AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, August 26, 2025 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: Edward Gray
Council Members: Audra Killingsworth; Brett D. Gantt; Terry Mahaffey; Arno Zegerman
Town Manager: Randal E. Vosburg
Deputy Town Manager: Shawn Purvis
Assistant Town Managers: Demetria John and Marty Stone
Town Clerk: Allen L. Coleman | Town Attorney: Laurie L. Hohe

English	Spanish	Chinese (Simplified)
ANNOUCEMENTS 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

Call to Order | Invocation | Pledge of Allegiance

Annual Rakhis Bandhan Ceremony with Hindu Swayamsevak Sangh, Apex, NC Chapter

CONSENT AGENDA

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

CN1 **Agreement - I.Q. Data Systems dba Backgrounds Online - Background Checks for Youth Athletic Coaches, Volunteers, and Program Instructors – May 6, 2025 through May 5, 2027**

Ellison Lambert, Volunteer Coordinator, Parks, Recreation, and Cultural Resources Dept.

CN2 **Agreement Amendment Ratification - The Wooten Company - Pleasant Park Elevated Tank Tasks**

Jacoby Perry, Utility Engineer Intern II, Water Resources Department

CN3 **Budget Ordinance Amendment No. 2 - Play-It Forward Donations**

Jessica Hoffman, Interim Director, Budget and Performance Management Department

CN4 **Contract - Pyro Shows East Coast, Inc. - July Third Fireworks Display Calendar Year 2026**

Megan Shea, Special Events Specialist, Parks, Recreation, and Cultural Resources Dept.

CN5 **Fiscal Year 2025-2026 Fee Schedule Amendment - Mattress/Box Spring Disposal and Exempt Site Plans for Neighborhood Beautification Grant Improvement Program**

Jessica Hoffman, Interim Director, Budget and Performance Management Department

CN6 **Rezoning Case No. 25CZ02 – Jordan Lutheran Church – Statement and Ordinance**

Joshua Killian, Planner II, Planning Department

CN7 **Unified Development Ordinance (UDO) Amendments – July and August 2025 – Statement**

Bruce Venable, Planner II, Planning Department

CN8 **Tax Report – June 2025**

Allen Coleman, Town Clerk

UPDATES BY TOWN MANAGER

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

PRESENTATIONS

PR1 **North Carolina Turnpike Authority - Complete 540 Presentation**

Mayor Jacques K. Gilbert, Sponsor

Alan Shapiro, P.E., Director of Highway Operations, North Carolina Turnpike Authority

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 **Apex Transportation Plan Amendments - Mobility Hub**

Shannon Cox, Long Range Planning Manager, Planning Department

PH2 **Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres**

Lauren Staudenmaier, Planner III, Planning Department

AND

PH3 **Rezoning Case No. 25CZ07 – 1211 Old Raleigh Road**

Lauren Staudenmaier, Planner III, Planning Department

PH4 **Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres**

Dianne Khin, Director, Planning Department

PH5 **Unified Development Ordinance (UDO) Amendments - August 2025**

Bruce Venable, Planner II, Planning Department

NEW BUSINESS

NB1 **Council Meeting Minutes – Various** *(Deferred from August 12, 2025)*

Allen Coleman, Town Clerk

NB2 **Recommendation of Apex Environmental Advisory Board (EAB) - Request to Modify Town's Unified Development Ordinance (UDO) Related to Native Plants**

Susanne Mason, Chair, Town of Apex Environmental Advisory Board (EAB)

Nora Skinner, Environmental Programs Coordinator, Planning Department

NB3 **Unified Development Ordinance (UDO) Possible Amendment Discussion - Student Parking in Residential Areas**

Mayor Jacques K. Gilbert (sponsor)

CLOSED SESSION – *None Anticipated*

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26,2025

Item Details

Presenter(s): Ellison Lambert, Volunteer Coordinator

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to approve a user agreement between the Town of Apex and I.Q. Data Systems dba Backgrounds Online to process background checks for youth athletic coaches, volunteers, and program instructors for the Town's Parks, Recreation, and Cultural Resources Department, effective May 6, 2025 through May 5, 2027, and authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

Backgrounds Online is a software used by the Parks, Recreation, and Cultural Resources Department to quickly process background checks for youth athletics coaches, volunteers, and program instructors. The background check software integrates into the Volunteer Database software. We would like to agree to a two-year contract.

Town of Apex Legal Department has spoken with I.Q. Data Systems and have reviewed and approved this contract.

Attachments

- CN1-A1: End User Agreement - I.Q. Data Systems dba Backgrounds Online - Background Checks for Youth Athletic Coaches, Volunteers, and Program Instructors

THIS END-USER AGREEMENT ("Agreement") is made and entered into by and between I.Q. Data Systems, dba Backgrounds Online ("Company"), and Town of Apex ("End-User"). This Agreement shall be effective as of May 6, 2025 (the "Effective Date").

General

End-User is engaged in the business of background screening volunteers and/or employees for its parks, recreation, and cultural departments. End-User represents that it is a legal entity in good standing in its state of formation as well as all jurisdictions in which it conducts business, with a legitimate permissible purpose for requesting the services and information products offered by Company.

Pursuant to the terms of this Agreement, Company strives to deliver accurate and timely information products ("consumer reports" and/or "investigative consumer reports" (collectively "consumer reports")) to assist End-User in making intelligent and informed decisions for a permissible purpose under applicable law. To this end, Company assembles information from a variety of sources, including databases maintained by consumer reporting agencies containing information from public records, other information repositories and third-party researchers. End-User understands that these information sources and resources are not maintained by Company. Therefore, Company cannot be a guarantor that the information provided from these sources is absolutely accurate or current. Nevertheless, Company has in place reasonable procedures designed to respond promptly to claims of incorrect or inaccurate information in accordance with applicable law.

End-User's Certification of Fair Credit Reporting Act (FCRA) Permissible Purpose(s)

End-User hereby certifies that, each time a consumer report is requested, all of its orders from Company shall be made, and the resulting consumer reports shall be used, for the following Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA") permissible purposes only: for employment purposes under Section 604(a)(3)(B), including contractors, volunteers or evaluating a consumer for employment, promotion, reassignment, retention as an employee, where the consumer has given prior written permission.

End-User's Certification of Legal Compliance

End-User certifies to Company that the consumer reports it receives will not be used in violation of any applicable federal, state or local laws, including, but not limited to the FCRA and Title VII of the Civil Rights Act of 1964. End-User accepts full responsibility for complying with all such laws and for using the consumer reports it receives from Company in a legally acceptable fashion. To that end, End-User agrees to comply with and provide all statutorily required notices in Section 615 of the FCRA or other state laws when using consumer reports. End-User further accepts full responsibility for any and all consequences of use and/or dissemination of those consumer reports. End-User further agrees that each consumer report will only be used for a one-time use.

End-User agrees to have reasonable procedures for the fair and equitable use of consumer reports and to secure the confidentiality of private information. End-User agrees to take precautionary measures to protect the security and dissemination of all consumer report or investigative consumer report information including, for example, restricting terminal access, utilizing passwords to restrict access to terminal devices, and securing access to, dissemination and destruction of electronic and hard copy reports. End-User agrees to abide by **Addendum A** attached hereto which is incorporated into and is part of this Agreement.

As a condition of entering into this Agreement, End-User certifies that it will comply with all applicable local, state and federal laws, including but not limited to the FCRA and state law equivalents. Company will only keep information it provides to End-User for the lesser of two (2) years or as required by applicable law. End-User certifies that it will retain information it receives from Company in accordance with applicable law and will make such information available to Company upon request. In addition, End-User agrees to abide by all state and local "ban the box" laws and certifies that it will not conduct a background check until after a conditional offer of employment has been provided, if required by

applicable law. End-Users seeking credit information certify to Company that it has provided all disclosures required by applicable federal, state or local laws, regulations and ordinances to the consumer in connection with such requests and must provide information described in and sign **Addendum B** before Company can provide credit information to End-User. **Addendum B** is incorporated into and is part of this Agreement, if applicable. End-User acknowledges, and agrees to notify its employees that End-User can access credit information only for the permissible purposes listed in the FCRA.

End-User understands that the credit bureaus require specific written approval from Company before the following persons, entities and/or businesses may obtain credit reports: private detectives, private detective agencies, private investigative companies, bail bondsmen, attorneys, law firms, credit counseling firms, security services, members of the media, resellers, financial counseling firms, credit repair clinics, pawn shops (except companies that do only Title pawn), check cashing companies (except companies that do only loans, no check cashing), genealogical or heir research firms, dating services, massage or tattoo services, businesses that operate out of an apartment, individuals seeking information for their own private use, adult entertainment services of any kind, companies that locate missing children, companies that handle third party repossession, companies seeking information in connection with time shares, subscriptions companies, individuals involved in spiritual counseling or persons or entities that are not an End-User or decision maker.

End-User represents that, if it orders credit reports, End-User will have a policy and procedures in place to investigate any discrepancy in a consumer's address when notified by the credit bureau that the consumer's address, as submitted by End-User, substantially varies from the address the credit bureau has on file for that consumer.

End-User understands and agrees that access to certain types of information (e.g., credit, motor vehicle records, I-9 verification, etc.) may require End-User to execute a separate contract, agreement, or addendum (as applicable) with Company or with Company's vendors or service providers. End-User understands that Company will not provide to End-User or allow End-User access to such information unless and until it executes the relevant contract(s), agreement(s) or addenda (as applicable).

End-User hereby acknowledges that it has received a copy of the "A Summary of Your Rights Under the Fair Credit Reporting Act" (**Appendix A**) and "Notice of Users of Consumer Reports" (**Appendix B**).

End-User hereby certifies that, under the Investigative Consumer Reporting Agencies Act ("ICRAA"), California Civil Code sections 1786 *et seq*., and the Consumer Credit Reporting Agencies Act ("CCRAA"), California Civil Code sections 1785.1 *et seq*., if the End-User is located in the State of California and/or the End-User's request for and/or use of information products pertains to a California resident, applicant or employee, End-User will do the following:

(a) Request and use information products solely for permissible purpose(s) identified under California Civil Code sections 1785.11 and 1786.12.

(b) When, at any time, information products are sought for employment purposes other than suspicion of wrongdoing or misconduct by the consumer who is the subject of the investigation, provide a clear and conspicuous disclosure in writing to the consumer, which solely discloses: (1) that an investigative information product may be obtained; (2) the permissible purpose of the investigative information products; (3) that information on the consumer's character, general reputation, personal characteristics and mode of living may be disclosed; (4) the name, address, telephone number, and website of the Consumer Reporting Agency conducting the investigation; and (5) the nature and scope of the investigation requested, including a summary of the provisions of California Civil Code section 1786.22.

(c) When, at any time, information products are sought for employment purposes other than suspicion of wrongdoing or misconduct by the consumer who is the subject of the investigation, only request an information product if the applicable consumer has authorized in writing the procurement of the information product.

(d) When information products are sought in connection with the hiring of a dwelling unit, notify the consumer in writing that an information product will be made regarding the consumer's character, general reputation,

personal characteristics. The notification shall include the name and address of the consumer reporting agency as well as a summary of the provisions of California Civil Code section 1786.22, no later than three days after the date on which the information product was first requested.

(e) When information products are sought in connection with the underwriting of insurance, clearly and accurately disclose in writing at the time the application form, medical form, binder, or similar document is signed by the consumer that an information product regarding the consumer's character, general reputation, personal characteristics, and mode of living may be made, or, if no signed application form, medical form, binder, or similar document is involved in the underwriting transaction, the disclosure shall be made to the consumer in writing and mailed or otherwise delivered to the consumer not later than three days after the report was first requested. The disclosure shall include the name and address of consumer reporting agency, the nature and scope of the investigation requested, and a summary of the provisions of California Civil Code section 1786.22.

(f) Provide the consumer a means by which he/she may indicate on a written form, by means of a box to check, that the consumer wishes to receive a copy of any information products that are prepared.

(g) If the consumer wishes to receive a copy of the information products, the End-User shall send (or contract with another entity to send) a copy of the information product to the consumer within three business days of the date that the information product is provided to End-User. The copy of the information product shall contain the name, address, and telephone number of the person who issued the report and how to contact him/her.

(h) Under all applicable circumstances, comply with California Civil Code sections 1785.20 and 1786.40 if the taking of adverse action is a consideration, which shall include, but may not be limited to, advising the consumer against whom an adverse action has been taken that the adverse action was based in whole or in part upon information contained in the information product, informing the consumer in writing of Company's name, address, and telephone number, and provide the consumer of a written notice of his/her rights under the ICRAA and the CCRAA.

(i) Comply with all other requirements under applicable California law, including, but, not limited to any statutes, regulations and rules governing the procurement, use and/or disclosure of any information products, including, but not limited to, the ICRAA and CCRAA.

A. When Information Products are Used for Employment Purposes

If the information products End-User obtains from Company are to be used for an employment purpose, End-User certifies that prior to obtaining or causing a "consumer report" to be obtained, a clear and conspicuous disclosure, in a document consisting solely of the disclosure, has been made in writing to the consumer explaining that a consumer report may be obtained for employment purposes. Such disclosure satisfies all requirements identified in the FCRA. End-User also certifies that the consumer has authorized, in writing, the obtaining of the report by End-User. If an investigative consumer report (as defined by federal law) is obtained, End-User certifies a separate disclosure will be provided. End-User certifies that it also has provided the consumer with any notices or disclosures required under applicable state and local law. End-User understands that Company will not initiate a report for employment purposes in the absence of a written authorization. End-User certifies that each time it orders a report, it is reaffirming the above certifications.

Prior to taking adverse employment action based in whole or in part on the information products provided by Company, End-User will provide to the consumer: (1) a copy of the report, and (2) a description, in writing, of the rights of the consumer entitled: "A Summary of Your Rights Under the Fair Credit Reporting Act." After the appropriate waiting period, End-User will issue to the consumer notice of the adverse action taken, including the statutorily required notices identified in Section 615 of the FCRA. End-User will not initiate the pre-adverse and adverse action notice process until Company has completed all search components of the consumer and/or

investigative consumer report, Company has provided the complete report to End-User, and End-User has reviewed the consumer report contents.

Before taking adverse action based on a criminal record the EEOC Criminal History Guidance recommends that you perform an individualized assessment and/or other considerations. To obtain a copy of the EEOC Criminal History Guidance please go to the following website: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

B. Reporting of Criminal History

Please note, as it relates to criminal history information, Company only reports conviction records and will report a minimum of seven (7) years of conviction information, where allowed by any applicable fair credit reporting laws. In determining whether a criminal record is reportable, Company does not apply any state or local laws restricting the employer use of criminal history UNLESS END-USER PROVIDES ADDITIONAL REPORTING RESTRICTIONS TO BE APPLIED TO CONSUMER REPORTS. End-User assumes full responsibility for determining whether reported information may be used in the jurisdiction where the consumer lives, works, or is applying for work. Company does not report non-conviction information unless a case is pending with a next court date scheduled and also does not report information relating to infractions, summary offenses, violations or other sub-criminal information.

C. Intentionally Deleted

D. Investigative Consumer Reports

In addition to the disclosure requirements identified above, if the consumer makes a written request within a reasonable amount of time, End-User will provide: (1) information about whether an investigative consumer report has been requested; (2) if an investigative consumer report has been requested, written disclosure of the nature and scope of the investigation requested; and (3) Company's contact information, including complete address and toll-free telephone number. This information will be provided to the consumer no later than five (5) days after the request for such disclosure was received from the consumer or such report was first requested, whichever is the latter.

E. International Criminal Record Searches

End-User understands that searches of international background screening will be conducted through the services of a third-party independent contractor. Because of differences in foreign laws, language, and the manner in which foreign records are maintained and reported, Company cannot be either an insurer or guarantor of the accuracy of the information reported. End-User therefore releases Company and its affiliated companies, officers, agents, employees, and independent contractors from any liability whatsoever in connection with erroneous information received as a result of an international background screening report.

F. National/Multi-State Database Searches

Company recommends that End-User screen its applicants or employees at the county court-house or online system, federal, and multi-state/nationwide database levels. End-User understands that if it chooses not to conduct searches at these levels, Company cannot be held responsible for any records that exist that are not included in the End-User's coverage requested. End-User further understands that the multi-state/nationwide database report will only be offered in conjunction with a county-level verification of any records found and that End-User will bear any additional costs associated with this verification.

Additional Requirements for Motor Vehicle Records and/or Driving Records

End-User hereby certifies that Motor Vehicle Records and/or Driving Records ("MVRs") (which may include medical or mental health information about a consumer) shall only be ordered in strict compliance with the Driver Privacy Protection Act ("DPPA") at 18 U.S.C. § 2721 *et seq.* and any related state laws. End-User further certifies that no MVRs shall be

ordered without first obtaining the written consent of the consumer to obtain "driving records," evidence of which shall be transmitted to Company in the form of the consumer's signed release authorization form. End-User also certifies that it will use this information only in the normal course of business to obtain lawful information relating to the holder of a commercial driver's license or to verify information provided by an applicant or employee. End-User shall not transmit any data contained in the resulting MVR via the public internet, electronic mail or any other unsecured means.

Warrants

In the course of completing background checks, Company may uncover active arrest warrants which are outstanding against the subject. In these cases, Company may be contacted by the law enforcement agency seeking the subject. End-User understands that Company will furnish to law enforcement any information contained within the subject's file to assist in the apprehension of the subject. Additionally, Company may contact End-User, and End-User agrees to release to Company, any and all information End-User may have which will further the apprehension of the wanted individual.

General Provisions

End-User agrees not to resell, sub-license, deliver, display or otherwise distribute to any third party any of the information products addressed herein, except as required by law. End-User may not assign or transfer this Agreement without the prior written consent of Company. In addition, End-User shall immediately notify Company of any of the following events: change in ownership of End-User (over 50%), a merger, change in name or change in the nature of End-User's business. The parties understand that this Agreement is for the sole benefit of Company and End-User and no third party shall be deemed a third party beneficiary of this Agreement. If any of the provisions of this Agreement become invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be impacted. By agreement of the parties, North Carolina law shall guide the interpretation of this Agreement, if such interpretation is required. All litigation arising out of this Agreement shall be commenced in Wake County, North Carolina**,** and the parties hereby consent to such jurisdiction and venue. Any written notice by either party shall be delivered personally by messenger, private mail courier service, or sent by registered or certified mail, return receipt requested, postage prepaid to the addresses listed below, or may be delivered electronically to the e-mail addresses listed below. This Agreement shall be construed as if it were jointly prepared. Both parties agree that this Agreement constitutes all conditions of service, present and future. Changes to these conditions may be made only by mutual written consent of an authorized representative of End-User and an officer of Company. The headings of each section shall have no effect upon the construction or interpretation of any part of this Agreement.

If End-User is permitted to request consumer reports for employment purposes via Company's website, then, in addition to all other obligations, End-User agrees to abide by such additional conditions that may be imposed to utilize the website, provide all required certifications electronically, to maintain complete and accurate files containing all required consent, authorization and disclosure forms with regard to each consumer for whom a report has been requested, and maintain strict security procedures and controls to assure that its personnel are not able to use End-User's Internet access to obtain reports for improper, illegal or unauthorized purposes. End-User agrees to obtain the consumer's electronic consent to receive any legal or other notices electronically. End-User agrees to allow Company to audit its records or use of Company's services or ordering systems, including verification that End-User has a permissible purpose to request and obtain consumer and/or investigative consumer reports, at any time , upon reasonable notice given. Breaches of this Agreement and/or violations of applicable law discovered by Company may result in immediate suspension and/or termination of the account, legal action and/or referral to federal or state regulatory agencies.

Confidentiality

Neither party shall reveal, publish or otherwise disclose any Confidential Information to any third party without the prior written consent of the other party. "Confidential Information" means any and all Proprietary Intellectual Property (defined below) or secret data; sales or pricing information relating to either party, its operations, employees, products or services; and, all information relating to any customer, potential customer, Agent, and/or independent sales outlet. "Confidential Information" shall not include "public records" as defined by Chapter 132 of the North Carolina General Statutes. The Parties agree to keep this information confidential at all times during the term of this Agreement, and

continuing for five years after receipt of any Confidential Information. Notwithstanding anything to the contrary herein, in no event shall Company be required to destroy, erase or return any consumer reports or applicant data related thereto in Company's files, all of which Company shall maintain as a consumer reporting agency in strict accordance with all applicable federal, state, and local laws.

In connection with services provided hereunder, End-User may have access to Confidential Information relating to Company's intellectual property, including but not necessarily limited to trade secrets, service marks, trademarks, trade names, logos, symbols, brand names, software, technology, inventions, processes (that are subject to a patent or otherwise pending) collectively "Proprietary Intellectual Property." End-User acknowledges and agrees that Company is the sole exclusive owner of all right, title and interest in such Proprietary Intellectual Property and it shall not disclose to any third party the nature or details of any such Proprietary Intellectual Property. End-User further agrees that it has no right to publish, reproduce, prepare derivative works based upon, distribute, perform or otherwise display any of Company's Proprietary Intellectual Property.

Independent Contractor

The parties agree that the relationship of the parties created by this Agreement is that of independent contractor and not that of employer/employee, principal/agent, partnership, joint venture or representative of the other. Except as authorized hereunder, neither party shall represent to third parties that it is the employer, employee, principal, agent, joint venture or partner with, or representative of the other party.

Fees and Payment

End-User agrees to pay Company a minimum of $2500 annually for background check services. This $2500 is only a minimum and the amount could be more depending on the number of searches or orders End-User requests. In addition to the minimum spend requirement, End-User agrees to pay nonrefundable fees and other charges or costs for Company background check services. Any charges or costs, including but not limited to surcharges and other fees levied by federal, state, county, other governmental agencies, educational institutions, employer verification lines and licensing agencies, incurred by Company in servicing End-User, will be passed onto End-User. At Company's option, payments not received thirty (30) days after the date of the invoice may cause the account to be placed on temporary interruption, with no additional requests being processed until the balance due is paid in full or arrangements have been made with Company's Accounts Payable Department. Accounts with invoices unpaid thirty (30) days or more will be assessed an interest charge of 1.5 % per month, as allowed by applicable law. Any concerns regarding invoices or line items must be brought to the attention of Company's billing department within 15 days of the date of such invoice. A $25 fee will be charged on all returned checks and non-sufficient funds.

End-User agrees that prices for services are subject to change without notice, although Company will make every reasonable effort to give notice of such change before it becomes effective.

Warranties, Remedies, and Limitation of Liability

End-User understands that Company obtains the information reported in its information products from various third party sources "AS IS", and therefore is providing the information to End-User "AS IS". Company makes no representation or warranty whatsoever, express or implied, including but not limited to, implied warranties of merchantability or fitness for particular purpose, or implied warranties arising from the course of dealing or a course of performance with respect to the accuracy, validity, or completeness of any information products and/or consumer reports, that the information products will meet End-User's needs, or will be provided on an uninterrupted basis; Company expressly disclaims any and all such representations and warranties.

COMPANY WILL NOT BE LIABLE TO END-USER FOR DAMAGES, AND END-USER HEREBY RELEASES COMPANY FROM ANY LIABILITY FOR ANY AND ALL KINDS OF DAMAGES ARISING UNDER ANY THEORY OF LEGAL LIABILITY, EXCLUDING COMPANY'S NEGLIGENCE, TO THE FULLEST EXTENT THAT END-USER MAY LEGALLY AGREE TO RELEASE COMPANY FROM LIABILITY FOR SUCH DAMAGES. NONETHELESS, IN THE EVENT COMPANY IS DETERMINED BY A COURT OF COMPETENT

JURISDICTION TO BE LIABLE TO END-USER FOR ANY MATTER ARISING UNDER OR RELATING TO THIS AGREEMENT, WHETHER ARISING IN CONTRACT, EQUITY, TORT OR OTHERWISE (INCLUDING WITHOUT LIMITATION ANY CLAIM FOR NEGLIGENCE), THE AMOUNT OF DAMAGES RECOVERABLE AGAINST COMPANY FOR ALL SUCH MATTERS WILL NOT EXCEED, IN THE AGGREGATE, THE AMOUNT PAID TO COMPANY BY END-USER FOR THE SPECIFIC SERVICE TO WHICH A GIVEN CLAIM RELATES (BY WAY OF EXAMPLE ONLY, THE AMOUNT PAID BY END-USER FOR A PARTICULAR BACKGROUND REPORT AT ISSUE IN THE UNDERLYING CLAIM); RECOVERY OF THE FOREGOING IS END-USER'S SOLE AND EXCLUSIVE REMEDY HEREUNDER. IN THE EVENT COMPANY IS LIABLE TO END-USER FOR ANY MATTER RELATING TO THIS AGREEMENT, WHETHER ARISING IN CONTRACT, EQUITY OR TORT (INCLUDING WITHOUT LIMITATION ANY CLAIM FOR NEGLIGENCE), AND IN ADDITION TO ANY OTHER LIMITATION OF LIABILITY OR REMEDY SET FORTH IN THIS AGREEMENT, THE AMOUNT OF DAMAGES RECOVERABLE AGAINST COMPANY WILL NOT INCLUDE ANY AMOUNTS FOR INDIRECT OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, LOST INCOME, OR LOST SAVINGS, OR ANY OTHER INCIDENTAL, SPECIAL, OR PUNITIVE DAMAGES.

To the extent provided by North Carolina law, End-User shall indemnify, defend and hold harmless Company, its successors and assigns, officers, directors, employees, agents, vendors, credit bureaus and suppliers from and against any and all third-party claims, demands, suits, or proceedings, and any and all actual damages, costs, expenses (including, without limitation, reasonable attorneys' fees and court costs) ("Losses") arising or resulting from, or otherwise in connection with information products provided by Company, including but not limited to the content, compliance, method of delivery or effectiveness of any notices, pre-adverse or adverse action letters, any breach by End-User of any of its representations, warranties, or agreements in this Agreement or End-User's negligence or willful misconduct. Company shall have no responsibility for consequences of the actions of End-User upon the information which Company provides End-User, and End-User will indemnify and hold Company harmless from any loss, liability, damage, judgment, attorney's fees, costs or penalties which may result from the use by End-User of the information provided by Company.

End-User agrees it is solely responsible for having adequate and legally compliant disclosures, adverse action letters, and processes under the FCRA and applicable state and local law. Company does not guarantee End-User's compliance with all applicable laws in its use of reported information, and does not provide legal or other compliance related services upon which End-User may rely in connection with its furnishing of reports. End-User understands that any documents, sample forms and letters, information, conversations or communication with Company's representatives regarding searches, verifications or other services offered by Company are for informational purposes only and not to be considered a legal opinion regarding such use. End-User agrees that (1) it will consult with its own legal or other counsel regarding the use of background screening information, including but not limited to, the legality of using or relying on reported information and to review any sample forms as well as the content of prescribed notices, sample adverse or pre-adverse action letters and any attachments to this Agreement for compliance with all applicable laws and regulations and (2) the provision and content of such notices, pre-adverse or adverse action letters and the contents thereof is the sole responsibility of End-User not Company. End-User acknowledges and agrees that it has no obligation to use, and is solely responsible for independently vetting the contents of, any sample forms, disclosures, or letters that Company has provided to End-User in connection with this Agreement. Company fully disclaims any and all liability relating to the content, compliance or effectiveness of any such certifications, consumer consents, forms, notices, summary of rights, disclosures, authorizations, pre-adverse or adverse action letters, other materials or information. If End-User utilizes Company's candidate entry system and/or its adverse action processing system, End-User agrees that it has had such processes, documents and letters reviewed by its counsel.

If requested, Company may apply a client's scoring or hiring criteria to consumer reports based on criteria established and provided by End-User ("Criteria"). Company makes no representations regarding the validity, legality, or appropriateness of the Criteria. These services as well as any administration of notices shall be deemed to be purely clerical in nature and shall be performed by Company on behalf of End-User. All employment-related decisions, including hiring, contracting and site-access decisions, are made exclusively by End-User, not by Company. To the extent provided by North Carolina Law, End-User agrees that End-User assumes full responsibility for such decisions and agrees to indemnify and hold Company harmless from any and all claims, losses, damages, and any costs (including attorneys' fees) that may be related to or arise therefrom.

Term and Termination

The term of this Agreement shall begin on the Effective Date and shall be in effect for two (2) years thereafter and may be renewed for additional one (1) year terms by a writing signed by both parties.

Except as otherwise provided for herein, either party may cancel this Agreement by giving thirty (30) days written notice to the other party. If End-User desires to terminate this Agreement, End-User agrees that it will pay Company for all services that have been provided prior to the effective date of termination, including the minimum annual amount to which it has committed. Company may terminate or revise the provisions of this Agreement immediately upon written notice if End-User is the debtor in a bankruptcy action or in an assignment for the benefit of creditors or if End-User undergoes a change in ownership. Termination of this Agreement by either party does not release End-User from its obligation to pay for services rendered or other responsibilities and agreements made.

In addition to any and all other rights a party may have available according to law, if a party defaults by failing to perform any provision, term or condition of this Agreement the other party may terminate the Agreement by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have fifteen (15) days from the receipt of such notice to cure the default(s). Unless waived by party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Agreement.

Force Majeure

End-User agrees that Company is not responsible for any events or circumstances beyond its control (e.g., including but not limited to war, riots, embargoes, strikes, pandemics, epidemics, and/or natural hazards outside of human control for which no person or persons can be held responsible) that prevent Company from meeting its obligations under this Agreement.

Waiver

The failure of either party to insist in any one or more cases upon the strict performance of any term, covenant or condition of this Agreement will not be construed as a waiver or subsequent breach of the same or any other covenant, term or condition; nor shall any delay or omission by either party to seek a remedy for any breach of this Agreement be deemed a waiver by either party of its remedies or rights with respect to such a breach.

Severability

If any provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable under any applicable law, such invalidity or unenforceability shall not affect any other provision of this Agreement that can be given effect without the invalid or unenforceable provision, or the application of such provision to other persons or circumstances, and, to this end, the provisions hereof are severable.

Execution

This Agreement and all attachments and exhibits hereto, constitute the entire agreement of the parties and shall supersede any prior agreements governing the subject matter contained herein. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. A signature on a copy of this Agreement received by either party by facsimile is binding upon the other party as an original. The parties shall treat a photocopy of such facsimile as a duplicate original. The individuals signing below represent that they are duly authorized to do so.

E-Verify

Company certifies that it does not employ twenty-five (25) or more employees in the State of North Carolina. As such, the parties acknowledge that Company does not meet the definition of "Employer" and is not subject to the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

Anti-Human Trafficking

To Company's knowledge, Company warrants that no labor supplied by Company or Company'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.

Nondiscrimination

Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Company hereby warrants and agrees that Company will not discriminate against a protected class in employment, in subcontracting practices, or in 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.

Nonappropriation

Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the End-User are from appropriations and monies from the Town of Apex Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the End-User to pay the minimum annual commitment amount in accordance with this Agreement, End-User will immediately notify Company and this Agreement shall terminate immediately without further obligation of the End-User or Company.

Signature

I certify that I am authorized to execute this Agreement on behalf of the company listed below. Further, I certify on behalf of such company, that the above statements are true and correct and agree for the company to the terms and conditions set forth in the Agreement.

On Behalf of End-User:

End-User Name: Town of Apex

End-User Address: _____

End-User E-mail Address: _____

Signature: _____ Date: _____

Print Name: _____ Title: _____

This instrument has been preaudited in the manner required
By the Local Government Fiscal Control Act.

_____
Jessica Murphy-Rhem, Interim Finance Director

On Behalf of Backgrounds Online (Company):

Signature: _____ Date: _____

Address: 1915 21st Street, Sacramento, CA 95811

E-mail Address: chris.ballas@backgroundsonline.com

Print Name: Christopher Ballas Title: CEO

ADDENDUM A

Access Security Requirements

The parties acknowledge they must work together to protect the privacy of consumers. The following measures are designed to reduce unauthorized access of consumer reports. In accessing consumer information, End-User agrees to the following:

1. End-User will take reasonable procedures to protect its account number and password so that only key personnel employed by your company know this sensitive information, including not posting this information anywhere in the facility. End-User agrees to request an account password change immediately if a person who knows the password leaves its company or no longer needs to have access due to a change in duties.

2. End-User agrees that system access software, whether developed by your company or purchased from a third party vendor, will have End-User's account number and password "hidden" or embedded and be known only by supervisory personnel. End-User will assign each user of its system access software a unique logon password. If such system access software is replaced by different access software and therefore no longer is in use or, alternatively, the hardware upon which such system access software resides is no longer being used or is being disposed of, or if the password has been compromised or believed to be compromised in any way, End-User will change its password immediately.

3. End-User agrees it will not discuss its account number or password by telephone with any unknown caller, even if the caller claims to be an employee of Company

4. End-User will restrict the ability to obtain consumer information to a few key personnel.

5. End-User agrees to place all terminal devices used to obtain consumer information in a secure location within its facility so that unauthorized persons cannot easily access them.

6. End-User agrees it will turn off and lock all devices or systems used to obtain consumer information.

7. End-User will secure hard copies and electronic files of consumer reports within its facility so that unauthorized persons cannot easily access them.

8. End-User agrees to shred and/or destroy all hard copy consumer reports when they are no longer needed and erase and overwrite or scramble electronic files containing consumer information when no longer needed and when applicable regulation(s) permit destruction.

9. End-User agrees to notify its employees that End-User can access credit information only for the permissible purposes listed in the Fair Credit Reporting Act.

ADDENDUM B

Documents Required Before Requesting Credit Report Information

Before End-User will be allowed to access credit report information, Company requires that End-User provide one (1) of the following items listed below (if End-User is not publicly traded) and also receive an onsite inspection to verify company information and physically review End-User's onsite location. Certain criteria must be met at the onsite inspection per requirements of the credit bureau. The cost for the onsite inspection will be the responsibility of the End-User and End-User will receive from Company an invoice for any related costs and expenses.

1. Business license status from a government web site (please include entire web page print out);

2. Business license, copy or documented verification;

3. Documented corporation verification with state or federal government;

4. Copy of Articles of Incorporation with proof of filing;

5. State and/or federal tax records originating from the state or federal government;

6. FDIC Certification; or

7. 501(c)(3) certificate for non-profit originations.

If End-User is a publicly traded company, the following items are acceptable methods for verifying that the End-User is a bona fide entity:

1. Documentation of ticker symbol information from trading website;

2. Certified copy of audited annual or quarterly statements submitted to the SEC.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Jacob Perry, Engineer Intern II

Department(s): Water Resources

Requested Motion

Motion to Ratify an Oral Amendment to the existing Task Order for Design Services between the Town of Apex and The Wooten Company, for task work related to the Pleasant Park 1.5 MG Elevated Water Tank.

Approval Recommended?

Yes

Item Details

Due to unforeseen complexities regarding the Pleasant Park Elevated Storage Tank (Tank) project, additional services, performed by The Wooten Company, not included in the original scope of Amendments #1 or #2, were necessary. These additional tasks have already been completed and are described in attachment CNX-A1. These services were completed due to final site location being adjusted after design work had begun and the need to meet required deadlines for funding.

Attachments

- CN2-A1: Amendment Tasks and Costs – The Wooten Company – Pleasant Park Elevated Water Tank
- CN2-A2: Original Task Order for Order No. 6 – The Wooten Company – Pleasant Park Elevated Water Tank
- CN2-A3: Task Order No. 6, Amendment No. 1 – The Wooten Company – Pleasant Park Elevated Water Tank
- CN2-A4: Task Order No. 6, Amendment No. 2 – The Wooten Company – Pleasant Park Elevated Water Tank
- CN2-A5: Exhibit C – Pleasant Park Elevated Water Tank

Amendment Tasks and Costs – Pleasant Park 1.5 MG Elevated Water Tank

Amendment Tasks

The following scope modifications were necessary to update and reflect the design services provided for the relocation and redesign of the new elevated water storage tank located at Pleasant Park.

Task 1 – Site Selection

Due to the Town being unable to procure the land that the selected tank location was to be sited; the site selection had to be reevaluated and is the basis for this amendment. This revision included meeting with Town staff on proposed relocation to the entrance of Pleasant Park on existing Town owned property, development of a Constructability and Operational Impact memo for the new site, development of tank renderings from multiple viewpoints throughout the park at the direction of Apex staff, development of a presentation given to Town Council during a retreat in February 2024 detailing the change of site with construction and park operational impacts, ingress and egress planning, and updated cost opinion.

Task 2 – Design and Permitting

The original scope included design and permitting activities for the initially selected site, such as conducting a geotechnical investigation, field investigations, coordinating with Town staff as needed, identifying easements, obtaining permits, and preparing construction documents. However, with the Town unable to acquire the land for the original location, the design of the tank was halted at 60% completion. This amendment reflects the redesign of the tank at the new location at the entrance to Pleasant Park. The revision included additional field investigations, geotechnical borings, redesign of the tank and grading plans, and the inclusion of a landscaping plan as requested by the Town. Additionally, Town staff requested bi-weekly virtual meetings up to the 60% design phase and weekly meetings as the design neared 90% completion and the bidding phase, totaling 20 meetings.

Task 3 – Survey and Mapping

The original scope included land surveying and research to determine property ownership, identify site boundaries, and identify easements required for the project's construction. It also encompassed topographic surveying of the site. Since the Town was unable to acquire the land for the original site, topographic surveying of the new site is now required, and this forms the basis of the amendment. Given that the new site is located on Town-owned property, no additional research or plat development was needed. However, new topographic surveys were necessary to support the design and grading of the tank at the new location.

Amendment Costs

Description	Payment Method	Cost
1. Site Selection	Lump Sum	$3,800.00
2. Design & Permitting	Lump Sum	$73,800.00
3. Survey and Mapping	Lump Sum	$6,300.00
Total Fee		**$83,900.00**

CONTRACT ROUTING CONTROL SHEET

Routing Order: (1) Department Director, (2) Purchasing and Contract Manager (3) Legal,
(4) Risk Manager, (5) Vendor for Signature (6) Finance Director, (7) Town Clerk, (8) Town Council/Town Manager

EVERY SECTION MUST BE COMPLETED

DEPARTMENT:

Department Contact Person for Contract: Matt Echols Extension: 704-974-6903
Contractor/Vendor Name and address: The Wooten Company, 120 N Boylan Avenue, Raleigh, NC 27603
Contractor/Vendor Phone: Contractor/Vendor Contact Person: Charles Davis 919-828-0531
Purpose of Contract: Engineering Design, CA/CO for new elevated tank
Amount: $326,500 Budget Code: 65-0000 47760
Type of Contract: ■ New ☐ Renew ☐ Amendment Exhibits/Attachments included: ☐ Yes ☐ N/A

Department Director's Signature: Michael S Deaton Digitally signed by Michael S Deaton DN: C=US, E=mdeaton@apexnc.org, O=Town of Apex, OU=Water Resources Department, CN=Michael S Deaton Reason: I attest to the accuracy and integrity of this document Date: 2020.07.01 12:41:02-04'00' Date: 7/1/2020

All Contracts should be sent to the Purchasing and Contract Manager (Steve Maynard). Steve will determine whether the contract will need to go to the Legal Department for review or not.

LEGAL

Reviewed by: Steve Maynard Date: 7/1/2020
Comments: 3 year Master Service Agreement. That was approved by Council in September 2018.
☐ Town Council approval required ■ Town Manager authorized to approve
☐ N/A – Purchasing and Contract Manager to forward
☐ Other Approvals required/permitted:

RISK MANAGER

Reviewed by and approved: Steve Maynard Date: 7/1/2020
☐ N/A – Purchasing and Contract Manager to forward
■ Insurance specifications meet requirements.
☐ Insurance specifications have been revised.
☐ A pre-project safety review between the contractor and contracting department is required.
Return to Department Contact Person to have contract signed by Contractor prior to forwarding to Finance Director
Obtain a copy of Certificate of Insurance that includes the proper coverage and shows the Town as an additional insured

FINANCE DIRECTOR

☑ Sufficient funds are available in the proper category to pay for this expenditure.
☐ This contract is conditioned upon appropriation by the Town Council of sufficient funds.
☐ A budget amendment is necessary before this agreement is approved.
☐ A budget amendment is attached as required for approval of this agreement.

Finance Director: Vicki K Date: 7/4/2020

TOWN CLERK

Date Received: 7/7/2020 Signed by Contractor: ☐ YES ☐ NO--Return to Department
Council Action Required:– forward to Town Manager Agenda Date: ____/____/20___
Approved by Council: ☐ YES ☐ NO

TOWN MANAGER

This document has been reviewed and approval is recommended by the Town Manager: ☒ YES ☐ NO

Town Manager: Date: 07/08/2020

After approval and signatures, contract will be sent to the Purchasing and Contracts Manager who will return it to the Department Contact Person for Department to administer.

Scan signed contract to Department contracts folder (include Routing Sheet and copy of Certificate of Insurance)

MSA 2019-036

TASK ORDER No. 6 PO # 2021-043

UNDER
MASTER AGREEMENT FOR ON-CALL PROFESSIONAL SERVICES

This Task Order ("Task Order"), made as of the 7 day of March 2020, by and between the Town of Apex (hereafter, "Town") and The Wooten Company ("Professional").

WITNESSETH

WHEREAS, Town and Professional entered into a Master Agreement for On-Call Professional Services dated September 4, 2018 ("Master Agreement"); and

WHEREAS, Town has determined it is in need of Services for On-Call Water Resources Professional Engineering, Surveying, Geotechnical, and/or Environmental Engineering Services ("Project"), and Professional desires to provide such Services; and

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. Recitals, Purpose and Effective Date. The Recitals and the Master Agreement are incorporated into this Task Order. Each party represents and warrants that it has in its possession and is familiar with the Master Agreement and agrees that such does not need to be attached to this Task Order. The purpose of this Task Order is to set forth specific terms and conditions pursuant to which Professional shall provide Services for the Project. The Project is **1.5 MG Elevated Water Storage Tank** and is further identified on Attachment 1 Scope of Work attached hereto and incorporated herein by reference. The Effective Date of this Task Order is the date on which it is executed by the last to execute this Task Order.

2. Commencement and Termination.
   A. Professional's services on Project shall commence upon a Notice to Proceed issued by Town or as otherwise provided in Attachment 1.
   B. If the Master Agreement terminates before the Services provided hereunder are completed, then and in that event the Master Agreement shall continue as to Project until such time as Project is satisfactorily completed.

3. Schedule, Milestone Dates. Project schedule, including date by which Services shall be completed, and all deliverables to be delivered is provided in Attachment 1.

4. Fee for Services.
   A. The fixed fee total compensation for Basic Services is provided in Attachment 1.
   B. The fee for Additional Services, if any, shall be determined as provided in Attachment 1, or, if not so provided, as provided in Agreement.

5. Key Personnel and Use of Subcontractors.

A. Professional's key personnel are provided in Attachment 1.

B. If Professional is to use subcontractors for a portion of its Services, then the following applies to such subcontractor(s):

No changes in Professional's key personnel or subcontractors designated in this Task Order as those who will provide Services shall be permitted except with the prior written consent of Town, which consent shall not be unreasonably withheld.

6. Insurance. Professional represents and warrants that all insurance requirements set forth in Agreement continue to be met.

7. Amendment. This Task Order may be amended only by written amendment of the parties.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this 7 day of July, 2020.

Professional

Name: **W. Brian Johnson, PE**
Name of Professional (type or print)

By: _____
(Signature)

Title: **Vice President**

Attest: _____
(Secretary, if a corporation)

Town of Apex

_____
Andrew L. Havens, Town Manager

Attest: _____
Town Clerk

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

_____
Finance Director

ATTACHMENT 1

SCOPE OF WORK

The Project is **1.5 MG Elevated Water Storage Tank**

The Basic Services are described herein:

Task 1 – Site Selection

1. Review potential for up to 3 sites.
2. Meet with Town of Apex to finalize site consideration list.
3. Review zoning requirements, height restrictions, setbacks, etc.
4. Coordination with Town of Apex to confirm location in water system model will work hydraulically. Town will evaluate site suitability and report findings to TWC.
5. Verification of water, sanitary sewer and storm sewer availability.
6. FAA and FCC requirements.
7. Perform desktop evaluation of environmental features for each site identifying wetlands, streams and buffers.
8. Provide example letter to the Town requesting access to potential sites for field investigations, if necessary.
9. Field visit to potential sites.
10. Consider 4 tank style selections (multi-leg, composite, hydropillar, & spheroid).
11. Evaluate communication corral options.
12. Cost implications (site work, screening, piping, tank height, tank style, maintenance*, etc.) (* We will coordinate with the Town's preferred tank maintenance contractor, Utility Service Co., for maintenance considerations.)
13. Develop decision matrix.
14. Prepare cost comparison.
15. Meet with Apex on findings prior to completing technical memorandum.
16. Prepare Technical Memorandum.
17. Meet with Apex on final recommendations.

Task 2 – Design and Permitting

1. Conduct kick-off meeting with Town to discuss specifics as to the site and tank style selected.
2. Provide example letter to the Town requesting access to selected site for surveying, geotechnical investigation, and other field investigations, if necessary.
3. Make site investigations including soil borings, identifications of wetlands, streams, and buffers to design the project (includes up to 2 soil borings for tank foundation design recommendations).
4. Hold such conferences with representatives of the Owner and others as may be necessary to obtain data for developing the design project and make such reports to the Town as may be reasonably requested by the Town during design stage.
5. Provide preliminary research of existing easements and rights-of-way in the project area for making water main connection from tank to the water system. Identify easements needed for construction. (Design services are based upon a 200 LF distance for making water main connection from tank to distribution system. Design of water main connection exceeding 200 LF will be an Additional Service).
6. Prepare preliminary plans of the project based on field data, Town's standards, and requirements of permitting agencies.
7. Hold pre-application meeting with Apex Planning Review staff. It is understood that based on the UDO, a water tank will be classified as Utility, Minor (4.3.3.J) and that the tank height will determine the review process. (*If required, rezoning,

conditional zoning, conditional use permit, or special use permit will be Additional Services.)

8. Meet with the town to review the project at the 30%, 60% and 90% design stages.
9. Finalize design based on Town's comments.
10. Prepare construction documents including plans and specifications needed for the work to be let for bids and constructed. Design shall be in accordance with the Town of Apex standards and specifications.
11. Provide opinion of probable cost based on the final design of the project.
12. Prepare and submit Authorization to Construct Permit Application and supporting documentation to the NCDEQ-DWR-Public Water Supply, Erosion Control Permit Application to NCDEQ-DMLR and Tank Construction Permit to Federal Aviation Administration

Task 3 – Land Survey and Mapping

1. Conduct research and surveys and prepare necessary plat and map for the determination of property ownership and identification of site and easements to be acquired for the construction of the project. Conduct topographic survey including Level "C" SUE services for horizontal subsurface utility location data. Work estimated to be for up to 2-acre parcel for the new tank site and 200 linear feet of 50-foot wide strip.
2. Provide recordable plats to the Town of Apex.
3. Town of Apex will complete land acquisition/easement negotiations.

Task 4 – Bidding and Negotiation

1. Assist in advertising for bids.
2. Conduct a pre-bid meeting.
3. Furnish copies of the Bidding Documents as requested by the Contractors and other interested parties for bidding.
4. Prepare, as may be required, written Addenda amending the Bidding Documents.
5. Assist the Town in the receiving of bids, tabulate same for ready comparison, and advise the Town to the best of our ability as to proper and judicious award of contracts.
6. After award of contract(s), the Engineer will prepare the Contract Documents for execution by the Contractor(s) and the Town.

Task 5 - Construction Administration

1. Conduct Pre-construction conference and monthly progress meetings.
2. Review shop drawings submitted by contractor for conformance with the construction documents. Furnish the Town with a complete set of submittals upon completion of construction.
3. Interpret the intent of the drawings and specifications to protect the Town against defects and deficiencies in construction on the part of the contractors. The Engineer will not, however, guarantee the performance by any contractor.
4. Establish baselines for locating the main components to be constructed. However, the Contractor(s) will be responsible for providing any day-to-day construction staking that may be required.
5. Provide general engineering review of the work of the contractor as construction progresses and hold progress conferences to ascertain that the Contractor is conforming to the design concept and construction schedule.
6. Cooperate and work closely with the Town and appropriate regulatory agencies during construction.
7. Review the Contractor's application for progress and final payment, and when approved, submit same to the Town for payment.
8. As necessary, prepare Change Orders and make revisions to the Contract Documents for approval by the Town and oth[illegible]ly basis.

9. Provided record drawings based on contractor's markups.
10. The Wooten Company will provide the Town with three (3) sets of prints and a digital copy of the Record Drawings. Such drawings will be based upon construction records provided by the Contractor during construction and reviewed by the Construction Observer.
11. Make final observation of all construction and provide a written certification of final observation to the Town and required State agencies.

Task 6 - Construction Observation

1. After award of the contract(s), the Engineer will provide Resident Observation of the construction on the project during periods of significant construction work being performed and at other times will provide periodic observation of the work as appropriate to the state of construction.
2. Observer shall observe materials and finished workmanship, check all layouts of work, keep the necessary or required records of inspection, review estimates for payment to contractors and make reports to the Construction Administrator, and provide liaison between the Engineer and the Town.
3. Engineer representative will be on site part-time for the installation of the water main connection to the existing distribution system and site work. It is estimated that the work will take 12 weeks with 2 trips per week.
4. Engineer representative will climb tank to perform key inspections of work as needed during construction. It is estimated that approximately the following separate tank inspections will be required.
   a. Tank Foundation: 8 trips
   b. Tank Erection: 16 weeks at 2 trips per week
   c. Tank Painting: 1 trip per day (8 hr each) for 5 weeks
5. Observation reports will be submitted to the Town on a regular basis.

Additional Services:

In addition to the foregoing services performed, the following services may be provided upon prior written authorization from the Town.

1) Easement and land acquisition assistance.
2) Rezoning, conditional zoning, conditional use permit, or special use permit, if required.
3) Redesigns ordered by the Town after final plans have been accepted by the Town.
4) Appearances before courts or boards on matter of litigation or hearings related to the project.
5) Design of other additional improvements not included in the original scope of services.
6) Phase 1 or Phase 2 Environmental Studies
7) Level "A" or "B" SUE Services.

Project Schedule and Deliverables:

It is proposed to complete the services identified in Tasks 1 through 3 above no later than six (6) months following the Town's acceptance of this Task Order. It is assumed that the Advertisement and Bidding Phase will commence soon thereafter with the Town's concurrence.

Fee Total Compensation for Basic Services:

Task	Method	Fee
1 - Site Selection	Lump Sum	$40,000.00
2 - Design and Permitting	Lump Sum	$138,000.00
3 - Land Survey/Mapping	Lump Sum	$10,000.00
4 - Bidding and Negotiation	Lump Sum	$5,500.00
5 - Construction Administration*	Lump Sum	$48,000.00
6 - Construction Observation*	Hourly	$85,000.00
Total		**$326,500.00**

*Construction period estimated to be 12 months.

Method of Determining Fee for Additional Services:

Additional Services will be billed using the labor rates of the employees involved as listed on the attached Schedule of Fees plus mileage at the standard IRS rate and out of pocket expenses.

Key Personnel:

Charlie Davis, P.E. – Project Manager
David Bennett, P.E. – Project Engineer
Bob Egan, P.E. – Electrical Engineer
Patrick Donaghy – Sr. Civil Designer
Don Gantt, P.E. – Construction Administration/Observation
Min Hsu, P.E. – Structural Engineer (HMC Consultants)

DocuSign Envelope ID: 66EA299C-4192-479E-B349-B7077BC5ADE4

AMENDMENT NO. 1
TO THE
ENGINEERING SERVICES AGREEMENT
BETWEEN
TOWN OF APEX
AND
THE WOOTEN COMPANY
DATED
JULY 7, 2020
TWC PROJECT #2519-CK

The following Amendment shall become a part of the Contract Agreement.

1. SCOPE MODIFICATION:

The scope for the evaluation of sites for a new elevated water tank was expanded at the direction of Town of Apex staff during the development the technical memo deliverable. At the onset of the site evaluation the Town and Wooten decided on the evaluation of three (3) sites. The number of sites evaluated increased at the direction of the Town to include up to seven (7) different sites at five (5) different areas. Once the technical memo was accepted by the Town Utilities staff, a presentation to the Town Council was requested by the Town. This meeting was in addition to the contracted meetings with the Town.

2. **FEE SUMMARY:**

The initial contract fees will be modified per this amendment as noted below:

Description	Payment Method	Original Fee	Task Adjustment	Updated Fee per this Amendment
1- Site Selection	Lump Sum	$40,000.00	**$21,700.00**	**$61,700.00**
2 – Design & Permitting	Lump Sum	$138,000.00		$138,500.00
3 – Survey / Mapping	Lump Sum	$10,000.00		$10,000.00
4 – Bidding / Negotiation	Lump Sum	$5,500.00		$5,500.00
5 - Construction Administration*	Lump Sum	$48,000.00		$48,000.00
6 – Construction Observation*	Hourly	$85,000.00		$85,000.00
Total Fee		$326,500.00	**$21,700.00**	**$348,700.00**

DocuSign Envelope ID: 66EA299C-4192-479E-B349-B7077BC5ADE4

3. **SIGNATURES**

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

TOWN OF APEX		**LE WOOTEN & COMPANY dba THE WOOTEN COMPANY**	
DocuSigned by: D78A025D93C8450...	8/10/2023 | 8:00 AM PDT		8/8/23
Shawn Purvis	Date	W. Brian Johnson, PE	Date
Interim Town Manager		Vice President	

PRE-AUDITED STATEMENT

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

Print Name: Antwan Morrison

Title: **Finance Officer**

By (Signature): DocuSigned by: C1FC1A957C74406...

Date Signed: 8/10/2023 | 8:23 AM EDT

DocuSign Envelope ID: A81AE4C5-28D9-436E-A373-BE2F8FC54181

AMENDMENT NO. 2
TO THE
ENGINEERING SERVICES AGREEMENT
BETWEEN
THE TOWN OF APEX
AND
THE WOOTEN COMPANY
DATED
July 7, 2020
TWC PROJECT # 2519-CK

The following Amendment shall become a part of the Contract Agreement.

1. **SCOPE MODIFICATION:**

The scope for Task 2 – Design and Permitting, Item 5, from the original contract has been changed to update the design services for the water main connection from the new elevated storage tank to the distribution system. The original scope included design services based upon a 200 LF distance of 20-inch diameter water main for making the connection from the tank to the distribution system. Due to the selection of the tank site and location of available water mains to connect to the tank, the revision of this task and basis of this amendment is to include design and surveying services for an additional 900+ LF of 20-inch water main along Kings View Trail R/W to connect to the site. In addition, a Subsurface Utility Engineering (SUE) Level A Allowance has been added to locate natural gas mains that cross the Kings View Trail R/W.

2. **FEE SUMMARY**

The initial contract fees will be modified per this amendment as noted below:

Description	Payment Method	Original Fee	Amendment 1	Task Adjustment	Updated Fee per this Amendment
1 – Site Selection	Lump Sum	$40,000.00	$21,700.00		$61,700.00
2 – Design & Permitting	Lump Sum	$138,000.00	-	$20,800.00	$158,800.00
2a – SUE Allowance	Hourly	-	-	$5,000.00	$5,000.00
3 – Survey / Mapping	Lump Sum	$10,000.00	-		$10,000.00
4 – Bidding / Negotiation	Lump Sum	$5,500.00	-		$5,500.00
5 - Construction Administration	Lump Sum	$48,000.00	-		$48,000.00
6 – Construction Observation	Hourly	$85,000.00	-		$85,000.00
Total Fee		$326,500.00	$21,700.00	**$25,800.00**	**$374,000.00**

DocuSign Envelope ID: A81AE4C5-28D9-436E-A373-BE2F8FC54181

3. SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

TOWN OF APEX

DocuSigned by:
D78A025D93C8450...
8/10/2023 | 8:00 AM PDT

Shawn Purvis — Date
Interim Town Manager

LE WOOTEN & COMPANY dba THE WOOTEN COMPANY

8/8/23

W. Brian Johnson, PE — Date
Vice President

PRE-AUDITED STATEMENT

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

Print Name: Antwan Morrison

Title: **Finance Officer**

By (Signature): DocuSigned by:
C1FC1A957C74406...

Date Signed: 8/10/2023 | 8:21 AM EDT

Exibit C – Pleasant Park 1.5 MG Elevated Storage Tank

Description	Payment Method	Cost
1. Site Selection	Lump Sum	$3,800.00
2. Design & Permitting	Lump Sum	$73,800.00
3. Survey and Mapping	Lump Sum	$6,300.00
Total Fee		**$83,900.00**

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Jessica Hoffman, Interim Director

Department(s): Budget and Performance Management

Requested Motion

Motion to approve Budget Ordinance Amendment No. 2 allocating funds for the Play-It-Forward program in Fiscal Year 2025-2026.

Approval Recommended?

Yes

Item Details

Budget Ordinance Amendment No. 2 allocates $6,000 in donations for the Play-It Forward program. The program is currently operated through a liability account. This amendment transfers the program to the Grants & Special Revenues fund which allows for budget planning and enhanced reporting on the program.

Attachments

- CN3-A1: Budget Ordinance Amendment No. 2 – Play-It Forward Donations

Town of Apex

Budget Ordinance Amendment No. 2

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:

Grants & Special Revenue Fund

Section 1. Revenues:

46560	Programming - Finance Assistance/Donations	6,000
Total Revenues		**$6,000**

Section 2. Expenditures:

56505	Play-it -Forward	6,000
Total Expenditures		**$6,000**

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

Adopted this the 26th day of August 2025.

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: August 26,2025

Item Details

Presenter(s): Megan Shea, Special Event Specialist

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to approve a standard services agreement between the Town of Apex and Pyro Shows East Coast, Inc. to perform the Fireworks Display on July 3, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Town of Apex Special Events Team is recommending a switch to a new Fireworks vendor for 2026. Pyro Shows East Coast, Inc. handles the fireworks display for the Town of Cary, NC State University, as well as over 800 other municipalities/organizations nationwide. Calendar Year 2026, marks the 250th Anniversary and Town staff are working to make the show extra special in Apex.

There is an initial deposit in FY 25-26 and final payment in FY 26-27. Since the payments fall between two fiscal years, it was requested that this contract go before Council. The Town Legal Department has reviewed the contract.

Attachments

- CN4-A1: Standard Services Agreement – Pyro Shows East Coast Inc. – July Third Fireworks Display Calendar Year 2026

STATE OF NORTH CAROLINA

COUNTY OF WAKE **STANDARD SERVICES AGREEMENT**

THIS STANDARD SERVICES AGREEMENT (hereinafter "Agreement") is entered into this [empty signing timestamp] by and between, Pyro Shows East Coast, Inc , a South Carolina limited liability company with its principal business offices located at 4652 Catawba River Road, SC 28704, with a mailing address at P.O. Box 1776, LaFollette, TN 37766 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

The Town and the Contractor, for the consideration stated herein, agree as follows:

1. **SCOPE OF SERVICES.**

   The Contractor agrees to perform for the Town the following services: FIREWORKS DISPLAY: PYRO SHOWS agrees to furnish to Customer a fireworks display, hereinafter referred to as "Show", pursuant to the project/sales order # 26 07-03--28000-000003 dated Jul 17, 2025. The Show(s) will be given on July 3, 2026. Rain date/postponement date: No Rain Date Selected TARIFF PROVISION: Because our pyrotechnics are products which are primarily imported into the U.S., PYRO SHOWS is legally responsible for payment of any applicable tariffs (a border tax imposed on the buyer) for pyrotechnics. From the date of execution of the contract herein, in the event of additional cost due to increased price of product as imposed by manufacturer and/or tariffs levied for imported products. Available options are as follows: Customer may opt to increase their budget to absorb tariff - OR - Customer may maintain the current budget of their show with a corresponding reduction in the amount of product included in their show. Should Customer elect to defer, modify, or cancel Show, Customer shall notify PYRO SHOWS no less than ninety (90) days prior to Show date to cancel or reduce the size of show. SECURITY AREA: Customer agrees to furnish sufficient space for PYRO SHOWS to properly conduct the Show as determined by NFPA 1123-2014 (hereinafter "Security Area"). Customer agrees to provide adequate security protection to preclude persons unauthorized by PYRO SHOWS from entering the Security Area. For the purposes of the Agreement, "Unauthorized Persons" shall mean anyone other than the employee(s) of PYRO SHOWS or persons specifically designated in writing by the sponsor or the Authority Having Jurisdiction (AHJ), and submitted and approved, to PYRO SHOWS prior to the event. Any expenses for security or stand-by fire protection shall be the responsibility of the Customer. PAYMENT TERMS: Town of Apex, NC shall pay PYRO SHOWS $28,000.00 plus applicable taxes in the amount of $ 0.00 for a grand total of $ 28,000.00 according to the terms and conditions set forth for presenting the Show. Customer shall submit a 50% deposit ($ 14,000.00) upon return of the signed contract. Balance of $14,000 will be due in the PYRO SHOWS office upon Customer's receipt of invoice.

   In the event of a conflict between the terms of the attached Scope of Services and this Agreement, this Agreement shall control.

2. **SPECIFICATIONS**.

   Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Upon request by the Town, Contractor will provide plans and specifications

prior to engaging in any services under this Agreement. Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the work required in this Agreement no more than 180 days after the date of execution of this Agreement, and the Contractor shall complete entire work no later than 7/3/2026. If a Scope of Services is provided Contractor shall also comply with all timelines and deadlines documented in the Scope of Services. If Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in the Agreement must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor an amount not to exceed $ 36,400 to be paid according to the following schedule: 30 days from receipt of invoice. The Town shall pay $14,000 as deposit within 30 days of the execution of this Agreement. A second payment of $14,000 shall be made within 30 days of receipt of invoice following completion of the fireworks display on July 3rd, 2026. If the fireworks display is rescheduled to a predetermined date, the Town shall pay $16,800 in lieu of $14,000 within 30 days of receipt of invoice following completion of the fireworks display on said predetermined backup date. If the fireworks display is postponed to a date uncertain, the Town shall pay $22,400 in lieu of $14,000 within 30 days of receipt of invoice following completion of the fireworks display on the future to-be-determined make up date. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all invoices. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. INDEMNIFICATION.

To the extent permitted by law, the Contractor 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 resulting from the negligence of the Contractor.

6. APPLICABILITY OF LAWS AND REGULATIONS.

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

This Agreement shall be governed by the laws of the State of North Carolina. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or nonperformance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Wake County, North Carolina, or the United States District Court sitting in Wake County, North Carolina, and it is agreed by the Parties that no other court shall have jurisdiction or venue with respect to such suits or actions.

7. E-VERIFY COMPLIANCE.

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General

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

8. ANTI-HUMAN TRAFFICKING.

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

9. QUALITY AND WORKMANSHIP.

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

10. INSURANCE.

The Contractor 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, the contractor shall maintain and show proof of workers' compensation and employer's liability insurance in the minimum amount of $1,000,000. The Contractor 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 Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

11. PRE-PROJECT SAFETY REVIEW MEETING.

When specified by the Safety and Risk Manager, the Contractor shall attend a pre-project safety review meeting with the contacting Department Head and Supervisors and Safety and Risk Manager prior to the start of work.

12. DEFAULT.

In the event of substantial failure by Contractor to perform in accordance with the terms of this Agreement, Town shall have the right to terminate Contractor upon seven (7) days written notice in which event Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

13. TERMINATION FOR CONVENIENCE.

PYRO SHOWS shall determine what weather conditions prohibit PYRO SHOWS from proceeding with the Show; in which case, PYRO SHOWS agrees to present the Show on the following day or previously agreed upon postponement date. In addition to contracted Show cost, Customer shall remit the actual additional expenses PYRO SHOWS shall incur in presenting the show on subsequent occasion to include labor, lodging, per diem, etc.; in no event shall these additional expenses be less than ten percent (10%) of the contracted price of the Show. In the event the Show must be RESCHEDULED to a mutually agreed upon date other that the previously agreed upon rain date, in addition to contracted Show cost, Customer shall remit the actual additional expenses PYRO SHOWS shall incur in presenting the Show on subsequent occasion to include labor, lodging, per diem etc.; in no event shall these expenses be less than thirty percent

(30%) of the contracted price of the Show. Should Customer elect to CANCEL the Show for any reason, Customer must provide PYRO SHOWS with thirty (30) days' written notice by certified mail, return receipt, to PYRO SHOWS' address as set forth below. Customer agrees that PYRO SHOWS shall incur substantial expense in preparation for the Show and, accordingly, agrees to pay PYRO SHOWS fifty (50%) of the total contract price for the show as liquidated damages for cancellation due to the fault of the Customer. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

14. NOTICE.

Any formal notice, demand, or request required by or made in connection with this Agreement shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO CONTRACTOR:

Pyro Shows East Coast, Inc
P.O. Box 1776
LaFollette, TN 37766
jesse@pyroshows.com

TO TOWN: Town of Apex

Attention: Lisa Raschke
PO Box 250
Apex, NC 27502
Lisa.raschke@apexnc.org
Invoices: Apex.Invoices@apexnc.org

15. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor 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. Due to the ever-changing circumstances surrounding the COVID-19 pandemic, situations may arise during the performance of this Agreement that affect availability of resources and staff of Contractor or the Town. There could be changes in anticipated performance times and service costs. Contractor will exercise reasonable efforts to overcome the challenges presented by current circumstances. In the event of changes in performance times or service costs caused by the COVID-19 pandemic the Town reserves the right to terminate this Agreement in accordance with its terms. The Parties agree that they shall not be liable to each other for any delays, expenses, losses, or damages of any kind arising out of the impact of the COVID-19 pandemic.

16. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

17. CONSTRUCTION.

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

18. NO REPRESENTATIONS.

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

19. SEVERABILITY.

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

20. COUNTERPARTS.

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

21. MODIFICATION.

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

22. BINDING EFFECT.

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

23. ASSIGNMENT.

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

24. INDEPENDENT CONTRACTOR.

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

25. NON-APPROPRIATION.

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

26. IRAN DIVESTMENT ACT CERTIFICATION.

N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other

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

27. NONDISCRIMINATION.

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

28. 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.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this [empty signing timestamp] .

Pyro Shows East Coast, Inc.

X

[empty member name]
Email: jesse@pyroshows.com
Timestamp: [empty signing timestamp]

Town of Apex

X

[empty member name] , Assistant Town Manager
Email: [empty member email]
Timestamp: [empty signing timestamp]

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

X

[empty member name] , Interim Finance Director
Email: jessica.murphy-rhem@apexnc.org
Timestamp: [empty signing timestamp]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Jessica Hoffman, Interim Director

Department(s): Budget and Performance Management

Requested Motion

Motion to approve an amendment to the Town's Fee Schedule for Fiscal Year 2025-2026 to include a change to the Mattress/Box Spring Disposal Fee Rate from $10 to $15 and add an Exempt Site Plan Fee for the Town of Apex Neighborhood Beautification Grant Improvements at no charge, effective August 26, 2025.

Approval Recommended?

Yes

Item Details

Annually, the Apex Town Council adopts a Fee Schedule which sets rates for services. As adjustments in rates are warranted the Town Council will adopt amendments to the Town's official Fee Schedule.

This Fee Schedule amendment includes an update of the Mattress/Box Spring Disposal from $10 to $15 to coincide with Wake County's adopted FY26 Fee Schedule for this fee. The amendment also includes the addition of an Exempt Site Plans at no charge for TOA Neighborhood Beautification Grant Improvements.

The changes are reflected in **RED** in the attached fee schedule on the corresponding pages:

- Mattress/Box Spring Disposal – page 6
- Exempt Site Plans – TOA Neighborhood Beautification Grant Improvements – page 1

Attachments

- CN5-A1: Fiscal Year 2025-2026 Fee Schedule Amendment – Mattress/Box Spring Disposal and Exempt Site Plans for Neighborhood Beautification Grant Improvement Program

Town of Apex, North Carolina
Fee Schedule - Effective 7/1/2025

Schedule subject to change upon approval by Town Council

TAXES & FEES			
Tax Rate	$0.356/$100 valuation of property	Vehicle Fee (pursuant to NCGS 20-97 (b1)	$30/vehicle
DOCUMENT / COPY FEES			
Copying up to 11" x 17" (black and white)	$0.10/sheet	Document Recording / E-Recording	At cost
Copying and maps up to 11" x 17" (color)	$0.40/sheet		

MISCELLANEOUS					
Rain Barrel	$88.00	**Cemetery**	**Resident**	**Non – Resident**	**Military Rate***
		– Cemetery Plots	$800	$1200	$640 (resident) $960 (non-resident)
		– Columbarium Niches	Single Urn: $1,700	Double Urn: $2,300	$1,360 / $1,840
		*20% cemetery discount-Military rate applies to current and retired military personnel only			

Development Fees

PUBLIC RIGHT-OF-WAY CLOSURE			
Submit request and fees to Administration			
Right-of-Way Closure Application Fee	$100	Right-of-Way Closure Processing Fee	$600
Due with request/application/non-refundable		Due prior to Council considering request; refundable if request is withdrawn prior to advertising.	

