AGENDA | REGULAR TOWN COUNCIL MEETING

May 24, 2022 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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth
Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Allen Coleman, CMC, NCCCC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

Oath of Office - Town Clerk Allen Coleman

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 Allen Coleman, Town Clerk

Motion to approve the minutes of the May 10, 2022 meeting of the Regular Town Council Meeting as submitted by the Interim Town Clerk Julie A. Reid.

CN2 Linda Graham Jones, Director of Diversity, Equity, and Inclusion

Motion to adopt an ordinance amendment to Chapter 3 of the Town Code, adopt a resolution permitting application of the Wake County Nondiscrimination Ordinance within the Town corporate limits, approve an Interlocal Agreement with Wake County outlining party responsibilities in enforcing the County Nondiscrimination Ordinance, approve an addendum to the Interlocal Agreement specific to Apex, and authorizing the Town Manager to execute the Interlocal Agreement and Addendum.

CN3 Shawn Purvis, Assistant Town Manager

Motion to approve Budget Ordinance Amendment No. 20 to allocate funds to complete renovations of Town facilities.

CN4 Amanda Bunce, Current Planning Manager

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 May 10, 2022 related to the Downtown Festival District and associated amendments.

CN5 Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the various Unified Development Ordinance (UDO) Amendments of May 10, 2022.

CN6 Shelly Mayo, Planner II

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ29 North Salem Station PUD. Ana Wadsworth with The Wooten Company is the petitioner for the properties located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.

CN7 Colleen Merays, Downtown & Small Business Development Coordinator

Motion to adopt ordinances modifying Town Code Section 14-14 as to the Parking Lot at 112 Saunders Street closed for a Special Event(s) during Peak City Pig Fest on July 22-23, 2023.

CN8 Michael Deaton, P.E., Director

Motion to approve a 3-year Master Services Agreement with Ellington Contractors, Inc., dba Intragrade and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN9 Michael Deaton, P.E., Director

Motion to approve a 3-year Master Services Agreement with Griffin Sales, Inc., dba Rodders and Jets Supply Co., and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN10 Michael Deaton, P.E., Director

Motion to approve a 3-year Master Services Agreement with Sanford Electrical Contractors, Inc. and to authorize the Town Manager to execute the agreement on behalf of the Town

CN11 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Peak Hotels, LLC to install a private domestic backflow preventer and vault that will encroach 34 square feet, a private fire protection backflow preventer and vault that will encroach 51 square feet, and a private fire department connection that will encroach 1 square foot into the Public Utility Easement and authorize the Town Manager to execute the same.

CN12 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Raghavender Rao Palle and spouse Vanditha Goudi to install a fence that will encroach 407 square feet onto the Public Drainage Easement and authorize the Town Manager to execute the same.

CN13 Russell Dalton, Traffic Engineering Manager

Motion to approve an Ordinance amending Section 20-163 subsection (b)(2), reserving the first ten (10) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus stop and layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:15 p.m. when designated by signs indicating said reservation.

PRESENTATIONS

PR1 Apex Middle School Student Equity Team

School Discipline Reform Presentation

PR2 Mayor and Council

Presentation of Apex Latino Arts Festival Proclamation

PR3 Mayor and Council

Presentation of Asian American And Pacific Islander Heritage Month Proclamation

PR4 Mayor and Council

Presentation of Juneteenth Day Proclamation

PR5 Mayor and Council

Presentation Of National Gun Violence Awareness Day Proclamation

PR6 Russell H. Dalton, PE, Traffic Engineering Manager

Town Council to receive an update on the Vision Zero traffic safety program from staff summarizing public outreach, advertising an upcoming public event scheduled June 25th, and preparing for release of the Draft Action Plan.

REGULAR MEETING AGENDA

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

PUBLIC 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 Shawn Purvis, Assistant Town Manager

Public Hearing to receive citizen input on the Fiscal Year 2022-2023 Annual Budget including proposed economic development expenditures

PH2 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation-Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town's corporate limits.

PH3 Lauren Staudenmaier, Planner II

Public Hearing and possible motion to approve Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.

PH4 Sarah Van Every, Senior Planner

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation-Apex Town Council's intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town's corporate limits.

AND

PH5 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

PH6 Dianne Khin, Director of Planning and Community Development

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

OLD BUSINESS

UNFINISHED BUSINESS

UB1 Lauren Staudenmaier, Planner II

Continued from the April 26th Town Council Meeting.

Possible motion to approve Rezoning Application #21CZ26 Humie Olive Commercial. The applicant, Jeff Roach, Peak Engineering & Design PLLC., seeks to rezone approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 7525 Humie Olive Road.

NEW BUSINESS

NB1 Vance Holloman, Finance Director

A possible motion to approve a Resolution authorizing the filing of an application with the Local Government Commission (LGC) to approve the extension of a bond order.

UPDATES BY TOWN MANAGER

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to preserve attorney-client privilege.

CS2 Steve Adams, Real Estates & Public Utilities

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Julie A. Reid, Interim Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the minutes of the May 10, 2022 meeting of the Regular Town Council Meeting.

Approval Recommended?

Yes

Item Details

Motion to approve the minutes of the May 10, 2022 meeting of the Regular Town Council Meeting

Attachments

- Minutes of the Regular Town Council Meeting of May 10, 2022

WELCOME AND COMMENCEMENT

Mayor Jacques Gilbert called the meeting to order and welcomed the community to the meeting of the Town Council. Nathan Mariner provided the Invocation. The Mayor then asked all attending to join him in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Mayor Pro Tem Killingsworth, Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that 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.

CONSENT AGENDA

A motion was made to approve the consent agenda items as submitted. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Gray/Vote: 5-0)

CN1 Approved the minutes of the April 26, 2022 meeting of the Regular Town Council Meeting.

CN2 Approved the Apex Tax Report dated April 3, 2022.

CN3 Approved a 3-year contract renewal with LexisNexis.

CN4 Set the Public Hearing concerning the proposed Fiscal Year 2022-2023 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 24, 2022 at 6:00 p.m. at the Apex Town Hall.

CN5 Approved the contract for audit services for the 2022 fiscal year with Cherry Bekaert LLP of Raleigh, North Carolina.

CN6 Approved award of contract to National Transformer Sales for 3 Phase Pad Mount and Single Overhead Transformers.

CN7 Approve award of contract to Crossroads Ford of Apex for the purchase of a 2022 F750 Chipper Truck.

CN8 Appointed Sarah Soh as a new Planning Board member to serve the remining term of Tommy Pate, December 31, 2022.

CN9 Set a Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks Road.

CN10 Set a Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.

CN11 Adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 24, 2022, on the Question of Annexation – Apex Town Council's intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town's corporate limits.

CN12 Adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation – Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town's corporate limits.

CN13 Set the Public Hearing for the May 24, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN14 Approved an Agreement with NCDOT for up to $1,395,356 in federal funds, up to 80% reimbursement, of the total cost of right of way acquisition, utility relocation, and construction of project BL-0047, Downtown Apex Safe Routes to School, and authorized the Town Manager to execute the agreement on behalf of the Town.

CN15 Approved a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0047, Downtown Apex Safe Routes to School, requiring payment of a $10,000.00 deposit, and authorized the Town Manager to execute the agreement on behalf of the Town.

CN16 Approved the Triangle Area Water Supply Project Phase IX Five-Year Interlocal Agreement and authorized the Town Manager to execute it on behalf of the Town.

CN17 Approved an agreement with Itron and authorized the Town Manager to execute the agreement on behalf of the Town.

PRESENTATIONS

The Mayor and Town Council Members read the following proclamations in turn.

PR1 Presentation of LGBTQIA Pride Month 2022 Proclamation

PR2 Presentation of Azerbaijan Independence Day Proclamation

PR3 Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation

PR4 This item was postponed.

PR5 Presentation of National Public Works Week Proclamation. The Mayor recognized the Public Works employees for the work that they do. Mike Deaton accepted the proclamation on behalf of the Public Works employees.

PR6 Presentation of National Police Week Proclamation. The Mayor recognized Police Chief Jason Armstrong for his leadership and presented the proclamation to him in recognition of the Police Department.

PR7 Presentation of an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds was given by Finance Director Vance Holloman.

REGULAR MEETING AGENDA

PUBLIC FORUM

Ms. Elizabeth Stitt, 3133 Friendship Road asked to address the Town Council. She stated she lives in the ETJ area of the Town. She explained that she had received a letter from the Town. This letter said the Town would be entering her property and had some reference to Eminent Domain.

Mr. Jeff Hastings wished to thank the Town for its contribution to Peak Fest. He said every department was stellar.

PUBLIC HEARINGS

PH1 Held a public hearing and adopted an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Wake County, Annexation 723 into the Town's corporate limits.

AND

PH2 (Continued from the April 26, 2022 Town Council meeting.) Held a public hearing and approved a motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road. There was discussion about the need for a modified low-+

density classification for the land use map. It is currently being worked on by the Planning Department.

A motion was made to approve the agenda item PH1 Annexation 723 and the associated rezoning PH2. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Mahaffey/Vote: 5-0)

PH3 Held a Public hearing and approved a motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Wake County, Annexation 730 into the Town's corporate limits. Discussion related to the sale and recombination of a portion of this lot to Thales Academy. A motion was made to approve Annexation 730. (Motion: Council Member Gantt/Second: Council Member Gray/Vote: 5-0)

PH4 Held a Public hearing and adopted an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town's corporate limits.

A motion was made to approve Annexation 731. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Mahaffey/Vote: 5-0)

PH5 Held a public hearing and approved a motion to approve Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St. A motion was made to approve the rezoning. (Motion: Council Member Gantt/Second: Mayor Pro Tem Killingsworth/Vote:5-0)

PH6 Held a Public Hearing, there were no requests to speak and approved a motion regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments. A motion was made to approve the amendments as presented. (Mayor Pro Tem Killingsworth/Second: Council Member Stallings/Vote: 5-0)

PH7 Held a Public Hearing, there were no requests to speak, and approved a motion regarding amendments 1,3 and 4 to the Unified Development Ordinance (UDO). Item 2 regarding fencing in the RCA was specifically not included in the motion to approve. A motion was made to approve the amendments numbered 1, 3 and 4. (Motion: Council Member Gantt/Second: Council Member Gray/Vote: 5-0)

OLD BUSINESS

There was no old business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

UPDATES BY TOWN MANAGER

CLOSED SESSION

CS1 A motion was made to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property. (Motion: Gantt /Second: Council Member Stallings /Vote 5-0 with Mayor Pro Tem voting virtually.)

WORK SESSION

There was no work session.

ADJOURNMENT

With no further business and no objections for the Council, Mayor Gilbert adjourned the meeting.

_____
Julie A. Reid, Interim Town Clerk

_____

ATTEST: Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Catherine Crosby, Linda Jones

Department(s): Administration; Office of Diversity, Equity, and Inclusion

Requested Motion

Motion to adopt an ordinance amendment to Chapter 3 of the Town Code, adopt a resolution permitting application of the Wake County Nondiscrimination Ordinance within the Town corporate limits, approve an Interlocal Agreement with Wake County outlining party responsibilities in enforcing the County Nondiscrimination Ordinance, approve an addendum to the Interlocal Agreement specific to Apex, and authorizing the Town Manager to execute the Interlocal Agreement and Addendum.

Approval Recommended?

Yes

Item Details

In June 2021 the Apex Town Council adopted a nondiscrimination ordinance applicable to Town operations and to employers and public accommodations within town limits. In October 2021 Wake County adopted a nondiscrimination ordinance applicable outside municipal jurisdictions but with the option for municipalities within Wake County to permit the enforcement of the County's ordinance within municipal jurisdictions upon adoption of an interlocal agreement. The benefit of applying the County ordinance is to allow a more consistent and uniform application of standards throughout Wake County as well as allowing the town to take advantage of the County's agreement with Campbell University to perform investigative and conciliatory services aimed at resolving claims made pursuant to the ordinance. The main difference between the Town's existing ordinance and application of the County's ordinance is the intake and resolution process. Claims will now go to the County manager's office to be processed through Campbell University rather than going directly to the Town manager. In order to apply the County ordinance, the Town must amend its ordinance to avoid conflicting language. The application of the Town's ordinance to Town operations will remain in place.

While the language of the interlocal agreement has been negotiated among multiple jurisdictions Apex is also requesting an addendum that will clarify that the Town ordinance, as amended, will still apply to

Town operations and to note the limitations on the application of the County ordinance to state and federal buildings already regulated by law. The addendum also requires the County to provide records of claims originating from within Apex town limits upon request by the Town. There is no cost to the Town associated with the Interlocal Agreement for the upcoming fiscal year. If the Town extends the agreement beyond June 30, 2023, a yet to be determined cost will be included.

Attachments

- Ordinance Amendment to Chapter 3
- Resolution permitting application of County Ordinance in town limits
- Interlocal Agreement with Wake County
- Addendum to Interlocal Agreement

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING CHAPTER 3 "NONDISCRIMINATION" OF THE TOWN OF APEX CODE OF ORDINANCES

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

Section 1. That Chapter 3 of the Town of Apex Code of Ordinances is hereby amended as shown below with additions shown by underlined text and deletions shown as struck-through text:

Sec. 3-1. Purpose.

It is the purpose and intent of the town council to protect and safeguard the right and opportunity of all persons in protected classes, as defined in this chapter, to be free from discrimination. The town council's purpose in enacting this chapter is to promote the public health, safety, and welfare of all persons who live, work, visit, and do business in the town.

(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)

Sec. 3-2. Policy.

(a) It is the policy of Apex not to enter into, or maintain a contractual relationship with, any business, entity, or company that discriminates against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with a town contract. Nothing in this chapter shall limit lawful efforts by a business, entity, or company to remedy the effects of past discrimination. Nothing in this chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any existing federal or state law or either the federal or state constitutions.

(b) The town manager and the town attorney are directed to include within the terms of all town-drafted contracts a nondiscrimination provision which will carry out the purpose of this section; provided that nothing in this section shall encroach, or be construed to encroach, upon the powers or immunities of the State of North Carolina or the federal government.

(c) The boards, committees, and commissions of the town are directed to discourage and seek to eliminate discrimination against protected classes to the maximum extent allowed by their respective power, authority, and resources.

(d) The town manager is authorized to establish town policies and procedures to ensure that the functions and actions of the town government meet the purpose and intent of this chapter.

(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)

Sec. 3-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Age* means an individual's status as having obtained 40 or more years of age.~~

Business means any individual, business, or company providing for profit goods, services, facilities, accommodations, transportation, or access to the general public.

~~*Discriminate, discrimination, or discriminatory* means any act, policy, or practice that subjects any person to differential treatment based on that person's inclusion in a protected class.~~

Discrimination means any difference in treatment based on a Protected Class as defined herein.

~~*Employee* means an individual employed by, or seeking employment from, an employer in the town.~~

~~*Employer* means a person or entity that employs one or more employees, excluding parents, spouses, or children, in the town.~~

~~*Familial status* means an individual's past, current, or prospective status as a parent, adoptive parent, or legal guardian to a child or children below the age of 18.~~

Gender identity or expression means having ~~the actual~~ or being perceived as having gender-related identity, expression, appearance, or behavior, whether or not that identity, expression, appearance, or behavior is different from that traditionally associated with the sex assigned to that individual at birth. ~~mannerisms, or other gender-related characteristics of an individual, independent of the individual's designated sex at birth~~

~~*Marital status* means an individual's past, current, or prospective status as single, married, domestically partnered, in a civil union, divorced, or widowed.~~

~~*Natural hair style* means any hair texture, color, type, or style of wear historically associated with race.~~

~~*Place of public accommodation* means any establishment within the town that is open to the public and offers any product, service, or facility, or solicits the patronage or trade of the general public. The term "place of public accommodation" shall include, but not necessarily be limited to, stores, taverns, hotels, motels, restaurants, or any place where food or beverages are sold, retail and wholesale establishments, hospitals, theaters, public entertainment venues and all public conveyances, including the stations or terminals thereof. The term "place of public accommodation" shall not include: a religious organization; any hotel, motel, restaurant, or theater operated by a nonprofit fraternal or social association that restricts its facilities and services to the members of such association/corporation and their guests; or any nonprofit fraternal or social association, or civic, political, or religious organization, when the profits of such association or organization, above reasonable and necessary expenses, are solely for its benefit or mission.~~

Protected class means race, natural hair or hairstyles, ethnicity, creed, color, sex, pregnancy, marital or familiar status, sexual orientation, gender identity or expression, national origin or ancestry, National Guard or veteran status, religious belief or non-belief, age, or disability. ~~an individual's age, race, religion, 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~~.

Protected hairstyle means any hairstyle, hair type, or hair texture historically associated with race such as, but not limited to, braids, locks, twists, tight coils or curls, cornrows, Bantu knots, and afros.

Religious organization means a church, mosque, synagogue, temple, nondenominational ministry, ~~interdenominational and ecumenical organization, mission organization,~~ faith-based ~~social agency, or other~~ mission or faith-based entity ~~principally~~ that is primarily devoted to the study, practice, or advancement of religion.

~~*Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality.~~

(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)

Sec. 3-4. ~~Prohibited acts.~~ Application of Wake County Nondiscrimination Ordinance.

By Town of Apex Resolution dated May 24, 2022, Chapter 34 of the Wake County Code of Ordinances, an Ordinance Prohibiting Discrimination in Public Accommodations and Employment (hereinafter "the Wake NDO"), applies within the corporate limits of the town, with the following exceptions:

(a) Section 34.03(B) of the Wake NDO concerning bids or proposals submitted to Wake County does not apply; and

(b) Any matter regulated by the Wake NDO that is subject to N.C. Gen. Stat. §160A-168 does not apply; and

(c) Any provision of the Wake NDO that is in conflict with Chapter 3 of the Town of Apex Code of Ordinances does not apply.

~~(a) It shall be a violation of this chapter for any business to deny, directly or indirectly, any person the full and equal enjoyment, use, or privileges of the goods, services, facilities, and accommodations of a place of public accommodation on the basis of protected class status.~~

~~(b) It shall be a violation of this chapter for an employer to deny any person the right to obtain and hold employment and the benefits associated therewith based on protected class status. It shall be unlawful to discriminate against any employee in the employee's compensation, or in the terms, conditions, or privileges of employment, or otherwise make distinctions in regards to employees based on protected class status.~~

~~(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)~~

Sec. 3-5. Exceptions.

(a) No employer is prohibited from requiring an employee, during the employee's work hours, to adhere to reasonable dress or grooming standards not otherwise prohibited by federal, state, or local law.

(b) Nothing in this chapter shall be construed to prohibit an employer from requiring all of its employees to utilize the employer's applicable internal human resource procedures to address any allegation of discrimination in the workplace. Requiring the following of such procedure shall not be deemed a violation of this chapter.

(c) Nothing in this chapter shall be construed to require any business to make changes requiring a building permit to any existing facility, except as otherwise required by law. Nothing in this chapter shall be construed to regulate or impose requirements regarding the use of restroom facilities in businesses.

(d) Use of constitutionally or otherwise legally protected speech shall not be a violation of this chapter.

(e) A religious organization, association, or society that employs an individual of a particular religion to perform work associated with the organization that insists employees adhere to the tenets of the religious organization as a condition of employment is not in violation of this chapter.

(f) A business that observes the conditions of bona fide affirmative action plan or seniority system is not in violation of this chapter.

(g) No business is required to hire or retain unqualified or incompetent personnel.

(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)

Sec. 3-6. Enforcement.

(a) Any person who believes they have been aggrieved by a breach or violation of section 3-4 of this chapter may file a written complaint with the town manager's office that the person has been or is being, subjected to alleged discrimination as defined in this chapter, by completing and signing the form provided by the town. The complaint form shall include the names and contact information for the aggrieved individual, the business or individuals alleged to have committed the discrimination, a description of the discriminatory conduct, and any other information provided for in the town's form. There shall be no fee or charge for submitting the form.

(b) A complete complaint form must be filed within 60 days of the alleged discriminatory act. If the act constitutes a continuing pattern of discrimination the complaint form must be filed within 60 days of the last discriminatory act.

(c) Upon receipt of the complaint form, the town manager will conduct an initial inquiry into the allegations in the complaint, with assistance from the town attorney's office as needed. If a complaint is factually validated then the town will engage in efforts to negotiate a conciliatory resolution to the complaint.

(d) Filing a complaint pursuant to this section shall in no way preclude any person from seeking other relief under state or federal law.

~~(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)~~

~~**Sec. 3-7. Penalty.**~~

~~(a) If a complaint is factually validated and conciliation fails, then, in addition to, or in lieu of other remedies provided by law, any business, person, or corporation violating any provisions of this chapter may be subject to an enforcement action brought by the town pursuant to G.S. 160A-175(d) and (e) for an appropriate equitable remedy, including, but not limited to, a mandatory or prohibitory injunction commanding the defendant to correct the discriminatory acts prohibited by the chapter.~~

~~(b) Violation of this chapter shall not be a crime under G.S. 14-4 or other law.~~

~~(Ord. No. 2021-0608-15 , § 1, 6-8-2021, eff. 1-1-2022)~~

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 4. **Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the _____ day of _____, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

RESOLUTION NO. 22- _____

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF APEX PERMITTING APPLICATON OF THE WAKE COUNTY NONDISCRIMINATION ORDINANCE WITHIN THE CORPORATE TOWN LIMITS PURSUANT TO N.C. GEN. STAT. §153A-122

WHEREAS, The Town of Apex is a community that respects and actively works to welcome and protect all those who reside, work, do business, and visit Apex; and

WHEREAS, The Town of Apex has determined that discrimination in the business dealings of its citizens harms the citizens and the Town and impairs the Town's ability to attract new businesses and residents and is not consistent with the Town's purpose, vision, and identity as a Town that embraces and celebrates diversity; and

WHEREAS, The Town of Apex finds that the 14th Amendment to the United States Constitution provides for the equal protection of all citizens; and

WHEREAS, pursuant to North Carolina General Statute §160A-174(a), "[a] city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city[;]" and

WHEREAS, pursuant to North Carolina General Statute §160A-4, "[i]t is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law. To this end, the provisions of this Chapter . . . shall be broadly construed and grants of power shall be construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect[.]"

WHEREAS, Apex Town Code of Ordinances Chapter 3 is entitled "Nondiscrimination" and describes the Town's purpose and policy in protecting and safeguarding the right and opportunity of all person in protected classes, as defined in that Chapter, to be free from discrimination and applies to Town administration, committees, boards, commissions, and any entity contracting with the Town. Section 3-2 specifically authorizes the manager to establish town policies and procedures to ensure that the functions and actions of the town government meet the purpose and intent of Chapter 3. The Town Council directs that Chapter 3 of the Town Code, as amended from time to time, and the Town's internal policies and procedures remain in place and continue to govern these actions.

WHEREAS, on October 18, 2021, Wake County enacted an Ordinance Prohibiting Discrimination in Public Accommodations and Employment ("Wake County Nondiscrimination Ordinance") that, among other things, prohibits discrimination in public accommodations and employment for areas within Wake County's jurisdiction but outside the territorial jurisdiction of the Town.

WHEREAS, the Town desires its residents to be protected from discriminatory practices in public accommodations and employment under the same terms and conditions as set forth in the Wake County Nondiscrimination Ordinance.

WHEREAS, the governing board of a municipality is authorized by N.C. Gen. Stat. §153A-122 to permit a county ordinance to apply within the municipality's territorial jurisdiction by enacting a resolution so providing.

WHEREAS, Town and County leaders have agreed that Wake County and the Town of Apex should collaborate in their efforts to eradicate discrimination and that a coordinated approach in public accommodations and employment advances those goals.

NOW, THEREFORE, BE IT RESOLVED by the Town Council as follows:

Section 1. Except as provided herein, the Wake County Nondiscrimination Ordinance shall apply within the corporate limits of the Town of Apex and have the same force and effect and be enforced to the same extent within the corporate limits of the Town of Apex as within Wake County. Wake County shall be authorized and permitted to enforce the provisions of the Wake County Nondiscrimination Ordinance within the corporate limits of the Town of Apex pursuant to N.C. Gen. Stat. §153A-122 to the fullest extent allowed by law.

Section 2. The following *shall not apply* to the Town of Apex or within the Town's corporate limits:

A. Section 34.03(B) of the Wake County Nondiscrimination Ordinance concerning bids or proposals submitted to Wake County; and

B. Any matter regulated by the Wake County Nondiscrimination Ordinance that is subject to N.C. Gen. Stat. §160A-168; and

C. Any provision of the Wake County Nondiscrimination Ordinance that is in conflict with Chapter 3 of the Town of Apex Code of Ordinances, which will continue to be in effect for the topics it governs; and

Except as provided herein, all provisions of the Wake County Nondiscrimination Ordinance shall apply without restriction.

Section 3. This Resolution is effective upon adoption.

Upon motion duly made by Council Member _____ and duly seconded by Council Member _____, the above Resolution was duly adopted by the Apex Town Council at a meeting held on the _____ day of _____, 2022 in the Apex Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

_____

_____

_____

and the following Council Members voted in the negative:

_____

_____

_____

This the _____day of _____, 2022.

Attest:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX, NORTH CAROLINA

_____
Jacques K. Gilbert
Mayor

Approved As To Form:

_____
Laurie L. Hohe
Town Attorney

INTERLOCAL AGREEMENT

REGARDING

ENFORCEMENT OF THE WAKE COUNTY NONDISCRIMINATION ORDINANCE IN MUNICIPAL JURISDICTIONS

This Interlocal Agreement is entered into among the **TOWN OF APEX, NORTH CAROLINA;** being a municipal corporation organized under the laws of the State of North Carolina ("Municipality"); and **WAKE COUNTY, NORTH CAROLINA** (the "County" or "Wake"), a public body politic and corporate of the State of North Carolina, Individually called a "Party" in this interlocal agreement and collectively called the "Parties."

RECITALS:

WHEREAS, the County and Municipality welcome all people and recognize the importanceof diversity and the importance of all people being free from discrimination based on race, natural hair or hairstyles, ethnicity, creed, color, sex, marital or familial status, sexual orientation, gender identity or expression, national origin or ancestry, pregnancy, National Guard or veteran status, religious belief or non- belief, age, or disability; and

WHEREAS, invidious discrimination and the tolerance of invidious discrimination is detrimental to the health, safety, and welfare of the citizens of the County and Municipality and the peace and dignity which the County and Municipality seek to promote for all of their residents; and

WHEREAS, on October 18, 2021, in accordance with G.S. 153A-121, the Wake County Board of Commissioners enacted a Non-Discrimination Ordinance (Sections 34-01 – 34.08 of the Wake County Code of Ordinances) ("Wake NDO"or "NDO") effective within the jurisdictional limits of the County to promote principles of diversity, inclusion, harmony, and equal treatment for all and thereby the health, safety, and welfare of those who live in, work in, and visit the County as well as to promote the peace and dignity of the County; and

WHEREAS, the Wake NDO states that municipalities located within the County may adopt the Wake NDO provided they enter into an interlocal agreement that establishes enforcement procedures; and

WHEREAS, pursuant to N.C.G.S. § 153A-122, the respective governing body of the Municipality has enacted a resolution adopting the Wake NDO within their territorial jurisdiction; and

WHEREAS, pursuant to N.C.G.S. §160A-174(a), "[a] city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city[;]" and

WHEREAS, County and the Municipality agree that the Parties should collaborate in their efforts to eradicate discrimination and that a coordinated approach in combatting discrimination in public accommodations and employment advances those goals; and

WHEREAS, the County Manager for the County and the Town Manager for the Municipality have conferred concerning enforcement of the Wake NDO within the corporate limits of the Municipality and this interlocal agreement describes the rights and responsibilities of each Party; and

WHEREAS, the Parties desire to centralize the non-discrimination complaint process and procedure established by the County for improved consistency and accountability; and

WHEREAS, the Parties desire to enter into this Agreement pursuant to the statutory authority authorizing interlocal agreements, N.C.G.S §§ 160A-460 to 160A-464,in order to pursue the above-stated goals.

NOW THEREFORE, for and in consideration of the premises and covenants contained in the Agreement, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE I
Definitions

1.01. Definitions: For all purposes of this Agreement, unless the context requires otherwise, the following terms shall have the following meanings:

Agreement means this Interlocal Agreement.

Complaint means a written allegation of discrimination filed on the County's adopted complaint form in accordance with the Wake NDO.

Complainant means a Person as defined under the Wake NDO who files a Complaint.

Conciliation means attempted resolution of issues raised by a complainant through informal means not involving court process.

Discrimination means any difference in treatment based on a Protected Class as defined herein.

Employer means any person employing one or more persons within the County or within the corporate limits of the Municipal Party and any person acting in the interest of an Employer, directly or indirectly, including an employment agency. "Employer" shall include Wake County and any Wake County Contractor.

Gender identity or expression means having or being perceived as having gender-related identity, expression, appearance, or behavior, whether or not that identity, expression, appearance, or behavior is different from that traditionally associated with the sex assigned to that individual at birth.

Municipality means the municipal party named Municipal Party in this Agreement.

Party means the municipality or Wake County, as the context or the usage of such term may require, which is a signatory to this Interlocal Agreement.

Person means a natural person, a corporation, company, partnership, firm, association or other entity with a separate legal existence.

Protected class means race, natural hair or hairstyles, ethnicity, creed, color,sex, pregnancy, marital or familial status, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, National Guard or veteran status, religious belief or non-belief, age, or disability.

Protected hairstyle means any hairstyle, hair type, or hair texture historically

associated with race such as, but not limited to, braids, locks, twists, tight coils or curls, cornrows, Bantu knots, and afros.

Public accommodation means any place, facility, store or other establishment which supplies accommodations, goods, or services to the public or which solicits or accepts the patronage or trade of the general public. A public accommodation shall not include a Religious Organization and all of the activities of the Religious Organization, or non-profit fraternal or social organization which restricts use of facilities and services to members and their guests.

Religious Organization means a church, mosque, synagogue, temple, non-denominational ministry, faith-based mission or faith-based entity that is primarily devoted to the study, practice, or advancement of religion.

Respondent means a Person as defined under the Wake NDO against whom a complaint has been filed pursuant to the Wake NDO.

ARTICLE II
Purpose, Process & Responsibilities

2.01. Recitals; Purpose: The Recitals are incorporated herein. The Parties agree to centralize all non-discrimination complaints that arise from the Wake NDO received in their respective jurisdictions in one online portal system managed by the County.

2.02. Roles and Responsibilities of the Parties:

(A) The County shall:

1. Provide a Complaint form available to persons and members of the public.
2. Establish and maintain an online portal for the intake of Complaints filed within the jurisdictional limits of the County and the jurisdictional limits of the Municipal Parties.
3. Perform jurisdictional review of all Complaints received in accordance with the provisions of the Wake NDO and this Agreement and issue letters of denial or referral for Conciliation.
4. Provide administrative personnel to perform work under this Agreement.
5. Contract with third parties for the administration of the investigatory and conciliation process established in the Wake NDO.
6. Collect fees from the Municipality as set out in this Agreement.
7. Cooperate and use best efforts to ensure that the various provisions of this Agreement are fulfilled.

(B) The Municipal Party shall:

1. Coordinate with the County following the County's receipt of any Complaint falling within their jurisdictional limits.
2. Assist the County in determining whether a Complaint falls within the jurisdiction of the Municipality.

3. Compensate the County for administrative costs and fees as set out in this Agreement.
4. Cooperate and use best efforts to ensure that the various provisions of this Agreement are fulfilled.

2.03. Process: All Complaints regarding alleged violations of the Wake NDO must be filed with the County Manager's Office within ninety (90) days of the alleged discriminatory act on the Complaint form provided by the County in accordance with the criteria set forth therein. Upon review of the Complaint, the County Manager, or his designee, shall determine if the Complaint falls within the jurisdiction of the County or the Municipality and make a recommendation for one or more of the following actions:

1) No further action based on lack of jurisdiction, whether territorial or subject matter jurisdiction, or
2) An opportunity for the Complainant and the Respondent to participate in Conciliation to resolve the dispute. The County shall be responsible for communicating the recommended action to the Complainant upon intake and review of the Complaint.

In all cases where the County recommends Conciliation, the County shall offer the Complainant and the Respondent an opportunity to participate in a conciliation process, free of charge. The Complainant and Respondent may, but are not required, to be represented by counsel, but they shall be responsible for their own fees or expenses relatedto representation, preparation or attendance. The Conciliation session shall be a closed, informal, and confidential process to the extent permitted by law. All resolutions of Complaints shall be reduced to writing, signed by the Complainant and Respondent, and acknowledged by the facilitator of the Conciliation. The memo of conciliation shall be enforceable as a binding contract between the Complainant and the Respondent.

All jurisdictional determinations and Conciliations facilitated by the County are final, with no right to appeal by the Complainant or the Respondent.

The County shall not be responsible for advising a Complainant or a Respondent of available alternatives to Conciliation.

2.04. Authority: In accordance with N.C.G.S. § 160A-463, County employees who are carrying out functions described in this Agreement shall possess and exercise all of the authority that the law permits an employee of the Municipality to possess and exercise.

2.05. Limitations: This Agreement does not require the County or the Municipality to take any action on behalf of a Complainant or Respondent. Nothing herein shall require the County to initiate judicial action by or on behalf of any Complainant or the Municipality, including but not limited to injunctive relief or any other equitable remedy under law. The Parties understand that the conciliation process established by the Wake NDO is voluntary and non-penal in nature. The County's role under the Wake NDO is to encourage and facilitate resolution of Discrimination among Protected Classes occurring in Employment or Places of Accommodation. Nothing in this Agreement requires the County or the Municipality to take any action other than that specified in this Agreement.

Nothing in this Agreement shall be interpreted or applied so as to create any requirement, power, or duty in conflict with the Wake NDO.

The Wake NDO does not create any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the County, the Municipality, their agencies, departments or any other officers, elected officials, or employees or any other person or entity, including respondents.

Nothing in this Agreement precludes a Complainant from filing any action allowed by law, but the Complainant must bear the Complainant's own costs, expenses, and attorney's fees. A Complainant who wishes to file a court action must do so through the Complainant's own attorney or if appearing pro se, through the court's pro se clerk's office.

Nothing in this Agreement conveys rights to any person or entity that is not a party to this Agreement. Only the parties may enforce this Agreement.

2.06. Special Provisions Regarding Public Records: Nothing herein shall require the County to accept responsibility for responding to any public records request filed with the Municipality in association with this Agreement. Nothing herein shall require the Municipality to accept responsibility for responding to any public records request filed with the County in association with this Agreement. Notwithstanding the above, Wake County shall respond to all public records requests filed with the County for documents or materials in its possession. The parties acknowledge that electronic or written communication related to the Complaint or Conciliation in the custody of the County or the Municipality may be considered public record under North Carolina law. The Conciliation session shall not be recorded and shall remain confidential to the fullest extent allowed by law.

ARTICLE III
Administrative Fees, Costs, & Personnel

3.01. Collection of Fees: During the Term of this Agreement as set forth in section 4.02, below, the County will not assess an administrative fee for the services provided to the Municipality. The Municipality acknowledges and contemplates that a cost-share agreement may be required in the future.

3.02. Responsibility for Costs: The County agrees to provide all personnel, resources, and equipment to carry out the Purpose of this Agreement. Costs associated with these resources will be paid by the County.

3.03. Attorneys Fees: While either participant may engage legal counsel to assist in the process, the Complaint process is a voluntary attempt at Conciliation and as such there is no constitutional right to legal representation. If Complainant or Respondent choose to be represented by counsel, each shall be responsible for payment of attorney's fees incurred.

ARTICLE IV
Effective Date, Term, Termination, and Addition of Parties

4.01. Effective Date: This Agreement shall become effective for a Municipality on the earlier of the effective date of the Wake NDO or the execution date of this Agreement.

4.02. Term: The term of this Agreement shall commence on the Effective Date

and terminate on June 30, 2023, unless earlier terminated in accordance with Section 4.03. The County Manager shall have the authority to extend the term of this Agreement, subject to the appropriation of funds by the Wake County Board of Commissioners. The Town Manager shall have the authority to extend the term of this Agreement, subject to the appropriation of funds by the Town Council.

4.03. Termination: The Municipal Party shall have the right to withdraw or terminate participation in this Agreement upon 30-day notice to the County.

ARTICLE V
Notice

5.01. Notice: Any written or electronic notice required by this Agreement shall be delivered to the Parties at the following addresses:

For the County:
Wake County Manager
Wake County Justice Center
301 S. McDowell St.
Raleigh, NC 27601
chris.dillon@wakegov.com

For the Municipality:

Town of Apex
Attn: Town Manager
PO Box 250
Apex, NC 27502
Catherine.crosby@apexnc.org

With a copy to the Municipal Attorney:

Town of Apex
Attn: Town Attorney
PO Box 250
Apex, NC 27502
Laurie.hohe@apexnc.org

ARTICLE VI
Miscellaneous

6.01. Governing Law and Venue: The Parties agree that North Carolina law shall govern this Agreement. Venue for any disputes arising under this Agreement shall be in the Superior Court of Wake County, North Carolina.

6.02. Severability: If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.

6.03. Entire Agreement, Amendments: This Agreement constitutes the entire

Agreement between the Parties. This Agreement shall not be modified or amended except in writing signed by all the Parties.

6.04. Intentionally Omitted.

6.05. Liability of Officers and Agents: No officer, agent, or employee of either Party shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent, or employee from the performance of any official duty provided by law.

6.06. Assignment: Neither Party shall sell or assign or subcontract any interest in or obligation under this Agreement without the prior written consent of the other Party.

6.07. No Waiver Of Sovereign Immunity: Nothing in this Agreement shall be construed to mandate purchase of insurance by Wake County pursuant to N.C.G.S. 153A-435 or by the municipality pursuant to N.C.G.S. 160A-485; or to be inconsistent with Wake County's "Resolution Regarding Limited Waiver of Sovereign Immunity" enacted October 6, 2003; or to in any other way waive any Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against a Party for any reason if otherwise available as a matter of law.

6.08. Intentionally Omitted.

6.09. Indemnity and Defense of Claims:

(A) Mutual Indemnity.

For the County. If allowed by North Carolina law and to the extent it does not operate as a waiver of sovereign immunity and is not inconsistent with County's "Resolution Regarding Limited Waiver of Sovereign Immunity", County shall indemnify and hold harmless the Municipality from and against all claims, demands, costs (excluding attorney's fees), and expenses arising out of or relating to County's obligations under this Agreement and caused by the negligence or willful misconduct of the County, its employees, its officials, its agents, or its contractors.

For the Municipality. If allowed by North Carolina law and to the extent it does not operate as a waiver of sovereign or governmental immunity and is not inconsistent with the Municipality's waiver policy concerning immunity, the Municipality shall indemnify and hold harmless the County from and against all claims, demands, costs (excluding attorney's fees), and expenses arising out of or relating to the Municipality's obligations under this Agreement and caused by the negligence or willful misconduct of the Municipality, its employees, its officials, its agents, or its contractors.

Notice Required. If a claim, suit, or cause of action is made against any Party hereto and the Party believes that they are entitled to indemnification, notice shall be given to the indemnitor within five (5) business days after that Party's first notice of any such claim, suit, or cause of action. Failure to provide this notice will preclude indemnity.

(B) Defense of Claims.

For the County. If the County is named as a party to a lawsuit or legal action relating to the Wake NDO, the County will bear all costs and expenses relating to the defense of that claim, except as provided in section 6.09(A) of this Agreement concerning indemnity.

For the Municipality. If the Municipality is named as a party to a lawsuit or legal action relating to the Wake NDO, the Municipality will bear all costs and expenses relating to the defense of that claim, except as provided in section 6.09(A) of this Agreement concerning indemnity.

Cooperation. If the County is named as a party to a lawsuit or legal action relating to its enforcement of the Wake NDO within the corporate limits of the Municipality and the County does not request that the Municipality take over its defense, the Municipality will provide informal assistance to the County and will confer with the County's attorneys about the potential to intervene or otherwise assist in the proceeding.

6.10. Real Property: This Agreement does not involve the acquisition or ownership of real property.

6.11. Breach and Default: In the event of breach of this Agreement, the Parties shall be entitled to such legal or equitable remedy as may be available, including specific performance.

6.12 Representations and Warranties: The Parties each represent, covenant and warrant for the other's benefit as follows:

(A) Each Party has all necessary power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement, and this Agreement has been authorized by Resolution spread upon the minutes of each Party's governing body. This Agreement is a valid and binding obligation of each Party.

(B) Each Party will comply with all non-discrimination requirements applicable to its activities.

(C) To the knowledge of each party, neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated by this Agreement, results in a breach of the terms, conditions and provisions of any agreement or instrument to which either Party is now a party or by which either is bound, or constitutes a default under any of the foregoing.

(D) To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against such Party (or against any other person) affecting such Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. Neither such Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.

6.13 Verification of Work Authorization; Iran Divestment Act Certification: The Parties, and all subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes. The Parties hereby certify that they, and all subcontractors, are not on the Iran Final Divestment List created by the North Carolina State Treasurer

pursuant to N.C.G.S. 147-86.58.

IN WITNESS WHEREOF, the parties, pursuant to resolutions of their respective governing boards spread upon their minutes, have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date firstabove written.

WAKE COUNTY

_____
County Manager

ATTEST:

_____
County Clerk

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

_____
Chief Financial Officer (or designee)
Wake County

Town of Apex

ATTEST:

Catherine Crosby, Town Manager

Town Clerk

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

Chief Financial Officer (or designee)
Town of Apex

ADDENDUM TO THE INTERLOCAL AGREEMENT BETWEEN WAKE COUNTY AND THE TOWN OF APEX REGARDING

ENFORCEMENT OF THE WAKE COUNTY NONDISCRIMINATION ORDINANCE WITHIN THE CORPORATE LIMITS OF THE TOWN OF APEX

This Addendum ("Addendum") to the Interlocal Agreement Regarding Enforcement of the Wake County Nondiscrimination Ordinance in Municipal Jurisdictions (the "ILA") is effective upon execution by the last of the parties to sign, and entered into between **WAKE COUNTY, NORTH CAROLINA** (the "County" or "Wake"), a public body politic and corporate of the State of North Carolina, and **THE TOWN OF APEX, NORTH CAROLINA** (the "Town" or "Apex"), a North Carolina municipal corporation. Each is individually called a "Party" in this interlocal agreement and collectively called the "Parties."

RECITALS:

WHEREAS, on October 18, 2021, in accordance with G.S. 153A-121, the Wake County Board of Commissioners enacted a Non-Discrimination Ordinance ("Wake NDO" or "NDO") effective within the jurisdictional limits of the County to promote principles of diversity, inclusion, harmony, and equal treatment for all and thereby the health, safety, and welfare of those who live in, work in, and visit the County as well as to promote the peace and dignity of the County; and

WHEREAS, the Apex Town Council has also determined that discrimination in public accommodations and employment is detrimental to the health, safety, and welfare of its residents and to the peace and dignity of the Town. On May 24, 2022, pursuant to N.C. Gen. Stat. § 153A-122, the Apex Town Council adopted a Resolution (hereinafter "Resolution") to protect residents of the Town from discriminatory practices in public accommodations and employment by permitting the application of the Wake NDO within the corporate limits of the Town, with the following exceptions:

A. Section 34.03(B) of the Wake NDO concerning bids or proposals submitted to Wake County does not apply; and

B. Any provision of the Wake NDO that is in conflict with Apex Town Code Chapter 3 does not apply; and

C. Any matter regulated by the Wake NDO that is subject to N.C. Gen. Stat. § 160A-168 does not apply.

In accordance with the Town Resolution, all applicable provisions of the Wake NDO apply within the corporate limits of the Town to the same extent as within the County.

WHEREAS, The Resolution authorizes and permits the County to enforce applicable provisions of the Wake NDO within the corporate limits of the Town to the fullest extent allowed by law.

WHEREAS, The Resolution recognizes that a consistent and uniform approach in enforcing the Wake NDO is in the best interests of Town and County residents. The Parties acknowledge that County enforcement personnel are best positioned to implement a consistent and uniform approach in enforcing the Wake NDO.

WHEREAS, the County has prepared the ILA to permit all municipalities within Wake County to coordinate and centralize their efforts to eradicate discrimination in public accommodations and employment and the Town is joining the ILA to further those efforts.

WHEREAS, the Parties agree that their enforcement efforts would benefit from providing further guidance concerning matters that are specific to the Town, in addition to the terms of the ILA.

WHEREAS, the Parties desire to enter into this Addendum pursuant to the statutory authority authorizing interlocal agreements, N.C.G.S §§ 160A-460 to 160A-464, in order to pursue the above-stated goals.

NOW THEREFORE, for and in consideration of the premises and covenants contained in this Addendum, the sufficiency of which is hereby acknowledged, and in addition to the terms contained in the ILA, the Parties agree as follows:

ARTICLE I Definitions

1.01. Definitions: In addition to the definitions contained in Article I of the ILA, the Parties agree that:

Employer. Employment relationships between government employers within the Town's corporate limits are governed by other stringent non-discrimination procedures and not the Wake NDO. Therefore, the definition of "Employer" for the purposes of the ILA and this Addendum does not include the Town of Apex, the State of North Carolina when the State employs persons within the Town's corporate limits, or the U.S. government when the United States employs persons within the Town's corporate limits.

Public accommodation. State and federal government facilities within the Town's corporate limits are governed by other stringent non-discrimination procedures and not the Wake NDO. Therefore, state and federal governmental facilities, places or establishments within the Town's corporate limits are not "public accommodations" for the purposes of the ILA and this Addendum.

ARTICLE II Purpose, Process & Responsibilities

2.01. Recitals; Purpose: The Recitals from the ILA and this Addendum are incorporated herein. The Parties agree to centralize all non-discrimination complaints that arise from the Wake NDO as adopted in the Town Resolution received in the Town's jurisdiction in one online portal system managed by the County.

2.02. Roles and Responsibilities of the Parties:

(A) In addition to the responsibilities listed in the ILA, the County shall:

1. Apply and enforce portions of the Wake NDO adopted by the Town. The County will do so consistently within the County and corporate limits of the Town.
2. Coordinate with the Town concerning any interpretation of the Town Resolution.
3. Perform jurisdictional review of all Complaints received in accordance with provisions of the Wake NDO applicable to the Town under the Town Resolution and issue letters of denial or referral.
4. Contract with third parties for the administration of the investigatory and conciliation process established in the Wake NDO.
5. Provide access to any records compiled by the County relating to the Wake NDO and its enforcement to representatives of the Town during the County's normal business hours and within a reasonable time after a request. The Parties agree that the County has no obligation to create records at the Town's request. To the extent such records exist, the County will provide the Town with access to them.
6. The County will work in good faith to resolve disputes relating to the ILA and to this Addendum in an equitable and timely manner.

(B) In addition to the responsibilities listed in the ILA, the Town shall:

1. Coordinate with the County following the County's receipt of any Complaint falling within the jurisdictional limits of the Town as set out in the Town Resolution.
2. Interpret the Town Resolution and provide instructions to the County concerning that resolution.
3. The Town will work in good faith to resolve disputes relating to the ILA and to this Addendum in an equitable and timely manner.
4. In its sole discretion, take enforcement action, other than offering voluntary conciliation, under section 34.05 of the Wake NDO if the Town opts to do so.

2.03. Authority: In accordance with N.C. Gen. Stat. § 160A-463, employees of one Party who are carrying out functions described in this Addendum shall possess and exercise all of the authority that the law permits an employee of the other Party to possess and exercise.

ARTICLE III Effective Date, Term, and Termination

3.01. Effective Date of Addendum: This Addendum shall become effective upon approval by the governing boards of each Party.

3.02. Term of Addendum: This Addendum shall remain in effect so long as the Town is a party to the ILA. The Addendum shall automatically terminate when the ILA is no longer in effect or when either Party to this Addendum withdraws from or terminates the ILA.

3.03. Addendum and ILA: Except as specifically modified by this Addendum, all provisions of the ILA remain in effect. In the event that a provision in this Addendum conflicts with a provision in the ILA, the terms of this Addendum shall prevail and control.

IN WITNESS WHEREOF, the Parties, pursuant to resolutions of their respective governing boards spread upon their minutes, have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date first above written.

WAKE COUNTY

_____

County Manager

ATTEST:

_____

County Clerk

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

_____

Chief Financial Officer (or designee)
Wake County

TOWN OF APEX

ATTEST:

Town Manager

Town Clerk

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

_____

Chief Financial Officer (or designee)
Town of Apex

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve Budget Ordinance Amendment No. 20 to allocate funds to complete renovations of Town facilities.

Approval Recommended?

Yes

Item Details

In order to prepare for onboarding new staff and facilitate the relocation of existing staff, staff is requesting a budget amendment to allocate fund balance to fund a several renovation projects occurring at multiple facilities.

Town Hall Second Floor Conference Room Renovation: $188,000
This renovation coverts the second floor conference room to 4 office spaces housing Town Council and Town Clerks' offices. The costs include demolition, wall installation, furniture, wiring, HVAC, and data cabling.

Town Hall Third Floor HR / DEI Suite: $330,000
This renovation restructures the layout of offices to add 6 additional offices for Human Resources and DEI staff. The costs include demolition, wall installation, furniture, wiring, HVAC, data cabling, and carpet and ceiling tile replacement.

Public Works Administration First Floor $440,000
This renovation converts the Public Works training room on the lower level of Public Works Administration to create 7 offices, one conference room, and an open work area containing 10 cubicles to house traffic and engineering teams.

Public Works Administration Second Floor $150,000
This renovation reduces the size of the existing conference room and creates three additional offices housing the development services team.

Public Works Operations: $255,000
This funding will be used for required HVAC replacements and upgrades to facilitate Phase 1 of the renovation of the Public Works Operations facility.

Eva Perry Library: $352,600

A payment of $419,808 was made in September 2021 for an invoice related to the general renovation of the Eva Perry Library facility completed on July 1, 2020. It included an interior renovation including finishes and toilet upgrade, lighting replacement, and interior HVAC improvements. While funds were allocated in the budget to cover this expense in FY21, the County withheld invoices due to the uncertainty of impacts of COVID on municipal revenues. This allocation covers the invoice for the chiller, boiler, pump, piping, and related components replacement. This project was completed January 31, 2022.

Attachments

- Budget Ordinance Amendment 20

Town of Apex

Budget Ordinance Amendment No. 20

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	$1,715,600
Total Revenues	**$1,715,600**

Section 2. Expenditures:

Facility Services	$1,363,000
Transfer to 75 Fund: Eva Perry Library	$352,600
Total Expenditures	**$1,715,600**

Eva Perry Library Fund

Section 1. Revenues:

Transfer from General Fund	$352,600
Total Revenues	**$352,600**

Section 2. Expenditures:

Building Maintenance	$352,600
Total Expenditures	**$352,600**

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

Adopted this the 24th day of May, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

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 May 10, 2022 related to the Downtown Festival District and associated amendments.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 10, 2022 RELATED TO THE DOWNTOWN FESTIVAL DISTRICT AND OTHER ASSOCIATED AMENDMENTS

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development 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 10th day of May 2022.

The Apex Town Council held a public hearing on the 10th day of May 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

All persons who desired to present information relevant to the UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction 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 the 10th day of May 2022 by a vote of 5 to 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 UDO Amendments related to the Downtown Festival District and other associated amendments of May 10, 2022 are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Secs. 4.1.2 *Outside Storage and* Sales; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses;* 4.3.6 *Use Classifications, Industrial Uses;* 4.4.4 S*upplemental Standards, Recreational Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 4.4.6 *Supplemental Standards, Industrial Uses*; 4.6 *Temporary Uses and Structures*; and 12.2 *Terms Defined* further goals of the Downtown Master Plan by creating the Downtown Festival District, amending the standards for promotional events and allowing more such events in the new district, creating the uses “Parking garage, public” and “Parking lot, public” and prohibit “Parking lot, commercial” as a permitted use in the Downtown Festival District. In addition, the amendments clarify standards for outside storage and sales within the Central Business District, revise how uses that serve alcohol are permitted, and provide a definition for “outdoor operations” and standards for the outdoor operations aspect of certain uses.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____

Town Clerk

_____
Date

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the various Unified Development Ordinance (UDO) Amendments of May 10, 2022.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council-Approval of various amendments
- Statement of Town Council-Denial of fencing around SCMs in RCA

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE VARIOUS UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 10, 2022

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development 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 10th day of May 2022.

The Apex Town Council held a public hearing on the 10th day of May 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

All persons who desired to present information relevant to the UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction 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 the 10th day of May 2022 by a vote of 5 to 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 May 10, 2022 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 UDO Sec. 4.4.5.G.13 *Supplemental Standards, Commercial Uses, Retail Sales and Service, Retail sales, general* requires that vape and tobacco stores be located at least 1,000 feet from any public or private school.
2. The amendment to UDO Sec. 7.5.14 *Defects Guarantee* sets a different guarantee period for residential and non-residential subdivisions.
3. The amendment to UDO Sec. 5.1.5 *Small Town Character Overlay District* clarifies the maximum height allowed for buildings in the Central Business District that don't qualify for additional height according to footnote 1 of that section.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____

Town Clerk

_____
Date

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 10, 2022 RELATED TO FENCING AROUND STORMWATER CONTROL MEASURES IN RESOURCE CONSERVATION AREA.

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development 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 10th day of May 2022.

The Apex Town Council held a public hearing on the 10th day of May 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

All persons who desired to present information relevant to the UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction were allowed to speak at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council the 10th day of May 2022 by a vote of 3 to 2, denied to amend the Ordinance related to fencing around stormwater control measures in Resource Conservation Area.

The Apex Town Council finds from information and testimony provided at the public hearing that the denial of the UDO Amendments of May 10, 2022 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA) are not in keeping with the intent of the RCA standards. Furthermore, an SCM can be completely enclosed by a fence if is not dedicated as RCA.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____

Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ29 North Salem Station PUD. Ana Wadsworth with The Wooten Company is the petitioner for the properties located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #21CZ29 was approved at the May 10, 2022 Town Council meeting.

Attachments

- Statement and Ordinance

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 10.39 ACRES LOCATED AT 0 CANDUN DRIVE, 0 LAURA DUNCAN ROAD, AND 0 NORTH SALEM STREET FROM PLANNED COMMERCIAL (PC) & NEIGHBORHOOD BUSINESS (B1) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#21CZ29

WHEREAS, Ana Wadsworth with The Wooten Company, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of December 2021 (the "Application"). The proposed conditional zoning is designated #21CZ29;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ29 before the Planning Board on the 11th day of April 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 11th day of April 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ29. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 4 to 3 for the application for #21CZ29;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ29 before the Apex Town Council on the 10th day of May 2022;

WHEREAS, the Apex Town Council held a public hearing on the 10th day of May 2022. Shelly Mayo, 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 #21CZ29 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates the parcels north of North Salem St. as High Density Residential (Apartments Only)/Commercial Services and the parcels south of North Salem St as High Density Residential/Office Employment. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will support increased transit ridership, permit infill development, require greater environmental conditions than the existing zoning and provide an affordable housing option. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #21CZ29 rezoning the subject tract located at 0 Candun Drive, 0 Laura Duncan Road, and 0 N. Salem Street from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

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

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

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

Motion by Council Member_____

Seconded by Council Member_____

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

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

This the _____ day of _____ 2022.

TOWN OF APEX

_____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

This is a description of a survey for the Town of Apex, being that property recorded in Deed Book 18823 at Page 715 in the Wake County Registry of Deeds, being located in The Town of Apex, Wake County, North Carolina and being more particularly described as follows:

TRACT 1

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Tract IV and a Portion of Tract I), being Lot 3 as shown on the plat entitled "Duncan Plaza, Phase 1" a plat which is recorded at Book of Maps 1989 at Page 1135; and Lot 4 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds.

Beginning on an iron pipe found on the southern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344, being a common corner with Lot 3 as shown on the plat entitled "Duncan Plaza, Phase 1" a plat which is recorded at Book of Maps 1989 at Page 1135; and with Lot 4 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 731,826.82 feet and East 2,050,554.86 feet; thence from the Beginning Point and continuing with Lot 4 (BM 1992, Pg. 344) and the southern right-of-way of Candun Drive for two calls: North 68 degrees 50 minutes 19 seconds East 179.76 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.48 feet and a chord of South 65 degrees 48 minutes 47 seconds East 42.68 feet to an iron pipe set at a point of tangency being located on the western right-of-way of Laura Duncan Road, a variable width right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 4 and the western right-of-way of Laura Duncan Road for four calls: South 20 degrees 27 minutes 55 seconds East 93.97 feet to an iron pipe set; South 13 degrees 20 minutes 35 seconds East 40.28 feet to an iron pipe set; South 20 degrees 27 minutes 55 seconds East 97.54 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord of South 24 degrees 32 minutes 05 seconds West 42.43 feet to an iron pipe set at a point of tangency being located on the northern right-of-way of Old U.S. Highway 1 – North Salem Street, a 75-foot wide right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 4 and the northern right-of-way of Old U.S. Highway 1 – North Salem Street for two calls: South 69 degrees 29 minutes 11 seconds West 122.07 feet to an iron pipe set; and South 69 degrees 29 minutes 11 seconds West 14.44 feet to an iron pipe found, being a common corner with Lot 4 and the aforementioned Lot 3 (BM 1989, Pg. 1135); thence continuing with Lot 3 and the northern right-of-way Old U.S. Highway 1 – North Salem Street for four calls: South 69 degrees 28 minutes 22 seconds West 83.65 feet to an iron pipe set; South 69 degrees 25 minutes 17 seconds West 99.41 feet to an iron pipe set; South 69 degrees 41 minutes 21 seconds West 3.86 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord of North 66 degrees 29 minutes 30 seconds West 42.43 feet to an iron pipe set at a point of tangency being located on the eastern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 3 and the eastern right-of-way of Candun Drive for three calls: North 21 degrees 29 minutes 10 seconds West 137.35 feet to an iron pipe set on a point of curve; a curve to the right having a radius of 120.00 feet, an arc length of 189.18 feet and a chord of North 23 degrees 40 minutes 36 seconds East 170.19 feet to an iron pipe set at a point of tangency; and North 68 degrees 50 minutes 19 seconds East 62.78 feet to the Point of Beginning, containing 2.50 Acres by coordinates.

TRACT 2

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Portion of Tract I), being Lots 6 and 7 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, both being recorded in the Wake County Registry of Deeds.

Beginning on an iron pipe found on the northern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344, being a common corner with Lot 6 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, a common corner with Phoenix Dawn, LLC, a deed which is recorded at Deed Book 18366 at Page 240, and a point in the center of an Existing 20-foot wide Drainage Easement recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 731,851.29 feet and East 2,050,455.27 feet; thence from the Beginning Point and continuing with Lot 6 (BM 1992, Pg. 344), Phoenix Dawn, LLC and the center of an Existing 20-foot wide Drainage Easement for two calls: North 36 degrees 47 minutes 51 seconds West 187.11 feet to an iron pipe found; and North 04 degrees 38 minutes 26 seconds East 209.39 feet to a computed point being located South 04 degrees 38 minutes 26 seconds West 0.55 feet from an iron pipe found, said computed point being located on the northern edge of an Existing 30-foot wide Sanitary Sewer and Access Easement recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds, thence leaving Phoenix Dawn, LLC and continuing with Lot 6 and the northern edge of an Existing 30-foot wide Sanitary Sewer and Access Easement for one call: South 89 degrees 01 minutes 06 seconds East 172.96 feet to an iron pipe found, being a common corner with Lot 6 and the aforementioned Lot 7 (BM 1992, Pg. 344); thence leaving Lot 6 and continuing with Lot 7 and the northern edge of an Existing 30-foot wide Sanitary Sewer and Access Easement for two calls: South 89 degrees 01 minutes 06 seconds East 243.51 feet to an iron pipe found; and South 89 degrees 01 minutes 06 seconds East 0.50 feet to an iron pipe found on the western right-of-way of Laura Duncan Road, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 7 and the western right-of-way of Laura Duncan Road for two calls: a curve to the left having a radius of 358.53 feet, an arc length of 227.50 feet and a chord of South 11 degrees 44 minutes 07 seconds West 223.70 feet to an iron pipe set at a point of reverse curve; and a curve to the right having a radius of 30.00 feet, an arc length of 39.43 feet and a chord of South 30 degrees 39 minutes 21 seconds West 36.65 feet to an iron pipe set at a point of tangency being located on the northern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344; thence continuing with Lot 7 and the northern right-of-way of Candun Drive for one call: South 68 degrees 51 minutes 52 seconds West 152.70 feet to an iron pipe found, being a common corner with Lot 7 and the aforementioned Lot 6 (BM 1992, Pg. 344); thence continuing with Lot 6 and the northern right-of-way of Candun Drive for two calls: South 68 degrees 51 minutes 52 seconds West 103.15 feet to an iron pipe found at a point of curve; and a curve to the left having a radius of 180.00 feet, an arc length of 20.82 feet and a chord of South 65 degrees 35 minutes 53 seconds West 20.81 feet to the Point of Beginning, containing 2.64 Acres by coordinates.

TRACT 3

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Portion of Tract I), being Lots 8, 9 and 10 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, both being recorded in the Wake County Registry of Deeds.

Beginning on an iron pipe found at the northeast corner of Lot 10 of "Subdivision Map of Lots 1-2, 4-10 Parkway

Station", a plat which is recorded at Book of Maps 1992 at Page 344, being a common corner in the line with Christopher C. Bode and wife, Amy R. Bode, a deed which is recorded at Deed Book 12382 at Page 2551, a common corner with a Common Area recorded at Book of Maps 2014 at Page 1172, and a point in the eastern edge of an Existing 20-foot wide Drainage Easement recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 732,199.28 feet and East 2,050,983.47 feet; thence from the Beginning Point and continuing with Lot 10 (BM 1992, Pg. 344), Common Area and the eastern edge of an Existing 20-foot wide Drainage Easement: South 16 degrees 21 minutes 10 seconds East 170.12 feet, passing a common corner with the Common Area (BM 2014, Pg. 1172) and Laurel Crossing Townhomes Association, Inc, a deed which is recorded at Deed Book 16254 at Page 2741 in the Wake County Registry of Deeds to an iron pipe set, being a common corner with Lot 10 and the aforementioned Lot 9 (BM 1992, Pg. 344); thence continuing along the same bearing with Lot 9 (BM 1992, Pg. 344), Laurel Crossing Townhomes Association, Inc. and the eastern edge of an Existing 20-foot wide Drainage Easement 139.55 feet to an iron pipe set, being a common corner with Lot 9 and the aforementioned Lot 8 (BM 1992, Pg. 344); thence continuing along the same bearing (South 16 degrees 21 minutes 10 seconds East) with Lot 8 (BM 1992, Pg. 344), Laurel Crossing Townhomes Association, Inc. and the eastern edge of an Existing 20-foot wide Drainage Easement 171.08 feet, for a total distance along this bearing of 480.75 feet to an iron pipe found, being a common corner with Lot 8, Laurel Crossing Townhomes Association, Inc., and located on the northern right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds, thence leaving Laurel Crossing Townhomes Association, Inc. and continuing with Lot 8 (BM 1992, Pg. 344), the eastern edge of an Existing 20-foot wide Drainage Easement and the right-of-way of Old U.S. Highway 1 – North Salem Street for one call: South 16 degrees 21 minutes 10 seconds East 8.77 feet to an iron pipe set; thence continuing with Lot 8 and the right-of-way of Old U.S. Highway 1 – North Salem Street for two calls: South 69 degrees 30 minutes 07 seconds West 191.61 feet to an iron pipe set a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord of North 65 degrees 32 minutes 35 seconds West 42.43 feet to and iron pipe set at a point of tangency on the eastern right-of-way of Laura Duncan Road, a variable width right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 8 and the eastern right-of-way of Laura Duncan Road for two calls: North 20 degrees 32 minutes 35 seconds West 97.49 feet to an iron pipe set; and North 27 degrees 40 minutes 05 seconds West 40.31 feet to an iron pipe found at the common corner of Lot 8 and the aforementioned Lot 9 (BM 1992, Pg 344); thence continuing with Lot 9 and the eastern right-of-way of Laura Duncan Road for two calls: North 20 degrees 32 minutes 05 seconds West 120.08 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 298.53 feet, an arc length of 62.75 feet and a chord of North 14 degrees 31 minutes 06 seconds West 62.63 feet to an iron pipe found at a point of curve, being the common corner of Lot 9 and the aforementioned Lot 10 (BM 1992, Pg 344); thence continuing with Lot 10 and the eastern right-of-way of Laura Duncan Road for two calls: a curve to the right having a radius of 298.53 feet, an arc length of 214.94 feet and a chord of North 12 degrees 12 minutes 04 seconds East 210.33 feet to an iron pipe set at a point tangency; and North 32 degrees 39 minutes 25 seconds East 18.87 feet to and iron pipe found, being a common corner with Lot 10, with Rohini Rasakulasuriar, a deed which is recorded at Deed Book 14989 at Page 621, and a point in the northern edge of an Existing 20-foot wide Drainage Easement recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; thence leaving Laura Duncan Road and continuing with Lot 10 (BM 1992, Pg. 344), Rohini Rasakulasuriar and the northern edge of an Existing 20-foot wide Drainage Easement: South 89 degrees 02 minutes 00 seconds East, passing a common corner with the aforementioned Christopher C. Bode and wife, Amy R. Bode property 136.41 feet to the Point of Beginning, containing 2.71 Acres by coordinates.

TRACT 4

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Tracts Two and Three), being Lots 2 and 3 as shown on the plat entitled "Survey for David J. Martin – Irrevocable Trust, White Oak Township, Wake County N.C." a plat which is recorded at Book of Maps 1992 at Page 1399, both being recorded in the Wake County Registry of Deeds.

Beginning on a railroad spike pipe found on the southern right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way recorded at Book of Maps 1992 at Pages 344 and 1399, being in the eastern line of Lot 2 as shown on the plat entitled "Survey for David J. Martin – Irrevocable Trust, White Oak Township, Wake County N.C." a plat which is recorded at Book of Maps 1992 at Page 1399, and a common corner with NC Department of Transportation, a deed which is recorded at Deed Book 1083 at Page 376, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 731,433.61 feet and East 2,050,545.23 feet; thence from the Beginning Point, leaving the right-of way of Old U.S. Highway 1 – North Salem Street, and continuing with Lot 2 (BM 1992, Pg. 1399) and NC Department of Transportation: South 20 degrees 11 minutes 19 seconds East 66.63 feet to an iron pipe found, being a common corner with Lot 2, NC Department of Transportation and a point on the northern right-of-way of the CSX Railroad, a 100-foot wide right-of-way recorded at Book of Maps 1992 at Page 1399; thence continuing along the same bearing and with Lot 2: 50.50 feet, for a total distance along this bearing of 117.13 feet to a point in the centerline of existing railroad tracks and the 100-foot wide right-of-way; thence continuing with the centerline of the railroad tracks, the 100-foot wide right-of-way and with Lot 2 (BM 1992, Pg. 1399) for seven calls: South 61 degrees 27 minutes 07 seconds West 7.32 feet; South 59 degrees 39 minutes 21 seconds West 99.73 feet; South 58 degrees 33 minutes 33 seconds West 100.99 feet; South 57 degrees 32 minutes 10 seconds West 99.93 feet; South 56 degrees 35 minutes 06 seconds West 98.89 feet to a nail found; South 55 degrees 14 minutes 39 seconds West 61.98 feet; and South 56 degrees 22 minutes 01 seconds West 36.36 feet to a common corner with Lot 2 and the aforementioned Lot 3; thence continuing with Lot 3: South 53 degrees 05 minutes 58 seconds West 433.82 feet to a point in the centerline of existing railroad tracks and the 100-foot wide right-of-way (BM 1992, Pg. 1399); thence leaving the railroad tracks and continuing with Lot 3 (BM 1992, Pg. 1399) North 40 degrees 11 minutes 58 seconds West 49.83 feet to an iron pipe found on the northern right-of-way of the CSX Railroad, a 100-foot wide right-of-way recorded at Book of Maps 1992 at Page 1399, being a common corner with Apex Business Condominium (Common Elements), a deed which is recorded at Deed Book 8973 at Page 442, both being recorded in the Wake County Registry of Deeds ; thence continuing along the same bearing and with Apex Business Condominium and Lot 3: 132.33 feet to an iron pipe set on the southern right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way recorded at Book of Maps 1992 at Pages 344 and 1399 in the Wake County Registry of Deeds; thence leaving Apex Business Condominium and the northern right-of-way of Old U.S. Highway 1 – North Salem Street and continuing along the same bearing (North 40 degrees 11 minutes 58 seconds West) with Lot 3: 31.88 feet, for a total distance along this bearing of 214.04 feet to a point within the right-of-way of Old U.S. Highway 1 – North Salem Street; thence continuing with Lot 3: North 55 degrees 34 minutes 06 seconds East 586.26 feet to a point within the right-of-way of Old U.S. Highway 1 – North Salem Street, being common corner with Lot 3 and the aforementioned Lot 2 (BM 1992, Pg. 1399); thence continuing with Lot 2 for six calls within the right-of-way of Old U.S. Highway 1 – North Salem Street: North 62 degrees 12 minutes 17 seconds East 105.71 feet; North 64 degrees 04 minutes 58 seconds East 99.89 feet; North 66 degrees 10 minutes 17 seconds East 100.73 feet; North 67 degrees 55 minutes 16 seconds East 48.46 feet; North 69 degrees 00 minutes 33 seconds East 61.10 feet; and South 20 degrees 11 minutes 19 seconds East 30.01 feet to the Point of Beginning, containing 4.23 Acres by coordinates.

Tract 4 is subject to the right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way

recorded at Book of Maps 1992 at Pages 344 and 1399, containing 0.57 acre; and subject to the CSX Railroad, a 100-foot wide right-of-way recorded at Book of Maps 1992 at Page 1399, containing 1.10 acres; resulting in a net area for Tract for of 2.56 acres.

These descriptions are taken from a survey entitled “Plat of ALTA/NSPS Land Title Survey Prepared For CDG Holdings, LLC – A Virginia Limited Liability Company” performed by Seth E. Healy, PLS on the 27th day of August 2021.

Attachment B:

Planned Unit Development

NORTH SALEM STATION DEVELOPMENT

Laura Duncan Road · Candun Drive · North Salem Street

Apex, North Carolina
PUD PLAN

May 03, 2022

NORTH SALEM STATION

Planned Unit Development

Prepared for The Town of Apex, North Carolina

Developer

Castle Development Partners
230 Court Square, Suite 202
Charlottesville, VA 22902

Architect

Dynamik Design
5901 Peachtree Dunwoody Rd.
Building C, Suite 250
Atlanta, GA 30328

Civil Engineer

The Wooten Company
120 N. Boylan Ave.
Raleigh, NC 27603

Traffic Engineer

Ramey Kemp & Associates
120 N. Boylan Ave.
Raleigh, NC 27603

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Appendix

A. Building Elevations
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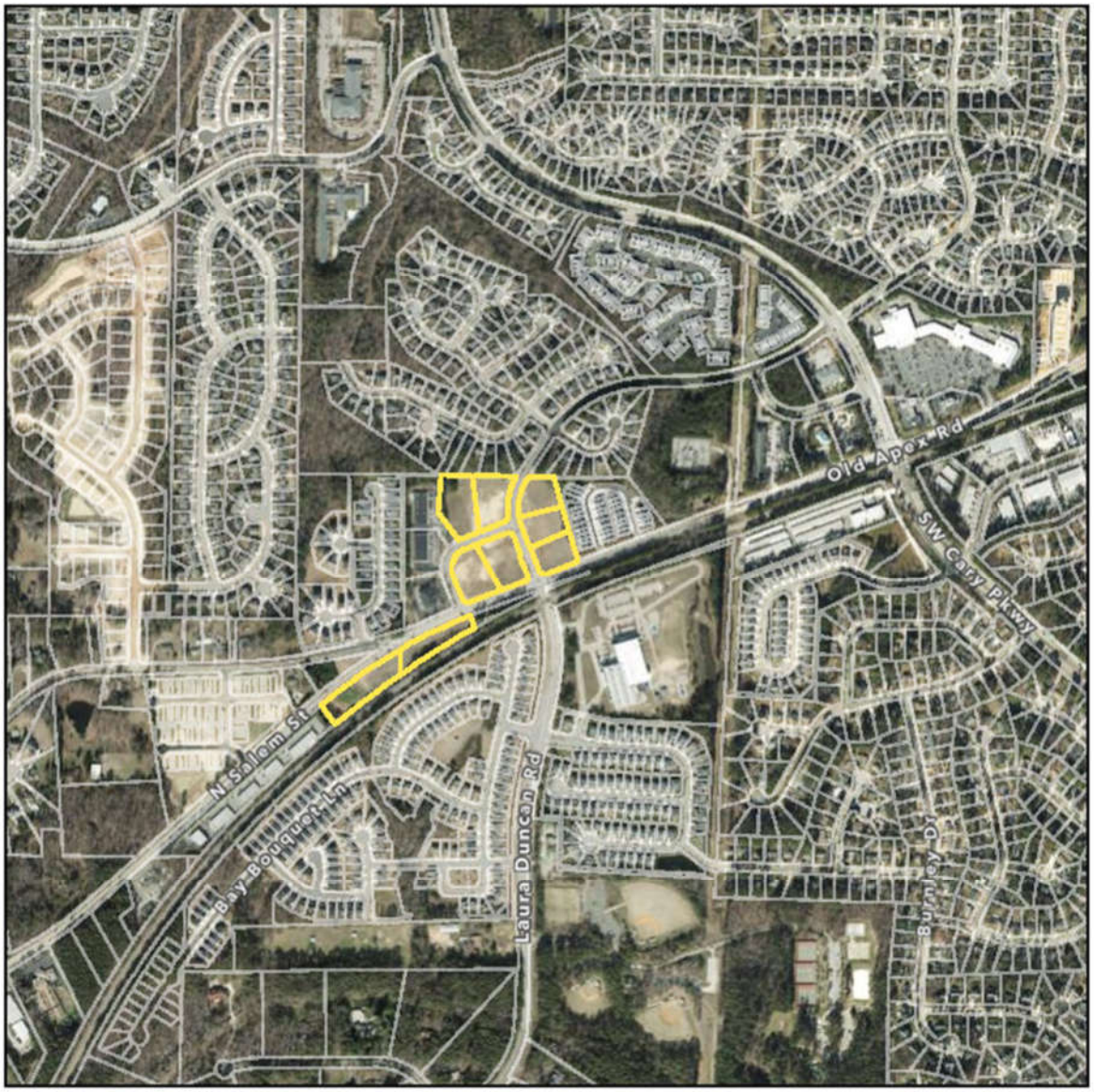
D. Layout Sheet

VICINITY MAP



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

PARCEL INFORMATION

Tract 1:
PIN 0753015606
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 1.25 acres

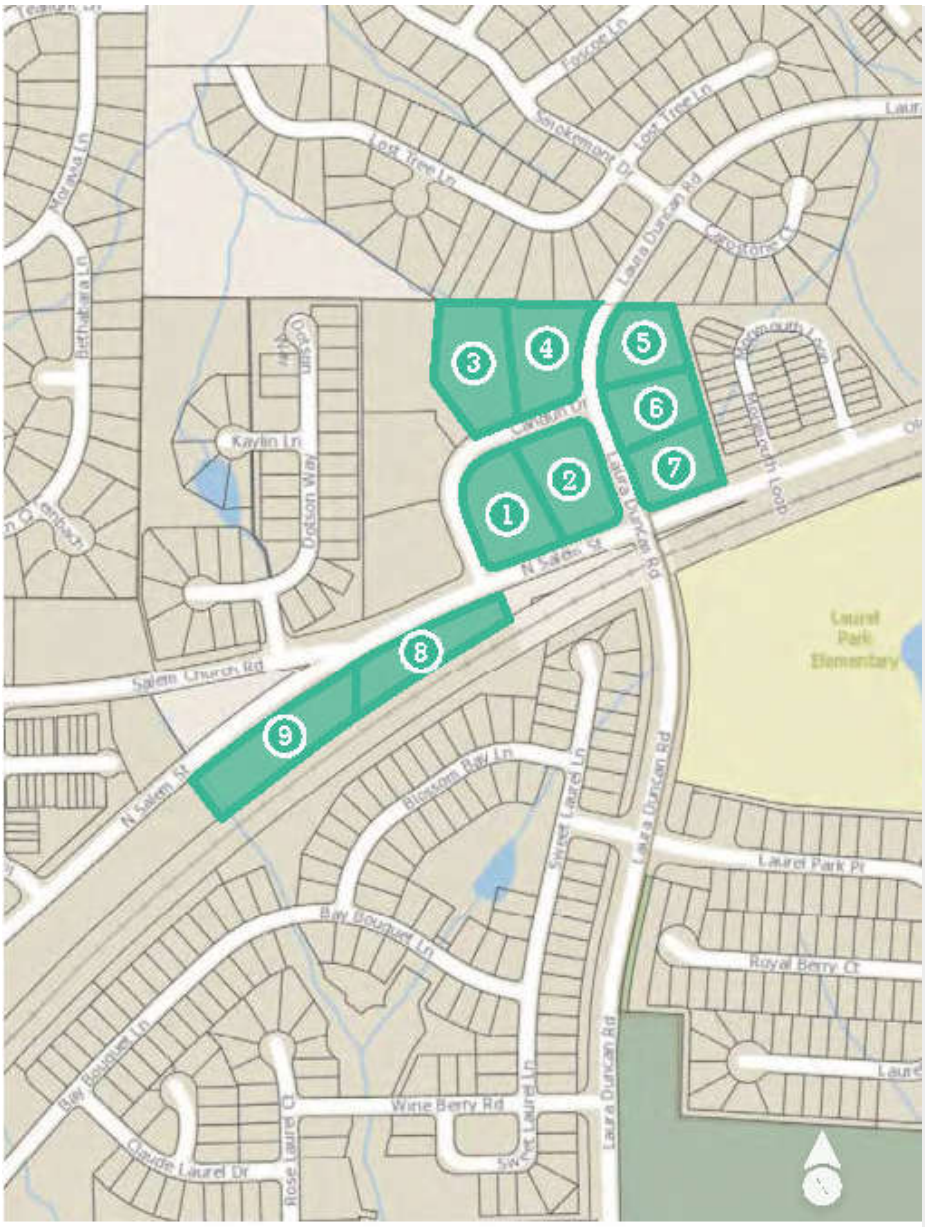
Tract 2:
PIN 0753016795
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 1.25 acres

Tract 3:
PIN 0753024120
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 1.43 acres

PIN 0753026029
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 1.21 acres

Tract 5:
PIN 0753028181
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 0.90 acres

Tract 6:
PIN 0753019925
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 0.90 acres



Tract 7:
PIN 0753019769
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 0.91 acres

Tract 8:
PIN 0753013228
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 1.00 acres

Tract 9:
PIN 0743908968
Old Apex Associates LP
230 Court Square
Suite 202
Charlottesville, VA 22902
Area: 1.54 acres

PROJECT DATA

1. **Name of Project:** North Salem Station

2. **Applicant:** Castle Development Partners
   230 Court Square, Suite 202
   Charlottesville, VA 22902

3. **Prepared By:** The Wooten Company
   120 N. Boylan Ave.
   Raleigh, NC 27603

4. **Current Zoning:** PC – Planned Commercial (7 Parcels) and
   B1 - Neighborhood Business (2 Parcels)

5. **Proposed Zoning:** PUD–CZ: Planned Unit Development
   Conditional Zoning

6. **Current 2045 LUM: Designation** High-Density Residential, Apartments Only/
   Commercial Services (7 Tracts- North of N. Salem Street)
   High-Density Residential / Office Employment (2 Tracts- South of N. Salem Street)

7. **Area of Tract(s):** 10.39 Acres

8. **Areas Designated as Mixed Use on 2045 LUM:** 0 Acres

9. **Area of Mixed-Use Property Proposed as Non-Residential:** 0 Acres

10. **Percent of Mixed-Use Areas Proposed as Non-Residential:** 0%

PURPOSE STATEMENT

North Salem Station development site is comprised currently of nine (9) individual parcels. It is intended that some of these parcels be recombined, resulting in a total of six (6) parcels. Of these parcels, three (3) will be dedicated for residential uses, one (1) for non-residential uses, and two (2) for Resource Conservation Area.

The following information provides a brief summary of how the Development Parameters in the Planned Unit Development District (PUD-CZ) will be met:

The proposed uses designated above for each group of parcels, are permitted uses per *§4.2.2 Use Table* in the Town of Apex's UDO.

North Salem Station includes both residential and non-residential parcels. The residential development will consist of multi-family housing with a maximum of 239 units. The non-residential development will consist of a single building with a maximum area of 10,000 SF.

The proposed development has provided dimensional standards that either meet or exceed compliance with the Town of Apex's UDO. In addition, this development will follow all other requirements of the UDO, North Carolina Building Code and North Carolina Fire Code.

Public sidewalks (5') will be constructed along all right-of-way frontages associated with the development. Per the Town's Parks, Recreation, Greenways and Open Space Master Plan, a ten (10) foot side path will also be constructed along the eastern side of Laura Duncan Road. Internal sidewalks with associated crosswalks and ADA accessible ramps throughout the development will be provided to promote a walkable community for residents.

North Salem Station PUD-CZ is consistent with the High-Density Residential, Apartments only Land Use Designation that was adopted in the 2045 LUM in February 2021 and the proposed design is compatible with the uses and character of the surrounding properties.

North Salem Station will provide quality through enhanced materials and design features, as outlined in the Architectural Controls section below. Sample elevations found in this document illustrate a sample of the style of both residential and non-residential development will provide.

The following information provides a brief summary of how this development proposes site-specific standards and conditions consistent with all Conditional Zoning (CZ) District Standards found in the Town of Apex's UDO *§2.3.3 Conditional Zoning Districts*:

The proposed zoning district PUD-CZ is allowed within the High-Density Residential Use per the 2045 Town of Apex's Land Use Map. The development proposes a maximum density of 23 units per acre.

The proposed location of the development is compatible with the character of the surrounding land uses.

Supplemental standards pertaining to multi-family development, as well as the future use of the non-residential parcels will be incorporated into the final design.

Design will adhere to the Town of Apex's design standards to minimize adverse impacts to the surrounding land. Architectural guidelines and controls will ensure that an appropriate aesthetic is incorporated that is consistent with local architecture and maintains a high level of quality. The project will not create any significant or uncommon nuisances to the surrounding properties.

Design will minimize environmental impacts by adhering to all the Town of Apex's site planning requirements and necessary mitigation efforts. The project will designate 20% of the site as RCA and include additional conditions beneficial to environmental impacts such as solar panels, sanitary sewer pump station improvements (if required) and electric vehicle charging stations for residential uses.

The proposed PUD-CZ will not create any unique or uncommon impacts on public facilities. Any impacts to public facilities will be mitigated by public improvements at the property or fees in lieu, as required by the Town of Apex.

The proposed PUD-CZ will meet all applicable guidelines for health, safety, or welfare of the residents of the Town of Apex.

The proposed PUD-CZ is in compliance with the Town of Apex's recommended use for the Property, as determined in the 2045 Land Use Map. Proposed residential and office/flex uses are consistent with adjacent properties. Increased building setbacks have been incorporated on property lines near existing residences.

The proposed PUD-CZ will not create or constitute a nuisance or hazard. A TIA will be included with this application to recommend any traffic impact mitigation improvements necessary because of the CZ use. The project will comply with traffic mitigation improvements, as required by the Town of Apex.

The proposed PUD-CZ will comply with all standards imposed on it by all other applicable provision of this ordinance for use, layout, and general development characteristics.

PERMITTED USES

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

Permitted Residential Use Categories: Parcels 2, 3, and 4	
Multi-Family/Apartment	Utility minor
Condominium	Park, active
Park, passive	Private Recreation Facility



Permitted Non-Residential Use Categories: Parcel 6	
Recreational Uses:	**Food and Beverage Services:**
Park Active/Park Passive	Restaurant, General
Office and Research:	**Industrial Services:**
Medical or Dental Office or Clinic	Woodworking or cabinetmaking
Medical or Dental Laboratory	Manufacturing and processing, minor (S)
Office (Business or Professional)	Microbrewery
Research Facility	Micro Distillery
Retail Sales and Services:	
Artisan Studio	Barber and Beauty Shop
Book Store	Floral Shop
Financial Institution	Grocery, General
Grocery, Specialty	Health/fitness center or spa
Kennel	Printing and copying service
Real estate sales	Retail sales, general
Studio for art	Tailor shop
Upholstery shop	Pet services

SITE DESIGN CONTROLS

Total Site Acreage: 10.39 acres

Residential Use Parcels



1. **Maximum Overall Gross Density** – 23 Units/Acre
2. **Maximum Number of Units** - 239
3. **Maximum Building Height** – 60 feet (Maximum 4 Stories)
4. **Maximum Built Upon Area** –70% of Total Area
5. **Building Setbacks**

Parcel 1	
RCA- No Setbacks	
Parcel 2	
Front:	10 feet (South, Candun Drive)
Side:	20 feet (East, Laura Duncan Drive)
Side:	0 feet (West, Parcel 1)
Rear:	Required Buffer + 5 Feet (North)
Parcel 3	
Front:	50 feet (West, South of Candun Drive) 20 feet (West, North of Candun Drive)
Side:	50 feet (South, Old Apex Road)
Side:	Required Buffer + 5 Feet (North)
Rear:	60 feet (East)

Parcel 4	
Front:	50 feet (South, N. Salem Street)
Side:	50 feet (East, Laura Duncan Road)
Side:	10 feet (West, Candun Drive)
Rear:	10 feet (North, Candun Drive)

6. **Buffers**

Perimeter	
Northern Buffer	10 feet – Type A Buffer
Eastern Buffer	15 feet – Type A Buffer
North Salem Street	30 feet – Type A Buffer*
Western Buffer	0 feet
Laura Duncan Road	0 feet

*The overhead Duke Energy electric easement along North Salem Street shall be counted towards the required buffer standards as identified within various UDO sections. Vegetation planted under the buffer shall be chosen to be 20 feet or less tall, so as to avoid impacting the overhead utility lines.



Non-Residential Use Parcels

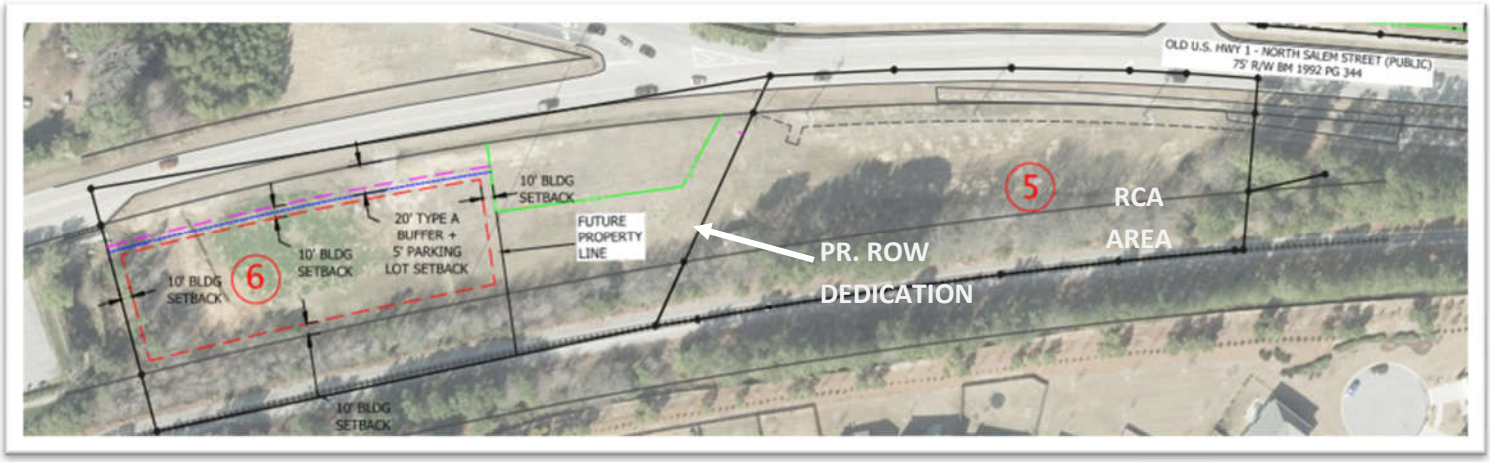
1. **Maximum Building Height** – 40 feet (Maximum 2 Stories)
2. **Maximum Built Upon Area** –70% of Total Area
3. **Maximum Square Footage**- 10,000 SF

4. **Building Setbacks**

Parcel 5	
RCA- No Setbacks	
Parcel 6	
Front:	Required Buffer + 10 feet (North, North Salem St.)
Side:	10 feet
Rear:	10 Feet (South, CSX Rail)

5. **Buffers**

Perimeter	
North Salem Street	20 feet – Type A Buffer
Eastern Buffer	0 feet
Southern Buffer	0 feet
Western Buffer	0 feet



ARCHITECTURAL DESIGN CONTROLS

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are limited examples of multiple options available. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal.

<u>Residential (all product types):</u>

1. Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential buildings include:
    a. Cementitious siding

   b. Wood or synthetic wood siding
   c. Stone or synthetic stone
   d. Brick
   e. Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff approval if the Planning Director determine them to be adequately similar.
2. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
3. For multi-family/apartment buildings, the roofs may be pitched or flat. All other housing types shall have pitched roofs.
4. Siding materials shall be varied in type and/or color on 30% of each facade on each building.
5. Windows that are not recessed must be trimmed.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Solar conduit will be provided on all buildings to accommodate the future installation of solar panels.
8. The proposed residential unit mix will cap 3-bedroom units at 10% of the total unit count.

Non-Residential:

1. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest. Large expanses of blank walls, greater than 20 feet in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
2. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
3. Two (2) or more materials shall be used on each building.
4. Permitted materials include:
   a. Brick, stone, or synthetic stone masonry
   b. Decorative concrete block (integral color or textured)
   c. Stone accents
   d. Aluminum storefront windows/doors with anodized or pre-finished colors
   e. EIFS cornices and parapet trim
   f. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade.
   g. Precast concrete
   h. Cementitious siding
5. Prohibited materials include:
   a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
   b. Painted, smooth faced concrete block
   c. Metal Walls. Decorative metal accents and panels may be accepted.
6. Exterior lighting shall not exceed a color temperature of 3,500K and shall meet UDO requirements for full cut off lights.

PARKING AND LOADING

Parking calculations and dimensions for this PUD will comply with UDO Section 8.3 (Off-Street Parking and Loading) of the Town of Apex's Unified Development Ordinance unless otherwise stated in this document.

This development proposes a minimum of 1.3 spaces/residential unit and a maximum of 1.6 spaces/residential unit for all surface lot spaces serving the residential lots. This cap on the maximum parking count was incorporated after discussions with Town Council members and is intended to reduce the number of parking spaces from what the ordinance would require otherwise to maximize green space and promote the use of public transit. The parking count will be based on all unit types and not specify a requirement per number of bedrooms. No more than 10% of the total unit count shall be 3-bedroom units.

As a consideration for the number of residents this development will bring to the area, Castle Development aims to reduce the amount of traffic and promote the use of public transportation by reducing parking spaces on site. The residential development shall construct two bus stops along North Salem Street/Old Apex Road and coordinate the final location with the Town of Apex and Town of Cary in accordance with GoApex and Regional Transit requirements.

Parking associated with the non-residential use lots shall comply with UDO Section 8.3. Bicycle and ADA parking will be provided as required.

A minimum of 5% of the parking spaces shall be Electric Vehicle (EV) Charging spaces. EV charging spaces for the residential development shall be based on the number of parking spaces required by the UDO rather than the reduced parking ratio proposed by the PUD. EV charging spaces shall be provided in either surface or garage lots in accordance with UDO Sec. 8.3.11.

Boat, Boat Trailer, and Recreational Vehicle (RV) parking shall be prohibited on site.

Trash pick-up shall be contracted with a private company and limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday.

SIGNAGE COMPLIANCE

All signage for this PUD will comply with Section 8.7 (Signs) of the Town of Apex UDO.

NATURAL RESOURCE AND ENVIRONMENTAL DATA

1. **Primary or Secondary Watershed Protection Overlay District –**
   This project is located within the Cape Fear River Basin. Most of the proposed site (parcels north of N. Salem St.) is located within the Secondary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. The two (2) parcels south of N. Salem St. are located within the Primary Watershed Protection Overlay District. This PUD will comply with section 6.1.7 of the UDO, High-Density Development Option.

2. **FEMA Designated 100 Year Floodplain –**

The proposed PUD site is not located in a designated current or future 100-year floodplain as shown on the Town of Apex FEMA map and FIRM Panels 3720074300J and 3720075300J, effective 5/02/06.

3. **Resource Conservation Area (RCA)**
The PUD will be subject to and meet the requirements of Sections 8.1.2 and 2.3.2 of the Town of Apex UDO. Since the site is located to the east of NC 540, a minimum 20% of the gross site acreage shall be designated as RCA.

RCA BREAKDOWN	
Total Site Area:	**10.39 acres/452,588 SF**
Total RCA Required (20%):	**2.08 acres/90,518 SF**
Total RCA Provided (20.8%):	**2.16 acres/93,944 SF**

Applicant intends to dedicate 0.7 acres of land **(Parcel 1)** at the northwest corner of the site solely for open space/RCA dedication. This land will prohibit construction of any kind. It is currently grassy and will be planted to meet the UDO's requirements for planted RCA.

In addition, approximately 1.17 acres of land located on the south side of North Salem Street **(Parcel 5)** will be dedicated as RCA. The proposed plan will also prohibit construction to occur within this area for the purposes of this development.

The RCA for Parcels 1 and 5 shall be planted and dedicated prior to the last Site Plan Final Plat for the residential portion of the development.

4. **Evidence of Historic Structure On-Site -**
Per the North Carolina State Historic Preservation Office National Historic Places, there are no historic structures present within the proposed project boundary.

STORMWATER MANAGEMENT

The proposed PUD shall meet all stormwater management quality and quantity requirements in accordance with 6.1.7 of the Town of Apex's Unified Development Ordinance.

- Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1- and 10-year storm events.

- Treatment will be provided for the 1st inch of runoff and will provide a minimum of 85% removal of total suspended solids.

Due to site constraints, stormwater control measures may include, but not be limited to, underground detention systems with NCDEQ approved Storm Filter and Filterra Systems for treatment and bioretention areas and/or construction stormwater wetlands in and around parking lots. If elevation change is feasible, an above ground stormwater detention pond may be added to a portion of the lot on the south side of N. Salem Street. All stormwater control measures shall be approved and designed according to the NCDEQ Design Manual as well as the Town of Apex's UDO.

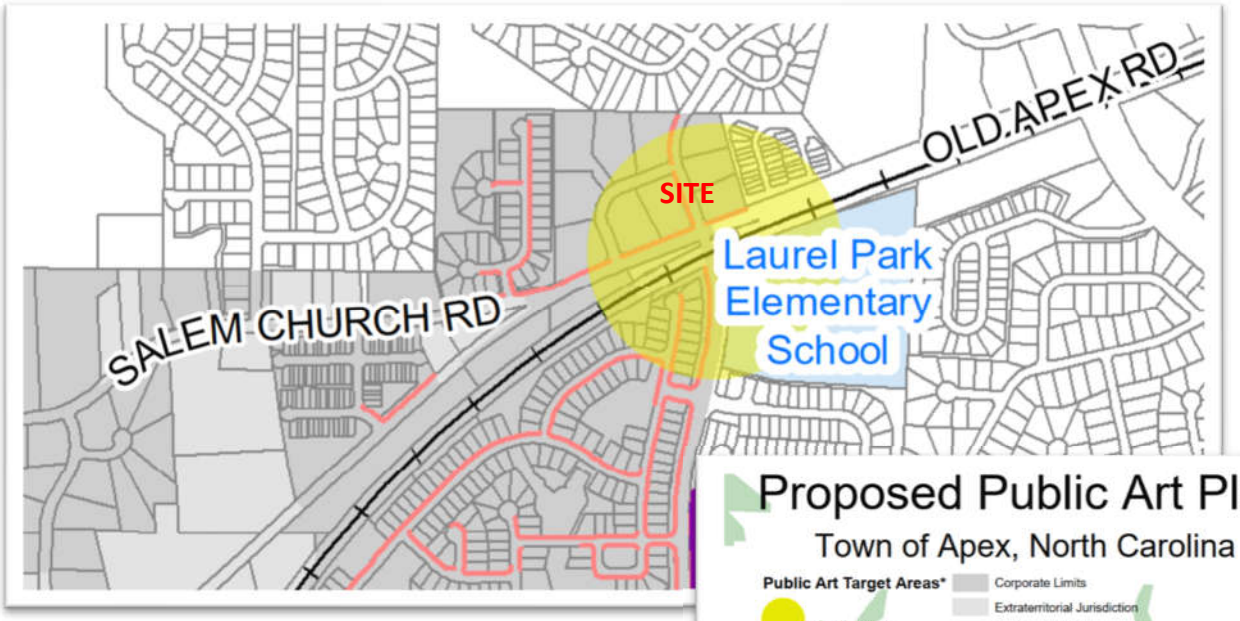
PARKS, RECREATION AND CULTURAL RESOURCES

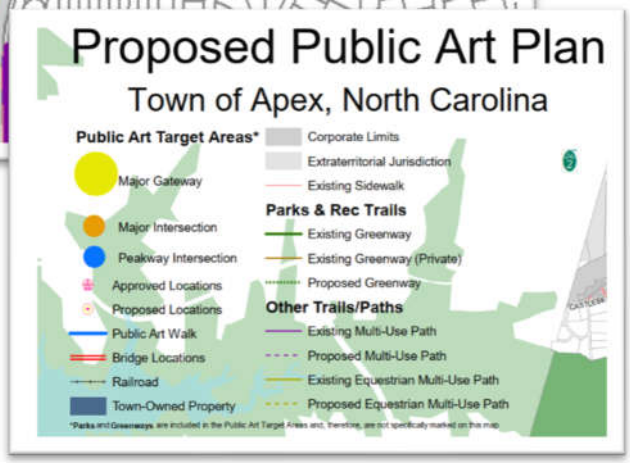
This PUD proposes a fee-in-lieu of dedication. The rate is based on the time of PUD and PRCR Advisory Commission Approval.

$2,226.05 per multi-family unit

However, per the Town of Apex's Parks, Recreation, Greenways and Open Space Master Plan, a new 'Greenway Trail' is proposed along the Northern Property Boundary (Along Proposed Parcels 1 and 2) and a 'Sidepath' is proposed along the Eastern side of Laura Duncan Drive.

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on February 23, 2022. They unanimously recommended a fee-in-lieu of dedication for 240 multi-family units and with credit for construction of greenway trail against fees owed. The timing for the completion of the greenway should be tied to the approval of the final plat. The rate of the fee-in-lieu will be set at the time of Town Council approval. The current 2022 rate of $2226.05 multiplied by the maximum multi-family unit total would result in $534,252.00 of fees deposited with the Town at the time the building permit is approved for issue with greenway construction credit applied first.





<u>Proposed Public Art</u>

The Town of Apex's Public Art Plan designates the area around the intersection of Laura Duncan and North Salem as a "Major Gateway" into Apex. To help promote the Town's Public Art Plan, the Applicant proposes to dedicate an easement for the installation of public art. Location of the art installation will be agreed upon and determined during site plan review.

Application proposes to donate $10,000 to the Citizens for Apex Parks to be allocated towards an art installation to be erected within this development area.

PUBLIC FACILITIES

The proposed PUD shall meet all public facilities requirements in accordance with the Town of Apex's UDO, Advance Apex: The 2045 Transportation Plan, and Standard Specifications and Details.

Roadway Infrastructure

See Right-of-Way Improvements Section of this document for a summary of how proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex's UDO and Transportation Plan.

Pedestrian Connectivity

All sidewalks installed per the Right of Way Improvements section herein shall be a minimum five (5) feet wide to enhance pedestrian connectivity and safety. All sidewalks will include ADA accessible ramps, detectable warning strips and crosswalks where necessary.

A ten (10) foot wide side path along the eastern side of Laura Duncan Road will be constructed in accordance with the Town of Apex's Parks, Recreation, Greenways and Open Space Master Plan.

Water and Sanitary Sewer

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The proposed design will meet the Town's current standard details and specifications for all connections to the public system.

A capacity study is in progress that analyzes existing and proposed wastewater flows. A final report and analysis will be provided to the Town of Apex to determine if any improvements are required. Any upgrades required to the system will be a condition of site plan approval.

A fire flow test will be conducted to analyze current static and residual pressures around the site.

PROJECT PHASING

Phasing for the project shall be determined during site plan or master subdivision plan review and coordinated with the Technical Review Committee.

CONSISTENCY WITH LAND USE PLAN

The proposed land use is consistent with the Advance Apex: 2045 Land Use Map Update.

The 2045 Land Use Map designates the subject parcels to the North of N. Salem St. (2-4) as High-Density Residential, Apartments Only and Commercial Services. The proposed land use for these parcels is High-Density Residential, which is consistent with the Land Use Map designation.

The 2045 LUM designates the subject parcels to the South of N. Salem St. as High-Density Residential and Office Employment. The proposed land uses designated for parcel 6 are consistent with those listed in the zoning districts under Office Employment. Those uses are consistent with the 2045 Land Use Map designation.

COMPLIANCE WITH UNIFIED DEVELOPMENT ORDINANCE

The proposed PUD-CZ and associated development is consistent with all applicable requirements of the Town's Unified Development Ordinance.

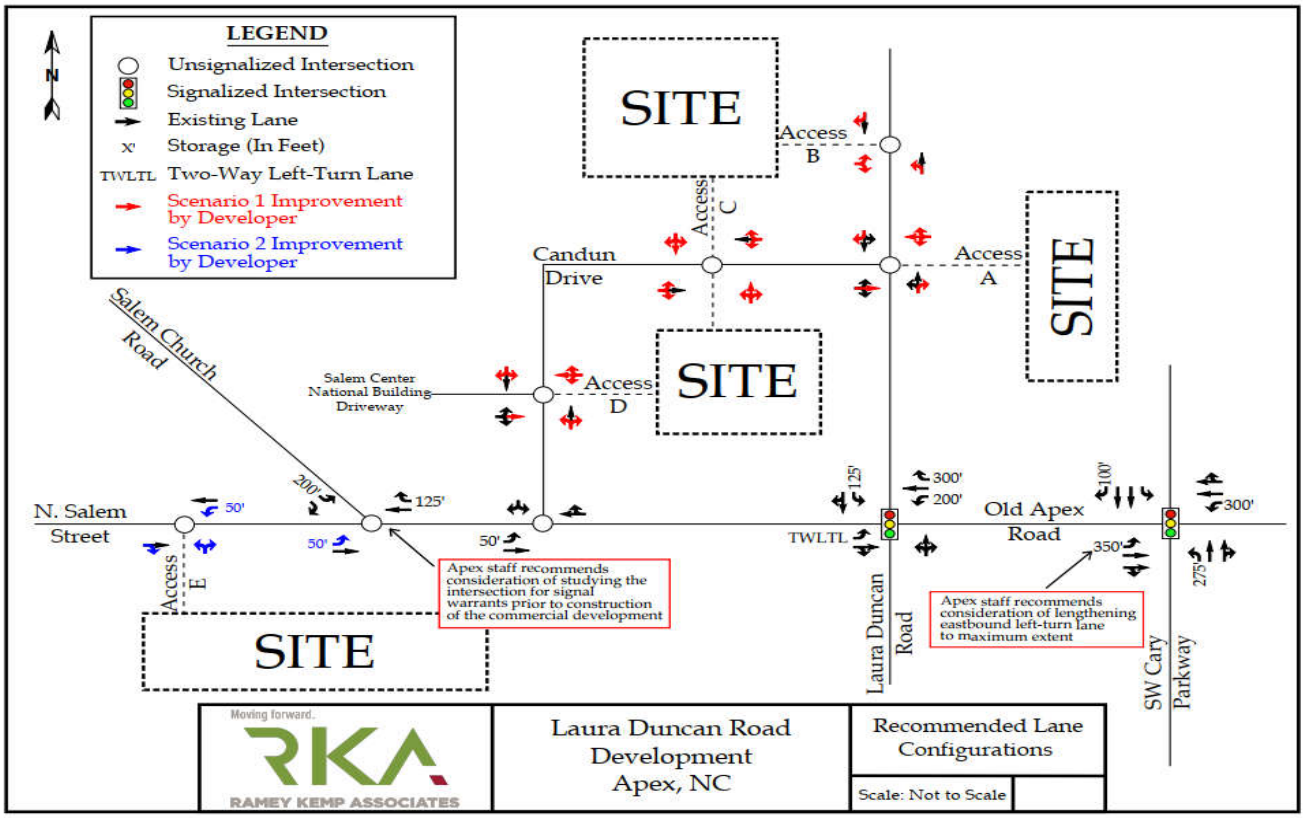
RIGHT-OF-WAY IMPROVEMENTS

The following recommendations were provided as part of the Traffic Impact Analysis (TIA) prepared by Ramey Kemp and Associates in November of 2021. Refer to the figure below for an illustration of the recommended lane configuration. The full TIA is provided as an attachment to the PUD re-zoning submittal.

1. **Laura Duncan Road and Candun Drive/Access A:**
    a. Construct the westbound approach with one ingress and one egress lane.
    b. Provide stop control for the westbound approach.
2. **Laura Duncan Road and Access B:**
    a. Construct the eastbound approach with one ingress and one egress lane.
    b. Provide Stop control for the eastbound approach.
3. **Laura Duncan Road and Access C:**
    a. Construct the northbound and southbound approaches with one ingress and one egress lane.
    b. Provide Stop control for the northbound and southbound approaches.
4. **Laura Duncan Road and Access D:**
    a. Align access D with existing driveway on Candun Drive.
    b. Construct the westbound approach with one ingress and one egress lane.
    c. Provide Stop control for the westbound approach.
5. **North Salem Street and Access E (Will Complete for the Development of the Non-Residential Lots):**
    a. Provide an exclusive westbound left-turn lane with a minimum of a 50' storage lane and appropriate deceleration and taper on North Salem Street.
    b. Construct the northbound approach with one ingress and one egress lane.
    c. Provide stop control for the northbound approach.
6. **North Salem Street and Salem Church Road (Will Complete for the Development of the Non-Residential Lots):**
    a. Construct an exclusive eastbound left turn lane with a minimum of a 50' storage lane and appropriate deceleration and taper on North Salem Street.
7. **Old Apex Road and SW Cary Parkway**
    a. The Town of Apex staff recommends consideration of lengthening eastbound left-turn lane to maximum extent. Developer will consider these improvements only if NCDOT requires only grinding of existing paint lines, not mill and overlay of full roadway width.

8. **North Salem Street and Laura Duncan Road (Will Complete for the Development of the Non-Residential Lots):**

   a. Provide an exclusive eastbound right-turn lane along North Salem Street approaching Laura Duncan Road per NCDOT request, along with the associated signal modification / revised signal plan.



TRANSPORTATION ZONING CONDITIONS

1. All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval.
2. All development frontage improvements along North Salem Street shall be based on a minimum 41’ back-to-back 3-lane roadway on 80’ right-of-way. As part of the non- residential site plan, a maximum of one (1) access point shall be proposed on North Salem Street, to be located west of Salem Church Road and serving the south parcel.
3. All development frontage along Laura Duncan Road shall include a 5’ sidewalk on the west side and 10’ Side Path on the east side. A maximum of two (2) access points shall be proposed, one located north of Candun Drive serving the west side and one across from Candun Drive serving the east side.
4. All development frontage along both sides of Candun Drive shall include a 5’ sidewalk. A maximum of three (3) access points shall be proposed, two located across from each other west of Laura Duncan Road serving the north and south side and one north of North Salem Street serving the east side.

5. Developer shall provide a 50’ building setback along Laura Duncan Road from North Salem Street to Candun Drive and along the entire development frontage of North Salem Street in consideration of the planned grade separation of Laura Duncan Road at the railroad tracks.
6. Developer shall perform a warrant study for the intersection of Salem Church Road at North Salem Street if directed by Apex staff prior to site plan approval of the non-residential parcel south of North Salem Street and install a traffic signal if determined by warrant study and required by NCDOT. If not required at that time, developer shall have no future responsibility for a traffic signal.
7. Developer will dedicate a maximum of 0.24 acres of additional right of way as shown on the Site Layout based on a conceptual future single-lane roundabout at the intersection of North Salem Street and Salem Church Road.
8. At the time of constructing driveway access to the non-residential parcel located south of North Salem Street, developer shall widen North Salem Street to provide a two-way left-turn lane (TWLTL) between the driveway access and Salem Church Road serving left turns at both intersections.
9. Prior to the first Site Plan Final Plat for the residential parcels, Developer shall lengthen the eastbound left turn lane on Old Apex Road approaching Cary Parkway to the maximum extent possible by restriping the existing painted median island for additional storage length only if NCDOT allows this work to be done without milling and asphalt overlay. If NCDOT requires milling and asphalt overlay then this work shall not be required of the Developer.
10. Developer shall construct two bus stops per Town of Apex standards with amenity pad, bench, bicycle parking, and trash receptacle. Bus stops shall be constructed to accommodate a shelter, but shelters shall not be provided by the applicant. The bus stops shall be paired, to serve both sides of North Salem Street, the final location to be determined by Apex staff during site plan review. If needed, a Transit Access Easement shall be provided for public access to the bus stops.

ADDITIONAL RIGHT-OF-WAY IMPROVEMENTS

Currently, sidewalks exist along the western side of Laura Duncan and along the North Salem Street frontage. A 10’ side path will be built along the eastern side of Laura Duncan to connect with Town of Cary’s side path. During construction of the residential development, the developer shall ensure that a safe, paved pedestrian route shall be maintained from Linville Ridge Subdivision to Laurel Park Elementary School.

Prior to the residential final plat, additional sidewalks, ADA ramps and crosswalks will be added along the street frontage of all residential parcels to enhance pedestrian connectivity around the development. A sidewalk along the south side of North Salem Street will be constructed from the intersection of Laura Duncan Road westward to the proposed bus stop located on the south side of North Salem Street. If approval of the bus stop and/or sidewalk on the south side of North Salem Street is not permitted by CSX Railroad, NCDOT and/or the Town of Cary, installation of this sidewalk will not be a condition of this rezoning and will not prohibit or delay any approvals or permits of the residential development.

Prior to the non-residential final plat, a sidewalk will be constructed along the property frontage of Lots 5 and 6, continuing eastward to the proposed bus stop located on the south side of North Salem

Street. If approval of the bus stop and/or sidewalk on the south side of North Salem Street is not permitted by CSX Railroad, NCDOT and/or the Town of Cary, installation of this sidewalk will not be a condition of this rezoning and will not prohibit or delay any approvals or permits of the non-residential development.

At the intersection of Laura Duncan Road and North Salem Street, applicant shall install remaining two legs of the crosswalk with construction of the residential parcels. If approval of both (two) legs of the crosswalk are not permitted by CSX Railroad, NCDOT and/or Town of Cary, applicant will attempt approval of a single leg of crosswalk; if approval of a single leg of the crosswalk is not permitted by CSX Railroad, NCDOT and/or Town of Cary, installation of crosswalks at the intersection of Laura Duncan Road and North Salem Street will no longer be a condition of this rezoning and will not prohibit or delay any approvals or permits of the residential or non-residential developments.

Future right-of-way and/or easement dedication (Developer is flexible on locations) is provided as a part of this proposal for the following:

- Two Bus Stop Locations to promote public transportation (Along N. Salem St.)
- Future Traffic Circle near the N. Salem St. and Salem Church Rd. intersection. (This will be dedicated prior to non-residential final plat).
- Public Art Installation

ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS

The following environmental commitments were discussed and approved by the Apex Environmental Board on August 19, 2021. This summary describes each concern and how the applicant plans to address these recommendations.

#1: Project shall apply for sustainable building certification.
Response: The residential parcels shall apply for the National Green Building Standard Certification at the Bronze level and will be designed and constructed to meet those standards. The application process would begin at the start of architectural design for the residential buildings). The Certification would be obtained within 1 year of the building Certificate of Occupancy. A third-party energy management consultant will be contracted as a part of the design team to ensure that the standards are met.
#2: Pet waste stations shall be installed throughout the neighborhood.
Response: Pet waste stations shall be installed at 3 or more locations throughout the development.
#3: Site shall include electric vehicle charging stations.
Response: A minimum of 5% of the parking spaces shall be Electric Vehicle (EV) Charging spaces. EV charging spaces for the residential development shall be based on the number of parking spaces required by the UDO rather than the reduced parking ratio proposed by the PUD. EV charging spaces shall be provided in either surface or garage lots in accordance with UDO Sec. 8.3.11.
#4: Follow the International Dark Sky Association compliance standards.
Response: International Dark Sky Association Compliance Standards is already intended for this project, as this is a standard practice at all Castle Development sites. a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

b. Lighting that minimizes the emission of blue light to reduce glare shall be used.
c. Lighting with a color temperature of 3000K or less shall be used for outside installations.

#5: Reserve pervious surface areas for residents with pets.

Response: Since the EAB has reviewed the conceptual site plan, additional green space has been added to designate a dog park within the community.

#6: Recommendation of decreasing housing density to accommodate the following:

- **Double the set-back from N. Salem Street/Old Raleigh to accommodate a minimum 30-foot-wide "A" type buffer.**
- **Provide an "A" type buffer around the remainder of the development.**
- **Use canopy trees in the parking lot and add six trees internal to the lot.**
- **Add a retention pond that will serve a 25-year storm with maximum residual volume allowed for the pond surface area.**

Response:

- All setbacks and buffers have been adjusted to provide an appropriate width and screening for surrounding streets and properties. A 30' wide Type A Buffer and a 50' Building Setback have been added along the street frontage of N. Salem Street.
- Type A Buffers have been added to the remainder of the development.
- If site design allows, applicant agrees to install additional trees where appropriate.
- Due to site constraints, an underground detention system with other surface stormwater control measures will be proposed to detain and treat runoff from the 1- and 10- year/24-hour storm events.

#7: Install solar PV systems on the south facing rooftops of a minimum size that will support the common electrical energy requirements. This includes the recreational room and pool. If there is additional rooftop available, install solar energy PV systems that provide electricity to individual apartments.

Response:

- Applicant will install Solar PV System (minimum 4KW DC Solar PV System). to power community clubhouse building in residential area.
- Solar conduits will be installed in all residential buildings for future PV systems.

TOWN OF APEX'S SUGGESTED CONDITIONS

In previous meetings, the Town Council has expressed several areas of concern. Below is a summary of how the applicant plans to address some of these concerns.

Concern #1: Affordable Housing

Response:
To support the need for affordable housing within the Town of Apex, the Developer proposes that for a minimum affordability period of five (5) years from the issuance of the first residential certificate of occupancy (the "Affordability Period), at least eight (8) residential dwelling units built on the Property shall be designated as affordable low-income restricted rental units (the "Affordable Dwelling Units"). The Affordable Dwelling Units shall be rented to and occupied by low-income households during the Affordability Period at maximum rent limits per bedroom size and income limits adjusted for family size, no greater than sixty percent (60%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income

(AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD) and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake Metropolitan area. Allocation of the Affordable Dwelling Units between 1, 2 and 3-bedroom units will be at the discretion of the Developer, so long as a minimum of eight (8) of the Project's total residential dwelling units are maintained as Affordable Dwelling Units. During the Affordability Period, the Developer shall be responsible for performing all property management and administration duties for the Affordable Dwelling Units. Following completion of the Affordability Period, this affordable housing condition shall expire, the Developer shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Dwelling Units may be freely marketed and leased at market-rate rents. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the property prior to the first Certificate of Occupancy to memorialize the affordable housing terms and conditions of the approved zoning condition.

Concern #2: Tree Preservation

Response:
The existing site is mostly clear. However, areas around the perimeter include natural vegetation. A tree survey will be conducted to ensure the species and size of trees surrounding the site. Areas within a portion of the landscape buffers will be used for RCA. Any cleared areas designated as RCA shall be planted to the standards listed in the UDO.
A Type A Buffer is also proposed for all landscape buffers throughout the site. Although not anticipated, any existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, beyond standard UDO requirements.
Landscape will follow the Town's UDO to provide the required plantings on site throughout the development, as well.

Concern #3: Solar Energy

Response:

- Lots 2-4: The residential clubhouse building will incorporate a solar PV system (minimum 4KW DC Solar PV System). Solar conduits will be included in all residential buildings for potential future installations. All solar installation required by this condition shall be completed or under construction prior to the final building Certificate of Occupancy.
- Lot 6: No solar PV system requirement included.

NEIGHBORHOOD CONCERNS

Concern #1: Traffic Impacts
Most common concern among all residents.
Community expressed traffic is already a major concern along adjacent spans of Laura Duncan Road, Salem Church Road, North Salem Street and Old Apex Road.

Response/Proposed Mitigation:

- A full Traffic Impact Analysis has been conducted and is part of this rezoning package.
- Based on the findings of that TIA, multiple improvements are proposed accommodate future traffic conditions. See "Right-of-Way Improvements" section above as well as the full TIA attached.
- Additionally, a separate TIA was conducted to compare the traffic impact of multiple by-right scenarios (office/commercial) to the proposed rezoned use (high-density residential).

- Based on the TIA findings, the proposed high-density residential development will generate significantly less traffic impact than if the properties were to be developed per the in-place, By-Right zoning designations. See full finding of traffic engineer's study attached to this submittal.

- Land shall be dedicated to the Town of Apex for a future traffic circle at Salem Church Road and North Salem St.
- Parking has been reduced to a minimum of 1.3 spaces per unit and a maximum of 1.6 spaces/unit to promote public transit.
- The project shall construct two bus stops to promote public transit.
- The proposed plan shall meet Town of Apex's Transportation plan and will include the necessary right-of-way width to accommodate for future roadway improvements.

Concern #2: Stormwater Runoff and Drainage
Neighboring property owners expressed concern that the increased impervious area in the development would create water runoff that current drainage conditions are not equipped to manage, creating erosion and flooding issues.

Response/Proposed Mitigation:

All Stormwater Control Measures and Erosion Control Measures will be designed to comply with the following:

- NC DEQ and Town of Apex standards and requirements
- Design will consider existing drainage patterns and maintain current discharge points.
- Maximum built-upon area will be 70% or less.
- All new stormwater runoff associated with development will be detained and treated per the Town's nutrient and peak flow requirements.
- All stormwater runoff will be reduced to pre-development conditions to ensure no net increase.
- May consist of above and underground detention facilities throughout the site. The best SCM will be chosen once design has begun.
- By-Right development of the site would have an equal or greater amount of impervious area.

Concern #3: Proximity of Development to Neighboring Homes
Neighboring property owners to the east expressed concerns about proximity of their homes to the property line and the impact the new apartment buildings will have on their viewshed.

Response/Proposed Mitigation:

- Setbacks in these areas have been increased more than the 10-foot requirement where feasible.
- A voluntary 60-foot building setback has been added to eastern side of the site to reduce the impact to these neighbors.
- Development will preserve existing trees and plant additional trees on site to the greatest extent possible.
- All buffer types have been upgraded to a Type A Buffer surrounding the development for enhanced screening.
- All residential buildings will be a maximum of 4 stories, which has been reduced from the allowed 5-story construction.

Concern #4: Property Devaluation

Neighbors to the east expressed concern that the proximity of apartment buildings to their homes will devalue their property values.

Response/Proposed Mitigation:

- The subject properties were zoned for commercial uses in 1986, prior to the development of the nearby subdivisions (Linville Ridge, 1993) (The Trace, 2007) (Laurel Crossing, 2014)—therefore, development of these properties has been anticipated for as long as any of the homes have existed.
- The home devaluation concern reflects comparing the current home values (with an undeveloped field) to future home values (developed with apartments).
    - Future home values inclusive of a By-Right development should also be considered—By-Right development could include strip malls, gas stations, fast food drive-throughs, car washes, auto service stations and other businesses that are typically regarded as more obtrusive than apartments.
- The proposed rezoning will include voluntary building setbacks and increased buffer densities that ensure appropriate transitions to nearby residential uses.

Concern #5: Impact on School Capacity
Community expressed concerns that the apartment dwellings will lead to more school age children in a school system that is already at or over capacity.

Response/Proposed Mitigation:

- The proposed residential unit mix will cap 3-bedroom units at 10% of the total unit count.
- Applicant's comparable properties average fewer than .06 school age children per unit, which would yield 10-14 school age children at the proposed community.
- In similar projects (4-story, interior corridor) in the market, the number of school-aged children is further reduced.
- December 2019 (pre-pandemic levels) from applicable schools:
    - Laurel Park Elementary School had a capacity of 854 students and an enrollment of 888 students—operating at 104% of capacity
    - Salem Middle School had a capacity of 1,274 students and an enrollment of 1,027 students—operating at 80% of capacity.
    - Apex High School had a capacity of 2,222 students and an enrollment of 2,158 students—operating at 97% of capacity.
    - None of these three schools are subject to enrollment caps.
- **Wake County Public School System has reviewed the proposed rezoning application through the Wake County Residential Development Notification Database and has confirmed that schools at all grade levels with the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.**

Concern #6: Pedestrian Safety
As part of the general traffic concern, residents expressed concerns around pedestrian safety resulting from the increased traffic—particularly due to the railroad track and nearby elementary school.

Response/Proposed Mitigation:

- Currently, sidewalks exist along the western side of Laura Duncan and along the north side of North Salem Street.
- During construction of the residential development, the developer shall ensure that a safe, paved pedestrian route shall be maintained from Linville Ridge Subdivision to Laurel Park Elementary School.
- A 10' side path will be added along the eastern side of Laura Duncan to connect with Town of Cary's side path.
- At the time of the development of the residential parcels, additional sidewalks (5'), ADA ramps and crosswalks will be added along the street frontage of all residential parcels to enhance pedestrian connectivity around the development. A sidewalk along the south side of North Salem Street will be constructed from the intersection of Laura Duncan Road westward to the proposed bus stop located on the south side of North Salem Street. If permission is not granted by CSX Railroad, installation of this sidewalk will not be a condition of this rezoning.
- Prior to non-residential final plat, a sidewalk will be constructed along the property frontage of Lots 5 and 6, continuing eastward to the proposed bus stop located on the south side of North Salem Street.
- At the intersection of Laura Duncan Road and North Salem Street, applicant shall install remaining 2 legs of the crosswalk with construction of the residential parcels. Additional crosswalks shall only be constructed if permitted by CSX Railroad, NCDOT and Town of Cary. Applicant recognizes that access to bus stop south of North Salem Street is critical and willing to install only one leg if both are not approved by governing parties.
- TIA analysis shows that By-Right development of the site would generate a higher traffic count and therefore greater potential impact on pedestrian safety.
- Site will be designed and constructed in full compliance with the traffic impact analysis, the Town of Apex and NCDOT's review and requirements.

Concern #7: Preservation of Existing Field and Open Space

The neighboring community has grown accustomed to and enjoys the open field condition of the site currently.

Response/Proposed Mitigation:

- Proposed site plan will dedicate 0.7 acres at the northwest corner of the site (Parcel 1) solely as greenspace. This will be used to count towards the RCA requirement as well as to provide a buffer between the neighboring property.
- 1.17 acres will also be dedicated RCA within the non-residential parcels (Parcel 5).The subject properties have been zoned for development since 1986, in one of the fastest growing MSAs in America—development of these properties, By-Right or otherwise, is unavoidable.

APPENDIX

REVISIONS

PROGRESS DRAWING
DO NOT USE FOR CONSTRUCTION

CASTLE DEVELOPMENT PARTNERS

APEX, NORTH CAROLINA

NORTH SALEM STATION

MARCH 2022

PROJECT DATA TABLE:

NAME OF PROJECT: NORTH SALEM STATION

PREPARED BY: THE WOOTEN COMPANY
919-828-0531
120 N BOYLAN AVE
RALEIGH, NC

OWNER: OLD APEX ASSOCIATES LP
230 COURT SQUARE SUITE 202
CHARLOTTESVILLE, VA 22902

PURCHASER: CASTLE DEVELOPMENT PARTNERS
230 COURT SQUARE, SUITE 202
CHARLOTTESVILLE, VA 22902

CURRENT 2045 LAND USE:	HIGH DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE:	HIGH DENSITY RESIDENTIAL
AREA OF TRACT(S):	10.39 AC
AREA DESIGNATED AS MIXED USE OF 2045 LUM:	0 SF/0%
AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT:	0 SF
PERCENT OF MIXED USE AREA PROPOSED AS NON-RESIDENTIAL DEVELOPMENT:	0%
EXISTING AND PROPOSED GROSS SQUARE FOOTAGE OF BUILDINGS:	EX.: 0 SF
PROPOSED GROSS SQUARE FOOTAGE BY FLOOR AREA:	MULTIFAMILY: APPROX. 275,000 SF (TOTAL, 4 STORIES) COMMERCIAL/OFFICE: APPROX. 10,000 SF (TOTAL)
PROPOSED HEIGHT OF THE BUILDING AND NUMBER OF STORIES:	60' & MAX OF 4 STORIES (RESIDENTIAL) 40' & MAX OF 2 STORIES (NON-RESIDENTIAL)
MAXIMUM OVERALL GROSS DENSITY:	23 UNITS/ACRE
NUMBER OF PARKING SPACES REQUIRED:	MAXIMUM 1.6 SPACES PER UNIT (239 UNITS) = 382 MINIMUM 1.3 SPACES PER UNIT (239 UNITS) = 311
REQUIRED FRONT, SIDE, AND REAR YARD SETBACKS:	SEE SETBACKS TABLE
PRIMARY OR SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT:	PRIMARY & SECONDARY
INDICATE IF THE SITE CONTAINS A HISTORIC STRUCTURE:	NO
RECOMMENDATION FROM THE PARKS AND RECREATION ADVISORY BOARD:	FEE IN LIEU w/ REDUCTION OF FEE FOR CONSTRUCTION OF 10' SIDE PATH

SETBACK TABLE:

PARCEL #1:
NONE (RCA)

PARCEL #2:
REAR (N) - 5'
SIDE (E) - 20'
SIDE (W) - 0'
FRONT (S) - 10'

PARCEL #3:
REAR (E) - 60'
SIDE (N) - 5'
SIDE (S) - 50'
FRONT (W) - 50' & 20'

PARCEL #4:
REAR (N) - 10'
SIDE (E) - 50'
SIDE (W) - 10'
FRONT (S) - 50'

PARCEL #5:
NONE (RCA)

PARCEL #6:
REAR (S) - 10'
SIDE (E/W) - 10'
FRONT (N) - 10'

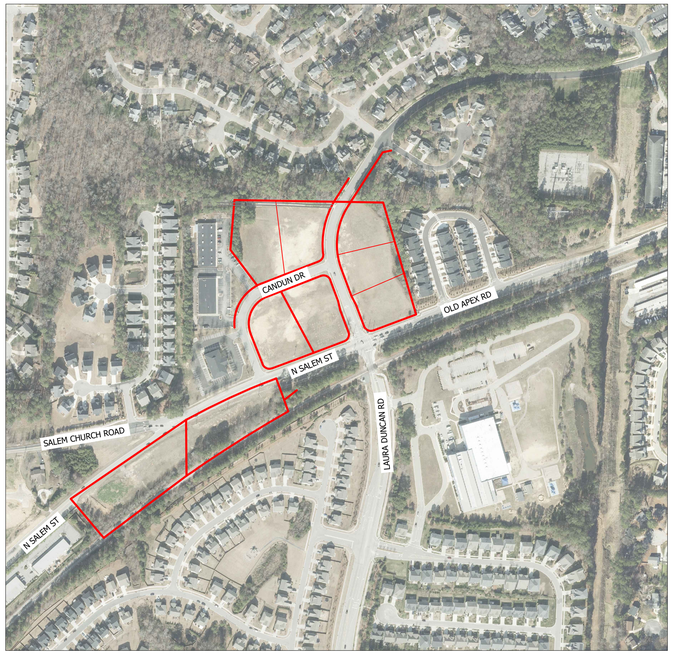
CASTLE DEVELOPMENT PARTNERS

Wooten

120 North Boylan Avenue • Raleigh, NC 27603-1423
(919) 828-0531 • thewootencompany.com
License Number : F-0115

DYNAMIK DESIGN

RKA RAMEY KEMP ASSOCIATES



VICINITY MAP
1" = 300'

SHEET INDEX

C-0.01	COVER SHEET
C-1.00	EXISTING CONDITIONS SHEET
C-1.01	LAYOUT SHEET



PROJECT AREA MAP
1" = 200'

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PLAN SHEETS ARE INTENDED
FOR ILLUSTRATIVE USE ONLY

REVISIONS

Wooten
120 North Boylan Avenue • Raleigh, NC 27603-1423
(919) 828-0531 • thewootencompany.com
License Number : F-0115

CASTLE DEVELOPMENT PARTNERS NORTH CAROLINA
APEX NORTH SALEM STATION
EXISTING CONDITIONS SHEET

DESIGNED BY:	AMW
DRAWN BY:	DAH
CHECKED BY:	AMW
PROJECT NO.:	3376 - B
DATE:	NOV 2021
SCALE:	AS NOTED

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE

SCALE: 1"=60'

C-1.00

T:\Projects\Castle_Development_Partners-3376\B-North_Salem_Station_CADD\DrawingSets\Rezoning Exhibits\3376-B-SHTS UPDATED.dwg AWADSWORTH 3/10/2022 4:50 PM

GENERAL NOTES

1) REQUESTING FULL TOWN SERVICE. NO PROPOSED PRIVATE SEWAGE.
2) REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
3) NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
4) EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
5) EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
6) ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
7) PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

LEGEND

- RESIDENTIAL DEVELOPMENT BLOCK (TOTAL 5.67 AC)
- STORMWATER MANAGEMENT CONCEPTUAL DEVELOPMENT ENVELOPE
- NON-RESIDENTIAL DEVELOPMENT (0.85 AC)
- RESOURCE CONSERVATION AREA (2.16 AC)***
- PASSIVE OPEN SPACE/PERIMETER BUFFER
- CONCEPTUAL PUBLIC VEHICULAR ACCESS
- CONCEPTUAL PUBLIC GREENWAY PER PRGOS MASTER PLAN

* SETBACK PROVIDED IS GREATER THAN WHAT IS REQUIRED BY TOWN OF APEX'S UDO

**ADJUSTMENTS TO EASEMENT WIDTHS MAY BE REQUIRED DEPENDING ON MODIFICATIONS TO CURRENT UTILITIES

***THE RCA FOR PARCELS 1 AND 5 SHALL BE PLANTED AND DEDICATED PIROR TO THE LAST SITE PLAN FINAL PLAT FOR THE RESIDENTIAL PORTION OF THE DEVELOPMENT.

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

PR. DOG PARK LOCATION FINAL LOCATION TO BE VERIFIED

45' UTILITY, ACCESS & GREENWAY EASEMENT**

PROPOSED DEDICATED RCA 3,106 SF/0.07 AC

PROPOSED DEDICATED RCA 23,455 SF/0.54 AC

PROPOSED DEDICATED RCA 4,664 SF/0.11 AC

PROPOSED DEDICATED RCA 50,875 SF/1.17 AC

PROPOSED DEDICATED RCA 11,844 SF/0.27 AC

FUTURE PROPERTY LINE

1 2 3 4 5 6

PROPOSED RESIDENTIAL USE

PROPOSED NON-RESIDENTIAL USE

CONCEPTUAL STORMWATER LOCATION

CONCEPTUAL STORMWATER LOCATION

10' TYPE A BUFFER

5' BLDG SETBACK

*20' BLDG SETBACK

10' BLDG SETBACK

10' TYPE A BUFFER + 5' PARKING LOT SETBACK

*60' BLDG SETBACK

15' TYPE A BUFFER + 5' PARKING LOT SETBACK

*50' BLDG SETBACK

30' TYPE A BUFFER + 5' PARKING LOT SETBACK

20' TYPE A BUFFER + 5' PARKING LOT SETBACK

CANDUN DRIVE 60' R/W BM 1992 PG 344 (PUBLIC)

60' R/W PER BM 1992 PG 344

60' R/W

70' PR. R/W

70' R/W PER BM 1992 PG 344

LAURA DUNCAN RD (PUBLIC)

10' SIDEPATH

OLD U.S. HWY 1 - NORTH SALEM STREET (PUBLIC) 75' R/W BM 1992 PG 344

NCSR 1011 OLD APEX ROAD (PUBLIC) 75' R/W BM 1992 PG 344

85' PR. R/W

TWO (2) PR. BUS STOPS FINAL LOCATION TO BE COORDINATED

FUTURE ROUNDABOUT PER TOWN OF APEX'S THOROUGHFARE AND COLLECTOR STREET PLAN

MAXIMUM OF 10,587 SF/0.24 ACRES TO BE DEDICATED TO TOWN OF APEX AS RIGHT-OF-WAY

Ø180'

FUTURE PROPERTY LINE

EX. TOWN OF APEX ELECTRIC UTILITY EASEMENT DB 11886 PG 393

EX. TOWN OF APEX ELECTRIC UTILITY EASEMENT DB 31886 PG 393

EX. 3' TOWN OF CARY UTILITY EASEMENT BM 2014 PG 1172

EX. 30' CAROLINA POWER & LIGHT COMPANY EASEMENT BM 2014 PG 1172

EX. TOWN OF CARY PUBLIC SIDEWALK EASEMENT BM 2014 PG 1172

EX. 30' CP&L EASEMENT (NOT RECORDED)

EX. 30' DRAINAGE EASEMENT BM 1992 PG 344

EX. 30' DRAINAGE EASEMENT BM 2014 PG 1172

EX. 30' SANITARY SEWER & ACCESS EASEMENT BM 1992 PG 344

0.4' BETWEEN PL OF BM 1992 PG 344 & BM 1992 PG 899

0.6' BETWEEN PL OF BM 1992 PG 344 & BM 1992 PG 899

COMMON AREA BM 2014 PG 1172

CURB 0.7' WEST OF PL

IPF N 4°38'26" E 0.55' FROM PROPERTY CORNER

NAIL FOUND

SEE INSET

SCALE: 1"=60'

REVISIONS

Wooten
120 North Boylan Avenue • Raleigh, NC 27603-1423
(919) 828-0501 • thewootencompany.com
License Number - F-0115

CASTLE DEVELOPMENT PARTNERS NORTH CAROLINA

NORTH SALEM STATION

APEX

LAYOUT SHEET

DESIGNED BY: AMW
DRAWN BY: DAH
CHECKED BY: AMW
PROJECT NO.: 3376 - B
DATE: NOV 2021
SCALE: AS NOTED

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE

C-1.01

\\TWC-Main\Main_Directory\Projects\Castle_Development_Partners-3376\B-North_Salem_Station_CADD\DrawingSets\Rezoning Exhibits\3376-B-SHTS UPDATED.dwg DHOWE 3/24/2022 2:48 PM











CASTLE
DEVELOPMENT PARTNERS

APEX MULTIFAMILY

APEX, NORTH CAROLINA
EXAMPLE IMAGERY

CUP2021-02

DYNAMIK
DESIGN

© COPYRIGHT 2021 DYNAMIK DESIGN




BUILDING A
OFFICE / FLEX
31,308 S.F.
TENANT SIGNAGE
TENANT SIGNAGE


BUILDING E
OFFICE / FLEX
8,942 S.F.
TENANT SIGNAGE
TENANT SIGNAGE


Medical Tenant






BUILDING B
OFFICE / FLEX
34,322 S.F.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator

Department(s): Economic Development

Requested Motion

Motion to adopt ordinances modifying Town Code Section 14-14 as to the Parking Lot at 112 Saunders Street closed for a Special Event(s) during Peak City Pig Fest on July 22-23, 2023.

Approval Recommended?

Yes

Item Details

The Town Council has approved Special Event Application for Pig Fest (July 22-23, 2022). Pig Fest requested modification to the existing Town Ordinance 14-14 to allow alcohol within the event area.

Attachments

- Ordinance related to Pig Fest

ORDINANCE NO.

AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14 AS TO THE PARKING LOT AT 112 SAUNDERS STREET CLOSED FOR A SPECIAL EVENT

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

Section 1. Under the authority of N.C.G.S Section 18B-300(c), subsection (e) of Section 14-14 of the Apex Town Code of Ordinances is temporarily modified on July 22-23, 2022 to read as follows with additions as bold underlined text:

(b) *Consumption on the public streets and municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the temporary closure of the parking lot at 112 Saunders Street for a community special event in downtown Apex, the possession and consumption of malt beverages and unfortified wine in said parking lot during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**

(c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the temporary closure of the parking lot at 112 Saunders Street for a community special event in downtown Apex, the possession and consumption of malt beverages and unfortified wine**

in said parking lot which is closed to traffic during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.

. . .

(e) *Possession during special events prohibited*. It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events. The prohibition stated in this subsection 14-11(e) applies to, among other areas, downtown sidewalk food service tables. **However, during the temporary closure of the parking lot at 112 Saunders Street for a community special event, the possession and consumption of malt beverages and unfortified wine in said parking lot which is closed to traffic during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**

Section 2. The ordinance shall be effective upon enactment.

This the 24th day of May, 2022.

Introduced by Councilmember _____

Seconded by Councilmember _____

Attest:

_____

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: May 24, 2022

Item Details

Presenter(s): Michael Deaton, P.E., Director

Department(s): Water Resources

Requested Motion

Motion to approve a 3-year Master Services Agreement with Ellington Contractors, Inc., dba Intragrade and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is a retainer for emergency services for pumping and hauling service, pipe cleaning, and video inspection services as needed for period FY 2023 thru FY 2025. In the past three years the Town has spent an average of $2,612.45 annually for pump and haul services during force main and/or pump station repairs. Historically the charges for these services have required a PO and have been paid out of the Contracted Services budget. Having this type of contractor on retainer prevents sanitary sewer overflows during these emergency or non-planned repair events and helps the Town maintain compliance with our NCDEQ Collection System Permit (WQCS00064).

Attachments

- Master Services Agreement
- Quote

STATE OF NORTH CAROLINA **Contract Identification #_____**

COUNTY OF WAKE **MASTER SERVICES AGREEMENT**

THIS MASTER SERVICES AGREEMENT (hereinafter "Agreement") is entered into this the _____day of _____, 2022, by and between, Ellington Contractors, Inc., dba Intragrade, a North Carolina Corporation with its principal business offices located at 4617 Zebulon Road, Zebulon, NC 27597 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, Town, is engaged in the operation of water and sewer utilities, including pipes, drains, facilities, and associated equipment, which from time to time requires the maintenance, repair, installation, removal, testing, and inspection as well as other projects related to wastewater treatment and soil and erosion control; and

WHEREAS, the professional services of outside firms or consultants and/or others will from time to time in the future be needed by the Town for the services as described above; and

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

WHEREAS, the Parties contemplate that the services of the Contractor will be performed in various stages in accordance with separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement in this Master Services Agreement rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties acknowledge and agree that this Agreement shall act as a base agreement under which the Parties can enter into multiple specific transactions by executing a Purchase Order and written confirmation to proceed pursuant to a Scope of Services, quote, and/or rate sheet; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Contractor to being available to perform services until a Scope of Services and quote is submitted, and does not preclude the Town from hiring other vendors or contractors to perform the same or similar work.

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

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following general services when requested by the Town: Pumping, hauling, pipe cleaning, and video inspection services.

When service is requested by the Town, Contractor shall provide a detailed Scope of Services and quote that shall be governed by the terms of this Agreement. If a rate sheet is provided and attached to this Agreement then the quote shall be consistent with the rate sheet. The quote and Scope of Services shall reference this Agreement and this Agreement shall be incorporated into and made a part of the Scope of Services and quote whether or not expressly incorporated by reference in the Scope of Services and quote.

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

2. SPECIFICATIONS.

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 the provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

This Agreement shall terminate on June 30, 2025 unless terminated sooner in accordance with the terms of this Agreement. Contractor shall commence and complete the work required by this Agreement in accordance with the dates provided in the Scope of Services as agreed upon by the Parties. Contractor shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Contractor shall not begin any work pursuant to this Agreement or a Scope of Services until written confirmation has been provided by the Town. The Parties hereby agree that written confirmation may be provided through electronic communication from the Town's representative identified in Section 13 of this Agreement. 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 Scope of Services 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 the amount authorized by the issued Purchase Order corresponding to the agreed upon Scope of Services and quote. After services are agreed upon pursuant to this Agreement and the associated Scopes of Service, Contractor will invoice the Town for work performed. 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 within thirty (30) days of receipt 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 contract 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. 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. Contractor shall provide services in accordance with all federal, state and local law and 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 the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina.

9. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of $1,000,000, pollution coverage for accidental spills 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.

10. PRE-PROJECT SAFETY REVIEW MEETING.

If requested by the Town, 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.

11. 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.

12. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

13. 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: Attn: Matt Ellington
Contractor: Ellington Contractors, Inc., dba Intragrade
Address: 4617 Zebulon Road
Zebulon, NC 27597
Email: matt@eucinc.net

TO TOWN: Town of Apex
Attention: Michael Deaton
PO Box 250
Apex, NC 27502

14. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town 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 fire, acts of God, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, and/or civil disobedience. 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.

15. 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.

16. 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.

17. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to

them, or to anyone acting on their behalf, to induce them to execute this 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.

18. 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.

19. 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.

20. 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.

21. BINDING EFFECT.

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

22. ASSIGNMENT.

Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this 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.

23. 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.

24. 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.

25. IRAN DIVESTMENT ACT CERTIFICATION.

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

26. ANTI-HUMAN TRAFFICKING.

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

27. 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 _____day of_____, 2022.

Contractor

Name: MATT ELLINGTON

By: _____
(Signature)

Title: VP - Co Owner

Attest: _____
(Secretary, if a corporation)

Town of Apex

_____
Catherine Crosby, Town Manager

Attest: _____
Town Clerk

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

_____
Vance Holloman, Finance Director

PROPOSAL

4617 Zebulon Road
Zebulon, NC 27597
919-375-4667
matt@eucinc.net

Invoice No : n/a
Date : 5/3/2022

Town of Apex
Attn: Jessica Sloan
105 Upchurch St
Apex, NC 27502

Email: jessica.sloan@apexnc.org
Email: thomas.johnson@apexnc.org
Email: keith.mcneill@apexnc.org

Job	Payment Terms	Due Date
As Needed - Sewer Pump and Haul	Net 30 no retainage	n/a

Quantity	Description	Unit	Unit Price	Line Total
	Combination Jetter and Vac Truck - Emergency Situations			
4	Contract Services - Pump & Haul Services Between 7am and 7pm Mon through Fri	HR	$350.00	**$ 1,400.00**
4	Contract Services - Pump & Haul Services Between 7pm and 7am Mon - Fri or Anytime on Weekends	HR	$500.00	**$ 2,000.00**
	Thanks for allowing Intragrade to help Apex.			
	Hours are estimated - actual hours will be billed with a 4 hour minimum. Time charged will included travel time.			
	Ellington Contractors does this type of work as Intragrade. Intragrade is a dba.			
	Make Checks payable to either Ellington Contractors or Intragrade.			
			TOTAL DUE	**$ 3,400.00**

THANK YOU FOR YOUR BUSINESS!

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Michael Deaton, P.E., Director

Department(s): Water Resources

Requested Motion

Motion to approve a 3-year Master Services Agreement with Griffin Sales, Inc., dba Rodders and Jets Supply Co., and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is an emergency services retainer for CCTV equipment repairs to the Town's Combo trucks, hose reels, and other relevant sewer and CCTV equipment for period FY 2023 thru FY 2025. In the past three years the Town has spent an average of $729.95 annually for combo truck and equipment repair and annual service. Historically, the charges for these services have been under the purchase order threshold and have been paid out of the Contracted Services budget. Having this contractor on retainer allows the Town to quickly get the needed repairs and service to the trucks and equipment utilized to clean out sewer lines, wet wells, and prevent sanitary sewer overflows, which helps the Town maintain compliance with our NCDEQ Collection System Permit (WQCS00064).

Attachments

- Master Services Agreement
- Quote

RODDERS AND JETS SUPPLY CO.
PO BOX 2577
SUMTER, SC 29151
TOLL FREE: 1-800-293-2012
FAX: 803-773-3666
WEB: RODDERSANDJETS.COM
EMAIL: roddersandjetsco@aol.com

3/18/22

TOWN OF APEX, NC
C/O JESSICA SLOAN

RE: HOUR RATES AND OTHER CHARGES

-ON SITE SERVICE CALL FEE:	**$375.00**
-LABOR RATE (PER HOUR):	**$120.00**

RESPECTFULLY,

MIKE BUTNER, SALES MANAGER

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Contract Identification #_____

MASTER SERVICES AGREEMENT

THIS MASTER SERVICES AGREEMENT (hereinafter "Agreement") is entered into this the _____day of _____, 2022, by and between, Griffin Sales, Inc., dba Rodders and Jets Supply Co., a South Carolina Corporation with its principal business offices located at 811 E. Liberty Street, Sumter, SC 29151 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, Town, is engaged in the operation of water and sewer utilities, including pipes, drains, facilities, and associated equipment, which from time to time require maintenance, repair, installation, removal, testing, and inspection as well as other projects related to wastewater treatment and soil and erosion control; and

WHEREAS, the professional services of outside firms or consultants and/or others will from time to time in the future be needed by the Town for the services as described above; and

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

WHEREAS, the Parties contemplate that the services of the Contractor will be performed in various stages in accordance with separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement in this Master Services Agreement rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties acknowledge and agree that this Agreement shall act as a base agreement under which the Parties can enter into multiple specific transactions by executing a Purchase Order and written confirmation to proceed pursuant to a Scope of Services, quote, and/or rate sheet; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Contractor to being available to perform services until a Scope of Services and quote is submitted, and does not preclude the Town from hiring other vendors or contractors to perform the same or similar work.

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

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following general services when requested by the Town: Repair service for CCTV equipment and other sewer related tools & equipment at the rate provided on the Quote dated March 18, 2022.

When service is requested by the Town, Contractor shall provide a detailed Scope of Services and quote that shall be governed by the terms of this Agreement. If a rate sheet is provided and attached to this Agreement then the quote shall be consistent with the rate sheet. The quote and Scope of Services shall reference this Agreement and this Agreement shall be incorporated into and made a part of the Scope of Services and quote whether or not expressly incorporated by reference in the Scope of Services and quote.

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

2. SPECIFICATIONS.

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 the provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

This Agreement shall terminate on June 30, 2025 unless terminated sooner in accordance with the terms of this Agreement. Contractor shall commence and complete the work required by this Agreement in accordance with the dates provided in the Scope of Services as agreed upon by the Parties. Contractor shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Contractor shall not begin any work pursuant to this Agreement or a Scope of Services until written confirmation has been provided by the Town. The Parties hereby agree that written confirmation may be provided through electronic communication from the Town's representative identified in Section 13 of this Agreement. 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 Scope of Services 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 the amount authorized by the issued Purchase Order corresponding to the agreed upon Scope of Services and quote. After services are agreed upon pursuant to this Agreement and the associated Scopes of Service,

Contractor will invoice the Town for work performed. 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 within thirty (30) days of receipt 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 contract 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. 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. Contractor shall provide services in accordance with all federal, state and local law and 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

the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina.

9. 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.

10. PRE-PROJECT SAFETY REVIEW MEETING.

If requested by the Town, 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.

11. 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.

12. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

13. 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: Griffin Sales, Inc., dba Rodders and Jets Supply Co.
Attn: Mike Butner
PO Box 2577
Sumter, SC 29151
Mbrj610@aol.com

TO TOWN: Town of Apex
Attention: Michael Deaton
PO Box 250
Apex, NC 27502

14. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town 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 fire, acts of God, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, and/or civil disobedience. 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.

15. 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.

16. 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.

17. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this 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.

18. 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.

19. 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.

20. 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.

21. BINDING EFFECT.

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

22. ASSIGNMENT.

Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this 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.

23. 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.

24. 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.

25. IRAN DIVESTMENT ACT CERTIFICATION.

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

26. ANTI-HUMAN TRAFFICKING.

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

27. 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 _____day of_____, 2022.

Contractor

Name: Mike Butner

By: _____
(Signature)

Title: Sales Manager

Attest: _____
(Secretary, if a corporation)

Town of Apex

_____
Catherine Crosby, Town Manager

Attest:

_____
Town Clerk

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

_____
Vance Holloman, Finance Director

Revision date 9/13/2021

CERTIFICATE OF GARAGE INSURANCE

DATE (MM/DD/YYYY): 05/05/2022

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

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

PRODUCER
CRW Insurance
PO Box 70

Sumter SC 29151

CONTACT NAME: Jennifer A Rogers
PHONE (A/C, No, Ext): (803) 775-1168 FAX (A/C, No): (803) 773-8855
E-MAIL ADDRESS: jrogers@crwins.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Cincinnati Insurance Co	10677
INSURER B : Argonaut Midwest Insurance Co	19828
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED (803) 773-3581
Rodders & Jets Supply Co

PO Box 2577

Sumter SC 29151

COVERAGES PROD / CUSTOMER ID: CERTIFICATE #: Cert ID 9951 REVISION #:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GARAGE LIABILITY [ ] ALL OWNED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS USED IN GARAGE BUSINESS [X] Any Auto			GP8472844	09/22/2021	09/22/2022	AUTO ONLY (Ea accident)	$ 1,000,000
							OTHER THAN AUTO ONLY: EA ACCIDENT	$ 1,000,000
							OTHER THAN AUTO ONLY: AGGREGATE	$ 1,000,000
B	GARAGE KEEPERS LIABILITY [X] LEGAL LIABILITY [X] DIRECT BASIS [ ] PRIMARY [X] EXCESS			GP8472844	09/22/2021	09/22/2022	[X] COMP / OTC LOC	$ 400,000
							[ ] SPECIFIED PERILS LOC	$
							[X] COLLISION LOC	$ 400,000
							LOC	$
A	[ ] COMMERCIAL GENERAL LIABILITY [X] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y		ECP0568068	02/14/2022	02/14/2023	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] (Mandatory in NH) If yes, describe under REMARKS below	N / A					[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Apex is listed as and Additional Insured as pertains to the General Liability insurance.

CERTIFICATE HOLDER

Town of Apex

105 UPCHURCH ST.

Apex NC 27502

CANCELLATION

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

AUTHORIZED REPRESENTATIVE
Jennifer Rogers

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ACORD 30 (2014/01)

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Michael Deaton, P.E., Director

Department(s): Water Resources

Requested Motion

Motion to approve a 3-year Master Services Agreement with Sanford Electrical Contractors, Inc., and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is an emergency electric services retainer for period FY 2023 thru FY 2025 at the Town's bulk water station, generators and control panels at pump stations, and the metal fabrication for protecting this vital equipment. In the past three years the Town has spent an average of $18,777.86 annually for these services. Historically, the charges for these services have required a PO and have been paid out of the Contracted Services and Pump Station Maintenance and Repair budgets. Having this contractor on retainer helps prevents sanitary sewer overflows and helps the Town maintain compliance with our NCDEQ Collection System Permit (WQCS00064).

Attachments

- Master Services Agreement
- Quote

STATE OF NORTH CAROLINA **Contract Identification #_____**

COUNTY OF WAKE **MASTER SERVICES AGREEMENT**

THIS MASTER SERVICES AGREEMENT (hereinafter "Agreement") is entered into this the _____day of _____, 2022, by and between, Sanford Electrical Contractors, Inc., a North Carolina Corporation with its principal business offices located at 302 Lucian Hilliard Road, Golston, NC 27252-9280 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, Town, is engaged in the operation of water and sewer utilities, including pipes, drains, facilities, and associated equipment, which from time to time require maintenance, repair, installation, removal, testing, and inspection as well as other projects related to wastewater treatment and soil and erosion control; and

WHEREAS, the professional services of outside firms or consultants and/or others will from time to time in the future be needed by the Town for the services as described above; and

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

WHEREAS, the Parties contemplate that the services of the Contractor will be performed in various stages in accordance with separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement in this Master Services Agreement rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties acknowledge and agree that this Agreement shall act as a base agreement under which the Parties can enter into multiple specific transactions by executing a Purchase Order and written confirmation to proceed pursuant to a Scope of Services, quote, and/or rate sheet; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Contractor to being available to perform services until a Scope of Services and quote is submitted, and does not preclude the Town from hiring other vendors or contractors to perform the same or similar work.

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

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following general services when requested by the Town: Electrical service for new installations, upgrades, and repairs for water and wastewater sites and appurtenances.

When service is requested by the Town, Contractor shall provide a detailed Scope of Services and quote that shall be governed by the terms of this Agreement. If a rate sheet is provided and attached to this Agreement then the quote shall be consistent with the rate sheet. The quote and Scope of Services shall reference this Agreement and this Agreement shall be incorporated into and made a part of the Scope of Services and quote whether or not expressly incorporated by reference in the Scope of Services and quote.

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

2. SPECIFICATIONS.

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 the provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

This Agreement shall terminate on June 30, 2025 unless terminated sooner in accordance with the terms of this Agreement. Contractor shall commence and complete the work required by this Agreement in accordance with the dates provided in the Scope of Services as agreed upon by the Parties. Contractor shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Contractor shall not begin any work pursuant to this Agreement or a Scope of Services until written confirmation has been provided by the Town. The Parties hereby agree that written confirmation may be provided through electronic communication from the Town's representative identified in Section 13 of this Agreement. 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 Scope of Services must be agreed to in writing by the Town and the Contractor.

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In consideration of the above services, the Town will pay the Contractor the amount authorized by the issued Purchase Order corresponding to the agreed upon Scope of Services and quote. After services are agreed upon pursuant to this Agreement and the associated Scopes of Service,

Contractor will invoice the Town for work performed. 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 within thirty (30) days of receipt unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

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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 contract 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.

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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).

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the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina.

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10. PRE-PROJECT SAFETY REVIEW MEETING.

If requested by the Town, 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.

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13. NOTICE.

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TO CONTRACTOR: Attn: Jeremiah Price
Contractor: Sanford Electrical Contractors, Inc.
Address: PO Box 1173
Sanford, NC 27331-1173
Email: sanfordelectricalcontractors@yahoo.com

TO TOWN: Town of Apex
Attention: Michael Deaton
PO Box 250
Apex, NC 27502

14. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town 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 fire, acts of God, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, and/or civil disobedience. 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.

15. 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.

16. 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.

17. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this 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.

18. 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.

19. 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.

20. 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.

21. BINDING EFFECT.

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

22. ASSIGNMENT.

Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this 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.

23. 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.

24. 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.

25. IRAN DIVESTMENT ACT CERTIFICATION.

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

26. ANTI-HUMAN TRAFFICKING.

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

27. 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 _____day of_____, 2022.

Contractor

Name: Sanford Electrical Contractors Inc

By: _____
(Signature)

Title: President

Attest: _____
(Secretary, if a corporation)

Town of Apex

_____
Catherine Crosby, Town Manager

Attest: _____
Town Clerk

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

_____
Vance Holloman, Finance Director

SANFORD
ELECTRICAL
CONTRACTORS

Date: 05/04/22

Rate Sheet

Labor: Regular Hours (2 man crew)	$80.00 Per Hour/per man
Labor: Regular Hours (1 Man crew)	$95.00 Per Hour
After hours & Weekends	$125.00 Per Hour/per man
Holidays	$150.00 Per Hour/per man
Materials:	Cost plus 25%

Jeremiah A. Price

Sanford Electrical Contractors

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Peak Hotels, LLC to install a private domestic backflow preventer and vault that will encroach 34 square feet, a private fire protection backflow preventer and vault that will encroach 51 square feet, and a private fire department connection that will encroach 1 square foot into the Public Utility Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Peak Hotels, LLC (Grantee) for the property described as a residential lot known as Wake County PIN #0741-76-7061, Book of Maps 2017, Page 2391, lot is also known as 1100 Marco Drive, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a private domestic backflow preventer and vault that will encroach 34 square feet, a private fire protection backflow preventer and vault that will encroach 51 square feet, and a private fire department connection that will encroach 1 square foot into the Public Utility Easement.

Attachments

- Encroachment Agreement
- Exhibit A

After Recording Mail To: Development Services
Town of Apex
PO Box 250
Apex, NC 27502

STATE OF NORTH CAROLINA **ENCROACHMENT AGREEMENT**
COUNTY OF WAKE

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2022, by and between Peak Hotels, LLC hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain commercial lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0741-76-7061** by the Wake County Revenue Department and more particularly described as **Lot 1** as shown on that certain plat recorded in **Book of Maps 2017, Page 2391**, Wake County Registry. The commercial lot is also known as **1100 Marco Drive, Apex, NC 27502.** The commercial lot described in this paragraph is hereinafter referred to as the **"Commercial Lot."**

WHEREAS, the Town is the owner of a public utility easement labeled as "**TOA PUE (WATER) 0.137 AC. – 598 SF.,**" as dedicated and shown on the plat recorded in Book of Maps 2017, Page 2390, Wake County Registry, hereinafter referred to as the **"Public Utility Easement".**

WHEREAS, Grantee wishes to install certain improvements more particularly described as a **private domestic backflow preventer and vault that will encroach 34 square feet, a private fire protection backflow preventer and vault that will encroach 51 square feet, and a private fire department connection that will encroach 1 square foot into the Public Utility Easement,** which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreem[illegible]nants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Utility Easement.**

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantee and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee sole risk and expense, to encroach into the **Public Utility Easement** of the Town as shown in the attached **Exhibit A,** and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment and shall be allowed to maintain the Encroachment and to perform all necessary repairs, maintenance, and replacement of the Encroachment as may be necessary from time to time.

3. The Town shall not be held responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantee agrees to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment; provided that, Grantee shall not be obligated hereunder to indemnify the Town for any negligent acts or omissions of the Town, its contractor(s) (including sub-contractors) and their respective officers, agents and employees.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager
Town of Apex
PO Box 250
Apex, NC 27502

To Grantee: Peak Hotels, LLC
2115 Roland Glen Rd
Cary, NC 27519

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Utility Easement**.

10. If the Town deems, within its sole discretion, that removal of all or apportion of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Utility Easement,** then Grantee shall cause such removal to be made at Grantee's sole expense within 30 days after receipt of notice from the Town and shall be completed in a manner that will allow the Town complete and safe access to the **Public Utility Easement**. In the event that the Grantee fails to timely remove the Encroachment or in the event of an emergency associated with the condition of the **Public Utility Easement**, the Town is authorized to remove all or such portion of the Encroachment as the Town determines in its sole discretion to be reasonably necessary, convenient or advisable to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Utility Easement**. The Town shall have the sole discretion to determine the existence of an emergency associated with the condition of the **Public Utility Easement**.

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantee, during the life of this Encroachment Agreement, agrees to procure or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, insurance in the minimum amounts of $300,000/$500,000/$300,000 covering full liability for any and all personal injury, property damage or wrongful death caused by the construction, maintenance, location, repair or visual obstruction of said Encroachment. Grantee shall furnish the Town, without demand, each July a certification from the insurance carrier or carriers with whom the insurance herein mentioned is carried, stating that such compensation is covered by such carrier or carriers and showing such insurance to be in full force and effect. Both Grantee and the Town shall be named as insured parties by endorsement of the policy. In the event of any change in the insurance policy, Grantee shall give the Town thirty (30) days' notice of such change. Should Grantee fail to pay premiums upon said insurance or to perform any of the agreement, terms or conditions herein contained, the Town, at its option, by written notice may declare this Encroachment Agreement canceled and terminated and all rights acquired hereunder by Grantee shall thereupon terminate.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to the **Residential Lot**, or by assumption of said obligations by an incorporated party approved by the Town. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever by subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

In testimony whereof, said Grantee and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEE

Peak Hotels, LLC

By: _____(SEAL)
Narendra Patel
President

NORTH CAROLINA
COUNTY OF WAKE *[county in which acknowledgement taken]*

I, Ellen Poisson, a Notary Public of Wake County, North Carolina, certify that Narendra Patel, personally appeared before me this day and acknowledged that he/she is the President for Peak Hotels, LLC Grantee herein, and that by authority duly given as President for the company, the foregoing instrument was signed and sealed by him/her on behalf of the company and acknowledged said writing to be the act and deed of said company.

Witness my hand and official stamp or seal, this 5 day of May, 2022.

_____
[Signature of Notary Public]

(Affix Notarial Stamp-Seal)

My Commission Expires: 3/23/2026

ELLEN POISSON
Notary Public
Wake
County
My Comm. Exp.
03-23-2026
NORTH CAROLINA

TOWN OF APEX

_____
Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

_____
Julie A. Reid
Interim Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ *[county in which acknowledgement taken]*

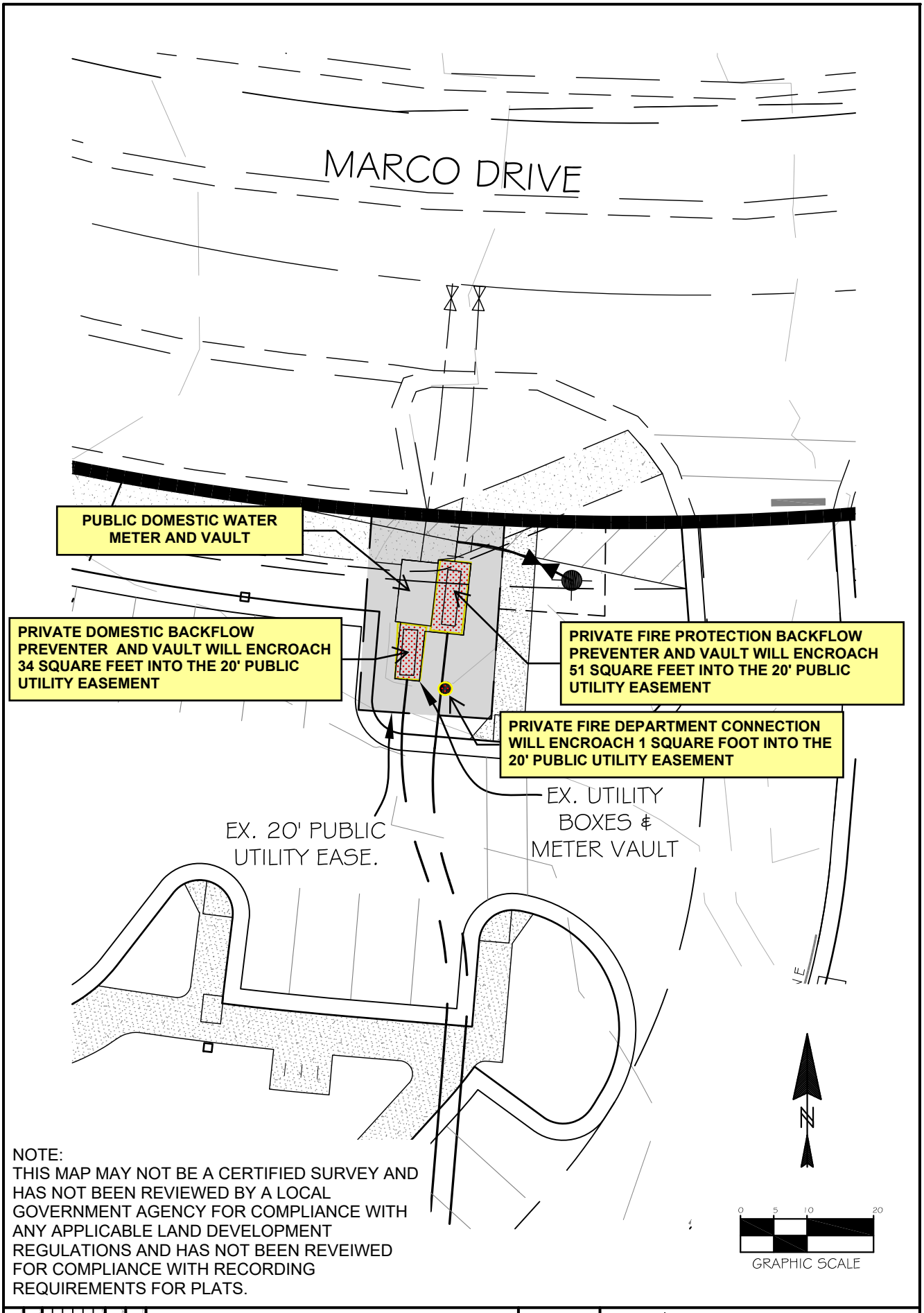
I, _____, a Notary Public of _____ County, North Carolina, certify that Julie A. Reid personally came before me this day and acknowledged that she is Interim Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its Interim Town Clerk.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

EXHIBIT A



NOTE:
THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVEIWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

1224-P | 1 | APRIL 25, 2022 | 1"=20' | PLK

SPRINGHILL SUITES - APEX
CONSTRUCTION DRAWINGS
TOWN OF APEX
PUBLIC UTILITY EASEMENT

Jones & Cnossen ENGINEERING, PLLC
CMI Engineering | Construction Management | Land Planning

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Raghavender Rao Palle and spouse Vanditha Goudi to install a fence that will encroach 407 square feet onto the Public Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Raghavender Rao Palle and spouse Vanditha Goudi (Grantees) for the property described as a residential lot known as Wake County PIN #0712-53-6932, Book of Maps 2020, Page 00940, lot is also known as 3593 Lovage Drive, Apex, NC 27502. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 407 square feet onto the Public Drainage Easement.

Attachments

- Encroachment Agreement
- Exhibit A

After Recording Mail To: Development Services
Town of Apex
PO Box 250
Apex, NC 27502

STATE OF NORTH CAROLINA **ENCROACHMENT AGREEMENT**
COUNTY OF WAKE

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2022, by and between Raghavender Rao Palle and Vanditha Goudi, spouses, hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0712-53-6932** by the Wake County Revenue Department and more particularly described as **Lot 2** of the subdivision known as Deer Creek Phase 3 as shown on that certain plat recorded in **Book of Maps 2020, Page 00940**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **3593 Lovage Drive, Apex, NC 27502.** The residential lot described in this paragraph is hereinafter referred to as the **"Residential Lot."**

WHEREAS, the Town is the owner of a **New 20' TOA Public Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the **"Public Drainage Easement."**

WHEREAS, Grantee wishes to install certain improvements, more particularly described as a new **fence that will encroach 407 square feet onto the Public Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment,**" all as shown on the attached **Exhibit A.** Grantee desires to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Drainage Easement.**

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantee and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantees' sole risk and expense, to encroach into the **Public Drainage Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in the **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantee is to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantee agrees to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager
Town of Apex
PO Box 250
Apex, NC 27502

To Grantees: Raghavender Rao Palle and Vanditha Goudi
3593 Lovage Drive
Apex, NC 27502

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantee agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Drainage Easement** and the Town may terminate this Encroachment Agreement by giving Grantee ninety (90) days written notice of termination. Prior to the termination date, Grantee shall remove, at their own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantee notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Drainage Easement,** then no notice shall be required and the Town may remove the Encroachment from the **Public Drainage Easement** without cost, risk or liability to the Town.

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in Paragraph 10 or if Grantees fail to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantee, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of $500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantee is self-performing the installations, Grantee shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least $300,000. Grantee 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.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Wake County PIN #0712-53-6932, 3593 Lovage Drive, Apex, NC 27502.** The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee obligations possesses adequate financial resources and ownership interest, and Grantee delegates and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In testimony whereof, said Grantee and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEE

By: _____
Raghavender Rao Palle

By: _____
Vanditha Goudi

STATE OF NORTH CAROLINA

COUNTY OF Wake [*county in which acknowledgement taken]*

I, do hereby certify that Raghavender Rao Palle, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 4 day of May, 2022.

_____
[*Signature of Notary Public*]

My Commission Expires: 03/16/2027

Joshua Fenner
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 03/16/2027

****

STATE OF NORTH CAROLINA

COUNTY OF Wake [*county in which acknowledgement taken]*

I, do hereby certify that Vanditha Goudi, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 4 day of May, 2022.

_____
[*Signature of Notary Public*]

My Commission Expires: 03/16/2027

Joshua Fenner
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 03/16/2027

TOWN OF APEX

_____
Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

_____
Julie A. Reid
Interim Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ *[county in which acknowledgement taken]*

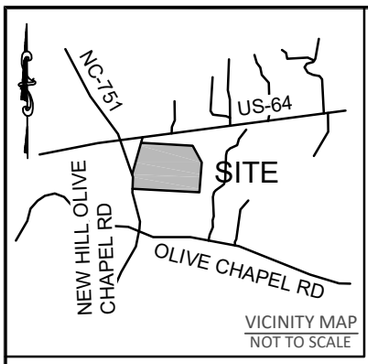
I, _____, a Notary Public of _____ County, North Carolina, certify that Julie A. Reid personally came before me this day and acknowledged that she is Interim Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its Interim Town Clerk.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

EXHIBIT A



BUILDING SETBACKS:

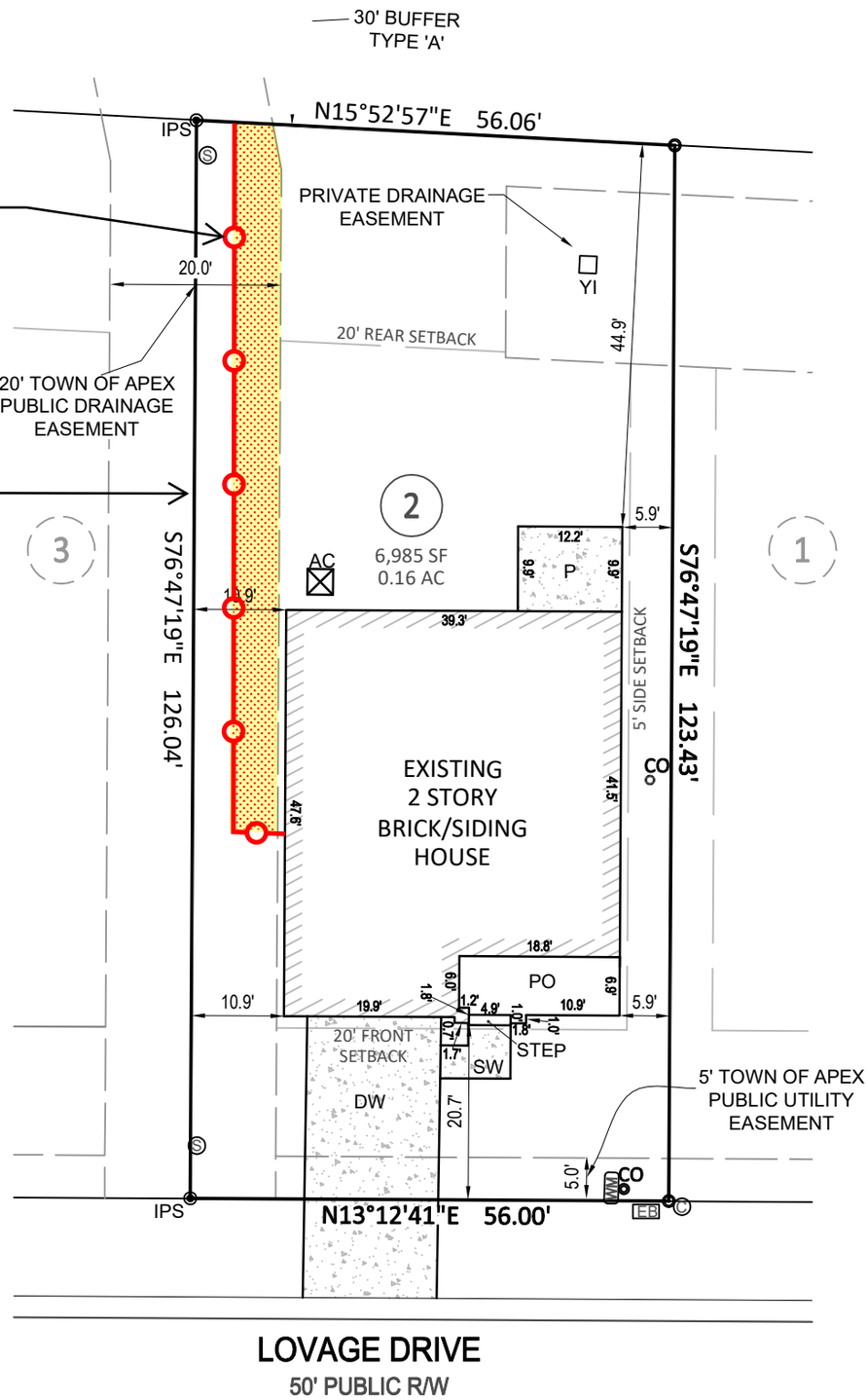
FRONT = 20'
REAR = 20'
SIDE = 5'
CORNER SIDE = 15'

LOT INFORMATION:

PIN: 0712536932
TOTAL LOT AREA = 0.16 AC = 6,985 SF
HOUSE = 1,723 SF
PORCH = 129 SF
SIDEWALK = 49 SF
DRIVEWAY = 334 SF
PATIO = 121 SF
AC PAD = 9 SF
EXISTING IMPERVIOUS = 2,365 SF
PERCENT IMPERVIOUS = 34.0 %

New fence will encroach 407 square feet onto the 20' Town of Apex Public Drainage Easement

Fence will be 5' feet off the property line



NOTE:
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Bateman Civil • Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Ave., Apex, NC 27539
(919) 577-1080
NCBELS C 2378

FINAL SURVEY
EXCLUSIVELY FOR: MERITAGE HOMES
DEER CREEK PHASE 3 - LOT 2
3593 LOVAGE DRIVE, APEX, NC
WHITE OAK TOWNSHIP, WAKE COUNTY
DATE: 3/22/21 **DRAWN BY: CPV** **CHECKED BY: SPC**
REFERENCE: BM 2020, PGS 938-943 SCALE: 1" = 20'

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 24, 2022

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Public Works and Transportation

Requested Motion

Motion to approve an Ordinance amending Section 20-163 subsection (b)(2), reserving the first ten (10) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus stop and layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:15 p.m. when designated by signs indicating said reservation.

Approval Recommended?

Yes

Item Details

The purpose of this amendment is to amend Section 20-163(b)(2) to reserve two (2) more parking spots on Hunter Street adding to the eight (8) already reserved for a bus layover area and allow for a bus stop using the extended sidewalk/seating area that already exists, making the stop ADA compliant and allowing for clearer waiting areas. The ending time of operation is also proposed for extension from 10:00 p.m. to 10:15 p.m. This will prohibit public parking within a row of ten (10) total spaces serving GoApex Route 1 on Monday through Saturday from 5:30 a.m. to 10:15 p.m.

Attachments

- Ordinance No. 2022-_____
- Map of bus route and layover area/bus stop

TOWN OF APEX, NORTH CAROLINA
ORDINANCE NO. 2022-____

AN ORDINANCE AMENDING SECTION 20-163 "RESERVED PARKING ZONES" OF THE CODE OF ORDINANCES OF THE TOWN OF APEX

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

Section 1. That Section 20-163(b)(2) of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions shown by underlined text:

Sec. 20-163. – Reserved parking zones.

(b) For the purpose of this section the following areas are designated as "reserved parking":

(2) The first ~~eight (8)~~ten (10) parking spaces along the south side of Hunter Street east of Grand Central Station are reserved for use as a GoApex bus layover area and bus stop on Monday through Saturday between the hours of 5:30 a.m. and 10:~~00~~15 p.m. when designated by signs indicating said reservation.

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

Section 3. **Severability, Conflict of Laws.** If this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. **Effective Date.** This Ordinance shall be effective upon adoption.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

_____

Allen L. Coleman, CMC, NCCCC

Town Clerk

_____

Jacques K. Gilbert

Mayor

Approved As To Form:

_____

Laurie L. Hohe,
Town Attorney

GoApex Bus Layover

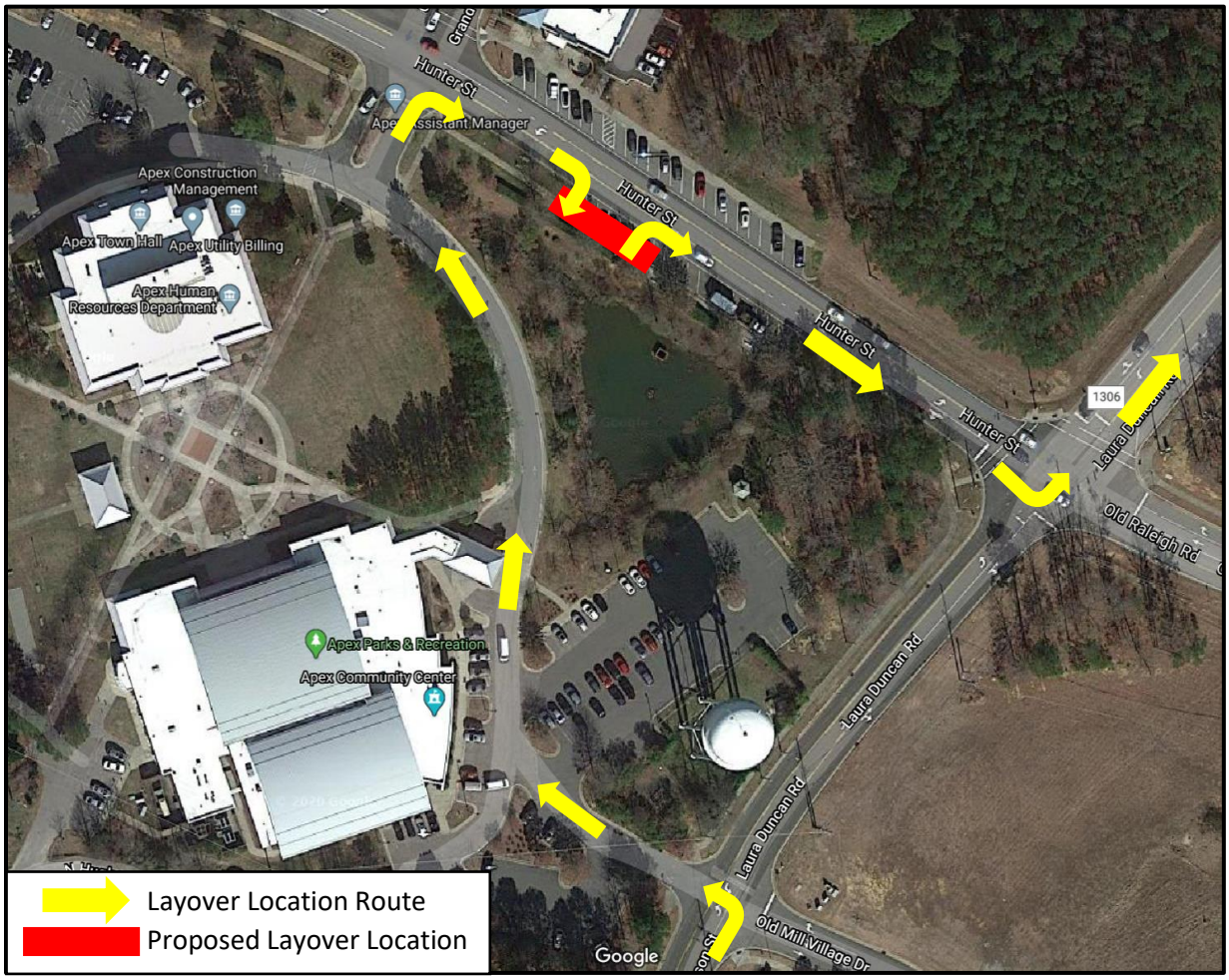

Figure 1. Proposed Bus Layover – Routing

2021: GoApex Bus Layover Area, Reserved (No Public Parking) Mon-Sat 5:30 a.m. -10:00 p.m.;

2022 proposed amendment: Add Bus Stop using 2 additional parking spaces (10 total) and extend hours to 10:15 p.m.

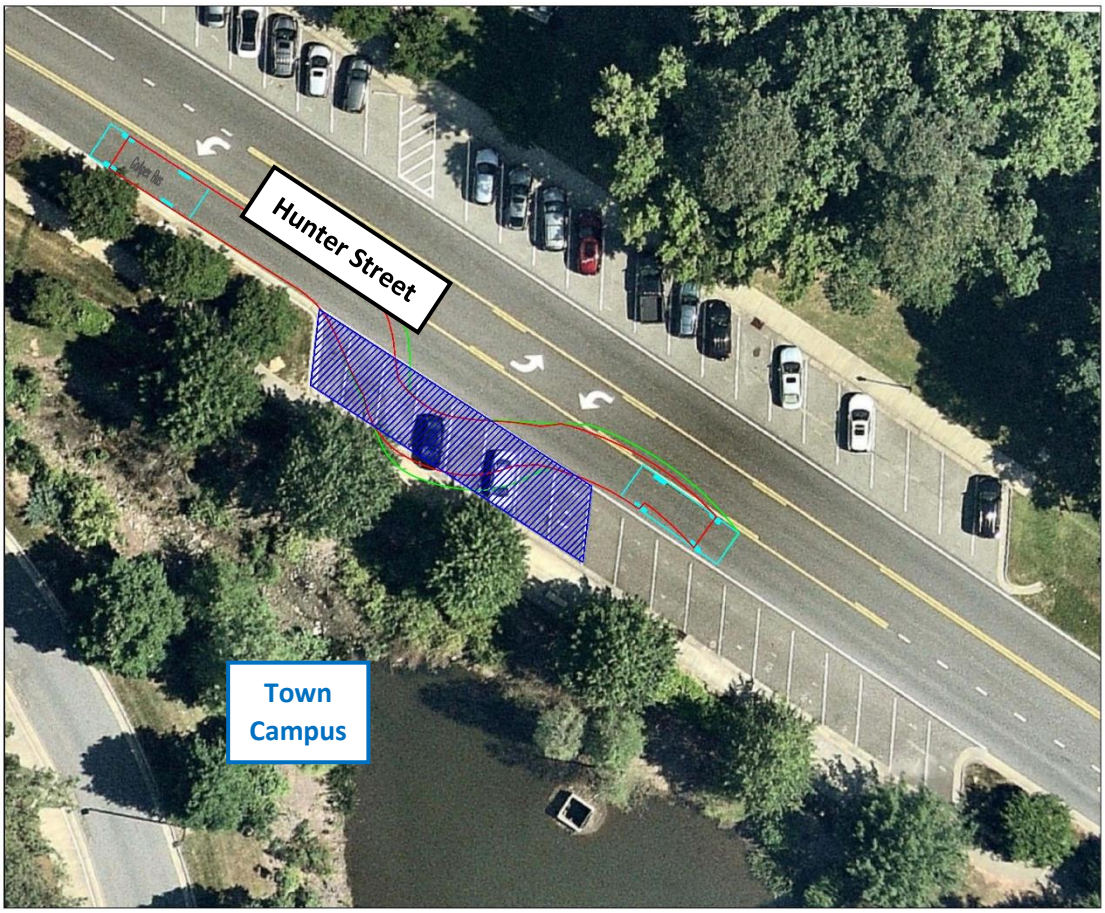

Figure 2. Proposed Bus Layover – Parking Impacts

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 24,2022

Item Details

Presenter(s): Apex MS Student Equity Team

Department: Chauncey Hatcher II, Equity Team Chair

Requested Motion

None]

Approval Recommended?

N/A

Item Details

Apex MS Student Equity Team will present to the Town Council and the community their ideas on school discipline reform.

Attachments

- None

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 24, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of Apex Latino Arts Festival Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the Apex Latino Arts Festival Proclamation and encouraging all Apex citizens, friends, and visitors to enjoy the celebration and activities.

Attachments

- Proclamation

Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

APEX LATINO ARTS FESTIVAL

WHEREAS, *The Town of Apex and its wonderful people have been granted a pleasant climate, surrounding beauty, countless opportunities, and spirited citizenry; and*

WHEREAS, *these attributes have rightfully caused this community to be known as the "PEAK OF GOOD LIVING,": and*

WHEREAS, *these attributes have also caused tremendous growth of the Town, bringing diversity and progress; and*

WHEREAS, *it is appropriate to annually celebrate the good fortune of living in this community and to do so in a way so as to create bridges through the sharing of unique and traditional Latino arts and culture; and*

WHEREAS, *the Apex community owes a debt of gratitude to all the men and women who have devoted their time and energies in making Apex a greater place in which to live;*

NOW, THEREFORE I, *Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim June 4, 2022, as the date of the Apex Latino Arts and Culinary Festival, and encourage all Apex citizens, friends, and visitors to enjoy the celebration and activities.*

IN WITNESS THEREOF*, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 24th day of May 2022.*

_____

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 24, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of Asian American And Pacific Islander Heritage Month Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the Asian American And Pacific Islander Heritage Month Proclamation and call upon all citizens to reflect on the significant contributions Asian American and Pacific Islander communities have shaped our national life.

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Attachments

- Proclamation

Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

***WHEREAS**, Asian American and Pacific Islander Heritage Month is a month to celebrate and pay tribute to the contributions of Asian/Pacific Americans to American history, society, and culture; and*

***WHEREAS**, Asian American and Pacific Islander Heritage Month originated in a congressional bill in June of 1977. On March 28, 1979, President Carter issued Presidential Proclamation 4650, proclaiming the week of May 4, 1979, as Asian/Pacific American Heritage Week; and*

***WHEREAS**, On May 1, 2009 President Obama issued Presidential Proclamation 8369 proclaiming May 2009 as Asian American and Pacific Islander Heritage Month; and*

***WHEREAS**, Asian Americans and Pacific Islanders comprise many ethnicities and languages, and their many achievements embody the American experience; and*

***WHEREAS,** Asian American and Pacific Islander men and women are leaders in all aspects of American life: government and industry, science and medicine, the arts and our Armed Forces, education and sports; and*

***WHEREAS**, the residents, businesses, and government institutions of the Town of Apex, North Carolina are firmly committed to celebrating and promoting diversity, inclusion, and cultural traditions of our Town's communities; and*

***NOW, THEREFORE,** I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby recognize May as Asian American and Pacific Islander Heritage Month in the Town of Apex and call upon all citizens to reflect on the significant contributions Asian American and Pacific Islander communities have shaped our national life.*

***IN WITNESS THEREOF**, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 24th day of May 2022.*

_____

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 24, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of Juneteenth Day Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the Juneteenth Day Proclamation and on Saturday, June 18th, 2022, the Town of Apex will observe and mark this important historical event and encourage all of Apex to celebrate this important event that promotes equity, respect, and understanding between people of all backgrounds and cultures..

Attachments

- Proclamation

Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

JUNETEENTH

WHEREAS, *our country is made up of people from every nation, who are declared equal not only in freedom, but also in justice, both of which are essential for health human civilization; and*

WHEREAS, *our nation was conceived on July 4th, 1776 with the Declaration of Independence, the classic statement being: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness;" and*

WHEREAS, *using his war powers as President, Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as enslaved within any State or designated part of a State "shall be then, thenceforward, and forever free," and*

WHEREAS, *Juneteenth, also known as Freedom Day, is a worldwide celebration which commemorates the end of slavery in the United States of America; and*

WHEREAS*, on June 19th, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, to enforce the Emancipation Proclamation – signed by President Lincoln over two and a half years prior on September 22, 1862 – and to free all remaining enslaved people in the state of Texas; and*

WHEREAS*, initially a regional celebration popular in Texas and neighboring states brought remaining family members together who had resettled after June 19th, 1865, Juneteenth grew to become a national event during which African American communities gathered to share in the spirit of the day featuring outdoor activities, food, and prayer services; and*

WHEREAS*, Juneteenth celebrations declined in the early 20th century, the result of educational focus which emphasized the Emancipation Proclamation, shifts in the workforce due to the Great Depression, and the popularity of the July 4th holiday; and*

WHEREAS, *the Civil Rights Movement spurred a resurgence of Juneteenth, leading to the state of Texas declaring it an official state holiday in 1980, and continued to grow as an important national and local celebration of African American freedom, culture, and achievement; and*

WHEREAS*, the residents, businesses, and government institutions of the Town of Apex, North Carolina are firmly committed to celebrating and promoting diversity, inclusion, and cultural traditions of our Town's communities; and*

WHEREAS, *since June 2020 the Town of Apex has declared Juneteenth as an official Town holiday and day of observance; and*

WHEREAS, *on Saturday, June 18th, 2022, the Town of Apex will observe and mark this important historical event and encourage all of Apex to celebrate this important event that promotes equity, respect, and understanding between people of all backgrounds and cultures.*

IN WITNESS THEREOF*, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 24th day of May 2022.*

_____

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 24, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation Of National Gun Violence Awareness Day Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the National Gun Violence Awareness Day Proclamation and encouraging all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Attachments

- Proclamation

Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

NATIONAL GUN VIOLENCE AWARENESS DAY

***WHEREAS**, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 - gun homicides every year; and*

***WHEREAS,** Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and*

***WHEREAS,** North Carolina has an average of 1,388 - gun deaths every year, with a rate of 13.3 deaths per 100,000 people. North Carolina has the 23rd highest rate of gun deaths in the US; and*

***WHEREAS,** cities across the nation, including in Apex, are working to end the senseless violence with evidence-based solutions; and*

***WHEREAS,** protecting public safety in the communities they serve is mayors' highest responsibility; and*

***WHEREAS,** gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;*

***WHEREAS**, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 3, 2022 to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to - (1) Hadiya Pendleton and other victims of gun violence; and (2) the loved ones of those victims*

***NOW, THEREFORE, I, JACQUES GILBERT, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM** that the first Friday in June, June 3, 2022, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.*

***IN WITNESS THEREOF**, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 24th day of May 2022.*

_____

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 24, 2022

Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Town Council to receive an update on the Vision Zero traffic safety program from staff summarizing public outreach, advertising an upcoming public event scheduled June 25th, and preparing for release of the Draft Action Plan.

Approval Recommended?

NA

Item Details

Staff will provide a presentation concerning the Vision Zero program including a schedule update, a summary of public input in response to the survey conducted in January-February, identified program goals, and upcoming public event June 25th.

Attachments

- Presentation slides

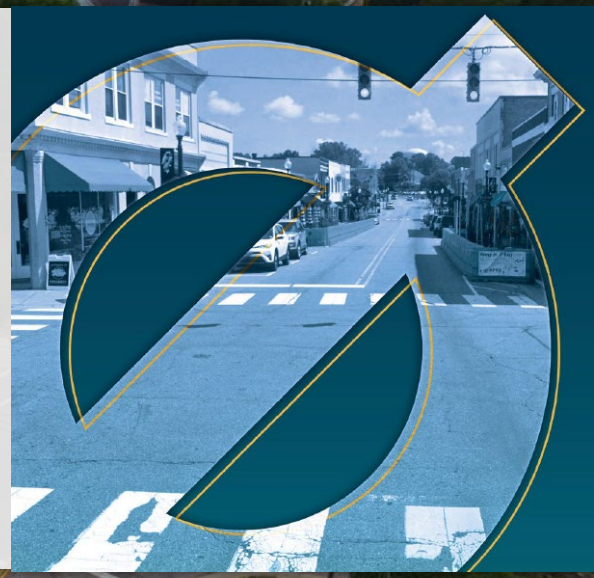


APEX
NORTH CAROLINA

Vision Zero Apex

Town Council Update

May 24, 2022



Topics

- Task Force & Steering Committee Members
- Schedule
- Input from Public Outreach
- Program Goals Defined
- “Safety Town” Event

Task Force

Traffic

- **Russell Dalton, PE,** Traffic Engineering Manager
- **Serge Grebenschikov, PE,** Traffic Engineer

Planning

- **Shannon Cox, AICP,** Long Range Planning Manager
- **Jenna Shouse, AICP,** Senior Long Range Planner

Police

- **Sgt. Matthew Kutcher**, Traffic Safety Unit Supervisor
- **Jennifer Conley**, Crime Analyst

Communications

- **Stacie Galloway**, Communications Manager

Consulting Planner drafting the Action Plan:

- **Erin Musiol, AICP,** Planner, RS&H

Steering Committee

- **Jennifer Delcourt, MPH**, Safe Routes to School Coordinator, Wake County Government
- **Elyse Keefe, MSW, MPH**, Road Safety Project Coordinator, UNC Injury Prevention Research Center
- **Chris Lukasina**, Executive Director, Capital Area Metropolitan Planning Organization
- **Rachel Pohlman, MPH, RD, LDN**, Nutrition Director, Poe Center for Public Health
- **Bonnie Sluder**, Director; Central Operations, Logistics and Systems for Wake County Public School System
- **Richard Beaver**, Apex Resident
- **Karen Delventhal**, Apex Resident
- **Matt Carusona**, Apex Parks, Recreation and Cultural Resources Advisory Commission
- **Shannon Flaherty**, President, Apex Chamber of Commerce
- **Terry Mahaffey**, Apex Town Council
- **Tina Sherman**, Apex Planning Board

Schedule


September 2021
Project Kick-off
September 2021
Data Collection & Analysis
October 2021
Plan & Policy Review
January 2022
Public Workshop #1
April 2022
Goal Setting & Actionable Strategy Identification
May 2022
Draft Action Plan & Council Update
June 2022
Public Workshop #2
"Safety Town"
September 2022
Final Plan & Public Hearings

Public Outreach Opportunities

- Online January 19th - February 28th
- In-person Workshop @ Apex Senior Center January 26th
- Pop-up events:
  - Eva Perry Library - February 9th
  - Hope Community Church - February 15th
  - Senior Center - February 22nd
  - Community Center- February 25th
- Survey Participants: 275
- Additional pop-up event at The Hub on April 27th to address lack of public-identified issues south of US 1

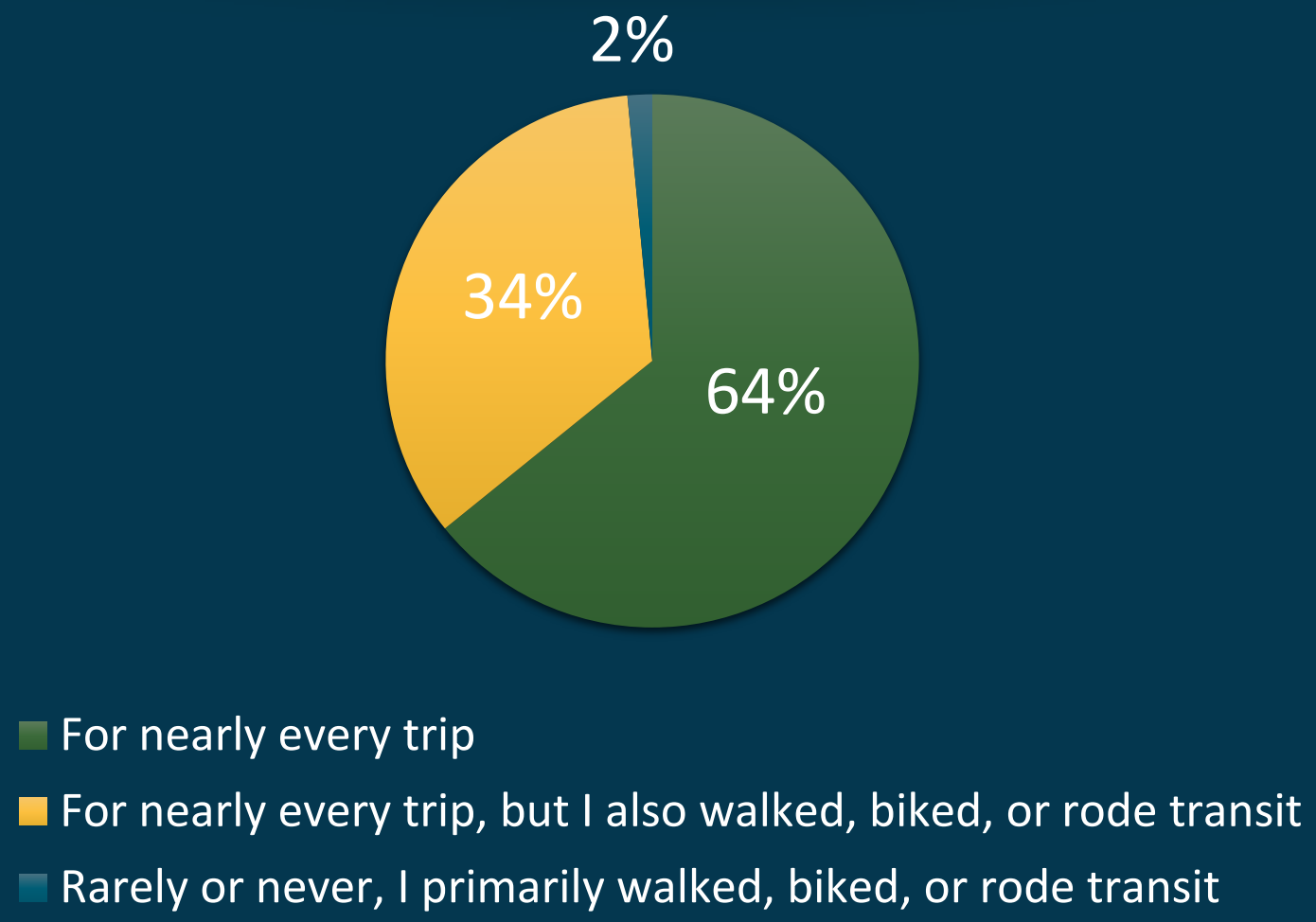
Summary of Public Survey Comments



Vision Zero

Vision Zero Apex is a comprehensive and holistic approach to achieving the goal of zero fatalities on Apex roadways. Vision Zero started in Sweden in the 1990s. It has been adopted by many countries around the world and cities within th es. North Carolina adopted the Vision Zero program in 2015, and launched NC Vision Zero as a resource for municipalities.

Question 1: Car Usage in the Past Month



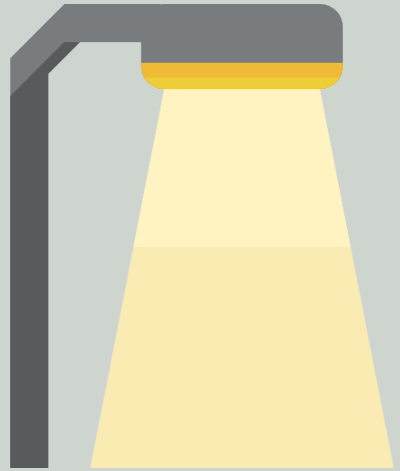
Question 2: Transportation-Related Safety Issues in Apex

High Priorities

1. Unsafe Driver Behavior	2. Lack of Sidewalk Connections	3. Speeding	4. Unsafe Intersections
			

Question 2: Transportation-Related Safety Issues in Apex

Medium Priorities

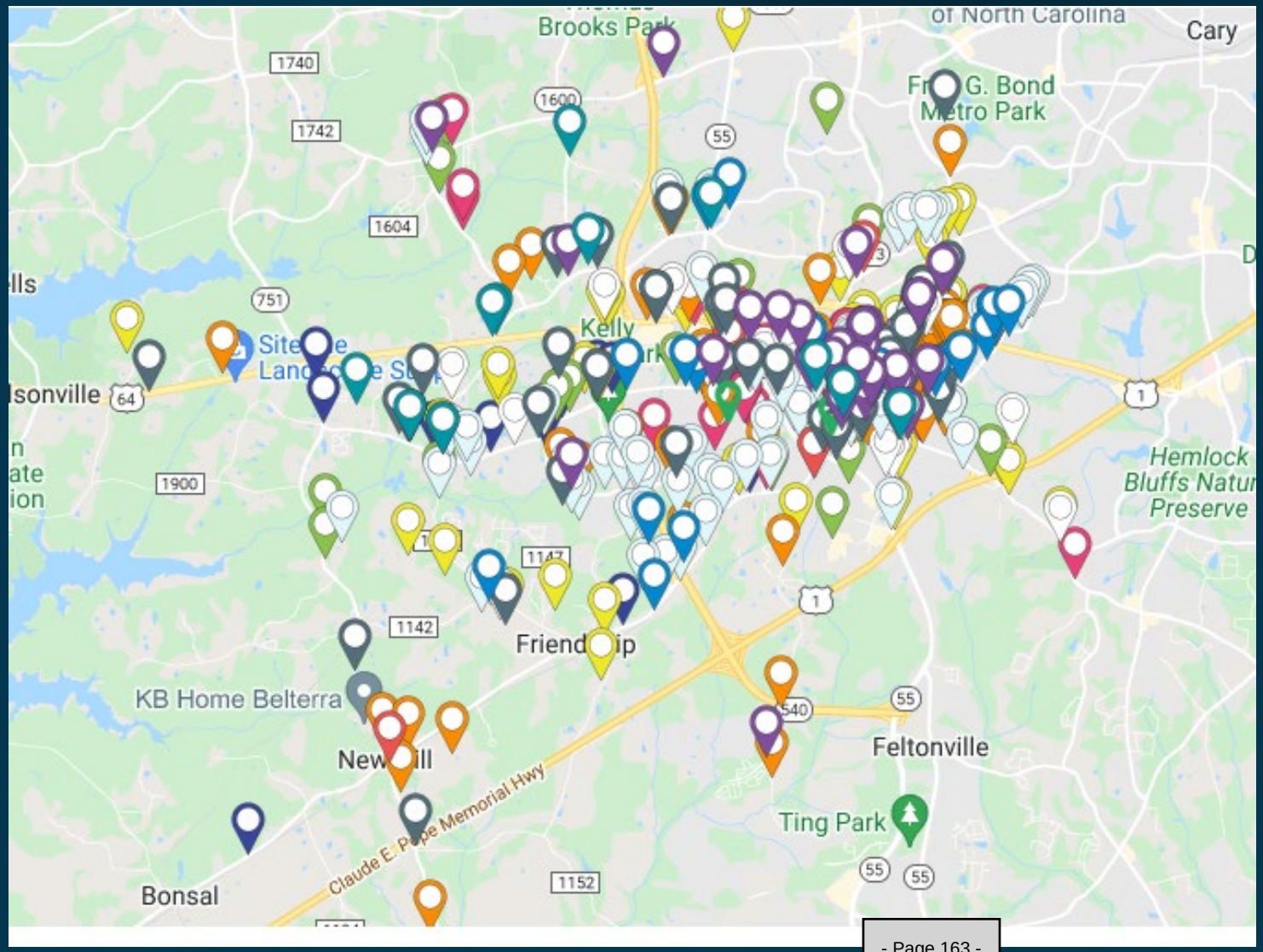
1. Lighting / Nighttime Visibility	2. Crossing the Street as a Pedestrian	3. Lack of Crosswalks	4. Unsafe Cyclist Behavior
			

Question 2: Transportation-Related Safety Issues in Apex

Additional Comments:

- Specific unsafe driver behaviors not listed in the question:
  - Distracted driving
  - Running red lights
  - Aggressive driving
  - Lack of indicator usage
  - Tailgating
- Plus:
  - Lack of driver education
  - Lack of traffic law enforcement
  - Traffic signal timing
  - Lack of public transit
  - Lack of traffic signals
  - Posted speed limit in neighborhoods is too high
  - Sidewalk gaps to schools

Question 3: Where have you observed transportation safety concerns in Apex?



Map Pins

- Speeding
- Crossing railroad
- Lack of bicycle lane
- Lack of crosswalk
- Unsafe driver behavior
- Lack of sidewalk connection
- Unsafe intersections
- Crossing the street as a pedestrian
- Lighting - Nighttime Visibility
- Unsafe cyclist behavior
- Crossing the street as a cyclist
- Something else
- Unsafe pedestrian behavior

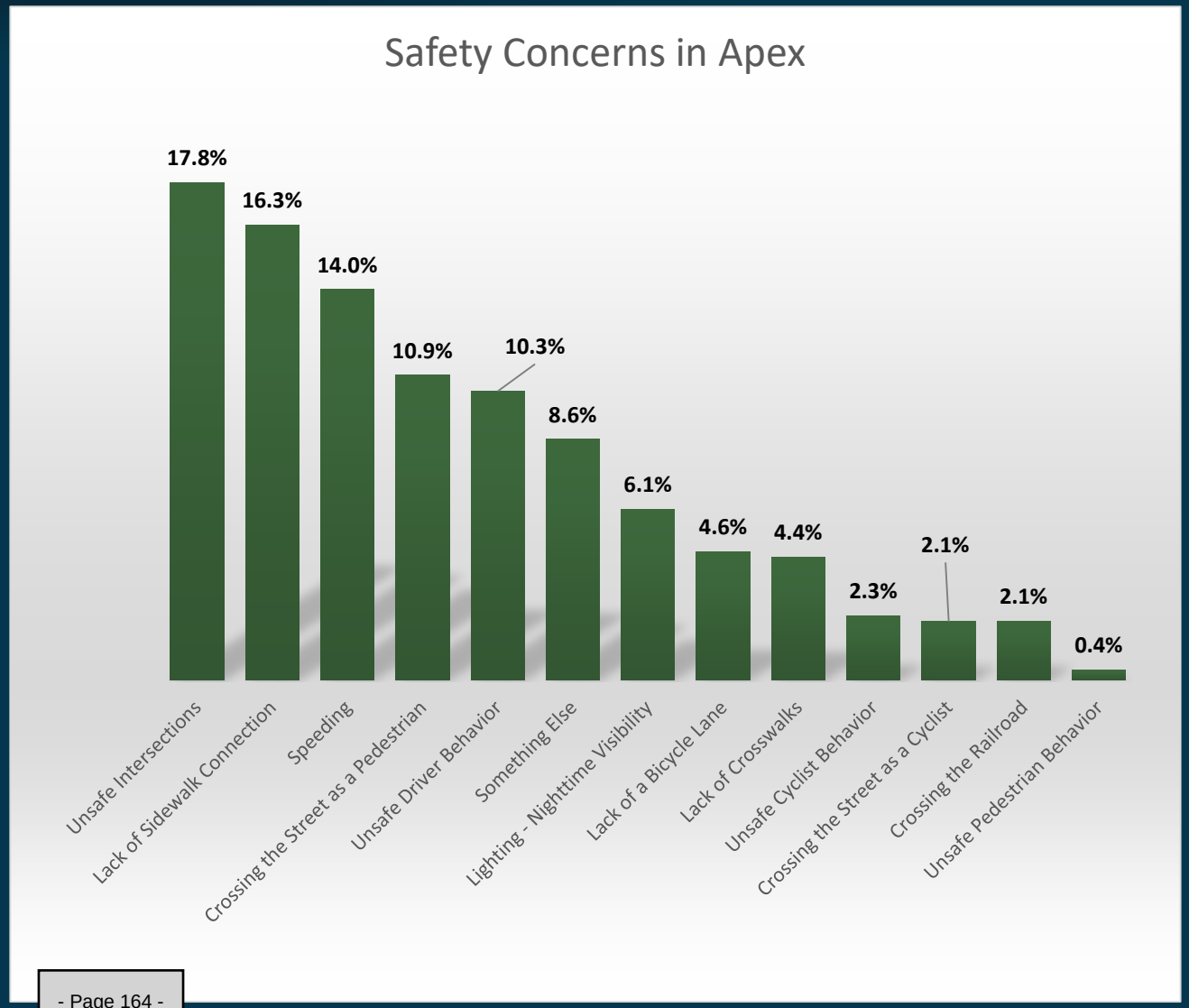
Question 3: Where have you observed transportation safety concerns in Apex?

Map Identified 522 locations with transportation safety concerns.

The Top 5 are:

1. Unsafe Intersections
2. Lack of Sidewalk Connections
3. Speeding
4. Crossing the Street as a Pedestrian
5. Unsafe Driver Behavior

69% of all mapped concerns



Question 3: Where have you observed transportation safety concerns in Apex?

Four Main Themes of Concern in Mapping Exercise

What People Feel Unsafe about (47%)

Unsafe Intersections	93	38.0%
Speeding	73	29.8%
Crossing the Street as a Pedestrian	57	23.3%
Crossing the Street as a Cyclist	11	4.5%
Crossing the Railroad	11	4.5%

Infrastructure Needs (31%)

Lack of Sidewalk Connection	85	51.8%
Lighting - Nighttime Visibility	32	19.5%
Lack of a Bicycle Lane	24	14.6%
Lack of Crosswalks	23	14.0%

Unsafe Behaviors (13%)

Unsafe Driver Behavior	54	79.4%
Unsafe Cyclist Behavior	12	17.6%
Unsafe Pedestrian Behavior	2	2.9%

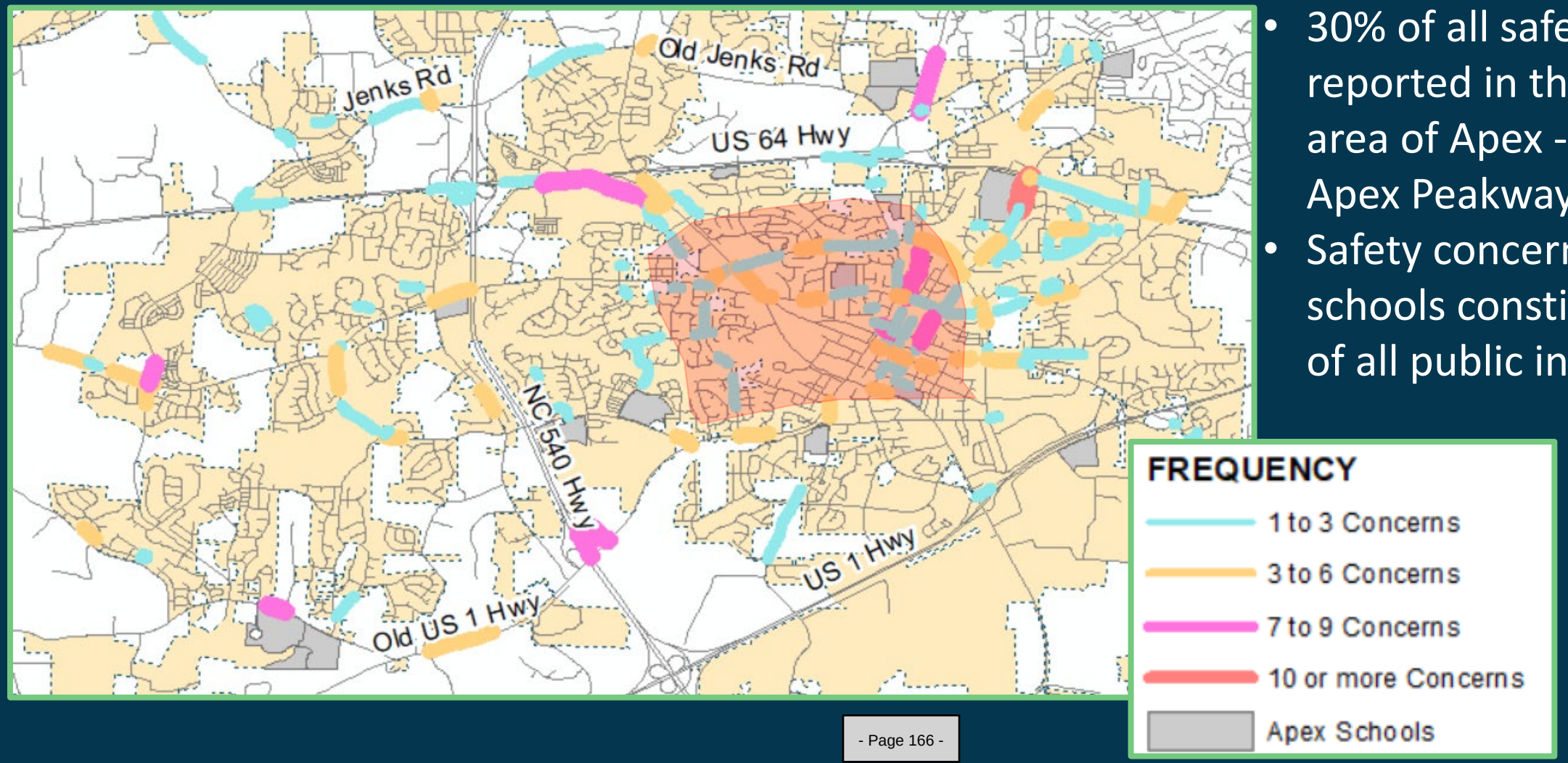
Something Else (9%)

Overhead signal signage

New Traffic Signals

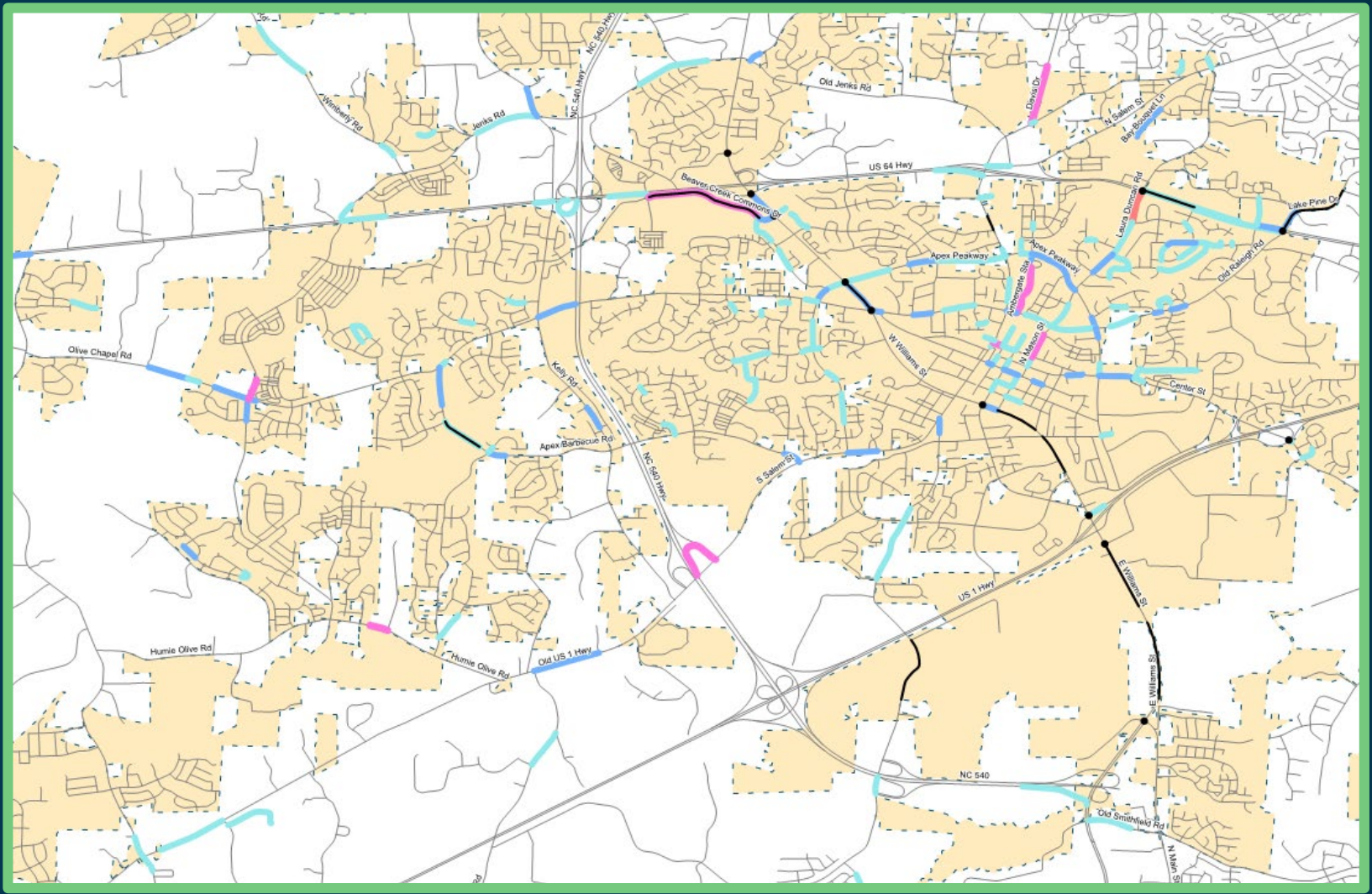
“Bad” Signal Timing

Question 3: Where have you observed transportation safety concerns in Apex?



- 30% of all safety concerns reported in the “urban” area of Apex - within Apex Peakway
- Safety concerns around schools constituted 15% of all public input

Question 3: Where have you observed transportation safety concerns in Apex?



Legend

- Top 12 Crash Severity Signals
- Top 16 Crash Severity Segments

FREQUENCY

- 1 to 3 Concerns
- 3 to 6 Concerns
- 7 to 9 Concerns
- 10 or more Concerns
- Apex Streets 2020
- Corp Limits

There is significant overlap between the high injury network and public concerns.

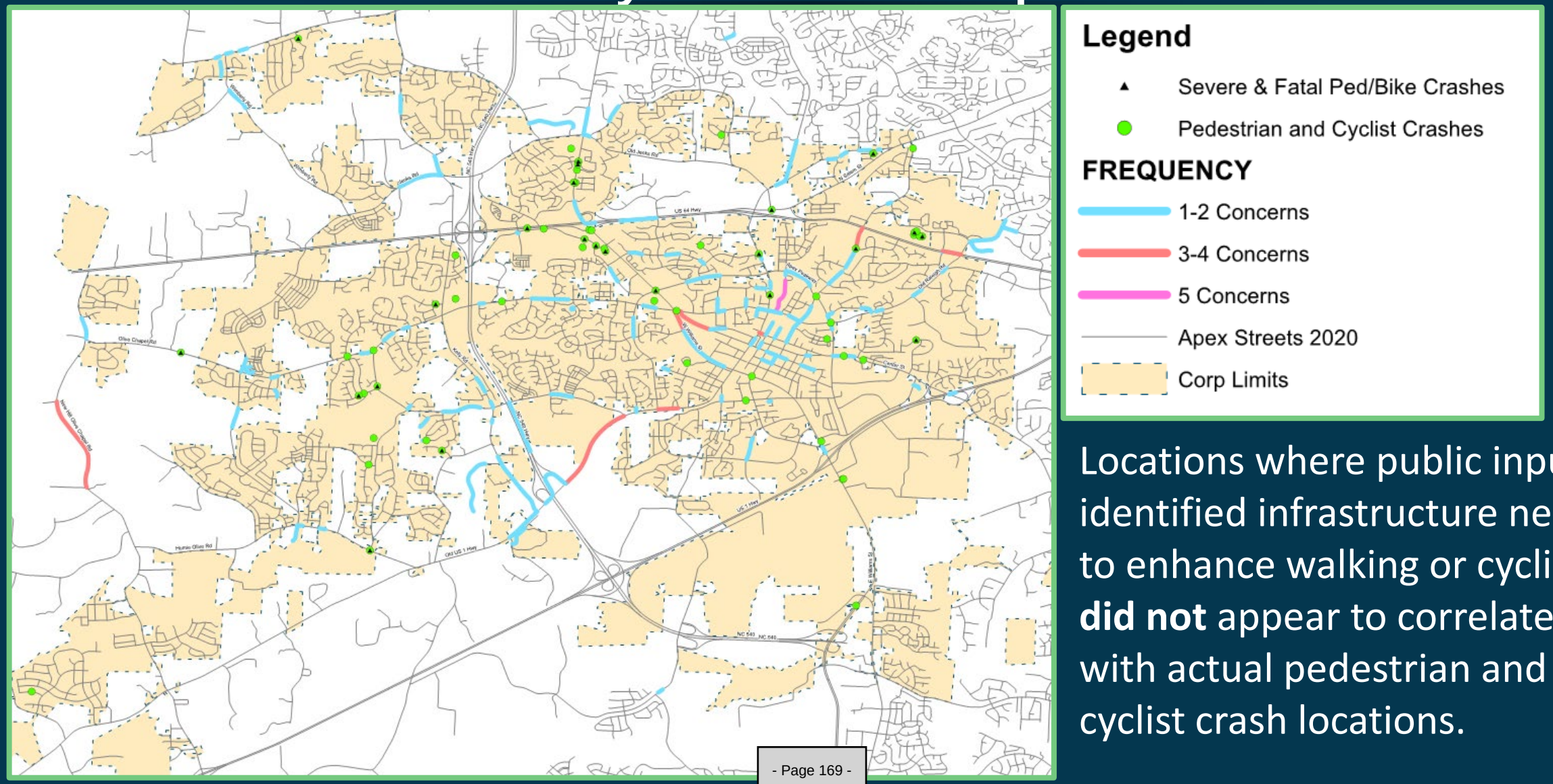
Question 3: Where have you observed transportation safety concerns in Apex?

- **9 of our Top 12 High Injury Signal Locations** were Identified by the Public as Concern Areas
- **7 of our Top 16 High Injury Roadway Segment Locations** were Identified by the Public as Concern Areas
- High Injury Locations **South of US Hwy 1** were not identified as Concerns in Public Input, but make up a high percentage of our High Injury Network

Ranking (Crash Severity)	SIGNAL	VSL Total (2016$)	Total Crashes (2015-2020)	Intersection
1	05-1270	$ 6,679,697.68	83	Lake Pine Dr at US 64
2	05-0209	$ 6,635,396.25	115	US 1 SB Off Ramp at NC 55
3	05-2332	$ 6,199,565.97	93	SR 1444 (Lufkin Rd)/US 1 at SR 1010 (Ten Ten Rd)
4	05-1770	$ 5,998,413.53	70	US 64 EB Off Ramp/US 64 EB On Ramp at NC 55
5	05-2224	$ 5,301,803.49	70	Apex Peakway at NC 55 (W Williams St)
6	05-0934	$ 4,964,394.23	92	SR 1308 (Laura Duncan Rd) at US 64
7	05-0932	$ 4,883,214.85	74	SR 1158 (S Hughes St) at NC 55 (E Williams St)
8	05-0712	$ 4,730,674.25	77	SR 1444 (Lufkin Rd) at NC 55
9	05-1999	$ 4,654,044.75	72	E Williams St/SR 1191 (Technology Dr) at NC 55
10	05-2049	$ 4,440,679.49	55	Vision Dr at NC 55
11	05-2183	$ 4,143,261.25	85	Beaver Ck Commons Dr/Pemberton Hill Rd at NC 55
12	05-0608	$ 3,848,237.67	70	SR 1160 (Olive Chapel Rd)/Hunter St at NC 55

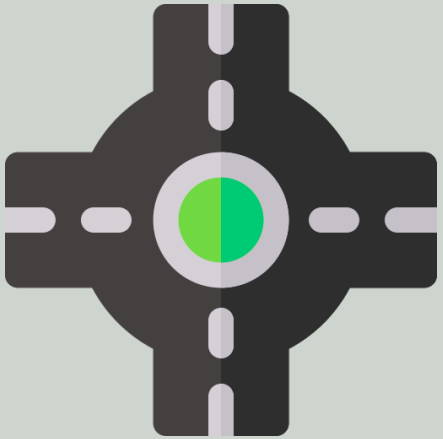
Ranking (Crash Severity)	VSL Total (2016$)	Road Name	Total Crashes (2015-2020)	Rank by Total Crashes
1	$ 10,027,688.39	N Salem St	6	116
2	$ 9,842,340.79	Veridea Parkway	4	198
3	$ 9,706,323.43	Apex Barbecue Rd	5	154
4	$ 4,146,134.85	E Williams St (NC 55)	64	1
5	$ 3,563,750.66	Lake Pine Dr	45	4
6	$ 3,335,777.90	Beaver Creek Commons Dr	56	2
7	$ 3,312,789.05	E Williams St (NC 55)	55	3
8	$ 2,904,736.96	E Williams St (NC 55)	38	7
9	$ 2,664,311.91	US Hwy 64	43	5
10	$ 2,615,460.60	Lake Pine Dr	30	14
11	$ 2,494,050.74	E Williams St (NC 55)	41	6
12	$ 2,370,006.74	W Williams St (NC 55)	37	8
13	$ 2,331,452.52	E Williams St (NC 55)	32	12
14	$ 2,214,353.07	E Williams St (NC 55)	26	18
15	$ 2,075,941.03	E Williams St (NC 55)	35	10
16	$ 2,059,417.80	E Williams St (NC 55)	31	13

Question 3: Where have you observed transportation safety concerns in Apex?



Locations where public input identified infrastructure needs to enhance walking or cycling, **did not** appear to correlate with actual pedestrian and cyclist crash locations.

Question 4: Priority Public Outreach and Education Programs

1. Speeding and Traffic Calming	2. Pedestrian / Bicycle Safety	3. Distracted Driver / Behavior Programs	4. Safe Routes to School	5. Young Driver / Passenger Safety
				

Considering the information gathered, the Steering Committee has helped the Task Force to define four (4) program goals to guide the Action Plan…

Goal 1 of 4

Promote a culture of traffic safety that prioritizes equity and inclusion

Include users of all ages and abilities in planning, designing, and operating Apex's transportation system to ensure that all residents can travel safely while increasing the use of multi-modal transportation

Goal 2 of 4

Address crashes through infrastructure investments

Apply countermeasures to improve roadway safety broadly, and focused improvements at high crash frequency and severity "hotspot" locations

Goal 3 of 4

Enhance Town policies, processes, and evaluation to incorporate Vision Zero tenets

Consider the effect of all Town decisions on walking and driving, fulfilling a vision that facilities are safely walkable whenever possible and drivable whenever necessary

Goal 4 of 4

Create and leverage partnerships to improve traffic safety and awareness

Collaborate with universities, businesses, state entities, and local communities to improve traffic safety and promote, educate, and encourage safer practices among people driving, walking, riding transit, and bicycling

“Safety Town” Format & Advertising

Format

- In-person event
  - June 25th
  - 10 a.m. - 2 p.m.
  - Apex Town Hall, parking lot and lobby
- Online
  - Draft Action Plan for review and comments on: publicinput.com/visionzero from June 24th-August 1st

Layout

- Town Hall parking lot
  - “Traffic Garden”
  - Police vehicles and activities
  - Bike Apex activities
  - Rapid Flash Beacon demonstration
  - Italian Ice vendor
- Town Hall lobby
  - Draft Action Plan
  - Public summary, crash maps and info
  - Bike Apex maps and info
  - Giveaway promotional items

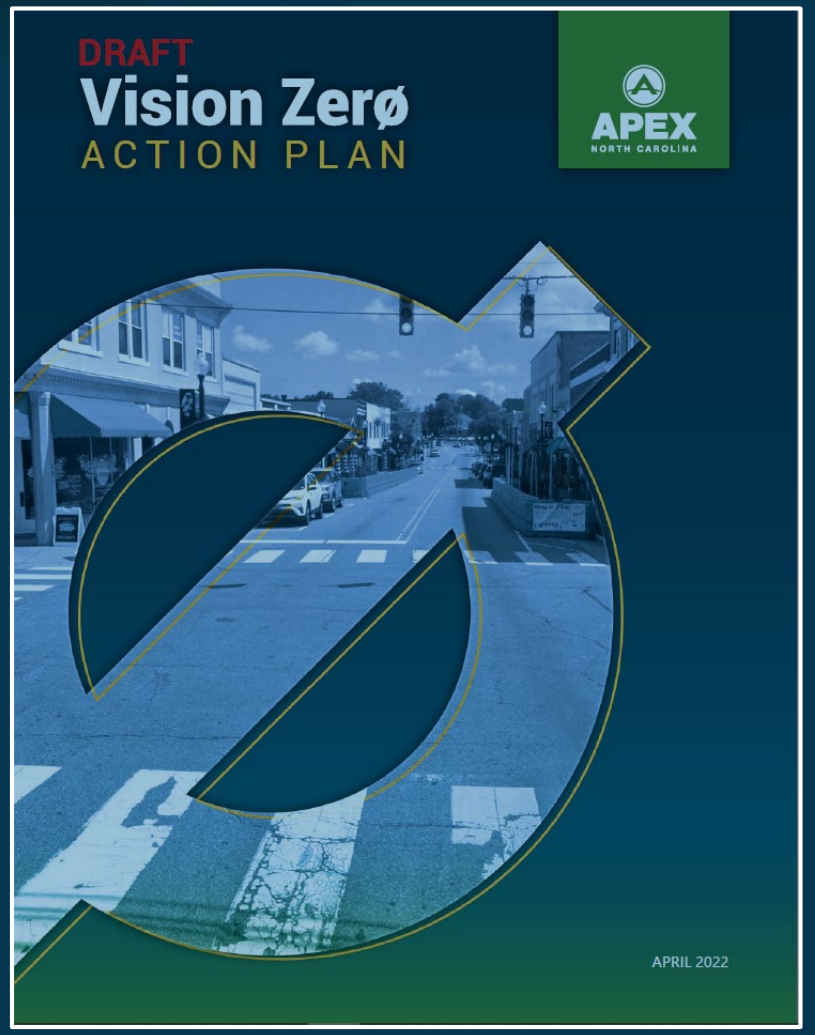
Promotion

- Utility bill mailer insert & eBill May 15th & June 1st
- Town website – home page and calendar
- Social Media (Facebook, Instagram, Nextdoor, Twitter)
- Advertising postcards available at Town facilities; printed Draft Action Plan available on demand for viewing
- Ground signs & message boards for week of event

Next Steps

- Come visit us at “Safety Town”, June 25th, 10 a.m. until 2 p.m. at Apex Town Hall parking lot & lobby
- Provide input on the Draft Action Plan (June-July comment period)

Thank you for supporting Vision Zero!



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 24,2022

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

Requested Motion

Public Hearing to receive citizen input on the Fiscal Year 2022-2023 Annual Budget including proposed economic development expenditures

Approval Recommended?

N/A

Item Details

The proposed Budget is summarized as follows:

General Fund	90,009,300
Electric Fund	47,666,000
Water/Sewer Fund	26,664,100
Other/Special Funds	11,459,600
TOTAL	$175,799,000

The proposed Budget as presented includes an increase of $.009 in the ad valorem tax rate to $0.399 per $100 valuation. There are proposed changes to the electric, water, sewer and solid waste rates.

Included in the Annual Budget will be information regarding the appropriation of funds for economic development purposes designed to increase employment opportunities and add value to the tax base for the Town of Apex through industry recruitment, retention, and other support activities. Pursuant to NCGS 158-7.1, notice is hereby given that said information will be a part of the Annual Budget Public Hearing of the Apex Town Council for the purpose of soliciting comments relative to the following monetary appropriations for economic development purposes:

Economic Development:	
Personnel Salaries, Expenses and Benefits:	$462,100
Operations, Training, Supplies and Equipment:	$101,700
Professional Services - Potential site development:	$32,000
Economic Incentives	$35,000
Co-Working Space (lease and utility charges):	$18,600
Special Programs – Initiative to promote local spending & awareness:	$10,000
TOTAL	$659,400

Attachments

- None

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 24, 2022

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Vicinity Map
- Annexation Map
- Zoning Map
- Jurisdictional Map
- Annexation Petition

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. 2022-0510-14
ANNEXATION PETITION NO. #732
7825 and 7809 Jenks Road

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 May 24, 2022, 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" 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 May 24, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Map for the Town of Apex (Property of Peak 360, LLC.), dated July 1, 2021" and recorded in Book of Maps book number 2022 and page number _____, Wake County Registry.

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

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

Adopted this the 24th day of May, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Julie Reid
Interim Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

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

BEGINNING at a point in Jenks Road ~ NCSR 1601 located South 35° 40′ 22″ West, 243.00 feet from an existing magnetic nail bearing NAD 83 (2011) coordinate values of North 728,541.24 feet, East 2,028,349.61 feet; thence North 37° 46′ 26″ East, 599.31 feet to a point; thence a curve to the right North 39° 16′ 16″ East, 172.37 feet (chord), 2049.68 feet (radius) to a point; thence South 72° 26′ 51″ East, 31.40 feet to a point; thence North 45° 37′ 11″ East, 104.34 feet to a point; thence North 51° 57′ 03″ East, 100.00 feet to a point; thence North 55° 24′ 06″ East, 29.65 feet to a point; thence North 56° 12′ 59″ East, 70.70 feet to a point; thence North 56° 53′ 59″ East, 48.21 feet to a point; thence South 01° 16′ 59″ East, 282.39 feet to an existing iron pipe; thence South 05° 10′ 50″ West, 104.78 feet to an existing iron pipe; thence South 00° 39′ 24″ East, 145.43 feet to an

existing iron pipe; thence South 08° 15′ 14″ East, 111.50 feet to an existing iron pipe; thence South 89° 18′ 30″ West, 193.79 feet to a point 2.0 feet North of a twin hickory; thence South 01° 31′ 39″ West, 168.50 feet to an existing concrete monument; thence South 89° 21′ 31″ West, 603.37 feet to a point; thence North 37° 46′ 26″ East, 6.58 feet to the BEGINNING, containing 7.6631 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Peak 360, LLC", dated July 1, 2021.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Julie Reid, Interim Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No2022-0510-14, adopted at a meeting of the Town Council, on the 24th day of May, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 24th day of May, 2022.

_____

Julie Reid
Interim Town Clerk

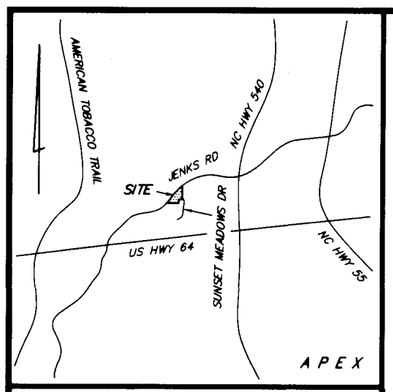
(SEAL)

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

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

BEGINNING at a point in Jenks Road ~ NCSR 1601 located South 35° 40' 22" West, 243.00 feet from an existing magnetic nail bearing NAD 83 (2011) coordinate values of North 728,541.24 feet, East 2,028,349.61 feet; thence North 37° 46' 26" East, 599.31 feet to a point; thence a curve to the right North 39° 16' 16" East, 172.37 feet (chord), 2049.68 feet (radius) to a point; thence South 72° 26' 51" East, 31.40 feet to a point; thence North 45° 37' 11" East, 104.34 feet to a point; thence North 51° 57' 03" East, 100.00 feet to a point; thence North 55° 24' 06" East, 29.65 feet to a point; thence North 56° 12' 59" East, 70.70 feet to a point; thence North 56° 53' 59" East, 48.21 feet to a point; thence South 01° 16' 59" East, 282.39 feet to an existing iron pipe; thence South 05° 10' 50" West, 104.78 feet to an existing iron pipe; thence South 00° 39' 24" East, 145.43 feet to an existing iron pipe; thence South 08° 15' 14" East, 111.50 feet to an existing iron pipe; thence South 89° 18' 30" West, 193.79 feet to a point 2.0 feet North of a twin hickory; thence South 01° 31' 39" West, 168.50 feet to an existing concrete monument; thence South 89° 21' 31" West, 603.37 feet to a point; thence North 37° 46' 26" East, 6.58 feet to the BEGINNING, containing 7.6631 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Peak 360, LLC", dated July 1, 2021.

This description prepared for the sole purpose to annex a municipal boundary and for no other use.



VICINITY MAP (NOT TO SCALE)

I, STALEY C. SMITH , CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:
DEED BOOK 18651, PAGE 2617
DEED BOOK 18651, PAGE 2619
BOOK OF MAPS 1995, PAGE 1098
BOOK OF MAPS 1980, PAGE 196
THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: 274,186 AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)

I, STALEY C. SMITH , CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:
Class of survey A
Positional Accuracy < 0.10' AT 95% CONFIDENCE LEVEL
Type of GPS field procedure: NCRTN/VRS
Dates of survey 6-22-2021
Datum/Epoch: NAD 83 (2011) / 2010.00
Published/Fixed-control use: NCGS BASE STATION "NCJL" (PID DL3891)
Geoid model: 2018
GPS/GNSS Scale Point: N= 728,541.24 E= 2,028,349.61
Combined grid factor(s): 0.99991750
Units: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 29TH DAY OF APRIL, A.D., 2022.

NORTH CAROLINA PROFESSIONAL SEAL L-3766 LAND SURVEYOR STALEY C. SMITH

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

Legend
EIP – ● – Existing Iron Pipe
EMN – ● – Existing Magnetic Nail
ECM – ■ – Existing Concrete Monument
– + – Monument Not Found Or Set
– Guy Anchor
TOA – Town of Apex
R/W – Right Of Way
PID – Permanent Identifier
NCSR – North Carolina Secondary Road
NCGS – North Carolina Geodetic Survey
GPS – Global Positioning System
NCRTN – North Carolina Real-Time Network
NAD 83 (2011) – NORTH AMERICAN DATUM 1983 (2011)
VRS – Virtual Reference Server
CORS – Continuously Operating Reference System
CP&L – Carolina Power & Light Company
℄ – Property Line

Surveyed Line
Surveyed Line
Line (not surveyed)
Approximate Right Of Way Line (not surveyed)
Existing Buffer/Easement (not surveyed)
Existing Corporate Limit Line

N.C. GRID NORTH NAD 83 (2011)

TOWN OF APEX CORPORATE LIMIT
IN
OUT
MAYNARD, ET UX.
D.B. 16592, PG. 1267
EURA ELIZABETH TUNSTALL
D.B. 18063, PG. 16
B.M. 1973, PG. 180
ANNEXATION# 714
B.M. 2021, PG. 1505
TOA WATER & ELECTRIC EASEMENT D.B. 16021, PG. 647
TIE ONLY 69.33' S 57°10'15" W
TIE ONLY 38.14' N 73°16'35" W
EIP
UTILITY POLE TOA#306579
48.21' N 56°53'59" E
35.27'
OVERHEAD UTILITY
OLD IVEY RD ~ NCSR 1782
PUBLIC R/W
"McQUEENS DR"
TIE ONLY 76.90' S 55°41'06" W
70.70' N 58°12'59" E
APEX PROPERTIES & RENTALS LLC
D.B. 8545, PG. 2069
B.M. 1984, PG. 1520
ANNEXATION# 714
B.M. 2021, PG. 1505
29.65' N 55°24'06" E
UTILITY POLE TOA#306580
UTILITY POLE OP BL#894K
SEE D.B. 6402 PG. 648
100.00' N 51°57'03" E
104.34' N 45°37'11" E
TOA WATER & ELECTRIC EASEMENT D.B. 16058, PG. 18
S 72°26'51" E 31.40'
282.39' TOTAL S 01°16'59" E
247.12'
15' TOA PUBLIC OVERHEAD ELECTRIC EASEMENT
15' TOA PUBLIC ACCESS & MAINTENANCE EASEMENT B.M. 2017, PG. 183
N 39°16'16" E CH=172.37' R=2049.68'
THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION, INC.
D.B. 17584, PG. 2495
B.M. 2017, PG. 183
ANNEXATION# 527
B.M. 2015, PG. 216
UTILITY POLE TOA#306581
UTILITY POLE CP&L#892K
UTILITY POLE CP&L#893K
UTILITY POLE CP&L#313AK
UTILITY POLE CP&L#878857
UTILITY POLE DUKE#18PM81
UTILITY POLE CP&L#337.3K
TOWN OF APEX CORPORATE LIMIT
SUNSET MEADOWS DR
NCSR 3110
PUBLIC R/W
N 03°03'50" E 182.40'
D.B. 6613, PG. 569
S 00°39'24" E 145.43'
S 08°15'14" E 111.50'
EIP
JENKS ROAD ~ NCSR 1601
PUBLIC R/W
WHITE OAK GROVE WAY
PUBLIC R/W
B.M. 2017, PG. 183
EMN – CONTROL
N.C. GRID COORDINATE
NAD 83 (2011)
N= 728,541.24
E= 2,028,349.61
U.S. SURVEY FEET
599.31' N 37°46'26" E 605.89' TOTAL
TIE ONLY 197.86' N 46°28'44" E
TIE ONLY 61.19' N 01°35'22" W
6.58'
81.87'
129.71'
50.03'
125.08'
216.68'
S 89°21'31" W 603.37' TOTAL
20' TYPE "A" BUFFER B.M. 2020, PG. 802
45' TYPE "E" BUFFER B.M. 2020, PG. 802
20' TYPE "A" BUFFER B.M. 2020, PG. 802
0.14' SOUTH OF ℄
ANNEXATION# 722
B.M. 2022, PG. 264
TAYLOR MORRISON OF CAROLINAS, INC.
D.B. 17400, PG. 1859
B.M. 2020, PG. 802
HAYBECK LANE
PUBLIC R/W
B.M. 2020, PG. 802
ANNEXATION# 612
B.M. 2017, PG. 2599
TAYLOR MORRISON OF CAROLINAS, INC.
D.B. 17400, PG. 1859
B.M. 2020, PG. 802
20' TYPE "A" BUFFER B.M. 2020, PG. 802
TOWN OF APEX CORPORATE LIMIT
MARK L. MEECH, ET UX.
D.B. 6725, PG. 522
B.M. 1995, PG. 1604
20' BUILDING SETBACK LINE B.M. 1995, PG. 1604
TIE ONLY 21.04' S 00°33'52" W
FLOW
ECM
20' BUILDING SETBACK LINE B.M. 1995, PG. 202
20' DRAINAGE EASEMENT B.M. 1995, PG. 202
60' DRAINEWAY BUFFER B.M. 1995, PG. 202
POINT 2.0' NORTH OF TWIN HICKORY
27" HICKORY
S 89°18'30" W 193.79'
S 01°31'39" W 168.50'
(5) (5A)
REDER, ET UX.
D.B. 16474, PG. 1826
B.M. 1995, PG. 1098
OVERHEAD UTILITY

DEED BOOK 18651, PAGE 2617
BOOK OF MAPS 1995, PAGE 1098
PIN 0722-88-8770
7809 JENKS RD

DEED BOOK 18651, PAGE 2619
BOOK OF MAPS 1980, PAGE 196
PIN 0722-88-6419
7825 JENKS RD

7.6631 ACRES ANNEXED
THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.

NOTES:
1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
3. THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FEET GROUND MEASUREMENTS.
5. AREA DETERMINED USING COORDINATE GEOMETRY METHOD.
6. CURRENT ZONE: B1 – CZ (NEIGHBORHOOD BUSINESS – CONDITIONAL ZONING)
7. THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.
8. THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(j).
9. IMPROVEMENTS NOT SHOWN HEREON.
10. SITE ADDRESS: 7825 JENKS RD APEX, NC 27523 AND 7809 JENKS RD APEX, NC 27523

ANNEXATION #_____

I, _____, Apex, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, 2022, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2022.

_____, Town Clerk

0 25 50 100
U.S. SURVEY FEET
1 inch = 50 ft.

LISTED OWNER
(NOT A TITLE VERIFICATION)
PEAK 360, LLC
7709 GREEN LEVEL CHURCH RD
APEX, NC 27523

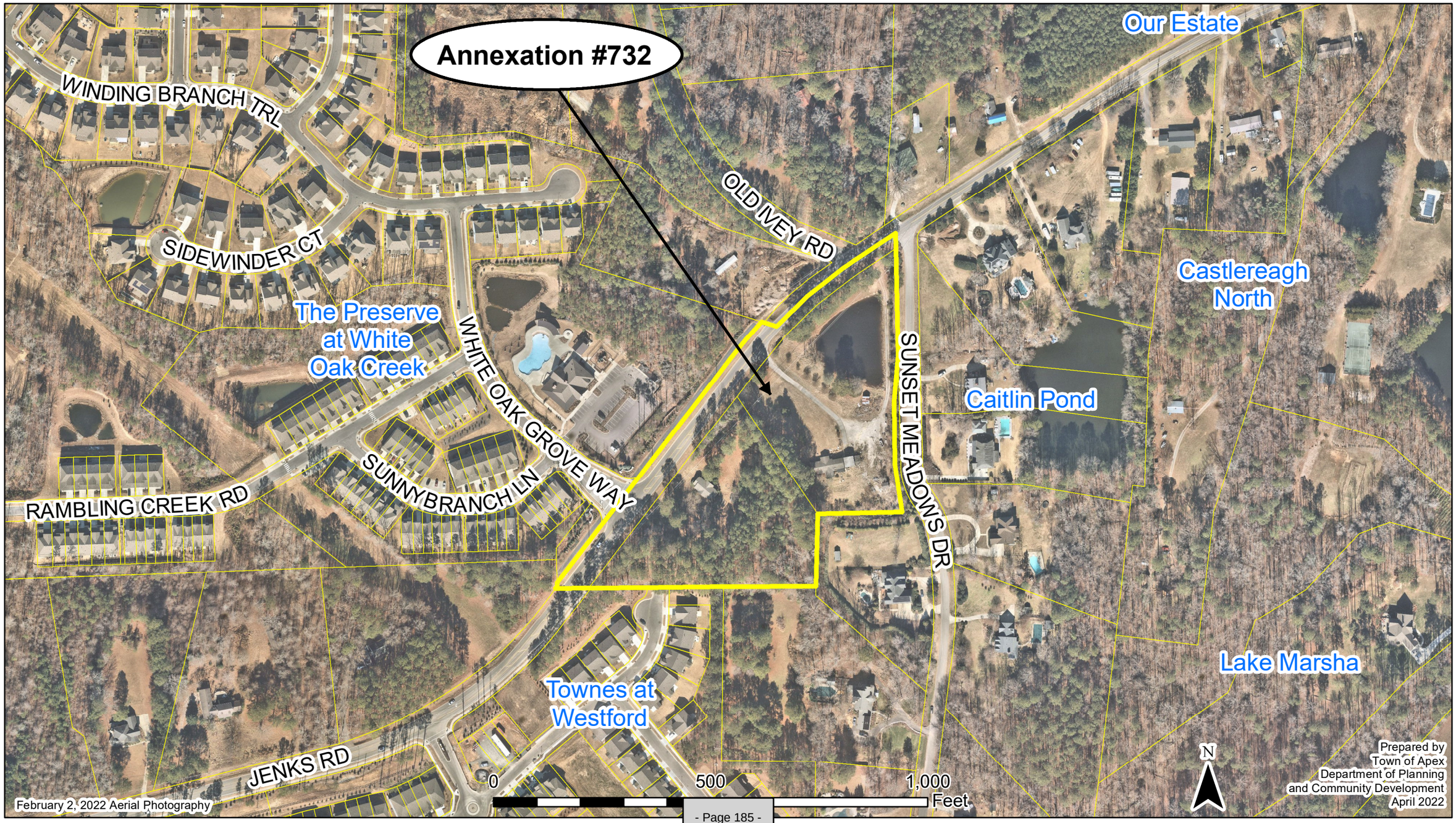
RECORDED IN BOOK OF MAPS 2022, PAGE _____.

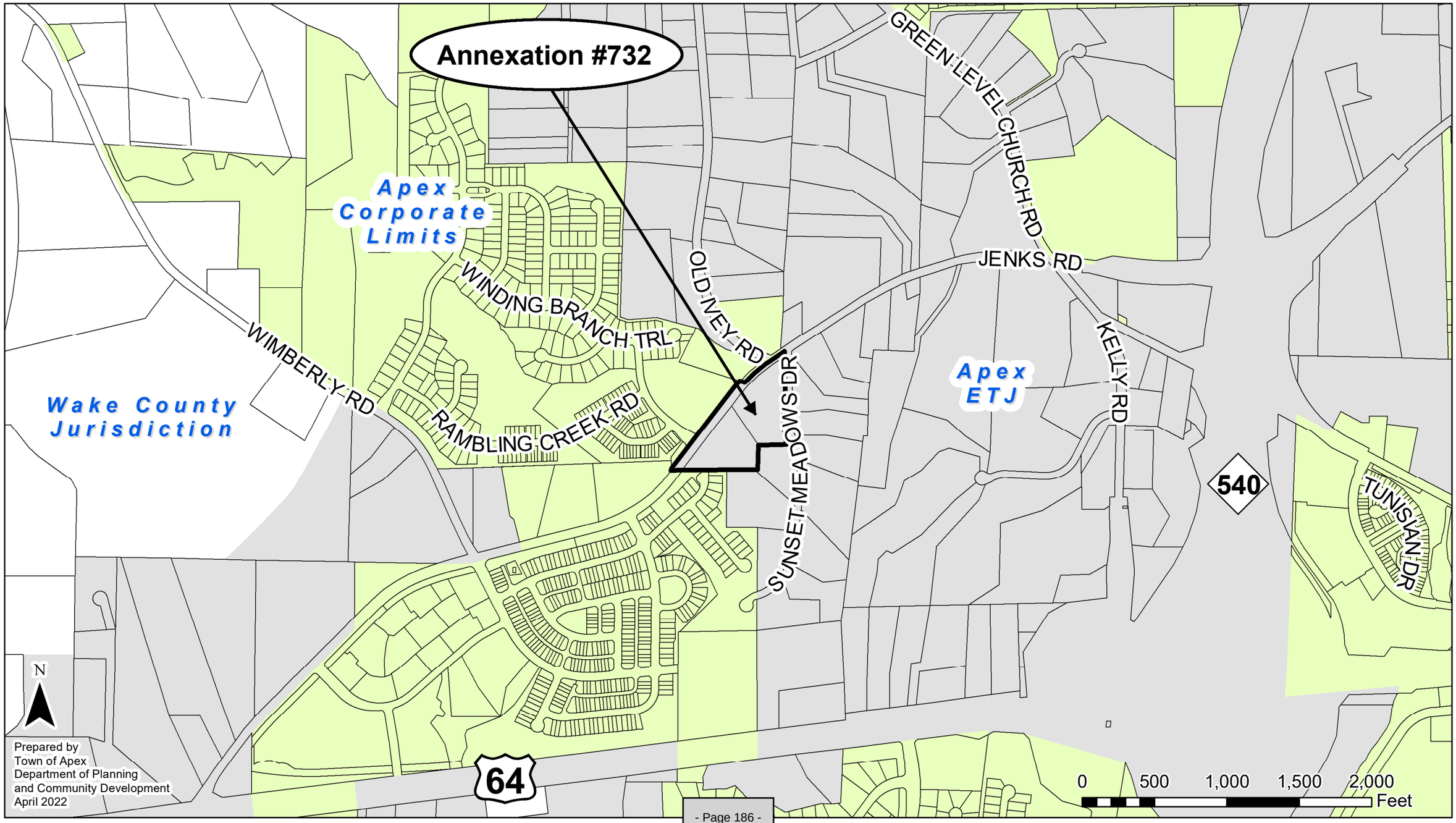
ANNEXATION MAP for the TOWN OF APEX
PEAK 360, LLC
TOWN OF APEX ETJ, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

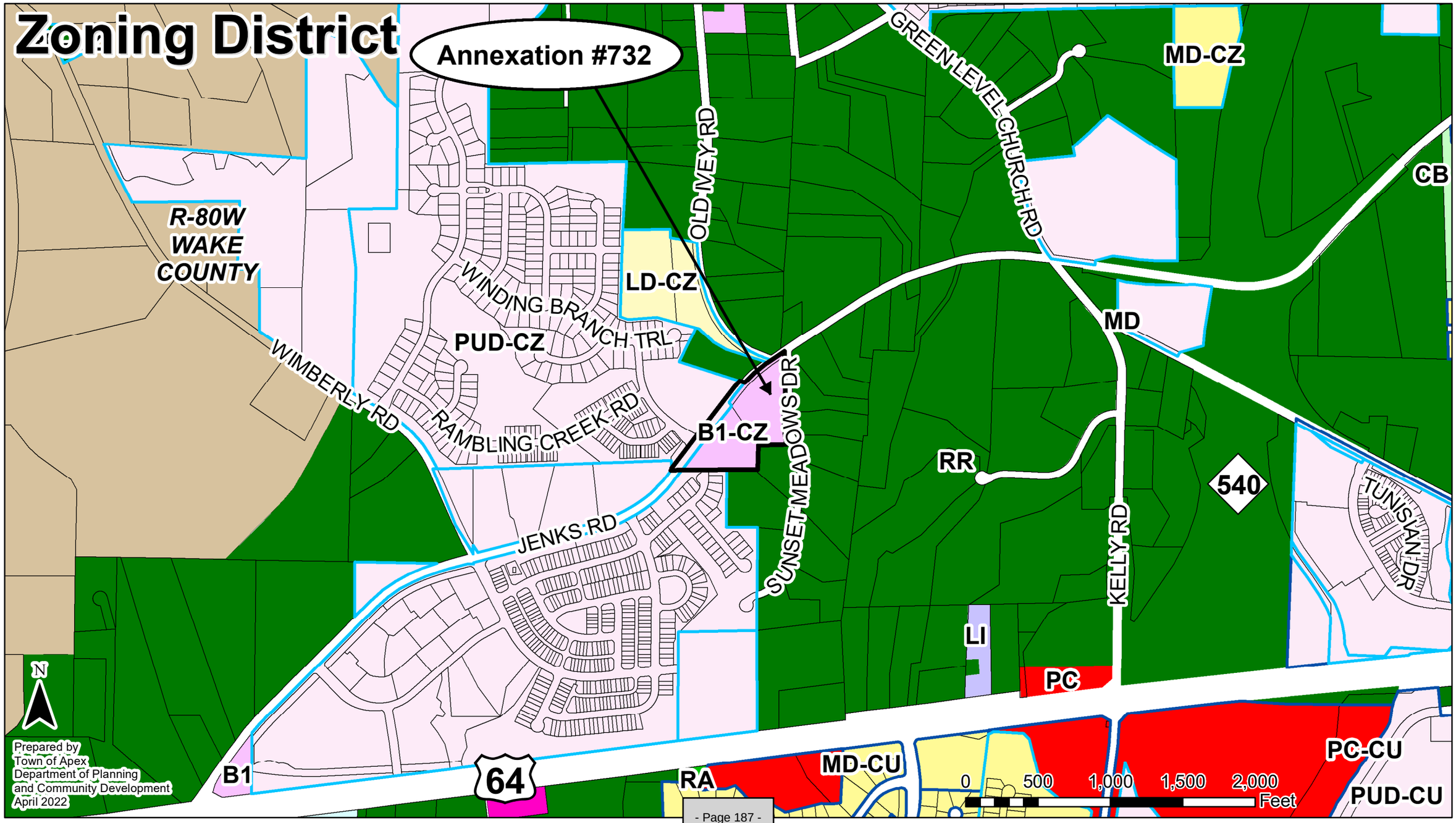
PIN
0722-88-8770
0722-88-6419

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

FIELD DATE	JULY 1, 2021
SCALE	1" = 50'
DRAWN BY	WBH
PROJ. NO.	2021-56


Annexation #732
WINDING BRANCH TRL
SIDEWINDER CT
OLD IVEY RD
Our Estate
Castlereagh North
The Preserve at White Oak Creek
WHITE OAK GROVE WAY
SUNSET MEADOWS DR
Caitlin Pond
SUNNY BRANCH LN
RAMBLING CREEK RD
Townes at Westford
JENKS RD
Lake Marsha
0
500
1,000
Feet
N
February 2, 2022 Aerial Photography
Prepared by
Town of Apex
Department of Planning
and Community Development
April 2022


Annexation #732
Apex Corporate Limits
Wake County Jurisdiction
Apex ETJ
WINDING BRANCH TRL
WIMBERLY RD
RAMBLING CREEK RD
OLD IVEY RD
SUNSET MEADOWS DR
GREEN LEVEL CHURCH RD
JENKS RD
KELLY RD
TUNISIAN DR
540
64
N
Prepared by
Town of Apex
Department of Planning
and Community Development
April 2022
0 500 1,000 1,500 2,000
Feet


Zoning District
Annexation #732
R-80W
WAKE
COUNTY
OLD MEY RD
GREEN LEVEL CHURCH RD
MD-CZ
CB
LD-CZ
WINDING BRANCH TRL
PUD-CZ
MD
WIMBERLY RD
RAMBLING CREEK RD
B1-CZ
SUNSET MEADOWS DR
RR
540
TUNISIAN DR
JENKS RD
KELLY RD
LI
PC
PC-CU
PUD-CU
MD-CU
RA
B1
64
N
Prepared by
Town of Apex
Department of Planning
and Community Development
April 2022
0
500
1,000
1,500
2,000
Feet

PETITION FOR VOLUNTARY ANNEXATION
Town of Apex, North Carolina

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

ANNEXATION FEE: $200.00

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

HARD COPY SUBMITTAL REQUIREMENTS:

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

ELECTRONIC SUBMITTAL REQUIREMENTS: IDT Plans

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

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via IDT Plans.
- **REVIEW BY STAFF:** The Planning and Community Development 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) Mylar annexation plats to the Department of Planning and Community Development 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 Department of Planning and Community Development, 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 Director Michael Deaton at 919-249-3413 or michael.deaton@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 #: 732 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

Peak 360 LLC, Daniel Shults Owner Name (Please Print)	0722-88-8770 Property PIN or Deed Book & Page #
919-462-8989 Phone	dsshults@gmail.com E-mail Address
Peak 360 LLC, Daniel Shults Owner Name (Please Print)	0722-88-6419 Property PIN or Deed Book & Page #
919-462-8989 Phone	dsshults@gmail.com E-mail Address
_____ Owner Name (Please Print)	_____ Property PIN or Deed Book & Page #
_____ Phone	_____ E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors, P.A., Staley Smith

Phone: (919) 362-7111 Fax: _____

E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	7.6631	Need water service due to well failure	☐
Population of acreage to be annexed:		Need sewer service due to septic system failure	☐
Existing # of housing units:	N/A	Water service (new construction)	☑
Proposed # of housing units:	N/A	Sewer service (new construction)	☑
Zoning District*:	B1-CZ	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

_____ _____
Please Print Signature

_____ _____
Please Print Signature

_____ _____
Please Print Signature

_____ _____
Please Print Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 732 Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Peak 360 a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 28 day of MARCH, 2022.

Name of Limited Liability Company Peak 360 LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, this the 28 day of MARCH, 2022.

SEAL

DANIEL H. WOODS
3/28/2022
Notary Public

My Commission Expires: 11/18/2023

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 24, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning & Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on May 9, 2022 and unanimously recommended approval with the following additional condition offered by the applicant: "Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided."

Item Details

The properties to be rezoned are identified as PINs 0731107868 & 0731107055

Attachments

- Staff Report
- Vicinity Map
- Application

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

BACKGROUND INFORMATION:

Location: 0 & 2108 Old US 1 Highway
Applicant/Agent: Beazer Homes, Matt Christensen/Peak Engineering & Design, PLLC, Jeff Roach P.E.
Owners: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 584, A.F. & A.M.

PROJECT DESCRIPTION:

Acreage: ±26.218 acres
PINs: 0731107868 & 0731107055
Current Zoning: Rural Residential (RR)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential and Office Employment
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Single-family Residential
South:	Rural Residential (RR)	Old US 1 Hwy; Single-family Residential
East:	Rural Residential (RR)	Single-family Residential (Winding Creek Estates)
West:	Rural Residential (RR)	Single-family Residential

EXISTING CONDITIONS:

The subject properties are situated on the north side of Old US 1, between Holland Road and Winding Creek Road. The property located at 0 Old US 1 Highway is vacant with existing vegetation and is bisected by a stream. The property located at 2108 Old US 1 Highway contains residential structures.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on November 29, 2021. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the Elementary and High grade level.

2045 LAND USE MAP:
The 2045 Land Use Map designates the subject properties as Medium Density Residential and Office Employment. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) includes a mix of residential uses and commercial uses and is consistent with those Land Use Map designations.

PLANNED UNIT DEVELOPMENT PLAN:
The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

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

Residential Tract on PD Plan

- Townhouse
- Greenway
- Recreational facility, private
- Park, active
- Park, passive
- Utility, minor
- Accessory apartment

Non-Residential Tract on PD Plan

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Microdistillery
- Drop-in or short-term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan studio
- Financial institution
- Health/fitness center or spa
- Pet services
- Youth or day camps
- Accessory apartment

Proposed Design Controls:

Residential:
Maximum # of units: 160 townhouse units
Maximum Density: 6.1 units per acre
Maximum Building Height: 36 feet, no more than 2 stories
Maximum Built-Upon Area: 65%

Minimum Lot Width: 20 feet

Non-Residential:

Maximum Square Feet: 11,000 sf
Maximum Building Height: 60 feet
Maximum Built-Upon Area: 70%

Setbacks

		Proposed PUD-CZ minimum setbacks
Townhouse	Front	10’
	Front (garage)	20’
	Side	3’ (end unit); 6’ (aggregate)
	Side (corner)	6’
	Rear	10’
	Building to building	10’
	From Buffer/RCA	10’ for buildings; 5’ for parking areas
Non-Residential	Street	20’
	Rear	20’
	Side	20’
	From Buffer/RCA	10’ for buildings; 5’ for parking areas

Proposed RCA & Buffers

The proposed Sears Property PUD is located on the west side of the Highway 540 corridor with the requirement to provide a minimum of 30% of the area used for residential uses and a minimum of 25% of RCA for areas used for non-residential uses.

Residential and Non-Residential Buffers:

Perimeter Buffers:	UDO Required	Proposed
Northern Boundary	20’ Type B	20’ Type B
Southern Boundary (Old US 1 Highway)	30’ Type B (Land Use Class 3) 30’ Type E (Land Use Class 4,5,6)	30’ Type E
Western Boundary	20’ Type B	20’ Type B*
Eastern Boundary	20’ Type B	20’ Type B*

* Where adjacent to existing residences, and where existing vegetation is not already in place, a 20’ Type A buffer shall be provided. In all other areas, a 20’ Type B buffer shall be provided.

ZONING CONDITIONS

Additionally, the following conditions shall apply:

A. A maximum of 160 residential units shall be permitted upon the property.
B. A maximum of 11,000 square feet of non-residential uses shall be established on the property.
C. No covenant shall be placed on the property which prohibits accessory apartment as a use.
D. Outdoor storage shall not be permitted for non-residential uses.
E. All townhouses and non-residential buildings shall provide solar conduit for the installation of rooftop

solar panels.

F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
L. The project shall increase biodiversity within the amenity area and recreational areas within the development by: selecting and installing 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. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
    a. The project within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
P. SCMs and their associated grading shall not be located within riparian stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
Q. Of the permitted residential townhouse dwellings, at least five (5) restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Units to memorialize

the affordable housing terms and conditions. The five (5) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the five (5) Affordable Housing Unit lots prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

R. Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided.

Architectural Standards

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

Townhouse:

A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
E. The garage cannot protrude more than 1 foot from the front façade or front porch.
F. Front facades shall have horizontal relief achieved using recesses and projections.
G. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
H. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

- Bay windows
- Recessed windows
- Decorative windows
- Trim around the windows
- Wrap around porch or side porch
- Two or more building materials
- Decorative brick or stone
- Decorative trim
- Decorative shakes
- Decorative air vents on gables
- Decorative cornice
- Column on gable
- Portico
- Balcony
- Dormer
- Decorative gable

Non-residential

Building orientation and hierarchy:

1. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
2. Buildings shall be consistent in scale, massing, relationship to the street, and style.

3. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
4. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed forty (40) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
5. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
6. Buildings on corners are to be treated as gateways with quality design.
7. Corner buildings shall match or exceed the height of adjacent buildings.
8. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
9. Service bays should be located in the rear of structures.
10. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

Façade elements:

11. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
12. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

Windows:

13. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
14. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

Roof elements:

15. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
16. Each building shall have more than one parapet height.
17. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and colors:

18. Buildings shall be architecturally compatible by way of colors and use of materials.
19. Each building exterior shall have more than one material color.
20. The exterior materials shall include a combination of building materials. The primary (front) façade materials of the main buildings include:
    - Brick masonry
    - Decorative concrete block (either integrally colored or textured)
    - Stone accents
    - Aluminum storefronts with anodized or pre-finished colors.
    - EIFS cornices and parapet trim.
    - Precast concrete
21. Exterior materials that will not be allowed are as follows:
    - Vinyl siding
    - Painted, smooth faced concrete block (decorative blocks are acceptable)
    - Metal walls
22. EIFS or synthetic stucco shall not be used in the first four feet (4') above grade and shall be limited to only 25% of each building façade
23. Soffit and fascia materials may be EIFS with crown trim elements.

NATURAL RESOURCE AND ENVIRONMENTAL DATA

The project is located within the Beaver Creek Basin and the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

PARKING

Parking for the development shall meet the requirements of UDO Section 8.3.

PUBLIC FACILITIES:

The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications.

STORMWATER MANAGEMENT:

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section

6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:
The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure**
  Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

  Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**
  All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

  Old US 1 Highway
  All development frontage improvements along Old US1 shall be provided based on a minimum 34' edge-to-edge roadway including two 11' travel lanes and 6' bike lanes on 110' right-of-way, planned for eventual widening to a 4-lane median-divided section. 5' sidewalk shall be provided along the development frontage 1' offset from the ultimate right-of-way.

  A maximum of two (2) access points shall be proposed on Old US 1 Highway, to be located east of Friendship Road providing one (1) full-movement access and one (1) right-in/right-out access.

  Old US 1 Hwy and Site Drive #1
  - The Developer shall construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
  - The Developer shall provide stop-control for the southbound approach.
  - At the time of constructing Site Drive #1 as a right-in/right-out access, Developer shall provide a westbound right-turn lane on Old US 1 Highway with of 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance and a 4' or greater concrete median divider along the centerline of Old US 1 Highway to prevent left turns.

Old US 1 Hwy and Site Drive #2

- At the time of constructing Site Drive 2 as a full-movement access, developer shall provide a southbound approach with two egress lanes including an exclusive left turn lane and an exclusive right turn lane with 50 feet of storage and appropriate deceleration length and taper for a 25 mph design speed. In addition, developer shall provide an eastbound left turn lane on Old US 1 with 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance.

Requested by NCDOT

Old US Hwy 1 and Site Drive 2

- If sufficient right-of-way is available or obtained from adjacent property owners, the Developer shall construct an exclusive westbound right-turn lane on Old US 1 Hwy with a minimum of 50 feet of storage with appropriate deceleration and taper length per NCDOT guidance.

WAYFINDING IMPROVEMENTS

Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

WATER AND SANITARY SEWER

All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town water and sewer master plans.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on November 18, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
• Install signage near environmental sensitive areas in order to: o Reduce pet waste near SCM drainage areas. o Eliminate fertilizer near SCM drainage areas.	Added
• Preserve tree canopy and prioritize medium to large, healthy, desirable species. o Preserve existing trees (percentage-based). o o Replace canopy (percentage- or DBH size-based) where there is sufficient space.	Not added; Applicant unaware of what is on site and there is a buffered stream that will be protected with perimeter buffers.
• Plant trees as designed for efficiency. o Plant deciduous shade trees on southern side of buildings. o Plant evergreen trees as a windbreak on northern side of buildings.	Added

EAB Suggested Condition	Applicant's Response

• Increase biodiversity.
  ○ Plant pollinator-friendly flora.
  ○ Plant native flora (Refer to the Apex Design & Development Manual for approved native species).
	Added

• Implement green infrastructure.	Not added
• 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.	Added
• Include landscaping that requires less irrigation and chemical use. ○ Plant warm season grasses for drought-resistance.	Added
• Increase the number of native hardwood tree species planted to 3, preferably 4.	Added
• Install pet waste stations in neighborhoods	Added
• Include solar conduit in building design	Added
• Incorporate natural lighting techniques into building design.	Not added; Natural lighting techniques are incorporated into every building design but to identify those features at zoning is very difficult

• Include International Dark Sky Association compliance standards.
  ○ Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
  ○ Lighting that minimizes the emission of blue light to reduce glare shall be used.
  ○ Lighting with a color temperature of 3000K or less shall be used for outside installations.
	Added

• All rooftops be designed to support the additional loads from solar PV installations. (2.5 pounds per sq. ft.).	Not added; Applicant working on affordability option for the site so cannot commit
• Install during construction solar PV systems of minimum 4 kW on thirty housing units (20% of housing units).	Not added; Applicant working on affordability option for the site so cannot commit
• Install a minimum of 10 kW solar on commercial building.	Not added; Applicant Working on affordability option for the site so cannot commit

• Water Quality
  ○ Increase riparian buffer widths from surface waters in environmentally sensitive areas.
  ○ Add a zoning condition which minimizes tree clearing, SCM, or infrastructure in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities.
  ○ Install signage near environmental sensitive areas in order to:
  ▪ Reduce pet waste near SCM drainage areas.
  ▪ Eliminate fertilizer near SCM drainage areas
	Added

• Planting and Landscaping	Not added; The only non-residential to residential buffer is

EAB Suggested Condition	Applicant's Response
○ Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas)	located internal to the site. The buffer would be over an existing stream buffer that is being used for preservation and buffering
• Lighting Efficiency ○ Include energy efficient lighting in building design. ▪ Lower maximum foot-candles outside of buildings. ○ Install timers or light sensors or smart lighting technology.	Added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:
Sears Property PUD #21CZ31 was reviewed at the February 23, 2022 PRCR Advisory Commission. The Commission unanimously recommended a fee-in-lieu of dedication for a maximum of 160 Single-Family Attached units. Land dedication was not recommended as this property is located in very near proximity to the Apex Nature Park, the future Pleasant Park, and Olive Farm Park(s). The current 2022 fee rate per unit is $2,528.25.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction

PLANNING BOARD RECOMMENDATION:
The Planning Board held a Public Hearing on May 9, 2022 and unanimously recommended approval with the following additional condition offered by the applicant: "Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided."

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of rezoning #21CZ31 Sears Property PUD with conditions as proposed by the applicant.

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

The 2045 Land Use Map designates the site as Medium Density Residential/Office Employment. The proposed PUD is consistent with that land use classification. The proposed rezoning includes a mix of residential uses and commercial uses.

Approval of the rezoning is reasonable and in the public interest because it will provide a transition between lower and higher residential densities, while providing non-residential development opportunities along Old US 1 Highway. The proposed rezoning provides additional environmental conditions and provides an affordable housing option consistent with the Affordable Housing Plan.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:
Standards
In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources;

provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

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

a) *Development parameters*

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

(ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2030 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.

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

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

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

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

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

b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:

(i) A non-residential component; or

(ii) An overall density of 7 residential units per acre or more; or

(iii) Environmental measures including but not limited to the following:

(a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;

(b) The installation of a geothermal system for a certain number or percentage of units within the development; or

(c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).

d) *Landscaping*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable

for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision and* Article 14: *Parks, Recreation, Greenways, and Open Space*.

(i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.

(ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.

(iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

(iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.

g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.

h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.

i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.

k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

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

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 #21CZ31
Westwinds
Bella Casa
Pavia Trce
Vittorio Ln
Termini Dr
Siena and Verona at Bella Casa
Vecchio Ln
Holland Rd
West Village
Winding Creek Estates
Winding Creek Rd
Kings View Trl
Manzoni Dr
Vasari Dr
Vetrina Way
Pleasant Park
Old US 1 Hwy
Recreation Dr
Pleasant Plains Rd
Red Cardinal Ln
Kirkwood
March 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
500
1,000
Feet

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: 21CZ31 Submittal Date: 12/1/21

Fee Paid $ Check #

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Sears Property PUD

Address(es): 0 & 2108 Old US 1 Highway

PIN(s) 0731-10-7868; 0731-10-7055

Acreage: 26.218

Current Zoning: RR Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density & Office/Employment

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

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

Area classified as mixed use: Acreage: N/A

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Beazer Homes - Matt Christensen

Address: 801 Corporate Center Drive - Suite 330

City: Raleigh State: NC Zip: 27607

Phone: (919) 995-5607 E-mail: matt.christensen@beazer.com

Owner Information

Name: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC & Apex Lodge No 584, A.F. & A.M.

Address: 2804 Holland Road Robert Larry Sears (2108 Old US 1 Hwy)

City: Apex, NC 27502 State: Apex, NC 27502 Zip:

Phone: E-mail:

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Other contacts: dwoods@peakengineering.com

Jason Barron - jbarron@morningstarlawgroup.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ31 Submittal Date: 12/1/21

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The 2045 LUM designation for the property is Medium Density Residential and Office/Employment. The proposed zoning would facilitate the development of residential and non-residential uses consistent with the guidance in the Comp Plan for properties with these land use designations.

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

The proposed rezoning is adjacent to residential properties to the north, east, and west and fronting along Old US 1 Highway to the south. The rezoning will enhance residential opportunities while also providing a complimentary non-residential section along the major thoroughfare that is Old US 1 Highway.

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

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO Section 4.4.

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

The project will develop in a manner to limit impacts on surrounding properties. The design contemplates stub streets to adjacent property required by the UDO for future extension of services while avoiding adverse impacts post-construction. Design standards provide visual blocks to limit temp disruptions due to construction.

