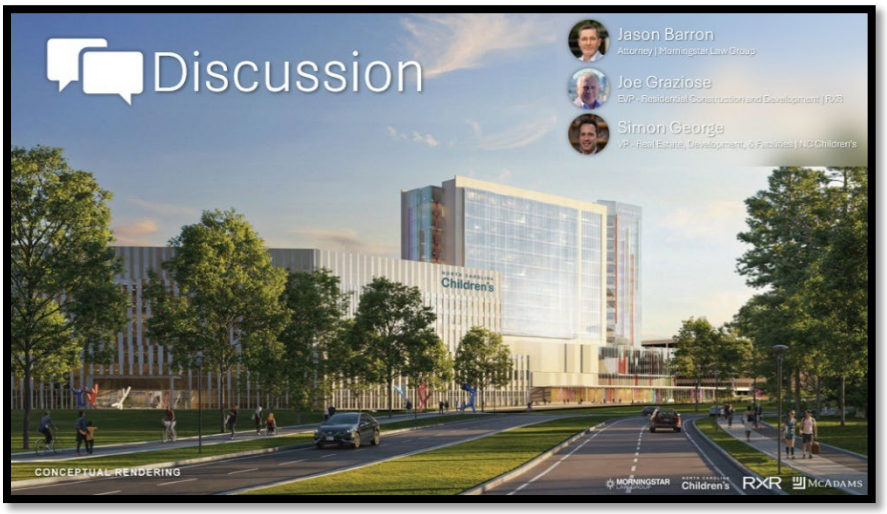


Mr. Barron opened for questions and asked for approval of this project.

Mayor Gilbert asked if there were any questions.

Councilmember Mu thanked the team and all parties involved to make the Children's Hospital possible and also the adjustments that were made to adapt to the changes and add the bus transportation center and replace the park with the recreation center.

Mayor Pro-Tempore Mahaffey said that this is quite a rezoning amendment. He said that this is a large set of changes to provide some flexibility for the NC Children's Hospital, and also updating the transit, bus stops, transit centers, greenways and recreation requirements. He said that the recently completed Master Plan for Parks and Recreation called out the need for indoor space vs. outdoor space and this is a good trade. He said that this seems to be in the interest of the town, provides uses, facilities that are needed and meets the goal of having a development with green, has Parks and Rec facilities, is supported by transit and Apex, Council and the staff are supportive of the Children's hospital and the flexibility with this project.

Councilmember Gray said this is a great example of the flexibility for the adjustments that are needed and the appreciation of the foresight of thinking about transportation and the changes since the inception of the project. He commended staff and the Development team assisting and coming forward with good ideas and being solutions oriented. He asked the Town Manager if Apex has the appropriate number of staff to be able to meet the need for future changes and the flexibility for what will be coming with this project, he said this question didn't have to be addressed today, because of the timing of when this was given to Council, but to be thinking about manpower requirements for this project and others developments going on. He said this should be something considered during this year's budgeting process.

Councilmember Reese thanked Mr. Barron for saying that Apex was a family-first town and that this project really fits that, he also thanked Mr. Graziose. He said the theme of the Hospital having emphasis on nature and warmth was great, and that seems to speak to the entire project across Veridia, and that he supports this project.

Mayor Gilbert opened Public Hearing, with no one to speak, he closed Public Hearing and brought the item back for a motion.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to amend the Thoroughfare and Collector Street Plan Map and the Bicycle and Pedestrian System Plan Map of the Apex Transportation Plan for consistency with the proposed rezoning 25CZ18 Veridea SD-CZ amendment

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Reese** to amend the Transit Plan Map of the Apex Transportation Plan related to 25CZ18 Veridea Sustainable Development (SD)-Conditional Zoning (CZ) amendment.

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Mu** to approve Rezoning Application No. 25CZ15 Veridea SD Plan Amendments - rezone approximately ±1,097.15 acres from Sustainable Development-Conditional Zoning (SD-CZ #09CZ07, #23CZ01, #24CZ01, #25CZ08), Rural Residential (RR), Light Industrial (LI), & Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ01) to Sustainable Development-Conditional Zoning (SD-CZ) for Veridea, located at 0, 0 (portion of), 0 (portion of), & 3220 Old Holly Springs Apex Rd; 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0 (portion of), 3142, 3138, 3130, 3134, 3200, 3012, 2945, 3009, 2901, 2937 Veridea Pkwy; 0 Technology Dr (portion of); 6300 King David Ct; 0, 0, 0, 0 US 1 Hwy; 0, 0, 0, 0, 1712, 1716 E. Williams St

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

Mayor Gilbert requested a 10-minute recess at **7:43 PM**

Council returned to open session at **7:52 PM**

PH5 Environmental Enhancement Plan Amendments – Veridea Development

Amanda Bunce, Assistant Director, Planning Department gave the following presentation:

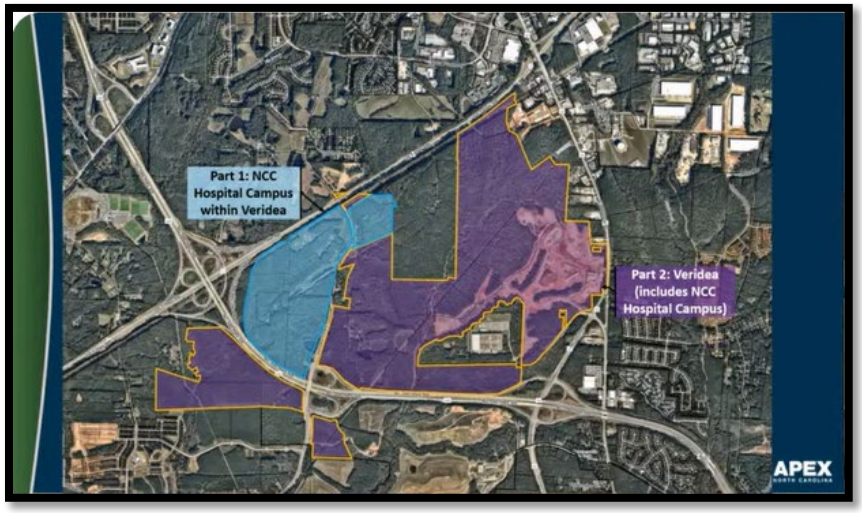
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



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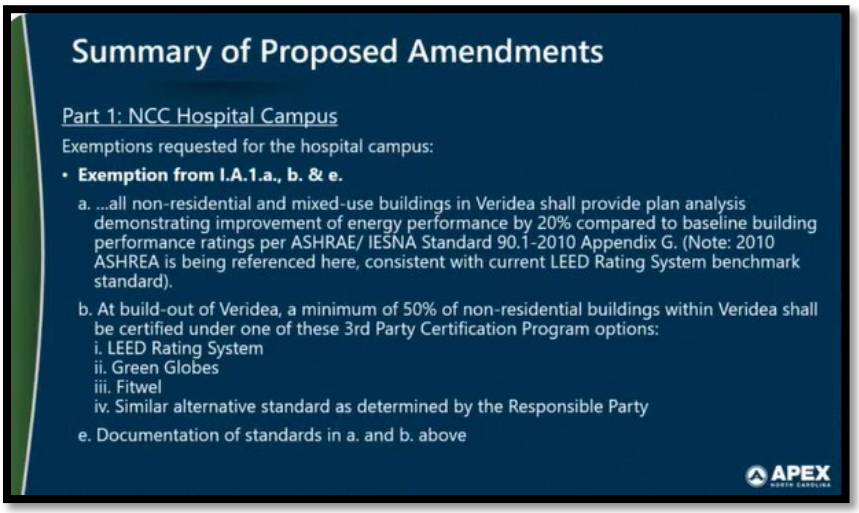

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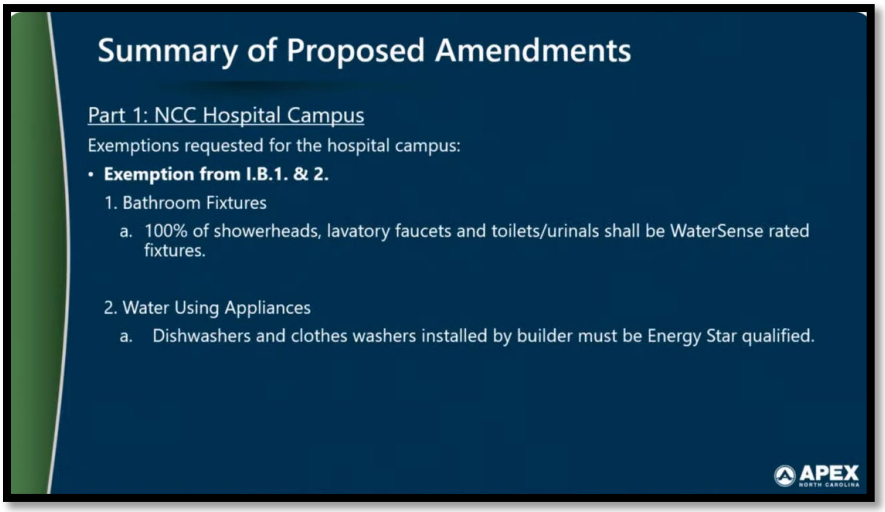

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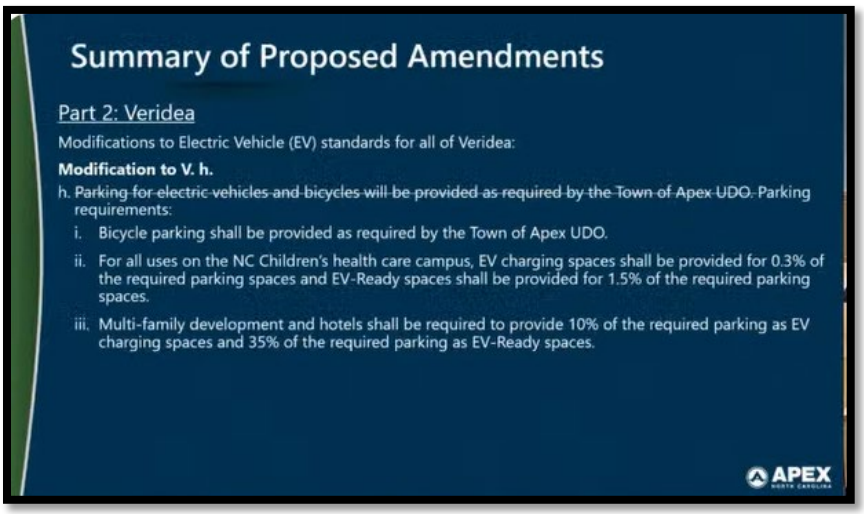

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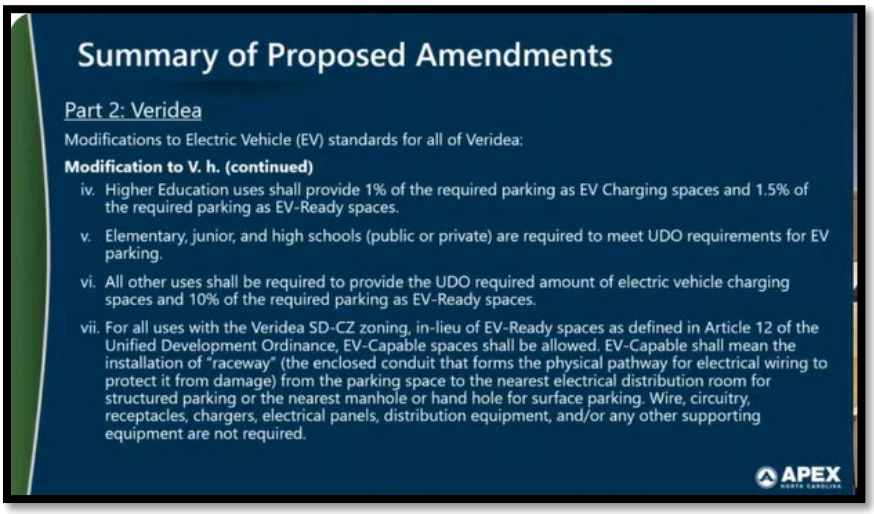

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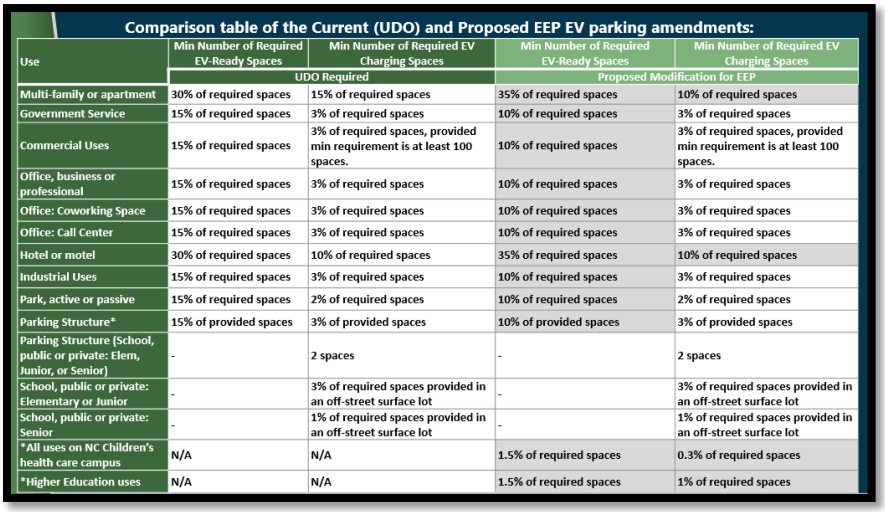


Use	Min Number of Required EV-Ready Spaces	Min Number of Required EV Charging Spaces	Min Number of Required EV-Ready Spaces	Min Number of Required EV Charging Spaces
	UDO Required		Proposed Modification for EEP	
Multi-family or apartment	30% of required spaces	15% of required spaces	35% of required spaces	10% of required spaces
Government Service	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Commercial Uses	15% of required spaces	3% of required spaces, provided min requirement is at least 100 spaces.	10% of required spaces	3% of required spaces, provided min requirement is at least 100 spaces.
Office, business or professional	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Office: Coworking Space	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Office: Call Center	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Hotel or motel	30% of required spaces	10% of required spaces	35% of required spaces	10% of required spaces
Industrial Uses	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Park, active or passive	15% of required spaces	2% of required spaces	10% of required spaces	2% of required spaces
Parking Structure*	15% of provided spaces	3% of provided spaces	10% of provided spaces	3% of provided spaces
Parking Structure (School, public or private: Elem, Junior, or Senior)	-	2 spaces	-	2 spaces
School, public or private: Elementary or Junior	-	3% of required spaces provided in an off-street surface lot	-	3% of required spaces provided in an off-street surface lot
School, public or private: Senior	-	1% of required spaces provided in an off-street surface lot	-	1% of required spaces provided in an off-street surface lot
*All uses on NC Children's health care campus	N/A	N/A	1.5% of required spaces	0.3% of required spaces
*Higher Education uses	N/A	N/A	1.5% of required spaces	1% of required spaces

Assistant Director Bunce said that staff recommended approval of the proposed amendments along with the Planning Board and opened for questions.

Mayor Gilbert asked if there were any questions.

Mr. Barron with Morningstar Law Group said that Assistant Director Bunce did a great job of summarizing the nature of the changes related to the Children's Hospital Campus and continued development of Veridea.

Mayor Gilbert opened Public Hearing and with no one signed up to speak closed Public Hearing for comment and brought it back to Council for discussion or a motion.

Councilmember Gray said that he appreciated the flexibility on EV capability and the future of EVs.

A **motion** was made by **Councilmember Gray** and seconded by **Mayor Pro-Tempore Mahaffey** to amendments to the Sustainability Standards for Veridea known as an Environmental Enhancement Plan and Ordinance.

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

PH6 Road Closure Order – Portion of Walden Road – Developer Requested

Allen Coleman, Town Clerk said this item is to close a portion of Walden Road and on August 22nd Council adopted a resolution supporting North Carolina Tranportation's abandonment of the described 1,795' portion of Walden Road located within the Friendship Village. He gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Town Clerk Coleman said that this is a formal request to close this portion of Walden Road.

Mayor Gilbert asked if there were any questions and opened Public Hearing, with no one signed up to speak, he closed Public Hearing. He brought the item back to Council for discussion and possible motion.

A **motion** was made by **Mayor Pro Tempore Mahaffey** and seconded by **Councilmember Gray** to approve a closing of a right-of-way (ROW) order on a portion of Walden Road located at the intersection with Evans Road to its terminus 0.34 miles (1,795 feet) North of its intersection with Evans Road

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

~~**PH7 Unified Development Ordinance (UDO) Amendments – November 2025**~~

Mayor Gilbert said that staff recommended to defer PH7 - Unified Development Ordinance (UDO) Amendments – November 2025 until January 13, 2026.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to defer PH7 - Unified Development Ordinance (UDO) Amendments – November 2025 until January 13, 2026.

VOTE: UNANIMOUS (4-0) with Councilmember Zegerman absent

[NEW BUSINESS]

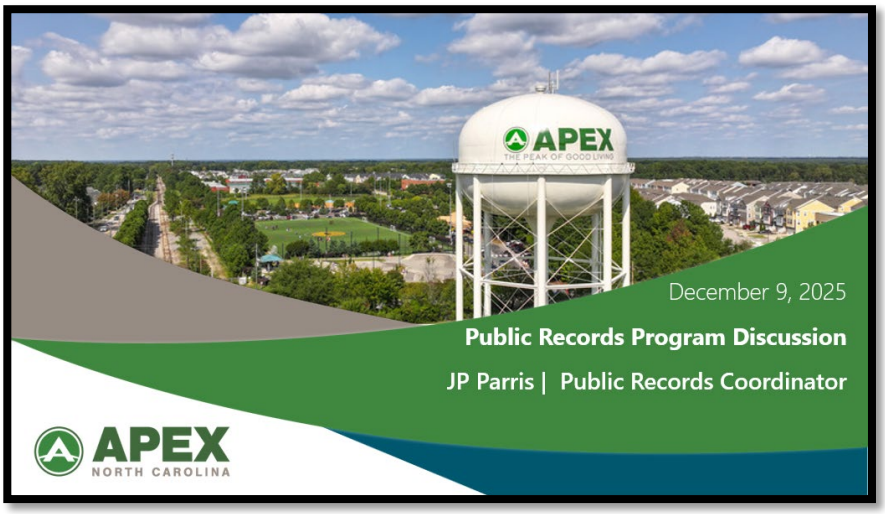
~~**NB1 Construction Contract Award - Salem Streetscape Project - PLACE HOLDER**~~

This item was deferred to the December 16th, 2025 Town Council Work Session, per Council vote.

NB2 Public Records Program Overview and Recommendations – *Deferred from November 18, 2025 Town Council Work Session*

JP Parris, Public Records Coordinator, Town Clerk's Office gave the following presentation:

[SLIDE 1]



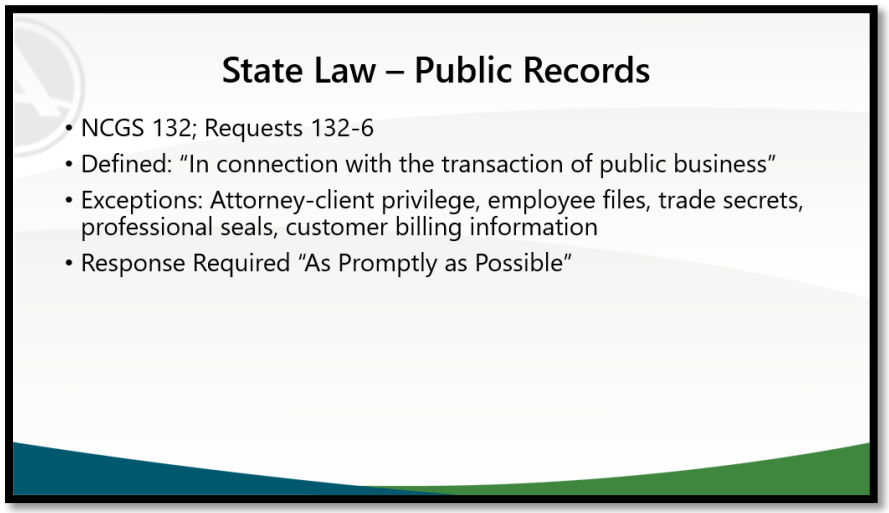
[SLIDE 2]



Councilmember Gray asked to confirm that it was not being asked for Council to adopt a policy or vote on a policy with regard to fees tonight.

Mr. Parris said that was correct, and clarified that this was informational purposes and for Council to provide direction as the potential policy is pursued.

[SLIDE 3]



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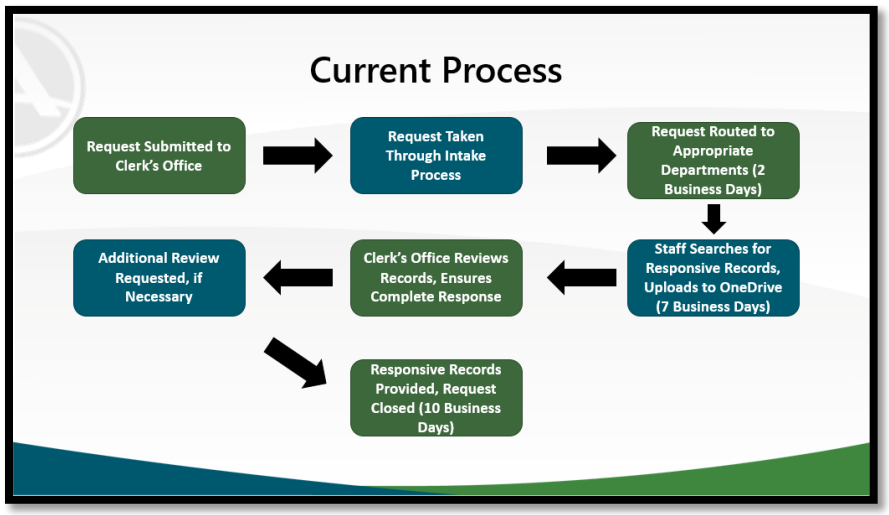

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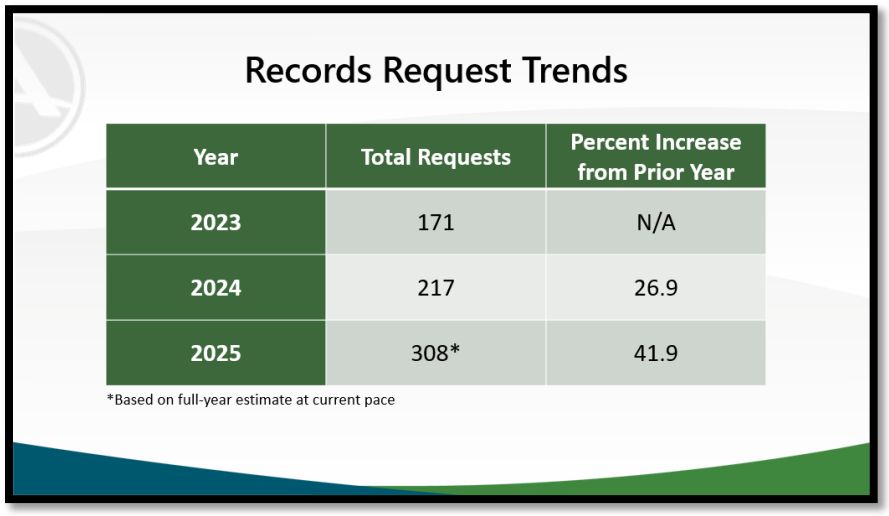


Councilmember Gray asked if number of requestors were tracked.

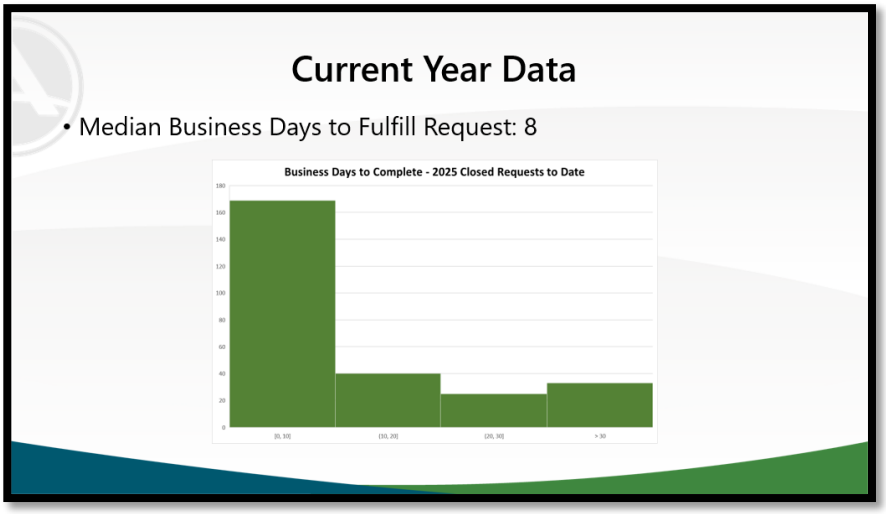
Mr. Parris said he didn't have that data with him. He asked for clarification if that was individual requestors each year.

Councilmember Gray said yes, he was wondering if some people were submitted numerous requests.

Mr. Parris said that there are multiple people that have submitted multiple requests throughout the year, but as a rough estimate there are around 250 unique people that have submitted a request in the current year. He said that he could get that data to him.

Councilmember Gray said that he was just curious if that was something currently being tracked.

[SLIDE 7]



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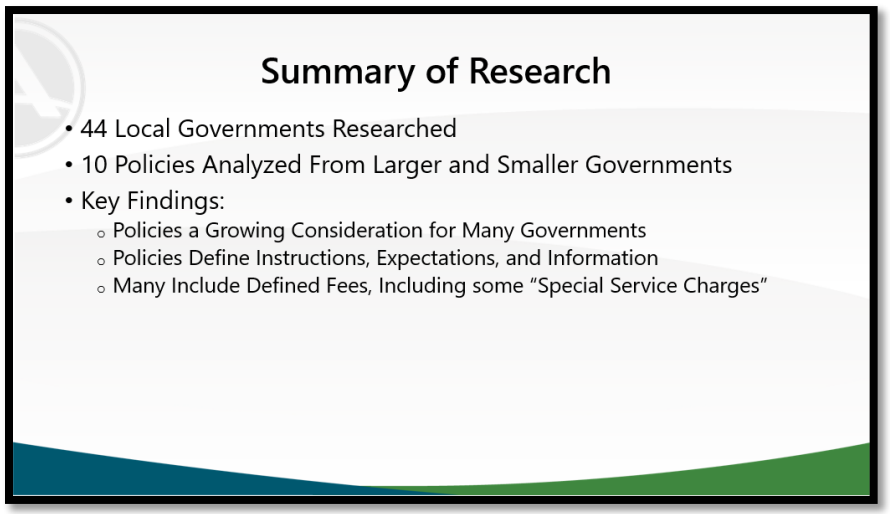

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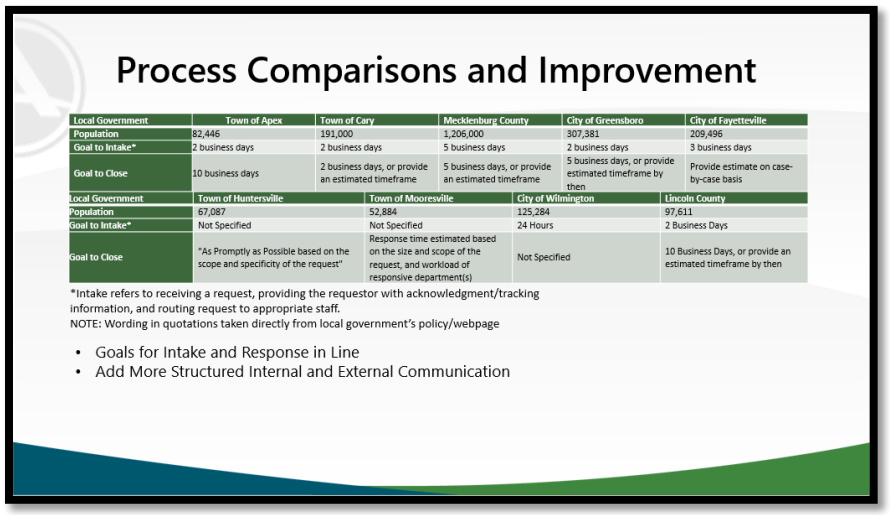

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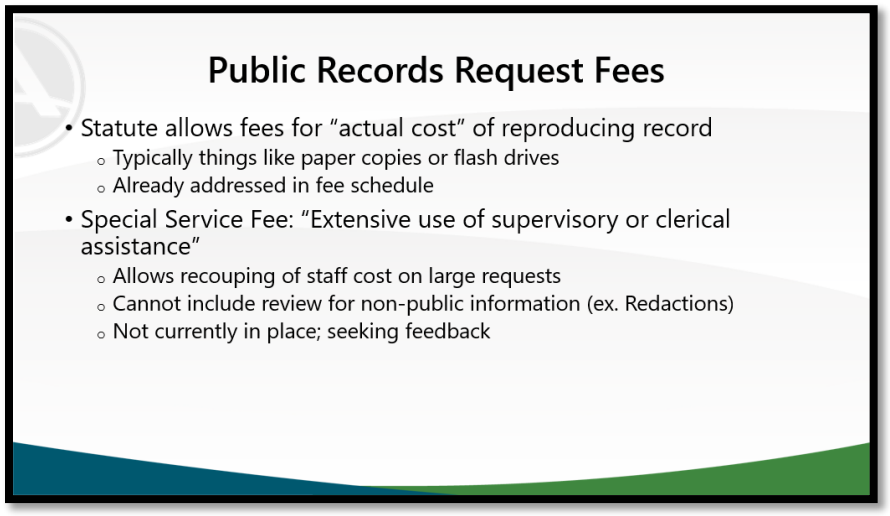

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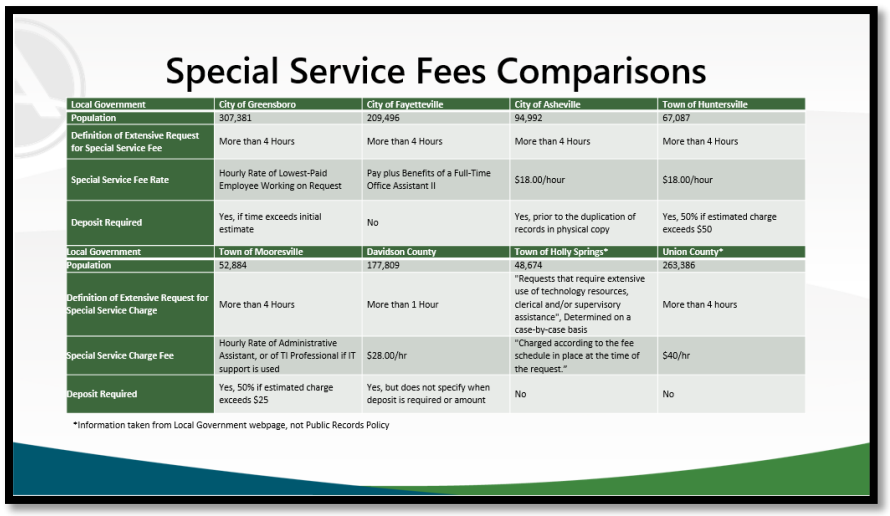

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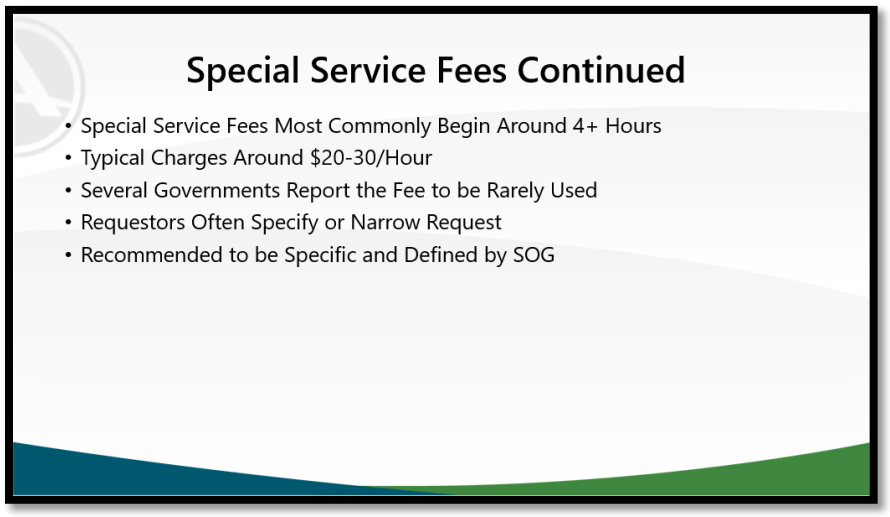

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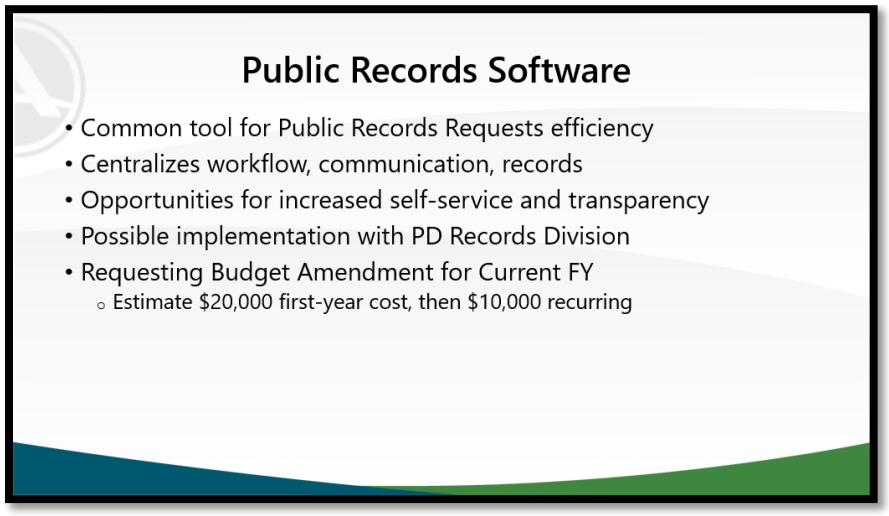

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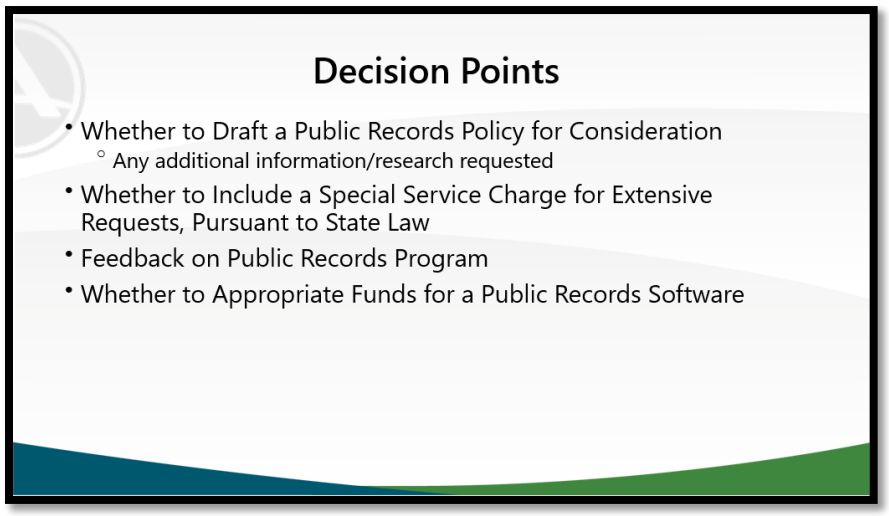

[SLIDE 16]



Mr. Parris opened for questions.

Mayor Gilbert thanked Mr. Parris for the presentation. He asked how a records request that may include a Special Service Fee by someone with a hardship would be handled.

Mr. Parris said that the goal would never be to prevent requestors from accessing records and that if somebody has a hardship and is unable to pay the applicable fee, that is something that the Clerk's office would want to be sensitive to if this moves forward. He said that this would be something that the Clerk's office would look at in developing the policy if the direction of the Council is to move forward with a Special Service Fee. He said that they would also see how other local governments handle this situation and if there is any language to address this.

Town Clerk Coleman said that as Mr. Parris had mentioned, in most cases the jurisdictions that do have a fee, the requestor will modify their request so that it is under that threshold.

Councilmember Mu asked if an example could be provided of an extensive request.

Mr. Parris said that in the research it was important that the request be quantifiable as a definition for extensive rather than it be interpretive so that staff isn't making those determinations subjectively. He said if this moves forward, and staff sees that a request may reach the threshold set, then they would track their time working on those specific requests, similar to how an attorney would do billable hours for specific hours being calculated.

Mayor Pro-Tempore Mahaffey said that keeping in mind that some people may not know that their requests are extensive when they make them would be important, and it was important for awareness of the scope of the requests.

Councilmember Gray said that there is a need for the policy and the development of the policy would help lead to the question of whether a special service charge is something that needs to be followed up on. He asked that the policy to be developed and to defer the question on service charges until there is more of a baseline because the questions of the fees may be alleviated once there is a policy in place, and it would be easier to identify what is going on and to quantify the amount of time for an extraordinary or complicated request. He said that he would like to look at how software would interact with APD and if there is possibly a software solution already with APD that may be available. He said that it is a digital age and there should be a digital protocol to help track, train, identify and close out these items.

Mr. Parris said that the information of the exact municipalities out of the 44 that have records request software and the software that they use could be given to the Council, and that specifically Councilmember Gray had requested this information for consideration. He said the Clerk's office could explore to see if the Police Department was interested in jointly pursuing a software to centralize this.

Clerk Coleman said that there were discussions with Chief Johanson and Susan Metz, Police Records Manager and they were both open to exploring this. Ms. Metz had referenced that at one point in the town's history several years back there were questions raised about software that would be appropriate and at that time there were still different systems and

protocols and that they weren't open to exploring this option, and so this would be a possible efficiency type measure now.

Councilmember Gray said that these are good data points for Council so that when a policy comes back for review these little details may be tweaked. He said that this is reflective of a lot of work and addressing these questions that have been posed by this Council and the Clerk's office is coming up with solutions. He thanked Mr. Parris, Town Clerk Coleman and Deputy Town Clerk Gentry on the team effort.

Town Clerk Coleman said that Mr. Parris did most of this work.

Mayor Gilbert asked if Council agreed to pursue a Public Records Policy.

Councilmember Reese asked if there were any policies in the research Mr. Parris did, regarding what one might call "super users", and for example, journalists.

Mr. Parris said that he didn't find anything that spoke to that specifically, but there were cases where a local government would have language regarding combining requests by the same requestor within a specific timeframe for the purposes of a Special Service Fee, but the Attorney's Office would have to be consulted regarding what could potentially be done in that regard.

Councilmember Reese said that in terms of manhours and project management and one user perhaps increase the intensity of the workload.

Town Clerk Coleman said that there is not a way to stop "super users" or "super requestors" that make a significant number of requests because then it becomes treating requesters differently.

Mr. Parris said that it comes down to the language of "as promptly as possible" and creating a separate queue for a specific requestor would not be as promptly as possible.

Mayor Gilbert asked if bodycam requests with the Police Department were a part of Public Records requests.

Town Attorney Hohe said that is different.

Mayor Gilbert asked if Council agreed to pursue a Public Records Policy and table the Special Service Fee.

Councilmember Gray said that he would want to get a policy and then figure out if any fee components after that, if they were necessary.

Mayor Pro-Tempore Mahaffey asked if the policy would depend on if there was a special service fee or not.

Mr. Parris said a policy could be created without a service fee and the policy would also speak on the current fee schedule and the process of the Public Records request so that the requestor would know the timeframe and other information for the request, and it would give the process Council backing to give it more authority, and that could help the process be more efficient across the organization.

Mayor Pro-Tempore Mahaffey asked if deferring exploring Special Service fees, would the policy still define the extensive request or would that be part of a potential Special Service fee portion of the policy.

Mr. Parris said that it may be possible to define extensive requests and it possibly could be added in the policy for informational purposes.

Councilmember Mu asked if it was possible to have a Public Record library for a general search for the public.

Mr. Parris said that his position of Public Records Coordinator is new and only filled in July, and this is one of the things that is going to be explored to get more records digitized and made public facing.

Mayor Gilbert clarified that direction of the Council is for Special Service fees to be paused and more information on Public Records Software cost and the possible inclusion of APD in that.

Mr. Parris asked for clarification on putting a policy in place and incorporating the Public Records Software.

Councilmember Gray said that these can work simultaneously with creating the policy and bringing that back to Council along with more specific information for cost options and working with other departments.

Mr. Parris said that they would work on the policy and bring back further information.

[CLOSED SESSION] – *None Scheduled*

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **8:46 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 _____.

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, DECEMBER 16, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, December 16, 2025 at 3:30 p.m. at the 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: https://www.youtube.com/watch?v=VnSj2Rg3RKM&t=9062s

[ATTENDANCE]

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

Town Staff
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

All other staff members will be identified appropriately below.

[CALL TO ORDER I PLEDGE OF ATTENDANCE]

Mayor Gilbert called the meeting to order at 3:30 p.m., welcomed everyone. He noted that Councilmember Killingsworth would be arriving late and led everyone in the pledge of allegiance.

Town Manager Vosburg welcomed all and gave an overview of the agenda timeline for the Work Session meeting.

[PEAK PLAN 2055 UPDATE]

Shannon Cox, Long Range Planning Manager with the Planning Department, introduced lead consultants Meg Nealon, President, Nealon Planning PLLC and Matt Noonkester, President, City Explained, Inc.

Ms. Nealon gave a brief overview of the team and introduced the Consultant team, which is made up of five firms and based in the Carolinas.

The following presentation was presented:

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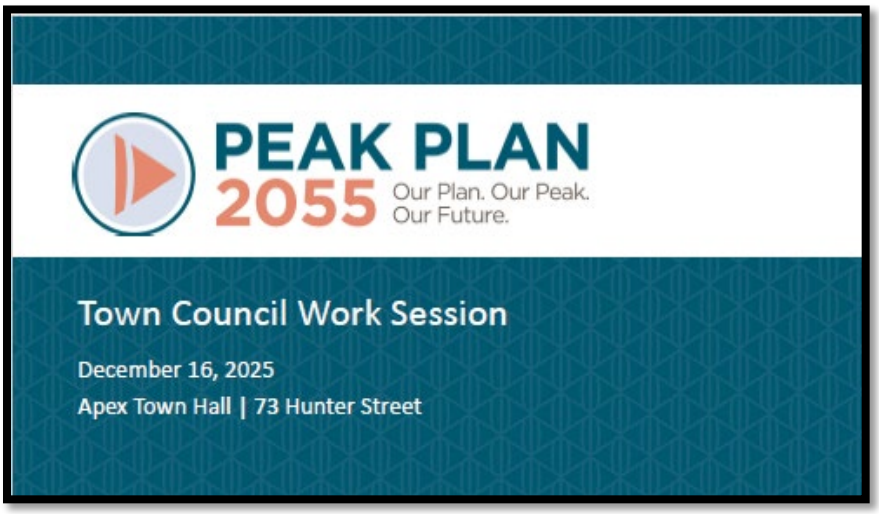

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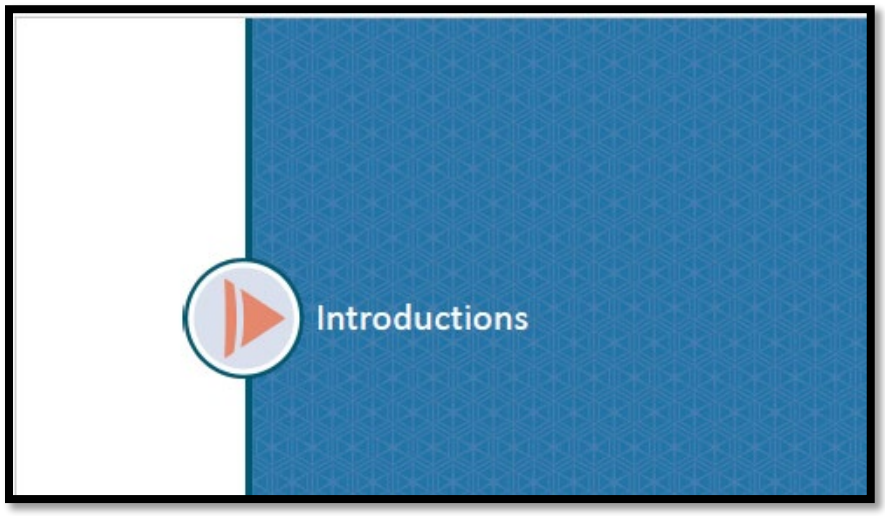

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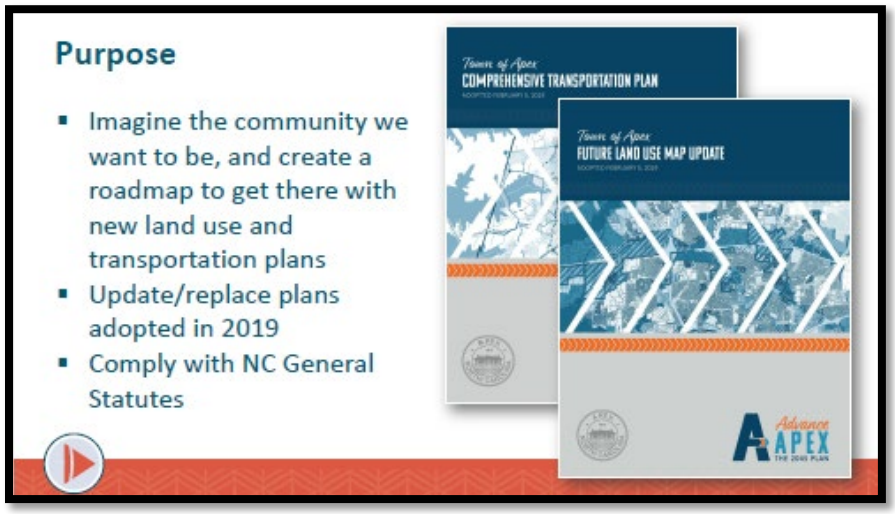
Ben Hitchingsings, gave the following part of the presentation.

[SLIDE 6]



[SLIDE 7]



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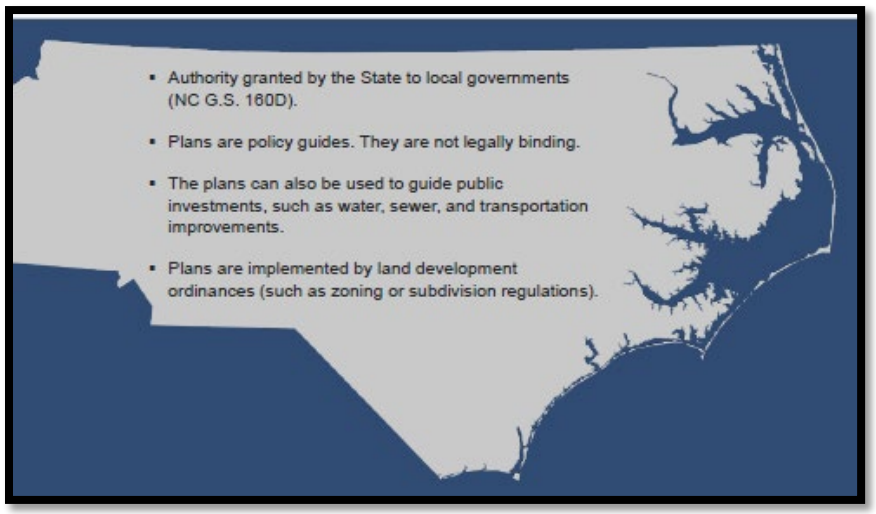

Ms. Nealon continued with the presentation.

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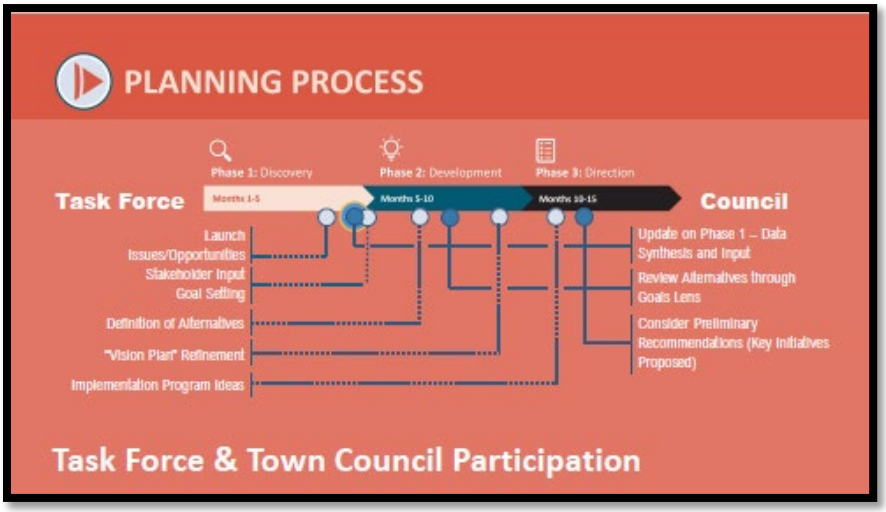

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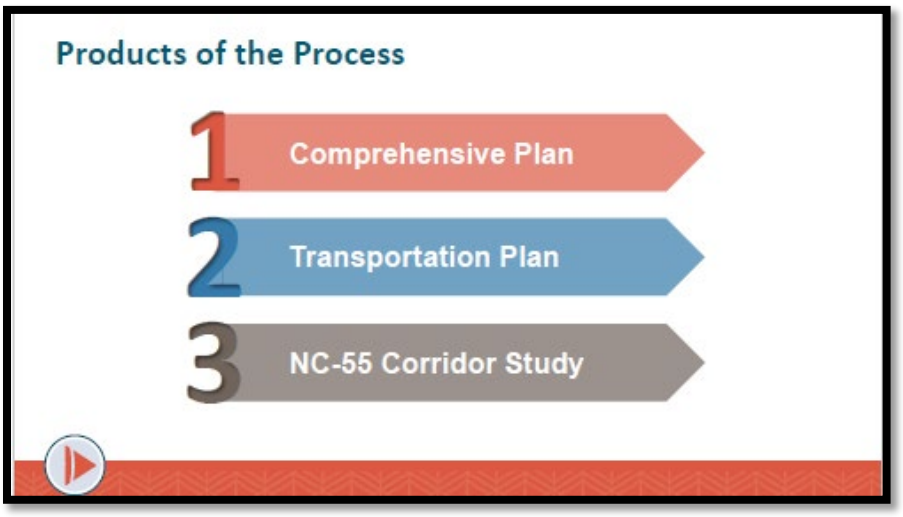

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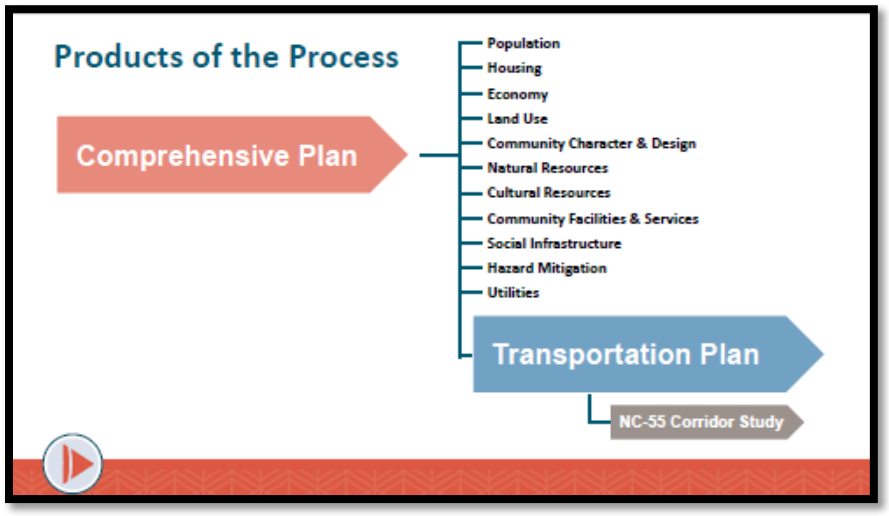

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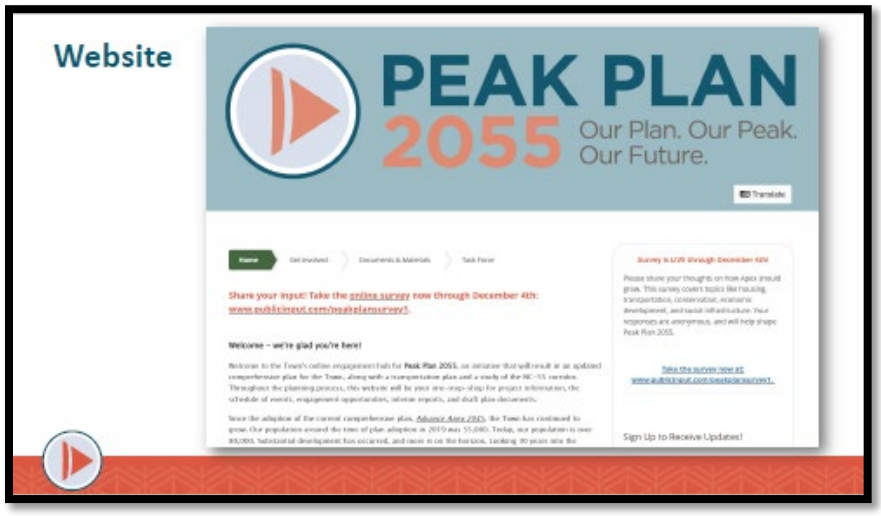

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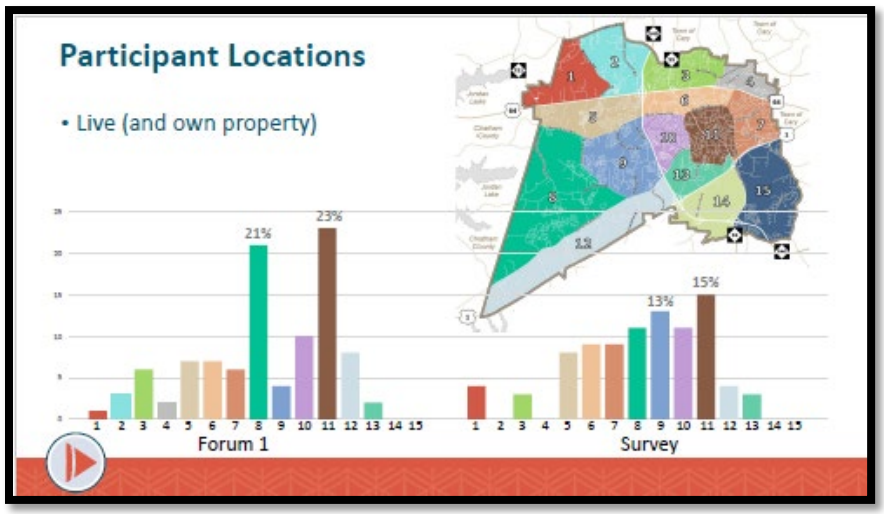

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Ms. Nealon turned the presentation back to Mr. Hitchings.

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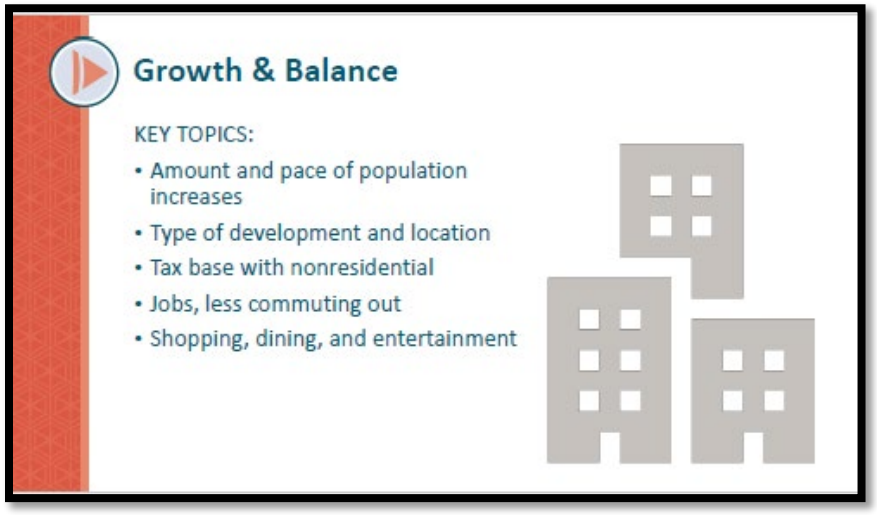

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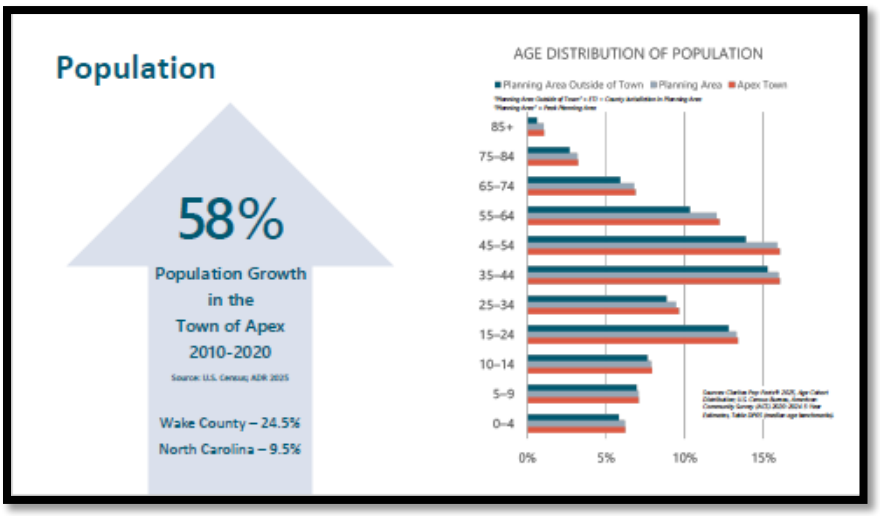

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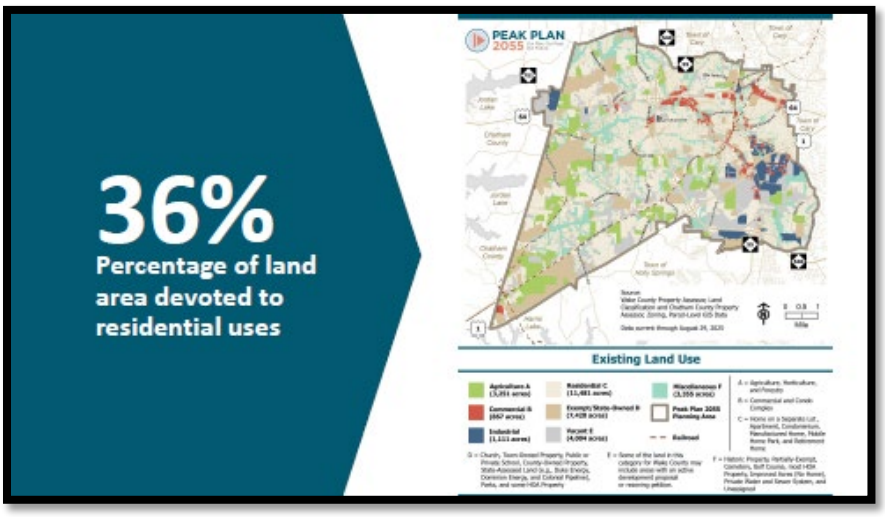

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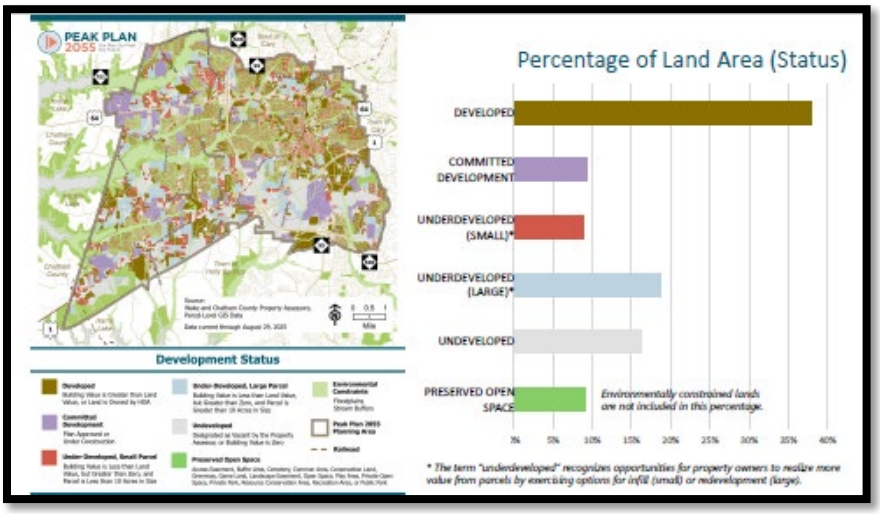

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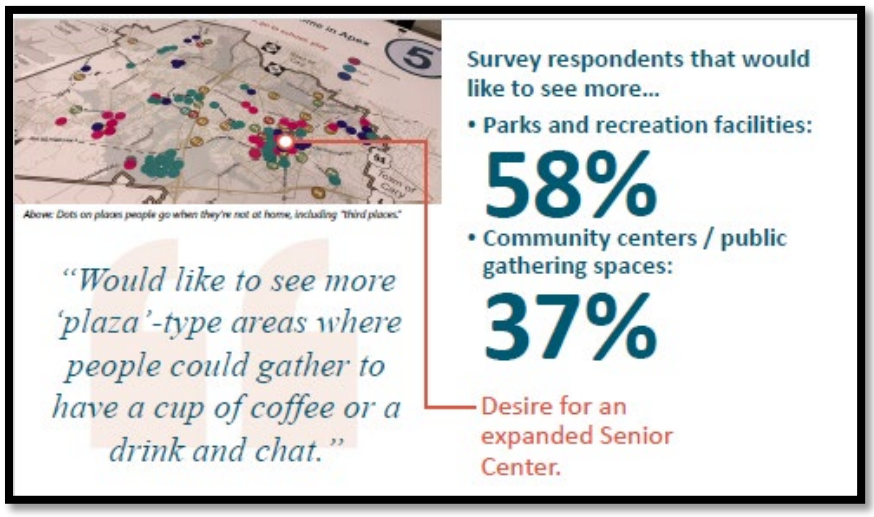

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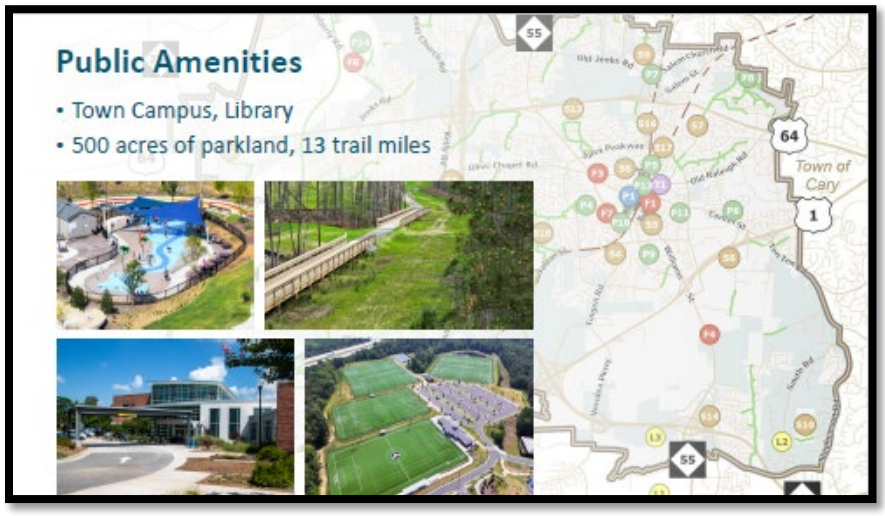


[SLIDE 34]

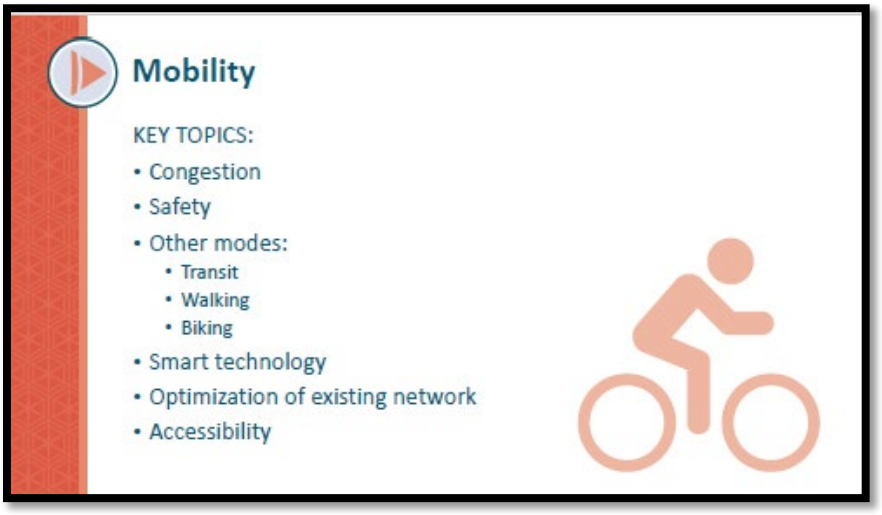


Mr. Hitchings turned the presentation back to Ms. Nealon.

[SLIDE 35]



[SLIDE 36]



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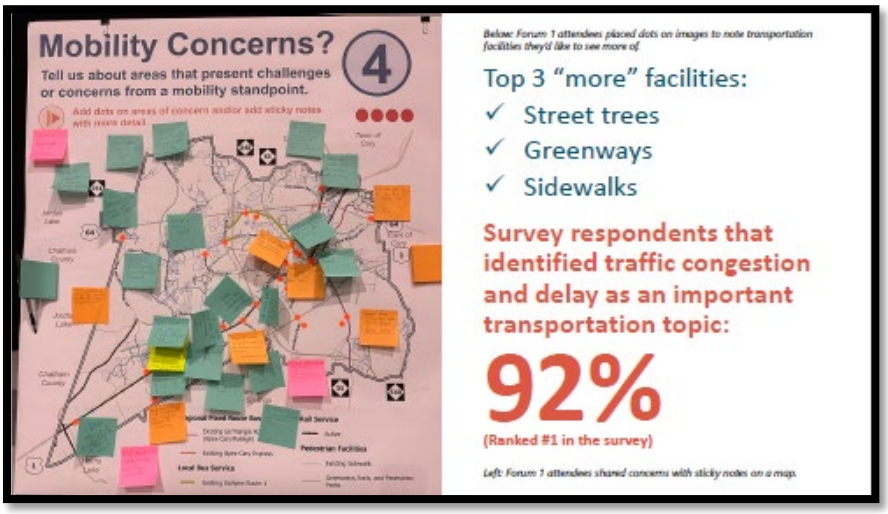

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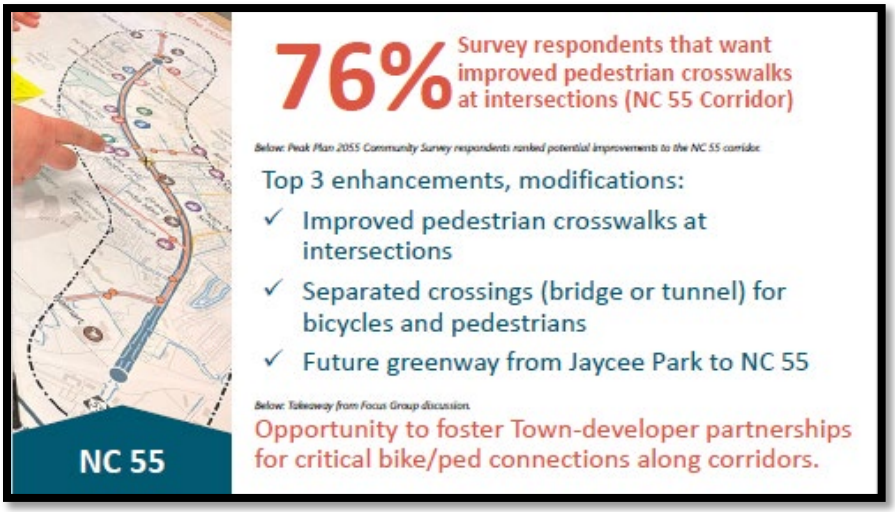

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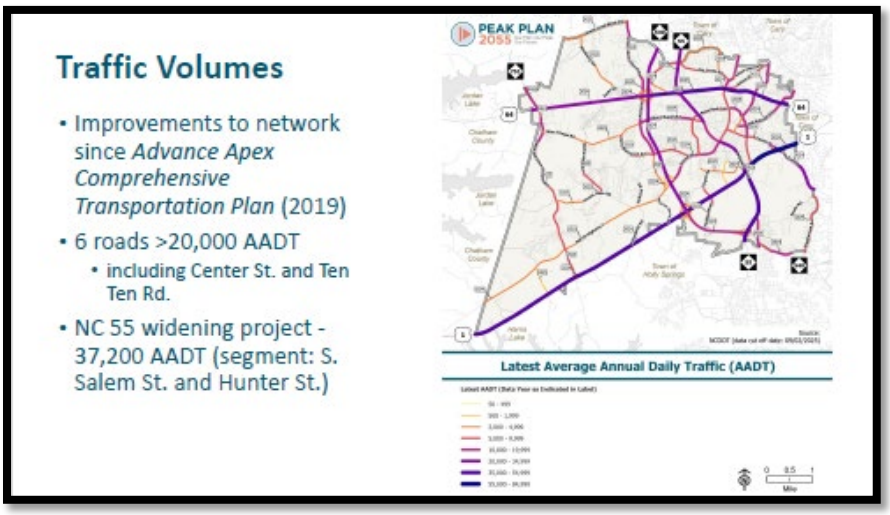

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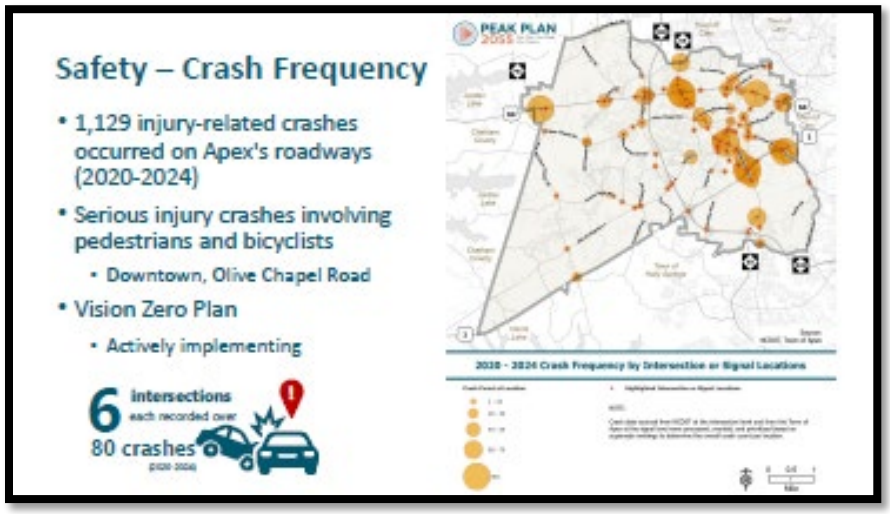

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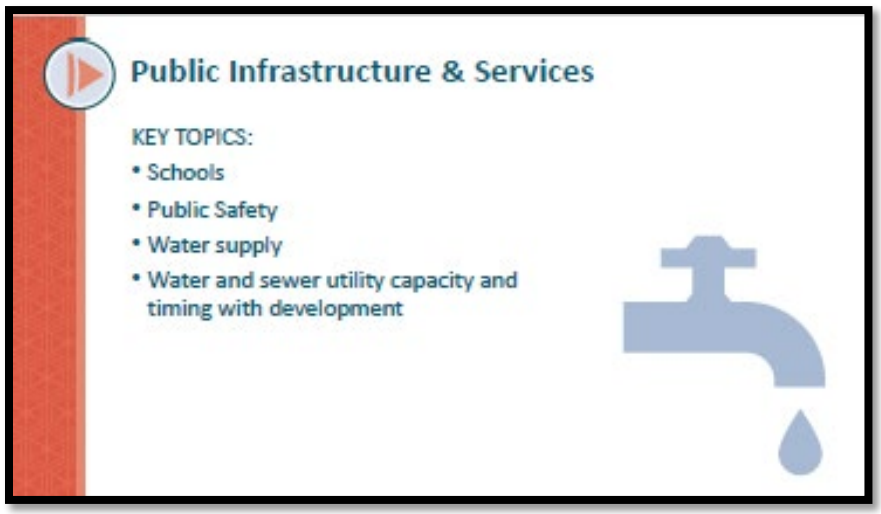

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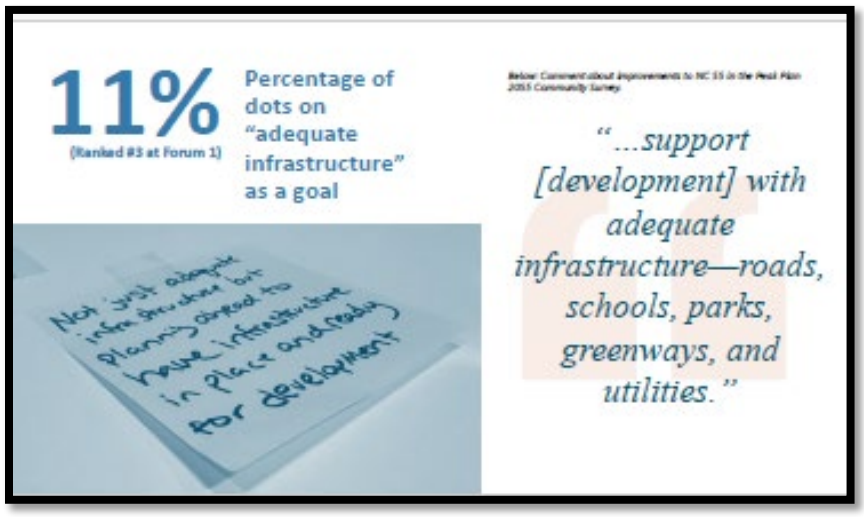

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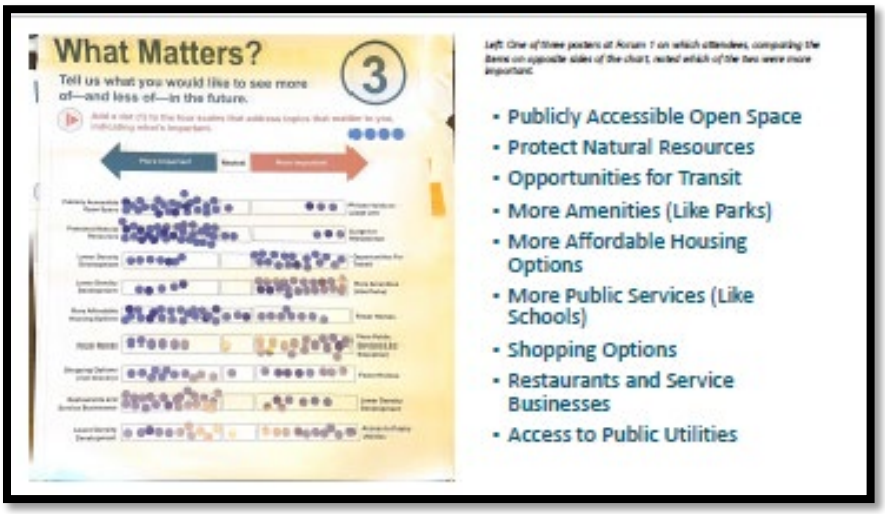

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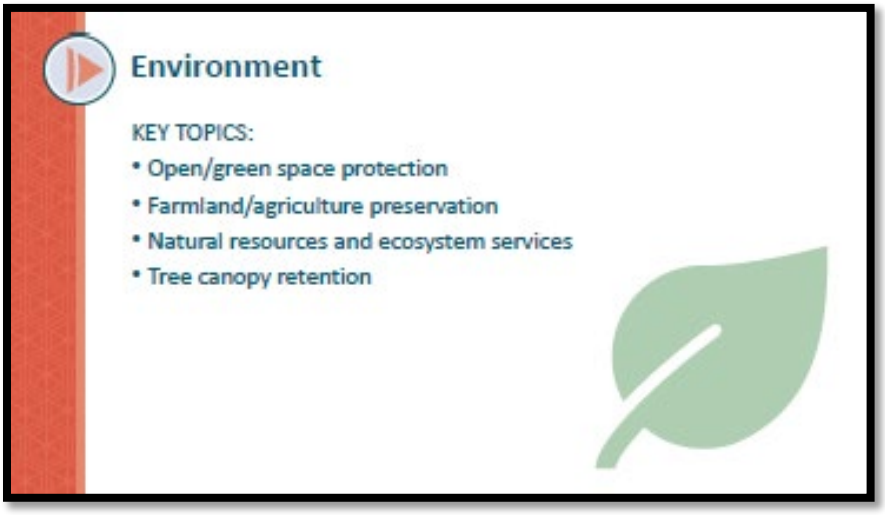

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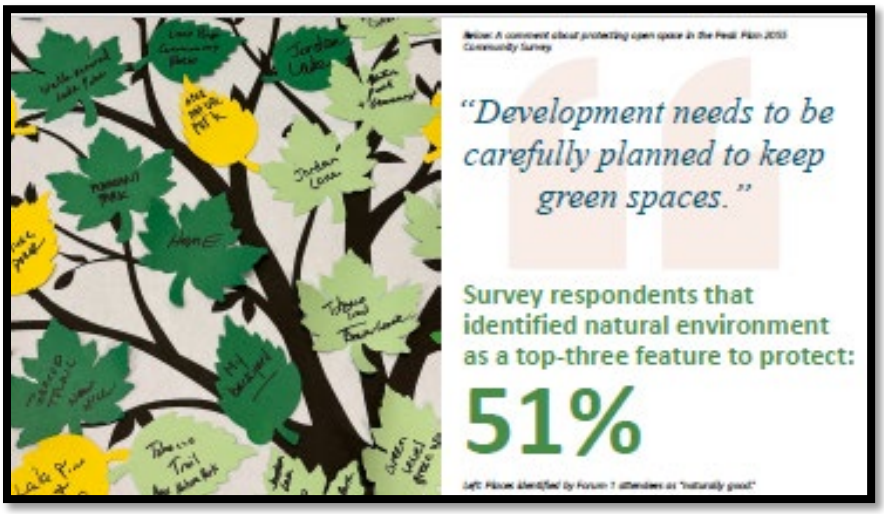

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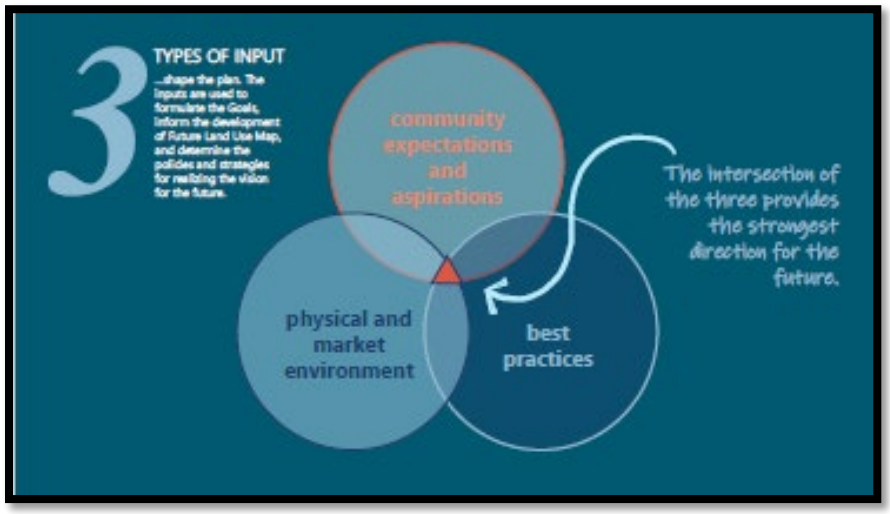

Ms. Nealon turned this part of the presentation over to Mr. Matt Noonkester.

[SLIDE 50]



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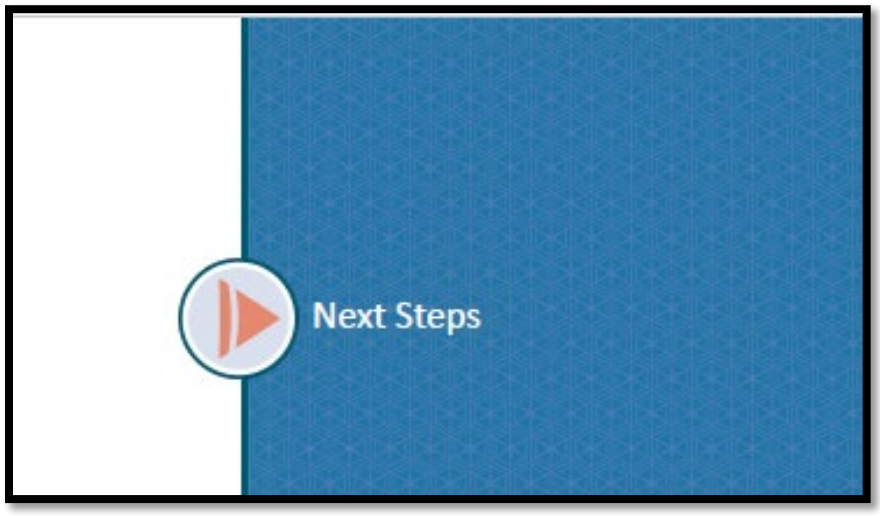


Ms. Nealon continued with the presentation.

[SLIDE 64]



[SLIDE 65]



[SLIDE 65]



Mr. Hitchings asked for Council members to share any key thoughts or questions on their whiteboard.

Councilmember Zegerman asked how Apex could control growth and keep natural resources and could this be learned from other areas in the country and internationally. He gave an example of how bicycle lanes have been handled and how it may have been better if roads had been designed with bicycle lanes in mind.

Mr. Hitchings said that they were not going to respond to most of these comments but said that they do have an extensive inventory of places that they visit and observe both domestically and internationally and will be using that information to use to carry out the work of the plan and partner with Apex staff and the community.

Mayor Pro-Tempore Mahaffey asked how to make sure all voices in the community were represented, and how to balance local versus townwide views on some of the topics. He said that they are given surveys from a select group of residents with strong feelings, and may

not represent the majority of the community, and how to ensure that decisions being made are based on the entire community. He also asked how to balance high level goals residents want versus the practical implications and planning for these projects.

Mayor Gilbert said that his interest is in long-term 2055 Community Planning and particularly the Youth Council involvement.

Ms. Nealon said that she was impressed with the numbers of youth participating and volunteering in the community and that the Youth Council were on their list to explore some ideas with them.

Councilmember Gray said that Council has been discussing the idea of rebalancing residential and commercial development economic mix. He asked if that is the right strategy and a feasible option or should the town be pursuing a different option.

Ms. Nealon said that the jobs and tax base question had surfaced and they would be exploring this.

Councilmember Reese asked how to reconcile the public input on affordable housing and open space, and referred to urban planning. He spoke on the competing interests and priorities, and how tradeoffs exist between what people want most. He said that he appreciated the efforts of the team and the number of residents that responded, and the residents that responded were the most passionate ones, which is still very valuable, but asked how to get more of the general public to participate.

Mr. Hitchings said that they understand the challenges of working with a multi-objective environment and they can help with this challenge.

Councilmember Mu said her key question is how infrastructure can keep up with development while preserving trees and community character, and how to plan better. She spoke about affordable housing and high-density communities, and the challenges in minimizing traffic impacts in tandem. She talked about how Apex can learn from other countries and locations to help make residents happier, as well as achieve the goals they set out to in regards to things like affordable housing.

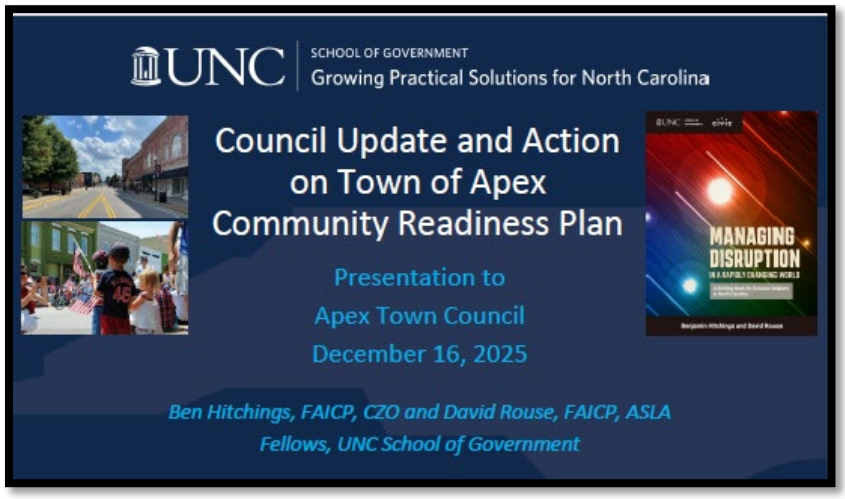
Ms. Nealon said that the topics that were brought up touch on the topics of balance and also education needed while going through this process.

Mr. Hitchings said there was a unique opportunity with the Comprehensive and Transportation Plan at the same time to address some of those overlapping challenges as the plan evolves.

[COMMUNITY READINESS PLAN UPDATE]

Ben Hitchings, FAICP, CZO, Fellow, UNC School of Government introduced Anita Brown Graham and Michael Welker with UNCC School of Government, the NC Impact Program and David Rouse. He gave the following presentation focusing on what Apex should prioritize for inclusion in Community Readiness.

[SLIDE 1]



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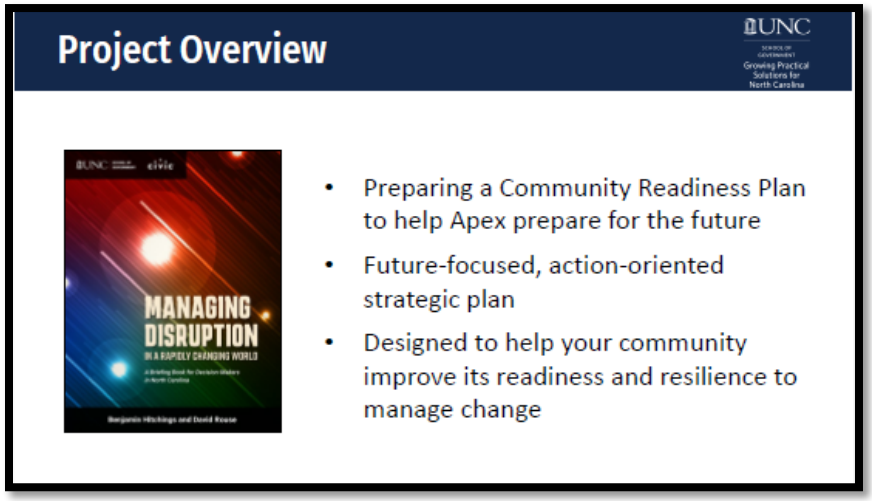

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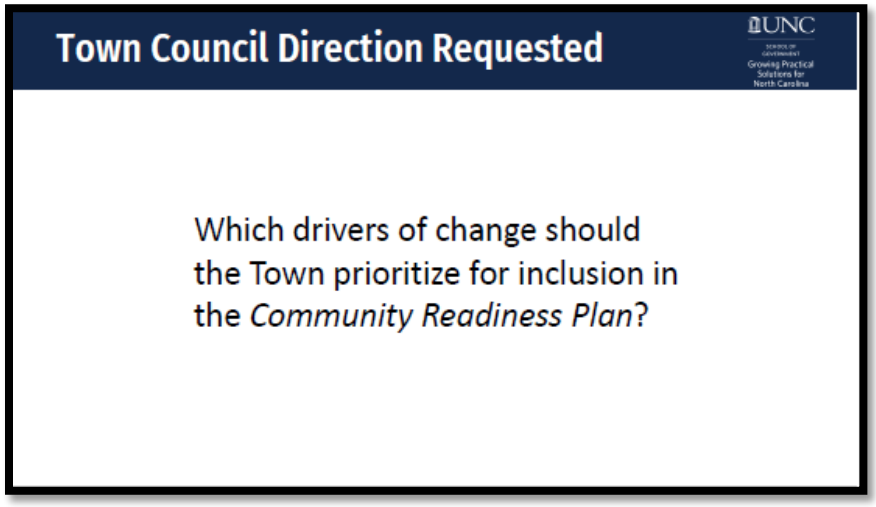

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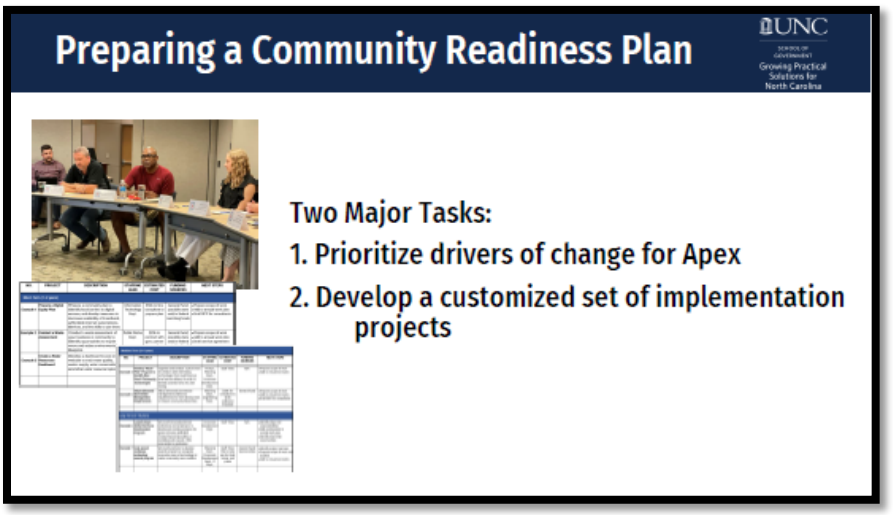

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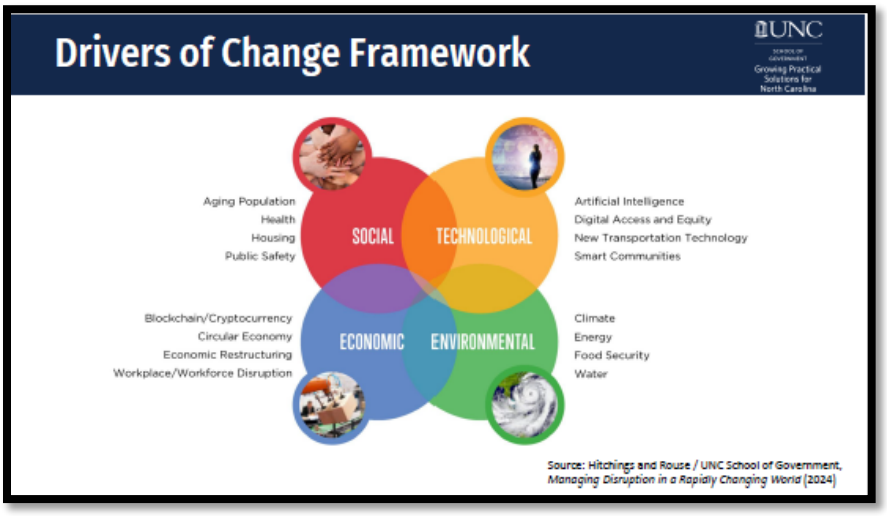

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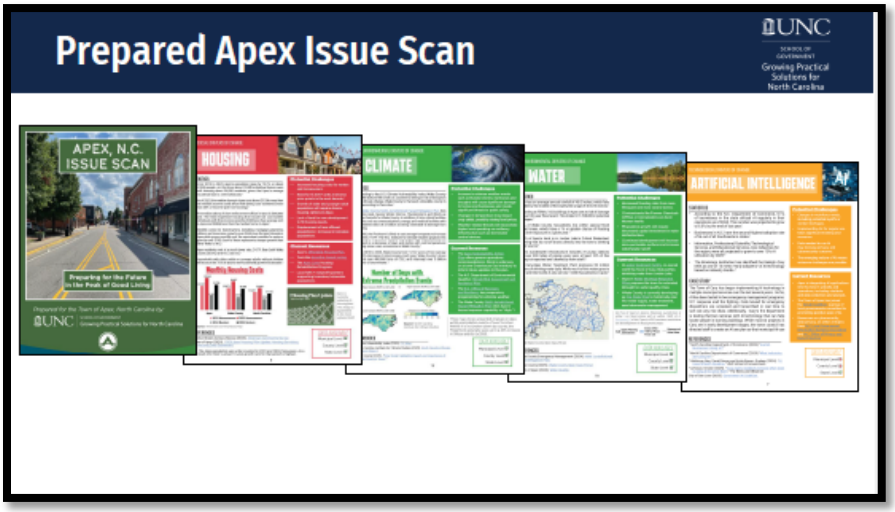

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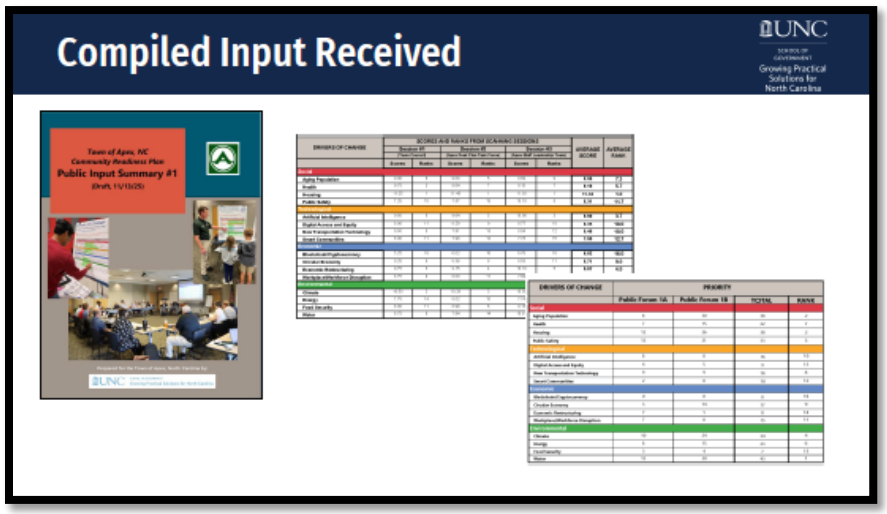

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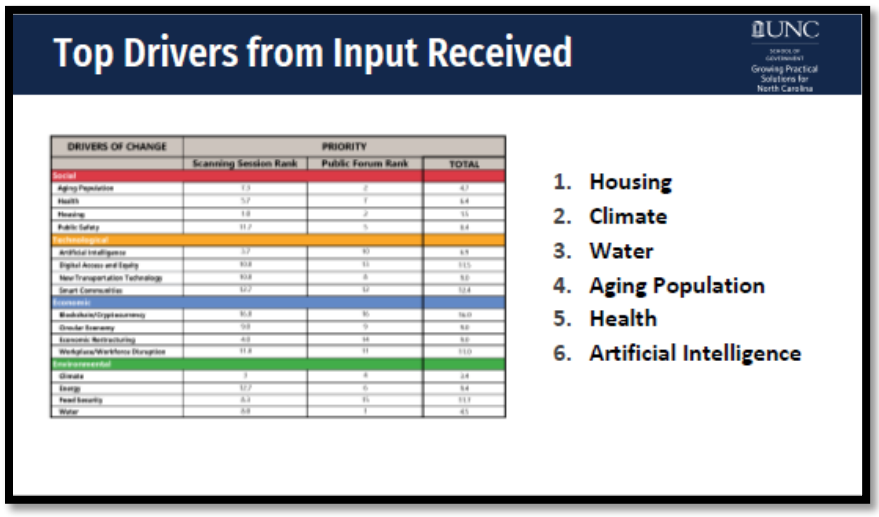

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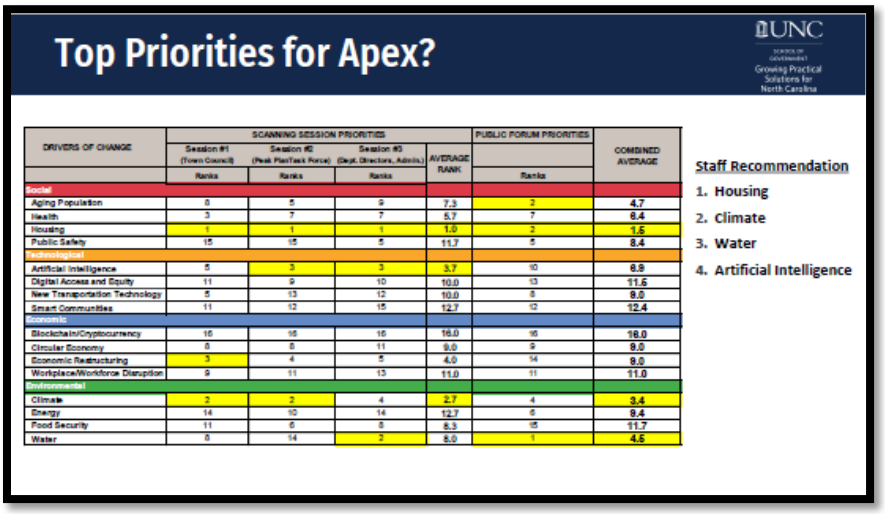


DRIVERS OF CHANGE	SCANNING SESSION PRIORITIES			AVERAGE RANK	PUBLIC FORUM PRIORITIES	COMBINED AVERAGE
	Session #1 (Town Council)	Session #2 (Peak Plan/Task Force)	Session #3 (Dept. Directors, Admin.)			
	Ranks	Ranks	Ranks		Ranks	
Social						
Aging Population	8	5	9	7.3	2	4.7
Health	3	7	7	5.7	7	6.4
Housing	1	1	1	1.0	2	1.5
Public Safety	15	15	5	11.7	5	8.4
Technological						
Artificial Intelligence	5	3	3	3.7	10	6.9
Digital Access and Equity	11	9	10	10.0	13	11.5
New Transportation Technology	5	13	12	10.0	8	9.0
Smart Communities	11	12	15	12.7	12	12.4
Economic						
Blockchain/Cryptocurrency	16	16	16	16.0	16	16.0
Circular Economy	8	8	11	9.0	9	8.0
Economic Restructuring	3	4	5	4.0	14	9.0
Workplace/Workforce Disruption	9	11	13	11.0	11	11.0
Environmental						
Climate	2	2	4	2.7	4	3.4
Energy	14	10	14	12.7	6	9.4
Food Security	11	6	8	8.3	15	11.7
Water	8	14	2	8.0	1	4.5

Ms. Cox said that Planning staff had worked on this project and wanted to provide a staff recommendation as a starting point for discussions, particularly on which drivers to prioritize, and the number one recommendation is housing, the second recommendation is climate, and the third recommendation is water. She said these recommendations were decided on from different scanning sessions, public forums, and staff leadership. She gave more information on other drivers that were also considered but not in the top three recommendations.

Councilmember Zegerman asked what the risks of artificial intelligence were and why it was considered a driver of change and not a solution.

Mr. Hutchings said that artificial intelligence promotes efficiency and productivity but there are risks with data privacy, and referenced the cybersecurity incident that Apex experienced. He said that they wanted to explore and understand both the opportunities and the challenges associated with artificial intelligence. He said that the challenge when trying to prepare is having to make some decisions of how to prepare with less certainty and less information than they normally like to have in local government, and the other option is not to prepare which is not a great option. He said with this type of uncertainty necessitates coming back to this type of exercise in a few years with updated information to see how these trends are evolving.

Councilmember Zegerman said that he was trying to understand why staff believe artificial intelligence is so high up on the list of priorities and what is trying to be achieved for preparedness.

Ms. Cox said that staff are thinking about the energy and support needed for the use of AI and preparing with other discussions.

Town Manager Vosburg said that there were discussions on the potential impact to the area in terms of workforce and potential job replacement as well as housing.

Director Khin said that was part of the discussion.

Councilmember Gray asked what the date of session two was.

Mr. Hitchings said that session two was September 16th and session three was the following morning, September 17th.

Ms. Cox said that Public Forum was October 22nd.

Mr. Hitchings said there are staff recommendations to think through to decide what should be on the list and to finalize the set of priorities.

Mayor Pro-Tempore Mahaffey said he would like to hear thoughts from the new Council members and the Mayor, as they weren't there for the previous discussion on this.

Councilmember Mu asked about Apex water quality, she said that she had experienced change in the taste.

Mr. Hitchings said sometimes the taste changes seasonally as the form of treatment switches. He said that the water issue is broad and it includes both trying to make sure that there is clean water as a resource for drinking, for serving the existing community, for growth and development, and also in regards to flooding.

Town Manager Vosburg said that the water issue is broad, it includes quality and quantity of the water.

Ms. Cox said that, as in other discussions, there were concerns related to climate affecting water or housing, so some of these issues have overlap.

Mayor Gilbert said asked how public safety factors into this as Apex is a growing town, and the perception is that Apex is a safe place. He wondered how to balance that feeling with additional growth.

Town Manager Vosburg said that the Police Chief was at the session and talked about safety and staff had felt Public Safety already was a high priority. He said he wasn't sure if Chief Johansen agreed with where it was, but staff overall felt Public Safety had a lot of effort and resources already going to it, and so other things may need more attention in this context.

Director Khin said there was also the possibility in the future of artificial intelligence intersecting with policing, and the Chief had given an example at the session.

Councilmember Zegerman said that even if they select a top 3 or 4, that wouldn't mean that the remaining items won't be looked at.

Mr. Hitchings said that as Apex grows, the size of the police force, fire department, etc. will need to keep pace to maintain the level of service needed.

Mayor Pro-Tempore Mahaffey said that it wasn't intended to ask staff to develop a detailed plan but to explore new challenges that are more than a standard mitigation plan.

Councilmember Gray said that it wasn't all the problems that needed to solve it was focusing and identifying high risk, low risk, high priority in terms of high opportunity and low priority that is reflected in these numbers for priorities.

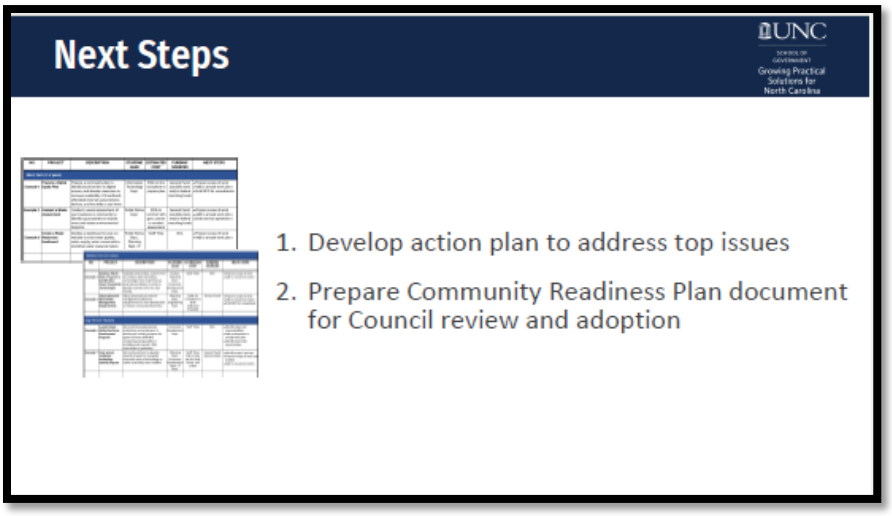
Councilmember Reese asked in terms of recommendations, are they tiered emphasis or is it just the four and the emphasis is equal for each.

Mr. Hitchings said that the issues that Council prioritizes will be the focus of the subsequent efforts to develop a set of implementation projects to increase readiness and resilience to address the chosen priorities, and the other issues will not be looked at unless they intersect with one of the priority issues.

Councilmember Reese clarified the question of between the top four recommendations; would they be prioritized equally.

Mr. Hitchings said yes, they would work to develop appropriate sets of implementation projects for each of them. He gave the next steps and thanked everyone.

[SLIDE 14]



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[CAPITAL IMPROVEMENT PLAN (CIP) OVERVIEW]

Town Manager Vosburg said that the next presentation was a CIP overview with an emphasis on overview. He said that the overall CIP goes beyond 5 years and includes future years and there is a request of $645 million total, with $367 million funded. He gave an overview of how these amounts are broken down and said there are significant decisions to be made and the timeline to prepare the budget. He asked Jessical Hoffman, Director, Budget and Performance Management, to begin the presentation.

Director Hoffman gave the following presentation.

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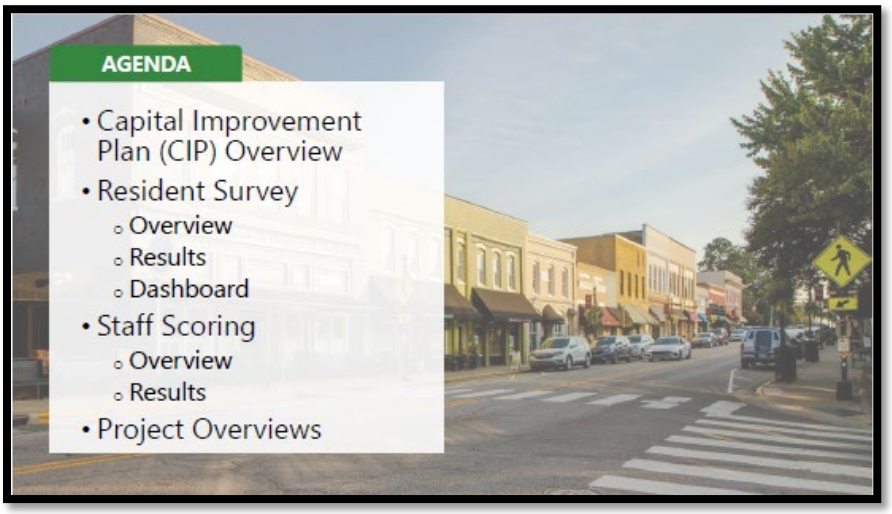

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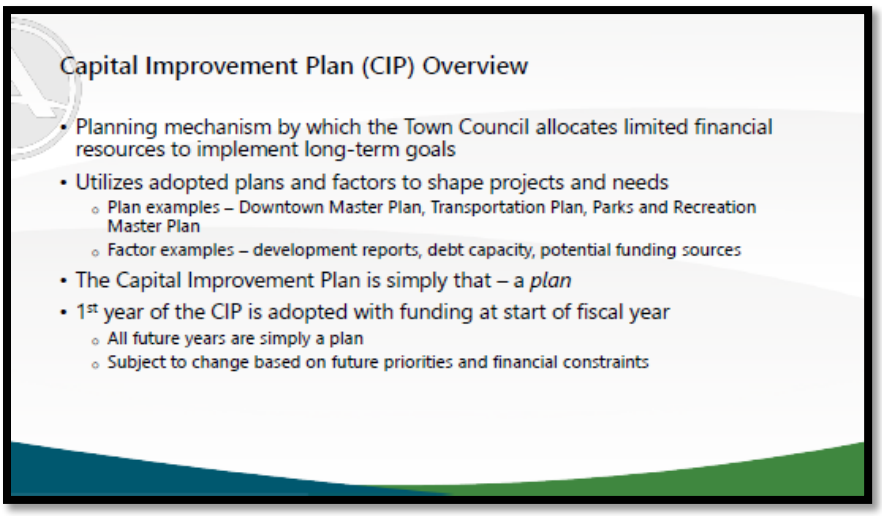

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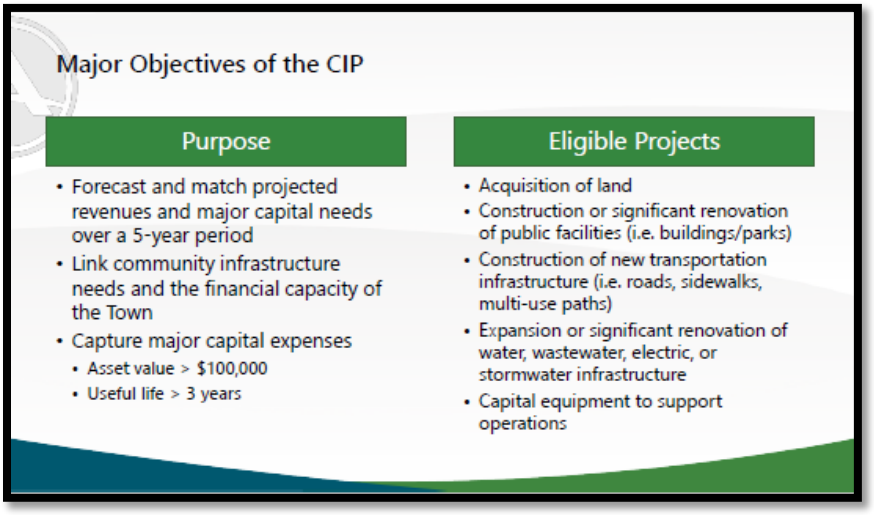

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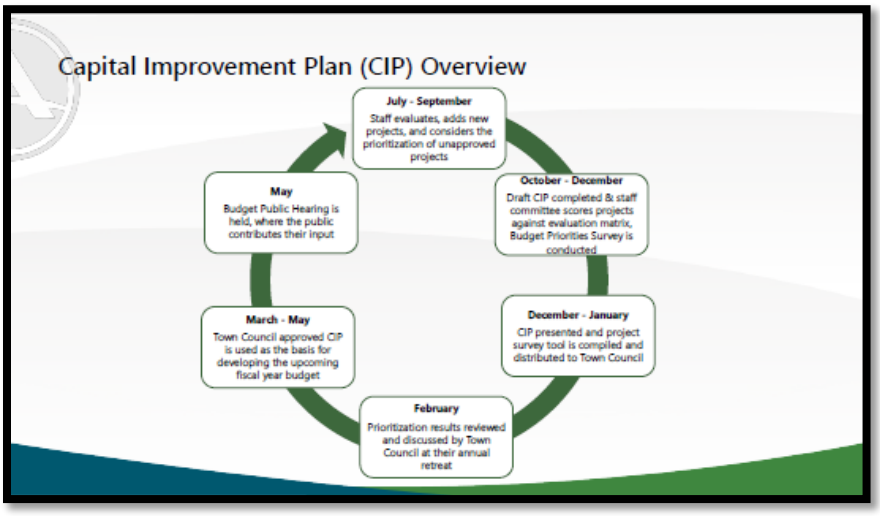

Director Hoffman introduced intern and UNCC MPA candidate, Rachel Wooster.

Ms. Wooster gave the following part of the presentation.

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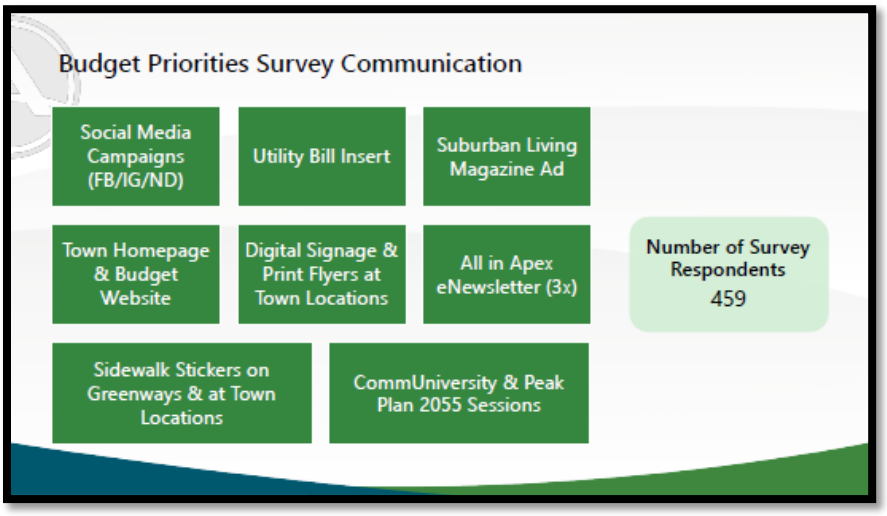
[SLIDE 7]



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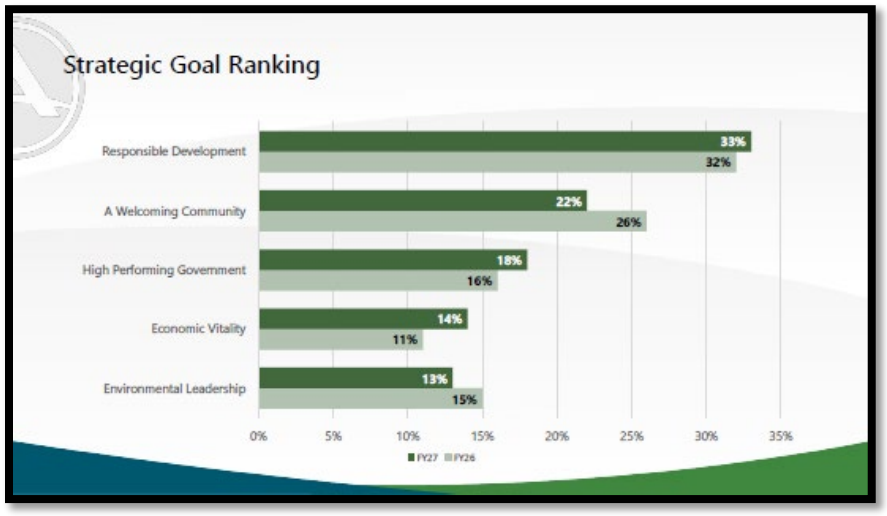

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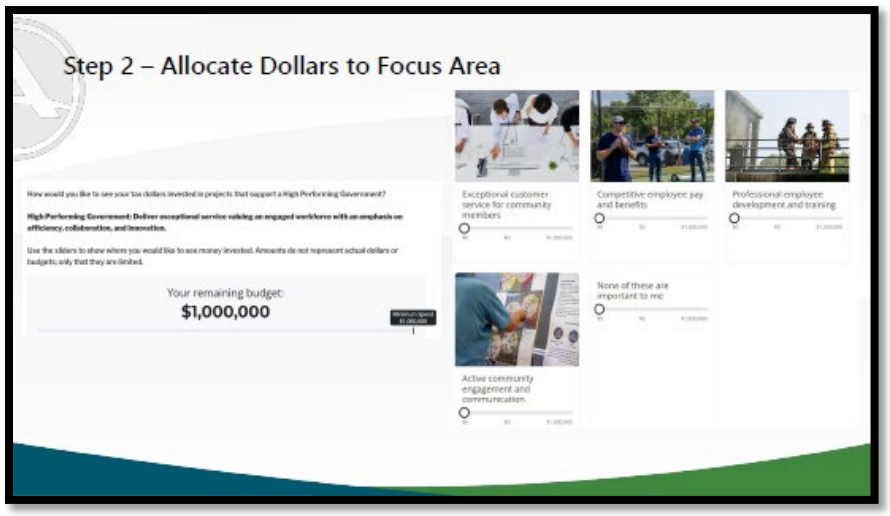

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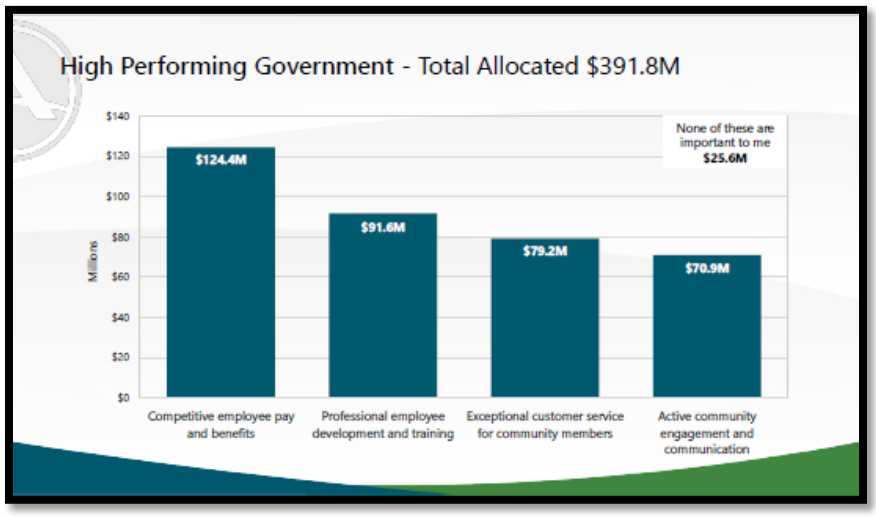

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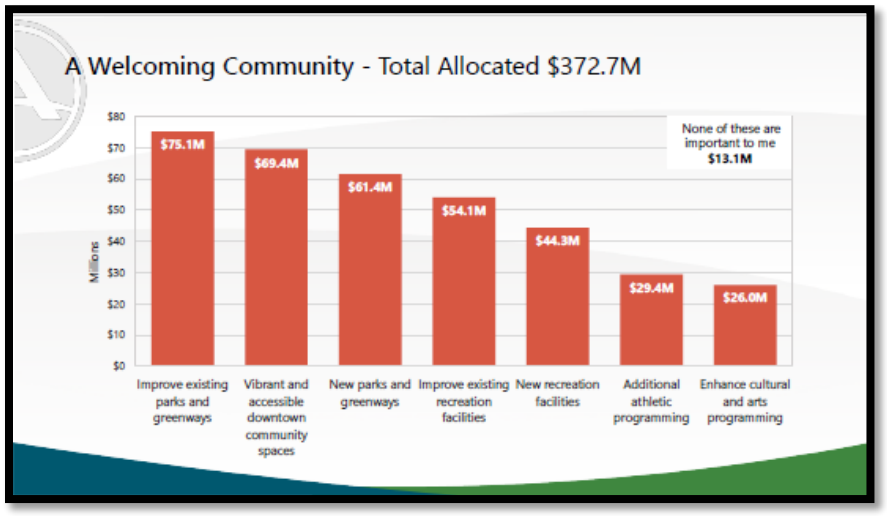

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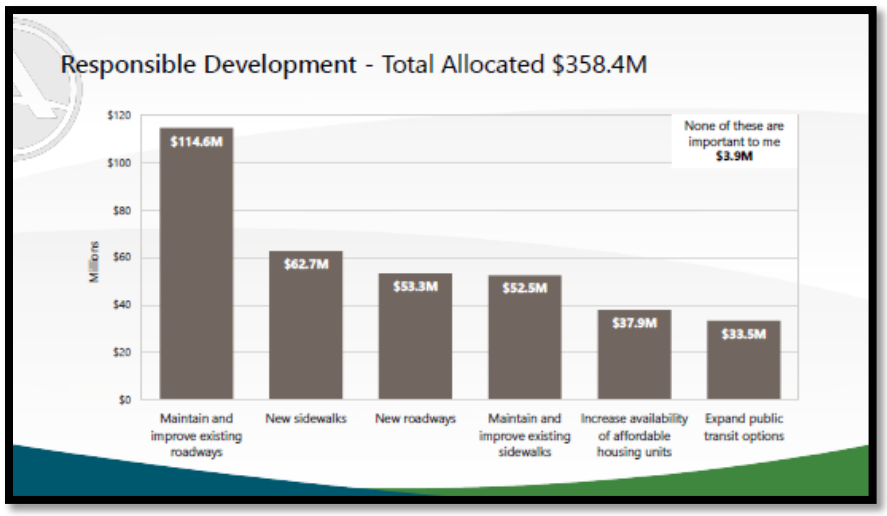

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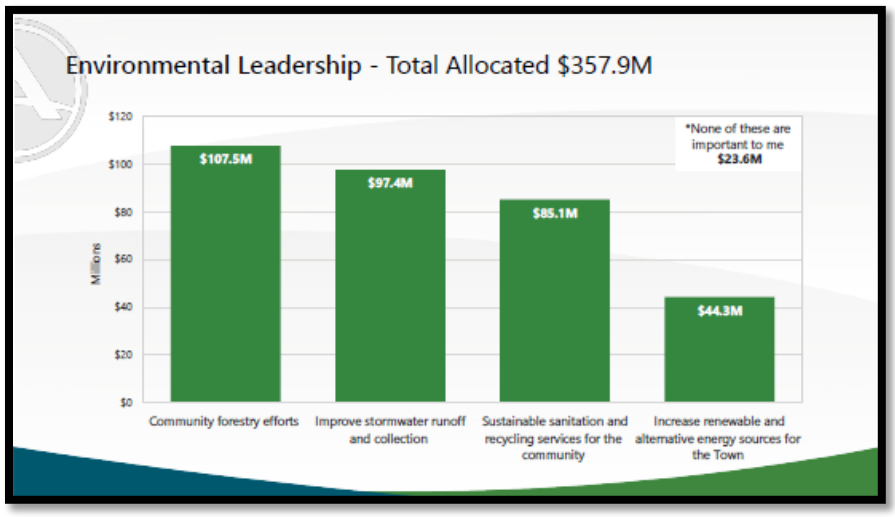

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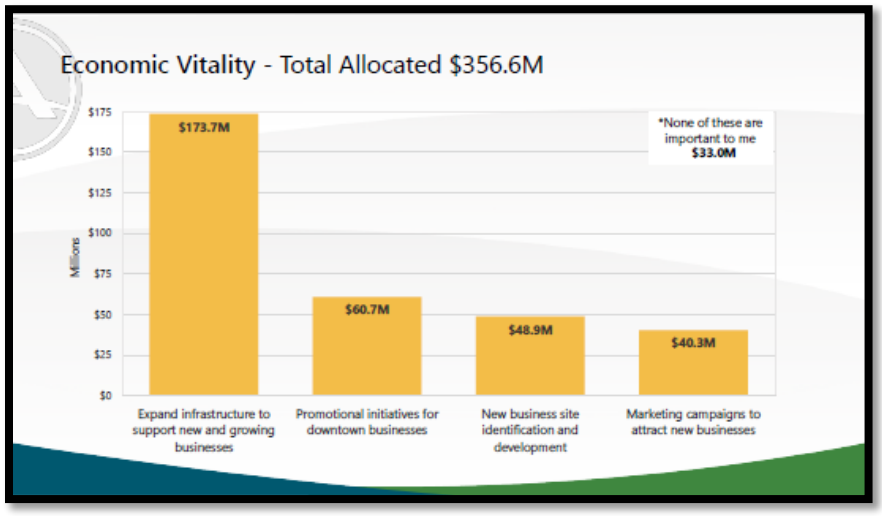

Councilmember Zegerman asked for Ms. Wooster to explain how the dollar amounts were ranked.

Ms. Wooster it has to do with the focus area questions and when given a broad category of strategic goals sometimes it is not clear which category it fits in, but when there are focus areas given and the categories within it, priorities can change because it is better understood what each area includes.

[SLIDE 17]



[SLIDE 18]



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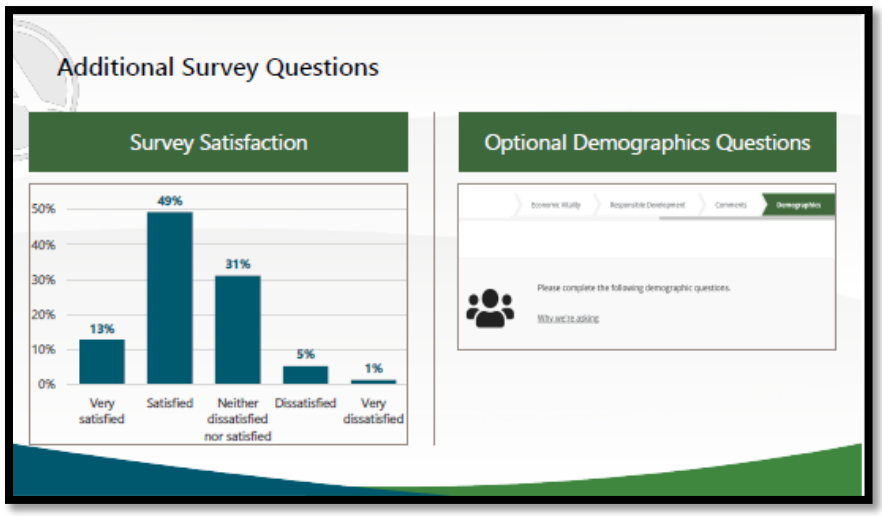

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Ms. Wooster concluded this part of the presentation with a dashboard, showed how it worked, and gave examples of questions.

Director Hoffman resumed this part of the presentation.

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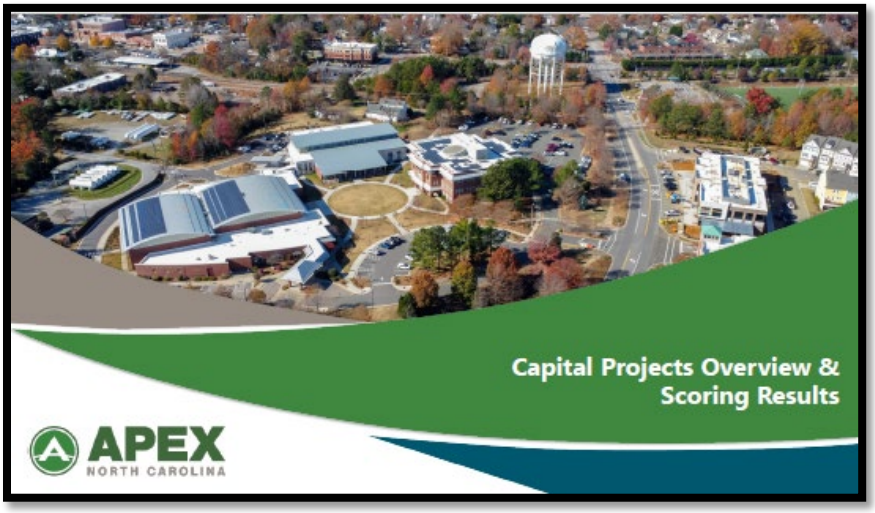

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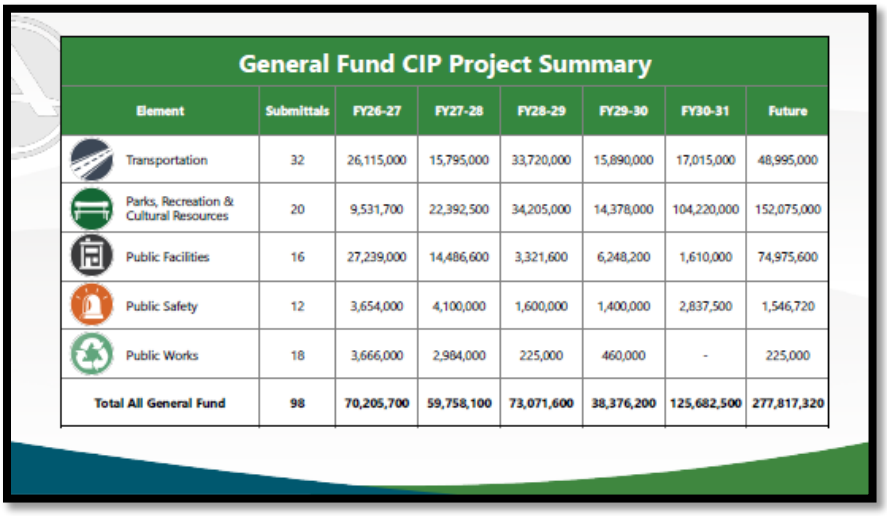

General Fund CIP Project Summary

Element	Submittals	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	Future
Transportation	32	26,115,000	15,795,000	33,720,000	15,890,000	17,015,000	48,995,000
Parks, Recreation & Cultural Resources	20	9,531,700	22,392,500	34,205,000	14,378,000	104,220,000	152,075,000
Public Facilities	16	27,239,000	14,486,600	3,321,600	6,248,200	1,610,000	74,975,600
Public Safety	12	3,654,000	4,100,000	1,600,000	1,400,000	2,837,500	1,546,720
Public Works	18	3,666,000	2,984,000	225,000	460,000	-	225,000
Total All General Fund	**98**	**70,205,700**	**59,758,100**	**73,071,600**	**38,376,200**	**125,682,500**	**277,817,320**

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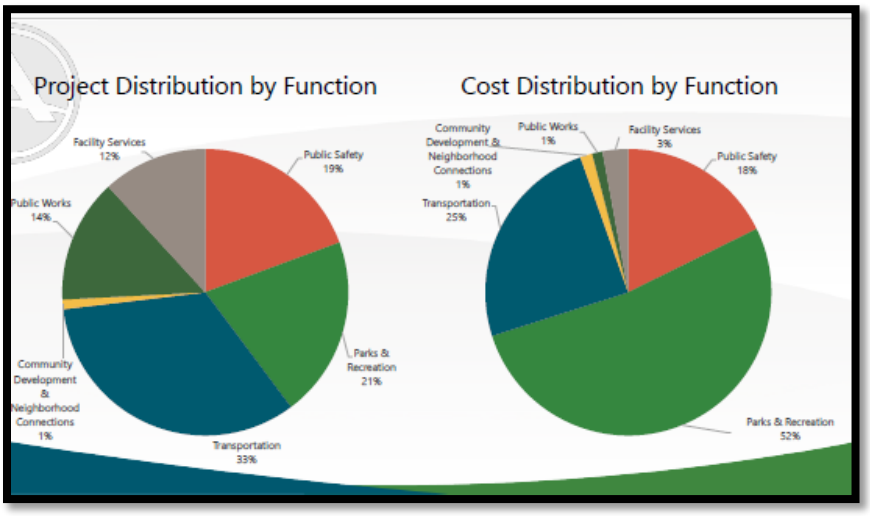

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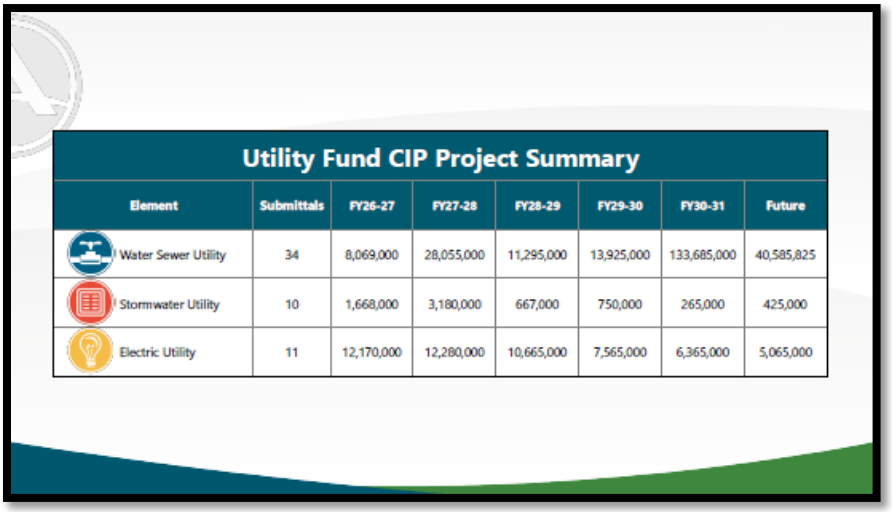

Utility Fund CIP Project Summary

Element	Submittals	FY26-27	FY27-28	FY28-29	FY29-30	FY30-31	Future
Water Sewer Utility	34	8,069,000	28,055,000	11,295,000	13,925,000	133,685,000	40,585,825
Stormwater Utility	10	1,668,000	3,180,000	667,000	750,000	265,000	425,000
Electric Utility	11	12,170,000	12,280,000	10,665,000	7,565,000	6,365,000	5,065,000

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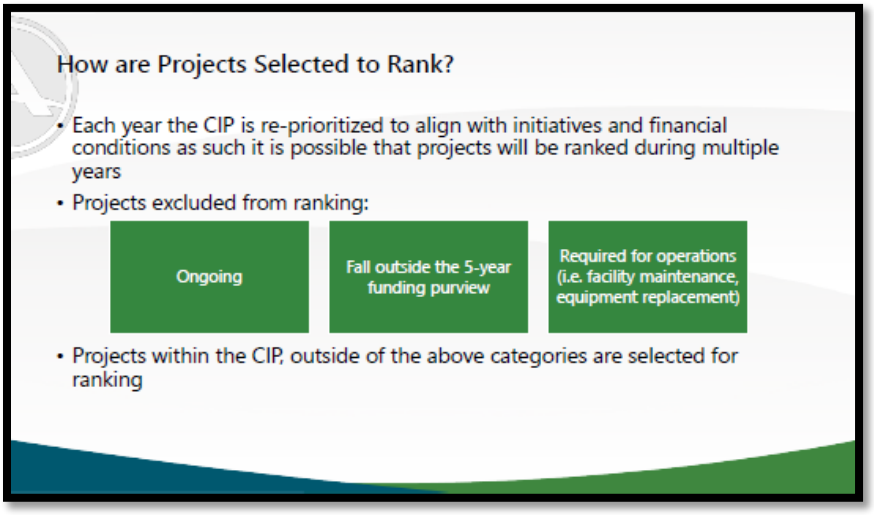

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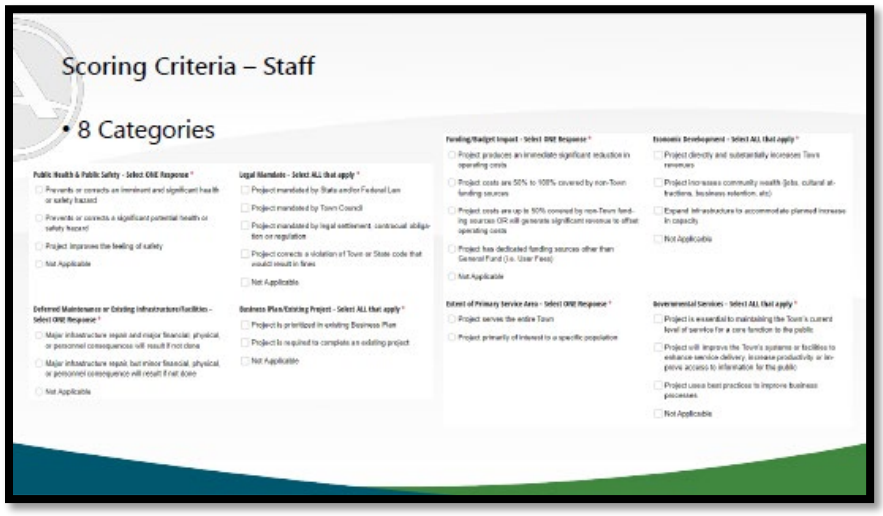

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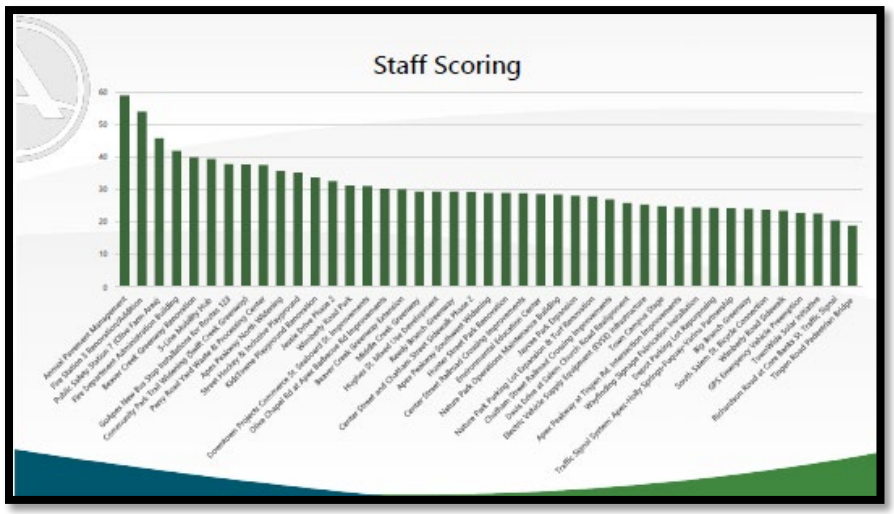

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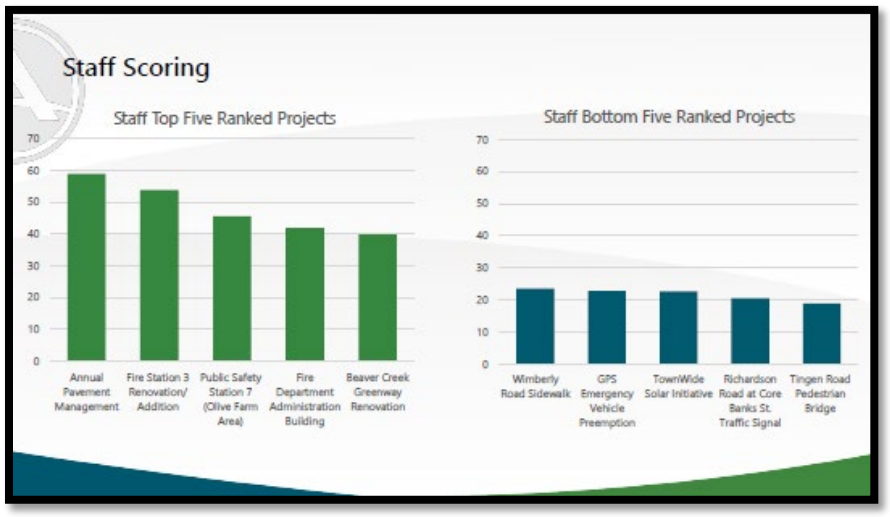

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[SLIDE 30]



Councilmember Zegerman asked if in the project rating criteria accounted for public input, because it seems there is a disconnect between the public input was for priorities and the staff-ranked priorities.

Director Hoffman said this doesn't include public input, as that was running as a separate survey. She said that the categories are based on the project meeting certain criteria such as if it has a positive budget, is it addressing public service concerns, and other criteria.

Town Manager Vosburg said there are two different backgrounds that are being drawn from and the true blend is a balance in his opinion.

Councilmember Zegerman said that in his opinion, the public input should be weighed in the decision-making process, including decisions from staff. He said that without clear authority or transparency over why certain criteria are applied, the scoring may not be clear and would like the reasons to be explained, for example when a project is mandated or required for certain legal reasons.

Mayor Pro-Tempore Mahaffey said that there could be a list of projects from staff giving information such as what projects were already initiated or required instead of just discretionary.

Town Manager Vosburg said the number one from staff was annual pavement and infrastructure as a major priority when reviewing the overall project list specifically from the public perspective.

Councilmember Gray said that the public priorities may vary from staff's priorities.

Mayor Pro-Tempore Mahaffey said of it was already tied to funding, as some of the money coming in for pavement cannot be reallocated to other things. He asked if the $24 million was total backlog on the Annual Pavement Management.

Director Hoffman said that was the total over the next five years and the backlog was fully funded by the $10 million from the bond funds received.

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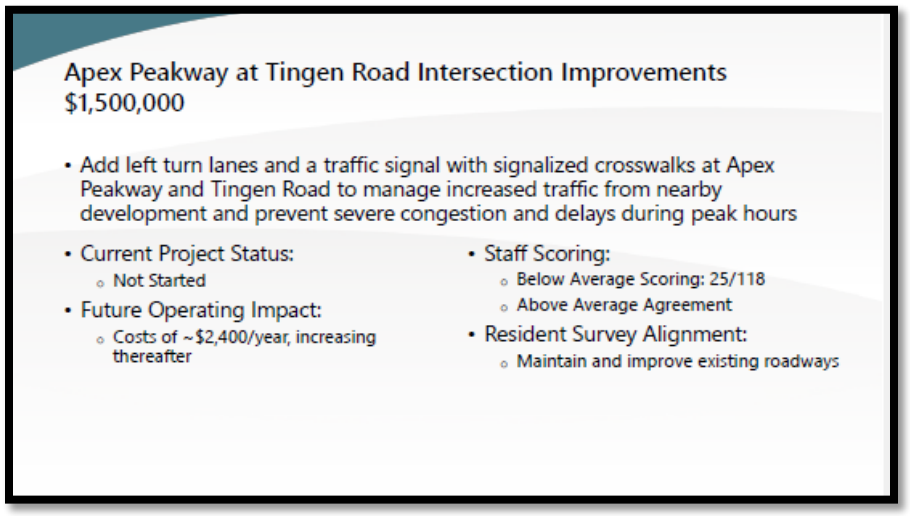

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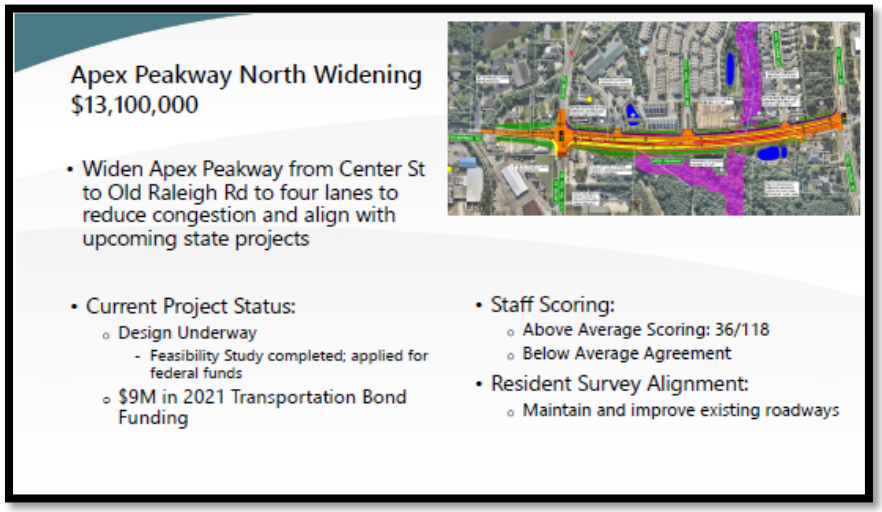

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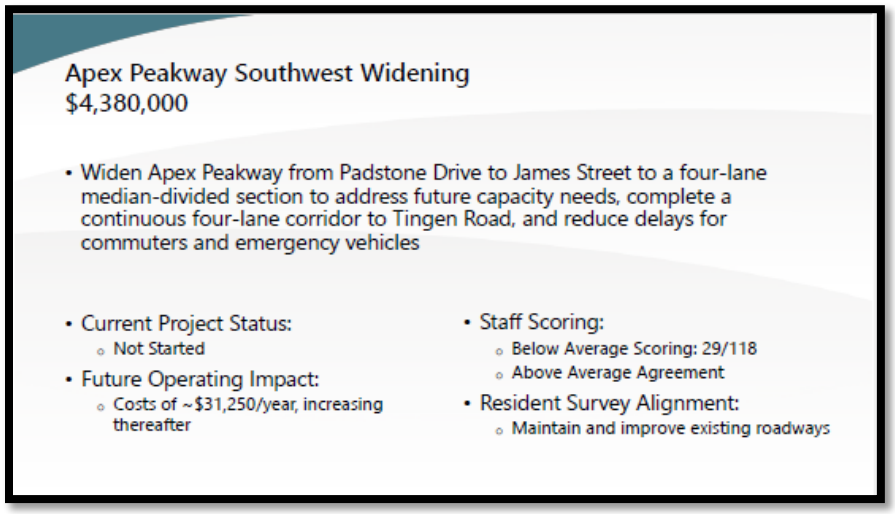

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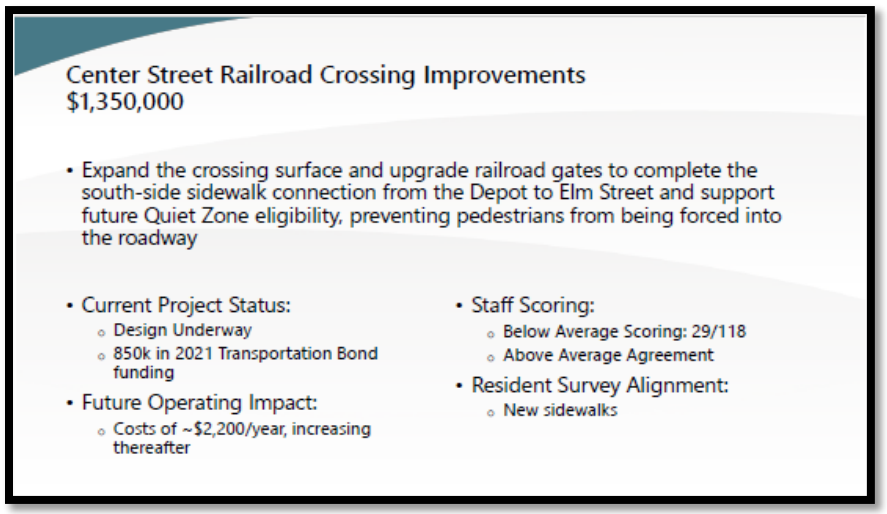

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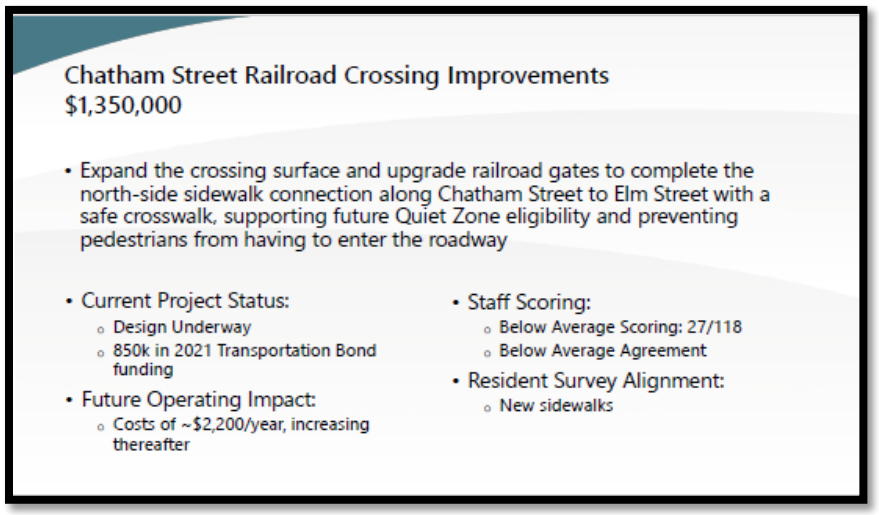

Councilmember Zegerman asked if the improvements are establishing the quiet zones.

Mr. Dalton said there is a separate process that sort of runs parallel with an agreement for sidewalk projects, and that would be with the Federal Railroad Administration.

