



AGENDA | REGULAR TOWN COUNCIL MEETING

September 24, 2024 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 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 Appointments - Transit Advisory Committee - Ex-Officio Replacement

Allen Coleman, Town Clerk

CN2 Contract - Developmental Associates, LLC - Appointed Officials Evaluation Facilitation

Mayor Jacques K. Gilbert

CN3 Contract Multi-Year - Rebuilding Together of the Triangle - Apex Cares Rehabilitation Program Administration - October 1, 2024 through September 30, 2027, and Budget Ordinance Amendment No. 2

Marla Y. Newman, Director, Community Development and Neighborhood Connections

CN4 Council Meeting Minutes - August 27, 2024

Allen Coleman, Town Clerk

CN5 Revisions to Standard Specifications and Standard Details

Adam Stephenson, Transportation Engineering Mgr., Transportation and Infra. Dev. Dept.

PRESENTATIONS

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards - 4th Quarter

Councilmember Terry Mahaffey, Sponsor

Barbara Conroy Co-Founder and President of Apex Public School Foundation

PR2 Proclamation - Domestic Violence Awareness Month - October 2024

Mayor Jacques K. Gilbert

PR3 Proclamation - Hindu Heritage Awareness Month - October 2024

Mayor Jacques K. Gilbert

PR4 Proclamation - Public Power Week 2024 - October 6 through 12, 2024

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

***CLERK'S NOTE:** The public hearing resolutions associated with each of the below items were approved on September 10 and scheduled for September 24, 2024. Proper public notice was not provided for the corresponding Annexation in sufficient time in accordance with North Carolina General Statutes § 160A-58.2. The Town does not have authority to rezone property not within their jurisdiction, therefore, these items are scheduled for consideration at on October 08, 2024. Only the items denoted below in a red asterisk are being delayed to October 08, 2024.

PH1* Annexation No. 788 - Oliver Property - Humie Olive Road - 15.9428 acres

Joshua Killian, Planner I, Planning Department

AND

PH2* Rezoning Case No. 24CZ12 - Oliver Property

Joshua Killian, Planner I, Planning Department

PH3 Unified Development Ordinance (UDO) Amendments-September 2024

Amanda Bunce, Current Planning Manager, Planning Department

UPDATES BY ASSISTANT TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist

NCGS §143-318.11(a)(5):

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

RECESS AND RECONVENE

WORK SESSION CONTINUED

WS1 Zoning Condition Recommendations for Rural Areas *(deferred from September 17, 2024 Town Council Work Session)*

Dianne Khin, Director, Planning Department, and

Amanda Bunce, Current Planning Manager, Planning Department

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 24, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to appoint Lauren Staudenmaier, Planner II, to the Ex-Officio seat previously held by Amanda Bunce on the Apex Transit Advisory Committee (TAC) effective September 1, 2024.

Approval Recommended?

Yes

Item Details

On August 21, 2024, the Transit Advisory Committee (TAC) members discussed various appointment considerations and were informed that the current Planning Department Ex-Officio member assigned to the committee would be changing. Based on the staff recommendation, Lauren Staudenmaier was recommended to fill this seat on the Transit Advisory Committee (TAC).

Pursuant to the Town's Unified Development Ordinance (UDO) Article 2 Section 2.1.4 (B)(1) and (3), the Transit Advisory Committee shall consist of nine (9) members. Up to three (3) members may be ex officio, non-voting members consisting of the Town Staff. No member of the Transit Advisory Committee (TAC) shall serve more than three (3) consecutive three (3) year terms with the exception of ex officio members.

At present, the three (3) ex-officio members are currently appointed to the Transit Advisory Committee (TAC) are:

- Amanda Bunce, Current Planning Manager, Planning Department
- Joanna Helms, Director, Economic Development Department
- Angela Reincke, Parks Planning Manager, Parks, Recreation, and Cultural Res. Department

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 24, 2024

Item Details

Presenter(s): Mayor Jacques K. Gilbert

Department(s): Governing Body

Requested Motion

Motion to approve a Standard Services Contract between Developmental Associates, LLC and the Town of Apex, for the facilitation of the Town Manager's performance evaluation to include short term feedback and one-year evaluation goals and objectives, effective September 24, 2024 through November 30, 2024.

Approval Recommended?

N/A

Item Details

Pursuant to North Carolina General Statutes and the current Town Charter, the Town of Apex operates under a Council-Manager form of government. The Town Manager serves as the chief executive officer for the town and is responsible for managing the day-to-day operations. The Town Manager is one of three positions, including the Town Attorney and the Town Clerk, that are directly appointed by and serves at the pleasure of the Mayor and Town Council.

Annually, the Mayor and Town Council conduct performance evaluations of their three (3) direct employees (Town Attorney, Town Clerk, and Town Manager). Included in the Fiscal Year 2024-2025 Annual Operating Budget for the Governing Body are funds to have facilitated performance reviews, goal setting, feedback compilation, etc. for their three (3) direct employees.

Attachments

- CN2-A1: Standard Services Contract - Developmental Associates LLC - Appointed Evaluation Review



**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**PURCHASE ORDER # 20
STANDARD SERVICES CONTRACT**

THIS AGREEMENT is entered into this ____ day of _____, 2024 by and between, Developmental Associates, LLC, a North Carolina limited liability company with its principal business offices located at 510 Meadowmont Village Circle, #299 Chapel Hill, NC 27517 (the “Contractor”), and the Town of Apex, a municipal corporation of the State of North Carolina, (the “Town”). Town and Contractor may collectively be referred to as “Parties” hereinafter.

WITNESSETH:

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

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following services: Facilitated performance evaluation for Town Manager, Randy Vosburg to include short-term feedback steps and one-year evaluation. Specifically, Contractor shall provide services in accordance with the August 29, 2024 “Proposal” provided by Contractor which is attached hereto and is hereby incorporated into this Agreement.

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

2. SPECIFICATIONS.

Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the work required in this Agreement no later than 14 days after the date of execution of this Agreement, and the Contractor shall complete entire work no later than November 30, 2024. Further, Contractor shall meet the timelines in the “Menu of Offerings” provided in the Proposal. If Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in the Agreement must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor the total sum of \$25,000.00 as a basic fee for services.

In no event shall the maximum total fee for this Agreement exceed \$25,000.00.

Invoices from the Contractor shall be paid by the Town within thirty (30) days of receipt. Town has the right to require the Contractor to produce for inspection all of Contractor’s records and charges to verify the accuracy of all invoices. Town shall pay Contractor’s invoices at times set forth above unless a bona

fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. INDEMNIFICATION.

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

6. APPLICABILITY OF LAWS AND REGULATIONS.

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

7. E-VERIFY COMPLIANCE.

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

8. QUALITY AND WORKMANSHIP.

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

9. CONFIDENTIALITY

All data, materials, documents, notes, memoranda, intellectual property, and other information provided or disclosed by Contractor to Town, or otherwise used by Contractor to provide or perform any Scope of Services or Proposal, in connection with this Agreement shall be owned solely and exclusively by Town and shall constitute confidential employee personnel records pursuant to North Carolina General Statute Section 160A-168 ("Confidential Personnel Information") Confidential Personnel Information shall not include any documents that are public record under North Carolina law. Except as required by law, the Contractor (i) shall neither copy, nor disclose nor distribute to any third party, any of Confidential Personnel Information without the Town and Town Manager's prior written consent and (ii) shall not use any such Confidential Personnel Information, except to the extent permitted hereunder. Prior to disclosing any such material, the Contractor shall notify Town and afford Town an opportunity to interpose any objection or initiate any legal action the Contractors deem appropriate to prevent such disclosure. The Contractor's obligations under this Section 9 shall survive any termination or expiration of this Agreement, and promptly after any such termination or expiration, or upon any request by Town, the Contractor shall return to Town all such Confidential Personnel Information and all copies thereof. In no event shall the Contractor acquire any ownership or other rights in any Confidential Personnel Information, whether by implication or otherwise, except to the extent expressly set forth herein. Subject to the foregoing in this Section 9, Contractors shall make available to the Town all data, notes and

memoranda completed during this Agreement and upon completion of the services will forward to the Town the results of the services for its use. The obligations in this Section will not apply to information that is: (i) publicly known; (ii) already known to the recipient; (iii) independently developed; (iv) lawfully disclosed by a third party; or (v) disclosed pursuant to a legal requirement or order. Notwithstanding anything to the contrary in this Section, Section 160A-168 of the North Carolina General Statutes governs the release of any personnel information determined to be a public record and shall control in this Agreement without penalty or liability to either Party. Contractor shall provide Town with prompt notice of the request for any Confidential Personnel Information. Release, retention or copying of any document or information consistent with North Carolina law shall not be a breach of this Agreement.

10. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of \$1,000,000, commercial automobile liability insurance in the minimum amount of \$2,000,000, and provide certificates of such insurance naming the Town of Apex as an additional insured by endorsement to the policies. If the policy has a blanket additional insured provision, the contractor's insurance shall be primary and non-contributory to other insurance. Additionally, the contractor shall maintain and show proof of workers' compensation and employer's liability insurance in the minimum amount of \$1,000,000. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

11. INTENTIONALLY DELETED.

12. DEFAULT.

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

13. TERMINATION FOR CONVENIENCE.

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

14. NOTICE.

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

TO CONTRACTOR:
Developmental Associates
Attn: Heather Lee
510 Meadowmont Village Circle, #299
Chapel Hill, NC 27517
hlee@developmentalassociates.com

TO TOWN:
Town of Apex
Attn: Mayor
PO Box 250
Apex, NC 27502
jacques.gilbert@apexnc.org

15. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

16. NONWAIVER FOR BREACH.

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

17. CONSTRUCTION.

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

18. NO REPRESENTATIONS.

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

19. SEVERABILITY.

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

20. COUNTERPARTS.

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

21. MODIFICATION.

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

22. BINDING EFFECT.

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

23. ASSIGNMENT.

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

24. INDEPENDENT CONTRACTOR.

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

25. NON-APPROPRIATION.

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

26. IRAN DIVESTMENT ACT CERTIFICATION.

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

27. 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 _____, 2024.

| Contractor | Town of Apex |
|---|--|
| Name: _____ Name of Contractor (type or print) | _____ Jacques K. Gilbert, Mayor |
| By: _____ (Signature) | Attest: _____ |
| Title: _____ | Town Clerk |
| Attest: _____ | <i>This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.</i> |
| (Secretary, if a corporation) | _____ Finance Director |

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 24, 2024

Item Details

Presenter(s): Marla Y. Newman, Director

Department(s): Community Development & Neighborhood Connections (CDNC)

Requested Motion

Motion to approve a Multi-Year Contract with Rebuilding Together of the Triangle, to administer the Apex Cares Rehabilitation Program, effective October 1, 2024 through September 30, 2027, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and approve the corresponding Budget Ordinance Amendment No. 2.

Approval Recommended?

Yes

Item Details

In February 2021, Town Council adopted an Affordable Housing Plan. The Plan contained a recommendation to create a program to assist low-income homeowners with repairs and deferred maintenance to extend the livability and safety of their homes, and preserve naturally occurring affordable housing. The Apex Cares program was established in 2022 to achieve this objective and Rebuilding Together of the Triangle (RTT) was selected to administer the program. Program administration consisted of:

- Program marketing
- Applications and eligibility certifications
- Home assessments and scopes of work preparation
- General contracting and project management
- Project closeout, reporting and invoicing

Since program inception, RTT has assisted thirty (30) Apex homeowners with repairs ranging from kitchen and bathroom floor replacements to roof replacements and tub-to-shower conversions. These services had a total cost of \$751,937, of which RTT raised and contributed \$197,825 to the project. These actions by RTT were necessitated by the increased cost of materials, which limited the amount of repair work that could be

undertaken within the current \$20,000 program cap. Taking this initiative also proved the organization's commitment to serving low-income residents and its willingness to go above and beyond to do so.

As the current RTT contract was nearing completion, CDNC issued a Request for Proposals on February 5, 2024 to solicit parties to administer the Apex Cares program. RTT submitted the most responsive and responsible proposal.

Rebuilding Together of the Triangle will perform the following Scope of Services under a new 3-year contract based on the revised Apex Cares guidelines:

- Applications and eligibility certifications
- Home assessments and scopes of work preparation
- Loan closings and recording (forgivable loans and recoverable grants only)
- General contracting and project management
- Project closeout, reporting and invoicing

The estimated annual administrative fee will not exceed \$167,500 and the annual program cost will not exceed \$625,000, for a total not-to-exceed contract amount of \$792,500. The administrative fee and program cost are based on a maximum of ten (10) homes repaired under each of the four (4) types contained in the Apex Cares Homeowner Rehabilitation Program modifications. The contract amount for the period of three years will not exceed \$2,377,500.

Remaining funding needed for the contract will come from the Affordable Housing Fund balance.

Attachments

- CN3-A1: Contract - Rebuilding Together of the Triangle - Apex Cares Program Administration
- CN3-A2: Budget Ordinance Amendment No. 2 - Contract Multi-Year - Rebuilding Together of the Triangle



AGREEMENT FOR HOUSING REHABILITATION PROGRAM ADMINISTRATION SERVICES

This Agreement for Housing Rehabilitation Program Administration Services (“Agreement”), made as of the _____ day of _____, 2024 by and between the Town of Apex (hereafter, “Town”) and Rebuilding Together of the Triangle, Inc., a North Carolina non-profit corporation (hereafter, “Agency”).

RECITALS

WHEREAS, Town funds a Housing Rehabilitation Program (“Program”) with the goal of assisting low-income homeowners and renters of single-family detached dwellings, condominiums, townhomes, and manufactured homes in preserving safe and sanitary housing and correcting hazardous structural conditions to prevent and eliminate blight for the benefit of the public at large;

WHEREAS, Agency is a non-profit organization whose mission includes preserving affordable homeownership;

WHEREAS, Town chose Agency to assist with administering Program and Agency desires to provide such services under the terms and conditions contained herein; and

WHEREAS, this Agreement is authorized by NCGS 160A-20.1.

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

ARTICLE 1 EFFECTIVE DATE AND SCOPE OF SERVICES

1. Recitals. The Recitals are incorporated into Agreement. This Agreement shall be effective on October 1, 2024 (“Effective Date”).
2. Services. This Agreement is for Program administration services to be provided by Agency with respect to the Town’s Program, and generally consisting of administering Town funds (“Program Funds”) in a manner that ensures Program Funds are given to eligible, low-income, homeowners and renters of single-family detached dwellings, condominiums, townhomes, and manufactured homes within Town corporate limits to cover the cost of Program-eligible housing repairs (“Services”). Agency shall provide all Services in compliance with this Agreement and all requirements of the Program Guidelines (“Guidelines”) attached hereto as Attachment A and incorporated herein by reference.
3. Program Funds. The total amount of Program Funds to be disbursed to Agency to provide Services is six hundred twenty-five thousand dollars (\$625,000.00) per year, for a not-to-exceed amount over the three-year Term of one million eight hundred seventy-five thousand dollars (\$1,875,000.00). In no event shall the Agency’s expenditures of Program Funds exceed this amount. Program Funds shall only be

used to reimburse Program participants for the actual cost of Program-eligible housing repairs and developer fees. Agency shall not use Program Funds to pay for overhead, administration, or any other costs related to Services.

4. Agency Fee. The Agency shall calculate and collect from the Town its Fee as follows:
 - a. Project Development Fee. A sum of \$1,600.00 to process each application for the Program Funds.
 - b. General Contractor Fee. The General Contractor Fee shall include a percentage markup of Project Hard Costs, which shall include, but not be limited to, invoices received from subcontractors for the Services; invoices received from suppliers for supplies necessary to provide Services; and labor costs in providing Services. The percentage markup of Project Hard Costs shall be determined by the type of Project: 18% for Rehabilitation Projects; 16% for Urgent Repair Projects; and 10% for Architectural Barrier Removal Projects and Weatherization Projects. The Project type is determined by the Guidelines. Project Hard Costs shall not include staff time for activities including, but not limited to, organizing volunteers, processing paperwork, filing for and obtaining permits, and hiring subcontractors.
 - c. The Town will pay the Agency the amounts due under this section within 30 days from receipt of invoice. Town has the right to require the Agency to produce for inspection all of Agency's records and charges to verify the accuracy of all invoices. Town shall pay Agency's invoices at times set forth above unless a bona fide dispute exists between Town and Agency concerning the accuracy of said invoice or the services covered thereby.
 - d. The total not-to-exceed amount for Agency Fees for the Term of this Agreement is \$502,500.00. A breakdown and illustration of the Agency Fee is attached hereto in Attachment B "Contractor Fee Schedule."
5. Term. The term of this Agreement shall be for a period beginning on Effective Date and ending three (3) years from Effective Date. If Agency commits Program Funds to one or more individual rehabilitation projects ("Project(s)") and any one or more of Projects are not completed prior to the termination of this Agreement, then and in that event this Agreement shall continue as to incomplete Projects until such time as the last of Projects undertaken hereunder is satisfactorily completed.
6. Agency Representations. Agency represents and agrees that now and continuing for the term of Agreement, Agency:
 - a. Is experienced, qualified, skilled and fully capable of performing Services in a competent and professional manner;
 - b. Shall exercise reasonable care and diligence, and shall act in the best interest of Town;
 - c. Shall act in accordance with Program Guidelines;
 - d. Shall act in accordance with generally accepted standards of Agency's practice applicable to the locality; and shall comply with this Agreement and with all applicable federal, state and local laws, ordinances, codes, rules and regulations (collectively 'Laws and Regulations');
 - e. Possesses all necessary qualifications, licenses and certifications;

- f. Shall assure that the individual(s) signing Agreement have the right and power to do so and bind Agency to the obligations set forth herein and such individuals do so personally warrant that they have such authority.

ARTICLE 2 RESPONSIBILITIES OF NON-PROFIT

1. Compliance with Guidelines. Agency shall comply with Program Guidelines at all times. All defined terms used in this Agreement shall have the same meanings as used in Program Guidelines. Failure of the Agency to comply with Program Guidelines shall be an event of default under this Agreement.
2. Taxes, Permits and Licenses. Agency is responsible for all applicable taxes and license fees and shall acquire all licenses and permits required by Laws and Regulations.

ARTICLE 3 RESPONSIBILITIES OF TOWN

1. Cooperation and Coordination. In addition to being responsible for the duties set forth as duties or responsibilities of Town in Program Guidelines, Town may designate, in writing, a person to act as project manager who shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

ARTICLE 4 INSURANCE

1. Insurance. Agency and Agency's permitted subcontractors shall purchase and maintain during the term of this Agreement insurance for protection from claims under workers' or workmen's compensation acts; Commercial General Liability Insurance (including contractual liability and completed operations, explosions, collapse, and underground hazards coverage) covering claims arising out of or related to bodily injury, including bodily injury, sickness, disease or death of any of Agency's employees or subcontractors or any other person and to real and personal property; Commercial Automobile Liability Insurance, including hired and non-owned vehicles, if any, covering bodily injury or death, and property damage; Professional Liability Insurance (if applicable) covering personal injury, bodily injury and property damage and claims arising out of or related to Agency's performance under this Agreement; and Agency shall acquire a fidelity bond or crime insurance covering at a minimum employee theft, computer crime, funds transfer fraud and social engineering. The fidelity bond or crime insurance should cover employees, volunteers, board members, officers, and all other personnel with access to the Agency's funds. The coverage limit should be in an amount equal to or greater than the amount the Town provides to the Agency.

Minimum limits of insurance coverage are:

| | |
|-------------------|---|
| General Liability | \$1,000,000 per Occurrence/\$2,000,000 aggregate |
|-------------------|---|

| | |
|---|----------------------------|
| Commercial Automobile Liability | \$1,000,000 CSL |
| Commercial Excess Liability / Umbrella Policy | \$1,000,000 per occurrence |
| Workers Comp | Statutory Limits |
| Employers Liability | \$500,000 per occurrence |
| Professional Liability | \$1,000,000 per claim |

The Agency may satisfy the insurance limits above with a combination of primary and umbrella/excess liability insurance policies. Umbrella/Excess liability shall follow form as to each of the underlying policies. Any available insurance proceeds in excess of or broader than the specified minimum limits of insurance and coverage shall be available to the Town.

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

Insurers

The minimum insurance ratings for any company insuring the Agency shall be Best's A-. Should the ratings of any insurance carrier fall below the minimum rating, the Town may, at its option, require the Agency to purchase insurance from a company whose rating meets the minimum standard. Agency's insurance carrier(s) shall be authorized to do business in the state of North Carolina. If Agency is unable to find an authorized carrier for any line of insurance coverage, Agency shall notify Town in writing.

Additional Insured Status

All insurance policies (except Workers Compensation and Professional Liability) shall name the Town of Apex as an additional insured.

Notice of Cancellation

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

Primary

Agency's insurance coverage shall be primary and non-contributory for any claims related to this agreement.

Waiver of Subrogation

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

Verification of Coverage

A certificate of insurance and all endorsements required shall be provided at, or prior to, execution of this Agreement. The Town's review or acceptance of certificates of insurance shall neither relieve Agency of any requirement to provide the specific

insurance coverage set forth herein nor shall it constitute a waiver or acknowledgement of satisfaction of the specific insurance requirements set forth in this Agreement.

Certificate Holder address should read:

Town of Apex
PO Box 250
Apex, NC 27502

Special Risks or Circumstances

The Town reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

ARTICLE 5
DAMAGES AND REMEDIES

1. Services, Reimbursement, and Deductions. Agency shall reimburse Town for costs, damages, and expenses, including reasonable attorney's fees and expert's fees incurred by Town if such costs, damages, and expenses are the result of any error, omission, or delay of, or failure by Agency to perform as required by Agreement. Agency shall repay to Town any Program Funds disbursed by Agency in violation of Guidelines.
2. Indemnity. To the fullest extent permitted by Laws and Regulations, Agency shall indemnify and hold Town, its officers and employees, harmless from and against all claims, costs, charges, civil penalties, fines, losses, liabilities, and damages (including but not limited to reasonable professionals' fees and charges and all court or other dispute resolution costs), by whomsoever brought or alleged, arising out of, resulting from, or in connection with (a) any breach by Agency of any term or condition of this Agreement or written amendment, (b) any breach or violation by Agency of any applicable Law or Regulation, or (c) any other cause resulting from any act or failure to act by Agency under this Agreement or written amendment, but only to the extent caused by any negligence or omission of Agency. This indemnification shall survive the termination of this Agreement.
3. Non-Exclusivity of Remedies/No Waiver of Remedies. The selection of one or more remedies for breach of this Agreement shall not limit that party's right to invoke any other remedy available under this Agreement or by law. No delay, omission or forbearance to exercise any right, power, or remedy accruing to a party shall impair any such right, power, or remedy or shall be construed to be a waiver of any breach hereof or default hereunder. Every such right, power, or remedy may be exercised from time-to-time and as often as deemed expedient.

4. Waiver of Damages. Agency shall not be entitled to, and hereby waives any monetary claims for, or damages arising from or related to, lost profits, lost business opportunities, unabsorbed overhead, or any consequential damages.

ARTICLE 6 AMENDMENTS TO AGREEMENT

1. Changes in the Services. Changes in the Services or a change in duration or any other term of this Agreement shall be made only by a written amendment executed by both parties.

ARTICLE 7 TERMINATION AND SUSPENSION

1. Termination for Convenience of Town. This Agreement may be terminated without cause by Town and for its convenience upon ten (10) days written notice to Agency.
2. Other Termination. After ten (10) days written notice to the other party of its material breach of the Agreement, this Agreement may be terminated by the noticing party, provided that the other party has not taken all reasonable actions to remedy the breach.
3. Return of Uncommitted Funds. Should this Agreement be terminated for any reason, Agency shall, within thirty (30) days of the date of termination, return all Program Funds in its possession that have not been previously committed to eligible Projects.
4. Survival. Termination of this Agreement, for whatever reason, shall not terminate a party's representations and warranties nor nullify any indemnity or records retention required hereunder or under Guidelines.
5. Suspension.
 - a. Town may order Agency in writing to suspend, delay, or interrupt all or any part of the Services for the convenience of Town.
 - b. A suspension, delay, or interruption of the Services shall not terminate this Agreement.

ARTICLE 8 ADDITIONAL PROVISIONS

1. Limited Assignment/Delegation. This Agreement shall bind Agency and its successors and permitted assigns. Agency shall not assign or transfer its rights or interest in this Agreement (including the right to payment), nor shall Agency delegate its duties under this Agreement, without the Town's written consent, which the Town may grant

or withhold in its sole discretion. The Town's consent shall not release Agency of any obligation under this Agreement and Agency and permitted assigns shall be subject to all of Town's defenses. Any attempt to assign this Agreement without the prior written approval of Town shall be void. If Agency utilizes approved subcontractors, Agency shall be responsible for the scheduling, completeness, quality, accuracy, and timeliness of all their work. Town has the right to request that any subcontractor be replaced due to unsatisfactory performance.

2. Governing Law. The parties acknowledge this Agreement is a "business contract" subject to the provisions of N.C.G.S. Chapter 1G and agree that this Agreement and the rights and duties of the Parties shall be governed by the laws of the State of North Carolina, without regards to conflict of law's provisions. The Parties further agree that any dispute arising from this Agreement shall be litigated in the courts of the State of North Carolina and any and all suits or actions related to this Agreement shall be brought exclusively in Wake County, North Carolina. Service of process may be effected by delivery by any method permitted under the N.C. Rules of Civil Procedure.
3. Entire Agreement; Amendments. This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either written or oral, including clickthrough agreements, clickwrap agreements, clickwrap licenses, or similar non-reciprocal agreements (collectively, "clickthrough agreement"). This Agreement may be amended only by written amendment signed by both parties. Neither party may amend, or seek to amend, this Agreement by clickthrough agreement.
4. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be enforceable without such provision.
5. Notice. Whenever any provision of this Agreement requires the giving of written notice, it will be deemed to have been validly given if (i) delivered in person to the Project Manager, if to the Town, or to the Project Manager, or equivalent position, or officer/member of the entity that is the Agency, if to the Agency, or (ii) if delivered at or sent by a nationally recognized overnight courier service or overnight express mail or registered or certified mail, postage prepaid, to the Town's or Agency's address. The date of said notice shall be the date of such delivery, in the case of delivery in person, or mailing when sent by courier or mail.

The notice address for the Town shall be:

Community Development and Neighborhood Connections Department
Town of Apex
Attn: Marla Newman
PO Box 250
Apex, NC 27502

The notice address for the Agency shall be:

Rebuilding Together of the Triangle

Attn: Executive Director
P.O. Box 4099
Cary, NC 27519-4099

6. Gifts and Favors. Agency shall become aware of and comply with laws related to gifts and favors, conflicts of interest and the like, including G.S. §14-234, G.S. §133-1, and G.S. §133-32.
7. Public Records; Confidential Records and Information. Agency acknowledges that records made or received in connection with the transaction of public business, including records related to this Agreement in the possession of Agency, are public records and subject to public records requests. Agency must provide such records to Town upon request. Town may provide copies of such records, including copyrighted records, in response to public record requests, except that, upon request of and indemnification by Agency. Agency shall make Town aware of any public records requests made in regard to Services or this Agreement. If Agency, its employees or subcontractors, during provision of Services, becomes aware of or has access to confidential records or information or information otherwise protected from disclosure by Federal or State law ("Confidential Information"), Agency, its employees and subcontractors, shall not disclose any such Confidential Information.
8. Verification of Work Authorization. Agency, and all subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes.
9. Anti-Human Trafficking. Agency warrants and agrees that no labor supplied by the Agency or the Agency's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation, or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.
10. No Third-Party Beneficiaries. There are no third-party beneficiaries to Agreement.
11. Independent Contractor. Agency is an independent contractor and is solely responsible for its Services and the supervision of its employees and permitted subcontractors. All persons assigned by Agency to provide Services pursuant to this Agreement shall, for all purposes of this Agreement, be considered employees of Agency only. Agency shall assume the sole and exclusive responsibility for the payment of wages to individuals for services performed under this Agreement and the withholding of all applicable Federal, State, and local taxes, unemployment insurance, and maintaining workers compensation coverage in an amount and under such terms as required by law. If Town notifies Agency in writing that any person providing Services appears to be incompetent, disorderly, or otherwise unsatisfactory to Town, such person shall be removed from the project and shall not again be employed on it except with the prior written consent of Town.
12. Nondiscrimination. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Agency hereby warrants and agrees that Agency 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. Neither party shall discriminate on any prohibited basis. Agency must comply with the Americans with Disabilities Act of 1990 (“ADA”).

13. Pre-Audit Requirement: Non-Appropriation. This Agreement has not been fully executed and is not effective until the Preaudit Certificate (if required by N.C.G.S. § 159-28) has been affixed and signed by the Town of Apex Finance Director. Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.
14. Performance of Government Functions. Nothing contained in this Agreement shall be deemed or construed so as to restrict or inhibit the Town’s police powers or regulatory authority.
15. No Waiver of Sovereign or Qualified Immunity. Nothing in this Agreement shall be construed to mandate purchase of insurance by Town pursuant to N.C.G.S. 160A-485 or to in any way waive Town's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law. No officer, agent, or employee of Town shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent, or employee from the performance of any official duty provided by law.
16. Further Assurances. Agency agrees that it will cooperate with Town and will execute and deliver, or cause to be delivered, all such other instruments, and will take all such other actions, as Town may reasonably request from time to time in order to effectuate the provisions and purposes of Agreement.
17. Principles of Interpretation and Definitions. In this Agreement, unless the context requires otherwise: (1) The singular includes the plural and the plural the singular. The pronouns “it” and “its” include the masculine and feminine. (2) References to statutes or regulations include all statutory or regulatory provisions consolidating, amending, or replacing the statute or regulation. References to contracts and agreements shall be deemed to include all amendments to them. The words “include,” “including,” etc. mean include, including, etc. without limitation. (3) References to a “Section” or “section” or “paragraph” shall mean a section or paragraph of this Agreement. (4) “Contract” and “Agreement,” whether or not capitalized, refer to this instrument. (5) Titles of sections, paragraphs, and articles are for convenience only, and shall not be construed to affect the meaning of this

Agreement. (6) "Duties" includes obligations. (7) The word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units, and other legal entities. (8) The word "shall" is mandatory. (9) The word "day" means calendar day. (10) Normal business hours means Monday through Friday from 8:00 a.m. until 5:00 p.m. Eastern Standard Time.

18. Electronic Signature. Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. Agency and Town 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 WHEREOF, Agency and Town, being duly authorized, have caused these presents to be signed in their names as of the day and year first above written, on the following pages.

AGENCY

TOWN

**Rebuilding Together of the
Triangle, Inc.**

Town of Apex

By: _____
(signature)

By: _____
(signature)

Name: Dan Sargent

Name: Randal E. Vosburg

Title: Executive Director

Title: Town Manager

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

Antwan Morrison, Finance Director



Town of Apex

Budget Ordinance Amendment No. 2

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2024-2025 Budget Ordinance be adopted:

Affordable Housing Fund

Section 1. Revenues:

| | |
|--|------------------|
| 21-0000-39902: Fund Balance Appropriated | 542,500 |
| Total Revenues | \$542,500 |

Section 2. Expenditures:

| | |
|----------------------------------|------------------|
| 21-4900-44500: Contract Services | 542,500 |
| Total Expenditures | \$542,500 |

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 24th day of September 2024.

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: September 24, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meetings:

- August 27, 2024 - Regular Town Council Meeting

Approval Recommended?

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

Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachments

- CN4-A1: **DRAFT** Minutes - August 27, 2024 - Regular Town Council Meeting Minutes



DRAFT MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, AUGUST 27, 2024 6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 27, 2024 at 6:00 p.m. in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel.

The recording of this meeting can be viewed here:

<https://www.youtube.com/watch?v=TFc4BzzZnKU&t=2s>

[ATTENDANCE]

Elected Body

Mayor Pro Tempore Ed Gray (presiding)

Councilmember Audra Killingsworth

Councilmember Arno Zegerman

Councilmember Terry Mahaffey

Councilmember Brett Gantt

Absent: Mayor Jacques K. Gilbert

Town Staff

Assistant Town Manager Marty Stone

Assistant Town Manager Demetria John

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

Planning Director Dianne Khin

Current Planning Manager Amanda Bunce

Absent: Town Manager Randy Vosburg

All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Pro Tempore Gray called the meeting to order and welcomed all who were in attendance and watching. He acknowledges the Apex police for the protection provided for the meeting.

1 **Mayor Pro Tempore Gray** then led those in attendance in the Pledge of Allegiance.
2 He then took a moment of silence for the invocation. He then recognized invited members of
3 the Apex chapter of Hindu Swayamsevak Sangh to lead a Raksa Bandhan ceremony, which is
4 a traditional Hindu ceremony promoting unity and peace. Councilmembers were presented
5 with Rakhis (bracelets) to signify these well-wishes.

6
7 A **motion** was made by **Councilmember Killingsworth**, seconded by
8 **Councilmember Zegerman**, to approve the Consent Agenda as presented.

9 **VOTE: UNANIMOUS (5-0)**
10

11 **[CONSENT AGENDA]**

12 **CN1 Contract Multi-Year - Carolina Civilworks, Inc. - Master Services Agreement (MSA)**
13 **- Wastewater, Pump Station, and Water Distribution Repairs, Replacements, and New**
14 **Installations as Needed - September 1, 2024 through August 31, 2027 (REF: CONT-**
15 **2024-237)**

16 Council voted to approve a Master Services Agreement (MSA) between Carolina Civil works,
17 Inc., and the Town of Apex, effective September 1, 2024, through August 31, 2027, to perform
18 wastewater, pump station, water distribution repairs, replacements, and new installation as
19 needed, and to authorize the Town Manager, or their designee, to execute on behalf of the
20 Town.

21 **CN2 Contract Multi-Year - Carolina Management Team LLC - Master Services**
22 **Agreement (MSA) - Wastewater Appurtenances Lining, Sealing, and Grouting Services**
23 **as Needed - September 1, 2024 through August 31, 2027 (REF: CONT-2024-238)**

24 Council voted to approve a Master Services Agreement (MSA) between Carolina
25 Management Team, LLC., and the Town of Apex, effective September 1, 2024, through August
26 31, 2027, to perform wastewater appurtenances lining, sealing and grouting service, and to
27 authorize the Town Manager, or their designee, to execute on behalf of the Town.

28 **CN3 Contract Multi-Year - Data Voice International - WorkPal App - September 1, 2024**
29 **through August 31, 2027 (REF: CONT-2024-239)**

30 Council voted to approve a multi-year contract with Data Voice International and the Town of
31 Apex for a software application program (WorkPal) to assist with power outages, effective
32 September 1, 2024 through August 31, 2027 and to authorize the Town Manager, or their
33 designee, to execute on behalf of the Town.

34 **CN4 Council Meeting Minutes - July 09, 2024 - Special Meeting**

35 Council voted to approve, as submitted or amended, Meeting Minutes from the following
36 meetings:

1 July 09, 2024 - Special Town Council Meeting Minutes

2 **CN5 Unified Development Ordinance (UDO) Amendments - July and August 2024 -**
3 **Statement (REF: OTHER-2024-091)**

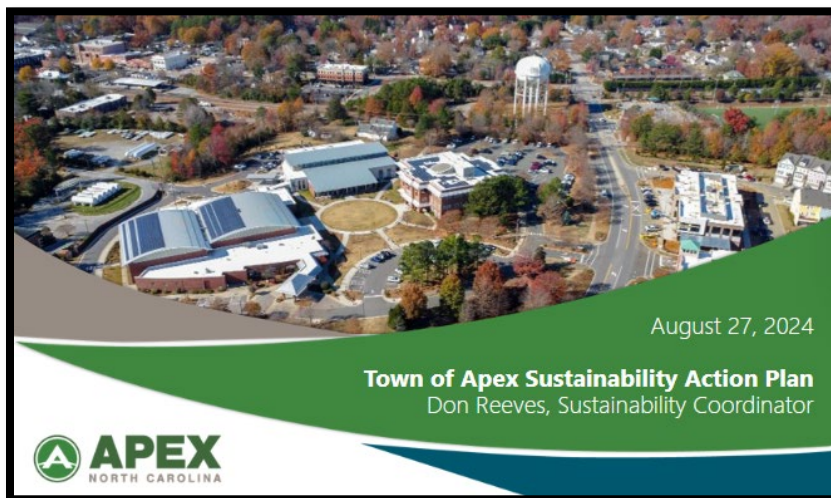
4 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-
5 605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of
6 August 13, 2024.

7 **[PRESENTATIONS]**

8 **PR1 Apex Sustainability Action Plan (REF: PLCY-2024-010)**

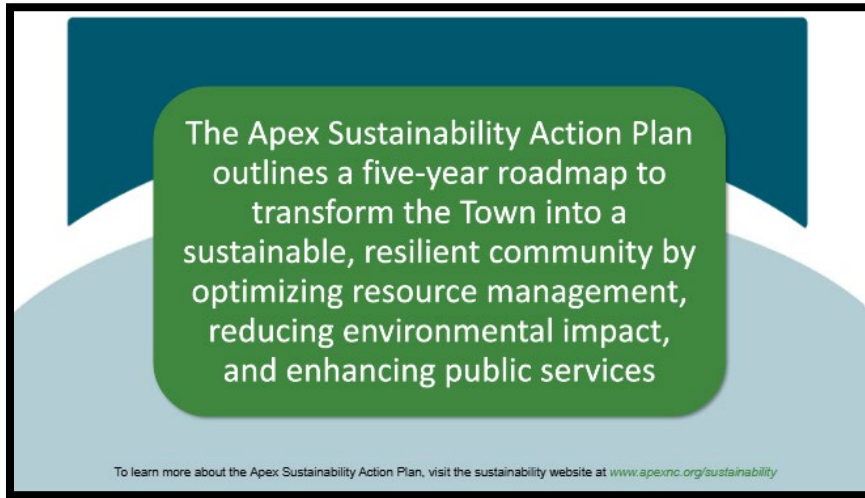
9 **Don Reeves**, Sustainability Coordinator, Budget and Performance Management
10 Department gave the following presentation.

11 **[SLIDE 1]**



12
13

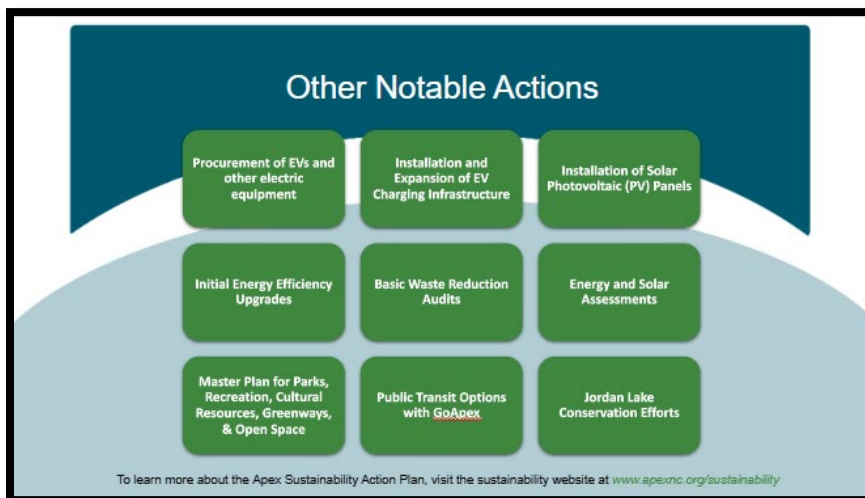
1 [SLIDE 2]



2
3 [SLIDE 3]



4
5 [SLIDE 4]



6

1 [SLIDE 5]



TOWN OF APEX SUSTAINABILITY ACTION PLAN KEY INITIATIVES

The Town of Apex committed to sustainability and environmental leadership in its FY 2022-2023 Strategic Plan (Game Plan Apex), focusing on reducing greenhouse gas emissions, energy efficiency, renewable energy, and limiting its environmental impact. The Sustainability Action Plan outlines specific actions and strategies for departments to achieve these goals and position the Town as a community leader in sustainability.



ENERGY EFFICIENCY IN FACILITIES

Apex facilities require substantial resources and energy to operate daily and to meet the resident's service expectations.

The Town will:

- Work towards offsetting carbon emissions through the **Facility Solar Initiative and Energy Efficient Inventory Replacement**.
- Energy consumption & efficiency audits to inform a **Strategic Energy Plan**.
- Continued replacement of street and outdoor lighting with **LED Lights**.
- Establishing **Energy Efficient Standards** in new facility design.



CLEAN & SUSTAINABLE MOBILITY TRANSITION

Apex operates a fleet of vehicles and equipment that enable each department to perform their needed job functions effectively.

The Town will:

- Work towards transitioning the fleet to **EVs and Alternative Fuel vehicles**.
- Provide **Charging Stations** for fleet and public use to promote EV adoption & usage.
- Use **Telematics Fleet Technology** to regulate Fleet Size and identify areas to **Reduce Idling Emissions**.
- Continue to expand **Public Transit Options** through **RAVAPex**.



ENVIRONMENTAL IMPACT & WASTE MANAGEMENT

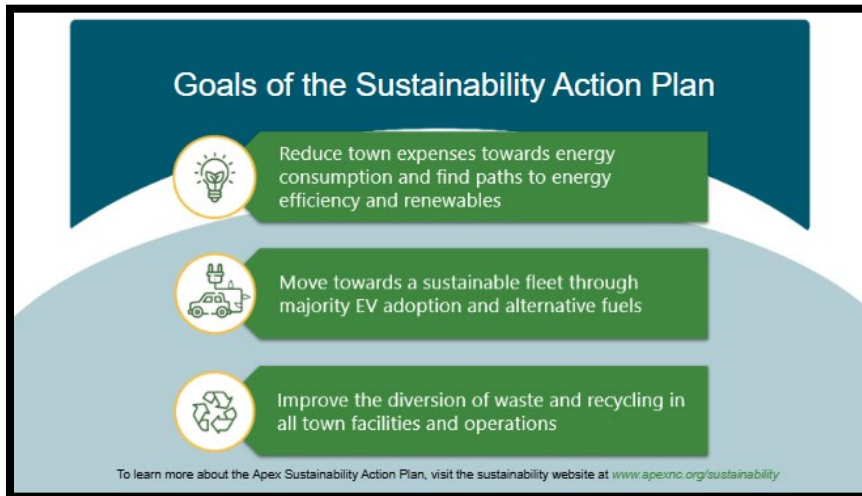
Apex continuously works to decrease its environmental impact through waste diversion and sustainable procurement.

The Town will:


- Work to educate all participants on proper **Recycling Standards & Signage**.
- Track **Waste Diversion** in order to determine opportunities to improve upon it.
- Developing a **Sustainable Procurement Policy** that focuses on purchasing reusable or recyclable materials and supplies.
- Explore **Composting** as an additional waste diversion option.

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability


2
3 [SLIDE 6]




Goals of the Sustainability Action Plan



Reduce town expenses towards energy consumption and find paths to energy efficiency and renewables



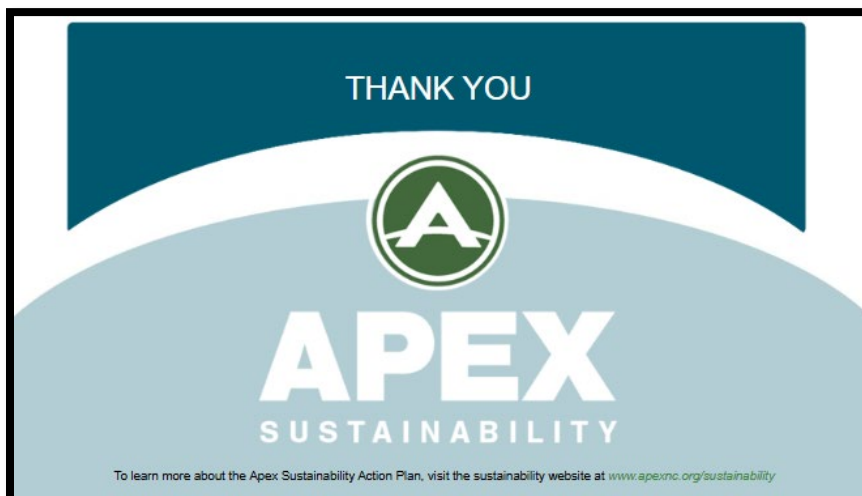
Move towards a sustainable fleet through majority EV adoption and alternative fuels




Improve the diversion of waste and recycling in all town facilities and operations

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

4
5 [SLIDE 7]



THANK YOU



APEX
SUSTAINABILITY

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

1 **Mr. Reeves** thanked the Council.

2 **Mayor Pro Tempore Gray** asked if there were any questions.

3 **Councilmember Killingsworth** said the document was highly detailed, and
4 suggested anyone interested to take a look at it.

5 **Councilmember Mahaffey** what the timeframe for is finding the EV's for other
6 departments and the transition.

7 **Mr. Reeves** said they are doing research to see what vehicles would actually work and
8 identifying the funding. He said it would probably be 8 to 10 years.

9 **Councilmember Zegerman** asked if the greenhouse gas inventory was going to be
10 reported in this fiscal year or if it would be based on calendar year.

11 **Mr. Reeves** said probably for the calendar year but that the timeframe is flexible. He
12 said that they are using Impura, a company that tracks how much energy and water that is
13 being consumed and what the impact of the greenhouse gas emissions.

14 **Councilmember Zegerman** asked what the scope was. He said that assessment will
15 help guide future investments.

16 **Mr. Reeves** said he could get that information.

17 **Councilmember Mahaffey** asked what would be used to promote sustainable
18 practices into the community. He asked about contracting companies with more sustainable
19 practices.

20 **Mr. Reeves** said that they wanted to be as internally focused as possible because they
21 wanted to lead by example. He said that it was planned that in two to three years there would
22 be a robust community facing plan.

23 **Mayor Pro Tempore Gray** asked if there were any other questions and thanked Mr.
24 Reeves and staff for all of the work that they had put into this project.

25
26 A **motion** was made by **Councilmember Mahaffey** and seconded by
27 **Councilmember Gantt**, to adopt the Apex Sustainability Action Plan.

28
29 **VOTE: UNANIMOUS (5-0), with Mayor Gilbert absent**
30

31
32 **[REGULAR MEETING AGENDA]**

33
34 **Mayor Pro Tempore Gray** set the Regular Agenda and asked if there were any
35 recommendation meeting changes at this time.

36
37 A **motion** was made by **Councilmember Mahaffey**, seconded by Mayor Pro
38 **Councilmember Zegerman** to approve the Regular Meeting Agenda.

39
40 **VOTE: UNANIMOUS (5-0)**
41

1 **[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign In Sheets, see**
2 **OTHER-2024-092)**

3 **Mayor Pro Tempore Gray** opened up the Public Forum and invited the first speaker
4 up.

5 First to speak was **Reverend Mike Merker** of 1201 Chapel Ridge Road:

6 "Esteemed Council members, I come to you this evening from Jordan Lutheran
7 Church, we are at 1201 Chapel Ridge Road. The property that we have, we are continuing our
8 development journey but we're here just to thank you. We're here to say thank you to your
9 Planning Department for just guiding us, teaching us, helping us to know what's going on and
10 sometimes, along the way, you learned things. So, one of the things that we discovered as
11 you were looking to annexation to some adjoining properties, we said what else could we do,
12 what could we do with our property. So, we offered that property up to five different States
13 came in to do a disaster response training event earlier this year, so they came in to take
14 down trees to learn to train, we ran it through the town and got approval for those and then
15 we said, well, we still have the property, what else could we do. So, we said we'll go to the fire
16 department and say would you guys like to just have access to this building and they said yes
17 and immediately said we think over 100 hours of training could take place here, so I just want
18 to give a special thanks to Lee Spencer, Jeff Womack, Training Coordinators with the
19 department, Chief Tim Herman and countless others who made that possible. It was just
20 wonderful to work with the Town and realize sometimes when plans change, better things
21 happen. If the Mayor was here, I'd thank him, so I'm thanking him in abstention, he's always
22 told me he said if we can get nonprofits and businesses and citizens to work together, great
23 things happen. You guys are a part of that, so I just wanted to share that good story. I spoke to
24 some of the fire department staff as they were there, they were so happy, you have a humble
25 staff, you have a great staff, they were out there on site and also just it's different to do
26 something 40 feet in the air on a ladder than it is on the ground, where we train, so thank you
27 for letting us put holes in your building, we were glad to do so, so it was a whole lot of fun to
28 do that. So right now, as the congregation's looking forward, we've got some zoning things
29 that we look forward to just continuing that cooperative spirit with all of you on the Council,
30 so I just wanted to say thank you, to you and letting us be a part of what it is to be here in
31 Apex. So have a wonderful evening."

32 **Mayor Pro Tempore Gray** thanked Mr. Merker and invited the next speaker.