DEVELOPMENT SUBMITTAL FEES			
For Zoning/Subdivision/Site Activity - Calculated and collected by the Planning Department			
Administrative Adjustment	$150	Sign, Master Plan	$200
Administrative Approval (Small Town Character Overlay)	No Charge	Sign, Permanent	$75+$10/add'l sign
Annexation Petition	$300; $200 for well/septic failure	Sign, Temporary, Commercial Sign, Temporary Non-commercial	$50 No charge
Appeal (Board of Adjustment)	$650	Site Inspections (Non-residential lot)$_2$	$500
		Site Inspections (Residential lot)$_3$	$50
Certificate of Zoning Compliance (CZC)$_1$	$125	Site Plan, Major	$1,500+$10/acre
Consultant Fees	As required	Site Plan, Minor	$1,100 + $30/acre
Development Name Change	$500	Special Use Permit	$700
Exempt Site Plan – enlargement of a structure or parking area	$400	Temporary Use Permits (Non - Event):	$100
Exempt Site Plan –TOA Neighborhood Beautification Grant Improvement	No charge		
Exempt Site Plan – all other exempt site plans-	~~$200~~	Temporary Use Permits (Event):	
Home Occupation	$50	For Profit $75 — For Profit Express Review	$100
Late Fee – Site Plans/Master Subdivision Plan/PUD/Rezoning/Conditional Zoning (and resubmittals)	$350	Non-Profit $0 — Non-Profit Express Review	$25
Master Subdivision Plans Residential & Non-Residential	$1,000 + $10/lot	Text Amendments (UDO)	$600
Planned Development (PUD-CZ, TND-CZ, MEC-CZ) & Sustainable Development (SD-CZ)	$2,000 +$25/acre	Transportation Impact Analysis Review$_4$	
PUD-CZ, TND-CZ, MEC-CZ, OR SD-CZ revision not requiring full TRC Review	$800	Sites, & Subdivisions & PUDs $1,000 + $10/acre	
Plat, Easement & Exempt	$200	Revised Sites, & Subdivisions & PUDs $500	
Plat, Master Subdivision Final	$300 + $10/lot	Tree Protection Fencing Inspection (Site Plan):	
Plat, Recombination	$200	- less than 2 acres: $100 — - 2-15 acres: $150	
Plat, Site Plan Final	$300	-15 up to 25 acres: $300 — -25+ acre: $400	
Pond Drainage Plan	$500	Tree Protection Fencing Inspection (Master Subdivision Plan):	
Re-submittal Fees – Site Plans and Master Subdivision Final Plats: at 3rd submittal; Master Subdivision Plans; at 4th submittal	½ Original Fee	- up to 15 acres: $150 — - 15-50 acres: $300 : - 51+ acres: $600	
Rezoning/Conditional Zoning	$700 +$25/acre / $1,000 +$25/acre	Tree Removal Plan	$500
		Variance Permit	$650
Sustainable Development Conditional Zoning (SD-CZ)	$1,600+$10/acre	Zoning Verification Letter	$125

1. No charge for the 1st tenant in a new building 2. Charged at Site Plan Final Plat 3. Charged at permit 4. Projects inactive for 1 year require new TIA & full submittal fee

RECREATION FEES[1]

For New Residential Developments Assessed after 1/1/2024 - Collected by the Planning Department

Housing Type	Fee Per Unit	Acreage Per Unit	Decimal Multiplier
Single Family Detached	$4,244.42	1/30 acre	0.0333
Single Family Attached	$2,858.65	1/45 acre	0.0223
Multi-Family Attached	$2,516.93	1/51 acre	0.01964

Existing Town ordinances require either the dedication of open space for public recreation or the payment of a fee in lieu per unit. The requirement regarding land dedication or fee in lieu will be based, in large part, on the Town's adopted Parks, Recreation, Greenways, and Open Space Master Plan. Recommendations regarding the acceptance of land or fee in lieu are made to the Town Council by the Parks, Recreation, and Cultural Resources Advisory Commission.

1. Annually on January 1, the fee amount shall be automatically adjusted in accordance with UDO §14.7.1(B).

ENCROACHMENT AGREEMENT

Submit to Development Services

Encroachment agreement preparation and recording	$250 + eRecording Fee at Cost

CONSTRUCTION FEES/BONDS

Calculated and collected by Development Services

Bond Administration Fee:	- Cash/check: $150	- Surety Bond/Letter of Credit $350	- Reduction/Amendment $100
Fee in Lieu Administration Fee:			$250
Construction Plan Submittal Fees (Subdivisions)			$700 + $10/Lot
Construction Plan Submittal Fees (Sites, Utility Extensions, etc.)			$700 + $15/Sheet
Re-submittal Fees – Construction Plans (3rd submittal and every other subsequent submittal (3rd, 5th, 7th, etc.)			½ Original Fee
Late Fee – Construction Plan Submittal and Resubmittal			$350
Construction Plan Revisions (after initial approval)			$75/sheet
Pump Station Review			$2,000
Water System Management Plan Hydraulic/Fire Flow Analysis			$500
Downstream Sewer Analysis			$500
Water Extension Permit Application			$200
Sewer Extension Permit Application			$480
Water and/or Sewer Extension Permit Amendment			$100 each
Exception Request (Utilities/Stormwater/Traffic)			$150 each per Standard
Infrastructure Extension Record Drawing Review (1st & 2nd reviews)			$200
Infrastructure Extension Record Drawing Review (3rd, 5th, 7th, etc. reviews)			$100
Infrastructure Extension Record Drawing Review (after initial approval/field changes)			$100

Construction Inspection Fees:

Water Lines	$1.75 per linear foot	Fire Lanes	$1.75 per linear foot
Sewer Lines	$1.75 per linear foot	Sidewalks/Greenways	$1.75per linear foot
New Streets (public)	$1.75 per linear foot per lane	Infill/Outparcel Lots	$350 per lot
Curb & Gutter (All New/replaced public)	$0.50 per linear foot	Driveway, residential	Per Building Permit Schedule
Storm Drains (public)	$1.75 per linear foot	Driveway, not ready	Per Building Permit Schedule
Pump Station Inspection	$1,500 each	Driveway, reinspection	Per Building Permit Schedule
Performance Bonds	125% of cost of uninstalled Improvements		

**Repairs to damages water/sewer lines caused by construction shall be billed to the responsible party and include the cost of materials + 10% and current equipment and labor rates.*

STORMWATER PLAN REVIEW & INSPECTION FEES/BONDS

Submit to Development Services

Project Size (disturbed acres)	Stormwater Plan Review Fee
< 1 acre	$0
1 – 5 acres	$600
5 - 50 acres	$600 + $60 per additional disturbed acre

$500 base review fee for projects disturbing up to 5 acres. Add $50 per additional disturbed acre beyond 5 acres. Development projects that disturb less than 1 acre of land are not subject to the stormwater plan review fees since they are exempt from stormwater controls. The stormwater plan review fee will be limited to a maximum of 50 acres.

SCM Maintenance Bond	25% of cost of installed and approved Infrastructure
SCM Performance Bond	125% of cost of uninstalled Improvements
SCM Inspection	$200 per SCM
SCM As-Built Review: (1st & 2nd reviews)	$200 per SCM
SCM As-Built Review (3rd, 5th, 7th, etc. reviews)	$100
SCM As-Built Revision (after initial approval)	$100
Floodplain Development Permit – Elevation Certificate	$200
Floodplain Development Permit – FEMA Map Revision	$750
Riparian Buffer Authorization	$150
Riparian Buffer Determination	$250

SOIL AND EROSION CONTROL FEES/GUARANTEES

Submit to Development Services

Application for S&E Plan Approval	$600 per disturbed acre
Future Lot Grading*	$60 per acre of remaining building lot acreage
S&E Performance Guarantee**	$2,500 per disturbed acre

*The future lot grading fee provides coverage under an erosion control permit and ensures compliance with NPDES stormwater regulations. Only the additional land disturbance associated with future building lots needs to be included.

**Performance guarantee must be in the form of a certified check, cash, or irrevocable letter of credit approved by the Town. The performance guarantee is due prior to the Town issuing a Letter of S&E Plan Approval and may be fully refunded after the issuance of the certificate of completion.

COMMERCIAL BUILDING PERMIT FEES

Calculated and collected by Building Inspections and Permitting

NEW STRUCTURES, ADDITIONS AND ALTERATIONS (Base Fee) 1,2,3

Total Gross Building Floor Area of Construction	Fee Computation
0 - 500	Per Trade (see schedule below)
501 - 5,000	A x B = Permit Fees
5,001 - 10,000	(A x B X .80) + (1,000 X B) = Permit Fee
10,001 - 15,000	(A x B X .70) + (3,000 X B) = Permit Fee
15,001 - 20,000	(A x B X .60) + (4,500 X B) = Permit Fee
20,001 - above	(A x B X .50) + (6,500 X B) = Permit Fee
A=Total Gross Building Floor Area	**B= Fee Per Square Foot Based Upon Occupancy**

1. Alterations to existing structures, with no footprint increase, are charged at a rate of .60 of the Permit Fee or the minimum per trade fee based upon the Single Trade Fee Schedule, whichever is greater.
2. Permits for "shell" buildings are charged at a rate of .60 of the Permit Fee, based upon a Business Occupancy, or the minimum per trade fee based upon the Single Trade Fee Schedule, whichever is greater. Area within the building shell, which is intended to be occupied, will have the permit fees for the occupied area computed per footnote #1 above.
3. Additional Miscellaneous Fees, listed below, will be added to the permit fees as applicable.

Single Trade Fee Schedule

Building/Pool/Hot Tub Building	$150
Electrical/Pool/Hot Tub Electrical	$75
Mechanical/Pool/Hot Tub Mechanical	$75
Plumbing/Pool/Hot Tub Plumbing	$75
Grading	$75

Fee Per Square Foot of Floor Area Based on Occupancy

Occupancy	Fee	Occupancy	Fee	Occupancy	Fee
Assembly	$0.55	Factory/Industrial	$0.40	Mercantile	$0.50
Business	$0.60	Hazardous	$0.50	Residential	$0.55
Educational	$0.60	Institutional	$0.60	Storage/Utility	$0.30

MISCELLANEOUS FEES

Administrative Adjustment	$75
Change of General Contractor	$50
Conditional Electrical Power Inspection (Apex and Duke)	Optional Inspection
Conditional Mechanical Systems Inspection	Optional Inspection
Demolition (All Trades)	$120
Dumpster Enclosure	$150 (Single Trade Building)
Electric Vehicle Parking	$75 per site (No fee when at an existing development)
Elevator	75 per elevator
Fire Alarm	$75
Fire Pumps, each	$250
Fire Sprinkler System	$0.03 per square feet
Fire Suppression	75
Grease/Oil Interceptor	75
Hood Suppression	$75
Irrigation System	See Irrigation Meters (pg 5) + Capital Reimbursement Fees (pg 6)
Refrigeration	$75
Retaining Wall Permit	$1 per linear foot
Sales/Construction Trailer/Modular Classroom	Per Single Trade Fee Schedule
Sign – New	$150 + $75 if electrical needed
Site Lighting	$75
Solar PV System	$300
Spray Paint Booth, each	$150
Storage Tank, each	$50 Plus Associated Single Trade Fees
Temporary Power (Town of Apex)	$125
Water and Sewer Capital Reimbursement Fees and Water Meters	Refer to Capital Reimbursement Fee Schedule (pg 6)
Work Without a Permit	Double Permit Fees
Stop Work Order	$150 (May Require Extra Trip Fee)
Expired Permit	½ Cost of Original Permit Fee

PLAN REVIEW FEES (Non-refundable)

Per Trade (Not applied toward cost of permit)	$100 (no fee for Electric Vehicle Parking at an existing development)
Plan Modification (Not applied toward cost of permit)	½ Review Fee or ½ per trade fee for single trade modifications
Re-review fee (Not applied toward cost of permit)	½ Review Fee @ 3rd, 5th, 7th, etc.
Re-stamp Plans, Per Trade	$75
Retaining Wall, per submitted grouping (at least one per project/subdivision)	$100

EXPRESS PLAN REVIEW (2 hr. min) *

First Hour	$1,000
Each additional 15 minutes	$250
Cancellation Fee (3 days prior notice)	$200

*when service is available

ADMINSTRATIVE FEES

Duplicate Building Record Card	$10
General Records Research, Archive Files	$3/page
General Records Research, Current Files over 10 pages	$0.50/page

INSPECTION FEES			
Water Resources Certificate of Occupancy - Water/Sewer Final	$100	Job not ready for inspection or installation of tap, meter, etc.	$150
Standard re-inspection fee (Building, Electrical, Mechanical, Plumbing, Driveway, Water, and/or Sewer)	$75	Cancelled Inspection fee (not cancelled by 8:00 am of scheduled day)	$75
Previous violations not corrected (all trades)	$150		

ONE AND TWO FAMILY DWELLING PERMIT FEES

Calculated and collected by Building Inspections and Permitting

NEW STRUCTURES (Single Family/Duplex/Townhomes)	$/SQ. FT.	MIN/$/UNIT
3,000 Gross SF and Less	$0.35	$500
>3,000 Gross SF:(3000SFx $0.35/SF)+(Additional SF x $0.35/SF x.75) = Permit Fee	Per Formula	

ADDITIONS/ALTERATIONS 800 SQUARE FEET AND GREATER	$/SQ. FT.	MIN/$/UNIT
Building	$0.19	$150
Electrical	$0.09	$75
Plumbing	$0.09	$75
Mechanical	$0.09	$75

ADDITIONS/ALTERATION LESS THAN 800 SQUARE FEET	MIN/$/UNIT
Building	$150
Electrical	$75
Plumbing	$75
Mechanical	$75

ACCESSORY STRUCTURES	MIN/$/UNIT
Decks, Sheds, Roof Additions & Detached Garages, 400 sq. ft. or less	$75
Decks, Sheds, Roof Additions & Detached Garages > 400 sq. ft.	$150
Trellis (Attached to a structure)	$75
Retaining Wall Plan Review	$100
Retaining Wall	$1 per linear foot

SINGLE TRADE FEE SCHEDULE	
Building/Pool/Hot Tub Building	$150
Electrical/Pool/Hot Tub Electrical	$75
Mechanical/Pool/Hot Tub Mechanical	$75
Plumbing/Pool/Hot Tub Plumbing	$75
Grading	$75

MISCELLANEOUS	
Administrative Adjustment	$75
Change of General Contractor	$75
Change of Lot	$75
Demolition (All Trades)	$150
Driveway	$100/lot
House Moved	$375
Irrigation	See Irrigation Meters (pg 5) + Capital Reimbursement Fees (pg 6)
Mobile Home (All Trades)	$150
Modular Home (All Trades)	$375
Solar PV System	$300
Temporary Power (Town of Apex Only)	$125
Work Without Permit	Double Permit Fees
Expired Permit	½ Cost of Original Permit Fee

PLAN REVIEW FEES (Non-refundable)	
Initial Fee for New Single Family and Townhome Construction (Not applied to cost of permit)	$110
Initial Fee All Other Construction (Not applied toward cost of permit)	$100
Plan Modification Fee (Not applied toward cost of permit)	½ Review Fee
Re-review Fee (Not applied toward cost of permit)	½ Review Fee @ 3rd, 5th, 7th, etc.
Re-stamp Plans	$60

INSPECTION FEES	
Water Resources Certificate of Occupancy - Water/Sewer Final	$100
Standard re-inspection fee (Building, Electrical, Mechanical, Plumbing, Water, and/or Sewer)	$75
Job not ready for inspection or installation of tap, meter, etc.	$150
Previous Building, Electrical, Mechanical, Plumbing violations not corrected	$150
EXPRESS PLAN REVIEW (2 HOUR MINIMUM) – When service is available	
First Hour	$600 + $150 each additional 15 minutes
Cancellation Fee without (3 days prior notice)	$200

ELECTRICAL UNDERGROUND AND SERVICE LATERAL FEES

Calculated by the Electric Department

Primary Facilities:
Collected by Electric Department
All charges are calculated at time of installation.
***Any tariffs imposed on materials will be added at time of bill determination**

Single-Family*	$3,498/lot
Townhomes*	$2,403/unit
Apartments/Condos	Cost determined at submittal request
EV Chargers	Cost determined at submittal request

Service Laterals:
Collected by Building Inspections Permitting
Charges are for the first 100 feet of service length. An excess footage charge, if applicable, is billed separately by the Electric Utilities Division at $7.76/foot over 100 feet.

Single-Family*	$776/service lateral
Townhomes*	$776/service lateral
Apartments/Condos	Cost determined on an individual basis, based on the quantity and location of service delivery and infrastructure required.

WATER TAPS AND METER FEES**

Submit Tap fees to Water Resources and Water Meter fees to Building Inspections and Permitting

Fees are based on 60 foot right-of-way roads and lateral lengths less than 100 feet. Special cases, wider rights-of-way, special or complex boring and items not shown shall be at cost.

Size	Base Cost	Add Bore	Add Street Cut	Meter Only*
¾ inch	$2,300	$550	$1,000	$315
1 inch	$2,600	$550	$1,000	Cost + 10%
1 ½ inch	N/A	N/A	N/A	Cost + 10%
2 inch	N/A	N/A	N/A	Cost + 10%
3 inch and larger	N/A	N/A	N/A	Cost + 10%

*If meter setter is not readily accessible or not functional when town staff arrives onsite, the meter will not be installed. Owner will be required to reschedule and pay fee as noted under "Inspection Fees" section (pgs 3 and 4) of this document. The Town will reschedule work within 7 days of receipt of the "Inspection Fees".

SEWER TAPS**

Size	Base Cost	Add Bore	Add Street Cut
4 inch	$2,100	Not available	$1,000

**The Town of Apex does not install water or sewer taps for commercial development or new residential construction.

WATER BACTERIOLOGICAL SAMPLE FEE

Samples collected by Water Resources Department. Fees collected by Development Services	$175

SEWER AND STORMWATER RE-INSPECTION FEES

Submit to Water Resources Department

Sewer and Storm drain re-inspection fee	$325 remobilization fee plus $0.25 per linear foot over 1,000'

IRRIGATION METERS

*Submit to Building Inspections & Permitting (Irrigation meter **required** for ALL irrigation systems)*

	Single-Family Residential (Includes duplex and townhomes)	Multi-Family and Commercial
Permit Fee	$75	$75
Meter Fee	Based on meter size; see "*Water Meter Fees*" (pg 6)	Based on meter size; see "*Water Meter Fees,*" (pg 6)
Meter Tap	$800 (See condition 7 below)	See condition 6 below
Capital Reimbursement Fees	Based on meter size; see "*Capital Reimbursement Fees*" (pg 6)	Based on meter size; see "*Capital Reimbursement Fees*" (pg 6)

Conditions:

1. All irrigation meters will require payment of capital reimbursement fees.
2. NCGS requires a second meter for in-ground irrigation systems and that systems be protected by an approved backflow preventer.
3. A plumbing permit is required for installation of the system from the meter to the backflow preventer.
4. All associated fees will be collected by the Building Inspections & Permitting Department prior to issuance of a permit.
5. All other non-single family customers (subdivision entrances and commercial sites) require a second meter.
6. The Water Resources – Water & Sewer Utility Operations Division will only install the tap for meters for existing single-family customers; all other taps must be installed by a private contractor and inspected by Water Resources Infrastructure Inspections Division.
7. Single family Meter Tap Fee includes installing a split tap at an existing meter. If the split tap is already installed, see "Meter Only" fees under the "*Water Taps & Meter Fees.*"

WATER AND SEWER CAPITAL REIMBURSEMENT FEES

Calculated and collected by Inspections and Permitting & Planning

The purpose of Capital Reimbursement Fees are one-time capital charges assessed against new development as a way to provide or cover a proportional share of the costs of capital facilities. These treatment facilities provide the system capacity that each new development will demand when connected to the water and sewer systems. Additional fee assessments shall be required of nonresidential customers who, after paying a Capital Reimbursement Fees fee, expand their service requirements. A 75% grant may be available in the Central Business District.

Meter Size (inches)	Water Fee	Sewer Fee	Total Fees
3/4	$1,788	$4,290	$6,078
1	$2,980	$7,150	$10,130
1.5	$5,960	$14,300	$20,260
2	$9,536	$22,880	$32,416
3	$19,072	$45,760	$64,832
4	$29,800	$71,500	$101,300
6	$59,600	$143,000	$202,600
8	$95,360	$228,800	$324,160
10	$250,320	$600,600	$850,920
12	$315,880	$757,900	$1,073,780

Utility Rates & Fees

CUSTOMER DEPOSITS

Residential Electric Deposit	$200	Commercial Deposit	2 times monthly average for service location or minimum of $200*
Residential Water Deposit	$50		

**NCGS 160A-314 (a); North Carolina Utilities Commission Guidelines: R8-33*

FEES

Application/Service Initiation Fee	$15	Pretreatment Program Charges	
Returned Check/Draft Fee	$25	- Permitted Flow (per 1,000 gallons)	$0.33
Non-Payment Service Fee	$25	Surcharge Rates (monthly)	
After Hours Service Fee	$75	- BOD exceeding 300 mg/L	$0.50 per lb.
Late Fee for Charges Unpaid by Due Date	1% of unpaid balance	TSS exceeding 250 mg/L	$0.218 per lb.
Extension Fee	$0	- Total Phosphorous exceeding 6 mg/L	$7 per lb.
Reconnect Disconnected Meter	$25	- Ammonia Nitrogen exceeding 25mg/L	$2 per lb.
Backflow Testing	At cost	- Analytical Testing Charges	
Meter Testing Fees			
Meter Test Fee (one test per year at no cost; additional reads are charged only if the meter read is correct)	$50	BOD	$30
Meter Test (under 2 inch meter)	$50	- TSS	$17
Meter Test (2+ inch meter)	At cost + 10 %	- Ammonia	$22
Damaged Water Meter*	$53 + cost of meter	- COD	$35
Damaged ERT Holder Replacement Fee* - Full	$134 + Labor	- Cyanide	$33
Damaged ERT Holder Replacement Fee* - Partial	$51 + Labor	- Oil & Grease	$65
Pedestal Replacement (Electric)*	$149 + cost of pedestal	- Total Phosphorus	$27
Trip Charge (Electric)	$300	- Total Nitrogen	$51
Septic Tank Pump Fee (per 1991 annexation agreements; only available in certain locations)	At cost	- Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Zinc	$20 each

SOLID WASTE FEES

Yard Waste Collection	$7.83/month	Dumpster Service	
Residential Roll-Out Cart	$10.35/month	- 4 CY Dumpster	$153.49/month
Commercial Roll-Out Cart	$21.66/month	- 6 CY Dumpster	$182.09/month
Recycling (Per Bin or Cart)	$5.44/month	- 8 CY Dumpster	$208.92/month
Bulk items	$11/each	Bulk Items - Half Load / Full Load	$30 / $60
White Goods	$18/each	Mattress / Box Spring Disposal*	~~$10~~$15 for each item

**Mattress / Box Spring Disposal charge is in addition to the existing single item bulk fee; $30 minimum*

STREET SIGN FEES

Replacement sign costs

- Street sign only (1 blade)	$37	- Street sign replacement + install	$152
- Street sign only (2 blades)	$74	- Stop sign replacement + install	$105.75
- Stop Sign only	$28	- Street/Stop sign combination + install	$180

** Original installation of all safety, regulatory, and street signs is the responsibility of the developer prior to plat.*

STORMWATER FEES

Stormwater fees are effective January 2022. (Tier 5 effective January 1, 2024). Stormwater utility fees are based on the total amount of impervious surface on an individual lot or parcel.

Residential - Detached single-family homes, a duplex, or a manufactured home located on an individual lot or parcel.	
Tier 1: 400-1,500ft^2	$1.50
Tier 2: 1,501-3,000ft^2	$5.00
Tier 3: 3,001-4,000ft^2	$7.50
Tier 4: 4,001ft^2 -5,400ft^2	$10.00
Tier 5: >5,400ft^2	$5.00 per ERU (Total Impervious Area/2,700ft^2 * $5)
Non-Residential - Parcels that contain more than two residential units, public/private institutional buildings, commercial buildings, parking lots, churches, etc.	$5.00 per ERU (Total Impervious Area/2,700ft^2 * $5)

**ERU (Equivalent Residential Unit) is the GIS analysis of average impervious surface (rooftops, driveways, sidewalks, parking lots) per residential property. Approximately 2,700 ft^2.*
**Properties with less than 400ft^2 of impervious surface are exempt.*

WATER & SEWER RATES

Water Rates		Inside Town Limits	Outside Town Limits
Water Base Charge		$6.49	$12.98
Water Volumetric Rates (per 1,000 gallons)			
Commercial		$4.78	$9.57
Residential	Tier 1: 0 - 6,000 gal	$4.78	$9.57
	Tier 2: 6,001 - 12,000 gal	$5.50	$11.00
	Tier 3: > 12,000 gal	$7.41	$14.83

*Farmpond Area: *Per Interlocal Agreements with the Town of Cary, the Apex special published rate shall be based on the Cary published residential base rate and per thousand gallons plus an Apex charge of $2 per thousand gallons."*

Wholesale Water Base Charge	$6.00	**Wholesale Water Volumetric Rates (per 1,000 gallons)**	$4.42

Sewer Rates	Inside Town Limits	Outside Town Limits
Sewer Base Charge	$12.09	$24.19
Sewer Volumetric Rates (per 1,000 gallons)		
Commercial & Residential	$8.38	$16.76
Colvin Park/White Oak *	$13.77	N/A

**Per the Alternative Sewer Agreement, "the Apex special published rate shall be based on the Cary published residential rate per thousand gallons plus an Apex charge of $2 per thousand gallons."*

Wholesale Sewer Base Charge	$12.09	**Wholesale Sewer Volumetric Rates (per 1,000 gallons)**	$8.38
Flat Rate Sewer	$65.00/month		

Irrigation Rates	Inside Town Limits	Outside Town Limits
Irrigation Base Charge	$6.00	$6.00
Irrigation Volumetric Rates (per 1,000 gallons)	$6.59	$13.18

Bulk Water			
Hook Up Fee (per connection)	$12	Hydrant meter	
Volumetric Rates (per 1,000 gallons)	$7.20	- Set up/Relocate/Pickup	$50/event
		- Rental Fee	$12/day
		- Hydrant Meter replacement and/or repair	At cost + 10%

ELECTRIC RATES

Service	Base Charge	Energy Charge (per kWh) All
Residential	$28.00	$0.1178

Service	Base Charge	Energy Charge (per kWh) ALL
Small General Service	$33.00	$0.1192

Service	Base Charge	Energy Charge (per kW)			
		On Peak	Off Peak	Bilateral Credit On Peak	Bilateral Credit Off Peak
Residential-Time of Use-TOU	$28.00	$0.2439	$0.0648	$0.1601	$0.0388
Small General Service-TOU	$33.00	$0.2396	$0.0660	$0.1601	$0.0382

Service	Base Charge	Energy Charge (per kWh) ALL	Demand Charge (per kW) ALL
Medium General Service	$95.00	$0.0913	$9.60
Medium General Service-TOU	$95.00	$0.0864	$14.33
Large General Service	$185	$0.0728	$$12.88
Large General Service-TOU	$185	$0.0710	$14.91

Service	Base Charge	Energy Charge (per kWh) ALL	Demand Charge (per kW)	
			All Coincident Demand	All Excess Demand
Large General Service-Coincident Peak	$365	$0.0557	$24.58	$4.90

Electric Vehicle (EV) Charging Rates

Service	Base Charge	Energy Charge (per kWh) ALL	Demand Charge (per kW)	
			All Coincident Demand	All Excess Demand
Town Owned Public Chargers*	N/A	$0.20		
Commercial Public Chargers	$360	$0.0536	$23.63	$4.71

** charging during peak hours are throttled to reduce charging speed to 3.5 kW or slower*

ELECTRIC RATES

Outdoor Lighting

Standard Lighting Service Basic Rate The basic rate does not include the monthly charges for additional facilities, outdoor lighting poles, underground service, or any contribution required under this Schedule.

Sodium Vapor Units* Obsolete – no longer installed	**Wattage (Nominal)**	**Monthly Charge**	**Monthly kWh**
5,800 lumen-semi	70	$8.23/Fixture	29/Fixture
9,500 lumen-semi	100	$9.15/Fixture	46/Fixture
9,500 lumen-enclosed/post/flood	100	$10.42/Fixture	46/Fixture
27,500 lumen-enclosed	250	$18.67/Fixture	99/Fixture
27,500 lumen flood	250	$19.86/Fixture	109/Fixture
50,000 lumen-enclosed	400	$25.17/Fixture	152/Fixture
50,000 lumen flood	400	$27.55/Fixture	168/Fixture
LED Units			
Acorn Fixture (Obsolete, no new installs)	51	$22.51/Fixture	20/Fixture
Shoebox – 1	61	$22.22/Fixture	24/Fixture
Shoebox – 2	151	$32.27/Fixture	56/Fixture
Area Light	51	$17.86/Fixture	20/Fixture
Cobrahead – 1	51	$21.91/Fixture	20/Fixture
Cobrahead – 2	151	$32.27/Fixture	56/Fixture
Lantern – 1 w/ Lens (Obsolete, no new installs)	51	$24.35/Fixture	20/Fixture
Lantern – 2 w/o Lens	51	$28.48/Fixture	20/Fixture

Special Contract Lights *(residential dedicated public streets outside corporate limits)*	**Monthly Charge**
Wood	$2.71/pole
18' Fiberglass	$7.36/pole
Square metal	$27.85/pole

**Maintenance only; no new installs*

Underground (UG) Service: For Underground service, the monthly bill will be increased by $3.50 per pole or, in lieu thereof, a one-time contribution of $175.17 per pole. The monthly UG charge, if selected, may be terminated at any time upon payment by Customer of the one-time contribution. The UG charge will be waived if the lighting facilities are installed during the installation of the main electric facilities. The monthly pole charge defined below will also be applicable to underground service.

Additional Facilities

1. Multiple area lighting fixtures may be installed per pole subject to town review and approval. The monthly charge for each additional fixture will be the charge in accordance with the Monthly Rate for that fixture.

VENDOR FEES

Obtain Permit from the Town of Apex Police Department

Solicitor/Peddler/Park Concessioner*		Transient/Mobile Food Vendors	
30-day Permit	$50	Annual Permit	$150
90-day Permit	$100	*Anyone selling anything, including food, in a Town of Apex Park must obtain a Park Concessions Permit.	
180-day Permit (Park Concessions Only)	$175		

- **Solicitor** - Anyone going door-to-door to take orders for products, share information or seek donations.
- **Peddler** – Anyone transporting goods door-to-door for sale (i.e. ice cream truck).
- **Park Concessioner** – Anyone selling merchandise, food, and or beverages in a town park.
- **Transient Vendor** - Anyone selling goods or services from a temporary business location (i.e. parking or vacant lot).
- **Mobile Food Vendor** - Anyone selling food and/or beverages from a readily movable food unit

FIRE DEPARTMENT FEES

Submit request and fees to Customer Service

Inspection Fees	$0	False Alarm Fines (per Calendar Year)	
Reinspection (charged for 2nd and all subsequent reinspections)	$75	4 false alarms	$150
Fire Inspections Violation Fines:		5 false alarms	$200
Imminent hazard violation	$250	6 + false alarms	$250 each
Hazardous Materials Consumable Items	At Cost	Fire Flows	$75

PARKS & RECREATION

Fees are paid to Parks, Recreation & Cultural Resources

Use Fees	Resident	Non-Resident
Fishing Licenses		
– 12 years & under	$0	$10/year
– 13-54 years old	$0	$25/year
– 55 +	$0	$6/year
– ~~Guest Pass~~	~~$0~~	~~$5/visit~~
Dog Park Passes		
– Single Dog	$30	$60
– Multiple Dogs	$50	$100
– Additional Passes	$10/pass	$10/pass

	Resident	Non-Resident
Senior Exercise Membership (55+)	$0 for unlimited	$20 for 10 visits
Ages 18-54 Exercise Membership	$10 for 10 visits	$30 for 10 visits
Open Gym Pass - Basketball/Volleyball/Senior Pickleball (for 10 visits)		
– Age 0-7	$0	$5
– Age 8-17	$5	$20
– Age 18-54	$10	$30
– Age 55+	$0	$20
Vessel Permits (Jan – Dec)	$5/year	$40/year
Lost Card (Gym, Dog, Exercise, Fitness)	$5	$5

Pleasant Park Tournament Packages	Package Cost
Full Day Event (cost per field)	$800/day
Additional field preparation	$100/field
Use of Scoreboard (cost per field)	$50/half day, $100/day
Use of Team Rooms (cost per room)	$100/day
Use of Referee Room	$50/day
Signature Field 4-Hr Game Package	$500
Pickleball Event all-day Rental (6 courts)	$650/day

Facility Rentals

All reservations for 100 persons or more require Director approval and may require additional attendants, police and other requirements as deemed necessary by APRCR 501C3 Non-Profits receive a 25% discount on rental fees with the exception of field and gym rentals. Halle specific: Non profit groups, exhibiting proof of 5013c status at time of application, are eligible for a 25% reduction of rental fees. This reduction does not apply to any extra fees or to the required rental deposit. Non-Profit groups which provide a cultural arts service (as determined by the Director) and the event is open to the public are eligible for a 50% reduction of rental fees Sunday through Thursday.

	Resident	Non-Resident
Facility Deposit (Refundable)	$250	$250
After Hours Attendant Fee	$50/hour	$50/hour
Community Center		
Summit Room	$35/hour	$52.50/hour
Summit Room Projector Fee	$15/hour	$15/hour
Pinnacle Room	$35/hour	$52.50/hour
Zenith Room	$35/hour	$52.50/hour
Catering Kitchen[3]	$21/hour	$31.50/hour
Arts & Crafts Room	$21/hour	$31.50/hour
Senior Center		
Salem Meeting Room (108)	$100/hour	$150/hour
Saunders Meeting Room (110)	$100/hour	$150/hour
Seaboard Meeting Room (112)	$100/hour	$150/hour
Projector Fee (108,110 or 112)	$15/hour	$15/hour
Large Projector (108,110 & 112)	$30/hour	$30/hour
Kitchen Room (120)	$30/hour	$45/hour
Chatham Classroom (131)	$35/hour	$52.50/hour
Friendship Classroom (133)	$35/hour	$52.50/hour
Arts & Crafts Room (202)	$35/hour	$52.50/hour
Hunter Exercise Room (210)	$30/hour	$45/hour
Hughes Exercise Room (215)	$30/hour	$45/hour
Salem, Saunders & Seaboard	$1,200/4 hours	$1,500/4 hours
Pleasant Park		
Pleasant Park Meeting Room	$35/hour	$52.50/hour
Other Amenity Rentals		
Tennis Courts	$15/hour/court	$22.50/hour/court
Pickleball Courts	$15/hour/court	$22.50/hour/court
Sand Volleyball Court	$15/hour/court	$22.50/hour/court
Disc Golf Course	$45/hour	$67.50/hour
Disc Golf Course (1/2 day)	$125	$190

Other Amenity Rentals Continued	Resident	Non-Resident
Disc Golf Course (full day)	$250	$375
Amphitheater (1/2 day)	$125	$190
Amphitheater (whole day)	$250	$375
Extra Table Fee	$3/table	$3/table
Halle Cultural Arts Center		
Auditorium & Stage	$100/hour	$150/hour
Sound/Light Booth	$50/hour	$75/hour
Overnight Storage	$50/night	$75/night
Studio Gallery	$50/hour	$75/hour
Studio A	$35/hour	$52.50/hour
Piano (separate $200 deposit required)	$25/hour	$37.50/hour
Portable Projector Fee	$15/hour	$15/hour
4 Hour Auditorium Package	$600	$900
4 Hour Gallery Package	$400	$600
Field & Gym Rentals[6]		
Athletic Field – natural turf (no lights)	$40/hour	$40/hour
Athletic Field – natural turf (w/ lights)	$60/hour	$60/hour
Athletic Field – synthetic turf (no lights)*	$100/hour	$100/hour
Athletic Field – synthetic turf (w/ lights)	$120/hour	$120/hour
Gym - Whole	$75/hour	$75/hour
Street Hockey Court	$40/hour	$40/hour
Shelter Rentals (3-hour blocks)		
Apex Community Park – small	$100/block	$115/block
Apex Community Park – large	$150/block	$165/block
Hunter Street Park – small	$100/block	$115/block
Jaycee Park – small	$100/block	$115/block
Kelly Road Park – small	$100/block	$115/block
Nature Park – small	$100/block	$115/block
Nature Park – large	$150/block	$165/block
Pleasant Park Amenity Shelter - large	$150/block	$165/block
Pleasant Park Shelter - large	$150/block	$165/block
Seagroves Farm Park - small	$100/block	$115/block

Rental Withdrawal

Cancellation	
- Less than 7 business days prior to rental	No credit or refund in any amount excluding rental deposit[1]
- 7-59 business days prior to rental	50% refund[2]
- 60 or more business days prior to rental	90% refund[2]
Date Change Request	
- Less than 7 business days prior to rental	No date change requests accepted[1]
- 7 or more business days prior to rental[3]	All fees and deposits may be transferred[4]

1. *Including rentals made within 7 business days of the rental date*
2. *Reschedule dates may occur no later than 30 calendar days from original.*
3. *Issued upon written request*
4. *Subject to room availability and the availability of required staff.*

Special Event Vendor Fees – Town Events	Fee
Apex 501C3	$0/day
Commercial Business	$100/day

Commercial Small Business *(as defined in Special Event Policy)*		$50/day
Apex Historic Downtown Business		$50/day
Food Truck		$100/day
Alcohol		$300/day
Community Special Event Fees		
Item	**Description**	**Fee**
Application Fee	To be submitted with every For-Profit application	$50 per event
Water Barricades	Includes water. Used for streets.	$50 per barricade
A-Frame Barricade	For light blockades. Not for traffic	$10 per barricade
Power	Temporary and permanent electric boards	$100 per unit / per day
External Building Power	If you plug into a Town building	$100 per building / per day
Water	Temporary hose connection, food vendor water, dunk tank	$50 per day
Trash Cans	Landfill trash and recycling trash	$10 per can / per day
Utility Sinks	Includes connection	$50 per sink / per day
Large Blockade Vehicle or Police Vehicle		$200 per vehicle / per day
Police Off-Duty	Required for an event with alcohol	$40.43 per hour / per officer
Police Personnel		$70 per hour / per officer
Public Works Personnel		$45 per hour / per person
Parks Operations Personnel		$45 per hour / per person
Saunders Street Lot	Lot in front of the Police Station	$100 per day
Templeton Street Lot	Lot near The Halle	$100 per day
Town Hall Lot	Lot directly in front of Town Hall	$100 per day
Community Center Gazebo Lot	Lot in front of the Community Center with the gazebo	$100 per day
Community Center ATM Lot	Lot to the right of the Community Center with the ATM	$100 per day
Senior Center Lot	Lot next to the Senior Center	$50 per day
Town Arc Lot	Arc shaped lot between Town Hall and the Community Center	$50 per day
Park Parking Lots	Any Town of Apex park parking lot	To be determined per event
The Depot Lot and Plaza	Depot parking lot and outdoor plaza	$100 per day
Town Campus Courtyard	Does not include any parking lots	$200 per day

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ02, Rev. Michael S. Merker, applicant, for the property located at 1201 Chapel Ridge Road (PIN 0732258464).

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 25CZ05 was approved at the August 12, 2025 Town Council meeting.

Attachments

- CN6-A1: Statement of the Town Council and Ordinance – Rezoning Case No. 25CZ02 – Jordan Lutheran Church
- CN6-A2: Attachment A: Legal Description – Rezoning Case No. 25CZ02 – Jordan Lutheran Church

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 6.22 ACRES LOCATED AT 1201 CHAPEL RIDGE ROAD FROM RURAL RESIDENTIAL (RR) TO PLANNED COMMERCIAL-CONDITIONAL ZONING (PC-CZ)

#25CZ02

WHEREAS, Rev. Michael S. Merker, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of January 2025 (the "Application"). The proposed conditional zoning is designated #25CZ02;

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 #25CZ02 before the Planning Board on the 14th day of July 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of July 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ02. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ02;

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 #25CZ02 before the Apex Town Council on the 12th day of August 2025;

WHEREAS, the Apex Town Council held a public hearing on the 12th day of August 2025. Joshua Killian, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ02 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is not consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Medium Density Residential and approval of this rezoning will automatically amend the 2045 Land Use Map to Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Commercial-Conditional Zoning (PC-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Commercial-Conditional Zoning (PC-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in economy, infrastructure, and commercial services 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 will restrict vehicular access to Beaver Creek Commons Drive and require dedication of a 30' public sewer easement to facilitate the construction of public infrastructure as described on the Sewer System Master Plan; and

WHEREAS, the Apex Town Council unanimously approved Application #25CZ02 rezoning the subject tract located at 1201 Chapel Ridge Road from Rural Residential (RR) to Planned Commercial-Conditional Zoning (PC-CZ).

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

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

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

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

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

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

1. Church or place of worship
2. Nursing or convalescent facility
3. Assembly hall, nonprofit
4. Assembly hall, for-profit
5. Daycare facility
6. Drop-in or short term day care
7. Communication tower, commercial (s)
8. Communication tower, constructed stealth (s)
9. Communication tower, camouflage stealth (s)
10. Communication tower, public safety (s)
11. Wireless support structure
12. Wireless communication facility
13. Park, active
14. Park, passive
15. Youth or day camp
16. Office, business or professional
17. Bookstore
18. Health, fitness center or spa
19. Personal service

Zoning Conditions:

1. The predominant exterior building materials shall be high quality materials including no fewer than 3 of the following:
    1. Brick masonry
    2. Decorative concrete block (either integrally colored or textured)
    3. Stone accents
    4. Aluminum storefronts with anodized or pre-finished colors
    5. EIFS cornices, and parapet trim
    6. Precast concrete
    7. Metal panel system
    8. Fiber cement siding
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. The main entrance to the building shall be emphasized.
6. 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.
7. The new construction will include solar conduit.
8. No driveway shall be allowed on Beaver Creek Commons Drive.
9. The minimum planting area required when any public easement overlaps a required perimeter buffer shall be 10 feet.

10. Any areas disturbed for the construction of Chapel Ridge Road along the northern property line may be designated as Resource Conservation Area if the area is replanted to meet the standards of UDO Sec. 8.1.2.B.1.i.
11. In consideration of the dedication of the onsite 30' public sewer easement along the western portion of the site and consisting of approximately 19,000 square feet, and due to related site constraints, grading and replanting shall be allowed in the east and south property buffer yards in addition to previously approved grading in the buffer yards for the Chapel Ridge North Apartment project needed to construct roads and drain a pond. The disturbed area within the east buffer shall be replanted to the 30' Type D buffer standard and the disturbed area along the south buffer shall be replanted to the 15' Type A buffer standard as required by UDO Sec. 8.2.6.B.5. Such areas shall qualify to be dedicated as Resource Conservation Area. The previously approved grading by Chapel Ridge North is 37.6% of the east buffer yard and 16.1% of the south buffer yard. The additional grading and replanting areas requested are 24% of the east buffer yard and 3% of the south buffer yard. This results in a total disturbance of 61.6% of the east buffer yard including the Chapel Ridge North project and the total disturbance of 19.1% of the south buffer yard including the Chapel Ridge North project. The above described easement shall be dedicated at the earlier of 6 months after zoning approval or at the time of site plan submittal.
12. The project shall ensure that 70% of the landscaping shall be native species in the perimeter buffers.

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 _____ 2025.

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

Attachment A

Legal Description
Jordan Lutheran Church, Inc.

BEGINNING at an existing iron pipe having NC Grid Coordinates of N – 725,229.62 E – 2,033,153.88 NAD 83(2012B), on the western right of way of Chapel Ridge Road, and being North 65 degrees 04 minutes 24 seconds West – 345.50 feet from the intersection of Chapel Ridge Road and Ackerman Hill Drive:
Thence South 84 degrees 44 minutes 16 seconds West – 165.05 feet to an existing iron pipe;
Thence crossing a pond, North 89 degrees 19 minutes 00 seconds West – 516.35 feet to an iron stake set;
Thence North 14 degrees 02 minutes 35 seconds East – 49.56 feet to an iron stake set;
Thence North 19 degrees 52 minutes 06 seconds East – 68.19 feet to an iron stake set;
Thence North 19 degrees 14 minutes 38 seconds East – 62.17 feet to an iron stake set, on the southern right of way of Beaver Creek Commons Drive;
Thence along said right of way, along a curve to the left having a radius of 889.50 feet, an arc length of 316.35 feet, a chord bearing and distance of North 39 degrees 21 minutes 36 seconds East – 314.69 feet to an iron stake set;
Thence along said right of way, North 29 degrees 10 minutes 16 seconds East – 133.27 feet to an iron stake set;
Thence leaving said right of way, North 88 degrees 41 minutes 57 seconds East – 308.19 feet to an existing iron pipe, the corner between Lot 4 and Lot 5;
Thence the following calls along the lot line between Lot 4 and Lot 5:
South 03 degrees 08 minutes 46 seconds East – 329.74 feet to an existing iron pipe;
South 23 degrees 19 minutes 50 seconds East – 162.12 feet to an iron stake set on the western right of way of Chapel Ridge Road;
Thence along the western right of way of Chapel Ridge Road along a curve to the left having a radius of 50.00 feet, an arc length of 62.76 feet, a chord bearing and distance of South 30 degrees 41 minutes 41 second West – 58.72 feet to an existing iron pipe, the point of BEGINNING, containing 6.22 acres more or less, and being the residual area of Lot 4 Chapel Ridge Subdivision, Phase II. As recorded in Book of Maps 1987 Page 556 in the Wake County Register of Deeds.

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Bruce Venable, Planner II

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 12, 2025 proposed by staff.

Approval Recommended?

The Planning Department recommends approval.

Item Details

The Apex Town Council held a public hearing on the 12th day of August 2025. Bruce Venable, Planner II, presented the Planning Board's vote to recommend approval by a vote of 6-0 at the public hearing. All persons who desired to present information relevant to the UDO were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away. The Town Council on the 12th day of August 2025 by a vote of 5-0 approved the Ordinance for UDO Amendments.

Attachments

- CN7-A1: Statement of Town Council – Unified Development Ordinance Amendments – July and August 2025

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF AUGUST 12, 2025

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 12th day of August 2025.

The Apex Town Council held a public hearing on the 12th day of August 2025. Bruce Venable, Planner II, presented the Planning Board's vote to recommend approval by a vote of 6-0 at the public hearing.

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

The Town Council on the 12th day of August 2025 by a vote of 5-0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of August 12, 2025, are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendment to Section 8.3.4.E of the Unified Development Ordinance, which updates the method for measuring the length of residential driveways from the back of curb to the ultimate right-of-way line, is consistent with the Advance Apex: The 2045 Plan and is reasonable and in the public interest. This change improves clarity and consistency in the application of residential parking standards, aligns with long-term right-of-way planning, and supports safe and functional neighborhood design.

2. The amendment to Section 5.1 of the Unified Development Ordinance, which revises the maximum built-upon area percentages for the B1 Neighborhood Business District and the TF Tech Flex District, is consistent with the adopted plans and policies of the Town of Apex and is reasonable and in the public interest. This change ensures consistent development standards across all permitted uses within each zoning district, eliminates discrepancies, and enhances predictability for applicants while supporting effective land use and environmental goals.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

_____
Date

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 22, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated July 17, 2025.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on August 18, 2025, approved and accepted the enclosed tax report for the Town of Apex, dated July 17, 2025 for the period of June 1, 2025 through June 30, 2025.

Attachments

- CN8-A1: Tax Report for June2025

WAKE COUNTY
NORTH CAROLINA

Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SUSAN P. EVANS, CHAIR
DON MIAL, VICE-CHAIR
VICKIE ADAMSON
SAFIYAH JACKSON
CHERYL STALLINGS
SHINICA THOMAS
TARA WATERS

August 19, 2025

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 August 18, 2025, 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 Board of Commissioners Report

Date: 08/18/2025

Approved by: DocuSigned by: kim lorbacher 48E02562258A4D9...

Consideration of Requests for Taxes, Interest and Penalties **BETWEEN $100 AND $500 FOR APEX**

No.	Payee	Account Number		Tax & Penalty Rebated	Total Rebated	Total Refunded
1	RASAKULASURIAR, ROHINI 1927 MOSTYN LN APEX NC 27502	0007017953-2024-2023-000000	**City** County	**65.65** 53.24	118.89	118.89
			City County	**65.65** 53.24	118.89	118.89

*Total refunded may differ from total rebated due to to payee's remittance of interest or application of payment to other balances owed by the taxpayer.

Marcus D. Kinrade
Wake County Tax Administrator

Signed by: marcus kinrade 03C5063B04D7486...

WAKE COUNTY TAX ADMINISTRATION

06/01/2025 - 06/30/2025

Rebate Detail Report

APEX

DATE 07/18/2025 TIME 9:59:54 AM

REBATE NUM	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
INDIVIDUAL PROPERTY ACCOUNTS											
922097	87.67	30.00	0.00	0.00	117.67	6/9/2025	0007011561	2024	2023	000000	BONNEY, DIANE
920248	268.08	30.00	0.00	0.00	298.08	6/5/2025	0007053721	2025	2024	000000	FRICK, JOHN KEVIN
923038	184.83	30.00	0.00	0.00	214.83	6/17/2025	0007053961	2025	2024	000000	GOSAVI, RAJENDRAKUMAR ARUN
923351	59.70	0.00	0.00	0.00	59.70	6/18/2025	0007056234	2025	2024	000000	MOORE, ASHLEY ANN-MARIE
922248	35.65	30.00	0.00	0.00	65.65	6/13/2025	0007017953	2024	2023	000000	RASAKULASURIAR, ROHINI
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**635.93**	**120.00**	**0.00**	**0.00**	**755.93**	**755.93**		**5 Properties Rebated**			
INDIVIDUAL REAL ESTATE ACCOUNT											
922404	649.10	0.00	0.00	0.00	649.10	6/10/2025	0000044481	2024	2024	000000	BARNES, JOHN MARSHALL III
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	**649.10**	**0.00**	**0.00**	**0.00**	**649.10**	**649.10**		**1 Properties Rebated**			
TOTAL REBATED FORAPEX	**1,285.03**	**120.00**	**0.00**	**0.00**	**1,405.03**	**1,405.03**		**6 Properties Rebated for City**			

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for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 26, 2025

Item Details

Presenter(s): Mayor Jacques K. Gilbert (sponsor)
Alan Shapiro, P.E., Director of Highway Operations

Department(s): Governing Body
North Carolina Turnpike Authority

Requested Motion

Receive as information an update on the Complete 540 project, including recent progress and upcoming developments, and discuss potential impacts to the Town of Apex.

Approval Recommended?

TBD

Item Details

The presentation will cover Phase 1, also known as the Triangle Expressway Extension, which is now open to traffic and connects N.C. 55 in Apex to I-40 near Garner. Alan will also discuss Phase 2, currently under construction, which will extend the expressway another 10 miles to the I-87 interchange in Knightdale. Once completed, this extension will form a complete loop around the greater Raleigh area, enhancing regional connectivity and supporting long-term growth.

This session offers a chance to gain insight into one of the region's major infrastructure initiatives and its role in shaping future transportation planning.

Alan Shapiro, P.E., Chief Engineer of the North Carolina Turnpike Authority (NCTA), will provide an overview of the Complete 540 project, including recent progress and upcoming developments.

Attachments

- PR1-A1: PowerPoint Presentation – North Carolina Turnpike Authority – Complete 540 Project

Complete 540

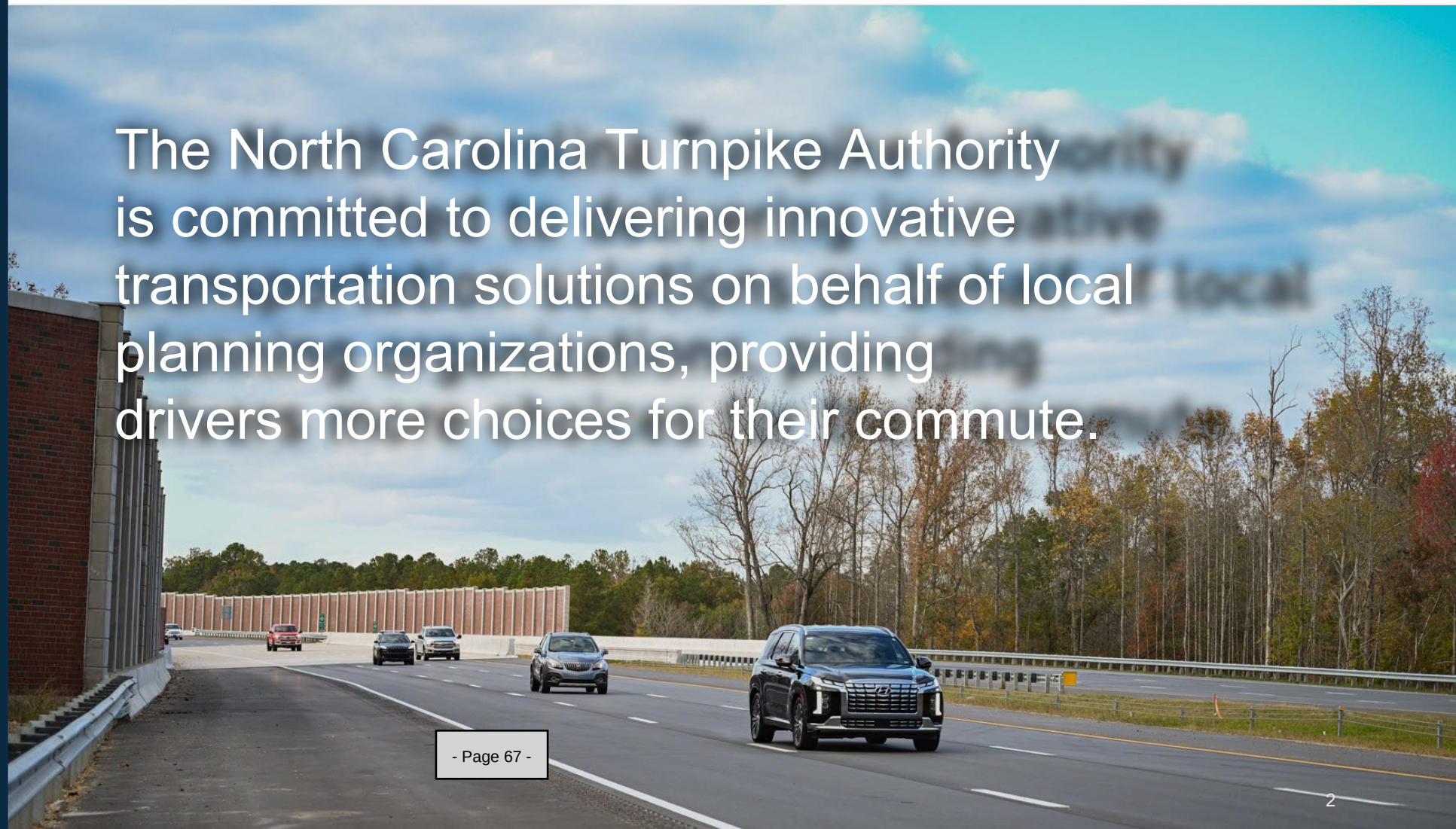
Alan Shapiro, P.E., Chief Engineer

Providing drivers more choices for their commute

NORTH CAROLINA
Turnpike Authority

Mission Statement

NORTH CAROLINA
Turnpike Authority



The North Carolina Turnpike Authority is committed to delivering innovative transportation solutions on behalf of local planning organizations, providing drivers more choices for their commute.



Why Tolling?

1. Start Projects Sooner
2. More Travel Options
3. Improved Travel Times
4. Additional Funding Source
5. Support Growing Populations

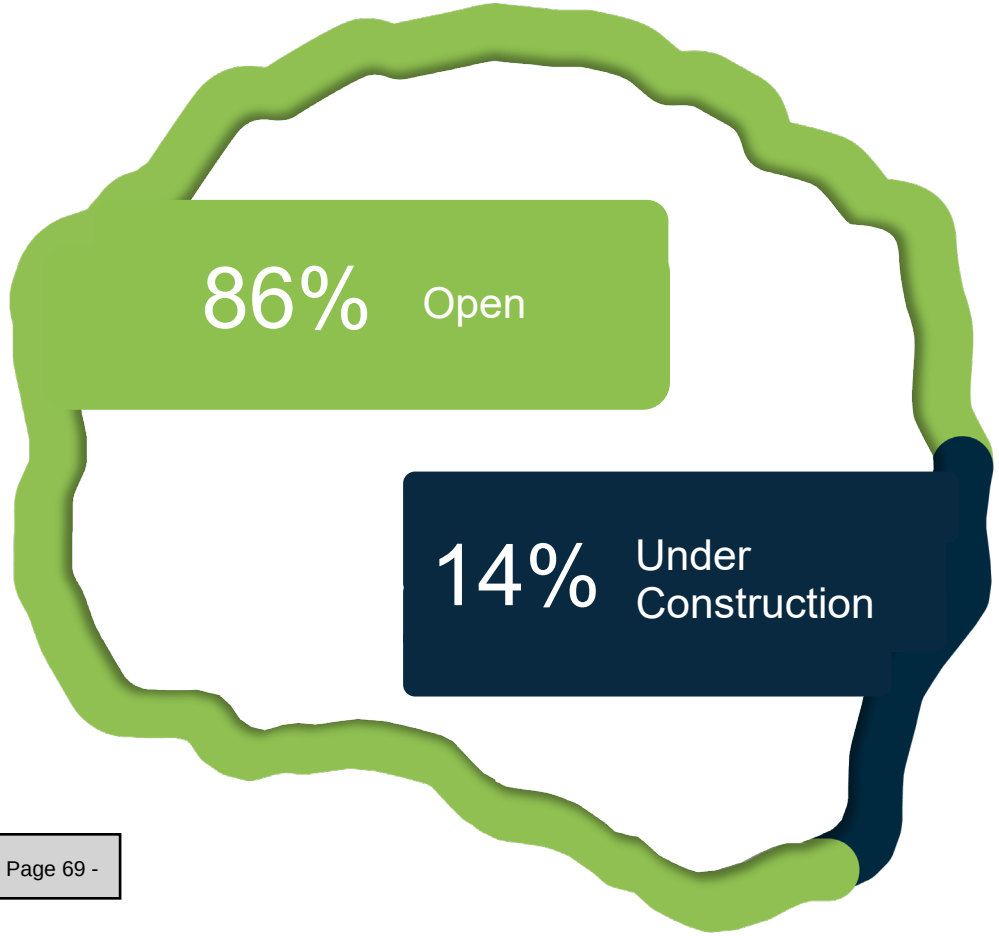
Completing the Loop

Open to traffic (60 miles)

I-540 & Triangle Expressway

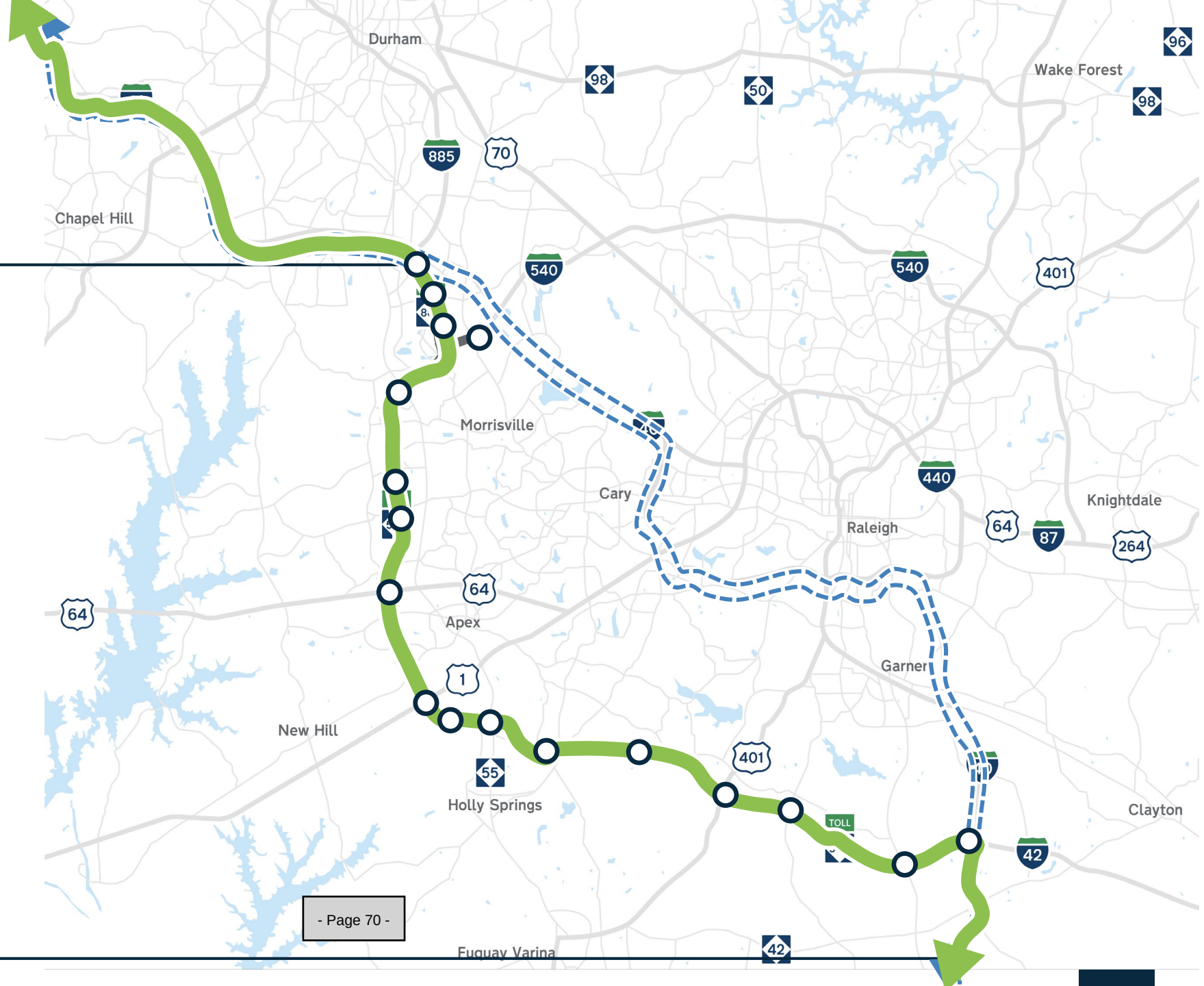
Missing link (10 miles)

Eastern Wake Expressway



Triangle Expressway

Open to traffic



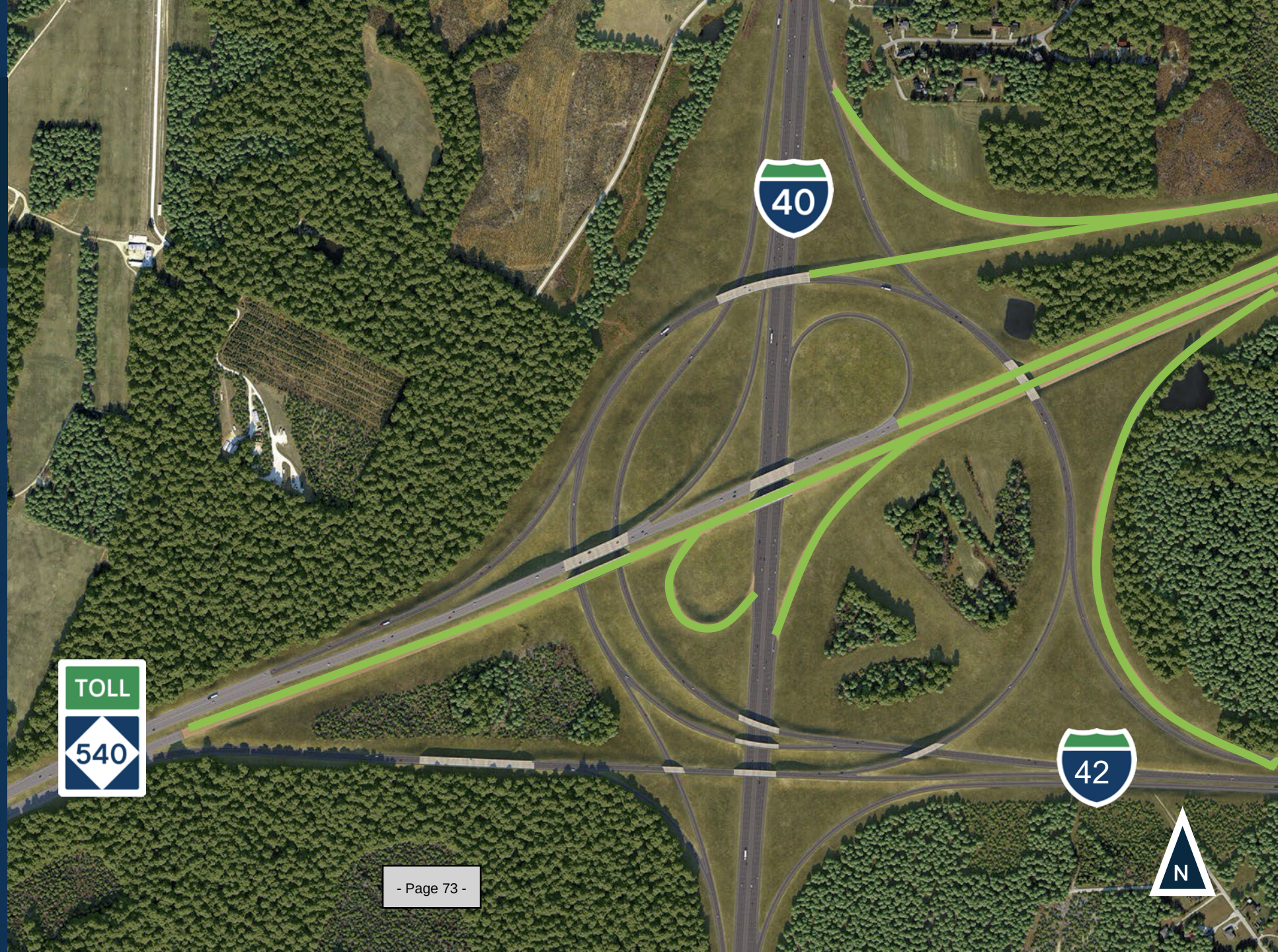

N
Raleigh
Knightdale
Knightdale Bypass
Cary
Apex
Holly Springs Rd.
Garner
Pierce Olive Rd.
Ten-Ten Rd.
Fanny Brown Rd.
Holly Springs
Fuquay Varina
Clayton
TOLL
Phase 1
STIP Projects
R-2721A
R-2721B
R-2828
Open to Traffic
Phase 2
STIP Project
R-2829A
R-2829B
Current Construction
A
STIP Project
R-2721A
B
STIP Project
R-2721B
C
P Project
R-2828
D
STIP Project
R-2829A
E
STIP Project
R-2829B
Interchanges
1 - N.C. 55 Bypass
2 - Holly Springs Rd. (S.R. 1152)
3 - Bells Lake Rd. (S.R. 1386)
4 - Fayetteville Rd. (U.S. 401)
5 - Old Stage Rd. (S.R. 1006)
6 - N.C. 50 / Benson Rd.
7 - I-40 & I-42
8 - White Oak Rd. (S.R. 2700)
9 - U.S. 70 Business
10 - Rock Quarry Rd. (S.R. 2542)
11 - Auburn Knightdale Rd. (S.R. 2555)
12 - Poole Rd. (S.R. 1007)
13 - U.S. 64 / 264 (I-87)

Complete 540
Phase 1



Completed Turbine Interchange

I-40 / I -42 / Toll NC 540



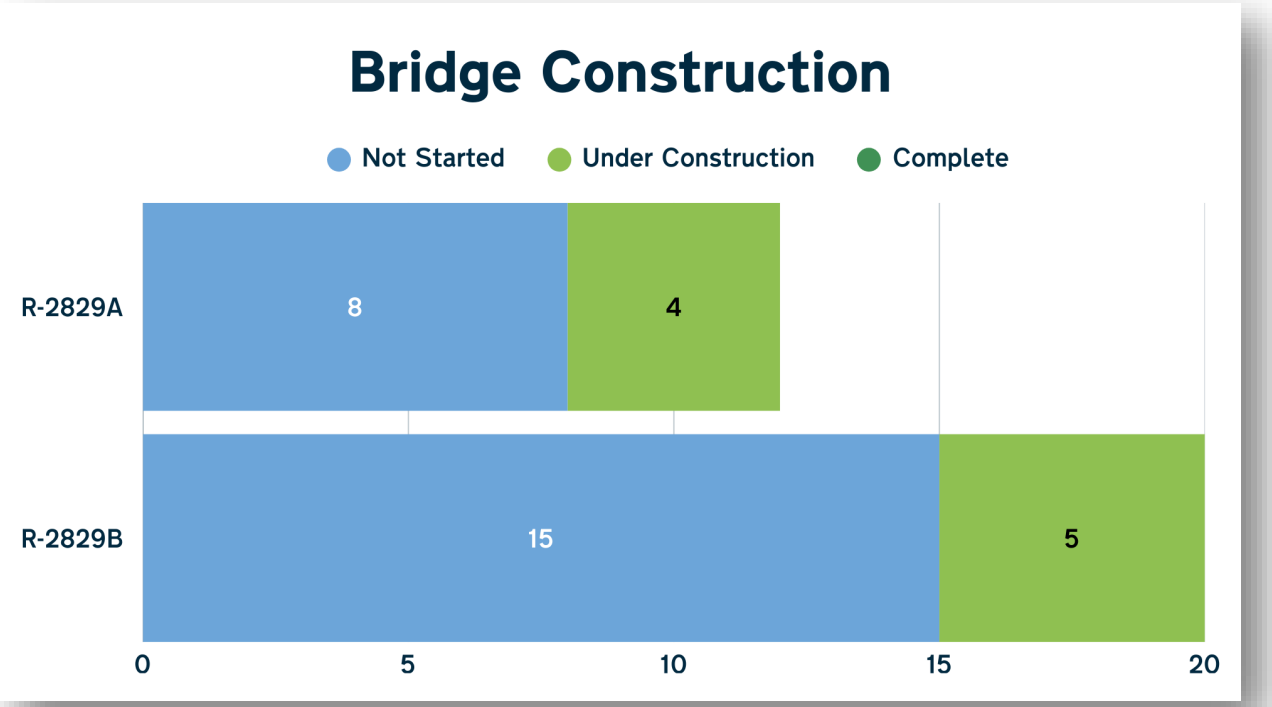
Complete 540 Phase 2

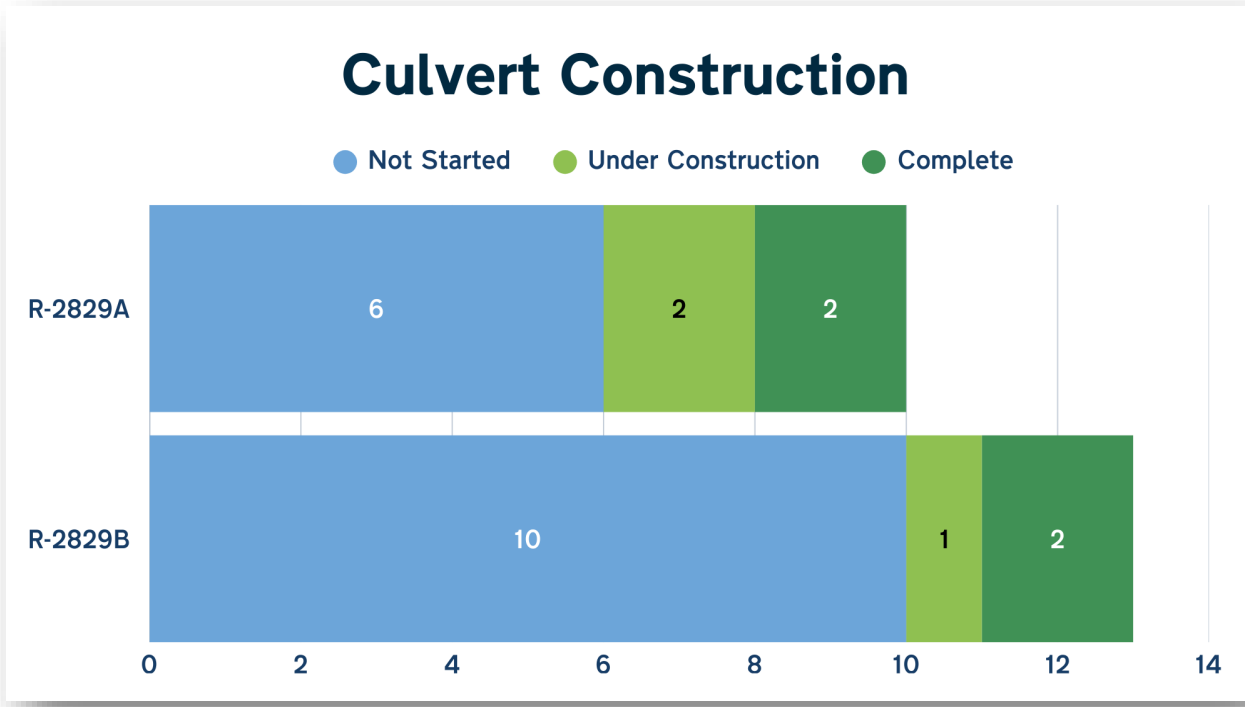


Complete 540
Phase 2
Rock Quarry Rd



Bridge and Culvert Construction





Complete 540 Phase 2

Anticipated Project Schedule

Completion of Permitting

Completion of Final Designs

Right of Way Activities

Beginning of Major Construction Activities

Project Completion 2028

Complete

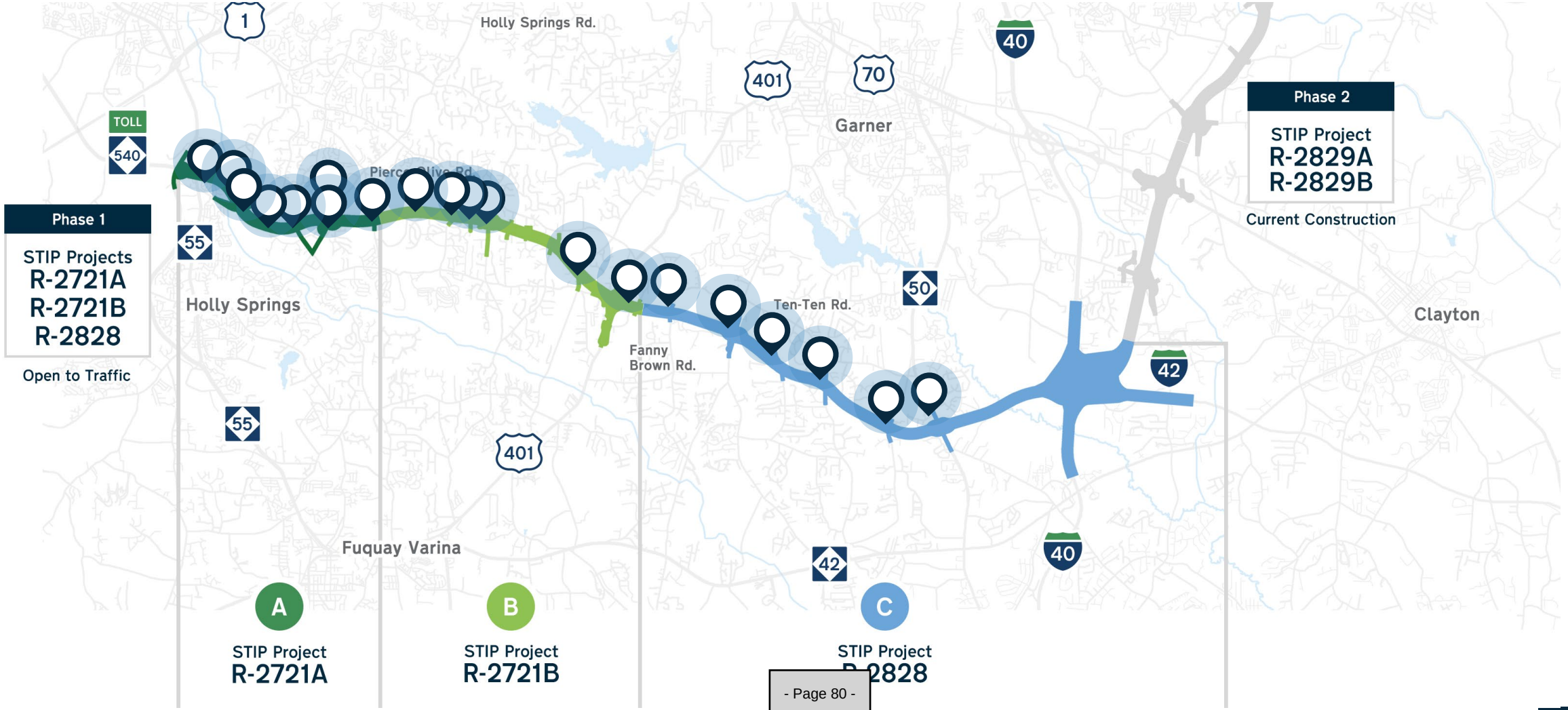
Ongoing Tasks

Upcoming Tasks

Bike, Pedestrian, & Multi -Use Accommodations

Phase 1 Accommodations

Bike/Pedestrian/Multi -Use Accommodations – Phase 1



Bike/Multi -Use Accommodations



- Shared Bike Lanes
  - East Williams Street
  - Sunset Lake Road
    - Both crossings
  - Bells Lake Road
  - West Lake Road
  - Lake Wheeler Road
  - N.C. 50 (Benson Road)
- Separate Bike Lanes
  - Holly Springs Road
  - Pierce Olive Road

- Multi -Use Paths
  - Old Stage Road Greenway
  - Old McCullers Multi -Use Path
  - Middle Creek Greenway
  - WoodCreek Pedestrian and Bicycle Path
  - Camp Branch Greenway
  - Optimist Farm Greenway

Pedestrian Accommodations

Sidewalks



- Part of Phase 1
  - East Williams Street
  - Sunset Lake Road
    - 2 crossings
  - Holly Springs Road
  - Bells Lake Road
  - Old Stage Road
  - N.C. 50 (Benson Road)

- Ready for Future Improvements
  - East Williams Street
  - Pierce Olive Road
  - West Lake Road
  - Bells Lake Road
  - Lake Wheeler Road
  - Fanny Brown Road
  - Holland Church Road
  - Sauls Road

Phase 2 Accommodations

Bike/Pedestrian/Multi -Use Accommodations – Phase 2



Bike/Multi -Use Accommodations



- Shared Bike Lanes
  - White Oak Road
  - Rock Quarry Road
  - Old Baucom Road
- Separate Bike Lanes
  - White Oak Road
- Multi -Use Paths
  - White Oak Creek Greenway
  - Rock Quarry Road
  - Neuse River Greenway
  - Poole Road

- Ready for Future Improvements
  - U.S. 70 Business
  - East Garner Road
  - Battle Bridge Road
  - Neuse River Trail
  - Auburn Knightdale Road

Pedestrian Accommodations

Sidewalks



- Part of Phase 2
  - White Oak Road
  - Poole Road

- Ready for Future Improvements
  - U.S. 70 Business
  - East Garner Road
  - Rock Quarry Road
  - Battle Bridge Road
  - Auburn Knightdale Road

Noise Walls

What is the “Date of Public Knowledge?”

