



AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, January 28, 2025 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Town Senior Executive Leadership

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Edward Gray

Council Members: Audra Killingsworth; Brett D. Gantt; Terry Mahaffey; Arno Zegerman

Town Manager: Randal E. Vosburg

Deputy Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

Town Clerk: Allen L. Coleman | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

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 Capital Project Ordinance Amendment No. 2025-7 - State Grant Award - Cybersecurity Grant Program (SLCGP)

Erika Sacco, Director, Information Technology (IT) Department

CN2 Capital Project Ordinance Amendment No. 2025-9 - Establishing Grants and Special Revenue Fund

Amanda Grogan, Director, Budget and Performance Management Department

CN3 Construction Contract Award - Barnhill Contracting Company - 2025 Road Rehabilitation Project

Chris Johnson, Director, Transportation and Infrastructure Development (TID) Department

CN4 Revisions to Standard Specifications and Standard Details

Chris Johnson, Director, Transportation and Infrastructure Development (TID) Department

CN5 Rezoning Case No. 24CZ18 - Sweetwater PUD Amendment - Statement and Ordinance

Joshua Killian, Planner I, Planning Department

CN6 Unified Development Ordinance (UDO) Amendments - January 2025 - Statement

Amanda Bunce, Current Planning Manager, Planning Department

PRESENTATIONS

PR1 Proclamation - Black History Month - February 2025

Mayor Jacques K. Gilbert

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 Fiscal Year 2025-2026 - Annual Operating Budget - First Public Hearing

Amanda Grogan, Director, Budget and Performance Management Department

PH2 Master Plan for Parks, Recreation, Cultural Resources, Greenways, and Open Space

Angela Reincke, Parks Planning Manager, Parks, Recreation, and Cultural Resources Dept.

PH3 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities

Jenna Shouse, Senior Long-Range Planner, Planning Department

PH4 Rezoning Case No. 24CZ15 - Green Level Towns PUD

Lauren Staudenmaier, Planner II, Planning Department

PH5 Rezoning Case No. 24CZ17 - Kelly Road Townhomes

Joshua Killian, Planner I, Planning Department

NEW BUSINESS - *None Anticipated*

UPDATES BY TOWN MANAGER

CLOSED SESSION - *None Scheduled*

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Erika Sacco, Director

Department(s): Information Technology

Requested Motion

Motion to approve Capital Project Ordinance Amendment 2025-7 allocating funding and grant award for cybersecurity model project

Approval Recommended?

Yes

Item Details

The Town of Apex was awarded a \$100,000 from the State of North Carolina through the State and Local Cybersecurity Grant Program (SLCGP). The grant is to implement cybersecurity maturity model framework best practices, guidelines, and controls to provide our organization with a road map for creating effective and compliant security. This Capital Project Ordinance Amendment allocates awarded grant revenues to the project fund and offsetting expense.

This allows for all expenses for the grant to be captured in one place and will ensure accurate reporting and close out of the project.

Attachments

- CN1-A1: Memorandum of Agreement (MOA) - - State Grant Award - Cybersecurity Grant Program (SLCGP)
- CN1-A2: Capital Project Ordinance Amendment 2025-7- State Grant Award - Cybersecurity Grant Program (SLCGP)





NC Department of Public Safety
EMERGENCY MANAGEMENT

Roy Cooper, Governor

Eddie M. Buffaloe Jr., Secretary
William C. Ray, Director

State and Local Cybersecurity Grant Program (SLCGP)

Fiscal Year 2023

AL#:97.137

Grant #: EMW-2023-CY-00066

Memorandum of Agreement (MOA)

between

RECIPIENT

State of North Carolina
Department of Public Safety
Emergency Management (NCEM)
1636 Gold Star Dr
Raleigh, NC 27607

SUBRECIPIENT

Town of Apex
73 Hunter Street
Apex, NC 27502
Tax ID/EIN #: 56-6001166
UEID #: NDRHHH8B3C85

MOA #: 23SLCGP654

Award amount: \$100,000.00

Cost center: 102642-0-0-6023-19GH000601

Period of performance (POP): December 1, 2023 to February 28, 2027

1. Purpose

The purpose of this Memorandum of Agreement (MOA) is to establish responsibilities and procedures to implement the terms and conditions of the US Department of Homeland Security (DHS) State and Local Cybersecurity Grant Program (SLCGP). More information about SLCGP is available at: [State and Local Cybersecurity Grant Program | FEMA.gov](https://www.fema.gov/state-and-local-cybersecurity-grant-program) and <https://www.ncdps.gov/SLCGP>.

This MOA is to set forth terms by which RECIPIENT shall provide SLCGP funding to SUBRECIPIENT to fund projects related to meeting State and Local Cybersecurity Objectives as identified in the Department of Homeland Security Notice of Funding Opportunity ([NOFO](#)) for FY2023 SLCGP. See Attachment 1 for a detailed description of the approved scope of work for the approved project(s) for this grant. The scope of work is the approved Application as submitted by SUBRECIPIENT with any amendments approved by RECIPIENT.

2. Program Authorization and Regulations

This MOA is authorized under the provisions of: (1) Section 2220A of the *Homeland Security Act of 2002* (Pub. L. No. 107-296, as amended) (6 U.S.C. § 665g), (2) *Infrastructure Investments and Jobs Appropriations Act* (Pub. L. No. 117-58), (3) FY 2023 SLCGP Notice of Funding Opportunity ([NOFO](#)), (4) applicable FEMA Grant Programs Directorate Information Bulletins (see <https://www.fema.gov/grants/preparedness/about/informational-bulletins>), and (5) *NC Emergency Management Act*, North Carolina General Statutes (N.C.G.S.) Chapter 166A.

The funds awarded under this grant must be used in compliance with all applicable federal, state, local and tribal laws and regulations. By accepting this award, SUBRECIPIENT agrees to use these funds in a manner consistent with all applicable laws and regulations.

3. Funding

All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from DHS and NCEM for the purposes set forth, and the MOA shall automatically terminate if funds cease to be available.

Allowable costs shall be determined in accordance with applicable DHS Program Guidelines, which include, but may not be limited to, the FY2023 SLCGP [NOFO](#), 2 CFR 200 Subpart E, Federal Acquisition Regulations (FAR) Part 31.2, OMB Circulars A-21, and applicable DHS and FEMA financial management guidance available at <https://www.dhs.gov/dhs-grants> and <https://www.fema.gov/grants/guidance-tools>. Allowable costs are also subject to the approval of the State Administrative Agency (SAA) for the State of North Carolina, the Secretary of the Department of Public Safety.

4. Funding Eligibility Criteria

Federal funds administered through RECIPIENT (NCEM on behalf of State of North Carolina) are available to local governments to assist in the cost of developing and maintaining a comprehensive Cybersecurity preparedness posture program.

Local government entities are defined in [N.C.G.S. 159-44](#) as: “counties; cities, towns, and incorporated villages; consolidated city-counties, as defined by G.S. 160B-2(1); sanitary districts; mosquito control districts; hospital districts; merged school administrative units described in G.S. 115C-513; metropolitan sewerage districts; metropolitan water districts; metropolitan water and sewerage districts; county water and sewer districts; regional public transportation authorities; and special airport districts.” Community colleges are included in the definition of local government entities for purposes of FY23 SLCGP per [N.C.G.S. 143-800\(c\)\(1\)](#). Federally recognized tribes are also included as eligible local government pass-through entities per the FY23 SLCGP [NOFO](#).

Continued SLCGP funding is contingent upon completion of all SLCGP funding requirements. The following eligibility criteria must be adhered to during the entire duration of the grant program:

SUBRECIPIENT must:

- A. Be established as a local government entity as defined above by appropriate resolution/ordinance.
- B. Have a Unique Identity ID (UEID) prior to any funds being released. UEID may be obtained from <http://www.sam.gov>.
- C. Ensure their organization is registered with the System for Award Management (SAM) and that their organization maintains an active SAM registration, i.e. renewed annually. Every applicant is required to have their name, address, and UEID up to date in SAM, and the UEID used in SAM must be the same one used to apply for all FEMA awards. SAM information can be found at <http://www.sam.gov>. Future payments will be contingent on the information provided in SAM; therefore, it is imperative that the information is correct, and that an active SAM registration is properly maintained.
- D. Complete any procurement(s) and expenditures no later than 02/28/27.
- E. Submit RFR with all required documentation attached. RFRs will not be processed unless/until annual report submissions are current. See SUBRECIPIENT paragraph 9.G. below.

5. Compensation

RECIPIENT agrees that it will pay SUBRECIPIENT compensation for eligible services rendered by SUBRECIPIENT. Payment to SUBRECIPIENT for expenditures under this MOA will be reimbursed after SUBRECIPIENT’s RFR is submitted and approved for eligible scope of work activity. Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced, products or services received (i.e., invoices, contracts, itemized expenses, etc.), and proof of payment is provided. Final RFR must be submitted no later 03/31/27, unless period of performance (POP) is extended. The original signed copy of this MOA must be signed by the Official(s) authorized to sign below and returned to RECIPIENT no later than 45 days after the MOA has been submitted for execution.

This MOA shall be effective upon return of execution from SUBRECIPIENT and final approval by RECIPIENT. Upon final approval of this MOA by RECIPIENT, POP for this grant is 12/01/23 - 02/28/27. Grant funds will be disbursed upon receipt of evidence that funds have been invoiced, products or services received, and proof of payment is provided. Any unexpended grant funds remaining after end of POP revert to RECIPIENT.

SUBRECIPIENT:

- A. Understands and acknowledges that total funding level available under this MOA will not exceed the awarded amount. SUBRECIPIENT acknowledges that they are further prohibited from sub-granting these funds. Attachment 1 and any approved amendments constitute the approved scope of work for this grant award.
- B. Understands and agrees that funding shall be subject to the availability of appropriated funds, pursuant to N.C.G.S 143C-1-1. However, in the event of MOA termination due to lack of adequate appropriated funds, RECIPIENT will ensure that it will pay for services and goods acquired and obligated on or before the notice of agreement termination.
- C. Must meet all funding requirements contained herein. Non-compliance may result in denial of reimbursement request(s) or suspension/revocation of grant funds awarded for this project. See also paragraph 35 below regarding compliance.

6. Conditions

Funding is contingent upon completion of all funding requirements. The following conditions must be adhered to during the entire duration of the grant program.

A. SUBRECIPIENT must:

- i. Complete any procurements, expenditures, and receipt of goods or services within the POP. This includes software subscriptions, which even if paid for during the POP must be pro-rated so that the subscription period reimbursed is only for the duration of the POP.
- ii. No Match Requirement. SUBRECIPIENT is not required to provide matching funds in cash or in-kind for this award.
- iii. SUBRECIPIENT must submit requests for reimbursement with all required documentation attached in [Salesforce](#). Once RECIPIENT is satisfied that SUBRECIPIENT has provided all required documentation, the requested distributions can be processed for payment. The distributions of funds will be coded to cost center 102642-0-0-6023-19GH000601 in the North Carolina Financial System (NCFS). See SUBRECIPIENT paragraph 9.E.

B. Required Documents/Forms. GRANTEE must submit the following [documents](#) to GRANTOR in [Salesforce](#) upon execution of this MOA. This is not required if GRANTEE has previously submitted these documents to GRANTOR for this or any other grant; however, if any of these documents are not current, GRANTEE must submit updated document(s) in [Salesforce](#):

- i. [W-9 \(09 NCAC 03M .0202\)](#)
- ii. [Electronic Payment / Vendor Verification Form \(09 NCAC 03M .0202\)](#)
- iii. [Conflict of Interest Policy \(G.S. 143C-6-23.\(b\)\)](#)
- iv. [Sworn \(Notarized\) No Overdue Tax Debt Certification \(G.S. 143C-6-23.\(c\)\)](#)
- v. SUBRECIPIENT Procurement Policy

C. Annual Progress Reports. Provide annual progress reports to RECIPIENT in [Salesforce](#) using the Annual Progress Report form (Attachment 2) by: 07/31/25; 07/31/26; and, with final reimbursement request (RFR) submitted per SUBRECIPIENT paragraph 9.G. below.

Even if there are no expenditures an annual progress report must be submitted by SUBRECIPIENT to update their progress toward completion of approved scope of work specified in Attachment 1 and any approved amendments. If SUBRECIPIENT closes their award prior to end of POP, no further annual reports are required.

D. Nationwide Cybersecurity Review (NCSR). SUBRECIPIENT is required to complete the [NCSR](#), administered by the [MS-ISAC](#), during the first year of this grant award POP and annually thereafter through the last year of this grant award POP.

Three NCSRs are required as follows:

NCSR	Completion Period
2024	10/01/2024 - 02/28/2025
2025	10/01/2025 - 02/28/2026
2026	10/01/2026 - 02/28/2027

If SUBRECIPIENT closes their award prior to end of POP no further annual reports are required.

E. Required Services and Memberships.

Cyber Hygiene Services (CHS):

- Web Application Scanning is an “internet scanning-as-a-service.” This service assesses the “health” of your publicly accessible web applications by checking for known vulnerabilities and weak configurations. Additionally, CISA can recommend ways to enhance security in accordance with industry and government best practices and standards.
- Vulnerability Scanning evaluates external network presence by executing continuous scans of public, static IPs for accessible services and vulnerabilities. This service provides weekly vulnerability reports and ad-hoc alerts. To register for these services, email vulnerability_info@cisa.dhs.gov with the subject line “Requesting Cyber Hygiene Services – SLCGP” to get started. Indicate in the body of your email that you are requesting this service as part of the SLCGP. For more information, visit CISA’s [Cyber Hygiene Information Page](#).
- SUBRECIPIENT is required to certify CHS compliance and provide proof of CHS compliance upon request of RECIPIENT.

7. Supplantation

Subrecipients are required to assure and certify that these grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available cybersecurity activities. Subrecipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

8. Scope of Work

SUBRECIPIENT shall implement the SLCGP project specified in Attachment 1 and as described in the approved project application, including the project objective SUBRECIPIENT selected in the application. That application is hereby incorporated by reference into this MOA.

Documentation to be provided throughout POP:

- Annual reports, per paragraph 6.C. above.
- Annual NCSR, per paragraph 6.D. above.
- CHS compliance upon request of RECIPIENT, per paragraph 6.E. above.
- SUBRECIPIENT-involved legal action that pertains to any goods or services purchased with grant funds.
- Copies of any audits and corrective actions pertaining to these grant funds or any other funds provided to SUBRECIPIENT by RECIPIENT.
- After-action report from exercises in accordance with Homeland Security Exercise and Evaluation Program Doctrine ([HSEEP](#)).
- Training course roster, description, and syllabus.
- All legible and complete invoices and receipts detailing the expenditures associated with the project. Receipts must contain the following information:
 - Name and address of the vendor or establishment providing the product or service.

- ii. Vendor/Payee invoice number, account number, and any other unique meaningful identifying number.
- iii. Date product received or service provided.
- iv. Itemized description of all products or services.
- v. Unit price of products or services (if applicable).
- vi. Total amount of eligible expenditures.
- vii. Copy of executed contract/subcontract agreement (if applicable).
- viii. Proof of payment of expenses associated with the project.

I. Any other documentation requested by RECIPIENT.

9. Responsibilities

RECIPIENT:

- A. RECIPIENT shall provide funding to SUBRECIPIENT to perform the activities as described herein.
- B. RECIPIENT shall conduct a review of the project to ensure that it is in accordance with SLCGP requirements.
- C. RECIPIENT shall monitor the completion of the approved scope of work as specified in Attachment 1 and any approved amendments.
- D. RECIPIENT has obligated the funding for this MOA within 45 days of acceptance of the federal award by signing this MOA.
- E. RECIPIENT shall provide required annual progress report form (Attachment 2) and provide cost report forms required for reimbursement subsequent to execution of this MOA (See SUBRECIPIENT paragraph 9.G.).

SUBRECIPIENT:

- A. This MOA must be signed and returned to RECIPIENT within 45 days after SUBRECIPIENT receives this MOA. The grant shall be effective upon return of the MOA.
- B. SUBRECIPIENT shall expend FY 2023 SLCGP Grant Program funds in accordance with the FY2023 SLCGP [NOFO](#), the grant application, and this MOA.
- C. Procurement.
 - i. SUBRECIPIENT shall utilize State of North Carolina and/or local procurement policies and procedures for the expenditure of funds and conform to applicable state and federal law and the standards identified in 2 CFR 200.317 – 200.327.
 - ii. SUBRECIPIENT must follow procurement procedures and policies as outlined in the applicable FY2023 SLCGP [NOFO](#), [Appendix II of 2 CFR Part 200-Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#), and the [2024 FEMA Preparedness Grants Manual](#). SUBRECIPIENT shall comply with all applicable laws, regulations and program guidance. SUBRECIPIENT must comply with the most recent version of the funding administrative requirements, cost principles, and audit requirements.
 - iii. Administrative and procurement practices must conform to applicable federal requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, codified in the following guidance: 15 CFR Part 24; Federal Acquisition Regulations (FAR), Part 31.2; 28 CFR Part 23 “Criminal Intelligence Systems Operating Policies”; 49 CFR Part 1520 “Sensitive Security Information”; Public Law 107-296, The Critical Infrastructure Act of 2002; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq.; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et. seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et. seq.; Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205; FEMA Grant Programs Directorate, Grants Management Division, Match Guidance; Certifications and Assurances regarding Lobbying 31 U.S.C. 1352, Drug-Free Workplace Act, as amended, 41 U.S.C. 701 et. seq. and Certification Regarding Drug-Free Workplace Requirements, Debarment and Suspension Executive Orders 12549 and 12689 and certification regarding debarment, suspension and other responsibility matters; 28 CFR Parts 66, 67, 69, 70 and 83; and Grant Award and Special Conditions documents.

- iv. Mini-Brooks Act. Subrecipients that are governmental entities or otherwise subject to the requirements of the Local Government Commission (LGC) per 20 NCAC 03 are required under North Carolina law to follow rules and regulations in the “Mini-Brooks Act”, G.S. 143-64.31, for the procurement of certain professional services performed by architects, engineers, surveyors, and construction managers at risk.
 - v. Conflicts of Interest. See paragraph M.iii. below.
 - vi. Complete all procurement by February 28, 2027.
- D. Comply with current federal laws and suspension and debarment regulations pursuant to 2 CFR 200.213 – 200.214, 2 CFR Part 180 and U.S. Office of Management and Budget (OMB) Guidance, which requires in pertinent part that when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded.
- SUBRECIPIENT shall be responsible to ensure that it has checked the federal System for Awards Management (SAM), <https://sam.gov/content/exclusions> and the State Debarred Vendors Listing, <https://ncadmin.nc.gov/documents/nc-debarred-vendors>, to verify that contractors or subrecipients have not been suspended or debarred from doing business with the federal government.
- E. Per 09 NCAC 03M, agencies shall not disburse any state financial assistance to an entity that is on the Suspension of Funding List (SOFL). OSBM maintains the SOFL. The SOFL is updated on a weekly basis. SUBRECIPIENT is prohibited under this MOA from procurement, and/or contracting with any entity listed on the SOFL using these grant funds.
- F. Indirect Costs. No indirect or administrative costs will be charged to this award. See 2 CFR 200.332(a).
- G. Requests for Reimbursement (RFR). Submit RFR for items or services received in Salesforce. RECIPIENT will reimburse SUBRECIPIENT for eligible costs as outlined in the applicable DHS program guidelines and FY2023 SLCGP NOFO. SUBRECIPIENT must take possession of all purchased equipment and receive any grant-eligible service prior to seeking reimbursement from RECIPIENT. SUBRECIPIENT must submit request for reimbursement within 60 days of payment of invoice. Requests for reimbursement submitted more than 60 days after SUBRECIPIENT payment of invoice may be denied.
- RFR must include sufficient documentation that approved expenditures have been properly invoiced and paid by SUBRECIPIENT, and that the products and/or services have in fact been received by SUBRECIPIENT. RFRs must also include a cost report form (supplied by the RECIPIENT) and a summary of all expenditures included in the RFR completed by SUBRECIPIENT. Summary of expenditures should include at a minimum: vendor name, date of purchase, invoice number, total invoice amount, and reimbursable amount.
- Refer to RFR webinar for guidance on proper submission of RFRs for FY23 SLCGP. RFRs must be submitted in an unlocked PDF file that does not require a password or any special permissions to open. All documentation attached to RFR submitted in Salesforce must be unlocked and named in standard convention discussed in RFR webinar:
- Year of Grant + MOA # + Grantee Agency + Type of Document + Date
- Example: 23SLCGP145_North County_RFR #1_2024 05 17
- H. Funds Management. SUBRECIPIENT agrees that funds paid through this grant shall be accounted for in a separate fund and accounting structure within SUBRECIPIENT’s central accounting and grant management system. SUBRECIPIENT agrees to manage all accounts payable disbursements, check register disbursements and related transactions in a detailed manner that supports fully transparent accounting of all financial transactions associated with the funding for this grant.
- i. Expenditures for travel mileage, meals, lodging and other travel expenses incurred in the performance of this grant shall be reasonable and supported by documentation. State rates should be used as guidelines. International travel shall not be eligible under this MOA. Subrecipient must have an acceptable local travel regulation plan or accept the state travel regulations. Refer to 2 CFR 200.475 for travel costs.

- ii. If eligible, SUBRECIPIENT shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this grant, pursuant to [N.C.G.S. 105-164.14](#); and (b) exclude all refundable sales and use taxes from all reported expenditures.
- I. Maintain Required Subrecipient File Documentation as specified in this MOA (Attachment 3). SUBRECIPIENT is required to maintain all records of this grant for three years after termination of the grant, or audit if required, or longer where required by law, as outlined below. SUBRECIPIENT must meet the record retention requirements in 2 CFR 200.334 and must maintain a file for each SLCGP grant award. However, if any litigation, claim or audit has been initiated prior to the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The following files must be available for review by NCEM staff for site visits, project closeout and audits:
- i. Resolution/ordinance establishing SUBRECIPIENT as a state or local government entity, or nonprofit organization.
 - ii. Award letter, MOA, and supporting attachments.
 - iii. Completed appropriate reports with specifications, solicitations, competitive quotes or proposals, basis for selection decisions, purchase orders, contracts, invoices, and proof(s) of payment.
 - iv. Audit findings and corrective action plans.
- J. Property and Equipment. SUBRECIPIENT shall have sole responsibility for the maintenance, insurance, upkeep, and replacement of any equipment procured pursuant to this MOA as follows:
- i. Only allowable equipment listed in the Authorized Equipment List ([AEL](#)) for SLCGP are eligible for purchases from this grant. In addition, SUBRECIPIENT will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.
 - ii. Property and equipment purchased with SLCGP funds shall be titled to SUBRECIPIENT, unless otherwise specified by NCEM, DHS and/or FEMA. SUBRECIPIENT shall be responsible for the custody and care of any property and equipment purchased with SLCGP funds furnished for use in connection with this MOA, and shall reimburse RECIPIENT for any loss or damage to said property until the property is disposed of in accordance with SLCGP Program requirements. RECIPIENT will not be held responsible for any property purchased under this MOA.
 - iii. SUBRECIPIENT must utilize all property and equipment as intended in their project application to NCEM. Any variation from this intended use must be requested in writing and approved by NCEM.
 - iv. RECIPIENT and SUBRECIPIENT shall take an initial physical inventory of any equipment. Equipment is defined as tangible, non-expendable property having a useful life of more than one year and an acquisition cost of \$10,000 or more per unit. SUBRECIPIENT may have property management guidelines that are more restrictive, requiring a unit of equipment with a value of less than \$10,000 to be inventoried. If so, such equipment purchased under this award allocation shall be included on the report submitted to RECIPIENT. The grant summary, cost reports with backup documentation, certificate of title, and any other SUBRECIPIENT reports or inventory reports that include information regarding the grant, vendor, invoice number, cost per item, number of items, description, location, condition, and identification number may be used to meet this requirement.
 - v. SUBRECIPIENT must ensure a control system exists to ensure adequate safeguards to prevent loss, damage, or theft. SUBRECIPIENT shall be responsible for replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage or theft of the property must be investigated and fully documented and made part of the official project records.
 - vi. SUBRECIPIENT or equipment owner must ensure adequate maintenance procedures exist to keep the equipment in good condition.
 - vii. Use. Per 2 CFR 200.313, during the time that equipment is used on the project or program for which it was acquired, SUBRECIPIENT must also make the equipment available for use on other projects or programs currently or previously supported by this or other federal grants, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by DHS that financed the equipment and second preference must be given to other programs or projects under grants from other federal awarding agencies. NCEM, in conjunction with DHS and/or FEMA, will determine and direct how equipment will be redeployed.

- viii. Disposition Procedures. Unless otherwise directed by RECIPIENT, DHS and/or FEMA, SUBRECIPIENT may dispose of the equipment when the original or replacement equipment acquired under the grant award is no longer needed for the original project or program, or for other activities currently or previously supported by a federal awarding agency. However, SUBRECIPIENT must notify RECIPIENT via *Chatter* in [Salesforce](#) prior to disposing of any equipment purchased with grant funds. Items with a fair market value of less than \$10,000 may be retained, transferred, or otherwise disposed of with prior approval of NCEM and in accordance with disposition requirements in 2 CFR 200.313. Unless otherwise directed by NCEM, DHS and/or FEMA, items with a current per unit standard federal or fair market value in excess of \$10,000 may not be retained, transferred, or otherwise disposed of without prior NCEM approval in accordance with disposition requirements in 2 CFR 200.313. SUBRECIPIENT must provide documentation that includes the method used to determine current fair market value.
- ix. Communications equipment. Investments in emergency communications systems and equipment must meet applicable [SAFECOM](#) Guidance recommendations. Such investments must be coordinated with the Statewide Inoperability Coordinator ([SIEC](#)) to ensure interoperability and long-term compatibility. In order to align communications technologies with current statewide communications plans, systems, networks, strategies, and emerging technologies, the NCEM Communications Branch requires that purchases made with grant funds meet the standards identified in Attachment 4.
- K. The purchase or acquisition of any additional materials, equipment, accessories or supplies, or the provision of any training, exercise, or work activities beyond that identified in the approved scope of work specified in Attachment 1 and any approved amendments, shall be the sole responsibility of SUBRECIPIENT and shall not be reimbursed under this MOA.
- L. Conflicts of Interest.
 - i. State Law. Per [N.C.G.S. § 143C-6-23\(b\)](#), SUBRECIPIENT is required to file with RECIPIENT a copy of SUBRECIPIENT's policy addressing conflicts of interest that may arise involving SUBRECIPIENT's management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as SUBRECIPIENT's employees or members of its board or other governing body, from RECIPIENT's disbursing of grant funds, and shall include actions to be taken by SUBRECIPIENT or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. **The policy shall be filed before RECIPIENT may disburse any grant funds.**
 - ii. Federal Law – Grant Administration. Per 2 CFR 200.112 and the [2024 FEMA Preparedness Grants Manual](#), all subrecipients must disclose in writing to NCEM, and attempt to avoid, any real or potential conflict of interest that may arise during the administration of a federal grant award. For purposes of this MOA, conflicts of interest may arise in situations where a subrecipient employee, officer, or agent, any members of his or her immediate family, or his or her partner has a family relationship, close personal relationship, business relationship, or professional relationship, with anybody at DHS, FEMA and/or NCEM involved in the administration of this grant award.
 - iii. Federal Law – Procurement. Per 2 CFR 200.318 and the [2024 FEMA Preparedness Grants Manual](#), all subrecipients that are non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such conflicts of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, subrecipients may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the subrecipient. All subrecipients must disclose in writing to NCEM, and attempt to avoid, any real or potential conflicts of interest with respect to procurement, contracting and subcontracting with funds provided under this grant award. Upon request, subrecipients must

also provide a copy of their standards of conduct policy covering conflicts of interest with respect to procurement, contracting and subcontracting with funds provided under this grant award.

- M. Environmental Planning and Historic Preservation (EHP) Compliance. Subrecipients shall **not** propose projects that could impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. Projects requiring EHP reviews are **not** permitted under the federal statute authorizing SLCGP.
- N. All materials publicizing or resulting from award activities, including websites, social media and TV/radio, shall contain this acknowledgement: “This project was supported by a federal award from the US Department of Homeland Security, Department of Public Safety, North Carolina Emergency Management.” Use of DHS seal(s), logo(s) and flags must be approved by DHS. Printed as a legend, either below or beside the logo(s) shall be the words “Funded by US Department of Homeland Security”.
- O. Comply with the applicable federal statutes, regulations, policies, guidelines, requirements and certifications as outlined in the [FY 2023 SLCGP NOFO](#) and Subaward Notification.
- P. DHS Standard Terms and Conditions
SUBRECIPIENT must comply with all applicable provisions of the FY23 [DHS Standard Terms and Conditions](#) (Attachment 5). This applies to all new federal financial assistance awards funded in FY23. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations. All legislation and digital resources are referenced with no digital links.
- Q. Closeout Reporting Requirements. In accordance with [2 CFR 200.344](#), SUBRECIPIENT must submit to RECIPIENT, no later than 90 calendar days after the end date of the POP, all financial, performance, and other reports as required by the terms and conditions of the federal award, this MOA and FY23 [DHS Standard Terms and Conditions](#) (Attachment 5), incorporated by reference herein, for the performance of the activities. This closeout documentation must be submitted in [Salesforce](#).

Documentation required

- i. A complete accounting of how all grant funds were used.
- ii. A Certification stating the funds were used for the purpose appropriated.
- iii. A closeout letter indicating that the approved scope of work is complete.
- iv. Any other closeout documentation requested by RECIPIENT.
- v. SUBRECIPIENT agrees that all program activity results information reported shall be subject to review and authentication and SUBRECIPIENT will provide access to work papers, receipts, invoices and reporting records, if requested by RECIPIENT, as RECIPIENT executes any audit internal audit responsibilities.
- vi. Once the complete final performance and financial status report package has been received and evaluated by RECIPIENT, SUBRECIPIENT will receive official notification of MOA close-out from RECIPIENT.
- vii. The notification will inform SUBRECIPIENT that RECIPIENT is officially closing the MOA and retaining all MOA files and related material for a period of three (3) years or until all audit exceptions have been resolved, whichever is longer.

10. Taxes

SUBRECIPIENT shall be considered to be an independent subrecipient and as such shall be responsible for ALL taxes. There shall be no reimbursement for taxes incurred by SUBRECIPIENT under this grant. If eligible, SUBRECIPIENT shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this grant, pursuant to [N.C.G.S. 105-164.14](#); and (b) exclude all refundable sales and use taxes from all reported expenditures.

11. Warranty

As an independent subrecipient, SUBRECIPIENT will hold RECIPIENT harmless for any liability and personal injury that may occur from or in connection with the performance of this MOA to the extent permitted by the [North Carolina Tort Claims Act](#). Nothing in this MOA, express or implied, is intended to confer on any other person any rights or remedies in or by reason of this MOA. This MOA does not give any person or entity other than the parties hereto any legal or equitable claim, right or remedy. This MOA is intended for the sole and exclusive benefit of the parties hereto. This MOA is not made for the benefit of any third person or persons. No third party may enforce any part of this MOA or shall have any rights hereunder. This MOA does not create, and shall not be construed as creating, any rights enforceable by any person not a party to this MOA. Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina.

12. State of North Carolina Reporting Requirements per NCGS 143C-6-23 and 09 NCAC 03M

North Carolina state law ([N.C.G.S. 143C-6-23](#) and [09 NCAC 03M](#)) requires every nongovernmental entity (including non-profit organizations) that receives state or federal pass-through grant funds from state agencies to file annual reports on how those grant funds were used no later than three months after the end of the non-state entity's fiscal year. **Government entities including counties and local governments are not required to file these reports.**

Refer to "State Grant Compliance Reporting Forms" on the following website for instructions and applicable forms for nongovernmental subrecipients (including non-profit organizations) to meet these requirements:

<https://www.ncdps.gov/our-organization/emergency-management/emergency-management-grants/grants-management-compliance>.

13. Audit Requirements

For all federal grant programs, SUBRECIPIENT is responsible for obtaining audits in accordance with 2 CFR 200 Subpart F.

Per 2 CFR 200.501, a subrecipient that receives a combined \$1,000,000 or more in funding from all federal funding sources, even those passed through a state agency, must have a single audit conducted in accordance with 2 CFR 200.514 and GAGAS within 9 months of the subrecipient's fiscal year end. SUBRECIPIENT must:

- A. Post the single audit conducted in accordance with 2 CFR 200.514 and GAGAS to the Federal Audit Clearinghouse <https://harvester.census.gov/facweb/>.
- B. Submit to DPS Internal Audit (DPS_GrantComplianceReports@ncdps.gov) a single audit prepared and completed in accordance with GAGAS. This can, at the option of SUBRECIPIENT, be the same single audit submitted to the Federal Audit Clearinghouse in paragraph 13.A. above.
- C. Make copies of the single audit available to the public.

Per 09 NCAC 03M.0205, a non-state entity that is not exempt from the requirements of SUBCHAPTER 03M – UNIFORM ADMINISTRATION OF STATE AWARDS OF FINANCIAL ASSISTANCE per 09 NCAC 03M.0201, that receives a combined \$1,000,000 or more in North Carolina state funding or federal funding passed through a state agency must within 9 months of the non-state entity's fiscal year end submit to DPS Internal Audit (DPS_GrantComplianceReports@ncdps.gov) a single audit prepared and completed in accordance with Generally Accepted Government Auditing Standards (GAGAS): <https://www.gao.gov/yellowbook>.

If SUBRECIPIENT is a unit of local government in North Carolina, SUBRECIPIENT may be subject to the audit and reporting requirements in [N.C.G.S. 159-34](#), Local Government Finance Act – Annual Independent Audit, rules and regulations. Such audit and reporting requirements may vary depending upon the amount and source of grant funding received by the SUBRECIPIENT and are subject to change (see [Local Government Commission](#) for more information). See also [20 NCAC 03](#) (Local Government Commission).

The different audit requirements for non-governmental and governmental entities are summarized on the [NCEM Grants Management & Compliance website](#).

14. Construction, Renovation, and Infrastructure Projects

Projects requiring EHP reviews are **not** permitted under the federal statute authorizing SLCGP. This includes all construction, renovation and infrastructure projects. SLCGP funding **cannot** be used for any construction, renovation

or infrastructure projects. If a project involves hammering a nail in a wall, inserting a screw in a hole, or disturbing even a teaspoon full of dirt in the ground, it cannot be approved for SLCGP funding.

15. Subrecipient Monitoring

See Attachment 6 for subrecipient monitoring.

16. Points of Contact

To provide consistent and effective communication between GRANTOR and GRANTEE, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. The Department of Public Safety, North Carolina Emergency Management contacts shall be NCEM Preparedness Grants Management Branch and NCEM Regional Branch Office. GRANTEE's contact shall be the person(s) designated by the GRANTEE in [Salesforce](#). GRANTEE is required to keep GRANTOR informed and [Salesforce](#) updated if there are any changes in POC over the course of the period of performance.

All confidential information of either party disclosed to the other party in connection with the services provided hereunder will be treated by the receiving party as confidential and restricted in its use to only those uses contemplated by the terms of this MOA. Any information to be treated as confidential must be clearly marked as confidential prior to transmittal to the other party. Neither party shall disclose to third parties, the other party's confidential information without written authorization to do so from the other party. Specifically excluded from such confidential treatment shall be information that:

- A. As of the date of disclosure and/or delivery, is already known to the party receiving such information.
- B. Is or becomes part of the public domain, through no fault of the receiving party.
- C. Is lawfully disclosed to the receiving party by a third party who is not obligated to retain such information in confidence.
- D. Is independently developed at the receiving party by someone not privy to the confidential information.

17. Public Records Access

While this information under federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 et. seq., all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office.

Information maintained by RECIPIENT in connection with this MOA and grant award is subject to the [North Carolina Public Records Act](#), Chapter 132 of the North Carolina General Statutes and is subject to [public records requests](#) through NCDPS.

18. Contracting/Subcontracting

If SUBRECIPIENT contracts/subcontracts any or all purchases or services under this MOA, then SUBRECIPIENT agrees to include in the contract/subcontract that the contractor/subcontractor is bound by the terms and conditions of this MOA. SUBRECIPIENT and any contractor/subcontractor agree to include in the contract/subcontract that the contractor/subcontractor shall hold NCEM harmless against all claims of whatever nature arising out of the contractors/subcontractor's performance of work under this MOA. **If SUBRECIPIENT contracts/subcontracts any or all purchases or services required under this MOA, a copy of the executed contract/subcontract agreement must be submitted to NCEM along with the RFR in accordance with SUBRECIPIENT responsibilities in paragraph 9.G. above.** A contractual arrangement shall in no way relieve SUBRECIPIENT of its responsibilities to ensure that all funds issued pursuant to this grant be administered in accordance with all state and federal requirements. SUBRECIPIENT is bound by all special conditions of this grant award as set out in the grant application and the grant award letter Subaward Agreement incorporated by reference herein, as well as all terms, conditions and restrictions of the FY2023 SLCGP [NOFO](#) referenced herein.

19. Antitrust Laws

All signatories of this MOA will comply with all applicable state and federal antitrust laws.

20. Prohibition on purchasing certain telecommunications - [John S. McCain National Defense Authorization Act for Fiscal Year 2019](#) –John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and **2 C.F.R. §§200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200**. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors– prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Definitions

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200 covered telecommunications equipment or services means:

- A. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities).
- B. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- C. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- D. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of “covered telecommunications equipment or services.” See 2 C.F.R. § 200.471. **FEMA Policy #405-143-1** Guidance is available in [FEMA Policy #405-143-1](#), Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services issued May 10, 2022.

21. Divestment and Do-Not-Contract Rules

The State of North Carolina, through the Department of State Treasurer, follows several divestment and do-not-contract mandates. Information about each of these mandates is available at: <https://www.nctreasurer.com/about/transparency/commitment-transparency/divestment-and-do-not-contract-rules>.

SUBRECIPIENT may not contract with any vendors on any of these designated divestment and do-not-contract lists using SLCGP grant funds, and SUBRECIPIENT must comply with all other requirements of these divestment and do-not-contract laws.

22. Acknowledgement of Federal Funding from DHS

Subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

23. Lobbying Prohibition

SUBRECIPIENT certifies, to the best of its knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person or employee of any state or federal agency, a member of the NC General Assembly, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or

cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representative of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

24. Assurance of Compliance with Civil Rights Act of 1964 – Title VI, Civil Rights Act of 1968, and Related Provisions

During the performance of this agreement, SUBRECIPIENT for itself, its assignees and successors in interest agrees as follows:

A. Age Discrimination Act of 1975

Subrecipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

B. Americans with Disabilities Act of 1990

Subrecipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101 - 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

C. Civil Rights Act of 1964 - Title VI

Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Subrecipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA’s implementing regulations at 44 C.F.R. Part 7.

D. Civil Rights Act of 1968

Subrecipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units - i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) - be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

E. Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

F. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipients and subrecipients that are State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074 which addresses the transfer or purchase of certain military equipment by law enforcement. Recipients and subrecipients that are State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

G. Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Subrecipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

H. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

I. Rehabilitation Act of 1973

Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance

J. Whistleblower Protection Act

Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

25. Assurance of Compliance with Privacy Act

Subrecipient agrees:

- A. To comply with the provisions of the Privacy Act of 1974, 5 U.S.C. §552A and regulations adopted there under, when performance under the program involves the design, development, or operation of any system or records on individuals to be operated by the Subrecipient, its third-party subrecipients, contractors, or their employees to accomplish a DHS function.
- B. To notify DHS when the Subrecipient or any of its third-party contractors, subcontractors, subrecipients, or their employees anticipate a system of records on behalf of DHS in order to implement the program, if such system contains information about individuals name or other identifier assigned to the individual. A system of records subject to the Act may not be used in the performance of this MOA until the necessary and applicable approval and publication requirements have been met.
- C. To include in every solicitation and in every third-party contract, sub-grant, and when the performance of work, under that proposed third-party contract, sub-grant, or sub-agreement may involve the design, development, or operation of a system of records on individuals to be operated under that third-party contract, sub grant, or to accomplish a DHS function, a Privacy Act notification informing the third party contractor, or subrecipient, that it will be required to design, develop, or operate a system of records on individuals to accomplish a DHS function subject to the Privacy Act of 1974, 5 U.S.C. §552a, and applicable DHS regulations, and that a violation of the Act may involve the imposition of criminal penalties; and
- D. To include the text of Sections 30 parts A through C in all third-party contracts, and sub grants under which work for this MOA is performed or which is awarded pursuant to this MOA, or which may involve the design, development, or operation of a system of records on behalf of the DHS.

26. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

27. Certification Regarding [Drug-Free Workplace Requirements](#) (Subrecipients Other Than Individuals)

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of [2 C.F.R. Part 3001](#), which adopts the Governmentwide implementation ([2 C.F.R. Part 182](#)) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

28. Term of this Agreement

Regardless of actual execution date, this MOA shall be in effect from the start of the POP on December 1, 2023, to the end of the POP.

29. Statement of Assurances

SUBRECIPIENT must complete [Office of Management and Budget \(OMB\) Standard Form 424B Assurances – Non-Construction Programs](#) as applicable. SUBRECIPIENT must complete the appropriate form(s) and submit to NCEM Grants Management Branch in [Salesforce](#) upon execution of this MOA. SUBRECIPIENT must still complete the form even if certain assurances in the form may not directly apply to SUBRECIPIENT's specific program to ensure that all possible situations are covered.

30. Situs

This MOA shall be governed by the laws of North Carolina and any claim for breach or enforcement shall be filed in State Court in Wake County, North Carolina.

31. Other Provisions/Severability

Nothing in this MOA is intended to conflict with current federal, state, local, or tribal laws or regulations. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOA shall remain in full force and effect.

32. Entire Agreement

This MOA and any annexes, exhibits and amendments annexed hereto, and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.

33. Modification

This MOA may be amended only by written amendments duly executed by RECIPIENT and SUBRECIPIENT.

34. Termination

The terms and conditions of this MOA, as modified with the consent of all parties, will remain in effect until February 28, 2027. Either party upon thirty days advance written notice to the other party may terminate this MOA. Upon approval by DHS, FEMA, and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable DHS, Grant Adjustment Notice, incorporated by reference herein. If DHS suspends or terminates funding in accordance with 2 CFR 200.340 and the 2023 SLCGP [NOFO](#), incorporated by reference herein, SUBRECIPIENT shall reimburse NCEM for said property and/or expenses.

35. Compliance

SUBRECIPIENT shall comply with applicable federal, state, local and/or tribal statutes, regulations, ordinances, licensing requirements, policies, guidelines, reporting requirements, certifications, and other regulatory matters for the conduct of its business and purchase requirements performed under this MOA. This includes all requirements contained in the applicable FY 2023 SLCGP [NOFO](#) referenced in paragraph 2 above. SUBRECIPIENT shall be wholly responsible for the purchases made under this MOA and for the supervision of its employees and assistants. Failure to comply with the specified terms and conditions of this MOA may result in the return of funds and any other remedy for noncompliance specified in 2 CFR 200.339, and/or termination of the award per 2 CFR 200.340.

Additional conditions may also be placed upon SUBRECIPIENT for noncompliance with the specified terms and

conditions of this MOA, including (but not limited to) additional monitoring. See Attachment 6 for subrecipient monitoring.

36. Execution and effective date

This grant shall become effective upon return of the original grant award letter and MOA, properly executed on behalf of SUBRECIPIENT, to NCEM on behalf of RECIPIENT and will become binding upon execution of all parties to this MOA. The conditions of this MOA are effective upon signature by all parties.

This MOA shall be in effect from start of POP on 12/1/2023 through end of POP. Failure to provide applicable cost reports, proofs of payment and/or a de-obligation request letter within 30 days of the end of the POP may result in automatic de-obligation of grant funds.

37. Attachments

All attachments to this MOA are incorporated as if set out fully herein.

- A. In the event of any inconsistency or conflict between the language of this MOA and the attachments hereto, the language of such attachments shall be controlling, but only to the extent of such conflict or inconsistency.
- B. This MOA includes the following attachments or documents incorporated by reference as if fully set out herein:
- Attachment 1 Scope of Work / Approved Application in Salesforce: App-0000654
 - Attachment 2 Annual Progress Report Form – to be provided in Salesforce or under separate cover
 - Attachment 3 Required Subrecipient File Documentation - to be provided in Salesforce or under separate cover
 - Attachment 4 NCEM Communications Branch Memo - to be provided in Salesforce or under separate cover
 - Attachment 5 FY23 [DHS Standard Terms and Conditions](#) - click hyperlink to access document
 - Attachment 6 Subrecipient Monitoring - to be provided in Salesforce or under separate cover


AUTHORIZED SIGNATURE WARRANTY

THE UNDERSIGNED REPRESENT AND WARRANT THAT THEY ARE AUTHORIZED TO BIND THEIR PRINCIPALS TO THE TERMS OF THIS MOA. IN WITNESS WHEREOF, RECIPIENT AND SUBRECIPIENT HAVE EACH EXECUTED THIS MOA AND THE PARTIES AGREE THAT THE MOA IS EFFECTIVE AS OF THE POP START DATE, EVEN IF THIS MOA IS SIGNED BY ANY PARTIES AFTER THAT DATE.

For RECIPIENT:

By:

DocuSigned by:



BD9D1C9650624CB...

**William C. Ray, Director & Deputy
Homeland Security Advisor
North Carolina Department of Public Safety
Division of Emergency Management**

Date:

12/12/2024 | 09:06:18 EST

For SUBRECIPIENT:

By:

DocuSigned by:



C1FC1A957C74406...

Date:

12/17/2024 | 08:10:44 EST

By:

DocuSigned by:



E261941E161E462...

Erika Sacco

Date:

12/17/2024 | 13:06:56 EST

By:

DocuSigned by:



93AAF8114C3B423...

Tray Salahuddin


Date:

1/15/2025 | 09:08:52 EST

Approved as to Form:

By:

DocuSigned by:



88E06A3C9472449

**William Polk, Deputy General Counsel
Reviewed for the North Carolina
Department of Public Safety to fulfill the
purposes of the DHS Homeland Security
Grant Program**

Date:

12/11/2024 | 11:56:27 EST



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2025-7

61 - General Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

61-9225-0119-33240: State Grants	100,000
Total Expenditures	\$100,000

Section 2. The expenditures anticipated are:

61-9225-0116: Cybersecurity Maturity Project	100,000
Total Expenditures	\$100,000

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

Adopted this the 28th day of January 2025.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget & Performance Management

Requested Motion

Motion to approve Capital Project Ordinance Amendment 2025-9 establishing Grants and Special Revenue Fund and allocating existing revenues and expenses.

Approval Recommended?

Yes

Item Details

Special Revenue Funds account for the proceeds of specific revenue sources (other than expendable trusts or major capital projects) that are legally restricted to expenditures for specified purposes.

Capital Project Ordinance Amendment 2025-9 creates a separate Grants and Special Revenue Fund to account for grant funded projects and consolidate four (4) separate operating funds (Police State Funds, Police Federal Funds, Police Donations & Fire Donations) into one multi-year fund.

The consolidation assists with required reporting showing funds were spent in accordance with the intended purpose and allows staff to only appropriate budget when necessary, not annually. This change is necessitated at this time with ERP transition and required set up.

Attachments

- CN2-A1: Capital Project Ordinance Amendment 2025-9 - Establishing Grants and Special Revenue Fund





Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2025-9

Grants and Special Revenue Fund

BE IT ORDAINED, by the Council of the Town of Apex that the Special Revenue Project Ordinance be entered as follows:

SECTION I: The projects authorized by this ordinance are for the purposes of the general government and will account for certain grants and other sources of special revenue, which are restricted funds.

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

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

Interest Earned	25,000
Miscellaneous Revenues	9,000
Police Revenues	263,500
Asset Seizures	180,000
Fire Department Donations	36,000
Total Revenues	\$513,500

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

Police Department	474,500
Fire Department	39,000
Total Expenditures	\$513,500

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

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

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

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

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

Adopted this the 28th day of January, 2025.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC

- Page 23 - Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Chris Johnson, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to award a construction contract between Barnhill Contracting Company and the Town of Apex, for the 2025 Road Rehabilitation Project, and to authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.

Approval Recommended?

Yes

Item Details

The scope of work includes curb ramp reconstruction, milling, patching, and repaving, and includes the streets in Brookfield, Waterford Green, Perry Farms Phases 1&2, Perry Village, Winslowe, Kelly Glen, and Haddon Hall (Charlton Downs Ln east to N Salem St) subdivisions, and Hunter Street (W Williams St to N. Salem St). Map selection is based on Pavement Condition Index values from the 2023 Pavement Condition Survey.

Sealed bids for construction and furnishing of all materials were received and opened on Tuesday, January 14, 2025. It is the recommendation of staff that the contract be awarded to Barnhill Contracting Company as the lowest responsive bidder. Funding for the scope of work is included in the current operating budget.

BID SUMMARY:

Barnhill Contracting Company	\$ 3,014,054.63
Blythe Construction Inc	\$ 3,116,886.10
Fred Smith Company	\$ 3,224,223.00
Daniels Inc	\$ 3,376,642.90
S T Wooten Corporation	\$ 3,387,434.65
<i>Engineer's Estimate</i>	<i>\$ 3,823,252.44</i>
Turner Asphalt GC, LLC	\$ 4,068,234.90

Attachments

- CN3-A1: Road Work Contract - Construction Contract Award - 2025 Road Rehabilitation Project
- CN3-A2: Bid Tabulation - Construction Contract - 2025 Road Rehabilitation Project

- CN3-A3: Maps - Construction Contract Award - 2025 Road Rehabilitation Project



**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**PURCHASE ORDER #
ROAD WORK CONTRACT**

THIS CONTRACT is entered into this the ____ day of _____, 2025, by and between, Barnhill Contracting Company, a North Carolina corporation with its principal business offices located at 800 Tiffany Blvd Ste 200, Rocky Mount, NC 27804 (the “Contractor”), and the Town of Apex, a municipal corporation of the State of North Carolina, (the “Town”). Town and Contractor may collectively be referred to as “Parties” hereinafter.

