



AGENDA | REGULAR TOWN COUNCIL MEETING

November 29, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis | Assistant Town Manager: Marty Stone

Town Clerk: Allen Coleman, CMC, NCCCC | 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 2023 Town Council Meeting Calendar

Allen Coleman, Town Clerk

CN2 Amendment to GoApex Paratransit Services Agreement with Wake County

Katie Schwing, Senior Planner - Long Range Transit, Planning and Community Development

CN3 Development Agreement - DHIC Broadstone Walk LLC

Shawn Purvis, Deputy Town Manager

CN4 GoApex Fiscal Year 23 Wake Transit Funding Agreement

Katie Schwing, Senior Planner - Long Range Transit, Planning and Community Development

CN5 Public Art - Blackbird Circle Sculpture Purchase and Relocation - Set Public Hearing

Taylor Wray, Special Events Coordinator

CN6 Rezoning Case No. 21CZ17 Ten Ten Business Park Statement and Ordinance

Amanda Bunce, Current Planning Manager, Planning and Community Development

CN7 Tax Report - September 2022

Allen Coleman, Town Clerk

PRESENTATIONS

PR1 Recognition - Apex Friendship High School Students - Women's Tennis Double State Champions

Jacques K. Gilbert, Mayor

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 Annexation No. 742 - 3075 Lufkin Road - 4.733 acres

Dianne Khin, Director of Planning and Community Development

PH2 Rezoning Case No. 21CZ18 - Olive Chapel Professional Park

Amanda Bunce, Current Planning Manager, Planning and Community Development

PH3 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD

Amanda Bunce, Current Planning Manager, Planning and Community Development

PH4 Rezoning Case No. 22CZ18 - Humie Olive Place

Shelly Mayo, Planner II, Planning and Community Development

PH5 Transportation Plan Amendments - Legacy PUD

Shannon Cox, Long Range Planning Manager, Planning and Community Development

PH6 Unified Development Ordinance Amendments November 2022

Amanda Bunce, Current Planning Manager, Planning and Community Development

NEW BUSINESS

NB1 Resignation of Councilmember Cheryl Stallings

Jacques K. Gilbert, Mayor, and Allen Coleman, Town Clerk

NB2 Filling Vacancies - Governing Body

Councilmember Terry Mahaffey, Rules Committee Chair and Allen Coleman, Town Clerk

UPDATES BY TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Laurie Hohe, Town Attorney

NCGS §143-318.11 (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."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 29, 2022

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt the Town Council meeting schedule for calendar year 2023.

Approval Recommended?

Yes

Item Details

In accordance with North Carolina General Statute 143-318.12, a schedule of regular meetings shall be filed with the Town Clerk to the Town Council. The schedule must show the date, time, and place of each meeting.

Attachments

- DRAFT - 2023 Council Meeting Calendar



Town Council 2023 Meeting Calendar

DRAFT-B

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	T10	11	S12	13	14
15	16	17	T18	19	20	21
22	23	T24	25	T26	27	28
29	30	T31				
10th	Pre-Budget Public Hearing/		Regular Mtg			
12th	Council Strategic Planning - Location TBD					
18th	Work Session (optional)					
26th	Finance Committee Meeting					
31st	Joint Collaboration Meeting/Holly Springs					

February						
S	M	T	W	T	F	S
			T1	2	3	4
5	6	7	8	9	10	11
12	13	T14	15	16	S17	18
19	20	T21	22	23	24	25
26	27	T28				
1st	Economic Development Committee					
17th	Annual Council Retreat - Location TBD					
21st	Work Session (optional)					

March						
S	M	T	W	T	F	S
			1	T2	3	4
5	6	7	8	9	10	11
12	13	T14	15	S16	17	18
19	20	T21	22	T23	24	25
26	27	T28	29	30	31	
2nd	Planning Committee					
16th	Legislative Day					
21st	Work Session					
23rd	Joint Finance/Personnel Committee Mtg					

April						
S	M	T	W	T	F	S
						1
2	3	4	5	T6	7	8
9	T10	T11	12	13	14	15
16	17	P18	19	20	21	22
23	24	T25	26	T27	28	29
30						
6th	Finance Committee					
10th	Finance/Personnel Committee (optional)					
18th	Work Session (optional)					
27th	Rules Committee					