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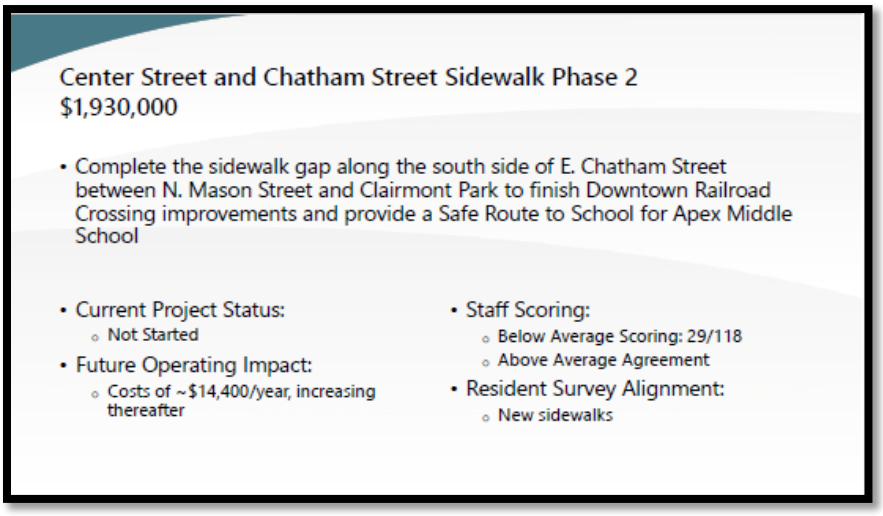

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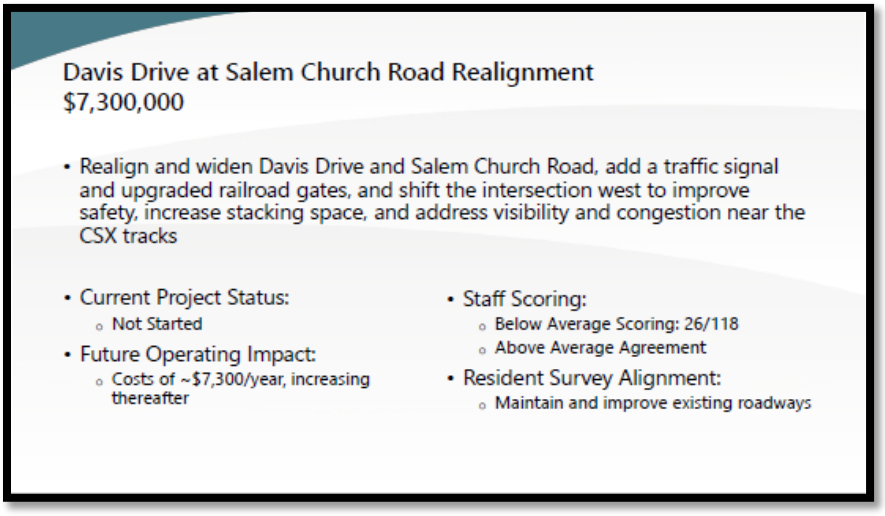

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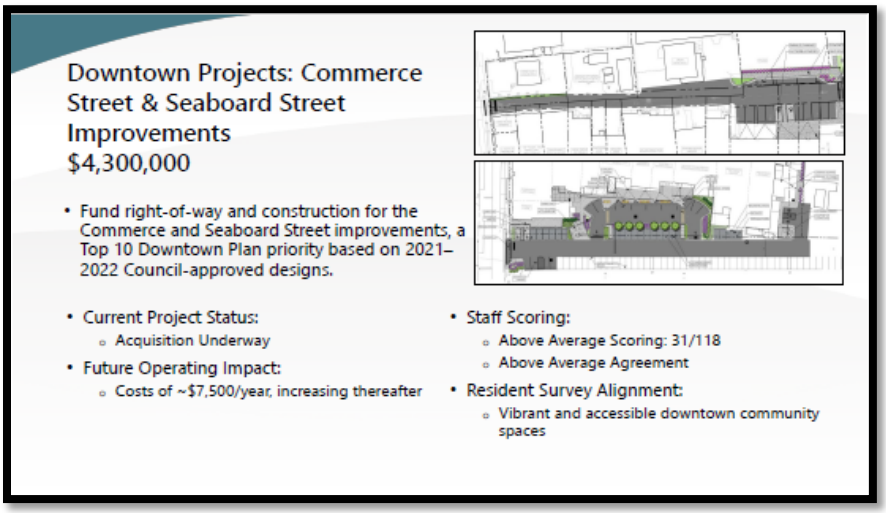

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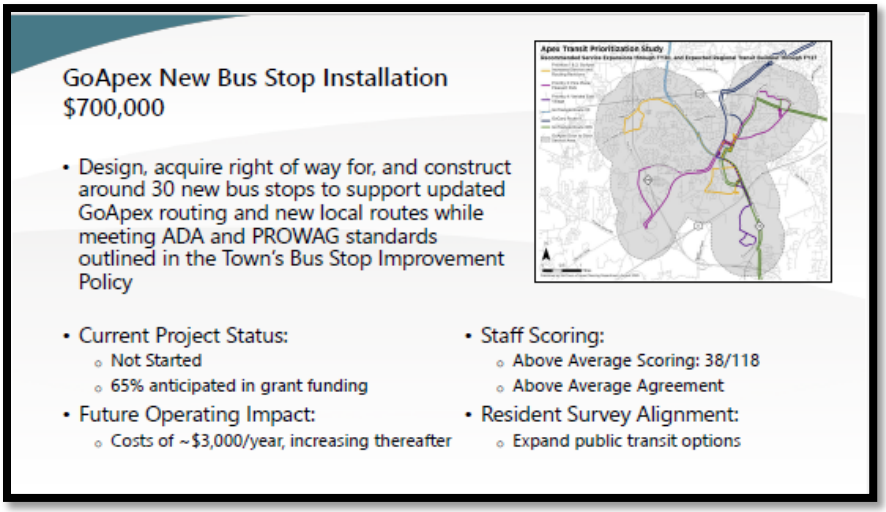

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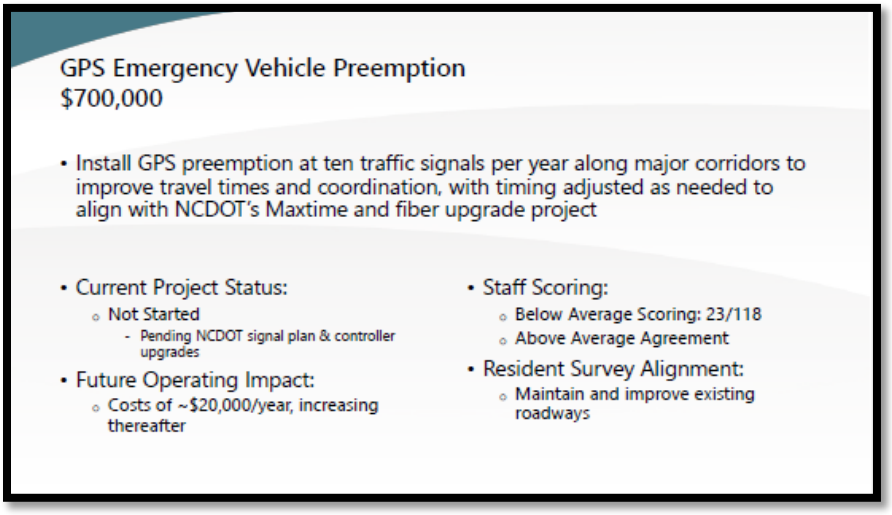

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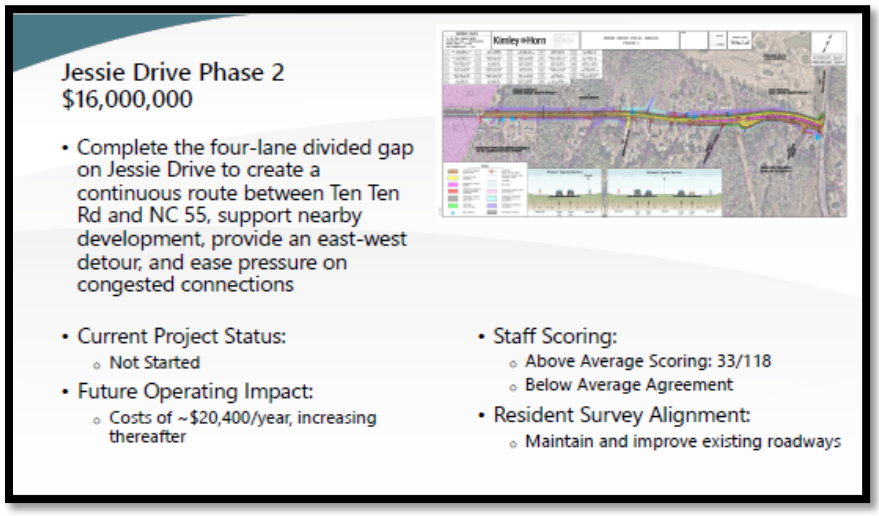

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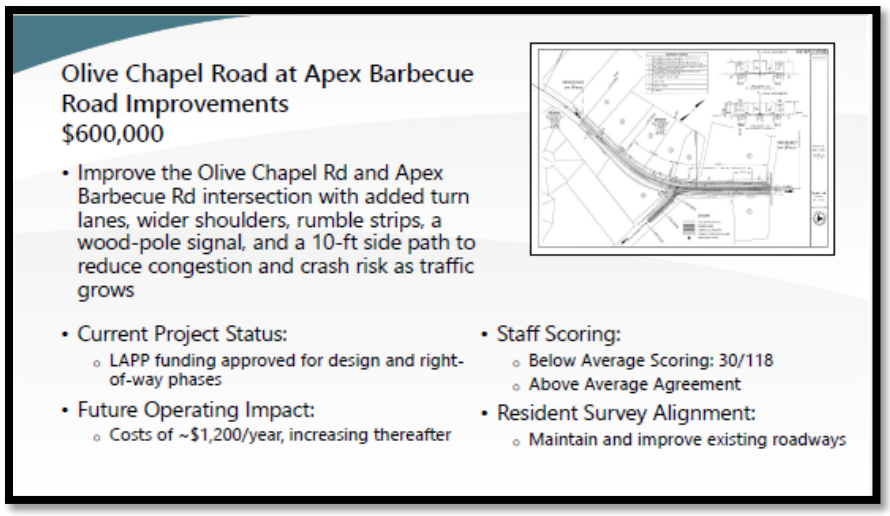

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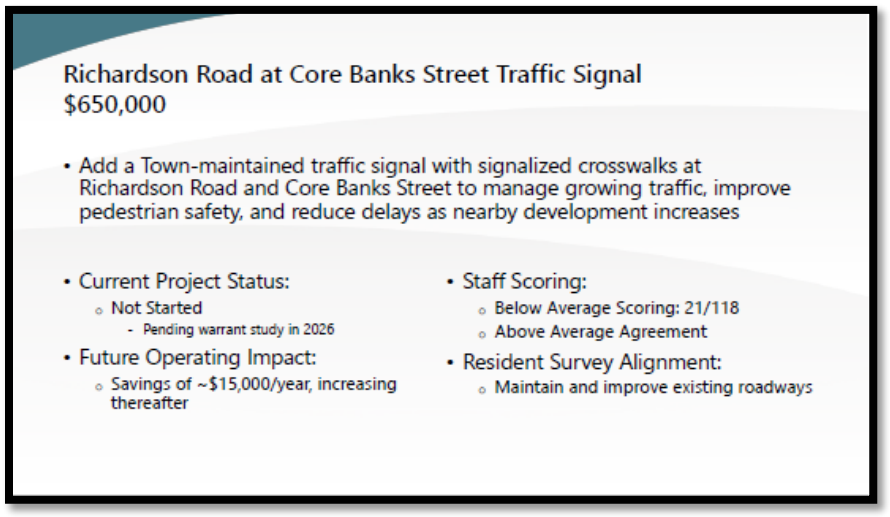

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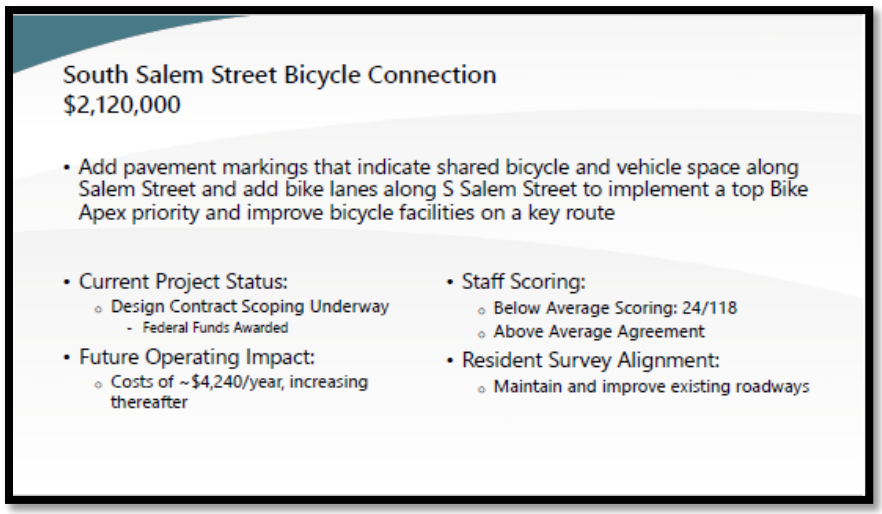

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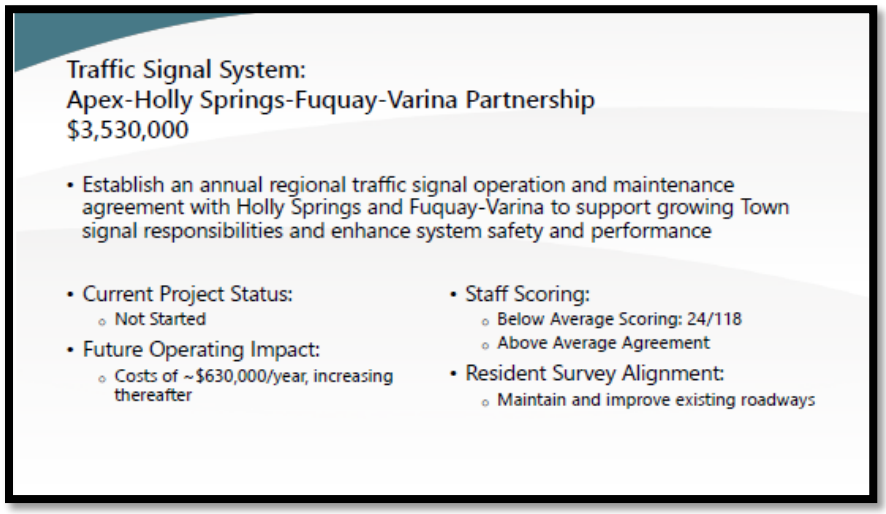

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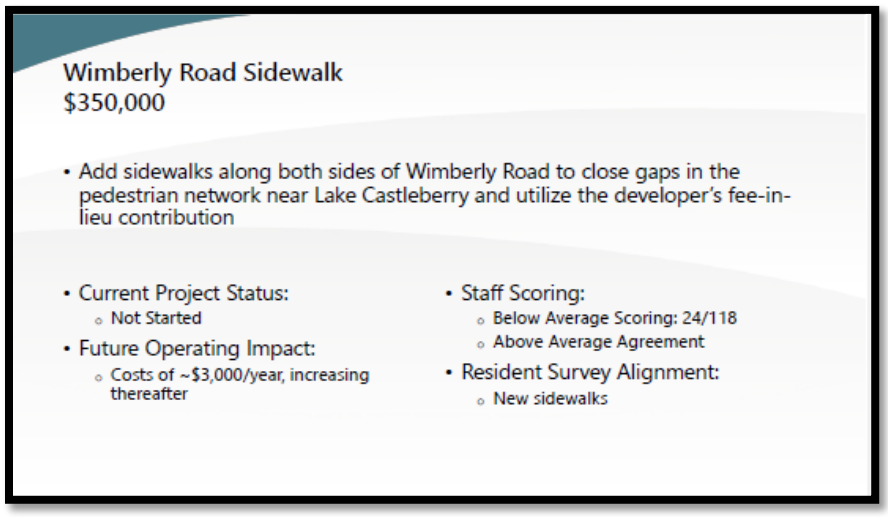

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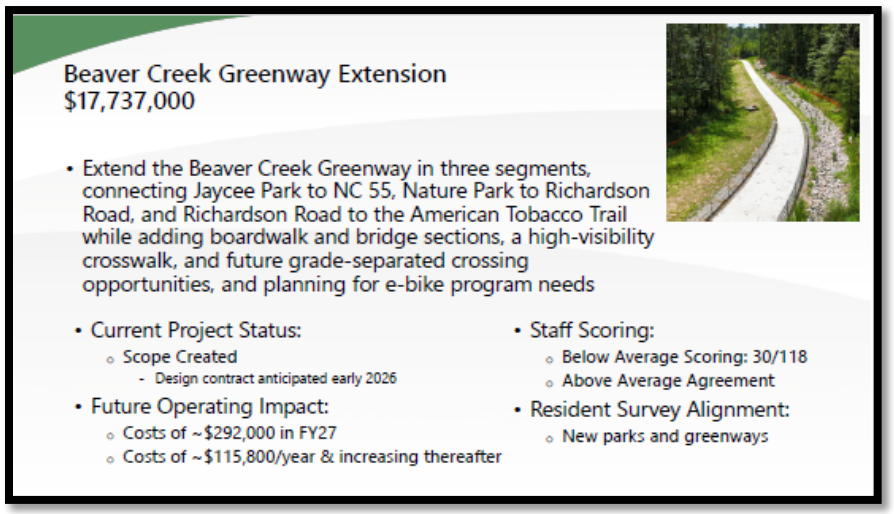

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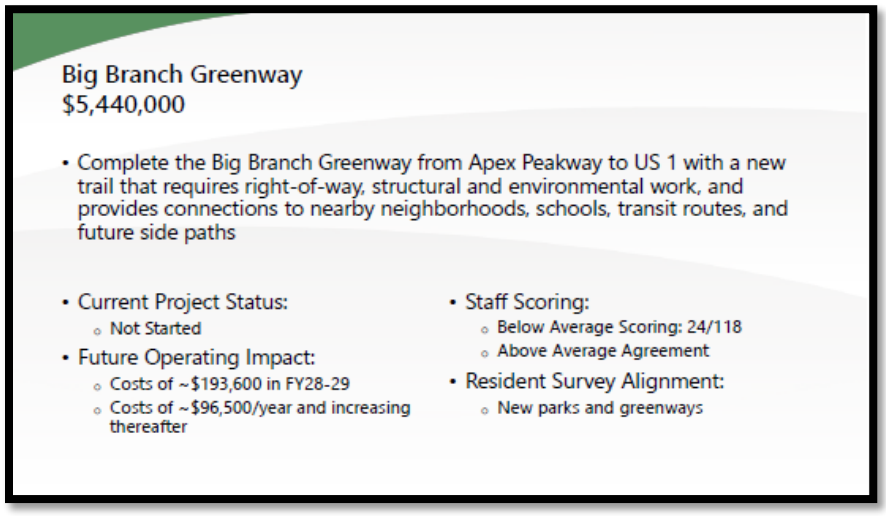

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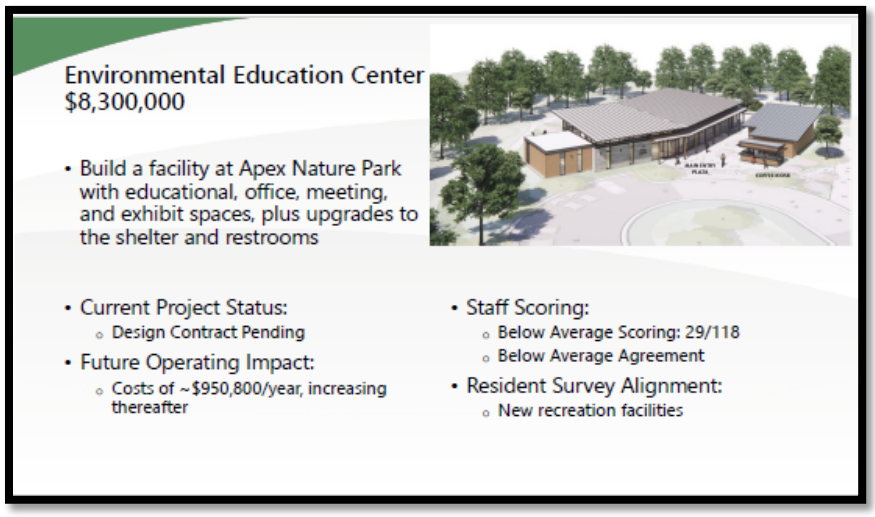

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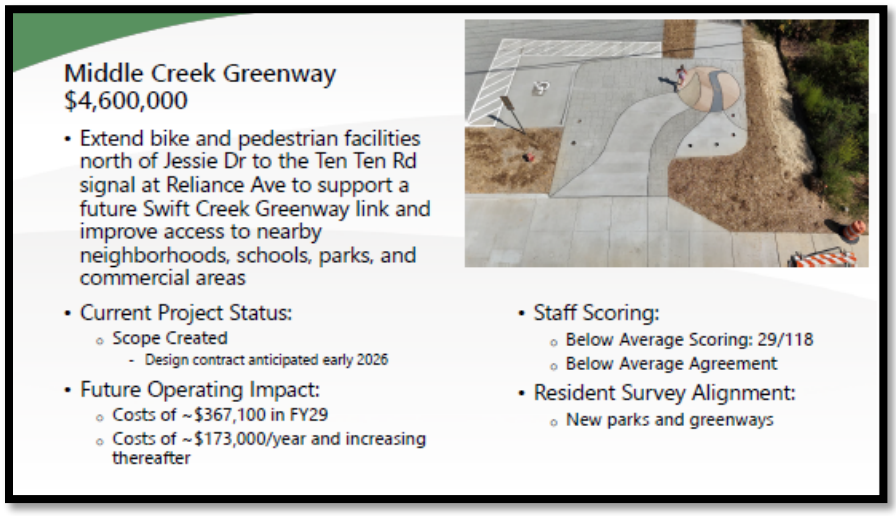

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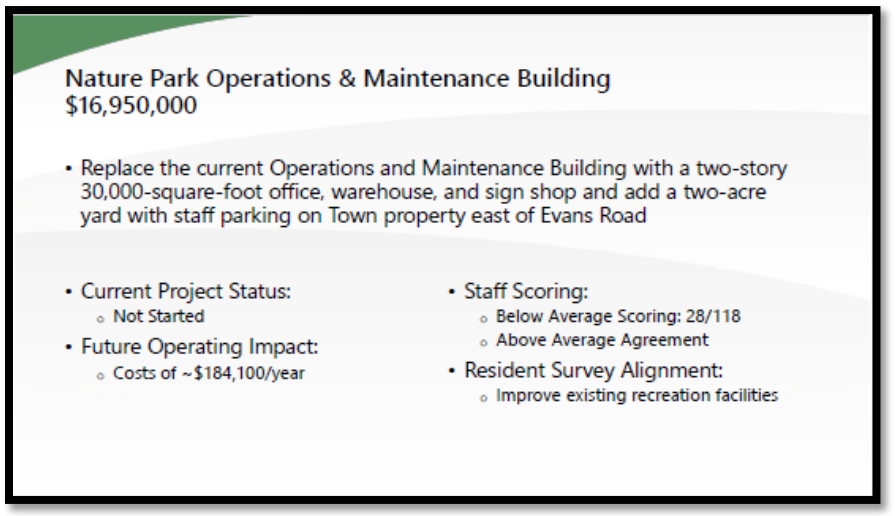

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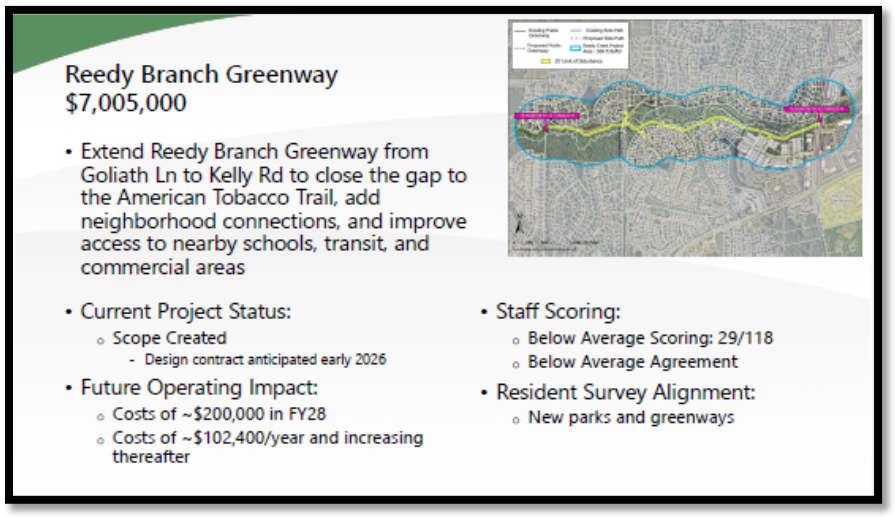

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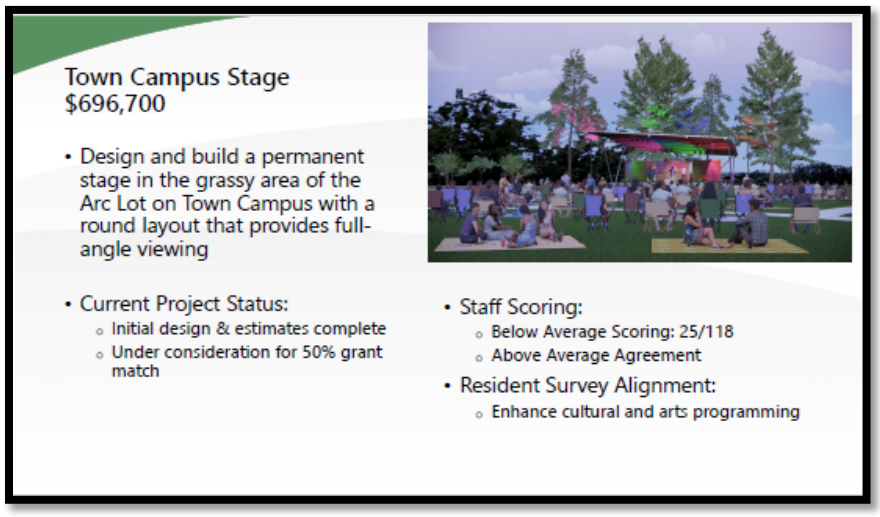

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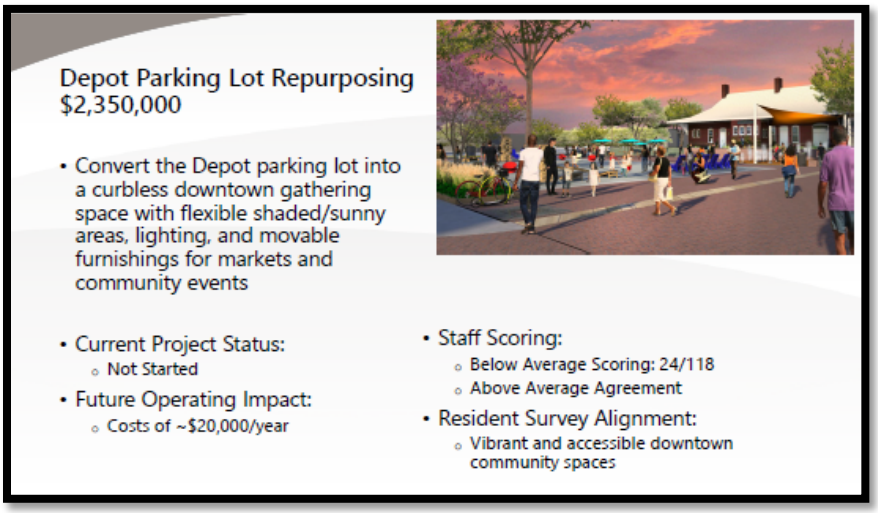

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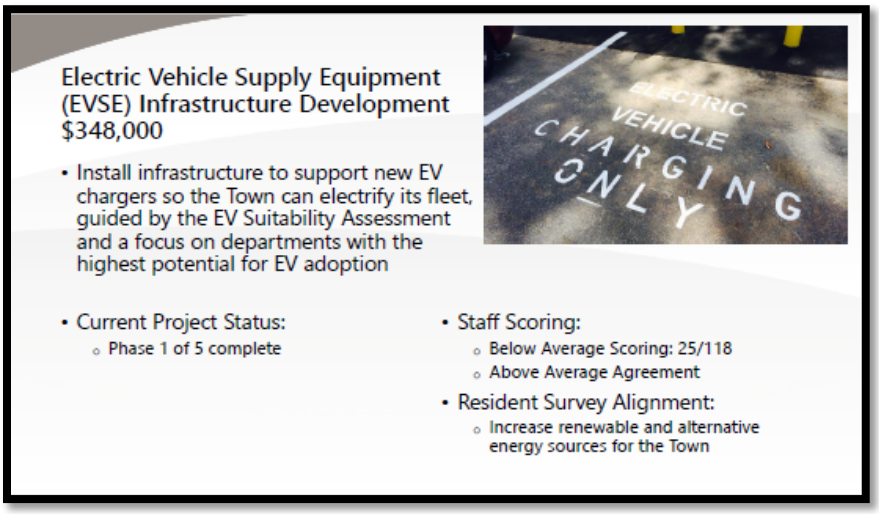

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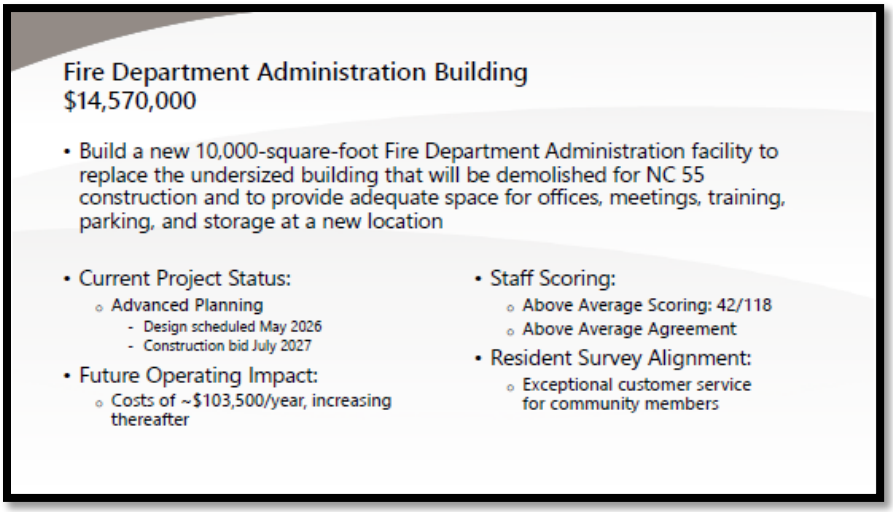

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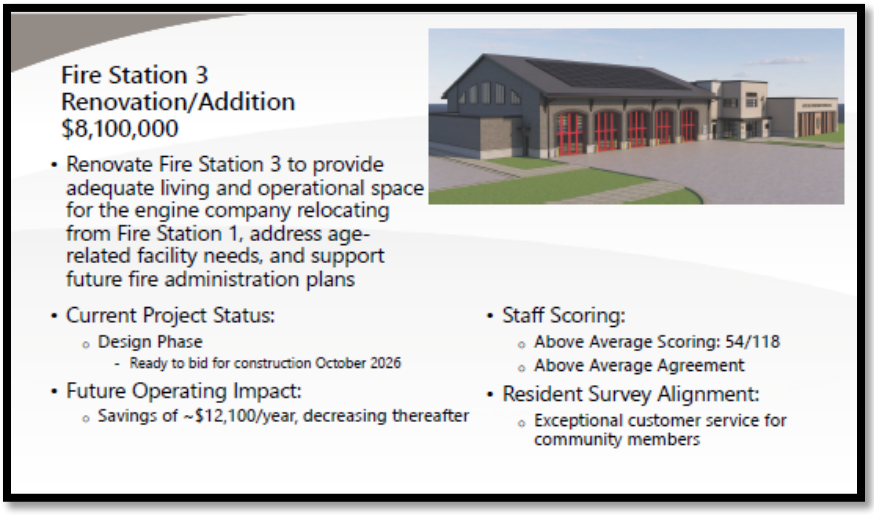

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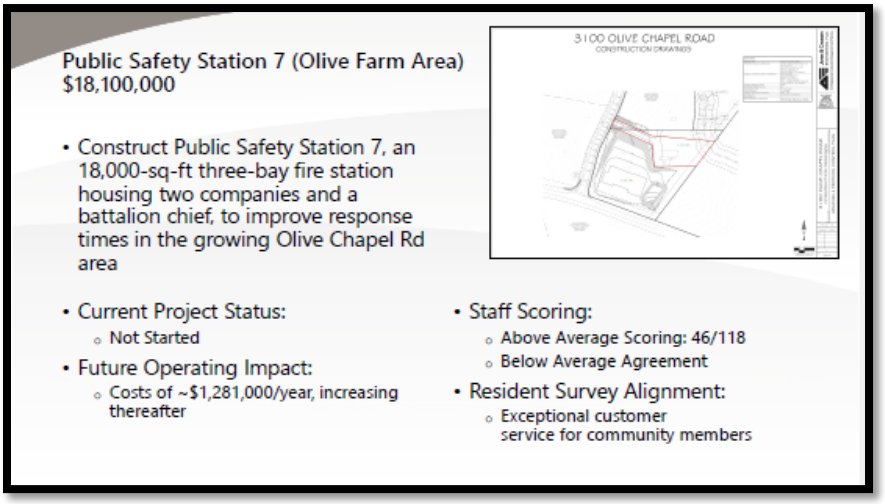

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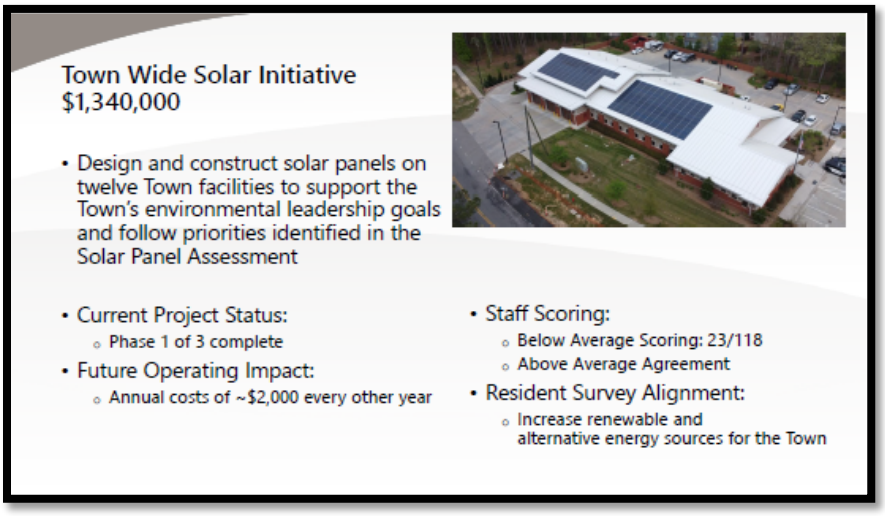

[SLIDE 74]



Director Hoffman asked if there were any questions.

Mayor Pro-Tempore Mahaffey asked if certain projects like Wimberly Road were reflected in the current amounts.

Director Hoffman said that they were not reflected

Mayor Pro-Tempore Mahaffey asked if there were other things than the CIF debt funding line at $12 million per year and the $100 Million parks bond.

Director Hoffman said that there are two options with the parks bond, one is that it cannot use the CIF funding for a few years to bank it until you get to the $100 million and use it for the park and then it wouldn't have to do any kind of tax rate increase to offset the bond, or the other option is to completely separately the CIF fund and fund the project every couple of years and do a bond which would come with a tax rate increate to support funding the debt payment. She said this is Apex's capital investment fund as it is being funded currently and the general fund transfers currently as well, so when you add park funds to that it covers that project or if you decide to increase the capital fund that would also change.

Mayor Pro-Tempore Mahaffey asked if the current study stays at $12 million a year.

Deputy Town Manager Purvis said it is financing not $12 million in projects, and it is taking the money and financing it over 20 years, so that is the debt service payment which will be about a penny on the tax rate.

Mayor Pro-Tempore Mahaffey asked if the fund transfer was $7 million.

Director Hoffman said fund transfers were projects that would be included in the budget whether they come from the general fund money and is on top of the CIF, and the CIF allocation is the penny allocation being talked about, and there were 7 cents which is transferred to the debt fund for funding the CIF, additionally they fund projects through regular general fund money as well.

Councilmember Zegerman asked if the net expense to the town or is this the total cost of the projects.

Director Hoffman said that this is the total cost of the projects.

Councilmember Zegerman asked for what the town's expense for the projects.

Director Hoffman said that they would include this information in the full packet from the prioritization exercise.

Mayor Gilbert thanked Director Hoffman for the presentation of the projects. He asked what the process was.

Director Hoffman said that staff has to resubmit every project each year and update the cost per square foot for the estimated building based on the most recent projects and the projects are reviewed for the most up-to-date costs. She said that they do apply escalators for future years and the future projects have a certain percentage added for increasing costs.

Councilmember Mu confirmed that the CIP plan is 5 years, and said that from the presentation she recalled that there would be 7 cents to 11 cents increase on the tax rate.

Director Hoffman said that if everything is fully funded today, that is correct.

Councilmember Mu said that we don't have to fully fund everything today.

Director Hoffman said that was correct, and that this is where prioritization comes into play and what is being shown for the options.

Town Manager Vosburg said that considering what the tax increase for capital would be, there is also a consideration for the operational side, for example bringing a new park online, there would be staffing required to be added as well.

Mayor Gilbert asked if there were any other questions.

Town Manager Vosburg said that getting Council feedback, taking into consideration the public factor will help put forward a financially feasible plan and budget to bring back for consideration.

There was a 5-minute break at **5:49 PM.**

Council returned at **5:54 PM.**

[CONSTRUCTION CONTRACT AWARD – SALEM STREETSCAPE PROJECT]

Town Manager Vosburg said that this item was supposed to have been on the last regular Council agenda but there was still some work on negotiation details. He invited Chris Johnson, Director of Transportation and Infrastructure Development Department to give the presentation.

Chris Johnson, Director, Transportation and Infrastructure Development Department gave the history and overview of the project and said that **Adam Stephenson**, Transportation Engineering Manager, would be giving the following presentation.

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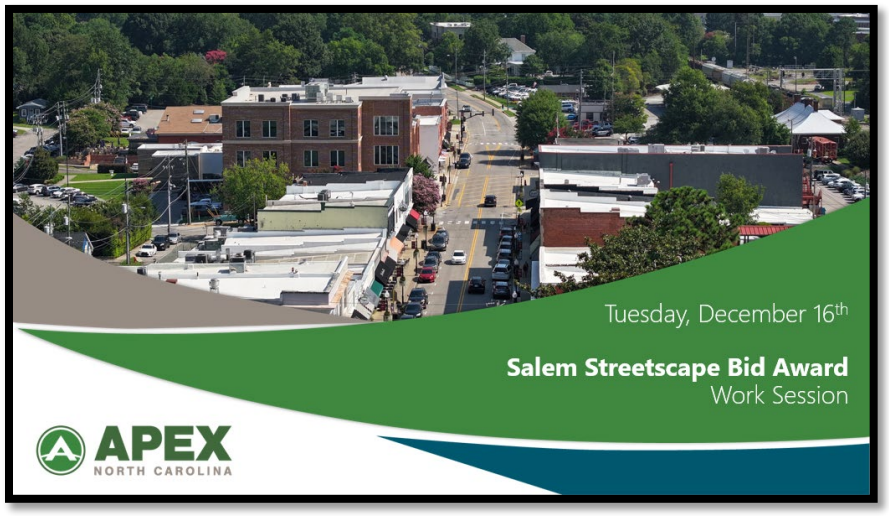

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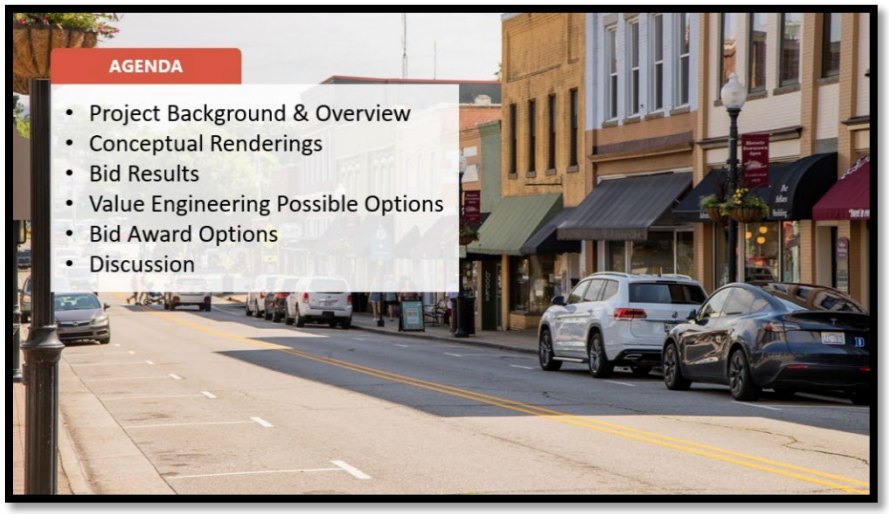

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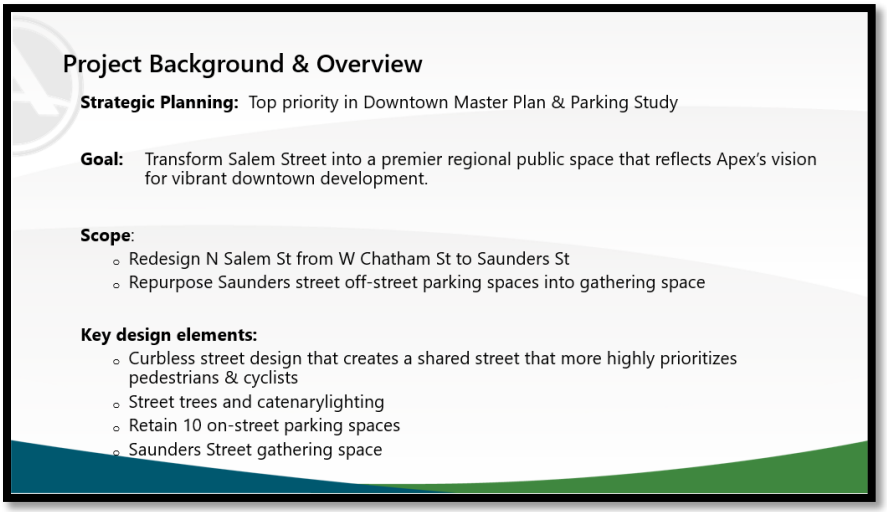

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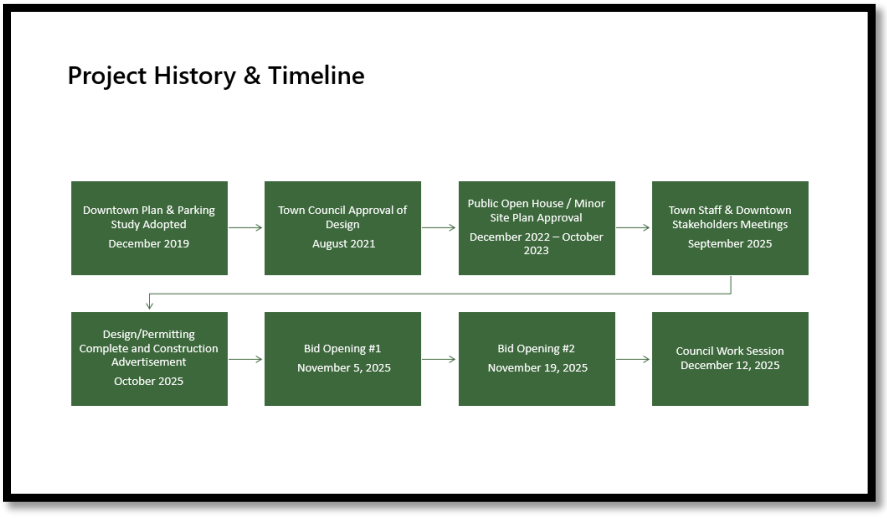

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Mr. Stephenson gave this portion of the presentation.

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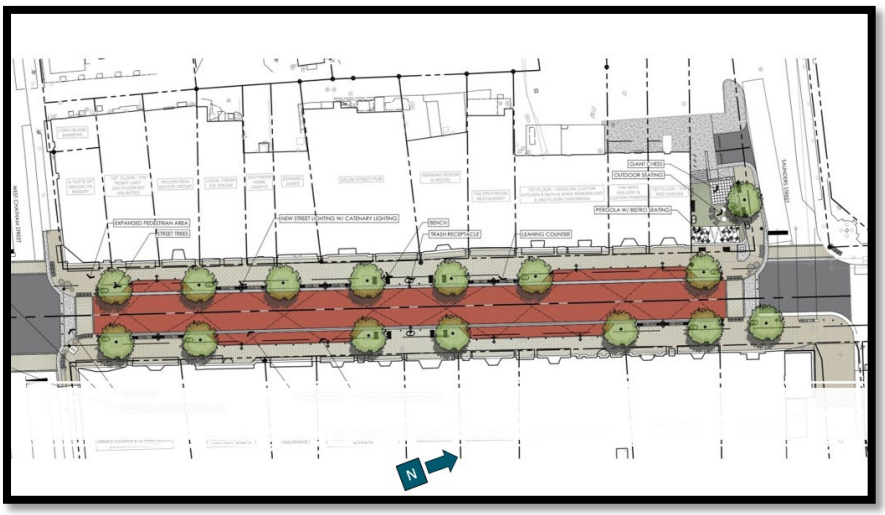
[SLIDE 9]



[SLIDE 10]



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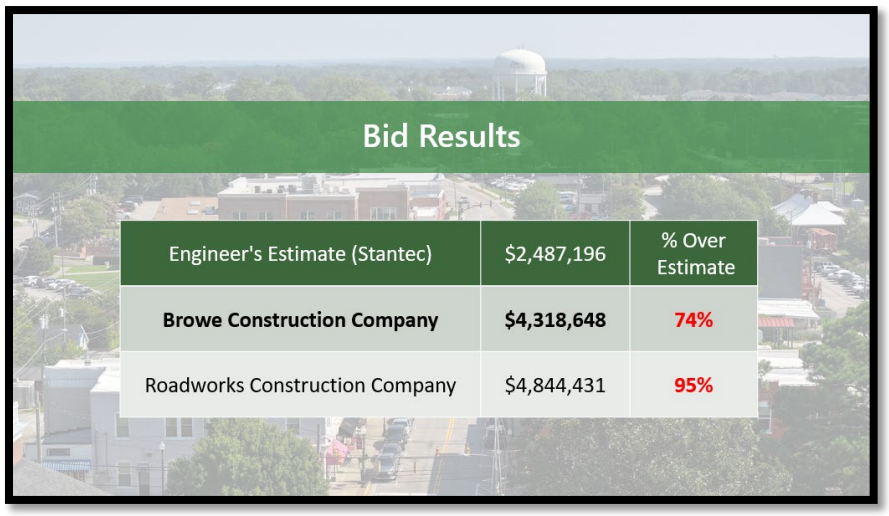

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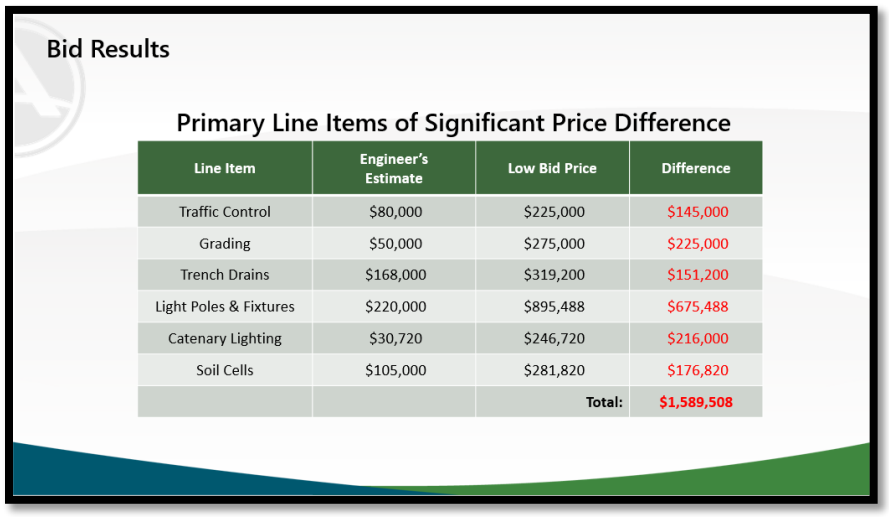

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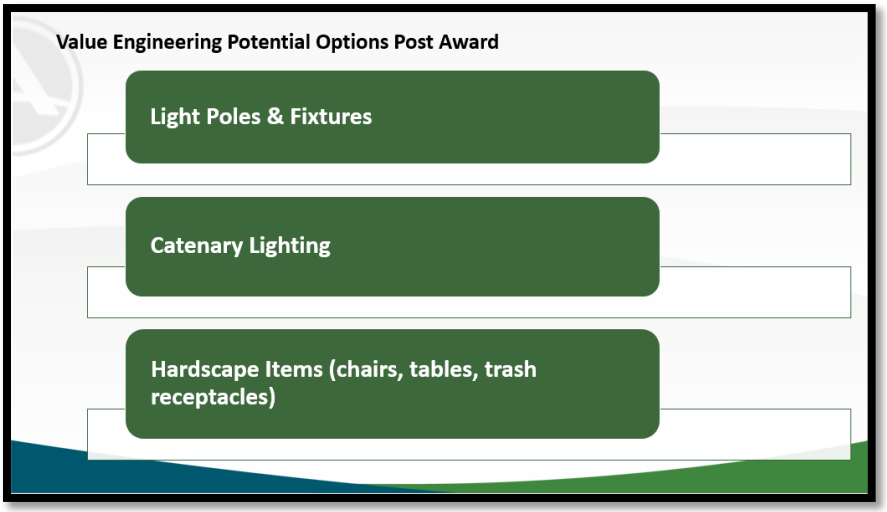

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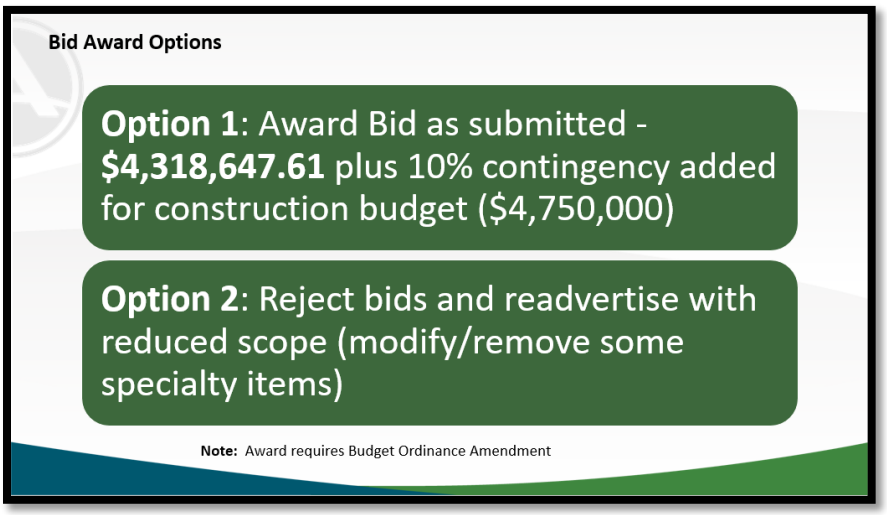

[SLIDE 17]



Councilmember Gray said that if the bids go back out and there is a delay for a full season or year then there would be a possible increase in cost.

Mr. Stephenson said that is correct and there is no guarantee that even if the scope is changed that it will be cheaper and there is also no guarantee that the two current bidders will resubmit, so there are a lot of risks in re-opening the bidding process. He said that these are two solid companies.

Councilmember Mu asked why there were only two bidders.

Mr. Stephenson said because of the complexity of the project and the many parts to the project. He said a lot of companies want to do most of the work themselves and do not want to assume the risk with this project. He said this case would have a lot of subcontractors. He said that there was a contractor that put in hours of putting a bid together and in the end decided they did not want to assume the risk.

Mayor Gilbert said that this project needs to be finished.

Councilmember Zegerman said that there are multiple bids that contrast each other and looking at the two bids there is a wide fluctuation of some of the line items. He gave line-item differences and asked what is special for the different items asked could these be negotiated.

Mr. Stephenson said that the bids are reasonably close overall and what one contractor chooses to put in one item versus another is how they have prepared their bid and how they want to mitigate potentially the risk on certain things. He said that nothing stands out to him that is outrageous compared to the other bidder.

Director Johnson said that it is hard to look at look at item by item because every contractor works their bids differently. He gave the example of traffic control and the risk involved, and where they include that in the bid. He said they either have to go with the low bid, or modify the scope to bring the cost down.

Councilmember Zegerman asked why the contractor would not be comfortable with Apex's Public Works doing the lighting, especially with the contractor already managing a third party for the work. He said that there could be some contract language for changing the

scope or as the work goes on there could be a change order submitted if a better alternative was found. He asked if Apex would have the ability to change or modify this as the work is being done.

Mr. Stephenson said yes, potentially. He said that for the big items that require an electrician, Apex doesn't have an electrician on staff, and this would be another contractor they would have to bid out and would be another contractor that now the primary contractor would have to coordinate to keep the project moving forward.

Councilmember Zegerman said that Apex has an entire electric department.

Director Khin said that Assistant Town Manager Stone spoke with her about this and part of the issue is the risk of having something off by even an eighth of an inch, that Apex's electric staff would not be able to connect the lights to the poles.

Town Manager Vosburg said and that is the benefit of having one party responsible for it and it is not usually good to make a deductive change and there is history on this. He said typically the deduction is not going to be the appropriate value for what the Town would then have to pay.

Director Johnson said that these conversations have been had and lasted for at least a week.

Councilmember Zegerman said that every project that has been done comes in millions of dollars over which means that either the Town is terrible at estimating or contractors take advantage of the situation, and Council are stewards of the taxpayers' money and is asking for staff to do the best they can to get more bids or better estimates on these things.

Town Manager Vosburg noted this was an engineer estimate, and was not done internally.

Mr. Stephenson said that he couldn't speak to other projects being referred to, but for Transportation this is a unique project and an outlier.

Councilmember Reese said there may be other funding that has been allocated, perhaps there is an opportunity to reallocate some of the Commerce Street Funding to this project, there may be some recouperation of the overrun cost, but that is for another time to discuss. He said that he supported this even considering the price. He said that this project was presented almost 12 years and the downtown plan was approved in 2019, and what is envisioned in Apex over a decade ago is what they're hopefully about to say yes to finally get things that are tangible and underway. He said that perhaps this doesn't necessarily match with some of the other priorities, when it comes to downtown as our economic development team and as former Economic Development Director Joanna Helms said, that when companies come into town the first thing they regularly say is show me your downtown. He said that this is Apex's front porch, our calling card, and the crown jewel for our town and a place for people to feel like the belong.

Councilmember Mu asked if awarding one general contractor to manage the subcontractors is a better way than breaking down all of these items and letting each contractor bid for each item.

Director Johnson said yes and for multiple reasons, they are responsible for all safety, so bringing in two contractors creates a blame game of things that may go wrong, and puts the town in the position that if the second contractor causes any delay, then the primary contractor has damages against the town. He said keeping it under one umbrella where one contractor is responsible for all the subcontractors reduces town liability.

Councilmember Reese said that another reason for expediency of developing this project is that the downtown businesses make a third or more of their entire annual revenue during the holiday season, and there has been a misconception for years that downtown businesses are making money hand over fist, this is a low margin business downtown. He encouraged residents to shop downtown. He said that if this project is not done by October it takes away the downtown businesses viability and people will go somewhere else to shop.

Councilmember Mu asked when this should begin to be able to meet this deadline.

Town Manager Vosburg said that there is not a lot of time and they need to start this quickly and the compressed nature of the project added to the risk, it's an investment that this Council prioritized for those businesses. He said a longer timeframe may have gotten more bidders, but it isn't guaranteed.

Councilmember Reese said the importance of accomplishing this project with a bidder who is accountable in a compressed timeline is to protect the downtown businesses.

Mr. Stephenson said that no bidder or potential bidder said this is not enough time to complete the project.

Mayor Gilbert referred to Mayor Pro-Tempore Mahaffey.

Mayor Pro-Tempore Mahaffey said that there weren't going to be better prices, the project needed to be done for the betterment of the downtown area.

Councilmember Gray said that this is not getting any cheaper as the town waits.

A **motion** was made by to **Councilmember Gray,** seconded by **Mayor Pro-Tempore Mahaffey,** to award a construction contract to Browe Construction Company with a 10% contingency added for the construction budget, and to authorize the Town Manager to execute the agreement and approve the associated budget ordinance amendment.

VOTE: UNANIMOUS (5-0)

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **6:27 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC
Town Clerk to the Apex Town Council
Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on _____ of _____, 2026.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Jessica Hoffman, Director

Department(s): Budget and Performance Management

Requested Motion

Motion to schedule a public hearing to receive resident input regarding the formulation of the Fiscal Year 2026-2027 Annual Operating Budget for Tuesday, January 27, 2026 at 6:00 p.m.

Approval Recommended?

Yes

Item Details

It has been the custom of the Apex Town Council to hold a Public Hearing in advance of the preparation of the proposed Annual Budget so that comments and suggestions of citizens can be considered while the budget document is formulated.

The Pre-Budget Hearing is being advertised on the Town's website, social media, and will be posted in the Town Hall lobby.

Any written comments received by USPS or through the advertised special email address, annual.budget@apexnc.org, will be forwarded to Town Council.

Written comments should be mailed to:
Apex Town Clerk
Post Office Box 250
Apex, NC 27502

All comments should include your first and last name, physical address, phone number, email address, and state that the comments are directly related to the Town of Apex Fiscal Year 2026-2027 Annual Operating Budget.

Attachments

- CN10-A1: Public Notice to be Advertised - Fiscal Year 2026-2027 Annual Operating Budget – First Budget Public Hearing – Scheduled for January 27, 2026

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

FOR IMMEDIATE RELEASE

DRAFT PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (January 14, 2026) – The Apex Town Council provides notice of a Public Hearing during it's regularly scheduled Town Council Meeting on **Tuesday, January 27, 2026** at **6:00 PM** to receive input on the town's annual operating budget for fiscal year 2026-2027. This meeting will be held at the Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at annual.budget@apexnc.org. Please use subject line "FY26-27 Budget - Public Comment" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, January 27, 2026.

Clerk Note: This is the first of two budget public hearings offered through the Annual Budget development process. The second budget public hearing is scheduled for 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.

For more information, please contact the Town Clerk's Office at 919-249-1260.

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Mayor Pro-Tempore Terry Mahaffey – sponsor

Department(s): Governing Body

Requested Motion

Motion to adopted an Ordinance amending Chapter 2 – Administration, Article II of the Apex Town Code of Ordinances to clarify current practices and remove duplication with the recently adopted Town Council Rules of Procedures.

Approval Recommended?

Yes

Item Details

On Wednesday, December 03, 2025, the Apex Town Council unanimously adopted Rules of Procedure to govern themselves in the practice of running effective and efficient meetings. A few of the sections in the Rules of Procedures were also noted in the Town Code of Ordinances. To prevent confusion, duplication, or possible conflict, an ordinance amendment is proposed to remove all sections that may now be covered in the Rules of Procedure.

Attachments

- CN11-A1: Ordinance Amendment - Chapter 2 – Administration, Article II – Governing Body – Removal of Duplicated Sections in Rules of Procedures Adopted December 03, 2025

ORD-2026-_____

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II OF THE APEX TOWN CODE RELATED TO COUNCIL RULES OF PROCEDURE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. That Section 2-23 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 2-23. - Mayor—Additional Duties.

In addition to the duties of the Mayor conferred by general law, the duties of the Mayor shall be those outlined in the Apex Town Council Rules of Procedure as may be amended from time to time. Additionally, it shall be the duty of the mayor to~~:~~

~~(1)~~

~~Preside over the meetings of the council.~~

~~(2)~~

~~S~~sign all contracts, franchises and other written instruments authorized by the council.

~~(3)~~

~~Appoint such committees as are authorized by the council and outline their powers and duties as deemed necessary to properly care for the affairs of the town.~~

Section 3. That Section 2-29 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 2-29. Procedure; Robert's Rules of Order.

~~Except as otherwise provided by ordinance, the procedure of the council shall be governed by Robert's Rules of Order, in effect at the time of the meeting.~~ The town council shall follow the rules of procedure adopted by the Town Council on December 3, 2025 as may be amended from time to time. A copy of said rules of procedure shall be kept on file with the town clerk. When confronted with a procedural issue not covered by these rules or state law, the town council shall refer to *Robert's Rules of Order Newly Revised* for guidance.

Section 4. That Sections 2-24, 2-27, 2-28, 2-30, 2-31, 2-32, 2-34, 2-35, 2-36, 2-37, and 2-38 of the Town of Apex Code of Ordinances are hereby deleted in their entirety.

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 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the _____ day of _____, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Amanda Bunce, Assistant Director

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Application #25CZ18, Todd Rechler, RXR Realty, petitioner, for the properties located at 0, 0 (portion of), 0 (portion of) Old Holly Springs Apex Rd; 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0 (portion of), 2901, 2937, 2945, 3009, 3012, 3130, 3134, 3138, 3142, 3200, 3229 Veridea Pkwy; 0 Technology Dr (portion of); 6300 King David Ct; 0, 0, 0, 0 US 1 Hwy; 0, 0, 0, 0, 1712, 1716 E. Williams St (PINs 0730852539, 0730865572, 0730977087, 0730977967, 0730996270, 0740052449, 0740070950, 0740078021, 0740081019, 0740082199, 0740082327, 0740167653, 0740180091, 0740180331, 0740191376, 0740240814 (portion of), 0740241030 (portion of), 0740241461 (portion of), 0740283126, 0740287376, 0740293940, 0740360895, 0740289979, 0740489140, 0740586619, 0740783479, 0740888498, 0740990489, 0740558687 (portion of), 0740992174, 0740992565, 0740992632, 0741207566, 0741614057, 0741203157, 0741117192, 0740389302).

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 25CZ18 was approved at the December 9, 2025 Town Council meeting.

Attachments

- CN13-A1: Statement of the Town Council and Ordinance to Amend the Official Zoning District Map - Rezoning Case No. 25CZ18 – Veridea SD Plan Amendment's – Statement and Ordinance
- CN13-A2: Attachment A Legal Description – Rezoning Case No. 25CZ18 – Veridea SD Plan Amendment's – Statement and Ordinance
- CN13-A3: Attachment B Veridea SD Plan – Rezoning Case No. 25CZ18 – Veridea SD Plan Amendment's – Statement and Ordinance
- CN13-A4: Attachment C Veridea Environmental Enhancement Plan – Rezoning Case No. 25CZ18 – Veridea SD Plan Amendment's – Statement and Ordinance
- CN13-A5: Attachment D Veridea Pattern Book – Rezoning Case No. 25CZ18 – Veridea SD Plan Amendment's – 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 1,097.15 ACRES LOCATED AT 0, 0 (PORTION OF), 0 (PORTION OF), & 3220 OLD HOLLY SPRINGS APEX RD; 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0 (PORTION OF), 3142, 3138, 3130, 3134, 3200, 3012, 2945, 3009, 2901, 2937 VERIDEA PKWY; 0 TECHNOLOGY DR (PORTION OF); 6300 KING DAVID CT; 0, 0, 0, 0 US 1 HWY; 0, 0, 0, 0, 1712, 1716 E. WILLIAMS ST FROM SUSTAINABLE DEVELOPMENT-CONDITIONAL ZONING (SD-CZ #09CZ07, #23CZ01, #24CZ01, #25CZ08, #25CZ15) TO SUSTAINABLE DEVELOPMENT-CONDITIONAL ZONING (SD-CZ) FOR VERIDEA

#25CZ18

WHEREAS, RXR LEN Apex Owner, LLC; RXR MTF Apex Vehicle. LLC; Yifei Wang & Hua Mei; APA Veridea Investments, LLC; Wake County Board of Education; and Greenway Waste Solutions of Apex, LLC/Todd Rechler, RXR Realty, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of October 2025 (the "Application"). The proposed conditional zoning is designated #25CZ18;

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 #25CZ18 before the Planning Board on the 8th day of December 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of December 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ18. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ18;

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 #25CZ18 before the Apex Town Council on the 9th day of December 2025;

WHEREAS, the Apex Town Council held a public hearing on the 9th day of December 2025. Amanda Bunce, Assistant Planning Director, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ18 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 Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment. This designation on the 2045 Land Use Map includes the zoning district Sustainable Development-Conditional Zoning (SD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Sustainable Development-Conditional Zoning (SD-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 recognizes changes needed due to conditions that have changed since 2011, will provide the flexibility in design standards needed to construct the proposed NCC hospital campus, and require the developer for the remainder of Veridea to provide indoor and outdoor recreation space and a bus transit center; and

WHEREAS, the Apex Town Council by a vote of 4 to 0 approved Application #25CZ18 rezoning the subject tract located at 0, 0 (portion of), 0 (portion of) Old Holly Springs Apex Rd; 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0 (portion of), 2901, 2937, 2945, 3009, 3012, 3130, 3134, 3138, 3142, 3200, 3229 Veridea Pkwy; 0 Technology Dr (portion of); 6300 King David Ct; 0, 0, 0, 0 US 1 Hwy; 0, 0, 0, 0, 1712, 1716 E. Williams St from Sustainable Development-Conditional Zoning (SD-CZ #09CZ07, #23CZ01, #24CZ01, #25CZ08, #25CZ15) to Sustainable Development-Conditional Zoning (SD-CZ) for Veridea.

Ordinance Amending the Official Zoning District Map #25CZ18

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 Sustainable Development-Conditional Zoning (SD-CZ #09CZ07, #23CZ01, #24CZ01, #25CZ08, #25CZ15) to Sustainable Development-Conditional Zoning (SD-CZ) for Veridea, 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 the conditions in Attachment "B" Veridea SD Plan which are imposed as part of this rezoning, Attachment "C" Veridea Environmental Enhancement Plan, and Attachment "D" Veridea Pattern Book.

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

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

Motion by Council Member_____

Seconded by Council Member_____

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

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

This the _____ day of _____ 2026.

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

Attachment A

PIN: 0740191376, 0741207566, 0730977087, 0730996270, 0740180091, 0740180331, 0740287376, 0740293940, 0740360895, 0740289979, 0740389302, 0740586619, 0740783479, 0740888498, 0740992174, 0741614057, 0740489140, 0741203157

Being a portion of the lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, Page 2403; RXR Len Apex Owner, LLC, as described in Deed Book 19297, Page 1692; RXR Len Apex Owner LLC, as described in Deed Book 19947, Page 487; RXR Len Apex Owner, LLC, as described in Deed Book 19263, Page 2335 in the Wake County Register of Deeds; being more particularly described as:

Beginning at a rebar with cap on the northern right of way line of N.C. Highway 540, a variable width controlled access right of way as described in Deed Book 15539, page 1855, being also the southeast corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403, the point of beginning; thence from the beginning and leaving the northern right of way line of NC Highway 540 and with said common line, North 00°14'49" West a distance of 667.80 feet to a point; thence South 87°37'02" West a distance of 180.32 feet to a point; thence North 01°55'47" West a distance of 1400.56 feet to a point; thence South 84°14'41" West a distance of 440.42 feet to a point on the eastern right of way line of Veridea Parkway, a variable width public right of way, as described in Deed Book 16421, page 2112 and Deed Book 16326, page 2125; thence with the eastern right of way line of Veridea Parkway, North 09°16'52" East a distance of 6.98 feet to a point; thence North 09°16'52" East a distance of 31.69 feet to a point; thence North 09°28'48" East a distance of 166.90 feet to a point; thence North 09°28'48" East a distance of 13.32 feet to a point; thence North 09°28'48" East a distance of 17.71 feet to a point; thence North 09°28'48" East a distance of 55.05 feet to a point on the southern line of lands now or formerly owned by Roger W. and Glenda K. Bushee, as described in Deed Book 4691, page 197; thence with said common line, South 80° 05'31" East a distance of 386.35 feet to an existing iron pipe, being a southwestern corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19737, page 1859; thence with said common line, South 09°53'16" West a distance of 120.00 feet to an existing iron pipe; thence North 89°42'24" East a distance of 427.65 feet to an existing iron pipe; thence North 28°17'19" East a distance of 258.03 feet to a point; thence North 25°29'27" West a distance of 398.53 feet to a point; thence South 85°22'14" West a distance of 220.54 feet to a point; thence South 09°39'36" West a distance of 200.09 feet to a point, being the northeast corner of lands now or formerly owned by Roger W. and Glenda K. Bushee, as described in Deed Book 4691, page 197; thence with said common line, North 80°09'19" West a distance of 185.05 feet to a point, being the southeast corner of lands now or formerly owned by W J and Catherin A Fields, as described in Deed Book 3138, page 93; thence with said common line and the common line of others, North 09°58'01" East a distance of 550.14 feet to a point, being the southeast corner

of lands now or formerly owned by Whitehouse Assets Management, LLC, as described in Deed Book 17143, page 2248; thence with said common line, North 24°25'22" East a distance of 442.30 feet to a point; thence South 69°45'18" West a distance of 509.98 feet to an existing rebar in the center of Veridea Parkway, a 60’ public right of way as shown on Book of Maps 2003, page 1756, passing through an existing iron pipe on the eastern right of way line of Veridea Parkway 34.45 feet before the end of the line; thence with the center of Veridea Parkway, South 09°52'33" West a distance of 171.70 feet to a point; thence South 09°57'23" West a distance of 550.24 feet to a point; thence South 09°26'46" West a distance of 21.55 feet to a point; thence leaving the center of Veridea Parkway, North 89°10'45" West a distance of 68.12 feet to a point on the western right of way line of Veridea Parkway, a variable width public right of way as described in Deed Book 16421, page 2112 and Deed Book 16326, page 2125, passing through an existing iron pipe 38.57 feet before the end of the line; thence with the western right of way line of Veridea Parkway, South 09°28'47" West a distance of 60.77 feet to a point; thence South 09°28'45" West a distance of 430.91 feet to an existing concrete monument; thence South 09°46'52" West a distance of 74.87 feet to an existing concrete monument, being the northeast corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence leaving the western right of way line of Veridea Parkway, and with said common line, North 89°09'45" West a distance of 1110.26 feet to an existing iron pipe; thence South 02°26'42" West a distance of 1505.96 feet to a point on the northern right of way line of NC Highway 540, a variable width controlled access right of way as described in Deed Book 15539, page 1837; thence with the northern right of way line of NC Highway 540, with a curve to the right a radius of 4035.00 feet, an arc length of 857.09 feet, a chord bearing of North 53°42'27" West, a chord length of 855.48 feet to an existing rebar; thence with a curve to the right a radius of 4054.26 feet, an arc length of 326.65 feet, a chord bearing of North 45°18'10" West, a chord length of 326.56 feet to an existing rebar with cap; thence North 36°43'15" West a distance of 102.76 feet to an existing rebar with cap; thence North 35°20'20" West a distance of 237.13 feet to an existing rebar with cap; thence North 07°47'12" West a distance of 131.08 feet to an existing rebar with cap; thence North 00°34'29" West a distance of 436.11 feet to an existing rebar with cap; thence North 12°52'53" East a distance of 565.14 feet to an existing rebar with cap; thence North 05°57'15" East a distance of 356.74 feet to an existing rebar with cap; thence North 15°26'08" East a distance of 134.33 feet to a point; thence North 15°26'08" East a distance of 200.01 feet to an existing rebar with cap; thence North 28°28'53" East a distance of 237.21 feet to an existing rebar with cap; thence North 45°14'54" East a distance of 75.20 feet to an existing rebar with cap; thence North 42°51'55" East a distance of 241.20 feet to an existing rebar with cap, transitioning to the southern right of way line of US Highway 1, a variable width controlled access right of way, as described in Deed Book 14140, page 979; thence with the southern right of way line of US Highway 1, North 50°43'55" East a distance of 160.95 feet to an existing rebar with cap; thence

North 58°37'05" East a distance of 364.36 feet to a point, being the southwest corner of lands now or formerly owned by The Young Men's Christian Association of the Triangle Area, Inc, as described in Deed Book 17017, page 2427, passing through an existing concrete monument 86.12 feet before the end of the line and an existing iron pipe 3.87 feet before the end of the line; thence leaving the southern right of way line of US Highway 1 and with said common line, North 87°38'44" East a distance of 265.82 feet to a point, passing through an existing iron pipe 259.41 feet before the end of the line; thence North 00°27'33" West a distance of 149.91 feet to a point on the southern right of way line of US Highway 1, a variable width controlled access right of way, as described in Deed Book 14140, page 979; thence with the southern right of way line of U.S. Highway 1, North 58°41'20" East a distance of 1668.68 feet to a point in the center of Veridea Parkway, a 60 foot public right of way as shown on Book of Maps 2003, page 1756; thence continuing with the southern right of way line of US Hihgway 1, North 58°41'20" East a distance of 31.03 feet to an existing concrete monument on the eastern right of way line of Veridea Parkway; thence continuing with the southern right of way line of US Highway 1, North 58°39'55" East a distance of 576.45 feet to a point, being a western corner of lands now or formerly owned by EBT Farms, LLC, as shown on Book of Maps 2015, page 14, passing through an existing iron pipe 3.61 feet before the end of the line; thence with said common line, South 88°58'01" East a distance of 304.56 feet to a point in the center of Prince Dead End Road, a 60 foot public right of way as shown on Book of Maps 1988, page 283, being referenced by an existing iron pipe 3.69 feet northeast of the corner; thence leaving the center of Prince Dead End Road and continuing with said common line, South 88°58'01" East a distance of 584.55 feet to a point, being a western corner of lands now or formerly owned by the Town of Apex, as shown on Book of Maps 1989, page 59, passing through an existing iron pipe 14.43 feet before the end of the line; thence with said common line, South 23°14'08" East a distance of 315.07 feet to an existing bent iron pipe on a northern line of lands now or formerly owned by Wildbird LLC, as shown on Book of Maps 1985, page 64; thence with said common line, North 89°17'57" West a distance of 82.50 feet to an existing iron pipe; thence South 00°32'06" West a distance of 760.78 feet to an existing iron pipe, passing through an existing iron pipe 546.06 feet before the end of the line; thence South 00°33'48" West a distance of 1301.27 feet to an existing iron stake, passing through existing iron pipes 776.99 feet and 741.67 feet before the end of the line; thence South 88°56'50" East a distance of 1524.31 feet to an existing iron pipe; thence North 42°37'27" East a distance of 84.50 feet to a point; thence South 87°51'02" East a distance of 208.48 feet to an existing iron pipe, passing through an existing iron pipe 155.64 feet before the end of the line; thence North 00°58'38" East a distance of 734.06 feet to an existing iron pipe, passing through an existing iron pipe 31.40 feet before the end of the line; thence North 00°58'38" East a distance of 2549.03 feet to an existing iron pipe, passing through an existing iron pipe 2465.38 feet before the end of the line; thence South 89°46'05" West a distance of 25.90 feet to an existing iron pipe, being a southeast corner of lands now or formerly owned by

Town of Apex, as shown on Book of Maps 1989, page 59; thence with said common line, North 01°31'12" East a distance of 572.91 feet to an existing iron pipe; thence North 01°28'31" East a distance of 119.73 feet to an existing iron pipe; thence North 01°30'44" East a distance of 41.12 feet to an existing iron pipe on the southern right of way line of US Highway 1, a variable width controlled access right of way as shown on Book of Maps 2024, page 630; thence with said common line, North 58°51'35" East a distance of 406.60 feet to an existing concrete monument; thence North 58°00'23" East a distance of 434.93 feet to an existing iron pipe; thence with a curve to the left a radius of 5860.99 feet, an arc length of 1031.97 feet, a chord bearing of North 51°39'15" East, a chord length of 1030.63 feet to an existing iron pipe; thence South 41°41'54" East a distance of 29.56 feet to an existing iron pipe; thence North 46°57'49" East a distance of 79.93 feet to a point in the centerline of the creek, passing through an existing iron pipe 10.00 feet before the end of the line; thence with the centerline of the creek, South 08°18'39" West a distance of 74.71 feet to a point; thence South 03°57'01" East a distance of 106.42 feet to a point on the northern line of lands now or formerly owned by Justin Stanley, as described in Deed Book 17473, page 2663; thence leaving the centerline of the creek and with said common line, South 58°19'32" West a distance of 25.09 feet to an existing concrete monument, passing through an existing iron pipe 15.09 feet before the end of the line; thence South 31°28'08" East a distance of 99.98 feet to an existing iron pipe on a northern line of lands now or formerly owned by Madison Apex Owner, LLC, as described in Deed Book 18329, page 2014; thence with said common line, South 58°37'43" West a distance of 311.61 feet to an existing iron pipe; thence South 05°32'28" West a distance of 311.05 feet to an existing iron pipe; thence South 18°18'17" East a distance of 266.26 feet to an existing iron pipe; thence South 58°02'56" East a distance of 253.73 feet to an existing iron pipe; thence South 24°13'34" East a distance of 1064.47 feet to an existing iron pipe; thence North 51°40'44" East a distance of 610.52 feet to an existing iron pipe, being a western corner of lands now or formerly owned by FTPA Storage Apex, LLC, as described in Deed Book 16283, page 140; thence with said common line, South 29°10'43" East a distance of 276.67 feet to an existing iron pipe, being the southwest corner of lands now or formerly owned by Sunil and Sudarshini Shelke, as described in Deed Book 14964, page 1295; thence with said common line, North 89°42'08" East a distance of 414.38 feet to an existing iron pipe, being the northwest corner of lands now or formerly owned by Apex Rent Account, LLC, as described in Deed Book 16018, page 896; thence South 02°52'31" West a distance of 576.07 feet to an existing iron pipe, being a northwest corner of lands now or formerly owned by PPTapex, LLC, as described in Deed Book 16247, page 277; thence with said common line, South 03°02'31" West a distance of 260.47 feet to an existing iron pipe, being the northwest corner of lands now or formerly owned by James Irvin Rigsbee, as described in Deed Book 2176, page 224; thence with said common line, South 03°08'36" West a distance of 288.05 feet to an existing iron pipe; thence South 02°21'58" West a distance of 72.79 feet to an existing axle, being the northwest corner of lands now or formerly owned by Kenan Transport Co., as

described in Deed Book 2003, page 233; thence with said common line, South 02°22'52" West a distance of 365.20 feet to an existing iron pipe, passing through an existing iron pipe 53.41 feet before the end of the line; thence South 89°54'31" East a distance of 270.03 feet to an existing iron pipe; thence South 89°55'44" East a distance of 403.93 feet to an existing iron pipe, being the northwest corner of lands now or formerly owned by David F. and Sharon L Raymer, as described in Deed Book 8712, page 265; thence with said common line, South 04°23'01" East a distance of 445.52 feet to an existing iron pipe, being the northwest corner of lands now or formerly owned by Thompson Gas – Smokies, LLC, as described in Deed Book 15976, page 1140; thence with said common line, South 05°37'02" East a distance of 199.93 feet to an existing iron pipe; thence North 89°21'15" East a distance of 417.22 feet to an existing iron pipe on the western right of way line of NC Highway 55, a variable width public right of way as shown on Book of Maps 2024, page 630; thence with the western right of way line of NC Highway 55, with a curve to the right a radius of 5633.75 feet, an arc length of 101.71 feet, a chord bearing of South 04°07'50" East, a chord length of 101.71 feet to an existing iron pipe; thence leaving the western right of way line of NC Highway 55 and with the common line of RXR Len Apex Owner, LLC and others, South 89°36'58" West a distance of 414.74 feet to an existing iron pipe, passing through the western right of way line of NC Highway 55 407.68 feet before the end of the line and an existing iron pipe 240.77 feet before the end of the line; thence South 05°37'02" East a distance of 100.00 feet to an existing iron pipe, being the northwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19789, page 32; thence South 17°12'56" East a distance of 140.08 feet to an existing iron pipe; thence South 87°06'10" East a distance of 374.27 feet to an existing iron pipe on the western right of way line of NC Highway 55, a variable width public right of way as shown on Book of Maps 2024, page 630, passing through the western right of way line NC Highway 55 9.29 feet before the end of the line; thence with the western right of way line of NC Highway 55, with a curve to the right a radius of 5633.75 feet, an arc length of 100.26 feet, a chord bearing of South 00°30'27" East, a chord length of 100.26 feet to an existing iron pipe; thence South 01°41'54" East a distance of 100.29 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.94 feet to an existing iron pipe; thence South 01°45'44" West a distance of 49.79 feet to an existing iron pipe; thence South 01°45'44" West a distance of 50.00 feet to an existing iron pipe; thence South 01°45'44" West a distance of 50.00 feet to an existing iron pipe; thence South 01°45'44" West a distance of 3.89 feet to a point; thence North 80°39'17" West a distance of 39.57 feet to a point; thence with a curve to the right a radius of 1515.50 feet, an arc length of 73.75 feet, a chord bearing of

South 10°44'22" West, a chord length of 73.75 feet to a point; thence South 50°25'39" West a distance of 72.79 feet to a point; thence South 03°20'53" West a distance of 77.92 feet to a point, being the northeast corner of lands now or formerly owned by NC Department of Transportation, as described in Deed Book 8235, page 1160; thence with said common line, North 86°43'05" West a distance of 16.98 feet to an existing iron pipe; thence South 01°28'00" West a distance of 100.88 feet to an existing iron pipe; thence South 87°17'00" East a distance of 10.63 feet to a point on the western right of way line of NC Highway 55, a variable width public right of way as shown on Book of Maps 2024, page 630; thence with the western right of way line of NC Highway 55, South 02°47'00" West a distance of 30.24 feet to a point; thence with a curve to the right a radius of 1525.00 feet, an arc length of 20.91 feet, a chord bearing of South 21°53'09" West, a chord length of 20.91 feet to a point; thence North 87°17'00" West a distance of 2.64 feet to an existing iron pipe; thence South 01°28'00" West a distance of 16.53 feet to a point; thence with a curve to the right a radius of 1525.00 feet, an arc length of 34.27 feet, a chord bearing of South 23°40'23" West, a chord length of 34.27 feet to a point; thence continuing with the northern right of way line of NC Highway 55 and the common line of lands now or formerly owned by NC Department of Transportation, as described in Deed Book 8138, page 1625, North 87°21'16" West a distance of 246.10 feet to an existing iron pipe; thence continuing with said common line and the common line of others, South 01°23'44" West a distance of 347.79 feet to an existing iron pipe; thence South 86°24'46" East a distance of 46.54 feet to a point on the western right of way line of NC Highway 55, a variable width public right of way as shown on Book of Maps 2024, page 630; thence with the western right of way line of NC Highway 55, South 31°28'58" West a distance of 41.58 feet to a point on the northern right of way line of Technology Drive, a variable width public right of way as shown on Book of Maps 2008, page 448; thence with the northern right of way line of Technology Drive, South 81°05'32" West a distance of 325.98 feet to an existing iron pipe, passing through an existing iron pipe 125.44 feet before the end of the line; thence South 60°43'09" West a distance of 132.34 feet to an existing iron pipe; thence with a curve to the left a radius of 426.43 feet, an arc length of 181.19 feet, a chord bearing of South 49°06'58" West, a chord length of 179.83 feet to an existing iron pipe; thence South 36°56'38" West a distance of 162.54 feet to an existing iron pipe; thence South 37°44'51" West a distance of 163.20 feet to an existing iron pipe, being the southeast corner of lands now or formerly owned by Margaret Evans Heirs, as shown on Book of Maps 2002, page 165; thence leaving the northern right of way line of Technology Drive and with said common line, North 02°38'53" East a distance of 477.63 feet to an existing iron pipe; thence North 86°17'11" West a distance of 191.04 feet to an existing iron pipe; thence South 02°37'54" West a distance of 192.78 feet to an existing iron pipe; thence South 87°21'03" East a distance of 144.87 feet to an existing iron pipe; thence South 02°38'53" West a distance of 351.16 feet to an existing iron pipe on the northern right of way line of Technology Drive, a variable width public right of way as shown on Book of Maps 2008, page

448; thence with the northern right of way line of Technology Drive, with a curve to the right a radius of 5840.02 feet, an arc length of 578.81 feet, a chord bearing of South 42°11'18" West, a chord length of 578.57 feet to an existing iron pipe; thence South 45°24'35" East a distance of 26.85 feet to an existing iron pipe; thence South 44°12'36" West a distance of 620.76 feet to an existing iron pipe; thence with a curve to the right a radius of 351.98 feet, an arc length of 268.88 feet, a chord bearing of South 67°02'07" West, a chord length of 262.39 feet to an existing iron pipe; thence South 88°52'01" West a distance of 164.86 feet to an existing iron pipe on the eastern line of EMC Corporation, as described in Deed Book 8681, page 1014; thence with said common line, North 02°16'22" East a distance of 50.18 feet to an existing iron pipe; thence North 02°17'00" East a distance of 1402.38 feet to an existing iron pipe; thence North 02°17'00" East a distance of 163.32 feet to an existing iron pipe; thence North 02°11'42" East a distance of 120.99 feet to a point in the centerline of the creek, passing through an existing iron pipe 10.00 feet before the end of the line; thence with the centerline of the creek, North 82°46'29" West a distance of 59.32 feet to a point; thence North 38°01'48" West a distance of 154.60 feet to a point; thence North 84°02'09" West a distance of 86.70 feet to a point; thence South 20°44'56" West a distance of 18.43 feet to a point; thence South 79°18'34" West a distance of 39.77 feet to a point; thence South 13°19'46" East a distance of 38.31 feet to a point; thence South 76°35'49" West a distance of 53.23 feet to a point; thence South 26°54'51" West a distance of 42.90 feet to a point; thence South 33°19'02" East a distance of 29.87 feet to a point; thence South 51°46'22" West a distance of 61.75 feet to a point; thence North 64°34'50" West a distance of 58.31 feet to a point; thence South 29°34'47" West a distance of 47.94 feet to a point; thence South 71°40'28" West a distance of 23.79 feet to a point; thence North 39°32'53" West a distance of 102.73 feet to a point; thence North 69°26'41" West a distance of 124.25 feet to a point; thence South 57°24'05" West a distance of 82.87 feet to a point; thence South 07°43'11" West a distance of 131.15 feet to a point; thence South 83°27'25" West a distance of 147.78 feet to a point; thence South 00°36'20" East a distance of 95.70 feet to a point; thence South 80°37'14" West a distance of 210.03 feet to a point; thence South 21°46'20" West a distance of 110.71 feet to a point; thence South 78°48'03" East a distance of 41.76 feet to a point; thence South 32°29'11" West a distance of 93.04 feet to a point; thence North 66°26'02" West a distance of 45.02 feet to a point; thence South 47°52'32" West a distance of 34.12 feet to a point; thence South 00°28'52" West a distance of 71.12 feet to a point; thence South 79°33'24" West a distance of 96.46 feet to a point; thence North 52°02'42" West a distance of 30.57 feet to a point; thence South 81°23'08" West a distance of 60.05 feet to a point; thence South 41°39'40" West a distance of 186.48 feet to a point; thence South 44°48'01" East a distance of 60.58 feet to a point; thence South 20°16'03" West a distance of 35.02 feet to a point; thence North 76°32'52" West a distance of 126.07 feet to a point; thence South 34°49'57" West a distance of 90.84 feet to a point; thence North 41°34'57" West a distance of 26.79 feet to a point; thence South 44°48'57" West a

distance of 69.31 feet to a point; thence South 28°17'36" East a distance of 74.29 feet to a point; thence South 47°29'27" West a distance of 92.11 feet to a point; thence North 49°33'56" West a distance of 78.37 feet to a point; thence South 87°17'25" West a distance of 290.72 feet to a point; thence South 11°44'33" West a distance of 20.66 feet to a point; thence South 64°16'17" West a distance of 220.45 feet to a point; thence South 82°21'19" West a distance of 72.19 feet to a point; thence North 36°16'44" West a distance of 42.40 feet to a point; thence South 69°36'51" West a distance of 126.77 feet to a point; thence South 62°06'56" West a distance of 316.17 feet to a point; thence South 17°45'27" West a distance of 29.26 feet to a point; thence South 26°24'46" West a distance of 31.72 feet to a point; thence South 40°05'18" West a distance of 78.74 feet to a point; thence South 07°45'39" West a distance of 35.25 feet to a point; thence South 42°06'24" West a distance of 57.16 feet to a point, being a northwest corner of lands now or formerly owned by EMC Corporation, as described in Deed Book 8681, page 1014; thence with said common line, South 01°06'28" West a distance of 351.89 feet to an existing iron pipe on the northern line of lands now of formerly owned by Greenway Waste Solutions of Apex, LLC, as described in Deed Book 9099, page 1045; thence with said common line, South 88°51'48" West a distance of 28.47 feet to a point in the centerline of the creek; thence with the centerline of the creek, South 03°52'45" West a distance of 158.77 feet to a point; thence South 23°38'07" East a distance of 210.79 feet to a point; thence South 30°01'31" West a distance of 156.29 feet to a point; thence South 11°48'54" East a distance of 104.71 feet to a point; thence South 19°26'04" West a distance of 147.77 feet to a point on the northern right of way line of NC Highway 540, a variable width public right of way as described in Deed Book 15539, page 1850; thence with the northern right of way line of NC Highway 540, North 87°35'38" West a distance of 1273.34 feet to an existing rebar with cap; thence North 75°03'53" West a distance of 276.59 feet to an existing rebar with cap; thence South 36°13'41" West a distance of 120.37 feet to a point; thence North 49°31'49" West a distance of 105.40 feet to the point and place of beginning, having an area of 36,092,685 square feet, 828.57 acres

Less and Except the Following:

PIN: 0730977967; 0740081019; 0740082199; 0740070950; 0740082327

Being all of the lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 20025, page 1418, and Yifei Wang and wife, Hua Mei, as described in Deed Book 18896, page 1725 in the Wake County Register of Deeds; being more particularly described as:

Beginning at an existing iron pipe, being a western corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19297, page 1692, the point of beginning; thence from the beginning and with said common line, South 02°19'40" West a distance of 199.14 feet to a point, being a northwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 02°19'40" West a distance of 64.13 feet to an existing iron pipe, being a northwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 02°13'53" West a distance of 189.40 feet to an existing iron pipe; thence South 02°17'48" West a distance of 67.39 feet to an existing iron pipe, being a northeast corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 65°19'45" West a distance of 538.99 feet to a point; thence South 01°27'55" West a distance of 148.65 feet to a point; thence South 77°54'05" West a distance of 389.22 feet to an existing iron pipe; thence North 00°01'19" West a distance of 967.73 feet to a point; thence North 89°58'41" East a distance of 616.26 feet to an existing rebar; thence North 89°58'41" East a distance of 133.87 feet to an existing iron pipe, being a southwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19297, page 1692; thence with said common line, North 87°19'22" East a distance of 145.34 feet to the point and place of beginning, containing an area of 668,038 square feet or 15.34 acres.

PIN: 0740992565

Being a portion of the lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403 in the Wake County Register of Deeds; being more particularly described as: Beginning at an existing iron pipe on the western right of way line of NC Highway 55, a variable width public right of way as shown on Book of Maps 2024, page 630, being also the southeast corner of the subject parcel, the point of beginning; thence from the beginning and with the western right of way line of NC Highway 55 and the common line of RXR Len Apex Owner, LLC, as described in Deed Book 19789, page 32, South 89°40'44" West a distance of 123.48 feet to an existing iron pipe, passing through the western right of way line of NC Highway 55 116.17 feet before the end of the line; thence North 02°18'46" West a distance of 50.01 feet to an existing iron pipe, being a southern corner lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19821, page 1026; thence with said common line, North 89°43'19" East a distance of 123.46 feet to an existing iron pipe on the western right of way line of NC Highway 55, passing through the western right of way line of NC Highway 55 7.22 feet before the end of the line; thence with the western right of way line of NC Highway 55, with a curve to the right a radius of 5633.75 feet, an arc length of 49.92 feet, a chord bearing of South 02°20'20" East, a chord length of 49.92 feet to the point and place of beginning, containing an area of 6,168 square feet or 0.14 acres.

PIN 0740992632; 0740990489

Being two tracts of land now or formerly owned by RXR Len Apex Owner LLC, as described in Deed Book 19821, page 1026 and Deed Book 19789, page 32 in the Wake County Register of Deeds; being more particularly described as:

Beginning at a point, being the northeast corner of lands now or formerly owned by RXR Len Apex Owner LLC, as described in Deed Book 19821, page 1026 in the Wake County Register of Deeds, being also a corner on the western right of way line of N.C. Highway 55, a variable width public right of way as shown on Book of Maps 2024, page 630, the point of beginning; thence from the beginning and with the western right of way line of N.C. Highway 55, with a curve to the right a radius of 5412.50 feet, an arc length of 100.31 feet, a chord bearing of South 03°00'35" East, a chord length of 100.31 feet to a point on the northern line of lands now or formerly owned by RXR Len Apex Owner LLC, as described in Deed Book 19263, page 2403; thence leaving the western right of way line of N.C. Highway 55 and with said common line, South 89°43'19" West a distance of 116.24 feet to an existing iron pipe; thence South 02°18'46" East a distance of 50.01 feet to an existing iron pipe; thence North 89°40'44" East a distance of 116.17 feet to a point on the western right of way line of N.C. Highway 55; thence with the western right of way line of N.C. Highway 55, with a curve to the right a radius of 2791.21 feet, an arc length of 91.54 feet, a chord bearing of South 00°35'17" East, a chord length of 91.54 feet to a point; thence with a curve to the right a radius of 5411.27 feet, an arc length of 12.91 feet, a chord bearing of South 00°14'58" West, a chord length of 12.91 feet to a point on a northern line of lands now or formerly owned by RXR Len Apex Owner LLC, as shown as New Tract 4 on Book of Maps 2024, page 630; thence leaving the western right of way line of N.C. Highway 55 and with said common line, North 87°06'10" West a distance of 364.98 feet to an existing iron pipe; thence North 17°12'56" West a distance of 140.08 feet to an existing iron pipe, being the southwest corner of lands now or formerly owned by David E. Page, Heirs, as described in Deed Book 1107, page 549; thence with said common line, North 89°41'49" East a distance of 235.12 feet to a point; thence North 02°22'35" West a distance of 99.98 feet to an existing iron pipe on a southern line of lands now or formerly owned by RXR Len Apex Owner LLC, as shown as New Tract 4 on Book of Maps 2024, page 630; thence with said common line, North 89°36'58" East a distance of 166.91 feet to the point and place of beginning, containing an area of 66,202 square feet or 1.52 acres.

PIN: 0740283126 (6300 King David Court)

Being all of the land now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19737, page 1859 in the Wake County Register of Deeds; being more particularly described as:

Beginning at a point, being the northeast corner of lands now or formerly owned by Roger W. and Glenda K. Bushee, as described in Deed Book 4691, page 197, being also a corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2335, the point of beginning; thence from the beginning, and with the common line of RXR Len Apex Owner, LLC, North 09°39'36" East a distance of 200.09 feet to a point; thence North 85°22'14" East a distance of 220.54 feet to a point; thence South 25°29'27" East a distance of 398.53 feet to a point; thence South 28°17'19" West a distance of 258.03 feet to an existing iron pipe; thence South 89°42'24" West a distance of 427.65 feet to an existing iron pipe; thence North 09°53'16" East a distance of 120.00 feet to an existing iron pipe, being a southern corner of lands now or formerly owned by Roger W. and Glenda K. Bushee, as described in Deed Book 4691, page 197; thence with said common line, South 80°06'44" East a distance of 60.00 feet to a point; thence North 09°39'36" East a distance of 270.00 feet to the point and place of beginning, containing an area of 217,807 square feet or 5.00 acres.

PIN: 0730977967; 0740081019; 0740082199; 0740082327; 0740070950

Being all of the lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 20025, page 1418, and Yifei Wang and wife, Hua Mei, as described in Deed Book 18896, page 1725 in the Wake County Register of Deeds; being more particularly described as: Beginning at an existing iron pipe, being a western corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19297, page 1692, the point of beginning; thence from the beginning and with said common line, South 02°19'40" West a distance of 199.14 feet to a point, being a northwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 02°19'40" West a distance of 64.13 feet to an existing iron pipe, being a northwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 02°13'53" West a distance of 189.40 feet to an existing iron pipe; thence South 02°17'48" West a distance of 67.39 feet to an existing iron pipe, being a northeast corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 65°19'45" West a distance of 538.99 feet to a point; thence South 01°27'55" West a distance of 148.65 feet to a point; thence South 77°54'05" West a distance of 389.22 feet to an existing iron pipe; thence North 00°01'19" West a distance of 967.73 feet to a point; thence North 89°58'41" East a distance of 616.26 feet to an existing rebar; thence North 89°58'41" East a distance of 133.87 feet to an existing iron pipe, being a southwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19297, page 1692; thence with said common line, North 87°19'22" East a distance of 145.34 feet to the point and place of beginning, containing an area of 668,038 square feet or 15.34 acres.

Zoning line that runs across the subject parcels taken from legal description signed and sealed by Joe H. Patterson, III, L-3717, and dated 9/23/25, as included on pages 40-42 in rezoning report #24CZ23. Document accessed by Google on October 23, 2025 at the following weblink:

https://mccmeetingspublic.blob.core.usgovcloudapi.net/apexnc-meet-03a58966ba85431aa8fe86ef0da28897/ITEM-Attachment-001-2d34773ae54546f69e3816c213718a14.pdf

Zoning line in said description was aligned and merged with boundary performed by the John R. McAdams Company.

PIN: 0740240814, 0740241461, 0740241030

Being a portion of the lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403 in the Wake County Register of Deeds; being more particularly described as:

Beginning at an existing concrete monument at a northwest corner of the subject lands, being on the eastern right of way line of Old Holly Springs Apex Road, a variable width public right of way as shown on Book of Maps 2022, page 2, and the southern right of way line of the NC Highway 540 ramp, a variable width controlled access right of way as described in Deed Book 15539, page 1855, the point of beginning; thence from the beginning and with the southern right of way line of the NC Highway 540 ramp, North 48°17'55" East a distance of 64.35 feet to a point; thence North 48°17'55" East a distance of 3.48 feet to a point; thence South 76°02'09" East a distance of 316.69 feet to an existing concrete monument, passing through an existing concrete monument 312.72 feet before the end of the line; thence South 77°42'22" East a distance of 224.13 feet to an existing concrete monument; thence North 74°21'52" East a distance of 75.00 feet to a point; thence leaving the southern right of way line of the NC Highway 540 ramp and across the subject lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403, South 17°16'29" East a distance of 276.68 feet to a point; thence South 49°13'21" East a distance of 207.69 feet to a point; thence South 08°25'14" East a distance of 269.34 feet to a point; thence South 24°55'35" East a distance of 469.85 feet to a point on the northern line of lands now or formerly owned by Wake County, as described in Deed Book 2272, page 678; thence with said common line, North 88°36'32" West a distance of 1161.37 feet to an existing iron pipe, being an eastern corner of lands now or

formerly owned by Wake County, as described in Deed Book 4803, page 67; thence with said common line, North 04°58'10" East a distance of 362.56 feet to a point; thence South 89°45'44" West a distance of 59.47 feet to a point on the eastern right of way line of Old Holly Springs Apex Road, a variable width public right of way as shown on Book of Maps 2022, page 2; thence with the eastern right of way line of Old Holly Springs Apex Road, North 13°15'47" East a distance of 53.04 feet to an existing concrete monument; thence with a curve to the left a radius of 1700.00 feet, an arc length of 338.32 feet, a chord bearing of North 07°33'43" East, a chord length of 337.77 feet to an existing concrete monument, passing through an existing concrete monument 305.65 feet before the end of the line; thence with a curve to the left a radius of 1900.00 feet, an arc length of 76.93 feet, a chord bearing of North 01°06'08" West, a chord length of 76.92 feet to an existing concrete monument; thence with a curve to the left a radius of 1900.00 feet, an arc length of 63.33 feet, a chord bearing of North 01°01'01" West, a chord length of 63.33 feet to an existing concrete monument; thence with a curve to the left a radius of 1900.00 feet, an arc length of 31.67 feet, a chord bearing of North 02°26'58" West, a chord length of 31.67 feet to an existing concrete monument; thence North 02°54'23" East a distance of 203.97 feet to the point and place of beginning, containing an area of 1,000,850 square feet or 22.98 acres.

PIN: 0740558687 “0” Technology Drive

Beginning at an existing Rebar having an NC Grid NAD 83 Coordinate of N: 706447.20 E: 2046758.62. Thence South 01°08'38" East a distance of 80.10 feet to a point; thence North 88°51'22" East a distance of 155.80 feet to a point; thence South 02°16'41" West a distance of 461.59 feet to a point along the Northern Right of Way of NC Highway 540; thence along Right of way South 61°27'09" West a distance of 26.84 feet to a point; thence South 59°58'25" West a distance of 237.08 feet to a point; thence North 28°22'04" West a distance of 10.00 feet to a point; thence with a curve turning to the right with an arc length of 786.41 feet, with a radius of 1650.00 feet, with a chord bearing of South 75°17'10" West, with a chord length of 778.99 feet to a point; thence North 88°45'04" West a distance of 203.97 feet to a point; thence North 87°37'46" West a distance of 718.10 feet to a point; thence North 87°36'50" West a distance of 643.60 feet to a point; thence North 87°37'20" West a distance of 356.63 feet to a point; thence leaving said Right of way North 19°26'04" East a distance of 147.77 feet to a point; thence North 11°48'54" West a distance of 104.71 feet to a point; thence North 30°01'31" East a distance of 156.29 feet to a point; thence North 23°38'07" West a distance of 210.79 feet to a point; thence North 03°52'45" East a distance of 158.77 feet to a point; thence North 88°51'48" East a distance of 28.47 feet to an Iron Pipe; thence North 88°51'48" East a distance of 1457.31 feet to a point; thence North 88°51'48" East a distance of 1251.38 feet to the Point of Beginning,

Having an area of 2202540 square feet, 50.56 acres

Tract PIN: 0740-07-8021 (REID: 0407983)

Being a portion of the land now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403 in the Wake County Register of Deeds; being more particularly described as: Beginning at an existing concrete monument at the northeast corner of the subject parcel, being on the western right of way line of Veridea Parkway, a variable width controlled access and public right of way as described in Deed Book 15539, page 1885, the point of beginning; thence from the beginning and with the western right of way line of Veridea Parkway, with a curve to the right a radius of 1933.03 feet, an arc length of 173.41 feet, a chord bearing of South 14°22'33" West, a chord length of 173.35 feet to a point; thence South 16°56'46" West a distance of 296.14 feet to a point; thence South 36°46'38" West a distance of 128.94 feet to a point; thence South 21°28'31" West a distance of 304.38 feet to a point; thence South 20°42'10" West a distance of 61.19 feet to a point; thence with a curve to the left a radius of 6150.50 feet, an arc length of 428.45 feet, a chord bearing of South 18°25'23" West, a chord length of 428.36 feet to an existing concrete monument; thence with a curve to the left a radius of 6150.50 feet, an arc length of 203.98 feet, a chord bearing of South 15°28'40" West, a chord length of 203.97 feet to an existing concrete monument; thence with a curve to the left a radius of 6150.50 feet, an arc length of 244.84 feet, a chord bearing of South 13°23'14" West, a chord length of 244.82 feet to an existing concrete monument on the northern right of way line of N.C. Highway 540, a variable width controlled access right of way, as described in Deed Book 15539, page 1837; thence with the northern right of way line of N.C. Highway 540, South 82°34'50" West a distance of 63.94 feet to an existing concrete monument; thence with a curve to the right a radius of 4035.00 feet, an arc length of 584.49 feet, a chord bearing of North 63°59'55" West, a chord length of 583.98 feet to a point, being the southeast corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence leaving the northern right of way line of N.C. Highway 540 and with said common line, North 02°26'42" East a distance of 1505.96 feet to an existing iron pipe, being the southwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403; thence with said common line, South 89°09'45" East a distance of 1110.26 feet to the point and place of beginning, containing an area of 1,405,383 square feet or 32.26 acres.

Tract PIN: 0740-16-7653 (REID: 0407980)

Being a portion of the land now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2403 in the Wake County Register of Deeds; being more particularly described as: Beginning at an existing rebar with cap at the southeast corner of the subject parcel, being on the northern right of way line of the N.C. Highway 540 Ramp, a variable width controlled access right of way, as described in Deed Book 15539, page 1855, the point of beginning; thence from the beginning and with the northern right of way line of the N.C. Highway 540 Ramp, North 65°24'12" West a distance of 112.48 feet to an existing concrete monument; thence with a curve to the right a radius of 865.00 feet, an arc length of 261.30 feet, a chord bearing of North 54°43'51" West, a chord length of 260.31 feet to an existing concrete monument; thence North 42°11'22" West a distance of 182.87 feet to an existing concrete monument; thence North 40° 19'02" West a distance of 35.61 feet to a point; thence North 44°05'45" West a distance of 184.73 feet to an existing concrete monument; thence with a curve to the left a radius of 534.00 feet, an arc length of 249.50 feet, a chord bearing of North 64°32'31" West, a chord length of 247.24 feet to an existing concrete monument; thence North 77°55'37" West a distance of 220.93 feet to an existing concrete monument; thence North 25° 05'55" West a distance of 60.93 feet to an existing concrete monument on the eastern right of way line of Veridea Parkway, a variable width controlled access and public right of way, as described in Deed Book 15539, page 1885; thence with the eastern right of way line of Veridea Parkway, with a curve to the right a radius of 5930.50 feet, an arc length of 363.87 feet, a chord bearing of North 18°48'19" East, a chord length of 363.81 feet to a point; thence North 20°49'17" East a distance of 59.37 feet to a point; thence North 17°36'52" East a distance of 299.95 feet to a point; thence North 07°20'42" East a distance of 127.17 feet to a point; thence North 16°56'54" East a distance of 296.14 feet to a point; thence with a curve to the left a radius of 2067.50 feet, an arc length of 227.29 feet, a chord bearing of North 13°47'56" East, a chord length of 227.18 feet to a point, being a southwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2335; thence leaving the eastern right of way line of Veridea Parkway and with said common line, North 84°14'41" East a distance of 440.42 feet to a point, being the northwest corner of lands now or formerly owned by RXR Len Apex Owner, LLC, as described in Deed Book 19263, page 2335; thence with said common line, South 01°55'47" East a distance of 1400.56 feet to a point; thence North 87°37'02" East a distance of 180.32 feet to a point; thence South 00°14'49" East a distance of 667.80 feet to the point and place of beginning, containing an area of 1,187,508 square feet or 27.26 acres.

PIN: 0730865572, 0730852539, 0740052449

BEING A PORTION OF THE LANDS NOW OR FORMERLY OWNED BY RXR LEN APEX OWNER, LLC, AS DESCRIBED IN DEED BOOK 19263, PAGE 2403, IN THE WAKE COUNTY REGISTER OF DEEDS; BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A CONCRETE MONUMENT ON THE WESTERN RIGHT OF WAY OF VERIDEA PARKWAY, SAID MONUMENT BEING ON THE NORTHERN LINE OF THE TRACT SHOWN ON BOOK OF MAPS 1986, PAGE 1865, THE POINT OF BEGINNING; THENCE NORTH 71°59'15" WEST A DISTANCE OF 337.68 FEET TO AN IRON PIPE; THENCE NORTH 86°29'50" WEST A DISTANCE OF 829.07 FEET TO AN IRON PIPE, THE NORTHEAST CORNER OF TRACT 3 AS SHOWN ON BOOK OF MAPS 2022, PAGE 3; THENCE WITH SAID COMMON LINE SOUTH 87°43'51" WEST A DISTANCE OF 2,965.86 FEET TO AN IRON PIPE ON THE EASTERN LINE OF TRACT F, AS SHOWN ON BOOK OF MAPS 1974, PAGE 228; THENCE WITH SAID COMMON LINE NORTH 00°24'36" EAST A DISTANCE OF 1,161.04 FEET TO A POINT ON THE SOUTHERN LINE OF TRACT B, AS SHOWN ON BOOK OF MAPS 1979, PAGE 686; THENCE WITH SAID COMMON LINE SOUTH 78°13'36" EAST A DISTANCE OF 73.65 FEET TO A POINT; THENCE SOUTH 70°13'09" EAST A DISTANCE OF 113.59 FEET TO A POINT; THENCE SOUTH 71°57'54" EAST A DISTANCE OF 121.73 FEET TO A POINT; THENCE SOUTH 70°58'13" EAST A DISTANCE OF 114.09 FEET TO A POINT; THENCE SOUTH 72°14'11" EAST A DISTANCE OF 343.92 FEET TO A POINT; THENCE SOUTH 74°17'38" EAST A DISTANCE OF 315.81 FEET TO A POINT; THENCE SOUTH 65°13'58" EAST A DISTANCE OF 138.23 FEET TO A POINT; THENCE SOUTH 65°10'08" EAST A DISTANCE OF 10.00 FEET TO A POINT IN BIG BRANCH; THENCE WITH SAID BRANCH NORTH 19°49'58" EAST A DISTANCE OF 52.46 FEET TO A POINT; THENCE NORTH 27°34'56" EAST A DISTANCE OF 25.74 FEET TO A POINT; THENCE NORTH 62°53'48" EAST A DISTANCE OF 26.76 FEET TO A POINT; THENCE NORTH 29°01'04" WEST A DISTANCE OF 21.84 FEET TO A POINT; THENCE NORTH 05°59'14" WEST A DISTANCE OF 34.25 FEET TO A POINT; THENCE NORTH 49°53'01" EAST A DISTANCE OF 15.65 FEET TO A POINT; THENCE NORTH 35°50'22" EAST A DISTANCE OF 26.00 FEET TO A POINT; THENCE NORTH 57°56'55" WEST A DISTANCE OF 27.74 FEET TO A POINT; THENCE SOUTH 77°56'49" WEST A DISTANCE OF 70.86 FEET TO A POINT; THENCE NORTH 69°25'39" WEST A DISTANCE OF 55.42 FEET TO A POINT; THENCE NORTH 16°13'12" WEST A DISTANCE OF 54.07 FEET TO A POINT; THENCE NORTH 47°24'29" EAST A DISTANCE OF 30.81 FEET TO A POINT; THENCE SOUTH 76°52'37" EAST A DISTANCE OF 46.52 FEET TO A POINT; THENCE NORTH 23°54'47" EAST A DISTANCE OF 15.13 FEET TO A POINT; THENCE NORTH 10°53'04" EAST A DISTANCE OF 79.33 FEET TO A POINT; THENCE NORTH 70°48'08" WEST A DISTANCE OF 21.80 FEET TO A POINT; THENCE NORTH 13°57'57" WEST A DISTANCE OF 44.13 FEET TO A POINT; THENCE NORTH 54°45'55" WEST A DISTANCE OF 48.38 FEET TO A POINT; THENCE SOUTH 57°21'14" WEST A DISTANCE OF 58.90 FEET TO A POINT; THENCE SOUTH 44°33'39" WEST A DISTANCE OF 46.68 FEET TO A POINT; THENCE NORTH 46°24'21" WEST A DISTANCE OF 39.79 FEET TO A POINT; THENCE NORTH 72°29'35" WEST A DISTANCE OF 36.60 FEET TO A POINT; THENCE SOUTH 47°15'35" WEST A DISTANCE OF 18.92 FEET TO A POINT; THENCE NORTH 74°35'59" WEST A DISTANCE OF 21.22 FEET TO A POINT; THENCE NORTH 28°54'22" WEST A DISTANCE OF 20.74 FEET TO A POINT; THENCE NORTH 42°54'07" WEST A

DISTANCE OF 46.75 FEET TO A POINT; THENCE NORTH 06°55'02" EAST A DISTANCE OF 26.65 FEET TO A POINT; THENCE NORTH 88°27'17" EAST A DISTANCE OF 37.67 FEET TO A POINT; THENCE NORTH 27°00'55" EAST A DISTANCE OF 19.39 FEET TO A POINT; THENCE NORTH 01°16'06" EAST A DISTANCE OF 31.60 FEET TO A POINT; THENCE NORTH 45°55'37" EAST A DISTANCE OF 50.02 FEET TO A POINT; THENCE NORTH 01°23'54" EAST A DISTANCE OF 14.01 FEET TO A POINT; THENCE NORTH 65°17'04" WEST A DISTANCE OF 42.02 FEET TO A POINT; THENCE NORTH 01°21'12" EAST A DISTANCE OF 32.19 FEET TO A POINT; THENCE NORTH 46°19'10" WEST A DISTANCE OF 51.21 FEET TO A POINT; THENCE NORTH 06°48'02" EAST A DISTANCE OF 35.97 FEET TO A POINT; THENCE NORTH 69°34'03" EAST A DISTANCE OF 41.13 FEET TO A POINT; THENCE NORTH 39°27'36" EAST A DISTANCE OF 39.13 FEET TO A POINT; THENCE NORTH 15°04'34" WEST A DISTANCE OF 20.63 FEET TO A POINT; THENCE NORTH 51°45'25" WEST A DISTANCE OF 25.88 FEET TO A POINT; THENCE NORTH 30°03'26" EAST A DISTANCE OF 27.95 FEET TO A POINT; THENCE SOUTH 60°17'18" EAST A DISTANCE OF 30.79 FEET TO A POINT; THENCE SOUTH 36°34'38" EAST A DISTANCE OF 34.28 FEET TO A POINT; THENCE SOUTH 78°45'43" EAST A DISTANCE OF 52.43 FEET TO A POINT; THENCE NORTH 41°36'19" EAST A DISTANCE OF 15.36 FEET TO A POINT; THENCE NORTH 04°43'43" EAST A DISTANCE OF 44.44 FEET TO A POINT; THENCE NORTH 30°37'30" EAST A DISTANCE OF 51.77 FEET TO A POINT; THENCE NORTH 05°00'41" EAST A DISTANCE OF 35.48 FEET TO A POINT; THENCE SOUTH 62°04'45" WEST A DISTANCE OF 33.82 FEET TO A POINT; THENCE NORTH 44°58'03" WEST A DISTANCE OF 39.84 FEET TO A POINT; THENCE NORTH 44°37'02" EAST A DISTANCE OF 21.58 FEET TO A POINT; THENCE NORTH 53°05'19" EAST A DISTANCE OF 60.88 FEET TO A POINT; THENCE NORTH 61°15'57" WEST A DISTANCE OF 39.17 FEET TO A POINT; THENCE NORTH 50°49'25" WEST A DISTANCE OF 23.78 FEET TO A POINT; THENCE NORTH 10°03'59" WEST A DISTANCE OF 28.54 FEET TO A POINT; THENCE NORTH 38°48'29" EAST A DISTANCE OF 55.95 FEET TO A POINT; THENCE NORTH 43°08'07" WEST A DISTANCE OF 60.59 FEET TO A POINT; THENCE NORTH 42°28'11" EAST A DISTANCE OF 31.74 FEET TO A POINT; THENCE NORTH 70°54'18" WEST A DISTANCE OF 69.18 FEET TO A POINT; THENCE NORTH 86°35'18" WEST A DISTANCE OF 111.94 FEET TO A POINT; THENCE NORTH 47°58'54" WEST A DISTANCE OF 68.58 FEET TO A POINT; THENCE NORTH 30°52'49" EAST A DISTANCE OF 32.56 FEET TO A POINT; THENCE NORTH 21°24'56" WEST A DISTANCE OF 54.07 FEET TO A POINT; THENCE NORTH 55°25'47" EAST A DISTANCE OF 39.27 FEET TO A POINT; THENCE NORTH 03°25'23" WEST A DISTANCE OF 46.46 FEET TO A POINT; THENCE NORTH 31°42'04" EAST A DISTANCE OF 54.96 FEET TO A POINT; THENCE NORTH 18°30'38" EAST A DISTANCE OF 44.10 FEET TO A POINT; THENCE NORTH 01°10'29" WEST A DISTANCE OF 65.77 FEET TO A POINT; THENCE NORTH 22°17'56" WEST A DISTANCE OF 29.93 FEET TO A POINT; THENCE NORTH 19°15'09" EAST A DISTANCE OF 2.52 FEET TO A POINT ON THE SOUTH LINE OF ROBERT BEREMAN; THENCE WITH SAID COMMON LINE NORTH 87°19'40" EAST A DISTANCE OF 837.86 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 540; THENCE WITH SAID RIGHT OF WAY SOUTH 48°51'19" EAST A DISTANCE OF 616.60 FEET TO A REBAR WITH CAP; THENCE NORTH 44°43'56" EAST A DISTANCE OF 25.00 FEET TO A REBAR WITH CAP; THENCE SOUTH 50°09'33" EAST A DISTANCE OF 205.32 FEET TO A REBAR WITH CAP;

THENCE SOUTH 39°54'37" EAST A DISTANCE OF 212.61 FEET TO A REBAR WITH CAP; THENCE A CURVE TO THE LEFT A RADIUS OF 4,375.00 FEET, AN ARC LENGTH OF 311.61 FEET, A CHORD BEARING OF SOUTH 45°34'54" EAST, A CHORD LENGTH OF 311.54 FEET TO A REBAR WITH CAP; THENCE A CURVE TO THE LEFT, A RADIUS OF 4,375.00 FEET, AN ARC LENGTH OF 1,106.45 FEET, A CHORD BEARING OF SOUTH 54°52'03" EAST, A CHORD LENGTH OF 1,103.50 FEET TO A POINT; THENCE A CURVE TO THE LEFT, A RADIUS OF 4,375.00 FEET, AN ARC LENGTH OF 456.34 FEET, A CHORD BEARING OF SOUTH 65°10'37" EAST, A CHORD LENGTH OF 456.13 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 49°00'55" EAST A DISTANCE OF 133.17 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF VERIDEA PARKWAY; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE LEFT, A RADIUS OF 1,680.00 FEET, AN ARC LENGTH OF 355.38 FEET, A CHORD BEARING OF SOUTH 05°50'57" WEST, A CHORD LENGTH OF 354.72 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT A RADIUS OF 1,680.00 FEET, AN ARC LENGTH OF 205.93 FEET, A CHORD BEARING OF SOUTH 03°43'21" EAST, A CHORD LENGTH OF 205.80 FEET TO THE POINT OF BEGINNING; CONTAINING 5,629,803 SQUARE FEET OR 129.24 ACRES.

PIN: 0741117192

Being all of the land now or formerly owned by RXR Len Apex Owner, LLC, as described as “PIN: 0741-11-7192 (Tract 1)” in Deed Book 19947, page 487 in the Wake County Register of Deeds; being more particularly described as: Beginning at an existing concrete monument on the eastern right of way line of Veridea Parkway, a 60 foot public right of way as shown on Book of Maps 2003, page 1756, being also a corner on the northern right of way line of U.S. Highway 1, a variable width controlled access right of way as shown on Book of Maps 2010, page 282, the point of beginning; thence from the beginning and with the eastern right of way line of Veridea Parkway, North 35°53'59" West a distance of 81.82 feet to an existing iron pipe, being a southern corner of lands now or formerly owned by Greater Raleigh Area Christian Education, Inc., as shown on Book of Maps 2015, page 14; thence leaving the eastern right of way line of Veridea Parkway and with said common line, North 00°44'04" East a distance of 32.54 feet to an existing iron pipe; thence South 89°07'32" East a distance of 204.62 feet to an existing iron pipe on the northern right of way line of U.S. Highway 1; thence with the northern right of way line of U.S. Highway 1, South 58°38'37" West a distance of 183.90 feet to the point and place of beginning, containing an area of 10,829 square feet or 0.25 acres.

December 3, 2025

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

RE: Veridea Sustainable Development Plan Amendment for parcels south of US 1, east of I-540, and west and east of Veridea Parkway

To Whom It May Concern,

This letter is to inform you of a proposed amendment to the Veridea Sustainable Development Plan Conditional Zoning (SD-CZ) to (i) facilitate the development of the North Carolina Children's Hospital and campus, and (ii) revise certain conditions for the remainder of Veridea.

The Veridea Sustainable Development Plan was approved by the Town of Apex on May 9, 2011 (Rezoning #09CZ07).

In the summer of 2025, North Carolina Children's announced their intention to develop a new, state-of-the-art children's hospital within Veridea, bringing North Carolina's first freestanding children's hospital to the Triangle. The North Carolina Children's health care campus and its supporting uses (including but not limited to medical, research, academic, administrative, transport, patient and family respite and accommodations) have a specific set of needs for automobile and pedestrian circulation, massing, scale, and materials. These unique considerations require the enclosed technical exemptions to the SD-CZ Plan (Exhibit A).

Exhibit A proposes exemptions from technical standards found within the SD-CZ Plan. The exemptions would apply to the Hospital Site and surrounding supporting uses which will make up the campus. The exemptions that apply to the health care campus and surrounding supporting uses (including but not limited to medical, research, academic, administrative, transport, patient and family respite and accommodations, central utility plant, and adequate parking facilities) which will make up the campus are found in Part 1 of Exhibit A. These uses and parcels are approximately equivalent to +/- 193 acres of the Urban Core (UC) sustainable zone and +/- 29 acres of the Village Center (VC) sustainable zone within the Veridea development. Exemptions for the overall SD-CZ Zoned area are contained within Part 2 of Exhibit A.

Exemptions or modifications requested herein for the hospital campus relate to standards for glazing, lot width, block perimeter, build-to/maximum setbacks, rear loading, and location of parking and entrances. Exemptions or modifications requested herein for the remainder of Veridea relate to recreation land dedication, land reservation for future rail, and development thresholds. Where exemptions from text are requested, the full text is provided. Where exemptions from a table are requested, the full table is included as an attachment.

Where an exemption is granted from the SD-CZ plan, the development will default to the current UDO standards effective at the date of approval of this amendment.

A corresponding SD-CZ rezoning application has been filed in the Town's development portal.

Sincerely,

Veridea Development Team

Veridea SD Plan Amendment

Proposed Rezoning Changes

December 3, 2025

PART 1 North Carolina Children's (NCC) Campus Property

The Sustainable Development Plan south of US 1, east of I-540, and west of Veridea Parkway (PINs 0740191376, 0730996270, 0730977087, 0730977967, 0740081019, 0740070950, 0740082327, 0740082199, 0740078021, 0740180091, 0740180331, 0731902142 (portion of)) and a portion of the Sustainable Development Plan south of US 1 and east of Veridea Parkway (PINs 0741207566, 0741203157, 0740293940) (collectively, the "NCC Campus Property") will retain all of the conditions from rezoning #09CZ07 except:

Section 3.3.3 Written Statement from Responsible Person Required; Noncompliance

Modification to Section 3.3.3

Any site plan or Subdivision Plan submitted to the Town for approval for a project to be undertaken by a party other than the Responsible Person must be accompanied by a written statement from the Responsible Person indicating its approval of the Project. Such written statement shall also state the authorized development allocated to the Project (i.e., number of dwelling units and/or square feet of non-residential Retail, Office and/or Industrial Uses) as well as the development fee credits, if any, other credits, and/or liabilities and responsibilities assigned to or assumed by the Project. Provided however, any site plan or Subdivision Plan submitted to the Town for approval for a project to be undertaken on the NCC Campus Property shall not be required to be accompanied by a written statement from the Responsible Person indicating its approval of the Project. Such site plans or Subdivision Plans shall be subject to the terms of the SD Plan, as amended, and the Unified Development Ordinance where not inconsistent with the SD Plan.

Any event of non-compliance with any requirement of this SD Plan or the UDO that relates solely to a Project or Projects within Veridea shall not be attributed to Veridea as a whole, but rather shall be attributed only to that Project or Projects, such that any enforcement action taken by the Town shall be limited to the Project or Projects at issue.

In addition to any other remedy that may be available to the Town, if a violation of this SD Plan, Town Standards, Sustainability Standards applicable to Veridea or the UDO remains in existence with respect to a Project or Projects or a distinct area within Veridea after the Town complies with the procedures of UDO 11.5, the Town may withhold the issuing, approving or granting of grading permits, building permits, certificates of compliance or occupancy, site plans, subdivision plans or plats and other permits or approvals for the Project or Projects or distinct area in issue until the non-compliance is corrected and cured.

In addition to any other remedy that may be available to the Town, if a violation of this SD Plan, Town Standards, Sustainability Standards applicable to Veridea or the UDO which applies to Veridea as a whole remains in existence after the Town complies with the procedures of UDO 11.5, the Town may withhold the issuing, approving or granting of grading permits, site plans and subdivision plans or plats throughout Veridea until the non-compliance is corrected and cured.

Section 3.7: Energy Standards

Exemption from the energy efficiency goal of Section 3.7.2.v.

v. The improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2004.

Section 4: Community Design Standards

Exemption from 4.2.3.a. (i. – ii.)

a. Buildings and frontages along the A-Grids shall reflect multi-modal and pedestrian standards of the SD Plan supporting pedestrian activity.
   Thoroughfares within an A-Grid Zone may be developed according to B-Grid standards subject to the following special and limiting conditions:
   i. Transition conditions within A-Grid Zones to adjacent B- Grid Zones; and
   ii. Small internal Thoroughfares of limited length to respond to a specific condition of the site or a use. Notwithstanding these special and limiting conditions, no more than 15% of the aggregate length of Thoroughfares within an A-Grid Zone may be designated as a B-Grid and follow B-Grid standards. Location and other specifics of such B-Grid Thoroughfares shall be addressed within site plans.

Exemption from 4.2.3.b (i. – iii.)

b. Buildings and frontages along the B-Grids may reflect automobile- oriented standards. B-Grids may be developed in whole or in part to A-Grid standards. It is the goal that B-Grid zones eventually become redeveloped as A-Grids. Therefore, site plans for B-Grids shall reflect in their planning and site engineering this goal by:
   i. Establishing a B-Grid Thoroughfare grid and therefore a block layout that can be redeveloped into smaller blocks exhibiting the characteristics of an A-Grid;
   ii. Establishing the B-Grid Thoroughfares in such a manner that they can be redeveloped into A-Grid Thoroughfares and frontages; and
   iii. Locating utilities and site features so that they will not prohibit the establishment of an A-Grid development pattern, and do so without significant redesign or cost impacts. Site plans for B- Grid zones shall depict both the B-Grid configuration, and conceptually reflect how the B-Grid configuration may be redeveloped into an A-Grid.

Exemption from 4.3.5 – 4.3.7

4.3.5 Village Center – A-Grid (VC A-Grid) consists of higher Density Mixed Use buildings that accommodate retail, Office, rowhouses and apartments. It has a tight network of Thoroughfares, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

4.3.6 Village Center – B-Grid (VC B-Grid) consists of larger block sizes, and larger format uses supporting regional users. It has a coarse network of Thoroughfares, with sidewalks and steady street tree planting.

4.3.7 Urban Core – A-Grid (UC A-Grid) consists of the highest Density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; Thoroughfares have steady street tree planting and buildings are set close to wide sidewalks.

4.3.8 Urban Core – B-Grid (UC B-Grid) consists of the highest Density and height, with predominantly Office, lab, and research uses. It may have larger blocks; streets have steady street tree planting and buildings may be set back from the sidewalks.

Exemption from 4.5.1.e. & h.

e. The Thoroughfare network shall be designed to define Blocks not exceeding the size indicated in Table 14. The perimeter shall be measured as the sum of Lot Frontage Lines.
h. Each Lot shall be bounded by a vehicular Thoroughfare, except that 20% of the Lots within each Sustainable Zone may be bounded by a Passage, so long as the Thoroughfare assembly behind such Lots is constructed to Rear Alley standards, will meet emergency vehicle access requirements and is public.

Note: If subdivided, lot dimensions and minimum public frontage standards will default to UDO standards.

Exemption from 4.5.3.a. (i. -iii.)

a. General to all zones OS, NG, NM, VC, UC
    i. The Public Frontage contributes to the character of the Sustainable Zone, and includes the requisite types of Sidewalk, Curb, Planter, bicycle parking, and street trees.
    ii. Public Frontages shall be designed as shown in Table 4A and Table 4B and allocated within Sustainable Zones as specified in Table 14d.
    iii. Within the Public Frontages, the types of Public Planting and Public Lighting shall be as shown in Table 4A, Table 4B, Table 5 and Table 6.

Note: Public frontage standards will default to the Town of Apex UDO Section 7.5.

Section 5: Building Standards

Exemption from 5.4.1.a. – g.

a. Newly platted Lots shall be dimensioned according to Table 14f and Table 15.
b. Building Disposition shall be as shown in Table 9 and Table 14i.
c. Buildings shall be disposed in relation to the boundaries of their Lots according to Table 14g, Table 14h, and Table 15.
d. One Principal Building at the Frontage and one Outbuilding to the rear of the Principal Building may be built on each Lot as shown in Table 17c.
e. Lot coverage by buildings shall not exceed that specified in Table 14f and Table 15.
f. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 14g and Table 15.
g. Setbacks for Principal Buildings shall be as shown in Table 14g and Table 15.

Exemption from 5.4.2.a

a. The Principal Entrance shall be on a Frontage Line.

Exemption from 5.5.1 (a., b., d., g.)

a. The Private Frontage of buildings shall conform to and be allocated in accordance with Table 7 and Table 14j.
b. Buildings on corner Lots shall have two Private Frontages as shown in Table 17. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
d. Building stories, Stepbacks, and Expression Lines shall conform to Table 8 and Table 14j.
g. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot.

Modification to 5.5.1. c.

c. All Facades shall be glazed with clear glass no less than 30% of the first Story, however glazing shall be no less than 50% <u>of the first Story</u> in the VC Zone A-Grid and UC Zone A-Grid areas. <u>Within the NCC Campus Property, this requirement shall only apply to buildings within 200 feet of the Veridea Parkway right-of-way with the exception of any inpatient, outpatient, or supporting medical use.</u>

Exemption from 5.5.5.e.

e. In the absence of a building Facade along any part of a Frontage Line, a Streetscreen may be built co-planar with the Facade or adjacent Facades.

Exemption from 5.8.1 (a. - c.)

a. Parking shall be accessed by Rear Alleys or Rear Lanes, when available.

b. Open parking areas and Parking Structures shall be masked from the Frontage by a Building or Streetscreen.
c. For buildings on B-Grids, open parking areas and Parking Structures are allowed unmasked on the Frontage in the front Layer, except for corner Lots at intersections with the A-Grid.

Exemption from 5.8.4 (a. & c.)

a. All parking lots, garages, and Parking Structures shall be located at the second or third Layer except along B-Grids where parking may be located in the first layer. (Table 17d)
c. Parking Structures on the A-Grid shall have Liner Buildings lining the first and second Stories.

Modification to 5.8.4.b:

1. Vehicular entrances to parking lots, garages, and Parking Structures shall ~~be no wider than 24 feet at the Frontage for A-Grid Thoroughfares. Driveways at Frontages for B-Grid Thoroughfares shall be no wider than necessary to accommodate the straight and turn lanes in the first Layer. (Table 3B.f)~~ meet the requirements found in the *Town of Apex Standard Specifications and Standard Details or be designed to accommodate the use subject to TRC approval*.

Section 6: Tables

Note: Exempted tables are included as attachments to this letter, labeled as described below.

Table 1 – Sustainable Zone Descriptions

The NCC Campus Property shall be exempt from Table 1.

Tables 3B – Vehicular Lane and Parking Assemblies

The NCC Campus Property shall be exempt from Table 3B c., d., and e. streetside parking requirements.

Tables 4A & 4B – Public Frontages

The NCC Campus Property shall be exempt from Tables 4A & 4B.

Tables 4C – Thoroughfare Assemblies

The NCC Campus Property shall be exempt from Tables 4C.

Tables 4D – Thoroughfare Cross Sections

The NCC Campus Property shall be exempt from Tables 4D.

Table 6 – Public Planting

The NCC Campus Property shall be exempt from Table 6.

Table 7 – Private Frontages

The NCC Campus Property shall be exempt from Table 7.

Table 8 – Building Configuration

The NCC Campus Property shall be exempt from Table 8.

Table 9 – Building Disposition

The NCC Campus Property shall be exempt from Table 9.

Table 13 – Civic Space

The NCC Campus Property shall be exempt from Table 13.

Table 14 – Form-Based Code Summary

The NCC Campus Property shall be exempt from the struck through standards of Table 14 as shown below relating to block perimeter, rear-loading, lot width, and building disposition for the VC and UC sustainable zones. Other applicable standards shall be amended as indicated with the callout black boxes below.

c. Block Size

c. BLOCK SIZE	OS OPEN SPACE ZONE	NG NEIGHBORHOOD GENERAL ZONE	NM NEIGHBORHOOD MIXED-USE ZONE	VC VILLAGE CENTER ZONE	UC URBAN CORE ZONE
Block Perimeter: A-Grids	no maximum	3000 ft. max	2400 ft. max	~~2000 ft. max *~~	~~2000 ft. max *~~
Block Perimeter: B-Grids	not applicable	not applicable	not applicable	~~* 3500 ft max with parking structures~~	

d. Thoroughfare

d. THOROUGHFARES (see Table 3 and Table 4)	OS OPEN SPACE ZONE	NG NEIGHBORHOOD GENERAL ZONE	NM NEIGHBORHOOD MIXED-USE ZONE	VC VILLAGE CENTER ZONE	UC URBAN CORE ZONE
Highway (HW)	permitted	permitted	not permitted	not permitted	not permitted
Boulevard (BV)	not permitted	not permitted	not permitted	permitted	permitted
Avenue (AV)	not permitted	permitted	permitted	permitted	permitted
Commercial Street (CS)	not permitted	not permitted	not permitted	permitted	permitted
Drive (DR)	not permitted	permitted	permitted	permitted	permitted
Street (ST)	permitted	permitted	permitted	permitted	not permitted
Road (RD)	permitted	permitted	not permitted	not permitted	not permitted
Rear Lane (RL)	permitted	permitted	permitted	not permitted	not permitted
Rear Alley (RA)	not permitted	permitted	required	~~required~~	~~required~~
Path (PT)	permitted	permitted	permitted	not permitted	not permitted
Passage (PS)	not permitted	permitted	permitted	permitted	permitted
Bicycle Trail (BT)	permitted	permitted	not permitted *	~~not permitted *~~	~~not permitted *~~
Bicycle Lane (BL)	permitted	permitted	permitted	permitted	permitted
Bicycle Route (BR)	permitted	permitted	permitted	permitted	permitted

Amend to "permitted"

Amend to "permitted"

f. Lot Occupation

f. LOT OCCUPATION	OS OPEN SPACE ZONE	NG NEIGHBORHOOD GENERAL ZONE	NM NEIGHBORHOOD MIXED-USE ZONE	VC VILLAGE CENTER ZONE	UC URBAN CORE ZONE
Lot Width: A-Grids	variable	25 ft. min 120 ft. max	18 ft. min 400 ft. max	~~18 ft. min 600 ft. max~~	~~18 ft. min 700 ft. max~~
Lot Width: B-Grids	not applicable	not applicable	not applicable	no max	no max

Amend to "no max"

i. Setbacks – Outbuilding

h. SETBACKS - OUTBUILDING (see Table 15)	OS OPEN SPACE ZONE	NG NEIGHBORHOOD GENERAL ZONE	NM NEIGHBORHOOD MIXED-USE ZONE	VC VILLAGE CENTER ZONE	UC URBAN CORE ZONE
(h.1) Front Setback	not applicable	20 ft. min +bldg setback	20 ft. min +bldg setback	~~40 ft. max from rear prop~~	not applicable
(h.2) Side Setback	not applicable	0 ft. or 3 ft. min	0 ft. or 3 ft. min	0 ft. min	not applicable
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min	~~3 ft. min~~	not applicable

Amend to "not applicable"

j. Building Disposition

i. BUILDING DISPOSITION (see Table 9)	OS OPEN SPACE ZONE	NG NEIGHBORHOOD GENERAL ZONE	NM NEIGHBORHOOD MIXED-USE ZONE	VC VILLAGE CENTER ZONE	UC URBAN CORE ZONE
Edgeyard	permitted	permitted	permitted	permitted	permitted
Sideyard	not permitted	permitted	permitted	permitted	~~not permitted~~
Rearyard	not permitted	permitted	permitted	permitted	permitted
Courtyard	not permitted	not permitted	permitted	permitted	permitted

Amend to "permitted"

Table 15D – Form-Based Code Graphics – VC – Village Center

The NCC Campus Property shall be exempt from the Form-based code standards in Table 15 D.

Table 15E - Form-Based Code Graphics - UC - Urban Core

The NCC Campus Property shall be exempt from the Form-based code standards in Table 15 E.

In addition to the standards and conditions of the Sustainable Development Plan for Veridea (#09CZ07), as amended, the NCC Campus Property shall comply with the following:

1. All lots shall front on a public street.
2. Hospital, behavioral health, and accessory/supportive uses including but not limited to central utility plants, shared services (i.e. laboratory, sterile processing, security, network support, logistics, housekeeping, maintenance, laundry, supply chain, dietary and food preparation), parking structures, ambulatory surgery centers (with or without Emergency Department), and physician office buildings shall be considered a Civic Use for SD Zoning and UDO regulatory requirements including calculations related to maximum development of respective uses within the SD Zoning boundary.
3. For the area west of Veridea Parkway only, four (4) bus stops shall be constructed. The location of the stops will be finalized and shown on the first Major Site Plan within the NCC Campus Property. All bus stops shall be within ¼ -mile radius of a healthcare building. Bus stops shall

meet Town of Apex Standard Specifications including landing pad, amenity pad, and pedestrian circulation path. Each bus stop (at a minimum) will include the following, pending Planning Director or designee approval:

- 1 bus shelter
- 1 trash receptacle
- 1 bench
- 2 bicycle racks
- Pedestrian connections to surrounding street network to ADA and PROWAG guidelines.

PART 2 Veridea Properties Zoned SD-CZ

The Sustainable Development Plan for Veridea (#09CZ07), is amended as follows, with additions underlined and deletions being shown by stricken-through text:

Elimination of Rail

The rail requirements of the SD Plan no longer apply. Any references within the SD Plan to rail shall not be applicable.

Modification to 3.4.2.2 Specific Recreation Requirements

Section 3.4.2.2 is deleted in its entirety and replaced as follows:

3.4.2.2 Specific Recreation Requirements

(i) Developer shall grant to the Town a public access easement over the stormwater and linear parks areas shown generally on the attached **Exhibit A-1**. Developer shall work collaboratively with the Town to program the space within this easement. The Town, in its sole discretion, shall approve all uses of the space within the easement and Developer and Town shall execute an agreement detailing scheduled uses of the easement space prior to approval of the Master Subdivision Final Plat that contains said easement;

(ii) Developer shall construct a 25,000sf programmable recreation center at its sole cost and expense to be designed with interior finishes consistent with other Town of Apex recreation center facilities. This recreation center shall be located south of Adesso Way and north of Forest Light Way as shown generally on the attached **Exhibit A-1.** The programmable recreational facility may include but is not limited to gymnasium, adaptive classroom/ program/ camp spaces, and associated support spaces such as restrooms, offices and storage to be determined in agreement with PRCR staff and as part of the developer agreement. Prior to construction of the recreation center, Town must approve the design, construction schedule, construction cost, and location of the recreation center. Construction will not

begin until Town and the Developer have executed a Development Agreement outlining the roles and obligations associated with the design and construction of the recreation center;

(iii) A site plan for this recreation center shall be submitted to the Town of Apex prior to issuance of a building permit for the 1,000th dwelling unit or platting of the 4,000th lot within Veridea, whichever comes first. Construction of this recreation center shall be completed within three (3) years of Developer's receipt of building permit approval. In the event construction has not been completed within this time, including the issuance of a Certificate of Occupancy, no building permits will be issued for any additional dwelling units within the Veridea Development until construction of the recreation center is complete.

(iv) The costs and expenses incurred by Developer in construction of the recreation facility required by subsection (iii) hereof shall be credited against parks and recreation fees due for residential development within Veridea and shall be outlined in the Development Agreement. This credit shall be in favor of Developer exclusively and may be applied by Developer from time-to-time for the permitting of residential dwellings constructed by third parties. Further, any parks and recreation fees paid for any development within Veridea prior to construction of the recreation center shall be paid over to Developer on an agreed upon schedule as construction of the recreation center progresses. In the event that parks and recreation fees-in-lieu received by the Town prior to commencement of the recreation center exceed the cost of the recreation center, such excess amounts shall be retained by the Town and all residential development within Veridea thereafter shall be required to pay applicable Parks and Recreation fees-in-lieu in accordance with Town and state requirements for the same.

(v) Subject to the foregoing, all development within Veridea shall be subject to all applicable Parks and Recreation fees-in-lieu in accordance with Town and state requirements for the same.

(vi) These Developer commitments related to the construction of the recreation center shall be reduced to a development agreement between the Town and Developer which shall be executed prior to the issuance of the 750th building permit. In addition to the foregoing terms, the Development Agreement shall include an agreed upon construction schedule for the recreation center and shall provide the Town a remedy to take over construction in the event that Developer fails to comply with said construction schedule beyond any applicable cure periods.

Modification to 3.5.3.d Land Reservation for Future Rail

~~d. Land Reservation: Land shall be reserved for the future Regional Public Transit System within Veridea. With regard to the Regional Public Transit System alignment and associated rights of way ("ROW") outside of Veridea, the location along Veridea's perimeter where the Regional Public Transit System will enter and exit Veridea in the vicinity of the interchange of US 1 with the Triangle Expressway will be determined by Triangle Transit, and/or other regional transit organization, and/or the Town. As Veridea is developed, site plans and Subdivision Plans will be shared with Triangle Transit, and/or other relevant regional transit organization, to assist such entities in the planning for and selection of the final alignment of the Regional Public Transit System.~~

~~The reservation of land to accommodate the Regional Public Transit System will be made as follows:~~

~~i. Land shall be reserved in a manner consistent with the development pattern of the Sustainability Zone in which it resides, and may overlap dedications made for other public uses such as Thoroughfares and utilities as long as the overlap is not contrary to sound planning and engineering practice that ensures that the reservation and dedication are sufficient for all planned infrastructure;~~

~~ii. Reservation shall include an area for transit station functions which shall be located within a UC zone, and shall be reserved in a manner that is in keeping with an urban development pattern of that zone as defined by the SD Plan, and may overlap reservations and, dedications made for other public uses such as Thoroughfares and utilities as long as the overlap is not contrary to sound planning and engineering practice that ensures that the reservation and dedication are sufficient for all planned infrastructure;~~

~~iii. Determination of the form, character, location, and relationship to adjacent development, relationship to other reservations and/or dedications and dimensions shall occur during site planning jointly by the Responsible Person, the TRC or Town Council, as appropriate.~~

~~iv. The reservation of land will prohibit permanent development within the designated reserve area until 2035 at which time, if there are no plans that financially commit the Triangle Transit, and/or other regional transit organization, and/or the Town to implement a regional rail plan that includes the Development, the Responsible Person may consider the reservation null and void.~~

~~v. Land reserved hereunder will be dedicated to Triangle Transit, and/or other regional transit organization, and/or the Town once the applicable entity secures funding and commits to construct the Regional Public Transit System within the Development.~~

~~vi. Buildout of any of single land use of the three (3) uses identified in Article 4.2.2.b.i-iii shall not exceed 85% of the total authorized development for the respective use, unless Town Council otherwise approves in accordance with UDO 2.3.16 F) 3) a), until the commencement of a Regional Public Transit System that will serve Veridea.~~

With the removal of regional rail from the Town's Transportation Plan, the reference to regional rail in this section shall no longer apply and shall be replaced with a requirement that a bus transit center site shall be identified within Veridea (but not within the NCC Campus Property) with the first site plan submittal that includes the area identified as the location of the Bus Transit Center on the Transit Plan Map. The site plan for the transit center shall be submitted to the Town prior to approval of the site plan or subdivision plan containing the 2,000th dwelling unit within Veridea.

Prior to approval of the site plan or subdivision plan for the 3,000th dwelling unit within Veridea, Developer shall construct and install the following Bus Transit Center Improvements:

- Restroom accessible to bus operators. In the event the recreation center required by Section 3.4.2.2 is not located within 500 feet of the Bus Transit Center, the restrooms required herein shall be constructed and installed independent of the recreation center;
- Bus layover area including at least two (2) bus layover parking spaces;

- Park and ride area including at least ten (10) standard vehicle parking spaces (inclusive of ADA space where required);
- Two bus stops (one for each direction of travel) with dimensions per the Town of Apex Standard Specification, including a thirty foot (30') landing pad between the curb and pedestrian circulation, and a six foot (6') by thirty foot (30') amenity pad behind the pedestrian circulation path. The bus stops shall include the following amenities:
    i. One (1) bus shelter (two (2) total)
    ii. One (1) trash receptacle (two (2) total)
    iii. One (1) bench (two (2) total)
    iv. Two (2) bicycle racks (four (4) total)
    v. Direct pedestrian connections to surrounding street network to ADA and PROWAG guidelines
    vi. Final location to be approved by Planning Director

The Town, in its sole discretion, will approve the design and construction of Bus Transit Center Improvements before this condition is considered satisfied. In the event that the Town provides Developer with notice that a fully funded bus route has been approved that will provide service within Veridea prior to the schedule outlined above, then the site plan for the transit center shall be submitted within six (6) months of receipt of said notice and the center shall be constructed and completed within two (2) years of receipt of permit approval for the same.

Modification to 3.5.5.g.ii Perry Road improvements

Veridea shall not exceed 50% build-out of any single land use until ~~both the interchange of Perry Road at US 1 and the interchange of Old Holly Springs Apex Road at Triangle Expressway are open to traffic~~ an overpass for Perry Road is constructed across US HWY 1 in accordance with the Apex Transportation Plan.

Exemption from 4.2.2.b maximum authorized development intensities for Hospital and Behavior Health Center Components of NCC Campus Property

Hospital, behavioral health, and accessory/supportive uses including but not limited to central utility plants, shared services (i.e. laboratory, sterile processing, security, network support, logistics, housekeeping, maintenance, laundry, supply chain, dietary and food preparation), parking structures, ambulatory surgery centers (with or without Emergency Department), and physician office buildings shall be considered a Civic Use for SD Zoning and UDO regulatory requirements including calculations related to maximum development of respective uses within the SD Zoning boundary.

Exemption from 4.2.4 Development Thresholds

Upon commencement of development work on the North Carolina Children's Hospital Campus development thresholds 1-5 contained within Section 4.2.4 shall be deemed satisfied.

Modification to Various Sections

With the exception of references within Section 3.4.2.2, all other references to “building permit” or “certificate of occupancy” as a development threshold shall be replaced with “Site Plan Final Plat or Master Subdivision Final Plat”, as determined by staff.

EXHIBIT A-1

McADAMS
PREPARED FOR:
RXR Realty



VERIDEA RECREATION FACILITY & BUS TRANSIT
APEX, NORTH CAROLINA

SCALE: 1" = 100'

RXR220003
10. 31. 2025

01

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP
#09CZ07

WHEREAS, the application of Lookout Ventures, Inc., petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 13th day of December, 2010 and the 13th day of January, 2011 before the Planning Board and the 18th day of January, 2011, the 1st day and 15th of February, 2011, the 15th day of March, 2011 and the 10th day of May, 2011, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes; **NOW, THEREFORE,**

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

Section 1: The 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 lands hereinafter described from Planned Unit Development Conditional Zoning (PUD-CZ), Light Industrial (LI), Rural Residential (RR) and Residential Agricultural (RA) to SD-CZ (Sustainable Development Conditional Zoning) District, said lands so rezoned being described as follows:

See Attachement "A" (Legal Description)

Section 2: 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 directed by this Ordinance.

Section 3: A request to amend the Official Zoning District Map is granted whereby the previously described property and the subject of the previously mentioned change in zoning classification is subject to the following limitations:

See Attachment "B" (SD Plan and UDO Amendments)

Section 4: This property shall be perpetually bound to 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 5: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member Jones

Seconded by Council Member Jensen

With 4 Council Member(s) voting "aye."
With 0 Council Member(s) voting "no."

This the 2nd day of August, 2011.

TOWN OF APEX, NORTH CAROLINA

Mayor

ATTEST:

Georgia A. Evangelista
Town Clerk

APPROVED AS TO FORM:

Town Attorney

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON ZONING PETITION #09CZ09

Lookout Ventures, Inc., owners/applicants (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of June, 2009 (the "Application"). The proposed conditional zoning is designated #09CZ07.

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 #09CZ07 before the Planning Board held on the 13th day of December, 2010 and the 13th day of January, 2011.

Pursuant to G.S. §160A-384 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 #09CZ07 before the Town Council on the 18th day of January, 2011, the 1st day and 15th of February, 2011, the 15th day of March, 2011 and the 10th day of May, 2011.

The Apex Planning Board held a public hearing on the 13th day of December, 2010 and the 13th day of January, 2011, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #09CZ07. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #09CZ07.

The Apex Town Council held a public hearing on the 18th day of January, 2011, the 1st day and 15th of February, 2011, the 15th day of March, 2011 and the 10th day of May, 2011. Dianne Khin presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #09CZ07 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 and 0 approved Application #09CZ07.

In zoning Application #09CZ07, Applicant seeks to rezone the subject tract located west of NC 55, south of US#1, north and adjacent to proposed 540 from Planned Unit Development Conditional Zoning (PUD-CZ), Light Industrial (LI), Rural Residential (RR) and Residential Agricultural (RA) to SD-CZ (Sustainable Development Conditional Zoning). After public hearing, Town Council approved the rezoning. This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness and affect on public interest.

Approval of the rezoning is in line with the mixed use development proposed on the 2025 Land Use Plan. The rezoning request includes amendments to the Unified Development Ordinance, the 2025 Land Use Plan, and the Official Zoning District Map. The changes being made are consistent with the long range vision to create a unified sustainable development in the requested area. The rezoning is compatible with the surrounding area, and should be of no detriment to immediate neighbors and the surrounding community.

Property Description

Tract 1 (Poe):

BEGINNING at a point which is the northeast corner of the 54.650 acre tract shown on Boundary Survey Prepared for Apex Land Assemblage, LLC by Riley Surveying, PA dated February 23, 2006 and recorded in Book of Maps 2006, Page 416, Wake County Registry; thence along the line of said 54.650 acre tract N 89° 54' 34" W 1794.53 feet to a point in the centerline of Big Branch; thence along the centerline of Big Branch, the following courses and distances denoted L87 through L156 on the following table:

CENTERLINE BIG BRANCH

LINE TABLE		
LINE	*BEARING*	*LENGTH*
L87	*N20° 48' 14" E*	*52.19*
L88	*N27° 36' 15" E*	*25.74*
L89	*N62° 55' 07" E*	*26.76*
L90	*N28° 59' 45" W*	*21.84*
L91	*N05° 57' 55" W*	*34.25*
L92	*N49° 54' 20" E*	*15.65*
L93	*N35° 51' 41" E*	*26.00*
L94	*N57° 55' 36" W*	*27.74*
L95	*S77° 58' 08" W*	*70.86*
L96	*N69° 24' 20" W*	*55.42*
L97	*N16° 11' 53" W*	*54.07*
L98	*N47° 25' 48" E*	*30.81*
L99	*S76° 51' 18" E*	*46.52*
L100	*N23° 56' 06" E*	*15.13*
L101	*N10° 54' 23" E*	*79.33*
L102	*N70° 46' 49" W*	*21.80*
L103	*N13° 56' 38" W*	*44.13*
L104	*N54° 44' 36" W*	*48.38*
L105	*S57° 22' 33" W*	*58.59*
L106	*S44° 34' 58" W*	*46.68*
L107	*N46° 23' 02" W*	*39.79*
L108	*N72° 28' 16" W*	*36.60*
L109	*S47° 16' 54" W*	*18.92*
L110	*N74° 34' 40" W*	*21.22*
L111	*N28° 53' 03" W*	*20.74*
L112	*N42° 52' 48" W*	*46.75*
L113	*N06° 56' 21" E*	*26.65*
L114	*N88° 28' 36" E*	*43.87*
L115	*N27° 02' 14" E*	*18.93*
L116	*N01° 17' 25" E*	*31.60*
L117	*N45° 56' 56" E*	*50.02*
L124	*N39° 28' 55" E*	*39.13*
L125	*N15° 03' 15" W*	*20.63*
L126	*N51° 44' 06" W*	*25.88*
L127	*N30° 05' 45" E*	*27.95*
L128	*S60° 15' 59" E*	*30.79*
L129	*S36° 33' 19" E*	*34.28*
L130	*S78° 44' 24" E*	*52.43*
L131	*N41° 37' 38" E*	*15.36*
L132	*N04° 45' 02" E*	*44.44*
L133	*N30° 38' 49" E*	*51.77*
L134	*N05° 02' 00" W*	*35.48*
L135	*S62° 06' 04" W*	*33.82*
L136	*N44° 56' 44" W*	*39.84*
L137	*N44° 38' 21" E*	*21.58*
L138	*N53° 06' 38 E*	*60.88*
L139	*N61° 14' 38" W*	*39.17*
L140	*N50° 48' 06" W*	*23.78*
L141	*N10° 02' 40" W*	*28.54*
L142	*N38° 49' 48" E*	*55.95*
L143	*N43° 06' 48" W*	*60.59*
L144	*N42° 29' 30" E*	*31.74*
L145	*N70° 52' 59" W*	*69.18*
L146	*N86° 33' 59" W*	*111.94*
L147	*N47° 57' 35" W*	*68.58*
L148	*N30° 54' 08" E*	*32.56*
L149	*N21° 23' 37" W*	*54.07*
L150	*N55° 27' 06" E*	*39.27*
L151	*N03° 24' 04" W*	*46.46*
L152	*N31° 43' 23" E*	*54.96*
L153	*N18° 31' 57" E*	*44.10*
L154	*N01° 09' 10" W*	*65.77*
L155	*N22° 16' 37" W*	*29.93*
L156	*N19° 16' 28" E*	*2.52*

L118	*N01° 25' 13" E*	*14.01*
L119	*N65° 15' 45" W*	*42.02*
L120	*N01° 22' 31" E*	*32.19*
L121	*N46° 17' 51" W*	*51.21*
L122	*N06° 49' 21" E*	*35.97*
L123	*N69° 35' 22" E*	*41.13*

Thence leaving the course of Big Branch, N 87° 20' 59" E 1317.72 feet to a point; thence N 00° 20' 59" E 1411.74 feet to a point; thence N 87° 17' 47" E 1396.96 feet to a point; thence S 02° 19' 40" W 527.05 feet to a point; thence S 90° 00' 00" W 750.13 feet to a point; thence S 00° 00' 00" W 967.73 feet to a point; thence N 77° 55' 24" E 389.22 feet to a point; thence N 01° 29' 14" E 148.65 feet to a point; thence N 65° 20' 41" E 538.98 feet to a point; thence S 02° 20' 59" W 179.73 feet to a point; thence S 02° 28' 41" W 1915.88 feet to a point; thence N 89° 11' 33" W 648.01 feet to the point and place of beginning and being all of Tract 3 containing 128.439 acres shown on a survey entitled "Exempt Division Survey – Property of Bobby and Elizabeth Poe" prepared by Riley Surveying, PA dated November 9, 2006.

Tract 2 (Poe):

BEING all of the 1.710 acre tract and the 0.042 acre tract shown as area in the right of way of Old Holly Springs – Apex Road shown on a map entitled "Property of Bobby W. and Elizabeth A. Poe, F.D. Prince, Sr, Trustee" recorded in Book of Maps 2002, Page 109, Wake County Registry, reference to which is hereby made for greater certainty of description and also being more particularly described as follows: Beginning at an existing nail in the northwest corner of the property of E.K. Huang, et. al. as described in Deed Book 6650, Page 866, Wake County Registry, and the southwest corner of the property of F.D. Prince, Sr. as described in Deed Book 8291, page 540, Wake County Registry, runs thence North 05 degrees 23 minutes 24 seconds East 64.21 feet to an iron pipe; thence North 74 degrees 31 minutes 24 seconds East 381.93 feet to an iron pipe; thence South 86 degrees 04 minutes 18 seconds East 863.27 feet to an iron pipe in the west right of way of SR 1153 (Old Holly Springs – Apex Road). Thence South 86 degrees 04 minutes 18 seconds East 30.32 feet to the centerline of SR 1153; thence along the centerline of SR 1153, South 12 degrees, 45 minutes 03 seconds West 60.72 feet to a point; thence with the north line of Huang, et. al., North 86 degrees 04 minutes 18 seconds West 30.32 feet to an existing iron pipe; thence North 86 degrees 04 minutes 18 seconds West 843.70 feet to an existing iron pipe; thence South 74 degrees 31 minutes 24 seconds West 394.54 feet to an existing iron pipe, the point and place of Beginning, and also being Tract 1 containing 1.754 acres shown on a survey entitled "Exempt Division Survey – Property of Bobby and Elizabeth Poe" prepared by Riley Surveying, PA dated November 9, 2006.

Tract 3 (Lyna):

BEGINNING at a point in the centerline of Old Holly Springs Apex Road, said point being calculated as follows: Beginning at a point in the line of Tract A shown on a map entitled "Proposed Subdivision and Recombination of Properties of Wake County" which is recorded in Book of Maps 1998, Page 782, Wake County Registry, said point also being North 45° 03' 47" East 1591.01 feet from the centerline of the intersection of Old Holly Springs Apex Road and

Woods Creek Road; thence North 09° 24' 42" East 362.56 feet to a point; thence North 85° 47' 44" West 162.21 feet to an iron pin in the centerline of Old Holly Springs Apex Road; thence along the centerline of Old Holly Springs Apex Road in an northerly direction along a left hand curve having a radius of 1963.49 feet an arc distance of 423.08 feet and chord bearing and distance of North 12° 12' 26" East 422.26 feet to the POINT AND PLACE OF BEGINNING: thence continuing along the centerline of said Old Holly Springs Apex Road in a northerly direction along a left hand curve having a radius of 1963.49 feet, an arc distance of 259.39 feet and a chord bearing and distance of North 02° 14' 59" East 259.20 feet; thence North 00° 00' 56" East 187.39 feet to a point; thence South 67° 20' 57" East 925.18 feet to a point; thence South 61° 30' 00" East 301.10 feet to a point; thence South 73° 33' 19" East 346.87 feet to a point; thence South 74° 36' 50" East 217.48 feet to a point; thence South 70° 39" 03" East 219.39 feet to a point; thence South 66° 06' 14" East 183.83 feet to a point; thence South 51° 10' 55" East 327.09 feet to a point in the centerline of White Oak Creek a/k/a Falls Branch Creek; thence along the centerline of said creek as follows: South 03° 23' 35" East 31.18 feet to a point; thence South 19° 58' 50" East 138.13 feet to a point; thence South 09° 01' 05" West 63.94 feet to a point; thence South 22° 49' 37" West 94.25 feet to a point; thence South 05° 19' 49" West 65.12 feet to a point; thence leaving the center line of said creek N 67° 48' 05" W 2481.26 feet to the point and place of BEGINNING and being all of Tract 1 containing 23.62 acres as shown on a survey entitled "Exempt Subdivision prepared for Apex Land Assemblage, LLC" by Riley Surveying, P.A. dated May 13, 2005.

Tract 4 (Reeves):

BEGINNING at a point in the line of Tract A shown on a map entitled "Proposed Subdivision and Recombination of Properties of Wake County" which is recorded in Book of Maps 1998, Page 782, Wake County Registry, said point also being North 45° 03' 47" East 1591.01 feet from the centerline of the intersection of Old Holly Springs Apex Road and Woods Creek Road, being the point and place of BEGINNING, thence North 09° 24' 42" East 362.56 feet to a point; thence North 85° 47' 44" West 162.21 feet to a point; thence North 85° 47' 44" West 30.48 feet to an iron pin in the centerline of Old Holly Springs Apex Road; thence along the centerline of Old Holly Springs Apex Road in an northerly direction along a left hand curve having a radius of 1963.49 feet, an arc distance of 423.08 feet and chord bearing and distance of North 12° 12' 26" East 422.26 feet to a point; thence leaving the centerline of said road South 67° 48' 05" East 2481.26 feet to a point in the centerline of White Oak Creek a/k/a Falls Branch Creek; thence along the centerline of said creek as follows South 05° 19' 49" West 39.71 feet to a point; thence South 17° 13' 42" West 52.16 feet to a point; thence South 63° 16' 26" West 25.88 feet to a point; thence South 17° 55' 39" West 68.74 feet to a point; thence leaving the line of said creek North 78° 00' 00" West 876.99 feet to a point; thence North 84° 10' 00" West 1370.01 feet to the point and place of BEGINNING, and being all of Tract 2 containing 23.62 acres as shown on a survey entitled "Exempt Subdivision prepared for Apex Land Assemblage, LLC" by Riley Surveying, P.A. dated May 13, 2005.

Tract 5 (Goodwin/ALAN):

BEING all that certain tract or parcel of land containing 54.650 acres, more or less, as shown on plat of survey entitled "Boundary Survey Prepared for Apex Land Assemblage, LLC" dated February 16, 2006 and revised February 23, 2006, prepared by Phillip W. Riley, professional Land Surveyor, of Riley Surveying, P.A. and recorded in Book of Maps 2006, Page 416, Wake County Registry, which plat is referenced for a more particular description.

Tract 6 (Adams):

BEING all that certain tract or parcel of land containing 86.334 acres as shown on plat of survey entitled "Boundary Survey, Prepared for HH Trinity Apex Investments, LLC, Holly Springs Township, Wake County, NC" dated September 17, 2007, prepared by Phillip W. Riley, Professional Land Surveyor, of Riley Survey, P.A. and recorded in Book of Maps 2007, Page 2469, Wake County Registry, which plat is referenced for a more particular description.

Tract 7 (Cox):

BEING all that certain tract or parcel of land containing 65.210 acres as shown on plat of survey entitled "Boundary Survey, Prepared for HH Trinity Apex Investments, LLC, Holly Springs Township, Wake County, NC" dated September 19, 2007, prepared by Phillip W. Riley, Professional Land Surveyor, of Riley Survey, P.A. and recorded in Book of Maps 2007, Page 2467, Wake County Registry, which plat is referenced for a more particular description.

Tracts 8 - 11 (Raymer):

BEING all those certain tracts or parcels of land designated as Tract I-A, containing 278.521 acres; Tract II, containing 2.134 acres; Tract III, containing 4.333 acres; and Tract 840' x 40', containing 0.626 acres, as shown on plat of survey entitled "Boundary Survey, Prepared for HH Trinity Apex Investments, LLC, Holly Springs Township, Wake County, NC" dated September 20, 2007, prepared by Phillip W. Riley, Professional Land Surveyor, of Riley Surveying, P.A. and recorded in Book of Maps 2007, Page 2468, Wake County Registry, which plat is referenced for a more particular description.