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 development will design the site infrastructure in a manner that will minimize and avoid environmentally sensitive areas to the extent practical. This includes protection of existing wetlands, stream buffers, and perimeter vegetative buffers to minimize the impact on surrounding property owners.

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

The project has proposed significant roadway improvements to mitigate traffic concerns; will extend public water and sewer per Town standards to the site; and only improve public service opportunities in a currently under-served portion of the Apex ETJ.

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

The proposed zoning is consistent with the Town's long-range plans for development in this area. Existing and planned service extensions for the area which was bypassed by development in the past will improve response times to this property by Apex services (Police, Fire, EMS, trash and public utilities) providing added safety for residents.

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

The residential component of the project adjacent to other residential properties is what was expected within the framework of the 2045 LUM. The proposed buffers, preservation areas, and uses within the non-residential component are in keeping with the context of the area and will not be detrimental to existing properties.

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

The proposed rezoning will facilitate the residential and small non-residential construction on the property in a manner to mitigate possible impacts to surrouding properties through sound engineering and design. The site will not create a nuisance for existing or future residents or customers of the non-residential section.

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

The project is proposed as a PUD-CZ and has offered various zoning conditions related to buffers, environmental protection, architectural guidelines, roadway improvements, and other features to comply or exceed current UDO standards.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ31 Submittal Date: 12/1/21

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: $500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

•excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ31 Submittal Date: 12/1/21

Proposed Subdivision/Development Information

Description of location: North of Old US 1 Highway, west of Winding Creek Road

Nearest intersecting roads: Old US 1 Highway and Winding Creek Road

Wake County PIN(s): 0731-10-7868 & 0731-10-7055

Township: Buckhorn

Contact Information (as appropriate)

Contact person: Peak Engineering & Design, PLLC - attn: Jeff Roach

Phone number: (919) 439-0100 Fax number: N/A

Address: 1125 Apex Peakway, Apex, NC 27502

E-mail address: jroach@peakengineering.com

Owner: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 58

Phone number: Fax number:

Address: 2804 Holland Road Apex, NC 2108 Old US 1 Highway Apex, NC

E-mail address:

Proposed Subdivision/Development Name

1st Choice: ~~Townes at Pleasant Park~~ (name withdrawn - to be formally named at MSP)

2nd Choice *(Optional)*:

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 21CZ31 Submittal Date: 12/1/21

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

~~Townes at Pleasant Park~~ Sears Property PUD

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Beazer Homes, LLC	TOWN OF APEX
BY: Jason Vickers Authorized Agent	BY: Authorized Agent
DATE: 2-10-2022	DATE:

AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

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

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

The property address is: 2108 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Robert Larry Sears — 11-30-2021

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.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Robert Larry Sears (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 2108 Old US 1 Highway 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 1/3/75, and recorded in the Wake County Register of Deeds Office on 1/28/75, in Book 2374 Page 459.

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 1/3/75, 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 1/3/75, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of Nov., 2021.

Robert Larry Sears (seal)

Robert Larry Sears
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that ROBERT LARRY SEARS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's —, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

JAMES M RIDDLE
Notary Public – North Carolina
Wake County
My Commission Expires Jun 18, 2022
[NOTARY SEAL]

James M. Riddle
Notary Public
State of North Carolina
My Commission Expires: June 18, 2022

Bohler Engineering NC, PLLC
4130 Parklake Avenue, Suite 310
Raleigh, NC 27612
919.578.9000

Date: November 29, 2021

Legal Description of a 2.365 Acre Property of Robert Sears PIN: 0731-10-7055 DB 2374, PG 459 Apex, NC

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located 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° 10' 58" W 574.48' to an iron pipe found, said iron pipe also being the southeastern corner of the Now or Formerly Vicky & Ching Lin Property;
Thence leaving the northerly right-of-way of Old US Highway 1, and with the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 06° 09' 06" E 197.90' to an iron pipe found;
Thence leaving the easterly line of the Now or Formerly Vicky & Ching Lin Property,
N 71° 11' 17" E 574.28' to an iron pipe found;
Thence S 06° 06' 21" W 197.77' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 103,034 square feet or 2.365 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

Apex Lodge No. 584, A.F. & A.M. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Paul Madritch

PAUL MADRITCH — Type or print name

11/29/2021 — Date

_____

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Apex Lodge No. 584, A.F. & A.M. (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 0 Old US 1 Highway 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 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.

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 6/11/21, 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 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of NOV, 20 21.

Paul Madrith (seal)

PAUL MADRITH

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F Colhoun / Thomas F. Colhoun
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31 Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

The Pleasant Plains Baptist Church of Apex, NC, Inc. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Jonathan David Utley — Type or print name — 11-30-21 — Date

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.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, The Pleasant Plains Baptist Church of Apex, NC, Inc. (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 0 Old US 1 Highway 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 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.

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 6/11/21, 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 6/11/21, 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 30th day of November, 2021.

Jonathan David Utley (seal)

Jonathan David Utley
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31 Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

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

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Brian S. Sears — 11-29-2021

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.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Brian Sears (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 0 Old US 1 Highway 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 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.

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 6/11/21, 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 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of November, 2021.

Brian S. Sears (seal)

Brian S. Sears

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: ~~21CZ31~~ Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

Belinda Camp & Ted Camp is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Belinda Sears Camp

Belinda Sears Camp — Type or print name — 11/29/2021 — Date

Ted Camp

TED CAMP — Type or print name — 11/29/2021 — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Belinda Camp (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 0 Old US 1 Highway 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 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.

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 6/11/21, 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 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of November, 2021.

Belinda Sears Camp Ted Camp (seal)

Belinda Sears Camp TED CAMP

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Ted Camp Belinda S. Camp, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F Colhoun / Thomas F Colhoun
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31 Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

Bohler Engineering NC, PLLC
4130 Parklake Avenue, Suite 310
Raleigh, NC 27612
919.578.9000

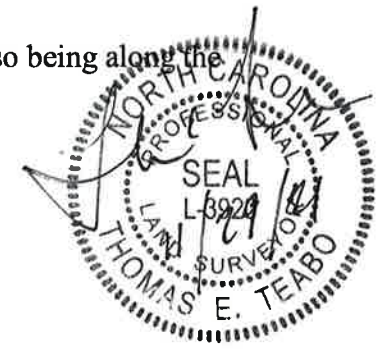
Date: November 29, 2021

Legal Description of a 23.853 Acre Property of Brian Sears & Belinda Camp PIN: 0731-10-7868 DB 18552, PG 247 Apex, NC

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located 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 leaving the northerly right-of-way of Old US Highway 1, N 06° 06' 21" W 197.77' to an iron pipe found;
Thence S 71° 11' 17" W 574.28' to an iron pipe found, said iron pipe also being along the easterly line of the Now or Formerly Vicky & Ching Lin Property;
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;

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 Jones Property;
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 set;
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 Goll Property;



Bohler Engineering NC, PLLC
4130 Parklake Avenue, Suite 310
Raleigh, NC 27612
919.578.9000

Thence leaving the westerly line of the Now or Formerly Larry Goll Property, S 51° 59' 24" W 317.49' to an iron pipe set;
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 and also being THE POINT AND PLACE OF BEGINNING and containing 1,039,024 square feet or 23.853 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company *Information*	
Company *Name*	Beazer Homes
Company Phone *Number*	(919) 448-6167
Developer Representative *Name*	Jason Vickers
Developer Representative *Phone Number*	(919) 448-6167
Developer Representative *Email*	jason.vickers@beazer.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	December 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Townes at Pleasant Park
Address of Subdivision (if unknown enter nearest cross streets)	Old US 1 Highway near Winding Creek Road
REID(s)	0464914 & 0082802
PIN(s)	0731-10-7868 & 0731-10-7055

Projected Dates *Information*	
Subdivision *Completion Date*	June 2026
Subdivision *Projected First Occupancy Date*	January 2024

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																	
Townhomes	160							2200	3000			2024	30	2025	80	2026	50
Condos																	
Apartments																	
Other					Jason Vickers (jas												

Revised 08/10/2018

NOTICE OF NEIGHBORHOOD MEETING

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

11/12/21
Date

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

2108 Old US Hwy 1	0731-10-7055
0 Old US Hwy 1	0731-10-7868
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/Planning-Community-Development.

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	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☑	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
The rezoning is sought to create a residential townhome community interconnected with neighborhood-scale non-residential services along Old US Hwy 1

Estimated submittal date: December 2021

MEETING INFORMATION:

Property Owner(s) name(s):	Robert Sears & Brian & Belinda Sears
Applicant(s):	Peak Engineering & Design, PLLC
Contact information (email/phone):	jroach@peakengineering.com/919-439-0100
Meeting Address:	https://morningstarlaw.group/11292021mtg
Date/Time of meeting**:	11/29/21 @ 5PM

MEETING AGENDA TIMES:
Welcome: 5:00 - 5:02 PM Project Presentation: 5:02 - 5:05 PM Question & Answer: 5:05 - 7:00 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 and Community Development 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/Planning-Community-Development.

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
2728 SOUTHWINDS RUN	0731118978	ALEXANDER, ROBERT F. III ALEXANDER, SUMMER C.	2728 SOUTHWINDS RUN	APEX NC 27502-6515
2008 OLD US 1 HWY	0731200492	CAMP, BELINDA S	2008 OLD US 1 HWY	APEX NC 27502-7767
1007 WINDING CREEK RD	0731212287	COLBY, RICHARD D COLBY, CAROL A	1007 WINDING CREEK RD	APEX NC 27502-8727
2825 HOLLAND RD	0731114963	DALESSANDRO, STEPHEN DALESSANDRO, SUZANNE M	2740 BRANTLEY DR	APEX NC 27539-9707
1005 WINDING CREEK RD	0731203998	DRAPER, THOMAS WILLIAM	1005 WINDING CREEK RD	APEX NC 27502-8727
2004 OLD US 1 HWY	0731204461	EVANS, MICHAEL ANDREW	2004 OLD US 1 HWY	APEX NC 27502-7767
0 FRIENDSHIP RD	0730196547	FRIENDSHIP ROAD LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136
2729 SOUTHWINDS RUN	0731213985	GADSBY, JOHN HUNEYCUTT, LISA	2729 SOUTHWINDS RUN	APEX NC 27502-6516
1003 WINDING CREEK RD	0731204659	GOLL, LARRY ALAN	1003 WINDING CREEK RD	APEX NC 27502-8727
3017 HOLLAND RD	0731102964	HOPKINS, MARK A HOPKINS, LESLIE ERVIN	3017 HOLLAND RD	APEX NC 27502-9151
2829 HOLLAND RD	0731114538	JAIN, RAJAT JAIN, MALTI	2829 HOLLAND RD	APEX NC 27502-9150
1009 WINDING CREEK RD	0731213582	JONES, PATRICIA FISH	PO BOX 981	PITTSBORO NC 27312-0981
2116 OLD US 1 HWY	0731102019	LIN, VICKY KU LIN, JEN CHING	3101 FOX SHADOW DR	APEX NC 27502-8770
2124 OLD US 1 HWY	0730098773	MCCLAMB, WALTER J	PO BOX 243	APEX NC 27502-0243
2909 HOLLAND RD	0731112454	MONTGOMERY, CHRISTOPHER K MONTGOMERY, KAREN E	2909 HOLLAND RD	APEX NC 27502-5047
2109 OLD US 1 HWY	0730197850	NEVEROSKY, DEREK A	2109 OLD US 1 HWY	APEX NC 27502-7770
3031 HOLLAND RD	0731101525	ROMAN CATHOLIC DIOCESE OF RALEIGH NC THE	7200 STONEHENGE DR	RALEIGH NC 27613-1622
0 OLD US 1 HWY	0731107868	SEARS, BRIAN S CAMP, BELINDA S	2804 HOLLAND RD	APEX NC 27502-9150
2012 OLD US 1 HWY	0731201214	SEARS, OSCAR FINCH	2008 OLD US 1 HWY	APEX NC 27502-7767
2108 OLD US 1 HWY	0731107055	SEARS, ROBERT LARRY	2108 OLD US 1 HWY	APEX NC 27502-7769
2017 OLD US 1 HWY	0730292828	SEARS, STACEY WADE SEARS, GINNY HOLLAND	211 S SALEM ST	APEX NC 27502-1878
2732 SOUTHWINDS RUN	0731211835	SHARP, WARREN G SHARP, DEBRA	2732 SOUTHWINDS RUN	APEX NC 27502-6515
3001 FRIENDSHIP RD	0730190468	STROUP, BILLY E STROUP, ANNIE	1924 OLD US 1 HWY # 1S	APEX NC 27502-7765
2823 HOLLAND RD	0731124158	TRUSTEE OF THE HERITAGE LEGACY TRUST	2823 HOLLAND RD	APEX NC 27502-9150
3041 HOLLAND RD	0731009204	WESTERN WAKE BIBLE CHAPEL	7612 HUMIE OLIVE RD	APEX NC 27502-9670
2001 OLD US 1 HWY	0731205000	WRAY, FAYE F	2001 OLD US 1 HWY	APEX NC 27502-7768
		APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
		Current Tenant	3001 Friendship RD	APEX NC 27502
		Current Tenant	2825 Holland RD	APEX NC 27502
		Current Tenant	3031 Holland RD	APEX NC 27502
		Current Tenant	2006 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2012 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2017 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2124 Old Us 1 HWY	APEX NC 27502
		Current Tenant	1009 Winding Creek RD	APEX NC 27502

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: Sears Property PUD Assembly Zoning: PUD-CZ

Location: 0 & 2108 Old US Hwy 1

Property PIN(s): 0731-10-7055 & 0731-10-7868 Acreage/Square Feet: 26.218 acres

Property Owner: Robert Sears & Brian & Belinda Sears

Address: 2804 Holland Road

City: Apex State: NC Zip: 27502

Phone: Email:

Developer: Beazer Homes

Address: 5400 Trinity Rd | Ste 313

City: Raleigh State: NC Zip: 27607

Phone: Fax: Email:

Engineer: Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27607

Phone: Fax: Email:

Builder (if known): Same as Developer

Address:

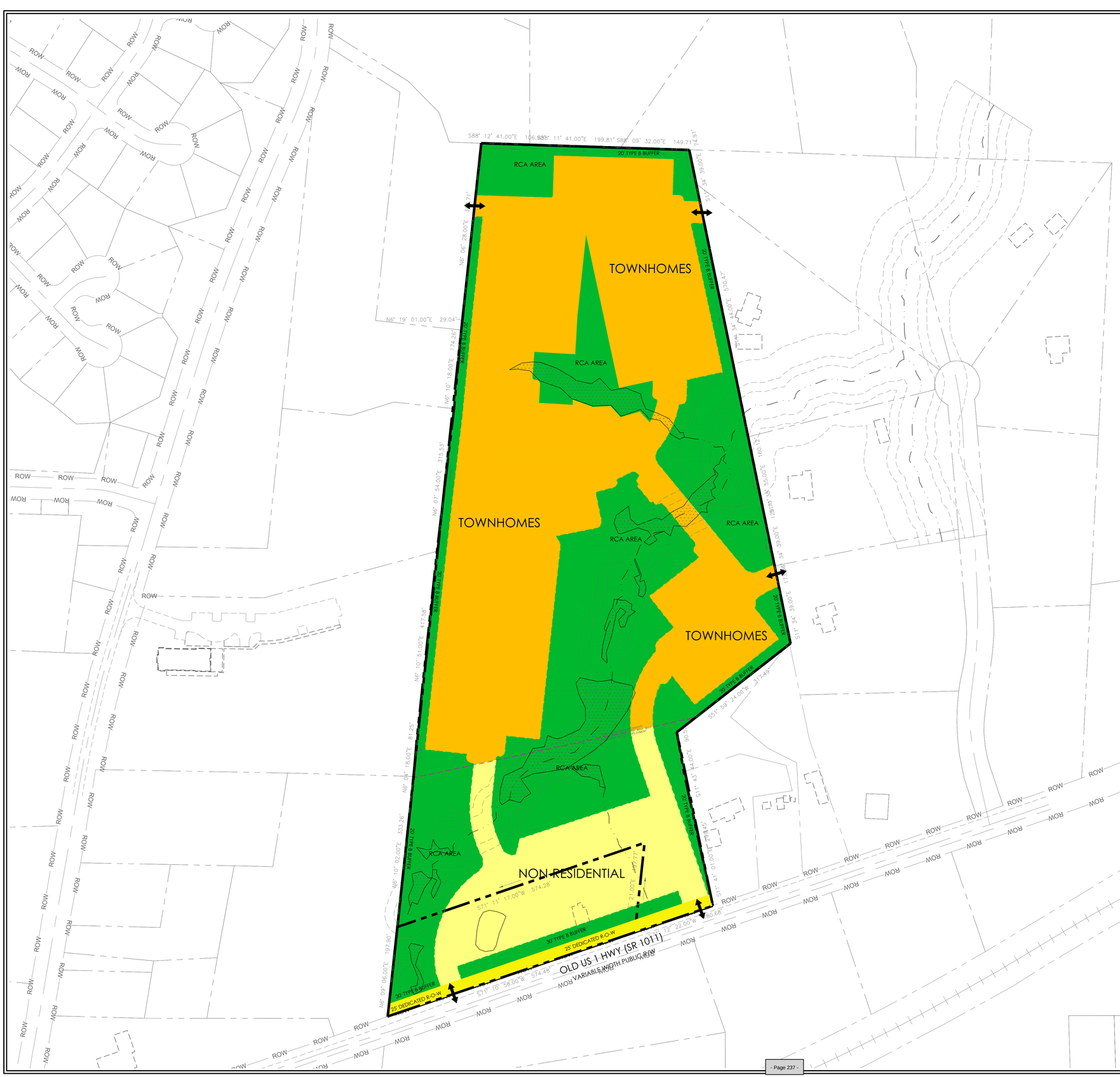
City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts

Planning and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342



BUFFERS/RCA/ SCMs

TOWNHOMES

NON-RESIDENTIAL

DEDICATED R-O-W

PROJECT PERIMETER BOUNDARY

POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

N

0 50 100 200

SCALE: 1" =100'

1 C100 CONCEPTUAL SITE PLAN

SCALE: 1"= 100'

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0700
www.PeakEngineering.com

NC License #P-0673

project:
SEARS PROPERTY PUD ASSEMBLY
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

BY | REVISION | DATE | No.

title:
CONCEPTUAL SITE PLAN

proj #: 190203

date: December 1, 2021

dwg by: JE | chkd by: JR

scale: As Noted

sheet:
C100
SKETCH PLAN

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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): Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 584, A.F. & A.M., Robert Larry Sears

Applicant(s): Beazer Homes

Contact information (email/phone): Jason Vickers (jason.vicker@beazer.com) (919) 448-6167

Meeting Address: Virtual

Date of meeting: 11/29/21 Time of meeting: 5:00 PM - 7:00 PM

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

Question/Concern #1:
See attached summary of neighborhood meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

SEARS PLANNED UNIT DEVELOPMENT

NEIGHBORHOOD MEETING SUMMARY
NOVEMBER 29, 2021 5PM-7PM

1. How will access to the property work?
    a. Access will be provided via two streets off of Old HWY 1. Additionally, street stubs will be provided to adjacent properties as required by the Town Ordinance
2. A serious concern was raised by the owner of property to the northwest of the site regarding the cross access proposed adjacent to his property.
    a. The applicant explained that this cross access was shown in anticipation of ordinance requirements for the same.
3. Concerns were expressed related to the widths of buffers. Specifically, multiple attendees requested that buffers be increased to fifty feet (50') from the twenty feet (20') reflected on the PUD maps shared at the meeting.
    a. The applicant noted the concern and request.
4. A concern was expressed related to the removal of existing large trees along the property lines of the subject property.
    a. The applicant indicated that existing large trees would be saved within the 20' Type B buffers proposed for the development.
5. A question was asked as to whether a fence was proposed for the property line.
    a. The applicant indicated that there was not currently a fence proposed, but is happy to meet on site with adjacent owners to review existing vegetation and determine whether a fence would provide a better option as compared to installing additional landscaping.
6. The owners of all properties along the western boundary of the site requested a larger, 50' buffer.
    a. The applicant noted the request and indicated that the team would review the request to determine what is feasible for the development.
7. The owner of property to the northeast of the site also expressed concern related to the width of the buffer, and specifically requested a 50' buffer also.
    a. The applicated noted the concern and indicated that the team would review the request to determine what is feasible for the development.
8. The owner of the property to the northeast of the site raised a concern with the proposed cross access to his property. This owner also asked whether the street stub provided as part of the development would have a barrier constructed to prevent people from driving onto his property.
    a. The applicant noted the concern related to the proposed location of the driveway and explained that the ordinance would require cross access connections for any development of the subject property. Further, the applicant explained that a barrier would be constructed at the end of the street stub, and that no development activity would occur on the adjacent property when the street stub was installed.
9. A concern was raised related to emergency access to the site. Specifically, the concern was that the proposed access drives off of Old HWY 1 would be insufficient to provide adequate access for emergency services to the site.

    a. The applicant explained that the access proposed for the development, with a full movement along the eastern frontage and a right-in, right-out along the western frontage was consistent with the ordinance requirements for access.
10. A question was asked related to the proposed height of homes proposed for the site.
    a. The applicant indicated that these would be two story townhomes with a maximum of 35'.
11. A question was asked related to parking for these townhomes.
    a. The applicant indicated that these would be townhomes without a garage in an effort to attract a workforce housing buyer, and that parking would be provided in front of the townhomes.
12. Strong concern was raised with these being townhomes geared toward workforce housing. Specifically, a concern was raised about the type of buyers that would be buying in a community like this.
    a. The applicant noted the concern, but also made clear the need for affordable housing options in Apex for teachers, nurses, police officers, etc.
13. A request was made that these townhomes be similar to those being built near Bella Casa with prices in the $500,000 and up range.
    a. The applicant noted the request.
14. A concern was raised as to whether the Town would annex the property of the adjacent owners.
    a. The applicant made clear that North Carolina law does not permit involuntary annexation, and that the only way for their property to be annexed is if they ask for it.
15. A concern was noted related to a hill along Old HWY 1 along the western frontage of the site.
    a. The applicant noted the concern and confirmed that the specific location of access points would be reviewed at the time of subdivision and would take into consideration this hill.
16. A concern was raised about the relocation of Holland Road to connect with Friendship Road and the signal that would be constructed in that location.
    a. The applicant indicated that the relocation of Holland Road is contemplated in the Town's long range transportation plan.
17. Strong concerns were expressed related to the traffic in general in the area, as well as traffic that would be generated by this development.
    a. The applicant indicated that a traffic study would be submitted as part of the rezoning and that it would be reviewed by the Town and NCDOT.
18. A question was raised related to whether the traffic study would include other developments.
    a. The applicant explained that the study would include other approved developments as well as an additional growth factor.
19. A request was made that the maps provided in the meeting be sent around to the attendees.
    a. The applicant indicated that they would do this.
20. A request was made that the nonresidential section of the development not include a gas station.
    a. The applicant indicated that the uses proposed for that part of the development do not include a gas station.
21. A question was asked as to whether this would be Town water and sewer and, if so, where those services would come from.

a. The applicant confirmed that the development would be served by Town water and sewer. The applicant indicated that water service is located along Old HWY 1, and that gravity sewer was planned along the stream that runs north and east within the property.

22. The property owner adjacent to the north east side of the development expressed strong opposition to sewer running through his property.
    a. The applicant requested an opportunity to meet on the site and explore whether a mutually agreeable solution could be found.
23. A question was asked as to whether fiber would be provided in the community. One owner specifically said that if fiber was provided from the community to his home it would change his opinion of the development.
24. A request was made that the subject property be developed for a park.
    a. The applicant indicated that the proposed developer intends to develop the site as a mixed use community of 160 townhomes and up to 11,000 square feet of nonresidential uses.
25. The owner of an adjoining property indicated that he owned a pool and expressed concern about security with a new development coming in.
    a. The applicant noted the location of the pool and said they would review what could be done in that area.
26. A number of questions were raised related to existing encumbrances from adjacent properties onto the subject property.
    a. The applicant said they would follow up with these owners to see what could be done with the owners to resolve these encumbrances.
27. A question was raised about topography and to what extent the site would need fill dirt.
    a. The applicant indicated that they would make efforts to minimize the amount of fill needed and would try to balance the site with soils from the property, but confirmed that the site would need to be balanced through grading.

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 meeting (virtual)

Date of meeting: November 29, 2021 Time of meeting: 5:00 pm - 7:00 pm

Property Owner(s) name(s): See attached list of property owners

Applicant(s): Beazer Homes, Morningstar Law Group and Peak Engineering & Design

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.	Rajat Jain	2829 Holland Road	[redacted]		
2.	Christopher and Karen Montgomery	2909 Holland Road			
3.	Mark Hopkins	3017 Holland Road			
4.	Richard Colby	1007 Winding Creek Drive			
5.	Larry Goll	1003 Winding Creek Road			
6.	Derek Neverosky	2109 Old US 1 HWY			
7.	Belinda Camp	2008 Old US 1 HWY			
8.	Jason Barron	Morningstar Law Group			
9.	Jason Vickers	Beazer Homes			
10.	Jeff Roach	Peak Engineering			
11.	Elizabeth Stitt				
12.					
13.					
14.					

Use additional sheets, if necessary.

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, Jeffrey A. Roach, do hereby declare as follows:
Print Name

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

2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, 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 meeting (location/address) on November 30, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

11/30/2021
Date

By: [signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Thomas F. Colhoun, a Notary Public for the above State and County, on this the 30 day of November, 2021.

SEAL

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

Thomas F. Colhoun
Notary Public

Thomas F. Colhoun
Print Name

My Commission Expires: 10/25/2025

Sears Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: December 1, 2021

Resubmitted: February 11, 2022

Resubmitted: April 8, 2022

Resubmitted: May 13, 2022

PREPARED BY:

MORNINGSTAR LAW GROUP

PEAK Engineering & Design

Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

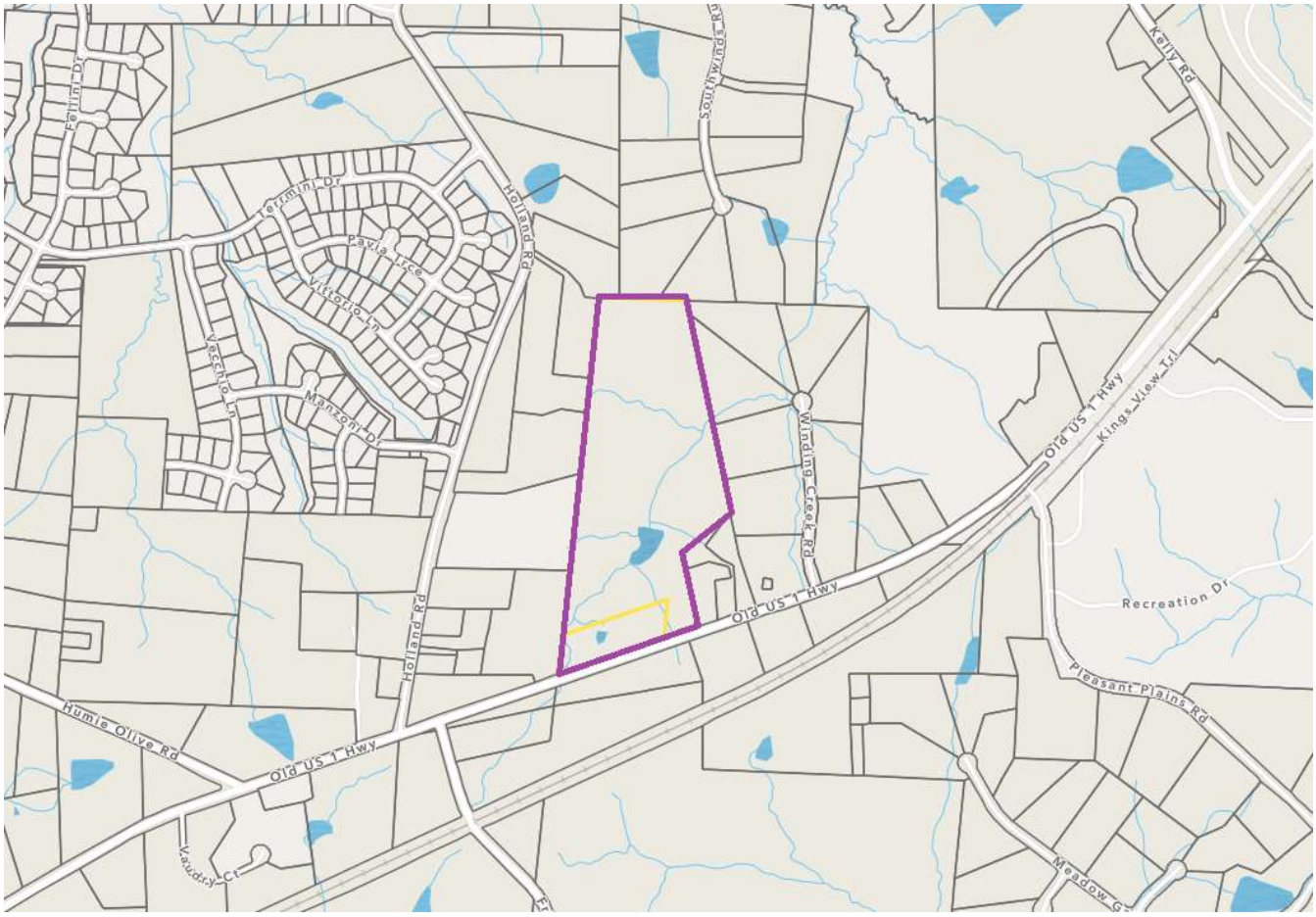
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

Section 2: Vicinity Map



The Sears Property PUD is located in the Town of Apex, north of Old US 1 Highway, east of Holland Road and west of Winding Creek Road. Old US 1 Highway provides frontage along the southern boundary of the subject property. The development is surrounded on three sides by large lot residential parcels with the exception of a church located on one of the parcels immediately to the west.

Section 3: Project Data

A. Name of Project:

Sears Property PUD

B. Property Owners:

Brian S. Sears
2804 Holland Rd
Apex, NC 27502

Belinda S. Camp
2804 Holland Road
Apex, NC 27502

Robert Larry Sears
2108 Old US 1 Hwy
Apex, NC 27502

The Masonic Lodge of Apex, NC #584
2804 Holland Road
Apex, NC 27502

Pleasant Plains Baptist Church of Apex
28404 Holland Road
Apex, NC 27502

Prepared By:
Jason Barron and Nil Ghosh
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

C. Current Zoning Designation:

Rural Residential (RR)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Medium Density Residential (3-7 units/acre); and
Office Employment

F. Proposed Use

- Up to 160 Townhouses with associated open space, recreational amenities, and infrastructure; and
- Up to 11,000 square feet of non-residential space

G. Size of Project

A total of +/-26.218 acres
- approximately 19.258 acres for residential
- approximately 6.96 acres for non-residential

Section 4: Purpose Statement

The Sears Property PUD development will be a mixed-use community with townhouses in the residential component and connectivity to a neighborhood scale non-residential area along Old US 1 Highway. The project provides a mixed-use concept given the site has frontage along Old US 1 Highway and the site is otherwise surrounded with residential uses. The portion of the development adjacent to Old US 1 Highway is designated for Office/Employment. The mixed-use concept for this project is to provide a transition both in density and in use between the existing large lot single-family homes to Old US 1 Highway and provides an orderly pattern of land uses.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer medium density housing and employment opportunities in an area slated for those uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District,* except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.

Section 5: Permitted Uses

The subject property 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, except as modified herein. 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. Specifically, the permitted uses include:

Within the area designated for Residential on the PD Plan

- Townhouse
- Greenway
- Recreation facility, private
- Park, active
- Park, passive
- Utility, minor
- Accessory apartment

Within the area designated for Non-Residential on the PD Plan

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Microdistillery
- Drop-in or short-term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan Studio
- Financial institution
- Health/fitness center or spa
- Pet services
- Youth or day camps
- Accessory apartment

Additionally, the following conditions shall apply:

A. A maximum of 160 residential units shall be permitted upon the property.
B. A maximum of 11,000 square feet of non-residential uses shall be established on the property.
C. No covenant shall be placed on the property which prohibits accessory apartment as a use.
D. Outdoor storage shall not be permitted for non-residential uses.
E. All townhouses and non-residential buildings shall provide solar conduit for the installation of rooftop solar panels.
F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
L. The project shall increase biodiversity within the amenity area and recreational areas within the development by: selecting and installing 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. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
    a. The project within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.

P. SCMs and their associated grading shall not be located within riparian stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
Q. Of the permitted residential townhouse dwellings, at least five (5) restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Units to memorialize the affordable housing terms and conditions. The five (5) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the five (5) Affordable Housing Unit lots prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
R. Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided.

Section 6: Proposed Design Controls

A. Non-Residential Densities and Design Controls

Maximum Square Feet: 11,000
Maximum Height: 60 feet
Maximum Built-Upon Area: 70%
Design Controls –

Minimum Building Setbacks

	Non-Residential (feet)
Street	20
Side	20
Rear	20
Building-to-buffer/RCA	10
Parking-to-buffer/RCA	5

B. Residential Densities and Design Controls

Maximum Density:	6.1 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	160
Maximum Built-Upon Area:	65%
Minimum Lot Width:	20 feet for townhouse
Maximum Building Height:	36 feet, no more than 2 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Building Setbacks:

	Townhouse (feet)
Front	10
Front (garage)	20
Side	3 (end unit); 6 (aggregate)
Side (corner)	6
Rear	10
Building-to-building	10
Building-to-buffer/RCA	10
Parking-to-buffer/RCA	5

C. Buffers

Perimeter Buffers

Northern boundary:	20-foot Type B
Southern boundary (Old US 1 HWY):	30-foot Type E
Western boundary:	20-foot Type B
Eastern boundary:	20-foot Type B

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity. Further, per Section 5.R., there is a 20' Type A adjacent to existing residences.

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type E Buffer shall be established along Old US 1 Highway.

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Master Subdivision submittal. The following conditions shall apply:

Townhouse:

A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
E. The garage cannot protrude more than 1 foot from the front façade or front porch.
F. Front facades shall have horizontal relief achieved using recesses and projections.
G. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
H. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    - Bay windows
    - Recessed windows
    - Decorative windows
    - Trim around the windows
    - Wrap around porch or side porch
    - Two or more building materials
    - Decorative brick or stone
    - Decorative trim
    - Decorative shakes
    - Decorative air vents on gables
    - Decorative cornice
    - Column on gable
    - Portico
    - Balcony
    - Dormer
    - Decorative gable

Non-residential

Building orientation and hierarchy:

1. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
2. Buildings shall be consistent in scale, massing, relationship to the street, and style.
3. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
4. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed forty (40) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
5. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
6. Buildings on corners are to be treated as gateways with quality design.
7. Corner buildings shall match or exceed the height of adjacent buildings.
8. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
9. Service bays should be located in the rear of structures.
10. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

Façade elements:

11. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
12. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

Windows:

13. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
14. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

Roof elements:

15. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
16. Each building shall have more than one parapet height.
17. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and colors:

18. Buildings shall be architecturally compatible by way of colors and use of materials.
19. Each building exterior shall have more than one material color.
20. The exterior materials shall include a combination of building materials. The primary (front) façade materials of the main buildings include:
    - Brick masonry
    - Decorative concrete block (either integrally colored or textured)
    - Stone accents
    - Aluminum storefronts with anodized or pre-finished colors.
    - EIFS cornices and parapet trim.
    - Precast concrete
21. Exterior materials that will not be allowed are as follows:
    - Vinyl siding
    - Painted, smooth faced concrete block (decorative blocks are acceptable)
    - Metal walls
22. EIFS or synthetic stucco shall not be used in the first four feet (4') above grade and shall be limited to only 25% of each building façade
23. Soffit and fascia materials may be EIFS with crown trim elements.

Section 8: Parking and Loading

Parking for the development shall meet requirements of UDO Section 8.3.

Section 9: Signage

All signage for this PUD shall comply with Apex UDO Section 8.7, *Signs*, of the Town of Apex UDO.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Beaver Creek Basin and the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

B. Resource Conservation Areas (RCA) – Required and Provided

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The site is located on the west side of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA) for areas used for residential uses and a minimum of 25% RCA for areas used for nonresidential uses. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, play lawns, and greenway trails within the walkable community.

C. Historic structures

Based upon the information contained within the North Carolina State Historic Preservation Office website, there are no historic structures present within the project boundary.

Section 11: Stormwater Management

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.

Section 12: Parks and Recreation

Sears Property PUD #21CZ31was reviewed at the February 23, 2022 PRCR Advisory Commission. The Commission unanimously recommended a fee-in-lieu of dedication for a maximum of 160 Single-Family Attached units. Land dedication was not recommended as this property is located in very near proximity to the Apex Nature Park, the future Pleasant Park, and Olive Farm Park(s). The current 2022 fee rate per unit is $2,528.25.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure**
  Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

  Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**
  All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

  <u>Old US 1 Highway</u>
  All development frontage improvements along Old US1 shall be provided based on a minimum 34' edge-to-edge roadway including two 11' travel lanes and 6' bike lanes on 110' right-of-way, planned for eventual widening to a 4-lane median-divided section. 5' sidewalk shall be provided along the development frontage 1' offset from the ultimate right-of-way.

  A maximum of two (2) access points shall be proposed on Old US 1 Highway, to be located east of Friendship Road providing one (1) full-movement access and one (1) right-in/right-out access.

Old US 1 Hwy and Site Drive #1

- The Developer shall construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- The Developer shall provide stop-control for the southbound approach.
- At the time of constructing Site Drive #1 as a right-in/right-out access, Developer shall provide a westbound right-turn lane on Old US 1 Highway with of 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance and a 4' or greater concrete median divider along the centerline of Old US 1 Highway to prevent left turns.

Old US 1 Hwy and Site Drive #2

- At the time of constructing Site Drive 2 as a full-movement access, developer shall provide a southbound approach with two egress lanes including an exclusive left turn lane and an exclusive right turn lane with 50 feet of storage and appropriate deceleration length and taper for a 25 mph design speed. In addition, developer shall provide an eastbound left turn lane on Old US 1 with 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance.

Requested by NCDOT

Old US Hwy 1 and Site Drive 2

- If sufficient right-of-way is available or obtained from adjacent property owners, the Developer shall construct an exclusive westbound right-turn lane on Old US 1 Hwy with a minimum of 50 feet of storage with appropriate deceleration and taper length per NCDOT guidance.

- **Wayfinding Improvements**
  Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

- **Water and Sanitary Sewer**
  All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town water and sewer master plans.

- **Other Utilities**
  Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This PUD and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the Town of Apex's 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans submitted pursuant to this rezoning shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town's adopted Bicycle Plan in effect at the time of the development plan submittal.

SEARS PROPERTY PUD

PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING
OLD U.S. 1 HIGHWAY
APEX, NORTH CAROLINA
DECEMBER 1, 2021
Zoning Case #21CZ31

DRAWING INDEX:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN
C200	CONCEPTUAL UTILITY PLAN

OWNER/DEVELOPER

BEAZER HOMES
MATT CHRISTENSEN
801 CORPORATE CENTER DRIVE SUITE 303
RALEIGH, NC 27607
PHONE: (919) 995-5607

CIVIL ENGINEER

PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
1125 APEX PEAKWAY
APEX, NC 27502
PHONE: (919) 439-0100

TRANSPORTATION ENGINEER

RAMEY KEMP & ASSOCIATES
NATE BOUQUIN
5808 FARINGDON PLACE SUITE 100
RALEIGH, NC 27609

ENVIRONMENTAL CONSULTANT

SAGE ECOLOGICAL SERVICES, INC.
SEAN CLARK
3707 SWIFT DRIVE
RALEIGH, NC 27606

SITE INFORMATION:

Property Owner(s)/Site Address	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book & Page
SEARS, BRIAN S CAMP, BELINDA S. THE MASONIC LODGE OF APEX, NC #584 PLEASANT PLAINS BAPTIST CHURCH OF APEX, NC 0 OLD US 1 HWY APEX, NC 27502	0731-10-7868	464914	073103	23.853	DB 18552 PG 247-251 BM 2019 PG 01919
SEARS, ROBERT LARRY 2108 OLD US 1 HWY APEX, NC 27502	0731-10-7055	82802	073103	2.365	DB 2374 PG 459 DB 1073 PG 113 BM 2019 PG 247

Total acreage: 26.218 acres

Existing Zoning: RR (Rural Residential)
Proposed Zoning: PUD-CZ (Planned Unit Development - Conditional Zoning)

Current 2045 Land Use Map: Medium Density Residential & Office Employment
Existing Use: Vacant, Agricultural

Township: Buckhorn

Flood Zone Information: Firm Panel 3720073100J dated 5-2-2006 does not show the presence of flood zones on the properties
Watershed Information: Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin

Historical: No historical structures on site

Proposed Uses:

Residential:
- Townhouse
- Greenway
- Recreation Facility, private
- Park, active
- Accessory apartment
- Park, passive
- Utility, minor

Non-Residential:

Ambulatory Health-care Facility with Emergency Department	
Day care facility	Microdistillery
Government services	Drop-in or short term day care
Veterinary clinic or hospital	Vocational school
Utility, minor	Botanical garden
Park, active	Greenway
Recreational facility, private	Park, passive
Medical or dental laboratory	Restaurant, drive-through
Barber and beauty shop	Medical or dental office or clinic
Floral shop	Office, business or professional
Printing and copying services	Artisan studio
Real estate sales	Financial institution
Tailor shop	Health/fitness center or spa
Microbrewery	Pet services
Youth or day camps	Accessory apartment

Buildings: 160 Townhouses
11,000 SF Non-Residential Building

Acreage: 26.218 acres
Townhouse: 19.258 acres
Non-Residential: 6.96 acres

Townhouse Density: 6.13 DU/acre (160 DU / 26.218 acres)

Building Height:
Townhouses: 36 feet / 2-stories
Non-Residential: 36' - 60' maximum (to be determined based upon use)

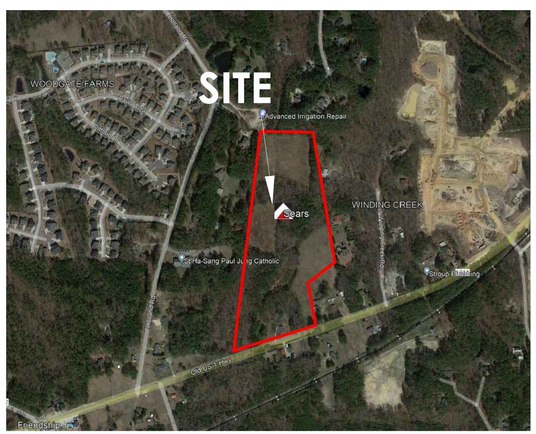
Built Upon Area (BUA):
Townhouses: 65%
Non-Residential: 65% - 70% (to be determine based upon use)

Building Setbacks:

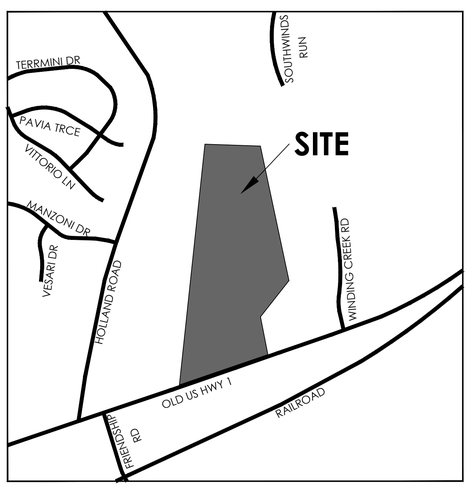
	Townhouses	Non-Residential
Front:	10 feet	20 feet
Front (garage):	20 feet	----
Side (end unit):	3 feet (6 feet aggregate)	20 feet
Side (corner):	6 feet	----
Rear:	10 feet	20 feet
Building to Building:	10 feet	----
Building to Buffer/RCA:	10 feet	10 feet
Parking to Buffer/RCA:	5 feet	5 feet

Parking: Parking shall comply with UDO Section 8.3.2
Townhouses
Required Spaces: 2 spaces per dwelling unit plus .25 per unit for guest parking
2 spaces x 160 dwelling units = 320 spaces
.25 x 160 dwelling units = 40 spaces
360 parking spaces required

Non-Residential
Required Spaces: To Be Determined Based Upon Use and UDO requirements



AERIAL MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com
NC License #P-0673

project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

No.	DATE	REVISION	BY
1	MARCH 16, 2022	TOWN OF APEX – 1ST ZONING COMMENTS	TC
2	APRIL 6, 2022	TOWN OF APEX – 2ND ZONING COMMENTS	TC
3	APRIL 25, 2022	TOWN OF APEX – 3rd ZONING COMMENTS	TC

title:
COVER SHEET

proj #: 190203
date: December 1, 2021
dwg by: JE chkd by: JR
scale: As Noted
sheet: C000
SKETCH PLAN

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N/F STEPHEN A. SUZANNE M. [illegible]
PIN: 0731-11-1462
DB/PG: 12878/1775
USE: RESIDENTIAL
ZONING: RR

N/F ROBERT T. & SUMNER G. [illegible]
PIN: 0731-21-5578
DB/PG: 18569/3048
USE/RESIDENTIAL
ZONING: RR

N/F WARREN G. & DORA [illegible]
PIN: 0731-21-1835
DB/PG: 12109/0146
USE: RESIDENTIAL
ZONING: RR

N/F PATRICIA F. JONES
PIN: 0731-21-3582
DB/PG: [illegible]146
USE: RESIDENTIAL
ZONING: RR

N/F RAJIT & MALTI JAIN
PIN: 0731-11-4538
DB/PG: 14227/2327
USE: RESIDENTIAL
ZONING: RR

N/F RICHARD D. & CAROL A. [illegible]
PIN: 0731-21-2261
DB/PG: 15406/3745
USE: RESIDENTIAL
ZONING: RR

N/F CHRISTOPHER K. M. [illegible]
PIN: 0731-11-2454
DB/PG: 17252/2961
USE: RESIDENTIAL
ZONING: RR

N/F MARK A. & LESLIE C. [illegible]
PIN: 0731-11-3943
DB/PG: 14492/2364
USE: RESIDENTIAL
ZONING: RR

N/F THOMAS W. DRAPER
PIN: 0731-20-4128
DB/PG: 6171/0850
USE: RESIDENTIAL
ZONING: RR

N/F OSCAR F. SEARS
PIN: 0731-10-1850
DB/PG: 2968/1094
USE: RESIDENTIAL
ZONING: RR

N/F LARRY A. & [illegible]
PIN: 0731-20-3823
DB/PG: 5133/0422
USE: RESIDENTIAL
ZONING: RR

N/F ROMAN CATHOLIC BISHOPS OF RALEIGH
PIN: 0731-20-4128
DB/PG: 1330/1658
USE: CHURCH
ZONING: RR

N/F OSCAR F. SEARS
PIN: 0731-10-1850
DB/PG: 2968/1094
USE: RESIDENTIAL
ZONING: RR

N/F OSCAR F. SEARS
PIN: 0731-10-1850
DB/PG: 2968/1094
USE: RESIDENTIAL
ZONING: RR

N/F OSCAR F.J. SEARS
PIN: 0731-20-3357
DB/PG: 2968/0359
USE: RESIDENTIAL
ZONING: RR

N/F WILSON A. [illegible]
PIN: 0731-20-4825
DB/PG: 10633/0894
USE: RESIDENTIAL
ZONING: RR

N/F PATRICK EDWIN SEARS
PIN: 0731-20-4128
DB/PG: [illegible]
USE: CEMETERY
ZONING: RR

N/F BELINDA CAMP
PIN: 0731-20-0492
DB/PG: 17790/1639
USE: RESIDENTIAL
ZONING: RR

N/F HOKE & JERVIS
PIN: 0731-20-2124
DB/PG: 5104/0332
USE: VACANT
ZONING: RR

N 6° 19' 01" E 29.04'

N 6° 07' 54" E 542.16'

S 84° 17' 17" W 274.22'

S 5° 30' 56" E 57.42'

S 84° 29' 04" W 60.05'

N 5° 30' 56" W 57.42'

S 84° 17' 17" W 274.22'

S 6° 07' 54" W 542.16'

S 6° 19' 01" W 29.04'

N 84° 29' 04" E 199.81'

N 84° 17' 17" E 199.81'

WINDING CREEK RD
VARIABLE WIDTH PRIVATE STREET

OLD US 1 HIGHWAY
VARIABLE WIDTH PUBLIC ROW

OLD US 1 HWY (SR 1011)
ROW VARIABLE WIDTH PUBLIC ROW

HOLLAND ROAD
(SR 1187)
60' PUBLIC ROW

WETLANDS

TREE LEGEND

PINE TREES
(>18" DBH)

DECIDUOUS TREES
(>18" DBH)

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

N

0 50 100 200
SCALE: 1" =100'

1 C001 EXISTING CONDITIONS
SCALE: 1"= 100'

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0700
www.PeakEngineering.com

NC License #P-0673

project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

No.	DATE	REVISION	BY
1	MARCH 15, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 18, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3rd ZONING COMMENTS	JR

title:
EXISTING CONDITIONS

proj #:
190203

date:
December 1, 2021

dwg by: JE chkd by: JR

scale:
As Noted

sheet:
C001
SKETCH PLAN

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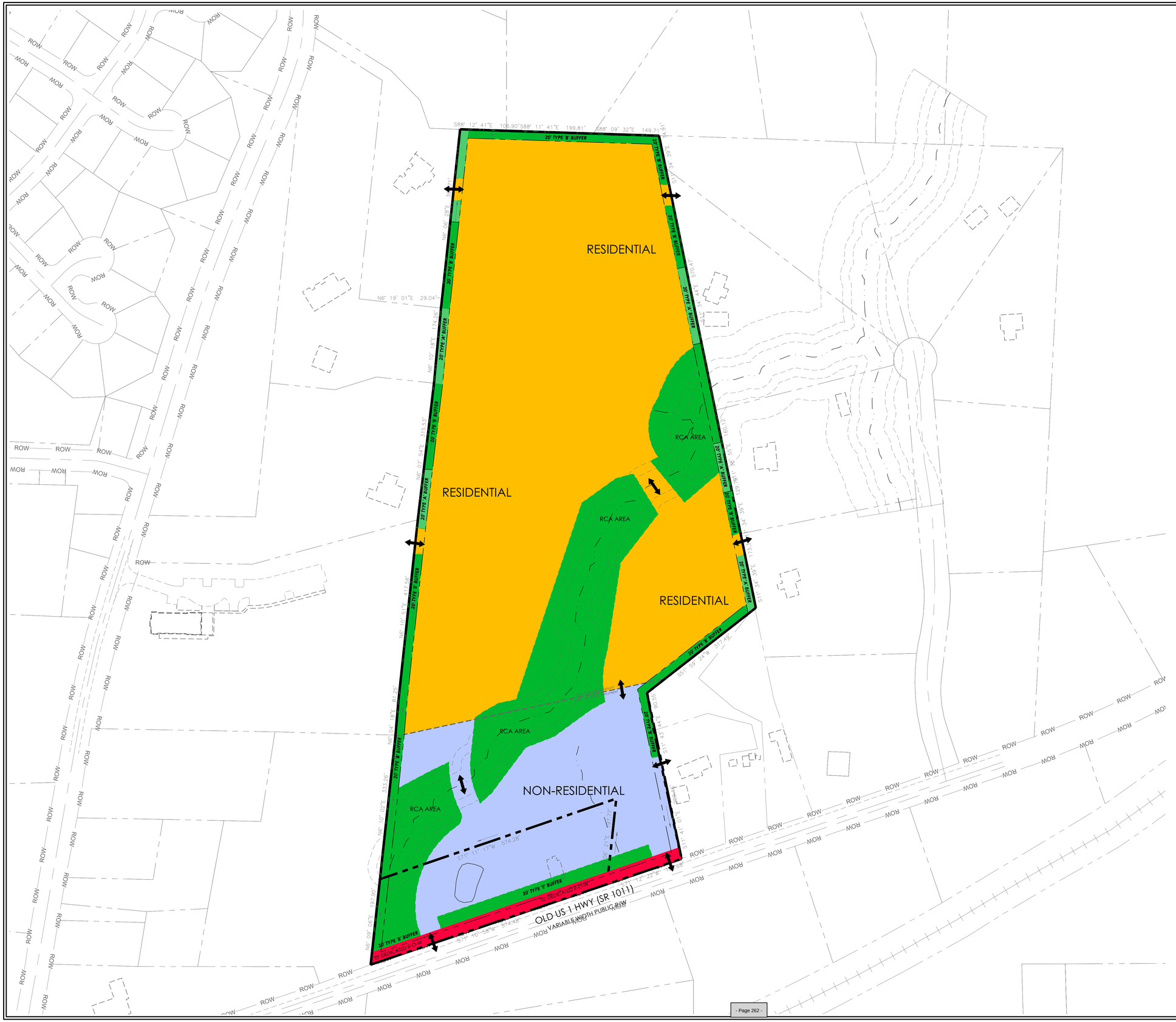
RESIDENTIAL
RESIDENTIAL
NON-RESIDENTIAL
RCA AREA
RCA AREA
RCA AREA
20' TYPE 'B' BUFFER
20' TYPE 'A' BUFFER
30' TYPE 'B' BUFFER
25' DEDICATED R-O-W
OLD US 1 HWY (SR 1011)
VARIABLE WIDTH PUBLIC R/W
ROW
S88° 12' 41"E 100.90'
S88° 11' 41"E 199.81'
S88° 09' 32"E 149.71'
N6° 19' 01"E 29.04'
N6° 10' 18"E 124.89'
N6° 10' 02"E 333.58'
N6° 04' 14"E 417.58'
N6° 08' 05"E 197.90'
S71° 11' 17"W 574.28'
S71° 50' 24"W 317.49'
S71° 50' 24"W 574.58'
S71° 50' 24"E 315.53'
S71° 50' 24"E 570.47'
S71° 50' 24"E 160.12'
S71° 50' 24"E 160.91'
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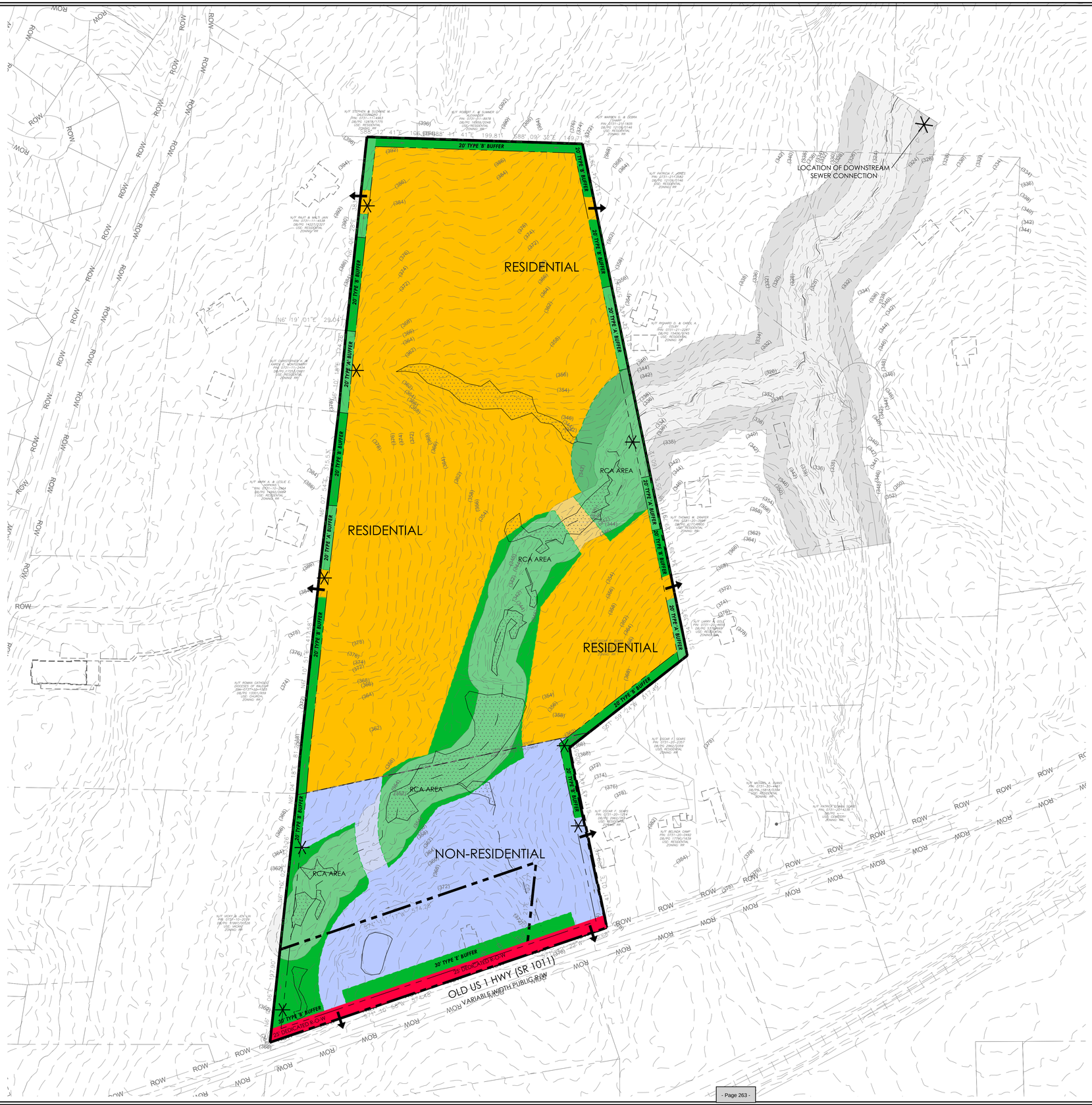
S71° 50' 24"E 417.49'
S71° 50' 24"E 417.49



UTILITY NOTES:

1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY
2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

PROPOSED WATER CONNECTIONS

PROPOSED SEWER CONNECTIONS

PROJECT PERIMETER BOUNDARY

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

N

0 50 100 200
SCALE: 1" =100'

1 C200 CONCEPTUAL UTILITY PLAN
SCALE: 1"= 100'

PEAK Engineering & Design
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project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

No.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3rd ZONING COMMENTS	JR
4	JULY 22, 2022	TOWN OF APEX - 4th ZONING COMMENTS	JR

title:
CONCEPTUAL UTILITY PLAN

proj #:
190203
date:
December 1, 2021
dwg by: JE chkd by: JR
scale:
As Noted
sheet:
C200
SKETCH PLAN

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I:\Eng_Projects\190203 Sears Property - Western\Zoning\Docs\190203 PUD Sheets.dwg, C200 Utility Plan, ARCH A4 Sheet (3.5in.00 x 24.00 inches), 1:1



Building A - East Elevation 3

1/8" = 1'-0"



Building A - North Elevation 2

1/8" = 1'-0"



BUILDING A - NE PERSPECTIVE VIEW 1

Building elevations are for illustrative purposes only

ORA ARCHITECTURE
510 W. MARTIN ST., SUITE 100
RALEIGH, NC 27603
P: 919.754.9924

SEARS PROPERTY PUD - COMMERCIAL

APEX, NORTH CAROLINA

BUILDING A - CONCEPT DESIGN

SD - A1

1/4" 1" 2'
1/2"

DATE: 12/1/2021
PROJECT 21028

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BRICK 1



DARK BRONZE ALUMINUM
CANOPY & STOREFRONT

FUNDERMAX

m.look NCore®

The Non Combustible material with the highest degree of architectural freedom and design possibilities for limitless ideas.

m.look NCore offers the unique combination of a non combustible rainscreen material which comes in the full range of 121 colors and decors for unlimited architectural ideas and any building height.

Material in compliance with sections 703.5.1 and 703.5.2 of the 2015 IBC for materials considered non combustible based on code requirements and passing ASTM E136 and E84 test protocol

ADVANTAGES

- Large 52 23/64"x137 51/64" panel size
- Scratch resistant
- Graffiti resistant
- Non-porous and easy to clean
- Easy to install
- Light weight facade panel
- Extremely UV and weather resistant
- Impact resistant
- Double-hardened, NT® surface
- 121 colors/decors

APPLICATIONS

Exterior: rainscreen facades, balcony cladding, soffits, sun protection, fence elements.
Interior: wall cladding, ceilings, partitions for offices and restrooms, staircase and handrail infill panels, stairwell and emergency exit cladding.



PHOTO: CHRISTOF LACKNER · ARCHITECT: SUDOP PRAHA A.S.

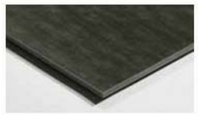



PHOTO: CHRISTOF LACKNER · ARCHITECT: SUDOP PRAHA A.S.

HPL WALL PANEL - WOOD LOOK

Building elevations are for illustrative purposes only



65%



35%

BRICK 2
COMBINATION OF TWO
BRICK TYPES

Primed for Paint

Size Options

Thickness	0.312"
Weight	2.40 lbs. per square foot
Length	144"

Widths	**6.25"**	**8.25"**	**12"**
Exposures	5"	7"	10.75"
Pcs./Pallet	308	230	152

Widths	**5.25"**	**7.25"**	**9.25"**
Exposures	4"	6"	8"
Pcs./Pallet	360	252	190



CEMENTITIOUS SIDING
JAMES HARDIE LAP SIDING COLOR PER ELEVATIONS

Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public spaces.
- Every effort shall be made to locate service and loading areas in the rear of the structures. Where these features are located between the building and a publicroad, they will be designed in suca a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of building facing a street shall incoporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, facade articulation, breaks in roof, walls with texture material and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences in roof height, pitch, ridgelines and materials may be used to create visual interest and avoid repetition.

Non-residential exteriors shall incoporate variation in materials. The primary (front) facade of the buildings to be considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefront with anodized or pre-finished colors
- EIFS cornices and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awings with metal or canvas material
- Soffit and facia materials to be considered include EIFS with crown trim elements
- Cementitious siding
- Tile
- Heavy Timber accent elements

Non-residential buildings visible fomr the public view shall be constructed with compatible materials. Rear elecations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, and EIFS trim.

Exterior materials that are not allowed as part of the development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal walls

ORA ARCHITECTURE
510 W. MARTIN ST., SUITE 100
RALEIGH, NC 27603
P: 919.754.9924

SEARS PROPERTY PUD - COMMERCIAL

APEX, NORTH CAROLINA

MATERIAL BOARD

SD - A2

1/4" 1" 2"
1/2"

DATE: 12/1/2021
PROJECT:21028

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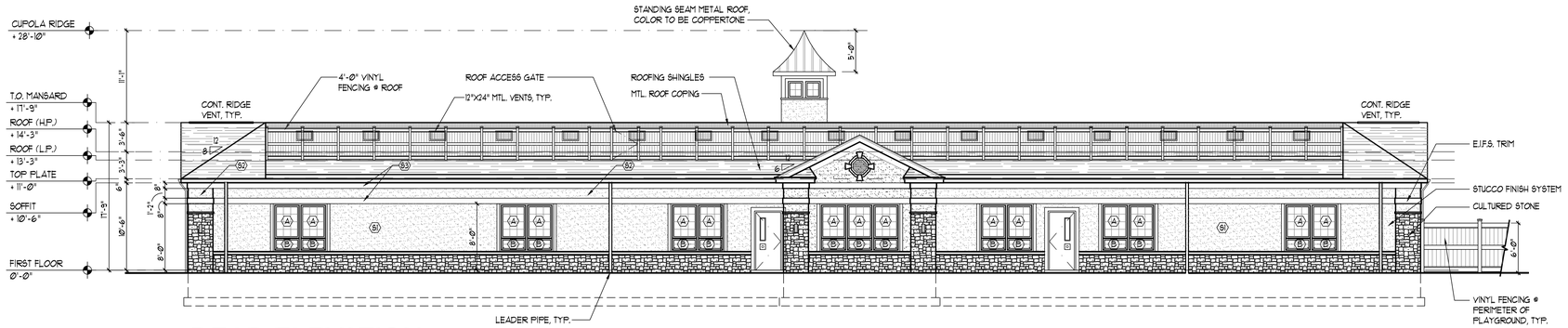
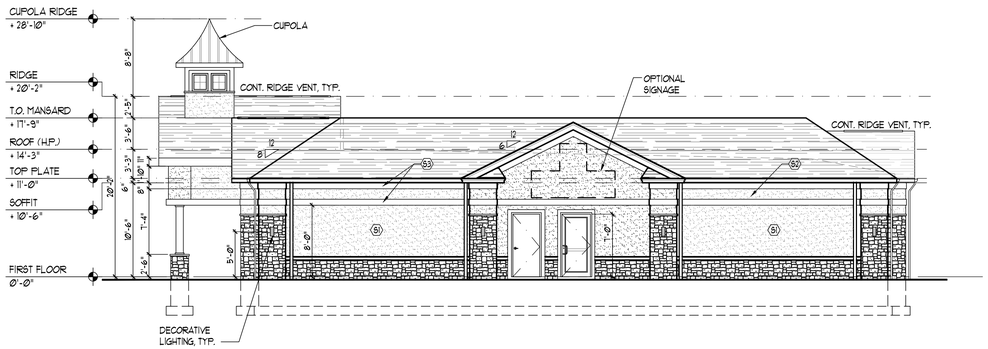
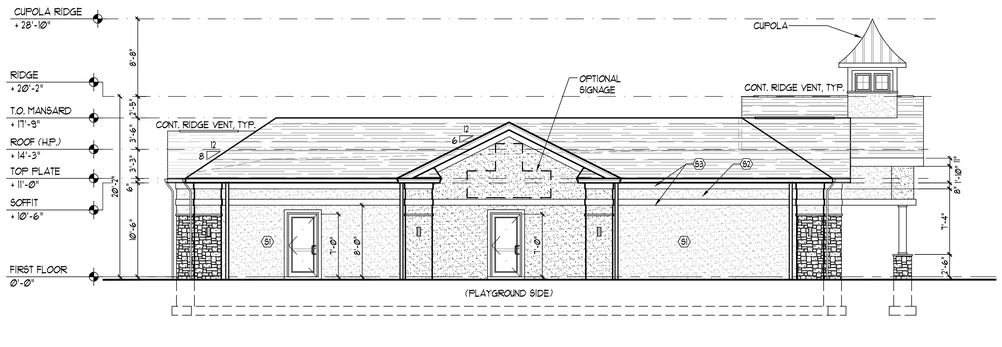
FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

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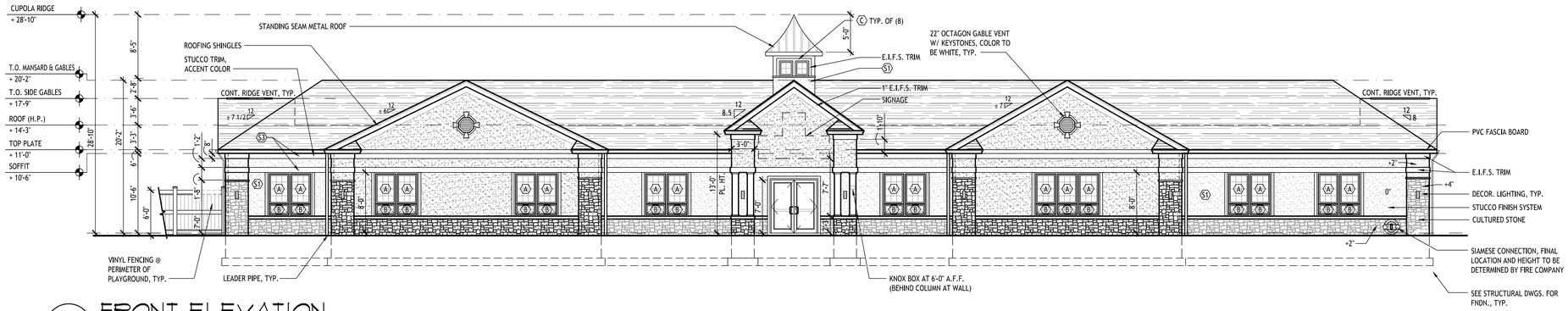
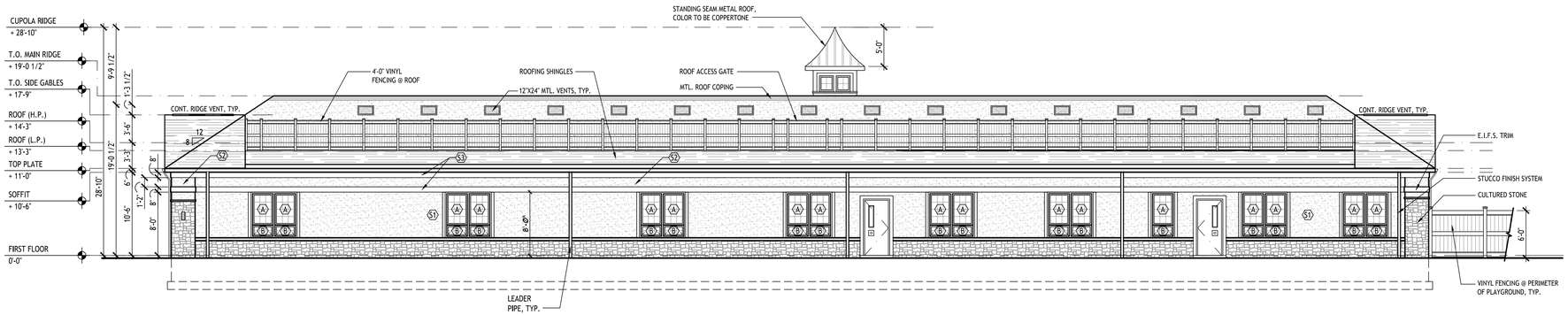
373 US Highway Route 46 West
Building D, Suite 240
Fairfield, New Jersey 07004
ph: 973-291-3730 fax: 973-291-3740
e: jmihalik@jam-arch.com

PROTOTYPICAL ELEVATIONS



1 FRONT ELEVATION

SCALE: 1/8" = 1'-0"



2 REAR ELEVATION (CORE BANKS ST.)

SCALE: 1/8" = 1'-0"

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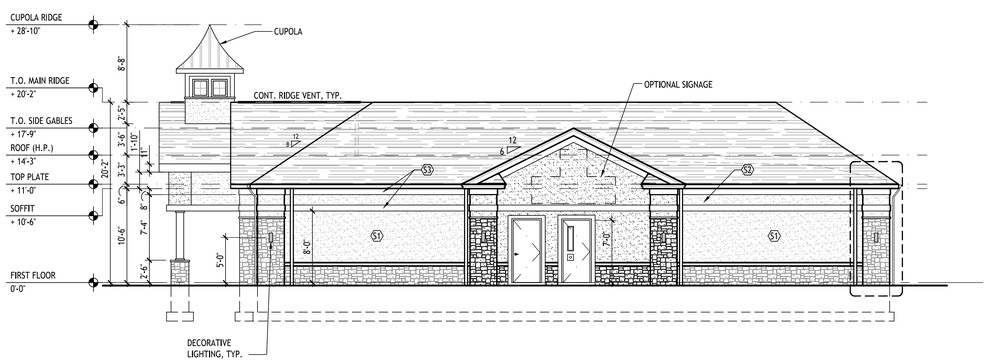
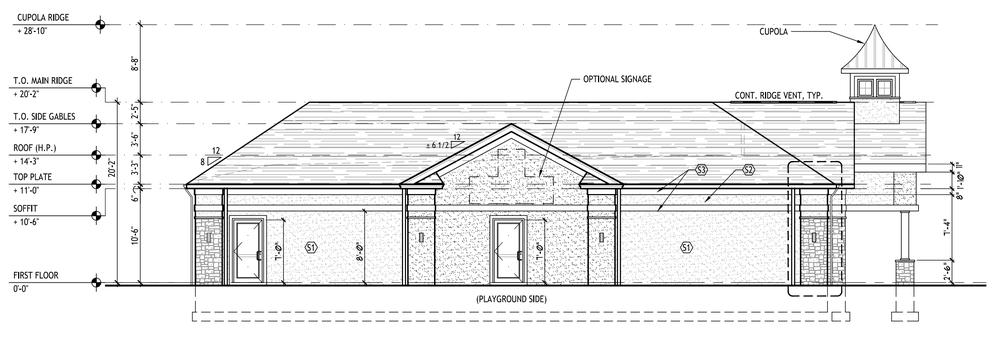


3 RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION (CHANTILCLAIR DR.)

SCALE: 1/8" = 1'-0"

STUCCO FINISH SCHEDULE		
<>	DESCRIPTION	COLOR
S1	BODY	10611 MOONLIT SAND
S2	ACCENT	32132 SPECTRAL
S3	TRIM	9433 WHITE

WINDOW SCHEDULE		
<>	MODEL	SIZE
A	P2840	2'-8" x 4'-0"
B	AR3	2'-8" x 1'-5"
C	CN12	1'-9" x 2'-0 5/8"

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PA LIC. # RA402349
CT LIC. # 10431
ME LIC. # ARC3160
MD LIC. # 17519
NC LIC. # 11921
FL LIC. # AR 95150
VA LIC. # 16388

NOT VALID FOR CONSTRUCTION WITHOUT SEAL

PRELIMINARY NOT FOR CONSTRUCTION

Project:

North Carolina
11,200 Prototype

Developer:
–

LOT: –
BLOCK: –

SHEET TITLE:
BUILDING ELEVATIONS SCHEDULES, DETAIL & NOTES

Rev. #	Date	Remarks
	05/10/2019	ISSUED TO DEVELOPERS
	08/13/2018	ISSUED TO DEVELOPER FOR REFERENCE
	08/07/2018	PROTOTYPE CHANGES
	04/23/2018	ISSUED FOR REVIEW
	09/29/2017	ISSUED FOR REVIEW

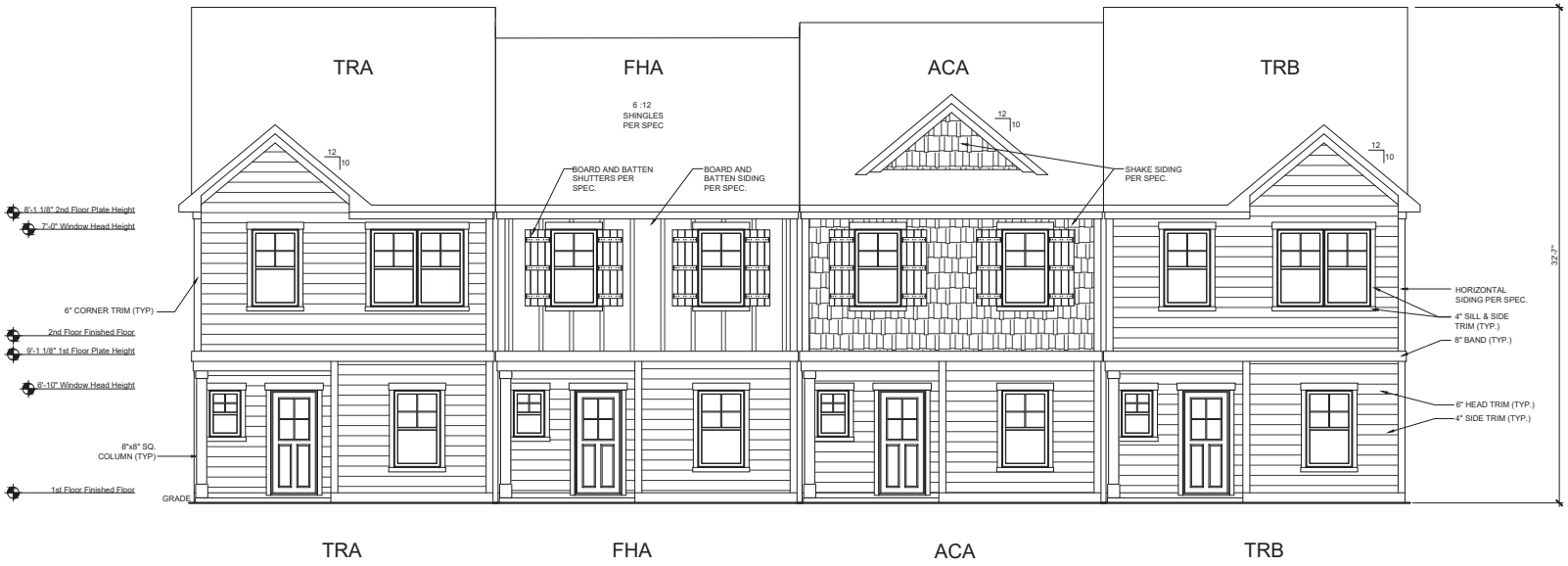
JOB NUMBER: NC PROTOTYPE
DATE: 09/26/2017
DRAWN BY: JAM/CJC/KM
CHECKED BY: JAM

SHEET NO.
PR-3

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.



Elevations are for Illustrative purposes only



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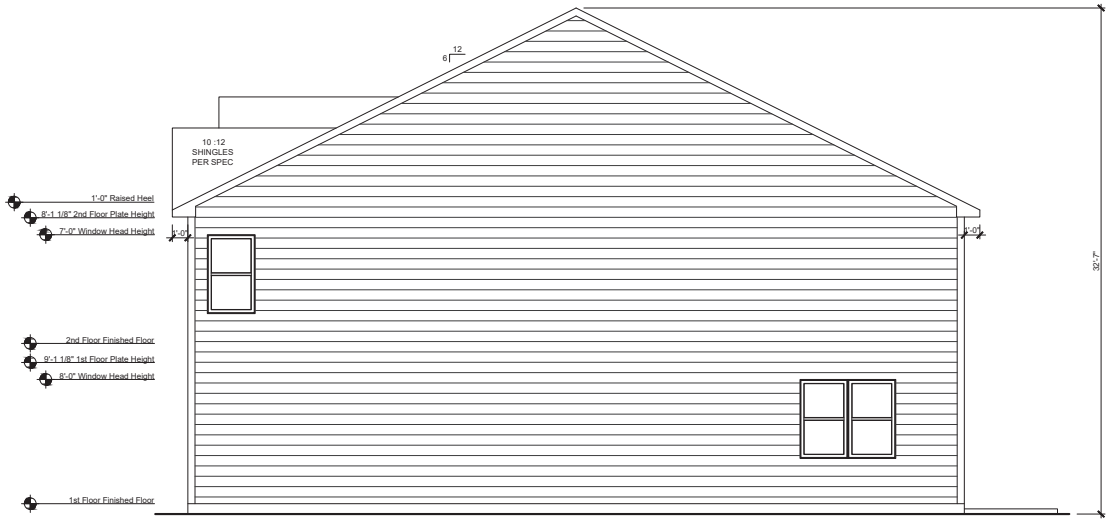
BEAZER HOMES

20' NO CAR TH SERIES - SEARS COMMUNITY

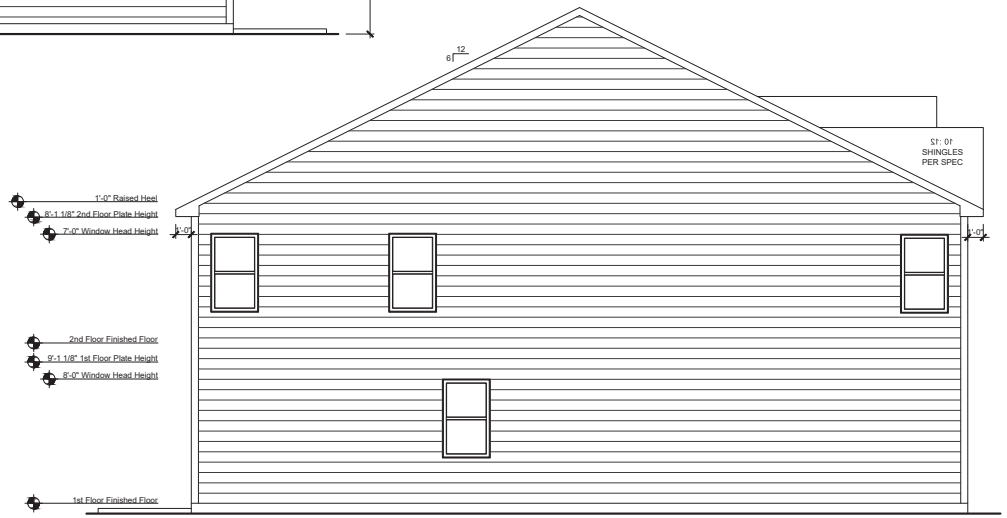
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only

BEAZER HOMES

20' NO CAR TH SERIES - SEARS COMMUNITY

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



Elevations are for
illustrative purposed only

BEAZER HOMES

20' NO CAR TH SERIES - SEARS COMMUNITY

REAR ELEVATION

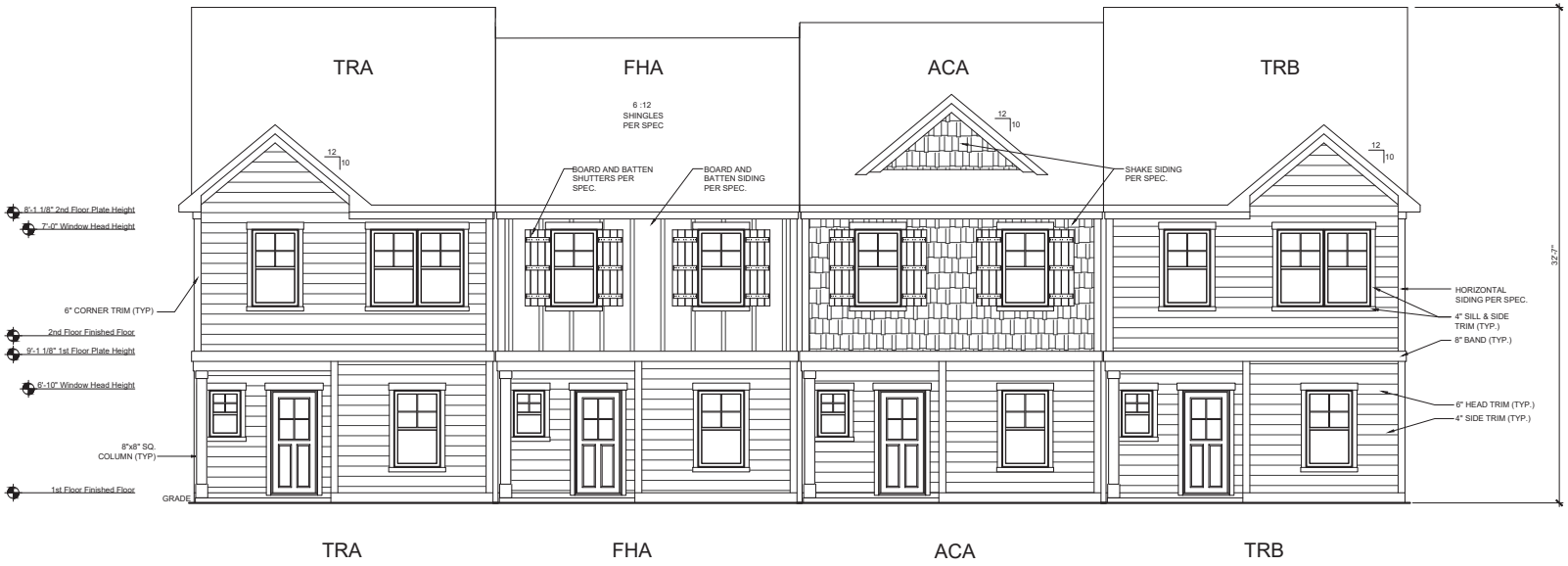
SCALE: 1/8" = 1'-0"

DATE: 11-4-2021

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.



Elevations are for Illustrative purposes only



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Illustrative purposes only

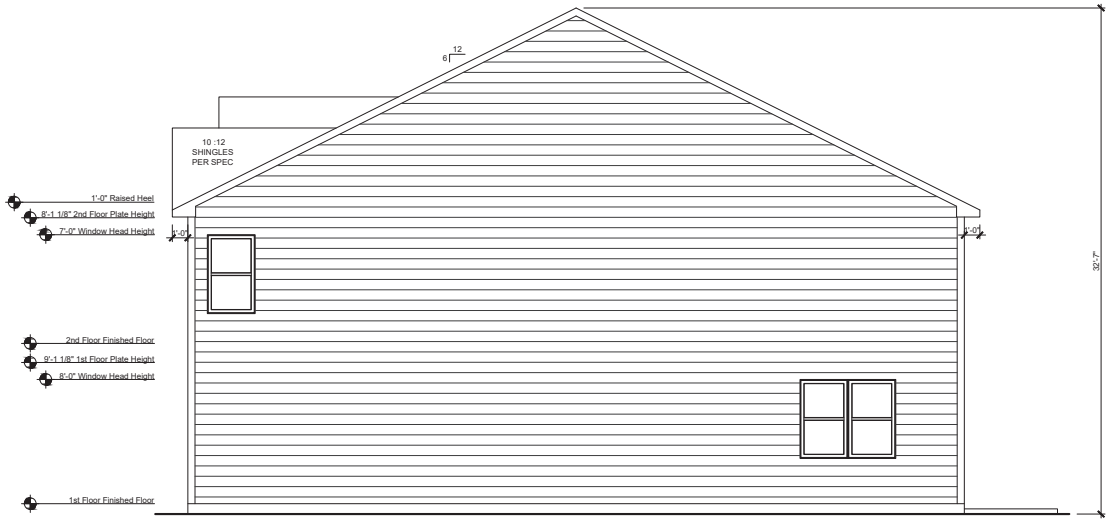
BEAZER HOMES

20' NO CAR TH SERIES - SEARS COMMUNITY

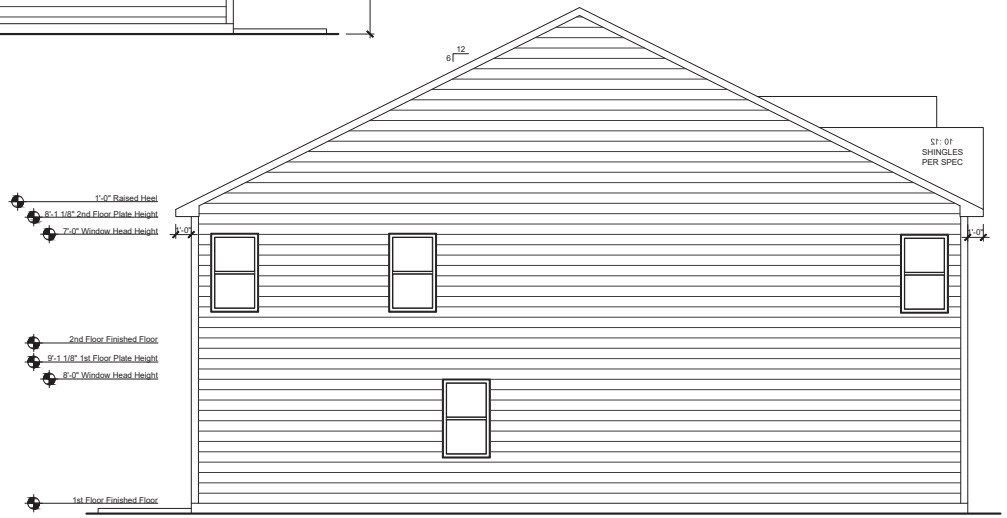
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only

BEAZER HOMES

20' NO CAR TH SERIES - SEARS COMMUNITY

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



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illustrative purposed only

BEAZER HOMES

20' NO CAR TH SERIES - SEARS COMMUNITY

REAR ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021







Sears Property

Traffic Impact Analysis

Apex, North Carolina

TRAFFIC IMPACT ANALYSIS

FOR

SEARS PROPERTY

LOCATED

IN

APEX, NC

Prepared For:
Beazer Homes – Raleigh Division
5400 Trinity Road, Suite 313
Raleigh, NC 27607

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910



NOVEMBER 2021

Prepared By: DT

RKA Project No. 21511

Reviewed By: NB

TRAFFIC IMPACT ANALYSIS
SEARS PROPERTY
APEX, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Sears Property development in accordance with the Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located along Old US Hwy 1, east of Holland Road in Apex, North Carolina. The proposed development is expected to consist of 160 townhomes and an approximately 11,000 square foot (s.f.) day care center to be built out by 2026. Site access is proposed via one (1) right-in/right-out driveway and one (1) full-movement driveway along Old US Hwy 1.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in September 2021 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in-person learning:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

The proposed development is assumed to consist of 160 townhomes and an approximately 11,000 s.f. day care center. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) (220)	160 units	1,170	17	58	57	33
Daycare Center (565)	11,000 s.f.	520	64	57	57	65
Total Trips		**1,690**	**81**	**115**	**114**	**98**

4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 4% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Evans Road Assemblage
- E-41 (Apex Friendship Elementary) – AM only
- Pleasant Park – Phase 1 – PM only

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2021 existing, 2026 no-build, and 2026 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

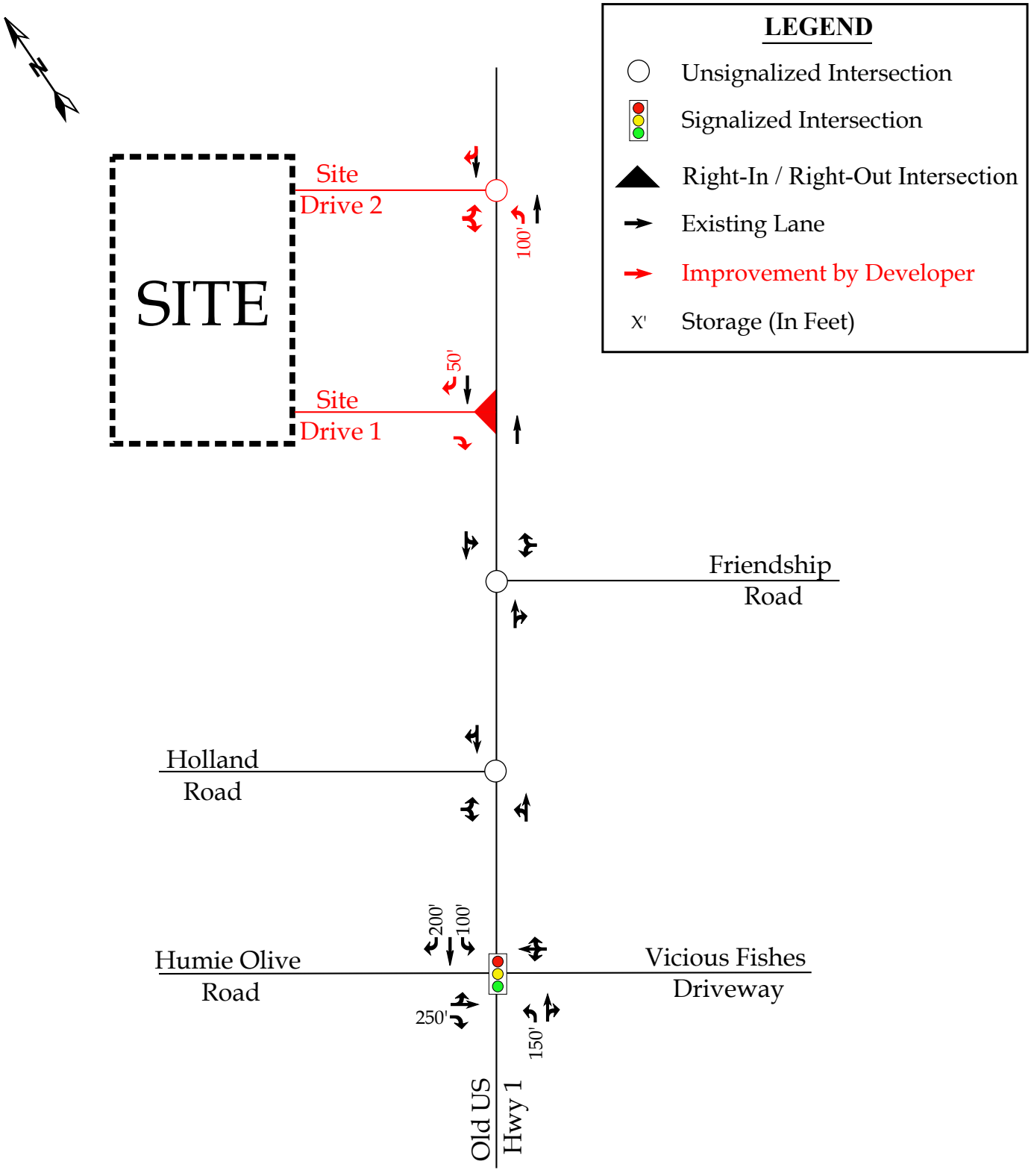
Recommended Improvements by Developer

Old US Hwy 1 and Site Drive 1

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- Provide stop-control for the southbound approach.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage with appropriate deceleration and taper length.

Old US Hwy 1 and Site Drive 2

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide stop-control for the southbound approach.
- Provide an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper length.



Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

Recommended Lane Configurations

Scale: Not to Scale | Figure E-1

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Appendix C: Signal Plans
Appendix D: Adjacent Development Information
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Appendix G: Capacity Calculations – Old US Hwy 1 and Friendship Road
Appendix H: Capacity Calculations – Old US Hwy 1 and Site Drive 1
Appendix I: Capacity Calculations – Old US Hwy 1 and Site Drive 2
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TRAFFIC IMPACT ANALYSIS
SEARS PROPERTY
APEX, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Sears Property to be located along Old US Hwy 1, east of Holland Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed by 2026, is assumed to consist of the following uses:

- 160 townhomes
- 11,000 square foot (s.f.) day care center

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located along Old US Hwy 1, east of Holland Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following existing intersections:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Refer to Appendix A for the approved memorandum of understanding (MOU).

1.2. Proposed Land Use and Site Access

The site is expected to be located along Old US Hwy 1, east of Holland Road. The proposed development, anticipated to be completed by 2026, is assumed to consist of the following uses:

- 160 townhomes
- 11,000 s.f. day care center

Site access is proposed via one (1) right-in/right-out driveway and one (1) full-movement driveway along Old US Hwy 1. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development. There is a middle school and high school campus located along Humie Olive Road, west of the study area, with an elementary school under construction within this campus as well.

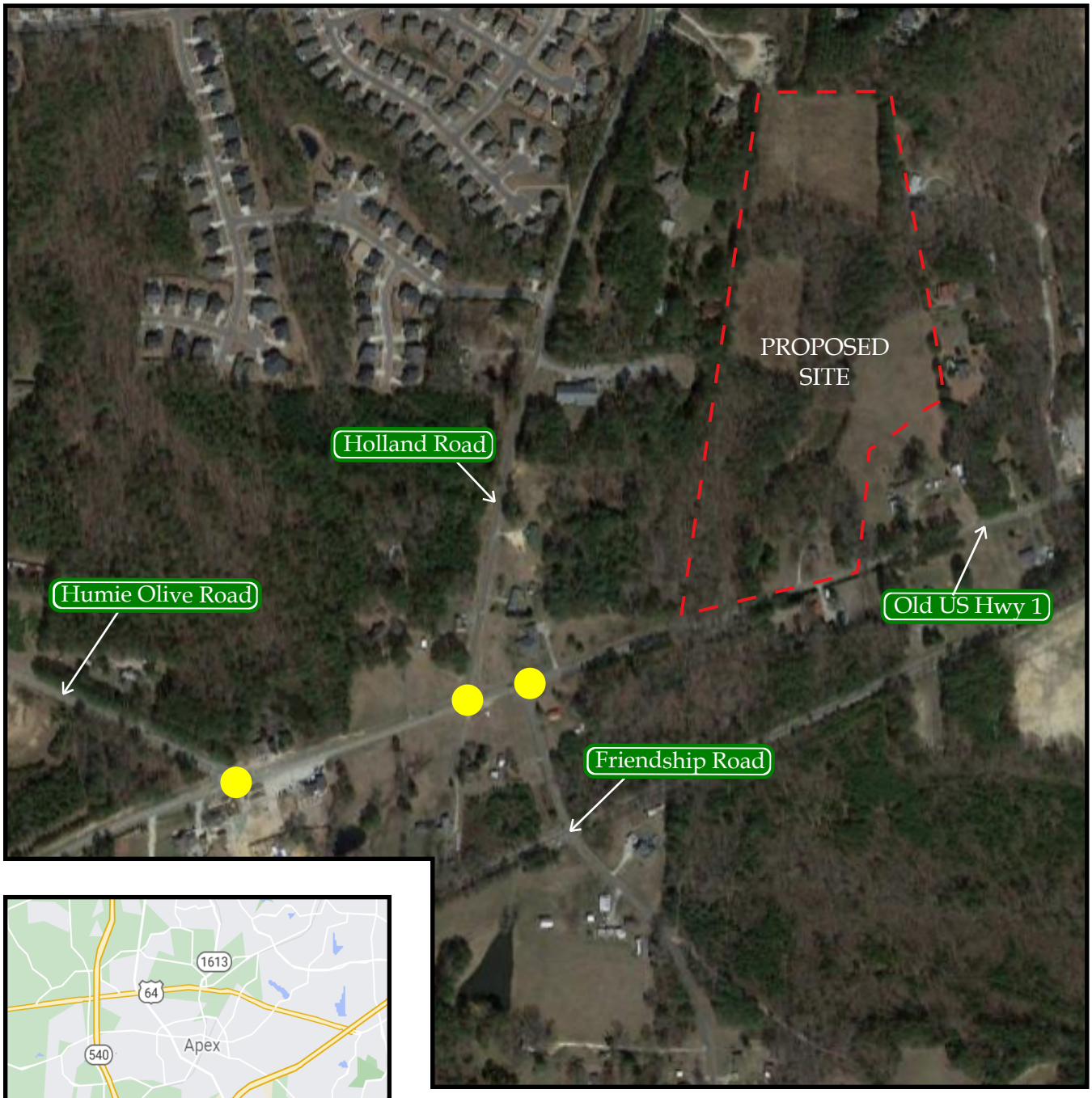
1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2019 AADT (vpd)
Humie Olive Road	SR 1142	2-lane undivided	45 mph	NCDOT	6,700*
Old US Hwy 1	SR 1011	2-lane undivided	55 mph	NCDOT	9,300
Holland Road	SR 1187	2-lane undivided	35 mph (assumed)	NCDOT	1,360*
Friendship Road	SR 1149	2-lane undivided	45 mph	NCDOT	2,630*

*ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



N

LEGEND

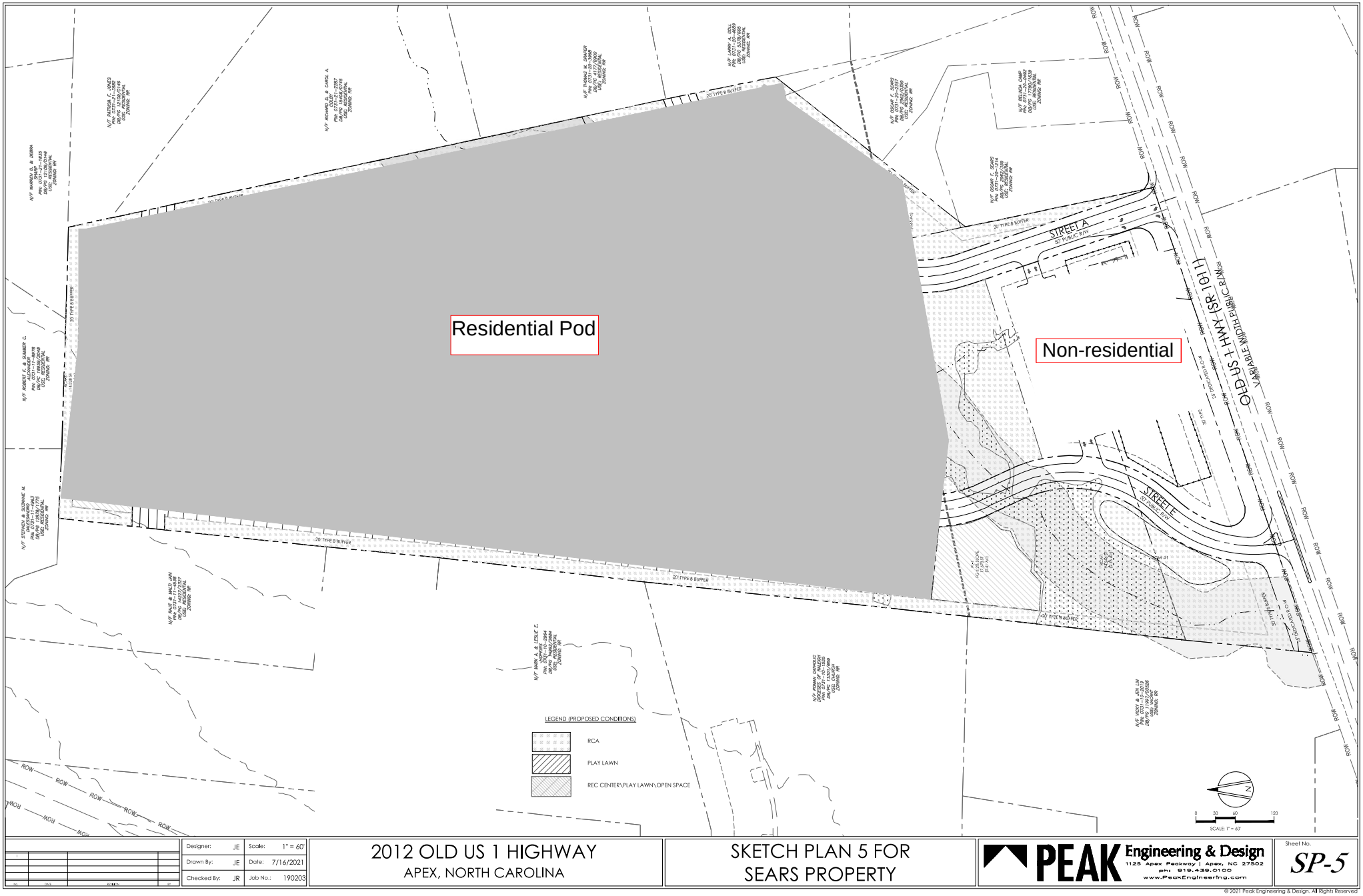
- Proposed Site Location
- Study Intersection
- Study Area

Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

Site Location Map

Scale: Not to Scale | Figure 1



Designer:	JE	Scale:	1" = 60'
Drawn By:	JE	Date:	7/16/2021
Checked By:	JR	Job No.:	190203

2012 OLD US 1 HIGHWAY
APEX, NORTH CAROLINA

SKETCH PLAN 5 FOR SEARS PROPERTY

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com

Sheet No. SP-5

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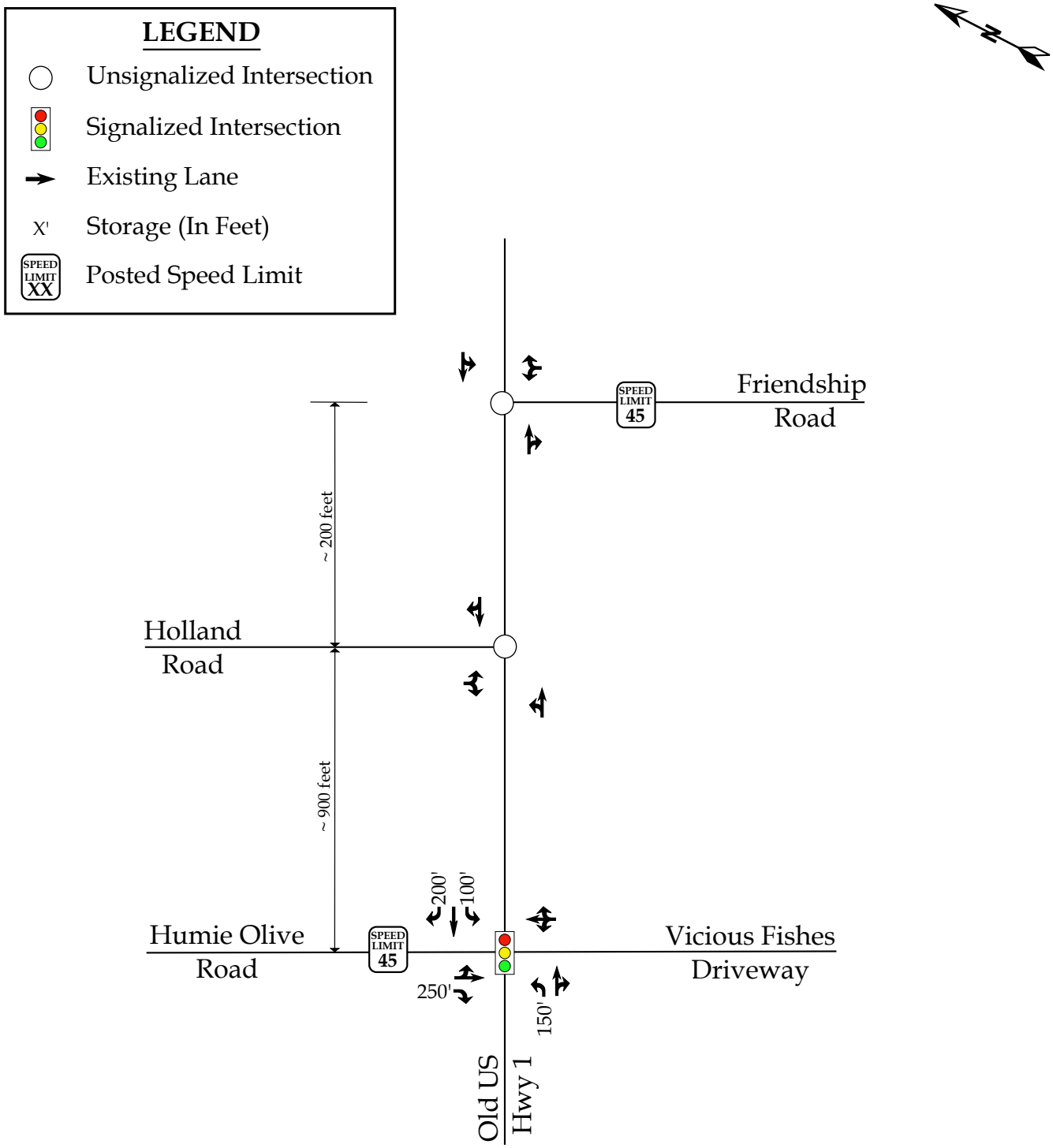


Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

2021 Existing Lane Configurations

Scale: Not to Scale | Figure 3

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

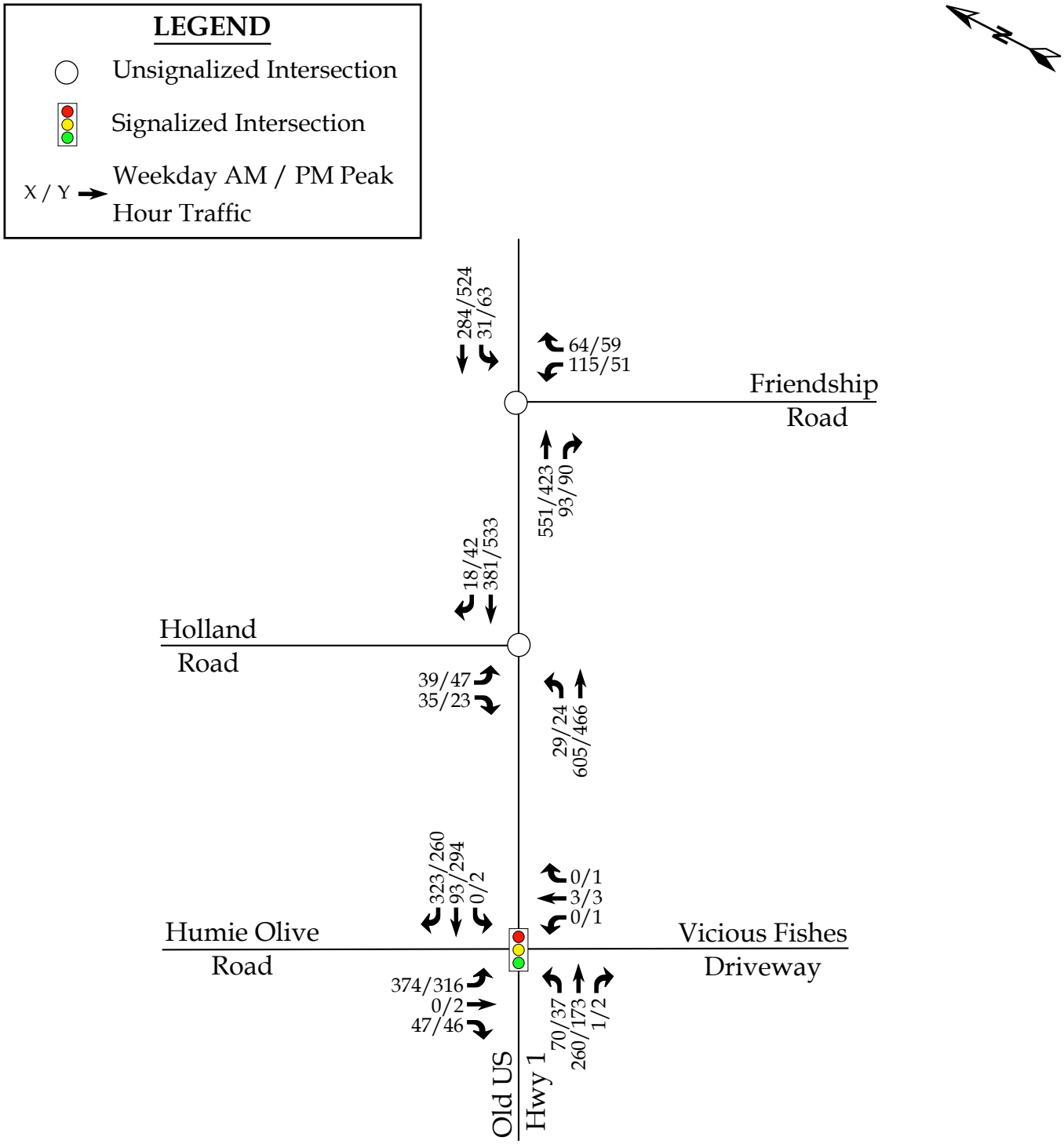
Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in September 2021 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in-person learning:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.



Moving forward.
RKA
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Apex, NC

2021 Existing
Peak Hour Traffic

Scale: Not to Scale | Figure 4

3. 2026 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 4% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2026 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Evans Road Assemblage
- E-41 (Apex Friendship Elementary) – AM only
- Pleasant Park – Phase 1 – PM only

Table 2, on the following page, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Evans Road Assemblage	North of Humie Olive Road, east of Evans Road	2025	50 townhomes 65 single-family homes	August 2021 by RKA
E-41 (Apex Friendship Elementary)	South of Humie Olive Road on Apex Friendship Campus	2022	800-student public elementary school	August 2020 by RKA
Pleasant Park – Phase 1	South of Old US 1 and west of NC 540	2020	4 baseball/softball fields, 3 tennis courts, 6 soccer fields, 2 basketball courts, 3 pickle ball courts, 1 sand volleyball court, cross country route, and picnic areas.	January 2018 by VHB

It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Only weekday AM peak hour site trips were included in this study for the elementary school located on the Apex Friendship campus since the school PM peak period (2:00 – 4:00 PM) studied in the school TIAs differs from the weekday PM peak period (4:00 – 6:00 PM) for the proposed development. It should be noted that the use of the elementary school trips during the same peak hour is expected to present a conservative estimate of the future traffic volumes as these trips are typically spread out between 6:30 AM – 9:00 AM. The TIA performed for the Pleasant Park development studied the weekday PM peak hour and the Saturday midday peak hour; therefore, only the weekday PM peak hour trips were included in this study. The Pleasant Park TIA recommended an exclusive westbound left-turn lane and an exclusive northbound left-turn lane at the intersection of Old US Highway 1 and Friendship Road. Per coordination with the Town, it was determined that these future roadway improvements would not be analyzed under future conditions due to the uncertainty of when these improvements are proposed to be built out. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

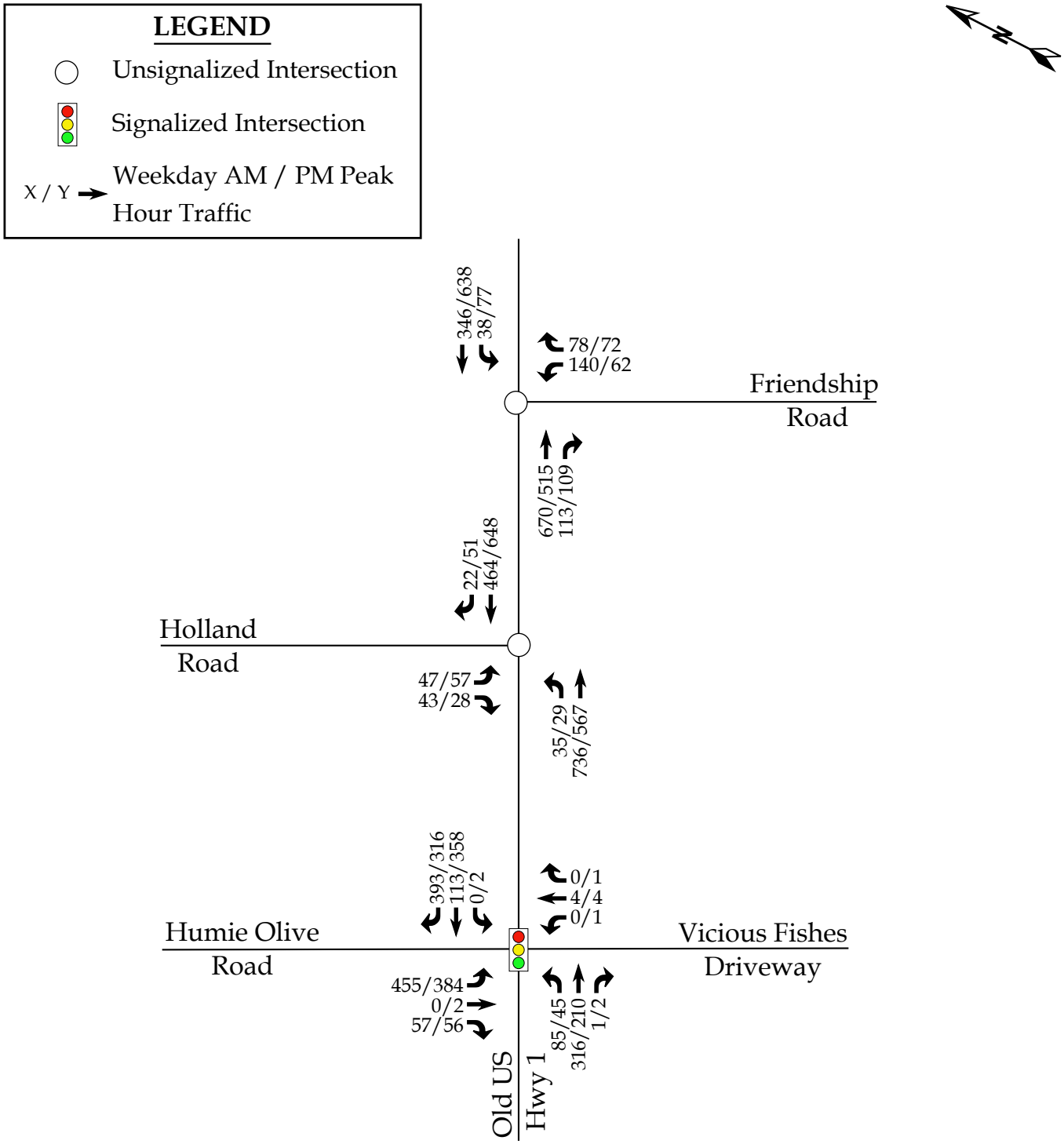
Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study.

3.4. 2026 No-Build Peak Hour Traffic Volumes

The 2026 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2026 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2026 no-build peak hour traffic volumes at the study intersections.

3.5. Analysis of 2026 No-Build Peak Hour Traffic Conditions

The 2026 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



Moving forward.
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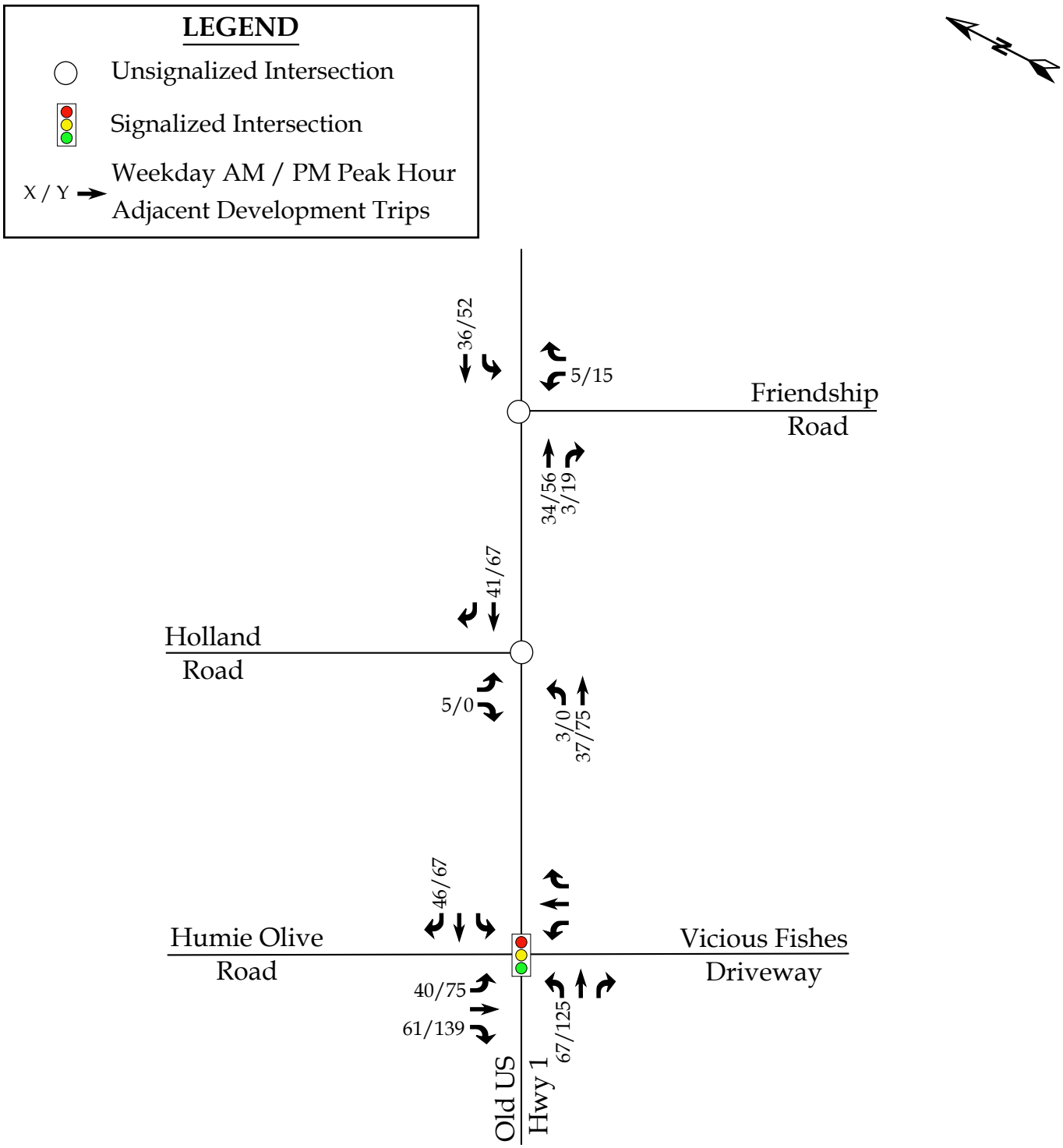
Sears Property
Apex, NC

2026 Projected
Peak Hour Traffic

Scale: Not to Scale | Figure 5



Moving forward.
RKA
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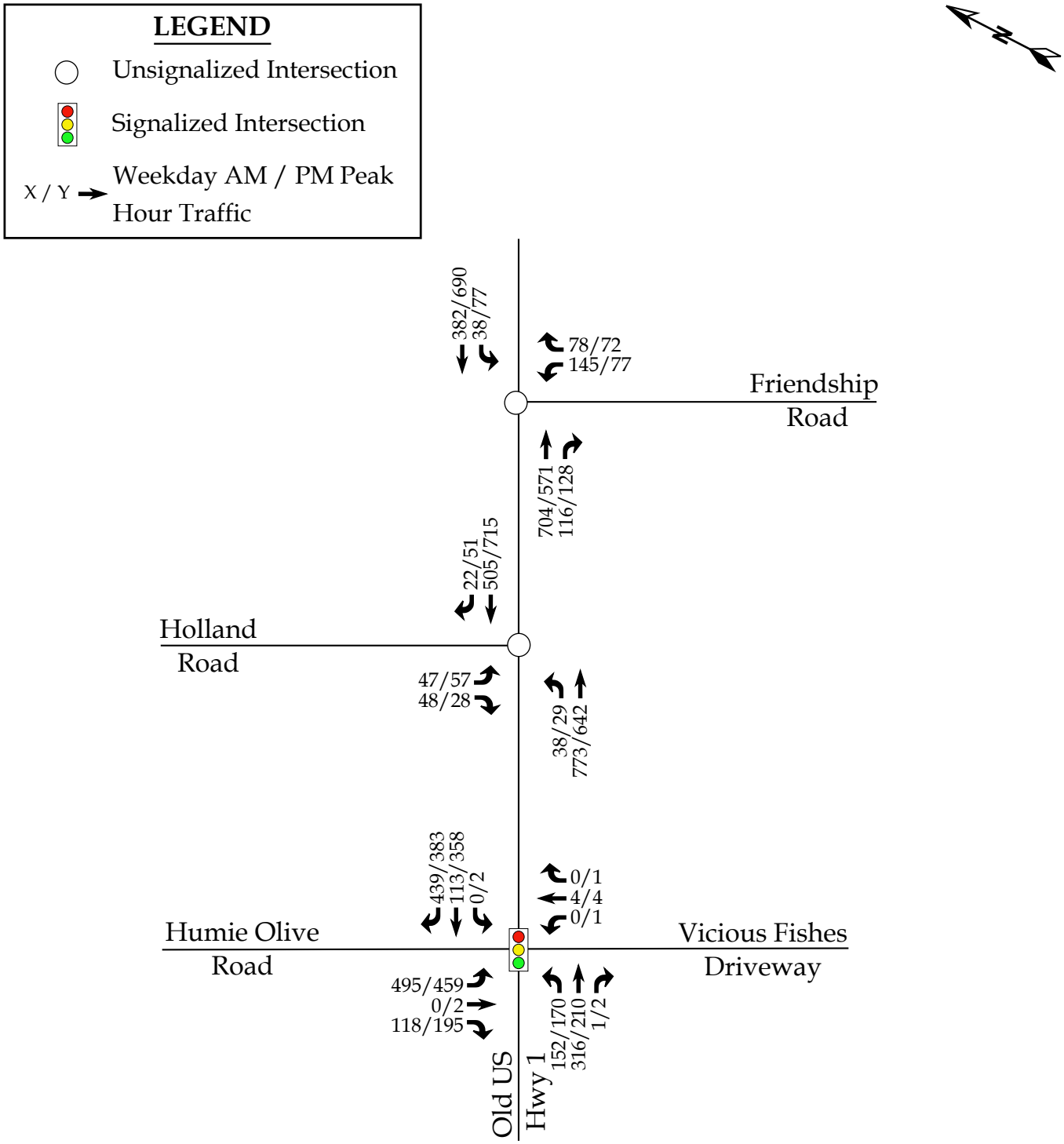
Sears Property
Apex, NC

Peak Hour Adjacent
Developement Trips

Scale: Not to Scale | Figure 6



Moving forward.
RKA
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Sears Property
Apex, NC

2026 No-Build
Peak Hour Traffic

Scale: Not to Scale | Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of 160 townhomes and an 11,000 s.f. daycare center. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) (220)	160 units	1,170	17	58	57	33
Daycare Center (565)	11,000 s.f.	520	64	57	57	65
Total Trips		**1,690**	**81**	**115**	**114**	**98**

It is estimated that the proposed development will generate approximately 1,690 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 196 trips (81 entering and 115 exiting) will occur during the weekday AM peak hour and 212 trips (114 entering and 98 exiting) will occur during the weekday PM peak hour. It should be noted that the proposed development is anticipated to be below the typical threshold for NCDOT to require a TIA (3,000 trips per day); however, a copy of the TIA will be provided to NCDOT for courtesy review.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

It is estimated that the residential site trips will be regionally distributed as follows:

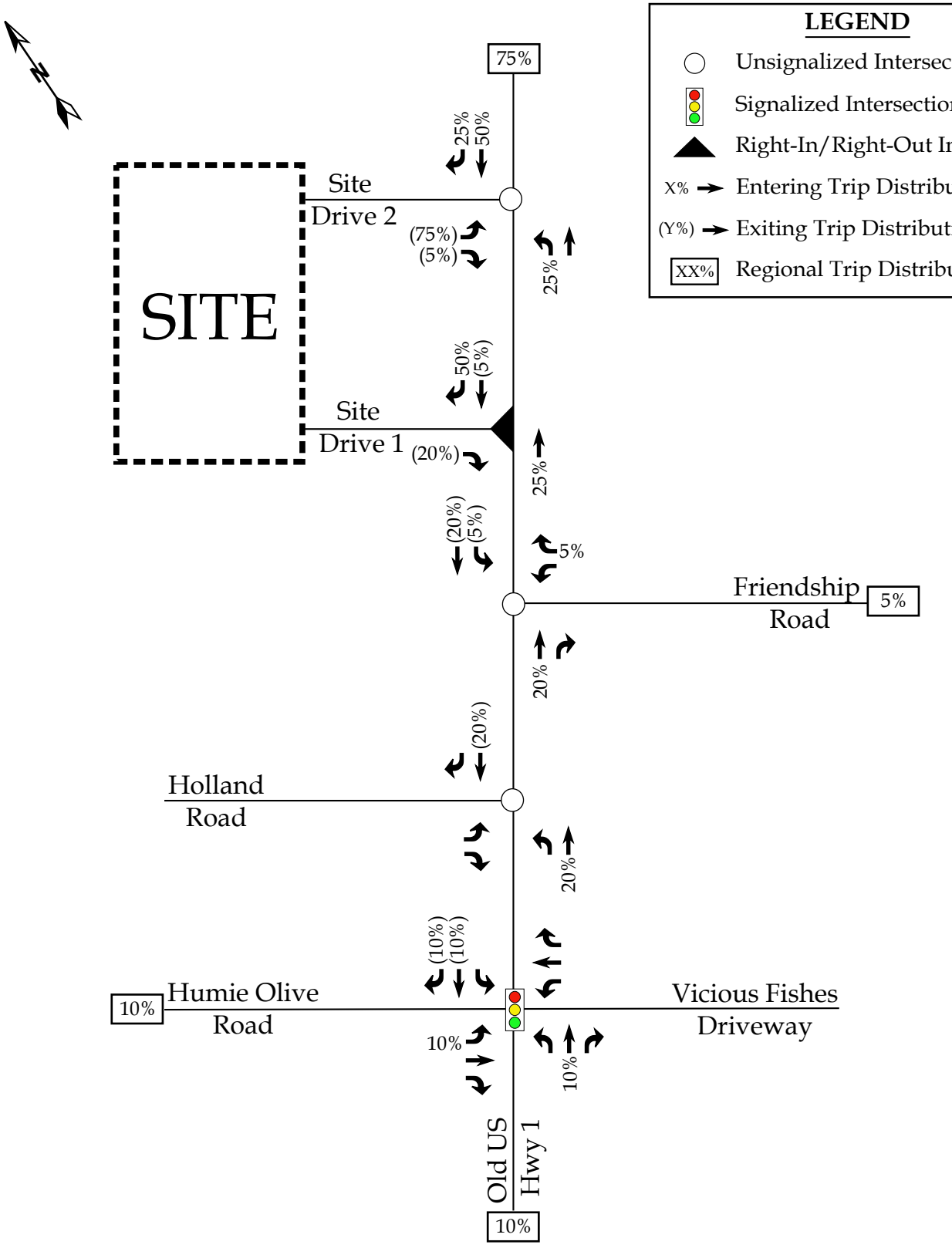
- 75% to/from the north via Old US Hwy 1

- 10% to/from the south via Old US Hwy 1
- 10% to/from the west via Humie Olive Road
- 5% to/from the east via Friendship Road

It is estimated that the daycare center site trips will be regionally distributed as follows:

- 35% to/from the north via Old US Hwy 1
- 25% to/from the south via Old US Hwy 1
- 30% to/from the west via Humie Olive Road
- 5% to/from the west via Holland Road
- 5% to/from the east via Friendship Road

The residential site trip distribution is shown in Figure 8a, and the daycare site trip distribution is shown in Figure 8b. Refer to Figure 9a for the residential site trip assignment and Figure 9b for the daycare site trip assignment. The total site trip assignment is shown in Figure 10.