May						
S	M	T	W	T	F	S
	1	2	3	4	T5	6
7	8	T9	10	T11	12	13
14	15	T16	T17	18	19	20
21	22	T23	24	T25	26	27
28	T29	30	31			
5th	Budget Work Session					
11th	Planning Committee					
16th	Work Session (optional)					
17th	Economic Development Committee					
25th	Joint Collaboration Meeting/Cary					

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	T8	9	10
11	12	T13	14	15	16	17
18	19	20	21	T22	T23	24
25	26	T27	28	29	30	
8th	Budget Work Session (optional)					
22nd	Work Session (optional)					
23rd	Rules Committee					

July						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	T8	9	10	11	12
13	14	15	16	17	18	19
20	21	T22	T23	T24	25	26
27	28	T29	30	T31		
23rd	Economic Development Committee					
24th	Rules Committee					
29th	Joint Collaboration Meeting / Morrisville					
31st	Finance Committee					

September						
S	M	T	W	T	F	S
					1	2
3	4	5	6	T7	8	9
10	11	T12	13	14	15	16
17	18	T19	T20	21	22	23
24	25	T26	27	T28	29	30
7th	Planning Committee					
19th	Work Session (optional)					
20th	Closed Session - Evaluation (Appointed)					
28th	Personnel Committee					

October						
S	M	T	W	T	F	S
1	2	T3	4	5	6	7
8	9	T10	11	P12	13	14
15	16	17	18	19	T20	21
22	23	T24	25	T26	27	28
29	T30	31				
3rd	Closed Session - Evaluation (Appointed)					
12th	Work Session (optional)					
20th	Rules Committee					
26th	Finance Committee					
30th	Joint Collaboration Meeting / Wake County					

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	T9	10	11
12	13	T14	15	T16	17	18
19	20	21	22	23	24	25
26	27	T28	29	T30		
7th	Municipal Election					
9th	Economic Development Committee					
16th	Work Session (optional)					
30th	Planning Committee					

December						
S	M	T	W	T	F	S
					1	2
3	4	5	T6	7	T8	9
10	11	T12	13	T14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
6th	Organizational Meeting (Swearing-In)					
8th	Personnel Committee					
14th	Work Session (optional)					

Holidays	13
Regular Meetings	21
Work Sessions	11
Committee Meetings	20
Budget Hearings/Work Sessions	3
Joint Collaboration Meetings	4
CS - Evaluation (Appointed)	2
Legislative Day	1
Retreat/Strategic Planning	2

Meeting Location
 P Police Department
 T Town Hall
 S Senior Center

62 Meeting days
 1 Two meetings same day
62 Total Meetings

Total Meetings 62

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 29, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Motion to approve, and to authorize the Town Manager to sign and execute, an Amendment to the ADA Paratransit Services Agreement with Wake County.

Approval Recommended?

Yes

Item Details

The ADA Paratransit Service Agreement between Town of Apex and Wake County establishes the terms and responsibilities for the operation of the GoApex Route 1 complementary paratransit services. The purpose of this proposed amendment is to allow staff to make administrative changes and updates to the attachments to the agreement which will not affect the purpose or substance of the agreement. These attachments contain forms and instructions which require administrative update from time to time, and this amendment would permit these changes to be made upon written agreement at the staff level between the Town of Apex Director of Planning and Community Development and the Wake County Human Services Transportation Manager, without Town Council review and approval.

Attachments

- Proposed Amendment to the ADA Paratransit Services Agreement
- Approved ADA Paratransit Services Agreement
 - Attachment A: GoApex ADA Paratransit Policy
 - Attachment B: Wake County Complaints and Appeals Policy



STATE OF NORTH CAROLINA
COUNTY OF WAKE

AMENDMENT TO ADA PARATRANSIT
SERVICES AGREEMENT

This Amendment to ADA Paratransit Services Agreement (the or this “**Amendment**”) is made and entered into this ___ day of _____, 2022 by and between the Town of Apex, a municipal corporation of the State of North Carolina (“**Town**”), and Wake County, a political subdivision of the State of North Carolina (“**County**”). Town and County may hereinafter be referred to collectively as the “**Parties.**”

WITNESSETH

WHEREAS, the Town and County entered into an agreement entitled, “ADA Paratransit Services Agreement” on or about _____, 2022 (the “**Agreement**”) in which the County agreed to serve as the general Americans with Disabilities Act paratransit operator for the Town in accordance with the GoApex Paratransit Policy; and

WHEREAS, the Parties desire to update certain provisions of the Agreement to address the need for staff members of the Parties to make minor adjustments to the attachments incorporated into the Agreement as the need arises; and

WHEREAS, both Parties wish to memorialize the same through this Amendment and amend certain provisions of the Agreement.