33 The next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

34 "Good evening. I'm going to do something unusual. I've been asked by numerous people to
35 please repeat my phone number. I've had numerous people try to get a hold of me from
36 watching the YouTube videos, and I'm very happy that we have an audience. For those folks
37 that want to text me or call or phone, however you want to do it, my phone number is 919-
38 649-3768. As you know, my neighbors and I have been coming a while. I figured out two

1 years and three months at this point. If you had asked me in the beginning of this journey if I
2 was going to be here this many meetings, I would have told you that you are crazy. I'm not a
3 public speaker. I don't like to come to meetings, and I don't do anything on camera. You can
4 go see all my social media, and there's no videos. Only thing that exists of me is that, and I
5 don't like that. So, it's been a long journey, and when we first started, I was just really confused
6 how the town operated. Then I thought, okay, now I'm starting to understand we have huge
7 disconnects. I still think we have some major disconnects, especially around the force main.
8 We would love to have the opportunity to talk with you, we offered that up many times, and
9 it's really puzzling when I share with people the story of the journey, and they're like, well, how
10 many times do they meet with you and I'm like, well, you know, there are some people who've
11 not met with us at all, and that's really hard to get your head wrapped around but that is the
12 reality is just some people just don't want to have the discussion with us, very important
13 project, very large dollar project for the town, and we have our own consultants, we have our
14 own attorneys, we have a different point of view, you may not agree with it, but we don't get
15 the time to actually share it with you. You get little three-minute monologues, which, you
16 know, I have yet to figure out how to perfect something in three minutes. So, we'd love to still
17 have the conversation with you. So, the offer is put out there once again. We have been able
18 to build some bridges. Obviously, we're working with the Planning Department around
19 zoning in our particular area, and we greatly appreciate that opportunity in the meetings. I
20 know on your September 17th Work Session, the zoning out in our area is going to be
21 discussed. It is still very early from my perspective. We just got an email today asking us for
22 input, haven't had a chance to review it, and it's going to be really tough, partly because with
23 the force main, the town is going to be having a public hearing in front of the Ag board.
24 Some of our properties are part of the voluntary Ag district program, my property, the Stone
25 property, the Hastings property and the town's going to go in front of the Ag board to do a
26 public hearing to talk about the force main. This will be the first time that there will be a public
27 meeting about the force main where we property owners get more than three minutes, we
28 actually get to have a part in that conversation. When you originally had this presented to you
29 from Town staff back in July of 2022, it was in a Work Session, we weren't allowed to
30 participate, our views were not heard. So very much looking forward to that on September
31 10th, and then of course we'll be back in front of you guys, not participating but watching and
32 listening at the Work Session, because again, the Work Session does not allow the public to
33 participate. So, I put this out there to you that we come to you over and over and over, we
34 have concerns, we want to be heard, we want to be a part of this community, but this
35 distance, this lack of communication, makes us feel like we're not a part of the community and
36 I realize culturally the Friendship area, we act a little differently, hey, that's okay, but make
37 room for us. It is almost as if all of these new people moved into town and what used to be
38 something we could count on, getting to the stop sign without having a 20-minute wait or
39 getting to the grocery store, just no longer exists. So, we want to get ahead of some of those
40 things in our area, our area doesn't have to become like the rest of Apex. We should be
41 allowed to be Friendship. We should be allowed to be a community. You recognize all the
42 other communities that make up the diversity and all the vibrancy of Apex, but somehow,

1 we're just continually squashed because the constant message is, "We want your land, we
2 want your land, we want your land. We want you to move, and if you don't move, please die
3 so that your children can sell your property." I've literally had people say that to me. So, you
4 know, we aren't anti-development. I've had numerous conversations with developers. We're
5 just looking for a way to make it a better outcome. When we look at development in this
6 town, obviously there are things to be learned. We want to take those learnings and have a
7 better outcome. So, I hope that you use my phone number. Obviously, the town has my email
8 address, and yes, the rest of the community is welcome to call me because we are organizing
9 further and greater outside of our area as more people have heard the battle that we're
10 fighting, they want to help. They don't like their tax dollars being weaponized to take my
11 property, but that's what's happening. The developers don't like to be on the hook for
12 reimbursing the Town for projects that maybe could be less expensive if approached
13 differently, but we have yet to have that opportunity in front of you guys. So, thank you for
14 listening to me. I hope that you give me a call, and I hope you have a great evening. Thanks."

15 **Mayor Pro Tempore Gray** thanked Ms. Stitt and called the next speaker.

16 Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

17 "Good evening, Town Council. I sent you a report today, I just got it, actually, in the
18 traffic study for our area, which is pretty interesting. I'll get to that in a moment, but I just
19 wanted to say something that safety is a big concern. These are about wrecks and crashes
20 and accidents and people getting hurt and lifelong injuries and things like that and cost to
21 people and I think we owe it to the safety of our citizens of North Carolina, not just our
22 community but people that pass through our community, all the folks, to look at this issue and
23 this issue is about vehicle crashes on secondary roads. Now, why do I say secondary roads?
24 They're called SR. Why does that matter? Well, it's so important because the zoning is based
25 on Apex's data. Apex doesn't have jurisdiction over these secondary roads. Very, very
26 important. That's NCDOT, the Department of Transportation's responsibility. But if you go
27 back to even, I'll just drop back to the storm, we had that tropical storm Debbie, and people
28 were like, oh my, you know, traffic lights out here, whatever. Well, they didn't know what to do,
29 right, because they don't know that nobody is managing that road. So, okay, the accident
30 data I sent you, frankly, it scares me a lot. I know that not including the information in big
31 decisions like zoning it's really a problem because you're ignoring a lot of the data points. So
32 in the six and a half years of data, there were 79 accidents. There were, in total property
33 damage, \$773,920.00, and we're not even talking about the lifelong injuries people get,
34 neck, back, broken parts all of that. That's a lot of money. And we're already at about 48,000
35 halfway through the year, it's about 100,000 a year. And a lot of developments that are in this
36 corridor are yet to be fully in function. The other thing is that the conditions were daytime
37 during the week, so we're talking about commuting folks, right, trying to get to their job, just
38 doing their thing, and it was on dry roads. So, no snow, no ice, no rain. So that's a
39 preponderance of the data that is showing that, and then 60%, the majority, are your right
40 turns, your left turns, and your rear-end and your angle accidents. So, what does that mean?

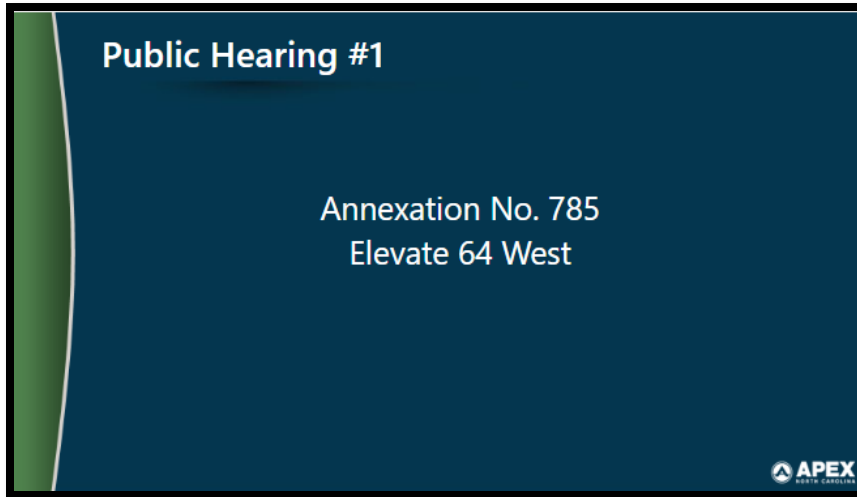
Because the speed is 55 on Old US 1. Thank you very much. I hope you read the study. Thank you.

Mayor Pro Tempore Gray thanked everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

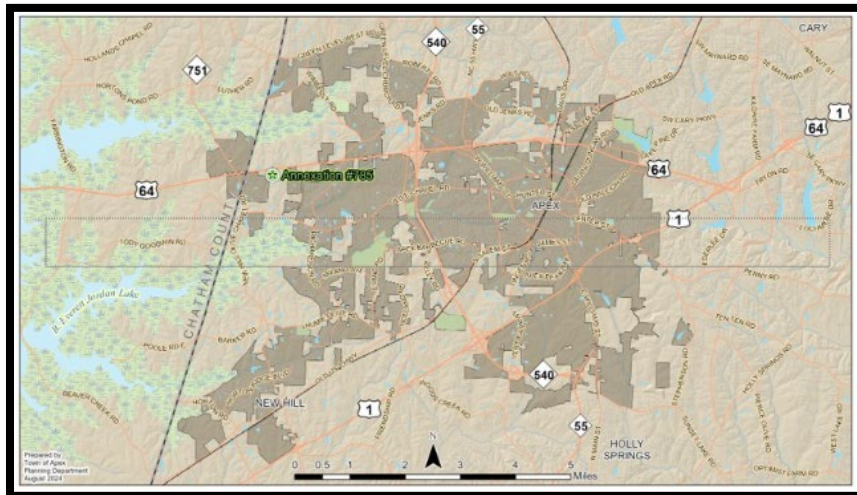
[PUBLIC HEARINGS]

PH1 Annexation No. 785 - Elevate 64 West - 35.15 acres (REF: ORD-2024-069)

Dianne Khin, Director, Planning Department gave the following presentation.
[SLIDE 1]



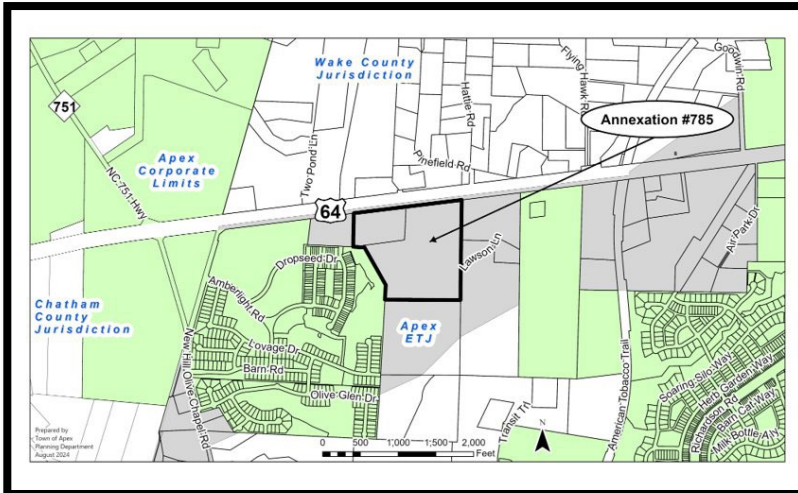
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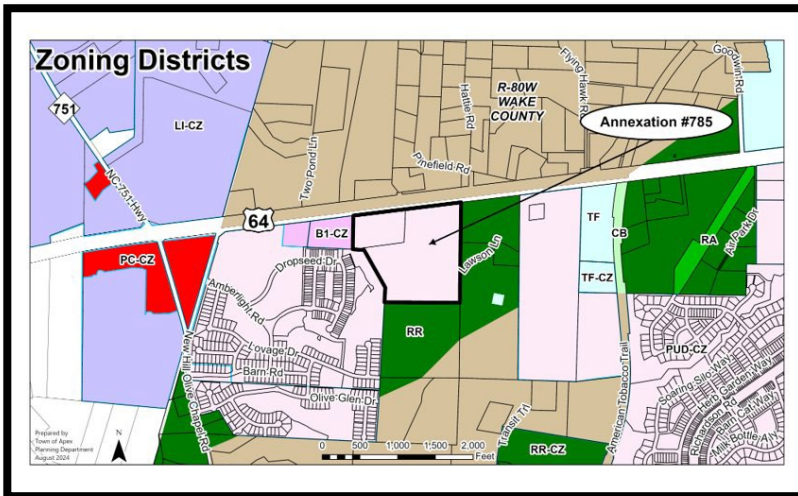
1 [SLIDE 3]



2
3 [SLIDE 4]



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5 [SLIDE 5]



6

Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it.

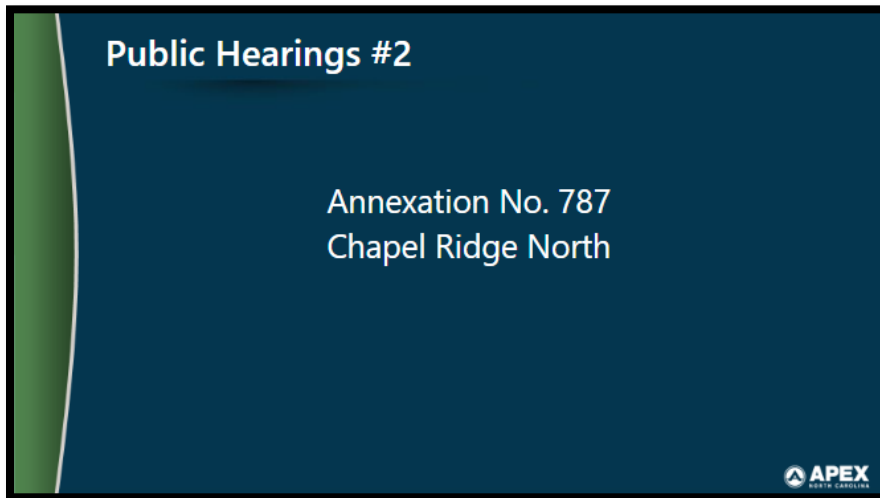
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**, to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 35.15 acres, known as Elevate 64 West, Annexation No. 785 into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

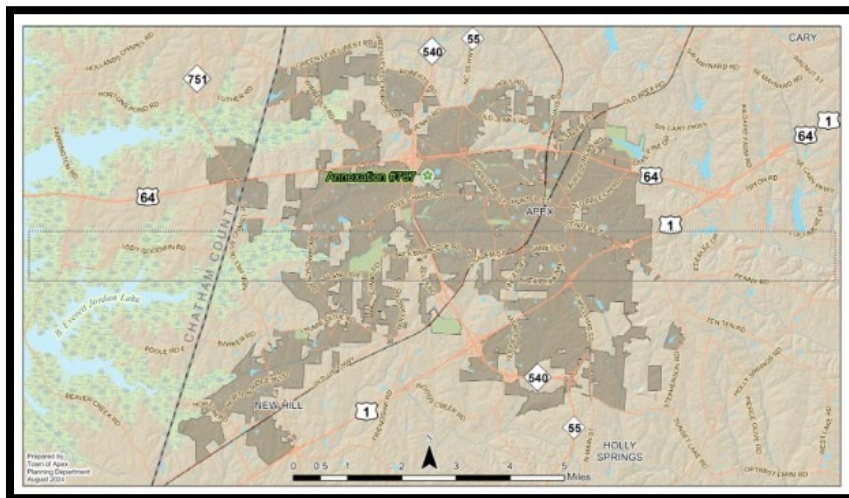
PH2 Annexation No. 787 - Chapel Ridge North - 21.56 acres (REF: ORD-2024-070)

Dianne Khin, Director, Planning Department gave the following presentation.

[SLIDE 1]



[SLIDE 2]





Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it with nobody signed up.

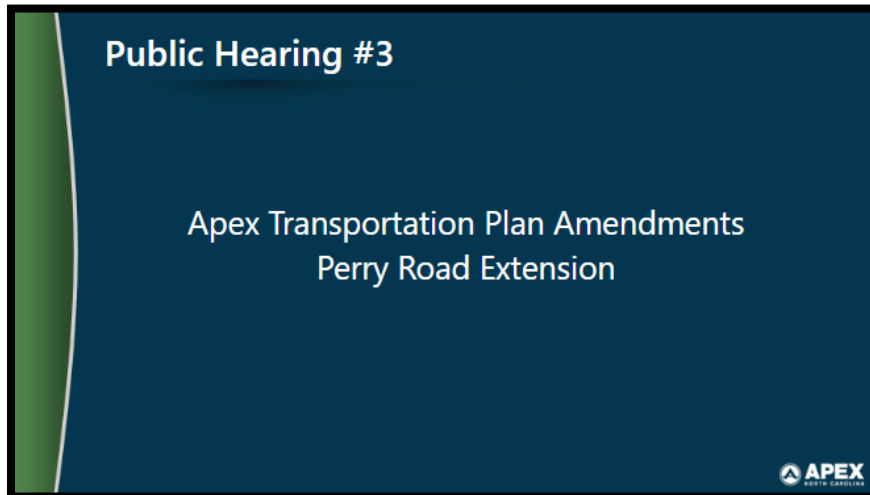
A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex 21.56 acres, known as Chapel Ridge North, Annexation No. 787 into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

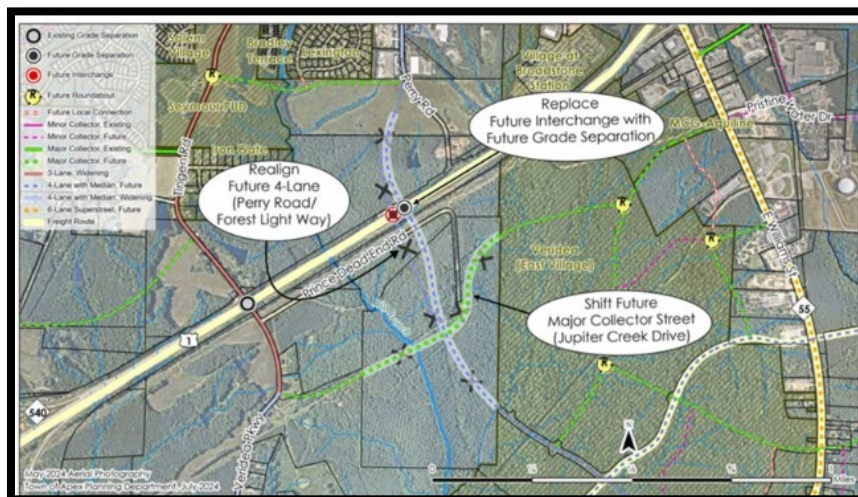
PH3 Apex Transportation Plan Amendments - Perry Road Extension

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

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]

| Perry Rd/US 1 - Interchange vs. Grade Separation | | | |
|--|------------------|-------------|---------------------------|
| Traffic Volumes & Capacity – 2050 Projections | | | |
| Roadway | Measurement | Interchange | Grade Separation (Bridge) |
| Tingen Road south of Apex Peakway | Vehicles per day | 14,980 | 14,630 |
| | Volume/Capacity | < 1 | < 1 |
| NC 55 south of US 1 | Vehicles per day | 70,640 | 76,320 |
| | Volume/Capacity | > 1 | > 1 |

Councilmember Gantt asked why with the grade separation at Perry Road that along Tingen Road there would be fewer vehicles.

Ms. Cox said that she expected that some cars would want to avoid the congestion, but she was not definitely sure.

Councilmember Gantt asked if this would be at the intersection of the Peakway.

Ms. Cox said it would be the segment south of the Peakway and north of US 1.

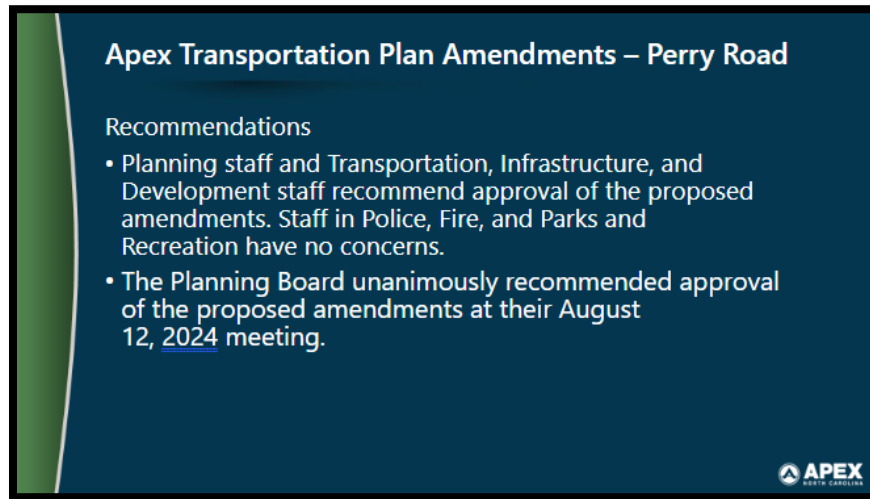
Councilmember Gantt had some concerns about Perry with no intersection.

Ms. Cox said this was compared with the interchange at Perry Road and then no connection at Perry Road.

[SLIDE 4]

| Perry Rd/US 1 - Interchange vs. Grade Separation | |
|---|--|
| Additional Considerations | |
| • Expensive interchange (\$50M-\$70M) due to proximity to NC 55/US 1 interchange. | |
| • Interchange is too large for private development. | |
| • Ineligible for largest "bucket" of funding through NCDOT's process of SPOT projects. | |
| • Interchange is unlikely to be funded. Grade separation is more likely to be funded. | |
| • Planning for an interchange at Perry Rd/US 1 constrains design options for a new interchange at NC 55/US 1. | |

[SLIDE 5]



Councilmember Killingsworth asked if this would use division funding.

Ms. Cox said there was no division funding at this time but will submit it again to Campo division.

Councilmember Mahaffey asked if there were other ways to get it built other than the Campo division.

Ms. Cox said that they could pursue LAPP funding, Town funding or other sources to contribute.

Councilmember Killingsworth asked what the requirement for this was to be a NCDOT funded crossing.

Ms. Cox said there were 3 levels of funding when it comes to the State Transportation Improvement program and this project does not qualify. She said that so far it has been treated as a division needs project and the funding bucket is not big enough.

Councilmember Mahaffey asked where staff prioritizes the Perry Road Bridge project. He asked if there was vision of what should be done to cross US 1 and what order they may be done in.

Ms. Cox said there is a project prioritization in the document. She said that there is a near, mid-term and long-term recommendation for the projects.

Councilmember Mahaffey asked how this project was prioritized compared to the New Hill Holleman Road widening project.

Ms. Cox said that Perry Road would be a long-term project. She said staff has been looking at the best options for each location.

Councilmember Zegerman asked why this would be done now.

Ms. Cox said there are three reasons to consider doing it now. She said the first reason is to try to keep the map transparent and updated. She said the 2nd reason would try to continue to have it prioritized for the funding that is available. She said the last reason is because NCDOT is working on the express designs for the US 1-55 interchange and Perry Road does impact the express designs for the US 1-55 location.

1 **Councilmember Zegerman** asked if there was a design that included pedestrian and
2 bicycle facilities.

3 **Ms. Cox** said that what was on the plan now was sidewalks on both sides of the Perry
4 Road extension, it is a four-lane thoroughfare, and there is a greenway on the plan that would
5 cross US 1 and extend into Veridea and provide that bicycle pedestrian connection parallel.

6 **Councilmember Zegerman** asked if there were anticipated traffic volumes on the
7 Perry Road connection. He said that would extend the longevity of the Tingen Road Bridge.

8 **Ms. Cox** said she did not have it in the staff report with her, but there was model data
9 for Perry Road. She said that the higher the cost of the project, the harder they are to get
10 programmed.

11 **Councilmember Zegerman** said he appreciated the clarification and information.

12 **Mayor Pro Tempore Gray** said that the cost will go up over time, so if funding
13 becomes available, would the town be ready to move forward would this provide the option
14 to move forward.

15 **Ms. Cox** said it would help to move it forward through prioritization.

16 **Councilmember Mahaffey** said that there would need to be more connection given
17 the future growth. He said that this does make sense to do, and he said a future Council
18 would likely have to build this anyway given the transit options currently.

19
20 **Mayor Pro Tempore Gray** asked if there were any questions. He opened it up for
21 Public Hearing and closed it with no signups.

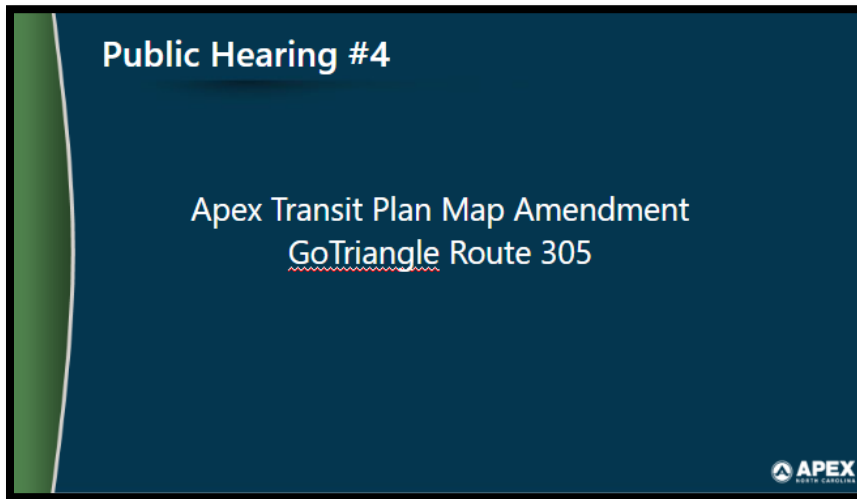
22
23 A **motion** was made by **Councilmember Killingsworth**, seconded by
24 **Councilmember Mahaffey**, to amend the Thoroughfare and Collector Street Plan map in the
25 vicinity of future Perry Road extension and US 1 Highway.

26
27 **VOTE: UNANIMOUS (5-0)**
28

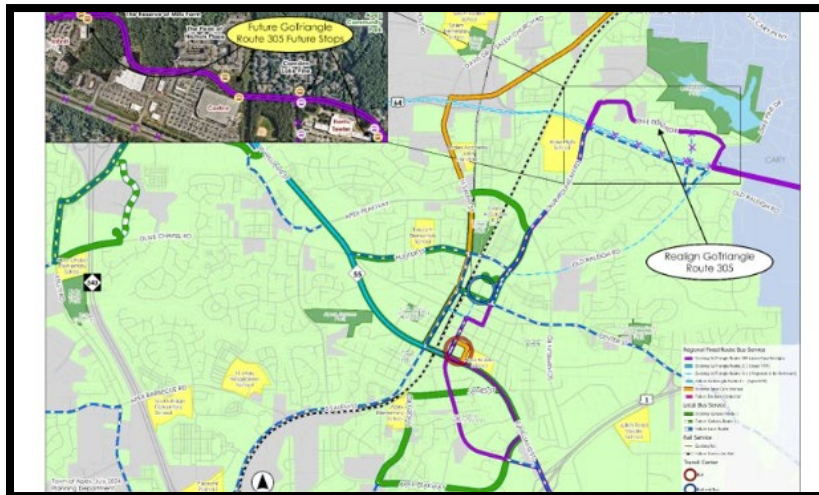
29 **PH4 Apex Transit Plan Map Amendment - GoTriangle Route 305**

30 **Katie Schwing**, Senior Planner - Long Range Transit, Planning Department gave the
31 following presentation.

1 [SLIDE 1]



2
3 [SLIDE 2]



4
5 [SLIDE 3]



6

Councilmember Gantt asked could the roundabout at Laura Duncan in Pine Plaza could be separated from the 64 overpass and talked about in the CIP in the future. He said if it could be separated the possibility of doing it sooner.

Councilmember Killingsworth agreed.

Councilmember Mahaffey said he liked that idea as well.

Mayor Pro Tempore Ed Gray asked if there were any questions. He opened it up for Public Hearing and closed it.

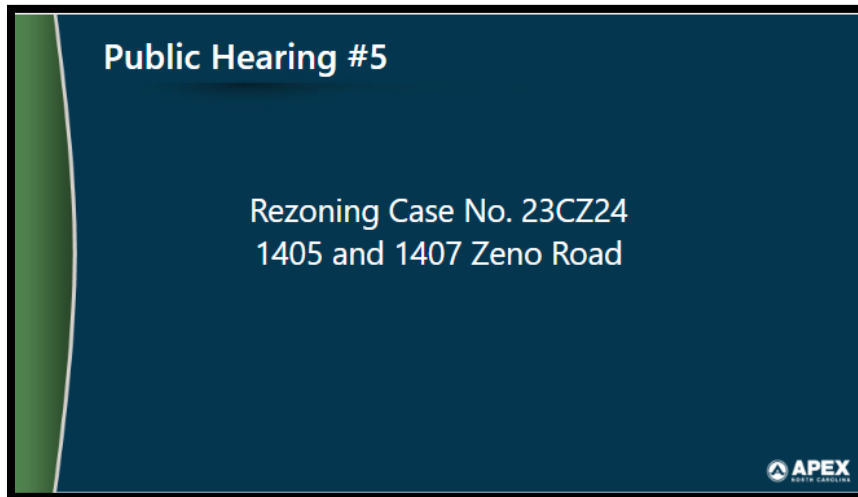
A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Mahaffey** to amend the Transit Plan Map of the Town's Transportation Plan to update GoTriangle Route 305 routing to travel from Laura Duncan Rd, to Pine Plaza Drive, to Lake Pine Drive, northbound, and Lake Pine Drive, to Pine Plaza Drive, to Laura Duncan Rd southbound.

VOTE: UNANIMOUS (5-0)

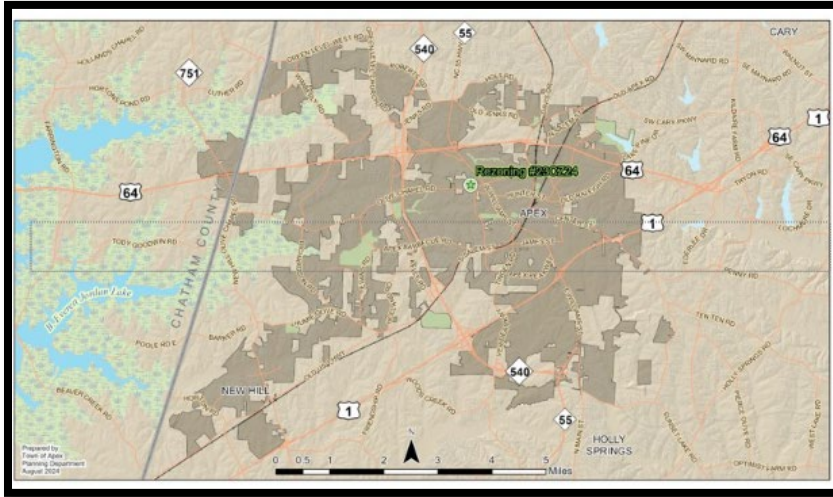
PH5 Rezoning Case No. 23CZ24 - 1405 and 1407 Zeno Rd

Joshua Killian, Planner I, Planning Department gave the following presentation.

[SLIDE 1]



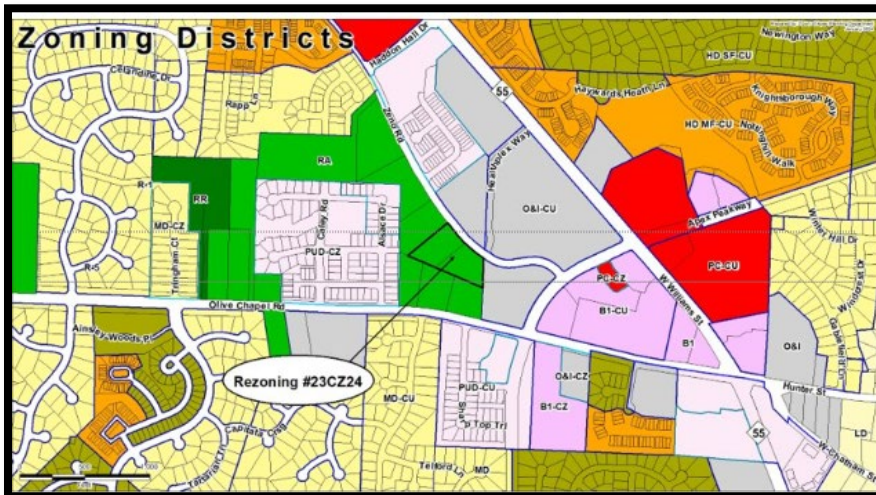
1 [SLIDE 2]



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3 [SLIDE 3]

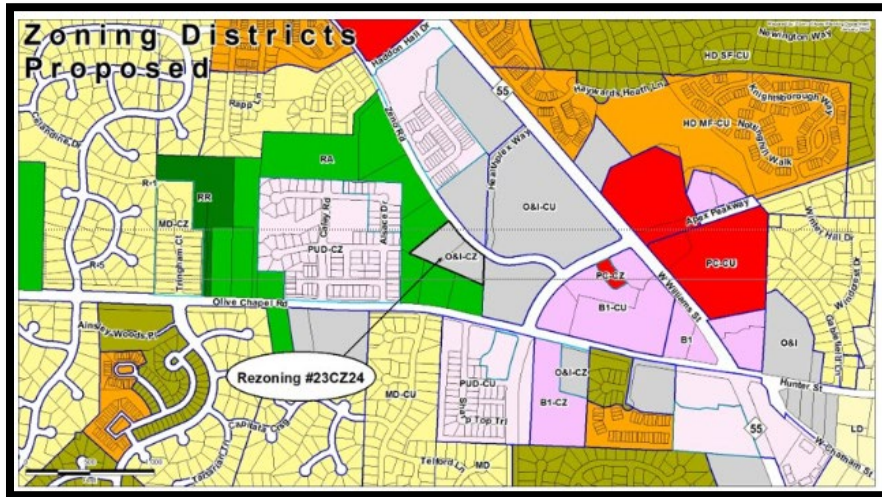


4
5 [SLIDE 4]

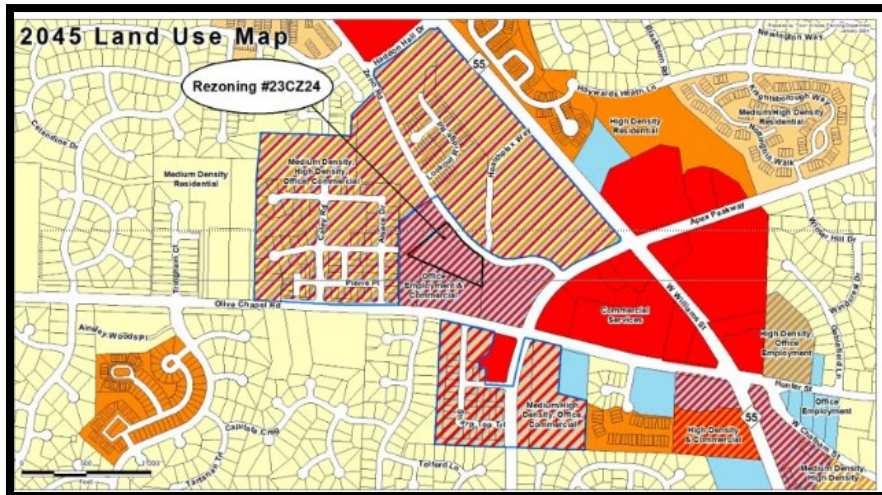


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1 [SLIDE 5]



2
3 [SLIDE 6]



4
5 [SLIDE 7]



6

1 **[SLIDE 8]**



2

3 **Councilmember Gantt** asked about the future road not being aligned at the Health
4 Center and the Health Plex Way.

5 **Mr. Killian** said he would like Russell with Transportation to answer this question. He
6 said this was a conditional use rezoning that had been done years prior.

7 **Councilmember Gantt** asked where the entrance to the project would be.

8 **Mr. Killian** showed on the map where the right in and right out would be.

9 **Mr. Dalton** addressed Councilmember Gantt's question about alignment. He said that
10 with the development of Life Point it was recommended that there be access between
11 halfway Health Plex Way and the other access to the hospital. He said that they did not want it
12 to be lined up with the driveway to the hospital because of the four-leg intersection being
13 close to the Peakway. He said that they have recommended the three-lane road section with
14 the center turn lane and provided ample offset between the driveways so there wouldn't be
15 any left turn conflict and have tried to make the best of the situation.

16 **Mayor Pro Tempore Gray** asked if the 3-lane road had 2 lanes and a turning lane.

17 **Mr. Dalton** said yes. He said they are spaced out as far as reasonably possible to keep
18 it farther away from Health Plex Way. He said he would expect that development of the
19 property to the west would provide more access, but it can be hard to get commercial
20 properties to work together on a shared access.

21 **Councilmember Gantt** asked if the plan was to align the roundabout at the northeast
22 corner of the neighborhood.

23 **Mr. Dalton** said that hopefully the two properties would come together to provide
24 one shared access.

25 **Councilmember Zegerman** asked if the driveway would hug the border of the
26 property.

27 **Mr. Dalton** said there is a 20-foot buffer, but they could offer a stub to that property or
28 a cross-access easement that would provide the ability for them to connect in the future. He

1 said it was not part of the condition right now. He said there would be an offset buffer from
2 the adjacent property.

3 **Mayor Pro Tempore Gray** said there were required buffers so there would not be a
4 road.

5 **Jennifer Ashton** with Longleaf Law Partners spoke on behalf of the applicant. She
6 gave the following presentation on 1405 and 1407 Zeno Road.

7 **[SLIDE 1]**

1405 and 1407 Zeno Road

Town Council
August 27, 2024
(Rezoning #23CZ24)

8
9 **[SLIDE 2]**

Overview

- Property is 3.08 acres
- Current Uses: Single Family Residential
- Frontage along Zeno Road
- Current Zoning: RA – Residential Agricultural
- Future Land Use: Office Employment & Commercial Services
- Proposed Zoning: O&I-CZ – Office and Institutional with Conditions

1 [SLIDE 3]

Overview

- Proposed Uses:
 - Medical or Dental Office or Clinic
 - Medical or Dental Laboratory
 - Office, Business or Professional
 - Pharmacy
 - Personal service
 - Real estate sales
 - Health/fitness center or spa
 - Barber and beauty shop
 - Tailor shop
 - Restaurant, general

2
3 [SLIDE 4]

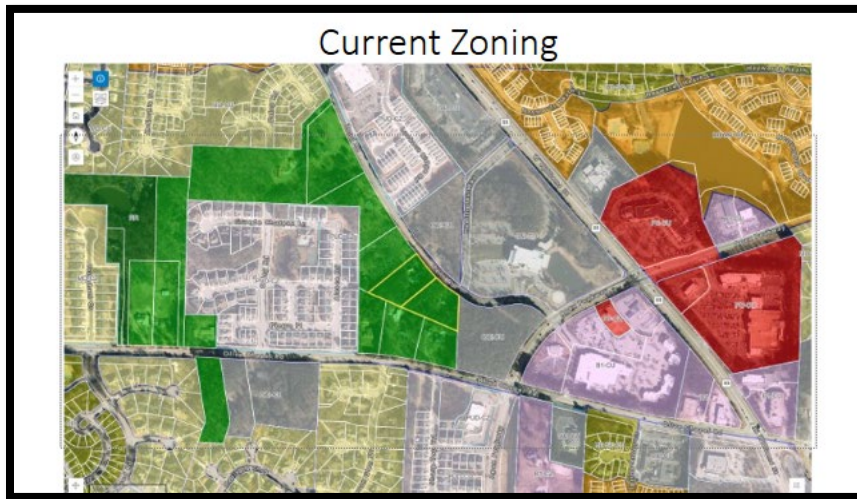


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5 [SLIDE 5]

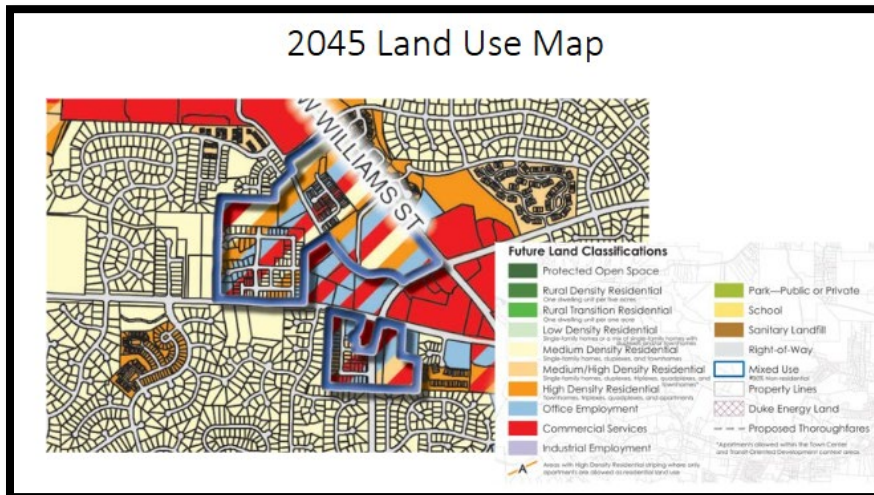


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1 [SLIDE 6]



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3 [SLIDE 7]



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5 [SLIDE 8]

Advance APEX THE 2045 PLAN

FUTURE LAND USE

Office Employment

- Office Employment is intended to provide land that allows for a wide range of businesses that provide professional, managerial, or administrative services in the study area.
- Depending on the location in question and the mixture of uses, the character and intensity of Office Employment varies from neighborhood business services to large-scale regional employment centers.

Commercial Services

- Commercial Services is intended to delineate land where commercial uses are appropriate to serve the residents of Apex and the greater region.

6

1 **[SLIDE 9]**

Proposed Zoning Conditions

ARCHITECTURAL

- The project shall comply with the following architectural conditions:
 - a. The predominant exterior building materials shall be high quality materials, including:
 - i. Brick masonry;
 - ii. Decorative concrete block (either integrally colored or textured);
 - iii. Stone accents;
 - iv. Aluminum storefronts with anodized or pre-finished colors;
 - v. EIFS cornices, and parapet trim; and/or
 - vi. Precast concrete
 - b. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
 - c. The building exterior shall have more than one material color.
 - d. The building shall have more than one parapet height.
 - e. The main entrance to the building shall be emphasized.
 - f. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

2
3 **[SLIDE 10]**

Proposed Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY

- Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
- The project shall install a minimum of 1 Low Impact Development Techniques 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.

CLEAN ENERGY

- The project shall provide no less than 2 electric vehicle charging stations.
- Each building constructed with heated floor area shall be pre-configured with conduit for solar PV systems.

4
5 **[SLIDE 11]**

Proposed Zoning Conditions

PLANTING AND LANDSCAPING

- 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 50% of the species selected shall be native or a native of North Carolina.
- No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
- To reduce irrigation requirements, the project shall select and plant only warm season grasses.
- 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.

6

1 **[SLIDE 12]**

Proposed Zoning Conditions

LIGHTING EFFICIENCY

- The exterior lighting for all commercial buildings and parking lots will consist entirely of LED fixtures.
- On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.

CROSS-ACCESS AND RIGHT-OF-WAY IMPROVEMENTS

- The project shall provide for a vehicular access easement to the south for future access to Olive Chapel Road, subject to Apex engineering staff review and approval at the time of site plan submittal.
- Site development of the rezoned land shall construct frontage widening along Zeno Road based on a 3-lane 41' back-to-back curb and gutter roadway with shared access to Zeno Road located approximately 350 feet west of Healthplex Way and stub to the western property boundary aligned with a future extension of Grande Maison Drive, subject to Apex engineering staff review and approval at the time of site plan submittal.

2
3 **[SLIDE 13]**

QUESTIONS?

- Planning Staff recommends approval of the rezoning with the conditions offered by the applicant.
- The Planning Board gave a unanimous recommendation of approval at their meeting on August 12, 2024.

- 4
5 **Councilmember Zegerman** asked if the discussion regarding the owner of the
6 neighboring property who had asked for a privacy fence during the Planning Board had been
7 settled.
- 8 **Ms. Ashton** said that a fence had not been offered before this current meeting. She
9 explained that staff had proposed that the road could be spaced out enough so that there
10 would be room for a fence and not interfere with the right of way. She said that if Council
11 wanted to take the proposal from staff and to provide a fence for the neighbor that would do
12 that. She said that it would be a private drive, because of the reduction of the road width. She
13 said when 1409 Zeno Road was developed in the future, the plan would be for that fence to
14 go away.
- 15 **Mr. Dalton** said that it would be a private drive but there would be a public access
16 easement, which is typical on commercial sites.

1 **Councilmember Gantt** said that the issue with a driveway is that the property owner
2 has to do maintenance. He said that the Town should be able to get emergency vehicles in
3 and so the Town has to do the maintenance anyway.

4 **Mr. Dalton** said that is not typical with commercial sites. He said Apex has other public
5 access or it may be private driveways that provide connectivity that people use for public
6 access. He said that the concern is when it's a residential type of development like
7 townhomes. He said this would be a smaller section, around a 20 foot driveway, and much
8 easier to maintain.

9 **Councilmember Gantt** asked if there were multiple businesses, would it create
10 problems who actually takes responsibility for the maintenance.

11 **Mr. Dalton** said that they would stub a short gap to the west to this private driveway.
12 He said that he could see why there would be concern about the long-term maintenance, but
13 having this is typical of commercial developments.

14 **Councilmember Zegerman** asked if it impacted future development with the
15 extension to Grand Maison Drive to provide the proper connection.

16 **Mr. Dalton** said the road would be to the minimum fire code standards, and he was
17 not overly concerned about this situation in this development, as it was typical. He said this is
18 what has been done in the past for commercial development to provide that type of cross
19 access.

20 **Councilmember Mahaffey** said that he would like this to be public road given that it
21 is going to a hospital and would be an alternative route if there were an accident at Olive
22 Chapel and Apex Peakway.

23 **Mr. Killian** said that a hospital use would not be allowed on this property, and
24 emergency vehicles would be able to access the roads that led to the hospital across Zeno
25 Road.

26 **Mr. Dalton** said that if the concern is the standard of the road, then the applicant
27 could offer to build it to the residential street. He said it would be privately maintained on a
28 public access easement. He said the Town would have full control over the long-term
29 maintenance and it would have to be a dedicated public right of way.

30 **Councilmember Zegerman** said that to clarify, in the design it will be a 27-foot public
31 road on the property, and if the change is made it would be a 20-foot private driveway.

32 **Ms. Ashton** said the change would allow for the fence to be installed, and it would not
33 be a major road width change. She said for maintenance purposes this property would not
34 have been lot of small businesses, she said this is intended to be a single owner or a condo
35 building in the future, so there wouldn't be a lot of different owners having to work together.

36 **Councilmember Gantt** said that based on the zoning it could be several small
37 businesses.

38 **Ms. Ashton** said that the property was likely too small for there to be lots of small
39 buildings.

40 **Bob Zumwalt** with BGE said that the property was small, and they did not have any
41 issue maintaining the 27-foot back-to-back street section. He said they could keep the street
42 section the same. He said keeping the street private with a public access easement would

1 give them the ability to do things like doing a sidewalk on one side instead of both sides, and
2 have more room for planting. He said that they would maintain it.

3
4 **Mayor Pro Tempore Gray** asked if there were any questions. He then opened it up for
5 Public Hearing and called the first speaker.

6
7 First speaker was **Russell Miles** of 1409 Zeno Road:

8
9 "I live at 1409 Zeno Road adjacent to the proposed project, lived here for 38 years. I
10 would like a natural buffer left in place between me and the project. The present plan is to put
11 the road into the project with no buffer, the road would be right next to my property line.
12 They say it will make easier access to connect to Grande Maison, the road that dead ends
13 behind my property. They still have to make a sharp turn to connect to the center line of
14 Grande Maison is approximately 60 ft from the project's property line. No straight connection
15 is possible. Moving the road over to allow for a natural buffer to be left in place not only gives
16 me some privacy but also adds beauty to the landscape. On the other side of this project, the
17 hospital left a buffer zone in place, I would like the same consideration. Also concerned with
18 the rain runoff. Thank you very much for your time.

19
20 **Mayor Pro Tempore Gray** thanked Mr. Miles and closed Public Hearing for comments.
21 He turned the discussion back to Council.

22
23 **Councilmember Zegerman** asked for clarification about the buffer.

24 Mr. Killian said yes. He said with the current zoning condition as written, there would
25 not be space to properly put the required buffer on the property line from this project to
26 1409 Zeno Road. He said that with the discussion that we've just had about shifting the
27 access by 20 ft, then we would be able to provide the UDO-required 20-foot type B buffer
28 between the class one use of the residential building that's there on 1409 Zeno Road and the
29 class four building of medical/dental office, which would be the highest intensity that's
30 allowed for this site. He said that the current zoning condition number 13 would not allow for
31 planting for a natural buffer. He said with what was talked about today with shifting would
32 provide the buffer, which is required by the UDO, but it would allow the shifting of that shared
33 access to benefit both the site not being right of way and the neighboring property owner.

34 **Councilmember Zegerman** said the way the requirement is written that the
35 developer is given a pass on the UDO requirement.

36 **Ms. Bunce** said that the way it's worded now that it does say approximately 350 ft.
37 Either the buffer is going to be provided on one side of the drive or road or another. She said
38 It would not eliminate the requirement to have the buffer, so there will be a buffer. She said
39 that the goal would be to put the buffer on the property owner's side to provide the best
40 screening of the property as possible. She said that the wording may need to be amended to
41 accommodate the provision of a 20-foot type A buffer, type B buffer.

1 **Ms. Ashton** said that she wanted to add clarification there, the buffer is going to be
2 required. The question right now is what side of the road was it going to go on. What they
3 were hearing from staff where they wanted Grand Mason Drive Extension to go, it would
4 prohibit the buffer from being planted along that property line with 1409. What is being
5 discussed tonight, right before this meeting and with you all, is allowing the right of way now
6 to move down away from 1409 and give room to plant the buffer next to the 1409 property. In
7 exchange for that, it would be changing it from a 50-foot right of way to a 27-foot private
8 drive with a public access easement over the top of it.