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RKA
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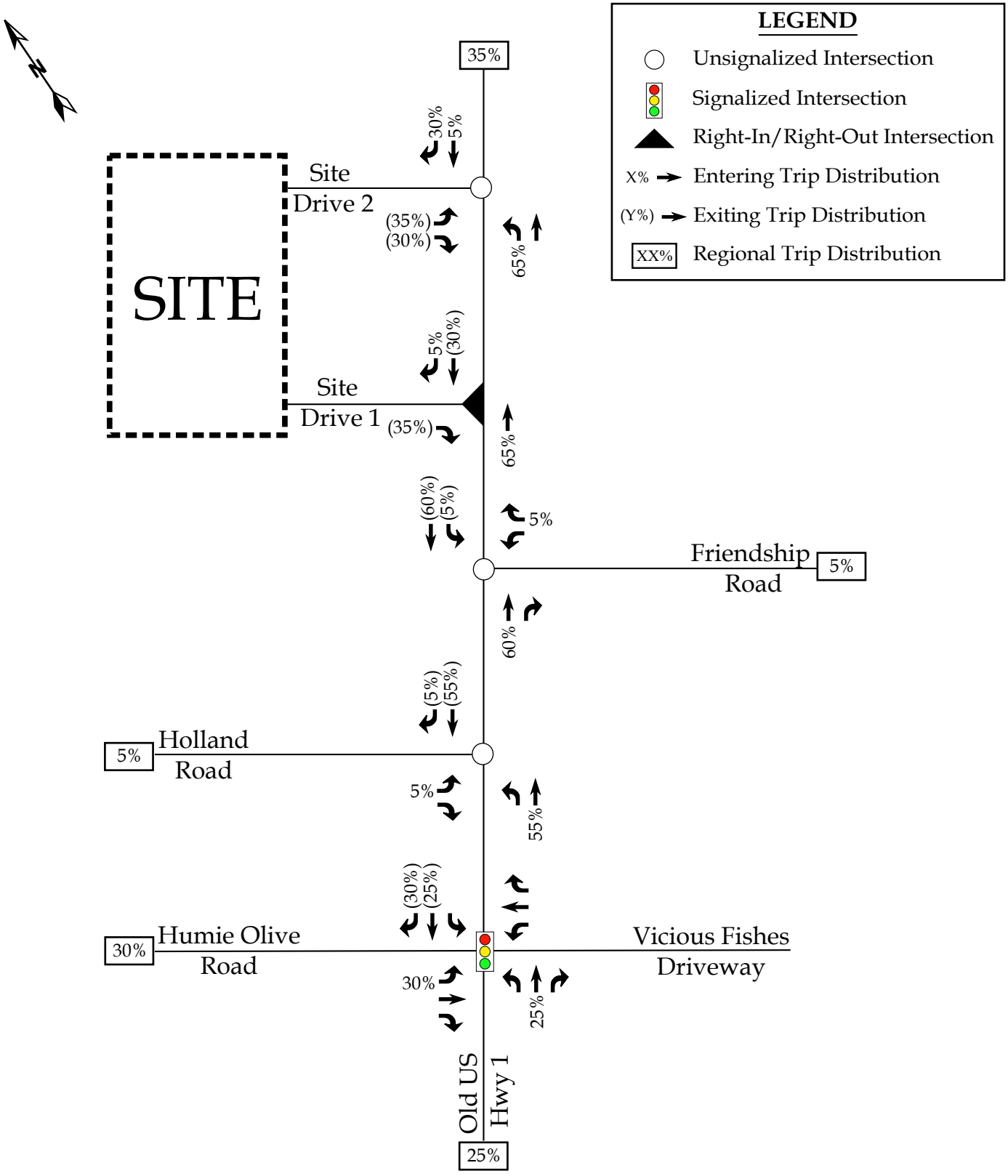
Sears Property
Apex, NC

Residential
Site Trip Distribution

Scale: Not to Scale | Figure 8a



Moving forward.
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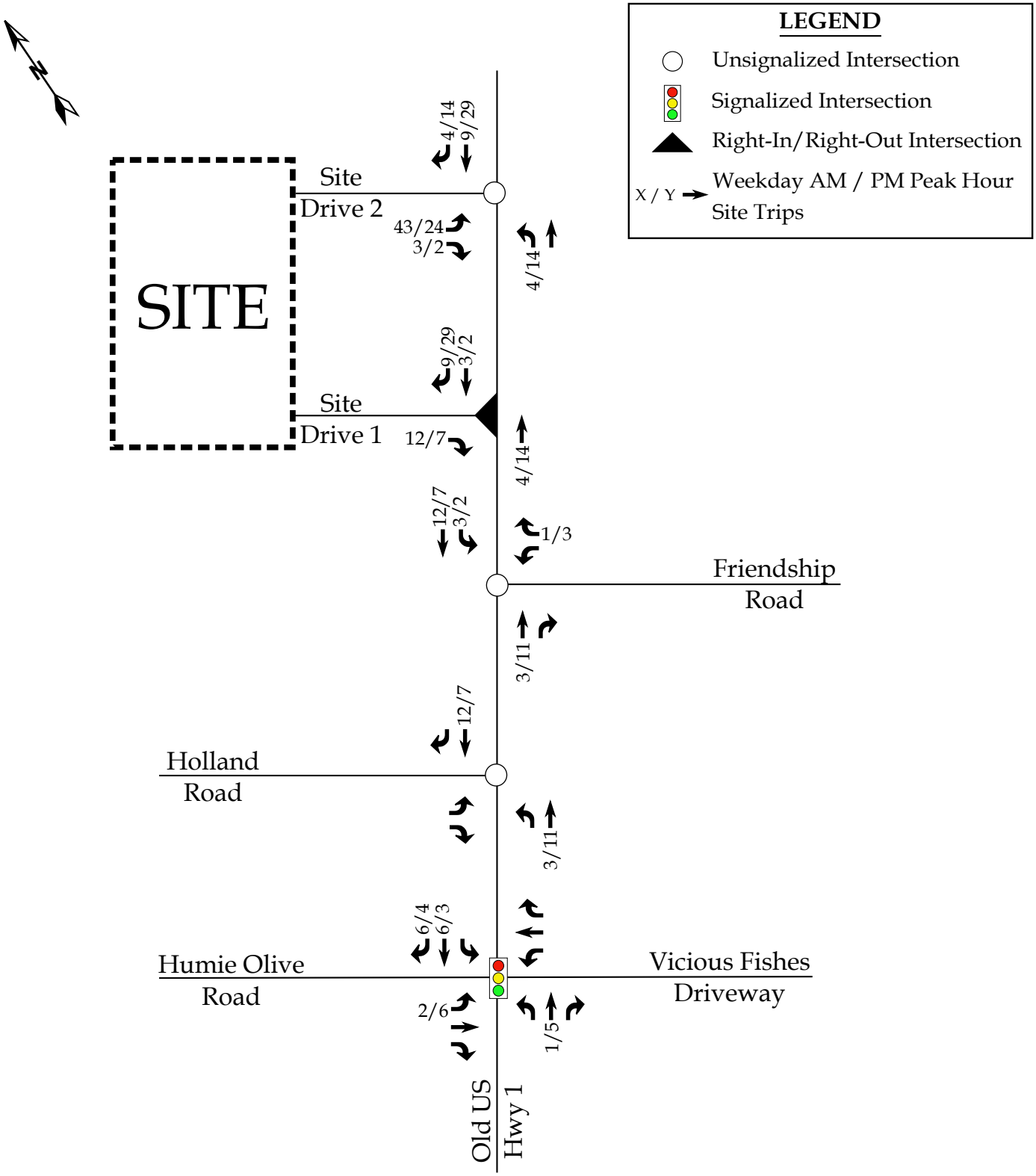
Sears Property
Apex, NC

Daycare
Site Trip Distribution

Scale: Not to Scale | Figure 8b



Moving forward.
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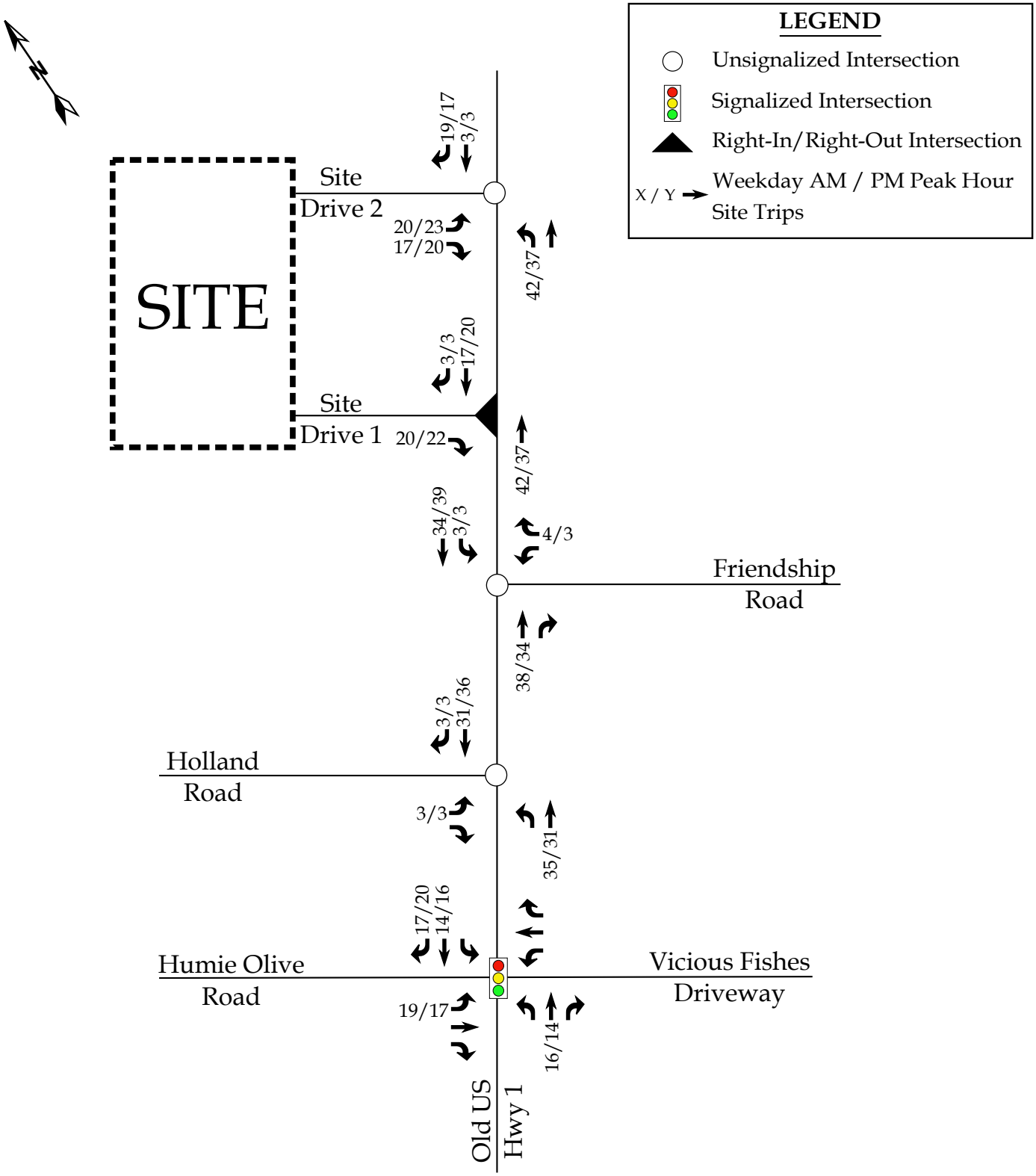
Sears Property
Apex, NC

Residential
Site Trip Assignment

Scale: Not to Scale | Figure 9a

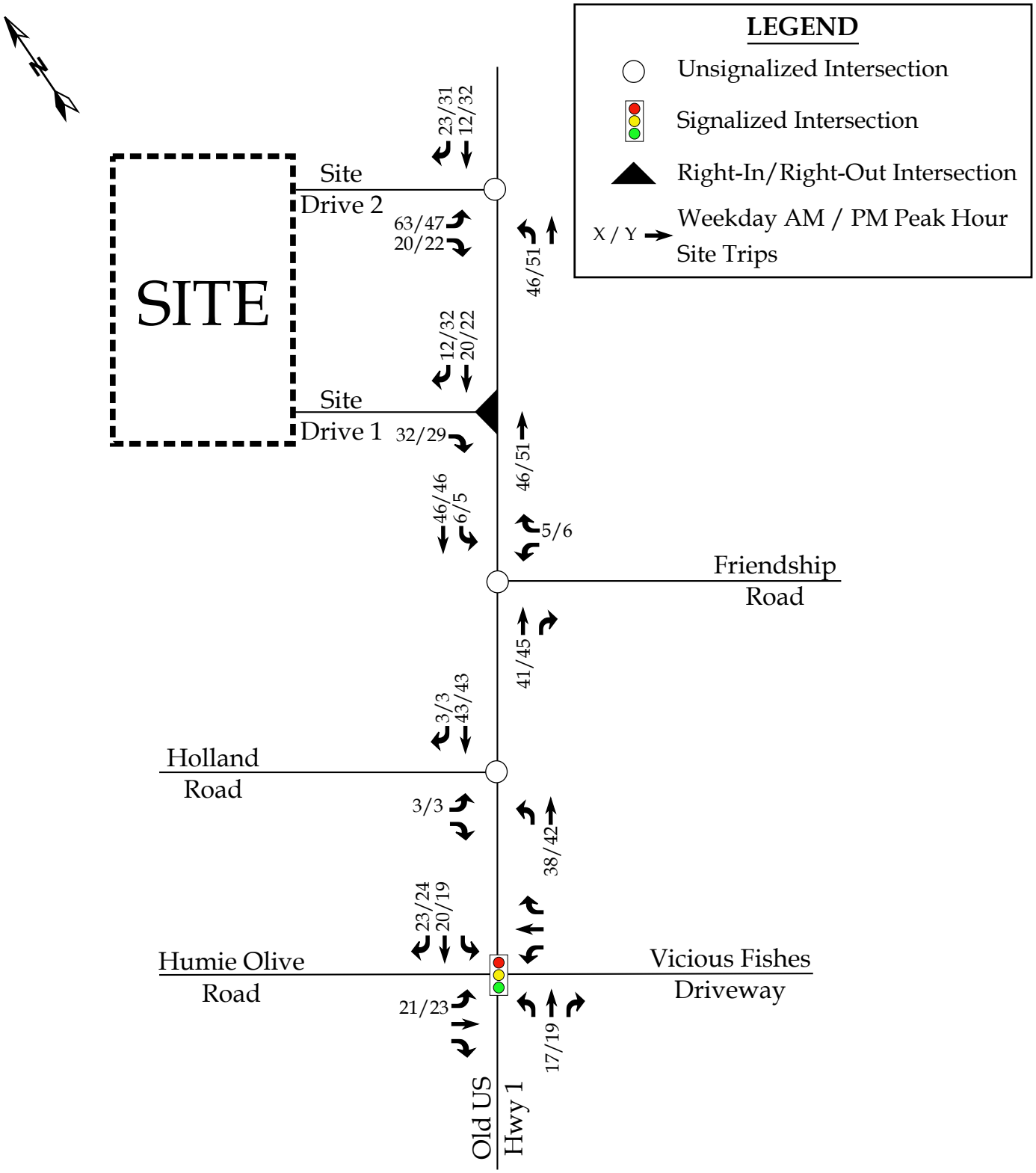


Moving forward. RKA RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

Daycare
Site Trip Assignment

Scale: Not to Scale | Figure 9b



Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

Total Site Trip Assignment

Scale: Not to Scale | Figure 10

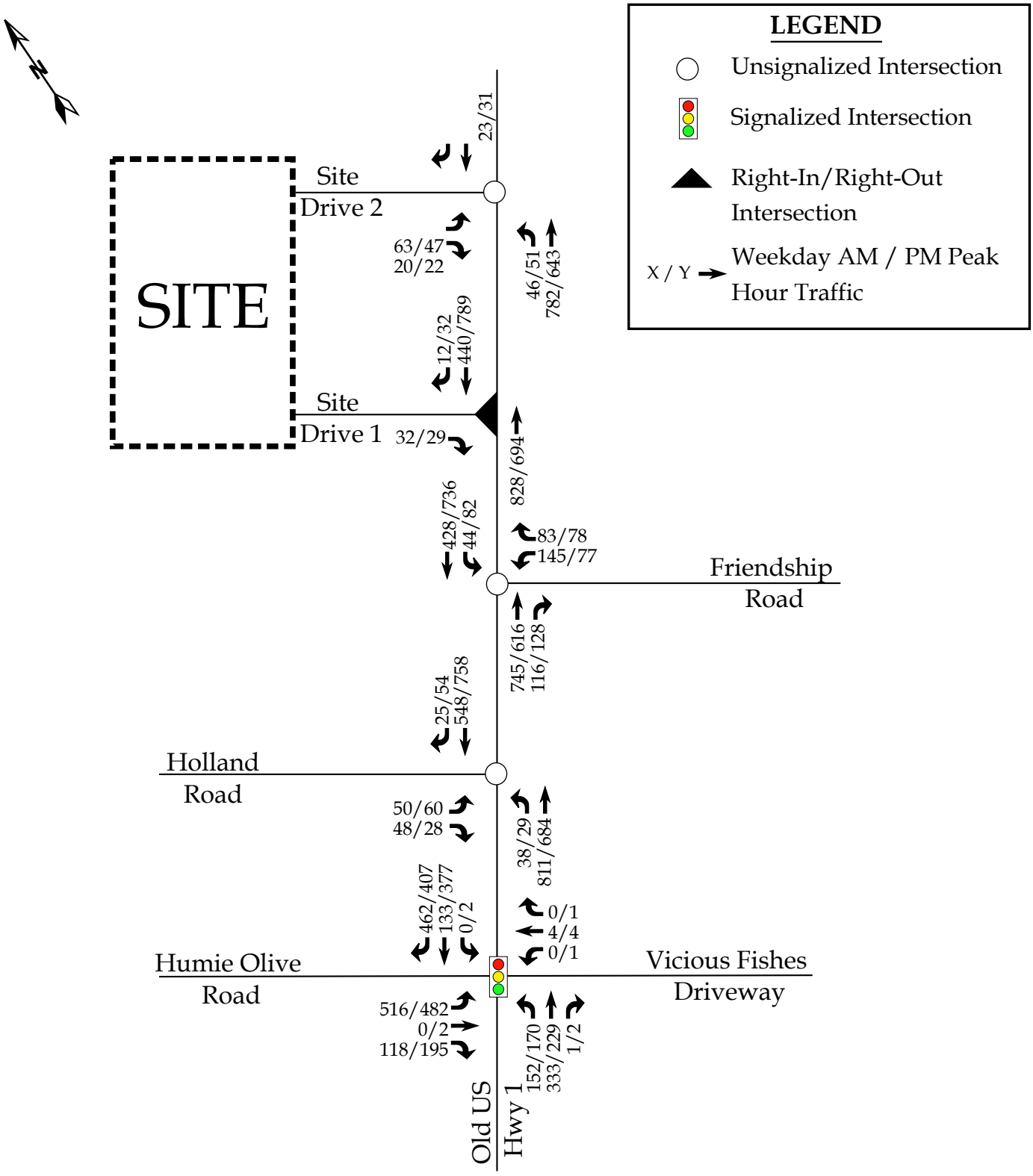
5. 2026 BUILD TRAFFIC CONDITIONS

5.1. 2026 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2026 no-build traffic volumes to determine the 2026 build traffic volumes. Refer to Figure 11 for an illustration of the 2026 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2026 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2026 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.



Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

2026 Build
Peak Hour Traffic

Scale: Not to Scale | Figure 11

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as "the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions." Level of service (LOS) is a term used to represent different driving conditions and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers." Level of service varies from Level "A" representing free flow, to Level "F" where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes "initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay". An average control delay of 50 seconds at a signalized intersection results in LOS "D" operation at the intersection.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines. Right-turn on red was simulated in Synchro under all analysis scenarios at the signalized intersection of Humie Olive Road and Old US Hwy 1.

7. CAPACITY ANALYSIS

7.1. Humie Olive Road and Old US Hwy 1

The existing signalized intersection of Humie Olive Road and Old US Hwy 1 was analyzed under 2021 existing, 2026 no-build, and 2026 build traffic conditions with lane configurations and traffic control shown in Table 5. Right-turn on red was simulated in Synchro at this intersection under 2021 existing, 2026 no-build, and 2026 build traffic conditions in order to provide results based on field conditions. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

Table 5: Analysis Summary of Humie Olive Road and Old US Hwy 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH, 1 RT 1 LT-TH-RT 1 LT-TH, 1 RT	B A A C	B (16)	B B B C	B (17)
2026 No-Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH, 1 RT 1 LT-TH-RT 1 LT-TH, 1 RT	B A B E	C (30)	B B B E	D (33)
2026 Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH, 1 RT 1 LT-TH-RT 1 LT-TH, 1 RT	B A B E	C (35)	B B B F	D (40)

Capacity analysis of 2021 existing, 2026 no-build, and 2026 build traffic conditions indicates that the intersection of Humie Olive Road and Old US Hwy 1 is expected to operate at an overall LOS D or better during the weekday AM and PM peak hours. From 2026 no-build to 2026 build overall delays are expected to increase by approximately 5 seconds during the weekday AM peak hour and 7 seconds during the weekday PM peak hour.

Based on SimTraffic max queue lengths, queuing on the eastbound and southbound approaches under 2026 build conditions is expected to exceed the storage provided; however, site traffic generated by the proposed development is expected to account for less than 10% of the total traffic on these approaches during the weekday AM and PM peak hours when compared to 2021 existing traffic volumes. Additionally, the proposed development is expected to only account for approximately 3% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the minor impacts of the proposed development and low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development.

7.2. Old US Hwy 1 and Holland Road

The existing unsignalized intersection of Old US Hwy 1 and Holland Road was analyzed under 2021 existing, 2026 no-build, and 2026 build traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

Table 6: Analysis Summary of Old US Hwy 1 and Holland Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB SB	1 LT-TH 1 TH-RT 1 LT-RT	A[1] -- C[2]	N/A	A[1] -- D[2]	N/A
2026 No-Build	EB WB SB	1 LT-TH 1 TH-RT 1 LT-RT	A[1] -- E[2]	N/A	A[1] -- F[2]	N/A
2026 Build	EB WB SB	1 LT-TH 1 TH-RT 1 LT-RT	A[1] -- F[2]	N/A	A[1] -- F[2]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2021 existing, 2026 no-build, 2026 build traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Holland Road currently operates and is expected to continue to operate at LOS A during both the weekday AM and PM peak hours. Under 2021 existing traffic conditions, the minor-street approach is expected to operate at LOS D during the weekday AM and PM peak hours. Under 2026 no-build traffic conditions, the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS F during the weekday PM peak hour. Capacity analysis of 2026 build traffic conditions indicates the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is located approximately 200 feet west of the intersection of Friendship Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only

account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Holland Road Mixed-Use development recommended and is required to construct an exclusive eastbound left-turn lane with a minimum of 75 feet of storage and an exclusive southbound right-turn lane with a minimum of 200 feet of storage, both with appropriate deceleration and taper length, at this intersection at full buildout. These future roadway improvements were not analyzed under future conditions for the proposed development as the Holland Road Mixed-Use development is still in the approval process and is not currently approved.

7.3. Old US Hwy 1 and Friendship Road

The existing unsignalized intersection of Old US Hwy 1 and Friendship Road was analyzed under 2021 existing, 2026 no-build, and 2026 build traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

Table 7: Analysis Summary of Old US Hwy 1 and Friendship Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A[1] E[2]	N/A	-- A[1] D[2]	N/A
2026 No-Build	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- B[1] F[2]	N/A	-- A[1] F[2]	N/A
2026 Build	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- B[1] F[2]	N/A	-- B[1] F[2]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2021 existing traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Friendship Road is expected to operate at LOS A during both the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the weekday PM peak hour. Under 2026 no-build and 2026 build conditions, the major-street left-turn movement is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is also located approximately 200 feet east of the intersection of Holland Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only

account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Pleasant Park development recommended that an exclusive westbound left-turn lane with a minimum of 150 feet of storage and an exclusive northbound left-turn lane with a minimum of 100 feet of storage, both with appropriate deceleration and taper length, be constructed at this intersection at the development's full buildout. The Holland Road Mixed-Use TIA also included these future roadway improvements in the analysis of future conditions. These future roadway improvements were not analyzed under future conditions for the proposed development due to the uncertainty of when these improvements are proposed to be built out.

7.4. Old US Hwy 1 and Site Drive 1

The proposed right-in / right-out intersection of Old US Hwy 1 and Site Drive 1 was analyzed under 2026 build traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

Table 8: Analysis Summary of Old US Hwy 1 and Site Drive 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build	EB WB **SB**	1 TH 1 TH, **1 RT** **1 RT**	-- -- B[1]	N/A	-- -- C[1]	N/A

1. Level of service for the minor-street approach.
Improvements by Developer shown in bold.

Capacity analysis of 2026 build traffic conditions indicates that the minor-street approach at the intersection of Old US Hwy 1 and Site Drive 1 is expected to operate at LOS C or better during the weekday AM and PM peak hours.

Turn lanes were considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual). Based on the Driveway Manual, an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length is warranted and recommended at this intersection.

7.5. Old US Hwy 1 and Site Drive 2

The proposed unsignalized intersection of Old US Hwy 1 and Site Drive 2 was analyzed under 2026 build traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

Table 9: Analysis Summary of Old US Hwy 1 and Site Drive 2

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build	EB WB **SB**	**1 LT**, 1 TH 1 TH-**RT** **1 LT-RT**	A[1] -- F[2]	N/A	B[1] -- F[2]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Improvements by Developer shown in bold.

Capacity analysis of 2026 build traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Site Drive 2 is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways (Driveway Manual)*. Based on the Driveway Manual, an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper is warranted and recommended at this intersection. An exclusive westbound right-turn lane with a minimum of 50 feet of storage was also warranted at this intersection. This exclusive westbound right-turn lane is not recommended by the proposed development due to right-of way constraints as it is expected to require potential right-of way acquisition in order to be constructed.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was only warranted during the weekday AM peak hour under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet weekday AM peak hour warrants, due to the residential nature of the study area and the proposed site, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed mixed-use development, along Old US Hwy 1, east of Holland Road in Apex, North Carolina. The proposed development is expected to be built out in 2026. Site access is proposed via one (1) full movement intersection and one (1) right-in/right-out driveway along Old US Hwy 1.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

Trip Generation

It is estimated that the proposed development will generate approximately 1,690 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 196 trips (81 entering and 115 exiting) will occur during the weekday AM peak hour and 212 trips (114 entering and 98 exiting) will occur during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

Old US Hwy 1 and Holland Road

Under 2026 no-build traffic conditions, the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS F during the weekday PM peak hour. Capacity analysis of 2026 build traffic conditions indicates the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is located approximately 200 feet west of the intersection of Friendship Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if

a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Holland Road Mixed-Use development recommended and is required to construct an exclusive eastbound left-turn lane with a minimum of 75 feet of storage and an exclusive southbound right-turn lane with a minimum of 200 feet of storage, both with appropriate deceleration and taper length, at this intersection at full buildout. These future roadway improvements were not analyzed under future conditions for the proposed development as the Holland Road Mixed-Use development is still in the approval process and is not currently approved.

Old US Hwy 1 and Friendship Road

Capacity analysis of 2021 existing traffic conditions indicates that he minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the weekday PM peak hour. Under 2026 no-build and 2026 build conditions, the major-street left-turn movement is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under

2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is also located approximately 200 feet east of the intersection of Holland Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Pleasant Park

development recommended that an exclusive westbound left-turn lane with a minimum of 150 feet of storage and an exclusive northbound left-turn lane with a minimum of 100 feet of storage, both with appropriate deceleration and taper length, be constructed at this intersection at the development's full buildout. The Holland Road Mixed-Use TIA also included these future roadway improvements in the analysis of future conditions. These future roadway improvements were not analyzed under future conditions for the proposed development due to the uncertainty of when these improvements are proposed to be built out.

Old US Hwy 1 and Site Drive 2

Capacity analysis of 2026 build traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Site Drive 2 is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways (Driveway Manual)*. Based on the Driveway Manual, an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper is warranted and recommended at this intersection. An exclusive westbound right-turn lane with a minimum of 50 feet of storage was also warranted at this intersection. This exclusive westbound right-turn lane is not recommended by the proposed development due to right-of way constraints as it is expected to require potential right-of way acquisition in order to be constructed.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was only warranted during the weekday AM peak hour under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet weekday AM peak hour warrants, due to the residential nature of the study area and the

proposed site, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 12 for an illustration of the recommended lane configuration for the proposed development.

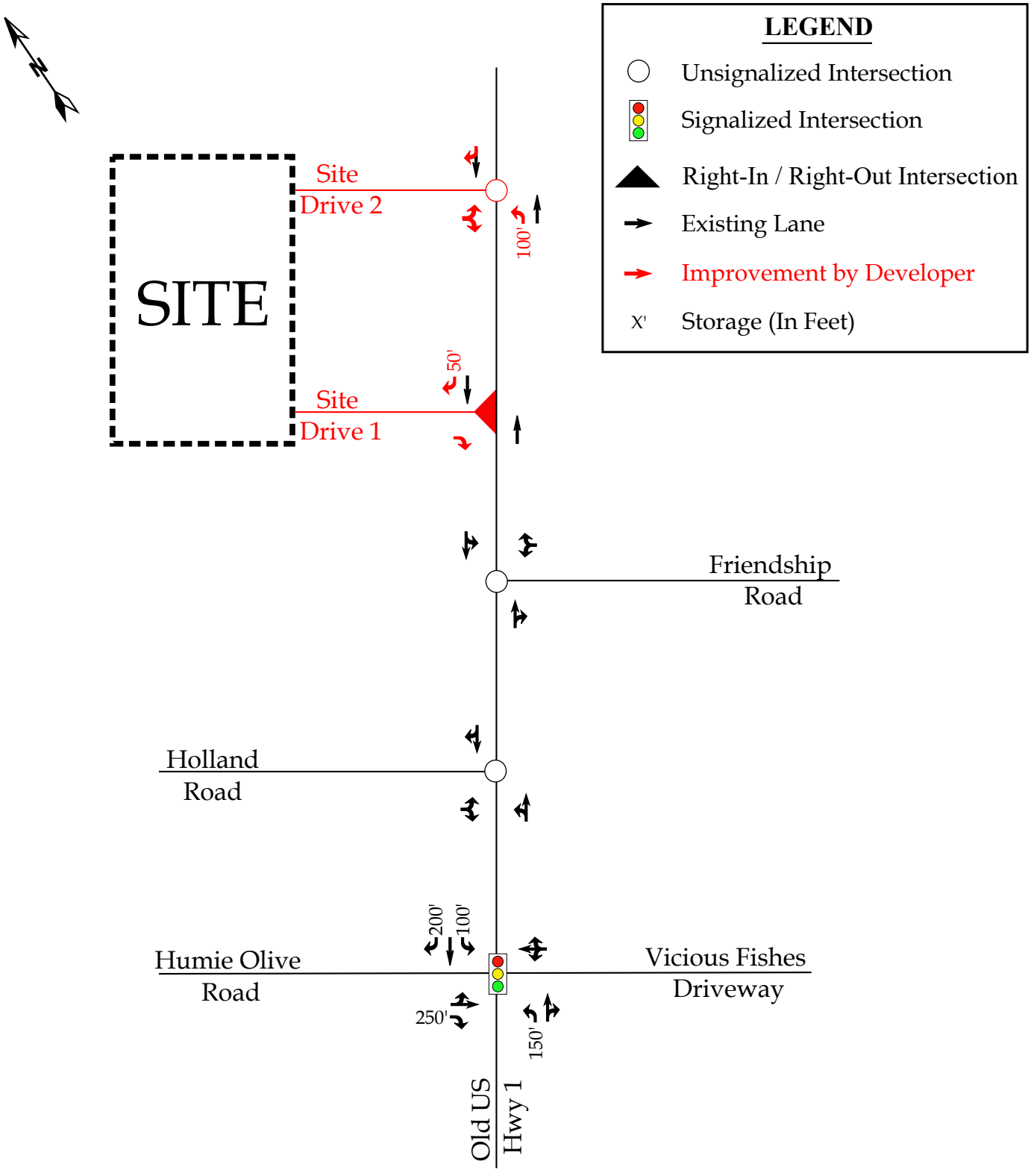
Recommended Improvements by Developer

Old US Hwy 1 and Site Drive 1

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- Provide stop-control for the southbound approach.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage with appropriate deceleration and taper length.

Old US Hwy 1 and Site Drive 2

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide stop-control for the southbound approach.
- Provide an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper length.



Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Sears Property
Apex, NC

Recommended Lane Configurations

Scale: Not to Scale | Figure 12

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: ±26.218 acres

PIN(s): 0731107868 & 0731107055

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential/Office Employment

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 conditions as proposed by applicant, including additional condition (listed below).

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Mark Steele

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

Conditions are proposed by applicant with additional condition offered by developer at the Planning Board meeting: "Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided."

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

With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of May 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.05.09 17:37:39 -04'00'

Dianne Khin, Director of Planning and Community Development

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ31
Sears Property PUD

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: Matt Christensen, Beazer Homes
Authorized Agent: Jeff Roach, Peak Engineering & Design, PLLC.
Property Addresses: 0 & 2108 Old US 1 Highway
Acreage: ±26.218 acres
Property Identification Numbers (PINs): 0731107868 & 0731107055
2045 Land Use Map Designation: Medium Density Residential/Office Employment
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: May 9, 2022 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. Please visit https://www.apexnc.org/ on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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 (73 Hunter 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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 27 – May 9, 2022



1



2

TOWN OF APEX
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PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ31
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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 27 – May 9, 2022

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TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31
Sears Property PUD (Desarrollo de Unidad Planificada)

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

Solicitante: Matt Christensen, Beazer Homes
Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC.
Dirección de las propiedades: 0 & 2108 Old US 1 Highway
[illegible]
[illegible]ción de las propiedades: 0731107868 & 0731107055
[illegible]

64°F 12:46 PM 4/27/2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31
Sears Property PUD (Desarrollo de Unidad Planificada)

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

Solicitante: Matt Christensen, Beazer Homes
Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC.
Dirección de las propiedades: 0 & 2108 Old US 1 Highway
Superficie: ±26.218 acres
Números de identificación de las propiedades: 0731107868 & 0731107055
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential/Office Employment
Ordenamiento territorial existente de las propiedades: Residencial Rural (RR)
Ordenamiento territorial propuesto para las propiedades: Desarrollo de Unidad Planificada-Ordenamiento Territorial Condicional (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de mayo de 2022 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. Por favor visite https://www.apexnc.org/ el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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 (73 Hunter 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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación:27 de abril – 9 de mayo de 2022



1



2



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/maps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 27 – May 9, 2022

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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31
Sears Property PUD (Desarrollo de Unidad Planificada)

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

Solicitante: Matt Christensen, Beazer Homes
Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC.
Dirección de las propiedades: 0 & 2108 Old US 1 Highway
Superficie: ±26.218 acres
Números de identificación de las propiedades: 0731107868 & 0731107055
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential/Office Employment
Ordenamiento territorial existente de las propiedades: Residencial Rural (RR)
Ordenamiento territorial propuesto para las propiedades: Desarrollo de Unidad Planificada-Ordenamiento Territorial Condicional (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de mayo de 2022 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. Por favor visite https://www.apexnc.org/ el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter 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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/maps. 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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 27 de abril – 9 de mayo de 2022

64°F 12:47 PM 4/27/2022

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 #21CZ31 Sears Property PUD
Project Location:	0 & 2108 Old US 1 Highway
Applicant or Authorized Agent:	Jeff Roach, PE
Firm:	Peak Engineering & Design, PLLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 27, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on Wake County Tax Assessor information 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.

4/27/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson a Notary Public for the above State and County, this the 27 day of April, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ31
Sears Property PUD

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: Matt Christensen, Beazer Homes
Authorized Agent: Jeff Roach, Peak Engineering & Design, PLLC
Property Addresses: 0 & 2108 Old US 1 Highway
Acreage: ±26.218 acres
Property Identification Numbers (PINs): 0731107868 & 0731107055
2045 Land Use Map Designation: Medium Density Residential/Office Employment
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: May 24, 2022 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. Please visit https://www.apexnc.org/ on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 6– May 24, 2022

Legal Notice of Public Hearings / AGENDA
Not secure | apexnc.org/DocumentCenter/View/39463/21CZ31-Sears-Prop-PUD-TC-only-Regular-with-remote-Public-Notice-CZ-COMBO...
Apps | Apex, NC - Official... | IDT | Planning Departme... | Real Estate Search | Unified Developme... | Applications & Sch... | ExecuTime Enterpri... | Municode Meetings
AGENDA 1 / 2 50%

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ31
Sears Property PUD

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: Matt Christensen, Beazer Homes
Authorized Agent: Jeff Roach, Peak Engineering & Design, PLLC
Property Addresses: 0 & 2108 Old US 1 Highway
Acreage: ±26.218 acres
Property Identification Numbers (PINs): 0731107868 & 0731107055
2045 Land Use Map Designation: Medium Density Residential/Office Employment
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
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Town Council Public Hearing Date and Time: May 24, 2022 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. Please visit https://www.apexnc.org/ on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/maps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 6– May 24, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31
Sears Property PUD (Desarrollo de Unidad Planificada)

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

Solicitante: Matt Christensen, Beazer Homes
Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC
Dirección de las propiedades: 0 & 2108 Old
Superficie: ±26.218 acres
Números de identificación de las propiedad 055

67°F 10:44 AM 5/6/2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31
Sears Property PUD (Desarrollo de Unidad Planificada)

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Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 6 de mayo - 24 de mayo de 202



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 6– May 24, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31
Sears Property PUD (Desarrollo de Unidad Planificada)

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Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC
Dirección de las propiedades: 0 & 2108 Old US 1 Highway
Superficie: ±26.218 acres
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Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37715.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 6 de mayo - 24 de mayo de 2022

67°F 10:45 AM 5/6/2022

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 #21CZ31 Sears Property PUD
Project Location:	0 & 2108 Old US 1 Highway
Applicant or Authorized Agent:	Jeff Roach, PE
Firm:	Peak Engineering & Design, PLLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on May 6, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/9/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

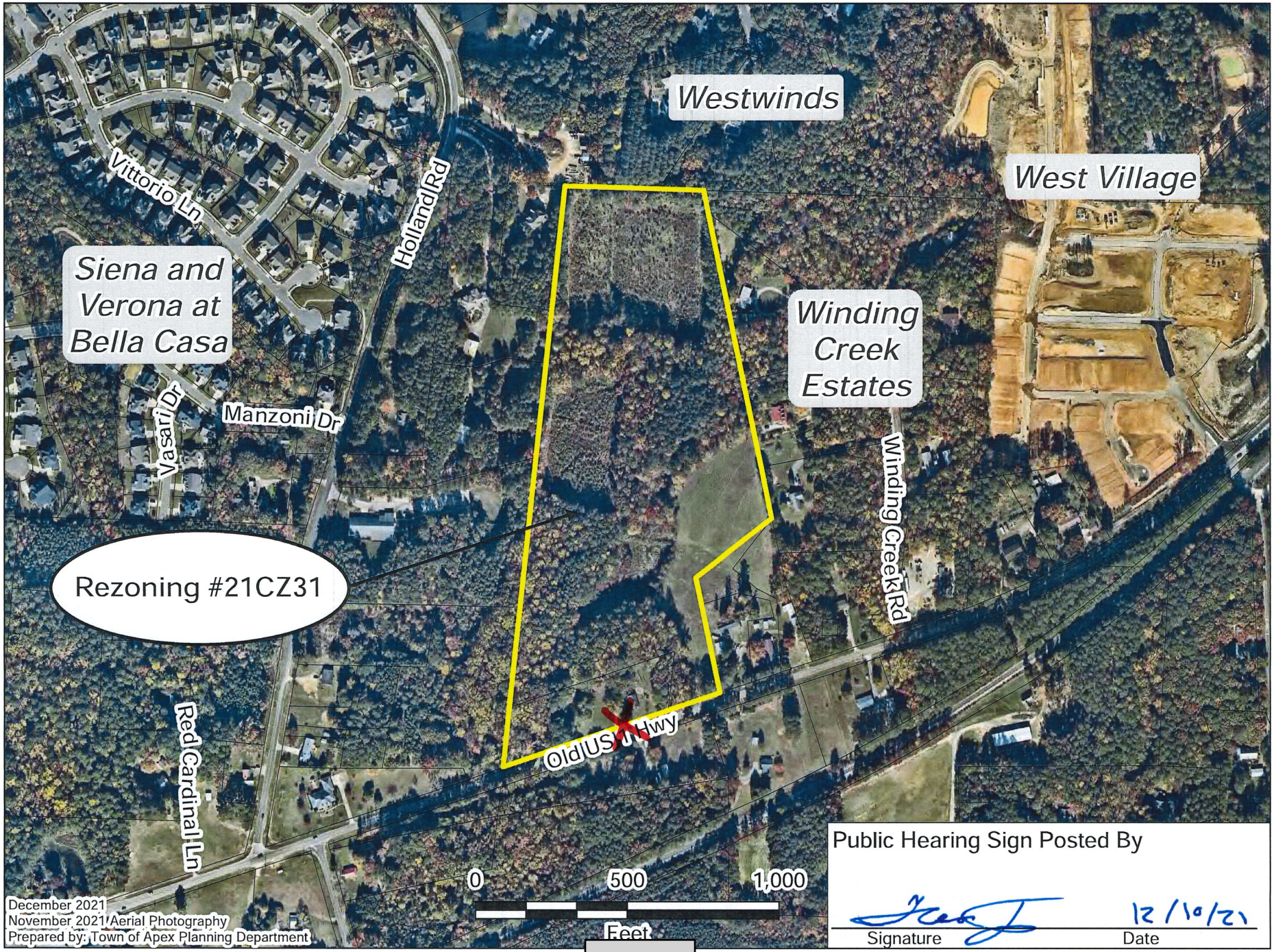
Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 9 day of May, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



Public Hearing Sign Posted By

Signature

12/10/21
Date

Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

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

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: December 1, 2021
- Name of development: 21CZ31 Townes at Pleasant Park PUD
- Address of rezoning: 0 & 2108 Old US 1 Hwy (PINs 0731107868 & 0731107055)
- Total number of proposed residential units: 160
- Type(s) of residential units proposed: Townhomes

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,

Glenn Carrozza

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 24,2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition

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. 2022-0524-13
Annexation Petition# 727
8200 Jenks Road

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 May 24, 2022, 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" 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 May 24, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Map for the Town of Apex (r. Michael Strickland, Trustee of Family Trust.), dated November 4, 2021" and recorded in Book of Maps book number 2022 and page number , Wake County Registry.

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

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

Adopted this the 24th day of May, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Julie Reid
Interim Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311. 55 and being the point of beginning. Thence from the point of beginning N 00° 37′ 29″ E 432.30′ to an iron rod set. Thence N 01° 57′ 10″ E 668.64′ to an iron bar found at the Northwest corner of the parcel. Thence S 88° 55′ 43″ E 682.49′ to an iron bar found at the Northeast corner of the parcel. Thence S 00° 21′ 58″ W 380.02′ to an Iron pin found on the North right of way of Jenks Road. Thence along the North right of way of Jenks Road the following courses:

S 44° 34′ 19″ W105.01′ to an iron rod set;

S 45° 15′ 51″ W 376.98′ to an iron rod set

S 45° 13′ 33″ W 395.43′ to an iron rod set

S 44° 33′ 52″ W 63.09′ to an iron rod set

S 42° 51′ 20″ W 60.24′ to an iron rod set being the point of beginning.

Parcel contains 511,581 SF or 11.744 Acres.

LEGAL DESCRIPTION FOR A PORTION OF JENKS ROAD RIGHT OF WAY ADJACENT TO PIN# 0722-57-7336

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311. 55 and being the point of beginning. Thence along the Northern right of way of Jenks Road the following courses:

N 42° 51′ 20″ E a distance of 60.24′ to an iron rod set
N 44° 33′ 52″ E a distance of 63.09′ to an iron rod set
N 45° 13′ 33″ E a distance of 395.43′ to an iron rod set
N 45° 15′ 51″ E a distance of 376.98′ to an iron rod set
N 44° 34′ 19″ E a distance of 105.01′ to an iron pipe found and the Southeast corner of the parcel with PIN # 0722-57-7336 nor or formerly owned by R Michael Strickland trustee of family trust (D.B. 6000 PG. 232).
Thence leaving the Northern right of way of Jenks Road S 45° 25′ 41″ E 79.54′ to a point on the Southern right of way of Jenks Road. Thence along the Southern right of way of Jenks Road the following courses:

S 45° 15′ 29″ W a distance of 360.12′ to a point at the Northern intersection of Jenks Road and Lowell Road. Thence S 45° 15′ 29″ W a distance of 129.00′ to the Southern intersection of Jenks Road and Lowell Road. Thence continuing along the Southern right of way of Jenks Road S 45° 15′ 29″ W a distance of 381.24′ to a point. Thence along a curve to the left with a radius of 2,150.00′, an arc length of 128.04′ a chord bearing S 43° 33′ 07″ W, a chord length 128.02 to a point. Thence leaving the Southern right of way of Jenks Road N 47° 08′ 40″ W a distance of 78.69′ to an iron rod and the point of beginning. This portion of Jenks Road right of way contains 78,294 square feet or 1.797 acres.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Julie Reid, Interim Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No2022-0510-13, adopted at a meeting of the Town Council, on the 24th day of May, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 24th day of May, 2022.

_____

Julie Reid
Interim Town Clerk

(SEAL)

LEGAL DESCRIPTION
FOR
PIN# (0722-57-7336)

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311. 55 and being the point of beginning. Thence from the point of beginning N 00° 37' 29" E 432.30' to an iron rod set. Thence N 01° 57' 10" E 668.64' to an iron bar found at the Northwest corner of the parcel. Thence S 88° 55' 43" E 682.49' to an iron bar found at the Northeast corner of the parcel. Thence S 00° 21' 58" W 380.02' to an Iron pin found on the North right of way of Jenks Road. Thence along the North right of way of Jenks Road the following courses:

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S 42° 51' 20" W 60.24' to an iron rod set being the point of beginning. Parcel contains 511,581 SF or 11.744 Acres.

LEGAL DESCRIPTION
FOR
A PORTION OF JENKS ROAD RIGHT OF WAY
ADJACENT TO PIN# 0722-57-7336

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311. 55 and being the point of beginning. Thence along the Northern right of way of Jenks Road the following courses:
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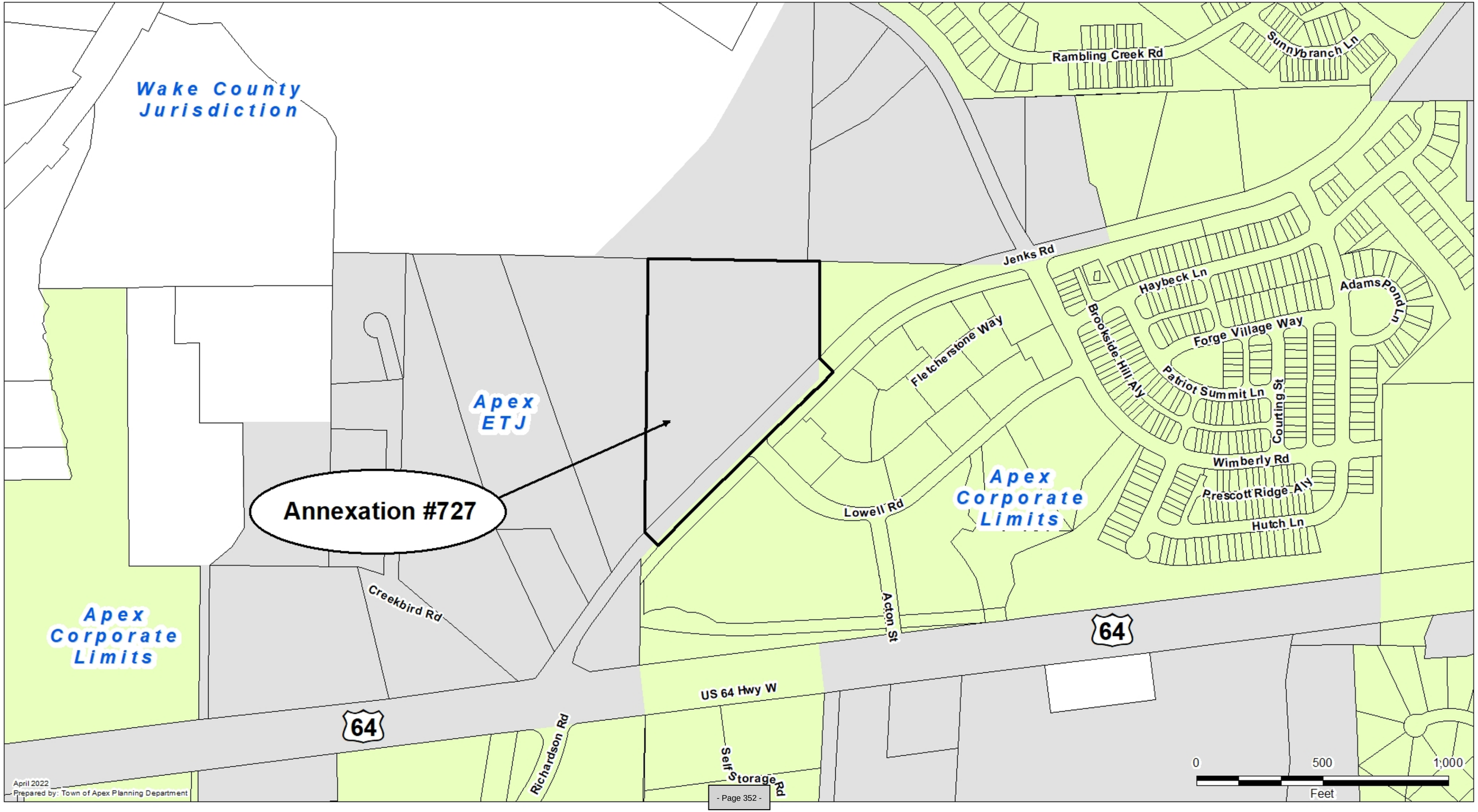
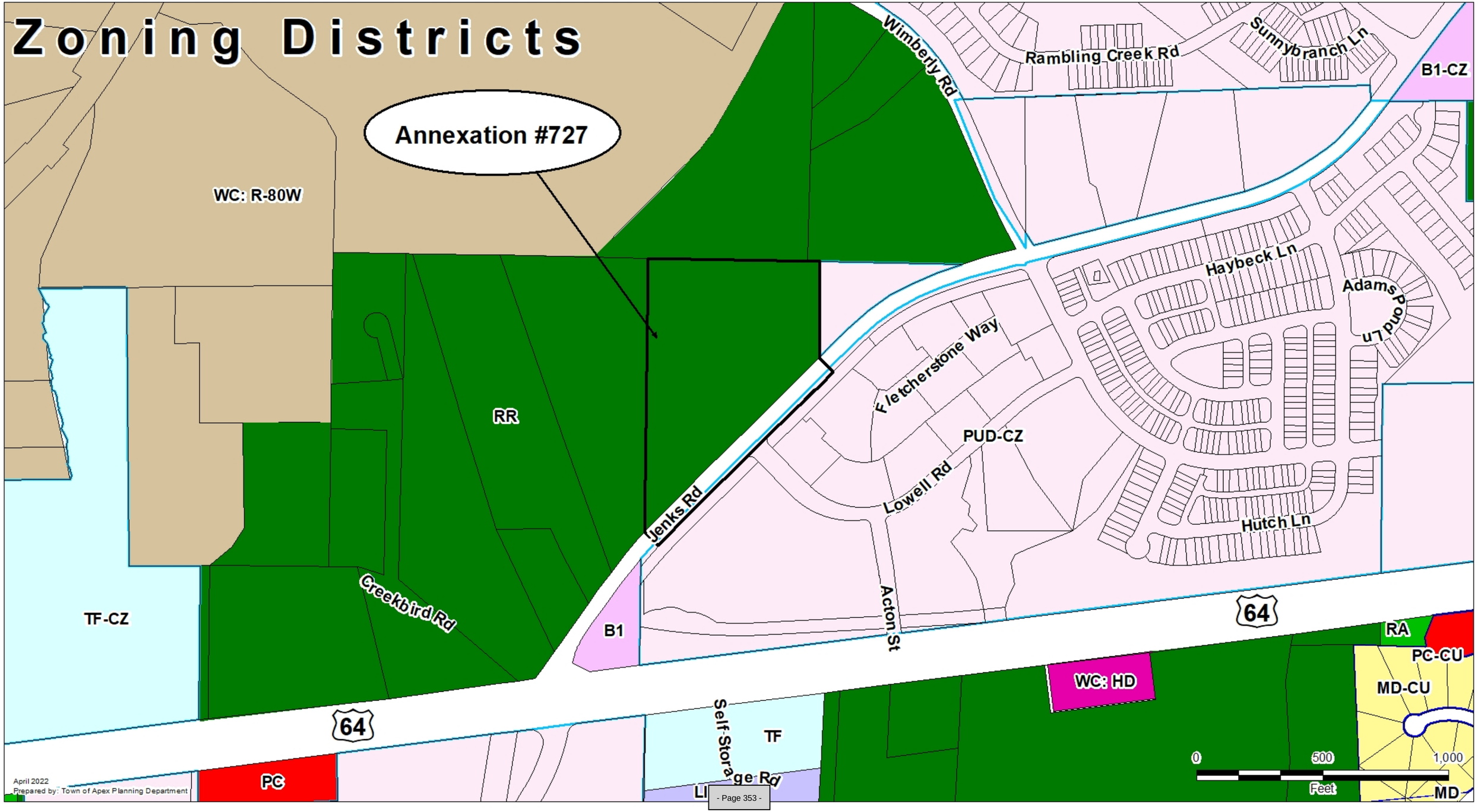
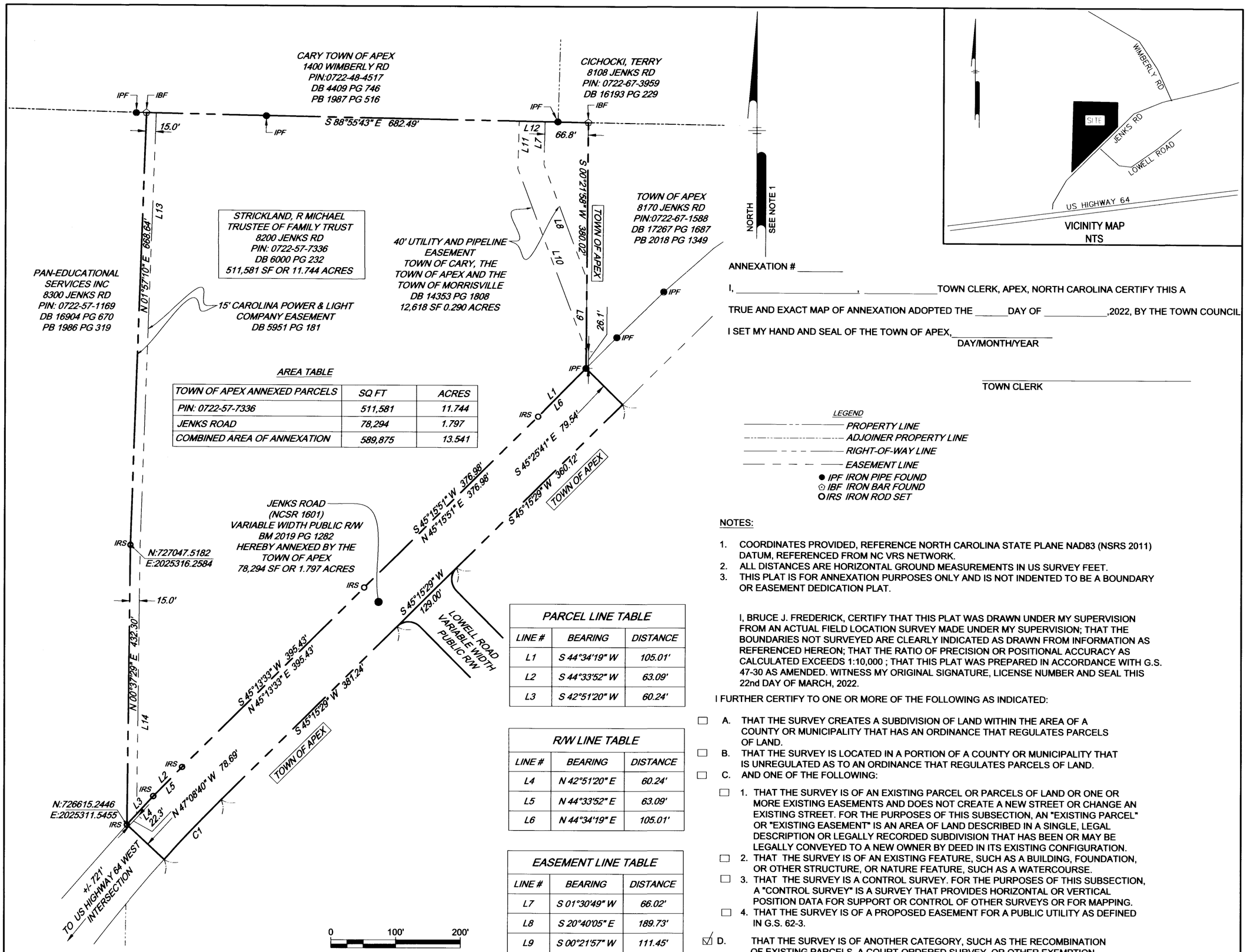

Wake County Jurisdiction
Apex ETJ
Annexation #727
Apex Corporate Limits
Apex Corporate Limits
Rambling Creek Rd
Sunnybranch Ln
Jenks Rd
Haybeck Ln
Adams Pond Ln
Brookside Hill Aly
Forge Village Way
Fletcherstone Way
Patriot Summit Ln
Courting St
Wimberly Rd
Prescott Ridge Aly
Hutch Ln
Lowell Rd
Acton St
Creekbird Rd
US 64 Hwy W
64
64
Richardson Rd
Self Storage Rd
April 2022
Prepared by: Town of Apex Planning Department
0
500
1,000
Feet


Zoning Districts
Annexation #727
WC: R-80W
RR
TF-CZ
Creekbird Rd
Jenks Rd
B1
Wimberly Rd
Rambling Creek Rd
Sunnybranch Ln
B1-CZ
Haybeck Ln
Adams Pond Ln
Fletcherstone Way
PUD-CZ
Lowell Rd
Hutch Ln
Acton St
64
RA
PC-CU
MD-CU
WC: HD
Self Storage Rd
TF
PC
MD
0
500
1,000
Feet
April 2022
Prepared by: Town of Apex Planning Department



AREA TABLE		
TOWN OF APEX ANNEXED PARCELS	SQ FT	ACRES
PIN: 0722-57-7336	511,581	11.744
JENKS ROAD	78,294	1.797
COMBINED AREA OF ANNEXATION	589,875	13.541

ANNEXATION # _____

I, _____, _____TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A

TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____DAY OF _____,2022, BY THE TOWN COUNCIL

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

_____
TOWN CLERK

LEGEND

- PROPERTY LINE
- ADJOINER PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- ● IPF IRON PIPE FOUND
- ⬠ IBF IRON BAR FOUND
- ○ IRS IRON ROD SET

NOTES:

1. COORDINATES PROVIDED, REFERENCE NORTH CAROLINA STATE PLANE NAD83 (NSRS 2011) DATUM, REFERENCED FROM NC VRS NETWORK.
2. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN US SURVEY FEET.
3. THIS PLAT IS FOR ANNEXATION PURPOSES ONLY AND IS NOT INDENTED TO BE A BOUNDARY OR EASEMENT DEDICATION PLAT.

I, BRUCE J. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD LOCATION SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED HEREON; 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. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 22nd DAY OF MARCH, 2022.

I FURTHER CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:

☐ A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ C. AND ONE OF THE FOLLOWING:

- ☐ 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.
- ☐ 2. THAT THE SURVEY IS OF AN EXISTING FEATURE, SUCH AS A BUILDING, FOUNDATION, OR OTHER STRUCTURE, OR NATURE FEATURE, SUCH AS A WATERCOURSE.
- ☐ 3. THAT THE SURVEY IS A CONTROL SURVEY. FOR THE PURPOSES OF THIS SUBSECTION, A "CONTROL SURVEY" IS A SURVEY THAT PROVIDES HORIZONTAL OR VERTICAL POSITION DATA FOR SUPPORT OR CONTROL OF OTHER SURVEYS OR FOR MAPPING.
- ☐ 4. THAT THE SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.

☑ D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

☐ E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

Bruce J. Frederick 3/22/2022
BRUCE J. FREDERICK, L-4246 DATE

NORTH CAROLINA PROFESSIONAL SEAL L-4246 LAND SURVEYOR BRUCE J. FREDERICK

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 44°34'19" W	105.01'
L2	S 44°33'52" W	63.09'
L3	S 42°51'20" W	60.24'

R/W LINE TABLE		
LINE #	BEARING	DISTANCE
L4	N 42°51'20" E	60.24'
L5	N 44°33'52" E	63.09'
L6	N 44°34'19" E	105.01'

EASEMENT LINE TABLE		
LINE #	BEARING	DISTANCE
L7	S 01°30'49" W	66.02'
L8	S 20°40'05" E	189.73'
L9	S 00°21'57" W	111.45'
L10	N 20°40'05" W	301.59'
L11	N 01°30'49" E	73.57'
L12	S 88°54'08" E	40.00'
L13	S 01°57'10" W	668.70'
L14	S 00°37'29" W	415.60'

ROW CURVE TABLE						
CURVE #	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	2150.00'	003°24'44"	128.04'	64.04	128.02'	S 43°33'07" W

Pennoni
Firm License F-1267
PENNONI ASSOCIATES INC.
5430 Wade Park Boulevard
Suite 106
Raleigh, NC 27607
T 919.929.1173 F 919.493.6548

ANNEXATION MAP FOR THE TOWN OF APEX

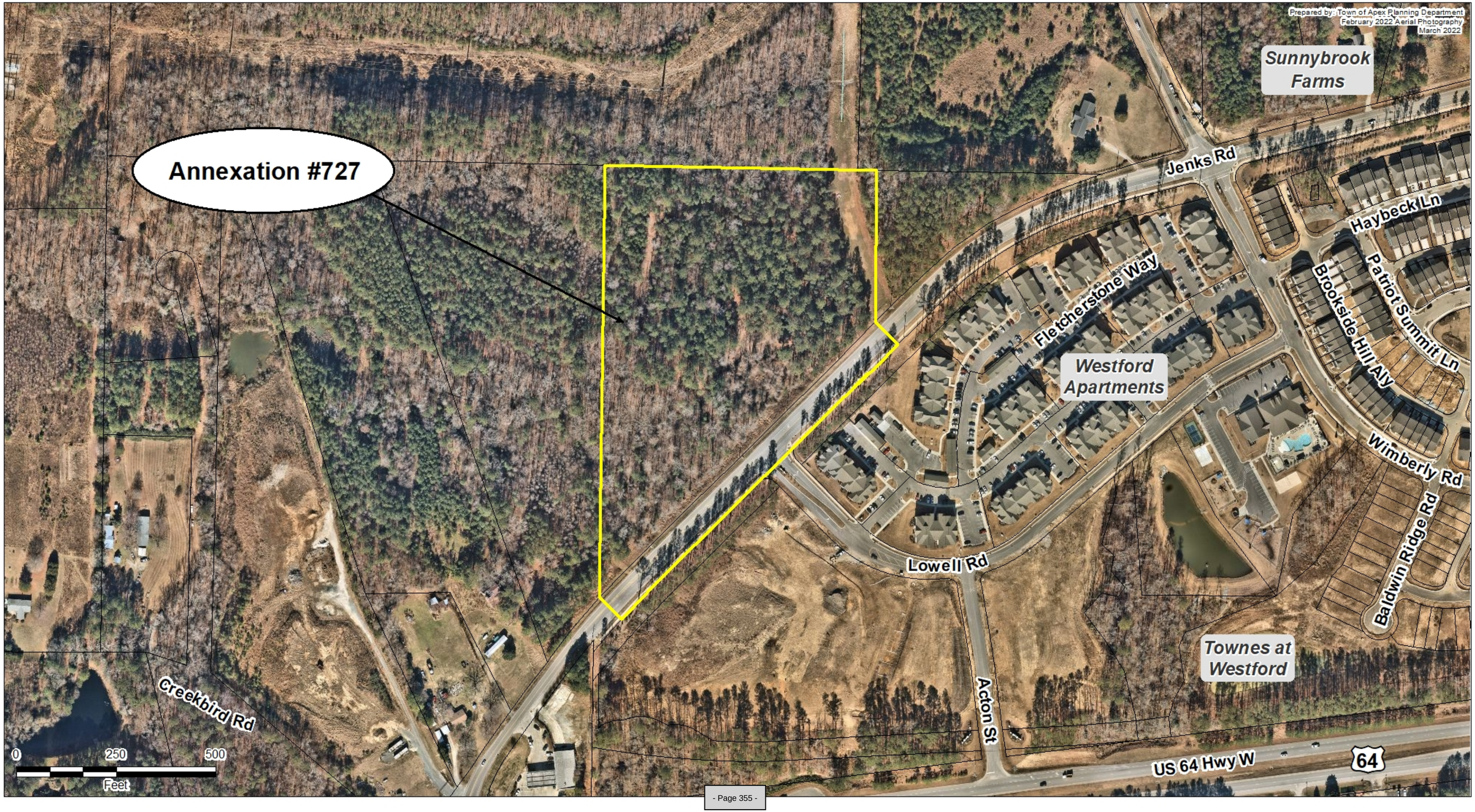
PIN: 0722-57-7336
8200 JENKS ROAD
TOWNSHIP OF WHITE OAK,
JURISDICTION OF APEX
WAKE COUNTY, NC

NO.	DATE	REVISIONS	BY
2	03-14-2022	REVISED PER COMMENTS	SWP
1	02-02-2022	REVISED PER COMMENTS	SWP

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	BUVER21006
DATE	11-04-2021
DRAWING SCALE	1"=100'
DRAWN BY	SWP
APPROVED BY	BJF

SHEET 1 OF 1

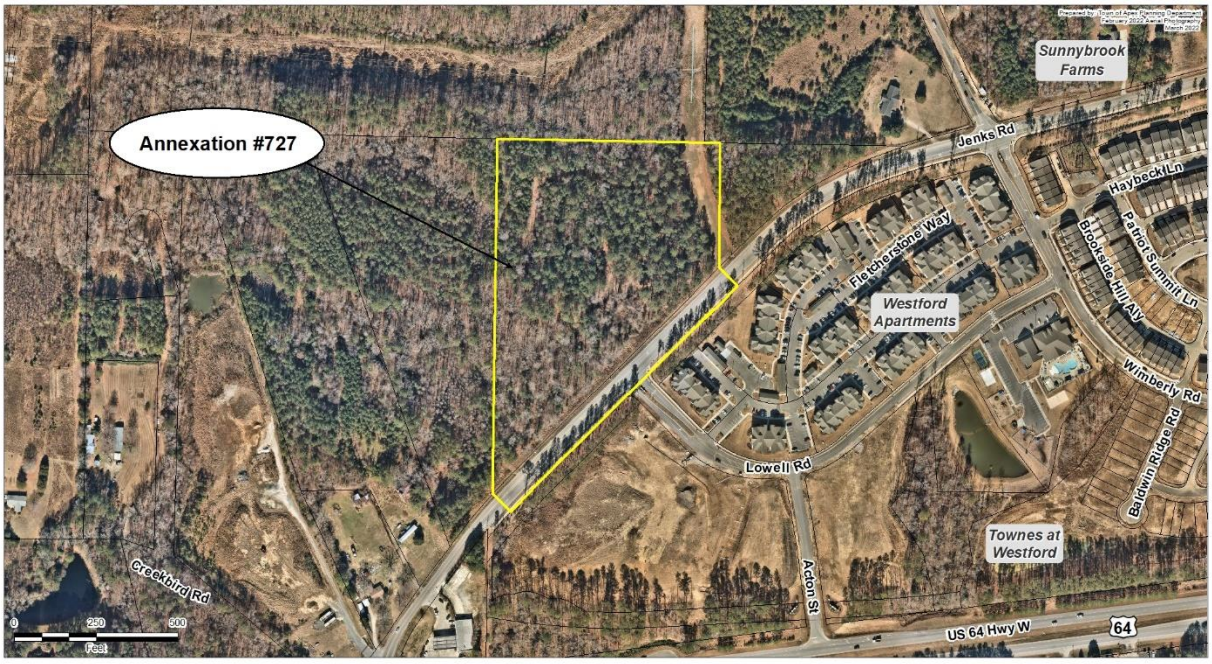

Prepared by: Town of Apex Planning Department
February 2022 Aerial Photography
March 2022
Annexation #727
Sunnybrook Farms
Jenks Rd
Haybeck Ln
Patriot Summit Ln
Brookside Hill Aly
Fletcherstone Way
Westford Apartments
Wimberly Rd
Baldwin Ridge Rd
Lowell Rd
Acton St
Townes at Westford
Creekbird Rd
US 64 Hwy W
64
0
250
500
Feet

TOWN OF APEX
OFFICE OF THE TOWN CLERK
PO Box 250, Apex, North Carolina 27502
Phone (919) 249-3303 Fax (919) 249-3305
E-mail: julie.reid@apexnc.org

PUBLIC NOTICE

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 24th day of May, 2022, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #727
8200 Jenks Road



Julie Reid
Interim Town Clerk

Post dates May 10, 2022 through May 24, 2022

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 #: 727 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, 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

R Michael Strickland, Trustee	PIN 0722577336; Deed Book 6000, Page 232
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-782-6860	Mike.Strickland@youngmoorelaw.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Bruce Frederick; Pennoni Associates Inc.

Phone: 919-929-1173 Fax: 919-493-6548

E-mail Address: BFrederick@Pennoni.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	13.541	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☑
Proposed # of housing units:	159	Sewer service (new construction)	☑
Zoning District*:	PUD-CZ Propos	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 for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 727 Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Kevin Woodley as authorized agent for property owner

STATE OF VIRGINIA
COUNTY OF Albemarle

Sworn and subscribed before me, Brian David Alger, a Notary Public for the above State and County, this the 21 day of, April, 2022.

SEAL

BRIAN DAVID ALGER
NOTARY PUBLIC
REG. #251114
MY COMMISSION EXPIRES
01/31/2023
COMMONWEALTH OF VIRGINIA

Notary Public

My Commission Expires: 01-31-2023

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 24, 2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on May 9, 2022 and unanimously voted to recommended approval with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0722577336.

Attachments

- Staff Report
- Vicinity Map
- Application

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

BACKGROUND INFORMATION:

Location: 8200 Jenks Road
Applicant/Agent: Collier Marsh, FC Apex, LLC./Kevin Woodley, Buvemo Investments
Owners: Strickland, R Michael Trustee of Family Trust (Will of C H Young Jr)

PROJECT DESCRIPTION:

Acreage: ±11.74 acres
PIN: 0722577336
Current Zoning: Rural Residential (RR)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential/Office Employment/Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Cary-Apex Water Treatment Plant
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31)	Jenks Rd; Multi-family Residential (Westford Apartments); Vacant
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31)	Vacant
West:	Rural Residential (RR)	Vacant

EXISTING CONDITIONS:

The property is situated on the north side of Jenks Road, between Wimberly Road and US 64. The property is vacant and heavily wooded.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on November 17, 2021. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was not requested for this rezoning due to proposed age restriction.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject property as Office Employment/Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) includes a mix of age-restricted residential uses and commercial uses consistent with the designated Office Employment/Commercial Services land uses. At least 30% of the area to be rezoned is proposed for

commercial uses. Therefore, if the property is rezoned as proposed, the 2045 LUM will automatically be amended to High Density Residential/Office Employment/Commercial Services per NCGS 160D-605(a).

PLANNED UNIT DEVELOPMENT PLAN:
The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

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

Residential* Tract:
- Congregate Living Facility**
- Multi-family or Apartment (age-restricted)
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive
- Utility, minor

*All residential uses in the Residential District shall be age-restricted as follows: 100% of all occupied units shall have as a resident at least one person age 55 or older.

**Congregate Living Facility as defined in UDO Section 4.3.1.C shall be modified as follows: A residential land use consisting of any building or section thereof, residence, private home, boarding home, or home for the aged, whether or not operated for profit, which provides one or more of the following amenities or services for persons not related to the owner or administrator by blood or marriage: food service, trash service, local transportation services, community library, programmed activities, salon services, and other personal services. The term shall not mean "nursing home," "intermediate care facility," or similar facility that provides medical care and support services to persons not capable of independent living.

Commercial Tract:
- Day care facility
- Restaurant, drive-through
- Restaurant, general
- Medical or dental office or clinic
- Office, business or professional
- Publishing office
- Research facility
- Hotel or Motel
- Artisan Studio
- Barber and beauty shop
- Book store
- Convenience store
- Convenience store with gas sales
- Dry cleaners and laundry service
- Farmer's Market
- Financial institution
- Floral shop
- Gas and fuel, retail
- Glass sales
- Greenhouse or nursery, retail
- Grocery, general
- Grocery, specialty
- Health/fitness center or spa
- Kennel
- Newsstand or gift shop
- Personal service
- Pharmacy
- Printing and copying service
- Real estate sales
- Repair services, limited
- Retail sales, general
- Studio for art
- Tailor shop
- Upholstery shop
- Pet services
- Veterinary clinic or hospital
- Utility, minor

Proposed Design Controls:

Density

The PD Plan proposes an overall maximum residential density of 160 dwelling units and a minimum of 3.522 acres of Commercial area.

Height

The maximum building height shall be:

Residential:	60' (5 stories)
Non-residential:	50'

Setbacks

Proposed Minimum Setbacks		
Residential	Front*	0'
	Side	10'
	Rear	10'
	Corner side (Jenks Rd)	10'
Non-Residential	Front (Jenks Rd)	10'
	Side	10'
	Rear**	10'
	Corner side	50'

*Measured from Residential/Commercial District boundary
**Measured from Residential/Commercial District boundary

Buffers

All landscaping for this PUD shall comply with Section 8.2 Landscaping, of the Town of Apex UDO. Refer to PUD Preliminary Layout Plan for perimeter and streetscape buffers. In the event that the Commercial District and Residential District are subdivided, buffers and screening shall not be required along the shared property line between the Residential District and the Commercial District.

The following buffers are proposed by this PUD:

Perimeter Buffers			
		UDO Required	Proposed
Residential*	Rear (north)	15' Type B (adjacent to Cary/Town of Apex Water Treatment Plant) & 20' Type B (adjacent to PIN 0722673959)	20' Type A
	Side (west)	10' Type B	20' Type A
	Front (Jenks Rd)	30' Type B Undisturbed or 50' Type A/B Disturbed	30' Type E Undisturbed or 50' Type E Disturbed
	Front (internal)	None	None
Non-Residential**	Side (west)	30' Type B	20' Type A

	Rear (internal)	None	None
	Front (Jenks Rd)	30' Type E Undisturbed or 50' Type E Disturbed	30' Type E

* *Based on Class 4 (Congregate living) Land Use Class for Section 8.2.6 Buffering*

** *Based on Class 5 Land Use Class for Section 8.2.6 Buffering*

*** Notwithstanding any contrary UDO provision or language in this PUD, if the Property is subdivided, there shall be no minimum setback or buffer requirement along the future shared property line between the Residential District and the Commercial District.

Built Upon Area
The PUD shall comply with the UDO.

Resource Conservation Area
The Development shall include a minimum of 25% RCA. RCA area shall comply with Section 8.1 of the UDO.

Parking
Development in the Residential District shall include a minimum of 1 and a maximum of 1.5 off-street motor vehicle parking spaces per dwelling unit. Development in the Residential District shall include a minimum of 6 bicycle parking spaces. Development in the Commercial District shall comply with parking requirements in Section 8.3 of the UDO.

Architectural Standards
The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

A. Residential Development

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
3. Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:
    - Cementitious lap, board and batten, and/or shake and shingle siding
    - Stone or synthetic stone
    - Brick
4. Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Director of Planning and Community Development to be substantially similar.

B. Commercial Development

1. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details shall be incorporated to add visual interest.
2. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
3. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
4. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
5. Non-residential exteriors shall incorporate variation in materials. The primary (front) façade and other façades located along a public right-of-way may include:
   a. Brick and/or stone masonry
   b. Decorative concrete block (integral color or textured)
   c. Stone accents
   d. Aluminum storefronts with anodized or pre-finished colors
   e. EIFS cornices, and parapet trim
   f. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
   g. Precast concrete
   h. Soffit and fascia materials to be considered include EIFS with crown trim elements
   i. Cementitious siding
6. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

PUBLIC FACILITIES:

The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications.

STORMWATER MANAGEMENT:

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, and 25-year, 24-hour storm events.
- Treatment for the first one inch (1") of runoff will provide 85% removal of total suspended solids.

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

AFFORDABLE HOUSING

A minimum of six (6) of the residential units (either Congregate Living Facility units as modified herein, or age-restricted (55 yrs. and older) multifamily/apartment units) constructed within the Development shall be designated as low-income restricted units (the "Affordable Units"). The bedroom mix of the Affordable Units shall include (4) one-bedroom units and two (2) two-bedroom units.

The Affordable Units shall be made available for rental such that the maximum rent limits per bedroom size and household income limits shall be no greater than sixty percent (60%) of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) as stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake Metropolitan area.

The Affordable Units shall be restricted for an affordability period of five (5) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Period") for the development. During the Affordable Period, the property owner shall be responsible for performing all administration duties to ensure compliance with this Affordable Housing condition and shall submit annual compliance reports to the Town verifying compliance with this Affordable Housing condition. Following completion of the Affordable Period, this Affordable Housing condition shall expire, the property owner shall be relieved of all obligations set forth in this Affordable Housing condition, and the Affordable Units may be freely marketed and leased at market-rate rents.

An affordable housing deed restriction shall be recorded against the property prior to the date of issuance of the first residential Certificate of Occupancy to memorialize these Affordable Housing terms.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:
The proposed PUD is consistent with the Apex Transportation Plan. The proposed development provides access to Jenks Road. Future development will include extending Lowell Road westward to serve the development and providing a stub street(s) to serve future development. A 10' Side Path will be constructed along Jenks Road and 5' sidewalks will be provided along all internal streets. Developer shall construct and dedicate roadway frontage widening along Jenks Road consisting of the remaining half of a four-lane divided roadway with curb and gutter and 10' Side Path based on Apex and NCDOT standards on a minimum 110' public right-of-way typical section. Refer to the concept plan of the PUD plan for proposed access points, stub streets, and planned vehicular connectivity. All access and circulation is conceptual and shall be finalized at the time of Master Subdivision Plan or Minor Site Plan review and approval.

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Minor Site Plan, Master Subdivision Plan, and construction plan approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the recommendations of the TIA and approval by Town staff and NCDOT, the final transportation improvement zoning conditions shall be provided as noted below.

The following conditions regarding transportation improvements apply and shall be completed in the first phase 1 of development:

Jenks Road and Lowell Road / Site Drive 1

1. Construct an eastbound approach (Site Drive 1) with one ingress lane and two egress lanes, striped as a left-turn lane with at least 75 feet of storage and a shared through/right-turn lane.
2. Provide a northbound left-turn lane with at least 50 feet of storage and appropriate decel and taper.
3. Provide stop control at the eastbound approach.

Jenks Road and Site Drive 2

1. Construct a right-in/right-out southbound approach with one ingress lane and one egress lane.
2. Provide stop control at the southbound approach.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on November 18, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	**Applicant's Response**
Pet waste stations shall be installed, at least two.	Added in Residential District
Install signage near environmental sensitive areas in order to: • Reduce pet waste near SCM drainage areas; and • Eliminate fertilizer near SCM drainage areas.	Added
Solar conduit shall be included in building designs.	Added in Residential District
EV charging stations shall be installed according to the UDO requirement.	PUD conforms with UDO parking requirements
Light sensors shall be installed on exterior lights.	Added in Residential District
Outdoor lighting shall be shielded in a way that focuses lighting to the ground.	Added in Residential District
Recommend that roof structures be designed to accommodate solar PV systems.	Added in Residential District
Recommend a minimum of 40 kW of solar PV be installed during construction.	Not Added
Install pervious pavements where practicable (e.g. when parking maximums are exceeded).	Not Added
Increase perimeter buffer requirements, especially in transitional areas between the PUDs (nonresidential to residential areas).	Added
Recommend adding Planting and Landscaping standard (II. c, d and f) options such as planting pollinator-friendly flora, native flora, diverse and abundant pollinator bird food sources, and planting warm season grasses.	Added native-only plantings

EAB Conditions:

1. A minimum of two (2) educational signs about wetlands shall be installed near environmentally sensitive areas;
2. A minimum of two (2) pet waste stations shall be installed within the Residential District;
3. Solar conduit shall be included in Residential District building designs;
4. Light sensors shall be installed on exterior lights within the Residential District; and
5. Outdoor lighting within the Residential District shall be shielded in a way that focuses lighting to the ground.
6. The project shall install conduit for solar energy systems for all residential and accessory buildings. These roofs shall also be engineered to support the weight of a future rooftop solar PV system.
7. The project commits to planting only native plants. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:
The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Arden at Summit Pines PUD project at their February 23, 2022 meeting. The Commission made a recommendation for a fee-in-lieu of dedication. The recommendation is based on the 2021-2022 rates and proposed maximum lot count provided:

Multi-family or Apartment Units: $2,226.05 x 160 = $356,168.00

Staff note: The fee-in-lieu rate is based on the date of PUD approval, not on the date of the Commission's recommendation.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on May 9, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of the rezoning with conditions as proposed by the applicant.

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

The 2045 Land Use Map designates the site as Office Employment/Commercial Services. The proposed rezoning includes a mix of age-restricted residential uses and non-residential uses consistent with the Office Employment/Commercial Services land use designation. At least 30% of the area to be rezoned is proposed for commercial uses. Therefore, if the property is rezoned as proposed, the 2045 LUM will automatically be amended to High Density Residential/Office Employment/Commercial Services per NCGS 160D-605(a).

The proposed rezoning is reasonable and in the public interest because the rezoning will allow the project to be developed with age-restricted residential uses accompanied by non-residential development along the thoroughfare frontage, which complements the land use at Westford across Jenks Road. Additionally, the PUD requires that the residential be age-restricted housing with a minimum of six (6) affordable units.

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

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

a) *Development parameters*

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

(ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2030 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.

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

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

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

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

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

b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:

(i) A non-residential component; or

(ii) An overall density of 7 residential units per acre or more; or

(iii) Environmental measures including but not limited to the following:

(a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;

(b) The installation of a geothermal system for a certain number or percentage of units within the development; or

(c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).

d) *Landscaping*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision and* Article 14: *Parks, Recreation, Greenways, and Open Space*.

(i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.

(ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.

(iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

(iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.

g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.

h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.

i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2030 Land Use.

k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

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

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 2030 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 2030 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.

March 18, 2022

Caroline Cheeves
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

Subject: **Staff summary and comments for the Arden at Apex TIA, 3/7/2022**

Ms. Cheeves:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The TIA studied access to the proposed development at the following two (2) intersections:

- Jenks Road and Lowell Road/ Site Drive 1
- Jenks Road and Site Drive 2

Additionally, the TIA studied the following three (3) intersections in the TIA

- US Hwy 64 and Jenks Road / Richardson Road
- US Hwy 64 and U-turn (west of Jenks Road)
- Jenks Road and Wimberly Road

Trip Generation

The proposed development is expected to consist of a senior living community with up to 163 multi-family housing units, and a strip retail plaza up to 10,000 square feet in size. The development is projected to generate approximately 18 new trips entering and 33 new trips exiting the site during the weekday A.M. peak hour and 49 new trips entering and 44 new trips exiting the site during the weekday P.M. peak hour. The development is projected to add a total of 1,148 daily trips onto the adjacent roadway network.

Background traffic

Background traffic consists of 3% annual background traffic growth compounded to build out year 2024, and the following adjacent developments:

- Alderwood (75% of overall build-out traffic)
- Parks at Wimberly (75% of overall build-out traffic)
- Westford Residential (25% of overall build-out traffic)

Trip Distribution and Assignment

The trip distributions to and from the development are as follows:

- 50% to/from the east via US Hwy 64
- 25% to/from the west via US Hwy 64
- 25% to/from the east via Jenks Road

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 5 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "*NA"* is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2021** - Existing year 2021 traffic counts.
- **No Build 2024 –** Projected year (2024) with background traffic growth.
- **Build 2024 –** Projected year (2024) with background traffic, and site build-out including recommended improvements where applicable.

Jenks Road and Lowell Road/ Site Drive 1

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service Jenks Road and Lowell Road/ Site Drive 1			
	Existing 2021	**No Build 2024**	**Build 2024**
Overall	NA	NA	NA
Eastbound (Site Drive 1)	*NA*	*NA*	*B / B[1]*
Westbound (Lowell Road)	*B / B[1]*	*B / B[1]*	*B / B[1]*
Northbound (Jenks Road)	*NA*	*NA*	*A / A[2]*
Southbound (Jenks Road)	*A / A[2]*	*A / A[2]*	*A / A[2]*

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of a stop-controlled, eastbound approach (Site Drive 1) with one ingress lane and two egress lanes, striped as a left-turn lane with at least 75 feet of storage and a shared through/right-turn lane. Additionally, the TIA recommends construction of a northbound left-turn lane with at least 50 feet of storage and appropriate deceleration length and taper on Jenks Road.

Apex staff recommendations:

- Apex staff concur with the recommendations in the TIA. The minor street stop-controlled approaches are projected to operate at LOS B or better during both peak hours in the Build scenario. Additionally, the exclusive left turn lanes on all four approaches, are projected to provide adequate storage capacity for left turn movements at this intersection.

Jenks Road and Site Drive 2

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service Jenks Road and Site Drive 2	
	Build 2024
Overall	NA
Eastbound (Jenks Road)	*NA*
Westbound (Jenks Road)	*NA*
Southbound (Site Drive 2)	*A / A*[1]

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of Site Drive 2 as stop-controlled, right-in, right-out access driveway with one lane of ingress and one lane of egress, approximately 500 feet northeast of Lowell Road/ Site Drive 1 on Jenks Road.

Apex staff recommendations:

- Apex staff concur with the recommendation in the TIA. The stop-controlled, right-out approach is projected to operate at LOS A during both peak hours, with minimal delays and minimal queuing. To restrict access to right-in / right-out only, Apex staff recommends construction of a median island in the center lane of Jenks Road.

US Hwy 64 and Jenks Road / Richardson Road

Table 3. A.M. / P.M. Peak Hour Levels of Service US Hwy 64 and Jenks Road / Richardson Road			
	Existing 2021	**Signalized**	
		No Build 2024	**Build 2024**
Overall (Super street north side)	NA	B / B	B / B
Eastbound Left (US Hwy 64)	*E / F*[2]	*A / A*	*A / A*
Westbound (US Hwy 64)	*NA*	*A / B*	*A / B*
Southbound (Jenks Road)	*C / C*[1]	*C / C*	*C / D*
Overall (Super street south side)	NA	A / A	A / A
Eastbound (US Hwy 64)	*NA*	*A / A*	*A / A*
Westbound Left (US Hwy 64)	*F / F*[2]	*B / C*	*B / C*
Northbound (Richardson Road)	*F / F*[1]	*C / C*	*C / C*

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements at Superstreet approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection. As part of committed background improvements by other developers, this super-street intersection is projected to be upgraded with a traffic signal and additional turn lanes in the near future. As such, these improvements will improve operations to overall LOS B or better in both peak hours. The addition of development traffic is not projected to impact operations after the signal and turn lane upgrades.

Apex staff recommendations:

- Apex staff concur with the recommendations in the TIA. Both the north and south sides of the signalized super-street are projected to operate at LOS B or better with all turn lanes adequately meeting turn movement demands in the Build scenario. Per the UDO, no improvements are warranted of this development.
- It should also be noted that the Synchro analysis of existing conditions overestimated the current level of service and delay at the intersection. Due to the way the super-street was modeled in the software package, critical headways on the major-street left turn movements were overestimated leading to a perception of a worse level of service than actual field conditions entail. When critical headways were adjusted to be representative of major-street left turns crossing two lanes by Town staff, the operations for the major street left turn movements were improved to LOS C with queues between 1-3 vehicles in the peak hours, which is representative of existing field conditions.

US Hwy 64 and U-turn (west of Jenks Road)

Table 4. A.M. / P.M. Peak Hour Levels of Service US Hwy 64 and U-turn (west of Jenks Road)			
	Existing 2021	Signalized	
		No Build 2024	Build 2024
Overall	NA	NA	NA
Eastbound (US Hwy 64)	*NA*	*B / B*	*B / B*
Westbound U-turn (US Hwy 64)	*C / C*[2]	*A / A*	*A / A*

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements at Superstreet approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection. As part of committed background improvements by other developers, this super-street intersection is projected to be upgraded with a traffic signal. This upgrade will improve operations to overall LOS B or better in both peak hours. The addition of development traffic is not projected to impact operations after the signal is installed.

Apex staff recommendations:

- Apex staff concur with the recommendations in the TIA. The signalized U-turn is projected to operate at LOS B or better with all turn lanes adequately meeting turn movement demands in the Build scenario. Per the UDO, no improvements are warranted of this development.

Jenks Road and Wimberly Road

Table 5. A.M. / P.M. Unsignalized Peak Hour Levels of Service Jenks Road and Wimberly Road			
	Existing 2021	**No Build 2024**	**Build 2024**
Overall	NA	NA	NA
Eastbound (Jenks Road)	*A / A*[2]	*A / A*[2]	*A / A*[2]
Westbound (Jenks Road)	*A / A*[2]	*A / A*[2]	*A / A*[2]
Northbound (Wimberly Road)	*A / B*[1]	*B / B*[1]	*B / B*[1]
Southbound (Wimberly Road)	*B / B*[1]	*B / B*[1]	*B / B*[1]

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

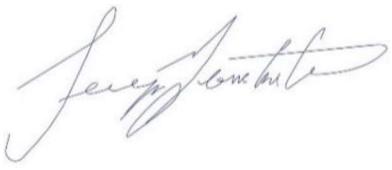
- The TIA recommends no improvements at this intersection. As part of background improvements committed by other developers, a southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper is to be constructed at this intersection.

Apex staff recommendations:

- Apex staff concur with the recommendation in the TIA. All approaches are projected to operate at LOS B or better. 95th percentile queues are projected to be less than 50 feet for all turning movements in the peak hours. Average vehicle delays are not projected to exceed more than 15 seconds per vehicle on the stop-controlled approaches.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with NCDOT staff to discuss improvements on state maintained roadways as needed. All recommendations are subject to review by Town Council prior to approval.

Sincerely,



Serge Grebenschikov
Traffic Engineer
919-372-7448


Rezoning #22CZ01
Sunnybrook Farms
Jenks Rd
Fletcherstone Way
Brookside Hill Aly
Wimberly Rd
Westford Apartments
Haybeck Ln
Lowell Rd
Acton St
Townes at Westford
Creekbird Rd
May 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: [redacted] Submittal Date: January 3, 2022

Fee Paid $ 1720 Check # Charge

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Arden at Summit Pines

Address(es): 8200 Jenks Road, Apex, NC 27523

PIN(s) 0722577336

Acreage: 11.74

Current Zoning: Rural Residential (RR) Proposed Zoning: Planned Unit Development Conditional Zoning (PUD-CZ)

Current 2045 LUM Designation: Office Employment and Commercial Services

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

*A FLUM amendment is proposed to add High Density Residential to the FLUM designation

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: 11.74

Area proposed as non-residential development: Acreage: 3.522

Percent of mixed use area proposed as non-residential: Percent: 30%

Applicant Information

Name: FC Apex, LLC c/o Collier Marsh

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4663 E-mail: colliermarsh@parkerpoe.com

Owner Information

Name: R. Michael Strickland, as Trustee of the Charles H Young, Jr. Family Trust

Address: 138 Wee Loch Drive

City: Cary State: NC Zip: 27511-3885

Phone: 919-782-6860 E-mail: Mike.Strickland@youngmoorelaw.com

Agent Information

Name: FC Apex, LLC c/o Collier Marsh

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4663 E-mail: colliermarsh@parkerpoe.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____ Submittal Date: January 3, 2022

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The property is designated as Office Employment/Commercial Services on the FLUM. The proposed rezoning includes a request to amend the FLUM designation to Office Employment/Commercial Services/High Density Residential. The proposed Planned Unit Development will facilitate the development of senior housing and commercial uses along Jenks Road in furtherance of the Comprehensive Plan's goal to place commercial services on thoroughfares and near residential communities. The Commercial District will be a minimum of 30% of the site as shown on the Concept Plan.

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

The uses permitted by the PUD - including the senior housing community and commercial uses - are compatible with the character of existing and planned uses in the surrounding area. This area of the Town's ETJ is at an intersection between growing sections of northwest Apex and historically rural western Wake County. Although adjacent properties to the north and west are currently undeveloped, the Property is directly across the street from the Westford PUD. The Villages at Westford Apartments are directly across Jenks Road to the southeast. The Villages at Westford Apartments are a 296 unit apartment complex, with a clubhouse and pool, that were constructed in 2019 as part of the Westford PUD. Further South across Jenks Road is an undeveloped portion of the Westford PUD referred to as area A1. Under the Westford PUD, Area A1 could be developed for a variety of residential or commercial uses including Multi-Family, Single Family, Restaurant, Office, Convenience Store with Gas Sales, and Grocery Store. Arden at Summit Pines will be compatible with the existing Westford Apartments and future development of the Westford PUD because it will provide complimentary uses to the existing and proposed uses of the Westford PUD. Arden at Summit Pines' age restricted Residential District will provide a greater variety of housing options and Arden at Summit Pines' Commercial District offers a greater mix of nonresidential uses that will serve and support residential development in the area. Design standards are also proposed to respect the existing character of the surrounding area.

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

The proposed development will comply with Section 4.4 Supplemental Standards, to the extent these regulations do not conflict with regulations contained in the PUD.

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.

Trash, parking and loading, and odors will be screened from adjacent uses as required by the UDO and as set forth in the PUD. More intense commercial uses are only permitted in the Commercial District which fronts on Jenks Road. Additionally, the PUD includes several architectural standards which commit to quality building materials and design to minimize adverse visual effects on neighboring properties.

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

The property is not within a designated current or future 100 year floodplain but is located within the Beaver Creek and White Oak Creek Drainage Basins. Accordingly, the Property is within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7. The PUD will include a minimum 25% Resource Conservation Area. Further, the PUD contains additional environmental commitments including installation of wetland educational signs, pet waste stations, solar conduit, electric vehicle charging stations, light sensors on exterior lights, and light shields on outdoor lighting.

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.

Public water and sewer facilities are available to the property. The proposed development will meet all Public Facilities requirements in UDO Section 2.3.4(F)(1)(f).

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

The requested PUD will improve the public health and welfare by facilitating the development of needed senior housing in close proximity to future commercial services. It will also improve welfare by facilitating the development of commercial uses along Jenks Road, a thoroughfare. The PUD will improve traffic flow by providing traffic improvements along Jenks Road and facilitating a future east/west connector street as set forth in the PUD.

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

Uses permitted under the PUD will not be substantially detrimental to adjacent properties. The Congregate Living Facility use is limited to 160 senior housing units and Commercial Uses are only permitted in the Commercial District and limited by design standards contained in the PUD.

PETITION PROCESS INFORMATION

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

The proposed PUD will not constitute a hazard due to traffic or noise. Traffic impacts will be mitigated by road improvements contained in the PUD. Other potential negative impacts are mitigated by the maximum density and other design guidelines contained in the PUD.

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

The PUD will be governed by the regulations contained in the attached PUD and Concept Plan. The PUD will comply with all other regulations of the UDO to the extent they do not conflict with the PUD regulations.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: $500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

•excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: 8200 Jenks Road

Nearest intersecting roads: Jenks Road/Lowell Road

Wake County PIN(s): 0722577336

Township: White Oak

Contact Information (as appropriate)

Contact person: Kevin Woodley; c/o Collier Marsh

Phone number: 919-835-4663 Fax number: N/A

Address: 301 Fayetteville Street, Raleigh, NC 27601

E-mail address: colliermarsh@parkerpoe.com

Owner: R. Michael Strickland, as Trustee of the Charles H Young, Jr. Family Trust

Phone number: _____ Fax number: _____

Address: 138 Wee Loch Drive, Cary, NC 27511

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Arden at Summit Pines

2nd Choice *(Optional)*: _____

Town of Apex Staff Approval:

_____ _____

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

8200 Jenks Road

_____

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: FC Apex, LLC

BY: _____
Authorized Agent

DATE: 12/26/21

TOWN OF APEX

BY: _____
Authorized Agent

DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

R. Michael Strickland, Trustee of the Family Trust under Item VI of the Will of Charles H. Young, Jr. is the owner* of the property for which the attached application is being submitted.

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

The property address is: 8200 Jenks Road, Apex, NC 27523

The agent for this project is: Kevin Woodley

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

Agent Name: Kevin Woodley

Address: 7315 Wisconsin Avenue, Suite 925W, Bethesda, Maryland 20814

Telephone Number: 301-654-8802

E-Mail Address: kwoodley@buvermo.com

Signature(s) of Owner(s)*

R. Michael Strickland, Trustee of the Family Trust under Item VI of the Will of Charles H. Young, Jr.

R Michael Strickland Trustee

R. Michael Strickland, Trustee — 12/21/21 Date

Martha Heafner

Martha Heafner — 12-27-21 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Kevin Woodley (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 authorized agent of all owners of the property located at 8200 Jenks 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 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).
4. To Affiant's knowledge, no claim or action has been brought against against the owners of the property 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.
5. This the 29 day of December, 2021.

By: _____
Kevin Woodley

STATE OF ~~NORTH CAROLINA~~ Virginia
COUNTY OF Fairfax

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

JOSHUA MITCHELL HAMES
NOTARY PUBLIC
REGISTRATION #7833042
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUGUST 31, 2023

[NOTARY SEAL]

_____
Notary Public
State of ~~North Carolina~~ Virginia
My Commission Expires: 08/31/2023

EXHIBIT A
To
Affidavit of Ownership
8200 Jenks Road
Legal Description

BEGINNING AT AN IRON ROD ON THE NORTH RIGHT OF WAY OF JENKS ROAD (NCSR 1601) WAKE COUNTY, NC APPROXIMATELY 721 FEET NORTH OF THE INTERSECTION OF JENKS ROAD AND U.S. HIGHWAY 64 AND HAVING A NC STATE PLANE NAD 83 (NSRS 2011) COORDINATE VALUE OF N: 726,615.24 E: 2,025,311. 55 AND BEING THE POINT OF BEGINNING. THENCE FROM THE POINT OF BEGINNING N 00° 37' 29" E 432.30' TO AN IRON ROD SET. THENCE N 01° 57' 10" E 668.64' TO AN IRON BAR FOUND AT THE NORTHWEST CORNER OF THE PARCEL. THENCE S 88° 55' 43" E 682.49' TO AN IRON BAR FOUND AT THE NORTHEAST CORNER OF THE PARCEL. THENCE S 00° 21' 58" W 380.02' TO AN IRON PIN FOUND ON THE NORTH RIGHT OF WAY OF JENKS ROAD. THENCE ALONG THE NORTH RIGHT OF WAY OF JENKS ROAD THE FOLLOWING COURSES:

S 44° 34' 19" W105.01' TO AN IRON ROD SET

S 45° 15' 51" W 376.98' TO AN IRON ROD SET

S 45° 13' 33" W 395.43' TO AN IRON ROD SET

S 44° 33' 52" W 63.09' TO AN IRON ROD SET

S 42° 51' 20" W 60.24' TO AN IRON ROD SET BEING THE POINT OF BEGINNING. PARCEL CONTAINS 511,581 SF OR 11.744 ACRES.

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company *Information*	
Company *Name*	FC Apex, LLC
Company Phone *Number*	301-654-8802
Developer Representative *Name*	Kevin Woodley
Developer Representative *Phone Number*	301-654-8802
Developer Representative *Email*	kwoodley@buvermo.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	TBD
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Arden at Summit Pines
Address of Subdivision (if unknown enter nearest cross streets)	8200 Jenks Road
REID(s)	0035451
PIN(s)	0722577336

Projected Dates *Information*	
Subdivision *Completion Date*	2023
Subdivision *Projected First Occupancy Date*	2024

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																	
Townhomes																	
Condos																	
Apartments	159	159						TBD	TBD	TBD	TBD	2024	159				
Other																	

Revised 08/10/2018

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

November 12, 2021
Date

Dear Neighbor:
You are invited to an electronic neighborhood meeting to review and discuss the development proposal at

8200 Jenks Road, Apex, NC 27523 (Address(es)) 0722577336 (PIN(s))

in accordance with the Town of Apex Electronic 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, you may contact the applicant before or after the meeting is held. 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 www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic 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	Town Council (QJPH*)
○	Special Use Permit	Town Council (QJPH*)
○	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
The applicant proposed to rezone the property to Planned Unit Development - Conditional Zoning that will include a combination of senior living and commercial uses. Additional information will be provided at the meeting.

Estimated submittal date: December 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s):	Michael R. Strickland, as Trustee of the Charles H Young, Jr. Family Trust
Applicant(s):	FC Apex, LLC c/o Collier Marsh
Contact information (email/phone):	colliermarsh@parkerpoe.com; (919) 835-4663
Electronic Meeting invitation/call in info:	See accompanying letter with Zoom instructions
Date of meeting**:	November 17, 2021
Time of meeting**:	6:00 PM - 8:00 PM

MEETING AGENDA TIMES:
Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 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/Planning.

November 12, 2021

Re: Notice of Virtual Neighborhood Meeting

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on November 29, 2021 from 6–8pm. The purpose of the meeting is to discuss an upcoming application to rezone a parcel of land located at 8200 Jenks Road, Apex, NC 27523 (PIN 0722577336) (the "Property"). The Property is currently zoned Rural Residential (RR) and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ).

The applicant is proposing a rezoning to Planned Unit Development Conditional Zoning and proposes a combination of senior living and commercial uses. During the meeting, the applicant will describe the nature of this rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcel; (2) a zoning map of the subject area; (3) a preliminary concept plan of the Planned Unit Development; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

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

Visit:	https://zoom.us./join
Enter the following meeting ID:	823 5712 5752
Enter the following password:	512847

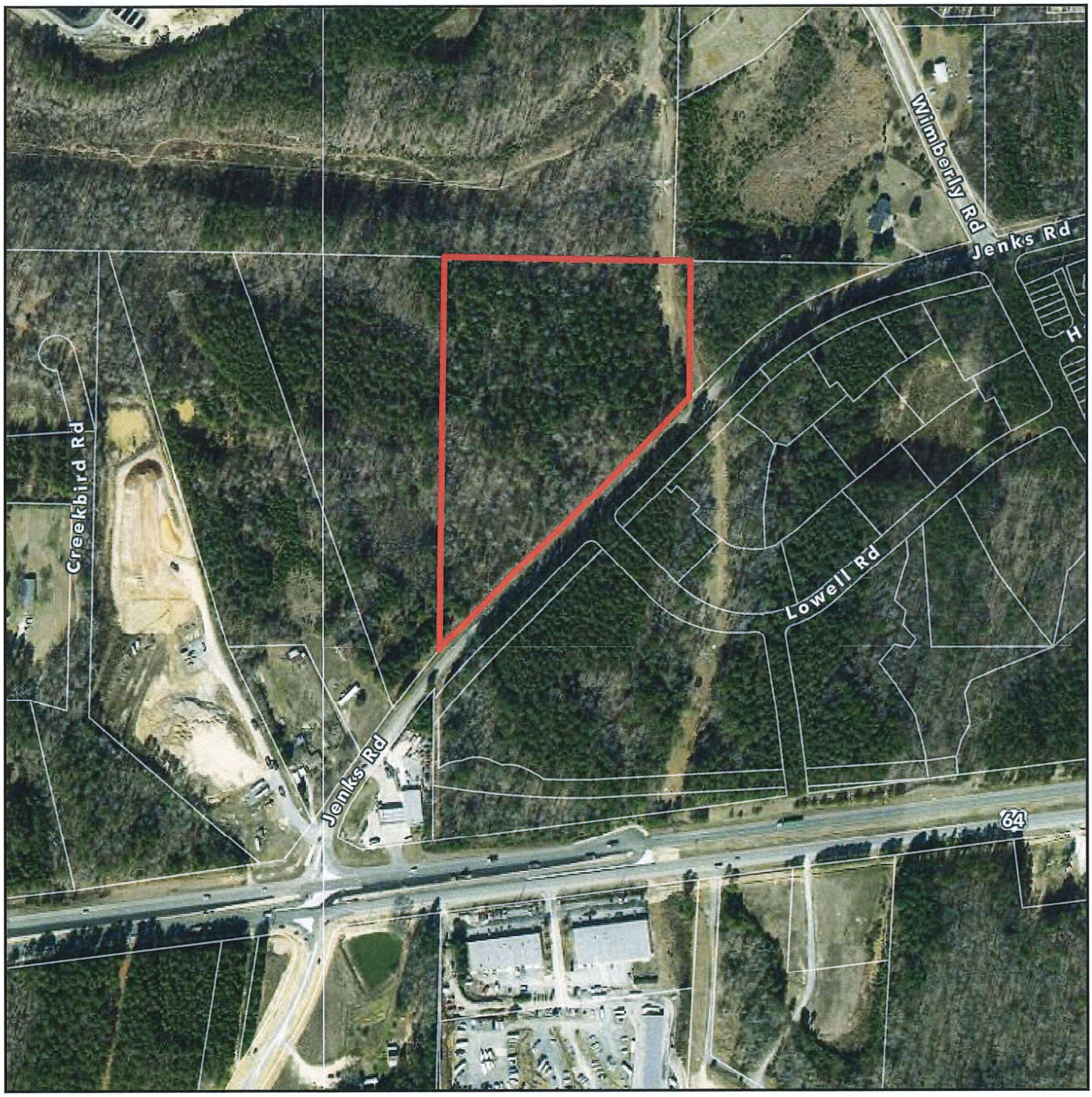
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	823 5712 5752 #
Enter the Participant ID:	#
Enter the Meeting password:	512847 #

If you have any questions about this rezoning, please contact me at (919) 835-4663 or via email at colliermarsh@parkerpoe.com.

Thank you,

Collier Marsh



8200 Jenks Road

Vicinity Map

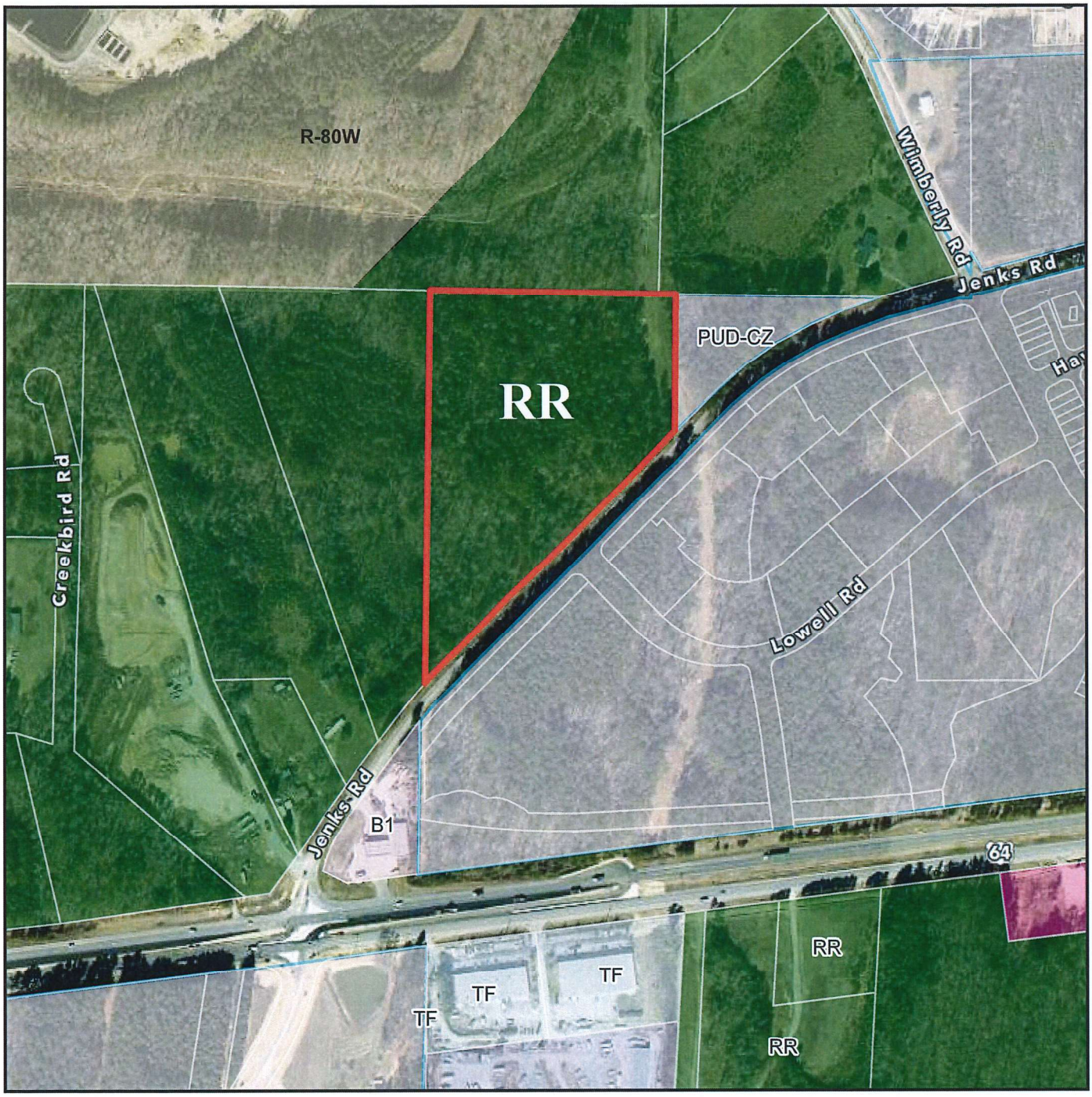
N

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.*



8200 Jenks Road

Zoning Map

Current Zoning: RR

N

0 200 400 800 ft

1 inch equals 400 feet

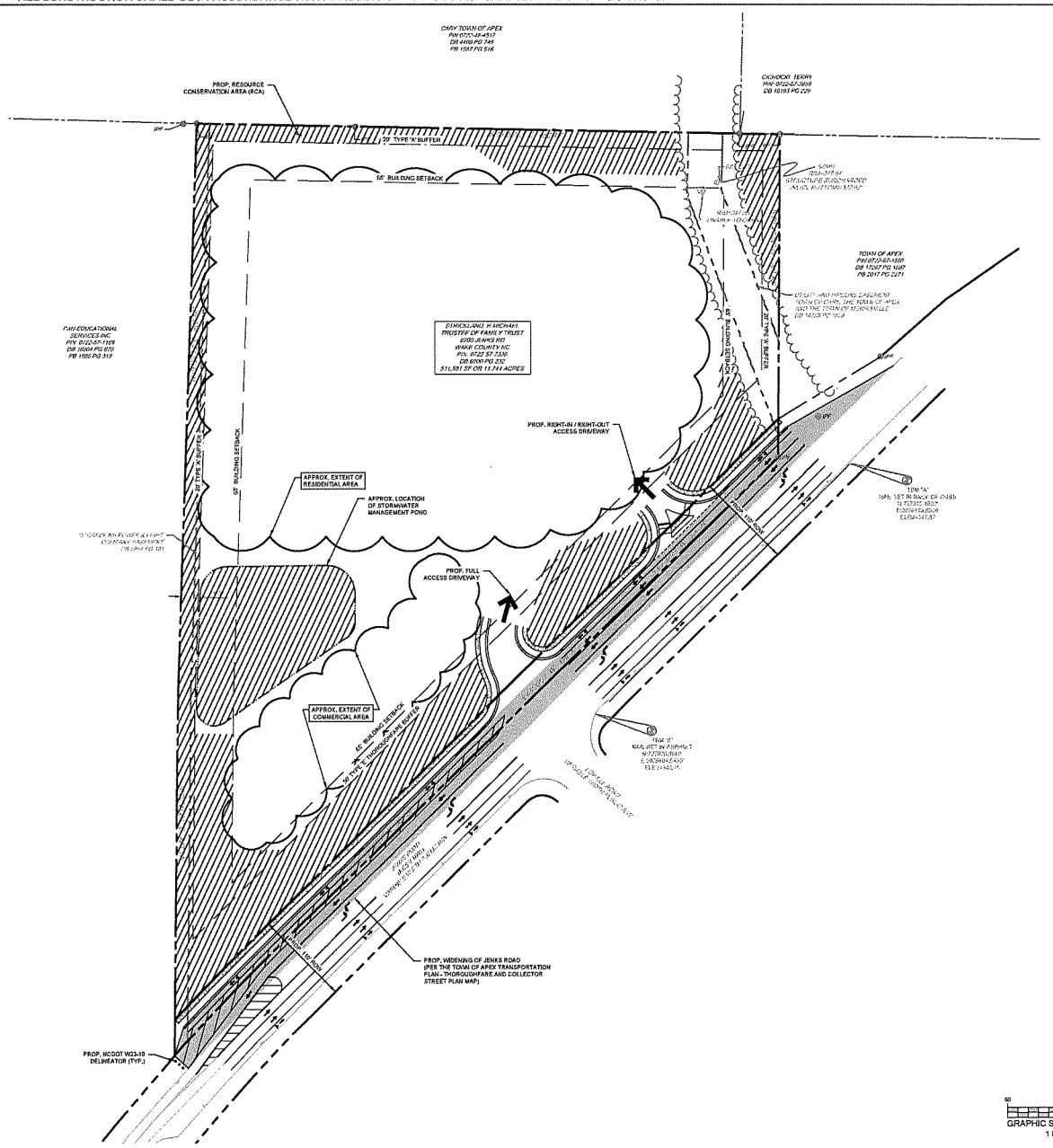
Disclaimer

*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.*

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT TOWN OF APEX STANDARDS AND SPECIFICATIONS

NOTES:

1. REFER TO THE PUD DOCUMENT (SECTION 4.0) FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA..
2. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICE; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS ETC.) SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDINGS WITHIN THAT PHASE.
3. NO SIGNS ARE APPROVED AS PART OF PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.
4. THE BALANCE OF THE REQUIRED RCA NEEDED TO ACHIEVE THE 25% TOTAL FOR THE DEVELOPMENT WILL OCCUR WITHIN THE SUBSEQUENT TRACTS IN CONJUNCTION WITH THE RESPECTIVE SUBDIVISION APPLICATIONS.
5. THE FINAL WIDTH OF THE BUFFERS SHALL MEET THE TOWN OF APEX DEVELOPMENT STANDARDS (SEC. 8.2.6 OF THE UDO).
6. PROVIDE 5' MINIMUM PEDESTRIAN CONNECTION BETWEEN THE INTERNAL PUD PEDESTRIAN NETWORK.
7. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



LEGEND

- DELINEATES PROP. RESOURCE CONSERVATION AREA
- DELINEATES PROP. FULL DEPTH ASPHALT
- DELINEATES MILL AND OVERLAY
- PROP. SITE ACCESS
- DELINEATES APPROX. LIMITS OF STORMWATER MANAGEMENT POND

GRAPHIC SCALE
1 inch = 60 ft. Horizontal

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

ESE CONSULTANTS
ENGINEERING · PLANNING · SURVEYING · ENVIRONMENTAL
ESE of North Carolina, PC
5400 Trinity Road, Suite 204
Raleigh, NC 27607
T: 919-231-6800
License # C-2973

PRELIMINARY SITE PLAN

ARDEN AT APEX
PLANNED UNIT DEVELOPMENT
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

REV	DATE	DESCRIPTION	DRAWN

DATE: 10/29/2021	SCALE: 1" = 60'
DESIGN: JJS	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS1001	

NOT FOR CONSTRUCTION

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: Arden at Apex Zoning: Rural Residential (RR)

Location: 8200 Jenks Road, Apex, NC 27523

Property PIN(s): 0722577336 Acreage/Square Feet: 11.83 acres

Property Owner: Michael R. Strickland, Trustee of Martha Young Heafner Family Trust

Address: 138 Wee Loch Drive

City: Cary State: NC Zip: 27511-3885

Phone: _____ Email: _____

Developer: FC Apex LLC c/o Collier Marsh

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4663 Fax: 919-834-4564 Email: colliermarsh@parkerpoe.com

Engineer: ESE of North Carolina, PC

Address: 900 Perimeter Park Drive, Suite B3

City: Morrisville State: NC Zip: 27560

Phone: 919-417-3051 Fax: _____ Email: jbrown3@eseconsultants.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	 (919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Remote via Zoom

Date of meeting: November 29, 2021 Time of meeting: 6:00 PM - 8:00 PM

Property Owner(s) name(s): R. Michael Strickland, Trustee

Applicant(s): Kevin Woodley

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Collier Marsh, Parker Poe	301 Fayetteville Street, Raleigh, NC 27601		colliermarsh@parkerpoe.com	
2.	Matthew Carpenter, Parker Poe	301 Fayetteville Street, Raleigh, NC 27601		matthewcarpenter@parkerpoe.com	
3.	Kevin Woodley, FC Apex, LLC	7315 Wisconsin Avenue, Suite 925W, Bethesda, Maryland 20814		kwoodley@buvermo.com	
4.	Justin Brown, ESE	5400 Trinity Road, Suite 204 Raleigh, NC 27607		jbrown3@eseconsultants.com	
5.	Paul Stephenson (Neighbor)	110 Mackenan Drive, Cary, NC 27511	not provided	not provided	n/a
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): R. Michael Strickland Trustee

Applicant(s): Kevin Woodley

Contact information (email/phone): _____

Meeting Format: Remote via Zoom

Date of meeting: November 29, 2021 Time of meeting: 6:00 PM - 8:00 PM

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

Question/Concern #1:
What is planned for the development?

Applicant's Response:
Approximately 159 senior housing units on the residential portion and general commercial uses on the commercial portion fronting on Jenks Road.

Question/Concern #2:
N/A

Applicant's Response:
N/A

Question/Concern #3:
N/A

Applicant's Response:
N/A

Question/Concern #4:
N/A

Applicant's Response:
N/A

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, Collier Marsh, do hereby declare as follows:
Print Name

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

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.

3. The meeting was conducted via Remote via Zoom (indicate format of meeting) on November 29, 2021 (date) from 6:00 PM (start time) to 8:00 PM (end time).

4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

12/28/21
Date

By: _____
Collier Marsh

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 28th day of December, 20 21.

SEAL

MATTHEW JOEL CARPENTER
Notary Public
Wake
County
NORTH CAROLINA

_____
Notary Public

Matthew J. Carpenter
Print Name

My Commission Expires: 2/7/2024

Notice List for Neighborhood Meeting

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS		
15000 FLETCHERSTONE WAY	0722676531	BB MF VILLAGE WEST OWNER LLC	REVANTAGE TAX	PO BOX A3878	CHICAGO IL 60690-3878
1400 WIMBERLY RD	0722484517	CARYTOWN OF APEX TOWN OF	PO BOX 8005	CARY NC 27512-8005	
8108 JENKS RD	0722673959	CICHOCKI, TERRY	8108 JENKS RD	APEX NC 27523-9423	
8321 JENKS RD	0722562228	COC REAL ESTATE CO LLC	110 MACKENAN DR STE 300	CARY NC 27511-7901	
8300 JENKS RD	0722571169	PAN-EDUCATIONAL SERVICES INC	1220 GOODWIN RD	APEX NC 27523-6778	
8200 JENKS RD	0722577335	STRICKLAND, R MICHAEL TRUSTEE OF FAMILY TRUST (WILL OF C H YOUNG JR)	MARTHA YOUNG HEAFNER	138 WEE LOCH DR	CARY NC 27511-3885
8170 JENKS RD	0722671588	TOWN OF APEX	PO BOX 250	APEX NC 27502-0250	
3300 US 64 HWY W	0722660502	WESTFORD COMMERCIAL WEH LP	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265	
8308 JENKS RD	0722477065	WHITFIELD, DORIS JENKS	3633 BACHELOR CREEK RD	ASHEBORO NC 27205-2141	
		Current Tenant	13101 Fletcherstone WAY	APEX NC 27523	
		Current Tenant	13102 Fletcherstone WAY	APEX NC 27523	
		Current Tenant	13103 Fletcherstone WAY	APEX NC 27523	
		Current Tenant	13104 Fletcherstone WAY	APEX NC 27523	
		Current Tenant	13105 Fletcherstone WAY	APEX NC 27523	
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Current Tenant	9201 Haybeck LN	APEX NC 27523
Current Tenant	9202 Haybeck LN	APEX NC 27523
Current Tenant	9203 Haybeck LN	APEX NC 27523
Current Tenant	9204 Haybeck LN	APEX NC 27523
Current Tenant	9301 Haybeck LN	APEX NC 27523
Current Tenant	9302 Haybeck LN	APEX NC 27523
Current Tenant	9303 Haybeck LN	APEX NC 27523
Current Tenant	9304 Haybeck LN	APEX NC 27523
Current Tenant	11101 Haybeck LN	APEX NC 27523
Current Tenant	11102 Haybeck LN	APEX NC 27523
Current Tenant	11103 Haybeck LN	APEX NC 27523
Current Tenant	11104 Haybeck LN	APEX NC 27523
Current Tenant	11105 Haybeck LN	APEX NC 27523
Current Tenant	11106 Haybeck LN	APEX NC 27523
Current Tenant	11107 Haybeck LN	APEX NC 27523
Current Tenant	11108 Haybeck LN	APEX NC 27523
Current Tenant	11201 Haybeck LN	APEX NC 27523
Current Tenant	11202 Haybeck LN	APEX NC 27523
Current Tenant	11203 Haybeck LN	APEX NC 27523
Current Tenant	11204 Haybeck LN	APEX NC 27523
Current Tenant	11205 Haybeck LN	APEX NC 27523
Current Tenant	11206 Haybeck LN	APEX NC 27523
Current Tenant	11207 Haybeck LN	APEX NC 27523
Current Tenant	11208 Haybeck LN	APEX NC 27523
Current Tenant	11301 Haybeck LN	APEX NC 27523
Current Tenant	11302 Haybeck LN	APEX NC 27523

Current Tenant	11303 Haybeck LN	APEX NC 27523
Current Tenant	11304 Haybeck LN	APEX NC 27523
Current Tenant	11305 Haybeck LN	APEX NC 27523
Current Tenant	11306 Haybeck LN	APEX NC 27523
Current Tenant	11307 Haybeck LN	APEX NC 27523
Current Tenant	11308 Haybeck LN	APEX NC 27523
Current Tenant	6308 Jenks RD	APEX NC 27523

EXHIBIT A
Concept Plan

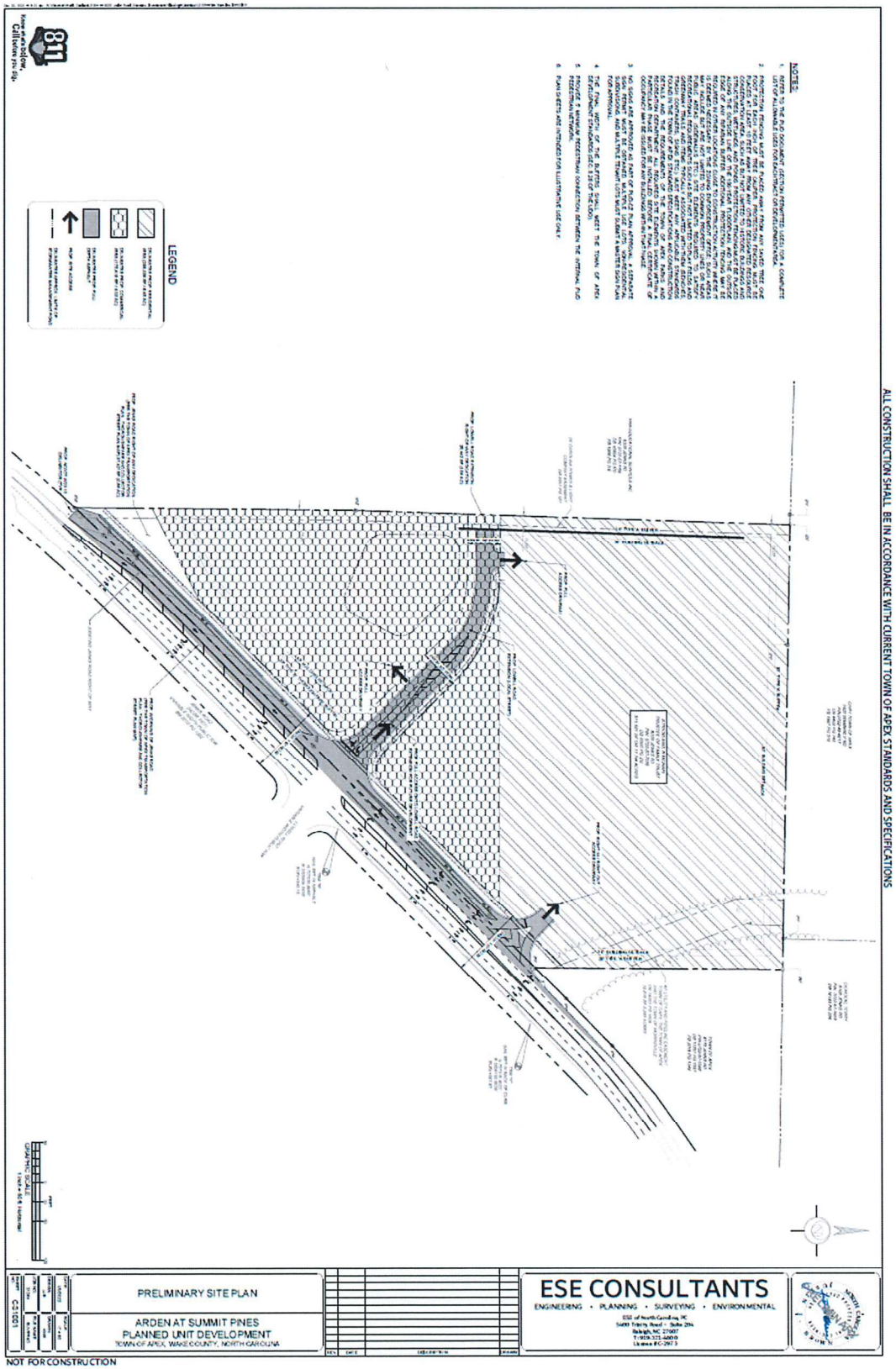

EXHIBIT B
Legal Description
The Property

BEGINNING AT AN IRON ROD ON THE NORTH RIGHT OF WAY OF JENKS ROAD (NCSR 1601) WAKE COUNTY, NC APPROXIMATELY 721 FEET NORTH OF THE INTERSECTION OF JENKS ROAD AND U.S. HIGHWAY 64 AND HAVING A NC STATE PLANE NAD 83 (NSRS 2011) COORDINATE VALUE OF N: 726,615.24 E: 2,025,311. 55 AND BEING THE POINT OF BEGINNING. THENCE FROM THE POINT OF BEGINNING N 00° 37' 29" E 432.30' TO AN IRON ROD SET. THENCE N 01° 57' 10" E 668.64' TO AN IRON BAR FOUND AT THE NORTHWEST CORNER OF THE PARCEL. THENCE S 88° 55' 43" E 682.49' TO AN IRON BAR FOUND AT THE NORTHEAST CORNER OF THE PARCEL. THENCE S 00° 21' 58" W 380.02' TO AN IRON PIN FOUND ON THE NORTH RIGHT OF WAY OF JENKS ROAD. THENCE ALONG THE NORTH RIGHT OF WAY OF JENKS ROAD THE FOLLOWING COURSES:

S 44° 34' 19" W105.01' TO AN IRON ROD SET

S 45° 15' 51" W 376.98' TO AN IRON ROD SET

S 45° 13' 33" W 395.43' TO AN IRON ROD SET

S 44° 33' 52" W 63.09' TO AN IRON ROD SET

S 42° 51' 20" W 60.24' TO AN IRON ROD SET BEING THE POINT OF BEGINNING. PARCEL CONTAINS 511,581 SF OR 11.744 ACRES.

PAYMENT DATE
01/05/2022

COLLECTION STATION
Paralee Smith

RECEIVED FROM
ARQC

TOWN OF APEX
P O BOX 250
APEX, NC 27502
(919) 362-8676 - Utility Payments
(919) 249-3418 - Permits Only
(919) 249-3426 - Planning & Zoning Only

BATCH NO.
2022-00002095

RECEIPT NO.
2022-00127433

CASHIER
Paralee Smith

DESCRIPTION
Annexation Summit at Arden Pines - 2022-00000002 & Rezoning #22CZ01 Arden at Summit Pines PUD - 2022-00000002 Credit card

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
PPC	PROJECT PLANNING CENTER FEES Annexation Summit at Arden Pines - 2022-00000002	$200.00
PPC	PROJECT PLANNING CENTER FEES Rezoning #22CZ01 Arden at Summit Pines PUD - 2022-00000002	$1,720.00

Payments:

Type	Detail	Amount
Other		$1,920.00

Total Amount: **$1,920.00**

Custor

ARDEN AT SUMMIT PINES

Planned Unit Development

Apex, North Carolina

Submittal Dates

First Submittal:	January 3, 2022
Second Submittal:	February 11, 2022
Third Submittal:	March 11, 2022
Fourth Submittal:	April 8, 2022
Fifth Submittal:	April 27, 2022

Developer

FC Apex, LLC
7315 Wisconsin Avenue, Suite 925 W
Bethesda, MD 20814

Civil Engineer

ESE of North Carolina, PC
5400 Trinity Road, Suite 204
Raleigh, NC 27607

Land Use Attorneys

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

ESE CONSULTANTS
ENGINEERING · PLANNING · SURVEYING · ENVIRONMENTAL

Parker Poe

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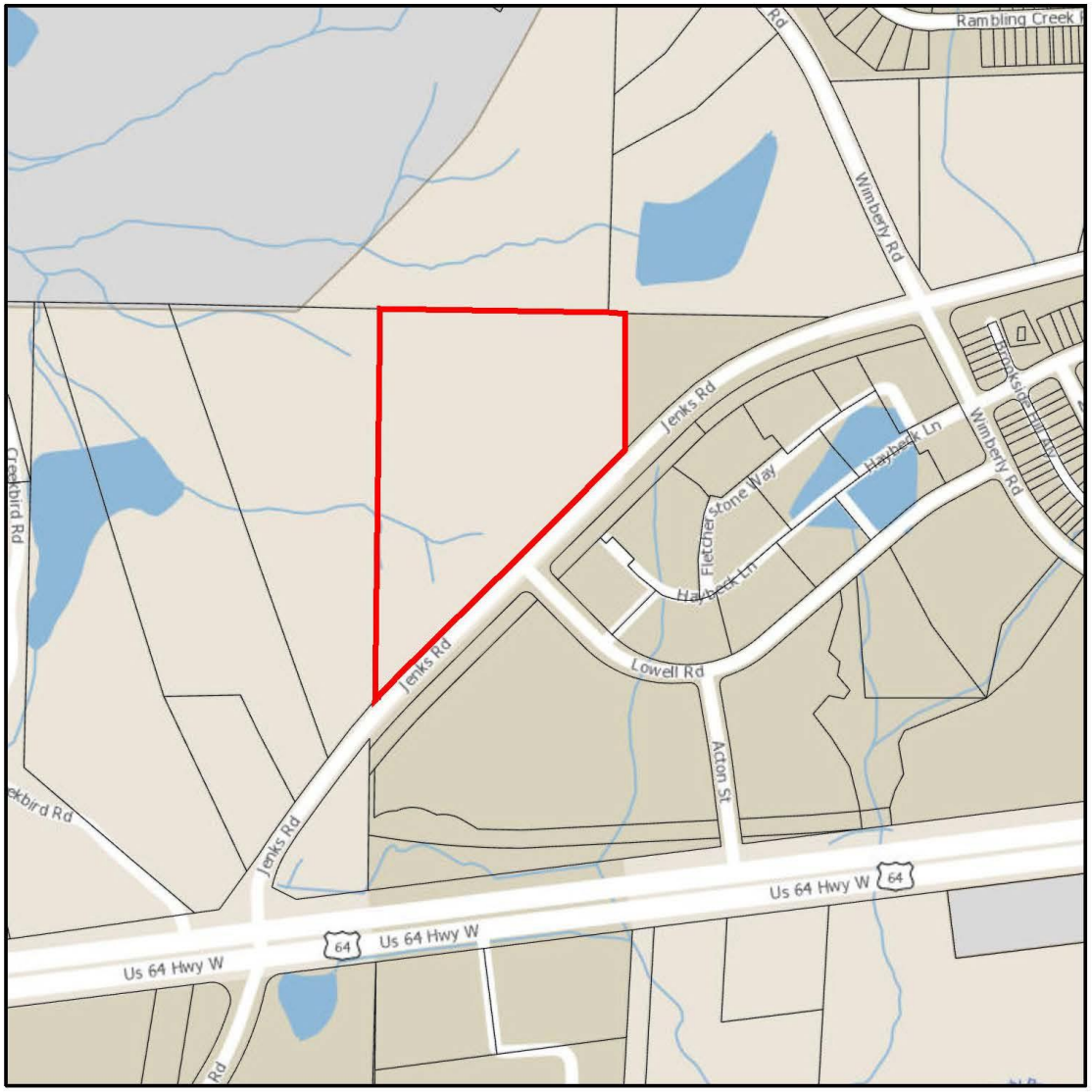
VICINITY MAP



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PROJECT DATA

Name of Project:	Arden at Summit Pines
Property Owner:	R. Michael Strickland, Trustee of the Family Trust under Item VI of the Will of Charles H. Young, Jr. 138 Wee Loch Drive Cary, NC 27511
Developer:	FC Apex, LLC 7315 Wisconsin Avenue, Suite 925 W Bethesda, MD 20814
Prepared by:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601 ESE of North Carolina, PC 5400 Trinity Road, Suite 204 Raleigh, NC 27607
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Office Employment/Commercial Services
Proposed 2045 Land Use Map Designation	Office Employment/Commercial Services/ High Density Residential
Site Address:	8200 Jenks Road, Apex, NC 27523
Property Identification Number:	0722577336
Total Acreage:	11.744 acres
Area Designated as Mixed Use on 2045 LUM:	None
Area Proposed as Non-Residential:	30% or greater

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the "PUD") are provided pursuant to the Town of Apex Unified Development Ordinance ("UDO") Planned Unit Development provisions. The PUD addresses the development of a 11.74 acre site fronting on Jenks Road, less than one quarter mile from the intersection of Jenks Road and US 64 W (the "Property"). The Property is undeveloped and within the Town's Extraterritorial Planning jurisdiction. Arden at Summit Pines will be a mixed use development with two districts: the Residential District and the Commercial District.

Arden at Summit Pines' Residential District will be an active adult, age-restricted community with congregate-care style living, controlled access, interior corridors and elevators, walking paths, fitness centers, and natural areas (the "Development"). Arden at Summit Pines will offer residents the opportunity to live independently in a community designed to fit the resident's needs. Arden at Summit Pines will offer amenities such as a community dining room, craft/business center, library, and other amenities catered towards an active senior demographic. To ensure affordability to middle market senior residents, Arden at Summit Pines will provide some services through third party partnerships including access to care and personal services such as dining, housekeeping, transportation, home and grounds maintenance, and security. Arden at Summit Pines also ensures affordability through commitments to provide Affordable Housing units within the community. The PUD is intended to create flexibility in design and land uses to deliver a high quality senior living community to meet the burgeoning demand for senior housing. The Residential District shall be limited to a maximum of 160 residential dwelling units.

Arden at Summit Pines' Commercial District proposes office, retail sales, and retail services in a prominent location along the site's Jenks Road frontage. This proposed commercial district ensures mixed uses within the development and fulfills the Apex Comprehensive Plan's ("Peak Plan") goal of placing commercial services on thoroughfares and near residential communities. The Commercial District will be a minimum of 30% of the site as shown on the Concept Plan.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

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

RESPONSE: The uses permitted within The Arden PUD are uses listed in UDO Section 4.2.2. Permitted uses within each District are set forth in Section 5 of the PUD.

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

be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.

RESPONSE: The PUD is separated into two districts – the Residential District and the Commercial District. Maximum densities for each district are established by the PUD. The Development will include a minimum of 30% of the site as non-residential area as shown on the Concept Plan.

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

RESPONSE: This PUD specifies intensity and dimensional standards for the Residential District and Commercial District. The PUD's standards are consistent with the UDO's vision for Planned Unit Developments. Except as specifically stated in this PUD, Arden at Summit Pines will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

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

RESPONSE: As shown on the attached Concept Plan, Arden at Summit Pines will feature sidewalks and pedestrian paths throughout. Sidewalks will connect the Residential District to the Commercial District, increasing walkability between uses. The PUD also commits to significant Right of Way dedication and roadway improvements called for by the Transportation Plan.

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

RESPONSE: As shown in the Concept Plan, Arden at Summit Pines will feature sidewalks and pedestrian paths throughout. Sidewalks will connect the Residential District to the Commercial District, increasing walkability between uses. Arden at Summit Pines will not include cul-de-sacs.

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

Arden at Summit Pines is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town's ETJ is at the intersection between growing sections of northwest Apex and historically rural, western Wake County. Although adjacent properties to the north and west are currently undeveloped, the Property is directly across the street from the Westford PUD. The Villages at Westford Apartments are directly across Jenks Road to the southeast. The Villages at Westford Apartments are a 296 unit apartment complex, with a clubhouse and pool, that were constructed in 2019 as part of the Westford PUD. Further South across Jenks Road is an undeveloped portion of the Westford PUD referred to as area A1. Under the Westford PUD, Area A1 could be developed for a variety of residential or commercial uses including Multi-Family, Single Family, Restaurant, Office, Convenience Store with Gas Sales, and Grocery Store.

Arden at Summit Pines will be compatible with the existing Westford Apartments and future development of the Westford PUD because it will provide complimentary uses to the existing and proposed uses of the Westford PUD. Arden at Summit Pines' age restricted Residential District will provide a greater variety of housing options and Arden at Summit Pines' Commercial District offers a greater mix of nonresidential uses that will serve and support residential development in the area. Design standards are also proposed to respect the existing character of the surrounding area.

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

Arden at Summit Pines will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Arden at Summit Pines is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. Please see the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

The 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.

COMMERCIAL DISTRICT

The following uses shall be permitted in the Commercial District:

Restaurant, drive through	Permitted
Restaurant, general	Permitted
Medical or dental office or clinic	Permitted
Medical or dental laboratory	Permitted
Office, business or professional	Permitted
Publishing office	Permitted
Research facility	Permitted
Hotel or Motel	Permitted
Artisan Studio	Permitted
Barber and beauty shop	Permitted
Book store	Permitted
Convenience store	Permitted
Convenience store with gas sales	Permitted
Dry cleaners and laundry service	Permitted
Farmer's market	Permitted
Financial institution	Permitted
Floral shop	Permitted
Gas and fuel, retail	Permitted
Glass sales	Permitted
Greenhouse or nursery, retail	Permitted
Grocery, general	Permitted
Grocery, specialty	Permitted
Health/fitness center or spa	Permitted
Kennel	Permitted
Newsstand or gift shop	Permitted
Personal service	Permitted
Pharmacy	Permitted
Printing and copying service	Permitted

Real estate sales	Permitted
Repair services, limited	Permitted
Retail sales, general	Permitted
Studio for art	Permitted
Tailor shop	Permitted
Upholstery shop	Permitted
Pet services	Permitted
Day care facility	Permitted
Veterinary Clinic or Hospital	Permitted
Utility, minor	Permitted

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential*	
Congregate Living Facility**	Permitted
Multi-family or Apartment (age-restricted)	Permitted
Utility, minor	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted

*All residential uses in the Residential District shall be age-restricted as follows: 100% of all occupied units shall have as a resident at least one person age 55 or older.

**Congregate Living Facility as defined in UDO Section 4.3.1.C shall be modified as follows: A residential land use consisting of any building or section thereof, residence, private home, boarding home, or home for the aged, whether or not operated for profit, which provides one or more of the following amenities or services for persons not related to the owner or administrator by blood or marriage: food service, trash service, local transportation services, community library, programmed activities, salon services, and other personal services. The term shall not mean “nursing home,” “intermediate care facility,” or similar facility that provides medical care and support services to persons not capable of independent living.

AFFORDABLE HOUSING

A minimum of six (6) of the residential units (either Congregate Living Facility units as modified herein, or age-restricted (55 yrs. and older) multifamily/apartment units) constructed within the Development shall be designated as low-income restricted units (the "Affordable Units"). The bedroom mix of the Affordable Units shall include (4) one-bedroom units and two (2) two-bedroom units.

The Affordable Units shall be made available for rental such that the maximum rent limits per bedroom size and household income limits shall be no greater than sixty percent (60%) of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) as stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake Metropolitan area.

The Affordable Units shall be restricted for an affordability period of five (5) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Period") for the development. During the Affordable Period, the property owner shall be responsible for performing all administration duties to ensure compliance with this Affordable Housing condition and shall submit annual compliance reports to the Town verifying compliance with this Affordable Housing condition. Following completion of the Affordable Period, this Affordable Housing condition shall expire, the property owner shall be relieved of all obligations set forth in this Affordable Housing condition, and the Affordable Units may be freely marketed and leased at market-rate rents.

An affordable housing deed restriction shall be recorded against the property prior to the date of issuance of the first residential Certificate of Occupancy to memorialize these Affordable Housing terms.

DESIGN CONTROLS

UNIVERSAL DESIGN CONTROLS

Total Project Area	11.74 acres
Maximum Built-Upon Area	70% of gross site acreage
Minimum Resource Conservation Area	25% of gross site acreage

RESIDENTIAL DISTRICT DESIGN CONTROLS

Proposed Land Area	Maximum 6.87 acres
Maximum Residential Density	160 units
Required District Boundary Buffers	
Side Buffer	20 ft. Type A
Rear Buffer	20 ft. Type A
Front Buffer	None
Corner Side Buffer (Jenks Road)*	30 ft Type E Thoroughfare Buffer, Undisturbed / 50' Type E Thoroughfare Buffer, Disturbed
Minimum Setbacks**	
Front Setback***	None
Side Setback	10 ft.
Rear Setback	10 ft.
Corner Side Setback (Jenks Road)	10 ft.
Maximum Height	60 ft. (5 stories)

* Only along Jenks Road frontage.

** Notwithstanding any contrary UDO provision or language in this PUD, if the Property is subdivided, there shall be no minimum setback or buffer requirement along the future shared property line between the Residential District and the Commercial District.