WITNESSETH:

WHEREAS, Town is engaged in the planning, operation, and utilization of town streets, roads, sidewalks and related infrastructure which from time to time require construction, maintenance, reconfiguration, renovation, installation, evaluation, site work, landscaping, testing, and other related projects; and

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

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

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

1. SCOPE OF SERVICES.

The Contractor agrees to provide all materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary for completion of road rehabilitation of asphaltic concrete on town roads located within the Town of Apex at locations and in accordance with the specifications detailed in the Contract Documents (the “Work”). “Contract Documents” as used in this Contract include the following which are hereby incorporated into this Contract:

- A. This Contract
- B. Plan sheets titled “2025 ROAD REHABILITATION”, dated 12/11/2024 by Town of Apex
- C. Town of Apex Standard Specifications and Standard Details
- D. Divisions 2-17 of the 2024 NCDOT Standard Specifications for Roads and Structures
- E. NCDOT 2024 Roadway Standard Drawings
- F. US DOT Manual on Uniform Traffic Control Devices for Streets and Highways (11th Edition), as amended by the NC DOT Supplement to MUTCD
- G. Bid Advertisement (if applicable)
- H. Instructions to Bidders
- I. Execution of Bid
- J. Bid Form
- K. Bid Form Submission

- L. Bid Bond
- M. Notice of Award
- N. Performance & Payment Bonds
- O. Notice to Proceed
- P. Special Provisions
- Q. Addenda
- R. Certificate(s) of Insurance

2. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the Work required in this Contract upon the issuance of a Notice to Proceed, and the Contractor shall complete entire work within **180** calendar days of the issuance of the Notice to Proceed. If Contractor has not satisfactorily completed the work within the times specified in the Contract Documents, the Town may declare such delay a material breach of contract and default and may pursue all available remedies outlined in the Contract Documents as well as all other available legal and equitable remedies. In the alternate, for each day in excess of the completion date(s), liquidated damages, reasonably estimated in advance to cover the losses to be incurred by the Town by reason of failure of Contractor to complete the Work within the time specified, such time being of the essence in this Contract and a material consideration thereof, shall be assessed in the amount of **\$1,000** per day. Any changes to the schedule(s) provided in the Contract must be agreed to in writing by the Town and the Contractor.

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

3. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor the total sum of \$3,014,054.63. Contractor shall submit applications for payment reflecting work completed through the date of application. Town will process all pay applications as the Work progresses. Payment shall be made within 30 days after certification of the Work in an application for payment. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all applications for payment. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

Retainage:

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

- a. Retainage withheld shall not exceed 5% at any time.
- b. The same terms shall apply to the general contractor and subcontractors alike.
- c. Following 50% completion of the project no further retainage will be withheld if the Contractor/subcontractor has performed satisfactorily.

- d. Town may reinstate retainage if the Contractor/subcontractor does not continue to perform satisfactorily. Following 50% completion of the project, Town is authorized to withhold additional retainage from a subsequent payment application if the amount of retainage withheld falls below 2.5%.

Final payment will be made within forty-five (45) days after acceptance of the Work and the Town has received all required warranty information, “as-built” drawings as required, and receipt of the final pay request which shall include the Contractor’s affidavit in the following form:

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

The Town may withhold payment for any of the following reasons:

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

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

4. CHANGE ORDERS.

- A. In the event Town has changes in the Work not covered by the Contract Documents, these changes will not invalidate or relieve Contractor from any guarantee it has given in this Contract. If a bond was required these changes will not relieve the surety or sureties of said bond. Changes in work shall *not* proceed without a Change Order approved by the Town. Contractor shall provide a complete breakdown of all labor and material costs with the Change Order request. The breakdown shall include the Contractor’s allowance for overhead and profit not to exceed 10% of the net cost of the change with work provided directly by the Contractor. For purposes of this Contract, “net cost” shall mean the difference between all proper cost additions and deductions. No claim for adjustments of the contract price shall be valid unless the procedure outlined in this section is followed. Any work performed pursuant to an approved Change Order shall be governed by the terms of this Contract.
- B. The Parties agree that there are two methods that may be utilized to determine the cost of changes:
 1. If unit prices are quoted in the proposal or bid and the additional work is covered by those unit prices, or can be subsequently agreed to by the Parties, the cost of the change shall be computed by application of the unit prices based on quantities. If this method is used no additional allowances shall be made for overhead and profit.
 2. If the additional work is not covered by unit prices, unit prices were not provided in the proposal or bid, or by the Parties mutual election, Town and Contractor may negotiate and agree upon the value of the change prior to the issuance of the change order and the change order shall identify the corresponding lump sum adjustment to the contract price.
- C. In the event concealed conditions are discovered in the performance of the work below grade, or in the event concealed or unknown conditions in an existing structure vary from the conditions

indicated in the Contract Documents, the contract sum and time for completion may be adjusted by Change Order upon claim by either party made within thirty (30) days after the condition has been identified. The cost shall be determined by one of the methods outlined in this Contract.

- D. Change Orders shall be submitted by the Contractor for the Town's review and approval. Contractor shall provide all applicable supporting data and information. Delay in approval of a Change Order due to Contractor's failure to submit proper documentation shall not be grounds for a time extension or basis of a claim. The Town shall respond to the Contractor's proposal within fourteen (14) days of receipt of the proposal. If accepted, the Town shall prepare the Change Order for the Contractor's signature. The Town shall execute the approved Change Order within seven (7) days of receipt from the Contractor. If the Work requires bonding, the Contractor shall notify its bonding company that the contract has been changed by the amount of the Change Order and provide a copy of the approved Change Order to the surety. In the event a Change Order cannot be agreed upon by the Parties, nothing in this Contract shall preclude the Town from performing, or having performed, the work requested in a Change Order.

5. INDEMNIFICATION.

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

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 Contract shall be governed by the laws of the State of North Carolina.

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

All work under this Contract shall be performed in accordance with all applicable state or national codes.

7. E-VERIFY COMPLIANCE.

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

8. ANTI-HUMAN TRAFFICKING.

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

9. QUALITY AND WORKMANSHIP.

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

10. PROTECTION AND RESTORATION OF SITE.

Unless otherwise noted in the Contract Documents, Contractor shall supply all labor, transportation, tools, and apparatus necessary for the completion of this Work and shall maintain and remove all equipment of the Work, and be responsible for the safe, proper and lawful construction, maintenance and use of the same. Contractor shall provide all necessary protections for the site and shall be responsible for and pay for or repair, any damage to Town property caused by Contractor's or subcontractor's actions on the site. Protections provided by Contractor shall include cover of any Work that is not in progress but is accessible to the public. Any Work damaged that was not properly protected shall be repaired or replaced by the Contractor. Contractor shall provide all barricades necessary to keep the public away from the Work and shall secure and make safe any pedestrian paths impacted by the Work.

If at any point during the Work or completion of the Work contemplated by this Contract, the conduct or behavior of any worker on the site be determined to be a nuisance to the Town, or detrimental to the Town's operations, Contractor shall immediately remove such party from the site.

Contractor shall keep the work site and surrounding area reasonably free from obstruction and debris and shall remove all such debris when requested by the Town. Before final acceptance of the Work Contractor shall thoroughly clean the site and surrounding area and prepare the work site for use by the Town. Following the Work the Contractor shall restore impacted areas that are not part of the Work to their original state.

11. MAINTENANCE OF TRAFFIC.

Contractor will maintain traffic within the limits of the Work including all existing roadways that cross or intersect the Work from the beginning of the Work until the Town accepts the Work as complete. Contractor shall maintain roads, passageways, and sidewalks impacted by the Work in a safe, passable and convenient condition during the prosecution of the Work. When traffic control devices are necessary, furnishing, erecting, operating, maintaining, relocating and removing said devices will be in accordance with the Contract Documents.

12. INSURANCE.

Work under this Contract shall not proceed until the Contractor has obtained all required insurance. The Contractor shall maintain valid general liability insurance in the minimum amount of \$2,000,000, 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 in accordance with the statutory limits 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.

13. PRE-PROJECT SAFETY REVIEW MEETING.

When requested by the Town, the Contractor shall attend a pre-project safety review meeting with the contracting Department Head and Supervisors and Safety and Risk Manager prior to the start of Work.

14. SUBCONTRACTORS.

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

15. DISADVANTAGED BUSINESS ENTERPRISE.

Contractor is required to comply with the Disadvantaged Business Enterprise provisions and regulations provided in the Contract Documents.

16. DEFAULT.

In the event the Contractor fails to begin the Work pursuant to the Contract Documents within the time specified, or the progress of the Work is not maintained on schedule, or the Work is not completed within the time specified, or fails to perform the Work with sufficient staff and equipment or with sufficient materials to ensure the prompt completion of said Work, or shall perform the Work unsuitably or shall discontinue the prosecution of the Work, or if the Contractor shall become insolvent or be declared bankrupt or commit any act of bankruptcy or insolvency, or allow any final judgment to stand against him unsatisfied for a period of forty-eight (48) hours, or shall make an assignment for the benefit of creditors, or for any other cause whatsoever shall not carry on the Work in an acceptable manner, the Town may give notice in writing, sent by certified mail, return receipt requested, to the Contractor and Contractor's surety of such delay, neglect or default, specifying the same, and if the Contractor within a period of seven (7) days after such notice shall not proceed in accordance therewith, then the Town shall, declare this Contract in default. Upon a declaration of default the following shall apply:

1. If the Work was required to be bonded the surety shall promptly take over the Work and complete the performance of this Contract in the manner and within the time frame specified. In the event the surety shall fail to take over the Work to be done under this Contract within seven (7) days after being so notified and notify the Town in writing, sent by certified mail, return receipt requested, that it is taking the same over and stating that it will diligently pursue and complete the same, the Town shall have full power and authority, without violating the Contract, to take the prosecution of the Work out of the hands of said Contractor, to appropriate or use any or all contract materials and equipment on the grounds as may be suitable and acceptable and may enter into an agreement, either by public letting or negotiation, for the completion of said Contract according to the terms and provisions thereof or use such other methods as in its opinion shall be required for the completion of said Contract in an acceptable

manner. All costs and charges incurred by the Town, together with the costs of completing the Work under Contract, shall be deducted from any monies due or which may become due said Contractor and surety. In case the expense so incurred by the Contractor shall be less than the sum which would have been payable under the Contract, if it had been completed by said Contractor, then the said Contractor and surety shall be entitled to receive the difference, but in case such expense shall exceed the sum which would have been payable under the Contract, then the Contractor and the surety shall be liable and shall pay to the Town the amount of said excess.

2. If a bond was not required and there is no surety, then the Contractor shall promptly cure the default and complete the performance of this Contract in the manner and within the time frame specified in the written notice. In the event the Contractor shall fail to cure the default within the time specified, the Town shall have full power and authority, without violating the Contract, to take the prosecution of the Work out of the hands of said Contractor, to appropriate or use any or all contract materials and equipment on the grounds as may be suitable and acceptable and may enter into an agreement, either by public letting or negotiation, for the completion of said Contract according to the terms and provisions thereof or use such other methods as in its opinion shall be required for the completion of said Contract in an acceptable manner. All costs and charges incurred by the Town, together with the costs of completing the Work under contract, shall be deducted from any monies due or which may become due said Contractor. If the expense so incurred by the Town shall be less than the sum which would have been payable under the Contract, if it had been completed by said Contractor, then the said Contractor shall be entitled to receive the difference, but in case such expense shall exceed the sum which would have been payable under the Contract, then the Contractor shall be liable and shall pay to the Town the amount of said excess.

17. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Contract 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. Unless otherwise notified, upon termination Contractor shall discontinue all Work and the placement of orders for materials and supplies in connection with this Contract. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed in accordance with this Contract and such other costs actually incurred by the Contractor as approved by the Town.

18. TOWN'S RIGHT TO PERFORM WORK

If at any point during the performance or progress of the Work, or during the period of guarantee, Contractor fails to perform the Work in a satisfactory manner or to perform in accordance with the terms of this Contract, the Town, after seven (7) days' written notice to the Contractor from the Town, may perform or have performed that portion of the Work. The cost of the associated Work may be deducted from any amounts due or that become due to the Contractor. In the event the cost of such performance exceeds the amount due the Contractor, then the Contractor or the surety (if applicable), or both, shall be liable for and shall pay to the Town the amount of the excess.

19. NOTICE.

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

TO CONTRACTOR: Barnhill Contracting Company Attn: David Chopik PO Box 7948 Rocky Mount, NC 27804 dchopik@barnhillcontracting.com	TO TOWN: Town of Apex Attn: Adam Stephenson PO Box 250 Apex, NC 27502 adam.stephenson@apexnc.org
--	--

20. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town shall be in default of the provisions of this Contract 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, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

21. NONWAIVER FOR BREACH.

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

22. CONSTRUCTION.

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

23. NO REPRESENTATIONS.

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

24. SEVERABILITY.

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

25. COUNTERPARTS.

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

26. MODIFICATION.

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

27. BINDING EFFECT.

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

28. ASSIGNMENT.

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

29. INDEPENDENT CONTRACTOR.

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

30. NON-APPROPRIATION.

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

31. IRAN DIVESTMENT ACT CERTIFICATION.

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

32. CONTRACTOR'S WARRANTIES.

The Contractor, in executing this Contract, unconditionally guarantees materials and workmanship against defects arising from faulty materials, faulty workmanship or negligence for a period of twelve (12) months following the final acceptance of the Work by the Town and shall replace all such defective materials or workmanship without cost to the Town. In the cases where materials or equipment carry a manufacturer's warranty for any period in excess of twelve (12) months, then the manufacturer's warranty shall apply for that specific equipment or material. During the manufacturer's warranty period the Contractor shall be responsible for the replacement of such defective equipment or materials.

Nothing in this section shall preclude the Town from bringing an action for latent defects caused by the negligence of the Contractor which is concealed, hidden, or not readily apparent to the Town at the time of final acceptance, in accordance with applicable law. Guarantees that are stipulated in the specifications or drawings shall govern those particular materials or equipment.

33. BOND REQUIREMENTS.

If a bond is required by the Contract Documents, within ten (10) calendar days of the notice of award of the contract, Contractor shall provide the Town of Apex with a contract payment bond and a contract performance bond by a surety company authorized to do business in North Carolina, each in an amount equal to 100 percent of the amount of the Contract. All bonds shall be in conformance with N.C.G.S. 44A-33. The corporate surety furnishing the bonds shall be authorized to do business in the State of North Carolina. Failure on the part of the Contractor to file acceptable bonds within the required timeframe shall be just cause for the forfeiture of the bid bond or bid deposit and rescinding award of the Contract. Award may then be made to the next lowest responsible bidder or the Work may be re-advertised.

34. SURETY.

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

35. 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.

33. 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 _____, 2025.

Contractor: _____

Town of Apex

Name (type or print)

Randal E. Vosburg, Town Manager

Signature

Attest:

Title

Allen Coleman, Town Clerk

Attest:

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

Secretary (if a corporation)

Antwan Morrison, Finance Director

		Engineer's Estimate			Barnhill Contracting Company			Blythe Construction Inc		
ITEM #	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT COST	AMOUNT BID	UNIT COST	AMOUNT BID	UNIT COST	AMOUNT BID
1	800	MOBILIZATION	LS	1	\$ 189,904.87	\$ 189,904.87	\$ 100,000.00	\$ 100,000.00	\$ 150,000.00	\$ 150,000.00
2	607	MILLING, 1.25-INCH DEPTH	SY	140,683	\$ 4.00	\$ 562,732.00	\$ 3.10	\$ 436,117.30	\$ 2.60	\$ 365,775.80
3	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B	TN	9,848	\$ 75.00	\$ 738,600.00	\$ 78.00	\$ 768,144.00	\$ 73.00	\$ 718,904.00
4	SP	PATCHING EXISTING PAVEMENT	TN	6,140	\$ 150.00	\$ 921,000.00	\$ 113.90	\$ 699,346.00	\$ 110.00	\$ 675,400.00
5	620	ASPHALT BINDER FOR PLANT MIX	TN	935	\$ 625.00	\$ 584,375.00	\$ 410.00	\$ 383,350.00	\$ 610.00	\$ 570,350.00
6	802/846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	LF	1,467	\$ 75.00	\$ 110,025.00	\$ 55.00	\$ 80,685.00	\$ 55.00	\$ 80,685.00
7	802/846	CURB & GUTTER, MEDIAN (18") - REMOVE & REPLACE	LF	944	\$ 75.00	\$ 70,800.00	\$ 52.00	\$ 49,088.00	\$ 52.00	\$ 49,088.00
8	802/848	CONCRETE SIDEWALK - REMOVE & REPLACE	SY	430	\$ 100.00	\$ 43,000.00	\$ 75.00	\$ 32,250.00	\$ 75.00	\$ 32,250.00
9	802/848	CONCRETE CURB RAMP - REMOVE & REPLACE	EA	85	\$ 4,000.00	\$ 340,000.00	\$ 2,450.00	\$ 208,250.00	\$ 2,450.00	\$ 208,250.00
10	848	CONCRETE CURB RAMP - RETROFIT DOMES	EA	10	\$ 1,200.00	\$ 12,000.00	\$ 500.00	\$ 5,000.00	\$ 500.00	\$ 5,000.00
11	1101	TRAFFIC CONTROL	LS	1	\$ 113,658.07	\$ 113,658.07	\$ 162,485.00	\$ 162,485.00	\$ 150,000.00	\$ 150,000.00
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 90 MILS	LF	8,397	\$ 2.00	\$ 16,794.00	\$ 0.89	\$ 7,473.33	\$ 0.90	\$ 7,557.30
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	LF	1,113	\$ 3.50	\$ 3,895.50	\$ 2.00	\$ 2,226.00	\$ 2.00	\$ 2,226.00
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 16" 90 MIL	LF	42	\$ 7.00	\$ 294.00	\$ 10.00	\$ 420.00	\$ 10.00	\$ 420.00
15	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 90 MIL	LF	552	\$ 12.00	\$ 6,624.00	\$ 10.00	\$ 5,520.00	\$ 10.00	\$ 5,520.00
16	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL 90 MILS	EA	53	\$ 400.00	\$ 21,200.00	\$ 250.00	\$ 13,250.00	\$ 250.00	\$ 13,250.00
17	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTERS 90 MILS	EA	14	\$ 200.00	\$ 2,800.00	\$ 100.00	\$ 1,400.00	\$ 100.00	\$ 1,400.00
18	1725	INDUCTIVE LOOP SAWCUT	LF	1,080	\$ 15.00	\$ 16,200.00	\$ 12.00	\$ 12,960.00	\$ 12.00	\$ 12,960.00
19	SP	ADJUSTMENT OF MANHOLES W/ RINGS	EA	22	\$ 400.00	\$ 8,800.00	\$ 275.00	\$ 6,050.00	\$ 275.00	\$ 6,050.00
20	SP	ADJUSTMENT OF MANHOLES, MANUAL	EA	10	\$ 725.00	\$ 7,250.00	\$ 750.00	\$ 7,500.00	\$ 750.00	\$ 7,500.00
21	SP	ADJUSTMENT OF VALVE BOXES W/ RINGS	EA	28	\$ 300.00	\$ 8,400.00	\$ 225.00	\$ 6,300.00	\$ 225.00	\$ 6,300.00
22	SP	ADJUSTMENT OF VALVE BOXES, MANUAL	EA	10	\$ 725.00	\$ 7,250.00	\$ 650.00	\$ 6,500.00	\$ 650.00	\$ 6,500.00
23	SP	ADJUSTMENT OF VALVE BOXES INCLUDING REPLACEMENT	EA	10	\$ 960.00	\$ 9,600.00	\$ 750.00	\$ 7,500.00	\$ 750.00	\$ 7,500.00
24	SP	WEDGING	TN	85	\$ 330.00	\$ 28,050.00	\$ 144.00	\$ 12,240.00	\$ 400.00	\$ 34,000.00
Total:						\$ 3,823,252.44	Total:	\$ 3,014,054.63	Total:	\$ 3,116,886.10

		Fred Smith Company			Daniels Inc			S T Wooten Corporation		
ITEM #	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT COST	AMOUNT BID	UNIT COST	AMOUNT BID	UNIT COST	AMOUNT BID
1	800	MOBILIZATION	LS	1	\$ 160,000.00	\$ 160,000.00	\$ 65,000.00	\$ 65,000.00	\$ 114,400.00	\$ 114,400.00
2	607	MILLING, 1.25-INCH DEPTH	SY	140,683	\$ 2.75	\$ 386,878.25	\$ 2.55	\$ 358,741.65	\$ 4.15	\$ 583,834.45
3	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B	TN	9,848	\$ 78.00	\$ 768,144.00	\$ 98.00	\$ 965,104.00	\$ 78.50	\$ 773,068.00
4	SP	PATCHING EXISTING PAVEMENT	TN	6,140	\$ 115.00	\$ 706,100.00	\$ 111.00	\$ 681,540.00	\$ 118.40	\$ 726,976.00
5	620	ASPHALT BINDER FOR PLANT MIX	TN	935	\$ 615.00	\$ 575,025.00	\$ 575.00	\$ 537,625.00	\$ 675.55	\$ 631,639.25
6	802/846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	LF	1,467	\$ 55.00	\$ 80,685.00	\$ 90.00	\$ 132,030.00	\$ 55.00	\$ 80,685.00
7	802/846	CURB & GUTTER, MEDIAN (18") - REMOVE & REPLACE	LF	944	\$ 52.00	\$ 49,088.00	\$ 78.00	\$ 73,632.00	\$ 52.00	\$ 49,088.00
8	802/848	CONCRETE SIDEWALK - REMOVE & REPLACE	SY	430	\$ 75.00	\$ 32,250.00	\$ 120.00	\$ 51,600.00	\$ 75.00	\$ 32,250.00
9	802/848	CONCRETE CURB RAMP - REMOVE & REPLACE	EA	85	\$ 2,450.00	\$ 208,250.00	\$ 2,940.00	\$ 249,900.00	\$ 2,450.00	\$ 208,250.00
10	848	CONCRETE CURB RAMP - RETROFIT DOMES	EA	10	\$ 500.00	\$ 5,000.00	\$ 1,200.00	\$ 12,000.00	\$ 500.00	\$ 5,000.00
11	1101	TRAFFIC CONTROL	LS	1	\$ 162,953.42	\$ 162,953.42	\$ 50,000.00	\$ 50,000.00	\$ 89,334.62	\$ 89,334.62
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 90 MILS	LF	8,397	\$ 0.89	\$ 7,473.33	\$ 2.25	\$ 18,893.25	\$ 0.89	\$ 7,473.33
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	LF	1,113	\$ 2.00	\$ 2,226.00	\$ 5.00	\$ 5,565.00	\$ 2.00	\$ 2,226.00
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 16" 90 MIL	LF	42	\$ 10.00	\$ 420.00	\$ 10.00	\$ 420.00	\$ 10.00	\$ 420.00
15	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 90 MIL	LF	552	\$ 10.00	\$ 5,520.00	\$ 25.00	\$ 13,800.00	\$ 10.00	\$ 5,520.00
16	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL 90 MILS	EA	53	\$ 250.00	\$ 13,250.00	\$ 475.00	\$ 25,175.00	\$ 250.00	\$ 13,250.00
17	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTERS 90 MILS	EA	14	\$ 100.00	\$ 1,400.00	\$ 508.00	\$ 7,112.00	\$ 100.00	\$ 1,400.00
18	1725	INDUCTIVE LOOP SAWCUT	LF	1,080	\$ 12.00	\$ 12,960.00	\$ 29.75	\$ 32,130.00	\$ 12.00	\$ 12,960.00
19	SP	ADJUSTMENT OF MANHOLES W/ RINGS	EA	22	\$ 275.00	\$ 6,050.00	\$ 900.00	\$ 19,800.00	\$ 275.00	\$ 6,050.00
20	SP	ADJUSTMENT OF MANHOLES, MANUAL	EA	10	\$ 750.00	\$ 7,500.00	\$ 1,080.00	\$ 10,800.00	\$ 750.00	\$ 7,500.00
21	SP	ADJUSTMENT OF VALVE BOXES W/ RINGS	EA	28	\$ 225.00	\$ 6,300.00	\$ 900.00	\$ 25,200.00	\$ 225.00	\$ 6,300.00
22	SP	ADJUSTMENT OF VALVE BOXES, MANUAL	EA	10	\$ 650.00	\$ 6,500.00	\$ 1,080.00	\$ 10,800.00	\$ 650.00	\$ 6,500.00
23	SP	ADJUSTMENT OF VALVE BOXES INCLUDING REPLACEMENT	EA	10	\$ 750.00	\$ 7,500.00	\$ 1,320.00	\$ 13,200.00	\$ 750.00	\$ 7,500.00
24	SP	WEDGING	TN	85	\$ 150.00	\$ 12,750.00	\$ 195.00	\$ 16,575.00	\$ 186.00	\$ 15,810.00
Total:						\$ 3,224,223.00	Total:	\$ 3,376,642.90	Total:	\$ 3,387,434.65

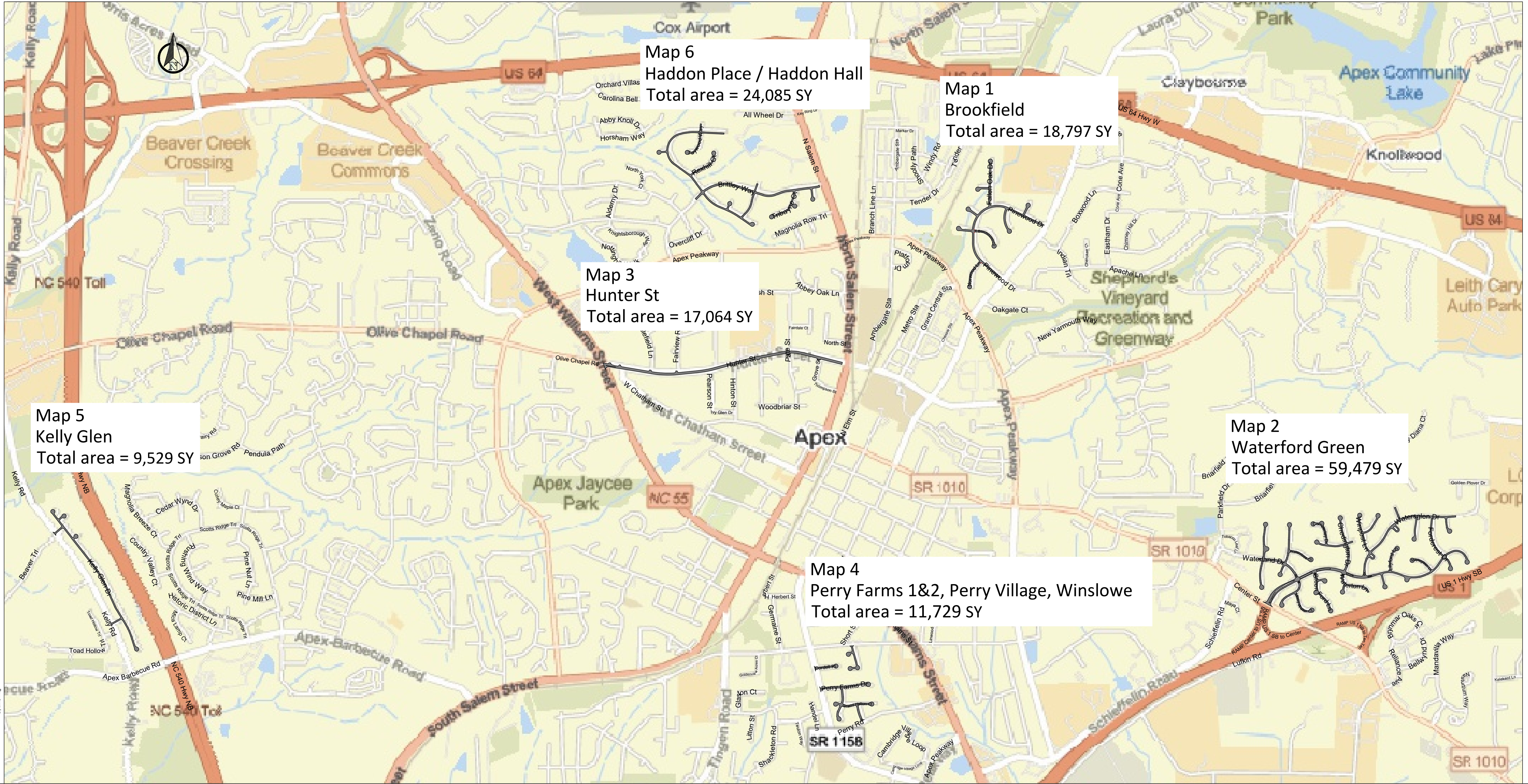
Turner Asphalt GC, LLC

ITEM #	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT COST	AMOUNT BID
1	800	MOBILIZATION	LS	1	\$ 40,000.00	\$ 40,000.00
2	607	MILLING, 1.25-INCH DEPTH	SY	140,683	\$ 3.85	\$ 541,629.55
3	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B	TN	9,848	\$ 91.25	\$ 898,630.00
4	SP	PATCHING EXISTING PAVEMENT	TN	6,140	\$ 178.00	\$ 1,092,920.00
5	620	ASPHALT BINDER FOR PLANT MIX	TN	935	\$ 565.00	\$ 528,275.00
6	802/846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	LF	1,467	\$ 48.50	\$ 71,149.50
7	802/846	CURB & GUTTER, MEDIAN (18") - REMOVE & REPLACE	LF	944	\$ 48.50	\$ 45,784.00
8	802/848	CONCRETE SIDEWALK - REMOVE & REPLACE	SY	430	\$ 84.50	\$ 36,335.00
9	802/848	CONCRETE CURB RAMP - REMOVE & REPLACE	EA	85	\$ 6,250.00	\$ 531,250.00
10	848	CONCRETE CURB RAMP - RETROFIT DOMES	EA	10	\$ 1,850.00	\$ 18,500.00
11	1101	TRAFFIC CONTROL	LS	1	\$ 168,000.00	\$ 168,000.00
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 90 MILS	LF	8,397	\$ 1.05	\$ 8,816.85
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	LF	1,113	\$ 2.00	\$ 2,226.00
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 16" 90 MIL	LF	42	\$ 10.00	\$ 420.00
15	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 90 MIL	LF	552	\$ 10.00	\$ 5,520.00
16	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL 90 MILS	EA	53	\$ 250.00	\$ 13,250.00
17	1205	THERMOPLASTIC PAVEMENT MARKING CHARACTERS 90 MILS	EA	14	\$ 100.00	\$ 1,400.00
18	1725	INDUCTIVE LOOP SAWCUT	LF	1,080	\$ 13.80	\$ 14,904.00
19	SP	ADJUSTMENT OF MANHOLES W/ RINGS	EA	22	\$ 300.00	\$ 6,600.00
20	SP	ADJUSTMENT OF MANHOLES, MANUAL	EA	10	\$ 455.00	\$ 4,550.00
21	SP	ADJUSTMENT OF VALVE BOXES W/ RINGS	EA	28	\$ 300.00	\$ 8,400.00
22	SP	ADJUSTMENT OF VALVE BOXES, MANUAL	EA	10	\$ 455.00	\$ 4,550.00
23	SP	ADJUSTMENT OF VALVE BOXES INCLUDING REPLACEMENT	EA	10	\$ 600.00	\$ 6,000.00
24	SP	WEDGING	TN	85	\$ 225.00	\$ 19,125.00
Total:					\$ 4,068,234.90	

TOWN OF APEX

TRANSPORTATION & INFRASTRUCTURE DEVELOPMENT

2025 ROAD REHABILITATION



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Chris Johnson, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve revisions to the Town Standard Specifications and Standard Details.

Approval Recommended?

Yes

Item Details

Proposed revisions to the Town Standard Specifications and Standard Details have been drafted to include a revision to Standard Details in Section 300-Streets.

Following approval of these revisions, the files will be updated on the Town website.

Attachments

- CN4-A1: Summary of Revisions - Revisions to Standard Specifications & Standard Details
- CN4-A2: Standard Details - Revisions to Standard Specifications & Standard Details



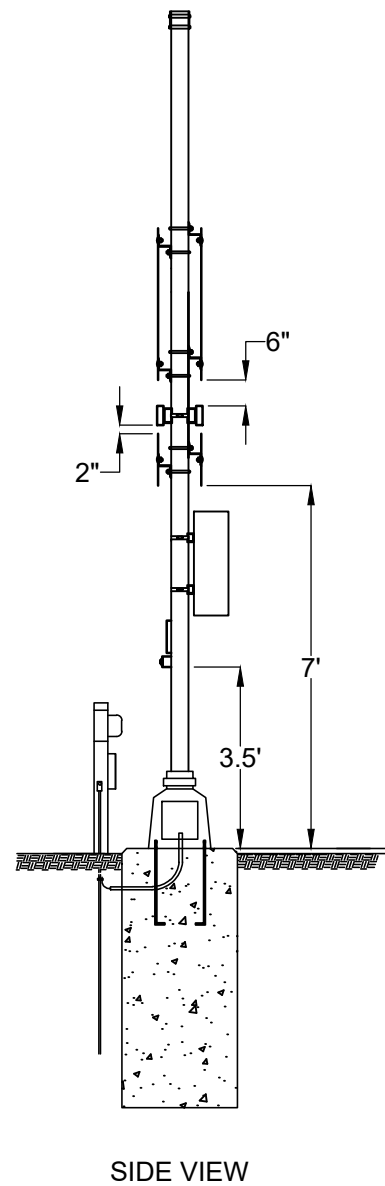
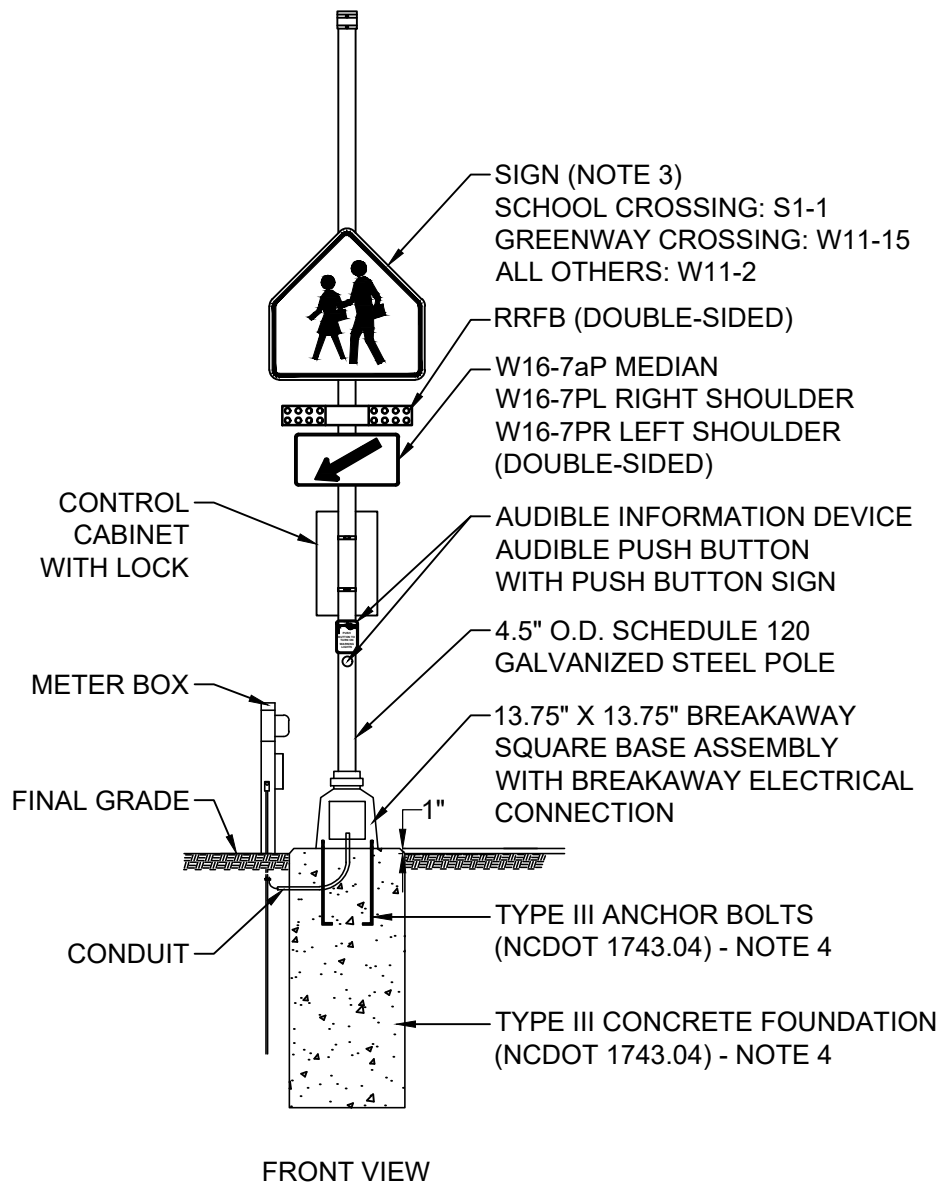
Town of Apex
Standard Specifications & Standard Details
Summary of Revisions
January 28, 2025

❖ Standard Details

➤ Section 300 Streets

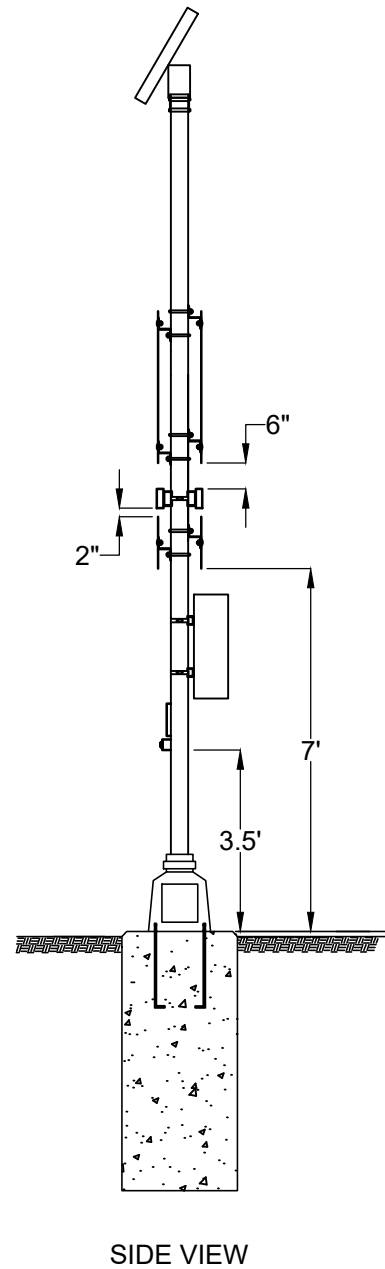
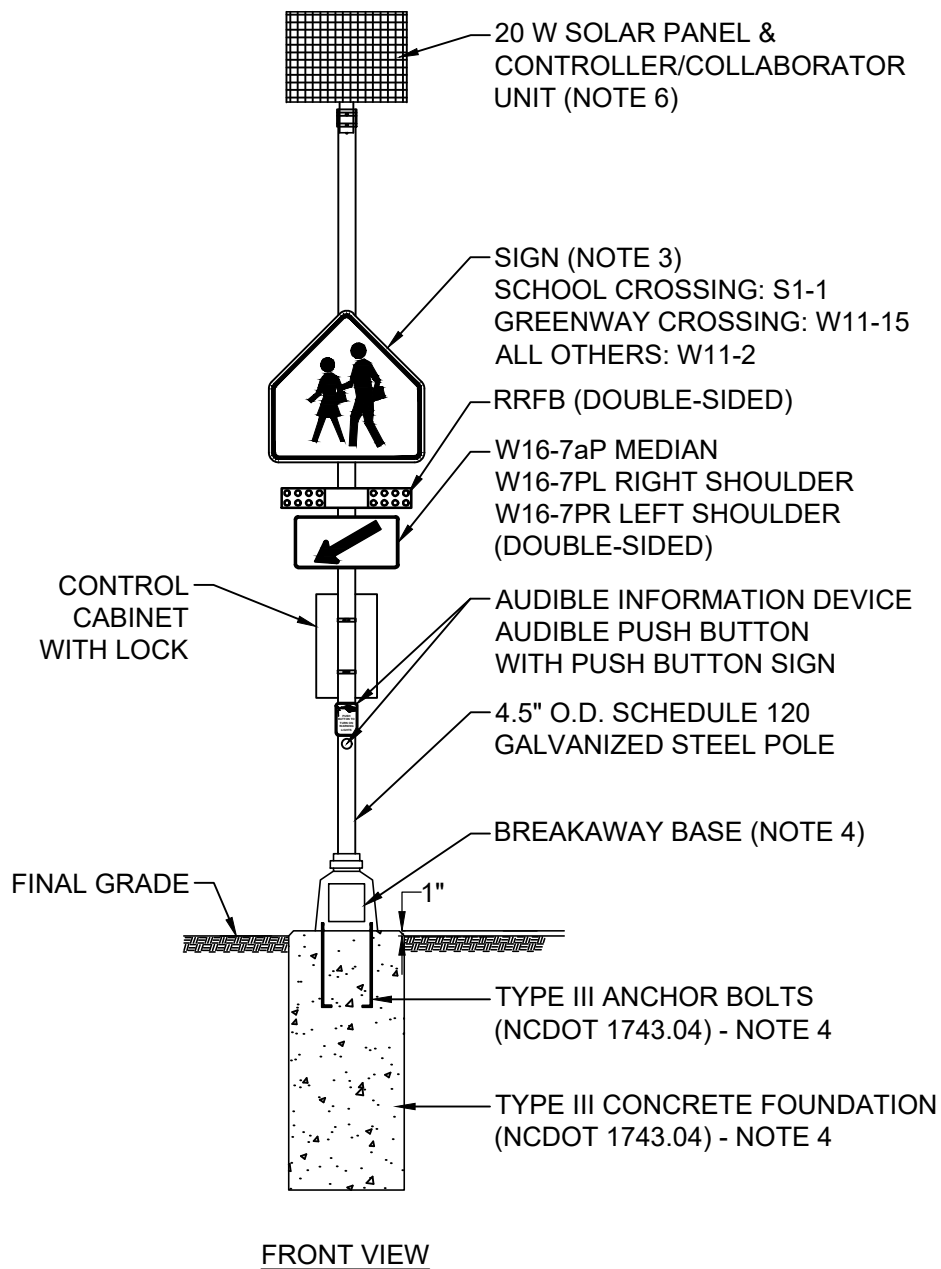
300.35 (1 of 2) RECTANGULAR RAPID FLASH BEACON (METER): New detail.

300.35 (2 of 2) RECTANGULAR RAPID FLASH BEACON (SOLAR): New detail.



NOTES:

1. RECTANGULAR RAPID FLASH BEACON (RRFB) SHALL BE INSTALLED IN PAIRS, ONE ON EITHER SIDE OF APPROACH TRAFFIC AND DOUBLE-SIDED.
2. CONTROLLER SHALL BE INSTALLED ON THE BACKSIDE OF THE POST FROM APPROACH TRAFFIC. INSTALL CONTROLLER UNDER THE ARROW PLAQUE SIGNAGE AND ABOVE THE PUSH BUTTON SIGNAGE.
3. THE W11-2, W11-15, OR S1-1 SIGNS SHALL BE 36" X 36".
4. FOR A 14' POLE, INSTALL RRFB ON A TYPE III CONCRETE FOUNDATION AND ANCHOR BOLTS PER NCDOT SPECIFICATIONS, UNLESS SPECIFIED OTHERWISE BY THE VENDOR.
5. INSTALL BEACON SO THAT PUSH BUTTON IS OFFSET NO MORE THAN 1 FOOT FROM EDGE OF PATH FOR ACCESSIBILITY.



NOTES:

1. RECTANGULAR RAPID FLASH BEACON (RRFB) SHALL BE INSTALLED IN PAIRS, ONE ON EITHER SIDE OF APPROACH TRAFFIC AND DOUBLE-SIDED.
2. CONTROLLER SHALL BE INSTALLED ON THE BACKSIDE OF THE POST FROM APPROACH TRAFFIC. INSTALL CONTROLLER UNDER THE ARROW PLAQUE SIGNAGE AND ABOVE THE PUSH BUTTON SIGNAGE.
3. THE W11-2, W11-15, OR S1-1 SIGNS SHALL BE 36" X 36".
4. FOR A 14' POLE, INSTALL RRFB ON A TYPE III CONCRETE FOUNDATION AND ANCHOR BOLTS PER NCDOT SPECIFICATIONS, UNLESS SPECIFIED OTHERWISE BY THE VENDOR.
5. INSTALL BEACON SO THAT PUSH BUTTON IS OFFSET NO MORE THAN 1 FOOT FROM EDGE OF PATH FOR ACCESSIBILITY.
6. SOLAR PANEL SHALL BE AFFIXED TO TOP OF POST ORIENTED TO FACE SOUTH AND SUPPORT AID PUSH BUTTON POWER DEMAND BASED ON LOCATION SPECIFIC MANUFACTURER DETAILS. PANEL MAY HAVE INTEGRATED BATTERY AND CONTROLS IN LIEU OF CONTROL CABINET.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Joshua Killian, Planner I

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ18, ExperienceOne Homes, LLC, petitioner, for the properties located at 0 Core Banks St; 0 Little Gem Ln; 1051 & 1075 Newland Ave; 1101, 1111, & 1121 Moncure Pl; 1425, 1451, 1481 Richardson Rd; 2701 Lawnview Ln; 2707 Stokesdale Ave; & 2820 Teachey Pl. (PINs 0722441499, 0722441386, 0722544876, 0722544404, 0722444977, 0722444853, 0722444629, 0722551642, 0722459232, 0722448618, 0722540585, 0722551082, 0722452031).

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 24CZ18 was approved at the January 14, 2025 Town Council meeting.

Attachments

- CN5-A1: Statement of Town Council and Ordinance - Rezoning Case No. 24CZ18 Sweetwater PUD Amendment
- CN5-A2: Attachment A - Legal Description - Rezoning Case No. 24CZ18 Sweetwater PUD Amendment
- CN5-A3: Attachment B - Sweetwater PUD - Rezoning Case No. 24CZ18 Sweetwater PUD Amendment



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 36.24 ACRES LOCATED AT 0 CORE BANKS ST; 0 LITTLE GEM LN; 1051 & 1075 NEWLAND AVE; 1101, 1111, & 1121 MONCURE PL; 1425, 1451, 1481 RICHARDSON RD; 2701 LAWNVIEW LN; 2707 STOKESDALE AVE; & 2820 TEACHEY PL FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #23CZ20) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#24CZ18

WHEREAS, David Schmidt, ExperienceOne Homes, LLC, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of October 2024 (the “Application”). The proposed conditional zoning is designated #24CZ18;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #24CZ18 before the Planning Board on the 9th day of December 2024;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of December 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ18. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #24CZ18;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #24CZ18 before the Apex Town Council on the 14th day of January 2025;

WHEREAS, the Apex Town Council held a public hearing on the 14th day of January 2025. Joshua Killian, Planner I, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #24CZ18 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Mixed Use: High Density Residential/Office Employment/Commercial Services. 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 allow the an additional use “Bar, nightclub, wine bar, or taproom”, increasing diversity of commercial uses within the mixed use areas of the development. This is in keeping with the goals of Advance Apex;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will allow an increase in the diversity of commercial uses within the mixed uses areas of the development. This is in keeping with the goals of Advance Apex; and

WHEREAS, the Apex Town Council by a vote of 3 to 2 approved Application #24CZ18 rezoning the subject tract located at 0 Core Banks St; 0 Little Gem Ln; 1051 & 1075 Newland Ave; 1101, 1111, & 1121 Moncure Pl; 1425, 1451, 1481 Richardson Rd; 2701 Lawnview Ln; 2707 Stokesdale Ave; & 2820 Teachey Pl from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ20) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

Ordinance Amending the Official Zoning District Map #24CZ18

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 Unit Development-Conditional Zoning (PUD-CZ #23CZ20) to Planned Unit Development-Conditional Zoning (PUD-CZ). District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Sweetwater PUD Amendment 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 _____ 2025.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

REZONING LAND DESCRIPTION: PROPERTY AT SWEETWATER
WHITE OAK- WAKE COUNTY – NORTH CAROLINA
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS "ROGER" (PID: DM5422) AND HAVING NC GRID COORDINATES OF NORTHING: 726,051.43' & EASTING: 2,025,090.57', THENCE S 47° 08' 55" W DISTANCE OF 303.99' TO A POINT; SAID POINT LYING ON THE SOUTH MARGIN OF US HWY 64 AND BEING A COMMON RIGHT OF WAY CORNER FOR THE EASTERN MARGIN OF ROGERS ROAD AND HAVING GRID COORDINATES OF NORTHING: 725,844.69' AND EASTING 2,024,867.71' HEREBY KNOWN AS **THE POINT OF BEGINNING**;

THENCE FROM THE **POINT OF BEGINNING**, N 82° 55' 17" E, 197.05 FEET TO A POINT
THENCE N 82° 54' 21" E, 242.00 FEET TO A POINT;
THENCE N 82° 54' 21" E, 24.53 FEET TO A POINT;
THENCE S 01° 32' 16" W, 687.52 FEET TO A POINT;
THENCE S 88° 09' 09" E, 191.11 FEET TO A POINT;
THENCE S 32° 08' 55" E, 332.26 FEET TO A POINT;
THENCE S 00° 49' 54" E, 351.99 FEET TO A POINT;
THENCE S 00° 16' 23" W, 65.13 FEET TO A POINT;
THENCE S 27° 27' 56" W, 104.70 FEET TO A POINT;
THENCE S 27° 32' 58" W, 70.01 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 92.50 FEET, A CHORD BEARING OF S 52° 45' 59" W, A CHORD DISTANCE OF 78.82 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 52.50 FEET, A CHORD BEARING OF S 65° 22' 19" W, A CHORD DISTANCE OF 22.92 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 92.50 FEET, A CHORD BEARING OF S 76° 21' 47" W, A CHORD DISTANCE OF 75.72 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 92.50 FEET, A CHORD BEARING OF N 78° 42' 10" W, A CHORD DISTANCE OF 6.18 FEET TO A POINT;
THENCE N 76° 47' 20" W, 15.12 FEET TO A POINT;
THENCE N 76° 47' 20" W, 33.34 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 1000.00 FEET, A CHORD BEARING OF N 80° 40' 51" W, A CHORD DISTANCE OF 135.75 FEET TO A POINT.
THENCE N 84° 33' 48" W, 65.57 FEET TO A POINT;
THENCE N 84° 28' 16" W, 141.51 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 1000.00 FEET, A CHORD BEARING OF N 78° 07' 30" W, A CHORD DISTANCE OF 224.53 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 265.00 FEET, A CHORD BEARING N 66° 43' 00" W, A CHORD DISTANCE OF 45.85 FEET TO A POINT;
THENCE N 61° 42' 14" W, 177.13 FEET TO A POINT;
THENCE N 64° 58' 02" W, 197.28 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 699.98 FEET, A CHORD BEARING OF N 66° 07' 03" W, A CHORD DISTANCE OF 98.05 FEET TO A POINT;
THENCE S 36° 35' 24" W, 410.82 FEET TO A POINT;
THENCE N 89° 15' 15" W, 3.04 FEET TO A POINT;
THENCE N 00° 25' 12" W, 341.43 FEET TO A POINT;
THENCE N 00° 25' 12" W, 29.94 FEET TO A POINT;

THENCE N 00° 25' 12" W, 30.06 FEET TO A POINT;
THENCE N 00° 25' 12" W, 581.68 FEET TO A POINT;
THENCE N 90° 00' 00" E, 157.10 FEET TO A POINT;
THENCE N 00° 00' 00" E, 21.32 FEET TO A POINT;
THENCE S 90° 00' 00" E, 146.50 FEET TO A POINT;
THENCE S 00° 00' 00" W, 224.34 FEET TO A POINT;
THENCE N 90° 00' 00" E, 40.34 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 500.00 FEET, A CHORD BEARING OF
S 83° 30' 21" E, A CHORD DISTANCE OF 113.10 FEET TO A POINT;
THENCE S 77° 00' 41" E, 66.11 FEET TO A POINT;
THENCE N 04° 58' 22" E, 64.19 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 851.00 FEET, A CHORD BEARING OF
N 05° 16' 37" E, A CHORD DISTANCE OF 8.88 FEET TO A POINT;
THENCE N 04° 58' 19" E, 28.14 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 849.06 FEET, A CHORD BEARING OF
N 15° 46' 04" E, A CHORD DISTANCE OF 318.25 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 1843.98 FEET, A CHORD BEARING OF
N 31° 58' 30" E, A CHORD DISTANCE OF 58.60 FEET TO A POINT;
THENCE, N 32° 41' 37" E, 160.09 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 761.95 FEET, A CHORD BEARING OF
N 29° 13' 26" E, A CHORD DISTANCE OF 89.44 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 753.00 FEET, A CHORD BEARING OF
N 20° 09' 10" E, A CHORD DISTANCE OF 95.86 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 45.00 FEET, A CHORD BEARING OF
N 05° 43' 31" W, A CHORD DISTANCE OF 34.05 FEET TO A POINT;
THENCE ALONG A CURVE WITH A RADIUS OF 50.00 FEET, A CHORD BEARING OF
N 64° 34' 11" W, A CHORD DISTANCE OF 53.73 FEET TO **THE POINT AND PLACE OF
BEGINNING.**

CONTAINING 1,578,737 SQFT OR 36.243 ACRES MORE OR LESS.