9 **Councilmember Zegerman** asked why the road would need to be narrowed if there
10 would be a buffer on the north side versus the south side of the road, since there is the same
11 amount of space.

12 **Ms. Ashton** said that if the 50-foot right of way cross-section was publicly dedicated to
13 the Town there would be more requirements. She said that doing it as a 27-foot private
14 access can be used for the buffer next to the property line and have more flexibility.

15 **Councilmember Zegerman** asked in the current design where the 20-foot type B
16 buffer be.

17 **Ms. Ashton** said that buffer would most likely be on the opposite side of the road
18 from 1409.

19 **Councilmember Zegerman** asked why the road needs to be smaller if the same
20 amount of space is dedicated to the road and buffer.

21 **Ms. Ashton** said it was omitting one of the sidewalks.

22 **Mr. Zumwalt** said that when you build a building adjacent to a road, so that it doesn't
23 feel like the building would be right on the road, they allow 15' between the road and the
24 building. He said that this gives some flexibility to not have to do that on both sides, and that
25 the change would save about 8-10 feet.

26 **Councilmember Mahaffey** confirmed that the discussion was regarding a 50-foot
27 road versus a 27-foot private drive, and that the 20-foot drive was the fire code minimum Mr.
28 Dalton was referring to earlier.

29 **Mr. Killian** said that condition number 13 does not require the current shared access
30 to be right of way, although the applicant is currently using that language and maybe they are
31 using this as an offer, but that this is not written in the condition. He said they could dedicate
32 the right of way and could name it Grand Maison Drive, but as written it is a shared access.

33 **Councilmember Mahaffey** asked if the condition is currently a private drive.

34 **Ms. Ashton** said it looks like there was some confusion on the intent of the language
35 that was added, and said it was already dedicated for private access drive by the language.
36 She asked the Council what width they would want this to be. She said the 27-foot drive
37 would allow the buffer to go along the 1409 Zeno property line.

38 **Councilmember Zegerman** asked if the amended condition would be a private
39 driveway of 27 foot with sidewalk on one side that allowed the 20-foot butter to be planted
40 on the north side of the road

41 **Mr. Killian** said yes that would be the amendment and he read the current condition.

1 **Director Khin** said it was written so as not to block access future development to the
2 adjacent property. She said it should be 330 feet and 27 feet back-to-back private with a
3 public access. She said it would also need a cross-access easement allowed through the
4 buffer for Mr. Miles' property to potentially develop in the future. She said that they could
5 work with this condition now.

6 **Ms. Ashton** said they were agreeable to that.

7 **Director Khin** said they could adjust that language with them now.
8

9 **Mayor Pro Tempore Gray** said the meeting would stand in recess for ten (10) minutes
10 at 7:50 p.m.
11

12 **Mayor Pro Tempore Gray** reconvened the meeting at 7:53 p.m.
13

14 **Mayor Pro Tempore Gray** said that the applicant had revised the conditions and
15 asked Ms. Bunce to go over the amendment.
16

17 **Ms. Bunce** said that wording of Condition 13 is reworded as follows:
18

19 "Site development of the rezoned land shall construct frontage widening along Zeno Road
20 based on a three lane 41-foot back-to-back curb and gutter roadway. Access to Zeno Road
21 shall be a 27-foot back-to-back private access driveway within a public easement. The public
22 access easement shall be wide enough to encompass the access road and sidewalk. Access
23 to Zeno Road shall be located approximately 330 feet west of Health Plex Way and stubbed
24 to the western property boundary aligned with a future extension of Grand Maison Drive
25 subject to Apex engineering staff review and approval at the time of site plan submittal."
26

27 A New Condition 14 - "A cross-access easement to 1409 Zeno Road shall be allowed through
28 the buffer with the location subject to Apex Engineering staff review and approval at the time
29 of site plan submittal of the subject property."
30

31 **Ms. Bunce** said what that means is that the easement location would be designated
32 but the buffer would be in place until 1409 was ready to develop in the future.

33 **Councilmember Gantt** asked if Ms. Bunce would explain that the condition would
34 impact the sidewalks and if the road was or wasn't private.

35 **Ms. Bunce** said it would be a sidewalk on one side, since that is what Grand Maison
36 had.

37 **Councilmember Gantt** asked if someone is coming from the hospital would have to
38 cross the driveway, go down the driveway and cross the driveway again.

39 **Director Khin** said that if they went into the building, they would follow the sidewalk
40 from the front of the building to Zeno Road.

41 **Councilmember Gantt** asked if in the future, all of the parcels were together, how
42 would the road be different.

1 **Mr. Killian** said that both properties would be needed.

2 **Councilmember Zegerman** said that it means that the 20-foot buffer is going to be
3 on the north side of the street between 1409 property and this property.

4 **Ms. Ashton** said that was correct.

5
6 **Mayor Pro Tempore Gray** asked if there was a motion.

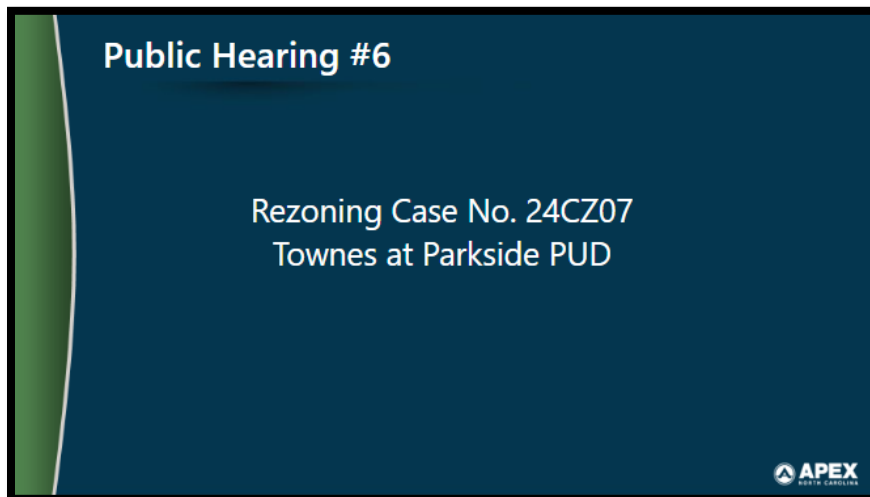
7
8 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
9 **Killingsworth** to approve Rezoning Application #23CZ24 1405 & 1407 Zeno Road - Rezone
10 approximately 3.08 acres from Residential Agricultural (RA) to Office and Institutional-
11 Conditional Zoning (O&I-CZ), with revised Conditions 13 and 14.

12
13 **VOTE: UNANIMOUS (5-0)**

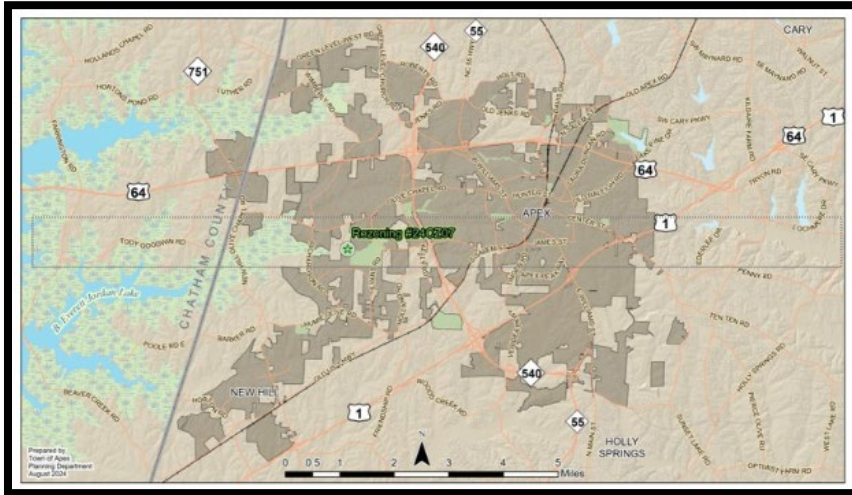
14
15 **PH6 Rezoning Case No. 24CZ07 - Townes at Parkside PUD**

16 **Liz Loftin**, Senior Planner, Planning Department gave the following presentation.

17 **[SLIDE 1]**



1 [SLIDE 2]



2
3 [SLIDE 3]



4
5 [SLIDE 4]

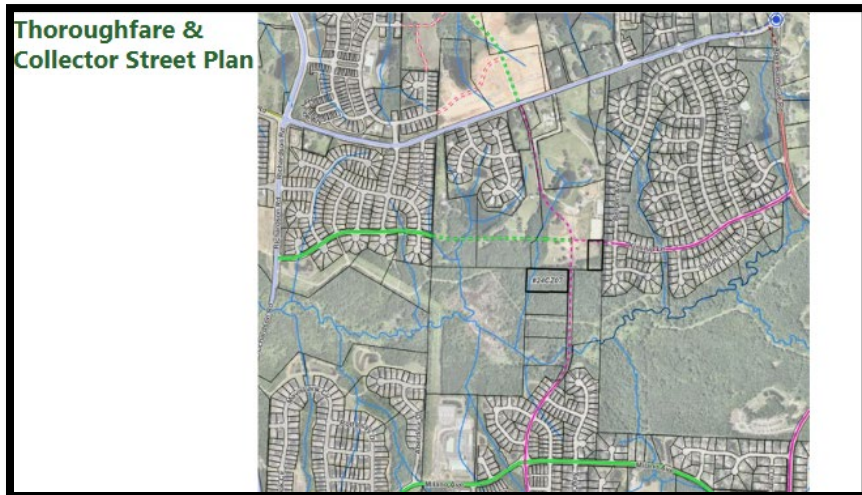


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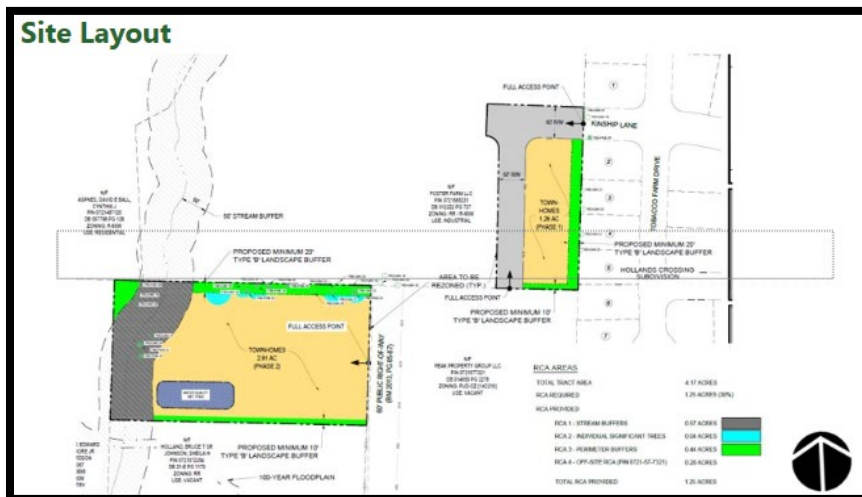
1 [SLIDE 8]



2
3 [SLIDE 9]

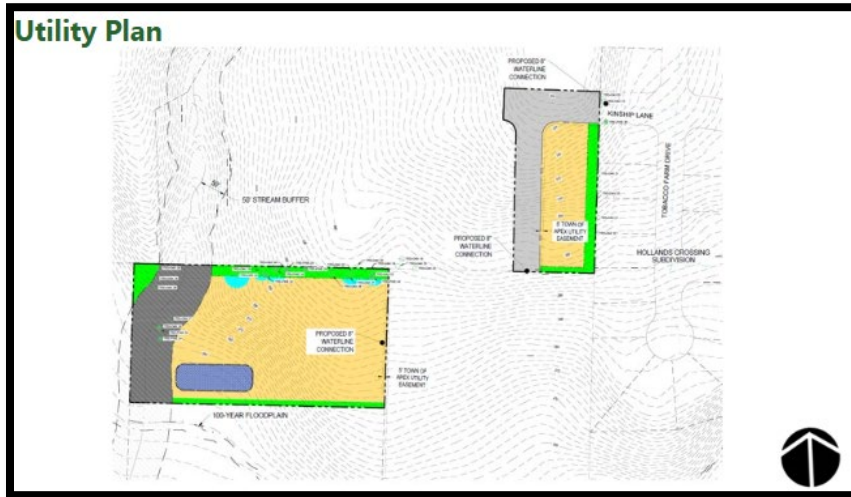


4
5 [SLIDE 10]



6

1 [SLIDE 11]



2
3 [SLIDE 12]

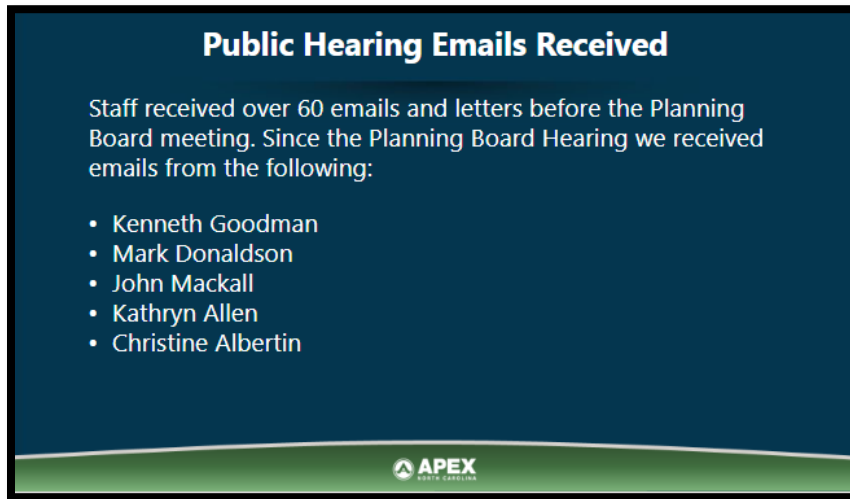


4
5 [SLIDE 13]



6

[SLIDE 14]



Ms. Loftin said an applicant is here and will give a presentation about the Beaver Creek Bridge. She said she would answer any questions.

Councilmember Gantt asked about the dotted line was added to the map.

Ms. Loftin said she was not sure when, she said minor collectors are typically 60 foot right of ways. She said she would think the line has been like that on the map for a long time. She said the North-South connector would improve response times.

Councilmember Gantt said that any plan in the future would have that road going through that approximate area.

Ms. Loftin said yes, if the properties were to develop, they would have to construct that section.

Councilmember Gantt asked if that was the only piece left. He asked if the Greenway goes underneath the bridge.

Ms. Loftin said that on the Parks and Recreation map it is shown in the vicinity and they would look at opportunities for connection.

Councilmember Gantt asked if the proposed road alignment is generally where it would go if other developments came in along this line, regardless of this specific development.

Ms. Loftin said that is correct.

Councilmember Gantt asked if the neighborhood street in the north end was intended to be a pedestrian path.

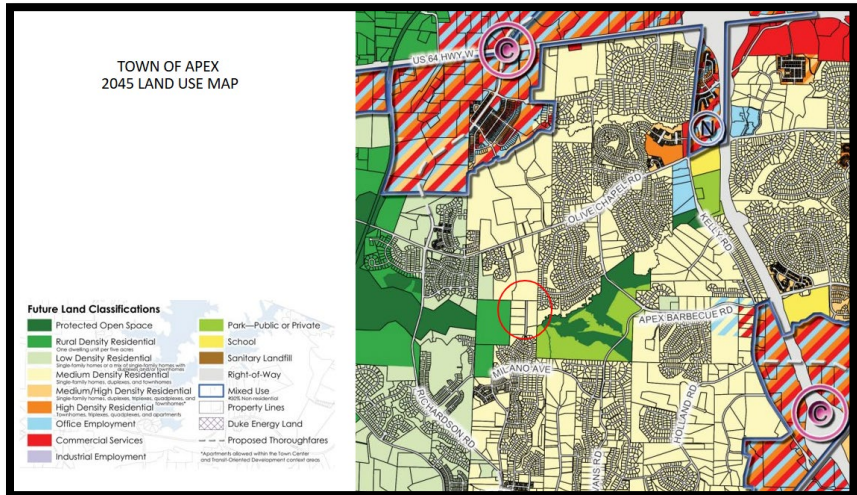
Ms. Loftin said that was intended to be access for Stormwater Control Measures.

Mitch Craig, with CE group at 301 Glennwood Avenue, representing the owner-developer of the project, gave the following presentation.

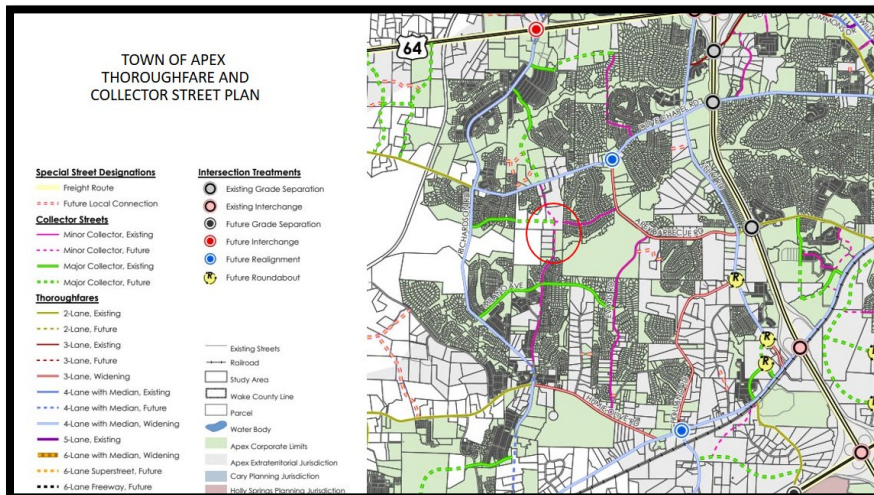
1 [SLIDE 1]



2
3 [SLIDE 2]

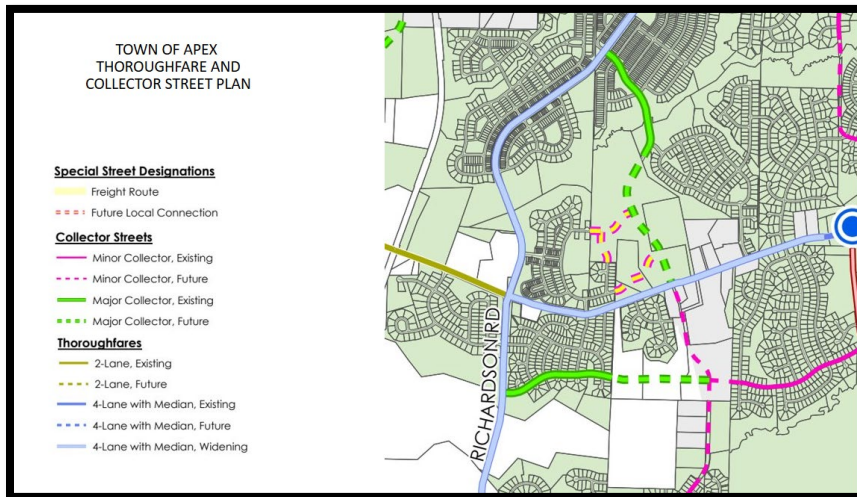


4
5 [SLIDE 3]



6

1 [SLIDE 4]



2
3 [SLIDE 5]

THE TOWNES AT PARKSIDE

HAMMOCKS BEACH TRAIL EXTENSION

- CORED-SLAB BRIDGE
- APPROXIMATELY 225' LONG
- APPROXIMATELY 48' WIDE
- REQUIRES A CLOMR (6-12 MONTHS)
- REQUIRES A LOMR
- CONSTRUCTION COST (BRIDGE): \$1,850,000
- CONSTRUCTION COST (ROAD): \$800,000
- ENGINEERING FEES: \$200,000

4
5 [SLIDE 6]

THE TOWNES AT PARKSIDE

Olive Chapel Road and Piney Woods Lane

**Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service
Olive Chapel Road and Piney Woods Lane**

| | Existing 2024 | No Build 2026 | Build 2026 |
|---|--------------------|--------------------|--------------------|
| Overall | NA | NA | NA |
| Eastbound Left (Olive Chapel Road) | A / A ² | A / A ² | A / A ² |
| Westbound Left (Olive Chapel Road) | A / A ² | A / A ² | A / A ² |
| Northbound (Piney Woods Lane) | B / C ¹ | B / C ¹ | C / C ¹ |
| Southbound (Winecott Drive) | C / E ¹ | D / F ¹ | D / F ¹ |

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements to this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendations in the TIA. The development is projected to add no more than 25 vehicles entering and exiting the site to/from the northbound stop-controlled Piney Woods Lane approach in the peak hours. The northbound approach is projected to operate at LOS C or better in the Build scenario with 95th percentile queues of one vehicle (25 feet). Although the TIA recognizes that the southbound approach is projected to operate at LOS F in the PM peak hour in the future scenarios, the development is not adding traffic to the southbound approach.

1 **[SLIDE 7]**

| | | | |
|--|--------------------|--------------------|--------------------|
| Apex Barbecue Road and Kinship Lane | | | |
| Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service Apex Barbecue Road and Kinship Lane | | | |
| | Existing 2024 | No Build 2026 | Build 2026 |
| Overall | NA | NA | NA |
| Eastbound (Kinship Lane) | B / B ¹ | B / B ¹ | B / B ¹ |
| Northbound Left (Apex Barbecue Road) | A / A ² | A / A ² | A / A ² |
| Southbound (Apex Barbecue Road) | Free | Free | Free |

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements to this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendations in the TIA. The development is projected to add no more than 15 vehicles entering and exiting the site to/from the eastbound stop-controlled Kinship Lane approach during the peak hours. The eastbound approach is projected to operate at LOS B in the Build scenario with minimal delays. Based on the traffic volumes, neither a right turn lane nor a left turn lane is warranted or recommended on Apex Barbecue Road per NCDOT guidance.

2
3 **Mr. Craig** said he would answer any questions. He said the applicant was at the
4 meeting as well.

5 **Councilmember Gantt** asked if there was room for a Greenway path under the
6 bridge.

7 **Mr. Craig** said it probably would not go under the bridge because of the sewer
8 easement.

9 **Councilmember Zegerman** asked if they could reduce the height of the homes
10 bordering the Holland's Crossing neighborhood.

11 **Mr. Craig** said that the reason for the 4-foot reduction is because with the three-story,
12 36 foot is definitely a minimum.

13 **Councilmember Zegerman** asked why two-story elevation homes were being shown
14 on the plans if they were not being built.

15 **Mr. Craig** said to keep the options open.

16 **Councilmember Zegerman** asked if there was an option to build two-story units
17 along that property boundary. He said there was concern from some of the neighbors with
18 the height and elevation difference.

19 **Mr. Craig** said that they would keep them at 36 feet if they were moved to 2 story.

20 **Councilmember Zegerman** asked if there was more room with potentially different
21 elevation, since 36 feet along Holland's Crossing wasn't a large difference from the 40 feet
22 homes in the other places on the property.

23 **Mr. Craig** said he would have to defer to the applicant, but he said he didn't think so.

24 **Councilmember Gantt** asked about the construction traffic direction and which way it
25 will be coming in.

26 **Mr. Craig** said that it would be an impact on both neighborhoods and would like to
27 be fair. He said his desire would be the construction traffic going through Hammond's Beach
28 Trail rather than Holland's Crossing to try to proportion the traffic.

1 **Councilmember Mahaffey** said that micromanaging the construction traffic is the
2 least of the problems. He asked for a response from the neighbor that asked to have the
3 parcels adjacent to Tobacco Trail to be limited to 2-stories.

4 **Mr. Craig** said 2-stories could be 36 feet as well.

5 **Mr. Tyler**, the applicant, said that they went through the requests but did not respond
6 to the residents. He said that they decided to do 3-story townhomes, since that is what buyers
7 wanted.

8 **Councilmember Mahaffey** said that there was a buffer increase requested.

9 **Mr. Tyler** said that if they increase the buffer, they would not physically be able to put
10 the units on that property.

11 **Councilmember Mahaffey** said there was a request to a type A.

12 **Mr. Tyler** said they would be open to that but because of the topography grade they
13 may have to go in and clear more trees and they did not want to commit to it now.

14 **Councilmember Mahaffey** asked about the privacy fence.

15 **Mr. Tyler** said it would be the same. He said that until they were able to cut down the
16 grade during construction they do not know if a privacy fence would be able to be used.

17 **Mayor Pro Tempore Gray** asked why there was no affordable housing.

18 **Mr. Tyler** said that initially it was going to be done with just access point at Kinship,
19 and at that stage there would have been significant affordable housing. He said after talking
20 with staff that the bridge was non-negotiable, so they had to take out the affordable housing.

21 **Mayor Pro Tempore Gray** confirmed the cost of the bridge prohibited the affordable
22 housing from their perspective.

23 **Councilmember Zegerman** asked how many homes were planned for the small
24 parcel bordering Hollands Crossing.

25 **Mr. Tyler** said that it would not be known until construction begins but that the max
26 would be 10 based on the acreage.

27 **Councilmember Gantt** asked if they had considered extending the sidewalk that's on
28 Kinship Road.

29 **Mr. Tyler** said there was a condition to extend the sidewalk.

30 **Councilmember Zegerman** asked if it was in the existing packet.

31 **Mr. Tyler** said it was not in the existing packet.

32 **Councilmember Zegerman** asked if there could be a conversation about an
33 amendment.

34 **Mr. Craig** said that the condition that they would like to add:
35 "Prior to issuance of the first residential certificate of occupancy, developer shall install
36 sidewalk, a minimum of 5 ft in width, along the Kinship Lane Frontage of real ID 0232492
37 provided sufficient right-of-way exists for such installation. This condition shall not require
38 developer to obtain additional easements from third parties."

39 **Councilmember Gantt** asked if that's on the Northern side of the Kinship Road stub.

40 **Mr. Craig** said yes.

41 **Councilmember Zegerman** asked if the applicant was making the right-of-way
42 dedication.

1 Mr. Tyler said no, that it was Holland's Crossing.

2 **Ms. Bunce** said that staff can't hold up something based on a Certificate of
3 Occupancy being issued, so the beginning of that condition needs to be reworded prior to
4 the Master Subdivision Plat verses Certificate of Occupancy.

5 **Mr. Tyler** said that was fine.

6
7 **Mayor Pro Tempore Gray** said that they would move to Public Hearing, and he invited
8 the first speaker to come up.

9
10 First speaker was **Judith Mellor** on 119 Saddle River Road:

11
12 "Thank you for letting me express, I was the one didn't sign it, but I wrote The Pack
13 thing. I'm Judith Mellor, 119 Saddle River Road which is at the bottom of the Hollands
14 Crossing development and last week after the planning board meeting I got in touch in the
15 middle of the night with the fact that there's a lot of sink holes that's not been discussed really
16 that I've seen and anything that I've and I've listened to mostly everything that's been going
17 on and to me that's a serious factor that needs to be really considered deeply because the
18 contour of the land has been so changed with all the developments that have been going on
19 the north side of Olive Chapel and Richardson Road gets flooded more deeply than ever
20 before and I took a ride through kinship all that at the other end near Richardson is getting
21 flooded too and I think many of us have noticed that our properties have been more flooded
22 as more homes have gone in all around that area, going towards the end of Olive Chapel
23 Road at the big church. So, I'm just saying I really think that the way the contour of the land
24 has been changed so much in the last 5 years that they shouldn't even be allowing anything
25 to be developed there because there's so much more flooding going on and Evans Park is
26 right at the other side right there by Beaver Creek runs right through all of that, we have flood
27 things running all the time and the Greenway, I wouldn't want to be on the Greenway in a
28 torrential rain, the water that comes down through my backyard in a regular rain is horrifying.
29 Most of us have had to have a lot of money sunk into you know drainage ditches put in and
30 all this piping put in and it's getting worse and worse and to me that is one of the biggest
31 problems. We need to keep our drainage, there's so much building being done now that
32 nobody seems to be thinking about what it's doing to the contour of the land in the drainage
33 of all of our properties. And so, they're going to put in ultimately 71 development pieces up
34 there? That's going to definitely bring in a lot more flooding it already has on what's been
35 done and the Kinship on the other side is getting a lot of flooding too. So, something needs
36 to be a study, or something needs to be really seriously instituted to look into that before
37 anything is built. I think, because we need to live in harmony with nature and that's been
38 given up, I think, and it's not making the place any peak of good living anymore I don't think,
39 it's gone now. Thank you."

40
41 **Mayor Pro Tempore Gray** said thank you and called the next speaker.
42

1 Next speaker was **Mary Beth Roden** of 206 Tobacco Farm Drive:

2
3 "I sent the email on behalf of our neighbors to Mitch Craig who sent it to the applicant.
4 So, listening to what I've heard just a few minutes ago they have not agreed to any of the
5 concessions. With all due respect, you don't have buyers for your town homes yet, so to say
6 that you know the two-story verse three story um that's just disheartening honestly because
7 we are residents of Apex and I'm not anti-development, we know Kinships going to go
8 through, I had even changed my perspective on these town homes. In my personal opinion
9 the property that was rezoned 10 years ago was a mistake just because of the community that
10 it was adjacent to which is Holland's Crossing that's been there for over 30 years. That's an
11 established Community with primarily single-story ranch homes, so building three-story
12 townhomes adjacent to this as you could see the buffer is just a massive intrusion on privacy
13 and the quality of life. So, we did try to meet halfway and ask for some concessions but now
14 I'm asking that you just vote no on this I know that the property is going to be developed but
15 this just is not neighborly this is not being a good neighbor to come in and just completely
16 disregard all the requests that we've made. We're trying here, we really are, we're trying to, we
17 love this town. I don't think any of us any of us anticipated 10 years ago where we would be
18 now and the amount of people that are here now, but we love this town. I live here, I work
19 here, I worship here and just, I'm a little disheartened honestly by the conduct of the applicant
20 and the disregard to the concessions that we put so I would just ask you that you please
21 consider those of us in Holland's Crossing, please consider our interests as well as the
22 neighbors that we're eventually going to have on that property, you know we're going to have
23 new neighbors and we want the best for everyone involved, so thank you for your time, thank
24 you for your support and we are hoping for the best outcome. "

25
26 **Mayor Pro Tempore Gray** said with no one else to speak he would close Public
27 Hearing and move it back to Council for further discussion and possible motion.

28
29 **Councilmember Zegerman** said he had visited the sites to get a better
30 understanding of the concerns raised. He said there was a big elevation change between the
31 existing neighborhoods. He asked the applicants to commit to having some transitional
32 housing to blend the denser neighborhood to the less dense adjacent neighborhood. He
33 asked for the 8 to 10 townhomes along the border of Holland's Crossing to be limited to two
34 stories.

35 **Mr. Tyler** said that he could not commit to that zoning condition.

36 **Mayor Pro Tempore Gray** said that one of the things is affordable housing. He said
37 that he is concerned that the affordable housing in this project. He said that increasing the
38 housing inventory would be good. He said that when he looks at this project that some of the
39 factors that concerns are transportation and other factors. He said the question for today is
40 this what the Town wants and if this was going to meet the goals with regard to this matter.

41 **Councilmember Mahaffey** said no to the project. He said that he thought the height
42 restriction requests were reasonable given the topography.

1 **Councilmember Zegerman** said he agreed, and there were some good things
2 proposed. He said that the request is reasonable and he was not in favor.

3 **Councilmember Killingsworth** said that given the cost to build a bridge that it would
4 have to be townhomes and not single-family homes. She said the costs could not be
5 recovered otherwise, and it brings in necessary transportation improvements.

6 **Councilmember Zegerman** said that it was a reasonable request, and 8-10 2 story
7 units in the whole development would not sink its financial viability.

8 **Councilmember Gantt** said he thought the crossing would be built by the Town if this
9 didn't come in. He said he is about connectivity and this road is essential for the Town and its
10 connections will mean people from all areas would be using it. He said the height cap was the
11 more important to consider.

12 **Councilmember Zegerman** said there would be windows on the third floor that
13 would be looking down on the houses.

14 **Councilmember Gantt** they would not build ranch style homes.

15 **Councilmember Zegerman** said that's not what we are looking for.

16 **Councilmember Gantt** said the neighborhood had been there for a long time.

17
18 **Mayor Pro Tempore Gray** asked if there was a motion.

19
20 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
21 **Zegerman**, to deny Rezoning Case No. 24CZ07 - Townes at Parkside PUD.

22
23 **VOTE: (2-3), with Councilmember Killingsworth and Councilmember Gantt**
24 **dissenting, and Mayor Pro Tempore Gray dissenting.**

25
26 **MOTION FAILED.**

27
28 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**
29 **Killingsworth** to approve Rezoning Case No. 24CZ07 - Townes at Parkside PUD - to rezone
30 approximately 4.17 acres from Rural Residential (RR) to Planned Unit Development-
31 Conditional Zoning (PUD-CZ) at 0 Olive Chapel Road and a portion of 2437 Olive Chapel
32 Road.

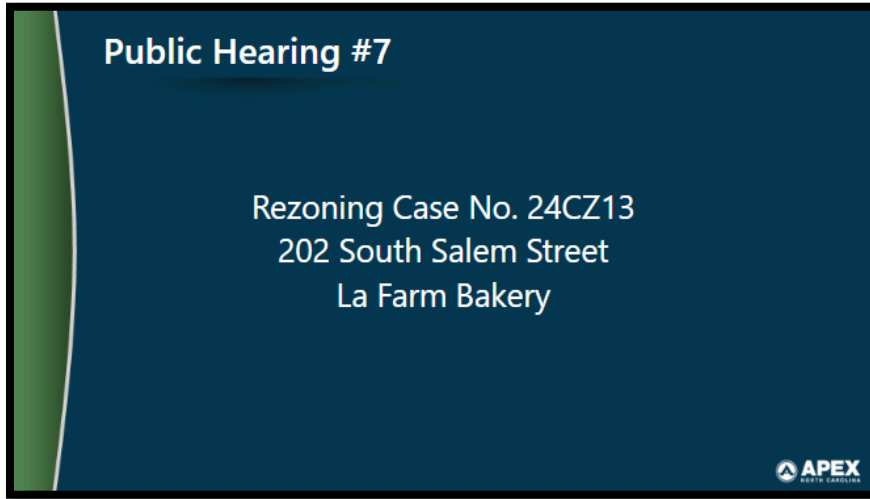
33
34 **VOTE: (3-2), with Councilmember Mahaffey and Councilmember Zegerman**
35 **dissenting**

36
37 **PH7 Rezoning Case No. 24CZ13 - 202 South Salem Street - La Farm Bakery**

38
39 **Liz Loftin**, Senior Planner, Planning Department gave the following presentation.
40
41
42

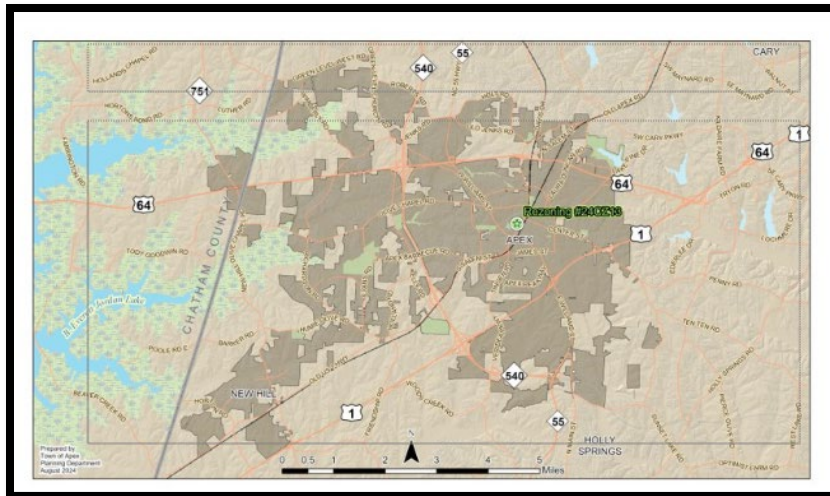
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[SLIDE 1]



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[SLIDE 2]

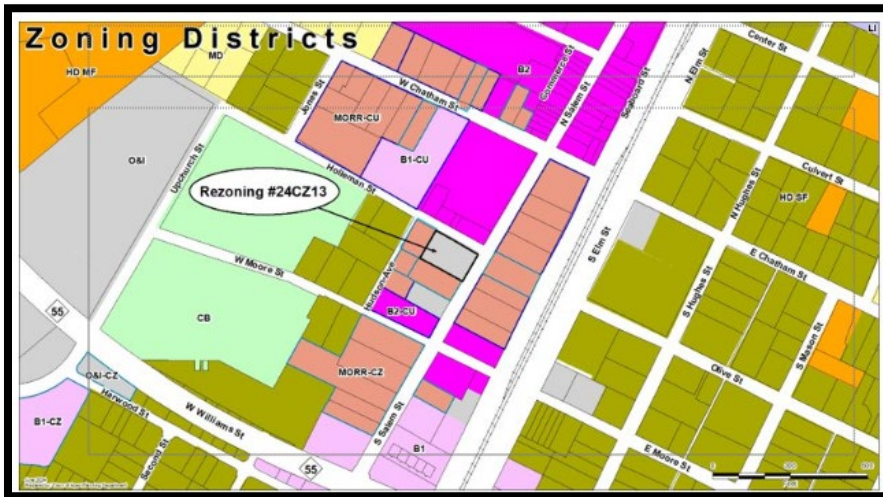


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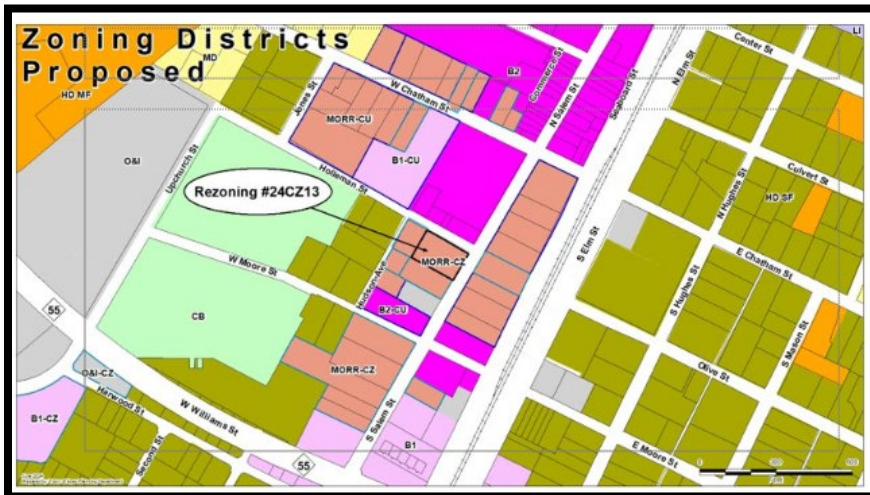
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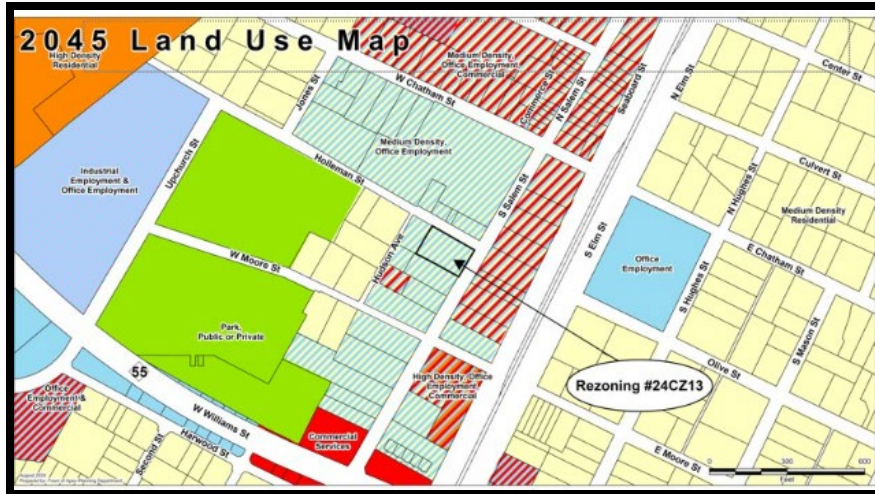
1
2 [SLIDE 4]



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4 [SLIDE 5]



5
6 [SLIDE 6]



[SLIDE 7]



Ms. Loftin said that she would answer any questions.

Omar Gay, CEO of La Farm Bakery and applicant spoke.

"I'm really excited to be here to be able to talk to you about the project that we've been envisioning here. The goal is for us to expand into Apex which is an area that have long requested for La Farm to be here and as we were looking at where to go this was really a great situation for us because we feel that we will be an addition to the downtown area, and we will build a building that will fit what already exist. We look we look forward to working with the city and the neighborhood and have had really tremendous discussions with folks in the neighborhood and I've always looked for the win-win situations and have been actually made some changes to our initial request subsequent to those discussion. So, we feel that we can have a great win for the city in terms of extending the downtown in terms of adding to already everything that is existing there and opening up a building that has been closed that is not the best looking, so we think that we can really add to the goal that the City has for downtown. So, we look forward to doing this and you know appreciate all of the support

1 we've gotten and the work that has already happened between La Farm, the City, and the
2 neighborhoods. I will tell you that on our first meeting there was a lot of people attending
3 that meeting that had concerns but as we talked with them and answered their question and
4 they saw that we were willing to be good neighbors and find that situation on the second
5 meeting there was almost nobody in there because they felt really comfortable what we are
6 going to do here so, we look forward to being in the neighborhood and really being a
7 productive member of the community. Thank you."

8
9 **Mayor Pro Tempore Gray** asked if there were any questions.

10
11 **Mayor Pro Tempore Gray** asked if the building had been vacant for 4 years.
12 **Staff** said yes.

13
14 **Mayor Pro Tempore Gray** opened it up for Public Hearing and with no one signed up
15 to speak he closed Public Hearing. He then opened up for discussion and a possible motion.

16
17 **Councilmember Mahaffey** said that this would be a great addition to downtown.

18 **Councilmember Killingsworth** said that this does open the corridor more and is for
19 the project.

20 **Councilmember Zegerman** said this is an exciting stepping stone. He said that it
21 opens the downtown streetscape further towards Highway 55 and across Highway 55 into the
22 Justice Heights neighborhood.

23 **Councilmember Gantt** said that discussions should continue to get people walking
24 and enjoying downtown and not just driving to the area.

25 **Mayor Pro Tempore Gray** said that vacant spots do not give a good perception and
26 impacts walkability. He said that it was consistent with the UDO and the Historic Overlay
27 District, and is in support.

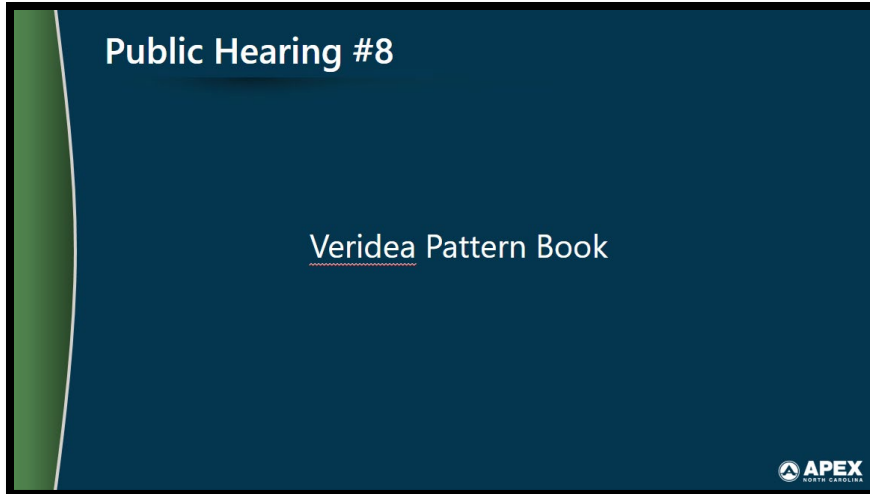
28
29 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
30 **Gantt**, to approve Rezoning Case No. 24CZ13 - 202 South Salem Street - La Farm Bakery -
31 rezone approximately 0.53 acres from Office & Institutional (O&I) to Mixed Office-Retail-
32 Residential-Conditional Zoning (MORR-CZ) at 202 S Salem Street.

33
34 **VOTE: UNANIMOUS (5-0)**

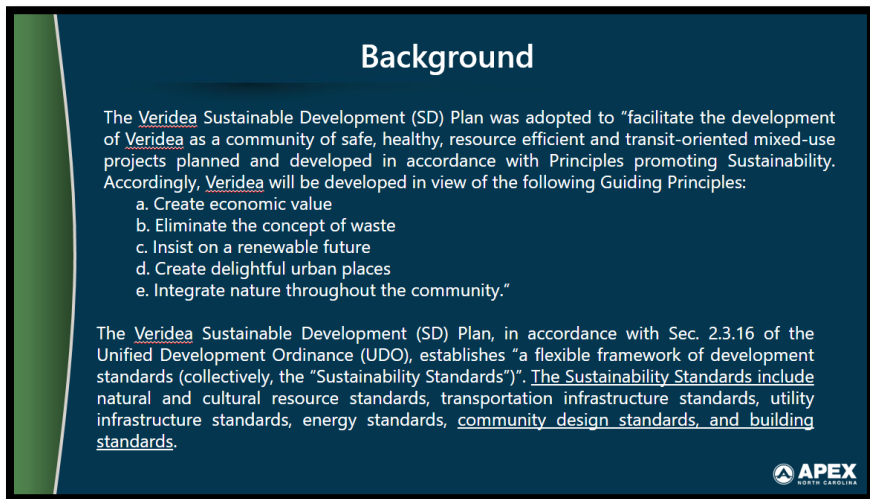
35
36 **PH8 Veridea Pattern Book (REF: ORD-2024-068)**

37
38 **Amanda Bunce**, Current Planning Manager, Planning Department gave the following
39 presentation.

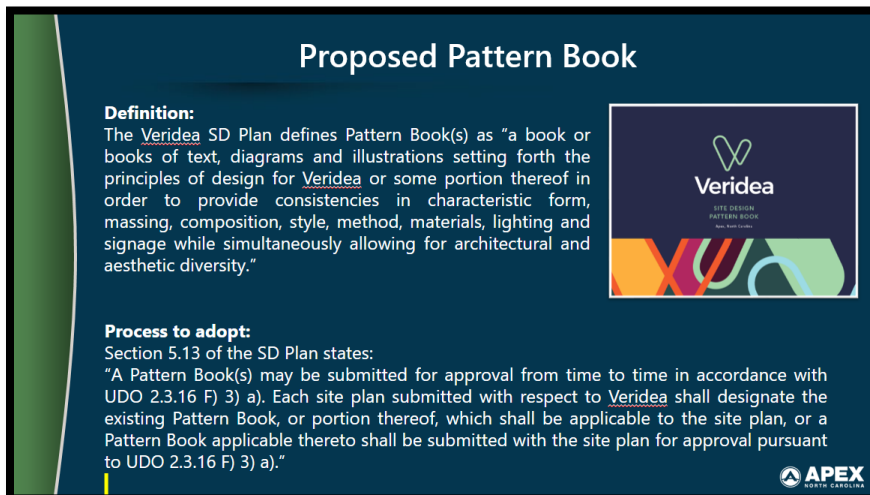
40
41 **[SLIDE 1]**



1
2 [SLIDE 2]



3
4 [SLIDE 3]



5
6 [SLIDE 4]

Purpose

The SD plan allows for the Responsible Person to set **additional or modified standards for architecture, building configuration, signage, and exterior lighting from those required by the UDO**. It's important to note that the SD Plan and Environmental Enhancement Plan (EEP) already include many additional or modified standards for other aspects of the development.

Sec. 1.1 of the proposed Pattern Book states the purpose of the document as follows:

"The purpose of this Pattern Book is to ensure that the quality and character of development within the boundaries of Veridea is designed to a high caliber and centered around a cohesive and sustainably-focused design theme. The elements outlined within this document will provide a **framework of the design intent, theme, and style of this mixed-use community**. This will be used to assist property owners, developers, home builders, architects, engineers, landscape architects, planners, and other consultants in their decision-making as this project is designed and developed over time."



[SLIDE 5]

Section 3: Streetscapes

This Section describes the **design intent for hardscape and landscape treatment of major roadway streetscapes within the public right-of-way only**. Guidance for internal streetscapes follows the guidelines set forth in Sections 5-8. Streetscape character of major roadways may be applied to internal streetscapes as is fitting with adjacent development program and uses.