***Measured from Residential/Commercial District boundary

COMMERCIAL DISTRICT DESIGN CONTROLS

Proposed Land Area	Minimum 3.522 acres
Required District Boundary Buffers	
Side Buffer	20 ft. Type A
Rear Buffer	None
Front Buffer	30 ft. Type E Thoroughfare Buffer, Undisturbed / 50' Type E Thoroughfare Buffer, Disturbed
Minimum Setbacks*	
Front Setback (Jenks Road)	10 ft.
Side Setback	10 ft.
Rear Setback**	10 ft.
Corner Side Setback	10 ft.
Maximum Height	50 ft.

*Notwithstanding any contrary UDO provision or language in this PUD, if the Property is subdivided, there shall be no minimum setback or buffer requirement along the future shared property line between the Residential District and the Commercial District.

**Measured from Residential/Commercial District boundary

LANDSCAPING, BUFFERING, AND SCREENING

All landscaping for this PUD shall comply with Section 8.2 Landscaping, of the Town of Apex UDO. Refer to PUD Preliminary Layout Plan for perimeter and streetscape buffers. In the event that the Commercial District and Residential District are subdivided, Buffers and screening shall not be required along the shared property line between the Residential District and the Commercial District.

ARCHITECTURAL STANDARDS

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

Residential areas envisioned for Arden at Summit Pines will be comprised of age restricted congregate care style units with controlled access, interior corridors and elevators. While each of the architectural offerings proposed will have their own identity, a number of common threads will link the neighborhood, including color palettes, materials, and roofing. Elevations have been included below in an effort to represent the bulk, massing, scale, and architectural style of the development.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

- Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- Four of the following decorative features shall be used on each building:
    - decorative shake
    - board and batten siding
    - decorative porch rails and posts
    - shutters
    - decorative functional foundation and roof vents
    - decorative windows
    - decorative brick or stone
    - decorative gables
    - decorative cornices
    - metal roofing

PROPOSED RESIDENTIAL MATERIALS

Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:

- Cementitious lap, board and batten, and/or shake and shingle siding
- Stone or synthetic stone
- Brick

Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Director of Planning and Community Development to be substantially similar.

REPRESENTATIVE RESIDENTIAL BUILDING ELEVATIONS





COMMERCIAL DISTRICT DESIGN GUIDELINES

- Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details shall be incorporated to add visual interest.
- Large expanses of blank walls, greater than 25' in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
- Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.

  Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.

PROPOSED COMMERCIAL DISTRICT MATERIALS

Non-residential exteriors shall incorporate variation in materials. The primary (front) façade and other façades located along a public right-of-way may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefronts with anodized or pre-finished colors
- EIFS cornices, and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
- Precast concrete
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding

Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

REPRESENTATIVE COMMERCIAL DISTRICT BUILDING ELEVATIONS





PARKING AND LOADING

Development in the Residential District shall include a minimum of 1 and a maximum of 1.5 off-street motor vehicle parking spaces per dwelling unit. Development in the Residential District shall include a minimum of 6 bicycle parking spaces. Development in the Commercial District shall comply with parking requirements in Section 8.3 of the UDO**.**

SIGNAGE

Signage shall comply with UDO Section 8.7.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

This project is located within the Beaver Creek and White Oak Creek Drainage Basins. Accordingly, the Property is within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7.

Resource Conservation Areas (RCA)

The Development shall include a minimum of 25% RCA. RCA area shall comply with Section 8.1 of the UDO.

Floodplain

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

Historic Structures

The Property is currently vacant and there are no known historic structures present within the project boundary.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- A minimum of two (2) educational signs about wetlands shall be installed near environmentally sensitive areas;
- A minimum of two (2) pet waste stations shall be installed within the Residential District;
- Solar conduit shall be included in Residential District building designs;

- Light sensors shall be installed on exterior lights within the Residential District; and
- Outdoor lighting within the Residential District shall be shielded in a way that focuses lighting to the ground.
- The project shall install conduit for solar energy systems for all residential and accessory buildings. These roofs shall also be engineered to support the weight of a future rooftop solar PV system.
- The project commits to planting only native plants. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

STORMWATER MANAGEMENT

The Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the one (1) year, ten (10) year, and Twenty-four (24)-hour storm events.
- Treatment for the first one inch (1") of runoff will provide 85% removal of total suspended solids.

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

PARKS AND RECREATION

Arden at Summit Pines was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission at its February 23, 2022 meeting. The Commission recommended the following fee-in-lieu for the project:

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
160	Multifamily or Apartment	$2226.05	$356,168.00

*Final unit count will be determined at the time of Master Subdivision.

**Fees are based upon approval date and run with project.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and shall be designed according to sound engineering standards. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

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

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be completed in the first phase 1 of development:

- Jenks Road and Lowell Road / Site Drive 1
    - Construct an eastbound approach (Site Drive 1) with one ingress lane and two egress lanes, striped as a left-turn lane with at least 75 feet of storage and a shared through/right-turn lane.
    - Provide a northbound left-turn lane with at least 50 feet of storage and appropriate decel and taper.
    - Provide stop control at the eastbound approach.
- Jenks Road and Site Drive 2
    - Construct a right-in/right-out southbound approach with one ingress lane and one egress lane and a monolithic concrete median island based on NCDOT standards in the center lane of Jenks Road to prohibit left turning traffic..
    - Provide stop control at the southbound approach.
- Construct and dedicate roadway frontage widening along Jenks Road consisting of the remaining half of a four-lane divided roadway with curb and gutter and minimum 10-foot Side Path based on Apex and NCDOT standards on a minimum 110’ public right-of-way typical section.
- Construct and dedicate a public street from Jenks Road at Lowell Road to the western property boundary, providing public access to the west from Jenks Road, based on a 27’ curb & gutter typical section with minimum 5-foot sidewalks on both sides on a minimum 50-foot public right-of-way.

WATER AND SANITARY SEWER

All lots within the project will be served by Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone, cable, and gas will provided by the Developer and shall meet UDO standards.

PHASING

The Development will be completed in up to three phases. Final locations of phases will be determined at the time of Master Subdivision Plan Review and Approval. Provided, however that the Development may be completed in more than three phases or less than three phases.

CONSISTENCY WITH LAND USE PLAN

The proposed land use will be consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019, upon approval of this PUD. The Future Land Use Map designates the Property as Office Employment/Commercial Services and this PUD updates the designation to Office Employment/Commercial Services/High Density Residential.

COMPLIANCE WITH UDO

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

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA
1/3/2022
REVISED: 04/27/2022

PREPARED FOR:
OWNER/DEVELOPER
FC APEX, LLC
7315 WISCONSIN AVE., SUITE 925W
BETHESDA, MD 20814

Sheet List Table	
Sheet Number	Sheet Title
CS0001	COVER SHEET
CS0201	EXISTING CONDITIONS
CS1001	PRELIMINARY SITE PLAN
CS1002	PHASING PLAN
CS1701	PRELIMINARY UTILITY PLAN
CS1702	PRELIMINARY STORMWATER MANAGEMENT PLAN

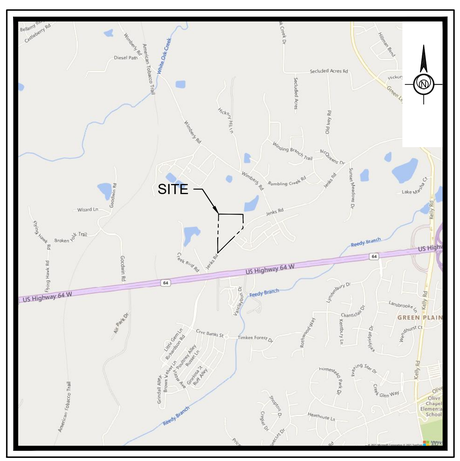
SITE DATA:

PIN:	0722577336
PROPERTY OWNER:	R. MICHAEL STRICKLAND, TRUSTEE OF FAMILY TRUST(WILL OF C H YOUNG JR)
TOTAL ACRES:	11.74 AC
CURRENT ZONING:	RR
PROPOSED ZONING	PUD-CZ
ROW DEDICATION:	32,325 SF / 0.74 AC
GROSS SITE AREA:	511,581 SF / 11.74 AC
RCA REQUIRED:	511,581 SF X 25% = 127,895.25 SF
RCA PROVIDED:	127,940 SF (25.01%)
MAXIMUM RESIDENTIAL LAND AREA:	6.87 AC
MAXIMUM RESIDENTIAL DENSITY:	160 UNITS
MINIMUM RESIDENTIAL SETBACKS:	
FRONT*	NONE
SIDE	10 FT
REAR	10 FT
CORNER (JENKS ROAD)	10 FT
MAXIMUM RESIDENTIAL BUILDING HEIGHT:	60 FT (5 STORIES)
MINIMUM COMMERCIAL LAND AREA:	3.52 AC
MINIMUM COMMERCIAL SETBACKS:	
FRONT (JENKS ROAD)	10 FT
SIDE	10 FT
REAR*	10 FT
CORNER	10 FT
MAXIMUM COMMERCIAL BUILDING HEIGHT:	50 FT

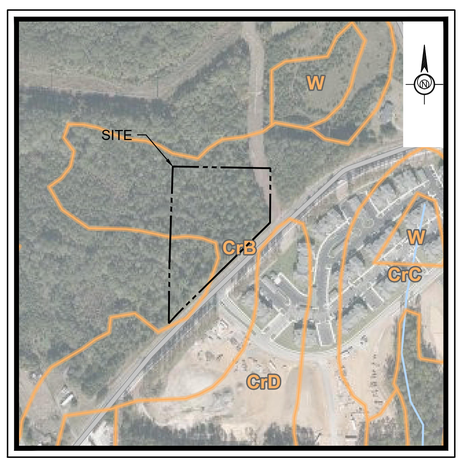
* MEASURED FROM RESIDENTIAL/COMMERCIAL DISTRICT BOUNDARY

CURRENT 2045 LAND USE MAP DESIGNATION:	OFFICE EMPLOYMENT COMMERCIAL SERVICES
PROPOSED 2045 LAND USE MAP DESIGNATION:	OFFICE EMPLOYMENT COMMERCIAL SERVICES HIGH DENSITY RESIDENTIAL
AREA DESIGNATED AS MIXED USE ON 2045 LUM:	NONE
AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT:	37.5%
MAXIMUM BUILT UPON AREA:	8.22 AC (70%)
PROPOSED BUILT UPON AREA:	8.22 AC (70%)
REQUIRED RESIDENTIAL PARKING SPACES:	1 PER DWELLING UNIT (MINIMUM) 1.5 PER DWELLING UNIT (MAXIMUM)
REQUIRED NON-RESIDENTIAL PARKING SPACES:	SHALL COMPLY WITH UDO SECTION 8.3
REQUIRED BICYCLE PARKING:	SHALL COMPLY WITH UDO SECTION 8.3
WATERSHED PROTECTION OVERLAY DISTRICT:	PRIMARY
FEMA FLOODPLAIN:	ZONE X MAP NO. 3720072200J EFFECTIVE 5/2/2006
HISTORIC STRUCTURES:	NONE
GRADING:	MASS GRADING

AERIAL MAP
1" = 500'



LOCATION MAP
1" = 2000'



SOILS MAP
1" = 500'

CONTACTS

DEVELOPER:	FC APEX, LLC 7315 WISCONSIN AVE., SUITE 925W BETHESDA, MD 20814 PHONE: (301) 654-8801 ATTN: KEVIN WOODLEY kwoodley@buvermo.com
CIVIL ENGINEER:	ESE OF NORTH CAROLINA, PC 5400 TRINITY ROAD, SUITE 204 RALEIGH, NC 27607 PHONE: (704) 497-0983 ATTN: SCOTT KRUSELL, PE skrusell@eseconsultants.com

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PREPARED BY:

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NORTH CAROLINA PROFESSIONAL SEAL 052869 ENGINEER SCOTT KRUSELL
04/27/2022

REV	DATE	DESCRIPTION	DRAWN
4	04/27/2022	REVS PER TOWN COMMENTS	SMK
3	04/08/2022	REVS PER TOWN COMMENTS	SMK
2	03/11/2022	REVS PER TOWN COMMENTS	SMK
1	02/11/2022	REVS PER TOWN COMMENTS	SMK

COVER SHEET

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

DATE: 1/3/2022	SCALE: N.T.S.
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS0001	

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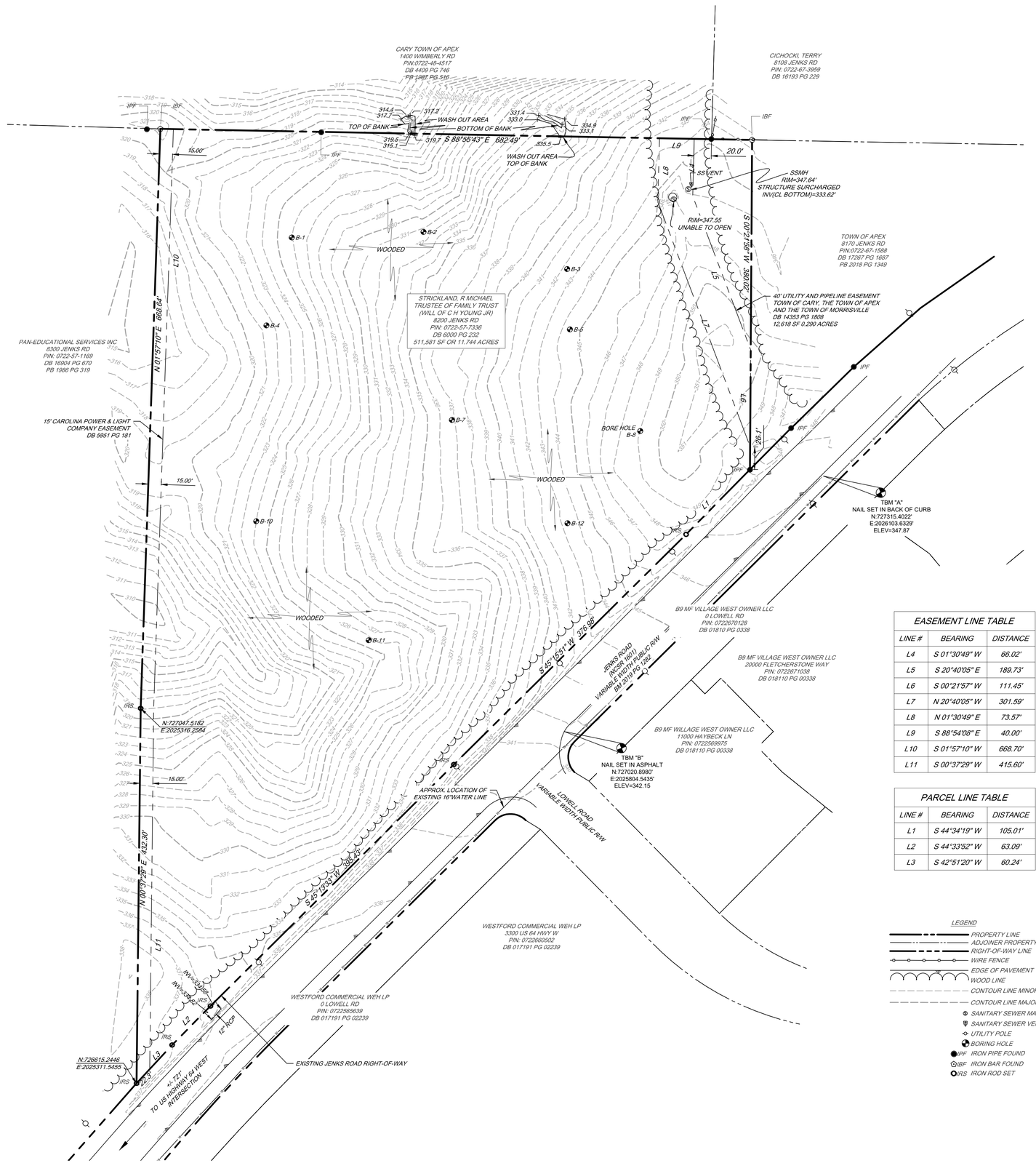
Apr 27, 2022 – 8:28 am N:\Projects\North Carolina\21264-6500 Jenks Road (Buvermo Investments)\Drafter\Drawings\21264-Cover.dwg SMURDELL

NOTES:

1. EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY PREPARED BY PENNONI ASSOCIATES INC. DATED 9/27/21.
2. THE SUBJECT PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
3. THIS SITE IS NOT LOCATED IN THE 100-YEAR FLOODPLAIN PER FEMA FIRM PANEL 3720072200J EFFECTIVE 5/02/2006.
4. BASED UPON A JURISDICTIONAL DETERMINATION REQUEST, FILED WITH USACE ON 9/08/21 AND CONCURRENCE EMAIL ON 09/13/21 BY LYLE PHILLIPS OF USACE; STREAMS AND WETLANDS WERE NOT IDENTIFIED DURING THE DELINEATION (SAW-2021-01939).
5. PROPETY DESCRIPTIONS SOUTH OF JENKS ROAD BASED ON WAKE COUNTY IMAPS DATA.



EASEMENT LINE TABLE		
LINE #	BEARING	DISTANCE
L4	S 01°30'49" W	66.02'
L5	S 20°40'05" E	189.73'
L6	S 00°21'57" W	111.45'
L7	N 20°40'05" W	301.59'
L8	N 01°30'49" E	73.57'
L9	S 88°54'08" E	40.00'
L10	S 01°57'10" W	668.70'
L11	S 00°37'29" W	415.60'

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 44°34'19" W	105.01'
L2	S 44°33'52" W	63.09'
L3	S 42°51'20" W	60.24'

LEGEND

- PROPERTY LINE
- ADJOINER PROPERTY LINE
- RIGHT-OF-WAY LINE
- WIRE FENCE
- EDGE OF PAVEMENT
- WOOD LINE
- CONTOUR LINE MINOR
- CONTOUR LINE MAJOR
- SANITARY SEWER MANHOLE
- SANITARY SEWER VENT
- UTILITY POLE
- BORING HOLE
- IPF IRON PIPE FOUND
- IBF IRON BAR FOUND
- IRS IRON ROD SET

FEET
60 0 30 60 120
GRAPHIC SCALE
1 inch = 60 ft. Horizontal

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REV	DATE	DESCRIPTION	DRAWN
4	04/27/2022	REVS PER TOWN COMMENTS	SAK
3	04/06/2022	REVS PER TOWN COMMENTS	SAK
2	03/11/2022	REVS PER TOWN COMMENTS	SAK
1	02/11/2022	REVS PER TOWN COMMENTS	SAK

EXISTING CONDITIONS

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS0201	

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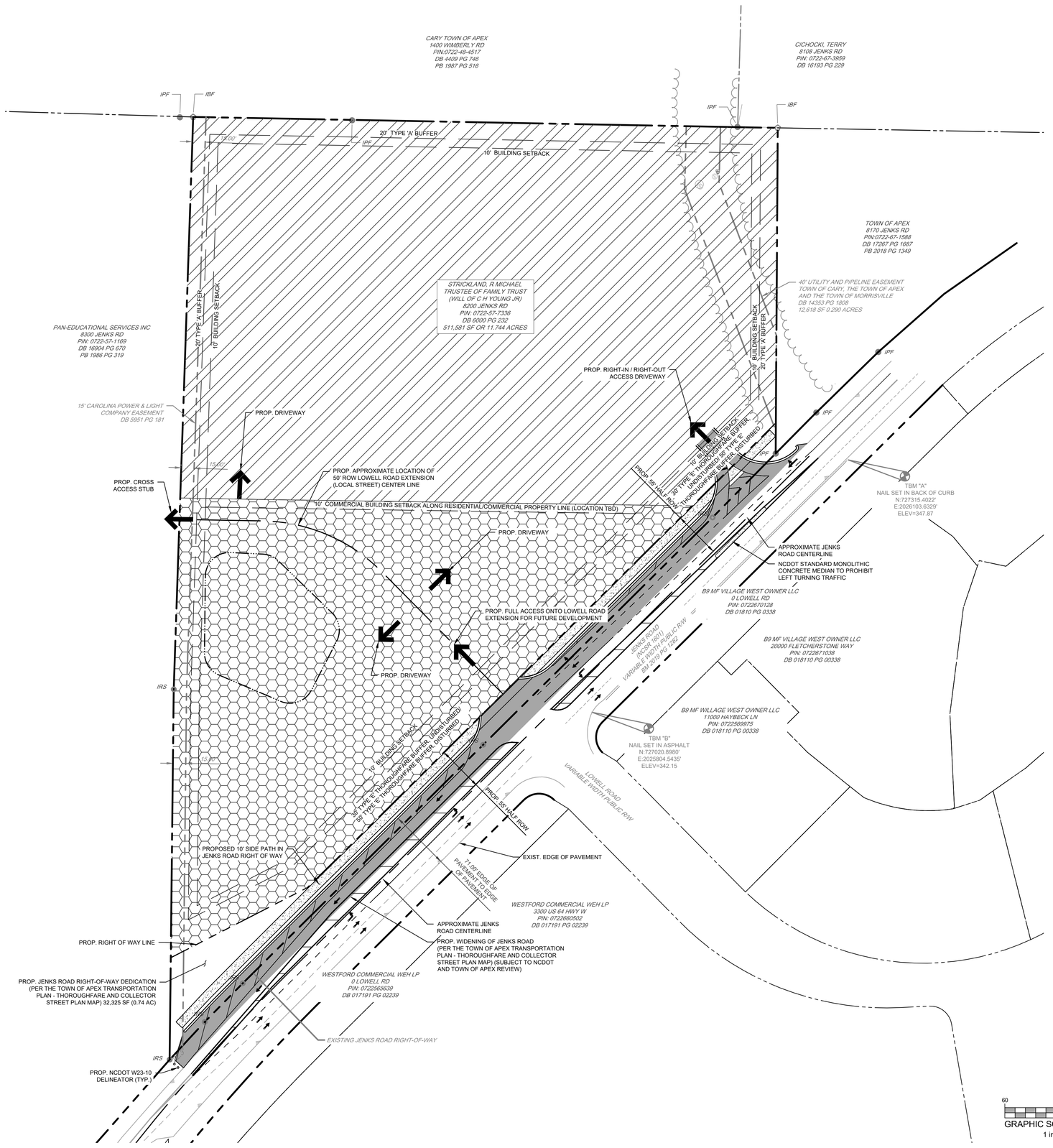
NOTES:

1. REFER TO THE PUD DOCUMENT (SECTION PERMITTED USES) FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA..
2. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICE; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS ETC.) SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDINGS WITHIN THAT PHASE.
3. NO SIGNS ARE APPROVED AS PART OF PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.
4. THE FINAL WIDTH OF THE BUFFERS SHALL MEET THE TOWN OF APEX DEVELOPMENT STANDARDS (SEC. 8.2.6 OF THE UDO).
5. PROVIDE 5' MINIMUM PEDESTRIAN CONNECTION BETWEEN THE INTERNAL PUD PEDESTRIAN NETWORK.
6. SHOWN JENKS ROADWAY IMPROVEMENTS ARE PRELIMINARY. FINAL IMPROVEMENTS TO BE REVIEWED AND APPROVED BY NCDOT AND TOWN OF APEX.
7. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



LEGEND

- DELINEATES APPROXIMATE RESIDENTIAL AREA
- DELINEATES APPROXIMATE COMMERCIAL AREA
- DELINEATES PROP. FULL DEPTH ASPHALT
- PROP. SITE ACCESS
- DELINEATES APPROX. LIMITS OF STORMWATER MANAGEMENT POND

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NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 052869 KENNETH NEWELL
04/27/2022

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3	04/08/2022	REVS PER TOWN COMMENTS	SAK
2	03/11/2022	REVS PER TOWN COMMENTS	SAK
1	02/11/2022	REVS PER TOWN COMMENTS	SAK

PRELIMINARY SITE PLAN

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS1001	

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Apr 27, 2022 - 10:51 am N:\Projects\North Carolina\21264 - 8200 Jenks Road (Buvermo Investments)\Civil\Cad\Drawings\21264 - Site Base.dwg BSHOWELL

PHASING NOTES:

OFF-SITE ROADWAY IMPROVEMENTS:

1. A TRAFFIC IMPACT ANALYSIS (TIA) FOR THE ENTIRE DEVELOPMENT IS UNDER REVIEW BY THE TOWN OF APEX AND THE NCDOT. RECOMMENDATIONS FOR ACCESS AND ROADWAY IMPROVEMENTS REQUIRED TO SUPPORT THE ENTIRETY OF THE PROPOSED DEVELOPMENT PROGRAM ARE INCLUDED IN THE TIA.
2. AGREED UPON ACCESS AND ROADWAY IMPROVEMENTS NECESSARY TO SUPPORT EACH DEVELOPMENT TRACT, MUST BE IN PLACE PRIOR TO THE INITIAL CERTIFICATE OF OCCUPANCY (CO) FOR EACH RESPECTIVE PHASE OR TRACT ASSOCIATED WITH THOSE IMPROVEMENTS UNLESS AN ALTERNATE TRIP THRESHOLD ANALYSIS IS PROVIDED. ALL PHASING IMPROVEMENTS ARE SUBJECT TO FINAL APPROVAL FROM NCDOT.

PHASING OF UTILITY INFRASTRUCTURE IMPROVEMENTS:

1. SANITARY SEWER SERVICE WILL BE STUBBED FROM THE OFF-SITE INTERCEPTOR AND WILL BE DISTRIBUTED THROUGHOUT THE DEVELOPMENT BASED ON THE FINAL UTILITY PLAN.
2. WATER SERVICE WILL BE INSTALLED ALONG LOWELL ROAD EXTENSION AT SUCH TIME THAT WATER FLOWS REQUIRE THE SUBJECT INFRASTRUCTURE.

PHASING OF RESOURCE CONSERVATION AREAS (RCA): RCA AREAS ASSOCIATED WITH THE DEVELOPMENT PARCELS WILL BE DEFINED AND PLATTED AS REQUIRED IN SECTION 8.1 OF THE UDO AND AS PROVIDED FOR WITHIN THE PUD.

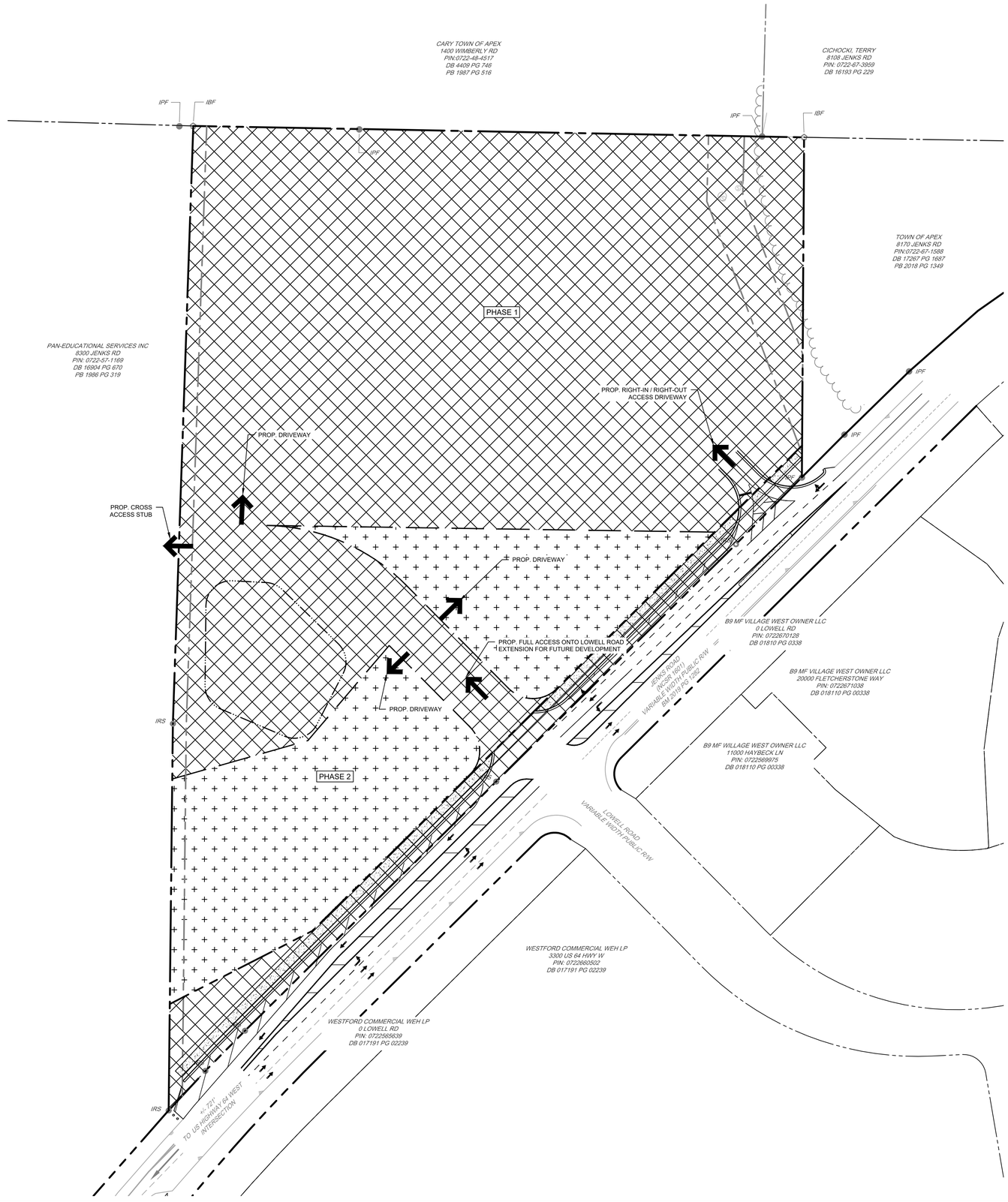
1. REQUIRED LANDSCAPING, BUFFERING, AND SCREENING ASSOCIATED WITH THE OVERALL PUD WILL BE PROVIDED IN CONJUNCTION WITH THE SUBDIVISION OF EACH INDIVIDUAL DEVELOPMENT TRACT SUCH THAT CUMULATIVELY, THE TOTAL AMOUNT OF RCA FOR THE PUD WILL EQUAL TO OR GREATER THAN 25% AT BUILD-OUT.
2. RCA AREAS ASSOCIATED WITH THE PERIMETER PROPERTY BOUNDARIES OF THE PROJECT WILL BE ESTABLISHED, AND PLATTED WITH THE FIRST SUBDIVISION OR SITE PLAN APPLICATIONS.
3. RCA FOR DEDICATED OPEN SPACE SHALL BE DELINEATED AND PLATTED IN CONJUNCTION WITH THE FIRST SUBDIVISION OR SITE PLAN APPLICATION.

PHASING OF STREETSCAPE IMPROVEMENTS: LANDSCAPING AND SIDEWALKS ASSOCIATED WITH REQUIRED STREETSCAPE IMPROVEMENTS SHALL BE INSTALLED ALONG, AND LIMITED TO, THE FRONTAGE OF EACH DEVELOPMENT TRACT ADJACENT TO JENKS ROAD IN CONJUNCTION WITH EACH RESPECTIVE SUBDIVISION OR SITE PLAN APPLICATION.

PHASING OF BUFFER PLANTINGS: BUFFER PLANTINGS, WHERE REQUIRED, SHALL BE PLANTED IN CONJUNCTION WITH, AND LIMITED TO THE DEVELOPMENT TRACT FRONTAGE, FOR EACH APPROVED SUBDIVISION OR SITE PLAN APPLICATION.

PHASING OF ROADWAY IMPROVEMENTS: A TRAFFIC IMPACT ANALYSIS (TIA) FOR THE ENTIRE DEVELOPMENT IS IN REVIEW BY THE TOWN OF APEX AND THE NCDOT. RECOMMENDATIONS FOR ACCESS AND ROADWAY IMPROVEMENTS REQUIRED TO SUPPORT THE ENTIRETY OF THE PROPOSED DEVELOPMENT PROGRAMS ARE INCLUDED IN THE TIA.

VARIOUS PORTIONS OF THE COMMITTED IMPROVEMENTS MAY BE REQUIRED TO ADEQUATELY SERVE NEW DEVELOPMENT AS IT COMES ON LINE AND PRIOR TO TOTAL PROJECT BUILD-OUT. EACH SITE PLAN APPLICATION WITHIN THE PUD SHALL BE REQUIRED TO SUBMIT A TRANSPORTATION MEMO, WITH REFERENCE TO THE APPROVED TIA, FOR REVIEW BY THE TOWN OF APEX, AND DETERMINATION AS TO THE APPROPRIATE ROADWAY IMPROVEMENTS NEEDED TO SERVE THE USE AND INTENSITY OF DEVELOPMENT PROPOSED AT THAT TIME, AS WELL AS DEVELOPMENT ALREADY IN PLACE WITHIN THE PUD, FOR EACH SUBSEQUENT SITE PLAN APPLICATION UNTIL FULL IMPLEMENTATION OF REQUIRED IMPROVEMENTS. AGREED UPON IMPROVEMENTS MUST BE IN PLACE PRIOR TO INITIAL CERTIFICATE OF OCCUPANCY FOR EACH RESPECTIVE PHASE OR TRACT ASSOCIATED WITH THOSE IMPROVEMENTS UNLESS AN ALTERNATE TRIP ANALYSIS IS PROVIDED. ALL PHASING IMPROVEMENTS ARE SUBJECT TO FINAL APPROVAL FROM NCDOT.



LEGEND

- DELINEATES PHASE 1
- DELINEATES PHASE 2
- PROP. SITE ACCESS
- DELINEATES APPROX. LIMITS OF STORMWATER MANAGEMENT POND

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04/27/2022

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4	04/27/2022	REVS PER TOWN COMMENTS	SAK
3	04/08/2022	REVS PER TOWN COMMENTS	SAK
2	03/11/2022	REVS PER TOWN COMMENTS	SAK
1	02/11/2022	REVS PER TOWN COMMENTS	SAK

PHASING PLAN

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS1002	

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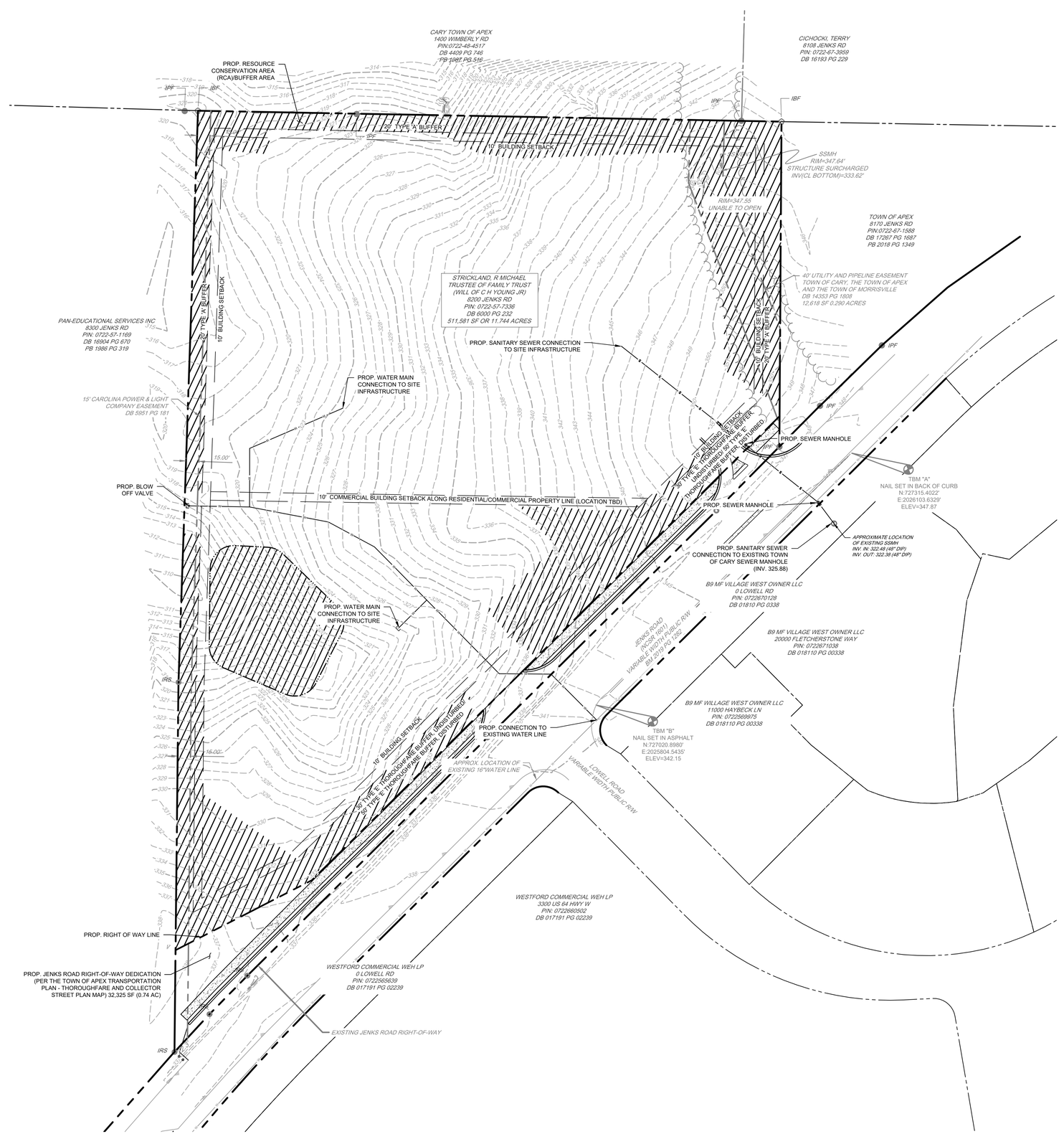
Apr 27, 2022 - 8:09 am N:\Projects\North Carolina\21264-8200 Jenks Road (Buvermo Investments)\ZonDev\Drawings\21264-Site Base.dwg BMORZEL

UTILITY NOTES:

1. WATER AND SEWER UTILITY MAINS WILL BE OWNED BY THE TOWN OF APEX.
2. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
3. WATER SERVICE WILL BE STUBBED AT THE PROPERTY LINE FROM LOWELL ROAD EXTENSION.
4. SANITARY SEWER SERVICE WILL BE STUBBED FROM THE ON-SITE INTERCEPTOR AND WILL BE DISTRIBUTED THROUGHOUT THE DEVELOPMENT BASED ON THE FINAL UTILITY PLAN.
5. CONTACT RODNEY SMITH, TOWN OF APEX ELECTRIC UTILITIES DIVISION, AT 362-8166 FOR ELECTRIC SERVICE (TEMPORARY AND PERMANENT).
6. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATIONS WILL BE DETERMINED WITH FINAL DESIGN AT SITE PLAN STAGE.
7. EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION WAS TAKEN FROM A TOPOGRAPHIC SURVEY PREPARED BY PENNONI ASSOCIATES INC. DATED 9/27/21.



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04/27/2022

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3	04/08/2022	REVS PER TOWN COMMENTS	SAK
2	03/11/2022	REVS PER TOWN COMMENTS	SAK
1	02/17/2022	REVS PER TOWN COMMENTS	SAK

PRELIMINARY UTILITY PLAN

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT
8200 JENKS ROAD

DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS1701	

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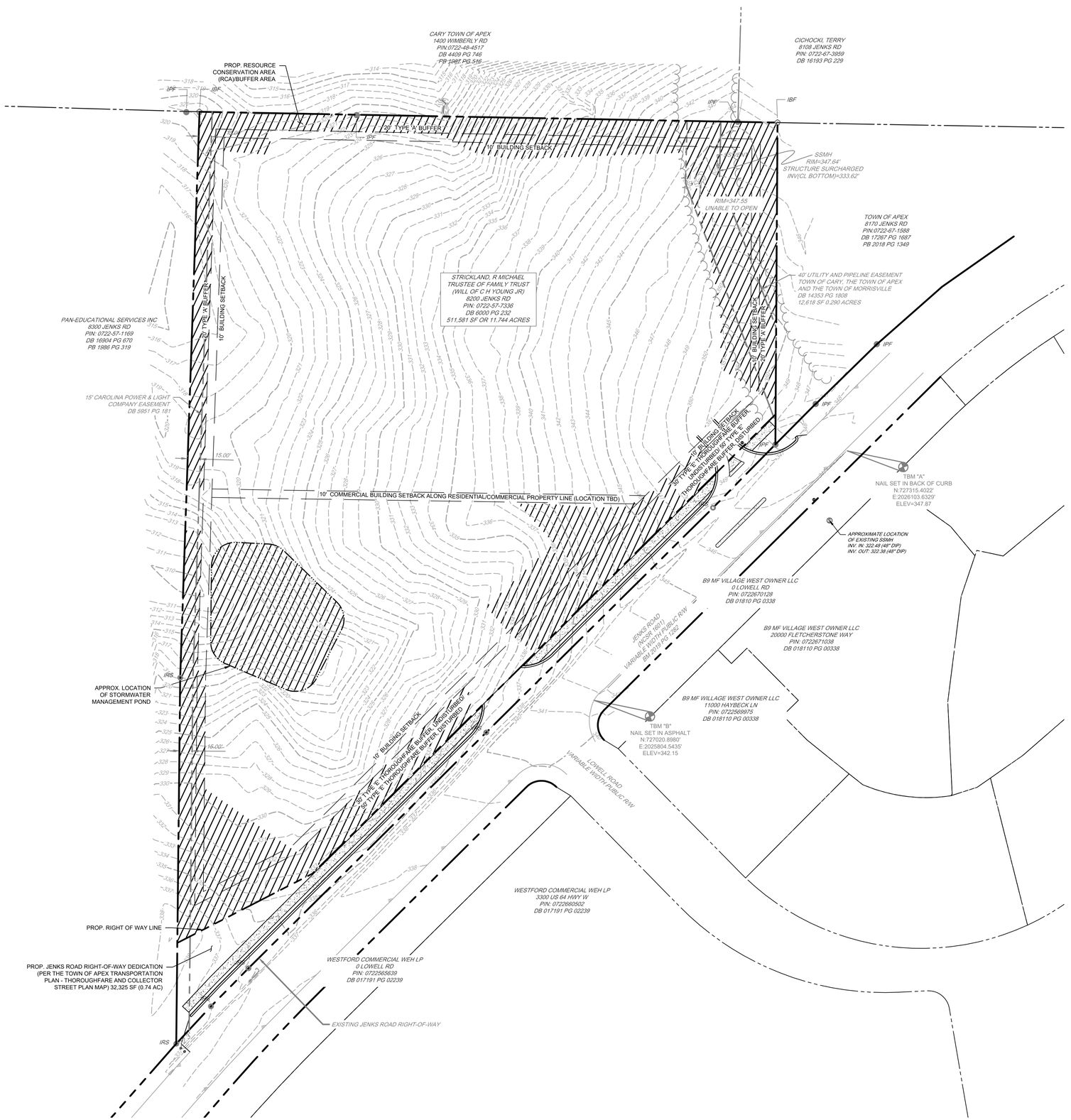
Apr 27, 2022 - 10:39 am N:\Projects\North Carolina\21264-8200 Jenks Road (Buvermo Investments)\Drafting\Drawings\21264-Grade Base.dwg SKINDELL

STORMWATER NOTES:

1. STORMWATER MANAGEMENT MEASURES FOR QUALITY AND QUANTITY TREATMENT WILL BE PROVIDED FOR WITH EITHER INDIVIDUAL DEVELOPMENT TRACTS OR REGIONAL FACILITIES FOR THE OVERALL DEVELOPMENT AND SHALL MEET APPLICABLE STORMWATER QUALITY AND QUANTITY TREATMENT IN ACCORDANCE WITH SECTION 6.1 OF THE UDO.
2. POST-DEVELOPMENT RUNOFF FLOW LEAVING NEWLY DEVELOPED SITES SHALL NOT EXCEED PRE-DEVELOPMENT PEAK RUNOFF CONDITIONS FOR THE 1-YEAR AND 10-YEAR 24-HOUR STORM EVENT PEAK FLOWS IN ACCORDANCE WITH THE APEX UDO.
3. EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION WAS TAKEN FROM A TOPOGRAPHIC SURVEY PREPARED BY PENNONI ASSOCIATES INC. DATED 9/27/21.
4. THIS SITE IS NOT LOCATED IN THE 100-YEAR FLOODPLAIN PER FEMA FIRM PANEL 3720072200J EFFECTIVE 05/02/2006.
5. BASED UPON A JURISDICTIONAL DETERMINATION REQUEST, FILED WITH USACE ON 9/08/21 AND CONCURRENCE EMAIL ON 09/13/21 BY LYLE PHILLIPS OF USACE; STREAMS AND WETLANDS WERE NOT IDENTIFIED DURING THE DELINEATION (SAW-2021-01939).



GRAPHIC SCALE
1 inch = 60 ft. Horizontal

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NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 052889 KENNETH NEWELL
04/27/2022

REV.#	DATE	DESCRIPTION	DRAWN
4	04/27/2022	REVS PER TOWN COMMENTS	SAK
3	04/06/2022	REVS PER TOWN COMMENTS	SAK
2	03/11/2022	REVS PER TOWN COMMENTS	SAK
1	02/17/2022	REVS PER TOWN COMMENTS	SAK

PRELIMINARY STORMWATER MANAGEMENT PLAN

ARDEN AT SUMMIT PINES
PLANNED UNIT DEVELOPMENT
8200 JENKS ROAD

DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BUVERMO
SHEET NO.: CS1702	

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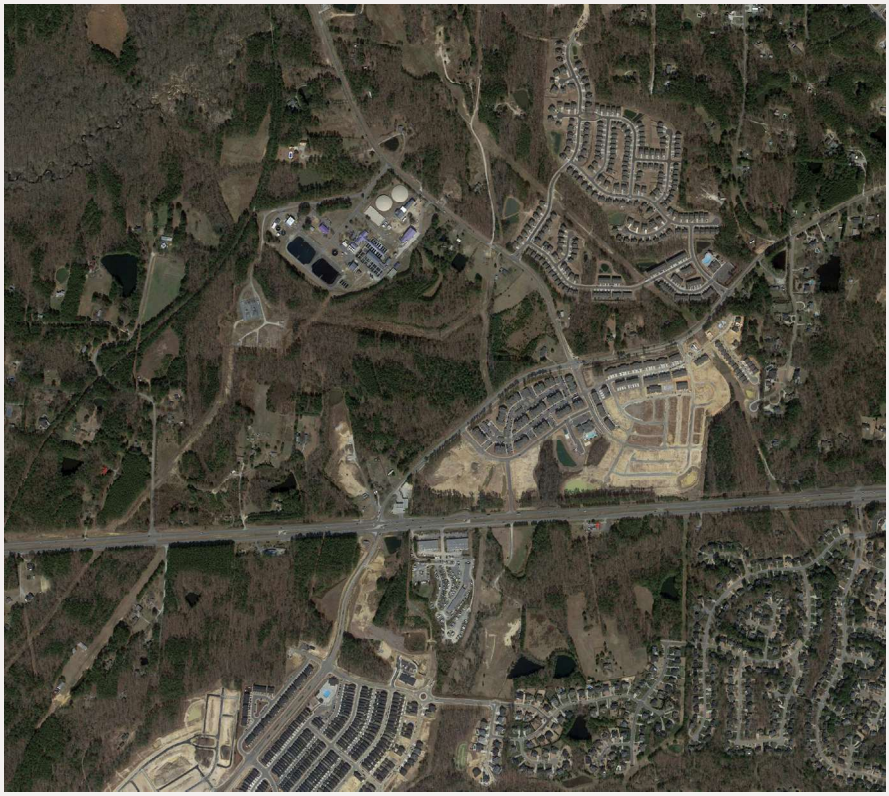





Arden at Apex

Traffic Impact Analysis

Apex, North Carolina

TRAFFIC IMPACT ANALYSIS

FOR

ARDEN AT APEX

LOCATED

IN

APEX, NORTH CAROLINA

Prepared For:
BUVERMO INVESTMENTS
7315 Wisconsin Avenue, Suite 925W
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MARCH 2022

RKA Project No. 21605

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TRAFFIC IMPACT ANALYSIS
ARDEN AT APEX
APEX, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Arden at Apex mixed-use development to be located at 8200 Jenks Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2024, is assumed to consist of the following uses:

- 163 adult senior housing – attached
- 10,000 sq. ft. of retail – to be analyzed as "Strip Retail Plaza"

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located at 8200 Jenks Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following intersections:

- US 64 and Jenks Road / Richardson Road
- US 64 and U-turn (west of Jenks Road)
- Jenks Road and Wimberly Road

- Jenks Road and Lowell Road / Site Drive 1
- Jenks Road and Site Drive 2

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The site is expected to be located at 8200 Jenks Road. The proposed development, anticipated to be completed in 2024, is assumed to consist of the following uses:

- 163 adult senior housing – attached
- 10,000 sq. ft. of retail – to be analyzed as "Strip Retail Plaza"

Site access to the is proposed via one (1) right-in / right-out driveway along Jenks Road and one (1) connection to Jenks Road and Lowell Road. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1 provides a summary of this information, as well.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2019 AADT (vpd)
Jenks Road	N/A	2-lane undivided	45 mph	Town	N/A
US 64		4-lane divided	55 mph	NCDOT	27,000
Wimberly Road	SR 1603	2-lane undivided	45 mph	NCDOT	1,600
Lowell Road	N/A	2-lane undivided	25 mph (assumed)	Town	N/A



N

LEGEND

- Proposed Site Location
- Study Intersection
- Study Area

Moving forward.

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Site Location Map

Scale: Not to Scale | Figure 1

DIRECTIONAL CURB RAMP (TYP.);
SEE DETAIL 2 SHEET C8.01
REGULAR DUTY ASPHALT;
SEE DETAIL 2 SHEET C8.02
BENCH SEATING
INTERNAL CONCRETE SIDEWALK
(TYP.). SEE DETAIL 5 SHEET C8.00
HEAVY DUTY ASPHALT;
SEE DETAIL 2 SHEET C8.02
ACCESSIBLE RAMP (TYP.)
SEE DETAIL 7 SHEET C8.00
OVERAGE PARKING (TYP.)
PARKING
BUILDING
Jenks Rd
Lowell Rd
7'
5'
10'
24'
18'
9'
20'
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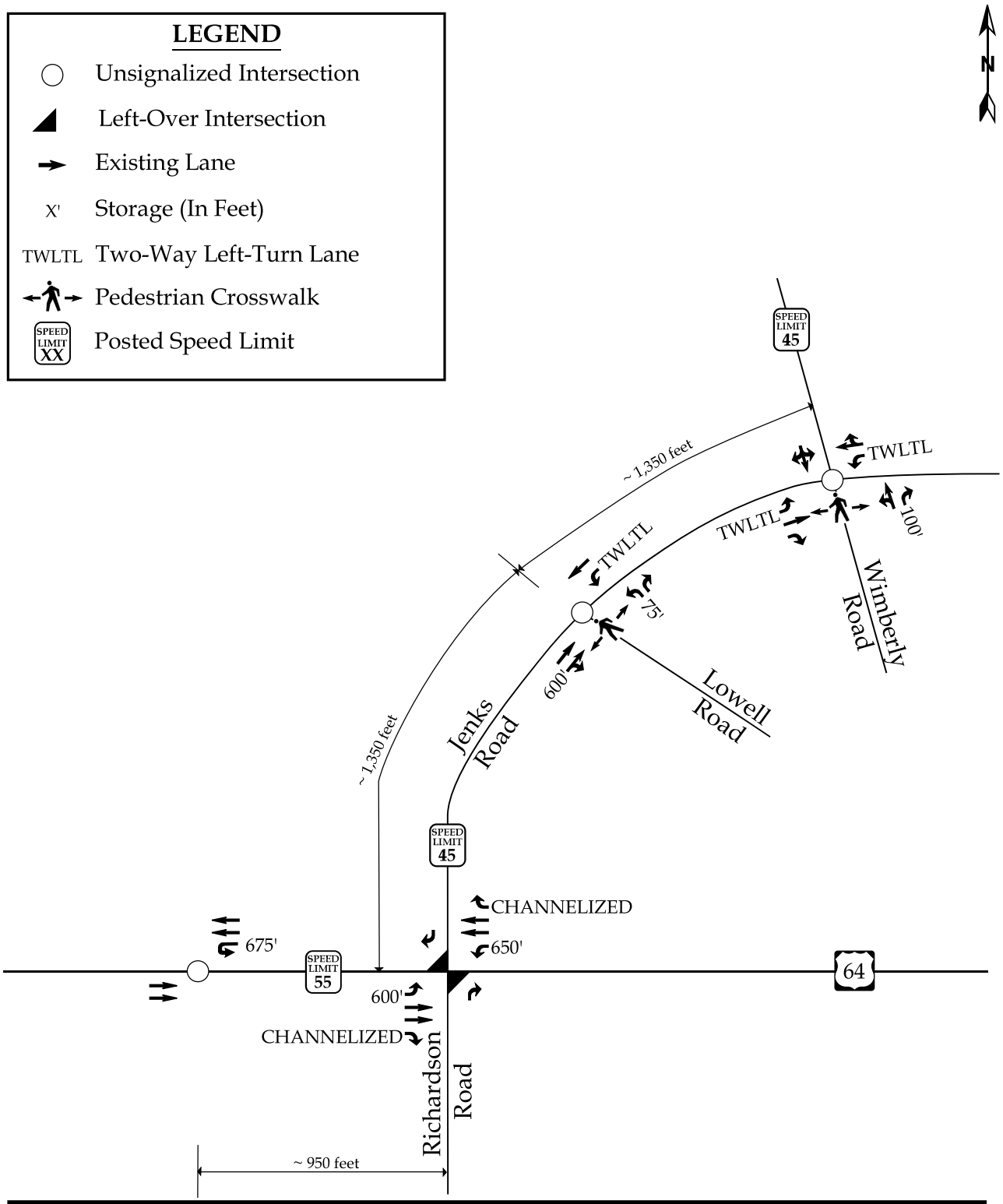

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2021 Existing Lane Configurations

Scale: Not to Scale | Figure 3

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

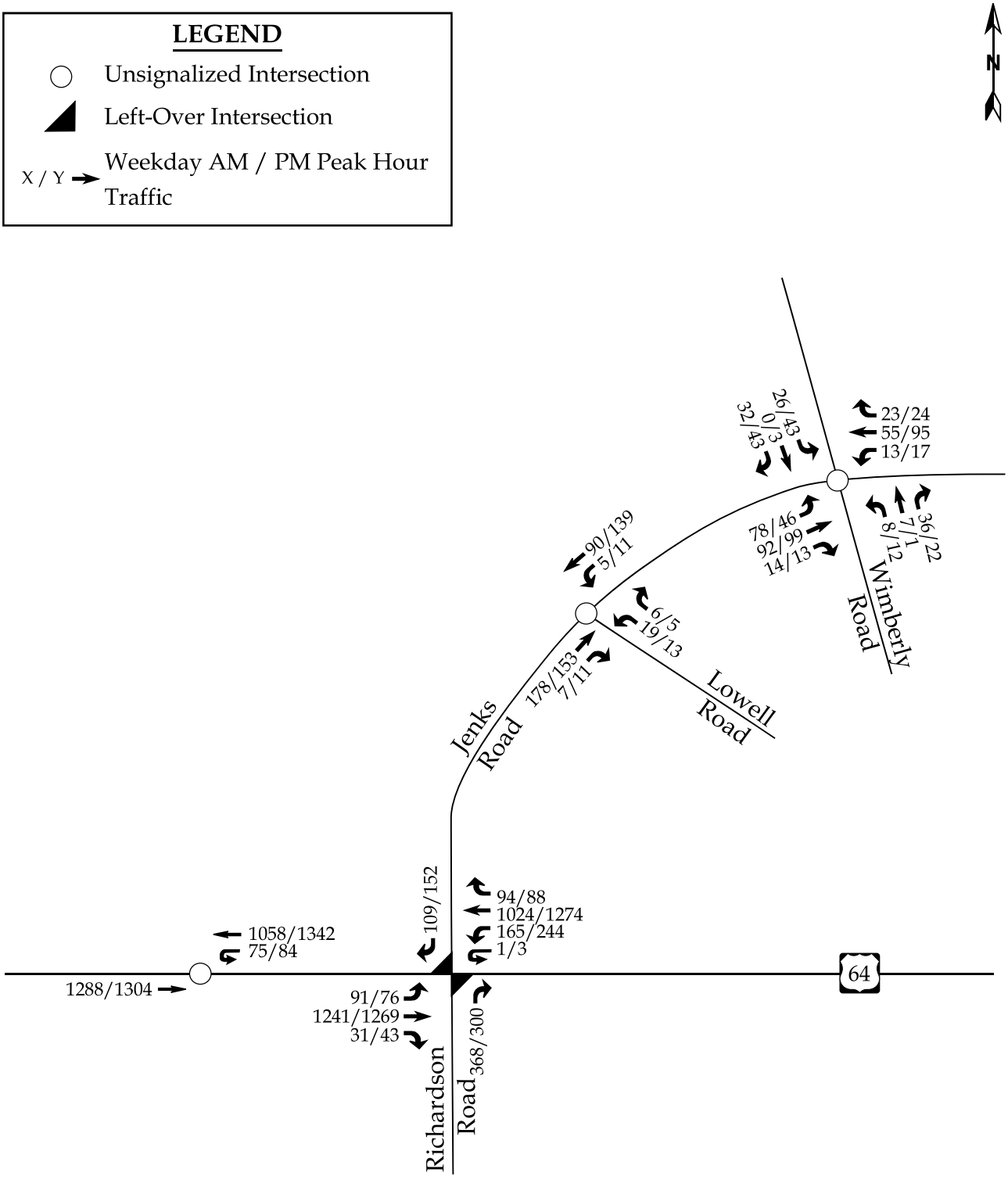
Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in October of 2021 by Burns Service, Inc. during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- US 64 and Jenks Road
- US 64 and U-turn (west of Jenks Road)
- Jenks Road and Wimberly Road
- Jenks Road and Lowell Road

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 7 of this report.



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2021 Existing
Peak Hour Traffic

Scale: Not to Scale | Figure 4

3. 2024 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2024 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2024 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Alderwood
- Parks at Wimberly
- Westford

Table 2, on the following page, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Alderwood	Northeast of the Jenks Road – Wimberly Road intersection	2025	• 80 townhomes • 14,000 sq. ft. daycare center • 8,000 sq. ft. medical office	March 2021 by Kimley-Horn
Parks at Wimberly	East side of Wimberly Road, between Green Level West Road and Jenks Road	2025	• 70 single family homes • 50 townhomes	November 2019 by Mott MacDonald
Westford	North side of US 64 and east of Jenks Road	2019	• 300 apartment units • 225 townhomes • 90 single family detached homes	December 2016 by Kimley-Horn

It should be noted that it was assumed 75% of the Alderwood development would be built out by 2024 and thus, only 75% of this adjacent development's traffic would be considered as background traffic during the weekday AM and PM peak hours under no-build (2024) and build (2024) analysis scenarios.

The Parks at Wimberly adjacent development is expected to construct a southbound right-turn lane with 50 feet of storage at the intersection of Jenks Road and Wimberly Road. It was assumed that by 2024, only 75% of the adjacent development would be built, thus only 75% of full trip generation for the Parks at Wimberly was considered background traffic for the weekday AM and PM peak hours under no-build (2024) and build (2024) analysis scenarios.

The Westford adjacent development TIA includes traffic signals at the intersections of US 64 and Jenks Road / Richardson Road & US 64 and U-turn (West of Jenks Road) as background improvements. Additionally, an additional northbound right-turn lane with 300 feet of storage and an additional westbound left-turn lane at the intersection of US 64 and Jenks Road / Richardson Road were included as background improvements in the Westford TIA. It should be noted that, the Westford development was approximately 75% built out when

existing traffic counts were conducted. Thus, 25% of the full trip generation was considered as background traffic during the weekday AM and PM peak hours under no-build (2024) and build (2024) analysis scenarios.

It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix C.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined that the roadway improvements associated with the Sweetwater and Westford developments should be considered in this study. Both the Sweetwater and Westford developments are committed to installing a traffic signal at the intersections of US 64 and Jenks Road / Richardson Road & US 64 and U-turn (West of Jenks Road). Additionally, turn lane improvements at the intersection of US 64 and Jenks Road / Richardson Road will also be analyzed under future traffic conditions.

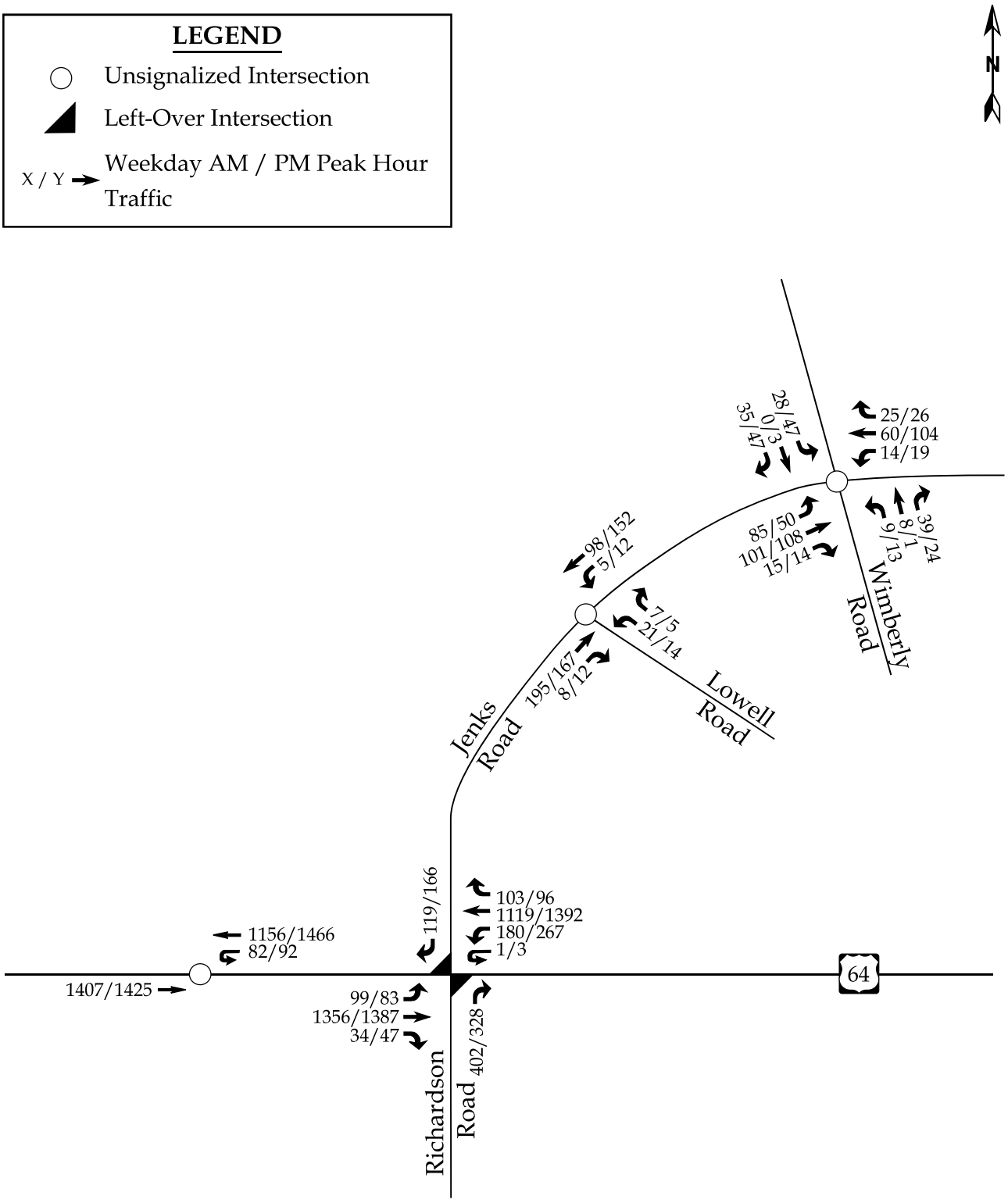
The signal plans for these intersections can be found in Appendix D.

3.4. 2024 No-Build Peak Hour Traffic Volumes

The 2024 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2024, and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2024 no-build peak hour traffic volumes at the study intersections.

3.5. Analysis of 2024 No-Build Peak Hour Traffic Conditions

The 2024 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



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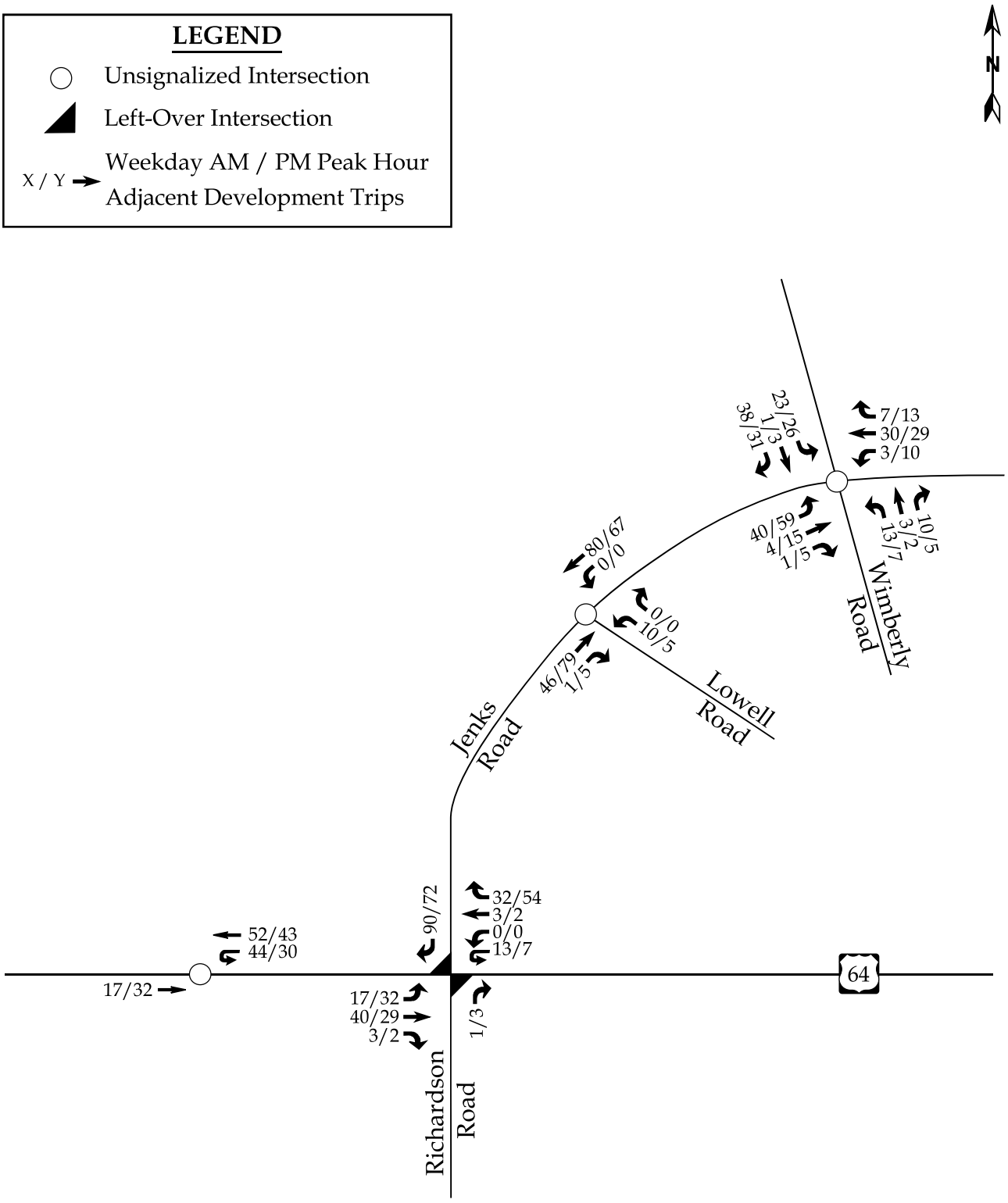
2024 Projected
Peak Hour Traffic

Scale: Not to Scale | Figure 5



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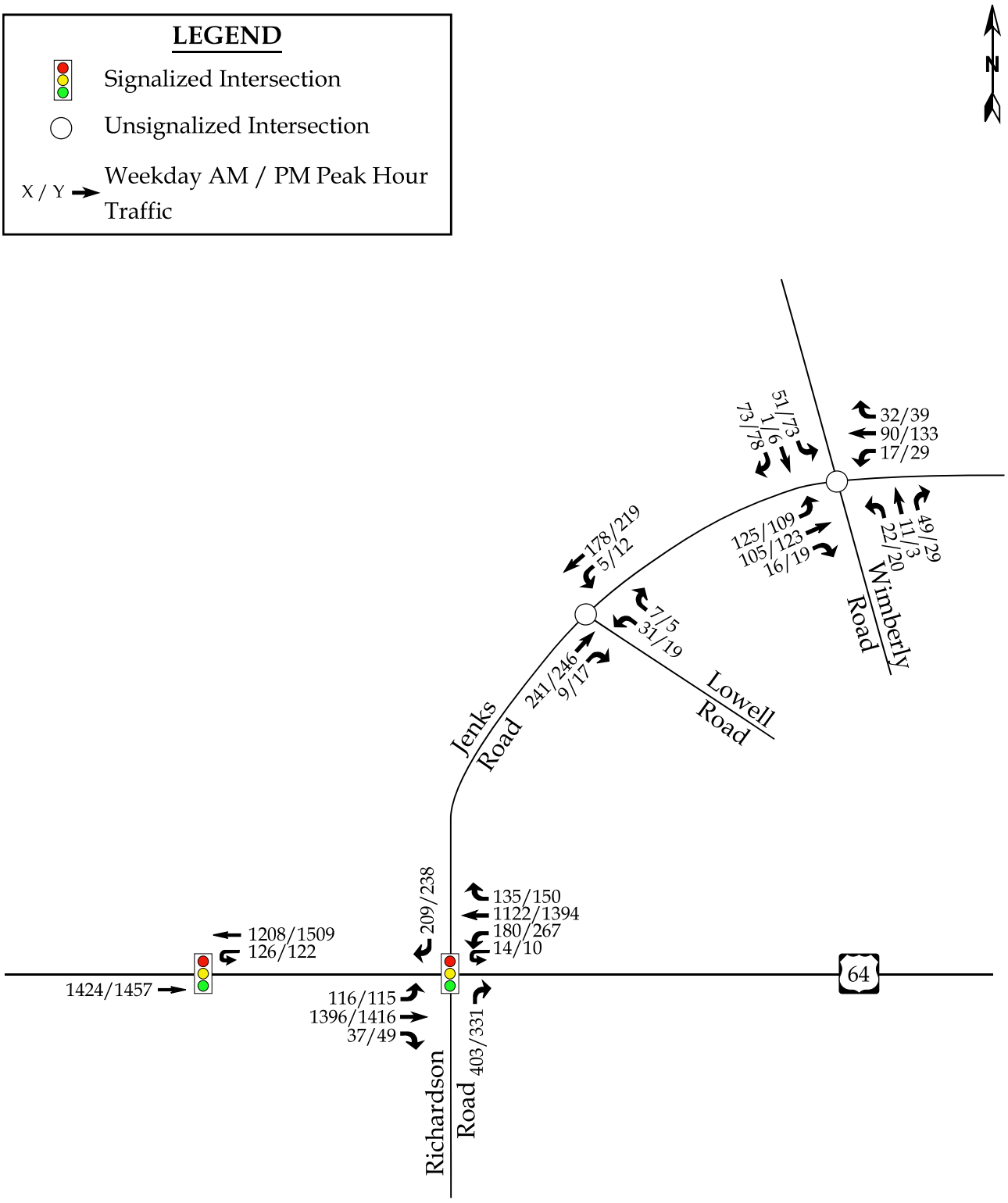

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2024 No-Build
Peak Hour Traffic

Scale: Not to Scale | Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of 163 adult senior homes (multifamily) and a 10,000 sq. ft. shopping center. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 11th Edition. It should be noted that the Strip Retail Plaza land use was used to generate site trips as the proposed development is expected to have less than 40,000 sq. ft. of retail. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Adult Senior Housing – Multifamily (252)	163 units	496	11	21	23	18
Strip Retail Plaza (822)	10,000 sq. ft.	652	17	12	39	39
Total Trips		**1,148**	**18**	**33**	**62**	**57**
Pass-By Trips: Strip Retail Plaza (34% PM)*			--	--	*-13*	*-13*
Total Primary Trips			**18**	**33**	**49**	**44**

*Pass-by percentages from LUC 820 were used for the Strip Retail Plaza land use.

It is estimated that the proposed development will generate approximately 1,148 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 51 trips (18 entering and 33 exiting) will occur during the weekday AM peak hour and 119 trips (62 entering and 57 exiting) will occur during the weekday PM peak hour.

Pass-by trips were also taken into consideration in this study. Pass-by trips are made by the traffic already using the adjacent roadway, entering the site as an intermediate stop on their way to another destination. Pass-by trips are expected to account for approximately 26 trips

(13 entering and 13 exiting) during the weekday PM peak hour. It should be noted that the pass-by trips were balanced, as it is likely that these trips would enter and exit in the same hour.

The total primary site trips are the calculated site trips after the reduction for internal capture and pass-by trips. Primary site trips are expected to generate approximately 51 trips (18 entering and 33 exiting) during the weekday AM peak hour and 93 trips (49 entering and 44 exiting) during the weekday PM peak hour.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

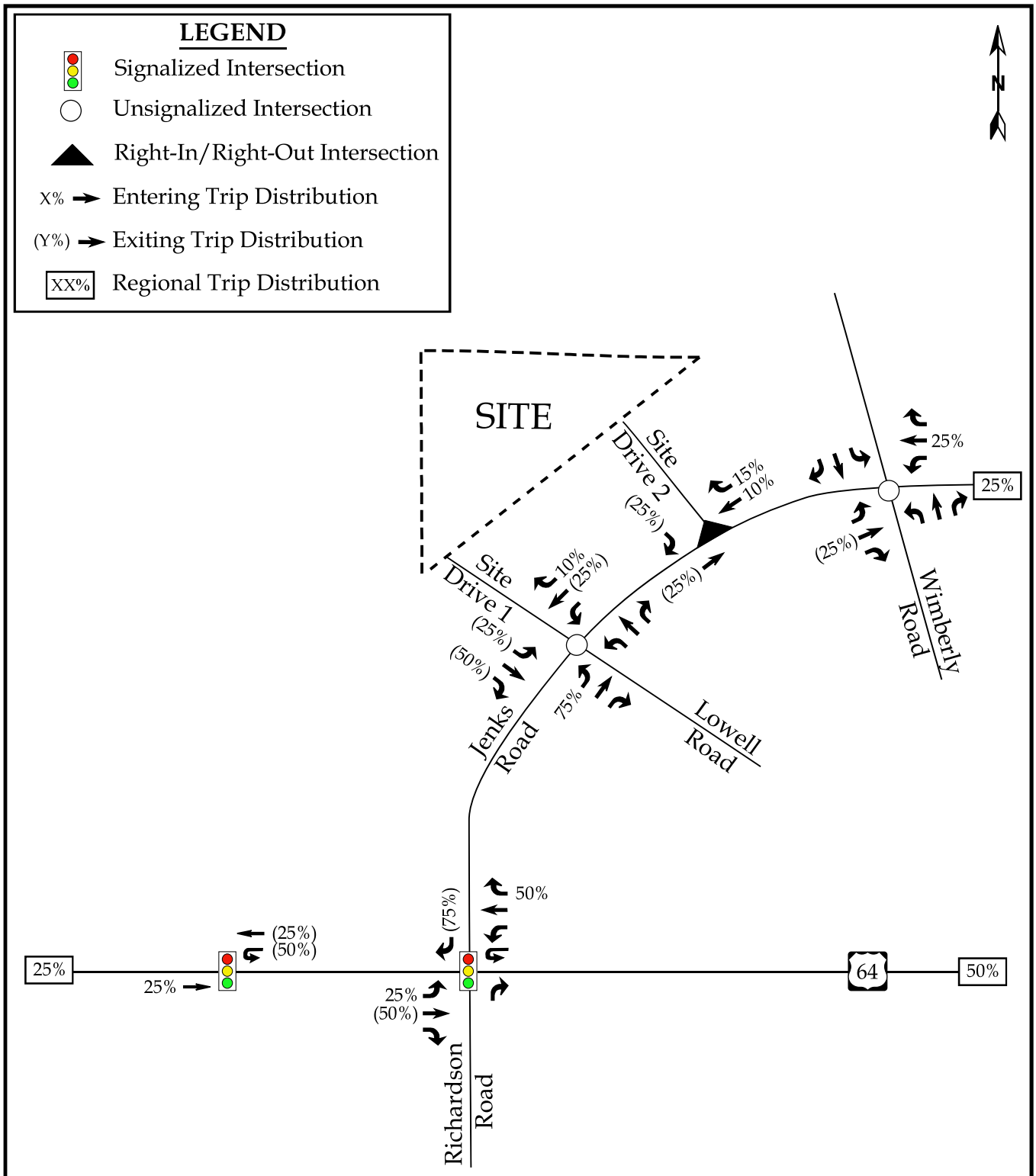
It is estimated that the site trips will be regionally distributed as follows:

- 50% to/from the east via US 64
- 25% to/from the west via US 64
- 25% to/from the east via Jenks Road

The site trip distribution is shown in Figure 8. Refer to Figure 9A for the residential site trip assignment and Figure 9B for the commercial site trip assignment.

The pass-by site trips were distributed based on existing traffic patterns with consideration given to the proposed driveway access and site layout. Refer to Figure 10 for the pass-by site trip distribution. Pass-by site trips are shown in Figure 11.

The total site trips were determined by adding the primary site trips and the pass-by site trips. Refer to Figure 12 for the total peak hour site trips at the study intersections.



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Site Trip Distribution

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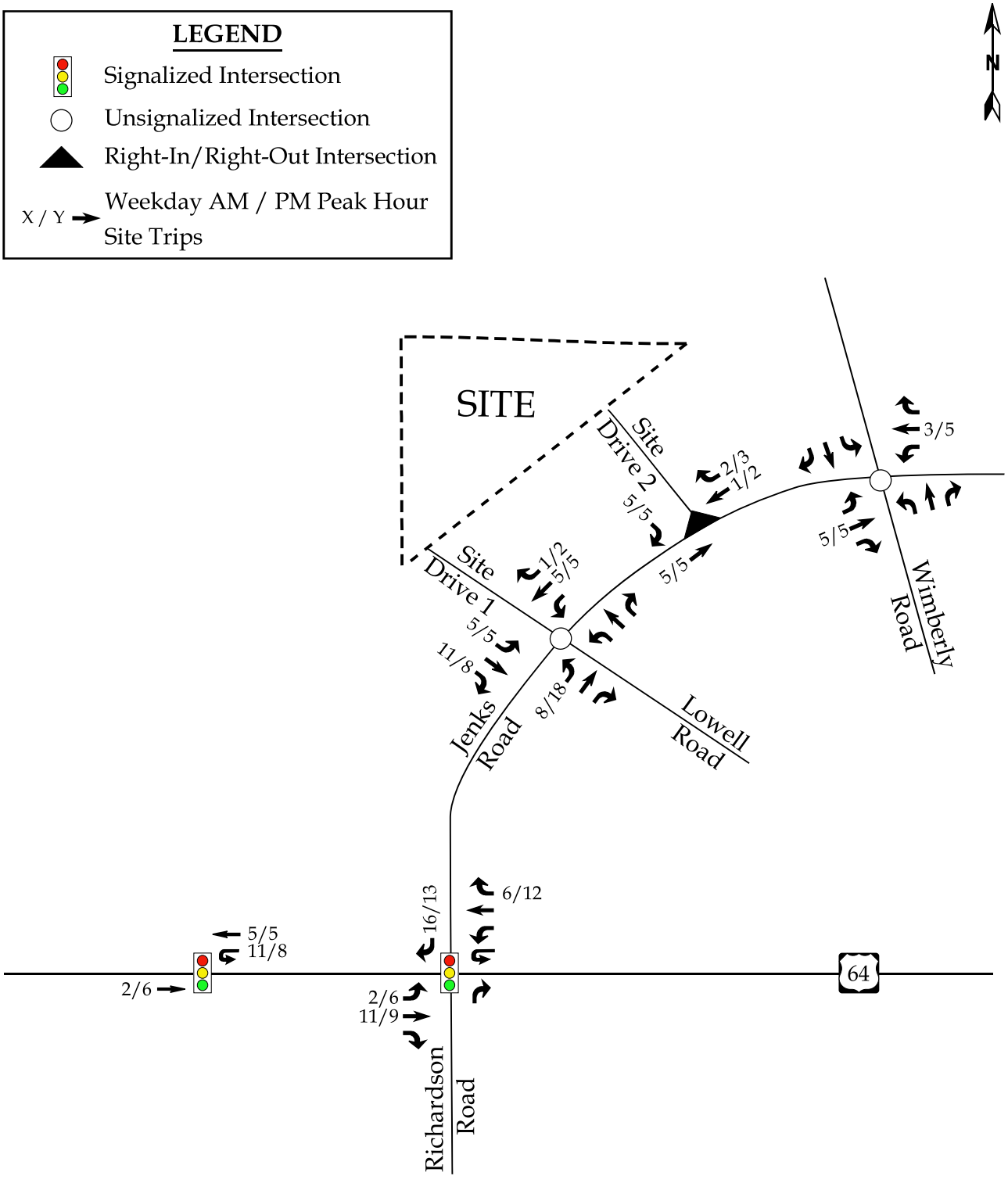
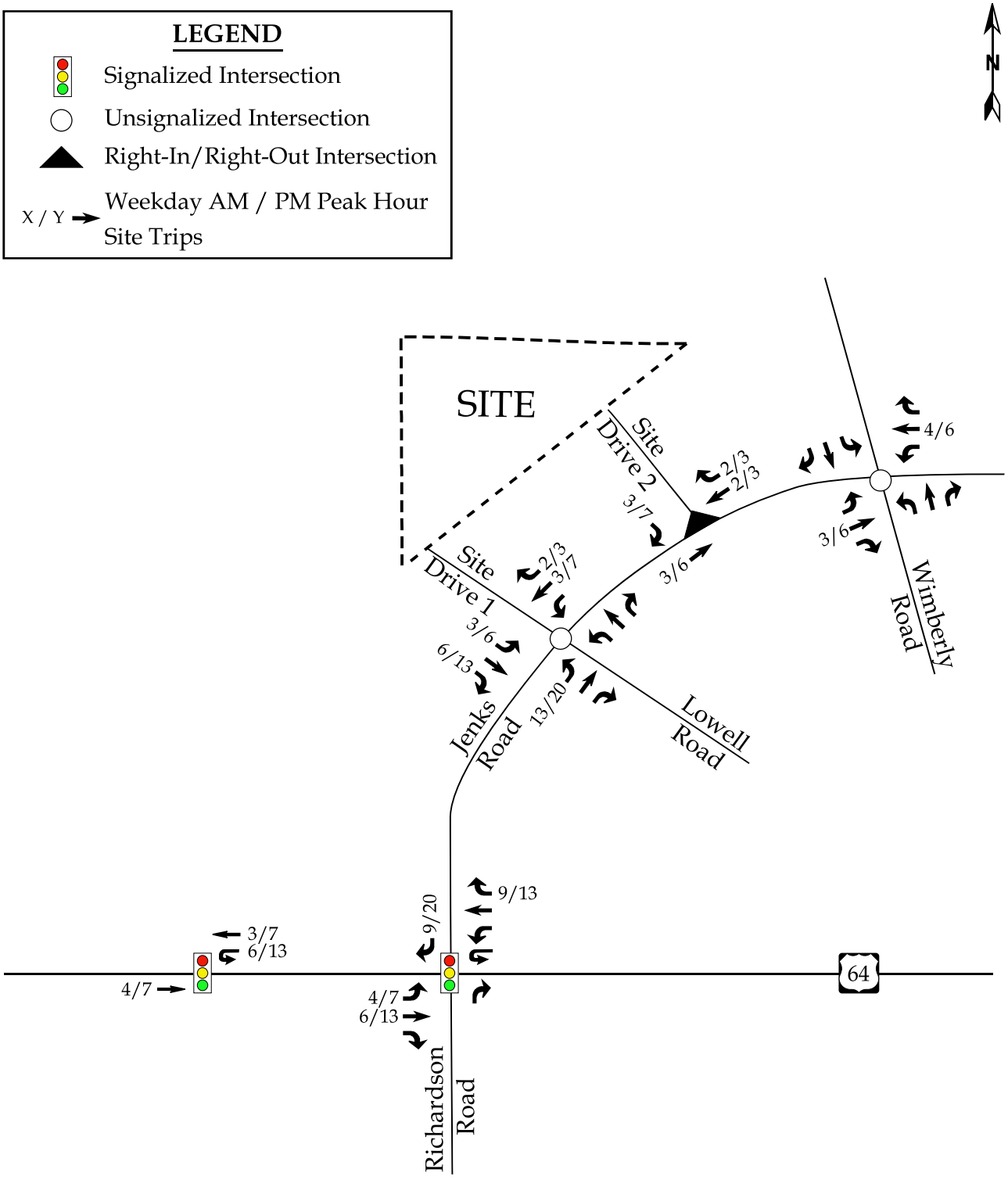


Moving forward. RKA RAMEY KEMP ASSOCIATES	Arden at Apex Apex, NC	Residential Site Trip Assignment Scale: Not to Scale | Figure 9A



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Commercial
Site Trip Assignment

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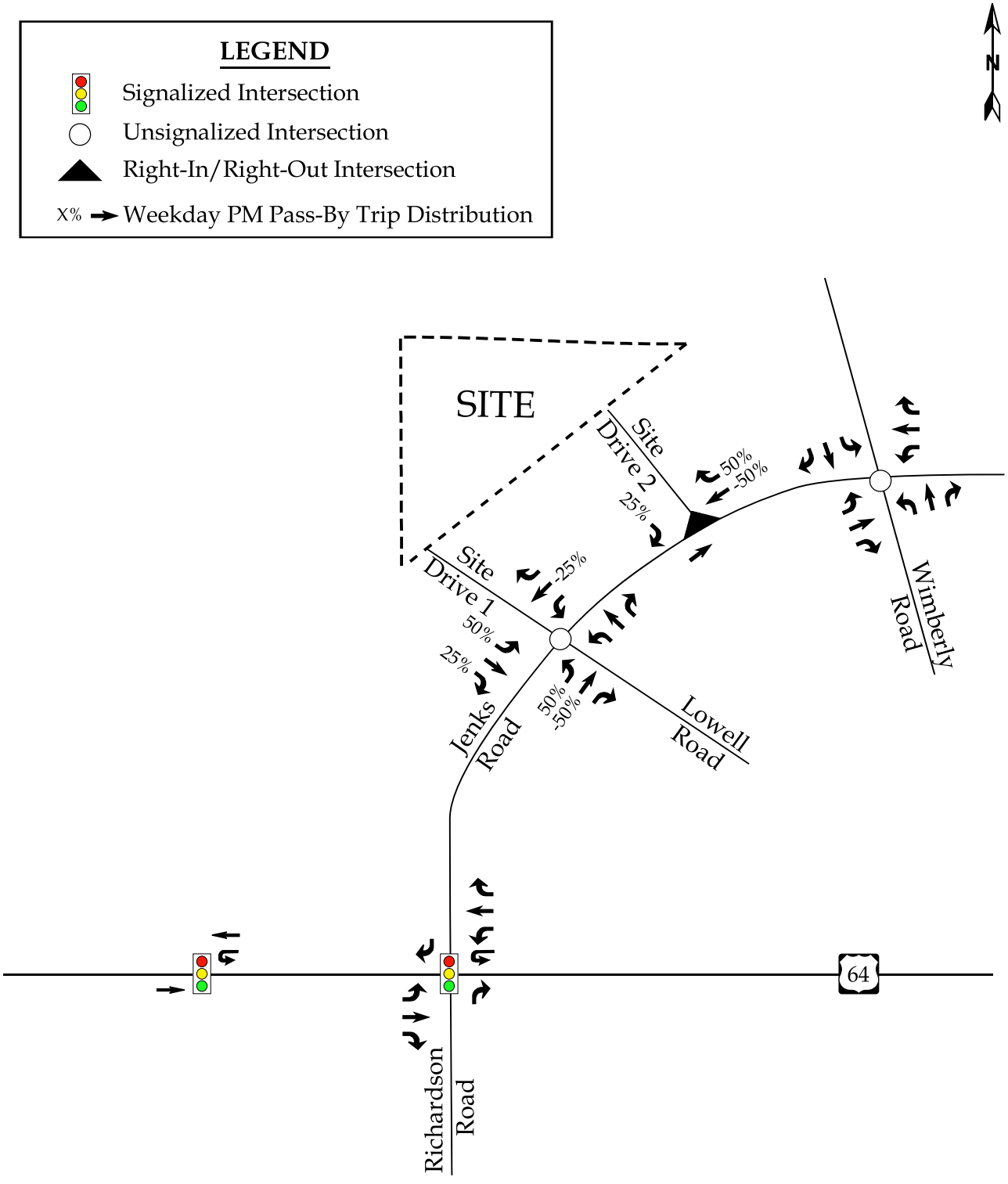

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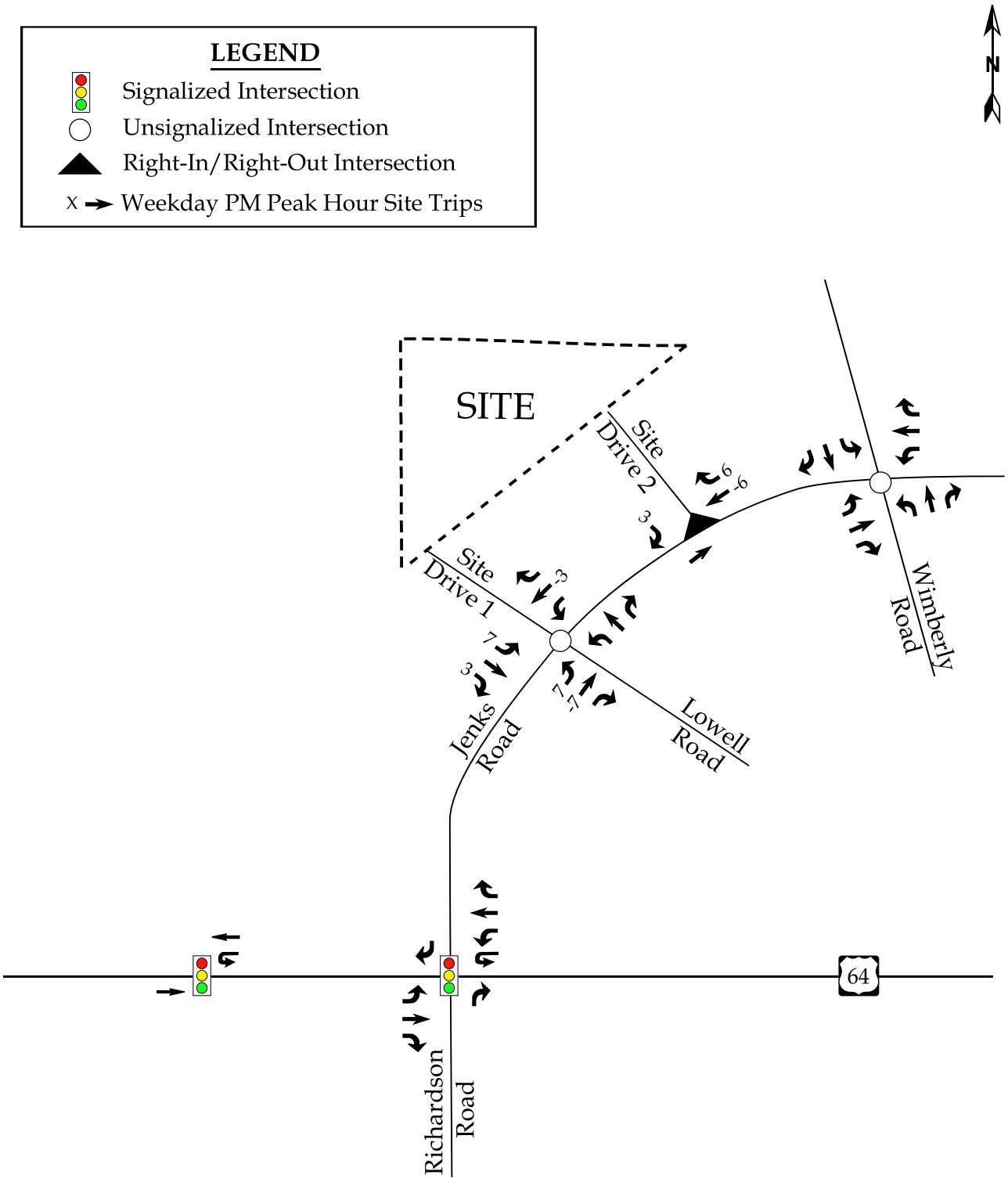
Pass-By Site
Trip Distribution

Scale: Not to Scale | Figure 10



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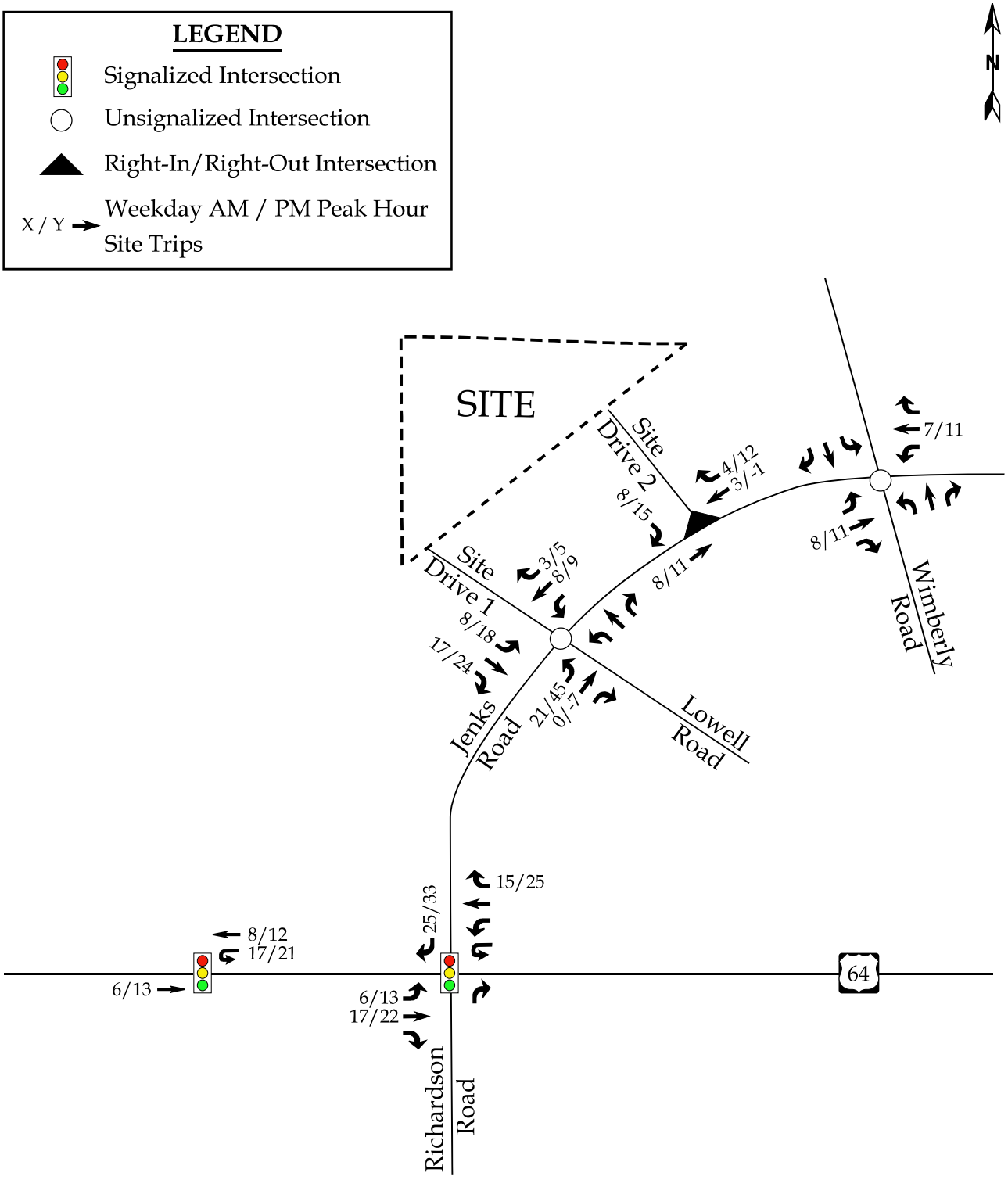
Pass-By Site
Trip Assignment

Scale: Not to Scale | Figure 11



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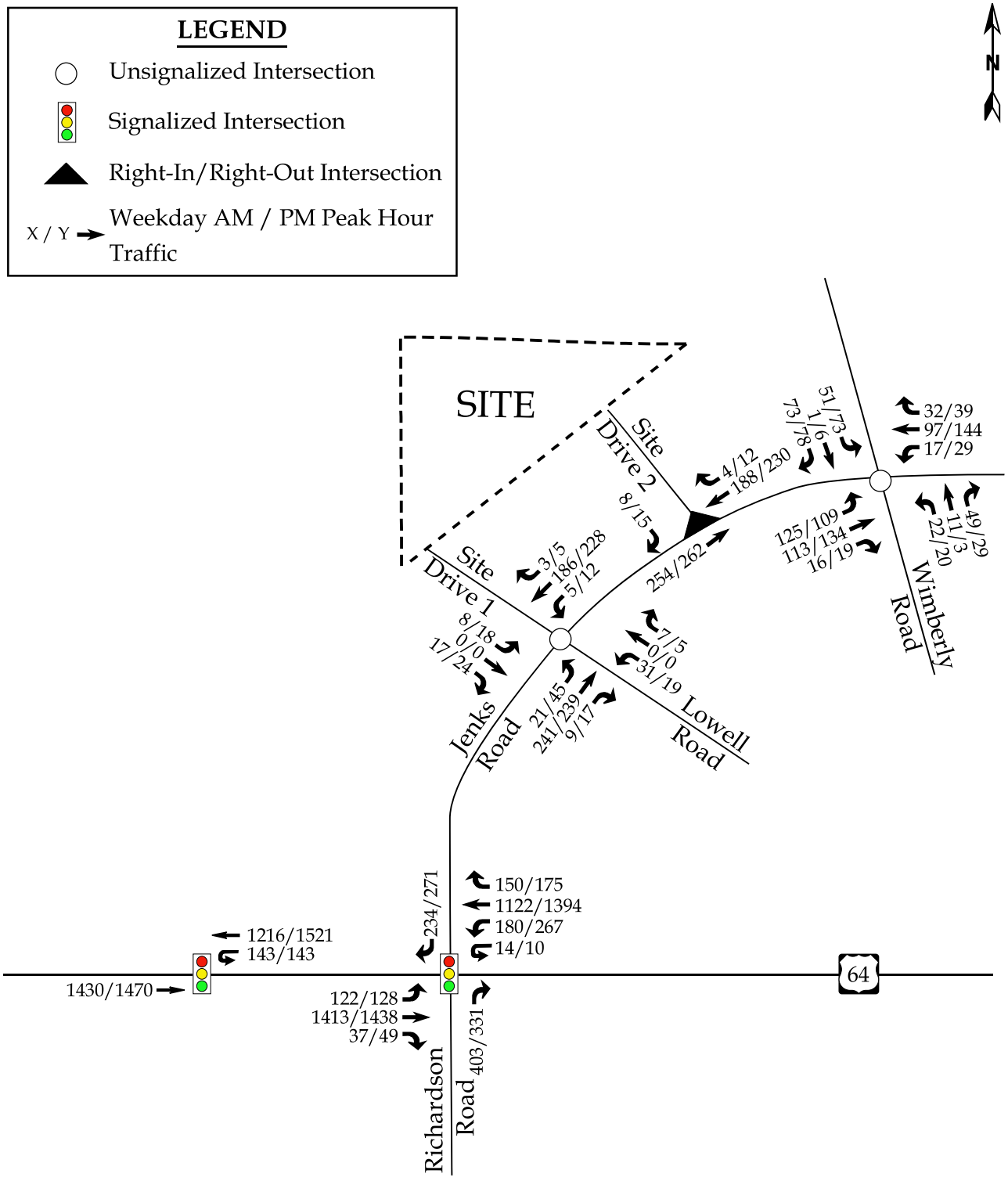
5. 2024 BUILD TRAFFIC CONDITIONS

5.1. 2024 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2024 no-build traffic volumes to determine the 2024 build traffic volumes. Refer to Figure 13 for an illustration of the 2024 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2024 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2024 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.



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Apex, NC

2024 Build
Peak Hour Traffic

Scale: Not to Scale | Figure 13

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as "the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions." Level of service (LOS) is a term used to represent different driving conditions, and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers." Level of service varies from Level "A" representing free flow, to Level "F" where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes "initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay". An average control delay of 50 seconds at a signalized intersection results in LOS "D" operation at the intersection.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines.

7. CAPACITY ANALYSIS

7.1. US 64 [EB-WB] and Jenks Road [SB] / Richardson Road [NB]

The existing unsignalized intersection of US 64 and Jenks Road was analyzed under 2021 existing, 2024 no-build, and 2024 build traffic conditions with lane configurations and traffic control shown in Table 5. It should be noted that this intersection was analyzed as a Reduced Conflict Intersection (RCI). Node 1 refers to the intersection of US 64 and Jenks Road. Node 11 refers to the intersection of US 64 and Richardson Road. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 5: Analysis Summary of US 64 and Jenks Road / Richardson Road

ANALYSIS SCENARIO	NODE	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
				Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	1	WB NB SB	2 TH, 1 RT 1 TH* 1 RT	-- E[1] C[2]	N/A	-- F[1] C[2]	N/A
	11	EB NB SB	2 TH, 1 RT 1 RT 1 TH**	-- F[2] F[1]	N/A	-- F[2] F[1]	N/A
2024 No-Build <u>Signalized</u>	1	WB NB SB	2 TH, 1 RT 1 TH* 1 RT	A A C	B (11)	B A C	B (13)
	11	EB NB SB	2 TH, 1 RT <u>2</u> RT <u>2</u> TH**	A C B	A (9)	A C C	A (9)
2024 Build <u>Signalized</u>	1	WB NB SB	2 TH, 1 RT 1 TH* 1 RT	A A C	B (11)	B A D	B (14)
	11	EB NB SB	2 TH, 1 RT <u>2</u> RT <u>2</u> TH**	A C B	A (9)	A C C	A (9)

*Due to Synchro limitations, the eastbound left-turn movement was analyzed as a northbound through movement.
**Due to Synchro limitations, the westbound left-turn movement was analyzed as a southbound through movement.
<u>Background improvements to this intersection are shown underlined.</u>
1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2021 existing traffic conditions indicates the minor-street approach at the intersection of US 64 and Jenks Road (Node 1) currently operates at LOS C during both peak hours analyzed. The minor-street approach at the intersection of US 64 and Richardson Road (Node 11) currently operates at LOS F. The major-street left-turn movement at both nodes analyzed are expected to operate at LOS F during both peak hours, which exception of the eastbound left-turn movement which currently operates at LOS E.

Under future traffic conditions, traffic signals at this intersection are expected to be installed prior to 2024. Final signal plans for this intersection have been completed in 2021 and can be found in Appendix D. With signalization, the intersection is expected to operate at LOS B or better during the weekday AM and PM peak hours.

It should be noted that maximum queues in SimTraffic are expected to extend beyond the eastbound left-turn storage; however, this may be due to vehicles destined to turn left that are held in the through lane queue. Additionally, based on SimTraffic, the proposed development is not expected to add to the maximum queue by more than one (1) vehicle.

Due to the minimal impact the site traffic is expected to have on the intersection, no improvements are recommended.

7.2. US 64 [EB-WB] and U-turn (West of Jenks Road) [SB]

The existing unsignalized intersection of US 64 and U-turn (west of Jenks Road) was analyzed under 2021 existing, 2024 no-build, and 2024 build traffic conditions with existing lane configurations and traffic control. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 6: Analysis Summary of US 64 and U-turn (West of Jenks Road)

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB	2 TH 1 UT*	-- C[1]	N/A	-- C[1]	N/A
2024 No-Build Signalized	EB WB	2 TH 1 UT*	B A	B (12)	B A	B (13)
2024 Build Signalized	EB WB	2 TH 1 UT*	B A	B (12)	B A	B (13)

*Due to Synchro limitations, the westbound U-turn movement was analyzed as a southbound left-turn movement.
Background improvements to this intersection are shown underlined.
1. Level of service for major-street left-turn movement.

Capacity analysis of 2021 existing traffic conditions indicates the major-street left-turn movement currently operates at LOS C during the weekday AM and PM peak hours. Under future traffic conditions, this intersection is expected to be signalized. Final signal plans for this intersection have been completed in 2021 and can be found in Appendix D. With signalization, this intersection is expected to operate at LOS B during both peak hours analyzed. Due to the minimal impact the site traffic is expected to have on the intersection, no improvements are recommended.

7.3. Jenks Road [EB-WB] and Wimberly Road [NB-SB]

The existing unsignalized intersection of Jenks Road and Wimberly Road was analyzed under 2021 existing, 2024 no-build, and 2024 build traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Jenks Road and Wimberly Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT-TH, 1 RT 1 LT-TH-RT	A[1] A[1] A[2] B[2]	N/A	A[1] A[1] B[2] B[2]	N/A
2024 No-Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT-TH, 1 RT 1 LT-TH, <u>1 RT</u>	A[1] A[1] B[2] B[2]	N/A	A[1] A[1] B[2] B[2]	N/A
2024 Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT-TH, 1 RT 1 LT-TH, <u>1 RT</u>	A[1] A[1] B[2] B[2]	N/A	A[1] A[1] B[2] B[2]	N/A

<u>Improvements by adjacent developments are shown underlined.</u>
1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of all traffic conditions indicates the minor-street approaches and major-street left-turn movements are expected to operate at LOS B or better during the weekday AM and PM peak hours. It should be noted that a southbound right-turn lane with 50 feet of storage is expected to be constructed at this intersection and was analyzed under future traffic conditions. Based on SimTraffic, there is expected to be minimal queuing at this intersection. Due to the minimal impact the site traffic is expected to have on the intersection, no improvements are recommended.

7.4. Jenks Road [NB-SB] and Lowell Road [WB] / Site Drive 1 [EB]

The existing unsignalized intersection of Jenks Road and Lowell Road was analyzed under 2021 existing, 2024 no-build, and 2024 build traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Jenks Road and Lowell Road / Site Drive 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	WB NB SB	1 LT, 1 RT 1 TH, 1 TH-RT 1 LT, 1 TH	B[2] -- A[1]	N/A	B[2] -- A[1]	N/A
2024 No-Build	WB NB SB	1 LT, 1 RT 1 TH, 1 TH-RT 1 LT, 1 TH	B[2] -- A[1]	N/A	B[2] -- A[1]	N/A
2024 Build	**EB** WB NB SB	**1 LT, 1 TH-RT** 1 LT, 1 **TH-**RT **1 LT**, 1 TH, 1 TH-RT 1 LT, 1 TH-**RT**	B[2] B[2] A[1] A[1]	N/A	B[2] B[2] A[1] A[1]	N/A

Improvements by developer are shown in bold.
1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of all traffic conditions indicates the minor-street approaches and major-street left-turn movements are expected to operate at LOS B or better during the weekday AM and PM peak hours. Based on SimTraffic, there is expected to be minimal queuing at this intersection.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*. An eastbound left-turn lane is recommended at the northbound approach along Jenks Road.

7.5. Jenks Road [EB-WB] and Site Drive 2 [SB]

The proposed right-in / right-out intersection of Jenks Road and Site Drive 2 was analyzed under 2024 build traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

Table 9: Analysis Summary of Jenks Road and Site Drive 2

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2024 Build	EB WB **SB**	2 TH 1 TH-**RT** **1 RT**	-- -- A[1]	N/A	-- -- A[1]	N/A

Improvements to lane configurations are shown in bold.
1. Level of service for minor-street approach.

Capacity analysis of 2024 build traffic conditions indicates the minor-street approach at the intersection is expected to operate at LOS A during the weekday AM and PM peak hours. Based on SimTraffic, there is expected to be minimal queuing at this intersection.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*; however, due to the low turning movement volumes at this driveway, no turn lanes are recommended at this intersection.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed mixed-use development, to be located at 8200 Jenks Road in Apex, North Carolina. The proposed development is expected to be built out in 2024. Site access to the is proposed via one (1) right-in / right-out driveway along Jenks Road and one (1) connection to Jenks Road and Lowell Road.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions

Trip Generation

It is estimated that the proposed development will generate approximately 51 primary trips (18 entering and 33 exiting) during the weekday AM peak hour and 93 primary trips (49 entering and 44 exiting) during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

US 64 and Jenks Road / Richardson Road

The minor-street approach at the intersection of US 64 and Richardson Road (Node 11) currently operates at LOS F. The major-street left-turn movement at both nodes analyzed are expected to operate at LOS F during both peak hours, which exception of the eastbound left-turn movement which currently operates at LOS E.

Under future traffic conditions, traffic signals at this intersection are expected to be installed prior to 2024. Final signal plans for this intersection have been completed in 2021 and can be found in Appendix D. With signalization, the intersection is expected to operate at LOS B or better during the weekday AM and PM peak hours.

It should be noted that maximum queues in SimTraffic are expected to extend beyond the eastbound left-turn storage; however, this may be due to vehicles destined to turn left that are held in the through lane queue. Additionally, based on SimTraffic, the proposed development is not expected to add to the maximum queue by more than one (1) vehicle.

Due to the minimal impact the site traffic is expected to have on the intersection, no improvements are recommended.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 14 for an illustration of the recommended lane configuration for the proposed development.

Adjacent Development Improvements

Parks at Wimberly

Jenks Road and Wimberly Road

- Construct a southbound right-turn lane with 50 feet of storage.

Background Improvements by Others

US 64 and Jenks Road / Richardson Road

- Install a traffic signal and coordinate timings along US 64.
- Construct an additional northbound right-turn lane with 300 feet of storage.
- Construct an additional westbound left-turn lane.

US 64 and U-turn (west of Jenks Road)

- Install a traffic signal and coordinate timings along US 64.

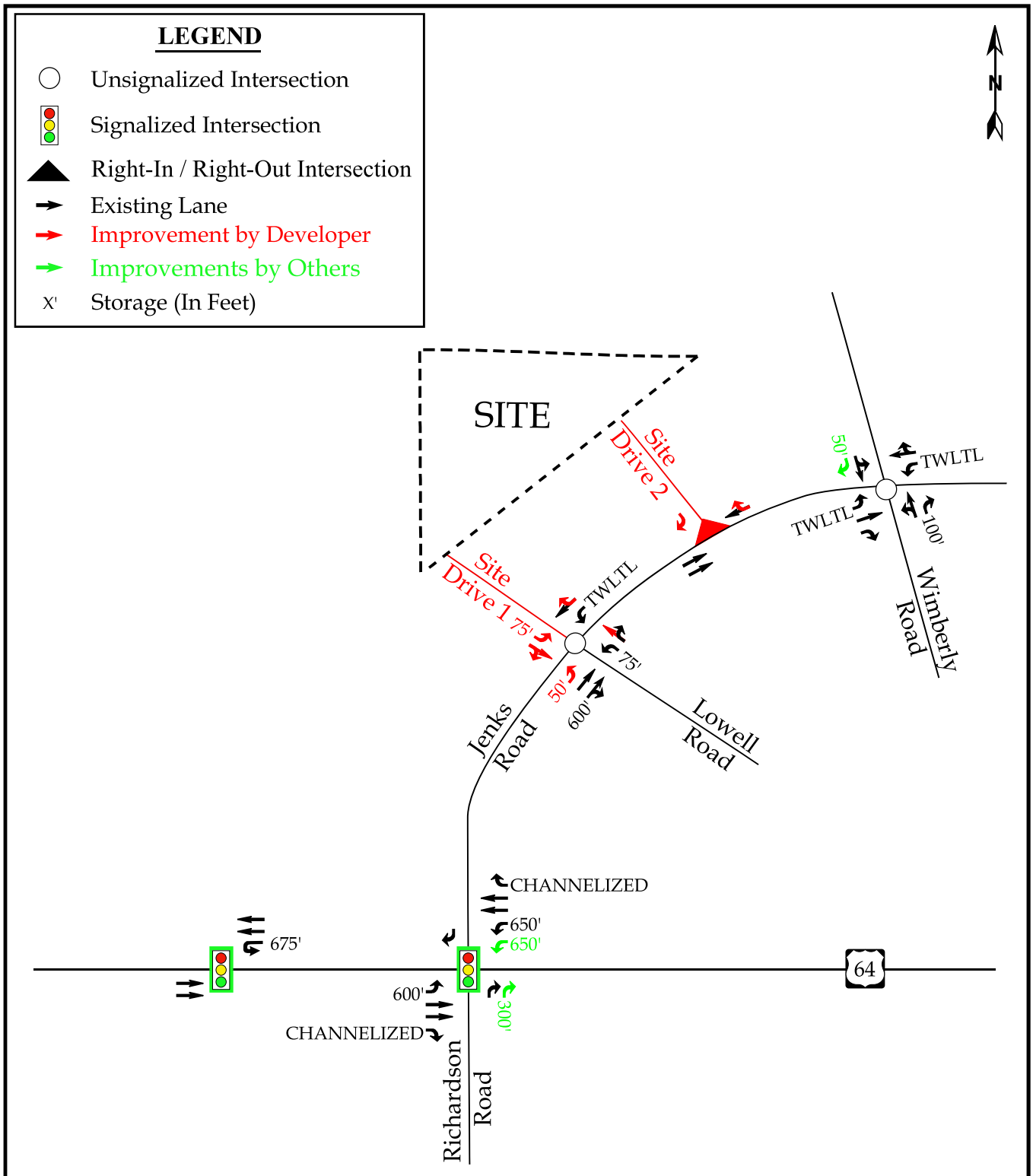
Recommended Improvements by Developer

Jenks Road and Lowell Road / Site Drive 1

- Construct an eastbound approach (Site Drive 1) with one ingress lane and two egress lanes, striped as a left-turn lane with at least 75 feet of storage and a shared through/right-turn lane.
- Provide a northbound left-turn lane with at least 50 feet of storage and appropriate decel and taper.
- Provide stop control at the eastbound approach.

Jenks Road and Site Drive 2

- Construct a right-in/right-out southbound approach with one ingress lane and one egress lane.
- Provide stop control at the southbound approach.



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RAMEY KEMP ASSOCIATES

Arden at Apex
Apex, NC

Recommended Lane Configurations

Scale: Not to Scale | Figure 11

TECHNICAL APPENDIX

APPENDIX A

SCOPING DOCUMENTATION

RAMEY KEMP ASSOCIATES
Moving forward.

T 919 872 5115

5808 Faringdon Place
Raleigh, NC 27609

November 4, 2021

Serge Grebenschikov, PE
Traffic Engineer
Public Works & Transportation – Traffic
73 Hunter Street, 3rd Fl
PO Box 250
Apex, NC 27502

Reference: Arden at Apex
Apex, North Carolina

Subject: Memorandum of Understanding for TIA Report

Dear Mr. Grebenschikov:

The following is a Memorandum of Understanding (MOU) outlining the proposed scope of work and assumptions related to the Traffic Impact Analysis (TIA) for the proposed Arden at Apex mixed-use development, located at 8200 Jenks Road in Apex, North Carolina. The development is anticipated to consist of 163 adult senior homes (multifamily) and a 10,000 sq. ft. shopping center. The development is expected to be fully built-out by 2024. Access to the site is proposed via one (1) right-in / right-out driveway along Jenks Road and one (1) connection to Jenks Road and Lowell Road. Refer to the attached preliminary site plan.

Study Area

Based on coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town), the study area is proposed to consist of the following intersections:

- US 64 and Jenks Road
- US 64 and U-Turn (west of Jenks Road)
- Jenks Road and Wimberly Road
- Jenks Road and Lowell Road / Site Drive

Analysis Scenarios

All capacity analyses will be performed utilizing Synchro (Version 10.3). All study intersections will be analyzed during the weekday AM and PM peak hours under the following proposed traffic scenarios:

- 2021 Existing Traffic Conditions
- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions
- 2024 Build Traffic Conditions with Improvements

Existing Traffic Volumes

Peak hour counts were conducted at all study intersections in October of 2021, during weekday AM (7:00 to 9:00 AM) and weekday PM (4:00 to 6:00 PM) peak hours. It should be noted that during scoping it was determined that no growth rate factor for COVID-19 would be needed to adjust the traffic counts collected.

No-Build Traffic Volumes

Per coordination with NCDOT and the Town, no-build traffic volumes will be determined by projecting 2021 existing traffic volumes to 2024 using a 3% annually compounded growth rate.

It was determined through coordination with the review agencies that the following developments would be included as adjacent developments in this study:

- Alderwood
- Parks at Wimberly
- Westford

Additionally, the future roadway improvements associated with adjacent developments at the study intersections will be considered in this study.

Trip Generation

Average weekday daily and peak hour trips for the proposed site were calculated utilizing methodology contained within the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition. It should be noted that the Strip Retail Plaza land use was used to generate site trips as the proposed development is expected to have less than 40,000 sq. ft. of retail. Refer to Table 1, on the following page, for a detailed breakdown of the trip generation for the proposed development. Refer to the attachments for the ITE 11th Edition Land Use Code (LUC) breakdowns.

Table 1: Trip Generation Summary

Land Use	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Adult Senior Housing - Multifamily (252)	163 units	496	11	21	23	18
Strip Retail Plaza (822)	10,000 sq. ft.	652	17	12	39	39
Total Trips		**1,148**	**18**	**33**	**62**	**57**
Pass-By Trips: Strip Retail Plaza (34% PM)*			-	-	*-13*	*-13*
Total Primary Trips			**18**	**33**	**49**	**44**

*Pass-by percentages from LUC 820 were used for the Strip Retail Plaza land use.

It is estimated that the proposed development will generate approximately 1,148 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 51 trips (18 entering and 33 exiting) will occur during the weekday AM peak hour and 119 trips (62 entering and 57 exiting) will occur during the weekday PM peak hour.

Pass-by trips were also taken into consideration. These trips are expected to account for approximately 26 trips (13 entering and 13 exiting) during the weekday PM peak hour. It should be noted that internal capture for this proposed development is expected to be minimal; therefore, it will not be included in this study.

The total primary site trips are expected to generate 51 trips (18 entering and 33 exiting) during the weekday AM peak hour and 93 trips (49 entering and 44 exiting) during the weekday PM peak hour.

Trip Distribution

The site trips were distributed based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. A summary of the proposed site trip distribution is below:

- 50% to/from the east via US 64
- 25% to/from the west via US 64
- 25% to/from the east via Jenks Road

Refer to the attachments for the figures showing the anticipated site trip and pass-by distributions for the site.

Report

The Traffic Impact Analysis report will be prepared based on the Town and NCDOT guidelines. If you find this memorandum of understanding acceptable, please let me know so that we may include it in the TIA report. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Ramey Kemp & Associates, Inc.

Caroline Cheeves

Caroline Cheeves, PE
NC Traffic Project Manager

Attachments: Site Location Map Figure
Site Plan
2021 Existing Traffic Volumes Figure
Site Trip Distribution Figure
Pass-By Trip Distribution Figure
Count Information
11th Edition Trip Generation Information



N

LEGEND

- Proposed Site Location
- Study Intersection
- Study Area

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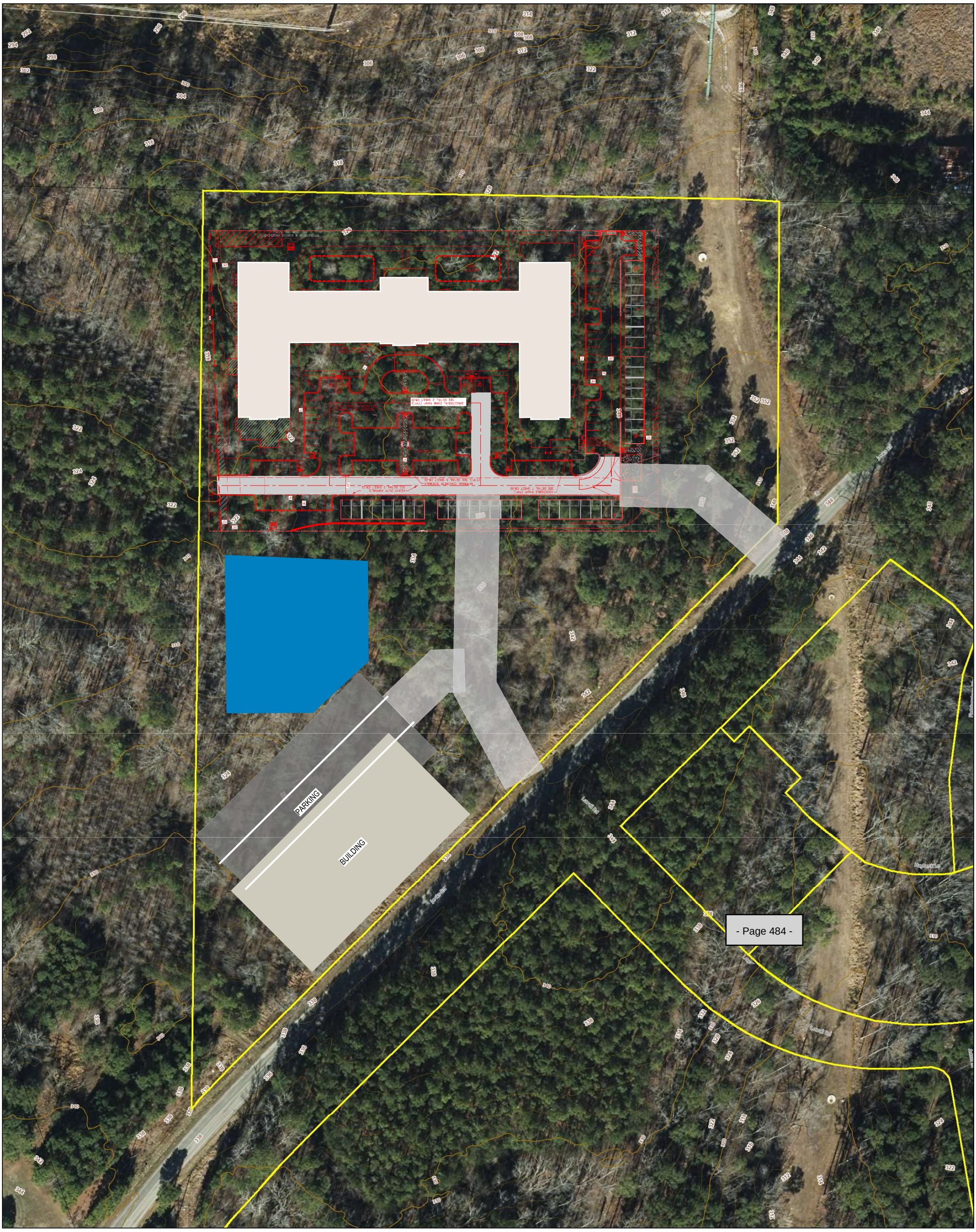


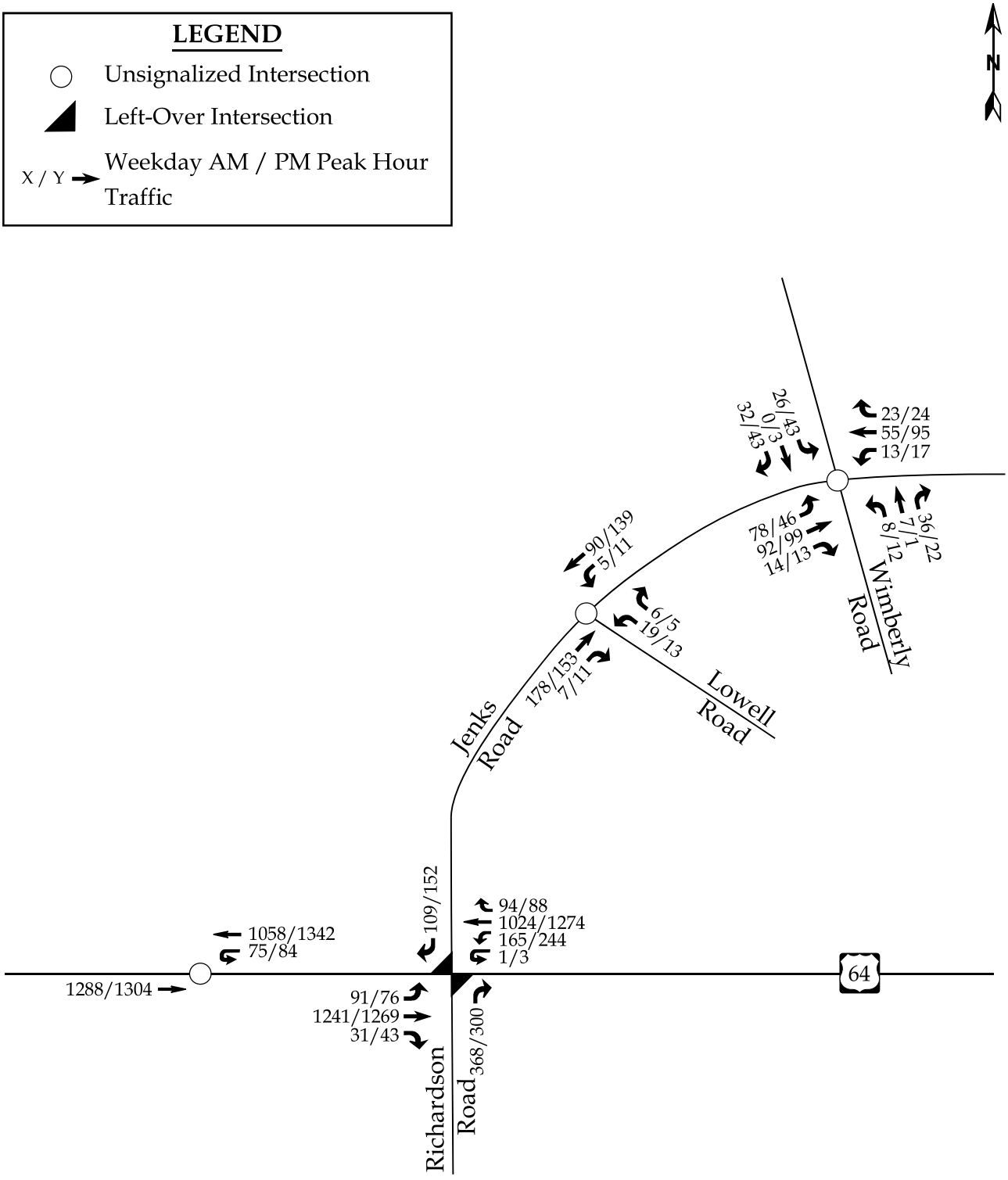
N

0 55 110 220 ft

1 inch = 50 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.