The Date of Public Knowledge of the location and potential noise impacts of a proposed highway project is the approval date of the final environmental document, e.g., Categorical Exclusion, state or federal Finding of No Significant Impact or state or federal Record of Decision.



Date of Public Knowledge for the
Original Triangle Expressway and Complete 540

April 30, 2004 & June 6, 2018

Noise Walls

1

Policy

NCDOT Traffic Noise Policy

2

Study

Studies of existing and projected noise levels

3

Balloting & Input

Input and balloting on potential noise walls

Outreach

Phase 1 Outreach

Presentations



Conducted 130+ presentations with over 7,000 participants

Press Releases



Issued 90+ press releases

Nextdoor



Posted 150+ times reaching over 2,000 neighborhoods

Postcards



Distributed 50+ postcards reaching nearly 30,000 residents

Project Hotline



Received 2,500+ emails and 1,500+ calls

Phase 2 Outreach

Continuation



Mirroring successful strategies from Phase 1

Neighborhood Meetings



Two kickoff meetings scheduled for September

Communications Plan



Developing a comprehensive communications and public engagement plan

Early Communications



Initiating communications in early 2025

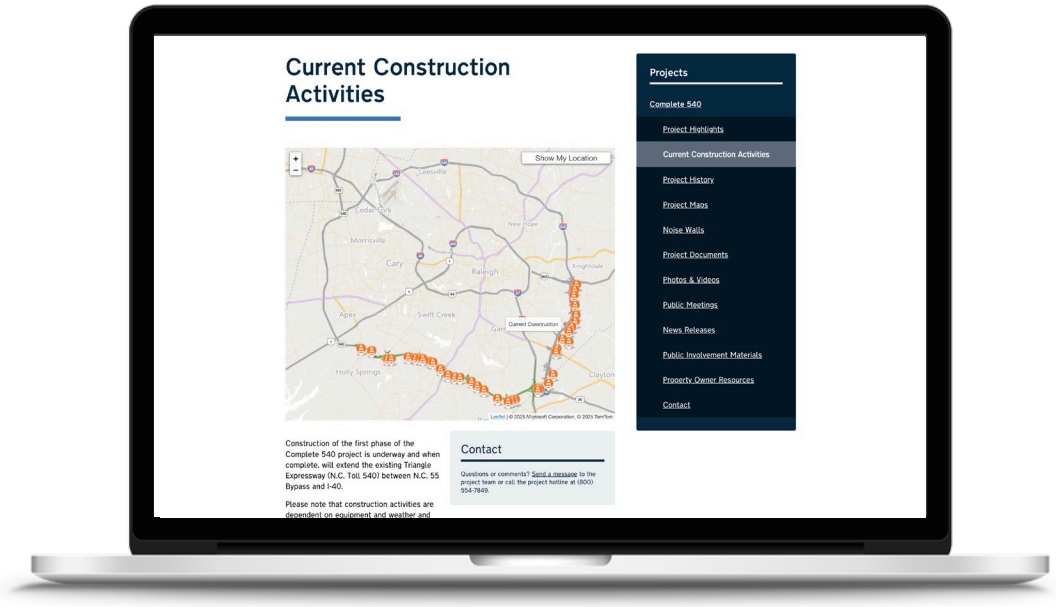
i.e., neighborhood meeting and letters to residents

Proactive Outreach

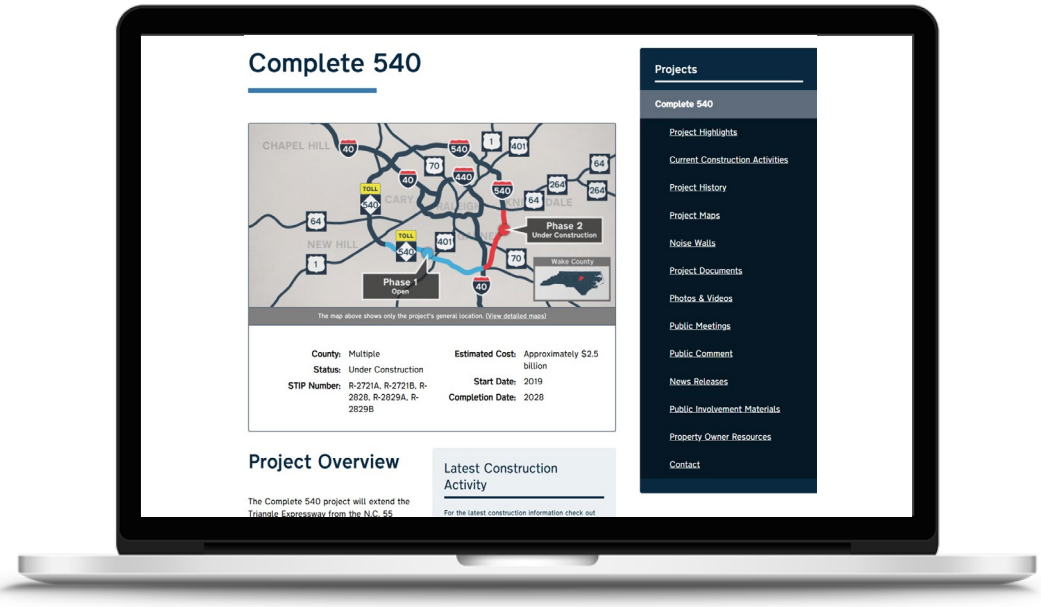


Initiating contact with organizations to present

Resources at ncdot.gov/complete540



Interactive Map for Construction Activities



Complete 540 Webpage

If you have any questions, please contact us at complete540@ncdot.gov or 1-800-554-7849

Para servicios de interpretación, llame al 1 -800 -481-6494.

Before You Go!

Visit our NC Quick Pass table to:

- Learn about the benefits of using a NC Quick Pass
- Sign up for an NC Quick Pass account to start saving 50% on tolls in NC
- Manage your existing NC Quick Pass account
- Get answers to your questions about tolling



Contact Us

ncdot.gov /complete540

complete540@ncdot.gov

1-800 -554 -7849

Para servicios de interpretación, llame al 1 -800 -481-6494.

@NCTurnpike

@NC_QuickPass

Providing drivers more choices for their commute

Questions?

Thank you!

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 26, 2025

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning Department

Requested Motion

Public hearing and possible motion to amend the Apex Transportation Plan to reflect five (5) Recommendations from the Apex Mobility Hub Plan.

Approval Recommended?

Planning Department staff recommend approval of the proposed amendments.

The Planning Board considered and unanimously recommended approval of the proposed amendments at their August 11, 2025 meeting.

Item Details

The purpose of the public hearing is to consider amendments to the Transit Plan Map and the Bicycle and Pedestrian System Plan Map of the Apex Transportation Plan for consistency with the accepted Apex Mobility Hub Plan. This includes:

(1) Shift location of Rail and Bus Transit Center,

(2) Add proposed grade-separated bicycle/pedestrian crossing at East Moore Street and the S-Line railroad,

(3) Add proposed grade-separated bicycle/pedestrian crossing at NC 55 and the S-Line railroad,

(4) Add proposed side path to connect the mobility hub with Downtown Strollway and the proposed Tingen Road crossing, and

(5) Add proposed side path along East Moore Street.

Attachments

- PH1-A1: Staff Report – Apex Transportation Plan Amendments – Mobility Hub
- PH1-A2: Planning Board Report to Town Council – Apex Transportation Plan Amendments – Mobility Hub

Purpose of the Apex Transportation Plan

The Thoroughfare and Collector Street Plan Map, Transit Plan Map, and Bicycle and Pedestrian System Plan Map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not provide a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Transit Plan Map and Bicycle and Pedestrian System Plan Map in order to make a decision.

Introduction of Proposed Amendments

An overview map of the proposed amendments is displayed in Figure 1. The proposed amendment to the Transit Plan Map is shown in Figure 2. The proposed amendments to the Bicycle and Pedestrian System Plan Map are shown in Figure 3.

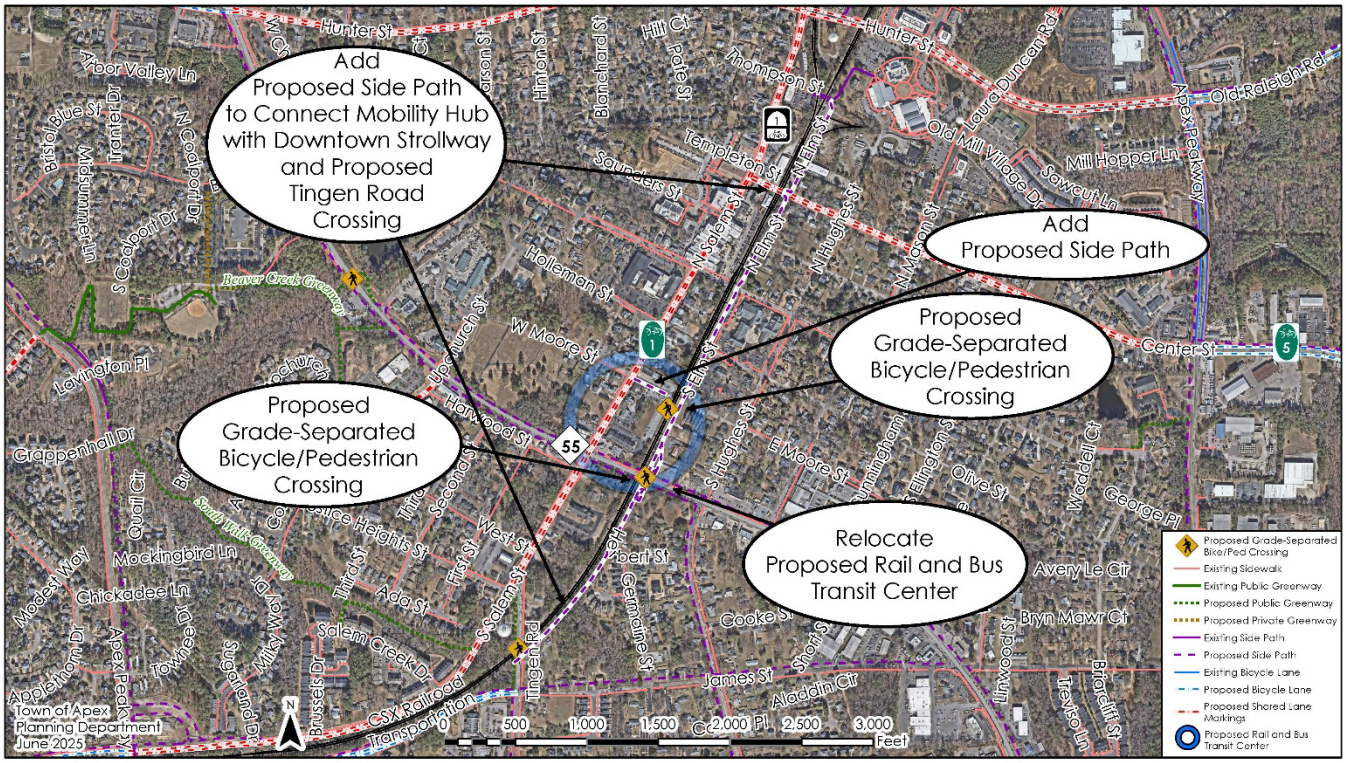


Figure 1. Overview of proposed amendments to the Transit Plan Map and Bicycle and Pedestrian System Plan Map

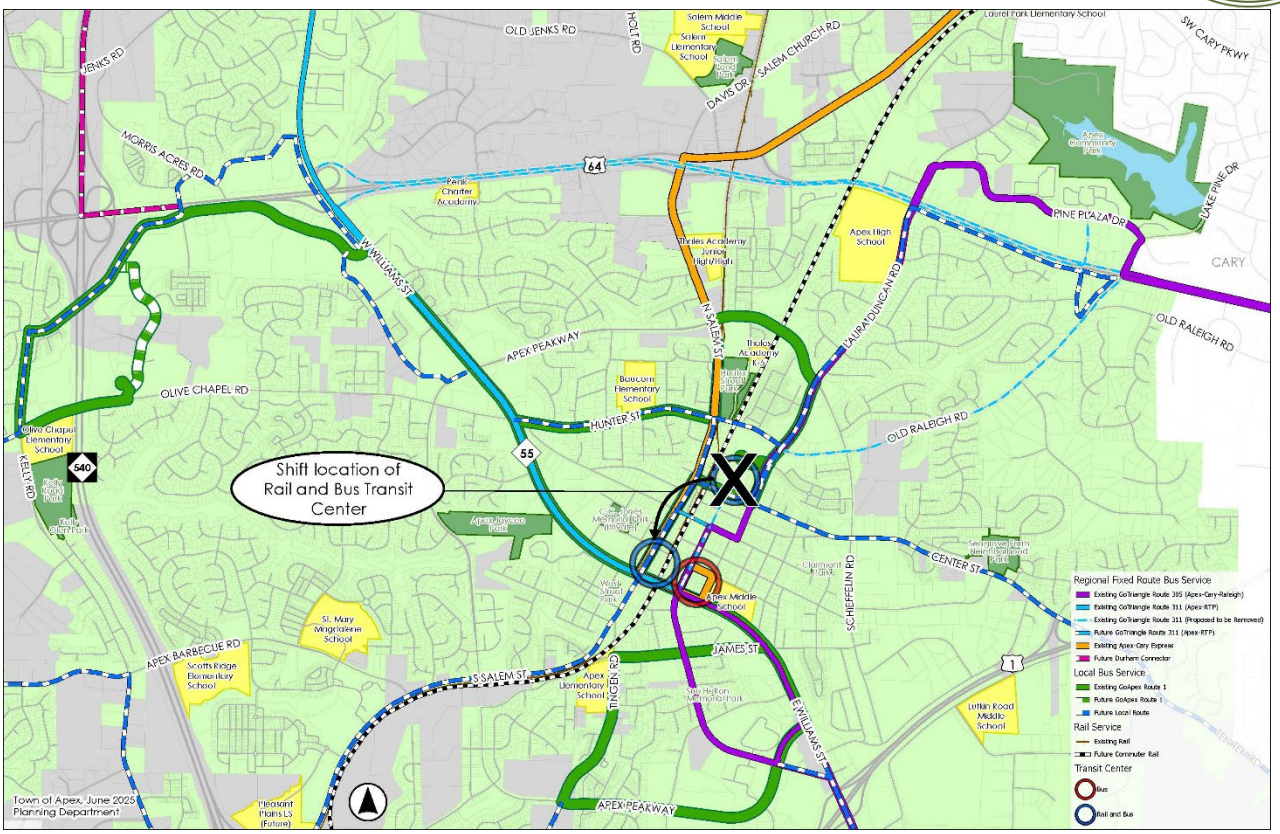


Figure 2. Proposed amendment to the Transit Plan Map

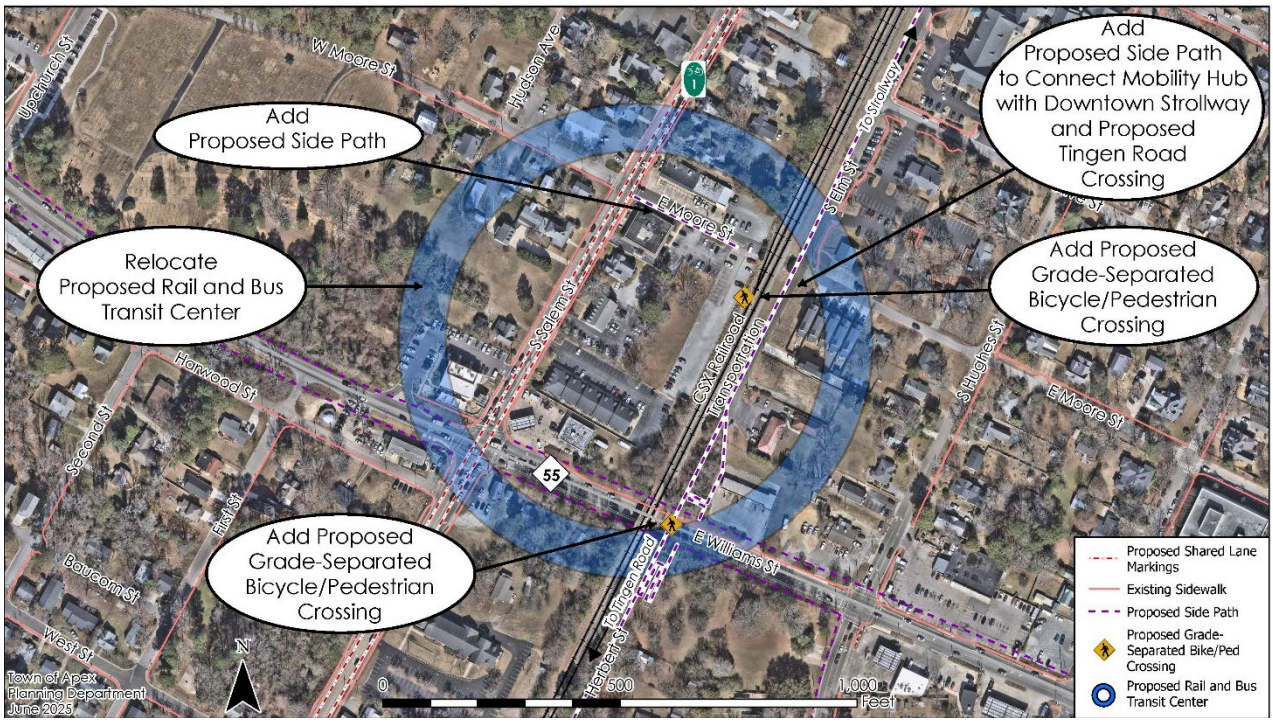


Figure 3. Proposed amendments to the Bicycle and Pedestrian System Plan Map

Explanation of Proposed Amendments
The amendments are associated with the Apex Mobility Hub Plan, available at www.publicinput.com/ApexHub. The Apex Mobility Hub Plan was recommended for acceptance by the Planning Board at their April 14, 2025 meeting and was subsequently accepted by Town Council at their May 13, 2025 meeting. If adopted, these amendments would update the Town's Transportation Plan to reflect the recommendations in the Apex Mobility Hub Plan. The specific amendments are explained below.

Transit Plan Map Amendment

1. **Shift location of Rail and Bus Transit Center** – This amendment would shift the planned "Rail and Bus Transit Center" from the vicinity of Center Street and the S-Line Railroad to the vicinity of East Moore Street and the S-Line Railroad. The Apex Mobility Hub Plan evaluated both locations, as well as others, and recommended the East Moore Street location as feasible for a future mobility hub, or "Rail and Bus Transit Center".

Bicycle and Pedestrian System Plan Map Amendments
Several amendments are proposed that would improve bicycle and pedestrian access to the proposed mobility hub.

1. **Add proposed grade-separated bicycle/pedestrian crossing at East Moore Street and the S-Line railroad** – This new crossing, anticipated to be a bridge, would connect the proposed hub on the west side of the railroad tracks to the proposed passenger rail boarding platform on the east side.
2. **Add proposed grade-separated bicycle/pedestrian crossing at NC 55 and the S-Line railroad** – This new crossing, anticipated to be a bridge, would provide a connection for travelers on bike and foot across the busy NC 55 corridor with no vehicular conflicts.
3. **Add proposed side path to connect mobility hub with Downtown Strollway and proposed Tingen Road crossing** – The full extent of this amendment is shown in Figure 1. It is envisioned to provide a bicycle and pedestrian connection on the east side of the railroad tracks from the Downtown Strollway at the northern extent all the way to the Tingen Road crossing that is currently under study at the southern extent. Beyond the Tingen Road crossing, this would further connect to the proposed South Walk Greenway and future side path along James Street. This connection would parallel Elm Street where it exists.
4. **Add proposed side path along East Moore Street** – This new side path would provide an enhanced bicycle and pedestrian connection from South Salem Street to the new mobility hub. It is envisioned as and enhanced urban streetscape, consistent with the streetscape planned for Salem Street.

Staff Recommendation:
Planning Department staff recommend approval of the proposed amendments. The amendments were reviewed by staff in Transportation and Infrastructure Development; Parks, Recreation, and Cultural Resources; Police; and Fire. All were supportive or had no concerns.

Planning Board Recommendation:
The Planning Board unanimously recommended the amendments for adoption at their August 11, 2025 meeting.

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: August 11, 2025

Long range plan(s) proposed to be amended:
Transportation Plan
Description of the proposed amendment(s):
Amend the Transit Plan Map and the Bicycle and Pedestrian System Plan Map for consistency with the accepted Apex Mobility Hub Plan. This includes: (1) Shift location of Rail and Bus Transit Center, (2) Add proposed grade-separated bicycle/pedestrian crossing at East Moore Street and the S-Line railroad, (3) Add proposed grade-separated bicycle/pedestrian crossing at NC 55 and the S-Line railroad, (4) Add proposed side path to connect mobility hub with Downtown Strollway and proposed Tingen Road crossing, and (5) Add proposed side path along East Moore Street.
Planning Board recommendation:
Motion: To recommend approval as presented.
Introduced by Planning Board member: Alyssa Byrd
Seconded by Planning Board member: Preston Mitchell
☑ Approval of the proposed amendment(s) as presented
☐ Approval of the proposed amendment(s) with the following conditions or changes:
☐ Denial of the proposed amendment(s)
With 10 Planning Board member(s) voting "aye" With 0 Planning Board member(s) voting "no"
Reason(s) for dissenting votes:
This report reflects the recommendation of the Planning Board, this the 11th day of August 2025. Attest:
Tina Sherman, Planning Board Chair Dianne Khin Digitally signed by Dianne Khin Date: 2025.08.11 16:57:59 -04'00' Dianne Khin, Planning Director

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. 2025-
ANNEXATION PETITION NO. 803
1211 OLD RALEIGH ROAD – 6.40 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 August 26, 2025, 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 "ANNEXATION AREA, 278,717 S.F. – 6.40 AC" 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 August 26, 2025. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex 1211 Old Raleigh Road". Plat map print date May 30, 2025 and Land Surveyor dated June 18, 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 26th day of August, 2025.

_____
Jacques K. Gilbert
Mayor | Town of Apex

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk | Town of Apex

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney | Town of Apex

Legal Description

ANNEXATION AREA DESCRIPTION
TOWN OF APEX
(1211 Old Raleigh Road)

Being that certain tract of land located in the White Oak Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at an existing ½" iron pipe (with a cap and tack) located at the common rear corner of Lot 301 and the Open Space lot for the Shepherd's Vineyard Subdivision, Phase 6, Section 1 (Book of Maps 1989, Page 1378, Wake County Registry), said iron

pipe having North Carolina state plane grid coordinates of North 722,699.96 and East 2,049,006.85;

Thence from said beginning point, South 88°52'43" East a distance of 110.00 feet to a point; thence South 00°13'13" East a distance of 75.46 feet to a point in the approximate center of Old Raleigh Road; thence with the approximate center of said Old Raleigh Road; the following fourteen (14) calls:

1. South 75°06'11" West a distance of 86.92 feet to a point;
2. South 74°49'10" West a distance of 132.47 feet to a point;
3. South 74°20'16" West a distance of 114.37 feet to a point;
4. South 73°10'25" West a distance of 129.68 feet to a point;
5. South 72°00'10" West a distance of 40.67 feet to a point;
6. South 67°54'55" West a distance of 80.42 feet to a point;
7. South 65°19'36" West a distance of 72.27 feet to a point;
8. South 60°21'40" West a distance of 61.71 feet to a point;
9. South 60°12'37" West a distance of 58.97 feet to a point;
10. South 59°25'34" West a distance of 64.83 feet to a point;
11. South 62°01'13" West a distance of 59.31 feet to a point;
12. South 63°44'47" West a distance of 65.70 feet to a point;
13. South 65°23'09" West a distance of 100.90 feet to a point;
14. South 68°11'23" West a distance of 63.30 feet to a point;

Thence leaving said approximate center of Old Raleigh Road, North 00°21'12" West a distance of 509.67 feet to a new iron pipe set; thence South 88°52'43" East a distance of 940.45 feet to the original Point of Beginning.

Said tract containing 218,717 S.F. (6.40 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. 2025-_____, adopted at a meeting of the Town Council, on the 26th day of August, 2025, 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 26th day of August, 2025.

_____
Allen L. Coleman, CMC
Town Clerk

(SEAL)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing on possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 6.40 acres, located at 1211 Old Raleigh Road, Annexation No. 803, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- PH2-A1: Annexation Ordinance – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- PH2-A2: Public Hearing Notice - Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- PH2-A3: Legal Description – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- PH2-A4: Aerial Map – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- PH2-A5: Plat Map – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- PH2-A6: Annexation Petition – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (August 14, 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 **26th day of August, 2025**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation No. 803
1211 Old Raleigh Road – 6.40 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. 803" 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, August 26, 2025.

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 AREA DESCRIPTION
TOWN OF APEX
(1211 Old Raleigh Road)

Being that certain tract of land located in the White Oak Township, Wake County, North Carolina and being more particularly described as follows:

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3. South 74°20'16" West a distance of 114.37 feet to a point;
4. South 73°10'25" West a distance of 129.68 feet to a point;
5. South 72°00'10" West a distance of 40.67 feet to a point;
6. South 67°54'55" West a distance of 80.42 feet to a point;
7. South 65°19'36" West a distance of 72.27 feet to a point;
8. South 60°21'40" West a distance of 61.71 feet to a point;
9. South 60°12'37" West a distance of 58.97 feet to a point;
10. South 59°25'34" West a distance of 64.83 feet to a point;
11. South 62°01'13" West a distance of 59.31 feet to a point;
12. South 63°44'47" West a distance of 65.70 feet to a point;
13. South 65°23'09" West a distance of 100.90 feet to a point;
14. South 68°11'23" West a distance of 63.30 feet to a point;

Thence leaving said approximate center of Old Raleigh Road, North 00°21'12" West a distance of 509.67 feet to a new iron pipe set; thence South 88°52'43" East a distance of 940.45 feet to the original Point of Beginning.

Said tract containing 218,717 S.F. (6.40 Acres)

PETITION FOR VOLUNTARY ANNEXATION

Town of Apex, North Carolina

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

ANNEXATION FEE: $300; $200.00 for well/septic failure

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

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee by one of the following forms of payment:
  - Visa or Master Card (online only);
  - In person: Cash (exact amount only); or
  - Check payable to 'Town of Apex'

ELECTRONIC SUBMITTAL REQUIREMENTS: GEOCIVIX (IDT)

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

REVIEW AND APPROVAL PROCESS:

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

FOR WELL AND/OR SEPTIC FAILURES:

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

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

Please refer to the Town of Apex Fee Schedule for the list of current fees.

Petition for Voluntary Annexation

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

Application #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

To The Town Council Apex, North Carolina

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

Owner Information

Melba Miller Beasley Revocable Trust-Traci Mattachione — Owner Name (Please Print)

0742822598 — Property PIN or Deed Book & Page #

Phone

tracimatt73@gmail.com — E-mail Address

Owner Name (Please Print) — Property PIN or Deed Book & Page #

Phone — E-mail Address

Owner Name (Please Print) — Property PIN or Deed Book & Page #

Phone — E-mail Address

Surveyor Information

Surveyor: Taylor Land Consultants, PLLC

Phone: (919) 801-1104 Fax: _____

E-mail Address: jeremy@taylorlc.com

Annexation Summary Chart

Property Information

Total Acreage to be annexed:	6.40 ac.
Population of acreage to be annexed:	0
Existing # of housing units:	1
Proposed # of housing units:	3
Zoning District*:	MD-CZ

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

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

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Traci Mattachione, Trustee
Please Print

Traci Mattachione, Trustee
Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Brigitte Joyce, a Notary Public for the above State and County, this the 30 day of, May, 2025.

Brytte Joyce
Notary Public

SEAL

BRIGITTE JOYCE
NOTARY PUBLIC
Harnett County
North Carolina
My Commission Expires March 21, 2028

My Commission Expires: March 21, 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 #: _____ Submittal Date: _____

Complete If In A Limited Liability Company

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

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

Complete If In A Partnership

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

Name of Partnership _____

By: _____
Signature of General Partner

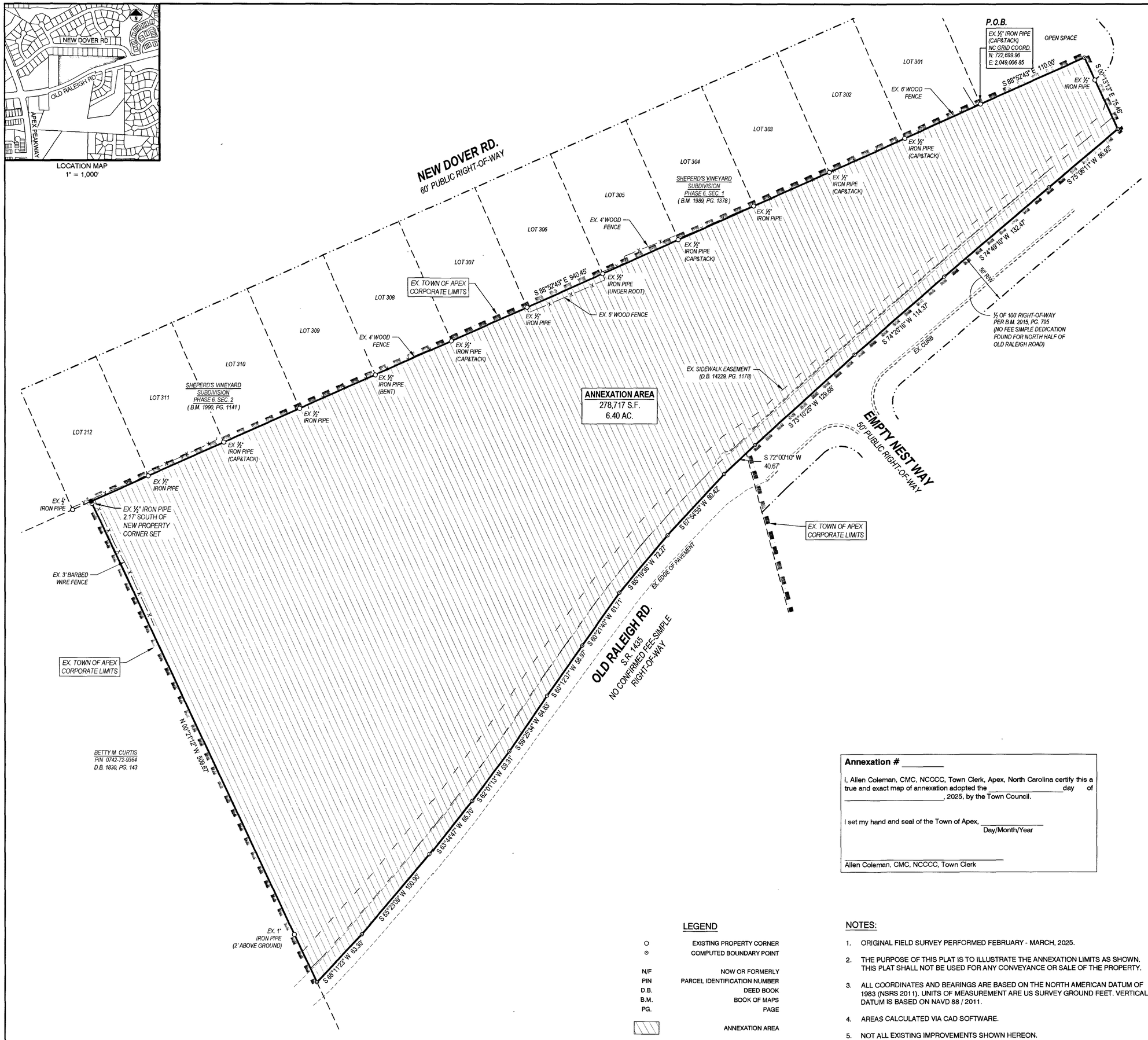
STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____



Annexation # _____

I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____day of _____, 2025, by the Town Council.

I set my hand and seal of the Town of Apex, _____
Day/Month/Year

_____
Allen Coleman, CMC, NCCCC, Town Clerk

LEGEND

O	EXISTING PROPERTY CORNER
⊙	COMPUTED BOUNDARY POINT
N/F	NOW OR FORMERLY
PIN	PARCEL IDENTIFICATION NUMBER
D.B.	DEED BOOK
B.M.	BOOK OF MAPS
PG.	PAGE
▨	ANNEXATION AREA

NOTES:

1. ORIGINAL FIELD SURVEY PERFORMED FEBRUARY - MARCH, 2025.
2. THE PURPOSE OF THIS PLAT IS TO ILLUSTRATE THE ANNEXATION LIMITS AS SHOWN. THIS PLAT SHALL NOT BE USED FOR ANY CONVEYANCE OR SALE OF THE PROPERTY.
3. ALL COORDINATES AND BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NSRS 2011). UNITS OF MEASUREMENT ARE US SURVEY GROUND FEET. VERTICAL DATUM IS BASED ON NAVD 88 / 2011.
4. AREAS CALCULATED VIA CAD SOFTWARE.
5. NOT ALL EXISTING IMPROVEMENTS SHOWN HEREON.

NC GRID (NAD 83/2011)

0 60 120
1" = 60'

PROJECT

ANNEXATION MAP for THE TOWN OF APEX

1211 OLD RALEIGH ROAD
WHITE OAK TOWNSHIP
WAKE COUNTY
NORTH CAROLINA

OWNER

MELBA MILLER BEASLEY REVOCABLE TRUST
125 LOLLIBERRY DR
HOLLY SPRING, NC 27540

DATE

MAY 30, 2025

REVISIONS

1	APEX - 1ST REVIEW	6/10/25

SURVEYOR CERTIFICATION

I, Jeremy Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed and description recorded in Book referenced etc.)(other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book referenced; that the ratio of precision or positional accuracy as calculated exceeds 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Furthermore, I certify that this plat is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

Witness my original signature, license number and seal this 18th day of June, A.D.,2025.

Professional Land Surveyor
License Number: L-3841

NORTH CAROLINA PROFESSIONAL SEAL L-3841 LAND SURVEYOR JEREMY TAYLOR

TAYLOR LAND CONSULTANTS, PLLC
License # P-0829
1600 Olive Chapel Rd., #140
Apex, NC 27502
(919) 801-1104

SHEET TITLE

RECORD PLAT

SHEET NUMBER

1 of 1

Z:\Projects\Shipman Engineering\Old Raleigh Rd. (1211) - 25590\Dwg\25590_AnnexPlat.dwg


Annexation #803
Shepherds Vineyard
Old Cask Way
Bridgeham Way
New Dover Rd
New Chester Ct
Altair Cir
Heatherwood Dr
Heatherwood
Beringer Pl
Edwards Creek
Empty Nest Way
Creative Schools of Apex
Apex Peakway
Old Raleigh Rd
Lake Pine Animal Hospital
Vintage Grove
Vintage Grove Ln
Napa Pl
Senoma Pl
E Saint Helena Pl
W Saint Helena Pl
0
400
800
Feet
July 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 26, 2025

Item Details

Presenter(s): Lauren Staudenmaier, Planner III

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 25CZ07 1211 Old Raleigh Road. The applicant, Dan Morse, ODG 87, LLC., seeks to rezone approximately 6.40 from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1211 Old Raleigh Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on August 11, 2025 and by a vote of 9-1 recommended approval with an additional condition to limit density to three residential lots total.

Item Details

The property to be rezoned is identified as PIN 0742822598.

Attachments

- PH3-A1: Staff Report and Attachments - Rezoning Case No. 25CZ07 1211 Old Raleigh Road
- PH3-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ07 1211 Old Raleigh 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: 1211 Old Raleigh Road
Owner: Melba Miller Beasley Revocable Trust
Applicant: Dan Morse, ODG 87, LLC
Authorized Agents: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC

PROJECT DESCRIPTION:

Acreage: ± 6.40 acres
PIN: 0742822598
Current Zoning: Residential Agricultural (RA)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Medium Density Residential (MD)	Single-family residential (Shepherds Vineyard subdivision)
South:	Medium Density Residential (MD); Medium Density Residential-Conditional Zoning (MD-CZ #13CZ06)	Old Raleigh Road; Single-family residential; Edwards Creek subdivision
East:	Medium Density Residential (MD)	Shepherds Vineyard subdivision common area; New Dover Road
West:	Residential Agricultural (RA)	Single-family residential

Existing Conditions:

The property to be rezoned is located on the north side of Old Raleigh Road and south of the Shepherds Vineyard Subdivision. The property includes a residential structure, mature trees, pond, and an intermittent stream that bisects the property from the western property line to the eastern property line. The stream and pond have a 50' riparian buffer.

Neighborhood Meeting:

The applicant conducted two neighborhood meetings on May 14, 2025, and July 21, 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 schools at elementary, middle, and high grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

2045 Land Use Map:
The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density-Conditional Zoning (MD-CZ) is consistent with the Medium 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. Single-family
2. Accessory apartment

Use Conditions:

Site, Environmental, and other conditions:

1. A maximum of three residential lots shall be permitted.
2. A minimum of 30% of the gross parcel area will be preserved as Resource Conservation Area (RCA).
3. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
4. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
5. To preserve and protect existing wildlife species, existing ponds shall be preserved if structurally sound. The pond will be evaluated by a geotechnical engineer prior to subdivision plan approval.
6. No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.
7. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
8. Developer shall dedicate public right-of-way 55 feet from roadway centerline for the entirety of the parcel frontage along Old Raleigh Road based on the total ultimate section of 110 feet in the Apex Transportation Plan.
9. Developer shall complete frontage widening based on the 4 lane median divided typical section with bike lanes and 10’ side path in the Apex Transportation Plan only for the frontage of the project proposed for residential lots. The remainder of the frontage not being developed for residential lots can remain as interim section with sidewalk until such time a project funded by others proposes to widen Old Raleigh Road.
10. In the event the developer proposes a public street to access the lots, the developer will be required to include a stub street to the parcel at the west.
11. No development, other than utilities, shall be allowed north or east of the riparian buffer.
12. All homes shall be preconfigured with conduit for a solar energy system.

Architectural Conditions:

1. Vinyl siding is not permitted, however vinyl windows, decorative elements, and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details, or carriage style adornments on them.

5. The garage shall not protrude more than 1 foot out from the façade or front porch. Living space above a garage shall not be considered part of the front façade.
6. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements, including, but not limited to, the following elements:

Windows	• Decorative Shake
Bay Window	• Decorative air vents on gables
Recessed Window	• Decorative gable
Decorative Window	• Decorative cornice
Trim around Windows	• Columns
Wrap around porch or side porch	• Portico
Two or more building materials	• Balcony
Decorative brick/stone	• Dormer
Decorative Trim	

8. House entrances for units with front facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep

Stream Buffer and Pond:
This property is located in the Neuse basin, within the Swift Creek watershed and includes an intermittent stream and pond that require a 50' wide riparian buffer.

The pond will be evaluated during subdivision plan review and the condition of the dam will need to be evaluated prior to subdivision plan approval. If the pond is drained, the location of the riparian buffer will change from the pond bank to wherever the new stream bank forms. If the dam is removed, the development will be required to wait six months to determine where the stream reforms, and then the stream buffer would be 50' from the new stream bank instead of from the pond bank.

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 #25CZ07 1211 Old Raleigh Road with the conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on August 11, 2025 and by a vote of 9-1 recommended approval with an additional condition to limit density to three residential lots total. The reasons for the dissenting votes include:

- Concerned about site being developed at all with the dam.
- Climate change is real; even more concerned after last week.
- Any disturbance to lot with two streams will cause additional flooding.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is 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 developed in a manner that is consistent with the residential character of the area and limits the allowable density consistent with the subdivision to the north. The proposed rezoning includes environmental conditions that exceed the standard Unified Development Ordinance requirements and dedicates right-of-way along the parcel's frontage consistent with the Apex Transportation Plan. Additionally, the proposed rezoning will require the development to complete frontage widening improvements along the proposed residential lots' frontage consistent with the Apex Transportation Plan.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the MD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards,* if applicable.
4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater

facilities, parks, schools, police, fire and EMS facilities.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.


Rezoning #25CZ07
Old Cask Way
Bridgeham Way
Shepherds Vineyard
New Dover Rd
Altair Cir
Heatherwood Dr
Heatherwood
New Chester Ct
Beringer Pl
Edwards Creek
Creative Schools of Apex
Vintage Grove
Vintage Grove Ln
Napa Pl
Empty Nest Way
Senoma Pl
Apex Peakway
Old Raleigh Rd
E Saint Helena Pl
W Saint Helena Pl
Lake Pine Animal Hospital
0
400
800
Feet
July 2025
February 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 #: 25CZ07 Submittal Date: 6-2-2025

Fee Paid:

Project Information

Project Name: 1211 Old Raleigh Road

Address(es): 1211 Old Raleigh Road

PIN(s): 0742822598

Acreage: 6.40

Current Zoning: RA Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): Medium Density Residential

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

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

Percent of mixed use area proposed as non-residential: Percent:

Applicant Information

Name: ODG 87, LLC

Address: PO Box 1117

City: Holly Springs State: NC Zip: 27540

Phone: (919) 800-9951 E-mail: dan@odg87.com

Owner Information

Name: Melba Miller Beasley Revocable Trust

Address: 125 Lolliberry Drive

City: Holly Springs State: NC Zip: 27540

Phone: E-mail: tracimatt73@gmail.com

Agent Information

Name: Dan Morse, ODG 87, LLC

Address: PO Box 1117

City: Holly Springs State: NC Zip: 27540

Phone: (919) 800-9951 E-mail: dan@odg87.com

Other contacts: Zak Shipman, PE- Shipman Engineering, PLLC

137 Middlegreen Place

Holly Springs, NC 27540

(919) 900-0006 zak@shipmanengineering.com

PETITION INFORMATION

Application #: 25CZ07 Submittal Date: 6-2-2025

An application has been duly filed requesting that the property described in this application be rezoned from RA to MD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

1	Single-family	21	
2	Accessory apartment	22	
3		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 #: 25CZ07 Submittal Date: 6-2-2025

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 the attached.

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 2045 Land Use Map denotes this parcel as Medium Density Residential. The Advance Apex Land Use Plan indicates Medium Density as single-family, duplexes, and townhomes with allowable densities in the 3 to 7 units per acre range. Rezoning to MD-CZ with a 3 unit/acre cap complies with this plan while capping allowable densities to that facilitate transition from urban downtown areas to more suburban uses.

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

Existing land uses to the north are already zoned MD. Parcels to the south are zoned MD (southwest) and MD-CZ (southeast). Adjacent uses to the west are RA (excluded from TOA corporate limits currently) and O&I slightly further west. Uses to the east along Heatherwood Drive are HD-MF. We believe rezoning to MD-CZ is compatible with the majority of the adjacent existing uses in this area.

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

All proposed uses will be consistent with the standards provided in the Town of Apex UDO including any applicable supplemental standards.

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

Visual impact to surrounding properties will be minimized by existing riparian buffers and proposed RCA area along the northern and eastern portions of the parcel. The site includes an existing riparian buffer, pond, and wetlands located throughout the parcel. These areas are proposed to be preserved and will provide screening for visual impacts, as well as noise attenuation for trash, service, parking, lighting, etc.

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 parcel includes significant riparian buffer areas, streams, and wetland areas. Development will be limited to upland areas, and will not encroach into sensitive environmental features on the parcel. Additionally, the applicant proposes to retain the existing pond on site. We believe preservation of the wetlands, buffers, pond, and forested RCA areas provide protection of water and air resources, wildlife habitat, and natural resources currently on the parcel.

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.

Trash pickup and emergency services can access any of the proposed lots from the existing public right-of-way. The addition of the proposed lots does not add significant additional traffic to Town roadways, nor does it create additional strain on trash, EMS, fire, or other necessary public 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.

Based on the preservation of significant existing natural resources and forested areas, in addition to proposed densities in line with medium-density residential, the project as proposed should not add significant additional traffic to existing Town roads, nor does it add significant water/wastewater, trash, or demand for Town emergency services.

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

The project as proposed includes substantial vegetated buffer space, very low overall impervious areas, limited ingress/egress points, and overall minimal impact to adjacent property owners. We contend that existing wetlands, streams, and riparian buffers and their location on the parcel provide significant screening and buffer space to minimize any detrimental effects on 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.

Single-family and Accessory apartment uses, at the density proposed, do not typically generate excessive traffic noise or other nuisances to adjacent properties.

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 the property to MD-CZ as proposed complies with the land use plans, and will be designed to comply with UDO Standards for such development. We have proposed zoning conditions that require standards in excess of the UDO requirements to limit or minimize impact to Town services and adjoining properties. For this reason, and given the significant environmentally sensitive areas on the site that must be preserved, we believe that the CZ use proposed complies or exceeds all development standards imposed on it by the applicable sections of the UDO for layout and general development characteristics.

AGENT AUTHORIZATION FORM

Application #: 25CZ07 Submittal Date: _____

Melba Miller Beasley Revocable Trust is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1211 Old Raleigh Road

The agent for this project is: Dan Morse-ODG 87, LLC

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

Agent Name: Dan Morse-ODG 87, LLC

Address: PO Box 1117, Holly Springs, NC 27540

Telephone Number: (919) 800-9951

E-Mail Address: dan@odg87.com

Signature(s) of Owner(s)*

Traci Mattachione, Trustee

Traci Mattachione-Trustee — 7/22/25

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

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- ☑ Subdivision
- ☐ Variance
- ☑ Other: Annexation

The property address is: 1211 Old Raleigh Road

The agent for this project is: Zak Shipman, PE- Shipman Engineering, PLLC

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

Agent Name: Zak Shipman, PE - Shipman Engineering, PLLC

Address: 137 Middlegreen Place, Holly Springs, NC 27540

Telephone Number: (919) 900-0006

E-Mail Address: zak@shipmanengineering.com

Signature(s) of Owner(s)*

Traci Mattachione, Trustee

Traci Mattachione-Trustee — Type or print name

7/22/25 — Date

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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AFFIDAVIT OF OWNERSHIP

Application #: 25CZ07 Submittal Date: _____

The undersigned, Traci Mattachione (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 1211 Old Raleigh Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 03/26/2008, and recorded in the Wake County Register of Deeds Office on 03/26/2008, in Book 08-E Page 1323.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 03/26/2008, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 03/26/2008, 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 25 day of May, 2025.

Traci Mattachione (seal)

Traci Mattachione, Trustee

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Harnett, hereby certify that Traci Mattachione, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's n/a, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

BRIGITTE JOYCE
NOTARY PUBLIC
Harnett County
North Carolina
My Commission Expires March 21, 2028

[NOTARY SEAL]

Brigitte Joyce
Notary Public
State of North Carolina
My Commission Expires: March 21, 2028

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ07 Submittal Date:

Insert legal description below.

ANNEXATION AREA DESCRIPTION
TOWN OF APEX
(1211 Old Raleigh Road)

Being that certain tract of land located in the White Oak Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at an existing ½" iron pipe (with a cap and tack) located at the common rear corner of Lot 301 and the Open Space lot for the Shepherd's Vineyard Subdivision, Phase 6, Section 1 (Book of Maps 1989, Page 1378, Wake County Registry), said iron pipe having North Carolina state plane grid coordinates of North 722,699.96 and East 2,049,006.85;

Thence from said beginning point, South 88°52'43" East a distance of 110.00 feet to a point; thence South 00°13'13" East a distance of 75.46 feet to a point in the approximate center of Old Raleigh Road; thence with the approximate center of said Old Raleigh Road; the following fourteen (14) calls:

1.South 75°06'11" West a distance of 86.92 feet to a point;
2.South 74°49'10" West a distance of 132.47 feet to a point;
3.South 74°20'16" West a distance of 114.37 feet to a point;
4.South 73°10'25" West a distance of 129.68 feet to a point;
5.South 72°00'10" West a distance of 40.67 feet to a point;
6.South 67°54'55" West a distance of 80.42 feet to a point;
7.South 65°19'36" West a distance of 72.27 feet to a point;
8.South 60°21'40" West a distance of 61.71 feet to a point;
9.South 60°12'37" West a distance of 58.97 feet to a point;
10.South 59°25'34" West a distance of 64.83 feet to a point;
11.South 62°01'13" West a distance of 59.31 feet to a point;
12.South 63°44'47" West a distance of 65.70 feet to a point;
13.South 65°23'09" West a distance of 100.90 feet to a point;
14.South 68°11'23" West a distance of 63.30 feet to a point;

Thence leaving said approximate center of Old Raleigh Road, North 00°21'12" West a distance of 509.67 feet to a new iron pipe set; thence South 88°52'43" East a distance of 940.45 feet to the original Point of Beginning.

Said tract containing 218,717 S.F. (6.40 Acres)

1211 Old Raleigh Road- Proposed Conditions

Site, Environmental, and Other Conditions:

1. **A maximum of three residential lots shall be permitted.**
2. **A minimum of 30% of the gross parcel area will be preserved as Resource Conservation Area (RCA).**
3. **To reduce irrigation requirements, the project shall select and plant only warm season grasses.**
4. **The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.**
5. **To preserve and protect existing wildlife species, existing ponds shall be preserved if structurally sound. The pond will be evaluated by a geotechnical engineer prior to subdivision plan approval.**
6. **No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.**
7. **Homeowner Association covenants shall not restrict the construction of accessory dwelling units.**
8. **Developer shall dedicate public right-of-way 55 feet from roadway centerline for the entirety of the parcel frontage along Old Raleigh Road based on the total ultimate section of 110 feet in the Apex Transportation Plan.**
9. **Developer shall complete frontage widening based on the 4 lane median divided typical section with bike lanes and 10' side path in the Apex Transportation Plan only for the frontage of the project proposed for residential lots. The remainder of the frontage not being developed for residential lots can remain as interim section with sidewalk until such time a project funded by others proposes to widen Old Raleigh Road.**
10. **In the event the developer proposes a public street to access the lots, the developer will be required to include a stub street to the parcel at the west.**
11. **No development, other than utilities, shall be allowed north or east of the riparian buffer.**
12. **All homes shall be preconfigured with conduit for a solar energy system.**

Architectural Conditions:

1. **Vinyl siding is not permitted, however vinyl windows, decorative elements, and trim are permitted.**
2. **The roof shall be pitched at 5:12 or greater for 75% of the building designs.**
3. **Eaves shall project at least 12 inches from the wall of the structure.**
4. **Garage doors shall have windows, decorative details, or carriage style adornments on them.**
5. **The garage shall not protrude more than 1 foot out from the façade or front porch. Living space above a garage shall not be considered part of the front façade.**
6. **Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.**
7. **The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements, including, but not limited to, the following elements:**
    - **Windows**
    - **Bay Window**
    - **Recessed Window**
    - **Decorative Window**
    - **Trim around Windows**
    - **Wrap around porch or side porch**
    - **Two or more building materials**
    - **Decorative brick/stone**
    - **Decorative Trim**
    - **Decorative Shake**

Shipman Engineering, PLLC
137 Middlegreen Place
Holly Springs, NC 27540

919.900.0006
zak@shipmanengineering.com
NCBELS License P-1963

- **Decorative air vents on gables**
- **Decorative gable**
- **Decorative cornice**
- **Columns**
- **Portico**
- **Balcony**
- **Dormer**

8. **House entrances for units with front facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.**
9. **The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.**
10. **Front porches shall be a minimum of 6 feet deep.**

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*	ODG 87, LLC
Company Phone *Number*	(919) 800-9951
Developer Representative *Name*	Dan Morse
Developer Representative *Phone Number*	(919) 800-9951
Developer Representative *Email*	dan@odg87.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	6/2/2025
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Old Raleigh Road Subdivision
Address of Subdivision (if unknown enter nearest cross streets)	1211 Old Raleigh Road
REID(s)	0005328
PIN(s)	0742822598

Projected Dates *Information*	
Subdivision *Completion Date*	Spring, 2026
Subdivision *Projected First Occupancy Date*	Winter, 2026

Lot by Lot Development *Information*

Unit Type	Total # of Units	**Senior Living**	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	3						3	2,000	5,000	$750k	$1.50M	2026	3				
Townhomes																	
Condos																	
Apartments																	
Other		25CZ07	6-2-2025	6-2-2025	6-2-2025												

Revised 08/10/2018

APEX ENVIRONMENTAL ADVISORY BOARD
Suggested Zoning Conditions

Project Name: 1211 Old Raleigh Road Rezoning Date: 05/29/25

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

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

This document is divided into two parts:

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

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

Part I – Residential

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

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

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

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

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

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

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

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

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

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWHs.	☐	☐	☑
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	☑	☐	☐
Goal 18. Encourage clean transportation. The developer shall install at least _____electric vehicle charging station in amenity centers or common area parking lots.	☐	☐	☑

Part II - Non-Residential

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

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

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

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

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

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. *Option 8.2:* Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	☐	☐	☑
Goal 9. Plant trees for improved energy efficiency. *Option 9.1:* Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	☐	☐	☑
Option 9.2: Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	☐	☐	☑
Goal 10. Increase biodiversity. *Option 10.1:* Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species). a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.	☐	☐	☑
OR			
b. The project shall ensure that _____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	☐	☐	☑
Option 10.2: Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	☐	☐	☑
Option 10.3: Increase the number of native tree and shrub species selected. a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.	☐	☐	☑
OR			
b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.	☐	☐	☑
Goal 11. Implement green infrastructure. *Option 11.1:* Plant rain gardens. The project shall install one or more rain gardens throughout the site.	☐	☐	☑
Option 11.2: Install vegetated rooftops. a. The project shall install a vegetated rooftop, aka green roof, on each building.	☐	☐	☑
OR			
b. The project shall install a vegetated rooftop, aka green roof, on at least _____ft^2 of each building.	☐	☐	☑

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

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

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

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

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

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

Applicant Clarification/Additional Language:
Additional Board Recommendations:

Shipman Engineering, PLLC

April 25, 2025

To: Neighboring Property Owner
From: Shipman Engineering, PLLC
Date: Wednesday, May 14, 2025; 5:30pm to 6:30pm
Re: Virtual Neighborhood Meeting Instructions
1211 Old Raleigh Road Rezoning and Subdivision

Dear Neighbor,

You are invited to attend a Virtual Neighborhood Meeting on May 14, 2022 from 5:30pm to 7:30pm. You can attend the meeting by utilizing the information below:

Time: May 14, 2025 05:30 PM Eastern Time (US and Canada)
https://us06web.zoom.us/j/82667111270?pwd=2ObmgBdNLZnFfAB4HchH4kpTAv1vYj.1

Meeting ID: 826 6711 1270
Passcode: 421935

One tap mobile
+16465588656,,82667111270#,,,,*421935# US (New York)
+16469313860,,82667111270#,,,,*421935# US

Dial by your location
- **+1 646 558 8656 US (New York)**
- **+1 301 715 8592 US (Washington DC)**
- **+1 309 205 3325 US**
- **+1 386 347 5053 US**
- **+1 564 217 2000 US**
- **+1 689 278 1000 US**
- **+1 720 707 2699 US (Denver)**
- **+1 253 215 8782 US (Tacoma)**
- **+1 360 209 5623 US**
- **+1 646 931 3860 US**
- **+1 305 224 1968 US**
- **+1 312 626 6799 US (Chicago)**
- **+1 507 473 4847 US**
- **+1 669 444 9171 US**
- **+1 719 359 4580 US**
- **+1 253 205 0468 US**
- **+1 346 248 7799 US (Houston)**

Find your local number: https://us06web.zoom.us/u/kdsuYuu15q

The property zoning is currently zoned RA (Residential Agricultural). We are proposing to rezone the parcel to MD-CZ (Medium Density Residential-Conditional Zoning). The purpose of the meeting is to discuss the proposed annexation, rezoning, and development of the parcel as a (3) lot single family residential development. The meeting will give the opportunity for the neighboring community to discuss the proposed development and any of your concerns with the development plan. We look forward to seeing you and hearing your comments.

If you have any questions prior to the meeting, or would like me to send you an electronic link for the meeting via email, please feel free to contact me at (919) 900-0006 or at zak@shipmanengineering.com.

Best Regards,

Zak Shipman, PE
Shipman Engineering, PLLC

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.

4/22/25
Date

Dear Neighbor:

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

1211 Old Raleigh Road — Address(es)

0742822598 — 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)):

Rezoning of the parcel from RA (Rural Agricultural) to MD-CZ (Medium Density, Conditional Zoning). We are proposing a total of 3 single family detached residences for the parcel.