All streetscape designs, layouts, dimensioning, and landscape standards shall comply with the streetscape requirements set forth in the SD Plan and the Town of Apex UDO. **Where enhanced hardscape and landscape is located in the public right-of-way, a developer's agreement regarding maintenance shall be defined between the Town of Apex and the developer/Responsible Person.**



[SLIDE 6]

3.1: STREETSCAPE CHARACTER

The Urban Streetscape

- Applies to major collector roads at urban and mixed-use developments
- Manicured and formal landscape arrangements with defined rhythms, colors, and textures
 - Use of focal flowering plantings as a defining plant species
 - Urban-tolerant species
 - Contained landscape within defined planter zones with cutting and/or fencing
 - Wayfinding legibility from a pedestrian and vehicular perspective
 - Singular street tree species with one species spanning no more than 30 trees



Formal planting arrangements with defined turf edge - turf may be reinforced

Enhanced landscape zone with high quality hardscapes and landscapes where feasible

Singular tree species



21



[SLIDE 7]

Section 4: Open Spaces, Parks, and Trails

This section includes **suggestions for various types of parks and design guidelines** including, but not limited to, the following:

- providing a **high percentage of native plant species** with a variety of color, texture, and visual interest passive parks
- providing **guidance for pedestrian amenities, public art, and educational signage** in active open spaces and along trails

Each park and open space shall comply with the design standards and requirements listed in the SD Plan and the Environmental Enhancement Plan. Park facilities that are owned and operated by the Town of Apex may follow Town standards but are encouraged to comply with the Pattern Book and Veridea branding.



[SLIDE 8]

4.3: ACTIVE OPEN SPACES

Residential Parks

- Minimum requirements:
- One waste receptacle
 - One seating opportunity

Residential communities shall have a network of parks and open spaces that provide a variety of amenities to residents. Parks and open spaces should embrace a variety of passive and active components, with each community providing at least one common open space for active programming. Community centers, pools, playgrounds, play fields, dog parks, and community gardens are examples of active community amenities that offer opportunities to gather, play, and engage. All parks and open spaces shall be connected by a pedestrian and multi-modal transit network, such as sidewalks and trails, to allow access to open space areas without needing a vehicle. Furnishings, such as benches and waste receptacles, are required in each residential park.



Open-air swings provide opportunities for flexible play.



Natural elements, such as boulders and logs, are sustainable elements found on-site that can be reused for play and increased landscape aesthetics.



[SLIDE 9]

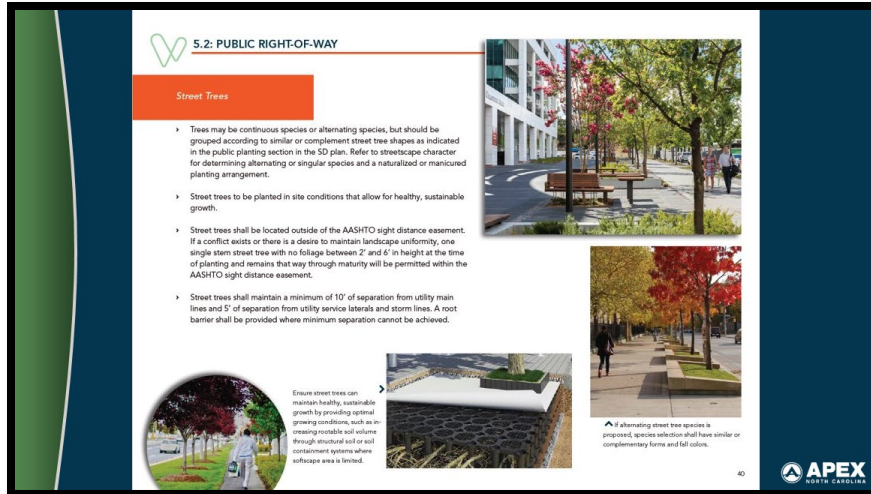
Section 5: Landscape Standards

This section describes **planting design guidelines for landscapes within the public right-of-way and private spaces to establish a cohesive and organic landscape approach** and does not overrule landscape standards otherwise required by the SD Plan, the Environmental Enhancement Plan, the UDO, or any other Town of Apex standard.

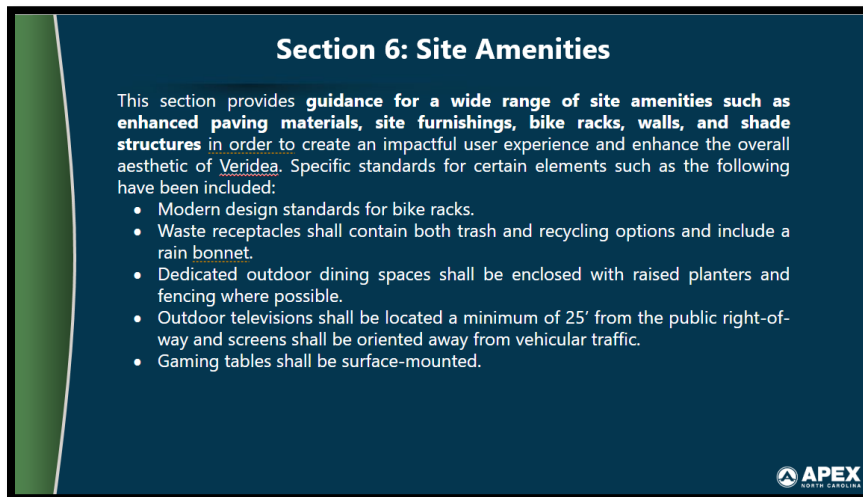
Guidance is included for elements including street trees, landscape strip planting (between the road and sidewalk), landscape medians, private frontages, parking lots, and naturalized areas, and are intended to complement and provide a framework for the design approach of landscaped areas. Landscape areas within the public right-of-way that are enhanced above Town Standards may be included as part of a maintenance agreement between the Town and the developer/Responsible Person.



[SLIDE 10]



[SLIDE 11]



[SLIDE 12]



[SLIDE 13]

Section 7: Signage

This section identifies **modifications to some sign standards in Sec. 8.7 of the UDO in order to allow for flexibility in sign area and size needed** given the unique style of development allowed by the SD Plan, create a new sign type called Principal Ground (Dimensional) that incorporates public art, and provide standards for the use of digital signage. This sections also includes a Master Sign Plan to guide the location of ground monument signage.

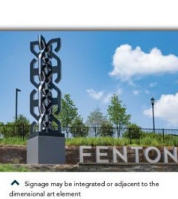


[SLIDE 14]

7.2: MASTER SIGNAGE PLAN

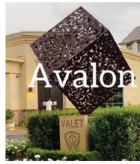
Principal Ground (Dimensional)

- › A sign type specific to Veridea and is not a standard Town of Apex sign typology.
- › Defined as a sign supported permanently upon the ground by a continuous base or two or more support features, not attached to any building, that includes a three-dimensional or artistic element.
- › Intended to be visible and experienced by both vehicles and pedestrians as an artistic approach to placemaking and signage.
- › Signage may be integrated into the three-dimensional element or adjacent to, but no further than 10 feet from, the three-dimensional element.



Signage may be integrated or adjacent to the dimensional art element

Lighting may be incorporated. See Section 08.



Use of structure and material selection to mimic natural landscapes and forms



[SLIDE 15]

Section 8: Lighting

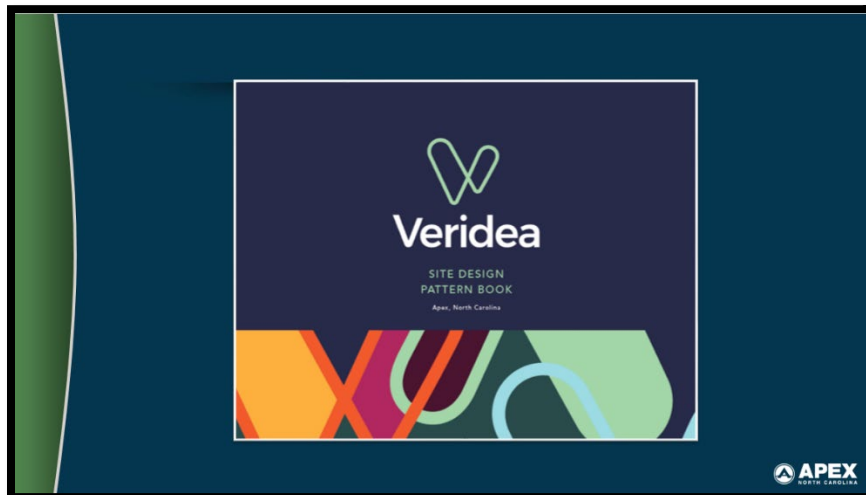
This section does not overrule lighting standards otherwise required by the Town of Apex UDO, the SD Plan, or the Environmental Enhancement Plan. The key elements listed within this Section are intended to complement and provide framework for the design approach of site lighting. Lighting that is an alternative from the Town standard located within the public right of way may be included as part of a maintenance agreement between the Town and the developer/Responsible Person. Included are lighting standards for streetscapes, sites and areas, pathways, and landscaping.



1 **[SLIDE 16]**



2
3 **[SLIDE 17]**



5 **Ms. Bunce** said that she would answer any questions.

6 **Councilmember Gantt** asked what draft this was.

7 **Ms. Bunce** said that this was draft 5. She said there was back and forth on the signage
8 section and that it was a very collaborative process between staff and the developer.

9 **Councilmember Zegerman** asked if there was material difference in the thoroughfare
10 design in Section 3 compared to the normal town standards. He asked if there was a
11 difference in dedication right-of-way.

12 **Ms. Bunce** said that there was a lot of variety in Veridea. She said that they have
13 worked with the developer on thoroughfares cross sections to accommodate sidewalks,
14 bicycle lanes, medians, street trees, and utilities.

15 **Councilmember Zegerman** asked for a copy of the cross sections. He said that he
16 would like to see physical separation of the bicycle lanes from the right-of-way. He said that
17 he would like to use them as an example for future projects.

1 **Ms. Bunce** said that she could provide them. She wasn't sure if the bicycle lanes were
2 what he was looking for.

3 **Councilmember Zegerman** said that it would be useful for future project roadway
4 designs.

5 **Councilmember Gantt** said that there is debate about having separated side paths
6 versus smaller side paths and sidewalks with separated bike lanes. He said that the side path
7 is better because there are more people walking than biking at this time.

8 **Councilmember Zegerman** said that there could be further discussion on this topic at
9 a later time.

10
11 **Mayor Pro Tempore Gray** opened for Public Hearing and closed Public Hearing with
12 no one signed up to speak. He brought this back to Council for further discussion and a
13 possible motion.

14
15 A **motion** was made by **Councilmember Killingsworth**, seconded by
16 **Councilmember Zegerman**, to adopt Sustainability Standards for Veridea known as the
17 Veridea Pattern Book.

18
19 **VOTE: UNANIMOUS (5-0)**
20
21

22 **[UPDATES BY ASSISTANT TOWN MANAGER]**
23

24 **Assistant Town Manager Stone** said there was an update on the traffic situation at
25 the Triangle Math and Science Academy. He said that the Town staff and TMSA
26 administration. He said that TMSA stays committed to working with the Town and the staff has
27 already implemented some improvements. They are working with Kimley Horn, a Traffic
28 Engineering Firm for long-term solutions. He also gave an update on utility billing. He said
29 that customers have to create their e-suite profile to log into the online portal and can now
30 see copies of their previous bills. He said that they are communicating with the customers
31 that they are receiving bills that reflects two months which is why the bills are higher. He said
32 that there was some discrepancy with the rate that had been applied to some bills relating to
33 irrigation meter and that is being corrected. He said that if anyone believes their bill is not
34 correct, they should contact customer service at 919-362-8676 or go to the website: www.apexnc.org/payment. He said some of the calls were being dropped due to volume of calls
35 and technical glitches. He said that all Town facilities and offices will be closed on Monday
36 September 2nd for Labor Day. He said that all Public Safety would still be working and to keep
37 them in your thoughts as they are out keeping everyone safe and protecting us.
38
39

40 **Mayor Pro Tempore Gray** thanked Mr. Stone.
41
42

[CLOSED SESSION]

A motion was made to by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** enter into Closed Session Pursuant to NCGS § 143-318.11(a)(3) and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0), with Mayor Gilbert absent.

Council entered into Closed Session at 9:19 p.m.

CS1 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

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

CS2 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee"

Council returned to Open Session at 11:10 p.m.

[ADJOURNMENT]

Mayor Pro Tempore Gray adjourned the meeting at 11:11 p.m.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council

Submitted for approval by Town Clerk Allen Coleman and approved on _____.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 24, 2024

Item Details

Presenter(s): Adam Stephenson, Transportation Engineering Manager

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 revisions to Standard Specifications in the following section: 300-Streets; and Standard Details in the following section: 300-Streets.

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

Attachments

- CN5-A1: Summary of Revisions - Revisions to Standard Specifications & Standard Details
- CN5-A2: Standard Specifications - Revisions to Standard Specifications & Standard Details
- CN5-A3: Standard Details - Revisions to Standard Specifications & Standard Details



Town of Apex
Standard Specifications & Standard Details
Summary of Revisions
September 24, 2024

❖ Standard Specifications

➤ Section 300 Streets

302 Design, H. Curb, Sidewalk, Driveways: Delete “*on the north or east side of the roadway, and*”.

❖ Standard Details

➤ Section 300 Streets

300.26 (1 of 4) STREET SIGNS | GENERAL: Updated W16-7P (arrow plaque) sign dimensions; added fluorescent yellow-green background color requirement for pedestrian warning signs (note 4); updated abbreviation for street name descriptor per MUTCD Table 2D-3.

300.29 SINGLE-LANE ROUNDABOUT: Added dimensions for approach radius, departure radius, distance from yield line to crosswalk, minimum entry island length, integration of median islands on roundabout approaches, integration of bicycle lanes, method of starting and ending bicycle lanes approaching the roundabout influence area, bicycle curb ramp design for transitions from roadway to sidewalk, sidewalk widening details at the roundabout influence area to handle a mix of bicycle and pedestrian traffic, crosswalk and curb ramp directional alignment, and clear area designation for sight lines on approaches.

300.34 CROSSWALK LIGHTING: New detail.

SECTION 300 STREETS

301 General

302 Design

- A. General
- B. Pavement & Right-of-Way Widths
- C. Geometric Standards
- D. Intersection Sight Distance
- E. Stopping Sight Distance
- F. Apex Peakway Development
- G. Pavement Design
- H. Curb, Sidewalk, Driveways
- I. Entranceway Islands
- J. Trench Drains
- K. Alleys

303 Construction Requirements

- A. General
- B. Placement of Asphalt Pavements
- C. Curb and Sidewalk
- D. Utility Conduits
- E. Pavement Markings

304 Inspection

- A. Proof-Rolling
- B. Compaction Testing - Subgrade
- C. Base Course & Surface Course Inspection Requirements
- D. Curb and Sidewalk

305 Certification

301 General

Unless otherwise provided herein, all materials and street construction methods shall conform to the applicable requirements as outlined in the Standard Specifications for Roads & Structures, latest edition, as published by the NCDOT.

Whenever the following terms are used in said NCDOT specifications, the intended meaning of such terms shall be as follows:

“State” or “Commission” shall be replaced by “Town of Apex”.

“Resident Engineer” shall be replaced by “ENGINEER”.

“Sampling and testing by Commission” shall be replaced by the words “sampling and testing by the TOWN or its authorized testing agent”.

“Inspection by Commission” shall be replaced by “Inspection by TOWN or its duly authorized representative”.

302 Design

A. General

Street design shall conform to the standards set forth in A Policy on Geometric Design of Highways and Streets as published by AASHTO, the Unified Development Ordinance, Standard Specifications for Roads and Structures as published by the NCDOT, Roadway Design Manual as published by the NCDOT, or the Town Standard Specifications and Details, whichever, in the opinion of the ENGINEER, is applicable.

Design vehicles and minimum edge of pavement radii shall be based on street classification per the following table. Compound curves may be considered to accommodate turning movements.

| Street Classification | Design Vehicle | Control Vehicle | Edge of Pavement Radius |
|--------------------------|--------------------|----------------------|-------------------------|
| 4 & 6 Lane Thoroughfares | WB-40 | WB-62 | 40 feet |
| 2 & 3 Lane Thoroughfares | WB-40 | WB-50 | 40 feet |
| Major Collector | SU-30 | WB-40 | 30 feet |
| Minor Collector | DL-23 ³ | FIRE ⁴ | 25 feet |
| Residential Street | DL-23 ³ | FIRE ⁴ | 25 feet |
| Alleys | P ⁷ | DL-23 ^{3,7} | 10 feet ⁷ |

Notes:

1. Design Vehicle shall not encroach on adjacent lanes for turning movements.
2. Control Vehicle may encroach on adjacent lanes for turning movements.
3. DL-23: 22.6' length Delivery Truck, 13' wheelbase, 23' inside turning radius, 29' outside turning radius (refer to Urban Street Design Guide published by the National Association of City Transportation Officials).
4. Fire Truck: 21.25' wheelbase, 33.33' outside turning radius w/ 5.34' overhang (Town of Apex).
5. All designated Truck Routes shall meet WB-50 design vehicle.
6. All designated Go Triangle Bus Routes shall meet BUS-40 control vehicle.
7. Alleys that serve solid waste collection and/or provide fire access must meet the same criteria as a Residential Street.

8. Where different street types intersect, the ENGINEER shall be allowed to use the lesser of the two radii.

All proposed roadways shall conform to the Apex Transportation Plan, and the Apex Peakway Development Policy.

B. Pavement & Right-of-Way Widths

Standard street widths are shown in the Standard Details. Actual street widths shall be in accordance with the Apex Transportation Plan or any interim plan effective at the time of plan submittal. Transitions and tapers between sections or at widenings shall be made in accordance with Section 302(A) of these Specifications. The ENGINEER may, at his discretion, require additional widening and related work as deemed necessary to provide for the safety and quality of roadway for the traveling public.

C. Geometric Standards

Unless necessitated by exceptional topography, street grades shall not be less than one half percent (0.5%).

The maximum grade allowed for a local street when approaching an intersection is five percent (5%) for the last 100 feet of pavement before the intersection.

The maximum grade allowed for a collector street or thoroughfare when approaching an intersection is two percent (2%) for the last 100 feet of pavement before the intersection. The beginning of the minimum grade allowed for a street approaching an intersection is measured at the curb-line extension of the intersecting street.

Street grades at pedestrian crossing locations shall meet the following criteria or the latest approved Federal Access Board standards whichever is more stringent.

1. 2% maximum cross slope for crossings located at approaches with a stop or yield condition; and
2. 5% maximum cross slope for crossings located at approaches without stop control.

The following table outlines geometric standards for roadway design. Sound engineering judgement should be exercised when using minimum or maximum design standards for roads. Alternate designs shall be in accordance with the current edition of A Policy on Geometric Design of Highways and Streets as published by AASHTO.

| CLASSIFICATION | DESIGN SPEED (MPH) | HORIZONTAL CURVE CONTROLS | | MIN. TANGENT B/W REVERSE CURVES (FT) | MAX. GRADE (%) | MIN. VERTICAL CURVE LENGTH (FT) | VERTICAL CURVE CONTROLS | |
|--------------------|--------------------------|---------------------------------|---------------------------|---|----------------------|---|---------------------------------|-------------------------------|
| | | MAX. SUPER ELEV. (%) | MIN. CL RADIUS (FT) | | | | MIN. LENGTH CREST (FT) | MIN. LENGTH SAG (FT) |
| THOROUGHFARE | 50 | 4 | 926 | 400 | 7 | 150 | 84A | 96A |
| MAJOR COLLECTOR | 35 | 4 | 371 | 200 | 9 | 100 | 29A | 49A |
| MINOR COLLECTOR | 30 | NC | 333 | 150 | 10 | 100 | 19A | 37A |
| RESIDENTIAL STREET | 25 | NC | 198 | 0 | 10 | 50 | 12A | 26A |
| ALLEY | -- | RC | 50 | 0 | 10 | 50 | 12A | 26A |

A = ALGEBRAIC DIFFERENCE IN GRADES

NC / RC = NORMAL CROWN / REVERSE CROWN

D. Intersection Sight Distance

All stop-controlled intersections shall meet minimum AASHTO sight distance requirements. A 10-foot x 70-foot sight triangle easement shall be provided at all intersections except where the ENGINEER is provided a plan illustrating such easements are not required or can be reduced in size based on AASHTO minimum sight line projections in cases where the typical 10-foot x 70-foot sight triangle easement would otherwise create a conflict with proposed structures. The 10-foot dimension shall be the setback from the right-of-way of the major street, and the 70-foot dimension shall be measured along the right-of-way of the major street. Sight triangle easements shall be increased if necessary to meet AASHTO minimum guidelines based on the projection of sight lines from the intersection. Sight triangle easements shall be shown on the final plat for the developed tract.

Plant materials placed within the sight triangle shall be limited to a mature height of 30 inches. Signs or other structures shall not be allowed.

Intersection Sight Distance for Left Turn from Stop (Passenger Cars)

| Design Speed (Major Road) | Posted Speed (Major Road) | 2-lane Undivided | | 3-lane Undivided or 2-lane Divided w/ 12' median | | 4-lane Undivided | | 5-lane Undivided or 4 lane Divided w/ 12' median | |
|------------------------------|------------------------------|------------------|--------|--|--------|------------------|--------|--|--------|
| | | Calculated | Design | Calculated | Design | Calculated | Design | Calculated | Design |
| 25 | 20 | 275.6 | 280 | 294.0 | 300 | 312.4 | 315 | 330.8 | 335 |
| 30 | 25 | 330.8 | 335 | 352.8 | 355 | 374.9 | 375 | 396.9 | 400 |
| 35 | 30 | 385.9 | 390 | 411.6 | 415 | 437.3 | 440 | 463.1 | 465 |
| 40 | 35 | 441.0 | 445 | 470.4 | 475 | 499.8 | 500 | 529.2 | 530 |
| 45 | 40 | 496.1 | 500 | 529.2 | 530 | 562.3 | 565 | 595.4 | 600 |
| 50 | 45 | 551.3 | 555 | 588.0 | 590 | 624.8 | 625 | 661.5 | 665 |
| 55 | 50 | 606.4 | 610 | 646.8 | 650 | 687.2 | 690 | 727.7 | 730 |
| 60 | 55 | 661.5 | 665 | 705.6 | 710 | 749.7 | 750 | 793.8 | 795 |

Reference: Table derived from AASHTO Table 9.7 (Case B1) using the following parameters:

ISD = $1.47 \cdot V \cdot t_g$ where:

ISD = Intersection sight distance (length of leg of sight triangle along major road)

V = design speed of major road (mph)

t_g = 7.5s time gap for 2-lane plus 0.5s for each additional lane

Method of measurement

1. Driver's eye height shall be a minimum of 3.5 feet above pavement.
2. Driver's eye shall be placed 15 feet from edge of pavement.
3. Object height (approaching vehicle) shall be 4.25 feet above center of traffic lane.

Minimum Intersection Sight Distance for Right Turn from Stop

| Design Speed (Major Road) | Posted Speed (Major Road) | Calculated | Design |
|------------------------------|------------------------------|------------|--------|
| 25 | 20 | 238.9 | 240 |
| 30 | 25 | 286.7 | 290 |
| 35 | 30 | 334.4 | 335 |
| 40 | 35 | 382.2 | 385 |
| 45 | 40 | 430.0 | 430 |
| 50 | 45 | 477.8 | 480 |
| 55 | 50 | 525.5 | 530 |
| 60 | 55 | 573.3 | 575 |

Reference: Table derived from AASHTO Table 9.9 (Case B2) using the following parameters:

ISD = $1.47 \cdot V \cdot t_g$ where:

ISD = Intersection sight distance (length of leg of sight triangle along major road)

V = design speed of major road (mph)

t_g = 6.5s time gap for 2-lane plus 0.5s for each additional lane

Method of measurement

1. Driver's eye height shall be a minimum of 3.5 feet above pavement.
2. Driver's eye shall be placed 15 feet from edge of pavement.
3. Object height (approaching vehicle) shall be 4.25 feet above center of traffic lane.

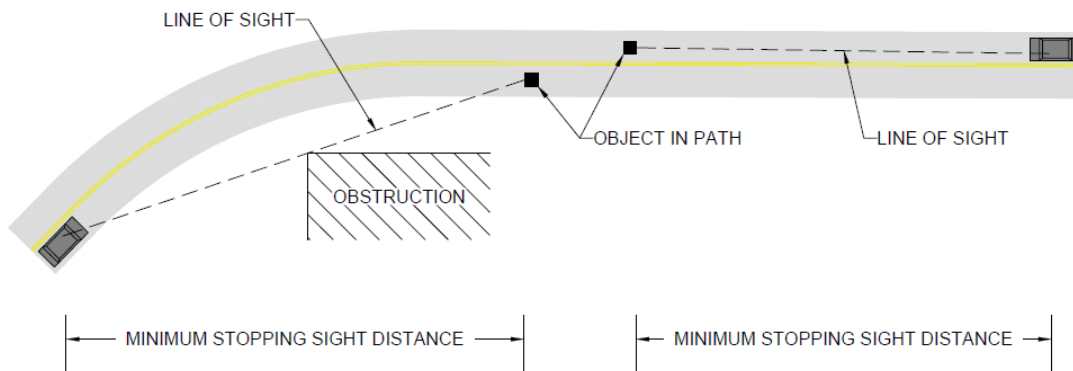
E. Stopping Sight Distance

| Minimum Stopping Sight Distance (feet), Street Grade (%) | | | | | | | |
|--|----------|-------|-----|-------|------------|-------|-----|
| Design Speed | Upgrades | | | Flat | Downgrades | | |
| | 9% | 6% | 3% | 0% | -3% | -6% | -9% |
| 60 | 495 | 515.0 | 540 | 570.0 | 600 | 640.0 | 690 |
| 55 | 435 | 450.0 | 470 | 495.0 | 520 | 555.0 | 595 |
| 50 | 375 | 390.0 | 405 | 425.0 | 450 | 475.0 | 510 |
| 45 | 320 | 335.0 | 345 | 360.0 | 380 | 400.0 | 430 |
| 40 | 270 | 280.0 | 290 | 305.0 | 315 | 335.0 | 355 |
| 35 | 225 | 230.0 | 240 | 250.0 | 260 | 275.0 | 290 |
| 30 | 180 | 185.0 | 200 | 200.0 | 205 | 215.0 | 230 |
| 25 | 140 | 145.0 | 150 | 155.0 | 160 | 165.0 | 175 |

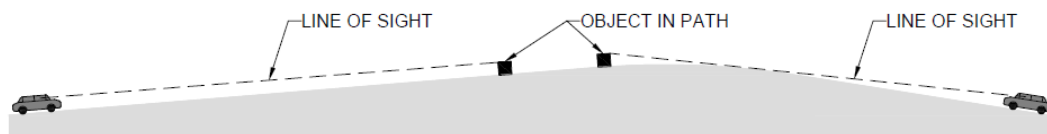
Reference: Table derived from AASHTO 2018 (Tables 3.1 and 3-2) and distances rounded to nearest 5 feet.

SOURCE: A Policy on Geometric Design of Highways and Streets American Association of State Highway and Transportation Officials

PLAN VIEW



PROFILE VIEW



NOTE:

1. DRIVER'S EYE HEIGHT SHALL BE 3.5 FEET ABOVE PAVEMENT.
2. OBJECT HEIGHT SHALL BE 0.5 FEET ABOVE CENTER OF TRAVEL LANE.

F. Apex Peakway Development (Apex Peakway)

Refer to the *Planning Department* for the Apex Peakway Development Policy.

G. Pavement Design

The pavement designs presented in the standard details shall be considered the minimum design requirements. The DEVELOPER shall furnish a pavement design report produced and certified by a professional engineer, using AASHTO methodology. The report shall be based on field and lab testing of in place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 20-year design life, 4% annual growth rate, and appropriate traffic projections. Soil sample locations shall be as directed by the INSPECTOR. If the design structural coefficient exceeds that of the standard, the design structure shall be used.

H. Curb, Sidewalk, Driveways

Concrete for curb and gutter, driveways, or sidewalks shall be portland cement concrete having a 28-day strength of 3000 psi when tested in accordance with ASTM C39. Detailed specifications for concrete shall conform to the specifications contained in Section 200. Joint fillers shall be a non-extruding joint material conforming to ASTM D1751.

The minimum thickness of a sidewalk shall be 4 inches. Sidewalks shall have a uniform slope perpendicular to the curb of 1/4-inch per foot toward the roadway. Sidewalks shall be installed during roadway construction and/or widening.

Where a sidewalk intersects with a driveway access, the sidewalk section shall be 6-inches thick. All sidewalks and greenways shall meet the current Americans With Disabilities Act (ADA) requirements.

Sidewalks shall be constructed ~~on the north or east side of the roadway, and~~ at locations as indicated by the Unified Development Ordinance and these specifications.

Curb and gutter, where required, shall be standard 30-inch combination curb and gutter. Upon the approval of the Town, 30-inch valley curb and gutter may be permitted in townhome developments. Standard 18-inch median curb and gutter may be used on entrance islands and medians when deemed appropriate by the ENGINEER.

I. Entranceway Islands

Islands shall be limited to such a size as to allow adequate turning room for larger vehicles. The minimum pavement width for both the entrance and exit lanes shall be 20 feet. Islands shall accommodate the turn radius of a WB-62 design vehicle, as outlined in A Policy on Geometric Design of Highways and Streets, AASHTO, current edition. The island shall not extend into the turnout of the intersection.

J. Trench Drains

All entrances with irrigation systems shall require a trench drain directly behind the curb and gutter. The trench shall be a minimum of 12 inches wide and 18 inches deep. A 4-inch perforated pipe shall be laid at the bottom of the ditch in the center. The ditch shall then be backfilled with washed stone wrapped in the appropriate geotextile fabric. The perforated pipe shall drain to a catch basin.

K. Alleys

All alleys shall either connect to the street right of way at each end or include a cul-de-sac.

303 Construction Requirements

A. General

All roadway subgrade, alley subgrade, storm sewer, and utility construction shall be inspected and approved by the TOWN prior to placement of base course materials.

All streets shall be cleared and graded for the full width of the right-of-way within 50 feet of any street intersection. Additional street clearing and grading shall be as follows:

Future Development - where planned roadways are to be built (i.e. the Peakway, roads in other phases, or roads by other developers), the rough grading shall be completed in areas where it shall impact homeowners or businesses in the phase currently under construction.

Major Streets & Thoroughfares - the full width of the right-of-way.

Collector Streets - the full width of the right-of-way.

Urban Street & Urban Cul-de-Sac - the full width of the right-of-way on the sidewalk side, and 8 feet back of curb on the "non-sidewalk" side.

B. Placement of Asphalt Pavements

Typical surface course shall have a total thickness of not less than as shown on the Standard Details, and shall be placed in 2 lifts.

Following initial lift, the CONTRACTOR shall provide temporary drains at catch basins to allow streets to drain and to eliminate ponding at the low points. Catch basin modifications shall be repaired at the time of final surface paving.

The second lift placement shall be delayed during the period of initial residential

construction activity and until such time as its placement is approved by the ENGINEER, subject to the following conditions:

Placement of the second lift shall be no earlier than 12 months after placement of the first lift and only after 75 percent of the Certificates of Occupancy have been issued for the subdivision or phase of subdivision under construction.

Prior to placement of the final lift of pavement, the existing initial lift shall be thoroughly cleaned and all cracks, spalling, and other failure shall be repaired to the satisfaction of the ENGINEER. A tack coat shall be used on the road surface and the curb face. Furthermore, any cracked concrete that is around valve covers and manhole covers shall be replaced prior to paving.

Asphalt materials shall not be produced or placed under any of the following conditions:

- during rainy weather or whenever moisture on the surface to be paved would prevent proper bond;
- when the subgrade or base course is frozen or wet;
- when temperatures, measured in the shade away from artificial heat at the location of the paving operation, do not meet the following criteria;

| Material Type | Minimum Air Temperature | Minimum Ground Temperature |
|-----------------------------|-------------------------|----------------------------|
| Prime & Tack Coat | 40° F | 40° F |
| Asphalt Base Course | 40° F | 40° F |
| Asphalt Intermediate Course | 40° F | 40° F |
| Asphalt Surface Course | 50° F | 50° F |

- between December 15 and March 16 for surface course material that is to be the final layer of pavement;
- when intermediate or base course will not be covered with surface course during the same calendar year or within 15 days of placement if the plant mix is placed in January or February; a sand seal is required when the intermediate or base is not covered as required.

C. Curb and Sidewalk

The subgrade shall be excavated to the required depth, and shaped to the proper cross-section. Where tree roots are encountered, they shall be removed to a depth of 1 foot for the full width of the excavation. The subgrade shall be stable and thoroughly compacted.

Forms shall be set and maintained true to the required lines, grades, and dimensions. Forms shall be constructed with material of such strength and with such rigidity to prevent any appreciable deflection between supports. Straight forms shall be within a tolerance of 1/2-inch in 10 feet from a true line horizontally or vertically. Forms shall be thoroughly cleaned of all dirt, mortar and foreign material before being used. All inside form surfaces shall be thoroughly coated with commercial quality form oil.

Contraction joints shall be cut to a depth equal to at least 1/3 of the total slab thickness. The contraction joint shall be no less than 1/8 inch in width. Contraction joints shall be spaced at 5-foot intervals for sidewalk and spaced at 10-foot intervals for curb and gutter, or 15-foot intervals when a machine is used. A 1/2-inch expansion joint filled with joint filler shall be placed between all rigid objects and placed no farther than 50 feet apart for sidewalks and curb and gutter, extending the full depth of the concrete with the top of the filler 1/4-inch below the finished surface. The surface of sidewalks shall be finished to grade and cross-section with a float, troweled smooth and finished with a broom. Refer to the Standard Detail.

D. Utility Conduits

Buried conduits for low voltage utility installations shall be installed in accordance with the Standard Detail. All residential and commercial driveways shall have at minimum one 3-inch diameter Schedule 40 PVC conduit installed across the entire width of the driveway, extending 1 foot beyond the edges of the driveway. Conduits shall be sealed at each end with an unglued PVC cap.

For all lots that require sidewalk along the road frontage, conduits shall be installed below the sidewalk in accordance with the Standard Detail. All sidewalks, along a lot frontage, shall have at minimum 2 individual 3-inch diameter Schedule 40 PVC conduits installed across the entire width of the sidewalk, extending 1 foot beyond the edges of the sidewalk. Sidewalk conduits shall be installed on both sides of the lot and at a location of approximately 1 foot inside of the lot's property line. Conduits shall be sealed at each end with an unglued PVC cap.

All conduits shall be marked with a 2-inch brass cap, cast into the concrete curb and/or the sidewalk to indicate the location of the buried conduit. Brass caps shall be stamped with the words "Utility Conduit Crossing" in 3/8-inch tall lettering. All caps shall be held true to final elevation, within the forms, prior to and during placement of concrete, by the use of a 12-inch long rebar stake. One cap shall be installed at each individual utility conduit installation.

E. Pavement Markings

All pavement markings shall be thermoplastic material meeting NCDOT specifications, unless otherwise directed by the Engineer.

304 Inspection

A. Proof-Rolling

Street embankments shall be graded and compacted as described in Section 200 of these Specifications. After all utilities and storm sewers have been installed, the subgrade shall be fine graded and restored to required grade, and then proof-rolled by using a fully loaded tandem dump truck or a fully loaded water truck. Should any “pumping” or displacement be observed during the proof-rolling, the defective area(s) shall be repaired by replacing defective material w/suitable material, alternative stabilization methods such as fabric, Geo-Grid, lime, etc., or any combination thereof to the satisfaction of the TOWN and thoroughly compacted. The proof rolling shall be repeated until there is no evidence of “pumping” or displacement.

Recommendations from outside sources such as soils engineers and technicians may be suggested. However, the TOWN shall have authority for approval of additional measures.

B. Compaction Testing - Subgrade

Upon completion of the proof rolling, the DEVELOPER/CONTRACTOR shall furnish to the ENGINEER a report from a certified soils testing laboratory. The report shall present the results of a Proctor analysis demonstrating that the subgrade compaction is acceptable in accordance with standard requirements of NCDOT in all of the significant fill areas. The subgrade shall then be inspected by the INSPECTOR, and upon its acceptance and approval, the stone base course may be placed. However, no stone base may be placed prior to backfilling behind the curb.

The cost of laboratory testing of subgrade compaction shall be borne by the DEVELOPER/ CONTRACTOR.

C. Base Course & Surface Course Inspection Requirements

The Town reserves the right to require that quarry tickets be presented to the INSPECTOR to enable a check for yield at the specified final thickness. The base material shall then be inspected by the INSPECTOR, and upon acceptance and approval, the surface course may be placed.

Surface course shall be placed and compacted in accordance with NCDOT requirements. Copies of delivery tickets shall be furnished to the INSPECTOR to enable a check for yield at the specified final thickness. Density testing shall be performed for each lift of asphalt and reports shall be furnished to the INSPECTOR.

Should there be a question as to the final thickness of aggregate base course or surface course, the INSPECTOR reserves the right to require the DEVELOPER/CONTRACTOR to provide random core samples by an independent testing laboratory to demonstrate actual thickness of base and surface courses. A certified testing laboratory shall take core

samples and the results shall be presented to the INSPECTOR. Should the cores reveal insufficient thickness, the CONTRACTOR shall provide additional surface course as may be required or shall furnish other remedial measures as may be acceptable to the INSPECTOR. The cost of compaction testing and coring work shall be borne by the DEVELOPER.

D. Curb and Sidewalk

No concrete shall be placed until the forms, necessary conduits, and subgrades have been inspected and approved by the INSPECTOR. Where stone is used underneath the driveway and/or over conduits, it shall be compacted ABC stone. Washed stone shall not be permitted.

Conduits shall be installed to the depths and locations indicated in the Standard Detail prior to inspection. Conduit trenches shall be left open until inspection. Trenches shall be backfilled with excavated material after inspection and prior to placing concrete. Brass location caps shall be in place prior to inspection.

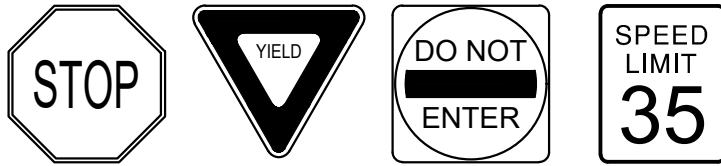
NO EXCEPTION: For all lots that require sidewalk along the road frontage, sidewalk shall be formed and ready for inspection at the time of the driveway inspection. Sidewalk may be installed prior to, but under no circumstances later than the time of the driveway installation.

305 Certification

The Town of Apex shall require the following certification from an engineer registered in the state of North Carolina prior to final acceptance of any TOWN maintained streets:

| | |
|--|---------------|
| I _____, PE hereby certify that the construction of (<u>Street Names</u>) in (<u>Phase #</u>) of (<u>Development Name</u>) is/are in accordance with the minimum pavement design standards and layout submitted and approved by the Town of Apex on (<u>Date of Approval</u>). | |
| S E A L | _____ Name |
| | _____ Date |

TYPICAL REGULATORY SIGNS



| SIGN SIZES | APPROACH TYPE | |
|---------------------|-----------------|-----------------|
| | SINGLE LANE | MULTI-LANE |
| R1-1 (STOP) | 30" x 30" | 36" x 36" |
| R1-2 (YIELD) | 36" x 36" x 36" | 48" x 48" x 48" |
| R5-1 (DO NOT ENTER) | 30" x 30" | 36" x 36" |
| R2-1 (SPEED LIMIT) | 24" x 30" | 30" x 36" |

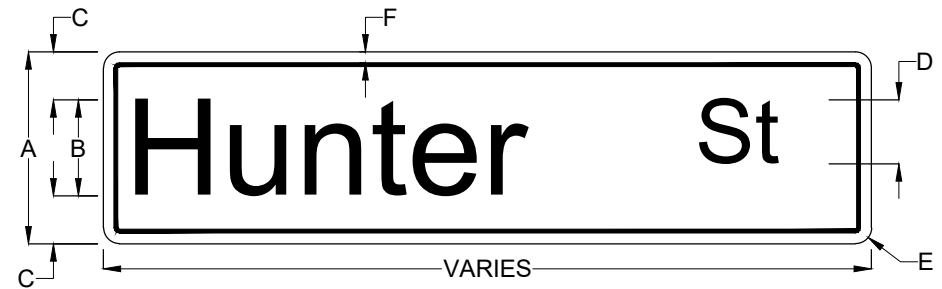
* FOR OTHER TYPES OF REGULATORY SIGNS CONSULT THE MUTCD

CROSSWALK SIGNS



| SIGN SIZES | APPROACH TYPE | |
|---------------------------------|---------------|------------|
| | SINGLE LANE | MULTI-LANE |
| W11-2 (PEDESTRIAN) | 30" x 30" | 36" x 36" |
| S1-1 (SCHOOL) | 36" x 36" | 36" x 36" |
| W16-7P (ARROW PLAQUE) | 21" x 15" | 21" x 15" |
| R1-5 (YIELD HERE TO PEDS) | 36" x 36" | 36" x 36" |
| R1-6/R1-6b (IN-STREET CROSSING) | 12" x 36" | 12" x 36" |

POST-MOUNTED STREET NAME SIGN (D3-1)



| SIGN TYPE | SIGN DIMENSIONS | | | | | |
|-------------------------|-----------------|----|------|----|-------|------|
| | A | B | C | D | E | F |
| STANDARD | 9" | 6" | 1.5" | 4" | 0.75" | 0.5" |
| MULTI-LANE (> 40 MPH) | 12" | 8" | 2" | 6" | 0.75" | 0.5" |

NOTES:

1. SHEETING MATERIAL FOR ALL SIGNS SHALL BE HIGH INTENSITY PRISMATIC (HIP) TYPE IV MULTI-LAYER SHEETING.
2. ALL STREET NAME SIGNS INSTALLED IN RESIDENTIAL AREAS SHALL COMPLY WITH STANDARD DIMENSIONS. STREET NAME SIGNS SHALL BE GREEN WITH WHITE LEGEND AND BORDER. LETTERING SHALL BE COMPOSED OF UPPER AND LOWER-CASE LETTERS. LOWER-CASE LETTERS SHALL BE 75% THE HEIGHT OF UPPER-CASE LETTERS. STREET SUFFIXES SHALL BE UPPER-CASE LETTERS. FONT TYPE SHALL BE HIGHWAY GOTHIC SERIES C. 36-INCH BLADES SHALL BE STANDARD FOR STREET NAMES, WITH 15 CHARACTERS OR LESS.
3. STREET NAME SIGNS SHALL BE FABRICATED USING WHITE (HIP) SHEETING AS A BASE LAYER WITH GREEN (HIP) SHEETING OVERLAYED. THE LEGEND SHALL BE DIGITALLY CUT OR PRINTED FROM THE OVERLAY LAYER.
4. PEDESTRIAN WARNING SIGNS AND SCHOOL CROSSING SIGNS SHALL HAVE A FLUORESCENT YELLOW-GREEN BACKGROUND WITH BLACK LEGEND AND BORDERS.
5. IF IN-STREET CROSSING SIGNS ARE USED IN SCHOOL AREAS, R1-6b SIGN SHALL BE USED INSTEAD OF R1-6 SIGN.
6. REFER TO MUTCD FOR ALL OTHER GUIDANCE.

TOWN OF APEX
STANDARDS

EFFECTIVE: SEPTEMBER 24, 2024

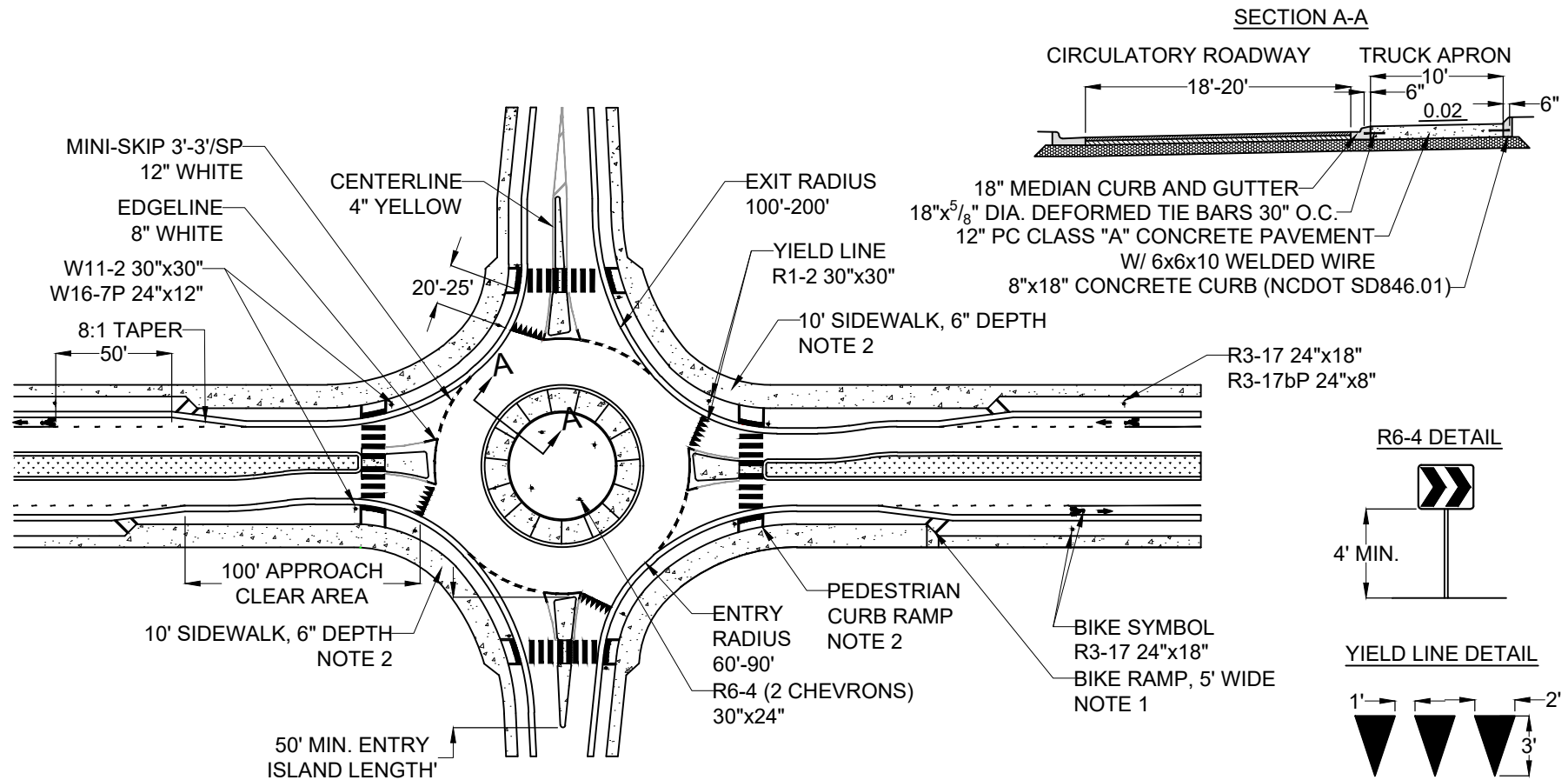
STREET SIGNS
GENERAL

- Page 96 -

STD. NO.

300.26

SHEET 1 OF 4



NOTES:

1. WHEN BICYCLE LANES ARE PRESENT TRANSITION BICYCLES FROM THE TRAVEL WAY WITH BICYCLE CURB RAMPS ANGLED AT 45 DEGREES. BICYCLE CURB RAMPS SHALL HAVE A GRADE BETWEEN 15%-20% .
2. WHEN BICYCLE LANES ARE PRESENT TRANSITION TO A 10' WIDE SIDEWALK AT BIKE CURB RAMP LOCATION, AND PROVIDE 10' WIDE PEDESTRIAN CURB RAMPS AT ROUNDABOUT CROSSINGS.
3. KEEP A 100' AREA APPROACHING THE ROUNDABOUT CLEAR OF TREES AND PARALLEL PARKING SPACES BETWEEN THE BACK OF CURB AND THE PEDESTRIAN PATH.
4. INSTALL W2-6 WARNING SIGNS APPROACHING ROUNDABOUT IF POSTED SPEED LIMIT IS 40 MPH OR HIGHER.
5. TRUCK APRON CONTRACTION JOINTS SHALL BE EQUALLY SPACED, WITH MAX OUTSIDE CHORD SPACING OF 15 FEET. REFER TO NCDOT STANDARD DRAWINGS 700.01 FOR TRANSVERSE CONTRACTION JOINT DETAIL.
6. PLACE WELDED WIRE FABRIC IN THE CENTER OF TRUCK APRON SLAB. LAP TRANSVERSE EDGES OF SHEETS OF WELDED WIRE FABRIC 12 INCHES EXCEPT AT TRANSVERSE EXPANSION JOINTS.