Sweetwater PUD Amendment

Proposed Rezoning Changes

October 1, 2024

The PUD will retain all of the conditions from rezoning #16CZ21, #17CZ21, #18CZ01 and #23CZ20 except:

I. Revision to Section 5:

Section 5: Permitted Uses

Table 1 (below) presents a list of permitted uses for Sweetwater. The list of uses will provide the opportunity for the proposed development to have flexibility in the ultimate build out of the project.

- Uses are subject to general and specific regulations
- Some of the uses include specific regulations that can be found in the UDO permitted use Table and Section 4.4, Supplemental Standards.

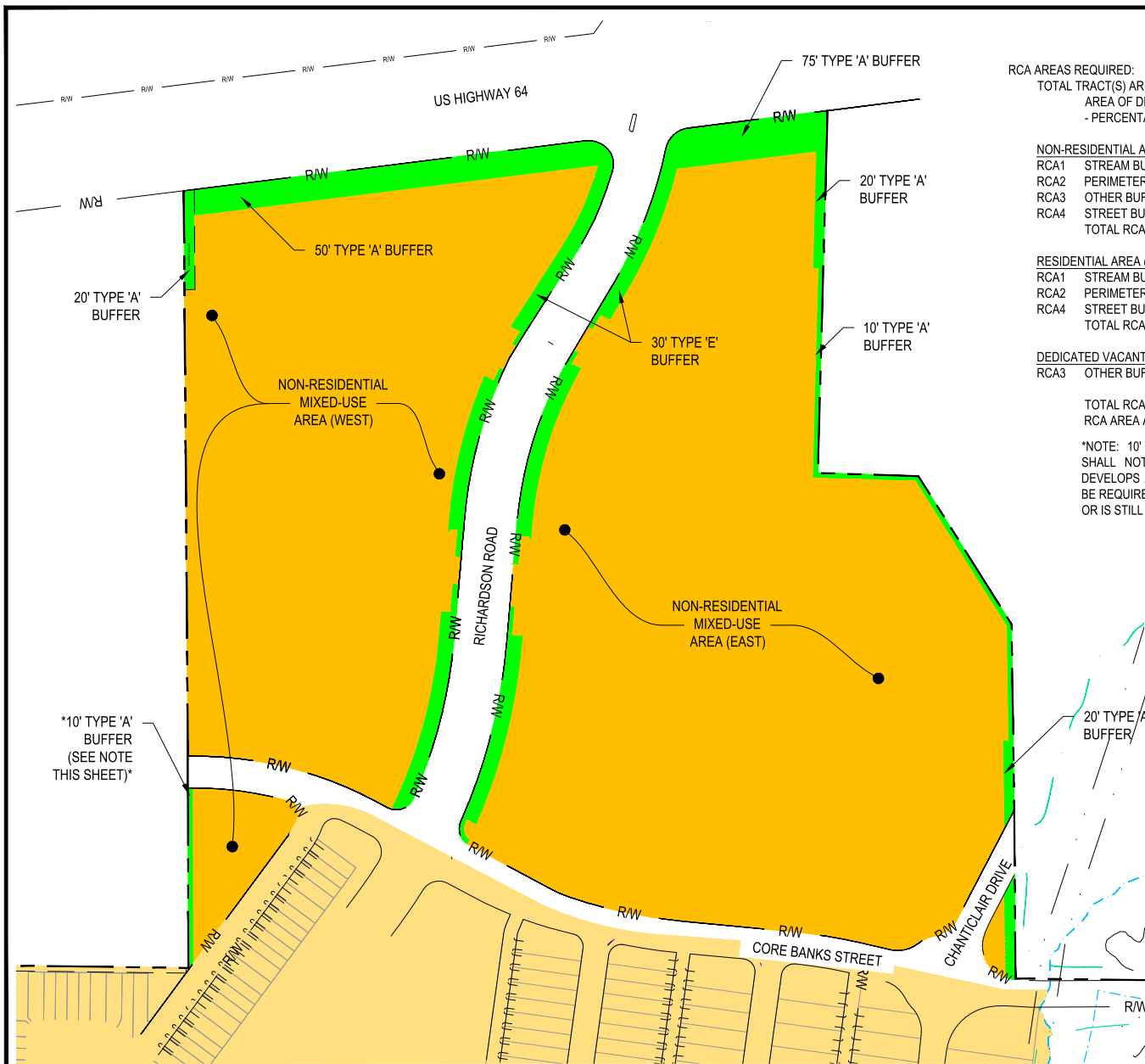
Table 1	Residential	Non-Residential/Mixed-Use Areas (East Side)	Non-Residential/Mixed-Use Areas (West Side)	PINs 0722-44-1499 0722-44-1386
Residential Uses				
Accessory Apartment	P	P	P	P
Single-Family	P			
Townhouse	P			
Apartment (2 nd Story and above only)		P	P	
Public & Civic Uses				
Assembly Hall, Nonprofit		P	P	
Church or Place of Worship		P/S	P/S	
Daycare Facility		P	P	P
Drop-in or Short-Term Daycare		P	P	P
Government Service		P	P	
School, Public or Private		P	P	
Veterinary Clinic or Hospital		P	P	P
Vocational School		P	P	
Utilities				
Utility, Minor		P	P	
Recreational Uses				
Entertainment, Indoor		P	P	
Greenway	P	P	P	P
Park, Active	P	P	P	P
Park, Passive	P	P	P	P

Recreation Facility, Private	P	P	P	P
Adult Use				
Bar, Nightclub, Wine Bar or Taproom		P		
Food & Beverage Service				
Restaurant, Drive- Through		P	P	
Restaurant, General		P	P	P
Office & Research				
Dispatching Office		P	P	P
Medical or Dental Office or Clinic		P	P	P
Medical or Dental Laboratory		P	P	P
Office, Business or Professional		P	P	P
Publishing Office		P	P	P
Research Facility		P	P	P
Public Accommodation				
Hotel or Motel		P	P	
Retail, Sales & Service				
Barber & Beauty Shop		P	P	P
Bookstore		P	P	P
Building Supplies, Retail		P	P	
Convenience Store		P	P	
Convenience Store with Gas Sales		P	P	
Dry Cleaners & Laundry Service		P	P	P
Farmer's Market		P	P	P
Financial Institution		P	P	
Floral Shop		P	P	P
Funeral Home		P	P	
Gas & Fuel, Retail		P	P	
Greenhouse or Nursery, Retail		P	P	
Grocery, Retail		P	P	
Grocery, Specialty		P	P	
Health/Fitness Center or Spa		P	P	
Kennel, Indoor		P	P	P
Laundromat		P	P	
Newsstand or Gift Shop		P	P	
Personal Service		P	P	P

Pharmacy		P	P	
Printing & Copying Service		P	P	P
Real Estate Sales		P	P	P
Repair Service, Limited		P	P	
Retail Sales, Bulky Goods		P	P	
Retail Sales, General		P	P	P
Studio for Art		P	P	P
Tailor Shop		P	P	P
Theater		P	P	
Pet Services		P	P	P
Vehicle Repair or Service				
Automotive Parts		P	P	
Car Wash or Auto Detailing		P	P	
Vehicle Inspection Center		P	P	
Industrial Uses/Industrial Service				
Laboratory, Industrial Research		P	P	
Production				
Microbrewery		P	P	P

P = Permitted Use

S = Special Use



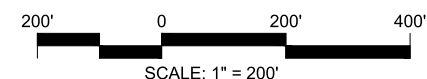
RCA AREAS REQUIRED:		
TOTAL TRACT(S) AREA:		164.79 AC
AREA OF DEVELOPMENT:		164.79 AC
- PERCENTAGES BELOW ARE OF DEVELOPED AREA RCA BUFFERS		
NON-RESIDENTIAL AREA (PHASES 9 & 10)		46.59 AC (28.27%)
RCA1	STREAM BUFFERS	0.00 AC
RCA2	PERIMETER BUFFERS	1.90 AC
RCA3	OTHER BUFFERS (TRACT PIN 0722730032)	0.00 AC
RCA4	STREET BUFFERS (RICHARDSON RD)	1.70 AC
TOTAL RCA AREA =		3.60 AC (2.18%)
RESIDENTIAL AREA (PHASES 1-8)		105.44 AC (63.98%)
RCA1	STREAM BUFFERS	26.41 AC
RCA2	PERIMETER BUFFERS	1.26 AC
RCA4	STREET BUFFERS (RICHARDSON RD)	1.88 AC
TOTAL RCA AREA =		29.55 AC (17.93%)

DEDICATED VACANT TRACT (NOT PART OF DEVELOPED AREA)		
RCA3	OTHER BUFFERS (TRACT PIN 0722730032)	13.20 AC

TOTAL RCA AREA: 46.35 AC
 RCA AREA AS A PERCENTAGE OF DEVELOPED AREA: 28.13%

*NOTE: 10' TYPE 'A' BUFFER: IF A BUFFER IS REQUIRED BY THE UDO, IT SHALL NOT EXCEED 10' IN WIDTH. IF THE ADJACENT PROPERTY DEVELOPS AS COMMERCIAL BEFORE THIS ONE, THEN NO BUFFER WILL BE REQUIRED. IF THE ADJACENT PROPERTY DEVELOPS AS MULTI-FAMILY OR IS STILL VACANT, THEN ONLY A 10' BUFFER WILL BE REQUIRED.

RESIDENTIAL	
MIXED USE	
RCA - (CURRENT)	
46.35 AC. (28.13%)	



CE GROUP

301 GLENWOOD AVE, 220
 RALEIGH, NC 27603
 PHONE: 919-367-8790
 FAX: 919-322-0032

www.cegroupinc.com

License # C-1739

SWEETWATER
 PUD AMENDMENT
 LAYOUT PLAN

12/04/2024



NORTH

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of January 14, 2025.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Attachments

- CN6-A1: Unified Development Ordinance (UDO) Amendments - January 2025 - Statement of the 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 JANUARY 14, 2025

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 14th day of January 2025.

The Apex Town Council held a public hearing on the 14th day of January 2025. Amanda Bunce, Current Planning Manager, and Bruce Venable, Planner II, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

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

The Town Council on the 14th day of January 2025 by a vote of 5-0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of January 14, 2025, 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. 8.6.3 *Illumination Standards* and 8.6.4 *Design Requirements* provide the Town of Apex's Planning Director the ability to approve an alternative means of compliance for exterior lighting in cases where strict compliance with the UDO is not feasible. The amendments also allow building mounted light fixtures with lamps up to 15,500 lumens for loading docks of Industrial Service and Production uses in the TF Tech/Flex and LI Light Industrial zoning districts in order to improve safety.
2. The amendment to 12.2 *Terms Defined* updates the definition of "Built-Upon Area" to be consistent with that required by NC General Statute 143-214.7 and NC Session Law 2024-49.
3. The amendment to Sec. 8.7.1 *Permitted Signs: Location, Size and Number; Table 8.7.1* corrects a typographical error regarding the permitted locations for On-premises, Non-commercial Temporary Signs. The updated table now shows accurate information on whether a permit is required based on the type of use.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date



"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

Proclamation

Black History Month 2025

from the Office of the Mayor

WHEREAS, The Town of Apex recognizes and honors the rich cultural heritage and significant achievements of Black Americans and individuals of African descent, whose legacies have profoundly shaped our town, state, and nation; and,

WHEREAS, Black History Month, observed annually in February, offers an opportunity to reflect on the contributions, sacrifices, and enduring impact of Black Americans in all aspects of society, including civil rights, science, education, arts, business, and public service. The first celebration of Black History dates back nearly 100 years to 1926, when Carter G. Woodson sought to celebrate and honor the Black Americans who have helped to create the country we have today, despite the immense mistreatment they have endured throughout history; and,

WHEREAS, The Town of Apex acknowledges that Black history is American history, and it is vital to ensure that the stories and experiences of Black Americans are remembered, honored, and shared as an essential part of our collective identity; and,

WHEREAS, Apex has deep roots in Black History, as many influential Black individuals have helped to shape our Town: Clarice Atwater was the first Black, Female Commissioner to serve on the Town's Board of Commissioners from 1981 through 1993; Whalen Matthews was the first Black business owner to own and operate a business in Downtown Apex; and John Wayne Beckwith became the first Black Police Officer to serve in the Apex Police Department; and,

WHEREAS, Other prominent Black individuals in Apex's history include Sarah and Reverend William Davis, who were considered voices of hope for the Black community in Apex, and Abraham and Correna Justice, who developed their land in order to provide homes for the Black community in what became known as Justice Heights, so named in honor of their generosity and selflessness. These individuals, among countless others, helped pave the way for future generations to be comprised of leaders from all races and backgrounds in our town; and; and,

WHEREAS, Our town is home to several historically Black churches that have served Apex and our community of people in numerous ways, including Christian Home Christian Church, St. Mary's AME Church, and Apex First Baptist Church. These churches have served as a safe place to worship, pray, and be a beacon of hope of many believers over the years; and,



"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

WHEREAS, The Town of Apex is incredibly proud of its Black community leaders, many of whom have come together to bring significant celebrations of Black history and culture to Apex, such as the Dr. Martin Luther King, Jr. Day Committee, and the Juneteenth Committee. These celebrations bring Apex together and enhance our historical and cultural understanding; and,

WHEREAS, Throughout the month, the Town will celebrate Black History Month with educational programs and cultural events to honor the past, inspire the present, and build a future that reflects the ideals of justice, equality, and opportunity for all; and,

WHEREAS, While progress still remains in the journey for this future, the Town of Apex is committed to doing its part in lifting up individuals and organizations who seek to advocate and fight for advancements toward racial equality in our nation.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the Month of February, 2025, "Black History Month" in the Town of Apex, and encourage residents to remain open-minded in learning more about Black history, and join me in committing to a more inclusive future for all, in our Town and beyond.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 28th day of January 2025

Jacques Gilbert, Mayor



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 28, 2025

Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget & Performance Management

Requested Motion

Public Hearing to receive citizen input regarding the formulation of the Fiscal Year 2025-2026 Annual Operating Budget - First Public Hearing.

Approval Recommended?

Yes

Item Details

It has been the custom of the Apex Town Council to hold a Public Hearing in advance of the preparation of the proposed Annual Budget so that comments and suggestions of citizens can be considered while the budget document is formulated. This Pre-Budget Hearing has been advertised on the Town's website, social media, and posted in the lobby at Town Hall. A budget prioritization tool for citizen input has been developed and will be available on the Town's website.

The tool consists of a short survey that classifies focus areas under the Town's 5 strategic goals (High Performing Government, A Welcoming Community, Environmental Leadership, Economic Vitality and Responsible Development) allows the public to rank components of each in order of importance to them. The results will be provided to Town Council at their annual retreat.

Any written comments received by USPS or through the advertised special email address, annual.budget@apexnc.org, will be forwarded to Town Council.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 28, 2025

Item Details

Presenter(s): Angela Reincke, Parks Planning Manager

Department(s): Parks, Recreation & Cultural Resources

Requested Motion

Possible Motion to adopt the Master Plan for Parks, Recreation, Cultural Resources, Greenways, and Open Space.

Approval Recommended?

Yes

Item Details

The Master Plan for PRCRGOS was reviewed during a public hearing May 9, 2023. At the time there was a presentation and discussion of the overall plan and process by consultant McAdams Co staff and Parks Planning Manager, Angela Reincke. It has been determined that the Legal notice published did not adequately provide information required to meet the provisions of North Carolina General Statutes §160A-601 and the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11. Therefor the Master Plan was noticed for this public hearing for official adoption by the Town Council.

Attachments

- PH2-A1: Staff Report - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Implementation + Action Plan
- PH2-A2: Planning Board Report to Town Council - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Implementation + Action Plan
- PH2-A3: Attachment 1 - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Executive Summary
- PH2-A4: Attachment 2 - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Implementation + Action Plan
- PH2-A5: Public Notice - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Implementation + Action Plan



STAFF REPORT

Town of Apex Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space

January 28, 2025 Town Council Meeting



In 2021, The Town of Apex, Parks, Recreation and Cultural Resources staff began an update to the Parks, Recreation, Greenways and Open Space Master Plan (PRGOS Master Plan). The PRGOS Master Plan was adopted in 2014. The newly-titled Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space (Master Plan) was prepared for the Town by McAdams Co. to span the 2023-2033 timeframe. The purpose of the public hearing is to consider adoption of the proposed Master Plan.

The Master Plan serves as the guide for the Parks, Recreation and Cultural Resource (PRCR) Department for the 10-year planning horizon. On May 9, 2023, Master Plan Map amendments adding two new categories for the identification and acquisition of property for future parks and indoor recreation facilities and Transportation Plan amendments related to public greenways and street-side greenways were adopted by Town Council. While the Master Plan was presented and discussed, the advertisement for the Public Hearing did not appropriately identify the adoption of the Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space. This public hearing is to formally adopt the Master Plan pursuant to the provisions of North Carolina General Statutes §160A-601 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11.

The planning process for the Master Plan began in late 2021 with data collection and analysis of existing conditions. The process included establishing goals, developing guiding principles and recommendations, and developing an action plan. It was guided by Town staff; Apex residents; Town Council; the Parks, Recreation and Cultural Resources Advisory Commission (Advisory Commission); County staff; and adjacent municipality staff, among others.

The Apex community was engaged through social media posts, signage, direct mail invitations, and the project webpage, along with numerous opportunities for public input including the following:

Type of Event	Number of Events held
Focus Group Meetings	4
Asset Mapping Sessions	3
Visioning Workshops	3
Draft Recommendations Sessions	3
Open Houses	2
Special Events	2
Online Questionnaire Survey	1
Scientific Survey	1
West Street Park Community Engagement	1

The resulting draft Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space (Executive Summary and Implementation + Action Plan) is attached for review and consideration.

STAFF REPORT

Town of Apex Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space

January 28, 2025 Town Council Meeting



Staff Recommendation:

Parks, Recreation, and Cultural Resources Department staff recommend approval of the proposed Master Plan.

Parks, Recreation, and Cultural Resources Advisory Commission Recommendation:

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed Master Plan at their November 30, 2022 meeting.

Planning Board Input: The Planning Board heard this item at their January 13, 2025 meeting and unanimously recommended approval.

Attachments:

Attachment 1 - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Executive Summary

Attachment 2 - Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space- Implementation + Action Plan

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: January 13, 2025



Long range plan(s) proposed to be amended:

Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space.

Description of the proposed amendment(s):

Adoption of the Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space. The Master Plan map amendments associated with the Master Plan were adopted by Town Council on May 9, 2023.

Planning Board recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: ~~Daniel Khodaparast~~ *Jeff Hastings*

☒ Approval of the proposed amendment(s) as presented

☐ Approval of the proposed amendment(s) with the following conditions or changes:

** Dianne F. Khin for Tina Sherman*

☐ Denial of the proposed amendment(s)

With 9 Planning Board member(s) voting "aye"

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

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13th day of January 2025.

Attest:

[Signature]
Tina Sherman, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2025.01.13 17:11:33
-05'00'

Dianne Khin, Planning Director



EXECUTIVE SUMMARY







The Town of Apex embodies its slogan, ‘The Peak of Good Living’. Apex is a rapidly growing town, committed to its small-town charm, community connections, and civic pride. Its beautiful parks provide active recreation coupled with an immersive experience in nature. Visitors flock to Apex to enjoy unique amenities like the Rodgers Family Skate Plaza, Elevate Fitness Course, special events like PeakFest, and facilities like the Halle Cultural Arts Center. It is no surprise that the Town has consistently received accolades such as Best Place to Live, and Top Ten Best Towns. The Parks, Recreation and Cultural Resources Department plays a major role in making the town the ideal place to live, work, and play.

The Town of Apex is a desirable place to put down roots—which has led to its rapid growth. As Apex has grown, the demographic make-up has changed, creating new interests and needs for recreation and cultural offerings beyond traditional programming. The Town is enthusiastic about expanding traditional recreation with more contemporary, forward-looking opportunities that serve all Apex residents, attract visitors, and create experiences that are uniquely Apex.



Figure ES.2 - Greenway Trail

Envision the Future of Parks, Recreation and Cultural Resources

The Town of Apex completed the previous Parks, Recreation and Cultural Resources (PRCR) Master Plan in 2013. In 2021, the Town embarked on the journey to update the previous plan and guide the vision for the Department over the next 10-year planning horizon.

The updated master plan acknowledges the shifts in demographics, growth patterns, and recreation trends and contextualizes these trends for the Town of Apex. It proposes a visionary path to enhance current parks and recreation services, ways to invest in new initiatives, and identifies projects to transform the scene of recreation for Apex residents and visitors by 2031.

The 2023-2033 comprehensive master plan for parks, recreation, cultural resources, greenways, and open space identified eight (8) goals for the planning process.

Goals



- › Replace the 2013 PRGOS Master Plan
- › Identify community values
- › Define the parks system's role in the future of the Town of Apex
- › Develop a resource for elected officials, other town departments, and the public to guide future actions
- › Provide a framework for the PRCR Department
- › Guide improvements to current parks system
- › Accommodate additional demand by new residents
- › Develop the action and implementation plan
- › Qualify to access certain state and national funding sources



1800+

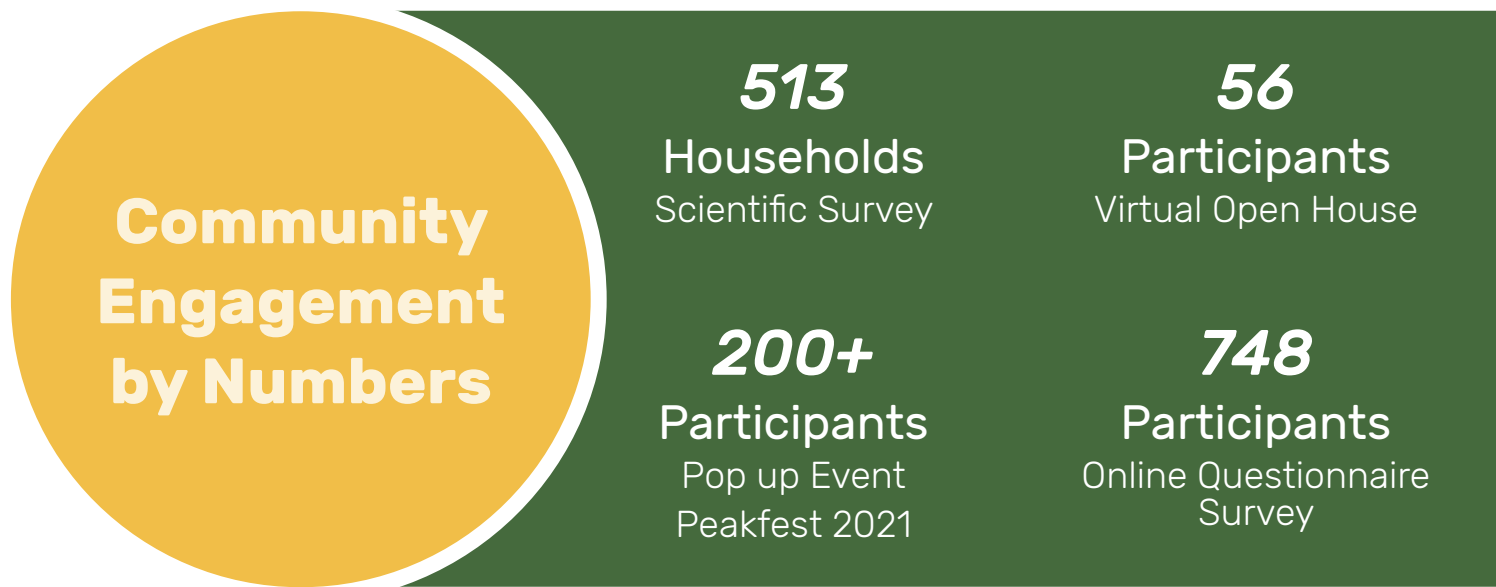
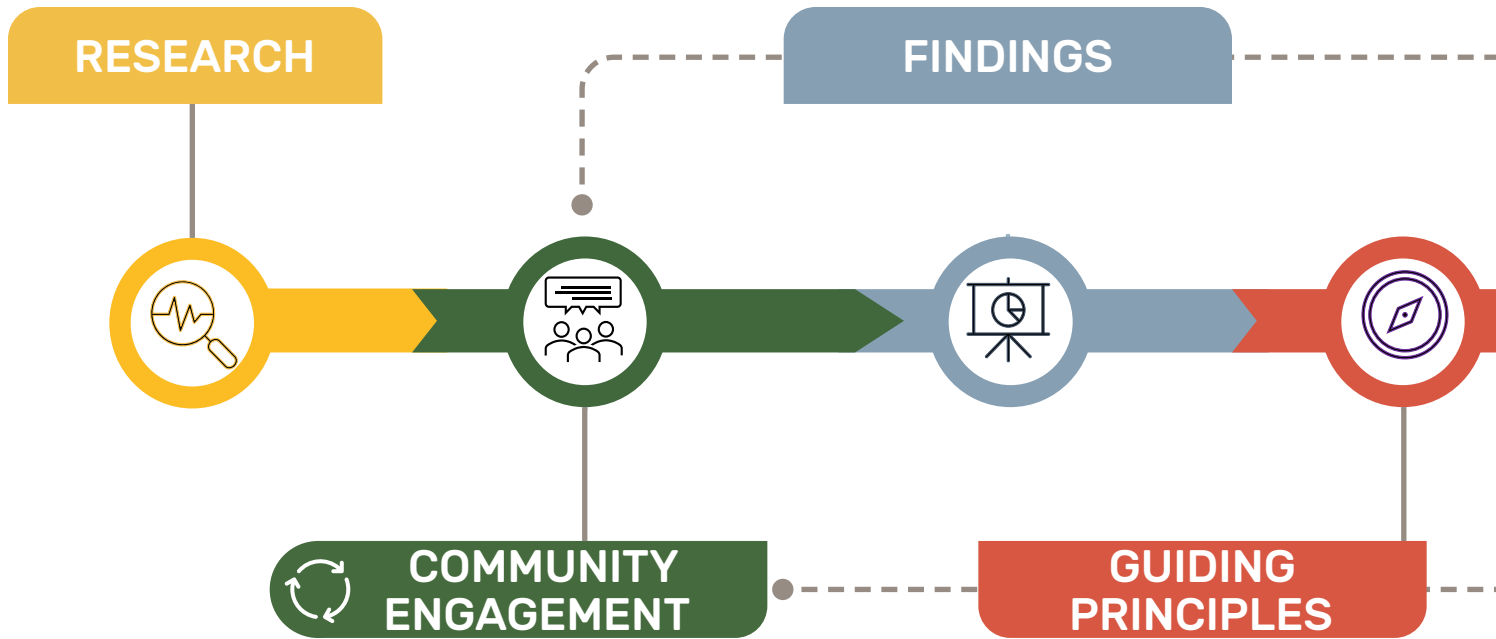
The planning process included more than 1,800 touch points with the community, advisory commission, Town staff, and Town Council combined.

- 3- Asset Mapping Sessions
- 2- Open Houses
- 2- Special Events
- 1- Online Questionnaire Survey
- 1- Scientific Survey
- 4- Focus Group Meetings
- 3- Visioning Workshops
- 3- Draft Recommendations Sessions
- 1- West Street Park Community Engagement

The Town of Apex initiated the planning process in 2021 to answer three critical questions:

- › Where are we currently as the PRCR Department?
- › Where do we want to go?
- › How do we get there?

Through this process, the Department identified gaps and uncharted opportunities, and set up aspirational goals to be achieved over the next ten-year planning horizon. The goals and recommendations are validated through a robust community engagement process and feedback from the Town Council, Advisory Commission, and PRCR Department Staff.



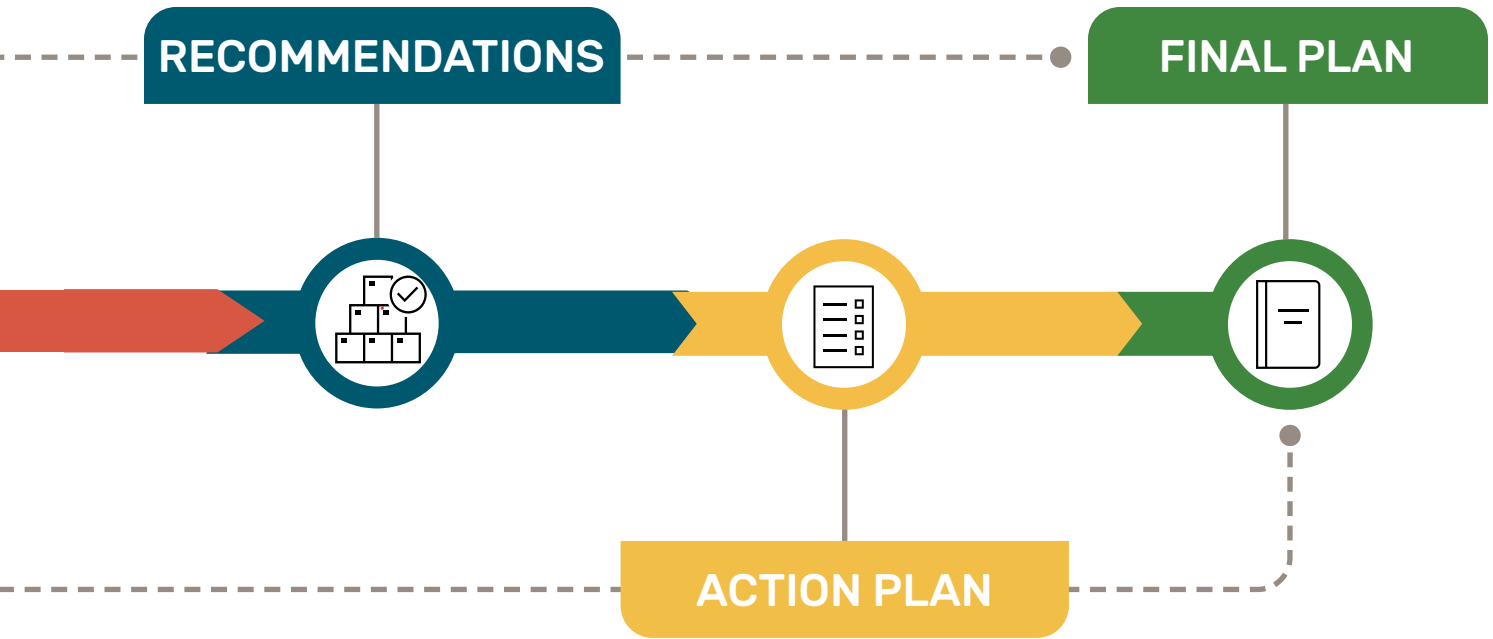


Figure ES.3 -Planning Process



Figure ES.4 Community Engagement by Numbers

State of the System

GREENWAYS ASSESSMENT

- › Evolving and expanding system
- › Town's and community's central focus on connectivity to destinations
- › Development-constructed greenways as new projects are built in Town
- › Challenges upkeeping older sections and managing new ones
- › Design standards are being implemented on new sections

ACCESS TO FACILITIES



53% - Residents drive to access greenways and parks

DESIRE FOR DESTINATIONS



68% - Other Greenways



65% - Natural areas + Open Space



64% - Parks + Playgrounds

REASONS FOR NOT USING GREENWAYS



38% - Lack of safe connections



32% - Lack of information



32% - Lack of destinations

What We Heard...



State of the System

PARKLAND ASSESSMENT

- › Equitable park distribution
- › Acquisitions in high growth areas
- › Well-maintained high-quality park amenities with diverse programming
- › Well loved, high demand, and aging facilities
- › High demand for rentals and organized activities



99% - Agree that parks add to the quality of life



91% - Agree that Apex parks are safe



91% - Are supportive of improving / upkeeping existing facilities

What We Heard...

PRIORITY INVESTMENT RATING FOR FACILITIES



State of the System

INDOOR RECREATION SPACE + PROGRAMMING ASSESSMENT

- › Town of Apex currently has 86, 294 sq. ft. of indoor recreation space concentrated in the town core and current level of service is 1.37 Sq.Ft/ capita.
- › These facilities include a community center, a senior center, and a historic cultural arts center.
- › The senior center was opened at Town campus in November 2021.
- › The community center is in great condition. As most senior programs shift to the senior center, there is an opportunity to expand programming at the community center.
- › The renovated Halle Cultural Arts Center is a unique destination in downtown Apex.



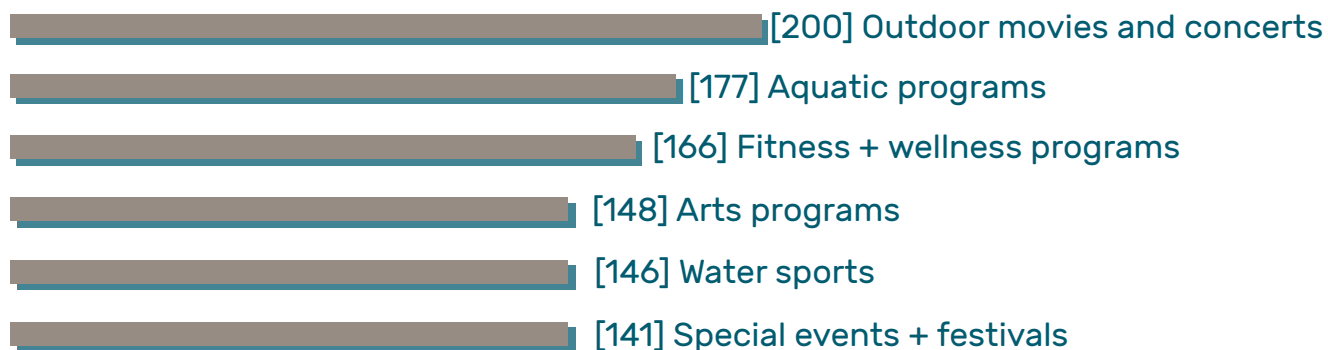
97% - Rate programs/ events high quality



55% - Prioritize developing sense of community through parks and recreation

What We Heard...

PRIORITY INVESTMENT RATING FOR PROGRAMMING







Plan Framework

The Town of Apex community places high value on aspirational goals. This plan's recommendations and implementation strategies are based on the aspirations, expectations, and priorities shared by the community. The year-long planning process was established on the tiered framework of themes, guiding principles, recommendations, and action items, all rooted in the community values that Apex residents shared throughout the planning process.





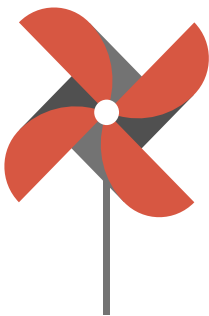
Themes

Three themes emerged from the robust community engagement:

- › Expand
- › Experience
- › Excel

APEXpand

Apex residents would like to **Expand** the Town's offerings with additional parkland, recreational programming, and a more connected greenway system while developing environmental stewardship programs and opportunities to strengthen the culture of belonging.



APEXperience

Residents want to **Experience** unique amenities and programs for all ages, abilities and interest that encourage a healthy lifestyle, explore cultural avenues and provide a strong sense of community.

APEXcel

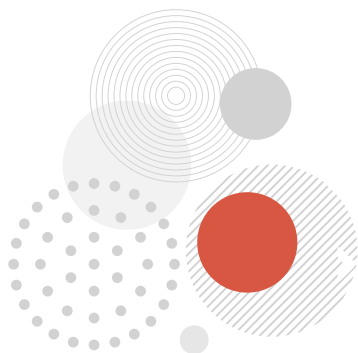
Residents want to see the PRCR Department **Excel** in operational efficiencies, outstanding customer service, and best-in-class programming and facilities.



Guiding Principles

Each guiding principle is tied to a particular theme. These guiding principles were derived from the needs and desires of the residents shared during the community engagement process, along with the input received from the Advisory Commission, Town Council, and PRCR Department staff.

Nine guiding principles emerged through the robust community engagement process. The guiding principles provide the roadmap for the future of Apex Parks, Recreation and Cultural Resources. Because the themes and guiding principles are rooted in the community values, they rarely change over the 10-year planning horizon set for the project. The project priorities may change, but the guiding principles are the foundational elements for decision-making.



THEME - APEXpand



CONNECTIVITY

Prioritize interconnected public realm through greenways, bikeways, and transportation.

Apex residents have expressed a strong desire for expanding the greenway system and connectivity to destinations including parks, natural areas, and open space.

- › Implement the proposed greenway network plan to improve access to parks, nearby greenways, and other local and regional destinations.
- › Prioritize completion of greenway corridors that meet the highest levels of criteria established in the prioritization matrix.
- › Encourage and support greenway use through placemaking strategies.
- › Evaluate performance of the greenway network annually.



RECREATION OFFERINGS

Expand recreation offerings to attract new participants, retain current ones, and meet the needs of diverse demographics of Apex.

Apex residents have expressed a strong desire for a variety of program offerings that inspire people to try something new and provide opportunities for varying interests.

- › Acquire 193 additional acres to continue to provide 10 ac/ 1000 pop. Level of Service standard.
- › Build 39,084 sq. ft. of additional indoor facility space by 2031.
- › Develop the existing vacant parkland to continue to provide recreation offerings for the growing population.
- › Continue to invest in existing parks and facilities to meet community priorities.
- › Continue to offer diverse recreation programs for growing and changing demographics of Apex.
- › Effectively manage and operate the core program areas.



ENVIRONMENTAL STEWARDSHIP

Expand efforts to protect the natural assets and collaborate on town-wide sustainability efforts.

Apex residents value access to natural areas and understand the positive health outcomes it provides. A desire for environmentally sustainable operations and a need for environmental education programming was mentioned.

- › Acquire 65 acres of conservation lands by 2031.
- › Promote environmental stewardship through park and facilities design and focus on environmentally sustainable operating practices.
- › Continue to support town-wide initiatives for energy conservation through parks and recreation.
- › Focus on nature-based programming to generate environmental awareness.

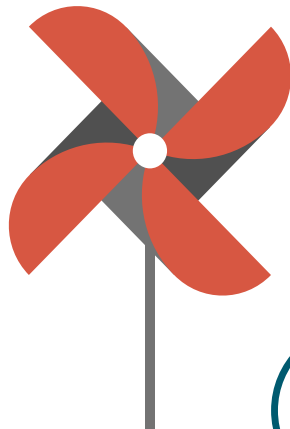


CULTURE OF BELONGING

Nurture the culture of belonging by prioritizing inclusion, diversity, equity, and accessibility.

Apex residents consider diverse parks and recreation offerings for all ages and ability levels as an asset to the community. Expanding cultural events to celebrate the diversity of demographics was indicated as a future need.

- › Achieve equitable access to parks, facilities, and programs for all Apex residents.
- › Support special events and programs that represent diverse cultures in Apex.
- › Continue to provide age targeted recreation programs that appeal to diverse interest groups.
- › Prioritize PLAY opportunities for all ages and abilities.
- › Prioritize placemaking strategies to create welcoming spaces that attract a wide range of participants.



THEME - **APEXperience**



HEALTH + WELLBEING

Support health and wellbeing of Apex residents through parks and recreation.

Apex residents ranked fitness and wellness programs as one of the top priorities for investment and there is a town-wide consensus that parks and recreation has a positive effect on the community's health and quality of life.

- › Encourage development of amenities and programs that provide physical, social, and mental health benefits.
- › Promote access to healthy lifestyle choices.



SENSE OF COMMUNITY

Provide a chance for people to socialize, form friendships, and discover common grounds.

Apex residents indicated creating connections and developing a sense of community should be one of the most important considerations when prioritizing parks and recreation investments. Parks provide a chance for social cohesion where people get to know each other and feel inspired.

- › Provide opportunities for residents to connect with each other and encourage social interaction.



UNIQUE TO APEX

Reflect on Apex's culture and history through the design of spaces that are unique, innovative, and imageable.

Apex residents want to see innovative programs and amenities that attract out of town visitors to Apex as a way to generate economic impact.

- › Continue to offer cultural arts programming to appeal to diverse interest groups and cultural backgrounds.
- › Promote "unique to Apex" theme while designing new parks and amenities.





THEME - **APEXcel**



OPERATIONS EFFICIENCY

Achieve organizational excellence by implementing business practices that enhance efficiency, staff satisfaction, and economic vitality.

Apex residents recognize that as the town continues to grow, there is a need for additional staff, resources, and a desire to be competitive with other recreation providers in the area.

- › Streamline recreation program management through best practices, tracking, and fees policy updates.
- › Achieve operations efficiency through sound maintenance and management practices.
- › Invest in staffing resources and staff satisfaction to achieve departmental operations efficiency.
- › Seek strategic partnerships with third party providers to expand Department's capacity to provide competitive services.
- › Implement capital improvements and operations through responsible funding sources.



CUSTOMER SERVICE

Provide outstanding customer service through streamlined communication and marketing efforts.

Apex residents consider PRCR staff an asset to the community for excellent customer service. PRCR staff indicated the desire for streamlined marketing efforts, enhanced online presence, and staff empowerment to excel in customer service.

- › Provide high quality customer service through enhanced communication and outreach.
- › Establish a volunteer program to engage residents in parks and recreation services and develop a sense of ownership within the community.



Imple- mentation

This plan sets forth implementation guidelines for use as a decision-making tool for staff and elected officials. This approach informs and validates decisions through data and community values, leading to defensible and high performing projects implemented through consensus among stakeholders.

- › **Guiding Principles Compatibility**
- › **Community Needs**
- › **Parks System Advancement**
 - › Degree of Urgency
 - › Economic Impact
 - › Compatibility with Town policies and planning efforts including Advance Apex

PRIORITIZATION CRITERIA

The Master Plan for Apex's Parks, Recreation and Cultural Resources, Greenways, and Open Space aims to expand the opportunities for parks and recreation amenities and programming for the Apex community. Through a reality-based planning approach, the plan balances the current needs and desires of the residents with visionary and aspirational goals.

As the Town continues to grow, it must proactively plan to ensure the needs of the community will be met. Strategic planning that involves appropriate staffing allocation, funding resources, and effective business decisions will be required to implement the recommendations and action items suggested in this plan. Secondly, it will require systematic and regular assessment of current recreation provision, asset management, and management practices to ensure Department's sound operations. Thirdly, the Department will need to continue to collaborate with other Town departments, adjacent jurisdictions, Wake County, local businesses, special interests groups, and third-party recreation providers. Above all, the Department will require focus on its aspirational goals which will be achieved through visionary decisions, innovative actions, and measured risk-taking to support its motto 'The Peak of Good Living.'

**APEX
2033**

SNEAK PEEK AT TOWN OF APEX'S FUTURE PARKS SYSTEM TRANSFORMATIVE PROJECTS

	GUIDING PRINCIPLE	TRANSFORMATIVE PROJECTS
EXPAND	CONNECTIVITY	<ul style="list-style-type: none"> Start Design Development on the three recommended prioritized corridors. Complete Beaver Creek Corridor. Continue partnership with Wake County and Town of Holly Springs to complete Middle Creek Greenway Corridor.
	RECREATION OFFERINGS	<ul style="list-style-type: none"> Complete master plans for two new parks in western Apex and start construction. Complete plans for 2- recreation centers and the nature center and start construction on at least one. Acquire parkland per Veridea Park Master Plan for a new park and a recreation center in SE Apex.
	CULTURE OF BELONGING	<ul style="list-style-type: none"> Update fees and charges policy for programs and include need-based component. Update Kelly Road Park playground as inclusive play area.
	ENVIRONMENTAL STEWARDSHIP	<ul style="list-style-type: none"> Establish Department goals for sustainability within the framework of Town-wide initiatives.
EXPERIENCE	HEALTH + WELL-BEING	<ul style="list-style-type: none"> Develop options for in-person and online health and fitness programs. Promote park amenities that encourage active lifestyles.
	SENSE OF COMMUNITY	<ul style="list-style-type: none"> Complete renovations of Depot Plaza as downtown social hub destination.
	UNIQUE TO APEX	<ul style="list-style-type: none"> Complete renovations of historic Tunstall House. Develop town-wide Public Art Plan.
EXCEL	OPERATIONS EFFICIENCY	<ul style="list-style-type: none"> Develop formal volunteer program for PRCR Department.
	CUSTOMER SERVICE	<ul style="list-style-type: none"> Develop Marketing Plan.





11 | IMPLEMENTATION + ACTION PLAN

IN THIS CHAPTER

Introduction

Prioritization Guidelines

Implementation + Action Plan







The Town of Apex Parks, Recreation, Greenways and Open Space Master Plan proposes recommendations and action items that align with the themes and guiding principles developed through a robust community and staff engagement process and based on the strong foundation of community values. The action items address enhancements to existing services and implementing new amenities and programs over a ten-year planning horizon.

As the Town continues the implementation process over the next decade, many projects will evolve based on changing recreation trends, availability of funding, and the needs of a growing community. When there are many opportunities and competing interests, it is difficult for decision makers to prioritize and implement projects. Hence, this plan sets forth implementation guidelines for use as a decision-making tool for staff and elected officials. This approach informs and validates decisions through data and community values, leading to statistically-based projects and consensus among stakeholders.



Figure 11.1- Downtown Depot Plaza



PRIORITIZATION GUIDELINES

The proposed prioritization guidelines for project implementation described below encompass the master plan guiding principles, community needs, and parks system advancement. There are series of questions added to each section to help the Town make an informed decision as projects are identified or new projects emerge for implementation.

1. Guiding Principles Compatibility

This criterion will ensure that the projects considered for implementation are consistent with the guiding principles of the plan. Overlapping multiple guiding principles will generate benefits that span across the system covering all elements from environmental sustainability to economic impact. The following questions can help evaluate this criterion:

- a.** Does the project meet the needs of the growing community by providing recreation programs, special events, and unique amenities that are not currently available?
- b.** Does this project provide equitable access to parks and facilities for people of all ages and abilities and create inclusive environments for people of different cultures and ethnicities?
- c.** Does this project support health and wellbeing of the community members by providing amenities that encourage physical activity or reduce mental stress?
- d.** Does this project fill in the identified gaps to create a recreation system that connects key destinations within the Town via greenway trails and side paths? Does this project protect natural resources for its ecological and environmental benefits?
- e.** Does this project elevate the quality-of-life experience for Apex residents by strengthening the sense of community, identifying key partnerships, and achieving operational efficiency?

2. Community Needs

This criterion leverages the findings from the community engagement process undertaken during this project. Two major components of this criterion are findings from the scientific survey and the feedback received from various other groups as noted below:

- a.** Scientific survey results PIR ratings based on the unmet needs and the level of importance given to these needs by the participants
- b.** Public, focus groups, and advisory commission feedback received through various platforms

Following questions can help evaluate this criterion:

1. Is this project listed on the priority investment rating scale as mentioned in the scientific survey?
2. Is this project identified as a need by various groups in the public engagement process?



3. Parks System Advancement

The parks system advancement criterion is related to providing an excellent parks and recreation service and high-quality amenities and programs by addressing the detail technical project implementation questions. These questions are divided into following three categories as follows:

1. Degree of Urgency

- a. Does this project need attention to ensure public health, safety, and welfare?
- b. Does this project need attention to comply with current building codes and regulations?
- c. Will this project protect natural resources which otherwise may be lost if not addressed immediately?
- d. Is this project a unique opportunity resulting from other projects that may be lost if not taken as priority?

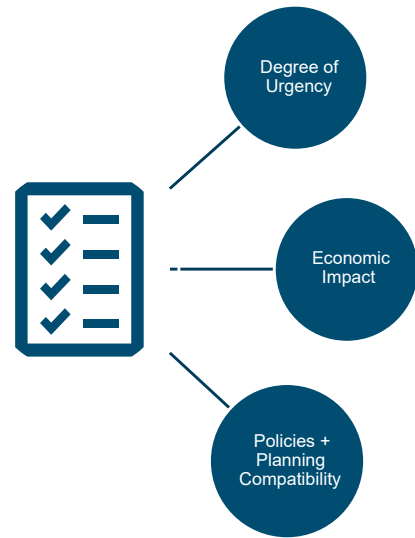


Figure 11.2- Park System Advancement

2. Economic Impact

- a. Will this project create long term operational efficiency and financial loss if not addressed promptly?
- b. Does this project generate revenue for the parks and recreation department?
- c. Does this project generate revenue through strategic partnerships or time sensitive grant funding opportunities?

3. Compatibility with Town policies and planning efforts

- a. Is this project compatible with the Future Land Use Plan?
- b. Does this project build upon other regional planning efforts to connect Apex residents to regional and state level recreation opportunities?
- c. Does this project address existing gaps in the system to achieve cohesive parks and recreation system?