Tract 12 (Apex Town Square):

Being all of that certain tract of land lying in the Town of Apex, Holly Springs Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe at the northeastern corner of the now or formerly EMC Corporation property described in Deed recorded Book 2791, Page 428, Wake County Registry, said pipe also being located in the western line of the now or formerly Cash and Maynard Tract 1-A as shown on plat of survey recorded in Book of Maps 2003, Page 398, Wake County Registry (the "Plat"), said pipe being located North 02° 14' 00" East 271.08 feet from a common corner with said Cash and Maynard Tract 1-A and the now or formerly Cor Bregman property in said EMC Corporation's eastern property line as shown on the Plat; thence with said EMC Corporation's northern property line, South 89° 33' 33" West 1,910.66 feet to an existing iron pipe; thence with EMC Corporation's interior eastern property line, North 02° 07' 56" East

543.28 feet to an existing iron pipe, the southeastern corner of the now or formerly Colon Hobby property; thence with the eastern property line of said Colon Hobby property, North 00° 59' 41" East 734.53 feet to a set iron pipe marking the southwest corner of the said Cash and Maynard Tract 1-A; thence with said Cash and Maynard's Tract 1-A's southern property line and passing over an existing iron pipe at a distance of 15.08 feet, South 87° 48' 34" East 1,905.24 feet (total) to an existing iron pipe; thence continuing with said Cash and Maynard's Tract 1-A's interior western property line, South 01° 15' 42" West 1,190.09 feet to the point or place of BEGINNING, containing 53.939 acres, more or less, including any deed/survey gaps that may exist along the western line of the property herein described, as shown on the Plat, which Plat is referenced for a more particular description and being all of the property conveyed to Apex Town Square, LLC, by deed dated January 6, 2006, and recorded in Book 11766, Page 242, Wake County Registry.

Tract 13 (Bregman):

Lying and being in Town of Apex, Holly Springs Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe at a corner of the property now or formerly owned by Heartland Raleigh Apex U.S. 1 Limited Partnership (Book 4454, Page 666, Wake County Registry ["WCR"]), said pipe being located at NC Grid Coordinates: N=707,936.09; E2,048,195.68, and also being located South 31° 57' 19" West a distance of 2,292.37 feet (Grid) from NCGS Monument "TANK" (N=709,881.08; E2,049,408.93); from said POINT OF BEGINNING, running thence along and with the western line of the aforesaid Heartland Raleigh property the following courses and distances:

- South 02° 41' 34" West a distance of 537.74 feet to an existing iron pipe;
- South 02° 41' 34" West a distance of 100.28 feet to an existing iron pipe;
- South 02° 41' 34" West a distance of 2.08 feet to an existing iron pipe;
- South 02° 39' 56" West a distance of 37.18 feet to an existing iron pipe in the northern right-of-way of Technology Drive;

running thence along and with the northern right-of-way of Technology Drive the following courses and distances:

- along and with the arc of a curve to the left having a radius of 411.97 feet (Chord Bearing: South 60° 59' 56" West; Chord Distance: 224.57 feet) a distance of 227.45 feet to an existing iron pipe;
- South 45° 37' 55" West a distance of 288.89 feet to an existing iron pipe;
- South 44° 59' 17" West a distance of 549.68 feet to an existing iron pipe;
- South 44° 59' 17" West a distance of 70.66 feet to an existing iron pipe;
- along and with the arc of a curve to the right having a radius of 351.97 feet (Chord Bearing: South 57° 36' 33" West; Chord Distance: 151.96 feet) a distance of 153.17 feet to an existing iron pipe;
- along and with the arc of a curve to the right having a radius of 351.97 feet (Chord Bearing: South 79° 30' 30" West; Chord Distance: 115.27 feet) a distance of 115.79 feet to an existing iron pipe;
- South 88° 51' 29" West a distance of 164.77 feet to a point in the eastern line of property

now or formerly owned by Data General (Book 2791, Page 428, WCR);

leaving the northern right-of-way of Technology Drive and running thence along and with the eastern line of the aforesaid Data General property, North 02° 16' 29" East a distance of 1,200.00 feet to an existing iron pipe; continuing with the eastern line of the Data General property and running thence North 02° 17' 20" East a distance of 416.31 feet to an existing iron pipe in the southern line of the aforesaid Heartland Raleigh property; running thence along and with the southern line of the Heartland Raleigh property, South 86° 16' 48" East a distance of 1,218.14 feet to the POINT AND PLACE OF BEGINNING, containing 34.0763 acres, more or less, and being all of Tract 4 north of the right-of-way of Technology Drive, as shown on that certain survey entitled "Recombination And Minor Subdivision of Technology Drive Property For Thomas H. Byrd, III", dated December 11, 1996, and prepared by Niall W. Gillespie, R.L.S. (No. L-2629) (File Name: BYRDTOPO), to which survey reference is hereby made for a more particular description, and being the same property conveyed to Cor S. Bregman by deed recorded in Book 7409, Page 255, Wake County Registry, and being the same property conveyed to Cornelius S. Bregman and Kandes K. Bregman, as Trustees of the Cornelius and Kandes Bregman Trust, under Agreement dated September 20, 1999 by deed recorded in Book 10856, Page 2786, Wake County Registry, LESS AND EXCEPT (i) the property conveyed to Thomas H. Byrd, IV, and wife Lisa W. Byrd, by deed recorded in Book 10129, Page 491, Wake County Registry, and (ii) the property conveyed to the Department of Transportation by deed recorded in Book 8128, Page 153, Wake County Registry.

Tracts 14 - 15 (EMC):

Being all those certain tracts or parcels of land containing approximately 47.419 acres and identified as portions of parcel identification numbers 0740672147 (containing approximately 46.61 acres) and 0740570471 (containing approximately 77.66 acres), and as generally shown as Tract 2 on the map attached hereto as Schedule 1.

Tract 16 (Whitehouse):

Being all that certain tract or parcel of land containing approximately 27.47 acres and identified as parcel identification number 0740287376 and being the same property conveyed to Brenda P. Whitehouse, individually, a 55% undivided interest, and Brenda P. Whitehouse as Trustee of the Irene F. Prince Family Trust dated February 19, 2004, a 45% undivided interest, by deed recorded in Book 10680, Page 477, Wake County Registry.

Tract 17 (F. Prince):

Being all that certain tract or parcel of land containing approximately 75.63 acres and identified as parcel identification number 0740191376 and being the same property conveyed to F.D. Prince, Sr., sole Trustee, or his successors in trust, under the Frank Dixon Prince, Sr. Living Trust, dated October 20, 1988, and any amendments thereto, by deed recorded in Book 8291, Page 540, Wake County Registry.

Tract 18 (F. Prince):

Being all that certain tract or parcel of land containing approximately 21.36 acres and identified as parcel identification number 0730996270 and being the same property conveyed to F.D. Prince, Sr., sole Trustee, or his successors in trust, under the Frank Dixon Prince, Sr. Living Trust, dated October 20, 1988, and any amendments thereto, by deed recorded in Book 8291, Page 540, Wake County Registry.

Tract 19 (B. Prince):

Being all that certain tract or parcel of land containing approximately 32.06 acres and identified as parcel identification number 0741207566 and being the same property conveyed to William Ira Prince, III, by deed recorded in Book 2673, Page 652, Wake County Registry.

Tract 20 (J. Prince):

Being all that certain tract or parcel of land containing approximately 1.80 acres and identified as parcel identification number 0740293940 and being the same property conveyed to William I. Prince and Jean P. Prince, by deed recorded in Book 6217, Page 146, Wake County Registry.

Tracts 21-38 (Stephens):

Being all of those certain tracts or parcels of land identified as parcel identification numbers 0740886966, 0740991702, 0740992565, 0740991337, 0740991237, 0740990140, 0740980647, 0740982309, 0740982534, 0740982635, 0740982769, 0740982866, 0740982964, 0740982929, 0740992024, 0740992069, 0740992169 and 0740982764.

Tract 39 (Tew):

Being all that certain tract or parcel of land containing approximately 1.84 acres and identified as parcel identification number 0741203157 and being the same property conveyed to Kim Prince Tew, and husband, David Wayne Tew, by deed recorded in Book 10633, Page 1741, Wake County Registry.

Tract 40 (Huang):

Being all that certain tract or parcel of land containing approximately 13.33 acres and identified as parcel identification number 0740180091 and being the same property conveyed to Ruey Shiue Huang, Co-Trustee, and Edward K. Huang, Co-Trustee, of The Huang Family Trust, dated September 30, 2005, by deed recorded in Book 10656, Page 33, Wake County Registry.

Sustainable Development Plan

for

VERIDEA

A Sustainable Mixed-Use Community
Apex, North Carolina

10 MAY 2011

Responsible Person:

Lookout Ventures, Inc.
P. O. Box 1166
Zebulon NC

SUSTAINABLE DEVELOPMENT PLAN

DEVELOPER AND RESPONSIBLE PERSON

Lookout Ventures, Inc.
P. O. Box 1166
Zebulon NC 27597
Contact: Tom Hendrickson
tom@lookoutnc.com

EQUITY PARTNER

Hudson Realty Capital, L.L.C.
250 Park Avenue South, Third Floor
New York NY 10003

MASTER PLANNING • PLACEMAKING

Shook Kelley, Inc.
2151 Hawkins Street, Suite 400
Charlotte NC 28036

CIVIL ENGINEERING

WSP Sells
15401 Weston Parkway, Suite 100
Cary NC 27513

BBM Associates, Inc.
407 Gorman Street, Suite 101
Raleigh NC 27607

TRANSPORTATION

Kimley-Horn and Associates, Inc.
3001 Weston Parkway
Cary NC 27513

ENERGY PLANNING

Sanford Law Office, P.L.L.C
530 North Person Street
Raleigh NC 27604

SUSTAINABILITY AGENDA
BASED ON
PRINCIPLES AND GOALS
DEVELOPED BY

William McDonough + Partners
700 East Jefferson Street
Charlottesville VA 22902

LANDSCAPE ARCHITECTURE

CLH Design, P.A.
400 Regency Forest Drive, Suite 120
Cary NC 27518

ENVIRONMENTAL STRATEGY

RST Engineering, P.L.L.C.
5416 Orchard Oriole Trail
Wake Forest NC 27587

William G. Ross, Jr.
Brooks Pierce
150 Fayetteville Street
Raleigh, North Carolina 27601

LEGAL

K&L Gates, L.L.P.
4350 Lassiter at North Hills Avenue, Suite 300
Raleigh NC 27609

Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.
150 Fayetteville Street
Raleigh NC 27601

Styers & Kemerait, P.L.L.C.
1101 Haynes Street, Suite 101
Raleigh NC 27604

PUBLIC RELATIONS

Mike Davis Public Relations, Inc.
303 West Jones Street
Raleigh NC 27603

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ARTICLE 1.0 DEFINITIONS OF CAPITALIZED TERMS USED IN THE SUSTAINABLE DEVELOPMENT (SD) PLAN

A-Grid: cumulatively, those Thoroughfares that by virtue of their pedestrian-supportive qualities, and their importance to pedestrian connectivity, are part of multi-modal transportation network that is vehicle tolerant and is linked to the contextual nature of the place. *See B-Grid.*

A-Grid Zones: areas of the Concept Map where A-Grids are required.

Accessory Structures: structures or buildings incidental to and appropriate to support a Function or use (i.e., ticket booths and storage for outdoor amphitheaters, and dugouts and storage for baseball and softball.)

Accessory Unit or Building: a dwelling not greater than 800 square feet sharing ownership and shared or separate utility connections with a Principal Building. *See Table 10 and Table 17.* (Syn: ancillary unit)

Advanced Materials: a broad technology category based on a rapidly evolving area of science, with applications ranging from aircraft to computer chips. Advanced structural materials can make products strong, lighter, and more effective as well as enable the development of totally new products. The materials can increasingly be designed and tailored to specific applications. A material is said to be "advanced" if it is a new material for the application. *See Table 12.*

Agricultural Plot: a parcel of land used for small-scale agricultural purposes such as the raising of agricultural products or poultry. *See Table 12 and Table 19.*

Alleé: a regularly spaced and aligned row or rows of trees usually planted along a Thoroughfare or Path.

Anticipatory Design: a development approach intended to predict and facilitate the use of innovative technology and other best development practices as they evolve and become practically and economically feasible over time.

Arcade: a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

Avenue ("**AV**"): a Thoroughfare designed for high vehicular capacity and low to moderate speed, acting as a short distance connector between Village Centers, and usually equipped with a landscaped median.

B-Grid: cumulatively, those Thoroughfares that by virtue of their use or location are vehicle supportive and pedestrian tolerant. *See A-Grid.*

B-Grid Zones: areas of the Concept Map where B-Grids are permitted.

Backbuilding: a single-Story structure connecting a Principal Building to an Outbuilding. *See Table 17.*

Bed and Breakfast: an owner or manager controlled Lodging type, permitted to serve breakfast in the mornings to guests in the Neighborhood General (NG) zone and at all times in other Sustainable Zones.

Bicycle Lane ("**BL**"): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare.

Bicycle Route ("**BR**"): a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds. These routes are signed as "bike route."

Bicycle Trail ("**BT**"): a bicycle and pedestrian way running independently of a vehicular Thoroughfare.

Biotechnology: the science of using living things and components of living things to produce goods and services. It involves manipulating and modifying organisms, often at the molecular level, to create new and practical applications for agriculture, medicine and industry. *See Table 12.*

Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

Boulevard ("**BV**"): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards are usually equipped with Slip Streets buffering Sidewalks and buildings.

By Right: characterizing a proposal or component of a proposal for the Development that is allowed by the SD Plan.

Civic Building: a building primarily dedicated to public functions such as arts, culture, education, recreation, government, transit, and parking, or for other public purposes. Civic Buildings are primarily operated by public or not-for-profit entities.

Civic Space: land containing a Civic Building and/or an outdoor area dedicated for public use including Parks but not including street rights of way. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their enfronting buildings. *See Table 13.*

Civic Use: Open Space that is designated for Civic Buildings and Civic Space and Public Space.

Commercial: the term collectively defining workplace, Office, Retail, and Lodging Functions.

Common Destination: an area of focused community activity. It may include, without limitation, one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station or stop, and may act as the social center of a neighborhood.

Community Garden: a grouping of garden plots available for small scale cultivation, generally to the residents of apartments and other dwelling types without private gardens, permitting individual storage sheds, and providing a locus of recreation and sociability greater than that of a private yard, thus being a Common Destination.

Concept Map: *See* Veridea **Sustainable Development Concept Map**.

Concessions: a place where food, drinks and incidental retail items are sold or rented.

Conference Center: a facility that is constructed for and devoted to meetings and meeting space. *See Table 12.*

Configuration: the form of a building, based on its massing, Private Frontage, and height or the geographic characteristics of an area of land.

Convention Center: a Facility designed to accommodate multiple groups or large groups and consisting of exhibit halls, meeting rooms, ballrooms or banquet space but not sleeping accommodations. *See Table 12.*

Corridor: a lineal geographic system incorporating transportation and/or Greenway trajectories.

Curb: the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system. *See Table 4A and Table 4B.*

Density: the amount of development measured on the basis of a Gross Acre of land area expressed in the number of Dwelling Units Per Acre ("DUA") for residential or Floor Area Ratio ("FAR") for non-residential.

Design Speed: the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed. *See Table 3A.*

Design Standards: all of the provisions of the SD Plan, other than authorized Density, related to the development of Veridea, including but not limited to standards, designs, criteria, illustrations and other elements and materials of both a descriptive and proscriptive nature.

Developable Areas: lands other than those in the OS Open Space Zone.

Development: refers to Veridea and the land encompassed by the Veridea Sustainable Development Plan as a whole.

Disposition: the placement of a building on its Lot. *See Table 9 and Table 17.*

Drive ("**DR**"): a Thoroughfare along the boundary between an urbanized and a natural condition, usually along a waterfront or Park. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

Dwelling Units Per Acre ("**DUA**"): the number of dwelling units per Gross Acre.

Driveway: a vehicular lane within a Lot, often leading to a garage. *See Article 5.8 and Table 3B.f.*

Effective Parking: the amount of parking required for Mixed Use after adjustment by the Shared Parking Factor. *See Table 11.*

Effective Turning Radius: the measurement of the inside Turning Radius taking parked cars into account. *See Table 17.*

Elevation: an exterior wall of a building not along a Frontage Line. *See Table 17.* See: **Facade.**

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element so that it extends into a Setback, into an easement, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into an easement, into the Public Frontage, or above a height limit.

Environmental Enhancement Plan: additional Sustainability Standards related to environmental enhancement required to be submitted to the Town Council for approval in accordance with UDO 2.3.16 F) 3) b).

Existing Communication Towers: towers that are currently in place within Veridea, including any and all guy wires, anchors, supporting cables, tower assembly, and ancillary buildings.

Expression Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. *See Table 8.* (Syn: transition line.)

Facade: the exterior wall of a building that is set along a Frontage Line. *See* **Elevation.**

Farm: an active, usually commercial, agricultural operation, such as the raising of agricultural products, livestock, poultry and dairying at a scale requiring industrial sized machinery and farm buildings, consistent with the requirements and limitations of the UDO. *See Table 12 and Table 19.*

Floor Area Ratio ("**FAR**"): the ratio of total building floor area per Gross Acre.

Forecourt: a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. *See Table 7.*

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage.** *See Table 4A and Table 7.*

Frontage Line: a Lot Line bordering a Public Frontage. Facades facing

Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. *See Table 17.*

Function: the use or uses accommodated by a building and its Lot, categorized as *Restricted, Limited,* or *Open*, according to the intensity of the use. *See Table 10 and Table 12.*

Gallery: a Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. *See Table 7.*

Goal(s): the desired result of Veridea's effort to achieve sustainability.

Green: a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages. *See Table 13.*

Green Roof: a building roof partially or completely covered with vegetation and soil, or some other living medium, over a waterproofing membrane.

Green Technology: a continuously evolving group of methods and materials, including—but not limited to—environmentally-sound techniques for: generating energy, energy efficiency, chemistry, nanotechnology and construction. *See Table 12.*

Greenway: a Corridor in largely natural conditions, which shall include trails for bicycles or pedestrians.

Gross Acre: an acre of land within the Veridea Sustainable Development District used for the purpose of Density calculation.

Guiding Principles: the Principles used to develop Veridea.

High Performance Computing: the use of supercomputers and computer clusters to solve advanced computation problems. *See Table 12.*

Highway ("**HW**"): a rural and suburban Thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Sustainable Zones (OS and NG).

Home Occupation: non-Retail Commercial enterprises within or closely associated with a dwelling.

Impermeable Surface: surfaces constructed using materials that allow no infiltration of water into the soil. Impermeable surfaces include, but are not limited to, public and private Thoroughfares, sidewalks, driveways, rooftops, parking lots and patios constructed with asphalt, concrete, compacted aggregate base course or other impervious materials. The surface area of bodies of water (natural or man-made) and wooden decks shall be considered permeable and shall not be included in the calculation of built-upon area. Green Roofs, permeable pavements, and other surfaces constructed with uniformly graded gravel, porous materials or pervious materials and designed in accordance with the NC Division of Water Quality Stormwater Best Management Practices Manual to accommodate the infiltration of water shall not be considered impermeable surfaces and shall not be included in the

calculation of the built-upon area.

Independent Living: a Project, or a portion of a Project, consisting of residences of any type or various types primarily accommodating age targeted residents maintaining an independent lifestyle.

Industrial: the term collectively defining Manufacturing, warehousing and storage uses.

Information Technology: the application of computer, communications and software technology to the management, processing and dissemination of information. *See Table 12.*

Internal Trip Capture: a concept used in transportation modeling to define an automobile trip between different land uses within Veridea that would have required an automobile trip external to the site.

Layer: a range of depth of a Lot, measured from the Frontage Line, within which certain elements are permitted. *See Table 17.*

Lightwell: a Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. *See Table 7.* (Syn: light court.)

Liner Building: a building specifically designed to mask a blank building wall, a service area, a parking lot, or a Parking Structure from a Frontage.

Live-Work: a Mixed Use unit consisting of a Commercial and Residential Function. *See Table 10.*

Lodging: premises available for daily and weekly renting of bedrooms. *See Table 10 and Table 12.*

Lot: a parcel of land accommodating a building or buildings of unified design. The size of a Lot is controlled by its width in order to determine the grain (i.e., fine grain, as characterized by a tight-knit Thoroughfare grid, or coarse grain, as characterized by a loose-knit street grid) of the urban fabric.

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the Principal Frontage Line of a Lot.

Manufacturing: all areas of manufacturing, including design, control, fabrication, and assembly for uses where activities are conducted and confined within a building or structure including, but are not limited to: electronics, computers/IT, instrumentation, industrial equipment, medical, pharmaceutical, telecom, aerospace, defense, government, appliances, food, beverage and consumer products.

Medical Devices: products used for medical purposes for patients, in diagnosis, therapy or surgery. *See Table 12.*

Mixed Use: multiple Functions within the same building through vertical integration or adjacency, or in multiple buildings by adjacency.

Mixed Use Block: See Mixed Use and Block. *See Table 12.*

Modular Construction: single-family, multi-family or mixed use building constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly that complies with the requirements of the North Carolina State Building Code.

Nanotechnology: is an advanced technology involving the fabrication and use of devices so small that the convenient unit of measurement is the nanometer (one thousand-millionth of a meter); or, is the art of manipulating and exploiting the properties of matter at a molecular level. *See Table 12.*

Natatorium: a building containing a swimming pool. *See Table 12.*

NCDENR: The North Carolina Department of the Environment and Natural Resources, or any successor executive agency or agencies having the powers and authority of such department.

Neighborhood General: A Sustainable Zone. *See* Table 1.

Neighborhood Mixed-Use: A Sustainable Zone. *See* Table 1.

Non-residential Uses: uses and building functions other than residential. Vertically integrated residential and Non-residential uses will be considered non-residential for the purposes of the SD Plan and the UDO. *See Article 4.2.2 and Table 12.*

Office: premises available for the transaction of general business, lab and research uses but excluding Retail uses. *See Table 10.*

Open Space ("**OS**"): A Sustainable Zone. *See* Table 1.

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. *See Table 17.*

Park: a Civic Space type or type of Open Space used for active and/or passive recreation purposes or natural preserve available for unstructured recreation, including all examples in Table 13.

Parking Garage (deck): See Parking Structure.

Parking Management Plan: a plan setting forth various policies and programs intended to optimize the efficient use of parking resources.

Parking Structure: a building containing one or more Stories of parking at, above and/or below grade. A Parking Structure may be stand alone or may be connected to or integrated with other uses. *See Table 12.*

Passage ("**PS**"): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

Path ("**PT**"): a pedestrian and/or bicycle way traversing a Park or rural area, with landscape matching the contiguous Neighborhood General (NG) Zone, ideally connecting directly with the urban sidewalk network.

Pattern Book(s): a book or books of text, diagrams and illustrations setting forth the principles of design for Veridea or some portion thereof in order to provide consistencies in characteristic form, massing, composition, style, method, materials, lighting and signage while simultaneously allowing for architectural and aesthetic diversity.

Planter: the element of the Public Frontage, which accommodates street trees and other vegetation, whether continuous or individual.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Sustainable Zones, generally paved and spatially defined by building Frontages.

Power Facility: A facility for the generation of electric or thermal power. *See Table 12.*

Principal Building: the main building on a Lot, usually located toward the Frontage. *See Table 17.*

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: on corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. *See* **Frontage.**

Principle(s): fundamental positions that serve as the foundation for the creation of Veridea.

Private Frontage: the privately held Layer between the Frontage Line and the Principal Building Facade. *See Table 7 and Table 17.*

Project: individual developments within the Veridea Sustainable Development District to which the Sustainable Development Plan applies.

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line, possibly containing utility easements, for walkways. *See Table 4A and Table 4B.*

Public Parking Facility: a parking facility that may include decks, structures or lots that may be publicly or privately owned and contain shared spaces available for public use that are not allocated to other residential or non-residential uses within Veridea.

Public School: A school operated by the Wake County Public Schools System, a charter school, or other type of school sanctioned by the State of North Carolina for public instruction and wholly or partially funded by the State and/or Wake County.

Public Space: land accessible to the general public through dedication or easement, but not including street rights of way.

Rear Alley ("**RA**"): a vehicular way, either public or private, located to the rear of Lots providing access to service areas, parking, and Outbuildings and possibly containing utility easements. *See Table 4A and Table 4C.*

Rear Lane ("**RL**"): a vehicular way, either public or private, located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. *See Table 4A and Table 4C.*

Rearyard: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See Table 9.* (Var: Townhouse, Apartment House)

Regional Public Transit System: a transit system operated by a public agency that serves a geographic area that extends beyond the jurisdictional limits of the Town of Apex that includes, as one of its elements, a fixed guideway or comparable transit technology.

Renewable Energy Facility: a facility that either: i) generates thermal and/or electric power primarily by the use of a Renewable Energy Resource; ii) uses heat derived primarily from a Renewable Energy Resource to produce electricity or useful, measurable thermal or mechanical energy; iii) is a solar thermal energy facility; iv) specifically allows for co-firing with non-renewable energy resources as long as non-renewable energy resources are not the primary energy source; or v) provides energy storage capacity.

Renewable Energy Resource: a solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; a biomass resource, including agricultural waste, animal waste, wood waste, spent pulping liquors, combustible residues, combustible liquids, combustible gases, energy crops, or landfill methane; waste heat derived from a renewable energy resource and used to produce electricity or useful, measurable thermal energy; or hydrogen derived from a renewable energy resource. Renewable Energy Resource does not include peat, a fossil fuel, or nuclear energy resource.

Responsible Person: that person identified in the SD Plan and appointed pursuant to UDO 2.3.16 D), or his successors or assigns, to make certain decisions with respect to the SD Plan and the zoning of Veridea. The Responsible Person is sometimes referred to in this SD Plan as the "Developer."

Retail: the sale, (other than wholesale), rental or repair of goods, merchandise and services and food and beverage service and sales.

Retail Kiosk: a place where merchandise and food and drink may be sold or rented. *See Table 12.*

Retail Storage within Retail Spaces: stock rooms and storage areas located within retail spaces. *See Table 12.*

Road ("**RD**"): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural, less dense Sustainable Zones (OS-NG). *See Table 3A and Table 4C.*

School Authority: The Wake County Public Schools System or other entity having state-sanctioned authority for public education.

School Dormitory: an educational building or a group of rooms in a building

used for institutional living and sleeping purposes for students. *See Table 12.*

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated. *See Table 17.*

Setback: the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments listed in *Article 5.5. See Table 14.g.* (Var: build-to-line.)

Shared Parking Factor: an accounting for parking spaces that are available to more than one Function. *See Table 11.*

Shopfront: a Private Frontage conventional for Retail use, with substantial glazing and sometimes an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. *See Table 7.*

Shopping Center: a building or multiple buildings consisting of a complex of shops, with interconnecting walkways along with associated parking. *See Table 12.*

Slip Street: an outer vehicular lane or lanes of a Thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and that may be separated from them by a planted median. (Syn: access lane, service lane)

Smart Power: the system of generation, transmission, distribution and use of energy through means that both increase efficiency throughout the system and reduce the environmental impact of the cycle of production, delivery and use. The referenced means include development, manufacture and deployment of information technology, engineering, manufacturing, construction techniques, building science, controls, and HVAC and lighting systems. *See Table 12.*

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. S*ee Table 13.*

Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. *See Table 7.*

Story: a habitable level within a building, excluding an attic, mezzanine, or raised basement. *See Table 8.* Regardless of the number of stories, maximum height of a multi-story building shall not exceed 400 feet.

Strategy: general approach to achieve desired goals for Veridea.

Street ("**ST**"): a local urban Thoroughfare of low speed and capacity. *See Table 3B and Table 4B*.

Streetscreen: a freestanding wall or a free standing or attached trellis system for supporting plants along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn:

streetwall.) *See Article 5.5.5f.*

Sustainability: the process and ultimately the benefits of implementing a sustainable development program.

Sustainable: as used within the context of "sustainable development," and as derived from the 1987 Brundtland report: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". In practice, to develop sustainably is to integrate the economic, social and environmental dimensions to create human habitats that contribute to a quality life now, and in the future based upon an evolution of society, knowledge and technology.

Sustainable Zone: one of several areas described in the SD Plan and shown on the Sustainable Development Concept Map (and thereafter more clearly delineated in subdivision and site plans) analogous to Zoning Districts established under the UDO. Allowable land uses and development regulations applicable to such zones shall be as provided in the SD Plan.

Swale: a low or slightly depressed natural area for drainage.

Thoroughfare: a way for use, including a street, by vehicular and pedestrian traffic and to provide access to Lots and Open Space, consisting of vehicular lanes and the Public Frontage. *See Table 3A, Table 3B, Table 4C and Table 17a.*

Town Standards: any statement, codification or other document setting forth standards, designs, directives or plans for the construction of roads, utilities, parks, public facilities or infrastructure of any nature adopted by the Town of Apex and regulating the development of property and the construction of improvements and infrastructure within the jurisdiction of the Town. Town Standards shall include, but shall not be limited to, the Town of Apex Code of Ordinances, the Apex Unified Development Ordinance, Apex Comprehensive Plan, Apex Watershed Overlay District, Apex 2025 Land Use Plan, Apex Transportation Plans, NC 540 Land Use Plan, the Apex Standard Specifications and Standard Details, Wastewater Master Plan, Water Distribution Master Plan, and the Apex Parks and Recreation Master Plan.

Townhouse: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See* **Rearyard Building.**

Transit Oriented Development ("**TOD**"): those areas within an average 1/2 mile radius or 2640 feet of a transit stop (bus or rail) present or proposed as a Common Destination, as set forth in *Article 5.7.2d.*

Transportation Demand Management ("**TDM**"): is a general term for strategies that result in more efficient use of transportation resources. The strategies include developing comprehensive plans for bus and rail transit, bike/transit integration, car sharing, flex cars, and park and ride resources.

Turning Radius: the curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning

Radius, the shorter the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn. *See Table 3B and Table 17.*

Unified Development Ordinance ("**UDO**"): The Apex Unified Development Ordinance.

Urban Farm: agricultural land used for the production of fruits and vegetables, livestock, poultry or other agricultural products, or some combination thereof, consistent with the requirements and limitations of the UDO**.** *See Table 12 and Table 19.*

Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and socio-cultural aspects.

Urban Core ("**UC**"): A Sustainable Zone. *See Table 1.*

Vegetable Garden: private agricultural land dedicated to food production to be locally consumed, restricted to back yards. *See Table 12 and Table 19.*

Veridea Sustainable Development Concept Map: the map or set of maps that depicts a concept for the development of a community and the conceptual location of Sustainable Zones and Thoroughfares within it. *See Table 2.*

Veridea Sustainable Development District: the zoning district as depicted by the Veridea Sustainable Development Concept Map and developed in accordance with this SD Plan.

Vertical Farm: agricultural production in buildings not primarily within yards, but as a part of or incidental to inhabited buildings, or as a stand alone feature, utilizing container gardens or boxes, which may be associated with windows, balconies and terraces, or roof gardens.

Village Center ("**VC**"): A Sustainable Zone. *See Table 1.*

Yield: characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.

ARTICLE 2.0 THE DISTRICT

2.1 INTRODUCTION

This Sustainable Development Plan (the "SD Plan") is submitted by the Responsible Person and approved by the Town Council pursuant to UDO 2.3.16 of the Town of Apex (the "Town" or "Apex") with respect to the proposed rezoning of property within the Town for the Sustainable, mixed-use development to be known as "Veridea." The SD Plan and its standards and applicable provisions of the UDO and other Town Ordinances and Town Standards shall authorize, regulate, and control the development of land within Veridea and shall establish the design and form for such development. To the extent that the SD Plan varies from the provisions of the UDO, other Town Ordinances, Town Standards or any document or policy referenced or incorporated therein as they exist on the date of approval of the SD Plan and as they may be amended from time to time by the Town Council, the SD Plan shall control.

2.2 CHANGE OF THE RESPONSIBLE PERSON

Pursuant to UDO 2.3.16 D), the Petition to Amend the Official Zoning District Map requesting the rezoning of Veridea to Sustainable Development Conditional Zoning District SD-CZ identified and appointed Lookout Ventures, Inc. as the Responsible Person for the district. Any successor corporation to Lookout Ventures, Inc. by way of merger or other reorganization shall become Responsible Person for the district, and written notice of such succession shall be provided to the Planning Director. At any time following the rezoning of Veridea as requested, Lookout Ventures, Inc. (or its successor corporation) may appoint another person as the Responsible Person for the district by providing notice of such change in writing to the Planning Director of the Town. In the event of the death, incapacity or dissolution of the Responsible Person without its appointment of a new Responsible Person, a new Responsible Person shall be appointed by the owners of fifty-one percent (51%) of the land comprising Veridea at the time of such appointment and written notice of such appointment shall be provided to the Planning Director.

2.3 AUTHORIZED DEVELOPMENT

No development shall occur within Veridea, or any parcel added to Veridea, except as is specifically authorized by this SD Plan with reference, when appropriate, to the UDO.

2.4 MASTER PROPERTY OWNERS' ASSOCIATION

Prior to the Developer's conveyance of any of the Properties within Veridea by the Developer or its assigns, a Master Property Owners' Association ("MPOA") will be established. Membership in the MPOA will be mandatory for any property owner. The MPOA will be funded by dues to be established in the Declaration or other duly recorded document. The MPOA will be responsible for the enforcement of recorded restrictive covenants and for the maintenance of certain common areas within Veridea, including private Thoroughfares. Subassociations of property owners may be established for individual development tracts within Veridea, which will be responsible for the maintenance of the common area within that specific tract, unless otherwise provided in documents relating to the respective subassociation. Should any subassociation fail to perform its maintenance obligations, the MPOA shall be responsible for such performance within a commercially reasonable timeframe. The Town will maintain all Thoroughfares and any other real property that is properly dedicated to and accepted by the Town.

2.5 DECLARATION OF RESTRICTIVE COVENANTS

Prior to the Developer's conveyance of any property within Veridea subsequent to its rezoning, the Developer shall record in the Wake County Registry with respect to the Development a Declaration of Restrictive Covenants (the "Declaration"), duly executed by the record owner or owners of each parcel included within the Development, stating that the Development is within the zoning jurisdiction of the Town of Apex and is zoned Sustainable Development Conditional Zoning ("SDCZ") District and that (i) the Development and the use of property therein are therefore subject to regulations applicable to the SDCZ District described in Section 2.3.16 of the UDO and other provisions of such Ordinance, a copy of which is available in the Planning Department of the Town of Apex (the "Planning Department") at the Apex Town Hall, 73 Hunter Street, Apex, North Carolina 27502; (ii) the Development and the use of land within the Development are also subject to the terms and provisions of a Sustainable Development Plan approved upon the rezoning of the Development to SDCZ District, a copy of which is available in the Planning Department; (iii) under applicable provisions of the UDO and the aforementioned SD Plan, the Developer, its successors and assigns, as Responsible Person, has the sole authority to make certain decisions with regard to property comprising the Development; and (iv) upon acceptance and recordation of any deed conveying property within Veridea, the grantee or grantees of such deed shall become a member of the Master Property Owners' Association for Veridea established pursuant to Section 2.4 of this Plan and any subassociation established pursuant to such section that relates to the property conveyed in the respective deed. The Declaration shall further provide that (i) each deed conveying land within Veridea recorded subsequent to the recordation of the Declaration shall state that the respective conveyance is subject to the Declaration, but that the failure to include such statement in a deed shall not affect the enforceability of the Declaration with respect to the property conveyed or invalidate the respective conveyance; and (ii) no rezoning petition shall be submitted or proposed with regard to the Development, or any portion thereof, without the written consent of the Developer.

ARTICLE 3.0 GENERAL SUSTAINABILITY STANDARDS AND FURTHER DEVELOPMENT APPROVALS

3.1 PURPOSE OF THE PLAN

3.1.1 The SD Plan has been adopted to facilitate the development of Veridea as a community of safe, healthy, resource efficient and transit-oriented mixed-use Projects planned and developed in accordance with Principles promoting Sustainability. Accordingly, Veridea will be developed in view of the following Guiding Principles:

a. Create economic value
b. Eliminate the concept of waste
c. Insist on a renewable future
d. Create delightful urban places
e. Integrate nature throughout the community

The Guiding Principles for Veridea have been developed in accordance with The Hannover Principles, Design for Sustainability, which was authored by William McDonough and Michael Braungart. The Hannover Principles are as follows:

1. **Insist on rights of humanity and nature to co-exist** in a healthy, supportive, diverse and Sustainable condition.

2. **Recognize interdependence**. The elements of human design interact with and depend upon the natural world, with broad and diverse implications at every scale. Expand design considerations to recognizing even distant effects.

3. **Respect relationships between spirit and matter**. Consider all aspects of human settlement including community, dwelling, industry and trade in terms of existing and evolving connections between spiritual and material consciousness.

4. **Accept responsibility for the consequences of design** decisions upon human well-being, the viability of natural systems and their right to co-exist.

5. **Create safe objects of long-term value**. Do not burden future generations with requirements for maintenance or vigilant administration of potential danger due to the careless creation of products, processes or standards.

6. **Eliminate the concept of waste**. Evaluate and optimize the full life-cycle of products and processes, to approach the state of natural systems, in which there is no waste.

7. **Rely on natural energy flows**. Human designs should, like the living world, derive their creative forces from perpetual solar income. Incorporate this energy efficiently and safely for responsible use.

8. **Understand the limitations of design**. No human creation lasts forever and design does not solve all problems. Those who create and plan should practice humility in the face of nature. Treat nature as a model and mentor, not as an inconvenience to be evaded or controlled.

9. **Seek constant improvement by the sharing of knowledge**. Encourage direct and open communication between colleagues, patrons, manufacturers and users to link long term Sustainable considerations with ethical responsibility, and re-establish the integral relationship between natural processes and human activity.

In addition, the Guiding Principles are grounded in the belief that they can only be achieved through a flexible development plan which recognizes the reality of the time in which elements of the plan are developed. The Guiding Principles will be pursued in an anticipatory manner, one which acknowledges that Veridea will be developed over a sustained period of time and according to evolving criteria that define accepted and attainable Sustainable development practices. The SD Plan establishes a flexible framework of development standards (collectively, the "Sustainability Standards") that, by its very nature, seeks to anticipate future trends and technologies and acknowledges that future technologies and practices are, by definition, evolutionary. Accordingly, an Anticipatory Design process shall be used in the planning and design of Veridea and in the design of specific Projects within Veridea.

3.1.2 In order to achieve these Guiding Principles, Veridea shall be developed as Sustainable Zones, as described in Table 1, in accordance with the SD Plan and the Sustainability Standards. In accordance with UDO 2.3.16 F) 2), Sustainability Standards include natural and cultural resource standards, transportation infrastructure standards, utility infrastructure standards, energy standards, community design standards, and building standards. Additional, modified or elective Sustainability Standards shall be adopted in accordance with UDO 2.3.16 F) 3). Sustainability Standards contemplated for Veridea shall include an Environmental Enhancement Plan and may include additional plans as follows:

Sustainability Standards	Authority	When Adopted
SD Plan	UDO 2.3.16	Rezoning
Environmental Enhancement Plan	UDO 2.3.16 F) 3) b)	Prior to first site plan or subdivision plan
Pattern Book	UDO 2.3.16 F) 3) a)	With first site plan
Transportation Demand Management Plan	UDO 2.3.16 F) 3) a)	With first site plan that deviates from UDO standards related to parking
Parking Management Plan	UDO 2.3.16 F) 3) a)	With first site plan that deviates from UDO standards related to parking

Additional Sustainability Standards	UDO 2.3.16 F) 3) a)	As appropriate, subsequent to rezoning
Elective Sustainability Standards	UDO 2.3.16 F) 3) c)	

Figure 1. Sustainability Standards in Veridea

3.1.3 In addition to the total authorized development authorized by this SD Plan, a minimum of 250 acres of land, in varying locations and varying scales and forms, shall be designated by the Responsible Person during the site plan and subdivision approval process as follows:

a. 100 acres shall be designated for Resource Conservation Area.
b. Sufficient acreage shall be designated to accommodate the recreation requirements specifically set forth in Article 3.4.2.2; and
c. 150 acres less the acreage sufficient to accommodate the recreation requirements of Article 3.4.2.2 shall be designated for Open Space, Public Space, and Civic Space. Civic Buildings dedicated to government, transit or parking and any portion of the respective lot not routinely accessible to the public shall not be included in the acreage designated pursuant to this subsection. Civic Buildings dedicated to arts, culture, education and social activity and any portion of the respective lot routinely accessible to the public shall be included in the acreage designated pursuant to this subsection. Any privately-owned or operated buildings located in an Open Space zone and any portion of the respective lot not routinely accessible to the public shall not be included in the acreage designated pursuant to this subsection.

3.2 SUSTAINABLE FRAMEWORK

3.2.1 The Veridea Sustainable Development District is utilized for Veridea to create a framework for compact and connected Sustainable Urbanism. In view of its scale and the Guiding Principles, the Veridea Sustainable Development District is distinguished from the other districts within the UDO and offers an additional lifestyle choice to Apex for current and future residents. Because technology and the laws and regulations affecting sustainability are evolutionary, the SD Plan recognizes the need to enable Anticipatory Design and to maintain flexibility in order to incorporate and adapt to future best practices.

3.2.2 In view of the Guiding Principles, the Goals of Veridea are intended to capture the spirit and intent of sustainability in order to achieve the following desired results:

a. Economic Value
    i. Create a model community of Sustainable design.

ii. Create a framework for the next generation version of the Research Triangle Park that is a vibrant, urban, mixed-use transit-oriented community.

b. Energy
   i. Pursue renewably sourced energy supplies.
   ii. Maximize energy efficiency.
   iii. Pursue energy opportunities presented by the evolving regulatory landscape and emerging renewable energy technologies.

c. Water
   i. Release to the ecosystem only water that is clean and healthy.
   ii. Treat water as a precious resource by conserving and reusing it to the maximum extent practicable.

d. Community
   i. Create a world class model of a safe, healthy, delightful, Sustainable mixed-use urban environment that enables the community to live, work and play.
   ii. Facilitate a mix of housing types, sizes and tenure options that allow all members of society to remain part of the community throughout the human life cycle.
   iii. Establish a full-service pedestrian-friendly transit-oriented community that respects and encourages wellness and safety.
   iv. Establish a community that respects the history of Apex and compliments and expands its existing community infrastructure.
   v. Set aside Open Space and Civic Space throughout the community.
   vi. Reduce, re-use and recycle construction and demolition materials whenever practicable.

3.3 DEVELOPMENT APPROVALS

3.3.1 Site Plans

a. The approval of site plans within the Development shall comply with the procedures and standards of UDO 2.3.6 except as modified in the SD Plan.

b. Within the Development, notwithstanding any provision of UDO 2.3.6 D) 2), only those individual site plans that propose 100,000 square feet or more of nonresidential floor area or 200 residential units or more shall be considered Major Site Plans and shall be processed and reviewed in accordance with UDO 2.3.6 D) 3). Notwithstanding UDO 2.3.6 D) 2) a), multiple site plan applications within any three year period for one property, or portions of the same property, or neighboring properties if owned by the same entity, shall be considered as individual site plans for the determination of the existence of a Major Site Plan and shall not be considered cumulatively for any purpose. All other site plans within the Development, shall be considered Minor Site Plans and shall be processed and reviewed in accordance with UDO 2.3.6 D) 1).

3.3.2 Subdivision Plans

The approval of subdivision plans shall comply with the procedures and standards of UDO 2.3.7 except as modified in the SD Plan. A minor Subdivision Plan, for the purposes of UDO 2.3.7 G), shall be defined as a division of a tract or parcel into fewer than 200 lots. In approving a major Subdivision Plan, the Town Council shall find that the area of the proposed subdivision will be adequately served by public fire and law enforcement personnel.

3.3.3 Written Statement from Responsible Person Required; Noncompliance

Any site plan or Subdivision Plan submitted to the Town for approval for a Project to be undertaken by a party other than the Responsible Person must be accompanied by a written statement from the Responsible Person indicating its approval of the Project. Such written statement shall also state the authorized development allocated to the Project (i.e., number of dwelling units and/or square feet of non-residential Retail, Office and/or Industrial Uses) as well as the development fee credits, if any, other credits, and/or liabilities and responsibilities assigned to or assumed by the Project.

Any event of non-compliance with any requirement of this SD Plan or the UDO that relates solely to a Project or Projects within Veridea shall not be attributed to Veridea as a whole, but rather shall be attributed only to that Project or Projects, such that any enforcement action taken by the Town shall be limited to the Project or Projects at issue.

In addition to any other remedy that may be available to the Town, if a violation of this SD Plan, Town Standards, Sustainability Standards applicable to Veridea or the UDO remains in existence with respect to a Project or Projects or a distinct area within Veridea after the Town complies with the procedures of UDO 11.5, the Town may withhold the issuing, approving or granting of grading permits, building permits, certificates of compliance or occupancy, site plans, subdivision plans or plats and other permits or approvals for the Project or Projects or distinct area in issue until the non-compliance is corrected and cured.

In addition to any other remedy that may be available to the Town, if a violation of this SD Plan, Town Standards, Sustainability Standards applicable to Veridea or the UDO which applies to Veridea as a whole remains in existence after the Town complies with the procedures of UDO 11.5, the Town may withhold the issuing, approving or granting of grading permits, site plans and subdivision plans or plats throughout Veridea until the non-compliance is corrected and cured.

3.3.4. Additional, Modified and Elective Sustainability Standards

All of the provisions of the SD Plan, including those related to development approvals, may be affected by any standards applicable to SD-CZ districts that may be adopted at any time or from time to time by the Town Council in accordance with UDO 2.3.16 F) 3). Upon the consent of the Responsible Person, any Sustainability Standards adopted or modified by the Town

Council in accordance with the provisions of UDO 2.3.16 F) 3) a), b) or c) shall apply to subsequent site plans and Subdivision Plans and be incorporated into the SD Plan. The Environmental Enhancement Plan shall be the sole required additional Sustainability Standard under this SD Plan and shall be adopted pursuant to UDO 2.3.16 F) 3) b).

3.3.5. Encroachment Agreements

Notwithstanding any other provision in this SD Plan, any encroachment into a Town of Apex right-of-way or easement requires an encroachment and maintenance agreement with the Town before such encroachment is made.

3.4 RESOURCE CONSERVATION – NATURAL AND CULTURAL RESOURCE STANDARDS

3.4.1 General

The natural and cultural resource standards set forth herein, as a component of the Sustainability Standards, provide certain community resources and conserve and protect natural and cultural resources and the quality of the water, land, and air within Veridea.

As set forth in Article 3.1.1 of the SD Plan, Veridea will be developed in view of the Guiding Principles over time according to evolving criteria that will define accepted and attainable sustainable development practices at the time of site plan or Subdivision Plan submission. As set forth in Article 3.1.2 and elsewhere within the SD Plan, Veridea shall include both Open Space, as an independent zone, and Developable Areas, generally identified as Sustainable Development Zones. Accordingly, Environmental and Natural Resource Protection Standards and Community Resource Standards shall vary as to those that apply within the Open Space zones, and those that apply within the Sustainable Development Zones. Further, due to the different levels of development within each Sustainable Development Zone, the Environmental and Natural Resource Protection Standards and Community Resource Standards shall vary with the level of development intensity within each zone. Also as set forth in Article 3.1.1 of the SD Plan, development standards are intended to be flexible in order to anticipate future trends and technologies, and yet acknowledge that future technologies and practices are unknown.

The provisions of Section 9 (d) of Session Law 2006-246, which provide a landward setback of 30 feet for built upon areas adjacent to certain surface waters, shall be applicable to Veridea except to the extent exceptions are granted by the Town Council in accordance with Section 11 (a) of such Session Law. Otherwise, UDO 6.1 shall apply until the Environmental Enhancement Plan is adopted by Town Council in accordance with UDO 2.3.16. F) 3) b).

3.4.2 Community Resource Standards

Veridea will achieve intensity of development within an environment of Sustainability.

3.4.2.1. Parks, Recreation and Open Space

All of the landscape that comprises Veridea will be purposefully designed to achieve a wide range of Goals to achieve Sustainability. The scale of Veridea's Parks will vary from small urban greens and squares, to active recreation areas with playfields, to natural preserve areas conducive to passive recreation. Within each Park, recreation, and open space site setting, appropriate human activity, from the passive to the most active, will be accommodated. Parks may be publicly or privately owned as determined at the time of site plan or Subdivision Plan approval, however only public parks will count toward recreation requirements. As Veridea is developed, land shall be dedicated for parks, recreation, and open space or fees in-lieu paid with respect thereto as contemplated by UDO 7.3.1 and 7.5.9 B). At any time, the Town Council and the Responsible Person may agree upon a plan or plans that deal with parks, recreation and open space for all or any portion of Veridea.

3.4.2.2. Specific Recreation Requirements

In accordance with the above and consistent with other requirements of the SD Plan, the Developer shall, at a minimum, dedicate land parcels to accommodate the following: i) four (4) lighted regulation softball fields in keeping with the standards of the American Softball Association (ASA) Men's Slow-Pitch Open Division; ii) six (6) lighted tennis courts in keeping with the standards of the United States Tennis Association (USTA); iii) a 22,500 square foot community center consistent with phase 1 of the existing community center at 53 Hunter Street, Apex, North Carolina; and iv) a dog park of at least one (1) acre. The Responsible Person shall have the discretion to disperse items i – iv and any part of items i or ii. No later than at the time 1000 residential units have received building permits, the Responsible Person shall submit to the Town Council for approval a Master Parks Plan depicting the location of the land parcels associated with items i, ii, iii and iv. The land parcels for items i, ii, iii, and iv shall be dedicated to the Town no later than at the time 2000 residential units have received building permits. Once the Master Parks Plan has been approved, any portion of the remaining obligation under Article 3.4.2.1. may be satisfied, at the election of the Responsible Person, by the payment of fees in lieu pursuant to UDO 7.3.1, which shall be utilized by the Town as soon as practicable for the foregoing construction of items i, ii, iii and iv.

The Responsible Person shall receive credits from the Town Council against fees in lieu payable under UDO 7.3.1 for the value of any historic or

cultural resource sites or facilities dedicated to and accepted by the Town and for amounts which it expends in developing and improving land for parks, recreation and open space pursuant to the recommendation of the Parks, Recreation and Cultural Resources Advisory Commission and approval by Town Council. Notwithstanding the foregoing sentence, any dedicated historic or cultural resource sites or facilities for which the Responsible Person receives credits against fees in lieu cannot be credited toward the RCA requirement set forth in Article 3.4.3 hereof.

3.4.2.3. Greenways

The Development will provide easements for Town of Apex greenways generally consistent with the current Parks and Recreation Master Plan. To the extent practicable, greenways will be constructed to Town Standards and located along stream corridors and within Open Space and easements. In cases where greenways generally follow public rights-of-way, greenways may be either constructed as a multi-use trail in lieu of a sidewalk, or when located within more urban areas, as pedestrian-oriented streetscapes containing both hardscape elements (including but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical island widths or sizes. Greenways may be located within existing and future utility easements. Greenways may be publicly or privately owned as determined at the time of site plan or Subdivision Plan approval. Greenways may be dedicated to the Town as linear Parks, subject to the Town's approval.

3.4.2.4 Public Schools

The Development shall make available for purchase or lease by a School Authority three (3) Public School sites within Veridea, each having a minimum size of five (5) acres. Unless earlier purchased or leased by a School Authority, one (1) of such school sites shall be reserved by the Responsible Person upon the issuance of the 2,000th residential building permit within Veridea, and a similar reservation shall occur on the issuance of each of the 4,000th and 6,000th residential building permit within Veridea. Each area reserved should meet site design standards of a School Authority. Each such reservation shall exist for a period of ten (10) years, and during such period no permanent construction shall occur within the area reserved. The Public Schools constructed upon the areas so reserved shall be of a compact urban form and design appropriate for Veridea and meeting the standards of the State or the School Authority. There may be arrangements with the Town for the shared use of recreational facilities.

3.4.3 Resource Conservation – Environmental and Natural Resource Protection Standards

3.4.3.1 Resource Conservation Area ("RCA")

UDO 8.1, Resource Conservation, and other provisions of the UDO dealing with RCA not otherwise specifically dealt with in this SD Plan shall apply to the Development until the Environmental Enhancement Plan is adopted by Town Council in accordance with UDO 2.3.16.F) 3) b), except as follows:

a. UDO 8.1.2 A) shall apply to the Development as a whole as opposed to individual site plans or Subdivision Plans.

b. UDO 8.1.2 B) 2) f) shall not apply.

c. The maximum impermeable surface area shall be as listed in Table 14.

d. Notwithstanding UDO 8.1.3, Tree and Vegetation Conservation, the requirements for conservation of existing trees and vegetation and new landscaping requirements are set forth in Article 5.9 of the SD Plan.

e. Not including the land parcels to be dedicated to the Town pursuant to SD Plan 3.4.2.2, both: i) Open Space, excluding Civic Buildings and all associated parking, municipal parking lots, and parking associated with Open Space that exceeds the direct needs of such Open Space; and ii) recreation area provided in Public Space or Civic Space within the Development including, but not limited to, open space, pools, tennis courts, tot lots, ball fields, and village greens shall be allowed to be counted as partial credit toward the RCA requirement. The credit for such area shall be 50% of the area provided. (For example, 1 acre of area shall count as 0.5 acres of RCA) In order to qualify as RCA, the area must be located on a lot 0.5 acre or larger in size.

f. Notwithstanding UDO 8.1.2 A) 1) d), the provision of off-site RCA shall be provided at the same rate as the on-site RCA, and off-site RCA may be provided in lieu of on-site RCA.

3.4.3.2 Water

a. Stormwater Management

The Goals of Stormwater Management within Veridea are as follows:

i. Reducing pollutants to protect surface water bodies;
ii. Promoting recharge of ground water resources;
iii. Eliminating flooding within the Development and downstream;
iv. Enhancing safety and aesthetics for the public; and
v. Creating wildlife habitats and educational opportunities.

Specific stormwater management standards, technologies, devices and control structures for the Development shall work interdependently and holistically with the built and natural environment both on-site and off-site. The standards for Veridea's stormwater management shall be in

accordance with Town Standards. Further, to the extent practicable, low impact development ("LID") techniques such as bio-swales, vegetated channels, pervious pavement where appropriate, rainwater harvesting and "green" roofs to convey and treat runoff, may be used within the Development to the maximum extent practicable, based on the best available technology and research at the time of site plan and/or Subdivision Plan submission.

b. Water Conservation

The Goals of water conservation within Veridea are as follows:

i. Reducing per capita water use while retaining attractive landscapes;
ii. Protecting ground and surface water supplies from unsustainable depletion;
iii. Eliminating unnecessary waste in water use practices;
iv. Reducing wastewater treatment volume and associated municipal expenditures; and
v. Promoting the increased use of re-use water for irrigation.

Water conservation standards within the Development shall be in accordance with the Town of Apex Water Conservation Ordinance. Landscape plant materials shall be in accordance with NCDENR or North Carolina Cooperative Extension standards for drought tolerant, native species. Only re-use water, where practicably available, shall be used for landscape irrigation; however, where re-use water is not available, potable water use for landscape irrigation shall be used in accordance with the Town of Apex Water Conservation Ordinance.

c. Surface Water Enhancement

Encroachment on streams and associated riparian buffers will be unavoidable in some places in order to accomplish the Goals in light of the Guiding Principles. However, the Environmental Enhancement Plan, in accordance with 3.4.1 of the SD Plan, will be developed to provide for the protection and enhancement of the aquatic function of the surface water resources within the Development.

The Environmental Enhancement Plan will address surface water enhancement with the following objectives:

i. Maintaining water quality by capturing or controlling sediment, nutrients, and other pollutants to an extent that is equal to or better than would be the case if the encroachments did not occur;
ii. Maintaining the hydraulic conditions downstream to ensure that post-development peak flows do not exceed pre-development flows for the 1-year, 24-hour and 10-year, 24-hour storms, stream

channel stability is maintained or improved, increased sedimentation of the stream bed is avoided, and no increase in downstream flooding occurs;

iii. Maintaining or enhancing the aquatic ecosystem in order to restore or improve biodiversity;
iv. Augmenting low flow in order to improve downstream aquatic habitat;
v. Providing space and ecological conditions that maintain or enhance wildlife habitat and travel corridors;
vi. Constructing wetlands or enhancing naturally occurring wetlands; and
vii. Enhancing public use and enjoyment of the natural systems will be considered during the planning process.

3.4.3.3 Land

a. Sedimentation and Erosion Control

The Goals for sedimentation and erosion control are as follows:

i. Minimize disturbance to vegetation and soils;
ii. Minimize runoff and diversion;
iii. Minimize the need for additional storm drainage facilities;
iv. Reduce sedimentation; and
v. Prompt restoration after land clearing and grading.

Land disturbing activity within the Development shall comply with the Town of Apex Soil Erosion and Sedimentation Control Ordinance, as amended from time to time. The Town's standards related to the design of erosion and sedimentation collection devices for the 25-year storm and for the provision for 3,600 cubic feet per disturbed acre in sediment basins shall be implemented in the Development unless alternative design standards that are the functional equivalent or better are proposed by the Developer and approved by the TRC.

b. Waste Minimization

The Goals of waste minimization within Veridea are as follows:

i. Minimize the volume of demolition and construction waste generated in the Development;
ii. Distinguish between useful or reusable resources in demolition materials and waste materials from demolished buildings; and
iii. Expand the market for recycled construction and demolition materials.

The waste minimization standards shall support the following solid waste goals identified in the Wake County Environmental Stewardship Agenda, adopted by the Wake County Board of Commissioners February 21, 2005

and as may be amended from time to time:

i. Ensuring a solid waste management system for waste reduction, reuse and recycling to the maximum extent practicable;
ii. Providing convenient opportunities for residents, institutions, and businesses to recycle a full range of marketable materials (including yard debris), and to properly dispose of waste requiring special handling (e.g., used motor oil, household hazardous wastes, pesticide containers, automobile batteries, electronic waste, and others);
iii. Offering incentives, disincentives, and policies that motivate residents, businesses, and institutions to reduce and recycle waste, including institution of a countywide construction and demolition debris mandatory recycling ordinance;
iv. Devising an efficient recovery and processing infrastructure with the capacity to collect and divert from disposal all recyclable materials that have reliable market outlets;
v. Supplying accessible, user-friendly information to all citizens on how to reduce and recycle waste in their homes, places of work, and places of learning;
vi. Devising an expanded recycled products purchasing program with formal policies on procurement of products with recycled content and other "green" products by participating Wake local governments; and
vii. Working with Environmental Education and Environmental Information Providers to develop effective programs and services for a variety of County audiences on the importance of reducing, reusing, and recycling solid waste; buying recycled products and creating new and local markets; and reducing personal consumption and/or disposal of material goods and/or packaging.

Specifications of building and site work material may include recycled content requirements consistent with industry standards, including but not limited to, aggregate base and sub-base materials, asphalt, concrete, and finishes.

3.4.3.4 Air

The SD Plan for Veridea is grounded in the belief that the most effective planning Strategy to reduce greenhouse gas emissions is the pursuit of a dense, mixed-use, walkable and ultimately transit-oriented development. Greenhouse gas emissions are associated with both transportation and the total energy demands of the built environment. By targeting the expected growth within an area that can be served best by the municipality's ability to provide and afford municipal services, by balancing the land uses within the community, and by designing the community in conjunction with multi-modal transportation, a walkable, livable community such as Veridea can be created as a model of Sustainability.

Further, the creation of such a community concentrates development and attracts development that otherwise would occur outside of Veridea in a

sprawl-like manner that is inherently less Sustainable.

The SD Plan recognizes that the technologies and practices associated with the reduction of greenhouse gas emissions are evolving. Accordingly, in recognition of the impacts of greenhouse gas emissions and in an effort to minimize such emissions, transportation planning at all scales shall be approached and implemented in a manner that encourages the pattern of development defined within the Sustainable Development Plan.

The Goals for Air Quality within Veridea are as follows:

a. Establish a connected circulation plan that uses an integrated network of Thoroughfares, sidewalks, and paths linked to land uses with convenient access to alternative modes of travel including rail, bus, and walking to increase community internal trip capture and reduce vehicular trip generation and vehicle miles traveled in order to lower overall emissions and traffic congestion in otherwise heavily traveled areas.

b. Incorporate Transit Oriented Development in conjunction with a parking management Strategy within a mixed-use community, linked to a growth area to increase pedestrian and bicycle traffic, and transit share while reducing vehicle miles traveled.

c. Provide open space and landscaping within the Development to maintain a significant carbon absorbing medium.

d. To the extent practicable, comply with applicable EPA emission goals for the operation of non-road diesel engines.

3.5 TRANSPORTATION INFRASTRUCTURE STANDARDS

3.5.1 General

The transportation infrastructure standards set forth herein, a component of the Sustainability Standards, shall adhere to the Principles described and depicted throughout this Sustainable Development Plan.

Transit Oriented Development in conjunction with a parking management Strategy within a mixed-use community, linked to a growth area, has been proven to be very effective in increasing pedestrian and bicycle traffic and transit share while reducing vehicle trips and vehicle miles traveled. By establishing a connected circulation plan that uses an integrated network of Thoroughfares, sidewalks, and paths linked to land uses with convenient access to alternative modes of travel including rail, bus, and walking, community internal trip capture is significantly increased. One significant advantage of Sustainable Urbanism is that it reduces sprawl and the need to drive. Reduction in vehicular trip

generation and vehicle miles traveled lowers overall emissions and limits traffic congestion in otherwise heavily traveled areas. A second significant advantage of a connected circulation plan is that public safety is enhanced when the plan is based upon an integrated network of Thoroughfares that provides alternative routes from one destination to another, and that is designed to industry recognized criteria to reduce the performance speed of Thoroughfares and provides enhanced pedestrian safety.

a. Transportation Demand Management Plan

The SD Plan incorporates TDM strategies into the plan. The SD Plan provides for a compact mixed-use development with an efficient, connected multi-modal transportation network, key components of any TDM plan. The integration of land use and transportation decisions increases travel efficiencies and change travel behavior. This results in less auto dependence and an increase in use of other modes of transportation. TDM strategies will be applied to all levels of the land development process including long-range actions implemented after the land is developed. The Responsible Person shall prepare a Transportation Demand Management Plan outlining transportation options and incentives to be reviewed and, if feasible, developed, and setting the strategic framework for implementation. The options to be reviewed include:

i) Ridesharing;

ii) Telecommuting/flex time;

iii) Bicycle and pedestrian planning;

iv) Park and ride facilities;

v) Parking management;

vi) Shuttle bus;

vii) Bus/bus rapid transit;

viii) Car sharing; and

ix) Regional public transit.

The TDM Plan shall be submitted by the Responsible Person for approval by the Town, in accordance with UDO 2.3.16 F) 3) a) prior to or concurrent with the submittal of the first site plan that varies any standards related to parking set forth in the UDO. In accordance with UDO 2.3.16 F) 3) a) and the provisions of UDO 2.3.2 applicable to amendment to text, the TDM Plan may be updated or modified as the build-out of the Development occurs. Because preparation of the TDM Plan is triggered by the occurrence of development within Veridea, the TDM Plan is not required for the purposes of UDO 2.3.16 F) 3) b).

Parking planning and management refers to various policies and programs that result in more efficient use of parking resources. It recognizes that too much parking supply can be as damaging as too little and seeks to provide an optimal parking supply. A Parking Management Plan will be utilized in the B-Grid and

NG Zones. The plan shall address spillover parking for Commercial uses when located near single family development. The plan shall be submitted or updated as needed for site plans in the B-Grid and NG Zones.

3.5.2 Alternative Thoroughfare Standards

a. Thoroughfares shall conform to the *Apex Transportation Plan* to provide for the appropriate projection of principal streets in surrounding areas to permit reasonable access for surrounding properties. The exact placement of the streets and Thoroughfares within the plan may be adjusted. In areas within the Development, Thoroughfares shall be designed and located in proper relation to existing and proposed streets, to the topography of the area, and to natural features.
b. Thoroughfares in their construction shall conform to Town Standards except as noted within the SD Plan. Exceptions to Town Standards set forth in the SD Plan may be used by right, as an alternative to the Town Standards available. Exceptions are as listed hereafter or as provided elsewhere in this SD Plan:

    i. Section 3 *Streets of the Standard Specifications* shall apply except for the dimensional and other standards of 3.02b *Pavement & Right-of-Way Widths*, 3.02d *Radii of Curvature* and 3.02e Tangents, all of which shall be modified by the SD Plan, including but not limited to Tables 3A, 3B, 4A, 4B, and 4C, subject to TRC review and approval as to their application within the site plans or Subdivision Plans.
    ii. The dimensional standards of Standard Detail Number 3.01 *Street Typical Sections*, Sheets 1 through 4 shall be modified by this Sustainable Development Plan and Tables 3A, subject to TRC review and approval as to their application within the site plans or Subdivision Plans.
    iii. The location of utilities as shown on Standard Detail Number 3.10 *Standard Street Cross Section Showing Utility Locations* may be adjusted to permit street trees and utility locations in the Rear Alleys and Rear Lanes. Due to the anticipatory nature of the design of the Development, additional utilities, both public and private, may be incorporated into the right-of-way as the technology becomes available. Regulated utilities shall be permitted within the Thoroughfare right-of-way to include the District Utility Zone as illustrated in Table 4D.
c. In the event that Thoroughfares as identified in Table 4C do not meet the approval of the North Carolina Department of Transportation (“NCDOT”) for the design of thoroughfares under NCDOT’s jurisdiction, an alternative acceptable to the Responsible Person, the TRC and NCDOT may be utilized.
d. Thoroughfares shall be included as part of each Sustainable Zone.

e. Thoroughfares should be laid out in such manner as to encourage the flow of vehicle traffic at very low to low design speed, except upon major Thoroughfares, and to encourage pedestrian circulation. Public Sidewalks shall be required along all public streets except when the TRC approves an alternative plan during the site plan and construction plan review process upon its determination that the alternative plan, viewed in the context of surrounding development, adequately accommodates pedestrian connectivity. The street classifications shown on Tables 4B and 4C shall be used as guidance for sidewalk placement when possible. If determined by the TRC to provide an equal or better pedestrian system, Bicycle Trails may be allowed in lieu of some sidewalks within the Development. In addition to the requirements of Articles 3.5.1 and 3.5.2.b, the layout of thoroughfares and intersections will reasonably allow for emergency vehicle access. This may require an evaluation of emergency routes and turning radii during the site and construction plan review process. The TRC may consider alternative design elements and refer to third party published sources of information in order to minimize impacts to the intended character of the Development while accommodating emergency vehicles.

f. Private Thoroughfares and sidewalks may be allowed for Commercial, Manufacturing, and multi-family residential uses that conform to widths shown in Tables 4B and 4C, provided however that a five (5) foot public access easement will be provided on all private sidewalks fronting public Thoroughfares.

g. Rear Alleys and Rear Lanes shall be allowed that conform to widths shown in Tables 4B and 4C. Where required for public access and public utilities, continuous and/or crossing easements shall be provided for private Thoroughfares and/or sidewalks.

h. Right-of-way widths may be adjusted to the back of curbs during the site plan and construction plan review process. If the right-of-way does not extend beyond the back of curbs, public access and utility easements shall be provided to cover areas along the public street and Thoroughfare that allow for safe and adequate pedestrian flow and maintenance areas.

i. Design Standards for thoroughfare assemblies with reverse curves shall comply with the AASHTO Policy on Geometric Design of Highways and Streets, latest edition.

j. Thoroughfare standards may, at the election of the Responsible Person, include additional or elective regulations and standards, if any, adopted at any time and from time to time by Town Council in accordance with UDO 2.3.16 F) 3) a) or 2.3.16 F) 3) c).

3.5.3 Traffic

a. The Development and each Project will be designed to:
    i. Reduce vehicle miles traveled;
    ii. Increase share of alternative modes of transportation;
    iii. Reduce external trips; and

iv. Facilitate and encourage pedestrian and bicycle traffic.

b. Master Traffic Impact Analysis: A Master Traffic Impact Analysis ("Master TIA") will be prepared for Veridea. The Master TIA will address the maximum densities and allowable building square footage of various uses in the SD Plan along with recommended off-site thoroughfare improvements at the build-out of Veridea. Thoroughfare and associated improvements beyond those recommended in the Master TIA that are outside of the study area will be the responsibility of other developers or entities. Thoroughfare and associated improvements required as a direct result of other developments or background growth outside the scope of the Master TIA shall not be the responsibility of the Developer. However, internal improvements needed to serve site plans within Veridea will be identified when additional analyses are conducted.

The Developer shall provide Thoroughfare and associated improvements as recommended in the Master TIA. Additional traffic impact analyses ("TIAs") will be conducted for each major site plan or major Subdivision Plan required to serve Veridea, and Section 13.19 of the UDO shall be used as a guide for preparing the TIAs. TIAs shall be performed only for projects meeting the major site or subdivision plan threshold set forth in Article 3.3.1.b hereof. The study area of each TIA shall encompass all necessary street intersections internal to the Development but shall rely on the Master TIA for improvements along NC 55 and the proposed interchanges on the Triangle Expressway and US 1 external to the Development.

The Town shall have no obligation to provide financial assistance for the planning, design, permitting, acquisition of right of way, or construction of the following roadway improvements: i) those identified in the Master TIA; ii) those identified in the Article 3.5.5.a-g hereof; and iii) those identified in subsequent TIAs for each major site plan or major Subdivision Plan. Notwithstanding the foregoing, it is acknowledged that the Town may provide right of way that it currently owns for the new US 1 Interchange identified in the Master TIA and shown on the Town's Thoroughfare Plan.

c. Public Transit: A Regional Public Transit System may be accommodated and encouraged within the Development. Bus circulation shall be accommodated and encouraged within the Development. Optimally, the pedestrian network will provide direct pedestrian links from the proposed residential units, Offices and other commercial buildings to designated transit stops. Triangle Transit standards for bus stop amenities shall serve as a guideline. Access to the Regional Public Transit System by the adjacent pedestrian and bicycle network and park and ride facilities is an important component of the transit system. As noted in SD Plan 3.5.1.a, the TDM Plan will address bicycle and pedestrian planning as well as park and ride facilities.

d. Land Reservation: Land shall be reserved for the future Regional Public Transit System within Veridea. With regard to the Regional Public Transit System alignment and associated rights of way ("ROW") outside of Veridea, the location along Veridea's perimeter where the Regional Public Transit System will enter and exit Veridea in the vicinity of the interchange of US 1 with the Triangle Expressway will be determined by Triangle Transit, and/or other regional transit organization, and/or the Town. As Veridea is developed, site plans and Subdivision Plans will be shared with Triangle Transit, and/or other relevant regional transit organization, to assist such entities in the planning for and selection of the final alignment of the Regional Public Transit System.

The reservation of land to accommodate the Regional Public Transit System will be made as follows:

i. Land shall be reserved in a manner consistent with the development pattern of the Sustainability Zone in which it resides, and may overlap dedications made for other public uses such as Thoroughfares and utilities as long as the overlap is not contrary to sound planning and engineering practice that ensures that the reservation and dedication are sufficient for all planned infrastructure;
ii. Reservation shall include an area for transit station functions which shall be located within a UC zone, and shall be reserved in a manner that is in keeping with an urban development pattern of that zone as defined by the SD Plan, and may overlap reservations and, dedications made for other public uses such as Thoroughfares and utilities as long as the overlap is not contrary to sound planning and engineering practice that ensures that the reservation and dedication are sufficient for all planned infrastructure;
iii. Determination of the form, character, location, and relationship to adjacent development, relationship to other reservations and/or dedications and dimensions shall occur during site planning jointly by the Responsible Person, the TRC or Town Council, as appropriate.
iv. The reservation of land will prohibit permanent development within the designated reserve area until 2035 at which time, if there are no plans that financially commit the Triangle Transit, and/or other regional transit organization, and/or the Town to implement a regional rail plan that includes the Development, the Responsible Person may consider the reservation null and void.
v. Land reserved hereunder will be dedicated to Triangle Transit, and/or other regional transit organization, and/or the Town once the applicable entity secures funding and commits to construct the Regional Public Transit System within the Development.

vi. Buildout of any of single land use of the three (3) uses identified in Article 4.2.2.b.i-iii shall not exceed 85% of the total authorized development for the respective use, unless Town Council otherwise approves in accordance with UDO 2.3.16 F) 3) a), until the commencement of a Regional Public Transit System that will serve Veridea.

3.5.4 Schedule of Installation

Transportation infrastructure shall be completed in accordance with UDO 7.5.9. For the purposes of UDO 7.5.9, vertically-integrated residential and non-residential uses will be considered non-residential.

3.5.5 Phasing of Traffic Infrastructure

Traffic infrastructure shall be developed as build-out of Veridea occurs, as set forth herein. Percent build-out of "any single land use" refers to a percentage of building permits for residential dwelling units or certificates of occupancy for non-residential uses for the three (3) different uses identified in Article 4.2.2.b.i– iii hereof.

a. NC 55 at US 1 Northbound Ramps

Veridea shall not exceed 10% build-out of any single land use until the northbound inside right turn lane on NC 55 at US 1 is extended back to the intersection with Lufkin Road.

b. NC 55 at Lufkin Road

Veridea shall not exceed 10% build-out of any single land use until the third (3rd) northbound through lane on NC 55, starting at least 500 feet in advance of Lufkin Road, is constructed.

c. NC 55 at Lufkin Road Connector (Pristine Water Drive)/Site Access 1

Access shall not be granted to NC 55 through the fourth leg of the intersection across from the Lufkin Road Connector/Pristine Water Drive (Site Access 1) until the Lufkin Road Connector and Pristine Water Drive are complete and open to traffic. The Lufkin Road Connector includes a new location extension to Lufkin Rd and paving of Pristine Water Dr with improvements according to the Master Traffic Impact Analysis (Master TIA) including a landscaped median-divided cross section on NC 55 with a traffic signal.

d. Site Access 2, 3, 4, 5, 6, and 7

Access shall not be granted to NC 55 through Site Access 2, 3, 4, 5, 6, or 7 until improvements according to the Master TIA at the corresponding access are constructed including a landscaped median-divided cross section on NC 55.

e. NC 55 at Jessie Drive Extension

Access shall not be granted to NC 55 through Jessie Drive extension until improvements for Veridea according to the Master TIA are constructed including a landscaped median-divided cross section on NC 55 and a traffic signal.

f. NC 55 at Technology Drive

Access shall not be granted to NC 55 through Technology Drive until Technology Drive is widened to four-lane divided roadway and the departing second (2nd) eastbound through lane along NC 55 Business is constructed for a minimum of 1000 feet prior to the lane drop. In addition, access shall not be granted to NC 55 through Technology Drive until a second (2nd) northbound left turn lane and second (2nd) southbound left turn lane on NC 55 is open to traffic.

g. Perry Road at US 1 Interchange and Old Holly Springs Apex Road at Triangle Expressway Interchange

i. Veridea shall not exceed 15% build-out of any single land use until either the interchange of Perry Road at US 1 or the interchange of Old Holly Springs Apex Road at Triangle Expressway is open to traffic.

ii. Veridea shall not exceed 50% build-out of any single land use until both the interchange of Perry Road at US 1 and the interchange of Old Holly Springs Apex Road at Triangle Expressway are open to traffic.

iii. The Responsible Person shall coordinate with the NC Department of Transportation (NCDOT) and the Town of Apex to determine the appropriate phasing of completion of the ultimate lane geometry and signalization at the ramp termini as recommended in the Master TIA. The phasing plan for the ultimate build-out of improvements shall be determined through subsequent site plan and subdivision plan TIAs referenced by 3.5.3.b.

3.6 UTILITY INFRASTRUCTURE STANDARDS

3.6.1 General

Water and sanitary sewer lines with connections to municipal systems, adequate drainage system for the proper drainage of all surface water, and dry utilities, including but not limited to, electrical distribution, natural gas, and telecommunication lines shall be provided in accordance with the Town Standards, unless otherwise noted in Article 3.6.2. Dry utilities, wherever practicable, shall be installed underground.

3.6.2 Alternative Utility Standards

a. At the election of the Responsible Person, standards and requirements applicable to utilities in the Development may include any additional Sustainability Standards adopted by the Town Council in accordance with UDO 2.3.16 F) 3) a) or 2.3.16 F) 3) c).
b. Easement encroachments and shared use easements shall be allowed with the approval of the Town Council to minimize land disturbance and Thoroughfare sections, to encourage joint trenching agreements, and to maximize the beneficial use of easements for greenway trails at the time of site plan and Subdivision Plan submittal.

3.6.3 Schedule of Installation

Utility infrastructure shall be completed in accordance UDO 7.5.9. For the purposes of UDO 7.5.9, vertically-integrated residential and non-residential uses will be considered non-residential.

3.6.4 Regional Utility Standards

a. Potable Water
It is anticipated that off-site extension of existing potable water mains will be required. Within the Development, a network of potable water mains will be required. Potable water infrastructure for the Development shall be in accordance with the Town's Water Distribution System Master Plan and Cross Connection Control Ordinance (Sec. 12-156 through 166), as amended from time to time.
b. Reclaimed Water
The Developer may request that the Town apply to NCDENR for conjunctive systems permit in order to modify the Middle Creek Water Reclamation Facility ("WRF") to provide a source of reclaimed water for use within the Development. If such permit is issued, then water re-use distribution infrastructure may be provided within the Development to provide a circulation network of water for non-potable uses, including fire suppression. Standards and specifications related to reclaimed water shall comply with rules and regulations as promulgated, established and interpreted by NCDENR and Town Standards, if any. It is anticipated that any reclaimed water that is not consumed in the reuse options available will be discharged within the Development in accordance with applicable law and regulation.

If and when the Town adopts standards for the permitting, construction, modification and operation of reclaimed water distribution lines, the Town shall work cooperatively with Veridea to ensure that the standards allow for all actual or planned for uses within the Development. Should public reuse water become available to the Development through the Town of Apex, the Town specifications and details will be the authority for design, ownership and maintenance issues within Town right-of-way.

c. Sanitary Sewer
In all cases, Veridea shall follow the Town's Wastewater Master Plan, as may be amended from time to time. If a conjunctive systems permit is issued for the Middle Creek WRF as set forth in 3.6.4.b hereof, then the Town's Wastewater Master Plan may be amended to allow for wastewater generated within the Development to discharge to the Middle Creek WRF. If a conjunctive systems permit is not issued for the Middle Creek WRF, then wastewater generated within the Development shall be treated in accordance with the Town's Wastewater Master Plan.

d. Electric and Thermal
If a Renewable Energy Facility is available, distribution lines may be provided to provide an alternate source to meet power and thermal demands within the Development.

3.7 ENERGY STANDARDS

3.7.1 Renewable Energy

The Goals for the use of Renewable Energy Facilities and Renewable Energy Resources within Veridea are as follows:

i. Removing regulatory obstacles and adopting streamlined processes for the installation and safe interconnection of renewable energy technologies;
ii. Creating a receptive environment for innovative uses of Renewable Energy Facilities;
iii. Providing for use of shared non-polluting Renewable Energy Resources to reduce climate change and greenhouse gas emissions; and,
iv. Enhancing the opportunity for increased development of Renewable Energy Facilities and Renewable Energy Resources in the future to increase energy independence;

The use of Renewable Energy Facilities shall be allowed. Renewable energy standards, a component of the Sustainability Standards, shall be consistent with generally accepted industry standards and best practices, recognizing that relevant technology and standards are evolving. Such standards include, but are not limited to, priorities, standards, and practices developed by entities such as the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE"), Environmental Protection Agency ("EPA"), and the Department of Energy ("DOE"), and requirements for interconnection and other associated safety metrics.

3.7.2 Energy Efficiency

The goals for energy efficiency within Veridea are as follows:

i. Encourage the use of energy efficient technologies and design to fully maximize the use of existing generation capacity;
ii. Encourage environmental stewardship through reduction in energy use;
iii. Encourage local investment in efficiency as a substitute for out-of-state resources;
iv. Promote an overall reduction in energy demand to ensure reliability of supply in the face of increased population and to preserve affordability in the face of rising costs imposed by carbon constraints; and
v. The improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2004.

The use of technologies and designs intended to maximize energy efficiency shall be consistent with generally accepted industry standards and best practices, recognizing that relevant technology and standards are evolving. Such standards include, but are not limited to guidelines developed by the US Green Building Council (USGBC), ASHRAE, EPA, and DOE.

3.8 NO OBLIGATION

3.8.1 No Obligation

Nothing in this SD Plan obligates the Town to provide any financial assistance with respect to any infrastructure or improvements referenced herein, nor shall it prohibit the Town from doing so.

ARTICLE 4.0 COMMUNITY DESIGN STANDARDS

4.1 GENERAL

4.1.1 Development shall comply with the community design standards, a component of the Sustainability Standards, set forth in this Article.

4.1.2 Subdivision Plans and site plans shall be prepared in accordance with the SD Plan.

4.1.3 Site plans and Subdivision Plans shall designate areas and elements as follows:

a. Sustainable Zones:
   i. **OS** Open Space
   ii. **NG** Neighborhood General
   iii. **NM** Neighborhood Mixed-Use
   iv. **VC** Village Center
   v. **UC** Urban Core
b. Civic Uses; and
c. Thoroughfares.

The respective Sustainable Zones are described in Table 1.

4.1.4 It is possible that as the build out of the Development occurs, the Town Council may adopt elective regulations and standards applicable to SD-CZ districts pursuant to UDO 2.3.16 F) 3) c).

4.1.5 Open Space is one of the Sustainable Zones, and will exist both as an independent Zone as well as being integrated into and completely surrounded by other Sustainable Zones.

4.2 VERIDEA SUSTAINABLE DEVELOPMENT CONCEPT MAP

4.2.1 Veridea Sustainable Development Concept Map

Table 2 contains the Veridea Sustainable Development Concept Map (Concept Map), which depicts a concept for the development of Veridea and the conceptual location of its Sustainable Zones. The Concept Map depicts the configuration of land uses believed to be appropriate for Veridea. However, based on future planning, market and demographic conditions, the Sustainable Zones may be located anywhere within the Development as determined by the Responsible Person. The Responsible Person may revise the Concept Map from time to time and shall provide the TRC with a copy of each revision. The development of Veridea shall include the following minimum acreages with respect to the Sustainable Zones noted:

NG	Neighborhood General	75 acres
NM	Neighborhood Mixed-Use	50 acres
VC	Village Center	215 acres
UC	Urban Core	135 acres

The VC and UC Zones shall contain a minimum of 150 acres allocated as A-Grid Zones. Further, a minimum of 250 acres within Veridea shall be designated as provided in Article 3.1.3 hereof.

4.2.2 Land Use Locations and Densities

a. Land uses and Densities allowed in each Sustainable Zone are set forth in Article 7 Tables. Such land uses can be located anywhere within the respective Sustainable Zones.
b. For purposes of the SD Plan, Density is expressed in terms of housing units per acre for residential uses and as FAR for other uses as specified for the area of each respective Sustainable Zone in Table 14. The FAR for each Sustainable Zone is set as an average Density for the zone. Areas designated for Open Space, utilities infrastructure, Thoroughfares and other transportation infrastructure, such as a Regional Public Transit System, may be allocated from time to time by the Responsible Person to any other area or areas for the purpose of calculating authorized Density for the area or areas receiving the allocation. The Responsible Person shall have the authority to reallocate the authorized square footage numbers of the Non-residential Uses within Article 4.2.2.b.ii and iii on a square foot-for-square foot basis; provided, however, that the Responsible Person may only increase or decrease the Retail square footage by up to 20% subject to the limitation that the reallocation shall not result in a total daily vehicular trip generation for Veridea that exceeds the maximum daily vehicular trip generation that served as the basis for the Master TIA. Any further increase related to retail must be approved by Town Council in accordance with UDO 2.3.16 F) 3) a. In addition to the total authorized development provided below, Public, Civic, Utilities, Recreational and Lodging Uses are authorized to support the total authorized development set forth in Article 4.2.2.b.i, ii, and iii. In the event that additional parcels are incorporated into the Veridea Sustainable Development District, the total authorized development hereinafter provided shall be adjusted in accordance with UDO 2.3.16 D).

The total authorized development for the Development shall be as follows:

i.	Authorized Number of Dwelling Units (all types)	8,000
ii.	Authorized Retail Uses (gross leasable area)	3,500,000 Square Feet
iii.	Authorized Office and Industrial Uses (gross floor area)	12,000,000 Square Feet

4.2.3 The Sustainable Development Concept Map designates VC and UC zones as being either A-Grid or B-Grid. Subsequent approved site plans and Subdivision Plans shall confirm or modify such zones as called for in the SD Plan, and shall designate Thoroughfares within the VC and UC zones as being either A-Grid or B-Grid.

a. Buildings and frontages along the A-Grids shall reflect multi-modal and pedestrian standards of the SD Plan supporting pedestrian activity.

Thoroughfares within an A-Grid Zone may be developed according to B-Grid standards subject to the following special and limiting conditions:

i. Transition conditions within A-Grid Zones to adjacent B- Grid Zones; and

ii. Small internal Thoroughfares of limited length to respond to a specific condition of the site or a use. Notwithstanding these special and limiting conditions, no more than 15% of the aggregate length of Thoroughfares within an A-Grid Zone may be designated as a B-Grid and follow B-Grid standards. Location and other specifics of such B-Grid Thoroughfares shall be addressed within site plans.

b. Buildings and frontages along the B-Grids may reflect automobile- oriented standards. B-Grids may be developed in whole or in part to A-Grid standards. It is the goal that B-Grid zones eventually become redeveloped as A-Grids. Therefore, site plans for B-Grids shall reflect in their planning and site engineering this goal by:

i. Establishing a B-Grid Thoroughfare grid and therefore a block layout that can be redeveloped into smaller blocks exhibiting the characteristics of an A-Grid;
ii. Establishing the B-Grid Thoroughfares in such a manner that they can be redeveloped into A-Grid Thoroughfares and frontages; and
iii. Locating utilities and site features so that they will not prohibit the establishment of an A-Grid development pattern, and do so without significant redesign or cost impacts. Site plans for B- Grid zones shall depict both the B-Grid configuration, and conceptually reflect how the B-Grid configuration may be redeveloped into an A-Grid.

4.2.4. Development Thresholds

In order to create and maintain a mix of uses as the buildout of Veridea occurs, the following requirements shall be applicable to development within Veridea, unless otherwise provided by the Town Council at the request of the Responsible Person:

Threshold 1: Certificates of Occupancy shall not be issued for more than 10% (1,200,000 sf) of the total authorized Office and/or Industrial square footage or more than 20% (700,000 sf) of the total authorized Retail square footage unless and until building permits have been issued for dwelling units. Similarly, building permits for no more than 20% (1,600 units) of the total authorized dwelling units can be issued until Certificates of Occupancy have been issued for at least 2% (70,000 sf) of the total authorized retail square footage and 2% (240,000 sf) of the total authorized Office and/or Industrial square footage.

Threshold 2: Certificates of Occupancy shall not be issued for more than 25% (3,000,000 sf) of the total authorized Office and/or Industrial square footage or more than 50% (1,750,000 sf) of the total authorized Retail square footage until building permits have been issued for at least 5% (400 units) of the total authorized dwelling units. Similarly, building permits for no more than 37.5%(3,000 units) of the total authorized dwelling units can be issued until Certificates of Occupancy have been issued for at least 10% (350,000 sf) of the total authorized Retail square footage and 5% (600,000 sf) of the total authorized Office and/or Industrial square footage.

Threshold 3: Certificates of Occupancy shall not be issued for more than 50% (6,000,000 sf) of the total authorized Office and/or Industrial square footage or more than 60% (2,100,000 sf) of the total authorized Retail square footage until building permits have been issued for at least 15% (1,200 units) of the total authorized dwelling units. Similarly, building permits for no more than 60% (4,800 units) of the total authorized dwelling units can be issued until Certificates of Occupancy have been issued for at least 25% (875,000 sf) of the total authorized Retail square footage and 10% (1,200,000 sf) of the total authorized Office and/or Industrial square footage.

Threshold 4: Certificates of Occupancy shall not be issued for more than 70% (8,400,000 sf) of the total authorized Office and/or Industrial square footage or more than 80% (2,800,000 sf) of the total authorized Retail square footage until building permits have been issued for at least 40% (3,200 units) of the total authorized dwelling units. Similarly, building permits for no more than 80% (6,400 units) of the total authorized dwelling units can be issued until Certificates of Occupancy have been issued for at least 40% (1,400,000 sf) of the total authorized Retail square footage and 25% (3,000,000 sf) of the total authorized Office and/or Industrial square footage.

Threshold 5: Certificates of Occupancy shall not be issued for more than 85% (10,200,000 sf) of the total authorized Office and/or Industrial square footage (or more than 85% (2,975,000 sf) of the total authorized Retail square footage until building permits have been issued for at least 50% (4,000 units) of the total authorized dwelling units. Similarly, building permits for no more than 85% (6,800 units) of the total authorized dwelling units can be issued until Certificates of Occupancy have been issued for at least 50% (1,750,000 sf) of the total authorized Retail square footage and 40% (4,800,000 sf) of the total authorized Office and/or Industrial square footage.

Threshold 6: See the requirements set forth in SD Plan 3.5.3.d.vi and 4.2.2.b.

The foregoing requirements are illustrated by the tables below:

RESIDENTIAL CONTROL

	Minimum Required	
DU BP's	**Retail SF C/O's**	**O&I SF C/O's**
1 - 1,600	0	0
1,601 - 3,000	70,000	240,000
3,001 - 4,800	350,000	600,000
4,801 - 6,400	875,000	1,200,000
6,401 - 6,800	1,400,000	3,000,000
6,801 - 8,000	1,750,000	4,800,000

RETAIL CONTROL

	Minimum Required	
Retail SF C/O's	**DU BP's**	**O&I SF C/O's**
0 - 700,000	0	0
700,001 - 1,750,000	1	0
1,750,001 - 2,100,000	400	0
2,100,001 - 2,800,000	1,200	0
2,800,001 - 2,975,000	3,200	240,000
2,975,001 - 3,500,000	4,000	240,000

O&I CONTROL

	Minimum Required	
O&I SF C/O's	**DU BP's**	**Retail SF C/O's**
0 - 1,200,000	0	0
1,200,001 - 3,000,000	1	0
3,000,001 - 6,000,000	400	0
6,000,001 - 8,400,000	1,200	0
8,400,001 - 10,200,000	3,200	70,000
10,200,001 - 12,000,000	4,000	70,000

Although the foregoing tables are intended to illustrate the preceding text, the text shall control the construction of this Article 4.2.4.

4.3 SUSTAINABLE ZONES

4.3.1 Sustainable Zones, as shown on the Sustainable Development Concept Map shall have the character described in Table 1.

4.3.2 Open Space (OS) consists of lands approximating or reverting to a natural condition and farmland, parks, greenways, Civic Uses, utility corridors and easements, and waterways or water bodies, including lands unsuitable for development due to topography, hydrology and/or vegetation.

a. Open Space includes areas protected by law or regulation, as well as land designated for conservation.
b. Open Space shall be identified in site and Subdivision Plans approved for the Development. Upon the approval of a subdivision or site plan designating an area Open Space, such area may be conveyed in fee or by easement to (i) an entity created by law to hold interests in property designated for conservation purposes, or (ii) to a property owners association formed, in part, for such purpose, or (iii) to a public entity.
c. Land area within Open Space may be used in calculating the Density of a Project.
d. Open Space is an independent Sustainable Zone and will also be integrated into other Sustainable Zones.

4.3.3 Neighborhood General (NG) consists of low Density residential areas, adjacent to higher Density zones that consist of some Mixed Use. Home occupations and Outbuildings are allowed. Planting is naturalistic and Setbacks are relatively deep. Blocks may be large and the Thoroughfares irregular to accommodate natural conditions.

4.3.4 Neighborhood Mixed-Use (NM) consists of Mixed Uses within a medium to high Density residential urban fabric. It may have a wide range of building types: single, sideyard, rowhouses, and apartments. Setbacks and landscaping are variable. Thoroughfares with curbs and sidewalks define medium-sized blocks.

4.3.5 Village Center – A-Grid (VC A-Grid) consists of higher Density Mixed Use buildings that accommodate retail, Office, rowhouses and apartments. It has a tight network of Thoroughfares, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

4.3.6 Village Center – B-Grid (VC B-Grid) consists of larger block sizes, and larger format uses supporting regional users. It has a coarse network of Thoroughfares, with sidewalks and steady street tree planting.

4.3.7 Urban Core – A-Grid (UC A-Grid) consists of the highest Density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; Thoroughfares have steady street tree planting and buildings are set close to wide sidewalks.

4.3.8 Urban Core – B-Grid (UC B-Grid) consists of the highest Density and height, with predominantly Office, lab, and research uses. It may have larger blocks; streets have steady street tree planting and buildings may be set back from the sidewalks.

4.4 CIVIC USES

4.4.1 General

a. Space for Civic Uses shall be designated on the Sustainable Development Concept Map as Civic Space (CS) and Civic Building (CB) as Subdivision Plans and site plans are approved for the Development.
b. Civic Space (CS) shall denote public sites supportive of or ancillary to Civic Buildings or sites permanently dedicated to Open Space.
c. Civic Building (CB) shall denote sites for buildings primarily operated by governmental or not-for-profit organizations dedicated to Functions such as culture, education, religion, government, transit and municipal parking.

4.4.2 Civic Space (CS) Specific to NG, NM, VC, and UC Zones

a. Civic Spaces shall be designed as generally described in Table 13 and distributed throughout Sustainable Zones as described in Table 14e.

4.5 THOROUGHFARE STANDARDS

4.5.1 General

a. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access throughout the Development.
b. Thoroughfares shall consist of vehicular lanes and Public Frontages. Walkways shall be in accordance with Table 4B.
c. Thoroughfares shall be designed in context with the desired vehicular design speed of the Sustainable Zones through which they pass. The Public Frontages of Thoroughfares that pass from one Sustainable Zone to another shall be adjusted accordingly or, alternatively, the Sustainable Zone may follow the alignment of the Thoroughfare to the depth of one Lot, retaining a single Public Frontage throughout its course.
d. Within areas designated as B-Grid Zones, pedestrian use shall be a secondary consideration of the Thoroughfare. Design conflict(s) between vehicular and pedestrian traffic generally shall be decided in favor of the vehicle. Within the more urban A-Grid Zones, pedestrian use shall be a primary consideration of the Thoroughfare. Design conflict(s) between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
e. The Thoroughfare network shall be designed to define Blocks not exceeding the size indicated in Table 14. The perimeter shall be measured as the sum of Lot Frontage Lines.

f. Street trees shall satisfy traffic calming measures required within the Development.
g. Thoroughfares shall terminate at other Thoroughfares, forming a network. Internal Thoroughfares shall connect wherever practicable to those on adjacent sites. Cul-de-sacs may be permitted to accommodate unusual site conditions subject to UDO 7.2.1 G).
h. Each Lot shall be bounded by a vehicular Thoroughfare, except that 20% of the Lots within each Sustainable Zone may be bounded by a Passage, so long as the Thoroughfare assembly behind such Lots is constructed to Rear Alley standards, will meet emergency vehicle access requirements and is public.
i. Thoroughfares within designated B-Grid Zones and designated as B-Grid Thoroughfares may follow the specified B-Grid Public Frontage and Private Frontage requirements in Tables 4A and 4B, and Table 7.
j. B-Grid Thoroughfares are permitted within A-Grid Zones for Thoroughfares necessary to support vehicular traffic and that enhance the pedestrian network per Article 4.2.3. These Thoroughfares shall be addressed on the individual site plans and may follow the standards for B-Grid.
k. The B-Grid Zones may abut freeways and conventional commercial arteries that are pedestrian intolerant. B-Grid Zones are used to transition into the more multi-modal and pedestrian supportive environments. B-Grid Zones may be developed in whole or in part to A-Grid standards and may evolve into A-Grid Zones over time.

4.5.2 Vehicular lanes

a. The standards for vehicular lanes shall follow the guidance in Table 3A or the Town Standards, or may follow other additional or elective regulations and standards adopted by the Town Council in accordance with UDO 2.3.16 F) 3) a) or 2.3.16 F) 3) c).
b. A bicycle network consisting of Bicycle Trails, Bicycle Routes and Bicycle Lanes shall be permitted as set forth in Table 14d.

4.5.3 Public Frontages

a. General to all zones OS, NG, NM, VC, UC
    i. The Public Frontage contributes to the character of the Sustainable Zone, and includes the requisite types of Sidewalk, Curb, Planter, bicycle parking, and street trees.
    ii. Public Frontages shall be designed as shown in Table 4A and Table 4B and allocated within Sustainable Zones as specified in Table 14d.
    iii. Within the Public Frontages, the types of Public Planting and Public Lighting shall be as shown in Table 4A, Table 4B, Table 5 and Table 6.
b. Specific to OS and NG Zones
    i. The Public Frontage may include trees of various species, naturalistically clustered, as well as understory.
    ii. The landscape may consist primarily of native species requiring minimal irrigation, fertilization and maintenance.

c. Specific to NM, VC and UC Zone
    i. The landscape shall consist primarily of durable species tolerant of soil compaction.
d. Specific to NM Zone
    i. The Public Frontage shall include trees planted in a regularly-spaced and aligned pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story. Various street tree species shall be used within the NM Zone.
e. Specific to VC and UC Zone
    i. The Public Frontage shall include trees planted in a regularly-spaced and aligned pattern of single species with shade canopies of a height that, at maturity, clears at least one Story. Various street tree species shall be used within the VC and UC Zones. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the Shopfronts.
    ii. Streetscape solar panels as shown in Table 18 may be used in the place of street trees where required. This section shall provide design flexibility in the creation of a public statement in the form of either art or symbolic statements of sustainability, but shall not allow the wholesale replacement of mandatory street trees with solar-powered streetlights or prohibit the installation of larger solar panel assemblages elsewhere within the Development.
    iii. Thoroughfares with Galleries, Arcades, or a right-of-way width of 40 feet or less shall be exempt from the tree planting requirement.

ARTICLE 5.0 BUILDING STANDARDS

5.1 TABLES AND PLAN

5.1.1 It is possible that the evolution of technology, building materials and lifestyle may result in the future in the Town Council's adoption of elective Sustainability Standards for SD-CZ districts pursuant to UDO 2.3.16 F) 3) c).

5.1.2 B-Grid Zones within the Development shall comply with UDO 9.2 and 9.3, except that the requirements of UDO 9.2 and 9.3 may be varied, in accordance with UDO 2.3.16 F) 3) a), by the standards set forth in the Pattern Book.

5.2 CIVIC BUILDINGS

5.2.1 Civic Buildings ("CB")

a. Civic Buildings shall be subject to the requirements of this Article.

5.3 OPEN SPACE ("OS") ZONES

5.3.1 Buildings shall not be allowed in an OS Zone, except as listed in Table 12 and for accessory structures incidental to and necessary to support the permitted Functions and uses.

5.4 BUILDING DISPOSITION

5.4.1 Specific to OS, NG, NM, VC and UC Zones

a. Newly platted Lots shall be dimensioned according to Table 14f and Table 15.
b. Building Disposition shall be as shown in Table 9 and Table 14i.
c. Buildings shall be disposed in relation to the boundaries of their Lots according to Table 14g, Table 14h, and Table 15.
d. One Principal Building at the Frontage and one Outbuilding to the rear of the Principal Building may be built on each Lot as shown in Table 17c.
e. Lot coverage by buildings shall not exceed that specified in Table 14f and Table 15.
f. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 14g and Table 15.
g. Setbacks for Principal Buildings shall be as shown in Table 14g and Table 15.
h. Adequate access to and clearance around utilities and HVAC units shall be provided.

5.4.2 Specific to UC Zone

a. The Principal Entrance shall be on a Frontage Line.

5.4.3 Specific to NM, VC and UC Zones

a. Farmers Markets may be located on unbuffered Lots of any size.
b. Diagonal parking on commercial streets shall be as set forth in the SD Plan.

5.5 BUILDING CONFIGURATION

5.5.1 General to OS, NG, NM, VC and UC Zones
a. The Private Frontage of buildings shall conform to and be allocated in accordance with Table 7 and Table 14j.
b. Buildings on corner Lots shall have two Private Frontages as shown in Table 17. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
c. All Facades shall be glazed with clear glass no less than 30% of the first Story, however glazing shall be no less than 50% in the VC Zone A-Grid and UC Zone A-Grid areas.
d. Building stories, Stepbacks, and Expression Lines shall conform to Table 8 and Table 14j.
e. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
f. Story limits do not apply to attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, cupolas or elevator bulkheads.
g. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot.
h. Public access requirements shall comply with UDO 7.5.4 E) except that the requirements of UDO 7.5.4 E) may be varied in accordance with UDO 2.3.16 F) 3) a), by the standards set forth in the Pattern Book.

5.5.2 Specific to NG, NM and VC Zones
a. The habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 800 square feet, excluding any enclosed parking area.

5.5.3 Specific to NG Zone
a. No portion of the Private Frontage may Encroach into the Sidewalk.
b. Open porches may Encroach into the first Layer 50% of its depth. (Table 17d)
c. Balconies, cantilevers, and bay windows may Encroach into the first Layer up to 25% of the depth defined for the first Layer. In addition, porches including balconies on porch roofs may Encroach into the first Layer up to 50% of the depth defined for the first Layer.
d. A first level Residential or Lodging Function shall be raised a minimum of three steps from average Sidewalk grade, except as required for accessibility under applicable federal and state laws or to accommodate single-family senior housing units.

5.5.4 Specific to NM Zone
a. Balconies, open porches, cantilevers and bay windows may Encroach into the first Layer 50% of its depth. (Table 17d)

5.5.5 Specific to OS, VC and UC Zones

a. Arcades, awnings, and Galleries may Encroach into the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 9 feet. Arcades and Galleries within public rights-of-way require encroachment and maintenance agreements with the Town.
b. Maximum Encroachments for Arcades shall be as shown on Table 8.
c. Stoops, Lightwells, balconies, bay windows, cantilevers and terraces may Encroach into the first Layer for 100% of its depth. (Table 17d)
d. Loading docks and service areas shall be permitted along/within Frontages.
e. In the absence of a building Facade along any part of a Frontage Line, a Streetscreen may be built co-planar with the Facade or adjacent Facades.
f. Streetscreens shall be between 3.5 and 8 feet in height. The Streetscreen may be in the form of a hedge, fence or wall. Walls may be constructed of masonry, stone, stucco, EIFS or may match the building materials of the adjacent buildings. Fences shall be constructed of wood or wrought iron (or products created to resemble these materials) and shall be finished on the side facing the public right-of way. Streetscreens shall have openings no larger than reasonably necessary to allow vehicular and pedestrian access.
g. Arena, auditorium or stadium uses shall be located a minimum of 500 feet from any NG or NM Zone and may be located in Mixed Use Blocks, in Mixed Use buildings or on Lots of sufficient size and with sufficient Frontage to support the use and comply with the egress requirements of the North Carolina State Building Code.
h. Outdoor entertainment areas such as small amphitheaters may be incorporated without enclosure into Open Space, Public Space, or Civic Space or on an individual Lot as long as there is sufficient Frontage to support the use and comply with the egress requirements of the North Carolina State Building Code.
i. Drive-through facilities associated with financial institutions and pharmacies may be integrated into multi-story buildings.

5.5.6 Specific to NM, VC and UC Zones

a. Lodging Functions may be located in Mixed Use Blocks, in Mixed Use buildings or on Lots of any size to support the use and comply with the egress requirements of the North Carolina State Building Code when the use is located 100 feet or more from NG Zones.

5.6 BUILDING FUNCTION

5.6.1 General to OS, NG, NM, VC and UC Zones

a. Buildings in each Sustainable Zone shall comply with Article 7 Tables.
b. Historic Sites may be used for residential, lodging, food and beverage, Office or retail sales and service use.

5.6.2 Specific to NG Zone

a. Accessory Functions of Lodging or Office shall be permitted within an Accessory Building. See Table 10.

5.6.3 Specific to NM Zones

a. Commercial Functions shall be permitted.

5.6.4 Specific to VC and UC Zones

a. Commercial Functions shall be permitted.
b. Manufacturing Functions may be permitted.
c. Utilities such as communication towers and water towers may be integrated into building structures without the need for screening. See Article 5.5.2 for existing cell towers.
d. Electrical Power Facilities shall be set back a minimum of 20 feet from property lines or easement lines and may be screened or buffered by architectural means or located internally within a block to permit integration into an urban fabric.

5.7 PARKING AND DENSITY STANDARDS

5.7.1 Specific to NG Zone

a. Buildable Density on a Lot shall be determined by the actual parking provided as applied to the Functions permitted in Table 10 and Table 11.

5.7.2 Specific to OS, NM, NG, VC and UC Zones

a. As provided in Tables 10 and 11, buildable Density on a Lot shall be determined by the sum of the actual parking calculated as that provided (1) within the Lot (2) along the parking lane corresponding to the Lot Frontage, and (3) by purchase, lease, allocation, dedication, reservation or assignment from a public or private parking structure or lot within 1,200 feet of any entrance for customer, patron, or resident parking and within 1,200 feet of any entrance of the principal use for employee parking, if available.
b. The actual parking may be adjusted downward according to the Shared Parking Factor of Table 11 to determine the Effective Parking. The Shared Parking Factor is available for any two Functions within any block, any pair of adjacent Blocks or within any area contained within a single site plan submittal. Further adjustment is permitted for areas controlled by a comprehensive parking plan in accordance with Article 5.7.3.
c. Based on the Effective Parking available, the Density of the projected Function may be determined according to Table 10.
d. Within the area of a Transit Oriented Development (“TOD”) the Effective Parking may be further adjusted downward by 30% and the distances listed in 5.7.2.a are permitted to be increased by 20%.
e. Accessory Units do not factor into Density calculations.
f. Liner Buildings less than 30 feet deep and up to the first two Stories shall be exempt from parking requirements.
g. Retail spaces of 1,500 square feet or less of net floor area shall be exempt from the parking requirements.
h. In accordance with SD Plan 3.1.2, a Parking Management Plan, subject to review and approval by the Town Council in accordance with UDO 2.3.16 F) 3) a), shall be submitted with the first site plan that deviates from applicable UDO standards related to parking and shall be updated as necessary for subsequent site plans.

5.7.3 Off-Street Parking: Further reduction in off-street parking beyond those otherwise allowed by the SD Plan is permitted for the Veridea Sustainable Development District or portions thereof within the area of a TOD in conjunction with a TDM plan.

5.7.4 Off-Street and On-Street Loading: The Veridea Sustainable Development District or portions thereof are permitted to have comprehensive loading plans to include on-street loading in Thoroughfares during non-peak hours, on side streets and/or in non-dedicated parking areas of parking lots for all or portions of the site.

5.7.5 A portion of the parking spaces provided in any public or private parking lots or parking deck may be compact spaces if such spaces are: a) assigned and/or private spaces; b) assigned to a car-share program; c) specifically designated for electric cars; or d) approved by the TRC upon its determination that then current market data support the use by compact vehicles of the number of compact spaces proposed. A compact space will be a space of at least 8.5 feet by 14 feet, and a compact vehicle shall be a vehicle that can safely park in the area of the compact space proposed.

5.8 PARKING LOCATION STANDARDS

5.8.1 General to OS, NG, NM, VC and UC Zones

a. Parking shall be accessed by Rear Alleys or Rear Lanes, when available.
b. Open parking areas and Parking Structures shall be masked from the Frontage by a Building or Streetscreen.
c. For buildings on B-Grids, open parking areas and Parking Structures are allowed unmasked on the Frontage in the front Layer, except for corner Lots at intersections with the A-Grid.
d. Bicycle parking locations at Common Destinations shall be determined at the time of site plan approval for all Sustainable Zones including OS Zones.
e. Commercial Parking Garages may be incorporated into Mixed Use Blocks or in Mixed Use buildings on the same Lot to allow for internal block parking.

5.8.2 Specific to NG Zone

a. Open parking areas shall be located at the second and third Lot Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the first Lot Layer. (Table 17d)
b. Garages shall be located at the second or third Layer except that side- or rear-entry types may be allowed in the first Layer by the TRC.
c. Driveways at Frontages shall be no wider than 24 feet in the first Layer. (Table 3B.f)

5.8.3 Specific to NM Zone

a. All parking areas and garages shall be located at the second or third Layer except for lots located on designated B-Grids. (Table 17d)
b. Driveways at Frontages shall be no wider than 24 feet in the first Layer. (Table 3B.f)

5.8.4 Specific to VC and UC Zones

a. All parking lots, garages, and Parking Structures shall be located at the second or third Layer except along B-Grids where parking may be located in the first layer. (Table 17d)
b. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage for A-Grid Thoroughfares. Driveways at Frontages for B-Grid Thoroughfares shall be no wider than necessary to accommodate the straight and turn lanes in the first Layer. (Table 3B.f)
c. Parking Structures on the A-Grid shall have Liner Buildings lining the first and second Stories.

5.9 LANDSCAPE STANDARDS

5.9.1 General to OS, NG, NM, VC and UC Zones

a. The landscape plantings shall consist of native or naturalized species requiring minimal irrigation, fertilization and maintenance as shown on Table 6.
b. Street trees and landscape planted in public rights-of-way shall require maintenance agreements with the Town.
c. Public utility locations, placement and accessibility shall be laid out and engineered so that trees and landscaping and utility conflicts are eliminated or substantially minimized.
d. Trees shall not be required in the first Layer where Setbacks are less than 12 feet.
e. Planting selection in the first Layer shall be appropriate for the scale of the space and located so as to avoid conflicts with buildings, walls and utilities.
f. Street trees shall be planted within the Public Frontage as illustrated in Table 7 and listed in Table 4C. Street trees may be shifted or eliminated along any Thoroughfares as long as the average number of trees based upon the Public Frontage is met for the site plan or Subdivision Plan. Tree preservation areas located in Open Space Zones shall be exempt from the street tree planting requirements. Public Frontages on Thoroughfares that are exempt from the tree planting requirement and Thoroughfare Assemblies for Rear Lanes, Rear Alleys, or where the landscape type is listed as trees clustered shall not be used in the calculation of the average number of trees.
g. In order to accommodate the intended density, connectivity and integration of uses, the landscape requirements set forth in UDO 7.2.5 C) 9) and UDO 7.2.5 C) 12) through UDO 7.2.5. C) 14) shall not apply within the Development.
h. Screening shall comply with UDO 8.2.8. Notwithstanding the foregoing, HVAC and other mechanical units shall not be required to be screened from adjacent properties when not visible from the public street.
i. Veridea shall comply with UDO 8.2.1, 8.2.2 and 8.2.3, except that, in order to accommodate the intended density, connectivity and integration of uses, the landscape buffer requirements of UDO 8.2 shall not apply.

j. Fences, walls and berms shall comply with UDO 8.2.7, except to the extent modified by Articles 5.5.5.e, 5.5.5.f. and 5.8.1.b. hereof.

5.9.2 Specific to NG and NM Zones

a. The first Layer may not be paved, with the exception of Driveways as specified in Article 5.8. (Table 17d)

5.9.3 Specific to NG Zone

a. One appropriately sized tree at maturity per Lot shall be planted within the first Layer. (Table 17d)
b. Trees shall be of single or multiple native or naturalized species as shown on Table 6.
c. Trees shall be naturalistically clustered.
d. Lawn shall be permitted upon site plan approval. Only re-use water, where available, may be used for Lawn irrigation.

5.9.4 Specific to NM Zone

a. One appropriately sized tree at maturity per Lot shall be planted within the first Layer. (Table 17d)
b. Trees should not be of a single species throughout large areas. Tree species selected are permitted to alternate along blocks. Selection of plant material shall be appropriate for the scale of the space.
c. Lawn shall be permitted. Only re-use water, where available, may be used for Lawn irrigation.

5.9.5 Specific to VC and UC Zones

a. Trees shall not be required in the first Layer.
b. The first Layer may be paved to match the pavement of the Public Frontage.
c. A minimum of one shade tree is required for every two thousand (2,000) square feet of vehicular surface area located within or adjacent to the parking area. Parking Structures are excluded from this requirement.
d. A minimum of 1 shrub is required for every five hundred (500) square feet of vehicular surface area. Selection of the plant material shall be appropriate for the scale of the space. Parking Structures are excluded from this requirement.
e. All vehicular surface areas within fifty (50) feet of any right-of-way that are visible from a Thoroughfare (street) are required to be screened from off-site view to a minimum height of thirty-six (36) inches. Plants, closed fences, walls, earthen berms or a combination thereof may be used to satisfy this requirement. Plants must be a minimum of thirty-six (36) inches at maturity or used in combination with earthen berms to satisfy this requirement. Screening material other than plants and earthen berms shall be harmonious with surrounding architecture and shall accommodate pedestrian and vehicular ingress and egress where applicable.
f. No vehicular parking space shall be located farther than fifty (50) feet from the back of curb in a planting area with one shade tree, or seventy five (75) feet from the back of curb in a planting area with two or more shade trees. Parking Structures are excluded from this requirement.

5.10 SIGNAGE

5.10.1 General to All Sustainable Zones

Signage shall comply with UDO 8.6, Signs, except that the requirements of UDO 8.6 may be varied by the standards set forth in the Pattern Book(s).

5.11 COMMUNICATION TOWERS

5.11.1 General to All Sustainable Zones

a. Communication Towers are exempt from the standards set forth in UDO 4.4.3 B).
b. Existing Communication Towers will be contained on a Lot.
c. Existing Communication Towers may be located a Lot that contains other uses.
d. Existing Communication Towers, or a portion thereof, may occupy a leased parcel on the Lot in which it is located.
e. New or relocated Communication Towers shall be located in accordance with Table 12.
f. New rooftop communication towers and devices may be allowed within UC and VC Zones.

5.12 EXTERIOR LIGHTING

5.12.1 General to All Sustainable Zones

Exterior lighting shall comply with UDO 8.7, Exterior Lighting, except that the requirements of UDO 8.7 may be varied by the standards set forth in the Pattern Book(s).

5.13 PATTERN BOOK(S)

A Pattern Book(s) may be submitted for approval from time to time in accordance with UDO 2.3.16 F) 3) a). Each site plan submitted with respect to Veridea shall designate the existing Pattern Book, or portion thereof, which shall be applicable to the site plan, or a Pattern Book applicable thereto shall be submitted with the site plan for approval pursuant to UDO 2.3.16 F) 3) a).

ARTICLE 6.0 TABLES

6.1 TABLES

6.1.1. The Tables which follow shall establish, together with the foregoing provisions of the SD Plan and applicable provisions of the UDO, other Town Ordinances and Town Standards, the standards and regulations which shall govern all development and land use within the Development.

6.1.2. If the Responsible Person so determines, as with the other provisions of the SD Plan, specific portions of the Tables may be affected by additional or elective regulations and standards hereafter adopted by the Town Council in accordance with UDO 2.3.16 F) 3) a) or 2.3.16 F) 3) c).

6.1.3. Design Standards contained in one or more of the Articles, Sections, or Tables of the Plan that pertain to the same aspect of development may be implemented independently or in conjunction with one another.

6.1.4. The text and numerical descriptions in the Tables are an integral part of this SD Plan. However, the graphics that accompany them represent guidelines. Where in conflict, the text and numerical descriptions shall take precedence over graphics.

6.2 TOWN STANDARDS

6.2.1 The Town and the Responsible Person may enter into a Development Agreement providing that the Town Standards applicable to the Development shall be those in existence as of the date of the adoption of this SD Plan. However, notwithstanding the foregoing, the Apex Standard Specifications and Standard Details, as modified and amended from time to time, shall be applicable to the Development, except to the extent otherwise specifically provided in this SD Plan or where the modified Apex Standard Specifications and Standard Details are specifically inapplicable to Veridea.

TABLE 1. SUSTAINABLE ZONE DESCRIPTIONS

TABLE 1A: Sustainable Zone Descriptions. This table provides descriptions of the character of each Sustainable Zone.

OS



OS - OPEN SPACE

OS Open Space Zone consists of lands approximating or reverting to a natural condition and farmland, parks, Civic Uses, RCA, utility corridors, non-street easements, greenways, waterways or water bodies, including lands unsuitable for settlement due to topography, hydrology or vegetation.

General Character:	Natural landscape and parkland (active and passive parks) with some civic and agricultural use
Building Placement:	Variable front and side setbacks for park structures, civic structures, agricultural and maintenance buildings
Frontage Types:	Variable
Building Height:	1- to 2-Story
Type of Civic Space:	Parks, Greenways, Civic Buildings

NG



NG - NEIGHBORHOOD GENERAL

NG Neighborhood General Zone consists of low density residential areas, adjacent to higher zones that consists of some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the Thoroughfares irregular to accommodate natural conditions.

General Character:	Lawns, and landscaped yards surrounding predominantly detached single-family houses with some mix of Townhouses; pedestrians occasionally
Building Placement:	Medium and variable front and side yard Setbacks
Frontage Types:	Porches, fences, naturalistic tree planting
Building Height:	1- to 3-Story with some 4-Story
Type of Civic Space:	Parks, Greenways

NM

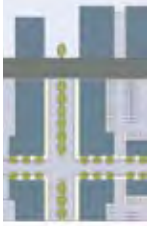


NM - NEIGHBORHOOD MIXED-USE

NM Neighborhood Mixed-Use Zone consists of mixed uses within a medium to high density residential urban fabric. It may have a wide range of building types: single, sideyard, rowhouses, and apartments. Setbacks and landscaping are variable. Thoroughfares with curbs and sidewalks define medium-sized blocks.

General Character:	Mix of Houses, Townhouses & Apartment buildings, with moderate Commercial activity; balance between landscape and buildings; presence of pedestrians
Building Placement:	Shallow to medium front and side yard Setbacks
Frontage Types:	Porches, fences, Dooryards
Building Height:	1- to 4-Story with a few taller Mixed Use buildings up to 7 stories adjacent to Village Center Zones and major transportation corridors
Type of Civic Space:	Squares, Greens

VC A-GRID



VC - VILLAGE CENTER - A-GRID

VC Village Center Zone consists of higher density mixed use buildings that accommodate retail, offices, rowhouses and apartments. It has a tight network of Thoroughfares, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character:	Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
Building Placement:	Shallow Setbacks or none; buildings oriented to the street defining a street wall. See the Concept Map for locations
Frontage Types:	Stoops, Shopfronts, Galleries
Building Height:	1- to 10-Story with some variation up to 15 stories adjacent to Urban Center Zones,
Type of Civic Space:	Parks, Plazas and Squares, median landscaping

UC A-GRID



UC - URBAN CORE - A-GRID

UC Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; Thoroughfares have steady street tree planting and buildings are set close to wide sidewalks.

General Character:	Medium-high to high-Density Mixed Use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity
Building Placement:	Shallow Setbacks or none; buildings oriented to street, defining a street wall.
Frontage Types:	Stoops, Dooryards, Forecourts, Shopfronts, Galleries, and Arcades
Building Height:	4- to 20-Story with a few shorter buildings including some 1 story uses
Type of Civic Space:	Parks, Plazas and Squares; median landscaping

TABLE 1. SUSTAINABLE ZONE DESCRIPTIONS

VC B-GRID



VC - VILLAGE CENTER - B-GRID

VC Village Center Zone consisting of larger block sizes, and larger format uses supporting regional users. It has a coarse network of Thoroughfares, with sidewalks, regular street tree planting.

General Character:	Larger single-use retail, office, and manufacturing formats with out-parcels permitted, transitioning to shops mixed with Townhouses, and larger Apartment houses towards A-Grid Zones; trees within the public right-of-way; substantial automobile activity
Building Placement:	Larger setbacks with parking permitted in the setback for any Layer except along adjacent A-Grids
Frontage Types:	Common Yard, Shopfronts,
Building Height:	Predominantly 1- to 4-Story with some increased variation up to 7 stories
Type of Civic Space:	Not required

UC B-GRID



UC - URBAN CORE - B-GRID

UC Urban Core Zone consists of the highest density and height, with predominantly office, lab, and research uses. It may have larger blocks; a coarse network of Thoroughfares, regular street tree planting and may have buildings set back from the sidewalks.

General Character:	High-density single and Mixed Use buildings. Attached and detached buildings forming a continuous street wall or set-back from the street; trees within the public right-of-way; highest pedestrian activity near the building and substantial automobile activity at the parking
Building Placement:	Shallow setbacks or none along A-Grid Thoroughfares with buildings oriented to streets transitioning to larger setbacks with parking permitted in the setback for any Layer
Frontage Types:	Common Yards, Stoops, Dooryards, Forecourts, Shopfronts, Galleries, and Arcades
Building Height:	1- to 20-Story with a few shorter buildings including some 1 story uses
Type of Civic Space:	None required

TABLE 2. VERIDEA SUSTAINABLE DEVELOPMENT CONCEPT MAP

Sustainable Zones

OS	Open Space and Civic Use
NG	Neighborhood General
NM	Neighborhood Mixed Use
VC-A	Village Center - A Grid
VC-B	Village Center - B Grid
UC-A	Urban Core - A Grid
UC-B	Urban Core - B Grid

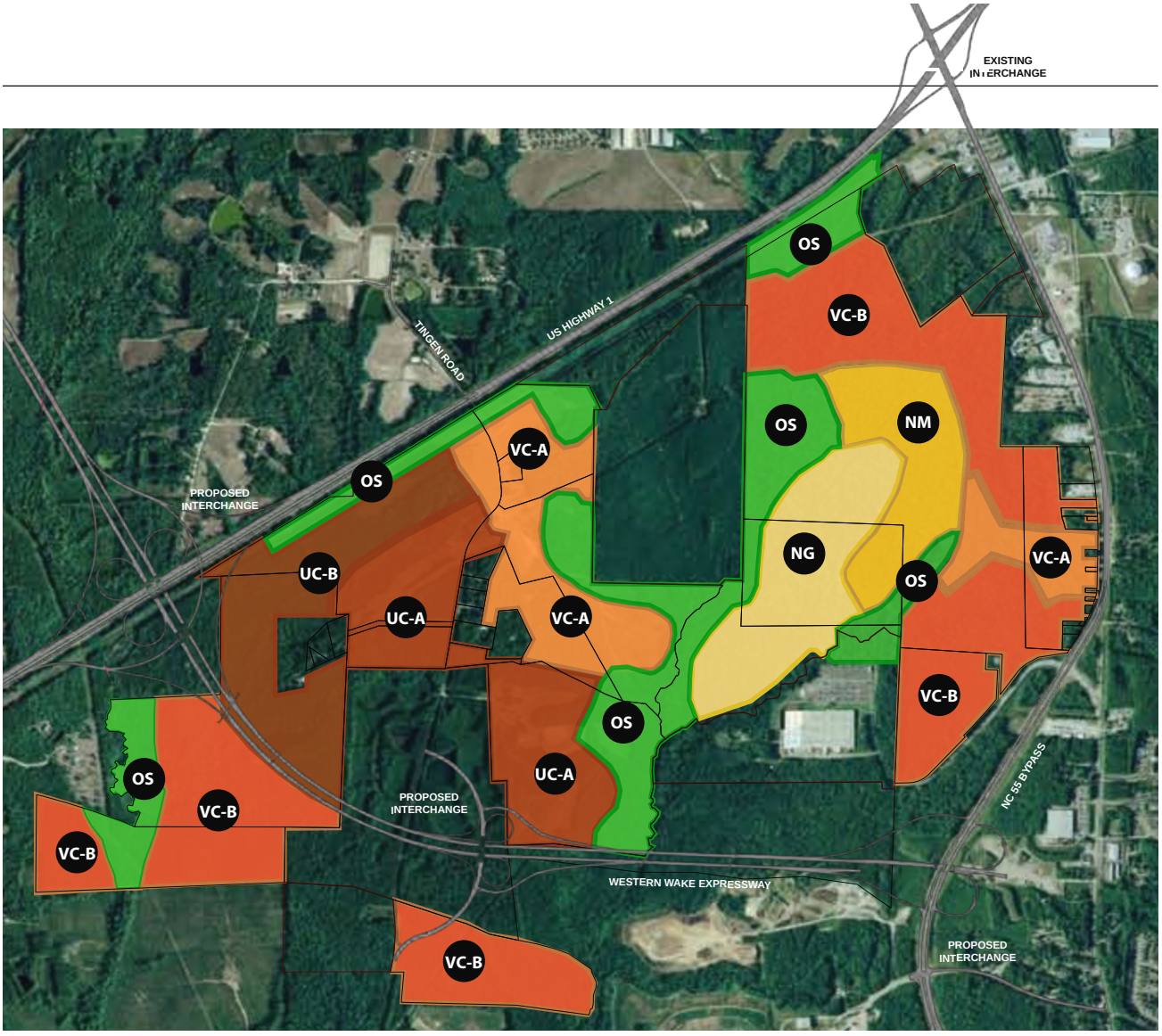


TABLE 3A. VEHICULAR LANE DIMENSIONS

TABLE 3A: Vehicular Lane Dimensions. This table assigns lane widths to Sustainable Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The assemblies are shown in Table 3B. Design Speeds shown in these Tables represent desired speeds for traffic flow based on typical sections. Thoroughfare alignments (excluding Rear Lanes and Rear Alleys) shall be based on a minimum 25 mile per hour design speed. Design exceptions to otherwise posted regulatory speed, if approved by the TRC will require warning signs.

DESIGN SPEED	TRAVEL LANE WIDTH	OS	NG	NM	VC	UC
Below 20 mph	10 feet	■	■	▫		
20-25 mph	10 feet	■	■	■	▫	▫
25-35 mph	10 feet	■	■	■	■	■
25-35 mph	11 feet	■			■	■
Above 35 mph	12 feet	■			■	■

DESIGN SPEED	PARKING LANE WIDTH					
20-25 mph	(Angle) 16 to18 feet				■	■
20-25 mph	(Parallel) 7 to 8 feet		■	■	■	
25-35 mph	(Parallel) 8 feet		■	■	■	■
Above 35 mph	(Parallel) 9 feet				■	■

DESIGN SPEED	EFFECTIVE TURNING RADIUS					(See Table 17b)
Below 20 mph	5-10 feet		■	■	■	■
20-25 mph	10-15 feet	■	■	■	■	■
25-35 mph	15-20 feet	■	■	■	■	■
Above 35 mph	20-30 feet	■			▫	▫

■ BY RIGHT

▫ BY THE TRC

TABLE 3B. VEHICULAR LANE & PARKING ASSEMBLIES

TABLE 3B: Vehicular Lane/Parking Assemblies. The projected design speeds determine the dimensions of the vehicular lanes and Turning Radii assembled for Thoroughfares. All dimensions listed are minimums. Design Speeds shown in these Tables represent desired speeds for traffic flow based on typical sections. Thoroughfare alignments (excluding Rear Lanes and Rear Alleys) shall be based on a minimum 25 mile per hour design speed. Design exceptions to otherwise posted regulatory speed, if approved by the TRC will require warning signs.

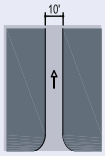
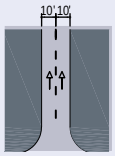
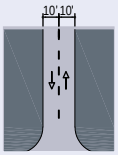
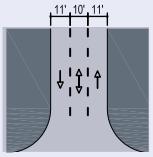
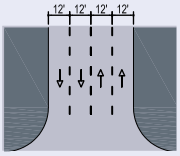
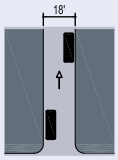
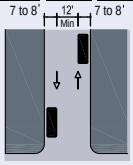
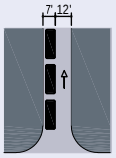
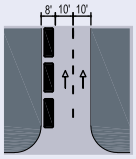
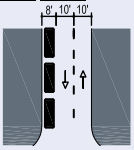
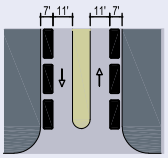
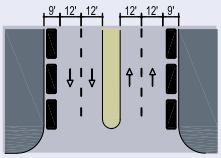
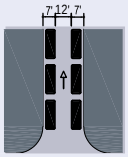
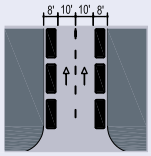
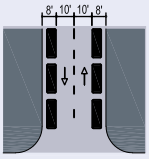
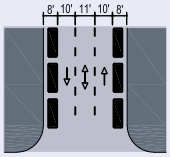
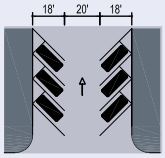
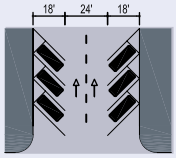
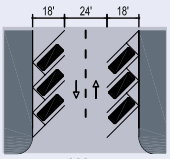
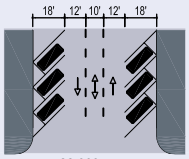
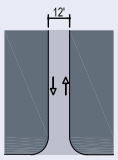
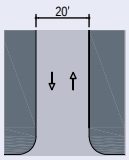
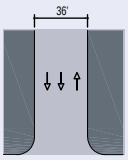
	ONE WAY MOVEMENT →		TWO WAY MOVEMENT →		
a. NO PARKING	OS NG 	OS 	OS NG 	OS 	OS 
Design ADT	300 VPD	600 VPD	2,500 VPD	22,000 VPD	36,000 VPD
Pedestrian Crossing	3 Seconds	5 Seconds	5 Seconds	9 Seconds	13 Seconds
Design Speed	20 - 30 MPH	Below 20 MPH	20-25 MPH		35 MPH and above
b. YIELD PARKING	OS NM 		NG NM VC UC 		
Design ADT	1,000 VPD		1,000 VPD		
Pedestrian Crossing	5 Seconds		7 Seconds		
Design Speed					
c. PARKING ONE SIDE PARALLEL	OS NG NM VC NG NM VC 		NG NM VC 	NG NM VC UC 	NG NM VC UC 
Design ADT	5,000 VPD	18,000 VPD	16,000 VPD	15,000 VPD	32,000 VPD
Pedestrian Crossing	5 Seconds	8 Seconds	8 Seconds	11 Seconds	13 Seconds
Design Speed	20-30 MPH		25-30 MPH	25-30 MPH	
d. PARKING BOTH SIDES PARALLEL	NG NM VC UC NM VC UC 		NM VC UC 	VC UC 	
Design ADT	8,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	
Pedestrian Crossing	7 Seconds	10 Seconds	10 Seconds	13 Seconds	
Design Speed	Below 20 MPH	25-30 MPH	25-30 MPH	25-30 MPH	
e. PARKING BOTH SIDES DIAGONAL	VC UC 	VC UC 	VC UC 	VC UC 	
Design ADT	18,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	
Pedestrian Crossing	15 Seconds	17 Seconds	17 Seconds	20 Seconds	
Design Speed	Below 20 MPH	20-25 MPH	20-25 MPH	25-30 MPH	
f. PARKING ACCESS			NG NM 	NG NM VC UC 	NM VC UC 
Design ADT					
Pedestrian Crossing			3 Seconds	6 Seconds	10 Seconds
Design Speed					

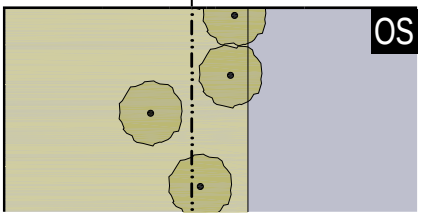
TABLE 4A. PUBLIC FRONTAGES - GENERAL

TABLE 4A: Public Frontages - General. The Public Frontage is the area between the private Lot line and the edge of the vehicular lanes. Dimensions are given in Table 4B. Note:

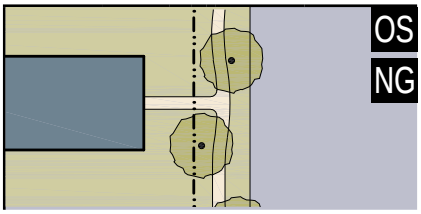
PLAN

LOT ▶ ◀ R.O.W.
PRIVATE FRONTAGE ▶ ◀ PUBLIC FRONTAGE

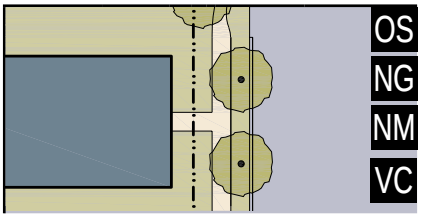
a. (HW) Highway: This Frontage has open Swales, Bicycle Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.



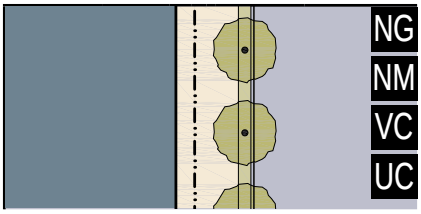
b. (RD) Road: This Frontage has open Swales and a Sidewalk walking Path or Bicycle Trail and Yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.



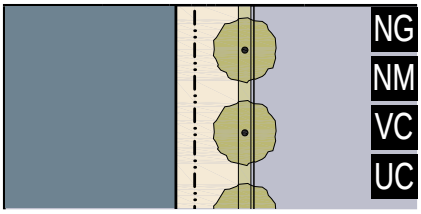
c. (ST) Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee, with the exception that Streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.



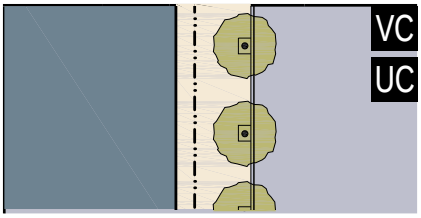
d. (DR) Drive: This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved Path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee.



e. (AV) Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee.



f. (CS) (AV) Commercial Street or Avenue: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible, but clears the storefront entrances.



g. (BV) Boulevard: This Frontage may have Slip Streets on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Allee.

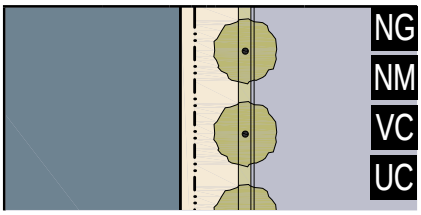


TABLE 4B. PUBLIC FRONTAGES - SPECIFIC

Table 4B: Public Frontages - Specific. This table assembles prescriptions and dimensions for the Public Frontage elements - Curbs, walkways and Planters – relative to specific Thoroughfare types within Sustainable Zones. Table 4B-a assembles all of the elements for the various street types. Public Frontages also include bicycle parking where applicable.

R U R A L I I I I I I I I I I I I I I I I I Z O N E S I I I I I I I I I I I I I I I I I U R B A N

B - G R I D I I I I I I I I I I I I A - G R I D

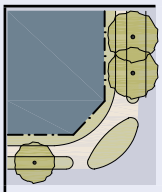
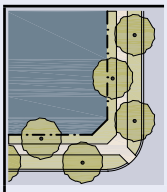
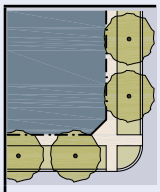
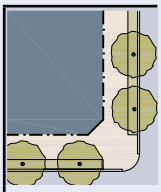
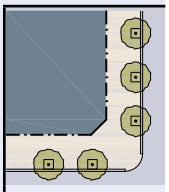
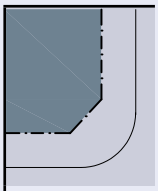
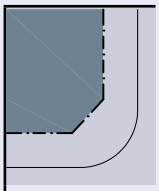
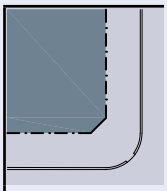
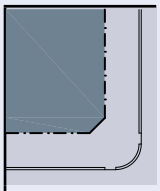
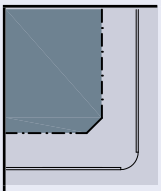
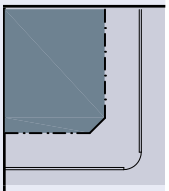
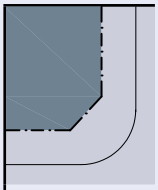
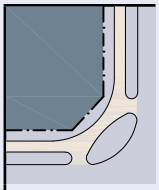
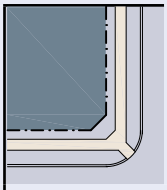
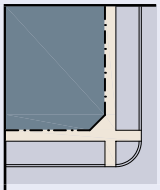
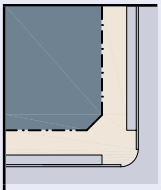
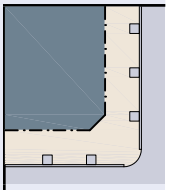
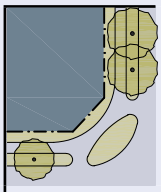
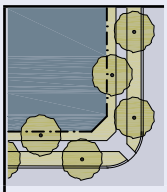
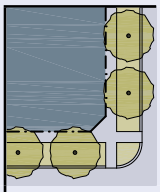
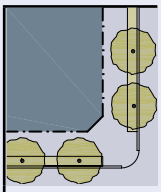
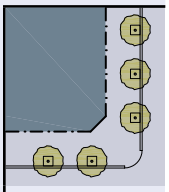
SUSTAINABLE ZONE Public Frontage Type	OS HW	OS NG RD & ST	NG NM VC ST-DR-AV	NM VC UC ST-DR-AV-BV	VC UC CS-DR-AV-BV	VC UC CS-DR-AV-BV
a. **Assembly:** The principal variables are the type and dimension of Curbs, walkways, Planters and landscape. Total Width	 16-24 feet	 12-24 feet	 12-18 feet	 12-18 feet	 18-24 feet	 18-30 feet
b. **Curb:** The detailing of the edge of the vehicular pavement, incorporating drainage. Type Radius	 Open Swale 10-30 feet	 Open Swale or Curb 10-30 feet	 Raised Curb 5-20 feet	 Raised Curb 5-20 feet	 Raised Curb 5-20 feet	 Raised Curb 5-20 feet
c. **Walkway:** The pavement dedicated exclusively to pedestrian activity. Type Width	 Path Optional n/a	 Path, Sidewalk, or BT 5-8 feet	 Sidewalk 5-8 feet	 Sidewalk 5-8 feet	 Sidewalk 12-20 feet	 Sidewalk 12-30 feet
d. **Planter:** The layer which accommodates street trees and other landscape. Arrangement Species Planter Type Planter Width	 Clustered Multiple Continuous Swale 8 feet-16 feet	 Clustered Multiple Continuous Swale 8 feet-16 feet	 Regular Alternating Continuous Planter 8 feet-12 feet	 Regular Single Continuous Planter 8 feet-12 feet	 Regular Single Continuous Planter 4 feet-6 feet	 Opportunistic Single Tree Well 4 feet-6 feet
e. **Landscape:** The recommended plant species. (See Table 6)						
f. **Lighting:** The recommended Public Lighting. (See Table 5)						

TABLE 4C. THOROUGHFARE ASSEMBLIES

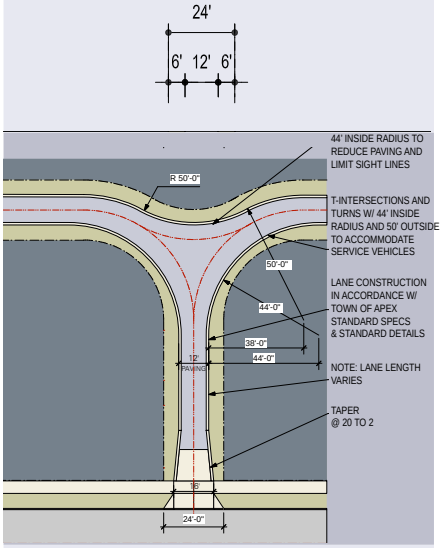
TABLE 4C: Thoroughfare Assemblies. These Thoroughfares are assembled from the elements that appear in Tables 3A and 3B and incorporate the Public Frontages of Table 4A. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability. All dimensions listed are minimums. Design Speeds shown in these Tables represent desired speeds for traffic flow based on typical sections. Thoroughfare alignments (excluding Rear Lanes and Rear Alleys) shall be based on a minimum 25 mile per hour design speed. Design exceptions to otherwise posted regulatory speed, if approved by the TRC will require warning signs.

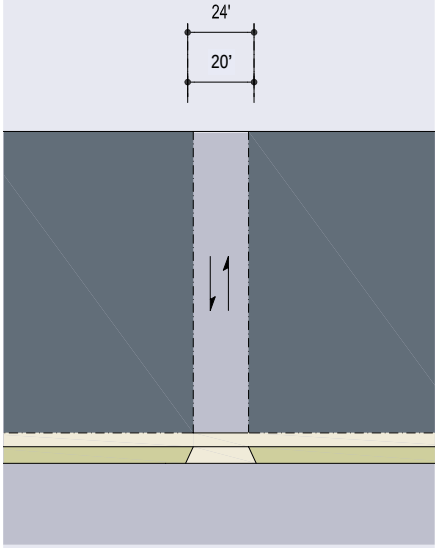
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	RL-24-12	RA-24-20
Thoroughfare Type	Rear Lane	Rear Alley
Sustainable Zone Assignment	OS, NG, NM	NG, NM, VC, UC
Right-of-Way Width	24 feet	24 feet min
Pavement Width	12 feet	20 feet min
Movement	Yield Movement	Slow Movement
Design Speed	10 MPH	10 MPH
Pedestrian Crossing Time	3.5 seconds	7 seconds
Traffic Lanes	n/a	n/a
Parking Lanes	None	None
Curb Radius	Flared section with driveway apron	Driveway apron
Walkway Type	None	None
Planter Type	None	None
Curb Type		
Landscape Type	None	None
Transportation Provision	None	None

Note: Rear Lanes may be public or private. If Rear Lanes are public, the minimum pavement width shall be 16 feet. Private maintenance shall be required for private Rear Lanes and the maintenance shall be adequately funded by a Veridea property owners' association.

Note: Rear Alleys may be public or private. If Rear Alleys are private, then private maintenance shall be required and the maintenance shall be adequately funded by a Veridea property owners' association.