**TOWN OF APEX
STANDARDS**

EFFECTIVE: SEPTEMBER 24, 2024

SINGLE LANE ROUNDABOUT

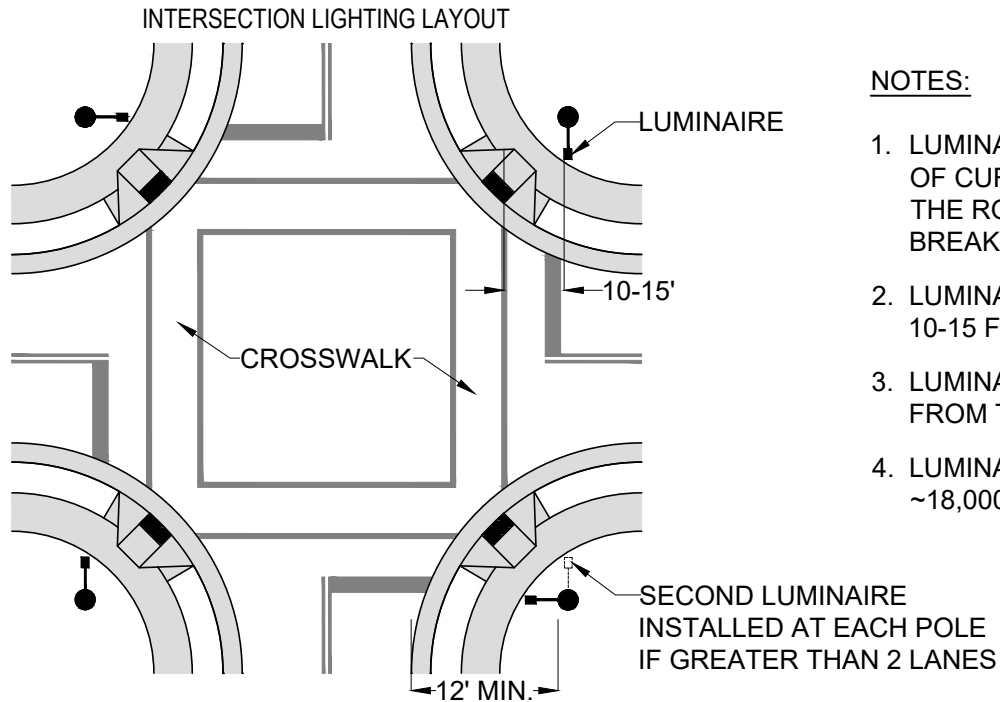
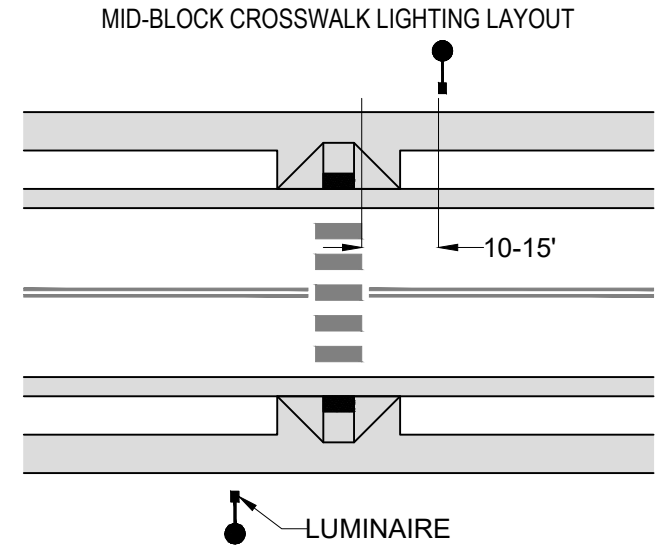
- Page 97 -

STD. NO.

300.29

SHEET 1 OF 1

| CROSSWALK TYPE | NUMBER OF LANES | NUMBER OF FIXTURES |
|----------------|-----------------|--------------------|
| MIDBLOCK | ≥ 2 | 2 |
| INTERSECTION | 2 | 4 |
| INTERSECTION | > 2 | 8 |



NOTES:

1. LUMINAIRES TO BE PLACED A MINIMUM OF 12' FROM THE FACE OF CURB OR EDGE OF TRAVEL LANE. ALL LUMINAIRES WITHIN THE ROADWAY CLEAR ZONE SHALL BE PLACED ON A BREAKAWAY BASE.
2. LUMINAIRES FOR CROSSWALKS ARE TO BE LOCATED BETWEEN 10-15 FEET FROM THE CROSSWALK WHERE POSSIBLE.
3. LUMINAIRES SHOULD BE PLACED PRIOR TO THE CROSSWALK FROM THE DRIVERS' PERSPECTIVE.
4. LUMINAIRES TO BE LED, ROADWAY DISTRIBUTION III, 3000K, WITH ~18,000 LUMEN OUTPUT.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: September 24, 2024

Item Details

Presenter(s): Councilmember Terry Mahaffey, Sponsor
Barbara Conroy Co-Founder and President of Apex Public School Foundation
Department(s): Governing Body
Apex Public School Foundation

Requested Motion

Presentation of the Peak S.T.A.R. Award for the 4th Quarter of the 2023-2024 School Year.

Approval Recommended?

N/A

Item Details

The Apex Town Council is pleased to work in partnership with the Apex Public School Foundation (APSF) to present the Peak S.T.A.R. Award to a deserving Apex school staff member, teacher, or someone in school administration. This award will be presented quarterly by the Apex Town Council and the APSF.

Attachments

- N/A





"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

Proclamation

Domestic Violence Awareness Month 2024

from the Office of the Mayor

WHEREAS, Domestic Violence is a horrific and widespread issue faced by millions of individuals nationwide, including 35.2% of women and 30.3% of men in North Carolina at some point during their lives; and,

WHEREAS, Domestic Violence affects individuals and families in our community, and disproportionately impacts underserved and marginalized populations who often face barriers to accessing essential services; and,

WHEREAS, The Town of Apex Police Department works with Shining Light in Darkness, a Non-Profit Organization, to connect survivors with support and programming intended to guide them on the path to healing; and,

WHEREAS, Shining Light in Darkness plays a vital role in crisis response, direct services, resources, and referrals by offering a 24-hour crisis line, emergency housing coordination, legal assistance, and case management to ensure that survivors receive immediate and sustained support; and,

WHEREAS, The Town of Apex recognizes the critical role that nonprofit organizations like Shining Light in Darkness play in safeguarding the well-being of survivors, and survivors are encouraged to contact Shining Light in Darkness at (919) 791-5578 to support their healing journey.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim The Month of October, 2024, as "Domestic Violence Awareness Month" in the Town of Apex, and urge residents to check in on their loved one and offer support and understanding to survivors; and,

BE IT FURTHER PROCLAIMED, that the Hunter Street Water Tower will be illuminated Purple on Friday, October 4, 2024, following the Glow of Grace Event, in honor of all victims and survivors of Domestic Violence.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 24th day of September 2024

Jacques Gilbert, Mayor



"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

Proclamation

Public Power Week 2024

from the Office of the Mayor

WHEREAS, Public Power is a crucial component in cities and towns across the United States, driving the overall health of communities by providing unmatched electrical reliability, sustainable power, excellent local service, and essential jobs in communities; and,

WHEREAS, The Town of Apex, which is part of North Carolina's more than 70 public power cities and towns that are among more than 2,000 across the country, provides electricity with a reliability rating of 99.99 percent to over thirty thousand customers; and,

WHEREAS, The Town of Apex Electric Utilities department provides Apex homes and businesses with reliable, efficient, and safe electricity, employing sound business practices designed to ensure the best possible service; and,

WHEREAS, the Town of Apex has been supplying public power since 1917, and is proud to be in its 108th year of service; and,

WHEREAS, The Apex Electric Utilities department consists of over 40 team members, who are arborists, line workers, and perform technical services and administrative roles, and was recently awarded the ElectriCities' Public Power Award of Excellence for Providing Superior Power, and the American Public Power Association's Reliable Public Power Provider.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the week of October 6th – October 12th, 2024, "Public Power Week" in the Town of Apex, and commend our stellar Electric Utilities Staff for the incredible work they do to keep our Town running.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 24th day of September 2024

Jacques Gilbert, Mayor



TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2024-
ANNEXATION PETITION NO. 788
OLIVER PROPERTY - HUMIE OLIVE ROAD - 15.9428 ACRES

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on October 08, 2024, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on October 08, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex JVI Building and Development Inc.". Pin Nos. 0711-90-3580, 0721-00-0505, and 0721-0-3444. Plat map print date August 08, 2024 and Land Surveyor dated August 12, 2024 and recorded in Book of Maps book number 2024 and page numbers [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 08th day of October, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at the southwest corner Tract B (B.M. 1984, Pg. 1809), the northwest corner Lot 1 (B.M. 2015, Pg. 979), an eastern corner Lot 3 (B.M. 1998, Pg. 1044); thence South 87° 04' 31" East, 190.14 feet; thence North 00° 53' 39" East, 100.01 feet; thence South 84° 23' 47" East, 725.74 feet; thence South 02° 49' 32" East, 327.51 feet; thence South 87° 10' 28" West, 119.74 feet; thence South 02° 49' 32" East, 365.50 feet to a point in Humie Olive Road ~ NCSR 1142; thence South 86° 13' 49" West, 61.06 feet; thence South 85° 53' 22" West, 147.45 feet; thence South 85° 46' 28" West, 104.35 feet; thence South 85° 15' 06" West, 77.57 feet; thence South 83° 08' 38" West, 60.19 feet; thence South 81° 24' 46" West, 53.40 feet; thence South 81° 10' 21" West, 136.24 feet; thence South 81° 04' 57" West, 19.75 feet; thence South 80° 48' 43" West, 98.53 feet; thence South 81° 08' 26" West, 96.92 feet; thence North 08° 53' 07" West, 117.99 feet;

thence North 06° 01' 54" West, 153.32 feet; thence North 01° 49' 03" East, 131.14 feet; thence North 07° 27' 48" West, 74.87 feet; thence North 11° 15' 27" West, 180.72 feet; thence North 74° 43' 52" East, 125.65 feet; thence North 15° 16' 08" West, 95.80 feet to

the BEGINNING, containing 15.9428 total acres more or less.

The above-described area is recorded in:

D.B. 19675, Pg. 748 and a portion of D.B. 19654, Pg. 2201

B.M. 2015, Pg. 979 ~ Lot 1 & 2, B.M. 1998, Pg. 1044, & B.M. 2000, Pg. 1767

PIN 0721-00-3444, PIN 0721-00-0505, & a portion of PIN 0711-90-3580

This description was prepared for the sole purpose of annexation of a municipal boundary

and for no other use.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2024-_____, adopted at a meeting of the Town Council, on the 08th day of October, 2024, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 08th day of August, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 24, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Conduct a Public Hearing and possible motion to adopt Ordinance on the Question of Annexation - Apex Town Council's intent to annex 15.9428 acres, known as Oliver Property - Humie Olive Road, Annexation No. 788, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The annexation has been certified and a public hearing has been posted as required.

SPECIAL NOTE: The public hearing resolutions associated with this item was approved on September 10 and scheduled for September 24, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at the next regular meeting scheduled for September 24, 2024 at 6:00 p.m..

Attachments

- PH1-A1: Annexation Ordinance - Annexation No. 788 - Oliver Property - Humie Olive Road
- PH1-A2: Revised Public Hearing Notice - Annexation No. 788
- PH1-A3: Legal Description - Annexation No. 788
- PH1-A4: Aerial Map - Annexation No. 788
- PH1-A5: Plat Map - Annexation No. 788
- PH1-A6: Annexation Petition - Annexation No. 788



PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____
Fee Paid \$ _____

Submittal Date: _____
Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Janice Oliver
Owner Name (Please Print)

0711-90-3580 (partial)
Property PIN or Deed Book & Page #

Phone

E-mail Address

Joseph V Iannone JR
Owner Name (Please Print)

0721-00-0505 & 0721-00-3444
Property PIN or Deed Book & Page #

919-387-8846
Phone

joey@jviconstruction.com
E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors

Phone: 919-362-7111 Fax: _____

E-mail Address: staley@smithand smithsurveyors.net

ANNEXATION SUMMARY CHART

| Property Information | | Reason(s) for annexation (select all that apply) | |
|--------------------------------------|-------|--|-------------------------------------|
| Total Acreage to be annexed: | 15.94 | Need water service due to well failure | <input type="checkbox"/> |
| Population of acreage to be annexed: | 3 | Need sewer service due to septic system failure | <input type="checkbox"/> |
| Existing # of housing units: | 2 | Water service (new construction) | <input type="checkbox"/> |
| Proposed # of housing units: | 45 | Sewer service (new construction) | <input type="checkbox"/> |
| Zoning District*: | R-40W | Receive Town Services | <input checked="" type="checkbox"/> |

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Tanice Oliver

Please Print

Tanice Oliver

Signature

Please Print

Signature

Please Print

Signature

Please Print

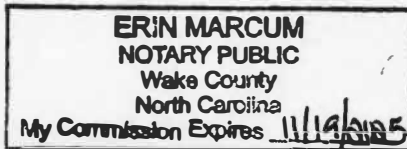
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County,
this the 12th day of August, 2024.

[Signature]
Notary Public

SEAL



My Commission Expires: November 19, 2025

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

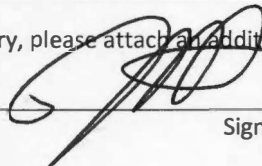
Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Joe V. Iannone

Please Print



Signature

Please Print

Signature

Please Print

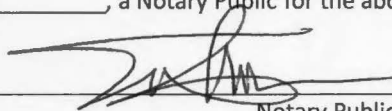
Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County,
this the 12th day of August, 2021.



Notary Public

SEAL



My Commission Expires: November 19, 2025

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest: _____

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at the southwest corner Tract B (B.M. 1984, Pg. 1809), the northwest corner Lot 1 (B.M. 2015, Pg. 979), an eastern corner Lot 3 (B.M. 1998, Pg. 1044); thence South 87° 04' 31" East, 190.14 feet; thence North 00° 53' 39" East, 100.01 feet; thence South 84° 23' 47" East, 725.74 feet; thence South 02° 49' 32" East, 327.51 feet; thence South 87° 10' 28" West, 119.74 feet; thence South 02° 49' 32" East, 365.50 feet to a point in Humie Olive Road ~ NCSR 1142; thence South 86° 13' 49" West, 61.06 feet; thence South 85° 53' 22" West, 147.45 feet; thence South 85° 46' 28" West, 104.35 feet; thence South 85° 15' 06" West, 77.57 feet; thence South 83° 08' 38" West, 60.19 feet; thence South 81° 24' 46" West, 53.40 feet; thence South 81° 10' 21" West, 136.24 feet; thence South 81° 04' 57" West, 19.75 feet; thence South 80° 48' 43" West, 98.53 feet; thence South 81° 08' 26" West, 96.92 feet; thence North 08° 53' 07" West, 117.99 feet; thence North 06° 01' 54" West, 153.32 feet; thence North 01° 49' 03" East, 131.14 feet; thence North 07° 27' 48" West, 74.87 feet; thence North 11° 15' 27" West, 180.72 feet; thence North 74° 43' 52" East, 125.65 feet; thence North 15° 16' 08" West, 95.80 feet to the BEGINNING, containing 15.9428 total acres more or less.

The above-described area is recorded in:

D.B. 19675, Pg. 748 and a portion of D.B. 19654, Pg. 2201

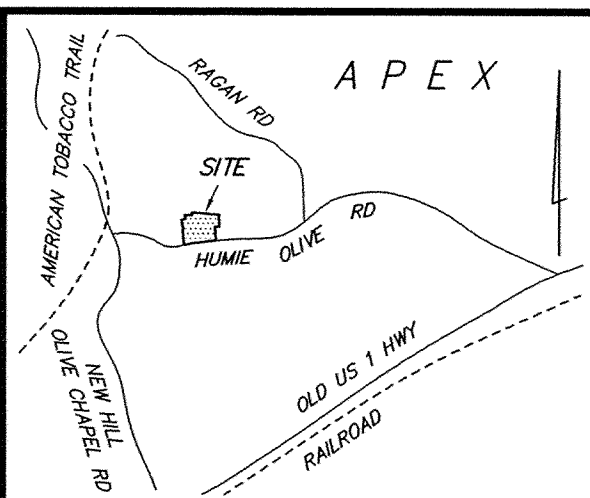
B.M. 2015, Pg. 979 ~ Lot 1 & 2, B.M. 1998, Pg. 1044, & B.M. 2000, Pg. 1767

PIN 0721-00-3444, PIN 0721-00-0505, & a portion of PIN 0711-90-3580

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

PRELIMINARY

NOT TO BE USED AS A SURVEY
OR TO TRANSFER ANY PROPERTY
DESCRIBED HEREIN



VICINITY MAP (NOT TO SCALE)

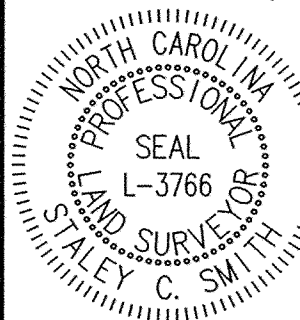
I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:

- D.B. 19675, PG. 748
- D.B. 19654, PG. 2201
- B.M. 2015, PG. 979
- B.M. 1998, PG. 1044
- B.M. 2000, PG. 1767

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: N/A AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)

THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(J).

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 12TH DAY OF AUGUST, A.D., 2024.



Staley C. Smith
Professional Land Surveyor
License Number L-3766

JANICE W. OLIVER, TRUSTEE
OF THE OLIVER FAMILY TRUST
u/t/d MARCH 18, 2019 AS AMENDED

D.B. 19654, PG. 2201
B.M. 1998, PG. 1044

(LESS AND EXCEPT 0.710 AC.)
B.M. 2000, PG. 1767

NOT A PHYSICAL SURVEY OF RESIDUAL AREA

- LEGEND
- XXXX - Street Address (Typical)
 - X - Point Not Found Or Set
 - NCSR - North Carolina Secondary Road
 - PIN - Parcel Identification Number
 - R/W - Approximate Right Of Way Line (not surveyed)
 - Line Not Surveyed
 - Line Not Surveyed
 - Line Not Surveyed
 - Line Not Surveyed
 - Line Not Surveyed
 - Approximate Right Of Way Line (not surveyed)
 - Existing Town of Apex Corporate Limits (not surveyed)

RECORDED IN BOOK OF MAPS 2024, PAGE

ANNEXATION #
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, Apex, North Carolina
certify this is a true and exact map of annexation adopted
the day of , 2024,
by the Town Council. I set my hand and seal of
the Town of Apex, , 2024.

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

SUMMIT HILL FARM LLC
D.B. 12507, PG. 1599
B.M. 1984, PG. 1809

- SURVEYOR NOTES:
1. THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD AFFECTING THE SAME.
 2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
 3. THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
 4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FOOT UNIT GROUND MEASUREMENTS.
 5. AREA DETERMINED USING THE COORDINATE GEOMETRY METHOD.
 6. SITE ZONE: R-40W (SOURCE: WAKE COUNTY GIS)
 7. THIS MAP WAS PREPARED FOR THE SOLE PURPOSE OF ANNEXATION OF A MUNICIPAL BOUNDARY. THIS MAP SHOULD NOT BE USED TO TRANSFER PROPERTY SHOWN HEREON.
 8. SITE ADDRESSES: 8620 HUMIE OLIVE RD APEX, NC 27502 AND 8612 HUMIE OLIVE RD APEX, NC 27502 AND 8608 HUMIE OLIVE RD APEX, NC 27502

15.9428 ACRES TOTAL ANNEXED

CHRISTOPHER D. GENTILE
D.B. 6832, PG. 622
B.M. 1984, PG. 1882

LINDA FAYE JUDD
GRACIE ANN JUDD
D.B. 18613, PG. 1326

D.B. 19675, PG. 748
PIN 0721-00-3444

D.B. 19675, PG. 748
PIN 0721-00-0505

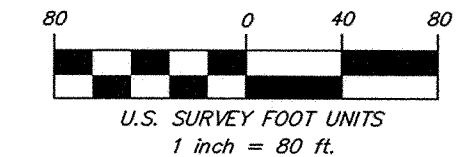
PORTION OF
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PORTION OF
PIN 0711-90-3580

ANNEXATION # 676
B.M. 2020, PG. 1867

RETREAT AT FRIENDSHIP
B.M. 2023, PG. 1966

ANNEXATION # 702
B.M. 2021, PG. 386

BRIDLEWOOD AT
FRIENDSHIP PLACE
B.M. 2024, PG. 1085



LISTED OWNERS
(NOT A TITLE VERIFICATION)
JOSEPH V. IANNONE, JR.
2509 SOUTHWINDS RUN
APEX, NC 27502

JANICE W. OLIVER, TRUSTEE
THE OLIVER FAMILY TRUST
8620 HUMIE OLIVE ROAD
APEX, NC 27502

ANNEXATION MAP for the TOWN OF APEX
JVI BUILDING & DEVELOPMENT, INC.
BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

PIN
0711-90-3580
0721-00-0505
0721-00-3444



Smith & Smith,
Surveyors, P.A.

P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111

FIRM LICENSE No. C-0155

DATE
AUGUST 8, 2024
SCALE 1" = 80'
DRAWN BY WBH
PROJ. NO.
2024-41



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

REVISED PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (September 13, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **8th day of October, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 788

Oliver Property – Humie Olive Road – 15.9428 acres



CLERK'S NOTE: The public hearing resolutions associated with the above item was approved on September 10, 2024 and scheduled for September 24, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, this item has been scheduled for consideration at the next regular scheduled meeting on October 08, 2024.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 788" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, October 08, 2024.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

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PIN 0721-00-3444, PIN 0721-00-0505, & a portion of PIN 0711-90-3580

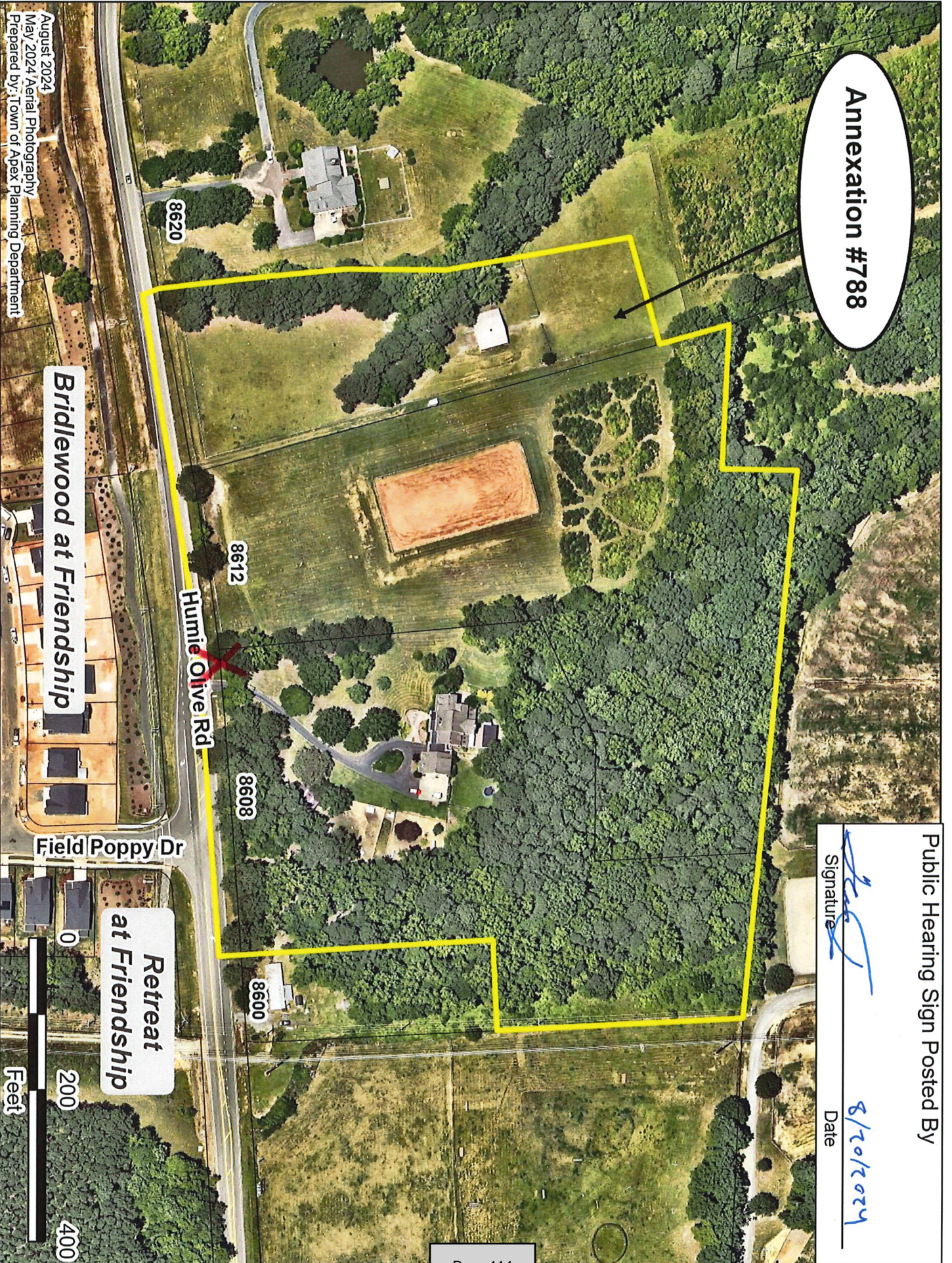
This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

Annexation #788

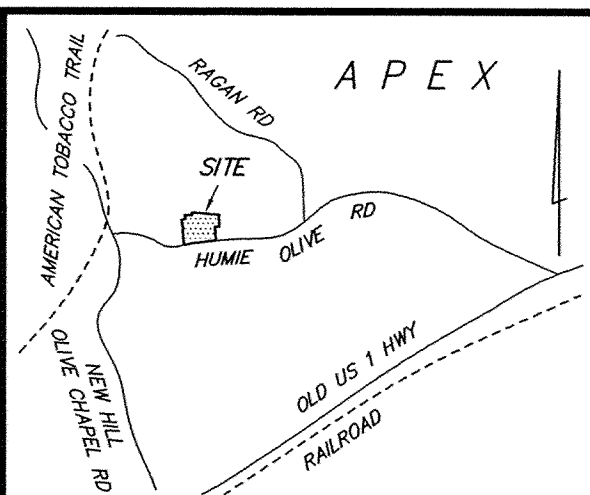
Public Hearing Sign Posted By

Signature *[Signature]*

Date 8/20/2024



August 2024
May 2024 Aerial Photography
Prepared by: Town of Apex Planning Department



VICINITY MAP (NOT TO SCALE)

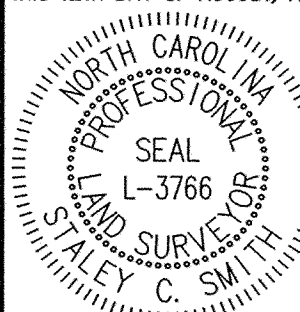
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THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(J).

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 12TH DAY OF AUGUST, A.D., 2024.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

(3)
**JANICE W. OLIVER, TRUSTEE
OF THE OLIVER FAMILY TRUST**
u/t/d MARCH 18, 2019 AS AMENDED

D.B. 19654, PG. 2201
B.M. 1998, PG. 1044

(LESS AND EXCEPT 0.710 AC.)
B.M. 2000, PG. 1767

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RECORDED IN BOOK OF MAPS **2024**, PAGE _____

ANNEXATION # _____
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certify this is a true and exact map of annexation adopted

the _____ day of _____, 2024,
by the Town Council. I set my hand and seal of

the Town of Apex, _____, 2024.

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

(B)
SUMMIT HILL FARM LLC
D.B. 12507, PG. 1599
B.M. 1984, PG. 1809

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 5. AREA DETERMINED USING THE COORDINATE GEOMETRY METHOD.
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B.M. 2020, PG. 1867
MAP NORTH

15.9428 ACRES TOTAL ANNEXED

(10)
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B.M. 1984, PG. 1882

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D.B. 19675, PG. 748
PIN 0721-00-3444

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PORTION OF
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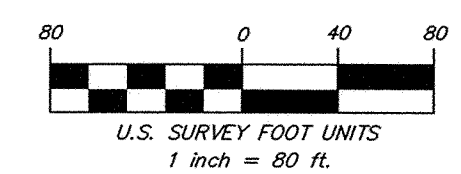
PORTION OF
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RETREAT AT FRIENDSHIP
B.M. 2023, PG. 1966

ANNEXATION # 702
B.M. 2021, PG. 386

BRIDLEWOOD AT
FRIENDSHIP PLACE
B.M. 2024, PG. 1085



ANNEXATION MAP for the TOWN OF APEX
JVI BUILDING & DEVELOPMENT, INC.
BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

PIN
0711-90-3580
0721-00-0505
0721-00-3444

**Smith & Smith,
Surveyors, P.A.**
P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111
FIRM LICENSE No. C-0155

DATE
AUGUST 8, 2024
SCALE 1" = 80'
DRAWN BY WBH
PROJ. NO.
2024-41

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(NOT A TITLE VERIFICATION)
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2509 SOUTHWINDS RUN
APEX, NC 27502
JANICE W. OLIVER, TRUSTEE
THE OLIVER FAMILY TRUST
8620 HUMIE OLIVE ROAD
APEX, NC 27502

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: September 24, 2024

Item Details

Presenter(s): Joshua Killian, Planner I

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 24CZ12 Oliver Property. The applicant, JVI Building & Development, Inc, seeks to rezone approximately 15.94 acres from Wake County Residential 40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 8608, 8612, and portion of 8620 Humie Olive Rd.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on September 9, 2024 and unanimously recommended approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0721003444, 0721000505, and 0711903580 (portion of).

Attachments

- PH2-A1: Staff Report - Rezoning Case No. 24CZ12 Oliver Property
- PH2-A2: Planning Board Report to Town Council - Rezoning Case No. 24CZ12 Oliver Property
- PH2-A3: Statement and Ordinance - Rezoning Case No. 24CZ12 Oliver Property
- PH2-A4: Attachment A - Legal Description - Rezoning Case No. 24CZ12 Oliver Property



STAFF REPORT

Rezoning #24CZ12 Oliver Property

September 24, 2024 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: 8608, 8612, and portion of 8620 Humie Olive Rd
Applicant: JVI Building & Development, Inc

PROJECT DESCRIPTION:

Acreage: ± 15.94 acres
PINs: 0721003444, 0721000505, and 0711903580 (portion of)
Current Zoning: Wake County Residential 40W (R-40W)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: No (annexation is required with rezoning)

Adjacent Zoning & Land Uses:

| | Zoning | Land Use |
|---------------|---|--|
| North: | Wake County Residential-40W (R-40W) | Agriculture |
| South: | Low Density Residential-Conditional Zoning (LD-CZ #20CZ13); Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ16) | Humie Olive Rd; Single-family residential (Bridlewood at Friendship and Retreat at Friendship) |
| East: | Wake County Residential-40W (R-40W) | Single-family residential |
| West: | Wake County Residential-40W (R-40W) | Single-family residential |

Existing Conditions:

The properties to be rezoned are situated along the north side of Humie Olive Rd between New Hill Olive Chapel Rd and Olive Farm Rd. The northern and eastern boundaries of the site are heavily wooded with a stream bisecting the northeast portion of the site. The site contains a single-family home as well as a horse barn and training ring within a cleared area that continues to the western boundary of the site where an angled tree line bisects the western parcel.

Neighborhood Meeting:

The applicant conducted two neighborhood meetings on May 29, 2024 and August 15, 2024. Both neighborhood meeting reports are attached.

WCPSS Coordination:

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

STAFF REPORT

Rezoning #24CZ12 Oliver Property

September 24, 2024 Town Council Meeting



Housing Staff Recommendation:

Consistent with the Town's Affordable Housing Incentive Zoning Policy, the proposed Oliver Property (Humie Olive Road) project with 42 units was recommended to designate 5% (2) of the total units towards affordability.

The applicant stated that the prospective developer has an affordable housing project (Townes on Tingen) that is in the development cycle that includes 100% (19) affordable housing units within Apex. The applicant and developer believe this exhibits their commitment to the Town of Apex' affordable housing initiatives and declined to provide affordable housing units within the Oliver Property project.

2045 Land Use Map:

The 2045 Land Use Map classifies the subject properties as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) is consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

- | | |
|------------------------|------------------|
| 1. Single-family | 4. Greenway |
| 2. Accessory apartment | 5. Park, active |
| 3. Utility, minor | 6. Park, passive |

Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

| | |
|-----------------------------------|---------------------------------|
| • Windows | • Decorative shake |
| • Bay window | • Decorative air vents on gable |
| • Recessed window | • Decorative gable |
| • Decorative window | • Decorative cornice |
| • Trim around the windows | • Column |
| • Wrap around porch or side porch | • Portico |
| • Two or more building materials | • Balcony |
| • Decorative brick/stone | • Dormer |
| • Decorative trim | |
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.



8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

10. The minimum average lot size shall be 7500 sf. and the maximum gross density will be 3 units per acre.
11. Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
12. Developer shall install pollinator-friendly and native flora within SCM planting areas.
13. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
14. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
15. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
16. A minimum of two pet waste stations shall be installed in HOA common area.
17. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
18. Any required outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. (to apply only to signage and other common owned elements.)
19. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
20. Stormwater design shall meet the 25-year storm for pre- and post- attenuation requirements.
21. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
22. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
23. 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.
24. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.
25. Developer shall dedicate right-of-way and construct minimum improvements along the Humie Olive Road property frontage based on a Rural 2-lane Thoroughfare on 110-foot right-of-way according to the Apex Transportation plan with 5-foot sidewalk along the north side of Humie Olive Road. Additionally, the eastern access point shall provide full movement aligned with Field Poppy Drive with an eastbound left turn lane to be constructed by the developer, and the western access point if proposed or required shall be constructed as right-in/right-out only, subject to review and approval by Apex and NCDOT.

ENVIRONMENTAL ADVISORY BOARD

The Apex Environmental Advisory Board (EAB) held a meeting for this proposed rezoning on June 18, 2024. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

STAFF REPORT

Rezoning #24CZ12 Oliver Property

September 9, 2024 Planning Board Meeting



| EAB Suggested Condition | Applicant's Response |
|---|----------------------|
| Stormwater design shall meet the 25-year storm for pre- and post-attenuation requirements. | Added |
| Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. | Added |
| Developer shall install pollinator-friendly and native flora within SCM planting areas. | Added |
| At least 2 pet waste stations shall be installed in the development | Added |
| All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. | Added |
| Any required outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. (to apply only to signage and other common owned elements.) | Added |
| The landscaping shall consist of a minimum of 75% native species to the eastern U.S. | Added |
| No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns. | 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. | Added |
| Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance. | Added |
| In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood. | Added |
| All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles. | Added |
| The 30-foot buffer along Humie Olive Road shall be a Type A. | Not Added |
| A solar PV system of at least 3.5 kW shall be installed on at least 8 of the homes in the development. | Not Added |

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ24 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommend held a Public Hearing on September 9, 2024 and unanimously recommended approval of the rezoning with the conditions offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map classifies the subject properties as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest as the proposed density and uses are consistent with adjacent developments while providing continued growth of available housing within Apex.

**CONDITIONAL ZONING STANDARDS:**

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

Legislative Considerations

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

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

Rezoning #24CZ12

**Bridlewood at
Friendship Place**

**Retreat at
Friendship**

Armeria Dr

Yumeewarra Dr

Field Poppy Dr

Humie Olive Rd

Cross Country Ln

0 300 600
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: #24CZ12

Submittal Date: _____

Fee Paid: _____

Project Information

Project Name: Oliver Property

Address(es): 8608 & 8612 Humie Olive Rd & 8620 Humie Olive Rd (portion of)

PIN(s): 0721-00-3444 & 0721-00-0505

0711-90-3580 (partial)

Acreage: 15.94

Current Zoning: R-40W

Proposed Zoning: Low Density Residential (LD-CZ)

Current 2045 LUM Classification(s): Low Density Residential

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

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

Area classified as mixed use:

Acreage: _____

Area proposed as non-residential development:

Acreage: _____

Percent of mixed use area proposed as non-residential:

Percent: _____

Applicant Information

Name: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex

State: NC

Zip: 27502

Phone: 919-387-8846

E-mail: joey@jviconstruction.com

Owner Information

Name: Janice Oliver Trustee; Joseph Iannone Jr

Address: 8620 Humie Olive Rd; 2509 Southwinds Run

City: Apex

State: NC

Zip: 27502

Phone: _____

E-mail: _____

Agent Information

Name: Jones & Crossen Engineering, PLLC - Will Norton

Address: PO Box 1062

City: Apex

State: NC

Zip: 27502

Phone: 919-387-1174

E-mail: will@jonescrossen.com

Other contacts: _____

PETITION INFORMATION

Application #: #24CZ12 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from R-40W to LD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

| | | | |
|----|---------------------|----|-------|
| 1 | Single Family | 21 | _____ |
| 2 | Accessory Apartment | 22 | _____ |
| 3 | Utility, minor | 23 | _____ |
| 4 | Greenway | 24 | _____ |
| 5 | Park, active | 25 | _____ |
| 6 | Park, passive | 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 | _____ |

Application #: #24CZ12 Submittal Date: _____

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.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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.

The rezoning will meet the LD zoning requirements set forth in the UDO. The density will be compatible as a transition to the low and medium density developments to the south and east and rural single family housing to the north and west.

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. The minimum average lot size shall be 7500 sf. and the maximum gross density will be 3 units per acre.
2. Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
3. Developer shall install pollinator-friendly and native flora within SCM planting areas.
4. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
5. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
6. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
7. A minimum of two pet waste stations shall be installed in HOA common area.
8. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
9. Any required outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. (to apply only to signage and other common owned elements.)
10. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
11. Stormwater design shall meet the 25-year storm for pre- and post- attenuation requirements.
12. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
13. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
14. 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.
15. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.
16. Developer shall dedicate right-of-way and construct minimum improvements along the Humie Olive Road property frontage based on a Rural 2-lane Thoroughfare on 110-foot right-of-way according to the Apex Transportation plan with 5-foot sidewalk along the north side of Humie Olive Road. Additionally, the eastern access point shall provide full movement aligned with Field Poppy Drive with an eastbound left turn lane to be constructed by the developer, and the western access point if proposed or required shall be constructed as right-in/right-out only, subject to review and approval by Apex and NCDOT.

PETITION INFORMATION

Application #: #24CZ12 Submittal Date: _____

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

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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.

As we are proposing a residential use, there is compatibility with the surrounding lands, and with the low density we are proposing, traffic should be minimal. Trash will be collected for each individual lot as a Town of Apex service, so there is no concern of any common area dumpsters creating an odor 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.

The rezoning will adhere to all UDO standards and Town of Apex stormwater requirements

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

The low residential density proposed with the conditional zoning will minimize any overburdening of public 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.

The development of this parcel should not have a negative affect on the health, safety or welfare of Apex citizens.

PETITION INFORMATION

Application #:

#24CZ12

Submittal Date:

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

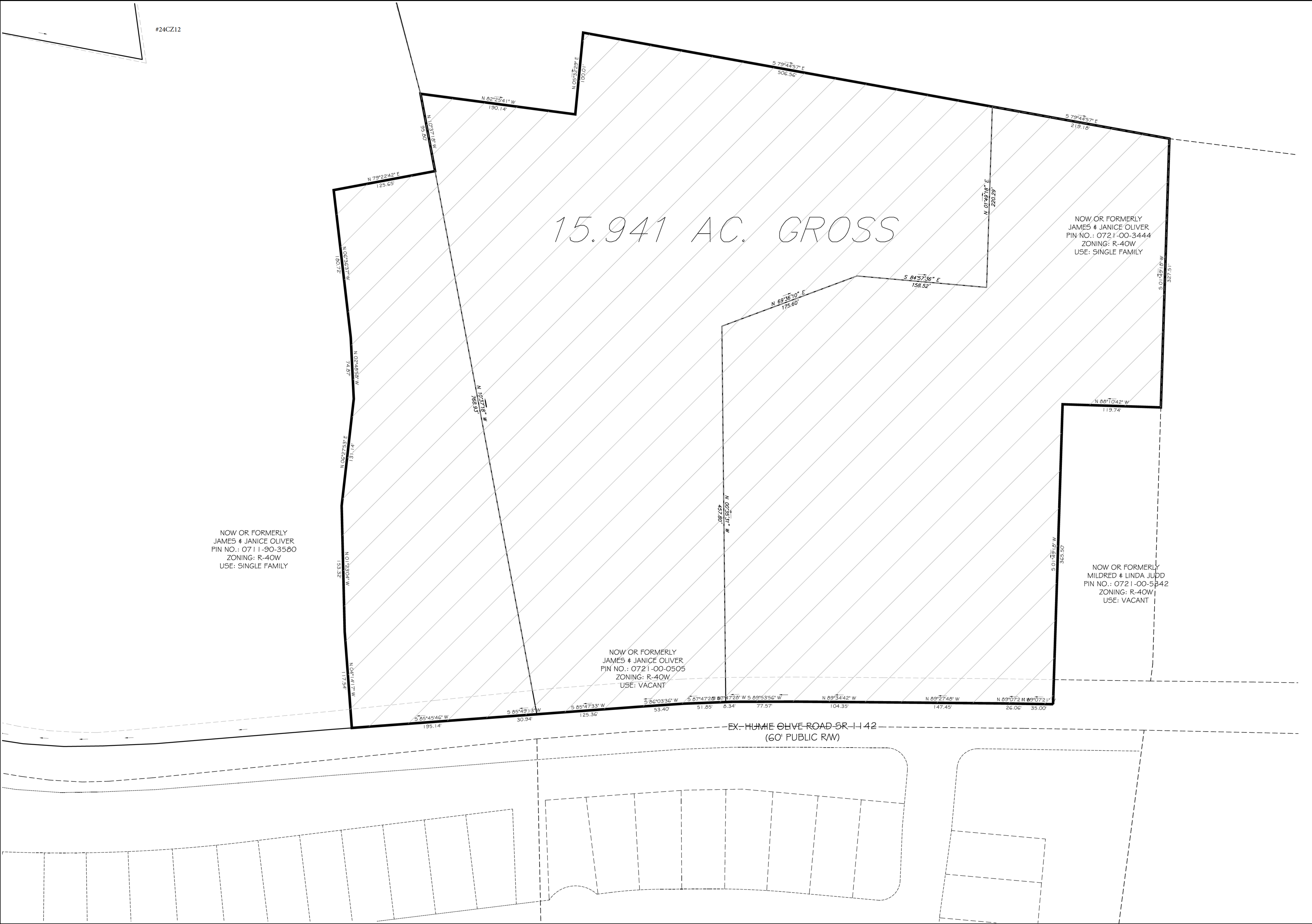
The surrounding land uses are a mix of R-40W, PUD-CZ and LD-CZ so this rezoning to Low Density Residential should not be detrimental to the adjacent properties.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Residential homes are generally not a nuisance or hazard because of the character of the neighborhood. The number of units is compatible with Land Use Map and the surrounding properties and the impact of these few units on the surrounding area will be minimal.

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

The conditional zoning district will follow the standards of the Town of Apex UDO.



| | | | |
|----------|--------------|-------|-----|
| SCALE | 1"=50' | DRAWN | WCN |
| DATE | JULY 3, 2024 | | |
| REVISION | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| SHEET | 1 | | |
| PROJECT | 2336 | | |

#24CZ12

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at the southwest corner Tract B (B.M. 1984, Pg. 1809), the northwest corner Lot 1 (B.M. 2015, Pg. 979), an eastern corner Lot 3 (B.M. 1998, Pg. 1044); thence South 82° 25' 41" East, 190.14 feet; thence North 05° 32' 29" East, 100.01 feet; thence South 79° 44' 57" East, 506.56 feet; thence South 79° 44' 57" East, 219.18 feet; thence South 01° 49' 18" West, 327.51 feet; thence North 88° 10' 42" West, 119.74 feet; thence South 01° 49' 18" West, 365.50 feet to a point in Humie Olive Road ~ NCSR 1142; thence North 89° 07' 21" West, 35.00 feet; thence North 89° 07' 21" West, 26.06 feet; thence North 89° 27' 48" West, 147.45 feet; thence North 89° 34' 42" West, 104.35 feet; thence South 89° 53' 56" West, 77.57 feet; thence South 87° 47' 28" West, 8.34 feet; thence South 87° 47' 28" West, 51.85 feet; thence South 86° 03' 36" West, 53.40 feet; thence South 85° 47' 33" West, 125.36 feet; thence South 85° 49' 13" West, 30.94 feet; thence South 85° 45' 46" West, 195.14 feet; thence North 04° 14' 17" West, 117.54 feet; thence North 01° 23' 04" West, 153.32 feet; thence North 06° 27' 53" East, 131.14 feet; thence North 02° 48' 58" West, 74.87 feet; thence North 06° 36' 37" West, 180.72 feet; thence North 79° 22' 42" East, 125.65 feet; thence North 10° 37' 18" West, 95.80 feet to the BEGINNING, containing 15.9412 acres (694,399 square feet) more or less.

The above-described area is recorded in:

D.B. 16534, Pg. 509, D.B. 17400, Pg. 663, & a portion of D.B. 19620, Pg. 1209

B.M. 2015, Pg. 979 ~ Lot 1 & 2, B.M. 1998, Pg. 1044, & B.M. 2000, Pg. 1767

PIN 0721-00-3444, PIN 0721-00-0505, & a portion of PIN 0711-90-3580

The sole purpose of this description is to define the Planned Unit Development Boundary & annexation of a municipal boundary and for no other use.

PRELIMINARY

AGENT AUTHORIZATION FORMApplication #: #24CZ12

Submittal Date: _____

Janice Oliver, Trustee

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: 8620 Humie Olive RdThe agent for this project is: Jones & Crossen Engineering, PLLC

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

Agent Name: Will NortonAddress: PO Box 1062, Apex, NC 27502Telephone Number: (919) 387-1174E-Mail Address: will@jonescrossen.com

Signature(s) of Owner(s)*

Janice Oliver
Janice Oliver

Type or print name

8-12-24

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: #24CZ12

Submittal Date: _____

The undersigned, Janice W. Oliver, Trustee of The Oliver Family Trust (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 8620 Humie Olive 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 07/05/2024, and recorded in the Wake County Register of Deeds Office on 07/05/2024, in Book 019654 Page 02201-02202.
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 07/05/2024, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 07/05/2024, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 12 day of August, 2024.

Janice Oliver
Janice Oliver

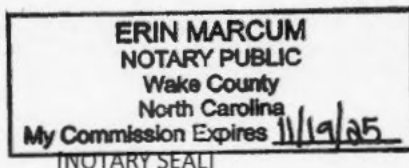
(seal)

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 Janice Oliver, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's driver's license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[Signature]
Notary Public

State of North Carolina
My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTIONApplication #: #24CZ12

Submittal Date: _____

Insert legal description below.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at the southwest corner Tract B (B.M. 1984, Pg. 1809), the northwest corner Lot 1 (B.M. 2015, Pg. 979), an eastern corner Lot 3 (B.M. 1998, Pg. 1044); thence South 10 37' 18" East, 768.87 feet to a point in Humie Olive Road ~ NCSR 1142; thence South 85 49' 13" West, 30.94 feet; thence South 85 45' 43" West, 220.06 feet; thence South 85 22' 10" West, 215.12 feet; thence South 87' 11" West, 63.56 feet; thence South 89' 20" West, 47.90 feet; thence North 86' 13" West, 49.93 feet; thence North 81' 44" West, 49.79 feet; thence North 76' 06" West, 49.41 feet; thence North 70' 35" West, 50.55 feet; thence North 62' 33" West, 50.11 feet; thence North 57' 52" West, 49.83 feet; thence North 54' 25" West, 150.03 feet; thence North 57' 48" West, 38.42 feet; thence North 57' 48" West, 61.40 feet; thence North 60' 35" West, 80.13 feet; thence North 11' 33" East, 482.34 feet; thence North 82' 26" East, 162.95 feet; thence North 50' 51" East, 188.02 feet; thence South 79' 08" East, 249.72 feet; thence North 07' 51" West, 677.08 feet; thence North 82' 01" East, 236.70 feet; thence South 14' 44" East, 768.01 feet to the BEGINNING, containing 22.29 acres more or less.

The above-described area is recorded in:

D.B. 17434, Pg. 1862

B.M. 1998, Pg. 1044 & B.M. 2000, Pg. 1767

PIN 0711-90-3580

This description prepared for the sole purpose to rezone a property and for no other use.

PRELIMINARY

AGENT AUTHORIZATION FORMApplication #: #24CZ12

Submittal Date: _____

Joseph V Iannone Jr

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

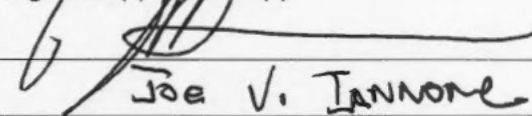
☐ Other: _____

The property address is: 8612 Humie Olive RdThe agent for this project is: Jones & Crossen Engineering, PLLC

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

Agent Name: Will NortonAddress: PO Box 1062, Apex, NC 27502Telephone Number: (919) 387-1174E-Mail Address: will@jonescrossen.com

Signature(s) of owner(s)*



Type or print name

8-12-24

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

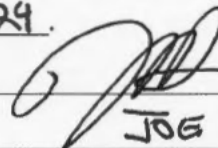
AFFIDAVIT OF OWNERSHIPApplication #: #24CZ12

Submittal Date: _____

The undersigned, JOE V. IANNONE (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 8612 Humie Olive 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 07/16/2024, and recorded in the Wake County Register of Deeds Office on 07/31/2024, in Book 019675 Page 00748-00750.
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 04/01/2019, 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 04/01/2019, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 12 day of Aug, 2024.