FROM RECOMMENDATIONS TO ACTIONS + IMPLEMENTATION

The implementation plan is considered a 10-year work plan or a road map for the Town. The framework for the implementation plan is designed to show roles and responsibilities of the staff accountable for action items, actions from elected officials, and overall documentation of implementation progress.

There are three primary pathways to implement recommendations and action items- through policy guidance (PG), Development Ordinance (DO), and identification of capital projects and associated funding mechanisms (CF). Additionally, the fourth pathway suggested for this plan is Operational Advancements (OA) for the recommendations that refer to changes or improvements in departmental operations. Each action below is supported by the types of pathways the Town needs to take to implement the same. The majority of the recommendations and action items are supported by policy guidance, followed by identification of projects that need capital funding investment. The Unified Development Ordinance is referenced where the Town has established the codes that relate to action items. Furthermore, the responsibility section notes the department group responsible for implementation and identifies other departments the PRCR Department should continue to collaborate with.

RESPONSIBLE PRCR GROUPS	TOWN DEPARTMENTS COLLABORATION OPPORTUNITIES
PRCR Administration	Town Administration
Cultural Arts	Diversity, Equity, and Inclusion (DEI Department)
Recreation Programs (includes Community Center)	Economic Development
Senior Center	Planning and Community Development
Marketing	Public Works
Athletics Programs	Transportation Engineering
Parks and Planning (includes Pleasant Park)	Water Resources
Park Operations	

STATUS DESCRIPTION	EXPLANATION
Perpetual	The action item does not have an end date. It may be currently under progress and will continue to be implemented in perpetuity of this master plan.
In Progress	The action item is currently under progress and will have a definite end date.
On Hold	The action item is on hold.
Not Started	The action item implementation has not started.
Completed	The action item implementation has been completed.

The implementation plan also includes a status update on each of the action items to keep track of the progress and remove the action items from the plan once they are completed. The status categories include Perpetual, In Progress, On Hold, Not Started, and Completed. The Town can consider developing an “implementation plan team” to ensure accountability and consistent progress over the ten-year planning horizon. The implementation team will be responsible for congruency with other town-wide planning efforts, identifying priority capital projects and funding sources, and developing annual progress reports. An annual progress report is helpful for the Department’s internal operations and staff motivation as well as communicating the success to elected officials and public at large. It also sets the stage for next year’s project priorities, staffing, and funding allocations. The implementation team will also take account of any emerging issues, trends, community’s changing desires etc. in the annual report.



▲ Figure 11.3- Pleasant Park (Under Construction)



THEMES/ GUIDING PRINCIPLES	RECOMMENDATIONS	ACTION ITEMS	ACTION PATHWAY	RESPONSIBILITY	STATUS
1. EXPAND					
1.1 Connectivity: Prioritize interconnected public realm through greenways, bikeways, and transportation.					
1.1.1	Implement the proposed greenway network plan to improve access to parks, other greenways, and other local and regional destinations.	a. Build additional 12 plus miles of greenways in the next ten years to achieve a minimum level of service of 0.46 miles/ 1,000 population.	PG, DO, CF	Parks and Planning, Transportation Engineering, Planning & Community Dev., Public Works	In progress
		b. Continue inter-departmental collaborations on the bike-ped plan, transportation plan, and the PRGOS Master Plan to improve system-wide connectivity, implement recommended infrastructure, amenities, and policies outlined in adopted plans	PG	Parks and Planning and Parks, Recreation & Cultural Resources Advisory Commission	Perpetual
		c. Continue inter-jurisdictional collaborations to improve regional connectivity.	PG	Parks and Planning	Perpetual
		d. Address current gaps in the system to expand the network connectivity through side path, street side trail, and greenway development.	PG, DO, CF	Parks and Planning, Transportation engineering, Planning & Community Dev., Public Works	Perpetual
		e. Identify 'commuter corridors' to offer regional connectivity with major employment destinations.	PG	Parks and Planning	In Progress
		f. Coordinate with NCDOT Division 5 on future STIP projects to prioritize and construct sidepaths or greenways, safe connections, and intersection treatments in roadway projects. Construct grade-separated crossings or barrier protected bike/ped lanes on bridges as a betterment on NCDOT projects.	CF	Parks and Planning, Transportation engineering, Planning & Community Dev., NCDOT Div. 5, NCDOT IMD	Perpetual



1.1.1	Implement the proposed greenway network plan to improve access to parks, other greenways, and other local and regional destinations.	g. Develop a greenway work plan and construct greenway development as part of essential infrastructure development across the Town. Designate Town staff to lead implementation of plan recommendations.	PG, DO, CF	Parks and Planning, Transportation engineering, Planning & Community Dev., Public Works	Perpetual
		h. Develop a greenway work plan and construct greenway development as part of essential infrastructure development across the Town. Designate Town staff to lead implementation of plan recommendations.	OA, CF	Parks and Planning, Transportation engineering, Planning & Community Dev., Public Works	Not Started
		i. Develop funding strategies and allocate funding for greenway development annually and seek funding opportunities for right-of-way acquisitions, easement acquisitions proactively.	CF	PRCR Administration, Town Administration, Parks and Planning, CAMPO, Wake County, NCDOT IMD	Perpetual
1.1.2	Prioritize completion of greenway corridors that meet most criteria established in the prioritization matrix.	a. Use the prioritization criteria (Step 1: Feasibility; Step 2: Prepare cost analysis) to inform decisions regarding prioritization for project implementation.	PG	Parks and Planning	In Progress
		b. Conduct feasibility studies for the high priority greenway projects.	PG, CF	Parks and Planning, NCDOT, regional partners, adjacent municipalities	In Progress
		c. Following feasibility study completion, score high-priority greenway corridors for design development and construction funding using the prioritization criteria developed through the Master Plan update.	CF	Parks and Planning, Transportation engineering, Planning & Community Dev., Public Works	Not Started
		d. Staff should analyze budget annually using the two-step prioritization criteria.	PG, CF	Parks and Planning	Not Started
1.1.3	Encourage and support greenway use through placemaking strategies.	a. Use placemaking strategies to enhance user experience along greenway nodes and trail head locations.	PG, CF	Parks and Planning	Perpetual



1.1.3 (cont.)	Encourage and support greenway use through placemaking strategies.	b. Develop a hierarchical system of trail heads and identify amenities associated with each such as restrooms, weather shelter, parking, drinking water, public art etc.	PG, CF	Parks and Planning	Not Started
		c. Provide easy access to amenities (e.g., rest rooms, drinking water, seating areas, mile markers etc.) to encourage fitness and health outcomes.	OA, CF	Parks and Planning, Public Works, Parks Operations	Not Started
		d. Develop a Greenway Maintenance & Operations Plan and allocate resources for maintenance of aging sections as part of the asset management plan.	PG, CF	Parks and Planning, Recreation Programs, Marketing	Not Started
		e. Incorporate digital capabilities such as QR codes on greenway signage, bike rentals, and phone apps to encourage greenway use	CF	Parks and Planning, Recreation Programs	Not Started
		f. Facilitate and participate in programs and events such as bike rodeos, traffic gardens, and other educational programming, group walks and bike rides, nature hikes, etc. to attract new users	PG, DC, CF	Parks and Planning, Planning & Community Dev.	Perpetual
		g. Ensure connectivity to internal parks trails from greenway corridors.	CF	Parks and Planning	Perpetual
		h. Continue to implement the current wayfinding signage along new greenway corridors.	PG, CF	Parks and Planning	Not Started
1.1.4	Evaluate performance of the greenway network annually.	a. Use placemaking strategies to enhance user experience along greenway nodes and trail head locations.	OA	Parks and Planning	Not Started
		b. Coordinate with NCDOT IMD to participate in the Bicycle and Pedestrian Count Program.	OA	Parks and Planning	Not Started



1. EXPAND					
1.2 Recreation offerings: Expand recreation offerings to attract new participants, retain current ones, and meet the needs of diverse and growing demographics of Apex.					
Parks and Facilities Recommendations					
1.2.1	Acquire 193 additional acres to continue to provide 10 ac/ 1000 pop. Level of Service standard.	a. Adopt the LOS standard of 10 acres/1,000 population.	PG, DO	PRCR Administration	Not Started
		b. Target land acquisition in the areas identified in the parks search areas map.	PG	Parks and Planning	Not Started
		c. Encourage developable land dedication instead of fee-in-lieu provision within the park search areas	PG	PRCR Administration, Parks and Planning	Not Started
1.2.2	Build 39,084 sq. ft. of additional indoor facility space by 2031.	a. Conduct feasibility studies to determine indoor programming needs at the existing undeveloped parkland and investigate partnership opportunities to allow flexibility in the number of new indoor facilities.	CF	Parks and Planning	Not Started
		b. Build Nature Center per Nature Park plans to meet demands for environmental educational programming and community space.	CF	Parks and Planning	In Progress
		c. Develop business plans prior to developing new indoor facilities to identify amenity and programming needs, staff needs, office spaces, and fees.	CF	Parks and Planning	Not Started
1.2.3	Develop the existing vacant parkland to continue to provide recreation offerings for growing population.	a. Develop master plans for the two recently acquired vacant parkland properties.	CF	Parks and Planning	Not Started
		b. Complete full build out of Pleasant Park facility per approved plans.	CF	Parks and Planning	Ongoing
		c. Leverage community input, PIR findings, and level of service standards to provide additional park amenities such as new sports courts and additional playgrounds.	CF	Parks and Planning	Not Started



1.2.3 (cont.)	Develop the existing vacant parkland to continue to provide recreation offerings for growing population.	d. Update current land acquisition and fee-in-lieu policy and conduct a fee study for identifying and prioritizing land acquisition for future parks and open space and recreational amenities including greenways.	PG	PRCR Administration, Parks and Planning, Athletic Programs, Recreation Programs	Not Started
		e. Consider recreation trends amongst diverse Apex populations to plan for new amenities in parks.	PG, OA	Parks and Planning	Perpetual
1.2.4	Continue to invest in existing parks and facilities to meet community priorities.	a. Regularly assess existing parks and facilities for renovations and park activation through new innovative amenities and programs to continue to attract visitors.	CF	Parks and Planning, Athletic Programs, Recreation Programs	Perpetual
		b. Adopt total cost of service/ ownership model to anticipate capital investment and operations + maintenance costs for aging facilities.	PG	PRCR Administration, Parks and Planning	Not Started
		c. Implement the site specific and facility specific recommendations outlined in this plan to respond to diverse recreation interests.	CF	Parks and Planning	In Progress
		d. Consider revenue generating potential of facilities such as the Halle Cultural Arts Center through provision of concessions.	PG, CF	Parks and Planning, Cultural Arts	Not Started
		e. Streamline the reservation processes for sports fields to optimize their use for league play and open play.	CF, OA	Athletic Programs	Not Started
		f. Consider developing business plans for existing and future parks and facilities.	CF	Parks and Planning	Not Started

Programming Recommendations

1.2.5	Continue to offer diverse recreation programs for growing and changing demographics of Apex.	a. Continue to provide existing programs: special events and festivals, senior programs, athletic sports and non-athletic fitness programs, arts, environmental education, and age-appropriate interests.	CF	Athletic Programs, Recreation Programs, Cultural Arts	Perpetual
--------------	--	--	----	---	-----------



		b. Consider nation-wide recreation trends to test new programs offerings.	CF, OA	Athletic Programs, Recreation Programs	Perpetual
		c. Partner with community groups and volunteers to offer small scale, neighborhood level special programs such as arts and crafts, movies, pop-up play, and fitness programs.	CF	Recreation Programs	Not Started
1.2.6	Effectively manage and operate the core program areas.	a. Evaluate core program areas and individual programs annually to ensure offerings are relevant to evolving demographics and local recreation trends.	OA	Athletic Programs, Recreation Programs	Not Started
		b. Establish Program lifecycle analysis process to ensure balanced distribution of programs annually.	OA	Athletic Programs, Recreation Programs, Cultural Arts	Not Started
		c. Establish annual performance measures for each core program area to track program success.	OA	Athletic Programs, Recreation Programs, Cultural Arts	Not Started
		d. Develop sound fees and charges policy based on program service level.	OA	PRCR Administration, Athletic Programs, Recreation Programs, Cultural Arts	Not Started
		e. Balance cost recovery goals with seeking funding through tax dollars, grants, and sponsorships.	OA	PRCR Administration, Athletic Programs, Recreation Programs, Cultural Arts	Not Started
1. EXPAND					
1.3. Culture of Belonging: Nurture the culture of belonging by prioritizing inclusion, diversity, equity, and accessibility.					
1.3.1	Achieve equitable access to parks, facilities, and programs for all Apex residents.	a. Ensure equitable geographic distribution of parks and facilities throughout Apex.	PG	Parks and Planning	Perpetual



1.3.1 (cont.)	Achieve equitable access to parks, facilities, and programs for all Apex residents.	b. Consider nation-wide recreation trends to test new programs offerings.	PG	Parks and Planning	Perpetual
		c. Improve accessibility to all parks and recreation facilities for all abilities.	CF, PG	Parks and Planning	Perpetual
		d. Develop need-based fees and charges policy to ensure fair and equitable access to high quality programs for all residents.	PG	PRCR Admin., Athletic Programs, Recreation Programs, Cultural Arts	Not Started
		e. Consider multi-modal transportation options such as greenway access, side paths, and public transport to improve access to parks and programs including special events.	CF, PG	Parks and Planning	In Progress
1.3.2	Support special events and programs that represent diverse cultures in Apex.	a. Evaluate if the needs of all segments of populations are being met through programming and marketing plan through community feedback, annual surveys, program participation evaluation forms, etc.	OA, PG	Athletic Programs, Recreation Programs, Cultural Arts, Senior Center, Marketing	Not Started
		b. Continue to expand culturally diverse programs for Town's growing population.	PG, CF	Recreation Programs, Cultural Arts	Perpetual
		c. Offer new outdoor special events and festivals to expand on the current offerings.	PG, CF	Recreation Programs, Cultural Arts	In Progress
		d. Partner with DEI Department to find common goals to reach minority and underserved population in Apex.	OA	PRCR Administration, DEI Department	Not Started
		e. Ensure diverse demographic representation on Boards and Commissions.	OA	Cultural Arts	Not Started



1.3.3	Continue to provide age targeted recreation programs that appeal to diverse interest groups.	a. Expand multi-generational programs to attract wider range of age groups.	CF	Athletic Programs, Recreation Programs, Cultural Arts, Senior Center	Perpetual
		b. Prioritize teen programs that are fun, educational, and encourage positive social interaction.	CF	Athletic Programs, Recreation Programs, Cultural Arts	Perpetual
		c. Provide opportunities for teens to volunteer, earn community service hours for high school and educate on professional opportunities.	CF	Athletic Programs, Recreation Programs, Cultural Arts	Perpetual
		d. Offer trending recreation programs to attract new teens to participate.	CF	Athletic Programs, Recreation Programs, Cultural Arts	Not Started
		e. Involve teens in community engagement process for designing new parks and amenities.	CF	Parks and Planning	In Progress
		f. Expand indoor and outdoor recreation opportunities for seniors through the recently developed senior center facility.	CF	Senior Center	In Progress
		g. Develop new fitness and sports programs for active adults.	CF	Senior Center	In Progress
		h. Develop virtual, after hours, and weekend programs to allow flexibility to participate.	CF	Athletic Programs, Recreation Programs, Cultural Arts, Senior Center	In Progress
		i. Evaluate youth camp options as additional facility space becomes available.	CF	Athletic Programs, Recreation Programs, Cultural Arts, Senior Center	Not Started
1.3.4	Prioritize PLAY opportunities for all ages and abilities.	a. Renovate existing play areas to address the needs of all ability users.	CF	Parks and Planning	Not Started
		b. Use inclusive and universal design principles to design play areas to allow use by all ages and abilities.	CF, PG	Parks and Planning	Perpetual



1.3.4 (cont.)	Prioritize PLAY opportunities for all ages and abilities.	c. Consider pop-up play opportunities in areas where there are gaps in providing play opportunities.	CF, PG	Parks and Planning	Perpetual
		d. Provide access to natural areas to encourage unstructured play opportunities.	CF	Parks and Planning	Not Started
		c. Provide opportunities for teens to volunteer, earn community service hours for high school and educate on professional opportunities.	CF	Parks and Planning	Not Started
1.3.5	Prioritize placemaking strategies to create welcoming spaces that attract wide range of participants.	a. Continue to facilitate meaningful community engagement on parks and recreation initiatives.	CF, PG	Parks and Planning	Perpetual
		b. Recognize the needs of different cultures on the use of outdoor spaces and allow flexibility in the design to address their needs.	CF, PG	Parks and Planning	Perpetual
		c. Enhance user experience and comfort by ensuring balance of sunny and shaded areas, seating options, places for socialization and solitude, access to restrooms and water, and incorporating Crime Prevention Through Environmental Design (CPTED) principles to increase the perception of safety.	CF	Parks and Planning	Perpetual

1. EXPAND

1.4 Environmental Stewardship: Expand efforts to protect the natural assets and collaborate on town-wide sustainability efforts.

1.4.1	Acquire 65 acres as conservation lands by 2031.	a. Adopt the level of service standard 70:30 ratio of developed parkland to conservation lands.	c.	Undertake cross-departmental efforts to develop a connected network of conservation lands to preserve ecological functionality, habitat protection, and biodiversity.	In Progress
		b. Work with the development community to identify strategic areas for conservation land acquisition.	CF	Athletic Programs, Recreation Programs, Cultural Arts, Senior Center	Not Started



1.4.1 (cont.)	Acquire 65 acres as conservation lands by 2031.	c. Undertake cross-departmental efforts to develop a connected network of conservation lands to preserve ecological functionality, habitat protection, and biodiversity.	CF, PG	Parks and Planning	Perpetual
		d. Implement best practices in environmentally sustainable site and building design and natural resources protection.	PG, CF	PRCR Administration	Perpetual
		e. Improve ecological value of parks through native vegetation, tree canopy protection, and protection of creeks and wetland areas.	PG, CF	Parks and Planning, Water Resources	Perpetual
		f. Adopt green infrastructure elements to improve water quality.	PG, CF	Parks + Planning, Water Resources	Perpetual
		g. Incorporate solar power and other renewable energy sources in the design where appropriate to provide energy sources such as charging stations, low voltage lighting, as well as park buildings.	PG, CF	Parks and Planning, Park Operations	Perpetual
		c. Enhance user experience and comfort by ensuring balance of sunny and shaded areas, seating options, places for socialization and solitude, access to restrooms and water, and incorporating Crime Prevention Through Environmental Design (CPTED) principles to increase the perception of safety.	CF	Parks and Planning	Perpetual
1.4.2	Continue to support town-wide initiatives for energy conservation through parks and recreation.	a. Encourage and incorporate waste reduction strategies through provision of recycling and composting options.	PG, CF	PRCR Administration, Park Operations	Perpetual
		b. Develop department-wide goals to reduce resource consumption and carbon emissions.	PG, CF	PRCR Administration, Park Operations	Perpetual
		c. Continue to invest in tools and equipment that reduces dependency on petroleum products.	PG, CF	PRCR Administration, Park Operations	Perpetual
		d. Identify and implement best practices in the area of sustainable design, development, and maintenance.	PG, CF	Parks & Planning, PRCR Administration, Park Operations	Perpetual



1.4.3	Focus on nature-based programming to generate environmental awareness.	a. Promote Apex Nature Park as the hub for environmental education and nature-based programs and expand programming at other park locations.	CF, OA	Parks and Planning, Recreation Programs, Marketing	Not Started
		b. Implement best practices in environmentally sustainable site and building design and natural resources protection.	CF, OA	Parks and Planning, Recreation Programs, Marketing	Not Started
		c. Encourage nature connection and interaction through nature trails, interpretive signage, and designated areas to observe natural processes.	CF	Parks and Planning, Recreation Programs	Not Started
		d. Provide outdoor classrooms, small garden areas, and access to educational material to encourage stewardship efforts.	CF	Parks and Planning, Recreation Programs	Not Started
		e. Collaborate with private and Wake County schools to encourage students' participation in programs. Identify potential partners in the environmental education field to develop innovative programs.	CF	Parks and Planning, Recreation Programs	Not Started

2. EXPERIENCE

2.1 Unique to Apex: Reflect on Apex's culture and history through the design of spaces that are unique, innovative, and imageable.

2.1.1	Continue to offer arts and cultural programming to appeal to diverse interest groups and cultural backgrounds.	a. Continue to provide programs such as downtown sculpture walk and expand through partnerships with local arts and cultural organizations.	CF	Recreation Programs, Cultural Arts	Perpetual
		b. Diversify programs to include events focusing on music, theater, fine arts, and other forms of arts.	CF	Recreation Programs, Cultural Arts	Perpetual
		c. Consider art walks in parks and small-scale pop-up weekend performances in the downtown area to attract out-of-town visitors.	CF	Recreation Programs, Cultural Arts	Not Started



2.1.2	Promote “unique to Apex” theme while designing new parks and amenities.	a. Leverage technology and innovative approaches to parks design and programming to create unique experiences for users.	CF	Parks and Planning, Recreation Programs	Not Started
		b. Implement placemaking strategies to create distinct character for each park while ensuring consistency of features that promote Apex PRCR branding.	CF	Parks and Planning	Perpetual
		c. Celebrate the history of Apex through design and programming of parks and amenities.	CF	Parks and Planning	Perpetual
		d. Prioritize preservation and restoration of Town’s historic assets within the parks system, such as the Tunstall House and Depot Plaza.	CF, PG	Parks and Planning	Perpetual
		e. Develop a public arts plan and dedicate 1% of construction budget on projects to public arts initiative.	PG, DO	Town Administration, PRCR Administration, Parks and Planning, Cultural Arts	Not Started
		f. Engage community members, local artists, and arts and cultural organizations in the planning and design process of new parks and facilities.	PG	Parks and Planning, Cultural Arts	Not Started
		g. Incorporate interpretive elements within parks system that include fun and engaging storytelling components about Apex.	CF	Parks and Planning	Perpetual

2. EXPERIENCE

2.2 Sense of Community: Provide a chance for people to socialize, form friendships, and discover common grounds.

2.2.1	Provide opportunities for residents to connect with each other and encourage social interaction.	a. Develop “social hubs” in the parks where people connect with other like-minded people (For example: Dog Park Playdates, Court Games Lessons, iPhone Photography, etc.)	CF, PG	Parks and Planning, Recreation Programs	Not Started
-------	--	--	--------	---	-------------



2.1.1	Provide opportunities for residents to connect with each other and encourage social interaction	a. Continue to provide programs such as downtown sculpture walk and expand through partnerships with local arts and cultural organizations.	CF	Recreation Programs, Cultural Arts	Perpetual
		b. Diversify programs to include events focusing on music, theater, fine arts, and other forms of arts.	CF	Recreation Programs, Cultural Arts	Perpetual
		c. Consider art walks in parks and small-scale pop-up weekend performances in the downtown area to attract out-of-town visitors.	CF	Recreation Programs, Cultural Arts	Not Started
		b. Develop outdoor classrooms/ workstations to offer people an opportunity to “work from anywhere” and develop community spirit through spontaneous networking opportunities.	CF, PG	Parks and Planning, Recreation Programs	Not Started
		c. Develop creative seating opportunities in parks for small group gatherings and solitary places for quiet work.	CF	Parks and Planning	Not Started
		d. Partner with other organizations to provide high quality and innovative special events and programs.	CF, OA	Recreation Programs, Cultural Arts, Senior Center	Not Started
		e. Partner with HOAs to develop smaller, neighborhood scale social events.	CF	Recreation Programs, Cultural Arts	Not Started
		f. Support programs and classes led by private partners in parks and on greenways.	CF	Recreation Programs	Not Started
		g. Authorize funding for conducting programming and additional staff needed to organize events.	CF, OA	Town Administration, PRCR Administration	Not Started



2. EXPERIENCE

2.3 Health and Wellbeing: Promote fitness and active lifestyles to support health and wellbeing of Apex residents.

2.3.1	Encourage development of amenities and programs that provide physical, social, and mental health benefits.	a. Develop park amenities or “wellness hubs” that support and encourage health and wellness opportunities using NRPA’s new toolkit for Health and wellbeing-Community Wellness Hub development.	CF, PG	Parks and Planning, Recreation Programs	Not Started
		b. Enhance access to natural areas and connection to nature for its mental health benefits.	CF, PG	Parks and Planning	Perpetual
		c. Provide diverse fitness and wellness programs for different interest groups.	CF	Parks and Planning	Perpetual
		d. Promote multigenerational health programming such as mommy and me classes.	CF	Recreation Programs	Perpetual
		e. Leverage online platforms such as Zoom to provide flexibility for people to engage in programs at their convenience.	CF, OA	Recreation Programs	Not Started
		f. Proactively identify barriers to participate in health-related programs and prioritize removing those barriers.	CF, OA	Recreation Programs	Not Started
		g. Partner with HOAs to develop smaller, neighborhood scale social events.	CF	Recreation Programs	Not Started
		h. Develop incentives for people to engage in health and wellness programs.	CF	Recreation Programs, Athletic Programs, Senior Center	Not Started
		i. Develop partnerships with healthcare providers to support fitness and active recreation.	CF, OA	Town Administration, PRCR Administration	Not Started



2.3.2	Promote access to healthy lifestyle choices.	a. Leverage opportunities such as farmers markets to advocate access to healthy and local food.	PG, CF	Recreation Programs	In Progress
		b. Expand community gardening efforts to educate residents about fresh produce and 'farm to table' concept.	PG, CF	Recreation Programs	In Progress
		c. Incorporate culinary arts programs to encourage people to try new healthy food options and learn about nutrition.	CF	Recreation Programs	Not Started
		d. Promote local businesses that support local farmers through special programs and events.	CF	Recreation Programs, Marketing	Not Started
2.1.1	Continue to offer arts and cultural programming to appeal to diverse interest groups and cultural backgrounds.	a. Continue to provide programs such as downtown sculpture walk and expand through partnerships with local arts and cultural organizations.	CF	Recreation Programs, Cultural Arts	Perpetual
		b. Diversify programs to include events focusing on music, theater, fine arts, and other forms of arts.	CF	Recreation Programs, Cultural Arts	Perpetual
		c. Consider art walks in parks and small-scale pop-up weekend performances in the downtown area to attract out-of-town visitors.	CF	Recreation Programs, Cultural Arts	Not Started



3. EXCEL

3.1 Operations Efficiency: Achieve organizational excellence by implementing business practices that enhance efficiency, staff satisfaction, and economic vitality.

3.1.1	Streamline recreation program management through best practices, tracking, and fees policy updates.	a. Regularly update program offerings according to cost recovery model.	OA	Recreation Programs, Athletic Programs, Senior Center	Not Started
		b. Develop and regularly update the cost recovery goals for programs and fee structure.	OA	PRCR Administration, Recreation Programs, Athletic Programs, Senior Center	Not Started
		c. Continue to track full cost of service for programs to make informed decisions regarding pricing policy that balances market conditions and community values.	OA	Recreation Programs, Athletic Programs, Senior Center	Not Started
		d. Track community feedback on program satisfaction levels and need for new programs.	OA	Recreation Programs, Athletic Programs, Senior Center	Not Started
3.1.2	Achieve operations efficiency through sound maintenance and management practices.	a. Invest in high quality equipment that can withstand level of use.	CF, OA	Park Operations, Public Works	In Progress
		b. Update maintenance shops to provide adequate space for staff and storage.	OA	Parks and Planning, Park Operations	Not Started
		c. Update maintenance technology to include use of digital tools (laptops and tablets) in the field for easy documentation.	CF, OA	Park Operations	Not Started
		d. Develop a maintenance management plan to adequately forecast the true cost of delivering a high-quality park experience.	CF, OA	Park Operations	Not Started
		e. Develop key performance indicators to track the efficiency and quality of the work.	OA	Park Operations	Not Started



3.1.1	Streamline recreation program management through best practices, tracking, and fees policy updates.	f. Leverage the full capacity of CityWorks software and other technology to track work orders.	OA	Park Operations	Not Started
		g. Equipment replacement schedules should be revised based on hours of operations.	OA	Park Operations	Not Started
		h. Establish life cycle assessment for each park and set aside annual budget for deferred maintenance.	OA	Parks and Planning, Park Operations	Not Started
		i. Train the staff responsible for caring for the environmentally sensitive areas such as green infrastructure components, native vegetation management, and wildlife habitat areas.	OA	Park Operations	Not Started
		j. Involve maintenance staff during park planning and design process.	OA, PG	Parks and Planning, Park Operations	Perpetual
		k. Establish maintenance plan and standards for conservation lands to maintain consistency across the maintenance staff.	OA	Park Operations, Public Works	Not Started
		l. Develop a forestry plan that includes tree inventory within rights-of-ways and park properties and collaborate with Public Works.	CF	Park Operations	Not Started
3.1.3	Invest in staffing resources and staff satisfaction to achieve departmental operations efficiency.	a. Establish staffing requirements for full time, part time, and seasonal positions.	OA	PRCR Administration	In Progress
		b. Streamline inter-departmental communications for better collaborations and effective organization.	OA	PRCR Administration	In Progress
		c. Support and invest in staff development and career growth to reciprocate their investment in the department and staff retention.	OA	PRCR Administration	In Progress



3.1.3 (cont.)	Invest in staffing resources and staff satisfaction to achieve departmental operations efficiency.	d. Recognize and use staff's untapped talent to share responsibilities in more effective way.	OA	PRCR Administration	In Progress
		e. Offer competitive salaries and benefits for attracting new hires and staff retention.	OA	PRCR Administration	In Progress
		f. Develop team culture through training and highlight staff accomplishments.	OA	PRCR Administration	In Progress
		g. Propose new staffing positions (Volunteer Coordinator, Public Art Coordinator, Marketing Supervisor, Business Development Coordinator, Pleasant Park Operations Supervisor, Assistant Director of Parks, and GIS Data Manager)	OA	PRCR Administration	In Progress
		h. Develop a new staffing plan as the Town continues to add new facilities such as new parks and indoor recreation.	OA	PRCR Administration	Perpetual
		i. Establish a working goal to achieve CAPRA accreditation by adopting best practices that align with CAPRA standards.	OA	PRCR Administration	Not Started
3.1.4	Seek strategic partnerships with third party providers to expand Department's capacity to provide competitive services to residents.	a. Ensure public-private partnerships are based on fair policy agreements for both parties.	PG, OA	PRCR Administration	Not Started
		b. Establish measurable outcomes and tracking mechanisms for the services rendered through partnerships.	OA	PRCR Administration	Not Started
		c. Identify other partners in the community to support the PRCR Department's vision.	OA	All PRCR Groups	Not Started



3.1.5	Implement capital improvements and operations through responsible funding sources.	a. Acknowledge and construct parks as essential infrastructure element for the Town.	CF, PG	Parks and Planning	Perpetual
		b. Explore alternate funding strategies to expand and excel in providing Department services.	OA	PRCR Administration	Perpetual
		c. Leverage the Friends Groups and other non-profit organizations for fundraising and awareness.	OA	PRCR Administration	Not Started
		d. Build on the current financial strengths.	OA	PRCR Administration	Perpetual

3. EXCEL

3.2 Customer Service: Continue to provide high quality customer service through streamlined communication and marketing efforts.

3.2.1	Provide high quality customer service through enhanced communication and outreach.	a. Provide regular website updates to include new and upcoming events, programs and news.	OA	Marketing	Not Started
		b. Continue to update marketing plan annually to stay up to date on community needs and demographics	OA	Marketing	Not Started
		c. Leverage social network applications' capabilities for great user engagement.	OA	Marketing	Perpetual
		d. Prioritize staff job training and skill development training to enhance customer experience and empower staff to connect with diverse demographics of Apex.	OA	PRCR Administration	Perpetual
		e. Train the staff to be culturally competent and hire multilingual staff to connect with minority groups.	OA	PRCR Administration	Not Started
		f. Streamline registration and rental processes via in-person, telephone, paper forms, or online platforms.	OA	PRCR Administration	Not Started



3.1.5	Implement capital improvements and operations through responsible funding sources.	g. Track level of satisfaction feedback from users regularly to continuously improve customer service using online feedback surveys and survey 311 feedback system.	i.	Consider establishing a marketing division to expand outreach efforts and maintain and develop new relationships with partners.	Perpetual
		h. Leverage relationships with partners to enhance marketing efforts through cross-promotion.	OA	PRCR Administration	Perpetual
		i. Consider establishing a marketing division to expand outreach efforts and maintain and develop new relationships with partners.	OA	PRCR Administration	Not Started
3.2.2	Establish volunteer program to engage residents in parks and recreation services and develop a sense of ownership within the community.	a. Establish volunteer policy that encompasses cross-departmental efforts to engage community members.	OA, PG	PRCR Administration	Not Started
		b. Establish a volunteer coordinator position.	OA	PRCR Administration	Not Started
		c. Recognize and reward volunteerism.	OA	PRCR Administration	Not Started
		d. Establish a training program for new volunteers to ensure high quality customer service experience.	OA	PRCR Administration	Not Started
		e. Achieve the goal of 12-15% of total staffing hours to supported volunteer hours and use this resource as "in-kind" indirect revenue source.	OA	PRCR Administration	Not Started





TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3402

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

MASTER PLAN FOR PARKS, RECREATION, CULTURAL RESOURCES, GREENWAYS & OPEN SPACE

ENCOMPASSING TOWN LIMITS & ETJ

Pursuant to the provisions of North Carolina General Statutes §160A-601 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to:

Solicit comments relative to potential adoption of the *Town of Apex Master Plan for Parks, Recreation, Cultural Resources, Greenways & Open Space (Master Plan)*. In March of 2023, the Town Council reviewed and made amendments reflecting Master Plan recommendations through updates to the 2045 Transportation Plan and 2045 Land Use Map. Any remaining public comments should be made during the public hearings using the information below.

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

Separate comments must be provided for the two public hearings in the time frames specified below.

Planning Board Public Hearing Date and Time: January 13th, 2025 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

Town Council Public Hearing Date and Time: January 28, 2025 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

All interested parties may be heard with respect to the Final Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space. Call 919-249-3402, Parks, Recreation, and Cultural Resources Department, with questions or for further information. A copy of the *Town of Apex Final Master Plan for Parks, Recreation, Cultural Resources, Greenways, and Open Space* is available at <https://www.apexnc.org/1734/Parks-Recreation-Greenways-Open-Space-Ma>.

Dianne F. Khin, AICP
Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 28, 2025

Item Details

Presenter(s): Jenna Shouse, Senior Long-Range Planner

Department(s): Planning

Requested Motion

This item was continued at the January 14, 2025 Town Council meeting. Possible motion to amend the 2045 Land Use Map and Transportation Plan, consistent with recommendations in the *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities*.

Approval Recommended?

Planning staff recommend approval of the proposed amendments to the 2045 Land Use Map and Transportation Plan.

Planning Board unanimously recommended approval of the proposed amendments to the 2045 Land Use Map and Transportation Plan at their December 9, 2024 meeting.

Item Details

The amendments, as proposed, reflect the recommendations in the *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities*, which was recommended for adoption by the Planning Board on November 4, 2024 and subsequently unanimously adopted by the Town Council on November 21, 2024.

Attachments

- PH3-A1: Staff Report - 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan
- PH3-A2: Planning Board Report to Town Council - 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan



STAFF REPORT

2045 Land Use Map and Transportation Plan Amendments

January 28, 2025 Town Council Meeting



The purpose of the public hearing is to consider proposed amendments to the 2045 Land Use Map, Thoroughfare and Collector Street Plan map, Bicycle and Pedestrian System Plan map, and Context Areas map, consistent with the recommendations in the adopted *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities* (the Plan). Town Council adopted the Plan on November 21, 2024. The Plan is available at: <https://publicinput.com/i5237#tab-45671>.

The 2045 Land Use Map is a vision document that establishes long-range land use patterns for the Town, sets expectations for future development, and influences infrastructure improvements. The Thoroughfare and Collector Street Plan map, Bicycle and Pedestrian System Plan Map, and Context Areas map are three components of the Transportation Plan. The Thoroughfare and Collector Street Plan map and the Bicycle and Pedestrian System Plan map represent a network of current and future transportation facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Context Areas Map separates the Town of Apex Planning area into four context types: Rural, Suburban, Transit-Oriented Development, and Town Center. These contexts are used to describe the development style, travel mode priorities, and street design considerations. The Transportation Plan does not provide a schedule for implementation, nor does it set aside funding for improvements.

The following tables list the recommended plan amendments included in the adopted *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities*. Hyperlinks to map exhibits that display the proposed plan amendments are available above each table. The numbers in the Map ID column in each table correspond with the labels in the map exhibits.

2045 Land Use Map Amendments

An exhibit that displays the proposed amendments to the 2045 Land Use Map is available at: <https://www.apexnc.org/DocumentCenter/View/49096>

Table 1. 2045 Land Use Map Amendments

Map ID	Plan Amendment
1	Re-center Activity Center over Brierhill Road intersection.
2	Change from Low Density Residential and Office Employment to Medium Density Residential and Office Employment.
3	Change from Low Density Residential and Office Employment to Rural Density Residential.
4	Change from Low Density Residential and Office Employment to Medium Density Residential and Commercial Services.
5	Change from Rural Density Residential to Office Employment and Industrial Employment.
6	Change from High Density Residential to Rural Density Residential.
7	Change from High Density Residential to Commercial Services and Industrial Employment.
8	Re-center Activity Center over future interchange per Hot Spot Interchange Study.
9	Change from Commercial Services and Office Employment to Commercial Services and Industrial Employment.
10	Change from Low Density Residential to Rural Density Residential.
11	Change from Medium Density Residential to Rural Density Residential.
12	Change from Commercial Services and Office Employment to High Density Residential and Commercial Services.

STAFF REPORT

2045 Land Use Map and Transportation Plan Amendments

January 28, 2025 Town Council Meeting



Map ID	Plan Amendment
13	Change from Medium Density Residential to Rural Transition Residential.
14	Change from Medium Density Residential to Low Density Residential.
15	Change from Rural Density Residential to Low Density Residential and Commercial Services.

Thoroughfare and Collector Street Plan Map Amendments

An exhibit that displays the proposed amendments to the Thoroughfare and Collector Street Plan map is available at: <https://www.apexnc.org/DocumentCenter/View/49095>

Table 2. Thoroughfare and Collector Street Plan Map Amendments

Map ID	Plan Amendment
1	Remove Future Major Collector and associated Future Local Connection.
2	Update Future Richardson Road alignment and Future Interchange location per Friendship Road Hot Spot Interchange Study.
3	Lower Friendship Road from Future 4-Lane Median-Divided Thoroughfare to Existing 2-Lane Thoroughfare
4	Remove Future Minor Collector and realign Future Major Collector.

Bicycle and Pedestrian System Plan Map Amendments

An exhibit that displays the proposed amendments to the Bicycle and Pedestrian System Plan map is available at: <https://www.apexnc.org/DocumentCenter/View/49094>

Table 3. Bicycle and Pedestrian System Plan Map Amendments

Map ID	Plan Amendment
1	Add Proposed Side Path along south side of Old US 1 from Future Richardson Road to New Hill Holleman Road.
2	Change Proposed Paved Shoulders on New Hill Holleman Road to Proposed Bicycle Lanes.
3	Remove future roads per Thoroughfare and Collector Street Plan map amendments.
4	Realign Proposed Side Path per Friendship Road Hot Spot Interchange Study.
5	Change Proposed Bicycle Lanes on Friendship Road to Proposed Paved Shoulders.
6	Add Proposed Bicycle Lanes and Proposed Side Path along Future Friendship Collector.
7	Remove future roads and associated Proposed Side Path per Thoroughfare and Collector Street Plan map amendments.
8	Remove Proposed Bicycle Lanes from Pleasant Plains Road.

Context Areas Map Amendments

An exhibit that displays the proposed amendments to the Context Areas Map is available at: <https://www.apexnc.org/DocumentCenter/View/49115>

Table 4. Context Areas Map Amendments

Map ID	Plan Amendment
1	Change from Rural to Suburban

STAFF REPORT

2045 Land Use Map and Transportation Plan Amendments

January 28, 2025 Town Council Meeting



Map ID	Plan Amendment
2	Change from Suburban to Rural
3	Change from Suburban to Rural

Planning staff recommendation:

Approve the proposed amendments to the 2045 Land Use Map and Transportation Plan.

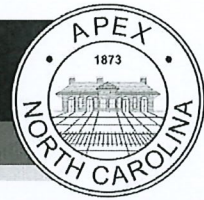
The amendments, as proposed, reflect the recommendations in the *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities*, which was recommended for adoption by the Planning Board on November 4, 2024 and subsequently unanimously adopted by the Town Council on November 21, 2024.

Planning Board recommendation:

At their December 9, 2024, meeting, the Planning Board unanimously recommended approval of the proposed amendments to the 2045 Land Use Map and Transportation Plan, consistent with recommendations in the *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities*.

PLANNING BOARD REPORT TO TOWN COUNCIL
Long Range Plan Amendments

Planning Board Meeting Date: December 9, 2024



Long range plan(s) proposed to be amended:

2045 Land Use Map and Transportation Plan

Description of the proposed amendment(s):

Amend the 2045 Land Use Map, Thoroughfare and Collector Street Plan map, Bicycle and Pedestrian System Plan map, and Context Areas map, consistent with the recommendations in the adopted Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities.

Planning Board recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Preston Mitchell

Seconded by Planning Board member: Alyssa Byrd

☒ Approval of the proposed amendment(s) as presented

☐ Approval of the proposed amendment(s) with the following conditions or changes:

☐ Denial of the proposed amendment(s)

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

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

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of December 2024.

Attest:


Tina Sherman, Planning Board Chair


Dianne Khin, Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 28, 2024

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 24CZ15 Green Level Towns PUD. The applicant, Mike Hunter, W&W Partners, Inc, seeks to rezone approximately 6.035 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 7924 Green Level Church Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on January 13, 2025 and by a vote of 6-3 recommended approval of the rezoning with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0723935325.

Attachments

- PH4-A1: Staff Report - Rezoning Case No. 24CZ15 Green Level Towns PUD
- PH4-A2: Planning Board Report to Town Council - Rezoning Case No. 24CZ15 Green Level Towns PUD



STAFF REPORT

Rezoning #24CZ15 Green Level Towns PUD

January 28, 2025 Town Council Meeting



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: 7924 Green Level Church Road
Applicant: Mike Hunter, W&W Partners, Inc.
Authorized Agent: Matthew Carpenter, Parker Poe
Owner: W&W Properties, Inc.

PROJECT DESCRIPTION:

Acreage: ±6.035 acres
PIN: 0723935325
Current Zoning: Rural Residential (RR)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR); Medium Density Residential-Conditional Zoning (MD-CZ #13CZ35)	Single-family (Crestmont Subdivision)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #13CZ18)	Single-family (Greenmoor Subdivision)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #13CZ18)	Greenmoor Subdivision; Greenmoor HOA
West:	Rural Residential (RR)	Farm; Green Level Church Road

EXISTING CONDITIONS:

The property to be rezoned is located on the east side of Green Level Church Road, north of the Greenmoor Subdivision, and south of the Crestmont Subdivision. The property currently has residential structures and two 30' wide electrical easements. The property is heavily vegetated in the southeastern and east portion of the site with a stream parallel to the southeastern property line. The site contains two wetlands and a portion of a 100' Town of Apex Riparian Buffer along the eastern property line.

NEIGHBORHOOD MEETING:

The applicant conducted the neighborhood meetings on July 10, 2024 and on December 12, 2024. The neighborhood meeting reports are attached.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students. School expansion or construction within the next five years may address concerns at the middle and high school grade level.

STAFF REPORT

Rezoning #24CZ15 Green Level Towns PUD

January 28, 2025 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with the Medium Density Residential land use classification.

PROPOSED PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

Permitted Uses:

The development includes 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:

1. Single-family
2. Townhouse
3. Duplex
4. Accessory Apartment*

* Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

Utilities:

1. Utility, minor

Recreational:

1. Greenway
2. Park, active
3. Park, passive
4. Recreation facility, private

Proposed Design Controls:

Proposed Land Area: 6.035

Maximum Number of units*: 32 units

Maximum Built-Upon Area: 65%

	Townhouses**	Single-Family	Duplex	Recreation facility, private
Minimum Lot Size	None	5,000 square feet	None	None
Minimum Lot Width	18 ft.	50 ft.	None	None
Maximum Height	3 stories, 36 ft. ***	3 stories, 36 ft.	3 stories, 36 ft.	3 stories, 36 ft.

*No Townhouse building shall include more than four (4) units.

**No townhouse buildings shall front Hillman Bend.

***No townhouse building along Hillman Bend shall exceed 2 stories.

STAFF REPORT

Rezoning #24CZ15 Green Level Towns PUD

January 28, 2025 Town Council Meeting



SETBACKS:

	Proposed Minimum Setbacks	
Townhouse	Front	15'
	Front (garage) (from sidewalk or back-of-curb where no sidewalk exists)	20'
	Side	0' (10' for end units)
	Side (corner)	15'
	Rear	15'
	Building to buffer/RCA	10'
	Parking to buffer/RCA	5'
Single-family	Front	25'
	Front (garage) (from sidewalk or back-of-curb where no sidewalk exists)	N/A
	Side	6' minimum/16' total
	Side (corner)	15'
	Rear	20'
	Building to buffer/RCA	10'
	Parking to buffer/RCA	5'
Duplex	Front	15'
	Front (garage) (from sidewalk or back-of-curb where no sidewalk exists)	20'
	Side	8'
	Side (corner)	15'
	Rear	15'
	Building to buffer/RCA	10'
	Parking to buffer/RCA	5'
Recreation facility, Private	Front	15'
	Side	10'
	Side (corner)	15'
	Rear	25'
	Building to buffer/RCA	10'
	Parking to buffer/RCA	5'

STAFF REPORT

Rezoning #24CZ15 Green Level Towns PUD

January 28, 2024 Town Council Meeting



PROPOSED RCA & BUFFERS:

The project will have at least 30% of the total area in Resource Conservation Area and landscape buffers. If the development is for single-family homes and mass graded, it shall provide an additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8.

Residential Buffers:

Perimeter Buffers:	UDO Required	Proposed
Along the northern property line	15' Type A	15' Type A
Along the eastern property line	15' Type A	15' Type A
Along Green Level Church Road	30' Type B	30' Type B
Along the southern property line except as listed below	15' Type A	15' Type A
Along the shared property line with PIN 0723931058	15' Type A	30' Type B (townhouses or duplex developed) 15' Type A (single-family developed)
Along the southeastern property line as shown on the Concept Plan	15' Type A	50' Type B (townhouses or duplex developed) 15' Type A (single-family developed)

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:

Single-family:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
6. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the windows
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative air vents on gable
 - l. Decorative gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer



8. 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.
9. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of single-family lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

Duplexes:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Front facing garage doors shall have windows, decorative details or carriage-style adornments on them.
3. The project shall include a minimum of two (2) or more garage door styles.
4. Entrances shall have a covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
6. The visible side of a unit on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units facing public right-of-way shall have trim around the windows.
9. Side and rear elevations shall include architectural features to break up the flat walls both vertically and horizontally.
10. Buildings shall have no more than one unadorned side-gabled roof in a row within a single building.

Townhouses:

1. Vinyl siding is not permitted; however vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it shall be broken up horizontally and vertically between every other unit.



3. Front facing garage doors shall have windows, decorative details, or carriage-style adornments on them.
4. The project shall include a minimum of two (2) or more garage door styles.
5. Entrances shall have a covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements, such as, but not limited to, the following:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the windows
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative air vents on gable
 - l. Decorative gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and include varied trim, shutter, and accent colors complementing the siding color.
9. The rear and side elevations of units facing public rights of way shall have trim around the windows.
10. Side and rear elevations shall include architectural features to break up the flat walls both vertically and horizontally.
11. Townhouse buildings shall have no more than one unadorned side-gabled roof in a row in a single building.
12. End townhouse elevations facing a public right of way shall have a portico or covered entrance.

ENVIRONMENTAL ZONING CONDITIONS:

1. If Hillman Bend is not extended to the south, the project shall install signage adjacent to the wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.
2. The HOA shall not prohibit clover or other mixed grasses.
3. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer.
4. A minimum of 70% of landscaping shall be native or nativar species.
5. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
6. The project shall install a minimum of one (1) pet waste station.
7. All homes shall be pre-configured with solar conduit.

NATURAL RESOURCE AND ENVIRONMENTAL DATA:

The project is located within the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District. The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex Watershed & FEMA Map dated April 2015. FIRM Panel 3720072200J dated May 2, 2006 does not include a floodplain within the property boundary.

STAFF REPORT

Rezoning #24CZ15 Green Level Towns PUD

January 28, 2024 Town Council Meeting



PARKING:

Parking for the development shall meet the requirements of UDO Section 8.3.

SIGNAGE:

All signage for this PUD shall comply with Apex UDO Section 8.7 *Signs*.

PUBLIC FACILITIES:

The proposed PUD shall be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. The development will be served water and sewer by the Town of Apex.

STORMWATER MANAGEMENT:

The PUD stormwater control devices shall be designed and constructed to exceed UDO standards so that the post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1-year, and 10-year storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with UDO Section 6.1.

APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

All proposed roadway infrastructure and right-of-way dedications shall be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect at the time of development approval.

- The project shall dedicate right of way and widen the eastern half of Green Level Church Road for the length of the property's Green Level Church Road frontage based on a minimum 84-foot back to back curb and gutter 4-lane divided major thoroughfare typical section with a 10-foot Side Path in a 110-foot right of way.
- To the north of the property, the existing Hillman Bend stub street and sidewalk conclude short of the property's northern property line (the "Crestmont Stub Street"). To the south of the property, the existing Hillman Bend stub street and sidewalk conclude short of the property's southern property line (the "Greenmoor Stub Street"). The project shall extend the Crestmont Stub Street south and the Greenmoor Stub Street north to the property line and construct a neighborhood street across the property to connect the two existing stub streets and sidewalks (the "Hillman Bend Extension"). The Hillman Bend Extension shall be based on a minimum 27-foot curb and gutter residential street section in a 50-foot right of way. Any fees in lieu collected by the Town for the Crestmont Stub Street or the Greenmoor Stub Street shall be available to the developer to construct the Hillman Bend Extension.
- If developer proposes direct public street access to Green Level Church Road, it shall be constructed as channelized right-in/right-out only and located a minimum of 375 feet north of the Greenmoor Path intersection. If developer does not propose direct public street access to Green Level Church Road, a temporary construction entrance shall be located on Green Level Church Road to serve construction traffic access until final subdivision plat.