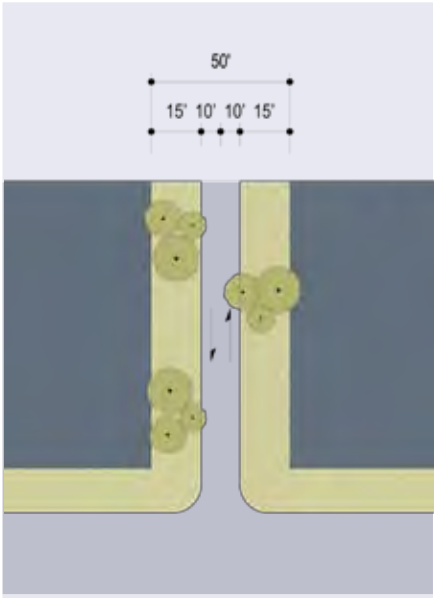
TABLE 4C THOROUGHFARE ASSEMBLIES

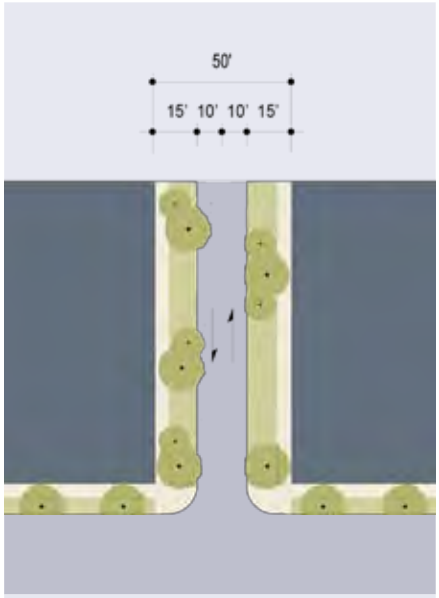
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	RDOS-50-20	RD-50-20
Thoroughfare Type	Road	Road
Sustainable Zone Assignment	OS	OS, NG
Right-of-Way Width	50 feet	50 feet
Pavement Width	16 feet	18 feet
Movement	Slow Movement	Slow Movement
Design Speed	15 MPH	15 MPH
Pedestrian Crossing Time	5.1 seconds	5.1 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	None	None
Curb Radius	25 feet	25 feet
Walkway Type	Path, Sidewalk or BT	Path, Sidewalk or BT
Planter Type	Continuous Swale	Continuous Swale
Curb Type	Swale or Curb	Swale or Curb
Landscape Type	Trees clustered	Trees clustered
Transportation Provision	BT	BT

Note: Requires approval of TRC

Note: Curb radius to be high-strength / reinforced

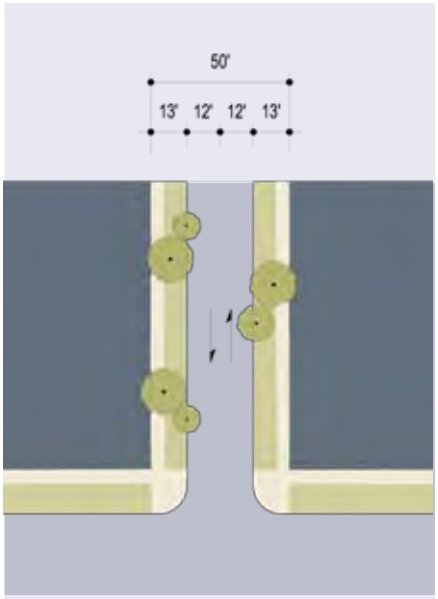
TABLE 4C THOROUGHFARE ASSEMBLIES

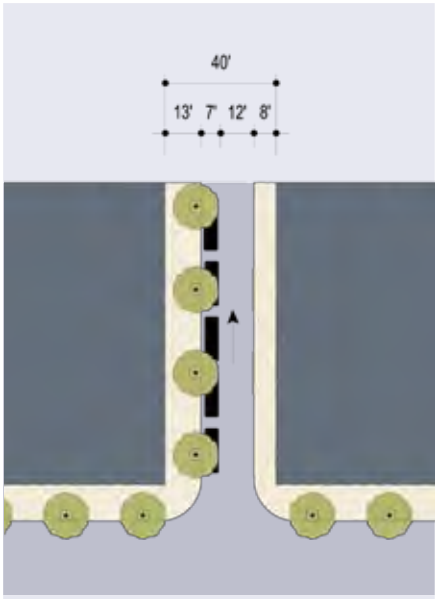
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	RD-50-24	ST-40-19
Thoroughfare Type	Road	Street
Sustainable Zone Assignment	OS, NG	OS, NG, NM, VC
Right-of-Way Width	50 feet	40 feet
Pavement Width	24 feet	19 feet
Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	6.8 seconds	5.4 seconds
Traffic Lanes	2 lanes	1 lane
Parking Lanes	None	One side @ 7 feet marked
Curb Radius	25 feet	15 feet
Walkway Type	Path, Sidewalk or BT	13/8 foot Sidewalk
Planter Type	Continuous Swale	Tree well (Permitted but not required per 4.5.3 e. ii.)
Curb Type	Swale or Curb	Curb
Landscape Type	Trees clustered	Trees at 50' o.c. Avg. (Permitted but not required per 4.5.3 e. ii.)
Transportation Provision	BL optional, BT optional	

Note: Requires approval of TRC
Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

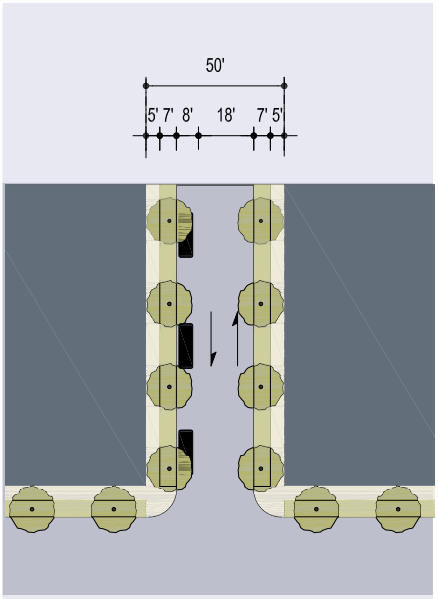
TABLE 4C THOROUGHFARE ASSEMBLIES

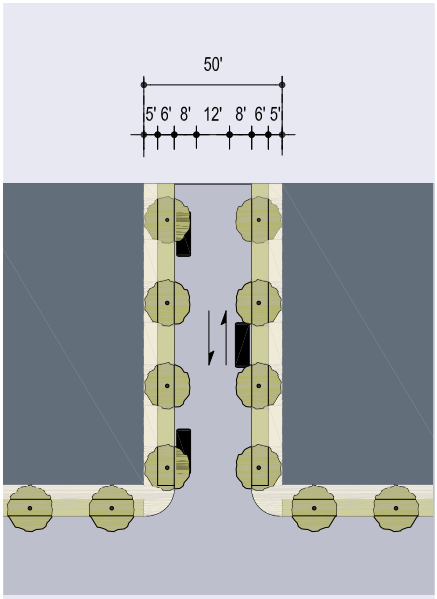
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	ST-50-26	ST-50-28
Thoroughfare Type	Street	Street
Sustainable Zone Assignment	NG, NM, VC, UC	NG, NM, VC, UC
Right-of-Way Width	50 feet	50 feet
Pavement Width	26 feet	28 feet
Movement	Free Movement	Yield Movement
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	7.4 seconds	7.6 seconds
Traffic Lanes	2 lanes	2 lane
Parking Lanes	One side @ 8 feet marked	Both sides @ 8 feet unmarked
Curb Radius	10 feet	10 feet
Walkway Type	5 foot Sidewalk	5 foot Sidewalk
Planter Type	7 foot continuous Planter	6 foot continuous Planter
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision	BL optional	BL optional

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

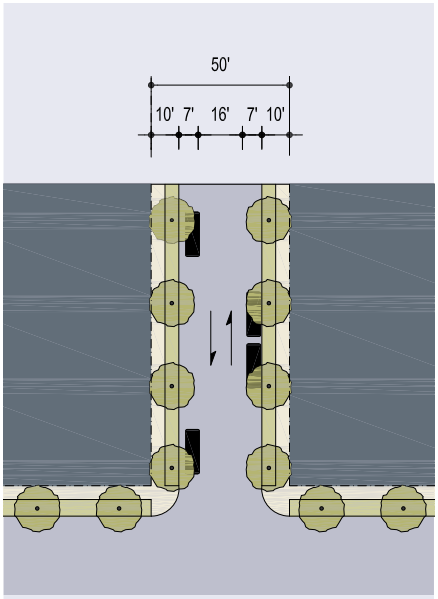
TABLE 4C THOROUGHFARE ASSEMBLIES

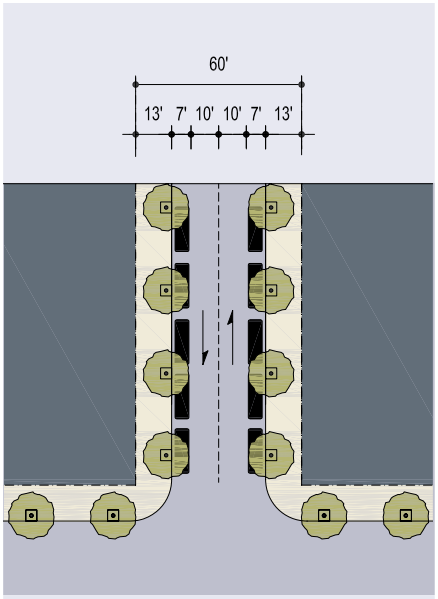
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	ST-50-30	ST-60-34
Thoroughfare Type	Street	Street
Sustainable Zone Assignment	NG, NM, VC	NG, NM, VC, UC
Right-of-Way Width	50 feet	60 feet
Pavement Width	30 feet	34 feet
Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	8.5 seconds	9.7 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet unmarked	Both Sides @ 7 feet marked
Curb Radius	10 feet	15 feet
Walkway Type	5 foot Sidewalk	6 foot Sidewalk
Planter Type	5 foot continuous Planter	Tree well or 7 foot continuous Planter
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision	BL optional	BR

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

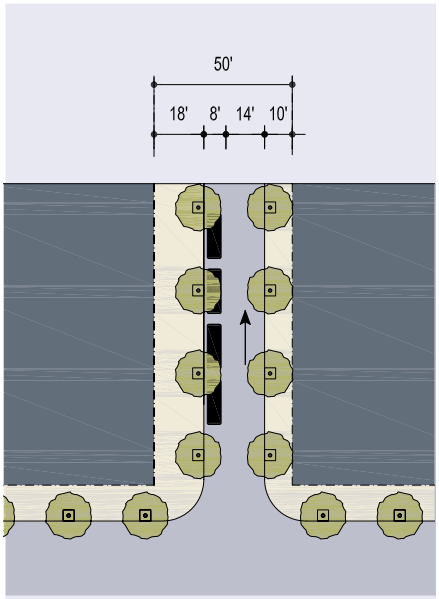
TABLE 4C THOROUGHFARE ASSEMBLIES

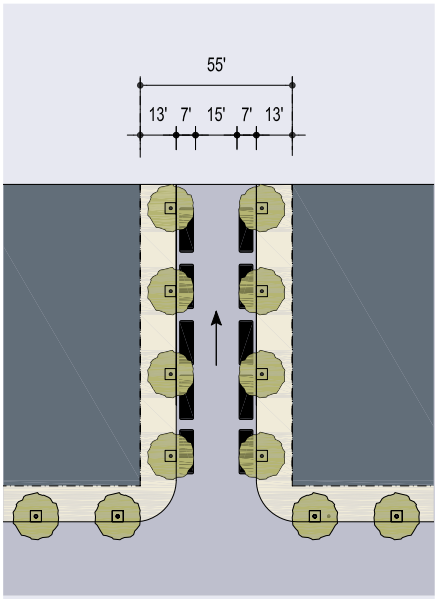
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	CS-50-22	CS-55-29
Thoroughfare Type	Commercial Street	Commercial Street
Sustainable Zone Assignment	NG, NM, VC, UC	NG, NM, VC, UC
Right-of-Way Width	50 feet	55 feet
Pavement Width	22 feet	29 feet
Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	6.2 seconds	8.2 seconds
Traffic Lanes	1 lane	1 lane
Parking Lanes	One side @ 8 feet marked	Both sides @ 7 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	18/10 foot Sidewalk	13 foot Sidewalk
Planter Type	Tree well	Tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision		

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

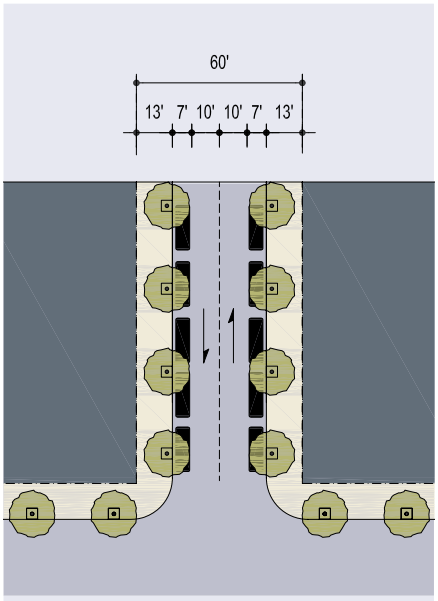
TABLE 4C THOROUGHFARE ASSEMBLIES

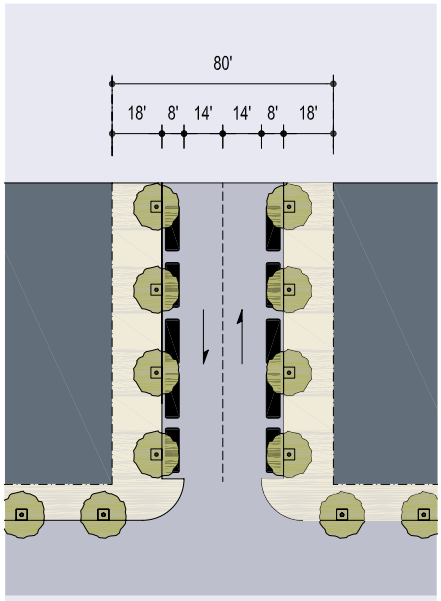
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	CS-60-34	CS-80-44
Thoroughfare Type	Commercial Street	Commercial Street
Sustainable Zone Assignment	NM, VC, UC	VC, UC
Right-of-Way Width	60 feet	80 feet
Pavement Width	34 feet	44 feet
Movement	Slow Movement	Free Movement
Design Speed	20 MPH	25 MPH
Pedestrian Crossing Time	9.7 seconds	8 seconds at corners
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet marked	Both sides @ 8 feet marked
Curb Radius	10 feet	10 feet
Walkway Type	13 foot Sidewalk	18 foot Sidewalk
Planter Type	Tree well	Tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision		

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

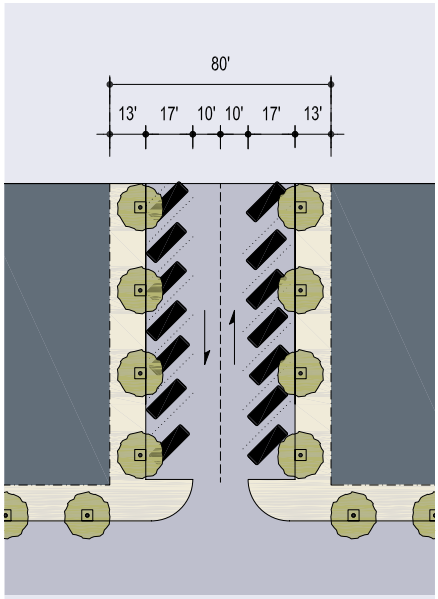
TABLE 4C THOROUGHFARE ASSEMBLIES

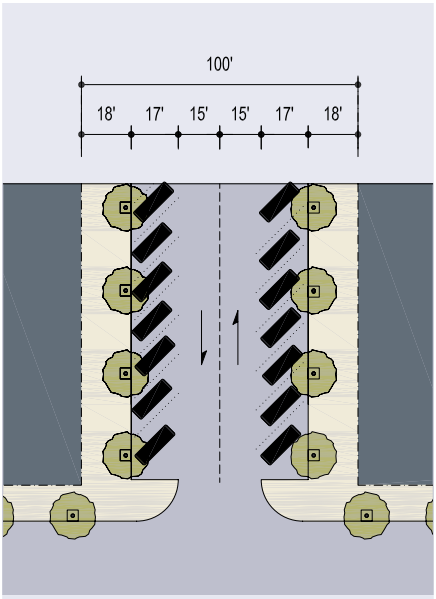
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	CS-80-54	CS-100-64
Thoroughfare Type	Commercial Street	Commercial Street
Sustainable Zone Assignment	VC, UC	VC, UC
Right-of-Way Width	80 feet	100 feet
Pavement Width	54 feet	64 feet
Movement	Slow Movement	Slow Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5.7 seconds at corners	8.5 seconds at corners
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides angled @ 17 feet marked	Both sides angled @ 17 feet marked
Curb Radius	10 feet	10 feet
Walkway Type	13 foot Sidewalk	18 foot Sidewalk
Planter Type	Tree well	Tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision		

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

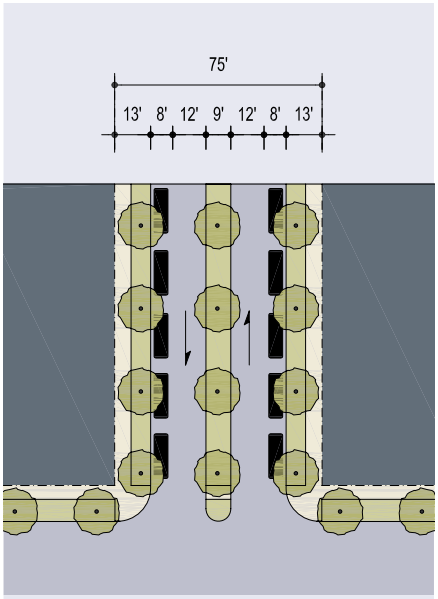
TABLE 4C THOROUGHFARE ASSEMBLIES

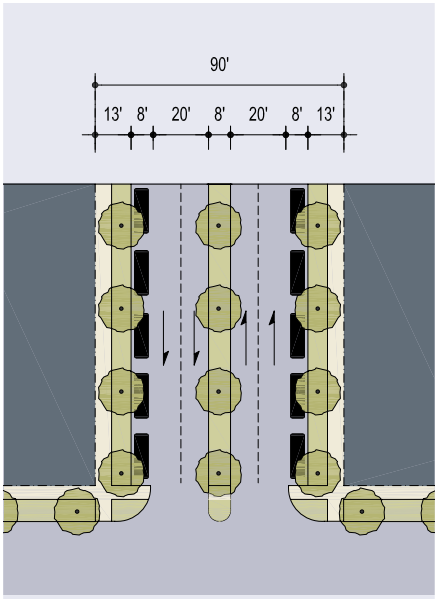
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	AV-75-40	AV-90-56
Thoroughfare Type	Avenue	Avenue
Sustainable Zone Assignment	NG, NM, VC, UC	NG, NM, VC, UC
Right-of-Way Width	75 feet	90 feet
Pavement Width	40 feet total	56 feet total
Movement	Slow Movement	Slow Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5.7 seconds - 5.7 seconds	5.7 seconds - 5.7 seconds at corners
Traffic Lanes	2 lanes	4 lanes
Parking Lanes	Both sides @ 8 feet marked	Both sides @ 8 feet marked
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb or Swale	Curb or Swale
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision	BR, TR	BR, TR

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

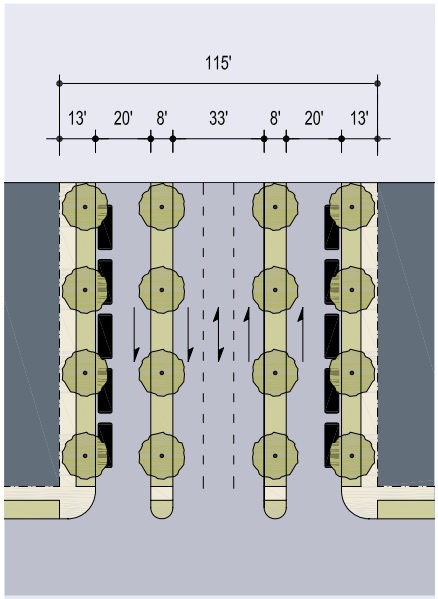
TABLE 4C THOROUGHFARE ASSEMBLIES

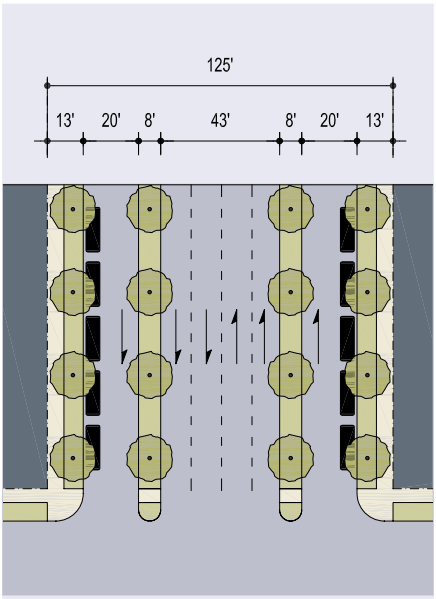
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





KEY	BV-115-33	BV-125-43
Thoroughfare Type	Boulevard	Boulevard
Sustainable Zone Assignment	VC, UC	VC, UC
Right-of-Way Width	115 feet	125 feet
Pavement Width	20 feet - 33 feet - 20 feet	20 feet - 43 feet - 20 feet
Movement	Free Movement (inner lanes)	Free Movement (inner lanes)
Design Speed	35 MPH	35 MPH
Pedestrian Crossing Time	5.7 seconds - 9.4 seconds - 5.7 seconds	5.7 seconds - 12.2 seconds - 5.7 seconds
Traffic Lanes	3 lanes, one turning lane & two one-way slip roads	4 lanes & two one-way slip roads
Parking Lanes	8 feet	8 feet
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision	BR, TR	BR, TR

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

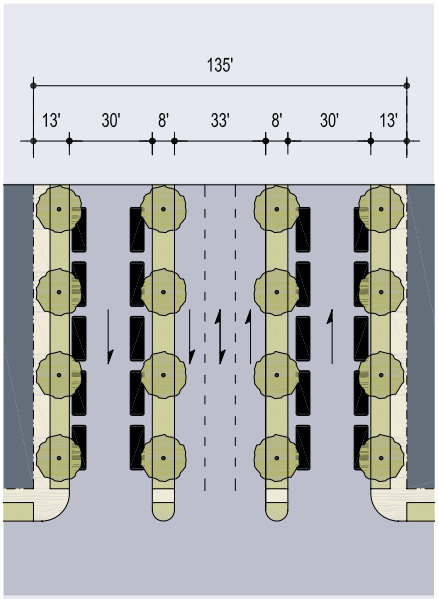
TABLE 4C THOROUGHFARE ASSEMBLIES

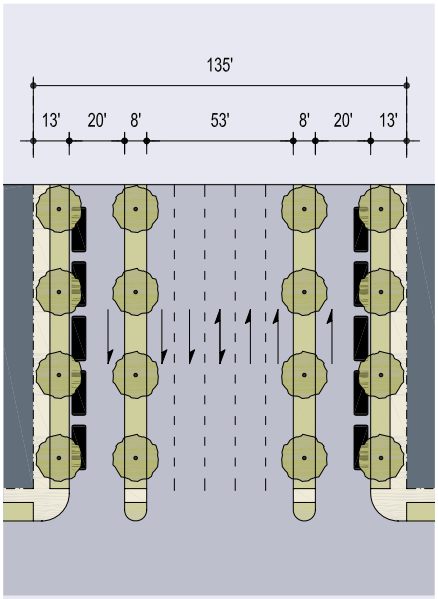
KEY ST-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation Provisions

THOROUGHFARE TYPES

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





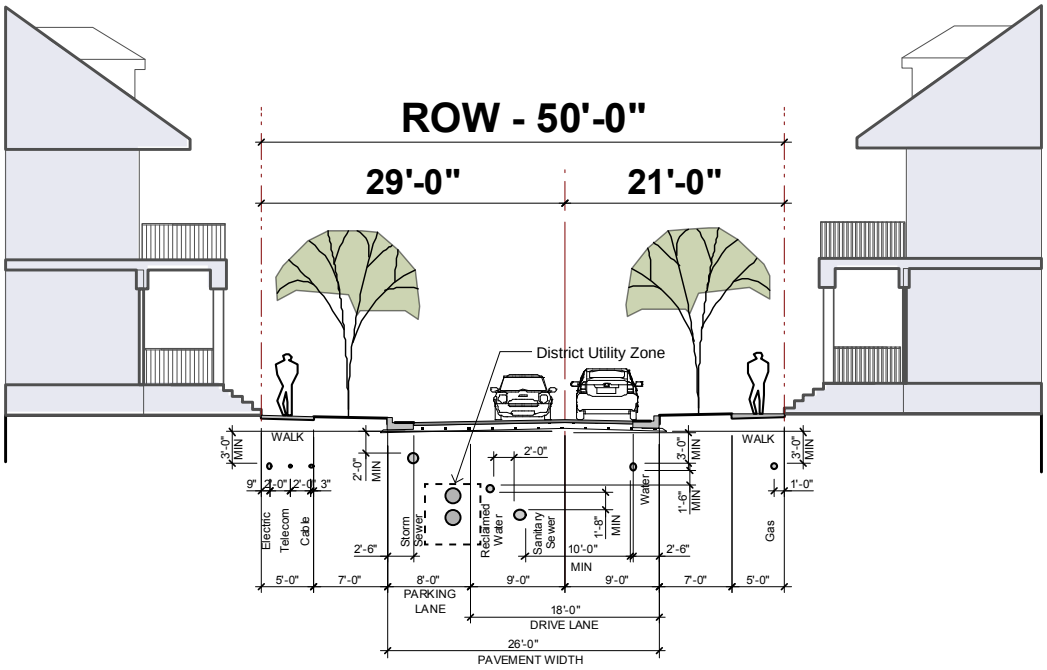
KEY	BV-135-33	BV-135-53
Thoroughfare Type	Boulevard	Boulevard
Sustainable Zone Assignment	VC, UC	VC, UC
Right-of-Way Width	135 feet	135 feet
Pavement Width	30 feet - 33 feet - 30 feet	20 feet - 53 feet - 20 feet
Movement	Free Movement	Free Movement
Design Speed	35 MPH	35 MPH
Pedestrian Crossing Time	8.5 seconds - 9.4 seconds - 8.5 seconds	5.7 seconds - 15.1 seconds - 5.7 seconds
Traffic Lanes	3 lanes, one turning lane & two one-way slip roads	5 Lanes, one turning lane & two one-way slip roads
Parking Lanes	8 feet	8 feet
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb	Curb
Landscape Type	Trees at 50' o.c. Avg.	Trees at 50' o.c. Avg.
Transportation Provision	BR, TR	BR, TR

Note: Curb radius to be high-strength / reinforced

Note: Curb radius to be high-strength / reinforced

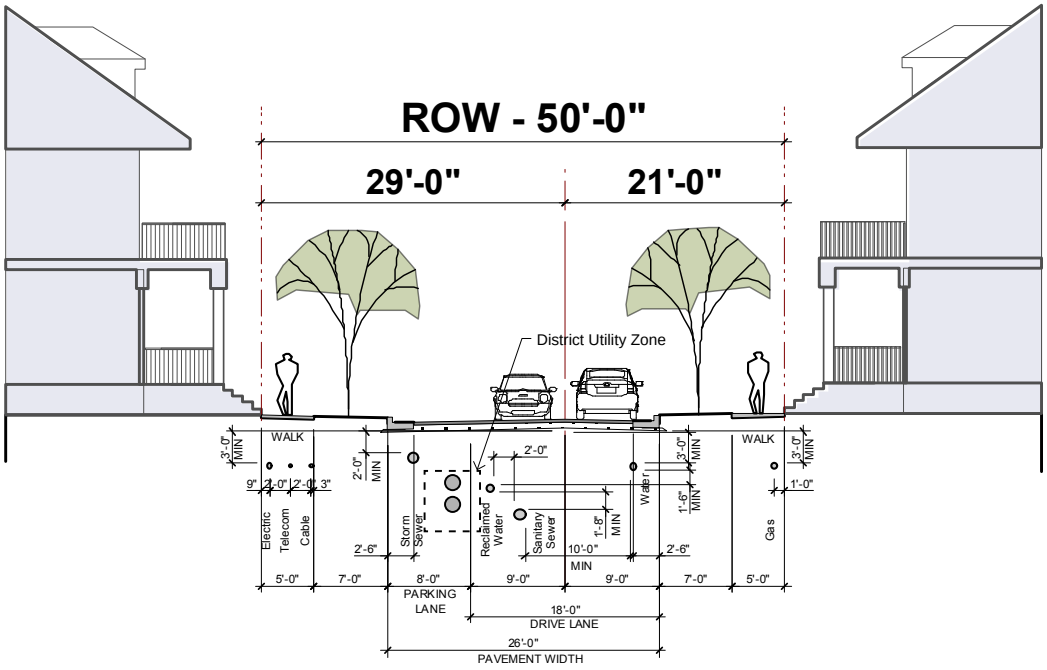
TABLE 4D. THOROUGHFARE CROSS SECTIONS

TABLE 4D: Thoroughfare Cross Sections. These Thoroughfares Cross Sections are assembled from the some of the typical Thoroughfares that appear in Table 4C and represent Standard Street Cross Sections Showing Utilities.



ST-50-26 without Rear Lane

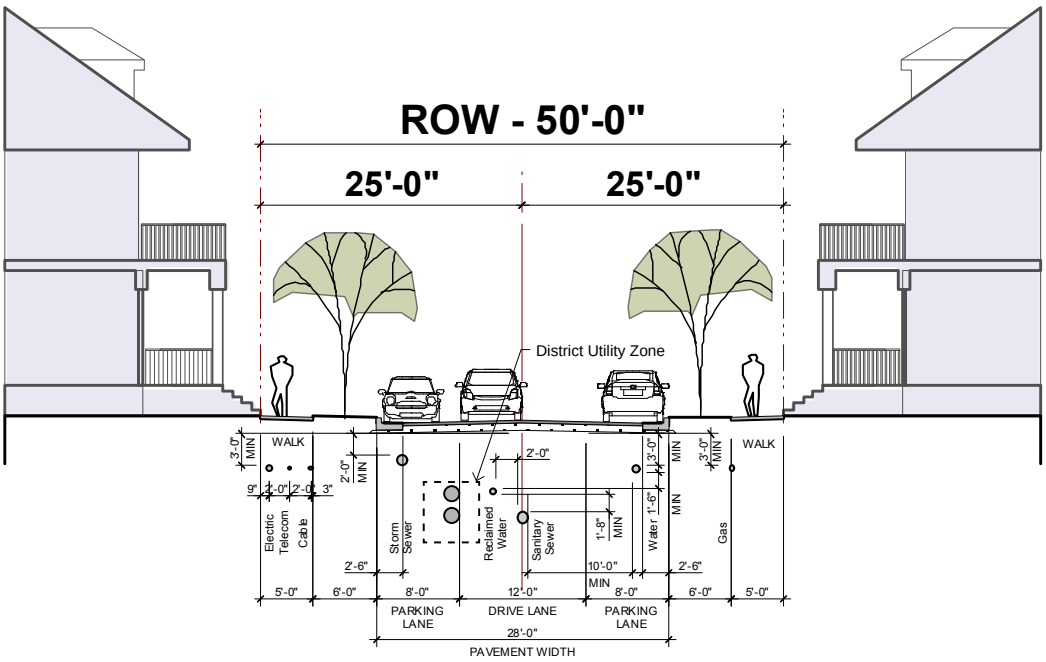
Thoroughfare Sections with Utilities



ST-50-26 with Rear Lane

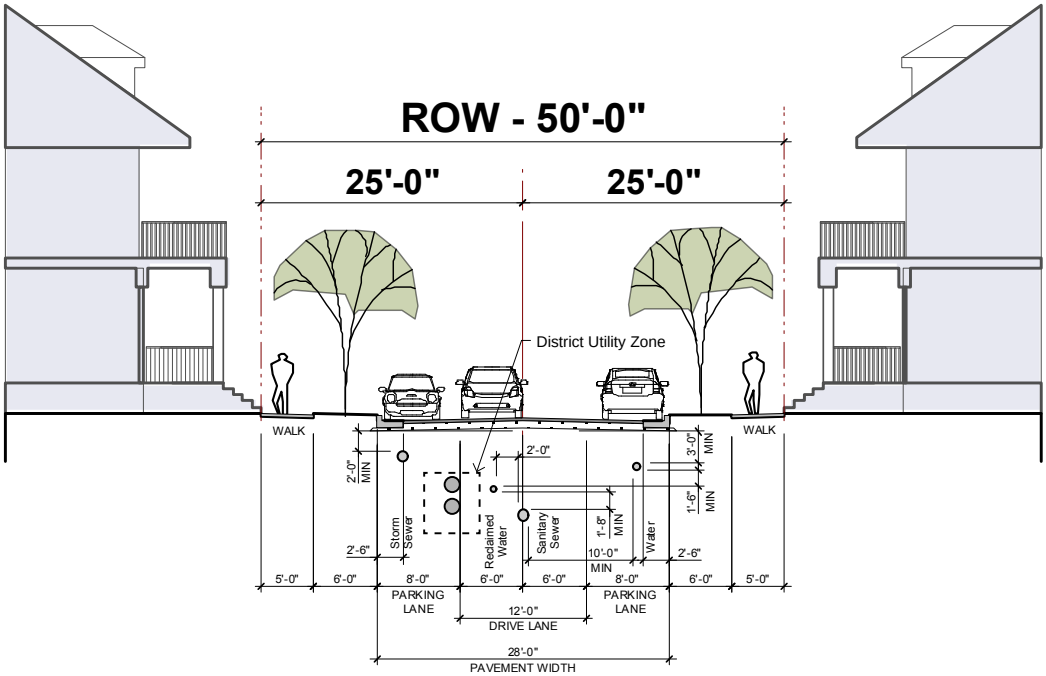
Thoroughfare Sections with Utilities

TABLE 4D. THOROUGHFARE CROSS SECTIONS



ST-50-28 without Rear Lane

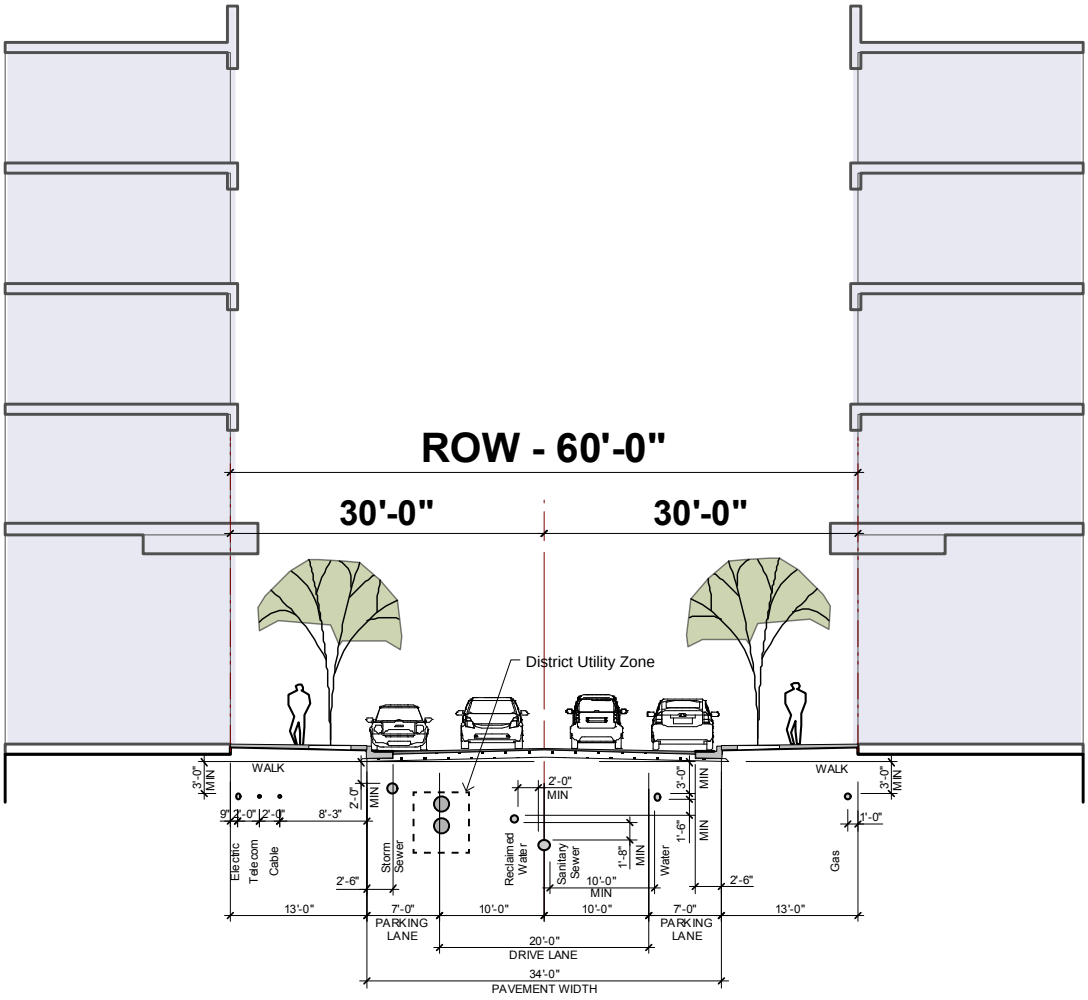
Thoroughfare Sections with Utilities



ST-50-28 with Rear Lane

Thoroughfare Sections with Utilities

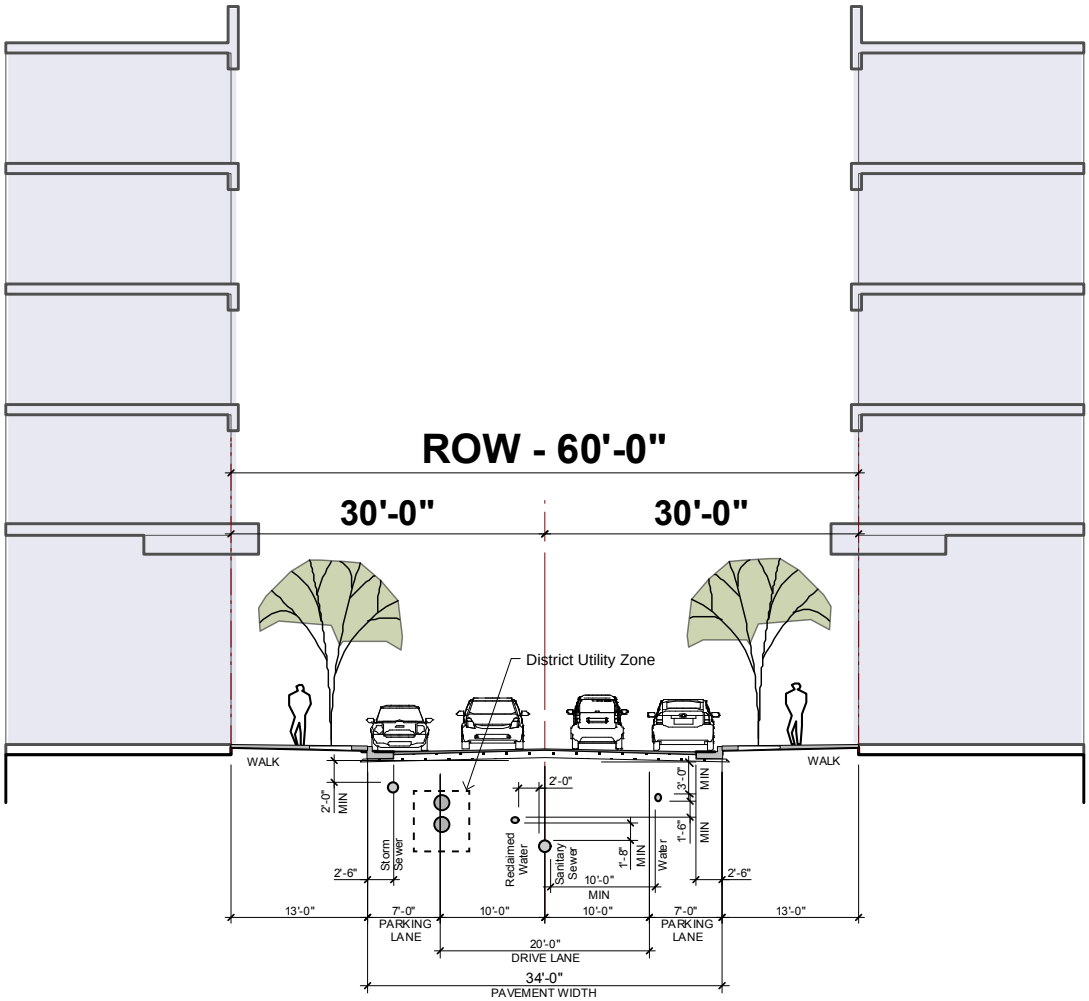
TABLE 4D. THOROUGHFARE CROSS SECTIONS



CS-60-34 without Rear Alley

Thoroughfare Sections with Utilities

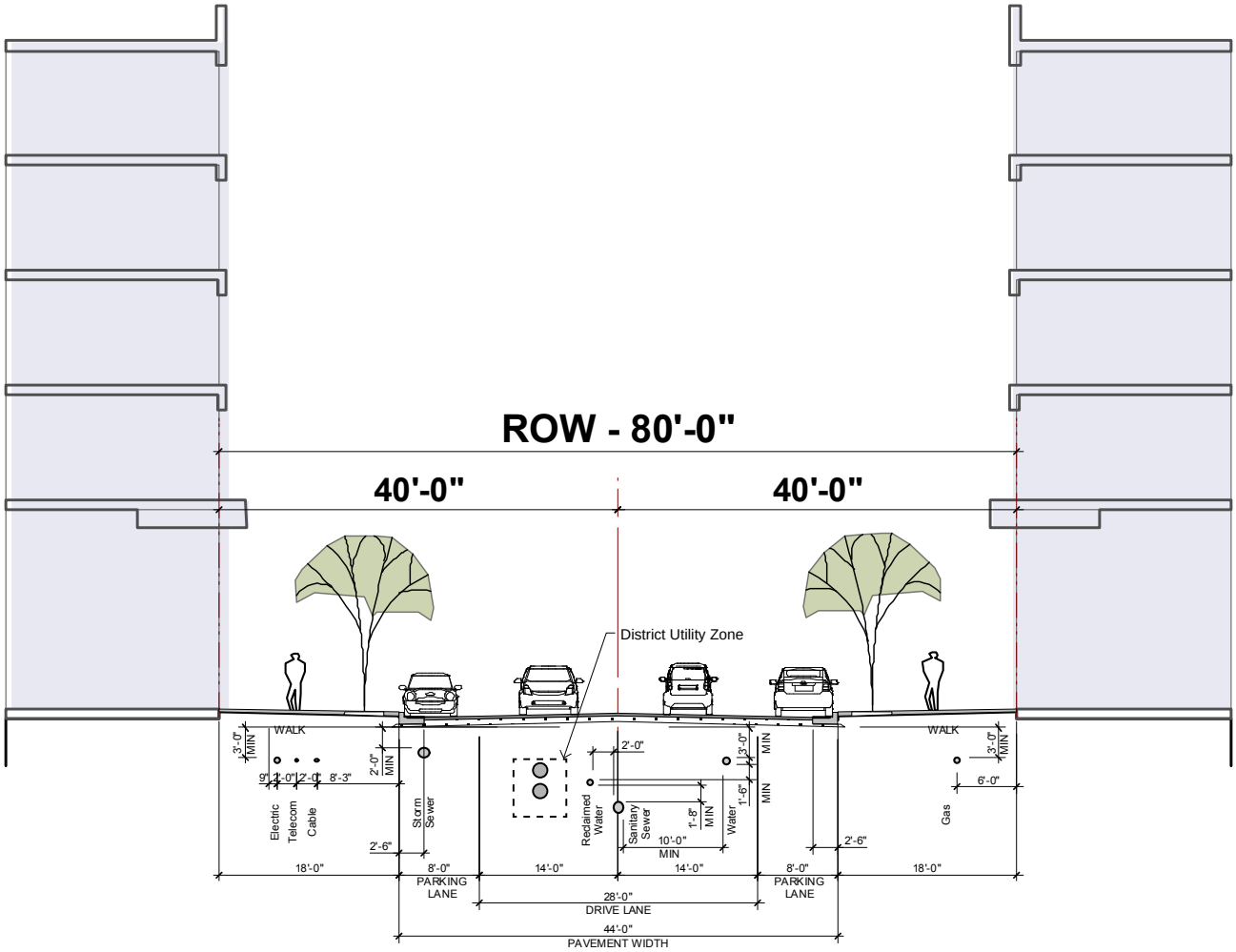
TABLE 4D. THOROUGHFARE CROSS SECTIONS



CS-60-34 with Rear Alley

Thoroughfare Sections with Utilities

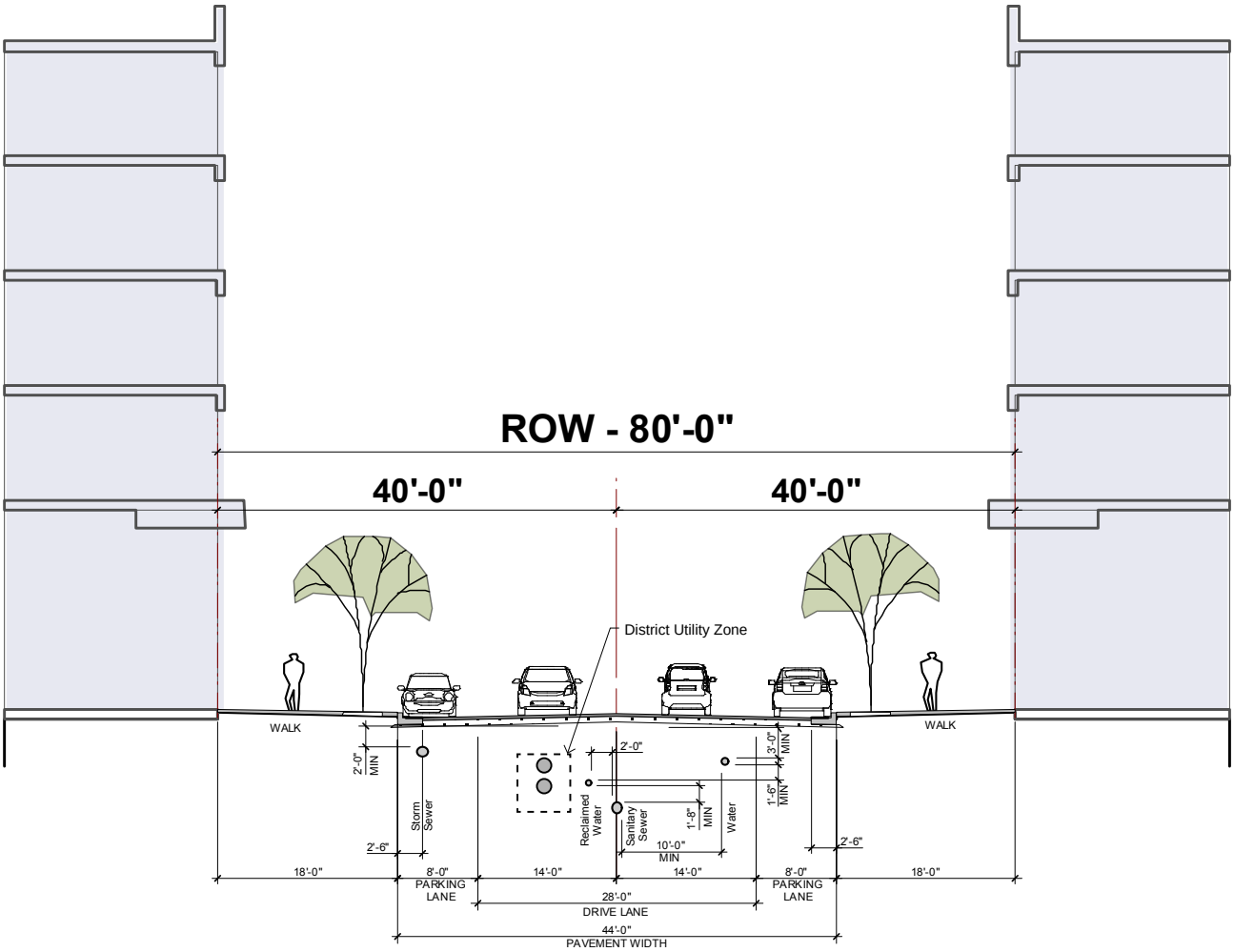
TABLE 4D. THOROUGHFARE CROSS SECTIONS



CS-80-44 without Rear Alley

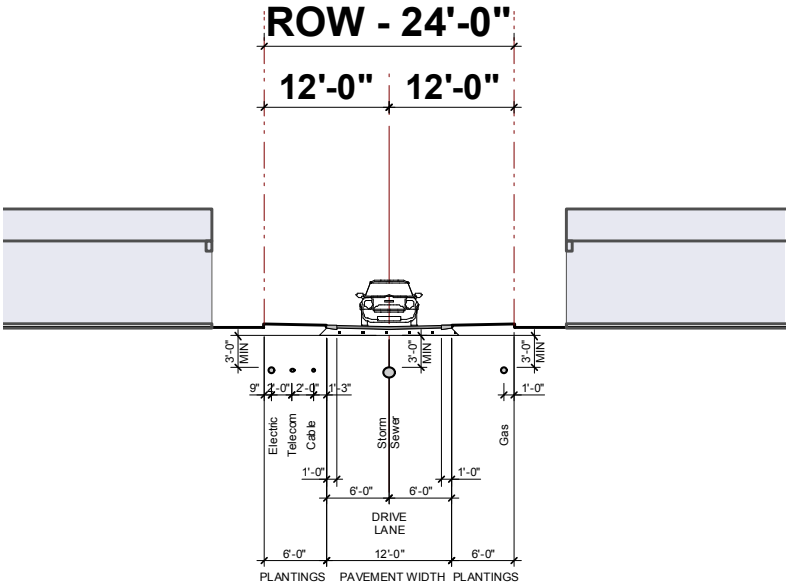
Thoroughfare Sections with Utilities

TABLE 4D. THOROUGHFARE CROSS SECTIONS



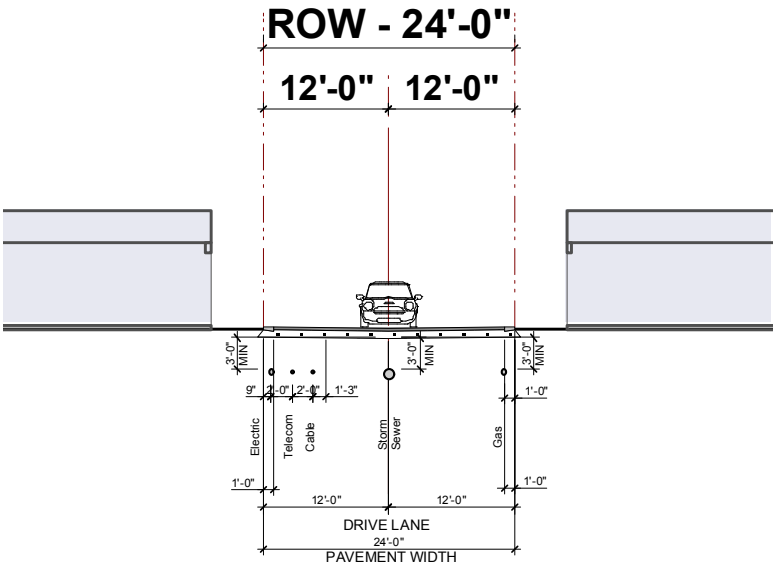
CS-80-44 with Rear Alley

Thoroughfare Sections with Utilities



RL-12-24 Rear Lane

Thoroughfare Sections with Utilities



RA-24-24 Rear Alley

Thoroughfare Sections with Utilities

TABLE 6. PUBLIC PLANTING

TABLE 6: Public Planting. This table shows five common types of street tree shapes and their appropriateness within the Sustainable Zones. Provide adequate soil volumes for street trees set within hardscape. A registered professional shall prepare a landscape plan and provide planting details to ensure adequate soil preparation for the size and species proposed on the plan.

	OS	NG	NM	VC	UC	Native and Naturalized Plant List Table Page 27
Oval 	▪	▪	▪	▪	▪	
Ball 	▪	▪	▪	▪	▪	
Pyramid 	▪	▪	▪	▪	▪	
Umbrella 	▪	▪	▪	▪	▪	
Vase 	▪	▪	▪	▪	▪	

TABLE 6. PUBLIC PLANTING

TABLE 6: Public Planting. This table shows a list of native and naturalized trees divided in five common types of street tree shapes and their appropriateness within the Sustainable Zones. Other types of hardy plant material are allowed with TRC approval.

Oval Shape (OS, NG, NM, VC, UC)		Tree Size*
Acer campestre	Hedge Maple	L
Acer truncatum	Purpleblow Maple	M
Carpinus caroliniana	American Hornbeam	M
Pistacia chinensis cultivar “Keith Davey”	Chinese Pistache	M
Tilia americana	American Linden	L
Tilia cordata	Littleleaf Linden	M
Ball Shape (OS, NG, NM, VC, UC)		
Acer barbatum	Southern Sugar Maple	M
Acer buergeranum	Trident Maple	S
Acer ginnala	Amur Maple	M
Amelanchier arborea	Downy Serviceberry	M
Platanus X acerifolia	London Planetree	L
Quercus coccinea	Scarlet Oak	L
Quercus lyrata	Overcup Oak	L
Quercus phellos	Willow Oak	L
Qurcus shumardii	Shumard Oak	L
Quercus virginiana	Live Oak	L
Pyramid Shape (OS, NG, NM)		
Carpinus betulus	European Hornbeam	M
Cryptomeria japonica	Japanese Cryptomeria	M
Ginkgo biloba (Male only)	Ginkgo	L
Ilex opaca	American Holly	L
Juniperus virginiana	Eastern Redcedar	L
Magnolia grandifolia	Southern Magnolia	L
Metasequoia glyptostroboides	Dawn Redwood	L
Nyssa sylvatica	Black Gum	L
Umbrella Shape (OS, NG, NM)		
Celtis laevigata	Sugar Hackberry	L
Cornus florida	Flowering Dogwood	S
Gleditsia triacanthos var.inermis	Thornless Honey Locust	M
Koelreuteria paniculata	Golden Rain Tree	M
Ostrya virginiana	Ironwood	L
Ulmus parvifolia	Lacebark Elm	L
Vitex agnus-castus	Chaste Tree	S
Zelkova serrata	Japanese Zelkova	L
Vase Shape (OS, NG, NM)		
Acer ginnala	Amur Maple	M
Cercis canadensis	Eastern Redbud	S
Chionanthus virginicus	Fringetree	S
Lagerstroemia indica	Crape Myrtle	S/M
Styrax japonica	Japanese Snowbell	S

* Tree Size

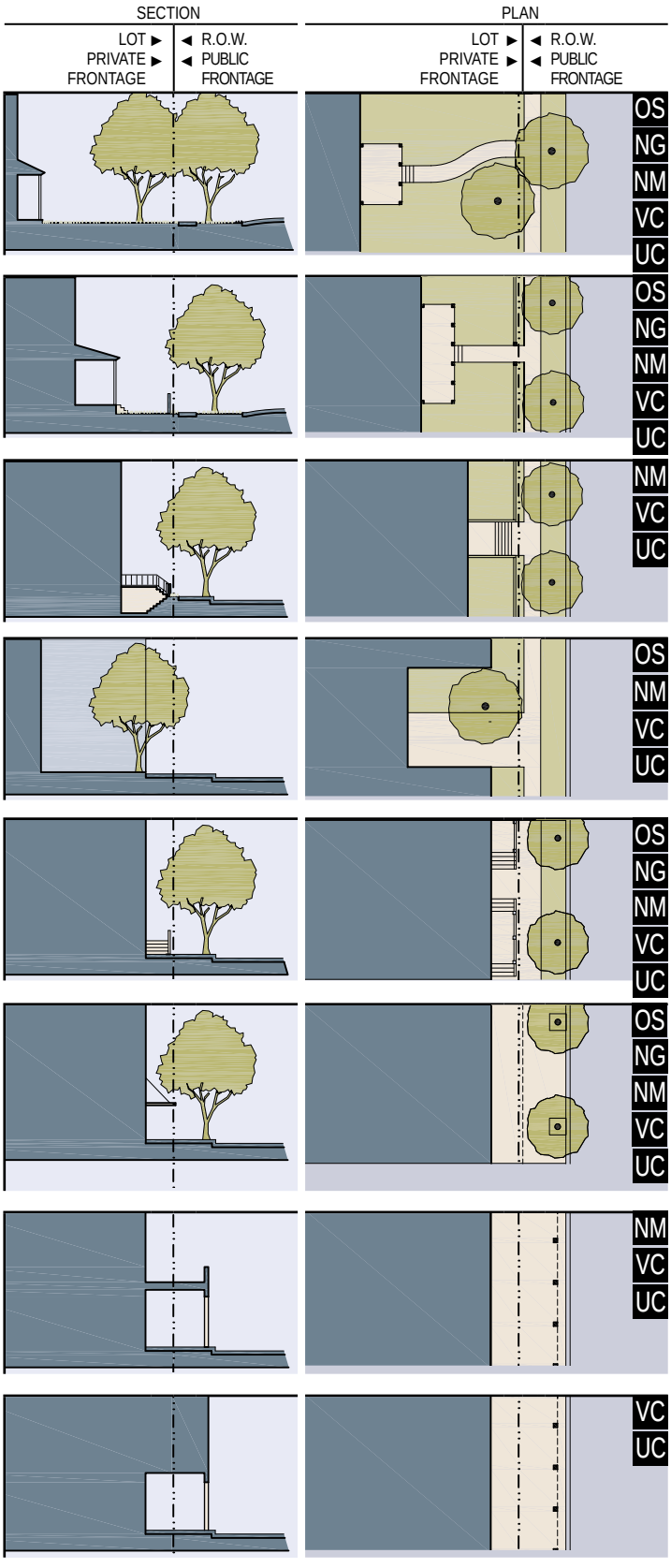
Small Tree (S): Trees with a mature height of less than 20 feet tall. Small trees shall be planted in permeable areas no less than 6’ x 8’ and 3’ minimum depth of soil preparation per Town of Apex standards.

Medium Tree (M): Trees with mature height between 20 and 30 feet tall. Medium trees shall be planted in permeable areas no less than 6’ x 8’ and 3’ minimum depth of soil preparation per Town of Apex standards

Large Trees (L): Trees with mature height above 30 feet tall. Large trees shall be planted in permeable areas no less than 10’ x 12’ and 3’ minimum depth of soil preparation per Town of Apex standards

TABLE 7. PRIVATE FRONTAGES

TABLE 7: Private Frontages. The Private Frontage is the area between the building Facade and the Lot line. Note that buildings in B-Grid Zones reflect automobile-oriented standards with parking permitted in front and larger building setbacks.



a. Common Yard - A-Grid: a planted Frontage wherein the Facade is set back from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.
Common Yard - B-Grid: a Frontage that permits parking in the front Layer with perimeter landscaping

b. Porch: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence, low wall or slope at the Frontage Line may be used to maintain street spatial definition. Porches shall be no less than 8 feet deep.

c. Terrace or Lightwell: a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace and/or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.

d. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.

e. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.

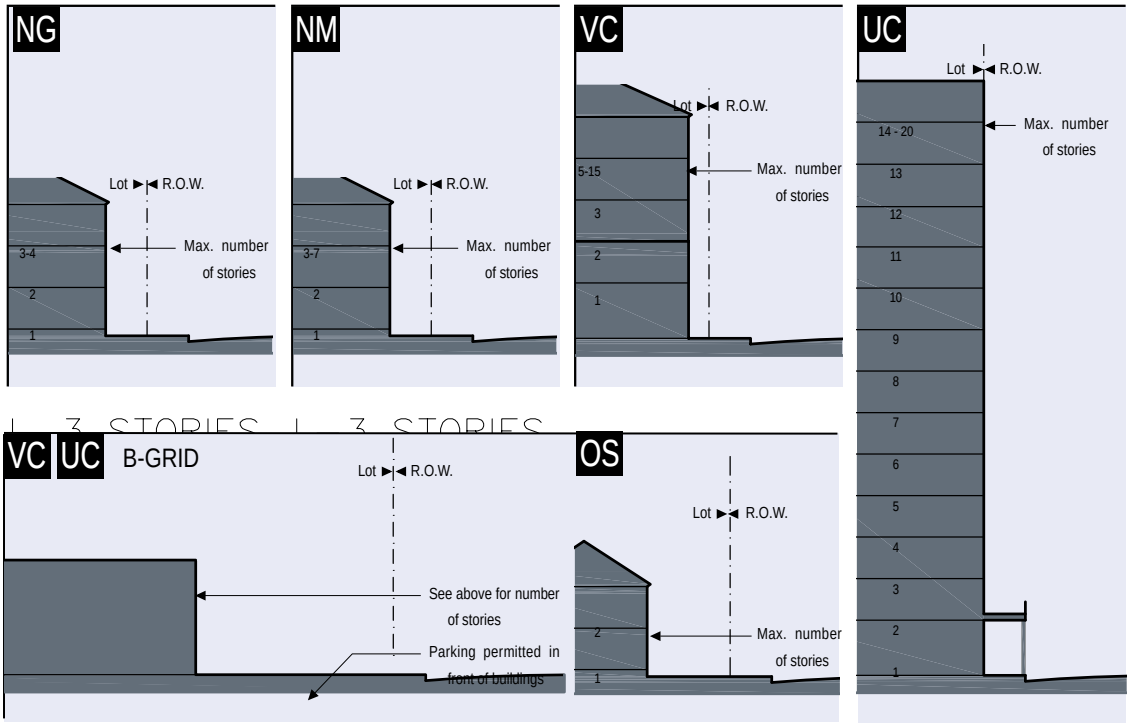
f. Shopfront - A-Grid: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and may have awning or canopies that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.
Shopfront- B-Grid: a Frontage that permits parking in the front Layer with perimeter landscaping

g. Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide (clear) and should overlap the Sidewalk to within 2 feet of the Curb.

h. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide (clear) and should overlap the Sidewalk to within 2 feet of the Curb. See Table 8.

TABLE 8. BUILDING CONFIGURATION

TABLE 8: Building Configuration. This table shows the Configurations for different building heights for each Sustainable Zone. Maximum number of stories specified in Table 14k. Regardless of the number of stories, maximum height of a multi-story building shall not exceed 400 feet.



* UC not in excess of 20 stories without specific site plan review and approval by Council.

Stepbacks/Arcade/Gallery Heights. The diagrams below show Arcade and Gallery Frontages. Diagrams above apply to all other Frontages.

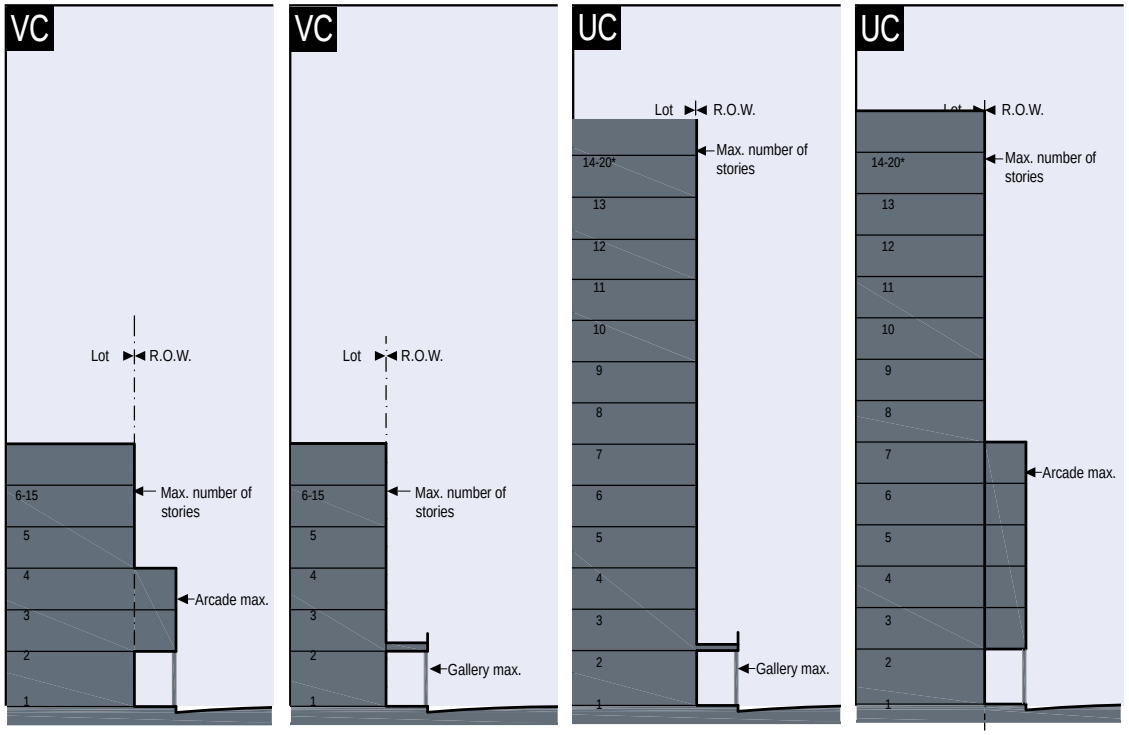
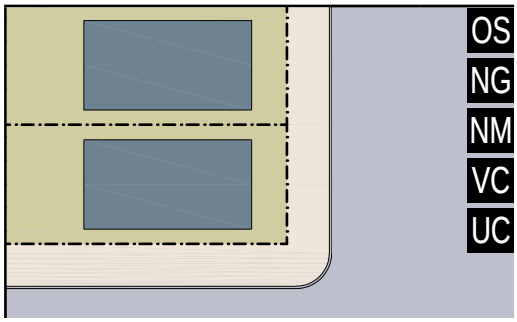


TABLE 9. BUILDING DISPOSITION

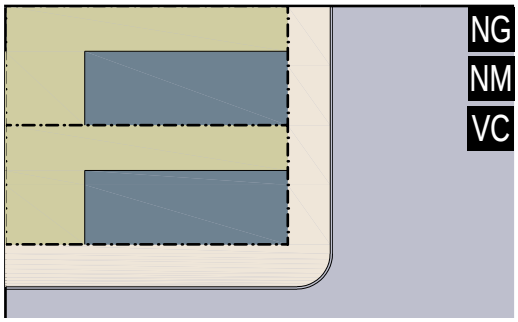
TABLE 9: Building Disposition. This table depicts the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Sustainable Zone.

a. Edgeyard - A-Grid: A building that occupies the center of its Lot with Setbacks on all sides. The front yard is visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.

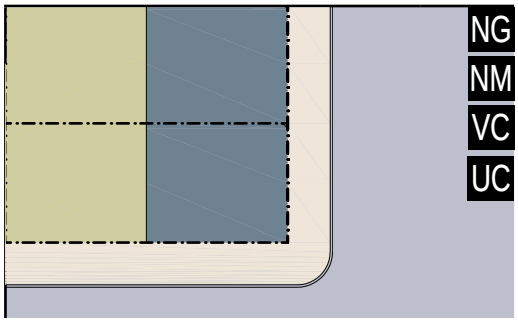
Edgeyard - B-Grid (VC & UC Zones): A building that occupies the center of its Lot with Setbacks on all sides. The front Layer side and rear yards may be used for parking. This is the least urban of types as the building Facade sets back from the Frontage. The rear yard can be used for truck access and may secured for privacy by fences.



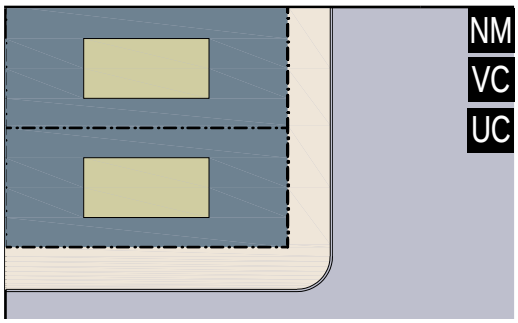
b. Sideyard: A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze.



c. Rearyard: A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard for residential and as building, sole yard or structured parking for other uses. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Townhouse. For its Commercial form, the rear yard can accommodate substantial parking.



d. Courtyard: A building that occupies the boundaries of its Lot while internally defining one or more private spaces. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides.



TABLES 10 & 11. BUILDING FUNCTION & PARKING CALCULATIONS

TABLE 10: Building Function. This table categorizes Building Functions within Sustainable Zones. Parking requirements are correlated to functional intensity. For Specific Function and Use permitted By Right or by Administrative Approval, see Table 12. The Commercial Function of a Live-Work unit may be anywhere in the unit. It may be occupied by a business operator who lives in the same structure that contains the Commercial activity or industry.

	OS NG	NM	VC UC
a. RESIDENTIAL	Residential: The number of single family dwellings on each Lot is restricted to one within a Principal Building and one within an Accessory Building. Both dwellings shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 800 sf, excluding the enclosed parking area. See Table 11A for required parking.	Residential: The number of dwellings on each Lot is calculated by the minimum requirement of parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11). See Table 11A for required parking.	Residential: The number of dwellings on each Lot is calculated by the minimum requirement of 1.0 parking places per dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11). Parking requirements may be satisfied off-site per Section 5.7. Parking is calculated by the minimum requirement of 0.75 parking places per dwelling for Independent Living.
b. LODGING	Lodging: The number of bedrooms available on each Lot for lodging is calculated by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. Food service may be provided in the a.m. Not applicable for OS.	Lodging: The number of bedrooms available on each Lot for lodging is calculated by the minimum requirement of 1.0 assigned parking places for each bedroom, up to twelve, in addition to the parking requirement for the dwelling. Food service may be provided at all times.	Lodging: The number of bedrooms available on each Lot for lodging is calculated by the minimum requirement of 0.5 assigned parking places for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated and provided with parking according to Retail Function. Parking requirements may be satisfied off-site per Section 5.7.
c. OFFICE / MANUFACTURING	**Office/Manufacturing:** The building area available for office use on each Lot is restricted to the first Story of the Principal or the Accessory Building and by the minimum requirement of 3.0 assigned parking places per 1000 square feet of gross office space in addition to the parking requirement for any dwellings. The specific use shall be further limited to 8,000 SF for any single tenant use. Not applicable for OS.	Office/Manufacturing: The building area available for office may include the Accessory building, and by the minimum requirement of 3.0 assigned parking places per 1000 square feet of gross office space in addition to any parking requirement for other uses.	**Office/Manufacturing:** The building area available for office use on each Lot is calculated by the minimum requirement of 1.6 assigned parking places per 1000 square feet of gross office space. Parking requirements may be satisfied off-site per Section 5.7.
d. RETAIL	Retail: The building area available for Retail use is calculated by the minimum requirement of 3.0 assigned parking places per 1000 square feet of gross Retail space in addition to the parking requirement of any dwellings. The specific use shall be further limited to 8,000 SF for any single tenant use, or food service seating no more than 100.	Retail: The building area available for Retail use is calculated by the minimum requirement of 3.0 assigned parking places per 1000 square feet of gross Retail space in addition to any parking requirement for other uses. The specific use shall be further limited by Table 12 to include, but not be limited to neighborhood stores, or food service seating no more than 120.	Retail: The building area available for Retail use is calculated by the minimum requirement of 2.5 assigned parking places per 1000 square feet of gross Retail space. Retail spaces under 1500 square feet are exempt from parking requirements. Parking requirements may be satisfied off-site per Section 5.7.
e. CIVIC	See Table 12	See Table 12	See Table 12
f. OTHER	See Table 12	See Table 12	See Table 12

TABLE 11: Parking Calculations. The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table below, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available. Within the overlay area of a Transit Oriented Development (TOD) the Effective Parking may be further adjusted downward by 30%.

REQUIRED PARKING (See Table 10)

	OS NG	NM	VC UC
RESIDENTIAL	See Table 11A	See Table 11A	1.0 / dwelling
LODGING	1.0 / bedroom	1.0 / bedroom	0.5 / bedroom
OFFICE	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	1.6 / 1000 sq. ft.
RETAIL	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	2.5 / 1000 sq. ft.
CIVIC	Determined by the Planning Director or Planning Director's designee		
OTHER	Determined by the Planning Director or Planning Director's designee		

SHARED PARKING FACTOR

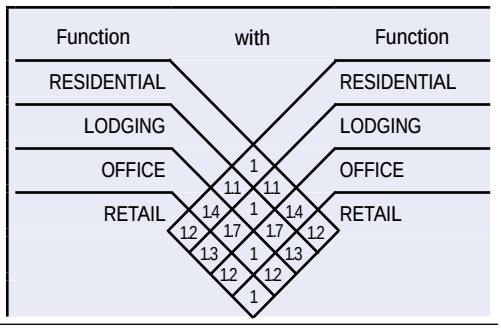


TABLE 11A. PARKING

Single Family Residential Building Types. This parking diagram illustrates the parking locations for on and off street parking for the various residential building types within the Neighborhood General and Neighborhood Mixed-Use Zones. Parking is calculated by the minimum requirement of 0.75 parking places per dwelling for Independent Living.

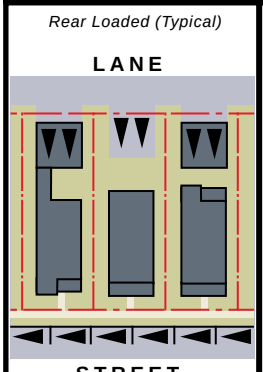
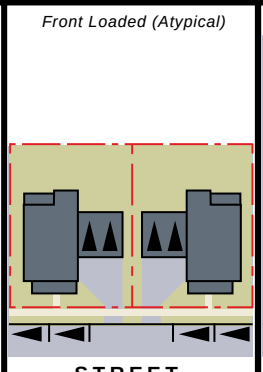
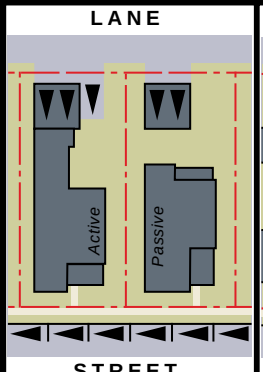
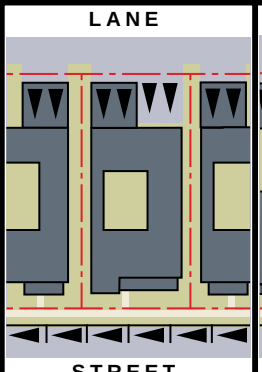
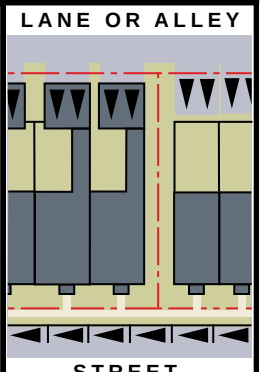
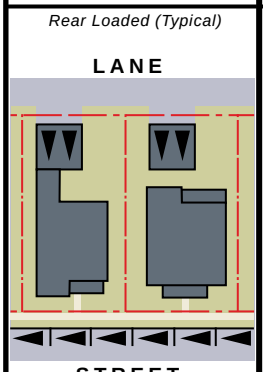
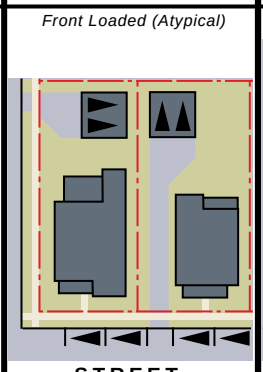
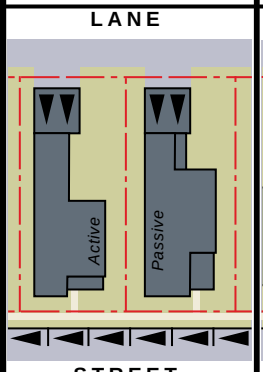
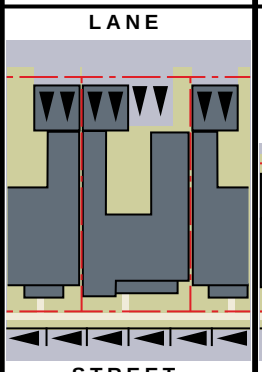
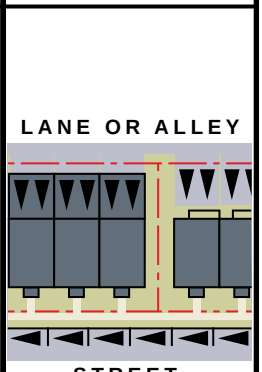
NG NM	NG NM	NG NM	NM	NG NM
Detached House	Detached House	Sideyard House	Courtyard House	Townhouse
				
				
Detached House: an edge yard building type. A single-family dwelling on small to large lots, shared with an accessory building in the rear yard. NG **Required Parking:** 2 Off-Street NM **Required Parking:** 2 Off-Street Table 11 Shared Parking Factor does not apply to this use.	**Detached House:** an edge yard building type. A single-family dwelling on medium to large lots, shared with an accessory building in the rear yard and front or side driveway where alley is not available (atypical condition). NG **Required Parking:** 2 Off-Street NM **Required Parking:** 2 Off-Street Table 11 Shared Parking Factor does not apply to this use.	**Sideyard House:** a sideyard building type. A single-family dwelling which occupies one side of the lot, with the primary yard to the other side, shared with ancillary building in the rear yard. NG **Required Parking:** 2 Off-Street NM **Required Parking:** 2 Off-Street Table 11 Shared Parking Factor does not apply to this use.	**Courtyard House:** a courtyard building type which surrounds one or more private yards. This is a functionally flexible type as it is able to shield the private open space from a public realm of great intensity. NM **Required Parking:** 2 Off-Street Table 11 Shared Parking Factor does not apply to this use.	**Townhouse:** a rear yard building type. A single family dwelling with common walls on the side lot lines, the facades forming a continuous frontage line. Rowhouses are the highest density type able to provide private yards.. NG **Required Parking:** 2 Off-Street NM **Required Parking:** 2 Off-Street Table 11 Shared Parking Factor does not apply to this use.

TABLE 11A. PARKING

Townhome and Multi-Family Residential Building Types. This parking diagram illustrates the parking locations for on and off street parking for the various residential building types within the Neighborhood General and Neighborhood Mixed-Use Zones. Parking is calculated by the minimum requirement of 0.75 parking places per dwelling for Independent Living.

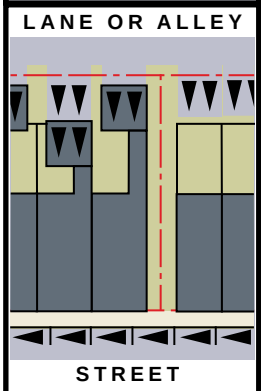
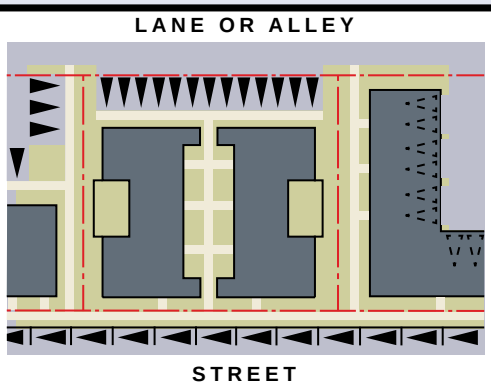
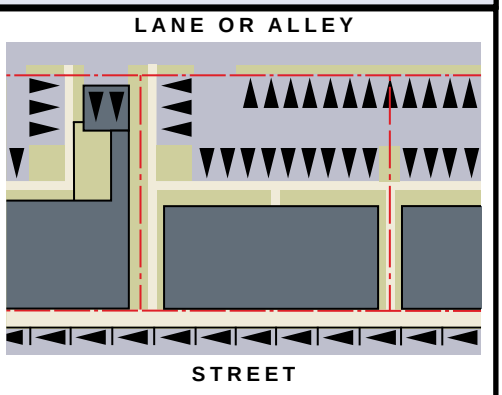
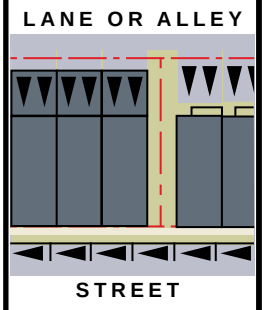
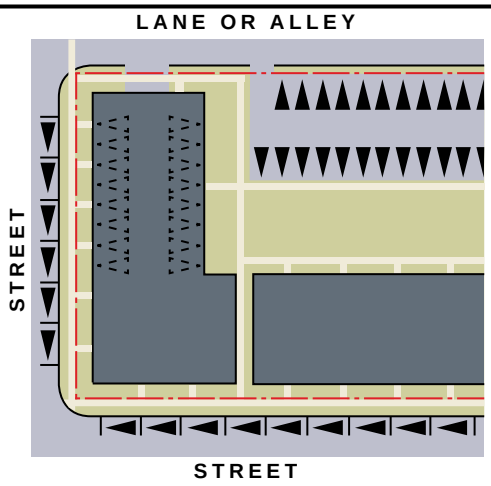
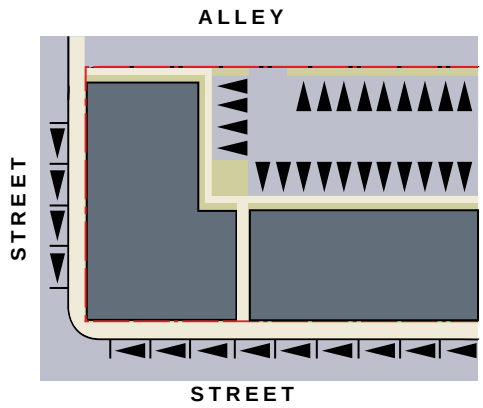
NG NM	NM	NG NM
Live-Work	Multi-Family or Apartment	Mixed Use
		
		
Live-Work: a rear yard, fully mixed use building type with one dwelling above or behind a commercial space. NG **Required Parking:** 2 Off-Street 1 On-Street NM **Required Parking:** 2 Off-Street 1 On-Street Table 11 Shared Parking Factor does not apply to this use.	**Multi-Family or Apartment:** a rear yard residential building type accommodating multiple dwellings disposed above and beside each other, with individual or sharing entries. Parking may be on the surface, structured or underground. NM **Required Parking:** 1.25 Parking Spaces per Unit	**Mixed Use Building or Mixed Use Block:** a rear yard, flexible commercial building type with residential uses above. Commercial buildings may have floor plates deeper than residential ones. NG **Required Parking (Residential):** 1.50 Off-Street Spaces per Unit NM **Required Parking (Residential):** 1.25 Off-Street Spaces per Unit

TABLE 12. SPECIFIC FUNCTION & USE

TABLE 12: Specific Function & Use. This table expands the categories of Table 10 to delegate specific Functions and uses within Sustainable Zones. Table 12 has been customized for local character and requirements. The Sustainable Development District provides for the following uses to be permitted within the Sustainable Zones.

Permitted (P): The permitted uses for the District

Permitted (b): The permitted uses for the District on B-Grid Thoroughfares and within B-Grid Zones only

SUSTAINABLE ZONE	OS	NG	NM	VC	UC
a. RESIDENTIAL					
Accessory Unit or Building		P	P	P	
Condominium			P	P	P
Congregate living facility *			P	P	P
Duplex		P	P		
Family care home *		P	P		
Farm residence	P	P	P		
Historic Site, Adaptive Use	P	P	P	P	P
Independent living		P	P	P	P
Multi-family or apartment			P	P	P
Nursing or convalescent facility *			P	P	P
Single-family		P	P	P	
Townhouse		P	P	P	P
Townhouse, detached		P			
Triplexes or quadplexes			P	P	
Live-Work		P	P	P	P
Modular Construction		P	P	P	P
Mixed Use Block		P	P	P	P
b. PUBLIC/CIVIC USES					
Ambulatory healthcare facility				P	P
Amphitheater **	P	P	P	P	P
Assembly hall, nonprofit			P	P	P
Church, or place of worship		P	P	P	P
Cemetery	P	P	P	P	P
Day care facility		P	P	P	P
Government service		P	P	P	P
Heliport or helipad	P		P	P	P
Hospital				P	P
Natatorium **	P		P	P	P
Restrooms	P	P	P	P	P
Picnic Shelter **	P	P	P	P	P
School, public or private **		P	P	P	P
Transportation facility				P	P
Veterinary clinic or hospital			P	P	P
c. UTILITIES					
Communication tower, (Commercial; Stealth)	P	P	P	P	P
Communication or water tower Integrated Into building or structure (Camouflage Stealth)	P	P	P	P	P
Utility, Minor	P			P	P
Power facility	P			P	P
Renewable Energy Facilities	P	P	P	P	P
d. RECREATIONAL USES					
Arena, auditorium, or stadium **	P			P	P
Entertainment, indoor **				P	P
Entertainment, outdoor **	P		P	P	P
Greenway	P	P	P	P	P
Horse boarding and riding stable **	P				
Park, active	P	P	P	P	P
Park, passive	P	P	P	P	P
Recreation facility, private	P	P	P	P	P
e. COMMUNICATIONS					
Broadcast station (radio and television)				b	P
Radio and television recording studio				b	P

TABLE 12. SPECIFIC FUNCTION & USE

SUSTAINABLE ZONE	OS	NG	NM	VC	UC
f. FOOD AND BEVERAGE SERVICE					
Concessions	P		P	P	P
Restaurant, drive-through				P	b
Restaurant, general	P		P	P	P
Bar or nightclub			P	P	P
g. OFFICE LAB AND RESEARCH					
Dispatching office				P	P
Historic site – adaptive use	P	P	P	P	P
Medical or dental clinic or office			P	P	P
Medical or dental laboratory				P	P
Office, business or professional			P	P	P
Publishing office			P	P	P
Research facility				P	P
h. PARKING, COMMERCIAL					
Parking Garage (deck), commercial			P	P	P
Parking Garage (deck) private			P	P	P
Parking lot, commercial				P	P
Parking lot, surface	P	P	P	P	P
i. LODGING					
Bed and breakfast (up to 5 rooms)		P	P	P	P
Bed and breakfast (up to 12 rooms)			P	P	P
Hotel or motel			P	P	P
Conference Center				P	P
Convention Center					P
School Dormitory				P	P
j. RETAIL SALES AND SERVICE					
Barber and beauty shop		P	P	P	P
Bookstore		P	P	P	P
Building Supplies, Retail				b	b
Convenience store			P	P	P
Convenience store with gas sales			P	P	P
Dry cleaners and laundry service		P	P	P	P
Farmer's market	P	P	P	P	P
Financial institution			P	P	P
Floral shop		P	P	P	P
Funeral home			P	P	P
Gas and fuel, retail				P	P
Greenhouse or nursery, retail			P	P	P
Grocery, general				P	P
Grocery, specialty		P	P	P	P
Health/fitness center or spa			P	P	P
Kennel, indoor				P	P
Laundromat			P	P	P
Newsstand or gift shop		P	P	P	P
Personal service			P	P	P
Pharmacy			P	P	P
Printing and copying service			P	P	P
Real estate sales		P	P	P	P
Retail Kiosk	P		P	P	P
Retail sales, bulky goods				b	b
Retail sales, general		P	P	P	P
Studio for art		P	P	P	P
Tailor shop		P	P	P	P
Theater				P	P
Shopping Center				P	P
k. VEHICLE REPAIR AND SERVICE					
Automotive paint or body shop					
Automotive parts				P	P
Automotive service station				P	P
Car wash or auto detailing				P	P
Repair services limited				P	P
Vehicle inspection center				P	P

TABLE 12. SPECIFIC FUNCTION & USE

SUSTAINABLE ZONE	OS	NG	NM	VC	UC
l. INDUSTRY, MANUFACTURING, STORAGE					
Biotechnology and Medical Devices				P	P
Information Technology and High					
Performance Computing				P	P
Manufacturing				P	P
Nanotechnology and Advanced Materials				P	P
Retail Storage within Retail spaces		P	P	P	P
Smart Power and Green Technology	P			P	P
Self-service storage			P	P	P
Warehousing				b	b
m. FOOD PRODUCTION (SEE TABLE 19)					
Farm	P				
Agricultural plots	P	P			
Vegetable gardens		P	P	P	P
Urban farms	P	P	P	P	
Community gardens	P	P	P	P	P
Green roofs		P	P	P	P
Vertical farms			P	P	P

If an application is submitted for a use type that is not permitted by Table 12 in one or more of the Sustainable Zones and the use type is not one prohibited by the UDO, the Planning Director shall be authorized to make a similar use interpretation based on the use categories Listed in Table 12. If the Planning Director determines that the proposed use does not fit any of the use categories, no similar use interpretation shall be made and the use shall not be permitted.

Any land uses not specially dealt with in this Table but otherwise permitted by the UDO and not excluded by any provision of this SD Plan are subject to a similar use interpretation by the Planning Director and if found to be similar to a use permitted by this Table shall be allowed within all sustainable zones in which the similar use is allowed.

* For the purposes of density and parking, dwelling rooms shall be treated as 0.2 dwelling units with parking per the multi-family requirements.

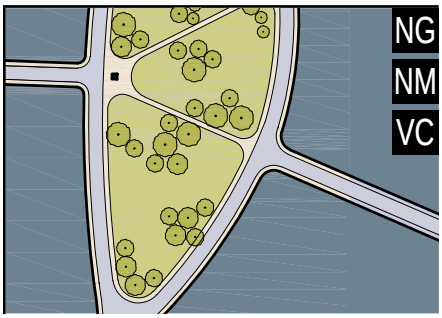
** The building and any portion of the lot routinely accessible to the public shall be included in the acreage designated pursuant to SD Plan 3.1.3.c.

TABLE 13. CIVIC SPACE

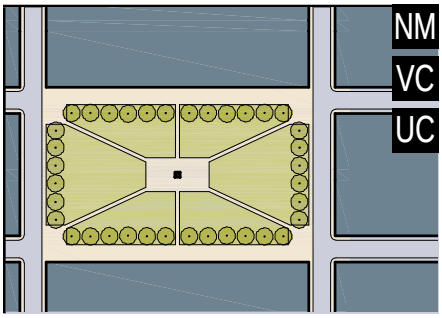
a. Park: A natural preserve available for unstructured recreation or a park for active recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.



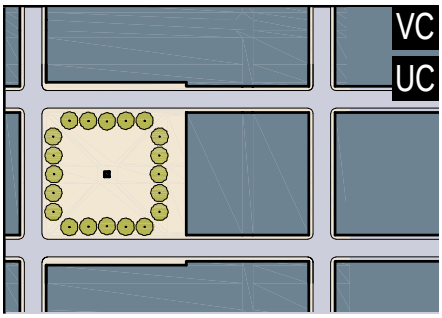
b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/4 acre and the maximum shall be 8 acres.



c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



d. Plaza: A public or private Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre and the maximum shall be 2 acres.



e. Playground: An Open Space designed and equipped for the recreation of children. A playground may be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within Parks and Greens. There shall be no minimum or maximum size.

Dog Parks: An Open Space designed as a safe place where dogs may play and get exercise while not on a leash. Dog Parks shall be fenced and may be interspersed within Residential areas. They may be placed within a Block or included within Parks and Greens. There shall be no minimum or maximum size.

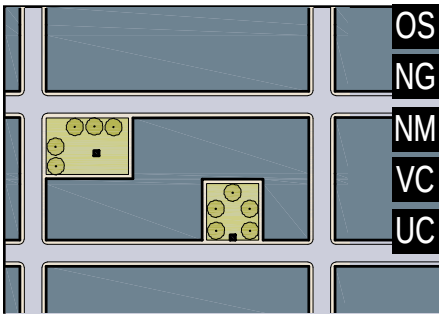
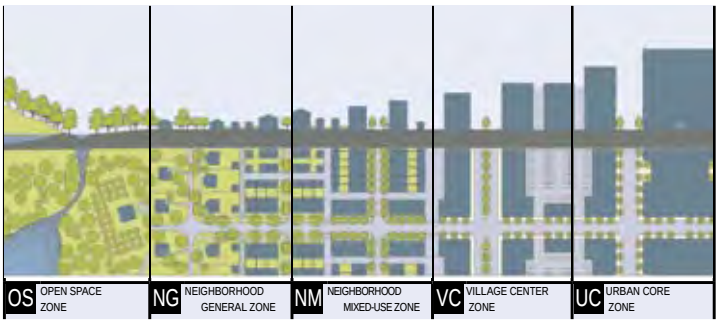


TABLE 14. FORM-BASED CODE SUMMARY



OS OPEN SPACE ZONE	NG NEIGHBORHOOD GENERAL ZONE	NM NEIGHBORHOOD MIXED-USE ZONE	VC VILLAGE CENTER ZONE	UC URBAN CORE ZONE

a. ALLOCATION OF ZONES						
Minimum Acres	not applicable	75 acres	50 acres	215 acres	135 acres	
Min Acres for Non-Residential	variable	3 acres	7 acres	120 acres	75 acres	
b. DENSITY (see Sustainable Development Concept Map						
By Right - DUA	not applicable	20 units / ac. gross	40 units / ac. gross	80 units / ac. gross	100 units / ac. gross	
By Right - Other Uses - FAR	permitted	2.00 / ac. gross	4.00 / ac. gross	6.00 / ac. gross	12.00 / ac. gross	
Maximum Impermeable Surface	30%	65%	75%	90%	100%	
c. BLOCK SIZE						
Block Perimeter: A-Grids	no maximum	3000 ft. max	2400 ft. max	2000 ft. max *	2000 ft. max *	
Block Perimeter: B-Grids	not applicable	not applicable	not applicable	* 3500 ft max with parking structures		
d. THOROUGHFARES (see Table 3 and Table 4)						
Highway (HW)	permitted	permitted	not permitted	not permitted	not permitted	
Boulevard (BV)	not permitted	not permitted	not permitted	permitted	permitted	
Avenue (AV)	not permitted	permitted	permitted	permitted	permitted	
Commercial Street (CS)	not permitted	not permitted	not permitted	permitted	permitted	
Drive (DR)	not permitted	permitted	permitted	permitted	permitted	
Street (ST)	permitted	permitted	permitted	permitted	not permitted	
Road (RD)	permitted	permitted	not permitted	not permitted	not permitted	
Rear Lane (RL)	permitted	permitted	permitted	not permitted	not permitted	
Rear Alley (RA)	not permitted	permitted	required	required	required	
Path (PT)	permitted	permitted	permitted	not permitted	not permitted	
Passage (PS)	not permitted	permitted	permitted	permitted	permitted	
Bicycle Trail (BT)	permitted	permitted	not permitted *	not permitted *	not permitted *	
Bicycle Lane (BL)	permitted	permitted	permitted	permitted	permitted	
Bicycle Route (BR)	permitted	permitted	permitted	permitted	permitted	
e. CIVIC SPACES (see Table 13)					* permitted within Open Spaces	
Park	permitted	permitted	permitted	permitted	permitted	
Green	not permitted	permitted	permitted	permitted	permitted	
Square	not permitted	not permitted	permitted	permitted	permitted	
Plaza	not permitted	not permitted	not permitted	permitted	permitted	
Playground	permitted	permitted	permitted	permitted	permitted	
f. LOT OCCUPATION						
Lot Width: A-Grids	variable	25 ft. min 120 ft. max	18 ft. min 400 ft. max	18 ft. min 600 ft. max	18 ft. min 700 ft. max	
Lot Width: B-Grids	not applicable	not applicable	not applicable	no max	no max	
g. SETBACKS - PRINCIPAL BUILDING (see Table 15)						
(g.1) Front Setback (Principal)	10 ft. min	15 ft. min	6 ft. min	0 ft. min	0 ft. min	
(g.2) Front Setback (Secondary)	5 ft. min	12 ft. min	6 ft. min	0 ft. min	0 ft. min	
(g.3) Side Setback	5 ft. min	0 ft. min.	0 ft. min	0 ft. min	0 ft. min	
(g.4) Rear Setback	5 ft. min	12 ft. min	3 ft. min	3 ft. min	0 ft. min	
h. SETBACKS - OUTBUILDING (see Table 15)						
(h.1) Front Setback	not applicable	20 ft. min +bldg setback	20 ft. min +bldg setback	40 ft. max from rear prop	not applicable	
(h.2) Side Setback	not applicable	0 ft. or 3 ft. min	0 ft. or 3 ft. min	0 ft. min	not applicable	
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min	3 ft. min	not applicable	
i. BUILDING DISPOSITION (see Table 9)						
Edgeyard	permitted	permitted	permitted	permitted	permitted	
Sideyard	not permitted	permitted	permitted	permitted	not permitted	
Rearyard	not permitted	permitted	permitted	permitted	permitted	
Courtyard	not permitted	not permitted	permitted	permitted	permitted	
j. PRIVATE FRONTAGES (see Table 7)						
Common Yard	permitted	permitted	permitted	permitted	permitted	
Porch & Fence	permitted	permitted	permitted	permitted	permitted	
Terrace or Lightwell	not permitted	not permitted	permitted	permitted	permitted	
Forecourt	permitted	not permitted	permitted	permitted	permitted	
Stoop	permitted	permitted	permitted	permitted	permitted	
Shopfront	permitted	permitted	permitted	permitted	permitted	
Gallery	not permitted	permitted	permitted	permitted	permitted	
Arcade	not permitted	not permitted	permitted	permitted	permitted	
k. BUILDING CONFIGURATION (see Table 8)						
Principal Building	1 to 2 Stories	4 Stories max	7 Stories max, 1 min	15 Stories, Note 2, 1 min	20 Stories, Note 1, 1 min	
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	not applicable	

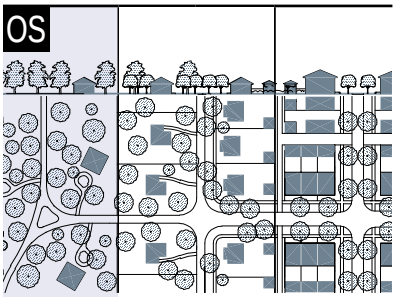
ZONE
LOT
DISPOSITION
CONFIGURATION

ARTICLE 5
ARTICLE 2, 3, 4

Note 1: Not in excess of 20 stories without specific site plan review and approval by Town Council.
Note 2: Not in excess of 15 stories without specific site plan review and approval by Town Council.
Note 3: Accessory Structures shall be treated as Principal Buildings.

TABLE 15A. FORM-BASED CODE GRAPHICS - OS - OPEN SPACE

OS



(see Table 1)

k. BUILDING CONFIGURATION (see Table 8)	
Principal Building	2 stories max.
Outbuilding	not applicable.
f. LOT OCCUPATION (see Table 14f)	
Lot Width	variable
i. BUILDING DISPOSITION (see Table 9)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted
g. SETBACKS - PRINCIPAL BUILDING (see Table 14g)	
(g.1) Front Setback Principal	10 ft. min
(g.2) Front Setback Secondary	5 ft. min
(g.3) Side Setback	5 ft. min
(g.4) Rear Setback	5 ft. min
h. SETBACKS - OUTBUILDING (see Table 14h)	
(h.1) Front Setback	not applicable
(h.2) Side Setback	not applicable
(h.3) Rear Setback	not applicable
j. PRIVATE FRONTAGES (see Table 7)	
Common Lawn	permitted
Porch	permitted
Terrace or Lightwell.	not permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	not permitted
Arcade	not permitted

Refer to Summary Table 14

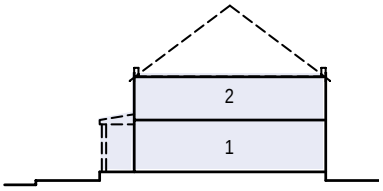
PARKING PROVISIONS
See Table 10 & Table 11

*or 15 ft. from center line of alley

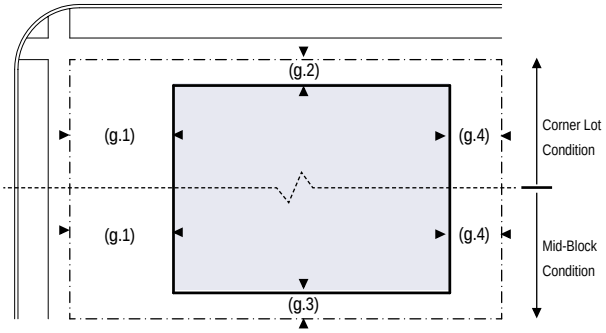
"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Vinyl Siding Notes:
1. Vinyl exterior material may be used in areas not in view of the public, such as service areas.
2. Elements such as vinyl trim, vinyl windows, decorative vents, and the like are permitted.

BUILDING CONFIGURATION
1. Stories exclude Attics and raised basements.



SETBACKS - PRINCIPAL BLDG
1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage.
3. Accessory Structures shall be treated as Principal Buildings.



SETBACKS - OUTBUILDING
1. Not applicable

PARKING PLACEMENT
1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the second or third Layer as shown in the diagram (see Table 17d). .
3. Trash containers shall be stored within the third Layer.

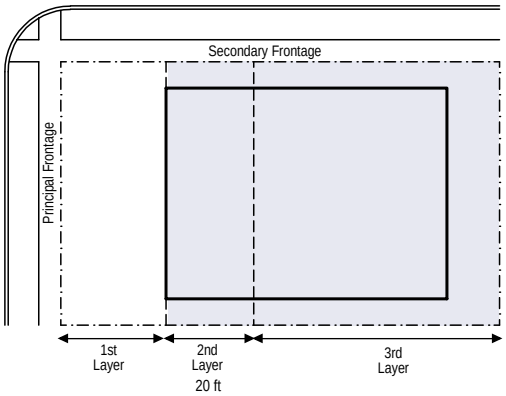
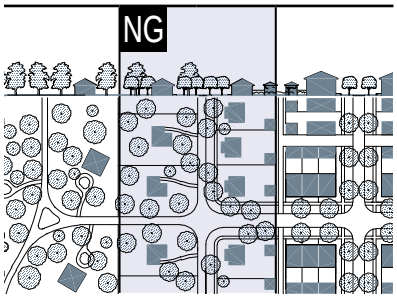


TABLE 15B. FORM-BASED CODE GRAPHICS - NG - NEIGHBORHOOD GENERAL



(see Table 1)

k. BUILDING CONFIGURATION (see Table 8)	
Principal Building	4 stories max.
Outbuilding	2 stories max.
f. LOT OCCUPATION (see Table 14f)	
Lot Width (Note 1)	25 ft. min 120 ft. max
i. BUILDING DISPOSITION (see Table 9)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted
g. SETBACKS - PRINCIPAL BUILDING (see Table 14g)	
(g.1) Front Setback Principal	15 ft. min
(g.2) Front Setback Secondary	12 ft min.
(g.3) Side Setback	0 ft min.
(g.4) Rear Setback	12 ft min.
h. SETBACKS - OUTBUILDING (see Table 14h)	
(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	0 ft. or 3 ft at corner
(h.3) Rear Setback	3 ft. min
j. PRIVATE FRONTAGES (see Table 7)	
Common Lawn	permitted
Porch	permitted
Terrace or Lightwell.	not permitted
Forecourt	not permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	not permitted

Refer to Summary Table 14

PARKING PROVISIONS
See Table 10 & Table 11

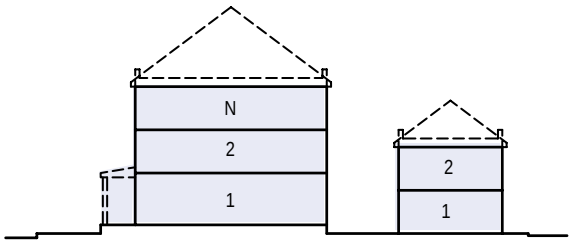
*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

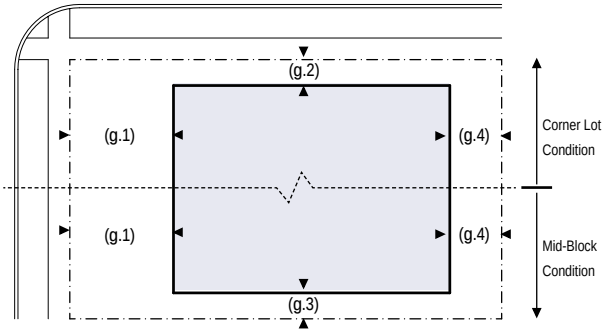
Note 1: Lot width reductions to 20' for single family and 18' for townhomes require specific site plan review and approval by Town Council.

Vinyl Siding Notes:
1. Vinyl siding is not permitted on single family homes and Townhouses except as permitted in vinyl siding note 3 below.
2. Vinyl exterior material may be used above the second story of an apartment, condominium or Mixed Use buildings and in areas not in view of the public, such as service areas.
3. Elements such as vinyl trim, vinyl windows, decorative vents, and the like are permitted.

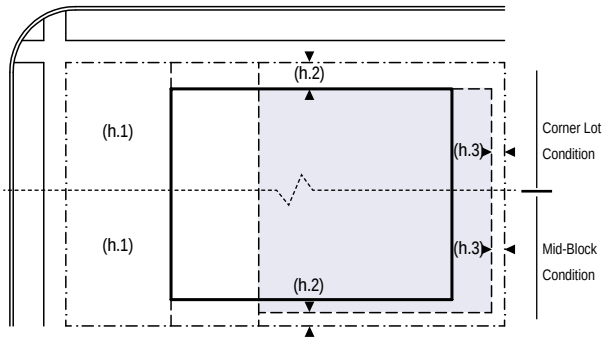
BUILDING CONFIGURATION
1. Stories exclude Attics and raised basements.



SETBACKS - PRINCIPAL BLDG
1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage



SETBACKS - OUTBUILDING
1. The Elevation of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT
1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the second or third Layer as shown in the diagram (see Table 17d). Side-entry garages are permitted on corner lots and front-entry garages may be allowed.
3. Trash containers shall be stored within the third Layer.

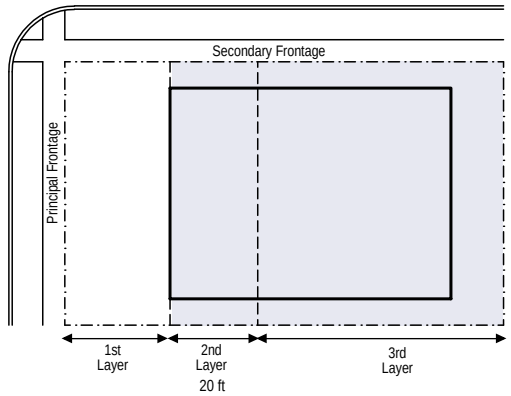
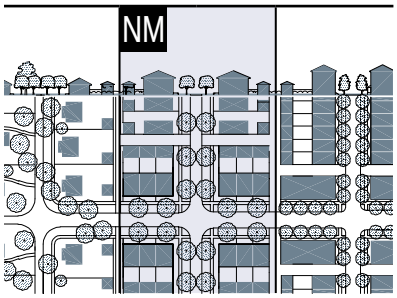


TABLE 15C. FORM-BASED CODE GRAPHICS - NM - NEIGHBORHOOD MIXED-USE



(see Table 1)

k. BUILDING CONFIGURATION (see Table 8)	
Principal Building	7 stories max, 1 min
Outbuilding	2 stories max.
f. LOT OCCUPATION (see Table 14f)	
Lot Width	18 ft min 400 ft max
i. BUILDING DISPOSITION (see Table 9)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
g. SETBACKS - PRINCIPAL BUILDING (see Table 14g)	
(g.1) Front Setback Principal	6 ft. min.
(g.2) Front Setback Secondary	6 ft. min.
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	3 ft. min.*
h. SETBACKS - OUTBUILDING (see Table 14h)	
(h.1) Front Setback	20 ft. min. + bldg. setback
(h.2) Side Setback	0 ft. min. or 3 ft at corner
(h.3) Rear Setback	3 ft. min
j. PRIVATE FRONTAGES (see Table 7)	
Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell.	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted
	Refer to Summary Table 14
PARKING PROVISIONS	
See Table 10 & Table 11	

*or 15 ft. from center line of alley

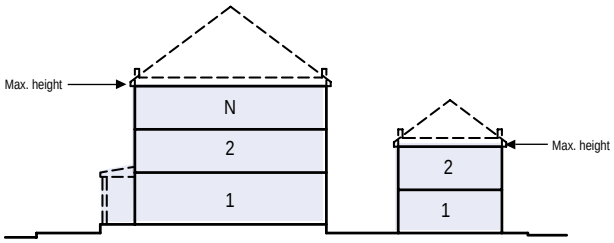
"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Vinyl Siding Notes:

1. Vinyl siding is not permitted on single family homes and Townhouses except as permitted in vinyl siding note 3 below.
2. Vinyl exterior material may be used above the second story of an apartment, condominium or Mixed Use buildings and in areas not in view of the public, such as service areas.
3. Elements such as vinyl trim, vinyl windows, decorative vents, and the like are permitted.

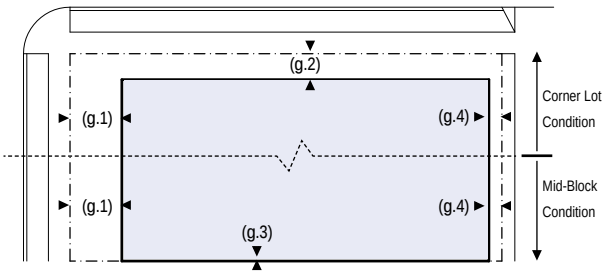
BUILDING CONFIGURATION

1. Stories exclude Attics and raised basements.



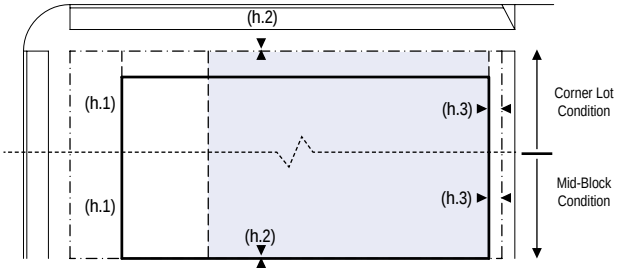
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).
3. Trash containers shall be stored within the third Layer.

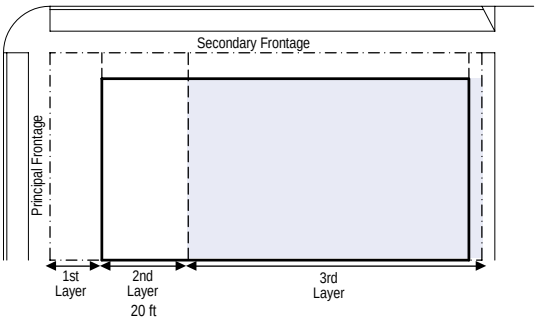
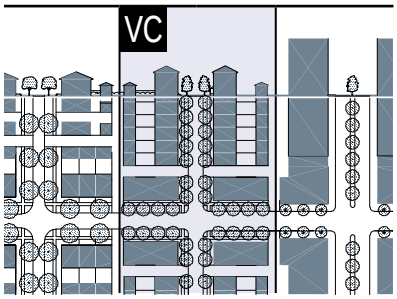


TABLE 15D. FORM-BASED CODE GRAPHICS - VC - VILLAGE CENTER



(see Table 1)

k. BUILDING CONFIGURATION (see Table 8)	
Principal Building	15 stories, Note 2, 1 min.
Outbuilding	2 stories max.
f. LOT OCCUPATION (see Table 14f)	
Lot Width: A-Grids	18 ft min 700 ft max
Lot Width: B-Grids	no max
i. BUILDING DISPOSITION (see Table 9)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
g. SETBACKS - PRINCIPAL BUILDING (see Table 14g)	
(g.1) Front Setback Principal	0 ft. min.
(g.2) Front Setback Secondary	0 ft. min.
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	3 ft. min.*
h. SETBACKS - OUTBUILDING (see Table 14h)	
(h.1) Front Setback	40 ft. max. from rear prop.
(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	0 ft. min. or 2 ft at corner
(h.3) Rear Setback	3 ft. max.
j. PRIVATE FRONTAGES (see Table 7)	
Common Lawn	permitted
Porch	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted
	Refer to Summary Table 14
PARKING PROVISIONS	
See Table 10 & Table 11	

*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

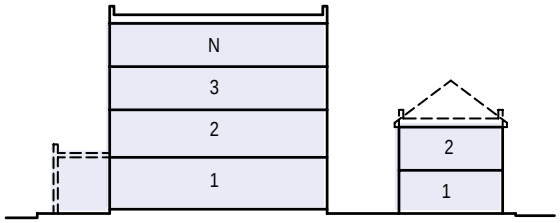
Note 2: Not in excess of 15 stories without specific site plan review and approval by Town Council.

Vinyl Siding Notes:

1. Vinyl siding is not permitted on single family homes and Townhouses except as permitted in vinyl siding note 3 below.
2. Vinyl exterior material may be used above the second story of an apartment, condominium or Mixed Use buildings and in areas not in view of the public, such as service areas.
3. Elements such as vinyl trim, vinyl windows, decorative vents, and the like are permitted.

BUILDING CONFIGURATION

1. Stories, exclude Attics mezzanines and basements.



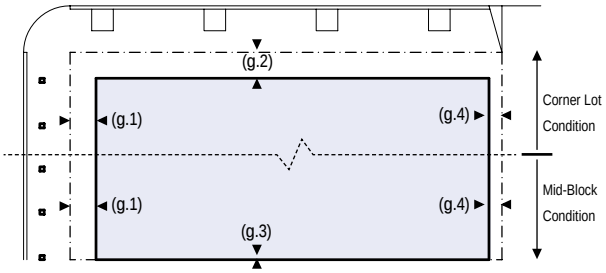
SETBACKS - PRINCIPAL BLDG

A-GRIDS

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage.

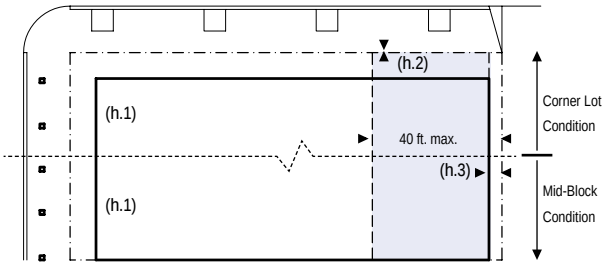
B-GRIDS

1. Multiple Buildings may be located on the same Lot.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

A-GRIDS

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d) except as noted above.
3. Trash containers shall be stored within the third Layer.

B-GRIDS

1. Uncovered parking spaces may be provided within any Layer as shown in the diagram (see Table 17d).
2. Trash containers shall be stored within the third Layer.

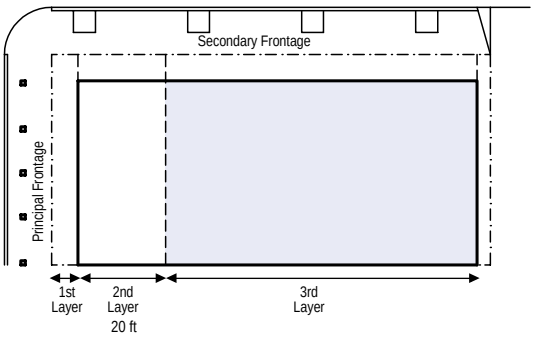
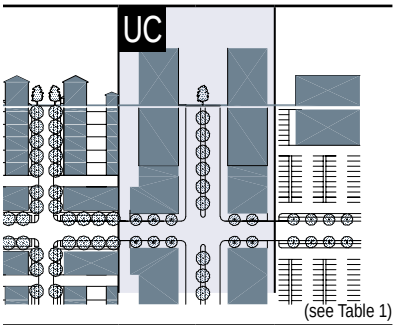


TABLE 15E. FORM-BASED CODE GRAPHICS - UC - URBAN CORE



(see Table 1)

k. BUILDING CONFIGURATION (see Table 8)	
Principal Building	20 stories, Note 1, 1 min.
Outbuilding	N/A
f. LOT OCCUPATION (see Table 14f)	
Lot Width: A-Grids	18 ft. min 700 ft. max
Lot Width: B-Grids	no max
i. BUILDING DISPOSITION (see Table 9)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	permitted
Courtyard	permitted
g. SETBACKS - PRINCIPAL BUILDING (see Table 14g)	
(g.1) Front Setback Principal	0 ft. min.
(g.2) Front Setback Secondary	0 ft. min.
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	0 ft. min.
h. SETBACKS - OUTBUILDING (see Table 14h)	
Front Setback	N/A
Side Setback	N/A
Rear Setback	N/A
j. PRIVATE FRONTAGES (see Table 7)	
Common Lawn	permitted
Porch	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted
	Refer to Summary Table 14
PARKING PROVISIONS	
See Table 10 & Table 11	

*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

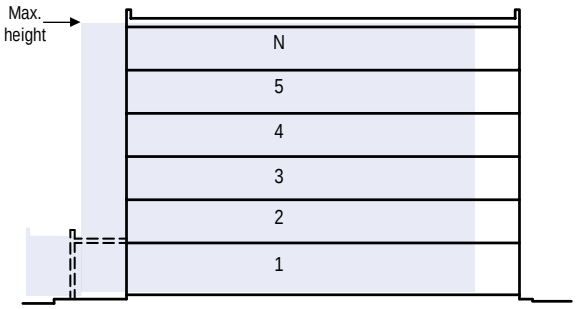
Note 1: Not in excess of 20 stories without specific site plan review and approval by Town Council.

Vinyl Siding Notes:

1. Vinyl siding is not permitted on single family homes and Townhouses except as permitted in vinyl siding note 3 below.
2. Vinyl exterior material may be used above the second story of an apartment, condominium or Mixed Use buildings and in areas not in view of the public, such as service areas.
3. Elements such as vinyl trim, vinyl windows, decorative vents, and the like are permitted.

BUILDING CONFIGURATION

1. Stories, exclude Attics mezzanines and basements.



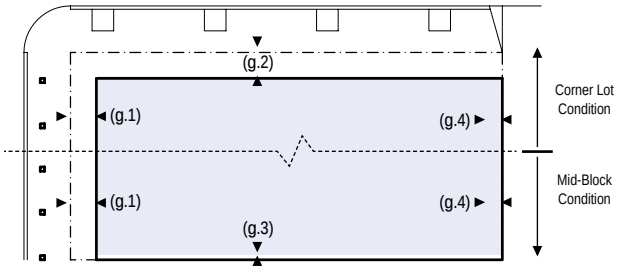
SETBACKS - PRINCIPAL BLDG

A-GRIDS

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage.

B-GRIDS

1. Multiple Buildings may be located on the same Lot



PARKING PLACEMENT

A-GRIDS

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d) except as noted above.
3. Trash containers shall be stored within the third Layer.

B-GRIDS

1. Uncovered parking spaces may be provided within any Layer as shown in the diagram (see Table 17d).
2. Trash containers shall be stored within the third Layer.

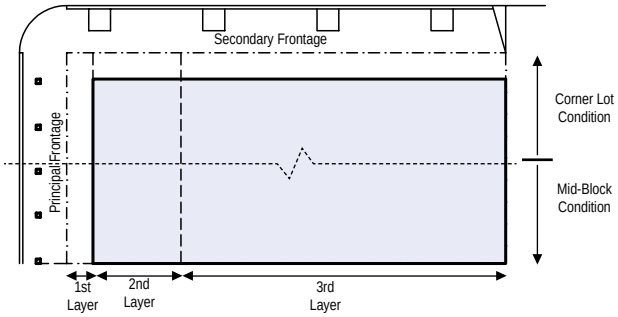
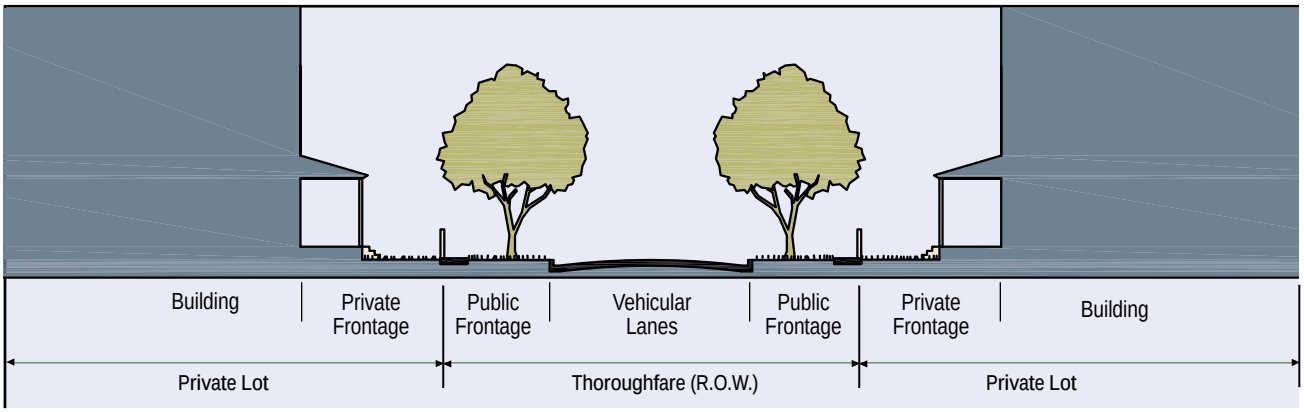
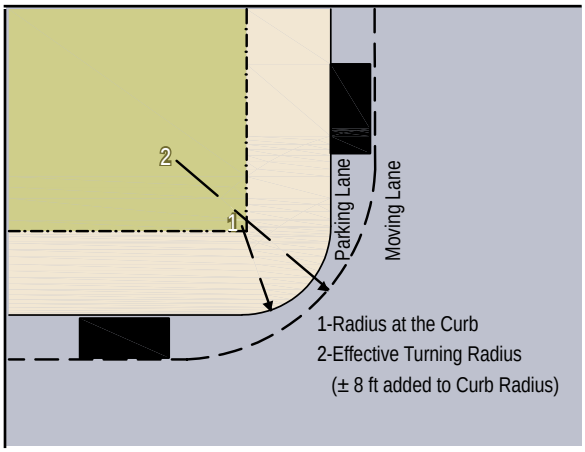


TABLE 17. DEFINITIONS ILLUSTRATED

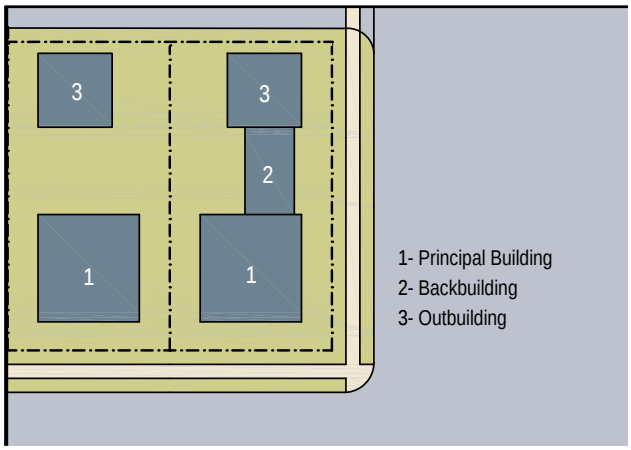
a. THOROUGHFARE & FRONTAGES



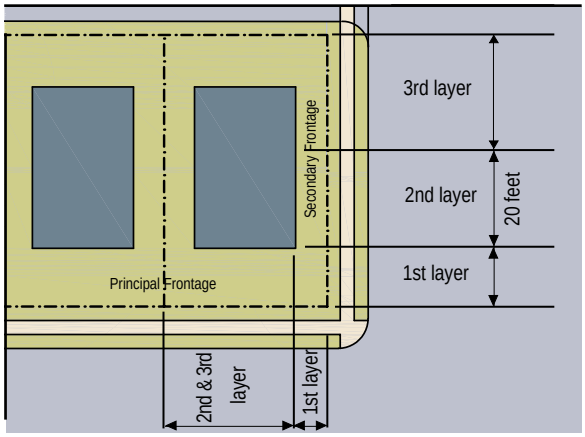
b. TURNING RADIUS



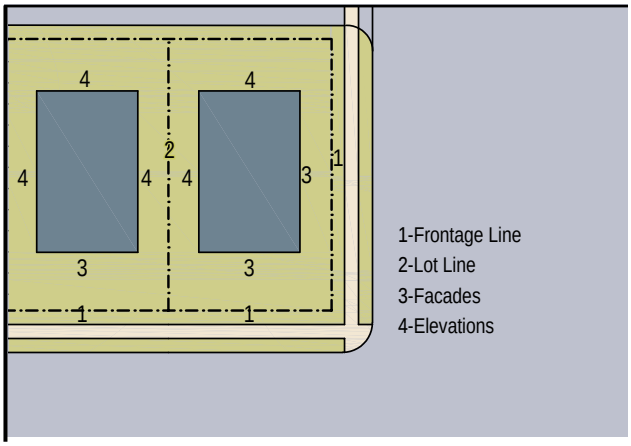
c. BUILDING DISPOSITION



d. LOT LAYERS



e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS

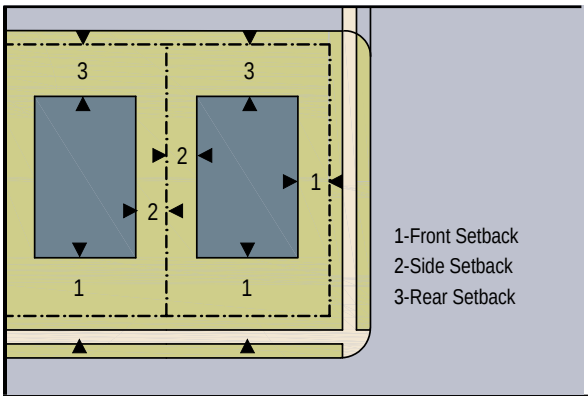


TABLE 18. SUSTAINABILITY - SOLAR ENERGY

Sustainability - Solar Energy. This table shows opportunities for the placement of types of solar-powered devices within the Sustainable Zones.

	OS	NG	NM	VC	UC	Specifics
Solar Farm 	.		.	.	.	
Roof Mounted Solar Panels 	.	.	.	.	.	
Streetscape Solar Panels 	.	.	.	.	.	Streetscape solar panels may be used in place of street trees

TABLE 19. SUSTAINABILITY - FOOD PRODUCTION

Sustainability - Food Production. This table shows ways of incorporating types of food production along the Sustainable Zones.

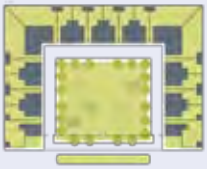
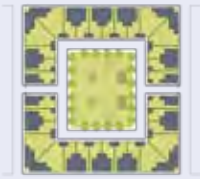
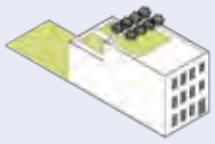
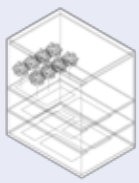
	OS	NG	NM	VC	UC	Specific
Farm 	▪					
Agricultural Plots 	▪	▪				
Vegetable Garden 		▪	▪	▪	▪	
Urban Farm 	▪	▪	▪	▪		
Community Garden 	▪	▪	▪	▪	▪	
Green Roof 		▪	▪	▪	▪	
Vertical Farm 			▪	▪	▪	

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TABLE 20. SUSTAINABILITY - COMPOSTING AND RECYCLING

	OS	NG	NM	VC	UC
On-Site Organics Processing	▪	▪			
Self-Drop Collection Systems					
Optional/Competitive Collection		▪			
Mandatory Curbside Collection			▪	▪	▪
Centralized Composting Systems	▪				
Smaller Regional Composting	▪	▪			
On-Site Processing		▪			
Re-Use Centers		▪	▪	▪	▪
Recycling Processing Centers		▪	▪	▪	▪
Once-Used Materials Storage		▪			
Transfer Stations		▪	▪	▪	▪
Disposal Facilities	Prohibited				

I. Article 2 / Administration
Sec. 2.3 / DEVELOPMENT APPROVALS

2.3.16 Sustainable Development Conditional Zoning District

A) ***General***

This Section establishes the procedures and standards applicable to the Town's Sustainable Development Conditional Zoning District SD-CZ.

B) ***General Applicability***

Before any development shall be designated as a Sustainable Development Conditional Zoning District SD-CZ on the Official Zoning District Map, it shall receive approval pursuant to the terms of this Section and Section 2.3.3 of this Ordinance.

C) ***Location***

A Sustainable Development Conditional Zoning District SD-CZ designation may be established on any land located in the Town and its ETJ that complies with all of the applicable standards of this Section and Section 3.3.4B), including the requirement that a Sustainable Development Conditional Zoning District SD-CZ include a minimum of 500 contiguous acres. An SD-CZ District may include other parcels of any size within 2000 feet of such parcel of at least 500 contiguous acres.

D) ***Unified Ownership or Control***

One person shall have all the responsibility and authority to make all the developer land use planning decisions for all land that is part of a Sustainable Development Conditional Zoning District SD-CZ. A person shall be considered to have such responsibility and authority for all lands in the Sustainable Development Conditional Zoning District SD-CZ either through ownership or by written agreement by and between such person and each owner of parcels comprising said lands agreeing to the conditions and standards of the adopting ordinance and the Sustainable Development Conditional Zoning District SD-CZ and granting the person such responsibility and authority. This one person, who shall be identified in the Sustainable Development Conditional Zoning District SD-CZ Re-Zoning Application as the "Responsible Person," will be the sole person from whom the Town will accept decisions regarding the Sustainable Development (SD) Plan and Sustainable Development Conditional Zoning District SD-CZ, including amendments, modifications or supplements thereof or the addition of lands thereto. The SD Plan shall provide the process for effecting a change or succession of Responsible Person for the purposes of a specific district. A parcel or parcels (the "Parcel") of any size may be added to an existing Sustainable Development Conditional Zoning District if (i) any portion of the Parcel is within two thousand (2000) feet of such existing district, (ii) the

Responsible Person of the existing district consents in writing and (iii) the Town Council approves a rezoning of the Parcel to Sustainable Development Conditional Zoning District SD-CZ in accordance with Sections 2.3.3 and 2.3.16. In such event the SD Plan approved for the existing SD-CZ District shall be applicable to the Parcel(s) added to such existing district, and the development densities authorized in the existing SD Plan (including number of residential units and authorized square footage of other land uses) shall be increased on a pro-rata basis based on the size of the Parcel(s) added to the district, unless the Town Council provides otherwise with the consent of the Responsible Person.

E) ***Procedures***

1) *Overview.* Approval of a Sustainable Development Conditional Zoning District SD-CZ shall constitute an amendment to the Official Zoning District Map. It shall be controlled by an SD Plan that is approved as part of the Sustainable Development Conditional Zoning District SD-CZ designation and that designates the appropriate form and scale of development within the Sustainable Development Conditional Zoning District SD-CZ. The procedure requires review and recommendation of approval or disapproval by the Planning Board and approval, approval with conditions, or disapproval by the Town Council.

2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions, or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures,* Sec 2.2.7 *Neighborhood Meeting* and Sec. 2.3.16 (F) *Sustainability Standards*.

F) ***Standards***

1) In return for greater flexibility in site design requirements, the Sustainable Development Conditional Zoning District SD-CZ is expected to deliver exceptional quality designs on a large-scale basis that:

a) facilitate the integration of a broad array of uses;

b) preserve and enhance critical environmental and natural resources, including water resources and ecosystem services in the stream network flowing through the district;

c) incorporate creativity in the design and configuration of buildings, roads, public space and infrastructure; and

d) employ innovative techniques and practices aimed at maximizing efficiency in the use of energy and materials.

In short, the Sustainable Development Conditional Zoning District SD-CZ is expected to provide a high quality of life through the creation of a healthy, living landscape within a high-intensity mixed-used community.

2) The purpose, intent and scale of the Sustainable Development Conditional Zoning District SD-CZ are unique from the other districts established in Sec. 3.2. Thus, the unique nature of the Sustainable Development Conditional Zoning District SD-CZ necessitates alternative standards, regulations, specifications, details, designs, and criteria (the "Sustainability Standards") to meet the spirit and intent of this Ordinance. These Sustainability Standards, which shall be set forth in the SD Plan and may be established pursuant to paragraph 3) hereafter, may:

a) specify the nature, density, maximums on development, minimums on development, development thresholds, and design characteristics proposed for the Sustainable Development Conditional Zoning District SD-CZ;

b) address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks;

c) facilitate a full diversity of building types, thoroughfare types, and public space types with appropriate characteristics for their respective locations;

d) facilitate the restoration and enhancement of the environment and natural resources through both accepted practice and innovative practices; and

e) modify and supersede the provisions of this Ordinance or any land development document referenced or incorporated therein, or other land development ordinances or policies of the Town. However, an SD Plan and development pursuant thereto shall conform to all applicable Town ordinances and policies, including the UDO, except to the extent that ordinances or policies, including the UDO, are varied in the approved SD Plan or in Sustainability Standards adopted pursuant to paragraph 3) hereafter. An SD Plan and the Sustainability Standards may not modify the requirements that an SD-CZ District include a minimum of 500 contiguous acres.

3) The Sustainability Standards and other provisions of the SD Plan, as well as Sustainability Standards established pursuant to this paragraph F) 3), shall form the basis for a development of exceptional quality and innovation that is an

enhancement to the welfare of the Town's citizens. At any time, and from time to time:

a) with the consent of the Responsible Person, the Town Council may adopt additional or modified Sustainability Standards for an approved SD-CZ District following review and recommendation by the Planning Board;

b) where an SD Plan requires additional or modified Sustainability Standards for an approved SD-CZ District, site plan approval, subdivision approval, construction or grading shall not commence within such SD-CZ District unless and until the required Sustainability Standards are adopted as provided in the SD Plan; with the consent of the Responsible Person, the Town Council shall review and consider and may adopt such additional and modified Sustainability Standards following review and recommendation by the Planning Board;

c) as an amendment to this Ordinance, the Town Council may adopt elective Sustainability Standards for SD-CZ districts, which may, at the election of a Responsible Person, (i) be incorporated, in whole or in part, into an approved SD Plan for an existing SD-CZ district or (ii) be included within an SD Plan for a proposed SD-CZ district. In the case of an approved SD Plan, the elective Sustainability Standards so incorporated may provide that they serve as a supplement to the provisions of the SD Plan and serve as an alternative to the application of any inconsistent provisions of the Plan;

d) actions by the Town Council under the foregoing subsections 2.3.16 F) 3) a), b) and c) shall be taken in accordance with the provisions of Sec. 2.3.2 applicable to Amendments to the Text of this Ordinance. It is provided, however, that such actions may be proposed only by the Town Council, the Planning Director, or the Responsible Person; and

e) this Subsection 2.3.16 does not reduce any authority that the Town otherwise has to amend its UDO or an approved SD-CZ rezoning and SD Plan; the vested rights applicable to a SD-CZ rezoning and SD Plan shall be determined by other applicable law and by the provisions of a developer agreement if any.

G) ***SD Plan***

To the degree necessary and appropriate, the SD Plan and the Sustainability Standards shall include, but shall not be limited to, requirements related to:

1) standards a) through d) set forth in the foregoing Section 2.3.16 F) 1);

2) design guidelines;

3) parks, open space and greenways;

4) water resources and ecosystem services;

5) comprehensive signage;

6) landscaping conditions;

7) parking requirements; and

8) public infrastructure improvements and public facilities.

The SD Plan shall also include a map depicting the concept for the development of the property. To the extent that provisions of the SD Plan or Sustainability Standards vary the provisions of this Ordinance, or other ordinances or policies of the Town, the provisions of the SD Plan or Sustainability Standards shall be applicable.

H) ***Placement of Sustainable Development Conditional Zoning District SD-CZ Designation on Official Zoning District Map***

After final approval of the adopting ordinance for the Sustainable Development Conditional Zoning District SD-CZ designation and the SD Plan, the Planning Director shall amend the Official Zoning District Map to show a Sustainable Development Conditional Zoning District SD-CZ designation.

I) ***Effect***

Approval of an adopting ordinance for Sustainable Development Conditional Zoning District SD-CZ designation and the SD Plan shall constitute an Official Zoning District Map designation and recognition by the Town that the landowner may proceed, consistent with the SD Plan, to develop the land. The next appropriate development approval for the land is a site plan or subdivision plan.

J) ***Deviation to SD Plan***

When appropriate to further the goals of an approved SD-CZ District and its SD Plan, the Planning Director may approve deviations of up to ten percent (10%) with respect to any standard, design, configuration, disposition, or matter established or quantified in an SD Plan or the Sustainability Standards, except that this authority shall not apply to density, maximums on development minimums on development or thresholds. Any other modification, revision or supplementation of an SD Plan or the Sustainability Standards shall require the approval of the Town Council following review by the Planning Board.

K) ***Amendment to Sustainable Development Conditional Zoning District SD-CZ***

An amendment to the Official Zoning District Map for a Sustainable Development Conditional Zoning District SD-CZ may be made only pursuant to the procedures and standards for its original approval, and specifically Sec. 2.3.16 (D) *Unified Ownership or Control*.

II. Article 3 / Zoning Districts
Sec. 3.2 / ZONING DISTRICTS ESTABLISHED

3.2.8 Conditional Zoning Other Districts

A) *CB-CZ Conservation Buffer District; and*

B) *SD-CZ Sustainable Development Conditional Zoning District.*

III. Article 3 / Zoning Districts
Sec. 3.3 / DISTRICT PURPOSES

3.3.4 Other Districts

B) ***Sustainable Development Conditional Zoning District***
The purpose and intent of the Sustainable Development Conditional Zoning District SD-CZ is to encourage the design of a sustainable community through the application of design approaches that allow and encourage flexibility, an intensity of uses, integration among uses, restoration and enhancement of the environment and natural resources, transit-oriented development, pedestrian-oriented development and the efficient use of resources, energy and materials. This shall be accomplished by allowing design flexibility and innovative approaches to environmental stewardship incorporated in a plan for development that:

1) addresses the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks;

2) facilitates a full diversity of building types, thoroughfare types, and public space types with appropriate characteristics for their respective locations; and

3) facilitates the restoration and enhancement of the environment and natural resources.

Further, because the aforementioned design standards are best implemented on a large-scale basis, a purpose and intent of the Sustainable Development Conditional Zoning District SD-CZ is to provide sufficient lands for such implementation. To this end, the Sustainable Development Conditional Zoning District SD-CZ must include a minimum of 500 contiguous acres. An SD-CZ

District may include other parcels of any size within 2000 feet of such parcel of at least 500 contiguous acres.

The unique purpose and intent, and the scale and standards to which the development plan must adhere, distinguish the Sustainable Development Conditional Zoning District SD-CZ from the other districts established in Sec. 3.2. Therefore, the specific procedures and standards for the review of the Sustainable Development Conditional Zoning District SD-CZ are found in Sec. 2.3.16, *Sustainable Development Conditional Zoning District SD-CZ.*

IV. Article 4 / Use Regulations
Sec.4.2 / USE TABLE
Sec.4.2.2 / Use Table

The Use Table in Section 4.2.2 shall be amended to include among the Zoning Districts shown at the top of the table "SD" to denote the **Sustainable Development Conditional Zoning District** as a Zoning District in the "Other" category and to place a double asterisk (**) in the block under SD for each use listed within all of the Use Types, with the exception of the following uses: Adult Establishment; Airplane Landing Strip; Airport; Sanitary Landfill; Land Clearing and Inert Debris Landfill; Mobile Homes; and Asphalt or Concrete Plant. Further, the following shall be inserted below the table:

"**Uses allowed as a matter-of-right in a Sustainable Development Conditional Zoning District shall be those uses authorized in the Sustainable Development Plan approved for such district. Standards applicable to each such use shall be as provided in this Use Table unless modified by the respective Sustainable Development Plan."

V. Article 4 / Use Regulations
Sec.4.3 / Use Classifications
Sec.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, 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 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.

VI. Article 5 / Measurements

Sec.5.1 / TABLE OF INTENSITY AND DIMENSIONAL STANDARDS
Sec.5.1.4 / Other Development Districts

The table for "Other Development Districts" in Section 5.1.4 shall be amended to include "SD" to denote the **Sustainable Development Conditional Zoning District** under "Use" and below "*See Sec. 6.1, Watershed Protection Overlay Districts." "All uses" shall be inserted below "SD" and to the right thereof shall be inserted "All Intensity and Dimensional Standards shall be as set forth in the Sustainable Development Plan approved for the respective Sustainable Development Conditional Zoning District."

VII. TECHNICAL AMENDMENTS

A) Each of the following Sections shall be amended to insert "SD-CZ" immediately after "PUD-CZ" at each place in the respective Section at which "PUD-CZ" appears:

2.1.1 A) 2) b)
2.1.2 A) 2) b)
2.1.7 A) 2)
2.2.11 E)
2.3.15 B)
4.1.2 A)
4.5.6
4.5.6 A)
4.5.6 D)
4.5.6 F)
4.6.1 C) 1) a)
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8.2.6
8.3.6 B) 5)
8.4.2
9.1.2

B) Section 2.3.1 shall be amended to insert within the Table under "Development Permit" and following "Traditional Neighborhood District (TND-CZ) (Sec. 2.3.4)" the words "Sustainable Development Conditional Zoning District (SD-CZ) (Sec. 2.3.16)"; to place the letter "R" under each of "Planning Director/Technical Review Committee" and "Planning Board"; and to place the letter "D" under "Town Council."

C) Section 2.3.3 J) 2) shall be amended to insert "or Section 2.3.16 J) *Minor Deviation to a SD Plan* or Section 2.3.16 K) *Modification of SD Plan*" following "2.3.4(M) *Minor Deviations*".

D) Section 2.3.16, **Site Work Prior to Development Approvals**, shall be re-numbered to "Section 2.3.17".

E) Section 2.3.17, **Utility Service**, shall be re-numbered to "Section 2.3.18".

F) Sections 4.3.1 A), 4.4.5 F), and 4.6.1 C) 3) shall each be amended to insert ", SD-CZ Sustainable Development Conditional Zoning District," immediately following "TND-CZ Traditional Neighborhood District" at each place where "TND-CZ Traditional Neighborhood District" appears.

G) Section 5.2.2 F) shall be amended to insert at the beginning of the paragraph "Except in Sustainable Development Conditional Zoning District (SD-CZ)," and to replace "I" with "i" in "internal."

H) Section 8.3.6 B) 5) shall be amended to substitute "Section 8.4.4" for "Section 8.5.3."

I. Article 2 / Administration
Sec. 2.3 / DEVELOPMENT APPROVALS

2.3.16 Sustainable Development Conditional Zoning District

A) ***General***

This Section establishes the procedures and standards applicable to the Town's Sustainable Development Conditional Zoning District SD-CZ.

B) ***General Applicability***

Before any development shall be designated as a Sustainable Development Conditional Zoning District SD-CZ on the Official Zoning District Map, it shall receive approval pursuant to the terms of this Section and Section 2.3.3 of this Ordinance.

C) ***Location***

A Sustainable Development Conditional Zoning District SD-CZ designation may be established on any land located in the Town and its ETJ that complies with all of the applicable standards of this Section and Section 3.3.4B), including the requirement that a Sustainable Development Conditional Zoning District SD-CZ include a minimum of 500 contiguous acres. An SD-CZ District may include other parcels of any size within 2000 feet of such parcel of at least 500 contiguous acres.

D) ***Unified Ownership or Control***

One person shall have all the responsibility and authority to make all the developer land use planning decisions for all land that is part of a Sustainable Development Conditional Zoning District SD-CZ. A person shall be considered to have such responsibility and authority for all lands in the Sustainable Development Conditional Zoning District SD-CZ either through ownership or by written agreement by and between such person and each owner of parcels comprising said lands agreeing to the conditions and standards of the adopting ordinance and the Sustainable Development Conditional Zoning District SD-CZ and granting the person such responsibility and authority. This one person, who shall be identified in the Sustainable Development Conditional Zoning District SD-CZ Re-Zoning Application as the "Responsible Person," will be the sole person from whom the Town will accept decisions regarding the Sustainable Development (SD) Plan and Sustainable Development Conditional Zoning District SD-CZ, including amendments, modifications or supplements thereof or the addition of lands thereto. The SD Plan shall provide the process for effecting a change or succession of Responsible Person for the purposes of a specific district. A parcel or parcels (the "Parcel") of any size may be added to an existing Sustainable Development Conditional Zoning District if (i) any portion of the Parcel is within two thousand (2000) feet of such existing district, (ii) the

Responsible Person of the existing district consents in writing and (iii) the Town Council approves a rezoning of the Parcel to Sustainable Development Conditional Zoning District SD-CZ in accordance with Sections 2.3.3 and 2.3.16. In such event the SD Plan approved for the existing SD-CZ District shall be applicable to the Parcel(s) added to such existing district, and the development densities authorized in the existing SD Plan (including number of residential units and authorized square footage of other land uses) shall be increased on a pro-rata basis based on the size of the Parcel(s) added to the district, unless the Town Council provides otherwise with the consent of the Responsible Person.

E) ***Procedures***

1) *Overview.* Approval of a Sustainable Development Conditional Zoning District SD-CZ shall constitute an amendment to the Official Zoning District Map. It shall be controlled by an SD Plan that is approved as part of the Sustainable Development Conditional Zoning District SD-CZ designation and that designates the appropriate form and scale of development within the Sustainable Development Conditional Zoning District SD-CZ. The procedure requires review and recommendation of approval or disapproval by the Planning Board and approval, approval with conditions, or disapproval by the Town Council.

2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions, or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures,* Sec 2.2.7 *Neighborhood Meeting* and Sec. 2.3.16 (F) *Sustainability Standards*.

F) ***Standards***

1) In return for greater flexibility in site design requirements, the Sustainable Development Conditional Zoning District SD-CZ is expected to deliver exceptional quality designs on a large-scale basis that:

a) facilitate the integration of a broad array of uses;

b) preserve and enhance critical environmental and natural resources, including water resources and ecosystem services in the stream network flowing through the district;

c) incorporate creativity in the design and configuration of buildings, roads, public space and infrastructure; and

d) employ innovative techniques and practices aimed at maximizing efficiency in the use of energy and materials.

In short, the Sustainable Development Conditional Zoning District SD-CZ is expected to provide a high quality of life through the creation of a healthy, living landscape within a high-intensity mixed-used community.

2) The purpose, intent and scale of the Sustainable Development Conditional Zoning District SD-CZ are unique from the other districts established in Sec. 3.2. Thus, the unique nature of the Sustainable Development Conditional Zoning District SD-CZ necessitates alternative standards, regulations, specifications, details, designs, and criteria (the "Sustainability Standards") to meet the spirit and intent of this Ordinance. These Sustainability Standards, which shall be set forth in the SD Plan and may be established pursuant to paragraph 3) hereafter, may:

a) specify the nature, density, maximums on development, minimums on development, development thresholds, and design characteristics proposed for the Sustainable Development Conditional Zoning District SD-CZ;

b) address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks;

c) facilitate a full diversity of building types, thoroughfare types, and public space types with appropriate characteristics for their respective locations;

d) facilitate the restoration and enhancement of the environment and natural resources through both accepted practice and innovative practices; and

e) modify and supersede the provisions of this Ordinance or any land development document referenced or incorporated therein, or other land development ordinances or policies of the Town. However, an SD Plan and development pursuant thereto shall conform to all applicable Town ordinances and policies, including the UDO, except to the extent that ordinances or policies, including the UDO, are varied in the approved SD Plan or in Sustainability Standards adopted pursuant to paragraph 3) hereafter. An SD Plan and the Sustainability Standards may not modify the requirements that an SD-CZ District include a minimum of 500 contiguous acres.

3) The Sustainability Standards and other provisions of the SD Plan, as well as Sustainability Standards established pursuant to this paragraph F) 3), shall form the basis for a development of exceptional quality and innovation that is an

enhancement to the welfare of the Town's citizens. At any time, and from time to time:

a) with the consent of the Responsible Person, the Town Council may adopt additional or modified Sustainability Standards for an approved SD-CZ District following review and recommendation by the Planning Board;

b) where an SD Plan requires additional or modified Sustainability Standards for an approved SD-CZ District, site plan approval, subdivision approval, construction or grading shall not commence within such SD-CZ District unless and until the required Sustainability Standards are adopted as provided in the SD Plan; with the consent of the Responsible Person, the Town Council shall review and consider and may adopt such additional and modified Sustainability Standards following review and recommendation by the Planning Board;

c) as an amendment to this Ordinance, the Town Council may adopt elective Sustainability Standards for SD-CZ districts, which may, at the election of a Responsible Person, (i) be incorporated, in whole or in part, into an approved SD Plan for an existing SD-CZ district or (ii) be included within an SD Plan for a proposed SD-CZ district. In the case of an approved SD Plan, the elective Sustainability Standards so incorporated may provide that they serve as a supplement to the provisions of the SD Plan and serve as an alternative to the application of any inconsistent provisions of the Plan;

d) actions by the Town Council under the foregoing subsections 2.3.16 F) 3) a), b) and c) shall be taken in accordance with the provisions of Sec. 2.3.2 applicable to Amendments to the Text of this Ordinance. It is provided, however, that such actions may be proposed only by the Town Council, the Planning Director, or the Responsible Person; and

e) this Subsection 2.3.16 does not reduce any authority that the Town otherwise has to amend its UDO or an approved SD-CZ rezoning and SD Plan; the vested rights applicable to a SD-CZ rezoning and SD Plan shall be determined by other applicable law and by the provisions of a developer agreement if any.

G) ***SD Plan***

To the degree necessary and appropriate, the SD Plan and the Sustainability Standards shall include, but shall not be limited to, requirements related to:

1) standards a) through d) set forth in the foregoing Section 2.3.16 F) 1);

2) design guidelines;

3) parks, open space and greenways;

4) water resources and ecosystem services;

5) comprehensive signage;

6) landscaping conditions;

7) parking requirements; and

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The SD Plan shall also include a map depicting the concept for the development of the property. To the extent that provisions of the SD Plan or Sustainability Standards vary the provisions of this Ordinance, or other ordinances or policies of the Town, the provisions of the SD Plan or Sustainability Standards shall be applicable.

H) ***Placement of Sustainable Development Conditional Zoning District SD-CZ Designation on Official Zoning District Map***

After final approval of the adopting ordinance for the Sustainable Development Conditional Zoning District SD-CZ designation and the SD Plan, the Planning Director shall amend the Official Zoning District Map to show a Sustainable Development Conditional Zoning District SD-CZ designation.

I) ***Effect***

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J) ***Deviation to SD Plan***

When appropriate to further the goals of an approved SD-CZ District and its SD Plan, the Planning Director may approve deviations of up to ten percent (10%) with respect to any standard, design, configuration, disposition, or matter established or quantified in an SD Plan or the Sustainability Standards, except that this authority shall not apply to density, maximums on development minimums on development or thresholds. Any other modification, revision or supplementation of an SD Plan or the Sustainability Standards shall require the approval of the Town Council following review by the Planning Board.

K) ***Amendment to Sustainable Development Conditional Zoning District SD-CZ***

An amendment to the Official Zoning District Map for a Sustainable Development Conditional Zoning District SD-CZ may be made only pursuant to the procedures and standards for its original approval, and specifically Sec. 2.3.16 (D) *Unified Ownership or Control*.

II. Article 3 / Zoning Districts
Sec. 3.2 / ZONING DISTRICTS ESTABLISHED

3.2.8 Conditional Zoning Other Districts

A) *CB-CZ Conservation Buffer District; and*

B) *SD-CZ Sustainable Development Conditional Zoning District.*

III. Article 3 / Zoning Districts
Sec. 3.3 / DISTRICT PURPOSES

3.3.4 Other Districts

B) ***Sustainable Development Conditional Zoning District***
The purpose and intent of the Sustainable Development Conditional Zoning District SD-CZ is to encourage the design of a sustainable community through the application of design approaches that allow and encourage flexibility, an intensity of uses, integration among uses, restoration and enhancement of the environment and natural resources, transit-oriented development, pedestrian-oriented development and the efficient use of resources, energy and materials. This shall be accomplished by allowing design flexibility and innovative approaches to environmental stewardship incorporated in a plan for development that:

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Further, because the aforementioned design standards are best implemented on a large-scale basis, a purpose and intent of the Sustainable Development Conditional Zoning District SD-CZ is to provide sufficient lands for such implementation. To this end, the Sustainable Development Conditional Zoning District SD-CZ must include a minimum of 500 contiguous acres. An SD-CZ

District may include other parcels of any size within 2000 feet of such parcel of at least 500 contiguous acres.

The unique purpose and intent, and the scale and standards to which the development plan must adhere, distinguish the Sustainable Development Conditional Zoning District SD-CZ from the other districts established in Sec. 3.2. Therefore, the specific procedures and standards for the review of the Sustainable Development Conditional Zoning District SD-CZ are found in Sec. 2.3.16, *Sustainable Development Conditional Zoning District SD-CZ.*

IV. Article 4 / Use Regulations
Sec.4.2 / USE TABLE
Sec.4.2.2 / Use Table

The Use Table in Section 4.2.2 shall be amended to include among the Zoning Districts shown at the top of the table "SD" to denote the **Sustainable Development Conditional Zoning District** as a Zoning District in the "Other" category and to place a double asterisk (**) in the block under SD for each use listed within all of the Use Types, with the exception of the following uses: Adult Establishment; Airplane Landing Strip; Airport; Sanitary Landfill; Land Clearing and Inert Debris Landfill; Mobile Homes; and Asphalt or Concrete Plant. Further, the following shall be inserted below the table:

"**Uses allowed as a matter-of-right in a Sustainable Development Conditional Zoning District shall be those uses authorized in the Sustainable Development Plan approved for such district. Standards applicable to each such use shall be as provided in this Use Table unless modified by the respective Sustainable Development Plan."

V. Article 4 / Use Regulations
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Sec.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, 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 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.

VI. Article 5 / Measurements

Sec.5.1 / TABLE OF INTENSITY AND DIMENSIONAL STANDARDS
Sec.5.1.4 / Other Development Districts

The table for "Other Development Districts" in Section 5.1.4 shall be amended to include "SD" to denote the **Sustainable Development Conditional Zoning District** under "Use" and below "*See Sec. 6.1, Watershed Protection Overlay Districts." "All uses" shall be inserted below "SD" and to the right thereof shall be inserted "All Intensity and Dimensional Standards shall be as set forth in the Sustainable Development Plan approved for the respective Sustainable Development Conditional Zoning District."

VII. TECHNICAL AMENDMENTS

A) Each of the following Sections shall be amended to insert "SD-CZ" immediately after "PUD-CZ" at each place in the respective Section at which "PUD-CZ" appears:

2.1.1 A) 2) b)
2.1.2 A) 2) b)
2.1.7 A) 2)
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4.1.2 A)
4.5.6
4.5.6 A)
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4.6.1 C) 1) a)
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8.3.6 B) 5)
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B) Section 2.3.1 shall be amended to insert within the Table under "Development Permit" and following "Traditional Neighborhood District (TND-CZ) (Sec. 2.3.4)" the words "Sustainable Development Conditional Zoning District (SD-CZ) (Sec. 2.3.16)"; to place the letter "R" under each of "Planning Director/Technical Review Committee" and "Planning Board"; and to place the letter "D" under "Town Council."

C) Section 2.3.3 J) 2) shall be amended to insert "or Section 2.3.16 J) *Minor Deviation to a SD Plan* or Section 2.3.16 K) *Modification of SD Plan*" following "2.3.4(M) *Minor Deviations*".

D) Section 2.3.16, **Site Work Prior to Development Approvals**, shall be re-numbered to "Section 2.3.17".

E) Section 2.3.17, **Utility Service**, shall be re-numbered to "Section 2.3.18".

F) Sections 4.3.1 A), 4.4.5 F), and 4.6.1 C) 3) shall each be amended to insert ", SD-CZ Sustainable Development Conditional Zoning District," immediately following "TND-CZ Traditional Neighborhood District" at each place where "TND-CZ Traditional Neighborhood District" appears.

G) Section 5.2.2 F) shall be amended to insert at the beginning of the paragraph "Except in Sustainable Development Conditional Zoning District (SD-CZ)," and to replace "I" with "i" in "internal."

H) Section 8.3.6 B) 5) shall be amended to substitute "Section 8.4.4" for "Section 8.5.3."

November 26, 2025

Town of Apex

Planning Department

322 N. Mason Street

Apex, NC 27502

RE: Veridea Environmental Enhancement Plan (EEP) Amendment

To Whom It May Concern,

This letter is to inform you of a proposed amendment to the Veridea Environmental Enhancement Plan (EEP) to facilitate the development of the North Carolina Children's Hospital and campus.

The Veridea Environmental Enhancement Plan was approved by the Town of Apex on February 28th, 2023 (Ordinance #2023-023).

In the summer of 2025, North Carolina Children's announced their intention to develop a new, state-of-the-art children's hospital within Veridea, bringing North Carolina's first freestanding children's hospital to the Triangle. The hospital and its supporting uses (including but not limited to medical, research, academic, administrative, transport, patient and family respite and accommodations) have a specific set of needs for sustainable building and site design. These unique considerations require the enclosed technical exemptions to the Environmental Enhancement Plan (Exhibit A).

Exhibit A includes the proposed exemptions from technical standards found in the EEP. The exemptions that apply to the health care campus and surrounding supporting uses (including but not limited to medical, research, academic, administrative, transport, patient and family respite and accommodations, central utility plant, and adequate parking facilities) which will make up the campus are found in Part 1 of Exhibit A. Exemptions for the overall SD-CZ Zoned area are contained within Part 2 of Exhibit A.

Exemptions requested herein include standards which relate to specific energy performance ratings, specific fixtures, and EV parking. Where exemptions from text are requested, the full text is provided.

A corresponding UDO Amendment application has been filed in the Town's development portal.

Sincerely,

Veridea Development Team

Exhibit A.

Veridea EEP Plan Amendment

Proposed Text Changes

November 26, 2025

PART 1 NCC Campus Property

The Environmental Enhancement Plan south of US 1, east of I-540, and west of Veridea Parkway (PINs 0740191376, 0730996270, 0730977087, 0730977967, 0740081019, 0740070950, 0740082327, 0740082199, 0740078021, 0740180091, 0740180331, 0731902142 (portion of)) and a portion of the Sustainable Development Plan south of US 1 and east of Veridea Parkway (PINs 0741207566, 0741203157, 0740293940) will retain all of the standards from Ordinance # ORD-2023-023 except:

Section I: Building Standards

Exemption from I.A.1.a., b. & e.

a. In furtherance of the goals set forth in SD Plan 3.7.2, all non-residential and mixed-use buildings in Veridea shall provide plan analysis demonstrating improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2010 Appendix G. (Note: 2010 ASHREA is being referenced here, consistent with current LEED Rating System benchmark standard).

b. At build-out of Veridea, a minimum of 50% of non-residential buildings within Veridea shall be certified under one of these 3rd Party Certification Program options:

    a. LEED Rating System
    b. Green Globes
    c. Fitwel
    d. Similar alternative standard as determined by the Responsible Party

    Responsible Party will ensure the ability to meet this 50% commitment at the time of each non-residential building permit application to the Town of Apex.

e. Documentation

    i. For all buildings, a letter of compliance shall be provided to the Town with the submittal of building permits for that building by a Professional Engineer (PE) licensed to practice in North Carolina, an architect licensed in North Carolina, OR a qualified third-party certifier stating that, in his or her opinion, the building

design demonstrates improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2010 Appendix G.

ii. For each building that is developed to meet the standards for certification under one of the 3rd Party Certification Options, a letter of building certification from the selected program shall be provided to the Town at building completion.

Exemption from I.B.1. & 2.

1. Bathroom Fixtures
    a. 100% of showerheads, lavatory faucets and toilets/urinals shall be WaterSense rated fixtures.
2. Water Using Appliances
    a. Dishwashers and clothes washers installed by builder must be Energy Star qualified.

PART 2 Veridea Properties Zoned SD-CZ

With respect to the entirety of the Development, the following exceptions and amendments to the Environmental Enhancement Plan shall apply:

Section V. Air Quality Protection

Modification to V. h.

h. ~~Parking for electric vehicles and bicycles will be provided as required by the Town of Apex UDO~~. Parking requirements:

i. Bicycle parking shall be provided as required by the Town of Apex UDO.

ii. For all uses on the NC Children's health care campus, EV charging spaces shall be provided for 0.3% of the required parking spaces and EV-Ready spaces shall be provided for 1.5% of the required parking spaces.

iii. Multi-family development and hotels shall be required to provide 10% of the required parking as EV charging spaces and 35% of the required parking as EV-Ready spaces.

iv. Higher Education uses shall provide 1% of the required parking as EV Charging spaces and 1.5% of the required parking as EV-Ready spaces.

v. Elementary, junior, and high schools (public or private) are required to meet UDO requirements for EV parking.

vi. All other uses shall be required to provide the UDO required amount of electric vehicle charging spaces and 10% of the required parking as EV-Ready spaces.

vii. For all uses with the Veridea SD-CZ zoning, in-lieu of EV-Ready spaces as defined in Article 12 of the Unified Development Ordinance, EV-Capable spaces shall be allowed. EV-Capable shall mean the installation of "raceway" (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage) from the parking space to the nearest electrical distribution room for structured parking or the nearest manhole or hand hole for surface parking. Wire, circuitry, receptacles, chargers, electrical panels, distribution equipment, and/or any other supporting equipment are not required.

ORD · 2023 (5)

023

AN ORDINANCE TO ADOPT ADDITIONAL SUSTAINABILITY STANDARDS FOR VERIDEA

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

Section 1. The Environmental Enhancement Plan for Veridea is hereby adopted in accordance with Section 2.3.16.F.3.b of the Unified Development Ordinance and Section 3.1.2 of the Sustainable Development Plan adopted for Veridea by Rezoning #09CZ07 ("Veridea SD Plan").

Section 2. 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.

Section 3. Pursuant to Section 3.3.4 of the Veridea SD Plan, the Environmental Enhancement Plan in Attachment "B" is hereby incorporated into the Veridea SD Plan and is applicable to the land described in Attachment "A" and to any lands subsequently rezoned to be included in the Veridea SD Plan.

Section 4. The ordinance shall be effective upon enactment on the 28th day of February 2023.

Introduced by Council Member Gantt

Seconded by Council Member Gray

Attest:

Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

APEX 1873 NORTH CAROLINA

Attachment A

Property Description

Tract 1 (Poe):

BEGINNING at a point which is the northeast corner of the 54.650 acre tract shown on Boundary Survey Prepared for Apex Land Assemblage, LLC by Riley Surveying, PA dated February 23, 2006 and recorded in Book of Maps 2006, Page 416, Wake County Registry; thence along the line of said 54.650 acre tract N 89° 54' 34" W 1794.53 feet to a point in the centerline of Big Branch; thence along the centerline of Big Branch, the following courses and distances denoted L87 through L156 on the following table:

CENTERLINE BIG BRANCH

LINE TABLE		
LINE	*BEARING*	*LENGTH*
L87	*N20° 48' 14" E*	*52.19*
L88	*N27° 36' 15" E*	*25.74*
L89	*N62° 55' 07" E*	*26.76*
L90	*N28° 59' 45" W*	*21.84*
L91	*N05° 57' 55" W*	*34.25*
L92	*N49° 54' 20" E*	*15.65*
L93	*N35° 51' 41" E*	*26.00*
L94	*N57° 55' 36" W*	*27.74*
L95	*S77° 58' 08" W*	*70.86*
L96	*N69° 24' 20" W*	*55.42*
L97	*N16° 11' 53" W*	*54.07*
L98	*N47° 25' 48" E*	*30.81*
L99	*S76° 51' 18" E*	*46.52*
L100	*N23° 56' 06" E*	*15.13*
L101	*N10° 54' 23" E*	*79.33*
L102	*N70° 46' 49" W*	*21.80*
L103	*N13° 56' 38" W*	*44.13*
L104	*N54° 44' 36" W*	*48.38*
L105	*S57° 22' 33" W*	*58.59*
L106	*S44° 34' 58" W*	*46.68*
L107	*N46° 23' 02" W*	*39.79*
L108	*N72° 28' 16" W*	*36.60*
L109	*S47° 16' 54" W*	*18.92*
L110	*N74° 34' 40" W*	*21.22*
L111	*N28° 53' 03" W*	*20.74*
L112	*N42° 52' 48" W*	*46.75*
L113	*N06° 56' 21" E*	*26.65*
L114	*N88° 28' 36" E*	*43.87*
L115	*N27° 02' 14" E*	*18.93*
L116	*N01° 17' 25" E*	*31.60*
L117	*N45° 56' 56" E*	*50.02*
L124	*N39° 28' 55" E*	*39.13*
L125	*N15° 03' 15" W*	*20.63*
L126	*N51° 44' 06" W*	*25.88*
L127	*N30° 05' 45" E*	*27.95*
L128	*S60° 15' 59" E*	*30.79*
L129	*S36° 33' 19" E*	*34.28*
L130	*S78° 44' 24" E*	*52.43*
L131	*N41° 37' 38" E*	*15.36*
L132	*N04° 45' 02" E*	*44.44*
L133	*N30° 38' 49" E*	*51.77*
L134	*N05° 02' 00" W*	*35.48*
L135	*S62° 06' 04" W*	*33.82*
L136	*N44° 56' 44" W*	*39.84*
L137	*N44° 38' 21" E*	*21.58*
L138	*N53° 06' 38 E*	*60.88*
L139	*N61° 14' 38" W*	*39.17*
L140	*N50° 48' 06" W*	*23.78*
L141	*N10° 02' 40" W*	*28.54*
L142	*N38° 49' 48" E*	*55.95*
L143	*N43° 06' 48" W*	*60.59*
L144	*N42° 29' 30" E*	*31.74*
L145	*N70° 52' 59" W*	*69.18*
L146	*N86° 33' 59" W*	*111.94*
L147	*N47° 57' 35" W*	*68.58*
L148	*N30° 54' 08" E*	*32.56*
L149	*N21° 23' 37" W*	*54.07*
L150	*N55° 27' 06" E*	*39.27*
L151	*N03° 24' 04" W*	*46.46*
L152	*N31° 43' 23" E*	*54.96*
L153	*N18° 31' 57" E*	*44.10*
L154	*N01° 09' 10" W*	*65.77*
L155	*N22° 16' 37" W*	*29.93*
L156	*N19° 16' 28" E*	*2.52*

L118	*N01° 25' 13" E*	*14.01*
L119	*N65° 15' 45" W*	*42.02*
L120	*N01° 22' 31" E*	*32.19*
L121	*N46° 17' 51" W*	*51.21*
L122	*N06° 49' 21" E*	*35.97*
L123	*N69° 35' 22" E*	*41.13*

Thence leaving the course of Big Branch, N 87° 20' 59" E 1317.72 feet to a point; thence N 00° 20' 59" E 1411.74 feet to a point; thence N 87° 17' 47" E 1396.96 feet to a point; thence S 02° 19' 40" W 527.05 feet to a point; thence S 90° 00' 00" W 750.13 feet to a point; thence S 00° 00' 00" W 967.73 feet to a point; thence N 77° 55' 24" E 389.22 feet to a point; thence N 01° 29' 14" E 148.65 feet to a point; thence N 65° 20' 41" E 538.98 feet to a point; thence S 02° 20' 59" W 179.73 feet to a point; thence S 02° 28' 41" W 1915.88 feet to a point; thence N 89° 11' 33" W 648.01 feet to the point and place of beginning and being all of Tract 3 containing 128.439 acres shown on a survey entitled "Exempt Division Survey – Property of Bobby and Elizabeth Poe" prepared by Riley Surveying, PA dated November 9, 2006.