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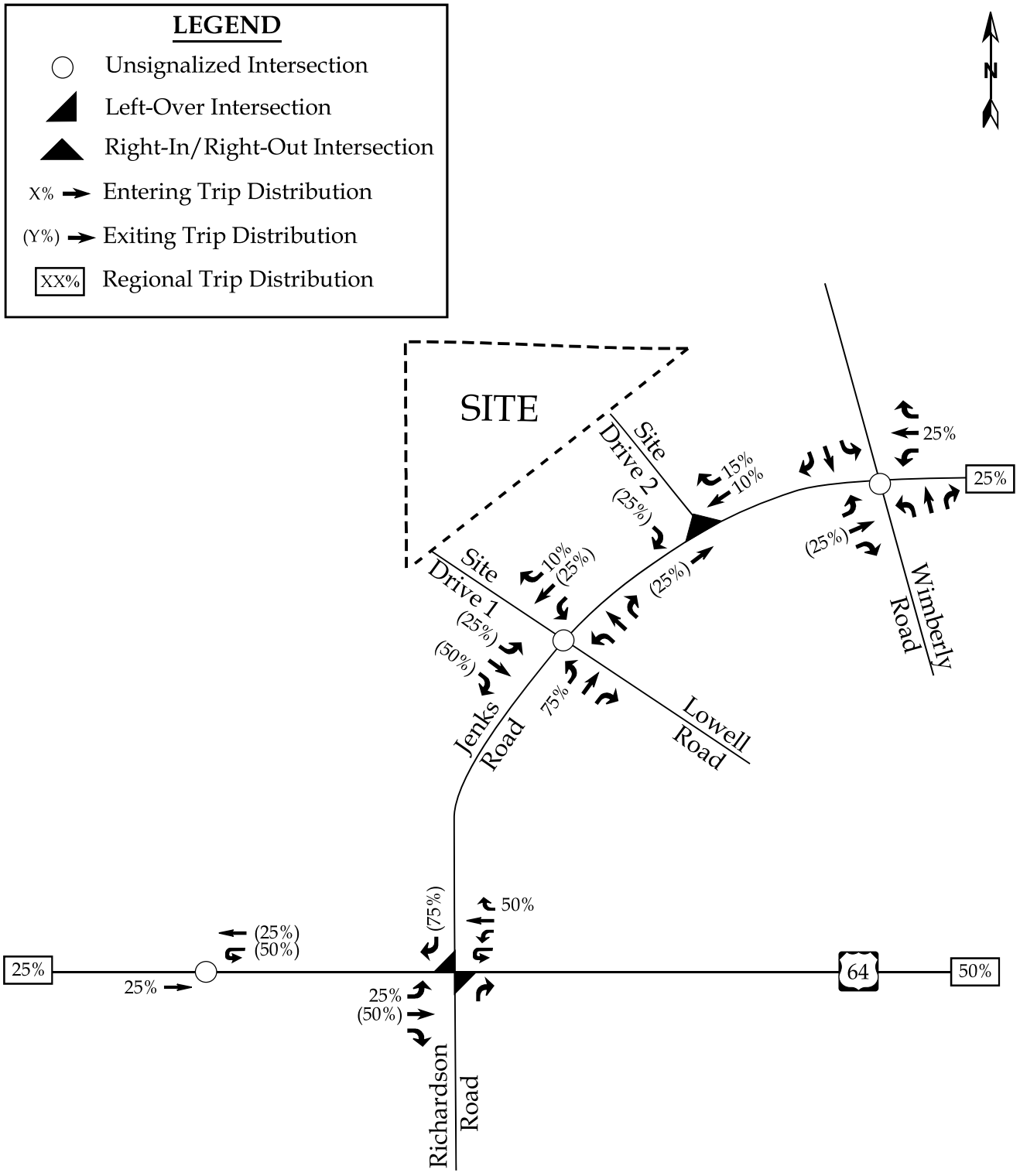
Apex, NC

2021 Existing
Peak Hour Traffic

Scale: Not to Scale | Figure 4



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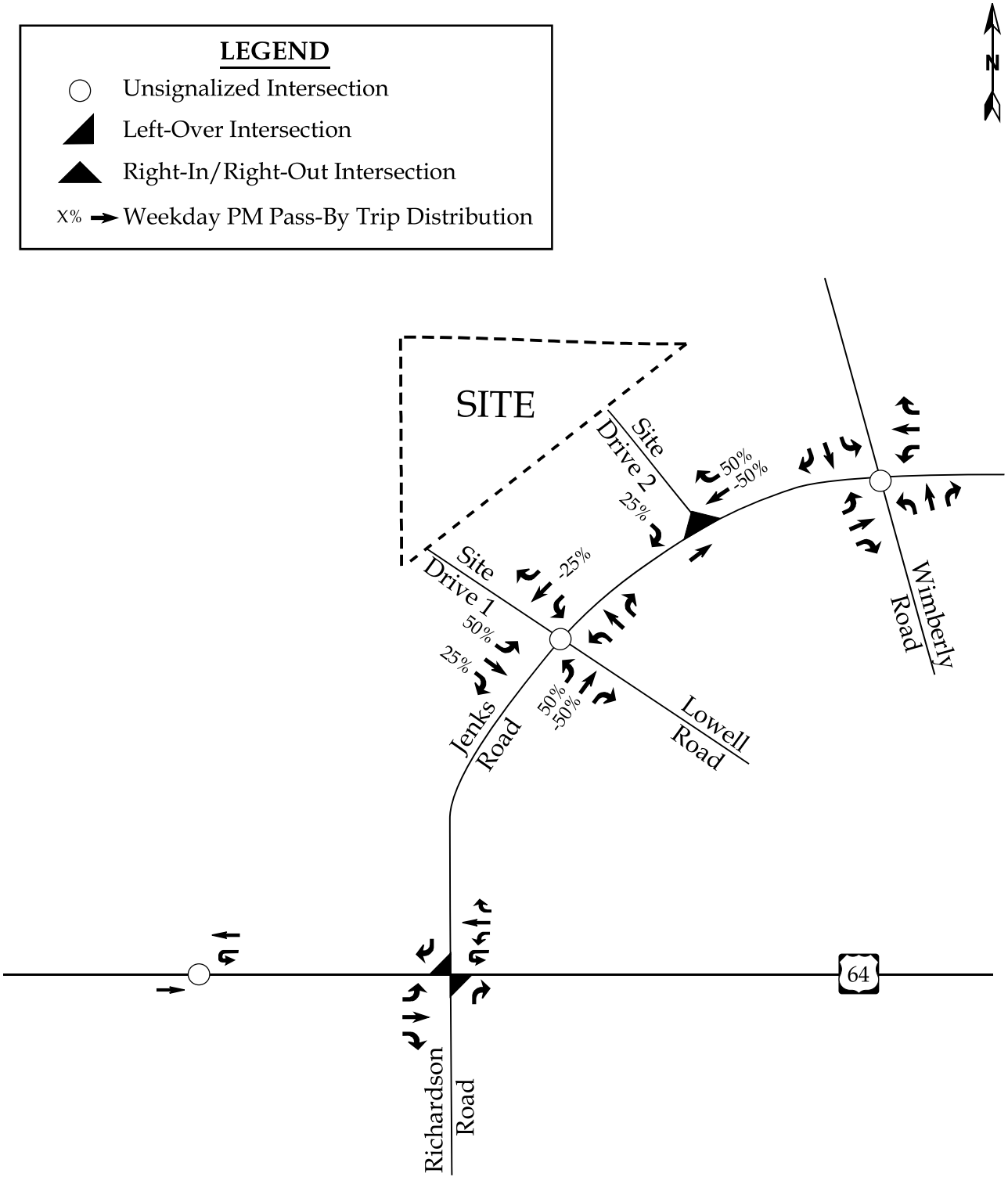
Arden at Apex Apex, NC	Site Trip Distribution	
	Scale: Not to Scale	Figure 8



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Arden at Apex
Apex, NC

Pass-By Site
Trip Distribution

Scale: Not to Scale | Figure 10



File Name : Apex(Jenks and Wimberley)AM Peak
Site Code :
Start Date : 11/1/2021
Page No : 1

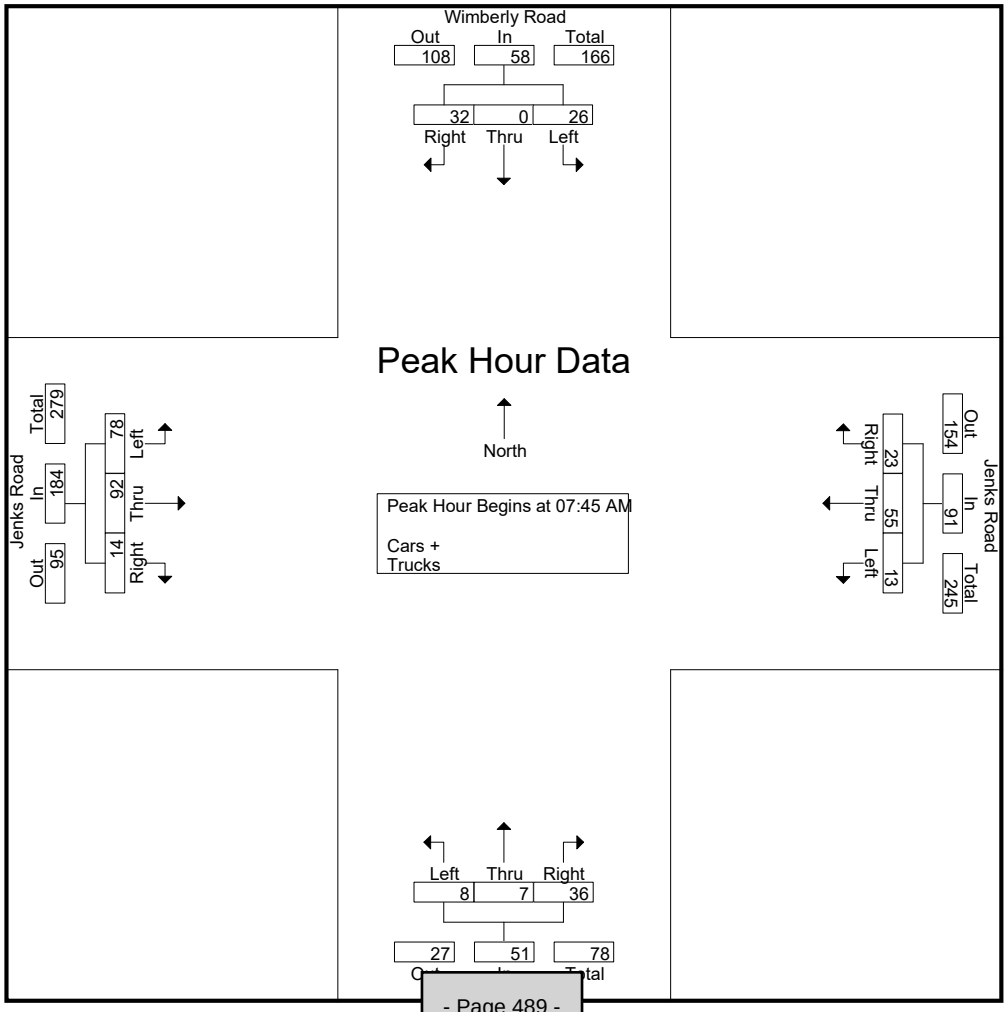
Groups Printed- Cars + - Trucks

	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
07:00 AM	2	0	7	9	4	6	1	11	12	3	2	17	0	18	18	36	73
07:15 AM	11	0	10	21	2	9	2	13	11	2	1	14	1	24	12	37	85
07:30 AM	12	0	9	21	4	4	0	8	4	0	1	5	1	35	13	49	83
07:45 AM	8	0	7	15	4	8	5	17	4	1	1	6	4	17	25	46	84
Total	33	0	33	66	14	27	8	49	31	6	5	42	6	94	68	168	325
08:00 AM	9	0	4	13	8	14	2	24	6	1	1	8	4	36	20	60	105
08:15 AM	9	0	4	13	6	18	3	27	8	2	1	11	4	18	12	34	85
08:30 AM	6	0	11	17	5	15	3	23	18	3	5	26	2	21	21	44	110
08:45 AM	9	1	9	19	4	8	3	15	8	0	2	10	0	22	17	39	83
Total	33	1	28	62	23	55	11	89	40	6	9	55	10	97	70	177	383
Grand Total	66	1	61	128	37	82	19	138	71	12	14	97	16	191	138	345	708
Apprch %	51.6	0.8	47.7		26.8	59.4	13.8		73.2	12.4	14.4		4.6	55.4	40		
Total %	9.3	0.1	8.6	18.1	5.2	11.6	2.7	19.5	10	1.7	2	13.7	2.3	27	19.5	48.7	
Cars +	64	1	60	125	36	74	19	129	71	12	10	93	16	184	130	330	677
% Cars +	97	100	98.4	97.7	97.3	90.2	100	93.5	100	100	71.4	95.9	100	96.3	94.2	95.7	95.6
Trucks	2	0	1	3	1	8	0	9	0	0	4	4	0	7	8	15	31
% Trucks	3	0	1.6	2.3	2.7	9.8	0	6.5	0	0	28.6	4.1	0	3.7	5.8	4.3	4.4

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Wimberley)AM Peak
Site Code :
Start Date : 11/1/2021
Page No : 2

	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45 AM																	
07:45 AM	8	0	7	15	4	8	**5**	17	4	1	1	6	**4**	17	**25**	46	84
08:00 AM	**9**	0	4	13	**8**	14	2	24	6	1	1	8	4	**36**	20	**60**	105
08:15 AM	9	0	4	13	6	**18**	3	**27**	8	2	1	11	4	18	12	34	85
08:30 AM	6	0	**11**	**17**	5	15	3	23	**18**	**3**	**5**	**26**	2	21	21	44	**110**
Total Volume	32	0	26	58	23	55	13	91	36	7	8	51	14	92	78	184	384
% App. Total	55.2	0	44.8		25.3	60.4	14.3		70.6	13.7	15.7		7.6	50	42.4		
PHF	.889	.000	.591	.853	.719	.764	.650	.843	.500	.583	.400	.490	.875	.639	.780	.767	.873





File Name : Apex(Jenks and Wimberley)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

Groups Printed- Cars + - Trucks

	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
04:00 PM	15	3	11	29	1	13	10	24	6	0	2	8	1	17	11	29	90
04:15 PM	16	2	8	26	6	14	7	27	6	0	1	7	0	18	7	25	85
04:30 PM	9	2	9	20	7	20	10	37	4	2	2	8	2	18	13	33	98
04:45 PM	11	1	12	24	5	25	3	33	6	1	6	13	0	21	17	38	108
Total	51	8	40	99	19	72	30	121	22	3	11	36	3	74	48	125	381
05:00 PM	13	0	11	24	6	21	3	30	4	0	2	6	4	32	11	47	107
05:15 PM	14	0	9	23	4	23	2	29	7	0	2	9	3	26	8	37	98
05:30 PM	5	2	11	18	9	20	9	38	5	0	2	7	6	20	10	36	99
05:45 PM	11	1	9	21	8	19	5	32	9	0	0	9	2	19	6	27	89
Total	43	3	40	86	27	83	19	129	25	0	6	31	15	97	35	147	393
Grand Total	94	11	80	185	46	155	49	250	47	3	17	67	18	171	83	272	774
Apprch %	50.8	5.9	43.2		18.4	62	19.6		70.1	4.5	25.4		6.6	62.9	30.5		
Total %	12.1	1.4	10.3	23.9	5.9	20	6.3	32.3	6.1	0.4	2.2	8.7	2.3	22.1	10.7	35.1	
Cars +	94	11	80	185	46	155	49	250	47	3	17	67	18	170	83	271	773
% Cars +	100	100	100	100	100	100	100	100	100	100	100	100	100	99.4	100	99.6	99.9
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
% Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0.6	0	0.4	0.1

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Wimberley)PM Peak
Site Code :
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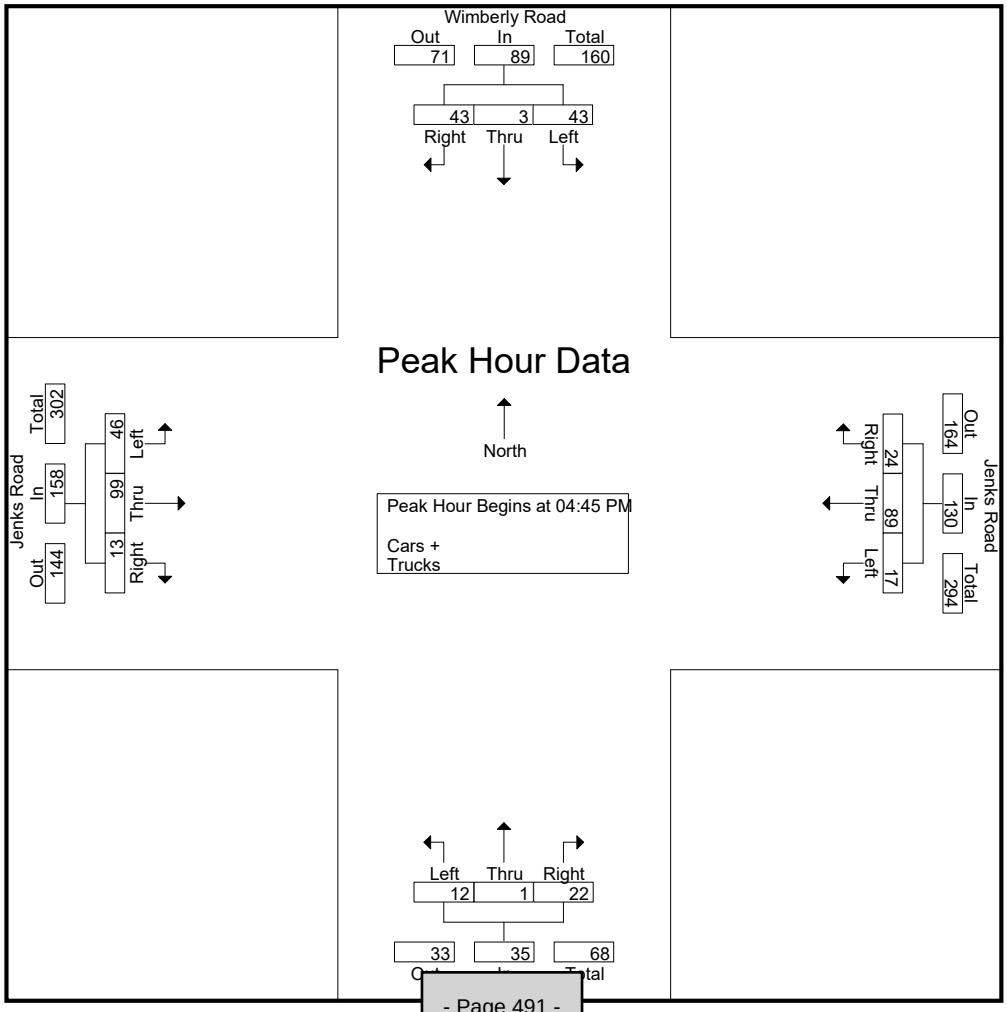
	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 04:45 PM																	
04:45 PM	11	1	**12**	**24**	5	**25**	3	33	6	**1**	**6**	**13**	0	21	**17**	38	**108**
05:00 PM	13	0	11	24	6	21	3	30	4	0	2	6	4	**32**	11	**47**	107
05:15 PM	**14**	0	9	23	4	23	2	29	**7**	0	2	9	3	26	8	37	98
05:30 PM	5	**2**	11	18	**9**	20	**9**	**38**	5	0	2	7	**6**	20	10	36	99
Total Volume	43	3	43	89	24	89	17	130	22	1	12	35	13	99	46	158	412
% App. Total	48.3	3.4	48.3		18.5	68.5	13.1		62.9	2.9	34.3		8.2	62.7	29.1		
PHF	.768	.375	.896	.927	.667	.890	.472	.855	.786	.250	.500	.673	.542	.773	.676	.840	.954





File Name : Apex(US 64 and Jenks)AM Peak
Site Code :
Start Date : 10/28/2021
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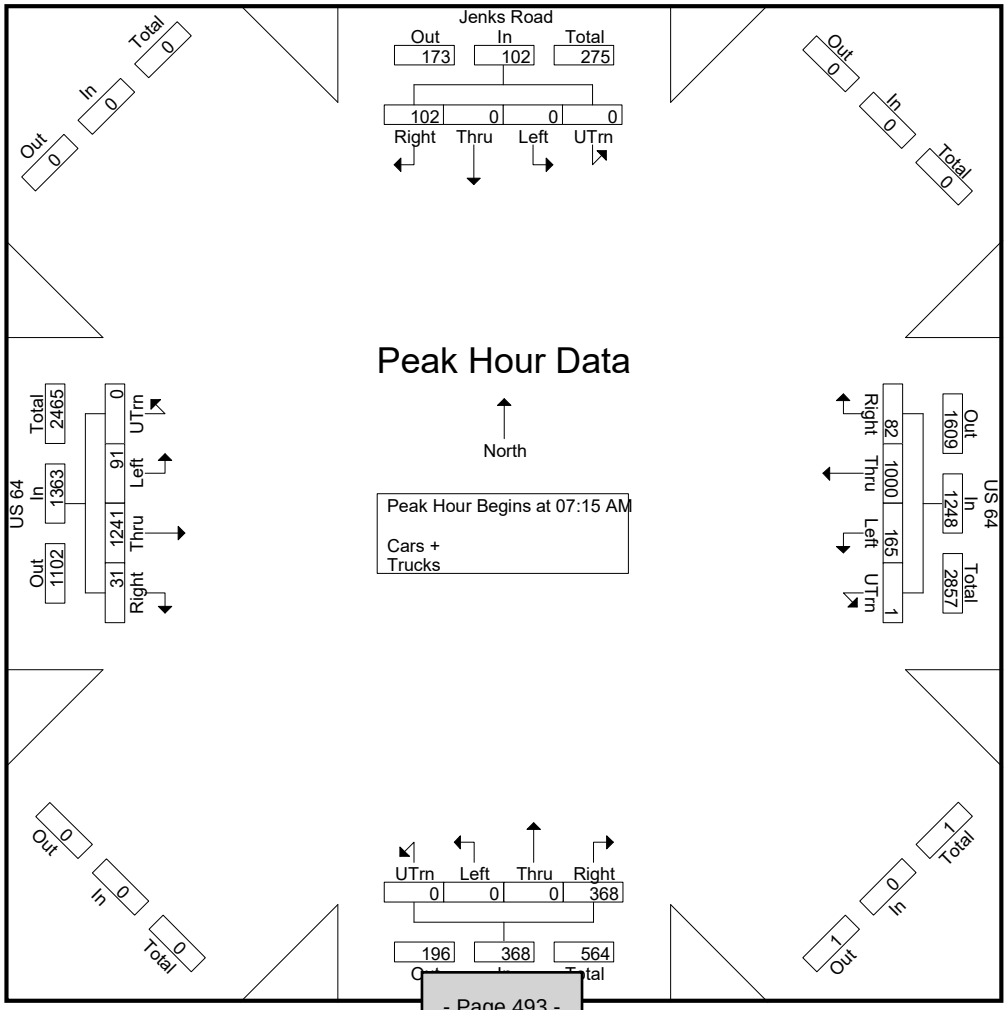
Groups Printed- Cars + - Trucks

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
07:00 AM	19	0	0	0	19	19	225	33	0	277	74	0	0	0	74	4	253	15	0	272	642
07:15 AM	29	0	0	0	29	21	218	30	0	269	98	0	0	0	98	6	307	26	0	339	735
07:30 AM	22	0	0	0	22	14	253	36	1	304	106	0	0	0	106	6	341	21	0	368	800
07:45 AM	24	0	0	0	24	21	239	46	0	306	84	0	0	0	84	8	289	26	0	323	737
Total	94	0	0	0	94	75	935	145	1	1156	362	0	0	0	362	24	1190	88	0	1302	2914
08:00 AM	27	0	0	0	27	26	290	53	0	369	80	0	0	0	80	11	304	18	0	333	809
08:15 AM	33	0	0	0	33	12	238	47	2	299	71	0	0	0	71	16	276	26	0	318	721
08:30 AM	30	0	0	0	30	18	246	49	0	313	96	0	0	0	96	8	285	20	0	313	752
08:45 AM	29	0	0	0	29	18	267	45	0	330	90	0	0	0	90	7	263	16	0	286	735
Total	119	0	0	0	119	74	1041	194	2	1311	337	0	0	0	337	42	1128	80	0	1250	3017
Grand Total	213	0	0	0	213	149	1976	339	3	2467	699	0	0	0	699	66	2318	168	0	2552	5931
Apprch %	100	0	0	0		6	80.1	13.7	0.1		100	0	0	0		2.6	90.8	6.6	0		
Total %	3.6	0	0	0	3.6	2.5	33.3	5.7	0.1	41.6	11.8	0	0	0	11.8	1.1	39.1	2.8	0	43	
Cars +	211	0	0	0	211	137	1890	328	3	2358	697	0	0	0	697	66	2225	164	0	2455	5721
% Cars +	99.1	0	0	0	99.1	91.9	95.6	96.8	100	95.6	99.7	0	0	0	99.7	100	96	97.6	0	96.2	96.5
Trucks	2	0	0	0	2	12	86	11	0	109	2	0	0	0	2	0	93	4	0	97	210
% Trucks	0.9	0	0	0	0.9	8.1	4.4	3.2	0	4.4	0.3	0	0	0	0.3	0	4	2.4	0	3.8	3.5

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)AM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	**29**	0	0	0	**29**	21	218	30	0	269	98	0	0	0	98	6	307	**26**	0	339	735
07:30 AM	22	0	0	0	22	14	253	36	**1**	304	**106**	0	0	0	**106**	6	**341**	21	0	**368**	800
07:45 AM	24	0	0	0	24	21	239	46	0	306	84	0	0	0	84	8	289	26	0	323	737
08:00 AM	27	0	0	0	27	**26**	**290**	**53**	0	**369**	80	0	0	0	80	**11**	304	18	0	333	**809**
Total Volume	102	0	0	0	102	82	1000	165	1	1248	368	0	0	0	368	31	1241	91	0	1363	3081
% App. Total	100	0	0	0		6.6	80.1	13.2	0.1		100	0	0	0		2.3	91	6.7	0		
PHF	.879	.000	.000	.000	.879	.788	.862	.778	.250	.846	.868	.000	.000	.000	.868	.705	.910	.875	.000	.926	.952





File Name : Apex(US 64 and Jenks)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

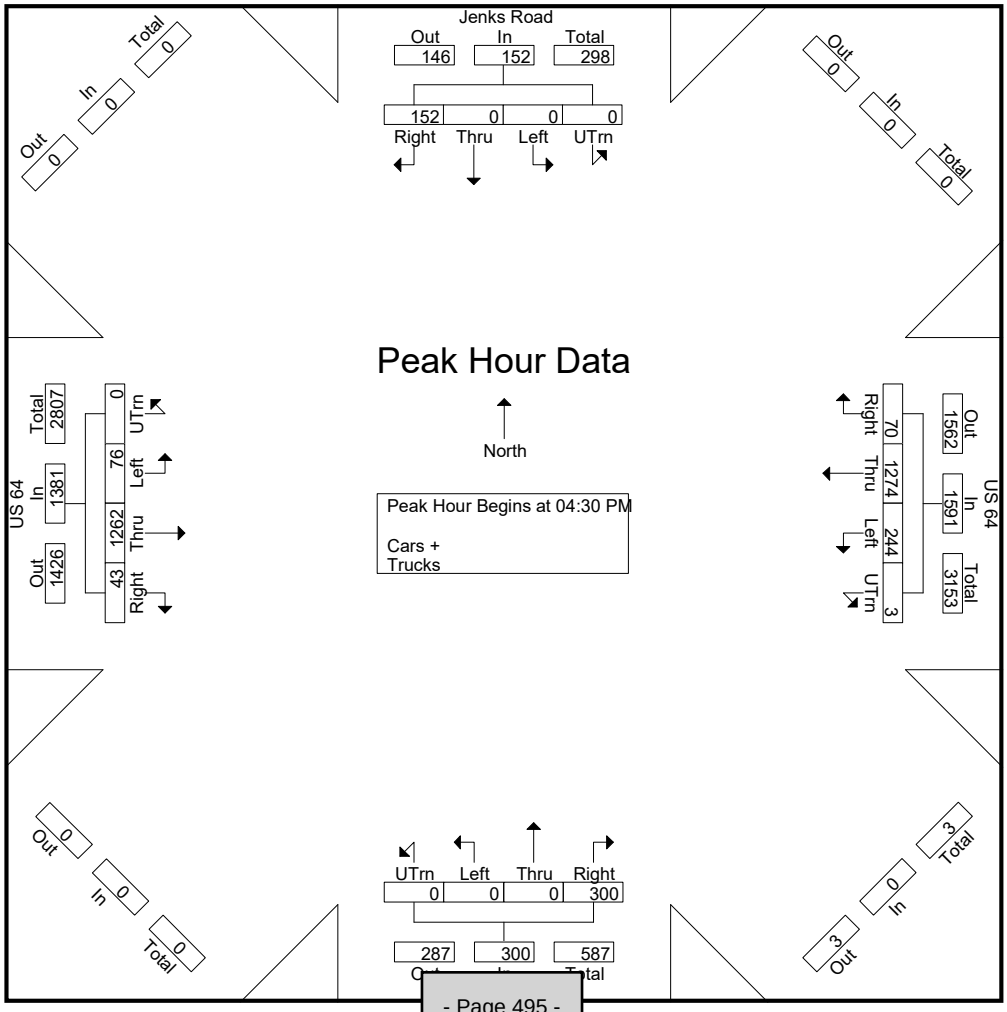
Groups Printed- Cars + - Trucks

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
04:00 PM	35	0	0	0	35	12	302	56	0	370	50	0	0	0	50	6	237	18	0	261	716
04:15 PM	36	0	0	0	36	18	341	50	0	409	64	0	0	0	64	12	312	17	0	341	850
04:30 PM	35	0	0	0	35	14	318	62	0	394	75	0	0	0	75	11	292	19	0	322	826
04:45 PM	41	0	0	0	41	19	295	63	2	379	69	0	0	0	69	17	355	16	0	388	877
Total	147	0	0	0	147	63	1256	231	2	1552	258	0	0	0	258	46	1196	70	0	1312	3269
05:00 PM	40	0	0	0	40	19	315	58	1	393	90	0	0	0	90	4	316	17	0	337	860
05:15 PM	36	0	0	0	36	18	346	61	0	425	66	0	0	0	66	11	299	24	0	334	861
05:30 PM	25	0	0	0	25	20	293	61	2	376	57	0	0	0	57	12	271	15	0	298	756
05:45 PM	36	0	0	0	36	13	287	55	0	355	61	0	0	0	61	5	281	15	0	301	753
Total	137	0	0	0	137	70	1241	235	3	1549	274	0	0	0	274	32	1167	71	0	1270	3230
Grand Total	284	0	0	0	284	133	2497	466	5	3101	532	0	0	0	532	78	2363	141	0	2582	6499
Apprch %	100	0	0	0		4.3	80.5	15	0.2		100	0	0	0		3	91.5	5.5	0		
Total %	4.4	0	0	0	4.4	2	38.4	7.2	0.1	47.7	8.2	0	0	0	8.2	1.2	36.4	2.2	0	39.7	
Cars +	282	0	0	0	282	132	2456	465	5	3058	529	0	0	0	529	78	2309	141	0	2528	6397
% Cars +	99.3	0	0	0	99.3	99.2	98.4	99.8	100	98.6	99.4	0	0	0	99.4	100	97.7	100	0	97.9	98.4
Trucks	2	0	0	0	2	1	41	1	0	43	3	0	0	0	3	0	54	0	0	54	102
% Trucks	0.7	0	0	0	0.7	0.8	1.6	0.2	0	1.4	0.6	0	0	0	0.6	0	2.3	0	0	2.1	1.6

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	35	0	0	0	35	14	318	62	0	394	75	0	0	0	75	11	292	19	0	322	826
04:45 PM	**41**	0	0	0	**41**	**19**	295	**63**	**2**	379	69	0	0	0	69	**17**	**355**	16	0	**388**	**877**
05:00 PM	40	0	0	0	40	19	315	58	1	393	**90**	0	0	0	**90**	4	316	17	0	337	860
05:15 PM	36	0	0	0	36	18	**346**	61	0	**425**	66	0	0	0	66	11	299	**24**	0	334	861
Total Volume	152	0	0	0	152	70	1274	244	3	1591	300	0	0	0	300	43	1262	76	0	1381	3424
% App. Total	100	0	0	0		4.4	80.1	15.3	0.2		100	0	0	0		3.1	91.4	5.5	0		
PHF	.927	.000	.000	.000	.927	.921	.921	.968	.375	.936	.833	.000	.000	.000	.833	.632	.889	.792	.000	.890	.976



TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)AM Peak
Site Code :
Start Date : 10/28/2021
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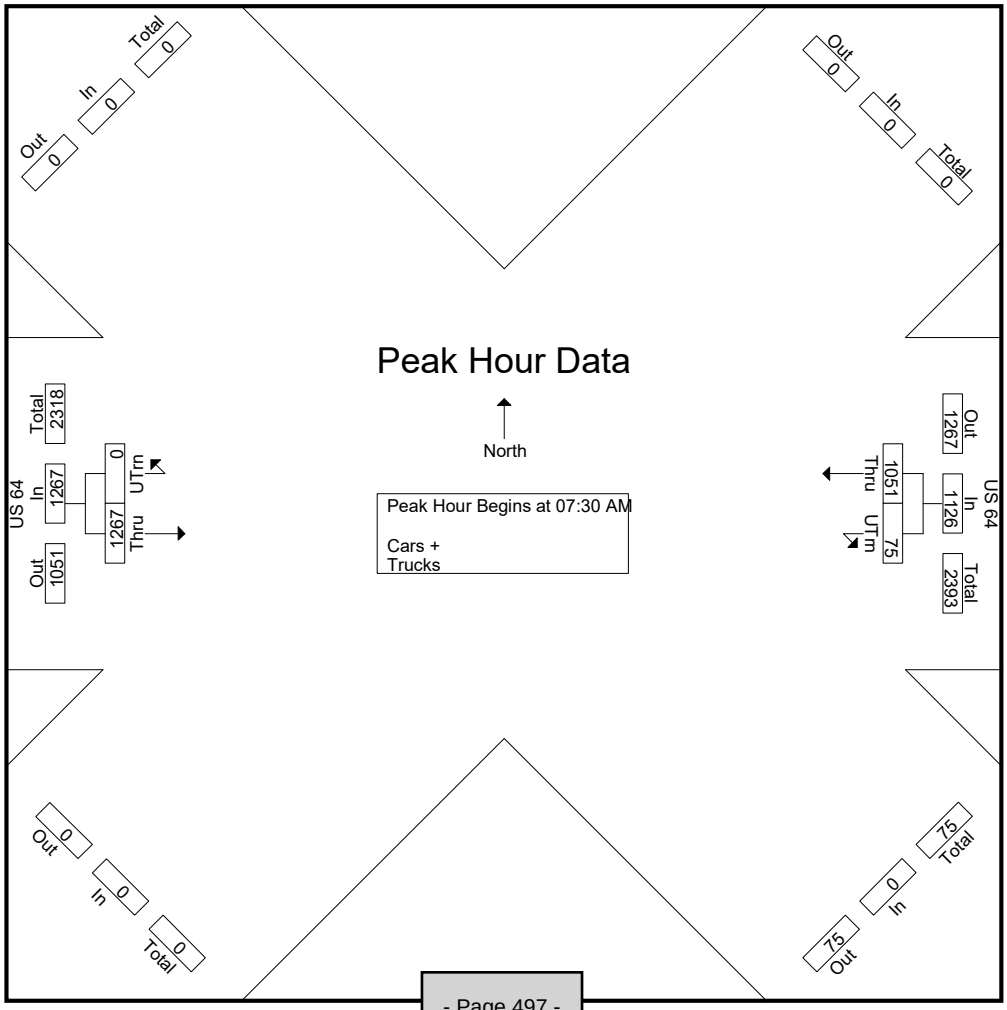
Groups Printed- Cars + - Trucks

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
07:00 AM	236	8	244	264	0	264	508
07:15 AM	227	20	247	319	0	319	566
07:30 AM	259	16	275	352	0	352	627
07:45 AM	245	18	263	305	0	305	568
Total	967	62	1029	1240	0	1240	2269
08:00 AM	292	25	317	308	0	308	625
08:15 AM	255	16	271	302	0	302	573
08:30 AM	256	20	276	293	0	293	569
08:45 AM	284	12	296	274	0	274	570
Total	1087	73	1160	1177	0	1177	2337
Grand Total	2054	135	2189	2417	0	2417	4606
Apprch %	93.8	6.2		100	0		
Total %	44.6	2.9	47.5	52.5	0	52.5	
Cars +	1969	132	2101	2323	0	2323	4424
% Cars +	95.9	97.8	96	96.1	0	96.1	96
Trucks	85	3	88	94	0	94	182
% Trucks	4.1	2.2	4	3.9	0	3.9	4

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)AM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1							
Peak Hour for Entire Intersection Begins at 07:30 AM							
07:30 AM	259	16	275	**352**	0	**352**	**627**
07:45 AM	245	18	263	305	0	305	568
08:00 AM	**292**	**25**	**317**	308	0	308	625
08:15 AM	255	16	271	302	0	302	573
Total Volume	1051	75	1126	1267	0	1267	2393
% App. Total	93.3	6.7		100	0		
PHF	.900	.750	.888	.900	.000	.900	.954



TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)PM Peak
Site Code :
Start Date : 10/28/2021
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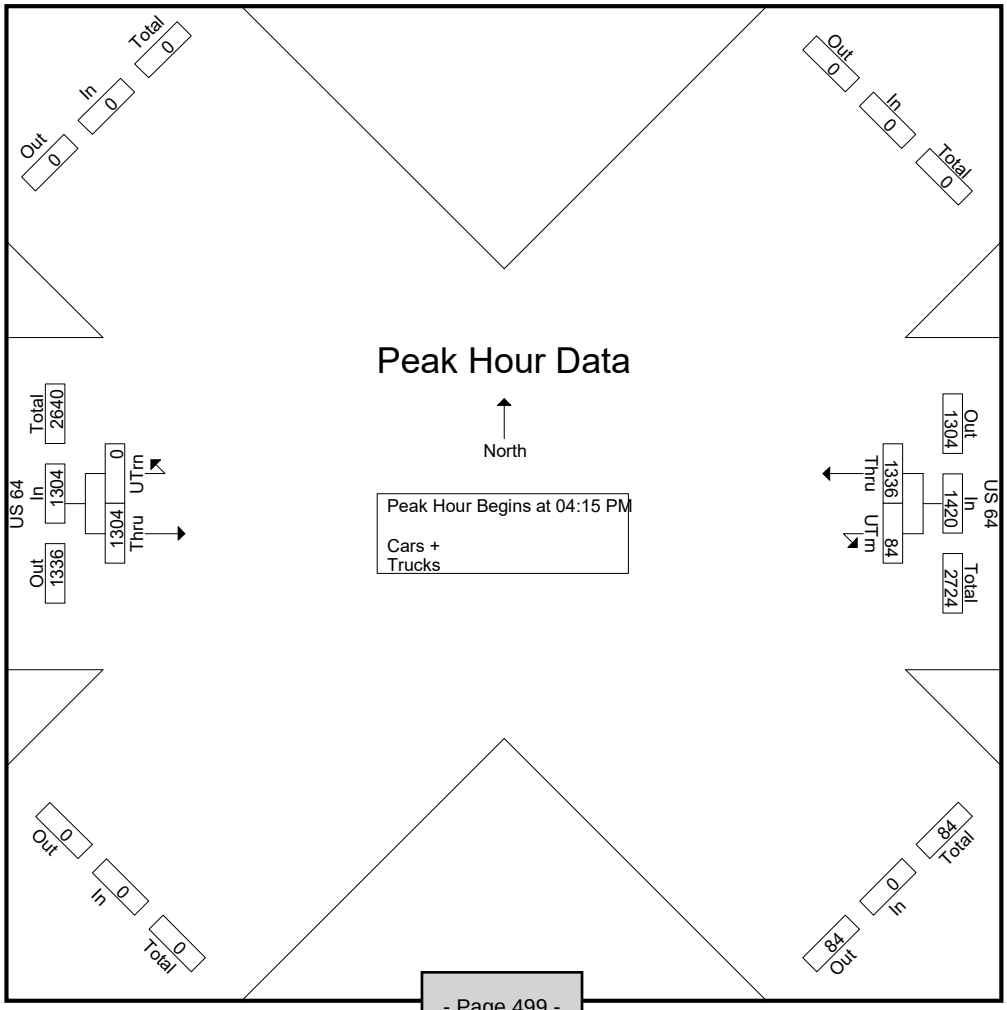
Groups Printed- Cars + - Trucks

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
04:00 PM	320	17	337	244	0	244	581
04:15 PM	359	18	377	323	0	323	700
04:30 PM	342	11	353	311	0	311	664
04:45 PM	305	31	336	357	0	357	693
Total	1326	77	1403	1235	0	1235	2638
05:00 PM	330	24	354	313	0	313	667
05:15 PM	337	25	362	309	0	309	671
05:30 PM	303	15	318	283	0	283	601
05:45 PM	306	17	323	284	0	284	607
Total	1276	81	1357	1189	0	1189	2546
Grand Total	2602	158	2760	2424	0	2424	5184
Apprch %	94.3	5.7		100	0		
Total %	50.2	3	53.2	46.8	0	46.8	
Cars +	2559	158	2717	2370	0	2370	5087
% Cars +	98.3	100	98.4	97.8	0	97.8	98.1
Trucks	43	0	43	54	0	54	97
% Trucks	1.7	0	1.6	2.2	0	2.2	1.9

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1							
Peak Hour for Entire Intersection Begins at 04:15 PM							
04:15 PM	**359**	18	**377**	323	0	323	**700**
04:30 PM	342	11	353	311	0	311	664
04:45 PM	305	**31**	336	**357**	0	**357**	693
05:00 PM	330	24	354	313	0	313	667
Total Volume	1336	84	1420	1304	0	1304	2724
% App. Total	94.1	5.9		100	0		
PHF	.930	.677	.942	.913	.000	.913	.973



TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)AM Peak
Site Code :
Start Date : 11/28/2021
Page No : 1

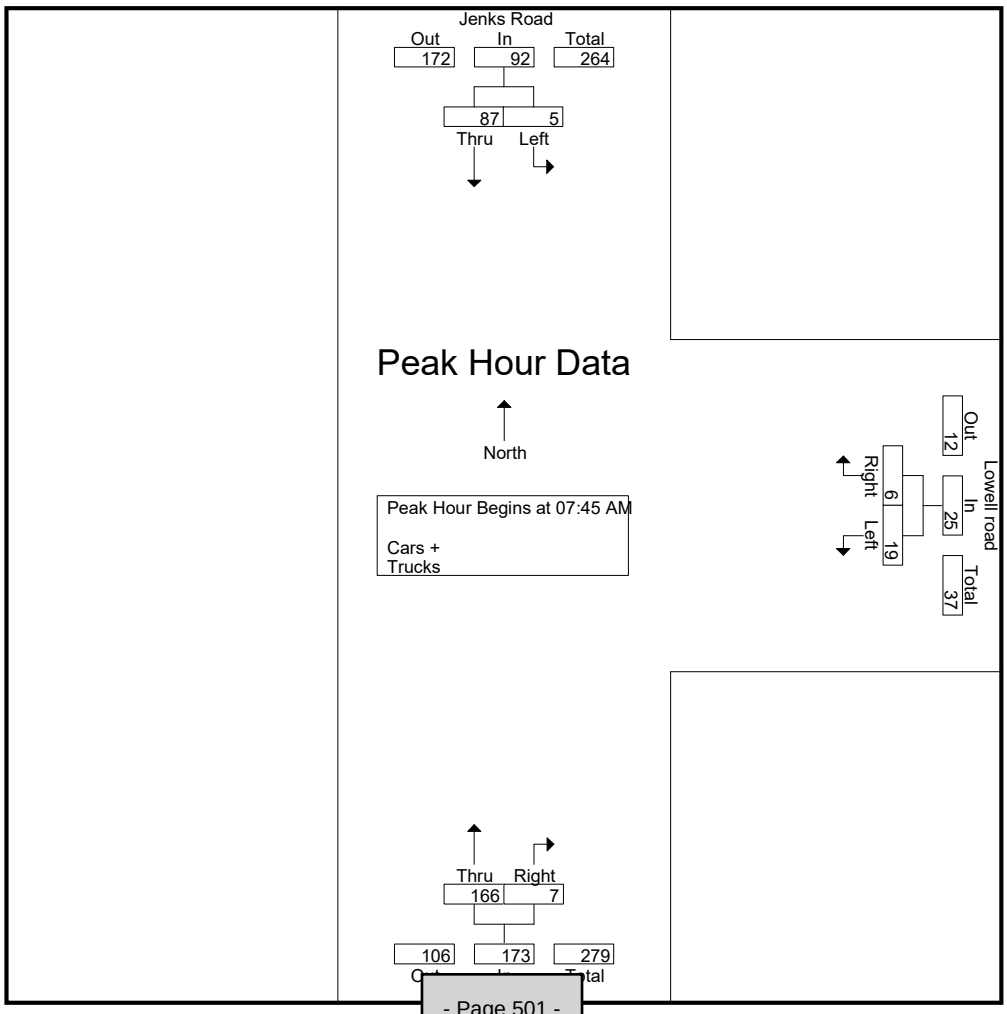
Groups Printed- Cars + - Trucks

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
07:00 AM	11	0	11	2	9	11	0	35	35	57
07:15 AM	21	1	22	2	8	10	2	37	39	71
07:30 AM	18	0	18	7	4	11	0	39	39	68
07:45 AM	17	1	18	0	5	5	2	48	50	73
Total	67	2	69	11	26	37	4	159	163	269
08:00 AM	21	3	24	2	4	6	3	41	44	74
08:15 AM	25	1	26	1	4	5	1	36	37	68
08:30 AM	24	0	24	3	6	9	1	41	42	75
08:45 AM	16	0	16	3	4	7	2	37	39	62
Total	86	4	90	9	18	27	7	155	162	279
Grand Total	153	6	159	20	44	64	11	314	325	548
Apprch %	96.2	3.8		31.2	68.8		3.4	96.6		
Total %	27.9	1.1	29	3.6	8	11.7	2	57.3	59.3	
Cars +	153	6	159	20	44	64	11	314	325	548
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)AM Peak
Site Code :
Start Date : 11/28/2021
Page No : 2

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 07:45 AM										
07:45 AM	17	1	18	0	5	5	2	**48**	**50**	73
08:00 AM	21	**3**	24	2	4	6	**3**	41	44	74
08:15 AM	**25**	1	**26**	1	4	5	1	36	37	68
08:30 AM	24	0	24	**3**	**6**	**9**	1	41	42	**75**
Total Volume	87	5	92	6	19	25	7	166	173	290
% App. Total	94.6	5.4		24	76		4	96		
PHF	.870	.417	.885	.500	.792	.694	.583	.865	.865	.967



TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

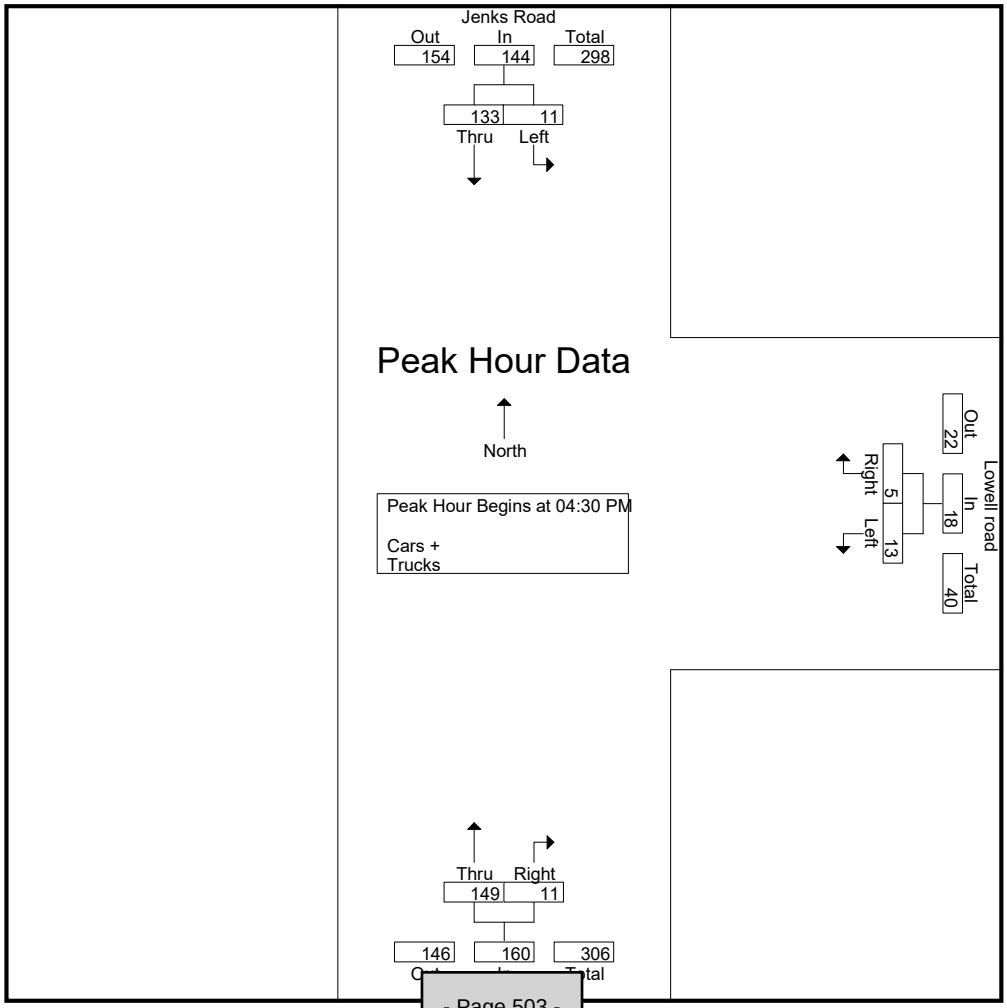
Groups Printed- Cars + - Trucks

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
04:00 PM	30	0	30	2	1	3	0	27	27	60
04:15 PM	30	2	32	1	1	2	2	25	27	61
04:30 PM	30	1	31	0	5	5	6	33	39	75
04:45 PM	35	4	39	1	3	4	0	35	35	78
Total	125	7	132	4	10	14	8	120	128	274
05:00 PM	33	2	35	2	1	3	4	45	49	87
05:15 PM	35	4	39	2	4	6	1	36	37	82
05:30 PM	24	2	26	0	1	1	2	32	34	61
05:45 PM	29	0	29	5	3	8	3	22	25	62
Total	121	8	129	9	9	18	10	135	145	292
Grand Total	246	15	261	13	19	32	18	255	273	566
Apprch %	94.3	5.7		40.6	59.4		6.6	93.4		
Total %	43.5	2.7	46.1	2.3	3.4	5.7	3.2	45.1	48.2	
Cars +	246	15	261	13	19	32	18	254	272	565
% Cars +	100	100	100	100	100	100	100	99.6	99.6	99.8
Trucks	0	0	0	0	0	0	0	1	1	1
% Trucks	0	0	0	0	0	0	0	0.4	0.4	0.2

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 04:30 PM										
04:30 PM	30	1	31	0	**5**	5	**6**	33	39	75
04:45 PM	**35**	**4**	**39**	1	3	4	0	35	35	78
05:00 PM	33	2	35	**2**	1	3	4	**45**	**49**	**87**
05:15 PM	35	4	39	2	4	**6**	1	36	37	82
Total Volume	133	11	144	5	13	18	11	149	160	322
% App. Total	92.4	7.6		27.8	72.2		6.9	93.1		
PHF	.950	.688	.923	.625	.650	.750	.458	.828	.816	.925



Land Use: 252
Senior Adult Housing—Multifamily

Description

Senior adult housing–multifamily sites are independent living developments that are called various names including retirement communities, age-restricted housing, and active adult communities. The development has a specific age restriction for its residents, typically a minimum of 55 years of age for at least one resident of the household.

Residents in these communities are typically considered active and requiring little to no medical supervision. The percentage of retired residents varies by development. The development may include amenities such as a golf course, swimming pool, 24-hour security, transportation, and common recreational facilities. They generally lack centralized dining and on-site health facilities.

The dwelling units share both floors and walls with other units in the residential building. Senior adult housing—single-family (Land Use 251), congregate care facility (Land Use 253), assisted living (Land Use 254), and continuing care retirement community (Land Use 255) are related land uses.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, and the 2000s in Alberta (CAN), California, Maryland, New Hampshire, New Jersey, Ontario (CAN), and Pennsylvania.

Source Numbers

237, 272, 576, 703, 734, 970, 1060

Senior Adult Housing - Multifamily
(252)

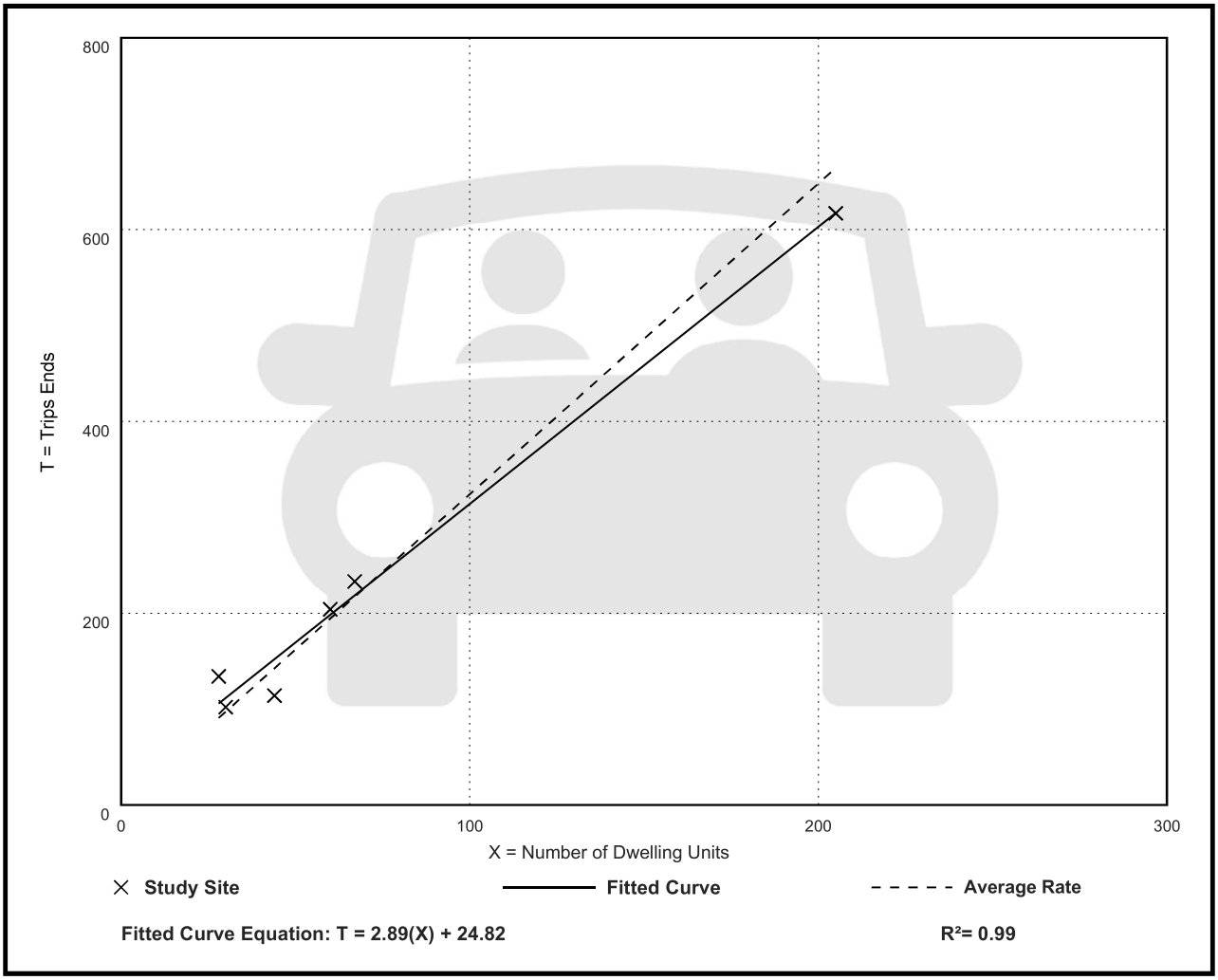
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Dwelling Units: 72
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
3.24	2.59 - 4.79	0.53

Data Plot and Equation



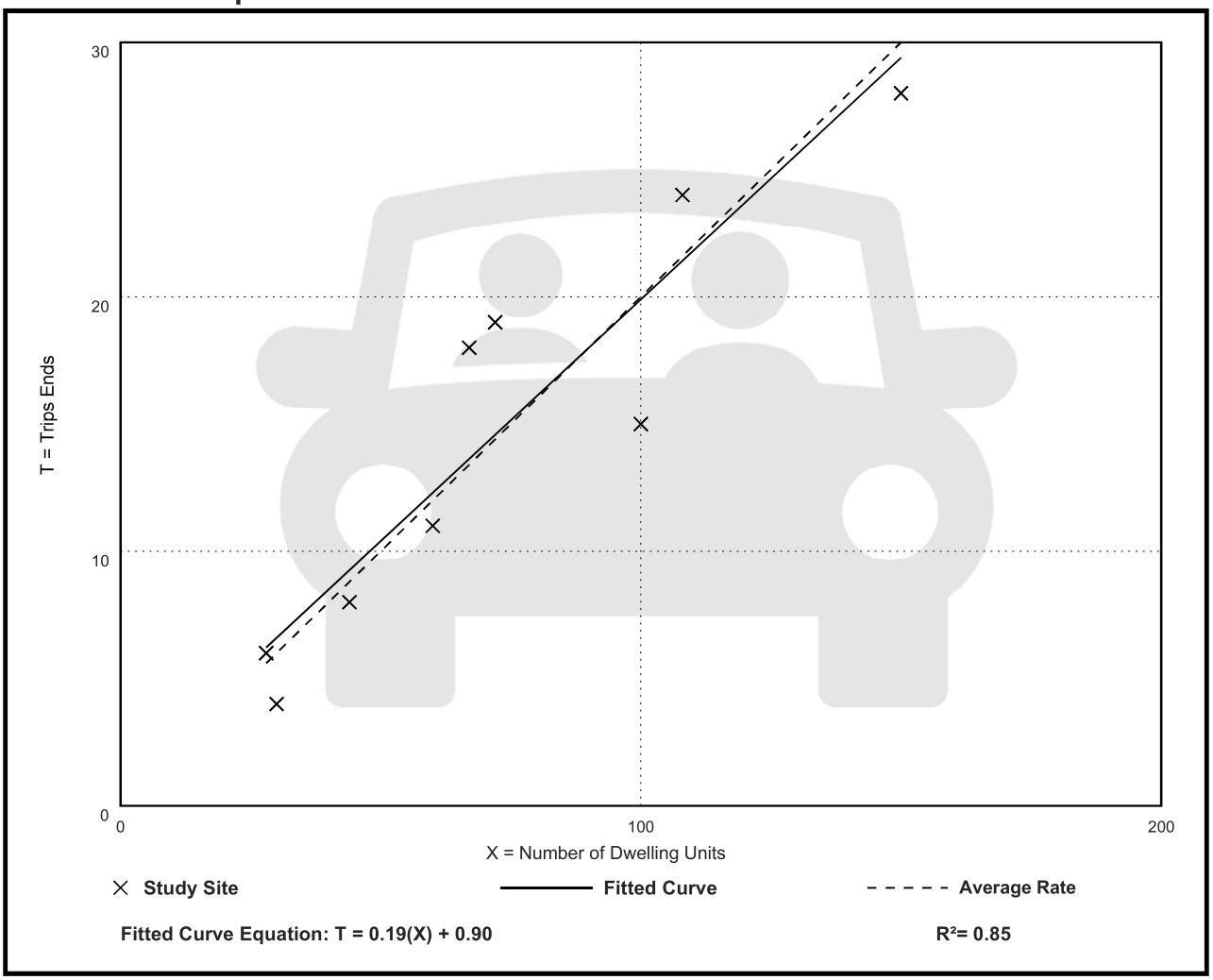
Senior Adult Housing - Multifamily
(252)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Dwelling Units: 73
Directional Distribution: 34% entering, 66% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.20	0.13 - 0.27	0.04

Data Plot and Equation



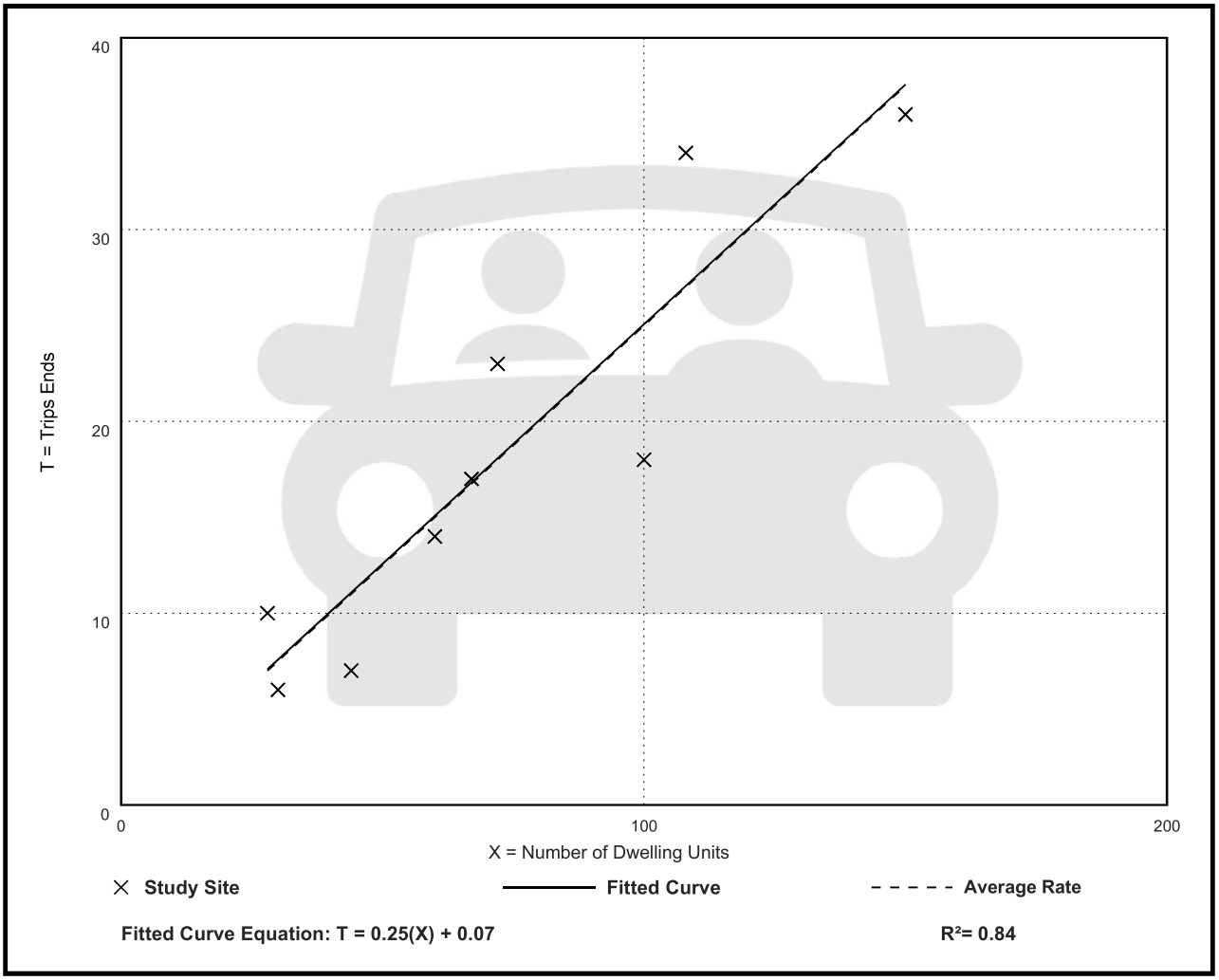
Senior Adult Housing - Multifamily
(252)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Dwelling Units: 73
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.25	0.16 - 0.36	0.06

Data Plot and Equation



Senior Adult Housing - Multifamily
(252)

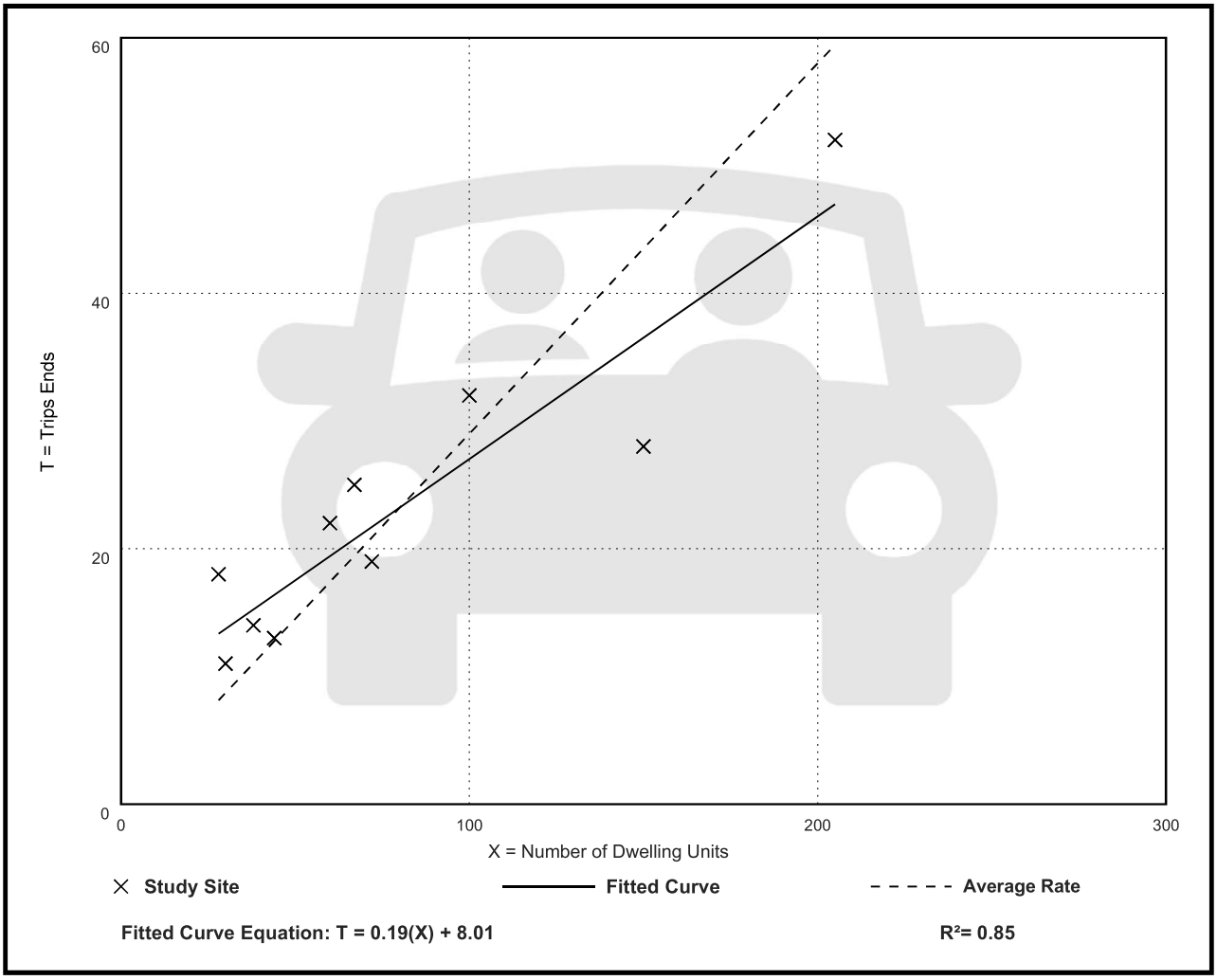
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 10
Avg. Num. of Dwelling Units: 79
Directional Distribution: 45% entering, 55% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.29	0.19 - 0.64	0.10

Data Plot and Equation



Fitted Curve Equation: T = 0.19(X) + 8.01

R^2= 0.85

Senior Adult Housing - Multifamily
(252)

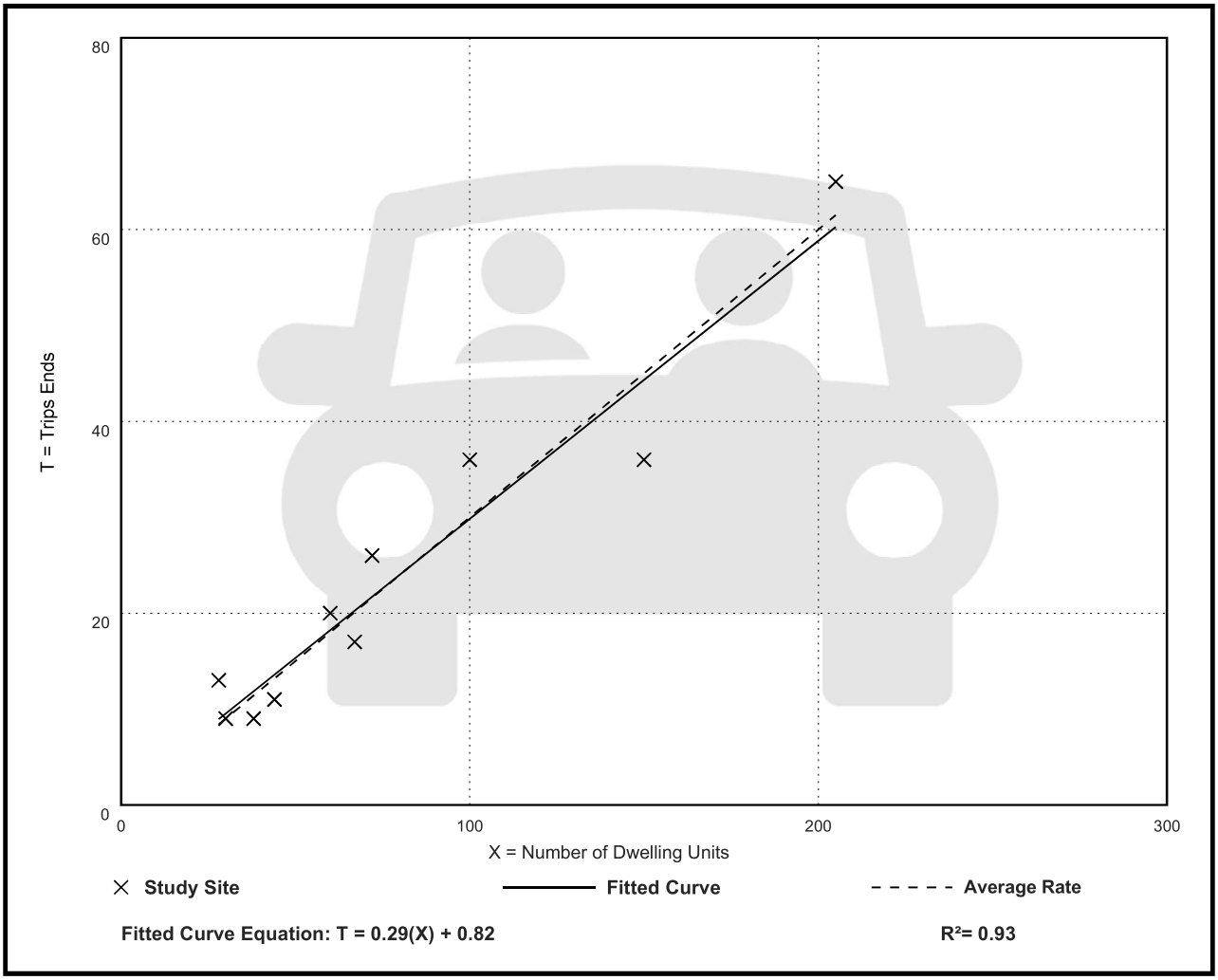
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 10
Avg. Num. of Dwelling Units: 79
Directional Distribution: 54% entering, 46% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.30	0.24 - 0.46	0.06

Data Plot and Equation



Senior Adult Housing - Multifamily
(252)

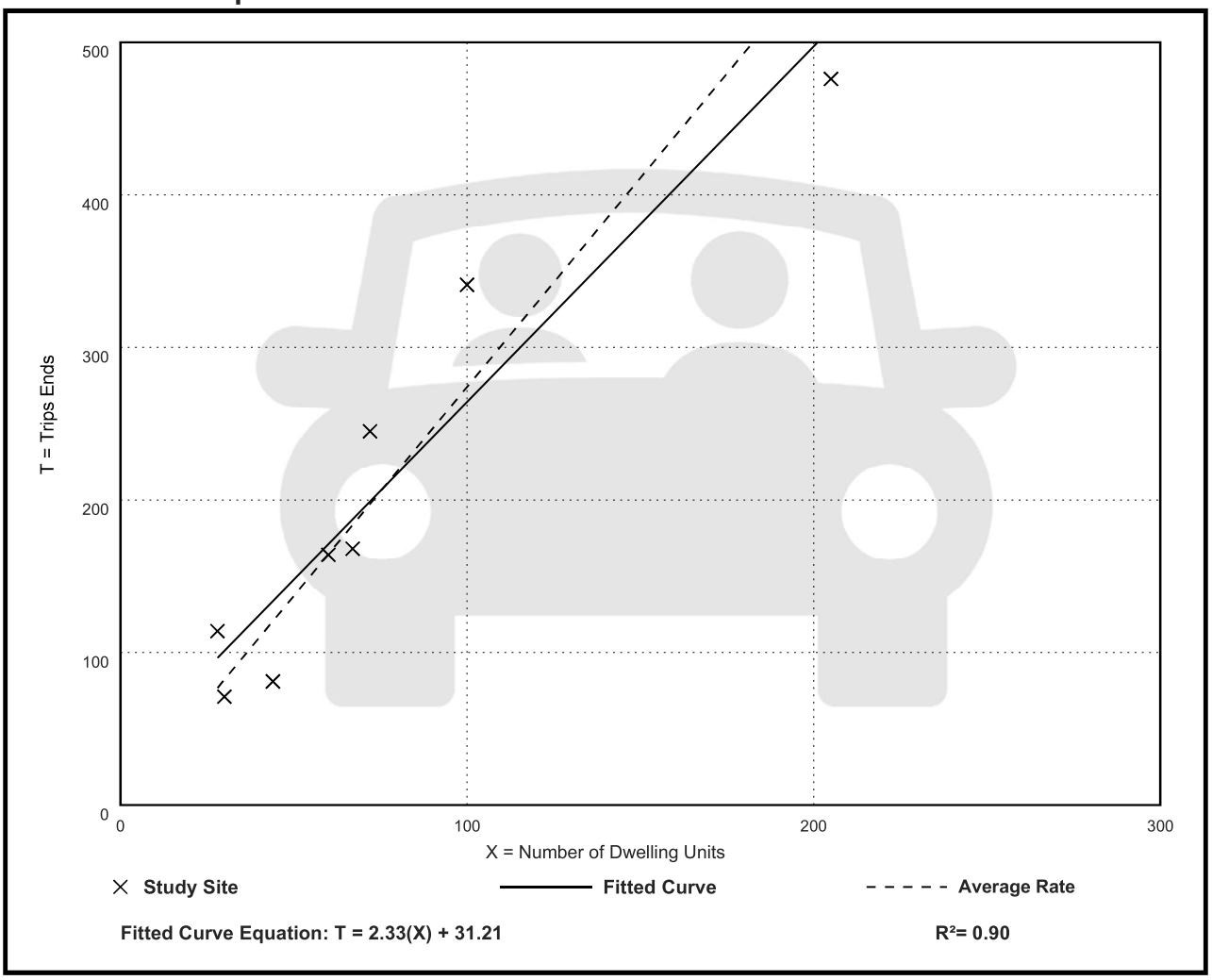
Vehicle Trip Ends vs: Dwelling Units
On a: Saturday

Setting/Location: General Urban/Suburban
Number of Studies: 8
Avg. Num. of Dwelling Units: 76
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
2.74	1.84 - 4.07	0.62

Data Plot and Equation



Senior Adult Housing - Multifamily
(252)

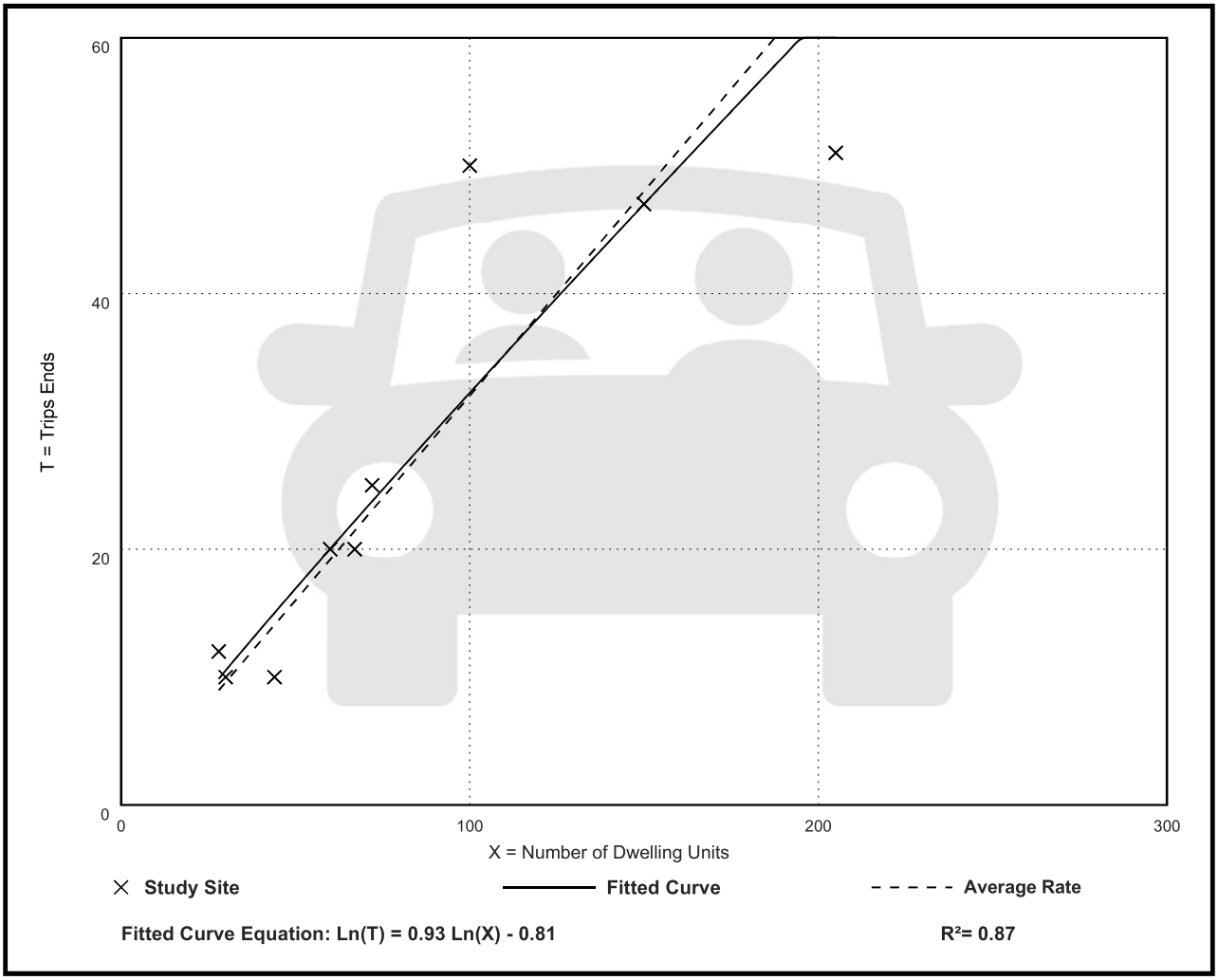
Vehicle Trip Ends vs: Dwelling Units
On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Dwelling Units: 84
Directional Distribution: 54% entering, 46% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.32	0.23 - 0.50	0.09

Data Plot and Equation



Senior Adult Housing - Multifamily (252)

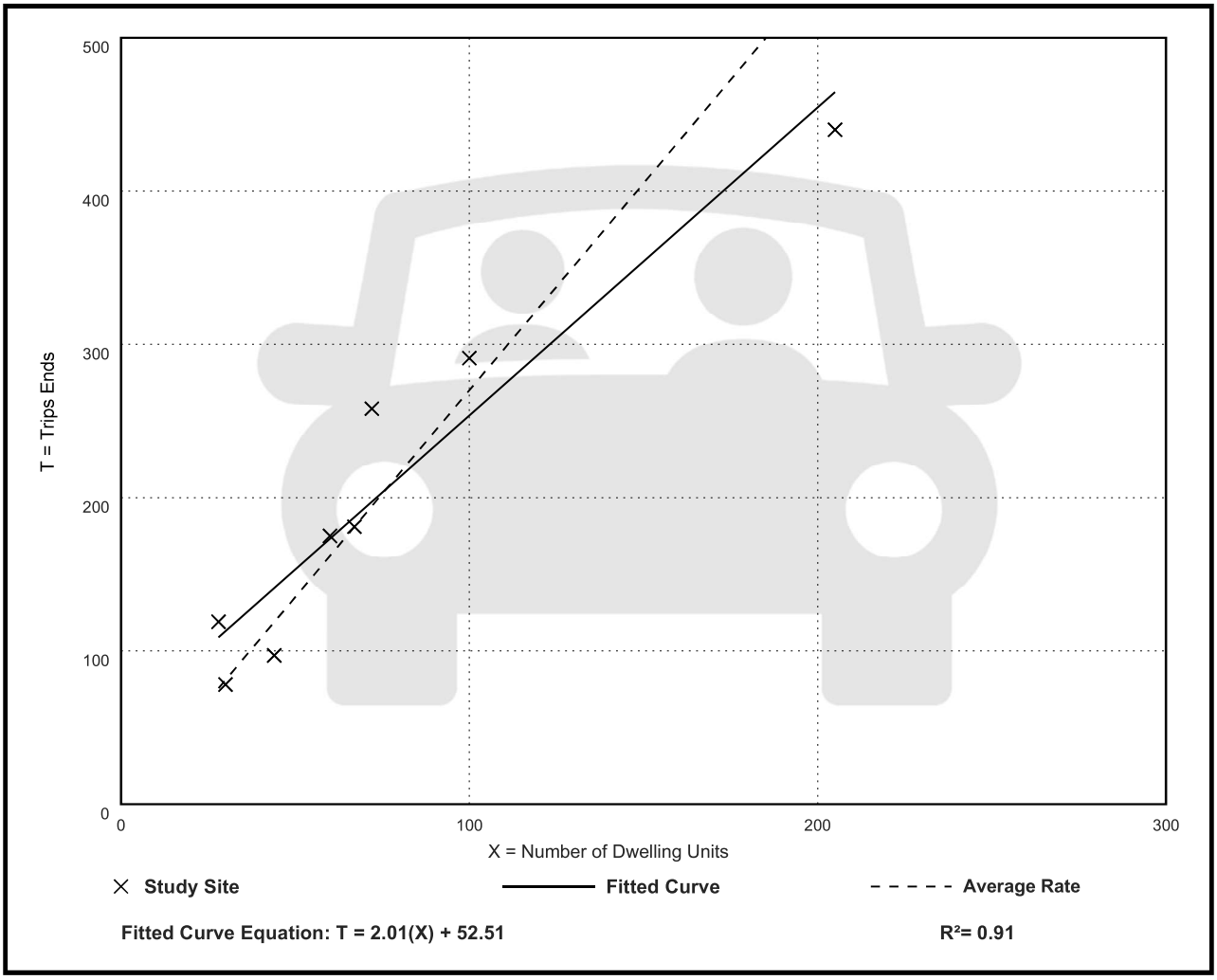
Vehicle Trip Ends vs: Dwelling Units
On a: Sunday

Setting/Location: General Urban/Suburban
Number of Studies: 8
Avg. Num. of Dwelling Units: 76
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
2.70	2.15 - 4.25	0.62

Data Plot and Equation



Fitted Curve Equation: T = 2.01(X) + 52.51

R^2= 0.91

Senior Adult Housing - Multifamily
(252)

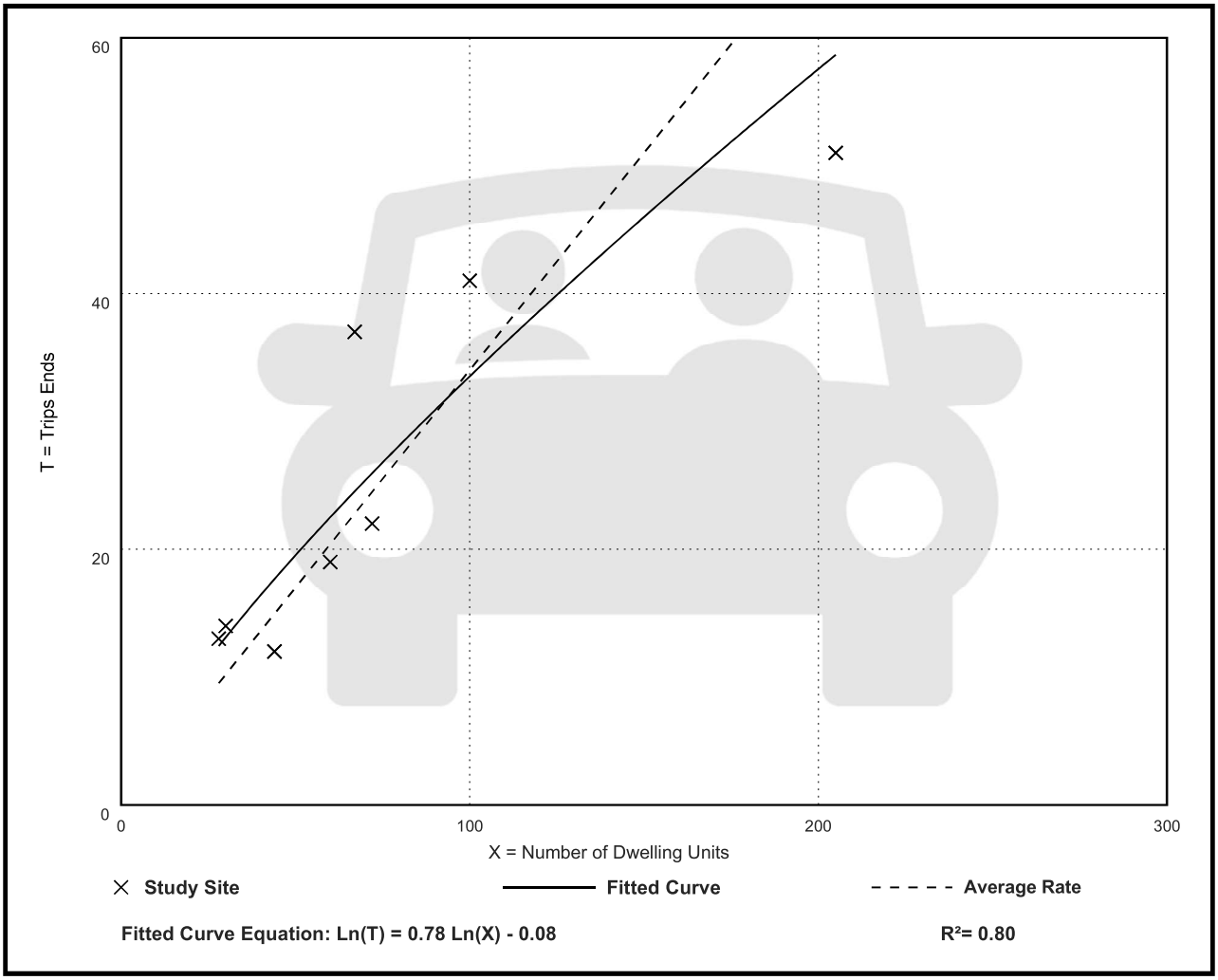
Vehicle Trip Ends vs: Dwelling Units
On a: Sunday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 8
Avg. Num. of Dwelling Units: 76
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.34	0.25 - 0.55	0.11

Data Plot and Equation



Senior Adult Housing - Multifamily
(252)

Walk+Bike+Transit Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

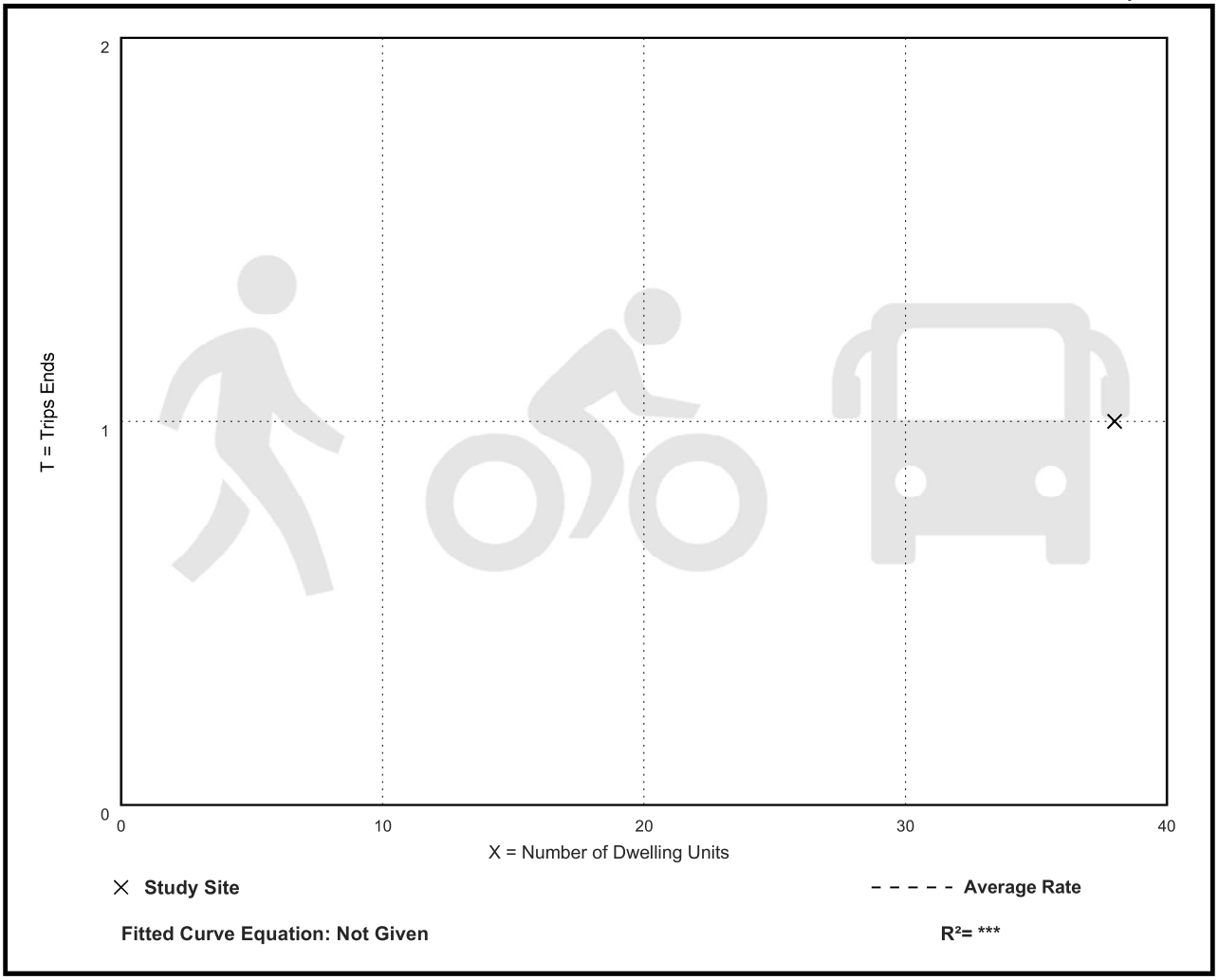
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. Num. of Dwelling Units: 38
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.03	0.03 - 0.03	***

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= ***

Senior Adult Housing - Multifamily
(252)

Walk+Bike+Transit Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

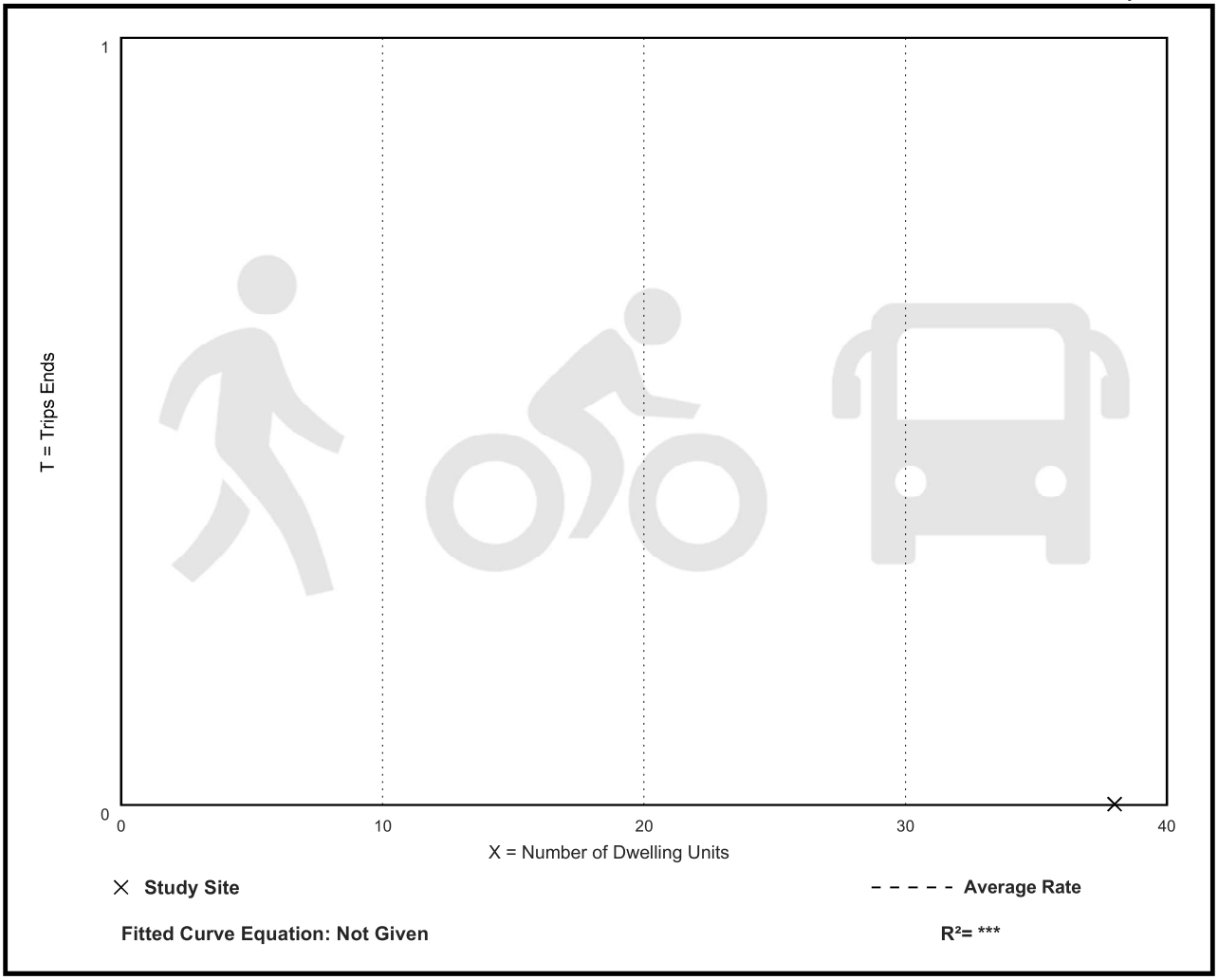
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. Num. of Dwelling Units: 38
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.00	0.00 - 0.00	***

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= *

Land Use: 822
Strip Retail Plaza (<40k)

Description

A strip retail plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has less than 40,000 square feet of gross leasable area (GLA). Because a strip retail plaza is open-air, the GLA is the same as the gross floor area of the building.

The 40,000 square feet GFA threshold between strip retail plaza and shopping plaza (Land Use 821) was selected based on an examination of the overall shopping center/plaza database. No shopping plaza with a supermarket as its anchor is smaller than 40,000 square feet GLA.

Shopping center (>150k) (Land use 820), shopping plaza (40-150k) (Land Use 821), and factory outlet center (Land Use 823) are related uses.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Delaware, Florida, New Jersey, Ontario (CAN), South Dakota, Vermont, Washington, and Wisconsin.

Source Numbers

304, 358, 423, 428, 437, 507, 715, 728, 936, 960, 961, 974, 1009

Strip Retail Plaza (<40k)
(822)

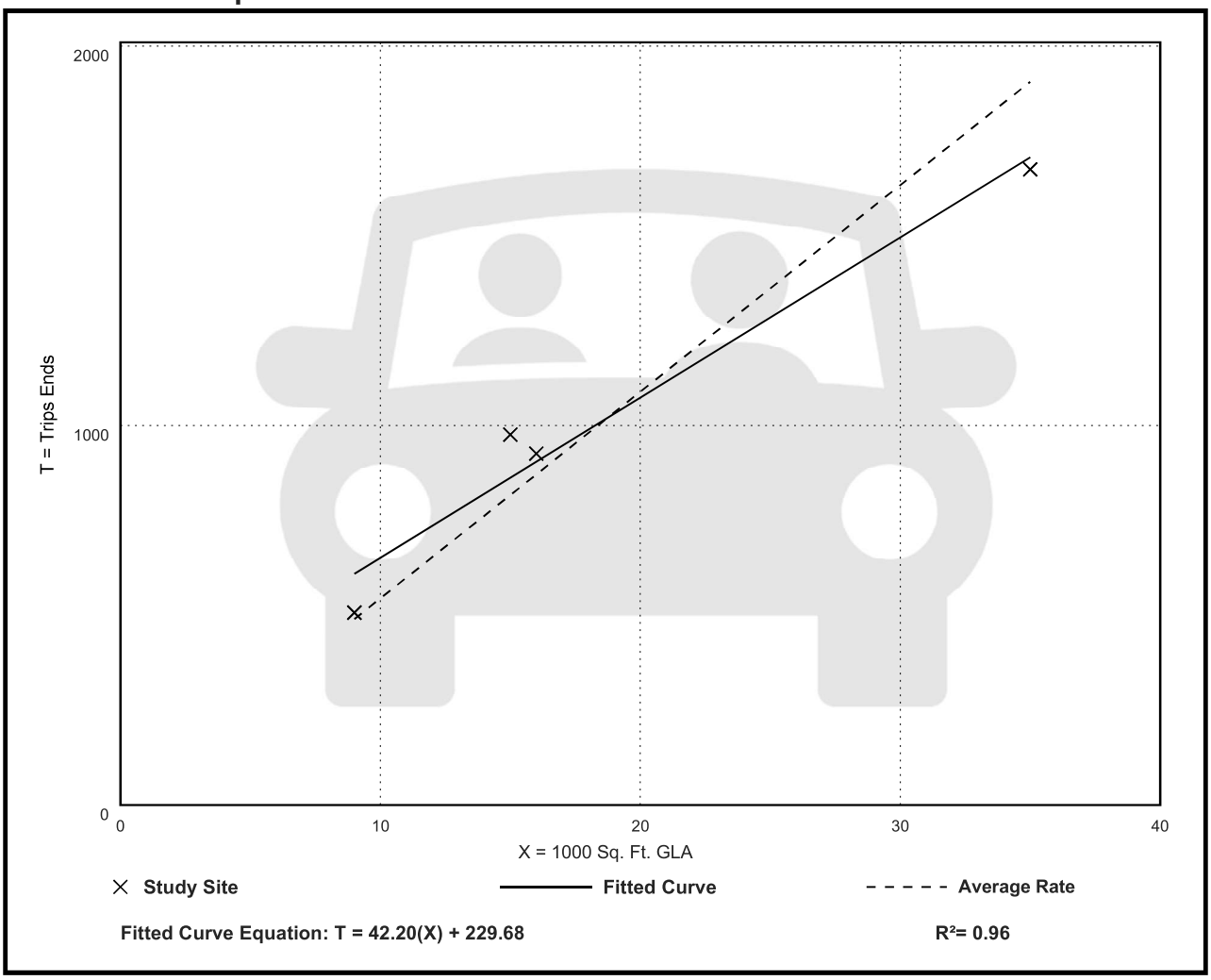
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation



Fitted Curve Equation: T = 42.20(X) + 229.68

R^2= 0.96

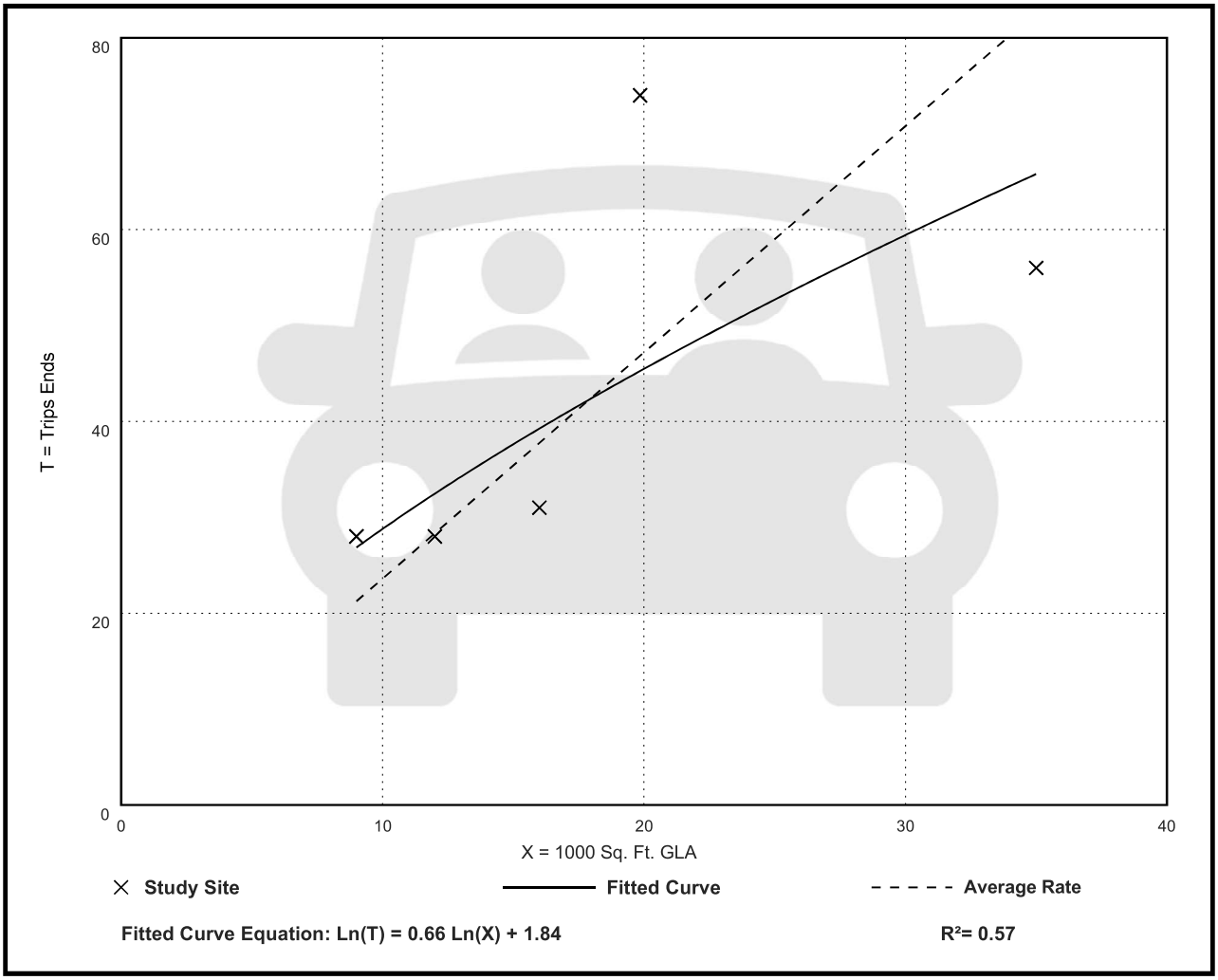
Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 18
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.66 Ln(X) + 1.84

R^2= 0.57

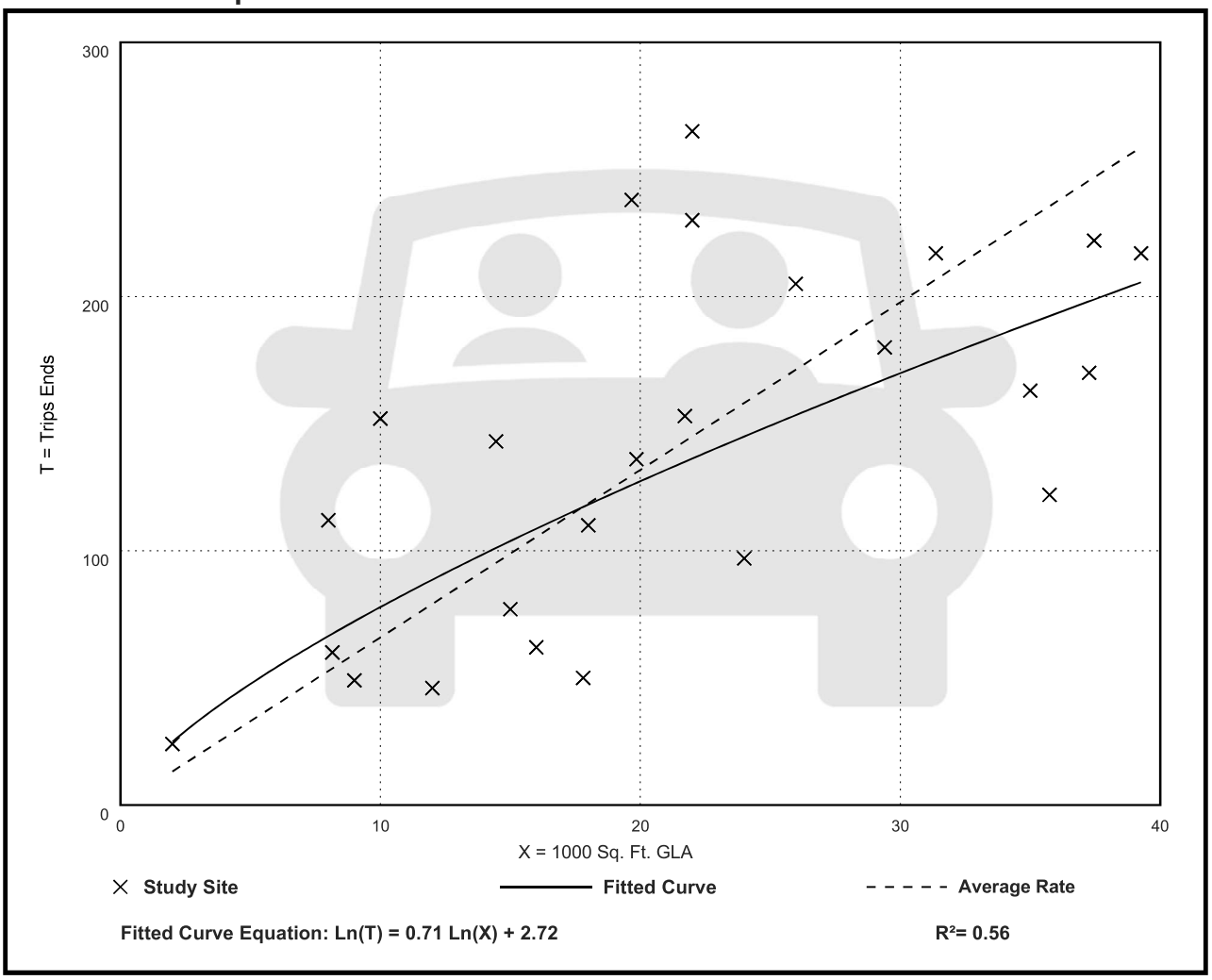
Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 25
Avg. 1000 Sq. Ft. GLA: 21
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.71 Ln(X) + 2.72

R^2= 0.56

Strip Retail Plaza (<40k)
(822)

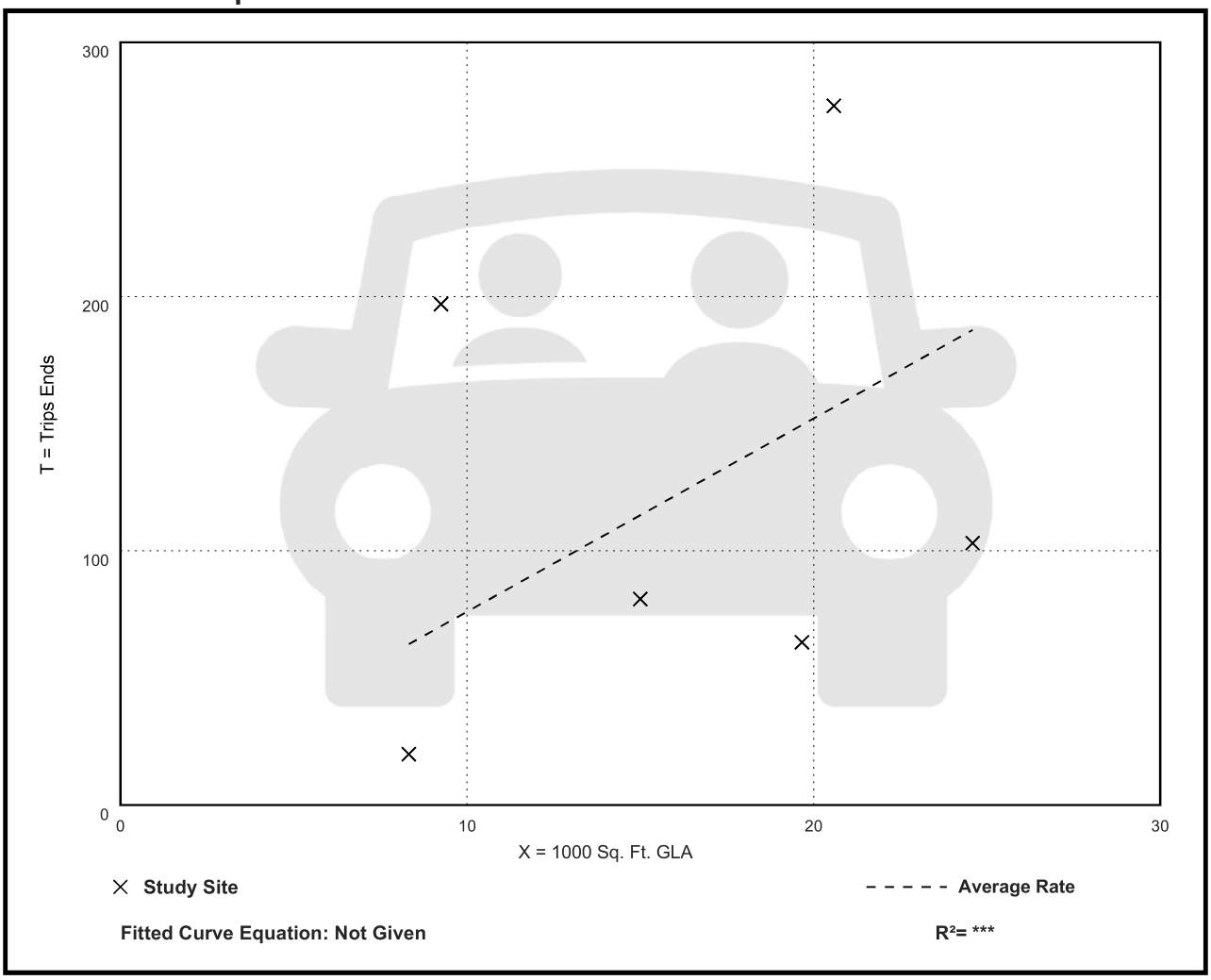
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. 1000 Sq. Ft. GLA: 16
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
7.60	2.40 - 21.30	6.45

Data Plot and Equation



Strip Retail Plaza (<40k)
(822)

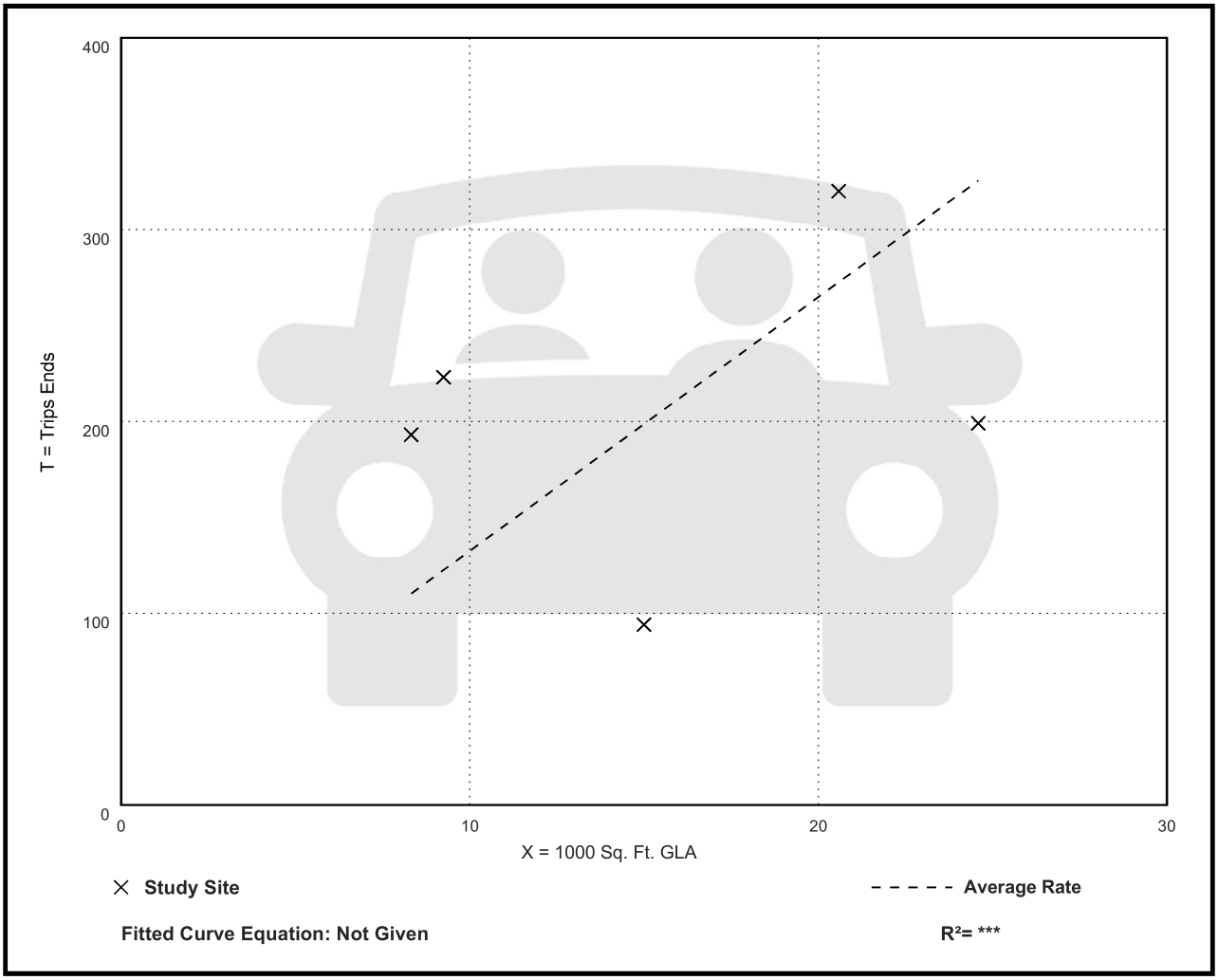
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 16
Directional Distribution: 54% entering, 46% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
13.24	6.27 - 24.11	7.40

Data Plot and Equation



Strip Retail Plaza (<40k)
(822)

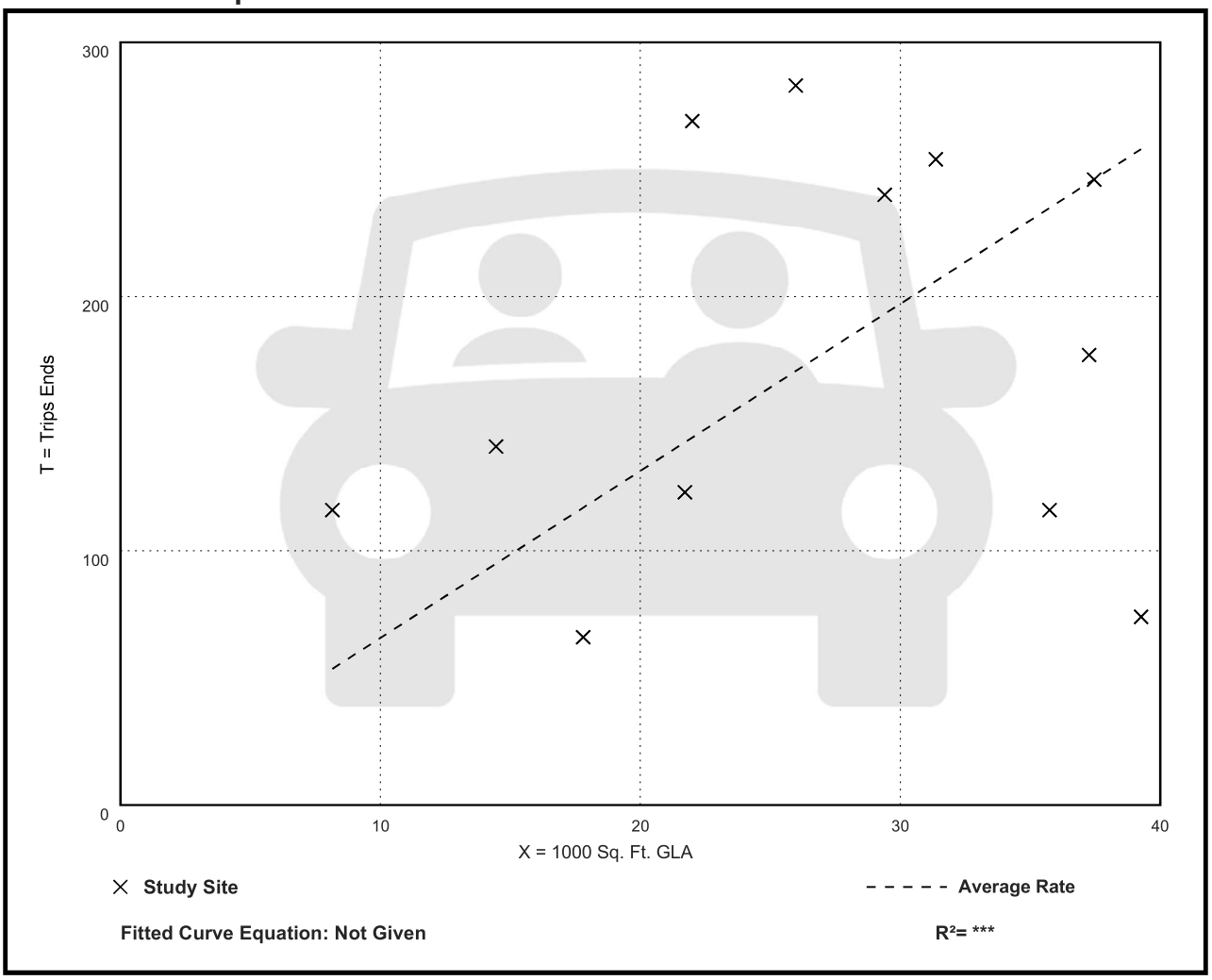
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 12
Avg. 1000 Sq. Ft. GLA: 27
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.57	1.88 - 14.23	3.45

Data Plot and Equation



Fitted Curve Equation: Not Given

R^2= ***

Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: Employees
On a: Weekday,
AM Peak Hour of Generator

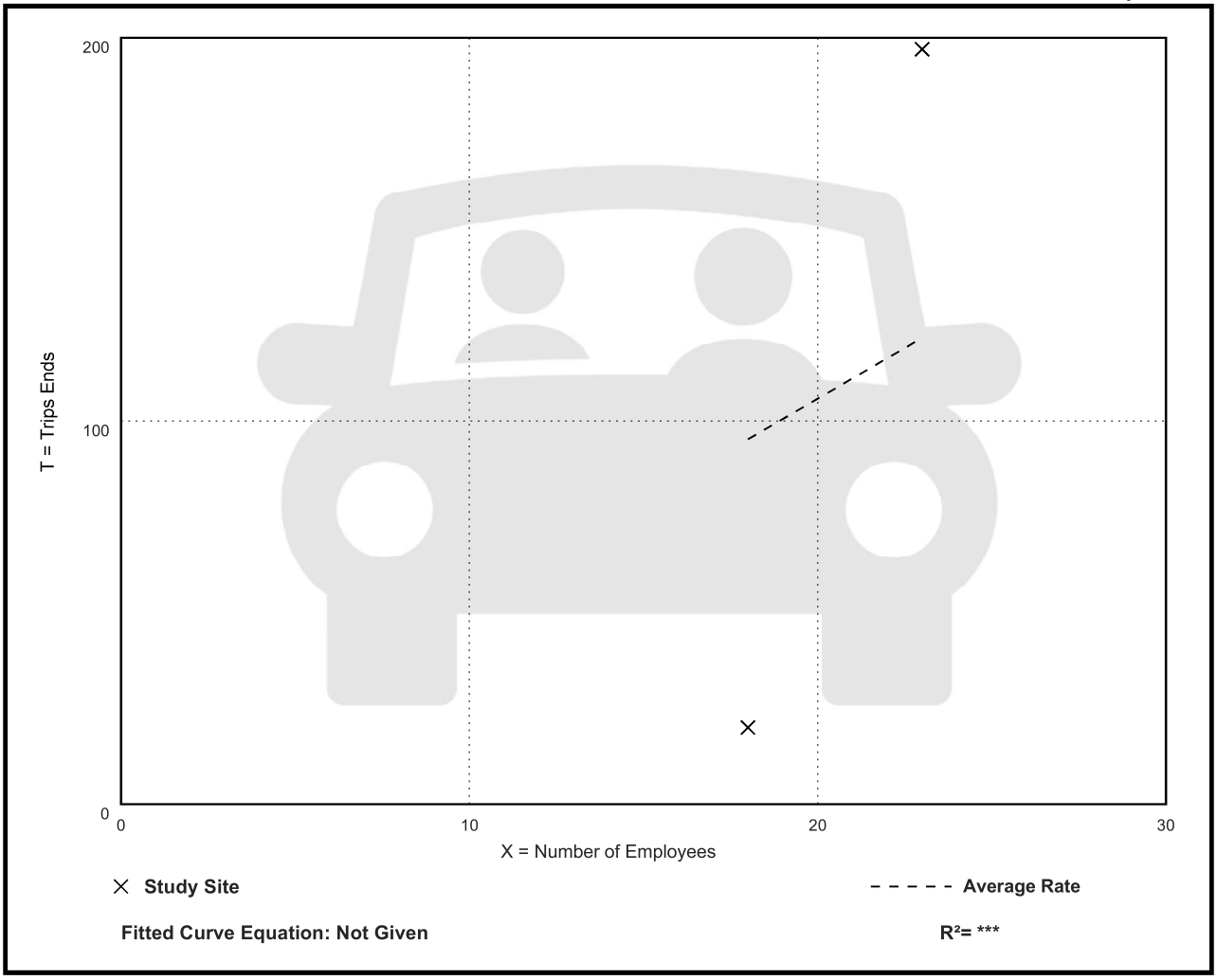
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Employees: 21
Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
5.29	1.11 - 8.57	***

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= ***

Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: Employees
On a: Weekday,
PM Peak Hour of Generator

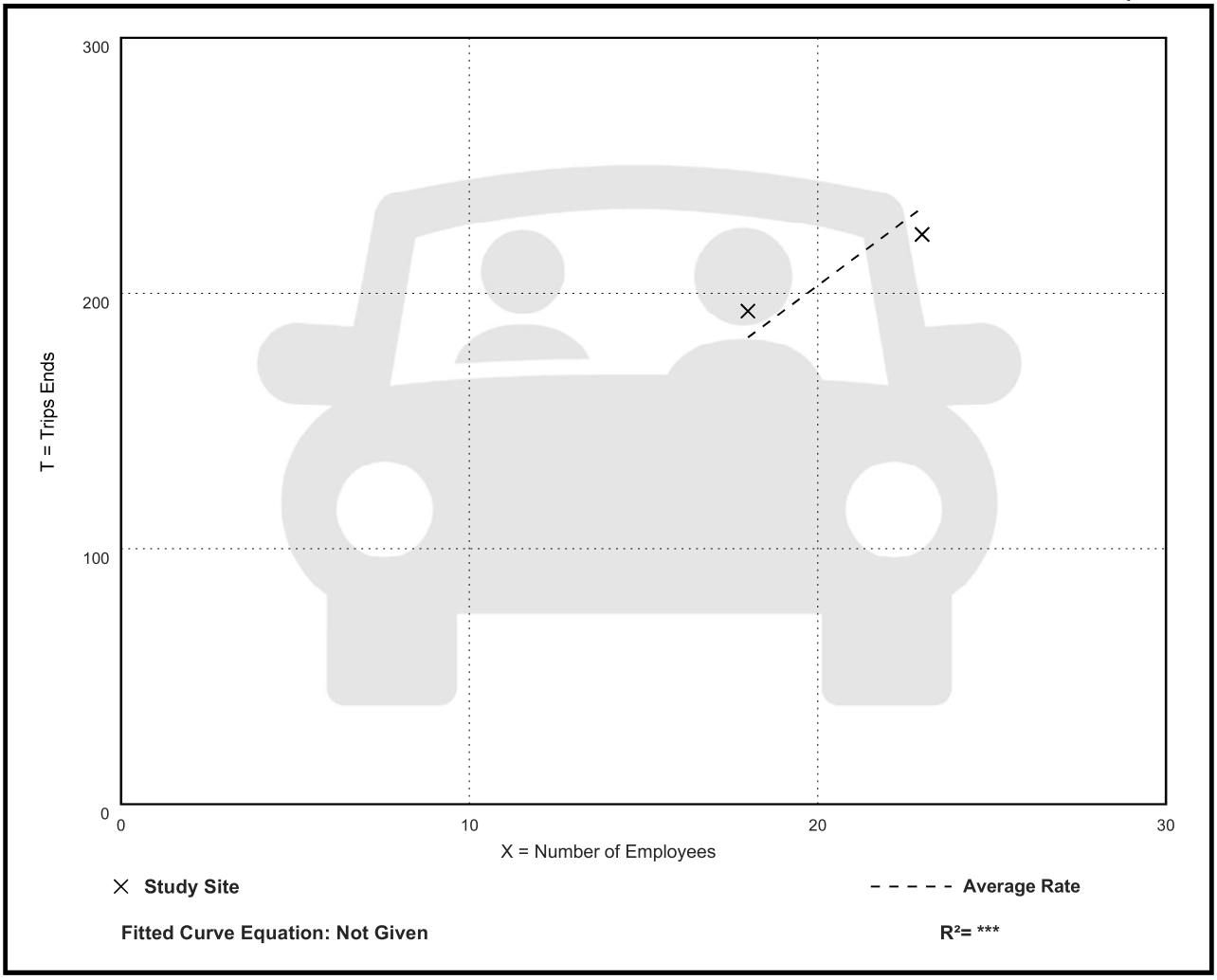
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Employees: 21
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
10.15	9.70 - 10.72	***

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= ***

Strip Retail Plaza (<40k)
(822)

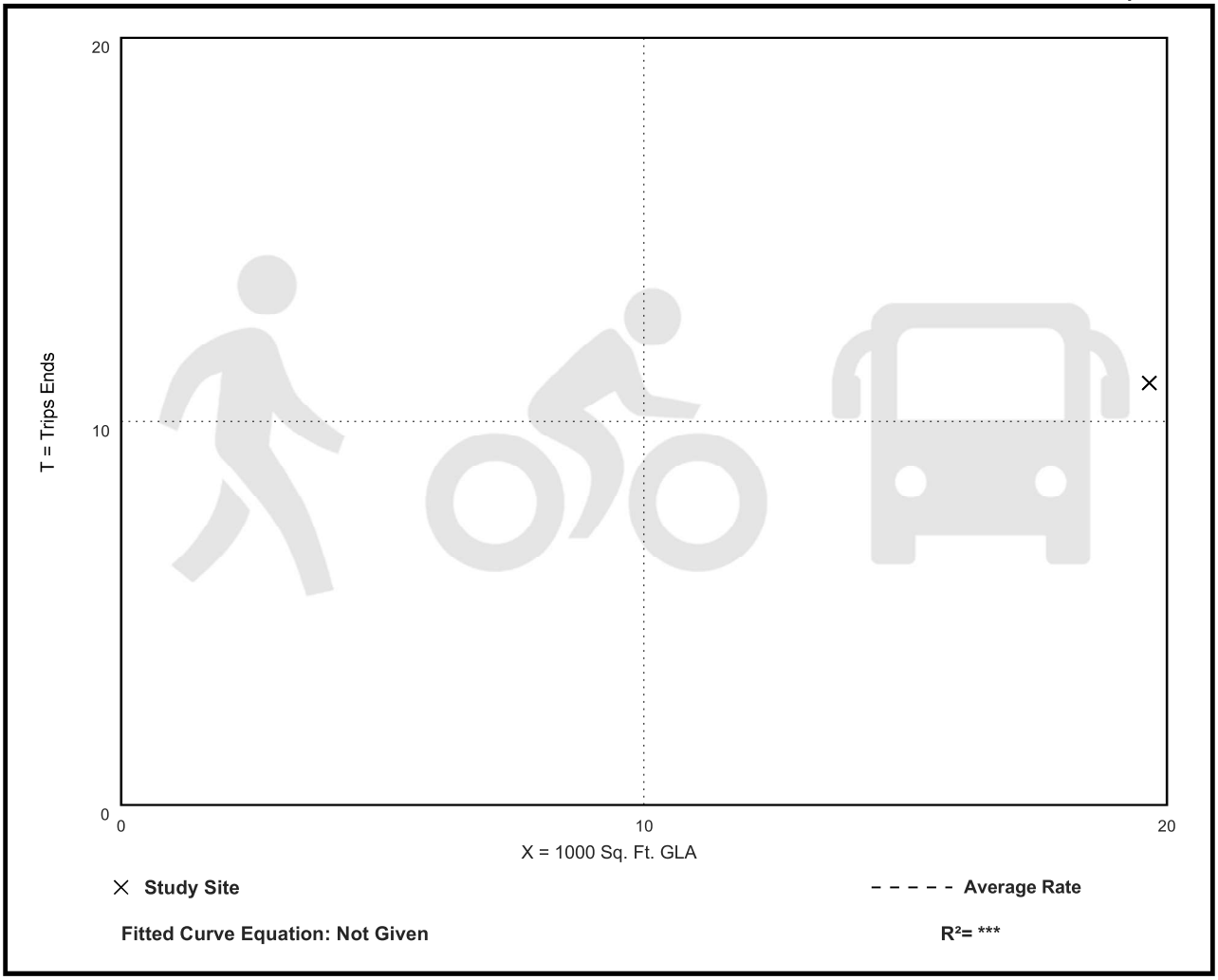
Walk+Bike+Transit Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. 1000 Sq. Ft. GLA: 20
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.56	0.56 - 0.56	***

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= ***

Strip Retail Plaza (<40k)
(822)

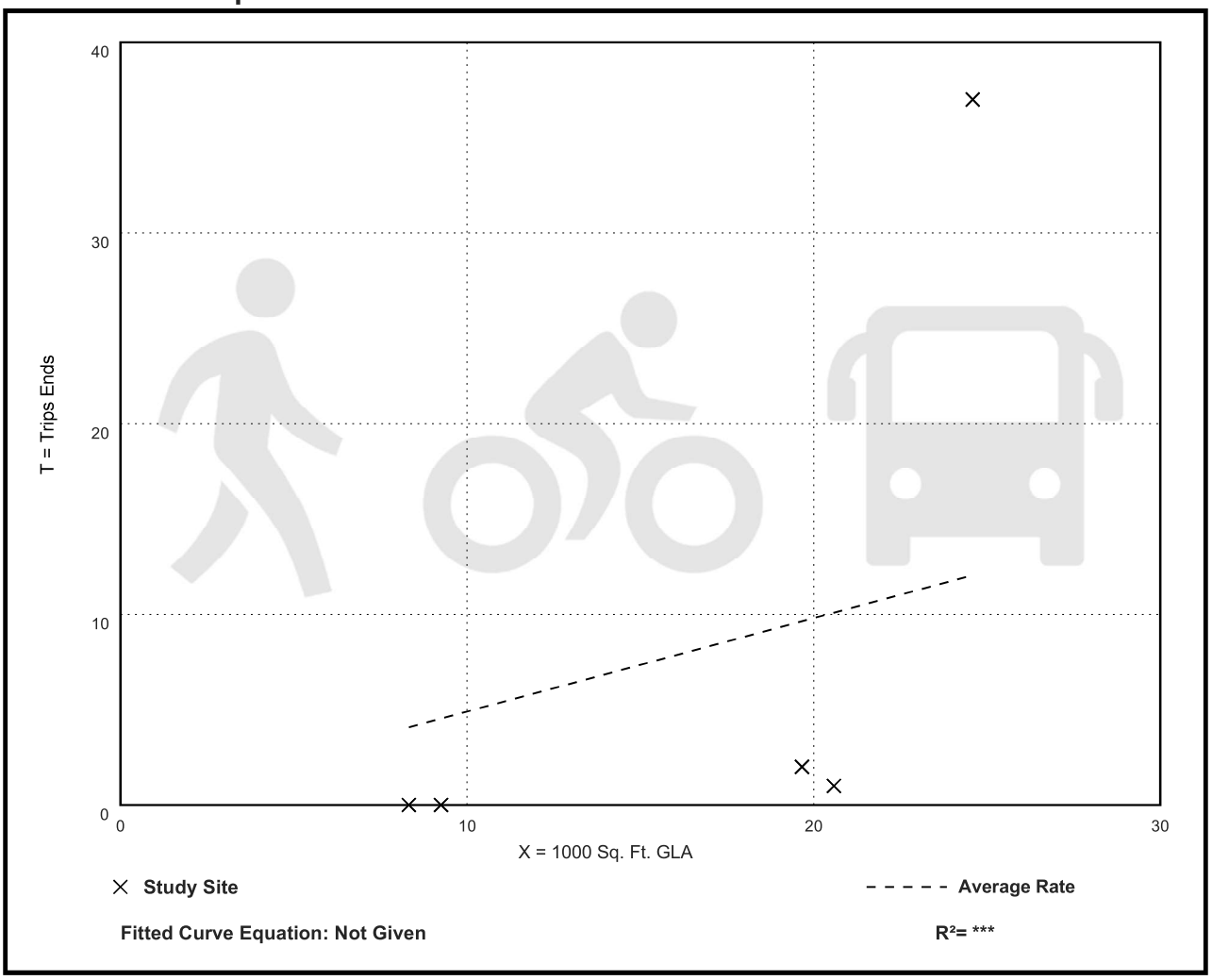
Walk+Bike+Transit Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 16
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.49	0.00 - 1.50	0.74

Data Plot and Equation



Strip Retail Plaza (<40k)
(822)

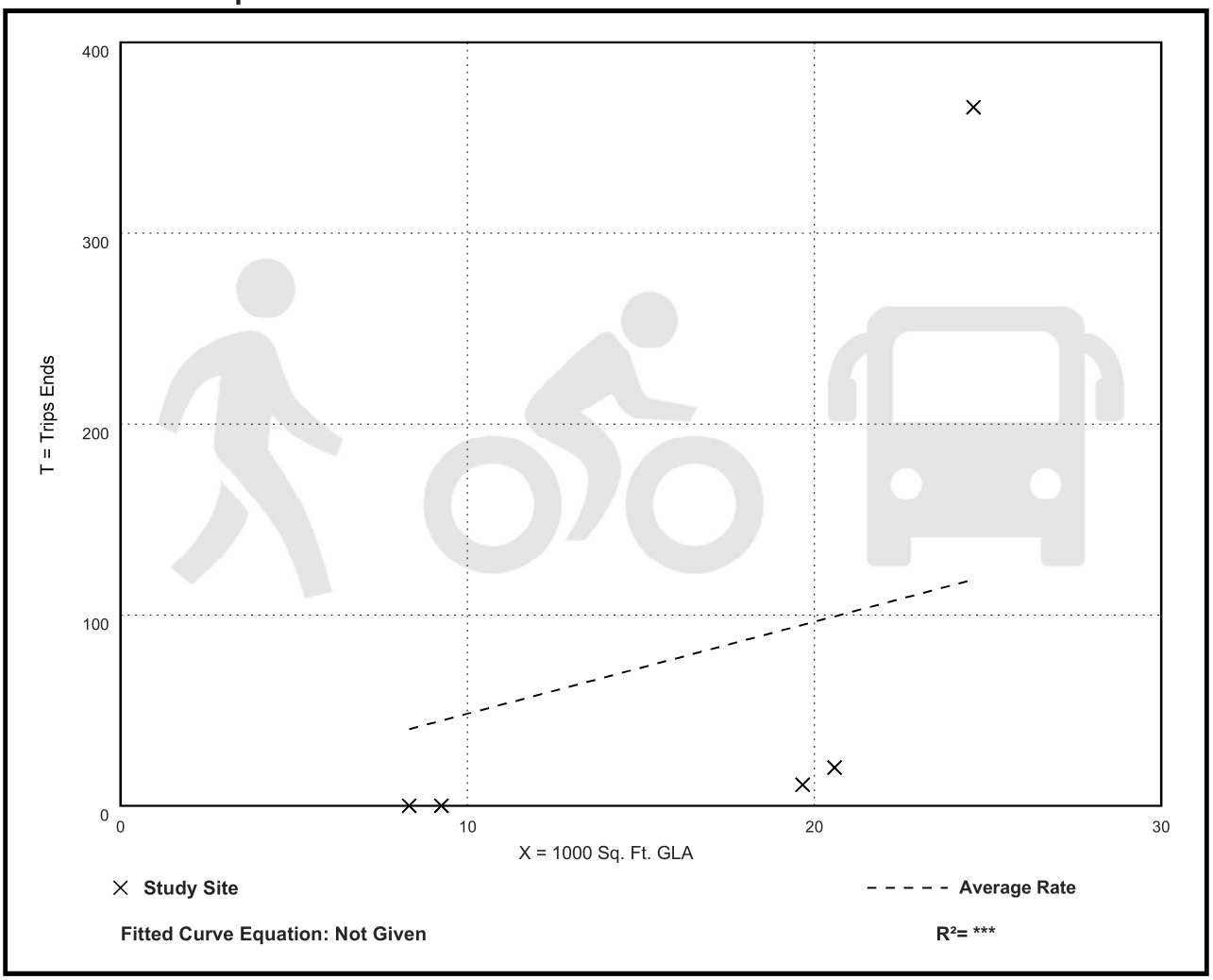
Walk+Bike+Transit Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 16
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
4.82	0.00 - 14.88	7.35

Data Plot and Equation



Strip Retail Plaza (<40k)
(822)

Walk+Bike+Transit Trip Ends vs: Employees
On a: Weekday,
AM Peak Hour of Generator

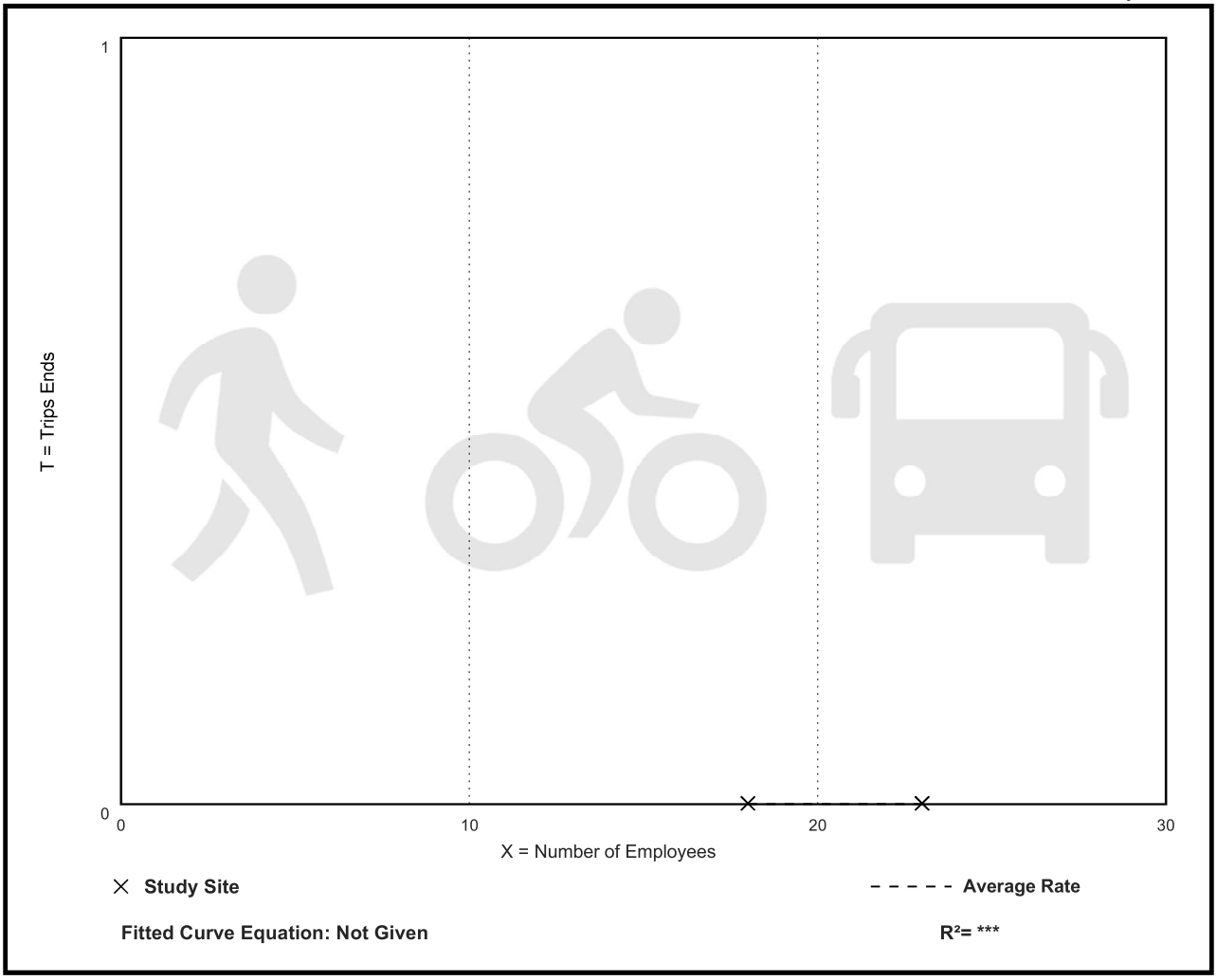
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Employees: 21
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.00	0.00 - 0.00	***

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= ***

Strip Retail Plaza (<40k)
(822)

Walk+Bike+Transit Trip Ends vs: Employees
On a: Weekday,
PM Peak Hour of Generator