PEDESTRIAN AND BICYCLE IMPROVEMENTS:

- 5-foot sidewalks on both sides of the Hillman Bend Extension.
- If single-family homes are constructed, 5-foot sidewalks on both sides of the internal neighborhood street as required by UDO Section 2.3.4.
- If townhomes and/or duplexes are constructed, a 5-foot sidewalk on one side of the internal neighborhood street as required by UDO Section 7.5.

STAFF REPORT

Rezoning #24CZ15 Green Level Towns PUD

January 28, 2024 Town Council Meeting



- A 10-foot side path on Green Level Church Road for the length of the property's Green Level Church Road frontage.
- If the project does not have driveway access on to Green Level Church Road, Developer shall construct a pedestrian connection to the side path on Green Level Church Road.

ENVIRONMENTAL ADVISORY BOARD:

This rezoning was heard by the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2.c. on October 17, 2024. The zoning conditions suggested by the EAB are listed below with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
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 shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	Not added
If Hillman Bend is not extended to the south, the project shall install signage adjacent to wooded or natural condition Resource Conservation Area.	Added
A solar PV system of at least 4kW shall be installed on at least 6 homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Master Subdivision Plan, which may be amended from time to time.	Not added; A zoning condition provided that all homes shall be pre-configured with solar conduit.
Plant a minimum of three fruit trees in HOA common that are a minimum of 0.5-inch caliper and 2 feet in height at planting. Such trees shall be native or adaptive species to North Carolina.	Not added
The HOA shall not prohibit clover or other mixed grasses.	Added
In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	Not added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The project will require a fee-in-lieu of park land dedication for a maximum of 32 units. The fee in lieu will be calculated using the 2025 rates. The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan.

AFFORDABLE HOUSING:

Based on the adopted 2021 Apex Affordable Housing Plan and the 2023 Affordable Housing Incentive Zoning Policy, the Housing Program recommends at least five percent (5%) of the residential units or lots to be designated as affordable or workforce housing. The Policy recommendation applies to residential and mixed use rezoning applications that propose 20 or more residential units. The proposed PUD does not include an affordable housing condition.

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of Rezoning #24CZ15 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on January 13, 2025 and by a vote of 6-3 recommended approval with the conditions as proposed by the applicant. The reasons for the dissenting votes include:

- The scale of homes of both adjacent communities to the north and south are single detached homes, which is different from the proposed higher density town homes.
- Current problems of traffic during school peak rush hours and insufficient space in schools will remain, and may worsen since timeline for widening the full length of Green Level may be 20+ years.
- Not having any affordable housing.
- Compatibility- the density and appears of town homes is incompatible with the surrounding neighborhoods. Single family infill would fit the area.
- The Right-in Right- out access on Green Level should be full access but due to existing neighborhood entrances, this is the only option. This will create more cut through traffic into the Greenmoor neighborhood routing onto Hillman Bend, then to Greenmoor Path to ultimately turn left onto Green Level Church Road.
- A lot of units for the space and short space for the exit on Green Level.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map classifies the subject property as Medium Density Residential, which allows a density up to seven (7) units an acre. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with the Medium Density Residential land use classification.

The proposed rezoning is reasonable and in the public interest because it will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population. The proposed townhouse use is generally consistent and compatible with the surrounding single-family subdivisions. The townhouse use has conditions related front yard setbacks, architectural standards, limiting townhouse buildings to four units, and the townhouse height adjacent to Hillman Bend to two stories. The proposed rezoning provides increased buffers along the southern property boundary if the development designs a subdivision with townhouse or duplex units. The increased buffer provides additional separation to the existing single-family lots to preserve the adjacent subdivisions character while providing a cohesive transition in land use types. The proposed townhouse conditions maintain compatibility with the adjacent subdivisions while providing housing type flexibility.

The proposed transportation conditions are consistent with the Town of Apex Transportation Plan and Bicycle and Pedestrian Plan. The rezoning includes constructing an extension to complete Hillman Bend with sidewalk on both sides, which provides additional vehicular and pedestrian connectivity to the area.

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.

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 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.
- (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 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component;
 - (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.

CONDITIONAL ZONING STANDARDS:

The Planning Board shall find the PUD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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



interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Rezoning #24CZ15

Pink Azalea Ct

Crestmont

Canoe Creek Ln

Duggins Pt

Blue Cedar Dr

Hillman Bnd

Greenmoor

Balmoor Trce

Greenmoor Path

Green Level Church Rd

0 200 400
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 #: 24CZ15 Submittal Date: August 1, 2024
Fee Paid: \$ Check #:

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Green Level Towns PUD
Address(es): 7924 Green Level Church Road
PIN(s) 0723935325

Acreage: 6.035
Current Zoning: Rural Residential (RR) Proposed Zoning: Planned Unit Development Conditional (PUD-CZ)
Current 2045 LUM Designation: Medium Density Residential

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

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

Area classified as mixed use:	Acreage:	<u>None</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: W&W Partners, Inc. c/o Matthew J. Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: MatthewCarpenter@ParkerPoe.com

Owner Information

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

Agent Information

Name: Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: Nc Zip: 27601
Phone: 919-835-4032 E-mail: MatthewCarpenter@ParkerPoe.com
Other contacts: Brian Richards; Urban Design Partners; 919-275-5002; BRichards@urbandesignpartners.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: **24CZ15**

Submittal Date: **August 1, 2024**

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 by 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 designates the property as Medium Density Residential which recommends single-family homes, duplexes, and townhomes up to 6 units per acre to provide "a transition from the more urbanized areas of Apex to the Low Density neighborhoods in the western part of the study area." The PUD proposes single-family homes, duplexes and townhomes at an overall density of approximately 5.3 units/acre and is therefore consistent with the Medium Density Residential LUM 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 development is compatible with the character of surrounding land uses. The property is an infill site with existing single-family neighborhoods adjacent - Crestmont to the north and Greenmoor to the east and south. The Crestmont zoning (Rezoning case 13CZ35) - approved in 2014 - permits an overall density of 4 units/acre and a total of 282 units. The Crestmont subdivision was constructed with 163 units, which equates to 2.31 units/acre. The Greenmoor zoning (Rezoning Case 13CZ18) - approved in 2013 - permits an overall density of 2.9 units/acre and a total of 287 units. The Greenmoor zoning was amended in 2014 to permit additional density of 3.56 units/acre and a total of 180 units in the southern portion of the PUD. The Greenmoor subdivision has an overall density of 2.70 units/acre with a total of 467 units.

Although this PUD proposes a higher maximum per acre density of 5.3 units/acre, it only proposes a total of 32 additional homes and is considered Medium Density Residential under the 2045 Land Use Map, consistent with the designation of both adjacent neighborhoods. As required by the proposed architectural conditions, and as shown in the submitted elevations, the homes will be of similar character and quality to surrounding neighborhoods. Finally, the site will be adequately buffered from adjacent single-family homes. Adjacent to the north is an approximately 130-foot

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

The proposed PUD will comply with all applicable Supplemental Standards in UDO Section 4.4.

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

The site will be adequately buffered from adjacent single-family homes. Adjacent to the north is a 130-foot wide RCA and easement area owned by the Crestmont HOA, that, together with the proposed 15-foot perimeter buffer, will provide over 145 feet of separation between the proposed townhomes and existing single-family homes in Crestmont. Required buffers have been widened along the southern property line adjacent to existing single-family lots; with a 30-foot buffer in the southwest and a 50-foot buffer in the southeast. The majority of existing tree coverage is located in the southeastern portion of the site and will likely be used as RCA. The project will meet UDO requirements for trash, service delivery, parking and loading, odors, noise, glare, and vibration. The project will improve traffic circulation by connecting an important gap in neighborhood streets.

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

The proposed PUD will preserve required RCAs and follow all local, state, and federal regulations regarding environmental impacts. If jurisdictional streams or wetlands exist on the property, the project will meet all applicable riparian buffer and wetland regulations.

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

The proposed PUD will not have an adverse impact on public facilities and services. The project will improve vehicular and pedestrian connectivity by closing a gap in existing neighborhood streets. The project will pay the required parks and rec fee in lieu of dedication, subject to review and recommendation by the Parks and Rec Board.

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 use will not have adverse effects on health, safety, or welfare of residents of the Town or its ETJ. Rather, it will help add to the housing supply in Apex.

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

The PUD will not be substantially detrimental to adjacent properties. As required by the proposed architectural conditions, and as shown in the submitted elevations, the homes will be of similar character and quality to surrounding neighborhoods. Additionally, the site will be adequately buffered from adjacent single-family homes. Adjacent to the north is a 130-foot wide RCA and easement area owned by the Crestmont HOA, that, together with the proposed 15-foot perimeter buffer, will provide over 145 feet of separation between the proposed townhomes and existing single-family homes in Crestmont. There is a similar Greenmoor HOA common area to the south that will provide separation between the proposed townhomes and existing Greenmoor homes. In the two areas closest to existing single-family homes, the southeast and southwest corners of the site, 50 and 30-foot buffers are provided for adequate separation.

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 PUD will not constitute a nuisance or hazard. As discussed above, the PUD will close an important gap in the street/sidewalk network and will meet all UDO requirements for light and noise.

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

The PUD will comply with all other applicable standards of the Ordinance.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 24CZ15 Submittal Date: August 1, 2024

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 #: 24CZ15

Submittal Date: August 1, 2024

Proposed Subdivision/Development Information

Description of location: 7924 Green Level Church Road

Nearest intersecting roads: Greenmoor Path/Green Level Church Road

Wake County PIN(s): 0723935325

Township: White Oak

Contact Information (as appropriate)

Contact person: Matthew Carpenter

Phone number: 919-835-4032 Fax number: N/A

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

E-mail address: MatthewCarpenter@ParkerPoe.com

Owner: W&W Partners, Inc.

Phone number: Fax number:

Address: 1000 Darrington Drive, Suite 105, Cary, NC 27513

E-mail address:

Proposed Subdivision/Development Name1st Choice: Green Level Towns2nd Choice (Optional):**Town of Apex Staff Approval:**

Town of Apex Planning Department Staff

Date

STREET NAME APPROVAL APPLICATION

Application #: 24CZ15

Submittal Date: August 1, 2024

Wake County Approval Date: _____

Guidelines:

- No names duplicating or sounding similar to existing road names
- Avoid difficult to pronounce names
- No individuals' names
- Avoid proper names of a business, e.g. Hannaford Drive
- Limit names to 14 characters in length
- No directionals, e.g. North, South, East, West
- No punctuation marks, e.g. periods, hyphens, apostrophes, etc.
- Avoid using double suffixes, e.g. Deer Path Lane
- All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc.
- Use only suffixes which are Town of Apex approved
- Town of Apex has the right to deny any street name that is determined to be inappropriate

Information:

Description of location: 7924 Green Level Church Road

Nearest intersecting roads: Hillman Bend stub streets

Wake County PIN(s): 0723935325

Township: White Oak

Contact information (as appropriate)

Contact person: Matthew Carpenter

Phone number: 919-835-4032 Fax number: N/A

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

E-mail address: MatthewCarpenter@parkerpoe.com

Owner: W&W Partners, Inc. c/o Matthew J. Carpenter

Phone number: 919-835-4032 Fax number: N/A

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

E-mail address: MatthewCarpenter@parkerpoe.com

STREET NAME APPROVAL APPLICATION

Application #: 24CZ15

Submittal Date: August 1, 2024

of roads to be named: 1

Please submit twice as many road names as needed, with preferred names listed first. Proposed road names should be written exactly as one would want them to appear. Town of Apex Planning Department staff will send all approved street names to the Wake County GIS Department for county approval. Please allow several weeks for approval. Upon approval Wake County GIS – Street Addressing will inform you of the approved street names.

Example: Road Name Suffix

Hunter Street

1	TBD at Master Subdivision	11	
2		12	
3		13	
4		14	
5		15	
6		16	
7		17	
8		18	
9		19	
10		20	

TOWN OF APEX STAFF APPROVAL

Town of Apex Staff Approval

Date

WAKE COUNTY STAFF APPROVAL:

GIS certifies that _____ names indicated by checkmark ☒ are approved.
Please disregard all other names.

Comments:

Wake County GIS Staff Approval

Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 24CZ15

Submittal Date: August 1, 2024

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

7924 Green Level Church 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.

W&W Partners, Inc., 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: W&W Partners, Inc.

TOWN OF APEX

BY: Matthew J. Carpenter

BY: _____

Authorized Agent

Authorized Agent

DATE: August 1, 2024

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 24CZ15

Submittal Date: August 1, 2024

W&W Partners, Inc. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 7924 Green Level Church Road; PIN 0723935325

The agent for this project is: Matthew J. Carpenter

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

Agent Name: Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Signature(s) of Owner(s)*

W & W Partners, Inc.
a North Carolina corporation

DocuSigned by:

Mike Hunter

6EDBB64D0DE848F...

Michael L. Hunter

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.

7924 Green Level Church Rd. PWD.

AFFIDAVIT OF OWNERSHIP

Application #: 24CZ15

Submittal Date: August 1, 2024

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

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7924 Green Level Church Rd. and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on N/A, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on N/A, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 19th day of July, 2024.

Matthew J. Carpenter (seal)
Matthew J. Carpenter
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

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



Maria Stallings
Notary Public
State of North Carolina
My Commission Expires: April 11, 2026

Legal Description
7924 Green Level Church Road

BEGINNING at a 1/2" iron pipe found at the North East corner of the property owned by Howard L. Holt and Mary Louise W. Holt, said pipe being South 15°37'08" West 145.00 feet from a 1/2" iron pipe found on the eastern right of way of Hillman Bend (50' Public Right of Way) and near the intersection with Canoe Creek Lane (Public Right of Way) having NC Grid Coordinates (NAD83/2011) of N=733,578.79, . E=2,029,903.93, thence from said BEGINNING point South 05°18'23" West 304.28 feet to a 1 1/8" iron pipe found, thence South 66°40'05" West 125.41 feet to a 1 1/8" iron pipe found, thence South 83°45'39" West 196.15 feet to a 1 1/8" iron pipe found, thence North 48°34'27" West 140.68 feet to a 1 1/8" iron pipe found, thence South 76°56'11" West 315.54 feet to a point on the eastern right of way of Green Level Church Road S.R. 1625 (Variable Width Public Right of Way), thence along said right of way South 76°56'11" West 20.58 feet to a 5/8" rebar set, thence leaving said right of way South 76°56'11" West 29.74 feet to a point in Green Level Church Road S.R. 1625, thence North 00°18'44" East 366.19 feet to a point in Green Level Church Road S.R. 1625, thence South 89°48'45" East 30.31 feet to a 5/8" rebar set on the eastern right of way of Green Level Church Road S.R. 1625 (Variable Width Public Right of Way), thence leaving said right of way South 89°48'45" East 767.85 feet to the point and place of BEGINNING, containing 6.035 Acres more or less inclusive of 0.249 Acres in Green Level Church Road S.R. 1625 Right of Way.

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Please complete each section of this form and submit with your application.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net.

Developer Company Information	
Company Name	W&W Partners, Inc. c/o Matthew J. Carpenter
Company Phone Number	919-835-4032
Developer Representative Name	Matthew J. Carpenter
Developer Representative Phone Number	919-835-4032
Developer Representative Email	MatthewCarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	approx. February 2024
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	7924 Green Level Church Road
REID(s)	0115613
PIN(s)	0723935325

Projected Dates Information	
Subdivision Completion Date	2026
Subdivision Projected First Occupancy Date	2026

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	32					32		2000	3500			2026	32				
Condos																	
Apartments																	
Other																	

7924 Green Level Church Road
PUD

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

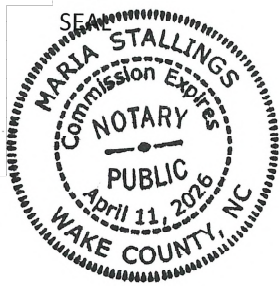
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B Neighborhood Meeting.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 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 virtually via Zoom (location/address) on July 10, 2024 (date) from 5:30PM (start time) to 6:30PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

7/19/24
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew Carpenter, a Notary Public for the above State and County, on this the 19th day of July, 2024.



Maria Stallings
Notary Public
Maria Stallings
Print Name

My Commission Expires: April 11, 2026

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.

June 26, 2024

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
7924 Green Level Church Road 0723935325

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to Planned Unit Development-Conditional Zoning (PUD-CZ) to permit townhouses, single-family homes, and other related uses.

Estimated submittal date: August 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s): W & W Properties, Inc.; c/o Matthew Carpenter

Applicant(s): same as Owner

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address: Virtual (Zoom) - See attached notice letter

Date/Time of meeting**: July 10, 2024

Welcome: 5:30 PM Project Presentation: 5:30 PM Question & Answer: 6:00 PM

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

To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: June 26, 2024

Re: Notice of Virtual Neighborhood Meeting

You are invited to attend a virtual neighborhood meeting on July 10, 2024 at 5:30 PM to discuss an upcoming application to rezone an approximately 6.032-acre property located at 7924 Green Level Church Road (PIN 0723935325) as more particularly shown on the attached Vicinity Map. The property is currently zoned Rural Residential (RR) and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ) to permit townhouses, single-family homes, and other related uses.

During the meeting, the applicant will describe the nature of the rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the property; (2) a zoning map of the subject area; (3) a preliminary concept plan, (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:	854 3144 8493
Enter the following password:	056522

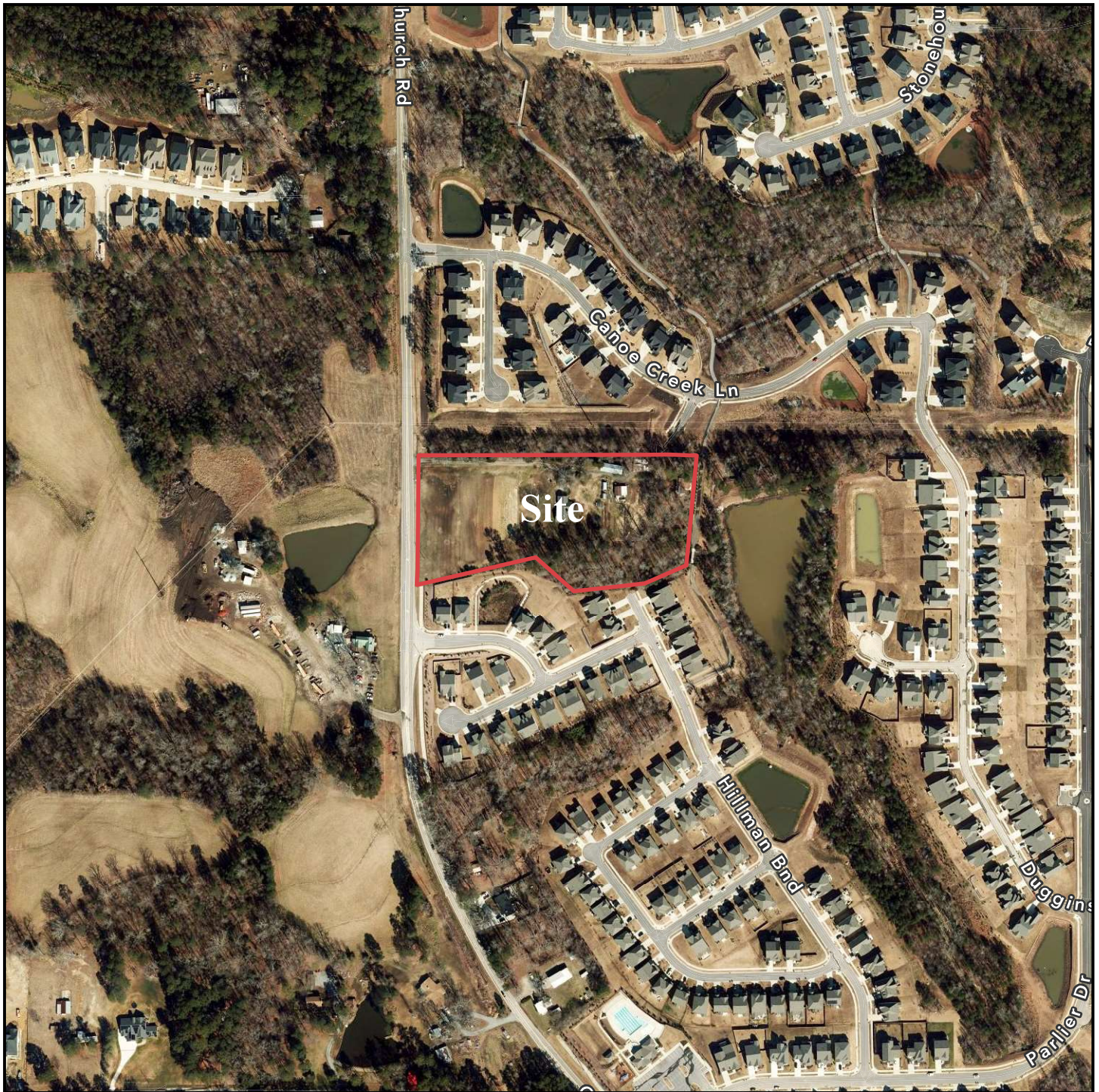
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	854 3144 8493
Enter the Participant ID:	#
Enter the Meeting password:	056522

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

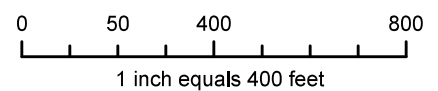
Sincerely,


Matthew Carpenter



7924 Green Level Church Road

Vicinity Map



Disclaimer

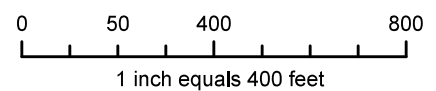
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



7924 Green Level Church Road

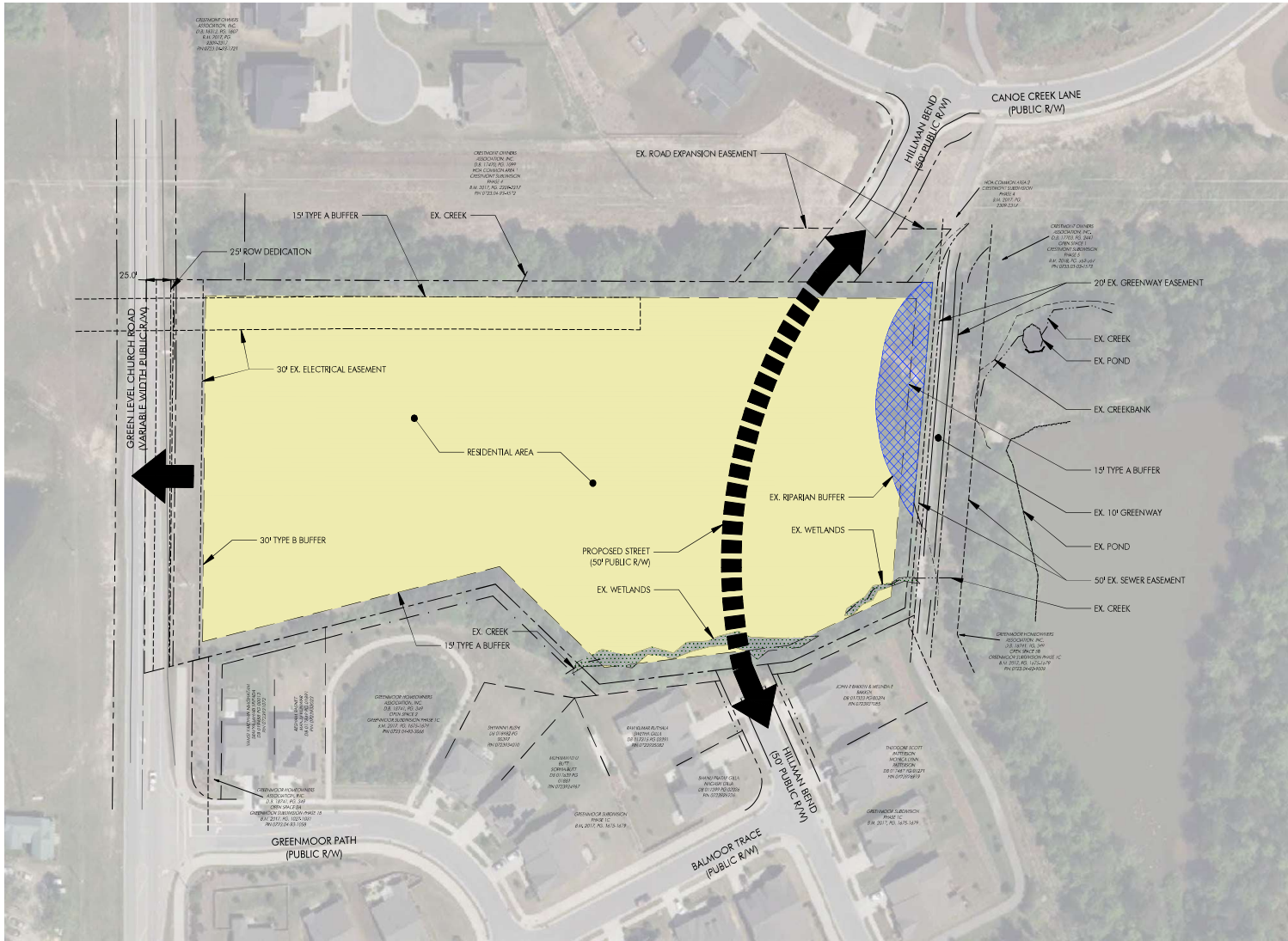
Zoning Map

Current Zoning: RR



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.



SITE DATA

ACRES:	±5.77 AC TOTAL
PIN:	0723935325
EXISTING ZONING:	RR (RURAL RESIDENTIAL)
PROPOSED ZONING:	PUD (PLANNED USE DISTRICT)
EXISTING LAND USE:	RESIDENTIAL
PROPOSED LAND USE:	TOWNHOMES

DEVELOPMENT SUMMARY

BUFFERS	
NORTH:	15' (TYPE A) BUFFER
EAST:	15' (TYPE A) BUFFER
SOUTH:	15' (TYPE A) BUFFER
WEST:	30' (TYPE B) BUFFER
RCA REQUIREMENT	30% OF DEVELOPMENT 75,402 SF REQUIRED

LEGEND

	RESIDENTIAL
	RIPARIAN BUFFER
	WETLAND AREA

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE PRIOR TO REZONING APPLICATION SUBMITTED.
2. THIS EXHIBIT WAS PREPARED USING AVAILABLE RECORD INFORMATION, GIS MAPS, RECORD PLANS, AERIAL IMAGERY, AND LAND RECORDS.
3. THIS PLAN WILL BE SUBJECT TO REVIEW AND APPROVAL BY LOCAL AND STATE PLANNING AND ENGINEERING REVIEW AGENCIES.
4. THE WORK OF THIS PRODUCT IS THE PROPERTY OF URBAN DESIGN PARTNERS, PLLC. NO USE OR REPRODUCTION OF THIS PLAN IS PERMITTED WITHOUT WRITTEN AUTHORIZATION FROM URBAN DESIGN PARTNERS, PLLC.



GREEN LEVEL CHURCH ROAD | PUD CONCEPT PLAN

APEX, NC



JUNE 24, 2024

24-RDU-014

150 Fayetteville St. Suite 1310 Raleigh, NC 27601 | urbandesignpartners.com | 919.275.5002

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: Green Level Church Road PUD Zoning: RR

Location: 7924 Green Level Church Road

Property PIN(s): 0723935325 Acreage/Square Feet: 6.032 ac

Property Owner: W & W Properties, Inc.; c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4032 Email: MatthewCarpenter@parkerpoe.com

Developer: Same as Owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Urban Design Partners, attn: Brian Richards

Address: 150 Fayetteville Street, Suite 1310

City: Raleigh State: NC Zip: 27601

Phone: (919) 275-5002 Fax: N/A Email: brichards@urbandesignpartners.com

Builder (if known): Same as Owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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: virtual via Zoom
Date of meeting: July 10, 2024 Time of meeting: 5:30 PM
Property Owner(s) name(s): W&W Properties, Inc.
Applicant(s): W&W Properties, Inc.

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.	John Bakken	445 Hillman Bend			yes
2.	M. Usman Butt	421 Greenmoor Path			yes
3.	Swetha Gilla	446 Hillman Bend			yes
4.	Sr Gilla	446 Hillman Bend			yes
5.	Ravi Ruthala	442 Hillman Bend			yes
6.	Lisa Yarborough	2424 Balmoor Trace			yes
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): W&W Properties, Inc.

Applicant(s): W&W Properties, Inc.

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

Meeting Address: virtual via Zoom

Date of meeting: July 10, 2024

Time of meeting: 5:30

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

See attached

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Summary of First Neighborhood Meeting
PUD Rezoning
7924 Green Level Church Road

I. WELCOME

- a. Introduction of development team
 - i. Matthew Carpenter w/ Parker Poe
 - ii. Mike Hunter w/ W&W Properties Inc., the property owner and developer
 - iii. Brian Richards w/ Urban Design Partners, Landscape Architect
- b. Explanation of process. This is the pre-filing neighborhood meeting for a potential rezoning request, the very first step in a long development process. So, the purpose of tonight's meeting is to explain our plans and take your feedback into consideration as we put together our rezoning application.

II. PRESENTATION

- a. Site Overview - location, existing uses adjacent, and surrounding development in progress.
- b. 2045 Land Use Map (LUM) Designation
 - i. The LUM is the primary policy document the Town uses to evaluate rezoning request. This property is designated Medium Density Residential which recommends single-family homes and townhomes with an overall density of up to 6 units/acre.
- c. Existing and Proposed Zoning
 - i. Existing zoning is Residential which only allows large lot single-family homes. The proposed zoning district is Planned Unit Development Conditional (PUD-CZ). The purpose of the rezoning is to allow a small townhome development.
- d. Draft PUD Plan
 - i. As part of our PUD rezoning submittal, we'll include a concept plan that will show approximate location of proposed uses, buffers, conceptual access locations, etc.
 - ii. Current plans show around 32 townhome units. The plan is for large, upscale townhome units to meet rising demand from empty nesters in the Triangle. The units will not be age restricted, but we've seen rising demand as aging Apex and Wake County residents age, want less maintenance, but want to stay in the area.
 - iii. The goal is to have a driveway on Green Level Church Road and also to connect to the two existing Hillman Bend stub streets, but circulation and access are subject to review by Town staff.
 - iv. Connection to the two stub streets is required by the Town's UDO.
 - v. We'll have 15-foot buffers along the northern and southern property lines. Between the buffer and existing HOA common area, there will be significant separation to the north.
 - vi. We're also required to preserve 30% RCA. Exact areas haven't been delineated, but these areas will include streams (if any), existing tree canopy, etc.
- e. Rezoning Process and Timeline
 - i. As I mentioned, this is the very first step in the rezoning process.

- ii. After this meeting, the next step is application submittal which will likely be August 1.
- iii. After submittal, the application will be reviewed by Town staff from each department. Staff will provide comments and we will revise our application and resubmit until all staff comments have been addressed.
- iv. After staff comments have been addressed, the case will go to Planning Board. Planning Board will hold a public hearing, review the case, and make a recommendation to Town Council.
- v. Two weeks following the Planning Board meeting, Town Council will hold a public hearing and make the final decision on the rezoning. The full process will likely take around six months.

III. QUESTION AND ANSWER

- a. ***I am concerned about property values. My property has an enviable location that will be significantly changed by this proposal.***
 - i. These townhomes will be high quality units, generally consistent with the quality and character of surrounding neighborhoods; so, we don't expect negative impacts to property values. We will also have perimeter buffers and RCA which could be located near your home, although final RCA locations will be determined at Master Subdivision Plan.
- b. ***Hi, if townhomes are built in this location, how many homes do you expect to be built?***
 - i. Around 32. The PUD will include a maximum, but the final unit count will be determined at Master Sub Plan once full site engineering has been done.
- c. ***What does RCA mean?***
 - i. RCA means Resource Conservation Area. These are areas that have to be set aside as undisturbed. They typically include wetlands, stream buffers, and existing tree canopy.
- d. ***There are wetlands on the property. Do you plan to add a proper street or a bridge to walk on?***
 - i. The Hillman Bend connection will be a proper neighborhood street with a 5-foot sidewalk. We'll also be installing a connection to the greenway trail to the east.
- e. ***Will there be any single-family homes on Hillman Bend or all townhomes?***
 - i. The current plan is for fall townhomes
- f. ***What about ADA units?***
 - i. The units will meet all minimum building code requirements. Given the target market, there will likely be further accessibility accommodations - larger walkways, first floor master bedrooms, etc.
- g. ***I'm concerned about draining into/onto the bordering houses in Grenmoore. The drainage is already not good. Any additional runoff into the buffer area could increase erosion and standing water or existing lots.***
 - i. Currently, the property is in a natural state, so drainage is not contained or handled by stormwater control devices. The Town's UDO requires that we treat all our stormwater runoff onsite. It does not permit runoff onto adjacent properties. So, when we file our Master Subdivision Plan we will have to show how we are handling stormwater runoff - likely through one or more stormwater detention ponds.

h. Any plans for expanding Green Level Church Road?

- i. Yes, the Town's transportation plan shows Green Level Church Road as a wider street section. Typically, as part of a development project, the Town requires right of way dedication to facilitate future widening.

i. Would you be able to add a sidewalk on Green Level Church road to extend the sidewalks to connect the neighborhoods?

- i. On Green Level Church Road, this project will construct a 5-foot sidewalk for the length of the property's frontage. On Hillman Bend, the project will connect the two street and sidewalk stubs to create a continuous sidewalk connection between the two neighborhoods.

OWNER	MAILING ADDRESS	
AMARAPINI, APPA RAO AMARAPINI, SUNEETA	2409 CANOE CREEK LN	APEX NC 27523-7130
BAKKEN, JOHN R BAKKEN, MELINDA E	445 HILLMAN BND	APEX NC 27523-8508
BARKLEY, ANTHONY BARKLEY, JENNIFER	1008 CELANDINE DR	APEX NC 27502-4162
BASNET, RESHAM KUNWAR, MANJU	409 GREENMOOR PATH	APEX NC 27523-8513
BENEDICT, JON B FAMOLARE, CHRISTY F	2401 BALMOOR TRCE	APEX NC 27523-8514
BHAT, ANIKET ANAT CO-TRUSTEE TEMBE, RUCHA CO-TRUSTEE	2409 BALMOOR TRCE	APEX NC 27523-8514
BODD, PHANI S TRUSTEE BODD, VIJAYA YALAMANCHILI TRUSTEE	6104 RUNNING SPRINGS RD	SAN JOSE CA 95135-2209
BUTT, MUHAMMAD U BUTT, SOPHIA	421 GREENMOOR PATH	APEX NC 27523-8513
CHAGALETI, RAJESH CHANDRA S BATCHALA, SRUJINI	312 PINK AZALEA CT	APEX NC 27523-7129
CHITTILLA, RAMA K CHITTILLA, SUJATHA	2417 BALMOOR TRCE	APEX NC 27523-8514
CHTCHPROV, PAVEL CHTCHPROV, KELLY MCHUGH	2404 CANOE CREEK LN	APEX NC 27523-7130
CONWAY, WENDY A CONWAY, GREGORY R	457 HILLMAN BND	APEX NC 27523-8508
CRESTMONT OWNERS ASSOCIATION INC	TROY GEORGE	1100 PERIMETER PARK DR STE 112
CRESTMONT OWNERS ASSOCIATION INC	812 SALEM WOODS DR STE 202	RALEIGH NC 27615-3346
GILLA, BHANU PRATAP GILLA, NAGASRI	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
GREENMOOR HOMEOWNERS ASSOCIATION INC	446 HILLMAN BND	APEX NC 27523-8508
GWYNN, ELIZABETH MCLAUGHLIN TRUSTEE THE GWYNN LIVING TRUST	CAS INC	PO BOX 83
HARRINGTON, DONALD EARL WILLIAMS, JAMIE	2420 BALMOOR TRCE	APEX NC 27523-8514
JAFFER, GHULAM HAIDER NAWAB, SYEDA NUZHAT	2413 CANOE CREEK LN	APEX NC 27523-7130
JAIN, MAYUR JAIN, STUTI	2432 BALMOOR TRCE	APEX NC 27523-8514
KLAVON, CLAUDIA JEAN	2405 CANOE CREEK LN	APEX NC 27523-7130
KWON, MYONG O OH, MYOUNG SUN	2413 BALMOOR TRCE	APEX NC 27523-8514
MATHEW, LEENA ANNIE PHILIP, THOMAS STEPHEN	2419 CANOE CREEK LN	APEX NC 27523-7130
NRAGHATAM, VAMSI VARDHAN SRIPADA, SRAYYA LAHARI	316 PINK AZALEA CT	APEX NC 27523-7129
PATTERSON, THEODORE SCOTT PATTERSON, MONICA LYNN	405 GREENMOOR PATH	APEX NC 27523-8513
RAO, SMRITIAKSHAY RAO, AKSHAY VEDVYAS	449 HILLMAN BND	APEX NC 27523-8508
RATHORE, JITENDRA S RATHORE, HEMAKUMARI J	2400 CANOE CREEK LN	APEX NC 27523-7130
RUSH, SHAWNNA	313 PINK AZALEA CT	APEX NC 27523-7129
RUTHALA, RAVI KUMAR GILLA, SWETHA	417 GREENMOOR PATH	APEX NC 27523-8513
SUBBARAO, HARINARAYAN KASHYAP, SUMITRA R	442 HILLMAN BND	APEX NC 27523-8508
SWAFFORD, JEREMY SWAFFORD, AMANDA SUE	308 PINK AZALEA CT	APEX NC 27523-7129
VEDANTAM, TEJASWI SRINIVASA TRUSTEE KODURU, APARNA TRUSTEE	425 GREENMOOR PATH	APEX NC 27523-8513
W&W PROPERTIES INC	317 PINK AZALEA CT	APEX NC 27523-7129
YARBOROUGH, MICHAEL D YARBOROUGH, LISA M D	1000 DARRINGTON DR STE 500	CARY NC 27513-8134
YATES GREEN LEVEL FARM LLC	2424 BALMOOR TRCE	APEX NC 27523-8514
APEX TOWN OF	2132 CARPENTER UPCHURCH RD	CARY NC 27519-7003
Current Tenant	PO BOX 250	APEX NC 27502
Current Tenant	2405 Balmoor TRCE	APEX NC 27523
Current Tenant	7905 Green Level Church RD	APEX NC 27523
Current Tenant	7924 Green Level Church RD	APEX NC 27523
Current Tenant	453 Hillman BND	APEX NC 27523

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

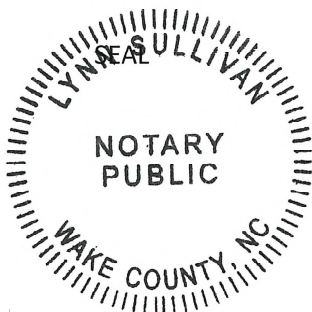
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B Neighborhood Meeting.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 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 virtually via Zoom (location/address) on 12/12/2024 (date) from 5:30 PM (start time) to 6:30 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/16/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this the 16th day of December, 2024.



[Signature]
Notary Public
Lynn Sullivan
Print Name

My Commission Expires: 11/16/2027

NOTICE OF NEIGHBORHOOD MEETING

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

November 27, 2024

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
7924 Green Level Church Road 0723935325

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to Planned Unit Development-Conditional Zoning (PUD-CZ)

to facilitate a development consisting of townhomes, single-family homes, and other related uses.

Estimated submittal date: Submitted on August 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s): W & W Properties, Inc.

Applicant(s): Parkway Properties Group, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address: Virtual (Zoom) - See attached notice letter

Date/Time of meeting**: December 12, 2024

Welcome: 5:30 PM Project Presentation: 5:30 PM Question & Answer: 6:00 PM

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

To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: November 27, 2024

Re: Notice of Second Virtual Neighborhood Meeting

You are invited to attend a second virtual neighborhood meeting on December 12, 2024 at 5:30 PM to discuss 24CZ15, the requested rezoning of 7924 Green Level Church Road (PIN 0723935325) as more particularly shown on the attached Vicinity Map. The property is currently zoned Rural Residential (RR) and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ) to permit townhomes, single-family homes, and other related uses.

During the meeting, the applicant will describe the nature of the rezoning request, provide updates since the first neighborhood meeting, and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the property; (2) a zoning map of the subject area; (3) an updated preliminary concept plan; (4) a Land Use Map exhibit; (5) a project contact information sheet; and (6) 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:	818 9473 5946
Enter the following password:	542794

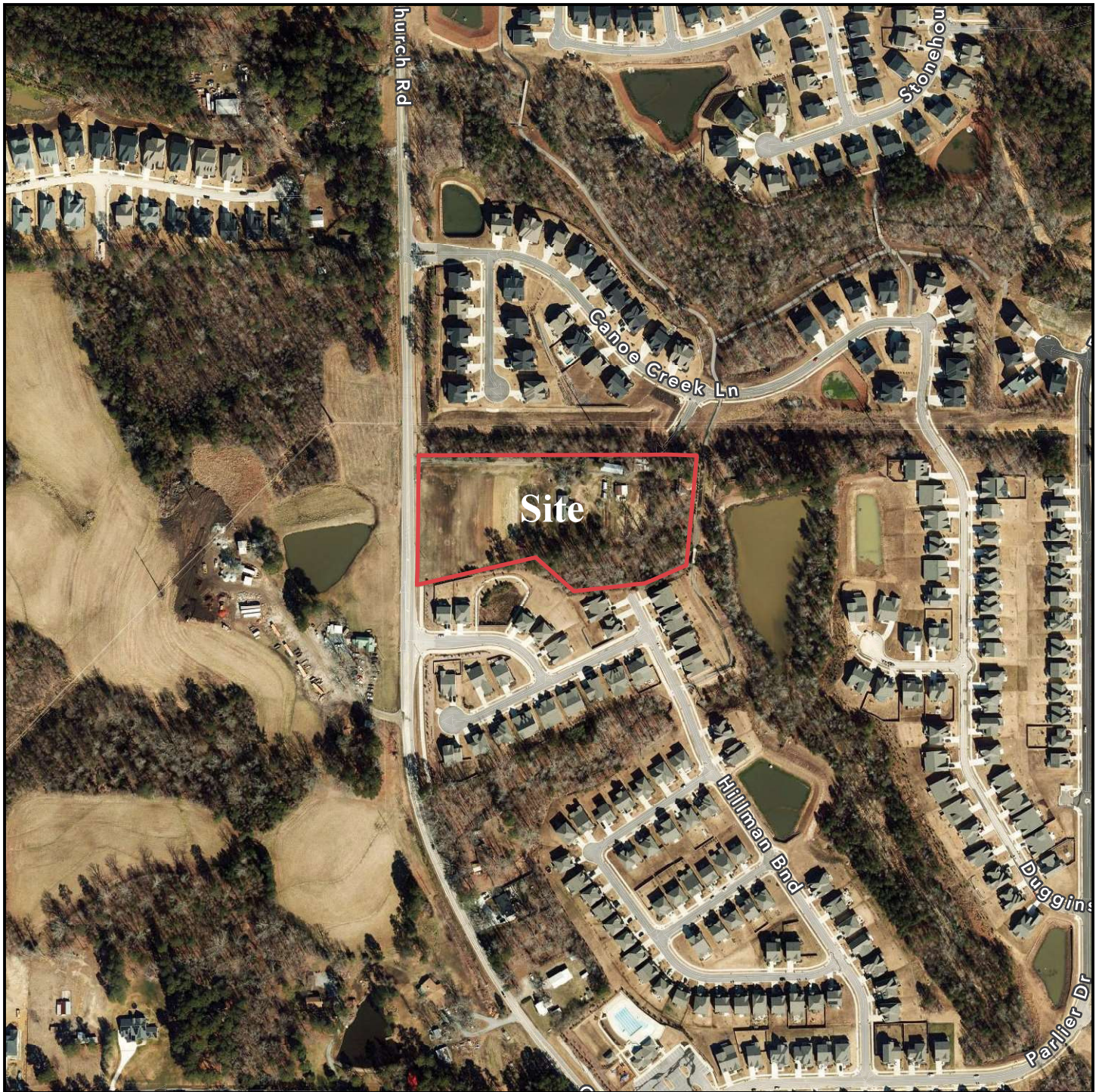
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	818 9473 5946 #
Enter the Participant ID:	#
Enter the Meeting password:	542794 #

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

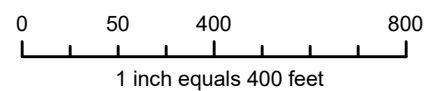
Sincerely,


Matthew Carpenter



7924 Green Level Church Road

Vicinity Map



Disclaimer

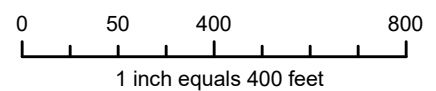
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



7924 Green Level Church Road

Zoning Map

Current Zoning: RR



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.



- NOTES:**
- BOUNDARY INFORMATION PROVIDED BY:
 - BOBMOOR & PLANT, P.C.
 - 935 TOWN ROAD
 - HALE, NC 27607
 - (919) 859-8008
 - PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY
 - CONTACT THE UTILITY COMPANY TO RELOCATE ANY EXISTING UTILITY POLES. ALL EXISTING FACILITIES WHICH CONFLICT WITH THE IMPROVEMENTS UNDER THE SCOPE OF THIS PROJECT MUST BE RELOCATED AT THE EXPENSE OF THE APPLICANT.
 - ALL DEVELOPMENT CREATING A TOTAL 20,000 SQUARE FEET OF IMPERVIOUS AREA SINCE SEPTEMBER 1978 WILL REQUIRE STORM DRAINAGE DETENTION.
 - TREES WITHIN THE STREET RIGHT-OF-WAY ARE PROTECTED BY LAW.
 - TRASH SERVICE FOR THE SITE WILL BE CONTRACTED THROUGH A PRIVATE COLLECTION COMPANY. COORDINATION FOR SERVICE IS THE RESPONSIBILITY OF THE APPLICANT.
 - DEVELOPMENT ACCESS AND STUE STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 - THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND ELECTRICITY.
 - THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
 - NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF SAE MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND POSTED. A TREE PROTECTION FENCING INSTALLATION PLAN MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APRINC.ORG/S/S/APPICATIONS-SCHEDULES](http://www.aprinc.org/s/s/applications-schedules).
 - THIS PROTECTION FENCING MUST BE PLACED:
 - A. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT
 - B. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE CURBSIDE EDGE OF ANY RIPARIAN BUFFER, AND
 - C. AT LEAST 18 FEET AWAY FROM ANY OTHER DESIGNATED RICA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
 - ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE JUDGING THE PROTECTION OFFICER. SUCH AREA MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

LEGEND:

- PROPERTY BOUNDARY
- RIGHT OF WAY LINE
- EASEMENT LINE
- LANDSCAPE BUFFER LINE
- RIPIARIAN LINE
- WETLANDS LINE
- PROPOSED STORMWATER POND
- RESIDENTIAL AREA
- 15' TYPE A BUFFER AREA
- 30' TYPE B BUFFER AREA
- PLAY AREA
- RIPIARIAN AREA
- WETLANDS AREA
- RESOURCE CONSERVATION AREA (RCA)
- PROPOSED ACCESS CONNECTIONS

811
BEFORE YOU DIG!
CALL 811 OR 1-800-632-4040
N.C. ONE-CALL CENTER
IT'S THE LAW

GRAPHIC SCALE
0 25 50 100
(IN FEET)
1 inch = 50 ft.

URBAN DESIGN PARTNERS
150 Fayetteville Rd. #110
Raleigh, NC 27601
P: 919.275.5880
urbanpartners.com

NC Form No. P-2671 SC Use No. C-0304

PRELIMINARY DRAWING
FOR PRELIMINARY PURPOSES ONLY

12/08/2024

W&W PROPERTIES, INC.
1000 DARRINGTON DRIVE
SUITE 500
CARY, NC 27513

GREEN LEVEL TOWNS DEVELOPMENT DIAGRAM

Conceptual Site Plan

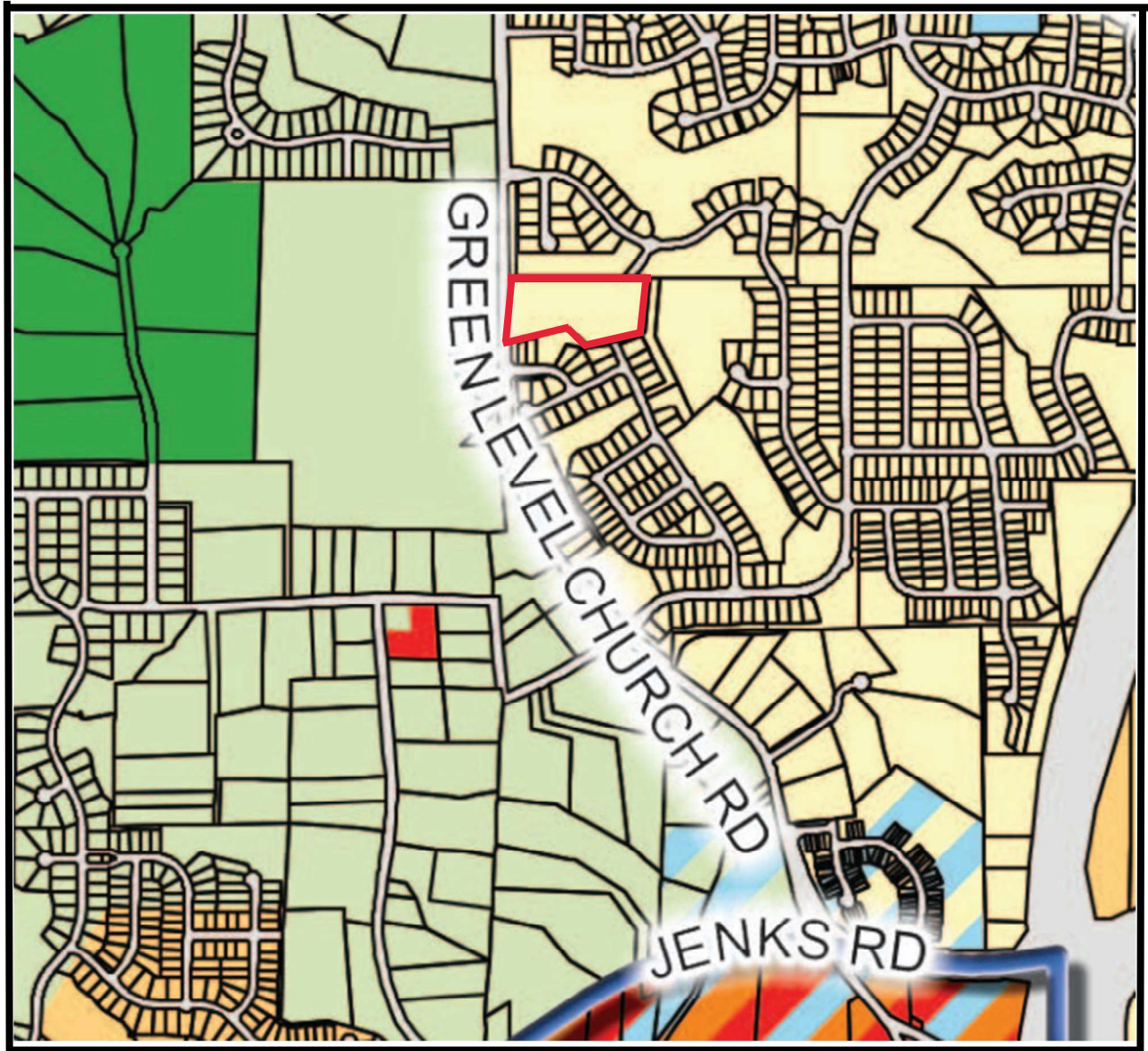
7924 GREEN LEVEL CHURCH RD.