Estimated submittal date: June 2, 2025

MEETING INFORMATION:

Property Owner(s) name(s): Melba M. Beasley Revocable Trust
Applicant(s): ODG 87, LLC-- Dan Morse
Contact information (email/phone): (919) 800-9951; Dan@odg87.com
Meeting Address: Zoom Virtual Meeting (see attached letter for instructions to join)
Date/Time of meeting**: Wednesday, May 14, 2025 5:30pm- 7:30pm

Welcome: 5:30 pm Project Presentation: 5:40 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: 1211 Old Raleigh Road Rezoning Zoning: RA

Location: 1211 Old Raleigh Road

Property PIN(s): 0742822598 Acreage/Square Feet: 6.40

Property Owner: Melba Miller Beasley Revocable Trust

Address: 125 Lolliberry Drive

City: Holly Springs State: NC Zip: 27540

Phone: Email:

Developer: ODG 87, LLC

Address: PO Box 1117

City: Holly Springs State: NC Zip: 27540

Phone: (919) 800-9951 Fax: Email: dan@odg87.com

Engineer: Shipman Engineering, PLLC

Address: 137 Middlegreen Place

City: Holly Springs State: NC Zip: 27540

Phone: (919) 900-0006 Fax: Email: zak@shipmanengineering.com

Builder (if known): Unknown

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 Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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**

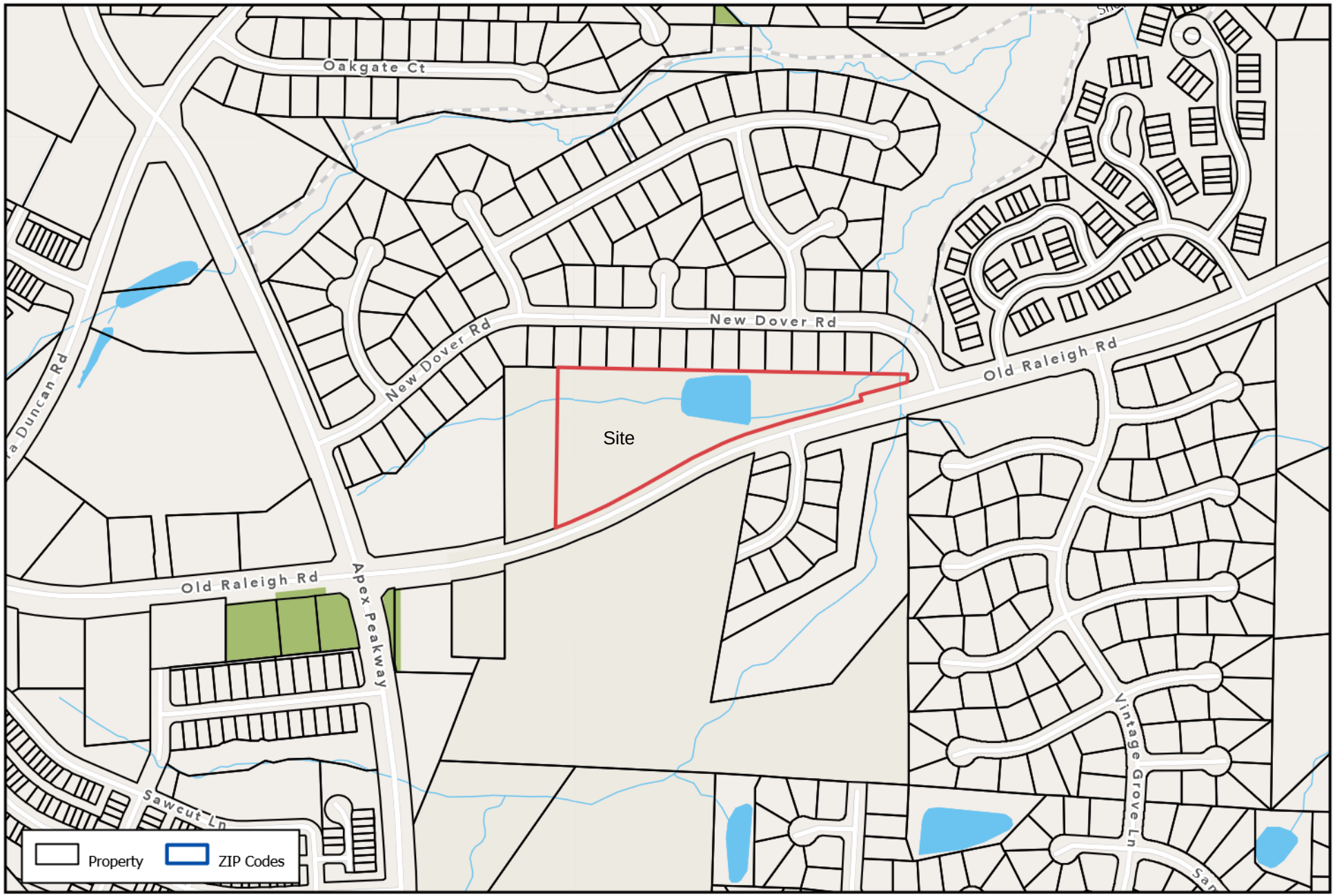
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that he can coordinate the cleaning and/or 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: **Rodney Smith** **919-249-3342**

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

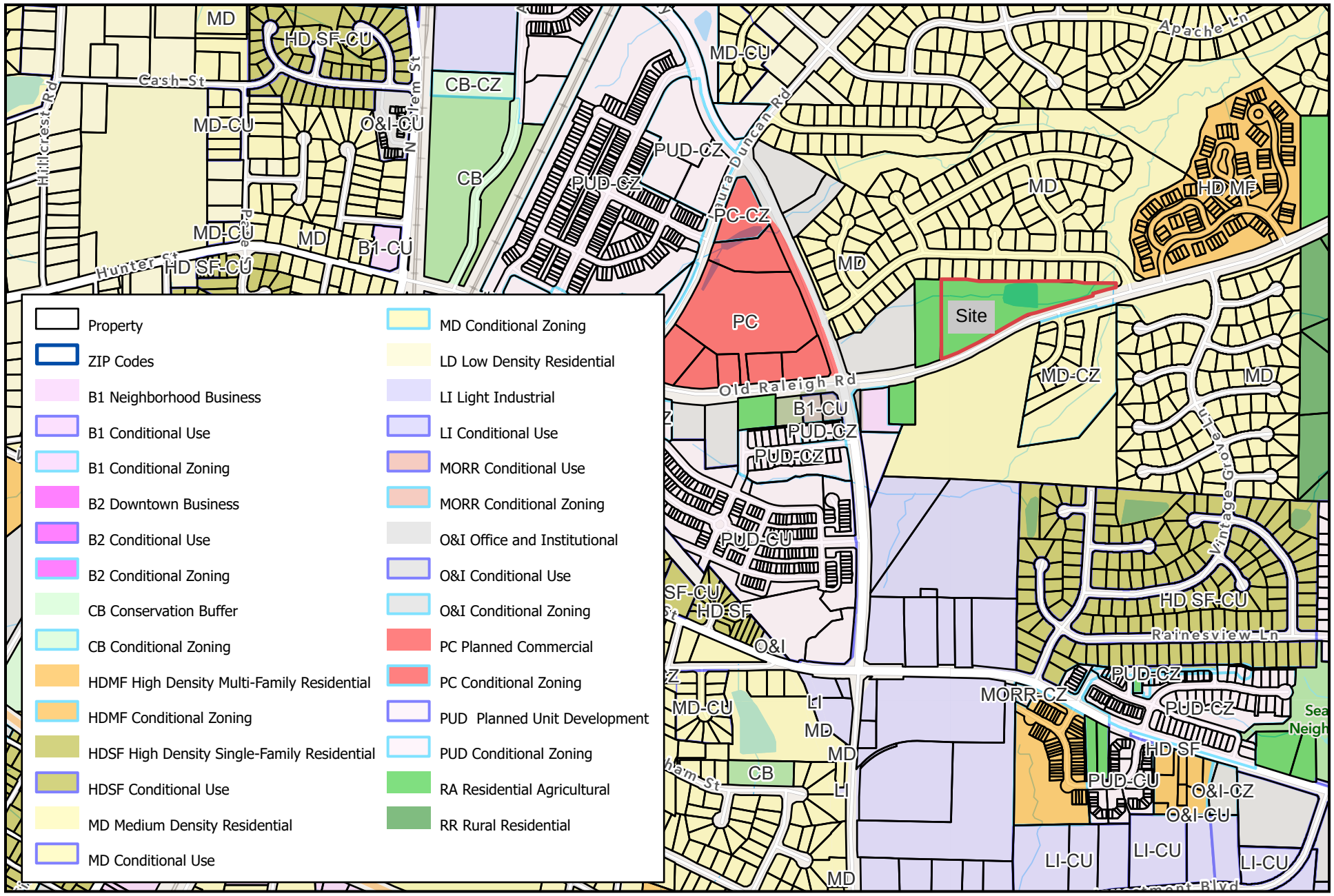


N

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.*



N

0 400 800 1,600 ft

1 inch equals 800 feet

Disclaimer
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NEW DOVER RD.

50' RIPARIAN BUFFER

WETLAND

WETLAND

WETLAND

EX. INTERMITTENT STREAM

EXISTING POND

50' RIPARIAN BUFFER

RESOURCE CONSERVATION AREA
49,223 SF REQUIRED (20%)
132,559 SF PROVIDED (53.86%)

WETLAND

50' RIPARIAN BUFFER

STORMWATER SCM

LOT 3
17,785 SQFT.
0.41 AC.

LOT 2
21,214 SQFT.
0.49 AC.

LOT 1
27,981 SQFT.
0.64 AC.

20' WIDE SHARED DRIVEWAY

30' THOROUGHFARE BUFFER

30' CROSS ACCESS ESMT

25' R/W DEDICATION

SR 1435- OLD RALEIGH RD.
EX. VARIABLE WIDTH PUBLIC R/W
FUTURE 110' PUBLIC R/W

EMPTY NEST WAY
EX. 50' PUBLIC R/W

MAXIMUM ALLOWABLE IMPERVIOUS AREA:

12% OF OVERALL SITE

246,082 SF x 0.12 = 7,382 SF PER LOT

SITE LEGEND

- STREET LIGHT
- SIGN
- WCR — WHEELCHAIR RAMP
- CBU — CLUSTER MAILBOX UNIT
- ROADWAY CENTER LINE
- LOT LINE
- RIGHT OF WAY LINE
- RETAINING WALL
- SETBACK LINE
- BMP LIMITS
- EASEMENT
- STANDARD CURB & GUTTER
- SPILL CURB & GUTTER
- ORNAMENTAL FENCE
- FENCE
- OPEN SPACE AREA
- TPA — TREE PRESERVATION AREA

SCALE: 1 IN = 40 FT

40' 20' 0 40' 80'

SCALE IN FEET
HORIZONTAL

GENERAL NOTES:

1. EXISTING CONDITIONS PROVIDED BY WAKE COUNTY GIS, NCDOT LIDAR DATA, AERIAL PHOTOGRAPHY, AND OTHER PUBLICLY AVAILABLE DATA SOURCES AS REQUIRED. EXISTING CONDITIONS SHOULD BE CONSIDERED APPROXIMATE. NO WARRANTY IS GIVEN OR IMPLIED CONCERNING THE ACCURACY OF THE INFORMATION DENOTED ON THIS SKETCH.
2. FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
3. ENVIRONMENTAL FEATURES, INCLUDING STREAMS, RIPARIAN BUFFERS, WETLANDS, AND OTHER FEATURES HAVE BEEN SCALED FROM WETLAND SKETCH MAP BY SAGE ECOLOGICAL SERVICES, DATED NOVEMBER 8, 2022. ENVIRONMENTAL FEATURES SHOWN HERE SHOULD BE CONSIDERED CONCEPTUAL IN NATURE.
4. THIS SITE IS LOCATED OUTSIDE OF ANY FLOOD HAZARD AREA AS SHOWN ON FEMA FIRM PANEL 3720074200J DATED 05/02/2006.

811 Know what's below. Call before you dig.

THESE PLANS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF SHIPMAN ENGINEERING, PLLC AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART. THESE DOCUMENTS SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF SHIPMAN ENGINEERING, PLLC AND SHALL BE RETURNED UPON REQUEST.

SYMBOL	DATE	REVISIONS
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SHIPMAN ENGINEERING

SHIPMAN ENGINEERING, PLLC
NCBELS LICENSE P-1963
137 MIDDLEGREEN PLACE
HOLLY SPRINGS, NC 27540
919.900.0006

DESIGNED BY: WZS
DRAWN BY: WZS
CHECKED BY: WZS
DRAWING DATE: 02/20/25
SE PROJECT #: 2025-110

1211 OLD RALEIGH ROAD SUBDIVISION

TOWN OF APEX WAKE COUNTY, NORTH CAROLINA

PRELIMINARY SUBDIVISION PLAN

SHEET NUMBER:
SK-01

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 Virtual Meeting

Date of meeting: May 14, 2025 Time of meeting: 5:30pm-7:30pm

Property Owner(s) name(s): Melba Miller Beasley Revocable Trust

Applicant(s): ODG 87, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Zak Shipman, PE-Shipman Engineering	137 Middlegreen Place, Holly Springs NC 27540	[redacted]		
2.	Dan Morse, ODG87	PO Box 1117, Holly Springs NC 27540			
3.	Nick Bryant	1023 New Dover Road, Apex			
4.	Gary Vitullo	1101 New Dover Road			
5.	Edward Denmark	1207 Old Raleigh Road			
6.	Geoff Bula	1017 New Dover Road			
7.	Meredith Schaller	1003 New Dover			
8.	Carolyn Woolfsie	1000 New Dover Road			
9.	Christina Grimes	1103 New Dover Road			
10.	Linda Hockersmith	1009 Berringer Place			
11.	Joe Perry	1314 Empty Nest Way			
12.	Lou Capolli	1025 New Dover Road			
13.	Denise Flora				
14.	Meredith Shaver	1021 New Dover Road			

Use additional sheets, if necessary.

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	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	W. Vaughan	1007 New Dover Road	[redacted]		
2.	Wes & Katheryn Meranda	1027 New Dover Road			
3.	David Bohm	1012 East Saint Helena Place			
4.	Nancy Hagen				
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Melba Miller Beasley Revocable Trust

Applicant(s): ODG 87, LLC

Contact information (email/phone): Zak Shipman, PE- zak@shipmanengineering.com; (919) 900-0006

Meeting Address: Zoom Virtual Meeting

Date of meeting: 5/14/25 Time of meeting: 5:30pm-7:30pm

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:

Why is it necessary to rezone from RA to MD-CZ if we are only planning to build 3 residences? Also, what is New Dover neighborhood currently zoned?

Applicant's Response:

The allowed maximum density for RA is not enough to permit more than one lot on the site, igiven that the maximum allowed density for this district is very low (0.2 units/acre). We need to rezone to MD to permit the 3 lots. Also, the zoning for the New Dover neighborhood is MD as well.

Question/Concern #2:

Where will utilities to the three lots come from? Specifically, electrical, water, sewer, etc.?

Applicant's Response:

There is an existing waterline in Old Raleigh Road that we can access. Sewer has two options- there is an existing manhole adjacent to Empty Nest Way, and a second manhole at the intersection of New Dover and Old Raleigh. We plan to run a sewer main east down Old Raleigh and tie to existing sewer at Empty Nest Way. Electrical would come from existing power in Old Raleigh- all new power will be UG.

Question/Concern #3:

Will there be any access or easements over to New Dover Road?

Applicant's Response:

No, we are not proposing any access, driveways, easements, etc. to New Dover Road. The existing riparian buffer and wetlands make it difficult to install any infrastructure in this area due to environmental regulations, and for our purposes we do not plan to disturb this area.

Question/Concern #4:

Who will be the manager of the wetlands?

Applicant's Response:

The applicant will create a separate homeowners association for the private common area that will maintain the existing pond, wetlands, and other common areas.

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Question/Concern #1:

Are there any updgrades planned for the existing pond?

Applicant's Response:

The applicant has no plans to upgrade the pond; since this is a jurisdictional pond in an environmentally protected area, there are not too many updates that we could do to it. The only real maintenance that could be performed would be repairs to the dam if there were ever a safety issue. Dam maintenance and repair would need to be performed by the future HOA.

Question/Concern #2:

Are there any plans to add landscaping/plantings to the perimeter buffer along the lots that back up to the parcel, or are we planning on leaving the existing vegetation only?

Applicant's Response:

We plan to retain the existing vegetation along this rear buffer. There are significant trees along this buffer that will provide screening.

Question/Concern #3:

For the remaining common area (outside the three proposed lots), could this land ever be purchased or developed by the residents or others?

Applicant's Response:

We plan to designate the remaining area as Resource Conservation Area (RCA), so we don't anticipate that this area could ever be developed in the future. We did talk to a neighboring property owner by phone before the meeting who asked the same question- the developer would be open to looking into selling a small portion of the unused property to the neighboring resident, but there are hurdles to doing this we would need to investigate.

Question/Concern #4:

What is the maximum density allowed for Medium Density? What would the neighbors be 'exposed to' as a maximum building on the lot? What is the maximum number of units that you could have on the lot? I.E multi-family, single family, etc.

Applicant's Response:

The most you could have on each lot is one single family detached residence, and possibly a detached garage. The maximum allowed density is 6 units per acre for MD, but we cannot get development at this density due to the shared driveway requirement and thoroughfare status of Old Raleigh. We plan to add a condition to cap the density at 3 acres per lot.

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Question/Concern #1:

From Vintage Grove neighborhood- there is an existing creek that runs behind Vintage Grove that has begun flooding over the past few years. This project discharges to a creek that runs into the creek behind Vintage Grove- can applicant clarify intention with water management?

Applicant's Response:

The project is subject to Town of Apex stormwater ordinance, which will require us to limit post-construction runoff to the pre-development rates. We will construct a stormwater basin to store runoff and release it in a controlled manner, which should alleviate additional peak flow rates from rising downstream. Impervious levels should be relatively low-we don't anticipate a large spike in runoff from this project.

Question/Concern #2:

Is the applicant in communication with the Empty Nest HOA group regarding stormwater rework going on in their neighborhood?

Applicant's Response:

We have not been in communication with them, but we will reach out during subdivision design to coordinate efforts.

Interjection from Empty Nest Way HOA Member- they are not reworking stormwater basin, but neighboring property owner is working on a seperate project to the east of Empty Nest.

Question/Concern #3:

What will be the grade level of the proposed lots?

Applicant's Response:

We expect the proposed grading for the three lots will generally match the existing topographical contours as they are now.

Question/Concern #4:

Would it be possible to lower speed limit on Old Raleigh Road? Empty Nest Way has attempted to lower the speed limit unsuccessfully.

Could we contact DOT/Town of Apex about speed limit?

Applicant's Response:

will discuss with the Town and request a lowering of the posted speed limit.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #1:
Who will be the builder of the homes in the project?

Applicant's Response:
It will probably be Triple A Homes, a local builder to Apex. Not 100% certain, but they are the likely builder.

Question/Concern #2:
Is there anything that would prevent the developer from building 3 duplexes on the lots, other than access or parking?

Applicant's Response:
We originally had duplex as a listed allowed use in the rezoning petition, but we would agree to remove that from the conditions shown which would effectively prohibit the duplex use in the proposed zoning district.

Question/Concern #3:
How long will the review/approval process take? When will the project start?

Applicant's Response:
We expect the rezoning to go before Town Council towards the end of August, which would be followed by submittal of the subdivision plans. We expect 4-6 months for subdivision to be approved, so we are probably looking at the end of 2025 calendar year before any site work could start.

Question/Concern #4:
Will the developer make any commitment to leaving natural vegetation in place along the buffers, around the pond, etc.? Additionally, will the developer be installing any improvements in Old Raleigh road?

Applicant's Response:
The applicant will not construct roadway widening along Old Raleigh, but we will dedicate necessary right-of-way for the future widening. The Town will likely ask us to build the sidewalk across the frontage, but we will request a Fee-in-Lieu for sidewalk not in front of the lots in case the sidewalk design needs to change for the ultimate road section. We will leave as much vegetation along thorougfare buffer and other buffers.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #1:
Will the large trees be kept in place throughout the property?

Applicant's Response:
Yes, we will do our best to preserve as many large trees as possible.

Question/Concern #2:
Who is the person on the meeting from Empty Nest Way Board?

Applicant's Response:
Joe Perry responded

Question/Concern #3:
Will the property to the west be held to the same wetland regulations as we are?

Applicant's Response:
The western parcel is not part of our petition, and we are observing a landscape buffer on their property line also. They will be held to the same standards as we are if they ever develop the property. If pond on our site is jurisdictional, we must protect it similar to wetland with riparian buffer.

Question/Concern #4:
Concern about the curvature of Old Raleigh Road and the sight distance- also concern about ingress/egress and fast-moving traffic. Also concern about the size of the downstream channel size, erosion, and increased runoff.

Applicant's Response:
We are required to comply with the Town's stormwater ordinance to limit peak discharge rates. We also reiterated that we can try to petition the Town/DOT to lower the speed limit, although historically this is pretty difficult.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #1:
Concern that Old Raleigh road is particularly affected during ice storms and freezes often in the winter.

Applicant's Response:
We suspect this is caused by the shade and overhanging trees; once road is widened into ultimate section, the trees will likely be removed or pared back which should help with shaded areas freezing.

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, William Z. Shipman, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Zoom Virtual Meeting (location/address) on May 14, 2025 (date) from 5:30 (start time) to 7:30 (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.

5/20/25
Date

By: Wm. Z. Shipman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Laura Peters, a Notary Public for the above State and County, on this the 30th day of May, 2025.

SEAL

Laura Peters
Notary Public

Laura Peters
Print Name

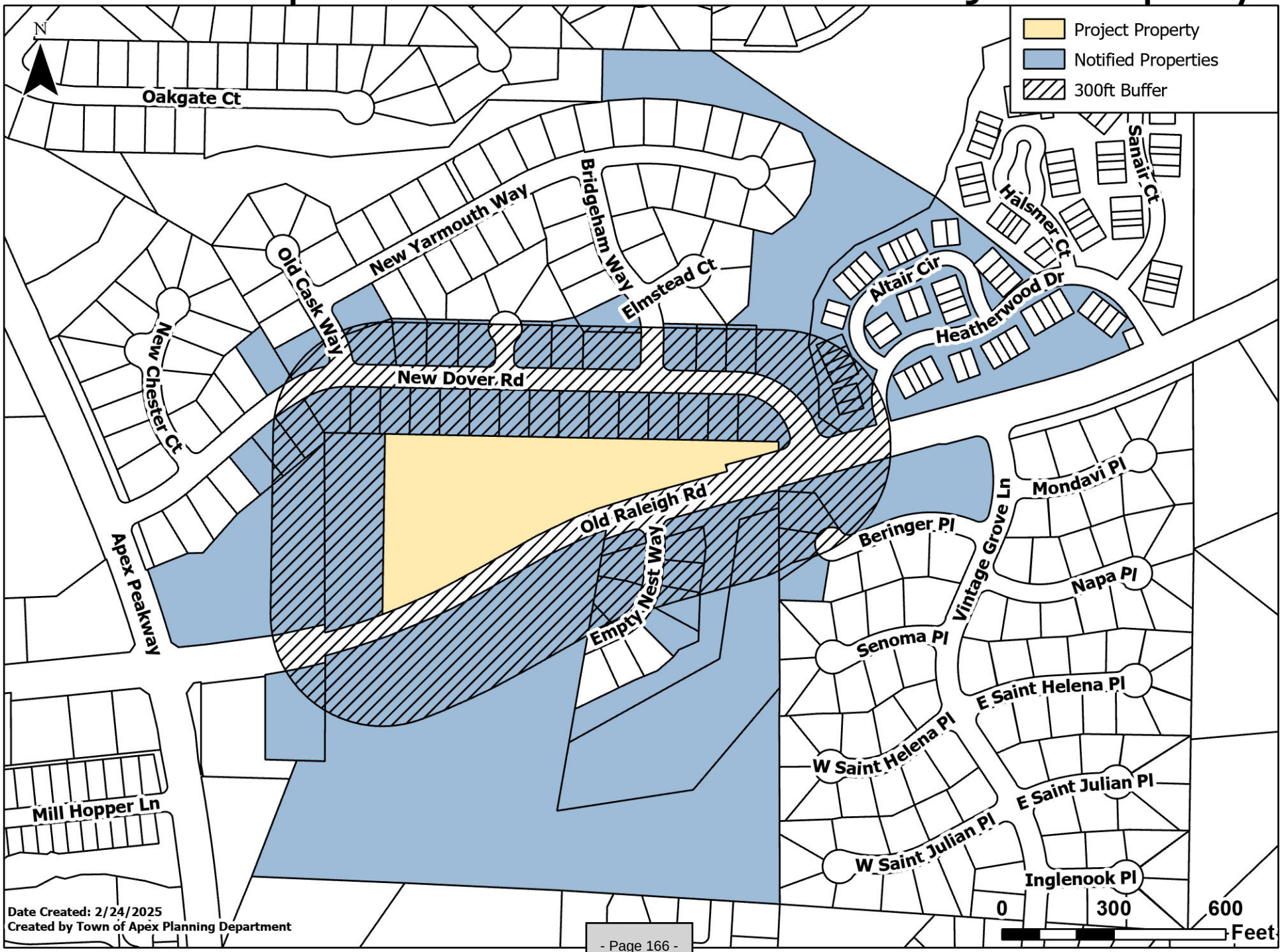
My Commission Expires: 7-29-29

LAURA PETERS
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 7/29/29

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS		
1211 OLD RALEIGH RD	0742822598	BEASLEY, MELBA M	125 LOLLIBERRY DR	HOLLY SPRINGS NC 27540-7988	
142 HEATHERWOOD DR	0742923830	BOYLAN, JESSICA	142 HEATHERWOOD DR	APEX NC 27502-8540	
1023 NEW DOVER RD	0742820758	BRYANT, NICHOLAS BRYANT, BETHANY	1023 NEW DOVER RD	APEX NC 27502-8956	
1017 NEW DOVER RD	0742823727	BULA, GEOFFREY SIMON TRUSTEE BULA, CHRISTINE MARIE TRUSTEE	1017 NEW DOVER RD	APEX NC 27502-8956	
5001 OLD CASK WAY	0742728933	BURGIN, DOUGLAS A BURGIN, MARGARET B	5001 OLD CASK WAY	APEX NC 27502-8958	
1025 NEW DOVER RD	0742729788	CAPPOLI, LUCIAN C WILDER, LISA ANN	1025 NEW DOVER RD	APEX NC 27502-8956	
1013 NEW DOVER RD	0742824787	COPELAND, JOSEPH DOUGLAS JR COPELAND, SUSAN	1013 NEW DOVER RD	APEX NC 27502-8956	
1207 OLD RALEIGH RD	0742729364	CURTIS, BETTY M	EDWARD DENMARK	1207 RAINESVIEW LN	APEX NC 27502-7151
0 EMPTY NEST WAY	0742826232	EDWARDS CREEK HOMEOWNERS ASSOCIATION,INC	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
1009 NEW DOVER RD	0742826747	FARRELL, WILLIAM N JR FARRELL, SYLVIA A	1009 NEW DOVER RD	APEX NC 27502-8956	
2003 BRIDGEHAM WAY	0742836002	FELDMAN, TIMOTHY P FELDMAN, MARGARET SIBERT	2003 BRIDGEHAM WAY	APEX NC 27502-8950	
1100 NEW DOVER RD	0742727911	FRISCH, GAVIN TRAVIS, KAYLA M	1100 NEW DOVER RD	APEX NC 27502-7129	
1010 BERINGER PL	0742921462	FRITTS, ANNA-MARTIN A DAVIS, JACK H	1010 BERINGER PL	APEX NC 27502-8933	
138 ALTAIR CIR	0742922868	GAINEY, DONNA J	138 ALTAIR CIR	APEX NC 27502-8552	
140 HEATHERWOOD DR	0742922893	GEE, TONJA	140 HEATHERWOOD DR	APEX NC 27502-8540	
1206 OLD RALEIGH RD	0742718927	GRAY-HEARN, MARGUERITE BROWN, GARY	1206 OLD RALEIGH RD	APEX NC 27502-9236	
1103 NEW DOVER RD	0742727666	GRIMES, ROBERT V GRIMES, CHRISTINA L	1103 NEW DOVER RD	APEX NC 27502-7130	
1015 NEW DOVER RD	0742824707	HARVEY, WARREN C HARVEY, CATHERINE D	1015 NEW DOVER RD	APEX NC 27502-8956	
136 ALTAIR CIR	0742922981	HAWKINS, PEGGY	136 ALTAIR CIR	APEX NC 27502-8552	
0 OLD RALEIGH RD	0742937004	HEATHERWOOD TOWNHOME ASSOCIATION	PPM INC OF RALEIGH	11010 RAVEN RIDGE RD	RALEIGH NC 27614-8837
1009 BERINGER PL	0742922303	HOCKERSMITH, LINDA J HOCKERSMITH, DOUGLAS C	1009 BERINGER PL	APEX NC 27502-8933	
1309 EMPTY NEST WAY	0742828255	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
1008 BERINGER PL	0742921573	JOYCE, DONALD K JOYCE, KATHERINE W	1008 BERINGER PL	APEX NC 27502-8933	
0 OLD RALEIGH RD	0742828081	JVI BUILDING & DEVELOPMENT INC	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
2001 BRIDGEHAM WAY	0742826914	KLINE, LISA ANN FOSTER TRUSTEE KLINE, ANTHONY LOREN DAVIS TRUSTEE	2001 BRIDGEHAM WAY	APEX NC 27502-8950	
1005 NEW DOVER RD	0742827797	LAU, SOPHIA	2516 VETERAN AVE	LOS ANGELES CA 90064-3233	
1024 NEW DOVER RD	0742820916	MCDOWELL, PAUL EDWARD MCDOWELL, COLLEEN CATHERINE	1024 NEW DOVER RD	APEX NC 27502-8955	
1014 NEW DOVER RD	0742824966	MCGOWEN, JOHN DAVID MCGOWEN, LUCINDA T	1014 NEW DOVER RD	APEX NC 27502-8955	
1027 NEW DOVER RD	0742729708	MERANDA, WESLEY A MERANDA, KATHRYN A	1027 NEW DOVER RD	APEX NC 27502-8956	
1105 NEW DOVER RD	0742727611	MILLER, RANDALL J MILLER, SUSAN L	1105 NEW DOVER RD	APEX NC 27502-7130	
1305 EMPTY NEST WAY	0742828364	MILLS, MATTHEW KEVIN HAMMOND, TINA RENEE	1305 EMPTY NEST WAY	APEX NC 27502-9300	
1011 NEW DOVER RD	0742825767	MONK, JUSTINE NICOLE MONK, JOSHUA LEWIS	1011 NEW DOVER RD	APEX NC 27502-8956	
1022 NEW DOVER RD	0742821908	NANCE, JOHN R NANCE, TERRI C	1022 NEW DOVER RD	APEX NC 27502-8955	
132 ALTAIR CIR	0742922977	NANCE, RALLIE CLIFTON NANCE, HENRIETTA DAVIS	132 ALTAIR CIR	APEX NC 27502-8552	
1210 OLD RALEIGH RD	0742812857	OLIVE, ROSS M OLIVE, NANCY M	137 BRIARFIELD DR	APEX NC 27502-7008	
1000 NEW DOVER RD	0742920905	OLIVER, GARY THOMAS WOLFSIE, CAROLYN MICHELLE	1000 NEW DOVER RD	APEX NC 27502-8955	
134 ALTAIR CIR	0742922942	OVERTON, MARY P	134 ALTAIR CIR	APEX NC 27502-8552	
1019 NEW DOVER RD	0742822747	PATEL, MAHAMMADIRSHAD A PATEL, FEHMIDA M	3220 QUEENSLAND RD	RALEIGH NC 27614-7292	
1314 EMPTY NEST WAY	0742826277	PERRY, JOSEPH H PERRY, CONSTANCE J	1314 EMPTY NEST WAY	APEX NC 27502-9300	
1002 NEW DOVER RD	0742829935	POORBOY, WILLIAM POORBOY, ANN	1002 NEW DOVER RD	APEX NC 27502-8955	
1201 OLD RALEIGH RD	0742727307	PRESCHOOL ENTERPRISES LLC	4915 WATERS EDGE DR STE 255	RALEIGH NC 27606-3370	
1001 NEW DOVER RD	0742829767	SASSAMAN, STEPHEN SASSAMAN, DENISE	1001 NEW DOVER RD	APEX NC 27502-8956	
1003 NEW DOVER RD	0742828787	SCHALLER, LEE T SCHALLER, MEREDITH E	1003 NEW DOVER RD	APEX NC 27502-8956	
1021 NEW DOVER RD	0742821758	SHAVER, TIMOTHY JAMES SHAVER, MEREDITH KAY	1021 NEW DOVER RD	APEX NC 27502-8956	
0 NEW DOVER RD	0742932392	SHEPHERDS VINEYARD COMMUNITY ASSOCIATION INC	4505 FALLS OF NEUSE RD	RALEIGH NC 27609-6277	
1018 NEW DOVER RD	0742822997	STRUNK, CORLEY STRUNK, JOHN	1018 NEW DOVER RD	APEX NC 27502-8955	
1300 EMPTY NEST WAY	0742827306	SUMMERFIELD, MITCHELL SUMMERFIELD, SHANTEL A	1300 EMPTY NEST WAY	APEX NC 27502-9300	
1020 NEW DOVER RD	0742821987	SYMM, JEFFREY B SYMM, ANN M	1020 NEW DOVER RD	APEX NC 27502-8955	
1012 NEW DOVER RD	0742825946	TAYLOR, DAVID RANDOLPH TRUSTEE TAYLOR, DONNA RAYE TRUSTEE	1012 NEW DOVER RD	APEX NC 27502-8955	
3001 NEW YARMOUTH WAY	0742739094	TOOMBS, TIMOTHY FLORA, DENISE L	3001 NEW YARMOUTH WAY	APEX NC 27502-8960	
1007 NEW DOVER RD	0742827727	VAUGHAN, WILLIAM J VAUGHAN, PATRICIA A	1007 NEW DOVER RD	APEX NC 27502-8956	
1000 BERINGER PL	0742925600	VINTAGE GROVE HOMEOWNERS ASSOC INC	PO BOX 1149	APEX NC 27502-3149	
1101 NEW DOVER RD	0742728722	VITULLO, GARY VITULLO, SUSAN	1101 NEW DOVER RD	APEX NC 27502-7130	
1004 NEW DOVER RD	0742828945	WEGMAN, KYLE ROBERT WEGMAN, SUMMER LYNN	1004 NEW DOVER RD	APEX NC 27502-8955	
1301 EMPTY NEST WAY	0742828471	WILLOW, ZACHARY HRTYANSKI, EMILEE	1301 EMPTY NEST WAY	APEX NC 27502-9300	
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		Current Tenant	1309 Empty Nest WAY	APEX NC 27502	
		Current Tenant	1313 Empty Nest WAY	APEX NC 27502	
		Current Tenant	1005 New Dover RD	APEX NC 27502	
		Current Tenant	1019 New Dover RD	APEX NC 27502	
		Current Tenant	1201 Old Raleigh RD	APEX NC 27502	
		Current Tenant	1207 Old Raleigh RD	APEX NC 27502	
		Current Tenant	1210 Old Raleigh RD	APEX NC 27502	
		Current Tenant	1211 Old Raleigh RD	APEX NC 27502	

Created by Town of Apex Planning Department
Date Created: 2/24/2025

Notified Properties within 300ft of the Project Property



Shipman Engineering, PLLC

July 1, 2025

To: Neighboring Property Owner
From: Shipman Engineering, PLLC
Date: Monday July 21; 5:30pm to 6:30pm
Re: Virtual Neighborhood Meeting Instructions
1211 Old Raleigh Road Rezoning-2nd Neighborhood Meeting

Dear Neighbor,

You are invited to attend a Virtual Neighborhood Meeting on July 21, 2025 from 5:30pm to 6:30pm. This is the second required Neighborhood Meeting related to the rezoning petition for this project. You can attend the meeting by utilizing the information below:

Topic: 1211 Old Raleigh Road- 2nd Neighborhood Meeting
https://us06web.zoom.us/j/88395443545?pwd=BqirBa5PrN0tQqNUAEPUlz6ZbDbVKw.1

Meeting ID: 883 9544 3545
Passcode: 019970

One tap mobile
+16469313860,,88395443545#,,,,*019970# US
+13017158592,,88395443545#,,,,*019970# US (Washington DC)

Dial by your location
- **+1 646 931 3860 US**
- **+1 305 224 1968 US**
- **+1 312 626 6799 US (Chicago)**
- **+1 719 359 4580 US**
- **+1 253 205 0468 US**
- **+1 346 248 7799 US (Houston)**
- **+1 386 347 5053 US**
- **+1 564 217 2000 US**
- **+1 689 278 1000 US**
- **+1 301 715 8592 US (Washington DC)**
- **+1 309 205 3325 US**
- **+1 646 558 8656 US (New York)**
- **+1 720 707 2699 US (Denver)**
- **+1 253 215 8782 US (Tacoma)**
- **+1 360 209 5623 US**
- **+1 507 473 4847 US**
- **+1 669 444 9171 US**

Find your local number: https://us06web.zoom.us/u/kc296ZYHqj

The property zoning is currently zoned RA (Residential Agricultural). We are proposing to rezone the parcel to MD-CZ (Medium Density Residential-Conditional Zoning). The purpose of the meeting is to discuss the proposed annexation, rezoning, and development of the parcel as a (3) lot single family residential development. The meeting will give the opportunity for the neighboring community to discuss the proposed development and any of your concerns with the development plan. We look forward to seeing you and hearing your comments.

If you have any questions prior to the meeting, or would like me to send you an electronic link for the meeting via email, please feel free to contact me at (919) 900-0006 or at zak@shipmanengineering.com.

Best Regards,

Zak Shipman, PE
Shipman Engineering, PLLC

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.

07-01-25

Date

Dear Neighbor:

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

1211 Old Raleigh Road | 0742822598

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)):

Rezoning of the parcel from RA (Rural Agricultural) to MD-CZ (Medium Density, Conditional Zoning). We are proposing a total of 3 single family detached residences for the parcel.

Estimated submittal date: June 2, 2025

MEETING INFORMATION:

Property Owner(s) name(s): Melba M. Beasley Revocable Trust

Applicant(s): ODG 87, LLC-- Dan Morse

Contact information (email/phone): (919) 800-9951; Dan@odg87.com

Meeting Address: Zoom Virtual Meeting (see attached letter for instructions to join)

Date/Time of meeting**: Monday, July 21, 5:30 PM- 6:30 PM

Welcome: 5:30 pm Project Presentation: 5:40 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: 1211 Old Raleigh Road Rezoning Zoning: RA

Location: 1211 Old Raleigh Road

Property PIN(s): 0742822598 Acreage/Square Feet: 6.40

Property Owner: Melba Miller Beasley Revocable Trust

Address: 125 Lolliberry Drive

City: Holly Springs State: NC Zip: 27540

Phone: Email:

Developer: ODG 87, LLC

Address: PO Box 1117

City: Holly Springs State: NC Zip: 27540

Phone: (919) 800-9951 Fax: Email: dan@odg87.com

Engineer: Shipman Engineering, PLLC

Address: 137 Middlegreen Place

City: Holly Springs State: NC Zip: 27540

Phone: (919) 900-0006 Fax: Email: zak@shipmanengineering.com

Builder (if known): Unknown

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 Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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**

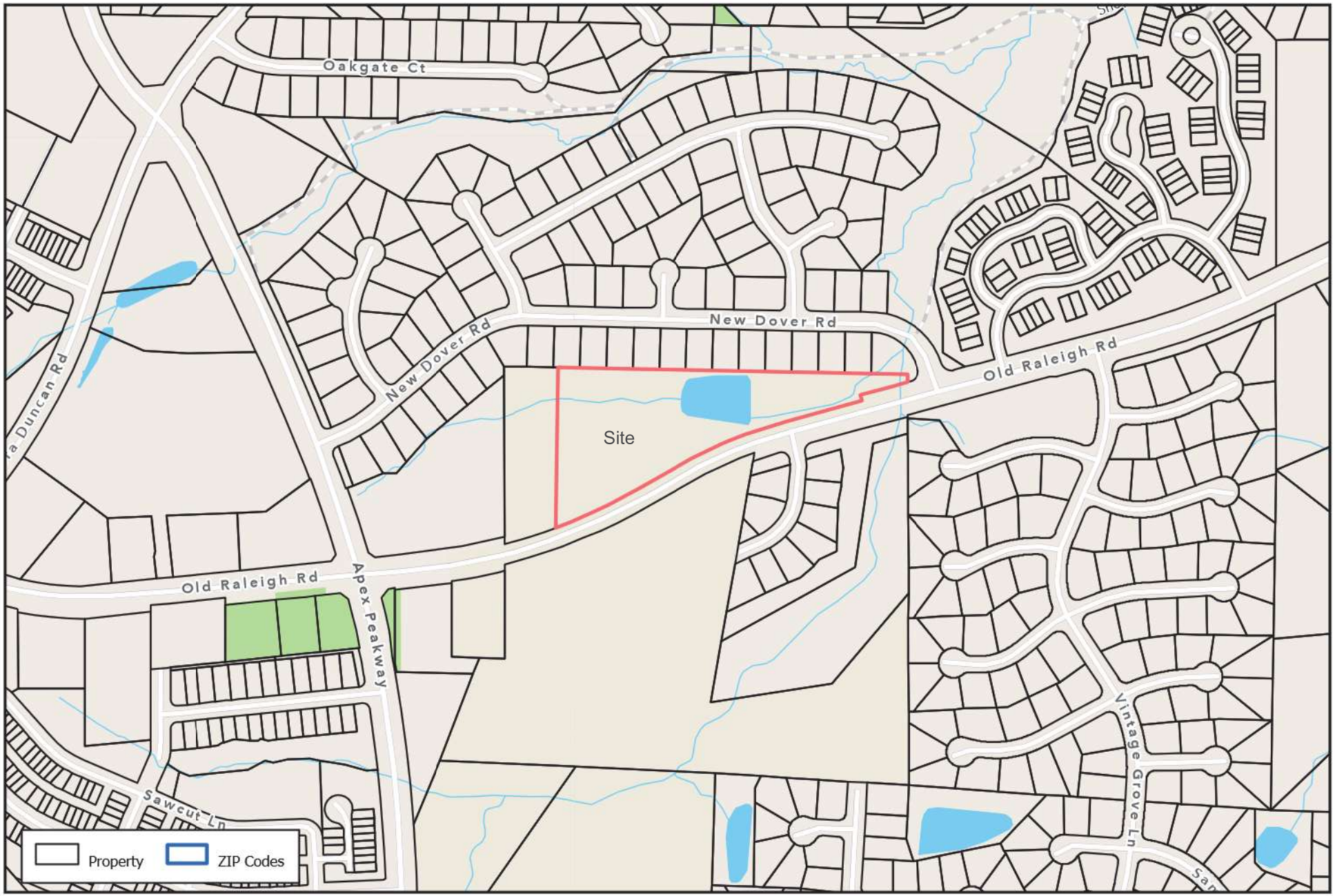
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that he can coordinate the cleaning and/or 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:	**Rodney Smith**	**919-249-3342**

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



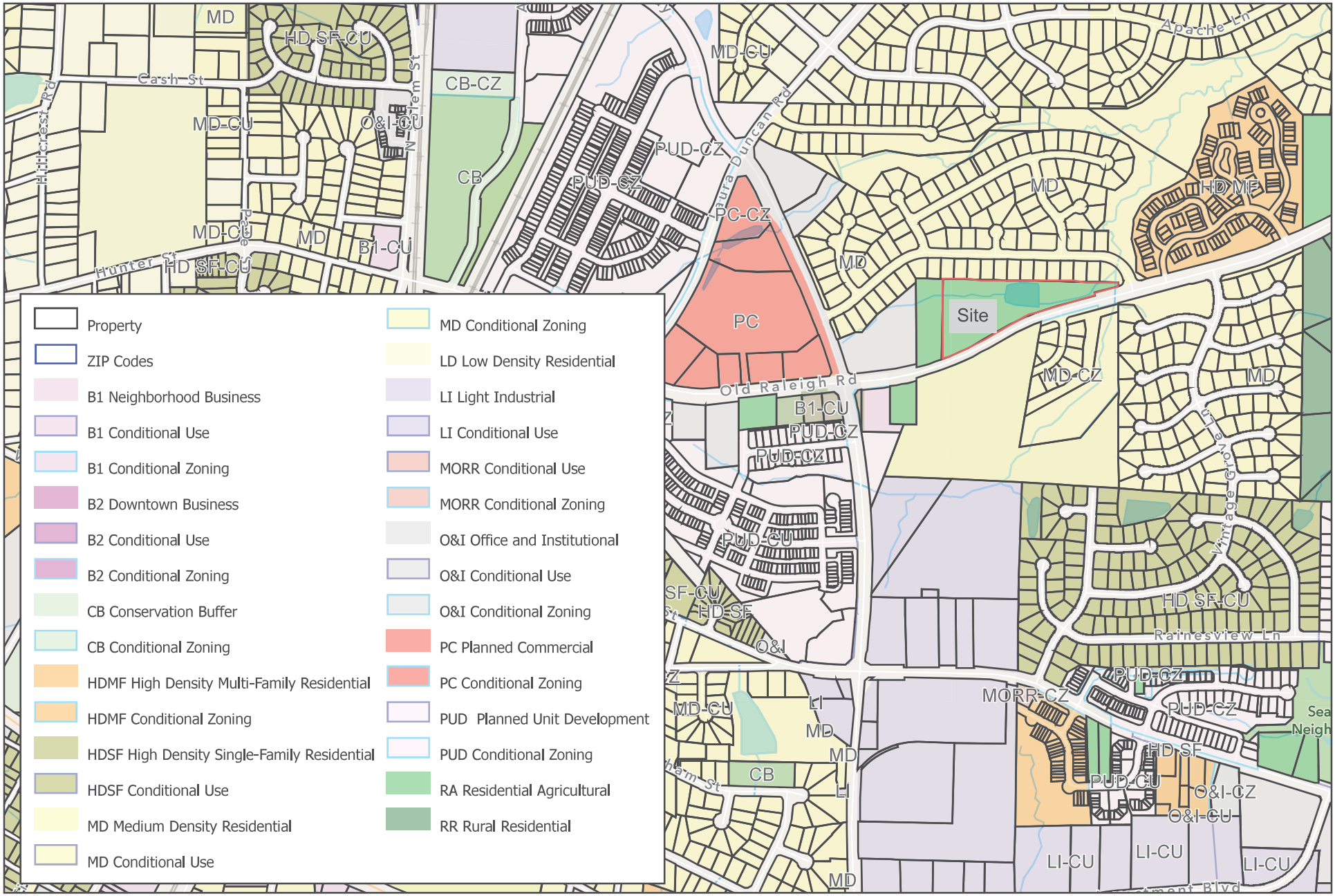
N

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.*

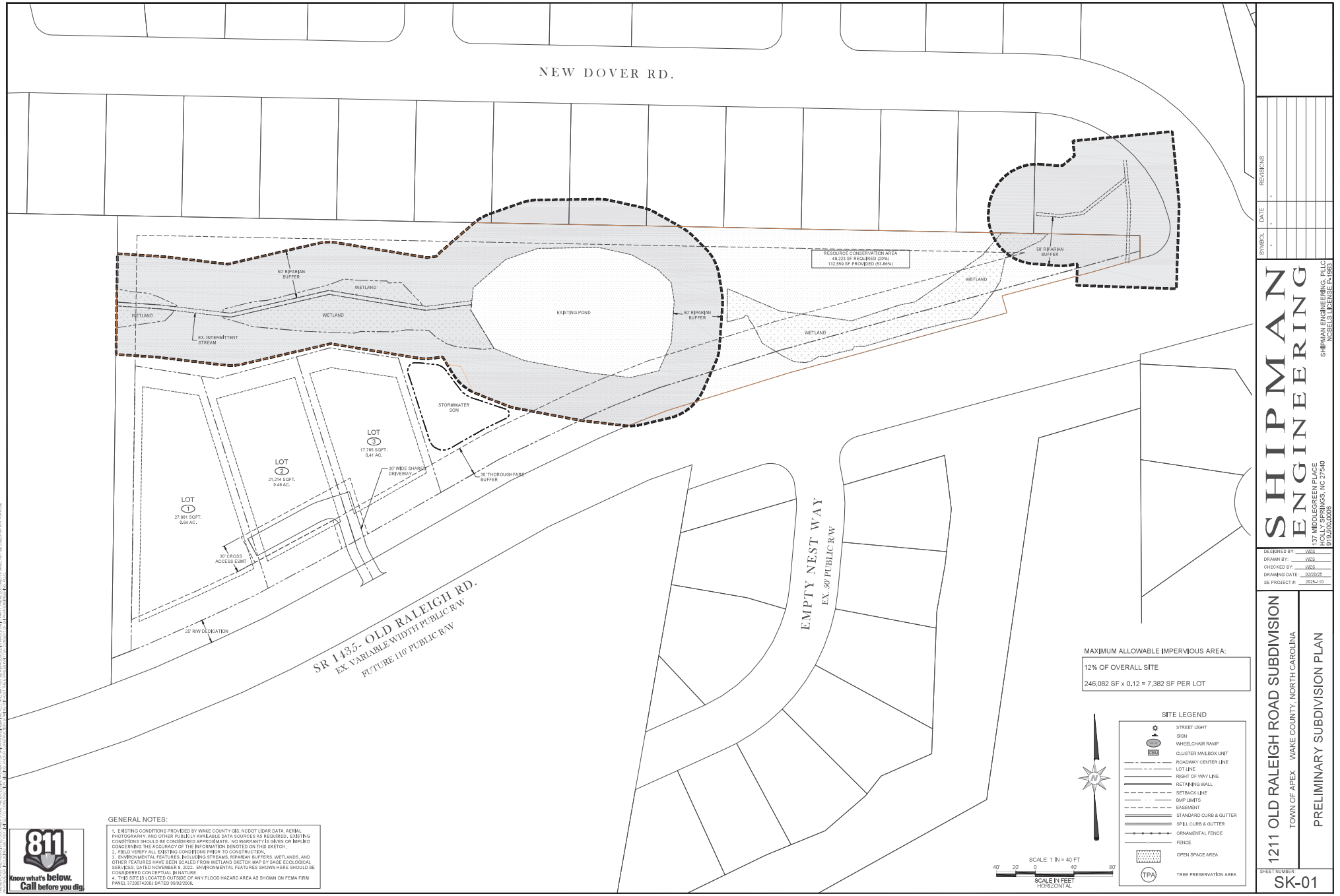


N

0 400 800 1,600 ft

1 inch equals 800 feet

Disclaimer
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GENERAL NOTES:

1. EXISTING CONDITIONS PROVIDED BY WAKE COUNTY GIS, NCDOT LIDAR DATA, AERIAL PHOTOGRAPHY, AND OTHER PUBLICLY AVAILABLE DATA SOURCES AS REQUIRED. EXISTING CONDITIONS SHOULD BE CONSIDERED APPROXIMATE. NO WARRANTY IS GIVEN OR IMPLIED CONCERNING THE ACCURACY OF THE INFORMATION DENOTED ON THIS SKETCH.
2. FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
3. ENVIRONMENTAL FEATURES, INCLUDING STREAMS, RIPARIAN BUFFERS, WETLANDS, AND OTHER FEATURES HAVE BEEN SCALED FROM WETLAND SKETCH MAP BY SAGE ECOLOGICAL SERVICES, DATED NOVEMBER 8, 2022. ENVIRONMENTAL FEATURES SHOWN HERE SHOULD BE CONSIDERED CONCEPTUAL IN NATURE.
4. THIS SITE IS LOCATED OUTSIDE OF ANY FLOOD HAZARD AREA AS SHOWN ON FEMA FIRM PANEL 3720074200J DATED 05/02/2006.

811 Know what's below. Call before you dig.

SHIPMAN ENGINEERING
SHIPMAN ENGINEERING, PLLC
NOBELS LICENSE P-1963
137 MIDDLEGREEN PLACE
HOLLY SPRINGS, NC 27540
919.500.0006

SYMBOL	DATE	REVISIONS
-	-	-

DESIGNED BY: IWZS
DRAWN BY: IWZS
CHECKED BY: IWZS
DRAWING DATE: 02/20/25
SE PROJECT #: 2025-110

1211 OLD RALEIGH ROAD SUBDIVISION
TOWN OF APEX WAKE COUNTY, NORTH CAROLINA

PRELIMINARY SUBDIVISION PLAN

SHEET NUMBER:
SK-01

THESE PLANS AND DESIGNS CONTAINED HEREIN ARE THE EXCLUSIVE PROPERTY OF SHIPMAN ENGINEERING, PLLC. ALL RIGHTS RESERVED. ANY REPRODUCTION IN WHOLE OR IN PART, THESE DOCUMENTS SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THE ONE INTENDED BY SHIPMAN ENGINEERING, PLLC WITHOUT THE EXPRESS WRITTEN PERMISSION OF SHIPMAN ENGINEERING, PLLC.

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 Virtual Meeting

Date of meeting: July 21, 2025 Time of meeting: 5:30pm-6:30pm

Property Owner(s) name(s): Melba Miller Beasley Revocable Trust

Applicant(s): ODG 87, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.	Wes Meranda	1027 New Dover Rd.	[redacted]		
3.	Edward Denmark	1207 Old Raleigh Rd			
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): Melba Miller Beasley Revocable Trust

Applicant(s): ODG 87, LLC

Contact information (email/phone): Zak Shipman, PE- zak@shipmanengineering.com; (919) 900-0006

Meeting Address: Zoom Virtual Meeting

Date of meeting: 7/21/25 Time of meeting: 5:30pm-6:30pm

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:

Any changes from previous meeting?

Applicant's Response:

Nothing substantial- we have had a few minor changes to some of the zoning conditions. We made a few minor edits per Town request. (We ran through buffer space, road widening in front of lots, existing pond soundness, etc.)

Question/Concern #2:

How close to Mr. Denmarks Property will the adjacent house be located?

Applicant's Response:

We went through the required perimeter buffer and the required building setback. We noted that we don't know the exact configuration of the houses or the footprint since these will be custom homes. We do not anticipate the house will be constructed right up on the side setback.

Question/Concern #3:

How big are the houses proposed and will the houses need to be approved by the town?

Applicant's Response:

We do not know exactly at this time, but anticipate 3,000 to 4,500 square feet. The town will have to review the building permits and they will have to match the proposed architectural conditions.

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, William Z. Shipman, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Zoom Virtual Meeting (location/address) on July 21, 2025 (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.

7/24/25
Date

By: Wm. Z. Shipman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Brigitte Joyce, a Notary Public for the above State and County, on this the 24 day of July, 2025.

SEAL

BRIGITTE JOYCE
NOTARY PUBLIC
Harnett County
North Carolina
My Commission Expires March 21, 2028

Brigitte Joyce
Notary Public

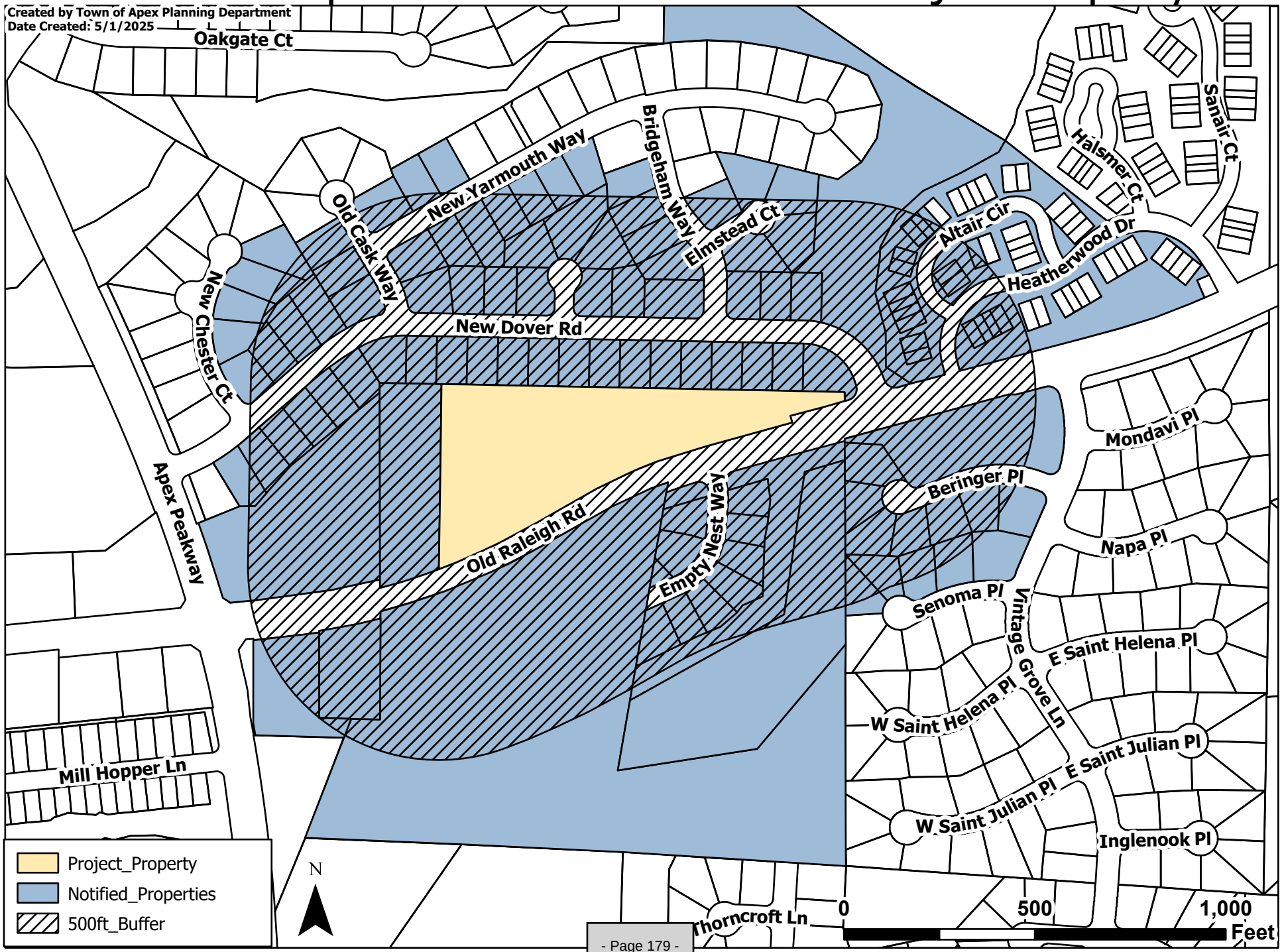
Brigitte Joyce
Print Name

My Commission Expires: March 21, 2028

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
2004 BRIDGEHAM WAY	0742837139	ADAMS, JOHN L ADAMS, ALISON E	2004 BRIDGEHAM WAY	APEX NC 27502-8949
3005 ELMSTEAD CT	0742839253	AUSTIN, PETER AUSTIN, ADRIENNE	3005 ELMSTEAD CT	APEX NC 27502-8954
1321 EMPTY NEST WAY	0742826190	BACON, EDWARD E JR BACON, LINDA M	1321 EMPTY NEST WAY	APEX NC 27502-9300
2009 BRIDGEHAM WAY	0742834295	BANKERT, DAVID WAYNE TRUSTEE BANKERT, ELIZA TYLER TRUSTEE	2009 BRIDGEHAM WAY	APEX NC 27502-8950
1211 OLD RALEIGH RD	0742822598	BEASLEY, MELBA M	125 LOLLIBERRY DR	HOLLY SPRINGS NC 27540-7988
1317 EMPTY NEST WAY	0742827163	BLASI, DONNA M TRUSTEE BLASI, JOSEPH N TRUSTEE	1317 EMPTY NEST WAY	APEX NC 27502-9300
1008 SENOMA PL	0742921167	BONESTELL, JOEL D BONESTELL, STEPHANIE KAY	1008 SENOMA PL	APEX NC 27502-8934
142 HEATHERWOOD DR	0742923830	BOYLAN, JESSICA	142 HEATHERWOOD DR	APEX NC 27502-8540
1023 NEW DOVER RD	0742820758	BRYANT, NICHOLAS BRYANT, BETHANY	1023 NEW DOVER RD	APEX NC 27502-8956
1017 NEW DOVER RD	0742823727	BULA, GEOFFREY SIMON TRUSTEE BULA, CHRISTINE MARIE TRUSTEE	1017 NEW DOVER RD	APEX NC 27502-8956
5006 OLD CASK WAY	0742739118	BULLOCK, NATHAN CURTIS JR TRUSTEE BULLOCK, RAYLENE NOLAN TRUSTEE	5006 OLD CASK WAY	APEX NC 27502-8957
5001 OLD CASK WAY	0742728933	BURGIN, DOUGLAS A BURGIN, MARGARET B	5001 OLD CASK WAY	APEX NC 27502-8958
1025 NEW DOVER RD	0742729788	CAPPOLI, LUCIAN C WILDER, LISA ANN	1025 NEW DOVER RD	APEX NC 27502-8956
128 ALTAIR CIR	0742932046	CARWILE, STEPHEN	128 ALTAIR CIR	APEX NC 27502-8552
129 HEATHERWOOD DR	0742925940	CIPPERLY, PATRICIA A	129 HEATHERWOOD DR	APEX NC 27502-8541
1013 NEW DOVER RD	0742824787	COPELAND, JOSEPH DOUGLAS JR COPELAND, SUSAN	1013 NEW DOVER RD	APEX NC 27502-8956
1102 NEW DOVER RD	0742728856	COYLE, DAVID A COYLE, STEPHANIE	1102 NEW DOVER RD	APEX NC 27502-7129
1207 OLD RALEIGH RD	0742729364	CURTIS, BETTY M	EDWARD DENMARK	1207 RAINESVIEW LN APEX NC 27502-7151
3003 NEW YARMOUTH WAY	0742830079	CZARNECKI, MICHAEL T	3003 NEW YARMOUTH WAY	APEX NC 27502-8960
3005 NEW YARMOUTH WAY	0742831142	DAVIS, MISCHA H	3005 NEW YARMOUTH WAY	APEX NC 27502-8960
119 ALTAIR CIR	0742934083	DURHAM, WILLIAM P DURHAM, PAMELA C	119 ALTAIR CIR	APEX NC 27502-8553
124 ALTAIR CIR	0742933104	EASTWICK, JOAN	124 ALTAIR CIR	APEX NC 27502-8552
0 EMPTY NEST WAY	0742826232	EDWARDS CREEK HOMEOWNERS ASSOCIATION,INC	2509 SOUTHWINDS RUN	APEX NC 27502-6512
135 ALTAIR CIR	0742923996	EDWARDS, TERRY G	135 ALTAIR CIR	APEX NC 27502-8553
133 HEATHERWOOD DR	0742924897	EPSTEIN, MEREDITH W	133 HEATHERWOOD DR	APEX NC 27502-8541
1009 NEW DOVER RD	0742826747	FARRELL, WILLIAM N JR FARRELL, SYLVIA A	1009 NEW DOVER RD	APEX NC 27502-8956
2003 BRIDGEHAM WAY	0742836002	FELDMAN, TIMOTHY P FELDMAN, MARGARET SIBERT	2003 BRIDGEHAM WAY	APEX NC 27502-8950
3003 ELMSTEAD CT	0742838235	FOLTZ, WILLIAM G FOLTZ, MICHELLE C	3003 ELMSTEAD CT	APEX NC 27502-8954
1016 NEW CHESTER CT	0742736025	FORSBERG, ERIC B FORSBERG, JENNIFER V	1016 NEW CHESTER CT	APEX NC 27502-7119
1100 NEW DOVER RD	0742727911	FRISCH, GAVIN TRAVIS, KAYLA M	1100 NEW DOVER RD	APEX NC 27502-7129
1010 BERINGER PL	0742921462	FRITTS, ANNA-MARTIN A DAVIS, JACK H	1010 BERINGER PL	APEX NC 27502-8933
138 ALTAIR CIR	0742922868	GAINEY, DONNA J	138 ALTAIR CIR	APEX NC 27502-8552
1004 SENOMA PL	0742923212	GARRISON, CYNTHIA E TRUSTEE THE GARRISON TRUST	1004 SENOMA PL	APEX NC 27502-8934
140 HEATHERWOOD DR	0742922893	GEE, TONJA	140 HEATHERWOOD DR	APEX NC 27502-8540
1206 OLD RALEIGH RD	0742718927	GRAY-HEARN, MARGUERITE BROWN, GARY	1206 OLD RALEIGH RD	APEX NC 27502-9236
1103 NEW DOVER RD	0742727666	GRIMES, ROBERT V GRIMES, CHRISTINA L	1103 NEW DOVER RD	APEX NC 27502-7130
5005 OLD CASK WAY	0742737067	HAIRE, CHRISTOPHER KENT HAIRE, MEHRIN M	5005 OLD CASK WAY	APEX NC 27502-8958
1001 BERINGER PL	0742925379	HAMM, CHARLES M HAMM, NOEL E	1001 BERINGER PL	APEX NC 27502-8933
1106 NEW DOVER RD	0742725744	HARTLEY, JOHN A JR HARTLEY, SUSAN C	1106 NEW DOVER RD	APEX NC 27502-7129
1015 NEW DOVER RD	0742824707	HARVEY, WARREN C HARVEY, CATHERINE D	1015 NEW DOVER RD	APEX NC 27502-8956
136 ALTAIR CIR	0742922981	HAWKINS, PEGGY	136 ALTAIR CIR	APEX NC 27502-8552
1002 SENOMA PL	0742924205	HAZI, GERALD MARK TRUSTEE MALYS-HAZI, JANE A TRUSTEE	1002 SENOMA PL	APEX NC 27502-8934
0 OLD RALEIGH RD	0742937004	HEATHERWOOD TOWNHOME ASSOCIATION	PPM INC OF RALEIGH	11010 RAVEN RIDGE RD RALEIGH NC 27614-8837
1009 BERINGER PL	0742922303	HOCKERSMITH, LINDA J HOCKERSMITH, DOUGLAS C	1009 BERINGER PL	APEX NC 27502-8933
1325 EMPTY NEST WAY	0742826026	HSE PROPERTIES LLC	PO BOX 1776	CARY NC 27512-1776
3009 NEW YARMOUTH WAY	0742832261	HYATT, DALE N HYATT, LAUREN	3009 NEW YARMOUTH WAY	APEX NC 27502-8960
1006 SENOMA PL	0742922221	HYMAN, KRISTY L	1006 SENOMA PL	APEX NC 27502-8934
1309 EMPTY NEST WAY	0742828255	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512
1008 BERINGER PL	0742921573	JOYCE, DONALD K JOYCE, KATHERINE W	1008 BERINGER PL	APEX NC 27502-8933
0 OLD RALEIGH RD	0742828081	JVI BUILDING & DEVELOPMENT INC	2509 SOUTHWINDS RUN	APEX NC 27502-6512
1200 OLD RALEIGH RD	0742716973	KATZ AND DAWGS LLC	1200 OLD RALEIGH RD	APEX NC 27502-9236
2001 BRIDGEHAM WAY	0742826914	KLINE, LISA ANN FOSTER TRUSTEE KLINE, ANTHONY LOREN DAVIS TRUSTEE	2001 BRIDGEHAM WAY	APEX NC 27502-8950
5003 OLD CASK WAY	0742738000	LANGLOIS, ALLEN J LANGLOIS, GLADYS LYNN	5003 OLD CASK WAY	APEX NC 27502-8958
1005 NEW DOVER RD	0742827797	LAU, SOPHIA	2516 VETERAN AVE	LOS ANGELES CA 90064-3233
2007 BRIDGEHAM WAY	0742835116	LICAUSE, JOSEPH F JR LICAUSE, SARAH T	2007 BRIDGEHAM WAY	APEX NC 27502-8950
126 ALTAIR CIR	0742932183	MAHLER, MARY BETH	126 ALTAIR CIR	APEX NC 27502-8552
3002 ELMSTEAD CT	0742839141	MALEKZAI, ROMAN DROLSHAGEN, TAYLOR	3002 ELMSTEAD CT	APEX NC 27502-8953
131 HEATHERWOOD DR	0742925828	MCBAIN, ROBERT A MCBAIN, MARY K	131 HEATHERWOOD DR	APEX NC 27502-8541
1024 NEW DOVER RD	0742820916	MCDOWELL, PAUL EDWARD MCDOWELL, COLLEEN CATHERINE	1024 NEW DOVER RD	APEX NC 27502-8955
1014 NEW DOVER RD	0742824966	MCGOWEN, JOHN DAVID MCGOWEN, LUCINDA T	1014 NEW DOVER RD	APEX NC 27502-8955
1027 NEW DOVER RD	0742729708	MERANDA, WESLEY A MERANDA, KATHRYN A	1027 NEW DOVER RD	APEX NC 27502-8956
1105 NEW DOVER RD	0742727611	MILLER, RANDALL J MILLER, SUSAN L	1105 NEW DOVER RD	APEX NC 27502-7130
3007 NEW YARMOUTH WAY	0742832106	MILLIRON, BRENT MILLIRON, REBEKAH	3007 NEW YARMOUTH WAY	APEX NC 27502-8960
1305 EMPTY NEST WAY	0742828364	MILLS, MATTHEW KEVIN HAMMOND, TINA RENEE	1305 EMPTY NEST WAY	APEX NC 27502-9300
1011 NEW DOVER RD	0742825767	MONK, JUSTINE NICOLE MONK, JOSHUA LEWIS	1011 NEW DOVER RD	APEX NC 27502-8956
1005 BERINGER PL	0742923397	MORPHY, JUDITH S	1005 BERINGER PL	APEX NC 27502-8933
3002 NEW YARMOUTH WAY	0742739294	NANCE, EMILY S KHANNA, ASHWIN	3002 NEW YARMOUTH WAY	APEX NC 27502-8959
1022 NEW DOVER RD	0742821908	NANCE, JOHN R NANCE, TERRI C	1022 NEW DOVER RD	APEX NC 27502-8955
132 ALTAIR CIR	0742922977	NANCE, RALLIE CLIFTON NANCE, HENRIETTA DAVIS	132 ALTAIR CIR	APEX NC 27502-8552
1210 OLD RALEIGH RD	0742812857	OLIVE, ROSS M OLIVE, NANCY M	137 BRIARFIELD DR	APEX NC 27502-7008
1000 NEW DOVER RD	0742920905	OLIVER, GARY THOMAS WOLFSIE, CAROLYN MICHELLE	1000 NEW DOVER RD	APEX NC 27502-8955
134 ALTAIR CIR	0742922942	OVERTON, MARY P	134 ALTAIR CIR	APEX NC 27502-8552
3000 ELMSTEAD CT	0742838026	PATEL, KOMAL R HAROHALLI, ABHIRAM S	3000 ELMSTEAD CT	APEX NC 27502-8953
1019 NEW DOVER RD	0742822747	PATEL, MAHAMMADIRSHAD A PATEL, FEHMIDA M	3220 QUEENSLAND RD	RALEIGH NC 27614-7292
1104 NEW DOVER RD	0742726709	PAYER, RUSSELL PAYER, CHRISTINA	1104 NEW DOVER RD	APEX NC 27502-7129
1314 EMPTY NEST WAY	0742826277	PERRY, JOSEPH H PERRY, CONSTANCE J	1314 EMPTY NEST WAY	APEX NC 27502-9300
122 ALTAIR CIR	0742933143	PIPER, WILLIAM MARION	122 ALTAIR CIR	APEX NC 27502-8552
1002 NEW DOVER RD	0742829935	POORBOY, WILLIAM POORBOY, ANN	1002 NEW DOVER RD	APEX NC 27502-8955
1201 OLD RALEIGH RD	0742727307	PRESCHOOL ENTERPRISES LLC	4915 WATERS EDGE DR STE 255	RALEIGH NC 27606-3370
1003 BERINGER PL	0742934389	QUINN, DENNIS III QUINN, MEGAN	1003 BERINGER PL	APEX NC 27502-8933
1111 NEW DOVER RD	0742725426	RAY, DANIEL B BURNEY, SARAH E	1111 NEW DOVER RD	APEX NC 27502-7130
2002 CHARINGTON CT	0742834076	RIZK, NABIL A RIZK, MARIA A	2002 CHARINGTON CT	APEX NC 27502-8951
133 ALTAIR CIR	0742934003	ROSSKAMP, KAREN A	133 ALTAIR CIR	APEX NC 27502-8553
1001 NEW DOVER RD	0742829767	SASSAMAN, STEPHEN SASSAMAN, DENISE	1001 NEW DOVER RD	APEX NC 27502-8956
1003 NEW DOVER RD	0742828787	SCHALLER, LEE T SCHALLER, MEREDITH E	1003 NEW DOVER RD	APEX NC 27502-8956
135 HEATHERWOOD DR	0742924876	SCHULZE, EUGENE STEPHAN SCHULZE, EILEEN M	135 HEATHERWOOD DR	APEX NC 27502-8541
2004 CHARINGTON CT	0742833175	SEAWELL, MATTHEW SEAWELL, LINDSEY	2004 CHARINGTON CT	APEX NC 27502-8951
1021 NEW DOVER RD	0742821758	SHAVER, TIMOTHY JAMES SHAVER, MEREDITH KAY	1021 NEW DOVER RD	APEX NC 27502-8956
0 NEW DOVER RD	0742932392	SHEPHERDS VINEYARD COMMUNITY ASSOCIATION INC	4505 ALLIANCE NELISE RD	RALEIGH NC 27609-6277
3011 NEW YARMOUTH WAY	0742833225	SHOEMAKER, SPENCER H SHOEMAKER, PAMELA J	3011 NEW YARMOUTH WAY	APEX NC 27502-8960
1014 NEW CHESTER CT	0742725977	SIEGL, ADELAIDE MORAN	1014 NEW CHESTER CT	APEX NC 27502-7119
130 ALTAIR CIR	0742932033	SMITH, LUCILLE ST CLAIR	130 ALTAIR CIR	APEX NC 27502-8552
1000 SENOMA PL	0742925216	STIMPSON, VINCENT JAMES STIMPSON, AUBREY ROSE	1000 SENOMA PL	APEX NC 27502-8934
1018 NEW DOVER RD	0742822997	STRUNK, CORLEY STRUNK, JOHN	1018 NEW DOVER RD	APEX NC 27502-8955
1300 EMPTY NEST WAY	0742827306	SUMMERFIELD, MITCHELL SUMMERFIELD, SHANTEL A	1300 EMPTY NEST WAY	APEX NC 27502-9300
2003 CHARINGTON CT	0742832057	SWANSON, RYAN S SWANSON, KRISTINA GLADDEN	2003 CHARINGTON CT	APEX NC 27502-8952
1020 NEW DOVER RD	0742821987	SYMM, JEFFREY B SYMM, ANN M	1020 NEW DOVER RD	APEX NC 27502-8955
1012 NEW DOVER RD	0742825946	TAYLOR, DAVID RANDOLPH TRUSTEE TAYLOR, DONNA RAYE TRUSTEE	1012 NEW DOVER RD	APEX NC 27502-8955
3004 NEW YARMOUTH WAY	0742830268	TINGLEY, CAROL ANN TRUSTEE TRUSTEE OF CAROL ANN TINGLEY REVOCABLE TRUST	701 PARKER ST	FUQUAY VARINA NC 27526-2186
3001 NEW YARMOUTH WAY	0742739094	TOOMBS, TIMOTHY FLORA, DENISE L	3001 NEW YARMOUTH WAY	APEX NC 27502-8960
1107 NEW DOVER RD	0742726546	UPCHURCH, THOMAS ALLEN UPCHURCH, JULIE F	1107 NEW DOVER RD	APEX NC 27502-7130
1007 NEW DOVER RD	0742827727	VAUGHAN, WILLIAM J VAUGHAN, PATRICIA A	1007 NEW DOVER RD	APEX NC 27502-8956
1000 BERINGER PL	0742925600	VINTAGE GROVE HOMEOWNERS ASSOC INC	PO BOX 1149	APEX NC 27502-3149
1101 NEW DOVER RD	0742728722	VITULLO, GARY VITULLO, SUSAN	1101 NEW DOVER RD	APEX NC 27502-7130
1004 NEW DOVER RD	0742828945	WEGMAN, KYLE ROBERT WEGMAN, SUMMER LYNN	1004 NEW DOVER RD	APEX NC 27502-8955
1006 NEW CHESTER CT	0742725813	WEINER, SOLOMON B TRUSTEE BECKHAM, SONJA S TRUSTEE	1006 NEW CHESTER CT	APEX NC 27502-7119
1010 NEW CHESTER CT	0742725931	WEISER, ROBERT R WEISER, CATHERINE V	1010 NEW CHESTER CT	APEX NC 27502-7119
1109 NEW DOVER RD	0742725590	WELLS, ROBERT O	5430 PARKWOOD DR	RALEIGH NC 27612-6227
1301 EMPTY NEST WAY	0742828471	WILLOW, ZACHARY HRTYANSKI, EMILEE	1301 EMPTY NEST WAY	APEX NC 27502-9300
2005 BRIDGEHAM WAY	0742835059	WUTHENOW, MARGARET MARY TRUSTEE WUTHENOW, ERIC KEVIN TRUSTEE	2005 BRIDGEHAM WAY	APEX NC 27502-8950
1007 BERINGER PL	0742922393	WYNNE, WILLIAM L WYNNE, SUZANNE R	1007 BERINGER PL	APEX NC 27502-8933
3013 NEW YARMOUTH WAY	0742833298	YOUNG, JAY ALLIN YOUNG, WENDY BRYNILDSEN	3013 NEW YARMOUTH WAY	APEX NC 27502-8960
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	1309 Empty Nest WAY	APEX NC 27502
		Current Tenant	1313 Empty Nest WAY	APEX NC 27502
		Current Tenant	1325 Empty Nest WAY	APEX NC 27502
		Current Tenant	1005 New Dover RD	APEX NC 27502
		Current Tenant	1019 New Dover RD	APEX NC 27502
		Current Tenant	1109 New Dover RD	APEX NC 27502
		Current Tenant	3004 New Yarmouth WAY	APEX NC 27502
		Current Tenant	1201 Old Raleigh RD	APEX NC 27502
		Current Tenant	1204 Old Raleigh RD	APEX NC 27502
		Current Tenant	1207 Old Raleigh RD	APEX NC 27502
		Current Tenant	1210 Old Raleigh RD	APEX NC 27502
		Current Tenant	1211 Old Raleigh RD	APEX NC 27502

Created by Town of Apex Planning Department
Date Created: 5/1/2025

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 #25CZ07
1211 Old Raleigh Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Dan Morse, ODG 87, LLC
Authorized Agents: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Property Address: 1211 Old Raleigh Road
Acreage: ±6.40 acres
Property Identification Number (PIN): 0742822598
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 11, 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/50975/25CZ07.