Tract 2 (Poe):

BEING all of the 1.710 acre tract and the 0.042 acre tract shown as area in the right of way of Old Holly Springs – Apex Road shown on a map entitled "Property of Bobby W. and Elizabeth A. Poe, F.D. Prince, Sr, Trustee" recorded in Book of Maps 2002, Page 109, Wake County Registry, reference to which is hereby made for greater certainty of description and also being more particularly described as follows: Beginning at an existing nail in the northwest corner of the property of E.K. Huang, et. al. as described in Deed Book 6650, Page 866, Wake County Registry, and the southwest corner of the property of F.D. Prince, Sr. as described in Deed Book 8291, page 540, Wake County Registry, runs thence North 05 degrees 23 minutes 24 seconds East 64.21 feet to an iron pipe; thence North 74 degrees 31 minutes 24 seconds East 381.93 feet to an iron pipe; thence South 86 degrees 04 minutes 18 seconds East 863.27 feet to an iron pipe in the west right of way of SR 1153 (Old Holly Springs – Apex Road). Thence South 86 degrees 04 minutes 18 seconds East 30.32 feet to the centerline of SR 1153; thence along the centerline of SR 1153, South 12 degrees, 45 minutes 03 seconds West 60.72 feet to a point; thence with the north line of Huang, et. al., North 86 degrees 04 minutes 18 seconds West 30.32 feet to an existing iron pipe; thence North 86 degrees 04 minutes 18 seconds West 843.70 feet to an existing iron pipe; thence South 74 degrees 31 minutes 24 seconds West 394.54 feet to an existing iron pipe, the point and place of Beginning, and also being Tract 1 containing 1.754 acres shown on a survey entitled "Exempt Division Survey – Property of Bobby and Elizabeth Poe" prepared by Riley Surveying, PA dated November 9, 2006.

Tract 3 (Lyna):

BEGINNING at a point in the centerline of Old Holly Springs Apex Road, said point being calculated as follows: Beginning at a point in the line of Tract A shown on a map entitled "Proposed Subdivision and Recombination of Properties of Wake County" which is recorded in Book of Maps 1998, Page 782, Wake County Registry, said point also being North 45° 03' 47" East 1591.01 feet from the centerline of the intersection of Old Holly Springs Apex Road and

Woods Creek Road; thence North 09° 24' 42" East 362.56 feet to a point; thence North 85° 47' 44" West 162.21 feet to an iron pin in the centerline of Old Holly Springs Apex Road; thence along the centerline of Old Holly Springs Apex Road in an northerly direction along a left hand curve having a radius of 1963.49 feet an arc distance of 423.08 feet and chord bearing and distance of North 12° 12' 26" East 422.26 feet to the POINT AND PLACE OF BEGINNING: thence continuing along the centerline of said Old Holly Springs Apex Road in a northerly direction along a left hand curve having a radius of 1963.49 feet, an arc distance of 259.39 feet and a chord bearing and distance of North 02° 14' 59" East 259.20 feet; thence North 00° 00' 56" East 187.39 feet to a point; thence South 67° 20' 57" East 925.18 feet to a point; thence South 61° 30' 00" East 301.10 feet to a point; thence South 73° 33' 19" East 346.87 feet to a point; thence South 74° 36' 50" East 217.48 feet to a point; thence South 70° 39" 03" East 219.39 feet to a point; thence South 66° 06' 14" East 183.83 feet to a point; thence South 51° 10' 55" East 327.09 feet to a point in the centerline of White Oak Creek a/k/a Falls Branch Creek; thence along the centerline of said creek as follows: South 03° 23' 35" East 31.18 feet to a point; thence South 19° 58' 50" East 138.13 feet to a point; thence South 09° 01' 05" West 63.94 feet to a point; thence South 22° 49' 37" West 94.25 feet to a point; thence South 05° 19' 49" West 65.12 feet to a point; thence leaving the center line of said creek N 67° 48' 05" W 2481.26 feet to the point and place of BEGINNING and being all of Tract 1 containing 23.62 acres as shown on a survey entitled "Exempt Subdivision prepared for Apex Land Assemblage, LLC" by Riley Surveying, P.A. dated May 13, 2005.

Tract 4 (Reeves):

BEGINNING at a point in the line of Tract A shown on a map entitled "Proposed Subdivision and Recombination of Properties of Wake County" which is recorded in Book of Maps 1998, Page 782, Wake County Registry, said point also being North 45° 03' 47" East 1591.01 feet from the centerline of the intersection of Old Holly Springs Apex Road and Woods Creek Road, being the point and place of BEGINNING, thence North 09° 24' 42" East 362.56 feet to a point; thence North 85° 47' 44" West 162.21 feet to a point; thence North 85° 47' 44" West 30.48 feet to an iron pin in the centerline of Old Holly Springs Apex Road; thence along the centerline of Old Holly Springs Apex Road in an northerly direction along a left hand curve having a radius of 1963.49 feet, an arc distance of 423.08 feet and chord bearing and distance of North 12° 12' 26" East 422.26 feet to a point; thence leaving the centerline of said road South 67° 48' 05" East 2481.26 feet to a point in the centerline of White Oak Creek a/k/a Falls Branch Creek; thence along the centerline of said creek as follows South 05° 19' 49" West 39.71 feet to a point; thence South 17° 13' 42" West 52.16 feet to a point; thence South 63° 16' 26" West 25.88 feet to a point; thence South 17° 55' 39" West 68.74 feet to a point; thence leaving the line of said creek North 78° 00' 00" West 876.99 feet to a point; thence North 84° 10' 00" West 1370.01 feet to the point and place of BEGINNING, and being all of Tract 2 containing 23.62 acres as shown on a survey entitled "Exempt Subdivision prepared for Apex Land Assemblage, LLC" by Riley Surveying, P.A. dated May 13, 2005.

Tract 5 (Goodwin/ALAN):

BEING all that certain tract or parcel of land containing 54.650 acres, more or less, as shown on plat of survey entitled "Boundary Survey Prepared for Apex Land Assemblage, LLC" dated February 16, 2006 and revised February 23, 2006, prepared by Phillip W. Riley, professional Land Surveyor, of Riley Surveying, P.A. and recorded in Book of Maps 2006, Page 416, Wake County Registry, which plat is referenced for a more particular description.

Tract 6 (Adams):

BEING all that certain tract or parcel of land containing 86.334 acres as shown on plat of survey entitled "Boundary Survey, Prepared for HH Trinity Apex Investments, LLC, Holly Springs Township, Wake County, NC" dated September 17, 2007, prepared by Phillip W. Riley, Professional Land Surveyor, of Riley Survey, P.A. and recorded in Book of Maps 2007, Page 2469, Wake County Registry, which plat is referenced for a more particular description.

Tract 7 (Cox):

BEING all that certain tract or parcel of land containing 65.210 acres as shown on plat of survey entitled "Boundary Survey, Prepared for HH Trinity Apex Investments, LLC, Holly Springs Township, Wake County, NC" dated September 19, 2007, prepared by Phillip W. Riley, Professional Land Surveyor, of Riley Survey, P.A. and recorded in Book of Maps 2007, Page 2467, Wake County Registry, which plat is referenced for a more particular description.

Tracts 8 - 11 (Raymer):

BEING all those certain tracts or parcels of land designated as Tract I-A, containing 278.521 acres; Tract II, containing 2.134 acres; Tract III, containing 4.333 acres; and Tract 840' x 40', containing 0.626 acres, as shown on plat of survey entitled "Boundary Survey, Prepared for HH Trinity Apex Investments, LLC, Holly Springs Township, Wake County, NC" dated September 20, 2007, prepared by Phillip W. Riley, Professional Land Surveyor, of Riley Surveying, P.A. and recorded in Book of Maps 2007, Page 2468, Wake County Registry, which plat is referenced for a more particular description.

Tract 12 (Apex Town Square):

Being all of that certain tract of land lying in the Town of Apex, Holly Springs Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe at the northeastern corner of the now or formerly EMC Corporation property described in Deed recorded Book 2791, Page 428, Wake County Registry, said pipe also being located in the western line of the now or formerly Cash and Maynard Tract 1-A as shown on plat of survey recorded in Book of Maps 2003, Page 398, Wake County Registry (the "Plat"), said pipe being located North 02° 14' 00" East 271.08 feet from a common corner with said Cash and Maynard Tract 1-A and the now or formerly Cor Bregman property in said EMC Corporation's eastern property line as shown on the Plat; thence with said EMC Corporation's northern property line, South 89° 33' 33" West 1,910.66 feet to an existing iron pipe; thence with EMC Corporation's interior eastern property line, North 02° 07' 56" East

543.28 feet to an existing iron pipe, the southeastern corner of the now or formerly Colon Hobby property; thence with the eastern property line of said Colon Hobby property, North 00° 59' 41" East 734.53 feet to a set iron pipe marking the southwest corner of the said Cash and Maynard Tract 1-A; thence with said Cash and Maynard's Tract 1-A's southern property line and passing over an existing iron pipe at a distance of 15.08 feet, South 87° 48' 34" East 1,905.24 feet (total) to an existing iron pipe; thence continuing with said Cash and Maynard's Tract 1-A's interior western property line, South 01° 15' 42" West 1,190.09 feet to the point or place of BEGINNING, containing 53.939 acres, more or less, including any deed/survey gaps that may exist along the western line of the property herein described, as shown on the Plat, which Plat is referenced for a more particular description and being all of the property conveyed to Apex Town Square, LLC, by deed dated January 6, 2006, and recorded in Book 11766, Page 242, Wake County Registry.

Tract 13 (Bregman):

Lying and being in Town of Apex, Holly Springs Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe at a corner of the property now or formerly owned by Heartland Raleigh Apex U.S. 1 Limited Partnership (Book 4454, Page 666, Wake County Registry ["WCR"]), said pipe being located at NC Grid Coordinates: N=707,936.09; E2,048,195.68, and also being located South 31° 57' 19" West a distance of 2,292.37 feet (Grid) from NCGS Monument "TANK" (N=709,881.08; E2,049,408.93); from said POINT OF BEGINNING, running thence along and with the western line of the aforesaid Heartland Raleigh property the following courses and distances:

- South 02° 41' 34" West a distance of 537.74 feet to an existing iron pipe;
- South 02° 41' 34" West a distance of 100.28 feet to an existing iron pipe;
- South 02° 41' 34" West a distance of 2.08 feet to an existing iron pipe;
- South 02° 39' 56" West a distance of 37.18 feet to an existing iron pipe in the northern right-of-way of Technology Drive;

running thence along and with the northern right-of-way of Technology Drive the following courses and distances:

- along and with the arc of a curve to the left having a radius of 411.97 feet (Chord Bearing: South 60° 59' 56" West; Chord Distance: 224.57 feet) a distance of 227.45 feet to an existing iron pipe;
- South 45° 37' 55" West a distance of 288.89 feet to an existing iron pipe;
- South 44° 59' 17" West a distance of 549.68 feet to an existing iron pipe;
- South 44° 59' 17" West a distance of 70.66 feet to an existing iron pipe;
- along and with the arc of a curve to the right having a radius of 351.97 feet (Chord Bearing: South 57° 36' 33" West; Chord Distance: 151.96 feet) a distance of 153.17 feet to an existing iron pipe;
- along and with the arc of a curve to the right having a radius of 351.97 feet (Chord Bearing: South 79° 30' 30" West; Chord Distance: 115.27 feet) a distance of 115.79 feet to an existing iron pipe;
- South 88° 51' 29" West a distance of 164.77 feet to a point in the eastern line of property

now or formerly owned by Data General (Book 2791, Page 428, WCR);

leaving the northern right-of-way of Technology Drive and running thence along and with the eastern line of the aforesaid Data General property, North 02° 16' 29" East a distance of 1,200.00 feet to an existing iron pipe; continuing with the eastern line of the Data General property and running thence North 02° 17' 20" East a distance of 416.31 feet to an existing iron pipe in the southern line of the aforesaid Heartland Raleigh property; running thence along and with the southern line of the Heartland Raleigh property, South 86° 16' 48" East a distance of 1,218.14 feet to the POINT AND PLACE OF BEGINNING, containing 34.0763 acres, more or less, and being all of Tract 4 north of the right-of-way of Technology Drive, as shown on that certain survey entitled "Recombination And Minor Subdivision of Technology Drive Property For Thomas H. Byrd, III", dated December 11, 1996, and prepared by Niall W. Gillespie, R.L.S. (No. L-2629) (File Name: BYRDTOPO), to which survey reference is hereby made for a more particular description, and being the same property conveyed to Cor S. Bregman by deed recorded in Book 7409, Page 255, Wake County Registry, and being the same property conveyed to Cornelius S. Bregman and Kandes K. Bregman, as Trustees of the Cornelius and Kandes Bregman Trust, under Agreement dated September 20, 1999 by deed recorded in Book 10856, Page 2786, Wake County Registry, LESS AND EXCEPT (i) the property conveyed to Thomas H. Byrd, IV, and wife Lisa W. Byrd, by deed recorded in Book 10129, Page 491, Wake County Registry, and (ii) the property conveyed to the Department of Transportation by deed recorded in Book 8128, Page 153, Wake County Registry.

Tracts 14 - 15 (EMC):

Being all those certain tracts or parcels of land containing approximately 47.419 acres and identified as portions of parcel identification numbers 0740672147 (containing approximately 46.61 acres) and 0740570471 (containing approximately 77.66 acres), and as generally shown as Tract 2 on the map attached hereto as Schedule 1.

Tract 16 (Whitehouse):

Being all that certain tract or parcel of land containing approximately 27.47 acres and identified as parcel identification number 0740287376 and being the same property conveyed to Brenda P. Whitehouse, individually, a 55% undivided interest, and Brenda P. Whitehouse as Trustee of the Irene F. Prince Family Trust dated February 19, 2004, a 45% undivided interest, by deed recorded in Book 10680, Page 477, Wake County Registry.

Tract 17 (F. Prince):

Being all that certain tract or parcel of land containing approximately 75.63 acres and identified as parcel identification number 0740191376 and being the same property conveyed to F.D. Prince, Sr., sole Trustee, or his successors in trust, under the Frank Dixon Prince, Sr. Living Trust, dated October 20, 1988, and any amendments thereto, by deed recorded in Book 8291, Page 540, Wake County Registry.

Tract 18 (F. Prince):

Being all that certain tract or parcel of land containing approximately 21.36 acres and identified as parcel identification number 0730996270 and being the same property conveyed to F.D. Prince, Sr., sole Trustee, or his successors in trust, under the Frank Dixon Prince, Sr. Living Trust, dated October 20, 1988, and any amendments thereto, by deed recorded in Book 8291, Page 540, Wake County Registry.

Tract 19 (B. Prince):

Being all that certain tract or parcel of land containing approximately 32.06 acres and identified as parcel identification number 0741207566 and being the same property conveyed to William Ira Prince, III, by deed recorded in Book 2673, Page 652, Wake County Registry.

Tract 20 (J. Prince):

Being all that certain tract or parcel of land containing approximately 1.80 acres and identified as parcel identification number 0740293940 and being the same property conveyed to William I. Prince and Jean P. Prince, by deed recorded in Book 6217, Page 146, Wake County Registry.

Tracts 21-38 (Stephens):

Being all of those certain tracts or parcels of land identified as parcel identification numbers 0740886966, 0740991702, 0740992565, 0740991337, 0740991237, 0740990140, 0740980647, 0740982309, 0740982534, 0740982635, 0740982769, 0740982866, 0740982964, 0740982929, 0740992024, 0740992069, 0740992169 and 0740982764.

Tract 39 (Tew):

Being all that certain tract or parcel of land containing approximately 1.84 acres and identified as parcel identification number 0741203157 and being the same property conveyed to Kim Prince Tew, and husband, David Wayne Tew, by deed recorded in Book 10633, Page 1741, Wake County Registry.

Tract 40 (Huang):

Being all that certain tract or parcel of land containing approximately 13.33 acres and identified as parcel identification number 0740180091 and being the same property conveyed to Ruey Shiue Huang, Co-Trustee, and Edward K. Huang, Co-Trustee, of The Huang Family Trust, dated September 30, 2005, by deed recorded in Book 10656, Page 33, Wake County Registry.

Attachment B

Environmental Enhancement Plan

Veridea

Apex, NC

November 1, 2022

Revised: December 1, 2022

2nd Revision: January 31, 2023

3rd Revision: February 3, 2023

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INTRODUCTION

On May 10, 2011, the Town of Apex adopted the Veridea Sustainable Development Plan ("SD Plan"). As set forth in the SD Plan, Veridea will be planned and developed as a safe, healthy, resource efficient, pedestrian and transit-oriented mixed-use community in accordance with these Guiding Principles:

- Create economic value;
- Eliminate the concept of waste;
- Insist on a renewable future;
- Create delightful urban places; and
- Integrate nature throughout the community.

The SD Plan is intended to encourage a pattern of high density, pedestrian-friendly development in some areas of Veridea and the conservation or enhancement of natural space in other areas. This Environmental Enhancement Plan ("EEP"), required by SD Plan Article 3.1.2, sets forth specific environmental Sustainability Standards applicable to Veridea to guide the development of Veridea in accordance with the SD Plan pursuant to Article 2.3.16 F) 3) b) of the Apex Unified Development Ordinance ("UDO"). The Sustainability Standards set forth in this EEP are intended to protect natural resources and the environment in light of this development pattern and to address secondary and cumulative impacts associated with the infrastructure required for Veridea. Unless otherwise defined herein, capitalized terms used in this EEP have the same meaning assigned to them in the UDO and in the SD Plan.

A. Purpose of the Environmental Enhancement Plan (EPP)

Taken as a whole, the Sustainability Standards set forth in the SD Plan and the EEP will provide a level of environmental protection that equals or exceeds the traditional metrics set forth in the Apex UDO, State and federal laws. A development project of Veridea's scale affords a rare opportunity to meaningfully plan for a more resilient future, by implement best practices in diversifying land use, building design, waste avoidance, energy optimization, water conservation and protection, transportation and open space. The EEP provides a framework for sustainable development principles over the lifespan of this multi-phase project.

B. Balancing Growth and Environmental Protection

In an effort to provide a holistic review of the Town's growth projections and infrastructure planned to support that growth, the Town of Apex has prepared a Secondary and Cumulative Impact Master Mitigation Plan (the "SCIMMP"), which examines the potential secondary and cumulative impacts throughout the Town's Planning Area associated with planned infrastructure. The SCIMMP acknowledges that sprawling development—the secondary and cumulative impacts associated with water, sewer and transportation infrastructure—will result in adverse environmental impacts and points out that Apex has taken progressive steps to balance the competing goals of growth and environmental protection. As noted in the SCIMPP, Apex has implemented mitigation measures that limit sprawl by encouraging areas of higher density development, such as is represented by Veridea.

While the SCIMMP served as a point of reference, this EEP sets forth alternative standards as an enhancement and mitigation strategy to address the potential secondary and cumulative impacts noted in the SCIMMP that may occur within Veridea. Specifically, the EEP, like the measures noted in the SCIMPP, is intended to balance the goals of growth and environmental protection, by facilitating

compact, dense, development that, in certain respects, is inherently less impactful than automobile-oriented low density residential development and that also lends itself to innovative environmental protection measures. The compact urban spaces in Veridea will allow for the use of both structural and non-structural SCMs, including innovative techniques for urban areas, for water quality protection that meets or exceeds that required by the measures noted in the SCIMPP. Similarly, the compact urban spaces in Veridea will be pedestrian- bicycle- and transit-oriented and, for this reason, will result in decreased automobile use and vehicle miles traveled. The decreased dependence on automobiles within Veridea will, in turn, improve air quality through the reduction of vehicular traffic and mobile energy consumption. In combination, the SD Plan and the EEP will result in the creation of compact, walkable, vibrant, and interconnected community that balances the goals of development and environmental protection and offers residents and visitors a high quality of life.

C. Organization of the Environmental Enhancement Plan

The EEP is organized into the following sections:

1. Building Standards
2. Environmental and Natural Resource Protection
3. Stormwater & Surface Water Management
4. Land Management
5. Air Quality Protections

I. BUILDING STANDARDS

A. Energy

1. Non-Residential and Mixed-Use Buildings Energy Efficiency

a. In furtherance of the goals set forth in SD Plan 3.7.2, all non-residential and mixed-use buildings in Veridea shall provide plan analysis demonstrating improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2010 Appendix G. (Note: 2010 ASHREA is being referenced here, consistent with current LEED Rating System benchmark standard)

b. At build-out of Veridea, a minimum of 50% of non-residential buildings within Veridea shall be certified under one of these 3rd Party Certification Program options:
   i. LEED Rating System
   ii. Green Globes
   iii. Fitwel
   iv. Similar alternative standard as determined by the Responsible Party

   Responsible Party will ensure the ability to meet this 50% commitment at the time of each non-residential building permit application to the Town of Apex.

c. Solar facilities may be installed on the roofs of building occupied by industrial uses. Installation of solar facilities will be subject to a Return of Investment Analysis consistent with industry practices.

d. Solar facilities will be installed in the open space required to be dedicated per the SD Plan.

e. Documentation
   i. For all buildings, a letter of compliance shall be provided to the Town with the submittal of building permits for that building by a Professional Engineer (PE) licensed to practice in North Carolina, an architect licensed in North Carolina, OR a qualified third-party certifier stating that, in his or her opinion, the building design demonstrates improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2010 Appendix G.

   ii. For each building that is developed to meet the standards for certification under one of the 3rd Party Certification Options, a letter of building certification from the selected program shall be provided to the Town at building completion.

2. Residential Buildings Energy Efficiency

a. All single-family, townhomes, multi-family, and condominium residential dwelling units to be constructed in Veridea must meet at least one of the following options (or similar alternative standard as determined by the Responsible Party).
   i. Energy Star Program Certification
   ii. ecoSelect Program Certification
   iii. Clear Program Certification
   iv. Passive House Institute US Certification
   v. DOE Zero Energy Ready Home (ZERH) Program

vi. National Green Building Standards (NGBS Program) Certification
vii. LEED for Homes Program Certification
viii. Similar alternative standard as determined by the Responsible Party

b. Certification Program Approval – Prior to the recordation of any final plat for single-family, townhome, or condo lots Town of Apex staff shall review and approve the selected residential energy efficiency program for compliance with this Plan.

3. Renewable Energy

a. Veridea will create a receptive environment for solar energy technologies. Panels will be allowed on any roof orientation while also maintaining compliance with architectural design guidelines
b. Conduit for wiring of solar panels shall be provided in all single-family and townhome residential units.

B. Water Efficiency

All water fixtures and appliances shall be rated, and design of buildings shall incorporate water-saving measures. Proof of compliance with the provisions below will be per I.A.1.c hereof.

1. Bathroom Fixtures
   a. 100% of showerheads, lavatory faucets and toilets/urinals shall be WaterSense rated fixtures.

2. Water Using Appliances
   a. Dishwashers and clothes washers installed by builder must be Energy Star qualified.

3. Water Efficient Design for Residential Plumbing Systems
   a. To reduce water wasted while waiting for hot water to be delivered to a fixture, the hot water pipe length shall be no more than 50 feet when measured from the water heater to the furthest fixture for all residential units, where practicable. For units with recirculation systems installed, demand-initiated controls should be encouraged.

4. Landscape Practices
   a. Landscape plantings shall be drought tolerant, native, and locally adaptive species (including turf); at minimum 80% of plantings. Such plantings shall be presented on plans submitted to the Town of Apex for review.

   b. When installed, irrigation systems shall be equipped with weather-based or soil moisture sensor-based controllers. Spray heads shall be limited to turf areas only. Reclaimed water should be used if available.

C. Indoor Air Quality

Residential (single-family, townhome, multi-family, and condominium) designs and construction within Veridea shall include practices that enhance indoor air quality. Proof of compliance with provisions below will be provided per I.A.1.c and I.A.2.b hereof.

1. Building Envelope
    a. Smoking restrictions implemented AND ETS transfer pathways minimized for commercial and multi-unit residential buildings.

2. Mechanicals
    a. Equipment designed and selected to keep relative humidity < 60% for conditioned space.
    b. Minimum MERV 8 filter on forced air HVAC systems
    c. All fireplaces within conditioned space are direct vented with gasketed doors. NO UNVENTED/VENT FREE FIREPLACES allowed within conditioned space.

3. Materials
    a. Interior paints and finishes certified low emission (Zero or less than 50g/l VOC content).
    b. Carpet, carpet adhesives, and carpet cushion certified low emission per the Carpet and Rug Institute (CRI) Indoor Air Quality Program (CRI Green Label Plus).

D. Material Management

Proof of compliance with provisions below will be provided per I.A.1.c and I.A.2.b hereof.

1. Storage and Collection of Recyclables
    a. Within every mixed-use or nonresidential project, recycling containers adjacent to other waste receptacles or recycling containers integrated into the design of the receptacle shall be provided.

2. Recycled Content
    a. To increase demand for building products that incorporate recycled content materials, special consideration must be given to contractors proposing to use materials with recycled content.

3. Regional Materials
    a. To increase demand for building materials and products that are extracted and manufactured locally, and in doing so supporting the use of indigenous resources and reducing the environmental impacts resulting from transportation, special consideration must be given to contractors proposing to use building materials or products which have been extracted, harvested or recovered, as well as manufactured, within 500 miles of Veridea.

II. ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION

A. Resource Conservation Area – SD Plan Article 3.4.3.1.

From its inception, Veridea has been conceived of and planned as a place in harmony with its natural surroundings. The standards contained herein and in the SD Zoning Plan encourage and require site design techniques that preserve the natural and cultural environment, thereby enhancing the developed environment.

1. Standards

a. Resource Conservation Area (RCA) - Apex has recognized that compliance with the Town's existing RCA requirements set forth in the UDO would prevent certain highly desirable development characteristics, such as density and connectivity, and has exempted areas intended for dense activity centers from the requirement of RCA. In keeping with this precedent, and to achieve the vision of Veridea, as set forth in SD Plan Article 3.1.3, notwithstanding UDO Article 8.1.2.C), 100-acres of land within Veridea shall be established as RCA.

b. Establishment of RCA - Notwithstanding UDO Article 8.1.2.A), RCA shall be established in Veridea according to the criteria set forth in III.A.2 hereof. RCA shall be shown on Master Subdivision Plans and Site Plans where applicable.

2. Criteria for Establishing Resource Conservation Area in Veridea

A. Categories of RCA

1. UDO 8.1.2.B.1 shall apply within Veridea.

2. Restoration Areas – restored, repaired and/or stabilized degraded stream channels, restored or re-vegetated stream buffers, constructed wetlands areas that are restored using innovative techniques authorized in accordance with IV.A.1 hereof, and SCMs that are amenities in accordance with IV.A.2.d hereof may be established as RCA.

3. In addition, any land within the Veridea SD zoned area placed in a conservation easement and deeded to the Master Property Owners' Association, or sub-associations within Veridea, or a qualified land management agency, such as but not limited to the Triangle Land Conservancy, may qualify as RCA.

4. In addition, as set forth in SD Plan 3.4.3.1.e, both:
    a. Open Space, excluding Civic Buildings and all associated parking, municipal parking lots, and parking associated with Open Space that exceeds the direct needs of such Open Space; and
    b. Recreation area provided in Public Space or Civic Space within the Development including, but not limited to, open space, pools, tennis courts, tot lots, ball fields, and village greens shall be allowed to be counted as partial credit toward the RCA requirement. The credit for such area shall be 50% of the area provided. (For example, 1 acre of area shall count as 0.5 acres of RCA.) In order to qualify as RCA, the area must be located on a lot 0.5 acre or larger in size.

5. Land utilized for renewable energy generating facilities qualifies as RCA.

6. Existing or proposed private easements that are also utilized for a trail, for a pedestrian walkway, as a passive recreational amenity, through environmentally sensitive areas, or as community gardens for public educational, recreational, or shared community use shall qualify as RCA.

B. Site and Tree Survey Required

1. UDO 8.1.2.B.2 shall apply within Veridea.

2. Notwithstanding the foregoing, consistent with IV.C.1 hereof and Section 3.4.3.1 of the Veridea SD Plan, UDO 8.1.2.B.2.f shall not apply within Veridea.

C. Ownership of RCA in Subdivisions

The RCA within a subdivision shall be designated so that the RCA may not be removed, modified, or damaged. The RCA shall be a separate Lot(s) and be owned in common by the Lot owners or owned by a separate entity or entities (e.g. property owner's association, development corporation, building lot owner or owners, land management agency or non-profit such as a land trust or conservancy, etc.) In no case shall the RCA for one subdivision be owned by more than 3 entities.

D. Designation of RCA

Though RCA shall be calculated for Veridea cumulatively, approved RCA shall be shown on the Site Plan or Subdivision Plan for each development site. The RCA shall be shown on the final plat with metes and bounds, to be preserved in perpetuity.

F. Standards for Protection During Construction

The standards set forth in UDO 8.1.2.G shall apply within Veridea except to the extent that such standard is inconsistent with the provisions of this EEP or SD Plan.

G. Development Restrictions on Steep Slopes

UDO 8.1.4 shall apply within Veridea.

III. STORMWATER & SURFACE WATER MANAGEMENT

A. Stormwater Management – SD Plan 3.4.3.2.a.

As set forth in SD Plan 3.4.3.2.a, the objectives for stormwater management within Veridea are:

i. Reducing pollutants to protect surface water bodies;
ii. Promoting recharge of ground water resources;
iii. Reduce / minimize flooding within the Development and downstream;
iv. Enhancing safety and aesthetics for the public; and
v. Creating wildlife habitats and educational opportunities.

All SCMs implemented within Veridea shall comply with the NC Department of Environmental Quality (NC DEQ) Stormwater Design Manual Considerations for selecting and using SCMs within Veridea will include, but are not limited to: site applicability, public safety, spatial requirements, soil characteristics, hydrologic benefits, slope, existing land use conditions, and maintenance requirements. In addition to the items listed above, it is the goal to make stormwater features amenities within Veridea and assets to the overall aesthetics of Veridea and the Town.

1. Approved SCMs

The following SCMs are approved for implementation in Veridea.

a. Detention systems that capture a volume of runoff and temporarily detain that volume for release over several days.

b. Constructed wetland systems that are similar to retention and detention systems, except that a major portion of the SCM water surface area (in pond systems) or bottom (in meadow-type systems) contains wetland vegetation.

c. Filtration systems that use some combination of a granular filtration media such as sand, soil, organic material, carbon or a membrane to remove typical pollutants found in runoff.

d. Vegetated systems (biofilters) such as green roofs, green walls, swales, filter strips that are designed to convey and treat either shallow flow or sheet flow runoff.

e. Innovative systems, as defined by 15A NCAC 02H.1003(6), or proprietary systems, may be approved by the Town on a case-by-case basis.

f. Regional stormwater management facilities, to augment, and/or in lieu of, on-site treatment and detention for stormwater management that is implemented on a Lot by Lot or Project by Project basis, to the extent allowed by applicable Federal and North Carolina law and regulation.

2. SCM Standards

a. SCM's will be designed to provide a minimum of 85% TSS removal from stormwater runoff from their contributory drainage area.

b. Downstream of Veridea: post-development peak flows shall not exceed pre-development peak flows for the 25-, 10-, and 1-year storms. Roadway projects shown on the Thoroughfare and Collector Street Plan of the Town of Apex and undertaken in public rights-of-way within Veridea shall be deemed exempt from these requirements.

c. Storage volumes shall be provided such that the runoff from the required water quality storm event (1.0-inch of rainfall) does not draw down in less than two days and that the volume is drawn down completely within five days.

d. To enhance the overall aesthetics of Veridea and the Town, SCMs that are amenities within Veridea may receive credit toward the Open Space requirement per SD Plan 3.1.3 or Resource Conservation Area per SD Plan 3.4.3. For a SCM to receive credit toward the Open Space requirement, it shall be designed to provide at least five (5) of the following features:
   i. Pedestrian access by way of an installed soft or hard surface path from the nearest pedestrian pathway;
   ii. Use of similar plant materials as those used in adjacent and surrounding planting beds;
   iii. Limit rip rap to 15% of the total surface area of the stormwater facility used for stabilization;
   iv. Plant pallet comprised of native and adaptive plant material that provides for visual interest and diversity, while attracting wildlife;
   v. Curvilinear forms that define the limits of the facility to avoid simple shapes that are incongruent with the natural topography of the site;
   vi. Active water feature;
   vii. Elements that provide opportunities for passive recreation including site furnishings, overhead shelter, and pleasant views;
   viii. Educational opportunities in the form of educational signage;
   ix. Fitness opportunities added along a pathway; and

e. SCM's meeting the standards of III.A.2.a.2 hereof, exclusive of riprap areas, may receive credit as Resource Conservation Area.

f. Structural SCMs shall be designed in accordance with UDO 6.1.12 and other applicable Town standards.

g. Described area containing each structural SCM shall be depicted on the site plan or Subdivision Plan and on the final plat in accordance with UDO 6.1.12.C.

h. For all structural SCMs approved, the owner of such SCM shall have an operation and maintenance agreement in accordance with UDO 6.1.12.D. An operation and maintenance agreement shall not be required for non-structural SCMs. For the purposes of this EEP, non-structural SCMs shall be defined as practices implemented in single family residential or commercial applications that are less than one-acre of disturbed area and generally include but are not limited to: disconnecting downspouts and other runoff features, limiting impervious surface and land disturbance, and other non-structural practices as approved by the Town.

i. Performance guarantees, maintenance and maintenance guarantees and inspection requirements for SCMs shall comply with UDO 6.1.12.G), H), and I).

j. SCMs located in a public right-of-way or easement require an encroachment and maintenance agreement with the Town before such encroachment is made, in accordance with SD Plan 3.3.5.

k. Storm drainage easements shall be recorded to identify the locations of SCMs on a Lot(s). The owner of the Lot shall not remove or structurally alter such SCM without prior written approval from the Town.

3. Floodplain

a. FEMA regulated floodplain is located in the southwestern portion of the parcel. Local floodplain will be determined through the definition of a base flood elevation by means of a detailed hydraulic report for streams with a drainage area greater than 100-acres. Per allowances in the UDO 6.2.16.B, non-residential buildings shall be allowed in the floodplain, and there shall be no over-riding requirement to preserve floodplain as RCA.

b. Notwithstanding UDO 6.2.3, stormwater management, detention and retention facilities may encroach within potential on-site flood hazard areas where a base flood elevation has been established pursuant to UDO 6.2.17.B. Where proposed, the detailed hydraulic analysis revising the base flood elevation will be provided at the time of site plan or subdivision submittal.

c. Revisions / modifications to the base flood elevation, including but not limited to fill and grading, may be submitted at the time of site plan or subdivision plan submittal in the event that the flow within a stream is changed and will impact the base flood elevation. Any modifications to FEMA regulated floodplain will be permitted in accordance with local and federal regulations.

B. Water Conservation – SD Plan 3.4.3.2.b.

The careful stewardship of the use of water within Veridea is set forth in the SD Plan goals for water conservation are:

- Reducing per capita water use while retaining attractive landscapes;
- Protection of ground and surface water supplies from unsustainable depletion;
- Eliminating unnecessary waste in water use practices;
- Reducing wastewater treatment volume and associated municipal expenditures;
- Promoting the increased use of re-use water for irrigation.

To achieve these goals water conservation standards in Veridea will include:

1. Water Efficient Landscape Practices

a. Planting

i. The planting of landscape materials shall be in accordance with the Town of Apex, NCDEQ, or North Carolina Cooperative Extension standards for drought tolerant, native, and locally adaptive species.

ii. Plant materials shall be chosen to thrive based on their exposure to sun, wind, and soil conditions.

iii. Landscape beds shall provide a 3" layer of mulching material.

iv. Plants shall be grouped according to water needs, or "hydrozones," to limit overwatering.

b. Irrigation

i. Irrigation systems shall be equipped with weather-based or soil moisture sensor-based controllers.

ii. Installation of spray heads shall be limited to turf areas only.

2. Storm Water Re-use

a. Re-use of stormwater for non-potable applications such as irrigation, vehicle washing, cooling tower make-up water, etc. will be encouraged, for both commercial and residential applications. Stormwater reuse will be utilized in the portions of Veridea approved for multi-family uses. Installation of stormwater reuse facilities will be subject to the design teams review of the viability on each building. Landscaped areas within the multifamily residential development will be irrigated with stormwater reuse where practicable. Where re-use water is not available, potable water may be used for irrigation in accordance with the Town of Apex Water Conservation Ordinance.

b. Re-use water may be used for irrigation in areas of public or private lawns, landscaping or recreation area.

c. Where a centralized chiller plant is utilized, and where practical, re-use water may provide cooling tower make-up water.

C. Surface Water Enhancement – SD Plan 3.4.3.2.c.

As set forth in SD Plan 3.4.3.2.c, the objectives for surface water enhancement within Veridea are:

- Maintaining water quality by capturing or controlling sediment, nutrients, and other pollutants per the minimum requirements of the Town of Apex;
- Ensure that post-development peak flows do not exceed pre-development flows for the 25-year storm event;
- Augmenting low flow from SCM's to improve downstream aquatic habitat;
- Enhancing public use and enjoyment of the natural system; and
- Install signage prohibiting pet waste and use of fertilizers near environmentally sensitive areas.

1. Stream Protection Buffers -

Veridea is located in the Secondary Watershed Protection District per the Town of Apex Watershed Protection Overlay District dated May 2022 and will utilize the High-Density Development Option. All perennial and intermittent streams have been field verified by the Town of Apex; verification is included as Appendix A to this Plan. Stream buffers will be maintained pursuant to 6.1.7.B of the Town of Apex UDO.

As provided in 6.1.7.b.2 of the Town of Apex UDO, a vegetative buffer an average width of not less than 100' shall be maintained along each side of a perennial stream and at no point shall the buffer width be less than 50'. While buffer widths may vary from the map included as Appendix B of this Plan, final buffer area provided within Veridea shall not be less than 166.87 acres.

The Town of Apex verification of the perennial and intermittent streams shall be valid for the period of the validity of any Army Corps of Engineers Individual / Nationwide Permit.

a. Future buffer authorizations within Veridea shall be in accordance with process in Section 6.1.11 of the Town of Apex UDO.

b. Impacts to the established stream protection areas established herein shall be mitigated per Section 6.1.13 of the Town of Apex UDO.

c. For the purposes of this EEP, "stream protection areas" shall refer to protected areas including floodways and floodplains Buffer widths shall be as described in Appendix B.

2. Mitigation

With a project the size and density of Veridea some unavoidable impacts are necessary to accommodate the required vehicular and pedestrian transportation improvements and utility infrastructure. The EEP proposes specific mitigation options to address these impacts. These impacts will be limited, yet necessary to address:

- Vehicular and pedestrian transportation improvements and interconnectivity

- Utility infrastructure that will serve Veridea as well as adjacent lands which are yet to be developed.

- Non-erosive outlets for stormwater management facilities

- Intermittent streams and isolated wetland pockets as needed to create developable land areas to support the proposed densities.

a. Mitigation for impacts to wetlands will be accomplished per the regulations of the United States Army Corps of Engineers and North Carolina Division of Environmental Quality.

b. Mitigation for impacts to streams will be performed, as required by any applicable federal or state law or regulation. The appropriate parameter to use in establishing the required mitigation, length or area, will be selected based on the type of stream area impacted and the proposed mitigation measure selected.

c. In all cases where mitigation is required for impacts to the buffer, a Plan shall be submitted with each site plan or subdivision plan depicting the proposed mitigation for those impacts. The mitigation requirement may be met through one of the following options, which are consistent with mitigation alternatives set forth in UDO 6.1.14.C:
   i. Construction of an alternative measure or combination of measures that reduce nutrient loading equal to or better than the setback that is lost and that is approved by the Town. Such measures may include stormwater SCMs, including LID applications, and other means of capturing and controlling nutrients and other pollutants and shall be located on the site of the riparian buffer that is lost, if practicable, or as close to that location as is practicable;
   ii. Payment of compensatory mitigation fee to a private mitigation bank that complies with banking requirements of the US Army Corps of Engineers, currently set out at http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html or from the US Army Corps of Engineers, P.O. Box 1890, Wilmington, NC, 28402-1890;
   iii. Donation of real property or of an interest in real property pursuant to Sec. 6.1.14.F; or
   iv. Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Sec. 6.1.14.G.

d. Any and all mitigation performed pursuant to this EEP shall be available for use as mitigation credit against a federal or North Carolina mitigation requirement.

e. The following two documents, along with the Veridea Guiding Principles, will be used as guidance in the preparation of the mitigation measures:
   i. "Stream Mitigation Guidelines, April 2003", published by the US Army Corps of Engineers, as may be amended or updated from time to time, attached as Appendix 8, in particular Section 10.A Flexible Stream Mitigation, Urban Watershed Management; and
   ii. "EEP Mitigation Plan Template, Version 2.0 03-27-08", prepared by the North Carolina Ecosystem Enhancement Program, as may be amended from time to

time.

f. The TRC or Town Council, as applicable, in the event of an exception granted in as contemplated by SD Plan 3.4.1, shall approve the mitigation measures upon finding that the plan provides for:
   i. The option chosen for meeting the mitigation requirement and the required area of mitigation;
   ii. Consistency with the standards set forth in IV.C.2.c hereof;
   iii. Engineering feasibility;
   iv. Operation and maintenance, if any is required hereunder; and
   v. The offset payment amount, as applicable.

IV. LAND MANAGEMENT

A. Sedimentation & Erosion Control Standards

The goals for sedimentation and erosion control set forth in the SD Plan 3.4.3.3.a are:

i. Minimize disturbance to vegetation and soils
ii. Minimize runoff and diversion;
iii. Minimize the need for additional storm drainage facilities;
iv. Reduce sedimentation; and
v. Prompt stabilization after land clearing and grading

The most effective sedimentation and erosion control prevention is born from careful planning of grading activities, continuous inspection of the installed erosion control devices and ongoing maintenance of the devices to insure optimal performance.

a. Design - The Town's standards for design for the 25-year storm event and 3,600 cubic feet of volume per disturbed acres shall be implemented in Veridea.

b. Shared facilities – To minimize grading, where stormwater management devices are proposed those devices may first serve as erosion control sediment basins or traps and be converted to permanent stormwater management devices as soon as the contributing drainage area is sufficiently stabilized.

c. Stabilization – All land disturbing activity is to be planned and coordinated, to the extent practical, to minimize the disturbed areas exposed at any one time. Disturbed areas must be seeded after 7-working days of completion of grading. All remaining areas must be seeded and mulched, or otherwise stabilized within 14 calendar days after completion of grading of any phase of the project.

d. Outlet structures shall be designed to only draw down the cleanest water from the surface of the erosion control device.

e. Along with the required inspections after each storm event, weekly inspections will be performed to ensure that the installed devices have not been altered by construction activities. A log will be maintained by the contractor on each project demonstrating the vigilant monitoring and maintenance of the erosion control facilities.

f. Due to the mixed-use nature of the Veridea, residential development of single-family lots, townhomes, and condominiums within Veridea, net of public rights-of-way, RCA, and public and private easements, shall be exempt from the requirements of Section 7.2.5 of the Town of Apex UDO. Site Plans for single-family only developments in Veridea shall not be exempt from the requirements of 7.2.5.

B. Waste Minimization – SD Plan 3.4.3.3.b.

The waste minimization standards shall support the solid waste goals identified in the Wake County Environmental Stewardship Agenda, adopted by the Wake County Board of Commissioners February 21, 2005 and as may be amended from time to time.

a. Land-clearing Debris - Excavated soil and rock and land-clearing debris shall be re-used, to the extent allowed by applicable federal, state and local law, within Veridea to the maximum extent practicable. To this end, land-clearing debris may be mulched and used for landscaping and/or site stabilization purposes within Veridea.

b. Soil Stockpiles – Soil stockpiles 30' or less in height shall be permitted within the boundaries of Veridea. Stockpiles over 30' in height, but not exceeding 50', shall be permitted provided they are setback from property lines and thoroughfares a minimum of 100'. The maximum slope permitted for soil stockpiles is 3:1.

c. Mulch Stockpiles – Mulch stockpiles shall not exceed 15 feet in height and shall be stored no longer than 45 days.

C. Perimeter Buffers

a. A 10' Type B buffer is required where the SD zoning abuts property zoned or used primarily for residential purposes. This buffer is intended to remain undisturbed. If disturbance is necessary due to site constraints or other limiting factors, the areas disturbed will be replanted per the Type A Buffer standards in the Town of Apex UDO.

b. A 10' Type B Buffer is required when the SD zoning abuts property zoned or used primarily for retail, industrial, or other similar uses. This buffer is intended to remain undisturbed. If disturbance is necessary due to site constraints or other limiting factors, the areas disturbed will be replanted per the Type A Buffer standards in the Town of Apex UDO.

c. A 50' Type B Buffer is required where the residential uses in the SD zoning abut the rights-of-way of US-1 and NC-540. This buffer is intended to remain undisturbed. If disturbance is necessary due to site constraints or other limiting factors, the areas disturbed will be replanted per the Type A Buffer standards in the Town of Apex UDO.

d. A 20' Type B Buffer is required where non-residential and vertical mixed uses abut the rights-of-way of US-1 and NC-540. This buffer is intended to remain undisturbed. If disturbance is necessary due to site constraints or other limiting factors, the areas disturbed will be replanted per the Type A Buffer standards in the Town of Apex UDO.

e. When a building is constructed within 25' of the right-of-way of NC HWY 55, a planted 10' Type D buffer is required adjacent to NC HWY 55. No building shall be closer than 10' to the required buffer. This buffer is intended to remain undisturbed. If disturbance is necessary due to site constraints or other limiting factors, the areas disturbed will be replanted per the Type A Buffer standards in the Town of Apex UDO.

f. When a building is constructed more than 25' from the right-of-way of NC HWY 55, a planted 15' Type A buffer is required adjacent to NC HWY 55. This buffer is intended to remain undisturbed. If disturbance is necessary due to site constraints or other limiting factors, the areas disturbed will be replanted per the Type A Buffer standards in the Town of Apex UDO.

g. If additional property is added to the SD zoning, buffers on existing and newly added property shall meet the preceding buffer requirements or be removed, as applicable.

h. Greenways and side paths are permitted to traverse perimeter buffers.

D. Landscaping

a. Where feasible, deciduous shade trees shall be planted on the south sides of buildings; evergreens shall be planted on the north side.

b. Pollinator friendly landscaping will be planted in landscaped areas where feasible.

c. All landscaping planted within Veridea shall be listed in the Town of Apex's Design and Development Manual.

V. AIR QUALITY PROTECTION

In recognition of the impacts of greenhouse gas emissions that a development the size of Veridea could have the SD Plan 3.4.3.4. establishes air quality goals. The following standards aim to achieve these goals.

a. Multiple land uses that will provide the services and facilities to increase the internal trip capture of the community and reduce vehicular trip generation and vehicle miles traveled both within and outside Veridea.

b. Interconnected development that will provide sidewalks, greenways and walking paths to link land uses through-out the development to be accessible by means other than motorized vehicles.

c. Linear parks will be constructed along Jessie Drive to encourage walking and biking, preserve and highlight environmental features, and provide active greens spaces for future residents and employees.

d. Coordination with and, where appropriate, provide accommodations for alternative modes of travel including rail, bus, ride sharing, charging stations for moving both within Veridea and to connect to the rest of the region. In coordination with Town staff around Apex's Comprehensive Transportation plan, mobility hubs and curb areas planned for quick and safe pick -up and drop offs in high-density, nixed use areas of the Project.

e. Significant open space, conservation area, landscape areas and street trees in high density areas to maintain a significant carbon absorbing medium.

f. Where practicable, buildings will be oriented toward pedestrian facilities or transit routes to promote modes of travel other than the single automobile.

g. To promote walkability, two grade-separated pedestrian crossings will be constructed. The crossings will be constructed as required per the Town of Apex's Comprehensive Transportation Plan, as amended.

h. Parking for electric vehicles and bicycles will be provided as required per the Town of Apex UDO.

i. Single-family homes will include a 240A/50V electrical outlet in garages for electric vehicle charging.

APPENDIX A

WATER RESOURCES DEPARTMENT

December 09, 2022

Steven Ball, RF, PWS
Soil & Environmental Consultants, PA
8412 Falls of Neuse Road, Suite 104
Raleigh, NC 27615

Subject: Stream Buffer Determination
Veridea
Apex, NC
Cape Fear River Basin

Apex 22-010

Dear Mr. Ball,

On December 07th, 2022, I met with you at the subject site to evaluate twenty-three (23) drainage features and determine if they are subject to the Town of Apex (Town) riparian buffer rules. Based on the information obtained during the evaluation and per the requirements set forth in Section 6.1.11 of the Town Unified Development Ordinance (UDO), I concur with the stream classifications as shown on the attached sketch dated 12-7-2022 and 11-22-2022 for SEV1.

Drainage Feature	Shown as on USGS	Shown as on Soil Survey	Determination made in the field	Determined Buffer Width
SEV1	Present	Perennial	Intermittent	50 feet
Feature 1 Upstream	Not Present	Intermittent	Ephemeral	0 feet
Feature 1 Downstream	Not Present	Intermittent	Intermittent	50 feet
Feature 2 Upstream	Not Present	Intermittent	Ephemeral	0 feet
Feature 2 Downstream	Not Present	Intermittent	Intermittent	50 feet
Feature 3 SFA	Not Present	Intermittent	Ephemeral	0 feet
Feature 3 SFB	Not Present	Intermittent	Intermittent	50 feet
Feature 4 Upstream	Not Present	Intermittent	Ephemeral	0 feet
Feature 4 Downstream	Not Present	Intermittent	Intermittent	50 feet

Feature 5 Upstream	Not Present	Intermittent	Ephemeral	0 feet
Feature 5 Downstream	Not Present	Intermittent	Intermittent	50 feet
Feature 6 Upstream	Not Present	Intermittent	Ephemeral	0 feet
Feature 6 Downstream	Not Present	Intermittent	Intermittent	50 feet
Feature 8 W	Not Present	Intermittent	Intermittent	50 feet
Feature 8 X	Not Present	Intermittent	Ephemeral	0 feet
Feature 9 Z	Not Present	Intermittent	Ephemeral	0 feet
Feature 10 Y	Not Present	Intermittent	Ephemeral	0 feet
Feature 11- I	Present	Perennial	Intermittent	50 feet
Feature 11-P	Present	Perennial	Perennial	100 feet
Feature 12	Present	Intermittent	Ephemeral	0 feet
Feature 13-E	Present	Intermittent	Ephemeral	0 feet
Feature 13-I	Present	Intermittent	Intermittent	50 feet
Stream 14	Not Present	Intermittent	Ephemeral	0 feet

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by the Division of Water Resources (DWR) or Delegated Local Authority in the Jordan Lake watershed may request a determination by the DWR Director.

An appeal request must be made within sixty (60) days of date of this letter or from the date the affected party (including downstream and/or adjacent owners) is notified of this letter. A request for a determination by the Director shall be referred to in writing c/o Paul Wojoski, DWR – 401 & Buffer Permitting Branch; 1617 Mail Service Center, Raleigh, NC 27699-1617. Otherwise the appeal procedure will be in accordance with UDO Section 6.1.11.

If you dispute the Director's determination, you may file a petition for an administrative hearing. You must file the petition with the Office of Administrative Hearings within sixty (60) days of receipt of this notice of decision. A petition is considered filed when it is received in the Office of Administrative Hearings

during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official State holidays.

To request a hearing, send the original and one (1) copy of the petition to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. A copy of the petition must also be served to the Department of Natural Resources, c/o Bill Lane, General Counsel, 1601 Mail Service Center, Raleigh, NC 27699-1601.

This determination is final and binding unless, as detailed above, you ask for a hearing or appeal within sixty (60) days. This project may require a Section 404/401 Permit for the proposed activity. Any inquiries should be directed to the US Army Corp of Engineers (Raleigh Regulator Field Office) at (919) 554-4884. If you have any questions, please do not hesitate to contact me at (919) 372-7470.

Sincerely,

James Misciagno, CES, CPESC
Environmental Field Services Supervisor

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this 13 day of October, 2022 by HH Trinity Apex Investments LLC and Veridea Holdings LLC (the "Owners").

WHEREAS, the Town of Apex ("Town") is seeking to make a stream buffer determination across the property known as Veridea - South Village East in the Town of Apex, North Carolina and designated as PIN # 0740240814, 0740241461, 0740241030 by the Wake County Revenue Department (the "**Subject Property**");

WHEREAS, the Owners are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the Owners do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness Cynthia Rodgers By: _____

By: _____

Riparian Buffer Call
Application

This application is required to be fully completed and submitted to Town staff prior to conducting a buffer call. Please submit the application package electronically to james.miscione@apexnc.org.

PROPERTY INFORMATION

Owner(s): HH Trinity Apex Investments LLC / Veridea Holdings LLC

Site Address: Veridea Parkway - South of North Carolina Highway 540

CONSULTANT INFORMATION (If applicable)

Name: McAdams (William H. Derks)

Address: 621 Hillsborough Street, Raleigh, North Carolina 27603

Email: Derks@mcadamsco.com

Phone: 919- 361- 5000

CHECKLIST

Please place a checkmark in the spaces provided below to indicate that the required information has been provided with this submittal.

Right of Entry Form	X
NCDEQ Stream Identification Forms (v. 4.11)	X
Sketch Map*	X

Topo Map (most recent version)	X
1970 Wake County Soil Survey Map	X

*Sketch map should show all drainage features on the property with all applicable riparian buffers shown. Please clearly indicate or list which features are being called with this application.

NOTES

SIGNATURE (Consultant or Responsible Party)

By my signature below, I certify that the information provided with this application is accurate and truthful.

Date: October 21, 2022

East & South Village Delineation & Buffer Review.

The Preliminary Jurisdictional Determination (PJD) of streams and wetlands for the entirety of Veridea was reapproved by the USACOE and NCDENR on May 26, 2017. In discussions with the reviewers in preparation for the submittal of the Individual Permit (IP) application for Veridea it was agreed that that delineation would be utilized and would be extended by virtue of the IP approval for the duration of the IP. There is precedent for a large IP to be approved for 25-years. The requested duration for the Veridea IP is 30-years.

It is understood that field conditions may change over time as development occurs in the watershed areas outside of the Veridea boundary. But the establishment of the buffers initially for East Village, and in the near future for the rest of Veridea, also need to have a longer commitment as well in order to have a reliable map for planning development that may occur 10-, 15, or 20-years from now.

To begin that confirmation field review of the streams in the East Village section of Veridea was completed by S&EC on September 29, 2022 and for South Village East on October 6, 2022. The scoring sheets are attached. The feature numbers below, from the recent review in the field, also have a reference to the Stream designation from the approved PJD. Discussion below references the inconsistencies of the PJD, Town's Watershed Protection Overlay Map, USGS, Wake County Soils Survey and field scoring sheets.

It is worth noting that all of the intermittent stream features shown on the East Village portion of Veridea are from designations on the Wake Co. Soils Survey. The Soils Survey was completed in 1970 and depicts the streams with intermittent buffers on the Town's map as either "Not crossable with tillage" or "Unclassified". None of the streams are shown on the online USGS Apex or New Hill Quad maps dated 2022.

Feature 1 (Stream LL) —This feature appears to extend upstream approx. 40-50' higher than the PJD. A new flag was hung (TOA 1) at the start point. Shown as a perennial stream on the PJD, intermittent on the Town's map, not identified on USGS and intermittent on the Soils Survey. Stream forms upstream and downstream were taken

Feature 2 (Stream II) – The start point stayed the same. A new flag was hung (TOA 2) start point. Stream forms were taken upstream and downstream

Feature 3 (Stream BB) - The pond is shown on USGS but not on the Soils Survey. Just the reverse for the stream. Not shown on USGS but indicated on the Soils Survey. Delineated as Intermittent Unimportant on the PJD. It appears that the buffer should start at the confluence of two minor draws from below the pond and the second running from the southeast. The feature begins at flag TOA 3, the buffer should not start until it reaches the drainage that runs north south from the pond as shown. There is also enough of a gap between the pond and this feature that the pond should not be buffered.

SEV1

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

South Village East-1

NC DWQ Stream Identification Form Version 4.1

Date: 10/06/2022	Project/Site: VERIDEA/11065	Latitude: 35.684766
Evaluator: SWEC - JOSHUA HARVEY	County: WAKE	Longitude: -78.858835
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 25.5	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal = 13.5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	0.5	1	1.5
9. Grade control	0	0.5	1	1.5
10. Natural valley	No = 0		Yes = 3	
11. Second or greater order channel				

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (0)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 0)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Per
USGS = Present

10/25/2022 JM

NC Division of Water Quality – Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1 TOA 1 - UpStream

Date: 9/29/22	Project/Site: Vereden - EU	Latitude: 35.695892
Evaluator: K. Murph.	County: Wake	Longitude: -78.633536
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 13	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 6.5)	Absent	Weak	Moderate	Strong
1. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel (artificial ditches are not rated; see discussions in manual)	No = (0)		Yes = 3	

B. Hydrology (4.5)				
12. Presence of Baseflow	(3)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 2)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

JM 10/31/2022

Down TOA-1 TOA1- Down stream

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 9/24	Project/Site: Upside - LV	Latitude: 35.69571
Evaluator: SB/KM	County: Wake	Longitude: -78.83541
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 22.75	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other 4 pts *e.g. Quad Name:*

A. Geomorphology (Subtotal = 13)	Absent	Weak	Moderate	Strong
1a. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	(2)	3
8. Headcuts	0	1	1	1.5
9. Grade control	0	(0.5)	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel (artificial ditches are not rated; see discussions in manual)	No = 0		Yes = 3	

B. Hydrology (4.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (1)	

C. Biology (Subtotal = 5.25)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	(0.5)	1	1.5
25. Algae	(0)	0.5	(1)	1.5
26. Wetland plants in streambed	FACW = (0.75)		OBL = 1.5	Other = 0

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = NP

JM 10/31/2022

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1 TOA2 - upstream

Date: 9/29/22	Project/Site: Veridea - EU	Latitude: 35.697084
Evaluator: BB/KM	County: Wake	Longitude: -78.836777
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 11.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other e.g. Quad Name: Apex

A. Geomorphology (Subtotal = 7)	Absent	Weak	Moderate	Strong
1a Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

artificial ditches are not rated; see discussions in manual

B. Hydrology (0.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

JM 10/31/2022

TOA-2
Below

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Verida - EU	Latitude: 35.696765
Evaluator: SB/KM	County: Wake	Longitude: -78.836831
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** (19)	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other Apex *e.g. Quad Name;*

A. Geomorphology (Subtotal = (13.5))	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (1.5)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

JM 10/31/2022

Feature 3 - SFA

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 9/29/22	Project/Site: Verdera LV	Latitude: 35.701467
Evaluator: SB KM	County: Wake	Longitude: -78.852291
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 7	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name: Apex

A. Geomorphology (Subtotal = 3.5)	Absent	Weak	Moderate	Strong
1a. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 1.5)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 2)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

JM 11/16/2022

41

Feature 3-SFB

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 9/29/22	Project/Site: Veridea EV	Latitude: 35.700 [illegible]
Evaluator: SB KM	County: Wake	Longitude: -78.[illegible]265
Total Points: 19 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name: Apex

A. Geomorphology (Subtotal = 9.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(0.5)	1	1.5
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	No = (0)		Yes = 3	
11. Second or greater order channel				

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4.5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	0	(0.5)	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

41

Soils = Int
USGS = NP

JM 11/21/2022

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1 TOA 4_ upstream

Date: 9/29/22	Project/Site: Uwharrie - EU	Latitude: 35.701576
Evaluator: SM/KM	County: Davie	Longitude: -78.83538
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 4.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 4.5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

artificial ditches are not rated; see discussions in manual

B. Hydrology				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	(3)	2	(1)	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

SM 10/21/2022

TOA 4 Below Down stream

NC Division of Water Quality – Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Vericlea - LEV	Latitude: 39.701532
Evaluator: SB3/KM	County: Wake	Longitude: 78.83550
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 19.5	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 10.5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter L	1.5	(2)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal =)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = (0.75) OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = NP

JM 10/31/2022

NC Division of Water Quality – Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1 TOA 5- upstream

Date: 9/29/22	Project/Site: Vereclea - LV	Latitude: 35.69574
Evaluator: SB/KM	County: Wake	Longitude: -78.839869
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 17	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other e.g. Quad Name: Apex

A. Geomorphology (Subtotal = 8)	Absent	Weak	Moderate	Strong
1a. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel (artificial ditches are not rated; see discussions in manual)	No = 0		Yes = 3	

B. Hydrology (Subtotal = 4)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	(3)	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 36 of manual.

Notes:

Sketch:

Soils = Int

USGS = NP

JM 10/31/2022

Below TOA 5 Downstream

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Vendue - EV	Latitude: 35.694426
Evaluator: SB/KM	County: Wake	Longitude: -78.83[illegible]23
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 21.75	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 12)	Absent	Weak	Moderate	Strong
1st Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	(1)	(2)	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	1	(1.5)
11. Second or greater order channel (artificial ditches are not rated; see discussions in manual)	No = (0)		Yes = 3	

B. Hydrology (5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(0)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4.75)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = (0.75) OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = NP

JM 10/31/2022

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1 TOA 6 - upstream

Date: 9/29/22	Project/Site: Vanden - EV	Latitude: 35.648558
Evaluator: SB/KM	County: Wake	Longitude: -78.884210
Total Points: 14 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 5.5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	1	(1.5)
11. Second or greater order channel *artificial ditches are not rated; see discussions in manual	No = (0)		Yes = 3	

B. Hydrology (3.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = NP

JM 10/31/2022

To A6 Below / Downstream

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Veridea-LV	Latitude: 35.648274
Evaluator: SB/KM	County: Locke	Longitude: -80.842114
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 20	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 12)	Absent	Weak	Moderate	Strong
1st Continuity of channel bed and bank	0	1	0	3
2. Sinuosity of channel along thalweg	0	0	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	0	2	3
4. Particle size of stream substrate	0	0	2	3
5. Active/relict floodplain	0	0	2	3
6. Depositional bars or benches	0	0	2	3
7. Recent alluvial deposits	0	0	2	3
8. Headcuts	0	1	0	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	0
11. Second or greater order channel	No = 0		Yes = 3	

* artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5.0)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 4.5)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = NP

JM 10/31/2022

Stream Form. W
Feature- 8

?

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 9/29/22	Project/Site: Veridia EV	Latitude: 35.701024
Evaluator: SB KM	County: Wake	Longitude: -78.843865
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 19	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other *e.g. Quad Name:* Apex

A. Geomorphology (Subtotal = 10.5)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	1	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 1		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 4.5)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 15 of manual

Notes:

Sketch:

Soils = InT
USGS = NP

JM 11/21/2022

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NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

Stream Form X-Feature 8

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Veridea - EV	Latitude: 35.70089
Evaluator: SB/KM	County: Wake	Longitude: -78.48936
Total Points: 13 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 4)	Absent	Weak	Moderate	Strong
1* Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = 3	

*artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	(1)	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	(0)	0.5	(1)	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	(3)	2	(1)	0
19. Rooted upland plants in streambed	(3)	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = INT
USGS = NP

10/31/2022

~~Do not need to see~~
~~in field~~ OM

9

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

Stream form Z-Feature 9

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Venidera -EV	Latitude: 35.648238
Evaluator: SB/KM	County: Wake	Longitude: -78.84806
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 18	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other *e.g. Quad Name:* Apex

A. Geomorphology (Subtotal = 8)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

JM 10/31/2022

10

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

Stream form Y-Feature 10

NC DWQ Stream Identification Form Version 4.1

Date: 9/29/22	Project/Site: Veridea LEV	Latitude: 35.6953
Evaluator: SB/VM	County: Wake	Longitude: -78.84584
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 15	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal = 5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = NP

JM 10/31/2022

Stream Form 11-I - Feature 11

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 12/7/22	Project/Site: Verida EV	Latitude: 35.70463
Evaluator: SBall	County: Wake	Longitude: -78.843506
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 26.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other *e.g. Quad Name:* Apex

A. Geomorphology (Subtotal = 15)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = (3)	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 7.5)				
12. Presence of Baseflow	0	1	(2)	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Present

JM 12/8/2022

Stream Form P2
11-P

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 12/7/22	Project/Site: Veridea EV	Latitude: 35.704339
Evaluator: SBall	County: Wake	Longitude: -78.84395
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 32	Stream Determination (circle one) Ephemeral Intermittent (Perennial)	Other Apex *e.g. Quad Name:*

A. Geomorphology (Subtotal = 18)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	0	1	(2)	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	1	(2)	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = (3)	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8.5)				
12. Presence of Baseflow	0	1	(2)	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	(1.5)	1	0.5	0
15. Sediment on plants or debris	0	0.5	(1)	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 6.5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	0	(0.5)	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Present

JM 12/8/2022

Veridea EAST FEATURE 12

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 12/5/2022	Project/Site: VERIDEA EAST	Latitude: 35.705399
Evaluator: SHEC - JOSHUA HARVEY	County: WAKE	Longitude: -78.847135
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 12.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal = 7)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 0.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = Present

JM 12/8/2022

Veridea East FEATURE 13 E

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 12/5/2022	Project/Site: VERIDEA EAST	Latitude: 35.702822
Evaluator: SWEC - JOSHUA HARVEY	County: WAKE	Longitude: -78.847666
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 15.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal = 7.5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	(No = 0)		Yes = 3	

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 4)				
12. Presence of Baseflow	0	(1)	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	(No = 0)		Yes = 3	

C. Biology (Subtotal = 6)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int
USGS = Present

12/8/2022

Veridea East FEATURE 13 I

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 12/5/2022	Project/Site: VERIDEA EAST	Latitude: 35.702424
Evaluator: SEE - JOSHUA HARVEY	County: WAKE	Longitude: -78.846133
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 21	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal = 9.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	(No = 0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5.5)				
12. Presence of Baseflow	0	(1)	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes = 3)	

C. Biology (Subtotal = 6)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Int

USGS = Present JM 12/6/2022

Verdea EAST FEATURE 14

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 12/5/2022	Project/Site: VERIDEA EAST	Latitude: 35.700972
Evaluator: SCC - JOSHUA HARVEY	County: WAKE	Longitude: -78.348383
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** No Scoreable Feature	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal =)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal =)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal =)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

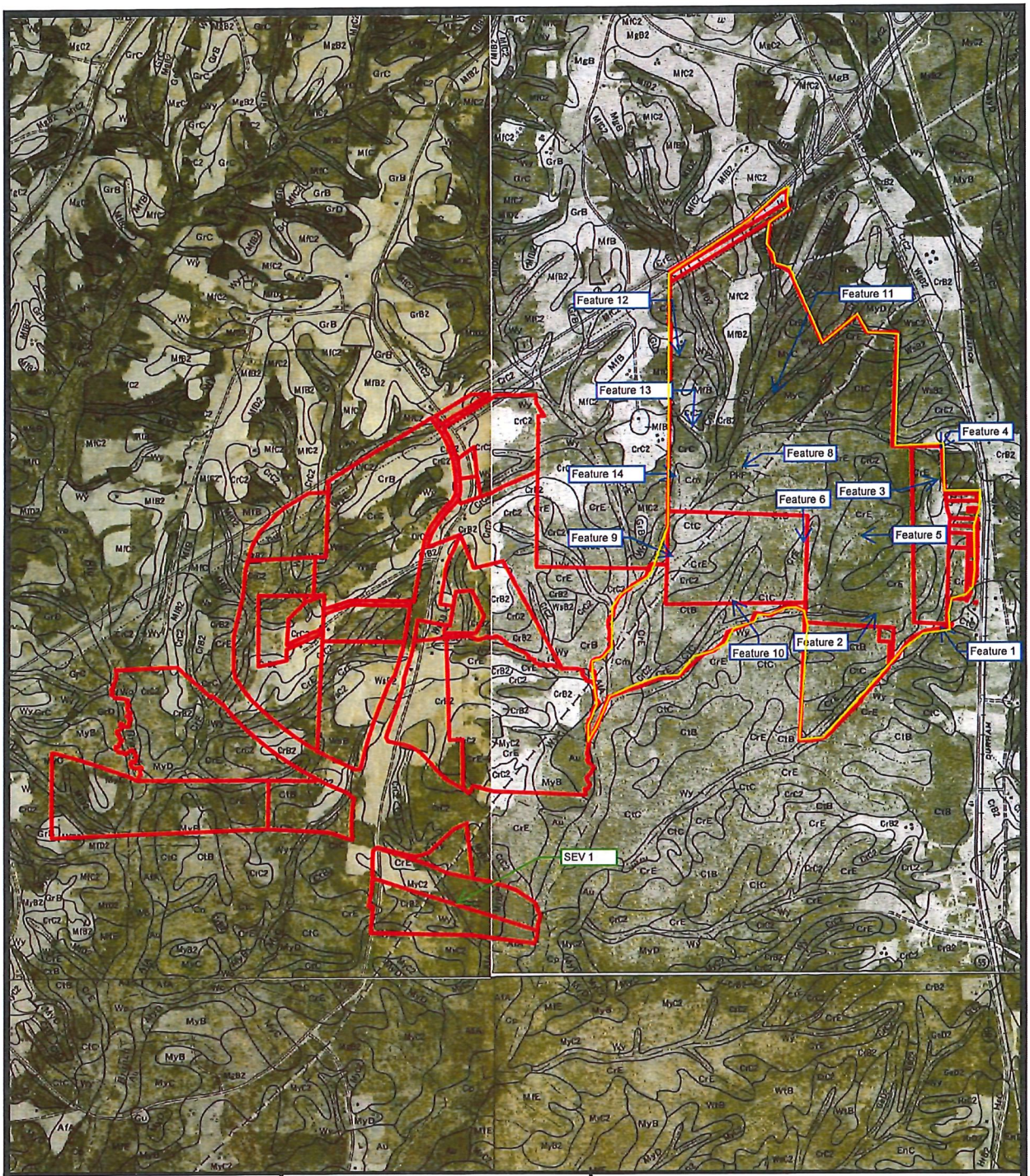
Notes:

Sketch:

No Scoreable Feature JM

SOILS = Int
USGS = NP

12/8/2022



Project Number: 11065.W4	Map Title: SS Map
Project Manager: DS	Veridea Wake County, NC
Scale: 1" = 1750'	Source: Wake County Soil Survey Sheets 74, 75, 82 & 83
Date: 09/10/2021	

0 1,750 3,500
Feet

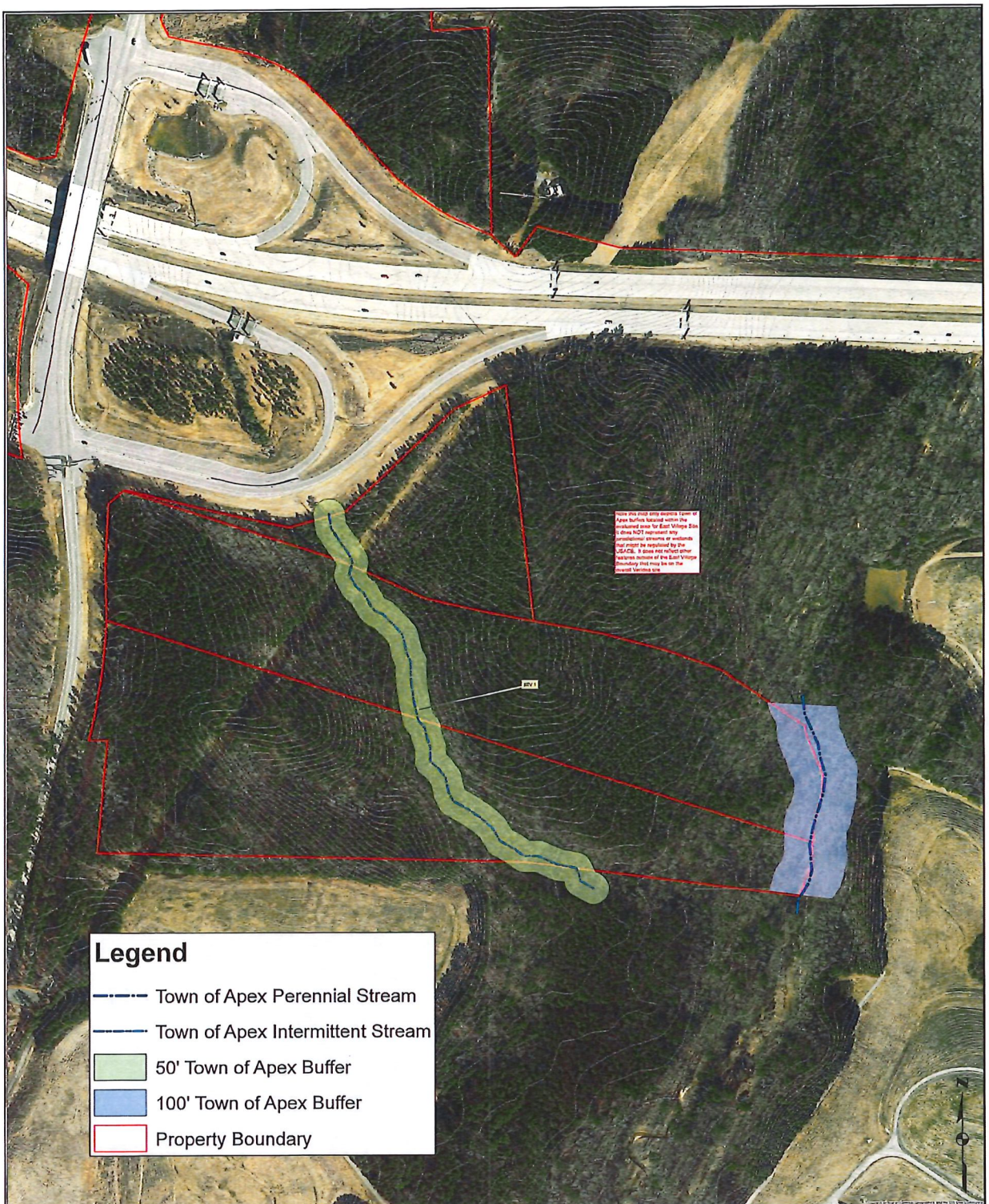
N

S&EC Soil & Environmental Consultants, PA
8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone: (919) 846-5900 • Fax: (919) 846-9467
sandec.com

JM 12/8/2022

CM 12/8/2022

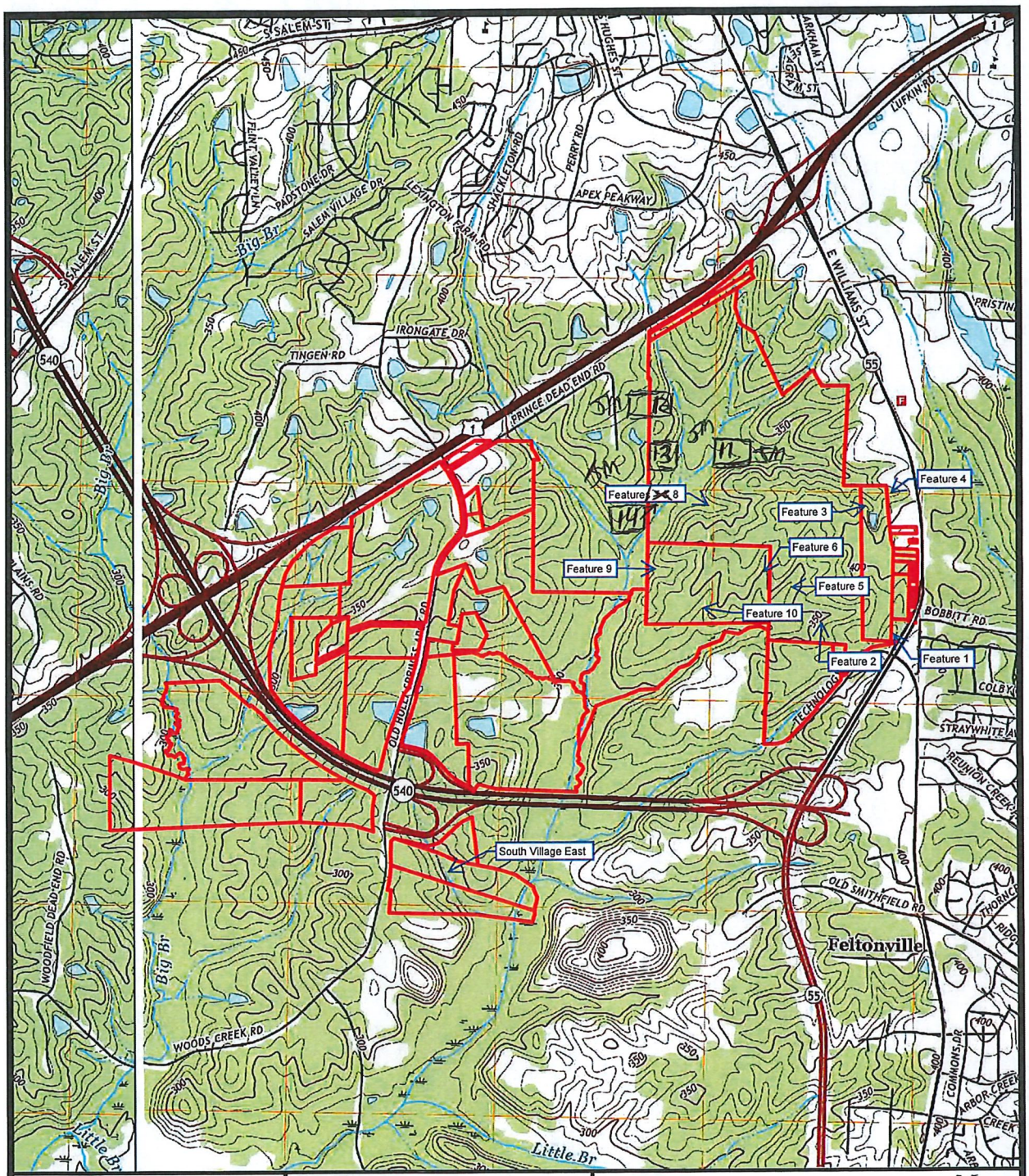
Project No.
11065.WS
Scale:
1" = 200'
NC OneMap
Wake County GIS
Project Mgr.:
SB
12/7/22
Prepared by: JH
East Village Buffer Map
Verlidea
S&EC
Soil & Environmental Consultants, PA
0
205
410
820
Feet
Legend
Verlidea East Village Buffer Review Boundary
Verlidea Property Boundary
Perennial Stream
Intermittent Stream
50' Town of Apex Buffer
100' Town of Apex Buffer



Project No. 11065.W5	Scale: 1" = 150'	NC OneMap Wake County GIS	Southeast Village Buffer Map Veridea	S&EC Soil & Environmental Consultants, PA
Project Mgr.: SB	11/22/22	Prepared by: JH		

0 100 200 400
Feet

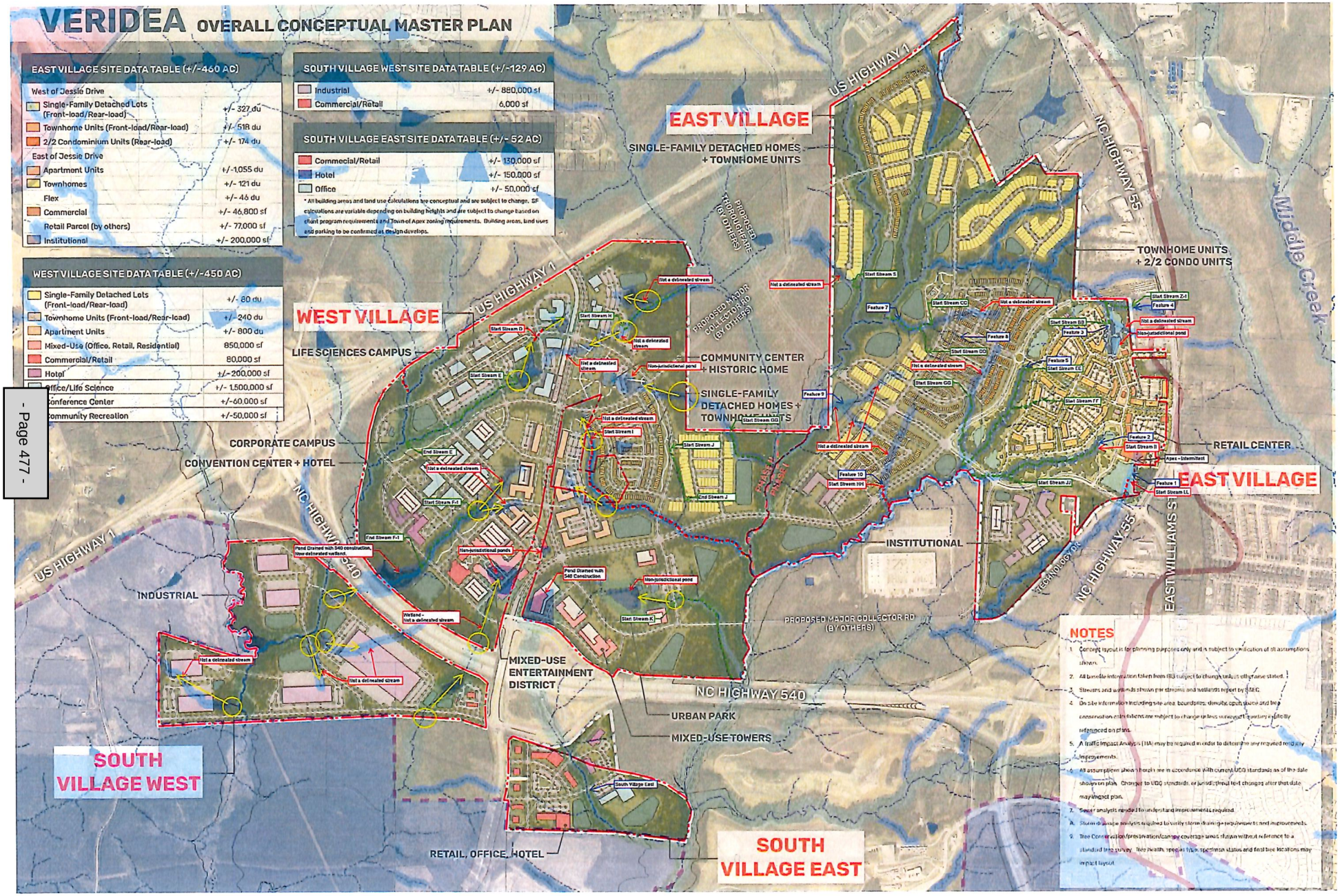
JM 11/22/2022

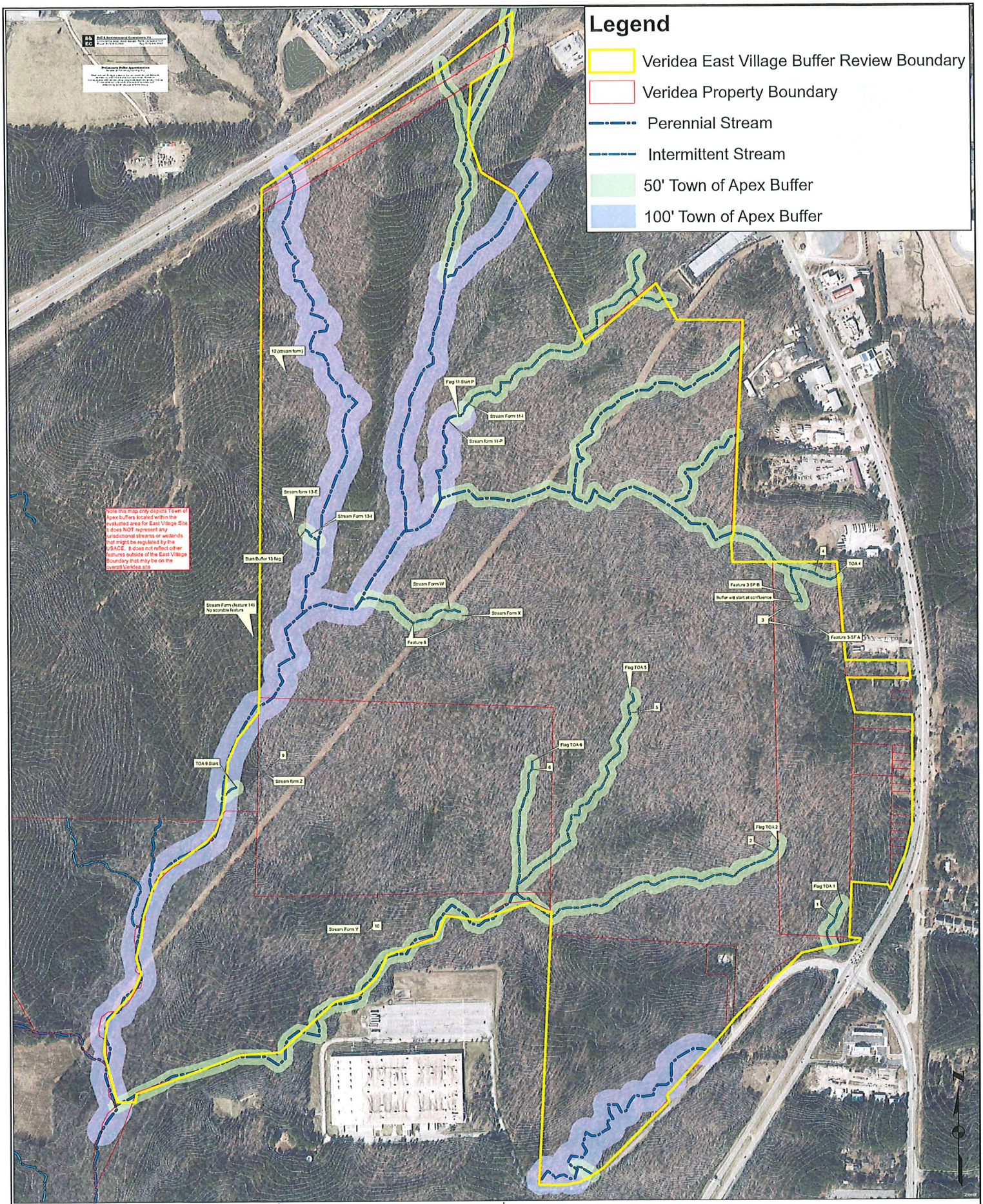


Project Number: 11065.W4	**Map Title:** USGS Map Veridea Wake County, NC	
Project Manager: DS		
Scale: 1" = 2000'		
Date: 09/10/2021	**Source:** USGS Wake County Apex & New Hill Quad	S&EC Soil & Environmental Consultants, PA 8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone: (919) 846-5900 • Fax: (919) 846-5

JM 12/8/2022

JM 12/8/2022


VERIDEA OVERALL CONCEPTUAL MASTER PLAN
EAST VILLAGE SITE DATA TABLE (+/-460 AC)
West of Jessie Drive
Single-Family Detached Lots (Front-load/Rear-load) +/- 327 du
Townhome Units (Front-load/Rear-load) +/- 518 du
2/2 Condominium Units (Rear-load) +/- 174 du
East of Jessie Drive
Apartment Units +/-1,055 du
Townhomes +/- 121 du
Flex +/- 46 du
Commercial +/- 46,800 sf
Retail Parcel (by others) +/- 77,000 sf
Institutional +/- 200,000 sf
SOUTH VILLAGE WEST SITE DATA TABLE (+/-129 AC)
Industrial +/- 880,000 sf
Commercial/Retail 6,000 sf
SOUTH VILLAGE EAST SITE DATA TABLE (+/- 52 AC)
Commercial/Retail +/- 130,000 sf
Hotel +/- 150,000 sf
Office +/- 50,000 sf
* All building areas and land use calculations are conceptual and are subject to change. SF calculations are variable depending on building heights and are subject to change based on client program requirements and Town of Apex zoning requirements. Building areas, land uses and parking to be confirmed at design develops.
WEST VILLAGE SITE DATA TABLE (+/-450 AC)
Single-Family Detached Lots (Front-load/Rear-load) +/- 80 du
Townhome Units (Front-load/Rear-load) +/- 240 du
Apartment Units +/- 800 du
Mixed-Use (Office, Retail, Residential) 850,000 sf
Commercial/Retail 80,000 sf
Hotel +/- 200,000 sf
Office/Life Science +/- 1,500,000 sf
Conference Center +/-60,000 sf
Community Recreation +/-50,000 sf
EAST VILLAGE
SINGLE-FAMILY DETACHED HOMES + TOWNHOME UNITS
TOWNHOME UNITS + 2/2 CONDO UNITS
RETAIL CENTER
EAST VILLAGE
WEST VILLAGE
LIFE SCIENCES CAMPUS
CORPORATE CAMPUS
CONVENTION CENTER + HOTEL
COMMUNITY CENTER + HISTORIC HOME
SINGLE-FAMILY DETACHED HOMES + TOWNHOME UNITS
INSTITUTIONAL
INDUSTRIAL
MIXED-USE ENTERTAINMENT DISTRICT
URBAN PARK
MIXED-USE TOWERS
RETAIL, OFFICE, HOTEL
SOUTH VILLAGE WEST
SOUTH VILLAGE EAST
US HIGHWAY 1
NC HIGHWAY 55
NC HIGHWAY 540
EAST WILLIAMS ST
TECHNOLOGY DR
PROPOSED THOROUGHFARE (BY OTHERS)
PROPOSED MAJOR COLLECTOR RD (BY OTHERS)
Middle Creek
NOTES
1. Concept layout is for planning purposes only and is subject to verification of all assumptions shown.
2. All baseline information taken from GIS subject to change unless otherwise stated.
3. Streams and wetlands shown per streams and wetlands report by S&EC.
4. On site information including site area, boundaries, density, open space and tree conservation calculations are subject to change unless surveyed, property explicitly referenced on plans.
5. A traffic impact Analysis (TIA) may be required in order to determine any required roadway improvements.
6. All assumptions shown hereon are in accordance with current UDO standards as of the date shown on plan. Changes to UDO standards, or jurisdictional text changes after that date may impact plan.
7. Sewer analysis needed to understand improvements required.
8. Storm drainage analysis required to verify storm drainage requirements and improvements.
9. Tree Conservation/preservation/canopy coverage areas shown without reference to a standard tree survey. Tree health, species type, specimen status and final tree locations may impact layout.



Project No. 11065.W5	Scale: 1" = 200'	NC OneMap Wake County GIS	East Village Buffer Map Veridea	Soil & Environmental Consultants, PA 8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone: (919) 846-5900 • Fax: (919) 846-9467 sandeinc.com
Project Mgr.: SB	12/7/22	Prepared by: JH		

January 27, 2023

Steven Ball, RF, PWS
Soil & Environmental Consultants, PA
8412 Falls of Neuse Road, Suite 104
Raleigh, NC 27615

Subject: Stream Buffer Determination
Veridea West Village Ph II
Apex, NC
Cape Fear River Basin

Apex 22-017

Dear Mr. Ball,

On January 20th and 27th, 2023, we met with your staff AJ and Kevin Murphrey at the subject sites to evaluate forty (40) drainage features and determine if they are subject to the Town of Apex (Town) riparian buffer rules. Based on the information obtained during the evaluations and per the requirements set forth in Section 6.1.11 of the Town Unified Development Ordinance (UDO), I concur with the stream classifications as shown on the attached sketch dated 12-02-2022.

Drainage Feature	Shown as on USGS	Shown as on Soil Survey	Determination made in the field	Determined Buffer Width
Feature B – West SF14	Not Present	Intermittent	Ephemeral	0 feet
Feature C – West SF1	Present	Perennial	Intermittent	50 feet
Feature C – West SF16	Not Present	Intermittent	Ephemeral	0 feet
Feature C – West SF5	Not Present	Perennial	Ephemeral	0 feet
Feature E – West SF4	Not Present	Intermittent	Ephemeral	0 feet
Feature G – West SF40	Not Present	Intermittent	Ephemeral	0 feet
Feature H – West SF3	Not Present	Intermittent	Ephemeral	0 feet
Feature J – West SF2	Not Present	Intermittent	Ephemeral	0 feet
Feature K – West SF28	Not Present	Intermittent	Ephemeral	0 feet

Feature K – West SF29	Not Present	Intermittent	Intermittent	50 feet
Feature K – West SF30	Not Present	Intermittent	Ephemeral	0 feet
Feature K – West SF31	Not Present	Intermittent	Ephemeral	0 feet
Feature K – West SF32	Not Present	Intermittent	Intermittent	50 feet
Feature L – West SF15	Not Present	Intermittent	Ephemeral	0 feet
Feature AA – West SF6	Present	Perennial	Ephemeral	0 feet
Feature O – West SF13	Present	Perennial	Intermittent	50 feet
Pond 6	Present	Present	Intermittent	50 feet
Feature O – West SF12	Present	Perennial	Ephemeral	0 feet
Feature O – West SF10	Present	Perennial	Ephemeral	0 feet
Feature O – West SF11	Present	Perennial	Intermittent	50 feet
Feature O – West SF9	Present	Perennial	Ephemeral	0 feet
Feature O – West SF8	Present	Perennial	Intermittent	50 feet
Feature P – West SF37	Not Present	Intermittent	Ephemeral	0 feet
Feature Q – West SF7	Not Present	Intermittent	Ephemeral	0 feet
Feature R – West SF27	Not Present	Intermittent	Ephemeral	0 feet
Feature R – West SF25	Not Present	Intermittent	Intermittent	50 feet
Feature S – West SF26	Not Present	Intermittent	Ephemeral	0 feet
Feature T – West SF24	Not Present	Perennial	Ephemeral	0 feet
Feature T – West SF20	Not Present	Perennial	Intermittent	50 feet
Feature U – West SF23	Not Present	Intermittent	Ephemeral	0 feet

Feature V – West SF35	Not Present	Intermittent	Ephemeral	0 feet
Feature V – West SF36	Not Present	Intermittent	Intermittent	50 feet
Feature V – West SF34	Not Present	Intermittent	Perennial *Intermittent on Soils	50 feet
Feature W – West SF17	Not Present	Intermittent	Ephemeral	0 feet
Feature X – West SF22	Not Present	Intermittent	Ephemeral	0 feet
Feature X – West SF21	Not Present	Intermittent	Intermittent	50 feet
Feature X – West SF41	Not Present	Intermittent	Ephemeral	0 feet
Feature Y – West SF18	Not Present	Perennial	Ephemeral	0 feet
Feature Y – West SF19	Not Present	Perennial	Intermittent	50 feet
Feature BB – West SF38	Not Present	Intermittent	Ephemeral	0 feet
Feature CC – West SF39	Not Present	Intermittent	Ephemeral	0 feet

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by the Division of Water Resources (DWR) or Delegated Local Authority in the Jordan Lake watershed may request a determination by the DWR Director.

An appeal request must be made within sixty (60) days of date of this letter or from the date the affected party (including downstream and/or adjacent owners) is notified of this letter. A request for a determination by the Director shall be referred to in writing c/o Paul Wojoski, DWR – 401 & Buffer Permitting Branch; 1617 Mail Service Center, Raleigh, NC 27699-1617. Otherwise the appeal procedure will be in accordance with UDO Section 6.1.11.

If you dispute the Director's determination, you may file a petition for an administrative hearing. You must file the petition with the Office of Administrative Hearings within sixty (60) days of receipt of this notice of decision. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official State holidays.

To request a hearing, send the original and one (1) copy of the petition to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. A copy of the petition must also be served

to the Department of Natural Resources, c/o Bill Lane, General Counsel, 1601 Mail Service Center, Raleigh, NC 27699-1601.

This determination is final and binding unless, as detailed above, you ask for a hearing or appeal within sixty (60) days. This project may require a Section 404/401 Permit for the proposed activity. Any inquiries should be directed to the US Army Corp of Engineers (Raleigh Regulator Field Office) at (919) 554-4884. If you have any questions, please do not hesitate to contact me at (919) 372-7470.

Sincerely,

James Misciagno, CES, CPESC
Stormwater Field Services Supervisor

Riparian Buffer Call
Application

This application is required to be fully completed and submitted to Town staff prior to conducting a buffer call. Please submit the application package electronically to james.misciagno@apexnc.org .

PROPERTY INFORMATION

Owner(s): *See attached table

Site Address: 3012 Veridea Parkway, Apex, North Carolina 27539

CONSULTANT INFORMATION (If applicable)

Name: Joshua Harvey

Address: 8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615

Email: jharvey@sandec.com

Phone: 919.760.9622

CHECKLIST

Please place a checkmark in the spaces provided below to indicate that the required information has been provided with this submittal.

Right of Entry Form	X
NCDEQ Stream Identification Forms (v. 4.11)	X
Sketch Map*	X

Topo Map (most recent version)	X
1970 Wake County Soil Survey Map	X

*Sketch map should show all drainage features on the property with all applicable riparian buffers shown. Please clearly indicate or list which features are being called with this application.

NOTES

SIGNATURE (Consultant or Responsible Party)

By my signature below, I certify that the information provided with this application is accurate and truthful.

Joshua Harvey Digitally signed by Joshua Harvey Date: 2023.01.23 08:55:39 -05'00'

Date: 01/04/2023

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this _____ day of _____, 20____ by Town of Apex and PRINCE, FRANK D SR TRUSTEE (the "owner").

WHEREAS, the Town of Apex ("Town") is seeking to make a stream buffer determination across the property known as Veridea - Phase 2 in the Town of Apex, North Carolina and designated as PIN # 0740191376, 0730896270 by the Wake County Revenue Department (the "**Subject Property**");

WHEREAS, the owner are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the owner do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness: _____ Joseph Spagnuolo

By: _____ POA

By: N/A

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this _____ day of _____, 20____ by Town of Apex and WHITEHOUSE, BRENDA P (the "owner").

WHEREAS, the Town of Apex ("Town") is seeking to make a stream buffer determination across the property known as Veridea - Phase 2 in the Town of Apex, North Carolina and designated as PIN # 0740287376 by the Wake County Revenue Department (the "**Subject Property**");

WHEREAS, the owner are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the owner do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness: _____ By: Brenda P Whitehouse

By: Brenda P Whitehouse Trustee

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this _____ day of _____, 20____ by Town of Apex and HH TRINITY APEX INVESTMENTS LLC (the "owner").

WHEREAS, the Town of Apex ("Town") is seeking to make a stream buffer determination across the property known as South Village East in the Town of Apex, North Carolina and designated as PIN #0730971141,0730852539,0740052449 by the Wake County Revenue Department (the "**Subject Property**");

WHEREAS, the owner are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the owner do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness: _____

HH Trinity Apex Investments LLC
HRCF IV - Trinity Apex Investments LLC

By: _____

By: _____
Richard A. Ortiz
Authorized Signatory

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this _____ day of _____, 20____ by Town of Apex and HH TRINITY APEX INVESTMENTS LLC (the "owner").

WHEREAS, the Town of Apex ("Town") is seeking to make a stream buffer determination across the property known as Veridea - Phase 2 in the Town of Apex, North Carolina and designated as PIN # See Attached by the Wake County Revenue Department (the "**Subject Property**");

WHEREAS, the owner are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the owner do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness: _____

HH Trinity Apex Investments LLC
By: HRCF IV - Trinity Apex Investments LLC

By: _____
Richard A. Ortiz
Authorized Signatory

Phase 2	Owner
0740180331	HH TRINITY APEX INVESTMENTS LLC
0740360895	HH TRINITY APEX INVESTMENTS LLC
0740386384	HH TRINITY APEX INVESTMENTS LLC
0740078021	HH TRINITY APEX INVESTMENTS LLC
0740167653	HH TRINITY APEX INVESTMENTS LLC

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this _____ day of _____, 20____ by Town of Apex and VERIDEA HOLDINGS LLC (the "owner").

WHEREAS, the Town of Apex ("Town") is seeking to make a stream buffer determination across the property known as Veridea - Phase 2 in the Town of Apex, North Carolina and designated as PIN # 0740180091, 0741203157 by the Wake County Revenue Department (the "**Subject Property**");

WHEREAS, the owner are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the owner do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness: _____

Veridea Holdings LLC
HRCF IV - Trinity Apex Investments LLC

By: _____

By: _____

Richard A. Ortiz
Authorized Signatory

PIN_NUM	DEED_ACRES	OWNER	ADDR1	ADDR2	ADDR3	SITE_ADDRESS	FULL_STREET_NAME
740188440	1.38	FIELDS, W J FIELDS, CATHERINE A	3125 VERIDEA PKWY	APEX NC 27539-9202		3125 VERIDEA PKWY	VERIDEA PKWY
730852539	54.65	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	0 OLD HOLLY SPRINGS APEX RD	OLD HOLLY SPRINGS APEX RD
730971141	98.72	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	0 VERIDEA PKWY	VERIDEA PKWY
740287376	27.26	WHITEHOUSE, BRENDA P WHITEHOUSE, BRENDA P	3109 VERIDEA PKWY	APEX NC 27539-9202		0 VERIDEA PKWY	VERIDEA PKWY
740191376	75.63	PRINCE, FRANK D SR TRUSTEE	8405 AMANDA CASSIE LN	FUQUAY VARINA NC 27526-9635		3012 VERIDEA PKWY	VERIDEA PKWY
740180331	1.66	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	0 VERIDEA PKWY	VERIDEA PKWY
740386384	64.67	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	3009 VERIDEA PKWY	VERIDEA PKWY
741207566	32.06	WVPRINCE PROPERTIES LLC	444 AUGUSTA DR	ROCKPORT TX 78382-6945		2901 VERIDEA PKWY	VERIDEA PKWY
740167653	27.29	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	0 VERIDEA PKWY	VERIDEA PKWY
740052449	17.36	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	0 VERIDEA PKWY	VERIDEA PKWY
740078021	32.28	HH TRINITY APEX INVESTMENTS LLC	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837	0 VERIDEA PKWY	VERIDEA PKWY
730996270	16.42	PRINCE, F D SR TRUSTEE	FRANK PRINCE JR	8405 AMANDA CASSIE LN	FUQUAY VARINA NC 27526-9635	0 US 1 HWY	US 1 HWY
740360895	82.24	HH TRINITY APEX INVESTMENTS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837		3229 VERIDEA PKWY	VERIDEA PKWY
740180091	12.57	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837		3200 VERIDEA PKWY	VERIDEA PKWY
740188176	3	BUSHEE, ROGER W BUSHEE, GLENDA K	3137 VERIDEA PKWY	APEX NC 27539-9202		3137 VERIDEA PKWY	VERIDEA PKWY
740189737	1.03	WHITEHOUSE, GREGORY HENRY	3109 VERIDEA PKWY	APEX NC 27539-9202		3109 VERIDEA PKWY	VERIDEA PKWY
741203157	1.84	VERIDEA HOLDINGS LLC	570 LEXINGTON AVE STE 2200	NEW YORK NY 10022-6837		2937 VERIDEA PKWY	VERIDEA PKWY
740283126	5	LANGLEY, DAVID K LANGLEY, RENEE M	6300 KING DAVID CT	APEX NC 27539-6897		6300 KING DAVID CT	KING DAVID CT
740188680	1.3	WHITEHOUSE ASSETS MANAGEMENT LLC	3109 VERIDEA PKWY	APEX NC 27539-9202		3117 VERIDEA PKWY	VERIDEA PKWY
740189999	2.49	WHITEHOUSE ASSETS MANAGEMENT LLC	3109 VERIDEA PKWY	APEX NC 27539-9202		3105 VERIDEA PKWY	VERIDEA PKWY
740070950	0.52	HUDSON, KARL GRIER IV	824 BRYAN ST	RALEIGH NC 27605-1104		3134 VERIDEA PKWY	VERIDEA PKWY
740293940	1.8	WVPRINCE PROPERTIES LLC	444 AUGUSTA DR	ROCKPORT TX 78382-6945		2945 VERIDEA PKWY	VERIDEA PKWY
740081019	2.16	APA VERIDEA INVESTMENTS LLC	2000 BEAR CAT WAY STE 102	MORRISVILLE NC 27560-6620		3138 VERIDEA PKWY	VERIDEA PKWY
730977967	10.27	APA VERIDEA INVESTMENTS LLC	2000 BEAR CAT WAY STE 102	MORRISVILLE NC 27560-6620		3142 VERIDEA PKWY	VERIDEA PKWY
740082199	2.09	WANG, YIFEI MEI, HUA	111 BRIDGEGATE DR	CARY NC 27519-7184		3130 VERIDEA PKWY	VERIDEA PKWY

West SF14 West SF14

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.704010
Evaluator: S+EC – JH	County: Wake	Longitude: -78.886215
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 4	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other B *e.g. Quad Name:*

A. Geomorphology (Subtotal = 1)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology 3)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 0)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JM 12/15/2022

West SF 1

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.688108
Evaluator: S+EC – AJK + JA + KM	County: Wake	Longitude: -78.864747
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 22 23 JM	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other C *e.g. Quad Name:*

A. Geomorphology (Subtotal = 11)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	0	1	(2)	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (6.5)				
12. Presence of Baseflow	0	1	(2)	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5.5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	0	(0.5)	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial

USGS = Present

JM

622

West SF16

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.694123
Evaluator: SFEC - AJK + JH + KM	County: Wake	Longitude: -78.859020
Total Points: Non-Scoreable Feature *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other C *e.g. Quad Name:*

A. Geomorphology (Subtotal = ____)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology ( )				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = ____)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: Non-Scoreable Feature

Soils = Intermittent

USGS = Not Present

JM 12/15/2022

West SF5

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35691656
Evaluator: S+EC – AJK + KW	County: Wake	Longitude: -78.862456
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 12.25	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other C *e.g. Quad Name:*

A. Geomorphology (Subtotal = 5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (3.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 3.75)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = (0.75) OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Not Present

11/15/2022

West SF4

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.688188
Evaluator: SEC - AJK, JH, KM	County: Wake	Longitude: -78.874638
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 11.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other E *e.g. Quad Name:*

A. Geomorphology (Subtotal = 8)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

VSCS = Not Present

JM 12/15/2022

WEST SFHD (FEATURE G)

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2022	Project/Site: Meridian	Latitude: 35.602574
Evaluator: SBEC - JOSHUA HARVEY	County: WAKE	Longitude: -78.769561
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** NO SIGNIFICANT FEATURE	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other b *e.g. Quad Name:*

A. Geomorphology (Subtotal = ✓)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel [a]artificial ditches are not rated; see discussions in manual	No = 0		Yes = 3	

B. Hydrology (Subtotal = ✓)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = ✓)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soil = Intermittent

USGS = Not Present

JM 11/2/2022

West SF3

JM 1/20/2023

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.689827
Evaluator: SHEC-AJK + KM+JH	County: Wake	Longitude: -78.869936
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 9.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other H *e.g. Quad Name:*

A. Geomorphology (Subtotal = 3.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	(2) JM	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	0	(1) JM	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (3)				
12. Presence of Baseflow	(0)	(1) JM	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1) JM	0.5	(0)
15. Sediment on plants or debris	(0)	(0.5)	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

VSCS = Not Present

12/15/2022

West SF2

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.689824
Evaluator: SHEC - AJK + JH + KM	County: Wake	Longitude: -78.868594
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 14	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other J *e.g. Quad Name:*

A. Geomorphology (Subtotal = 6)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No (= 0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes (= 3)	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other (= 0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

12/15/2022

West
SF28 JM 11/30/2022

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/22	Project/Site: Veridea	Latitude: 35.695273
Evaluator: S+EC-AJK	County: Wake	Longitude: -78.862219
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 15	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other *e.g. Quad Name:* K

A. Geomorphology (Subtotal = 8)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (4)				
12. Presence of Baseflow	(0)	(1) JM	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	(1) JM	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JM 12/15/2022

West

SF29 NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/22	Project/Site: Veridea	Latitude: 35.694757
Evaluator: SEC - AJK	County: Wake	Longitude: -78.862695
Total Points: 22.5 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other K *e g Quad Name:*

A. Geomorphology (Subtotal = 14)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	2	(3)
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7 Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (4.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17 Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JM 10/13/2022

West

SF30

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/22	Project/Site: Veridea	Latitude: 35.694807
Evaluator: S+EC – AJK	County: Wake	Longitude: -78.863007
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 10	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other e.g. Quad Name: R

A. Geomorphology (Subtotal = 7)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3 In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7 Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9 Grade control	0	(0.5)	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (0)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 12/15/2022

JM 1/20/2023

West

SF31 NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/2022	Project/Site: Veridea	Latitude: 35.694541
Evaluator: S+EC-AJK	County: Wake	Longitude: -78.863163
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 12	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other *e g Quad Name:* K

A. Geomorphology (Subtotal = 5)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7 Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0 5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (3)				
12 Presence of Baseflow	(0)	(1) JM	2	3
13 Iron oxidizing bacteria	(0)	1	2	3
14 Leaf litter	1.5	1	0.5	(0)
15 Sediment on plants or debris	(0)	0.5	(1) JM	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17 Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0 75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p 35 of manual

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 12/15/2022

West

SF32 NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/22	Project/Site: Veridea	Latitude: 35.694109
Evaluator: SFEC – AJK	County: Wake	Longitude: -78.863801
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 24	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other e g *Quad Name:* R

A. Geomorphology (Subtotal = 14)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	2	(3)
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual

Notes:

Sketch:

Soils = Intermittent

VSBS = Not Present

JH 10/20/2022

West SF 15

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.694785
Evaluator: SHEC - AJK + KM	County: Wake	Longitude: -78.861676
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 12	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other L *e.g. Quad Name:*

A. Geomorphology (Subtotal = 5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 4)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

11/15/2022

West SFB

NC DWQ Stream Identification Form Version 4.11

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.780631
Evaluator: StEC – JH	County: Wake	Longitude: -78.860357
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 13.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other AA *e.g. Quad Name:*

A. Geomorphology (Subtotal = 7.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 0)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 6)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial

VSCS = Present

JM 11/7/22

Wejt SF13

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2022	Project/Site: Vendue	Latitude: 35.698832
Evaluator: JH	County: Wayne	Longitude: -78.861887
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 19	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other ○ *e.g. Quad Name:*

A. Geomorphology (Subtotal = 7.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	0	(1)	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 0.5)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	(0.5)	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial

USGS = Present

JM 12/15/2022

WBT SP12

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/12/2022	Project/Site: Wampler	Latitude: 35.693448
Evaluator: JH	County: Wayne	Longitude: -78.362660
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 11.5	**Stream Determination (circle one)** Ephemeral **Intermittent** Perennial	Other ○ *e.g. Quad Name:*

A. Geomorphology (Subtotal = 4)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel artificial ditches are not rated; see discussions in manual	(No = 0)		Yes = 3	

B. Hydrology (Subtotal = 2.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes = 3)	

C. Biology (Subtotal = 7)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial

USGS = Present

JM 11/12/2022

West STM 10

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2022	Project/Site: Lenden	Latitude: 35.647567
Evaluator: JH	County: Wake	Longitude: -78.864030
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** ~~[illegible]~~ 16	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other 0 *e,g, Quad Name:*

A. Geomorphology (Subtotal = 7)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Bits) 4				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Present

JM 12/[illegible]/2

West SF11

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2022	Project/Site: Worden	Latitude: 35.697734
Evaluator: JH	County: Wake	Longitude: -78.863691
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 21	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other 0 *e.g. Quad Name:* —

A. Geomorphology (Subtotal = 11)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	(No = 0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (4)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes = 3)	

C. Biology (Subtotal = 9)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Present

JM 11/15/2022

West SF#9

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2020	Project/Site: Verdeen	Latitude: 35.697070
Evaluator: JH - SFEC	County: Caswell	Longitude: -78.86535 7
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 12.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other 0 *e.g. Quad Name:* —

A. Geomorphology (Subtotal = 5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1 JH	2	3
5. Active/relict floodplain	(0)	(1) JH	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	(No = 0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology 3.5				
12. Presence of Baseflow	(0)	1	2	(3) JH
13. Iron oxidizing bacteria	(0)	1	2 JH	3
14. Leaf litter	1.5	JH 1	(0.5)	(0)
15. Sediment on plants or debris	(0)	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes = 3)	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial

USGS = Present

Evest SF8

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2022	Project/Site: Verden	Latitude: 35.697098
Evaluator: JH - S+EC	County: ~~mr~~ ~~uc~~ Wake	Longitude: -78.865711
Total Points: 21.5 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other O *e.g. Quad Name:*

A. Geomorphology (Subtotal = 11)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology 4.5				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 10)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Present

JM 11/7/2022

WEST SF37

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/2022	Project/Site: Veridea	Latitude: 35.696[illegible]
Evaluator: SHEC - JOSINA HARVEY	County: WAKE	Longitude: -78.5[illegible]
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 8	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other P *e.g. Quad Name:*

A. Geomorphology (Subtotal = 3.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel ~~artificial ditches are not rated; see discussions in manual~~	No = 0		Yes = 3	

B. Hydrology (Subtotal = 0.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	(No = 0)		Yes = 3	

C. Biology (Subtotal = 4)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

10/20/2022

Wasp SF 7

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/2022	Project/Site: Verdue	Latitude: 35.699659
Evaluator: SM	County: Wilson	Longitude: -78.864228
Total Points: 16 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other Q *e.g. Quad Name:*

A. Geomorphology (Subtotal = 6)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (5)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

12/15/2022

West SF27

NC DWQ Stream Identification Form Version 4.11

Date: 11/2/22	Project/Site: Verides	Latitude: 35.701121
Evaluator: S+EL-JH	County: Wake	Longitude: -78.856460
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 9	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other R *e.g. Quad Name:*

A. Geomorphology (Subtotal = 4)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	(1)	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 2)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JM 11/7/2022

West SF 25

NC DWQ Stream Identification Form Version 4.11

Date: 11/2/22	Project/Site: Verdea	Latitude: 35.702162
Evaluator: SEC - JH	County: Wake	Longitude: -78.854496
Total Points: *Stream is at least Intermittent if ≥ 19 or perennial if ≥ 30** 21.75	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other R *e.g. Quad Name:*

A. Geomorphology (Subtotal = 10)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	(2)	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 6.75)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JH 11/2/2022

West SF26

NC DWQ Stream Identification Form Version 4.11

Date: 11/2/22	Project/Site: Verdea	Latitude: 35.701807
Evaluator: S+EC-JH	County: Wake	Longitude: -78.855554
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 10.25	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other 5 *e.g. Quad Name:*

A. Geomorphology (Subtotal = 2.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	(0)	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	(No = 0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 3)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes = 3)	

C. Biology (Subtotal = 4.75)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	(FACW = 0.75; OBL = 1.5 Other = 0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 11/2022

West
SF 24

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.698569
Evaluator: SHEC - AJK + JH + KM	County: Wake	Longitude: 78.854833
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 18	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other T *e.g. Quad Name:*

A. Geomorphology (Subtotal = 10)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	2	(3)
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	1	(2)	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (3)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
VSCS = Not Present

12/15/2022

West SF20

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Verides	Latitude: 35.696709
Evaluator: SHEC - AJK + JH + KM	County: Wake	Longitude: -78.852141
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 19.5	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other T *e.g. Quad Name:*

A. Geomorphology (Subtotal = 10.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2) →	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	0	1	(2)	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (4)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Not Present

JH 10/13/2022

West SF23

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Verideo	Latitude: 35.698339
Evaluator: SFEC – AJK & KM	County: Wake	Longitude: -78.855074
Total Points: Non-Scoreable Feature *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other U *e.g. Quad Name:*

A. Geomorphology (Subtotal = _____)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (_____)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = _____)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Non-Scoreable Feature

Soils = Intermittent
USGS = Not Present

JM 10/19/2022

West SF 35

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/22	Project/Site: Veridea	Latitude: 35.697154
Evaluator: S+EC - AJK	County: Wake	Longitude: -78.858121
Total Points: 6 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other *e.g Quad Name:* ✓

A. Geomorphology (Subtotal = 1)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	(0)	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	(0)	0.5	1	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (3)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 2)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 12/20/2022

West SF36

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/22	Project/Site: Veridea	Latitude: 35.696363
Evaluator: SFEC-AJK	County: Wake	Longitude: -78.858198
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 23	Stream Determination (circle one) Ephemeral / (Intermittent) / Perennial	Other ✓ *e g Quad Name:*

A. Geomorphology (Subtotal = 11.5)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (6.5)				
12. Presence of Baseflow	0	(1)	2	3
13 Iron oxidizing bacteria	(0)	1	2	3
14 Leaf litter	1.5	(1)	0.5	0
15 Sediment on plants or debris	0	0.5	(1)	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17 Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22 Fish	(0)	0 5	1	1.5
23. Crayfish	(0)	0.5	1	1,5
24. Amphibians	(0)	0,5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0 75; OBL = 1,5 Other = 0			

*perennial streams may also be identified using other methods. See p 35 of manual

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JM 12/20/2022

West SF 34

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/3/2022	Project/Site: Verideo	Latitude: 35.694766
Evaluator: S+EC - AJK	County: Wake	Longitude: -78.856375
Total Points: 32 *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral Intermittent (Perennial)	Other e.g. Quad Name: V

A. Geomorphology (Subtotal = 18)	Absent	Weak	Moderate	Strong
1[a] Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	2	(3)
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	(3)
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	1	(2)	3
7. Recent alluvial deposits	0	1	(2)	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (8)				
12. Presence of Baseflow	0	1	(2)	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	0.5	(1)	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	0	0.5	(1)	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 12/20/2022

West
SF17

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.694829
Evaluator: SFEC - AJK, JH + KM	County: Wake	Longitude: -78.859124
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 14	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other W *e.g. Quad Name:*

A. Geomorphology (Subtotal = 5.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (4)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4.5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	2	(1)	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = (1.5) Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JH 12/15/2022

West SF22

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.696773
Evaluator: SHEC - AJK + JH + km	County: Wake	Longitude: -78.854816
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 7	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other X *e.g. Quad Name:*

A. Geomorphology (Subtotal = 5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	(0)	1	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (0)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = (0)		Yes = 3	

C. Biology (Subtotal = 2)				
18. Fibrous roots in streambed	3	2	1	(0)
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 10/19/2022

West SF21

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.695789
Evaluator: S+EC - AJK + JH + KM	County: Wake	Longitude: -78.854435
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 19.75	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other X *e.g. Quad Name:*

A. Geomorphology (Subtotal = 11.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	(3)
2. Sinuosity of channel along thalweg	0	1	2	(3)
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	1	(2)	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (3.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	0.5	(0)
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	(0)	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 4.75)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	(FACW = 0.75) OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent
USGS = Not Present

JM 12/15/2022

WEST SF41

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/02/2022	Project/Site: Verdea	Latitude: 35.694611
Evaluator: S+EC - Joshua HARVEY	County: Wake	Longitude: -78.854206
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 15	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other X *e.g. Quad Name:*

A. Geomorphology (Subtotal = 4.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	(0)	1	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel [a]artificial ditches are not rated; see discussions in manual	(No = 0)		Yes = 3	

B. Hydrology (Subtotal = 5.5)				
12. Presence of Baseflow	0	(1)	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	(0)	0.5	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		(Yes = 3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes: Stream dissipates into wetland drainage

Sketch:

Soils = Intermittent

USGS = Not Present

JH 11/10/2022

West SF1B

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Veridea	Latitude: 35.691433
Evaluator: S+EC - AJK+JH + km	County: Wake	Longitude: -78.855344
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 13.5	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other Y *e.g. Quad Name:*

A. Geomorphology (Subtotal = 6)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	(1)	2	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	(0)	1	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	(0)	0.5	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (4.5)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	1	(0.5)	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 3)				
18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = (0)			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial

VSCS = Not Present

JM 12/15/2022

West
SF 19

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/22	Project/Site: Verdea	Latitude: 35.690966
Evaluator: STEC – AJK + KM	County: Wake	Longitude: -78.852807
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 21.5 23.5 JM	Stream Determination (circle one) Ephemeral (Intermittent) Perennial	Other Y *e.g. Quad Name:*

A. Geomorphology (Subtotal = 12.5)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	2	(3)
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate	0	(1)	2	3
5. Active/relict floodplain	0	1	(2)	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = (0)		Yes = 3	

[a] artificial ditches are not rated; see discussions in manual

B. Hydrology (6)				
12. Presence of Baseflow	(0)	1	2	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	0.5	(1)	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = (3)	

C. Biology (Subtotal = 5)				
18. Fibrous roots in streambed	3	(2)	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	(0)	1	2	3
21. Aquatic Mollusks	(0)	1	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Perennial
USGS = Not Present

J[illegible]/2022

WFST SF38 (FEATURE BB)

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/2022	Project/Site: Verdea	Latitude: 35.688992
Evaluator: SEC. Joshua HARVEY	County: WAKE	Longitude: -78.751202
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** No Scoreable Feature	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other BB *e.g. Quad Name:*

A. Geomorphology (Subtotal = /)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel ~~artificial ditches are not rated; see discussions in manual~~	No = 0		Yes = 3	

B. Hydrology (Subtotal = /)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = /)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	/	FACW = 0.75; OBL = 1.5 Other = 0		

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

Soils = Intermittent

USGS = Not Present

JM 10/2022

WEST SF 39 ([redacted]) roadside ditch

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.1

NC DWQ Stream Identification Form Version 4.1

Date: 11/2/2022	Project/Site: Verdea	Latitude: 35.703025
Evaluator: SEC - Joshua HARVEY	County: WAKE	Longitude: -78.859330
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** No Scorable Feature	Stream Determination (circle one) (Ephemeral) Intermittent Perennial	Other CC *e.g. Quad Name:*

A. Geomorphology (Subtotal =)	Absent	Weak	Moderate	Strong
1[a]. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel artificial ditches are not rated; see discussions in manual	No = 0		Yes = 3	

B. Hydrology (Subtotal =)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal =)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

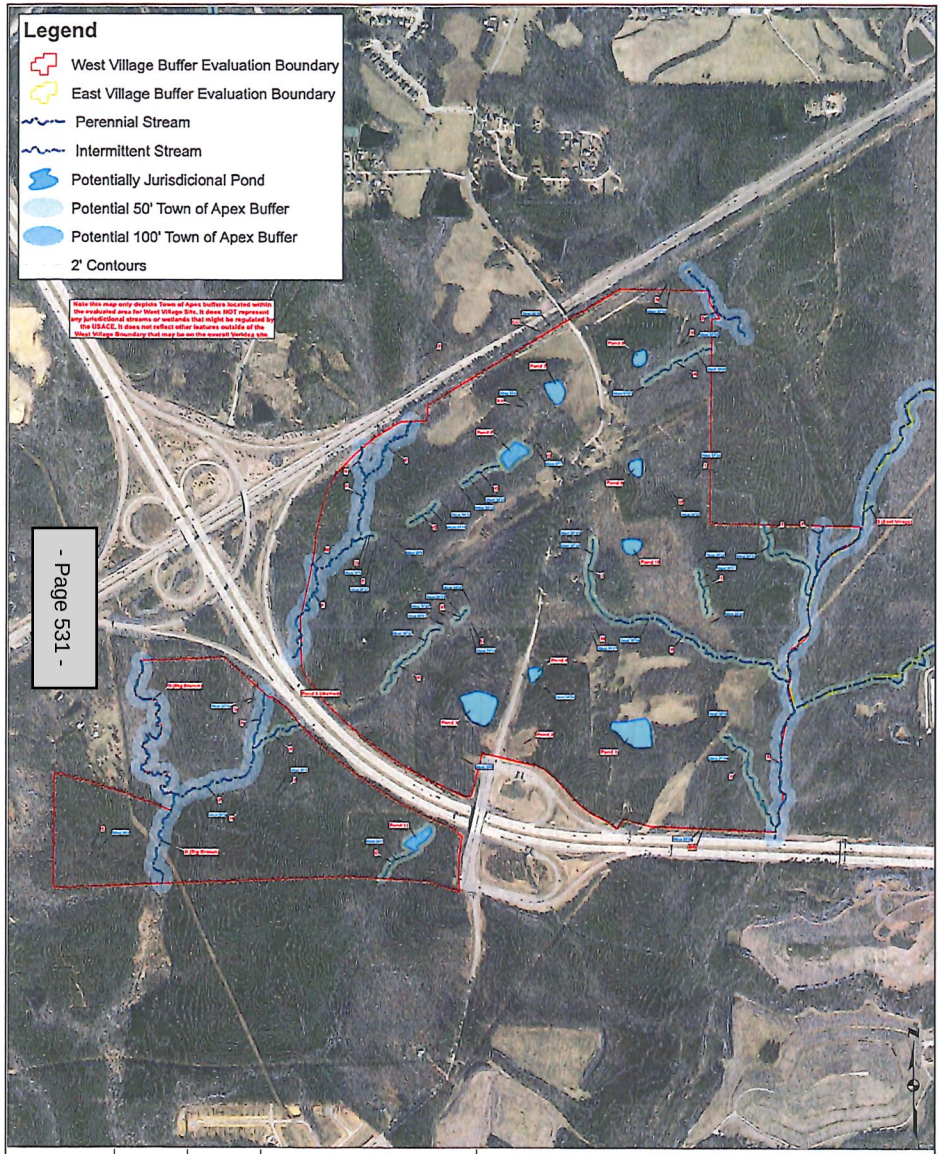
Notes:

Sketch:

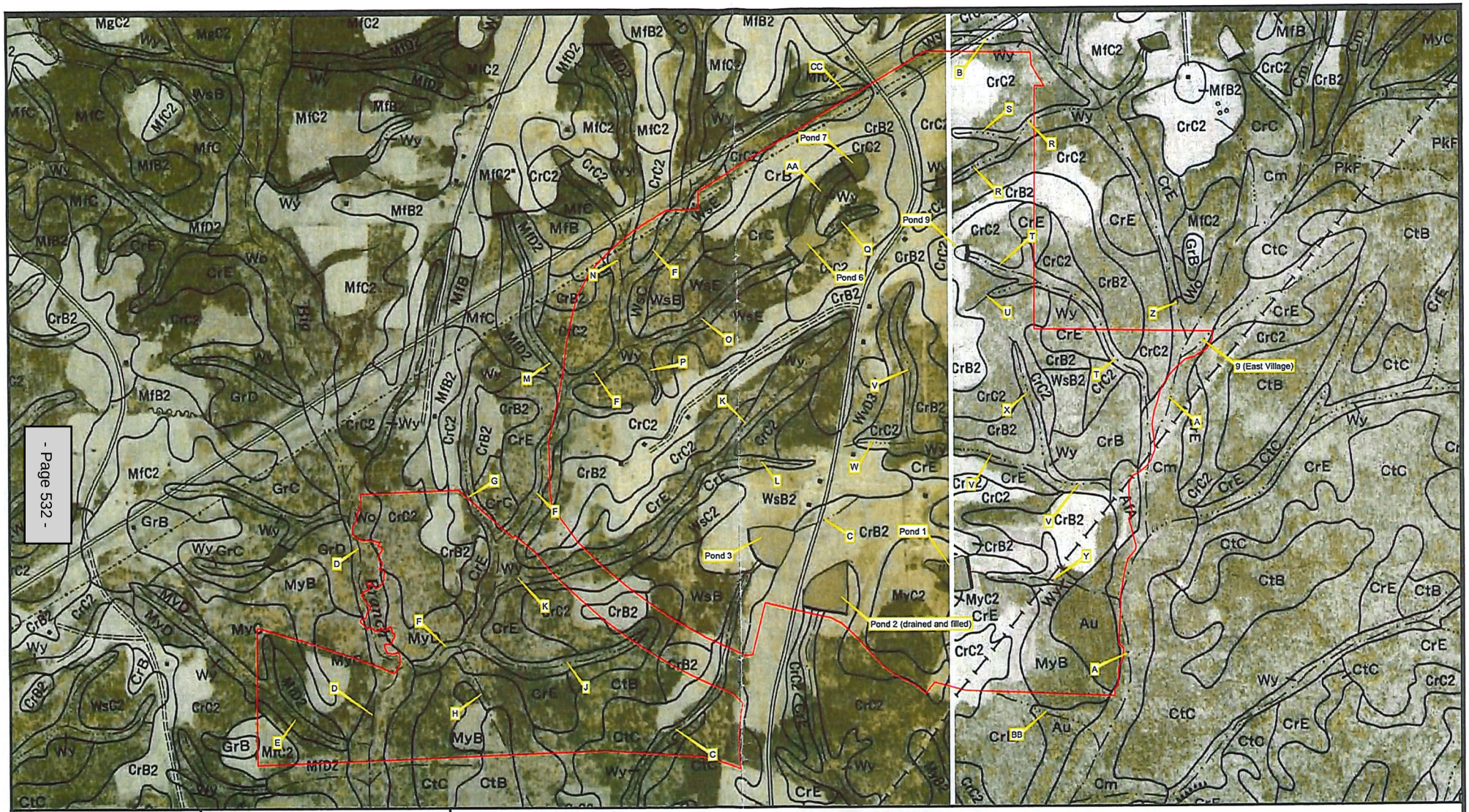
Soils = Intermittent

USGS = Not Present

JM 10/20/2022


Legend
West Village Buffer Evaluation Boundary
East Village Buffer Evaluation Boundary
Perennial Stream
Intermittent Stream
Potentially Jurisdicional Pond
Potential 50' Town of Apex Buffer
Potential 100' Town of Apex Buffer
2' Contours
Note this map only depicts Town of Apex buffers located within the evaluated area for West Village Site. It does NOT represent any jurisdictional streams or wetlands that might be regulated by the USACE. It does not reflect other features outside of the West Village Boundary that may be on the overall Veridea site.
Project No. 11085.WS
Scale: 1" = 300'
NC OneMap Wake County GIS
Project Mgr.: SB
12/02/2022
Prepared by: JH
West Village Buffer Map
Veridea
S&EC
Soil & Environmental Consultants, PA
0 300 600 1,200
Feet

JM 12/15/2022



- Page 532 -

Project Number:	11065.W28
Project Manager:	SB
Scale:	1" = 750'
Date:	12/02/2022

Map Title:

Figure 2 - Soil Survey

Veridea
West Village

Source: Wake County Soil Survey
Sheets 74 & 75

0 750 1,500
Feet

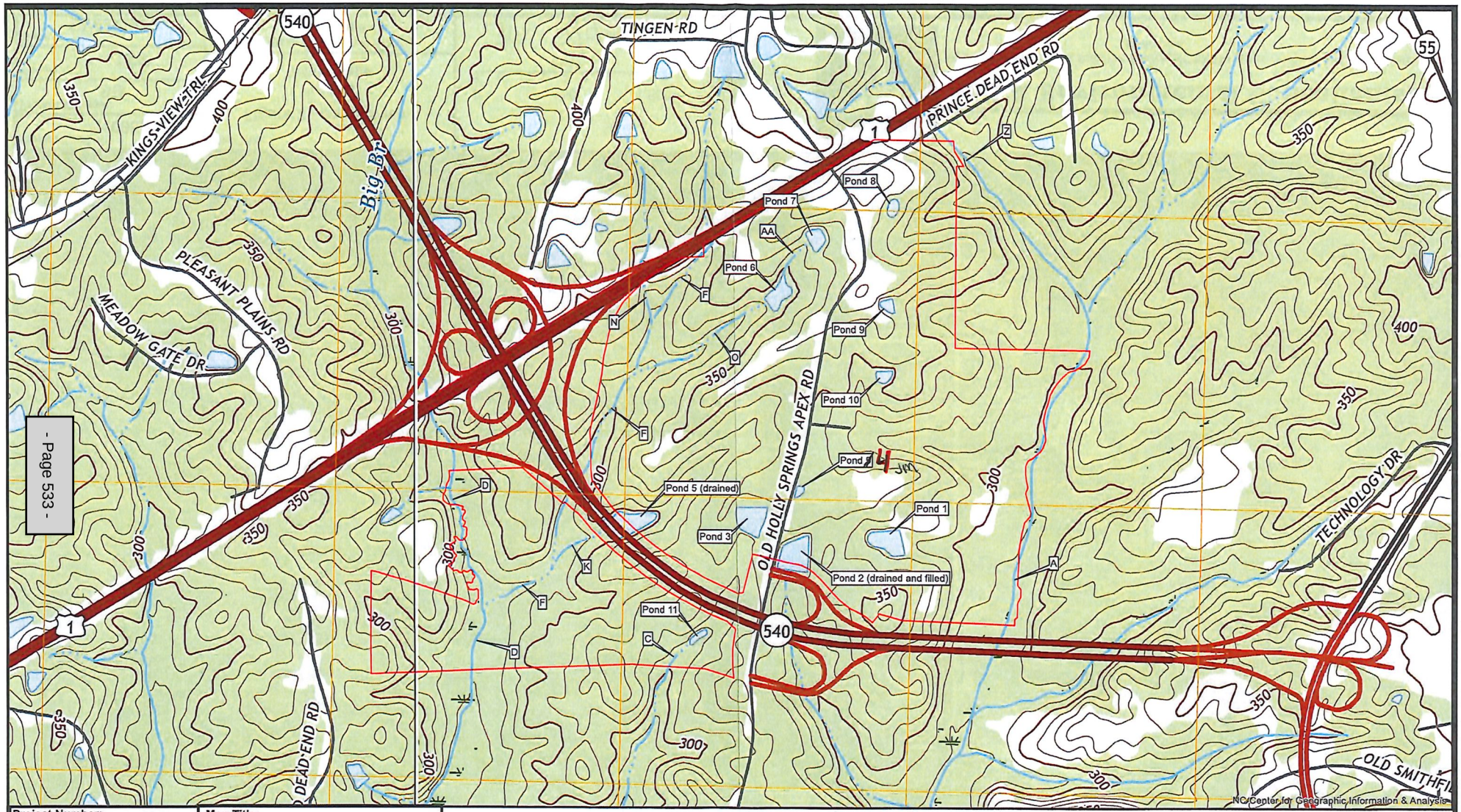
JM 12/15/2022

N

S&EC

Soil & Environmental Consultants, PA

8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone: (919) 846-5900 • Fax: (919) 846-9467
sandec.com

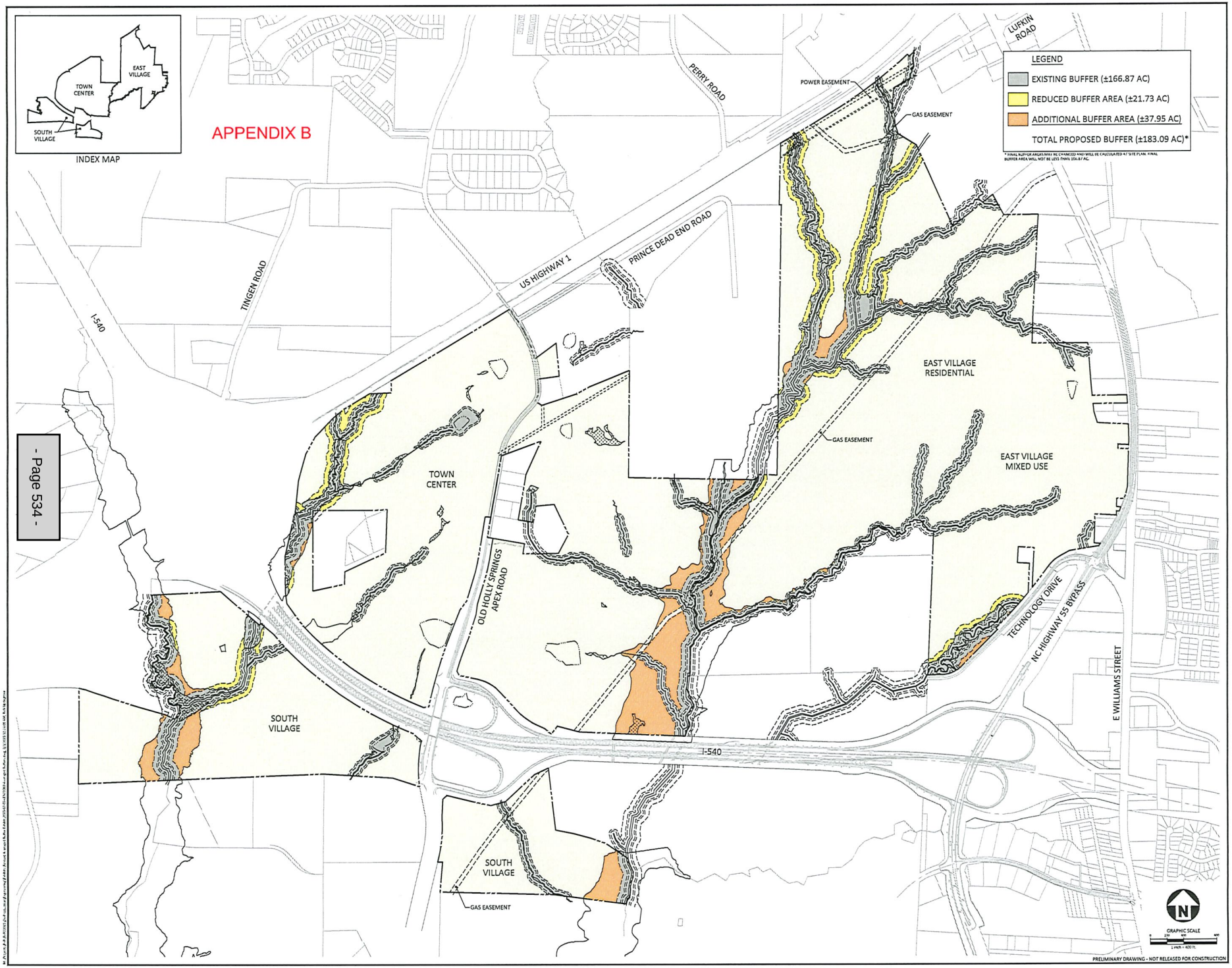


Project Number:	11065.W28
Project Manager:	SB
Scale:	1" = 1000'
Date:	12/02/2022
Map Title:	Figure 1 - USGS Map Veridea West Village
Source:	2019 NC New Hill & Apex Quads

0 1,000 2,000
Feet

N

S&EC
Soil & Environmental Consultants, PA
8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone: (919) 846-5900 • Fax: (919) 846-9467
sandec.com



McAdams
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713
phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

VERIDEA
AVERAGED STREAM BUFFER EXHIBIT
APEX, NORTH CAROLINA

REVISIONS
NO. DATE

PLAN INFORMATION
PROJECT NO. RXR-22001
FILENAME RXR22001-S1
CHECKED BY WHD
DRAWN BY RLU
SCALE 1"=400'
DATE 01. 30. 2023

SHEET
AVERAGED STREAM BUFFER EXHIBIT
E1.00

Attachment D

ORD-2024-068

AN ORDINANCE TO ADOPT ADDITIONAL SUSTAINABILITY STANDARDS FOR VERIDEA

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

Section 1. The Veridea Pattern Book for Veridea is hereby adopted in accordance with Section 2.3.16.F.3 of the Unified Development Ordinance and Section 5.13 of the Sustainable Development Plan adopted for Veridea by Rezoning #09CZ07 ("Veridea SD Plan").

Section 2. 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.

Section 3. Pursuant to Section 3.3.4 of the Veridea SD Plan, the Veridea Pattern Book in Attachment "B" is hereby incorporated into the Veridea SD Plan and is applicable to the land described in Attachment "A" and to any lands subsequently rezoned to be included in the Veridea SD Plan.

Section 4. The ordinance shall be effective upon enactment on the 27th day of August 2024.

Introduced by Council Member Killingsworth

Seconded by Council Member Zegerman

Attest:

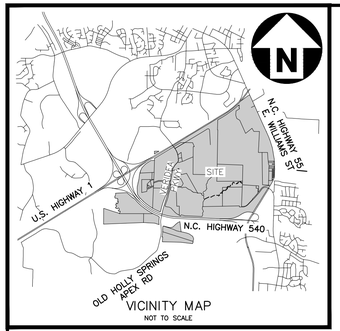
Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

Edward Gray
Mayor Pro-Tempore

Approved As To Form:

Laurie L. Hohe
Town Attorney



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

1. THIS IS AN ALTA/NSPS LAND TITLE SURVEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON THE LOCAL SITE DATUM.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: VARIES ACCORDING TO TOWN OF APEX ZONING MAP AMENDED 2/22/2022, ZONING FOR EACH PARCEL SHOWN ON MAP. NO ZONING REPORT PROVIDED.
5. AREA BY COORDINATE GEOMETRY.
6. FLOOD NOTE: THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS PARTIALLY LOCATED IN ZONES "X" AND "AE" AS DEFINED BY F.E.M.A F.I.R.M COMMUNITY PANELS 3720077410OJ DATED 5/2/2006, 3720074000K DATED 7/19/2022, AND 3720073000K DATED 7/19/2022.
7. REFERENCES: AS SHOWN
8. UTILITY STATEMENT
   THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
10. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS, RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING FIELDWORK.
11. NO FIELD DELINEATION OF WETLANDS WAS PERFORMED AS A PART OF THIS SURVEY AND NO MARKERS FOR SUCH WERE OBSERVED
12. NO PARTY WALLS WERE LOCATED AS PART OF THIS SURVEY
13. THE SURVEYED PROPERTY SHOWN AND DESCRIBED IN THE COMMITMENT DESCRIPTION IS THE SAME PROPERTY DESCRIBED IN SCHEDULE A OF THE TITLE COMMITMENT.
14. PROPERTY HAS VEHICULAR ACCESS TO VERIDEA PARKWAY, OLD HOLLY SPRINGS APEX ROAD, AND E WILLIAMS STREET
15. BUFFERS AND STREAM TAKEN FROM B.M. 2008, PG. 436. NOT FIELD LOCATED
16. ARCHAEOLOGICAL EVIDENCE SHOWN PER "ARCHAEOLOGICAL ASSESSMENT OF THE PROPOSED VERIDEA DEVELOPMENT TRACT, BY LUAN CAO, DATED OCTOBER 2021
17. CEMETERIES SHOWN BASED ON PHYSICAL EVIDENCE. SURVEYOR DOES NOT CERTIFY THAT THE EXTENTS OF THE CEMETERY SHOWN ON THE SURVEY ARE THE FULL EXTENT OF BURIAL GROUND OR REPRESENTATIVE OF ALL RIGHTS TO USE OR ACCESS
18. PORTIONS OF EASTERN PROPERTIES SHOWN USING PLANIMETRIC FEATURES PROVIDED BY AVIOIMAGE AERIAL SURVEY.