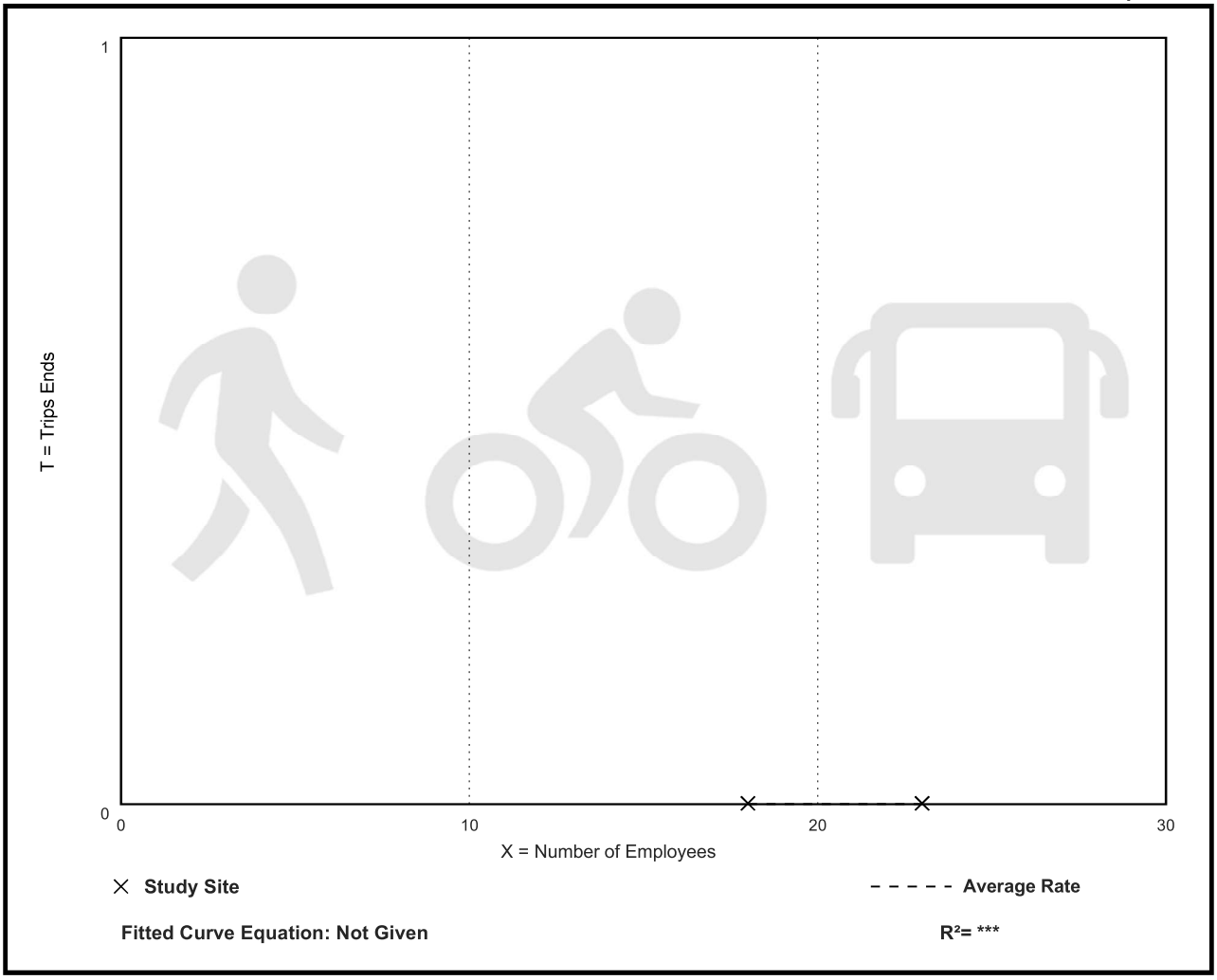
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Employees: 21
Directional Distribution: Not Available

Walk+Bike+Transit Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.00	0.00 - 0.00	***

Data Plot and Equation

Caution – Small Sample Size



APPENDIX B

TRAFFIC COUNTS

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)AM Peak
Site Code :
Start Date : 11/28/2021
Page No : 1

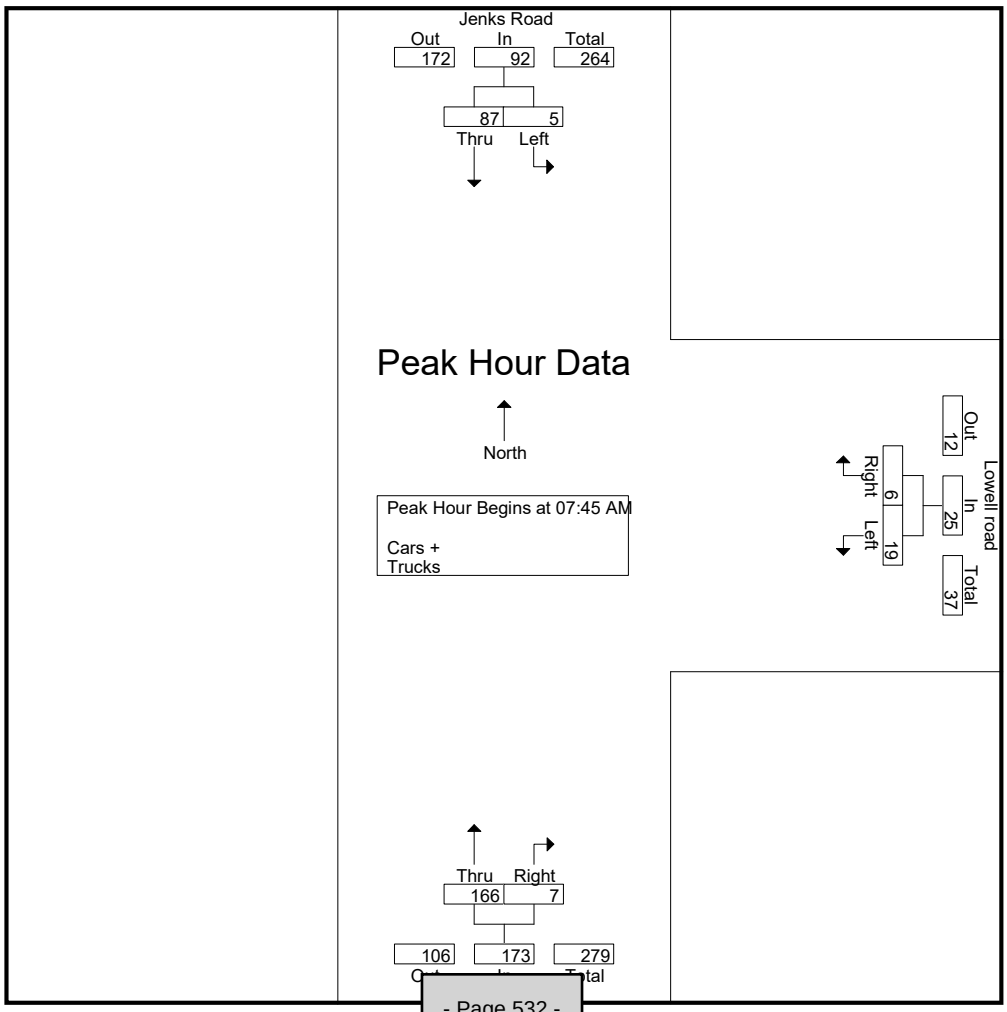
Groups Printed- Cars + - Trucks

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
07:00 AM	11	0	11	2	9	11	0	35	35	57
07:15 AM	21	1	22	2	8	10	2	37	39	71
07:30 AM	18	0	18	7	4	11	0	39	39	68
07:45 AM	17	1	18	0	5	5	2	48	50	73
Total	67	2	69	11	26	37	4	159	163	269
08:00 AM	21	3	24	2	4	6	3	41	44	74
08:15 AM	25	1	26	1	4	5	1	36	37	68
08:30 AM	24	0	24	3	6	9	1	41	42	75
08:45 AM	16	0	16	3	4	7	2	37	39	62
Total	86	4	90	9	18	27	7	155	162	279
Grand Total	153	6	159	20	44	64	11	314	325	548
Apprch %	96.2	3.8		31.2	68.8		3.4	96.6		
Total %	27.9	1.1	29	3.6	8	11.7	2	57.3	59.3	
Cars +	153	6	159	20	44	64	11	314	325	548
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)AM Peak
Site Code :
Start Date : 11/28/2021
Page No : 2

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 07:45 AM										
07:45 AM	17	1	18	0	5	5	2	**48**	**50**	73
08:00 AM	21	**3**	24	2	4	6	**3**	41	44	74
08:15 AM	**25**	1	**26**	1	4	5	1	36	37	68
08:30 AM	24	0	24	**3**	**6**	**9**	1	41	42	**75**
Total Volume	87	5	92	6	19	25	7	166	173	290
% App. Total	94.6	5.4		24	76		4	96		
PHF	.870	.417	.885	.500	.792	.694	.583	.865	.865	.967



TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

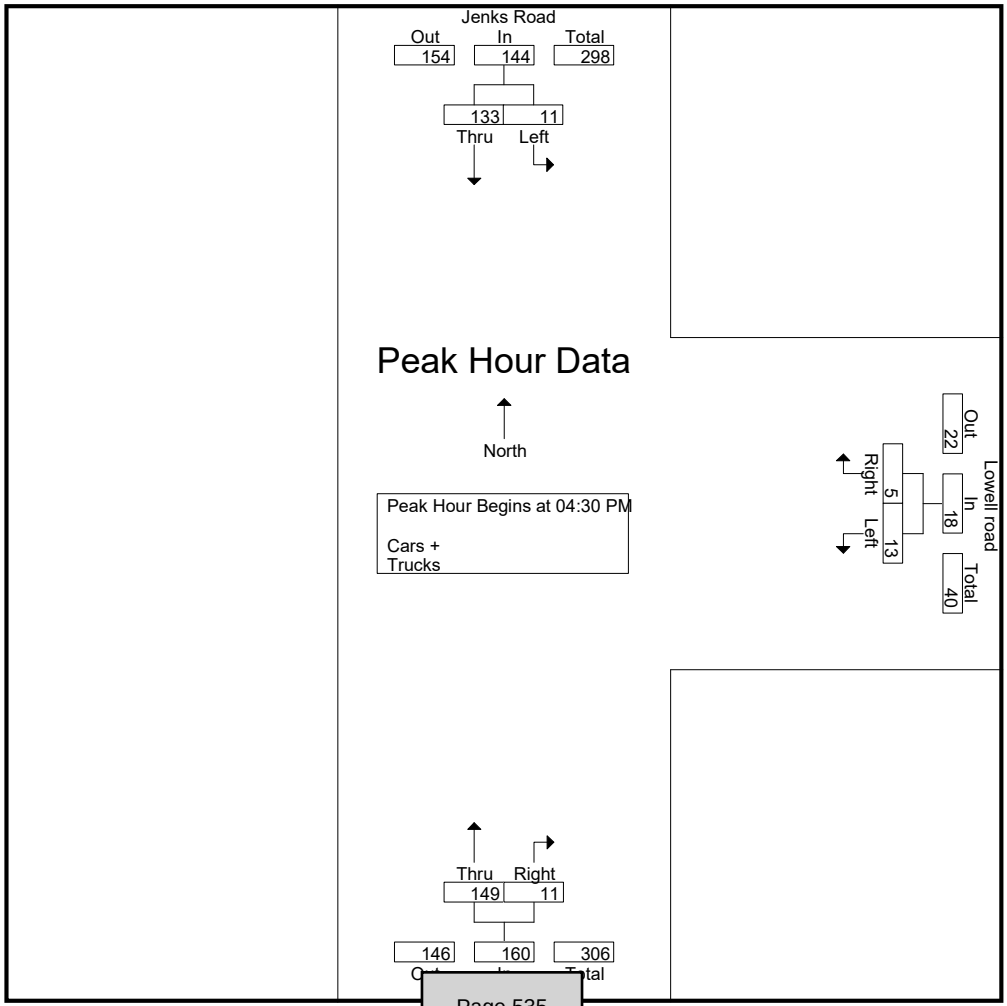
Groups Printed- Cars + - Trucks

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
04:00 PM	30	0	30	2	1	3	0	27	27	60
04:15 PM	30	2	32	1	1	2	2	25	27	61
04:30 PM	30	1	31	0	5	5	6	33	39	75
04:45 PM	35	4	39	1	3	4	0	35	35	78
Total	125	7	132	4	10	14	8	120	128	274
05:00 PM	33	2	35	2	1	3	4	45	49	87
05:15 PM	35	4	39	2	4	6	1	36	37	82
05:30 PM	24	2	26	0	1	1	2	32	34	61
05:45 PM	29	0	29	5	3	8	3	22	25	62
Total	121	8	129	9	9	18	10	135	145	292
Grand Total	246	15	261	13	19	32	18	255	273	566
Apprch %	94.3	5.7		40.6	59.4		6.6	93.4		
Total %	43.5	2.7	46.1	2.3	3.4	5.7	3.2	45.1	48.2	
Cars +	246	15	261	13	19	32	18	254	272	565
% Cars +	100	100	100	100	100	100	100	99.6	99.6	99.8
Trucks	0	0	0	0	0	0	0	1	1	1
% Trucks	0	0	0	0	0	0	0	0.4	0.4	0.2

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Lowell)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Jenks Road Southbound			Lowell road Westbound			Jenks Road Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 04:30 PM										
04:30 PM	30	1	31	0	**5**	5	**6**	33	39	75
04:45 PM	**35**	**4**	**39**	1	3	4	0	35	35	78
05:00 PM	33	2	35	**2**	1	3	4	**45**	**49**	**87**
05:15 PM	35	4	39	2	4	**6**	1	36	37	82
Total Volume	133	11	144	5	13	18	11	149	160	322
% App. Total	92.4	7.6		27.8	72.2		6.9	93.1		
PHF	.950	.688	.923	.625	.650	.750	.458	.828	.816	.925





File Name : Apex(Jenks and Wimberley)AM Peak
Site Code :
Start Date : 11/1/2021
Page No : 1

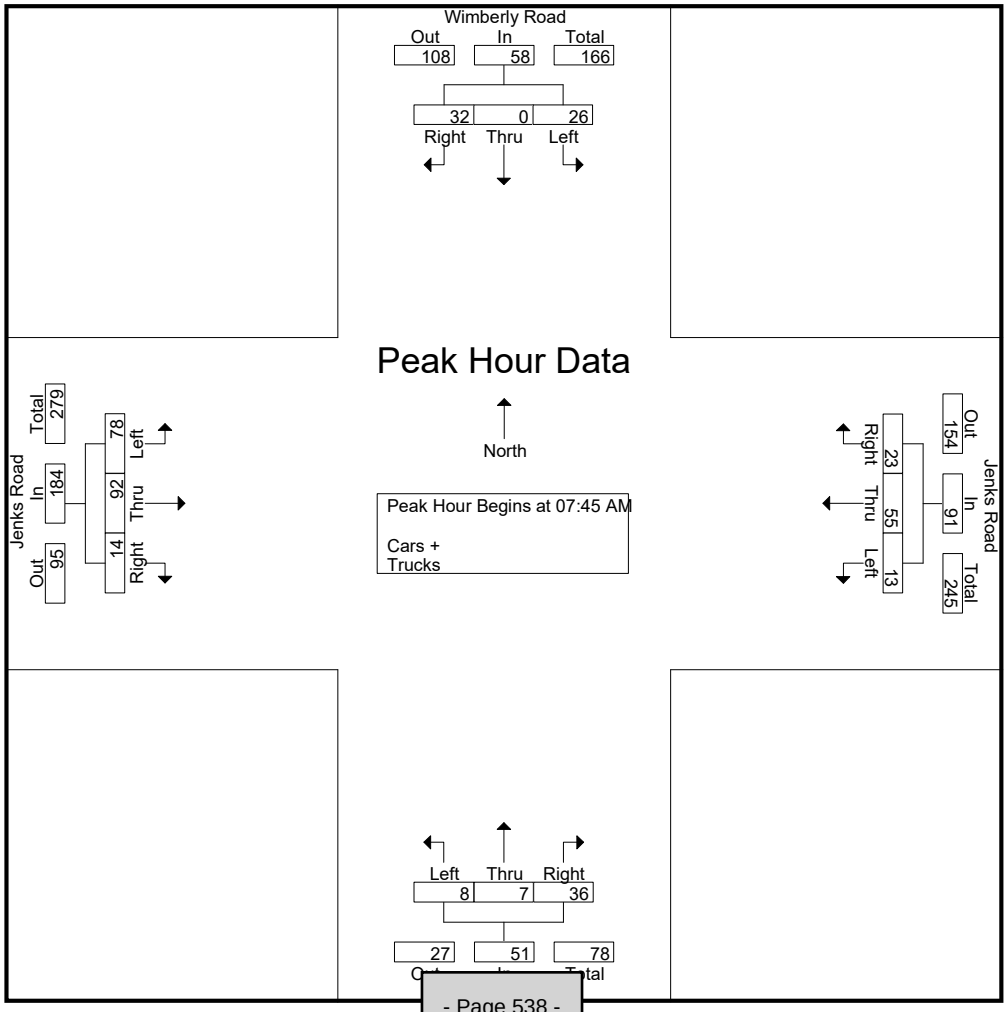
Groups Printed- Cars + - Trucks

	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
07:00 AM	2	0	7	9	4	6	1	11	12	3	2	17	0	18	18	36	73
07:15 AM	11	0	10	21	2	9	2	13	11	2	1	14	1	24	12	37	85
07:30 AM	12	0	9	21	4	4	0	8	4	0	1	5	1	35	13	49	83
07:45 AM	8	0	7	15	4	8	5	17	4	1	1	6	4	17	25	46	84
Total	33	0	33	66	14	27	8	49	31	6	5	42	6	94	68	168	325
08:00 AM	9	0	4	13	8	14	2	24	6	1	1	8	4	36	20	60	105
08:15 AM	9	0	4	13	6	18	3	27	8	2	1	11	4	18	12	34	85
08:30 AM	6	0	11	17	5	15	3	23	18	3	5	26	2	21	21	44	110
08:45 AM	9	1	9	19	4	8	3	15	8	0	2	10	0	22	17	39	83
Total	33	1	28	62	23	55	11	89	40	6	9	55	10	97	70	177	383
Grand Total	66	1	61	128	37	82	19	138	71	12	14	97	16	191	138	345	708
Apprch %	51.6	0.8	47.7		26.8	59.4	13.8		73.2	12.4	14.4		4.6	55.4	40		
Total %	9.3	0.1	8.6	18.1	5.2	11.6	2.7	19.5	10	1.7	2	13.7	2.3	27	19.5	48.7	
Cars +	64	1	60	125	36	74	19	129	71	12	10	93	16	184	130	330	677
% Cars +	97	100	98.4	97.7	97.3	90.2	100	93.5	100	100	71.4	95.9	100	96.3	94.2	95.7	95.6
Trucks	2	0	1	3	1	8	0	9	0	0	4	4	0	7	8	15	31
% Trucks	3	0	1.6	2.3	2.7	9.8	0	6.5	0	0	28.6	4.1	0	3.7	5.8	4.3	4.4

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Wimberley)AM Peak
Site Code :
Start Date : 11/1/2021
Page No : 2

	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45 AM																	
07:45 AM	8	0	7	15	4	8	**5**	17	4	1	1	6	**4**	17	**25**	46	84
08:00 AM	**9**	0	4	13	**8**	14	2	24	6	1	1	8	4	**36**	20	**60**	105
08:15 AM	9	0	4	13	6	**18**	3	**27**	8	2	1	11	4	18	12	34	85
08:30 AM	6	0	**11**	**17**	5	15	3	23	**18**	**3**	**5**	**26**	2	21	21	44	**110**
Total Volume	32	0	26	58	23	55	13	91	36	7	8	51	14	92	78	184	384
% App. Total	55.2	0	44.8		25.3	60.4	14.3		70.6	13.7	15.7		7.6	50	42.4		
PHF	.889	.000	.591	.853	.719	.764	.650	.843	.500	.583	.400	.490	.875	.639	.780	.767	.873





File Name : Apex(Jenks and Wimberley)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

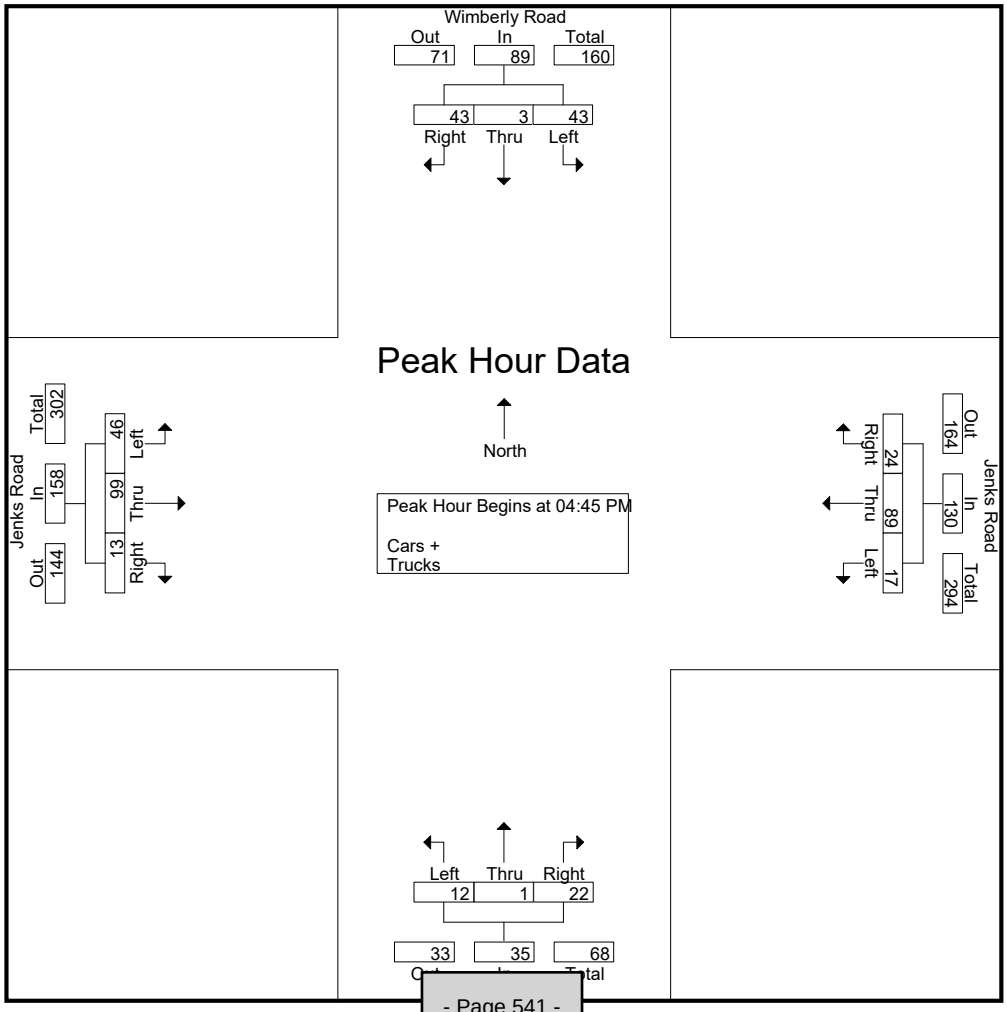
Groups Printed- Cars + - Trucks

	Wimberly Road Southbound				Jenks Road Westbound				Wimberly Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
04:00 PM	15	3	11	29	1	13	10	24	6	0	2	8	1	17	11	29	90
04:15 PM	16	2	8	26	6	14	7	27	6	0	1	7	0	18	7	25	85
04:30 PM	9	2	9	20	7	20	10	37	4	2	2	8	2	18	13	33	98
04:45 PM	11	1	12	24	5	25	3	33	6	1	6	13	0	21	17	38	108
Total	51	8	40	99	19	72	30	121	22	3	11	36	3	74	48	125	381
05:00 PM	13	0	11	24	6	21	3	30	4	0	2	6	4	32	11	47	107
05:15 PM	14	0	9	23	4	23	2	29	7	0	2	9	3	26	8	37	98
05:30 PM	5	2	11	18	9	20	9	38	5	0	2	7	6	20	10	36	99
05:45 PM	11	1	9	21	8	19	5	32	9	0	0	9	2	19	6	27	89
Total	43	3	40	86	27	83	19	129	25	0	6	31	15	97	35	147	393
Grand Total	94	11	80	185	46	155	49	250	47	3	17	67	18	171	83	272	774
Apprch %	50.8	5.9	43.2		18.4	62	19.6		70.1	4.5	25.4		6.6	62.9	30.5		
Total %	12.1	1.4	10.3	23.9	5.9	20	6.3	32.3	6.1	0.4	2.2	8.7	2.3	22.1	10.7	35.1	
Cars +	94	11	80	185	46	155	49	250	47	3	17	67	18	170	83	271	773
% Cars +	100	100	100	100	100	100	100	100	100	100	100	100	100	99.4	100	99.6	99.9
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
% Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0.6	0	0.4	0.1

TRAFFIC DATA COLLECTION

File Name : Apex(Jenks and Wimberley)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Wimberley Road Southbound				Jenks Road Westbound				Wimberley Road Northbound				Jenks Road Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 04:45 PM																	
04:45 PM	11	1	**12**	**24**	5	**25**	3	33	6	**1**	**6**	**13**	0	21	**17**	38	**108**
05:00 PM	13	0	11	24	6	21	3	30	4	0	2	6	4	**32**	11	**47**	107
05:15 PM	**14**	0	9	23	4	23	2	29	**7**	0	2	9	3	26	8	37	98
05:30 PM	5	**2**	11	18	**9**	20	**9**	**38**	5	0	2	7	**6**	20	10	36	99
Total Volume	43	3	43	89	24	89	17	130	22	1	12	35	13	99	46	158	412
% App. Total	48.3	3.4	48.3		18.5	68.5	13.1		62.9	2.9	34.3		8.2	62.7	29.1		
PHF	.768	.375	.896	.927	.667	.890	.472	.855	.786	.250	.500	.673	.542	.773	.676	.840	.954





File Name : Apex(US 64 and Jenks)AM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

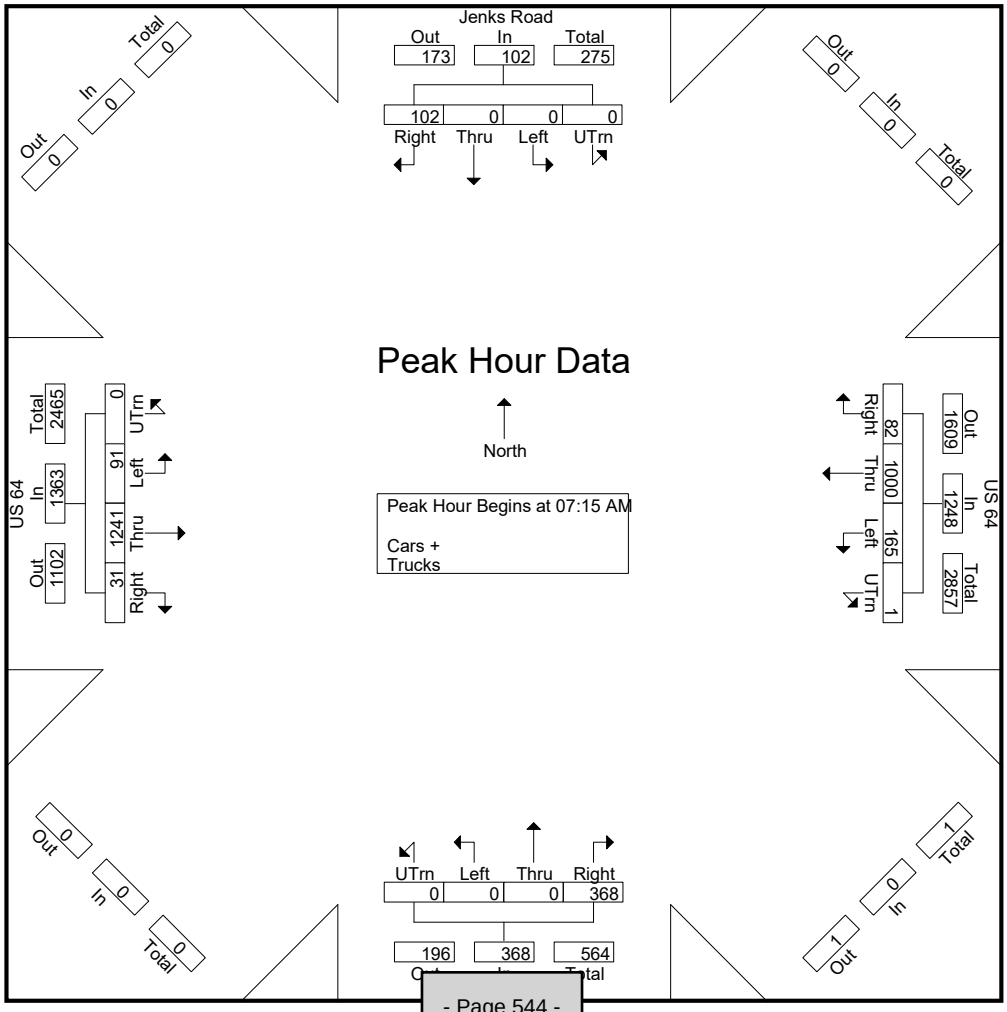
Groups Printed- Cars + - Trucks

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
07:00 AM	19	0	0	0	19	19	225	33	0	277	74	0	0	0	74	4	253	15	0	272	642
07:15 AM	29	0	0	0	29	21	218	30	0	269	98	0	0	0	98	6	307	26	0	339	735
07:30 AM	22	0	0	0	22	14	253	36	1	304	106	0	0	0	106	6	341	21	0	368	800
07:45 AM	24	0	0	0	24	21	239	46	0	306	84	0	0	0	84	8	289	26	0	323	737
Total	94	0	0	0	94	75	935	145	1	1156	362	0	0	0	362	24	1190	88	0	1302	2914
08:00 AM	27	0	0	0	27	26	290	53	0	369	80	0	0	0	80	11	304	18	0	333	809
08:15 AM	33	0	0	0	33	12	238	47	2	299	71	0	0	0	71	16	276	26	0	318	721
08:30 AM	30	0	0	0	30	18	246	49	0	313	96	0	0	0	96	8	285	20	0	313	752
08:45 AM	29	0	0	0	29	18	267	45	0	330	90	0	0	0	90	7	263	16	0	286	735
Total	119	0	0	0	119	74	1041	194	2	1311	337	0	0	0	337	42	1128	80	0	1250	3017
Grand Total	213	0	0	0	213	149	1976	339	3	2467	699	0	0	0	699	66	2318	168	0	2552	5931
Apprch %	100	0	0	0		6	80.1	13.7	0.1		100	0	0	0		2.6	90.8	6.6	0		
Total %	3.6	0	0	0	3.6	2.5	33.3	5.7	0.1	41.6	11.8	0	0	0	11.8	1.1	39.1	2.8	0	43	
Cars +	211	0	0	0	211	137	1890	328	3	2358	697	0	0	0	697	66	2225	164	0	2455	5721
% Cars +	99.1	0	0	0	99.1	91.9	95.6	96.8	100	95.6	99.7	0	0	0	99.7	100	96	97.6	0	96.2	96.5
Trucks	2	0	0	0	2	12	86	11	0	109	2	0	0	0	2	0	93	4	0	97	210
% Trucks	0.9	0	0	0	0.9	8.1	4.4	3.2	0	4.4	0.3	0	0	0	0.3	0	4	2.4	0	3.8	3.5

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)AM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	**29**	0	0	0	**29**	21	218	30	0	269	98	0	0	0	98	6	307	**26**	0	339	735
07:30 AM	22	0	0	0	22	14	253	36	**1**	304	**106**	0	0	0	**106**	6	**341**	21	0	**368**	800
07:45 AM	24	0	0	0	24	21	239	46	0	306	84	0	0	0	84	8	289	26	0	323	737
08:00 AM	27	0	0	0	27	**26**	**290**	**53**	0	**369**	80	0	0	0	80	**11**	304	18	0	333	**809**
Total Volume	102	0	0	0	102	82	1000	165	1	1248	368	0	0	0	368	31	1241	91	0	1363	3081
% App. Total	100	0	0	0		6.6	80.1	13.2	0.1		100	0	0	0		2.3	91	6.7	0		
PHF	.879	.000	.000	.000	.879	.788	.862	.778	.250	.846	.868	.000	.000	.000	.868	.705	.910	.875	.000	.926	.952





File Name : Apex(US 64 and Jenks)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

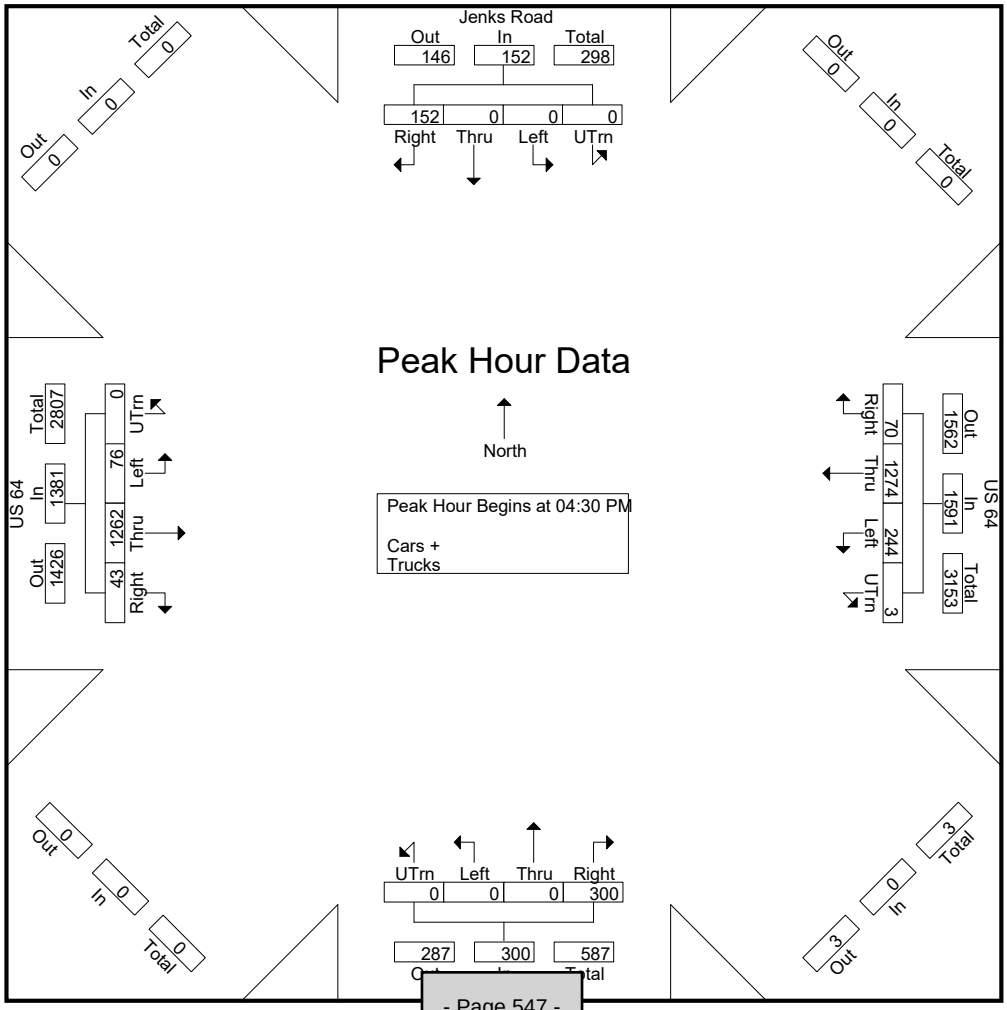
Groups Printed- Cars + - Trucks

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
04:00 PM	35	0	0	0	35	12	302	56	0	370	50	0	0	0	50	6	237	18	0	261	716
04:15 PM	36	0	0	0	36	18	341	50	0	409	64	0	0	0	64	12	312	17	0	341	850
04:30 PM	35	0	0	0	35	14	318	62	0	394	75	0	0	0	75	11	292	19	0	322	826
04:45 PM	41	0	0	0	41	19	295	63	2	379	69	0	0	0	69	17	355	16	0	388	877
Total	147	0	0	0	147	63	1256	231	2	1552	258	0	0	0	258	46	1196	70	0	1312	3269
05:00 PM	40	0	0	0	40	19	315	58	1	393	90	0	0	0	90	4	316	17	0	337	860
05:15 PM	36	0	0	0	36	18	346	61	0	425	66	0	0	0	66	11	299	24	0	334	861
05:30 PM	25	0	0	0	25	20	293	61	2	376	57	0	0	0	57	12	271	15	0	298	756
05:45 PM	36	0	0	0	36	13	287	55	0	355	61	0	0	0	61	5	281	15	0	301	753
Total	137	0	0	0	137	70	1241	235	3	1549	274	0	0	0	274	32	1167	71	0	1270	3230
Grand Total	284	0	0	0	284	133	2497	466	5	3101	532	0	0	0	532	78	2363	141	0	2582	6499
Apprch %	100	0	0	0		4.3	80.5	15	0.2		100	0	0	0		3	91.5	5.5	0		
Total %	4.4	0	0	0	4.4	2	38.4	7.2	0.1	47.7	8.2	0	0	0	8.2	1.2	36.4	2.2	0	39.7	
Cars +	282	0	0	0	282	132	2456	465	5	3058	529	0	0	0	529	78	2309	141	0	2528	6397
% Cars +	99.3	0	0	0	99.3	99.2	98.4	99.8	100	98.6	99.4	0	0	0	99.4	100	97.7	100	0	97.9	98.4
Trucks	2	0	0	0	2	1	41	1	0	43	3	0	0	0	3	0	54	0	0	54	102
% Trucks	0.7	0	0	0	0.7	0.8	1.6	0.2	0	1.4	0.6	0	0	0	0.6	0	2.3	0	0	2.1	1.6

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	35	0	0	0	35	14	318	62	0	394	75	0	0	0	75	11	292	19	0	322	826
04:45 PM	**41**	0	0	0	**41**	**19**	295	**63**	**2**	379	69	0	0	0	69	**17**	**355**	16	0	**388**	**877**
05:00 PM	40	0	0	0	40	19	315	58	1	393	**90**	0	0	0	**90**	4	316	17	0	337	860
05:15 PM	36	0	0	0	36	18	**346**	61	0	**425**	66	0	0	0	66	11	299	**24**	0	334	861
Total Volume	152	0	0	0	152	70	1274	244	3	1591	300	0	0	0	300	43	1262	76	0	1381	3424
% App. Total	100	0	0	0		4.4	80.1	15.3	0.2		100	0	0	0		3.1	91.4	5.5	0		
PHF	.927	.000	.000	.000	.927	.921	.921	.968	.375	.936	.833	.000	.000	.000	.833	.632	.889	.792	.000	.890	.976





File Name : Apex(US 64 and U Turn)AM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

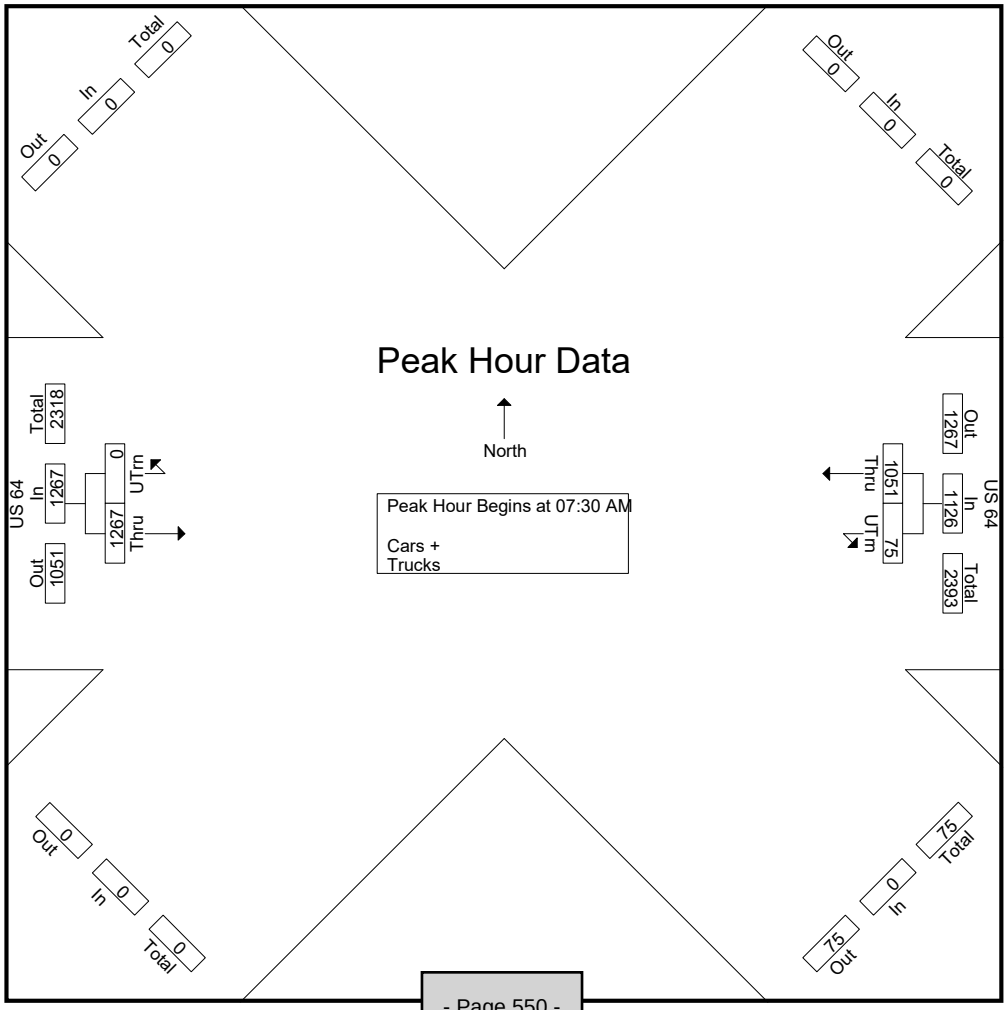
Groups Printed- Cars + - Trucks

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
07:00 AM	236	8	244	264	0	264	508
07:15 AM	227	20	247	319	0	319	566
07:30 AM	259	16	275	352	0	352	627
07:45 AM	245	18	263	305	0	305	568
Total	967	62	1029	1240	0	1240	2269
08:00 AM	292	25	317	308	0	308	625
08:15 AM	255	16	271	302	0	302	573
08:30 AM	256	20	276	293	0	293	569
08:45 AM	284	12	296	274	0	274	570
Total	1087	73	1160	1177	0	1177	2337
Grand Total	2054	135	2189	2417	0	2417	4606
Apprch %	93.8	6.2		100	0		
Total %	44.6	2.9	47.5	52.5	0	52.5	
Cars +	1969	132	2101	2323	0	2323	4424
% Cars +	95.9	97.8	96	96.1	0	96.1	96
Trucks	85	3	88	94	0	94	182
% Trucks	4.1	2.2	4	3.9	0	3.9	4

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)AM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1							
Peak Hour for Entire Intersection Begins at 07:30 AM							
07:30 AM	259	16	275	**352**	0	**352**	**627**
07:45 AM	245	18	263	305	0	305	568
08:00 AM	**292**	**25**	**317**	308	0	308	625
08:15 AM	255	16	271	302	0	302	573
Total Volume	1051	75	1126	1267	0	1267	2393
% App. Total	93.3	6.7		100	0		
PHF	.900	.750	.888	.900	.000	.900	.954



TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 1

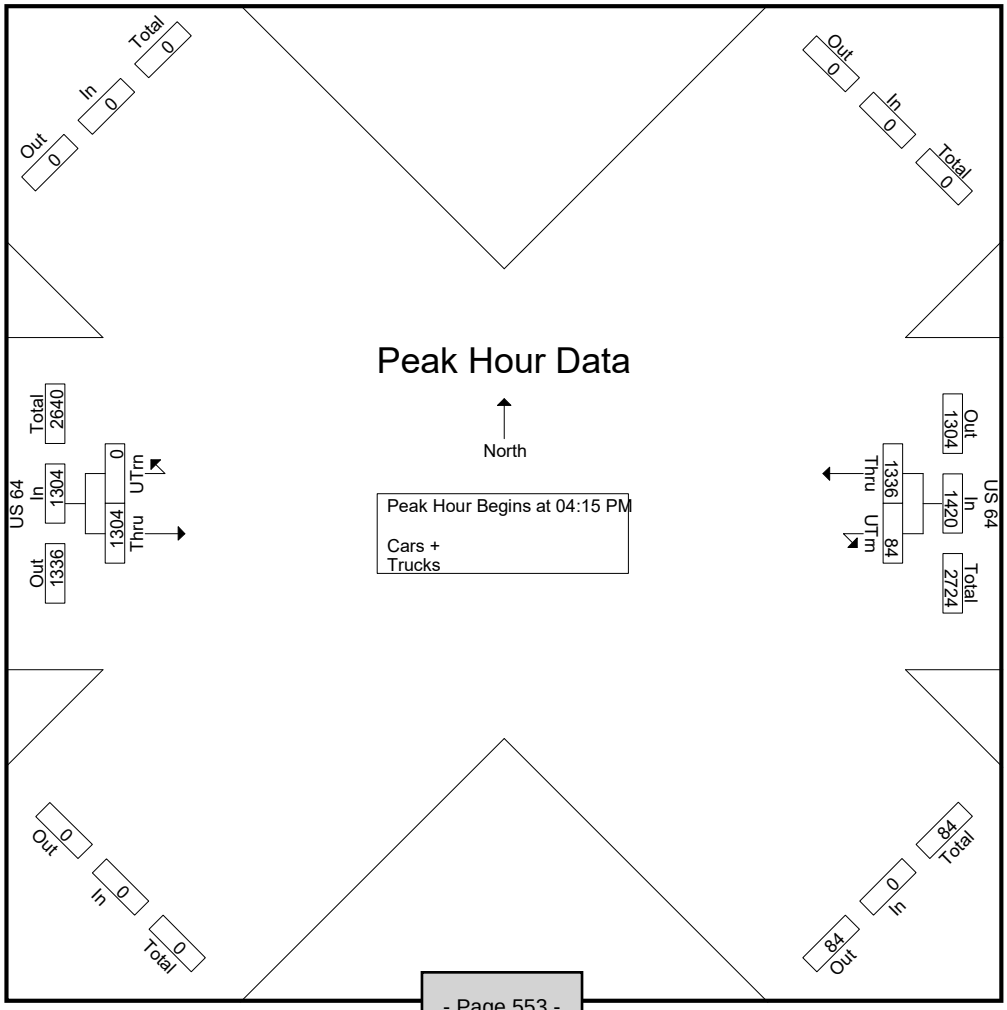
Groups Printed- Cars + - Trucks

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
04:00 PM	320	17	337	244	0	244	581
04:15 PM	359	18	377	323	0	323	700
04:30 PM	342	11	353	311	0	311	664
04:45 PM	305	31	336	357	0	357	693
Total	1326	77	1403	1235	0	1235	2638
05:00 PM	330	24	354	313	0	313	667
05:15 PM	337	25	362	309	0	309	671
05:30 PM	303	15	318	283	0	283	601
05:45 PM	306	17	323	284	0	284	607
Total	1276	81	1357	1189	0	1189	2546
Grand Total	2602	158	2760	2424	0	2424	5184
Apprch %	94.3	5.7		100	0		
Total %	50.2	3	53.2	46.8	0	46.8	
Cars +	2559	158	2717	2370	0	2370	5087
% Cars +	98.3	100	98.4	97.8	0	97.8	98.1
Trucks	43	0	43	54	0	54	97
% Trucks	1.7	0	1.6	2.2	0	2.2	1.9

TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and U Turn)PM Peak
Site Code :
Start Date : 10/28/2021
Page No : 2

	US 64 Westbound			US 64 Eastbound			
Start Time	Thru	UTrn	App. Total	Thru	UTrn	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1							
Peak Hour for Entire Intersection Begins at 04:15 PM							
04:15 PM	**359**	18	**377**	323	0	323	**700**
04:30 PM	342	11	353	311	0	311	664
04:45 PM	305	**31**	336	**357**	0	**357**	693
05:00 PM	330	24	354	313	0	313	667
Total Volume	1336	84	1420	1304	0	1304	2724
% App. Total	94.1	5.9		100	0		
PHF	.930	.677	.942	.913	.000	.913	.973



APPENDIX C

ADJACENT DEVELOPMENT INFORMATION

Traffic Impact Analysis for

The Retreat at the Preserve at White Oak

Apex, North Carolina

Prepared for:

TaylorMorrison

Cary, North Carolina

Prepared by:

Kimley-Horn and Associates, Inc.
NC License #F-0102
300 West Morgan Street, Suite 1500
Durham, NC 27701
(919) 682-3583

March 2021

017270007



3/26/2021



Kimley»Horn	THE RETREAT AT THE PRESERVE AT WHITE OAK APEX, NC TRAFFIC IMPACT A	SITE LOCATION	FIGURE 2.1

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUME ED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

SCENARIO #2: COMMERCIAL + RESIDENTIAL

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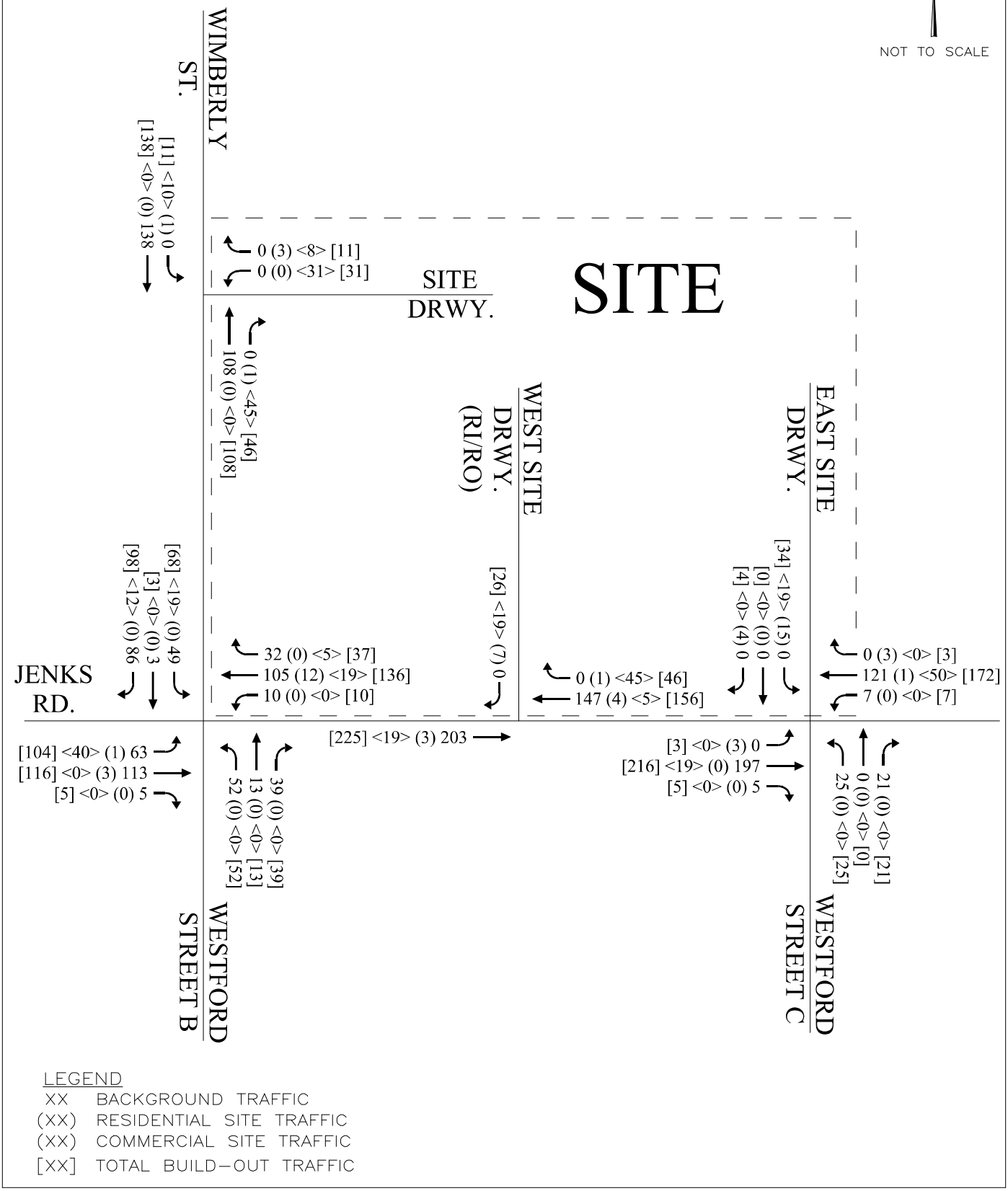

LEGEND

XX BACKGROUND TRAFFIC
(XX) RESIDENTIAL SITE TRAFFIC
(XX) COMMERCIAL SITE TRAFFIC
[XX] TOTAL BUILD-OUT TRAFFIC

Kimley»Horn	THE RETREAT AT THE PRESERVE AT WHITE OAK APEX, NC TRAFFIC IMPACT A	PROJECTED (2025) BUILD AM PEAK HOUR TRAFFIC VOLUMES – SCENARIO 2 (COMMERCIAL + RESIDENTIAL)	FIGURE 5.5

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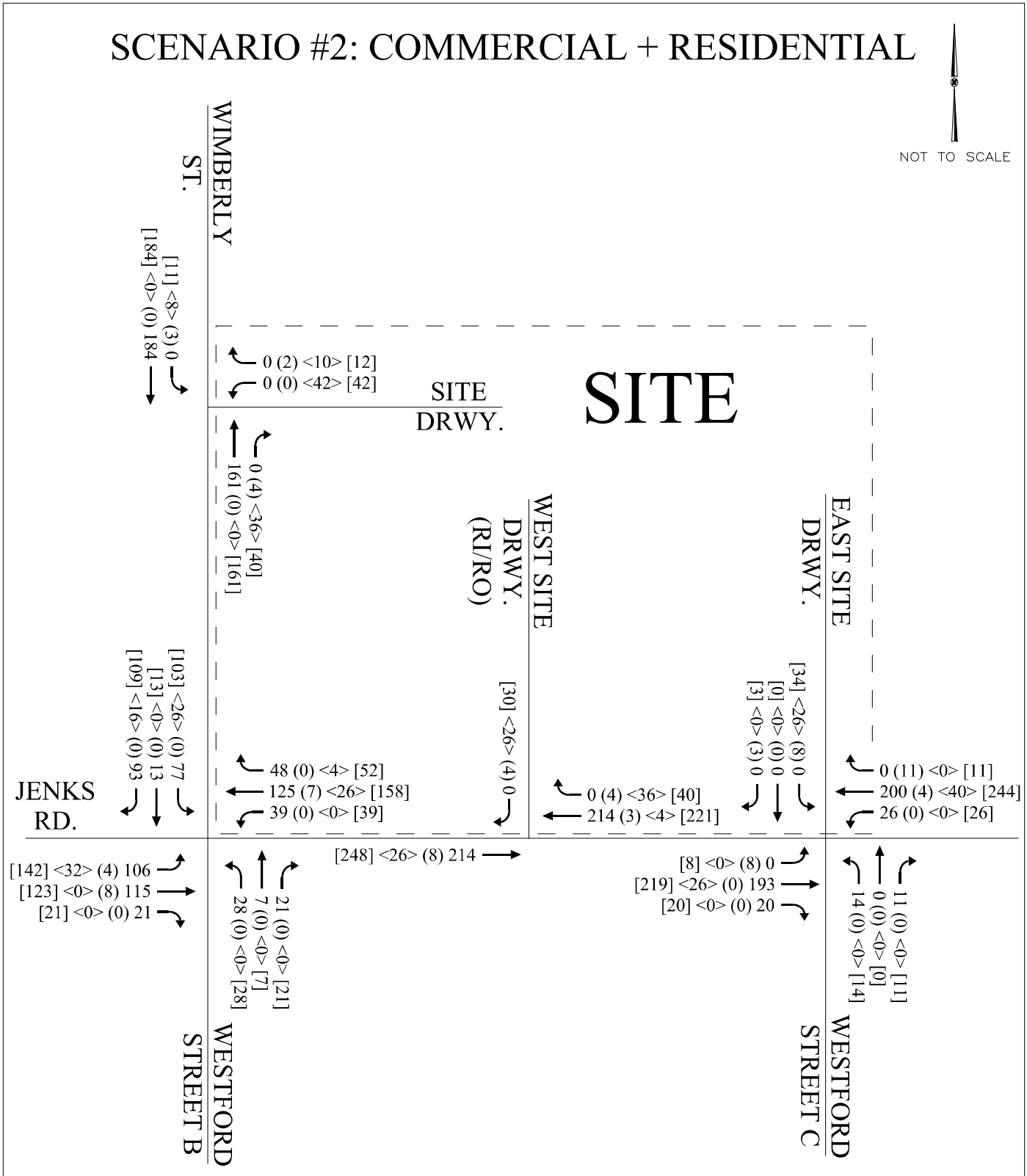
SCENARIO #2: COMMERCIAL + RESIDENTIAL



LEGEND

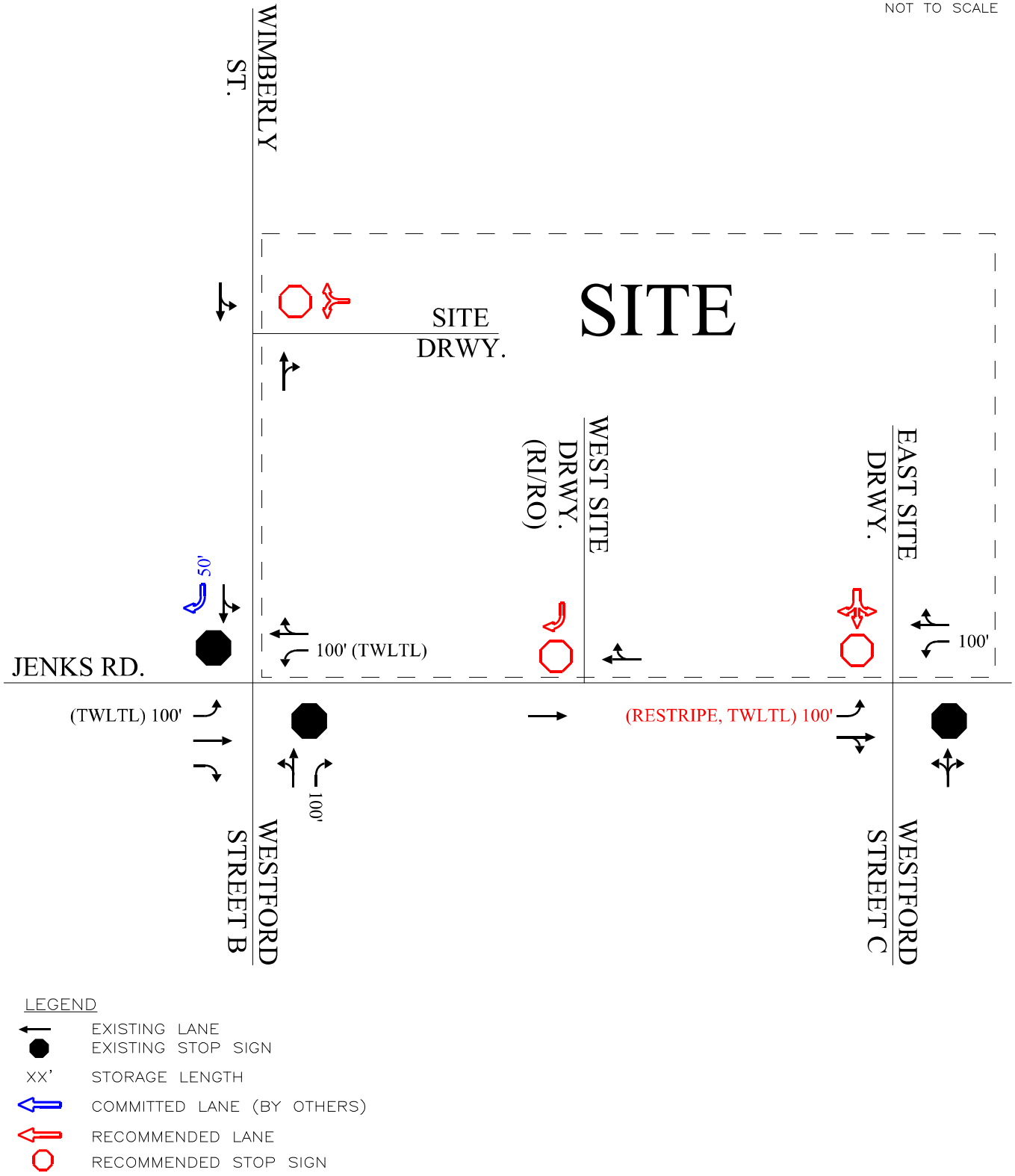
XX BACKGROUND TRAFFIC
(XX) RESIDENTIAL SITE TRAFFIC
(XX) COMMERCIAL SITE TRAFFIC
[XX] TOTAL BUILD-OUT TRAFFIC

Kimley»Horn	THE RETREAT AT THE PRESERVE AT WHITE OAK APEX, NC TRAFFIC IMPACT A	PROJECTED (2025) BUILD PM PEAK HOUR TRAFFIC VOLUMES – SCENARIO 2 (COMMERCIAL + RESIDENTIAL)	FIGURE 5.6

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUME ED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

SCENARIO #2: COMMERCIAL + RESIDENTIAL

NOT TO SCALE



Kimley»Horn	THE RETREAT AT THE PRESERVE AT WHITE OAK APEX, NC TRAFFIC IMPACT A	COMMITTED AND RECOMMENDED ROADWAY LANEAGE – SCENARIO #2 (COMMERCIAL + RESIDENTIAL)	FIGURE ES–2

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Traffic Impact Analysis

for

Westford

Apex, North Carolina

Prepared for:

The Halle Companies

Apex, North Carolina

Prepared by:

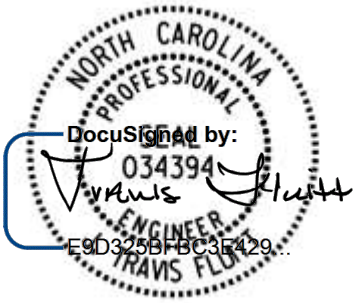
Kimley-Horn and Associates, Inc.

NC License #F-0102

421 Fayetteville Street Suite 600

Raleigh, NC 27601

(919) 677-2000



12/7/2016

December 2016

018995001

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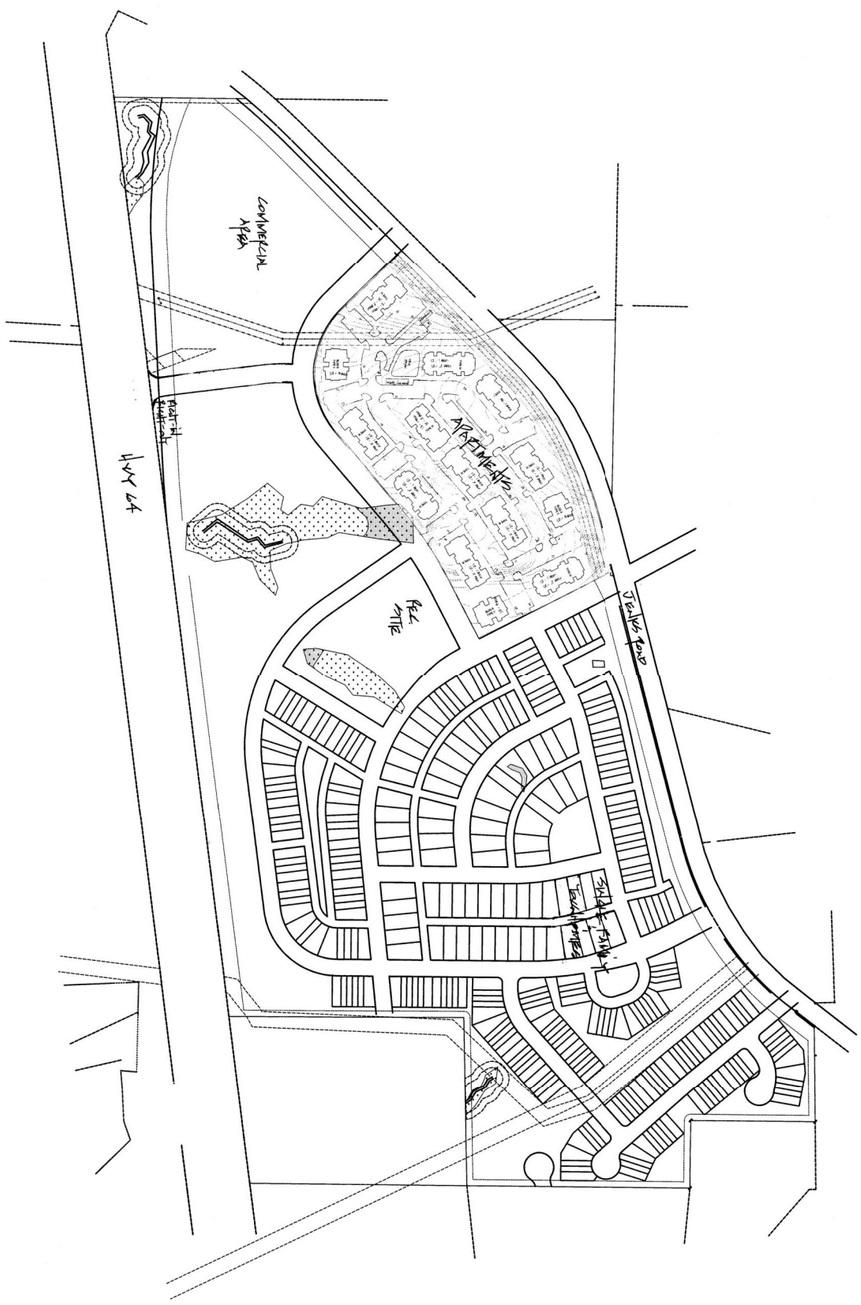

GRAPHIC SCALE 0 100 200 400

WESTFORD
MASTER SITE PLAN
TOWN OF APEX WAKE COUNTY, NORTH CAROLINA
PRELIMINARY SITE PLAN

PRELIMINARY PLAN

221 N. SALEM ST.
SUITE 001
APEX, NC 27502
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonesandcrossen.com

Jones & Cnossen ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

ISSUE	DESCRIPTION	DATE
1		DECEMBER 2, 2016

SCALE 1"=200'
DRAWN PDC

Kimley»Horn

WESTFORD APEX, NC TRAFFIC IMPACT ANALYSIS	CONCEPTUAL SITE PLAN	FIGURE 2

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LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

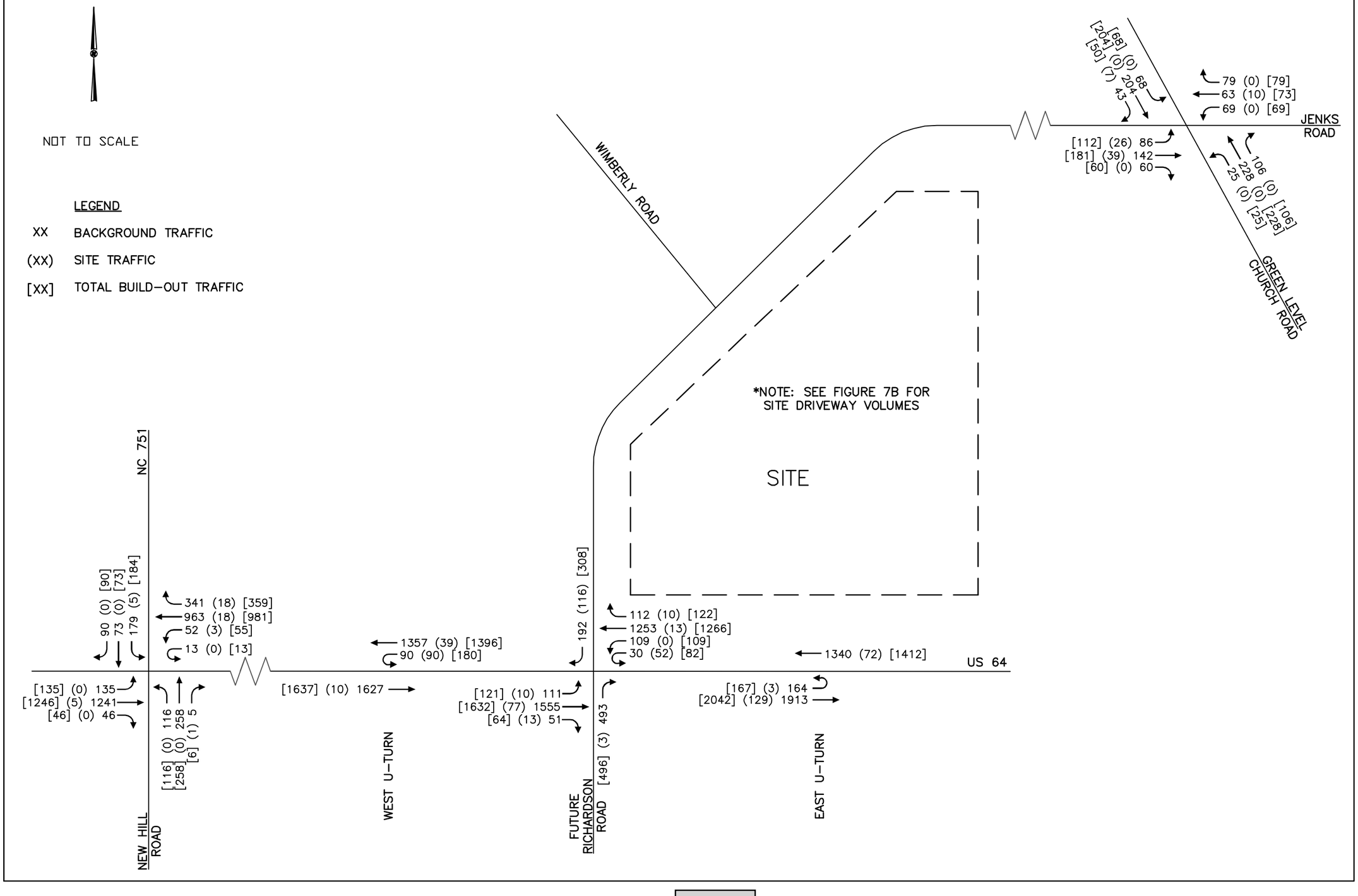

FIGURE 7A

PROJECTED (2019) BUILD-OUT AM PEAK HOUR TRAFFIC VOLUMES EXTERNAL INTERSECTIONS

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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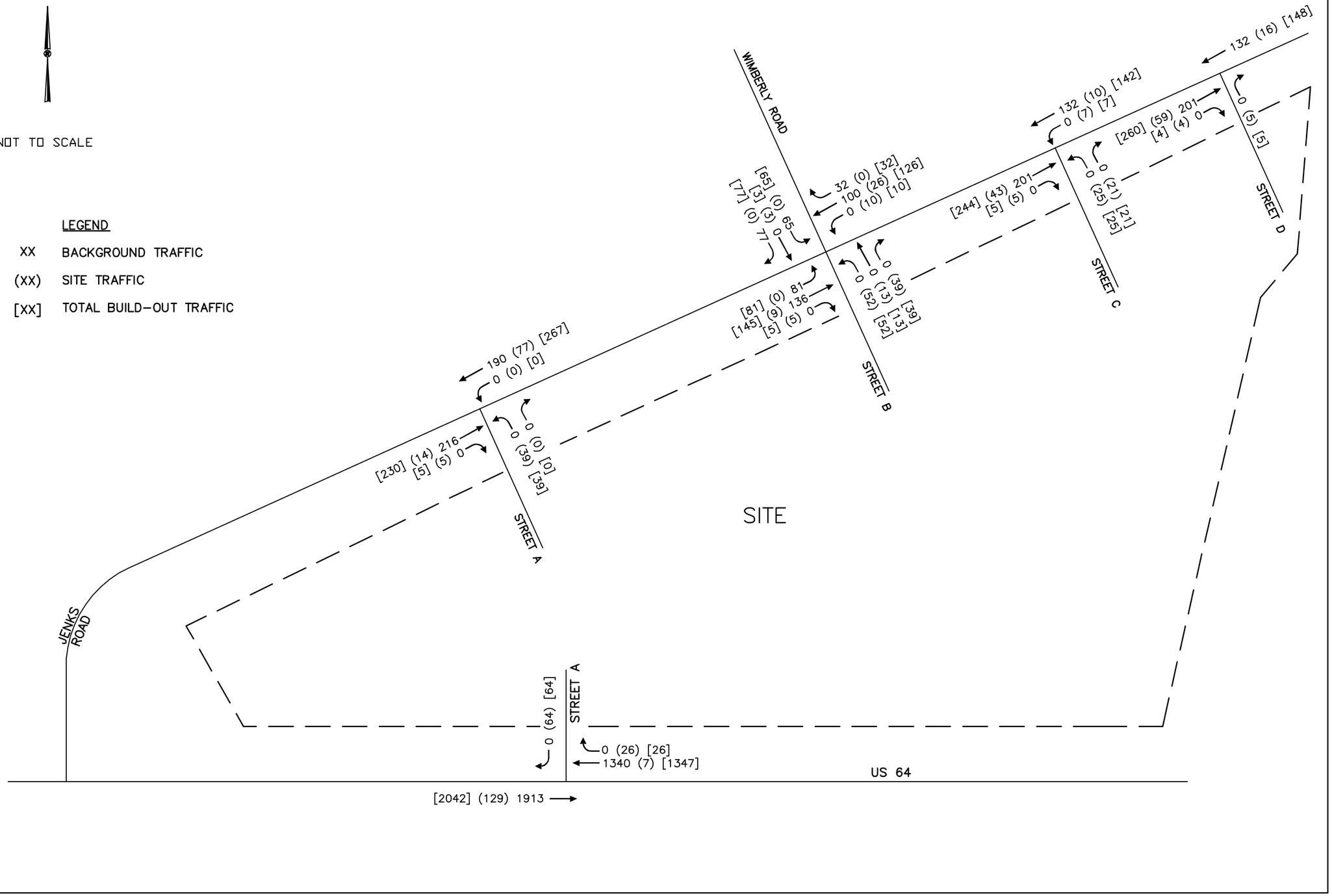
XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC



PROJECTED (2019) BUILD-OUT
AM PEAK HOUR TRAFFIC VOLUMES
SITE DRIVEWAYS

FIGURE 7B

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

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LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

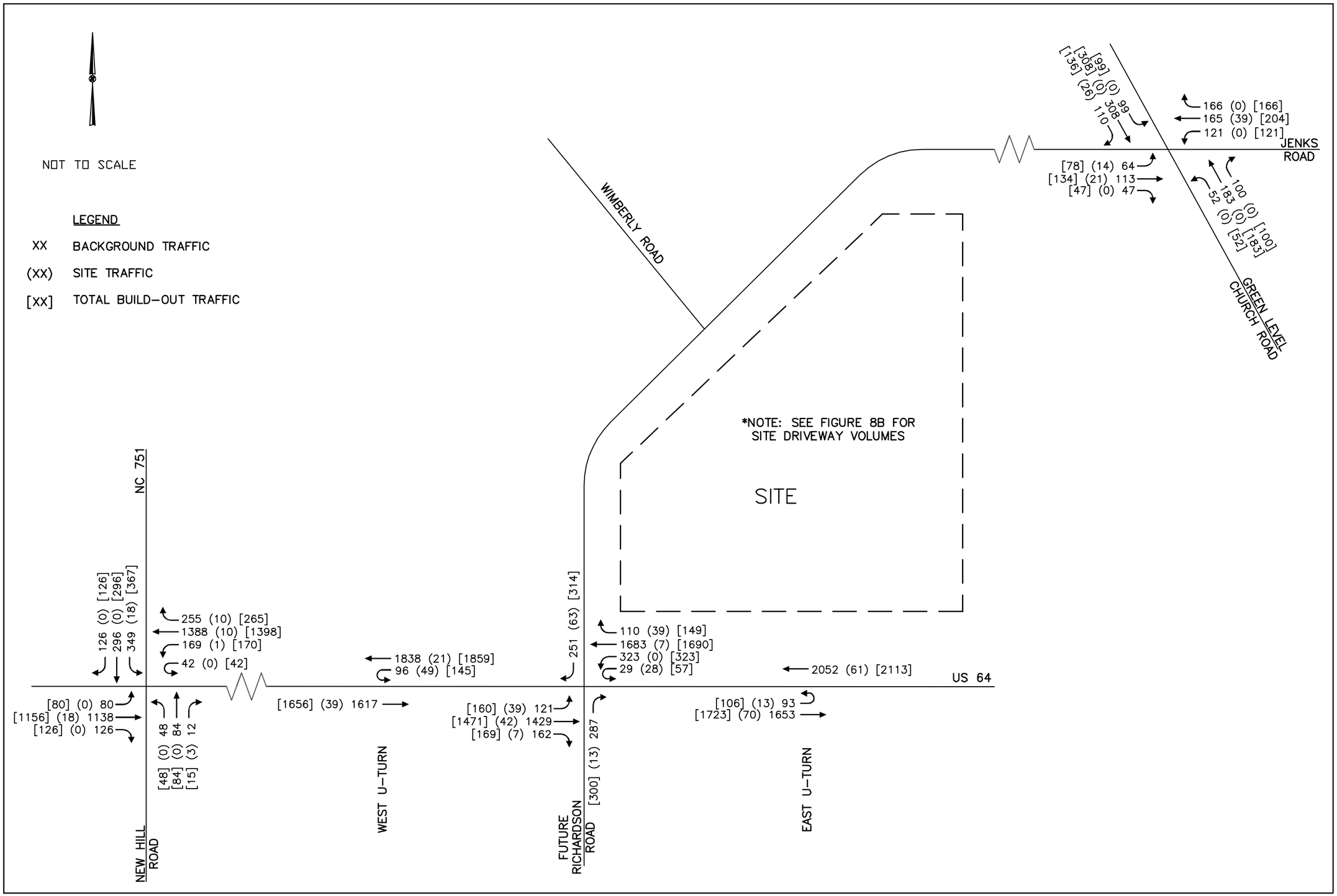

FIGURE 8A

PROJECTED (2019) BUILD-OUT
PM PEAK HOUR TRAFFIC VOLUMES
EXTERNAL INTERSECTIONS

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

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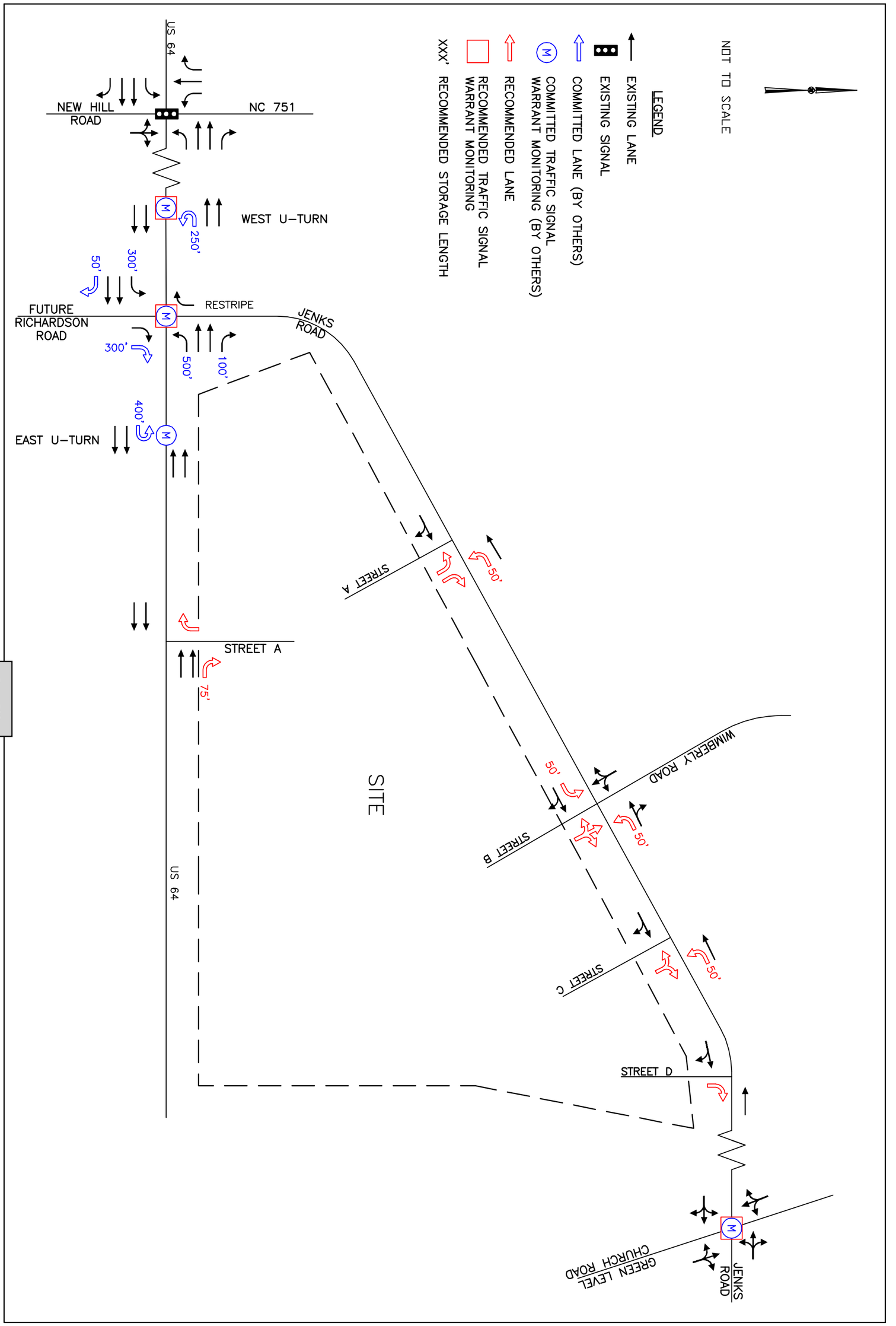

Kimley»Horn	WESTFORD APEX, NC TRAFFIC IMPACT ANALYSIS	RECOMMENDED ROADWAY LANEAGE	FIGURE ES-1

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LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

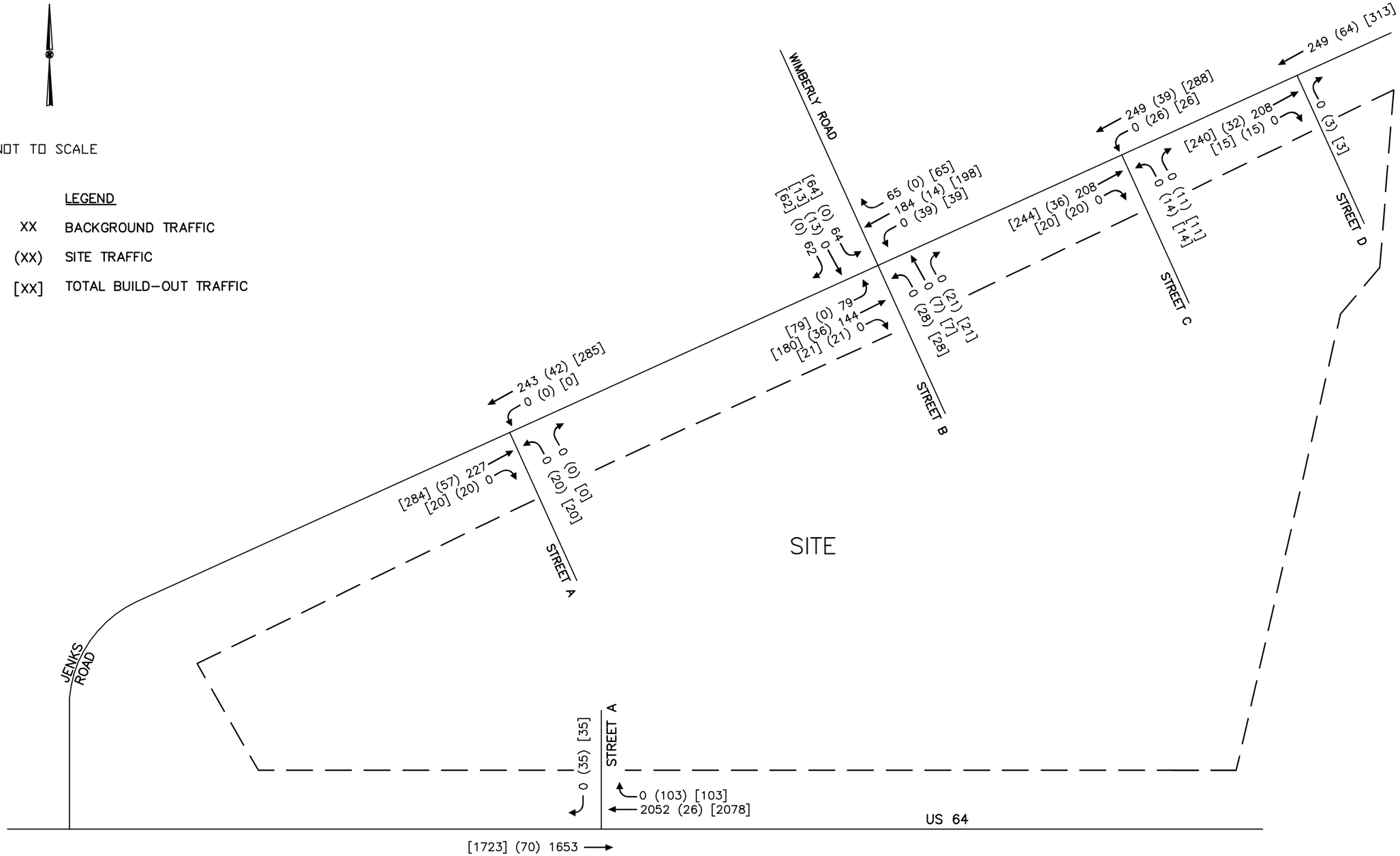

FIGURE 8B

PROJECTED (2019) BUILD-OUT
PM PEAK HOUR TRAFFIC VOLUMES
SITE DRIVEWAYS

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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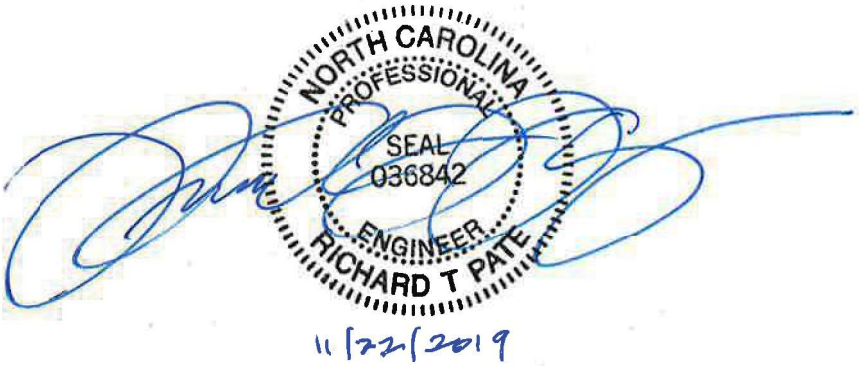
Curry Engineering
205 S Fuquay Avenue
Fuquay-Varina, NC 27526

Wolfe Properties PUD

Traffic Impact Analysis

November 2019



Curry
ENGINEERING

WOLFE PROPERTIES PUD

APEX, NORTH CAROLINA
SINGLE FAMILY DETACHED & TOWN HOME SITES

AUGUST 28, 2019

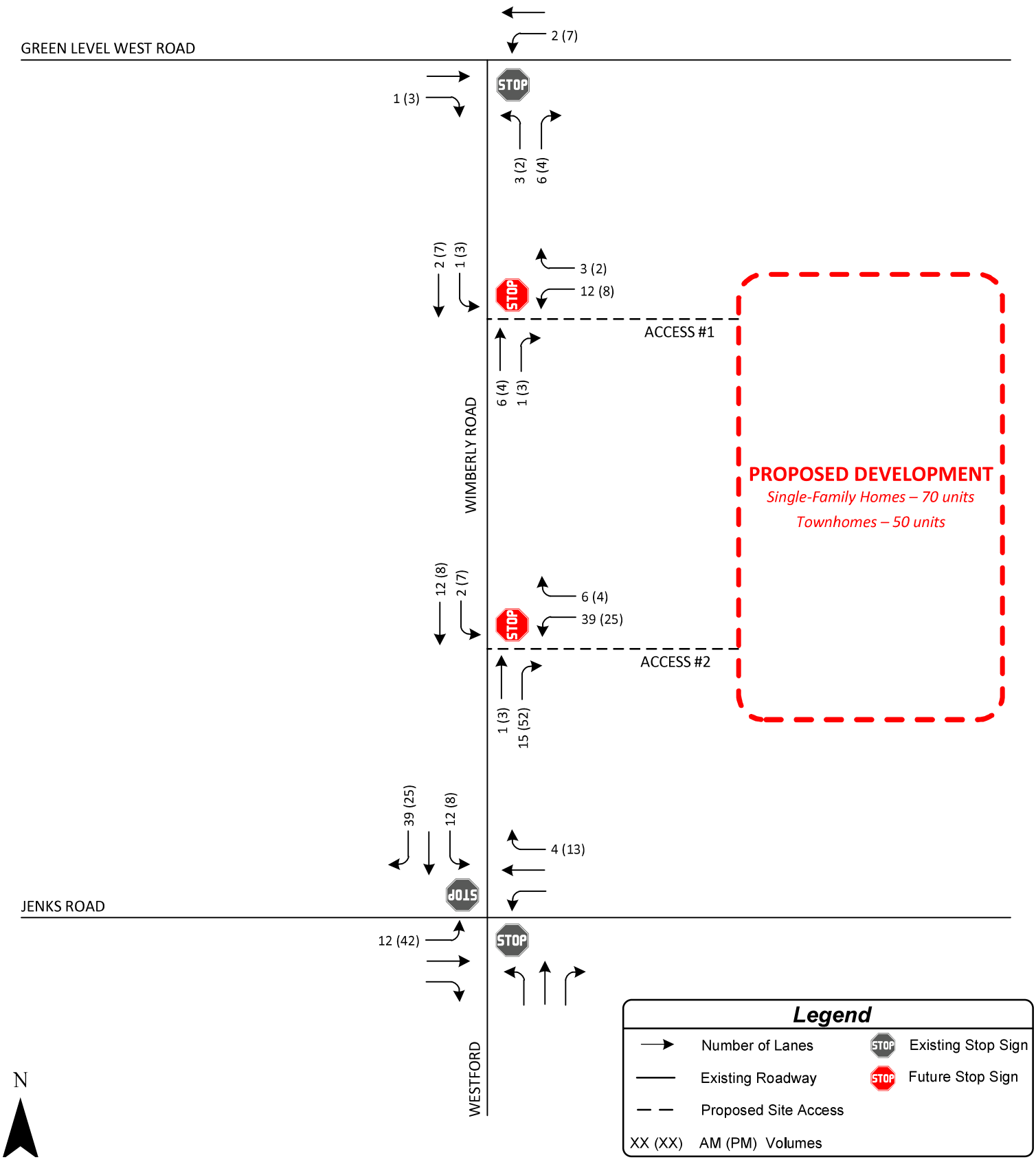
RESIDENTIAL LOT TYPE LEGEND

- SINGLE FAMILY DETACHED
- TOWN HOMES

TOWN OF APEX
WAKE COUNTY R-40W ZONING

SITE AREA	43.39 ac
ZONING	R-40W Low Density
LAND USE	Residential (LDR)
REZONING REQUIRED (Y/N)	Y
REZONING DISTRICT	PUD-CZ
MAXIMUM DENSITY	3 units/ac
MAXIMUM NUMBER OF UNITS	130 units
PROPOSED UNITS	120 units
SINGLE FAMILY DETACHED	70
TOWNHOMES	50
PARKS & RECREATION LAND DEDICATION REQUIRED	3.11 ac (1/30th SF & 1/45th TH)
PARKS & RECREATION LAND DEDICATION PROVIDED	3.74 ac
AREA GAINED FROM PROPERTY SWAP	0.15 ac
PROPERTY AREA AFTER LAND DEDICATION & SWAP	39.80 ac
NEW MAXIMUM DENSITY	39.80 ac
PROPOSED DENSITY	120 units
RESOURCE CONSERVATION AREA REQUIRED	9.95 ac (25%)
RESOURCE CONSERVATION AREA PROVIDED	10.23 ac (25.7%)

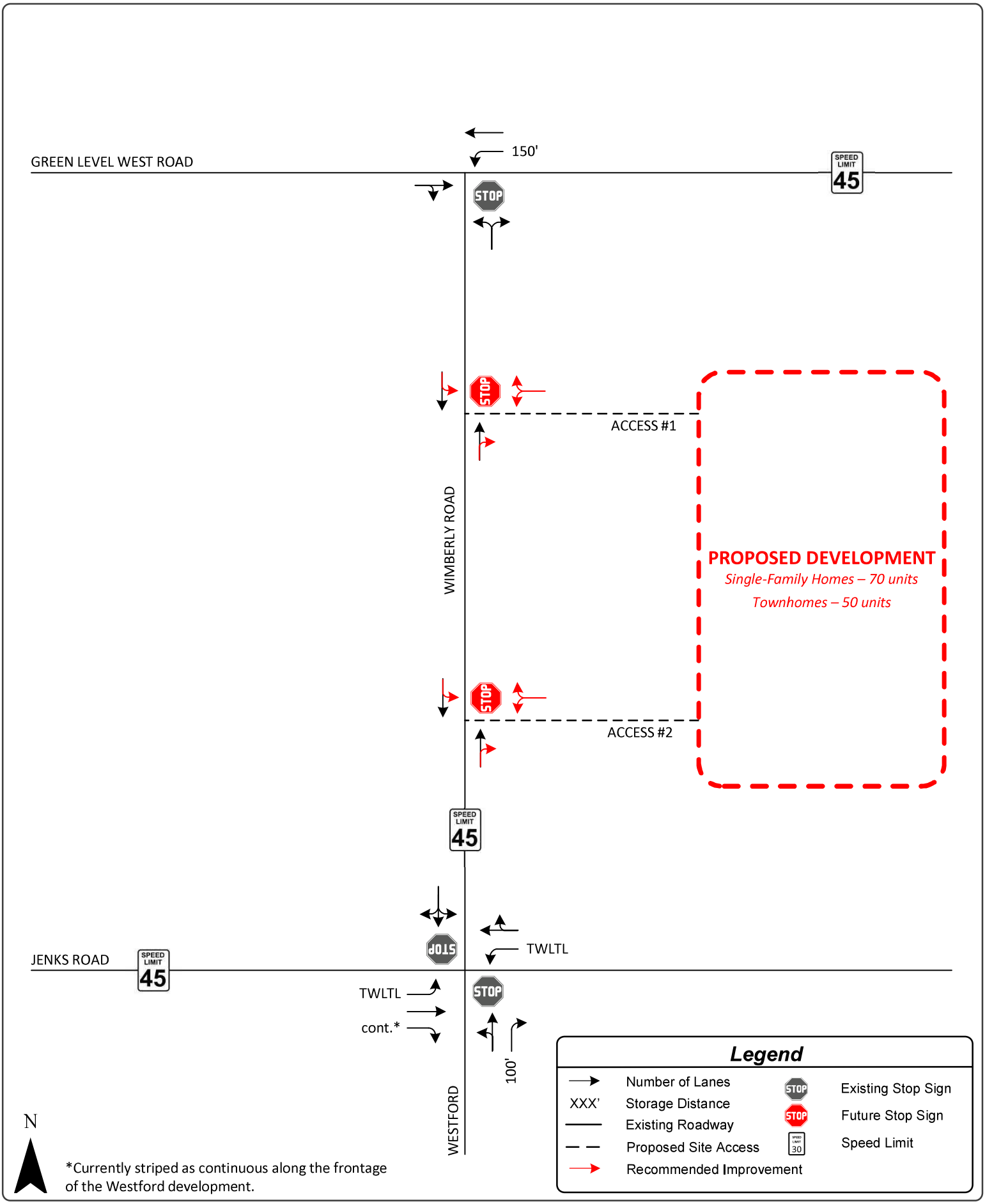
1"=160'-0"
0 80' 160' 320' 480'



Wolfe Property PUD
Apex, NC

Figure 7
Trips

MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure ES-3
Future (2025) Laneage

MOTT MACDONALD

APPENDIX D

FUTURE ROADWAY IMPROVEMENTS

DocuSign Envelope ID: E1AEACAD-E420-4FB7-A2CB-BC8FFB504133

PROJECT REFERENCE NO.	SHEET NO.
36249.4164	Sig-2.0

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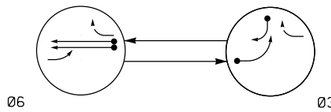
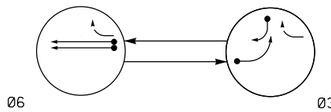


DEFAULT PHASING TABLE OF OPERATION			
SIGNAL FACE	PHASE Ø6	PHASE Ø3+8	FLASH
31	~~Y~~	←	~~Y~~
61,62	G	R	Y
81,82	R	→	R

ALTERNATE PHASING DIAGRAM



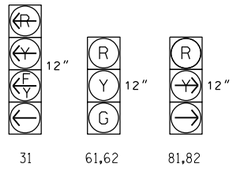
ALTERNATE PHASING TABLE OF OPERATION			
SIGNAL FACE	PHASE Ø6	PHASE Ø3+8	FLASH
31	~~R~~	←	~~Y~~
61,62	G	R	Y
81,82	R	→	R

PHASING DIAGRAM DETECTION LEGEND

- DETECTED MOVEMENT
- UNDETECTED MOVEMENT (OVERLAP)
- UNSIGNALIZED MOVEMENT
- PEDESTRIAN MOVEMENT

SIGNAL FACE I.D.

All Heads L.E.D.



OASIS 2070 LOOP & DETECTOR INSTALLATION CHART												
INDUCTIVE LOOPS					DETECTOR PROGRAMMING							
LOOP	SIZE (FT)	DISTANCE FROM STOPBAR (FT)	TURNS	NEW LOOP	PHASE	CALLING	EXTENSION	FULL TIME DELAY	STRETCH TIME	DELAY TIME	SYSTEM LOOP	NEW CARD
3A	6X40	0	2-4-2	Y	3	Y	Y	-	-	15*	-	Y
6A	6X6	420	6	Y	6	Y	Y	-	-	-	-	Y
6B	6X6	420	6	Y	6	Y	Y	-	-	-	-	Y
8A	6X40	0	2-4-2	Y	8	Y	Y	-	-	15	-	Y

* Disable delay during Alternate Phasing operation.

2 Phase
Fully Actuated
(US 64 & Jenks/Richardson Road
Closed Loop System)
Signal System: 10534

NOTES

1. Refer to "Roadway Standard Drawings NCDOT" dated January 2018, "Standard Specifications for Roads and Structures" dated January 2018, and all applicable sections of the latest version of the generic Project Special Provisions, The PSP can be accessed at the following website: http://connect.ncdot.gov/resources/safety/pages/ITS-Design-Resources.aspx
2. Do not program signal for late night flashing operation unless otherwise directed by the Engineer.
3. Set all detector units to presence mode.
4. Locate new cabinet so as not to obstruct sight distance of vehicles turning right on red.
5. The Division Engineer will determine the hours of use for each phasing plan.
6. Maximum times shown in timing chart are for free-run operation only. Coordinated signal system timing values supersede these values.
7. Closed loop system data: Controller Asset #1407

LEGEND

PROPOSED		EXISTING
	Traffic Signal Head	
	Modified Signal Head	N/A
	Sign	
	Pedestrian Signal Head With Push Button & Sign	
	Signal Pole with Guy	
	Signal Pole with Sidewalk Guy	
	Inductive Loop Detector	
	Controller & Cabinet	
	Master Controller & Cabinet	
	Junction Box	
	2-in Underground Conduit	
N/A	Right of Way	
	Directional Arrow	
	Type II Signal Pedestal	
	Metal Pole with Mastarm	
DD	Directional Drill	N/A

SIGNS

PROPOSED		EXISTING
A	No U-Turn Sign (R3-4)	A
B	"YIELD" Sign (R1-2)	B

OASIS 2070 TIMING CHART			
FEATURE	PHASE 3	PHASE 6	PHASE 8
Min Green 1 *	7	14	7
Extension 1 *	2.0	6.0	2.0
Max Green 1 *	20	90	20
Yellow Clearance	3.0	4.8	3.0
Red Clearance	2.6	1.4	2.6
Walk 1 *	-	-	-
Don't Walk 1	-	-	-
Seconds Per Actuation *	-	1.5	-
Max Variable Initial *	-	46	-
Time Before Reduction *	-	15	-
Time To Reduce *	-	45	-
Minimum Gap	-	3.4	-
Recall Mode	-	MIN RECALL	-
Vehicle Call Memory	-	YELLOW	-
Dual Entry	ON	-	ON
Simultaneous Gap	ON	ON	ON

* These values may be field adjusted. Do not adjust Min Green and Extension times for phase 6 lower than what is shown. Min Green for all other phases should not be lower than 4 seconds.

STOP BAR AND METAL POLE LOCATIONS

NC Dept of Transportation
Division of Highways
Final Drawing Date: 2/16/2021
Changed Back
ITS & Signals Unit

THIS PLAN SUPERSEDES THE PLAN SIGNED AND SEALED ON 10-29-2020.

New Installation

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

Prepared For: NCDOT Transportation Mobility and Safety Division, Signal Design Section

750 N.Greenfield Pkwy,Garner,NC 27529

RAMEY KEMP ASSOCIATES
8219 University Executive Park Drive Suite 220 Charlotte, North Carolina 28262
Phone: 704-654-5700 | www.rameykemp.com | NC License No. C-0910

US 64 WB
at
Jenks Road

Division 5 Wake County Apex

PLAN DATE:	February 2021	REVIEWED BY:	WJ Hamilton
PREPARED BY:	ZM Esposito	RKA PROJ. NO.:	19331 (040)

SCALE 1"=40' (0 40)

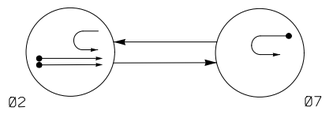
REVISIONS	INIT.	DATE

SEAL
NORTH CAROLINA PROFESSIONAL SEAL 32396 ENGINEER WILLIAM J HAMILTON
William J. Hamilton
SIGNATURE 2/9/2021 DATE
SIG. INVENTORY NO. 05-1407

DocuSign Envelope ID: C6197B30-C7C9-4F3E-98DB-6B204AF48C46

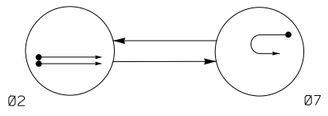
PROJECT REFERENCE NO.	SHEET NO.
36249.4284	SIG. 1.0

DEFAULT PHASING DIAGRAM



DEFAULT PHASING TABLE OF OPERATION			
SIGNAL FACE	PHASE Ø2	PHASE Ø7	PHASE FLASH
21, 22	G	R	Y
71	(R)		(Y)

ALTERNATE PHASING DIAGRAM



ALTERNATE PHASING TABLE OF OPERATION			
SIGNAL FACE	PHASE Ø2	PHASE Ø7	PHASE FLASH
21, 22	G	R	Y
71	(R)		(Y)

OASIS 2070 LOOP & DETECTOR INSTALLATION CHART												
INDUCTIVE LOOPS					DETECTOR PROGRAMMING							
LOOP	SIZE (FT)	DISTANCE FROM STOPBAR (FT)	TURNS	NEW LOOP	PHASE	CALLING	EXTENSION	FULL TIME DELAY	STRETCH TIME	DELAY TIME	SYSTEM LOOP	NEW CARD
2A	6X6	420	6	Y	2	Y	Y	-	-	-	-	Y
2B	6X6	420	6	Y	2	Y	Y	-	-	-	-	Y
7A	6X40	+5	2-4-2	Y	7	Y	Y	-	-	15*	-	Y

* Disable delay during Alternate Phasing Operation.

2 PHASE
FULLY ACTUATED
(US 64 & Jenks/Richardson Road
Closed Loop System)
Signal System: 10534

NOTES

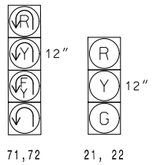
1. Refer to "Roadway Standard Drawings NCDOT" dated January 2018, "Standard Specifications for Roads and Structures" dated January 2018, and all applicable sections of the latest version of the generic Project Special Provisions. The PSP can be accessed at the following website: https://connect.ncdot.gov/resources/safety/Pages/ITS-Design-Resources.aspx
2. Do not program signal for late night flashing operation unless otherwise directed by the Engineer.
3. Set all detector units to presence mode.
4. Locate new cabinet so as not to obstruct sight distance of vehicles turning right on red.
5. Maximum times shown in timing chart are for free-run operation only. Coordinated signal system timing values shall supersede these values.
6. The Division Traffic Engineer will determine the hours of use for each phasing plan.
7. Closed loop system data:
   Controller asset: #1412

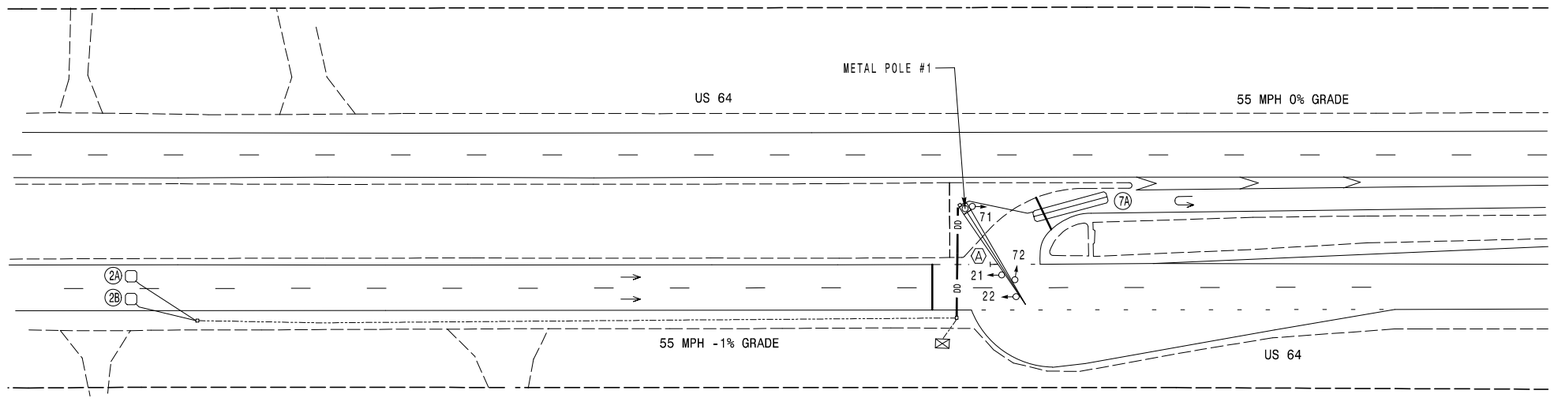
PHASING DIAGRAM DETECTION LEGEND

- DETECTED MOVEMENT
- UNDETECTED MOVEMENT (OVERLAP)
- UNSIGNALIZED MOVEMENT
- PEDESTRIAN MOVEMENT

SIGNAL FACE I.D.

All Heads L.E.D.





LEGEND

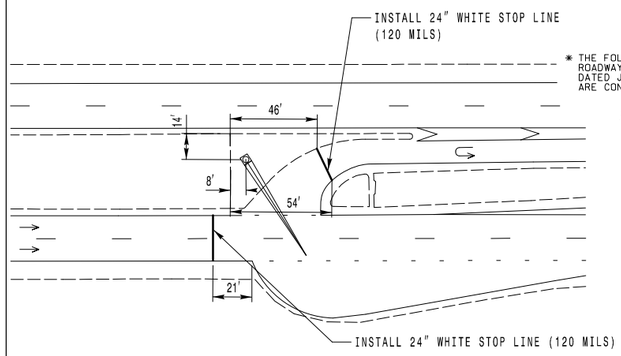
PROPOSED		EXISTING
	Traffic Signal Head	
	Modified Signal Head	N/A
	Sign	
	Pedestrian Signal Head With Push Button & Sign	
	Metal Pole with Mastarm	
	Inductive Loop Detector	
	Controller & Cabinet	
	Junction Box	
	2-in Underground Conduit	
N/A	Right of Way	
	Directional Arrow	
OD	Directional Drill	N/A
A	No Left Turn Sign (R3-2)	

OASIS 2070 TIMING CHART

FEATURE	PHASE 2	PHASE 7
Min Green 1 *	14	7
Extension 1 *	6.0	2.0
Max Green 1 *	90	30
Yellow Clearance	5.3	3.0
Red Clearance	1.0	3.3
Walk 1 *	-	-
Don't Walk 1	-	-
Seconds Per Actuation *	1.5	-
Max Variable Initial *	46	-
Time Before Reduction *	15	-
Time To Reduce *	45	-
Minimum Gap	3.4	-
Recall Mode	MIN RECALL	-
Vehicle Call Memory	YELLOW	-
Dual Entry	-	-
Simultaneous Gap	ON	ON

* These values may be field adjusted. Do not adjust Min Green and Extension times for phase 2 lower than what is shown. Min Green for all other phases should not be lower than 4 seconds.

STOPLINE AND POLE LOCATION DIAGRAM AND PAVEMENT MARKING PLAN



2018 ROADWAY STANDARD DRAWINGS AND STANDARD SPECIFICATIONS

* THE FOLLOWING ROADWAY STANDARDS AS APPEAR IN "ROADWAY STANDARD DRAWINGS" - ROADWAY DESIGN UNIT - N.C. DEPARTMENT OF TRANSPORTATION - RALEIGH, N.C., DATED JANUARY 2018 ARE APPLICABLE TO THIS PROJECT AND BY REFERENCE HEREBY ARE CONSIDERED A PART OF THESE PLANS:

STD. NUMBER	DESCRIPTION
1205.01	PAVEMENT MARKINGS LINE TYPES
1205.04	PAVEMENT MARKINGS AT SIGNALIZED INTERSECTIONS

PAVEMENT MARKING NOTES:

A. ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC.
B. CONTRACTOR SHALL MILL ANY EXISTING MARKINGS OR SYMBOLS IN CONFLICT WITH PROPOSED MARKINGS.

NC Dept of Transportation
Division of Highways
Final Drawing Date: 6/16/2021
DocuSigned by: Chang Back
ITS & Signals Unit

New Installation

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

Prepared for: NCDOT Transportation Mobility and Safety Division, Signal Design Section

US 64 Eastbound at U-Turn West of Richardson Road

Division 5 | Wake County | Apex

PLAN DATE:	April 2021	REVIEWED BY:	SP Pennington
PREPARED BY:	CF Davis	REVIEWED BY:	KP Baumann

REVISIONS	INIT.	DATE

SCALE 0 40 1"=40'

SEAL
NORTH CAROLINA PROFESSIONAL SEAL 044434 ENGINEER KEVIN P. BAUMANN
DocuSigned by: 6/14/2021
SIGNATURE DATE
SIG. INVENTORY NO. 05-1412

PLANS PREPARED IN THE OFFICE OF:
Kimley»Horn
NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

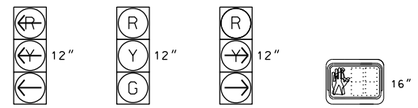
6/14/2021 1:54:34 PM Craig.Davis K:\RAL_TPTO_SIGNALS\4018995005 Westford Signals\64 - Signal Design\1.0 05-1412_2021g.dgn

DocuSign Envelope ID: 28B70DF5-6C6F-4BE7-A418-20FF286DEB4E

PROJECT REFERENCE NO.	SHEET NO.
36249.4164	Sig-1.0

SIGNAL FACE I.D.

All Heads L.E.D.



PHASING DIAGRAM

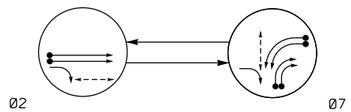


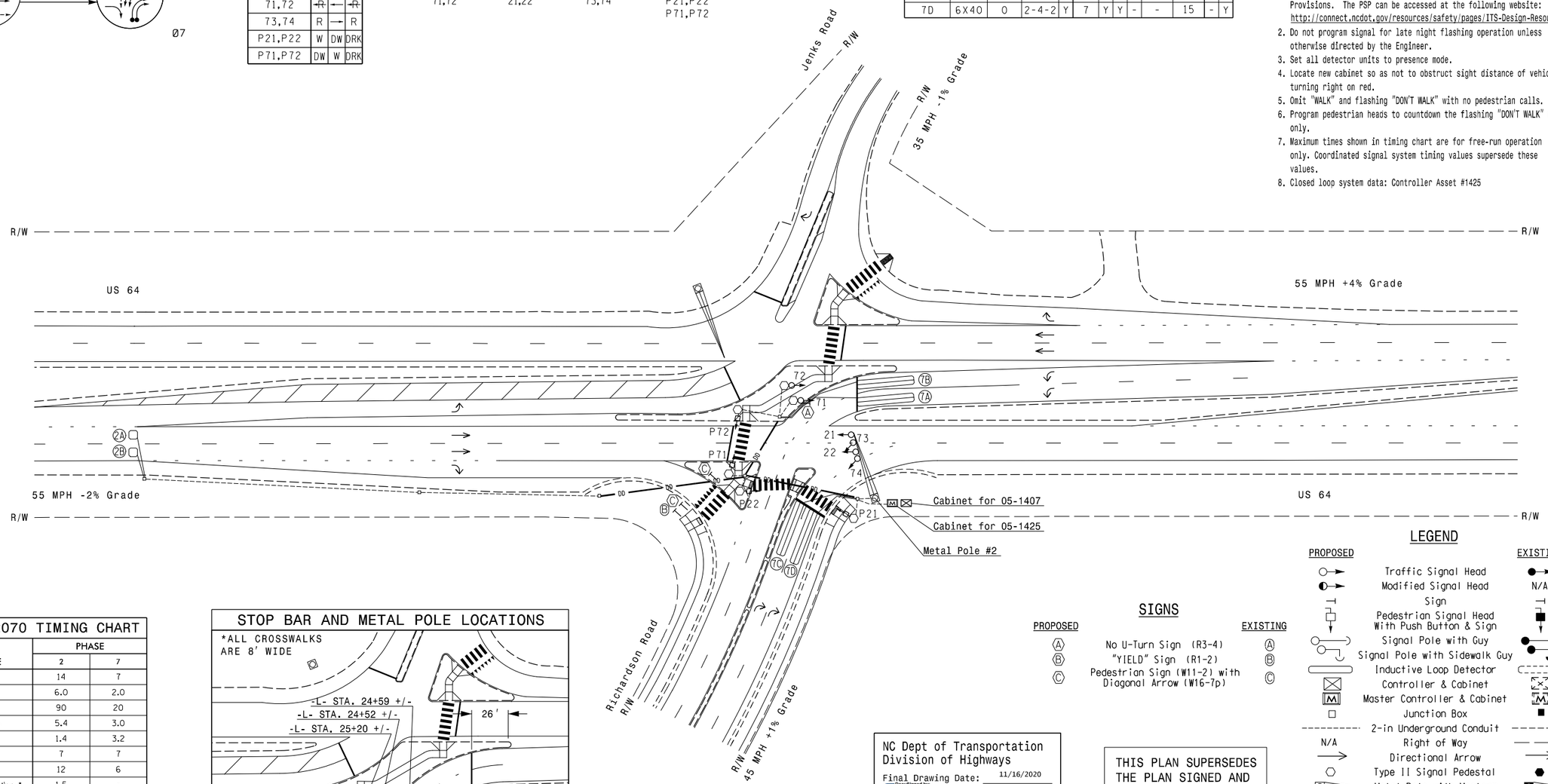
TABLE OF OPERATION			
SIGNAL FACE	PHASE Ø2	PHASE Ø7	FLASH
21,22	G	R	Y
71,72	~~R~~	←	~~R~~
73,74	R	→	R
P21,P22	W	DW	DRK
P71,P72	DW	W	DRK

OASIS 2070 LOOP & DETECTOR INSTALLATION CHART												
INDUCTIVE LOOPS					DETECTOR PROGRAMMING							
LOOP	SIZE (FT)	DISTANCE FROM STOPBAR (FT)	TURNS	NEW LOOP	PHASE	CALLING	EXTENSION	FULL TIME DELAY	STRETCH TIME	DELAY TIME	SYSTEM LOOP	NEW CARD
2A	6X6	420	6	Y	2	Y	Y	-	-	-	-	Y
2B	6X6	420	6	Y	2	Y	Y	-	-	-	-	Y
7A	6X40	0	2-4-2	Y	7	Y	Y	-	-	-	-	Y
7B	6X40	0	2-4-2	Y	7	Y	Y	-	-	-	-	Y
7C	6X40	0	2-4-2	Y	7	Y	Y	-	-	15	-	Y
7D	6X40	0	2-4-2	Y	7	Y	Y	-	-	15	-	Y

2 Phase
Fully Actuated
(US 64 & Jenks/Richardson Road
Closed Loop System)
Signal System: 10534

NOTES

1. Refer to "Roadway Standard Drawings NCDOT" dated January 2018, "Standard Specifications for Roads and Structures" dated January 2018, and all applicable sections of the latest version of the generic Project Special Provisions. The PSP can be accessed at the following website: http://connect.ncdot.gov/resources/safety/pages/ITS-Design-Resources.aspx
2. Do not program signal for late night flashing operation unless otherwise directed by the Engineer.
3. Set all detector units to presence mode.
4. Locate new cabinet so as not to obstruct sight distance of vehicles turning right on red.
5. Omit "WALK" and flashing "DON'T WALK" with no pedestrian calls.
6. Program pedestrian heads to countdown the flashing "DON'T WALK" time only.
7. Maximum times shown in timing chart are for free-run operation only. Coordinated signal system timing values supersede these values.
8. Closed loop system data: Controller Asset #1425



SIGNS

PROPOSED		EXISTING
A	No U-Turn Sign (R3-4)	A
B	"YIELD" Sign (R1-2)	B
C	Pedestrian Sign (W11-2) with Diagonal Arrow (W16-7p)	C

LEGEND

PROPOSED		EXISTING
	Traffic Signal Head	
	Modified Signal Head	N/A
	Sign	
	Pedestrian Signal Head With Push Button & Sign	
	Signal Pole with Guy	
	Signal Pole with Sidewalk Guy	
	Inductive Loop Detector	
	Controller & Cabinet	
M	Master Controller & Cabinet	M
	Junction Box	
	2-in Underground Conduit	
N/A	Right of Way	
	Directional Arrow	
	Type II Signal Pedestal	
	Metal Pole with Mastarm	
DD	Directional Drill	N/A

OASIS 2070 TIMING CHART		
	PHASE	
FEATURE	2	7
Min Green 1 *	14	7
Extension 1 *	6.0	2.0
Max Green 1 *	90	20
Yellow Clearance	5.4	3.0
Red Clearance	1.4	3.2
Walk 1 *	7	7
Don't Walk 1	12	6
Seconds Per Actuation *	1.5	-
Max Variable Initial *	46	-
Time Before Reduction *	15	-
Time To Reduce *	45	-
Minimum Gap	3.4	-
Recall Mode	MIN RECALL	-
Vehicle Call Memory	YELLOW	-
Dual Entry	-	-
Simultaneous Gap	ON	ON

* These values may be field adjusted. Do not adjust Min Green and Extension times for phase 2 lower than what is shown. Min Green for all other phases should not be lower than 4 seconds.

STOP BAR AND METAL POLE LOCATIONS

NC Dept of Transportation
Division of Highways

Final Drawing Date: 11/16/2020

DocuSigned by: Chaingsok Baek

ITS & Signals Unit

THIS PLAN SUPERSEDES THE PLAN SIGNED AND SEALED ON 8-24-2020.

New Installation

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

Prepared For: Traffic Engineering Branch, Mobility and Safety Division, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Signal Design Section

750 N.Greenfield Pkwy,Garner,NC 27529

RKA RAMEY KEMP ASSOCIATES
8219 University Executive Park Drive Suite 220 Charlotte, North Carolina 28262
Phone: 7046454560 | www.rameykemp.com | NC License No., C-0910

SCALE 0 40 1"=40'

US 64 EB at Richardson Road

Division 5 Wake County Apex

PLAN DATE:	October 2020	REVIEWED BY:	WJ Hamilton
PREPARED BY:	ZW Esposito	RKA PROJ. NO:	19331 (040)

REVISIONS	INIT.	DATE

SEAL

NORTH CAROLINA PROFESSIONAL SEAL 32396 ENGINEER WILLIAM J. HAMILTON

DocuSigned by: William J. Hamilton 10/29/2020

SIGNATURE DATE

SIG. INVENTORY NO. 05-1425

APPENDIX E

CAPACITY ANALYSIS CALCULATIONS

US 64

&

JENKS ROAD/RICHARDSON ROAD

Intersection	
Int Delay, s/veh	4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↑↑	↱		↑				↱
Traffic Vol, veh/h	0	0	0	0	1024	94	0	91	0	0	0	109
Future Vol, veh/h	0	0	0	0	1024	94	0	91	0	0	0	109
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	Yield	-	-	None	-	-	None
Storage Length	-	-	-	-	-	0	-	-	-	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	0	0	0	1138	104	0	101	0	0	0	121

Major/Minor	Major2		Minor1			Minor2			
Conflicting Flow All	-	-	0	-	1138	-	-	-	569
Stage 1	-	-	-	-	0	-	-	-	-
Stage 2	-	-	-	-	1138	-	-	-	-
Critical Hdwy	-	-	-	-	6.54	-	-	-	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	5.54	-	-	-	-
Follow-up Hdwy	-	-	-	-	4.02	-	-	-	3.32
Pot Cap-1 Maneuver	0	-	-	0	200	0	0	0	465
Stage 1	0	-	-	0	-	0	0	0	-
Stage 2	0	-	-	0	275	0	0	0	-
Platoon blocked, %		-	-						
Mov Cap-1 Maneuver	-	-	-	-	200	-	-	-	465
Mov Cap-2 Maneuver	-	-	-	-	200	-	-	-	-
Stage 1	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	275	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	0	40.1	15.4
HCM LOS		E	C

Minor Lane/Major Mvmt	NBLn1	WBT	WBR	SBLn1
Capacity (veh/h)	200	-	-	465
HCM Lane V/C Ratio	0.506	-	-	0.26
HCM Control Delay (s)	40.1	-	-	15.4
HCM Lane LOS	E	-	-	C
HCM 95th %tile Q(veh)	2.5	-	-	1

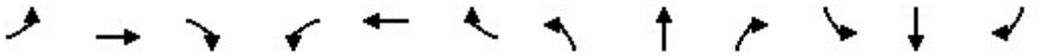
Intersection	
Int Delay, s/veh	5.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↑↑	↱		↑				↱
Traffic Vol, veh/h	0	0	0	0	1274	88	0	76	0	0	0	152
Future Vol, veh/h	0	0	0	0	1274	88	0	76	0	0	0	152
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	Yield	-	-	None	-	-	None
Storage Length	-	-	-	-	-	0	-	-	-	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	0	0	0	1416	98	0	84	0	0	0	169

Major/Minor	Major2		Minor1			Minor2			
Conflicting Flow All	-	-	0	-	1416	-	-	-	708
Stage 1	-	-	-	-	0	-	-	-	-
Stage 2	-	-	-	-	1416	-	-	-	-
Critical Hdwy	-	-	-	-	6.54	-	-	-	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	5.54	-	-	-	-
Follow-up Hdwy	-	-	-	-	4.02	-	-	-	3.32
Pot Cap-1 Maneuver	0	-	-	0	136	0	0	0	377
Stage 1	0	-	-	0	-	0	0	0	-
Stage 2	0	-	-	0	202	0	0	0	-
Platoon blocked, %		-	-						
Mov Cap-1 Maneuver	-	-	-	-	136	-	-	-	377
Mov Cap-2 Maneuver	-	-	-	-	136	-	-	-	-
Stage 1	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	202	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	0	67.3	22.1
HCM LOS		F	C

Minor Lane/Major Mvmt	NBLn1	WBT	WBR	SBLn1
Capacity (veh/h)	136	-	-	377
HCM Lane V/C Ratio	0.621	-	-	0.448
HCM Control Delay (s)	67.3	-	-	22.1
HCM Lane LOS	F	-	-	C
HCM 95th %tile Q(veh)	3.3	-	-	2.2



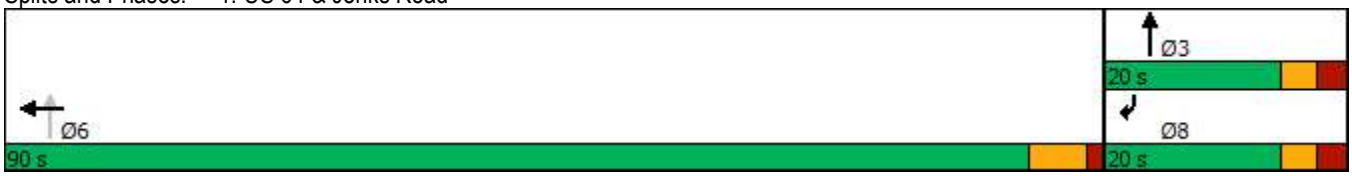
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	0	0	1122	135	0	116	0	0	0	209
Future Volume (vph)	0	0	0	0	1122	135	0	116	0	0	0	209
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt						0.850						0.865
Flt Protected												
Satd. Flow (prot)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Flt Permitted												
Satd. Flow (perm)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Right Turn on Red			No			No	No		No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		867			200			250			1287	
Travel Time (s)		10.7			2.5			3.8			19.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	0	0	0	1247	150	0	129	0	0	0	232
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	0	0	1247	150	0	129	0	0	0	232
Turn Type					NA	Free		NA				Prot
Protected Phases					6!			3				8
Permitted Phases						Free		6!				
Detector Phase					6			3				8
Switch Phase												
Minimum Initial (s)					14.0			7.0				7.0
Minimum Split (s)					20.2			12.6				12.6
Total Split (s)					90.0			20.0				20.0
Total Split (%)					81.8%			18.2%				18.2%
Maximum Green (s)					83.8			14.4				14.4
Yellow Time (s)					4.8			3.0				3.0
All-Red Time (s)					1.4			2.6				2.6
Lost Time Adjust (s)					-1.2			-0.6				-0.6
Total Lost Time (s)					5.0			5.0				5.0
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)					6.0			2.0				2.0
Minimum Gap (s)					3.4			2.0				2.0
Time Before Reduce (s)					15.0			0.0				0.0
Time To Reduce (s)					45.0			0.0				0.0
Recall Mode					Min			None				None
Act Effct Green (s)					28.7	53.9		53.9				15.1
Actuated g/C Ratio					0.53	1.00		1.00				0.28
v/c Ratio					0.66	0.09		0.07				0.51
Control Delay					10.9	0.1		0.1				22.7
Queue Delay					0.0	0.0		0.0				0.0
Total Delay					10.9	0.1		0.1				22.7
LOS					B	A		A				C
Approach Delay					9.7			0.1			22.7	
Approach LOS					A			A			C	

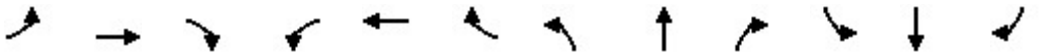
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)					134	0		0				62
Queue Length 95th (ft)					186	0		0				138
Internal Link Dist (ft)		787			120			170			1207	
Turn Bay Length (ft)												
Base Capacity (vph)					3539	1583		1863				451
Starvation Cap Reductn					0	0		0				0
Spillback Cap Reductn					0	0		0				0
Storage Cap Reductn					0	0		0				0
Reduced v/c Ratio					0.35	0.09		0.07				0.51

Intersection Summary			
Area Type:	Other		
Cycle Length: 110			
Actuated Cycle Length: 53.9			
Natural Cycle: 40			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 0.66			
Intersection Signal Delay: 10.7		Intersection LOS: B	
Intersection Capacity Utilization 52.3%		ICU Level of Service A	
Analysis Period (min) 15			

! Phase conflict between lane groups.

Splits and Phases: 1: US 64 & Jenks Road





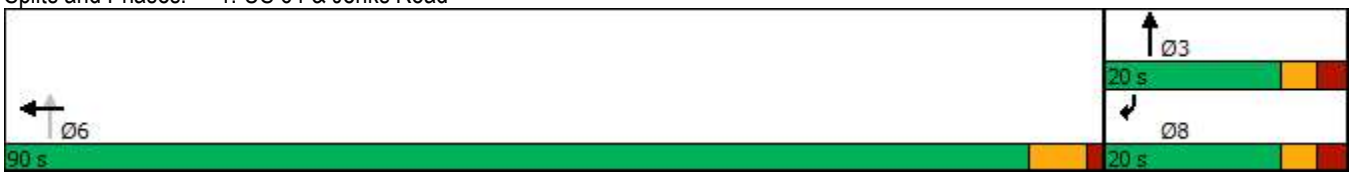
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	0	0	1394	150	0	115	0	0	0	238
Future Volume (vph)	0	0	0	0	1394	150	0	115	0	0	0	238
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt						0.850						0.865
Flt Protected												
Satd. Flow (prot)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Flt Permitted												
Satd. Flow (perm)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Right Turn on Red			No			No	No		No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		867			200			250			1287	
Travel Time (s)		10.7			2.5			3.8			19.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	0	0	0	1549	167	0	128	0	0	0	264
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	0	0	1549	167	0	128	0	0	0	264
Turn Type					NA	Free		NA				Prot
Protected Phases					6!			3				8
Permitted Phases						Free		6!				
Detector Phase					6			3				8
Switch Phase												
Minimum Initial (s)					14.0			7.0				7.0
Minimum Split (s)					20.2			12.6				12.6
Total Split (s)					90.0			20.0				20.0
Total Split (%)					81.8%			18.2%				18.2%
Maximum Green (s)					83.8			14.4				14.4
Yellow Time (s)					4.8			3.0				3.0
All-Red Time (s)					1.4			2.6				2.6
Lost Time Adjust (s)					-1.2			-0.6				-0.6
Total Lost Time (s)					5.0			5.0				5.0
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)					6.0			2.0				2.0
Minimum Gap (s)					3.4			2.0				2.0
Time Before Reduce (s)					15.0			0.0				0.0
Time To Reduce (s)					45.0			0.0				0.0
Recall Mode					Min			None				None
Act Effct Green (s)					36.0	61.1		61.1				15.1
Actuated g/C Ratio					0.59	1.00		1.00				0.25
v/c Ratio					0.74	0.11		0.07				0.66
Control Delay					11.7	0.1		0.1				32.2
Queue Delay					0.0	0.0		0.0				0.0
Total Delay					11.7	0.1		0.1				32.2
LOS					B	A		A				C
Approach Delay					10.6			0.1			32.2	
Approach LOS					B			A			C	

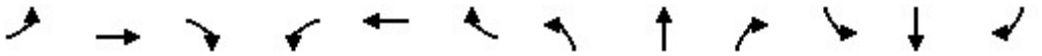
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)					191	0		0				89
Queue Length 95th (ft)					261	0		0				#203
Internal Link Dist (ft)		787			120			170			1207	
Turn Bay Length (ft)												
Base Capacity (vph)					3539	1583		1863				397
Starvation Cap Reductn					0	0		0				0
Spillback Cap Reductn					0	0		0				0
Storage Cap Reductn					0	0		0				0
Reduced v/c Ratio					0.44	0.11		0.07				0.66

Intersection Summary			
Area Type:	Other		
Cycle Length: 110			
Actuated Cycle Length: 61.1			
Natural Cycle: 50			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 0.74			
Intersection Signal Delay: 12.7		Intersection LOS: B	
Intersection Capacity Utilization 61.6%		ICU Level of Service B	
Analysis Period (min) 15			

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
! Phase conflict between lane groups.

Splits and Phases: 1: US 64 & Jenks Road





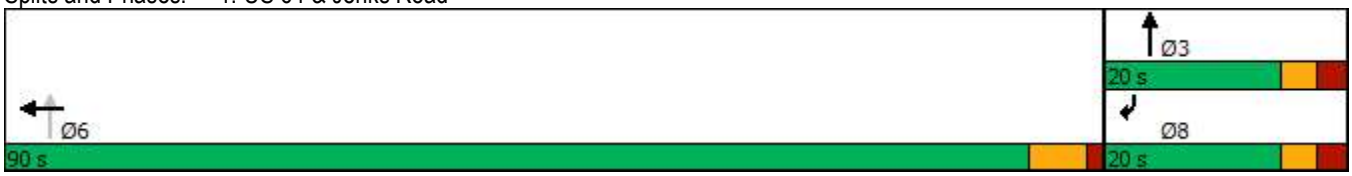
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	0	0	1122	150	0	122	0	0	0	234
Future Volume (vph)	0	0	0	0	1122	150	0	122	0	0	0	234
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt						0.850						0.865
Flt Protected												
Satd. Flow (prot)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Flt Permitted												
Satd. Flow (perm)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Right Turn on Red			No			No	No		No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		867			200			250			1287	
Travel Time (s)		10.7			2.5			3.8			19.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	0	0	0	1247	167	0	136	0	0	0	260
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	0	0	1247	167	0	136	0	0	0	260
Turn Type					NA	Free		NA				Prot
Protected Phases					6!			3				8
Permitted Phases						Free		6!				
Detector Phase					6			3				8
Switch Phase												
Minimum Initial (s)					14.0			7.0				7.0
Minimum Split (s)					20.2			12.6				12.6
Total Split (s)					90.0			20.0				20.0
Total Split (%)					81.8%			18.2%				18.2%
Maximum Green (s)					83.8			14.4				14.4
Yellow Time (s)					4.8			3.0				3.0
All-Red Time (s)					1.4			2.6				2.6
Lost Time Adjust (s)					-1.2			-0.6				-0.6
Total Lost Time (s)					5.0			5.0				5.0
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)					6.0			2.0				2.0
Minimum Gap (s)					3.4			2.0				2.0
Time Before Reduce (s)					15.0			0.0				0.0
Time To Reduce (s)					45.0			0.0				0.0
Recall Mode					Min			None				None
Act Effct Green (s)					28.7	53.9		53.9				15.1
Actuated g/C Ratio					0.53	1.00		1.00				0.28
v/c Ratio					0.66	0.11		0.07				0.58
Control Delay					10.9	0.1		0.1				24.7
Queue Delay					0.0	0.0		0.0				0.0
Total Delay					10.9	0.1		0.1				24.7
LOS					B	A		A				C
Approach Delay					9.6			0.1			24.7	
Approach LOS					A			A			C	

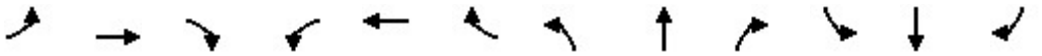
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)					134	0		0				71
Queue Length 95th (ft)					186	0		0				#173
Internal Link Dist (ft)		787			120			170			1207	
Turn Bay Length (ft)												
Base Capacity (vph)					3539	1583		1863				451
Starvation Cap Reductn					0	0		0				0
Spillback Cap Reductn					0	0		0				0
Storage Cap Reductn					0	0		0				0
Reduced v/c Ratio					0.35	0.11		0.07				0.58

Intersection Summary			
Area Type:	Other		
Cycle Length: 110			
Actuated Cycle Length: 53.9			
Natural Cycle: 40			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 0.66			
Intersection Signal Delay: 11.1		Intersection LOS: B	
Intersection Capacity Utilization 53.8%		ICU Level of Service A	
Analysis Period (min) 15			

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
! Phase conflict between lane groups.