Dianne F. Khin, AICP
Planning Director

Published Dates: July 28- August 11, 2025

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

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OF PUBLIC HEARINGS
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Dianne F. Khin, AICP
Planning Director

Published Dates: July 28- August 11, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ07
1211 Old Raleigh Road (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitantes: Dan Morse, ODG 87, LLC
Agente autorizado: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Dirección de la propiedad: 1211 Old Raleigh Road
Superficie: ±6.40 acres
Números de identificación de la propiedad: 0742822598
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la pr esidential-Conditional Zoning

89°F Mostly sunny
11:38 AM 7/28/2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ07
1211 Old Raleigh Road (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

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Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning

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: 11 de agosto 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/50975/25CZ07.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 28 de julio - 11 de agosto de 2025



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/lmaps. 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/50975/25CZ07.

Dianne F. Khin, AICP
Planning Director

Published Dates: July 28- August 11, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ07
1211 Old Raleigh Road (Desarrollo de Unidad Planificada)

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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/lmaps. 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/50975/25CZ07.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 28 de julio - 11 de agosto de 2025.

89°F Mostly sunny
11:39 AM 7/28/2025

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 #25CZ07 1211 Old Raleigh Road
Project Location:	1211 Old Raleigh Road
Applicant or Authorized Agent:	Dan Morse; Zak Shipman
Firm:	ODG 87, LLC; Shipman Engineering, PLLC
Planning Board Public Hearing Date:	August 11, 2025
Project Planner:	Lauren Staudenmaier

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 July 28, 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 300' of the land subject to notification.

7/28/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 28th day of July, 2025.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

SEAL

Notary Public

My Commission Expires: 10/3/2027

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ07
1211 Old Raleigh 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 Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Dan Morse, ODG 87, LLC
Authorized Agents: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Property Address: 1211 Old Raleigh Road
Acreage: ±6.40 acres
Property Identification Number (PIN): 0742822598
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: August 26, 2025 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/50975/25CZ07.

Dianne F. Khin, AICP
Planning Director

Published Dates: August 4-August 26, 2025

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ07
1211 Old Raleigh 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 Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

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Authorized Agents: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Property Address: 1211 Old Raleigh Road
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Property Identification Number (PIN): 0742822598
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Town Council Public Hearing Date and Time: August 26, 2025 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/Maps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4278. 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/50975/25CZ07

Dianne F. Khin, AICP
Planning Director

Published Dates: August 4-August 26, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ07
1211 Old Raleigh Road (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitantes: Dan Morse, ODG 87, LLC
Agente autorizado: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Dirección de la propiedad: 1211 Old Raleigh Road
Superficie: ±6.40 acres
Números de identificación de la propiedad: 0742822598
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la pr sidential-Conditional Zoning (MD-CZ)

70°F Mostly cloudy
9:12 AM 8/4/2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ07
1211 Old Raleigh Road (Desarrollo de Unidad Planificada)

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Solicitantes: Dan Morse, ODG 87, LLC
Agente autorizado: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Dirección de la propiedad: 1211 Old Raleigh Road
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Números de identificación de la propiedad: 0742822598
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 26 de agosto de 2025 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/50975/25CZ07.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 4 de agosto - 26 de agosto de 2025



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/lmaps. 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/50975/25CZ07

Dianne F. Khin, AICP
Planning Director

Published Dates: August 4-August 26, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ07
1211 Old Raleigh Road (Desarrollo de Unidad Planificada)

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Agente autorizado: Dan Morse, ODG 87, LLC; Zak Shipman, Shipman Engineering, PLLC
Dirección de la propiedad: 1211 Old Raleigh Road
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Números de identificación de la propiedad: 0742822598
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
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Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

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

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Fecha y hora de la audiencia pública del Consejo Municipal: 26 de agosto de 2025 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/lmaps. 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/50975/25CZ07

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 4 de agosto - 26 de agosto de 2025

USD/CNY -0.46%
9:13 AM 8/4/2025

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 # 25CZ07 1211 Old Raleigh Road
Project Location:	1211 Old Raleigh Road
Authorized Agent:	Dan Morse; Zak Shipman
Firm:	ODG 87, LLC; Shipman Engineering, PLLC
Town Council Public Hearing Date:	August 26, 2025
Project Planner:	Lauren Staudenmaier

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 August 4, 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 300' of the land subject to notification.

8/5/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 5th day of AUGUST, 2025.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

Notary Public

My Commission Expires: 10/3/2027



Public Hearing Sign Posted By

Signature

6/13/2025
Date

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Office of Student Assignment
5625 Dillard Dr.
Cary, NC 27518
studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

July 15, 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: June 2, 2025
- Name of development: 25CZ07 1211 Old Raleigh Rd
- Address of rezoning: 1211 Old Raleigh Rd
- Total number of proposed residential units: 3
- 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: #25CZ07 1211 Old Raleigh Road

Planning Board Meeting Date: August 11, 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: ± 6.40 acres

PIN(s): 0742822598

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval with an additional condition to limit density to three residential lots total.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Sarah Soh

☐ *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:

As presented with an additional condition to limit density to three residential lots total. Applicant agreed to this additional condition.

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

With 9 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Tina Sherman - concerned about site being developed at all with the dam. Climate change is real; even more concerned after last week. Any disturbance to lot with two streams will cause additional flooding.

This report reflects the recommendation of the Planning Board, this the 11th day of August 2025.

Attest:

Tina Sherman, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2025.08.11 18:05:14 -04'00'

Dianne Khin, Planning Director

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. 2025-
ANNEXATION PETITION NO. 804
TOWNES ON 1011 | OLD US 1 HIGHWAY – 26.218 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 August 26, 2025, 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 "TOTAL AREA TO BE ANNEXED = 1,142,058 SF OR 26.218 AC" 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 August 26, 2025. 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 July 16, 2025 and Land Surveyor dated July 16, 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 26th day of August, 2025.

_____
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

26.218 Area to be Annexed
Properties of Beazer Homes, LLC
PIN: 0731-10-7868 & 0731-10-7055
DB 19381, PG 1061
Apex, NC

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found (N=709,810.61 & E=2,031,358.60), said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence leaving the

northerly right-of-way of Old US Highway 1, N 06° 09′ 06″ E 197.90′ to an iron pipe found;

Thence N 06° 10′ 02″ E 333.26′ to an iron pipe found;

Thence N 06° 04′ 18″ E 81.25′ to an iron pipe found;

Thence N 06° 10′ 51″ E 417.58′ to an iron pipe found;

Thence N 06° 07′ 54″ E 315.53′ to an iron pipe found;

Thence N 06° 10′ 18″ E 174.26′ to an iron pipe found;

Thence N 06° 19′ 01″ E 29.04′ to an iron pipe found;

Thence N 06° 06′ 28″ E 383.71′ to an iron pipe found, said iron pipe also being along the southerly line of the Now or Formerly Stephen & Suzanne Dalessandro Property (DB 12878, PG 1775);

Thence S 88° 12′ 41″ E 106.90′ to an iron pipe found;

Thence S 88° 11′ 41″ E 199.81′ to an iron pipe found;

Thence S 88° 09′ 32″ E 149.71′ to an iron pipe set, said iron pipe also being the northwestern corner of the Now or Formerly Patricia Fish Jones Property (DB 4148, PG 437);

Thence S 11° 34′ 39″ E 74.91′ to an iron pipe found;

Thence S 11° 34′ 44″ E 570.47′ to an iron pipe found;

Thence S 11° 38′ 55″ E 160.12′ to an iron pipe found;

Thence S 11° 34′ 39″ E 129.79′ to an iron pipe found;

Thence S 11° 34′ 39″ E 173.36′ to a computed point, said computed point also being along the westerly line of the Now or Formerly Larry Alan Goll Property (DB 5378, PG 665);

Thence leaving the westerly line of the Now or Formerly Larry Goll Property, S 51° 59′ 24″ W 317.49′ to an iron pipe found;

Thence S 11° 43′ 44″ E 90.55′ to an iron pipe found;

Thence S 11° 41′ 01″ E 299.45′ to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1;

Thence with the northerly right-of-way of Old US Highway 1, S 71° 12′ 22″ W 180.68′ to an iron pipe found;

Thence S 71° 10′ 58″ W 574.48′ to an iron pipe found, said iron pipe also being THE POINT AND PLACE OF BEGINNING and containing 1,142,058 square feet or 26.218 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.

****

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. 2025-_____, adopted at a meeting of the Town Council, on the 26th day of August, 2025, 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 26th day of August, 2025.

_____
Allen L. Coleman, CMC
Town Clerk

(SEAL)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 26, 2025

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing on possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 26.218 acres, project commonly known as "Townes on 1011", located on Old US 1 Highway, Annexation No. 804, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- PH4-A1: Annexation Ordinance – Annexation No. 804 – Townes on 1011 – Old US 1 Highway – 26.218 acres
- PH4-A2: Public Hearing Notice – Annexation No. 804 – Townes on 1011 – Old US 1 Highway – 26.218 acres
- PH4-A3: Legal Description – Annexation No. 804 – Townes on 1011 – Old US 1 Highway – 26.218 acres
- PH4-A4: Aerial Map – Annexation No. 804 – Townes on 1011 – Old US 1 Highway – 26.218 acres
- PH4-A5: Plat Map – Annexation No. 804 – Townes on 1011 – Old US 1 Highway – 26.218 acres
- PH4-A6: Annexation Petition – Annexation No. 804 – Townes on 1011 – Old US 1 Highway – 26.218 acres

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (August 14, 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 **26th day of August, 2025**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation No. 804
Townes on 1011 – Old US 1 Highway – 26.218 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. 804" 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, August 26, 2025.

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.

###

Bohler Engineering NC, PLLC
4130 Parklake Avenue, Suite 200
Raleigh, NC 27612
919.578.9000

Date: June 9, 2025

Legal Description of a 26.218 Area to be Annexed Properties of Beazer Homes, LLC PIN: 0731-10-7868 & 0731-10-7055 DB 19381, PG 1061 Apex, NC

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found (N=709,810.61 & E=2,031,358.60), said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence leaving the northerly right-of-way of Old US Highway 1, N 06° 09’ 06” E 197.90’ to an iron pipe found;
Thence N 06° 10’ 02” E 333.26’ to an iron pipe found;
Thence N 06° 04’ 18” E 81.25’ to an iron pipe found;
Thence N 06° 10’ 51” E 417.58’ to an iron pipe found;
Thence N 06° 07’ 54” E 315.53’ to an iron pipe found;
Thence N 06° 10’ 18” E 174.26’ to an iron pipe found;
Thence N 06° 19’ 01” E 29.04’ to an iron pipe found;
Thence N 06° 06’ 28” E 383.71’ to an iron pipe found, said iron pipe also being along the southerly line of the Now or Formerly Stephen & Suzanne Dalessandro Property (DB 12878, PG 1775);

Thence S 88° 12’ 41” E 106.90’ to an iron pipe found;
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Thence S 11° 34’ 44” E 570.47’ to an iron pipe found;
Thence S 11° 38’ 55” E 160.12’ to an iron pipe found;
Thence S 11° 34’ 39” E 129.79’ to an iron pipe found;
Thence S 11° 34’ 39” E 173.36’ to a computed point, said computed point also being along the westerly line of the Now or Formerly Larry Alan Goll Property (DB 5378, PG 665);

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Thence S 11° 41’ 01” E 299.45’ to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1;

Thence with the northerly right-of-way of Old US Highway 1, S 71° 12’ 22” W 180.68’ to an iron pipe found;
Thence S 71° 10’ 58” W 574.48’ to an iron pipe found, said iron pipe also being THE POINT AND PLACE OF BEGINNING and containing 1,142,058 square feet or 26.218 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.

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 #: 804 Submittal Date: 6-2-2025

Fee Paid $ 300.00 Check # CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Beazer Homes LLC	0731-10-7868
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(919) 995-5607	daniel.zinner@beazer.com
Phone	E-mail Address
Beazer Homes LLC	0791-10-7055
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(919) 995-5607	daniel.zinner@beazer.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Bohler Engineering

Phone: (919) 578-9000 Fax:

E-mail Address: Dylan Teabo dteabo@bohlereng.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	26.218	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:	148	Sewer service (new construction)	☑
Zoning District*:	PUD	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 #: 804 Submittal Date: 6-2-2025

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 #: 804 Submittal Date: 6-2-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, BEAZER HOMES 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 12 day of May, 2025.

Name of Limited Liability Company BEAZER HOMES LLC

By: Daniel Beimer
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Grant Shadduck, a Notary Public for the above State and County, this the 12th day of May, 2025.

SEAL

GRANT SHADDUCK
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires June 14, 2028

Notary Public

My Commission Expires: June 14, 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: _____

NOTES:

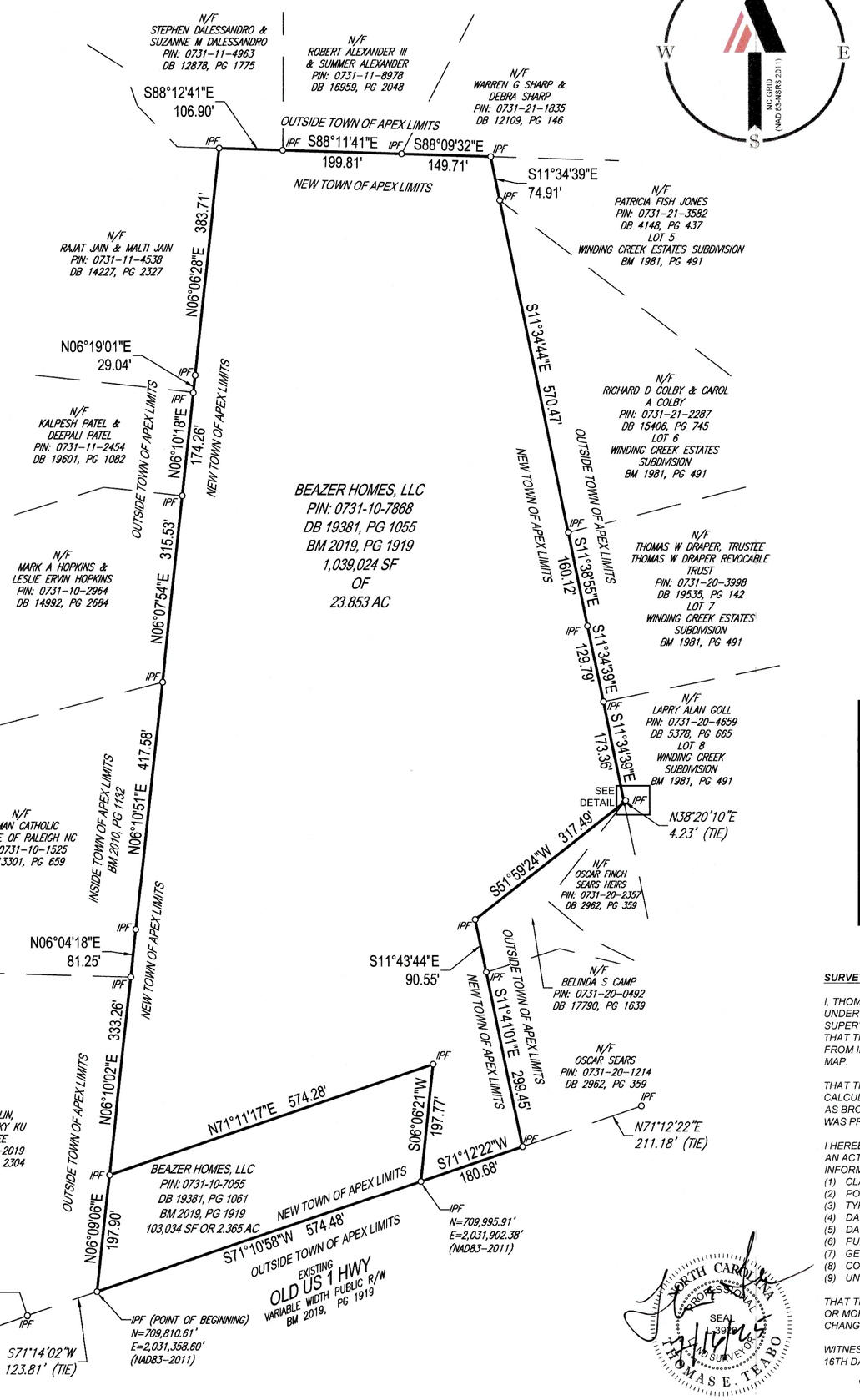
1. THE FIRM HAS RELIED UPON TITLE REPORT FURNISH BY METRO TITLE COMPANY TITLE COMMITMENT: MET2021-02442 DATED AUGUST 24, 2021 AT 5:00PM, WHILE AND IN PREPARING THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY TITLE EXCEPTIONS NOT DISCLOSED BY THE REFERENCED TITLE COMMITMENT.
2. AREAS COMPUTED BY COORDINATE METHOD.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
6. NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK.
7. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
8. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X", AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAPS 3720073100K & 3720073000K, PANELS 0731 & 0730 EFFECTIVE DATE JULY 19, 2022.

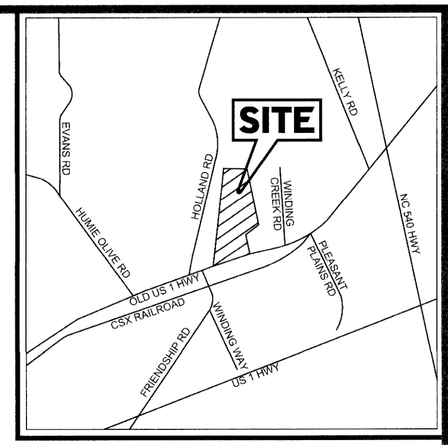
ANNEXATION #_____

I, ALLEN COLEMAN. CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 2025, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____
DAY/MONTH/YEAR

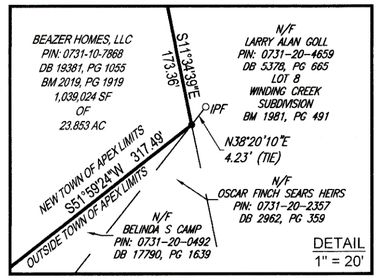
_____
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

TOTAL AREA TO BE ANNEXED=
1,142,058 SF OR 26.218 AC





SITE LOCATION MAP
SCALE: N.T.S.



LEGEND

- LINE SURVEYED
- LINE NOT SURVEYED
- O IPF — IRON PIPE FOUND
- ● — COMPUTED POINT

REFERENCES:

DB 2374, PG 459
DB 18552, PG 247
DB 17790, PG 1639
DB 11997, PG 528
DB 2962, PG 359
DB 17790, PG 1639
DB 1659, PG 1048
DB 12109, PG 146
DB 15406, PG 745
DB 4177, PG 900
DB 16959, PG 1048
DB 5578, PG 665
DB 13301, PG 659
DB 14227, PG 2327
DB 17253, PG 2601
DB 14992, PG 2684
DB 19153, PG 401
DB 5281, PG 563
BM 1981, PG 491
BM 2010, PG 1132
BM 2019, PG 247
BM 2019, PG 1919

SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1: 10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

(1) CLASS OF SURVEY: "CLASS A"
(2) POSITIONAL ACCURACY: 0.04'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
(4) DATES OF SURVEY: 08/20/2021-05/30/2024
(5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
(6) PUBLISHED/FIXED-CONTROL USE: NCVRS
(7) GEOID MODEL: 2012 (CONUS)
(8) COMBINED GRID FACTOR(S): 0.999890272
(9) UNITS: US SURVEY FEET

THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND AND SEAL THIS 16TH DAY OF JULY A.D., 2025.

NORTH CAROLINA PROFESSIONAL SEAL 3920 LAND SURVEYOR THOMAS E. TEABO

SURVEYOR NC L-3920

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES
THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM BOHLER, ONLY APPROVED PLANS IN ORIGINAL SEALED FORMAT SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES.
© BOHLER

REVISIONS

REV	DATE	COMMENT	DRAWN BY / CHECKED BY

PROJECT No.:	NS211089
DRAWN BY:	DET
CHECKED BY:	JT / TET
DATE:	07/16/2025
CAD I.D.:	S-ANNX-PLAT
FIELD DATE:	05/30/2024
CREW CHIEF:	CC
APPROVED:	TET

PROJECT:

ANNEXATION MAP FOR THE TOWN OF APEX

FOR

BEAZER HOMES, LLC

PINS: 0731-10-7868, 0731-10-7055
DB 19381, PG 1055
TOWN OF APEX,
BUCKHORN TOWNSHIP
WAKE COUNTY, NORTH CAROLINA

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

150 75 37.5 0 150
SCALE: 1" = 150'

FINAL

SHEET NUMBER:
1
OF 1

ORG. DATE - 07/16/2025

H:\2021\NS211089\CAD\DRAWINGS\ANNEXNS211089-ANNEX_---LAYOUT: SHEET 1
RJ


Annexation #803
Townes on 1011
Pavia Trce
Bella Casa
Vittorio Ln
Termini Dr
Holland Rd
Vecchio Ln
Vasari Dr
Manzoni Dr
Vetrina Way
The Summit
Red Cardinal Ln
Winding Creek
Winding Creek Rd
Maggie Valley Dr
West Village
Voekler St
Stegemann St
Mars Hill Ln
Boham Ct
Kings View Trl
Pleasant Park
Old US 1 Hwy
Pleasant Plains Rd
July 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
400
800
Feet

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 26, 2025

Item Details

Presenter(s): Bruce Venable, Planner II

Department(s): Planning

Requested Motion

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

Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their August 11, 2025, meeting and unanimously recommended approval.

Item Details

Requested by Planning Staff:

1. Amendments to Secs. 2.3.2 *Amendments to the Text of this Ordinance or Official Zoning District Map (Rezonings)*; 2.3.3 *Conditional Zoning Districts*; 2.3.4 *Planned Development Districts*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 4.4.2 *Public and Civic Uses*; 4.4.3 *Utilities*; 4.4.5 *Commercial Uses*; 4.5.1 *Accessory Uses and Structures;* 7.2.1 *Design Standards, Streets*; 7.5.4 *Required Improvements, Streets*; 7.5.7 *Storm Drainage*; 8.1.2 *Resource Conservation Area*; 8.3.9 *Off-Street Parking Alternatives*; 8.3.10 *Parking Structures;* 8.6.1 *Exterior Lighting, Purpose and Intent*; and 12.2 *Terms Defined*, in order to provide greater clarity regarding the UDO's requirements as they relate to surrounding uses and properties.

Attachments

- PH5-A1: Staff Report - Unified Development Ordinance (UDO) Amendments-Staff - August 2025
- PH5-A2: Public Notice - Unified Development Ordinance (UDO) Amendments-Staff – August 2025
- PH5-A3: Planning Board Report to Town Council - Unified Development Ordinance (UDO) Amendments-Staff
- PH5-A4: Ordinance - Unified Development Ordinance (UDO) Amendments-Staff - August 2025

Requested by Planning Staff:

1. **Amendments to Secs. 2.3.2 *Amendments to the Text of this Ordinance or Official Zoning District Map (Rezonings)*; 2.3.3 *Conditional Zoning Districts*; 2.3.4 *Planned Development Districts*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 4.4.2 *Public and Civic Uses*; 4.4.3 *Utilities*; 4.4.5 *Commercial Uses*; 4.5.1 *Accessory Uses and Structures;* 7.2.1 *Design Standards, Streets*; 7.5.4 *Required Improvements*, *Streets*; 7.5.7 *Storm Drainage*; 8.1.2 *Resource Conservation Area*; 8.3.9 *Off-Street Parking Alternatives*; 8.3.10 *Parking Structures;* 8.6.1 *Exterior Lighting, Purpose and Intent*; and 12.2 *Terms Defined*, in order to provide greater clarity regarding the UDO's requirements as they relate to surrounding uses and properties.**

Background: Planning staff, in coordination with the Town's Legal Department, is proposing these amendments to align with recent case law requiring municipalities to include clear and specific language in UDO provisions related to surrounding uses and properties adjacent to a development site.

2.3.2 Amendments to the Text of this Ordinance or Official Zoning District Map (Rezonings)

…

E) *Standards*

…

1) *Compatible with **all** surrounding uses*. Whether and the extent to which the proposed amendment is compatible with **all** existing and **all** proposed uses surrounding the subject land.

…

2.3.3 Conditional Zoning Districts

…

F) *Legislative Considerations*

…

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

…

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 **all** surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

2.3.4 Planned Development Districts

…

F) *Standards*

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

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

…

a) *Development parameters*

…

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

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

…

…

d) Landscaping. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

…

2) *Traditional Neighborhood District (TND-CZ)*

…

b) *Development Parameters*

…

(v) The design of development in the PD Plan for TND-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in **all** the surrounding **areas of the proposed cul-de-sac**

indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

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

…

(ix) Landscaping. The PD Plan for TND-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

…

3) *Major Employment Center (MEC-CZ) District*

…

a) *Development Parameters*

…

(iii) The design of development in the PD Plan for MEC-CZ results in:

…

(g) A design that is compatible with the character of **all** surrounding land uses and maintains and enhances the value of **all** surrounding properties.

…

c) *RCA and landscaping*. The PD Plan for MEC-CZ establishes a resource conservation area (RCA). The criteria used to establish the RCA shall comply with Sec. 8.1.2 *Resource Conservation Area*. Landscaping and illumination complies with the standards of Sec. 8.2 Landscaping, Buffering and Screening, and Sec. 8.6 *Exterior Lighting*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area.

…

e) *Public Facilities*

…

(iv) Detailed Design Guidelines are prepared for the PD Plan for MEC-CZ that shall control design guidelines for architecture, the development of open space, natural drainage areas, streets, utilities, and if appropriate, off-street parking and loading, landscaping and signage. The Detailed Design Guidelines shall ensure development proposed for the site is compatible with **all**

surrounding land uses, maintains Apex's small-town character, and encourages compact development and interconnectivity to the greatest extent possible through the use of interrelated and linked pedestrian ways, bike ways and other transportation systems

…

M) *Minor Deviations*

…

1) *Height*. An increase of building height by not more than 10%, as long as the height increase is consistent with the contextual height of **all** ~~the~~ surrounding buildings and structures, the PD Plan and Article 9: Design Standards, or a detailed design plan (if appropriate).

2.3.5 Special Use Permit

…

D) *Standards*

…

1) *Compatibility*. The proposed Special Use Permit shall be appropriate for its proposed location and compatible with the character of **all** surrounding land uses.

…

3) *Design avoids significant adverse impacts, avoids being a nuisance, and minimizes adverse impact*. The proposed Special Use Permit shall not have a significant adverse impact on **all** surrounding lands (including but not limited to) regarding trash, traffic service delivery, parking and loading, odors, noise, glare, visual impact, and vibration. The proposed Special Use Permit shall not create a nuisance. The proposed Special Use Permit shall be designed to minimize adverse effects of the proposed use on adjacent lands.

…

E) *Conditions and Restrictions*

The Board of Adjustment may impose, in approving the Special Use Permit, such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, it determines are required by the standards of this Section to prevent or minimize adverse effects from the proposed use and development on **all** surrounding land uses. All conditions imposed on any special use shall be expressly set forth in the Special Use Permit.

…

2.3.6 Site Plan

A) *Purpose*

Site plan review is required by this Ordinance to ensure that the proposed layout and general design of proposed development complies with Article 8: General Development Standards, all other appropriate portions of this Ordinance, and the proposed development is compatible with **all** surrounding land uses.

…

4.4.2 Supplemental Standards, Public and Civic Uses

…

E) Veterinary Clinic or Hospital

…

2) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions

…

b) Such areas within the Small Town Character Overlay District shall be buffered to ensure compatibility with **all** surrounding land uses by complying with the buffer standards of Sec. 8.2.6 *Buffering*.

…

4.4.3 Supplemental Standards, Utilities

A) *Chipping and Mulching*

…

5) *Buffered*. The operation shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

…

B) *Communication Towers*

…

2) *Stealth Communication Tower*.

…

e) If co-location is impracticable, the new tower is designed:

…

(iv) To be consistent with the general character of **all** the surrounding area and land uses, in terms of height, bulk, texture and color;

…

3) *Camouflage Stealth Communication Tower.*

…

b) The structure shall be compatible with the architectural style and character of buildings/structures of ~~the~~ **all** surrounding area. A determination of architectural compatibility shall include, but not be limited to color, materials, and architectural style

…

C) *Electrical Power Facility*

An electrical power facility use shall comply with the following standards:

...

2) *Setback*. The proposed electrical power facility shall be setback a minimum of 100 feet from property lines and buffered to ensure it does not have an adverse impact on **all** surrounding land uses;

3) *Compatibility*. If deemed necessary to ensure land use compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed electrical power facility use shall be provided at the time the facility is constructed or when surrounding development occurs.

F) *Recycling Plant*

A recycling plant use shall comply with the following standards:

1) *Location and buffers*. The proposed recycling plant shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

…

G) *Utility, Minor*

…

2) *Compatibility*. The proposed minor utility shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. If deemed necessary to ensure compatibility with **all** surrounding uses, setbacks, screening and buffering around the perimeter of the utility shall be required at the time the facility is developed.

…

H) *Sanitary Landfill*

A sanitary landfill use shall comply with the following standards:

1) *Location and buffers*. The proposed sanitary landfill shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed sanitary landfill shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

…

I) *Land Clearing and Inert Debris Landfill*

A land clearing and inert debris landfill use shall comply with the following standards:

1) *Location and buffers*. The proposed land clearing and inert debris landfill shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed landfill shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

…

J) *Wireless Support Structures and Wireless Communication Facilities*

Wireless support structures and wireless communication facilities to be located in a public right-of-way shall comply with the following standards:

…

2) *Definitions applicable to this Sec. 4.4.3.J.*

…

Least Intrusive Means: The method of designing potential wireless support structures or wireless communication facilities to minimize visual and aesthetic impacts, including camouflage and/or stealth elements and techniques suitable for the location, visual environment and **all** surrounding uses/structures. The Least Intrusive Means addresses a significant gap in the applicant's service while doing the least harm or disservice to the Town's purpose and objectives provided in Sec. 4.4.3.J.1.

…

4.4.5 Supplemental Standards, Commercial Uses

…

F) *Public Accommodation*

1) *Bed and breakfast*. A bed and breakfast use shall comply with the following standards:

…

g) One parking space shall be provided for each guest room. Parking shall not be permitted in the front yard. On-street parking shall be permitted on residential side streets. There shall be 20 feet of street frontage for every on-street parking space. On-site parking shall be screened with a landscaped buffer to reduce undue noise, odor or glare on **all** surrounding lands. Additional off-street parking for bed and breakfasts within a PUD-CZ Planned Unit Development District, a TND-CZ Traditional Neighborhood District, the SD-CZ Sustainable Development Conditional Zoning District, or a MORR Mixed-Office-Residential-Retail District shall be provided at the rate indicated for general restaurant uses if restaurant services are provided to non-guests.

h) The bed and breakfast shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6; and

…

G) *Retail Sales and Service*

An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit.

…

3) *Farmer's market*. A farmer's market shall comply with the following standards:

…

c) The boundaries of the farmer's market shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

…

6) *Kennel*

…

b) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions:

…

(ii) Such areas within the Small Town Character Overlay District shall be buffered to ensure compatibility with **all** surrounding land uses by complying with the buffer standards of Sec. 8.2.6 Buffering.

…

…

9) *Laundromat*. A laundromat shall be designed to ensure that the windows and doors on the front and sides of the building shall be consistent and compatible in size and number with **all** surrounding land uses.

…

H) Vehicle Repair and Service

…

2) *Automotive service station*. An automotive service station use shall comply with the following standards:

…

b) The operation shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

…

4.5.1 Accessory Uses and Structures, Purpose

This Section authorizes the establishment of accessory uses and structures that are necessary and clearly incidental and subordinate to permitted uses and approved special use permits. Additional performance criteria are set forth in this Section for particular uses and structures in order to reduce potentially adverse impacts on **all** surrounding properties.

7.2.1 Design Standards, Streets

A) *Interconnectivity*

1) *Conformity with Advance Apex: The 2045 Transportation Plan*. The subdivision's street system shall conform to the Advance Apex: The 2045 Transportation Plan. In areas where no thoroughfares or collector streets are represented thereon, streets shall be designed and located in proper relation to existing and proposed streets, to the topography of the area, and to natural features such as streams, hills, and stands of trees. Residential streets should further be laid out in such manner as to encourage the flow of through-traffic at slow speeds, except upon major and minor thoroughfares. All proposed street designs shall provide for the appropriate projection of principal streets in **all** surrounding areas to permit reasonable access for **all** surrounding properties, both for current use and future subdivision. No private streets shall be allowed to be built within developments or subdivisions approved on or after October 15, 2002.

…

…

G) *Cul-de-sacs*

1) In general, cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in **all** the surrounding area**s of the proposed cul-de-sac** indicate that a through street is not essential in the

location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

…

7.5.4 Required Improvements, Streets

…

C) *Sidewalks*

…

2) …

…

b) Where street interconnectivity is not provided (such as but not limited to cul-de-sacs) within the development plan, pedestrian connections shall be constructed. The pedestrian connection requirement does not apply when a connection between two (2) cul-de-sacs would not improve connectivity with**in** the subdivision or to ~~surrounding~~ **areas adjacent to the subdivision** as determined by the Planning Director. The pedestrian connection shall be constructed according to the following:

…

7.5.7 Required Improvements, Storm Drainage

…

C) *Design of System Not Connected to Town System*
Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems on **all** surrounding properties.

…

8.1.2 Resource Conservation Area

…

F) *Development Activity Inside of the RCA*

…

3) Disturbance or construction activity may occur inside the RCA when construction is done in such a way as to protect significant resources with approval of the Planning Director for the following limited purposes:

…

b) The portion of stormwater wetlands and wet detention basins that include the constructed and planted wetland, basin area, vegetated, littoral shelf, and **all of** the surrounding interior embankments up to the top of dam elevation;

…

…

8.3.9 Off-Street Parking Alternatives
The Planning Director shall be authorized to approve alternatives to providing the number of off-street parking spaces required by the Off-Street Parking Schedules in accordance with this subsection.

…

E) *Other Eligible Alternatives*

For Minor and Major Site Plans and Master Subdivision Plans, the Planning Director may approve any other alternative to providing the requisite number of off-street parking spaces on the site of the subject development (including, but not limited to, a decrease in the number of proposed off-street parking spaces by not more than 10% from the minimum number of spaces otherwise required under Sec. 8.3) if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan will do at least as good of a job of protecting **all** surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

…

8.3.10 Parking Structures

A) *Design Requirements*

1) Parking Structures shall provide:

a) Adequate and uniform interior lighting without glare to **all** surrounding **areas.**

…

…

8.6.1 Exterior Lighting, Purpose and Intent

…

Lighting should be provided in areas of heavy vehicle and pedestrian use, and areas that are dangerous if unlit such as stairs, intersections, or changes in grade. Outdoor lighting should adequately serve the site while minimizing negative impacts on **all** surrounding properties.

12.2 Terms Defined

…

Downtown Festival District

The purpose and intent of the Downtown Festival District is to celebrate the Salem Street corridor and vicinity and encourage a diversity of activities and programming by allowing more outdoor entertainment options on public and private properties than in other areas of Town while being cognizant of **all** the surrounding residential neighborhood.

…

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed these amendments at their August 11, 2025, meeting and unanimously recommended approval.

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

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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

Requested by Planning Staff:

1. Amendments to Secs. 2.3.2 *Amendments to the Text of this Ordinance or Official Zoning District Map (Rezonings)*; 2.3.3 *Conditional Zoning Districts*; 2.3.4 *Planned Development Districts*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 4.4.2 *Public and Civic Uses*; 4.4.3 *Utilities*; 4.4.5 *Commercial Uses*; 4.5.1 *Accessory Uses and Structures;* 7.2.1 *Design Standards, Streets*; 7.5.4 *Required Improvements*, *Streets*; 7.5.7 *Storm Drainage*; 8.1.2 *Resource Conservation Area*; 8.3.9 *Off-Street Parking Alternatives*; 8.3.10 *Parking Structures;* 8.6.1 *Exterior Lighting, Purpose and Intent*; and 12.2 *Terms Defined*, in order to provide greater clarity regarding the UDO's requirements as they relate to surrounding uses and properties.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: August 26, 2025, 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: August 1, 2025 - August 26, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

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

A solicitud del personal de Planificación:

1. Enmiendas a las secciones 2.3.2 «Enmiendas al texto de esta ordenanza o al mapa oficial de zonificación (reclasificaciones)»; 2.3.3 «Distritos de zonificación condicional»; 2.3.4 «Distritos de desarrollo planificado»; 2.3.5 «Permiso de uso especial»; 2.3.6 *Plano del sitio*; 4.4.2 *Usos públicos y cívicos*; 4.4.3 *Servicios públicos*; 4.4.5 *Usos comerciales*; 4.5.1 *Usos y estructuras accesorios;* 7.2.1 *Normas de diseño, calles*; 7.5.4 *Mejoras necesarias*, *calles*; 7.5.7 *Drenaje pluvial*; 8.1.2 *Área de conservación de recursos*; 8.3.9 *Alternativas de estacionamiento fuera de la vía pública*; 8.3.10 *Estructuras de estacionamiento;* 8.6.1 *Iluminación exterior, propósito e intención*; y 12.2 *Términos definidos*, con el fin de proporcionar mayor claridad con respecto a los requisitos de la Ordenanza de Desarrollo Unificado (UDO) en lo que se refiere a los usos y propiedades circundantes.

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: 26 de agosto de 2025, 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 1 de agosto de 2025 al 26 de agosto de 2025

https://www.apexnc.org/DocumentCenter/View/51479/UDO_Legal_Ad_Aug_Combined?bidId=

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TOWN OF APEX
POST OFFICE BOX 250
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TEL. 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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Requested by Planning Staff:

1. Amendments to Secs. 2.3.2 *Amendments to the Text of this Ordinance or Official Zoning District Map (Rezonings)*; 2.3.3 *Conditional Zoning Districts*; 2.3.4 *Planned Development Districts*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 4.4.2 *Public and Civic Uses*; 4.4.3 *Utilities*; 4.4.5 *Commercial Uses*; 4.5.1 *Accessory Uses and Structures*; 7.2.1 *Design Standards, Streets*; 7.5.4 *Required Improvements, Streets*; 7.5.7 *Storm Drainage*; 8.1.2 *Resource Conservation Area*; 8.3.9 *Off-Street Parking Alternatives*; 8.3.10 *Parking Structures*; 8.6.1 *Exterior Lighting, Purpose and Intent*; and 12.2 *Terms Defined*, in order to provide greater clarity regarding the UDO's requirements as they relate to surrounding uses and properties.

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Dianne F. Khin, AICP
Planning Director

Published Dates: August 1, 2025 - August 26, 2025

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

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

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

A solicitud del personal de Planificación:

1. Enmiendas a las secciones 2.3.2 «Enmiendas al texto de esta ordenanza o al mapa oficial de zonificación (reclasificaciones)»; 2.3.3 «Distritos de zonificación condicional»; 2.3.4 «Distritos de desarrollo planificado»; 2.3.5 «Permiso de uso especial»; 2.3.6 *Plano del sitio*; 4.4.2 *Usos públicos y cívicos*; 4.4.3 *Servicios públicos*; 4.4.5 *Usos comerciales*; 4.5.1 *Usos y estructuras accesorios;* 7.2.1 *Normas de diseño, calles*; 7.5.4 *Mejoras necesarias, calles*; 7.5.7 *Drenaje pluvial*; 8.1.2 *Área de conservación de recursos*; 8.3.9 *Alternativas de estacionamiento fuera de la vía pública*; 8.3.10 *Estructuras de estacionamiento;* 8.6.1 *Iluminación exterior, propósito e intención*; y 12.2 *Términos definidos*, con el fin de proporcionar mayor claridad con respecto a los requisitos de la Ordenanza de Desarrollo Unificado (UDO) en lo que se refiere a los usos y propiedades circundantes.

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

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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 1 de agosto de 2025 al 26 de agosto de 2025

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PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: August 11, 2025

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Keith Braswell

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

☐ Denial of the proposed UDO amendment(s)

With 10 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of August 2025.

Attest:

Tina Sherman, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2025.08.11 18:53:04 -04'00'

Dianne Khin, Planning Director

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Sections 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 4.4.2, 4.4.3, 4.4.5, 4.5.1, 7.2.1, 7.5.4, 7.5.7, 8.1.2, 8.3.9 8.3.10, 8.6.1, 12.2 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.3.2 Amendments to the Text of this Ordinance or Official Zoning District Map (Rezonings)

…

E) *Standards*

…

1) *Compatible with **all** surrounding uses*. Whether and the extent to which the proposed amendment is compatible with **all** existing and **all** proposed uses surrounding the subject land.

…

2.3.3 Conditional Zoning Districts

…

F) *Legislative Considerations*

…

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

…

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 **all** surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

2.3.4 Planned Development Districts

…

F) *Standards*

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

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

…

a) *Development parameters*

…

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

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

…

d) Landscaping. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

…

2) Traditional Neighborhood District (TND-CZ)

…

b) Development Parameters

…

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

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

…

(ix) Landscaping. The PD Plan for TND-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

…

3) *Major Employment Center (MEC-CZ) District*

…

a) *Development Parameters*

…

(iii) The design of development in the PD Plan for MEC-CZ results in:

…

(g) A design that is compatible with the character of **all** surrounding land uses and maintains and enhances the value of **all** surrounding properties.

…

c) *RCA and landscaping*. The PD Plan for MEC-CZ establishes a resource conservation area (RCA). The criteria used to establish the RCA shall comply with Sec. 8.1.2 *Resource Conservation Area*. Landscaping and illumination complies with the standards of Sec. 8.2 Landscaping, Buffering and Screening, and Sec. 8.6 *Exterior Lighting*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area.

…

e) *Public Facilities*

…

(iv) Detailed Design Guidelines are prepared for the PD Plan for MEC-CZ that shall control design guidelines for architecture, the development of open space, natural drainage areas, streets, utilities, and if appropriate, off-street parking and loading, landscaping and signage. The Detailed Design Guidelines shall ensure development proposed for the site is compatible with **all** surrounding land uses, maintains Apex's small-town character, and encourages compact development and interconnectivity to the greatest extent possible through the use of interrelated and linked pedestrian ways, bike ways and other transportation systems

…

M) *Minor Deviations*

…

1) *Height*. An increase of building height by not more than 10%, as long as the height increase is consistent with the contextual height of **all** ~~the~~ surrounding buildings and structures, the PD Plan and Article 9: Design Standards, or a detailed design plan (if appropriate).

2.3.5 Special Use Permit

…

D) *Standards*

…

1) *Compatibility*. The proposed Special Use Permit shall be appropriate for its proposed location and compatible with the character of **all** surrounding land uses.

…

3) *Design avoids significant adverse impacts, avoids being a nuisance, and minimizes adverse impact*. The proposed Special Use Permit shall not have a significant adverse impact on **all** surrounding lands (including but not limited to) regarding trash, traffic service delivery, parking and loading, odors, noise, glare, visual impact, and vibration. The proposed Special Use Permit shall not create a nuisance. The proposed Special Use Permit shall be designed to minimize adverse effects of the proposed use on adjacent lands.

…

E) *Conditions and Restrictions*

The Board of Adjustment may impose, in approving the Special Use Permit, such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, it determines are required by the standards of this Section to prevent or minimize adverse effects from the proposed use and development on **all** surrounding land uses. All conditions imposed on any special use shall be expressly set forth in the Special Use Permit.

…

2.3.6 Site Plan

A) Purpose

Site plan review is required by this Ordinance to ensure that the proposed layout and general design of proposed development complies with Article 8: General Development Standards, all other appropriate portions of this Ordinance, and the proposed development is compatible with **all** surrounding land uses.

…

4.4.2 Supplemental Standards, Public and Civic Uses

…

E) Veterinary Clinic or Hospital

…

2) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions

…

b) Such areas within the Small Town Character Overlay District shall be buffered to ensure compatibility with **all** surrounding land uses by complying with the buffer standards of Sec. 8.2.6 *Buffering*.

…

4.4.3 Supplemental Standards, Utilities

A) *Chipping and Mulching*

…

5) *Buffered*. The operation shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

…

B) *Communication Towers*

…

2) *Stealth Communication Tower*.

…

e) If co-location is impracticable, the new tower is designed:

…

(iv) To be consistent with the general character of **all** the surrounding area and land uses, in terms of height, bulk, texture and color;

…

3) Camouflage Stealth Communication Tower.

…

b) The structure shall be compatible with the architectural style and character of buildings/structures of ~~the~~ **all** surrounding area. A determination of architectural compatibility shall include, but not be limited to color, materials, and architectural style

…

C) *Electrical Power Facility*

An electrical power facility use shall comply with the following standards:

...

2) *Setback*. The proposed electrical power facility shall be setback a minimum of 100 feet from property lines and buffered to ensure it does not have an adverse impact on **all** surrounding land uses;

3) *Compatibility*. If deemed necessary to ensure land use compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed electrical power facility use shall be provided at the time the facility is constructed or when surrounding development occurs.

F) *Recycling Plant*

A recycling plant use shall comply with the following standards:

1) *Location and buffers*. The proposed recycling plant shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

…

G) Utility, Minor

…

2) *Compatibility*. The proposed minor utility shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. If deemed necessary to ensure compatibility with **all** surrounding uses, setbacks, screening and buffering around the perimeter of the utility shall be required at the time the facility is developed.

…

H) *Sanitary Landfill*

A sanitary landfill use shall comply with the following standards:

1) *Location and buffers*. The proposed sanitary landfill shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed sanitary landfill shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

…

I) Land Clearing and Inert Debris Landfill

A land clearing and inert debris landfill use shall comply with the following standards:

1) *Location and buffers*. The proposed land clearing and inert debris landfill shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed landfill shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

…

J) Wireless Support Structures and Wireless Communication Facilities

Wireless support structures and wireless communication facilities to be located in a public right-of-way shall comply with the following standards:

1) …

2) *Definitions applicable to this Sec. 4.4.3.J.*

…

Least Intrusive Means: The method of designing potential wireless support structures or wireless communication facilities to minimize visual and aesthetic impacts, including camouflage and/or stealth elements and techniques suitable for the location, visual environment and **all** surrounding uses/structures. The Least Intrusive Means addresses a significant gap in the applicant's service while doing the least harm or disservice to the Town's purpose and objectives provided in Sec. 4.4.3.J.1.

…

4.4.5 Supplemental Standards, Commercial Uses

…

F) *Public Accommodation*

1) *Bed and breakfast*. A bed and breakfast use shall comply with the following standards:

…

g) One parking space shall be provided for each guest room. Parking shall not be permitted in the front yard. On-street parking shall be permitted on residential side streets. There shall be 20 feet of street frontage for every on-street parking space. On-site parking shall be screened with a landscaped buffer to reduce undue noise, odor or glare on **all** surrounding lands. Additional off-street parking for bed and breakfasts within a PUD-CZ Planned Unit Development District, a TND-CZ Traditional Neighborhood District, the SD-CZ Sustainable Development Conditional Zoning District, or a MORR Mixed-Office-Residential-Retail District shall be provided at the rate indicated for general restaurant uses if restaurant services are provided to non-guests.

h) The bed and breakfast shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6; and

…

G) *Retail Sales and Service*

An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit.

…

3) *Farmer's market*. A farmer's market shall comply with the following standards:

…

c) The boundaries of the farmer's market shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

…

6) *Kennel*

…

b) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions:

…

(ii) Such areas within the Small Town Character Overlay District shall be buffered to ensure compatibility with **all** surrounding land uses by complying with the buffer standards of Sec. 8.2.6 Buffering.

…

…

9) *Laundromat*. A laundromat shall be designed to ensure that the windows and doors on the front and sides of the building shall be consistent and compatible in size and number with **all** surrounding land uses.

…

H) Vehicle Repair and Service

…

2) *Automotive service station*. An automotive service station use shall comply with the following standards:

…

b) The operation shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

…

4.5.1 Accessory Uses and Structures, Purpose

This Section authorizes the establishment of accessory uses and structures that are necessary and clearly incidental and subordinate to permitted uses and approved special use permits. Additional performance criteria are set forth in this Section for particular uses and structures in order to reduce potentially adverse impacts on **all** surrounding properties.

7.2.1 Design Standards, Streets

A) *Interconnectivity*

1) *Conformity with Advance Apex: The 2045 Transportation Plan*. The subdivision's street system shall conform to the Advance Apex: The 2045 Transportation Plan. In areas where no thoroughfares or collector streets are represented thereon, streets shall be designed and located in proper relation to existing and proposed streets, to the topography of the area, and to natural features such as streams, hills, and stands of trees. Residential streets should further be laid out in such manner as to encourage the flow of through-traffic at slow speeds, except upon major and minor thoroughfares. All proposed street designs shall provide for the appropriate projection of principal streets in **all** surrounding areas to permit reasonable access for **all** surrounding properties, both for current use and future subdivision. No private streets shall be allowed to be built within developments or subdivisions approved on or after October 15, 2002.

…

…

G) *Cul-de-sacs*

2) In general, cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in **all** the surrounding area**s of the proposed cul-de-sac** indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

…

7.5.4 Required Improvements, Streets

…

C) Sidewalks

…

2) …

…

b) Where street interconnectivity is not provided (such as but not limited to cul-de-sacs) within the development plan, pedestrian connections shall be constructed. The pedestrian connection requirement does not apply when a connection between two (2) cul-de-sacs would not improve connectivity with**in** the subdivision or to surrounding **areas adjacent to the subdivision** as determined by the Planning Director. The pedestrian connection shall be constructed according to the following:

…

7.5.7 Required Improvements, Storm Drainage

…

C) *Design of System Not Connected to Town System*
Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems on **all** surrounding properties.

…

8.1.2 Resource Conservation, Resource Conservation Area

…

F) *Development Activity Inside of the RCA*

…

3) Disturbance or construction activity may occur inside the RCA when construction is done in such a way as to protect significant resources with approval of the Planning Director for the following limited purposes:

…

b) The portion of stormwater wetlands and wet detention basins that include the constructed and planted wetland, basin area, vegetated, littoral shelf, and **all of** the surrounding interior embankments up to the top of dam elevation;

…

…

8.3.9 Off-Street Parking and Loading, Off-Street Parking Alternatives

The Planning Director shall be authorized to approve alternatives to providing the number of off-street parking spaces required by the Off-Street Parking Schedules in accordance with this subsection.

…

E) *Other Eligible Alternatives*

For Minor and Major Site Plans and Master Subdivision Plans, the Planning Director may approve any other alternative to providing the requisite number of off-street parking spaces on the site of the subject development (including, but not limited to, a decrease in the number of proposed off-street parking spaces by not more than 10% from the minimum number of spaces otherwise required under Sec. 8.3) if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan will do at least as good of a job of protecting **all** surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

…

8.3.10 Off-Street Parking and Loading, Parking Structures

A) *Design Requirements*

1) Parking Structures shall provide:

a) Adequate and uniform interior lighting without glare to **all** surrounding **areas.**

…

…

8.6.1 Exterior Lighting, Purpose and Intent

…

Lighting should be provided in areas of heavy vehicle and pedestrian use, and areas that are dangerous if unlit such as stairs, intersections, or changes in grade. Outdoor lighting should adequately serve the site while minimizing negative impacts on **all** surrounding properties.

12.2 Terms Defined

…

Downtown Festival District

The purpose and intent of the Downtown Festival District is to celebrate the Salem Street corridor and vicinity and encourage a diversity of activities and programming by allowing more outdoor entertainment options on public and private properties than in other areas of Town while being cognizant of **all** the surrounding residential neighborhood.

…

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 _____2025.

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: CONSENT AGENDA

Meeting Date: August 26, 2025

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:

- July 11, 2022 – Special Town Council Meeting Minutes
- October 25, 2022 – Regular Town Council Meeting Minutes
- June 17, 2025 – Work Session Meeting Minutes
- June 24, 2025 – Regular Town Council Meeting Minutes

Approval Recommended?

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

Item Details

NOTE: This item was pulled from the Consent Agenda during the August 12, 2025, Town Council Meeting and requested to be added to New Business for discussion on August 26, 2026.

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

- NB1-A1: **DRAFT** Minutes – June 17, 2025 – Work Session Meeting Minutes
- NB1-A2: **DRAFT** Minutes – June 24, 2025 – Regular Town Council Meeting Minutes
- NB1-A3: **DRAFT** Minutes – July 11, 2022 – Special Town Council Meeting Minutes
- NB1-A4: **DRAFT** Minutes – October 25, 2022 – Regular Town Council Meeting Minutes

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, JUNE 17 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, June 17, 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=mVqldLNmE50

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Absent: None

Town Staff

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

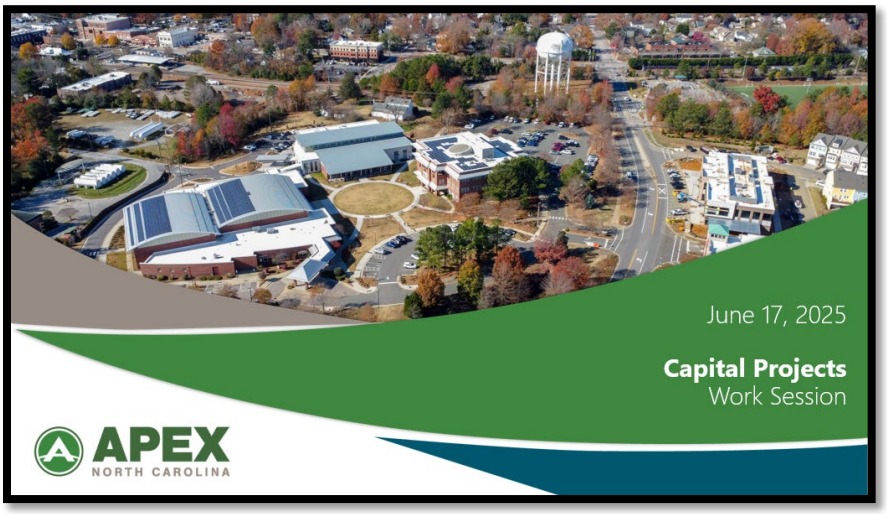
All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order at **3:30 p.m.**
Mayor Gilbert led all in attendance in the Pledge of Allegiance.

Town Manager Vosburg said that the Assistant Town Manager, Marty Stone, would be presenting the following Capital Projects and asking the Council for directions.

[SLIDE 1]



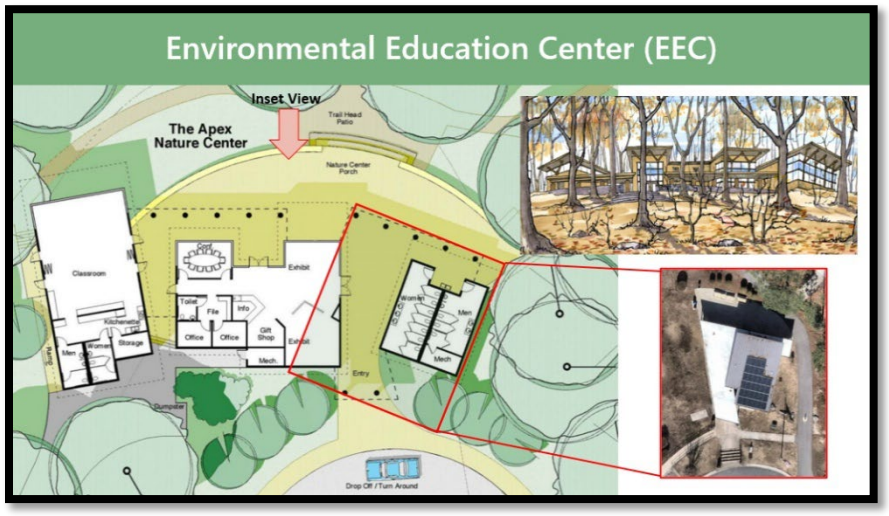
[SLIDE 2]



[ENVIRONMENTAL EDUCATION CENTER DESIGN OPTIONS]

Marty Stone, Assistant Town Manager gave the following presentation:

[SLIDE 1]



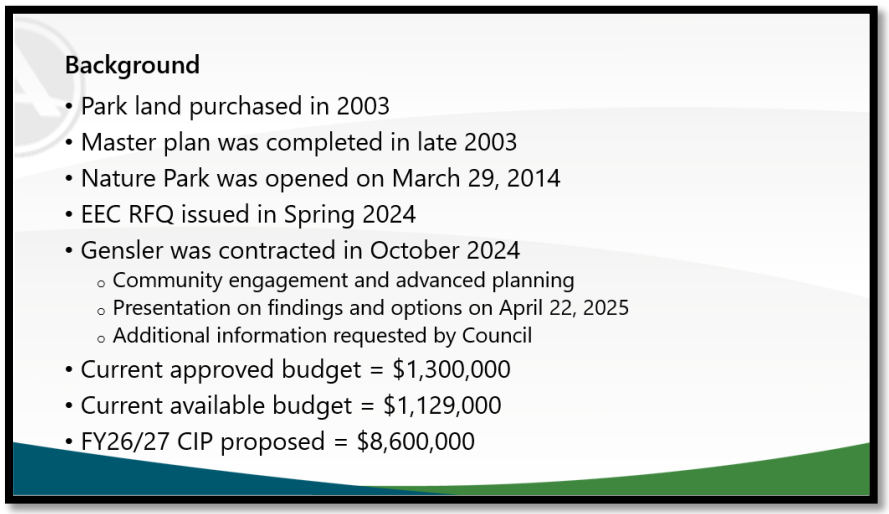
Councilmember Gantt asked why this building was the only one built in 2014.

Assistant Town Manager Stone said that it was believed to be the Council's decision because of the economics, and when the construction moved forward, the restroom facilities were built.

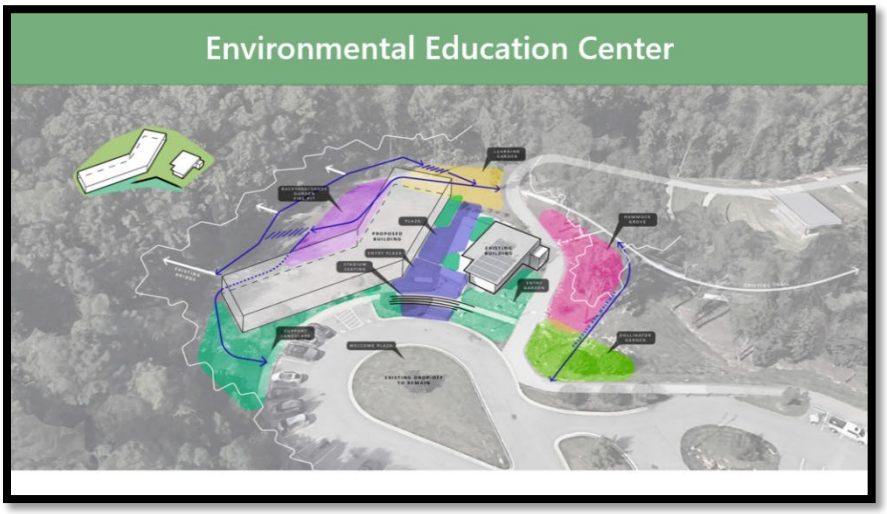
Councilmember Gantt asked why the type of building in the slide wasn't being built currently.

Assistant Town Manager Stone said that it was very similar but some of the look changed. He said this would be addressed further in the presentation.

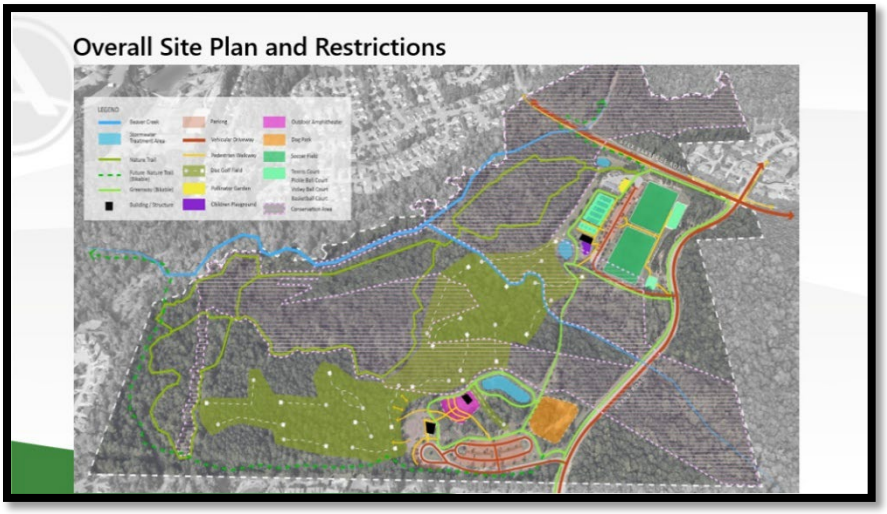
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Councilmember Gantt asked if the land across from Evans is available.

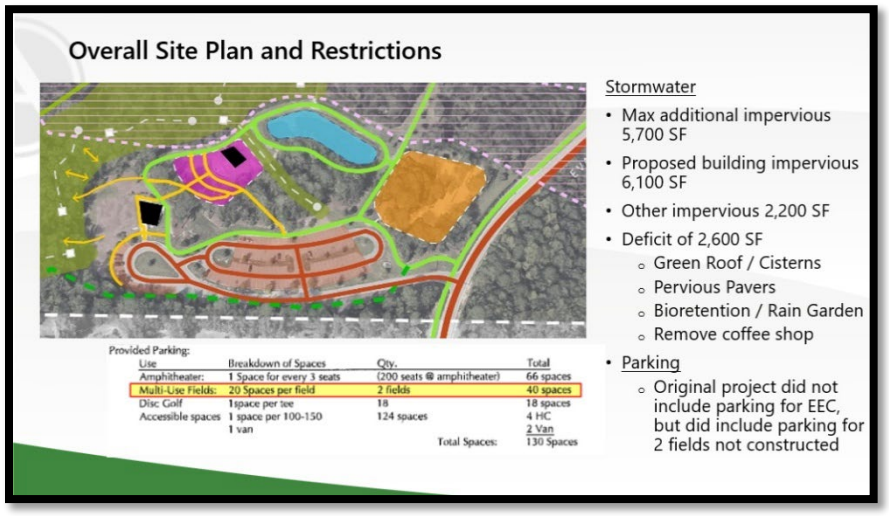
Assistant Town Manager Stone said that it could be used for something, and the park looked at possibly moving some of their maintenance facilities there.