(seal)

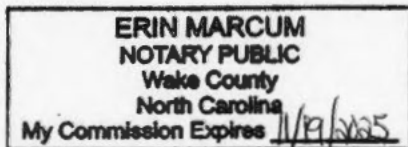
JOE V. IANNONE

Type or print name

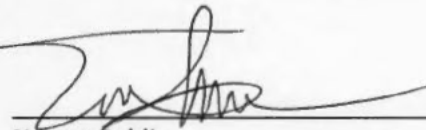
STATE OF NORTH CAROLINA

COUNTY OF WAKE

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



[NOTARY SEAL]



Notary Public

State of North Carolina

My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #24CZ12

Submittal Date: _____

Insert legal description below.

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at the southwest corner Tract B (B.M. 1984, Pg. 1809), the northwest corner Lot 1 (B.M. 2015, Pg. 979), an eastern corner Lot 3 (B.M. 1998, Pg. 1044); thence South 82° 25' 41" East, 190.14 feet; thence North 05° 32' 29" East, 100.01 feet; thence South 79° 44' 57" East, 506.56 feet; thence South 01° 49' 18" West, 220.29 feet; thence North 84° 57' 36" West, 158.52 feet; thence South 69° 36' 10" West, 175.60 feet; thence South 00° 35' 31" East, 457.80 feet to a point in Humie Olive Road ~ NCSR 1142; thence South 87° 47' 28" West, 51.85 feet; thence South 86° 03' 36" West, 53.40 feet; thence South 85° 47' 33" West, 125.36 feet; thence North 10° 37' 18" West, 768.93 feet to the BEGINNING, containing 7.215 acres more or less.

The above-described area is recorded in:

D.B. 17400, Pg. 663

B.M. 2015, Pg. 979 ~ Lot 1

PIN 0721-00-0505

This description prepared for the sole purpose to rezone a property and for no other use.

PRELIMINARY

AGENT AUTHORIZATION FORM

Application #: #24CZ12

Submittal Date: _____

Joseph V Iannone Jr

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: 8608 Humie Olive Rd

The agent for this project is: Jones & Crossen Engineering, PLLC

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

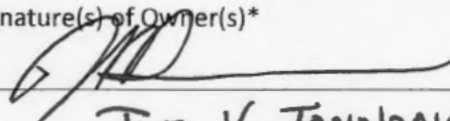
Agent Name: Will Norton

Address: PO Box 1062, Apex, NC 27502

Telephone Number: (919) 387-1174

E-Mail Address: will@jonescrossen.com

Signature(s) of Owner(s)*



JOE V. IANNONE

Type or print name

8-12-24

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: #24CZ12

Submittal Date: _____

The undersigned, Joseph V Iannone Jr (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 8608 Humie Olive 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 07/16/2024, and recorded in the Wake County Register of Deeds Office on 07/31/2024, in Book 019675 Page 00748-00750.
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 07/16/2019, 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 07/16/2019, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 12 day of Aug, 2024

(seal)

JOE V. IANNONE

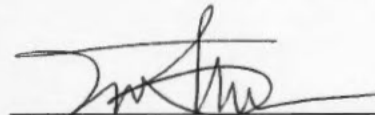
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 11/19/2025
[NOTARY SEAL]



Notary Public

State of North Carolina

My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #24CZ12

Submittal Date: _____

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point in the southern line of Tract B (B.M. 1984, Pg. 1809), the northeast corner Lot 1 (B.M. 2015, Pg. 979), the northwest corner Lot 2 (B.M. 2015, Pg. 979); thence South 79° 44' 57" East, 219.18 feet; thence South 01° 49' 18" West, 327.51 feet; thence North 88° 10' 42" West, 119.74 feet; thence South 01° 49' 18" West, 365.50 feet to a point in Humie Olive Road ~ NCSR 1142; thence North 89° 07' 21" West, 35.00 feet; thence North 89° 07' 21" West, 26.06 feet; thence North 89° 27' 48" West, 147.45 feet; thence North 89° 34' 42" West, 104.35 feet; thence South 89° 53' 56" West, 77.57 feet; thence South 87° 47' 28" West, 8.34 feet; thence North 00° 35' 31" West, 457.80 feet; thence North 69° 36' 10" East, 175.60 feet; thence South 84° 57' 36" East, 158.52 feet; thence North 01° 49' 18" East, 220.29 feet to the BEGINNING, containing 6.111 acres more or less.

The above-described area is recorded in:

D.B. 16534, Pg. 509

B.M. 2015, Pg. 979 ~ Lot 2

PIN 0721-00-3444

This description prepared for the sole purpose to rezone a property and for no other use.

PRELIMINARY

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 | JVI Building & Development, Inc |
| Company Phone Number | 919-387-8846 |
| Developer Representative Name | Joey Iacone |
| Developer Representative Phone Number | 919-387-8846 |
| Developer Representative Email | joey@jviconstruction.com |

| New Residential Subdivision Information | |
|---|--|
| Date of Application for Subdivision | June 03 2024 |
| City, Town or Wake County Jurisdiction | Town of Apex |
| Name of Subdivision | TBD |
| Address of Subdivision (if unknown enter nearest cross streets) | 8608 & 8612 Humie Olive Rd and 8620 Humie Olive Rd (partial) |
| REID(s) | 0244585, 0430000, 0241811 |
| PIN(s) | 0721-00-3444, 0721-00-0505, 0711-90-3580 (partial) |

| Projected Dates Information | |
|--|------|
| Subdivision Completion Date | 2026 |
| Subdivision Projected First Occupancy Date | 2025 |

| Lot by Lot Development <i>Information</i> | | | | | | | | | | | | | | | | | |
|---|------------------|---------------|--------|-----------|-----------|-----------|-----------|-------------------|------|-------------|------|--------------------------------------|---------|------|---------|------|---------|
| 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 | 41 | | | | | | 41 | 2500 | 3500 | 500K | 800K | 2025 | 20 | 2026 | 21 | | |
| Townhomes | | | | | | | | | | | | | | | | | |
| Condos | | | | | | | | | | | | | | | | | |
| Apartments | | | | | | | | | | | | | | | | | |
| Other | | | | | | | | | | | | | | | | | |

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.

May 14, 2024

Date

Dear Neighbor:

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

8608 & 8612 Humie Olive Rd

0721-00-3444 & 0721-00-0505

8620 Humie Olive Rd

0711-90-3580 (partial)

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)):

Proposing to rezone two parcels and a portion of a third parcel along Humie Olive Rd. from R-40W to

Low Density Zoning (LD). This would allow for a single family development of up to 3 units per acre. A proposed subdivision layout is enclosed.

Estimated submittal date: June 03, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

Janice Oliver and Mark & Kymberly Mitro

Applicant(s):

JVI Building & Development, Inc

Contact information (email/phone):

will@jonescossen.com; 919-387-1174

Meeting Address:

Zoom - see enclosed details

Date/Time of meeting**:

May 29, 2024 6:00 PM - 7:00 PM

Welcome: 6:00 PM

Project Presentation: 6:05 PM

Question & Answer: 6:15 - 7:00 PM

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



Jones & Cnossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonescnossen.com

Zoom Meeting Details – Oliver Property Rezoning & Subdivision

When: **May 29, 2024 06:00 PM Eastern Time** (US and Canada)

Register using the QR code:

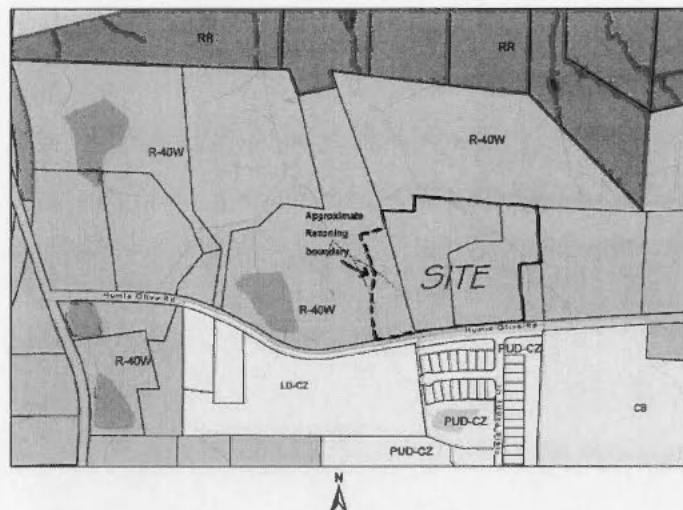


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 839 1693 0492 and then the Passcode: 102193.

Provide your First & Last Name, Email address, and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on May 29th.

Or to join the meeting by phone: dial (301) 715-8592 or (305) 224-1968 and enter the Meeting ID 839 1693 0492 and the Passcode 102193. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity Exhibit



PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Oliver Property Zoning: R-40W

Location: 8608, 8612 & 8620 Humie Olive Rd

Property PIN(s): 0721-00-3444 & 0721-00-0505 Acreage/Square Feet: 16.0 +/-
0711-90-3580 (partial)

Property Owner: Janice Oliver and Mark & Kymberly Mitro

Address: 8608, 8612 & 8620 Humie Olive Rd

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Fax: _____ Email: joey@jviconstruction.com

Engineer: Jones & Cossen Engineering, PLLC - Will Norton

Address: 221 N. Salem St, Suite 001

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: will@jonescossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

| | |
|--|----------------|
| Planning Department Main Number (Provide development name or location to be routed to correct planner) | (919) 249-3426 |
| Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager | (919) 372-7468 |
| 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 |

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: James Misciagno 919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: Non-Emergency Police 919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: James Misciagno 919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams: James Misciagno 919-372-7470 Danny Smith Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: James Misciagno 919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: James Misciagno 919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: James Misciagno 919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.




Electric Utility Installation: Rodney Smith 919-249-3342

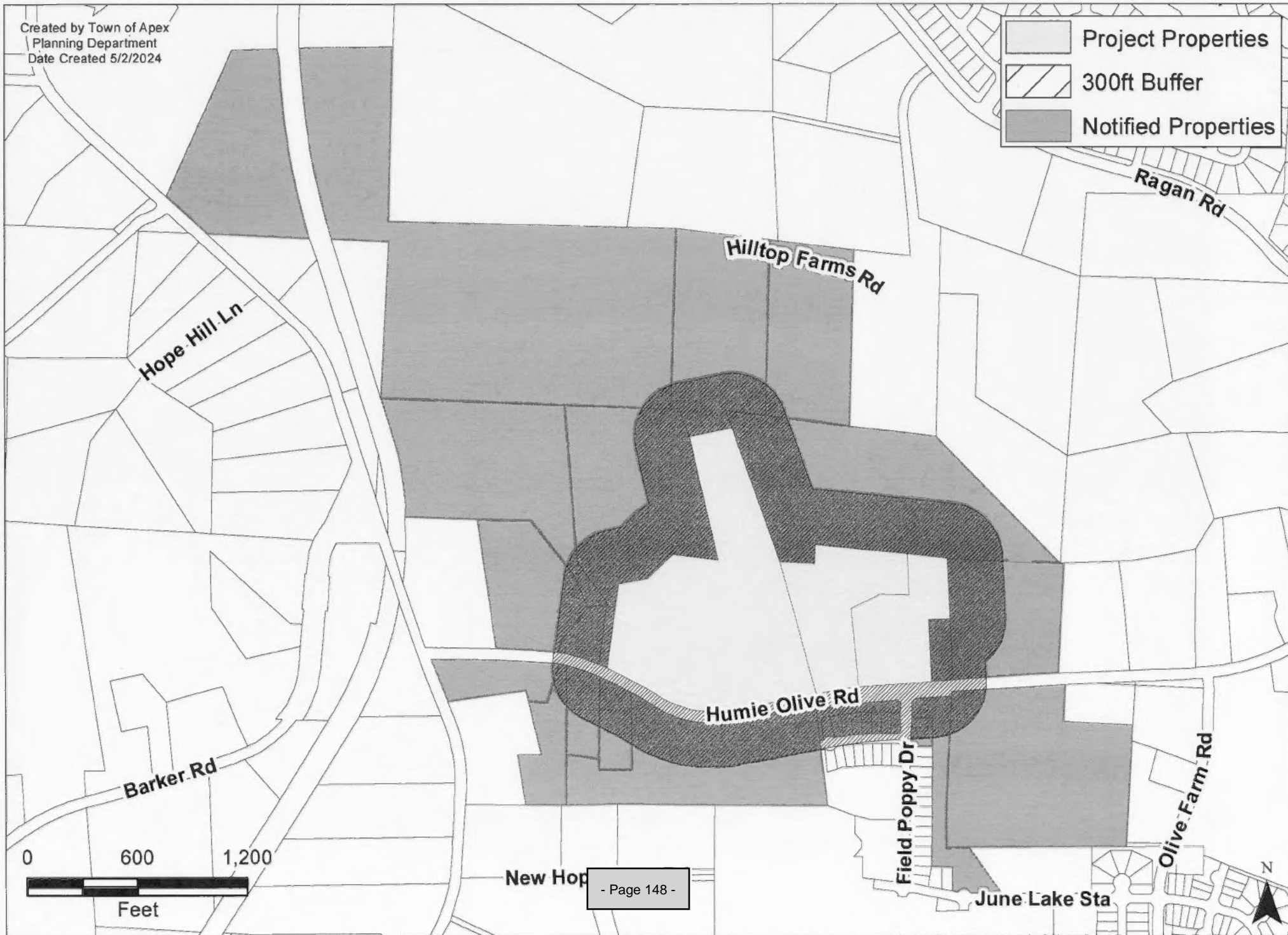
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



Notified Properties within 300ft of the Project Properties

Created by Town of Apex
Planning Department
Date Created 5/2/2024

-  Project Properties
-  300ft Buffer
-  Notified Properties



| | | OWNER | MAILING ADDRESS | |
|----------------------------|------------|--|-------------------------------|-----------------------|
| 0 OLIVE FARM RD | 0720190685 | APEX TOWN OF | PO BOX 250 | APEX NC 27502-0250 |
| 8805 HUMIE OLIVE RD | 0710894718 | CESPEDES, MERQUIADES N GARCIA, CLAUDIA LISBETH YANES | 7704 JENKS RD | APEX NC 27523-7818 |
| 0 HUMIE OLIVE RD | 0710897972 | FULLER - YUMEEWARRA FARMS LLC | 8801 FAST PARK DR STE 301 | RALEIGH NC 27617-4853 |
| 1816 CROSS COUNTRY LN | 0721009530 | GENTILE, CHRISTOPHER D | 1816 CROSS COUNTRY LN | APEX NC 27502-9600 |
| 2717 HILLTOP FARMS RD | 0711928022 | GREEN, JAMES W GREEN, VERONICA | 2717 HILLTOP FARMS RD | APEX NC 27502-8714 |
| 0 NEW HILL OLIVE CHAPEL RD | 0711637141 | HANNA, DONALD P | 408 DEVONHALL LN | CARY NC 27518-2863 |
| 2729 HILLTOP FARMS RD | 0711623038 | HARTNETT, GARY M HARTNETT, SHARON C | 2729 HILLTOP FARMS RD | APEX NC 27502-8714 |
| 8800 HUMIE OLIVE RD | 0721005342 | JUDD, LINDA FAYE JUDD, GRACIE ANN | 8800 HUMIE OLIVE RD | APEX NC 27502-8976 |
| 8724 HUMIE OLIVE RD | 0711811392 | LEON, ANNETTE | 8724 HUMIE OLIVE RD | APEX NC 27502-9672 |
| 0 HUMIE OLIVE RD | 0720097066 | M/I HOMES OF RALEIGH LLC | 1511 SUNDAY DR STE 100 | RALEIGH NC 27607-5195 |
| 8813 HUMIE OLIVE RD | 0711803160 | OLIVE, KATHY | 8813 HUMIE OLIVE RD | APEX NC 27502-9603 |
| 8608 HUMIE OLIVE RD | 0721003444 | OLIVER, JAMES E JR OLIVER, JANICE | 8608 HUMIE OLIVE RD | APEX NC 27502-8976 |
| 8612 HUMIE OLIVE RD | 0721000505 | OLIVER, JAMES E JR OLIVER, JANICE | 8620 HUMIE OLIVE RD | APEX NC 27502-8976 |
| 8620 HUMIE OLIVE RD | 0711903580 | OLIVER, JAMES E JR, OLIVER, JANICE | 8620 HUMIE OLIVE RD | APEX NC 27502-8976 |
| 8728 HUMIE OLIVE RD | 0711806319 | ROHRER, WILLIAM MICHAEL ROHRER, GINA | 8728 HUMIE OLIVE RD | APEX NC 27502-9672 |
| 8720 HUMIE OLIVE RD | 0711818065 | SMITHEY, SHELBY R | 8720 HUMIE OLIVE RD | APEX NC 27502-9672 |
| 1804 CROSS COUNTRY LN | 0721013166 | SUMMIT HILL FARM LLC | 2508 VETTA CV | APEX NC 27502-9691 |
| | | Current Tenant | 3100 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3104 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3110 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3114 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3118 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3122 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3126 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 3130 Armeria DR | APEX NC 27502 |
| | | Current Tenant | 2305 Field Poppy DR | APEX NC 27502 |
| | | Current Tenant | 2309 Field Poppy DR | APEX NC 27502 |
| | | Current Tenant | 2313 Field Poppy DR | APEX NC 27502 |
| | | Current Tenant | 8633 Humie Olive RD | APEX NC 27502 |
| | | Current Tenant | 8805 Humie Olive RD | APEX NC 27502 |
| | | Current Tenant | 8820 Humie Olive RD | APEX NC 27502 |
| | | Current Tenant | 1625 New Hill Olive Chapel RD | APEX NC 27502 |

Created by Town of Apex Planning Department
Date Created: 5/2/2024

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom - see enclosed details

Date of meeting: May 29, 2024 Time of meeting: 6:00 PM - 7:00 PM

Property Owner(s) name(s): Janice Oliver and Mark & Kymberly Mitro

Applicant(s): JVI Building & Development, 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. | Will Norton, Jones & Crossen Engineering | 221 N. Salem St, Suite 001 | 919-387-1174 | | <input type="checkbox"/> |
| 2. | Ben Tursam | 3112 Maisbank Circle | | | <input checked="" type="checkbox"/> |
| 3. | Gary & Sharon Hartnett | 2729 Hilltop Farms Rd | | | <input checked="" type="checkbox"/> |
| 4. | | | | | <input type="checkbox"/> |
| 5. | | | | | <input type="checkbox"/> |
| 6. | | | | | <input type="checkbox"/> |
| 7. | | | | | <input type="checkbox"/> |
| 8. | | | | | <input type="checkbox"/> |
| 9. | | | | | <input type="checkbox"/> |
| 10. | | | | | <input type="checkbox"/> |
| 11. | | | | | <input type="checkbox"/> |
| 12. | | | | | <input type="checkbox"/> |
| 13. | | | | | <input type="checkbox"/> |
| 14. | | | | | <input type="checkbox"/> |

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): Janice Oliver and Mark & Kymberly Mitro

Applicant(s): JVI Building & Development, Inc

Contact information (email/phone): will@jonescrossett.com; 919-387-1174

Meeting Address: Zoom - see enclosed details

Date of meeting: May 29, 2024

Time of meeting: 6:00 PM - 7:00 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:

Does this project have the availability to get larger with more parcels added?

Applicant's Response:

The project is limited in size due to sewer availability so the project is more than likely restricted to these parcels based on elevation and topography and sanitary sewer infrastructure.

Question/Concern #2:

What are the stormwater requirements and will all the runoff from the development go to the stream to the north that runs through our properties? We are concerned with additional runoff and flooding.

Applicant's Response:

The project will be required to meet all Town of Apex and NC standards for stormwater control. The site will manage runoff using retention ponds and control pre vs post flows for the 1 & 10-year storms and not adversely effect any downstream properties by completing a stormwater impact analysis

Question/Concern #3:

Can we access to the runoff calculations and analysis of runoff?

Applicant's Response:

After construction drawings the stormwater calculation package will be public information and can be provided.

Question/Concern #4:

Can the parcel to the west gain sewer and be added?

Applicant's Response:

Because of elevation of existing sewer and topography, sewer access is limited and will not be able to reach further to this parcel.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING 05/29/2024

ADDITIONAL QUESTIONS & ANSWERS

Q: Do you know where the pump station will be located and when it may be planned down the natural draw?

A: I do not know the location of the pump station or when it may be planned to be designed and implemented. I would defer that to Town of Apex public utilities.

Q: Where does the road to the north plan to go?

A: This road is necessary based on the 2045 transportation plan that shows a local street in this area, it is not imminent but provides an opportunity for future parcels to extend should they develop in the future

Q: Will the northern property line be landscape buffer or undisturbed and what can happen across the creek?

A: Our desire would be to keep the landscape buffer natural if it meets the requirements with the existing trees and groundcover that is currently located. The landscape architect will investigate and decide if any supplementary landscaping will be required.

Q: What size lots and what types of product are we looking at doing?

A: The lot sizes are larger in the low density zoning designation, the goal is to do a nice single family product. We are not sure of the exact types of homes but the developer is a custom home builder.

Q: How quickly is this project planning to move?

The project will follow the process of rezoning, master subdivision and construction drawing approvals. There will also be NC Department Of Transportation approvals so there are a lot of processes to go through and this is just the initial rezoning stage.

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

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

I, Will Norton, do hereby declare as follows:
Print Name

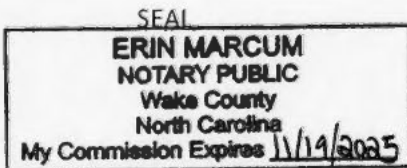
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom - see enclosed details (location/address) on May 29, 2024 (date) from 6:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

5/30/24
Date

By: William C. Norton

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 30th day of May, 2024.



[Signature]
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

NOTICE OF NEIGHBORHOOD MEETING

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

July 23, 2024

Date

Dear Neighbor:

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

8608 & 8612 Hume Olive Rd

0721-00-3444 & 0721-00-0505

8620 Humie Olive Rd (portion of)

0711-90-3580 (partial)

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)):

Proposing to rezone two parcels and a portion of a third parcel on Humie Olive Rd from R-40W to Low Density

Zoning (LD). This would allow for a single family development of up to 3 units per acre.

This is a follow up meeting to the neighborhood meeting held on May 29, 2024.

Estimated submittal date: submitted July 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

Janice Oliver and Mark & Kymberly Mitro

Applicant(s):

JVI Building & Development, Inc

Contact information (email/phone):

will@jonescossen.com; 919-387-1174

Meeting Address:

Zoom - see enclosed details

Date/Time of meeting**:

August 15, 2024 6:00 PM - 7:00 PM

Welcome: 6:00 PM

Project Presentation: 6:05 PM

Question & Answer: 6:15 - 7:00 PM

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



Jones & Cnossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonescnossen.com

Zoom Meeting Details – Oliver Property Rezoning & Subdivision

When: **August 15, 2024 06:00 PM Eastern Time (US and Canada)**

Register using the QR code:



Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 899 7635 7876 and then the Passcode: 113450.

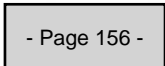
Provide your First & Last Name, Email address, and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on August 15th.

Or to join the meeting by phone: dial (301) 715-8592 or (305) 224-1968 and enter the Meeting ID 899 7635 7876 and the Passcode 113450. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity Exhibit



Jones & Crossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning



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: Oliver Property Zoning: R-40W

Location: 8608 & 8612 Humie Olive Rd & 8620 Humie Olive Rd (portion of)

Property PIN(s): 0721-00-3444 & 0721-00-0505 Acreage/Square Feet: 0711-90-3580 (partial)

Property Owner: Janice Oliver and Mark & Kymberly Mitro

Address: 8608, 8612 & 8620 Humie Olive Rd

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Fax: _____ Email: joey@jviconstruction.com

Engineer: Jones & Cnossen Engineering, PLLC - Will Norton

Address: 221 N. Salem St, Suite 001

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: will@jonescnossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

| | |
|--|----------------|
| Planning Department Main Number (Provide development name or location to be routed to correct planner) | (919) 249-3426 |
| Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager | (919) 372-7468 |
| Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager | (919) 249-3358 |
| Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) | (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 |

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

| | | |
|---|-----------------------------|---------------------|
| Noise & Hours of Construction: | Non-Emergency Police | 919-362-8661 |
|---|-----------------------------|---------------------|

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 am to 8:30 pm so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday-Friday from 8:00 am to 5:00 pm. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

| | | |
|------------------------------|-----------------------------------|---------------------|
| Construction Traffic: | Infrastructure Inspections | 919-249-3386 |
|------------------------------|-----------------------------------|---------------------|

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

| | | |
|---|-----------------------------------|---------------------|
| Road Damage & Traffic Control: | Infrastructure Inspections | 919-249-3386 |
|---|-----------------------------------|---------------------|

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

| | | |
|----------------------------|-----------------------------|---------------------|
| Parking Violations: | Non-Emergency Police | 919-362-8661 |
|----------------------------|-----------------------------|---------------------|

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

| | | |
|--------------------------|------------------------|---------------------|
| Dirt in the Road: | Water Resources | 919-362-8166 |
|--------------------------|------------------------|---------------------|

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

| | | |
|--|------------------------|---------------------|
| Dirt on Properties or in Streams: | Water Resources | 919-362-8166 |
|--|------------------------|---------------------|

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

| | | |
|--------------|------------------------|---------------------|
| Dust: | Water Resources | 919-362-8166 |
|--------------|------------------------|---------------------|

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

| | | |
|---------------|------------------------|---------------------|
| Trash: | Water Resources | 919-362-8166 |
|---------------|------------------------|---------------------|

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

| | | |
|-----------------------------------|------------------------|---------------------|
| Temporary Sediment Basins: | Water Resources | 919-362-8166 |
|-----------------------------------|------------------------|---------------------|

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

| | | |
|-------------------------------------|------------------------|---------------------|
| Stormwater Control Measures: | Water Resources | 919-362-8166 |
|-------------------------------------|------------------------|---------------------|

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed.

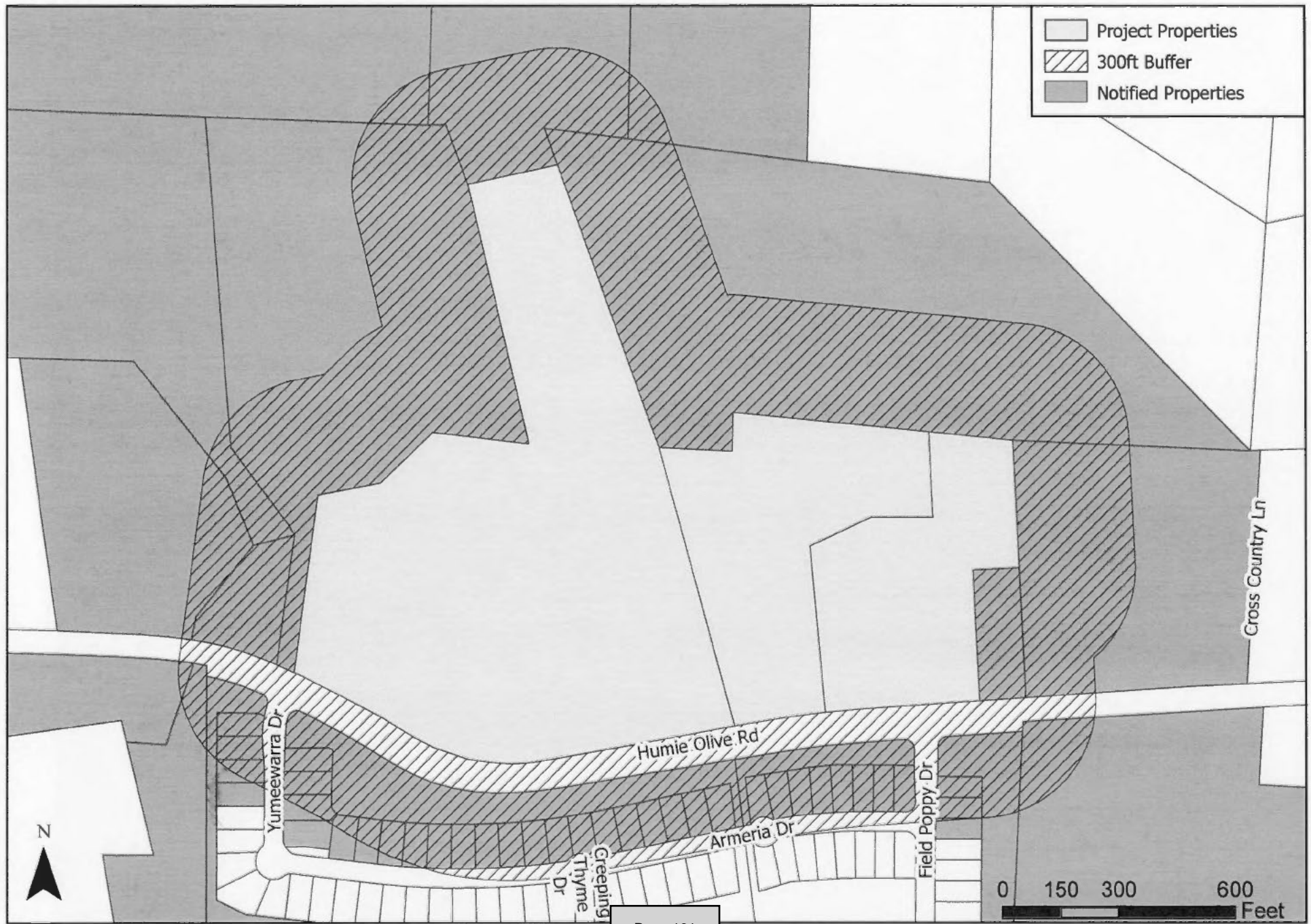
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| Electric Utility Installation: | Rodney Smith | 919-249-3342 |
|---------------------------------------|---------------------|---------------------|

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

| SITE ADDRESS | PIN NUMBER | OWNER | MAILING ADDRESS |
|----------------------------|------------|---|-------------------------------|
| 8720 HUMIE OLIVE RD | 0711818065 | SMITHEY, SHELBY R | 8720 HUMIE OLIVE RD |
| 2212 YUMEEWARRA DR | 0710895996 | HHHJUNT HOMES RALEIGH-DURHAM LLC | 11237 NUCKOLS RD |
| 0 HUMIE OLIVE RD | 0720097068 | M/I HOMES OF RALEIGH LLC | 1511 SUNDAY DR STE 100 |
| 1816 CROSS COUNTRY LN | 0721009530 | GENTILE, CHRISTOPHER D | 1816 CROSS COUNTRY LN |
| 2729 HILLTOP FARMS RD | 0711923038 | HARTNETT, GARY M HARTNETT, SHARON C | 2729 HILLTOP FARMS RD |
| 0 NEW HILL OLIVE CHAPEL RD | 0711637141 | HANNA, DONALD P | 406 DEVONHALL LN |
| 1804 CROSS COUNTRY LN | 0721013166 | SUMMIT HILL FARM LLC | 2506 VETTA CV |
| 0 OLIVE FARM RD | 0720190665 | APEX TOWN OF | PO BOX 250 |
| 8608 HUMIE OLIVE RD | 0721003444 | OLIVER, JAMES E JR OLIVER, JANICE | 8808 HUMIE OLIVE RD |
| 8805 HUMIE OLIVE RD | 0710894718 | CESPEDES, MERQUIADES N GARCIA, CLAUDIA LISBETH YANES | 7704 JENKS RD |
| 8612 HUMIE OLIVE RD | 0721000505 | OLIVER, JAMES E JR OLIVER, JANICE | 8620 HUMIE OLIVE RD |
| 8813 HUMIE OLIVE RD | 0711803160 | OLIVE, KATHY | 8813 HUMIE OLIVE RD |
| 8620 HUMIE OLIVE RD | 0711903580 | OLIVER, JANICE W TRUSTEE THE JANICE W OLIVER REVOCABLE LIVING TRUST | 8620 HUMIE OLIVE RD |
| 2717 HILLTOP FARMS RD | 0711928022 | GREEN, JAMES W GREEN, VERONICA | 2717 HILLTOP FARMS RD |
| 8726 HUMIE OLIVE RD | 0711806319 | ROHRER, WILLIAM MICHAEL ROHRER, GINA | 8728 HUMIE OLIVE RD |
| 8600 HUMIE OLIVE RD | 0721005342 | JUDD, LINDA FAYE JUDD, GRACIE ANN | 8800 HUMIE OLIVE RD |
| 8724 HUMIE OLIVE RD | 0711811392 | LEON, ANNETTE | 8724 HUMIE OLIVE RD |
| 8633 HUMIE OLIVE RD | 0710990900 | FULLER - YUMEEWARRA FARMS LLC | 8801 FAST PARK DR STE 301 |
| | | Current Tenant | 3100 Armeria DR |
| | | Current Tenant | 3104 Armeria DR |
| | | Current Tenant | 3110 Armeria DR |
| | | Current Tenant | 3114 Armeria DR |
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| | | Current Tenant | 2309 Field Poppy DR |
| | | Current Tenant | 2313 Field Poppy DR |
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| | | Current Tenant | 8805 Humie Olive RD |
| | | Current Tenant | 8820 Humie Olive RD |
| | | Current Tenant | 1825 New Hill Olive Chapel RD |
| | | Current Tenant | 2204 Yumeevarra DR |
| | | Current Tenant | 2208 Yumeevarra DR |
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| | | Current Tenant | 2215 Yumeevarra DR |
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| | | Current Tenant | 2219 Yumeevarra DR |
| | | Current Tenant | 2223 Yumeevarra DR |
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| | | | GLEN ALLEN VA 23059-5502 |
| | | | RALEIGH NC 27607-5195 |
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| | | | APEX NC 27502-6714 |
| | | | CARY NC 27518-2983 |
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Created by Town of Apex Planning Department
Date Created: 7/5/2024

Notified Properties within 300ft of the Project Properties



NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom - see enclosed details

Date of meeting: August 15, 2024 Time of meeting: 6:00 PM - 7:00 PM

Property Owner(s) name(s): Janice Oliver and Joey Iannone Jr

Applicant(s): JVI Building & Development, 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. | Will Norton, Jones & Crossen Engineering | 221 N Salem St, Suite 001 | 919-387-1174 | | |
| 2. | Gary & Sharon Hartnett | 2729 Hilltop Farms Rd | | | X |
| 3. | James Green | 2717 Hilltop Farms Rd | | | X |
| 4. | | | | | |
| 5. | | | | | |
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| 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): Janice Oliver and Joey Iannone Jr

Applicant(s): JVI Building & Development, Inc

Contact information (email/phone): will@jonescossen.com; 919-387-1174

Meeting Address: Zoom

Date of meeting: August 15, 2024

Time of meeting: 6:00 PM - 7:00 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:

Will the existing home be staying that is currently located on one of the properties?

Applicant's Response:

No, the existing home will be demolished. Based on the existing nature of the house and the orientation of the layout and other requirements that would need to be met to keep the existing home it is best suited to remove it to accomplish the intent of this project.

Question/Concern #2:

Why is the western entrance road shown as a street stub? Does that open up the possibility of future development?

Applicant's Response:

The street stub is shown in this general location based on the 2045 Transportation plan. While that does provide opportunity for a road extension, there isn't much near term opportunity for gravity sewer on parcels directly connecting to this road and therefore I would not anticipate any very near development to continue until that is available.

Question/Concern #3:

What are the lot sizes approximately and the type of homes that would be constructed in this proposed development?

Applicant's Response:

The minimum lot size per the condition is 7500sf but most lots will be larger than that. The developer is a custom home-builder and there are other examples in the town of similar neighborhoods that would be in conjunction with the types of homes that would probably be constructed.

Question/Concern #4:

Will groundwater and well water be effected in the area once an area is developed?

Applicant's Response:

In our experience based on the drainage pattern for the area being maintained and the treatment of stormwater runoff with control measures and ponds the groundwater and well water quality and quantity should be consistent with the existing condition prior to any development taking place.

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

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

I, Will Norton, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on August 15, 2024 (date) from 6:00 pm (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

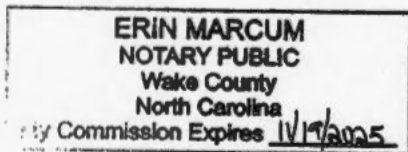
8/16/2024
Date

By: William C Norton

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 16th day of August, 2024.

SEAL



[Signature]

Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2025



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ12 Oliver Property

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: JVI Building & Development, Inc

Authorized Agent: Will Norton, Jones & Crossen Engineering, PLLC

Property Addresses: 8608, 8612, and 8620 Humie Olive Rd (portion of)

Acreage: ±15.94 acres

Property Identification Numbers (PINs): 0721003444, 0721000505, and 0711903580 (portion of)

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Wake County Residential 40W (R-40W)

Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

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

Planning Board Public Hearing Date and Time: September 9, 2024 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 North 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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/47321>.

Dianne F. Khin, AICP
Planning Director

Published Dates: August 23 – September 9, 2024



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ12

Oliver Property

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: JVI Building & Development, Inc

Agente autorizado: Will Norton, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 8608, 8612, & porción de 8620 Humie Olive Rd

Superficie: ±15.94 acres

Número de identificación de las propiedades: 0721003444, 0721000505, & porción de 0711903580

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential 40W (R-40W)

Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de septiembre de 2024 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 North 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/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47321>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de agosto - 9 de septiembre de 2024



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #24CZ12
Oliver Property**

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:** JVI Building & Development, Inc
- Authorized Agent:** Will Norton, Jones & Crossen Engineering, PLLC
- Property Addresses:** 8608, 8612, and 8620 Humie Olive Rd (portion of)
- Acreage:** ±15.94 acres
- Property Identification Numbers (PINs):** 0721003444, 0721000505, and 0711903580 (portion of)
- 2045 Land Use Map Designation:** Low Density Residential
- Existing Zoning of Properties:** Wake County Residential 40W (R-40W)
- Proposed Zoning of Properties:** Low Density Residential-Conditional Zoning (LD-CZ)

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Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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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 #24CZ12

Oliver Property

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: JVI Building & Development, Inc

Agente autorizado: Will Norton, Jones & Cnossen Engineering, PLLC

Dirección de las propiedades: 8608, 8612, & porción de 8620 Humie Olive Rd

Superficie: ±15.94 acres

Número de identificación de las propiedades: 0721003444, 0721000505, & porción de 0711903580

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential 40W (R-40W)

Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de septiembre de 2024 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 North 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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47321>.

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 #24CZ12
Project Location: 8608, 8612, and 8620 Humie Olive Rd (portion of)
Authorized Agent: Will Norton
Firm: Jones & Crossen Engineering, PLLC
Planning Board
Public Hearing Date: September 9, 2024
Project Planner: Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on August 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.

8/26/2024
Date

Marlene L. Khin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 26th day of August, 2024.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4 / 10 / 2028



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ12 Oliver Property

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

Applicant: JVI Building & Development, Inc

Authorized Agent: Will Norton, Jones & Cnossen Engineering, PLLC

Property Addresses: 8608, 8612, and 8620 Humie Olive Rd (portion of)

Acreage: ±15.94 acres

Property Identification Numbers (PINs): 0721003444, 0721000505, and 0711903580 (portion of)

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Wake County Residential 40W (R-40W)

Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council.

Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: September 24, 2024 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/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/47321>.

Dianne F. Khin, AICP
Planning Director

Published Dates: September 3 – September 24, 2024

Mailed Date: August 30, 2024



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ12
Oliver Property

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: JVI Building & Development, Inc

Agente autorizado: Will Norton, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 8608, 8612, & porción de 8620 Humlie Olive Rd

Superficie: ±15.94 acres

Número de identificación de las propiedades: 0721003444, 0721000505, & porción de 0711903580

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential 40W (R-40W)

Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 24 de septiembre de 2024 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/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47321>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 3 de septiembre - 24 de septiembre de 2024
Fecha de envío por correo: 30 de agosto de 2024



2

2





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ12 Oliver Property

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

Applicant: JVI Building & Development, Inc

Authorized Agent: Will Norton, Jones & Cnossen Engineering, PLLC

Property Addresses: 8608, 8612, and 8620 Humie Olive Rd (portion of)

Acreage: ±15.94 acres

Property Identification Numbers (PINs): 0721003444, 0721000505, and 0711903580 (portion of)

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Wake County Residential 40W (R-40W)

Proposed Zoning of Properties: Low Density Residential -Conditional Zoning (LD-CZ)

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

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

Town Council Public Hearing Date and Time: September 24, 2024 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/47321>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ12

Oliver Property

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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: JVI Building & Development, Inc

Agente autorizado: Will Norton, Jones & Cnossen Engineering, PLLC

Dirección de las propiedades: 8608, 8612, & porcion de 8620 Humie Olive Rd

Superficie: ±15.94 acres

Número de identificación de las propiedades: 0721003444, 0721000505, & porcion de 0711903580

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential 40W (R-40W)

Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 24 de septiembre de 2024 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/47321>.

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 #24CZ12
Project Location: 8608, 8612, and 8620 Humie Olive Rd (portion of)
Authorized Agent: Will Norton
Firm: Jones & Crossen Engineering, PLLC
Town Council Public Hearing Date: September 24, 2024
Project Planner: Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on August 30, 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.

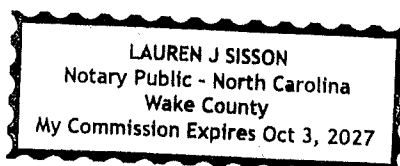
9/4/2024
Date

Shanne F. 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 4th day of SEPTEMBER, 2024.



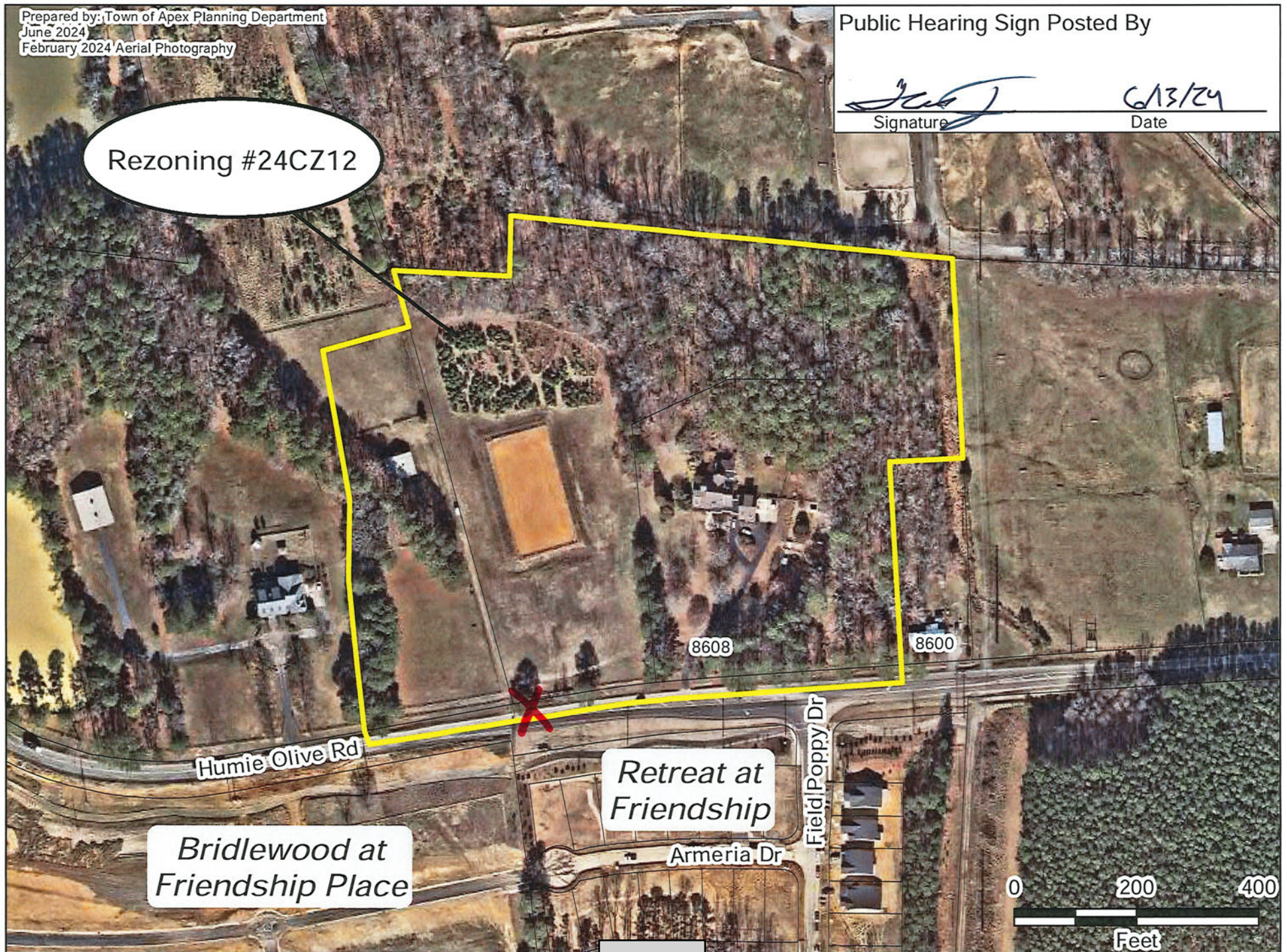
[Signature]
Notary Public

My Commission Expires: 10 / 03 / 2027


Signature

6/13/24
Date

Rezoning #24CZ12



*Bridlewood at
Friendship Place*

*Retreat at
Friendship*

Armeria Dr

Field Poppy Dr

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

July 26, 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: June 3, 2024
- Name of development: 24CZ12 Oliver Property
- Address of rezoning: 8608, 8612, & 8620 (Portion of) Humie Olive Rd
- Total number of proposed residential units: 47
- Type(s) of residential units proposed: Apartments

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,

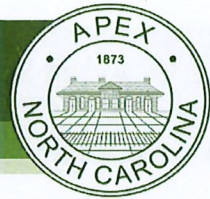


Susan W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #24CZ12 Oliver Property

Planning Board Meeting Date: September 9, 2024



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ± 15.94 acres

PIN(s): 0721003444, 0721000505, and 0711903580 (portion of)

Current Zoning: Wake County Residential 40W (R-40W)

Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)

2045 Land Use Map: Low Density Residential

Town Limits: No. Annexation is required at the time of the rezoning.

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: #24CZ12 Oliver Property

Planning Board Meeting Date: September 9, 2024



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: #24CZ12 Oliver Property

Planning Board Meeting Date: September 9, 2024



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: #24CZ12 Oliver Property

Planning Board Meeting Date: September 9, 2024



Planning Board Recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Keith Braswell

☐ *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 offered by developer and as presented.

☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

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

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

Reasons for dissenting votes:

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

Attest:



Tina Sherman, Planning Board Chair



Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: September 9, 2024



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: *To recommend approval as presented.*

Introduced by Planning Board member: Jeff Hastings

Seconded by Planning Board member: Sarah Soh

- ☒ Approval of the proposed UDO amendment(s)
☐ Approval of the proposed UDO amendment(s) with the following conditions:

☐ Denial of the proposed UDO amendment(s)

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

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

Reasons for dissenting votes:

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

Attest:


Tina Sherman, Planning Board Chair


Dianne Khin, Planning Director

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 15.94 ACRES LOCATED AT 8608, 8612, AND PORTION OF 8620 HUMIE OLIVE ROAD FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) TO LOW DENSITY RESIDENTIAL-CONDITIONAL ZONING (LD-CZ)
#24CZ12**

WHEREAS, JVI Building & Development, Inc, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of June 2024 (the “Application”). The proposed conditional zoning is designated #24CZ12;

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 #24CZ12 before the Planning Board on the 9th day of September 2024;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of September 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ12. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #24CZ12;

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 #24CZ12 before the Apex Town Council on the 24th day of September 2024;

WHEREAS, the Apex Town Council held a public hearing on the 24th day of August 2024. 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 #24CZ12 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Low Density Residential-Conditional Zoning (LD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed density and uses are consistent with adjacent developments while providing continued growth of available housing within Apex; and

WHEREAS, the Apex Town Council by a vote of __ to __ approved Application #24CZ12 rezoning the subject tract located at 8608, 8612, and portion of 8620 Humie Olive Road from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ) District, subject to the conditions stated herein.

Ordinance Amending the Official Zoning District Map #24CZ12

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

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

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

- | | |
|------------------------|------------------|
| 1. Single-family | 4. Greenway |
| 2. Accessory apartment | 5. Park, active |
| 3. Utility, minor | 6. Park, passive |

Zoning Conditions

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

10. The minimum average lot size shall be 7500 sf. and the maximum gross density will be 3 units per acre.
11. Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
12. Developer shall install pollinator-friendly and native flora within SCM planting areas.
13. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
14. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
15. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.

Ordinance Amending the Official Zoning District Map #24CZ12

16. A minimum of two pet waste stations shall be installed in HOA common area.
17. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
18. Any required outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. (to apply only to signage and other common owned elements.)
19. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
20. Stormwater design shall meet the 25-year storm for pre- and post- attenuation requirements.
21. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
22. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
23. 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.
24. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.
25. Developer shall dedicate right-of-way and construct minimum improvements along the Humie Olive Road property frontage based on a Rural 2-lane Thoroughfare on 110-foot right-of-way according to the Apex Transportation plan with 5-foot sidewalk along the north side of Humie Olive Road. Additionally, the eastern access point shall provide full movement aligned with Field Poppy Drive with an eastbound left turn lane to be constructed by the developer, and the western access point if proposed or required shall be constructed as right-in/right-out only, subject to review and approval by Apex and NCDOT.