NO.	DATE	BY	REVISIONS
1	08/01/24	W&W	ISSUED FOR PERMIT
2	10/02/24	W&W	SUBMIT #2
3	11/22/24	W&W	SUBMIT #3
4	12/08/24	W&W	SUBMIT #4

Project No: 24-RDU-014
Date: 08/01/2024
Sheet No:

C-3.0

2045 LAND USE MAP EXHIBIT



7924 Green Level Church Road

**Current LUM Designation: Medium
Density Residential**

Proposed LUM Designation: No Change



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: Green Level Church Road PUD Zoning: RR

Location: 7924 Green Level Church Road

Property PIN(s): 0723935325 Acreage/Square Feet: 6.035 ac

Property Owner: W & W Properties, Inc.

Address: 1000 Darrington Drive, Suite 500

City: Cary State: NC Zip: 27513-8134

Phone: _____ Email: _____

Developer: Parkway Properties Group, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: Urban Design Partners, attn: Brian Richards

Address: 150 Fayetteville Street, Suite 1310

City: Raleigh State: NC Zip: 27601

Phone: (919) 275-5002 Fax: N/A Email: brichards@urbandesignpartners.com

Builder (if known): Parkway Properties Group, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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: virtual via Zoom

Date of meeting: December 12, 2024 Time of meeting: 5:30 PM

Property Owner(s) name(s): W&W Properties Inc

Applicant(s): Parkway Properties, c/o Matthew J. Carpenter

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.	Monica Patterson	449 Hillman Bend			yes
2.	Lisa Yarborough	2424 Balmoor Trace			yes
3.	John Bakken	445 Hillman Bend			yes
4.	M. Usman Butt	421 Greenmoor Path			yes
5.	Bhanu Gilla	446 Hillman Bend			yes
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): W&W Properties Inc.

Applicant(s): Parkway Properties c/o Matthew J. Carpenter

Contact information (email/phone): MatthewCarpenter@parkerpoe.com; 919-835-4032

Meeting Address: virtual via Zoom

Date of meeting: December 12, 2024 Time of meeting: 5:30 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be “Noted” or “No Response”. There has to be documentation of what consideration the neighbor’s concern was given and justification for why no change was deemed warranted.

Question/Concern #1:
See attached

Applicant’s Response:

Question/Concern #2:

Applicant’s Response:

Question/Concern #3:

Applicant’s Response:

Question/Concern #4:

Applicant’s Response:

Summary of Second Neighborhood Meeting
PUD Rezoning
7924 Green Level Church Road

I. WELCOME

- a. Introduction of development team
 - i. Matthew Carpenter w/ Parker Poe holding this meeting on behalf of the developer and property owner Parkway Properties
 - ii. Brian Richards w/ Urban Design Partners, Landscape Architect
- b. Explanation of process. This is the second neighborhood meeting for a proposed rezoning on Green Level Church Road. You may remember, we held the pre-filing neighborhood meeting in July and were working on our application. We filed our rezoning application August 1 and over the last several months have been working through staff comments and revising our plans. The purpose of this meeting is to provide updates on the project as we get closer to public hearings.

II. PRESENTATION

- a. Site Overview - location, existing uses adjacent, and surrounding development in progress.
- b. 2045 Land Use Map (LUM) Designation
 - i. The LUM is the primary policy document the Town uses to evaluate rezoning request. This property is designated Medium Density Residential which recommends single-family homes and townhomes with an overall density of up to 6 units/acre.
- c. Existing and Proposed Zoning
 - i. Existing zoning is Residential which only allows large lot single-family homes. The proposed zoning district is Planned Unit Development Conditional (PUD-CZ). The purpose of the rezoning is to allow a small townhome development.
- d. Draft PUD Plan
 - i. This is the current version of the PUD plan. We showed a preliminary plan in July. This plan has a lot more information and hopefully some conditions that will help with some of the concerns we heard at the first neighborhood meeting.
 - ii. The proposed zoning allows a maximum of 32 townhome units, duplexes, and/or single-family units, but the plan is for all townhomes. The plan is for large, upscale townhome units to meet rising demand from empty nesters in the Triangle. The units will not be age restricted, but we've seen rising demand as aging Apex and Wake County residents age, want less maintenance, but want to stay in the area.
 - iii. Access on Green Level Church Road will be limited to right in/right out only
 - iv. Connection to the two stub streets is required by the Town's UDO.
 - v. We've expanded buffers in all areas adjacent to existing single-family lot lines. At the southwest, we've committed to a 30' buffer which is double the 15' required buffer. At the southeast, we've committed to a 50' buffer.
 - vi. We've also added conditions to help the proposed townhomes be compatible with existing single-family neighborhoods, including:
 - 1. No townhomes can front on Hillman Bend

- 2. Townhome buildings have a maximum of four units each
- 3. Townhomes on Hillman Bend limited to two stories.
- vii. We're also required to preserve 30% RCA. Exact areas haven't been delineated, but these areas will include streams (if any), existing tree canopy, etc.
- e. Rezoning Process and Timeline
 - i. We anticipate public hearings in January. The Planning Board will review the case, hold a public hearing, and make a recommendation to Council. Following the Planning Board meeting, Town Council will hold a public hearing and make the final decision whether to approve or deny the rezoning case.

III. QUESTION AND ANSWER

- a. ***How will mosquito control be measured in the stormwater retention pond?***
 - i. The pond will be designed to meet all Town of Apex standards. Mosquito control will likely be handled by the property management company hired by the HOA. I don't know the exact methods that will be implemented, but can check.
- b. ***Did I read that there will be access to the greenway?***
 - i. Yes. Our original plans showed a direct connection from our development to the existing greenway to the east. However, that connection would have required a stream/wetlands disturbance. Staff's preference is that we connect the new Hillman Bend sidewalk to the existing greenway connection to the north to avoid the stream/wetlands disturbance.
- c. ***What speed control features will be implemented on the street?***
 - i. Often, the best way to slow vehicles is through the design of the street. The internal neighborhood street will be very short from Green Level Church to Hillman Bend which should limit speeding. Regarding Hillman Bend, speed bumps and other traffic calming measures can be requested but must be approved and implemented by Town transportation staff.
- d. ***What was the initial number of units introduced at the first neighborhood meeting?***
 - i. 32 units. The 32 units is the maximum number of residential units permitted by the PUD. Once we get to subdivision plans and lay out the site, it may wind up being fewer total lots, depending on how many will fit with the required stormwater pond, buffers, and other site features.
- e. ***Has there been discussion of deer crossing?***
 - i. Not specifically. I know from driving out here there are a lot of deer. Generally speaking, new development and street lights help with deer.
- f. ***Where will the parking be? Are we getting a parking lot on Hillman Bend?***
 - i. Each unit is required to have two parking spaces that will be satisfied through a garage and driveway space. A small amount of guest parking is also required and we don't anticipate it will be on Hillman Bend.
- g. ***Are all townhomes limited to two stories?***
 - i. The townhomes on Hillman Bend are limited to two stories. The max height for the other townhomes is three stories. The plan is for two story townhomes with an additional half story and/or pitched roof. We wanted to keep the three story maximum to be sure the proposed units aren't over the height limit.

- h. *Will the units be sold or leased?*
 - i. The current plan is for these to be for sale units

OWNER	MAILING ADDRESS	
AMARAPINI, APPA RAO TRUSTEE AMARAPINI, SUNEETA TRUSTEE	2409 CANOE CREEK LN	APEX NC 27523-7130
BAKKEN, JOHN R BAKKEN, MELINDA E	445 HILLMAN BND	APEX NC 27523-8508
BARKLEY, ANTHONY BARKLEY, JENNIFER	1008 CELANDINE DR	APEX NC 27502-4162
BASNET, RESHAM KUNWAR, MANJU	409 GREENMOOR PATH	APEX NC 27523-8513
BENEDICT, JON B FAMOLARE, CHRISTY F	2401 BALMOOR TRCE	APEX NC 27523-8514
BHAT, ANIKET ANAT CO-TRUSTEE TEMBE, RUCHA CO-TRUSTEE	2409 BALMOOR TRCE	APEX NC 27523-8514
BODD, PHANI S TRUSTEE BODD, VIJAYA YALAMANCHILI TRUSTEE	6104 RUNNING SPRINGS RD	SAN JOSE CA 95135-2209
BUTT, MUHAMMAD U BUTT, SOPHIA	421 GREENMOOR PATH	APEX NC 27523-8513
CHAGALETI, RAJESH CHANDRA S BATCHALA, SRUJINI	312 PINK AZALEA CT	APEX NC 27523-7129
CHITTILLA, RAMA K CHITTILLA, SUJATHA	2417 BALMOOR TRCE	APEX NC 27523-8514
CHTCHEPROV, PAVEL CHTCHEPROV, KELLY MCHUGH	2404 CANOE CREEK LN	APEX NC 27523-7130
CONWAY, WENDY A CONWAY, GREGORY R	457 HILLMAN BND	APEX NC 27523-8508
CRESTMONT OWNERS ASSOCIATION INC	TROY GEORGE	1100 PERIMETER PARK DR STE 112
CRESTMONT OWNERS ASSOCIATION INC	812 SALEM WOODS DR STE 202	RALEIGH NC 27615-3346
CRESTMONT OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
GILLA, BHANU PRATAP GILLA, NAGASRI	446 HILLMAN BND	APEX NC 27523-8508
GREENMOOR HOMEOWNERS ASSOCIATION INC	CAS INC	PO BOX 83
GWYNN, ELIZABETH MCLAUGHLIN TRUSTEE THE GWYNN LIVING TRUST	2420 BALMOOR TRCE	APEX NC 27523-8514
HARRINGTON, DONALD EARL WILLIAMS, JAMIE	2413 CANOE CREEK LN	APEX NC 27523-7130
JAFFER, GHULAM HAIDER NAWAB, SYEDA NUZHAT	2432 BALMOOR TRCE	APEX NC 27523-8514
JAIN, MAYUR JAIN, STUTI	2405 CANOE CREEK LN	APEX NC 27523-7130
KLAVON, CLAUDIA JEAN	2413 BALMOOR TRCE	APEX NC 27523-8514
KWON, MYONG O OH, MYOUNG SUN	2419 CANOE CREEK LN	APEX NC 27523-7130
MATHEW, LEENA ANNIE PHILIP, THOMAS STEPHEN	316 PINK AZALEA CT	APEX NC 27523-7129
NIRAGHATAM, VAMSI VARDHAN SRIPADA, SRAVYA LAHARI	405 GREENMOOR PATH	APEX NC 27523-8513
PATTERSON, THEODORE SCOTT PATTERSON, MONICA LYNN	449 HILLMAN BND	APEX NC 27523-8508
RAO, SMRITI AKSHAY RAO, AKSHAY VEDVYAS	2400 CANOE CREEK LN	APEX NC 27523-7130
RATHORE, JITENDRA S RATHORE, HEMAXIKUMARI J	313 PINK AZALEA CT	APEX NC 27523-7129
RUSH, SHAWNNA	417 GREENMOOR PATH	APEX NC 27523-8513
RUTHALA, RAVI KUMAR GILLA, SWETHA	442 HILLMAN BND	APEX NC 27523-8508
SUBBARAO, HARINARAYAN KASHYAP, SUMITRA R	308 PINK AZALEA CT	APEX NC 27523-7129
SWAFFORD, JEREMY SWAFFORD, AMANDA SUE	425 GREENMOOR PATH	APEX NC 27523-8513
VEDANTAM, TEJASWI SRINIVASA TRUSTEE KODURU, APARNA TRUSTEE	317 PINK AZALEA CT	APEX NC 27523-7129
W&W PROPERTIES INC	1000 DARRINGTON DR STE 500	CARY NC 27513-8134
YARBOROUGH, MICHAEL D YARBOROUGH, LISA M D	2424 BALMOOR TRCE	APEX NC 27523-8514
YATES GREEN LEVEL FARM LLC	2132 CARPENTER UPCHURCH RD	CARY NC 27519-7003
APEX TOWN OF	PO BOX 250	APEX NC 27502
Current Tenant	2405 Balmoor TRCE	APEX NC 27523
Current Tenant	7905 Green Level Church RD	APEX NC 27523
Current Tenant	7924 Green Level Church RD	APEX NC 27523
Current Tenant	453 Hillman BND	APEX NC 27523

APEX ENVIRONMENTAL ADVISORY BOARD

Suggested Zoning Conditions



Project Name: Green Level Towns PUD

Date: _____

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

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

This document is divided into two parts:

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

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

Part I – Residential

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

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

Environmental Advisory Board – Suggested Zoning Conditions

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

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

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 7. Plant trees to improve energy efficiency. <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 8. Increase biodiversity. Note: Invasive species are prohibited. Please see the Town's Design and Development Manual for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).			
a. The project shall ensure that <u>70</u> % of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Option 8.4:</u> Increase the number of native trees and shrubs.			
a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____ % of the species selected shall be native or a native of North Carolina.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AND/OR			
b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.			
a. The project commits to planting only drought tolerant plants, of which _____ % of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OR			
b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goal 10. Promote the benefits of native pollinators. The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.			

Environmental Advisory Board – Suggested Zoning Conditions

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

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

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

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

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goal 18. Encourage clean transportation. The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part II - Non-Residential

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

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

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

Environmental Advisory Board – Suggested Zoning Conditions

Applicant Clarification/Additional Language:

Additional Board Recommendations:

GREEN LEVEL TOWNS

Planned Unit Development

Apex, North Carolina

Submittal Dates

First Submittal: August 1, 2024

Second Submittal: October 4, 2024

Third Submittal: November 1, 2024

Fourth Submittal: December 1, 2024

Fifth Submittal: December 20, 2024

Sixth Submittal: December 27, 2024

Seventh Submittal: January 2, 2025

Developer

W&W Partners, Inc.

1000 Darrington Drive

Suite 500

Cary, NC 27513

Landscape Architect

Urban Design Partners

150 Fayetteville Street, Suite 1310

Raleigh, NC 27601

Land Use Attorney

Matthew J. Carpenter

Parker Poe Adams & Bernstein LLP

301 Fayetteville Street, Suite 1400

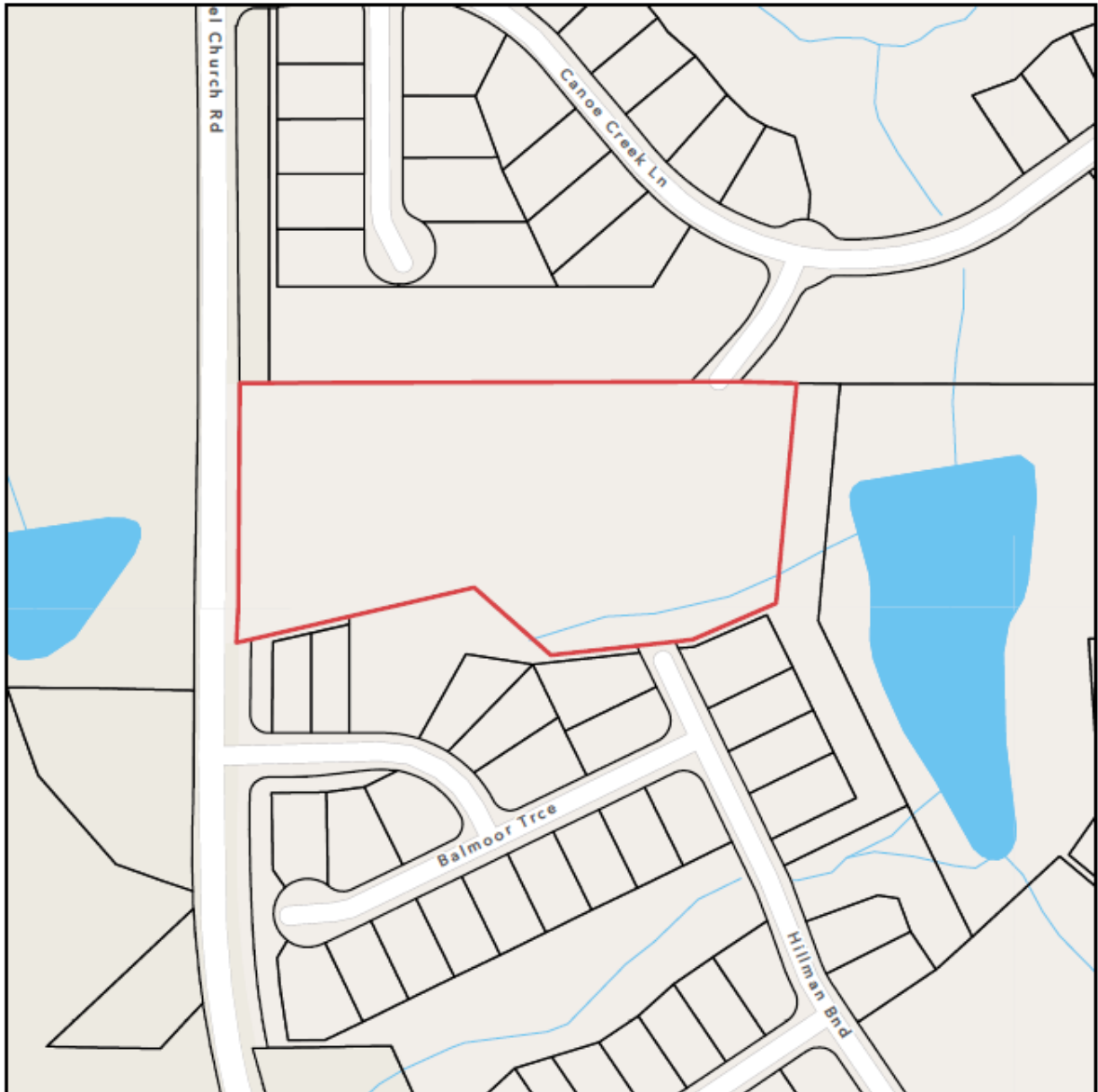
Raleigh, NC 27601



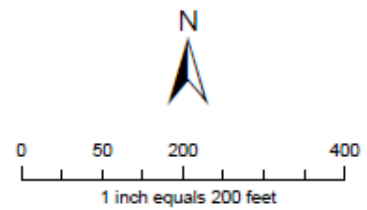
TABLE OF CONTENTS

VICINITY MAP	3
PROJECT DATA	4
PURPOSE STATEMENT	5
PERMITTED USES	8
DESIGN CONTROLS.....	9
ARCHITECTURAL STANDARDS	10
PARKING AND LOADING	14
SIGNAGE.....	14
NATURAL RESOURCES AND ENVIRONMENTAL DATA	14
STORMWATER MANAGEMENT	15
PARKS AND RECREATION	15
PUBLIC FACILITIES	16
PHASING.....	17
CONSISTENCY WITH LAND USE PLAN.....	17
COMPLIANCE WITH UDO	17

VICINITY MAP



PUD Vicinity Map



PROJECT DATA

Name of Project:	Green Level Towns PUD
Property Owner and Developer:	W&W Partners, Inc. 1000 Darrington Drive, Suite 500 Cary, NC 27513
Prepared by:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 LUM Designation:	Medium Density Residential
Proposed 2045 LUM Designation:	Medium Density Residential
Site Address:	7924 Green Level Church Road
Property Identification Number:	0723935325
Total Acreage:	6.035
Area Designated as Mixed Use on LUM:	None
Area Proposed as Non-Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of a 6.035-acre infill site on Green Level Church Road. The property is in the Town’s ETJ and primarily undeveloped with existing single-family residential structures.

Green Level Towns aims to meet strong demand in the Apex market for large, upscale, townhomes. With children out of the home, many Wake County and Apex residents of established single-family neighborhoods are downsizing and in search of townhomes that require less maintenance but do not compromise quality. Additional housing types, including single-family homes and duplexes, are permitted to allow the project to respond to changes in demand.

The Town of Apex 2045 Land Use Map (the “LUM”) designates the property as Medium Density Residential which recommends single-family homes, duplexes, and townhomes up to 6 units per acre to provide “a transition from the more urbanized areas of Apex to the Low Density neighborhoods in the western part of the study area.” The PUD proposes single-family homes, duplexes, and townhomes at an overall density of approximately 5.3 units/acre, squarely consistent with the 2045 Land Use Map designation.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (i) *The uses proposed to be developed in the PD plan for PUD-CZ are those uses permitted in Sec. 4.2.2 Use Table***

RESPONSE: The uses permitted within this PUD are permitted within this designation in the UDO Section 4.2.2 Use Table.

- (ii) *The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed-use areas as specified on the 2045 Land Use Map. The location of the uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.***

RESPONSE: Green Level Towns is an entirely residential project and the property does not have a mixed-use designation on the LUM. The locations of the proposed uses are shown on the attached PD Plan and maximum density and other design guidelines are included in this PUD Text.

- (iii) *The dimensional standards in Sec. 5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The proposed PUD is consistent with the UDO Planned Unit Development standards – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, the development will comply with all requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

- (iv) *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Advance Apex: The 2045 Transportation Plan and the Town of Apex Standard Specifications and Standard Details, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.***

RESPONSE: The project will close an important gap in pedestrian and vehicular connectivity. As shown on the PD Plan, Hillman Bend is stubbed short of the property's northern and southern property lines. The project will use existing grading and construction easements, and previously collected fees in lieu if available, to construct a new neighborhood street and sidewalk across the property to connect the existing stubs. The project will also include construction of a 10-foot side path along the site's Green Level Church Road frontage.

- (v) *The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.***

RESPONSE: The project will significantly improve pedestrian and vehicular connectivity by closing an existing gap in the street and sidewalk network and constructing a 10-foot side path.

- (vi) *The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.***

RESPONSE: The proposed development is compatible with the character of surrounding land uses. The property is an infill site with existing single-family neighborhoods adjacent - Crestmont to the north and Greenmoor to the east and south. The Crestmont zoning (Rezoning Case 13CZ35) - approved in 2014 - permits an overall density of 4 units/acre and a total of 282 units.

The Crestmont subdivision was constructed with 163 units, which equates to 2.31 units/acre. The Greenmoor zoning (Rezoning Case 13CZ18) - approved in 2013 - permits an overall density of 2.9 units/acre and a total of 287 units. The Greenmoor zoning was amended in 2014 to permit additional density of 3.56 units/acre and a total of 180 units in the southern portion of the PUD. The Greenmoor subdivision has an overall density of 2.70 units/acre with a total of 467 units.

Although this PUD proposes a higher maximum density of 5.3 units/acre, it only proposes a total of 32 additional homes and is considered Medium Density Residential under the 2045 Land Use Map, consistent with the designation of both adjacent neighborhoods. As required by the proposed architectural conditions, and as shown in the submitted elevations, the homes will be of similar character and quality to surrounding neighborhoods. Finally, the site will be adequately buffered from adjacent single-family homes. Adjacent to the north is an approximately 130-foot wide RCA and easement area owned by the Crestmont Home Owners Association (HOA), that, together with the proposed 15-foot Type A perimeter buffer, will provide over 145 feet of separation between the proposed homes and existing single-family homes in Crestmont. To the south, there is Greenmoor HOA common area that provides separation between the proposed townhomes and existing Greenmoor single-family homes. Where there are existing single-family homes adjacent to the southern property line, widened buffers are provided; a 30-foot Type B buffer in the southwest and a 50-foot Type B buffer in the southeast.

(vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

RESPONSE: The development will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Green Level Towns is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. Please see the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

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

The following uses shall be permitted:

Residential

- Single-family
- Townhouse
- Duplex
- Accessory apartment*

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

Utilities

- Utility, minor

Recreational

- Greenway
- Park, active
- Park, passive
- Recreation facility, private

DESIGN CONTROLS

Total Project Area	6.035 acres			
Maximum Total Residential Units *	32			
Max Built-Upon Area	65%			
	Townhouses**	Single-Family	Duplex	Recreation facility, private
Minimum Lot Size	None	5,000 square feet	None	None
Minimum Lot Width	18 ft.	50 ft.	None	None
Minimum Setbacks				
Front	15 ft.	25 ft.	15 ft.	15 ft.
Front (garage)	20 ft. (from sidewalk or back-of-curb where no sidewalk exists)	N/A	20 ft. (from sidewalk or back-of-curb where no sidewalk exists)	N/A
Side	0 ft. (10 ft. for end units)	6 ft. min./16 ft. total	8 ft.	10 ft.
Rear	15 ft.	20 ft.	15 ft.	25 ft.
Corner Side	15 ft.	15 ft.	15 ft.	15 ft.
Maximum Building Height***	3 stories/36 ft.	3 stories/36 ft.	3 stories/36 ft.	3 stories/36 ft.
Minimum Buffer/RCA Setbacks	Buildings: 10 ft. Parking: 5 ft.	Buildings: 10 ft. Parking: 5 ft.	Buildings: 10 ft. Parking: 5 ft.	Buildings: 10 ft. Parking: 5 ft.

* No townhouse building shall include more than four (4) units.

** No townhouse buildings shall front Hillman Bend.

***No townhouse building along Hillman Bend shall exceed 2 stories.

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Location:	Buffer Size & Type:
Along the northern property line	15 ft. Type A
Along the eastern property line	15 ft. Type A
Along Green Level Church Road	30 ft. Type B
Along the southern property line except as listed below	15 ft. Type A
Along the shared property line with PIN 0723931058	30 ft. Type B if townhouses or duplexes are developed 15 ft. Type A if single-family homes are developed
Along the southeastern property line as shown on the Concept Plan	50 ft. Type B if townhouses or duplexes are developed 15 ft. Type A if single-family homes are developed

ARCHITECTURAL STANDARDS

This PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Site Plan submittal.

Single-family:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.

6. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the windows
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative air vents on gable
 - l. Decorative gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
8. 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.
9. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of single-family lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

Duplexes:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Front facing garage doors shall have windows, decorative details or carriage-style adornments on them.
3. The project shall include a minimum of two (2) or more garage door styles.
4. Entrances shall have a covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
6. The visible side of a unit on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units facing public right-of-way shall have trim around the windows.
9. Side and rear elevations shall include architectural features to break up the flat walls both vertically and horizontally.

10. Buildings shall have no more than one unadorned side-gabled roof in a row within a single building.

Townhouses:

1. Vinyl siding is not permitted; however vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it shall be broken up horizontally and vertically between every other unit.
3. Front facing garage doors shall have windows, decorative details, or carriage-style adornments on them.
4. The project shall include a minimum of two (2) or more garage door styles.
5. Entrances shall have a covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements, such as, but not limited to, the following:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the windows
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative air vents on gable
 - l. Decorative gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and include varied trim, shutter, and accent colors complementing the siding color.

9. The rear and side elevations of units facing public rights of way shall have trim around the windows.
10. Side and rear elevations shall include architectural features to break up the flat walls both vertically and horizontally.
11. Townhouse buildings shall have no more than one unadorned side-gabled roof in a row in a single building.
12. End townhouse elevations facing a public right of way shall have a portico or covered entrance.

PARKING AND LOADING

The PUD will comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The property is in the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all applicable UDO built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements.

Resource Conservation Areas (RCA)

This PUD will meet the requirements of UDO Section 8.1.2, Resource Conservation Area, and Section 2.3.4, Planned Development Districts. UDO Section 8.1.2 requires a minimum Resource Conservation Area ("RCA") equal to or greater than 30% of the gross site acreage. If the Development is for single-family homes and mass graded, it shall provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8.

Floodplain

The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex Watershed & FEMA Map dated April 2015. FIRM Panel 3720072200J dated May 2, 2006 does not include a floodplain within the property boundary.

Historic Structures

There are no known historic structures present on the Property.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- If Hillman Bend is not extended to the south, the project shall install signage adjacent to the wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.
- The HOA shall not prohibit clover or other mixed grasses.
- The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer.
- A minimum of 70% of landscaping shall be native or nativar species.
- To reduce irrigation requirements, the project shall select and plant only warm season grasses.
- The project shall install a minimum of one (1) pet waste station.
- All homes shall be pre-configured with solar conduit.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1-year, and 10-year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with UDO Section 6.1.

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

The project shall pay a fee-in-lieu of park land dedication for a maximum of 32 units. The fee in lieu shall be calculated using 2025 rates and deposited with the Town at final plat.

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. Road and utility infrastructure shall be as follows:

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply. 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, as amended with this rezoning.

- The project shall dedicate right of way and widen the eastern half of Green Level Church Road for the length of the property's Green Level Church Road frontage based on a minimum 84-foot back to back curb and gutter 4-lane divided major thoroughfare typical section with a 10-foot Side Path in a 110-foot right of way.
- To the north of the property, the existing Hillman Bend stub street and sidewalk conclude short of the property's northern property line (the "Crestmont Stub Street"). To the south of the property, the existing Hillman Bend stub street and sidewalk conclude short of the property's southern property line (the "Greenmoor Stub Street"). The project shall extend the Crestmont Stub Street south and the Greenmoor Stub Street north to the property line and construct a neighborhood street across the property to connect the two existing stub streets and sidewalks (the "Hillman Bend Extension"). The Hillman Bend Extension shall be based on a minimum 27-foot curb and gutter residential street section in a 50-foot right of way. Any fees in lieu collected by the Town for the Crestmont Stub Street or the Greenmoor Stub Street shall be available to the developer to construct the Hillman Bend Extension.
- If developer proposes direct public street access to Green Level Church Road, it shall be constructed as channelized right-in/right-out only and located a minimum of 375 feet north of the Greenmoor Path intersection. If developer does not propose direct public street access to Green Level Church Road, a temporary construction entrance shall be located on Green Level Church Road to serve construction traffic access until final subdivision plat.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

The project shall include the following pedestrian and bicycle improvements:

- 5-foot sidewalks on both sides of the Hillman Bend Extension.
- If single-family homes are constructed, 5-foot sidewalks on both sides of the internal neighborhood street as required by UDO Section 2.3.4.

- If townhomes and/or duplexes are constructed, a 5-foot sidewalk on one side of the internal neighborhood street as required by UDO Section 7.5.
- A 10-foot side path on Green Level Church Road for the length of the property's Green Level Church Road frontage.
- If the project does not have driveway access on to Green Level Church Road, Developer shall construct a pedestrian connection to the side path on Green Level Church Road.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex Sewer and Water Master Plan and Standards and Specifications. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone and cable will be provided by the Developer via third parties and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The project may be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Plan review and approval.

CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map (the "LUM") designates the property as Medium Density Residential which recommends single-family homes, duplexes, and townhomes up to 6 units per acre to provide "a transition from the more urbanized areas of Apex to the Low Density neighborhoods in the western part of the study area." The PUD proposes single-family homes, duplexes, and townhomes with a maximum density of 5.3 units/acre which is consistent with the Medium Density Residential LUM designation.

COMPLIANCE WITH UDO

The development standards proposed for this PUD comply with those set forth in the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Green Level Towns. All standards and regulations in this PUD shall control

over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEGINNING at a ½" iron pipe found at the North East corner of the property owned by Howard L. Holt and Mary Louise W. Holt, said pipe being South 15°37'08" West 145.00 feet from a ½" iron pipe found on the eastern right of way of Hillman Bend (50' Public Right of Way) and near the intersection with Canoe Creek Lane (Public Right of Way) having NC Grid Coordinates (NAD83/2011) of N=733,578.79, . E=2,029,903.93, thence from said BEGINNING point South 05°18'23" West 304.28 feet to a 1 1/8" iron pipe found, thence South 66°40'05" West 125.41 feet to a 1 1/8" iron pipe found, thence South 83°45'39" West 196.15 feet to a 1 1/8" iron pipe found, thence North 48°34'27" West 140.68 feet to a 1 1/8" iron pipe found, thence South 76°56'11" West 315.54 feet to a point on the eastern right of way of Green Level Church Road S.R. 1625 (Variable Width Public Right of Way), thence along said right of way South 76°56'11" West 20.58 feet to a 5/8" rebar set, thence leaving said right of way South 76°56'11" West 29.74 feet to a point in Green Level Church Road S.R. 1625, thence North 00°18'44" East 366.19 feet to a point in Green Level Church Road S.R. 1625, thence South 89°48'45" East 30.31 feet to a 5/8" rebar set on the eastern right of way of Green Level Church Road S.R. 1625 (Variable Width Public Right of Way), thence leaving said right of way South 89°48'45" East 767.85 feet to the point and place of BEGINNING, containing 6.035 Acres more or less inclusive of 0.249 Acres in Green Level Church Road S.R. 1625 Right of Way.

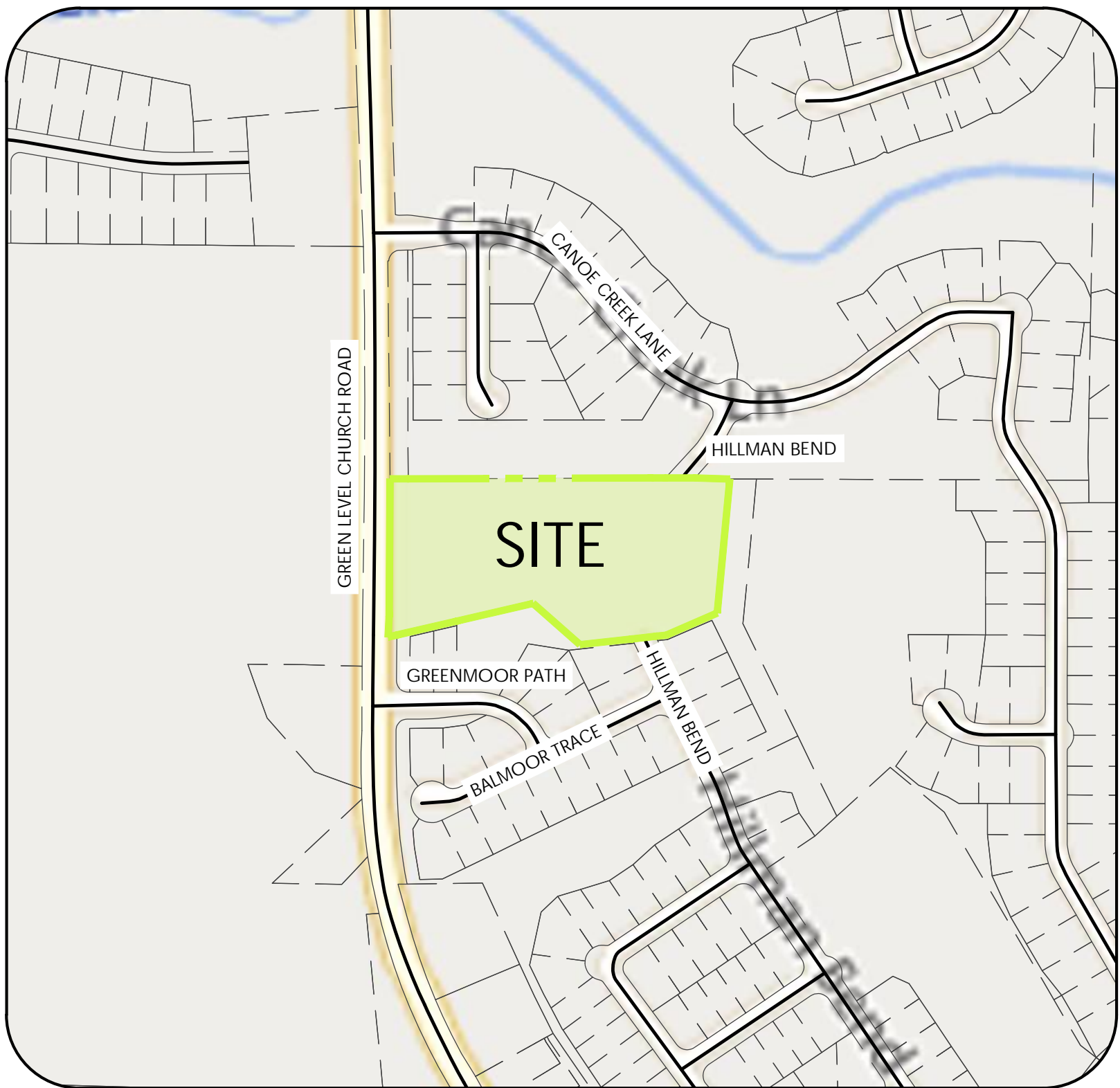
PUD-CZ

GREEN LEVEL TOWNS

7924 GREEN LEVEL CHURCH ROAD
APEX, NORTH CAROLINA 27523

PROJECT NUMBER: 24-RDU-014

Sheet List Table			
Sheet Number	Sheet Title	Original Date	Revision Date
C-1.0	Cover Sheet	8/1/2024	12/16/2024
C-2.0	Existing Conditions	8/1/2024	12/16/2024
C-2.1	Existing Tree Survey	8/1/2024	12/16/2024
C-3.0	Conceptual Site Plan	8/1/2024	12/16/2024
C-6.0	Conceptual Utility Plan	8/1/2024	12/16/2024
A-1.0	Building Elevations	8/1/2024	12/16/2024
A-1.1	Building Elevations	8/1/2024	12/16/2024



VICINITY MAP

1" = 300'



PROJECT AERIAL

1" = 300'

CONTACT INFO:

LANDSCAPE ARCHITECT:
URBAN DESIGN PARTNERS, PLLC
CONTACT: BRIAN RICHARDS, PLA
ADDRESS: 150 FAYETTEVILLE ST.
SUITE 1310
RALEIGH, NC 27601
PHONE: 919-275-5002
EMAIL: BRICHARDS@URBANDESIGNPARTNERS.COM

DEVELOPER:
W&W PARTNERS, INC.
CONTACT: MIKE HUNTER
ADDRESS: 1000 DARRINGTON DR.
SUITE 500
CARY, NC 27513
PHONE: 919-462-0775

LAND USE ATTORNEY:
PARKER & POE ADAMS & BERNSTEIN LLP
CONTACT: MATTHEW J. CARPENTER
ADDRESS: 301 FAYETTEVILLE ST.
SUITE 1400
RALEIGH, NC 27601
PHONE: 919-835-4032
EMAIL: MATTHEWCARPENTER@PARKERPOE.COM

SURVEYOR:
ROBINSON & PLANTE, PC
CONTACT: STUART (BUDDY) PLANTE, III, PLS
ADDRESS: 970 TRINITY RD.
RALEIGH, NC 27607
PHONE: 919-859-6030
EMAIL: BUDDY@ROBINSONPLANTE.COM

WATERSHED PROTECTION OVERLAY DISTRICT:	PRIMARY
HISTORIC STRUCTURE:	N/A
PARKS AND RECREATION ADVISORY BOARD:	\$2,805.34/UNIT
FLOODPLAIN:	N/A

DEVELOPMENT SUMMARY:

PIN:	0723935325			
TOTAL ACRES:	± 6.035 AC			
EXISTING ZONING:	RR (RURAL RESIDENTIAL)			
PROPOSED ZONING:	PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)			
CURRENT 2045 LUM DESIGNATION:	MEDIUM DENSITY RESIDENTIAL			
PROPOSED 2045 LUM DESIGNATION:	MEDIUM DENSITY RESIDENTIAL			
AREA DESIGNATED AS MIXED USE ON LUM:	NONE			
AREA PROPOSED AS NON-RESIDENTIAL:	NONE			
MAXIMUM RESIDENTIAL UNITS*	32 UNITS			
LOT DESIGN CRITERIA	TOWNHOUSES**	SINGLE-FAMILY	DUPLEX	RECREATION FACILITY
MIN. LOT SIZE:	NONE	5,000 SF	NONE	NONE
MIN. LOT WIDTH:	18'	50'	NONE	NONE
MINIMUM FRONT SETBACK:	15' (20' for garages)	25'	15' (20' for garages)	15'
MINIMUM SIDE SETBACK:	0' (10' FOR END UNITS)	6' MIN/16' TOTAL	8'	10'
MINIMUM REAR SETBACK:	15'	20'	15'	25'
MINIMUM CORNER SIDE SETBACK:	15'	15'	15'	15'
MAX. BUILDING HEIGHT***:	36' (3 STORIES)	36' (3 STORIES)	36' (3 STORIES)	36' (3 STORIES)
MAX. BUILT UPON AREA (PER PUD TEXT):	3.93 AC (65%)	3.93 AC (65%)	3.93 AC (65%)	3.93 AC (65%)
MIN. BUFFER/RCA SETBACKS:	10' (BUILDINGS) 5' (PARKING)	10' (BUILDINGS) 5' (PARKING)	10' (BUILDINGS) 5' (PARKING)	10' (BUILDINGS) 5' (PARKING)
MIN. PARKING REQUIRED:	2 PER UNIT (+0.25 PER UNIT FOR GUEST)	2 PER UNIT	2 PER UNIT	

REQUIRED BUFFERS	15' TYPE A
ALONG THE NORTHERN PROPERTY LINE	15' TYPE A
ALONG THE EASTERN PROPERTY LINE	30' TYPE B
ALONG GREEN LEVEL CHURCH ROAD	15' TYPE A
ALONG THE SOUTHERN PROPERTY LINE EXCEPT AS LISTED BELOW	30' TYPE B IF TOWNHOUSES OR DUPLEXES ARE DEVELOPED
ALONG THE SHARED PROPERTY LINE WITH PIN 0723931058	15' TYPE A IF SINGLE-FAMILY HOMES ARE DEVELOPED
ALONG THE SOUTHERN PROPERTY LINE AS SHOWN ON THE CONCEPT PLAN	50' TYPE B IF TOWNHOUSES OR DUPLEXES ARE DEVELOPED
RCA REQUIRED:	15' TYPE A IF SINGLE-FAMILY HOMES ARE DEVELOPED

THIS PUD WILL MEET THE REQUIREMENTS OF UDO SECTION 8.1.2, RESOURCE CONSERVATION AREA, AND SECTION 2.3.4, PLANNED DEVELOPMENT DISTRICTS. UDO SECTION 8.1.2 REQUIRES A MINIMUM RESOURCE CONSERVATION AREA (RCA) EQUAL TO OR GREATER THAN 30% OF THE GROSS SITE ACREAGE. IF THE DEVELOPMENT IS FOR SINGLE-FAMILY HOMES AND MASS GRADED, IT SHALL PROVIDE ADDITIONAL 5% RCA REQUIRED FOR MASS GRADING UNDER UDO SECTION 7.2.5.B.8.

* NO TOWNHOUSE BUILDING SHALL INCLUDE MORE THAN FOUR (4) UNITS.
** NO TOWNHOUSE BUILDINGS SHALL FRONT HILLMAN BEND.
*** NO TOWNHOUSE BUILDING ALONG HILLMAN BEND SHALL EXCEED 2 STORIES.

PARKS AND RECREATION SITE DATA TABLE
PUD Rezoning: Date of Town Council Approval of Rezoning: MM/DD/YYYY
of single-family detached units _____ x \$4,165.28/unit = _____
of single-family attached units _____ x \$2,805.34/unit = _____
Total Fee-in-lieu of dedication = _____
Acres of Land Dedication: N/A
Public Greenway Trail Construction: N/A

SEWER CAPACITY REQUEST:

UNIT TOTAL:	32 DU (SINGLE-FAMILY & TOWNHOMES)
CAPACITY:	300 GPD
CAPACITY REQUESTED:	300 GPD x 32 DU = 9,600 GPD



150 Fayetteville st ste 1310
raleigh, nc 27601
+ 919 275 5002
urbandesignpartners.com

nc firm no: P-2671 sc coa no: C-03044

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY

12/16/2024

W&W PROPERTIES, INC.

GREEN LEVEL TOWNS DEVELOPMENT DIAGRAM

Cover Sheet

7924 GREEN LEVEL CHURCH RD.

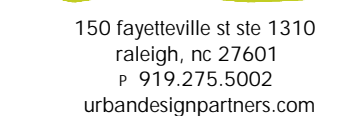
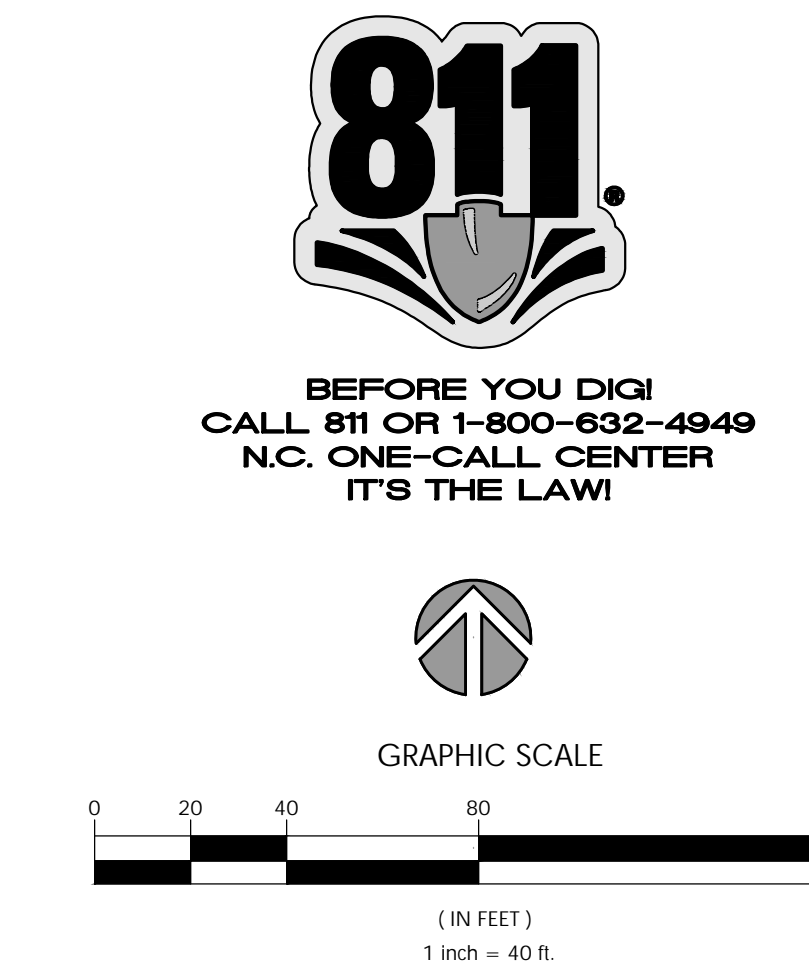
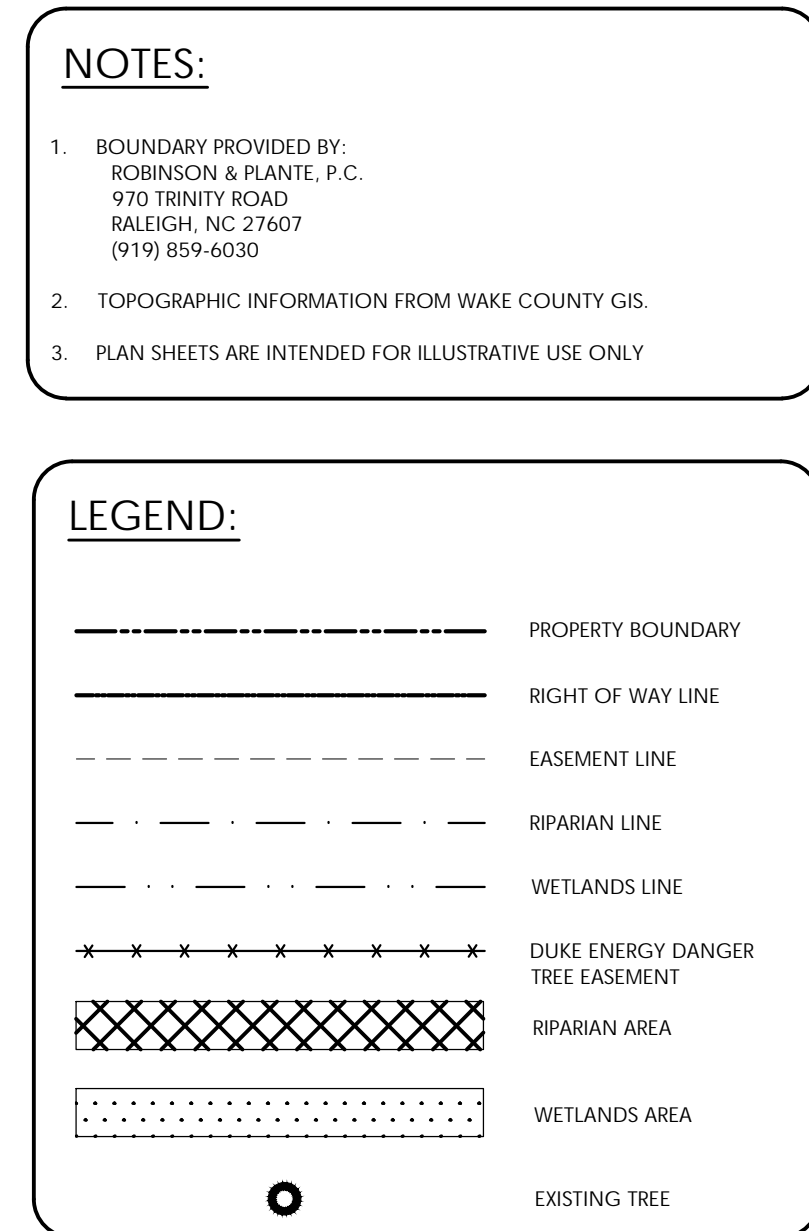
NO.	DATE	BY:	REVISIONS:
1	08.01.24	MEW	Submitted #1
2	10.04.24	MEW	Submitted #2
3	11.01.24	MEW	Submitted #3
4	12.02.24	MEW	Submitted #4
5	12.16.24	MEW	Submitted #5

Project No: 24-RDU-014

Date: 08/01/2024

Sheet No:

C-1.0



firm no: P-2671 sc coa no: C-0

FOR
REFERENCE
ONLY

1000 DARRINGTON DRIVE
SUITE 500

GREEN LEVEL TOWNS

DEVELOPMENT DIAGRAM

Existing Conditions

[illegible]

Project No: 24-RDU-014
Date: 08/01/2024
Sheet No:

C-2.0



NOTES:

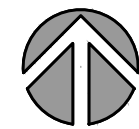
- BOUNDARY PROVIDED BY: ROBINSON & PLANTE, P.C. 970 TRINITY ROAD RALEIGH, NC 27607 (919) 859-6030
- TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS.
- TREE LOCATION INFORMATION PROVIDED BY S&EC.
- PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY
- TREES WITHIN THE STREET RIGHT-OF-WAY ARE PROTECTED BY LAW.