Director Setzer said that the maintenance facility would be up to the northern side.

Councilmember Zegerman asked why it was important where the storm water pond was located.

Assistant Town Manager Stone explained that the stormwater pond is downhill and if a structure is built too far away it would be difficult to direct storm water back to the existing pond and they wouldn't want to have to build another one because of the trees that are on the site and wanting to conserve them.

[SLIDE 5]



[SLIDE 6]



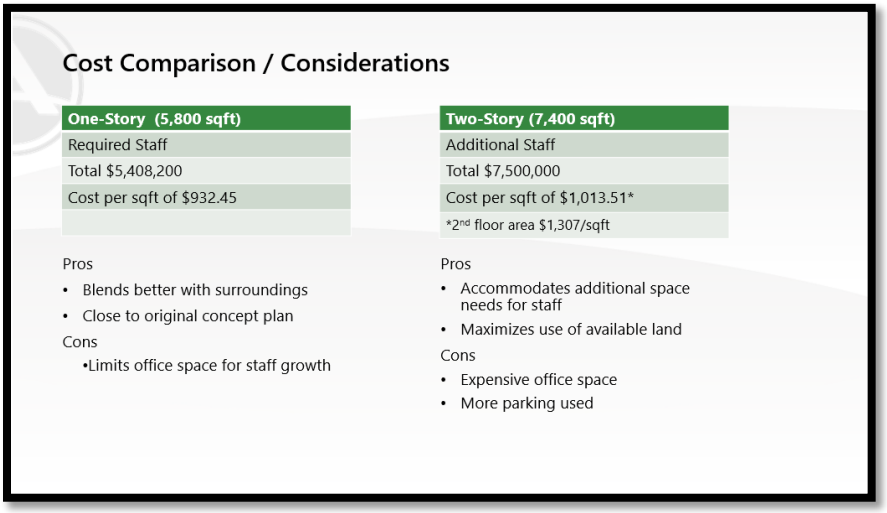
[SLIDE 7]



Councilmember Zegerman asked if there would only be two receptionists at a time, although there may be four in total.

Assistant Town Manager Stone said that is correct.

[SLIDE 8]



[SLIDE 9]



Assistant Town Manager Stone asked for directions from the Council.

Mayor Gilbert asked if there were any questions.

Councilmember Mahaffey said that the price for a 2-story to accommodate extra office space seems pricey.

Councilmember Zegerman said that he agreed, and this is not the best place to accommodate extra staff. He said that Fire Station 3 seems like a better option for that.

Assistant Town Manager Stone said that the 2-story becomes more of a focal point rather than the nature.

Councilmember Zegerman said that he liked the color scheme.

Assistant Town Manager Stone said that he did not like the roof and it would be changed from what is being presented.

Councilmember Mahaffey said that he was looking forward to the coffee shop.

Assistant Town Manager Stone said that they could look at adding it back if Council wanted.

Town Manager Vosburg said they could also look at a coffee cart type setup.

Mayor Pro-Tempore Gray said that this is a nature park and supported one story. He said that parking impacts would be something to consider, and this looked like it would accommodate it.

Councilmember Mahaffey said that looking at the future and possibly having to move staff parking across the street, moving the concession stand closer to the fields may be more successful.

Councilmember Killingsworth agreed not to add more office space considering cost and space limitation on the property. She said that she would be interested in looking at Olive Farm Park, but she supports moving forward with the Education Center here. She thanked Assistant Town Manager Stone for all of the work.

Assistant Town Manager Stone thanked the staff for getting all of the numbers together and the other data and staff working together to bring this together.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to approve the Environmental Education Center as a 1-story building at Apex Nature Park.

VOTE: UNANIMOUS (5-0)

[PLEASANT PARK FIELD DESIGN OPTIONS]

Marty Stone, Assistant Town Manager gave the following presentation:

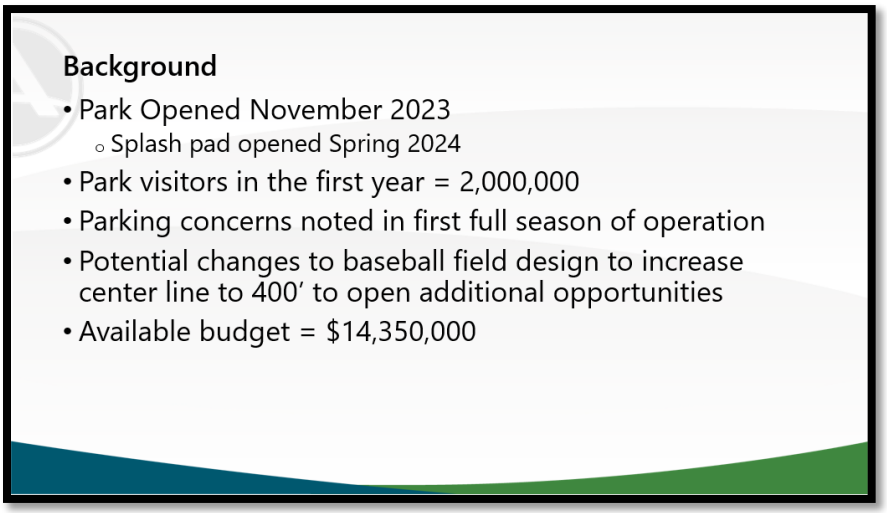
[SLIDE 1]



Councilmember Gantt asked if the section the side to the side of the baseball/softball fields would be open field.

Assistant Town Manager Stone said yes, it would be an open field but graded more than it is currently.

[SLIDE 2]



[SLIDE 3]



[SLIDE 4]

Parking Study

- Completed by TID in June 2025
- Existing parking capacity
- Data analyzed
  - Lacrosse tournament in November 2024
  - Sunday, May 1, 2025 (weekend afternoon)
  - Wednesday, June 4, 2025 (weekday afternoon)
  - Saturday, June 7, 2025 (weekend soccer tournament)
- Results
- Summary

[SLIDE 5]

Existing Parking Capacity



Parking Lot	Total Spaces / ADA Spaces
1	131 / 6
2	135 / 7
3	125 / 0
4	121 / 5
5	327 / 8
Total	**839 /26**

[SLIDE 6]

Parking Study Results

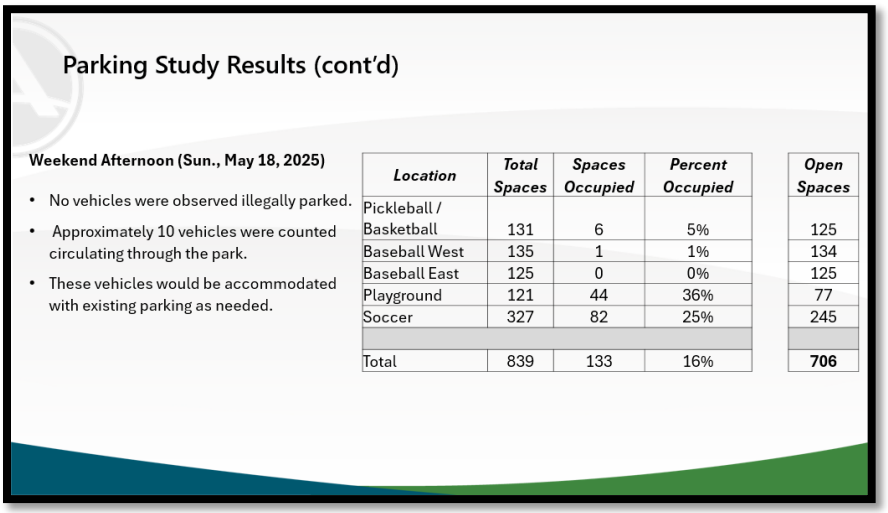
Weekend Tournament* (November 9, 2024)

- 92 vehicles were counted either circulating or parked in non-marked spots (along the back of curb on Recreation Drive, on landscaping islands, etc.)
- If all cars had been parked in marked a spaces, there would have been a **deficit of 20 spaces**

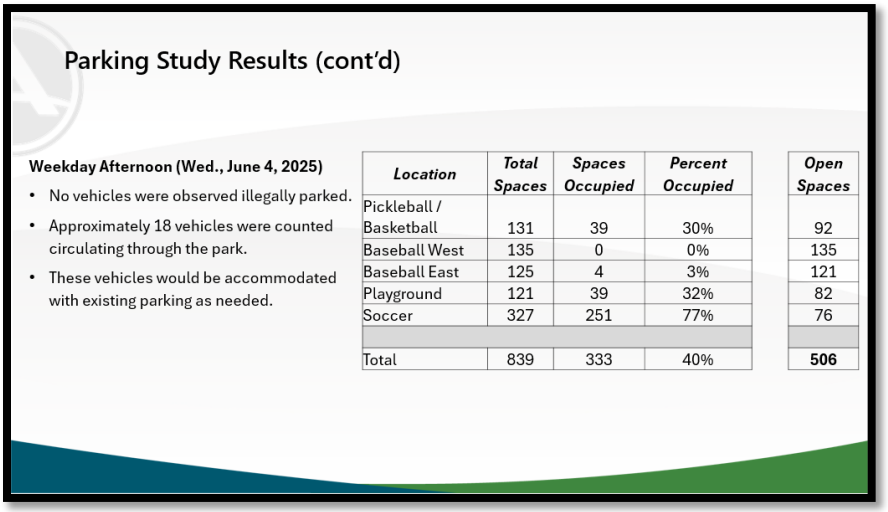
Location	*Total Spaces*	*Spaces Occupied*	*Percent Occupied*	*Open Spaces*
Pickleball / Basketball	131	71	54%	60
Baseball West	135	128	95%	7
Baseball East	125	124	99%	1
Playground	121	118	98%	3
Soccer	327	326	100%	1
Total	839	767	91%	**72**

*This was a lacrosse tournament, which typically involves teams coming to the park and staying for the day.

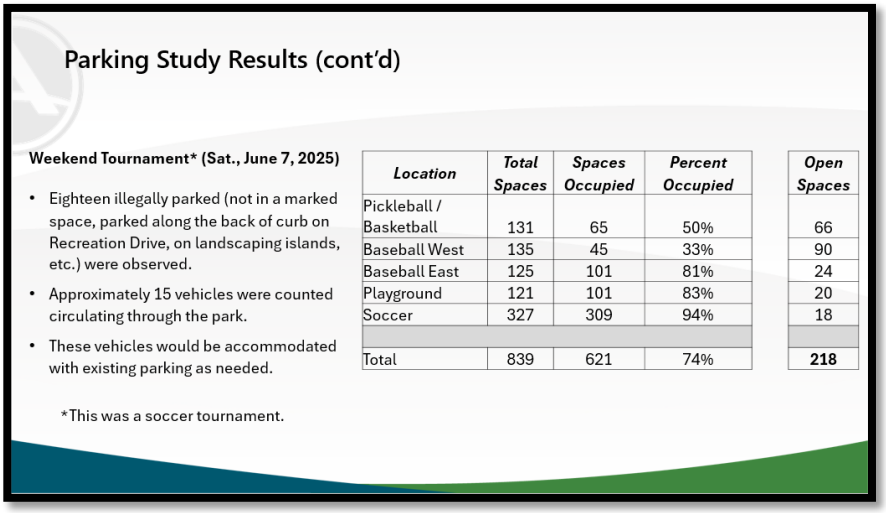
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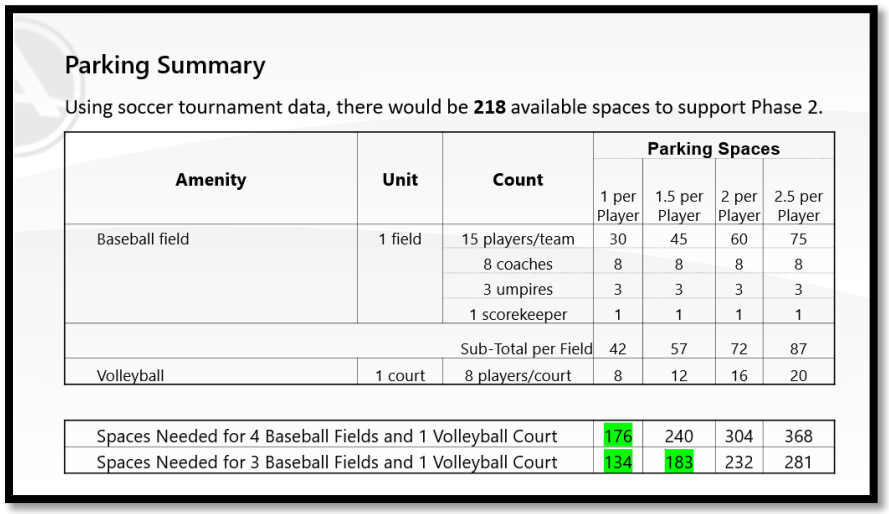
[SLIDE 8]



[SLIDE 9]



[SLIDE 10]



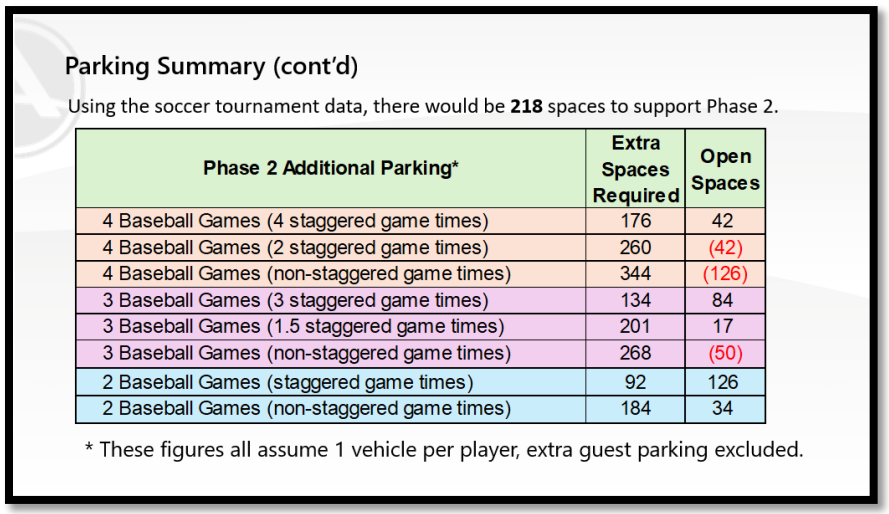
Parking Summary

Using soccer tournament data, there would be **218** available spaces to support Phase 2.

Amenity	Unit	Count	Parking Spaces			
			1 per Player	1.5 per Player	2 per Player	2.5 per Player
Baseball field	1 field	15 players/team	30	45	60	75
		8 coaches	8	8	8	8
		3 umpires	3	3	3	3
		1 scorekeeper	1	1	1	1
		Sub-Total per Field	42	57	72	87
Volleyball	1 court	8 players/court	8	12	16	20

Spaces Needed for 4 Baseball Fields and 1 Volleyball Court	176	240	304	368
Spaces Needed for 3 Baseball Fields and 1 Volleyball Court	134	183	232	281

[SLIDE 11]



Parking Summary (cont'd)

Using the soccer tournament data, there would be **218** spaces to support Phase 2.

Phase 2 Additional Parking*	Extra Spaces Required	Open Spaces
4 Baseball Games (4 staggered game times)	176	42
4 Baseball Games (2 staggered game times)	260	(42)
4 Baseball Games (non-staggered game times)	344	(126)
3 Baseball Games (3 staggered game times)	134	84
3 Baseball Games (1.5 staggered game times)	201	17
3 Baseball Games (non-staggered game times)	268	(50)
2 Baseball Games (staggered game times)	92	126
2 Baseball Games (non-staggered game times)	184	34

* These figures all assume 1 vehicle per player, extra guest parking excluded.

Councilmember Gantt asked what the frequency of tournaments were currently.

Assistant Town Manager Stone said that there are 6 to 9 tournaments total that are anticipated per year once the baseball fields are in place.

Councilmember Killingsworth said to add to that people that will be coming to the other fields or equipment.

Assistant Town Manager Stone said that the assumption for the study was that this was captured. He said that if families are going to the splashpad and the parking lot was that full then this would deter families from going.

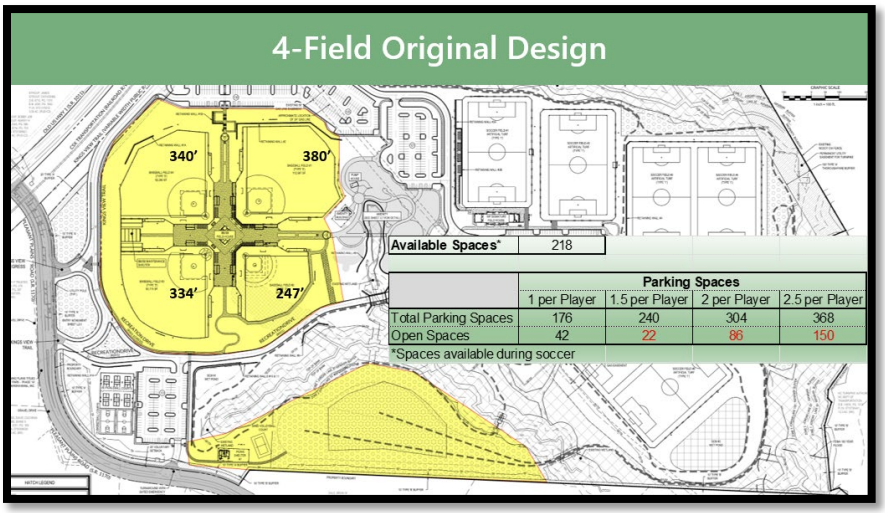
Councilmember Zegerman asked if the scenario was that every player would probably drive in their own car.

Assistant Town Manager Stone said yes, and moving in the future the one way to address this would be to have additional transit options to the field.

Town Manager Vosburg said that parking challenges also encourages people to carpool, because it's a known concern.

Councilmember Zegerman said that this happens for the downtown area too.

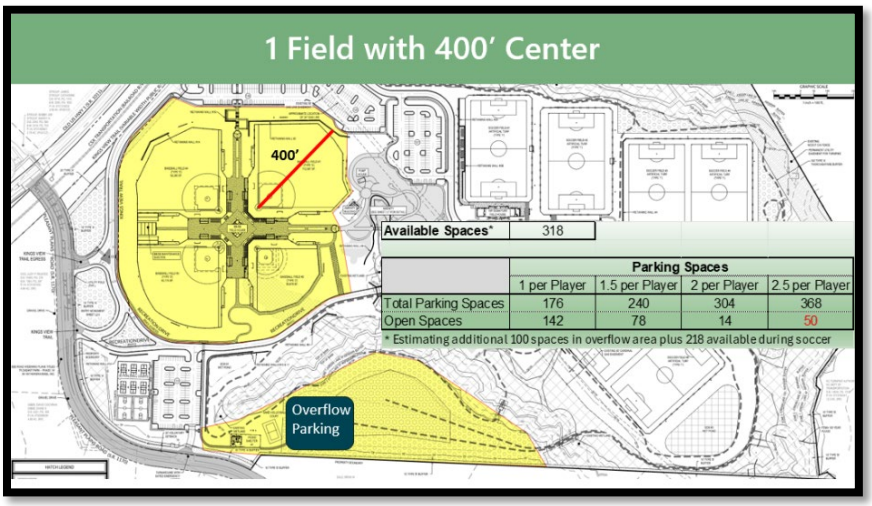
[SLIDE 12]



Councilmember Gantt asked what the lines were going up to the volleyball field.

Ms. Reincke said the shorter line is the finish line and around it is the flat part of the field, the longer line going towards the volleyball field for is lining up. The house shaped area is the flat area.

[SLIDE 13]



Councilmember Gantt asked if they created this 400' Center, would the shape of the exterior be strange.

Assistant Town Manager Stone said that it would be a bit, but right field would always be oddly shaped because they can't expand beyond where the current proposed line is.

Mayor Pro-Tempore Gray asked how much this would open Apex up for more play.

Director Setzer said that staff have been approached by some collegiate teams about Apex hosting games at this park and they all requested and prefer 400' center lines and 330' corners, and that's what is recommended by the NCAA. He said it isn't required for certain events, but it would open up more opportunities to teams and leagues with that preference.

Mayor Pro-Tempore Gray said that he was trying to get a sense of what they would be gaining from expanding 380' to 400'.

Councilmember Gantt said that it would make the shape worse, but more people may want to use it.

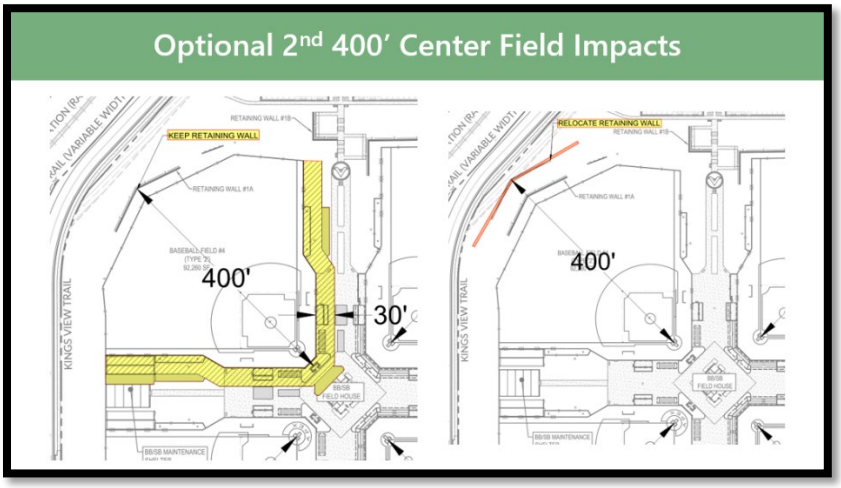
Director Setzer said that ball fields are often designed with very different lengths and shapes, and these differences give them different characters.

Ms. Reincke said that having varying fence lengths is part of the design for these fields.

Councilmember Gantt asked if adding overflow parking would mess up the field area.

Assistant Town Manager Stone said that if overflow parking is added there will be 100 added space. He said the downside is that the ordinance doesn't allow for this overflow parking, so the ordinance would have to be changed to accommodate the overflow parking, and also, the volleyball court would have to be moved as well as the shelter to build the road to get to the area.

[SLIDE 14]



Councilmember Mahaffey asked why the southwest field wouldn't work to create the 400' fence.

Assistant Town Manager Stone said that 400' from the plate there would extend to the road.

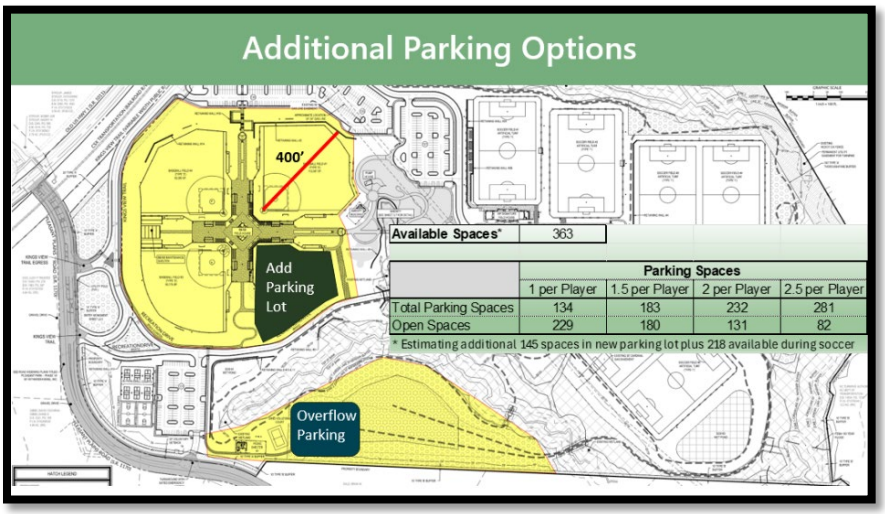
Councilmember Mahaffey said that relocating the road would also probably be a significant expense.

Assistant Town Manager Stone said that there wasn't any way to relocate the road because of tanks.

Councilmember Zegerman asked if any of the options had been priced out.

Assistant Town Manager Stone said no.

[SLIDE 15]



[SLIDE 16]



Assistant Town Manager Stone asked the Council for directions on which option.

Councilmember Zegerman suggested the option to build the original design and studio.

Assistant Town Manager Stone said that could be done.

Councilmember Zegerman asked about the cost and possibly moving the stormwater facility.

Assistant Town Manager Stone said that they may have to look at some things like that with the designer

Councilmember Zegerman said that he was trying to get a gauge on the cost.

Councilmember Mahaffey said that he was against removing one of the fields.

Councilmember Killingsworth said ignoring the parking issues wasn't a good idea and so adding overflow parking should be looked at. She said that the 400' center line was

also a good plan. She said she was in support of options 1 or 2.

Councilmember Gantt said that he is not in support of overflow parking and removing the volleyball court. He said he would be fine with option 1 or 2

Councilmember Mahaffey asked if the option of adding parking would be a good option if there was property acquisition needed.

Assistant Town Manager Stone said that it is within the current footprint but if the desire was to expand the footprint it could be looked at.

Councilmember Zegerman said that he wasn't in favor of purchasing property for a few times of the year overflow would be used.

Mayor Gilbert asked if the 6-9 times per year would be more than 6-9 days of use for the overflow parking.

Director Setzer said that it could be about 9 weekends out of the year. He said that another issue is that when the soccer clubs' practice, they bring in possibly 5 teams and this is not designed for this, so it has to be mitigated moving forward and restrict the usage to two teams on the field. He added that they will also have to bring in a parking facilitation contractor for tournaments, especially once the baseball/softball field is added.

Mayor Gilbert asked about overflow parking and if it floods with bad weather.

Assistant Town Manager Stone said that the multi-purpose fields and baseball fields are turf but if it is raining, soccer and lacrosse will play, but you would not be using overflow parking. He said that also the overflow parking lot will be expensive.

Councilmember Zegerman asked for a cost estimate for future reference for the overflow parking option.

Assistant Town Manager Stone said staff could ask the designer to design it to see how many spaces they would get and the cost, and the town could use it to bid on the project when it is moved forward.

Mayor Pro-Tempore Gray said that it was concerning that Apex would be building something knowing there would be a deficit in parking.

Assistant Town Manager Stone said this was based on soccer and tournaments and there could be normal use without issues, but it is the tournaments that would be the concern.

Mayor Pro-Tempore Gray asked Assistant Town Manager Stone to go through the worst-case parking scenario

Assistant Town Manager Stone said that the parking issue can be controlled, and they may have to close some of the other fields if there were tournaments.

Councilmember Zegerman said that is understandable.

Councilmember Gantt suggested charging for parking during tournaments and people would start carpooling.

Director Setzer said this is not a soccer complex, which don't typically have amenities such as pickle ball court or tennis courts, and it would be a challenge to charge to come into the facility to use those amenities then charge for parking just because a tournament was going on.

Mayor Gilbert said that once this is built, Parks & Rec will be getting a lot of calls for

tournament interest.

Director Setzer said yes. He said that there was $1.8 million from Wake County for this particular phase of the project. He said that he had asked Wake County about taking away a field and how that may impact the grant funding, but he has not received final word yet.

Councilmember Mahaffey asked if they moved forward with option 2 and do the design if it is decided to build it as a stage three would that be an option. He said he was concerned about parking and looking at other options and wanted reassurance that the programming can be controlled until there is a final solution. He said that his primary concern is the access to the park.

Councilmember Gantt said that they agree on that.

Councilmember Mahaffey said that moving forward with the design process the overall plan should be kept in mind to make sure that they are moving in the right direction. He said that there are two issues, parking is number two and getting a second access point is number one.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Killingsworth**, to approve the Pleasant Park Field Design Phase 2 – Option 2, to have 4 fields, modifying one to have a 400' Center.

VOTE: UNANIMOUS (5-0)

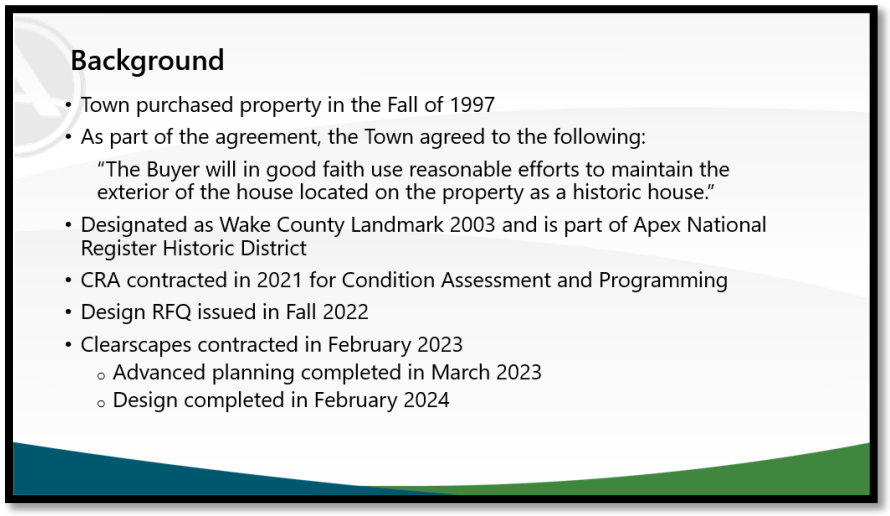
[TUNSTALL HOUSE PROJECT UPDATE]

Marty Stone, Assistant Town Manager gave the following presentation:

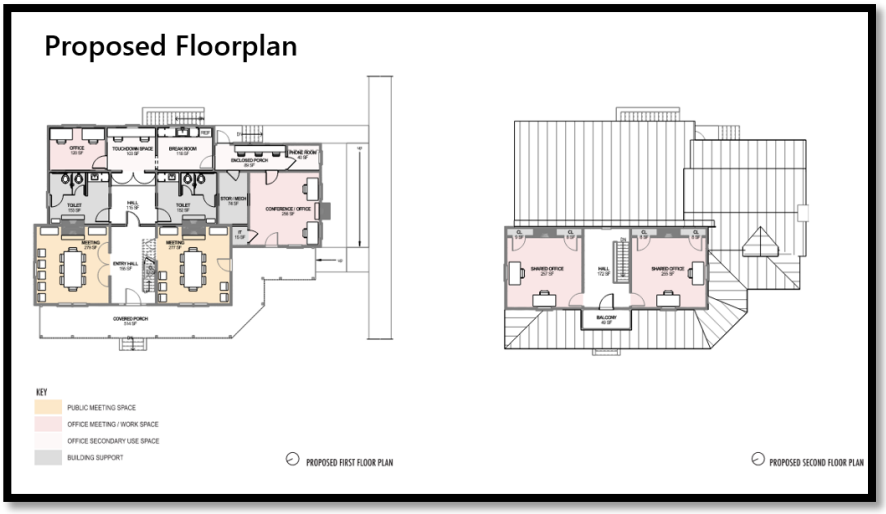
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Councilmember Gantt asked what the current plan of the house.

Assistant Town Manager Stone said that he did not have it but it's very similar to this, and the walls are in the same place.

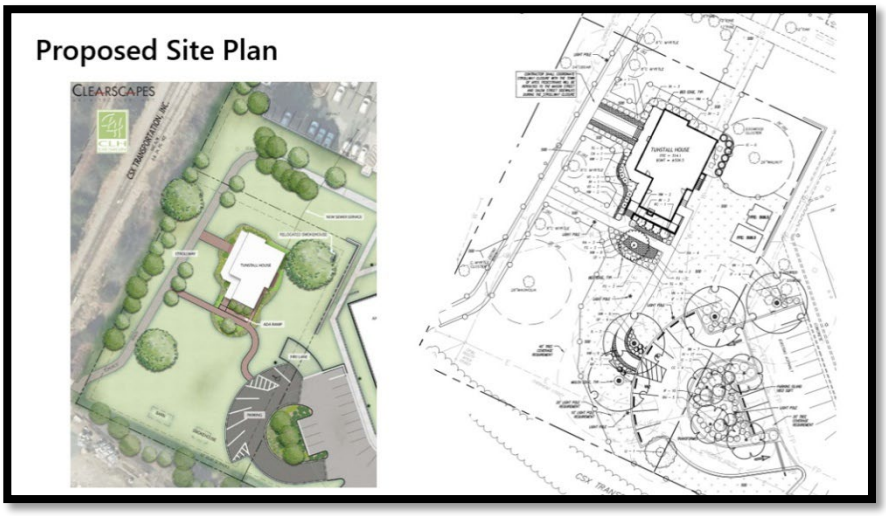
Councilmember Gantt asked if the plan was to move walls.

Assistant Town Manager Stone said that there would not be any walls moved. He said that the house was built in 4 phases, and it makes it difficult to change the load bearing walls.

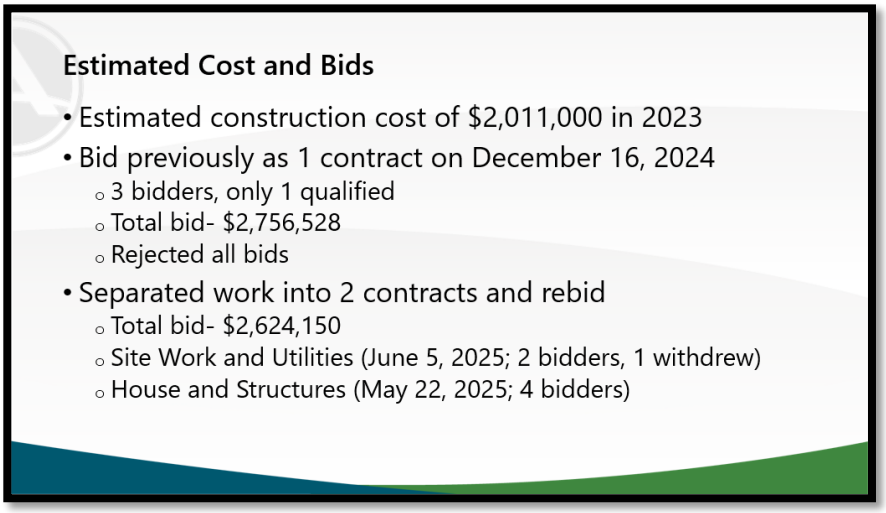
Councilmember Zegerman asked with this being a historic property, could the interior character be changed, or would it need to stay the same.

Assistant Town Manager Stone said that the interior can be changed but some of the features are nice and the preference would be to keep those features, for example the fireplace.

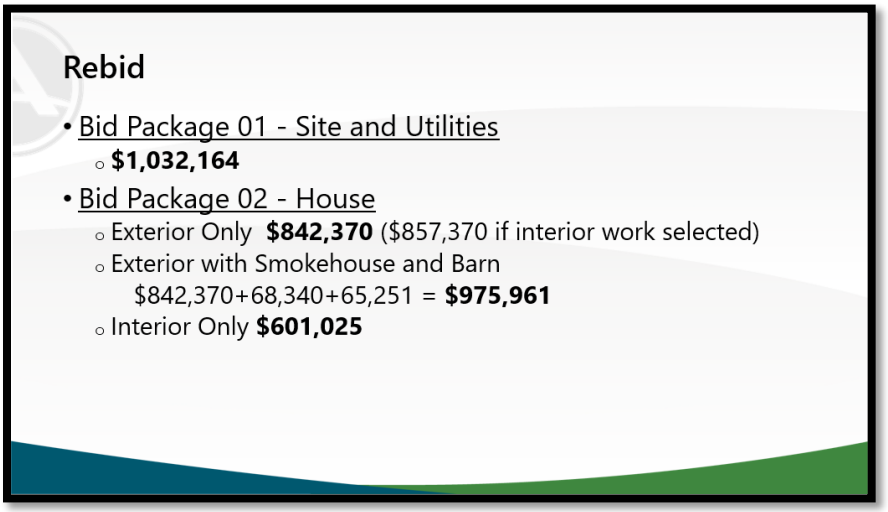
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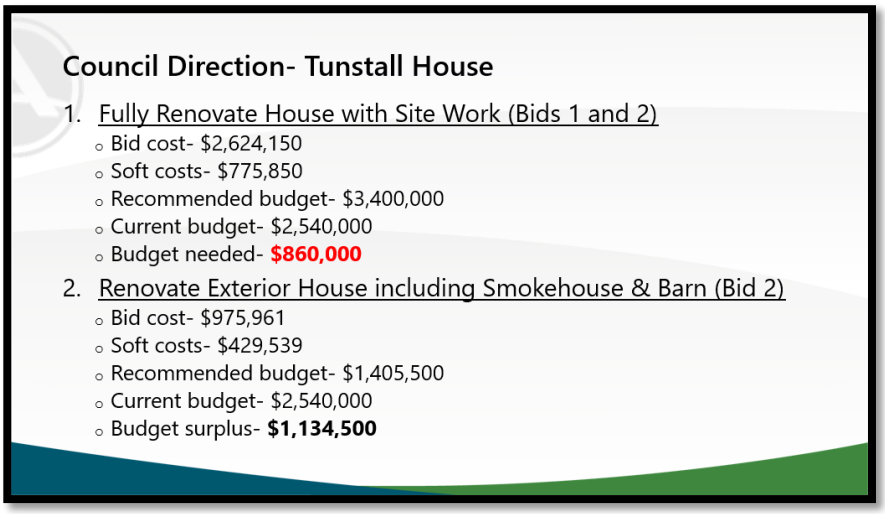
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Councilmember Zegerman asked how much of the $775,000 is part of the early work, like design or initial setup.

Assistant Town Manager Stone said that there is $2,263,000.00 available. He said the goal is to get to the ultimate budget. He said that the bid cost and soft cost there would be a recommended budget of $3.4 million.

Councilmember Zegerman asked what had been spent and what is forecasted to complete the project.

Daniel Edwards, Senior Capital Projects Manager said that about $300,000 had been spent to date.

Councilmember Zegerman said that approximately $3.1 million would be needed.

Mr. Edwards said yes.

Assistant Town Manager Stone said that with this option and the recommended budget of $3.4 million and the current budget money that they have, there would need to be $860,000.00 to be able to move forward with the project. He said that the bid for the interior and exterior of the house expires in July, so if we are going to move forward, there will be an updated bid.

Councilmember Zegerman said that the $300,000 has already been spent and the budget amendment on the project would be $860,000, so the new spending would be closer to $560,000.

Councilmember Mahaffey asked if the contingencies would have to be covered.

Assistant Town Manager Stone said yes. He said that before the project is moved forward, they want to make sure that everything will be covered, building costs and final touches. He said that this is for the project budget not just a construction budget.

Mayor Pro-Tempore Gray asked if option# 1 included the site work zone.

Assistant Town Manager Stone said that option# 1 includes everything, parking lot, site utilities and the interior of the house with furniture, fire alarm, IT, etc. He said that option #2 would be made structurally sound, fix siding, make the porch safe and the roof and

ventilation which should prevent it from deteriorating. He said that if Council wanted to do option #2 that the inside could be done in the future.

Mayor Gilbert said it was clear that everyone wanted to move forward with this project. He asked about the public input and engagement.

Assistant Town Manager Stone said that the structure has been looked at, the exterior and then the interior and what it could be used for.

Mayor Gilbert said that it was talked about and considered looking at another site but didn't.

Director Khin said there was bidding as part of the downtown plan.

Mayor Pro-Tempore Gray said that the interior can still be decided and it's a great opportunity to have the public's input.

Assistant Town Manager Stone said the only walls moved around were to make things fit better but there were not any big structural changes.

Mr. Edwards said that there were some minor changes, like one of the bedrooms was changed into a bathroom.

Mayor Pro-Tempore Gray said that once it's built it will be a lot easier for the public to be involved with what it may be used for.

Councilmember Mahaffey said that the space and the renovation plans are flexible.

Councilmember Gantt said that the uses would be viable in the future.

Mr. Edwards said that there is an area that is at head height, and it has been flagged as a safety issue and will most likely be fixed.

Councilmember Killingsworth said that she agreed with Mayor Gilbert that there needs to be public discussion and input on the uses.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth**, to approve the Tunstall House Project, Option 1, Fully Renovate with House with Site Work (Bids 1 and 2).

VOTE: UNANIMOUS (5-0)

[ADJOURNEMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **5:32 PM.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council
Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on _____ of _____, 2025.

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 24, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 24, 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=pR4ihjD6Prg

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
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 are identified appropriately below.

[COMMENCEMENT]

Mayor Gilbert called the meeting to order at **6:00 p.m.** and welcomed all who were in attendance and watching.

Mayor Gilbert recognized the new Town Clerk of Wake Forest, Evelyn Wright, who was shadowing Apex's Town Clerk Allen Coleman. He also recognized Jack Otepka with 621

Productions and congratulated him on 20 years in business. He then took a moment of silence and led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert moved to the Consent Agenda. He noted that CN16 was modified with a corrected copy and requested that it be pulled from Consent Agenda and moved to New Business.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman**, to approve the Consent Agenda with Consent Item 16 moved to New Business.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Apex Chamber of Commerce - The Depot Lease Agreement - July 1, 2025 through June 30, 2028 (REF: CONT-2025-194)

Council voted to approve a revised and restated lease agreement between the Apex Chamber of Commerce and the Town of Apex; effective July 1, 2025 through June 30, 2038; and authorize the Mayor Jacques K. Gilbert, to execute on behalf of the Town.

CN2 Agreement Ratification - North Carolina Department of Transportation (NCDOT) - Supplemental Agreement No. 2 - Fred Smith Company - Beaver Creek Greenway (REF: CONT-2025-195)

Council voted to ratify an oral Change Order to the existing Greenway Construction Contract between the Town of Apex and FSC II, LLC, dba Fred Smith Company, Inc., for additional services for underground water service location as a part of the construction of the Beaver Creek Greenway.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Traffic Review and Inspection Agreement - Tunstall Avenue and Center Street Sidewalk (REF: CONT-2025-196)

Council voted to approve a Traffic Review and Inspection Agreement between North Carolina of Department of Transportation (NCDOT), to review and inspect signal upgrades at E. Williams Street at James Street and Center Street at N. Mason Street to provide signalized crosswalks as part of the Tunstall Avenue and Center Street Sidewalk Project, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Annexation No. 769 - Thriftwood Drive and Derry Down Lane – Insufficient (REF: RES-2025-036 and OTHER-2025-058)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received and to accept the Statement of Insufficiency related to Annexation Petition No. 769 – Thriftwood and Derry Down Lane.

CN5 Capital Improvement Plan (CIP) Adoption - Fiscal Year 2025-2026/2029-2030 – Capital Project Ordinance Amendments 2025-13, 2025-14, 2025-15, 2025-16, and 2025-17 (REF: ORD-2025-041, ORD-2025-042, ORD-2025-043, ORD-2025-044, and ORD-2025-045, and PLCY-2025-011)

Council voted to adopt the Fiscal Year (FY) 2025-2026/2029-2030 Capital Improvement Plan and Capital Project Ordinance Amendment No. 2025-13, 2025-14, 2025-15, 2025-16, and 2025-17.

CN6 Capital Project Ordinance Amendment No. 2025-12 – GoApex and Tunstall House Funding Allocations (REF: ORD-2025-046)

Council voted to approve Capital Project Ordinance No. 2025-12 appropriating funds for the Tunstall House Project and Go Apex Improvements.

CN7 Contract Amendment - Fred Smith Company - Change Order No. 3 - Middle Creek Greenway - Additional Costs and Extend Completion Date to September 19, 2025 (REF: CONT-2025-197)

Council voted to approve Change Order No. 3 to extend the project completion date to September 19, 2025 and to cover additional project costs for the construction of Middle Creek Greenway, and to authorize the Town Manager or their designee to execute on behalf of the Town.

CN8 Contract Amendment Ratification - Salisbury and Moore Construction Inc. - Apex Community Park Street Rinks Construction (CONT-2025-198)

Council voted to ratify a Change Order to the existing Construction Contract between the Town of Apex and Salisbury & Moore Construction, Inc, for construction of the Apex Community Park Street Hockey Rinks.

CN9 Contract Award – Down East Preservation Construction and Design LLC – Tunstall House Preservation Project – Buildings (CONT-2025-199)

Council voted to award the Tunstall House Site and Utilities Construction Contract to C.T. Wilson Construction Co., Inc. and to authorize the Town Manager to execute the contract on behalf of the Town

CN10 Contract Award – C.T. Wilson Construction Company – Tunstall House Preservation Project – Site and Utilities (REF: CONT-2025-200)

Council voted to award the Tunstall House Building Construction contract to Down East Preservation Construction and Design, LLC and to authorize the Town Manager to execute the contract on behalf of the Town.

CN11 Contract Award - Nature Trails, LLC - Design-Build Contract for Hunter Street Bike Track (REF: CONT-2025-201)

Council voted to award a Design-Build contract with Nature Trails. LLC., and the Town of Apex, for Hunter Street Park Bike Track design build project totaling $299,855.00 and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN12 Contract Multi-Year Renewal – Zencity Technologies US Inc. – July 1, 2025 through June 30, 2028 (REF: CONT-2025-202)

Council voted to approve a multi-year contract with Zencity Technologies US Inc. for a web-based platform to conduct community surveys and engage with residents, effective July 1, 2025 through June 30, 2028, and to authorize the Town Manager to execute on behalf of the Town.

CN13 CSX Transportation Inc.- Authorize Project Initiation Form - Rail Relocation Study (REF: CONT-2025-203)

Council voted to approve a New Project Initiation Form with CSX Transportation, Inc. for the Rail Switching Operations Relocation Study, and to authorize the Town Manager, or their designee, to execute the form on behalf of the Town.

CN14 Council Meeting Minutes – Various

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

May 27, 2025 – Regular Town Council Meeting Minutes

June 02, 2025 – Community Town Hall Meeting Minutes

CN15 Ordinance Amendments - Chapter 2 - Administration and Chapter 15 - Parks and Recreation - Various Sections - Resident Advisory Board Structure Changes (REF: ORD-2025-047)

Council voted to adopt an ordinance amending Chapter 2 - Administration and Chapter 15 - Parks and Recreation sections of the Apex Town Code of Ordinances to reflect various resident advisory board structure changes

~~**CN16 Resident Advisory Board Administrative Policy Adoption**~~

Council voted to move this item to New Business 3.

CN17 Resolution – Abandon Existing Sanitary Sewer Easement - 505 and 513 South Hughes Street (RES-2025-038)

Council voted to approve the Resolution to Abandon an Existing Sanitary Sewer Easement relating to the abandonment of a sewer easement across 505 and 513 South Hughes Street in Apex, North Carolina

CN18 Resolution - Establishment of Peak Plan 2055 Task Force (REF: RES-2025-039)

Council voted to adopt a resolution establishing a non-standing Peak Plan 2055 Task Force.

CN19 Resolution - Water Resources Development Grant Program - Beaver Creek Nature Park Stream and Floodplain Restoration (REF: RES-2025-040)

Council voted to approve a Resolution Entitled "Resolution Requesting Financial Assistance Through a Water Resources Development Grant Related to Beaver Creek Nature Park Stream and Floodplain Restoration".

CN20 Resolution of Support Installation of Public Art in Public Right-Of-Way - Salem Street Crosswalk Mural (REF: RES-2025-041)

Council voted to adopt a resolution titled "A Resolution of the Town Council of the Town of Apex, North Carolina, Supporting the Installation of Public Art in the Public Right-Of-Way at Salem Street Crosswalk"

CN21 Surplus Badge and Service Weapon - Former Apex Police Captain Justin Rosser

Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-797) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Captain Justin Rosser who resigned from the Apex Police Department effective June 22, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

- **E Suite to MyAccount Transition** - Migration is taking place from **June 28 to July 6** and there will be a blackout period with no online, phone, or online banking payments during this time. There will be In-person payments only at Town Hall via cash, check, or money order and account history will still be viewable in E Suite.
- **Holiday Closure** - Town Hall will be closed on **July 4th** for Independence Day.
- **Fourth of July Events** - **Fireworks Frenzy** will be on **July 3rd, 5–10 pm** at Hunter Street including a drone light show that is new this year, and the **Old-Fashioned Fourth of July** is also held on **July 4, 9 am – 1 pm** in Downtown Apex.
- **Recent Community Events** - **Pride Festival** and **Juneteenth** were both held at Town Hall campus and were very successful.
- **Next Town Council Meeting** is scheduled for **August 12** after a brief summer break.

Mayor Gilbert thanked Town Manager Vosburg and asked if there were any questions, with no questions he moved to setting the Regular Meeting Agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda with changes of Public Hearings No 1, 5, and 6 are requested to be continued until August 12, 2025 Council meeting, Consent Item number

16 is requested to be moved to New Business as well as the addition of a Closed Session Item to Consult with the Town Attorney.

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Zegerman** to approve the Regular Meeting Agenda with the changes of Public Hearings No. 1, 5, and 6 to be continued until the August 12, 2025 Council meeting, Consent Item number 16 to be moved to New Business, and the addition of a Closed Session to Consult with the Town Attorney.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert moved to Presentations.

[PRESENTATIONS]

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards - 4th Quarter

Councilmember Terry Mahaffey presented the Quarterly Peak S.T.A.R. Award. He said this the Town of Apex and the Apex Public School Foundation recognize and honors one of Apex's Public School's Employee for the work done to educate Apex's students. He asked Jack Otepka with the Apex Public School Foundation to come up and speak on the award.

Jack Otepka with the Apex Public School Foundation said that they currently support 19 Wake County Public Schools and were awarded over $23,000.00 in grants this past year. He said that each Tuesday the Apex Public School Foundation celebrates exceptional education or educators. He introduced Ms. Cleo Morrisy and ESL teacher with Laurel Park Elementary as the quarterly Peak Star Award along with Laurel Park Elementary School Principal Charelle Lovett. He spoke about her dedication to helping every student feel at home, and her high energy, compassion, and inclusiveness in every space she enters. He congratulated Ms. Morrissey on being recognized for this Quarter's Peak Star Award.

Ms. Morrissey came up to receive the award and take pictures.

Ms. Lovett spoke about the Irreplaceable Report in the New Teacher Project, and it focusses on outstanding teachers in public schools. She said they are cultural carriers, consistent problem solvers and make others around them better.

PR2 Proclamations - Apex Parks and Recreation Month 2025 (REF: PRO-2025-030)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation - Apex Parks and Recreation Month 2025. He invited Director Craig Setzer and members of the Parks, Recreation, and Cultural Resources Department to accept the proclamation and take pictures. He also recognized members of the Public Art Committee for attending as well as the Advisory Board for Parks and Recreation. He invited Parks and Recreation Special Event Intern, Jacoby Kolanko to speak.

Mr. Kolanko gave information about the National Parks and Recreation monthly event, the Summer Slam Basketball Tournament on July 26th from 11:00 am to 3 pm with additional activities, free Acai samples, Food Trucks and Yard Games.

[PUBLIC FORUM]

Mayor Gilbert moved to the Public Forum and invited the first speaker up.

First to speak was **Shanae Artis** at 1118 Kissena Lane, Apex:

"I was invited here by Mr. Welch from the Housing Choice Advocates program, and they pretty much wanted me to come and just share a little bit about my homeownership journey thus far, so in 2014, I moved from New York to North Carolina, literally with only what could fit in my car, me and my 5-year-old daughter at the time, she's 16 now. We packed the car and drove down here to restart our life. We settled in Cary, North Carolina, and lived in a one-bedroom apartment with just an air mattress, a TV, and a TV stand for one whole year. While we were there, homeownership was never something I imagined for myself. My family grew up renting apartments and things like that, so it wasn't something that was the American Dream for me. It wasn't until I started going to a church here and I met a woman, an older woman but a young woman in spirit who specifically had a ministry for helping single mothers' own homes, that I even considered the idea of being a homeowner myself and so I started to get connected with different women, specifically women of color women who also had either been mothers or single mothers. I was able to see a lifestyle I did not see living in New York. This woman, she convinced me to start considering homeownership, and I took her up on the offer. She connected me with a lender and at that time, the lender let me know I needed to do some credit repair to be eligible. I was totally for it. I was working, so I had a small amount of income to do some of that work and so I started saving money and working on my credit. That took me about two years, so that lender, I don't know what happened to him, honestly. The second lender she told me about, I got connected to him, and he let me know, if you are not willing to move outside of Wake County, maybe to Rocky Mount or something like that, then I can't help you. His thought was that housing in Wake County is not affordable, but for me, being a solo parent with a child, going to Rocky Mount, I'm not from North Carolina I'm not doing that. It was already a culture shock coming all the way from New York here. So, to think that I would go to Rocky Mount on top of that was like, I'm not doing that, so we stayed where we were for a few more years. I got a better job, we got a bigger apartment, she got her own room, we modestly furnished it, and things improved. I got connected with a third lender a few years after that, and he let me know, I'll never forget, he called me, I was in Costco in Apex Pine Plaza, in my car. He called me to give me his evaluation of my situation, and he laughed at me, he said, "Ms. Artis, unfortunately, you don't make enough money. Either you need to get a better job, or you need to get a man" and I was like, excuse me? I didn't say anything. I took it for what it was worth, and I kept it pushing, but it kind of broke my spirit, because like I said, I never considered homeownership in the

first place, and then to be what I felt was a little bit close and to hear that, it was very frustrating. Long story short, I kind of let the dream go and went on about my life. At the time, I was working for a nonprofit assisting woman who were transitioning out of prison and so my role was to support them as they were preparing, and then once they got out, I would get them connected to our re-entry homes. I would literally go pick them up from prison in downtown Raleigh, take them to our transition home, support them while they were in the home, and then when they were ready to transition into their own, I would be the support for them to do that as well. While working with one of the women, she reached out to me and asked, "I want to apply for this program called Habitat for Humanity. Can you please do a landlord reference for me?" because technically, I was her landlord, being that she was in our re-entry program. I said, okay, fine. Perfect. I'll do that. I researched Habitat, because I had heard about it a little, like they build people homes and things like that, but I didn't know the gist of the program. I looked into it, did my research, signed the form, and let it go. A few months after that, I had other women coming to me going through the same program and I was like, this is amazing, these women coming out of prison are getting homes, like, what's going on? But the thought also came that that wasn't for me, because that wasn't my situation and me being someone who, yes, I may not have had the financial means at the time, I wasn't justice-involved, I wasn't in that dire need, so I didn't feel like it was for me, so I didn't go for it. Fast forward maybe a few weeks or a couple of months later, another woman I knew of, who was like a mentor to me, reached out and said, "Have you thought about applying for Habitat for Humanity?" And I said, "Actually, I have thought about that, but I don't think that's for me, I think that's for the women that I work with." She said, "I think you need to look into it, the application process is open." So, I said, "Okay, fine." In August or early September, I applied for the program, by the end of September, I got approved, by October 21, I was doing my hours. I was down here, off of Kissena Lane, helping to build the house and I remember saying to myself, I want to live here, having no idea that would actually be where I am today. I went through that program. It should have been an 18-month program, it took me six months, literally, to do my hours. I helped build my house and about three other houses on that block, which to me is just amazing but all of that to say, homeownership has given me and my daughter a sense of stability that, when we first got here, we did not have. We didn't know what to expect. I just knew I wanted better, and for me, being able to get into this space has not only been a blessing, but it's allowing me to create generational wealth for her and for the generations to come. My daughter is in a stable school environment. She goes to Apex High, she loves it, she hates it, but whatever, we know how it is being in high school, right? But she has a stable environment with kids she's going through the grades with, and she's learning and building relationships with people that hopefully she may go to college with, or she'll know years down the road. That's something I did not have, so being given an opportunity to create that for her has been such a blessing to me. Apex has welcomed us with open arms. Our community, we have about nine other Habitat homeowners, but we also have other homeowners who are not. They went the traditional way, but we all respect each other, we all look after each other. We have a community. We care for one another and I'm really appreciative of that and grateful. So, when Mr. Welch asked me if I would come and share my

story, I said, absolutely, because I really want to hopefully use my story to inspire you all and whoever makes those decisions to create opportunities like these for other people like myself, I understand there are stigmas that come with people, maybe with low income and things like that, but that's not always the case for everybody. Some people really just need an opportunity to do better for themselves and for their children, and when they get that, they're willing to give back and be the community member that they need to be to be productive. So, thank you all for welcoming me tonight. Thank you, Apex, for welcoming me into the community, and I hope we can create some more opportunities for others like me. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Mary Miskimon** of 3177 Retama Run, New Hill:

"Thank you. Good evening, Mayor Gilbert and council members. Thank you for addressing concerns over Apex's lack of reasonably priced entry-level housing, which we just heard about. I understand there were several workshops around affordable housing back in April, and I attended those, but tonight we find it's already under new business with no public hearing, so think this is a really big issue, as we've heard about, and I would have liked to have had a Public Hearing on it tonight so that more folks we already heard some, you're going to hear from me, could have addressed it. Over the past several years, I've heard from many, many Apex residents, hundreds, actually, about concerns regarding regulations that make doing business in Apex more expensive and that make housing more expensive, especially for our older folks and they have some questions which I am sharing with you tonight. Medium home prices are down in Apex over the last year. Inventory is up, and we've noticed apartments and home sellers either lowering their prices and/or offering incentives. Can you please list on the town's website your specific data that show there is a need for thousands of new affordable housing units? Can you also clearly define what you mean by affordable housing? Is it always the same definition used by the Federal Housing Administration, especially since municipalities can set their own limits? Would you please clearly post on the town's website, for each taxpayer-funded property, apartments, etc., what formula and/or guidelines were used to determine the AMI and other qualifiers for particular properties, and then justify it by showing the anticipated need? How will the taxpayer-funded, government-subsidized housing impact all housing across Apex? Can you guarantee it will not increase demand, thereby pushing up home prices further across the board? How will you prevent builders from passing along the cost of either building affordable housing or paying fees in lieu, or land in lieu, thereby raising the cost of housing across Apex? How will increasing density and otherwise altering the town's development standards, while reducing parking requirements, impact on the overall appearance of Apex and specifically its small-town appeal that is actively used as marketing to draw more residents to our area? And finally,

how will adding more subsidized housing impact an already stressed infrastructure? Since I have a little bit of time, is there another town or city upon which this affordable housing plan is based, that you can show, where it made the area more affordable while also protecting the quality of life of all residents? Thank you very much."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Dawn Cozzolino** at 3632 Bosco Road:

"I brought a little something with me tonight. I don't know if you see the New Hill horse, he's got the billboard back there, he's got his New Hill shirt on. It's not just a prop, it's a message, a symbol, a reminder that we show up. We show up at the meetings, we file public records requests, we analyze data. We propose reasonable alternatives. For years, we've engaged with the Town of Apex Town Council the right way, through the official channels, with respect, with facts, and with commitment to the truth. But what we've gotten back is often disappointing delays, deflection, misinformation, and a process that feels designed to wear down people. While there's no shortage of polished presentations and talking points, too often this chamber becomes a theater, while the real decisions happen offstage, away from public view, and that brings me to the elephant in the room, and we're not talking about Disneyland, I know you have your shirts on tonight. It's the continued and expanding use of eminent domain and forced land acquisition by the Town of Apex, not for public schools or critical infrastructure, but for private developers. Let's talk about Beverly Rubin's farm, the town took her land through a quick-take process to run sewer infrastructure, sewer that directly serves private Parkside Developers, not the surrounding community, we all have well and septic. She didn't volunteer that land, it was taken, or look at RXR Veridia development, a private development, where the town again pursued eminent domain, bypassing less disruptive routes and impacting historic farmland in New Hill and Friendship. There were other options that we have discussed time and time again that were less disruptive under utilities, not doing tree canopy destruction, but they were not chosen. And why? Because this process increasingly favors development timelines over community protection and every time, we ask for transparency, every time we ask for answers, we are told: "It's just a utility, it's not funded, it's in the Comprehensive Plan, there's nothing we can do." Well, I'm here to tell you, we see it, and we're not going away. So yes, I brought the billboard, it's a stand, it's standing up for our residents and we're going to keep showing up and I hope that you will take this discussion tonight, what you're going to hear and take things seriously. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

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

"Mayor, Town Council, good evening, came with no notes tonight because there were like three different things rolling in my head, and I couldn't figure out what I wanted to talk about tonight, so, I'm going to do a short snippet of a couple topics. Pleasant Park, I did not necessarily pay attention to the agenda that today or July is the park month, but that is a heat island near my home, and I drove through it, and understandably, nobody was playing out there because there are no trees. Now, a short way down the road on Kelly Road, you have Kelly Park. Guess what? People were playing, because there were trees and so, you know, we talk about Apex being sustainable and good quality of life and how we're moving things forward, but Pleasant Park is not an example of that. We need more trees. I would love for you guys not to cut down my trees on my property that you're going to be cutting down at this point, but we need more trees, we do not need more heat islands. If you want affordable housing, it's not housing that you have to pay a lot of money to heat. If you would have trees, based on the 2018 study that the town did and then most recently the tree canopy study, if you want affordable housing, you shade your house so that it's more affordable. So, where Dawn made comments where we're told, hey, things can't be done a certain way, when you go and do these larger developments and you have to clear-cut, what about leaving enough space that that homeowner can actually plant a tree to maybe shade their house, so they have a sustainable way of cooling their house and not stressing the grid? So, you know, we talk about quality of life, we talk about, let's go to parks, we talk about sustainability but where are the results? Where are we moving the needle forward? This is my fourth year coming consistently to these meetings and raising issues and concerns that impact our community, and very little has changed and the question is, why? Because it doesn't have to be that way. So, you know, I followed the different public hearings, and most recently there was a special use permit for Peak City Church. I did get legal standing in that particular meeting because I'm directly impacted. We found out on April 8th that they are doing pretty much a 6-acre spray septic field, and the hearing was April 15th. The town knew about it months before and did not share it with us, and did not require them to share it with us. So, when we talk about a process that is stacked against people, it's these types of processes, we can raise the quality of life by actually working with each other. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Brunner** of 306 Hinton Street:

"Twenty-minute Walk here, a little bit sweaty, and that's going to be relevant for my comments, I'm age 62, phasing into retirement after 24 years with Habitat for Humanity, primarily the international headquarters. Congratulations, yay for you, love the trees, like New Hill, appreciate the parks. I'm going to begin with a compliment. I am now a bus rider, and I relinquished my car six months ago. So, I walk everywhere, probably familiar if you go down Hunter Street and I take the bus. The bus in this heat is blissfully air-conditioned, bravo and thank you for the drivers for cranking that up. But it's a little bit uncomfortable waiting for that

bus and uncovered, you know, standing up at a stop. So, we should work on some of that. I am so excited that there is going to be a bus route that will include the parks, yay to the Parks Department and the library coming in 2028. So, for me, that's three long years of very sweaty walks, particularly to the library. For me, the Eva Perry Library, my favorite place in Apex, is a four-mile loop hauling a roller cart of books. I did that through the winter and the spring, and it's not too bad if you take the shortcut, the Greenbelt through Shepherd Vineyard. It's impossible now, the heat and misery, I can't do four miles there, or I can't do that walk anymore. So, I have a suggestion. I think we should use those two lovely new passenger buses from our friends at the Parks, Recreation, and Cultural Center. I actually, when I'm waiting for the 305 bus on Mason Street, I see them, I see them just sitting in the parking lot there unused, and I think, "Oh man, couldn't that bus take me every couple weeks to the library?" So that is my request. Similarly, when I hear about the wonderful park activities, I want to go to the Apex Nature Park, I want to go to the Pollinator Fest this week but that is impossible if you're walking from downtown Apex, because our current bus route doesn't serve the park, so, you've got three years. That's all you need to do, in which you can shuttle me and other bus-dependent people to the library. The checkout period for Eva Perry Library is three weeks, so we could just even do one loop there and back every three weeks, return my books while the weather is extreme. I would do some kind of celebratory dance if you'll do that. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buck Haven Court:

" Good evening, Council members. As Council Member Ed and Brett know, I wasn't supposed to be here. My outfit at this time was supposed to be a cowboy theme for my son's swim meet, but instead, I'm in mourning garb. Today is different from my other times here, there are no smart remarks or looking to educate my community. I am here with a broken and angry heart. For the last several months, I've had the honor to be part of a group caring for a little boy from Gaza who was here in Raleigh. His name is Islam, and he is all of nine. He's here because a bomb was dropped on his house, and he lost his leg and his body was covered in scars. But that didn't stop him. I was his partner in the 5K run, and his heart demanded that we did the whole run. Three weeks ago, we threw a party for Islam and his mother, for his and her recovery, as we closed up the party, I kissed Islam's mother's cheek, today I hugged and kissed her again, but this time she's a widow. Yesterday, Israel dropped a bomb on their home, killing her beloved husband, maiming two more of her children. Her youngest, four years old, had his leg amputated, and her daughter has damage to her face and lost her eye. I just left a funeral and came here, and I'm angry. I'm angry at my fellow American. Multiple times I've come here educating my community that we are killing people. When we go to work, those taxes leave our pockets, and instead of staying in our community, it's being taken to go kill women, children, and innocent fathers. I hugged my grieving friend while knowing

that the money and the weapon to kill her husband and maim her children came out of my pocket. I have more friends who I love and know who are in Gaza that are starving right now, and I want to know how much longer we as citizens and politicians are going to stay silent while we murder innocent people. There are a million children in Gaza. What do you think 2,000-pound bombs do to children? What do you think we're going to find under this rubble, I know everybody's seen the pictures. And if you don't know, if you're not sure, you have me, a community member, that can educate you and give you the videos and the personal testimonies. Thank you."

Mayor Gilbert thanked Ms. Kennedy and asked her if she would meet him tomorrow for him to share some information with her. He called up Mr. Hastings to speak.

Next to speak was **Jeff Hastings** of Friendship Road:

"Thank you, Mayor and Town Council. Real quick, I just want to give you an update about PeakFest. I wanted to thank the town for all they've done for us over the last 45 years with PeakFest, and I just want to give you a quick update. This week, over the next 10 days, we will be giving back to the community $30,000 to the nonprofits that have signed up for our grants. I just want to say thank you for everything the town has done for the last 40-plus years and look forward to the next 40-plus years in helping out. Just very simply, I want to say thank you very much because we couldn't do it without, we couldn't do it without your help. I think it's a great event. Next year there's going to be some alterations, I'll say, because of Salem Street, but we're going to be working closely with the festival staff, with the Salem Street project and how that works but we'll make forward that it's a great event for the next years to come. So, I just want to say thank you, and sorry I didn't get here before. So, thank you all."

[PUBLIC HEARINGS]

PH1 Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres – ITEM TO BE CONTINUED

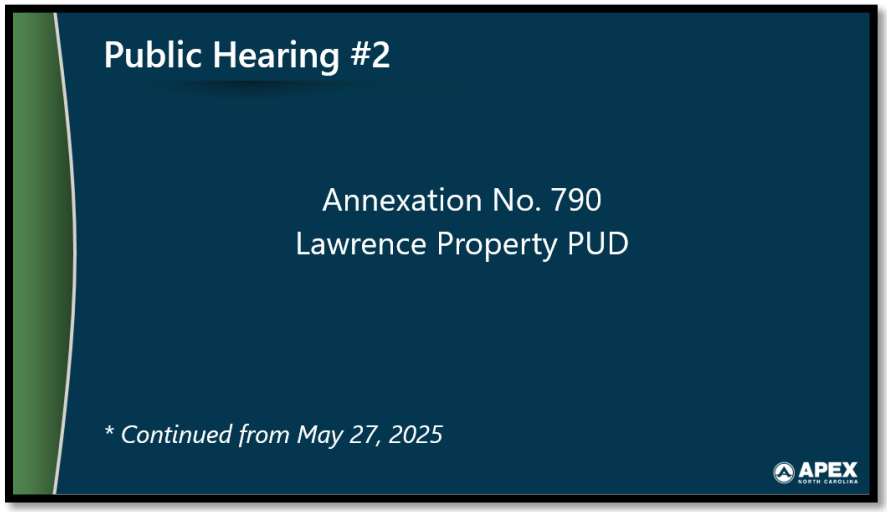
A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Zegerman** to move Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres to August 12, 2025 Council meeting.