NOT TO SCALE

TO RXR REALTY VERIDEA HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY; LENNAR CAROLINAS, LLC; RXR LEN APEX OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY; PRIME X SETTLEMENT SERVICES LLC; AMTRUST TITLE INSURANCE COMPANY; AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(a)(b), 8, 9, 11(a), 13, 15, 16, 17, 18, AND 19 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 3/25/2022
DATE OF PLAT OR MAP: 4/1/2022
LAST REVISED: 1/23/2023

2/14/2023
DAVID J. MILLS, P.L.S. L-5477 DATE

PRELIMINARY

McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

RXR REALTY
75 ROCKEFELLER PLAZA, SUITE 1300
NEW YORK, NY 10019

VERIDEA
ALTA/NSPS LAND TITLE SURVEY
VERIDEA PARKWAY
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL PRELIMINARY SURVEYOR SEAL L-5477 DAVID J. MILLS
2/14/2023

REVISIONS

NO.	DATE	
1	1/17/2023	ADDITIONAL SURVEY DESCRIPTIONS
2	1/31/2023	ADDITIONAL SURVEY DESCRIPTIONS
3	2/08/2023	ADDITIONAL SURVEY DESCRIPTIONS

PLAN INFORMATION

PROJECT NO.	RXR22001
FILENAME	RXR22001-AT1
CHECKED BY	JBT
DRAWN BY	DJM/CJS
SCALE	NOT TO SCALE
DATE	01/20/2023

SHEET

1-26

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TRACTS 1, 2, 3, 4, 5, 6, 7 NORTH, 8-1, 8-4, 9-1, 9-2-1, 9-2-2, 9-2-3, 9-3-1, 9-3-2, 9-3-4, 10-1, 10-2, 10-3, 10-7A&C, 10-7B NORTH, 11, 13-1, 13-2, 14

BEGINNING AT A POINT ON THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 1, SAID POINT BEING THE NORTHWEST CORNER OF TRACT I-A, AS SHOWN ON BOOK OF MAPS 2003, PAGE 398 OF THE WAKE COUNTY REGISTRY; THENCE WITH SAID RIGHT OF WAY NORTH 58°51'35" EAST A DISTANCE OF 406.60 FEET TO A CONCRETE MONUMENT; THENCE NORTH 58°00'23" EAST A DISTANCE OF 434.93 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT A RADIUS OF 5,860.99 FEET, AN ARC LENGTH OF 1,031.97 FEET, A CHORD BEARING OF NORTH 51°39'15" EAST, A CHORD LENGTH OF 1,030.63 FEET TO A POINT; THENCE SOUTH 41°41'54" EAST A DISTANCE OF 29.56 FEET TO A POINT; THENCE NORTH 46°57'49" EAST A DISTANCE OF 79.93 FEET TO A POINT, THE COMMON CORNER OF LOT 2 A SHOWN ON BOOK OF MAPS 1996, PAGE 667; THENCE WITH SAID COMMON LINE SOUTH 08°18'39" WEST A DISTANCE OF 74.71 FEET TO A POINT; THENCE SOUTH 03°57'01" EAST A DISTANCE OF 106.42 FEET TO A POINT ON THE COMMON LINE OF JUSTIN STANLEY; THENCE WITH SAID COMMON LINE SOUTH 58°19'32" WEST A DISTANCE OF 25.09 FEET TO A POINT; THENCE SOUTH 31°28'08" EAST A DISTANCE OF 99.98 FEET TO A POINT IN THE NORTH LINE OF THE TRACT SHOWN ON BOOK OF MAPS 1999, PAGE 1145; THENCE WITH SAID COMMON LINE SOUTH 58°37'43" WEST A DISTANCE OF 311.61 FEET TO A POINT; THENCE SOUTH 05°32'28" WEST A DISTANCE OF 311.05 FEET TO A POINT; THENCE SOUTH 18°18'17" EAST A DISTANCE OF 266.26 FEET TO A POINT; THENCE SOUTH 58°02'56" EAST A DISTANCE OF 253.73 FEET TO AN IRON PIPE; THENCE SOUTH 24°13'34" EAST A DISTANCE OF 1064.47 FEET TO AN IRON PIPE; THENCE NORTH 51°40'44" EAST A DISTANCE OF 610.52 FEET TO A POINT, THE COMMON CORNER OF FTPA STORAGE APEX LLC; THENCE WITH SAID COMMON LINE SOUTH 29°10'43" EAST A DISTANCE OF 276.67 FEET TO A POINT, THE SOUTHWEST CORNER OF THE TRACT SHOWN ON BOOK OF MAPS 2004, PAGE 593; THENCE WITH SAID COMMON LINE NORTH 89°42'08" EAST A DISTANCE OF 414.38 FEET TO AN IRON PIPE, THE NORTHWEST CORNER OF TRACT B, AS SHOWN ON BOOK OF MAPS 1986, PAGE 855; THENCE WITH SAID COMMON LINE SOUTH 02°52'31" WEST A DISTANCE OF 576.07 FEET TO AN IRON PIPE, THE NORTHWEST CORNER OF PPTAPEX LLC; THENCE WITH SAID COMMON LINE SOUTH 03°02'31" WEST A DISTANCE OF 260.47 FEET TO AN IRON PIPE, THE NORTHWEST CORNER OF JAMES IRVIN RIGSBEE; THENCE WITH SAID COMMON LINE SOUTH 03°08'36" WEST A DISTANCE OF 288.05 FEET TO AN IRON PIPE; THENCE SOUTH 02°21'58" WEST A DISTANCE OF 72.79 FEET TO AN AXLE, THE NORTHWEST CORNER OF KENAN TRANSPORT CO; THENCE WITH SAID COMMON LINE SOUTH 02°22'52" WEST A DISTANCE OF 365.20 FEET TO AN IRON PIPE; THENCE SOUTH 89°54'31" EAST A DISTANCE OF 270.03 FEET TO A POINT; THENCE SOUTH 89°55'44" EAST A DISTANCE OF 403.93 FEET TO A POINT, THE NORTHWEST CORNER OF DAVID RAYMER; THENCE WITH SAID COMMON LINE SOUTH 04°23'01" EAST A DISTANCE OF 445.52 FEET TO AN IRON PIPE, THE NORTHWEST CORNER OF THOMPSON GAS-SMOKIES LLC; THENCE WITH SAID COMMON LINE SOUTH 05°37'02" EAST A DISTANCE OF 199.93 FEET TO AN IRON PIPE; THENCE NORTH 89°21'15" EAST A DISTANCE OF 417.22 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 55; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT, A RADIUS OF 5,633.75 FEET, AN ARC LENGTH OF 101.71 FEET, A CHORD BEARING OF SOUTH 04°07'50" EAST, A CHORD LENGTH OF 101.71 FEET TO AN IRON PIPE, THE COMMON CORNER OF DEXTER RAY; THENCE WITH SAID COMMON LINE AND THE LINE OF DAVID PAGE HEIRS, SOUTH 89°36'58" WEST A DISTANCE OF 414.74 FEET TO A POINT; THENCE SOUTH 05°37'02" EAST A DISTANCE OF 100.00 FEET TO A POINT, THE NORTHWEST CORNER OF CROWN BUILDERS AND DEVELOPERS OF NC, LLC; THENCE WITH SAID COMMON LINE SOUTH 17°12'56" EAST A DISTANCE OF 140.08 FEET TO AN IRON PIPE; THENCE SOUTH 87°06'10" EAST A DISTANCE OF 374.27 FEET TO AN IRON PIPE ON THE WESTERN RIGHT OF WAY OF SAID

HIGHWAY 55; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT A RADIUS OF 5,633.75 FEET, AN ARC LENGTH OF 100.26 FEET, A CHORD BEARING OF SOUTH 00°30'27" EAST, A CHORD LENGTH OF 100.26 FEET TO A POINT; THENCE SOUTH 01°41'54" EAST A DISTANCE OF 100.29 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 49.94 FEET TO A POINT ON THE NORTH LINE OF LOT 22 AS SHOWN ON BOOK OF MAPS 1948, PAGE 18; THENCE WITH SAID COMMON LINE NORTH 87°04'26" WEST A DISTANCE OF 127.90 FEET TO A POINT; THENCE SOUTH 01°28'23" WEST A DISTANCE OF 50.04 FEET TO A POINT; THENCE SOUTH 87°06'47" EAST A DISTANCE OF 127.65 FEET TO A POINT ON THE WEST RIGHT OF WAY OF SAID HIGHWAY 55; THENCE WITH SAID RIGHT OF WAY SOUTH 01°45'44" WEST A DISTANCE OF 49.94 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 49.94 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 49.94 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 49.94 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 49.94 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 49.79 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 01°45'44" WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 12°49'18" WEST A DISTANCE OF 50.78 FEET TO A POINT; THENCE SOUTH 14°56'39" WEST A DISTANCE OF 51.10 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 17°33'36" WEST A DISTANCE OF 51.76 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF LOT 9, AS SHOWN ON BOOK OF MAPS 1948, PAGE 18; THENCE WITH SAID COMMON LINE NORTH 86°43'05" WEST A DISTANCE OF 89.07 FEET TO A POINT; THENCE SOUTH 01°28'00" WEST A DISTANCE OF 100.88 FEET TO A POINT; THENCE SOUTH 87°17'00" EAST A DISTANCE OF 51.62 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF SAID HIGHWAY 55; THENCE WITH SAID RIGHT OF WAY SOUTH 22°15'24" WEST A DISTANCE OF 53.04 FEET TO A POINT ON THE NORTHERN LINE OF LOT 6 AS SHOWN ON BOOK OF MAPS 1948, PAGE 18; THENCE WITH SAID COMMON LINE NORTH 87°17'00" WEST A DISTANCE OF 32.79 FEET TO A POINT; THENCE SOUTH 01°28'00" WEST A DISTANCE OF 48.52 FEET TO A POINT ON THE NORTHERN LINE OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; THENCE WITH SAID COMMON LINE NORTH 87°21'16" WEST A DISTANCE OF 259.05 FEET TO A POINT; THENCE SOUTH 01°23'44" WEST A DISTANCE OF 347.79 FEET TO AN IRON PIPE; THENCE SOUTH 86°24'46" EAST A DISTANCE OF 74.06 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF SAID HIGHWAY 55; THENCE WITH SAID RIGHT OF WAY SOUTH 34°48'30" WEST A DISTANCE OF 35.57 FEET TO A CONCRETE MONUMENT ON THE NORTHERN RIGHT OF WAY OF TECHNOLOGY DRIVE, AS SHOWN ON BOOK OF MAPS 2003, PAGE 398; THENCE WITH SAID RIGHT OF WAY SOUTH 81°05'32" WEST A DISTANCE OF 355.21 FEET TO A POINT; THENCE SOUTH 60°43'09" WEST A DISTANCE OF 132.34 FEET TO A POINT; THENCE A CURVE TO THE LEFT, A RADIUS OF 426.43 FEET, AN ARC LENGTH OF 181.19 FEET, A CHORD BEARING OF SOUTH 49°06'58" WEST, A CHORD LENGTH OF 179.83 FEET TO A POINT; THENCE SOUTH 36°56'38" WEST A DISTANCE OF 162.54 FEET TO A POINT; THENCE SOUTH 37°44'51" WEST A DISTANCE OF 163.20 FEET TO A POINT ON THE EASTERN LINE OF THE BREGMAN TRACT SHOWN ON BOOK OF MAPS 2002, PAGE 165; THENCE WITH SAID COMMON LINE NORTH 02°38'53" EAST A DISTANCE OF 477.63 FEET TO AN IRON PIPE; THENCE NORTH 86°17'11" WEST A DISTANCE OF 191.04 FEET TO AN IRON PIPE; THENCE SOUTH 02°37'54" WEST A DISTANCE OF 192.78 FEET TO AN IRON PIPE; THENCE SOUTH 87°21'03" EAST A DISTANCE OF 144.87 FEET TO A POINT; THENCE SOUTH 02°38'53" WEST A DISTANCE OF 351.16 FEET TO A POINT ON THE NORTHER RIGHT OF WAY OF SAID TECHNOLOGY DRIVE; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT, A RADIUS OF 5,840.02 FEET, AN ARC LENGTH OF 578.81 FEET, A CHORD BEARING OF SOUTH 42°11'18" WEST, A CHORD LENGTH OF 578.57 FEET TO A POINT; THENCE SOUTH 45°24'35" EAST A DISTANCE OF 26.85 FEET TO A POINT; THENCE

SOUTH 44°12'36" WEST A DISTANCE OF 620.76 FEET TO A POINT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 351.98 FEET, AN ARC LENGTH OF 268.88 FEET, A CHORD BEARING OF SOUTH 67°02'07" WEST, A CHORD LENGTH OF 262.39 FEET TO A POINT; THENCE SOUTH 88°52'01" WEST A DISTANCE OF 164.86 FEET TO A POINT THE SOUTHEAST CORNER OF THE TRACT SHOWN ON BOOK OF MAPS 2000, PAGE 1920; THENCE WITH SAID COMMON LINE NORTH 02°16'22" EAST A DISTANCE OF 50.18 FEET TO AN IRON PIPE; THENCE NORTH 02°17'00" EAST A DISTANCE OF 1,402.38 FEET TO A POINT; THENCE NORTH 02°17'00" EAST A DISTANCE OF 163.32 FEET TO AN IRON PIPE ON THE EASTERN LINE OF TRACT 1, AS SHOWN ON BOOK OF MAPS 2009, PAGE 884; THENCE WITH SAID COMMON LINE NORTH 02°11'42" EAST A DISTANCE OF 120.99 FEET TO A POINT NEAR THE CREEK AS SHOWN ON THE AFORE SAID MAP; THENCE GENERALLY WITH THE COURSE OF SAID CREEK AS SHOWN ON THE AFORE SAID MAP, NORTH 82°46'29" WEST A DISTANCE OF 59.32 FEET TO A POINT; THENCE NORTH 38°01'48" WEST A DISTANCE OF 154.60 FEET TO A POINT; THENCE NORTH 84°02'09" WEST A DISTANCE OF 86.70 FEET TO A POINT; THENCE SOUTH 20°44'56" WEST A DISTANCE OF 18.43 FEET TO A POINT; THENCE SOUTH 79°18'34" WEST A DISTANCE OF 39.77 FEET TO A POINT; THENCE SOUTH 13°19'46" EAST A DISTANCE OF 38.31 FEET TO A POINT; THENCE SOUTH 76°35'49" WEST A DISTANCE OF 53.23 FEET TO A POINT; THENCE SOUTH 26°54'51" WEST A DISTANCE OF 42.90 FEET TO A POINT; THENCE SOUTH 33°19'02" EAST A DISTANCE OF 29.87 FEET TO A POINT; THENCE SOUTH 51°46'22" WEST A DISTANCE OF 61.75 FEET TO A POINT; THENCE NORTH 64°34'50" WEST A DISTANCE OF 58.31 FEET TO A POINT; THENCE SOUTH 29°34'47" WEST A DISTANCE OF 47.94 FEET TO A POINT; THENCE SOUTH 71°40'28" WEST A DISTANCE OF 23.79 FEET TO A POINT; THENCE NORTH 39°32'53" WEST A DISTANCE OF 102.73 FEET TO A POINT; THENCE NORTH 69°26'41" WEST A DISTANCE OF 124.25 FEET TO A POINT; THENCE SOUTH 57°24'05" WEST A DISTANCE OF 82.87 FEET TO A POINT; THENCE SOUTH 07°43'11" WEST A DISTANCE OF 131.15 FEET TO A POINT; THENCE SOUTH 83°27'25" WEST A DISTANCE OF 147.78 FEET TO A POINT; THENCE SOUTH 00°36'20" EAST A DISTANCE OF 95.70 FEET TO A POINT; THENCE SOUTH 80°37'14" WEST A DISTANCE OF 210.03 FEET TO A POINT; THENCE SOUTH 21°46'20" WEST A DISTANCE OF 110.71 FEET TO A POINT; THENCE SOUTH 78°48'03" EAST A DISTANCE OF 41.76 FEET TO A POINT; THENCE SOUTH 32°29'11" WEST A DISTANCE OF 93.04 FEET TO A POINT; THENCE NORTH 66°26'02" WEST A DISTANCE OF 45.02 FEET TO A POINT; THENCE SOUTH 47°52'32" WEST A DISTANCE OF 34.12 FEET TO A POINT; THENCE SOUTH 00°28'52" WEST A DISTANCE OF 71.12 FEET TO A POINT; THENCE SOUTH 79°33'24" WEST A DISTANCE OF 96.46 FEET TO A POINT; THENCE NORTH 52°02'42" WEST A DISTANCE OF 30.57 FEET TO A POINT; THENCE SOUTH 81°23'08" WEST A DISTANCE OF 60.05 FEET TO A POINT; THENCE SOUTH 41°39'40" WEST A DISTANCE OF 186.48 FEET TO A POINT; THENCE SOUTH 44°48'01" EAST A DISTANCE OF 60.58 FEET TO A POINT; THENCE SOUTH 20°16'03" WEST A DISTANCE OF 35.02 FEET TO A POINT; THENCE NORTH 76°32'52" WEST A DISTANCE OF 126.07 FEET TO A POINT; THENCE SOUTH 34°49'57" WEST A DISTANCE OF 90.84 FEET TO A POINT; THENCE NORTH 41°34'57" WEST A DISTANCE OF 26.79 FEET TO A POINT; THENCE SOUTH 44°48'57" WEST A DISTANCE OF 69.31 FEET TO A POINT; THENCE SOUTH 28°17'36" EAST A DISTANCE OF 74.29 FEET TO A POINT; THENCE SOUTH 47°29'27" WEST A DISTANCE OF 92.11 FEET TO A POINT; THENCE NORTH 49°33'56" WEST A DISTANCE OF 78.37 FEET TO A POINT; THENCE SOUTH 87°17'25" WEST A DISTANCE OF 290.72 FEET TO A POINT; THENCE SOUTH 11°44'33" WEST A DISTANCE OF 20.66 FEET TO A POINT; THENCE SOUTH 64°16'17" WEST A DISTANCE OF 220.45 FEET TO A POINT; THENCE SOUTH 82°21'19" WEST A DISTANCE OF 72.19 FEET TO A POINT; THENCE NORTH 36°16'44" WEST A DISTANCE OF 42.40 FEET TO A POINT; THENCE SOUTH 69°36'51" WEST A DISTANCE OF 126.77 FEET TO A POINT; THENCE SOUTH 62°06'56" WEST A DISTANCE OF 316.17 FEET TO A POINT IN THE CENTERLINE OF WHITE OAK CREEK; THENCE WITH SAID CREEK SOUTH

17°45'27" WEST A DISTANCE OF 29.26 FEET TO A POINT; THENCE SOUTH 26°24'46" WEST A DISTANCE OF 31.72 FEET TO A POINT; THENCE SOUTH 40°05'18" WEST A DISTANCE OF 78.74 FEET TO A POINT; THENCE SOUTH 07°45'39" WEST A DISTANCE OF 35.25 FEET TO A POINT; THENCE SOUTH 42°06'24" WEST A DISTANCE OF 57.16 FEET TO A POINT; THENCE SOUTH 01°06'28" WEST A DISTANCE OF 351.89 FEET TO AN IRON PIE ON THE NORTHERN LINE OF GREENWAY WASTE SOLUTIONS OF APEX LLC; THENCE WITH SAID COMMON LINE SOUTH 88°51'48" WEST A DISTANCE OF 28.47 FEET TO A POINT; THENCE SOUTH 03°52'45" WEST A DISTANCE OF 158.77 FEET TO A POINT; THENCE SOUTH 23°38'07" EAST A DISTANCE OF 210.79 FEET TO A POINT; THENCE SOUTH 30°01'31" WEST A DISTANCE OF 156.29 FEET TO A POINT; THENCE SOUTH 11°48'54" EAST A DISTANCE OF 104.71 FEET TO A POINT; THENCE SOUTH 19°26'04" WEST A DISTANCE OF 147.77 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 540; THENCE WITH SAID RIGHT OF WAY NORTH 87°35'38" WEST A DISTANCE OF 1,273.34 FEET TO AN IRON PIPE; THENCE NORTH 75°03'53" WEST A DISTANCE OF 276.59 FEET TO AN IRON PIPE; THENCE SOUTH 36°13'41" WEST A DISTANCE OF 120.37 FEET TO AN IRON PIPE; THENCE NORTH 49°31'49" WEST A DISTANCE OF 105.40 FEET TO AN IRON PIPE; THENCE NORTH 65°24'12" WEST A DISTANCE OF 112.48 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 865.00 FEET, AN ARC LENGTH OF 261.30 FEET, A CHORD BEARING OF NORTH 54°43'51" WEST, A CHORD LENGTH OF 260.31 FEET TO A CONCRETE MONUMENT; THENCE NORTH 42°11'22" WEST A DISTANCE OF 182.87 FEET TO A CONCRETE MONUMENT; THENCE NORTH 40°19'02" WEST A DISTANCE OF 35.61 FEET TO A POINT; THENCE NORTH 44°05'45" WEST A DISTANCE OF 184.73 FEET TO A CONCRETE MONUMENT; THENCE WITH A CURVE TO THE LEFT A RADIUS OF 534.00 FEET, AN ARC LENGTH OF 249.50 FEET, A CHORD BEARING OF NORTH 64°32'31" WEST, A CHORD LENGTH OF 247.24 FEET TO A CONCRETE MONUMENT; THENCE NORTH 77°55'37" WEST A DISTANCE OF 220.93 FEET TO A CONCRETE MONUMENT; THENCE NORTH 25°05'55" WEST A DISTANCE OF 60.93 FEET TO A CONCRETE MONUMENT ON THE RIGHT OF WAY OF VERIDEA PARKWAY; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT, A RADIUS OF 5,930.50 FEET, AN ARC LENGTH OF 363.87 FEET, A CHORD BEARING OF NORTH 18°48'19" EAST, A CHORD LENGTH OF 363.81 FEET TO A POINT; THENCE NORTH 20°49'17" EAST A DISTANCE OF 59.37 FEET TO A POINT; THENCE NORTH 17°36'52" EAST A DISTANCE OF 299.95 FEET TO A POINT; THENCE NORTH 07°20'42" EAST A DISTANCE OF 127.17 FEET TO A POINT; THENCE NORTH 16°56'54" EAST A DISTANCE OF 296.14 FEET TO A POINT; THENCE A CURVE TO THE LEFT, A RADIUS OF 2,067.50 FEET, AN ARC LENGTH OF 227.29 FEET, A CHORD BEARING OF NORTH 13°47'56" EAST, A CHORD LENGTH OF 227.18 FEET TO A POINT; THENCE NORTH 09°16'52" EAST A DISTANCE OF 6.98 FEET TO A POINT; THENCE NORTH 09°16'52" EAST A DISTANCE OF 31.69 FEET TO A POINT; THENCE NORTH 09°28'48" EAST A DISTANCE OF 166.90 FEET TO A POINT; THENCE NORTH 09°28'48" EAST A DISTANCE OF 13.32 FEET TO A POINT; THENCE NORTH 09°28'48" EAST A DISTANCE OF 17.71 FEET TO A POINT; THENCE NORTH 09°28'48" EAST A DISTANCE OF 55.05 FEET TO A POINT ON THE SOUTHERN LINE OF ROGER BUSHEE; THENCE WITH SAID COMMON LINE SOUTH 80°05'31" EAST A DISTANCE OF 386.35 FEET TO AN IRON PIPE, AS SHOWN ON THE WESTERN LINE OF THE 5.00 ACRE TRACT SHOWN ON BOOK OF MAPS 1998, PAGE 1052; THENCE WITH SAID COMMON LINE SOUTH 09°53'16" WEST A DISTANCE OF 120.00 FEET TO AN IRON PIPE; THENCE NORTH 89°42'24" EAST A DISTANCE OF 427.65 FEET TO AN IRON PIPE; THENCE NORTH 28°17'19" EAST A DISTANCE OF 258.03 FEET TO A POINT; THENCE NORTH 25°29'27" WEST A DISTANCE OF 398.53 FEET TO A POINT; THENCE SOUTH 85°22'14" WEST A DISTANCE OF 220.54 FEET TO A POINT; THENCE SOUTH 09°39'36" WEST A DISTANCE OF 200.09 FEET TO A POINT, THE NORTHEAST CORNER OF ROGER BUSHEE; THENCE WITH SAID COMMON LINE NORTH 80°09'19" WEST A DISTANCE OF 185.05 FEET TO A POINT, THE SOUTHWEST CORNER OF WJ FIELDS; THENCE WITH

SAID COMMON LINE OF FIELDS AND OTHERS NORTH 09°58'01" EAST A DISTANCE OF 550.14 FEET TO A POINT, THE SOUTHEAST CORNER OF WHITEHOUSE ASSETS MANAGEMENT, LLC; THENCE WITH SAID COMMON LINE NORTH 24°25'22" EAST A DISTANCE OF 442.30 FEET TO A POINT; THENCE SOUTH 69°45'18" WEST A DISTANCE OF 509.98 FEET TO A REBAR IN THE CENTERLINE OF VERIDEA PARKWAY; THENCE WITH SAID LINE SOUTH 09°52'33" WEST A DISTANCE OF 171.70 FEET TO A POINT; THENCE SOUTH 09°57'23" WEST A DISTANCE OF 550.24 FEET TO A POINT; THENCE SOUTH 09°26'46" WEST A DISTANCE OF 21.55 FEET TO A POINT; THENCE NORTH 89°10'45" WEST A DISTANCE OF 68.12 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF VERIDEA PARKWAY; THENCE WITH SAID RIGHT OF WAY SOUTH 09°28'47" WEST A DISTANCE OF 60.77 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 09°28'45" WEST A DISTANCE OF 430.91 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 09°46'52" WEST A DISTANCE OF 74.87 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 1,933.03 FEET, AN ARC LENGTH OF 173.41 FEET, A CHORD BEARING OF SOUTH 14°22'33" WEST, A CHORD LENGTH OF 173.35 FEET TO A POINT; THENCE SOUTH 16°56'46" WEST A DISTANCE OF 296.14 FEET TO A POINT; THENCE SOUTH 36°46'38" WEST A DISTANCE OF 128.94 FEET TO A POINT; THENCE SOUTH 21°28'31" WEST A DISTANCE OF 304.38 FEET TO A POINT; THENCE SOUTH 20°42'10" WEST A DISTANCE OF 61.19 FEET TO A POINT; THENCE A CURVE TO THE LEFT, A RADIUS OF 6,150.50 FEET, AN ARC LENGTH OF 428.45 FEET, A CHORD BEARING OF SOUTH 18°25'23" WEST, A CHORD LENGTH OF 428.36 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT, A RADIUS OF 6,150.50 FEET, AN ARC LENGTH OF 203.98 FEET, A CHORD BEARING OF SOUTH 15°28'40" WEST, A CHORD LENGTH OF 203.97 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT A RADIUS OF 6,150.50 FEET, AN ARC LENGTH OF 244.84 FEET, A CHORD BEARING OF SOUTH 13°23'14" WEST, A CHORD LENGTH OF 244.82 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 82°34'50" WEST A DISTANCE OF 63.94 FEET TO A CONCRETE MONUMENT ON THE NORTHERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 540; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT, A RADIUS OF 4,035.00 FEET, AN ARC LENGTH OF 584.49 FEET, A CHORD BEARING OF NORTH 63°59'55" WEST, A CHORD LENGTH OF 583.98 FEET TO A POINT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 4,035.00 FEET, AN ARC LENGTH OF 857.09 FEET, A CHORD BEARING OF NORTH 53°42'27" WEST, A CHORD LENGTH OF 855.48 FEET TO AN IRON PIPE; THENCE A CURVE TO THE RIGHT, A RADIUS OF 4,054.26 FEET, AN ARC LENGTH OF 326.65 FEET, A CHORD BEARING OF NORTH 45°18'10" WEST, A CHORD LENGTH OF 326.56 FEET TO AN IRON PIPE; THENCE NORTH 36°43'15" WEST A DISTANCE OF 102.76 FEET TO AN IRON PIPE; THENCE NORTH 35°20'20" WEST A DISTANCE OF 237.13 FEET TO AN IRON PIPE; THENCE NORTH 07°47'12" WEST A DISTANCE OF 131.08 FEET TO AN IRON PIPE; THENCE NORTH 00°34'29" WEST A DISTANCE OF 436.11 FEET TO AN IRON PIPE; THENCE NORTH 12°52'53" EAST A DISTANCE OF 565.14 FEET TO AN IRON PIPE; THENCE NORTH 05°57'15" EAST A DISTANCE OF 356.74 FEET TO AN IRON PIPE; THENCE NORTH 15°26'08" EAST A DISTANCE OF 134.33 FEET TO A POINT; THENCE NORTH 15°26'08" EAST A DISTANCE OF 200.01 FEET TO AN IRON PIPE; THENCE NORTH 28°28'53" EAST A DISTANCE OF 237.21 FEET TO AN IRON PIPE; THENCE NORTH 45°14'54" EAST A DISTANCE OF 75.20 FEET TO AN IRON PIPE; THENCE NORTH 42°51'55" EAST A DISTANCE OF 241.20 FEET TO AN IRON PIPE; THENCE NORTH 50°43'55" EAST A DISTANCE OF 160.95 FEET TO AN IRON PIPE ON THE SOUTHERN RIGHT OF WAY US HIGHWAY 1; THENCE WITH SAID RIGHT OF WAY NORTH 58°37'05" EAST A DISTANCE OF 364.36 FEET TO A POINT ON THE SOUTHERN LINE OF YMCA OF THE TRIANGLE; THENCE WITH SAID COMMON LINE NORTH 87°38'44" EAST A DISTANCE OF 265.82 FEET TO A POINT; THENCE NORTH 00°27'33" WEST A DISTANCE OF 149.91 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF SAID US HIGHWAY 1; THENCE WITH SAID RIGHT OF WAY NORTH 58°41'20" EAST A DISTANCE OF 1,668.68 FEET TO A POINT IN

THE CENTERLINE OF VERIDEA PARKWAY, THE COMMON CORNER OF TRACT 2 AS SHOWN ON BOOK OF MAPS 1978, PAGE 731; THENCE WITH SAID CENTERLINE SOUTH 34°51'52" EAST A DISTANCE OF 160.69 FEET TO A POINT; THENCE SOUTH 34°51'52" EAST A DISTANCE OF 29.87 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT A RADIUS OF 1,153.78 FEET, AN ARC LENGTH OF 159.25 FEET, A CHORD BEARING OF SOUTH 29°56'17" EAST, A CHORD LENGTH OF 159.12 FEET TO A POINT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 1,410.24 FEET, AN ARC LENGTH OF 237.39 FEET, A CHORD BEARING OF SOUTH 21°35'10" EAST, A CHORD LENGTH OF 237.11 FEET TO A POINT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 1,412.80 FEET, AN ARC LENGTH OF 95.19 FEET, A CHORD BEARING OF SOUTH 15°10'37" EAST, A CHORD LENGTH OF 95.17 FEET TO A POINT, THE COMMON CORNER OF WVPRINCE PROPERTIES LLC; THENCE WITH SAID COMMON LINE NORTH 53°12'16" EAST A DISTANCE OF 324.19 FEET TO A POINT; THENCE SOUTH 05°04'58" EAST A DISTANCE OF 406.22 FEET TO A POINT; THENCE SOUTH 82°04'14" WEST A DISTANCE OF 262.30 FEET TO A POINT IN THE CENTERLINE OF VERIDEA PARKWAY; THENCE WITH SAID LINE SOUTH 04°53'25" EAST A DISTANCE OF 109.42 FEET TO A POINT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 253.36 FEET, AN ARC LENGTH OF 164.05 FEET, A CHORD BEARING OF SOUTH 13°00'27" WEST, A CHORD LENGTH OF 161.20 FEET TO AN IRON PIPE ON THE EASTERN RIGHT OF WAY OF VERIDEA PARKWAY; THENCE SOUTH 53°16'50" EAST A DISTANCE OF 31.10 FEET TO AN IRON PIPE ON THE EASTERN RIGHT OF WAY OF VERIDEA PARKWAY; THENCE SOUTH 53°16'50" EAST A DISTANCE OF 60.76 FEET TO A POINT; THENCE NORTH 71°42'44" EAST A DISTANCE OF 274.98 FEET TO A POINT; THENCE NORTH 71°42'44" EAST A DISTANCE OF 170.75 FEET TO AN IRON PIPE; THENCE NORTH 61°11'36" EAST A DISTANCE OF 171.72 FEET TO AN IRON PIPE; THENCE NORTH 67°24'08" EAST A DISTANCE OF 526.30 FEET TO AN IRON PIPE ON THE WESTERN LINE OF THE TRACT SHOWN ON PLAT BOOK 1985, PAGE 64; THENCE WITH SAID COMMON LINE SOUTH 00°33'48" WEST A DISTANCE OF 1,301.27 FEET TO AN IRON PIPE; THENCE SOUTH 88°56'50" EAST A DISTANCE OF 1,524.31 FEET TO AN IRON PIPE; THENCE NORTH 42°37'27" EAST A DISTANCE OF 84.50 FEET TO A POINT; THENCE SOUTH 87°51'02" EAST A DISTANCE OF 208.48 FEET TO AN IRON PIPE; THENCE NORTH 00°58'38" EAST A DISTANCE OF 3,283.09 FEET TO AN IRON PIPE; THENCE SOUTH 89°46'05" WEST A DISTANCE OF 25.90 FEET TO A POINT, THE SOUTHEAST CORNER OF TRACT C-2, AS SHOWN ON BOOK OF MAPS 1989, PAGE 59; THENCE WITH SAID COMMON LINE NORTH 01°31'12" EAST A DISTANCE OF 572.91 FEET TO A POINT; THENCE NORTH 01°28'31" EAST A DISTANCE OF 119.73 FEET TO A POINT; THENCE NORTH 01°30'44" EAST A DISTANCE OF 41.12 FEET TO THE POINT OF BEGINNING; CONTAINING 37,222,488 SQUARE FEET OR 854.51 ACRES.

THIS INCLUDES THE RECOMBINED PARCELS SHOWN ON B.M. 2024, PG. 630 RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS.

LESS AND EXCEPT THE FOLLOWING

BEING ALL OF THE JENKS, MILBY, AND POE TRACTS SHOWN ON BOOK OF MAPS 2014, PAGE 1223 OF THE WAKE COUNTY REGISTRY. MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A POINT ON THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 1, SAID POINT BEING THE NORTHWEST CORNER OF TRACT I-A, AS SHOWN ON BOOK OF MAPS 2003, PAGE 398 OF THE WAKE COUNTY REGISTRY, THE POINT OF COMMENCEMENT; THENCE SOUTH 47°02'19" WEST A DISTANCE OF 6,484.14 FEET TO AN IRON PIPE, THE NORTHEAST CORNER OF THE MILBY TRACT, AS SHOWN ON BOOK OF MAPS 2014, PAGE 1223, THE POINT OF BEGINNING; THENCE WITH THE EASTERN LINE OF THE MILBY

TRACT SOUTH 02°19'40" WEST A DISTANCE OF 199.14 FEET TO A POINT, THE NORTHWEST CORNER OF THE 1.710 ACRE TRACT SHOWN ON BOOK OF MAPS 2002, PAGE 109; THENCE WITH SAID COMMON LINE SOUTH 02°19'40" WEST A DISTANCE OF 64.13 FEET TO AN IRON PIPE; THENCE SOUTH 02°13'53" WEST A DISTANCE OF 189.40 FEET TO AN IRON PIPE; THENCE SOUTH 02°17'48" WEST A DISTANCE OF 67.39 FEET TO AN IRON PIPE; THENCE SOUTH 65°19'45" WEST A DISTANCE OF 538.99 FEET TO A POINT; THENCE SOUTH 01°27'55" WEST A DISTANCE OF 148.65 FEET TO A POINT; THENCE SOUTH 77°54'05" WEST A DISTANCE OF 389.22 FEET TO AN IRON PIPE; THENCE NORTH 00°01'19" WEST A DISTANCE OF 967.73 FEET TO A POINT; THENCE NORTH 89°58'41" EAST A DISTANCE OF 616.26 FEET TO AN IRON PIPE; THENCE NORTH 89°58'41" EAST A DISTANCE OF 133.87 FEET TO AN IRON PIPE; THENCE NORTH 87°19'22" EAST A DISTANCE OF 145.34 FEET TO THE POINT OF BEGINNING; CONTAINING 668,038 SQUARE FEET OR 15.34 ACRES.

BEING A PORTION OF THE PROGRESS ENERGY, LYNA, AND REEVES TRACTS SHOWN ON BOOK OF MAPS 2007, PAGE 1132 OF THE WAKE COUNTY REGISTRY. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN EXISTING IRON PIPE ON THE EAST LINE OF TRACT A, AS SHOWN ON BOOK OF MAPS 1998, PAGE 782 OF THE WAKE COUNTY REGISTRY, BEING ALSO THE NORTHWEST CORNER OF TRACT 2, AS SHOWN ON BOOK OF MAPS 2016, PAGE 1428; THENCE WITH SAID TRACT A, NORTH 04°58'10" EAST A DISTANCE OF 362.56 FEET TO A POINT; THENCE SOUTH 89°45'44" WEST A DISTANCE OF 59.47 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF VERIDEA PARKWAY, AS DESCRIBED IN DEED BOOK 15539, PAGE 1885; THENCE WITH SAID RIGHT OF WAY NORTH 13°15'47" EAST A DISTANCE OF 53.04 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT, A RADIUS OF 1,700.00 FEET, AN ARC LENGTH OF 338.32 FEET, A CHORD BEARING OF NORTH 07°33'43" EAST, A CHORD LENGTH OF 337.77 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT, A RADIUS OF 1,900.00 FEET, AN ARC LENGTH OF 76.93 FEET, A CHORD BEARING OF NORTH 01°06'08" WEST, A CHORD LENGTH OF 76.92 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT, A RADIUS OF 1,900.00 FEET, AN ARC LENGTH OF 63.33 FEET, A CHORD BEARING OF NORTH 01°01'01" WEST, A CHORD LENGTH OF 63.33 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT, A RADIUS OF 1,900.00 FEET, AN ARC LENGTH OF 31.67 FEET, A CHORD BEARING OF NORTH 02°26'58" WEST, A CHORD LENGTH OF 31.67 FEET TO A CONCRETE MONUMENT; THENCE NORTH 02°54'23" EAST A DISTANCE OF 203.97 FEET TO A CONCRETE MONUMENT ON THE SOUTHERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 540; THENCE WITH SAID RIGHT OF WAY NORTH 48°17'55" EAST A DISTANCE OF 64.35 FEET TO A POINT; THENCE NORTH 48°17'55" EAST A DISTANCE OF 3.48 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 76°02'09" EAST A DISTANCE OF 316.69 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 77°42'22" EAST A DISTANCE OF 224.13 FEET TO A CONCRETE MONUMENT; THENCE NORTH 74°21'52" EAST A DISTANCE OF 186.60 FEET TO A CONCRETE MONUMENT; THENCE NORTH 46°45'41" EAST A DISTANCE OF 297.04 FEET TO A CONCRETE MONUMENT; THENCE NORTH 47°49'13" EAST A DISTANCE OF 182.30 FEET TO A CONCRETE MONUMENT; THENCE NORTH 64°40'03" EAST A DISTANCE OF 179.28 FEET TO A POINT, THE NORTHWEST CORNER OF GREENWAY WASTE SOLUTIONS AS DESCRIBED IN DEED BOOK 9099, PAGE 1039; THENCE WITH SAID COMMON LINE SOUTH 06°34'16" EAST A DISTANCE OF 760.63 FEET TO AN IRON PIPE; THENCE SOUTH 79°02'49" EAST A DISTANCE OF 220.90 FEET TO A POINT; THENCE SOUTH 75°06'07" EAST A DISTANCE OF 218.69 FEET TO AN IRON PIPE; THENCE SOUTH 70°32'46" EAST A DISTANCE OF 183.78 FEET TO AN IRON PIPE; THENCE SOUTH 55°38'24" EAST A DISTANCE OF 327.19 FEET TO A POINT IN WHITE OAK CREEK; THENCE WITH SAID CREEK SOUTH 07°50'07" EAST A DISTANCE OF 31.18 FEET TO A POINT; THENCE SOUTH 24°25'22" EAST A DISTANCE OF 138.13 FEET TO A POINT, THE COMMON CORNER OF WAKE COUNTY FELTONVILLE LANDFILL, AS SHOWN ON BOOK OF MAPS 2016, PAGE 1427; THENCE WITH SAID CREEK, THE COMMON LINE, SOUTH 04°34'33" WEST A DISTANCE OF 63.94 FEET TO A POINT; THENCE SOUTH 18°23'05" WEST A DISTANCE OF 94.25 FEET TO A POINT; THENCE SOUTH 00°53'17" WEST A DISTANCE OF 65.12 FEET TO A POINT; THENCE SOUTH 00°53'17" WEST A DISTANCE OF 39.71 FEET TO A POINT; THENCE SOUTH 12°47'10" WEST A DISTANCE OF 52.16 FEET TO A POINT; THENCE SOUTH 58°49'54" WEST A DISTANCE OF 25.88 FEET TO A POINT; THENCE SOUTH 13°29'07" WEST A DISTANCE OF 65.67 FEET TO A POINT, THE NORTHEAST CORNER OF TRACT 2 AS SHOWN ON BOOK OF MAPS 2016, PAGE 1428; THENCE WITH SAID COMMON LINE NORTH 82°38'31"

WEST A DISTANCE OF 877.31 FEET TO AN IRON PIPE; THENCE NORTH 88°36'32" WEST A DISTANCE OF 1370.01 FEET TO THE POINT OF BEGINNING; CONTAINING 2,282,096 SQUARE FEET OR 52.39 ACRES.

TRACTS 8-3, 10-6, 10-7B SOUTH

BEGINNING AT A CONCRETE MONUMENT ON THE WESTERN RIGHT OF WAY OF VERIDEA PARKWAY, SAID MONUMENT BEING ON THE NORTHERN LINE OF THE TRACT SHOWN ON BOOK OF MAPS 1986, PAGE 1865, THE POINT OF BEGINNING; THENCE NORTH 71°59'15" WEST A DISTANCE OF 337.68 FEET TO AN IRON PIPE; THENCE NORTH 86°29'50" WEST A DISTANCE OF 829.07 FEET TO AN IRON PIPE, THE NORTHEAST CORNER OF TRACT 3 AS SHOWN ON BOOK OF MAPS 2022, PAGE 3; THENCE WITH SAID COMMON LINE SOUTH 87°43'51" WEST A DISTANCE OF 2,965.86 FEET TO AN IRON PIPE ON THE EASTERN LINE OF TRACT F, AS SHOWN ON BOOK OF MAPS 1974, PAGE 228; THENCE WITH SAID COMMON LINE NORTH 00°24'36" EAST A DISTANCE OF 1,161.04 FEET TO A POINT ON THE SOUTHERN LINE OF TRACT B, AS SHOWN ON BOOK OF MAPS 1979, PAGE 686; THENCE WITH SAID COMMON LINE SOUTH 78°13'36" EAST A DISTANCE OF 73.65 FEET TO A POINT; THENCE SOUTH 70°13'09" EAST A DISTANCE OF 113.59 FEET TO A POINT; THENCE SOUTH 71°57'54" EAST A DISTANCE OF 121.73 FEET TO A POINT; THENCE SOUTH 70°58'13" EAST A DISTANCE OF 114.09 FEET TO A POINT; THENCE SOUTH 72°14'11" EAST A DISTANCE OF 343.92 FEET TO A POINT; THENCE SOUTH 74°17'38" EAST A DISTANCE OF 315.81 FEET TO A POINT; THENCE SOUTH 65°13'58" EAST A DISTANCE OF 138.23 FEET TO A POINT; THENCE SOUTH 65°10'08" EAST A DISTANCE OF 10.00 FEET TO A POINT IN BIG BRANCH; THENCE WITH SAID BRANCH NORTH 19°49'58" EAST A DISTANCE OF 52.46 FEET TO A POINT; THENCE NORTH 27°34'56" EAST A DISTANCE OF 25.74 FEET TO A POINT; THENCE NORTH 62°53'48" EAST A DISTANCE OF 26.76 FEET TO A POINT; THENCE NORTH 29°01'04" WEST A DISTANCE OF 21.84 FEET TO A POINT; THENCE NORTH 05°59'14" WEST A DISTANCE OF 34.25 FEET TO A POINT; THENCE NORTH 49°53'01" EAST A DISTANCE OF 15.65 FEET TO A POINT; THENCE NORTH 35°50'22" EAST A DISTANCE OF 26.00 FEET TO A POINT; THENCE NORTH 57°56'55" WEST A DISTANCE OF 27.74 FEET TO A POINT; THENCE SOUTH 77°56'49" WEST A DISTANCE OF 70.86 FEET TO A POINT; THENCE NORTH 69°25'39" WEST A DISTANCE OF 55.42 FEET TO A POINT; THENCE NORTH 16°13'12" WEST A DISTANCE OF 54.07 FEET TO A POINT; THENCE NORTH 47°24'29" EAST A DISTANCE OF 30.81 FEET TO A POINT; THENCE SOUTH 76°52'37" EAST A DISTANCE OF 46.52 FEET TO A POINT; THENCE NORTH 23°54'47" EAST A DISTANCE OF 15.13 FEET TO A POINT; THENCE NORTH 10°53'04" EAST A DISTANCE OF 79.33 FEET TO A POINT; THENCE NORTH 70°48'08" WEST A DISTANCE OF 21.80 FEET TO A POINT; THENCE NORTH 13°57'57" WEST A DISTANCE OF 44.13 FEET TO A POINT; THENCE NORTH 54°45'55" WEST A DISTANCE OF 48.38 FEET TO A POINT; THENCE SOUTH 57°21'14" WEST A DISTANCE OF 58.90 FEET TO A POINT; THENCE SOUTH 44°33'39" WEST A DISTANCE OF 46.68 FEET TO A POINT; THENCE NORTH 46°24'21" WEST A DISTANCE OF 39.79 FEET TO A POINT; THENCE NORTH 72°29'35" WEST A DISTANCE OF 36.60 FEET TO A POINT; THENCE SOUTH 47°15'35" WEST A DISTANCE OF 18.92 FEET TO A POINT; THENCE NORTH 74°35'59" WEST A DISTANCE OF 21.22 FEET TO A POINT; THENCE NORTH 28°54'22" WEST A DISTANCE OF 20.74 FEET TO A POINT; THENCE NORTH 42°54'07" WEST A DISTANCE OF 46.75 FEET TO A POINT; THENCE NORTH 06°55'02" EAST A DISTANCE OF 26.65 FEET TO A POINT; THENCE NORTH 88°27'17" EAST A DISTANCE OF 37.67 FEET TO A POINT; THENCE NORTH 27°00'55" EAST A DISTANCE OF 19.39 FEET TO A POINT; THENCE NORTH 01°16'06" EAST A DISTANCE OF 31.60 FEET TO A POINT; THENCE NORTH 45°55'37" EAST A DISTANCE OF 50.02 FEET TO A POINT; THENCE NORTH 01°23'54" EAST A DISTANCE OF 14.01 FEET TO A POINT; THENCE NORTH 65°17'04" WEST A DISTANCE OF 42.02 FEET TO A POINT; THENCE NORTH 01°21'12" EAST A DISTANCE OF 32.19 FEET TO A POINT; THENCE NORTH 46°19'10" WEST A DISTANCE OF 51.21 FEET TO A POINT; THENCE NORTH 06°48'02" EAST A DISTANCE OF 35.97 FEET TO A POINT; THENCE NORTH 69°34'03" EAST A DISTANCE OF 41.13 FEET TO A POINT; THENCE NORTH 39°27'36" EAST A DISTANCE OF 39.13 FEET TO A POINT; THENCE NORTH 15°04'34" WEST A DISTANCE OF 20.63 FEET TO

A POINT; THENCE NORTH 51°45'25" WEST A DISTANCE OF 25.88 FEET TO A POINT; THENCE NORTH 30°03'26" EAST A DISTANCE OF 27.95 FEET TO A POINT; THENCE SOUTH 60°17'18" EAST A DISTANCE OF 30.79 FEET TO A POINT; THENCE SOUTH 36°34'38" EAST A DISTANCE OF 34.28 FEET TO A POINT; THENCE SOUTH 78°45'43" EAST A DISTANCE OF 52.43 FEET TO A POINT; THENCE NORTH 41°36'19" EAST A DISTANCE OF 15.36 FEET TO A POINT; THENCE NORTH 04°43'43" EAST A DISTANCE OF 44.44 FEET TO A POINT; THENCE NORTH 30°37'30" EAST A DISTANCE OF 51.77 FEET TO A POINT; THENCE NORTH 05°00'41" EAST A DISTANCE OF 35.48 FEET TO A POINT; THENCE SOUTH 62°04'45" WEST A DISTANCE OF 33.82 FEET TO A POINT; THENCE NORTH 44°58'03" WEST A DISTANCE OF 39.84 FEET TO A POINT; THENCE NORTH 44°37'02" EAST A DISTANCE OF 21.58 FEET TO A POINT; THENCE NORTH 53°05'19" EAST A DISTANCE OF 60.88 FEET TO A POINT; THENCE NORTH 61°15'57" WEST A DISTANCE OF 39.17 FEET TO A POINT; THENCE NORTH 50°49'25" WEST A DISTANCE OF 23.78 FEET TO A POINT; THENCE NORTH 10°03'59" WEST A DISTANCE OF 28.54 FEET TO A POINT; THENCE NORTH 38°48'29" EAST A DISTANCE OF 55.95 FEET TO A POINT; THENCE NORTH 43°08'07" WEST A DISTANCE OF 60.59 FEET TO A POINT; THENCE NORTH 42°28'11" EAST A DISTANCE OF 31.74 FEET TO A POINT; THENCE NORTH 70°54'18" WEST A DISTANCE OF 69.18 FEET TO A POINT; THENCE NORTH 86°35'18" WEST A DISTANCE OF 111.94 FEET TO A POINT; THENCE NORTH 47°58'54" WEST A DISTANCE OF 68.58 FEET TO A POINT; THENCE NORTH 30°52'49" EAST A DISTANCE OF 32.56 FEET TO A POINT; THENCE NORTH 21°24'56" WEST A DISTANCE OF 54.07 FEET TO A POINT; THENCE NORTH 55°25'47" EAST A DISTANCE OF 39.27 FEET TO A POINT; THENCE NORTH 03°25'23" WEST A DISTANCE OF 46.46 FEET TO A POINT; THENCE NORTH 31°42'04" EAST A DISTANCE OF 54.96 FEET TO A POINT; THENCE NORTH 18°30'38" EAST A DISTANCE OF 44.10 FEET TO A POINT; THENCE NORTH 01°10'29" WEST A DISTANCE OF 65.77 FEET TO A POINT; THENCE NORTH 22°17'56" WEST A DISTANCE OF 29.93 FEET TO A POINT; THENCE NORTH 19°15'09" EAST A DISTANCE OF 2.52 FEET TO A POINT ON THE SOUTH LINE OF ROBERT BEREMAN; THENCE WITH SAID COMMON LINE NORTH 87°19'40" EAST A DISTANCE OF 837.86 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 540; THENCE WITH SAID RIGHT OF WAY SOUTH 48°51'19" EAST A DISTANCE OF 616.60 FEET TO AN IRON PIPE; THENCE NORTH 44°43'56" EAST A DISTANCE OF 25.00 FEET TO AN IRON PIPE; THENCE SOUTH 50°09'33" EAST A DISTANCE OF 205.32 FEET TO AN IRON PIPE; THENCE SOUTH 39°54'37" EAST A DISTANCE OF 212.61 FEET TO AN IRON PIPE; THENCE A CURVE TO THE LEFT A RADIUS OF 4,375.00 FEET, AN ARC LENGTH OF 311.61 FEET, A CHORD BEARING OF SOUTH 45°34'54" EAST, A CHORD LENGTH OF 311.54 FEET TO AN IRON PIPE; THENCE A CURVE TO THE LEFT, A RADIUS OF 4,375.00 FEET, AN ARC LENGTH OF 1,106.45 FEET, A CHORD BEARING OF SOUTH 54°52'03" EAST, A CHORD LENGTH OF 1,103.50 FEET TO A POINT; THENCE A CURVE TO THE LEFT, A RADIUS OF 4,375.00 FEET, AN ARC LENGTH OF 456.34 FEET, A CHORD BEARING OF SOUTH 65°10'37" EAST, A CHORD LENGTH OF 456.13 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 49°00'55" EAST A DISTANCE OF 133.17 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF VERIDEA PARKWAY; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE LEFT, A RADIUS OF 1,680.00 FEET, AN ARC LENGTH OF 355.38 FEET, A CHORD BEARING OF SOUTH 05°50'57" WEST, A CHORD LENGTH OF 354.72 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT A RADIUS OF 1,680.00 FEET, AN ARC LENGTH OF 205.93 FEET, A CHORD BEARING OF SOUTH 03°43'21" EAST, A CHORD LENGTH OF 205.80 FEET TO THE POINT OF BEGINNING; CONTAINING 5,629,803 SQUARE FEET OR 129.24 ACRES.

TRACT 9-3-3

COMMENCING AT A POINT ON THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 1, SAID POINT BEING THE NORTHWEST CORNER OF TRACT I-A, AS SHOWN ON BOOK OF MAPS 2003, PAGE 398 OF THE WAKE COUNTY REGISTRY, THE POINT OF COMMENCEMENT; THENCE SOUTH 51°39'05" EAST A DISTANCE OF 5331.68 FEET TO AN IRON PIPE ON THE WESTERN RIGHT OF WAY OF NORTH CAROLINA HIGHWAY 55, SAID PIPE BEING THE NORTHEAST CORNER OF CROWN BUILDERS AND DEVELOPERS OF NC, LLC, THE POINT OF BEGINNING; THENCE WITH SAID COMMON LINE SOUTH 89°40'44" WEST A DISTANCE OF 123.48 FEET TO AN IRON PIPE; THENCE NORTH 02°18'46" WEST A DISTANCE OF 50.01 FEET TO AN IRON PIPE ON THE SOUTH LINE OF DEXTER MONK; THENCE WITH SAID COMMON LINE NORTH 89°43'19" EAST A DISTANCE OF 123.46 FEET TO AN IRON PIPE ON THE WESTERN RIGHT OF WAY OF SAID HIGHWAY 55; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT A RADIUS OF 5,633.75 FEET, AN ARC LENGTH OF 49.92 FEET, A CHORD BEARING OF SOUTH 02°20'20" EAST, A CHORD LENGTH OF 49.92 FEET TO THE POINT OF BEGINNING; CONTAINING 6,168 SQUARE FEET OR 0.14 ACRES.

TRACT 12

BEING A PORTION OF TRACT 8 AS SHOWN ON BOOK OF MAPS 1978, PAGE 731 OF THE WAKE COUNTY REGISTRY. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIPE, THE SOUTHWEST CORNER OF TRACT 1 AS SHOWN ON BOOK OF MAPS 2015, PAGE 14 OF THE WAKE COUNTY REGISTRY; THENCE WITH SAID COMMON LINE NORTH 89°09'31" EAST A DISTANCE OF 343.45 FEET TO AN IRON PIPE ON THE NORTHERN RIGHT OF WAY OF US HIGHWAY 1; THENCE WITH SAID RIGHT OF WAY SOUTH 61°02'59" WEST A DISTANCE OF 67.94 FEET TO AN IRON PIPE; THENCE SOUTH 58°43'55" WEST A DISTANCE OF 105.62 FEET TO AN IRON PIPE; THENCE SOUTH 58°47'35" WEST A DISTANCE OF 224.31 FEET TO AN IRON PIPE, THE SOUTHEAST CORNER OF TRACT 1 AS SHOWN ON BOOK OF MAPS 2016, PAGE 344; THENCE WITH SAID COMMON LINE NORTH 00°31'47" WEST A DISTANCE OF 198.89 FEET TO THE POINT OF BEGINNING; CONTAINING 33,722 SQUARE FEET OR 0.77 ACRES.

Veridea

SITE DESIGN PATTERN BOOK

Apex, North Carolina

"INSIST ON THE RIGHT OF HUMANITY AND NATURE TO COEXIST IN A HEALTHY SUPPORTIVE, DIVERSE, AND SUSTAINABLE CONDITION"

- The Hannover Principles, Principle No. 1

ACKNOWLEDGMENTS

GOVERNING BODY:
Town of Apex, North Carolina
Apex Town Hall
73 Hunter Street, Second Floor
Apex, NC 27502

DEVELOPER:
RXR Development Services
625 RXR Plaza,
Uniondale, NY 11556

Lennar Corporation
1100 Perimeter Park Drive, Ste 112
Morrisville, NC 27560

BRANDING:
Gensler
1700 Broadway, Suite 400
New York, NY 10019

PLANNING/LANDSCAPE ARCHITECTURE/ CIVIL ENGINEERING:
McAdams
621 Hillsborough Street, Suite 500
Raleigh, NC 27603

ARCHITECTURE/PLANNING:
Arcadis Architects PC
233 Broadway, 16th Floor
New York, NY 10279

Planworx Architecture PA
5711 Six Forks Road, #100
Raleigh, NC 27609

Last Updated: August 2024

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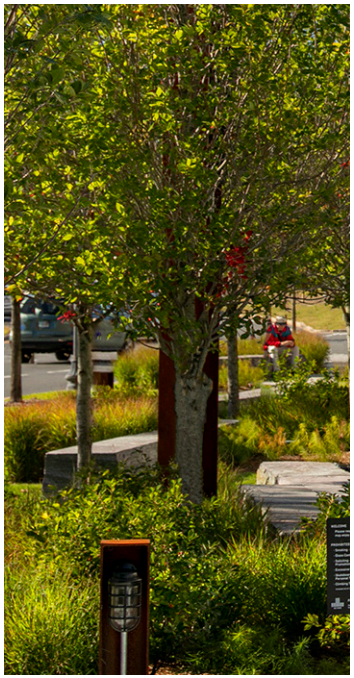

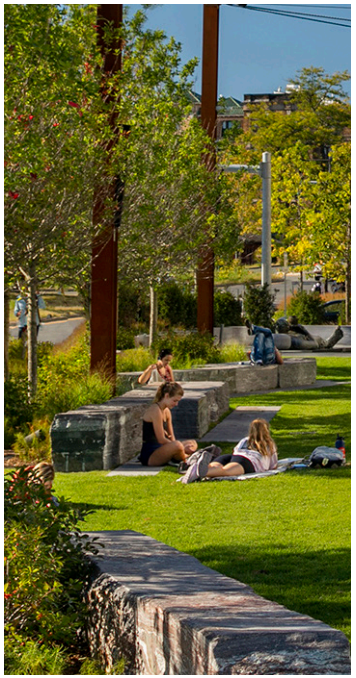

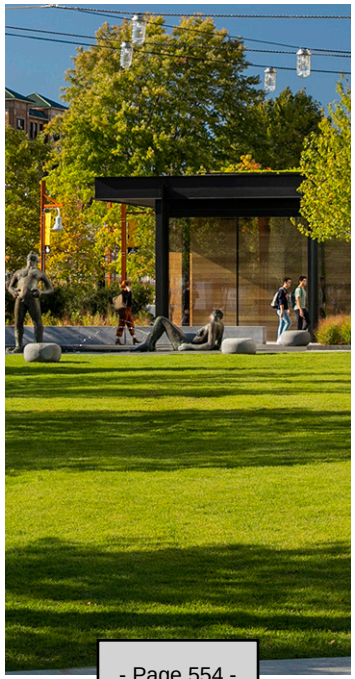

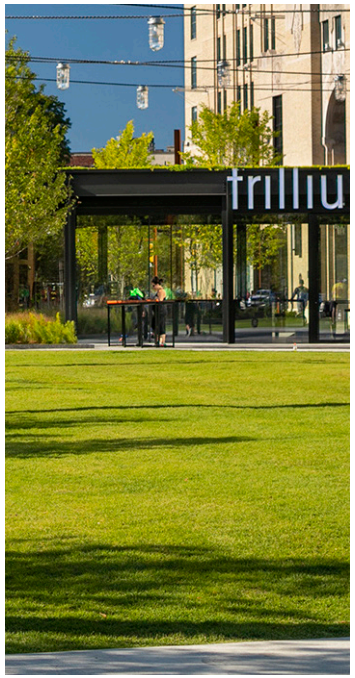

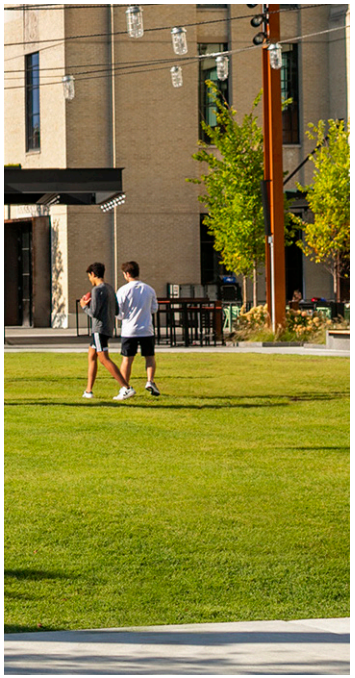

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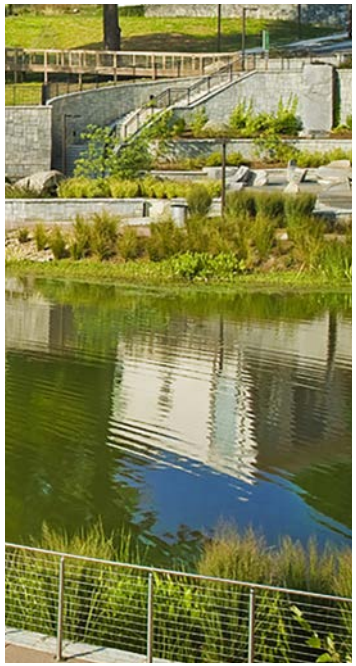


SECTION 1

Purpose + Vision

Purpose + Application
Vision
Owner's Associations + ARC



SECTION 1.1

PURPOSE + APPLICATION

Veridea is a new, sustainable, mixed-use development in Apex, North Carolina. It is envisioned as a dynamic community where users can live, work, and play within a contemporary and ecologically-friendly context. Within the boundaries of the development there will be a variety of housing options, employment opportunities, entertainment, and recreation. This forward-thinking community will be an icon of sustainable design and construction that balances nature and development.

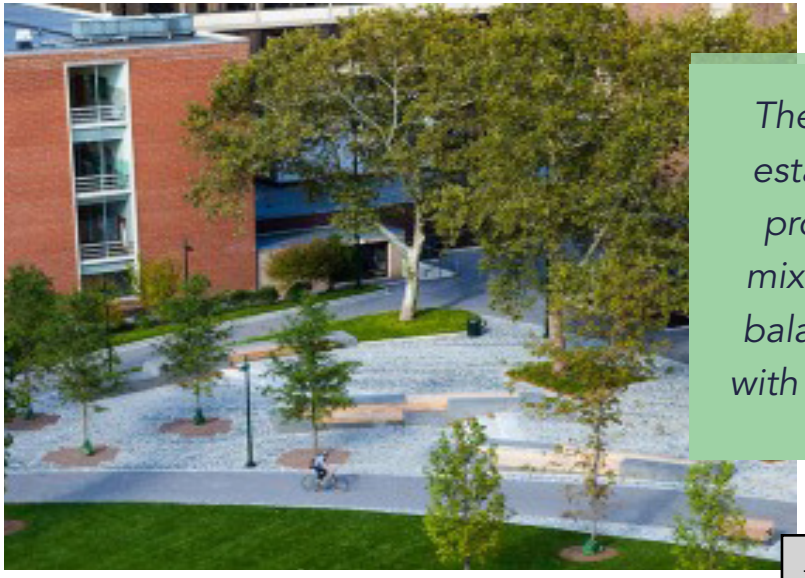




1.1: PURPOSE

This Pattern Book was developed by the project team for the Veridea Development, located at the conjunction of Claude E. Pope Memorial Highway (Route 1), East Williams Street (Highway 55), and Western Wake Freeway (Interstate 540) in Apex, North Carolina. The purpose of this Pattern Book is to ensure that the quality and character of development within the boundaries of Veridea is designed to a high caliber and centered around a cohesive and sustainably-focused design theme. The elements outlined within this document will provide a framework of the design intent, theme, and style of this mixed-use community. This will be used to assist property owners, developers, home builders, architects, engineers, landscape architects, planners, and other consultants in their decision-making as this project is designed and developed over time.



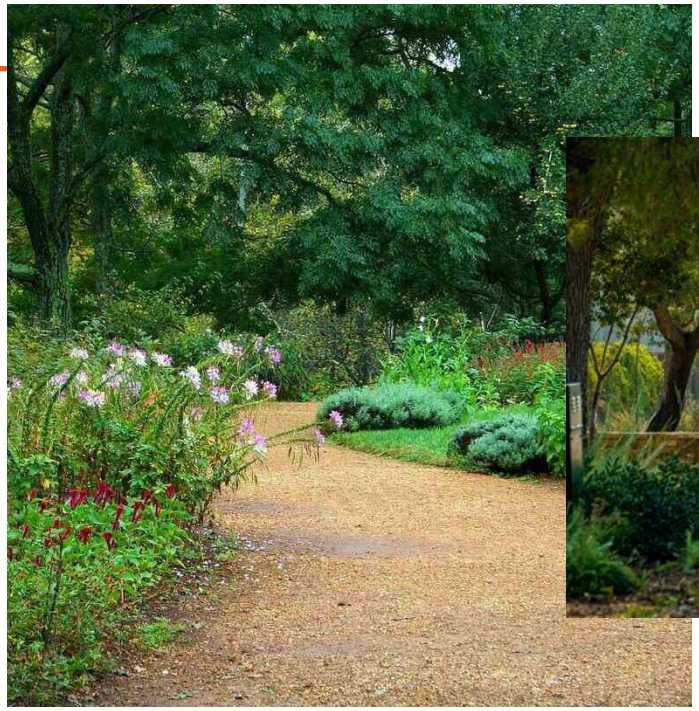


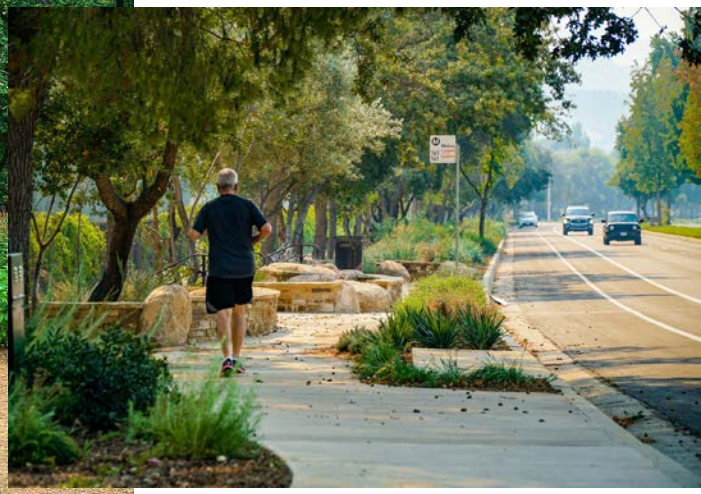
The vision of Veridea is to establish a contemporary, progressive, and healthy mixed-use community that balances innovative design with a conservation mindset.



1.1: APPLICATION

The Pattern Book is intended to be used in conjunction with the Town of Apex's Unified Development Ordinance, the Sustainable Development Plan, and the Environmental Enhancement Plan. The Pattern Book applies to the entirety of Veridea. It identifies design elements that represent a higher quality of design for Veridea than would otherwise be required. A combination of narratives and imagery are utilized to convey caliber of design, overall quality of materials, and the character and relationship of design elements. These design elements may be used and combined to create a unique and special sense of place. As a result of this Pattern Book, the actual design of Veridea will naturally vary from the Town of Apex architectural standards and will look and feel closer to the imagery found within this document.







Imagery is intended to convey high quality materials and design envisioned fo

As a part of fostering creative, unique, and innovative outcomes, the guidelines found within the Pattern Book are intended to provide a flexible framework that can respond to changing conditions as Veridea is developed over time. The pictures, illustrations, and descriptions are contextual examples of the high-quality materials and design standards envisioned for the project. Materials, architectural features, signage, hardscape, and landscape components depicted herein are not intended to be an exclusive or exhaustive list of elements to be included in design or construction. Instead, these elements are intended to convey acceptable design approaches that foster a unique sense of place through variety, high quality, and a focus on sustainably-focused development.

Unless specifically addressed in the Sustainable Development Plan and Environmental Enhancement Plan for Veridea, any materials and design-related aspects that are not addressed in this Pattern Book are subject to the requirements of the Town of Apex UDO, the Town of Apex Design and Development Manual, and other applicable laws, standards, policies, and guidelines.

SECTION 1.2

VISION

The vision of Veridea is to establish a contemporary, progressive, and healthy mixed-use community that balances innovative design with a conservation mindset. By leveraging natural features, crafting high-quality open spaces, and promoting a sustainable ethic, this development will offer community members a place to gather, work, connect, and engage with nature.







V ed to leverage a variety of natural elements to create unique and impactful placemaking.

1.2: GOALS



Veridea will accomplish this design vision by:

- Creating a diverse mix of uses within a cohesive framework
- Utilizing a variety of contemporary architectural and landscape styles to create an authentic, high-quality, and vibrant built environment that appears to have evolved over time
- Including a high level of sophistication in style and character in a manner that accentuates individual uses and spaces while weaving an overall fabric that speaks to the natural world, unique amenities, and beautiful architecture
- Leveraging natural amenities such as streams, forested areas, open spaces, trails, and parks to frame and enhance the built environment
- Providing opportunities to engage with the environment in both built and natural conditions
- Setting forth a vision for high-quality pedestrian-oriented streetscapes and trail networks that include a variety of public and civic spaces interspersed throughout the development
- Incorporating attractive and diverse hardscape and landscape materials to construct elements within the development - thoughtfully integrating the ground plane throughout well-designed community gathering areas
- Leveraging infrastructure as amenities, such as stormwater control measures, that complement the built environment while promoting ecological diversity and natural ecosystems
- Promoting a sustainable ethos by practicing techniques and methodologies that take into account issues of climate change, carbon emissions, water availability, renewable energies, and wildlife conservation







SECTION 1.3

OWNER'S ASSOCIATIONS + ARC

In order for Veridea to maintain a high caliber of design and sense of place, the development will establish a Master Association (MA). The MA will then establish the Veridea Homeowner's Association (HOA), the Veridea Commercial Owners Association (COA), the Veridea Residential Architectural Review Committee (RARC), and the Veridea Commercial Architectural Review Committee (CARC) - as required by the approved Sustainable Development Plan.





Owner's A Architectural Review Committees assist in maintaining Veridea's vision over time.

1.3: OWNER'S ASSOCIATIONS

Veridea Master Association

As required by the approved Sustainable Development Plan, there shall be one mandatory Master Association (MA) for all residential and commercial areas within Veridea. The MA shall be responsible for the execution, performance, administration and enforcement of the recorded Declaration of Covenants, Conditions and Restrictions (Declaration), including managing and maintaining the common areas and common improvements within both residential and commercial areas. The MA shall be permitted to oversee the formation and management of sub-associations within Veridea - one for residential areas (HOA) and the other for commercial areas (COA) - as detailed below.







Owner's associations are responsible for maintaining common areas and common

Veridea Homeowner's Association

There shall be one mandatory Homeowner's Association (HOA) for all of the residential areas within Veridea, subject to the MA. The Veridea HOA will be responsible for managing and maintaining the common areas and common improvements within residential areas. The association's responsibility will be outlined in the filed Declaration of Covenants, Conditions, and Restrictions (Declaration) and shall at minimum include maintenance of entrance signs, screening walls, trails, landscaping, landscape buffers, and open spaces.

Veridea Commercial Owner's Association

There shall be one mandatory Commercial Owner's Association (COA) for the commercial and non-residential areas within Veridea. The Veridea COA shall be required to manage and maintain the common areas and common improvements within commercial and non-residential areas, subject to the MA. The association's responsibility will be outlined in the filed Declaration and shall at minimum include maintenance of ground signs, screening walls, landscaping, landscape buffers, trails, and open spaces.

1.3: ARCHITECTURAL REVIEW COMMITTEE

Veridea Architectural Review Committee

There shall be a mandatory Residential Architectural Review Committee (RARC) for all the residential areas within Veridea. The RARC is responsible for the oversight and review of residential development within residential areas. This committee shall be established by the HOA as described in the filed Declaration. The purpose, administration, and responsibilities of this committee will be described in detail in the Declaration.

The RARC is responsible for the following:

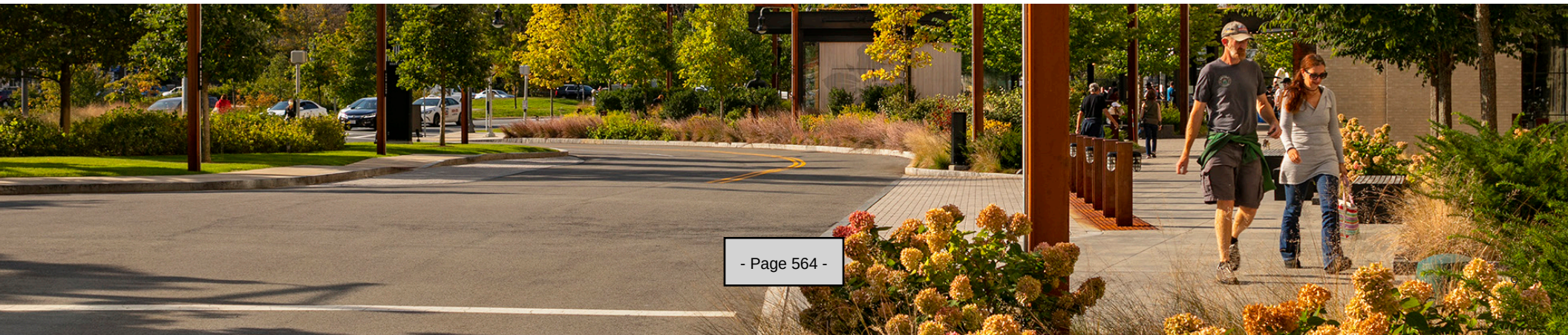
- To ensure the Pattern Book is being followed
- To encourage high-quality construction of residences
- To oversee, review, and approve the exterior elevations and building materials in a manner that is consistent with the Pattern Book
- To preserve the common community areas and features within the Residential Areas

Veridea Commercial Architectural Review Committee

There shall be a mandatory Commercial Architectural Review Committee (CARC) for all of the commercial and non-residential areas within Veridea. The CARC is responsible for the oversight and review of commercial and non-residential development within these areas. This committee shall be established by the COA as described in the filed Declaration, which outlines in detail the committee's purpose, administration, and responsibilities.

The CARC is responsible for the following:

- To ensure the Pattern Book is being followed as each commercial or non-residential development is being proposed
- To encourage the construction of high-quality improvements within commercial and non-commercial areas
- To oversee, review, and approve building elevations, building materials, and site improvements in a manner that is consistent with the Pattern Book
- To preserve the common areas and features within the commercial and non-commercial areas



SECTION 2

Sustainable Development Plan

Sustainable Development Plan

Pillars of Sustainable Thought

Application of Pillars



SECTION 2.1

SUSTAINABLE DEVELOPMENT PLAN

The Sustainable Development Plan ("SD Plan") is a document submitted by the Responsible Party and approved by the Town of Apex Town Council as part of the zoning conditions set forth for the property known as Veridea. The SD Plan establishes a flexible framework of development standards that seeks to anticipate the evolution of future technology, trends, and practices as they apply to the development of Veridea.



The SD Plan was adopted to facilitate Veridea's development in accordance with sustainable principals. The SD Plan identifies four guiding principles that are derived from ***The Hanover Principals: Design for Sustainability,*** authored by William McDonough and Michael Braungart. The guiding principles are as follows:

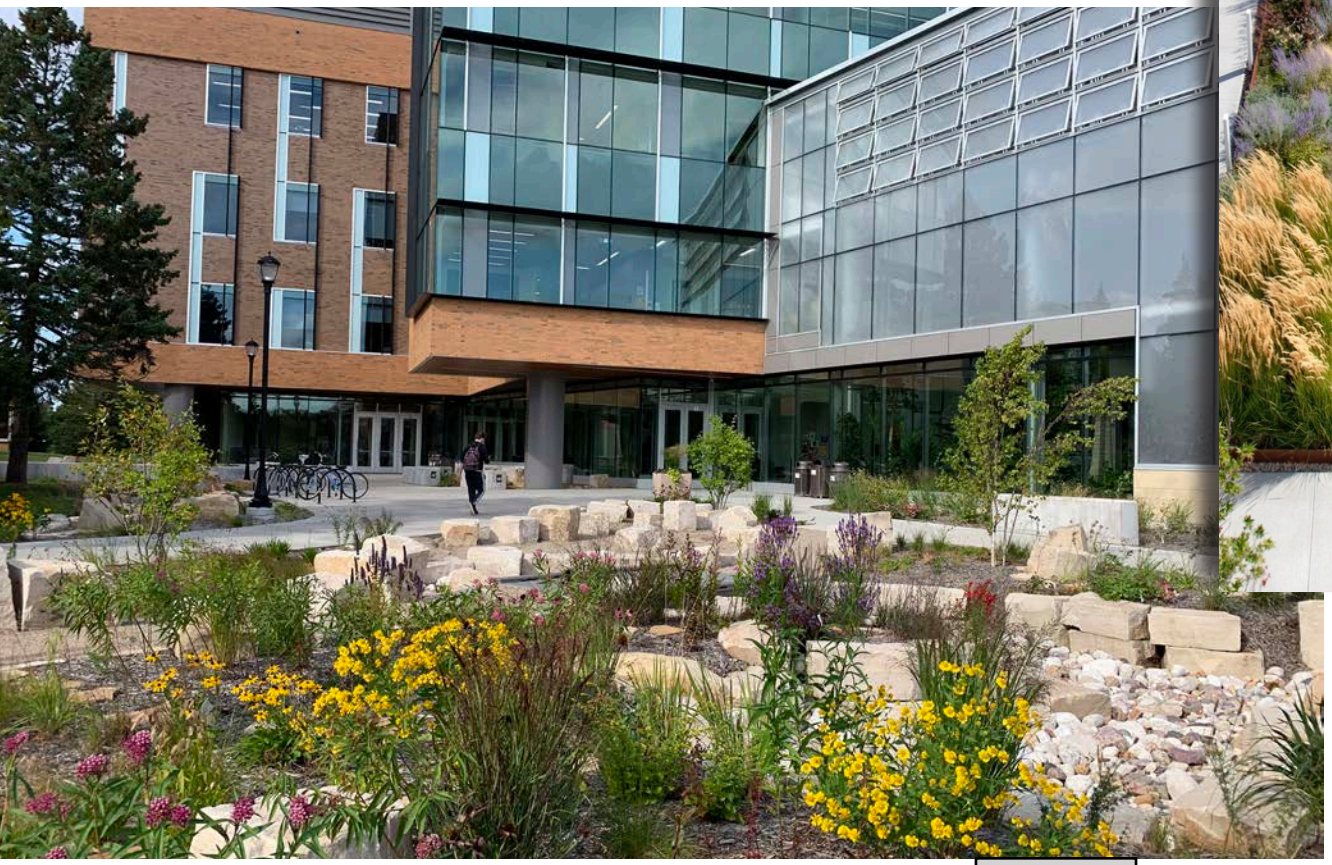
- Eliminate the concept of waste
- Insist on a renewable future
- Create delightful urban places
- Integrate nature throughout the community

This Pattern Book is intended to complement the SD Plan by further defining the principles of design that fulfill sustainability standards and goals. Unless specifically addressed in the Pattern Book for Veridea, any materials and design-related aspects that are not addressed shall be subject to the SD Plan, the Veridea Environmental Enhancement Plan (EEP), the Town of Apex UDO, the Town of Apex Design and Development Manual, and other applicable laws, standards, policies and guidelines. Refer to the approved map of Sustainable Development Zones on file with the Town of Apex Planning Department as needed. Development requirements, intensity, uses, and other design guidelines vary by zone and are defined in the SD Plan.

SECTION 2.2

PILLARS OF SUSTAINABLE THOUGHT

The Pillars of Sustainable Thought offer a flexible framework to define Veridea's site and program design. Unique, thoughtful, and authentic spaces can be fostered by applying a combination of programs and design elements found within each Pillar.





2.2: PILLARS OF SUSTAINABLE THOUGHT

Taking inspiration from The Hanover Principals and the Guiding Principles set forth in the Sustainable Development Plan, this Pattern Book provides guidelines to further define principles of design for Veridea, including characteristic form, massing, composition, style, method, and materials. Identified as the Pillars of Sustainable Thought, this expansion on the SD Plan's Guiding Principles can assist property owners, developers, home builders, architects, engineers, landscape architects, planners, and other consultants in their decision-making as Veridea is designed and developed over time.

There are four Pillars of Sustainable Thought:

- *Eliminate the concept of waste*
- *Insist on a renewable future*
- *Create delightful urban places*
- *Integrate nature throughout the community*

Together, the four pillars uphold Veridea's three values of sustainability: People, Planet, and Economy. Integrated together, these values are the framework of the next generation of sustainable development.



2.2: APPLICATION OF PILLARS

A suggestive list of design principals and applications associated with each Pillar of Sustainable Thought can be found in the chart below. The characteristics, features, or development approaches described are not intended to be an exclusive or exhaustive list to be implemented in every design or construction. Instead, these principals are intended to convey acceptable design approaches that promote sustainability and meet the intent of the Sustainable Development Plan and the Environmental Enhancement Plan of Veridea.

Eliminate the Concept of Waste

- Sustainable or reclaimed materials for site elements
- Site design approaches that compress programming to limit disturbed area and preserve existing open spaces
- Locally sourced materials and partnerships with local non-profits or businesses (mountain biking clubs, small scale nurseries, etc.)
- Mill lumber from trees taken down on-site
- Utilize found materials on site for placemaking through mediums such as art, nature play, or historical monumentation
- Incorporate recycled content into products and furnishings
- Use passive design elements such as natural ventilation, daylighting, and thermal mass
- Optimize efficiency in material use by minimizing offcuts, using standard sizes, and utilizing prefabricated components or modular construction

A Sustainable Future

- Native and adaptive plantings
- Solar energy and solar lighting
- Permaculture or permanent agriculture, community gardens or garden plots (orchards, fruit groves, nut trees, garden spaces for growing food)
- Pervious paving
- Green roof and green wall design
- Encourage micro-transit options (scooters, bicycles, e-bikes) with bicycle storage, repair stations, and charging
- Electrical charging stations for vehicles and bicycles

Integration of Nature

- Pollinator and wildlife gardens
- Community tree canopy goals
- Plant unprogrammed open space, such as landscape medians
- Preserve mature tree growth
- Naturalized, informal planting design in edge conditions
- Artful, organized planting design in urban spaces
- Easy access to natural areas
- Create wildlife corridors and connected natural areas
- Minimize turf and mulched areas with groundcover planting
- Protected Audubon Community
- Educational signage about environmentalism and natural systems being experienced
- Create a reforestation schedule for long-term canopy maturity
- Micro-groves of native ecosystems
- Low-impact trails, such as single track, mountain biking, and gravel with tact

Delightful Urban Places

- Strong visuals – physical and visual connections between spaces
- Create a sense of place with memorable structures and art
- Repetition of materials and planting design to create themes
- Connected open space through walkability
- Variety of scale in structures and visual openness of vistas
- Reflect the site's history through found site elements, preservation of structures, and active cultural programming
- Infrastructure becomes amenities that go beyond basic functions such as streetscapes and stormwater features
- Sense of discovery and creativity for users
- Designate an overall landscape theme
- Attractive play and recreational spaces including natural play areas

SECTION 3

Streetscapes

Streetscape Character

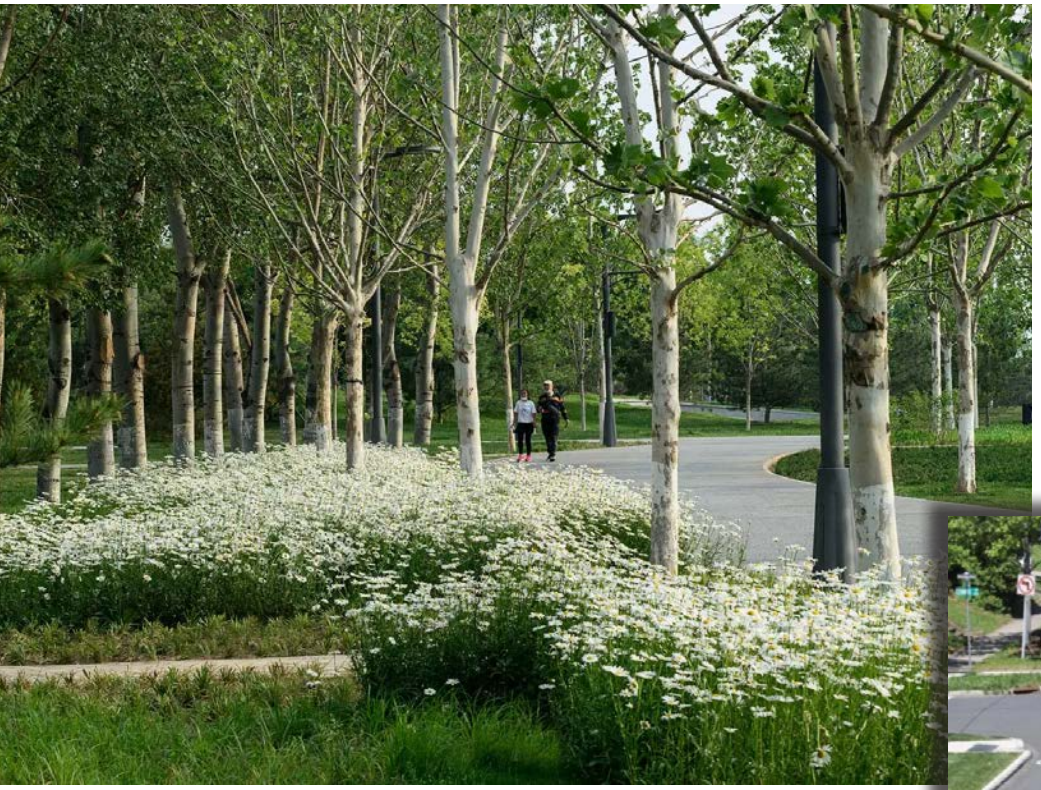
Streetscape Design Standards



SECTION 3.1

STREETSCAPE CHARACTER

Each development pod of Veridea is framed by major roadways. The overall intent of this section is to aid in creating a street network with variety in character through the use of dynamic hardscape materials, plantings, and furnishings. The character of each streetscape section will vary depending on site context and adjacent development programming as the landscape transitions from one development pod to another. The following streetscape character descriptions are to be applied to the major road network to provide dynamic user experience throughout the entirety of Veridea.

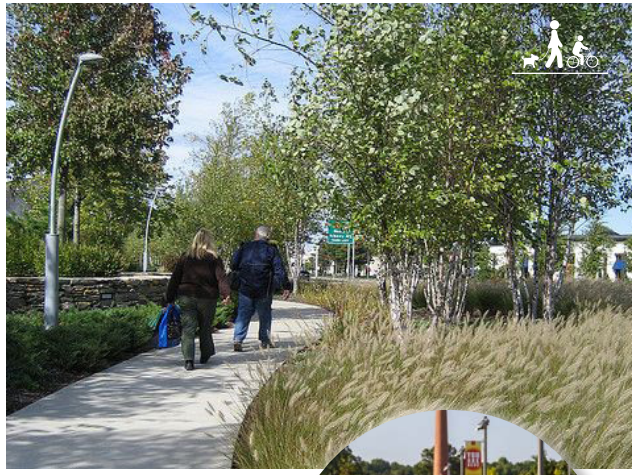


*This Section describes the design intent for hardscape and landscape treatment of major roadway streetscapes within the public right of way only. Refer to Sections 5-8 for specific design guidelines on site amenities, hardscape, and landscape guidelines for privately developed open spaces and streetscapes. Streetscapes internal to development pods do not have a designated streetscape character; however, internal streetscapes shall also follow the guidelines set forth in Sections 5-8. Streetscape character of major roadways may be applied to internal streetscapes as is fitting with adjacent development program and uses.

*All streetscape designs, layouts, dimensioning and landscape standards shall comply with the streetscape requirements set forth in the SD Plan and the Town of Apex UDO. Where enhanced hardscape and landscape is located in the public right of way, a developer's agreement regarding maintenance shall be defined between the Town of Apex and the developer/responsible party.



3.1: STREETSCAPE CHARACTER



The Contoured Streetscape

Applies to major thoroughfares with adjoining naturalized landscapes or designed open spaces

- Informal, large, meandering masses of individual focal species
- Ornamental grasses in mass planting
- Low-creeping or low-massing shrubs
- High percentage of native plants
- Defined open spaces and parks
- Mowed turf areas to define larger planting masses
- Landscape mounds as art form
- Meandering planting design in landscape medians
- Alternating street tree species
- A combination of pedestrian and roadway lighting may be used - refer to Section 8: Lighting









3.1: STREETSCAPE CHARACTER

The Residential Streetscape

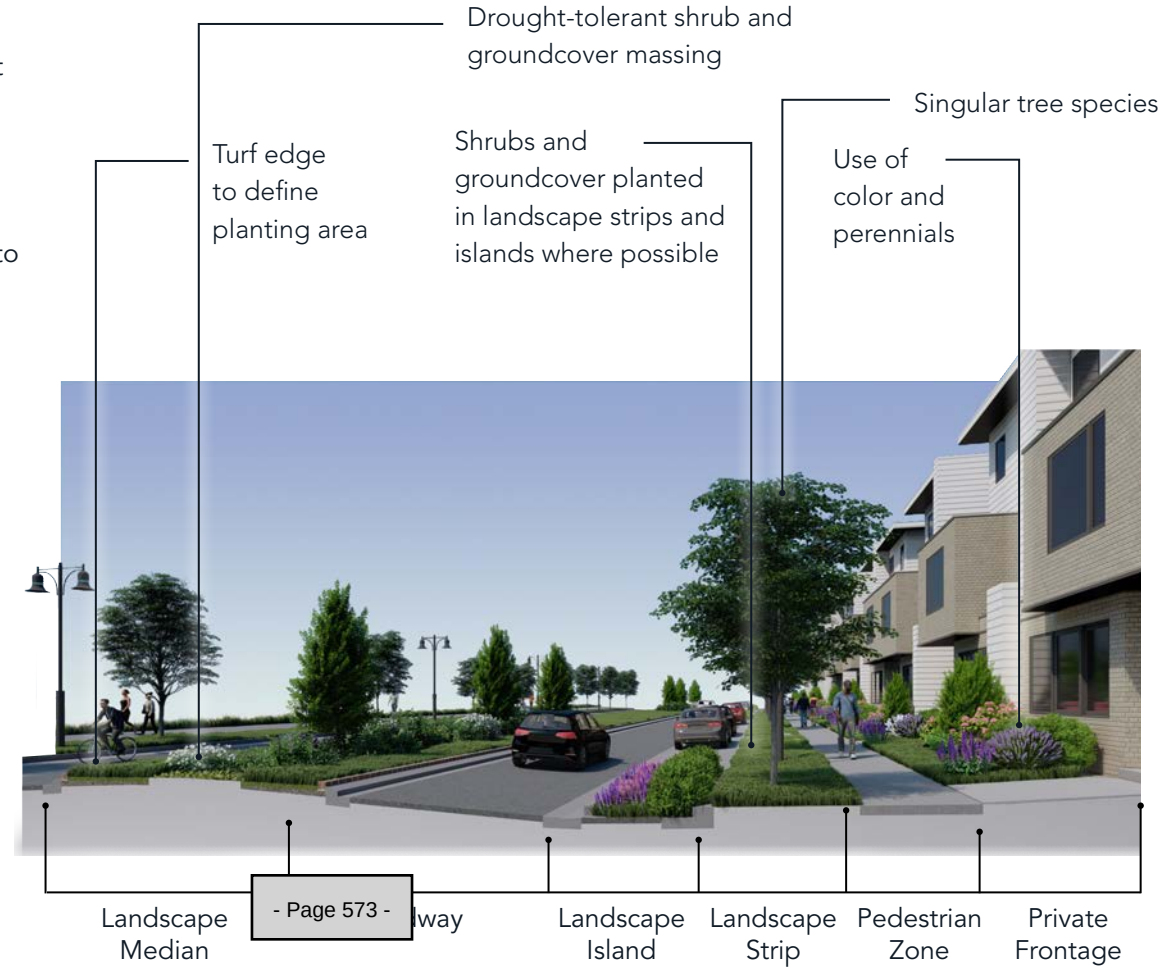
Applies to major collector roads in residential area

- Low-maintenance and drought-tolerant shrub and groundcover massing
- Encourage use of planting and groundcover in lieu of mulch or turf to cover ground
- Intentional use of lawn to provide clear sight lines and define planting areas
- Open viewsheds for vehicles and pedestrians
- Use of color and landscape to define high impact areas and amenities
- Planted landscape strips and medians where possible
- Meandering pedestrian zones where possible
- Pedestrian roadway lighting may be used - refer to Section 8: Lighting
- Singular street tree species with one species spanning no more than 30 trees









3.1: STREETSCAPE CHARACTER

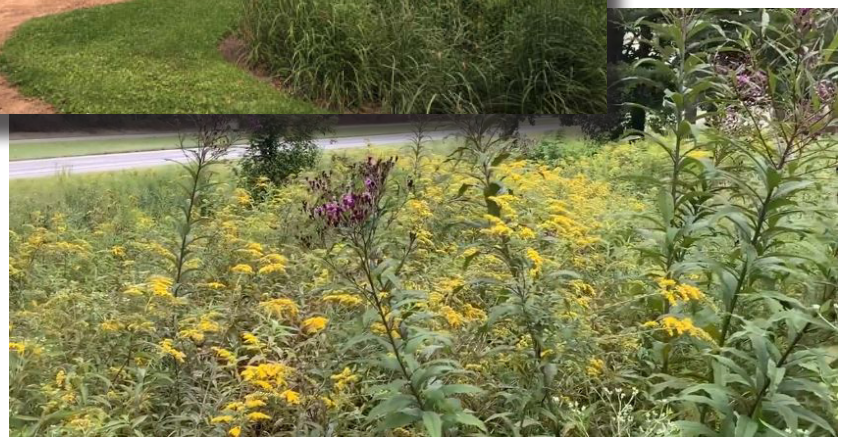


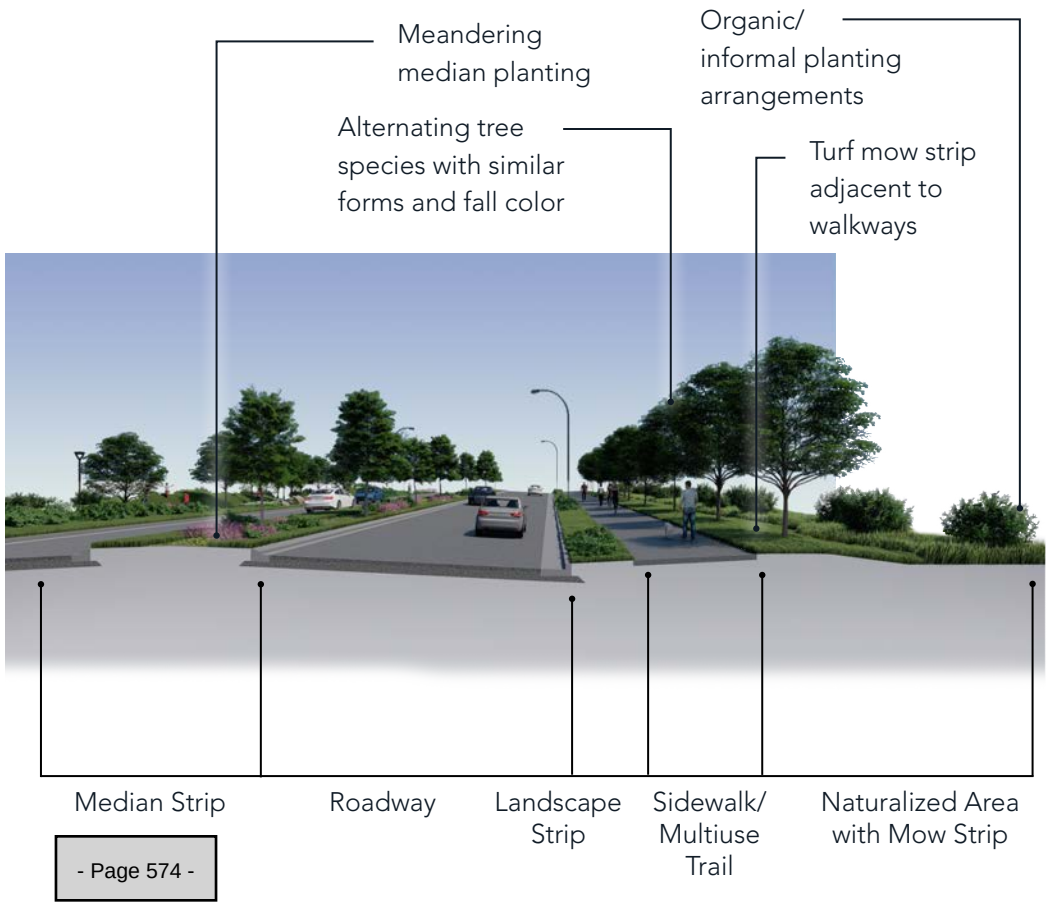
The Naturalized Landscape

Applies to major thoroughfare and collector roads in undeveloped and buffered zones

- Naturalized areas with meadow mixes and no-mow planted areas
- Organic forms
- Large planting masses that are undefined and sporadic
- Informal planting arrangements
- High percentage of native plants
- NCDOT Wildflower Program integration
- Perennial and native grass mixes
- Informal transitions between turf meadows, shrubland, and forest
- Meandering pedestrian zones permitted
- Utilize pedestrian and roadway lighting that minimizes light spillover into naturalized areas
- Alternating street tree species







3.1: STREETSCAPE CHARACTER

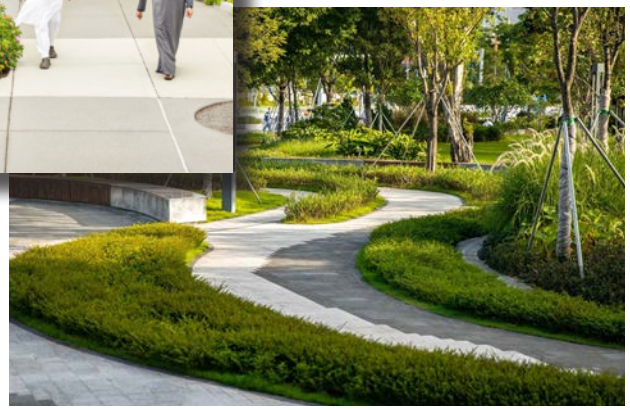


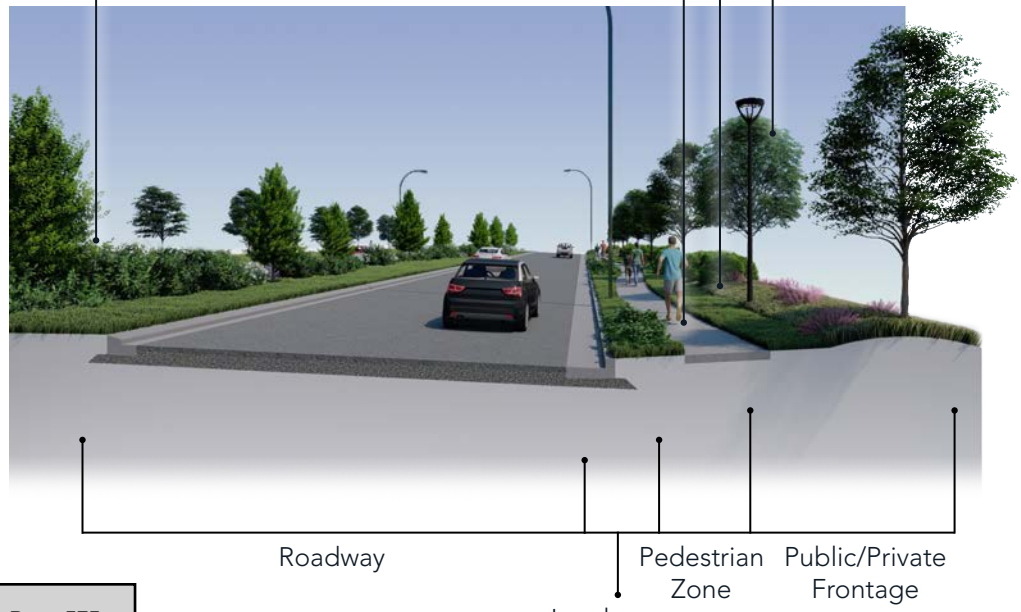
The Innovative Streetscape

Applies to major collector roads at campus- or technology-driven developments

- Large shrub and groundcover massing
- Open viewsheds for vehicles and pedestrians
- Landscape used to separate and define pedestrians from vehicles
- Intentional use of lawn
- Legibility from a wayfinding perspective
- Meandering pedestrian zones where possible
- Utilize a combination of pedestrian and roadway lighting - refer to Section 8: Lighting
- Singular street tree species with one species spanning no more than 30 trees







3.1: STREETSCAPE CHARACTER

The Urban Streetscape

Applies to major collector roads at urban and mixed-use developments

- Manicured and formal landscape arrangements with defined rhythms, colors, and textures
- Use of focal flowering plantings as a defining plant species
- Urban-tolerant species
- Contained landscape within defined planter zones with curbing and/or fencing
- Wayfinding legibility from a pedestrian and vehicular perspective
- Singular street tree species with one species spanning no more than 30 trees









SECTION 3.2

STREETSCAPE DESIGN STANDARDS

The streetscapes within Veridea are meant to be context-sensitive, inviting, and dynamic. Standards of design should be incorporated without losing sight of overall streetscape characters detailed in the previous section. Hardscape, landscape, and site furnishing selections will aid in differentiating each character zone while maintaining a thread of high-end design that runs throughout the entirety of Veridea. These standards should be viewed as a means to create seamless transitions between each streetscape character zone.







*This Section describes the intentions for material compatibility between hardscapes, landscapes, and furnishings found on major roadway streetscapes within the public right of way. Refer to Sections 5-8 for specific design guidelines on site amenities, hardscape, and landscape.

*All streetscape designs, layouts, dimensioning and landscape standards shall comply with the streetscape requirements set forth in the SD Plan and the Town of Apex UDO. Where enhanced hardscape and landscape is located in the public right of way, a developer's agreement regarding maintenance shall be defined between the Town of Apex and the developer/ responsible party.

3.2: STREETSCAPE DESIGN STANDARDS

Hardscape



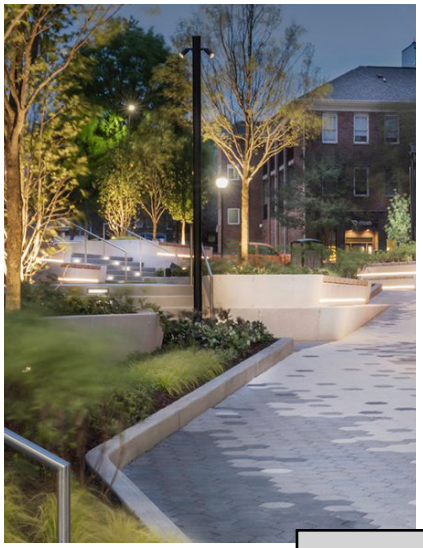
Hardscape materials within and adjacent to major streetscapes should include a variety of materials that create a unique visual character for Veridea. These hardscape materials should include a range of finishes that complement the streetscape character categories described in Section 3.1. Enhanced paving materials should be utilized to strategically complement standard finishes, reinforce the importance of certain pedestrian nodes, and amplify the overall design aesthetic of Veridea streetscapes.

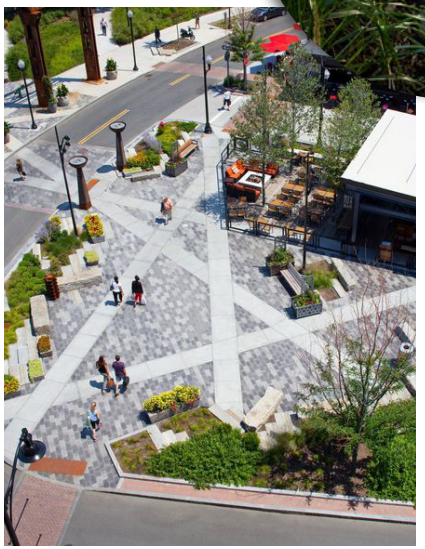
- Applies to hardscapes within the landscape and pedestrian zones of the streetscape section only
- Standard hardscapes may include concrete and asphalt
- Enhanced hardscape may include pavers, decorative concrete, planter curbs, and seat walls
- Enhanced hardscapes within public the right-of-way must be included as part of a maintenance agreement between the Town and the developer/ responsible party

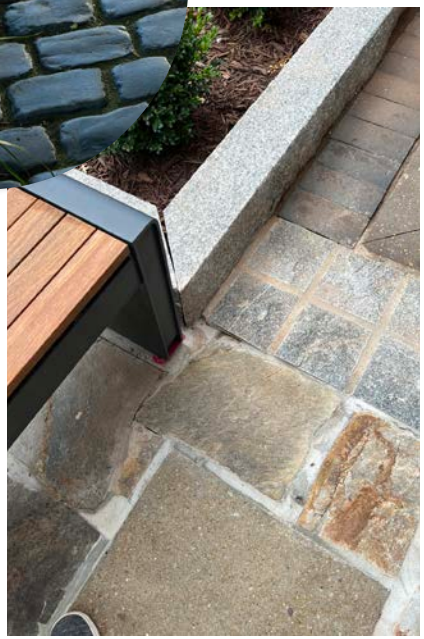




Grade-separated pedestrian crossings and decorative crosswalks may be utilized at major pedestrian intersections for safety. Crosswalks can be enhanced with high visibility thermoplastic applications that meet Town Transportation and NCDOT standards.







3.2: STREETSCAPE DESIGN STANDARDS

Furnishings



A variety of furnishings will be required within the public right-of-way for public use, safety, and comfort. These furnishings are meant to create a sense of place and provide a strong emphasis on the pedestrian experience. Furnishings are aimed at providing comfortable areas of rest, safe storage of alternative transportation modes, proper containment of waste, and visual stimulation for a wide range of users.

- Applies to furnishings within the landscape zones of the streetscape section only
- Furnishings may include trash and recycling receptacles, bicycle racks, seating, bollards, and decorative landscape features such as boulders, seat walls, and potted planters
- Furnishings within the public right-of-way that differ from the Town Standard must be included as part of a maintenance agreement between the Town and the developer/responsible party











3.2: STREETSCAPE DESIGN STANDARDS

Landscapes

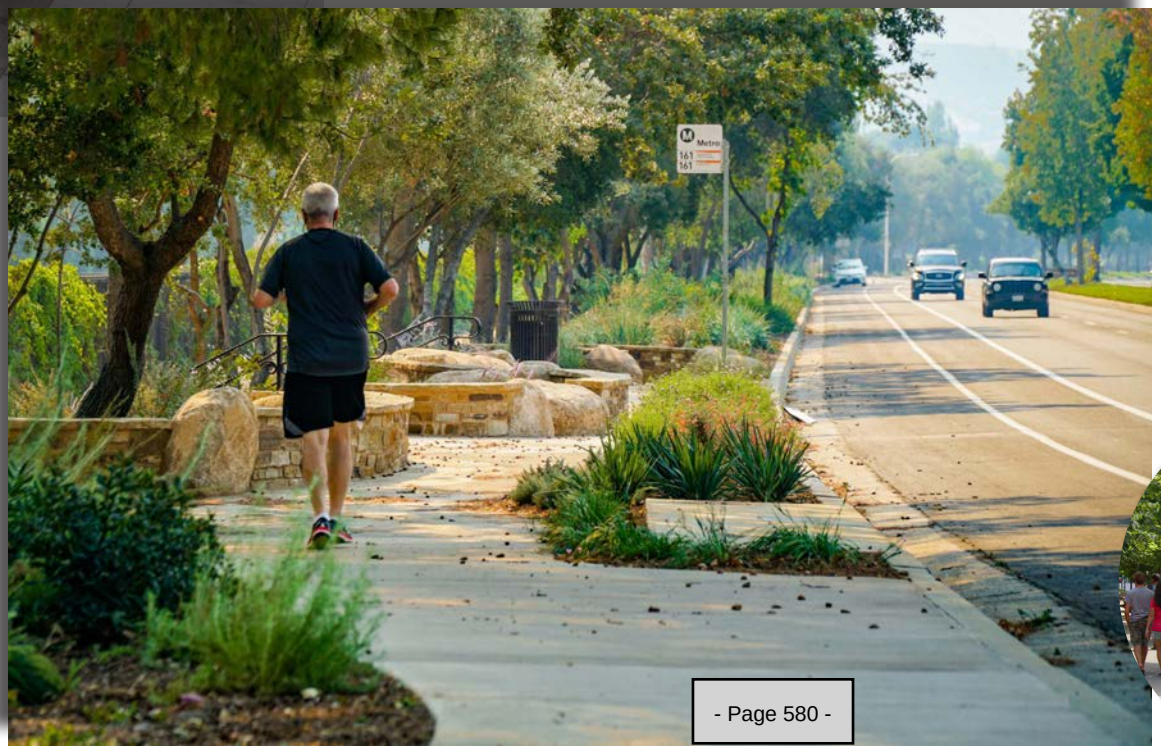
Landscaping of streetscape areas should correspond directly with the streetscape character categories described in Section 3.1. Each streetscape character category emphasizes landscaping as a critical component of successfully establishing a unique user experience while moving throughout Veridea. Dependent upon which streetscape character is being utilized, plant species will vary in form, shape, pattern, and distribution.

- Applies to landscape and planted areas within the landscape zone of the streetscape section only
- Planting within public the right-of-way that is elevated over the Town Standard must be included as part of a maintenance agreement between the Town and the developer/responsible party













SECTION 4

Open Spaces, Parks + Trails

Character + Intent
Passive Open Spaces
Active Open Spaces



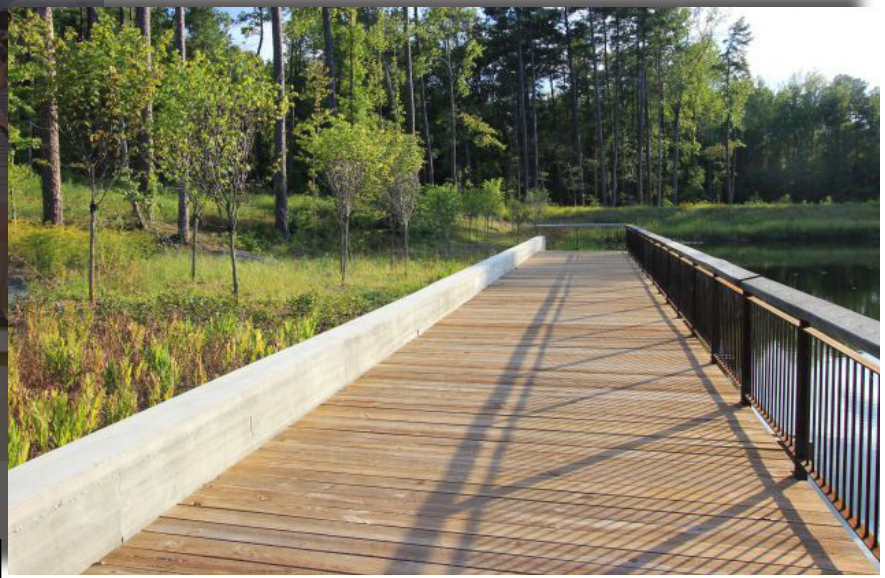
SECTION 4.1

CHARACTER + INTENT

Veridea is committed to providing a variety of high-impact parks and open spaces. Passive landscapes and preserved natural ecosystems intertwined with active, programmed parks will provide a uniquely diverse landscape experience for users to explore and engage with. The nature of park spaces will range from small urban gardens to large recreational playfields to naturally preserved areas - each with individual sustainability goals.



*Each park and open space shall comply with the design standards and requirements listed in the SD Plan and the Environmental Enhancement Plan. Park facilities that are owned and operated by the Town of Apex may follow Town standards but are encouraged to comply with the Pattern Book and Veridea branding.



SECTION 4.2

PASSIVE OPEN SPACES

Passive open spaces emphasize a low level of urban development with a focus on preservation, conservation, and natural habitat.





4.2: PASSIVE OPEN SPACES

Perimeter Buffers + Stormwater Infrastructure

Where perimeter buffers are disturbed and required to be re-vegetated, the design approach shall include stabilizing the boundaries of the site, enhancing appearance, and encouraging native plant communities and ecosystems. A high percentage of native plant species with a variety of color, texture, and visual interest is encouraged. Planting arrangement shall be an informal design with rhythm and repetition while still providing biodiversity and legibility. All landscape buffers must meet standards set forth by the Town of Apex, the SD Plan and the Environmental Enhancement Plan.



Informal buffers with a variety of texture, color, and visual interest reinforce naturalistic lands





Infrastructure associated with stromwater, such as outfall structures and trash racks, shall be screened with vegetation and/or enhanced with decorative masonry applications.

Stormwater management is a critical component of responsible development. While stormwater control measures primarily function to collect stormwater runoff and remove sediment and pollutants, they can also become critical wildlife habitats and beautiful landscaped areas. Where possible, stormwater infrastructure should be designed with organic forms to mimic a more naturalistic condition. The use of stormwater control measures that mimic natural ecosystems, such as stormwater wetlands, is encouraged. Associated man-made infrastructure, such as concrete outfall structures, can be located in less visible areas, surrounded with taller plant material, and adorned with decorative masonry finishes. Where planting is required, provide a wide variety of plant species that are complementary in color, texture, and height. A mixture of native grasses, perennials, shrubs, and trees promotes a biodiverse ecosystem and establishes habitat.

SECTION 4.3

ACTIVE OPEN SPACES

Active open spaces encourage users to gather and engage within designed, developed, and landscaped park spaces. The emphasis is on placemaking that promotes health, happiness, and well-being.





4.3: ACTIVE OPEN SPACES



Linear Parks + Trails

Minimum requirements:

- One waste receptacle
- One bench at major trailheads

Linear parks are longer than they are wide - typically following roadways, streams, rivers, and utility corridors. Pocket parks, overlooks, gathering areas, and public art are examples of design opportunities that can be located along trails and within open spaces. Linear parks can also be dedicated to wildlife, such as a continuous pollinator corridors. Linear parks shall be designed to connect nodes of gathering and parks. Winding or meandering alignments of trails are preferred to create visual interest and provide areas of relief from vehicular traffic. Where possible, trails and greenways should follow previously disturbed areas, such as utility easements and roadways, to minimize removal or destruction of conserved landscape. Avoid steep slopes to natural conditions directly adjacent to trail systems. Where trails meander through wooded or natural conditions, adjust trail alignments as necessary to avoid impacting the critical root zones of large, mature vegetation. All greenways and trails shall be constructed to the standards set forth in the SD Plan, EEP, and Town standard.



Large, multi-use trails shall accommodate both pedestrians and bicycles. Provide changes in hardscape, texture and landscape to highlight nodes and trailheads.

Pedestrian-oriented amenities shall be located at intervals along the trail and at major trailheads. Such amenities include but are not limited to entry markers, educational signage, decorative lighting, street furnishings, outdoor fitness stations, bicycle repair stations and fountains. Art, entrance markers, monumentation, signage, waste receptacles and distance markers shall follow Veridea branding and signage standards set forth in Section 7. Pedestrian lighting may be provided and shall follow the Veridea lighting standards set forth in Section 8.



Gathering areas and small plazas that contain a variety of seating and programming may be provided along trails at major nodes, at trailheads, and within linear parks.



Major trailheads are defined as a main entry to a trail network that intersects with the public right-of-way.

4.3: ACTIVE OPEN SPACES

Stormwater Parks

Minimum requirements:

- One waste receptacle
- One seating opportunity

Stormwater and Green Stormwater Infrastructure parks can foster and enhance urban development by harmoniously combining infrastructure and recreation. Stormwater parks can be either natural or urban in nature and may contain both passive and active program elements. Stormwater facilities shall meet the requirements set forth by the North Carolina Stormwater Design Manual, but shall be designed to mimic natural environments with organic forms and a wide variety of plant species. Exploration and engagement can be encouraged with the use of walkways, gathering areas, a variety of seating options, overlooks, docks, and naturalistic planting strategies. Dedicated gathering areas shall be safely lit according to Town of Apex standards and comply with the standards set forth in Section 8. Public art or landform art can be incorporated to established nodes or points of interest and shall comply with the standards set forth in Section 7. Educational signage that highlights stormwater engineering or green stormwater infrastructure is encouraged.







Trails integrated within stormwater infrastructure are encouraged.



4.3: ACTIVE OPEN SPACES

Urban Parks

Minimum requirements:

- One waste receptacle
- One seating opportunity

Parks and open spaces located within urban development offer residents and visitors access to nature and green space. Urban parks can be a variety of sizes and are easily accessible, often nestled around and between urban structures and buildings. Urban parks should contain a variety of greenspaces, including lawn areas, planted areas, and garden spaces. Provide a variety of seating opportunities for large and small gatherings in both fixed and flexible conditions. Amenities such as fire pits, screens, and displays shall be oriented so as not to impact vehicular trafficways or produce light intrusion into buildings. Shade is a critical component and is encouraged to be provided via shelters, shade structures, vegetation or other methods.







Urban [illegible] a combination hardscape areas, open lawn, planted areas, shade and seating opportunities.

4.3: ACTIVE OPEN SPACES

Residential Parks

Minimum requirements:

- One waste receptacle
- One seating opportunity

Residential communities shall have a network of parks and open spaces that provide a variety of amenities to residents. Parks and open spaces should embrace a variety of passive and active components, with each community providing at least one common open space for active programming. Community centers, pools, playgrounds, play fields, dog parks, and community gardens are examples of active community amenities that offer opportunities to gather, play, and engage. All parks and open spaces shall be connected by a pedestrian and multi-modal transit network, such as sidewalks and trails, to allow access to open space areas without needing a vehicle. Furnishings, such as benches and waste receptacles, are required in each residential park.



Open turf lawns provide opportunities for flexible play.











Natural elements, such as boulders and logs, are sustainable elements found on-site that can be reused for play and increased landscape aesthetics.

4.3: ACTIVE OPEN SPACES



Athletic Parks

Athletic parks are open spaces that contain facilities for sports and team-oriented recreation. Community centers, multi-purpose fields, baseball or softball diamonds, sports courts or pitches, and related infrastructure where users can assemble to engage in physical exercise, participate in sports competitions, or witness sports are encouraged. The siting and orientation of sports facilities should thoughtfully consider intended use, environmental conditions such as wind and sun, and the site's topography in order to minimize large scale impacts to natural resources. Site furnishings, such as benches and waste receptacles, are required in large gathering or viewing areas. Providing easy access to water fountains, shade, and restrooms is important for users.

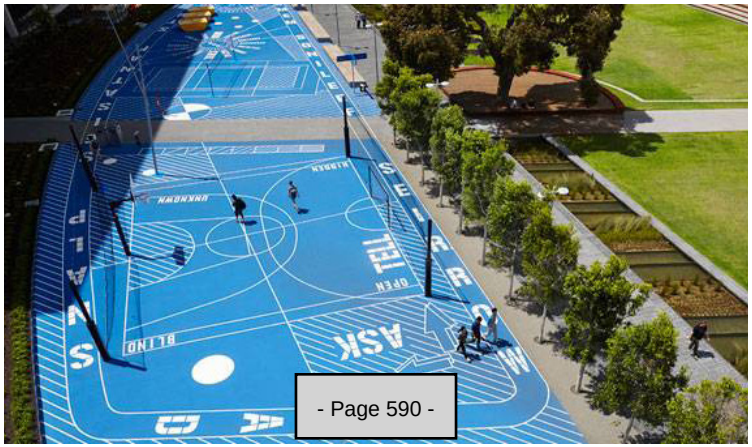
Minimum requirements:

- One waste receptacle
- One seating opportunity
- Access to public restrooms provided within the athletic park or at a public facility within a 0.25 mile distance from the athletic park



Tennis courts shall be in keeping with the standards of the United States Tennis Association (USTA).







Softball fields shall be in keeping with the standards of the American Softball Association (ASA) Men's Slow-Pitch Open Division.

4.3: ACTIVE OPEN SPACES

Dog Parks

Minimum requirements:

- One waste receptacle
- One bench

Dog parks offer dedicated open space areas for dogs to exercise and play in an off-leash, controlled, supervised environment. These park spaces can contain a variety of designed conditions including large unencumbered open spaces, naturalized forested areas, and/or urban spaces with artificial turf. Dog parks should be fully fenced and accessed via a double-gated entry and exit point. Additional controlled maintenance gates are also encouraged. Dog parks may have dedicated large and small dog areas or one large general use area. Avoid creating acute angles or spaces with fencing, landscape or structures. Shade structures and site furnishings, such as benches, agility furniture, pet waste stations, and fountains, are encouraged for the comfort of pets and their owners. At a minimum, dog parks shall have one bench and one pet waste station. Landscaped areas shall contain plant material that is low maintenance, durable, and does not pose health or safety risks to pets. Wherever possible, incorporate dog parks into the site's natural environment, such as gently sloped areas that contain high canopy trees with limited undergrowth.



Artificial turf and shade structures provide comfort for pets and owners.



Wooded areas provide opportunities for shade. Naturally sloped site conditions shall not exceed 5% for dog parks.







Dog parks shall have double entry gates with fencing a minimum of 5' in height Puppy panels provide additional security for smaller dogs.

SECTION 5

Landscape Standards

Introduction + Intent
Public Right-of-Way Landscaping
Private Development Landscaping



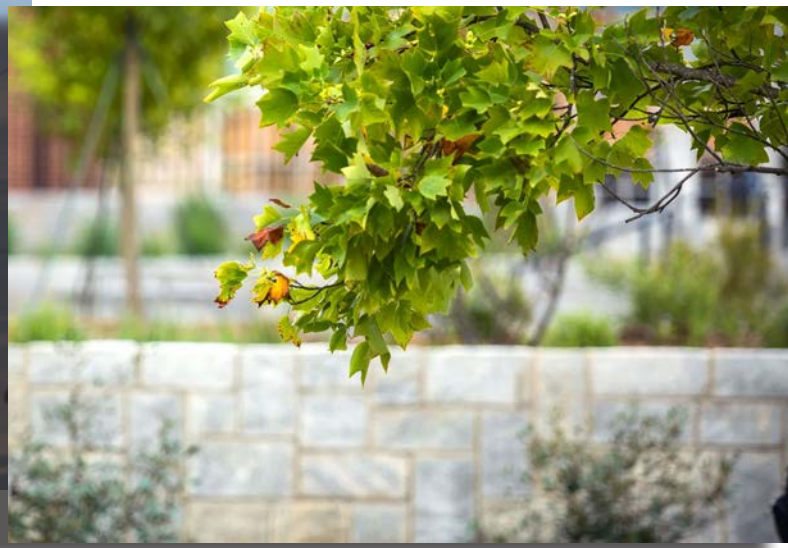
SECTION 5.1

INTRODUCTION +INTENT

Veridea is committed to providing a planting design strategy that provides unity between spaces and enhances its users' experience. Consistency, repetition, scale, and texture are important components that speak to the site's character by influencing how users interpret and navigate a landscape. This section will describe planting design guidelines for landscapes within the public right-of-way and private spaces to establish a cohesive and organic landscape approach.



*This Pattern Book does not overrule landscape standards otherwise required by the SD Plan, the Environmental Enhancement Plan, the UDO, or any other Town of Apex standard. The key elements listed within this Section are intended to complement and provide a framework for the design approach of landscaped areas. Landscape areas within the public right-of-way that are enhanced above Town Standards may be included as part of a maintenance agreement between the Town and the Responsible Party/Developer.



5.1: INTRODUCTION + INTENT

Key Elements



- Provide year-round presence and a variety of textures; seasonal color is encouraged
- For non-residential areas with a high pedestrian presence, or in areas where landscape may need additional protection, plantings to be bordered by a curb, low planter fence, and/or other type of border
- For residential areas, a combination of shrubs, grasses, groundcover, and perennials should be utilized for enhanced aesthetics
- A focal species, or highlight plant, may be utilized to define special areas or nodes
- Planter pots and living walls may be used as accents. For streetside non-residential areas, planters may be utilized as a form of foundation planting
- Native and adaptable plant species are required for assurance of landscape success. Per the Environmental Enhancement Plan and SD Plan, 80% of landscape shall be drought tolerant and consist of native or locally adaptive species. Invasive species are prohibited.
- Species diversity is encouraged, with the intention that a singular species shall account for no more than 20% of the overall plantings provided
- Minimum soil volume for trees to meet Town of Apex standards. Soil in landscape areas to be amended to provide healthy planting soils
- If turf grass is provided, it should be a locally adaptive and drought-tolerant species as defined by the Environmental Enhancement Plan to limit the need for extensive irrigation
- Practice Crime Prevention Through Environmental Design (CPTED) principles.
- Consider horticultural zones, microclimates, temperature, moisture, soils, and other physical contexts to create landscapes complementary to the southeastern United States
- The developer may enter into a maintenance agreement with the Town of Apex where right of way enhan roposed. All enhancements within the public right of way shall be privately maintained by the Veridea Owner's Associations.

5.2: PUBLIC RIGHT-OF-WAY

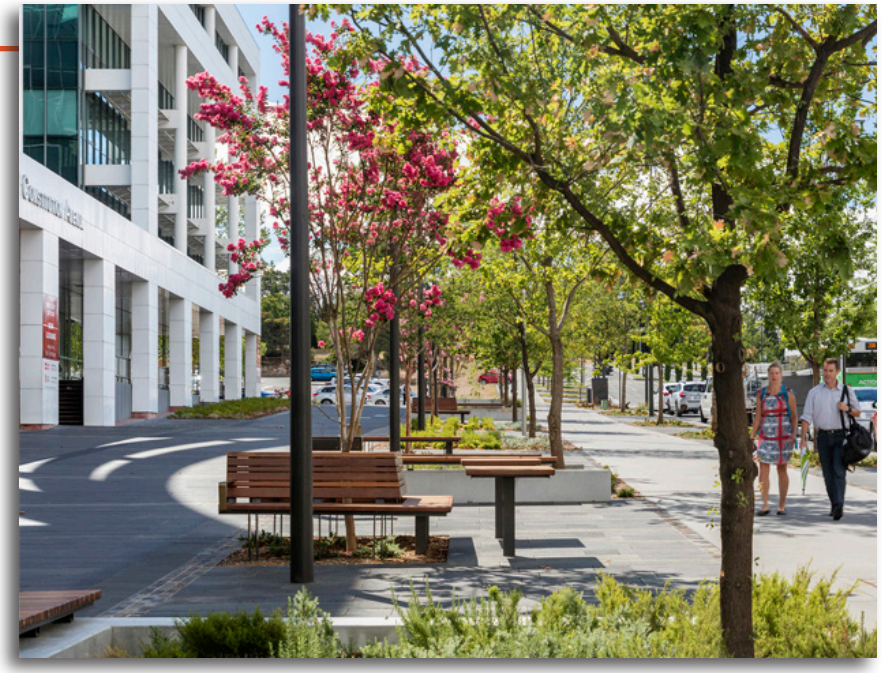
Street Trees

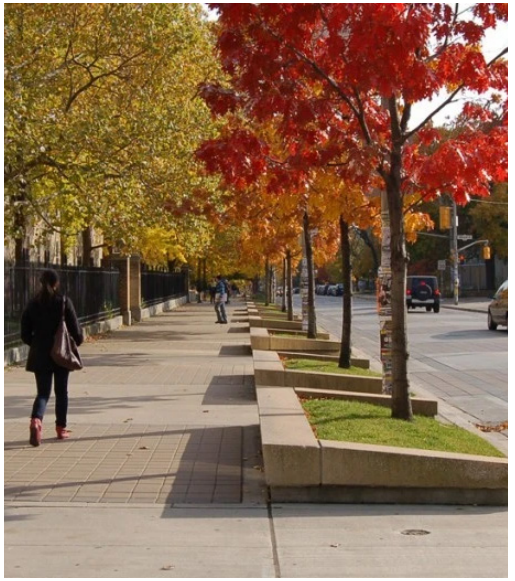
- Trees may be continuous species or alternating species, but should be grouped according to similar or complement street tree shapes as indicated in the public planting section in the SD plan. Refer to streetscape character for determining alternating or singular species and a naturalized or manicured planting arrangement.

- Street trees to be planted in site conditions that allow for healthy, sustainable growth.

- Street trees shall be located outside of the AASHTO sight distance easement. If a conflict exists or there is a desire to maintain landscape uniformity, one single stem street tree with no foliage between 2′ and 6′ in height at the time of planting and remains that way through maturity will be permitted within the AASHTO sight distance easement.

- Street trees shall maintain a minimum of 10′ of separation from utility main lines and 5′ of separation from utility service laterals and storm lines. A root barrier shall be provided where minimum separation cannot be achieved.

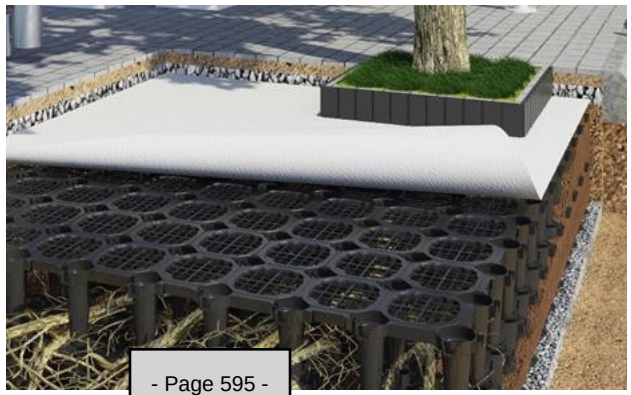




If alternating street tree species is proposed, species selection shall have similar or complementary forms and fall colors.



Ensure street trees can maintain healthy, sustainable growth by providing optimal growing conditions, such as increasing rootable soil volume through structural soil or soil containment systems where softscape area is limited.



Landscape Strip Planting

The landscape strip is the planted zone between the sidewalk or walking path and the curb and gutter. The landscape strip can be a combination of turf, shrubs, groundcover, ornamental grasses, perennials, and groundcovers - in addition to trees.

- In a commercial- or retail-oriented streetscapes, provide a variety of shrubs, ornamental grasses, groundcovers, and perennials - in addition to trees. Plantings may be protected with curbs, 18" height planter fencing, and/or other barriers
- Plantings shall mature to heights less than 36" to maintain visibility.
- Stepstones integrated into plantings, such as flagstone or brick pavers, may be provided where pedestrian crossing is anticipated but no pathway is provided
- Groundcover planting is encouraged in place of mulching
- Adding colorful planting to highlight important intersections, such as nodes or pedestrian crossings, is encouraged
- Turf may be utilized in residential, institutional, and campus locations. Groundcover and shrub planting is preferred in commercial and retail locations.



In commercial or retail streetscapes, utilize shrubs, grasses, groundcover, and perennials where possible.



Limit planting heights to 36" at maturity for clear visibility.





Hedgerows may be utilized where there is clear and necessary separation of vehicles and pedestrians.

5.2: PUBLIC RIGHT-OF-WAY

Landscape Medians

- All planting shall be in compliance with NCDOT and Town of Apex design standards
- Where space allows, planting shall be in a meandering style
- A consistent open viewshed between 24" and 7' in height shall be provided for vehicular and pedestrian safety with the exception of narrow, evergreen understory trees that reach a maximum caliper size of 4"
- Drought-tolerant species capable of withstanding hot, urban conditions shall be provided. A combination of understory trees, shrubs, ornamental grasses, groundcover, perennials, and turf provides visual interest
- Provide locations for annual seasonal color at high impact intersections
- Pavers may be utilized at median endcaps, pedestrian crossings, or other areas that require a hardscape application. Pavers shall be a vehicular-rated brick style in a herringbone pattern and shall be mortared to concrete
- If reinforced turf is required, a below-grade grass reinforcement grid shall be utilized





Planting form shall meander where space allows.



nt massing for legibility.



5.3: PRIVATE DEVELOPMENT

Private Frontages

Private frontages exist where edgeyards and sideyards are provided between building and rights-of-way, such as Common Yard, Porch, Terrace/Lightwell and Forecourts - as described in the SD plan.

- Provide a variety of understory trees, shrubs, ornamental grasses, and perennials for texture and enhanced aesthetics
- Evergreen plant material should be provided - particularly around foundations - for year-round presence and interest



Where buildings occupy the boundaries of the lot, green walls and vertical vegetation provide visual interest.





Provide a variety of trees, shrubs, perennials, and ornamental grasses for enhanced aesthetics.

Where buildings occupy the boundaries of a lot, such as Stoops, Shopfronts, Gallery facades, and Arcade facades (as described in the SD plan):

- A minimum of 25% of hardscape perimeters shall be planted
- Planter pots may be utilized where foundation planting cannot be achieved with in-grade landscape area, such as commercial or storefront retail
- Green walls are a unique vertical application of landscape where distance is limited



5.3: PRIVATE DEVELOPMENT

Parking Lots

- Supplemental planting, in addition to required tree canopy planting, in landscape islands is encouraged. Ornamental grasses, low creeping shrubs, and groundcovers that mature under 36" are preferred. Species selected must be tolerant of drought and urban pollution

- Curb cuts, overflow areas, or other green stormwater infrastructure solutions may be provided to capture and treat stormwater





Capturing and treating stormwater within landscape islands is encouraged.





Capturing and treating stormwater within landscape areas is encouraged.



Coverage of landscape islands with shrubs and groundcover is preferred.

Naturalized Areas + Meadows

Meadows and naturalized areas shall be primarily located adjacent to naturally-occurring landscapes, existing riparian buffers, or along easements. If meadows are located in an urban condition, they shall be designed to facilitate education.

- Where meadows are adjacent to pedestrian zones, provide a minimum 3' wide turf border between the pedestrian area and naturalized planting area
- Shrubs, posts, signs or other identifying features shall be provided at meadow edges to clearly indicate mowed and non-mown areas
- All educational or public-facing meadows shall follow a defined maintenance schedule.
- Non-landscape features, such as boulders, bird houses, and insect houses are encouraged for additional landscape diversity



A mowed edge shall be provided between meadows and pedestrian areas.





Meadows can be utilized for education and environmental healing in campus, educational, and residential uses. Avoid meadows in commercial and urban uses.



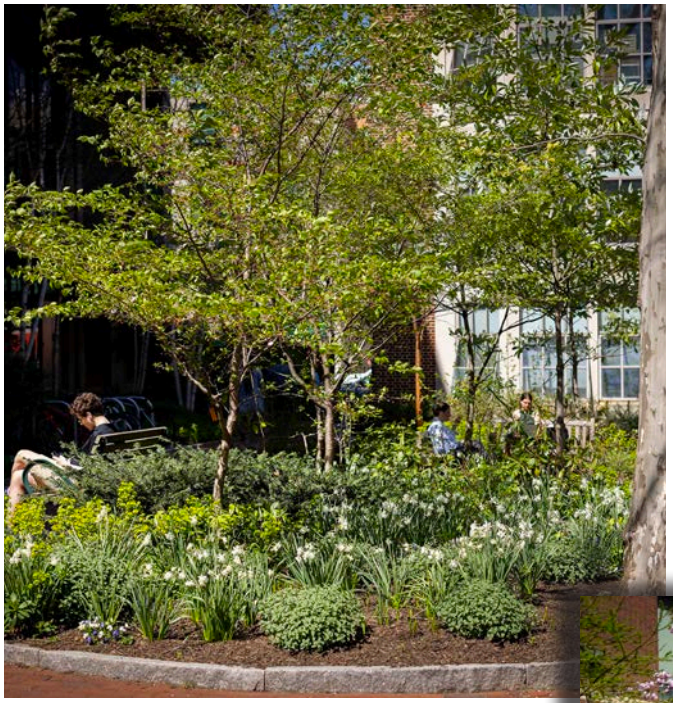
Boulders are complementary landscape elements.

5.3: PRIVATE DEVELOPMENT

Open Space, Parks + Trails

- Employ ecological planting techniques such as companion planting, analysis of microclimates, biodiversity, and native species selection
- Per the Environmental Enhancement Plan and SD Plan, 80% of landscape shall be drought-tolerant and consist of native and locally adaptive species. Invasive species are prohibited. Species diversity is encouraged with one species accounting for no more than 20% of the total number of plants.
- Provide intentional lawn space for recreation and active play. Separate play lawns from vehicular traffic with shrubs and other plantings
- Employ Crime Prevention Through Environmental Design (CPTED) principles, such as sight lines, natural access control, activity support, and maintenance
- Natural resources, such as boulders found on site and logs milled from felled trees, can enhance aesthetics in addition to providing natural play or art opportunities







Provide intentional lawn space for active recreation and play.





Boulders and other natural elements enhance landscape aesthetics and provide art opportunities.



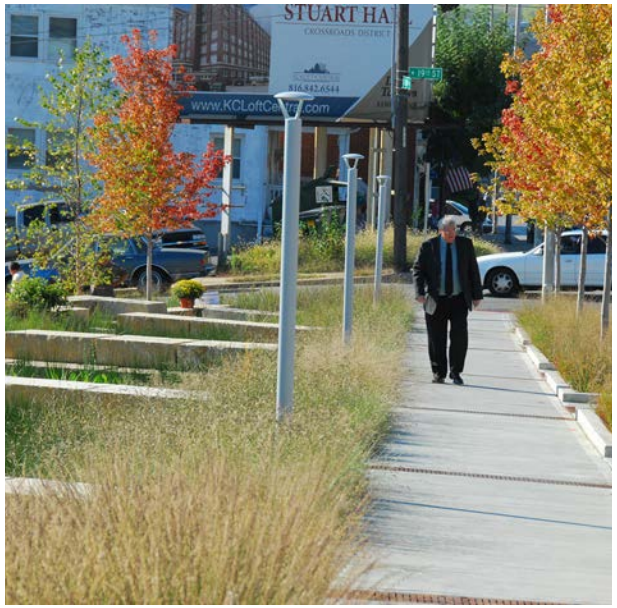
Separate intentional lawn gathering areas from vehicles with shrubs and pedestrian walking zones.

5.3: PRIVATE DEVELOPMENT

Green Stormwater Infrastructure + Pollinator Gardens

GSI is encouraged as an approach to amenitize stormwater infrastructure. Opportunities may include rain gardens, bioretention, vegetated swales or bioswales, infiltration basins, green roofs, and tree wells.

- Utilize planting species appropriate for stormwater conditions. Refer to the NCDEQ stormwater manual for species suggestions
- Where bioretention infrastructure is adjacent to pedestrian walking zones, ensure that the depth of bioretention does not exceed 24" to avoid fall concerns







GSI integrated into streetscapes and parking areas is encouraged.



Certified Pollinator Gardens should follow the National Wildlife Federation standards:

- Pollinator gardens shall meet the minimum requirements set by NWF
- Pollinator gardens can be certified and approved by NWF. Signage for certified gardens may be displayed



Educational signage for pollinator gardens and stormwater infrastructure is encouraged.

SECTION 6

Site Amenities

Introduction

Hardscapes

Site Furnishings

Program Amenities



SECTION 6.1

INTRODUCTION

The implementation of a wide range of site amenities will aid in creating an impactful user experience. Features detailed in this section, such as enhanced paving materials, seating, and shade structures, should be included in a thoughtful and purposeful manner. In order to distinguish the visual and functional aesthetic of Veridea, site furnishing selections can be unique to each designed space depending on program and intended use. However, when contemplating Veridea holistically, furnishing styles and colors should articulate a coherent design language that reverberates throughout the development.



Site amenities can be categorized as hardscapes, furnishings, architectural features, or amenity elements and may include:

- Walking surfaces
- Walls
- Seating
- Bollards
- Planters
- Fencing
- Bike Racks
- Shade structures
- Program amenities

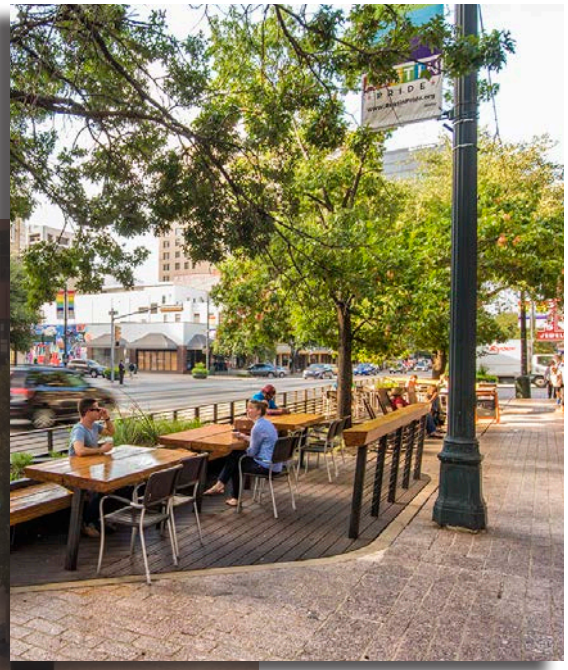
The pictures, illustrations, and descriptions included are contextual examples of the high quality materials and design envisioned for the project. Materials, hardscape, and landscape components depicted herein are not intended to be an exclusive or exhaustive list to be required in every design or construction. Instead, these elements are intended to convey acceptable design approaches that promote variability, high quality, and sustainably-focused development in order to foster a unique sense of place.

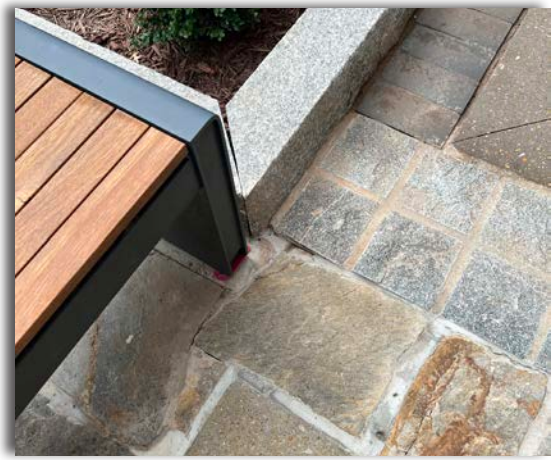
SECTION 6.2

HARDSCAPES

A wide variety of hardscape materials should be utilized to a create an aesthetic entirely unique to Veridea. These hardscape materials should include a range of finishes that are both manufactured and naturally occurring. Enhanced paving materials should be utilized strategically to complement standard finishes, reinforce the importance of certain pedestrian nodes, and amplify the overall design aesthetic Enhanced hardscape materials should be used where necessary to facilitate a safe and legible pedestrian experience.







Key elements include:

- Multiple materials colors, textures, and patterns to create a dynamic visual experience.
- Changes in material and color can be utilized to highlight and define spaces.
- Decorative crosswalks and pedestrian corridors
- Raised curbing around planters.
- A variety of site and retaining wall types.
- Use of locally-sourced materials.
- Use of recycled or sustainably-sourced materials.
- Use of standard sizes to limit construction waste, maximize efficiency and reduce offcuts.

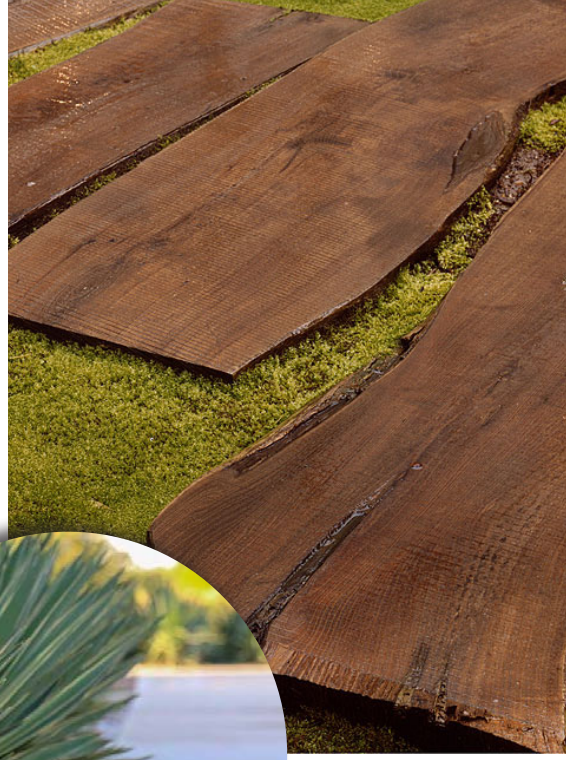
Locally-sourced materials can embed sites with a strong sense of place and support local eco

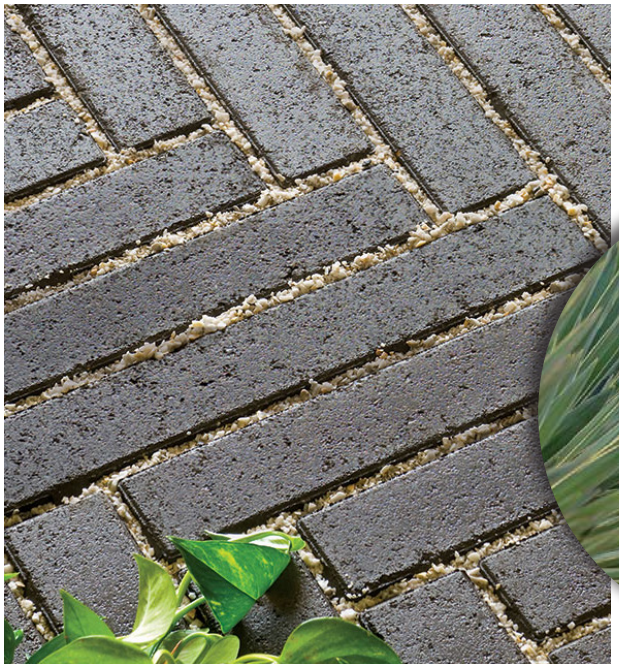
6.2: HARDSCAPES

Enhanced Paving + Surfaces

Hardscape enhancements may include, but are not limited to, the following:

- Concrete applications - decorative scoring patterns, broom finish, sandblasted, integral color, exposed aggregate, stamped
- Pavers - brick pavers, permeable pavers, precast pavers
- Natural Stone - flagstone, bluestone, granite cobble, granite screenings, stone mulch
- Tree grates - metal or iron with decorative designs
- Wood decking
- Decorative thermoplastic applications





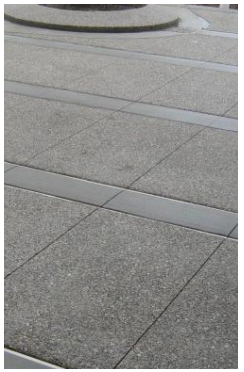
Permeable pavers in decorative herringbone pattern.



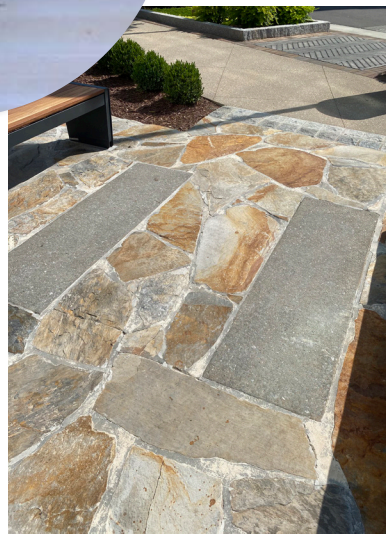
Natural wood decking allows for additional water infiltration for canopy trees. Wood shall be FSC certified.







Stamped concrete may contain integral color with a release agent for additio xposed aggregate may contain integral color.



Natural pavers shall be sourced locally when possible.

6.2: HARDSCAPES

Walls + Curbs

Materials may include, but are not limited to, the following:

- Curbs - cast-in-place concrete, precast concrete, granite, upturned brick
- Freestanding site walls - precast concrete, masonry, granite block
- Retaining site walls - decorative segmental block, cast-in-place with precast veneer, masonry, gabion
- Elements that retain soil or are otherwise directly exposed to soil runoff shall contain brown and tan tones to reduce visual staining effect of the natural clay soils



Segmental retaining walls with lower visibility shall contain multiple sizes of block and a provide a natural variation in color.



Site and seat walls with a stone or wood veneer provide a more naturalistic appearance.



Precast concrete planter curb.

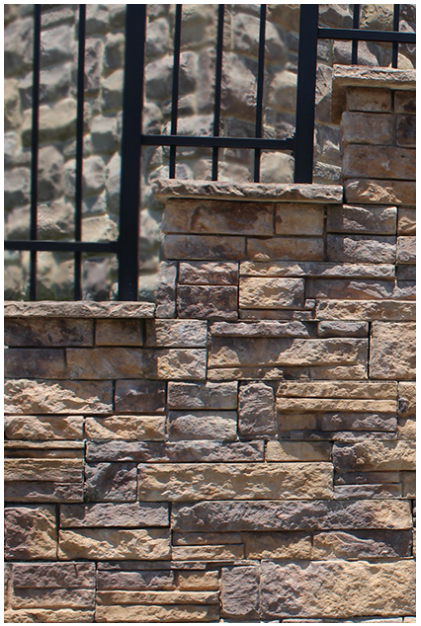


Granite seat block with split face sides and smooth top. May include mounted seating.

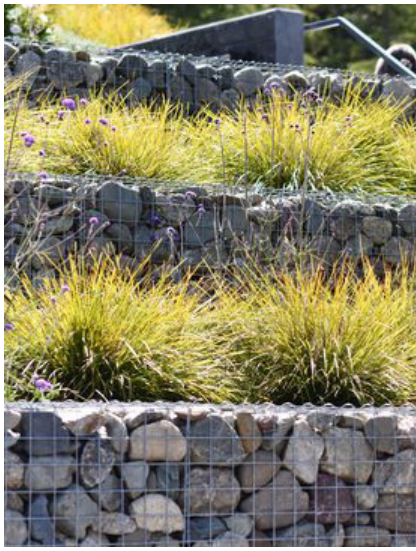


Granite planter c… face sides.

- Page 607 -



Segmental retaining walls with high visibility should have a decorative, natural stone appearance and coloring.



Gabion walls shall use large sized, brown and tan toned, smoothed aggregate. Use of gabion walls subject to the approval of the Town of Apex.

SECTION 6.3

SITE FURNISHINGS

Courtyards, park spaces, retail patios, linear parks, streetscapes and informal seating areas will utilize an array of site furnishings that meet Veridea's branding standard. The furnishings included in the design program will exemplify a modern and refined aesthetic while providing critical detail and functionality to the wide range of programmed spaces throughout the site. Furnishings that are locally-sourced and use recycled materials or sustainable wood products are encouraged to promote a sustainable future.



Furnishings shall have a modern aesthetic with clean lines.



Furnishings may include:

- Seating
- Bollards
- Planters
- Fencing
- Screening elements
- Waste receptacles
- Bicycle racks
- Shade structures

The guidelines provided in this section are intended to encourage aesthetic and functional consistency as Veridea is developed over time. Park facilities that are owned and operated by the Town of Apex are encouraged to follow the guidelines provided in this Section but are permitted to follow standard Town furnishings.



Swings integrated into overhead structures is a furnishing that can be enjoyed by all age groups.

Permitted colors for fixed elements:

Forms + Surfaces Standard Colors	Anova Furnishings Standard Colors
INK BLUE	CHARCOAL
DARK CORTEN	BRONZE
BLACK	BLACK
CUMARU	CEDAR

6.3: SITE FURNISHINGS

Fixed + Flexible Seating

Providing comfortable, convenient, and safe seating areas for pedestrians is crucial to the overall design of Veridea. By providing simple and refined areas of rest, users will naturally feel more comfortable exploring the many elements of the site. Seating fixtures and product selections should complement and work in harmony with the adjacent hardscape and landscape treatments. Seating that is locally-sourced and uses recycled materials or sustainable wood products is encouraged.

Fixed and flexible seating opportunities can include, but are not limited to, the following examples:

- Seat walls
- Benches
- Seating mounted to site walls
- Tree wrap or planter wrap benches
- Non-permanently mounted or movable furniture including tables and chairs, bar stools, and active seating





Seating should have modern aesthetics with clean lines. Veridea's standard bench is the Vector product family by Forms + Surfaces and the Madison Bench by Anova Furnishings. Alternative bench products that have modern aesthetics and clean lines may be approved.



Precast seat walls shall contain lipped edges for comfortable seating. Anti-skateboarding measures may be applied if appropriate.



Benches mounted to seat walls shall be backed.



Providing inclusive seating and ac space for ADA access is encouraged





Flexible seating, such as Adirondack chairs, provide opportunity for pops of color. Colors shall comply th Veridea standard branded colors.



Town owned and operated facilities are encouraged to comply with the Veridea standard but "... are permitted to utilize the Town standard site furnishing such as the Rendezvous Series bench by Anova.

6.3: SITE FURNISHINGS

Bollards, Planters, + Landscape Features

Bollards, structurally set boulders, or stand-alone planters should be utilized to create a visually appealing design aesthetic while providing safe separation between pedestrians, bicyclists, and vehicles. Bollards shall be vehicular-rated with modern aesthetics. Planters may be located strategically to facilitate vehicular and pedestrian movement. Planters should have seasonal plant selections to create year-round interest throughout the site. Boulders may be integrated into the hardscape to buffer, separate spaces, or provide an alternative vehicular barrier.





Bollards may incorporate lighting.



It is recommended that retail and restaurant dining patios are enclosed by a combination of planters and fencing.



Bollards may be wood or have a wood-like appearance. All wood shall be FSC certified.



Seating integrated within planters is encouraged.



Boulders can be used to buffer or separate spaces.

6.3: SITE FURNISHINGS

Fencing + Screening

A variety of unique and modern fencing and screening styles should be utilized to provide visual interest. Powdercoat aluminum, iron, and wood combined with masonry are complementary materials that can be sourced locally.

Planter fencing selections should be a modern style, visually appealing, provide safety for pedestrians, and prevent damage to planted areas where applicable. Planter fencing selections should include a variety of styles/products, but should work harmoniously together from a visual perspective.

Standard site fencing, such as fall protection fencing, should be commercial-grade aluminum picket or a similar design aesthetic. Panel inserts - used to make picket openings more narrow - is encouraged where an additional level of safety is required. Alternative decorative fencing, such as at dog parks, playgrounds or amenity spaces, may be split-rail fencing painted black.





Veridea's standard planter fence is the Proto Fence by Ironage. Alternative products that have modern aesthetics and clean lines may be approved. Metal components shall be black.

Vegetated green walls shall contain integrated irrigation.

Utilitarian site elements, such as trash enclosures and mechanical equipment, should be screened with a combination of decorative screen walls, decorative gates, and landscaping. Per the SD Plan and Town UDO use of multiple materials provides visual interest.

Vegetated screens and walls are an innovative vertical application of landscape that can be used as a screening opportunity.



Planter fencing shall be decorative, black and a maximum of 18" in height.



Screen walls and enclosures shall be a decorative stone or brick masonry. Gates shall be wood or aluminum.

6.3: SITE FURNISHINGS

Waste Receptacles

Waste and recycling receptacles should be of a modern approach that is visually appealing and complementary to other furnishing selections throughout the site. Special care should be given to where and how these are located and how they function given programming and level of user activity. Waste receptacles should be conveniently located but should not present a visual, physical, or odor impediment.

A variety of waste receptacles should be provided throughout Veridea:

- Trash receptacles
- Recycling receptacles
- Pet waste receptacles
- Composting opportunities with applicable maintenance programs

Waste receptacles that include both trash and recycling containment are encouraged. Where appropriate, composting centers provide a unique and sustainable option for disposing of food waste. Large scale waste containers, such as dumpsters, shall be fully screened with masonry walls, gates, and landscape per the Town of Apex UDO and the SD Plan.





Town owned and operated facilities are encouraged to comply with the Veridea standard but are permitted to utilize the Town standard site furnishing such as the Rendezvous Series bench by Anova.

Waste receptacles shall contain both trash and recycling options and include a rain bonnet. Veridea's standard waste receptacle are the Tonyo family by Forms + Surfaces and the Madison series with visor hood by Anova Furnishings. Alternative products that have modern aesthetics and clean lines may be approved.





Pet waste stations shall contain trash receptacle and shall be in the color black.



Compost locations shall be located in communal areas or dedicated community garden spaces. Avoid compost stations near to residential homes.

6.3: SITE FURNISHINGS

Bicycle Racks

Bicycle racks are essential to all pedestrian and multi-modal focused developments. Bicycle rack selections should complement other furnishing selections and should be placed as needed throughout the site. Areas of heavy pedestrian activity, park and open space areas, pedestrian nodes, residential communities, and commercial nodes should be equipped with adequate bicycle parking to facilitate and encourage bicycle use throughout Veridea. Trailheads to large greenways dedicated to both pedestrians and cyclists are prime locations for bicycle stations that include repair stations with both short- and long-term bicycle storage.



Bike racks may be colored to match Veridea branding colors.







Bike racks shall have modern, aesthetic designs. Veridea's standard bicycle racks are the Bay City Bike Rack by Forms + Surfaces and the Tandem Bike Rack by Anova Furnishings Alternative products that have modern aesthetics and clean lines may be approved.





Bicycle storage lockers shall have modern aesthetic.

6.3: SITE FURNISHINGS

Shade Structures

A variety of shade-creating features should be implemented as needed throughout Veridea in order to facilitate a comfortable environment for various programmed spaces. Formal structures can be utilized where practicable, while less formal shade sails and umbrellas can be utilized in tandem with flexible tables and chairs to create more a desirable user experience. The design, shape, and materials of shade structures should be complementary to adjacent structures and may include metal, aluminum, or wood.









Shade structures may be trellises with open slats or fully roofs. Bioclimactic ceilings, ceiling fans, convenience outlets, and comfortable furnishings all contribute to the structure's aesthetic and utility.



Shelters provide a space for large-scale community gathering. Where s[illegible] opportunity to be used as a stage - upfit with convenience outlets. Speakers, audio/visua[illegible]d integrated pull-down projector screens provide additional opportunities for use.



SECTION 6.4

PROGRAM AMENITIES

Additional miscellaneous components of site design can be included to enhance the overall aesthetic of Veridea. Products like fire pits and outdoor games will enrich the user experience through both active and passive means of interaction and community-building. Additionally, retail patio spaces with seating, planters, and enhanced hardscape elements will aid in creating both functionality and memorable experiences throughout Veridea. These program amenities shall be limited to private property and not included as part of the public right-of-way.

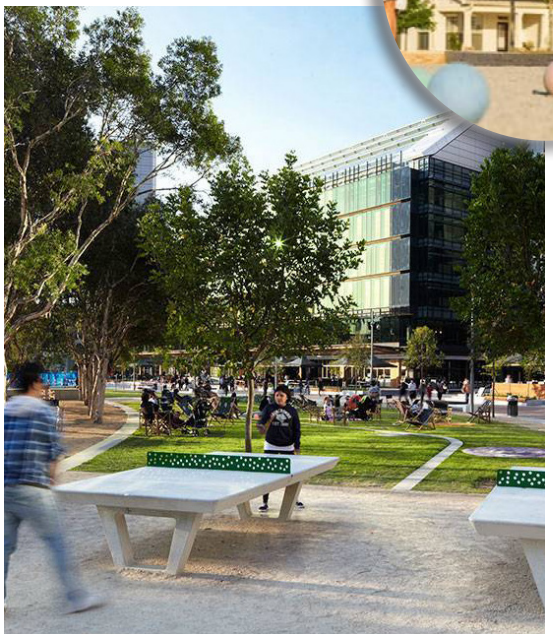


Programmed amenity elements may include:

- Fire pits, fire tables
- Outdoor televisions
- Retail patio spaces with seating, planters, and dedicated hardscapes
- Outdoor games such as chess tables, cornhole, ping pong, and shuffleboard
- Water bottle fillers
- Sculptures and public art



Dedicated outdoor dining spaces shall be enclosed with raised planters and fencing where possible.



Gaming tables shall be surface-mounted. Storage for gaming components is encouraged.



Sculptures, artwork, and murals are opportunities for placemaking. Geocaching, "find the sculpture," or other scavenger hunt games are encouraged throughout communities.



Where connected to natural gas or propane, fire pits shall contain timers and emergency shut-offs.



Outdoor televisions shall be located a minimum of 25' from the public right-of-way and screens shall be oriented away from vehicular traffic

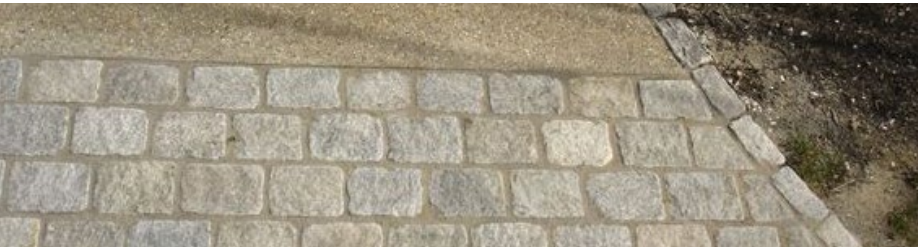
Bus Stops

Bus stops shall be provided throughout Veridea to connect residents and users to various locations within Veridea and also to adjoining communities and destinations. Bus stops and associated furnishings shall be installed by the developer prior to the 2,000th dwelling building permit. In the event the Town has not approved funding for a bus route to serve Veridea by the 2,000th dwelling building permit, the developer may provide a fee-in-leiu to the Town for the Town standard bus stop at that time.

Each bus stop shall include the following:

- A bus stop pad with a minimum size of 10'x30'
- Bus stop pads shall be a standard broom finish concrete bordered with a granite cobble or brick paver band
- One waste receptacle
- One bench or seating opportunity
- 2 bicycle racks
- 1 shade structure with a roof and sheltered on a minimum of 1 side

Seating opportunities may be integrated into the shade structure or installed as surface mounted fixtures. Furnishings provided are required to match the Veridea standard, see pages 54, 57, and 58. Furnishings within the public right of way or public transit easement that differ from the Town Standard must be included as part of a maintenance agreement between the Town and the Responsible Party.





The base shade structure is the 10' Signa Sunset-60 by Tolar Manufacturing. Features include a welded roof structure, rear and end wall panels, and integrated LED solar security lighting

Public art, provided by either the Town or the Responsible Party, may be incorporated into the bus stop or within 15' of the bus stop. Art may include, but is not limited to, three-dimensional art, sidewalk art or decorative shelter wraps.

Supplemental lighting in the form of pedestrian-scale area lights, bollard lights, or path lights may be provided. Lighting must meet standards set forth in Section 8.





COBALT BLUE BLACK

The standard colors are Cobalt Blue for the framework and Black for the roof.





Public art may be provided at bus stops as an opportunity to engage the public. All public art designs must be approved by the Town and the Responsible Party prior to installation.

SECTION 7

Signage

Introduction
Master Signage Plan
Modifications

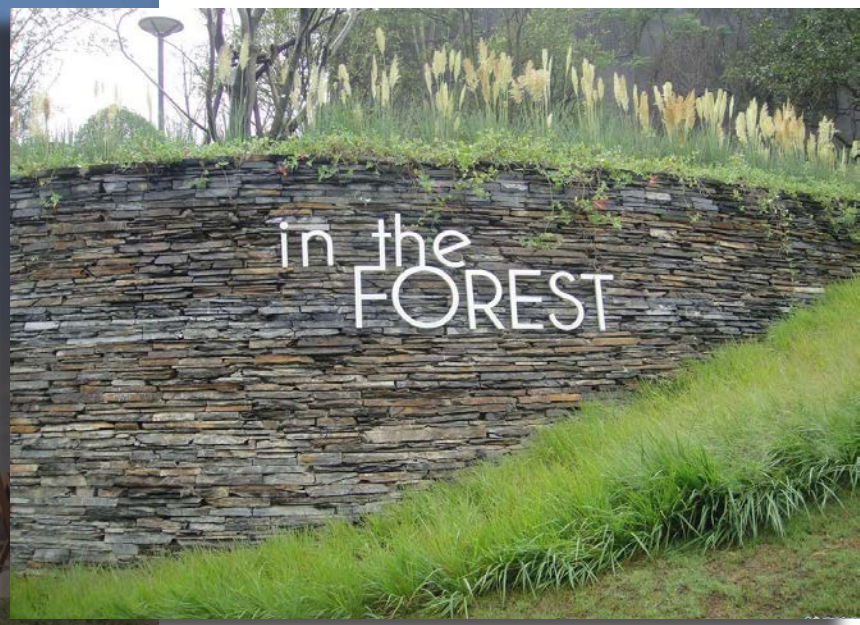


SECTION 7.1

INTRODUCTION

Veridea aims to maintain a unique brand identity while staying compliant with local regulations and jurisdictional guidelines. This section of the Pattern Book identifies modifications to the Town of Apex signage requirements as outlined in Chapter 8 of the Town's UDO, carefully tailored to strike the perfect balance between adherence to Town requirements and commitment to exceptional design.





7.1: INTRODUCTION

Key Goals



Veridea's key goals for site signage include:

- ***Brand Integration:*** We propose incorporating the Veridea brand's unique visual elements into the signage. By infusing the brand colors, typography, and logo, Veridea will have a consistent and memorable brand experience, bolstering recognition and leaving a lasting impression.
- ***Signage Flexibility:*** Recognizing that different sites and locations may have varying requirements, introducing a degree of flexibility into signage design allows for adaptations that complement specific architectural nuances of each site, ensuring a harmonious blend with the surroundings while adhering to the essential guidelines.
- ***Sustainability Initiatives:*** Veridea advocates for sustainability initiatives into signage designs, aligning with commitment to eco-conscious practices. By utilizing environmentally friendly materials and energy-efficiency lighting options, Veridea will contribute positively to the community and bolster the development's reputation as an environmentally responsible entity.
- ***Digital and Interactive Elements:*** Incorporating digital and interactive elements into Veridea's site signage can enhance engagement and elevate the overall user experience. Introducing touch-screen displays or QR codes for more information can offer visitors valuable insights and foster a stronger connection to the site.
- ***Universal Accessibility:*** To ensure inclusivity, incorporating features that enhance accessibility for all individuals is encouraged. This may involve integrating Braille, clear pictograms, and ensuring appropriate font sizes to facilitate readability for those with visual impairments.
- ***Artistic Expression:*** The integration of artistic expression is encouraged. By collaborating with local artists or incorporating unique architecture features, signage can be captivating and culturally significant.
- ***Safety Considerations:*** Signage modifications will prioritize clear visibility, optimal placement for wayfinding and legible instructions to ensure the well-being of all visitors.