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 _____ 2024.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at the southwest corner Tract B (B.M. 1984, Pg. 1809), the northwest corner Lot 1 (B.M. 2015, Pg. 979), an eastern corner Lot 3 (B.M. 1998, Pg. 1044); thence South 87° 04' 31" East, 190.14 feet; thence North 00° 53' 39" East, 100.01 feet; thence South 84° 23' 47" East, 725.74 feet; thence South 02° 49' 32" East, 327.51 feet; thence South 87° 10' 28" West, 119.74 feet; thence South 02° 49' 32" East, 365.50 feet to a point in Humie Olive Road ~ NCSR 1142; thence South 86° 13' 49" West, 61.06 feet; thence South 85° 53' 22" West, 147.45 feet; thence South 85° 46' 28" West, 104.35 feet; thence South 85° 15' 06" West, 77.57 feet; thence South 83° 08' 38" West, 60.19 feet; thence South 81° 24' 46" West, 53.40 feet; thence South 81° 10' 21" West, 136.24 feet; thence South 81° 04' 57" West, 19.75 feet; thence South 80° 48' 43" West, 98.53 feet; thence South 81° 08' 26" West, 96.92 feet; thence North 08° 53' 07" West, 117.99 feet; thence North 06° 01' 54" West, 153.32 feet; thence North 01° 49' 03" East, 131.14 feet; thence North 07° 27' 48" West, 74.87 feet; thence North 11° 15' 27" West, 180.72 feet; thence North 74° 43' 52" East, 125.65 feet; thence North 15° 16' 08" West, 95.80 feet to the BEGINNING, containing 15.9428 total acres more or less.

The above-described area is recorded in:

D.B. 19675, Pg. 748 and a portion of D.B. 19654, Pg. 2201

B.M. 2015, Pg. 979 ~ Lot 1 & 2, B.M. 1998, Pg. 1044, & B.M. 2000, Pg. 1767

PIN 0721-00-3444, PIN 0721-00-0505, & a portion of PIN 0711-90-3580

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

PRELIMINARY

NOT TO BE USED AS A SURVEY
OR TO TRANSFER ANY PROPERTY
DESCRIBED HEREIN

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: September 24, 2024

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

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

Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their September 9, 2024 meeting and unanimously recommended approval.

Item Details

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to "condominium" given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following: 3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2.

Note: Condominiums are a form of ownership, not a specific land use. Therefore, removal of condominiums from the use table does not impact any existing condominium developments.

Attachments

- PH-A1: Staff Report - Unified Development Ordinance (UDO) Amendments - September 2024
- PH-A2: Planning Board Report to Town Council - Unified Development Ordinance (UDO) Amendments - September 2024
- PH-A3: Public Notice - Unified Development Ordinance (UDO) Amendments - September 2024
- PH-A4: Ordinance - Unified Development Ordinance (UDO) Amendments - September 2024



STAFF REPORT

Amendments to the Unified Development Ordinance

September 24, 2024 Town Council Meeting



Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to “condominium” given it is not a specific use and that State law does not require municipal review of condominium plats.

Affected sections include the following:

3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

3.3.1 Residential Districts

...

F) *High Density Multi-Family Residential District*

The purpose and intent of the HDMF High Density Multi-Family Residential District is to provide lands for high-density multi-family residential uses, (townhouses, ~~condominiums~~, apartments, duplexes, triplexes, and quadplexes) at densities up to 14 units an acre.

G) *MH Manufactured Housing Residential District*

The purpose and intent of the MH Manufactured Housing Residential District is to provide lands for manufactured housing along with other multi-family (townhouse, ~~condominium~~, duplex, and multi-family dwellings) and single-family housing at densities of six (6) units an acre.

...

4.2.2 Use Table

| Use Type | Definition Section | Zoning Districts | | | | | | | | | | | | | | | | | | | | | |
|------------------|--------------------|------------------|-----|-----|-----|---------|---------|-----|-------|---------|-------|----------|-----|-----|-----|-----|----------------------|-------|-------|-------|-----|-------|--------------|
| | | Residential | | | | | | | | | | Business | | | | | Planned Developme nt | | | Other | | | Standards |
| | | R A | R R | L D | M D | H D S F | H D M F | M H | M H P | M O R R | O & I | B 1 | B 2 | P C | L I | T F | M E C | T N D | P U D | C B | S D | S T C | Section(s) |
| Residential Uses | | | | | | | | | | | | | | | | | | | | | | | |
| ... | | | | | | | | | | | | | | | | | | | | | | | |
| Condominium | 4.3.1.B | | | | | | P | | | P | | | | | | | P | P | P | | ** | P* | 4.4.1.A; 6.3 |
| ... | | | | | | | | | | | | | | | | | | | | | | | |

4.3.1 Residential Uses

...

B) *Condominium-Reserved*

~~A residential development of two or more units in one or more buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act.~~

...

4.4.1 Residential Uses

...

A) Condominium **Reserved**

- 1) ~~_____ All condominium developments with one or more dumpsters or a trash compactor must provide a recycling area and a cardboard dumpster; both shall be screened with similar materials to the dumpster or compactor enclosure;~~
- 2) ~~_____ The overall enclosure design must comply with the standards found in the *Town of Apex Standard Specifications and Standard Details*.~~

5.1.1 Residential Districts

| Use | Average Lot Size | Minimum Lot Width (Feet) | Minimum Setbacks (Feet) | | | | Max. Height (Feet) | Max. Built-Upon Area (%)* | Max. Density (Gross Units per Acre) | Additional Regulations | |
|--|------------------|--------------------------|-------------------------|------|------|-------------|--------------------|---------------------------|-------------------------------------|------------------------|--------------|
| | | | Front | Side | Rear | Corner Side | | | | | |
| HDMF | | | | | | | | | | | |
| ... | | | | | | | | | | | |
| Condominium, Multi-family or Apartments | — | — | 50** | 50** | 50** | 50** | 48 | 65 | 14 | | Sec. 5.2.2.F |
| ... | | | | | | | | | | | |
| MORR | | | | | | | | | | | |
| ... | | | | | | | | | | | |
| Condominium, Duplex, Multi-family, or Apartments | — | — | 25** max. | 5** | 10** | 15** | 36 | 70 | 12 | | Sec. 5.2.2.F |
| ... | | | | | | | | | | | |

*See Sec 6.1 Watershed Protection Overlay Districts.

**These setbacks are for the perimeter of entire project only.

***Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at the time of submittal.

5.1.5 Small Town Character Overlay District Intensity and Dimensional Standards Table

| Use | Average Lot Size | Minimum Lot Width (Feet) | Minimum Setbacks (Feet) | | | | Max. Height (Feet) | Max. Built-Upon Area (%) [*] | Max. Density (Gross Units per Acre) | Additional Regulations |
|----------------------------|------------------|--------------------------|-------------------------|-----------------|-----------------|-----------------|--------------------|---------------------------------------|-------------------------------------|------------------------|
| | | | Front | Side | Rear | Corner Side | | | | |
| ... | | | | | | | | | | |
| Multi-family / Condominium | — | 60 | 20 ² | 10 ² | 15 ² | 10 ² | 36 | 60 | 14 | — |
| ... | | | | | | | | | | |

^{*} See Sec 6.1 Watershed Protection Overlay Districts.

¹ Building height may be increased to 3 stories and 50 feet if the following conditions are met:

- a. The existing structure is not contributing to the historic district.
- b. The existing or proposed building shall be located on Salem Street.
- c. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.
- d. The 3rd story shall be set back at least 18 feet from the property line along the front façade.
- e. Open air rooftop dining shall be exempt from the height calculation.

² These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.

STAFF REPORT

Amendments to the Unified Development Ordinance

September 24, 2024 Town Council Meeting



5.2.2 General Measurement Requirements

...

F) *Internal Building Setbacks*

Except in Sustainable Development Conditional Zoning District (SD-CZ), internal building setbacks for ~~condominium~~, multi-family and apartment, congregate living facilities and nursing and convalescent facilities shall comply with the following spacing standards:

...

6.3.1 Small Town Character Overlay District

...

G) *Residential Building Standards*

...

2) *Accessory Buildings*

Accessory buildings such as garages shall be placed in the rear or side yard. Whenever possible, side loading garages shall be located in the rear of the property. For ~~condominium~~, multi-family or apartment uses, garages and driveways which dominate the front of the lot area are not permitted.

...

H) *Residential Architectural Character*

The following standards shall apply to any ~~condominium~~, multi-family or apartment use. It is strongly recommended that single-family and townhouse dwellings follow the architectural guidelines in the *Town of Apex Design and Development Manual*.

...

7.1.6 ~~Condominium and~~ **Requirements for** Townhouse Developments

A) ~~Requirements for Condominium Developments~~

~~1) Before a declaration establishing a condominium development may be recorded in the office of the Wake County Register of Deeds, as prescribed in the North Carolina Unit Ownership Act, the Site Plan or Master Subdivision Plan shall be approved as provided in this Ordinance. Such declaration and Site Plan or Master Subdivision Plan shall conform to applicable subdivision requirements as set forth in this Article and to the zoning requirements of this Ordinance.~~

~~2) In addition, the following requirements shall be complied with:~~

~~a) The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act.~~

~~b) The plans of the buildings to be attached to the above declaration and recorded shall be prepared in accordance with the North Carolina Unit Ownership Act.~~

- c) ~~If any streets or utility easements are to be dedicated for public use and maintenance, a separate plat shall be submitted and recorded in accordance with requirements of this Ordinance.~~
- d) ~~The declaration shall contain a statement that common expenses include ad valorem taxes, public assessments, or governmental liens levied on common areas, if any.~~

B) ~~Requirements for Townhouse Developments~~

...

7.2.5 Single-Family Residential Grading

...

D) *Exemptions*

- 1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:

...

- e) Attached and detached townhomes, multi-family/apartments, ~~condominiums~~, and non-residential developments.

7.5.9 Schedule of Installation

...

C) ...

...

2) *Residential development*

- a) All road improvements required per the Advance Apex: The 2045 Transportation Plan, all proposed roadways to be constructed within existing or proposed public right-of-way as part of the approved development plan and all additional offsite road improvements required to mitigate development traffic impacts to existing facilities must be completed prior to the first plat approval for single family residential and townhomes and prior to the first CO for multi-family, and/or apartments ~~and/or condominiums~~. For phased multi-family, and/or apartment ~~and/or condominium~~ developments, all the improvements applicable to a phase must be completed before the first CO is issued for the phase.

...

8.2.4 Building Landscaping Requirements

A) *General Landscaping Standards*

All non-residential, multi-family/apartment, ~~condominium~~ and townhome developments, and all single-family residential subdivisions shall install landscaping pursuant to the requirements of this Section. This landscaping shall be in addition to any other landscaping required by Article 8: *General Development Standards*, unless otherwise specified.

...

STAFF REPORT

Amendments to the Unified Development Ordinance

September 24, 2024 Town Council Meeting



8.2.6.B Buffering, Landscape Buffers Between Land Uses

...

4) Land Use Classes

...

- c) Class 3:
- Condominium
 - Duplex
 - Manufactured home-detached, lots less than 6,000 square feet
 - Multi-family or apartment
 - Single-family detached, lots less than 6,000 square feet
 - Townhouse
 - Townhouse, detached
 - Triplex or Quadplex

...

8.6.3 Illumination Standards

...

Table 8.6-1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)

| Use | Horizontal Illuminance Avg | Uniformity Ratio |
|--|-------------------------------|------------------|
| - Multi-family residential or condominium (stacked flat) | 4.0 | 8/1 |
| - Retail | 4.0 | 4/1 |
| - Office | 2.0 | 4/1 |
| - Industrial | | |
| - Educational | | |
| - Cultural, civic, and recreational | | |
| - Church or place of worship | | |
| - Townhomes and other attached residential | | |

...

12.2 Terms Defined

...

Grading

The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of single-family, multi-family/apartment, condominium, and attached and detached townhome residential development and non-residential development.

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed these amendments at their September 9, 2024 meeting and unanimously recommended approval.



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance that are applicable Town-wide:

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to “condominium” given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following:
3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

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

Town Council Public Hearing Date and Time: September 24, 2024 6:00 PM

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

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

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: September 6-24, 2024



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

A solicitud del personal de Planificación:

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO) con el fin de eliminar todas las referencias a «condominio», dado que no es un uso específico y que la ley estatal no requiere la revisión municipal de las parcelas de condominio. Las secciones afectadas son las siguientes:

3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, y 12.2

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de septiembre de 2024 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6-24 de septiembre de 2024



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARING
AMENDMENTS TO THE UNIFIED
DEVELOPMENT ORDINANCE (UDO)**

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance that are applicable Town-wide:

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to "condominium" given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following:
3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

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

Town Council Public Hearing Date and Time: September 24, 2024 6:00 PM

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

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

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: September 6-24, 2024



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

A solicitud del personal de Planificación:

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO) con el fin de eliminar todas las referencias a «condominio», dado que no es un uso específico y que la ley estatal no requiere la revisión municipal de las parcelas de condominio. Las secciones afectadas son las siguientes:

3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, y 12.2

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de septiembre de 2024 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6-24 de septiembre de 2024

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: September 9, 2024



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: *To recommend approval as presented.*

Introduced by Planning Board member: Jeff Hastings

Seconded by Planning Board member: Sarah Soh

- ☒ Approval of the proposed UDO amendment(s)
☐ Approval of the proposed UDO amendment(s) with the following conditions:

☐ Denial of the proposed UDO amendment(s)

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

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

Reasons for dissenting votes:

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

Attest:


Tina Sherman, Planning Board Chair


Dianne Khin, Planning Director



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to “condominium” given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following:
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The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: September 6-24, 2024



TOWN OF APEX

POST OFFICE BOX 250
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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

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A solicitud del personal de Planificación:

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO) con el fin de eliminar todas las referencias a «condominio», dado que no es un uso específico y que la ley estatal no requiere la revisión municipal de las parcelas de condominio. Las secciones afectadas son las siguientes:

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Lugar de la audiencia pública: Ayuntamiento de Apex
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Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6-24 de septiembre de 2024

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Sections 3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

3.3.1 Residential Districts

...

F) *High Density Multi-Family Residential District*

The purpose and intent of the HDMF High Density Multi-Family Residential District is to provide lands for high-density multi-family residential uses, (townhouses, ~~condominiums~~, apartments, duplexes, triplexes, and quadplexes) at densities up to 14 units an acre.

G) *MH Manufactured Housing Residential District*

The purpose and intent of the MH Manufactured Housing Residential District is to provide lands for manufactured housing along with other multi-family (townhouse, ~~condominium~~, duplex, and multi-family dwellings) and single-family housing at densities of six (6) units an acre.

...

4.2.2 Use Table

| Use Type | Definition Section | Zoning Districts | | | | | | | | | | | | | | | | | | | | | |
|------------------|--------------------|------------------|--------|--------|--------|------------------|------------------|--------|-------------|------------------|-------------|----------|--------|--------|--------|--------|---------------------|-------------|-------------|--------|--------|-------------|-----------------|
| | | Residential | | | | | | | | | | Business | | | | | Planned Development | | | Other | | | Standards |
| | | R A | R R | L D | M D | H D S F | H D M F | M H | M H P | M O R R | O & I | B 1 | B 2 | P C | L I | T F | M E C | T N D | P U D | C B | S D | S T C | Section(s) |
| Residential Uses | | | | | | | | | | | | | | | | | | | | | | | |
| ... | | | | | | | | | | | | | | | | | | | | | | | |
| Condominium | 4.3.1.B | | | | | | P | | | P | | | | | | | P | P | P | | ** | P* | 4.4.1.A; 6.3 |
| ... | | | | | | | | | | | | | | | | | | | | | | | |

4.3.1 Residential Uses

...

B) *~~Condominium~~ Reserved*

A residential development of two or more units in one or more buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act.

...

4.4.1 Residential Uses

...

A) ~~Condominium~~ **Reserved**

- 1) ~~All condominium developments with one or more dumpsters or a trash compactor must provide a recycling area and a cardboard dumpster; both shall be screened with similar materials to the dumpster or compactor enclosure;~~
- 2) ~~The overall enclosure design must comply with the standards found in the Town of Apex Standard Specifications and Standard Details.~~

5.1.1 Residential Districts

| Use | Average Lot Size | Minimum Lot Width (Feet) | Minimum Setbacks (Feet) | | | | Max. Height (Feet) | Max. Built-Upon Area (%)* | Max. Density (Gross Units per Acre) | Additional Regulations |
|--|------------------|--------------------------|-------------------------|------|------|-------------|--------------------|---------------------------|-------------------------------------|------------------------|
| | | | Front | Side | Rear | Corner Side | | | | |
| HDMF | | | | | | | | | | |
| ... | | | | | | | | | | |
| Condominium, Multi-family or Apartments | — | — | 50** | 50** | 50** | 50** | 48 | 65 | 14 | Sec. 5.2.2.F |
| ... | | | | | | | | | | |
| MORR | | | | | | | | | | |
| ... | | | | | | | | | | |
| Condominium, Duplex, Multi-family, or Apartments | — | — | 25** max. | 5** | 10** | 15** | 36 | 70 | 12 | Sec. 5.2.2.F |
| ... | | | | | | | | | | |

^{*}See Sec 6.1 Watershed Protection Overlay Districts.

^{**}These setbacks are for the perimeter of entire project only.

^{***}Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at the time of submittal.

5.1.5 Small Town Character Overlay District Intensity and Dimensional Standards Table

| Use | Average Lot Size | Minimum Lot Width (Feet) | Minimum Setbacks (Feet) | | | | Max. Height (Feet) | Max. Built-Upon Area (%) [*] | Max. Density (Gross Units per Acre) | Additional Regulations |
|-------------------------------------|------------------|--------------------------|-------------------------|-----------------|-----------------|-----------------|--------------------|---------------------------------------|-------------------------------------|------------------------|
| | | | Front | Side | Rear | Corner Side | | | | |
| ... | | | | | | | | | | |
| Multi-family Condominium | — | 60 | 20 ² | 10 ² | 15 ² | 10 ² | 36 | 60 | 14 | — |
| ... | | | | | | | | | | |

^{*} See Sec 6.1 Watershed Protection Overlay Districts.

¹ Building height may be increased to 3 stories and 50 feet if the following conditions are met:

- a. The existing structure is not contributing to the historic district.
- b. The existing or proposed building shall be located on Salem Street.
- c. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.
- d. The 3rd story shall be set back at least 18 feet from the property line along the front façade.
- e. Open air rooftop dining shall be exempt from the height calculation.

² These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.

5.2.2 General Measurement Requirements

...

F) *Internal Building Setbacks*

Except in Sustainable Development Conditional Zoning District (SD-CZ), internal building setbacks for ~~condominium~~, multi-family and apartment, congregate living facilities and nursing and convalescent facilities shall comply with the following spacing standards:

...

6.3.1 Small Town Character Overlay District

...

G) *Residential Building Standards*

...

2) *Accessory Buildings*

Accessory buildings such as garages shall be placed in the rear or side yard. Whenever possible, side loading garages shall be located in the rear of the property. For ~~condominium~~, multi-family or apartment uses, garages and driveways which dominate the front of the lot area are not permitted.

...

H) *Residential Architectural Character*

The following standards shall apply to any ~~condominium~~, multi-family or apartment use. It is strongly recommended that single-family and townhouse dwellings follow the architectural guidelines in the *Town of Apex Design and Development Manual*.

...

7.1.6 ~~Condominium and~~ **Requirements for** Townhouse Developments

~~A) Requirements for Condominium Developments~~

~~1) Before a declaration establishing a condominium development may be recorded in the office of the Wake County Register of Deeds, as prescribed in the North Carolina Unit Ownership Act, the Site Plan or Master Subdivision Plan shall be approved as provided in this Ordinance. Such declaration and Site Plan or Master Subdivision Plan shall conform to applicable subdivision requirements as set forth in this Article and to the zoning requirements of this Ordinance.~~

~~2) In addition, the following requirements shall be complied with:~~

~~a) The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act.~~

~~b) The plans of the buildings to be attached to the above declaration and recorded shall be prepared in accordance with the North Carolina Unit Ownership Act.~~

- c) ~~If any streets or utility easements are to be dedicated for public use and maintenance, a separate plat shall be submitted and recorded in accordance with requirements of this Ordinance.~~
- d) ~~The declaration shall contain a statement that common expenses include ad valorem taxes, public assessments, or governmental liens levied on common areas, if any.~~

B) *Requirements for Townhouse Developments*

...

7.2.5 Single-Family Residential Grading

...

D) *Exemptions*

- 1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:

...

- e) Attached and detached townhomes, multi-family/apartments, ~~condominiums~~, and non-residential developments.

7.5.9 Schedule of Installation

...

C) ...

...

2) *Residential development*

- a) All road improvements required per the Advance Apex: The 2045 Transportation Plan, all proposed roadways to be constructed within existing or proposed public right-of-way as part of the approved development plan and all additional offsite road improvements required to mitigate development traffic impacts to existing facilities must be completed prior to the first plat approval for single family residential and townhomes and prior to the first CO for multi-family, and/or apartments ~~and/or condominiums~~. For phased multi-family, and/or apartment ~~and/or condominium~~ developments, all the improvements applicable to a phase must be completed before the first CO is issued for the phase.

...

8.2.4 Building Landscaping Requirements

A) *General Landscaping Standards*

All non-residential, multi-family/apartment, ~~condominium~~ and townhome developments, and all single-family residential subdivisions shall install landscaping pursuant to the requirements of this Section. This landscaping shall be in addition to any other landscaping required by Article 8: *General Development Standards*, unless otherwise specified.

...

8.2.6.B Buffering, Landscape Buffers Between Land Uses

- ...
- 4) *Land Use Classes*
- ...
- c) *Class 3:*
Condominium
Duplex
Manufactured home-detached, lots less than 6,000 square feet
Multi-family or apartment
Single-family detached, lots less than 6,000 square feet
Townhouse
Townhouse, detached
Triplex or Quadplex
- ...

8.6.3 Illumination Standards

...

Table 8.6-1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)

| Use | Horizontal Illuminance | Uniformity Ratio |
|--|------------------------|------------------|
| | Avg | |
| - Multi-family residential or condominium (stacked flat) | 4.0 | 8/1 |
| - Retail | 4.0 | 4/1 |
| - Office - Industrial - Educational - Cultural, civic, and recreational - Church or place of worship - Townhomes and other attached residential | 2.0 | 4/1 |

...

12.2 Terms Defined

...

Grading

The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of single-family, multi-family/apartment, ~~condominium~~, and attached and detached townhome residential development and non-residential development.

...

Section 5. These amendments shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

Section 6. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and

diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 8. The ordinance shall be effective upon enactment on the ____ day of _____ 2024.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved as to Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION
Meeting Date: September 24, 2024

Item Details

Presenter(s): Steve Adams, Utilities Acquisition and Real Estate Specialist

Department(s): Transportation and Infrastructure Development

Requested Motion

Possible motion to enter into closed session pursuant to NCGS 143-318.11(a)(5) to discuss matters related to acquisition of real property.

Approval Recommended?

Yes

Item Details

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: WORK SESSION
Meeting Date: September 24, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning Department

Requested Motion

Receive as information a presentation on Zoning Condition Recommendations for Rural Areas and provide direction to staff as appropriate.

Approval Recommended?

N/A

Item Details

At the March 7, 2024 Planning Committee meeting, committee members and Planning staff discussed conservation subdivision attributes. The Committee asked Planning staff to come up with a set of zoning conditions to recommend to applicants who propose to rezone and amend the 2045 Land Use Map from Rural Density Residential to Rural Transition Residential or to Low Density Residential, or from Rural Transition Residential to Low Density Residential. These zoning conditions would be the standard list developers would consider proffering for any rezoning to Rural Residential - Conditional Zoning (RR-CZ), Low Density Residential - Conditional Zoning (LD-CZ), or Planned Unit Development - Conditional Zoning (PUD-CZ) within existing Rural Density Residential and Rural Transition Residential areas.

Concurrent with the Planning Committee meeting, Planning staff held three workshops for the Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities (WBBAP) on March 6, 18, and 20, 2024. Public input included the "Friendship and New Hill Community Land Use Map & Neighborhood Conservation Overlay District Proposal" (see Attachment #1). Planning staff had concerns about the logistics of an overlay district (see Attachment #2), but heard the public's interest in having more guidelines and restrictions for development in or near rural areas.

Further, Wake County is seeking a memorandum of understanding with the Town of Apex to allow Voluntary Agricultural Districts (VAD) and Enhanced Voluntary Agricultural Districts (EVAD) in the Town's

extraterritorial jurisdiction (ETJ) and corporate limits. Wake Soil and Water Conservation District staff have asked for wider buffers adjacent to properties designated as VAD or EVAD.

Given the various related initiatives and requests, Planning staff recommend utilizing the conditional zoning process to accomplish the goals of the Planning Committee, WBBAP neighbors, and Wake County to ensure more compatible development in rural areas. This work session item is the first step in preparing a set of zoning conditions that will provide guidance to developers seeking rezonings in areas currently shown as Rural Density Residential or Rural Transition Residential on the 2045 Land Use Map.

Attachments

- WS1-A1: Staff Report – Rural Area Zoning Condition Recommendations
- WS1-A2: PowerPoint – Rural Area Zoning Condition Recommendations
- WS1-A3: Attachment No. 1 – Rural Area Zoning Condition Recommendations
- WS1-A4: Attachment No. 2 – Rural Area Zoning Condition Recommendations
- WS1-A5: Attachment No. 3 – Rural Area Zoning Condition Recommendations
- WS1-A6: Attachment No. 4 – Rural Area Zoning Condition Recommendations





Town Council Meeting

September 24, 2024

Work Session Item No. 1 - Continued

Zoning Condition Recommendations for Rural Areas

Background

- March 7, 2024 - Planning Committee asked staff to come up with a set of zoning conditions to recommend to applicants who propose to rezone and amend the 2045 Land Use Map within existing Rural Density Residential and Rural Transition Residential areas.
- *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities (WBBAP)* workshops held on March 6, 18, and 20, 2024. Public interest in having more guidelines & restrictions for development in or near rural areas.
- Wake County is seeking MOU to allow Voluntary Agricultural Districts (VAD) and Enhanced Voluntary Agricultural Districts (EVAD) in the Town's extraterritorial jurisdiction (ETJ) and corporate limits. Wake County staff have asked for wider buffers adjacent to properties designated as VAD or EVAD.

Background

- Given the various related initiatives and requests, Planning staff recommend utilizing the conditional zoning process to accomplish the goals of the Planning Committee, WBBAP neighbors, and Wake County to ensure more compatible development in rural areas. This work session item is the first step in preparing a set of zoning conditions that will provide guidance to developers seeking rezonings in areas currently shown as Rural Density Residential or Rural Transition Residential on the 2045 Land Use Map.

Zoning condition categories from Planning Committee:

- Limit mass grading
 - Staff's recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum Resource Conservation Area (RCA) requirement to 40%. Restrictions on mass or staged grading results in issues with efficiently managing stormwater, steep driveways, and does not prevent individual homeowners from removing trees on their property.
- Increase tree preservation
 - Staff recommends the following:
 - Increase RCA percentage – 40% was original UDO provision and makes more sense in rural areas.
 - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.

Zoning condition categories from Planning Committee:

- Pedestrian connectivity required
 - Staff recommends the following:
 - Fill in off-site sidewalk gaps where feasible.
 - Fill in off-site greenway gaps where feasible.
 - Provide high visibility crosswalks where needed.

Zoning condition categories from citizen overlay district proposal:

- Lot size – 1 unit/acre
 - Staff recommends the minimum lot size be evaluated on a case by case basis while also considering the buffers proposed and the context of the existing development pattern. Goal would be to require lot sizes to be from 0.5 acre to 1.0 acre for the RR-CZ zoning district.
- Frontage
 - Staff recommends that the minimum lot width in RR-CZ should generally be around 100' and 80' in LD-CZ.
- Building setbacks
 - Staff supports the typical building setbacks in the LD and RR zoning districts, and may support larger than typical building setbacks depending on context.

Zoning condition categories from citizen overlay district proposal:

- Building height/1 story rule (can go up only 1 story from neighboring property's structures)
 - Staff supports transitioning either through larger buffers or a 1-story increase on the edges of the development, but would support up to 3 stories interior to the project.
- 50% tree canopy
 - Staff's recommendation is for the subdivision to provide 40% RCA.
- Use net vs. gross density
 - Staff's recommendation is to maintain the use of gross density because of the significant infrastructure and other requirements in the UDO (e.g. roads, sidewalks, greenways, park dedication/fee-in-lieu, stormwater controls, RCA, private play lawns, etc).

Zoning condition categories from citizen overlay district proposal:

- Require fencing
 - Staff's recommendation is for fences to be required when projects are adjacent to a bona fide farm, VAD or EVAD, or when the shrub layer would not likely survive when planted within a Type A buffer with high percentage of tree canopy.
- Greater buffers
 - Staff recommends the following:
 - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas versus suburban areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.

Zoning condition categories from citizen overlay district proposal:

- Stormwater protections for farm ponds
 - Additional condition included in Environmental Zoning Conditions.
- Clear cutting and mass grading prohibited
 - Staff's recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum RCA requirement to 40%. Restrictions on mass or staged grading results in issues with managing stormwater efficiently, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.
 - Staff does not consider mass grading to be the same as clear cutting since staff recommends that 40% of the subdivision be preserved as RCA.

Zoning condition categories from citizen overlay district proposal:

- Seller disclosure of zoning conditions
 - Staff is unsure how this condition would be enforced.
- Country, rural architecture
 - Staff's recommendation is that we review the existing architectural standards that we typically suggest and modify those to fit the context of the area.
- Small homes
 - Staff supports affordable housing and accessory dwelling units, and the UDO does not have minimum house sizes (state law also prohibits minimum lot size). Staff works with all developers to try to encourage a diversity of home sizes to provide a variety of housing options.

Zoning condition categories from citizen overlay district proposal:

- *Note that staff does not recommend the following conditions from the citizen overlay district proposal:*
 - *Limit interconnectivity (staff has consistently promoted interconnectivity throughout our jurisdiction)*
 - *Traffic studies for parks and capped schools (TIAs are done for road capacity and consider both current traffic and projected traffic, but do not look specifically at existing parks or schools other than to include them in background traffic).*

Categories of zoning conditions from Wake County request:

- Buffer adjacent to EVAD and VAD set at 50' Type A (same as American Tobacco Trail buffer)
- Staff supports the 50' buffer adjacent to EVAD and VAD.

Categories of zoning conditions from earlier rural area rezonings:

- Game lands buffer – 450' is the NC Wildlife Commission's recommended buffer.
 - Staff's recommendation is to provide 450' or as much as is reasonably possible since requiring the full buffer width could render some properties undevelopable.
- Affordable Housing proffer.
- Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
- Historic structures shall be put into historic preservation easement with Capital Area Preservation or similar non-profit.
- Cemeteries shall be preserved in place. Prior to Master Subdivision Plan approval, a survey of any cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Categories of zoning conditions from earlier rural area rezonings:

- Limit permitted uses to the following for RR-CZ and LD-CZ rezonings:
 - Single-family
 - Accessory apartment
 - Farm residence (RR-CZ only)
 - Utility, minor
 - Greenway
 - Horse boarding and riding stable (RR-CZ only)
 - Park, passive
 - Park, active
 - Recreation facility, private
 - Cemetery (RR-CZ only)
- See Appendix G: Review of Allowable Agricultural Business and Agritourism Uses for possible agritourism land uses allowed within RR-CZ, and PUD-CZ (see Attachment #4).

Categories of zoning conditions from earlier rural area rezonings:

- Development shall provide a maximum gross density of 1.0 units per acre.
- The minimum lot size shall be 0.5 acre.
- The maximum built-upon area per lot shall be 50%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - Front – 40 ft;
 - Side – 15 ft. min;
 - Corner side – 15 ft;
 - Rear – 25 ft.

Architectural Zoning Conditions:

- Staff recommends both standard and enhanced architectural zoning conditions addressing siding materials, color palette, roof pitch, eave projection, garage door details & location, corner side decorative elements, covered porch/stoop, porch depth, and trimmed windows on visible sides.

Environmental Zoning Conditions:

- For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
- Implement a stormwater management plan that results in nitrogen and phosphorous loading rates of 4.4 lbs/ac/yr and 0.78 lbs/ac/yr, respectively, or provides "runoff volume matching" as defined in 15A NCAC 02H .1002.
- As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>)

Environmental Zoning Conditions:

- Developer shall install pollinator-friendly and native flora within SCM planting areas.
- At least 75% of the plant species used in the landscape design shall be native species.
- Perimeter buffers, SCMs, and other HOA maintained areas shall be planted with clover or warm season grasses for drought resistance.
- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
- A minimum of xx pet waste station shall be installed in HOA common area.

Environmental Zoning Conditions:

- All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
- A split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
- All dwelling units shall be pre-configured with conduit for a solar energy system. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
- A solar PV system shall be installed on at least ## homes within the development. A solar PV system shall be installed on a minimum of one (1) model home. All solar installation required by this condition shall be completed or under construction prior to 75-90% of the building permits being issued for the development. The lot on which this home is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.

Environmental Zoning Conditions:

- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at subdivision review.

Environmental Zoning Conditions:

- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- The project shall preserve at least 25% of existing tree canopy.

STAFF REPORT

Zoning Condition Recommendations for Rural Areas

September 24, 2024 Town Council Regular Meeting



Background:

At the March 7, 2024 Planning Committee meeting, committee members and Planning staff discussed conservation subdivision attributes. The Committee asked Planning staff to come up with a set of zoning conditions to recommend to applicants who propose to rezone and amend the 2045 Land Use Map from Rural Density Residential to Rural Transition Residential or to Low Density Residential, or from Rural Transition Residential to Low Density Residential. These zoning conditions would be the standard list developers would consider proffering for any rezoning to Rural Residential - Conditional Zoning (RR-CZ), Low Density Residential - Conditional Zoning (LD-CZ), or Planned Unit Development - Conditional Zoning (PUD-CZ) within existing Rural Density Residential and Rural Transition Residential areas.

Concurrent with the Planning Committee meeting, Planning staff held three workshops for the *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities* (WBBAP) on March 6, 18, and 20, 2024. Public input included the “Friendship and New Hill Community Land Use Map & Neighborhood Conservation Overlay District Proposal” (see Attachment #1). Planning staff had concerns about the logistics of an overlay district (see Attachment #2), but heard the public’s interest in having more guidelines and restrictions for development in or near rural areas.

Further, Wake County is seeking a memorandum of understanding with the Town of Apex to allow Voluntary Agricultural Districts (VAD) and Enhanced Voluntary Agricultural Districts (EVAD) in the Town’s extraterritorial jurisdiction (ETJ) and corporate limits. Wake Soil and Water Conservation District staff have asked for wider buffers adjacent to properties designated as VAD or EVAD.

Given the various related initiatives and requests, Planning staff recommend utilizing the conditional zoning process to accomplish the goals of the Planning Committee, WBBAP neighbors, and Wake County to ensure more compatible development in rural areas. This work session item is the first step in preparing a set of zoning conditions that will provide guidance to developers seeking rezonings in areas currently shown as Rural Density Residential or Rural Transition Residential on the 2045 Land Use Map.

Zoning condition categories from Planning Committee:

1. Limit mass grading
 - Discussion at the September 2023 Planning Committee meeting called for possible ordinance changes to “Mass Grading” that would trigger simultaneous UDO amendments to remove lot averages for Residential Agricultural (RA), Rural Residential (RR), and Low Density Residential (LD), which are the only residential districts that still have lot size standards. The lot average currently excludes HOA common area except riparian buffer area that the State allows to be attributed to the adjacent lots. Direction was to “Make changes to prohibit both mass grading and staged grading based on lot size. Staff to do research to determine lot size (will be more than 8,000 sq. ft.; ¼ acre is 10,890 sq. ft.; 12,000 sq. ft. was also mentioned). Exceptions similar to Cary, but would only allow staged grading; no mass grading allowed for lots at or above a certain lot size (TBD). Cary’s exception: Exceptions to grade upon a lot prior to the issuance of a building permit may be granted as a modification to the original plan if there is sufficient justification (e.g. problematic drainage issues and/or severe topographic issues).
 - Staff’s recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum Resource Conservation Area (RCA) requirement to 40%. Restrictions on mass

STAFF REPORT

Zoning Condition Recommendations for Rural Areas

September 24, 2024 Town Council Regular Meeting



or staged grading results in issues with efficiently managing stormwater, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.

2. Increase tree preservation

- Staff recommends the following:
 - Increase RCA percentage – 40% was original UDO provision and makes more sense in rural areas.
 - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.

3. Pedestrian connectivity required

- Staff recommends the following:
 - Fill in off-site sidewalk gaps where feasible.
 - Fill in off-site greenway gaps where feasible.
 - Provide high visibility crosswalks where needed.

Zoning condition categories from citizen overlay district proposal:

1. Lot size – 1 unit/acre

- Staff recommends the minimum lot size be evaluated on a case by case basis while also considering the buffers proposed and the context of the existing development pattern. Goal would be to require lot sizes to be from 0.5 acre to 1.0 acre for the RR-CZ zoning district.

2. Frontage

- Staff recommends that the minimum lot width in RR-CZ should generally be around 100' and 80' in LD-CZ.

3. Building setbacks

- Staff supports the typical building setbacks in the LD and RR zoning districts, and may support larger than typical building setbacks depending on context.

4. Building height/1 story rule (can go up only 1 story from neighboring property's structures)

- Staff supports transitioning either through larger buffers or a 1-story increase on the edges of the development, but would support up to 3 stories interior to the project.

5. 50% tree canopy

- Staff's recommendation is for the subdivision to provide 40% RCA.

6. Use net vs. gross density

- Staff's recommendation is to maintain the use of gross density because of the significant infrastructure and other requirements in the UDO (e.g. roads, sidewalks, greenways, park dedication/fee-in-lieu, stormwater controls, RCA, private play lawns, etc).

7. Require fencing

- Staff's recommendation is for fences to be required when projects are adjacent to a bona fide farm, VAD or EVAD, or when the shrub layer would not likely survive when planted within a Type A buffer with high percentage of tree canopy.

8. Greater buffers

- Staff recommends the following:

STAFF REPORT

Zoning Condition Recommendations for Rural Areas

September 24, 2024 Town Council Regular Meeting



- Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas versus suburban areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.
9. Stormwater protections for farm ponds
- Stormwater staff recommend the following condition: “As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>.”
10. Clear cutting and mass grading prohibited
- Staff’s recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum RCA requirement to 40%. Restrictions on mass or staged grading results in issues with managing stormwater efficiently, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.
 - Staff does not consider mass grading to be the same as clear cutting since staff recommends that 40% of the subdivision be preserved as RCA.
11. Seller disclosure of zoning conditions
- Staff is unsure how this condition would be enforced.
12. Country, rural architecture
- Staff’s recommendation is that we review the existing architectural standards that we typically suggest and modify those to fit the context of the area.
13. Small homes
- Staff supports affordable housing and accessory dwelling units, and the UDO does not have minimum house sizes (state law also prohibits minimum lot size). Staff works with all developers to try to encourage a diversity of home sizes to provide a variety of housing options.

Note that staff does not recommend the following conditions from the citizen overlay district proposal:

- *Limit interconnectivity (staff has consistently promoted interconnectivity throughout our jurisdiction)*
- *Traffic studies for parks and capped schools (TIAs are done for road capacity and consider both current traffic and projected traffic, but do not look specifically at existing parks or schools other than to include them in background traffic).*

Categories of zoning conditions from Wake County request:

1. Buffer adjacent to EVAD and VAD set at 50' Type A (same as American Tobacco Trail buffer)
 - Staff supports the 50' buffer adjacent to EVAD and VAD.

Categories of zoning conditions from earlier rural area rezonings:

STAFF REPORT

Zoning Condition Recommendations for Rural Areas

September 24, 2024 Town Council Regular Meeting



Staff looked at prior rezonings in the Rural Density Residential and Rural Transition Residential land use categories and have provided a list of relevant conditions from other developments that could potentially be used for rezonings in rural areas:

1. Game lands buffer – 450' is the NC Wildlife Commission's recommended buffer.
 - Staff's recommendation is to provide 450' or as much as is reasonably possible since requiring the full buffer width could render some properties undevelopable.
2. Affordable Housing proffer.
3. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
4. Historic structures shall be put into historic preservation easement with Capital Area Preservation or similar non-profit.
5. Cemeteries shall be preserved in place. Prior to Master Subdivision Plan approval, a survey of any cemetery shall be completed to establish its exact dimensions and the location of grave sites.
6. Limit permitted uses to the following for RR-CZ and LD-CZ rezonings:
 - Single-family
 - Accessory apartment
 - Farm residence (RR-CZ only)
 - Utility, minor
 - Greenway
 - Horse boarding and riding stable (RR-CZ only)
 - Park, passive
 - Park, active
 - Recreation facility, private
 - Cemetery (RR-CZ only)
7. See Appendix G: Review of Allowable Agricultural Business and Agritourism Uses for possible agritourism land uses allowed within RR-CZ, and PUD-CZ (see Attachment #4).
8. Development shall provide a maximum gross density of 1.0 units per acre.
9. The minimum lot size shall be 0.5 acre.
10. The maximum built-upon area per lot shall be 50%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - Front – 40 ft;
 - Side – 15 ft. min;
 - Corner side – 15 ft;
 - Rear – 25 ft.
11. Architectural Zoning Conditions:
 - Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 - Eaves shall project at least 12 inches from the wall of the structure.
 - Garage doors shall have windows, decorative details or carriage-style adornments on them.
 - Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
 - Street facing garages shall not protrude more than 1 foot out from the front façade and front porch.
 - Houses with more than a 2-car garage shall have at least one of the garage bays recessed at least 10 feet from the front façade.



- Side-entry garages shall be required on at least 50% of the homes. This shall not include garages accessed by J-driveways.
- The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
- A varied color palette shall be utilized 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.
- House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- Front porches shall be a minimum of 6 feet deep.

12. Environmental Zoning Conditions:

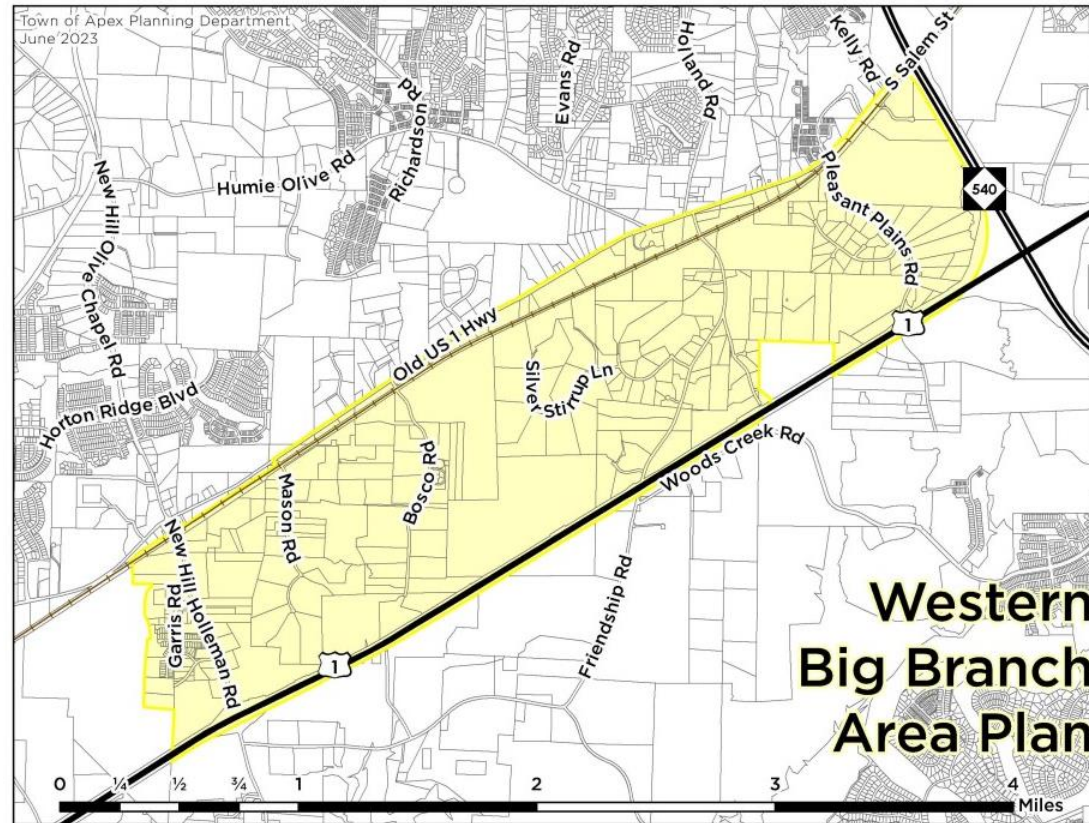
- For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
- Implement a stormwater management plan that results in nitrogen and phosphorous loading rates of 4.4 lbs/ac/yr and 0.78 lbs/ac/yr, respectively, or provides "runoff volume matching" as defined in 15A NCAC 02H .1002.
- As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>.)
- Developer shall install pollinator-friendly and native flora within SCM planting areas.
- At least 75% of the plant species used in the landscape design shall be native species.
- Perimeter buffers, SCMs, and other HOA maintained areas shall be planted with clover or warm season grasses for drought resistance.
- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
- A minimum of xx pet waste station shall be installed in HOA common area.
- All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
- A split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.



- All dwelling units shall be pre-configured with conduit for a solar energy system. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
- A solar PV system shall be installed on at least ## homes within the development. A solar PV system shall be installed on a minimum of one (1) model home. All solar installation required by this condition shall be completed or under construction prior to 75-90% of the building permits being issued for the development. The lot on which this home is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at subdivision review.
- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- The project shall preserve at least 25% of existing tree canopy.

Friendship and New Hill Community

Land Use Map & Neighborhood Conservation Overlay District Proposal



Background

- Our community is part Apex ETJ and part Wake County.
- Our community is more than just a rural area. It is a vibrant community with numerous mini-farms, horse farms, bona fide farms and forestry parcels that participate in leading NC economies resulting in job creation for veterinarians, farriers, feed manufacturers, building suppliers, farm equipment manufacturers, and food production.
- Our community also provide important economic value in carbon sequestration, pollution and water quality mitigation as quantified in the 2023 Apex Tree Canopy Assessment.
- Town of Apex is evaluating future land uses within our area via the Western Big Branch Area Plan Study. Wake County has plans to do so in 2024.
- Apex proposed:

Draft Study Area Vision

The Western Big Branch Area Plan envisions a future where the rural residential character of the study area is valued and actively protected, the unique history of the New Hill and Friendship communities is acknowledged and celebrated, new development is responsive to the needs of surrounding residents, and multimodal travel is safe and context sensitive.
- Community agrees with the vision but not the options provided by the Town. Detailed feedback provided to Apex via email on Wednesday, March 27.

Community Proposal – Land Use Map & Transportation Map

Draft Study Area Vision

The Western Big Branch Area Plan envisions a future where the rural residential character of the study area is valued and actively protected, the unique history of the New Hill and Friendship communities is acknowledged and celebrated, new development is responsive to the needs of surrounding residents, and multimodal travel is safe and context sensitive.

To achieve the Study Area Vision:

- **Development Limited** - Except for the Walker & Baucom tracts, installing future sewer from connection points at US 1 thru existing neighborhoods will be difficult given the negative impact to those neighborhoods and potentially, is cost prohibited due to distance. Walker & Baucom tracts are burdened with the cost of future Richardson Rd with its CSX crossing & US1 interchange connection.
- **Residential** - Residential zoning no greater than Rural Transition Density of 1 home per acre which is 4X greater than current average density of 1 home per 4 acres.
 - Greater density fails to reflect rural character, to maintain tree canopy and fails to provide context sensitive development.
- **Commercial** - No Mixed Use Commercial with Residential - By definition, mixed use is metropolitan and not context sensitive.
- **Transportation** - Plans should be focused on road improvements (widening, signalization, etc.) for New Hill Holleman Road, Old US 1 and access to I540 versus creating interconnectivity within our community which only creates nuisance cut-thru traffic.
- **Overlay District** – In addition to the underlying Land Use Map & Transportation Plan, community to petition for the creation of a Neighborhood Conservation Overlay District to further define allowable context sensitive development.

Neighborhood Conservation Overlay Districts

A **Neighborhood Conservation Overlay District (NCOD)** is a zoning overlay district intended to preserve and enhance the general quality and appearance of established neighborhoods by regulating built environmental characteristics such as lot size and frontage, building setback, and building height. This district reduces conflicts between new construction and existing development and encourages compatible infill development.