VOTE: UNANIMOUS (5-0)

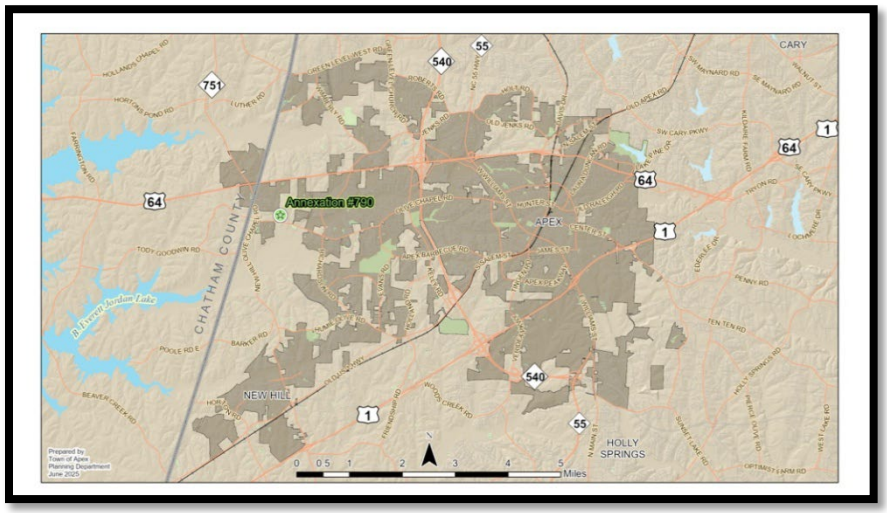
PH2 Annexation No. 790 - Lawrence Property PUD - Olive Chapel Road - 37.98 acres – Continued from May 27, 2025 (REF: ORD-2025-049)

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

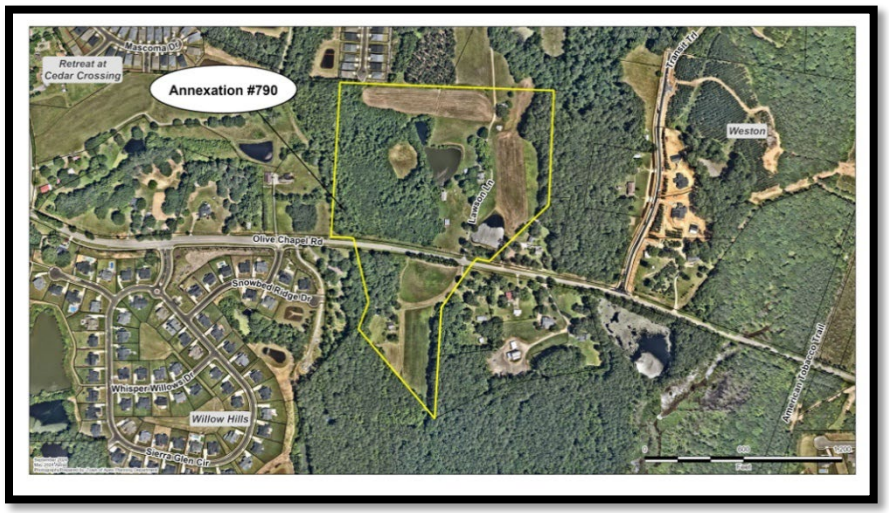
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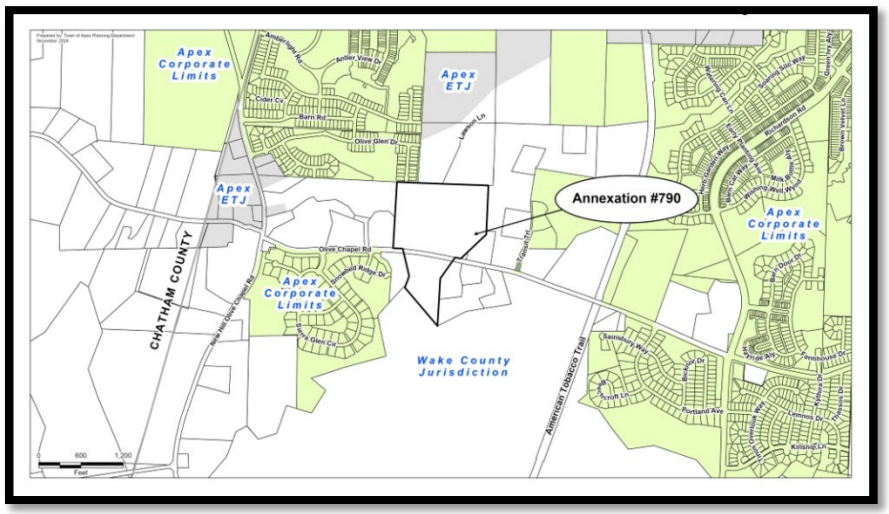
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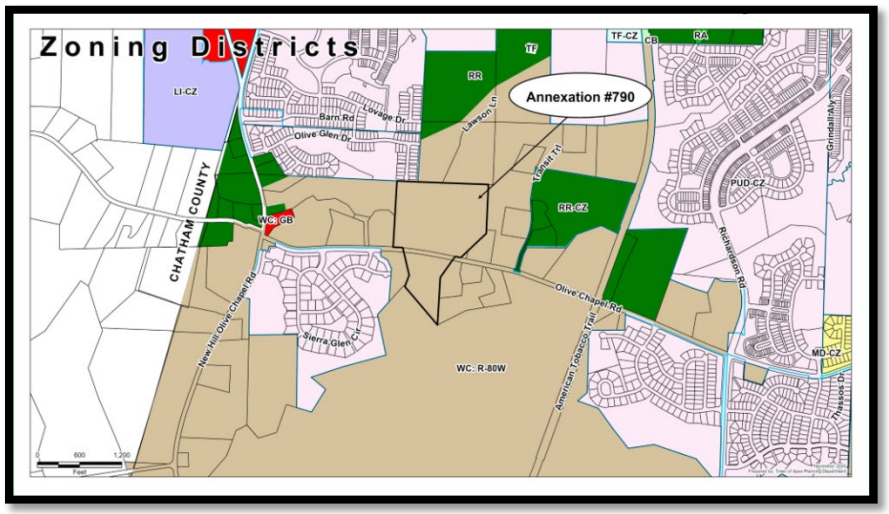
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Mayor Gilbert opened up Public Hearing and called up the first speaker.

First to speak was **Laticia Shapiro** with Morning Star:

"Good evening, Mayor, Town Council, we just wanted to let you know that we were here if you had any questions."

Mayor Gilbert called the next speaker.

Next to speak was **John Adcock** with Adcock Law Firm at 202 East Academy Street:

"Good evening. Members of the Town Council, John Adcock with the Adcock Law Firm at 202 East Academy Street in Fuquay-Varina. I represent the property owners that are subject to this, that own the property that this petition is part of. I'm just here to speak on their behalf. They're in favor of it, and to answer any questions if you have any. Thank you."

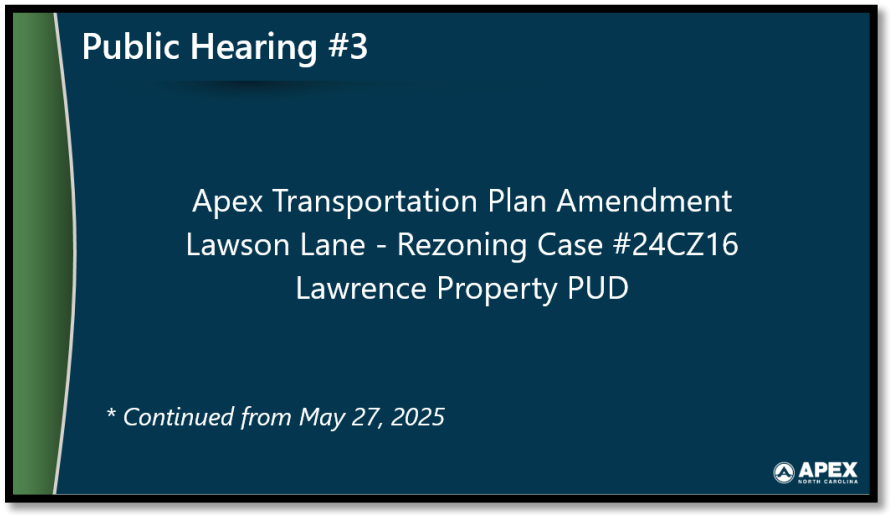
Mayor Gilbert closed the Public Hearing with no others signed up to speak.

AND

PH3 Apex Transportation Plan Amendment - 24CZ16 Lawrence PUD - Continued from May 27, 2025

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

[SLIDE 1]



[SLIDE 2]



Mayor Gilbert asked if there were any questions for Ms. Cox.

Councilmember Zegerman asked if there are impacts to the wetland would there be mitigation or preservation that would need to be done to realign the road or any other consequences.

Ms. Cox said that she would like the applicant to respond to that.

Bob Zewalt with Kimley Horn said that there wouldn't be any impact on the wetlands. He said they had surveyed the wetlands and located the collector to not have any other impacts.

Mayor Gilbert asked if there were any other questions, with no other questions he opened up Public Hearing and called the first speaker.

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

"Good evening again. I'm here tonight to express serious concerns on any transportation planning, specifically this amendment for the thoroughfare. It seems very innocuous, but I know that it's really not that way. So, what I have tonight, and I haven't had a chance to really go through this, if you can hear me, just take a look at this. But basically, what I'm indicating here is our community on this particular map, and this is the subject of sewer and roadway taking. Okay, the whole area. So, when I see something like that, it looks like the same thing to me. I want to talk about traffic because that's always ignored. Traffic impacts, these are always ignored. My analysis on all the TIAs for our whole entire area yields over 330 new vehicle trips a day, a day, in our area. And I had to add stickies because you keep zoning and adding on new developments every week. Okay, so that one was just produced a couple weeks ago, and I want to share with you tonight, DOT AADT, annual average daily trips. This is our area. This is a map of our area. What does it show you? It's about 651,000 based on 2024 data, 651,000 daily trips. That's the baseline. This is what's happening. So, we're up to a million. We're up to a million. And you're going to do this. And you're going to keep going. So, I just want the public to know this is the end game, to take everything, make it a roadway,

and then you're going to have gridlock. Because you got service level F roads everywhere, even with mitigation. So, it's going to be a traffic light everywhere, and the roads can't handle it, and the DOT knows the roads can't handle it, and this is the DOT roads. So, I don't know how Apex has jurisdiction over something that the DOT is responsible for maintaining and maintaining Vision Zero safety. Thank you."

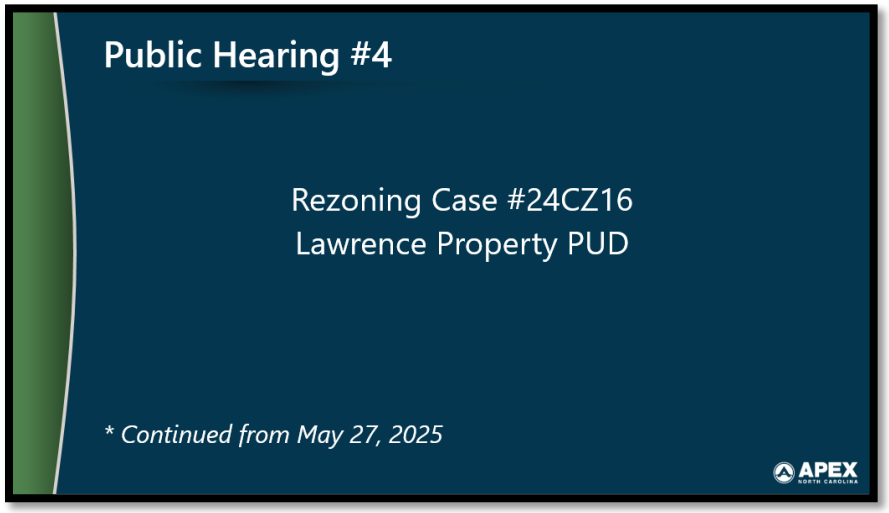
Mayor Gilbert thanked the speaker and closed Public Hearing.

AND

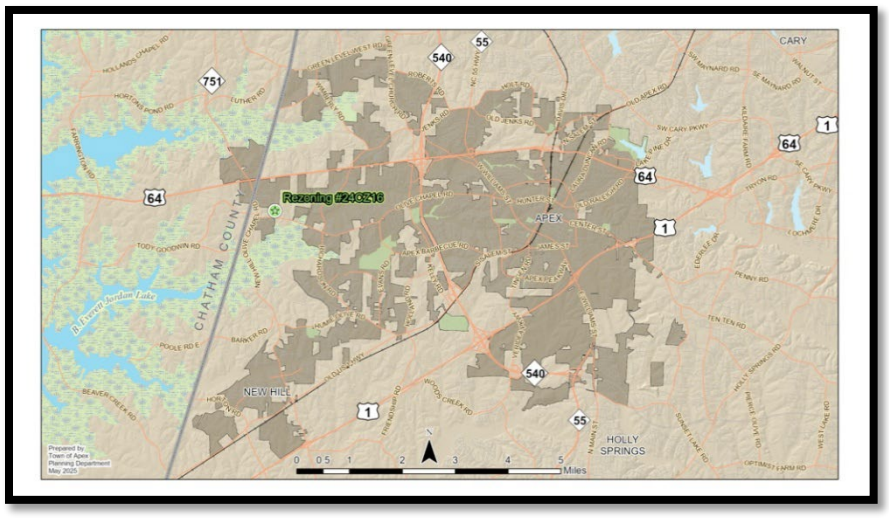
PH4 Rezoning Case No. 24CZ16 - Lawrence Property PUD – Continued from May 27, 2025 (REF: ORD-2025-050)

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

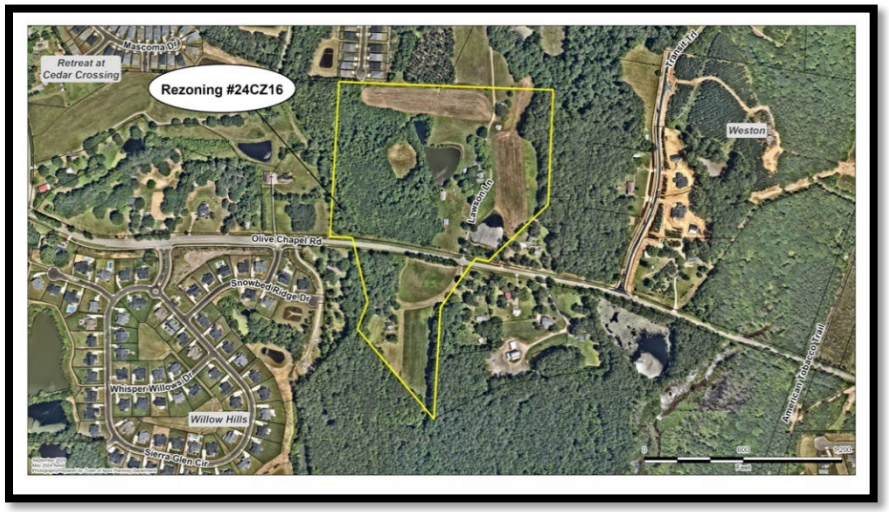
[SLIDE 1]



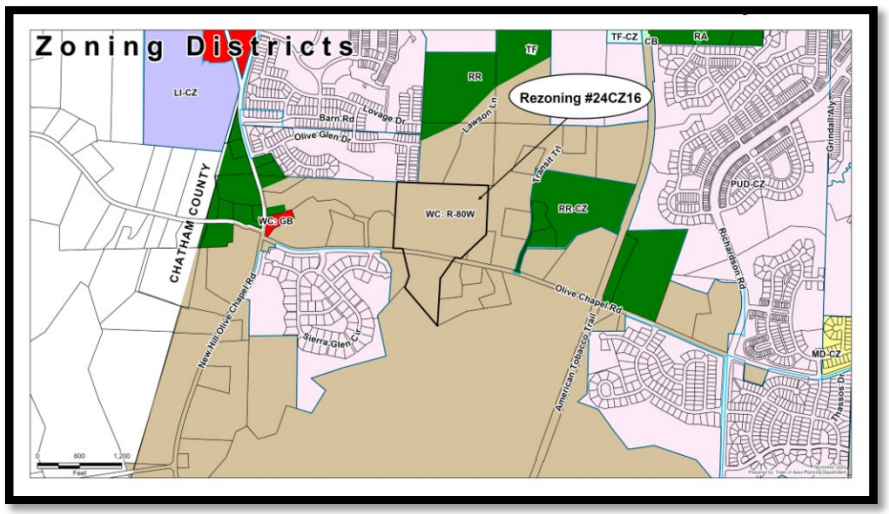
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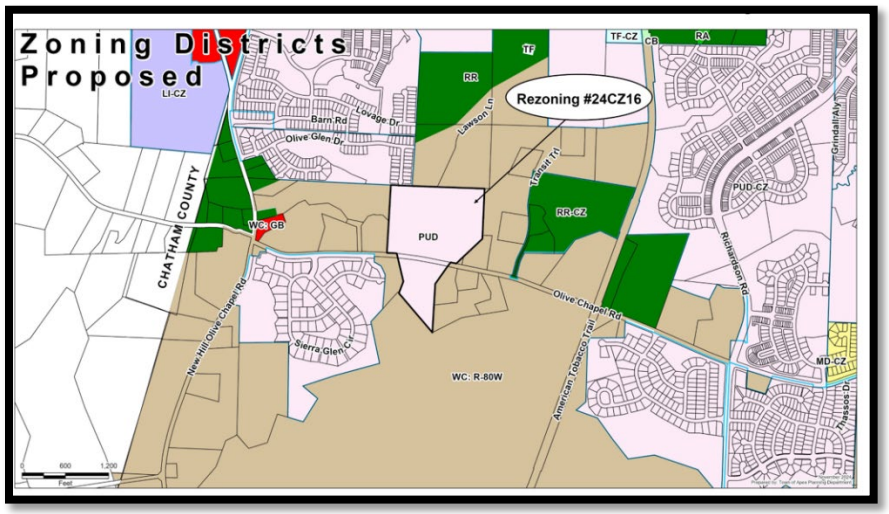
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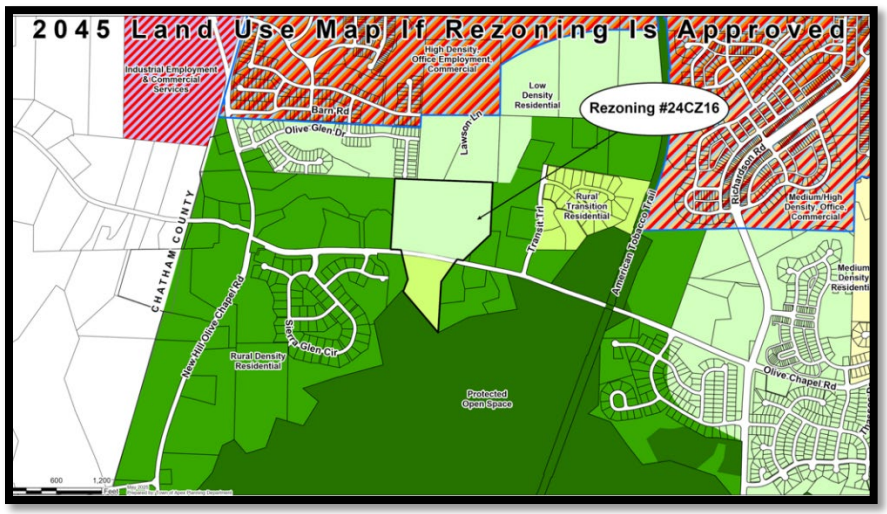
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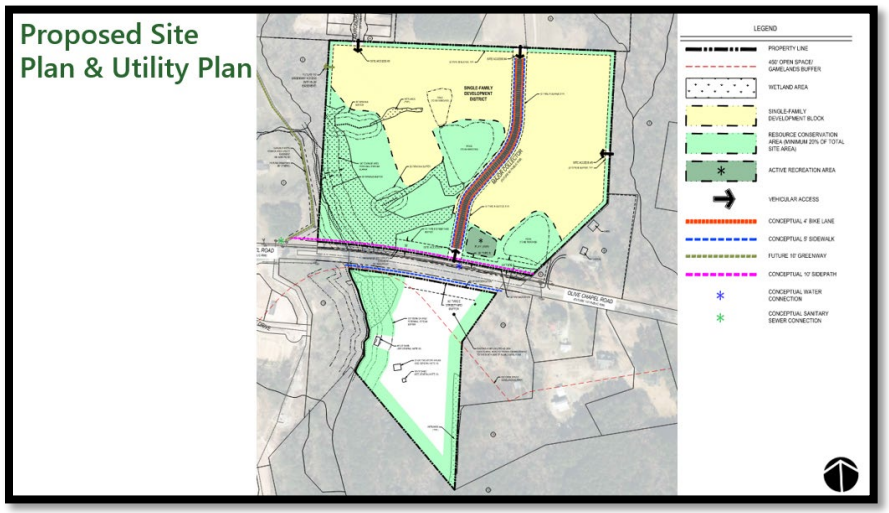
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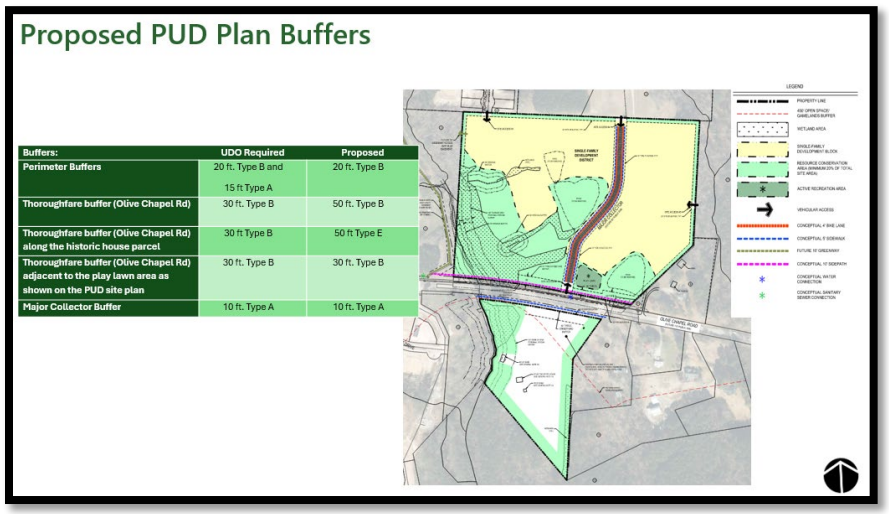
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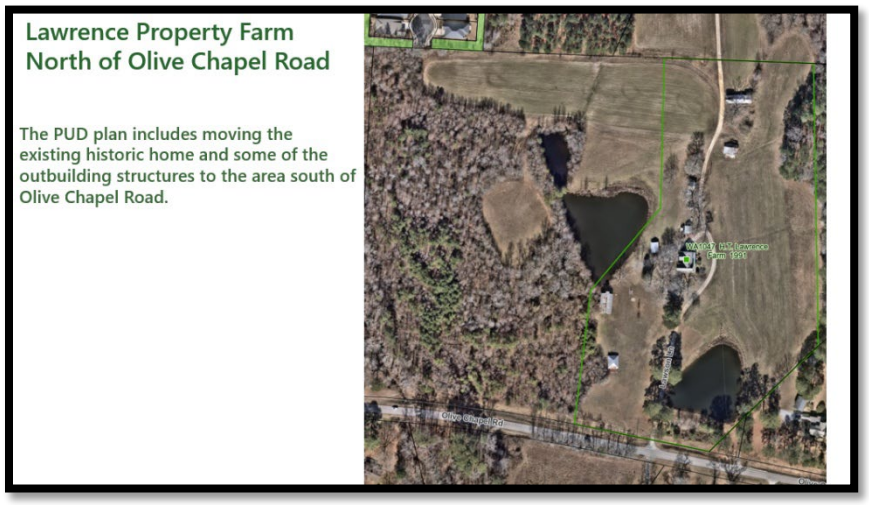
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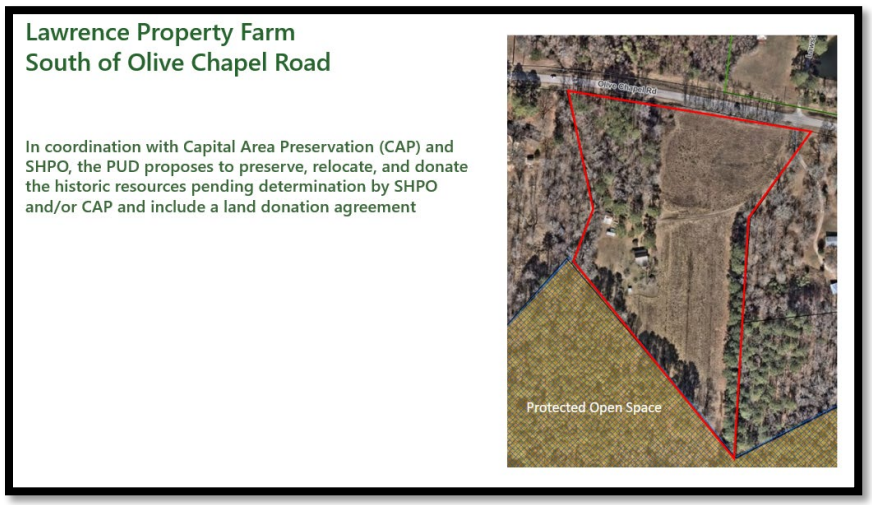
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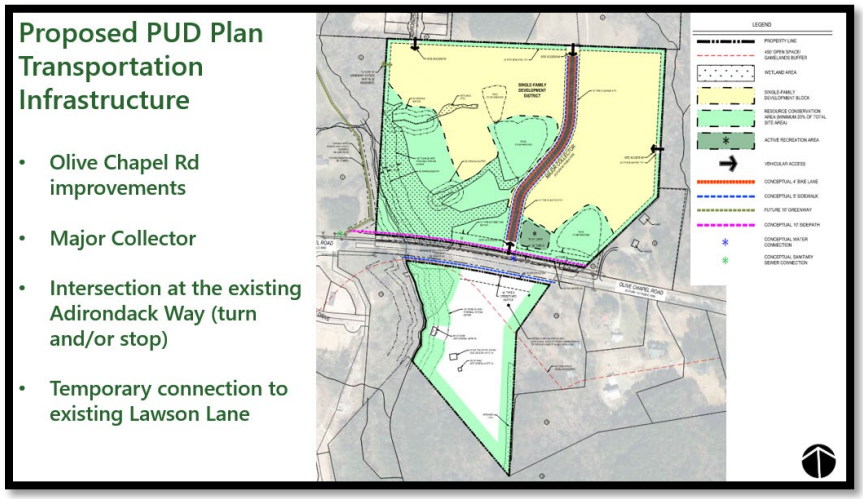
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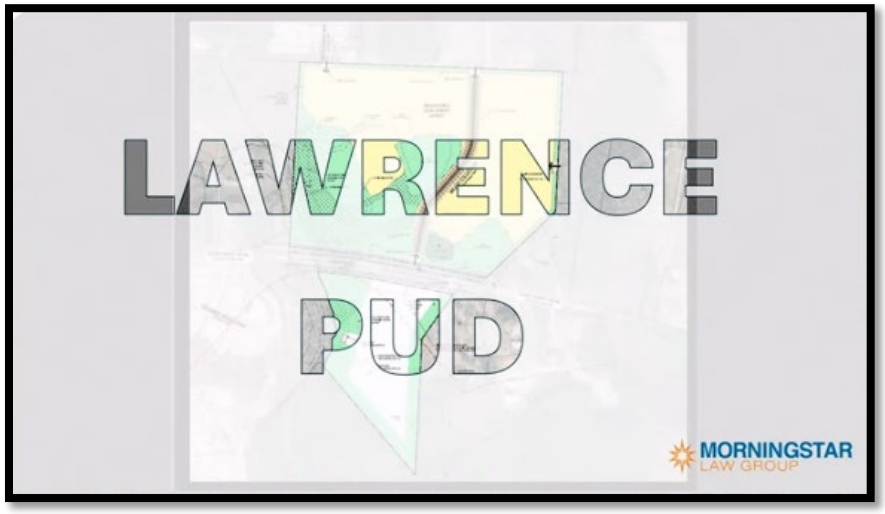


Ms. Cowles asked if there were any questions for her or the applicant.

Mayor Gilbert asked if there were any questions. He asked for the applicant to speak.

Leticia Shapiro of Morning Star Law Group, representing Baker Residential, spoke in support of a rezoning application and gave an overview of the rezoning. She gave the following presentation:

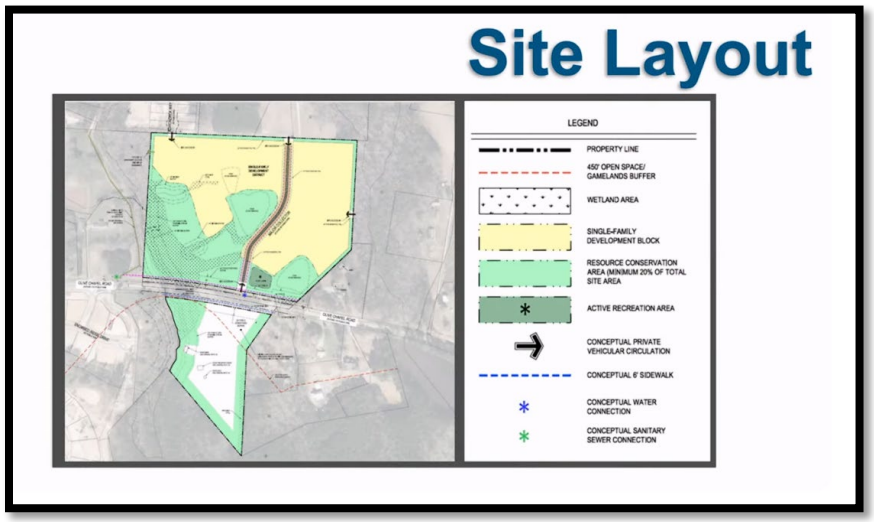
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Ms. Shapiro asked if there were any questions.

Councilmember Zegerman asked if there was any construction on the south side of Chapel Olive Road.

Ms. Shapiro confirmed that there was no construction on the south side of Chapel Olive Road.

Mayor Gilbert said that with no other questions he would open up Public Hearing and called the first speaker.

First to speak was **Frank Aegis** of 1357 Mascoma Drive:

"Good evening, my name is Frank Aegis, 1357 Mascoma Drive, that's in the Retreat at Cedar Crossing. I'm also on the Board of Directors of the HOA at Retreat at Cedar Crossing, and I'm speaking for several of our members. I appreciate the opportunity to speak with you. Over the past six months, I've been in discussions with the Lawrence Farm project developers

and with the Town of Apex staff regarding the plans for this new subdivision, so I've been the main point of contact with the developers. The proposed development of single-family homes fits well with the character of the area. However, the Retreat residents, especially those on the connecting street Adirondack Way, Adirondack Way is going to connect into Lawrence Farms, are extremely concerned about the potential negative impacts with respect to traffic. The major roads and intersections surrounding the developments, Olive Chapel, New Hill Olive Chapel, Route 64—are increasingly congested. With the 2024 opening of the TMSA High School, morning and afternoon traffic backups around the Retreat and Deer Creek are really excessive. The roads are almost impassable. Add to that the coming construction projects in the coming years, starting in the next two years, the DOT is going to be realigning Olive Chapel and New Hill. They're going to be widening New Hill to 64 to four lanes. They're going to be adding a roundabout at Amber Light and New Hill, all should help, but in six to ten years that those are in construction, traffic is going to be increasingly problematic in our area. We feel that the opening of Adirondack Way, which is currently a closed street, is going to provide an alternate path for travelers that are westbound on Olive Chapel and northbound on New Hill, they're likely to try and bypass New Hill Chapel and go through our subdivisions, go through the Lawrence Farms, go through the Retreat, and go through Deer Creek to get to the school and to get to 64, because there is a way you can use those roads and bypass the intersection of Route 64 and 751. How many will do that? We don't know, because we don't have any data. There has been no traffic study, and there's been no traffic study that's been required for this application and this rezoning. You need data to be able to make a decision, to look at the plans and see if the plans for the roads are adequate for what the projected use of those roads is and the only way you can do that is to have the data and to have a traffic study to see what kind of traffic we can expect. Now, when I brought this to the developer and to the Town Planning, I was told, "Well, your subdivisions are too small, there's not likely to be that much traffic because it's only 55 homes," and that just ignores the fact that most of the traffic is not going to originate within the subdivision. It's going to originate outside the subdivisions, people using these as cut throughs. So, we would really feel that having a traffic study must be done so that you can understand what the levels of traffic are going to be and that the design of the roads, as they're presented to you, are adequate to handle those traffic loads. We don't want to have to come back here two years from now, three years from now, four years from now and complain about the horrendous traffic conditions and then have to try and figure out how to mitigate those. We have an opportunity now to make the right decisions, and to do that, we need to understand what's coming and so we would urge that a traffic study be required as part of this rezoning process. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Karen Foust** of 1318 Adirondack Way:

"Thank you for your time. I am actually the president and treasurer of the HOA for the Retreat at Cedar Crossing, but I also live on Adirondack Way. So, I'm going to be one of the

residents who's most impacted by the connection of the Retreat at Cedar Crossing to the new neighborhood. As Frank eloquently said, our residents are extremely concerned with the increase in traffic that will result with this connection to the new neighborhood and the Science and Math Academy. We've already seen a significant amount of increase in traffic, not necessarily on my street, but we anticipate that when the roads do connect, the residents of the new neighborhood as well as any residents coming off of Olive Chapel are going to start coming through our street. So, we just want to reinforce with you that a traffic study is needed, and if you're not willing to do that, consider traffic calming measures that will at least slow down the traffic or reduce the traffic that's coming through our street. Thank you for your time."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Lea Burnett** of 1335 Adirondack Way:

"Hello, thank you for your time. I also live at Retreat at Cedar Crossing, and I'm at 1335 Adirondack Way, which is next door to where the new development's going to be planned, so I'm at the end of the street. I don't know if y'all know this, but we are a small 55-and-up community. We only have 88 homes. It's quiet and peaceful and is perfect for our senior residents. The current traffic concerns that we have, we're at the end of our neighborhood, if we go out, we cannot turn left onto Olive Chapel. It's the same when we're coming back home, we cannot turn left into our entrance. So, this is extremely inconvenient for all of us that we cannot make a left-hand turn there. This forces us to drive into Deer Creek, which is the subdivision right next to us. Deer Creek is a large community with mostly young families. There's a multitude of small children, and they play outside, which they should, but they play in the street. They're in the street on their little bicycles or little Razor things, and they're playing ball and stuff, and balls come out into the street. There's a good deal of pedestrian traffic as well, so you can imagine, I know they've had some close calls in that neighborhood, and there are safety issues and concerns there. We don't want to go through their neighborhood, but we have no choice if we want to turn left out of our subdivision, so I know they don't want us going through their neighborhood, and I know they don't appreciate the extra traffic that we add to their neighborhood as well. In my mind, it would be better to separate, of course we can't separate from Deer Creek because that's already a done deal but to separate our community from the new proposed community, because they're going to have a main street going out of this new community, and they can go left or right, well, lucky them. There's also the TMSA high school and elementary that borders Deer Creek and of course connects to our neighborhood. There are 2,000 students in these schools combined, and they are, the vast majority, probably 99.9% of them are driven by parents."

Mayor Gilbert thanked the speaker and called the next speaker.

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

"So, you've heard a lot about traffic. I just want to quickly mention, and I'm going to run out of time about the school. So, I think it was read out loud, and that was great, but it emphasizes a serious issue here in this area. People coming from out of the area don't realize the schools are capped, and you can't go to a school that's local to you. You have to get in the car and drive your kids somewhere. So, these traffic studies too even if we have them done and there's 602 new trips for the Lawrence, it's just a traffic letter, it's not a study, but you forget that's not added, okay? And all that good stuff. But anyway, it says here on the zoning application: anticipated to have insufficient capacity for future students, transportation to schools outside the current assignment area. So where do the kids go? I don't understand it. You have no plan for that. You're not going to do a traffic study, because we know you didn't do one on Peak Landing, which is on top of a hill on Old US 1 by our area. You didn't do it. 600 feet for the closest street because it was too low in houses. Of course, Cary will put the traffic study on their website for the public to see on 100 trips. You do 10 times as many. You wait till it's a thousand cars, and yeah, of course it's a dangerous situation because of all the traffic we've had. And this is outdated, folks. This is $1.2 to $2 million of estimated crashes, not damage, lifelong injuries. I mapped this all out. Why don't you have that information? Because Apex only counts Apex roads. Most of this is NC DOT road, okay, so we're just fabricating good facts. Another thing is, okay, I'm from New Jersey, the other lady was from New York. You come down here, it's beautiful. You are happier than heck to be down here. You love the weather. You're so happy. You see the zoning maps, rural, rural, it's green everywhere. What do you do? You do amendments, and you change it like the snap of a finger. What does that allow? You talk to the developers. You figure it out, how are you going to plot this whole area and take it down? Okay, that's all this is. This is just a game. It's a game and then it's a money game. That's all you're doing. So, I hate coming up here and talking about this because it upsets me so much. This area is so freaking beautiful, and it's a disgrace what you are doing in your official capacity to it. And I'm sorry to say, but I've done all the proper channels, and I'm going to go, I'm going to go further up the chain because this is ridiculous. We've been coming here for years, and you just look at us and ignore us and think we're stupid. There're no schools, there's no safe roads. Calming a traffic situation down is not mitigating the problem, there's too much housing and there's no economic jobs to support it. Thank you."

Mayor Gilbert thanked the last speaker and closed Public Hearing.

Council moved onto votes for PH2, PH3, and PH4, which were presented and heard together.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 37.98 acres project entitled Lawrence Property PUD, located on Olive Chapel Road, Annexation No. 790, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Gantt** seconded by **Councilmember Killingsworth** to amend the Apex Transportation Plan to realign a future major collector street in the vicinity of Lawson Lane.

VOTE: UNANIMOUS (5-0)

Councilmember Mahaffey said this was well done and supported the rezoning case for Lawrence property and complimented the fact that it was preserving the property below it and the RCA on the property was 40%.

Councilmember Zegerman said that with the entire property south of Olive Chapel is preserved it gives a transition period that is envisioned when the Land Use Map was developed and with very low density housing and what is expected in the area.

Councilmember Gantt said that they stub these roads with the intent that the more connections the less pressure at the intersections with traffic. He said that with there not being a left turn off of Adirondack Road, that the neighborhood will be used for a way to get out but when the major collector is built to Highway 64, then Highway 751 will be the way to get to Highway 64 to connect to Olive Chapel Road. He said that with the additional connections that are being planned then residents in this neighborhood north and residents will be able to turn left on to Olive Chapel instead of going through the neighborhood to take a left onto New Hill Chapel Road. He said that traffic calming would be a way to slow traffic.

Councilmember Killingsworth said that her neighborhood was a perfect example of example of a neighborhood with a cut through to get to 64 to the Peakway and traffic calming is something to consider. She said that with all the conditions being offered it was a good rezoning.

Councilmember Mahaffey said that over time there has been concerns about traffic and the extension of Adirondack Way is the solution with the extra connections.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt** to approve Rezoning No. 24CZ16 – Lawrence Property PUD - Rezone approximately 41.02 acres from Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ), at 3228 Olive Chapel Road.

VOTE: UNANIMOUS (5-0)

PH5 Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive Chapel Road – 16.80 acres – ITEM TO BE CONTINUED

Dianne Khin, Director, Planning Department

PH6 Rezoning Case No. 25CZ06 New Hill Olive Chapel Assemblage – ITEM TO BE CONTINUED

Bruce Venable, Planner II, Planning Department

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to continue PH5 - Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive and PH6 - Rezoning Case No. 25CZ06 New Hill Olive Chapel Assemblage until Council meeting August 12, 2025.

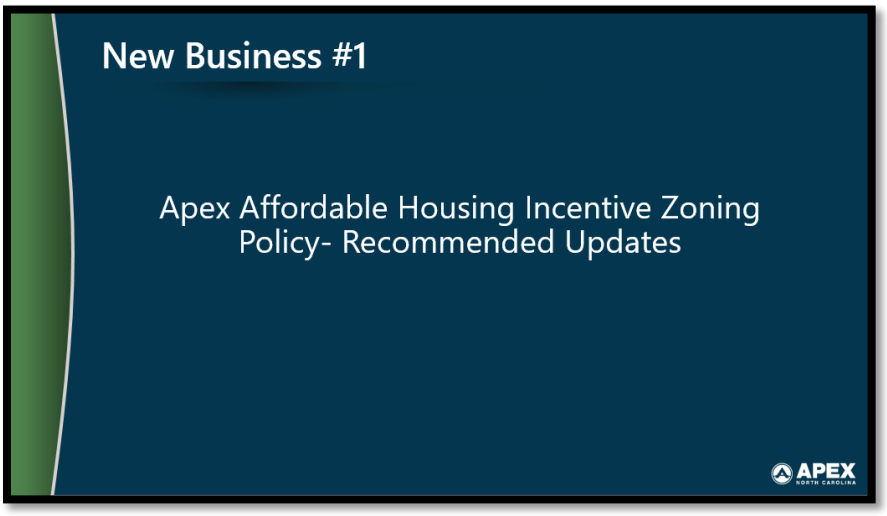
VOTE: UNANIMOUS (5-0)

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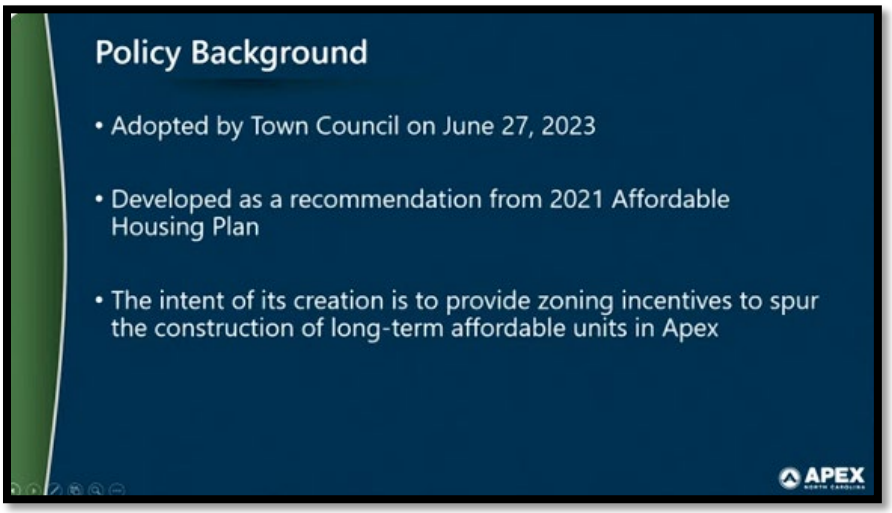
NB1 Apex Affordable Housing Incentive Zoning Policy – Recommended Updates (REF: PLCY-2025-013)

Marla Newman, Director, Community Development and Neighborhood Connections gave the following presentation:

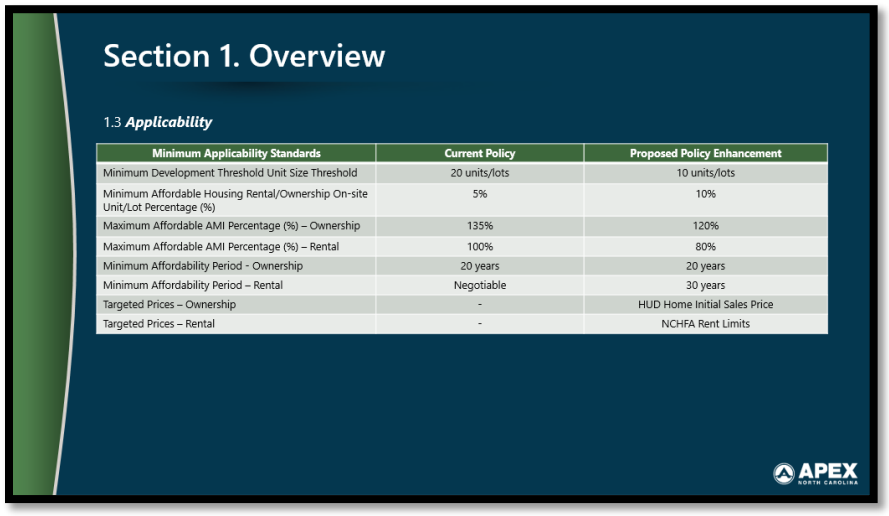
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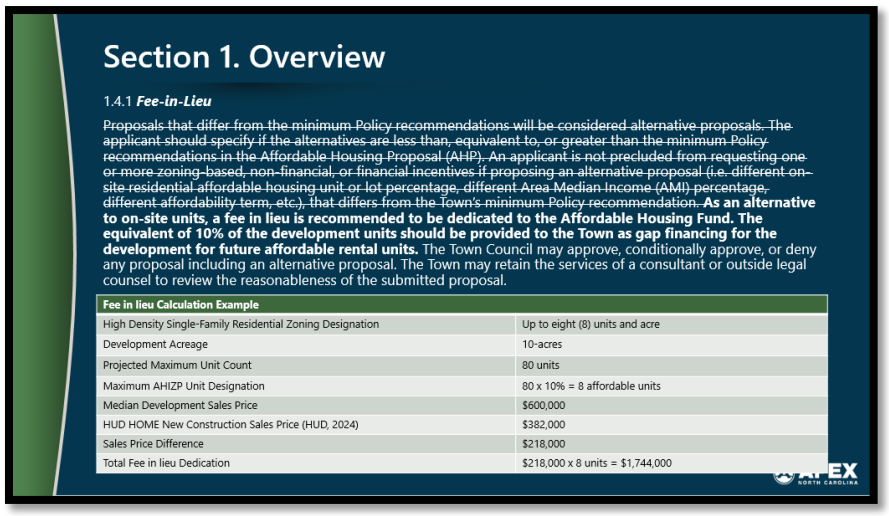
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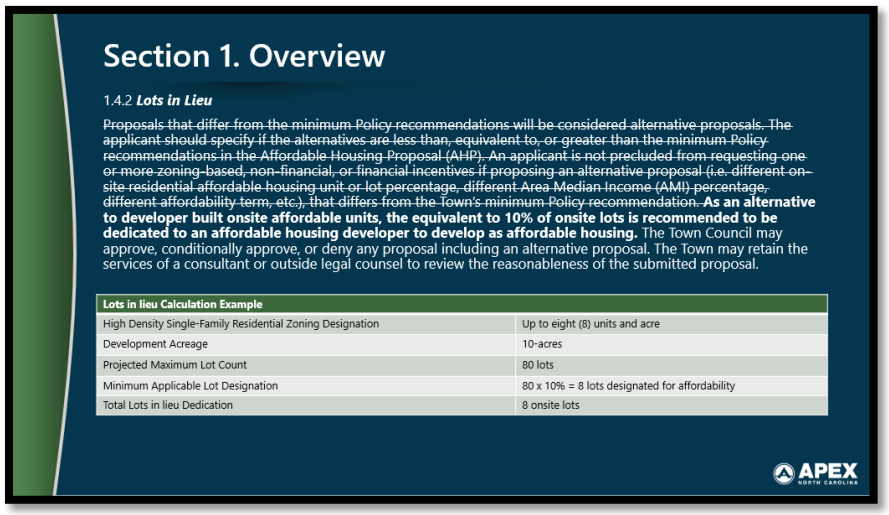
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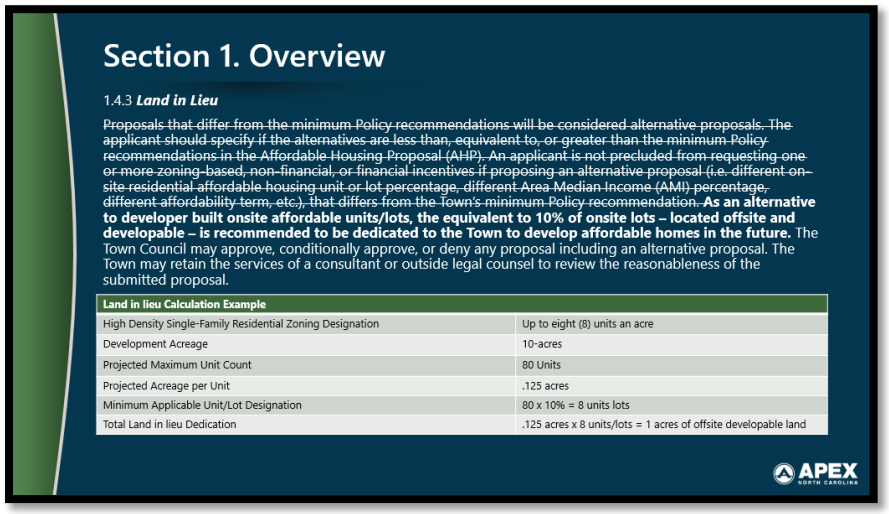
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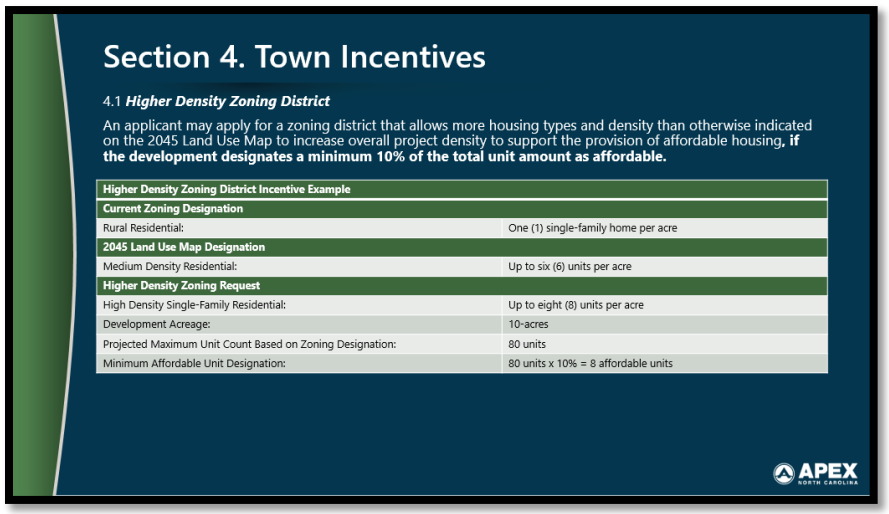
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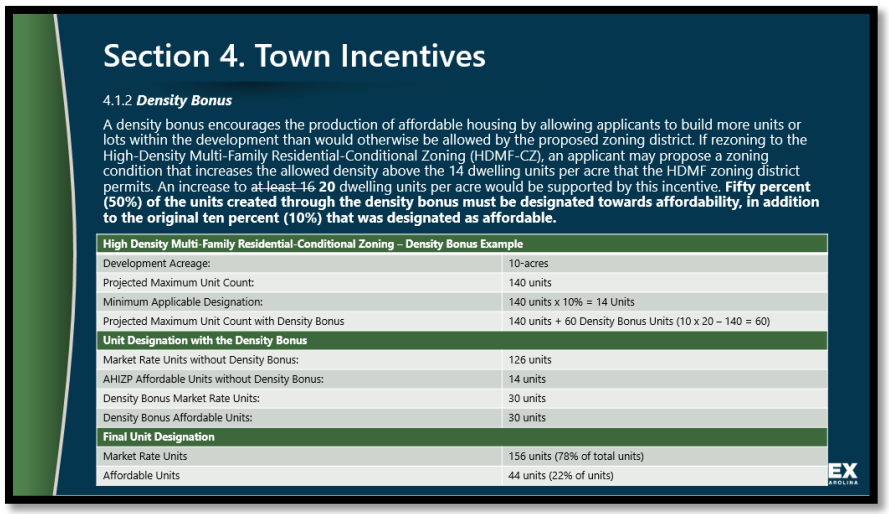
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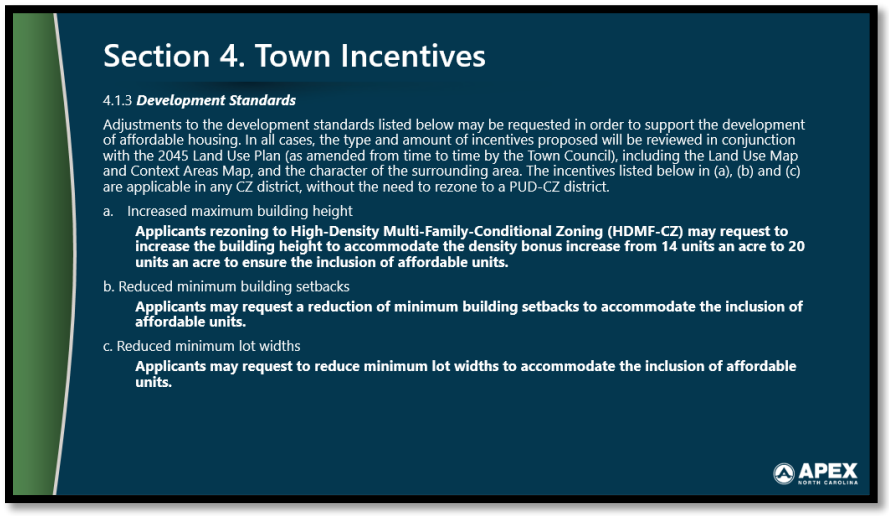
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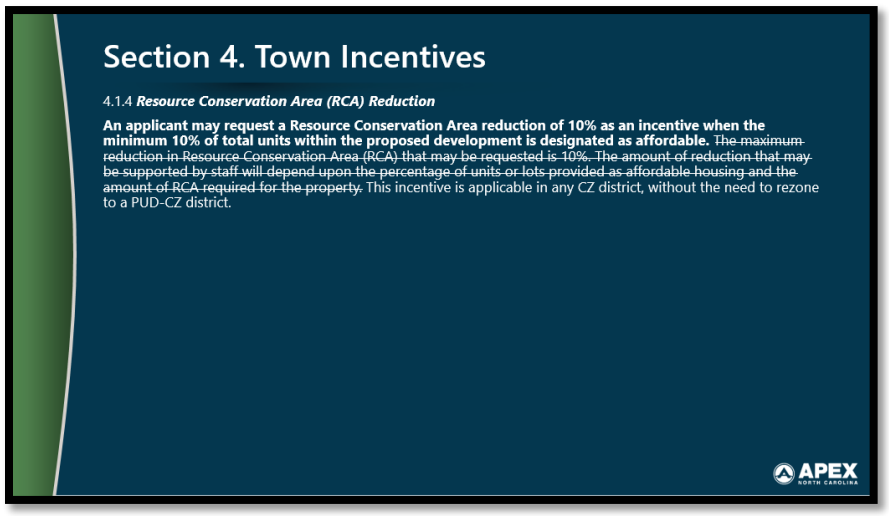
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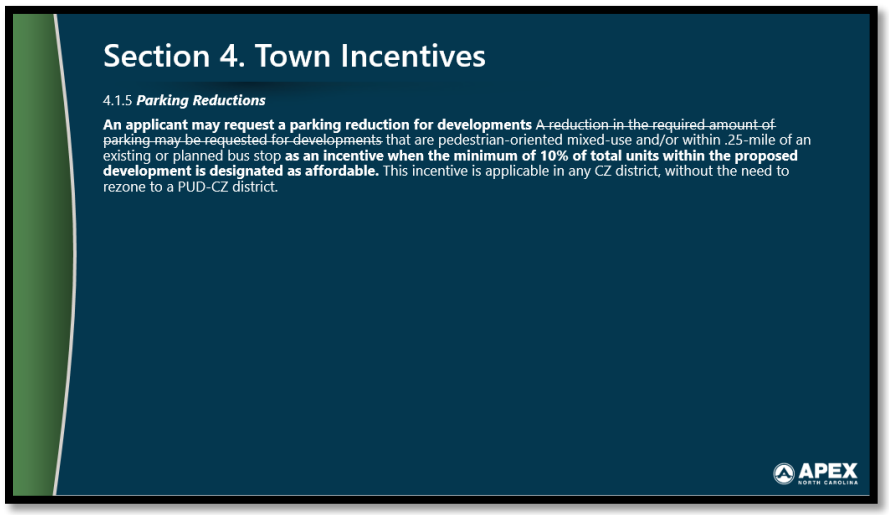
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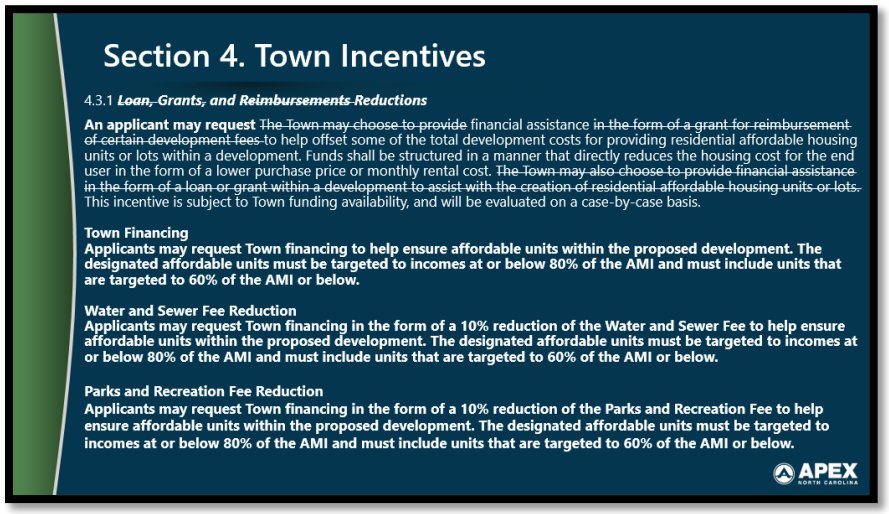
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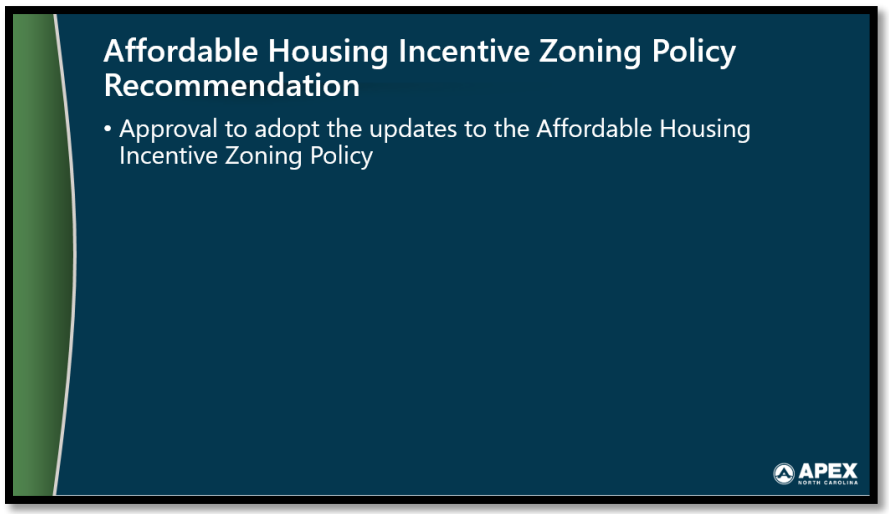
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[SLIDE 12]



[SLIDE 13]



Director Newman said that they were requesting the Council to adopt these enhancements to the incentive zoning policy and would answer any questions.

Councilmember Zegerman referenced slide #4 about the summary of the changes and asked if the ownership percentages were in line with HUD standards and if so, where did this information come from.

Director Newman said that generally the HUD standards cap the threshold at 80% but workers in the community making the 120% threshold still struggle to afford living in the community and enable them to help more people.

Councilmember Zegerman asked why is the threshold 120 instead of 100.

Director Newman said that according to HUD standards moderate income is 80 to 120 and this covers people in the moderate-income range who are struggling to compete in the market.

Councilmember Zegerman said that two-income scenarios of workforce employees targeted there is still a struggle to get up to the 100% mark and 120% may still not reach

those people that is trying to be reached, and would like to be more aggressive to target the policies towards the people that need it.

Director Newman said that they are open to any adjustment if Council wants to make an adjustment.

Councilmember Zegerman said that if Council asked staff to explore 100% AMI, the change could be made at any time, and he would like to look at the pros and cons and if there is anything being missed.

Director Newman said a higher percentage enables them to help more people that are still struggling in the marketplace.

Councilmember Gantt said that the discussion was how little uptake there has been in the program. He asked if this participation would be decreased because of it being stricter.

Director Newman said that it possibly could be because there may need to be more subsidies, and it depends on what Council is willing to do for that. She said that Wake County invests significantly and NCHFA invests in affordable housing, but it would depend on what Apex would invest. She said that once it is clear on who is being served then amounts can be discussed. She said they are considering additional incentives to target more home ownership with a developer incentive with a combination of fee waivers and other incentives as a combination that enables the developer to possibly build units without costs associated with that tend to increase overall development.

Councilmember Gantt said that 120 would be more stringent and would require more subsidy to encourage purchases. He asked if the properties are selling at 80% AMI versus 100% wouldn't it be thousands of dollars that the developer will have to go lower to make this work.

Director Newman said that 80% is for rentals.

Councilmember Gantt said that is correct, but he feels reducing this is going to make it harder for developers to want to take the incentives for reducing the AMI on some of the units, as it may not make financial sense.

Director Newman said this is why the other incentives should make it more appealing.

Councilmember Killingsworth said that when the incentive zoning policy was discussed it was compared to other municipalities and Durham's wasn't being utilized, but Apex has already had 3 developers using it in the short time that Apex has offered it. She said that Apex is making strides in the right direction.

Councilmember Gantt said that it was a balance, some things make it easier, and some things make it harder.

Councilmember Zegerman said that it is a bigger benefit, making the tradeoff in terms of expenses to make it worth it.

Director Newman said when the policy was adopted the idea was to bring back results, and she recommended continuing to give it some more time with the proposed changes here.

Mayor Gilbert said that this was a good start and moving forward the town can see

how it is doing and tweak if needed.

Councilmember Zegerman asked what the conditions of lots and land in lieu are.

Director Newman said that lots in lieu are in within the same development and will be developable land, the land in lieu requirements is that it also be developable land.

Councilmember Gantt asked if the parcels were required to be identified.

Director Newman said yes, it has to be a designated parcel of land or parcels of land.

Mayor Pro-Tempore Gray said that when the nature of the overall market is being looked at it has changed since the original affordable housing plan was developed and land availability is becoming limited, and it's the right time to adjust incentives to better support the town's goals.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to approve the Apex Affordable Housing Incentive Zoning Policy Updates.

VOTE: UNANIMOUS (5-0)

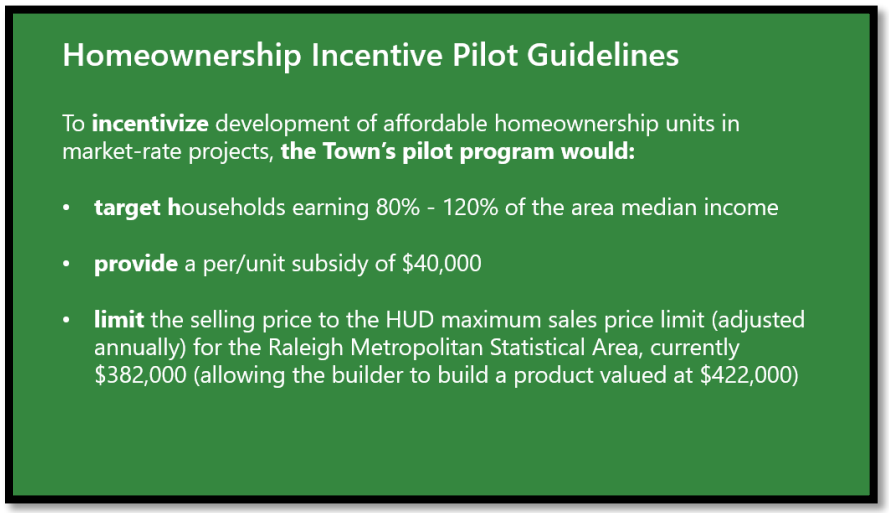
NB2 Apex Homeownership Incentive Pilot Program and Budget Ordinance Amendment No. 13 (REF: ORD-2025-051, and PLCY-2025-014)

Marla Newman, Director, Community Development and Neighborhood Connections gave the following presentation:

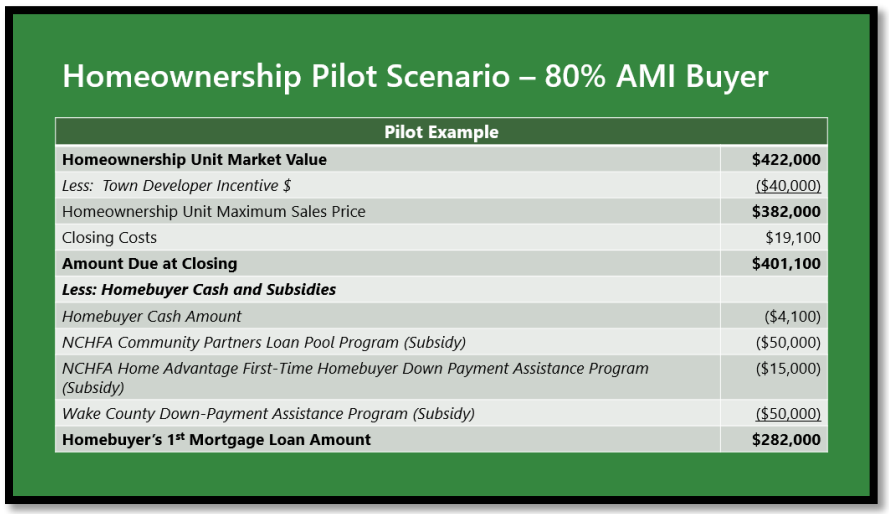
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[SLIDE 3]



Councilmember Gantt asked if the subsidies from the County and the State are guaranteed if the qualifications are met.

Director Newman said yes, as long as the funding is still available.

Councilmember Gantt asked how long the funds usually last.

Director Newman said that was something that couldn't be predicted, but there was lots of demand for it.

[SLIDE 4]

Homeownership Pilot Scenario – 80% AMI Buyer

Homebuyer Underwriting Assumptions:

- Household Income: $97,840 (80% of the AMI)
- Household Size: 4
- Buyer Cash: $4,100
- Buyer meets industry-standard mortgage underwriting ratios

[SLIDE 5]

Homeownership Pilot Scenario – Over 80% of AMI (up to an annual income of $140,000)

Pilot Example	
Homeownership Unit Market Value (current sales price limit for the NC 1st Home Advantage Down Payment – Wake County)	**$490,000**
Less: Town Developer Incentive $	($40,000)
Homeownership Unit Maximum Sales Price	**$450,000**
Closing Costs	$22,500
Amount Due at Closing	**$472,500**
Less: Homebuyer Cash and Subsidies	
Homebuyer Cash Amount	(4,100)
NCHFA Home Advantage First-Time Homebuyer Down Payment Assistance Program (Subsidy)	($29,052)
Homebuyer's 1st Mortgage Loan Amount	**$439,348**

For both first-time and move-up home buyers, the NCHFA NC Home Advantage Mortgage™ provides qualified homebuyers whose annual income doesn't exceed $140,000 with mortgages and down payment assistance up to 3% of the loan amount. The Agency also offers a $15,000 down payment assistance option—the NC 1st Home Advantage Down Payment—just for first-time buyers and military veterans who meet additional eligibility criteria.

[SLIDE 6]

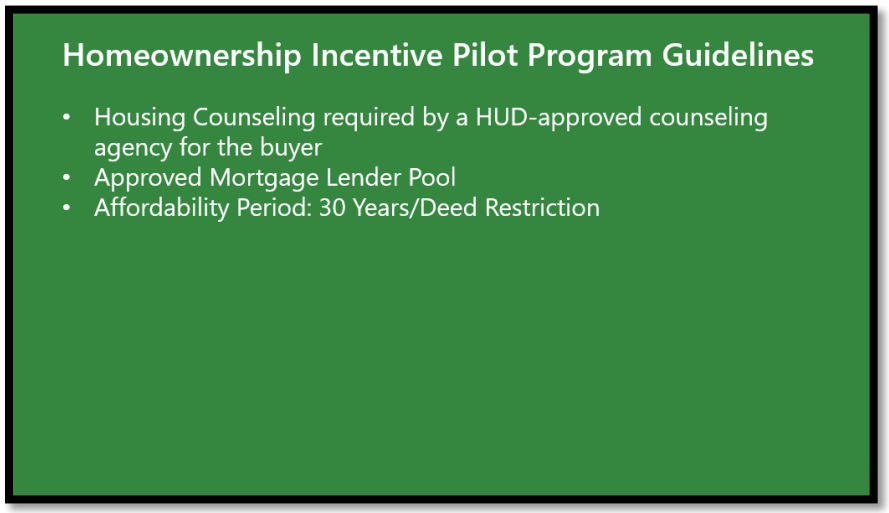
Homeownership Pilot Scenario – Over 80% AMI

Homebuyer Underwriting Assumptions:

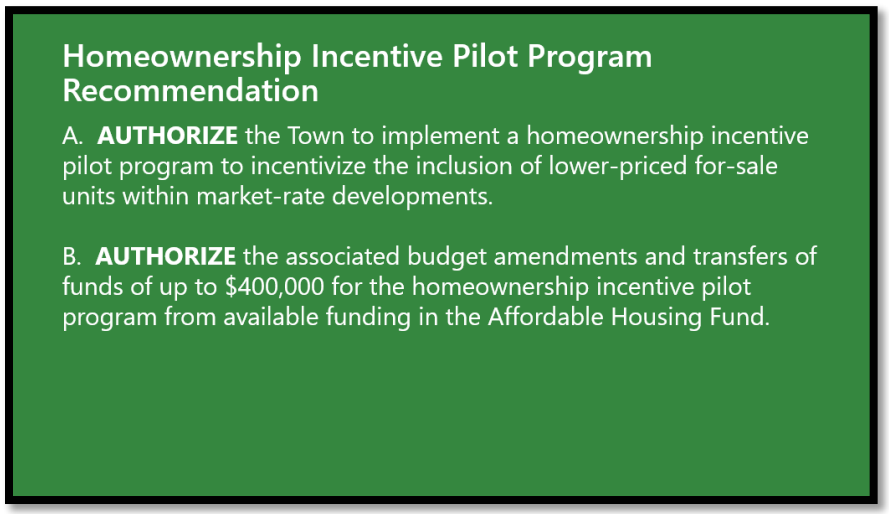
- Household Income: does not exceed $140,000
- Buyer Cash: $4,100
- Buyer meets industry-standard mortgage underwriting ratios

*Wake County AMI: $132,700 (effective 4/1/2025)

[SLIDE 7]



[SLIDE 8]



Director Newman said that she would answer any questions.