LEGEND:

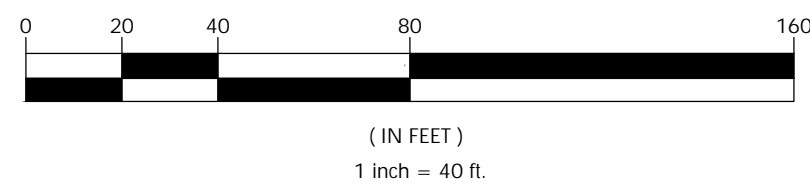
- PROPERTY BOUNDARY
- RIGHT OF WAY LINE
- RIPARIAN LINE
- WETLANDS LINE
- CRITICAL ROOT ZONE
- EXISTING TREE
- RIPARIAN AREA
- WETLANDS AREA



BEFORE YOU DIG!
CALL 811 OR 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!



GRAPHIC SCALE



150 Fayetteville st ste 1310
raleigh, nc 27601
P: 919.275.5002
urbandesignpartners.com

nc firm no: P-2671 sc cos no: C-03044

FOR
REFERENCE
ONLY

12/16/2024

W&W PROPERTIES, INC.

GREEN LEVEL TOWNS
DEVELOPMENT DIAGRAM

1000 DARRINGTON DRIVE
SUITE 500
CARY, NC 27513

Existing Tree Survey
7924 GREEN LEVEL CHURCH RD.

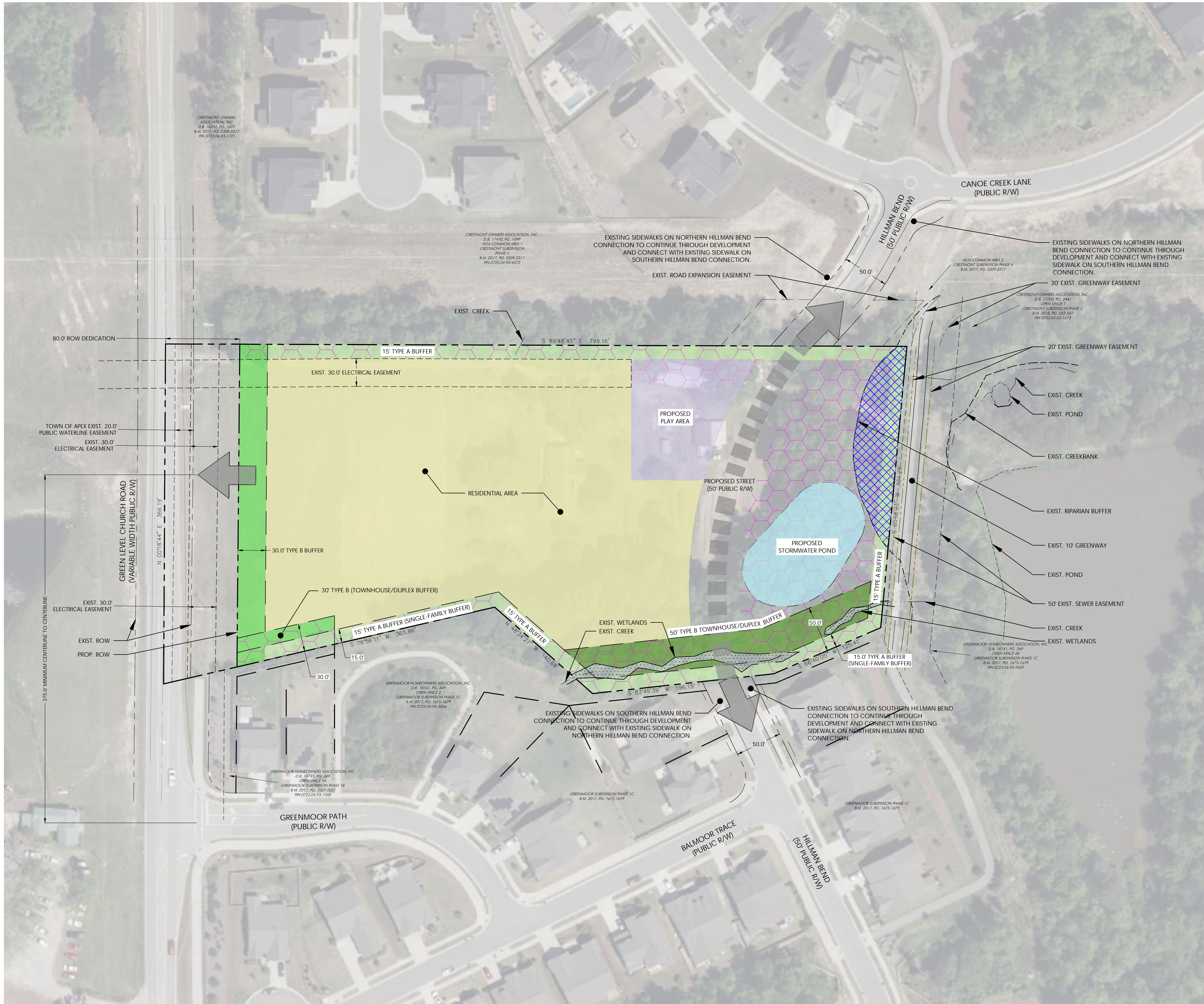
NO. DATE BY: REVISIONS:

Project No: 24-RDU-014

Date: 08/01/2024

Sheet No:

C-2.1



- NOTES:**
- BOUNDARY INFORMATION PROVIDED BY:
ROBINSON & PLANTE, P.C.
970 TRINITY ROAD
RALEIGH, NC 27607
(919) 859-6030
 - PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY
 - CONTACT THE UTILITY COMPANY TO RELOCATE ANY EXISTING UTILITY POLES. ALL EXISTING FACILITIES WHICH CONFLICT WITH THE IMPROVEMENTS UNDER THE SCOPE OF THIS PROJECT MUST BE RELOCATED AT THE EXPENSE OF THE APPLICANT.
 - ALL DEVELOPMENT CREATING A TOTAL 20,000 SQUARE FEET OF IMPERVIOUS AREA SINCE SEPTEMBER 1978 WILL REQUIRE STORM DRAINAGE DETENTION.
 - TREES WITHIN THE STREET RIGHT-OF-WAY ARE PROTECTED BY LAW.
 - TRASH SERVICE FOR THE SITE WILL BE CONTRACTED THROUGH A PRIVATE COLLECTION COMPANY. COORDINATION FOR SERVICE IS THE RESPONSIBILITY OF THE APPLICANT.
 - DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 - THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND ELECTRICITY.
 - THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
 - NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS_SCHEDULES](http://www.apexnc.org/215/APPLICATIONS_SCHEDULES).
 - TREE PROTECTION FENCING MUST BE PLACED:
a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT
b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
 - ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

LEGEND:

	PROPERTY BOUNDARY
	RIGHT OF WAY LINE
	EASEMENT LINE
	LANDSCAPE BUFFER LINE
	RIPIARIAN LINE
	WETLANDS LINE
	PROPOSED STORMWATER POND
	RESIDENTIAL AREA
	15' TYPE A BUFFER AREA
	30' TYPE B BUFFER AREA
	50' TYPE B BUFFER AREA
	PLAY AREA
	RIPIARIAN AREA
	WETLANDS AREA
	RESOURCE CONSERVATION AREA (RCA)
	PROPOSED ACCESS CONNECTIONS

811

BEFORE YOU DIG!
CALL 811 OR 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

GRAPHIC SCALE

0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

150 Fayetteville st ste 1310
raleigh, nc 27601
+ 919 275 5002
urbandesignpartners.com

nc firm no: P-2671 sc coa no: C-03044

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY

12/16/2024

W&W PROPERTIES, INC.

GREEN LEVEL TOWNS

DEVELOPMENT DIAGRAM

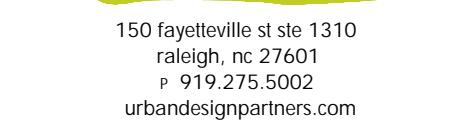
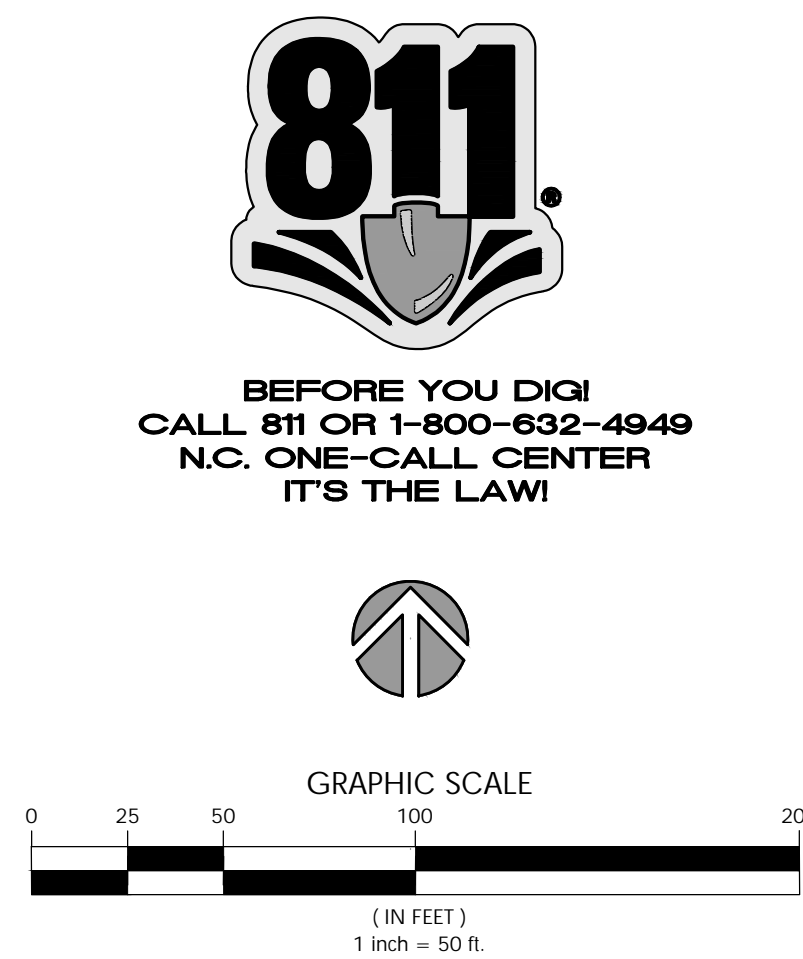
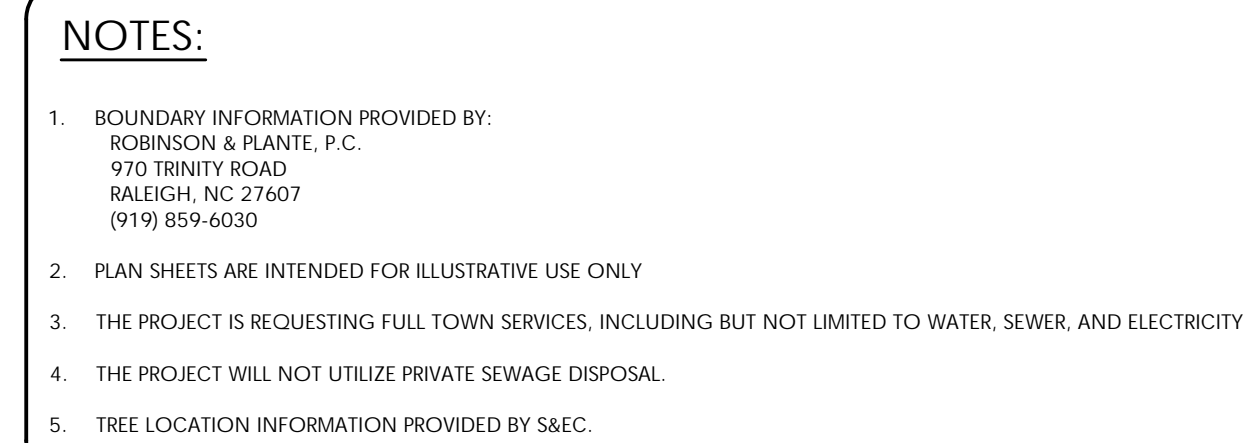
Conceptual Site Plan
7924 GREEN LEVEL CHURCH RD.

NO.	DATE	BY:	REVISIONS:
1	08.01.24	MEW	Submitted #1
2	10.04.24	MEW	Submitted #2
3	11.01.24	MEW	Submitted #3
4	12.02.24	MEW	Submitted #4
5	12.16.24	MEW	Submitted #5

Project No: 24-RDU-014
Date: 08/01/2024
Sheet No:

C-3.0

- Page 202 -



nc firm no: P-2671 sc coa no: C-03044

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY

12/16/2024

W&W PROPERTIES, INC.

1000 DARRINGTON DRIVE
SUITE 500
CARY, NC 27513

GREEN LEVEL TOWNS DEVELOPMENT DIAGRAM

Conceptual Utility Plan

NO.	DATE:	BY:	REVISIONS:
1	08.01.24	NEW	Schema # 1
2	10.04.24	NEW	Schema # 2
3	11.01.24	NEW	Schema # 3
4	12.02.24	NEW	Schema # 4
5	12.16.24	NEW	Schema # 5

Project No: 24-RDU-014

Date: 08/01/2024

Sheet No:

C-6.0



NOTES:

1. TYPICAL BUILDING ELEVATIONS, WINDOW CONFIGURATIONS, DOOR STYLES, COLORS, AND OTHER ARCHITECTURAL STANDARDS MAY VARY FROM HOME-TO-HOME AND BUILDING-TO-BUILDING.
2. ELEVATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. CONDITIONS ARE INCLUDED WITHIN THE ZONING PD TEXT DOCUMENT.



150 Fayetteville St Ste 1310
Raleigh, NC 27601
P: 919.275.5002
urbandesignpartners.com

nc firm no: P-2671 sc: cos no: C-03044

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY

12/16/2024

W&W PROPERTIES, INC.

1000 DARRINGTON DRIVE
SUITE 500
CARY, NC 27513

GREEN LEVEL TOWNS
DEVELOPMENT DIAGRAM

Building Elevations

7924 GREEN LEVEL CHURCH RD.

NO.	DATE	BY	REVISIONS
1	08.01.24	MEW	Submitted #1
2	10.04.24	MEW	Submitted #2
3	11.01.24	MEW	Submitted #3
4	12.02.24	MEW	Submitted #4
5	12.16.24	MEW	Submitted #5

Project No: 24-RDU-014

Date: 08/01/2024

Sheet No:

A-1.0



NOTES:

1. TYPICAL BUILDING ELEVATIONS, WINDOW CONFIGURATIONS, DOOR STYLES, COLORS, AND OTHER ARCHITECTURAL STANDARDS MAY VARY FROM HOME-TO-HOME AND BUILDING-TO-BUILDING.
2. ELEVATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. CONDITIONS ARE INCLUDED WITHIN THE ZONING PD TEXT DOCUMENT.



150 Fayetteville St Ste 1310
Raleigh, NC 27601
919.275.5002
urbandesignpartners.com

nc firm no: P-2671 sc coa no: C-03044

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY

12/16/2024

W&W PROPERTIES, INC.

1000 DARRINGTON DRIVE
SUITE 500
CARY, NC 27513

GREEN LEVEL TOWNS
DEVELOPMENT DIAGRAM

Building Elevations
7924 GREEN LEVEL CHURCH RD.

NO.	DATE	BY	REVISIONS
1	08.01.24	MEW	Submitted #1
2	10.04.24	MEW	Submitted #2
3	11.01.24	MEW	Submitted #3
4	12.02.24	MEW	Submitted #4
5	12.16.24	MEW	Submitted #5

Project No: 24-RDU-014

Date: 08/01/2024

Sheet No:

A-1.1



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #24CZ15
Green Level Towns 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:

- Applicants:** W&W Partners, Inc. & Matthew Carpenter, Parker Poe Adams & Bernstein LLP
- Authorized Agent:** Matthew Carpenter, Parker Poe & Adams & Bernstein LLP
- Property Address:** 7924 Green Level Church Road
- Acreage:** ±6.035 acres
- Property Identification Number (PIN):** 0723935235
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** 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: January 13, 2025 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: [https://www.apexnc.org/DocumentCenter/View/47967/24CZ15](http://www.apexnc.org/DocumentCenter/View/47967/24CZ15).

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ15

Green Level Towns 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:

Solicitantes: W&W Partners, Inc. & Matthew Carpenter, Parker Poe Adams & Bernstein LLP

Agente autorizado: Matthew Carpenter, Parker Poe & Adams & Bernstein LLP

Dirección de la propiedad: 7924 Green Level Church Road

Superficie: ±6.035 acres

Números de identificación de la propiedad: 0723935235

Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: 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: 13 de enero de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47967/24CZ15>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning # 24CZ15 Green Level Towns PUD
Project Location: 7924 Green Level Church Road
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe & Adams Bernstein LLP
Planning Board: January 13, 2025
Public Hearing Date:
Project Planner: Lauren Staudenmaier

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 23, 2024, 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.

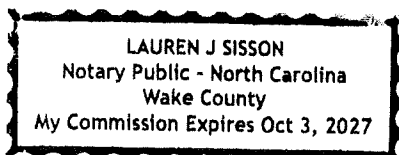
12/23/2024
Date

Shane L. Thur
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 23rd day of DECEMBER, 202 4.



[Signature]
Notary Public

My Commission Expires: 10 / 03 / 2027



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #24CZ15
Green Level Towns 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:

- Applicants:** W&W Partners, Inc. & Matthew Carpenter, Parker Poe Adams & Bernstein LLP
- Authorized Agent:** Matthew Carpenter, Parker Poe & Adams & Bernstein LLP
- Property Address:** 7924 Green Level Church Road
- Acreage:** ±6.035 acres
- Property Identification Number (PIN):** 0723935235
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** 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: January 28, 2025 6:00 PM

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/47967/24CZ15>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ15

Green Level Towns 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:

Solicitantes: W&W Partners, Inc. & Matthew Carpenter, Parker Poe Adams & Bernstein LLP

Agente autorizado: Matthew Carpenter, Parker Poe & Adams & Bernstein LLP

Dirección de la propiedad: 7924 Green Level Church Road

Superficie: ±6.035 acres

Números de identificación de la propiedad: 0723935235

Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: 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: 28 de enero de 2025 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47967/24CZ15>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ15 Green Level Towns PUD
Project Location: 7924 Green Level Church Road
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe & Adams Bernstein LLP
Town Council
Public Hearing Date: January 28, 2025
Project Planner: Lauren Staudenmaier

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 6, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 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.

1/6/2025

Date

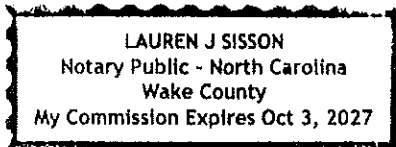
Shirane L. Khan

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 6th day of January, 202 5.



[Signature]

Notary Public

My Commission Expires: 10/03/2027

Public Hearing Sign Posted By


Signature

8/13/24
Date

Rezoning #24CZ15

Pink Azalea Ct

Canoe Creek Ln

Green Level Church Rd

7924

Greenmoor Path

Balmoor Trce

Hillman Bnd

August 2024
February 2024 Aerial Photography
Prepared by: Town of Apex Planning Department

0 200 400

Feet



WAKE COUNTY PUBLIC SCHOOL SYSTEM

Office of Student Assignment

5625 Dillard Dr.
Cary, NC 27518
studentassignment@wcpss.net

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

October 11, 2024

Dianne Khin, AICP
Director, Planning Department
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: September 3, 2024
- Name of development: 24CZ15 Green Level Towns PUD
- Address of rezoning: 7924 Green Level Church Road
- Total number of proposed residential units: 32
- Type(s) of residential units proposed: Single-family detached; 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,

Susan W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ15 Green Level Towns PUD

Planning Board Meeting Date: January 13, 2025



Report Requirements:

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

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±6.035 acres

PIN(s): 0723935235

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

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

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ15 Green Level Towns PUD

Planning Board Meeting Date: January 13, 2025



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: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ15 Green Level Towns PUD

Planning Board Meeting Date: January 13, 2025



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 REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ15 Green Level Towns PUD

Planning Board Meeting Date: January 13, 2025



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

- ☐ *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 presented.

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

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

With 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached from Tina Sherman, Sarah Soh, Tim Royal

This report reflects the recommendation of the Planning Board, this the 13th day of January 2025.

Attest:

Tina Sherman, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2025.01.13 17:45:21
-05'00'

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 1/13/2025

☒ Rezoning # 24CZ15 Green Level Town Homes PUD

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

Although the case follows the 2045 LAND USE MAP and the developer proposes the widening of Green Level Church and connectivity of Hillmen Bend, the scale of homes of both adjacent communities to the north and south of the project site are single detached homes, which is different from the proposed higher density town homes.

Current problems of traffic during school peak rush hours and insufficient space in schools will remain, and may worsen since timeline for widening the full length of Green Level may be 20 + years.

I also believe not having any affordable housing is a missed opportunity.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tim Royal

Meeting Date: 01/13/2025

☒ Rezoning # 24CZ15 Green Level Townes

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

1. Compatibility - The density and appearance of town homes is incompatible with the surrounding neighborhoods. Single family infill would fit the area. Possible custom homes.

2. The Right-in Right-out access on Green level should be full access but due to existing neighborhood entrances, this is the only option. I believe most traffic from this PUD will not go northbound, but will travel southbound towards HWY 64. This will create more cut through traffic into the Greenmoor neighborhood routing onto Hillman Bend, then to Greenmoor Path to ultimately turn left onto Green Level Church Rd.

This rezoning is not in the best interest of the surrounding communities.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 1/13/2015

☐ Rezoning # #24CZ15

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

Not compatible with the area.

A lot of units for the space

Short space for the exit on Green Level

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 28, 2025

Item Details

Presenter: Joshua Killian, Planner I

Department: Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 24CZ17 Kelly Rd Townhomes. The applicant, Vasu Kollipara, seeks to rezone approximately 5.97 acres from Residential Agricultural (RA) to High Density Single-Family Residential-Conditional Zoning (HDSF-CZ). The proposed rezoning is located at 2305 & 2309 Kelly Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on January 13, 2025 and unanimously recommended approval.

Item Details

The properties to be rezoned are identified as PINs 0731352462 & 0731355481.

Attachments

- PH5-A1: Staff Report - Rezoning Case No. 24CZ17 - Kelly Rd Townhomes
- PH5-A2: Planning Board Report to Town Council - Rezoning Case No. 24CZ17 - Kelly Rd Townhomes



STAFF REPORT

Rezoning #24CZ17 Kelly Rd Townhomes

January 28, 2025 Town Council Meeting



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: 2305 & 2309 Kelly Road

Applicant: Vasu Kollipara

Owners: Stat9 Technologies, Inc. and EDISquare, Inc.

PROJECT DESCRIPTION:

Acreage: ±5.97

PINs: 0731352462 & 0731355481

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: High Density Single-Family Residential-Conditional Zoning (HDSF-CZ)

Current 2045 Land Use Map: Mixed Use: High Density Residential/Office
Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use

Map Designation will change to: Medium/High Density Residential

Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Residential Agricultural (RA)	Single Family; Vacant
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Eva Pearl Drive; Townhomes (West Village)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Townhomes (West Village)
West:	Residential Agricultural (RA); Rural Residential (RR)	Kelly Road; Vacant; Single Family

EXISTING CONDITIONS:

The site is located along the east side of Kelly Road, north of Eva Pearl Drive, adjacent to the West Village subdivision. The site is southeast of the Kelly Road and Holland Road intersection. The site is comprised of two parcels and includes mature trees, streams, and each parcel has a single-family home. The project site slopes down towards Kelly Road.

NEIGHBORHOOD MEETING:

The applicant conducted multiple neighborhood meetings on September 12, November 12, and November 27, 2024. The neighborhood meeting reports are attached.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high school 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

STAFF REPORT

Rezoning #24CZ17 Kelly Rd Townhomes

January 28, 2025 Town Council Meeting



anticipated. School expansion or construction within the next five years may address concerns at the elementary and high school grade levels.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the properties subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services to include a minimum 30% non-residential. The proposed rezoning to High Density Single-Family Residential-Conditional Zoning (HDSF-CZ) would change the 2045 Land Use Map classification to Medium/High Density Residential.

The proposed rezoning is adjacent to the approved West Village PUD (See Figure 1: West Village PUD and Proposed Project Location). The West Village PUD project area includes 34% non-residential uses. The non-residential area is located adjacent to the Kelly Road and Old US Highway 1 intersection. The proposed rezoning (outlined in red in Figure 1) is located adjacent to the residential portion of the West Village PUD existing residential area and would allow for residential development with similar density and character while limiting potential environmental impacts to the streams located on site.

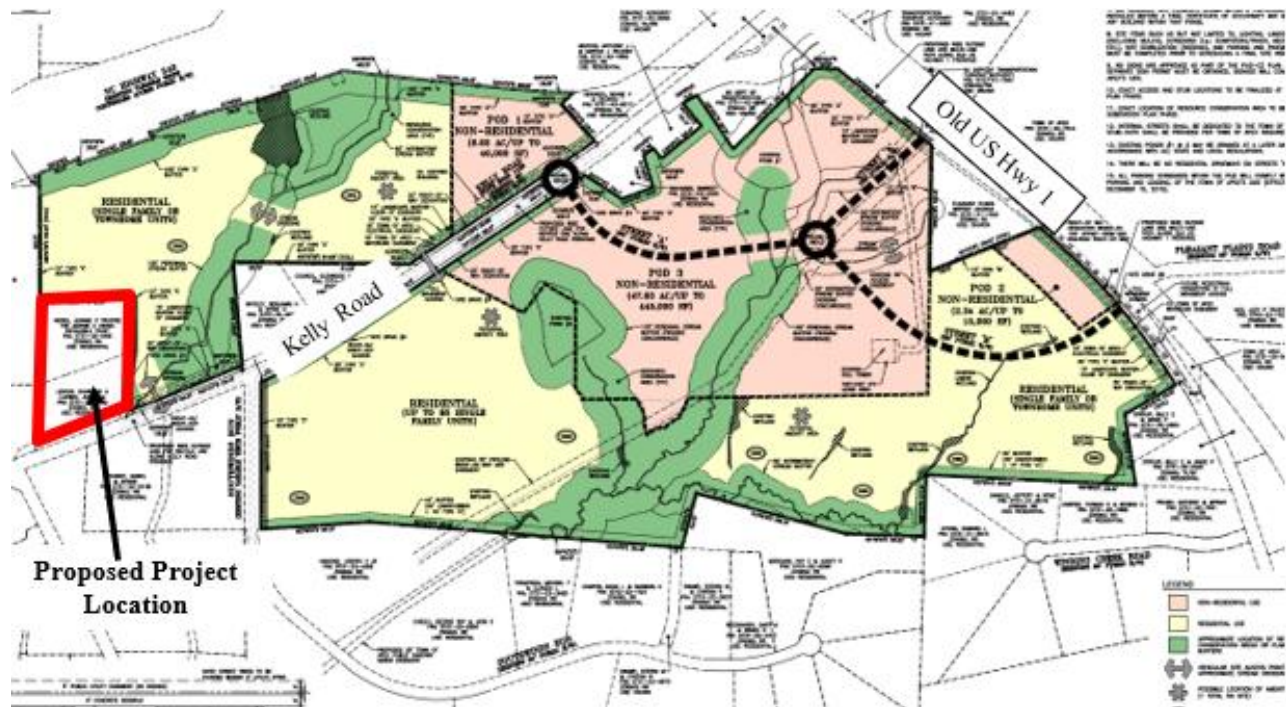


Figure 1: West Village PUD Plan and Proposed Project Location

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. All uses listed below are permitted (P) uses unless noted otherwise.

- | | |
|------------------------|---------------------------------|
| 1. Accessory apartment | 6. Greenway |
| 2. Duplex | 7. Park, active |
| 3. Single-family | 8. Park, passive |
| 4. Townhouse | 9. Recreation facility, private |
| 5. Townhouse, detached | 10. Utility, minor |



Zoning Conditions:

1. There shall be a maximum of thirty (30) residential units on the property.
2. The following architectural conditions shall apply to **townhouse and detached townhouse** units:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
 - b. The roofline cannot be a single mass; it shall be broken up either horizontally or vertically between, at a minimum, every other unit.
 - c. Garage doors shall have either windows, decorative details, or carriage-style adornments on them.
 - d. For units with front-facing garages, the front door entrance shall have a prominent covered porch/stoop area leading to the front door.
3. The following architectural conditions shall apply to **single-family** units:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. All homes shall have either a crawl space foundation or a raised slab foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
 - c. Garage doors shall have windows, decorative details, or carriage-style adornments.
 - d. The garage shall not protrude more than 4 feet beyond the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
 - e. The roof shall be pitched at 5:12 or greater.
4. The following architectural conditions shall apply to **duplex** units:
 - a. Vinyl siding is not permitted, however vinyl windows, decorative elements and trim are permitted
 - b. All units shall have a crawl space or a raised foundation which at a minimum, rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
 - c. Garage doors shall have windows, decorative details, or carriage style adornments.
 - d. Garages cannot protrude more than 5 feet from the front façade or front porch.
 - e. The rear and side elevations of units that can be seen from the right of way shall have trim around the windows.
 - f. All rear elevations shall include a change in roofline plus an additional projection on the rear façade such as, but not limited to, a bay window, cantilever, fireplace, or enclosed porch.
5. The development shall install one (1) sign per Stormwater Control Measure to prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.
6. At least 75% of newly installed plants shall be native or nativar species of North Carolina. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
7. Landscaping shall include warm season grasses.
8. The development shall install at least two pet waste stations.
9. Each unit shall have at least one electrical receptacle suitable for electric vehicle charging with minimum voltage of 220V.
10. All units shall be pre-configured with conduit for a solar energy system.
11. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

STAFF REPORT

Rezoning #24CZ17 Kelly Rd Townhomes

January 28, 2025 Town Council Meeting



12. Subject to Town of Apex and North Carolina Department of Transportation approval, developer shall dedicate right of way for the length of the property's Kelly Road frontage, measured 55 feet from the existing centerline of Kelly Road, and widen and improve Kelly Road for the length of the property's Kelly Road frontage based on an 84-foot back-to-back curb and gutter 4-lane divided roadway with 5-foot sidewalk in a 110-foot right of way with bike lanes consistent with the Town of Apex Bicycle and Pedestrian System Plan Map (the "Road Widening"). There are one or more streams on the property and the Road Widening will require approval from the U.S. Army Corps of Engineers and any other applicable governing body (the "Permitting Body") to permit the stream disturbance. If the Permitting Body does not permit the stream disturbance, developer shall pay a fee in lieu for the Road Widening.
13. The development shall construct 5-foot sidewalks on both sides of internal streets.
14. The development shall construct a stub street to PIN 0731366481 in a location determined by developer and coordinated with Town staff during Master Subdivision and Construction Document review.

ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a meeting for this rezoning on November 14, 2024. 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
<ul style="list-style-type: none">Either an EV Charging station in the neighborhood or a 220 outlet in each garage	Added
<ul style="list-style-type: none">Solar PV conduit in each building.	Added
<ul style="list-style-type: none">HOA covenants shall not require fallen leaves and dead/dormant vegetation to be removed in the fall/winter, including areas with turf grass at the discretion of the party maintaining the landscaping.	Not Added
<ul style="list-style-type: none">The project shall install at least two (2) pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths.	Added

HOUSING STAFF RECOMMENDATION:

Housing staff recommend 5% of total ownership units be dedicated to affordable housing. This recommendation is based on the incentive zoning policy to allow ownership units to be reserved for buyers up to 135% of the Raleigh MSA, for a 20-year affordability period. The applicant has declined to offer a condition providing affordable housing.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #24CZ17 Kelly Rd Townhomes as proposed by the applicant. The 2045 Land Use amendment to Medium/High Density Residential allows residential development with the same density as existing adjacent development in an appropriate zoning district.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on January 13, 2025 and recommended approval with conditions by unanimous vote. The Planning Board recommends the conditions as presented, and recommends that the statement of consistency include the fact that environmental considerations make non-residential development difficult or prohibitive on the site. Additional recommendation that



the applicant return to conversations with housing staff to consider an affordable housing condition since the one originally recommended by staff will not work for the developer.

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 which classifies the subject properties as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning does not include non-residential uses. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Medium/High Density Residential. The rezoning with conditions as offered by the applicant will maintain the residential density and character of the adjacent West Village PUD.

The proposed rezoning is reasonable and in the public interest as it will allow for a residential subdivision that will continue the density and character of the adjacent residential development within West Village. The rezoning's omission of commercial uses is informed by the known streams on site which limits the developable land within the area to be rezoned.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the HDSF-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

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

STAFF REPORT

Rezoning #24CZ17 Kelly Rd Townhomes

January 28, 2025 Town Council Meeting



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 #24CZ17

Holland Rd

Kelly Rd

Van Hook Ln

Stroup St

West Village

Eva Pearl Dr

Fahey Dr

Becca Ct

NC 540 HWY / NB
NC 540 HWY / SB

540



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 #: #24CZ17 Submittal Date: _____
Fee Paid: _____

Project Information

Project Name: Kelly Road Townhomes
Address(es): 2305 and 2309 Kelly Road
PIN(s): 0731352462; 0731355481
Acreage: 5.97
Current Zoning: Residential Agricultural (RA) Proposed Zoning: High Density Single-Family Conditional (HD-SF-CZ)
Current 2045 LUM Classification(s): High Density Residential/Office Employment/Commercial Services
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☒

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

Area classified as mixed use:	Acreage:	<u>5.97 acres</u>
Area proposed as non-residential development:	Acreage:	<u>0</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0</u>

Applicant Information

Name: Vasu Kollipara, c/o Matthew J. Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: MatthewCarpenter@parkerpoe.com

Owner Information

Name: See attached
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Matthew J. Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: MatthewCarpenter@parkerpoe.com
Other contacts: Jeff Roach; Peak Engineering; JRoach@peakengineering.com
919-439-0100

PETITION INFORMATION

Application #:

#24CZ17

Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from RA _____ to HD-SF-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	See attached	21	
2		22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #:

#24CZ17

Submittal Date:

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached

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's LUM designation is High Density Residential, Commercial Services, and Office Employment. Although the proposed townhome community is inconsistent with this mixed-use designation, it is appropriate for the proposed location and consistent with the purposes, goals, and objectives of the LUM. First, the proposed townhomes will act as a natural extension of the existing West Village PUD, in a size and scale that's compatible with existing townhomes adjacent to the east. In view of the existing townhomes to the east, and the large stream on the portion of the property that engulfs the site's Kelly Road frontage, high density residential and high intensity commercial uses are no longer appropriate on the property. Second, the proposed townhomes will serve as a transition between existing homes in the West Village PUD and lower density residential to the north on Kelly Road. Finally, in support of future commercial development, the project will place additional housing near commercially zoned property at the S Salem Street/540 interchange which is identified on the LUM as a Community Mixed Use center.

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 townhomes will be compatible in scale and character to existing townhomes in West Village. They will follow dimensional standards for the HDSF district which are compatible with the dimensional standards for townhomes in the West Village PUD. Additionally, the proposed architectural conditions generally match the architectural conditions in the West Village PUD and the built aesthetics of the existing townhomes.

PETITION INFORMATION

Application #: **#24CZ17** Submittal Date: _____

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

The proposed district will comply with all applicable Supplemental Standards.

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

The project will connect to existing Van Hook Lane and Eva Pearl Drive stub streets to improve connectivity and avoid an additional curb cut on Kelly Road. As discussed above, architectural conditions are offered to ensure the townhomes are compatible in character and quality with existing townhomes in West Village. The project will meet all UDO requirements for buffers, trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration.

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

The project will meet all local, state, and federal environmental regulations. There is an existing stream in the western portion of the property and no lots will be located in riparian buffers.

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

The proposed district will not have an adverse impact on public facilities and services. The project will avoid adverse impacts on roads by connecting to two existing stub streets and avoiding direct access onto Kelly Road. Eva Pearl Drive and Van Hook Lane will provide multiple emergency access locations. The project will pay the required parks and rec fee in lieu of dedication.

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 use will not have adverse effects on health, safety, or welfare of residents of the Town or its ETJ. Rather, it will help add to the housing supply in Apex in a manner that is compatible with the existing development pattern of the area.

PETITION INFORMATION

Application #: **#24CZ17** Submittal Date: _____

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

The proposed district is not substantially detrimental to adjacent properties. As discussed above, the proposed townhomes will be consistent in size, scale, density, and character to the existing West Village PUD townhomes adjacent to the east.

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 district will not constitute a nuisance or hazard. As discussed above, the project will utilize the existing street network and the proposed townhomes will be compatible with existing townhomes in the West Village 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.

Development of the property will comply with all other applicable standards of the Ordinance.

2305 Kelly Road
Proposed Uses and Zoning Conditions

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. All uses listed below are permitted (P) uses unless noted otherwise.

1. Accessory apartment
2. Duplex
3. Single-family
4. Townhouse
5. Townhouse, detached
6. Greenway
7. Park, active
8. Park, passive
9. Recreation facility, private
10. Utility, minor

#24CZ17

Zoning Conditions

1. There shall be a maximum of thirty (30) residential units on the property.
2. The following architectural conditions shall apply to ***townhouse and detached townhouse*** units:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
 - b. The roofline cannot be a single mass; it shall be broken up either horizontally or vertically between, at a minimum, every other unit.
 - c. Garage doors shall have either windows, decorative details, or carriage-style adornments on them.
 - d. For units with front-facing garages, the front door entrance shall have a prominent covered porch/stoop area leading to the front door.
3. The following architectural conditions shall apply to ***single-family*** units:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. All homes shall have either a crawl space foundation or a raised slab foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
 - c. Garage doors shall have windows, decorative details, or carriage-style adornments.
 - d. The garage shall not protrude more than 4 feet beyond the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
 - e. The roof shall be pitched at 5:12 or greater.
4. The following architectural conditions shall apply to ***duplex*** units:
 - a. Vinyl siding is not permitted, however vinyl windows, decorative elements and trim are permitted.
 - b. All units shall have a crawl space or a raised foundation which at a minimum, rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
 - c. Garage doors shall have windows, decorative details, or carriage style adornments.

#24CZ17

- d. Garages cannot protrude more than 5 feet from the front façade or front porch.
 - e. The rear and side elevations of units that can be seen from the right of way shall have trim around the windows.
 - f. All rear elevations shall include a change in roofline plus an additional projection on the rear façade such as, but not limited to, a bay window, cantilever, fireplace, or enclosed porch.
- 5. The development shall install one (1) sign per Stormwater Control Measure to prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.
 - 6. At least 75% of newly installed plants shall be native or nativar species of North Carolina. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
 - 7. Landscaping shall include warm season grasses.
 - 8. The development shall install at least two pet waste stations.
 - 9. Each unit shall have at least one electrical receptacle suitable for electric vehicle charging with minimum voltage of 220V.
 - 10. All units shall be pre-configured with conduit for a solar energy system.
 - 11. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
 - 12. Subject to Town of Apex and North Carolina Department of Transportation approval, developer shall dedicate right of way for the length of the property's Kelly Road frontage, measured 55 feet from the existing centerline of Kelly Road, and widen and improve Kelly Road for the length of the property's Kelly Road frontage based on an 84-foot back-to-back curb and gutter 4-lane divided roadway with 5-foot sidewalk in a 110-foot right of way with bike lanes consistent with the Town of Apex Bicycle and Pedestrian System Plan Map (the "Road Widening"). There are one or more streams on the property and the Road Widening will require approval from the U.S. Army Corps of Engineers and any other applicable governing body (the "Permitting Body") to permit the stream disturbance. If the Permitting Body does not permit the stream disturbance, developer shall pay a fee in lieu for the Road Widening.
 - 13. The development shall construct 5-foot sidewalks on both sides of internal streets.
 - 14. The development shall construct a stub street to PIN 0731366481 in a location determined by developer and coordinated with Town staff during Master Subdivision and Construction Document review.

EXHIBIT A
Kelly Road Townhomes
Owner Information Addendum

PIN: 0731352462

Address: 2305 Kelly Road

Acreage: 2.97 acres

Owner: Stat9 Technologies, Inc.

Owner Mailing Address: 420 Hilliard Forest Drive, Cary, NC 27519

Current Zoning: Residential Agricultural (RA)

PIN: 0731355481

Address: 2309 Kelly Road

Acreage: 3 acres

Owner: EDISquare, Inc.

Owner Mailing Address: 12410 Milestone Center Drive, Suite 600, Germantown, MD 20876

Current Zoning: Residential Agricultural (RA)

AGENT AUTHORIZATION FORM

Application #: **#24CZ17**

Submittal Date: _____

STAT9 TECHNOLOGIES, INC.

is the owner* of the property for which the attached

application is being submitted:

☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.

☐ Site Plan

☒ Subdivision

☐ Variance

☐ Other: _____

The property address is: 2305 Kelly Road; PIN 0731352462

The agent for this project is: Matthew J. Carpenter and Jeff Roach

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

Agent Name: Matthew J. Carpenter and Jeff Roach

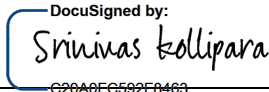
Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Signature(s) of Owner(s)*

STAT9 TECHNOLOGIES, INC.,
a Florida Corporation

By: 
C28A0FC592F0469...

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: **#24CZ17**

Submittal Date: _____

EDISQUARE, INC. _____ is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2309 Kelly Road; PIN 0731355481

The agent for this project is: Matthew J. Carpenter and Jeff Roach

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

Agent Name: Matthew J. Carpenter and Jeff Roach

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

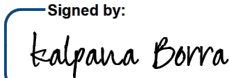
Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Signature(s) of Owner(s)*

EDISQUARE, INC.,

a Florida Corporation

Signed by:
By: 
C0480FBC6C3A4C5...

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

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2305 & 2309 Kelly 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 N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on N/A, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on N/A, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

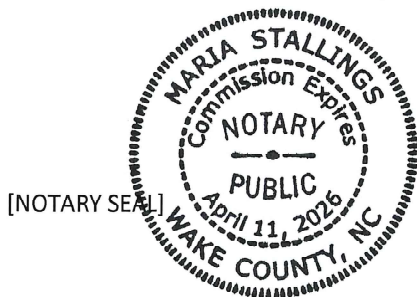
This the 26th day of September, 2024.

Matthew J. Carpenter (seal)
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF wake

I, the undersigned, a Notary Public in and for the County of wake, hereby certify that Matthew Carpenter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's known - name, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Maria Stallings
Notary Public
State of North Carolina
My Commission Expires: April 11, 2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: **#24CZ17**

Submittal Date: _____

Insert legal description below.

See attached.

#24CZ17

Legal Descriptions
Rezoning of 2305 Kelly Road

PIN 0731355481

BEGINNING at a stake located South 78 degrees 10 minutes 21 seconds East 330.12 feet from a point in the centerline of S.R. 1163; runs thence North 14 degrees 49 minutes 54 seconds West 447.40 feet to a stake; runs thence South 85 degrees 26 minutes 15 seconds East 383.94 feet to a stake; runs thence South 04 degrees 33 minutes 45 seconds West 422.01 feet to a stake; runs thence North 85 degrees 26 minutes 15 seconds West 235.37 feet to a stake, the point and place of BEGINNING, and containing 3.00 acres, and being the property of John L. Anderson and wife, Judith A. Anderson, according to a survey dated March 19, 1986, by Land Surveyors, Registered Land Surveyors.

TOGETHER with the right of ingress and egress over and upon a certain 30-foot easement, said point beginning at a railroad spike in the center line of S.R. 1163, a corner for now or formerly Mrs. Gaither Reams in William C. Poe's line and runs thence South 78 degrees 10 minutes 21 seconds East 330.12 feet to an iron pipe, this being the South line of the 30-foot easement.

PIN 0731352462

BEING that tract of property located in White Oak Township, Wake County, North Carolina being more particularly described as follows:

BEGINNING at a nail in the center line of SR #1163, said nail being located North 15 degree, 17 minutes, 13 seconds West 99.28 feet from a nail located in the intersection of Kelly Rd. and Holland Rd. as shown on the hereinafter referred survey; thence along the southern line of J. Philip Snipes South 82 degrees, 52 minutes, 26 seconds East 327.64 feet to an existing iron pipe; thence along the western line of Gaither Reams South 14 degrees, 49 minutes, 54 seconds East 447.48 feet to an existing iron pipe; thence along the northern line of Gaither A. Reams North 78 degrees, 09 minutes, 47 seconds West 330.06 feet to a nail located in the centerline of SR #1163; thence along the centerline of SR #1163 North 16 degrees, 02 minutes, 38 seconds West 421.95 to the POINT AND PLACE OF BEGINNING containing 2.974 acres more or less according to survey for Charlene Lester and Judith Luebke dated 03/14/2006 by Al Prince & Associates, P.A., said tract being SUBJECT TO the right of way of SR #1163.

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Please complete each section of this form and submit with your application.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net.

Developer Company Information	
Company Name	Vasu Kollipara c/o Matthew J. Carpenter
Company Phone Number	919-835-4032
Developer Representative Name	Matthew J. Carpenter
Developer Representative Phone Number	919-835-4032
Developer Representative Email	MatthewCarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	TBD
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	2305 Kelly Road
REID(s)	0092033; 0094985
PIN(s)	0731352462; 0731355481

Projected Dates Information	
Subdivision Completion Date	2026
Subdivision Projected First Occupancy Date	2026

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	30							1200	2500	TBD	TBD	2026					
Condos																	
Apartments																	
Other																	

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 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 virtually via Zoom (location/address) on 9/24/2024 (date) from 5:30 PM (start time) to 6:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

9/26/24
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew Carpenter, a Notary Public for the above State and County, on this the 26 day of September, 2024.



[Signature]
Notary Public
Maria Stallings
Print Name

My Commission Expires: April 11, 2026

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.

September 12, 2024

Date

Dear Neighbor:

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

See attached Exhibit A

See attached Exhibit A

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPB*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to High Density Single-Family Conditional Zoning (HD-SF-CZ), Planned Unit Development Conditional Zoning (PUD-CZ), or a similar district to permit a townhome subdivision.

Estimated submittal date: October 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Vasu Kollipara c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

September 26, 2024

Welcome: 5:30 PM

Project Presentation: 5:30 PM

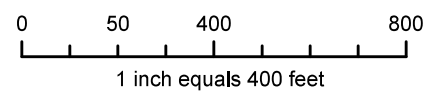
Question & Answer: 6:00 PM

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



2305 & 2309 Kelly Road

Vicinity Map



Disclaimer

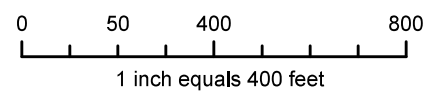
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



2305 & 2309 Kelly Road

Zoning Map

Current Zoning: RA



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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Kelly Road Townhomes Zoning: RA

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 5.97 ac

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Vasu Kollipara c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: Peak Engineering & Design, PLLC, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: N/A Email: jroach@peakengineering.com

Builder (if known): TBD

Address: TBD

City: TBD State: TBD Zip: TBD

Phone: TBD Fax: TBD Email: TBD

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

#24CZ17

EXHIBIT A
Kelly Road Townhomes
Owner Information Addendum

PIN: 0731352462

Address: 2305 Kelly Road

Acreage: 2.97 acres

Owner: Stat9 Technologies, Inc.

Owner Mailing Address: 420 Hilliard Forest Drive, Cary, NC 27519

Current Zoning: Residential Agricultural (RA)

PIN: 0731355481

Address: 2309 Kelly Road

Acreage: 3 acres

Owner: EDISquare, Inc.

Owner Mailing Address: 12410 Milestone Center Drive, Suite 600, Germantown, MD 20876

Current Zoning: Residential Agricultural (RA)

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: virtual via zoom

Date of meeting: September 26, 2024 Time of meeting: 5:30 PM

Property Owner(s) name(s): EDISQUARE, INC.; STAT9 TECHNOLOGIES, INC.

Applicant(s): Vasu Kollipara; c/o Matthew J. Carpenter

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.	Rudy Lepe	2051 Eva Peal Drive, Apex, NC	N/A	lepefernandez18@gmail.com	yes
2.	Luisa Maria Santos	1812 Stroup Street, Apex, NC	919-971-2404	N/A	yes
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): EDISQUARE, INC.; STAT9 TECHNOLOGIES, INC.

Applicant(s): Vasu Kollipara c/o Matthew J. Carpenter

Contact information (email/phone): MatthewCarpenter@parkerpoe.com; 919-835-4032

Meeting Address: virtual via Zoom

Date of meeting: September 26, 2024

Time of meeting: 5:30 PM - 6:30 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

see attached

Applicant's Response:

see attached

Question/Concern #2:

see attached

Applicant's Response:

see attached

Question/Concern #3:

see attached

Applicant's Response:

see attached

Question/Concern #4:

see attached

Applicant's Response:

see attached

Summary of Neighborhood Meeting
2305 & 2309 Kelly Road
September 26, 2024

I. WELCOME

- a. Introduction of Development Team
 - i. Matthew Carpenter w/ Parker Poe
 - ii. Vasu Kollipara, the developer
 - iii. Jeff Roach w/ Peak Engineering, Civil Engineer
- b. Meeting context. This is the pre-filing neighborhood meeting for a rezoning of property on Kelly Road. So, we haven't filed our rezoning application yet. The purpose of tonight's meeting is to provide an overview of our request and to hear your feedback as we put together our rezoning application. I'll give a short presentation and then we'll be happy to answer any questions.