Splits and Phases: 1: US 64 & Jenks Road





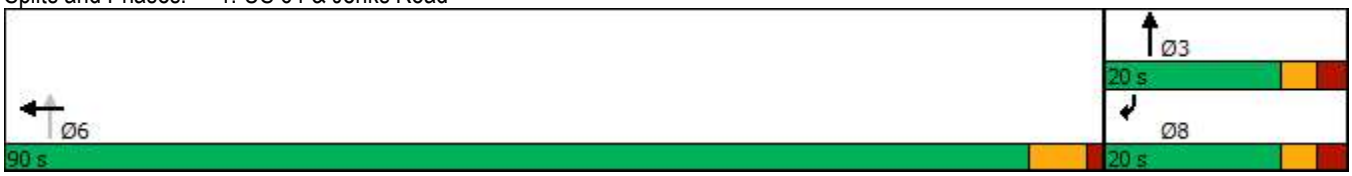
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	0	0	1394	175	0	128	0	0	0	271
Future Volume (vph)	0	0	0	0	1394	175	0	128	0	0	0	271
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt						0.850						0.865
Flt Protected												
Satd. Flow (prot)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Flt Permitted												
Satd. Flow (perm)	0	0	0	0	3539	1583	0	1863	0	0	0	1611
Right Turn on Red			No			No	No		No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		867			200			250			1287	
Travel Time (s)		10.7			2.5			3.8			19.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	0	0	0	1549	194	0	142	0	0	0	301
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	0	0	1549	194	0	142	0	0	0	301
Turn Type					NA	Free		NA				Prot
Protected Phases					6!			3				8
Permitted Phases						Free		6!				
Detector Phase					6			3				8
Switch Phase												
Minimum Initial (s)					14.0			7.0				7.0
Minimum Split (s)					20.2			12.6				12.6
Total Split (s)					90.0			20.0				20.0
Total Split (%)					81.8%			18.2%				18.2%
Maximum Green (s)					83.8			14.4				14.4
Yellow Time (s)					4.8			3.0				3.0
All-Red Time (s)					1.4			2.6				2.6
Lost Time Adjust (s)					-1.2			-0.6				-0.6
Total Lost Time (s)					5.0			5.0				5.0
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)					6.0			2.0				2.0
Minimum Gap (s)					3.4			2.0				2.0
Time Before Reduce (s)					15.0			0.0				0.0
Time To Reduce (s)					45.0			0.0				0.0
Recall Mode					Min			None				None
Act Effct Green (s)					36.0	61.1		61.1				15.1
Actuated g/C Ratio					0.59	1.00		1.00				0.25
v/c Ratio					0.74	0.12		0.08				0.76
Control Delay					11.7	0.2		0.1				37.7
Queue Delay					0.0	0.0		0.0				0.0
Total Delay					11.7	0.2		0.1				37.7
LOS					B	A		A				D
Approach Delay					10.4			0.1			37.7	
Approach LOS					B			A			D	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)					191	0		0				105
Queue Length 95th (ft)					261	0		0				#242
Internal Link Dist (ft)		787			120			170			1207	
Turn Bay Length (ft)												
Base Capacity (vph)					3539	1583		1863				397
Starvation Cap Reductn					0	0		0				0
Spillback Cap Reductn					0	0		0				0
Storage Cap Reductn					0	0		0				0
Reduced v/c Ratio					0.44	0.12		0.08				0.76

Intersection Summary			
Area Type:	Other		
Cycle Length: 110			
Actuated Cycle Length: 61.1			
Natural Cycle: 50			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 0.76			
Intersection Signal Delay: 13.5		Intersection LOS: B	
Intersection Capacity Utilization 101.8%		ICU Level of Service G	
Analysis Period (min) 15			

\# 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
! Phase conflict between lane groups.

Splits and Phases: 1: US 64 & Jenks Road



Intersection	
Int Delay, s/veh	40.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↱						↱		↑	
Traffic Vol, veh/h	0	1241	31	0	0	0	0	0	368	1	165	0
Future Vol, veh/h	0	1241	31	0	0	0	0	0	368	1	165	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	Yield	-	-	None	-	-	None	-	-	None
Storage Length	-	-	0	-	-	-	-	-	0	-	-	-
Veh in Median Storage, #	-	0	-	-	16983	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	1379	34	0	0	0	0	0	409	1	183	0

Major/Minor	Major1			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	690	690	1379	-
Stage 1	-	-	-	-	-	-	0	0	-
Stage 2	-	-	-	-	-	-	690	1379	-
Critical Hdwy	-	-	-	-	-	6.94	7.54	6.54	-
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-
Follow-up Hdwy	-	-	-	-	-	3.32	3.52	4.02	-
Pot Cap-1 Maneuver	0	-	-	0	0	~ 388	331	~ 143	0
Stage 1	0	-	-	0	0	-	-	-	0
Stage 2	0	-	-	0	0	-	401	210	0
Platoon blocked, %		-	-						
Mov Cap-1 Maneuver	-	-	-	-	-	~ 388	-	~ 143	-
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	~ 143	-
Stage 1	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	210	-

Approach	EB	NB	SB
HCM Control Delay, s	0	93.8	229.8
HCM LOS		F	F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	SBLn1
Capacity (veh/h)	388	-	-	143
HCM Lane V/C Ratio	1.054	-	-	1.282
HCM Control Delay (s)	93.8	-	-	229.8
HCM Lane LOS	F	-	-	F
HCM 95th %tile Q(veh)	13.8	-	-	11.2

Notes			
~: Volume exceeds capacity	$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

Intersection	
Int Delay, s/veh	77.8

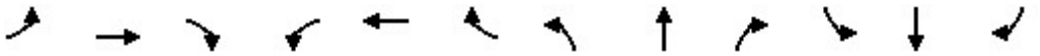
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↱						↱		↑	
Traffic Vol, veh/h	0	1269	43	0	0	0	0	0	300	3	244	0
Future Vol, veh/h	0	1269	43	0	0	0	0	0	300	3	244	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	Yield	-	-	None	-	-	None	-	-	None
Storage Length	-	-	0	-	-	-	-	-	0	-	-	-
Veh in Median Storage, #	-	0	-	-	16983	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	1410	48	0	0	0	0	0	333	3	271	0

Major/Minor	Major1			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	705	705	1410	-
Stage 1	-	-	-	-	-	-	0	0	-
Stage 2	-	-	-	-	-	-	705	1410	-
Critical Hdwy	-	-	-	-	-	6.94	7.54	6.54	-
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-
Follow-up Hdwy	-	-	-	-	-	3.32	3.52	4.02	-
Pot Cap-1 Maneuver	0	-	-	0	0	379	323	~ 137	0
Stage 1	0	-	-	0	0	-	-	-	0
Stage 2	0	-	-	0	0	-	393	~ 203	0
Platoon blocked, %		-	-						
Mov Cap-1 Maneuver	-	-	-	-	-	379	39	~ 137	-
Mov Cap-2 Maneuver	-	-	-	-	-	-	39	~ 137	-
Stage 1	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	47	~ 203	-

Approach	EB	NB	SB
HCM Control Delay, s	0	54.4	$ 519.7
HCM LOS		F	F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	SBLn1
Capacity (veh/h)	379	-	-	137
HCM Lane V/C Ratio	0.88	-	-	1.979
HCM Control Delay (s)	54.4	-	-	$ 519.7
HCM Lane LOS	F	-	-	F
HCM 95th %tile Q(veh)	8.7	-	-	21.5

Notes			
~: Volume exceeds capacity	$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1396	37	0	0	0	0	0	403	14	180	0
Future Volume (vph)	0	1396	37	0	0	0	0	0	403	14	180	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	0		300	0		0
Storage Lanes	0		1	0		0	0		1	0		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	0.88	0.95	0.95	1.00
Frt			0.850						0.850			
Flt Protected											0.996	
Satd. Flow (prot)	0	3539	1583	0	0	0	0	0	2787	0	3525	0
Flt Permitted											0.996	
Satd. Flow (perm)	0	3539	1583	0	0	0	0	0	2787	0	3525	0
Right Turn on Red			No			No			No	No		No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		245			1398			1098			205	
Travel Time (s)		3.0			17.3			16.6			3.1	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1551	41	0	0	0	0	0	448	16	200	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1551	41	0	0	0	0	0	448	0	216	0
Turn Type		NA	custom						Prot	Split	NA	
Protected Phases		2	2						7!	7!	7	
Permitted Phases			7									
Detector Phase		2	2						7	7	7	
Switch Phase												
Minimum Initial (s)		14.0	14.0						7.0	7.0	7.0	
Minimum Split (s)		25.8	25.8						19.2	19.2	19.2	
Total Split (s)		40.0	40.0						20.0	20.0	20.0	
Total Split (%)		66.7%	66.7%						33.3%	33.3%	33.3%	
Maximum Green (s)		33.2	33.2						13.8	13.8	13.8	
Yellow Time (s)		5.4	5.4						3.0	3.0	3.0	
All-Red Time (s)		1.4	1.4						3.2	3.2	3.2	
Lost Time Adjust (s)		-1.8	-1.8						-1.2		-1.2	
Total Lost Time (s)		5.0	5.0						5.0		5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)		6.0	6.0						2.0	2.0	2.0	
Minimum Gap (s)		3.4	3.4						2.0	2.0	2.0	
Time Before Reduce (s)		15.0	15.0						0.0	0.0	0.0	
Time To Reduce (s)		45.0	45.0						0.0	0.0	0.0	
Recall Mode		C-Min	C-Min						None	None	None	
Walk Time (s)		7.0	7.0						7.0	7.0	7.0	
Flash Dont Walk (s)		12.0	12.0						6.0	6.0	6.0	
Pedestrian Calls (#/hr)		0	0						0	0	0	
Act Effct Green (s)		36.2	60.0						13.8		13.8	
Actuated g/C Ratio		0.60	1.00						0.23		0.23	
v/c Ratio		0.73	0.03						0.70		0.27	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay		2.4	0.0						27.6		19.5	
Queue Delay		0.0	0.0						0.0		0.0	
Total Delay		2.4	0.0						27.6		19.5	
LOS		A	A						C		B	
Approach Delay		2.3						27.6			19.5	
Approach LOS		A						C			B	
Queue Length 50th (ft)		13	0						82		32	
Queue Length 95th (ft)		16	m0						129		57	
Internal Link Dist (ft)		165			1318			1018			125	
Turn Bay Length (ft)									300			
Base Capacity (vph)		2137	1583						696		881	
Starvation Cap Reductn		0	0						0		0	
Spillback Cap Reductn		0	0						0		0	
Storage Cap Reductn		0	0						0		0	
Reduced v/c Ratio		0.73	0.03						0.64		0.25	

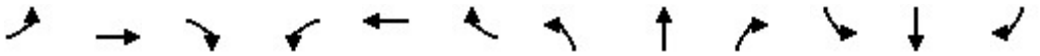
Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 0 (0%), Referenced to phase 2:EBT, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.73			
Intersection Signal Delay: 9.0		Intersection LOS: A	
Intersection Capacity Utilization 71.0%		ICU Level of Service C	
Analysis Period (min) 15			

m Volume for 95th percentile queue is metered by upstream signal.

! Phase conflict between lane groups.

Splits and Phases: 11: Richardson Road & US 64





Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1416	49	0	0	0	0	0	331	10	267	0
Future Volume (vph)	0	1416	49	0	0	0	0	0	331	10	267	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	0		300	0		0
Storage Lanes	0		1	0		0	0		1	0		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	0.88	0.95	0.95	1.00
Frt			0.850						0.850			
Flt Protected											0.998	
Satd. Flow (prot)	0	3539	1583	0	0	0	0	0	2787	0	3532	0
Flt Permitted											0.998	
Satd. Flow (perm)	0	3539	1583	0	0	0	0	0	2787	0	3532	0
Right Turn on Red			No			No			No	No		No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		245			1398			1098			205	
Travel Time (s)		3.0			17.3			16.6			3.1	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1573	54	0	0	0	0	0	368	11	297	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1573	54	0	0	0	0	0	368	0	308	0
Turn Type		NA	custom						Prot	Split	NA	
Protected Phases		2	2						7!	7!	7	
Permitted Phases			7									
Detector Phase		2	2						7	7	7	
Switch Phase												
Minimum Initial (s)		14.0	14.0						7.0	7.0	7.0	
Minimum Split (s)		25.8	25.8						19.2	19.2	19.2	
Total Split (s)		40.0	40.0						20.0	20.0	20.0	
Total Split (%)		66.7%	66.7%						33.3%	33.3%	33.3%	
Maximum Green (s)		33.2	33.2						13.8	13.8	13.8	
Yellow Time (s)		5.4	5.4						3.0	3.0	3.0	
All-Red Time (s)		1.4	1.4						3.2	3.2	3.2	
Lost Time Adjust (s)		-1.8	-1.8						-1.2		-1.2	
Total Lost Time (s)		5.0	5.0						5.0		5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)		6.0	6.0						2.0	2.0	2.0	
Minimum Gap (s)		3.4	3.4						2.0	2.0	2.0	
Time Before Reduce (s)		15.0	15.0						0.0	0.0	0.0	
Time To Reduce (s)		45.0	45.0						0.0	0.0	0.0	
Recall Mode		C-Min	C-Min						None	None	None	
Walk Time (s)		7.0	7.0						7.0	7.0	7.0	
Flash Dont Walk (s)		12.0	12.0						6.0	6.0	6.0	
Pedestrian Calls (#/hr)		0	0						0	0	0	
Act Effct Green (s)		37.1	60.0						12.9		12.9	
Actuated g/C Ratio		0.62	1.00						0.22		0.22	
v/c Ratio		0.72	0.03						0.62		0.41	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay		2.3	0.0						25.8		21.5	
Queue Delay		0.0	0.0						0.0		0.0	
Total Delay		2.3	0.0						25.8		21.5	
LOS		A	A						C		C	
Approach Delay		2.2						25.8			21.5	
Approach LOS		A						C			C	
Queue Length 50th (ft)		14	0						68		50	
Queue Length 95th (ft)		17	m0						105		78	
Internal Link Dist (ft)		165			1318			1018			125	
Turn Bay Length (ft)									300			
Base Capacity (vph)		2190	1583						696		883	
Starvation Cap Reductn		0	0						0		0	
Spillback Cap Reductn		0	0						0		0	
Storage Cap Reductn		0	0						0		0	
Reduced v/c Ratio		0.72	0.03						0.53		0.35	

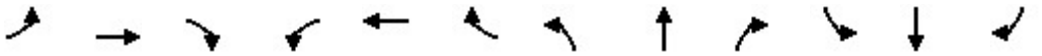
Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 0 (0%), Referenced to phase 2:EBT, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.72			
Intersection Signal Delay: 8.6		Intersection LOS: A	
Intersection Capacity Utilization 70.9%		ICU Level of Service C	
Analysis Period (min) 15			

m Volume for 95th percentile queue is metered by upstream signal.

! Phase conflict between lane groups.

Splits and Phases: 11: Richardson Road & US 64





Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1413	37	0	0	0	0	0	403	14	180	0
Future Volume (vph)	0	1413	37	0	0	0	0	0	403	14	180	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	0		300	0		0
Storage Lanes	0		1	0		0	0		1	0		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	0.88	0.95	0.95	1.00
Frt			0.850						0.850			
Flt Protected											0.996	
Satd. Flow (prot)	0	3539	1583	0	0	0	0	0	2787	0	3525	0
Flt Permitted											0.996	
Satd. Flow (perm)	0	3539	1583	0	0	0	0	0	2787	0	3525	0
Right Turn on Red			No			No			No	No		No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		245			1398			1098			205	
Travel Time (s)		3.0			17.3			16.6			3.1	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1570	41	0	0	0	0	0	448	16	200	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1570	41	0	0	0	0	0	448	0	216	0
Turn Type		NA	custom						Prot	Split	NA	
Protected Phases		2	2						7!	7!	7	
Permitted Phases			7									
Detector Phase		2	2						7	7	7	
Switch Phase												
Minimum Initial (s)		14.0	14.0						7.0	7.0	7.0	
Minimum Split (s)		25.8	25.8						19.2	19.2	19.2	
Total Split (s)		40.0	40.0						20.0	20.0	20.0	
Total Split (%)		66.7%	66.7%						33.3%	33.3%	33.3%	
Maximum Green (s)		33.2	33.2						13.8	13.8	13.8	
Yellow Time (s)		5.4	5.4						3.0	3.0	3.0	
All-Red Time (s)		1.4	1.4						3.2	3.2	3.2	
Lost Time Adjust (s)		-1.8	-1.8						-1.2		-1.2	
Total Lost Time (s)		5.0	5.0						5.0		5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)		6.0	6.0						2.0	2.0	2.0	
Minimum Gap (s)		3.4	3.4						2.0	2.0	2.0	
Time Before Reduce (s)		15.0	15.0						0.0	0.0	0.0	
Time To Reduce (s)		45.0	45.0						0.0	0.0	0.0	
Recall Mode		C-Min	C-Min						None	None	None	
Walk Time (s)		7.0	7.0						7.0	7.0	7.0	
Flash Dont Walk (s)		12.0	12.0						6.0	6.0	6.0	
Pedestrian Calls (#/hr)		0	0						0	0	0	
Act Effct Green (s)		36.2	60.0						13.8		13.8	
Actuated g/C Ratio		0.60	1.00						0.23		0.23	
v/c Ratio		0.73	0.03						0.70		0.27	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay		2.5	0.0						27.6		19.5	
Queue Delay		0.0	0.0						0.0		0.0	
Total Delay		2.5	0.0						27.6		19.5	
LOS		A	A						C		B	
Approach Delay		2.5						27.6			19.5	
Approach LOS		A						C			B	
Queue Length 50th (ft)		14	0						82		32	
Queue Length 95th (ft)		17	m0						129		57	
Internal Link Dist (ft)		165			1318			1018			125	
Turn Bay Length (ft)									300			
Base Capacity (vph)		2137	1583						696		881	
Starvation Cap Reductn		0	0						0		0	
Spillback Cap Reductn		0	0						0		0	
Storage Cap Reductn		0	0						0		0	
Reduced v/c Ratio		0.73	0.03						0.64		0.25	

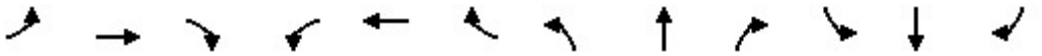
Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 0 (0%), Referenced to phase 2:EBT, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.73			
Intersection Signal Delay: 9.0		Intersection LOS: A	
Intersection Capacity Utilization 71.5%		ICU Level of Service C	
Analysis Period (min) 15			

m Volume for 95th percentile queue is metered by upstream signal.

! Phase conflict between lane groups.

Splits and Phases: 11: Richardson Road & US 64





Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1438	49	0	0	0	0	0	331	10	267	0
Future Volume (vph)	0	1438	49	0	0	0	0	0	331	10	267	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	0		300	0		0
Storage Lanes	0		1	0		0	0		1	0		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	0.88	0.95	0.95	1.00
Frt			0.850						0.850			
Flt Protected											0.998	
Satd. Flow (prot)	0	3539	1583	0	0	0	0	0	2787	0	3532	0
Flt Permitted											0.998	
Satd. Flow (perm)	0	3539	1583	0	0	0	0	0	2787	0	3532	0
Right Turn on Red			No			No			No	No		No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		245			1398			1098			205	
Travel Time (s)		3.0			17.3			16.6			3.1	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1598	54	0	0	0	0	0	368	11	297	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1598	54	0	0	0	0	0	368	0	308	0
Turn Type		NA	custom						Prot	Split	NA	
Protected Phases		2	2						7!	7!	7	
Permitted Phases			7									
Detector Phase		2	2						7	7	7	
Switch Phase												
Minimum Initial (s)		14.0	14.0						7.0	7.0	7.0	
Minimum Split (s)		25.8	25.8						19.2	19.2	19.2	
Total Split (s)		40.0	40.0						20.0	20.0	20.0	
Total Split (%)		66.7%	66.7%						33.3%	33.3%	33.3%	
Maximum Green (s)		33.2	33.2						13.8	13.8	13.8	
Yellow Time (s)		5.4	5.4						3.0	3.0	3.0	
All-Red Time (s)		1.4	1.4						3.2	3.2	3.2	
Lost Time Adjust (s)		-1.8	-1.8						-1.2		-1.2	
Total Lost Time (s)		5.0	5.0						5.0		5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)		6.0	6.0						2.0	2.0	2.0	
Minimum Gap (s)		3.4	3.4						2.0	2.0	2.0	
Time Before Reduce (s)		15.0	15.0						0.0	0.0	0.0	
Time To Reduce (s)		45.0	45.0						0.0	0.0	0.0	
Recall Mode		C-Min	C-Min						None	None	None	
Walk Time (s)		7.0	7.0						7.0	7.0	7.0	
Flash Dont Walk (s)		12.0	12.0						6.0	6.0	6.0	
Pedestrian Calls (#/hr)		0	0						0	0	0	
Act Effct Green (s)		37.1	60.0						12.9		12.9	
Actuated g/C Ratio		0.62	1.00						0.22		0.22	
v/c Ratio		0.73	0.03						0.62		0.41	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay		2.5	0.0						25.8		21.5	
Queue Delay		0.0	0.0						0.0		0.0	
Total Delay		2.5	0.0						25.8		21.5	
LOS		A	A						C		C	
Approach Delay		2.4						25.8			21.5	
Approach LOS		A						C			C	
Queue Length 50th (ft)		15	0						68		50	
Queue Length 95th (ft)		22	m0						105		78	
Internal Link Dist (ft)		165			1318			1018			125	
Turn Bay Length (ft)									300			
Base Capacity (vph)		2190	1583						696		883	
Starvation Cap Reductn		0	0						0		0	
Spillback Cap Reductn		0	0						0		0	
Storage Cap Reductn		0	0						0		0	
Reduced v/c Ratio		0.73	0.03						0.53		0.35	

Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 0 (0%), Referenced to phase 2:EBT, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.73			
Intersection Signal Delay: 8.6		Intersection LOS: A	
Intersection Capacity Utilization 71.5%		ICU Level of Service C	
Analysis Period (min) 15			
m Volume for 95th percentile queue is metered by upstream signal.			
! Phase conflict between lane groups.			

Splits and Phases: 11: Richardson Road & US 64



APPENDIX F

CAPACITY ANALYSIS CALCULATIONS

US 64

&

U-TURN (WEST OF JENKS ROAD)

Intersection	
Int Delay, s/veh	1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑			↱	
Traffic Vol, veh/h	0	1288	0	0	75	0
Future Vol, veh/h	0	1288	0	0	75	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Stop	Stop	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	16983	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1431	0	0	83	0

Major/Minor	Major1		Minor2	
Conflicting Flow All	-	0	716	-
Stage 1	-	-	0	-
Stage 2	-	-	716	-
Critical Hdwy	-	-	6.84	-
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	5.84	-
Follow-up Hdwy	-	-	3.52	-
Pot Cap-1 Maneuver	0	-	365	0
Stage 1	0	-	-	0
Stage 2	0	-	445	0
Platoon blocked, %		-		
Mov Cap-1 Maneuver	-	-	365	-
Mov Cap-2 Maneuver	-	-	365	-
Stage 1	-	-	-	-
Stage 2	-	-	445	-

Approach	EB	SB
HCM Control Delay, s	0	17.8
HCM LOS		C

Minor Lane/Major Mvmt	EBT	SBLn1
Capacity (veh/h)	-	365
HCM Lane V/C Ratio	-	0.228
HCM Control Delay (s)	-	17.8
HCM Lane LOS	-	C
HCM 95th %tile Q(veh)	-	0.9

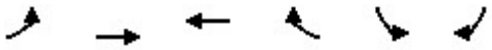
Intersection	
Int Delay, s/veh	1.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	1304	0	0	84	0
Future Vol, veh/h	0	1304	0	0	84	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Stop	Stop	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	16983	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1449	0	0	93	0

Major/Minor	Major1		Minor2	
Conflicting Flow All	-	0	725	-
Stage 1	-	-	0	-
Stage 2	-	-	725	-
Critical Hdwy	-	-	6.84	-
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	5.84	-
Follow-up Hdwy	-	-	3.52	-
Pot Cap-1 Maneuver	0	-	360	0
Stage 1	0	-	-	0
Stage 2	0	-	440	0
Platoon blocked, %		-		
Mov Cap-1 Maneuver	-	-	360	-
Mov Cap-2 Maneuver	-	-	360	-
Stage 1	-	-	-	-
Stage 2	-	-	440	-

Approach	EB	SB
HCM Control Delay, s	0	18.5
HCM LOS		C

Minor Lane/Major Mvmt	EBT	SBLn1
Capacity (veh/h)	-	360
HCM Lane V/C Ratio	-	0.259
HCM Control Delay (s)	-	18.5
HCM Lane LOS	-	C
HCM 95th %tile Q(veh)	-	1



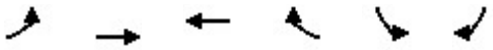
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	0	1424	0	0	126	0
Future Volume (vph)	0	1424	0	0	126	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00
Frt						
Flt Protected					0.950	
Satd. Flow (prot)	0	3539	0	0	1770	0
Flt Permitted					0.950	
Satd. Flow (perm)	0	3539	0	0	1770	0
Right Turn on Red				No	No	No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		45	
Link Distance (ft)		1221	731		125	
Travel Time (s)		15.1	9.1		1.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1582	0	0	140	0
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1582	0	0	140	0
Turn Type		NA			pm+pt	
Protected Phases		2!			7	
Permitted Phases					2!	
Detector Phase		2			7	
Switch Phase						
Minimum Initial (s)		14.0			14.0	
Minimum Split (s)		20.3			20.3	
Total Split (s)		39.7			20.3	
Total Split (%)		66.2%			33.8%	
Maximum Green (s)		33.4			14.0	
Yellow Time (s)		5.3			5.3	
All-Red Time (s)		1.0			1.0	
Lost Time Adjust (s)		-1.3			-1.3	
Total Lost Time (s)		5.0			5.0	
Lead/Lag						
Lead-Lag Optimize?						
Vehicle Extension (s)		6.0			6.0	
Minimum Gap (s)		3.4			3.4	
Time Before Reduce (s)		15.0			15.0	
Time To Reduce (s)		45.0			45.0	
Recall Mode		C-Min			Min	
Act Effct Green (s)		34.7			60.0	
Actuated g/C Ratio		0.58			1.00	
v/c Ratio		0.77			0.08	
Control Delay		13.0			0.1	
Queue Delay		0.0			0.0	
Total Delay		13.0			0.1	
LOS		B			A	
Approach Delay		13.0			0.1	
Approach LOS		B			A	

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)		202			0	
Queue Length 95th (ft)		283			0	
Internal Link Dist (ft)		1141	651		45	
Turn Bay Length (ft)						
Base Capacity (vph)		2046			1770	
Starvation Cap Reductn		0			0	
Spillback Cap Reductn		0			0	
Storage Cap Reductn		0			0	
Reduced v/c Ratio		0.77			0.08	

Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 49 (82%), Referenced to phase 2:EBSB, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.77			
Intersection Signal Delay: 11.9		Intersection LOS: B	
Intersection Capacity Utilization 80.3%		ICU Level of Service D	
Analysis Period (min) 15			
! Phase conflict between lane groups.			

Splits and Phases: 2: US 64 & Western U-Turn



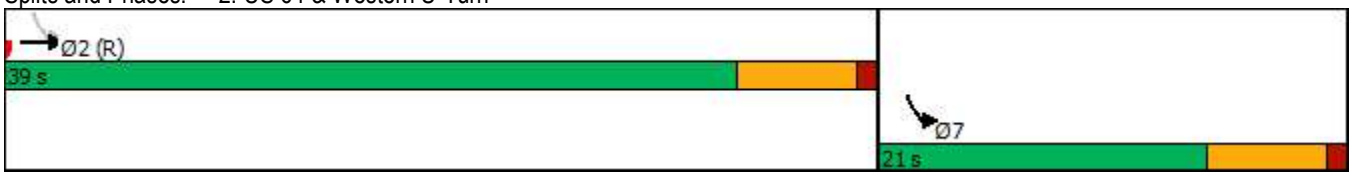


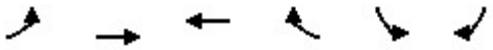
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	0	1457	0	0	122	0
Future Volume (vph)	0	1457	0	0	122	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00
Frt						
Flt Protected					0.950	
Satd. Flow (prot)	0	3539	0	0	1770	0
Flt Permitted					0.950	
Satd. Flow (perm)	0	3539	0	0	1770	0
Right Turn on Red				No	No	No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		45	
Link Distance (ft)		1221	731		125	
Travel Time (s)		15.1	9.1		1.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1619	0	0	136	0
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1619	0	0	136	0
Turn Type		NA			pm+pt	
Protected Phases		2!			7	
Permitted Phases					2!	
Detector Phase		2			7	
Switch Phase						
Minimum Initial (s)		14.0			14.0	
Minimum Split (s)		20.3			20.3	
Total Split (s)		39.0			21.0	
Total Split (%)		65.0%			35.0%	
Maximum Green (s)		32.7			14.7	
Yellow Time (s)		5.3			5.3	
All-Red Time (s)		1.0			1.0	
Lost Time Adjust (s)		-1.3			-1.3	
Total Lost Time (s)		5.0			5.0	
Lead/Lag						
Lead-Lag Optimize?						
Vehicle Extension (s)		6.0			6.0	
Minimum Gap (s)		3.4			3.4	
Time Before Reduce (s)		15.0			15.0	
Time To Reduce (s)		45.0			45.0	
Recall Mode		C-Min			Min	
Act Effct Green (s)		34.7			60.0	
Actuated g/C Ratio		0.58			1.00	
v/c Ratio		0.79			0.08	
Control Delay		13.5			0.1	
Queue Delay		0.0			0.0	
Total Delay		13.5			0.1	
LOS		B			A	
Approach Delay		13.5			0.1	
Approach LOS		B			A	

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)		211			0	
Queue Length 95th (ft)		295			0	
Internal Link Dist (ft)		1141	651		45	
Turn Bay Length (ft)						
Base Capacity (vph)		2046			1643	
Starvation Cap Reductn		0			0	
Spillback Cap Reductn		0			0	
Storage Cap Reductn		0			0	
Reduced v/c Ratio		0.79			0.08	

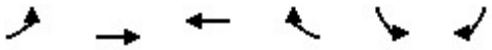
Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 50 (83%), Referenced to phase 2:EBSB, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.79			
Intersection Signal Delay: 12.5		Intersection LOS: B	
Intersection Capacity Utilization 89.5%		ICU Level of Service E	
Analysis Period (min) 15			
! Phase conflict between lane groups.			

Splits and Phases: 2: US 64 & Western U-Turn





Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	0	1430	0	0	143	0
Future Volume (vph)	0	1430	0	0	143	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00
Frt						
Flt Protected					0.950	
Satd. Flow (prot)	0	3539	0	0	1770	0
Flt Permitted					0.950	
Satd. Flow (perm)	0	3539	0	0	1770	0
Right Turn on Red				No	No	No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		45	
Link Distance (ft)		1221	731		125	
Travel Time (s)		15.1	9.1		1.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1589	0	0	159	0
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1589	0	0	159	0
Turn Type		NA			pm+pt	
Protected Phases		2!			7	
Permitted Phases					2!	
Detector Phase		2			7	
Switch Phase						
Minimum Initial (s)		14.0			14.0	
Minimum Split (s)		20.3			20.3	
Total Split (s)		39.7			20.3	
Total Split (%)		66.2%			33.8%	
Maximum Green (s)		33.4			14.0	
Yellow Time (s)		5.3			5.3	
All-Red Time (s)		1.0			1.0	
Lost Time Adjust (s)		-1.3			-1.3	
Total Lost Time (s)		5.0			5.0	
Lead/Lag						
Lead-Lag Optimize?						
Vehicle Extension (s)		6.0			6.0	
Minimum Gap (s)		3.4			3.4	
Time Before Reduce (s)		15.0			15.0	
Time To Reduce (s)		45.0			45.0	
Recall Mode		C-Min			Min	
Act Effct Green (s)		34.7			60.0	
Actuated g/C Ratio		0.58			1.00	
v/c Ratio		0.78			0.09	
Control Delay		13.1			0.1	
Queue Delay		0.0			0.0	
Total Delay		13.1			0.1	
LOS		B			A	
Approach Delay		13.1			0.1	
Approach LOS		B			A	

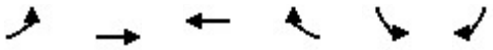


Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)		203			0	
Queue Length 95th (ft)		285			0	
Internal Link Dist (ft)		1141	651		45	
Turn Bay Length (ft)						
Base Capacity (vph)		2046			1770	
Starvation Cap Reductn		0			0	
Spillback Cap Reductn		0			0	
Storage Cap Reductn		0			0	
Reduced v/c Ratio		0.78			0.09	

Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 49 (82%), Referenced to phase 2:EBSB, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.78			
Intersection Signal Delay: 11.9		Intersection LOS: B	
Intersection Capacity Utilization 80.6%		ICU Level of Service D	
Analysis Period (min) 15			
! Phase conflict between lane groups.			

Splits and Phases: 2: US 64 & Western U-Turn



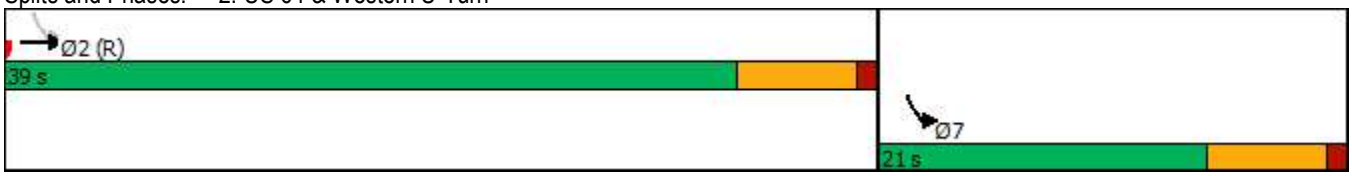


Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	0	1470	0	0	143	0
Future Volume (vph)	0	1470	0	0	143	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	0.95	1.00	1.00	1.00	1.00
Frt						
Flt Protected					0.950	
Satd. Flow (prot)	0	3539	0	0	1770	0
Flt Permitted					0.950	
Satd. Flow (perm)	0	3539	0	0	1770	0
Right Turn on Red				No	No	No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		45	
Link Distance (ft)		1221	731		125	
Travel Time (s)		15.1	9.1		1.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1633	0	0	159	0
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1633	0	0	159	0
Turn Type		NA			pm+pt	
Protected Phases		2!			7	
Permitted Phases					2!	
Detector Phase		2			7	
Switch Phase						
Minimum Initial (s)		14.0			14.0	
Minimum Split (s)		20.3			20.3	
Total Split (s)		39.0			21.0	
Total Split (%)		65.0%			35.0%	
Maximum Green (s)		32.7			14.7	
Yellow Time (s)		5.3			5.3	
All-Red Time (s)		1.0			1.0	
Lost Time Adjust (s)		-1.3			-1.3	
Total Lost Time (s)		5.0			5.0	
Lead/Lag						
Lead-Lag Optimize?						
Vehicle Extension (s)		6.0			6.0	
Minimum Gap (s)		3.4			3.4	
Time Before Reduce (s)		15.0			15.0	
Time To Reduce (s)		45.0			45.0	
Recall Mode		C-Min			Min	
Act Effct Green (s)		34.7			60.0	
Actuated g/C Ratio		0.58			1.00	
v/c Ratio		0.80			0.09	
Control Delay		13.7			0.1	
Queue Delay		0.0			0.0	
Total Delay		13.7			0.1	
LOS		B			A	
Approach Delay		13.7			0.1	
Approach LOS		B			A	

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)		214			0	
Queue Length 95th (ft)		300			0	
Internal Link Dist (ft)		1141	651		45	
Turn Bay Length (ft)						
Base Capacity (vph)		2046			1643	
Starvation Cap Reductn		0			0	
Spillback Cap Reductn		0			0	
Storage Cap Reductn		0			0	
Reduced v/c Ratio		0.80			0.10	

Intersection Summary			
Area Type:	Other		
Cycle Length: 60			
Actuated Cycle Length: 60			
Offset: 50 (83%), Referenced to phase 2:EBSB, Start of Green			
Natural Cycle: 60			
Control Type: Actuated-Coordinated			
Maximum v/c Ratio: 0.80			
Intersection Signal Delay: 12.5		Intersection LOS: B	
Intersection Capacity Utilization 90.2%		ICU Level of Service E	
Analysis Period (min) 15			
! Phase conflict between lane groups.			

Splits and Phases: 2: US 64 & Western U-Turn



APPENDIX G

CAPACITY ANALYSIS CALCULATIONS

JENKS ROAD

&

WIMBERLY ROAD

Intersection	
Int Delay, s/veh	4.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	78	92	14	13	55	23	8	7	36	26	4	32
Future Vol, veh/h	78	92	14	13	55	23	8	7	36	26	4	32
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	0	75	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	87	102	16	14	61	26	9	8	40	29	4	36

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	118	0	0	398	391	102	410	394	74
Stage 1	-	-	-	-	-	-	276	276	-	102	102	-
Stage 2	-	-	-	-	-	-	122	115	-	308	292	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1509	-	-	1470	-	-	562	545	953	552	542	988
Stage 1	-	-	-	-	-	-	730	682	-	904	811	-
Stage 2	-	-	-	-	-	-	882	800	-	702	671	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1509	-	-	1470	-	-	511	508	953	496	506	988
Mov Cap-2 Maneuver	-	-	-	-	-	-	511	508	-	496	506	-
Stage 1	-	-	-	-	-	-	688	642	-	852	803	-
Stage 2	-	-	-	-	-	-	838	792	-	626	632	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.2	1.1	9.9	11
HCM LOS			A	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	510	953	1509	-	-	1470	-	-	669
HCM Lane V/C Ratio	0.033	0.042	0.057	-	-	0.01	-	-	0.103
HCM Control Delay (s)	12.3	8.9	7.5	-	-	7.5	-	-	11
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0.1	0.2	-	-	0	-	-	0.3

Intersection	
Int Delay, s/veh	4.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	46	99	13	17	95	24	12	4	22	43	4	43
Future Vol, veh/h	46	99	13	17	95	24	12	4	22	43	4	43
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	0	75	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	51	110	14	19	106	27	13	4	24	48	4	48

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	133	0	0	124	0	0	396	383	110	391	384	120
Stage 1	-	-	-	-	-	-	212	212	-	158	158	-
Stage 2	-	-	-	-	-	-	184	171	-	233	226	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1452	-	-	1463	-	-	564	550	943	568	550	931
Stage 1	-	-	-	-	-	-	790	727	-	844	767	-
Stage 2	-	-	-	-	-	-	818	757	-	770	717	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1452	-	-	1463	-	-	512	524	943	530	524	931
Mov Cap-2 Maneuver	-	-	-	-	-	-	512	524	-	530	524	-
Stage 1	-	-	-	-	-	-	762	702	-	814	757	-
Stage 2	-	-	-	-	-	-	761	747	-	719	692	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	2.2	0.9	10.3	11.3
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	515	943	1452	-	-	1463	-	-	667
HCM Lane V/C Ratio	0.035	0.026	0.035	-	-	0.013	-	-	0.15
HCM Control Delay (s)	12.2	8.9	7.6	-	-	7.5	-	-	11.3
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0.1	0.1	-	-	0	-	-	0.5

Intersection	
Int Delay, s/veh	6.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	125	105	16	17	90	32	22	11	49	51	4	73
Future Vol, veh/h	125	105	16	17	90	32	22	11	49	51	4	73
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	0	75	-	-	-	-	100	-	-	50
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	139	117	18	19	100	36	24	12	54	57	4	81

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	136	0	0	135	0	0	594	569	117	593	569	118
Stage 1	-	-	-	-	-	-	395	395	-	156	156	-
Stage 2	-	-	-	-	-	-	199	174	-	437	413	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1448	-	-	1449	-	-	417	432	935	417	432	934
Stage 1	-	-	-	-	-	-	630	605	-	846	769	-
Stage 2	-	-	-	-	-	-	803	755	-	598	594	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1448	-	-	1449	-	-	346	385	935	352	385	934
Mov Cap-2 Maneuver	-	-	-	-	-	-	346	385	-	352	385	-
Stage 1	-	-	-	-	-	-	570	547	-	765	759	-
Stage 2	-	-	-	-	-	-	719	745	-	498	537	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.9	0.9	12	12.7
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	358	935	1448	-	-	1449	-	-	354	934
HCM Lane V/C Ratio	0.102	0.058	0.096	-	-	0.013	-	-	0.173	0.087
HCM Control Delay (s)	16.2	9.1	7.8	-	-	7.5	-	-	17.3	9.2
HCM Lane LOS	C	A	A	-	-	A	-	-	C	A
HCM 95th %tile Q(veh)	0.3	0.2	0.3	-	-	0	-	-	0.6	0.3

Intersection	
Int Delay, s/veh	6.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	109	123	19	29	133	39	20	4	29	73	6	78
Future Vol, veh/h	109	123	19	29	133	39	20	4	29	73	6	78
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	0	75	-	-	-	-	100	-	-	50
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	121	137	21	32	148	43	22	4	32	81	7	87

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	191	0	0	158	0	0	660	634	137	642	634	170
Stage 1	-	-	-	-	-	-	379	379	-	234	234	-
Stage 2	-	-	-	-	-	-	281	255	-	408	400	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1383	-	-	1422	-	-	376	397	911	387	397	874
Stage 1	-	-	-	-	-	-	643	615	-	769	711	-
Stage 2	-	-	-	-	-	-	726	696	-	620	602	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1383	-	-	1422	-	-	306	354	911	339	354	874
Mov Cap-2 Maneuver	-	-	-	-	-	-	306	354	-	339	354	-
Stage 1	-	-	-	-	-	-	587	561	-	702	695	-
Stage 2	-	-	-	-	-	-	633	680	-	541	550	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.4	1.1	12.9	14.4
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	313	911	1383	-	-	1422	-	-	340	874
HCM Lane V/C Ratio	0.085	0.035	0.088	-	-	0.023	-	-	0.258	0.099
HCM Control Delay (s)	17.6	9.1	7.9	-	-	7.6	-	-	19.2	9.6
HCM Lane LOS	C	A	A	-	-	A	-	-	C	A
HCM 95th %tile Q(veh)	0.3	0.1	0.3	-	-	0.1	-	-	1	0.3

Intersection	
Int Delay, s/veh	6.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	125	113	16	17	97	32	22	11	49	51	4	73
Future Vol, veh/h	125	113	16	17	97	32	22	11	49	51	4	73
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	0	75	-	-	-	-	100	-	-	50
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	139	126	18	19	108	36	24	12	54	57	4	81

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	144	0	0	144	0	0	611	586	126	610	586	126
Stage 1	-	-	-	-	-	-	404	404	-	164	164	-
Stage 2	-	-	-	-	-	-	207	182	-	446	422	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1438	-	-	1438	-	-	406	422	924	407	422	924
Stage 1	-	-	-	-	-	-	623	599	-	838	762	-
Stage 2	-	-	-	-	-	-	795	749	-	591	588	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1438	-	-	1438	-	-	337	376	924	343	376	924
Mov Cap-2 Maneuver	-	-	-	-	-	-	337	376	-	343	376	-
Stage 1	-	-	-	-	-	-	563	541	-	757	752	-
Stage 2	-	-	-	-	-	-	711	739	-	491	531	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.8	0.9	12.1	12.9
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	349	924	1438	-	-	1438	-	-	345	924
HCM Lane V/C Ratio	0.105	0.059	0.097	-	-	0.013	-	-	0.177	0.088
HCM Control Delay (s)	16.5	9.1	7.8	-	-	7.5	-	-	17.7	9.3
HCM Lane LOS	C	A	A	-	-	A	-	-	C	A
HCM 95th %tile Q(veh)	0.3	0.2	0.3	-	-	0	-	-	0.6	0.3

Intersection	
Int Delay, s/veh	6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	109	134	19	29	144	39	20	4	29	73	6	78
Future Vol, veh/h	109	134	19	29	144	39	20	4	29	73	6	78
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	0	75	-	-	-	-	100	-	-	50
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	121	149	21	32	160	43	22	4	32	81	7	87

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	203	0	0	170	0	0	684	658	149	666	658	182
Stage 1	-	-	-	-	-	-	391	391	-	246	246	-
Stage 2	-	-	-	-	-	-	293	267	-	420	412	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1369	-	-	1407	-	-	363	384	898	373	384	861
Stage 1	-	-	-	-	-	-	633	607	-	758	703	-
Stage 2	-	-	-	-	-	-	715	688	-	611	594	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1369	-	-	1407	-	-	295	342	898	326	342	861
Mov Cap-2 Maneuver	-	-	-	-	-	-	295	342	-	326	342	-
Stage 1	-	-	-	-	-	-	577	554	-	691	687	-
Stage 2	-	-	-	-	-	-	622	672	-	533	542	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.3	1	13.2	14.8
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	302	898	1369	-	-	1407	-	-	327	861
HCM Lane V/C Ratio	0.088	0.036	0.088	-	-	0.023	-	-	0.268	0.101
HCM Control Delay (s)	18.1	9.2	7.9	-	-	7.6	-	-	20	9.6
HCM Lane LOS	C	A	A	-	-	A	-	-	C	A
HCM 95th %tile Q(veh)	0.3	0.1	0.3	-	-	0.1	-	-	1.1	0.3

APPENDIX H

CAPACITY ANALYSIS CALCULATIONS

JENKS ROAD

&

LOWELL ROAD/SITE DRIVE 1

Intersection	
Int Delay, s/veh	1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	19	6	178	7	5	90
Future Vol, veh/h	19	6	178	7	5	90
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	75	0	-	600	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	7	198	8	6	100

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	314	103	0	0	206	0
Stage 1	202	-	-	-	-	-
Stage 2	112	-	-	-	-	-
Critical Hdwy	6.63	6.93	-	-	4.13	-
Critical Hdwy Stg 1	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.43	-	-	-	-	-
Follow-up Hdwy	3.519	3.319	-	-	2.219	-
Pot Cap-1 Maneuver	666	932	-	-	1364	-
Stage 1	813	-	-	-	-	-
Stage 2	912	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	663	932	-	-	1364	-
Mov Cap-2 Maneuver	663	-	-	-	-	-
Stage 1	813	-	-	-	-	-
Stage 2	908	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.2	0	0.4
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	663	932	1364	-
HCM Lane V/C Ratio	-	-	0.032	0.007	0.004	-
HCM Control Delay (s)	-	-	10.6	8.9	7.7	-
HCM Lane LOS	-	-	B	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0	0	-

Intersection	
Int Delay, s/veh	0.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	13	5	153	11	11	139
Future Vol, veh/h	13	5	153	11	11	139
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	75	0	-	600	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	14	6	170	12	12	154

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	354	91	0	0	182	0
Stage 1	176	-	-	-	-	-
Stage 2	178	-	-	-	-	-
Critical Hdwy	6.63	6.93	-	-	4.13	-
Critical Hdwy Stg 1	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.43	-	-	-	-	-
Follow-up Hdwy	3.519	3.319	-	-	2.219	-
Pot Cap-1 Maneuver	631	949	-	-	1392	-
Stage 1	837	-	-	-	-	-
Stage 2	852	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	625	949	-	-	1392	-
Mov Cap-2 Maneuver	625	-	-	-	-	-
Stage 1	837	-	-	-	-	-
Stage 2	844	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.3	0	0.6
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	625	949	1392	-
HCM Lane V/C Ratio	-	-	0.023	0.006	0.009	-
HCM Control Delay (s)	-	-	10.9	8.8	7.6	-
HCM Lane LOS	-	-	B	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0	0	-

Intersection	
Int Delay, s/veh	1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	31	7	241	9	5	178
Future Vol, veh/h	31	7	241	9	5	178
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	75	0	-	600	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	34	8	268	10	6	198

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	483	139	0	0	278	0
Stage 1	273	-	-	-	-	-
Stage 2	210	-	-	-	-	-
Critical Hdwy	6.63	6.93	-	-	4.13	-
Critical Hdwy Stg 1	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.43	-	-	-	-	-
Follow-up Hdwy	3.519	3.319	-	-	2.219	-
Pot Cap-1 Maneuver	527	884	-	-	1283	-
Stage 1	749	-	-	-	-	-
Stage 2	824	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	524	884	-	-	1283	-
Mov Cap-2 Maneuver	524	-	-	-	-	-
Stage 1	749	-	-	-	-	-
Stage 2	820	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.8	0	0.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	524	884	1283	-
HCM Lane V/C Ratio	-	-	0.066	0.009	0.004	-
HCM Control Delay (s)	-	-	12.4	9.1	7.8	-
HCM Lane LOS	-	-	B	A	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	0	-

Intersection	
Int Delay, s/veh	0.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	19	5	246	17	12	219
Future Vol, veh/h	19	5	246	17	12	219
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	75	0	-	600	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	6	273	19	13	243

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	552	146	0	0	292	0
Stage 1	283	-	-	-	-	-
Stage 2	269	-	-	-	-	-
Critical Hdwy	6.63	6.93	-	-	4.13	-
Critical Hdwy Stg 1	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.43	-	-	-	-	-
Follow-up Hdwy	3.519	3.319	-	-	2.219	-
Pot Cap-1 Maneuver	479	875	-	-	1268	-
Stage 1	741	-	-	-	-	-
Stage 2	775	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	474	875	-	-	1268	-
Mov Cap-2 Maneuver	474	-	-	-	-	-
Stage 1	741	-	-	-	-	-
Stage 2	767	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	12.1	0	0.4
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	474	875	1268	-
HCM Lane V/C Ratio	-	-	0.045	0.006	0.011	-
HCM Control Delay (s)	-	-	12.9	9.1	7.9	-
HCM Lane LOS	-	-	B	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0	0	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	8	4	17	31	4	7	21	241	9	5	186	4
Future Vol, veh/h	8	4	17	31	4	7	21	241	9	5	186	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	75	-	-	75	-	-	50	-	600	100	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	9	4	19	34	4	8	23	268	10	6	207	4

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	403	545	209	552	542	139	211	0	0	278	0	0
Stage 1	221	221	-	319	319	-	-	-	-	-	-	-
Stage 2	182	324	-	233	223	-	-	-	-	-	-	-
Critical Hdwy	7.33	6.53	6.23	7.33	6.53	6.93	4.13	-	-	4.13	-	-
Critical Hdwy Stg 1	6.13	5.53	-	6.53	5.53	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.53	5.53	-	6.13	5.53	-	-	-	-	-	-	-
Follow-up Hdwy	3.519	4.019	3.319	3.519	4.019	3.319	2.219	-	-	2.219	-	-
Pot Cap-1 Maneuver	545	445	831	430	447	884	1358	-	-	1283	-	-
Stage 1	781	720	-	668	652	-	-	-	-	-	-	-
Stage 2	803	649	-	769	718	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	527	435	831	410	437	884	1358	-	-	1283	-	-
Mov Cap-2 Maneuver	527	435	-	410	437	-	-	-	-	-	-	-
Stage 1	768	716	-	657	641	-	-	-	-	-	-	-
Stage 2	777	638	-	743	714	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	10.7	13.6	0.6	0.2
HCM LOS	B	B		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	EBLn2	WBLn1	WBLn2	SBL	SBT	SBR
Capacity (veh/h)	1358	-	-	527	708	410	644	1283	-	-
HCM Lane V/C Ratio	0.017	-	-	0.017	0.033	0.084	0.019	0.004	-	-
HCM Control Delay (s)	7.7	-	-	11.9	10.3	14.6	10.7	7.8	-	-
HCM Lane LOS	A	-	-	B	B	B	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	0.1	0.3	0.1	0	-	-

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	18	4	24	9	4	5	45	239	17	12	228	5
Future Vol, veh/h	18	4	24	9	4	5	45	239	17	12	228	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	75	-	-	75	-	-	50	-	600	100	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	20	4	27	10	4	6	50	266	19	13	253	6

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	517	667	256	674	661	143	259	0	0	285	0	0
Stage 1	282	282	-	376	376	-	-	-	-	-	-	-
Stage 2	235	385	-	298	285	-	-	-	-	-	-	-
Critical Hdwy	7.33	6.53	6.23	7.33	6.53	6.93	4.13	-	-	4.13	-	-
Critical Hdwy Stg 1	6.13	5.53	-	6.53	5.53	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.53	5.53	-	6.13	5.53	-	-	-	-	-	-	-
Follow-up Hdwy	3.519	4.019	3.319	3.519	4.019	3.319	2.219	-	-	2.219	-	-
Pot Cap-1 Maneuver	455	379	782	354	382	879	1304	-	-	1276	-	-
Stage 1	724	677	-	618	616	-	-	-	-	-	-	-
Stage 2	748	610	-	710	675	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	431	361	782	326	364	879	1304	-	-	1276	-	-
Mov Cap-2 Maneuver	431	361	-	326	364	-	-	-	-	-	-	-
Stage 1	696	670	-	595	593	-	-	-	-	-	-	-
Stage 2	709	587	-	674	668	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	11.9	14.1	1.2	0.4
HCM LOS	B	B		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	EBLn2	WBLn1	WBLn2	SBL	SBT	SBR
Capacity (veh/h)	1304	-	-	431	670	326	540	1276	-	-
HCM Lane V/C Ratio	0.038	-	-	0.046	0.046	0.031	0.019	0.01	-	-
HCM Control Delay (s)	7.9	-	-	13.8	10.6	16.4	11.8	7.9	-	-
HCM Lane LOS	A	-	-	B	B	C	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	0.1	0.1	0.1	0	-	-

APPENDIX I

CAPACITY ANALYSIS CALCULATIONS

JENKS ROAD

&

SITE DRIVE 2

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑	↱			↱
Traffic Vol, veh/h	0	254	188	4	0	8
Future Vol, veh/h	0	254	188	4	0	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	282	209	4	0	9

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	-	0	-	0	-	211
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	6.23
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	3.319
Pot Cap-1 Maneuver	0	-	-	-	0	828
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	-	-	-	-	-	828
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9.4
HCM LOS			A

Minor Lane/Major Mvmt	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	-	828
HCM Lane V/C Ratio	-	-	-	0.011
HCM Control Delay (s)	-	-	-	9.4
HCM Lane LOS	-	-	-	A
HCM 95th %tile Q(veh)	-	-	-	0

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	262	230	12	0	15
Future Vol, veh/h	0	262	230	12	0	15
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	291	256	13	0	17

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	-	0	-	0	-	263
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	6.23
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	3.319
Pot Cap-1 Maneuver	0	-	-	-	0	775
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	-	-	-	-	-	775
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9.7
HCM LOS			A

Minor Lane/Major Mvmt	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	-	775
HCM Lane V/C Ratio	-	-	-	0.022
HCM Control Delay (s)	-	-	-	9.7
HCM Lane LOS	-	-	-	A
HCM 95th %tile Q(veh)	-	-	-	0.1

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ01 Arden at Summit Pines PUD

Planning Board Meeting Date: May 9, 2022

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: 11.74

PIN(s): 0722577336

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

Current 2045 Land Use Map: Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential/Office Employment/Commercial Services

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: 2045 Land Use Map will automatically be amended to be consistent if rezoned.

☑ 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 conditions proposed by applicant.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Tina Sherman

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

Conditions as proposed by applicant.

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

With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of May 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.05.09 17:51:52 -04'00'

Dianne Khin, Director of Planning and Community Development

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ01
Arden at Summit Pines PUD

Pursuant to the provisions of North Carolina General Statutes §1600-602 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/Authorized Agent: Collier Marsh, FC Apex, LLC.,/Kevin Woodley, Buvemo Investments
Property Address: 8200 Jenks Road
Acreage: ±11.74 acres
Property Identification Number (PIN): 0722577336
Current 2045 Land Use Map Designation: Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: May 9, 2022 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. Please visit https://www.apexnc.org/ on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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 (73 Hunter 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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.[illegible]entCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, [illegible]or further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ01
Arden at Summit Pines PUD (Desarrollo de Unidad Planificada)

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

Solicitante/ Agente autorizado: Collier Marsh, FC Apex, LLC.,/Kevin Woodley, Buvemo Investments
Dirección de las propiedades: 8200 Jenks Road
Superficie: ±11.74 acres
Números de identificación de las propiedades: 0722577336
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de mayo de 2022 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. Por favor visite https://www.apexnc.org/ el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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 (73 Hunter 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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios e[illegible]ormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps/ Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene p[illegible]btener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37927.

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ01
Arden at Summit Pines PUD

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/Authorized Agent: Collier Marsh, FC Apex, LLC.,/Kevin Woodley, Buvemo Investments
Property Address: 8200 Jenks Road
Acreage: ±11.74 acres
Property Identification Number (PIN): 0722577336
Current 2045 Land Use Map Designation: Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: May 9, 2022 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. Please visit https://www.apexnc.org/ on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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 (73 Hunter 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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 27 – May 9, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ01
Arden at Summit Pines PUD (Desarrollo de Unidad Planificada)

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

Solicitante/ Agente autorizado: Collier Marsh, FC Apex, LLC.,/Kevin Woodley, Buvemo Investments
Dirección de las propiedades: 8200 Jenks Road
Superficie: ±11.74 acres
Números de identificación de las propiedades: 0722577336
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de mayo de 2022 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. Por favor visite https://www.apexnc.org/ el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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 (73 Hunter 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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

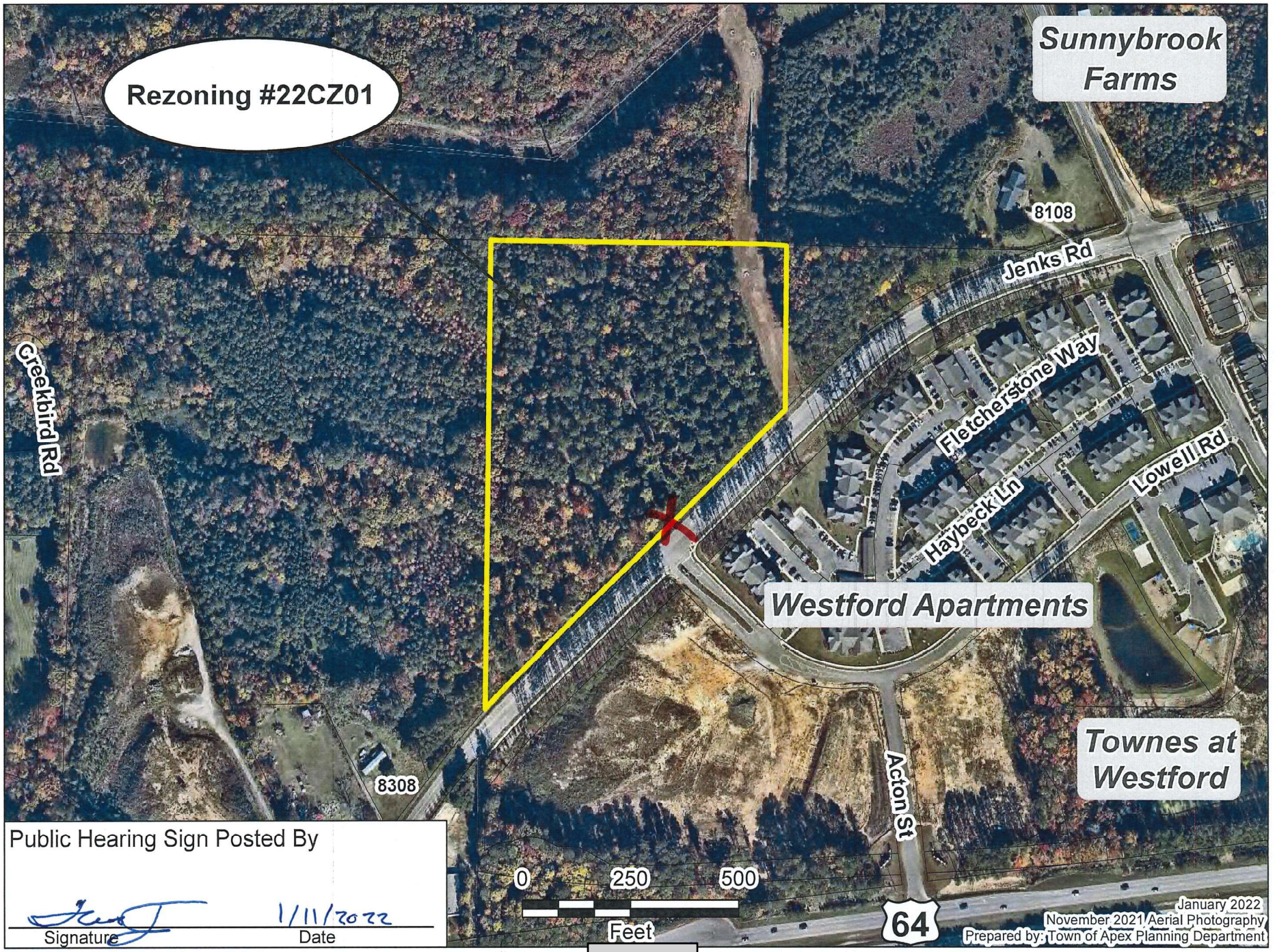
Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 27 de abril - 9 de mayo de 202



Public Hearing Sign Posted By

1/11/2022

Signature Date

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #22CZ01 Arden at Summit Pines PUD
Project Location:	8200 Jenks Road
Applicant or Authorized Agent:	Collier Marsh
Firm:	FC Apex, LLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 27, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

4/27/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain-Pederson, a Notary Public for the above State and County, this the 27 day of April, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ01
Arden at Summit Pines PUD

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/Authorized Agent: Collier Marsh, FC Apex, LLC./Kevin Woodley, Buvemo Investments
Property Address: 8200 Jenks Road
Acreage: ±11.74 acres
Property Identification Number (PIN): 0722577336
Current 2045 Land Use Map Designation: Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: May 24, 2022 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 6 - 24, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ01
Arden at Summit Pines PUD

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

Solicitante/ Agente autorizado: Collier Marsh, FC Apex, LLC./Kevin Woodley, Buvemo Investments
Dirección de las propiedades: 8200 Jenks Road
Superficie: ±11.74 acres
Números de identificación de las propiedades: 0722577336
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment and Commercial Services
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 6 de mayo - 24 de mayo de 2022

Links

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ01
Arden at Summit Pines PUD

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/Authorized Agent: Collier Marsh, FC Apex, LLC./Kevin Woodley, Buvemo Investments
Property Address: 8200 Jenks Road
Acreage: ±11.74 acres
Property Identification Number (PIN): 0722577336
Current 2045 Land Use Map Designation: Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: May 24, 2022 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 6 - 24, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ01
Arden at Summit Pines PUD

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

Solicitante/ Agente autorizado: Collier Marsh, FC Apex, LLC./Kevin Woodley, Buvemo Investments
Dirección de las propiedades: 8200 Jenks Road
Superficie: ±11.74 acres
Números de identificación de las propiedades: 0722577336
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment and Commercial Services
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Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37927.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 6 de mayo - 24 de mayo de 2022

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 #22CZ01 Arden at Summit Pines PUD
Project Location:	8200 Jenks Road
Applicant or Authorized Agent:	Collier Marsh
Firm:	FC Apex, LLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on May 6, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/9/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson a Notary Public for the above State and County, this the 9 day of May, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 24, 2022

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval. The Planning Board heard these amendments at their May 9, 2022 meeting and unanimously recommended approval.

Item Details

Summary of UDO Amendments

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D Conditional Zoning Districts, Required Neighborhood Meeting; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
   a) Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
   b) Require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
   c) Require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
   d) Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.

3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
4. Amendments to Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

Attachments

- Staff Report
- Public Notice
- Ordinance

Requested by the Planning Committee of Town Council:

1. **Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table* and 4.4.2 *Public and Civic Uses, School, public or private* in order to:**
   a. **Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;**
   b. **Require applicants of Minor Site Plans for various high intensity land uses to hold a neighborhood meeting prior to the submittal of the application;**
   c. **Require applicants of Minor Site Plans for non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and**
   d. **Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.**

2.2.7 Neighborhood ~~Meeting~~ **Notice**

A) ***Notification Letter***

The petitioner of a Minor Site Plan for uses that do not require a neighborhood meeting as outlined in Sec. 2.2.7.B *Neighborhood Meetings*, and which are located within 300 feet of a residential land use and have not had a rezoning approval in the previous two (2) years, shall be required to send a letter to all property owners and tenants abutting and located within 300 feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Department of Planning and Community Development at least 14 days prior to the submittal of the Minor Site Plan. The letter shall include the developer's and authorized agent's contact information and an explanation of the proposed project, and shall follow the guidelines in the Neighborhood Notification Letter Packet, including the procedure for requesting the notification address list from Town GIS staff.

B) *Neighborhood Meetings*

Neighborhood meetings are required for all applications for Rezonings, Major Site Plans, residential subdivisions, excluding exempt subdivisions, ~~and~~ Special Use Permits**, and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales**. Upon submittal of an application for ~~a Rezoning, residential Master Subdivision Plan, Major Site Plan, or Special Use Permit,~~ **one or more of these applications,** the petitioner must file in the office of the Director of Planning and Community Development a written report of at least one (1) neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

…

2.2.11 Public Notification

…

E) *Timing of Notice*

Unless otherwise expressly provided in the North Carolina General Statutes or this Ordinance, notice shall be provided as follows:

Application for Development Permit or Other Action	Notice Required (days before submittal/hearing/action)				
	Notification Letter (Sec. 2.2.7.A)	**Neighborhood Meeting (Sec. 2.2.7)**	**Written (Sec. 2.2.11.B)**	**Published (Sec. 2.2.11.C)**	**Posted (Sec. 2.2.11.D)**
Rezoning, Conditional Rezoning, PUD-CZ, SD-CZ, TND-CZ, MEC-CZ	**N/A**	Written notice no less than 14 days prior to meeting date	Not more than 25 days nor less than 10 days prior to public hearing	Once a week for two successive weeks prior to public hearing; first publication not less than 10 days nor more than 25 days before hearing	Not less than 10 days prior to public hearing
Special Use Permit (Quasi-judicial public hearings)	**N/A**	Written notice no less than 14 days prior to meeting date	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	Once a week for two successive weeks prior to quasi-judicial public hearing; first publication not less than 10 days nor more than 25 days before quasi-judicial hearing	Not less than 10 days prior to quasi-judicial public hearing
Minor Site Plans as indicated in Sec. 2.2.7.A	**Written notice no less than 14 days prior to submittal**	**N/A**	**N/A**	**N/A**	**N/A**
Residential Master Subdivision Plans, Major Site Plans**, Minor Site Plans as indicated in Sec. 2.2.7.B**	**N/A**	Written notice no less than 14 days prior to meeting	N/A	N/A	N/A
Unified Development Ordinance (limited instances require Published Notice)	**N/A**	N/A	N/A	Once a week for two successive weeks prior to public hearing; first publication not less than 10 days nor more than 25 days before hearing for 1) Changes that affect the permitted uses of land; or 2) Changes relating to telecommunications towers or windmills.	N/A
Variance permit (Quasi-judicial public hearings)	**N/A**	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing
Appeals to Board of Adjustment (interpretations and decisions of Director of Planning and Community Development) (Quasi-judicial public hearings)	**N/A**	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing
Expansion of ETJ	**N/A**	N/A	No less than 30 days prior to public hearing	Not more than 25 days nor less than 10 days prior to public hearing	N/A

2.3.3 *Conditional Zoning Districts*

…

D) *Required Neighborhood* Meeting

Neighborhood meetings are required to be held pursuant to Sec. 2.2.7**.B** *Neighborhood Meeting**s***.

2.3.4 *Planned Development* Districts

…

E) *Procedures*

…

2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures,* Sec. 2.2.7**.B** *Neighborhood Meeting**s,*** and Sec. 2.3.4.F *Standards*.

2.3.16 *Sustainable Development Conditional Zoning District*

…

E) *Procedures*

…

2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions, or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures,* Sec. 2.2.7**.B** *Neighborhood Meeting**s,*** and Sec. 2.3.16.F *Sustainability Standards*.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																						Standards
		Residential									Business						Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	PC	LI	TF	MEC	TND	PUD	CB	SD	STC		Section(s)
Public and Civic Uses																								
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P	P	P	P		**	P*		~~4.4.2.H;~~ 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

…

~~H) School, Public or Private~~

~~A neighborhood meeting in compliance with Sec. 2.2.7 *Neighborhood Meeting* shall be required for all public or private schools regardless of Minor or Major Site Plan status.~~

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.

Background: This change is based on a recent change to State law prohibiting a local ordinance from requiring masonry curtain walls or masonry skirting.

4.4.1.E *Supplemental Standards, Residential Use*

…

E) *Manufactured Home*

A manufactured home use shall comply with the following standards:

…

5) ~~*Continuous masonry wall*~~***Skirting material***. **Opaque or semi-opaque skirting material** shall be installed under the perimeter of the manufactured home; it shall be constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two Family Dwellings;

…

3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district

4.4.2 *Supplemental Standards, Public and Civic Uses*

…

C) *Day Care* ***Facility***

1) Day care facilities in the LI District shall comply with the following standards:

~~a) The day care facility shall be used solely by the employees of the LI District use in which the daycare is located;~~

~~b~~**a**) The day care facility shall ~~be less than~~ **not exceed** 20% of the gross square footage of the ~~permitted use~~ **building in which it is located**; and

~~c) The day care facility shall not have any advertising or signage.~~

b) The day care facility shall be located at least 1,320 feet from any Gas and fuel, wholesale use.

2) Day care facilities in the B2 Downtown Business District shall not be located on North Salem Street between Center Street and West Chatham Street, and shall not be located on Commerce Street.

4. Amendments to Sec. 4.2.2 *Use Table*; 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale;* and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																						Standards
		Residential									Business						Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	PC	LI	TF	MEC	TND	PUD	CB	SD	STC		Section(s)
Industrial Service																								
Gas and fuel, wholesale	4.3.6.A.3														P						**			**4.4.6.A.3**

4.3.6.A Use Classifications, Industrial Service

…

3) *Gas and fuel, wholesale.* The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable **or combustible** liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

4.4.6 Supplemental Standards, Industrial Uses

A) *Industrial Service*

…

3) *Gas and fuel, wholesale.* Such use shall be located at least 1,320 feet from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.

5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.

C) *Height of Accessory Structures.*
No detached accessory building or structure shall exceed the height of the principal building or structure **by more than five (5) feet**.

6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

7.5.1 Required Improvements

…

B) *Exemptions*
A site plan or subdivision plan that does not propose a subdivision of an existing parcel into more than four (4) lots, has an anticipated number of vehicular trips less than 150 per day, and a total of less than 10,000 square feet of proposed non-residential buildings is exempt from public road frontage improvements and new location public road construction that would otherwise be required based on the Advance Apex: The 2045 Transportation Plan

and typical road sections specified in the Town of Apex Standard Specifications and Construction Details. This exemption does not exempt ~~installation of a paved driveway apron as required for the safe ingress and egress of vehicles and emergency services accessing the site~~ **the installation of improvements required for the safe ingress and egress of vehicles and emergency services accessing the site, including, but not limited to, installation of a paved driveway apron, necessary driveway relocation, and other roadway markings and signage associated with the driveway location**. Buildings shall not be permitted in areas that are planned for future roadway construction and expansion. Right-of-way dedication is recommended for planned public roadways where practical to promote future connectivity to adjacent properties and future improvement projects.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:
The Planning Board heard these amendments at their May 9, 2022 meeting and unanimously recommended approval.

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: Mark Steele

Seconded by Planning Board member: Tina Sherman

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

☐ Denial of the proposed UDO amendment(s)

With 8 Planning Board Member(s) voting "aye"
With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of May 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.05.09 18:06:20 -04'00'

Dianne Khin, Director of Planning and Community Development

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 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:

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts*, *Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table;* and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
   a. Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
   b. Require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
   c. Require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
   d. Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.
3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
4. Amendments to Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale,* and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

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

Town Council Public Hearing Date and Time: May 24, 2022 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

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

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 5-24, 2022

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 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-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 a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el Concejo de Planificación del Ayuntamiento:

1. Enmiendas a las secciones 2.2.7 *Reunión de vecinos*; 2.2.11 *Notificación pública, plazos de notificación*; 2.3.3.D *Distritos de zonificación condicional, reunión de vecinos requerida*; 2.3.4.E *Distritos de desarrollo planificado, procedimientos*; 2.3.16 *Distrito de zonificación condicional de desarrollo sostenible, procedimientos*; 4.2.2 *Tabla de usos*; y 4.4.2 *Usos públicos y cívicos, escuela, pública o privada* para hacer lo siguiente:
   a. cambiar el nombre de la sección 2.2.7 a *Aviso a vecinos* en varias secciones;
   b. pedir a los solicitantes de Planes de Sitios Menores para diversos usos del suelo de alta intensidad que realicen una reunión de vecinos antes de presentar la solicitud;
   c. pedir a los solicitantes de Planes de Sitios Menores para los restantes usos del suelo que no sean de alta intensidad, ubicados en terrenos que no hayan tenido una aprobación de rezonificación en los dos años anteriores y que estén ubicados a menos de 300' de un caso de uso del suelo residencial, que envíen una carta en la que expliquen el proyecto y brinden su información de contacto a los propietarios e inquilinos que se encuentren a menos de 300' de la propiedad en cuestión; y
   d. trasladar el actual requisito de reunión de vecinos para “escuela, pública o privada”, de la sección 4.4.2.H a la sección 2.2.7.

Solicitado por el personal de planificación:

2. Enmiendas a la sección 4.4.1.E *Normas complementarias, uso residencial, casa prefabricada* para eliminar el requisito de un muro de mampostería continuo bajo el perímetro del hogar y exigir un material de rodapié opaco o semiopaco.
3. Enmiendas a la sección 4.4.2.C *Normas complementarias, usos públicos y cívicos, guardería* para modificar las normas para las guarderías en el distrito de zonificación industrial ligera (LI, en inglés).
4. Enmiendas a las secciones 4.2.2 *Tabla de usos*, 4.3.6.A.3 *Clasificaciones de uso, servicio industrial, gas y combustible, al por mayor,* y sección 4.4.6.A *Normas complementarias, usos industriales* para modificar la definición del uso de gas y combustible, al por mayor, y agregar un requisito de separación de los usos de las guarderías; la escuela, pública o privada; el hospital; y el centro de enfermería o convalecencia.
5. Enmiendas a la sección 5.2.7 *Normas dimensionales para estructuras accesorias separadas* para permitir que las estructuras o edificios accesorios separados no sean más de cinco (5) pies más altos que el edificio o estructura principal.
6. Enmiendas a la sección 7.5.1.B *Mejoras requeridas, exenciones* para aclarar cuáles mejoras relacionadas con las entradas de vehículos no están exentas de las mejoras en la vía pública.

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 del Consejo Municipal: 24 de mayo de 2022 6:00 PM

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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

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

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5-24 de mayo de 2022

Not secure | www.apexnc.o...
Municode Mtgs | Plan Viewer | iMAPS | Other favorites
of 2

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 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-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 a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el Concejo de Planificación del Ayuntamiento:

1. Enmiendas a las secciones 2.2.7 *Reunión de vecinos*; 2.2.11 *Notificación pública, plazos de notificación*; 2.3.3.D *Distritos de zonificación condicional, reunión de vecinos requerida*; 2.3.4.E *Distritos de desarrollo planificado, procedimientos*; 2.3.16 *Distrito de zonificación condicional de desarrollo sostenible, procedimientos*; 4.2.2 *Tabla de usos*; y 4.4.2 *Usos públicos y cívicos, escuela, pública o privada* para hacer lo siguiente:
   a. cambiar el nombre de la sección 2.2.7 a *Aviso a vecinos* en varias secciones;
   b. pedir a los solicitantes de Planes de Sitios Menores para diversos usos del suelo de alta intensidad que realicen una reunión de vecinos antes de presentar la solicitud;
   c. pedir a los solicitantes de Planes de Sitios Menores para los restantes usos del suelo que no sean de alta intensidad, ubicados en terrenos que no hayan tenido una aprobación de rezonificación en los dos años anteriores y que estén ubicados a menos de 300' de un caso de uso del suelo residencial, que envíen una carta en la que expliquen el proyecto y brinden su información de contacto a los propietarios e inquilinos que se encuentren a menos de 300' de la propiedad en cuestión; y
   d. trasladar el actual requisito de reunión de vecinos para "escuela, pública o privada", de la sección 4.4.2.H a la sección 2.2.7.

Solicitado por el personal de planificación:

2. Enmiendas a la sección 4.4.1.E *Normas complementarias, uso residencial, casa prefabricada* para eliminar el requisito de un muro de mampostería continuo bajo el perímetro del hogar y exigir un material de rodapié espacio o semiespacio.
3. Enmiendas a la sección 4.4.2.C *Normas complementarias, usos públicos y cívicos, guardería* para modificar las normas para las guarderías en el distrito de zonificación industrial ligera (LI, en inglés).
4. Enmiendas a las secciones 4.2.2 *Tabla de usos*, 4.3.6.A.3 *Clasificaciones de uso, servicio industrial, gas y combustible, al por mayor*, y sección 4.4.6.A *Normas complementarias, usos industriales* para modificar la definición del uso de gas y combustible, al por mayor, y agregar un requisito de separación de los usos de las guarderías; la escuela, pública o privada; el hospital; y el centro de enfermería o convalecencia.
5. Enmiendas a la sección 5.2.7 *Normas dimensionales para estructuras accesorias separadas* para permitir que las estructuras o edificios accesorios separados no sean más de cinco (5) pies más altos que el edificio o estructura principal.
6. Enmiendas a la sección 7.5.1.B *Mejoras requeridas, exenciones* para aclarar cuáles mejoras relacionadas con las entradas de vehículos no están exentas de las mejoras en la vía pública.

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 del Consejo Municipal: 24 de mayo de 2022 6:00 PM

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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

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

Dianne F. Khin, AICP
[illegible]arrollo Comunitario

Fechas de publicación: 5-24 de mayo de 2022

11:23 AM
5/5/2022

Not secure | www.apexnc.o...
WebEdits | Municode Mtgs | Plan Viewer | iMAPS | Other favorites
1 of 2

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 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:

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
   a. Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
   b. Require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
   c. Require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
   d. Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.
3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
4. Amendments to Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

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

Town Council Public Hearing Date and Time: May 24, 2022 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/townofapexnc. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexnc.

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

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: May 5-24, 2022

11:10 AM
5/5/2022

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 2.2.7, 2.2.11.E, 2.3.3.D, 2.3.4.E, 2.3.16.E, 4.2.2, and 4.4.2.H of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.2.7 Neighborhood ~~Meeting~~ **Notice**

A) ***Notification Letter***

The petitioner of a Minor Site Plan for uses that do not require a neighborhood meeting as outlined in Sec. 2.2.7.B *Neighborhood Meetings*, and which are located within 300 feet of a residential land use and have not had a rezoning approval in the previous two (2) years, shall be required to send a letter to all property owners and tenants abutting and located within 300 feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Department of Planning and Community Development at least 14 days prior to the submittal of the Minor Site Plan. The letter shall include the developer's and authorized agent's contact information and an explanation of the proposed project, and shall follow the guidelines in the Neighborhood Notification Letter Packet, including the procedure for requesting the notification address list from Town GIS staff.

B) *Neighborhood Meetings*

Neighborhood meetings are required for all applications for Rezonings, Major Site Plans, residential subdivisions, excluding exempt subdivisions, ~~and~~ Special Use Permits**, and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales**. Upon submittal of an application for ~~a Rezoning, residential Master Subdivision Plan, Major Site Plan, or Special Use Permit,~~ **one or more of these applications,** the petitioner must file in the office of the Director of Planning and Community Development a written report of at least one (1) neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

…

2.2.11 Public Notification

…

E) *Timing of Notice*

Unless otherwise expressly provided in the North Carolina General Statutes or this Ordinance, notice shall be provided as follows:

Application for Development Permit or Other Action	Notice Required (days before submittal/hearing/action)				
	Notification Letter (Sec. 2.2.7.A)	Neighborhood Meeting (Sec. 2.2.7)	Written (Sec. 2.2.11.B)	Published (Sec. 2.2.11.C)	Posted (Sec. 2.2.11.D)
Rezoning, Conditional Rezoning, PUD-CZ, SD-CZ, TND-CZ, MEC-CZ	**N/A**	Written notice no less than 14 days prior to meeting date	Not more than 25 days nor less than 10 days prior to public hearing	Once a week for two successive weeks prior to public hearing; first publication not less than 10 days nor more than 25 days before hearing	Not less than 10 days prior to public hearing

Application for Development Permit or Other Action	Notice Required (days before submittal/hearing/action)				
	Notification Letter (Sec. 2.2.7.A)	Neighborhood Meeting (Sec. 2.2.7)	Written (Sec. 2.2.11.B)	Published (Sec. 2.2.11.C)	Posted (Sec. 2.2.11.D)
Special Use Permit (Quasi-judicial public hearings)	**N/A**	Written notice no less than 14 days prior to meeting date	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	Once a week for two successive weeks prior to quasi-judicial public hearing; first publication not less than 10 days nor more than 25 days before quasi-judicial hearing	Not less than 10 days prior to quasi-judicial public hearing
Minor Site Plans as indicated in Sec. 2.2.7.A	**Written notice no less than 14 days prior to submittal**	**N/A**	**N/A**	**N/A**	**N/A**
Residential Master Subdivision Plans, Major Site Plans**, Minor Site Plans as indicated in Sec. 2.2.7.B**	**N/A**	Written notice no less than 14 days prior to meeting	N/A	N/A	N/A
Unified Development Ordinance (limited instances require Published Notice)	**N/A**	N/A	N/A	Once a week for two successive weeks prior to public hearing; first publication not less than 10 days nor more than 25 days before hearing for 1) Changes that affect the permitted uses of land; or 2) Changes relating to telecommunications towers or windmills.	N/A
Variance permit (Quasi-judicial public hearings)	**N/A**	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing
Appeals to Board of Adjustment (interpretations and decisions of Director of Planning and Community Development) (Quasi-judicial public hearings)	**N/A**	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing
Expansion of ETJ	**N/A**	N/A	No less than 30 days prior to public hearing	Not more than 25 days nor less than 10 days prior to public hearing	N/A

2.3.3 *Conditional Zoning District*s

…

D) *Required Neighborhood* Meeting

Neighborhood meetings are required to be held pursuant to Sec. 2.2.7**.B** *Neighborhood Meeting**s***.

2.3.4 *Planned Development* Districts

…

E) *Procedures*

…

2) *General.* The procedures for initiation of the application, the application contents,

fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures,* Sec. 2.2.7**.B** *Neighborhood Meetings,* and Sec. 2.3.4.F *Standards*.

2.3.16 *Sustainable Development Conditional Zoning District*

…

E) *Procedures*

…

2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions, or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures,* Sec. 2.2.7**.B** *Neighborhood Meetings,* and Sec. 2.3.16.F *Sustainability Standards*.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					Standards
		Residential									Business						Planned Development			Other			
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	PC	LI	TF	MEC	TND	PUD	CB	SD	STC	Section(s)
Public and Civic Uses																							
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P	P	P	P		**	P*	~~4.4.2.H;~~ 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

…

~~H) School, Public or Private~~

~~A neighborhood meeting in compliance with Sec. 2.2.7 *Neighborhood Meeting* shall be required for all public or private schools regardless of Minor or Major Site Plan status.~~

Section 2. Section 4.4.1.E of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.4.1.E *Supplemental Standards, Residential Use*

…

E) *Manufactured Home*

A manufactured home use shall comply with the following standards:

…

5) ~~*Continuous masonry wall*~~***Skirting material***. **Opaque or semi-opaque skirting material** shall be installed under the perimeter of the manufactured home; it shall be constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two Family Dwellings;

…

Section 3. Section 4.4.2.C of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.4.2 *Supplemental Standards, Public and Civic Uses*

…

C) *Day Care **Facility***

1) Day care facilities in the LI District shall comply with the following standards:

~~a) The day care facility shall be used solely by the employees of the LI District use in which the daycare is located;~~

~~b~~**a**) The day care facility shall ~~be less than~~ **not exceed** 20% of the gross square footage of the ~~permitted use~~ **building in which it is located**; and

~~c~~) ~~The day care facility shall not have any advertising or signage.~~

b) The day care facility shall be located at least 1,320 feet from any Gas and fuel, wholesale use.

2) Day care facilities in the B2 Downtown Business District shall not be located on North Salem Street between Center Street and West Chatham Street, and shall not be located on Commerce Street.

Section 4. Sections 4.2.2, 4.3.6.A.3, and 4.4.6.A of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																						Standards
		Residential									Business						Planned Development			Other				
		RA	RR	LD	MD	HDSF	HDMF	MH	MHP	MORR	O&I	B1	B2	PC	LI	TF	MEC	TND	PUD	CB	SD	STC		Section(s)
Industrial Service																								
Gas and fuel, wholesale	4.3.6.A.3														P						**			**4.4.6.A.3**

4.3.6.A Use Classifications, Industrial Service

…

3) *Gas and fuel, wholesale.* The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable **or combustible** liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

4.4.6 Supplemental Standards, Industrial Uses

A) *Industrial Service*

…

3) *Gas and fuel, wholesale.* Such use shall be located at least 1,320 feet from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.

Section 5. Section 5.2.7.C of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

C) *Height of Accessory Structures.*
No detached accessory building or structure shall exceed the height of the principal building or structure **by more than five (5) feet**.

Section 6. Section 7.5.1.B of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.5.1 Required Improvements

…

B) *Exemptions*
A site plan or subdivision plan that does not propose a subdivision of an existing parcel into more than four (4) lots, has an anticipated number of vehicular trips less than 150 per day, and a total of less than 10,000 square feet of proposed non-residential buildings is exempt from public road frontage improvements and new location public road construction that would otherwise be required based on the Advance Apex: The 2045 Transportation Plan and typical road sections specified in the Town of Apex Standard Specifications and Construction Details. This exemption does not exempt ~~installation of a paved driveway apron as required for the safe ingress and egress of vehicles and emergency services accessing the site~~ **the installation of improvements required for the safe ingress and egress of vehicles and emergency services accessing the site, including, but not limited to, installation of a paved driveway apron, necessary driveway relocation, and other roadway markings and signage associated with the driveway location**. Buildings shall not be permitted in areas that are planned for future roadway construction and expansion. Right-of-way dedication is recommended for planned public roadways where practical to promote future connectivity to adjacent properties and future improvement projects.

Section 7. The Director of Planning and Community Development 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 8. 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 9. The ordinance shall be effective upon enactment on the _____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

_____

Town Clerk

_____

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: UNFINISHED BUSINESS

Meeting Date: May 24, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Continued from the April 26th Town Council Meeting.

Possible motion to approve Rezoning Application #21CZ26 Humie Olive Commercial. The applicant, Jeff Roach, Peak Engineering & Design PLLC., seeks to rezone approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 7525 Humie Olive Road.

Approval Recommended?

The Planning and Community Development Department recommends approval if the following zoning condition is offered, "A maximum of a single point of access shall be provided on each roadway."

The Planning Board held a public hearing on April 11, 2022 and unanimously recommended approval with conditions as proposed by applicant if developer adds the additional condition recommended by staff that "A maximum of a single point of access shall be provided on each roadway."

Item Details

The properties to be rezoned are identified as PINs 0720993254 & 0720990292.

Attachments

- Staff Report
- Vicinity Map
- Application

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

BACKGROUND INFORMATION:

Location: 0 & 7525 Humie Olive Road
Applicant/Owner(s): Jeff Roach, PE, Peak Engineering & Design, PLLC. /David Ray Powell/JVI Building & Development

PROJECT DESCRIPTION:

Acreage: ±7.69 acres
PINs: 0720993254 & 0720990292
Current Zoning: Rural Residential (RR)
Proposed Zoning: Neighborhood Business-Conditional Zoning (B1-CZ)
2045 Land Use Map: High Density Residential/Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Single-family Residential
South:	Rural Residential (RR); Mixed Office-Residential-Retail-Conditional Zoning (MORR #20CZ07); Tech/Flex-Conditional Zoning (TF-CZ #15CZ25)	Single-family Residential; Non-Residential (Cool Pools)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ14)	Single-family Residential (future Holland Rd PUD development)
West:	Rural Residential (RR)	Single-family Residential

Existing Conditions:
The subject properties total ±7.69 acres and are located west of the skewed intersection of Humie Olive Road Old US 1 Highway. Both properties are vacant and mostly wooded.

Neighborhood Meeting:
The applicant conducted a neighborhood meeting on September 30, 2021. The neighborhood meeting report is attached.

2045 LAND USE MAP:
The 2045 Land Use Map identifies the subject properties as High Density Residential/Commercial Services. The 2045 Land Use Map also shows a Neighborhood Mixed Use (NMU) activity center located in this vicinity. A Neighborhood Mixed Use activity center is for economic development potential estimated to be, but not limited to 100,000 square feet of commercial and 1 to 2 mile trade area. The proposed rezoning to Neighborhood Business-Conditional Zoning (B1-CZ) is consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

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

Permitted Uses and Limitations:

1. Accessory apartment (P)
2. Drop-in or short-term day care (P)
3. Government service (P)
4. Veterinary clinic or hospital (P)
5. Vocational school (P)
6. Utility, minor (P)
7. Wireless support structure (P)
8. Wireless communication facility (P)
9. Botanical garden (P)
10. Entertainment, indoor (P)
11. Greenway (P)
12. Park, active (P)
13. Park, passive (P)
14. Youth or day camps (P)
15. Bar, nightclub, wine bar, or taproom (S)
16. Restaurant, drive-through (P)
17. Restaurant, general (P)
18. Medical or dental office or clinic (P)
19. Medical or dental laboratory (P)
20. Office, business or professional (P)
21. Hotel or motel (P)
22. Artisan Studio (S)
23. Barber or beauty shop (P)
25. Book store (P)
26. Convenience store (P)
28. Dry cleaner and laundry service (P)
29. Farmer's market (P)
30. Financial institution (P)
31. Floral shop (P)
32. Greenhouse or nursery, retail (P)
33. Grocery, general (P)
34. Grocery, specialty (P)
35. Laundromat (P)
36. Pharmacy (P)
37. Newsstand or gift shop (P)
38. Personal service (P)
39. Printing and copying service (P)
40. Real estate sales (P)
41. Repair services, limited (P)
42. Retail sales, general(P)
43. Studio for art (P)
44. Tailor shop (P)
45. Upholstery shop (P)
46. Pet services (P)
47. Microbrewery (P)

Conditions:

1. The predominant exterior building materials shall be high quality materials per UDO § 9.3.5 and shall include brick, wood, stacked stone, other native stone, tinted/textured concrete masonry units, EIFS, aluminum storefronts with anodized or pre-finished colors.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40") above grade.
3. The building exterior shall be more than one material color.
4. The building shall have more than one parapet height.
5. 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.

6. One (1) sign prohibiting pet waste and reduced fertilization shall be installed near each environmentally sensitive area and SCM.
7. A minimum of 75% of the required landscaping will be selected from the Town's Design and Development Manual for pollinator friendly and native flora throughout the project.
8. The developer shall provide solar conduit to facilitate future rooftop solar installations within all buildings.
9. One (1) pet waste station shall be installed within the common open space area.
10. The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.
11. At the time the development plans adjacent to PIN 0720896485 are submitted, a 20' Greenway Easement shall be provided along or within near proximity to the western property boundary of PIN 0720990292 as shown on the Parks, Recreation, Greenways and Open Space master plan map, north to connect to pedestrian improvements on Humie Olive Road in a location coordinated with Parks, Recreation and Cultural Resources staff.
12. The exterior lighting for all non-residential buildings and parking lots shall consist entirely of LED fixtures. The developer shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots.
    a. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,000K or less for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
13. The development shall record a cross-access agreement between parcels identified as PINS 0720-89-6485 & 0720-89-6050 prior to Site Plan Final Plat approval.
14. A maximum of a single point of access shall be provided to each of Humie Olive Road and Old US 1 Highway.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Permit condition that does not allow for tree clearing, SCM, or infrastructure in either riparian buffer zone	Added
Signage near environmental sensitive areas to: • Reduce pet waste and eliminate fertilizer near SCM drainage areas	Added
Plant trees: • Deciduous shade trees on southern side of buildings • Evergreen trees as windbreak on northern side of buildings	Not added; Trees will be planted for VUA trees, not adjacent to buildings
Increase biodiversity • Plant native flora	Added
Landscaping requires less irrigation and chemical use • Warm season grasses for drought-resistance	Added
Solar conduit in building design	Added

Convenient electric vehicle charging station	Not added; UDO requirement
Timers or light sensors or smart lighting technology	Added
International Dark Sky Association • Outdoor lighting shielded in a way that focuses lighting on ground • Minimizes the emission of blue light to reduce glare • Lighting with a color temperature of 3000K or less	Added
Recommendation: minimum of 20-kW rooftop solar PV system on each of the larger buildings	Not added
Minimum of a 10-kW rooftop solar PV system for smaller buildings	Not added
Preserve future greenway connection(s)	Added

TRANSPORTATION PLANNING CONCERNS:
The subject properties sit inside the two legs of the Y-intersection of Humie Olive Road and Old US 1 Highway, with approximately 900-feet of frontage along each roadway. There are three schools (Apex Friendship Middle and High Schools and the elementary school that is under construction) within a half-mile of the subject properties. The Transportation Plan identifies Humie Olive Road as a 3-lane thoroughfare with an 80-foot right-of-way and Old US 1 Highway as a 4-lane, median-divided thoroughfare with a 110-foot right-of-way. The Bicycle and Pedestrian System Plan Map includes a 10' Side Path on the south side of Humie Olive Road, future bike lanes along Old US 1 Highway, and future greenway along the western property boundary. Given the limited road frontage, provisions for cross-access and connectivity are needed in order to promote and provide safe movements by limiting access on high-traffic-volume roads at poorly aligned intersections. In response, staff requested that the applicant provide the following zoning condition, "A maximum of a single point of access shall be provided on each roadway." That zoning condition was been added by the applicant on May 12, 2022.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on April 11, 2022 and unanimously recommended approval with conditions as proposed by the applicant if developer adds the additional condition recommended by staff that "A maximum of a single point of access shall be provided on each roadway."

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #21CZ26 Humie Olive Commercial since the condition limiting access to the properties has added by the applicant.

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

Approval of the rezoning is reasonable because the proposed Neighborhood Business-Conditional Zoning (B1-CZ) district is generally consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Commercial Services/High Density Residential which includes the B1-CZ district.

Approval of the rezoning is reasonable and in the public interest because the proposed Neighborhood Business-Conditional Zoning (B1-CZ) district will encourage compatible development of the property, increase the tax base and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map. It will also provide an opportunity for non-residential uses to serve the surrounding area, while providing flexibility for future development with the surrounding properties and will limit the number of points of access to the properties to address traffic safety concerns.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the B1-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 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 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 District use's compliance with Sec 4.4 *Supplemental Standards,* if applicable.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning 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 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 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 District use is substantially detrimental to adjacent properties.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning 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 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 #21CZ26
Apex Friendship Middle School
Humie Olive Rd
Friendship Acres
Old US 1 Hwy
Vaudry Ct
Red Cardinal Ln
Holland Rd
Friendship Rd
March 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21C226 Submittal Date: 10/1/21

Fee Paid: $1000

Project Information

Project Name: Humie Olive Commercial

Address(es): 0 and 7525 Humie Olive Road

PIN(s): 0720-99-3254 & 0720-99-0292

Acreage: 7.69 acres

Current Zoning: RR Proposed Zoning: B1-CZ

Current 2045 LUM Classification(s): Commercial Services and High 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: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

Applicant Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Owner Information

Name: N/F David Ray Powell (-3254) JVI Building & Development (-0292)

Address: 524 Lapis Lane, Cary, NC 27519 2509 Southwinds Run, Apex, NC 27502

City: State: Zip:

Phone: E-mail:

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Other contacts:

jbarron@morningstarlawgroup.com

joey@jviconstruction.com

mike42059@usa.com

PETITION INFORMATION

Application #: 21 CZ 26 Submittal Date: 10/1/21

An application has been duly filed requesting that the property described in this application be rezoned from RR to B1-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		21	
2	See attached list of uses	22	
3		23	
4		24	
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10		30	
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Humie Olive Commercial
List of Permitted Uses

Following is a list of the permitted uses within the Humie Olive Commercial property rezoning case #21CZ26:

Accessory apartment
Drop-in or short-term day care
Government service
Veterinary clinic or hospital
Vocational school

Utility, minor
Wireless support structure
Wireless communication facility
Botanical garden
Entertainment, indoor
Greenway
Park, active
Park, passive
Youth or day camps
Bar, nightclub, wine bar, or taproom (S)
Restaurant, drive-through
Restaurant, general
Medical or dental office or clinic
Medical or dental laboratory
Office, business or professional
Hotel or motel
Artisan Studio (S)
Barber or beauty shop
Book store
Convenience store
Dry cleaner and laundry service
Farmer's market
Financial institution
Floral shop
Greenhouse or nursery, retail
Grocery, general
Grocery, specialty

Laundromat
Newsstand or gift shop
Personal service
Pharmacy
Printing and copying service
Real estate sales
Repair services, limited
Retail sales, general
Studio for art
Tailor shop
Upholstery shop
Pet services

Microbrewery

Legal Description of Property of
JVI Building & Development, Inc.
7525 Humie Olive Road, Apex, NC
PIN 0720-99-0292

The area described herein is encompassing of PIN 0720-99-0292 located in Wake County, NC.

At an existing IP located in the southwest corner of the subject property, the common property corner with N/F Matthew Ramsdell & Dianne Denny Olson (DB8356 Pg 225) and the northern right-of-way line of Old US 1 Highway, said point identified by NC Coordinates E 2,028,730.775 and N 708,752.521 (reference as Lot 2b in BM 1974 Pg 89 entitled "Property of Annie M. Sears, Heirs"), said point being the POINT OF BEGINNING;

Thence leaving the Old US 1 Highway right-of-way N 02° 05' 15" W 802.04' to an iron pipe found, said iron pipe being the northwest corner of said property located along the southern right-of-way line of Humie Olive Road;

Thence S 66° 25' 04" E 478.86' along the southern right-of-way line of Humie Olive Road to an iron pipe in the northwest corner of the adjacent N/F David Ray Powell property;

Thence S 01° 49' 29" E 369.20' along the western property line of N/F Powell to an iron pipe on the northern right-of-way of Old US 1 Highway,

Thence along the northern right-of-way of Old US 1 Highway with a curve to the south with a radius of 1,933.18', an arc length of 165.00' and a chord description of S 61° 51' 30" W 164.96'to an existing iron pipe;

Thence along the northern right-of-way of Old US 1 Highway S 59° 24' 45" W 320.56' to an iron pipe found; said point being the POINT AND PLACE OF BEGINNING containing 5.76 acres, more or less. Said property is identified as Lot 2b on BM 1974 Pg 89 entitled "Property of Annie M. Sears, Heirs" by Smith & Smith Surveyors dated January 1974.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

Legal Description of Property of
David Ray Powell
0 Humie Olive Road, Apex, NC
PIN 0720-99-3254

The area described herein is encompassing of PIN 0720-99-3254 located in Wake County, NC.

At an existing IP located in the southwest corner of the subject property, the common property corner with N/F JVI Building & Development Inc. (PIN 0720-99-0292 and 07011 Pg 1370) and the northern right-of-way line of Old US 1 Highway (referenced as Parcel B on BM 1993 Pg 931 entitled "Boundary Survey for Charles E. Tunstall and Ruth L. Tunstall" dated July 28, 1993), said point being the POINT AND PLACE OF BEGINNING;

THENCE leaving the Old US 1 Highway right-of-way N 01° 48' 39" W 369.23' to an iron pipe found, said iron pipe being the northwest corner of said property located along the southern right-of-way line of Humie Olive Road;

THENCE S 65° 33' 00" E 159.60' along the southern right-of-way line of Humie Olive Road to an iron pipe;

THENCE S 65° 04' 49" E 331.92' along the southern right-of-way of Humie Olive Road to and iron pipe at the intersection with Old US 1 Highway;

THENCE along the northern right-of-way of Old US 1 Highway S 71° 10' 41" W 230.29' to existing iron pipe;

THENCE along the northern right-of-way of Old US 1 Highway with a curve to the south with a radius of 1,933.18', an arc length of 234.31', and a chord description of S 67° 42' 21" W 234.17'to an existing iron pipe; said point being the POINT AND PLACE OF BEGINNING containing 1.82 acres, more or less. Said property is identified as Parcel B on BM 1993 Pg 931 entitled "Boundary Survey for Charles E. Tunstall and Ruth L. Tunstall" dated July 28, 1993 by Benton Dewar & Associated.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

PETITION INFORMATION

Application #: 21CZ26 Submittal Date: 10/1/21

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached list of zoning conditions

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 LUM designation for the property is High Density Residential and Commercial Services. The proposed rezoning seeks to provide commercial uses consistent with this designation. The proposed zoning district, B1-CZ, is consistent with guidance in the Comprehensive Plan for properties with this designation.

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

The proposed rezoning site is near an existing commercial node where Humie Olive intersects with Old US 1 Hwy. The proposed rezoning will be consistent with the ex. non-residential character of the uses at the node. Moreover, some of the property within that hub are zoned B1 already, which is the district sought with this rezoning application.

Humie Olive Commercial
Zoning Conditions

The following conditions shall apply to the Humie Olive Commercial development.

1. The predominant exterior building materials shall be high quality materials per UDO § 9.3.5 and shall include brick, wood, stacked stone, other native stone, tinted/textured concrete masonry units, EIFS, aluminum storefronts with anodized or pre-finished colors.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40”) above grade.
3. The building exterior shall be more than one material color.
4. The building shall have more than one parapet height.
5. 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.
6. One (1) sign prohibiting pet waste and reduced fertilization shall be installed near each environmentally sensitive area and SCM.
7. A minimum of 75% of the required landscaping will be selected from the Town’s Design and Development Manual for pollinator friendly and native flora throughout the project.
8. The developer shall provide solar conduit to facilitate future rooftop solar installations within all buildings.
9. One (1) pet waste station shall be installed within the common open space area
10. The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.
11. At the time the development plans adjacent to PIN 0720896485 are submitted, a 20' Greenway Easement shall be provided along or within near proximity to the western property boundary of PIN 0720990292 as shown on the Parks, Recreation, Greenways and Open Space master plan map, north to connect to pedestrian improvements on Humie Olive Road in a location coordinated with Parks, Recreation and Cultural Resources staff.
12. The exterior lighting for all non-residential buildings and parking lots shall consist entirely of LED fixtures. The developer shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots.
    a. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,000K or less for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
13. The development shall record a cross-access agreement between parcels identified as PINS 0720-89-6485 & 0720-89-6050 prior to Site Plan Final Plat approval.
14. A maximum of a single point of access shall be provided to each of Humie Olive Road and Old US 1 Highway.

PETITION INFORMATION

Application #: 21CZ26 Submittal Date: 10/1/21

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

New development on the site will comply with supplement use standards to the extent such standards are applicable under UDO Section 4.4.

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

The requested district includes commitments related to the appearance of buildings and the exterior lighting which are meant to ensure a quality development that will not have a negative impact on surrounding properties.

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

New development on the site will be consistent with the Town's requirements for the same, many of which are meant to minimize a project's impact on the environment. Additionally, the project includes a commitment to provide solar conduit and shielded lighting in order to minimize the development's impacts on the environment.

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

The project will include turn lanes, frontage improvements, and right-of way dedication in order to address the traffic impacts reasonably associated with the proposed development at this site. Additionally, the project will include annexation and the extension of public utilities to the site.

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

The proposed rezoning is consistent with the Town's long range plan for development in this area. By providing non-residential uses in proximity to an ever-growing residential area, residents will have convenient access to goods and services.

PETITION INFORMATION

Application #: 21CZ26 Submittal Date: 10/1/21

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

As mentioned above, the proposed site of the rezoning is adjacent to a commercial node. Development consistent with the proposed rezoning will be consistent with existing uses in the area and will compliment those businesses. The project is not detrimental to surrounding properties.

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

The proposed zoning will facilitate the development of a non-residential center in an area slated for the same in the Town's Comprehensive Plan. Non-residential uses in this area are not anticipated to become a nuisance. At time of site plan, staff will review the project layout to ensure that its design does not create a nuisance.

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.

This project will include a much needed extension of public utilities which could help spur more economic activity in this area. This is a benefit for the Town and also for its residents who will benefit from having convenient access to goods and services.

AGENT AUTHORIZATION FORM

Application #: 21CZ26 Submittal Date: 10/1/21

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

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

The property address is: 0 Humie Olive Road

The agent for this project is: ~~David Ray Powell~~ Peak Eng & Design

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

Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

David R. Powell — Type or print name — 29 Sept 2021 — Date

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ26 Submittal Date: 10/1/21

The undersigned, David Ray Powell (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 0 Humie Olive 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 8/23/93, and recorded in the Wake County Register of Deeds Office on 8/23/93, in Book 5746 Page 0146.

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 8/23/93, 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 8/23/93, 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 29th day of Sept, 2021.

D R Powell (seal)

David R. Powell

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

DANIEL H. WOODS My Commission Expires NOTARY PUBLIC November 18, 2023 WAKE COUNTY, NC

[NOTARIAL SEAL]

Daniel H Woods

Notary Public
State of North Carolina
My Commission Expires: 11/18/2023

Legal Description of Property of
David Ray Powell
0 Humie Olive Road, Apex, NC
PIN 0720-99-3254

The area described herein is encompassing of PIN 0720-99-3254 located in Wake County, NC.

At an existing IP located in the southwest corner of the subject property, the common property corner with N/F JVI Building & Development Inc. (PIN 0720-99-0292 and 07011 Pg 1370) and the northern right-of-way line of Old US 1 Highway (referenced as Parcel B on BM 1993 Pg 931 entitled "Boundary Survey for Charles E. Tunstall and Ruth L. Tunstall" dated July 28, 1993), said point being the POINT AND PLACE OF BEGINNING;

THENCE leaving the Old US 1 Highway right-of-way N 01° 48' 39" W 369.23' to an iron pipe found, said iron pipe being the northwest corner of said property located along the southern right-of-way line of Humie Olive Road;

THENCE S 65° 33' 00" E 159.60' along the southern right-of-way line of Humie Olive Road to an iron pipe;

THENCE S 65° 04' 49" E 331.92' along the southern right-of-way of Humie Olive Road to and iron pipe at the intersection with Old US 1 Highway;

THENCE along the northern right-of-way of Old US 1 Highway S 71° 10' 41" W 230.29' to existing iron pipe;

THENCE along the northern right-of-way of Old US 1 Highway with a curve to the south with a radius of 1,933.18', an arc length of 234.31', and a chord description of S 67° 42' 21" W 234.17'to an existing iron pipe; said point being the POINT AND PLACE OF BEGINNING containing 1.82 acres, more or less. Said property is identified as Parcel B on BM 1993 Pg 931 entitled "Boundary Survey for Charles E. Tunstall and Ruth L. Tunstall" dated July 28, 1993 by Benton Dewar & Associated.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

AGENT AUTHORIZATION FORM

Application #: 21C726 Submittal Date: 10/1/21

JVI Building & Development, Inc. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 7525 Humie Olive Road

The agent for this project is: Joseph Iannone

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

Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

JOE V IANNONE — 9-29-21

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.

AFFIDAVIT OF OWNERSHIP

Application #: 21ZZ26 Submittal Date: 10/1/21

The undersigned, Joseph Iannone (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 7525 Humie Olive 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 12/29/17, and recorded in the Wake County Register of Deeds Office on 12/2917, in Book 17011 Page 1371.

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 12/29/17, 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 12/29/17, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of 9, 2021

(seal)

JOE V. IANNONE

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

DANIEL H. WOODS
My Commission Expires
NOTARY PUBLIC
November 18, 2023
WAKE COUNTY, NC

Notary Public
State of North Carolina
My Commission Expires: 11/18/2023

Legal Description of Property of
JVI Building & Development, Inc.
7525 Humie Olive Road, Apex, NC
PIN 0720-99-0292

The area described herein is encompassing of PIN 0720-99-0292 located in Wake County, NC.

At an existing IP located in the southwest corner of the subject property, the common property corner with N/F Matthew Ramsdell & Dianne Denny Olson (DB8356 Pg 225) and the northern right-of-way line of Old US 1 Highway, said point identified by NC Coordinates E 2,028,730.775 and N 708,752.521 (reference as Lot 2b in BM 1974 Pg 89 entitled "Property of Annie M. Sears, Heirs"), said point being the POINT OF BEGINNING;

Thence leaving the Old US 1 Highway right-of-way N 02° 05' 15" W 802.04' to an iron pipe found, said iron pipe being the northwest corner of said property located along the southern right-of-way line of Humie Olive Road;

Thence S 66° 25' 04" E 478.86' along the southern right-of-way line of Humie Olive Road to an iron pipe in the northwest corner of the adjacent N/F David Ray Powell property;

Thence S 01° 49' 29" E 369.20' along the western property line of N/F Powell to an iron pipe on the northern right-of-way of Old US 1 Highway,

Thence along the northern right-of-way of Old US 1 Highway with a curve to the south with a radius of 1,933.18', an arc length of 165.00' and a chord description of S 61° 51' 30" W 164.96'to an existing iron pipe;

Thence along the northern right-of-way of Old US 1 Highway S 59° 24' 45" W 320.56' to an iron pipe found; said point being the POINT AND PLACE OF BEGINNING containing 5.76 acres, more or less. Said property is identified as Lot 2b on BM 1974 Pg 89 entitled "Property of Annie M. Sears, Heirs" by Smith & Smith Surveyors dated January 1974.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ26 Submittal Date: 10/1/21

Insert legal description below.

Page intentionally left blank. Legal Descriptions included with Agent Authorization Forms.

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.

9/15/21
Date

Dear Neighbor:

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

Address(es)	PIN(s)
0 Humie Olive Road	0720-99-3254
7525 Humie Olive Road	0720-99-0292

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/Planning-Community-Development.

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	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council 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)):

We are seeking rezoning in order to develop approximately 50,000sf of commercial uses at the intersection of Humie Olive and Old US HWY 1.

Estimated submittal date: October 2021

MEETING INFORMATION:

Property Owner(s) name(s):	David Ray Powell & JVI Building & Development
Applicant(s):	Jason Barron - Attorney for Owners
Contact information (email/phone):	jbarron@morningstarlawgroup.com/919-590-0371
Meeting Address:	https://morningstarlaw.group/09302021mtg
Date/Time of meeting**:	September 30, 2021 from 5:30 to 7:30

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:32 Project Presentation: 5:32 - 5:35 Question & Answer: 5:35 - 7:30

**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 and Community Development 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/Planning-Community-Development.

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: Humie Olive Commercial Zoning: RR

Location: 0 Humie Olive Road & 7525 Humie Olive Road

Property PIN(s): 0720-99-3254 & 0720-99-0292 Acreage/Square Feet: 7.69 acres

Property Owner: David Ray Powell & JVI Building & Development

Address: 542 Lapis Lane

City: Cary State: NC Zip: 27519

Phone: _____ Email: _____

Developer: JVI Building & Development

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): JVI Building & Development

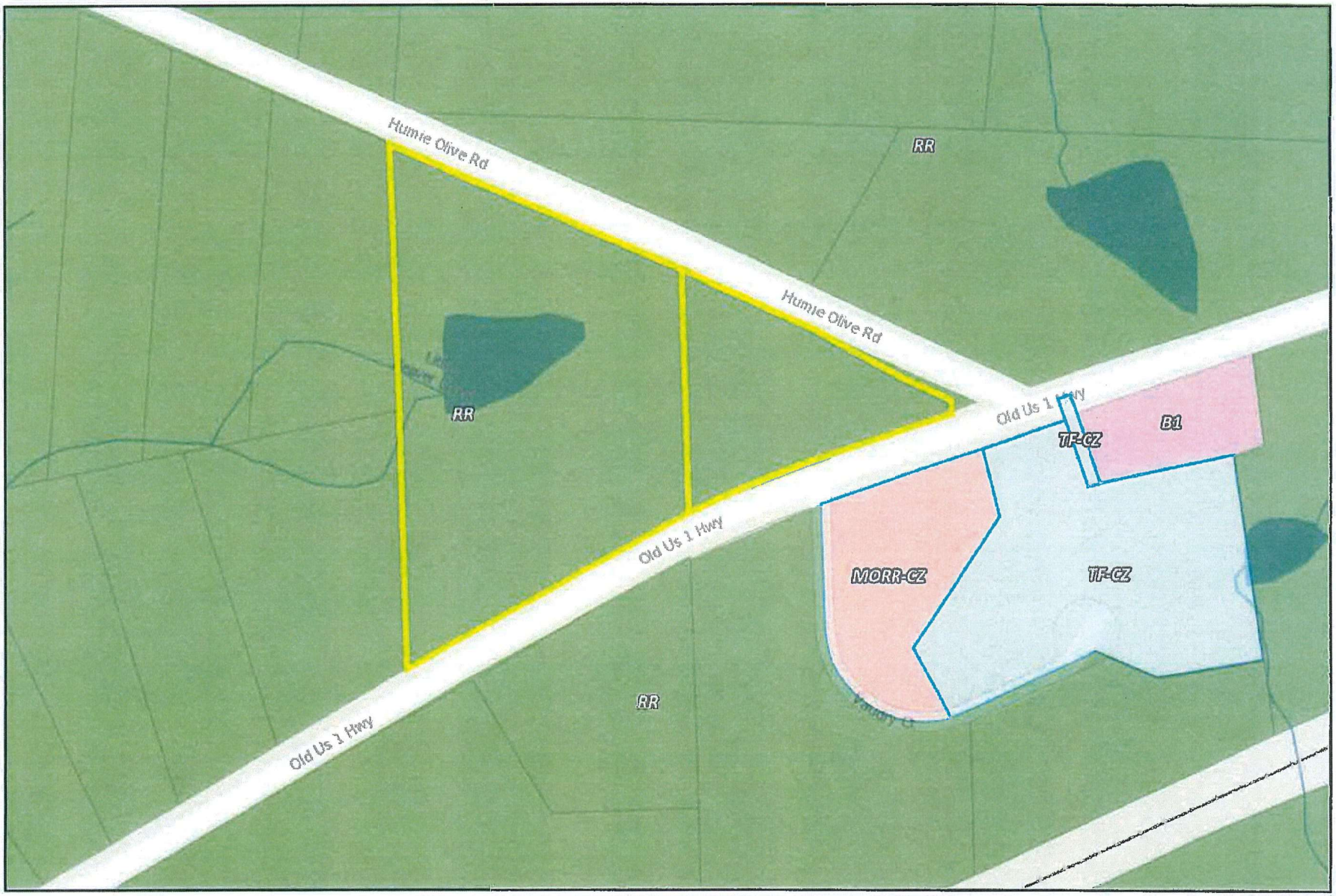
Address: _____

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 and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342



Vicinity & Zoning Map

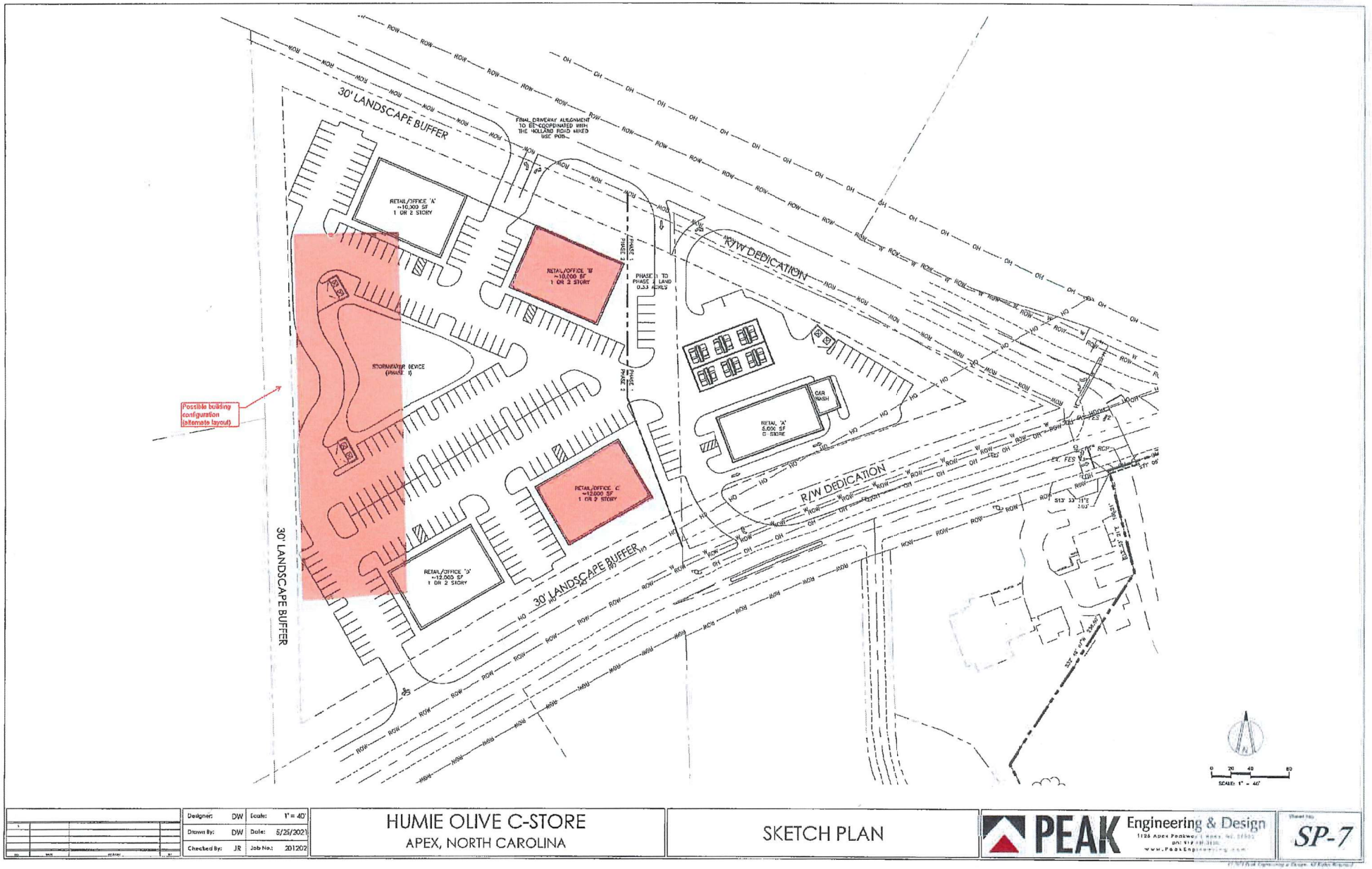
N

0 105 210 420 ft

1 inch = 200 feet

Disclaimer

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


30' LANDSCAPE BUFFER
FINAL DRIVEWAY ALIGNMENT TO BE COORDINATED WITH THE HOLLAND ROAD MIXED USE PUB.
RETAIL/OFFICE 'A' ~10,000 SF 1 OR 2 STORY
RETAIL/OFFICE 'B' ~10,000 SF 1 OR 2 STORY
PHASE 1 TO PHASE 2 LAND 0.33 ACRES
PHASE 1
PHASE 2
R/W DEDICATION
STORMWATER DEVICE (PHASE 1)
Possible building configuration (alternate layout)
CAR WASH
RETAIL 'A' 5,000 SF C-STORE
RETAIL/OFFICE 'C' ~12,000 SF 1 OR 2 STORY
RETAIL/OFFICE 'D' ~12,000 SF 1 OR 2 STORY
30' LANDSCAPE BUFFER
30' LANDSCAPE BUFFER
SCALE: 1" = 40'
Designer: DW
Drawn By: DW
Checked By: JR
Scale: 1" = 40'
Date: 5/25/2021
Job No.: 201202
HUMIE OLIVE C-STORE
APEX, NORTH CAROLINA
SKETCH PLAN
PEAK Engineering & Design
SP-7

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm

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

Question/Concern #1:
What is the plan for development of the site

Applicant's Response:
The applicant's representative shared a draft potential layout of the site which is included herein

Question/Concern #2:
What is the proposed buffer to the western boundary

Applicant's Response:
the plan is for a 30' perimeter buffer that would seek to preserve as much of the existing mature vegetation as practicable

Question/Concern #3:
What is the plan for stormwater

Applicant's Response:
The owners have agreed to engineer for the 25 year storm event, and we anticipate an SCM near the western boundary

Question/Concern #4:
A concern was expressed with respect to potential impacts to groundwater from a gas station

Applicant's Response:
Noted, and we believe that most of the issues with service stations and groundwater is from older underground storage tanks

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting 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:
where is sewer coming from

Applicant's Response:
The anticipation is that this site can be sewered from a development to the north that will be bringing gravity sewer across Humie Olive

Question/Concern #2:
Would you consider a 6' privacy fence along the western boundary of the site

Applicant's Response:
the applicant agreed to walk the site and determine feasibility of a fence with the lone adjacent neighbor that attended the meeting

Question/Concern #3:
The attendees stated they will not oppose the development and appreciated how transparent the neighborhood meeting was

Applicant's Response:

Question/Concern #4:

Applicant's Response:

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Virtual per Town's Requirements

Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm

Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Matthew and Diane Olson	2404 Old US 1 HWY			
2.	Jason Barron, Morningstar Law Group	421 Fayetteville Street, Suite 530, Raleigh	919.590.0371	jbarron@morningstarlawgroup.com	
3.	Jeff Roach, Peak Engineering & Des	1125 Apex Peakway, Apex, NC	(919) 439-0100	jroach@peakengineering.com	
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Jason Barron, do hereby declare as follows:
Print Name

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

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.

3. The meeting was conducted via Virtual per Town's Requirements (indicate format of meeting) on September 30, 2021 (date) from 530pm (start time) to 730pm (end time).

4. I have included the mailing list, meeting invitation, attendance 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.

10/1/21
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL

JULIA OGDEN
NOTARY PUBLIC
WAKE COUNTY, N.C.

Julia Ogden
Notary Public

Julia Ogden
Print Name

My Commission Expires: April 21, 2024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____ Submittal Date: _____

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

	Owner's Name	PIN
1.	LIST PROVIDED BY TOWN	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

I, Jason Barron, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 10/1/21 By: _____

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

_____
Notary Public

SEAL

_____
Print Name

JULIA OGDEN
NOTARY PUBLIC
WAKE COUNTY, N.C.

My Commission Expires: April 21, 2024

Report Requirements:

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

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±7.69 acres

PIN(s): 0720993254 & 0720990292

Current Zoning: Rural Residential (RR)

Proposed Zoning: Neighborhood Business-Conditional Zoning (B1-CZ)

2045 Land Use Map: High Density Residential/Commercial Services

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 conditions as proposed by applicant if developer adds the staff recommended condition.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Tim Royal

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

Conditions as proposed by applicant if developer adds the additional condition recommended by staff that "A maximum of a single point of access shall be provided on each roadway."

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2022.04.11 17:15:28 -04'00'

Dianne Khin, Director of Planning and Community Development

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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:

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: ±7.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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 (73 Hunter 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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: March 25 – April 11, 2022

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: March 25 – April 11, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Buildin
Agente autorizado: Jeff Roach, P.E., Peak
Dirección de la propiedades: 0 & 7525 H
Superficie: ±7.69 acres
Números de identificación de la propied

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292
Designación actual en el Mapa de Uso Territorial para 2045: High Density Residential/Commercial Services
Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril de 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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 (73 Hunter 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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de marzo- 11 de abril de 2



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/lmaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: March 25 – April 11, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292
Designación actual en el Mapa de Uso Territorial para 2045: High Density Residential/Commercial Services
Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril de 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter 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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de marzo- 11 de ab

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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 #21CZ26 Humie Olive Commercial
Project Location:	0 & 7525 Humie Olive Road
Applicant or Authorized Agent:	Jeff Roach, P.E.
Firm:	Peak Engineering & Design, PLLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on March 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3/28/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 28 day of March, 2024.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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:

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: ±7.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: April 26, 2022 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - April 26, 2022

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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:

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
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2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Vicinity Map:



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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - April 26, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292
Designación actual en el Mapa de Uso Territorial para 2045: High Density Residential/Commercial Services
Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-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 abril, 2022 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Fechas de publicación: 1 de abril- 26 de abril 2022

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

http://www.apexnc.org/DocumentCenter/View/38906/21CZ26-only-remote-info--PN-TC-COMBO?bidId=
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TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
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Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-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 abril, 2022 6:00 P.M.

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Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril- 26 de abril 2022

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4/1/2022

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 #21CZ26 Humie Olive Commercial
Project Location:	0 Humie Olive Road, 7527 Humie Olive Road
Applicant or Authorized Agent:	Jeff Roach, PE
Firm:	Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 1, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

4/4/2022
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 4 day of April, 2022.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024
SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024

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

Public Hearing was closed; vote was continued to May 24, 2022

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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:

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: ±7.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

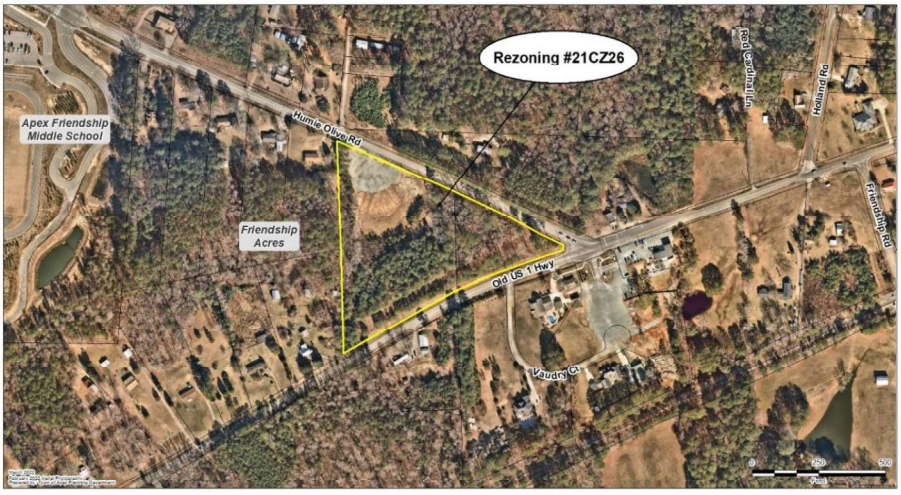
Town Council Public Hearing Date and Time: April 26, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - ~~April 26~~ May 24, 2022

Legal Notice of Public Hearings | 21CZ26-only-remote-info--PN-T
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Apex, NC - Official... | IDT | Planning Departme... | Real Estate Search | Unified Developme... | Applications & Sch... | ExecuTime Enterpri... | Municode Meetings | Historic Map
21CZ26-only-remote-info--PN-TC-Conditional-Zoning-VOTE-CO... 1 / 2 50%



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2

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

Public Hearing was closed; vote was continued to May 24, 2022

PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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:

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: ±7.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: April 26, 2022 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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Vicinity Map:



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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - ~~April 26~~ May 24, 2022

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

La Audiencia Pública fue cerrada; la votación continuó hasta el 24 de mayo de 2022

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Building & Development
...h, P.E., Peak Engineering & Design, PLLC
...0 & 7525 Humie Olive Road
...de la propiedades: 0720993254 & 0720990292

64°F 12:49 PM 4/27/2022

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

La Audiencia Pública fue cerrada; la votación continuó hasta el 24 de mayo de 2022

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
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Solicitante: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292
Designación actual en el Mapa de Uso Territorial para 2045: High Density Residential/Commercial Services
Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-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.

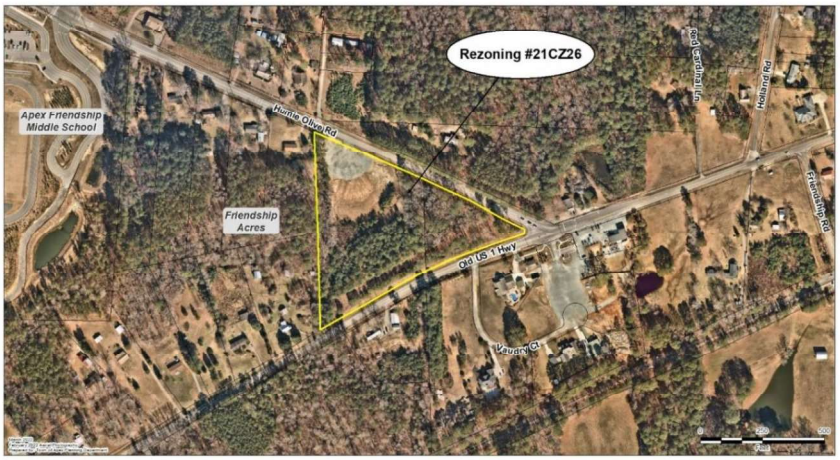
Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.

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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/37115/21CZ26.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril- ~~26 de abril~~ 24 de ma

Legal Notice of Public Hearings
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Apex, NC - Official... IDT Planning Departme... Real Estate Search Unified Developme... Applications & Sch... ExecuTime Enterpri... Municode Meetings Historic Map
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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - ~~April 26~~ May 24, 2022

La Audiencia Pública fue cerrada; la votación continuó hasta el 24 de mayo de 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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Mapa de las inmediaciones:



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Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Publicado: ~~26 de abril~~ 24 de mayo 2022

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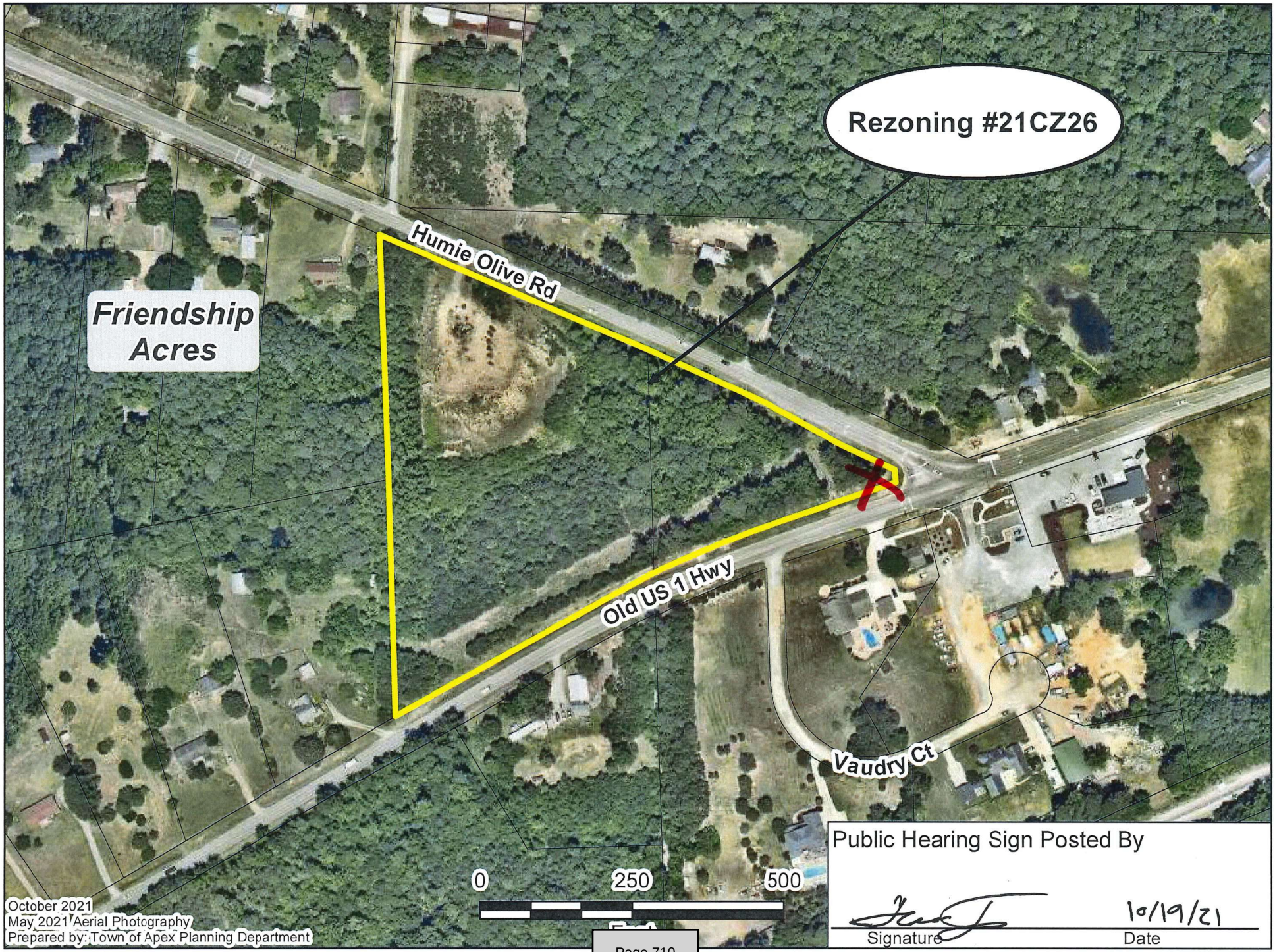

Public Hearing Sign Posted By

Signature

10/19/21

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: May 24, 2022

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

A possible motion to approve a Resolution authorizing the filing of an application with the Local Government Commission (LGC) to approve the extension of a bond order.

Approval Recommended?

Yes

Item Details

The 2015 Bond order authorizing the issuance of $15 million of Street and Sidewalk Improvement Bonds was approved by voters on November 3, 2015. The Order expires November 3, 2022 and the Town has not yet issued $7 million of the Bonds authorized by that Order. The Resolution requests that the LGC approve an extension of the order through November 3, 2025 and authorizes and directs the Mayor and Town staff to submit an application to the LGC requesting the extension.

Attachments

- Resolution Requesting LGC Approval-Apex Extension (2015 Streets)

The Town Council of the Town of Apex, North Carolina met in a regular meeting in the Council Chambers of the Town Hall located at 73 Hunter Street in Apex, North Carolina, the regular place of meeting, at 6:00 p.m. on May 24, 2022.

Present: Mayor Jacques K. Gilbert, presiding, and Council Members

Absent: Council Members

Also present:

* * * * * *

_____ introduced the following resolution the title of which was read and a copy of which had been distributed to each Council Member.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE EXTENSION OF A BOND ORDER

WHEREAS, the Town Council (the "Town Council") of the Town of Apex, North Carolina (the "Town") adopted the following bond order (the "2015 Order") on September 1, 2015, which order was approved by the vote of the majority of the qualified voters of the Town who voted thereon at a referendum duly called and held on November 3, 2015:

ORDER AUTHORIZING
$15,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS

BE IT ORDERED by the Town Council of the Town of Apex, North Carolina:

1. That, pursuant to The Local Government Bond Act, as amended, the Town of Apex, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said Town may now or hereafter have power or authority to contract, and in evidence thereof to

issue Street and Sidewalk Improvement Bonds in an aggregate principal amount not exceeding $15,000,000 for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of said Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said Town has been filed with the Town Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said Town at a referendum as provided in said Act; and

WHEREAS, $8,000,000 of the bonds authorized pursuant to the 2015 Order have been issued and the 2015 Order will expire on November 3, 2022; and

WHEREAS, due to the fact that the issuance of the remaining $7,000,000 of such bonds approved by the voters on November 3, 2015 has been delayed due to changes in the scope of the project, delays in obtaining approvals for the project from oversight agencies and the need for additional funding due to increased project costs, the Town Council desires to extend the period of time within which bonds may be issued pursuant to the 2015 Order from seven years to 10 years pursuant to §159-64 of the North Carolina General Statutes; and

WHEREAS, in order to extend the 2015 Order from seven years to 10 years, it is necessary to obtain the approval of the Local Government Commission of North Carolina (the "LGC") and the Town desires to submit an application to the LGC for approval of such extension.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town as follows:

1. The LGC is hereby requested to approve the extension of the 2015 Order from seven years to 10 years pursuant to §159-64 of the North Carolina General Statutes, as amended.

2. The Mayor, the Town Manager and the Finance Director of the Town are each hereby authorized and directed to file an application with the Local Government Commission for approval of the extension of the 2015 Order from seven years to 10 years pursuant to §159-64 of the North Carolina General Statutes, as amended.

3. This resolution shall take effect immediately upon its adoption.

Upon motion of Council Member _____, seconded by Council Member _____, the resolution entitled: "RESOLUTION REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE EXTENSION OF A BOND ORDER" was adopted by the following vote:

Ayes:_____

_____

Noes:_____

_____

* * * * * *

I, Allen L. Coleman, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on May 24, 2022, as it relates in any way to the extension of the effectiveness of a bond order authorizing $15,000,000 Street and Sidewalk Improvement Bonds of said Town and that said proceedings are to be recorded in the minutes of the Town Council of said Town.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 24th day of May, 2024.

_____

Allen L. Coleman, CMC, NCCCC, Town Clerk

[SEAL]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 24, 2022

Item Details

Presenter(s): Laurie Hohe, Town Attorney]

Department(s): [Legal Services]

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to preserve attorney-client privilege.

Approval Recommended?

[Yes or No]

Item Details

Attachments

- [List attachments or N/A]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 24, 2022

Item Details

Presenter: Steve Adams, Real Estates & Public Utilities

Department: Administration

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property

Approval Recommended?

Yes

Item Details

Attachments

N/A