SECTION 7.2

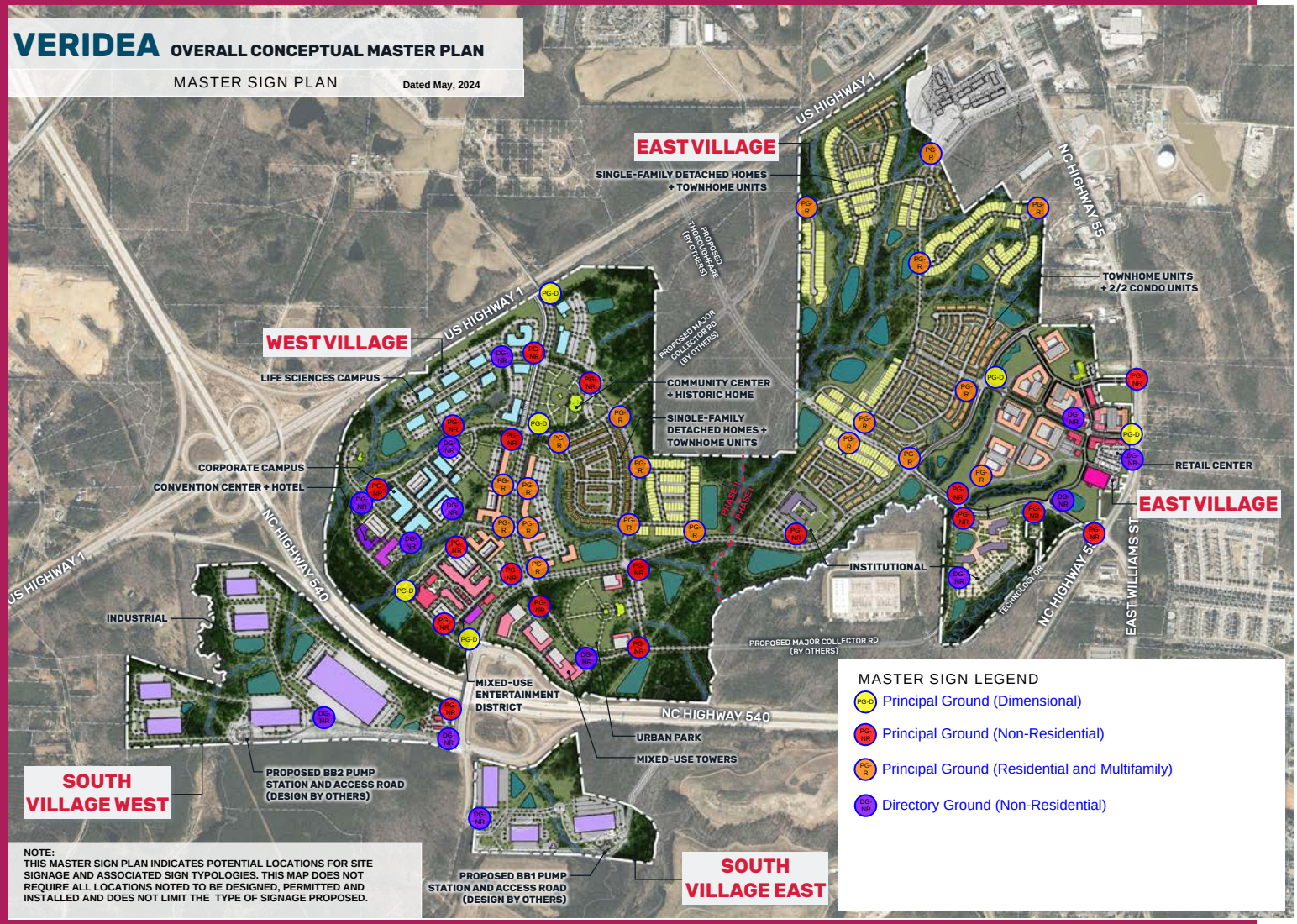
MASTER SIGNAGE PLAN

The Master Sign Plan is intended to provide a comprehensive and strategic blueprint for the effective and cohesive implementation of ground monumentation signage within Veridea. It serves as a guiding document that outlines the overall vision, design guidelines, and specifications for all signage elements to ensure consistency, brand identity, and functional clarity.

The Master Sign Plan identifies ground signage only. Additional signage, such as building-mounted signage traffic control devices, digital directories and trail markers, can be further defined on the project level.

Standards for other types of signs, such as wall and building signs, are further defined in this Section. Refer to Sections 7.2 and 7.3 for definitions, example imagery and allowable modifications.

This map indicates signage opportunities as determined at the time of this publication and is for reference only.



7.2: MASTER SIGNAGE PLAN

Principal Ground (Dimensional)

- A sign type specific to Veridea and is not a standard Town of Apex sign typology.
- Defined as a sign supported permanently upon the ground by a continuous base or two or more support features, not attached to any building, that includes a three-dimensional or artistic element.
- Intended to be visible and experienced by both vehicles and pedestrians as an artistic approach to placemaking and signage.
- Signage may be integrated into the three-dimensional element or adjacent to, but no further than 10 feet from, the three-dimensional element.



Lighting may be incorporated. See Section 08.



Signage may be integrated or adjacent to the dimensional art element







Use of structure and material selection to mimic natural landscapes and forms

7.2: MASTER SIGNAGE PLAN

Principal Ground (Non-residential, residential, multifamily)

- Per the Town UDO Definition: A sign supported permanently upon the ground by a continuous base or two (2) or more supported posts at the outside edge, not attached to any building.
- Applies to non-residential, residential and multifamily uses.





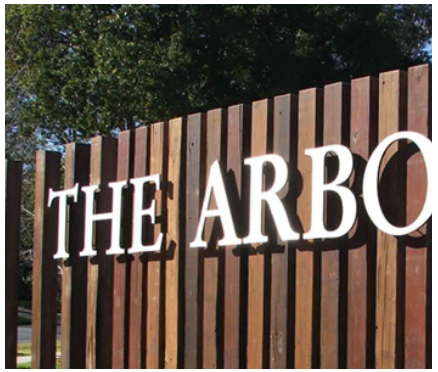
Mounted to retaining wall





Use of mulitple levels and layers





Use of natural materials such as stone and wood



Freestanding letters

7.2: MASTER SIGNAGE PLAN

Directory Ground (Non-Residential, Multifamily)

- Per the Town UDO Definition: A ground sign with a continuous base for a building or development that is intended to support wayfinding.
- Applies to non-residential and multifamily uses.

If digital signage is provided, it shall meet the following:

- Digital signage cannot face the public right of way.
- The display area of the sign shall remain static for at least 30 seconds unless a person is actively using any interactive features of the display area.
- Digital signs shall be equipped with automatic dimming technology that adjusts the sign's brightness in direct correlation with natural ambient light conditions.
- The brightness shall not exceed six (6) footcandles from dusk to dawn when measured one (1) foot from the center of the display area.







Use of natural materials and layers



Utilization of height for visibility





Integration of art

7.2: MASTER SIGNAGE PLAN

Wall Sign

- Per the Town UDO Definition: A sign attached parallel to a wall, professionally painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building.
- Applies to non-residential uses.



Projection from building face



Back lit box lettering





Side mounted to building wall

Painted wall mural signage

SECTION 7.3

MODIFICATIONS: PERMANENT SIGNS

Sign Type (Permanent)	Definition (Abbreviated definition provided, refer to Town of Apex UDO for full definition and requirements.)	Modification Request (If no modification provided, follow the Town of Apex UDO)
Awning	A material such as fabric, metal, flexible plastic, or vinyl that is supported by or attached to a frame and that extends from the exterior wall of a building without ground-mounted support	No modifications.
Home Occupation	Advertising home occupations permitted only where a home occupation has been approved	No modifications.
Building Marker	A plaque, plate or seal placed on a building to signify origin	Quantity - Maximum 1 per building facade, not to exceed 2 per building Sign Area - Maximum 4 square feet
Directory (Building)	A wall sign mounted to a building for the purpose of wayfinding or navigation.	Quantity - 1 per building entrance, not to exceed 3 per building Sign area - Maximum 6 square feet Material - Digital permitted. Refer to digital standards on page 68.
Directory (Ground) - Non-residential	A ground sign with a continuous base less than two (2) feet in height for the purpose of wayfinding, navigation or directional information.	Maximum height - 8 feet Maximum base height - 4 feet Maximum sign area - 10 square feet Material - Digital permitted. Refer to digital standards on page 68.
Directory (Ground) -Residential (multifamily)	A ground sign with a continuous base less than two (2) feet in height for the purpose of wayfinding, navigation or directional information.	Maximum height - 6 feet Maximum base height - 4 feet Maximum sign area - 10 square feet Material - Digital permitted. Refer to digital standards on page 68.
Flags	A fabric, usually rectangular or triangular in shape, designed to be flown from a flag pole	No modifications.
Gasoline Sales	A service station sign advertising fuel prices in accordance with North Carolina General Statutes	No modifications.
Governmental	A temporary or permanent sign erected and maintained by or required by the city, county, state or federal government	No modifications.
Health/Hospital	Permanent signs erected and maintained by an Ambulatory Healthcare Facility with Emergency Department or a Hospital	No modifications.
Incidental	A sign, generally informational, that is directory as to the use of the subject property on which it is located.	No modifications.
Marquee	A theater wall sign designed to have changeable copy	Digital theatre marquee signs permitted. A singular image must be static for a minimum of 30 seconds. Digital cannot face the public right of way.
Menu Board	An accessory sign providing associated with a drive-through window or walk-up window	No modifications.

This table indicates signage typologies identified in the Town of Apex UDO and associated modifications allowed within the limits of Veridea. The Town of Apex UDO shall apply to any standard or sign typology not listed. Any revisions to modifications, up to a 10% deviation from listed, must be approved by the Planning Director. Any re[illegible]cations that exceed a 10% deviation are subject to a revision to the Pattern Book and approval by Town Council

Signage less than 1 square foot located on permanent site elements other than buildings is exempt from sign standards.

SECTION 7.3

MODIFICATIONS: PERMANENT SIGNS

Sign Type (Permanent)	**Definition (Abbreviated definition provided, refer to Town of Apex UDO for full definition and requirements.)**	**Modification Request (If no modification provided, follow the Town of Apex UDO)**
Parapet Building Sign	A sign extending above the parapet or placed on a roof surface	Permitted only within non-residential districts of Veridea. Quantity - 1 per commercial district Maximum height - 15 feet Sign area - Maximum 80 square feet
Principal Ground (Dimensional) *Non-standard sign type*	A sign supported permanently upon the ground by a continuous base or two or more support features, not attached to any building, that includes a three-dimensional or artistic element.	Permitted only within non-residential districts of Veridea. Quantity - 1 per major full service vehicular intersection Maximum height - 15 feet Maximum sign area - 50 square feet Three dimension or artistic element excluded from sign area calculation. Not permitted within landscape medians. Must be located within 30 feet of the public right of way.
Principal Ground (Non-residential)	A sign supported permanently upon the ground by a continuous base or two (2) or more support posts at the outside edge, not attached to any building	Quantity - 2 permitted at each full service vehicular entrance Height - maximum 8 feet on major collector or thoroughfare roads; maximum 6 feet on local streets Sign area - maximum 50 square feet on major collector or thoroughfare roads; maximum 30 square feet on local streets May be located on a retaining wall that does not exceed 10 feet in height
Principal Ground (Residential and Multifamily)	A sign supported permanently upon the ground by a continuous base or two (2) or more support posts at the outside edge, not attached to any building	Quantity - 2 permitted at each full service vehicular entrance Height - maximum 8 feet on major collector or thoroughfare roads; maximum 6 feet on local streets Sign area - maximum 50 square feet on major collector or thoroughfare roads; 30 square feet on local streets May be located on a retaining wall that does not exceed 10 feet in height
Projecting Sign	A sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of said building or wall.	No modifications.
Suspended	A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface	No modifications.
Wall	A sign attached parallel to a wall, professionally painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building	No modifications.
Interior Sign	A ground or sign located adjacent to parking spaces that is directory as to the use of the parking area.	No modifications.

^ This table indicates signage typologies identified in the Town of Apex UDO and associated modifications allowed within the limits of Veridea. The Town of Apex UDO shall apply to any standard or sign typology not listed. Any revisions to modifications, up to a 10% deviation from listed, must be approved by the Planning Director. Any re[illegible]cations that exceed a 10% deviation are subject to a revision to the Pattern Book and approval by Town Council

^ Signage less than 1 square foot located on permanent site elements other than buildings is exempt from sign standards.

SECTION 7.3

MODIFICATIONS: TEMPORARY SIGNS

Sign Type (Temporary)	Definition (Abbreviated definition provided, refer to Town of Apex UDO for full definition and requirements.)	Modification Request (If no modification provided, follow the Town of Apex UDO)
On-premise, non-commercial temporary signs	A temporary sign with non-commercial messaging that is not associated with an event not located on residential property	No modifications.
Banners *Non standard sign type*	A lightweight sign that is temporarily installed on a streetlight in the public right-of-way for decorative or informational purposes	Quantity - 1 per streetlight pole Size - Maximum 24 inches wide by 60 inches height Maximum Sign Area - 10 square feet Changeable when desired and allowed year-round.
Construction Sites	An on-premise, freestanding temporary sign erected during the construction of a development project	No modifications.
Event (Commercial)	Temporary on-premise signs erected during commercial events	No modifications.
Event (Non-commercial)	Temporary on-premise signs erected during non-commercial events	No modifications.
Sandwich Board Sign	Consisting of two panels joined together at the top and configured into the shade of an inverted "V" so that the bottom of the sign rests upon the ground	No modifications.
Seasonal Outdoor Sales	Outdoor temporary signs not located on a farm permitted with a temporary use permit allowing seasonal outdoor sales	No modifications.
Window	Any sign that is placed on the outside or inside of a window or door and is visible from the exterior	No modifications.

- This table indicates signage typologies identified in the Town of Apex UDO and associated modifications allowed within the limits of Veridea. The Town of Apex UDO shall apply to any standard or sign typology not listed. Any revisions to modifications, up to a 10% deviation from listed, must be approved by the Planning Director. Any revisions to modifications that exceed a 10% deviation are subject to a revision to the Pattern Book and approval by Town Council.
- Signage less than 1 square foot located on permanent site elements other than buildings is exempt from sign standards.

SECTION 8

Lighting

Introduction
Site Lighting



SECTION 8.1

INTRODUCTION

Street and landscape lighting is an important component for not only safety but also aids in orientation, highlights the identity of an area, and creates a sense of drama. Veridea is committed to providing a site lighting strategy that is complementary to each street's character and creates a delightful sense of place during evening hours.



Site lighting shall comply with the following:

- Incorporate the latest energy-efficiency technology for directing light, reducing glare and limiting light pollution.
- Street fixture shall be consistent for entire roadway lengths.
- This Pattern Book does not overrule lighting standards otherwise required by the Town of Apex UDO, the SD Plan or the Environmental Enhancement Plan. The key elements listed within this Section are intended to complement and provide framework for the design approach of site lighting. Lighting that is an alternative from the Town standard located within the public right of way may be included as part of a maintenance agreement between the Town and the Responsible Person/ Developer.



- Page 629 -

8.3: SITE LIGHTING

Streetscape Lighting

Streetscape and roadway lighting within the public right of way shall follow the Town of Apex UDO standards, including the following:

- Pedestrian scale poles shall be between 12′ and 18′ mounting height with a black fiberglass pole.
- Vehicular scale poles shall be between 20′ and 35′ mounting height with a black fiberglass pole.
- Post top luminaries shall be the Town standard or a contemporary, round form style, consistent with the ARB Arbor Post Top by Cooper Lighting, the Pacifica family by Architectural Area Lighting, or similar.
- Cobra head luminaries shall follow the Town of Apex standard LED shoebox, or similar.
- All fixtures and poles shall be black.
- Structural footings shall be direct burial with foundations conceals. Footings shall be sized sufficiently to accommodate attachment arms for banners and hanging planter pots.
- Poles located within urban streetscapes shall accommodate electrical outlets for holiday lighting.
- Fixtures shall meet dark sky requirements.



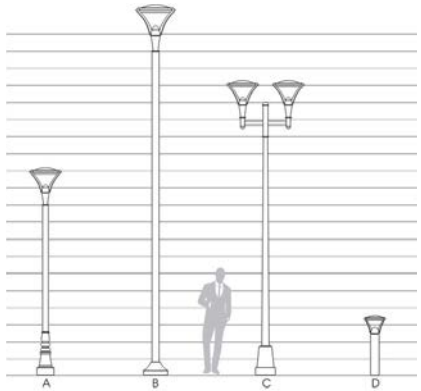
At urban streetscape locations and along major thoroughfares, pole foundations shall be structurally engineered to accommodate attachments such as banners, planter pots and holiday decorations.



The Town's standard fixture or ARB Arbor Post Top by Cooper Lighting (or similar) is permitted for use in the public right of way.



Post top fixtures are permitted to follow differing assemblies, such as single-mounted, double-mounted or wall mounted. Where applicable, utilization of the entire family product line of post tops, bollards and wall-mounted lighting is encouraged.





The Pacifica family by Architectural Area Lighting is permitted in the public right-of-way but subject to be included as part of a developer's maintenance agreement.



Cobra style lighting shall follow Town of Apex standard shoebox fixture, or similar.

8.3: SITE LIGHTING

Site and Area Lighting

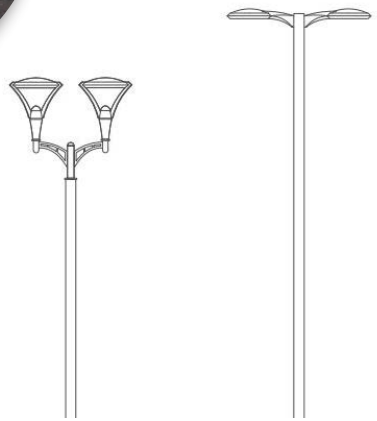
Site and area lighting within private and Town owned and operated developments shall be utilized for safety lighting, large-scale spatial lighting, and vehicular roadway and pedestrian lighting. Fixtures mounted to poles should meet the following requirements:

- Pedestrian scale poles shall have a mounting height between 12' and 18'.
- Vehicular scale poles shall have a mounting height between 20' and 35'.
- All fixtures shall be black. All poles shall be black fiberglass.
- Fixture and post top styles shall be of the same style as streetscape and right of way fixtures (see page 75).
- Utilization of the entire family line of products is encouraged for consistency.
- Structural footings shall be direct burial with foundation conceals.
- Poles located within urban plazas and open spaces dedicated to public large scale gatherings shall accommodate electrical outlets for holiday lighting.
- Cobra fixtures for parking lot lighting shall follow the Town standard shoebox fixture, or similar.

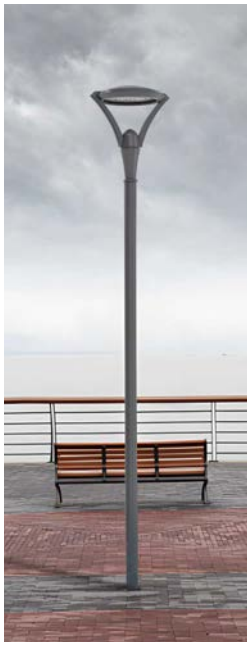




Veridea's standard lighting products are contemporary, round form style, including the Pacifica Family by Architectural Area Lighting and the Arbor Family by Cooper Lighting, or similar.



Fixtures may be double-headed to accommodate both vehicular and pedestrian needs.









Utilization of the entire family product line of post tops, bollards and wall-mounted lighting is encouraged.

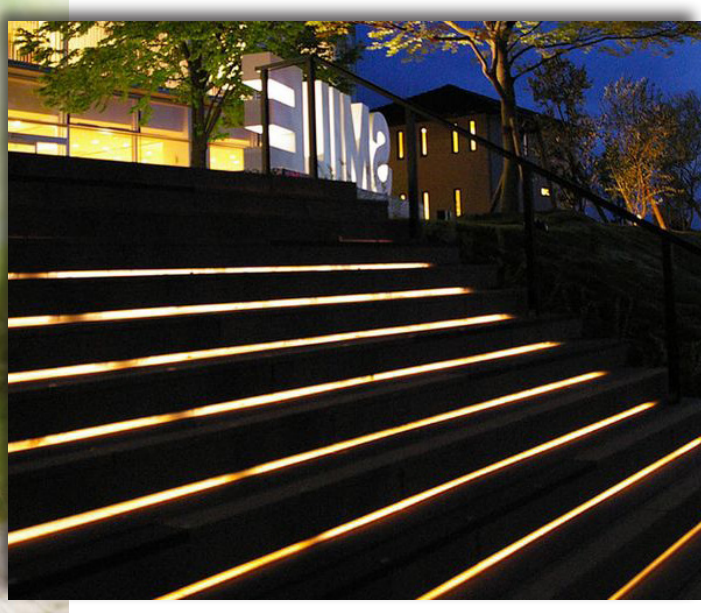
8.3: SITE LIGHTING

Pathway Lighting

Pathway lighting includes bollard lights, step and wall lights, strip lighting and handrail illumination. Pathway lighting shall comply with the following:

- Bollards shall be no taller than 3’ in height.
- In-grade lighting shall be direct burial with foundations concealed.
- Step or wall lighting shall be flush with adjacent materials.
- Fixtures shall be LED and a modern style.
- Fixtures shall be black or bronze in color.
- Integrated lighting, such as in handrails, shall be hidden.



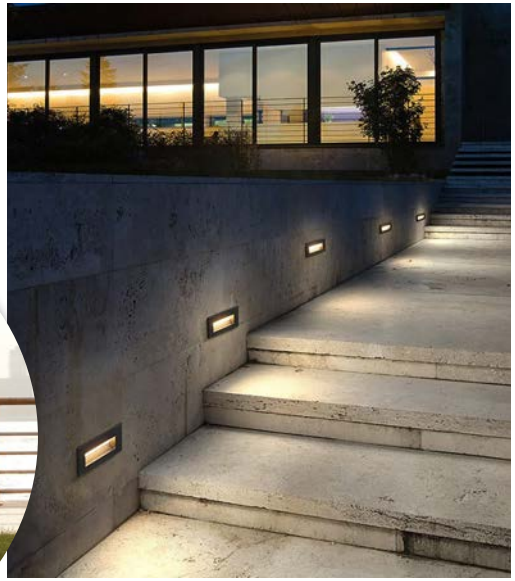


Bollards and pathway lighting shall have a modern style and no taller than 3’ in height.









Wall mounted and step lights shall be flush with adjacent materials.

8.3: SITE LIGHTING

Landscape Lighting

Landscape lighting should be utilized as a way to enhance landscape aesthetics, highlight important elements, and provide soft, safe lighting. This style of lighting shall be limited to high impact gathering areas, plazas and streetscapes to reduce light pollution. All landscape lighting shall be low-voltage.

Landscape lighting may include:

- Tree and landscape uplights.
- String lighting/catenary lighting.
- Artistic light applications.
- In-grade hardscape lighting.



Artistic lighting applications are encouraged.





In non-residential, urban gathering areas, be uplight or adorned with tree wrap lights for decorative purposes. uplighting to reduce light pollution.



Utilize downlighting mounted to building walls and structures to reduce light pollution and provide an aesthetic experience.



String and catenary lighting at public gathering areas provide opportunities for aesthetic lighting and holiday applications.

APPENDIX

SUPPLEMENTAL DOCUMENTATION

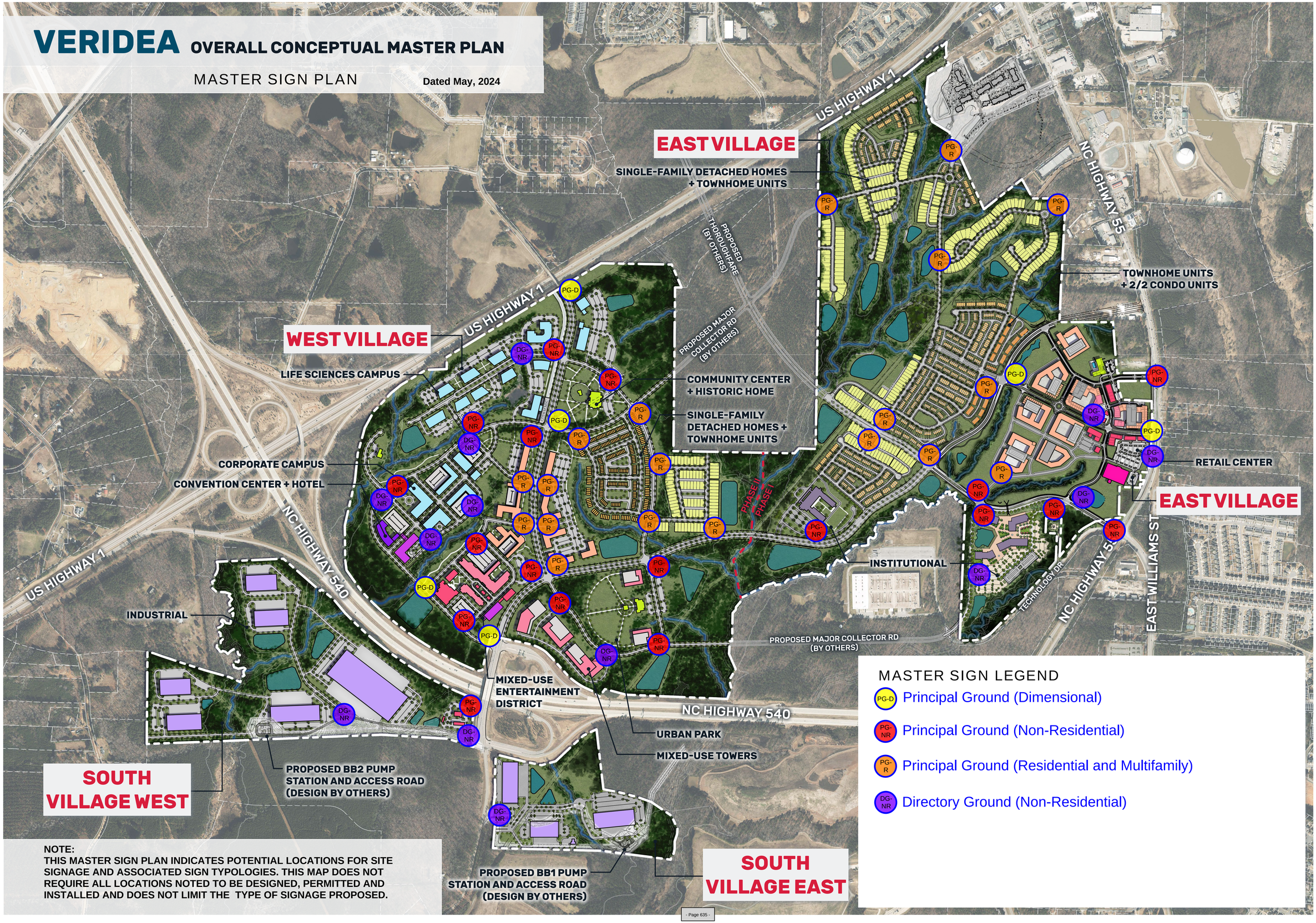
i. Master Signage Plan



VERIDEA OVERALL CONCEPTUAL MASTER PLAN

MASTER SIGN PLAN

Dated May, 2024



NOTE:
THIS MASTER SIGN PLAN INDICATES POTENTIAL LOCATIONS FOR SITE SIGNAGE AND ASSOCIATED SIGN TYPOLOGIES. THIS MAP DOES NOT REQUIRE ALL LOCATIONS NOTED TO BE DESIGNED, PERMITTED AND INSTALLED AND DOES NOT LIMIT THE TYPE OF SIGNAGE PROPOSED.

MASTER SIGN LEGEND

- PG-D — Principal Ground (Dimensional)
- PG-NR — Principal Ground (Non-Residential)
- PG-R — Principal Ground (Residential and Multifamily)
- DG-NR — Directory Ground (Non-Residential)

McADAMS

PREPARED FOR:
RXR REALTY

VERIDEA CONCEPTUAL MASTER PLAN
APEX, NORTH CAROLINA

10' 500'
SCALE: 1" = 500'

RXR-22001
09. 07. 2023

01

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Amanda Bunce, Assistant Director

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the amendments to the Veridea Environmental Enhancement Plan approved on December 9, 2025.

Approval Recommended?

The Planning Department recommends approval.

Item Details

The Apex Town Council unanimously approved the Veridea Environmental Enhancement Plan on December 09, 2025.

Attachments

- CN14-A1: Statement of Town Council - Veridea Environmental Enhancement Plan Amendments - Statement

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE VERIDEA ENVIRONMENTAL ENHANCEMENT PLAN AMENDMENTS OF DECEMBER 9, 2025

Pursuant to G.S. §160D-601 and Secs. 2.2.11.E and 2.3.16.F.3 of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on the Veridea Environmental Enhancement Plan before the Town Council on the 9th day of December 2025.

The Apex Town Council held a public hearing on the 9th day of December 2025. Amanda Bunce, Assistant Planning Director, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

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

The Town Council on the 9th day of December 2025 by a vote of 4-0 approved the Ordinance for the Veridea Environmental Enhancement Plan Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the Veridea Environmental Enhancement Plan Amendments of December 9, 2025 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The proposed exemptions to certain building standards related to energy efficiency apply only to the North Carolina Children's (NCC) health care campus and allow the flexibility necessary for construction of the anticipated uses.
2. The proposed modifications to modify the amount of EV-Ready and EV charging spaces for all uses within Veridea account for reductions needed on the NCC Children's health care campus and on the future Wake Technical Community College campus to an amount commensurate with the amount of parking that will be provided for such uses. The proposed modifications to the requirements for the multi-family and hotel uses reduce the amount of charging spaces required by 5%, but increase the amount of EV-Ready spaces by the same amount. The modifications also provide an option to provide EV-Capable spaces as defined in the Environmental Enhancement Plan in lieu of the EV-Ready spaces required by the UDO.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated December 1, 2025.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on January 5, 2026, approved and accepted the enclosed tax report for the Town of Apex, dated December 1, 2025 for the period of November 1, 2025 through November 30, 2025.

Attachments

- CN15-A1: Tax Report for November 2025

WAKE COUNTY
NORTH CAROLINA

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

TEL 919 856 6180
FAX 919 856 5699

DON MIAL, CHAIR
SAFIYAH JACKSON, VICE-CHAIR
VICKIE ADAMSON
SUSAN P. EVANS
CHERYL STALLINGS
SHINICA THOMAS
TARA WATERS

January 6, 2026

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on January 5, 2026, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

WAKE COUNTY TAX ADMINISTRATION

11/01/2025 - 11/30/2025

Rebate Detail Report

APEX

DATE 12/01/2025

TIME 3:55:08 PM

REBATE NUM	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER

BUSINESS ACCOUNTS

941994	111.25	0.00	11.13	0.00	122.38	11/5/2025	0006602531	2025	2025	000000	APEX SELF STORAGE
942027	111.25	0.00	11.13	0.00	122.38	11/5/2025	0006928098	2025	2025	000000	GERMAN AUTO CENTER INC
941970	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007025193	2025	2025	000000	APEX COFFEE SHOP LLC
941913	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007044778	2025	2025	000000	ELNUR LLC
942280	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007018863	2025	2025	000000	YOGHA LLC
942261	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007016850	2025	2025	000000	NAJI VIP SERVICES INC
942217	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007000680	2025	2025	000000	SWEET TALK CAFE LLC
942197	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007003023	2025	2025	000000	MAMACITA MODERN MEXICAN + COCKTAILS INC
942168	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007040241	2025	2025	000000	ZR TEAM APEX LLC
942158	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007038484	2025	2025	000000	TAQUERIA LA SABROSITA LLC
942152	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007038226	2025	2025	000000	ELIZABETH PADULA
942151	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007036320	2025	2025	000000	FRATELLI'S DELICATESSEN LLC
942122	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007032120	2025	2025	000000	EL ENCANTO OF APEX INC
942107	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007061909	2025	2025	000000	IONNA LLC
942087	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007029966	2025	2025	000000	OAKLYN SPRINGS BREWERY INC
942082	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007029959	2025	2025	000000	BABA NANAK LLC
942018	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007048488	2025	2025	000000	THE CRANKY YANKEE LLC
942007	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007048407	2025	2025	000000	MIN & HA ACCOUNTING
942781	2.74	0.00	0.27	0.00	3.01	11/13/2025	0006913998	2025	2025	000000	STACY NICOLE INTERIORS, INC
942059	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007048503	2025	2025	000000	TRI HOMES LLC
944075	552.85	0.00	0.00	0.00	552.85	11/20/2025	0006442896	2025	2025	006000	PHILIPS MEDICAL CAPITAL LLC
941982	111.25	0.00	11.13	0.00	122.38	11/5/2025	0007048290	2025	2025	000000	ENIGMA VENTURES
SUBTOTALS FOR BUSINESS ACCOUNTS	**2,780.59**	**0.00**	**222.87**	**0.00**	**3,003.46**	**3,003.46**		**22 Properties Rebated**			

INDIVIDUAL PROPERTY ACCOUNTS

944095	166.79	30.00	16.68	0.00	213.47	11/20/2025	0007027566	2025	2025	000000	OVK LOGISTICS LLC
944090	3.56	0.00	0.36	0.00	3.92	11/20/2025	0007044078	2025	2025	000000	ZENNI, HEATHER KRISTINE
944003	7.12	0.00	0.00	0.00	7.12	11/19/2025	0007009761	2025	2025	000000	FELIPE, ELIZABETH ELISE
943806	30.85	0.00	3.09	0.00	33.94	11/18/2025	0007014351	2025	2025	000000	HODGE, JOSHUA RANDALL
943176	9.93	0.00	0.00	0.00	9.93	11/19/2025	0006827064	2025	2025	000000	MESCALL, MICHAEL EDWARD
942957	3.60	0.00	0.36	0.00	3.96	11/19/2025	0006923159	2025	2025	000000	ROVITO, JULIAN DANIEL
944648	3.56	30.00	0.36	0.00	33.92	11/25/2025	0006547884	2025	2025	000000	DIXON, ROBB LLOYD
944647	3.40	30.00	0.34	0.00	33.74	11/25/2025	0006547884	2024	2024	000000	DIXON, ROBB LLOYD
944646	2.10	30.00	0.21	0.00	32.31	11/25/2025	0006547884	2023	2023	000000	DIXON, ROBB LLOYD
944645	2.18	30.00	0.22	0.00	32.40	11/25/2025	0006547884	2022	2022	000000	DIXON, ROBB LLOYD
944644	2.30	30.00	0.23	0.00	32.53	11/25/2025	0006547884	2021	2021	000000	DIXON, ROBB LLOYD
944643	2.49	30.00	0.25	0.00	32.74	11/25/2025	0006547884	2020	2020	000000	DIXON, ROBB LLOYD
944642	3.03	25.00	0.30	0.00	28.33	11/25/2025	0006547884	2019	2019	000000	DIXON, ROBB LLOYD
944641	3.36	20.00	0.34	0.00	23.70	11/25/2025	0006547884	2018	2018	000000	DIXON, ROBB LLOYD
944640	3.42	15.00	0.34	0.00	18.76	11/25/2025	0006547884	2017	2017	000000	DIXON, ROBB LLOYD
944639	3.80	10.00	0.38	0.00	14.18	11/25/2025	0006547884	2016	2016	000000	DIXON, ROBB LLOYD
942789	3.56	0.00	0.36	0.00	3.92	11/10/2025	0006504660	2025	2025	000000	SPAULDING, CANDACE ROBERTA
944467	5.19	0.00	0.52	0.00	5.71	11/24/2025	0006998726	2025	2025	000000	KIMBALL, TANNER SCOTT
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**260.24**	**280.00**	**24.34**	**0.00**	**564.58**	**564.58**		**18 Properties Rebated**			

WILDLIFE BOAT ACCOUNTS

943187	83.14	0.00	8.31	0.00	91.45	11/19/2025	0004223532	2025	2025	000000	ZERMAN, WILLIAM SHERIDAN JR
943177	0.00	0.00	0.38	0.00	0.38	11/19/2025	0004223512	2025	2025	000000	MESCALL, MIKE
944631	98.80	0.00	9.88	0.00	108.68	11/25/2025	0004221078	2025	2025	000000	PAPPAS, CHRISTOPHER PETER
944298	115.98	0.00	0.00	0.00	115.98	11/24/2025	0004210857	2025	2025	000000	ALBRIGHT, STEVEN MICHAEL
943636	60.77	0.00	6.08	0.00	66.85	11/19/2025	0004224746	2025	2025	000000	ARTHURS, RALPH BARTON
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	**358.69**	**0.00**	**24.65**	**0.00**	**383.34**	**383.34**		**5 Properties Rebated**			
TOTAL REBATED FORAPEX	**3,399.52**	**280.00**	**271.86**	**0.00**	**3,951.38**	**3,951.38**		**45 Properties Rebated for City**			

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 13, 2026

Item Details

Presenter(s): Mayor Pro-Tempore, Terry Mahaffey – sponsor

Department(s): Governing Body

Requested Motion

Motion to amend Part VII. Role of Presiding Officer, Rule No. 16 of the Rules of Procedure for the Apex Town Council to set a term limit to the Mayor Pro-Tempore role for the Apex Town Council to one two-year term.

Approval Recommended?

Yes

Item Details

The following section in **RED** is proposed to be added to the Rules of Procedure of the Apex Town Council:

Rule 16. The Mayor Pro Tempore

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

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

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

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

Attachments

- CN16-A1: Proposed Amendment – Rules of Procedure for the Apex Town Council

Rules of Procedure for Apex Town Council

Part I. Applicability

Rule 1. Applicability of Rules

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

Part II. Quorum

Rule 2. Quorum

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

Part III. Open Meetings

Rule 3. Remote Participation in Council Meetings

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

Rule 4. Meetings to Be Open to the Public

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

Rule 5. Closed Sessions

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

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

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

Rule 6. Meeting Minutes

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

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

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

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

Rule 7. Broadcasting and Recording Meetings

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

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

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

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

Part IV. Organization of the Council

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

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

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

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

Part V. Types of Meetings

Rule 9. Regular Meetings

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

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

Rule 10. Special Meetings

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

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

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

(c) Notice to Members.

(1) *Meeting called by the mayor, the mayor pro tempore, or any two council members*. At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two council members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each council member or left at his or her usual dwelling place.

(2) *Meeting called by vote of the council in open session*. When a special meeting is called by vote of the council in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. [Written notice of the special meeting's date, time, place, and purpose shall be mailed or delivered at least forty-eight hours before the meeting to each council member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.]

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

Rule 11. Emergency Meetings

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

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

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held when the mayor and all members of the council are present and consent thereto, or when any absent member has signed a written waiver of notice.

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

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

Rule 12. Recessed Meetings

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

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

Part VI. Agenda

Rule 13. Agenda

(a) Draft Agenda.

(1) *Preparation*. The Town Clerk shall prepare a draft agenda in advance of each meeting of the Town Council.

(2) *Requesting placement of items on draft agenda*. For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the Town Clerk at least [two] working days before the date of the meeting. The Town Clerk must place an item on the draft agenda in response to a council member's timely request provided that the item is eligible for adoption considering by limited to any applications of Rule 26, Rule 27, Motions 8, 10 or 11.

(3) *Supplemental information/materials*. If the council is expected to consider a proposed ordinance or ordinance amendment, a copy of the proposed ordinance or amendment shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.

(4) *Delivery to council members*. Each council member shall receive a hard or electronic copy of the draft agenda and the agenda package. Except in the case of an emergency meeting, the agenda and agenda package shall be furnished to each member at least twenty-four hours before the meeting.

(5) *Public inspection*. The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

(b) Adoption of the Agenda.

(1) *Adoption*. As its first order of business at each meeting, the council shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.

(2) *Amending the agenda*. Both before and after it adopts the agenda, the council may add or subtract agenda items by majority vote of the members present and voting, except that

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

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

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

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

Rule 14. Order of Business

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

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

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

Part VII. Role of the Presiding Officer

Rule 15. The Mayor

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

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

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

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

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

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

Rule 16. The Mayor Pro Tempore

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

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

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

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

Rule 17. Other Presiding Officer

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

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

Part VIII. Motions and Voting

Rule 18. Action by the Council

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

Rule 19. One Motion at a Time

A member may make only one motion at a time.

Rule 20. Withdrawal of Motion

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

Rule 21. Debate

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

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

Rule 22. Adoption by Majority Vote

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

Rule 23. Changing a Vote

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

Rule 24. Duty to Vote

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

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

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

(c) Procedure for Excusal.

(1) *At member's request*. Upon being recognized at a duly called meeting of the council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) *On council's initiative*. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

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

(1) the member is physically present in the council chamber or

(2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

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

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

Rule 25. Voting by Written Ballot

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

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

Rule 26. Substantive Motions

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

Rule 27. Procedural Motions

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

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

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

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

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

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

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the council is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The council may not suspend provisions in these rules that are required under state law. (*By way of example and not limitation, the council may not suspend the rules to add a proposed zoning amendment unless it has complied with the statutory public notice and hearing requirements. A Council may not suspend the notice requirements for a special meeting because they are required by state law.*)

Motion 7. To Divide a Complex Motion. Pursuant to Apex Town Code, Section 2-35, this action shall be granted upon request and proper second, except a motion to strike and insert shall be indivisible.

Motion 8. To Defer Consideration. The council may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the council votes to revive it pursuant to Motion 13 within [365] days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). To be adopted, this motion must receive votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor. If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer an Item to a Committee. The council may vote to refer an item to a committee for study and recommendations. Debate on motion to refer an item to a committee is limited to 5 minutes. While the item is pending before a committee, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to act on the item within 90 days of the referral date, the council must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) Amendments to Ordinances. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The council may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within [100] days of its vote to defer consideration.

Motion 14. To Reconsider. The council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting or next regular meeting during which the action to be reconsidered was take and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the council's deliberation on a pending matter.

Part IX. Ordinances and Contracts

Rule 28. Introduction of Ordinances

For purposes of these rules, the "date of introduction" for a proposed ordinance is the date on which the council first votes on the proposed ordinance's subject matter. [The council votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.]

Rule 29. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

(1) *Proposed ordinances to be in writing*. No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.

(2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the council.

(3) *Adoption after date of introduction*. To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all council members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the council shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor's vote counts if there is an equal division.

(b) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 30. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance. Notwithstanding any provision in the town charter, general law, or local act,

(1) the council may adopt or amend the budget ordinance at a regular or special meeting of the council by a simple majority of those members present and voting, a quorum being present;

(2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and

(3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and

- no business other than consideration of the budget is taken up.

(c) No Authority for Closed Sessions. This rule shall not be construed to authorize the council to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 31. Approval of Contracts and Authorization of Expenditures

(a) Contracts to be in Writing. No contract shall be approved or ratified by the town council unless it has been reduced to writing at the time of the council's vote.

(b) Approval of Contracts. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all council members not excused from voting on the contract, including the mayor's vote in the event of a tie.

(c) Authorization of Expenditure of Public Funds. The same vote necessary to approve or ratify a contract is required for the council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

Part X. Public Hearings and Comment Periods

Rule 32. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the council may hold any public hearings it deems advisable. The council may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the council itself to call the hearing. If the council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. Public hearings may be held anywhere within the town or within the county where the town is located.

(c) Rules for Public Hearings. The council may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(d) Notice of Public Hearings. Any public hearing at which a majority of the council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(e) Continuing Public Hearings. The council may continue any public hearing without further

advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the council is not present for a properly scheduled public hearing, the hearing must be continued until the council's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the council for the hearing. Unless the council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall declare the hearing closed, and the council shall resume the regular order of business.

Rule 33. Public Comment Periods

(a) Frequency of Public Comment Periods. The council must provide at least one opportunity for public comment each month at a regular meeting, except that the council need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) Rules for Public Comment Periods. The council may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(c) Content-Based Restrictions Generally Prohibited. The council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the council's real or apparent jurisdiction.

Part XI. Appointments and Appointed Bodies

Rule 35. Committees and Boards

(a) Establishment and Appointment. The council may establish temporary and standing committees to help carry on the work of town government. Unless otherwise provided by law or the council, the power of appointment of vacancies to such bodies lies with the mayor. The council may prescribe the membership of temporary or non-standing committees at the time of establishment by resolution.

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

(i) Governance, Fiscal Stewardship, and Internal Support
(ii) Environmental Leadership
(iii) Responsible Development

(iv) Vibrant Community and Economic Vitality
(v) Public Safety

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

(c) Procedural Rules. The council may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. [In the absence of rules adopted by the council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.]

Part XII. Miscellaneous

Rule 36. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a two-thirds of the council's members, excluding vacant seats.

Rule 37. Reference to Robert's Rules of Order Newly Revised

The council shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the council under Rule 27, Motion 1.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: TOWN CLERK'S REPORT

Meeting Date: January 13, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

A. Possible motion to move William Hollenbeck from Alternate 1 to Regular Member on the Board of Adjustment effective January 13, 2026. Mr. Hollenbeck's term remains unchanged (expiring February 28, 2026).
B. Possible motion to move Heidi Marie Sico from Alternate 2 to Alternate 1 on the Board of Adjustment effective January 13, 2026. Ms. Sico's term remains unchanged (expiring December 31, 2026).
C. Possible motion to move Casey Angel from Alternate 3 to Alternate 2 on the Board of Adjustment effective January 13, 2026. Mr. Angel's term remains unchanged (expiring August 31, 2028).

Approval Recommended?

Yes

Item Details

Pursuant to the Town's Unified Development Ordinance, Board of Adjustment members may serve three-year terms for a maximum of three (3) terms – equally nine (9) consecutive years of service. As of December 31, 2025, Mr. Ross Stocks completed three full terms (nine years) and has reached his maximum allowable service. The Town Clerk's Office recommends the movement of Alternate Member 1, William Hollenbeck, to fill the position as a regular member (vacated by Mr. Stocks). Mr. Hollenbeck has served on the Board of Adjustment for several years and equipped to participate in quasi-judicial hearings. In addition, Alternate 2 and Alternate 3 are recommended to move up consistent with prior practice while the Clerk's Office continues recruitment for the vacant position.

The Town of Apex has two statutorily required resident advisory boards which are the Board of Adjustment (BOA) and the Planning Board. The Board of Adjustment (BOA) is charged with considering particular kinds of development issues that require special use permits or variances from the Town's Unified

Development Ordinance (UDO). More specifically, the Board of Adjustment is responsible for the following as stated in Section 2.1.3 of the Town's Unified Development Ordinance (UDO):

a) Review and approve, approve with conditions, or deny. To review, hear, consider and approve, approve with conditions, or deny
    - Applications for Variance Permits.
    - Applications for Special Use Permits.
b) Appeals. To review, hear, consider, and reverse or affirm, in whole or in part, or modify:
    - Written orders, decisions, interpretations, requirements, or determinations of the Planning Director or other administrative officials charged with enforcement of any other ordinance that regulates land use or development
    - Mast Subdivision Plans.
    - Construction Plans
    - Master Subdivision Final Plats.
    - Soil Erosion and Sedimentation Control Plans.
c) Studies. To make studies of the resources, possibilities, and needs of the Town upon the authorization of the Town Council and to report its findings and recommendations with reference thereto, from time to time, to the Town Council.

The Board of Adjustment (BOA) consists of five (5) regular members and three (3) alternate members.

Attachments

- N/A

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for consideration by the Apex Town Council

Item Type: TOWN CLERK'S REPORT

Meeting Date: January 13, 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:

- Mark Schwegel, Chair of the Environmental Advisory Board (EAB) for calendar year 2026, expiring December 31, 2026.
- Njeri Moeller, Vice-Chair of the Environmental Advisory Board (EAB) for calendar year 2026, expiring December 31, 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 December 18, 2025, the Environmental Advisory Board (EAB) unanimous nominated Mark Schwegel and Njeri Moeller to serve at the Chair and Vice-Chair, respectively, for calendar year 2026. The previous Chair, Suzanne Mason, and Vice-Chair Garrison, had served the maximum allowed terms in those roles.

Members of the public can view the nomination and selection process using the following link: https://www.youtube.com/watch?v=l7ZIgrL_Of4 – beginning at minute mark 39:23.

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: TOWN CLERK'S REPORT

Meeting Date: January 13, 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 Planning Board for calendar year 2026:

- Jeff Hastings, Vice-Chair of the Apex Planning Board

Approval Recommended?

Yes

Item Details

The Town of Apex has two statutorily required resident advisory boards which are the Board of Adjustment (BOA) and the Planning Board. The Planning Board is charged with discussing matters related to land use and development.

The Mayor and Apex Town Council appointed Keith Braswell (previous Vice-Chair) to the Chair position for the Town of Apex at their December 09, 2025 Regular Business Meeting. As such it is appropriate for the Mayor and Town Council to appoint a new Vice-Chair. The Mayor recommends the appointment of Jeff Hastings to the position of Vice-Chair.

Mr. Hastings was contacted by the Town Clerk's Office and has accepted this appointment recommendation and is aware that this item will be presented to the full Council for confirmation on January 13, 2026.

Attachments

- N/A

"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Dr. Martin Luther King, Jr. Day 2026

from the Office of the Mayor

WHEREAS, Dr. Martin Luther King, Jr. dedicated his life to being a champion for Civil Rights and fighting injustice through strong collaboration, tireless leadership, and nonviolent protest; and,

WHEREAS, Dr. King's life and legacy created a shining example of perseverance, hope, and compassion in the face of an onslaught of hatred and bigotry, and proved that love always triumphs over hate; and,

WHEREAS, The Town of Apex is proud to host numerous events throughout the weekend leading up to Dr. Martin Luther King, Jr. Day, including a Black Authors Exhibit and Creative Contest Presentation, the MLK Unity March, the MLK worship service, and the National Day of Service; and,

WHEREAS, This commemorative weekend seeks to bring together our community to honor Dr. King and reaffirm our shared commitments to ensuring liberty and justice for all people in our Town and our Country; and,

WHEREAS, The Town of Apex remains steadfast in its commitment to being a Town that welcomes and embraces all people, no matter what our differences may be.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim Monday, January 19th, 2026 "Dr. Martin Luther King, Jr. Day" in the Town of Apex, and invite our community to dream as Dr. King did, of a world without prejudice and hate, and take steps in helping make that a reality.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 13th day of January, 2026

Jacques Gilbert, Mayor

DRAFT

"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Human Trafficking Prevention Month 2026

from the Office of the Mayor

WHEREAS, Human trafficking is the recruitment, harboring, transportation, provision or obtaining a person through the use of force, fraud or coercion for the purpose of forced labor or commercial sex; and,

WHEREAS, In 2024, the National Human Trafficking Hotline received reports of 301 confirmed cases of human trafficking in North Carolina, the 9th most of any state in the Country; and,

WHEREAS, In 2024, the National Center for Missing & Exploited Children CyberTipline received 20.5 million reports related to 29.2 million incidents of suspected child exploitation; and,

WHEREAS, Victims of Human Trafficking often go undetected and unserved, and survivors require significant resources to work through the trauma these horrific experiences leave them with; and,

WHEREAS, The Town of Apex maintains its firm commitment to ending the criminal enterprise of human trafficking by lending its support to organizations that do invaluable work to bring us closer to a world without this evil.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the Month of January, 2026, "Human Trafficking Prevention Month" in the Town of Apex, and encourage residents to join Shield North Carolina in "taking up their shield", by empowering themselves with knowledge, preventing the growth of the human trafficking industry, and advocating for change.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 13th day of January, 2026

Jacques Gilbert, Mayor

DRAFT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 4.80 acres, located at 2224 New Hill Olive Chapel Road (PIN 0710-77-2057), Annexation No. 798, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

This annexation is associated with Rezoning Case No. 25CZ13 – 2224 New Hill Olive Chapel Road. The question of annexation and the rezoning petition will be heard together during the Council Meeting.

Attachments

- PH1-A1: Annexation Ordinance – Annexation No. 798 – 2224 New Hill Olive Chapel Road – 4.80 acres
- PH1-A2: Public Hearing Notice – Annexation No. 798 – 2224 New Hill Olive Chapel Road – 4.80 acres
- PH1-A3: Legal Description – Annexation No. 798 – 2224 New Hill Olive Chapel Road – 4.80 acres
- PH1-A4: Aerial Map – Annexation No. 798 – 2224 New Hill Olive Chapel Road – 4.80 acres
- PH1-A5: Plat Map – Annexation No. 798 – 2224 New Hill Olive Chapel Road – 4.80 acres
- PH1-A6: Annexation Petition – Annexation No. 798 – 2224 New Hill Olive Chapel Road – 4.80 acres

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. 798
2224 NEW HILL OLIVE CHAPEL ROAD – 4.80 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 January 13, 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 in the attached property description and also shown as "4.80 ACRES TOTAL ANNEXED" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 13, 2026. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat for the Town of Apex D. STEPHEN SCRUGGS AND WIFE LISA SCRUGGS". Plat map print date February 24, 2025 and Land Surveyor dated October 15, 2025, and recorded in Book of Maps book number 2025 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 13th day of January, 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

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

BEGINNING at a point on the western right-of-way of New Hill Olive Chapel Road (N.C.S.R. No. 1141) being the southeastern corner of Michael; D, Mitchell, thence with the aforesaid right-of-way the following four (4) courses and distances: South 23°01'30" East, 50.65 feet to a calculated point, South 27°10'23" East, 80.70 feet to a calculated point, South 31°01'35" East, 104.51 feet, and South 33°25'09" East, 75.72 feet to a calculated point, being the northeastern property corner of Scott Brown; thence with the northern property line of Scott Brown, South 67°18'45" West, 496.24 feet to a calculated point in an eastern property line of Jordan Manors Homeowners Association, Inc.; thence with the aforesaid Homeowners Association property, the terminus of Oak Grant Drive and Jordan Manors Homeowners Association, Inc.

northern property lines, North 68°49'51" West, 494.95 feet to a calculated point; thence another property line of aforementioned Home Owners Association, North 69°41'49" East, 154.85 feet to the southwestern corner of Michael D. Mitchell; thence with Michael D. Mitchell's southern property line North 69°41'49" East, 663.13 feet to the point and place of BEGINNING, containing 4.80 acres more or less. The above-described tract of land is all of Wake County PIN 0710-77-2057 similarly as described in Deed Book 6645, Page 649 of the Wake County Registry.

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

Annexation Petition No. 798
2224 New Hill Olive Chapel Road – 4.80 acres



CLERK NOTE: This annexation petition is associated with a rezoning petition (Case No. 25CZ13) which will be heard on January 13, 2026 as well. Additional information about the rezoning case can be found at this link: https://www.apexnc.org/DocumentCenter/View/51819/25CZ13?bidId= or by contacting the Apex Planning Department at 919-249-3426.

CONTINUED – PUBLIC NOTICE – PUBLIC HEARING

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 798" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, January 13, 2026.

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

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

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

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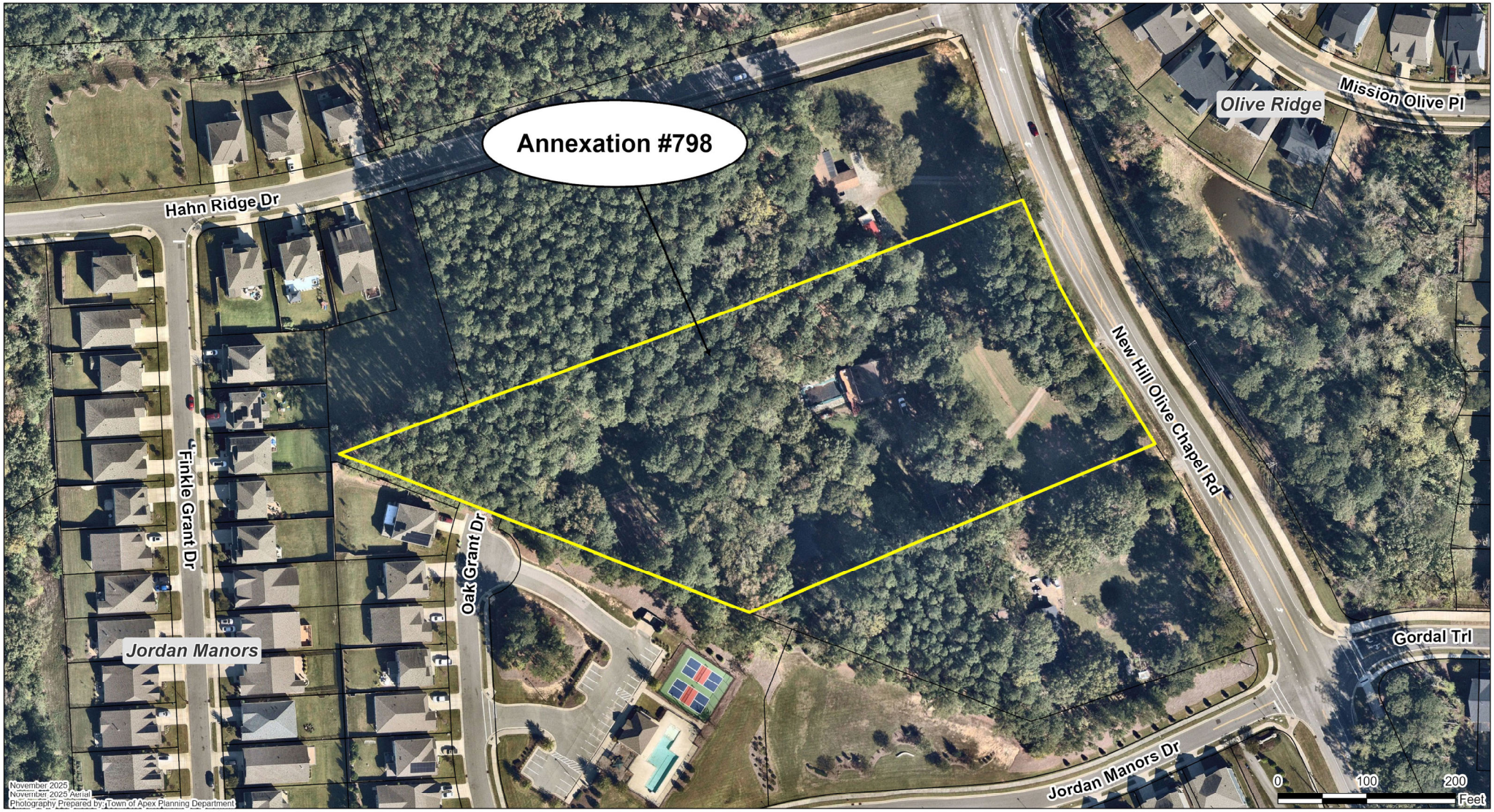
Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

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

BEGINNING at a point on the western right-of-way of New Hill Olive Chapel Road (N.C.S.R. No. 1141) being the southeastern corner of Michael; D, Mitchell, thence with the aforesaid right-of-way the following four (4) courses and distances: South 23º01'30" East, 50.65 feet to a calculated point, South 27º10'23" East, 80.70 feet to a calculated point, South 31°01'35" East, 104.51 feet, and South 33°25'09" East, 75.72 feet to a calculated point, being the northeastern property corner of Scott Brown; thence with the northern property line of Scott Brown, South 67°18'45" West, 496.24 feet to a calculated point in an eastern property line of Jordan Manors Homeowners Association, Inc.; thence with the aforesaid Homeowners Association property, the terminus of Oak Grant Drive and Jordan Manors Homeowners Association, Inc. northern property lines, North 68°49'51" West, 494.95 feet to a calculated point; thence another property line of aforementioned Home Owners Association, North 69°41'49" East, 154.85 feet to the southwestern corner of Michael D. Mitchell; thence with Michael D. Mitchell's southern property line North 69°41'49" East, 663.13 feet to the point and place of BEGINNING, containing 4.80 acres more or less. The above-described tract of land is all of Wake County PIN 0710-77-2057 similarly as described in Deed Book 6645, Page 649 of the Wake County Registry.

This description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.


Annexation #798
Hahn Ridge Dr
Finkle Grant Dr
Oak Grant Dr
Jordan Manors
New Hill Olive Chapel Rd
Olive Ridge
Mission Olive Pl
Gordal Trl
Jordan Manors Dr
November 2025
November 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
100
200
Feet

ANNEXATION # _____

I, ALLEN COLEMAN, CMC, NCCC, TOWN CLERK, Apex, North Carolina certify this is a true and exact map of annexation adopted this the _____ day of _____, 2025. by the Town Council. I set my hand and seal of the Town of Apex, _____, 2025.

ALLEN COLEMAN, CMC, NCCC, TOWN CLERK

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION USING REFERENCES SHOWN HEREON: THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION SHOWN HEREON: THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: N/A AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)

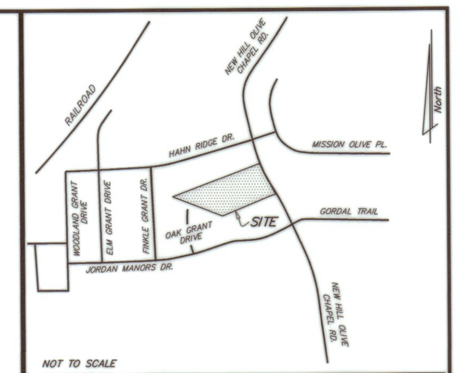
THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(i).

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 15TH DAY OF OCTOBER, A.D., 2025.

NORTH CAROLINA PROFESSIONAL SEAL L-3766 LAND SURVEYOR STALEY C. SMITH

Staley C. Smith
Professional Land Surveyor

L-3766
License Number



VICINITY MAP

MAP NORTH B.M. 2015, PG. 1019

JORDAN MANORS HOMEOWNERS ASSOCIATION, INC. "Open Space"
D.B. 19070, PG. 1761
B.M. 2017, PG. 1727
PIN 0710-67-7125
ANNEXATION # 534 ~ B.M. 2015, PG. 1019

(145)

(146)
B.M. 2017, PG. 1726

N 69°41'49" E
154.85'

(IN)
(OUT)

MICHAEL D. MITCHELL
DEBRA H. MITCHELL
D.B. 4405, PG. 92
B.M. 1978, PG. 21 (LOT 5)
PIN 0710-77-0360

N 69°41'49" E
663.20'

TOWN OF APEX CORPORATE LIMITS

TOWN OF APEX DRAINAGE, WATER & SEWER EASEMENT
D.B. 16431, PG. 2658

(145)
EKENEDILICHUKWU OKORIE
BRIDGET E. OKORIE
D.B. 17989, PG. 2055
B.M. 2017, PG. 1726
PIN 0710-66-9726

494.95'
N 68°49'51" W
BASE BEARING

4.80 ACRES TOTAL ANNEXED
D.B. 6645, PG. 649
B.M. 1978, PG. 21 (Lot 3)
PIN 0710-77-2057

NOT A PHYSICAL SURVEY
IMPROVEMENTS NOT SHOWN HEREON

FLOW

R/W
TOWN OF APEX CORPORATE LIMITS
R/W

S 23°01'30" E
50.65'

S 27°10'23" E
80.70'

(IN)
(OUT)

S 31°01'35" E
104.51'

S 33°25'09" E
75.72'

NCSR No. 1141 (NEW HILL OLIVE CHAPEL ROAD)
PUBLIC R/W

2224

WEEKLEY HOMES, LLC
"Open Space"
D.B. 19015, PG. 367
B.M. 2022, PG. 783
PIN 0710-77-7260
ANNEXATION # 652
B.M. 2019, PG. 689

R/W
OAK GRANT DRIVE
(50' PUBLIC R/W)
R/W

JORDAN MANORS HOMEOWNERS ASSOCIATION, INC.
D.B. 19070, PG. 1761
B.M. 2017, PG. 1725
PIN 0710-66-9785
ANNEXATION # 534 ~ B.M. 2015, PG. 1019

(OUT)
(IN)

496.24'
S 67°18'45" W

TOWN OF APEX CORPORATE LIMITS

SCOTT BROWN
EMILY BROWN
D.B. 15718, PG. 473
B.M. 1978, PG. 21 (LOT 2)
PIN 0710-77-7260

R/W
TOWN OF APEX CORPORATE LIMITS
R/W

60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

REFERENCES: DEED BOOK 6645, PAGE 649
BOOK OF MAPS 1978, PAGE 21

LEGEND

XXXX – Street Address (Typical)
NCSR – North Carolina Secondary Road
PIN – Parcel Identification Number
R/W – Approximate Right Of Way Line (not surveyed)
Line Not Surveyed
Line Not Surveyed
Line Not Surveyed
Existing Town of Apex Corporate Limits (not surveyed)
Approximate Location of Drainageway (Source: Wake Co. GIS 2021 Imagery)

SURVEYOR NOTES:

1. THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD AFFECTING THE SAME.
2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY. OF WAY, AND EASEMENTS OF RECORD AFFECTING THE SAME.
3. THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS ,OR ANY OTHER SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FOOT UNIT GROUND MEASUREMENTS.
5. AREA DETERMINED USING THE COORDINATE GEOMETRY METHOD.
6. SITE ZONE: R-80W & R-40W (SOURCE: WAKE COUNTY GIS)
7. THIS MAP WAS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION. THIS MAP SHOULD NOT BE USED TO TRANSFER PROPERTY SHOWN HEREON.
8. SITE ADDRESS: 2224 NEW HILL OLIVE CHAPEL ROAD
NEW HILL, N.C. 27562-9700

RECORDED IN BOOK OF MAPS 2025 ,PAGE _____.

ANNEXATION MAP for the TOWN OF APEX
D. STEPHEN SCRUGGS
AND WIFE
LISA K. SCRUGGS
BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

OWNER:
(NOT TITLE VERIFICATION)
D. STEPHEN SCRUGGS
& WIFE LISA K. SCRUGGS
2224 NEW HILL OLIVE CHAPEL ROAD
NEW HILL, N.C. 27562-9700

P.I.N. 0710-77-2057

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

DATE FEBRUARY 24, 2025
SCALE 1" = 60'
DRAWN BY J.A.B.
PROJECT NO. 2025-25

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 #: Annexation # 778 Submittal Date: 3-5-2025

Fee Paid ~~$200~~ 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

D. Stephen and Lisa K. Scruggs	PIN # 0710772057
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-819-9352	steve_scruggs@bellsouth.net
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Ben Smith of Smith and Smith Surveyors, PA

Phone: 919-362-7111 Fax:

E-mail Address: ben@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	4.8	Need water service due to well failure	✔
Population of acreage to be annexed:	2	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☐
Proposed # of housing units:	0	Sewer service (new construction)	☐
Zoning District*:	Apex ETJ	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 #: Annexation # 798 Submittal Date: 3-5-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

D. Stephen Scruggs Please Print	D. Stephen Scruggs Signature
Lisa K. Scruggs Please Print	Lisa K. Scruggs Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Geraldine Ransom, a Notary Public for the above State and County, this the 27TH day of, FEBRUARY, 2025.

GERALDINE RANSOM NOTARY PUBLIC CUMBERLAND COUNTY, N.C. My Comm. Exp. 09-13-2028

SEAL

Geraldine Ransom
Notary Public

My Commission Expires: 09/13/2028

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 25CZ13 2224 New Hill Olive Chapel Road and Ordinance. The applicants, D. Stephen and Lisa K. Scruggs, seek to rezone approximately 4.8 acres from Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 2224 New Hill Olive Chapel Road.

Approval Recommended?

The Planning Department recommends approval.

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

Item Details

The properties to be rezoned are identified as PIN 0710772057.

Attachments

- PH2-A1: Staff Report and Rezoning Petition – Rezoning Case No. 25CZ13 – 2224 New Hill Olive Chapel Road
- PH2-A2: Planning Board Report to Town Council – Rezoning Case No. 25CZ13 – 2224 New Hill Olive Chapel Road
- PH2-A3: Statement of Town Council and Ordinance – Rezoning Case No. 25CZ13 – 2224 New Hill Olive Chapel Road
- PH2-A4: Attachment A – Legal Description – Rezoning Case No. 25CZ13 – 2224 New Hill Olive Chapel Road

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: 2224 New Hill Olive Chapel Road
Owners/Applicants: D. Stephen and Lisa K. Scruggs
Authorized Agent: D. Stephen Scruggs

PROJECT DESCRIPTION:

Acreage: ± 4.80 acres
PIN: 0710772057
Current Zoning: Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: Outside Town Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-40W (R-40W)	Single-family residential
South:	Wake County Residential-40W (R-40W); Wake County Residential-80W (R-80W); Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ06)	Single-family residential; Jordan Manors amenity center
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ34)	New Hill Olive Chapel Road; Olive Ridge subdivision common area
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ06)	Jordan Manors subdivision

Existing Conditions:

The property to be rezoned is located on west side of New Hill Olive Chapel Road and east and north of the Jordan Manors subdivision. The property includes a residential structure and is heavily vegetated with mature trees. The applicant is requesting the proposed rezoning to connect to Town services due to a well failure.

Neighborhood Meeting:

The applicant conducted two neighborhood meetings on August 12, 2025, and November 6, 2025. The neighborhood meeting reports are attached.

WCPSS Coordination:

The proposed rezoning is not proposing new development at this time.

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that schools at elementary, middle, and high grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students. School expansion or construction within the next five years is not anticipated to address concerns.

2045 Land Use Map:
The 2045 Land Use Map classifies the subject property as Low Density Residential. The proposed rezoning to Low Density-Conditional Zoning (LD-CZ) is consistent with the Low Density Residential 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. Accessory apartment
2. Single-family
3. Botanical garden

Use Conditions:
1. The property shall be served by no more than one (1) driveway from New Hill Olive Chapel Rd.
2. The front yard setback from New Hill Olive Chapel Rd shall be a minimum of 60 feet from the right-of-way as of the date of this rezoning.
3. Future development shall include right-of-way dedication consistent with the Apex Transportation Plan.
4. Any future development shall be limited to a maximum residential density of two dwelling units per acre.

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

HOUSING STAFF RECOMMENDATION:
Housing Staff did not recommend an affordable housing condition to be included with this rezoning due to the limited size of the rezoning.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #25CZ13 2224 New Hill Olive Chapel Road with the conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on December 8, 2025 and voted 8 to 0 to recommend approval of Rezoning #25CZ13 with the conditions offered by the applicant.

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

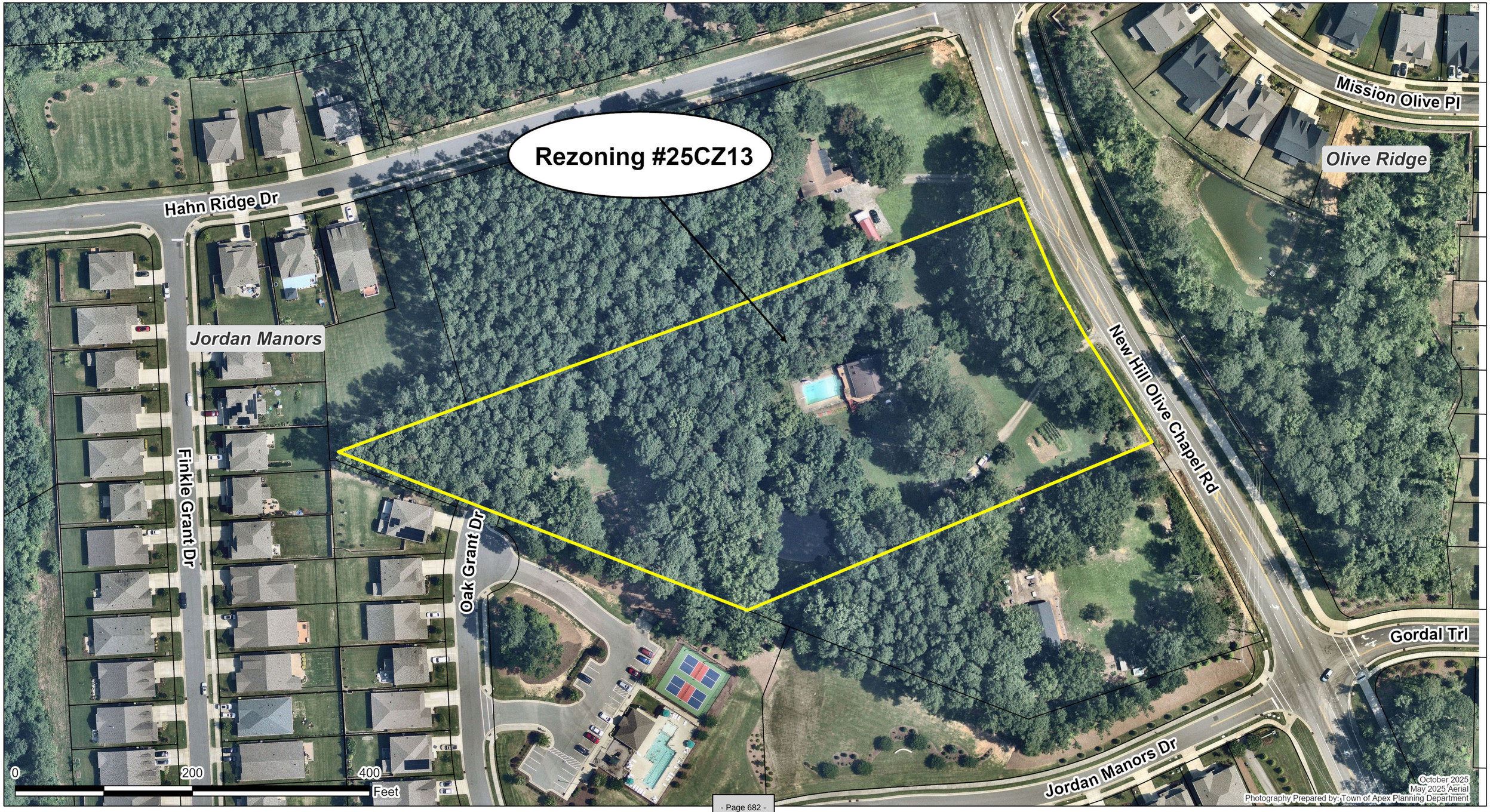
The 2045 Land Use Map classifies the subject property as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) is consistent with Low Density Residential land use classification.

The proposed rezoning is reasonable and in the public interest because it will allow the existing single-family residential to be consistent with the surrounding area. In addition, the proposed rezoning will allow the property to connect to Town water and sewer services.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the LD-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 #25CZ13
Hahn Ridge Dr
Jordan Manors
Finkle Grant Dr
Oak Grant Dr
New Hill Olive Chapel Rd
Mission Olive Pl
Olive Ridge
Gordal Trl
Jordan Manors Dr
0
200
400
Feet
October 2025
May 2025 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 #: 25CZ13 Submittal Date: 2025-11-16 - Rev-03

Fee Paid: $825

Project Information

Project Name: Scruggs Request for Water Service

Address(es): 2224 New Hill Olive Chapel Road, New Hill, NC 27562

PIN(s): 0710772057

Acreage: 4.80

Current Zoning: Wake County R-40W and R-80W Proposed Zoning: LD-CZ - Low Density Residential Conditional Zoning

Current 2045 LUM Classification(s): LD - Low Density Residential

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

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

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: D. Stephen and Lisa K. Scruggs

Address: 2224 New Hill Olive Chapel Road

City: New Hill State: NC Zip: 27562

Phone: 919-819-8352 E-mail: steve_scruggs@bellsouth.net

Owner Information

Name: D. Stephen and Lisa K. Scruggs

Address: 2224 New Hill Olive Chapel Road

City: New Hill State: NC Zip: 27562

Phone: E-mail:

Agent Information

Name: N/A

Address:

City: State: Zip:

Phone: E-mail:

Other contacts:

PETITION INFORMATION

Application #: 25CZ13 Submittal Date: 2025-11-16 - Rev-03

An application has been duly filed requesting that the property described in this application be rezoned from Wake County R-40W and R- to LD-CZ - Low Density Reside. 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	Accessory Apartment	21	
2	Single -Family	22	
3	Botanical garden	23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: 25CZ13 Submittal Date: 2025-11-16 - Rev-03

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

1. The property shall be served by no more than one (1) driveway from New Hill Olive Chapel Rd

2. The front yard setback from New Hill Olive Chapel Rd shall be a minimum of 60 feet from the right-of-way as of the date of approval of this rezoning.

3. Future development shall include righ-of-way dedication consistent with the Apex Transportation Plan.

4. Any future development shall be limited to a maximum residential density of two dwelling units per acre.

.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed CZ is consistent with the 2045 Land Use Map, which shows a future land classification of Low Density Residential for the property.

The CZ is requested to limit the allowable use types not desired for the continued single-family use of the property.

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

The requested CZ's use type of single-family is compatible with the surrounding land uses, which consist of low and medium density residential and Planned Unit Developments.

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

The proposed CZ is in compliance with Section 4.4.

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

This is not applicable since no development is proposed.

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.

This is not applicable since no development is proposed.

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.

No additional impacts on public facilities are expected to occur by the continued low density residential, single-family, land use.

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

The proposed CZ will continue as low density residential, single-family use, and will not have any effects on the health, safety, or welfare of the residents of the Town of Apex.

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

The proposed CZ will continue as low density residential, single-family use, will not be detrimental to adjacent residential 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.

The proposed CZ will continue as low density residential, single-family use, and will not constitute a nuisance or hazard. The single-family use type will not cause an impact to traffic or noise.

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 requested CZ complies with all applicable standards of the Ordinance.

AGENT AUTHORIZATION FORM

Application #: 25CZ13 Submittal Date: _____

D. Stephen Scruggs and Lisa K. Scruggs 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: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

The agent for this project is: D. Stephen Scruggs

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

Agent Name: D. Stephen Scruggs

Address: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Telephone Number: 919-819-8352

E-Mail Address: steve_scruggs@bellsouth.net

Signature(s) of Owner(s)*

D. Stephen Scruggs — 8-13-2025

Type or print name — Date

Lisa K. Scruggs — 8/13/2025

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 #: 25CZ13 Submittal Date: _____

The undersigned, D. Stephen and Lisa K. Scruggs (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 2224 New Hill Olive Chapel Road, New Hill, NC 27562 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 08-24-1995, and recorded in the Wake County Register of Deeds Office on 08-24-1995, in Book 006645 Page 00649.

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 08-24-1995, 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 08-24-1995, 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 13th day of August, 2025.

Lisa K Scruggs D Stephen Scruggs (seal)

Lisa K. Scruggs D. Stephen Scruggs

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of CUMBERLAND, hereby certify that _____, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DONALD STEPHEN SCRUGGS LISA KAREN SCRUGGS personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Geraldine Ransom

Notary Public
State of North Carolina
My Commission Expires: 09/13/2028

GERALDINE RANSOM NOTARY PUBLIC CUMBERLAND COUNTY, N.C. MY COMM. EXP. 09-13-2028

[NOTARY SEAL]

Last Updated: August 30, 2019

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ13 Submittal Date:

Insert legal description below.

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

BEGINNING at a point on the western right-of-way of New Hill Olive Chapel Road (N.C.S.R. No. 1141) being the southeastern corner of Michael; D, Mitchell, thence with the aforesaid right-of-way the following four (4) courses and distances: South 23º01'30" East, 50.65 feet to a calculated point, South 27º10'23" East, 80.70 feet to a calculated point, South 31°01'35" East, 104.51 feet, and South 33°25'09" East, 75.72 feet to a calculated point, being the northeastern property corner of Scott Brown; thence with the northern property line of Scott Brown, South 67°18'45" West, 496.24 feet to a calculated point in an eastern property line of Jordan Manors Homeowners Association, Inc.; thence with the aforesaid Homeowners Association property, the terminus of Oak Grant Drive and Jordan Manors Homeowners Association, Inc. northern property lines, North 68°49'51" West, 494.95 feet to a calculated point; thence another property line of aforementioned Home Owners Association, North 69°41'49" East, 154.85 feet to the southwestern corner of Michael D. Mitchell; thence with Michael D. Mitchell's southern property line North 69°41'49" East, 663.13 feet to the point and place of BEGINNING, containing 4.80 acres more or less. The above-described tract of land is all of Wake County PIN 0710-77-2057 similarly as described in Deed Book 6645, Page 649 of the Wake County Registry.

This description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Please complete each section of this form and submit with your application.

Please send any questions about this form to: studentassignment-gis-group@wcpss.net.

Developer Company *Information*	
Company *Name*	N/A - Property Owner
Company Phone *Number*	N/A
Developer Representative *Name*	D. Stephen Scruggs
Developer Representative *Phone Number*	919-819-9352
Developer Representative *Email*	steve_scruggs@bellsouth.net

New Residential Subdivision *Information*	
Date of Application for Subdivision	N/A
City, Town or Wake County Jurisdiction	
Name of Subdivision	N/A
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PIN(s)	

Projected Dates *Information*	
Subdivision *Completion Date*	N/A
Subdivision *Projected First Occupancy Date*	N/A

Lot by Lot Development *Information*

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	1 - Existing							3250	3250	N/A	N/A	1989	1				
Townhomes																	
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

NOTICE OF NEIGHBORHOOD MEETING

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

July 22, 2025
Date

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

2224 New Hill Olive Chapel Road, New Hill, NC 27562 — 0710772057
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 (also see attached map(s) and/or plan sheet(s)):

Request for annexation by the Town of Apex in order to receive water service to replace failing water supply well.
The property will be rezoned from Wake County's Residential less than 10 Acres to Apex's
zoning classification LD-CZ - Low Density Residential Conditional. No development is proposed.

Estimated submittal date: August 19, 2025

MEETING INFORMATION:

Property Owner(s) name(s): D. Stephen and Lisa K. Scruggs
Applicant(s): D. Stephen and Lisa K. Scruggs
Contact information (email/phone): steve_scruggs@bellsouth.net 919-819-9352
Meeting Address: 2224 New Hill Olive Chapel Road, New Hill, NC 27562
Date/Time of meeting**: August 12, 2025
Welcome: 5:30 pm Project Presentation: 5:45 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.

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: Scruggs Request for Water Service Zoning: LD-CZ - Low Density Residential Conditional

Location: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Property PIN(s): 0710772057 Acreage/Square Feet: 4.8 Acres

Property Owner: D. Stephen and Lisa K. Scruggs

Address: 2224 New Hill Olive Chapel Road

City: New Hill State: NC Zip: 27562

Phone: 919-819-9352 Email: steve_scruggs@bellsouth.net

Developer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Builder (if known): N/A

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) 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.

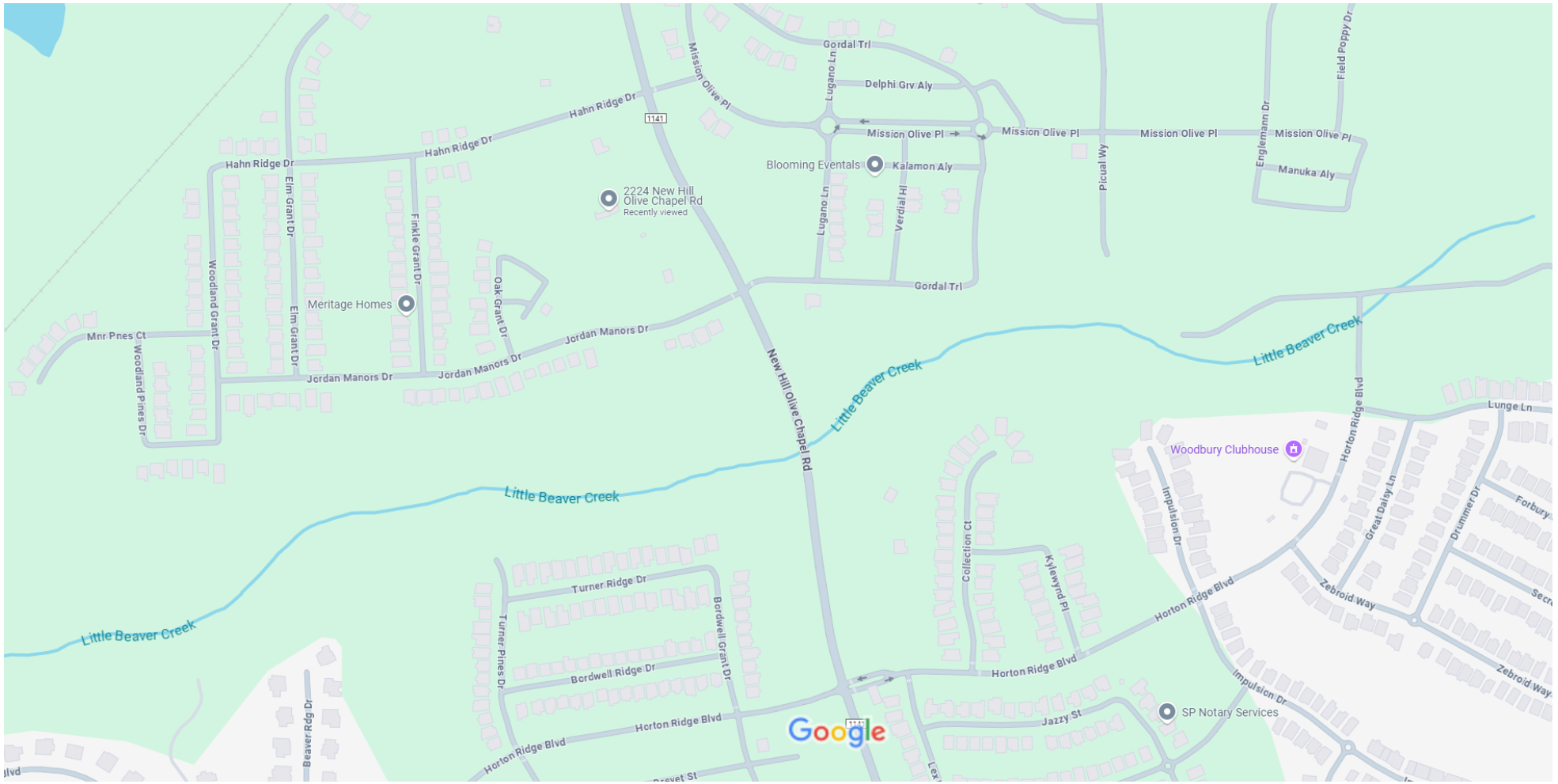
Stormwater Control Measures:	Water Resources	919-362-8166

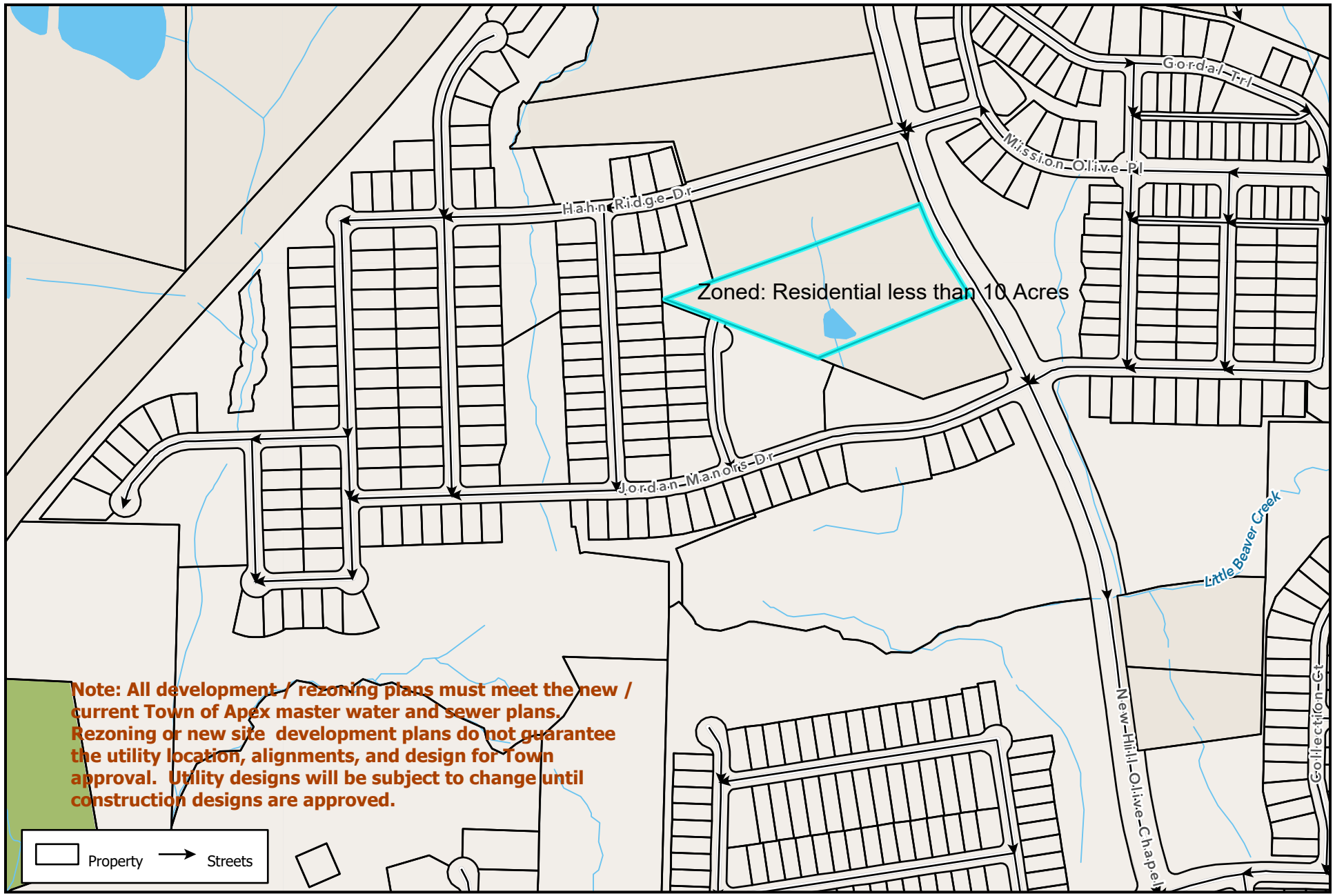
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed.

Electric Utility Installation:	Electric Utilities	919-249-3531

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

Vicinity Map for 2224 New Hill Olive Chapel Road, New Hill, NC 27562





Wake County Zoning Map with Subject Property

2224 New Hill Olive Chapel Road
New Hill, NC 27562

N

0 200 400 800 ft

1 inch equals 400 feet

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

APEX ZONING MAP

PROPERTY: 2224 NEW HILL OLIVE CHAPEL ROAD, NEW HILL, NC 27562



APEX ZONING DISTRICT LEGEND



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: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Date of meeting: August 12, 2025 Time of meeting: 5:30 pm to 6:30 pm

Property Owner(s) name(s): D. Stephen and Lisa K. Scruggs

Applicant(s): D. Stephen and Lisa K. Scruggs

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.	Yury Zhyshko	2513 Finkle Grant Dr. New Hill, NC 27562	[redacted]		☑
2.					☐
3.					☐
4.					☐
5.					☐
6.					☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): D. Stephen and Lisa K. Scruggs

Applicant(s): D. Stephen and Lisa K. Scruggs

Contact information (email/phone): _____

Meeting Address: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Date of meeting: August 12, 2025 Time of meeting: 5:30 pm to 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:
Is it the only need to tap to a water?

Applicant's Response:
Yes, there is no development planned.

Question/Concern #2:
No further questions were received.

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, D. Stephen Scruggs, 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 2224 New Hill Olive Chapel Road, New Hill, NC 27562 (location/address) on August 12, 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.

8-13-2025
Date

By: D. Stephen Scruggs

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Geraldine RANSOM, a Notary Public for the above State and County, on this the 13TH day of AUGUST, 2025.

SEAL

GERALDINE RANSOM NOTARY PUBLIC CUMBERLAND COUNTY, N.C. My Comm. Exp. 09-13-2028

Geraldine Ransom
Notary Public

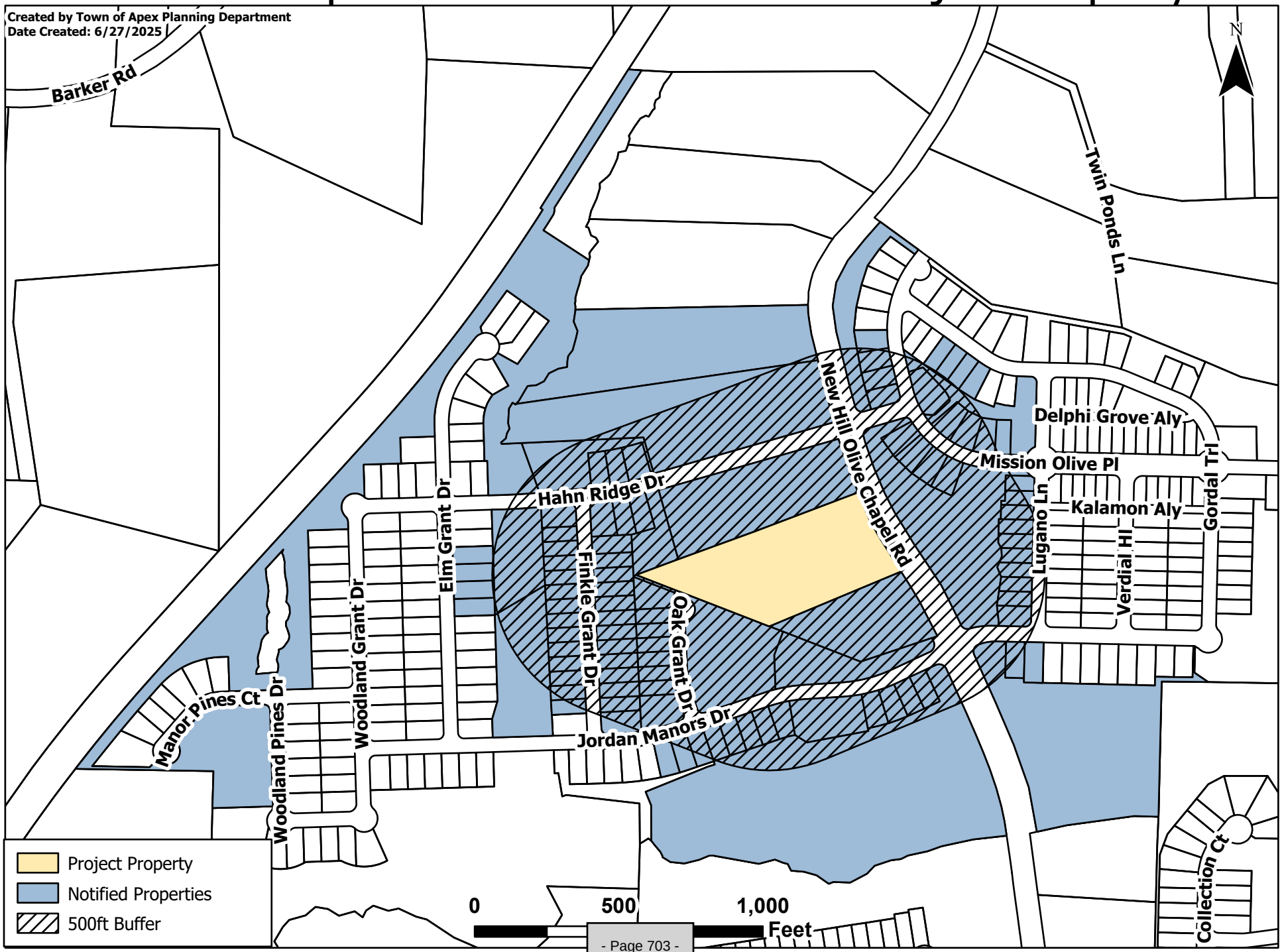
Geraldine RANSOM
Print Name

My Commission Expires: 09/13/2028

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
2204 NEW HILL OLIVE CHAPEL RD	0710679506	ALBRECHT, SCOTT R	2204 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9700
2136 NEW HILL OLIVE CHAPEL RD	0710678884	ALBRECHT, THOMAS RICHARD	2136 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9736
3413 JORDAN MANORS DR	0710765559	ATTHALURI, PRASHANTH NANNAPANENI, PHANI TEJA	3413 JORDAN MANORS DR	NEW HILL NC 27562-9721
3458 HAHN RIDGE DR	0710675430	BELTRAN, EDGAR CERVANTES RODRIGUEZ, NATALIA PAULINA DIAZ DE LEON	3458 HAHN RIDGE DR	NEW HILL NC 27562-9724
2583 GORDAL TRL	0710860743	BOINIPALLY, DILEEP KUMAR	2583 GORDAL TRL	NEW HILL NC 27562-9371
3449 JORDAN MANORS DR	0710760407	BROSTEDT, JANET C	3449 JORDAN MANORS DR	NEW HILL NC 27562-9721
2541 FINKLE GRANT DR	0710666704	BROWN, SANDRA D TRUSTEE KATES, SAMUEL TRUSTEE	700 DELSEA DR	WESTVILLE NJ 08093-1229
2236 NEW HILL OLIVE CHAPEL RD	0710764865	BROWN, SCOTT BROWN, EMILY	2236 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9700
2553 FINKLE GRANT DR	0710668519	CAMPBELL, KATRICE	2553 FINKLE GRANT DR	NEW HILL NC 27562-9723
3445 JORDAN MANORS DR	0710760469	CAMPBELL, NOAH J CAMPBELL, BETH	3445 JORDAN MANORS DR	NEW HILL NC 27562-9721
2524 FINKLE GRANT DR	0710664913	CHAMBLEE, JESSICA	2524 FINKLE GRANT DR	NEW HILL NC 27562-9723
2548 OAK GRANT DR	0710667644	CHO, JEFFREY YU CHAO CHUANG, PEI-WEN	PSC 305 BOX 936	APO AP 96218-0010
3379 MISSION OLIVE PL	0710775581	CHOUDHARY, DHEERAJ CHOUDHARY, KATYAYNI	3379 MISSION OLIVE PL	NEW HILL NC 27562-7700
2540 OAK GRANT DR	0710667734	COFFOS, JAMES COFFOS, AMANDA	3249 GRAND OAK LN	NEW HILL NC 27562-8974
2412 GORDAL TRL	0710777820	DATTAGUPTA, SHOUNAK MAHAPATRA, SANCHITA	2412 GORDAL TRL	NEW HILL NC 27562-9364
2525 FINKLE GRANT DR	0710665994	DAVIS, KENNETH JOSEPH DAVIS, COURTNEY RAE	2525 FINKLE GRANT DR	NEW HILL NC 27562-9723
3387 MISSION OLIVE PL	0710775626	DIAS, ISRAEL SILVA DIAS, CRISTIANE FALCI	3387 MISSION OLIVE PL	NEW HILL NC 27562-7700
3455 HAHN RIDGE DR	0710676224	DONGOL, NABIN SHRESTHA, ANITA	3455 HAHN RIDGE DR	NEW HILL NC 27562-9724
2544 FINKLE GRANT DR	0710664628	DURHAM, FAITH MARIE	2544 FINKLE GRANT DR	NEW HILL NC 27562-9723
2517 ELM GRANT DR	0710661908	ELLIOTT, TAYLOR WILKIE, DYLAN	2517 ELM GRANT DR	NEW HILL NC 27562-9725
2516 FINKLE GRANT DR	0710674013	FIELDS, STEPHANIE KAYE	2516 FINKLE GRANT DR	NEW HILL NC 27562-9723
2416 GORDAL TRL	0710777767	GILLESPIE, CHRIS ALLEN GILLESPIE, GINNA PAOLA	2416 GORDAL TRL	NEW HILL NC 27562-9364
2512 LUGANO LN	0710779280	GORRIPATI, MANJUNATHA DOMA, SRILAKSHMI	2512 LUGANO LN	NEW HILL NC 27562-9365
2529 FINKLE GRANT DR	0710665899	HENDERSON, CAROLYN HENDERSON, JOHN	2529 FINKLE GRANT DR	NEW HILL NC 27562-9723
3457 JORDAN MANORS DR	0710668494	HODGE, ROBERT A TRUSTEE HODGE, BREENA H TRUSTEE	3457 JORDAN MANORS DR	NEW HILL NC 27562-9721
2521 ELM GRANT DR	0710661902	HOLLOWAY, RALPH ELLIOTT III HOLLOWAY, LAURA GRAY	2521 ELM GRANT DR	NEW HILL NC 27562-9725
2509 FINKLE GRANT DR	0710675184	HUANG, HONG WEI LIN, JIA	2509 FINKLE GRANT DR	NEW HILL NC 27562-9723
3356 MISSION OLIVE PL	0710779541	HUGHES, JENNIFER POTTER	3356 MISSION OLIVE PL	NEW HILL NC 27562-7700
2517 FINKLE GRANT DR	0710675084	ISANGULOV, TIMUR ISANGULOVA, LUIZA	2517 FINKLE GRANT DR	NEW HILL NC 27562-9723
2509 ELM GRANT DR	0710671100	JAWABREH, NAJI MICHEL NAJI TRUSTEE JAWABREH, MARY ELIZABETH TRUSTEE	2509 ELM GRANT DR	NEW HILL NC 27562-9725
3417 JORDAN MANORS DR	0710764597	JAYASEKARA, MANJULA WANIGARATHNA ARACHCHIGE, DINUPAMA WALATHARA	3417 JORDAN MANORS DR	NEW HILL NC 27562-9721
3409 JORDAN MANORS DR	0710766611	JONNADA, RAMESH KRISHNA ENUGULA, SWATHI	3409 JORDAN MANORS DR	NEW HILL NC 27562-9721
0 MANOR PINES CT	0710562410	JORDAN MANORS HOMEOWNERS ASSOCIATION INC	3300 PARAMOUNT PKWY STE 120	MORRISVILLE NC 27560-7893
2532 FINKLE GRANT DR	0710664823	JOYCE, SANDRA B	2532 FINKLE GRANT DR	NEW HILL NC 27562-9723
2532 OAK GRANT DR	0710667824	KARAMISIR, MUMIN KARAMISIR, SENGUL	2532 OAK GRANT DR	NEW HILL NC 27562-9325
2545 FINKLE GRANT DR	0710666609	KIM, JOAN RAN BROWN, LEONARD STEWART	122 SEVILLA AVE APT 1613	CORAL GABLES FL 33134-6065
2532 LUGANO LN	0710769985	KIM, JONATHAN KIMIN KIM, JOANNA YESUN LEE	2532 LUGANO LN	NEW HILL NC 27562-9365
2508 FINKLE GRANT DR	0710674103	KOMMIDI, MANESH REDDY KAREDLA, ANUSHA	2508 FINKLE GRANT DR	NEW HILL NC 27562-9723
3395 MISSION OLIVE PL	0710774798	KOMMINENI, SRINIVASA DURGA PRASAD YALAMANCHI, SOWMYA KRISHNA	3395 MISSION OLIVE PL	NEW HILL NC 27562-7700
3453 JORDAN MANORS DR	0710669446	KOVACH, VASILY KOVACH, LIUDMILA	3453 JORDAN MANORS DR	NEW HILL NC 27562-9721
2500 LUGANO LN	0710779395	KUMAR, SARAVANA KUMAR KRISH VIJAYAN, KAVITHA	2500 LUGANO LN	NEW HILL NC 27562-9365
2513 ELM GRANT DR	0710671004	LACOURT-CUEVAS, MARIA	2513 ELM GRANT DR	NEW HILL NC 27562-9725
3459 HAHN RIDGE DR	0710675253	LACROIX, THOMAS II LACROIX, SANDRA	3459 HAHN RIDGE DR	NEW HILL NC 27562-9724
3360 MISSION OLIVE PL	0710778581	LEVINSON, TOMER BARAK BULDAKOVA, DARIA	3360 MISSION OLIVE PL	NEW HILL NC 27562-7700
2508 LUGANO LN	0710779295	LIN, TIMOTHY EN HSIN LIN, HEIDI NICOLE	2508 LUGANO LN	NEW HILL NC 27562-9365
2420 GORDAL TRL	0710778704	LINGAMGUNTA, RAMA KRISHNA KUMAR SHARMA, RICHA	2420 GORDAL TRL	NEW HILL NC 27562-9364
2424 GORDAL TRL	0710778741	LY, TAI KWON, HEE-JUNG	2424 GORDAL TRL	NEW HILL NC 27562-9364
2520 FINKLE GRANT DR	0710664918	MADHAVAN, BALASUBRAMANIAN KANNAN, PRASHANTH	4437 KEEPSAKE ROSE CMN	FREMONT CA 94538-7021
2504 LUGANO LN	0710779390	MATHIS, CYNTHIA S MATHIS, JOSEPH R	2504 LUGANO LN	NEW HILL NC 27562-9365
2548 FINKLE GRANT DR	0710664633	MCCONNELL, ERIN	2548 FINKLE GRANT DR	NEW HILL NC 27562-9723
2536 FINKLE GRANT DR	0710664728	MCGUINNESS, RACHEL RASCOE	2536 FINKLE GRANT DR	NEW HILL NC 27562-9723
2212 NEW HILL OLIVE CHAPEL RD	0710770360	MITCHELL, MICHAEL D MITCHELL, DEBRA H	PO BOX 302	NEW HILL NC 27562-0302
3454 HAHN RIDGE DR	0710676401	MORRIS, TABITHA R	3454 HAHN RIDGE DR	NEW HILL NC 27562-9724
3437 JORDAN MANORS DR	0710761573	MORRISON, DAVID W JR PARKER-WEBB, LEIGH	3437 JORDAN MANORS DR	NEW HILL NC 27562-9721
2504 FINKLE GRANT DR	0710674108	MORRISON, SHEILA K	2504 FINKLE GRANT DR	NEW HILL NC 27562-9723
3375 MISSION OLIVE PL	0710776436	NADIMPALLI, SUNIL KUMAR BOPPI, YASHASWINI SINDURA	3375 MISSION OLIVE PL	NEW HILL NC 27562-7700
2587 GORDAL TRL	0710769784	NEGI, DEVENDRA SINGH JAMWAL, BHAWNA	2587 GORDAL TRL	NEW HILL NC 27562-9371
2524 LUGANO LN	0710779085	NEMADE, BHARAT NEMADE, ASHWINI BHARAT	2524 LUGANO LN	NEW HILL NC 27562-9365
2524 OAK GRANT DR	0710667926	OKORIE, EKENEDILICHUKWU OKORIE, BRIDGET E	2524 OAK GRANT DR	NEW HILL NC 27562-9325
0 MISSION OLIVE PL	0710777260	OLIVE RIDGE COMMUNITY ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
3405 JORDAN MANORS DR	0710766674	PATEL, PARESH	3405 JORDAN MANORS DR	NEW HILL NC 27562-9721
3441 JORDAN MANORS DR	0710761511	PATEL, SIGAL VISHNUBHAI SOLANKI, DHARA MAHENDRABHAI	3441 JORDAN MANORS DR	NEW HILL NC 27562-9721
2540 FINKLE GRANT DR	0710664723	PATTERSON, MATTHEW D BAUERS, ERIENNE N	2540 FINKLE GRANT DR	NEW HILL NC 27562-9723
2533 FINKLE GRANT DR	0710666804	PEASLEE, LANCE J PEASLEE, MARIE A	2533 FINKLE GRANT DR	NEW HILL NC 27562-9723
2536 LUGANO LN	0710769889	PRICE, ANDREA DEAL	2536 LUGANO LN	NEW HILL NC 27562-9365
3451 HAHN RIDGE DR	0710676285	QI, XIAO GUO, JIA	3451 HAHN RIDGE DR	NEW HILL NC 27562-9724
3372 MISSION OLIVE PL	0710777557	RAGHUNATHAN, ANAND CHINTALAPALLI, SHALINI	3372 MISSION OLIVE PL	NEW HILL NC 27562-7700
2544 OAK GRANT DR	0710667639	REBANDO, ROBERT M REBANDO, MARY E	2544 OAK GRANT DR	NEW HILL NC 27562-9325
2528 LUGANO LN	0710779080	REDDY TIYYAGURA, BHANU PRAKASH PAMULAPATI, LAKSHMI TEJASWI	2528 LUGANO LN	NEW HILL NC 27562-9365
2521 FINKLE GRANT DR	0710665999	REED, MEGAN REED, BRADLEY	2521 FINKLE GRANT DR	NEW HILL NC 27562-9723
2536 OAK GRANT DR	0710667739	ROJAS, GABRIEL GUILLEN LEON, RAQUEL LOPEZ	2536 OAK GRANT DR	NEW HILL NC 27562-9325
2224 NEW HILL OLIVE CHAPEL RD	0710772057	SCRUGGS, D STEPHEN SCRUGGS, LISA K	2224 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9700
2552 OAK GRANT DR	0710667556	SHEIBANI, SHAYAN COLFER, AMANDA L	2552 OAK GRANT DR	NEW HILL NC 27562-9325
2549 FINKLE GRANT DR	0710666614	SHEMBELLE, SANTOSH BASAVARAJAPPA, GEETHA JAGALUR	2549 FINKLE GRANT DR	NEW HILL NC 27562-9723
2528 FINKLE GRANT DR	0710664818	SPRIGGS, JILL LYNN SPRIGGS, TYLER VINCENT	2528 FINKLE GRANT DR	NEW HILL NC 27562-9723
2512 FINKLE GRANT DR	0710674008	SPRIGGS, RAYMOND VINCENT JR SPRIGGS, JILL L	2512 FINKLE GRANT DR	NEW HILL NC 27562-9723
3450 HAHN RIDGE DR	0710676463	ST., PIERRE KYLE MONTOYA, MARCIA	3450 HAHN RIDGE DR	NEW HILL NC 27562-9724
2537 FINKLE GRANT DR	0710666709	STRINGARI, KATHERINE L	2537 FINKLE GRANT DR	NEW HILL NC 27562-9723
3465 JORDAN MANORS DR	0710667470	SWANTEK LIVING TRUST	3465 JORDAN MANORS DR	NEW HILL NC 27562-9721
3371 MISSION OLIVE PL	0710776481	TAN, HAILIN XIAO, JING	3371 MISSION OLIVE PL	NEW HILL NC 27562-7700
3367 MISSION OLIVE PL	0710777358	TANDUKAR, SHYAM SUNDAR SHRESTHA, RATI	3367 MISSION OLIVE PL	NEW HILL NC 27562-7700
2528 OAK GRANT DR	0710667829	TERE, MAHIDHAR MEKALA, SARAHPRIYADARSHINI	2528 OAK GRANT DR	NEW HILL NC 27562-9325
2557 FINKLE GRANT DR	0710668512	TEXEIRA, VICTOR TEXEIRA, RITA	2557 FINKLE GRANT DR	NEW HILL NC 27562-9723
3399 MISSION OLIVE PL	0710774885	THEIVAM, RAJ KUMAR MAYANDI, GEETHAPRIYA	3399 MISSION OLIVE PL	NEW HILL NC 27562-7700
2520 LUGANO LN	0710779180	VASIREDDY, VENKATESWAR RAO VASIREDDY, MADHAVI	2520 LUGANO LN	NEW HILL NC 27562-9365
2500 FINKLE GRANT DR	0710674204	WALSH, BRANDON J WALSH, SAMANTHA K	2500 FINKLE GRANT DR	NEW HILL NC 27562-9723
3391 MISSION OLIVE PL	0710775712	WEEKLEY HOMES LLC	1111 N POST OAK RD	HOUSTON TX 77055-7310
3461 JORDAN MANORS DR	0710668432	WELCH, PATRICK R WELCH, PATRICIA A	3461 JORDAN MANORS DR	NEW HILL NC 27562-9721
2552 FINKLE GRANT DR	0710664538	YEAGLEY, SUSAN M YEAGLEY, RAYMOND	2552 FINKLE GRANT DR	NEW HILL NC 27562-9723
2516 LUGANO LN	0710779185	ZHUPYNSKYI, DENYS ZHUPYNSKA, TETIANA	2516 LUGANO LN	NEW HILL NC 27562-9365
2513 FINKLE GRANT DR	0710675089	ZHYSHKO, YURY ZHYSHKO, NATALLIA	2513 FINKLE GRANT DR	NEW HILL NC 27562-9723
3366 MISSION OLIVE PL	0710778513	ZUBER, ARDA ZUBER, GIZEM ESER	3366 MISSION OLIVE PL	NEW HILL NC 27562-7700
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	2520 Finkle Grant DR	NEW HILL NC 27562
		Current Tenant	2541 Finkle Grant DR	NEW HILL NC 27562
		Current Tenant	2545 Finkle Grant DR	NEW HILL NC 27562
		Current Tenant	3391 Mission Olive PL	NEW HILL NC 27562
		Current Tenant	2205 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2212 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2217 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2237 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2540 Oak Grant DR	NEW HILL NC 27562
		Current Tenant	2548 Oak Grant DR	NEW HILL NC 27562

Created by Town of Apex Planning Department
Date Created: 6/27/2025

Notified Properties within 500ft of the Project Property



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.

October 19 2025

Date

Dear Neighbor:

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

2224 New Hill Olive Chapel Road, New Hill, NC 27562 — Address(es)

0710772057 — 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 (also see attached map(s) and/or plan sheet(s)):

Request for annexation by the Town of Apex in order to receive water service to replace failing water supply well.

The property will be rezoned from Wake County's Residential less than 10 Acres to Apex's

zoning classification LD-CZ - Low Density Residential Conditional. No development is proposed.

Estimated submittal date: November 10, 2025

MEETING INFORMATION:

Property Owner(s) name(s): D. Stephen and Lisa K. Scruggs

Applicant(s): D. Stephen and Lisa K. Scruggs

Contact information (email/phone): steve_scruggs@bellsouth.net 919-819-9352

Meeting Address: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Date/Time of meeting**: November 6, 2025

Welcome: 5:30 pm Project Presentation: 5:45 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.

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: Scruggs Request for Water Service Zoning: LD-CZ - Low Density Residential Conditional

Location: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Property PIN(s): 0710772057 Acreage/Square Feet: 4.8 Acres

Property Owner: D. Stephen and Lisa K. Scruggs

Address: 2224 New Hill Olive Chapel Road

City: New Hill State: NC Zip: 27562

Phone: 919-819-9352 Email: steve_scruggs@bellsouth.net

Developer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Builder (if known): N/A

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) 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.

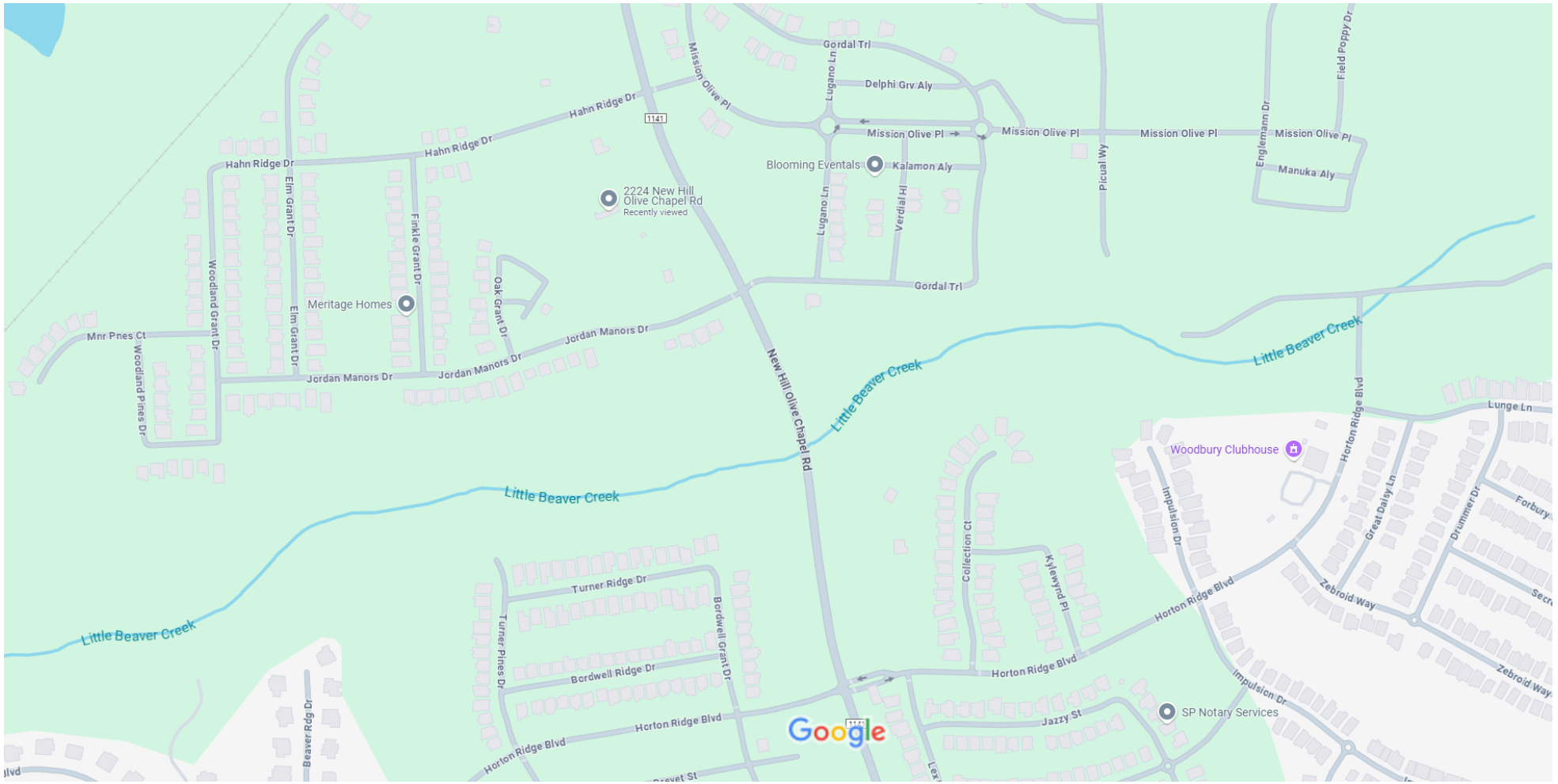
Stormwater Control Measures:	**Water Resources**	**919-362-8166**

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.

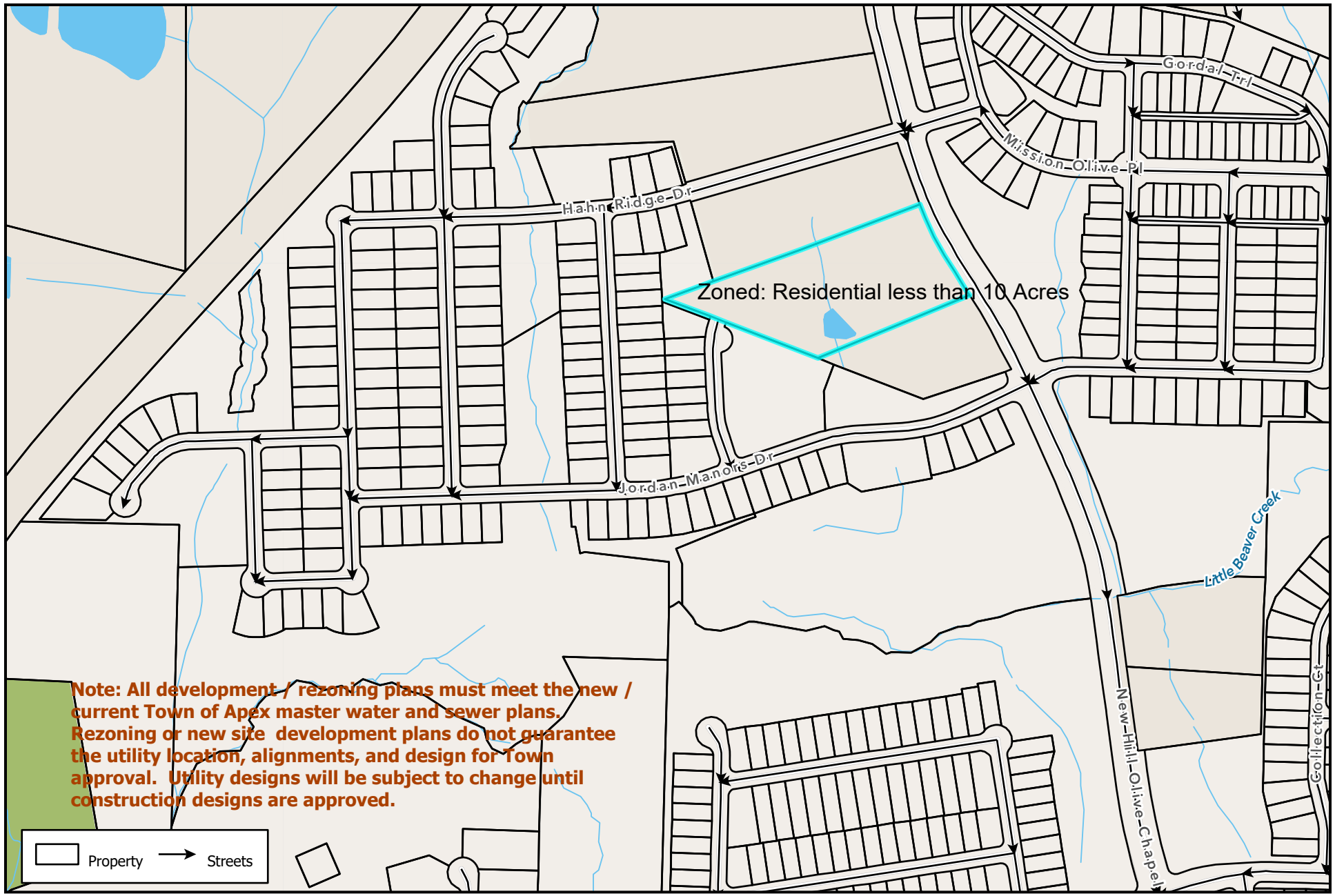
Electric Utility Installation:	**Electric Utilities**	**919-249-3531**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

Vicinity Map for 2224 New Hill Olive Chapel Road, New Hill, NC 27562



Map data ©2025 Google 200 ft



Wake County Zoning Map with Subject Property

2224 New Hill Olive Chapel Road
New Hill, NC 27562

N

0 200 400 800 ft

1 inch equals 400 feet

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

APEX ZONING MAP

PROPERTY: 2224 NEW HILL OLIVE CHAPEL ROAD, NEW HILL, NC 27562



APEX ZONING DISTRICT LEGEND



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: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Date of meeting: November 6, 2025 Time of meeting: 5:30 pm to 6:30 pm

Property Owner(s) name(s): D. Stephen and Lisa K. Scruggs

Applicant(s): D. Stephen and Lisa K. Scruggs

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.	Stephanie Fields	2516 Finkle Grant Dr New Hill, NC		[redacted]	☑
2.	Janet Brostedt	3449 Jordan Manors Dr New Hill, NC 27562			☐
3.					☐
4.					☐
5.					☐
6.					☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): D. Stephen and Lisa K. Scruggs

Applicant(s): D. Stephen and Lisa K. Scruggs

Contact information (email/phone): _____

Meeting Address: 2224 New Hill Olive Chapel Road, New Hill, NC 27562

Date of meeting: November 6, 2025 Time of meeting: 5:30 pm to 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: NO Questions/Concerns were Received.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, D. Stephen Scruggs, 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 2224 New Hill Olive Chapel Road, New Hill, NC 27562 (location/address) on November 6, 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.

11-7-2025
Date

By: D. Stephen Scruggs

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Geraldine RANSOM, a Notary Public for the above State and County, on this the 7TH day of NOVEMBER, 2025.

SEAL

GERALDINE RANSOM NOTARY PUBLIC CUMBERLAND COUNTY, N.C. My Comm. Exp. 09-13-2028

Geraldine Ransom
Notary Public

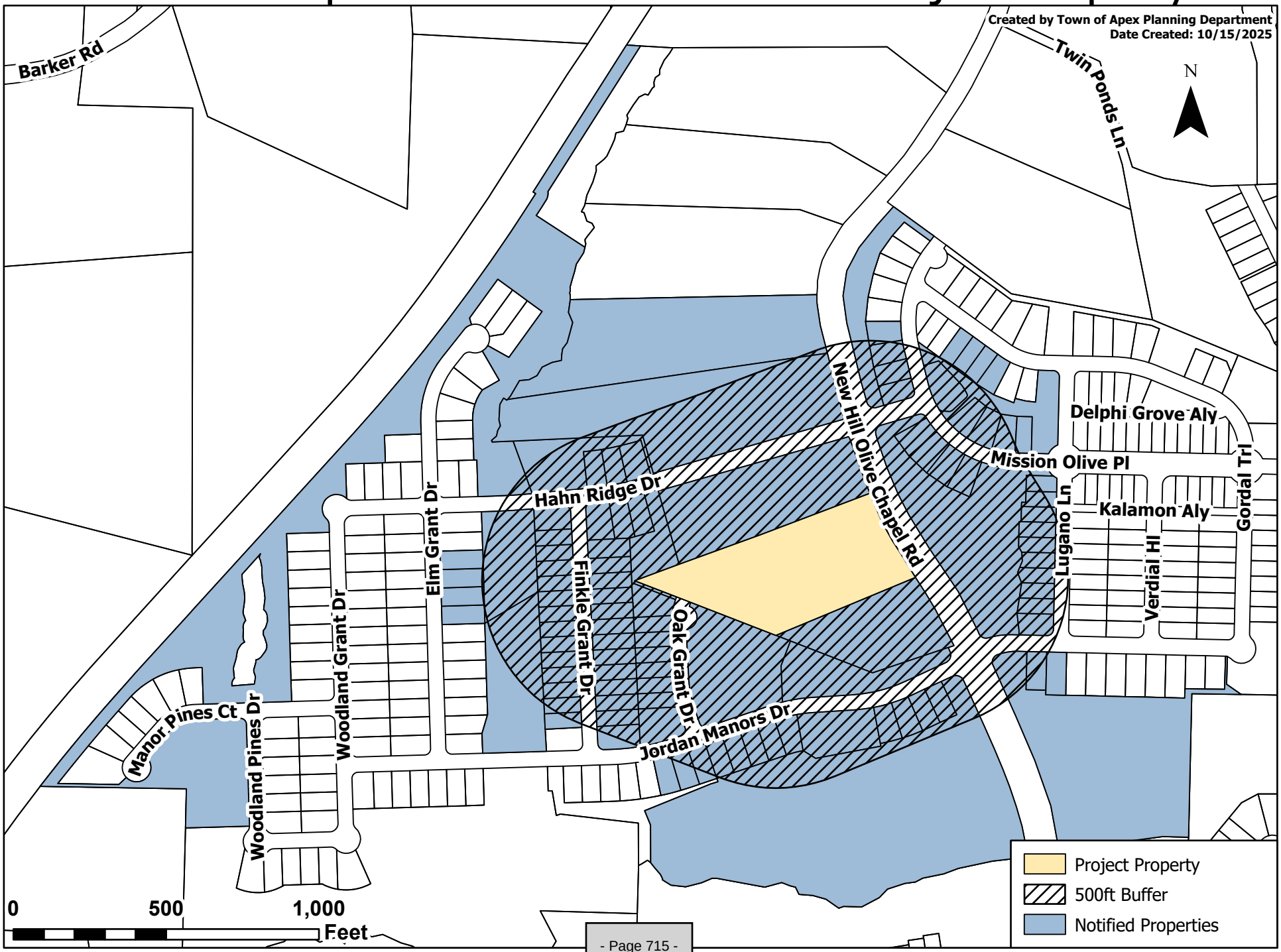
Geraldine RANSOM
Print Name

My Commission Expires: 09/13/2028

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
2204 NEW HILL OLIVE CHAPEL RD	0710679506	ALBRECHT, SCOTT R	2204 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9700
2136 NEW HILL OLIVE CHAPEL RD	0710678884	ALBRECHT, THOMAS RICHARD	2136 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9736
3413 JORDAN MANORS DR	0710765559	ATTHALURI, PRASHANTH NANNAPANENI, PHANI TEJA	3413 JORDAN MANORS DR	NEW HILL NC 27562-9721
3458 HAHN RIDGE DR	0710675430	BELTRAN, EDGAR CERVANTES RODRIGUEZ, NATALIA PAULINA DIAZ DE LEON	3458 HAHN RIDGE DR	NEW HILL NC 27562-9724
2583 GORDAL TRL	0710860743	BOINIPALLY, DILEEP KUMAR	2583 GORDAL TRL	NEW HILL NC 27562-9371
3449 JORDAN MANORS DR	0710760407	BROSTEDT, JANET C	3449 JORDAN MANORS DR	NEW HILL NC 27562-9721
2541 FINKLE GRANT DR	0710666704	BROWN, SANDRA D TRUSTEE KATES, SAMUEL TRUSTEE	700 DELSEA DR	WESTVILLE NJ 08093-1229
2236 NEW HILL OLIVE CHAPEL RD	0710764865	BROWN, SCOTT BROWN, EMILY	2236 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9700
2553 FINKLE GRANT DR	0710666519	CAMPBELL, KATRICE	2553 FINKLE GRANT DR	NEW HILL NC 27562-9723
3445 JORDAN MANORS DR	0710760469	CAMPBELL, NOAH J CAMPBELL, BETH	3445 JORDAN MANORS DR	NEW HILL NC 27562-9721
2524 FINKLE GRANT DR	0710664913	CHAMBLEE, JESSICA	2524 FINKLE GRANT DR	NEW HILL NC 27562-9723
2548 OAK GRANT DR	0710667644	CHO, JEFFREY YU CHAO CHUANG, PEI-WEN	PSC 305 BOX 936	APO AP 96218-0010
3379 MISSION OLIVE PL	0710775581	CHOUDHARY, DHEERAJ CHOUDHARY, KATYAYNI	3379 MISSION OLIVE PL	NEW HILL NC 27562-7700
2412 GORDAL TRL	0710777820	DATTAGUPTA, SHOUNAK MAHAPATRA, SANCHITA	2412 GORDAL TRL	NEW HILL NC 27562-9364
2525 FINKLE GRANT DR	0710665994	DAVIS, KENNETH JOSEPH DAVIS, COURTNEY RAE	2525 FINKLE GRANT DR	NEW HILL NC 27562-9723
3387 MISSION OLIVE PL	0710775626	DIAS, ISRAEL SILVA CO-TRUSTEE DIAS, CRISTIANE FALCI CO-TRUSTEE	3387 MISSION OLIVE PL	NEW HILL NC 27562-7700
3455 HAHN RIDGE DR	0710676224	DONGOL, NABIN SHRESTHA, ANITA	3455 HAHN RIDGE DR	NEW HILL NC 27562-9724
2544 FINKLE GRANT DR	0710664628	DURHAM, FAITH MARIE	2544 FINKLE GRANT DR	NEW HILL NC 27562-9723
2517 ELM GRANT DR	0710661908	ELLIOTT, TAYLOR WILKIE, DYLAN	2517 ELM GRANT DR	NEW HILL NC 27562-9725
2516 FINKLE GRANT DR	0710674013	FIELDS, STEPHANIE KAYE	2516 FINKLE GRANT DR	NEW HILL NC 27562-9723
2416 GORDAL TRL	0710777767	GILLESPIE, CHRIS ALLEN GILLESPIE, GINNA PAOLA	2416 GORDAL TRL	NEW HILL NC 27562-9364
2512 LUGANO LN	0710779280	GORRIPATI, MANJUNATHA DOMA, SRILAKSHMI	2512 LUGANO LN	NEW HILL NC 27562-9365
3391 MISSION OLIVE PL	0710775712	HANSON, PAUL WESLEY HANSON, KENDRA KARYL	3391 MISSION OLIVE PL	NEW HILL NC 27562-7700
2529 FINKLE GRANT DR	0710665899	HENDERSON, CAROLYN HENDERSON, JOHN	2529 FINKLE GRANT DR	NEW HILL NC 27562-9723
3457 JORDAN MANORS DR	0710668494	HODGE, ROBERT A TRUSTEE HODGE, BREENA H TRUSTEE	3457 JORDAN MANORS DR	NEW HILL NC 27562-9721
2521 ELM GRANT DR	0710661902	HOLLOWAY, RALPH ELLIOTT III HOLLOWAY, LAURA GRAY	2521 ELM GRANT DR	NEW HILL NC 27562-9725
2509 FINKLE GRANT DR	0710675184	HUANG, HONG WEI LIN, JIA	2509 FINKLE GRANT DR	NEW HILL NC 27562-9723
3356 MISSION OLIVE PL	0710779541	HUGHES, JENNIFER POTTER	3356 MISSION OLIVE PL	NEW HILL NC 27562-7700
2517 FINKLE GRANT DR	0710675084	ISANGULOV, TIMUR ISANGULOVA, LUIZA	2517 FINKLE GRANT DR	NEW HILL NC 27562-9723
2509 ELM GRANT DR	0710671100	JAWABREH, NAJI MICHEL NAJI TRUSTEE JAWABREH, MARY ELIZABETH TRUSTEE	2509 ELM GRANT DR	NEW HILL NC 27562-9725
3417 JORDAN MANORS DR	0710764597	JAYASEKARA, MANJULA WANIGARATHNA ARACHCHIGE, DINUPAMA WALATHARA	3417 JORDAN MANORS DR	NEW HILL NC 27562-9721
3409 JORDAN MANORS DR	0710766611	JONNADA, RAMESH KRISHNA ENUGULA, SWATHI	3409 JORDAN MANORS DR	NEW HILL NC 27562-9721
0 MANOR PINES CT	0710562410	JORDAN MANORS HOMEOWNERS ASSOCIATION INC	3300 PARAMOUNT PKWY STE 120	MORRISVILLE NC 27560-7893
2532 FINKLE GRANT DR	0710664823	JOYCE, SANDRA B	2532 FINKLE GRANT DR	NEW HILL NC 27562-9723
2532 OAK GRANT DR	0710667824	KARAMISIR, MUMIN KARAMISIR, SENGUL	2532 OAK GRANT DR	NEW HILL NC 27562-9325
2545 FINKLE GRANT DR	0710666609	KIM, JOAN RAN BROWN, LEONARD STEWART	122 SEVILLA AVE APT 1613	CORAL GABLES FL 33134-6065
2532 LUGANO LN	0710769985	KIM, JONATHAN KIMIN KIM, JOANNA YESUN LEE	2532 LUGANO LN	NEW HILL NC 27562-9365
2508 FINKLE GRANT DR	0710674103	KOMMIDI, MANESH REDDY KAREDLA, ANUSHA	2508 FINKLE GRANT DR	NEW HILL NC 27562-9723
3395 MISSION OLIVE PL	0710774798	KOMMINENI, SRINIVASA DURGA PRASAD YALAMANCHI, SOWMYA KRISHNA	3395 MISSION OLIVE PL	NEW HILL NC 27562-7700
3453 JORDAN MANORS DR	0710669446	KOVACH, VASILY KOVACH, LIUDMILA	3453 JORDAN MANORS DR	NEW HILL NC 27562-9721
2500 LUGANO LN	0710779395	KUMAR, SARAVANA KUMAR KRISH VIJAYAN, KAVITHA	2500 LUGANO LN	NEW HILL NC 27562-9365
2513 ELM GRANT DR	0710671004	LACOURT-CUEVAS, MARIA	2513 ELM GRANT DR	NEW HILL NC 27562-9725
3459 HAHN RIDGE DR	0710675253	LACROIX, THOMAS II LACROIX, SANDRA	3459 HAHN RIDGE DR	NEW HILL NC 27562-9724
3360 MISSION OLIVE PL	0710778581	LEVINSON, TOMER BARAK BULDAKOVA, DARIA	3360 MISSION OLIVE PL	NEW HILL NC 27562-7700
2508 LUGANO LN	0710779295	LIN, TIMOTHY EN HSIN LIN, HEIDI NICOLE	2508 LUGANO LN	NEW HILL NC 27562-9365
2420 GORDAL TRL	0710778704	LINGAMGUNTA, RAMA KRISHNA KUMAR SHARMA, RICHA	2420 GORDAL TRL	NEW HILL NC 27562-9364
2424 GORDAL TRL	0710778741	LY, TAI KWON, HEE-JUNG	2424 GORDAL TRL	NEW HILL NC 27562-9364
2520 FINKLE GRANT DR	0710664918	MADHAVAN, BALASUBRAMANIAN KANNAN, PRASHANTH	4437 KEEPSAKE ROSE CMN	FREMONT CA 94538-7021
2504 LUGANO LN	0710779390	MATHIS, CYNTHIA S MATHIS, JOSEPH R	2504 LUGANO LN	NEW HILL NC 27562-9365
2548 FINKLE GRANT DR	0710664633	MCCONNELL, ERIN	2548 FINKLE GRANT DR	NEW HILL NC 27562-9723
2536 FINKLE GRANT DR	0710664728	MCGUINNESS, RACHEL RASCOE	2536 FINKLE GRANT DR	NEW HILL NC 27562-9723
2212 NEW HILL OLIVE CHAPEL RD	0710770360	MITCHELL, MICHAEL D MITCHELL, DEBRA H	PO BOX 302	NEW HILL NC 27562-0302
3454 HAHN RIDGE DR	0710676401	MORRIS, TABITHA R	3454 HAHN RIDGE DR	NEW HILL NC 27562-9724
3437 JORDAN MANORS DR	0710761573	MORRISON, DAVID W JR PARKER-WEBB, LEIGH	3437 JORDAN MANORS DR	NEW HILL NC 27562-9721
2504 FINKLE GRANT DR	0710674108	MORRISON, SHEILA K	2504 FINKLE GRANT DR	NEW HILL NC 27562-9723
3375 MISSION OLIVE PL	0710776436	NADIMPALLI, SUNIL KUMAR BOPPI, YASHASWINI SINDURA	3375 MISSION OLIVE PL	NEW HILL NC 27562-7700
2587 GORDAL TRL	0710769784	NEGI, DEVENDRA SINGH JAMWAL, BHAWNA	2587 GORDAL TRL	NEW HILL NC 27562-9371
2524 LUGANO LN	0710779085	NEMADE, BHARAT NEMADE, ASHWINI BHARAT	2524 LUGANO LN	NEW HILL NC 27562-9365
2540 OAK GRANT DR	0710667734	NEW HILL PROPERTY GROUP LLC	3249 GRAND OAK LN	NEW HILL NC 27562-8974
2524 OAK GRANT DR	0710667926	OKORIE, EKENEDILICHUKWU OKORIE, BRIDGET E	2524 OAK GRANT DR	NEW HILL NC 27562-9325
0 MISSION OLIVE PL	0710777260	OLIVE RIDGE COMMUNITY ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
3405 JORDAN MANORS DR	0710766674	PATEL, PARESH	3405 JORDAN MANORS DR	NEW HILL NC 27562-9721
3441 JORDAN MANORS DR	0710761511	PATEL, SIGAL VISHNUBHAI SOLANKI, DHARA MAHENDRABHAI	3441 JORDAN MANORS DR	NEW HILL NC 27562-9721
2540 FINKLE GRANT DR	0710664723	PATTERSON, MATTHEW D BAUERS, ERIENNE N	2540 FINKLE GRANT DR	NEW HILL NC 27562-9723
2533 FINKLE GRANT DR	0710666804	PEASLEE, LANCE J PEASLEE, MARIE A	2533 FINKLE GRANT DR	NEW HILL NC 27562-9723
2536 LUGANO LN	0710769889	PRICE, ANDREA DEAL	2536 LUGANO LN	NEW HILL NC 27562-9365
3451 HAHN RIDGE DR	0710676285	QI, XIAO GUO, JIA	3451 HAHN RIDGE DR	NEW HILL NC 27562-9724
3372 MISSION OLIVE PL	0710777557	RAGHUNATHAN, ANAND CHINTALAPALLI, SHALINI	3372 MISSION OLIVE PL	NEW HILL NC 27562-7700
2544 OAK GRANT DR	0710667639	REBANDO, ROBERT M REBANDO, MARY E	2544 OAK GRANT DR	NEW HILL NC 27562-9325
2528 LUGANO LN	0710779080	REDDY TIYYAGURA, BHANU PRAKASH PAMULAPATI, LAKSHMI TEJASWI	2528 LUGANO LN	NEW HILL NC 27562-9365
2521 FINKLE GRANT DR	0710665999	REED, MEGAN REED, BRADLEY	2521 FINKLE GRANT DR	NEW HILL NC 27562-9723
2536 OAK GRANT DR	0710667739	ROJAS, GABRIEL GUILLEN LEON, RAQUEL LOPEZ	2536 OAK GRANT DR	NEW HILL NC 27562-9325
2224 NEW HILL OLIVE CHAPEL RD	0710772057	SCRUGGS, D STEPHEN SCRUGGS, LISA K	2224 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9700
2552 OAK GRANT DR	0710667556	SHEIBANI, SHAYAN COLFER, AMANDA L	2552 OAK GRANT DR	NEW HILL NC 27562-9325
2549 FINKLE GRANT DR	0710666614	SHEMBELLE, SANTOSH BASAVARAJAPPA, GEETHA JAGALUR	2549 FINKLE GRANT DR	NEW HILL NC 27562-9723
2528 FINKLE GRANT DR	0710664818	SPRIGGS, JILL LYNN SPRIGGS, TYLER VINCENT	2528 FINKLE GRANT DR	NEW HILL NC 27562-9723
2512 FINKLE GRANT DR	0710674008	SPRIGGS, RAYMOND VINCENT JR SPRIGGS, JILL L	2512 FINKLE GRANT DR	NEW HILL NC 27562-9723
3450 HAHN RIDGE DR	0710676463	ST., PIERRE KYLE MONTOYA, MARCIA	3450 HAHN RIDGE DR	NEW HILL NC 27562-9724
2537 FINKLE GRANT DR	0710666709	STRINGARI, KATHERINE L	2537 FINKLE GRANT DR	NEW HILL NC 27562-9723
3465 JORDAN MANORS DR	0710667470	SWANTEK LIVING TRUST	3465 JORDAN MANORS DR	NEW HILL NC 27562-9721
3371 MISSION OLIVE PL	0710776481	TAN, HAILIN XIAO, JING	3371 MISSION OLIVE PL	NEW HILL NC 27562-7700
3367 MISSION OLIVE PL	0710777358	TANDUKAR, SHYAM SUNDAR SHRESTHA, RATI	3367 MISSION OLIVE PL	NEW HILL NC 27562-7700
2528 OAK GRANT DR	0710667829	TERE, MAHIDHAR TRUSTEE MEKALA, SARAHPRIYADARSHINI TRUSTEE	2528 OAK GRANT DR	NEW HILL NC 27562-9325
2557 FINKLE GRANT DR	0710666512	TEXEIRA, VICTOR TEXEIRA, RITA	2557 FINKLE GRANT DR	NEW HILL NC 27562-9723
3399 MISSION OLIVE PL	0710774885	THEIVAM, RAJ KUMAR MAYANDI, GEETHAPRIYA	3399 MISSION OLIVE PL	NEW HILL NC 27562-7700
2520 LUGANO LN	0710779180	VASIREDDY, VENKATESWAR RAO VASIREDDY, MADHAVI	2520 LUGANO LN	NEW HILL NC 27562-9365
2500 FINKLE GRANT DR	0710674204	WALSH, BRANDON J WALSH, SAMANTHA K	2500 FINKLE GRANT DR	NEW HILL NC 27562-9723
3461 JORDAN MANORS DR	0710668432	WELCH, PATRICK R WELCH, PATRICIA A	3461 JORDAN MANORS DR	NEW HILL NC 27562-9721
2552 FINKLE GRANT DR	0710664538	YEAGLEY, SUSAN M YEAGLEY, RAYMOND	2552 FINKLE GRANT DR	NEW HILL NC 27562-9723
2516 LUGANO LN	0710779185	ZHUPYNSKYI, DENYS ZHUPYNSKA, TETIANA	2516 LUGANO LN	NEW HILL NC 27562-9365
2513 FINKLE GRANT DR	0710675089	ZHYSHKO, YURY ZHYSHKO, NATALLIA	2513 FINKLE GRANT DR	NEW HILL NC 27562-9723
3366 MISSION OLIVE PL	0710778513	ZUBER, ARDA ZUBER, GIZEM ESER	3366 MISSION OLIVE PL	NEW HILL NC 27562-7700
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	2520 Finkle Grant DR	NEW HILL NC 27562
		Current Tenant	2541 Finkle Grant DR	NEW HILL NC 27562
		Current Tenant	2545 Finkle Grant DR	NEW HILL NC 27562
		Current Tenant	2205 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2212 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2217 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2237 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2540 Oak Grant DR	NEW HILL NC 27562
		Current Tenant	2548 Oak Grant DR	NEW HILL NC 27562

Created by Town of Apex Planning Department
Date Created: 10/15/2025

Notified Properties within 500ft of the Project Property



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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ13
2224 New Hill Olive Chapel 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:

Applicants: D. Stephen and Lisa K. Scruggs
Authorized Agent: D. Stephen Scruggs
Property Address: 2224 New Hill Olive Chapel Road
Acreage: ±4.80 acres
Property Identification Number (PIN): 0710772057
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Property: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Proposed Zoning of Property: Low Density Residential-Conditional Zoning (LD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

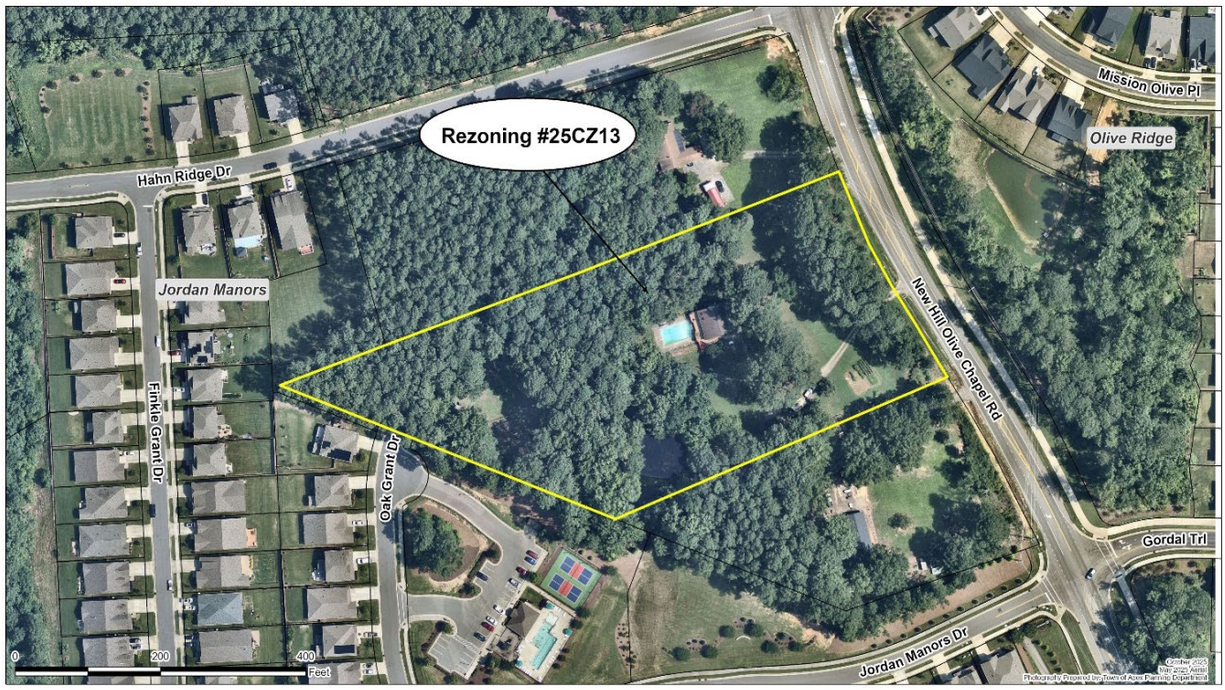
Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: January 13, 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/51819.

Dianne F. Khin, AICP
Planning Director

Published Dates: December 19, 2025 – January 13, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ13
2224 New Hill Olive Chapel 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:

Solicitantes: D. Stephen and Lisa K. Scruggs
Agente autorizado: D. Stephen Scruggs
Dirección de la propiedad: 2224 New Hill Olive Chapel Road
Superficie: ±4.80 acres
Números de identificación de la propiedad: 0710772057
Designación en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de la propiedad: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedad: Low Density Residential-Conditional Zoning (LD-CZ)

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

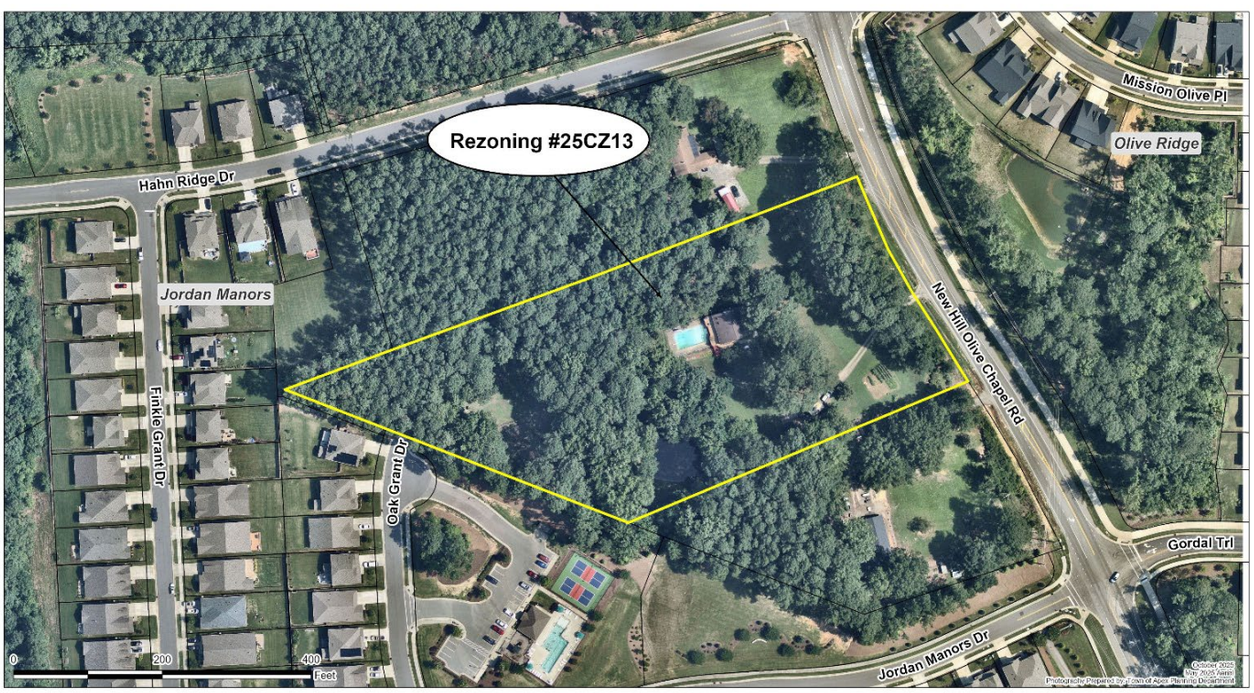
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 13 de enero 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/51819.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 - 13 de e[illegible]

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ13
2224 New Hill Olive Chapel Road

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

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Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Town Council Public Hearing Date and Time: January 13, 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/51819.

Dianne F. Khin, AICP
Planning Director

Published Dates: December 19, 2025 – January 13, 2026

8:16 AM
12/19/2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ13
2224 New Hill Olive Chapel 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:

Solicitantes: D. Stephen and Lisa K. Scruggs
Agente autorizado: D. Stephen Scruggs
Dirección de la propiedad: 2224 New Hill Olive Chapel Road
Superficie: ±4.80 acres
Números de identificación de la propiedad: 0710772057
Designación en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de la propiedad: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedad: Low Density Residential-Conditional Zoning (LD-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: 13 de enero 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:

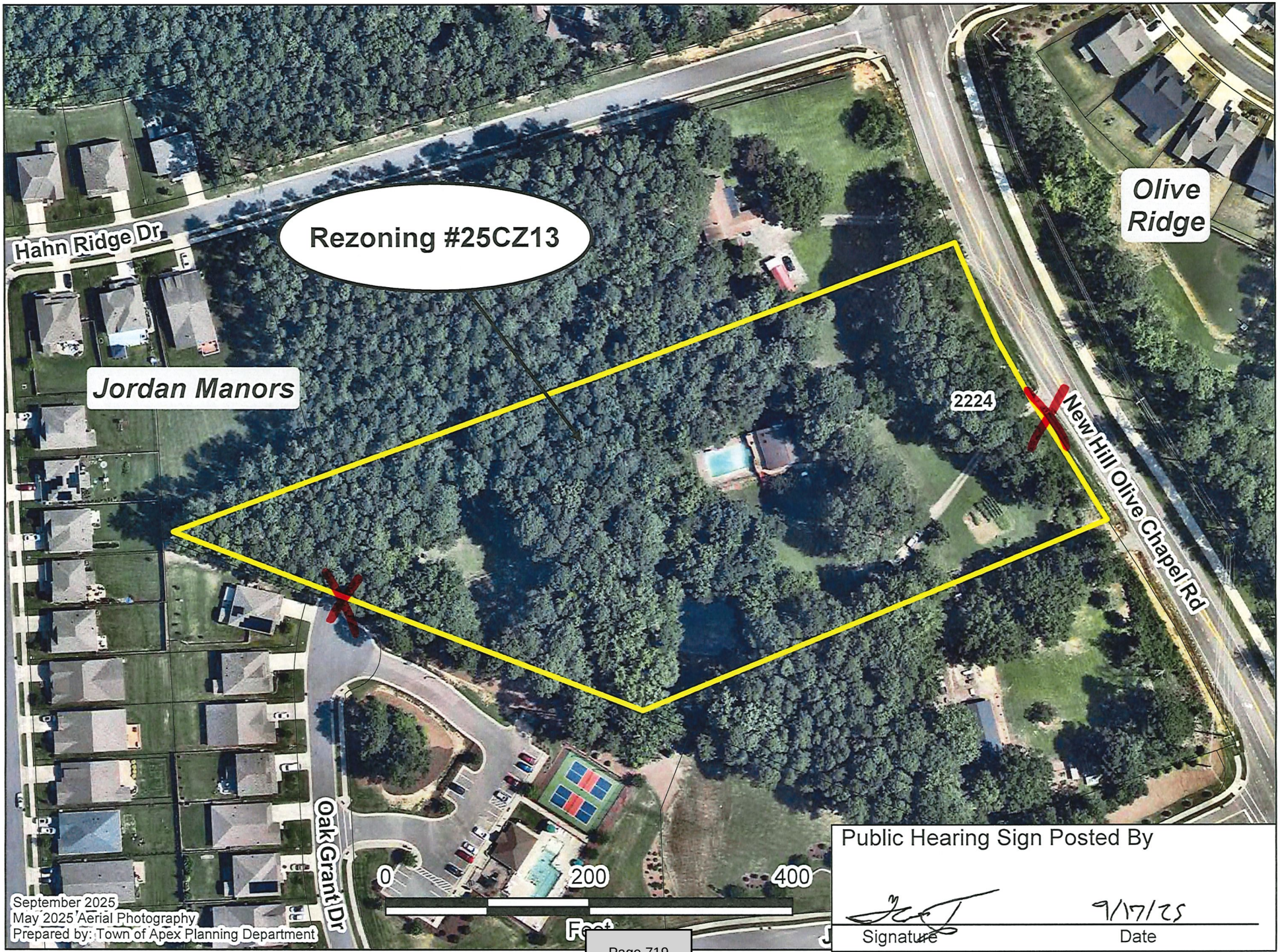


Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados 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/51819.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 - 13 de enero de 2026

8:17 AM
12/19/2025



Public Hearing Sign Posted By

Signature

9/17/25

Date

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ13
Project Location:	2224 New Hill Olive Chapel Road
Applicant or Authorized Agent:	D. Stephen Scruggs
Firm:	N/A
Town Council Public Hearing Date:	January 13, 2026
Project Planner:	June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 19, 2025, 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.

12/22/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 22 day of December, 2025.

JERI CHASTAIN PEDERSON
My Commission Expires
NOTARY PUBLIC
March 19, 2029
WAKE COUNTY, NC
SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/19/2029

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

October 31, 2025

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: September 2, 2025
- Name of development: 25CZ13 2224 New Hill Olive Chapel Rd
- Address of rezoning: 2224 New Hill Olive Chapel Rd
- Total number of proposed residential units: 1 (No new development proposed at this time. Proposed zoning would allow up to 14 dwellings)
- Type(s) of residential units proposed: Single family detached

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

☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

☒ Elementary ☒ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

☐ Not applicable – existing school capacity is anticipated to be sufficient.

☒ School expansion or construction within the next five years is not anticipated to address concerns.

☐ School expansion or construction within the next five years may address concerns at these grade levels:

☐ Elementary ☐ Middle ☐ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ13 2224 New Hill Olive Chapel Road

Planning Board Meeting Date: December 8, 2025

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: ± 4.80 acres

PIN(s): 0710772057

Current Zoning: Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W)

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

2045 Land Use Map: Low Density Residential

Town Limits: Outside Town Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map

☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan

☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan

☑ Consistent ☐ Inconsistent Reason: _____

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: Approval

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Jeff Hastings

☑ *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 8th day of December 2025.