II. PRESENTATION

- a. Site Overview - location, existing uses adjacent, and surrounding development in progress.
- b. 2045 LUM
 - i. The LUM is the primary policy document the Town (staff and Council) uses to evaluate rezoning requests. The site here has a mixed-use designation which calls for High Density Residential, Commercial Services, and Office Employment
- c. Current and Proposed Zoning
 - i. The property is currently zoned Residential Agricultural (RA) as you can see in green. The RA zoning only allows single-family homes on five acre lots.
 - ii. The proposed zoning is High Density Single Family Conditional (HD-SF-CZ).
 - iii. The primary purpose of the rezoning is to allow the development of a townhome community with around 30 townhomes.
 - iv. We believe the project is a natural extension of the West Village townhomes to the east that were originally approved in 2015.
 - v. This community will be of similar scale and quality.
 - vi. The "conditional" part of the case means that we'll include in our application certain zoning conditions that will be binding on the property and any future development.
 - vii. We haven't finalized those conditions yet and they will change after staff review, but conditions will likely address overall density and architectural conditions.
- d. Rezoning Process and Timeline
 - i. Following this meeting, we will complete our rezoning application and plan to submit October 1.
 - ii. Following submittal, we'll go through several months of staff review.
 - iii. Once staff review is complete, the project will be reviewed by the Planning Board. The Planning Board will hold a public hearing on the case and make a recommendation to Council on whether to approve the case. Anyone is permitted to speak on the rezoning.
 - iv. Typically two weeks after the Planning Board meeting, Town Council will hold a public hearing on the case and take the final vote on the request.

During the meeting, the following questions were received via chat and answered by the development team. Answer summaries are provided in [blue](#).

- I live on Stroup Street. What will happen to the wooded areas behind my house? Is this the property you're talking about developing?
 - Yes. The plan is to develop townhomes on the property. As I mentioned, this is just the rezoning stage, so the primary question is whether townhomes are appropriate here as a use. We won't have the final subdivision plan, with the exact lot and street layout, until we file our Master Subdivision which happens after the rezoning.
 - I can tell you that there will be a perimeter buffer along the shared property line.

For these buffers, we typically keep existing tree cover where we can. I also see on GIS there's a planted perimeter buffer behind your house now which appears to be about 15 feet. So, behind your house, at a minimum, you'll have your neighborhoods planted perimeter buffer and a planted perimeter buffer on our property.

- Will the project use roads in West Village?
 - Yes, as I mentioned, we haven't designed our internal streets yet, but the project will connect to the Van Hook Lane and Eva Pearl Drive stub streets. The Town requires cross access connections to these streets and they were stubbed to our property by the developer of West Village because the Town anticipated future development of our site.
- What is the security protection between these two communities and how will our community be separated from this community?
 - The community will not be separated from your community. The homes will be townhomes of similar quality and scale to the townhomes in your neighborhood. The idea is for the new neighborhood to be a natural extension of your neighborhood.

#24CZ17

OWNER	MAILING ADDRESS	
AGARWAL, DAXIT AGARWAL, VIJAY	1819 STROUP ST	APEX NC 27502-4350
AHUJA, APARNA CO-TRUSTEES PALIWAL, SUMIT CO-TRUSTEES	1405 TINOS OVERLOOK WAY	APEX NC 27502-8593
ALVAREZ, ANA LORENA FERNANDEZ VALDEZ, RODOLFO LEPE	2051 EVA PEARL DR	APEX NC 27502-4351
BADISETTI, KAVITHA	2059 EVA PEARL DR	APEX NC 27502-4351
BALARAMAN, ARUN TRUSTEE KUPPUSWAMY, SATHYABAMA TRUSTEE	303 OCEANSIDE LN	CARY NC 27519
BHOWMIK, SOUMYADIP MONDAL, MANALI	2012 VAN HOOK LN	APEX NC 27502-4352
BROCKELBANK, DAVID A	2233 KELLY RD	APEX NC 27502-9586
CARROLL, NICHOLAS S	2049 EVA PEARL DR	APEX NC 27502-4351
CHANDHIRAMOORTHY, RAVISHANKAR MURUGESAN, NANDINI	1817 STROUP ST	APEX NC 27502-4350
CHAUHAN, VIJAY	2018 VAN HOOK LN	APEX NC 27502-4352
CHEN, CHI-DAI	2004 VAN HOOK LN	APEX NC 27502-4352
DAWDA, PRANAV MEHTA, NITI HEMANT	2061 EVA PEARL DR	APEX NC 27502-4351
EDISQUARE INC	12410 MILESTONE CENTER DR STE 600	GERMANTOWN MD 20876-7102
GAMPA, VENKATA B S VAJJHA, VIJAYAVANI	1800 STROUP ST	APEX NC 27502-4350
GORREMUCHU, GNANA GEDDAM, ARUNA	1520 FURLONG LOOP	CARY NC 27519-9392
GOSRANI, SAMEER GOSRANI, URMJ	2057 EVA PEARL DR	APEX NC 27502-4351
HALSEY, WENDY MARIE HALSEY, MARK SULLIVAN	2055 EVA PEARL DR	APEX NC 27502-4351
JERE, ABHIJIT TRUSTEE DESHPANDE, ANJALI S TRUSTEE	325 TRAMWAY DR	MILPITAS CA 95035-3572
JIA, FEI SAYERS, CLAIRE E	1854 FAHEY DR	APEX NC 27502-7083
JOHN, CHERU CHERIAN	4995 NORTHLAWN DR	SAN JOSE CA 95130-1834
JOSHI, TEJAS NAYANKUMAR GODBOLE, AADITI YESHWANT	2071 EVA PEARL DR	APEX NC 27502-4351
KALRA, KABEER KALRA, SONAL	2073 EVA PEARL DR	APEX NC 27502-4351
KAMBLE, CHETAN S KAMBLE, TRUPTI CHETAN	2043 EVA PEARL DR	APEX NC 27502-4351
KELLY COMMONS LLC	10210 GREEN LEVEL CHURCH RD	CARY NC 27519-8229
KETHIREDDY, BHANU SATVIK REDDY	1820 STROUP ST	APEX NC 27502-4350
MAILACHALAM, SHRIDHARSHNA	1842 FAHEY DR	APEX NC 27502-7083
MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA	1818 STROUP ST	APEX NC 27502-4350
MEHTA, ANKIT MEHTA, DEBRA LEIGH	2008 VAN HOOK LN	APEX NC 27502-4352
MILLS, DOROTHY M MILLS, DAVID G TRUSTEE	7001 APEX BARBECUE RD	APEX NC 27502-7784
MUKHERJEE, DEBARSHI MUKHERJEE, SAYARI	1021 GROGANS MILL DR	CARY NC 27519-7193
NAIK, ROHAN D BHASKER, KRITHIKA	1809 STROUP ST	APEX NC 27502-4350
NALLURI, KEERTHI	2047 EVA PEARL DR	APEX NC 27502-4351
NANDA, AMIT NANDA, LOVELEEN	4152 PINEY GAP DR	CARY NC 27519-7514
NGUYEN, HENRY NGUYEN, AMY	2006 VAN HOOK LN	APEX NC 27502-4352
NORU, KRISHNA TRUSTEE YAKASIRI, MENAKA TRUSTEE	1804 STROUP ST	APEX NC 27502-4350
NORU, MADAN M	4849 CLUB TERRACE LN	FRISCO TX 75036-0170
PASUPULATI, VARUN KUMAR BASAK, PRIYANKI	2063 EVA PEARL DR	APEX NC 27502-4351
PIPPALLA, DEEPTHI SANTHOSH	1808 STROUP ST	APEX NC 27502-4350
RAMOS, RAMON HOWARD, JESSICA	1858 FAHEY DR	APEX NC 27502-7083
RIERSON, COLE RIERSON, DANA	2065 EVA PEARL DR	APEX NC 27502-4351
SANDA, REBECCA SANDA, CHRISTOPHER	429 BURNBANK DR	CARY NC 27519-5427
SANTOS, LUISA MARIA	1812 STROUP ST	APEX NC 27502-4350
SHAH, BHAVIK SHAH, KINJALBEN BHAVIK	5032 TREMBATH LN	CARY NC 27519-7306
SHARMA, PARMODH SHARMA, JYOTI	2120 VITTORIO LN	APEX NC 27502-9678
SHIRSEKAR, NIKHIL	1846 FAHEY DR	APEX NC 27502-7083
SIPANI, PRIYANK NAVRATAN SIPANI, PRIYANKA	1850 FAHEY DR	APEX NC 27502-7083
SONG, SOON SUK SONG, IN SOOK	2045 EVA PEARL DR	APEX NC 27502-4351
ST PAUL AMERICAN COPTIC ORTHODOX CHURCH	2510 PINEY PLAINS RD	CARY NC 27518-6870
STANLEY MARTIN HOMES LLC	11710 PLAZA AMERICA DR STE 1100	RESTON VA 20190-4771
STAT9 TECHNOLOGIES INC	420 HILLIARD FOREST DR	CARY NC 27519-8209
SWAHARI, SIRISHA PUDIPEDDI, RAMAKRISHNA	1669 PANTEGO TRL	CARY NC 27519-2603
TAMMISETTI, RENUKA D	2069 EVA PEARL DR	APEX NC 27502-4351
TANUGULA, ROHIT KUMAR TRUSTEE ANNOJ, RADHIKA TRUSTEE	1478 MORRILL AVE	SAN JOSE CA 95132-2251
TAUBER, SCOTT	2002 VAN HOOK LN	APEX NC 27502-4352
TAZEGUL, GOKHAN TAZEGUL, SEVIL KORKMAZ	1840 F	APEX NC 27502-7083
TONG, GINA L MAJORS, JASON R	1838 F	APEX NC 27502-7083

1856 FAHEY DR
1807 STROUP ST
2016 VAN HOOK LN
8 BLUEBERRY HILL LN
719 GOLDENVIEW ACRES CT
2022 VAN HOOK LN
PO BOX 250
2075 Eva Pearl DR
2077 Eva Pearl DR
1844 Fahey DR
1852 Fahey DR
2228 Kelly RD
2300 Kelly RD
2305 Kelly RD
2309 Kelly RD
2324 Kelly RD
1801 Stroup ST
1802 Stroup ST
1803 Stroup ST
1805 Stroup ST
1806 Stroup ST
1813 Stroup ST
1814 Stroup ST
1815 Stroup ST
1816 Stroup ST
1821 Stroup ST
2000 Van Hook LN
2014 Van Hook LN

[illegible]

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

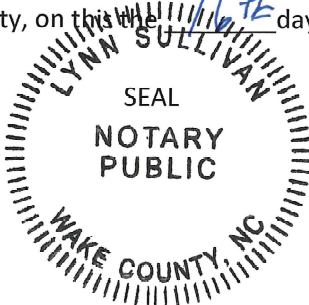
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 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 virtually via Zoom (location/address) on 11/26/2024 (date) from 5:30 PM (start time) to 6:30 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/16/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this 11th day of December, 2024.



[Signature]
Notary Public
Lynn Sullivan
Print Name

My Commission Expires: 11/16/2027

NOTICE OF NEIGHBORHOOD MEETING

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

November 12, 2024

Date

Dear Neighbor:

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

See attached Exhibit A

See attached Exhibit A

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to High Density Single-Family Conditional Zoning (HD-SF-CZ) to permit a townhome subdivision.

Estimated submittal date: Submitted on October 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Vasu Kollipara c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

November 26, 2024

Welcome: 5:30 PM

Project Presentation: 5:30 PM

Question & Answer: 6:00 PM

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



To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: November 12, 2024

Re: Notice of Virtual Neighborhood Meeting

You are invited to attend a virtual neighborhood meeting on November 26, 2024 at 5:30 PM to discuss 24CZ17, the requested rezoning of 2305 Kelly Road (PIN 0731352462) and 2309 Kelly Road (PIN 0731355481) from Residential Agricultural (RA) to High Density Single-Family Conditional Zoning (HD-SF-CZ) to permit a townhome subdivision. If approved, the rezoning will change the 2045 Land Use Map ("LUM") designation from High Density Residential/Office Employment/Commercial Services to Medium/High Density Residential.

During the meeting, the applicant will describe the nature of the rezoning request and the proposed change to the LUM, and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcels; (2) a zoning map of the subject area; (3) a LUM exhibit (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:	854 8940 8362
Enter the following password:	334092

To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	854 8940 8362 #
Enter the Participant ID:	#
Enter the Meeting password:	334092 #

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

Sincerely,

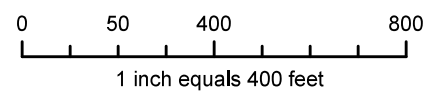
A handwritten signature in blue ink, appearing to read 'Matthew Carpenter', written over a blue ink stamp of the same name.

Matthew Carpenter



2305 & 2309 Kelly Road

Vicinity Map



Disclaimer

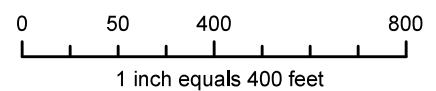
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



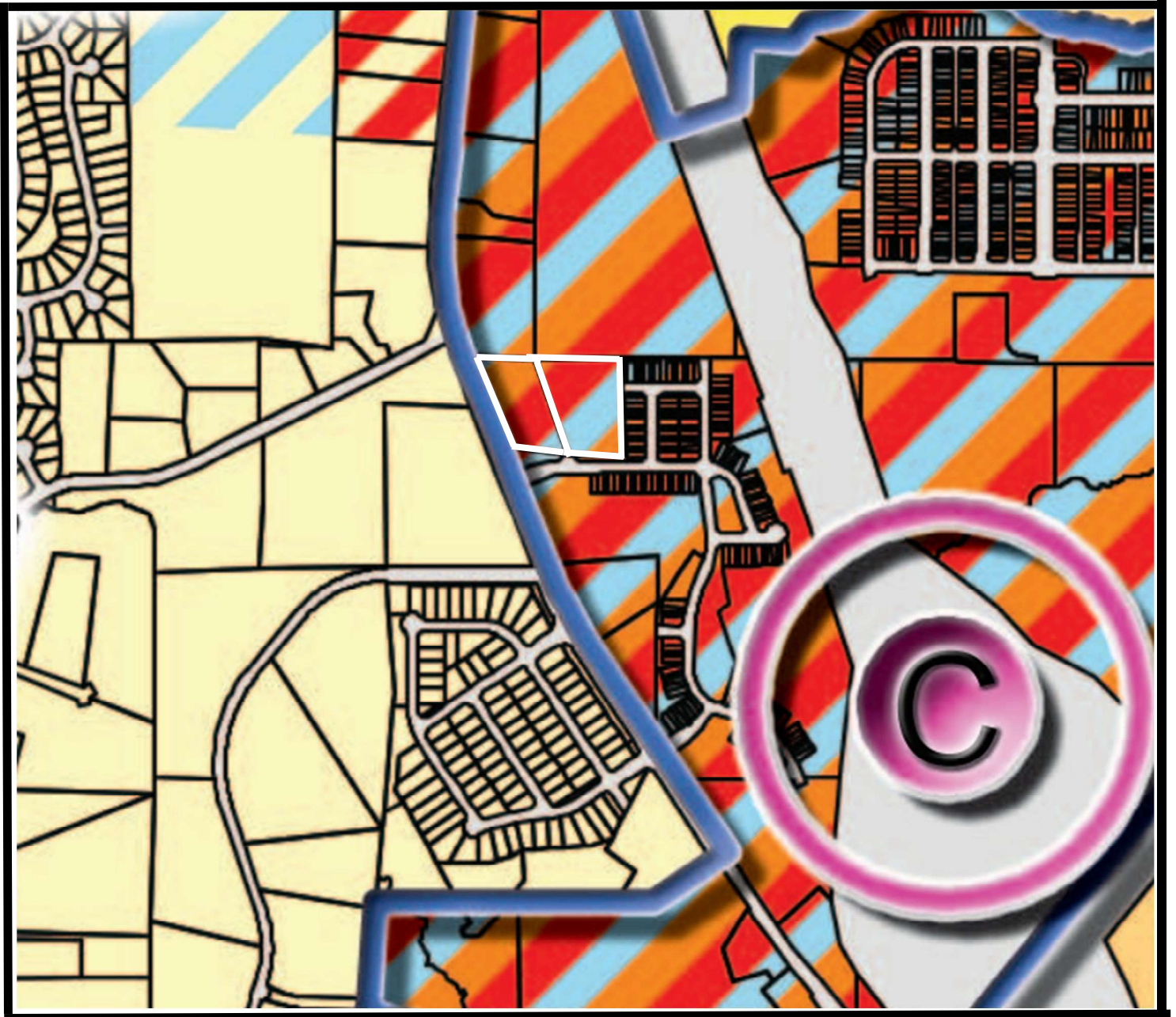
2305 & 2309 Kelly Road

Zoning Map

Current Zoning: RA



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.



2305 & 2309 Kelly Road

Current LUM Designation: High Density Residential/Office Employment/Commercial Services

Proposed LUM Designation: Medium/High Density Residential



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: Kelly Road Townhomes Zoning: RA

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 5.97 ac

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Vasu Kollipara c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: Peak Engineering & Design, PLLC, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: N/A Email: jroach@peakengineering.com

Builder (if known): TBD

Address: TBD

City: TBD State: TBD Zip: TBD

Phone: TBD Fax: TBD Email: TBD

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

EXHIBIT A
Kelly Road Townhomes
Owner Information Addendum

PIN: 0731352462

Address: 2305 Kelly Road

Acreage: 2.97 acres

Owner: Stat9 Technologies, Inc.

Owner Mailing Address: 420 Hilliard Forest Drive, Cary, NC 27519

Current Zoning: Residential Agricultural (RA)

PIN: 0731355481

Address: 2309 Kelly Road

Acreage: 3 acres

Owner: EDISquare, Inc.

Owner Mailing Address: 12410 Milestone Center Drive, Suite 600, Germantown, MD 20876

Current Zoning: Residential Agricultural (RA)

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: Virtual via Zoom

Date of meeting: November 26, 2024 Time of meeting: 5:30 PM

Property Owner(s) name(s): Stat9 Technologies, Inc.; EDISquare, Inc.

Applicant(s): Vasu Kollipara, c/o Matthew J. Carpenter

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.	No neighbors attended the meeting				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Stat9 Technologies, Inc.; EDISquare, Inc.

Applicant(s): Vasu Kollipara, c/o Matthew J. Carpenter

Contact information (email/phone): MatthewCarpenter@parkerpoe.com; 919-835-4032

Meeting Address: virtual via Zoom

Date of meeting: November 26, 2024 Time of meeting: 5:30 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

No neighbors attended the meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

#24CZ17

OWNER	MAILING ADDRESS	
AGARWAL, DAXIT AGARWAL, VIJAY	1819 STROUP ST	APEX NC 27502-4350
AHUJA, APARNA CO-TRUSTEES PALIWAL, SUMIT CO-TRUSTEES	1405 TINOS OVERLOOK WAY	APEX NC 27502-8593
ALVAREZ, ANA LORENA FERNANDEZ VALDEZ, RODOLFO LEPE	2051 EVA PEARL DR	APEX NC 27502-4351
BADISETTI, KAVITHA	2059 EVA PEARL DR	APEX NC 27502-4351
BALARAMAN, ARUN TRUSTEE KUPPUSWAMY, SATHYABAMA TRUSTEE	303 OCEANSIDE LN	CARY NC 27519
BHOWMIK, SOUMYADIP MONDAL, MANALI	2012 VAN HOOK LN	APEX NC 27502-4352
BROCKELBANK, DAVID A	2233 KELLY RD	APEX NC 27502-9586
CARROLL, NICHOLAS S	2049 EVA PEARL DR	APEX NC 27502-4351
CHANDHIRAMOORTHY, RAVISHANKAR MURUGESAN, NANDINI	1817 STROUP ST	APEX NC 27502-4350
CHAUHAN, VIJAY	2018 VAN HOOK LN	APEX NC 27502-4352
CHEN, CHI-DAI	2004 VAN HOOK LN	APEX NC 27502-4352
DAWDA, PRANAV MEHTA, NITI HEMANT	2061 EVA PEARL DR	APEX NC 27502-4351
EDISQUARE INC	12410 MILESTONE CENTER DR STE 600	GERMANTOWN MD 20876-7102
GAMPA, VENKATA B S VAJJHAHA, VIJAYAVANI	1800 STROUP ST	APEX NC 27502-4350
GORREMUTCHU, GNANA GEDDAM, ARUNA	1520 FURLONG LOOP	CARY NC 27519-9392
GOSRANI, SAMEER GOSRANI, URM	2057 EVA PEARL DR	APEX NC 27502-4351
HALSEY, WENDY MARIE HALSEY, MARK SULLIVAN	2055 EVA PEARL DR	APEX NC 27502-4351
JERE, ABHIJIT TRUSTEE DESHPANDE, ANJALI S TRUSTEE	325 TRAMWAY DR	MILPITAS CA 95035-3572
JIA, FEI SAYERS, CLAIRE E	1854 FAHEY DR	APEX NC 27502-7083
JOHN, CHERU CHERIAN	4995 NORTHLAWN DR	SAN JOSE CA 95130-1834
JOSHI, TEJAS NAYANKUMAR GODBOLE, AADITI YESHWANT	2071 EVA PEARL DR	APEX NC 27502-4351
KALRA, KABEER KALRA, SONAL	2073 EVA PEARL DR	APEX NC 27502-4351
KAMBLE, CHETAN S KAMBLE, TRUPTI CHETAN	2043 EVA PEARL DR	APEX NC 27502-4351
KELLY COMMONS LLC	10210 GREEN LEVEL CHURCH RD	CARY NC 27519-8229
KETHIREDDY, BHANU SATVIK REDDY	1820 STROUP ST	APEX NC 27502-4350
MAILACHALAM, SHRIDHARSHNA	1842 FAHEY DR	APEX NC 27502-7083
MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA	1818 STROUP ST	APEX NC 27502-4350
MEHTA, ANKIT MEHTA, DEBRA LEIGH	2008 VAN HOOK LN	APEX NC 27502-4352
MILLS, DOROTHY M MILLS, DAVID G TRUSTEE	7001 APEX BARBECUE RD	APEX NC 27502-7784
MUKHERJEE, DEBARSHI MUKHERJEE, SAYARI	1021 GROGANS MILL DR	CARY NC 27519-7193
NAIK, ROHAN D BHASKER, KRITHIKA	1809 STROUP ST	APEX NC 27502-4350
NALLURI, KEERTHI	2047 EVA PEARL DR	APEX NC 27502-4351
NANDA, AMIT NANDA, LOVELEEN	4152 PINEY GAP DR	CARY NC 27519-7514
NGUYEN, HENRY NGUYEN, AMY	2006 VAN HOOK LN	APEX NC 27502-4352
NORU, KRISHNA TRUSTEE YAKASIRI, MENAKA TRUSTEE	1804 STROUP ST	APEX NC 27502-4350
NORU, MADAN M	4849 CLUB TERRACE LN	FRISCO TX 75036-0170
PASUPULATI, VARUN KUMAR BASAK, PRIYANKI	2063 EVA PEARL DR	APEX NC 27502-4351
PIPPALLA, DEEPTHI SANTHOSH	1808 STROUP ST	APEX NC 27502-4350
RAMOS, RAMON HOWARD, JESSICA	1858 FAHEY DR	APEX NC 27502-7083
RIERSON, COLE RIERSON, DANA	2065 EVA PEARL DR	APEX NC 27502-4351
SANDA, REBECCA SANDA, CHRISTOPHER	429 BURNBANK DR	CARY NC 27519-5427
SANTOS, LUISA MARIA	1812 STROUP ST	APEX NC 27502-4350
SHAH, BHAVIK SHAH, KINJALBEN BHAVIK	5032 TREMBATH LN	CARY NC 27519-7306
SHARMA, PARMODH SHARMA, JYOTI	2120 VITTORIO LN	APEX NC 27502-9678
SHIRSEKAR, NIKHIL	1846 FAHEY DR	APEX NC 27502-7083
SIPANI, PRIYANK NAVRATAN SIPANI, PRIYANKA	1850 FAHEY DR	APEX NC 27502-7083
SONG, SOON SUK SONG, IN SOOK	2045 EVA PEARL DR	APEX NC 27502-4351
ST PAUL AMERICAN COPTIC ORTHODOX CHURCH	2510 PINEY PLAINS RD	CARY NC 27518-6870
STANLEY MARTIN HOMES LLC	11710 PLAZA AMERICA DR STE 1100	RESTON VA 20190-4771
STAT9 TECHNOLOGIES INC	420 HILLIARD FOREST DR	CARY NC 27519-8209
SWAHARI, SIRISHA PUDIPEDDI, RAMAKRISHNA	1669 PANTEGO TRL	CARY NC 27519-2603
TAMMISETTI, RENUKA D	2069 EVA PEARL DR	APEX NC 27502-4351
TANUGULA, ROHIT KUMAR TRUSTEE ANNOJ, RADHIKA TRUSTEE	1478 MORRILL AVE	SAN JOSE CA 95132-2251
TAUBER, SCOTT	2002 V	APEX NC 27502-4352
TAZEGUL, GOKHAN TAZEGUL, SEVIL KORKMAZ	1840 F	APEX NC 27502-7083

#24CZ17

[illegible]

1838 FAHEY DR
1856 FAHEY DR
1807 STROUP ST
2016 VAN HOOK LN
8 BLUEBERRY HILL LN
719 GOLDENVIEW ACRES CT
2022 VAN HOOK LN
PO BOX 250
2075 Eva Pearl DR
2077 Eva Pearl DR
1844 Fahey DR
1852 Fahey DR
2228 Kelly RD
2300 Kelly RD
2305 Kelly RD
2309 Kelly RD
2324 Kelly RD
1801 Stroup ST
1802 Stroup ST
1803 Stroup ST
1805 Stroup ST
1806 Stroup ST
1813 Stroup ST
1814 Stroup ST
1815 Stroup ST
1816 Stroup ST
1821 Stroup ST
2000 Van Hook LN
2014 Van Hook LN
2020 Van Hook LN

[illegible]

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

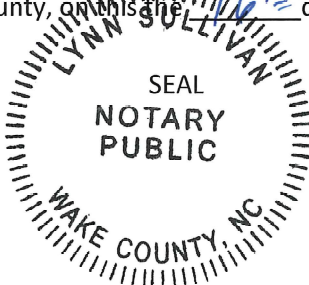
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B Neighborhood Meeting.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 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 virtually via Zoom (location/address) on 12/11/2024 (date) from 5:30 PM (start time) to 6:30 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/16/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this 16th day of December, 2024.



[Signature]
Notary Public
Lynn Sullivan
Print Name

My Commission Expires: 11/16/2027

NOTICE OF NEIGHBORHOOD MEETING

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

November 27, 2024

Date

Dear Neighbor:

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

See attached Exhibit A

See attached Exhibit A

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, or “Convenience store with gas sales”	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to High Density Single-Family Conditional Zoning (HD-SF-CZ) to permit a townhome subdivision.

Estimated submittal date: Submitted on October 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Vasu Kollipara c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

December 11, 2024

Welcome: 5:30 PM

Project Presentation: 5:30 PM

Question & Answer: 6:00 PM

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

#24CZ17



To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: November 27, 2024

Re: Notice of Second Required Virtual Neighborhood Meeting

You are invited to attend a neighborhood meeting on December 11, 2024 at 5:30 PM to discuss 24CZ17, the requested rezoning of 2305 Kelly Road (PIN 0731352462) and 2309 Kelly Road (PIN 0731355481) from Residential Agricultural (RA) to High Density Single-Family Conditional Zoning (HD-SF-CZ) to permit a townhome subdivision.

During the meeting, the applicant will describe the nature of the rezoning request, provide updates since the previous neighborhood meeting, and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcels; (2) a zoning map of the subject area; (3) a Land Use Map exhibit; (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:	884 0468 1470
Enter the following password:	897820

To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	884 0468 1470 #
Enter the Participant ID:	#
Enter the Meeting password:	897820 #

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

Sincerely,

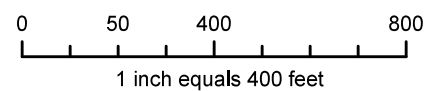


Matthew Carpenter



2305 & 2309 Kelly Road

Vicinity Map



Disclaimer

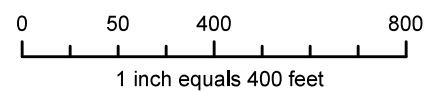
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



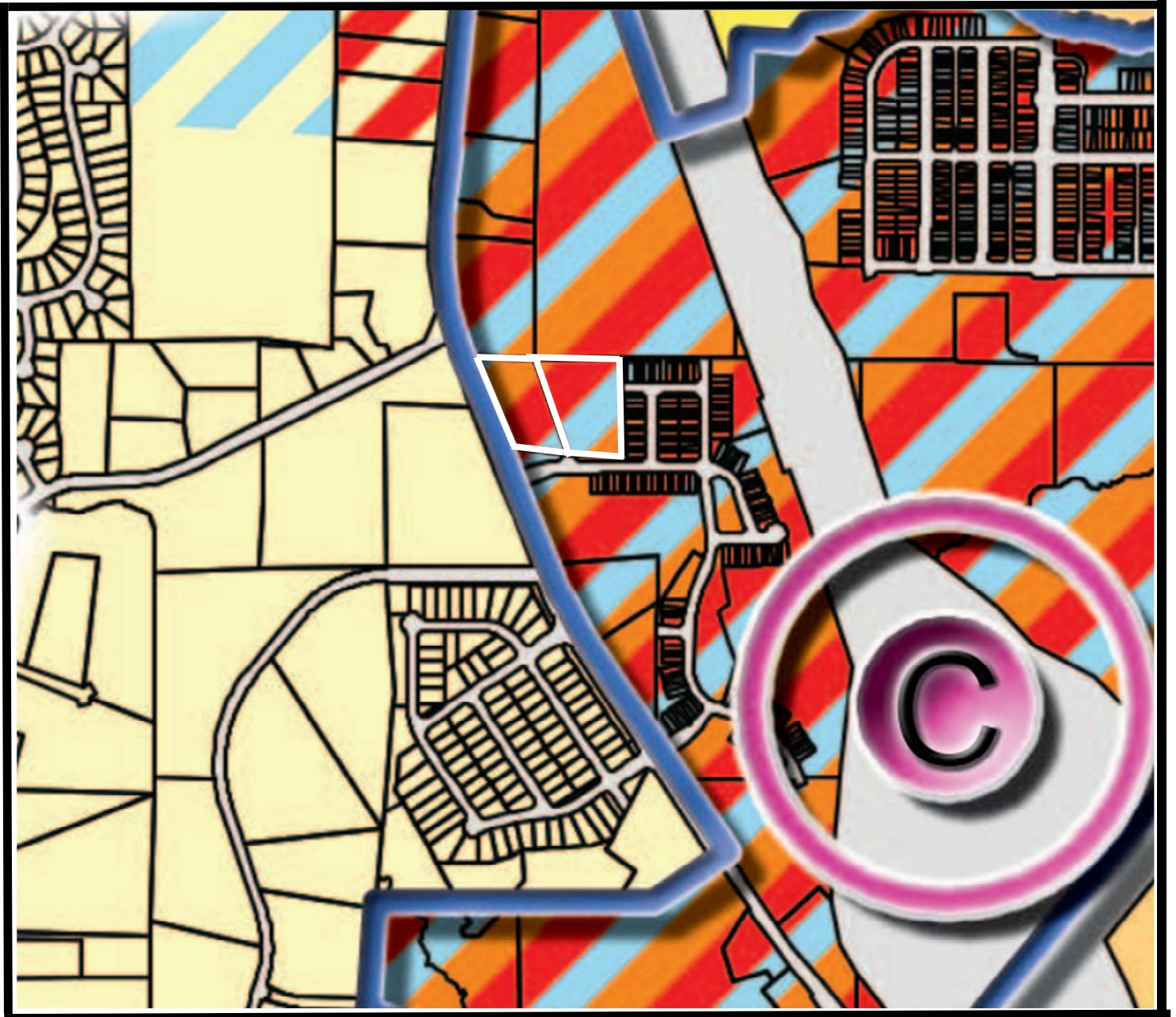
2305 & 2309 Kelly Road

Zoning Map

Current Zoning: RA



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.



2305 & 2309 Kelly Road

2045 Land Use Map Exhibit



2045 Land Use Designation:

- High Density Residential**
- Office Employment**
- Commercial Services**

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: Kelly Road Townhomes Zoning: RA

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 5.97 ac

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Vasu Kollipara c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: Peak Engineering & Design, PLLC, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: N/A Email: jroach@peakengineering.com

Builder (if known): TBD

Address: TBD

City: TBD State: TBD Zip: TBD

Phone: TBD Fax: TBD Email: TBD

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

EXHIBIT A
Kelly Road Townhomes
Owner Information Addendum

PIN: 0731352462

Address: 2305 Kelly Road

Acreage: 2.97 acres

Owner: Stat9 Technologies, Inc.

Owner Mailing Address: 420 Hilliard Forest Drive, Cary, NC 27519

Current Zoning: Residential Agricultural (RA)

PIN: 0731355481

Address: 2309 Kelly Road

Acreage: 3 acres

Owner: EDISquare, Inc.

Owner Mailing Address: 12410 Milestone Center Drive, Suite 600, Germantown, MD 20876

Current Zoning: Residential Agricultural (RA)

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: virtual via Zoom

Date of meeting: December 11, 2024 Time of meeting: 5:30 PM

Property Owner(s) name(s): Stat9 Technologies, Inc.; EDISquare, Inc.

Applicant(s): Vasu Kollipara; c/o Matthew J. Carpenter

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.	Cole Rierson	2065 Eva Pearl Drive	N/A	colerierson@gmail.com	yes
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Stat9 Technologies, Inc.; EDISquare, Inc.

Applicant(s): Vasu Kollipara; c/o Matthew J. Carpenter

Contact information (email/phone): MatthewCarpenter@parkerpoe.com; 919-835-4032

Meeting Address: virtual via Zoom

Date of meeting: December 11, 2024

Time of meeting: 5:30 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

See attached

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Summary of Neighborhood Meeting
2305 & 2309 Kelly Road
December 11, 2024

I. WELCOME

- a. Introduction of Development Team
 - i. Matthew Carpenter w/ Parker Poe
 - ii. Jeff Roach w/ Peak Engineering, Civil Engineer
- b. Meeting context. This is the second required neighborhood meeting for a rezoning of property on Kelly Road. We held the first neighborhood meeting in September and filed our rezoning case in October. We've been working through staff review. The purpose of tonight's meeting is to provide updates since our last meeting as we approach public hearings.

II. PRESENTATION

- a. Site Overview - location, existing uses adjacent, and surrounding development in progress.
- b. 2045 LUM
 - i. The LUM is the primary policy document the Town (staff and Council) uses to evaluate rezoning requests. The site here has a mixed-use designation which calls for High Density Residential, Commercial Services, and Office Employment
- c. Current and Proposed Zoning
 - i. The property is currently zoned Residential Agricultural (RA) as you can see in green. The RA zoning only allows single-family homes on five acre lots.
 - ii. The proposed zoning is High Density Single Family Conditional (HD-SF-CZ).
 - iii. The primary purpose of the rezoning is to allow the development of a townhome community with around 30 townhomes.
 - iv. We believe the project is a natural extension of the West Village townhomes to the east that were originally approved in 2015.
 - v. This community will be of similar scale and quality.
 - vi. The "conditional" part of the case means that we'll include in our application certain zoning conditions that will be binding on the property and any future development.
 - vii. We haven't finalized those conditions yet and they will change after staff review, but conditions will likely address overall density and architectural conditions.
- d. Rezoning Process and Timeline
 - i. We filed the case in October
 - ii. We expect to move forward to hearings in January. First, Planning Board will hold a public hearing and make a recommendation to Town Council whether or not to approve the case. Two weeks later, Town Council will hold a public hearing, and following the public hearing, vote to approve or deny the case.

During the meeting, the following questions were received and answered by the development team. Answer summaries are provided in [blue](#).

- I live on Eva Pearl Drive and generally support the project. Mainly here to just to listen.
- Will there be a separate HOA for the project or will it be part of our HOA?
 - It will likely be a separate HOA because your HOA has already been turned over to the homeowners and including our neighborhood would likely require a vote of the owners.
- People speed on Kelly Road. Although Eva Pearl Drive is limited to right in/right out, drivers often go around the median and make an illegal left. Is there anything that can be done about this?
 - We're happy to pass your concern on to transportation staff. It's also important to report incidents to the Town so they have a record of traffic issues at a particular intersection.

OWNER	MAILING ADDRESS	
AGARWAL, DAXIT AGARWAL, VIJAY	1819 STROUP ST	APEX NC 27502-4350
AHUJA, APARNA CO-TRUSTEES PALIWAL, SUMIT CO-TRUSTEES	1405 TINOS OVERLOOK WAY	APEX NC 27502-8593
ALVAREZ, ANA LORENA FERNANDEZ VALDEZ, RODOLFO LEPE	2051 EVA PEARL DR	APEX NC 27502-4351
BADISETTI, KAVITHA	2059 EVA PEARL DR	APEX NC 27502-4351
BALARAMAN, ARUN TRUSTEE KUPPUSWAMY, SATHYABAMA TRUSTEE	303 OCEANSIDE LN	CARY NC 27519
BHOWMIK, SOUMYADIP MONDAL, MANALI	2012 VAN HOOK LN	APEX NC 27502-4352
BROCKELBANK, DAVID A	2233 KELLY RD	APEX NC 27502-9586
CARROLL, NICHOLAS S	2049 EVA PEARL DR	APEX NC 27502-4351
CHANDHIRAMOORTHY, RAVISHANKAR MURUGESAN, NANDINI	1817 STROUP ST	APEX NC 27502-4350
CHAUHAN, VIJAY	2018 VAN HOOK LN	APEX NC 27502-4352
CHEN, CHI-DAI	2004 VAN HOOK LN	APEX NC 27502-4352
DAWDA, PRANAV MEHTA, NITI HEMANT	2061 EVA PEARL DR	APEX NC 27502-4351
EDISQUARE INC	12410 MILESTONE CENTER DR STE 600	GERMANTOWN MD 20876-7102
GAMPA, VENKATA B S VAJJHA, VIJAYAVANI	1800 STROUP ST	APEX NC 27502-4350
GORREMUTCHU, GNANA GEDDAM, ARUNA	1520 FURLONG LOOP	CARY NC 27519-9392
GOSRANI, SAMEER GOSRANI, URM	2057 EVA PEARL DR	APEX NC 27502-4351
HALSEY, WENDY MARIE HALSEY, MARK SULLIVAN	2055 EVA PEARL DR	APEX NC 27502-4351
JERE, ABHIJIT TRUSTEE DESHPANDE, ANJALI S TRUSTEE	325 TRAMWAY DR	MILPITAS CA 95035-3572
JIA, FEI SAYERS, CLAIRE E	1854 FAHEY DR	APEX NC 27502-7083
JOHN, CHERU CHERIAN	4995 NORTHLAWN DR	SAN JOSE CA 95130-1834
JOSHI, TEJAS NAYANKUMAR GODBOLE, AADITI YESHWANT	2071 EVA PEARL DR	APEX NC 27502-4351
KALRA, KABEER KALRA, SONAL	2073 EVA PEARL DR	APEX NC 27502-4351
KAMBLE, CHETAN S KAMBLE, TRUPTI CHETAN	2043 EVA PEARL DR	APEX NC 27502-4351
KELLY COMMONS LLC	10210 GREEN LEVEL CHURCH RD	CARY NC 27519-8229
KETHIREDDY, BHANU SATVIK REDDY	1820 STROUP ST	APEX NC 27502-4350
MAILACHALAM, SHRIDHARSHNA	1842 FAHEY DR	APEX NC 27502-7083
MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA	1818 STROUP ST	APEX NC 27502-4350
MEHTA, ANKIT MEHTA, DEBRA LEIGH	2008 VAN HOOK LN	APEX NC 27502-4352
MILLS, DOROTHY M MILLS, DAVID G TRUSTEE	7001 APEX BARBECUE RD	APEX NC 27502-7784
MUKHERJEE, DEBARSHI MUKHERJEE, SAYARI	1021 GROGANS MILL DR	CARY NC 27519-7193
NAIK, ROHAN D BHASKER, KRITHIKA	1809 STROUP ST	APEX NC 27502-4350
NALLURI, KEERTHI	2047 EVA PEARL DR	APEX NC 27502-4351
NANDA, AMIT NANDA, LOVELEEN	4152 PINEY GAP DR	CARY NC 27519-7514
NGUYEN, HENRY NGUYEN, AMY	2006 VAN HOOK LN	APEX NC 27502-4352
NORU, KRISHNA TRUSTEE YAKASIRI, MENAKA TRUSTEE	1804 STROUP ST	APEX NC 27502-4350
NORU, MADAN M	4849 CLUB TERRACE LN	FRISCO TX 75036-0170
PASUPULATI, VARUN KUMAR BASAK, PRIYANKI	2063 EVA PEARL DR	APEX NC 27502-4351
PIPPALLA, DEEPTHI SANTHOSH	1808 STROUP ST	APEX NC 27502-4350
RAMOS, RAMON HOWARD, JESSICA	1858 FAHEY DR	APEX NC 27502-7083
RIERSON, COLE RIERSON, DANA	2065 EVA PEARL DR	APEX NC 27502-4351
SANDA, REBECCA SANDA, CHRISTOPHER	429 BURNBANK DR	CARY NC 27519-5427
SANTOS, LUISA MARIA	1812 STROUP ST	APEX NC 27502-4350
SHAH, BHAVIK SHAH, KINJALBEN BHAVIK	5032 TREMBATH LN	CARY NC 27519-7306
SHARMA, PARMODH SHARMA, JYOTI	2120 VITTORIO LN	APEX NC 27502-9678
SHIRSEKAR, NIKHIL	1846 FAHEY DR	APEX NC 27502-7083
SIPANI, PRIYANK NAVRATAN SIPANI, PRIYANKA	1850 FAHEY DR	APEX NC 27502-7083
SONG, SOON SUK SONG, IN SOOK	2045 EVA PEARL DR	APEX NC 27502-4351
ST PAUL AMERICAN COPTIC ORTHODOX CHURCH	2510 PINEY PLAINS RD	CARY NC 27518-6870
STANLEY MARTIN HOMES LLC	11710 PLAZA AMERICA DR STE 1100	RESTON VA 20190-4771
STAT9 TECHNOLOGIES INC	420 HILLIARD FOREST DR	CARY NC 27519-8209
SWAHARI, SIRISHA PUDIPEDDI, RAMAKRISHNA	1669 PANTEGO TRL	CARY NC 27519-2603
TAMMISETTI, RENUKA D	2069 EVA PEARL DR	APEX NC 27502-4351
TANUGULA, ROHIT KUMAR TRUSTEE ANNOJ, RADHIKA TRUSTEE	1478 MORRILL AVE	SAN JOSE CA 95132-2251
TAUBER, SCOTT	2002 V	APEX NC 27502-4352
TAZEGUL, GOKHAN TAZEGUL, SEVIL KORKMAZ	1840 F	APEX NC 27502-7083

[illegible]

1838 FAHEY DR
1856 FAHEY DR
1807 STROUP ST
2016 VAN HOOK LN
8 BLUEBERRY HILL LN
719 GOLDENVIEW ACRES CT
2022 VAN HOOK LN
PO BOX 250
2075 Eva Pearl DR
2077 Eva Pearl DR
1844 Fahey DR
1852 Fahey DR
2228 Kelly RD
2300 Kelly RD
2305 Kelly RD
2309 Kelly RD
2324 Kelly RD
1801 Stroup ST
1802 Stroup ST
1803 Stroup ST
1805 Stroup ST
1806 Stroup ST
1813 Stroup ST
1814 Stroup ST
1815 Stroup ST
1816 Stroup ST
1821 Stroup ST
2000 Van Hook LN
2014 Van Hook LN
2020 Van Hook LN

[illegible]

APEX ENVIRONMENTAL ADVISORY BOARD

Suggested Zoning Conditions



Project Name: Kelly Road Townhomes

Date: _____

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

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

This document is divided into two parts:

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

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

Part I – Residential

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

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

Environmental Advisory Board – Suggested Zoning Conditions

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

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

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 7. Plant trees to improve energy efficiency. <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 8. Increase biodiversity. Note: Invasive species are prohibited. Please see the Town's Design and Development Manual for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).			
a. The project shall ensure that <u>75</u> % of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Option 8.4:</u> Increase the number of native trees and shrubs.			
a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____ % of the species selected shall be native or a native of North Carolina.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AND/OR			
b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.			
a. The project commits to planting only drought tolerant plants, of which _____ % of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OR			
b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goal 10. Promote the benefits of native pollinators. The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.			

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

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

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

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

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 18. Encourage clean transportation. The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part II - Non-Residential

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

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

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

Applicant Clarification/Additional Language:
NONE
Additional Board Recommendations:



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ17 Kelly Road Townhomes

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: Vasu Kollipara

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 2305 and 2309 Kelly Road

Acreage: ±5.97 acres

Property Identification Numbers (PINs): 0731352462 and 0731355481

Current 2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium/High Density Residential

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: High Density-Single Family-Conditional Zoning (HDSF-CZ)

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

Planning Board Public Hearing Date and Time: January 13, 2025 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Planning Director



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: Vasu Kollipara

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 2305 and 2309 Kelly Road

Superficie: ±5.97 acres

Números de identificación de las propiedades: 0731352462 and 0731355481

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Medium/High Density Residential

Ordenamiento territorial existente de las propiedades: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedades: High Density-Single Family-Conditional Zoning (HDSF-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de enero de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Directora de Planificación



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ17

Kelly Road Townhomes

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: Vasu Kollipara

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 2305 and 2309 Kelly Road

Superficie: ±5.97 acres

Números de identificación de las propiedades: 0731352462 and 0731355481

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Medium/High Density Residential

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: High Density-Single Family-Conditional Zoning (HDSF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de enero de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 20 de diciembre de 2024 - 13 de enero de 2025

**TOWN OF APEX**

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #24CZ17
Kelly Road Townhomes**

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: Vasu Kolipara

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 2305 and 2309 Kelly Road

Acreage: ±5.97 acres

Property Identification Numbers (PINs): 0731352462 and 0731355481

Current 2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium/High Density Residential

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: High Density-Single Family-Conditional Zoning (HDSF-CZ)

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: January 13, 2025 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Planning Director

Published Dates: December 20, 2024-January 13, 2025



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ17 Kelly Rd Townhomes
Project Location: 2305 and 2309 Kelly Road
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Planning Board
Public Hearing Date: January 13, 2025
Project Planner: Joshua Killian, Planner I

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 20, 2024, 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.

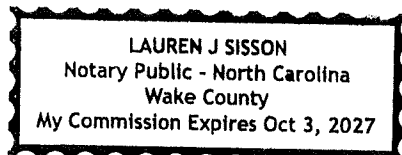
12/23/2024
Date

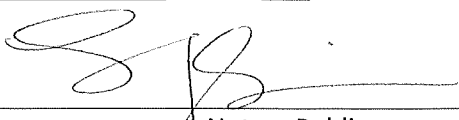

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 23rd day of DECEMBER, 202 4.




Notary Public

My Commission Expires: 10 / 03 / 2027



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ17 Kelly Road Townhomes

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: Vasu Kollipara

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 2305 and 2309 Kelly Road

Acreage: ±5.97 acres

Property Identification Numbers (PINs): 0731352462 and 0731355481

Current 2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium/High Density Residential

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: High Density-Single Family-Conditional Zoning (HDSF-CZ)

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

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

Town Council Public Hearing Date and Time: January 28, 2025 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ17

Kelly Road Townhomes

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: Vasu Kollipara

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 2305 and 2309 Kelly Road

Superficie: ±5.97 acres

Números de identificación de las propiedades: 0731352462 and 0731355481

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Medium/High Density Residential

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: High Density-Single Family-Conditional Zoning (HDSF-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de enero de 2025 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Directora de Planificación



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ17

Kelly Road Townhomes

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: Vasu Kollipara

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 2305 and 2309 Kelly Road

Superficie: ±5.97 acres

Números de identificación de las propiedades: 0731352462 and 0731355481

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Medium/High Density Residential

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: High Density-Single Family-Conditional Zoning (HDSF-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de enero de 2025 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 3 de enero – 28 de enero de 2025

**TOWN OF APEX**

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #24CZ17
Kelly Road Townhomes

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: Vasu Kolipara

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 2305 and 2309 Kelly Road

Acreage: ±5.97 acres

Property Identification Numbers (PINs): 0731352462 and 0731355481

Current 2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium/High Density Residential

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: High Density-Single Family-Conditional Zoning (HDSF-CZ)

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

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

Town Council Public Hearing Date and Time: January 28, 2025 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/48667>.

Dianne F. Khin, AICP
Planning Director

Published Dates: January 3 – January 28, 2025



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ17 Kelly Rd Townhomes
Project Location: 2305 and 2309 Kelly Road
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Town Council
Public Hearing Date: January 28, 2025
Project Planner: Joshua Killian, Planner I

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 3, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 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.

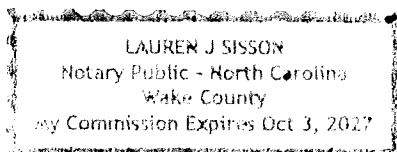
1/6/2025
Date

Shaine F. Khin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 6th day of January, 202 5.



[Signature]
Notary Public

My Commission Expires: 10 / 03 / 2027



Rezoning #24CZ17

Holland Rd

Kelly Rd

Van Hook Ln

Stroup St

Fahey Dr

Eva Pearl Dr

West Village

0 200 400

October 2024
May 2024 Aerial Photography
Prepared by: Town of Apex Planning Department

Public Hearing Sign Posted By

Signature 

Date 10/3/2024



WAKE COUNTY
PUBLIC SCHOOL SYSTEM

Office of Student Assignment

5625 Dillard Dr.
Cary, NC 27518
studentassignment@wcpss.net

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

October 11, 2024

Dianne Khin, AICP
Director, Planning Department
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: October 1, 2024
- Name of development: 24CZ17 Kelly Rd Townhomes
- Address of rezoning: 2305 & 2309 Kelly Rd
- Total number of proposed residential units: 30
- 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,


Susah W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ17 Kelly Rd Townhomes

Planning Board Meeting Date: January 13, 2025



Report Requirements:

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

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 5.97

PIN(s): 0731352462 & 0731355481

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: High Density Single-Family-Conditional Zoning (HDSF-CZ)

Current 2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium/High Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

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

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ17 Kelly Rd Townhomes

Planning Board Meeting Date: January 13, 2025



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: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ17 Kelly Rd Townhomes

Planning Board Meeting Date: January 13, 2025



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 REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ17 Kelly Rd Townhomes

Planning Board Meeting Date: January 13, 2025



Planning Board Recommendation:

Motion: To recommend approval as presented plus additional info below

Introduced by Planning Board member: Preston Mitchell

Seconded by Planning Board member: Sarah Soh

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

Conditions as presented ,plus recommendation that statement of consistency include the fact that environmental considerations make non-residential development difficult or prohibitive on the site. Additional recommendation that the applicant return to conversations with housing staff to consider an affordable housing condition since the one originally recommended by staff will not work for the developer.

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

With 9 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13th day of January 2025.

Attest:



Tina Sherman, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2025.01.13 18:26:26
-05'00'

Dianne Khin, Planning Director