Councilmember Zegerman asked how they could align the application period with the other programs to ensure that funds are still available.

Director Newman said that NCHFA does not have a deadline. She said that the buyer would work with their lender to collaborate with the programs. She said that the Wake County funds go more quickly so possibly publicizing the program may help, but that for Apex this is on the developer's side, and they would have to work with the developer and possibly add some guidelines for the process.

Councilmember Zegerman asked what the selection process was.

Director Newman said this is why they are asking to pilot this program, but it seems that first come, first serve would be the way to disperse the funds.

Councilmember Gantt asked how the developer's process works.

Director Newman said they have a qualifying process and gave an explanation.

Councilmember Gantt asked if the developer and the home buyer must both sign documentation with Apex.

Director Newman said that they connect the developer through different non-profit organizations to work with the buyer.

Councilmember Gantt confirmed that the developer applies to the program and then staff connects the developer to the non-profit organization.

Director Newman confirmed that was the beginning of the process for the program and this happens during development.

Councilmember Killingsworth said that we weren't the first municipality to do this.

Director Newman said that is correct.

Councilmember Gantt asked why this would not be for just the 80% AMI people and below.

Director Newman said that there are a range of people who are considered "moderate income" that are in the market and are competing with those who have additional income and would be able to buy them easier.

Councilmember Gantt asked if the allowance was 80% and below and if it gets used up, then they would be getting Wake County money and they are the people in most need.

Director Newman said it would only be 80% because this housing is not feasible below 80% which those people would be eligible for Habitat and other resources.

Councilmember Gantt suggested keeping it at 80%.

Director Newman said that there were fewer resources for those from 80% to 120%.

Councilmember Mahaffey asked why this is being done on the developer side and not on the homeowner side as other programs are.

Director Newman said it is the ratios of what money comes in. She said that on the developer's side, it helps get the initial price lower and align with the HUD maximum sales price.

Mayor Gilbert asked how the developer community responded to this program.

Director Newman said that there had not been a lot of discussion but that these programs are in other areas and that staff wanted to discuss this with Council before working with the developers. She said that this is why it is a pilot program, and the funding would come from the Affordable Housing funds and not the general fund.

Councilmember Gantt suggested that after the first year and the 10 units have been allocated for staff to report back to Council on the range of the applicants and if they are all between the 80% to 120% that this program may need to be changed to target below 80% more.

Mayor Gilbert asked if there were any other questions or a motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, approve the Apex Homeownership Incentive Pilot Program and Budget Ordinance Amendment No. 13.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert called for a ten-minute recess at **8:12 p.m.**

The meeting stood in recess.

Mayor Gilbert reconvened the meeting at **8:25 p.m.,** with all voting members in attendance and seated.

NB3 – Resident Advisory Board Administrative Policy – Moved from Consent Item 16 (REF: PLCY-2025-012)

Allen Coleman, Town Clerk

Mayor Gilbert said that NB3 - had been moved. He said that under Advisory Board Administrative Policy #4 where it speaks about member taxes and not having overdue financial liability to Apex, that people with financial hardships that want to serve the Town for the right reasons being excluded does not reflect that the Council is being inclusive, and to impose that on resident boards it is not a good look. He asked for this to be consistent. He said there may be more research and may need to be brought back to Council.

Councilmember Zegerman said that the intent with updating this policy is that they are in good standing with the town and it is a common requirement. He agreed that the language does not reflect this 100%. He proposed that for now they strike the overdue financial liabilities and keep the tax requirement, which is that Advisory or Board members be current on County and Town taxes and keep the piece about the litigation against the Town and revisit other financial liability language in the future.

Mayor Gilbert said that the other piece is trying to determine what is delinquent vs. overdue with the financial obligation part, and what happens if this is the case.

Councilmember Mahaffey said that in reading the policy and how it is written it is a difference in someone that isn't paying their taxes or their bills or someone who is paying it on an approved payment plan. He asked if as long as they are keeping their payment obligation they should be covered in the policy.

Councilmember Zegerman said that the language is not clear, and the language should be worked through with the Town to align the two policies for Council and Board/Advisory members.

Councilmember Mahaffey asked if there could be aligned policies because the Council criteria is set by State statute.

Councilmember Zegerman said that to some degree it can be.

Mayor Gilbert asked if there were any other municipalities that have this policy for their residents' boards.

Town Clerk Coleman said that the only other municipality he knew of was the City of Durham, and that was for the tax piece.

Councilmember Zegerman said that they will amend the existing language "other overdue financial liability" and keep the tax liabilities.

Town Clerk Coleman asked to restate the revised number four (4) under "Membership Eligibility – 18 years of age and above" in the policy as proposed and amended for clarification. He said the amended number four shall read:

"All members shall be current on their Town of Apex and Wake County taxes, ~~and shall not have any overdue financial liability to the Town~~. The Town Clerk has been authorized to verify tax status ~~and financial liability~~ for applicants to the Town's standing Advisory Boards. If appointed, all members shall remain non-delinquent on taxes. If the member's taxes become delinquent during their term of appointment, the member shall be allowed up to 30 days to bring the taxes current.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to approve the Resident Advisory Board Administrative Policy, with the change of removing language regarding overdue financial liability other than property taxes.

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VOTE: UNANIMOUS (5-0)

NB4 Appointments - Culture and Arts Advisory Board (CAAB) – formerly referred to as the Public Art Committee (PAC).

Town Clerk Allen Coleman, gave a PowerPoint presentation which provided an overview of the process for appointments, the amended scope of work for each Board, and the new membership structure for each of the Town's Resident Advisory Boards. He said this was in response to the ongoing project which started in December of 2024 and that the Town Clerk's Office has been in active recruitment to fill several vacancies. He said the vacancies were due to a variety of reasons but most particularly the newly established term limits.

[SLIDE 1]



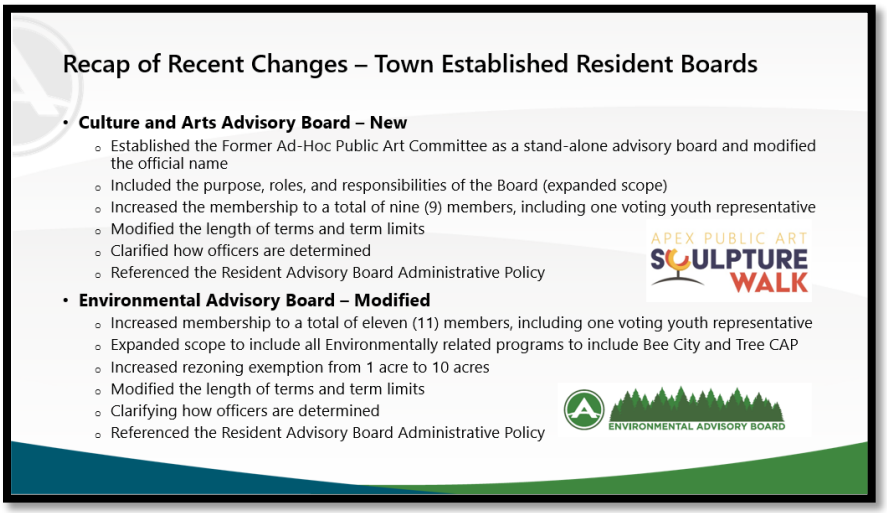
[SLIDE 2]



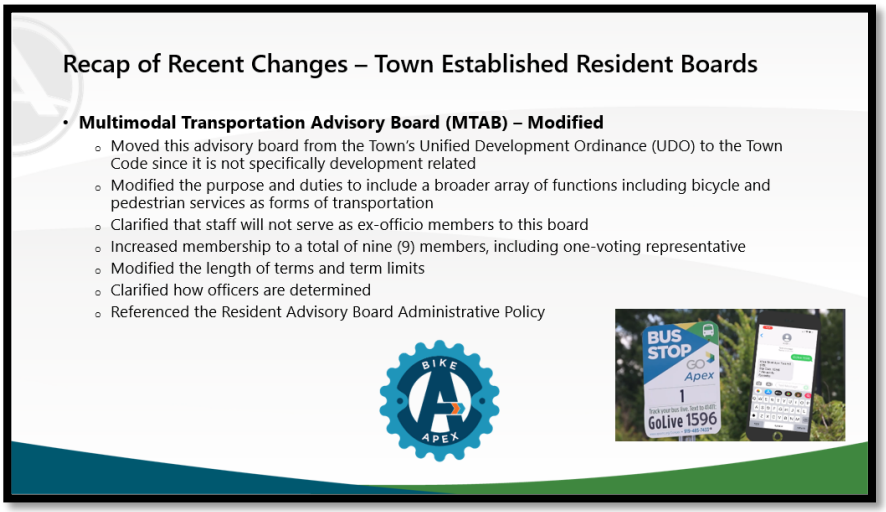
[SLIDE 3]



[SLIDE 4]



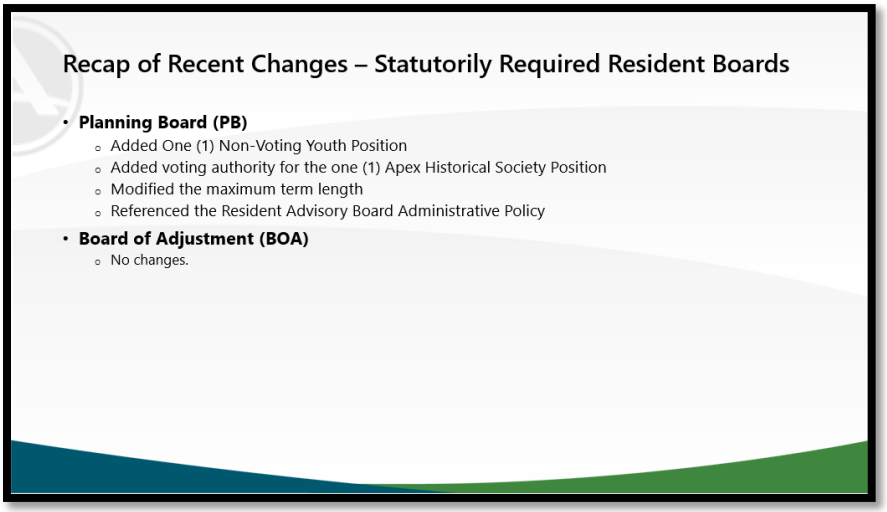
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



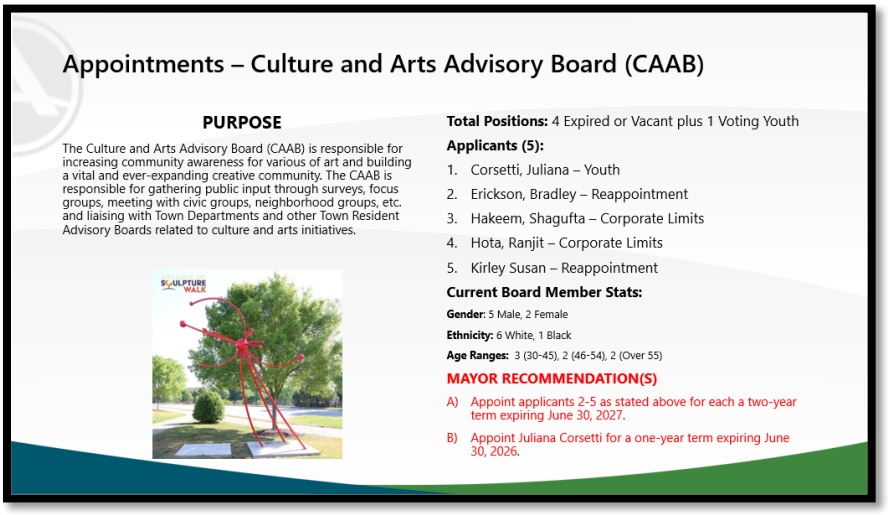
[SLIDE 9]



[SLIDE 10]



[SLIDE 11]



A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to appoint the following individuals to serve on the Town's Culture and Arts Advisory Board (CAAB):

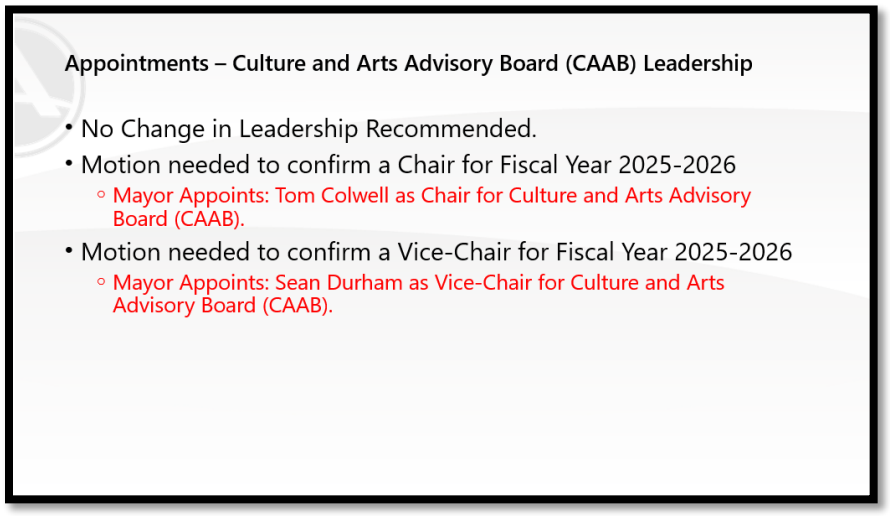
- Reappoint Bradley Erickson to a Regular Member position for a two-year term, expiring June 30, 2027;
- Reappoint Susan Kirley to a Regular Member position for a two-year term, expiring June 30, 2027;
- Appoint Shagufta Hakeem to a Regular Member position for a two-year term expiring June 30, 2027;
- Appoint Ranjit Hota to a Regular Member position for a two-year term expiring June 30, 2027;
- Appoint Juliana Corsetti as a Voting Youth Representative for a one-year term expiring June 30, 2026.

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VOTE: UNANIMOUS (5-0)

NB5 Appointments – Culture and Arts Advisory Board (CAAB) – Chair and Vice Chair

[SLIDE 1]



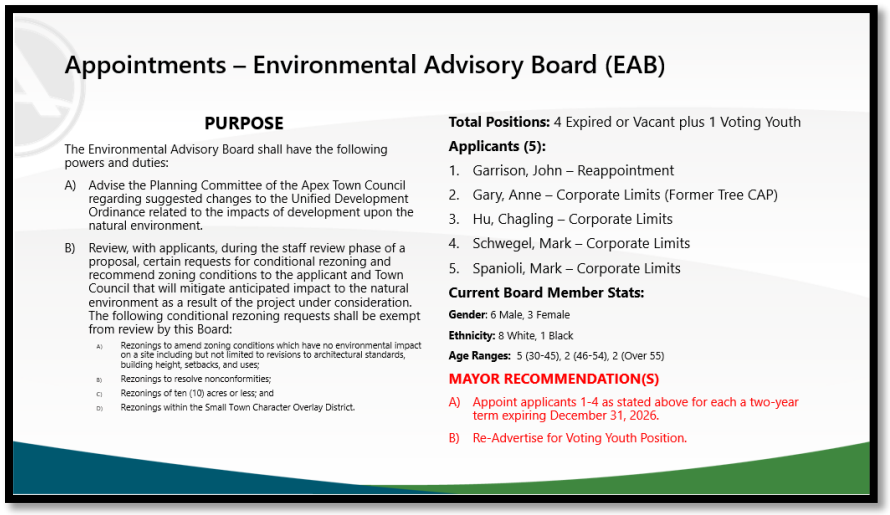
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**, to confirm Tom Colwell as Chair and Sean Durham as Vice-Chair of the Town's Culture and Arts Advisory Board (CAAB) for Fiscal Year 2025-2026, both expiring June 30, 2026.

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VOTE: UNANIMOUS (5-0)

NB6 Appointments - Environmental Advisory Board (EAB)

[SLIDE 1]



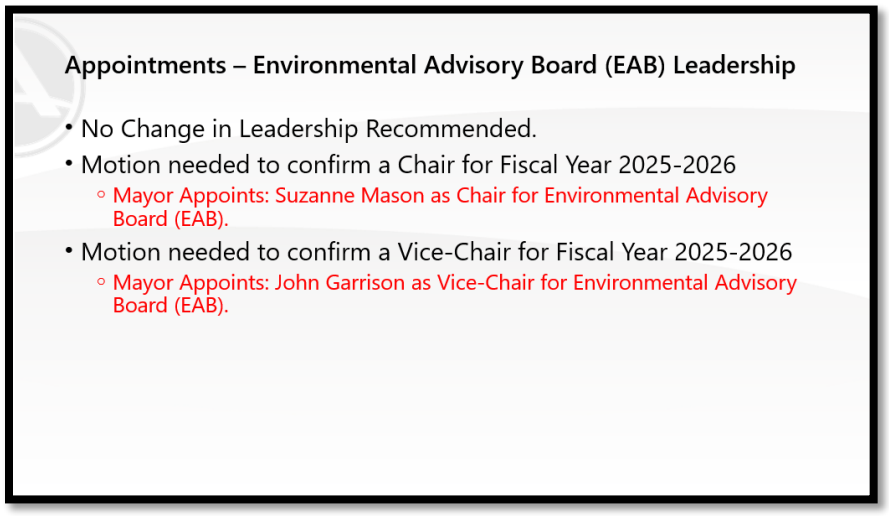
A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Environmental Advisory Board (EAB):

- Reappoint John Garrison to a Regular Member position for a two-year term, expiring December 31, 2026;
- Appoint Anne Gary to a Regular Member position for a two-year term, expiring December 31, 2026;
- Appoint Changling Hu to a Regular Member position for a two-year term, expiring December 31, 2026; and,
- Appoint Mark Schwegel to a Regular Member position for a two-year term, expiring December 31, 2026; and,
- Re-advertise for the Voting Youth Representative position

VOTE: UNANIMOUS (5-0)

NB7 Appointments - Environmental Advisory Board (EAB) – Chair and Vice-Chair

[SLIDE 1]

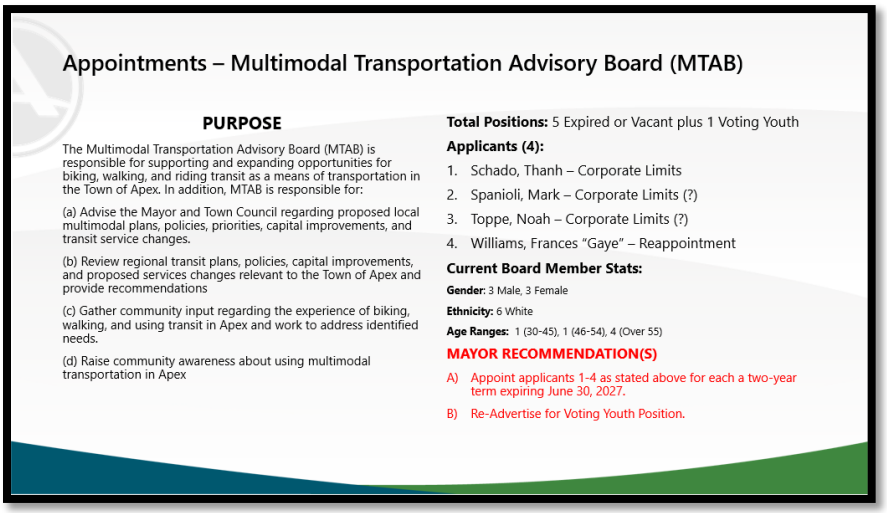


A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to confirm Suzanne Mason as Chair and John Garrison as Vice-Chair of the Town's Environmental Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB8 Appointments - Multimodal Transportation Advisory Board (MTAB) – formerly referred to as the Transit Advisory Committee (TAC)

[SLIDE 1]



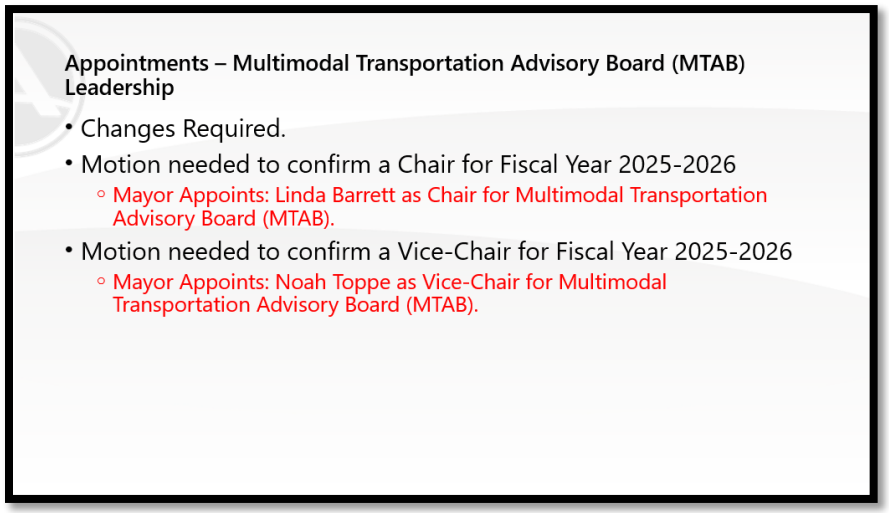
A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Multimodal Transportation Advisory Board (MTAB):

- Reappoint Gaye Williams to a Regular Member position for a two-year term, expiring July 31, 2027;
- Appoint Thanh Schado to a Regular Member position for a two-year term, expiring July 31, 2027,
- Appoint Mark Spanioli to a Regular Member position for a two-year term, expiring July 31, 2027,
- Appoint Noah Toppe to a Regular Member position for a two-year term, expiring July 31, 2027, and
- Re-advertise for a Voting Youth Representative position

VOTE: UNANIMOUS (5-0)

NB9 Appointments - Multimodal Transportation Advisory Board (MTAB) – Chair and Vice-Chair

[SLIDE 1]

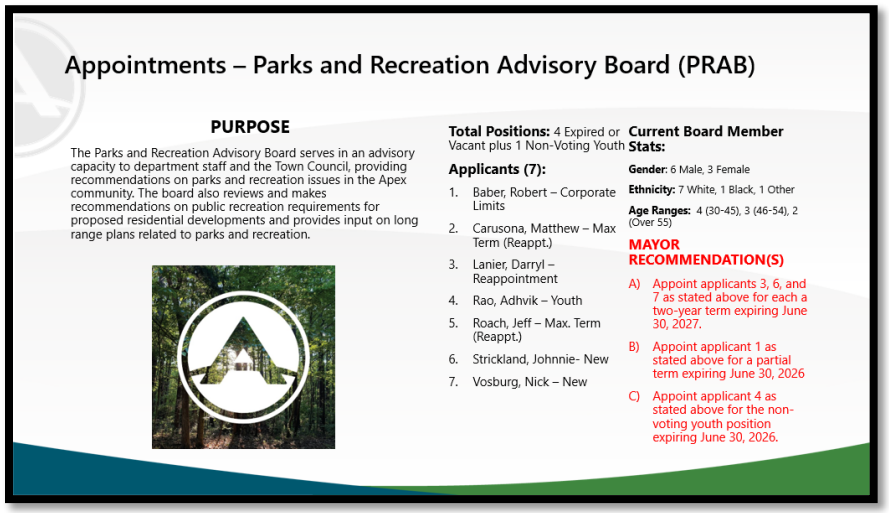


A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Gantt** to confirm Linda Barrett as Chair and Noah Thoppe as Vice-Chair for the Town's Multimodal Transportation Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB10 Appointments - Parks and Recreation Advisory Board (PRAB) – formerly referred to as a the Parks, Recreation, and Cultural Resources Advisory Commission (PRCRAC).

[SLIDE 1]



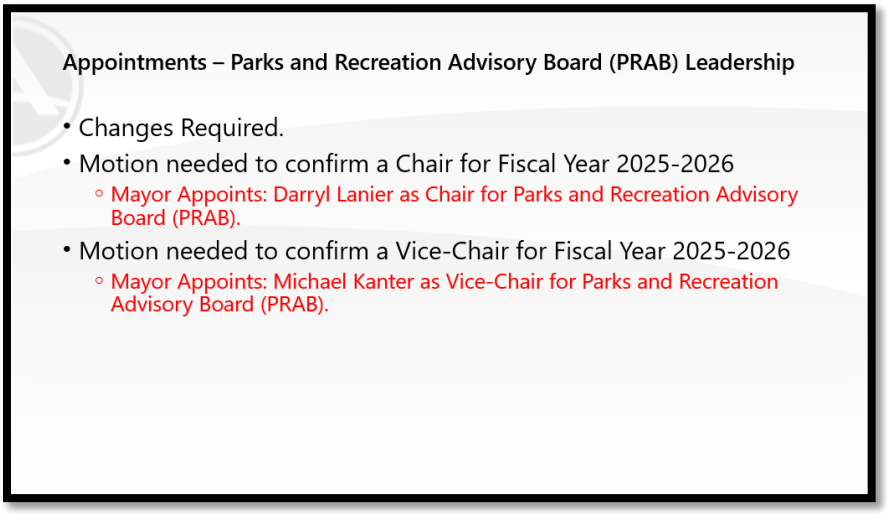
A motion was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Parks and Recreation Advisory Board (PRAB):

- Reappoint Darryl Lanier to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Robert Baber to a Regular Member position for a partial term expiring June 30, 2026 (position formerly held by Tom Colwell who transitioned to solely on the Culture and Arts Advisory Board (CAAB) effective July 1, 2025);
- Appoint Johnnie Strickland to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Nicholas Vosburg to a Regular Member position for a two-year term, expiring June 30, 2027, and
- Appoint Adhvik Rao as a Non-Voting Youth Representative for a one-year term, expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB11 Appointments - Parks and Recreation Advisory Board (PRAB) – Chair and Vice-Chair

[SLIDE 1]

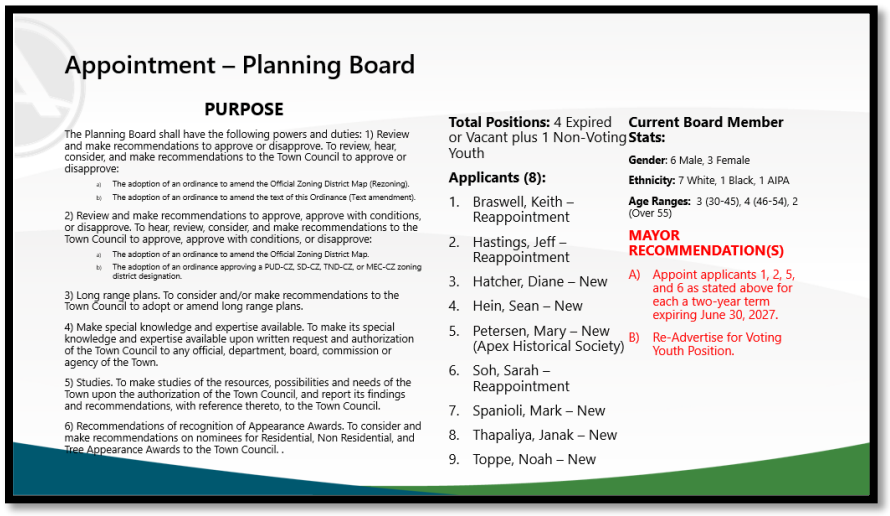


A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Gantt** to confirm Darryl Lanier as Chair and Michael Kanter as Vice-Chair for the Town's Parks and Recreation Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB12 Appointments - Planning Board

[SLIDE 1]



A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Planning Board (PB):

- Reappoint Keith Braswell to a Regular Member position for a two-year term, expiring, June 30, 2027,
- Reappoint Jeff Hastings to the Wake County Representative position for a two-year term, expiring, June 30, 2027,
- Reappoint Sarah Soh to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Mary Petersen to the Voting Apex Historical Society Representative position for a two-year term, expiring June 30, 2027; and
- Re-advertise for the Voting Youth Representative position for the Planning Board.

VOTE: UNANIMOUS (5-0)

NB13 Appointments - Planning Board – Chair and Vice-Chair

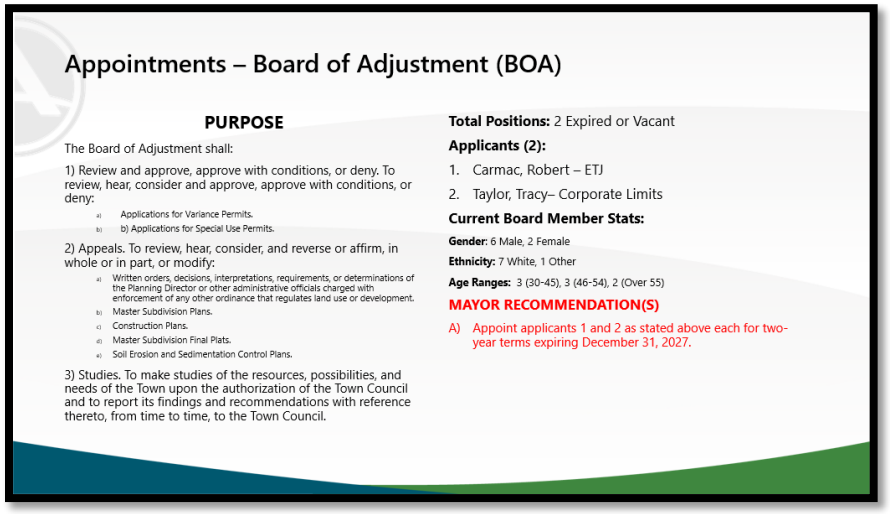
[SLIDE 1]



A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Killingsworth** to confirm Tina Sherman as Chair and Tim Royal as Vice-Chair for the Town's Planning Board for Calendar Year 2025, both expiring December 31, 2025.

NB14 Appointments - Board of Adjustment (BOA)

[SLIDE 1]



Town Clerk Coleman said that no additional applications had been received for the Board of Adjustment (BOA), however, a new recruitment period could be initiated. He said the Mayor's recommendation was to reappoint the two current members and it was before the Town Council for direction and guidance.

Councilmember Gantt made a motion to strike-through current Board of Adjustment Board member's name Dr. Tracy Taylor.

Mayor Gilbert said he was not accepting any amendments at this time and asked if there was a motion to approve.

Councilmember Gantt restated his position of striking through current Board of Adjustment Board members' name Dr. Tracy Taylor.

Mayor Gilbert said he was only accepting motions to approve.

Councilmember Gantt made a motion to deny the recommendation.

Mayor Gilbert announced that a motion to approve was not made and therefore the item would return to the him for further consideration. He announced the item was closed.

NB15 Appointments - Board of Adjustment (BOA) – Chair and Vice-Chair

[SLIDE 1]



Town Clerk Coleman asked Mayor and Town Council whether they would like this item to return for further consideration as both members served in leadership roles for the Town's Board of Adjustment (BOA).

Mayor Gilbert said yes.

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt** and seconded by **Mayor Pro-Tempore Ed Gray,** to enter into closed session pursuant to **NCGS §143-318.11(a)(1), NCGS §143-318.11(a)(3), and NCGS §143-318.11(a)(4).**

VOTE: UNANIMOUS (5-0)

Council entered into closed session at 8:45 p.m.

CS1 Joanna Helms, Director, Economic Development Department

NCGS §143-318.11(a)(4):

"To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment."

CS2 ADDED - Laurie Hohe, Town Attorney

RE: Samuels v. Town of Apex

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 ADDED - 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."

CS4 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]

Council returned to open session at **10:13 p.m.**

With no further business being presented by the Town Council, **Mayor Gilbert** adjourned the meeting at **10:13 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_____.

DRAFT MEETING MINUTES

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
MONDAY, JULY 11, 2022
6:00 P.M.

The Apex Town Council met for a Special Town Council Meeting on Monday, July 11, 2022 at 6:00 p.m. The meeting was held on the 3rd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The 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 meeting recording can be viewed at the following link:
https://www.youtube.com/watch?v=8mf7C8VPn1A

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding officer)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Cheryl Stallings
Councilmember Ed Gray
Councilmember Terry Mahaffey (participated remotely)

Town Staff
Town Manager Catherine Crosby
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:05 p.m.** and announced that Councilmember Terry Mahaffey would be participating in the meeting remotely. He said all votes during the meeting would be conducted via a "roll call" method in compliance with the remote meeting statutes.

CLERK NOTE: North Carolina General Statutes 166A-19.24 provides authority for remote meetings during a Governor Issued State of Emergency. North Carolina is under a State of Emergency in response to the COVID-19 Pandemic.

Mayor Gilbert stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) – *Councilmember Mahaffey participated remotely.*

Council entered closed session at **6:06 p.m.**

****

Council returned to open session at **8:14 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:14 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.

DRAFT MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 25, 2022
6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 25, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The 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 meeting recording can be viewed at the following link:
https://www.youtube.com/watch?v=ExfAiVlcdB8

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Cheryl Stallings
Councilmember Ed Gray
Councilmember Terry Mahaffey
ABSENT: NONE

Town Staff

Town Manager Catherine Crosby
Assistant Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and said the chambers were full with a lot of faces and it was good to see so many engaged residents. He said that during tonight's meeting the Apex Chapter of Hindu Faith would be presenting the Town Council members with Rakhis which was a symbol of protection and bonds between each other. Mayor Gilbert said the Town had a core value to respect and celebrate many traditions and encouraged those watching online or in the room to observe the ceremony or take a private moment of silence.

All members of the elected body, Town Manager Catherine Crosby, Town Attorney Laurie Hohe, Town Clerk Allen Coleman, Assistant Town Manager Shawn Purvis, Assistant Town Manager Marty Stone, and Diversity, Equity, and Inclusion Director Linda Graham Jones received a Rahkis.

Mayor Gilbert led the Pledge of Allegiance following the Rahkis ceremony.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 AGREEMENT VERIZON SERVICES TELEPHONY (OCTOBER 26, 2022 THROUGH OCTOBER 25, 2025)
Council voted to approve and continue to utilize Verizon as a vendor for a three-year term (October 26, 2022 through October 25, 2025) to include telephony services and authorized the Town Manager to execute the contract on behalf of the Town.

CN2 ANNEXATION NO. 734 – UTLEY FARMS PUD – 56.59 ACRES
Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 56.59 acres, Utley Farms PUD, Annexation No. 734 into the Town Corporate limits.

CN3 ANNEXATION 744 – 7805 GREEN LEVEL CHURCH ROAD – 2.24 ACRES
Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 2.24 acres, located at 7805 Green Level Church Road, Annexation No. 744 into the Town Corporate limits.

CN4 CONSTRUCTION CONTRACT AWARD/BUDGET ORDINANCE AMENDMENT NO. 9 – HAMLETT ASSOCIATES INC. – PUBLIC WORKS OPERATIONS RENOVATION – PHASE 1
Council voted to award a building construction contract to Hamlett Associates, Inc. and authorized the Town Manager to execute the contract on behalf of the Town and approved corresponding Budget Ordinance Amendment No. 9.

CN5 COUNCIL MEETING MINUTES – AUGUST AND SEPTEMBER 2022

Council approved, as submitted, meeting minutes from the following Town Council Meetings:

- August 23, 2022 – Regular Town Council Meeting
- September 13, 2022 – Regular Town Council Meeting
- September 27, 2022 – Regular Town Council Meeting

CN6 DEVELOPER AGREEMENT – TEN TEN ROAD AT JESSIE DRIVE TURN LANE COST SHARE

Council approved a Development Agreement between the Town of Apex and Horton Park Investments, LLC. in the amount of $107,242.00 for reimbursement of 200 feet of additional storage length for the westbound left turn lane on Ten Ten Road at Jessie Drive and authorized the Town Manager to execute the contract on behalf of the Town.

CN7 ENCROACHMENT AGREEMENT – 2937 MACINTOSH WOODS DRIVE, LOT 25

Council approved an encroachment agreement between the Town and property owners Ramanpreet Singh and spouse Mandeep Kaur to install a fence that will encroach 104 linear feet onto the 40' Town of Apex Public Sanitary Sewer Easement and authorized the Town Manager to execute the same.

CN8 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – EMERGENCY VEHICLE DRIVE (EVD)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency Medical Care, Safety & Survival, and Traffic Incident Management System.
- Fireground Procedures
- Technical Rescuer and Technical Rescuer - Vehicle
- Rapid Intervention Crew
- Emergency Vehicle Drive

CN9 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – FIREFIGHTER SERIES CLASS

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to

execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency
- Medical Care, Safety & Survival, and Traffic Incident Management System.

CN10 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – FIREGROUND PROCEDURES

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Fireground Procedures

CN11 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – NORTH CAROLINA RAPID INTERVENTION CREW (NC RIC)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- North Carolina Rapid Intervention Crew (NC RIC)

CN12 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – TECHNICAL RESCUER AND TECHNICAL RESCUER – VEHICLE

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Technical Rescuer and Technical Rescuer – Vehicle

****

[PRESENTATIONS]

None.

[REGULAR MEETING AGENDA]

Mayor Gilbert announced that public hearing item no. 3 – Rezoning Case No. 22CZ09 Utley Farms PUD would be continued until November 8, 2022. He called for any other changes for the regular meeting agenda. No changes were presented.

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey** to set the regular meeting agenda as presented, noting that public hearing no. 3 would be continued until November 8, 2022.

VOTE: UNANIMOUS (5-0).

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt – 3113 Friendship Road, Apex, NC
    a. Encouraged the Town Council to review the Traffic Studies that were being obtained for the various Town projects. She said additional traffic lights and road widening projects were needed for turn lanes to prevent future accidents in the Friendship/New Hill community.
2. Veronica Pacheco – No address given – Sweetwater Neighborhood.
    a. Traffic Issue at Sweetwater – Dog was hit and killed. Dogs name was Austin.
3. Randy [Last Name Unknown] – Olive Chapel Road, Apex, NC
    a. Traffic Issue with Sweetwater at Richardson Road and Olive Chapel Road. The speaker presented a yard sign that encouraged drivers to slow down to prevent future accidents with animals and pets.
4. Ashley Solis – Resident of Sweetwater
    a. Presented petition 1,064 signatures with over ninety-five percent (95%) of individuals being Apex residents regarding traffic issues at Sweetwater. She spoke about the incident above where the dog named Austin was hit by high speed traffic. She said the petition encouraged the Town Council to consider to reducing the speed in this area from 45 miles per hour to 35 miles per hour.

[PUBLIC HEARINGS]

PH1 TRANSPORTATION PLAN AMENDMENTS – CHAPEL RIDGE ROAD
AND
PH2 REZONING CASE NO. 22CZ07 CHAPEL RIDGE NORTH PUD

Long Range Planning Manager, Shannon Cox, provided an overview of the transportation plan amendments located on Chapel Ridge Road. She said the amendments were associated the rezoning case no. 22CZ07 Chapel Ridge North PUD and that the public hearing on both items would be held at the same time. She said that their were three (3) requested amendments that affected three different maps that make up the Transportation Plan for the Town of Apex.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Rita Boykin – 1500 Clark Farm Road, Apex, NC
    a. Opposition of the proposed Transportation Plan Amendments

With no additional speakers, **Mayor Gilbert** closed the public hearing and said the next presentation would be received before a formal vote.

Planner II, Shelly Mayo, provided a PowerPoint presentation which provided an overview of the rezoning case no. 22CZ07 Chapel Ridge North PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Jamie Schweder, with Parker Poe on behalf of the applicant, presented a PowerPoint presentation related to this rezoning case.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH2). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Mike Merker – 1031 Pemberta Hill Road – Jordan Lutheran Church - (Group speaker so nine (9) minutes received.
    a. Supportive of the project on behalf of the church and it's members.
2. Rita Boykin - 1500 Clark Farm Road, Apex, NC
    a. Opposition of the proposed rezoning application.
3. Melinda Fushy – 1304 and 1301 Chapel Ridge Road (Group speaker so nine (9) minutes received).
    a. Opposition of the proposed rezoning application.
4. Mike Mohan – 1204 Chapel Ridge Road (Group speaker so nine (9) minutes received).
    a. Supportive of the project.
5. Phil Welch – 1471 Bigleaf Loop, Apex, NC
    a. Chair Western Region Affordable Housing Advocacy Group – encourage the Town Council to have the Housing Advisory Board (HAB) review the rezoning cases presented similar to the Environmental Advisory Board (EAB).

With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to proceed.

Councilmember Gantt asked the minister of Apex Lutheran Church to provide more context to his comments related to support of this project and sought clarification on whether the position was the same from the church since time had passed.

Mister Mike Mercer provided comments and said his church was still supportive of the project.

Councilmember Stallings asked for clarification related to the topography of the land since multi-story homes were being proposed in this area.

Jamie Schweder, with Parker Poe, provided responses and provided clarification on the Affordable Housing comments made previously.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth,** seconded by **Councilmember Ed Gray** to approve the transportation plan amendments associated with Chapel Ridge Road and approve rezoning application no. 22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter, seeked to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Road and 1512 Clark Farm Road. .

VOTE: UNANIMOUS (5-0).

PH3 REZONING CASE NO. 22CZ09 UTLEY FARMS PUD

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Ed Gray,** to continue the public hearing associated with rezoning case no. 22CZ09 Utley Farms PUD until November 08, 2022.

Councilmember Gantt asked for this item to be moved until the next meeting in November as November 8 was an election night.

Councilmembers engaged in discussion with staff about possible alternative options.

Councilmember Gantt withdrew his request for a different date to be considered.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]
None Scheduled.

[UPDATES BY THE TOWN MANAGER]

No updates provided.

[CLOSED SESSION]
None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:09 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 26, 2025

Item Details

Presenter(s): Suzanne Mason, Chair, Town of Apex Environmental Advisory Board
Nora Skinner, Environmental Programs Coordinator

Department(s): Town of Apex Environmental Advisory Board
Planning

Requested Motion

Receive as information an adopted Resolution from the Environmental Advisory Board (EAB) for the Town of Apex and discussion on the request to direct staff to make modifications to the Town's Unified Development Ordinance (UDO) to incorporate a Native Plant Policy.

Approval Recommended?

TBD

Item Details

This Native Plant Resolution endorses N.C. Executive Order 305, which requires the exclusive use of native plants and seeds—with a strong preference for North Carolina native species—for landscaping on state-owned properties.

The Town of Apex Environmental Advisory Board (EAB) requests for the Town of Apex Staff to make such modifications as necessary to the Unified Development Ordinance to incorporate the Native Plant policy and associated definitions promulgated in Executive Order No. 305.

This resolution was unanimously passed by all 8 voting members of the Environmental Advisory Board.

Attachments

- NB2-A1: RES-2025-051 - Adopted Resolution of Apex EAB Adopting the Request to Modify Town UDO – Recommendation of Apex EAB – Request to Modify Town UDO Related to Native Plants
- NB2-A2: Approved EAB Meeting Minutes – 2025.07.17– Recommendation of Apex EAB – Request to Modify Town UDO Related to Native Plants
- NB2-A3: PowerPoint Presentation - Recommendation of Apex EAB – Request to Modify Town UDO Related to Native Plants

RESOLUTION: 2025- 051

RESOLUTION OF APEX ENVIRONMENTAL ADVISORY BOARD ADOPTING THE REQUEST TO MODIFY UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the charge of the Apex Environmental Advisory Board is to assist the town council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support; and

WHEREAS, the Apex Environmental Advisory Board has the duty to advise the environmental committee of the town council regarding suggested changes to town policy or ordinance related to the environment and the planning committee of the town council regarding suggested changes to town policy or ordinance related to the impacts of development upon the environment; and

WHEREAS, the Apex Environmental Advisory Board has the duty to advocate for managing environmental resources in a way that reflects the community's values; and

WHEREAS, the Apex Environmental Advisory Board has the duty to maintain and improve current environmental protections; and

WHEREAS, on February 12, 2024, Governor Roy Cooper issued Executive Order No. 305, An Order to Protect and Restore North Carolina's Critical Natural and Working Lands; and

WHEREAS, Section 2 of Executive Order No. 305 provides the following definitions:

a. "Natural and working lands" are lands that remain in natural condition or that are managed to support food and fiber production, or for the benefit of human communities. Examples include public and private forests, cropland, pastureland, game lands, grassland, wetlands, salt marsh, and recreational areas that are managed natural lands within urban and rural communities.

b. "Wetlands" are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, pocosins, bays and similar areas. This definition does not depend on state or federal law and is intended to be broader in scope than current law.

c. "Native plants" are plants that the United States Department of Agriculture ("USDA") has classified as native to a state or county in the Southeastern United States. Southeastern United States, for the purpose of this Executive Order, includes the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.

d. "Nature-based solutions" means sustainable planning, design, environmental

management, or engineering practices that incorporate natural features or processes into the built environment to promote adaptation and resilience.

e. "Ecosystem services" are the economic, health, or quality of life benefits people receive from nature.

f. "Restoration" means the return of an ecosystem to a close approximation of its condition and function prior to disturbance; and

WHEREAS, Section 6 Executive Order No. 305 sets forth a Native Plant Policy providing that:

Landscaping for all property allocated to the North Carolina Department of Administration ("DOA") or any other Cabinet agency shall only use seeds and plants that the USDA has classified as native to a state or county in the Southeastern United States, including cultivars and varieties thereof that were not bred to have reduced reproductive structures, with a strong preference for plants the USDA has classified as native to North Carolina. The following non-native plants shall be exempted from this policy:

a. Non-native plants on property allocated to or incorporated as part of a project that already exists at the time of the effective date of this policy;

b. Non-native turf grass;

c. Non-native seeds and plants where the primary purpose is:

1) crop cultivation,

2) scientific research,

3) botanical or historical gardens,

4) plantings for wildlife, or

5) plantings for exhibits or for animal consumption at museums, zoos, and aquariums.

State-funded or permitted projects and activities, including those administered on behalf of the federal government, shall avoid introducing non-native plants. To support native biodiversity, Cabinet agencies shall also consider the native plant practices of private properties in future lease agreements; and

WHEREAS, Executive Order No. 305 expressly encourages local governments to adopt similar native plant policies.

NOW THEREFORE, BE IT RESOLVED that the Apex Environmental Advisory Board endorses the Native Plant Policy spelled out in Executive Order No. 305; that the Apex

Town Council is requested to instruct the Town of Apex Staff to make such modifications as necessary to the Unified Development Ordinance to incorporate the Native Plant Policy and associated definitions promulgated in Executive Order No. 305; and that the Apex Environmental Advisory Board commits to provide such assistance to the Town of Apex Staff as may be necessary to effect the necessary changes to the Unified Development Ordinance.

Motion made by Environmental Advisory Board Member Mark Schwegel

Motion seconded by Environmental Advisory Board Member Bill Jensen

With 8 Environmental Advisory Board Members voting aye.

With 0 Environmental Advisory Board Members voting no.

Adopted and effective this the 17th day of July, 2025.

Suzanne Mason

Suzanne Mason, Chair
Apex Environmental Advisory Board

ATTEST:

Nora Sk

Nora Skinner
Board Liaison

APPROVED MEETING MINUTES

TOWN OF APEX
ENVIRONMENTAL ADVISORY BOARD
THURSDAY, JULY 17, 2025
6:00PM

The Apex Environmental Advisory Board met for a Regular Meeting on Thursday, July 17, 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=33c5XVXGg_Y&ab_channel=TownofApex

[ATTENDANCE]

Environmental Advisory Board Members
Suzanne Mason, Chair
John Garrison, Vice Chair
Patrick Adams, Board Member
Bill Jensen, Board Member
Njeri Moeller, Board Member
Sean Crowell, Board Member
Anne Gary, Board Member
Changling Hu, Board Member
Mark Schwegel, Board Member
Brett Gantt, Councilmember (non-voting member, Council liaison)
Absent: Katie Schaaf, Board Member

Town Staff
Allen Coleman, Town Clerk
Nora Skinner, Environmental Programs Coordinator
Bruce Venable, Planner II

[COMMENCEMENT]

Chair Mason called the meeting to order at **6 p.m.** and welcomed everyone in attendance and online watching. She then asked the members to introduce themselves.

[APPROVAL OF MINUTES]

A **motion** was made by **Member Garrison**, seconded by **Member Crowell**, to approve the minutes of the June 2025 EAB Meeting.

VOTE: UNANIMOUS (7-0) with Member Schaaf absent

[ANNOUNCEMENTS]

Nora Skinner, Board Liaison, Environmental Programs Coordinator, gave an overview of Senate Bill 391 that was signed into Law about native plants. She then gave an update on the following:

- Invasive Species Removal Workdays – Was held on June 28 at Apex Community Park. Chair Mason attended the event.
- Pollinator Week Craft & Outreach – Nora Skinner and EAB members interacted with 60 attendees. Participants made insect hotels.

[JESSIE DRIVE INDUSTRIAL REZONING – REZONING NO. 25CZ09]

Gray Herrell with Beacon Partners gave the following presentation on Jessie Drive Industrial Rezoning:

[SLIDE 1]



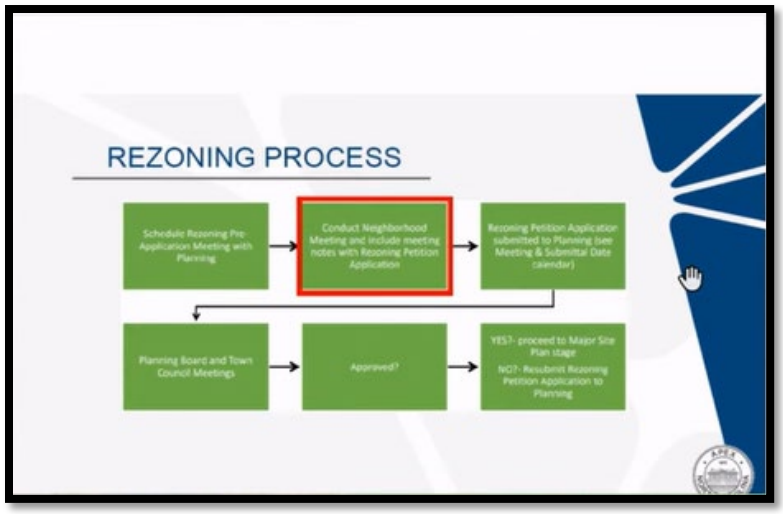
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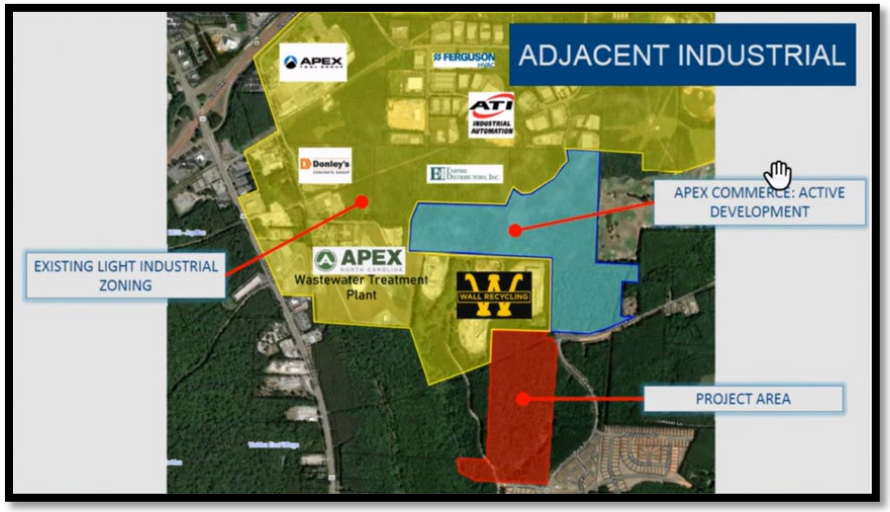
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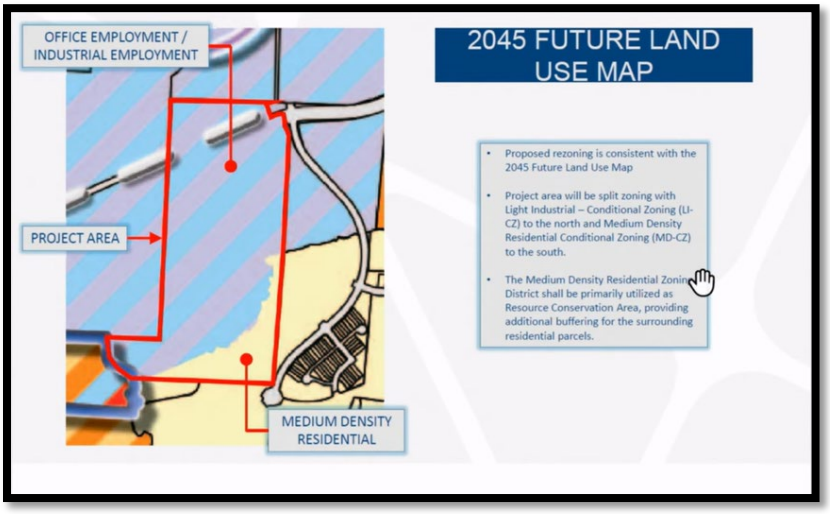
[SLIDE 4]



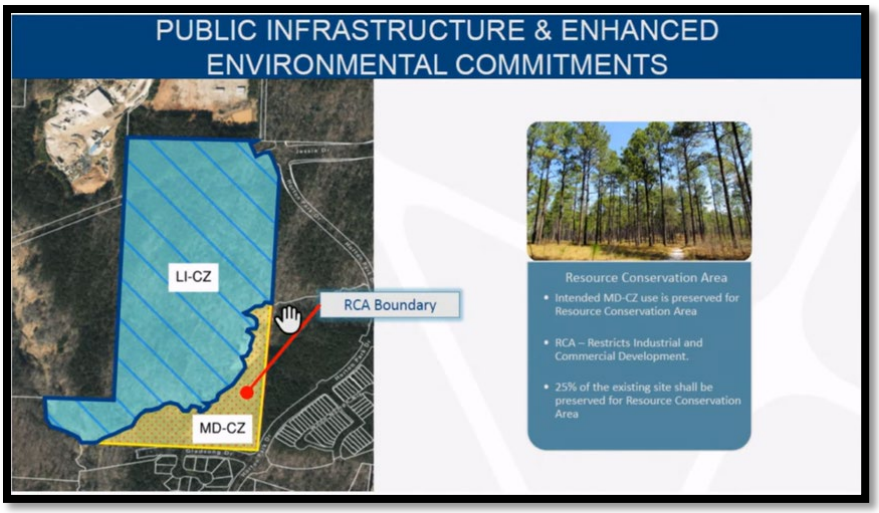
[SLIDE 5]



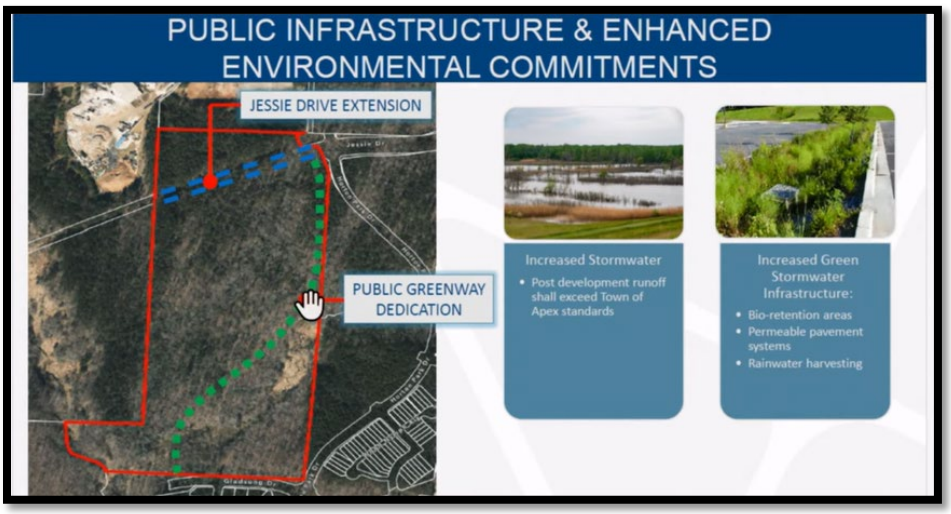
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Chair Mason made a recommendation to evaluate the location of the Greenway to avoid going through the stream buffer and crossing the stream. She said that there might be an alternative placement that may have fewer environmental impacts, especially to large trees in the mature hardwood forest.

Councilmember Gantt said that Planning discourages this because of the conflicting needs between the sanitary sewer and the Greenway.

Member Adams said that sanitary sewer easement is determined by the depth of the sewer and if it is put on the side of the greenway, it would still overlap the easement.

Member Moeller asked what the distance for the projected greenway was.

Mr. Herrell said that the distance of the greenway is estimated at 2,500 linear feet.

Chair Mason asked if the large trees would remain in the original greenway placement.

Mr. Herrell said that the greenway would cross perpendicular to the stream to avoid any clearing as much as possible. He said that the greenway was placed to conform with the Apex Future Greenway mapping plan, but that they would work with staff if there was a better path.

Chair Mason said that looking at the aerial photos, there appears to be a mature hardwood forest on the north side of the stream and a secondary growth pine forest on the south side without large trees. The south side would be a better location for the greenway in order to minimize impacts to large trees.

Mr. Herrell said that that area was recently rezoned under a PUD along with the townhome community to the southeast.

Chair Mason asked if there was potential for the greenway to be on the outer zone of the stream buffer.

Mr. Herrell said yes.

Chair Mason asked if there could be two dog stations, one at each end of the greenway.

Mr. Herrell said yes, they could commit to that.

Member Jensen suggested working with the property owners.

Chair Mason recommended removing public street connections.

Member Adams asked if the greenway could meander through and around the larger trees instead of running parallel to the sewer line.

Vice Chair Garrison said he would like both options to be investigated.

Mr. Herrell said they would investigate both options to see what would have the least amount of environmental impact.

Chair Mason said that some of the zoning conditions in the Board's packet and what was presented weren't the same. She asked which one is correct.

Mr. Herrell said if something was checked off that was not being captured, they would add more effective language.

Chair Mason asked about several that were in question.

Mr. Herrell said they would add the recommended language.

Chair Mason said to add that no buffer averaging shall be allowed in zone three of the riparian buffers. She asked if there would be storm water ponds.

Mr. Herrell said the intention is wet ponds.

Member Jensen recommended 2kw per 10,000 square feet. He provided the developer with information on the tax credits for the solar systems. He also asked about the 2nd item to provide 5% of parking spaces with EV charging spaces being checked "no".

Mr. Herrell said that they could explore adding a higher percentage of EV charging systems.

Member Jensen asked if the Council required 5% of parking spaces with EV charging. He asked Mr. Herrell to check with staff to make sure of the requirements.

Chair Mason listed the recommendations to make sure all were in alignment.

A **motion** was made by **Member Schwegel** and seconded by **Member Jensen** to approve the Jessie Drive Industrial Rezoning – Rezoning No. 25CZ09 with the following recommendations:

- 100% Native Landscaping
- No Invasive Species
- 2 Pet Waste Stations
- Provide EV charging for at least 5% of parking spaces
- Provide at least 2 kW of power per 1,000 square feet of heated area for EV support
- Explore different greenway placement options to minimize the amount of large sized trees that are impacted
- No Buffer Averaging should be allowed for Zone 3 of the riparian buffer
- No clearing or land disturbance is allowed in the riparian buffer except the minimum necessary to install sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the Riparian buffer, and the sewer shall be designed to minimize impacts to the Riparian buffer

VOTE: UNANIMOUS (7-0) with Member Schaaf absent

[NEW BUSINESS]

Chair Mason opened up New Business.

Nora Skinner, Board Liaison discussed the following:

- **Tree Talk** –Tree Canopy is the main concern with citizens according to the survey taken at EarthFest. There was discussion about establishing a Tree Farm/Nursery and composting as a service to Apex being established.

NB1 - Resolution of the Apex Environmental Advisory Board

Native Plant Resolution

Chair Mason said that this Resolution was from Executive Order 305 to protect and restore North Carolina's critical natural and working lands. The Resolution was passed in the previous Board in April 2024 but then stalled so it has been recommended to discuss and re-vote on it for Council recommendation.

Councilmember Gantt recommended that a date be set for the Council to approve the Resolution.

Clerk Coleman said that the new Resident Advisory Board Administrative policy requires staff to send it the Town Clerk's office within 7 business days, and the Town Clerk is directed to put it on the Council's Agenda within 30 days.

A **motion** was made by **Member Schwegel** and seconded by **Member Jensen** to adopt the Resolution of the Apex Environmental Advisory Board.

VOTE: UNANIMOUS (7-0) with Member Schaaf absent

[OPEN DISCUSSION]

Chair Mason said that in "All in Apex", Plant the Peak has a survey asking what trees people would like to be offered and there is a link on Plant the Peak webpage on the Town's website. She said that Bruce is still working on the language for the RCA signs.

[ADJOURNMENT]

A **motion** was made by **Vice-Chair Garrison**, seconded by **Member Jensen**, to adjourn the meeting.

VOTE: UNANIMOUS (9-0)

Chair Mason announced the meeting adjourned at **6:56 p.m.**.

Suzanne Mason
Chair

Nora Skinner
Environmental Programs Coordinator

Submitted for consideration and approval by Apex Town Clerk Allen Coleman.

Minutes approved on 21st day of August, 2025.



August 26, 2025

Native Plant Resolution

Environmental Advisory Board

APEX NORTH CAROLINA

Background

- The Native Plant Resolution was unanimously readopted at the July 17th,2025 EAB meeting by all present members of the current Apex Environmental Advisory Board.

- The resolution is based on former Governor Cooper's Executive Order No. 305 issued on Feb 12th, 2024.

- EAB is asking that Town Council instruct the Town of Apex Staff to make such modifications as necessary to the Unified Development Ordinance to incorporate the Native Plant Resolution and associated definitions promulgated in Executive Order No. 305.

Governor Cooper's Executive Order 305

An Order to Protect and Restore North Carolina's Critical Natural and Working Lands

- **Not** rescinded by Governor Stein
- Section 6 - Native Plant Policy
  - Supports native biodiversity and pollinators.
  - Governs landscaping practices on state owned lands or for state-funded or state-permitted projects and activities.
  - Only seeds and plants that the USDA has classified as native to the state or Southeastern United States shall be used.
  - With exemptions – turf grass areas (outfield of baseball/softball diamonds).
  - **"Local governments are encouraged to adopt similar native plant policies."**



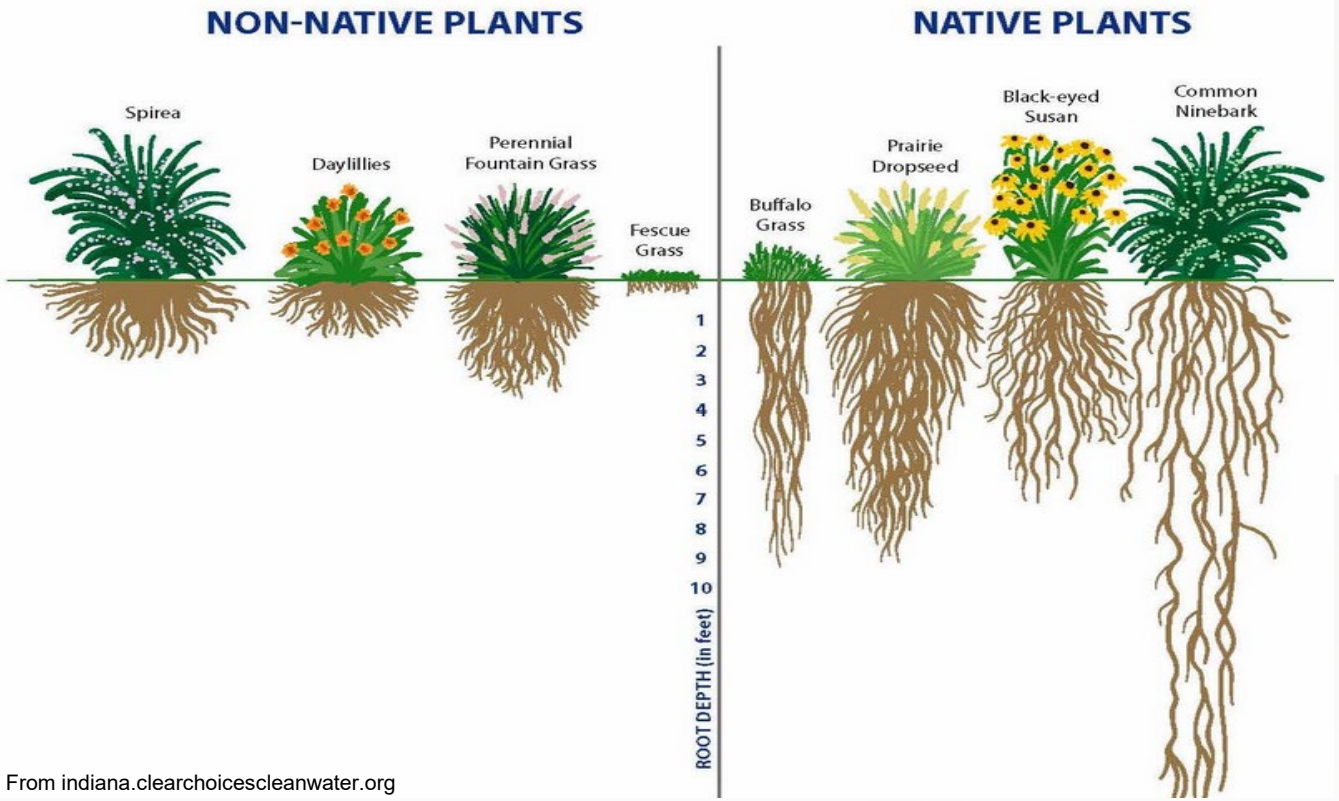
Benefits to the Town

- Leader in supporting pollinators and biodiversity
  - Supportive of Bee City and Tree City designation goals and Mayor's Monarch Pledge requirements
- Leader in stewardship of Town owned or managed properties
  - Parks, Town campus, cemetery, public works campus, fire stations, police station
  - Rights-of-way, streetscaping on Salem
- Lead by example
  - Demonstrate what is possible to individuals, commercial establishments, developers, other municipalities



Additional Benefits

- Easy to grow, minimal maintenance
- Increase beauty and property values
- Improve water infiltration and reduce soil compaction
- Reduce overall town maintenance costs



From indiana.clearchoicescleanwater.org

Implementation

- The Apex Environmental Advisory Board commits to provide such assistance to the Town of Apex Staff as may be necessary to effect the necessary changes to the Unified Development Ordinance.







Questions?

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for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 26, 2025

Item Details

Presenter(s): Mayor Jacques K. Gilbert (sponsor)

Department(s): Governing Body

Requested Motion

Discussion and possible motion to initiate an amendment to the Unified Development Ordinance (UDO) related to student parking in residential areas.

Approval Recommended?

TBD

Item Details

On August 12, 2025, this item was discussed and requested for continuance until August 26, 2025.

On Sunday, July 20, 2025, Honorable Mayor Jacques K. Gilbert submitted a request to sponsor an item on the upcoming August Regular Town Council Meeting agenda. More specifically, he requested a discussion item to consider amending the Town's current Unified Development Ordinance (UDO) to address a specific use case and allow for broader consideration of similar circumstances in the future.

The proposed amendment summary is as follows:
Unified Development Ordinance (UDO) Language Proposed:

4.2.1.I Prohibited Uses in Residential Districts

In addition to the uses listed in subsection H above, parking that is not accessory to the residential use is prohibited, **except for student parking on residential property meeting the accessory use standards in Sec. 4.5 Accessory Uses and Structures**. This includes, but is not limited to, student parking, parking for a nearby special event, and off-site parking for another use. For the purpose of this Section, student parking is defined as parking at a residence or on a residential lot, for the purpose of coming and going from a vehicle to a school or from a school to a vehicle. This definition of student parking shall not apply to students who reside at the home.

4.5.7 Accessory Uses and Structures, Student Parking on Residential Property

Add new accessory use with the standards listed above.

Conditions associated with the proposed amendment:

- Allow only in ETJ in the Rural Residential (RR) and Residential Agricultural (RA) zoning districts.
- The "student parking on residential property" accessory use shall be located on a lot with an existing, conforming residential use to avoid a vacant lot from being used solely for student parking.
- The accessory use must be clearly incidental and subordinate to the existing, conforming residential use (e.g. under 50% of the lot area to be used for student parking; 40% is recommended as the standard).
- Allow only within 100' of a high school if located on the same side of the street as the high school; or if located across the street, allow only within 100' of a signalized crosswalk serving a high school.
- No more than one property can be used in this manner within 1,000' of the same accessory use.
- The parking area shall be surfaced with number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric. This surface is exempt by the State from built-upon area calculations.

Attachments

- N/A