Attest:

Tim Royal, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2025.12.08 17:14:14 -05'00'

Amanda Bunce, Assistant Planning Director

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 4.80 ACRES LOCATED AT 2224 NEW HILL OLIVE CHAPEL ROAD FROM WAKE COUNTY RESIDENTIAL-80W (R-80W) & WAKE COUNTY RESIDENTIAL-40W (R-40W) TO LOW DENSITY RESIDENTIAL-CONDITIONAL ZONING (LD-CZ)

#25CZ13

WHEREAS, D. Stephen and Lisa K. Scruggs, owners/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 14th day of August 2025 (the "Application"). The proposed conditional zoning is designated #25CZ13;

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 #25CZ13 before the Planning Board on the 8th day of December 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of December 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ13. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8-0 for the application for #25CZ13;

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 #25CZ13 before the Apex Town Council on the 13th day of January 2026;

WHEREAS, the Apex Town Council held a public hearing on the 13th day of January. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ13 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

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

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed zoning district and conditions allow the existing single-family residential to be consistent with the surrounding area. In addition, the proposed rezoning will allow the property to connect to Town water and sewer services; and

WHEREAS, the Apex Town Council by a vote of ___to___ approved Application #25CZ13 rezoning the subject tract located at 2224 New Hill Olive Chapel Road from Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-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.

Permitted Uses and Limitations:

1. Accessory apartment
2. Single-family
3. Botanical garden

Use Conditions:

1. The property shall be served by no more than one (1) driveway from New Hill Olive Chapel Rd.
2. The front yard setback from New Hill Olive Chapel Rd shall be a minimum of 60 feet from the right-of-way as of the date of this rezoning.
3. Future development shall include right-of-way dedication consistent with the Apex Transportation Plan.
4. Any future development shall be limited to a maximum residential density of two dwelling units per acre.

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

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ13 Submittal Date: 11.16.2025

Insert legal description below.

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

BEGINNING at a point on the western right-of-way of New Hill Olive Chapel Road (N.C.S.R. No. 1141) being the southeastern corner of Michael; D, Mitchell, thence with the aforesaid right-of-way the following four (4) courses and distances: South 23º01'30" East, 50.65 feet to a calculated point, South 27º10'23" East, 80.70 feet to a calculated point, South 31°01'35" East, 104.51 feet, and South 33°25'09" East, 75.72 feet to a calculated point, being the northeastern property corner of Scott Brown; thence with the northern property line of Scott Brown, South 67°18'45" West, 496.24 feet to a calculated point in an eastern property line of Jordan Manors Homeowners Association, Inc.; thence with the aforesaid Homeowners Association property, the terminus of Oak Grant Drive and Jordan Manors Homeowners Association, Inc. northern property lines, North 68°49'51" West, 494.95 feet to a calculated point; thence another property line of aforementioned Home Owners Association, North 69°41'49" East, 154.85 feet to the southwestern corner of Michael D. Mitchell; thence with Michael D. Mitchell's southern property line North 69°41'49" East, 663.13 feet to the point and place of BEGINNING, containing 4.80 acres more or less. The above-described tract of land is all of Wake County PIN 0710-77-2057 similarly as described in Deed Book 6645, Page 649 of the Wake County Registry.

This description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.

25CZ11 2

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

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

Approval Recommended?

Yes

Item Details

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

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

Attachments

- PH3-A1: Annexation Ordinance – Satellite Annexation No. 807 – 8905 Castleberry Road – 3.35 acres
- PH3-A2: Public Hearing Notice – Satellite Annexation No. 807 – 8905 Castleberry Road – 3.35 acres
- PH3-A3: Legal Description – Satellite Annexation No. 807 – 8905 Castleberry Road – 3.35 acres
- PH3-A4: Aerial Map – Satellite Annexation No. 807 – 8905 Castleberry Road – 3.35 acres
- PH3-A5: Plat Map – Satellite Annexation No. 807 – 8905 Castleberry Road – 3.35 acres
- PH3-A6: Annexation Petition – Satellite Annexation No. 807 – 8905 Castleberry Road – 3.35 acres

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

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

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

Annexation Petition No. 807
8905 Castleberry Road – 3.35 acres



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

CONTINUED – PUBLIC NOTICE – PUBLIC HEARING

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

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

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

###

2025-09-04

8905 Castleberry Road

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

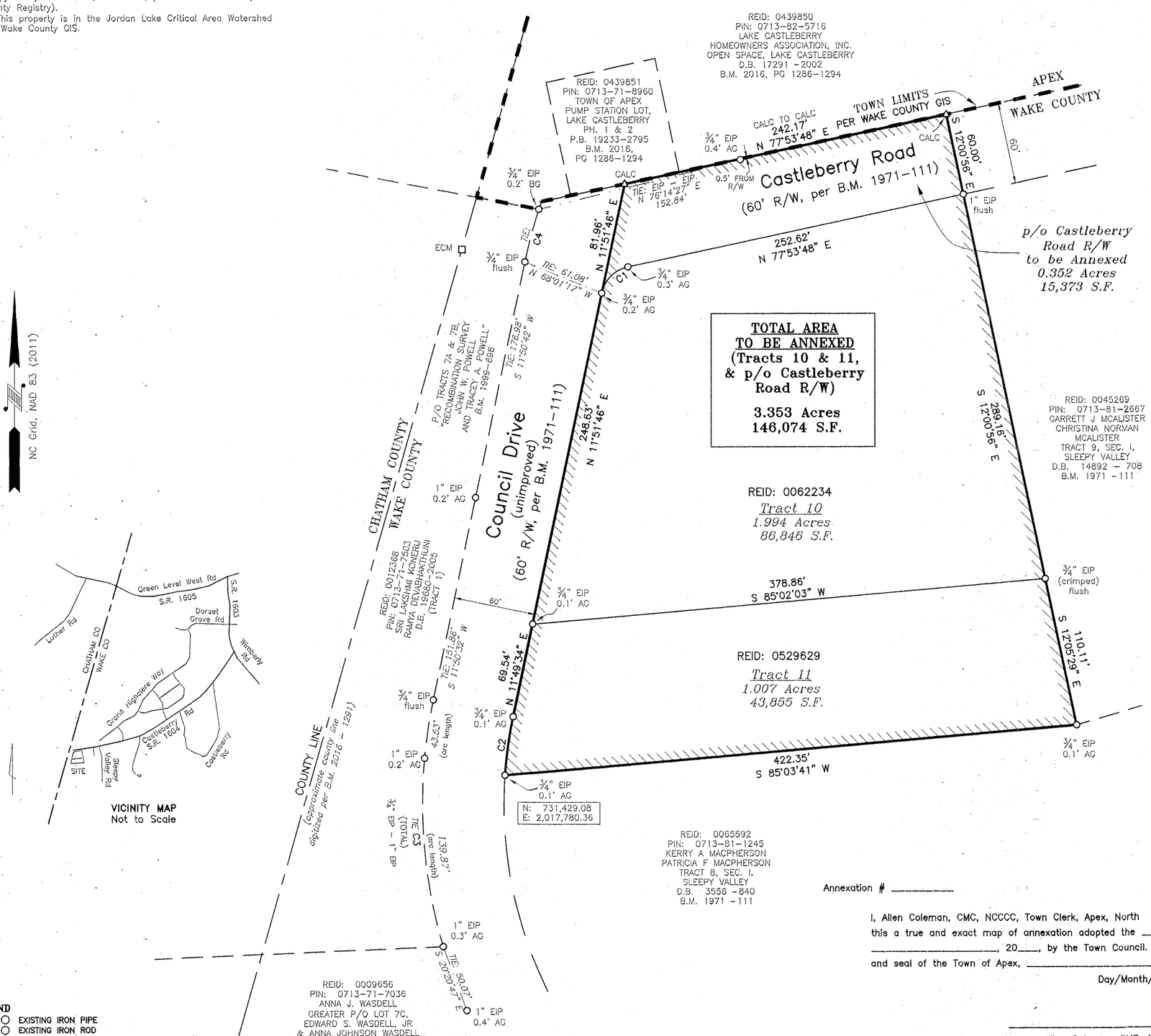
Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said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

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


Annexation #807
Castleberry Rd
Lake Castleberry
Grand Highclere Way
Pendennis Park Pl
Sleepy Valley Rd
CHATHAM COUNTY
November 2025
November 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
200
400
Feet

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	28.75'	27.19'	S 44°41'22" W	65°53'17"
C2	310.38'	43.62'	43.59'	S 07°57'10" W	8°03'10"
C3	370.38'	183.40'	181.53'	N 02°17'45" W	28°22'16"
C4	377.92'	40.05'	40.03'	N 14°38'00" E	6°04'17"



VICINITY MAP
Not to Scale

LEGEND

EIP	EXISTING IRON PIPE
EIR	EXISTING IRON ROD
ECM	EXISTING CONCRETE MONUMENT
CALC	CALCULATED POINT
AG	ABOVE GRADE
BG	BELOW GRADE
	TOWN LIMITS
	AREA TO BE ANNEXED

Annexation # _____

I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.
Day/Month/Year

_____
Allen Coleman, CMC, NCCCC, Town Clerk

-Seal-

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

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

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 18th DAY OF November, 2025.

STEPHEN M. HALLSTROM PROFESSIONAL LAND SURVEYOR L-5083

NORTH CAROLINA PROFESSIONAL SEAL L-5083 LAND SURVEYOR STEPHEN M. HALLSTROM

SATELLITE ANNEXATION MAP for the TOWN OF APEX

PROPERTY OF
SRI LAKSHMI KONERU & RAMYA DEVABHAKTHUNI

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

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

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

WHITE OAK TOWNSHIP
WAKE COUNTY
NORTH CAROLINA

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

SCALE: 1" = 60'

0 30 60 120 180 240

FREEHOLD LAND SURVEYS, INC. C-165
mailing address: P.O. BOX 188, CARRBORO, NC 27510
office address: 1777 FORDHAM BLVD. SUITE 104 CHAPEL HILL, NC 27514
phone: 919-929-8090
website: www.freeholdlandsurveys.com
STEPHEN M. HALLSTROM PROFESSIONAL LAND SURVEYOR L-5083

J26252

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Sri Lakshmi Koneru Owner Name (Please Print)	0713-71-9698 & 0713-71-9580 Property PIN or Deed Book & Page #
 Phone	kp@konerugroup.com E-mail Address
Ramya Devabhakthuni Owner Name (Please Print)	0713-71-9698 & 0713-71-9580 Property PIN or Deed Book & Page #
 Phone	 E-mail Address
 Owner Name (Please Print)	 Property PIN or Deed Book & Page #
 Phone	 E-mail Address

SURVEYOR INFORMATION

Surveyor: Freehold Land Surveys, Inc. - Steve Hallstrom, PLS

Phone: (919) 929-8090 Fax: _____

E-mail Address: steve@freeholdlandsurveys.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	3.35	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☐
Proposed # of housing units:	4	Sewer service (new construction)	☐
Zoning District*:	LD	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 #: 807 Submittal Date: 8-1-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

SRI LAKSHMI KONERU
Please Print

Srilakshmi K.
Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

Geraldine Ransom
Notary Public

My Commission Expires: 09/13/2028

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

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 #: 807 Submittal Date: 8-1-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

RAMYA DEVABHAKTHUNI — Please Print
D. Ramya — Signature

_____ — Please Print
_____ — Signature

_____ — Please Print
_____ — Signature

_____ — Please Print
_____ — Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Rucha Patel, a Notary Public for the above State and County, this the 1st day of, July, 2025.

_____ Notary Public

SEAL

RUCHA PATEL
Notary Public, North Carolina
Wake County
My Commission Expires
March 26, 2027

My Commission Expires: March 26, 2027

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 25CZ11 8905 Castleberry Road-Tracts 10 & 11. The applicant, Silver Developers, LLC, seeks to rezone approximately 3 acres from Wake County Residential-80W (R-80W) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 8905 Castleberry Road & 0 Castleberry Road.

Approval Recommended?

The Planning Department recommends **denial.**

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

Item Details

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

Attachments

- PH4-A1: Staff Report and Rezoning Petition – Rezoning Case No. 25CZ11 – 8905 Castleberry Road – Tracts 10 and 11
- PH4-A2: Planning Board Report to Town Council – Rezoning Case No. 25CZ11 – 8905 Castleberry Road – Tracts 10 and 11
- PH4-A3: Statement of Denial – Rezoning Case No. 25CZ11 – 8905 Castleberry Road – Tracts 10 and 11

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: 8905 Castleberry Road and 0 Castleberry Road
Applicant/Agent: William Norton, Jones & Cnossen Engineering, PLLC
Owners: Sri Lakshmi Koneru, Ramya Devabhakthuni

PROJECT DESCRIPTION:

Acreage: ±3.0
PINs: 0713719698 & 0713719580
Current Zoning: Wake County Residential-80W (R-80W)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
Current 2045 Land Use Map: Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Town Limits: Outside – annexation is required at the time of rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Low Density Residential-Conditional Zoning (LD-CZ #13CZ17)	Castleberry Road; Single-family Residential and Open Space (Lake Castleberry subdivision)
South:	Wake County Residential-80W (R-80W)	Single-family Residential
East:	Wake County Residential-80W (R-80W)	Single-family Residential
West:	Wake County Residential-80W (R-80W)	Council Drive (privately maintained road) & Vacant land

EXISTING CONDITIONS:

The properties to be rezoned are located south of Castleberry Road, north and west of Single-family Residential, and approximately 130 feet east of the Chatham County line. (See Figure 1: Existing Conditions). The properties include the following:

- Single-family residential house, mature trees, an existing stream, and the grade sloping toward the eastern section of the project site.



Figure 1: Existing Conditions

Castleberry Road is a North Carolina Department of Transportation (NCDOT) road with an existing terminus of state maintenance at Sleepy Valley Road. Castleberry Road, west of Sleepy Valley Road and Council Drive are privately maintained roads.

NEIGHBORHOOD MEETING:
The applicant conducted two neighborhood meetings on July 14, 2025 and November 17, 2025. The neighborhood meeting reports are attached.

WCPSS Coordination:
A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet.

WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the elementary, middle, and high school grade level.

2045 LAND USE MAP:
The 2045 Land Use Map designates the subject properties as Rural Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) includes a maximum density of 1.4 units per acre which is inconsistent with the Rural Density Residential (1 unit per 5 acres) classification. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Low Density Residential (maximum 3 units per acre) per NCGS 160D-605(a).

PROPOSED ZONING CONDITIONS:

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

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

Environmental and Development:
1. The minimum lot size shall be 22,500 sf and there shall be no more than 4 primary residential units allowed within the area of the two subject parcels of the rezoning case.
2. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
3. Perimeter buffers and HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
4. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
5. Any Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
6. Any required outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. (to apply only to signage and other common owned elements.)
7. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
8. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Additionally, 3 of the 4 proposed residential homes shall be constructed with active 3.5kW systems.
9. 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.
10. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.

11. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays. Construction vehicles shall not use Sleepy Valley Rd to access the properties.
12. There shall be a 20' undisturbed Type B Landscape Buffer along the eastern and southern boundary of the rezoned areas. Each lot containing a buffer shall have a deed restriction recorded that states all buffers will be left undisturbed in perpetuity.
13. Building setbacks shall be set as follows:
    a. Front: 25'
    b. Side: 10' min./20' total
    c. Rear: 25'
    d. Corner Side: 18'
14. The home builder shall be required to install a 6' privacy fence outside of the required landscape buffer adjacent to the entire property line shared with all neighboring residential land uses prior to a CO being issued. The material of the fence shall be either wood or composite wood, such as but not limited to, Trex brand.

Transportation Condition:

15. Developer shall construct and dedicate an extension of Castleberry Road from the existing terminus of state maintenance to the western boundary of the site as a 22-foot-wide public street in a minimum 50-foot-wide right of way based on the Town of Apex rural residential street standard and construct 5-foot sidewalk along the north side of Castleberry Road from the path leading to Grand Highclere Way to the western terminus of Castleberry Road. Additionally, Developer shall improve and dedicate Council Drive from the terminus of the Castleberry Road extension to the southern boundary of the site as a 22-foot-wide public street in a minimum 50-foot-wide right of way based on the Town of Apex rural residential street standard and construct 5-foot sidewalk along the west side of Council Drive from the end of Castleberry Road to the southern terminus of Council Drive at the project boundary. The connection between the two streets will meet a minimum 198' horizontal curve consistent with a 25 mph speed limit.

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    - Windows
    - 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

6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
8. Front porches shall be a minimum of 6 feet deep.

NATURAL RESOURCE AND ENVIRONMENTAL DATA
The properties are within the Cape Fear River Basin and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019 and subject to stormwater requirements in UDO Section 6.1, which includes capture and treat the 1 inch runoff, peak attenuation for the 1-year and 10 year, 24 hour storms.

The project is not located in a designated current 100-year floodplain as shown on FEMA FIRM Panel 3720071300L with an effective date of July 19, 2022.

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

PARKS AND RECREATION ADVISORY BOARD:
This rezoning was exempt from meeting with the Parks and Recreation Advisory Board per UDO Section 14.1.2.

AFFORDABLE HOUSING:
Housing Staff did not recommend an affordable housing condition to be included with this rezoning due to the limited size of the rezoning.

HISTORIC STRUCTURES:
There are no known historic structures present on the Property.

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

RESOURCE CONSERVATION AREA AND BUFFERS
UDO Section 8.1.2.C *Size of the RCA*, states the Resource Conservation Area (RCA) for developments 2.0 units per acre or less is not required. The proposed buffers are stated in the table below:

Buffer Location:	UDO Buffer Width & Type	Proposed Buffer Width & Type
Along Eastern Boundary	10' Type B	20' Type B within the lot
Along Southern Boundary	10' Type B	20' Type B within the lot

UDO Section 8.2.6.C.6.b *Ownership of Buffers* states the following:

> *The buffers required under this Sec. 8.2 may be left under the control of the lot owner provided that:*
> *(1) the width of the buffer is doubled; and*
> *(2) each lot that contains a buffer must have a deed restriction recorded with a restriction that the buffer is to be left undisturbed.*
>
> *In any case, where control of the buffer is through a property owner's association, modifications, removal, or damage to the buffer by an adjacent homeowner shall be prohibited. The property owner's association shall be responsible for any violation related to the buffers in accordance with Sec. 8.2.3 Maintenance Responsibility and Replacement of Damaged Vegetation. This Provision applies to residential developments only.*

The applicant provided a zoning condition (#12) for the undisturbed buffer deed restriction.

PLANNING STAFF ANALYSIS:
The rezoning is not consistent with the current 2045 Land Use Map classification.
The existing Land Use Map classification is Rural Density Residential which supports up to 1 dwelling unit per 5 acres. The Rural Density Residential classification is intended to protect and enhance the rural character of the western-most and southwestern portions of the study area. The land is to remain minimally developed with single-family residential uses at very low densities and provide a transition from the Protected Open Spaces around Jordan Lake and Shearon Harris Reservoir to Low Density Residential.

The project site is located approximately 940 feet north of the Jordan Lake Protected Open Space. North of the project site and Castleberry Road is Low Density Residential classification (Lake Castleberry Subdivision) with a zoning district condition that limits the density to 1.28 units per acre.

Peak Plan 2030 provides a broad vision of the future for Apex based on a set of goals that includes Protection of Environmental and Natural Resources which warrants the location of the Rural Density Residential classification adjacent to the Protected Open Space. As stated in the Peak Plan 2030:

- *Apex is located just east of one of the region's best natural amenities, Jordan Lake.*
- *The lake also serves as the area's main water supply.*
- *As the town continues to grow, runoff from development will continue to be one of the biggest threats to water quality in the area.*

Large homesteads and farms make up a significant portion of the western part of the study area. Not only do these lands contribute to the rural character of the area they are a low-impact, low-intensity set of uses in the critical area of the Jordan Lake water supply watershed.

Advance Apex 2045 provided a principle related to the western portion of the study area:

- *Preserve rural character in the western portion of the study area*

The surrounding parcels south of Castleberry Road in proximity to the project site are between 1 to 5 acres and densities less than 1 unit per acre. To be consistent with the surrounding parcel densities south of Castleberry Road and consistent with the Peak Plan 2030 Goal: Protection of the Environmental and Natural Resources and the Apex Advance 2045 principle: Preserve rural character in the western portion of the study area, staff recommends that the proposed project density be lowered to 1 dwelling unit per an acre which is designated as Rural Transition Residential classification:

> A transition between more rural residential areas and low density residential areas.

The 2045 Land Use Classifications and corresponding densities include the following:

Rural Density Residential:	1 unit per 5 acres
Rural Transition Residential:	1 unit per 1 acre (Added Land Use Classification June 2022)
Low Density Residential:	up to 3 units per acre

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on December 8, 2025 and voted 8 to 0 to recommend denial of Rezoning #25CZ11.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends denial of Rezoning #25CZ11 as proposed by the applicant.

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

> The 2045 Land Use Map designates the site as Rural Density Residential classification. The applicant proposes a rezoning to Low Density-Conditional Zoning (LD-CZ) district with a maximum density of 1.4 units per acre which is not a valid district or density within the Rural Density Residential classification on the 2045 Land Use Map. Therefore, the proposed project is not consistent with the 2045 Land Use Map classification. If the rezoning is approved as proposed, the 2045 Land Use Map classification would be amended to Low Density Residential.
>
> The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning is not consistent with the surrounding neighborhood character, as it includes a higher density and significantly smaller lot size.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the development 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 #25CZ11
Lake Castleberry
Castleberry Rd
Sleepy Valley Rd
CHATHAM COUNTY
August 2025
May 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
200
400
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 25CZ11__ Submittal Date: August 1, 2025

Fee Paid:

Project Information

Project Name: 8905 & 0 Castleberry Rd

Address(es): 8905 & 0 Castleberry Rd

PIN(s): 0713-71-9698 & 0713-71-9580

Acreage: 3

Current Zoning: R-80W Proposed Zoning: LD-CZ

Current 2045 LUM Classification(s): RR

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: Silver Developers, LLC

Address: 92 Cornerstone Drive, PMB 412

City: Cary State: NC Zip: 27519

Phone: E-mail: kp@konerugroup.com

Owner Information

Name: Sri Lakshmi Koneru and Ramya Devabhakthuni

Address: 709 Vine Pond Ct

City: Apex State: NC Zip: 27523

Phone: E-mail: kp@konerugroup.com

Agent Information

Name: Jones & Cnossen Engineering, PLLC - Will Norton

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 E-mail: will@jonescnossen.com

Other contacts:

PETITION INFORMATION

Application #: 25CZ11 Submittal Date: August 1, 2025

An application has been duly filed requesting that the property described in this application be rezoned from R-80W to LD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (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	
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PETITION INFORMATION

Application #: 25CZ11 Submittal Date: August 1, 2025

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.

Although this proposed rezoning would amend the 2045 Land Use Map in order to convert the designation from Rural Density Residential to Low Density Residential, we believe this to be an appropriate LUM designation in line with the Lake Castleberry subdivision immediately north of the properties with a density of 1.28 Units/Acre and the 2023 approved PUD on the south side of Castleberry Road to the east, Castleberry Reserve (2 units/AC). The large lot size minimum for the proposed rezoned areas is more generally consistent with a rural transitional rezoning however the acreage and desired unit count would require a Low Density designation.

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 conditional rezoning will cap the density at 1.4 unit/acre for the combined areas of the two rezoned parcels. The proposed single family homes are expected to be compatible with surrounding homes along Castleberry Road both architecturally and also with the commitment to keep as much existing vegetation as possible with the larger lot sizes and custom home building.

PETITION INFORMATION

Application #: 25CZ11 Submittal Date:

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 section 4.4

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

The proposed low density residential use will allow for custom home development of large lots that will be minimally graded to preserve existing tree canopy

Castleberry Road is residential street which should provide for safe travel of residents, service, and emergency vehicles. The impact to surrounding properties is expected to be minimal.

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 conditional zoning district will minimize the environmental impacts due to the nature of the planned project in general where single family homes will be constructed and preserve the landscape to the fullest extent.

There are no environmental wetland or stream features on site and due to the density RCA and stormwater control would not be required per UDO. Native landscape requirements will also enhance the projects commitment to environmental protection and enhancement.

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

The proposed project would not have adverse effects on public facilities, but rather increase and improve the infrastructure of Castleberry Road and Council Drive from a private road to be built to NCDOT standards. This would help access to this area by all services as well as Town of Apex Public Works with access to their pump station at the end of Castleberry road adjacent to the parcels.

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 these parcels should not have a negative effect on the health, safety, or welfare of Apex citizens. Extending public water and sewer to these parcels would benefit the parcels and allow them to discontinue well and septic usage.

Architectural Conditions

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    - Windows
    - 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
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
8. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. The minimum lot size shall be 22,500 sf and there shall be no more than 4 primary residential units allowed within the area of the two subject parcels of the rezoning case.
2. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
3. Perimeter buffers and HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
4. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
5. Any Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
6. Any required outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. (to apply only to signage and other common owned elements.)
7. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
8. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Additionally, 3 of the 4 proposed residential homes shall be constructed with active 3.5kW systems.
9. 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.
10. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.
11. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays. Construction vehicles shall not use Sleepy Valley Rd to access the properties.
12. There shall be a 20' undisturbed Type B Landscape Buffer along the eastern and southern boundary of the rezoned areas. Each lot containing a buffer shall have a deed restriction recorded that states all buffers will be left undisturbed in perpetuity.
13. Building setbacks shall be set as follows:
    a. Front: 25'
    b. Side: 10' min./20' total
    c. Rear: 25'
    d. Corner Side: 18'
14. Developer shall construct and dedicate an extension of Castleberry Road from the existing terminus of state maintenance to the western boundary of the site as a 22-foot-wide public street in a minimum 50-foot-wide right of way based on the Town of Apex rural residential street standard and construct 5-foot sidewalk along the north side of Castleberry Road from the path leading to Grand Highclere Way to the western terminus of Castleberry Road. Additionally, Developer shall improve and dedicate Council Drive from the terminus of the Castleberry Road extension to the southern boundary of the site as a 22-foot-wide public street in a minimum 50-foot-wide right of way based on the Town of Apex rural residential street standard and construct 5-foot sidewalk along the west side of Council Drive from the end of Castleberry Road to the southern terminus of Council Drive at the project boundary. The connection between the two streets will meet a minimum 198' horizontal curve consistent with a 25 mph speed limit.
15. The home builder shall be required to install a 6' privacy fence outside of the required landscape buffer adjacent to the entire property line shared with all neighboring residential land uses prior to a CO being issued. The material of the fence shall be either wood or composite wood, such as but not limited to, Trex brand.

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

The proposed single-family detached residences will be of similar size and overall quality to that of existing homes along Castleberry Road. No allowed uses as listed would be harmful to adjacent properties and architectural requirements would safeguard the character of the area. The 10' undisturbed landscape easement will also help preserve the natural buffer between 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.

Residential homes generally do not constitute a nuisance or hazard because of the character of the area and surrounding neighborhoods. The number of units planned for these parcels 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 and comply with additional standards.

8905 Castleberry Road
Tract 11, Sec. I, Sleepy Valley Subdivision, B.M. 1971-111
REID: 62234
PIN: 0713-71-9698 (current Wake County PIN)

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said existing iron pipe being the southwestern corner of Tract 11, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry;

running thence with a curve turning to the right with an arc length of 43.62', with a radius of 310.38', with a chord bearing of N 07°57'10" E, with a chord length of 43.59', to a 3/4" existing iron pipe 0.1' above grade;

running thence N 11°49'34" E a distance of 69.54' to a 3/4" existing iron pipe 0.1' above grade;

running thence N 85°02'03" E a distance of 378.86' to a 3/4" existing iron pipe (crimped) flush;

running thence S 12°05'29" E a distance of 110.11' to a 3/4" existing iron pipe 0.1' above grade;

running thence S 85°03'41" W a distance of 422.35' to a 3/4" existing iron pipe 0.1' above grade, which is the POINT OF

BEGINNING,

containing an area of 1.007 acres, 43,855 square feet, and being in accordance with a survey by Stephen M. Hallstrom, Professional Land Surveyor, dated April 12, 2024, and entitled "Property of John W. Powell & Tracey A. Powell."

8905 Castleberry Road
Tract 10, Sec. I, Sleepy Valley Subdivision, B.M. 1971-111
REID: 62234
PIN: 0713-71-9698 (current Wake County PIN)

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said existing iron pipe being the southwestern corner of Tract 11, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry;

running thence with a curve turning to the right with an arc length of 43.62', with a radius of 310.38', with a chord bearing of N 07°57'10" E, with a chord length of 43.59', to a 3/4" existing iron pipe 0.1' above grade;

running thence N 11°49'34" E a distance of 69.54' to a 3/4" existing iron pipe 0.1' above grade, in the eastern side of Council Drive Right-of-Way, which is the TRUE POINT OF BEGINNNING, said existing iron pipe being the southwestern corner of Tract 10, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry;

running thence N 11°51'46" E a distance of 248.63' to a 3/4" existing iron pipe 0.2' above grade;

running thence with a curve turning to the right with an arc

length of 28.75', with a radius of 25.00', with a chord bearing of N 44°41'22" E, with a chord length of 27.19', to a 3/4" existing iron pipe 0.3' above grade in the southern side of Castleberry Road Right-of-Way (State Road 1604);

running thence N 77°53'48" E a distance of 252.62' to a 1" existing iron pipe flush;

running thence S 12°00'56" E a distance of 289.16' to a 3/4" existing iron pipe (crimped) flush;

running thence S 85°02'03" W a distance of 378.86' to a 3/4" existing iron pipe 0.1' above grade, which is the TRUE POINT OF BEGINNING,

containing an area of 1.994 acres, 86,846 square feet, and being in accordance with a survey by Stephen M. Hallstrom, Professional Land Surveyor, dated April 12, 2024, and entitled "Property of John W. Powell & Tracey A. Powell."

AGENT AUTHORIZATION FORM

Application #: 25CZ11 Submittal Date: August 1, 2025

Sri Lakshmi Koneru 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: 8905 & 0 Castleberry Rd, Apex NC 27523

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: Will Norton

Address: 221 N. Salem St., Suite 001, Apex NC 27502

Telephone Number: (919) 387-1174

E-Mail Address: will@jonescnossen.com

Signature(s) of Owner(s)*

Srilakshmi K.

SRI LAKSHMI KONERU — Type or print name

06/30/2025 — 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.

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ11 Submittal Date: Aug 1, 2025

The undersigned, Sri Lakshmi Koneru (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 8905 & 0 Castleberry Rd, Apex NC 27523 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 07/30/2024, and recorded in the Wake County Register of Deeds Office on 08/07/2024, in Book 019680 Page 02005-02007.

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 08/07/2024, 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 08/07/2024, 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 30 day of JUNE, 2025.

Srilakshmi K. (seal)

SRI LAKSHMI KONERU
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Geraldine Ransom
Notary Public
State of North Carolina
My Commission Expires: 09/13/2028

[NOTARY SEAL]
GERALDINE RANSOM NOTARY PUBLIC CUMBERLAND COUNTY, N.C.
My Comm. Exp. 09-13-2028

Last Updated: August 30, 2019

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ11 Submittal Date: Aug 1, 2025

Insert legal description below.

8905 Castleberry Road
Tract 10, Sec. I, Sleepy Valley Subdivision, B.M. 1971-111
REID: 62234
PIN: 0713-71-9698 (current Wake County PIN)

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as
BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said existing iron pipe being the southwestern corner of Tract 11, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry; running thence with a curve turning to the right with an arc length of 43.62', with a radius of 310.38', with a chord bearing of N 07° 57'10" E, with a chord length of 43.59', to a 3/4" existing iron pipe 0.1' above grade; running thence N 11°49'34" E a distance of 69.54' to a 3/4" existing iron pipe 0.1' above grade, in the eastern side of Council Drive Right-of-Way, which is the TRUE POINT OF BEGINNNING, said existing iron pipe being the southwestern corner of Tract 10, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry; running thence N 11°51'46" E a distance of 248.63' to a 3/4" existing iron pipe 0.2' above grade; running thence with a curve turning to the right with an arc length of 28.75', with a radius of 25.00', with a chord bearing of N 44°41'22" E, with a chord length of 27.19', to a 3/4" existing iron pipe 0.3' above grade in the southern side of Castleberry Road Right-of-Way (State Road 1604); running thence N 77°53'48" E a distance of 252.62' to a 1" existing iron pipe flush; running thence S 12°00'56" E a distance of 289.16' to a 3/4" existing iron pipe (crimped) flush; running thence S 85°02'03" W a distance of 378.86' to a 3/4" existing iron pipe 0.1' above grade, which is the TRUE POINT OF BEGINNING, containing an area of 1.994 acres, 86,846 square feet, and being in accordance with a survey by Stephen M. Hallstrom, Professional Land Surveyor, dated April 12, 2024, and entitled "Property of John W. Powell & Tracey A. Powell."

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AGENT AUTHORIZATION FORM

Application #: 25CZ11 Submittal Date: Aug 1, 2025

Ramya Devabhakthuni 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: 8905 & 0 Castleberry Rd, Apex NC 27523

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: Will Norton

Address: 221 N. Salem St., Suite 001, Apex NC 27502

Telephone Number: (919) 387-1174

E-Mail Address: will@jonescnossen.com

Signature(s) of Owner(s)*

D. Ramya

RAMYA DEVABHAKTHUNI 06/31
Type or print name Date 07/01/2025

_____

_____ _____
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 #: 25CZ11 Submittal Date: Aug 1, 2025

The undersigned, Ramya Devabhakthuni (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 8905 & 0 Castleberry Rd, Apex NC 27523 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 07/30/2024, and recorded in the Wake County Register of Deeds Office on 08/07/2024, in Book 019680 Page 02005-02007.

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 08/07/2024, 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 08/07/2024, 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 01 day of JULY, 2025.

D. Ramya (seal)

RAMYA DEVABHAKTHUNI
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

RUCHA PATEL
Notary Public, North Carolina
Wake County
My Commission Expires
March 26, 2027
[NOTARY SEAL]

Notary Public
State of North Carolina
My Commission Expires: march 26, 2027

Last Updated: August 30, 2019

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ11 Submittal Date: Aug 1, 2025

Insert legal description below.

8905 Castleberry Road
Tract 10, Sec. I, Sleepy Valley Subdivision, B.M. 1971-111
REID: 62234
PIN: 0713-71-9698 (current Wake County PIN)

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as
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REID: 62234
PIN: 0713-71-9698 (current Wake County PIN)

Lying and being in the White Oak Township, Wake County, State of North Carolina, and being more particularly described as BEGINNING at a 3/4" existing iron pipe 0.1' above grade with NC Grid Coordinates Northing 731,429.08, Easting 2,017,780.36, in the eastern side of Council Drive Right-of-Way, said existing iron pipe being the southwestern corner of Tract 11, Section I, Sleepy Valley Subdivision, recorded in Book of Maps 1971, Page 111, Wake County Registry; running thence with a curve turning to the right with an arc length of 43.62', with a radius of 310.38', with a chord bearing of N 07° 57'10" E, with a chord length of 43.59', to a 3/4" existing iron pipe 0.1' above grade; running thence N 11°49'34" E a distance of 69.54' to a 3/4" existing iron pipe 0.1' above grade; running thence N 85°02'03" E a distance of 378.86' to a 3/4" existing iron pipe (crimped) flush; running thence S 12°05'29" E a distance of 110.11' to a 3/4" existing iron pipe 0.1' above grade; running thence S 85°03'41" W a distance of 422.35' to a 3/4" existing iron pipe 0.1' above grade, which is the POINT OF BEGINNING, containing an area of 1.007 acres, 43,855 square feet, and being in accordance with a survey by Stephen M. Hallstrom, Professional Land Surveyor, dated April 12, 2024, and entitled "Property of John W. Powell & Tracey A. Powell."

NOTICE OF NEIGHBORHOOD MEETING

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

July 14, 2025

Date

Dear Neighbor:

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

Address(es)	PIN(s)
8905 Castleberry Rd	0713-71-9698
0 Castleberry Rd	0713-71-9580

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 (also see attached map(s) and/or plan sheet(s)):

The two parcels are proposed to be rezoned from Wake County R-80W to LD-CZ to allow for a maximum of 4 single family residential units with an individual minimum lot size of 20,000 SF. This rezoning would require a long range plan amendment to change the Apex 2045 Land Use Map from RR to LD. The maximum density associated with the combined areas of the two rezoned parcels would be 1.4 units/acre.

Estimated submittal date: August 01, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	Sri Lakshmi Koneru & Ramya Devabhakthuni
Applicant(s):	Silver Developers LLC and Jones & Cnossen Engineering, PLLC
Contact information (email/phone):	will@jonescnossen.com; (919) 387-1174
Meeting Address:	Zoom - see enclosed details
Date/Time of meeting**:	July 29, 2025 5:30 pm - 6:30 pm

Welcome: 5:30 pm Project Presentation: 5:35 pm Question & Answer: 5:50 - 6:30 pm

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

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 – 8905 & 0 Castleberry Rd Rezoning

When: **July 29, 2025 05:30 PM Eastern Time** (US and Canada)

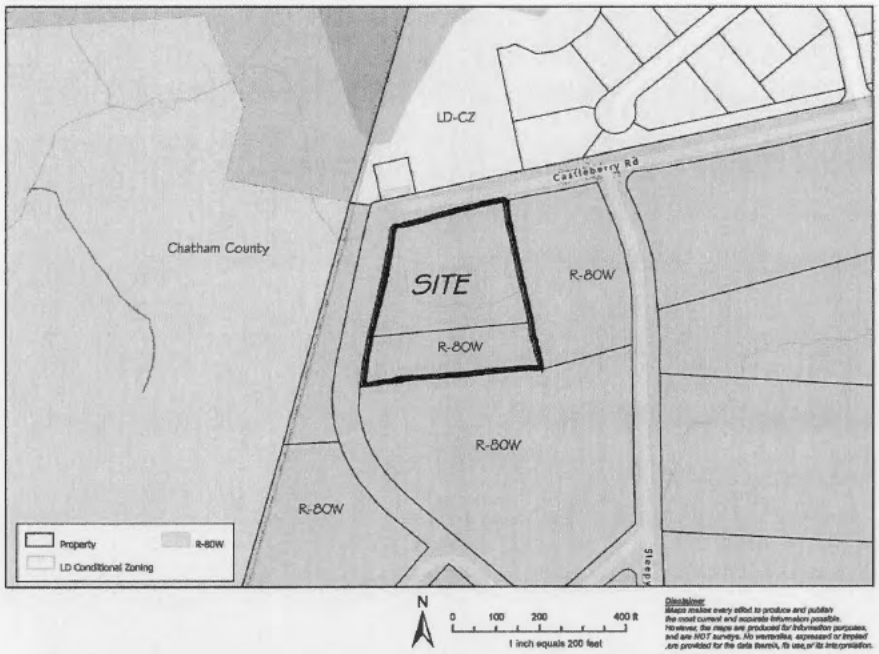
Register using the QR code:

Or go to: www.zoom.com. Click on "JOIN". Enter the Meeting ID: 884 0913 2632 and then the Passcode: 633649.

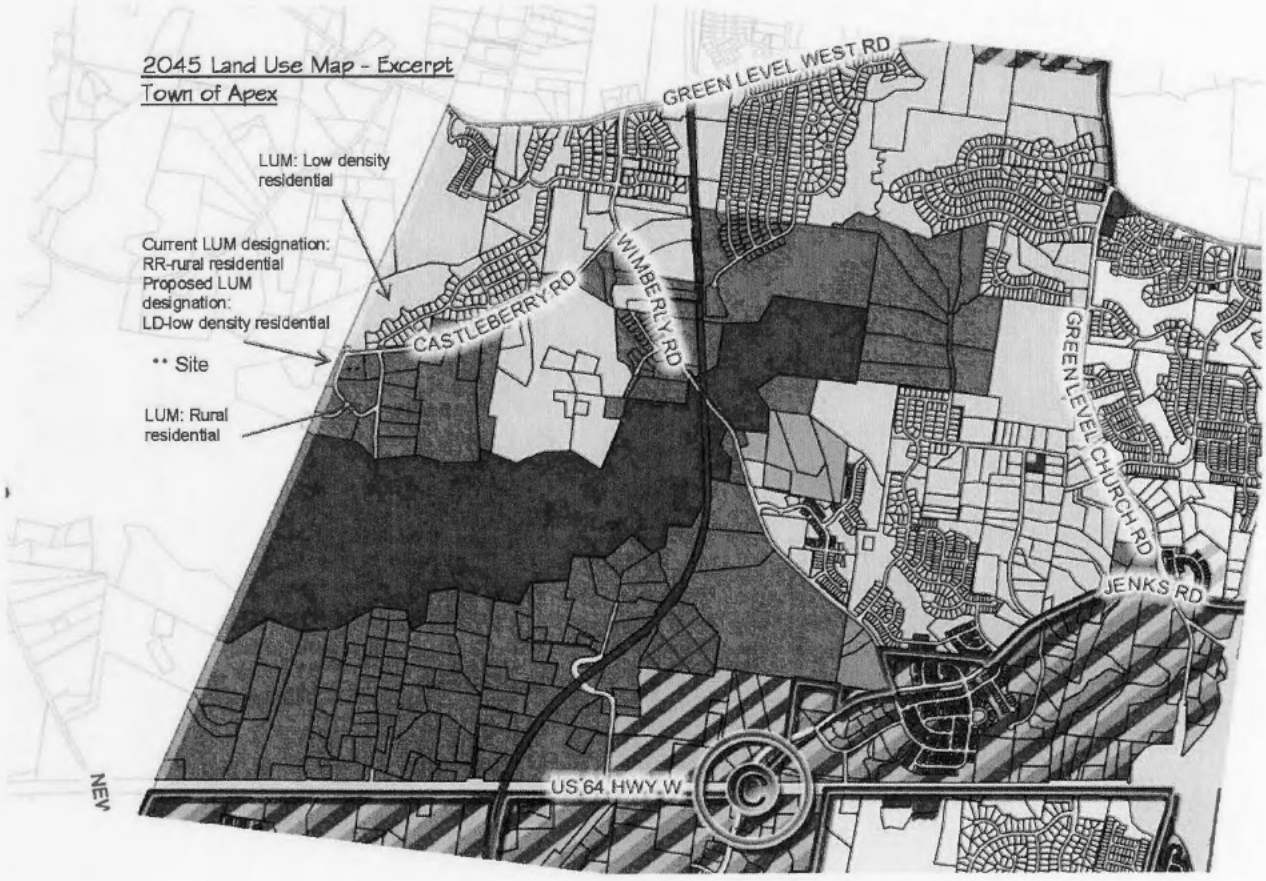
Provide your First & Last Name, Email address, and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on July 29th.

Or to join the meeting by phone: dial (309) 205-3325 or (312) 626-6799 and enter the Meeting ID 884 0913 2632 and the Passcode 633649. 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



Land Use Map Amendment 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: 8905 & 0 Castleberry Road Zoning: R-80W

Location: 8905 & 0 Castleberry Rd

Property PIN(s): 0713-71-9698 & 0713-71-9580 Acreage/Square Feet: 3

Property Owner: Sri Lakshmi Koneru and Ramya Devabhakthuni

Address: 709 Vine Pond Ct

City: Apex State: NC Zip: 27523

Phone: Email:

Developer: Silver Developers, LLC

Address: 92 Cornerstone Drive, PMB 412

City: Cary State: NC Zip: 27519

Phone: Fax: Email: kp@konerugroup.com

Engineer: Jones & Cnossen Engineering, PLLC - Will Norton

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 Fax: Email: will@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 Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) 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.

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: July 29, 2025 Time of meeting: 5:30 - 6:30 pm

Property Owner(s) name(s): Sri Lakshmi Koneru and Ramya Devabhakthuni

Applicant(s): Silver Developers, 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.	Will Norton, Jones & Cnossen Engineering	221 N Salem St, Suite 001	[redacted]		
2.	Kerry MacPherson	408 Sleepy Valley Rd			X
3.	Trish MacPherson	408 Sleepy Valley Rd			X
4.	Frank & Ileta Norris	8821 Castleberry Rd			X
5.	Karen Kendig	409 Sleepy Valley Rd			X
6.	Dan & Jackie DeProspero	501 Sleepy Valley Rd			X
7.	Carolyn, Eddie & Anna Wasdell	812 & 825 Wasdell Way			X
8.	Christina McAlister	8901 Castleberry Rd			X
9.	Amber Taylor	504 Sleepy Valley Rd			X
10.	Fred Rasmussen & Marcia Moss	509 Sleepy Valley Rd			X
11.	Tom & Karen Kendig	409 Sleepy Valley Rd			X
12.	Garrett McAlister	8901 Castleberry Rd			X
13.	Sushant Patil	478 Grand Highclere Way			X
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): Sri Lakshmi Koneru and Ramya Devabhakthuni

Applicant(s): Silver Developers, LLC and Jones & Cnossen Engineering, PLLC

Contact information (email/phone): will@jonescnossen.com; (919) 387-1174

Meeting Address: Zoom

Date of meeting: July 29, 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 Q & A Document

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Q: Is it normal for 2 trucks per day to be coming down the road towards the pump station? We are concerned about the use of the private road and tearing up the gravel and recently paved Castleberry road.

A: I'm not sure the maintenance schedule for the town but I would assume that is somewhat standard to come check on operations of the town pump station. I would defer that question as far as maintenance they would be responsible for as a user of the private portion of Castleberry Road in order to access this pump station.

Q: You talked about road improvements, would this add trips on to private roads in the area and who is responsible for maintaining the Castleberry Road & Council Drive Roads once extended? Sleepy Valley Road residents do not want anyone on their road.

A: Our proposal as of now with as much guidance as we have received from NCDOT and the Town of Apex is to bring the extent of Castleberry Road and Council drive only along the frontage of the property up to NCDOT subdivision roads and have them take over maintenance responsibilities for the road. Their maintenance currently ends at the intersection of Castleberry Road and Sleepy Valley Road. There would be no added connection to Sleepy Valley and any of the additional maximum of up to 4 homes would not be able to access their property from Sleepy Valley Road so it is not anticipated that these homes would add any traffic to the private road.

Q: I have contacted the town planning staff recently regarding this project and they informed me that the pump station could be at capacity and unable to receive additional flow from any homes in this area, how would this development be able to provide sewer in that case?

A: Planning staff may have been able to give that preliminary answer based on initial information, however I have had direct contact with Public Works Directors that have told me that the pump station has no issue with the increase of flow from this case with a maximum of 4 additional lots being added, 300 Gallons per day per house. The efficiency and peaking factor of the pump station has a lot to do with how the operations and capacity of pump stations are viewed.

Q: How would the development receive water access and where would the waterline extend to? Would it provide water to the Chatham County Parcels?

A: The waterline would be extended within the existing easement along Castleberry Road and then cross over to be extended along the R/W of the subject property frontage. No extension of services would be supported from my conversations with Apex for any residential development in Chatham County.

Q: What is the process for the development if it moves forward? Do we have an opportunity to talk to town officials?

A: Rezoning and Annexation cases are heard by town council for a vote. Prior to getting heard by town council we will have reviews by Apex staff, Environmental Advisory Board meeting, and a planning board meeting. A second neighborhood meeting is required to be held in the month preceding the Town Council meeting when the rezoning and annexation case will be heard. If the rezoning is approved, a subdivision map would have to be approved in order to subdivide any parcel. Also, construction drawings for any road improvements and utility extensions would be reviewed by the town of Apex and NCDOT before those improvements could be made.

Q: We have a current internet agreement in this area with spectrum that has a few years remaining on the contract, is the owner interested in continuing the contract or will there be additional utilities brought to the area?

A: I would defer to the owner but I would also envision if there is a provider already in place that they would remain under contract as is. Town services would be extended for water and sewer and electric if available.

Q: Could there be a condition added if construction takes place to not use Sleepy Valley Road for any access?

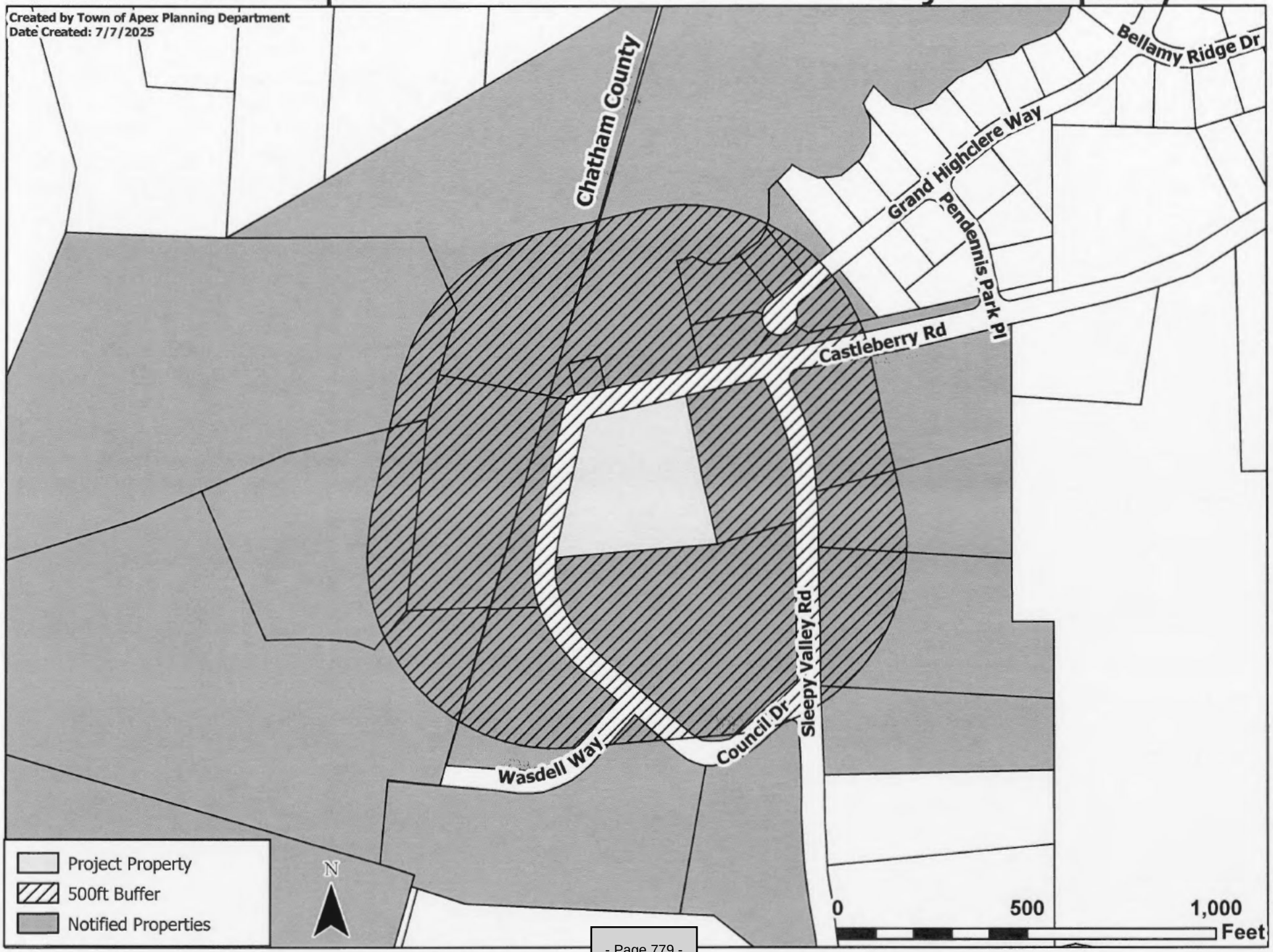
A: Yes we would be happy to add in a condition speaking to that, I would reiterate that there is no way to access these properties from sleepy valley road and as proposed that would remain the case so any traffic, construction or other going to the two parcels would be using Castleberry Road.

General Consensus and Neighbor Discussion: In general the meeting attendees asked the above questions but in general mostly commented on the desire to not have any development take place on these two lots or have Apex utilities extended. They did not want any additional housing units to be allowed regardless of conditions proposed or road improvements made.

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	ADDR3
805 WASDELL WAY	0713708537	ANCHURI, SREEDHAR PATHA, SWAPNA	805 WASDELL WAY	APEX NC 27523-6798
501 SLEEPY VALLEY RD	0713807875	DE, PROSPERO DAN A DE, JACKIE K	501 SLEEPY VALLEY RD	APEX NC 27523-8058
467 GRAND HIGHCLERE WAY	0713825018	GOPI, SUGANYA GURUNATHAN, SHANMUGHANATHAN	467 GRAND HIGHCLERE WAY	APEX NC 27523-9609
413 SLEEPY VALLEY RD	0713817233	HAMILTON, BRIAN	8805 CASTLEBERRY RD	APEX NC 27523-6759
470 GRAND HIGHCLERE WAY	0713823149	JAVERZAC, VINCENT AHOVAARA-JAVERZAC, SANNA	470 GRAND HIGHCLERE WAY	APEX NC 27523-9609
409 SLEEPY VALLEY RD	0713817564	KENDIG, KAREN MASSON KENDIG, THOMAS R	409 SLEEPY VALLEY RD	APEX NC 27523-8057
474 GRAND HIGHCLERE WAY	0713822113	KESSLER, CHAD SAMUEL TRUSTEE PATEL, SONAL RAMESH TRUSTEE	474 GRAND HIGHCLERE WAY	APEX NC 27523-9609
8905 CASTLEBERRY RD	0713719686	KONERU, SRI LAKSHMI DEVABHAKTHUNI, RAMYA	709 VINE POND CT	APEX NC 27523-8500
0 GRAND HIGHCLERE WAY	0713825083	LAKE CASTLEBERRY OWNERS ASSOCIATION INC	PO BOX 1149	APEX NC 27502-3149
408 SLEEPY VALLEY RD	0713811245	MACPHERSON, KERRY A MACPHERSON, PATRICIA F	408 SLEEPY VALLEY RD	APEX NC 27523-8056
8901 CASTLEBERRY RD	0713812667	MCALISTER, GARRETT J MCALISTER, CHRISTINA NORMAN	8901 CASTLEBERRY RD	APEX NC 27523-6781
8821 CASTLEBERRY RD	0713817812	NORRIS, FRANK ALLEN NORRIS, ILETA	8821 CASTLEBERRY RD	APEX NC 27523-6759
478 GRAND HIGHCLERE WAY	0713822030	PATIL, SUSHANT A YELLAPRAGADA, SUSHMA	478 GRAND HIGHCLERE WAY	APEX NC 27523-9609
466 GRAND HIGHCLERE WAY	0713824218	PENKE, NICOLE AMY CO-TRUSTEES DAVIES, JAMES ROBERT CO-TRUSTEES	466 GRAND HIGHCLERE WAY	APEX NC 27523-9609
504 SLEEPY VALLEY RD	0713802696	TAYLOR, AMBER	504 SLEEPY VALLEY RD	APEX NC 27523-8055
8910 CASTLEBERRY RD	0713718960	TOWN OF APEX	PO BOX 250	APEX NC 27502-0250
825 WASDELL WAY	0713717036	WASDELL, ANNA J	825 WASDELL WAY	APEX NC 27523-6798
CASTLEBERRY LN	071300715722	KONERU, SRI LAKSHMI;DEVABHAKTHUNI, RAMYA	709 VINE POND CT	APEX NC 27523
CASTLEBERRY LN	071300723420	LAKE CASTLEBERRY OWNERS, ASSOCIATION INC	P.O BOX 1149	APEX NC 27502
600 MARTHAS CHAPEL RD	979200350720	UNITED STATES OF AMERICA,	PO BOX 144	MONCURE NC 27559
825 WASDELL WAY	071300617240	WASDELL ANNA JOHNSON,	825 WASDELL WAY	APEX NC 27523
812 WASDELL WAY	071300711497	WASDELL, CAROLYN C;WASDELL, EDWARD SHEPPARD III	825 WASDELL WAY	APEX NC 27523
		Current Tenant	8905 Castleberry RD	APEX NC 27523
		Current Tenant	413 Sleepy Valley RD	APEX NC 27523
		Current Tenant	600 MARTHAS CHAPEL RD	APEX NC 27523
		Current Tenant	825 WASDELL WAY	APEX NC 27523
		Current Tenant	812 WASDELL WAY	APEX NC 27523

Created by Town of Apex Planning Department
Date Created: 7/8/2025

Notified Properties within 500ft of the Project Property



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, Will Norton, 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 July 29, 2025 (date) from 5:30 pm (start time) to 7:10 pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

7/30/25
Date

By: Will Norton

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 30th day of July, 2025.

SEAL
ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 11/19/25

Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2025

NOTICE OF NEIGHBORHOOD MEETING

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

October 29, 2025
Date

Dear Neighbor:

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

Address(es)	PIN(s)
8905 Castleberry Rd	0713-71-9698
0 Castleberry Rd	0713-71-9580

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
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☐	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 is the second required Neighborhood meeting for this project.*

The two parcels are proposed to be rezoned from Wake County R-80W to LD-CZ to allow for a maximum of 4 primary single family residential units with an individual minimum lot size of 22,500 SF. This rezoning would require a long range plan amendment to change the Apex 2045 Land Use Map from RR to LD.

Estimated submittal date: Submitted August 01, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	Sri Lakshmi Koneru & Ramya Devabhakthuni
Applicant(s):	Silver Developers LLC and Jones & Cnossen Engineering, PLLC
Contact information (email/phone):	will@jonescnossen.com; (919) 387-1174
Meeting Address:	Zoom - see enclosed details
Date/Time of meeting**:	November 17, 2025 5:30-6:30 PM

Welcome: 5:30 PM Project Presentation: 5:35 PM Question & Answer: 5:50 - 6:30 PM

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

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 – 8905 & 0 Castleberry Rd Rezoning

When: **November 17, 2025 05:30 PM Eastern Time** (US and Canada)

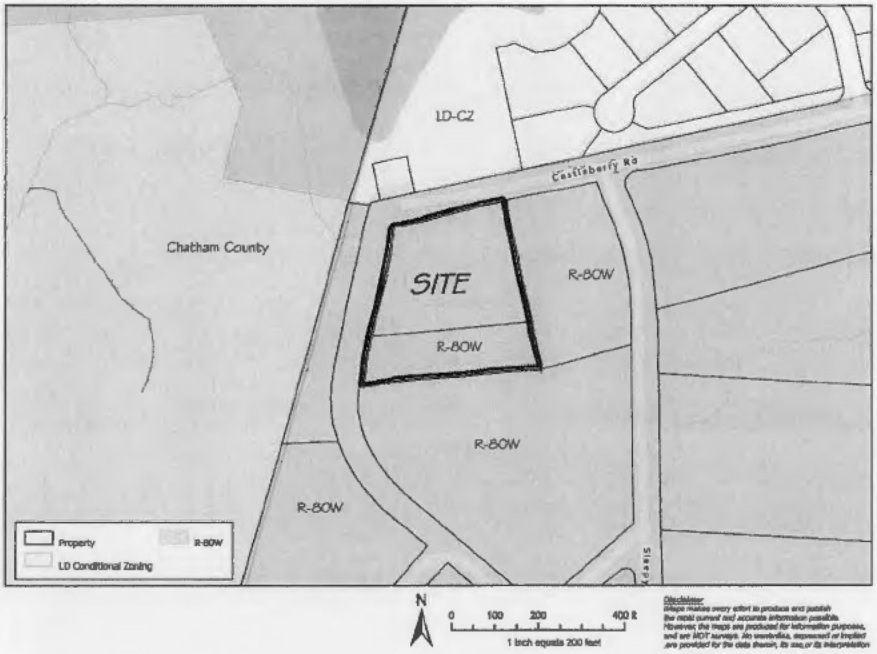
Register using the QR code:

Or go to: www.zoom.com. Click on "JOIN". Enter the Meeting ID: 842 1969 5082 and then the Passcode: 806580.

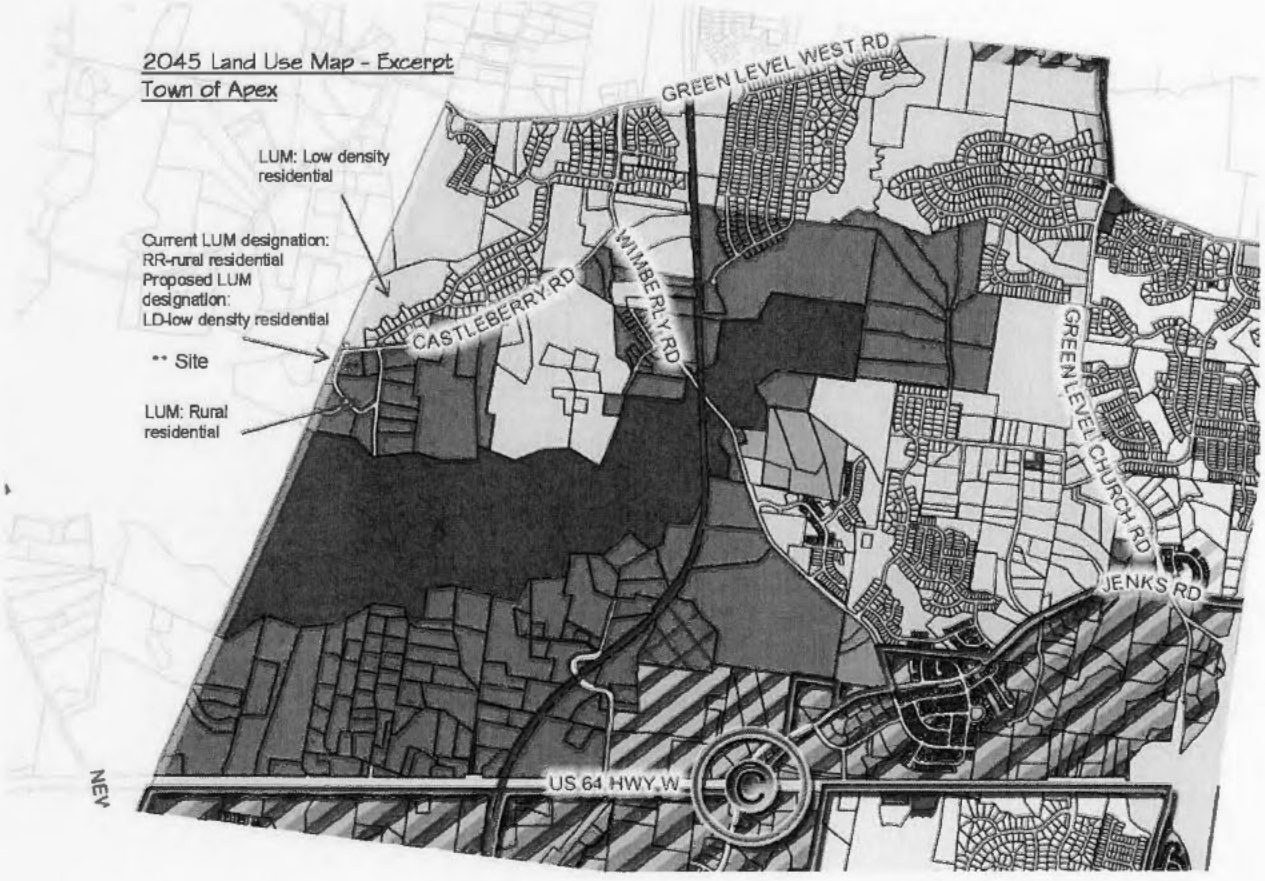
Provide your First & Last Name, Email address, and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on November 17th.

Or to join the meeting by phone: dial (301) 715-8592 or (305) 224-1968 and enter the Meeting ID 842 1969 5082 and the Passcode 806580. 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



Land Use Map Amendment 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: 8905 & 0 Castleberry Road Zoning: R-80W

Location: 8905 & 0 Castleberry Rd

Property PIN(s): 0713-71-9698 & 0713-71-9580 Acreage/Square Feet: 3

Property Owner: Sri Lakshmi Koneru and Ramya Devabhakthuni

Address: 709 Vine Pond Ct

City: Apex State: NC Zip: 27523

Phone: Email:

Developer: Silver Developers, LLC

Address: 92 Cornerstone Drive, PMB 412

City: Cary State: NC Zip: 27519

Phone: Fax: Email: kp@konerugroup.com

Engineer: Jones & Cnossen Engineering, PLLC - Will Norton

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 Fax: Email: will@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.

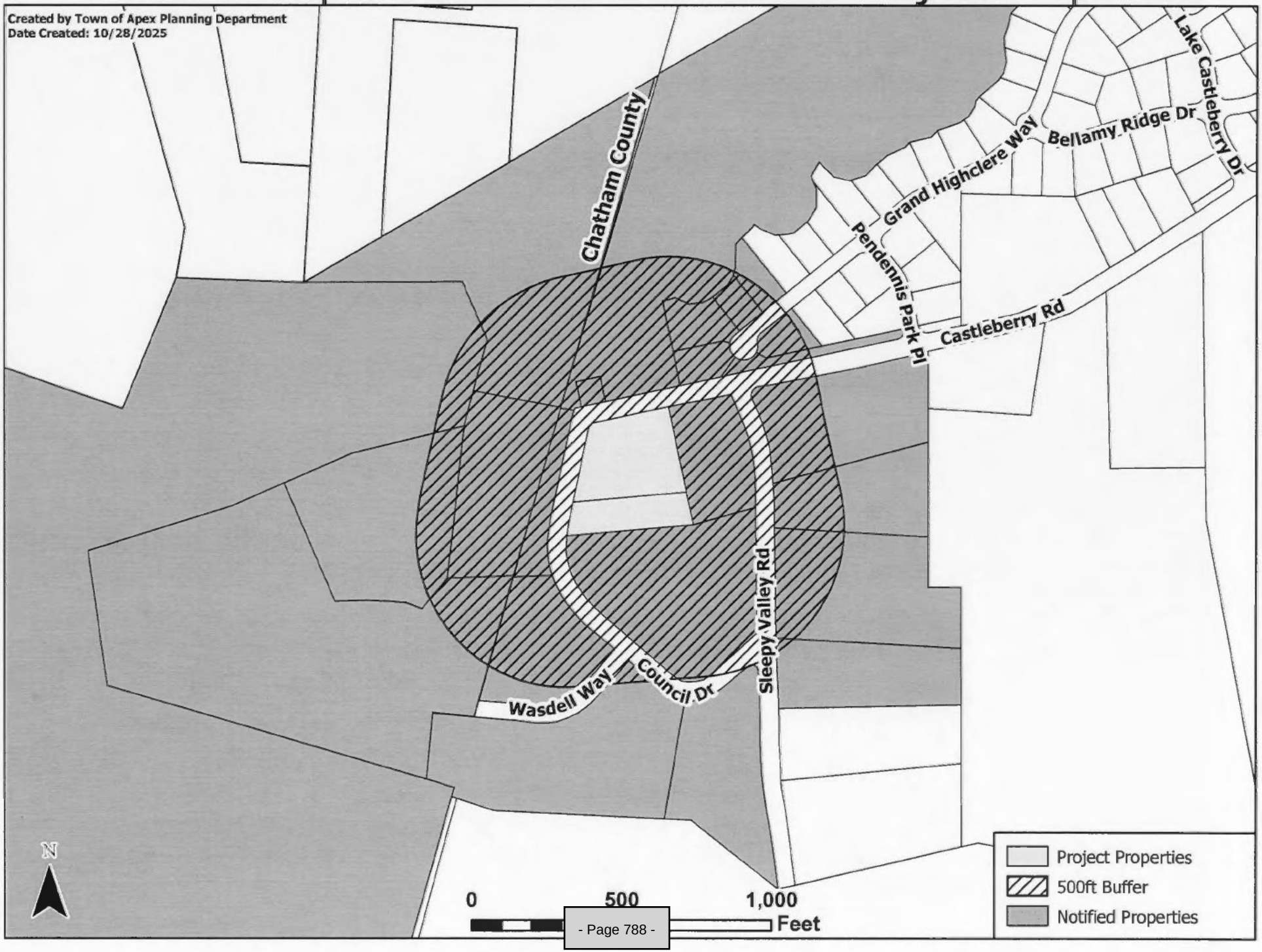
Electric Utility Installation:	Electric Utilities	919-249-3531

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department.

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
805 WASDELL WAY	0713708637	ANCHURI, SREEDHAR PATHA, SWAPNA	805 WASDELL WAY	APEX NC 27523-6798
501 SLEEPY VALLEY RD	0713807975	DE, PROSPERO DAN A DE, JACKIE K	501 SLEEPY VALLEY RD	APEX NC 27523-8058
467 GRAND HIGHCLERE WAY	0713825018	GOPI, SUGANYA GURUNATHAN, SHANMUGHANATHAN	467 GRAND HIGHCLERE WAY	APEX NC 27523-9609
413 SLEEPY VALLEY RD	0713817233	HAMILTON, BRIAN	8805 CASTLEBERRY RD	APEX NC 27523-6759
470 GRAND HIGHCLERE WAY	0713823149	JAVERZAC, VINCENT AHOVAARA-JAVERZAC, SANNA	470 GRAND HIGHCLERE WAY	APEX NC 27523-9609
409 SLEEPY VALLEY RD	0713817564	KENDIG, KAREN MASSON KENDIG, THOMAS R	409 SLEEPY VALLEY RD	APEX NC 27523-8057
474 GRAND HIGHCLERE WAY	0713822113	KESSLER, CHAD SAMUEL TRUSTEE PATEL, SONAL RAMESH TRUSTEE	474 GRAND HIGHCLERE WAY	APEX NC 27523-9609
8905 CASTLEBERRY RD	0713719698	KONERU, SRI LAKSHMI DEVABHAKTHUNI, RAMYA	709 VINE POND CT	APEX NC 27523-8500
0 GRAND HIGHCLERE WAY	0713825083	LAKE CASTLEBERRY OWNERS ASSOCIATION INC	PO BOX 1149	APEX NC 27502-3149
408 SLEEPY VALLEY RD	0713811245	MACPHERSON, KERRY A MACPHERSON, PATRICIA F	408 SLEEPY VALLEY RD	APEX NC 27523-8056
8901 CASTLEBERRY RD	0713812667	MCALISTER, GARRETT J MCALISTER, CHRISTINA NORMAN	8901 CASTLEBERRY RD	APEX NC 27523-6761
8821 CASTLEBERRY RD	0713817812	NORRIS, FRANK ALLEN NORRIS, ILETA	8821 CASTLEBERRY RD	APEX NC 27523-6759
478 GRAND HIGHCLERE WAY	0713822030	PATIL, SUSHANT A YELLAPRAGADA, SUSHMA	478 GRAND HIGHCLERE WAY	APEX NC 27523-9609
466 GRAND HIGHCLERE WAY	0713824218	PENKE, NICOLE AMY CO-TRUSTEES DAVIES, JAMES ROBERT CO-TRUSTEES	466 GRAND HIGHCLERE WAY	APEX NC 27523-9609
504 SLEEPY VALLEY RD	0713802696	TAYLOR, AMBER	504 SLEEPY VALLEY RD	APEX NC 27523-8055
8910 CASTLEBERRY RD	0713718960	TOWN OF APEX	PO BOX 250	APEX NC 27502-0250
825 WASDELL WAY	0713717036	WASDELL, ANNA J	825 WASDELL WAY	APEX NC 27523-6798
CASTLEBERRY LN	071300715722	KONERU, SRI LAKSHMI;DEVABHAKTHUNI, RAMYA	709 VINE POND CT	APEX, NC 27523-8500
CASTLEBERRY LN	071300723420	LAKE CASTLEBERRY OWNERS, ASSOCIATION INC	P.O BOX 1149	APEX, NC 27502-3149
600 MARTHAS CHAPEL RD	979200350720	UNITED STATES OF AMERICA,	PO BOX 144	MONCURE, NC 27559-0144
825 WASDELL WAY	071300617240	WASDELL ANNA JOHNSON,	825 WASDELL WAY	APEX, NC 27523-6799
812 WASDELL WAY	071300711497	WASDELL, CAROLYN C;WASDELL, EDWARD SHEPPARD III	825 WASDELL WAY	APEX, NC 27523-6798
		Current Tenant	8905 Castleberry RD	APEX NC 27523
		Current Tenant	413 Sleepy Valley RD	APEX NC 27523
		Current Tenant	600 MARTHAS CHAPEL RD	APEX NC 27523
		Current Tenant	812 WASDELL WAY	APEX NC 27523

Created by Town of Apex Planning Department
Date Created: 10/28/2025

Notified Properties within 500ft of the Project Properties



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 17, 2025 Time of meeting: 5:30 - 6:30 pm

Property Owner(s) name(s): Sri Lakshmi Koneru and Ramya Devabhakthuni

Applicant(s): Silver Developers, 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.	Will Norton, Jones & Cnossen Engineering	221 N Salem St, Suite 001	[redacted]		✓
2.	Trish MacPherson	408 Sleepy Valley Rd			✓
3.	Kerry MacPherson	408 Sleepy Valley Rd			✓
4.	Fred Rasmussen	509 Sleepy Valley Rd			✓
5.	Christina McAlister	8901 Castleberry Rd			✓
6.	Garrett McAlister	8901 Castleberry Rd			✓
7.	Jackie DeProspero	501 Sleepy Valley Rd			✓
8.	Eddie Wasdell	812 Wasdell Way			✓
9.	Frank Norris	8821 Castleberry Rd			✓
10.	Tom Kendig	409 Sleepy Valley Rd			✓
11.	Sushant Patil	478 Grand Highclere Way			✓
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): Sri Lakshmi Koneru and Ramya Devabhakthuni

Applicant(s): Silver Developers, LLC and Jones & Cnossen Engineering, PLLC

Contact information (email/phone): will@jonescnossen.com; (919) 387-1174

Meeting Address: Zoom

Date of meeting: November 17, 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:

What is the UDO section and how are the landscape buffers determined for the project? How did we determine a 20' type B buffer is sufficient?

Applicant's Response:

The Landscape Buffering requirements can be found in section 8.2.6 of the UDO and that is guided by the Apex planning department. Our project is proposing a max of 4 single family residential units with minimum 22,500 sf lot size. This would make us a class 1 development and the neighboring properties are class 1. A 10' type B buffer would be required by the UDO so we doubled that to a 20' Type B buffer to provide more of a buffer.

Question/Concern #2:

Will these houses be available to rentals or airbnb's or what is the intent of the single family homes?

Applicant's Response:

The houses are planned to be built as custom built homes that are sold or built by property owners and rentals are not the intended use to my knowledge at all.

Question/Concern #3:

Are there start times to construction that will be enforced? There is an ending time in the zoning conditions but no start time.

Applicant's Response:

The towns guidance says 7 am is the earliest general start time for construction unless there are special circumstances which this would not be a case for that. We would rely on guidance by that time in the morning and the zoning condition time in the evening.

Question/Concern #4:

Are their height restrictions to the homes?

Applicant's Response:

Yes the single family homes would be restricted in height based on the UDO. The LD zoning table shows max. height of 40'.

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, Will Norton, 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 17, 2025 (date) from 5:30 PM (start time) to 6:40 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.

11/18/2025
Date

By: William C Norton

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 18th day of November, 2025.

SEAL
ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 11/19/25

Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2025

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ11
8905 Castleberry Road – Tract 10 & 11

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: Silver Developers, LLC
Authorized Agent: William Norton, Jones & Cnossen Engineering, PLLC
Property Addresses: 8905 Castleberry Road & 0 Castleberry Road
Acreage: 3 acres
Property Identification Numbers (PINs): 0713719698, 0713719580
Current 2045 Land Use Map Designation: Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Existing Zoning of Properties: Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Low Density Residential – Conditional Zoning (LD-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: January 13th, 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/51504

Dianne F. Khin, AICP
Planning Director

Published Dates: December 19, 2025 – January 13, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ11
8905 Castleberry Road – Tract 10 & 11

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: Silver Developers, LLC
Agente autorizado: William Norton, Jones & Cnossen Engineering, PLLC
Dirección de las propiedades: 8905 Castleberry Road & 0 Castleberry Road
Superficie: 3 acres
Números de identificación de las propiedades: 0713719698, 0713719580
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para las propiedades: Low Density Residential – Conditional Zoning (LD-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: 13 de enero 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/51504.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 - 13 de e[illegible]

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ11
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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: Silver Developers, LLC
Authorized Agent: William Norton, Jones & Cnossen Engineering, PLLC
Property Addresses: 8905 Castleberry Road & 0 Castleberry Road
Acreage: 3 acres
Property Identification Numbers (PINs): 0713719698, 0713719580
Current 2045 Land Use Map Designation: Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Existing Zoning of Properties: Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Low Density Residential – Conditional Zoning (LD-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: January 13th, 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/51504

Dianne F. Khin, AICP
Planning Director

Published Dates: December 19, 2025 – January 13, 2026

8:11 AM
12/19/2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ11
8905 Castleberry Road – Tract 10 & 11

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: Silver Developers, LLC
Agente autorizado: William Norton, Jones & Cnossen Engineering, PLLC
Dirección de las propiedades: 8905 Castleberry Road & 0 Castleberry Road
Superficie: 3 acres
Números de identificación de las propiedades: 0713719698, 0713719580
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para las propiedades: Low Density Residential – Conditional Zoning (LD-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: 13 de enero 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:

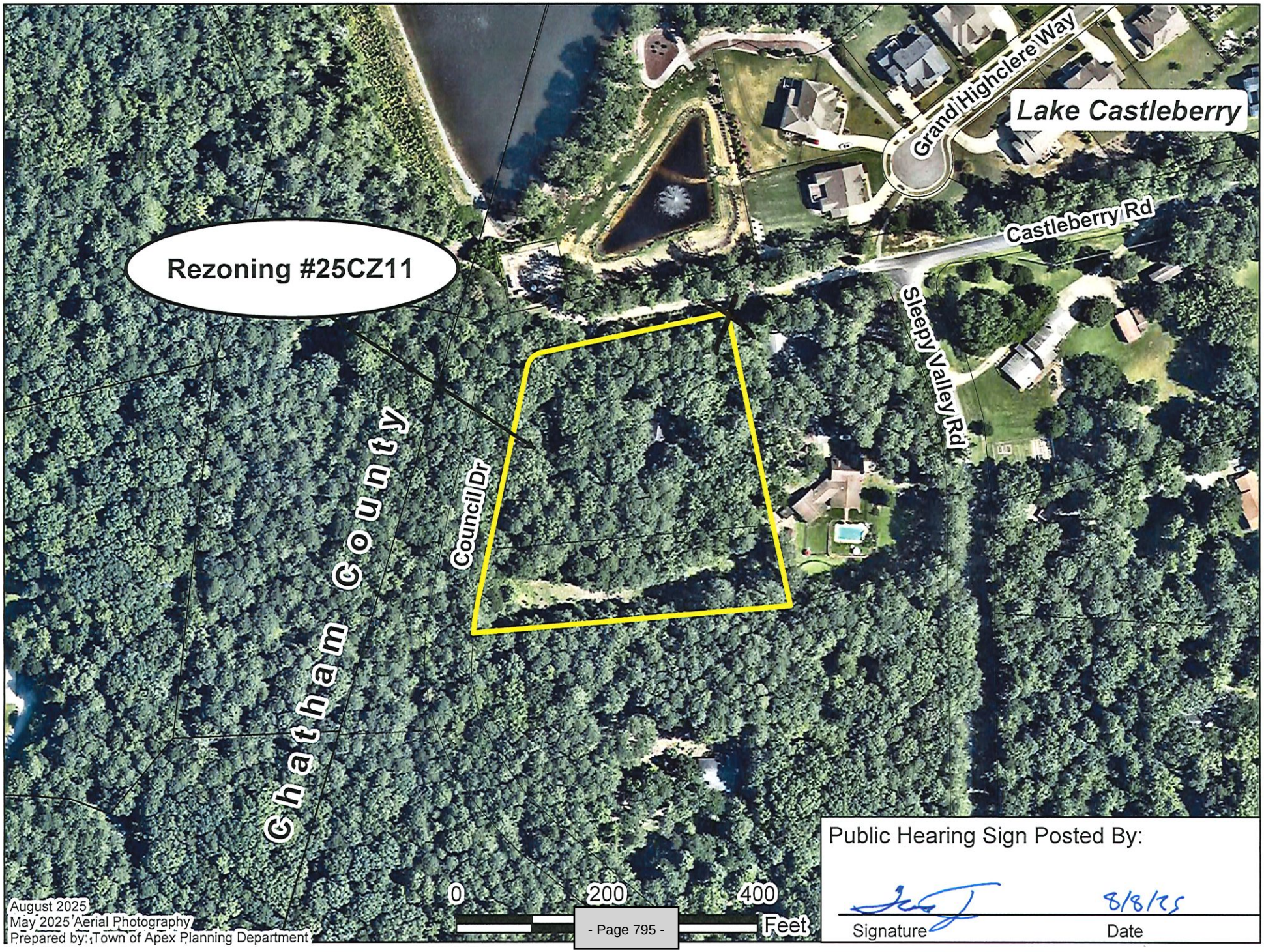


Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados 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/51504

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 - 13 de enero de 2026

8:13 AM
12/19/2025



Public Hearing Sign Posted By:

Signature

8/8/25

Date

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ11 8905 Castleberry Road – Tract 10 & 11
Project Location:	8905 Castleberry Road & 0 Castleberry Road
Applicant or Authorized Agent:	William Norton
Firm:	Jones & Cnossen Engineering, PLLC
Town Council Public Hearing Date:	January 13, 2026
Project Planner:	June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 19, 2025, 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.

12/22/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 22 day of December, 2025.

JERI CHASTAIN PEDERSON
My Commission Expires
NOTARY PUBLIC
March 19, 2029
WAKE COUNTY, NC

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/19/2029

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

August 20, 2025

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: August 1, 2025
- Name of development: 25CZ11 8905 Castleberry Rd (Tracts 10 & 11)
- Address of rezoning: 8905 & 0 Castleberry Rd
- Total number of proposed residential units: 6
- 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: #25CZ11 8905 Castleberry Road-Tracts 10&11

Planning Board Meeting Date: December 8, 2025

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: 3.0

PIN(s): 0713719698 & 0713719580

Current Zoning: Wake County Residential-80W (R-80W)

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

Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Outside

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:

Current 2045 Land Use Map designation is Rural Density Residential, which does not support the proposed zoning district.

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:

Proposed density is not compatible with surrounding properties.

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:

The size of buffer versus size of lots has an adverse impact on adjacent properties.

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

The properties' location near the watershed does not support increase in development potential.

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: _____

Proposed density is inconsistent with adjacent development pattern.

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: Denial

Introduced by Planning Board member: Keith Braswell

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 8th day of December 2025.

Attest:

Tim Royal, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2025.12.08 17:12:37 -05'00'

Amanda Bunce, Assistant Planning Director

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605
ADDRESSING ACTION ON ZONING PETITION #25CZ11

William Norton, Jones & Cnossen Engineering, PLLC (the "Applicant"), submitted a completed application for a conditional zoning on the 31st day of July 2025 (the "Application"). The proposed conditional zoning is designated #25CZ11.

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 #25CZ11 before the Apex Planning Board on the 8th day of December 2025.

The Apex Planning Board held a public hearing on the 8th day of December 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ11. A motion was made by the Apex Planning Board to recommend denial; the motion passed with a vote of 8-0 for the application for #25CZ11.

Pursuant to 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 #25CZ11 before the Town Council on the 13th day of January 2026.

The Apex Town Council held a public hearing on the 13th day of January 2026. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #25CZ11 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Apex Town Council by a vote of ___ to __denied Application #25CZ11 to rezone the subject tracts located at 8905 Castleberry Road and 0 Castleberry Road from Wake County Residential-80W (R-80W) to Low Density Residential-Conditional Zoning (LD-CZ).

The 2045 Land Use Map designates the site as Rural Density Residential classification. The applicant proposes a rezoning to Low Density Residential-Conditional Zoning (LD-CZ) district with a maximum density of 1.4 which is not a supported district within the Rural Density Residential Land Use Map classification. Therefore, the proposed project is not consistent with the 2045 Land Use Map classification.

The proposed rezoning is not reasonable and is not in the public interest because the proposed rezoning is not consistent with the surrounding neighborhood character, as it includes a higher density and significantly smaller lot size.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 0.50 acres, located at 2236 Old US 1 Highway (aka The Summit) (PIN NO. 0720-99-4626), Annexation No. 808, 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 previously approved Rezoning Case No. 21CZ14 – Holland Road Assembly PUD, which was approved by the Town Council on March 21, 2022. A link to view the previously executed statement and ordinance is included below:

https://www.apexnc.org/DocumentCenter/View/35534/21CZ14?bidId=

Attachments

- PH5-A1: Annexation Ordinance – Annexation No. 808 – The Summit Apex – 2236 Old US 1 Highway – 0.50 acres
- PH5-A2: Public Hearing Notice – Annexation No. 808 – The Summit Apex – 2236 Old US 1 Highway – 0.50 acres
- PH5-A3: Legal Description – Annexation No. 808 – The Summit Apex – 2236 Old US 1 Highway – 0.50 acres
- PH5-A4: Aerial Map – Annexation No. 808 – The Summit Apex – 2236 Old US 1 Highway – 0.50 acres
- PH5-A5: Plat Map – Annexation No. 808 – The Summit Apex – 2236 Old US 1 Highway – 0.50 acres
- PH5-A6: Annexation Petition – Annexation No. 808 – The Summit Apex – 2236 Old US 1 Highway – 0.50 acres

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. 808
THE SUMMIT APEX – HUMIE OLIVE ROAD – 0.50 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 January 13, 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 in the attached property description and also shown as "NEW TOWN OF APEX CORPORATE LIMITS" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 13, 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 14, 2025 and Land Surveyor dated October 02, 2025, and recorded in Book of Maps book number 2025 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 13th day of January, 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

BEGINNING AT AN IRON PIPE ON THE NORTHERN RIGHT OF WAY OF HUMIE OLIVE ROAD HAVING NC GRID COORDINATES N: 709673.11', E: 2028829.22', THENCE LEAVING RIGHT OF WAY, SOUTH 88 DEGREES 20 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 40.13 FEET TO A POINT ON A LINE. THENCE, SOUTH 66 DEGREES 25 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 289.02 FEET TO A POINT ON A LINE. THENCE, NORTH 23 DEGREES 47 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 146.21 FEET TO A POINT ON A LINE. THENCE, SOUTH 87 DEGREES 58 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 487.86 FEET TO A POINT ON A LINE. THENCE, SOUTH 05 DEGREES 15 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 24.92 FEET TO A POINT ON A LINE. THENCE, NORTH 88 DEGREES 18 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 125.81 FEET TO A POINT ON A LINE. THENCE, NORTH 88 DEGREES 19 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 339.43 FEET TO A POINT ON A LINE. THENCE, SOUTH 23

DEGREES 47 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 143.33 FEET TO A POINT ON A LINE. THENCE NORTH 66 DEGREES 25 MINUTES 04 SECONDS WEST A DISTANCE OF 356.15 FEET TO THE POINT OF BEGINNING, CONTAINING 21,696 SQUARE FEET OR 0.50 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 13th day of January, 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 13th day of January, 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. (December 22, 2025) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **13th day of January, 2026**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 808
The Summit Apex – 2236 Old US 1 Highway – 0.50 acres



CONTINUED – PUBLIC NOTICE – PUBLIC HEARING

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 808" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, January 13, 2026.

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

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

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

###

ANNEXATION DESCRIPTION

BEGINNING AT AN IRON PIPE ON THE NORTHERN RIGHT OF WAY OF HUMIE OLIVE ROAD HAVING NC GRID COORDINATES N: 709673.11', E: 2028829.22', THENCE LEAVING RIGHT OF WAY, SOUTH 88 DEGREES 20 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 40.13 FEET TO A POINT ON A LINE. THENCE, SOUTH 66 DEGREES 25 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 289.02 FEET TO A POINT ON A LINE. THENCE, NORTH 23 DEGREES 47 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 146.21 FEET TO A POINT ON A LINE. THENCE, SOUTH 87 DEGREES 58 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 487.86 FEET TO A POINT ON A LINE. THENCE, SOUTH 05 DEGREES 15 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 24.92 FEET TO A POINT ON A LINE. THENCE, NORTH 88 DEGREES 18 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 125.81 FEET TO A POINT ON A LINE. THENCE, NORTH 88 DEGREES 19 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 339.43 FEET TO A POINT ON A LINE. THENCE, SOUTH 23 DEGREES 47 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 143.33 FEET TO A POINT ON A LINE. THENCE NORTH 66 DEGREES 25 MINUTES 04 SECONDS WEST A DISTANCE OF 356.15 FEET TO THE POINT OF BEGINNING, CONTAINING 21,696 SQUARE FEET OR 0.50 ACRES.


Annexation #808
The Summit
Humie Olive Rd
Old US 1 Hwy
November 2025
November 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
200
400
Feet

NORTH CAROLINA PROFESSIONAL SEAL L-4720 LAND SURVEYOR RONALD T. FREDERICK

10-2-2025

CERTIFICATE OF SURVEY AND ACCURACY

I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 19878 AND PAGE 2064); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THE RATIO OF PRECISION IS 1:20,000; AND THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 AS AMENDED.

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, SEAL THIS 02 DAY OF OCTOBER, 2025.

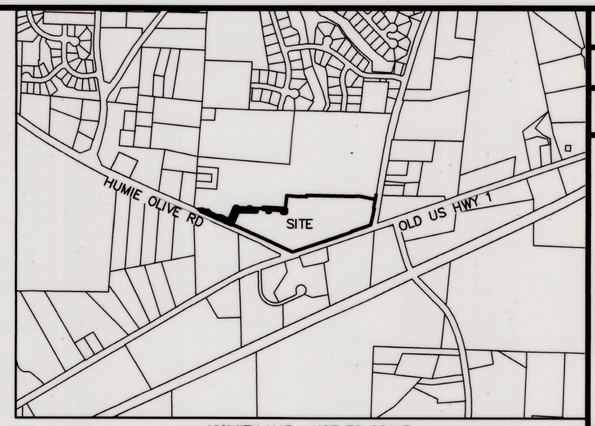
RONALD T. FREDERICK NCPLS: L-4720

NOTES:

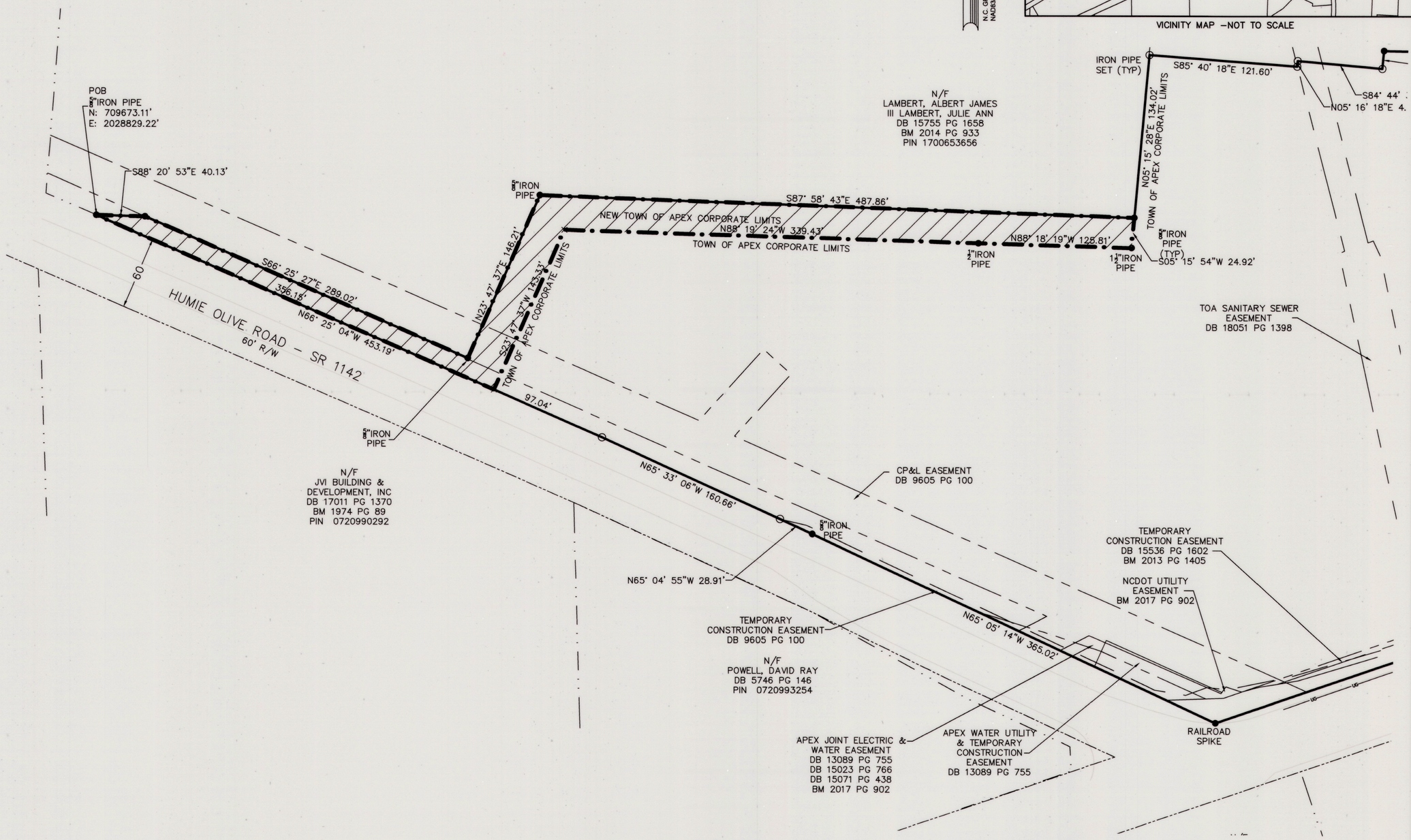
1. THE PURPOSE OF THIS PLAT IS TO ANNEX THE PROPERTY SHOWN INTO THE TOWN OF APEX
2. BEARINGS FOR THIS SURVEY ARE BASED NC GRID NAD83(2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. AREA BY COORDINATE GEOMETRY.
5. FLOOD NOTE: THIS SITE IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS AS SHOWN ON FIRM PANEL #3720072000K REVISED JULY 19, 2022.
6. REFERENCES: DB 19878, PG 2064, BM 2025, PG 131, DB 19519, PG 244, BM 2024, PG 1254, BM 2023, PG 1758 OF THE WAKE COUNTY REGISTRY.
7. UTILITY STATEMENT
   THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

N

N.C. GRID NORTH NAD83/2011



VICINITY MAP –NOT TO SCALE



BAR SCALE 1"=60'

0 30 60 120

TOTAL AREA OF ANNEXATION: 0.50 AC

SYMBOL LEGEND

○ ● – CORNER FOUND (AS NOTED)

× – COMPUTED POINT

ABBREVIATION LEGEND

EIP – EXISTING IRON PIPE
CMF – CONCRETE MONUMENT FOUND
AXF – AXLE FOUND
N/F – NOW OR FORMERLY
DB – DEED BOOK
PG – PAGE

LINE LEGEND

– PROPERTY LINE
– ADJOINING PROPERTY LINE
– NEW APEX CORPORATE LIMITS
– RIGHT-OF-WAY LINE
– EASEMENT LINE (LABELED)

SCALE:	1"=60'
DRAWN BY:	JAS
REVIEWED BY:	RTF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

©2023

SURVEY FOR:
INSPIRE COMMERCIAL, LLC

ADDRESS:
1124 GROGANS MILL DRIVE
CARY, NC 27519

LOCATED AT:
2236 OLD US 1 HWY,
APEX, NC 27502

ANNEXATION MAP FOR THE TOWN OF APEX

APEX, WAKE COUNTY, NORTH CAROLINA

PROJECT#: 13502-00

FILE NAME: 13502-00_ANNX

DATE: 08/14/2025

SHEET 1 OF 1

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 #:	808	Submittal Date:	8/1/2025
Fee Paid	$ 300.00	Check #	3304

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

Inspire Commercial LLC	0720994626
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-413-2120	macpatel1@gmail.com
Phone	E-mail Address
Inspire Commercial LLC	0720990529
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-413-2120	macpatel1@gmail.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Ronald T Fredrick, NCPLS

Phone: 984-212-8219 Fax:

E-mail Address: rfredrick@bgeinc.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	0.5	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:	0	Water service (new construction)	☑
Proposed # of housing units:	0	Sewer service (new construction)	☑
Zoning District*:	RR	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 #: 808 Submittal Date: 8/1/2025

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print	Signature
Please Print	Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 808 Submittal Date: 8-1-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Inspire Commercial, 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 1st day of August, 2025.

Name of Limited Liability Company Inspire Commercial, LLC

By: [signature], Manager
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Maneeda S. Patel, a Notary Public for the above State and County, this the 1 day of August, 2025. [signature]
Notary Public

SEAL

BRITTANY DASH
NOTARY PUBLIC
DURHAM County, North Carolina
My Commission Expires 04/29/2028

My Commission Expires: April 28, 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: _____

VOLUNTARY ANNEXATION-PLAT CHECKLIST

FOR APPLICANT USE ONLY
PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
GeoCivix (IDT)	Electronic Plan Review	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual

CONTACT INFORMATION			
Planning Department	(919) 249-3426	Water Resources (Utilities)	(919) 372-7478
Development Services	(919) 249-3394	Clerk's Office	(919) 249-1260

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Case No. 25CZ16 located at 3521 Old US 1 Highway. The applicant, Sadik Bourousse, seeks to rezone approximately 0.53 acres from Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04) to Planned Commercial-Conditional Zoning (PC-CZ) at 3521 Old US 1 Hwy.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on December 8, 2025 and unanimously voted to recommend approval of the rezoning.

Item Details

The property to be rezoned is identified as PIN 0710625854 (portion of).

Attachments

- PH6-A1: Staff Report and Rezoning Petition – Rezoning Case No. 25CZ16 – 3521 Old US 1 Highway
- PH6-A2: Planning Board Report to Town Council – Rezoning Case No. 25CZ16 – 3521 Old US 1 Highway

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: 3521 Old US 1 Hwy (portion of)
Applicant: Sadik Bourousse, 55 Auto Group

PROJECT DESCRIPTION:

Acreage: ± 0.53 acres
PIN: 0710625854 (portion of)
Current Zoning: Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04)
Proposed Zoning: Planned Commercial-Conditional Zoning (PC-CZ)
2045 Land Use Map: Office Employment/Commercial Services
Town Limits: Town Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Highway Commercial	Old US Hwy 1; Single-family residential
South:	Wake County R-30	Railroad tracks; Single-family residential
East:	Low Density Residential-Conditional Zoning (LD-CZ #11CZ04)	Single-family residential
West:	Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ17)	United States Postal Service

Existing Conditions:
The area to be rezoned is a portion of the property located at 3521 Old US 1 Hwy. The existing non-residential structure was built in 1959 as a community store for New Hill.

Background:
The property was rezoned to B1-CZ on May 3, 2011 in order to facilitate the annexation of the parcel. At the time of rezoning and annexation the commercial building occupied the use "Convenience store with gas sales". The residential structure and the Low Density Residential-Conditional Zoning district will retain it's current zoning. The parcel is located North of the New Hill Historic District.

Neighborhood Meeting:
The applicant conducted neighborhood meetings on September 3, and November 13, 2025. Both neighborhood meeting reports are attached.

2045 Land Use Map:
The 2045 Land Use Map classifies the subject property as Office Employment/Commercial Services. The proposed rezoning to Planned Commercial-Conditional Zoning (PC-CZ) is consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

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

- Permitted Uses:
    a. Vehicle sales and rental, light
    b. Drop-in or short-term daycare
    c. Veterinary clinic or hospital
    d. Entertainment, indoor
    e. Park, active
    f. Restaurant, general
    g. Office, business or professional
    h. Book store
    i. Grocery, specialty
    j. Newsstand or gift shop
    k. Printing and copying service
    l. Retail sales, general
    m. Drycleaners and laundry service
    n. Church or place of worship
    o. Government service
    p. Park, passive
    q. Medical or dental office or clinic
    r. Convenience store
    s. Financial institution
    t. Greenhouse of nursery, retail
    u. Health/fitness center of spa
    v. Personal service
    w. Real estate sales
    x. Studio for art
    y. Day care facility
    z. Botanical garden
    aa. Greenway
    bb. Youth or day camps
    cc. Barber and beauty shop
    dd. Floral shop
    ee. Laundromat
    ff. Pharmacy
    gg. Tailor shop

1. No existing non-conformities shall be expanded; maintenance of existing improvements shall be allowed.
2. No more than 8 vehicle spaces shall be dedicated to display, sales, or storage are allowed.
3. The use *Vehicle sales and rental, light* shall be limited to an establishment engaged in the retail sale or rental, from the premises, of new or used motorized vehicles to include cars, vans, pick-up trucks, and sport utility vehicles. No accessory uses shall be allowed when the primary use is *Vehicle sales and rental, light*.
4. The only signage allowed on the vehicle shall be located on window of a door for sale or rent and shall be limited to 8.5” X 11”.
5. In the event of new construction, exterior renovations, and/or additions be made, the building shall conform to the following conditions:
    a. The predominant exterior building material shall be high quality materials, including:
        i. Brick masonry
        ii. Decorative concrete block (either integrally colored or textured)
        iii. Stone accents
        iv. EIFS cornices, and parapet trim
        v. Precast concrete
    b. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
    c. The building exterior shall have more than one material color.
    d. The building shall have more than one parapet height.
    e. The main entrance to the building shall be emphasized.

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

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on December 8, 2025 and unanimously recommended approval.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #25CZ16 with the conditions as offered by the applicant.

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

The 2045 Land Use Map classifies the subject property as Office Employment/Commercial Services. The proposed rezoning to Planned Commercial-Conditional Zoning (PC-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest as the proposed zoning district and conditions allow the property to be used in a manner consistent with its original use and accommodate the growth in economy consistent with that contemplated by the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:
The Planning Board shall find the PC-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 #25CZ16
New Hill Olive Chapel Rd
Old US 1 Hwy
New Hill Holleman Rd
New Hill Post Office
0
200
400
Feet
November 2025
November 2025 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 #: 25CZ16 Submittal Date: 10-27-2025

Fee Paid:

Project Information

Project Name: 55 Auto Group of Apex

Address(es): A portion of 3517 Old US 1 Hwy, New Hill, NC, 27562-9759 (Physical address 3521 Old US 1)

PIN(s): a portion of PIN 0710925854

Acreage: .53

Current Zoning: B1 - CZ Proposed Zoning: PC - CZ

Current 2045 LUM Classification(s): Office Employment, Commercial Services

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: NA

Area proposed as non-residential development: Acreage: NA

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

Applicant Information

Name: Sadik Bourousse

Address: 5401 Bobbitt Rd

City: Apex State: NC Zip: 27539

Phone: 919-717-6096 E-mail: 55autoapexnc@gmail.com

Owner Information

Name: Jack L. Skaggs Jr.

Address: 3517 Old US 1 Hwy

City: New Hill State: NC Zip: 27562-9759

Phone: 919-387-3737 E-mail: jackskaggs0@gmail.com

Agent Information

Name: Jason East

Address: 67 Old Grove Lane

City: Apex State: NC Zip: 27502

Phone: 919-796-8529 E-mail: jasonanthonyeast@yahoo.com

Other contacts:

PETITION INFORMATION

Application #: 25CZ16 Submittal Date: 10-27-2025

An application has been duly filed requesting that the property described in this application be rezoned from B1 - CZ to PC - 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	Vehicle Sales and Rental, Light	21	Health/fitness center or spa
2	Drop-in or short-term daycare	22	Personal service
3	Veterinary clinic or hospital	23	Real estate sales
4	Entertainment, indoor	24	Studio for art
5	Park, active	25	Day care facility
6	Restaurant, general	26	Botanical garden
7	Office, business or professional	27	Greenway
8	Book store	28	Youth or day camps
9	Grocery, specialty	29	Barber and beauty shop
10	Newsstand or gift shop	30	Floral shop
11	Printing and copying service	31	Grocery, general
12	Retail sales, general	32	Laundromat
13	Drycleaners and laundry service	33	Pharmacy
14	Church or place of worship	34	Tailor shop
15	Government service	35	
16	Park, passive	36	
17	Medical or dental office or clinic	37	
18	Convenience store	38	
19	Financial institution	39	
20	Greenhouse or nursery, retail	40	

PETITION INFORMATION

Application #: 25CZ16 Submittal Date: 10-27-2025

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.

Please see attached Document

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.

Yes, the 2045 LUM is already Office Employment, Commercial Services

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

Yes, no changes or modifications will be made to the current building.

However, in event of a new construction, exterior renovations, and/or additions be made, one or all of the following architectural conditions that have been offered on non-residential rezoning in the past will be used:

Please see attached document for listing materials

Application #: 25CZ16 Submittal Date: 10-27-2025

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

Yes

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.

Yes, there will be minimum adverse impacts. No changes will be made to the current building.

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.

There will be no environmental changes to the property.

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.

There will be no impacts on public facilities and/or services.

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

There will be zero effects on the residents health, safety, or welfare.

PETITION INFORMATION

Application #: 25CZ16 Submittal Date: 10-27-2025

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

This will not affect any 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.

This is an appointment based business and only anticipate one to two customers a day.

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.

Yes, this would be in compliance.

AGENT AUTHORIZATION FORM

Application #: #25CZ16 Submittal Date: 10/27/2025

Jack L. Skaggs Jr. is the owner* of the property for which the attached application is being submitted:

- [X] 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: 3521 Old US 1 Hwy, New Hill, NC 27562

The agent for this project is: Jason East

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

Agent Name: Jason East

Address: 67 Old Grove Lane, Apex, NC 27502

Telephone Number: 919-796-8529

E-Mail Address: jasonanthonyeast@yahoo.com

Signature(s) of Owner(s)*

JACK SKAGGS — Type or print name — 8/3/25 — Date

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #25CZ16 Submittal Date: 10/27/2025

The undersigned, Jack L. Skaggs Jr. (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 3527 Old US 1 HWY, New Hill, NC 27562-9759 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 2-24-2000 and recorded in the Wake County Register of Deeds Office on 2-24-2000, in Book 08524 Page 2148.

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 2-24-2000, 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 2-24-2000, 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 3 day of SEPT, 2025.

(seal)

JACK SKAGGS

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

DORIS GARCIA NOTARY PUBLIC WAKE COUNTY, NC NOTARY SEAL

Notary Public
State of North Carolina
My Commission Expires: Feb 14 / 2028

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ16 Submittal Date: 10-27-25

Insert legal description below.

Property Description: "New Hill"

PIN#: A portion of 0710925854

Deed Book 08524 Page 2148

Plat Map 0710 Scale 04

Metes and Bounds:

Beginning at a railroad spike set in the southern right-of-way of Old U.S. Highway #1, it being the northeast corner for the New Hill Post Office, runs thence with the right-of-way of Old U.S. Highway #1, North 68°42'22" East 100.15 feet to a computed point; runs thence South 24°28'23" East 226.75 feet to a computed point in the northern right-of-way of the CSX Railroad; runs thence South 61°33'00" West 100.24 feet to a stake, the southeast corner for the New Hill Post Office; runs thence North 24° 28' 23" West 239.26 feet to the point and place of BEGINNING, containing approximately 0.53 acres.

This legal description is not written from an actual field survey but is based on the listed metes and bounds from Wake County Book of Deeds 8524 Page 2148 and Book of Maps 2011 Page 424, as well as a calculated line splitting said property.

#25CZ16

Attached document for Petition to Amend the Official Zoning District Map: Page 5 of 7: Proposed Conditions and Question #2 Continuation of Materials Used

1. No existing non-conformities shall be expanded; maintenance of existing improvements shall be allowed.
2. No more than 8 vehicles spaces dedicated to display, sales, or storage are allowed.
3. The use *Vehicle sales and rental, light* shall be limited to an establishment engaged in the retail sale or rental, from the premises, of new or used motorized vehicles to include cars, vans, pick-up trucks, and sport utility vehicles. No accessory uses shall be allowed when the primary use is *Vehicle sales and rental, light*.
4. The only signage allowed on a vehicle for sale or rent shall be located on the window of a door and shall be limited to 8.5" X 11".
5. In event of a new construction, exterior renovations, and/or additions be made, the building shall conform to the following conditions:
   a. The predominant exterior building materials shall be high quality materials, including:
      i. Brick masonry
      ii. Decorative concrete block (either integrally colored or textured)
      iii. Stone accents
      iv. EIFS cornices, and parapet trim
      v. Precast concrete
   b. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
   c. The building exterior shall have more than one material color.
   d. The building shall have more than one parapet height.
   e. The main entrance to the building shall be emphasized.

#25CZ16

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.

8/21/25
Date

Dear Neighbor:

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

3521 Old US 1 HWY
New Hill, NC 27562-9759
Address(es)

0710925854
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
[X]	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 (also see attached map(s) and/or plan sheet(s)):

The purpose of this meeting is for the current rezoning on allowance to operate a small used car dealership that focuses on "by appointment" and online sales.

Estimated submittal date: 8/29/25

MEETING INFORMATION:

Property Owner(s) name(s): Jack L. Skaggs Jr.
Applicant(s): Sadik Bourousse + Jason East
Contact information (email/phone): jasonanthonyeast@yahoo.com 919-796-8529
Meeting Address: 3521 Old US 1 HWY, New Hill, NC 27562
Date/Time of meeting**: September 3rd 2025 at 5:30 pm

Welcome: 5:30 Project Presentation: 5:35 Question & Answer: 5:45

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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.

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: 55 Auto Group of Apex Zoning: BI

Location: 3517 Old US 1 HWY, New Hill, NC 27562-9759

Property PIN(s): 0710925854 Acreage/Square Feet: _____

Property Owner: Jack L. Skaggs Jr.

Address: 3521 Old US 1 HWY

City: New Hill State: NC Zip: 27562

Phone: 919-387-3737 Email: jackskaggs0@gmail.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): _____

Address: _____

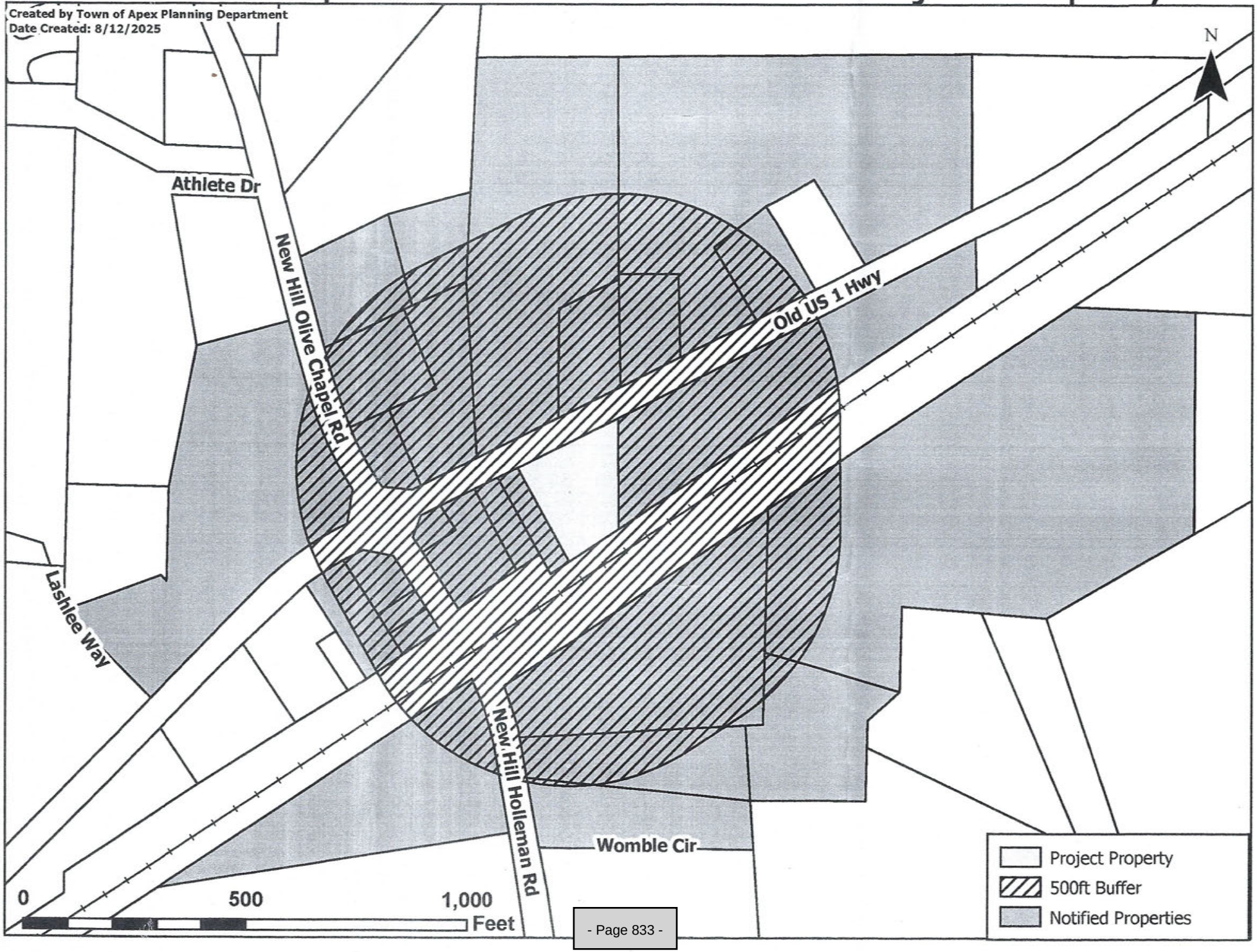
City: _____ State: _____ Zip: _____

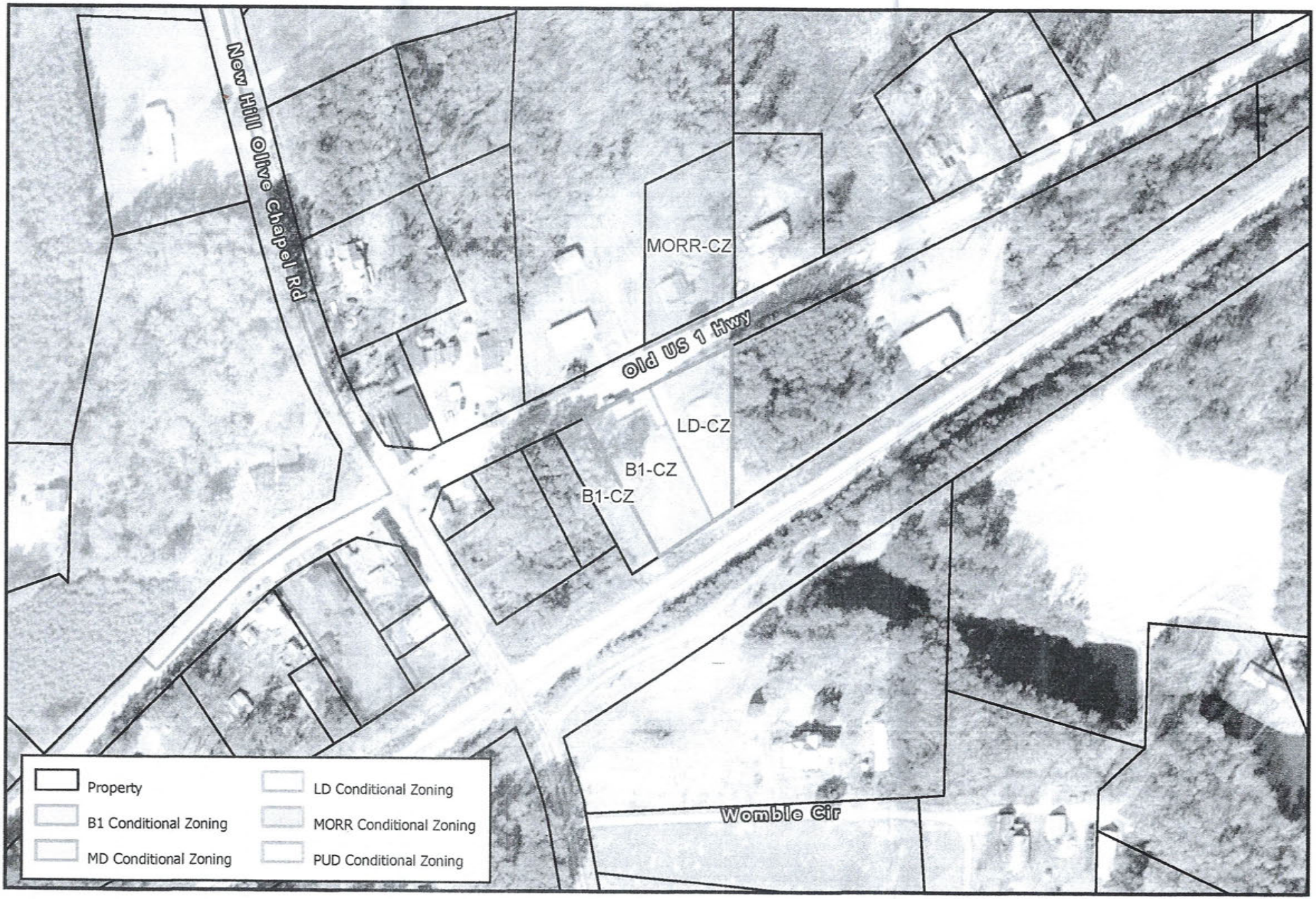
Phone: _____ Fax: _____ Email: _____

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 Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) 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

Notified Properties within 500ft of the Project Property





Disclaimer

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

Meeting Agenda for Neighborhood Notice meeting

9-3-2025

5:30- Welcome

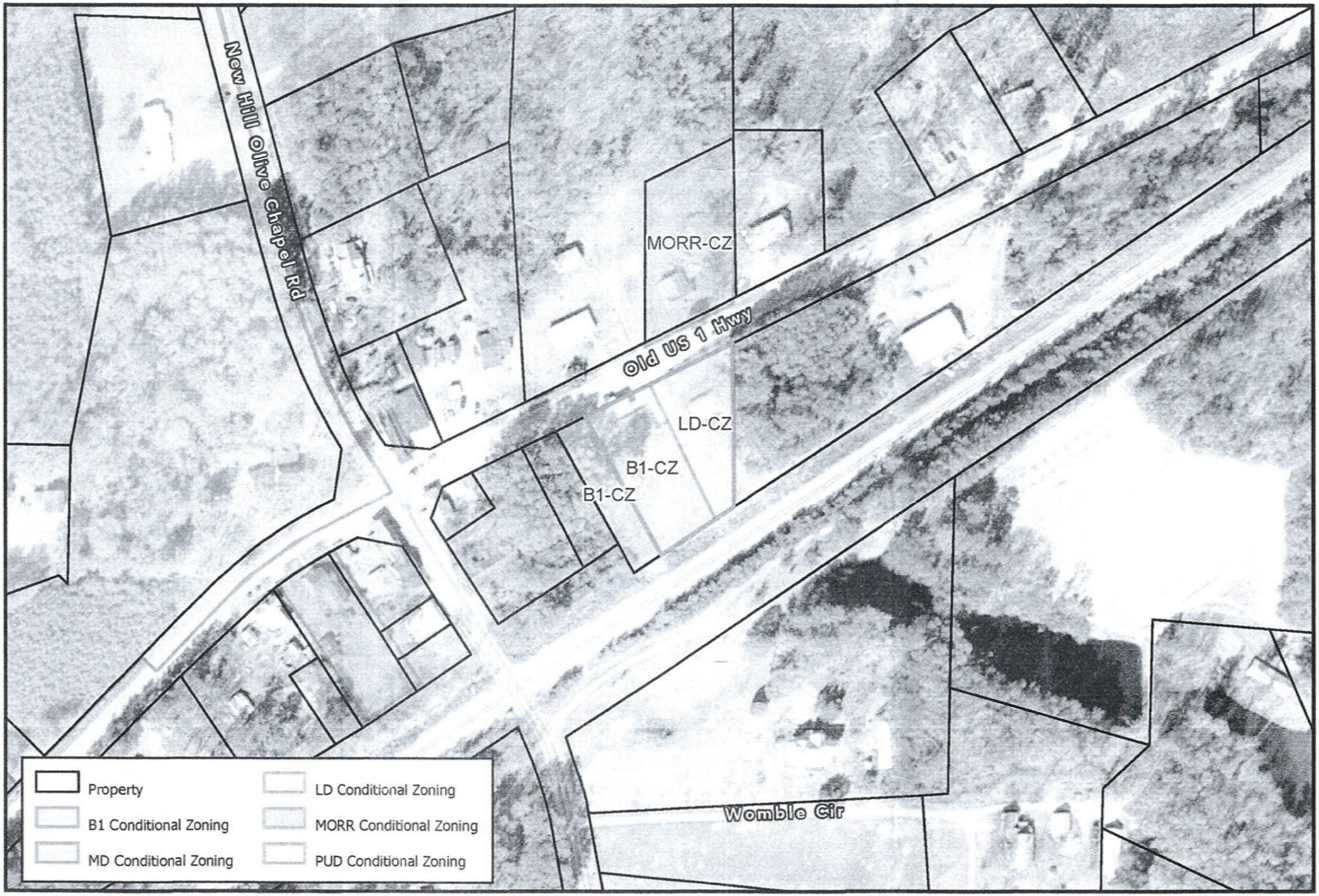
5:35- Project Presentation

-Explanation that this meeting is held to explain that the building at 3521 Old US 1 Hwy, New Hill, NC will be going for Conditional Rezoning.

- Explanation that there will be one more Neighborhood meeting held a month prior to going before Town Council

- Explanation of the rezoning from B1 to PC-CZ, that the building will not be changing, and that 55 Auto Group of Apex will be allowed 8 parking spots. Attendees will be shown the following maps/drawing. See attached

5:45- Questions from Attending Neighbors



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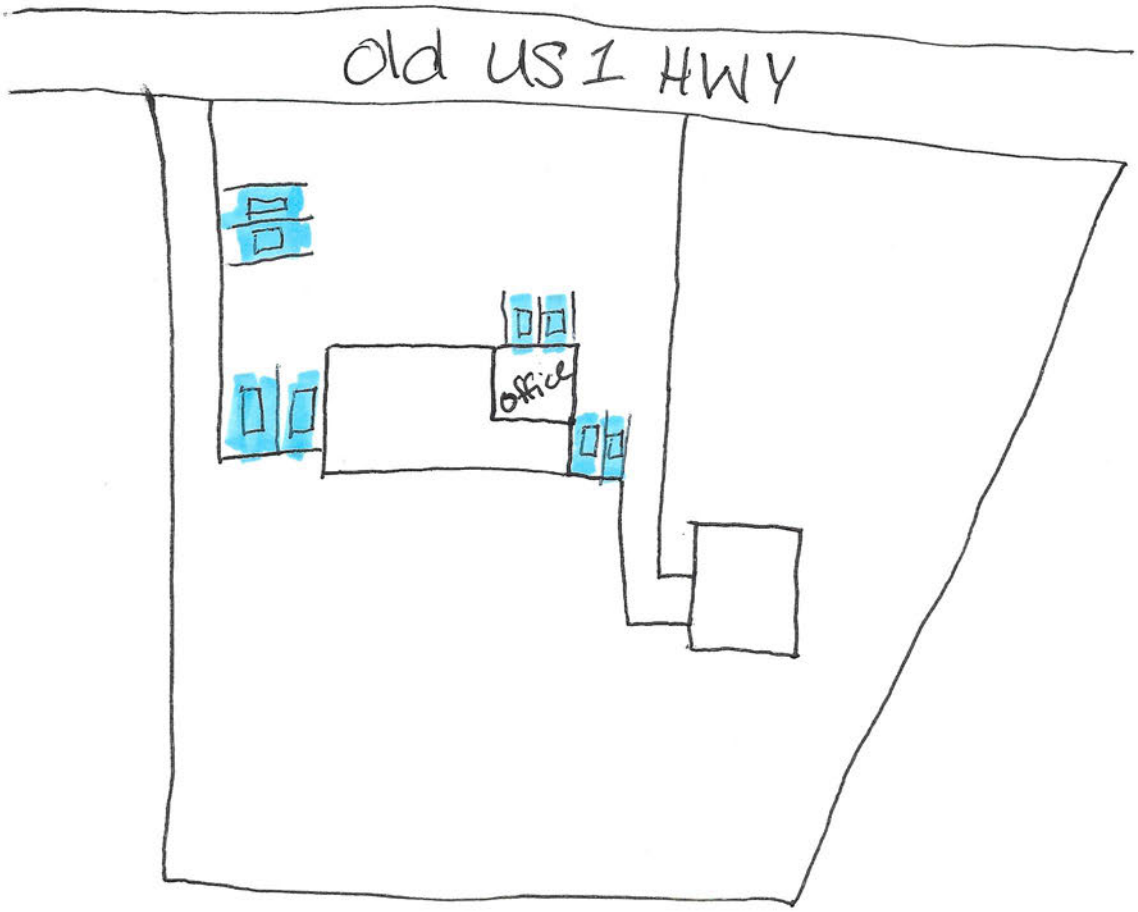


Highlighted areas showing vehicle parking

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: 3521 Old US 1 HWY, New Hill NC 27562

Date of meeting: 9/3/25 Time of meeting: 5:30

Property Owner(s) name(s): Jack L Skaggs JR

Applicant(s): Sadik Bourousse & Jason East

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.	Jason East	67 Old Grove lane Apex NC 27502	[redacted]		☐
2.	Jeff Womble	1905 Twin Lake DR			☐
3.	Jack Skaggs	3517 OLD US1			☐
4.					☐
5.					☐
6.					☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Jack L Skaggs JR

Applicant(s): Sadik Bourousse + Jason East

Contact information (email/phone):

Meeting Address: 3521 Old US 1 HWY New Hill, NC 27562

Date of meeting: 9/3/2025 Time of meeting: 5:30

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: No Questions were asked

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Jason East, 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 3521 Old US 1 HWY New Hill NC 27562 (location/address) on 9/3/25 (date) from 5:30 (start time) to 6:30 (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.

9/3/25
Date

By: J EA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Doris Garcia, a Notary Public for the above State and County, on this the 3 day of September, 2025.

SEAL
DORIS GARCIA NOTARY PUBLIC WAKE COUNTY, NC

Notary Public

Doris Garcia
Print Name

My Commission Expires: Feb 14 2028

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.

10-29-2025
Date

Dear Neighbor:

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

3521 Old US 1 HWY
New Hill, NC 27562-9759
Address(es)

0710925854
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 or the located on the Town of Apex website at . 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
[X]	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)):

The purpose of this meeting is for the current rezoning on allowance to operate a small used car dealership that focuses on "by appointment" and online sales.

Estimated submittal date: 10-27-2025

MEETING INFORMATION:

Property Owner(s) name(s): Jack L. Skaggs Jr.
Applicant(s): Sadik Barousse & Jason East
Contact information (email/phone): jasonanthonyeast@yahoo.com 919-796-8529
Meeting Address: 3521 Old US 1 HWY, New Hill, NC 27562
Date/Time of meeting**: November 13th 2025 at 5:30pm

Welcome: 5:30 Project Presentation: 5:35 Question & Answer: 5:45

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

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: 55 Auto Group of Apex Zoning: B1-C2

Location: 3521 Old US 1 HWY, New Hill, NC 27562-9759

Property PIN(s): 0710925854 Acreage/Square Feet: .53

Property Owner: Jack L. Skaggs Jr.

Address: 3517 Old US 1 HWY

City: New Hill State: NC Zip: 27562

Phone: 919-387-3737 Email: jackskaggs0@gmail.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

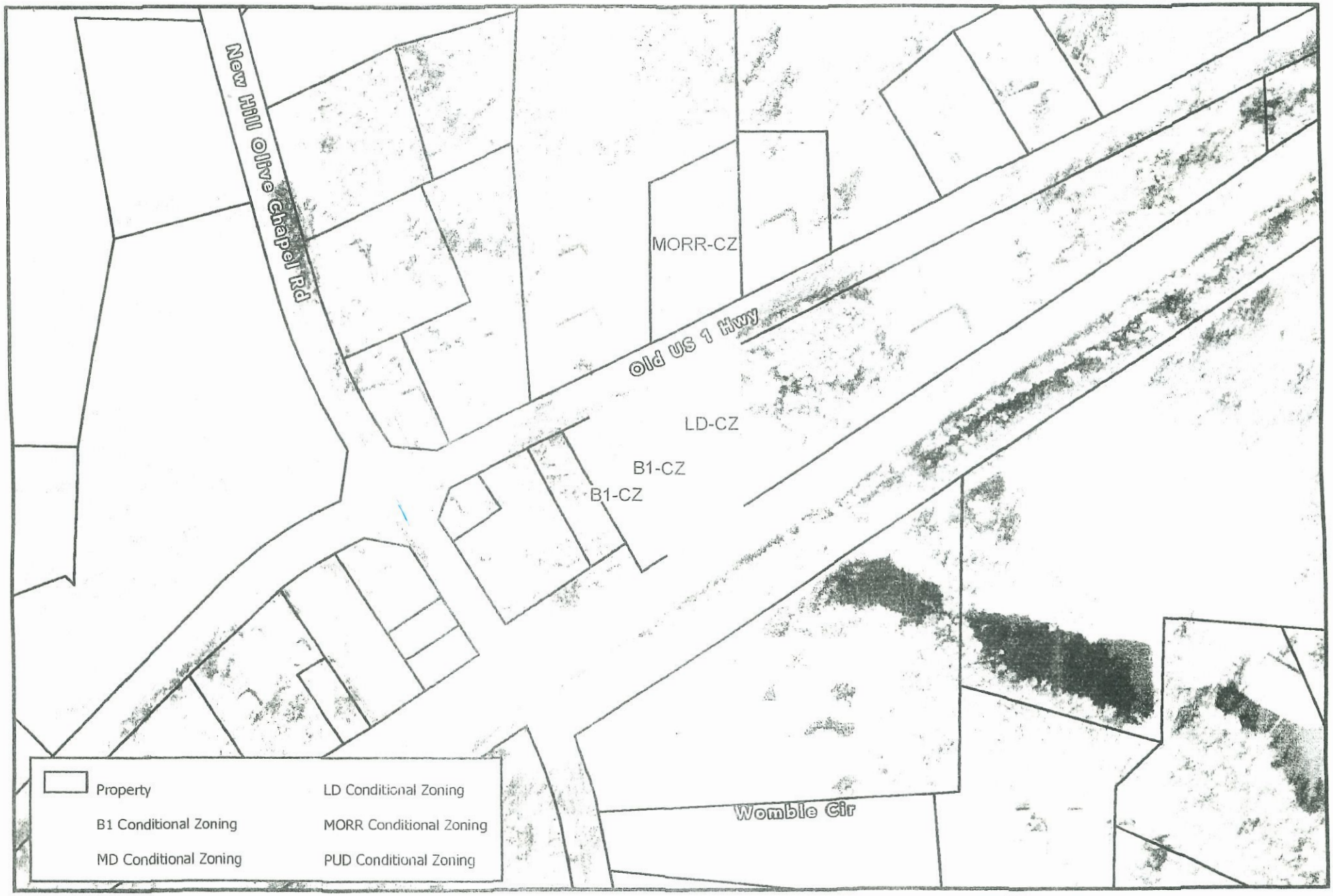
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Departments

Planning Department M

(Provide development name or location to be routed to correct planner) (919) 249-3426

Parks, Recreation & Cultural Resources Department



N

0 100 200 400 ft

1 inch equals 200 feet

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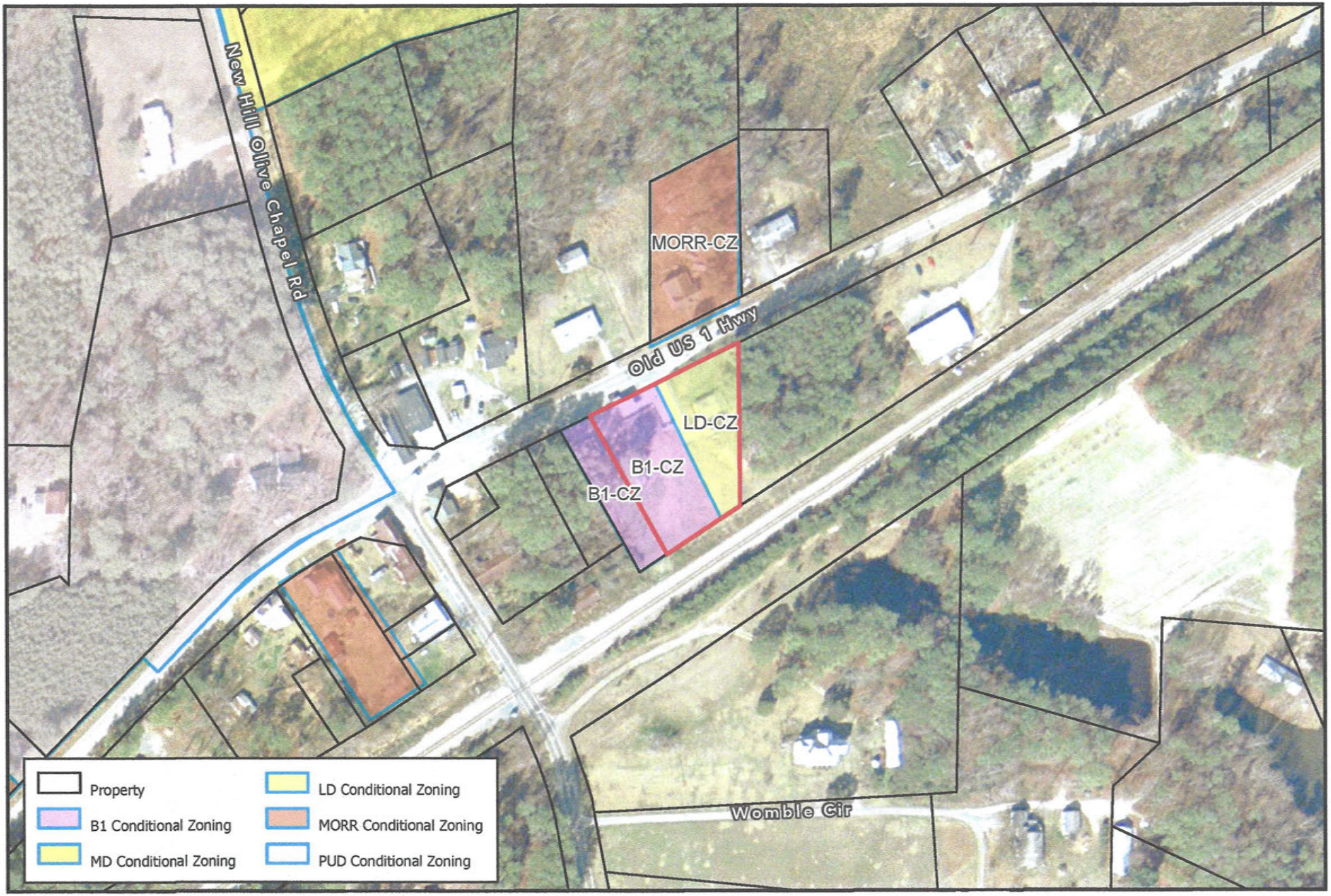

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Meeting Agenda for Second Neighborhood Meeting

November 13th, 2025

5:30- Welcome

5:35- Project Presentation

-Explanation that this meeting is held to explain that the building at 3521 Old US 1 Hwy, New Hill, NC will be going for Conditional Rezoning.

-Explanation that this is the second required meeting prior to going before Apex Town Council.

-Explanation of the rezoning from B1-CZ to PC-CZ, that the building will not be changing, and that 55 Auto Group of Apex will be allowed 8 parking spots. Attendees will be shown the following maps/drawings. See attached

1. Building and Parking lot to be kept exactly how it is currently set up.

2. No interior or exterior modifications

3. No more than 8 vehicles spaces dedicated to display, sales, or storage are allowed.

4. Business operated by online appointments

5. Zero mechanical work done on premises

6. Used strictly as an office to hold dealers license and do paper work

7. The only signage allowed on the vehicle shall be located on window of a door and shall be limited to 8.5" x 11"

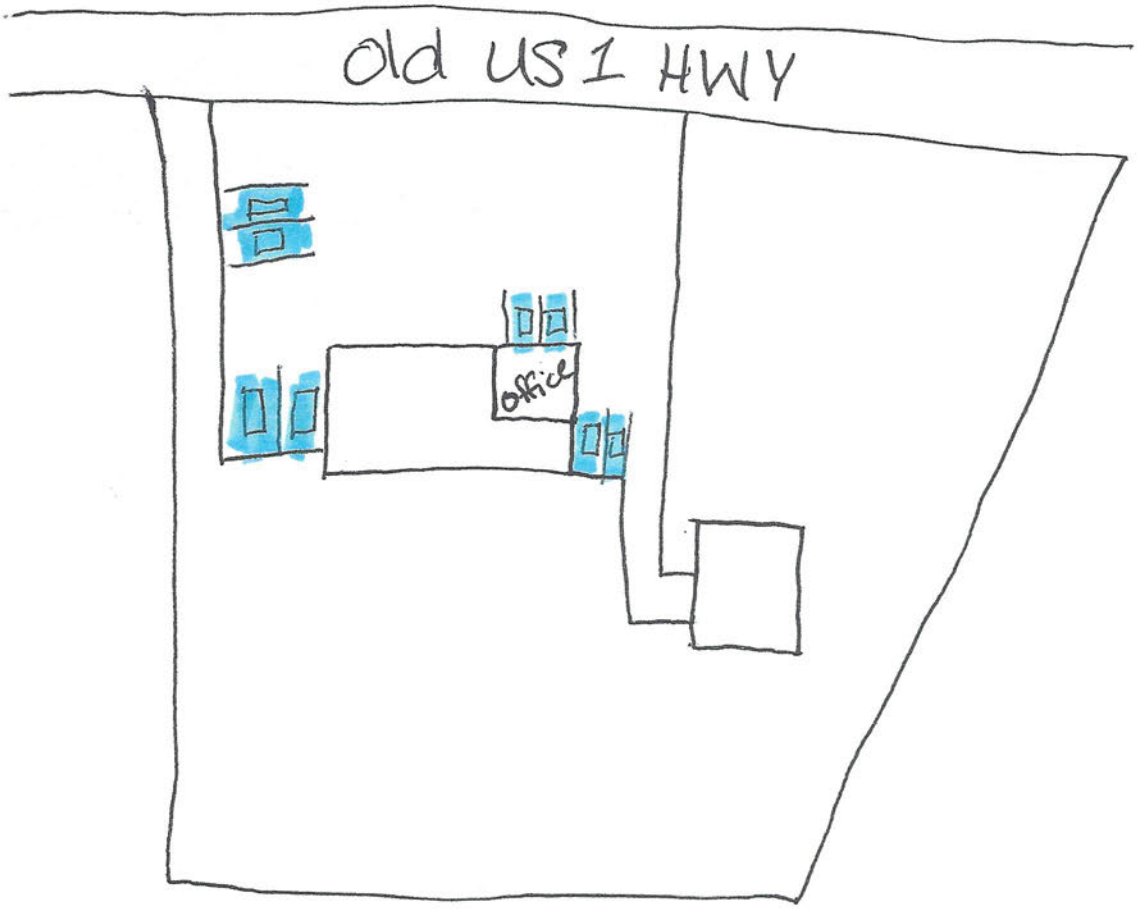
8. in event of a new construction, renovations, and/or additions be made, one or all of the following architectural conditions that have been offered on non-residential rezoning in the past will be used:

The predominant exterior building materials shall be high quality materials, including:

a) Brick masonry
b) Decorative concrete block (either integrally colored or textured)
c) Stone accents
d) Aluminum storefronts with anodized or pre-finished colors
e) EIFS cornices, and parapet trim
f) Precast concrete
g) EIFS or synthetic stucco shall not be uses in the first forty inches above grade

h) The building exterior shall have more than one material color
i) The building shall have more than one parapet height
j) The main entrance to the building shall be emphasized
k) Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties

5:45- Questions from Attending Neighbors



Highlighted areas showing vehicle parking

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: 3521 Old US1 Hwy New Hill NC 27562

Date of meeting: 11/13/25 Time of meeting: 5:30

Property Owner(s) name(s): Jack L Skaggs JR

Applicant(s): Salik Bourousse & Jason East

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.	Patty McIver	3712 Mason Rd Newhill			☐
2.	Jason East	67 Old Grove Lane Apex	[redacted]		☐
3.	JACK SKAGGS	3517 OLDUS1			☐
4.					☐
5.					☐
6.					☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Jack L Skaggs JR

Applicant(s): Sadik Bourousse + Jason East

Contact information (email/phone): 919-796-8529 Jasonanthonyeast@yahoo.com

Meeting Address: 3521 old US1 Hwy New Hill NC 27562

Date of meeting: 11/13/25 Time of meeting: 5:30

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: No Questions Asked

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Jason East, 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 3521 Old US1 HWY New Hill NC 27562 (location/address) on 11/13/25 (date) from 5:30 (start time) to 6:30 (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.

11/13/25
Date

By: J. Est

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jason A. East, a Notary Public for the above State and County, on this the 14th day of Nov, 2025.

SEAL

David Gage Hockenberry
Notary Public

David Gage Hockenberry
Print Name

My Commission Expires: 06-20-29

DAVID GAGE HOCKENBERRY
NOTARY PUBLIC
Chatham County
North Carolina
My Commission Expires 06/20/2029

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ16
3521 Old US 1 Hwy(55 Auto Group)

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: Sadik Bourousse, 55 Auto Group
Authorized Agent: Jason East
Property Address: 3521 Old US 1 Highway
Acreage: ± 0.53 acres
Property Identification Number (PIN): 0710925854 (portion of)
2045 Land Use Map Designation: Office Employment/Commercial Services
Existing Zoning of Property: Neighborhood Business-Conditional Zoning (B1-CZ #11CZ04)
Proposed Zoning of Property: Planned Commercial-Conditional Zoning (PC-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 8, 2025 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/52118/.

Dianne F. Khin, AICP
Planning Director

Published Dates: November 21 – December 8, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ16
3521 Old US 1 Hwy (55 Auto Group)

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: Sadik Bourousse, 55 Auto Group
Agente autorizado: Jason East
Dirección de la propiedad: 3521 Old US 1 Highway
Superficie: ± 0.53 acres
Números de identificación de la propiedad: 0710925854 (portion of)
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Neighborhood Business-Conditional Zoning (B1-CZ #11CZ04)
Ordenamiento territorial propuesto para la propiedad: Planned Commercial-Conditional Zoning (PC-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de diciembre de 2025 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/52118/.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 21 de noviembre - 8 de diciembre de 2025

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25CZ16 PBPN
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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ16
3521 Old US 1 Hwy(55 Auto Group)

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: Sadik Bourousse, 55 Auto Group
Authorized Agent: Jason East
Property Address: 3521 Old US 1 Highway
Acreage: ± 0.53 acres
Property Identification Number (PIN): 0710925854 (portion of)
2045 Land Use Map Designation: Office Employment/Commercial Services
Existing Zoning of Property: Neighborhood Business-Conditional Zoning (B1-CZ #11CZ04)
Proposed Zoning of Property: Planned Commercial-Conditional Zoning (PC-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 8, 2025 4:30 PM

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Vicinity Map:



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Dianne F. Khin, AICP
Planning Director

Published Dates: November 21 – December 8, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ16
3521 Old US 1 Hwy (55 Auto Group)

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: Sadik Bourousse, 55 Auto Group
Agente autorizado: Jason East
Dirección de la propiedad: 3521 Old US 1 Highway
Superficie: ± 0.53 acres
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Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services
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Ordenamiento territorial propuesto para la propiedad: Planned Commercial-Conditional Zoning (PC-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de diciembre de 2025 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.

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De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/52118/.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 21 de noviembre - 8 de diciemb

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 #25CZ16 3521 Old US 1 Hwy (55 Auto Group)
Project Location:	3521 Old US 1 Hwy
Authorized Agent:	Jason East
Planning Board Public Hearing Date:	December 8, 2025
Project Planner:	Joshua Killian

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 November 21, 2025, 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.

11-21-25
Date

Amanda Bunce
for Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 21 day of November, 2025.

Jeri Chastain Pederson
Notary Public

JERI CHASTAIN PEDERSON
My Commission Expires
NOTARY PUBLIC
March 19, 2029
WAKE COUNTY, NC

SEAL

My Commission Expires: 03 / 19 / 2029

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ16
3521 Old US 1 Hwy (55 Auto Group)

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: Sadik Bourousse, 55 Auto Group
Authorized Agent: Jason East
Property Address: 3521 Old US 1 Highway
Acreage: 0.53
Property Identification Number (PIN): 0710925854 (portion of)
2045 Land Use Map Designation: Office Employment/Commercial Services
Existing Zoning of Property: Neighborhood Business-Conditional Zoning (B1-CZ #11ZC04)
Proposed Zoning of Property: Planned Commercial-Conditional Zoning (PC-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: January 13, 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:



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Dianne F. Khin, AICP
Planning Director

Published Dates: December 19, 2025 – January 13, 2026
Published Online: January 2 - January 13, 2026

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ16
3521 Old US 1 Hwy (55 Auto Group)

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: Sadik Bourousse, 55 Auto Group
Agente autorizado: Jason East
Dirección de la propiedad: 3521 Old US 1 Highway
Superficie: 1.01 acres
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Ordenamiento territorial propuesto para la propiedad: Planned Commercial-Conditional Zoning (PC-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: 13 de enero 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/52118/.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 - 13 de enero de 2026
Publicado en línea: 2 de enero - 13 de enero de 2026

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ16
3521 Old US 1 Hwy (55 Auto Group)

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Dianne F. Khin, AICP
Planning Director

Published Dates: December 19, 2025 – January 13, 2026
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TOWN OF APEX
PO BOX 250
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TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
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Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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Fecha y hora de la audiencia pública del Consejo Municipal: 13 de enero de 2026 6:00 P.M.

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Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 - 13 de enero de 2026
Publicado en línea: 2 de enero - 13 de enero de 2026

3:29 PM
1/2/2026

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 #25CZ16
Project Location:	3521 Old US 1 Hwy
Applicant or Authorized Agent:	Jason East
Firm:	55 Auto Group of Apex
Town Council Public Hearing Date:	January 13, 2026
Project Planner:	Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 19, 2025, 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.

12/22/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 22 day of December, 2025.

JERI CHASTAIN PEDERSON
My Commission Expires
NOTARY PUBLIC
March 19, 2029
WAKE COUNTY, NC

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/19/2029

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ16 3521 Old US 1 Hwy (55 Auto)

Planning Board Meeting Date: December 8, 2025

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: ±0.53

PIN(s): 0710625854 (portion of)

Current Zoning: Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04)

Proposed Zoning: Planned Commercial-Conditional Zoning (PC-CZ)

2045 Land Use Map: Office Employment/Commercial Services

Town Limits: Town Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

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: Approval

Introduced by Planning Board member: Kristy Yule

Seconded by Planning Board member: Alyssa Byrd

☑ *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 8 day of December 2025.

Attest:

Tim Royal, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2025.12.08 17:21:11 -05'00'

Amanda Bunce, Assistant Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 13, 2026

Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

Requested Motion

This item was continued at the November 13 and December 9, 2025, Town Council meetings.

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

Approval Recommended?

The Planning Department recommends approval.

The Planning Board will hold a public hearing on January 12, 2026. Their recommendation will be shared at the January 13, 2026, Town Council meeting.

Item Details

Requested by Planning and Transportation & Infrastructure Development Staff:

1. Amendments to Secs. 7.2.1.I *Design Standards, Streets;* 7.2.4 *Design Standards;* 8.2.6.C *Landscaping, Buffering, and Screening, General Buffering Requirements*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

Attachments

- PH7-A1: Staff Report - Unified Development Ordinance (UDO) Amendments-Staff – January 2026
- PH7-A2: Public Notice - Unified Development Ordinance (UDO) Amendments-Staff – January 2026
- PH7-A3: Ordinance - Unified Development Ordinance (UDO) Amendments-Staff – January 2026

STAFF REPORT
Amendments to the Unified Development Ordinance
January 13, 2026 Town Council Meeting

Requested by Planning and Transportation & Infrastructure Development Staff:

1) Amendments to Secs. 7.2.1.I *Design Standards, Streets;* 7.2.4 *Design Standards;* 8.2.6.C *Landscaping, Buffering, and Screening, General Buffering Requirements*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

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

7.2.1 Design Standards, Streets

I) ***Temporary Turnaround***

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

1) *Applicability.* The provisions of this subsection shall apply only to temporary turnarounds approved after January 27, 2026.

2) *Easement and Design.* The temporary turnaround shall be placed in a temporary public access easement meeting the standards of Sec. 7.2.4.C *Temporary Public Access Easement* or within a dedicated public right-of-way until such time as the roadway is extended.

3) *Fee-In-Lieu (FIL).* A fee-in-lieu pursuant to Sec. 7.5.4.F *Stub Street Fee-In-Lieu* shall be required for the future conversion and removal of the temporary turnaround prior to Master Subdivision Final Plat or Site Plan Final Plat approval.

4) *Removal and Restoration.* The developer of the adjacent property making a street connection to the existing stub street shall be responsible for the removal of the temporary turnaround, restoration of the affected area, landscaping to meet the buffer type that would have been required had the temporary turnaround not been located there, and construction of any additional improvements required by the UDO for street extensions, including typical roadway cross-sections, sidewalks, and utilities.

5) *Use Limitations*. Temporary turnarounds shall not be used for parking and/or driveways.

6) ***Signage*. When a temporary turnaround is provided, a clearly visible street sign per the Town of Apex's *Standard Specifications and Standard Details* shall be erected at the end of the stub street stating that the street is planned to be connected to a future street.**

7) ***Size and Dimensions*. The temporary turnaround shall comply with the size and dimensional requirements set forth in the Town of Apex's *Standard Specifications and Standard Details*.**

8) ***Platting*. Any plat containing a stub street shall include the following note: "The street system shown on this plat includes one or more stub streets that are intended to connect to adjacent property when such property is developed. These connections are required to promote the efficient flow and distribution of traffic and to provide additional points of access for emergency vehicles."**

9) ***Materials.* The temporary turnaround shall be built to the Town of Apex's standards per Town of Apex *Standard Specifications and Standard Details.***

7.2.4 Design Standards

…

C) ***Temporary Public Access Easement.***
Where a street is terminated temporarily at the edge of a development and creates a stub street, a temporary public access easement shall be provided. The temporary public access easement shall be of sufficient size to allow for necessary construction and future conversion of the roadway to a through street. Any slope easements, construction easements and/or right-of-way dedication needed to construct the future roadway connection shall be dedicated. The temporary public access easement shall follow one of the following methods:

(1) **If the adjacent land is owned by the subdivider, a temporary turnaround can be provided with a temporary public access easement on such adjacent land. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.I *Temporary Turnaround*; or**

(2) **The subdivider may provide the required turnaround on one of the last lots or common area nearest to the adjacent land and fronting on the temporary stub street through use of a temporary public access easement dedicated to the Town. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.I *Temporary Turnaround*.**

…

8.2.6 Landscaping, Buffering, and Screening, Buffering

…

C) *General Buffering Requirements*

…

4) *No Development Within the Required Buffer*
The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section

or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, **public access easements,** and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.9 and 8.2.2.C.2.a). When a public utility **and/or a public access** easement is located within a Fully-and Limited-Controlled Access Highway Buffer, Streetfront Buffer, or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20-foot-wide planting area shall be provided as measured from the edge of the easement. For all other required buffers, a minimum 10-foot-wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.

…

13.4 Transportation, Definitions

…

Temporary Turnaround

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

…

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board will receive a presentation as a new business item during their January 12, 2026, meeting. Their recommendation will then be presented to the Town Council on January 13, 2026.

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

CONTINUED PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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

Requested by Planning Staff:

1) Amendments to Secs. 7.2.1.I *Design Standards*, *Streets*; 7.2.4 *Design Standards*; 8.2.6.C *Landscaping, Buffering, and Screening, General Buffering Requirements*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: ~~November 13, 2025, December 9, 2025~~, January 13, 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: October 24, 2025 – ~~November 13, 2025, December 9, 2025~~ January 13, 2026

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

CONTINUADA NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

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

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

1. Modificaciones a las secciones 7.2.1.I *Estándares de diseño*, *Calles*; 7.2.4 *Estándares de diseño*; 8.2.6.C *Paisajismo, zona de amortiguamiento y protección, Requisitos generales de amortiguación*; y 13.4 *Transporte, Definiciones* con el fin de permitir el uso de vueltas temporales en relación con calles sin salida.

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

Fecha y hora de la audiencia pública del Consejo Municipal: ~~**13 de noviembre 2025, 9 de diciembre 2025**~~**, 13 de enero 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 24 de octubre ~~de 2025 al 13 de noviembre de 2025, del 9 de diciembre de 2025~~ al 13 de enero de 2026

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. **Sections 7.2.1, 7.2.4, 8.2.6, and 13.4 of the Unified Development Ordinance are now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

7.2.1 Design Standards, Streets

I) ***Temporary Turnaround***

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

1) ***Applicability.*** **The provisions of this subsection shall apply only to temporary turnarounds approved after January 27, 2026.**

2) ***Easement and Design.*** **The temporary turnaround shall be placed in a temporary public access easement meeting the standards of Sec. 7.2.4.C *Temporary Public Access Easement* or within a dedicated public right-of-way until such time as the roadway is extended.**

3) ***Fee-In-Lieu (FIL).*** **A fee-in-lieu pursuant to Sec. 7.5.4.F *Stub Street Fee-In-Lieu* shall be required for the future conversion and removal of the temporary turnaround prior to Master Subdivision Final Plat or Site Plan Final Plat approval.**

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C) ***Temporary Public Access Easement.***

Where a street is terminated temporarily at the edge of a development and creates a stub street, a temporary public access easement shall be provided. The temporary public access easement shall be of sufficient size to allow for necessary construction and future conversion of the roadway to a through street. Any slope easements, construction easements and/or right-of-way dedication needed to construct the future roadway connection shall be dedicated. The temporary public access easement shall follow one of the following methods:

(1) **If the adjacent land is owned by the subdivider, a temporary turnaround can be provided with a temporary public access easement on such adjacent land. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.I *Temporary Turnaround*; or**

(2) **The subdivider may provide the required turnaround on one of the last lots or common area nearest to the adjacent land and fronting on the temporary stub street through use of a temporary public access easement dedicated to the Town. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.I *Temporary Turnaround*.**

…

8.2.6 Landscaping, Buffering, and Screening, Buffering

…

C) *General Buffering Requirements*

…

4) *No Development Within the Required Buffer*

The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, **public access easements,** and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.9 and 8.2.2.C.2.a). When a public utility **and/or a public access** easement is located within a Fully-and Limited-Controlled Access Highway Buffer,

Streetfront Buffer, or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20-foot-wide planting area shall be provided as measured from the edge of the easement. For all other required buffers, a minimum 10-foot-wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.

…

13.4 Transportation, Definitions

…

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

…

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

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

Section 4. The ordinances shall be effective upon enactment on the ____ day of _____2026.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
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: CLOSED SESSION

Meeting Date: January 13, 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: January 13, 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: January 13, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to go 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