- NCOD's exist in surrounding communities such as Carrboro, Chapel Hill, Charlotte, Greensboro, Raleigh and Winston Salem. Apex currently offers the Small Town Character Overlay District.
- NCOD's are used to protect historical communities from gentrification. Gentrification of farmland is well documented.
 - NC Dept. of Ag. and Wake County publish yearly statistics of lost farm land in Wake County.
 - Gov. Cooper issued an executive order on 2/15/2024 to protect more North Carolina land.
 - NC General Assembly & Wake County Commissioners adopted the Farm Preservation Act which provides the Voluntary Agricultural District Program & the Enhanced Voluntary Agricultural District Program. 12% of our area participates in.
 - Wake County Commissioners funded \$3 million in FY24 to Triangle Land Conservancy to assist in preserving farmland.
- While final name may change, community is proposing and petitioning for "Historical Farm Overlay District" to honor the history and to preserve the ability to have a community of urban farms, mini-farms, and farms.

Why Historical Farm Overlay District?

- Ensures the historical value of farming to both Friendship and New Hill Communities is preserved.
- Recognizes that our community supports and wants to encourage more urban farms, mini-farms, farms and forestry parcels. Minimum of 1 acre with home is needed for an urban farm to be viable.
- Close proximity of farms enable better utilization of resources and has less conflict with surrounding development.
- Recognizes the economic value that our area currently contributes to:
 - Forestry, Equine, Agricultural Industries – all critical industries to NC
 - Participation in EVAD and VAD programs unanimously approved by Wake County Commissioners.
- It allows for 50% tree canopy to continue and is essential for carbon sequestration and water quality for Wake County and Apex.
- Would be the first agricultural focused NCOD, serving as a model community for other to replicate.

About Us

Why Historical Farm Overlay District is a good fit?

Area inside of New Hill Holleman Rd, Old US 1, I540 and US 1 boundaries

262 Parcels

(100 Apex ETJ / 162 Wake County)

1829 acres

(665 Apex ETJ / 1146 Wake County)

Consisting of:

- Pleasant Park 92 acres (in Yellow)
- 2 Largest Parcels 228 acres (Baucom & Walker)
- 120 Parcels 450 acres (3.75 acres –aver. lot size)
- 102 Parcels w/Covenants 404 acres (3.96 acres – aver. lot size, in blue)
- 3 Forestry Parcel 120 acres (1 qualifies as a Century Farm*)
- 2 Largest Farms 65 acres (1 qualifies as a Century Farm*, 2nd will qualify in 2032)
- 32 Parcels over 10 acres 510 acres (horse farms & mini-farms / 14.72 acres – aver. lot size)
- 200 Acres in NC Voluntary Ag. District or Enhanced Voluntary Ag. District (in pink & green – committed to preserve farmland)

*Century Farms as recognized by NC Dept of Ag. are farms owned by same family for at least 100 years. Applications are underway.



Notables:

3 – Equestrian Communities with Bridle Paths
Victory Hill Farms – Award Winning Equine Training Facility
Multiple Private Equine Facilities, Mini Farms
East Coast Koi Imports
Home to a NC Stewardship Forest

Autumn Winds Dog Training and Agility Center
The Mother Ranch (equine & wellness)
Holt Farms, Days Journey Farms (food producers)
Finnigan’s Run Farm (wedding & event venue)
Critical Watershed for Harris Lake / Shearon Harris Nuclear Plant

Historical Farm Overlay District - Residential Development

No greater than 1 home per acre

Apex Study

Draft Study Area Goals

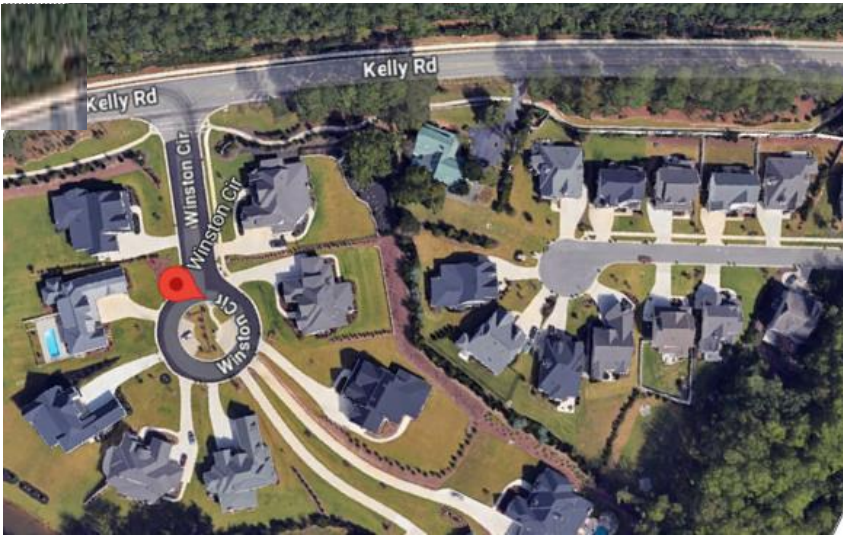
- 1. Preserve rural residential land, agriculture, and open space
- 2. Maintain and enhance the tree canopy
- 3. Protect water resources

| | |
|----------------------------|---|
| Rural Residential Density | • Characterized by single-family development up to one dwelling unit per five acres and large tracts of agricultural lands. |
| Rural Transition Density | • Characterized by single-family development up to one dwelling unit per one acre. |
| Low Density Residential | • Characterized by single-family homes, duplexes, and townhomes with densities not to exceed three units per one acre. |
| Medium Density Residential | • Characterized by single-family homes, duplexes, and townhomes with densities no less than three and no more than seven dwelling units per one acre. |

The rural nature, agriculture and tree canopy cannot be preserved ...

...when there are up to 3 homes per acre.

Example of Low Density Residential
Winston Circle, Apex – 2 houses per acre →



...when there are up to 7 homes per acre.

← Example of Medium Density Residential
Todd Hollow Trail, Apex – 5 houses per acre.

*1 house per acre would allow urban farms to exist and is 4X denser than the current average density.
Land Use Map and Overlay District to ... no more than Rural Transition Density.*

Historical Farm Overlay District - Residential Development

Additional Provisions

- **1 Story Rule** – New Construction cannot be more than 1 story higher than the adjoining existing structure. This would allow developers to place 2 story building next to an existing 1-story building, then 1 street over place a 3-story building next to the 2-story building and so on. This is to prevent nuisance development where new construction has been allowed to surround and tower over existing properties creating an eyesore and invading one's right to privacy.
- **Fencing** – New construction will be required to install a fence to prevent trespassing onto rural properties that are often used for equine, farming, and hunting activities. Currently, no such provision is required by Apex's UDO and is a burden placed on current property owners.
- **Greater Buffers** – Buffers are the only effective way to protect rural properties from both light and noise pollution from commercial development.
- **Stormwater protections** - Stormwater is critical to recharging the water table that serves the many ponds and private wells. Stormwater should not be carried off but managed on-premise to ensure recharging of the water table can occur. Additionally, our creeks feed into Harris Lake, critical for cooling Shearon Harris Nuclear Plant.
- **Tree Canopy Protections** – Clear-cutting is prohibited. Phased grading must allow for 50% of trees to remain.
- **Seller Disclosure** – Potential buyers must be notified of the overlay district requirements.

Historical Farm Overlay District - Commercial Development

- It is known that commercial development is targeted along Old US 1, New Hill Holleman Rd. & future Richardson Rd.
- Currently, planned commercial development with West Village, the Summit and on 500 acres of Friendship Road (Holly Springs' portion) exceeds projected needs and includes multiple grocery stores.

Therefore, for commercial properties adjoining or within the District:

- Mixed use commercial with residential is not allowed as “metropolitan” development is not cohesive with District.
- Development should not be a nuisance to adjoining properties. Ag-friendly development should be encouraged:
 - Permanent farmer’s market & flea market like NC State Fairgrounds to support local farmers yet attract tourism as desired by Apex.
 - Farm to Table restaurants – Both high end like Farrington Village and alternatives like State Farmer Market Restaurant
 - Community Farm & Tree Archive – like Cary Good Hope Farm & Cary Tree Archive
 - Public Equine Complex – Horse Arena & Riding Trails
- Parking to be camouflaged and walking / cycling trails should be offered to discourage local drivers.
- Hours of operations, noise and light pollution should not be a nuisance.
- Architecture should feature “country, rural” qualities such as tin roofs, small town and barn aesthetics.

Historical Farm Overlay District - Transportation

“Cut Thru” traffic patterns divide our community, brings in additional traffic and has been highly problematic for residents along Friendship Road as it is no longer safe to ride horses, bikes or even walk along Friendship Road. While Friendship Road will operate better with the planned turn lanes and signalization, the cut thru traffic does not serve the community.

- **Focus on perimeter**– Improve traffic operations on Old US1 to I540 & New Hill Holleman Rd to US1 to minimize “cut-thru”.
- **Minimize Interconnectivity** - Creates undesirable cut-thru traffic and neighborhood sprawl and should be prohibited.
 - Stub roads / interconnectivity between Pleasant Plains, Friendship, Bosco and Mason Roads are prohibited. Each road must support it’s own development and not transfer the burden on other District’s roads.
 - Stub road cannot count towards fire apparatus safety given anticipated slow development of area.
- **Future Richardson Rd** – 2022 Hot Spot CAMPO Study proposed shifting the CSX crossing east towards to minimize the negative impact on Bosco and Hinsley Roads. If built, shifting east is the only proposal the community will support due to the negative impact to both rural roads. Community will advocate with CSX, CAMPO, Wake County and Apex to adopt the eastern alignment
- **Traffic Studies** – Where development is approved with Capped Schools and / or Park Fee-in-Lieu, those studies must forecast added traffic to intersections leading to the assigned school and nearest park to accurately estimate actual traffic a development contributes to the road.

Historical Farm Overlay District - Impact When Selling

If you sell your property

- **Property disclosure** (All properties)- Disclose property is in the Historical Farm Overlay District.
- **Neighborhood with Covenants** (39% of properties)- Re-development of neighborhood is prohibited by the neighborhood covenants. Property owners sell their home subject to covenants as usual.
- **Neighborhood whose Covenants expire or are voted out** – Sell as is or if re-development is desired, development is subject to the Historical Farm Overlay District and the underlying zoning, generally no more than 1 home per acre.
- **Tracts less than 10 acres with no covenants** (46% of properties) - Sell as is or if re-development is desired, development is subject to the Historical Farm Overlay District and the underlying zoning, generally no more than 1 home per acre.
- **Tracts over 10 acres and/or Bona Fide Farms** (15% of properties)- Sell as is or if re-development is desired, development is subject to the Historical Farm Overlay District and the underlying zoning, generally no more than 1 home per acre.

“Conditional Zoning” Exception: Per NC law, developers may apply for “Conditional Zoning” which provides exceptions and allows for deviations to any proposed or current zoning. Requires both public hearings and Apex Town Council vote.

Historical Farm Overlay District - Steering Committee

Citizen Advisory Committee - due to the lack of elected representation within Apex, a Citizen Advisory Committee is created and will be known as the Community Steering Committee. At least 1 representative per road or major community will serve on the committee. Initial members are:

- Tony Santitori – Kirkwood & Pleasant Plains Road
- Elizabeth Stitt – Friendship Road (Apex ETJ)
- Kurt Kuechler – Hazelhurst & Creeks Bends Estates
- Beth Bland - Kilcastle Farms & Friendship Road (Wake County)
- Dawn Cozzolino – Bosco Road
- Patty McIver – Mason Road

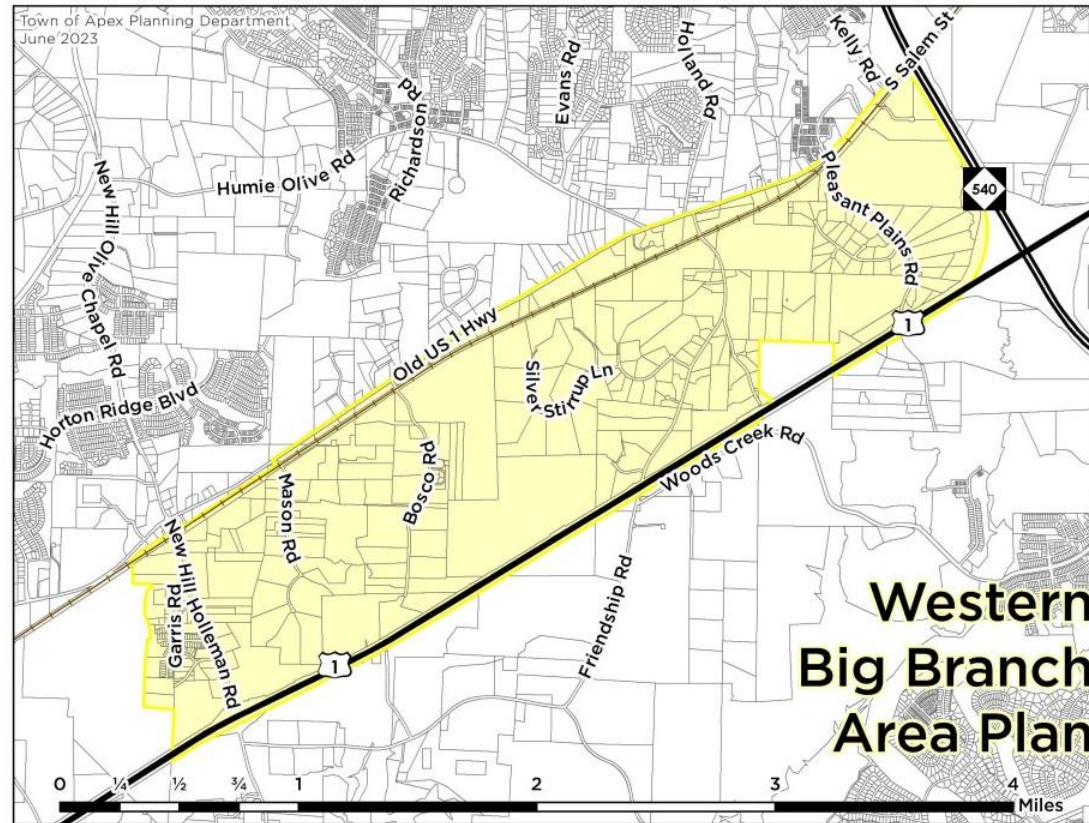
Additional responsibilities include:

- **Pre-Development applications** – Town to send applications to the Committee for non-binding comments.
- **Neighborhood Meetings** - Committee to be included in developers' neighborhood meetings.
- **Committee Representation** - is allowed to participate in work sessions, TRC meetings, and public hearings (without the 3 minute time limit) to represent District's interests.

Community Feedback Deck to Apex

March 26, 2024

Friendship and New Hill Community Feedback to Apex Western Big Branch Area Plan



Acknowledgements / Thank You

- Having meetings at Apex Friendship Middle, New Hill Community Center and Pleasant Plains Baptist Church allowed for greater community participation.
- Making the March 2024 presentation and proposals available online prior to the meetings enabled our community to have a look and come to the sessions better prepared with questions and ideas.
- Map legend handout at March 2024 meeting was concise and very helpful.
- Many Apex staff members and elected officials were available at the meetings for discussions and what we hope is the foundation to building better relationships.

Challenges

- Western Big Branch Area Plan Name
 - Despite much feedback that we find the name highly offensive due to our negative experience with the Big Branch Force Main Sewer Project, yet no change to the name has occurred.
- Consequences from Little Beaver Creek Conservation Easement
 - Community learned in January 2024 that the Town has been actively working to breach the Conservation Easement since at least 2016 and the Town's intentions to do so were publicly discuss within public hearings for other matters where the legal ads did not reference the Easement. The lack of transparency deprived our community constructive notice and broke trust that we've been working to build.
 - Culturally, our community highly values responsible land management. Breaching the easement is highly offensive.
 - We are formally opposing the Town's application to breach the easement.
- Community input was limited to pre-set options provided by the Town
 - Preset options did not capture what the community wanted. Instead, community was choosing the least objectionable options offered versus having a true dialog about what the community wants and needs.
- Lack of outside Consultant
 - Perception is that the Town's is simply looking for more of the same kind of development that Apex already has versus development that reflects the unique history and culture of the Friendship and New Hill Communities.
- Lack of representation
 - Without voting rights and with no elected official to advocate for our interests within Apex leadership, we have begun advocating to CAMPO, NCDOT, Wake County, NCDEQ, NCDOA and CSX for the interests of Friendship and New Hill.

Current Unsolved Development Challenges

- Traffic Congestion at Pleasant Park
 - Despite many assurances from the Town, traffic mitigations at the Park have failed.
 - Town's needs to solve issues quickly to instill confidence.
- Traffic Congestion at Old US 1 & Friendship Road
 - There has been no development by neighbors on Friendship Road. All traffic growth is from Apex or Holly Springs.
 - Community members fought for money from Holly Springs. Apex needs to take the lead on fixing the intersection to instill confidence.
- Incompatible development trends
 - 3 story townhomes towering over and encircling single story homes or rural communities (Winding Creek Estates)
 - Town's continuous threat of eminent domain – Rubin case, Big Branch Force Main
 - "50 Shades of Gray"

Proposal Feedback

Apex Proposed:

Draft Study Area Vision

The Western Big Branch Area Plan envisions a future where the rural residential character of the study area is valued and actively protected, the unique history of the New Hill and Friendship communities is acknowledged and celebrated, new development is responsive to the needs of surrounding residents, and multimodal travel is safe and context sensitive.

Community Feedback:

Most in the community generally agree with Study Area Vision.

The community is more than just a rural area. It also includes numerous mini-farms, horse farms, bona fide farms and forestry tracts that participate in leading NC economies resulting in job creation for veterinarians, farriers, feed manufacturers, building suppliers, farm equipment manufacturers, and food production. These tracts further provide economic value in carbon sequestration, pollution mitigation and improve water quality.

The Study Area Vision and Town Ordinances need to be expanded to address the potential nuisance that new development creates for these properties.

Apex Proposed:

Draft Study Area Goals

- 1. Preserve rural residential land, agriculture, and open space
- 2. Maintain and enhance the tree canopy
- 3. Protect water resources

| | | |
|--|----------------------------|---|
| | Rural Residential Density | <ul style="list-style-type: none">• Characterized by single-family development up to one dwelling unit per five acres and large tracts of agricultural lands. |
| | Rural Transition Density | <ul style="list-style-type: none">• Characterized by single-family development up to one dwelling unit per one acre. |
| | Low Density Residential | <ul style="list-style-type: none">• Characterized by single-family homes, duplexes, and townhomes with densities not to exceed three units per one acre. |
| | Medium Density Residential | <ul style="list-style-type: none">• Characterized by single-family homes, duplexes, and townhomes with densities no less than three and no more than seven dwelling units per one acre. |

Community Feedback:

The rural nature and tree canopy cannot preserved ...

- when there are 3 or more homes per acre. See Todd Hollow Trail,
- Or when there are 2 or more homes per acre. See Winston Circle.

If the Town is to meet the above 3 goals, housing density should not be more than 1 house per acre.

Winston Circle, Apex
on ½ acre lots

Todd Hollow Trail, Apex
On 1/5 acre lots



Apex Proposed:

4. Honor the history of the Friendship and New Hill communities

Community Feedback:

Agreed and Thank you.

Apex Proposed:

5. Encourage development of a small-scale downtown near the intersection of Humie Olive Road and Old US 1
6. Encourage development of grocery/convenience offerings near the intersection of New Hill Holleman Road and US 1
7. Encourage economic development along the Richardson Road corridor south of Old US 1 and at the future Richardson Road/US 1 interchange

Community Feedback:

Goal 5 & 6:

In general, it is understood that commercial development may occur along Old US 1 and New Hill Holleman Road.

Mixed use and high density residential is not “context sensitive”, is not cohesive to adjoining rural properties and fails to “actively protect” the rural nature stated within Study Area’s vision. This type of development is a nuisance to rural properties due to the increased noise, subsequent trespassing, and loss of privacy due to towering buildings.

Goal 7: This goal was not a community goal. Economic development of this area further divides our community and destroys portions of it along Bosco Road and potentially a portion of Friendship Road. More detailed comments are provide with the Scenario depictions.

Apex Proposed:

8. Improve the safety of area roadways for motorists, cyclists, and pedestrians
9. Mitigate the impact of surrounding development on existing roads
10. Provide trails, greenways, and trailheads

Community Feedback:

Goal 8: Community agrees.

Goal 9: When the Town approves development with park fee-in-lieu and capped schools, the Town is putting more traffic on over-burdened roads. The Town's traffic studies also have not kept up with actual traffic volumes such as Pleasant Park. For our Study Area, we want traffic study to address these issues.

It seems the Town wants to shift development traffic into our community with connector roads which will not protect the rural character or increase the quality of our daily lives. Development traffic should be directed out, not through, our community.

Goal 10: Community is split. If the trade off to get trails, greenways, and trailheads is construction of townhouses, then the community is generally against this goal. If the trails, greenways and trailheads are part of the commercial development, then it is generally received better.

Community Feedback

Draft Additional Plan Recommendations

Future Land Use

- Encourage development of a small-scale downtown near the intersection of Humie Olive Road and Old US 1.
- Encourage development of grocery/convenience offerings near the intersection of New Hill Holleman Road and US 1.

History

- Incorporate New Hill Historic District gateway signs into the Town-wide Wayfinding Signage Program.
- Encourage residents of the Friendship and New Hill communities to participate in the Town of Apex Historical Marker Program.
- Add a subtitle to the plan document: Western Big Branch Area Plan – Encompassing the Friendship and New Hill Communities.

Transportation

- Study and potentially invest in turn lanes and a traffic signal at the intersection of Friendship Road and Old US 1.
- Conduct a feasibility study for a potential grade separation in the vicinity of Pleasant Park to improve vehicular, bicycle, and pedestrian access to the park.
- Coordinate with NCDOT on its annual resurfacing contract to stripe bicycle lanes and/or provide bicycle signage within the study area.
- Coordinate with regional partners on transportation requirements for motorists, cyclists, and pedestrians associated with new development.
- Further explore a potential transit connection between downtown Apex and Pleasant Park.

Quality of Life

- Encourage economic development along the Richardson Road corridor at the future Friendship Road/US 1 interchange.
- Utilize the Town of Apex Affordable Housing Incentive Zoning Policy to encourage mixed housing near major intersections in the study area.

Environment

- Review best practices and develop a policy to encourage the preservation of forested areas.
- Continue to designate properties within the study area as either part of the Primary or Secondary Watershed Protection Areas after being voluntarily annexed into the Town of Apex.

Architecture of the Summit does not align with the Humie Olive Concept Development. What controls be put in place will ensure the small-scale downtown feel?

Grocery store is proposed as a part of New Hill Plaza but the project's high density housing does not align with small-scale community.

Should include both New Hill and Friendship historic gateways.

Yes, we should. Please provide the process.

WBBAP name should be abandoned. Other communities ... Green Level & Olive Chapel are not "labeled", so Friendship & New Hill should not be labeled. Let owners nominate the name.

This is an Apex goal, not a community goal. We understand development will occur. It should reflect Historic Friendship and New Hill.

Mixed housing should be banned as it was not a part of Historical Friendship or New Hill. Small scaled Habitat for Humanity styled homes with small yards is a better fit or replicas of New Hill travel cottages.

NC Forestry & Wake County Soil & Water should be included in the development of the plan.

Town should look to establish a community forest like Cary Tree Archive in our area.

Town should look to establish a permanent farmers market & community farm like Cary's Good Hope Farm.

Draft Additional Plan Recommendations

- Traffic signal and turn lanes on Friendship Road are warranted now based on current traffic. No further development should be approved by any Town process without this improvement in place.
- Old US 1 is designated as the NC Bike Route “Carolina Connection”. Town should work with the state to improve the safety, signage and striping of the route.
- In 2023, DOT determined that Friendship Road was not eligible for bike striping or shoulder expansion for bike lanes. Road is too narrow and the grading of ditches are too steep. Full replacement of road would be required
- Bus stops must be internal to the park and not on Pleasant Plains Road. Town must have staff to supervise kids who come to the park without an adult.

Transportation

- Study and potentially invest in turn lanes and a traffic signal at the intersection of Friendship Road and Old US 1.
- Conduct a feasibility study for a potential grade separation in the vicinity of Pleasant Park to improve vehicular, bicycle, and pedestrian access to the park.
- Coordinate with NCDOT on its annual resurfacing contract to stripe bicycle lanes and/or provide bicycle signage within the study area.
- Coordinate with regional partners on transportation requirements for motorists, cyclists, and pedestrians associated with new development.
- Further explore a potential transit connection between downtown Apex and Pleasant Park.

- Town should not open the Park’s Phase 3 given the unsafe, current conditions.
- Community wants to see an updated traffic study.
- Community wants town to explore the option of an exit onto 540.
- Town to provide additional improvements to ensure residents are able to access and leave their neighborhood with less “near-miss” accidents.
- Given the unacceptable plans for Richardson Road, we ask that a community member be included in those discussions.

Community Added Recommendations:

- Friendship Road is 6 ½ Ton Weight Limited – Work with DOT to increase enforcement.
- Old US 1 has blind spots due to rolling hills. Work with incoming development to reduce hills.
- Old US 1 has concrete buckling under the payment. Work with DOT to have concrete removed from problem areas.
- Apex’s traffic studies does not capture the additional traffic that is generated when a development’s school is capped or when a park fee-in-lieu occurs. As such, studies are under-scoped. Please update policies to include these additional trips.

WESTERN BIG BRANCH AREA PLAN

Scenario One: Minimize Change

Prepared by the Town of Apex Planning Department, February 2024

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- Page 262 -

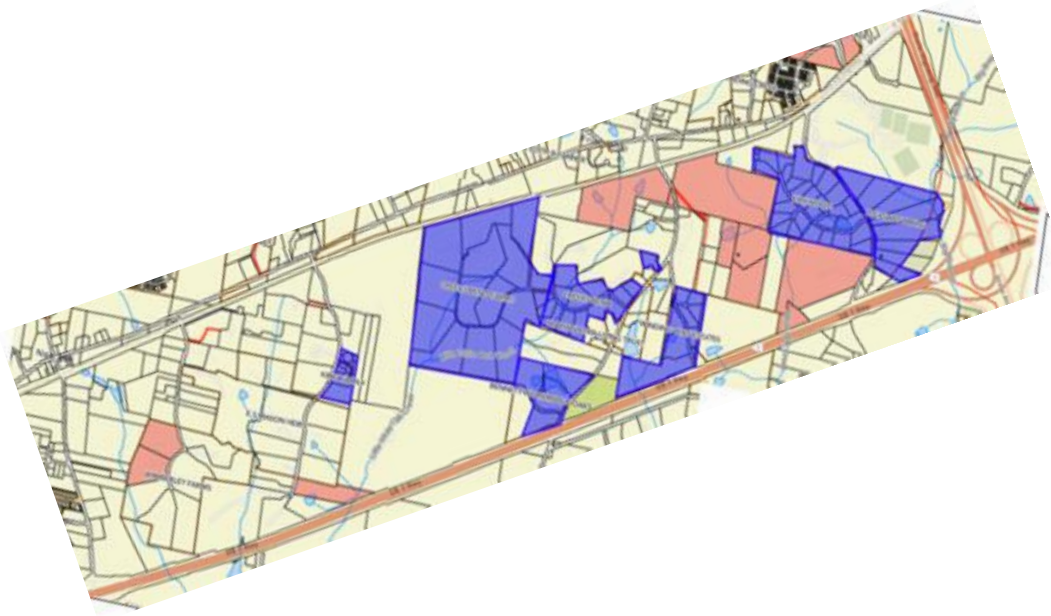
Why Historical Farm Overlay District?

- Offers diversity in property types to Apex's current trends
- Offers critical offset to Apex's density issue
- Honors historical value of farming to both Friendship and New Hill Communities
- Recognizes the economic value this area contributes to:
 - Forestry, Equine, Agricultural Industries – all critical industries to NC
 - Community noise is an issue for these industries
- 50% Tree Preservation can not be achieved with development as proposed
- Rural communities trees help with climate change
- Development along future Richardson Road could offer:
 - Farmer's market & Flea Markets like State Fair Ground to attract tourists
 - Farm to Table restaurants – high end and like Raleigh's Farmer Market Restaurant
 - Tree Archive – like Cary Tree Archive
 - Community Farm – like Cary Good Hope Farm
 - Walking and riding trails for visitors who want nature excursion with markers along the way with New Hill and Friendship History
 - Public Horse Arena

Purpose

The purpose and intent of the Historical Farm Overlay District is to preserve and enhance critical environmental and natural resources, including water resources and ecosystem services in the stream network flowing through the district and maintain the Town's rural agricultural history. The Overlay identifies the architectural qualities that define the agricultural character and proposes design standard to maintain the character in new and infill projects of urban farms and mini-farms while complimenting larger farms.

Study Area Statistics



• 243 Parcels 1829 acres

Consisting of:

- 102 Parcels in HOAs 404 acres (3.96 acres - average lot size)
- 2 Largest Parcels 228 acres (Baucom & Walker)
- Pleasant Park 92 acres
- 3 Forestry Tracts 120 acres (1 qualifies as a Century Farm)
- 2 Largest Farms 65 acres (1 qualifies as a Century Farm, the 2nd will be in 2032)
- 32 Tracts over 10 acres 510 acres (horse farms & mini-farms/ 14.72 acres - average lot size)
- 120 Tracts 450 acres (- Page 265 - res –average lot size)

Western Big Branch Area Plan: Development Restriction Mechanisms & Considerations

Community Goal

The “Friendship and New Hill Community Land Use Map & Neighborhood Conservation Overlay District Proposal” from members of the community shown in Figure 1, proposed a zoning overlay district “...intended to preserve and enhance the general quality and appearance of established neighborhoods by regulating built environmental characteristics such as lot size and frontage, building setback, and building height.”. The purpose of Table 1, below, is to present and outline the considerations of three different mechanisms that could meet this goal, along with draft staff recommendations. For reference, an exhibit showing properties who supported the proposal along with whether they are within Wake County or Apex Extraterritorial Jurisdiction (ETJ), is provided as Figure 1.

Table 1. Development Restriction Mechanisms and Considerations

| Development Restrictions Mechanism | Overlay District | Neighborhood Covenant/Deed Restriction | Zoning Condition (responses are for rezonings heard by Town of Apex) |
|---|--|---|---|
| Geographic Applicability | <ul style="list-style-type: none"> • A Town of Apex Overlay District could only apply to properties located within the Apex corporate limits and ETJ. It would not be applicable to most of the property owners who supported the overlay request. • A Wake County Overlay District could apply to the remaining properties. | <ul style="list-style-type: none"> • All signatories. • Can apply to a single property or neighborhood. | <ul style="list-style-type: none"> • Individual parcel or assembly of parcels within the Apex corporate limits or ETJ, or petitioned by the property owner to have parcel(s) voluntarily annexed into Apex’s corporate limits. |
| Initiated By | <ul style="list-style-type: none"> • Town of Apex. • Potentially Wake County, if proposed in their jurisdiction. | <ul style="list-style-type: none"> • Property owners. | <ul style="list-style-type: none"> • Rezoning applicant. • The property owner or an agent authorized by the property owner. |
| Implementation Timeline | <ul style="list-style-type: none"> • Multi-year process to develop and implement. | <ul style="list-style-type: none"> • Varies, completed by property owners. | <ul style="list-style-type: none"> • At the time of rezoning. • Typically, a 3-5-month process from the date of application submittal. |
| Longevity | <ul style="list-style-type: none"> • Until modified or rescinded. • Wholesale changes can be made at once. | <ul style="list-style-type: none"> • Maximum of 20 years. • Some covenants automatically renew. | <ul style="list-style-type: none"> • In perpetuity (or until another rezoning is approved). |

| Development Restrictions Mechanism | Overlay District | Neighborhood Covenant/Deed Restriction | Zoning Condition (responses are for rezonings heard by Town of Apex) |
|---|---|---|--|
| Enacted, Modified, or Rescinded By | <ul style="list-style-type: none"> • Apex Town Council for portion in Apex corporate limits and ETJ. • Wake County Board of Commissioners for remaining portion. • General Assembly can pass a law that rescinds or modifies the terms. | <ul style="list-style-type: none"> • Property owner(s). | <ul style="list-style-type: none"> • Apex Town Council. |
| Draft Staff Recommendation | Not recommended given limited applicability, implementation timeline, and ability of General Assembly or future Council to modify. As an example, the General Assembly removed Apex's authority to have architectural requirements for one- and two-family homes, including within in the Small Town Character Overlay District (STCOD). These are now provided as zoning conditions. | Recommended for property owners who desire provisions of the proposal on their land. The process is controlled by the property owners and cannot be modified by others. | Town staff are in the early stages of developing a standard list of zoning conditions for properties designated as Rural Density Residential, Rural Transition Density Residential, and Low Density Residential on the 2045 Land Use Map that would be provided to developers to consider proffering. The types of development provisions that were included in the community's proposal could be included in this standard list of zoning conditions. |

Proposed Neighborhood Conservation Overlay District Properties

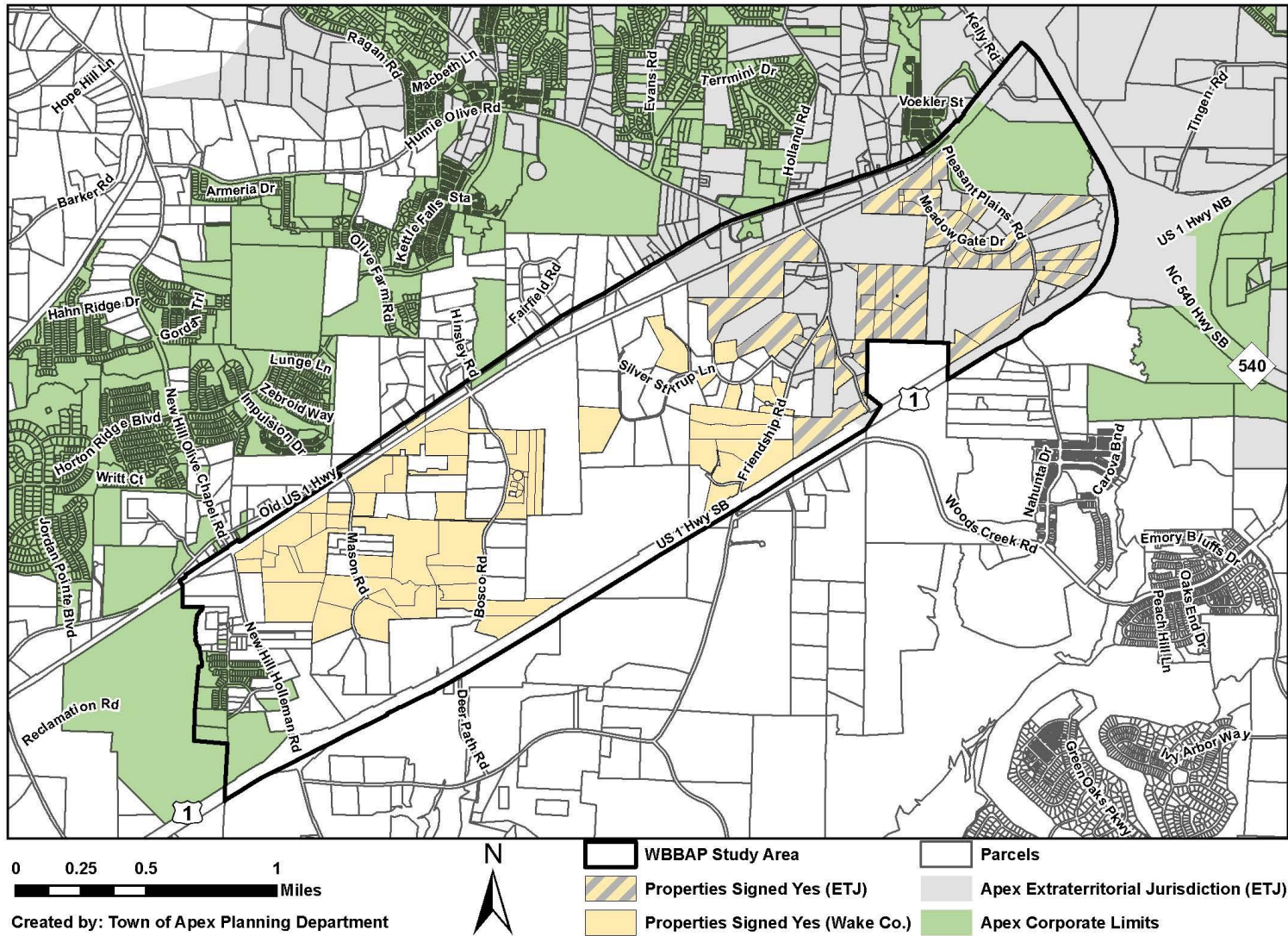


Figure 1. Properties Included in the Proposed Neighborhood Conservation Overlay District

STAFF REPORT

Amendments to the Unified Development Ordinance

September 7, 2023 Planning Committee Meeting



Request: Provide a “Cary-style ordinance banning mass grading”

Comparison of Cary and Apex requirements:

| Density* | Cary (LDO 14.4.3) | Apex (UDO 7.2.5) | Use* |
|--|---|------------------------------------|--|
| Single-Unit Residential (≤ 3 units/acre) | No mass grading** Disturb only land to install infrastructure (roads, utilities, stormwater, greenways, similar). Each lot disturbed when building permit issued. | ≤ 20 acres at a time Add 5% RCA | Single-Family Residential (Mass Grading) |
| Medium Density Residential (>3 and ≤ 8 units/acre) | ≤ 25 acres at a time*** | ≤ 20 acres at a time | Single-Family Residential (Staged Grading) |
| > 8 units/acre; non-residential | No limit | No limit | Townhomes, Multi-family/apartments, Condos, Non-residential, Agriculture, TNDs |

*Gross density thresholds only apply to Cary; Apex is based on type of use

**Exceptions to grade upon a lot prior to the issuance of a building permit may be granted as a modification to the original plan approved by Cary, if there is sufficient justification (e.g., problematic drainage issues and/or severe topographic issues).

***Exceptions to this requirement may be granted as a modification to the original plan approved by Cary if compliance is not practicable due to physical site constraints, such as topography, presence of stream buffers or other natural features, or lot dimensions; or due to presence of existing development or infrastructure.

Discussion points from Planning/Water Resources staff:

- Most of the national builders build at higher densities/smaller lot sizes (and a prohibition on mass grading of larger lots will likely just encourage them to do all small lots). It is harder to preserve existing trees on smaller lots.
- For efficiency in use of dirt and cost of grading, multiple lots need to be cleared together. This amendment may increase cost of development in some circumstances (especially if building permits are not pulled on multiple adjacent lots in the same time frame). Requiring one lot at a time grading may not result in the most efficient type of ultimate grading, possibly increasing the likelihood of retaining walls.
- Erosion control at the perimeter on a lot by lot basis is not as effective as mass grading.
- Of all townhome developments in Apex, only 4 involve disturbance of more than 20 acres:
 - Villages of Apex South
 - West Village South
 - Hempstead at Beaver Creek
 - Westford Townhomes
- There is no requirement to preserve trees on lots once a building permit is issued. The Town’s

Local Act permits the town to adopt ordinances to regulate tree preservation but any ordinance must exclude property to be developed for single-family or duplex residential uses and for normal forestry activities.

- To match Cary's standards, the UDO would have to prohibit mass grading in the RA, RR, and LD zoning districts and PUD-CZ when the density is less than 3 units/acre.
- Potential to have larger buffers along perimeter roadways to reduce visibility of tree clearing. This may need to be considered only on a case by case basis at rezoning due to the context of each site.
 - Town of Cary requires a 30' buffer along collector streets. A 50' buffer along thoroughfares is required, but buffer may be averaged with a minimum of 30' width. Some exceptions to required buffer/buffer width apply (historic areas, mixed-use areas); certain encroachments are allowed with buffers including SCMs in some instances which Apex does not allow.

UDO Sections affected by proposed change:

7.2.5 Single-Family Residential Grading

A) *General Grading Standards*

- 1) As required by the North Carolina Building Code Appendix J *Grading*, no grading shall be performed without first having obtained a permit from the Building Official.
- 2) Grade changes in existing public utility easements and public rights-of-way consisting of a cut of greater than one (1) foot in elevation or fill greater than two (2) feet in elevation must be approved by the Town of Apex Water Resources Director.
- 3) After rough grading of a subdivision is completed, the grade of any single-family residential lot shall not be raised or lowered more than six (6) feet at any point, except the grade may be raised or lowered up to 12 feet to accommodate foundation walls incorporated into the principal structure for walk-out basements.

B) *Single-Family Residential Subdivision Mass Grading*

Mass grading of single-family residential subdivisions shall be allowed provided all provisions of Sec. 7.2.5.B are met.

- 1) Grading activities shall be staged; prior to proceeding to another stage the developer shall stabilize the present stage with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.
- 2) In no case shall mass grading exceed 20 acres per stage, including grading necessary for on-site infrastructure.
- 3) Mass graded acreage in single-family residential subdivisions must retain at least 80% of the pre-development drainage areas within their natural basins.

- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
 - a) How stormwater will be handled within the subdivision to meet Sec. 6.1 *Watershed Protection Overlay District* requirements;
 - b) Existing and proposed grades of site based on topography verified by a professional land surveyor or topography generated latest LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;
 - c) Required sedimentation and erosion control measures;
 - d) The limits of disturbance;
 - e) Offsite drainage;
 - f) Stockpile areas and maximum heights;
 - g) Debris piles and maximum heights; and
 - h) Clearly identified borrow and/or waste areas on-site and/or off-site if located in Town of Apex's corporate limits or ETJ.
- 5) Grading activities shall be done in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution.
- 6) When an owner of any parcel shall raise, lower, or alter the level of existing grade of a site by a fill or excavation, the owner shall bear the expense to protect all adjoining property, with the exception of off-site easement areas, from encroachment by such fill or from danger of collapse due to such excavation either by erection of engineered retaining wall(s) or by sloping the sides of such fill or excavation entirely within the confines of the development including off-site easement areas in a manner approved by the Town of Apex. (See Secs. 8.1.4 *Development Restrictions on Steep Slopes* and 8.1.6 *Retaining Structures*.)
- 7) Each lot 8,000 square feet in size or greater shall be supplemented with a minimum of four (4) shrubs and two trees, to be provided in the front, side, or rear yard.
- 8) An additional five (5%) percent Resource Conservation Area (RCA) shall be set aside. This requirement is added to the standard RCA percentage requirement found in Sec. 8.1.2.C *Size of the RCA*.

C) *Single-Family Residential Subdivision Staged Grading*

Staged grading shall be allowed provided that the following standards are met:

- 1) Grading activities shall be staged; prior to proceeding to another stage the developer shall stabilize the present stage with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.

- 2) In no case shall staged grading exceed 20 acres per stage, including grading necessary for on-site infrastructure.
- 3) Stage graded acreage in single-family residential subdivisions must retain at least 80% of the pre-development drainage areas within their natural basins.
- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
 - a) How stormwater will be handled within the subdivision to meet Sec. 6.1 *Watershed Protection Overlay District* requirements;
 - b) Existing and proposed grades of site based on topography verified by a professional land surveyor or topography generated latest LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;
 - c) Required sedimentation and erosion control measures;
 - d) The limits of disturbance;
 - e) Offsite drainage;
 - f) Stockpile areas and maximum heights;
 - g) Debris piles and maximum heights; and
 - h) Clearly identified borrow and/or waste areas on-site and/or off-site if located in Town of Apex's corporate limits or ETJ.
- 5) Grading activities shall be done in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution.
- 6) When an owner of any parcel shall raise, lower, or alter the level of existing grade of a site by a fill or excavation, the owner shall bear the expense to protect all adjoining property from encroachment by such fill beyond off-site easement areas or from danger of collapse due to such excavation either by erection of engineered retaining wall(s) or by sloping the sides of such fill or excavation entirely within the confines of the development including off-site easement areas in a manner approved by the Town of Apex. (See Secs. 8.1.4 *Development Restrictions on Steep Slopes* and 8.1.6 *Retaining Structures*.)

D) Exemptions

- 1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:
 - a) Grading in emergency situations involving immediate danger to life or property or substantial fire hazards.

- b) Agricultural activities on bona fide farms.
- c) Routine maintenance activities, including tree removal required to control vegetation on public roads and public utility rights-of-way.
- d) Traditional Neighborhood Developments (TNDs).
- e) Attached and detached townhomes, multi-family/apartments, condominiums, and non-residential developments.

8.2.4.A Building Landscaping Requirements, General Landscaping Standards

...

4) *Single-Family Residential Subdivisions*

All single-family residential subdivisions shall install at least one (1) small ornamental type tree and two (2) shrubs per lot, to be located in the front, side, or rear yard of the individual single-family lot. This Section shall not apply to those single-family residential subdivisions that provide landscaping per UDO Sec. 7.2.5.B.7 *Single-Family Residential Subdivision Mass Grading*.

12.2 Terms Defined

Single-Family Residential Subdivision Mass Grading

The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of infrastructure and 50% or more of the subdivision lots prior to the first plat in a single-family residential subdivision. Subdivision lots that are graded no more than 10 feet from the right-of-way solely for the installation of infrastructure shall not be considered when calculating the number of graded lots. Grading completed after the plat is recorded shall be considered individual lot grading subject to Sec. 7.2.5.A.3 *General Grading Standards*.

Single-Family Residential Subdivision Staged Grading

The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of infrastructure and less than 50% of the subdivision lots prior to the first plat in a single-family residential subdivision. Subdivision lots that are graded no more than 10 feet from the right-of-way solely for the installation of infrastructure shall not be considered when calculating the number of graded lots. Grading completed after the plat is recorded shall be considered individual lot grading subject to Sec. 7.2.5.A.3 *General Grading Standards*.

Appendix G. Review of Allowable Agricultural Business and Agritourism Uses

Western Big Branch Area Plan: Review of Allowable Agricultural Business and Agritourism Uses

Tables 2 through 6 below display the allowable zoning districts within the Land Use Classifications that comprise a substantial portion of the Plan study area. Table 1 identifies the agricultural business and agritourism uses that are permitted by-right or with a Special Use Permit within an allowable zoning district. Tables 2 through 6 serve as a legend for Table 1. More information about zoning districts and use classifications is available in the Town of Apex Unified Development Ordinance.

Table 1. Review of Agritourism Uses Allowable by Zoning District and Land Use Classification

| Agritourism Use | Allowable Zoning Districts | | | | |
|--|----------------------------|------------------------------|-----------------------|---------------------------|-----------------------|
| | Rural Density Residential | Rural Transition Residential | Industrial Employment | Office Employment | Commercial Services |
| Active farm (includes winery; excludes bona fide farms, which are exempt from the UDO) | RA & PUD | RR & PUD | PUD | PUD | PUD |
| Bed and breakfast | RA* & PUD | RR* & PUD | PUD | MORR*, O&I, PUD | B2, PC, PUD |
| Farmer's market | PUD | PUD | PUD | PUD | B1, B2, PUD |
| Fish hatchery and fish pond | CB* & RA | CB* & RR | CB* | CB* | CB* |
| Flea market | PUD* | PUD* | PUD* | PUD* | PUD* |
| Greenhouse or nursery, retail | RA & PUD | PUD | MEC & PUD | MORR, MEC, PUD | MORR, B1, PC, PUD |
| Greenhouse or nursery, wholesale | RA | N/A | N/A | N/A | N/A |
| Horse boarding and riding stable | RA & PUD | RR & PUD | PUD | PUD | PUD |
| Restaurant, general | PUD | PUD | LI, TF, MEC, PUD | MORR, O&I**, TF, MEC, PUD | MORR, B1, B2, PC, PUD |
| Retail sales, general | PUD | PUD | LI**, TF**, MEC, PUD | MORR, TF**, MEC, PUD | MORR, B1, B2, PC, PUD |
| Zoological garden | RA* | RR* | N/A | N/A | N/A |

*Special Use Permit required

**Allowed as Percentage of Gross Square Footage

Table 2. Rural Density Residential Allowable Zoning Districts

| | |
|-----|--------------------------|
| CB | Conservation Buffer |
| RA | Residential Agricultural |
| PUD | Planned Unit Development |

Table 3. Rural Transition Residential Allowable Zoning Districts

| | |
|-----|--------------------------|
| CB | Conservation Buffer |
| RR | Rural Residential |
| PUD | Planned Unit Development |

Table 4. Industrial Employment Allowable Zoning Districts

| | |
|-----|--------------------------|
| CB | Conservation Buffer |
| LI | Light Industrial |
| TF | Tech/Flex |
| PUD | Planned Unit Development |
| MEC | Major Employment Center |

Table 5. Office Employment Allowable Zoning Districts

| | |
|------|---------------------------------|
| CB | Conservation Buffer |
| MORR | Mixed Office-Residential-Retail |
| O&I | Office and Institutional |
| TF | Tech/Flex |
| PUD | Planned Unit Development |
| MEC | Major Employment Center |

Table 6. Commercial Services Allowable Zoning Districts

| | |
|------|---------------------------------|
| CB | Conservation Buffer |
| MORR | Mixed Office-Residential-Retail |
| B1 | Neighborhood Business |
| B2 | Downtown Business |
| PC | Planned Commercial |
| PUD | Planned Unit Development |