NOW, THEREFORE, in consideration of the foregoing, the Parties do hereby agree to amend the Agreement as follows:

1. Amendment. Section 10 of the Agreement, entitled “Amendment,” is hereby amended to read as follows:

“This Agreement and its attachments contain the full understanding of the Parties. Any extension, modification, or addendum to this Agreement must be in writing and executed with the same formality as this Agreement, except as otherwise provided herein.

It is recognized that minor modifications of the attachments to the Agreement that do not impact the substance of the Agreement may be needed from time to time. Staff representatives of the Parties are permitted to update and amend the attachments to this Agreement with changes that are solely administrative in nature, in order to support the day-to-day implementation of the Agreement. The designated staff representative for the Town of Apex shall be the Director of Planning. The designated staff representative for Wake County shall be the Wake County Human Services Transportation Manager. These changes may include, but are not limited to: editing text for clarity, updating contact information when needed, updating processes that assist with staff’s implementation of the Agreement, or other items not affecting the intent of the

Agreement or agreed-upon costs. Proposed changes shall be made in writing and will go into effect upon agreement of staff representatives of both parties, and shall be accompanied by adequate communication to customers and interested parties. For the purpose of said writing, confirmation through electronic mail by the staff representatives shall be sufficient. This permission shall not apply to extensions, modifications, or addenda affecting the text or intent of the Agreement itself.”

2. Effective Date. This Amendment shall be effective upon execution by both Parties.

IN WITNESS WHEREOF, the Parties have entered into this Amendment effective this ___ day of _____, 2022.

Wake County

Town of Apex

By: _____
(Print Name)

Catherine Crosby, Town Manager

(Signature)

Attest:

Title: _____

Allen L. Coleman, CMC, NCCCC
Town Clerk

Attest:

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

(Secretary, if a corporation)

Finance Director

Contract Number: EC00000000007990
(Please reference this number on your invoices for payment)

INTERLOCAL AGREEMENT

Department: 46 - Human Services Department

Vendor: VC0000001131 - TOWN OF APEX

Description of Services: The County agrees to serve as the general Americans with Disabilities Act (“ADA”) paratransit operator for the Town of Apex. Paratransit services shall be provided in accordance with the GoApex Paratransit Policy (“Attachment A”). Paratransit services provided pursuant to this Agreement will include door-to-door demand-responsive paratransit services to ADA-eligible clients. The County will operate a van/bus on demand to obtain maximum operational efficiencies and effectiveness. The County may contract with one or more service providers to provide the services contemplated by this Agreement.

BOC Date Approved: 2/21/2022

Contract Start Date: 7/1/2022 **Contract End Date:** 6/30/2023

Max Amount Payable: \$20,260.00

Funding Source(s):

Federal State County Grants X Other None

BFY	Acct Template	Object	Description	Amount
2023	46842T	L280	GoApex	\$20,260.00

Competition:

RFP#: N/A **Next Competition:** NOT APPL **Year Last Competed:** NOT APPL

Person Responsible for Monitoring the Contract Performance Requirements: Anita Davis

ADA PARATRANSIT SERVICES AGREEMENT

This Agreement ("Agreement") is made by and between **Wake County** (hereinafter "County"), a political subdivision of the State of North Carolina, and the **Town of Apex** (hereinafter "Town"), a political subdivision of the State of North Carolina. The foregoing may be individually referred to herein as "Party" and collectively referred to as "Parties."

RECITALS

WHEREAS, the Town will be providing a transit service operation throughout the Town of Apex hereinafter referred to as "GoApex"; and

WHEREAS, federal requirements mandate that as part of providing such a transit service, paratransit services must also be made available; and

WHEREAS, the County provides a transit service called "GoWake Access" which provides said paratransit services and is willing to extend this service to the Town pursuant to the terms of this Agreement; and

WHEREAS, the Town is interested in utilizing the services of the County to provide complementary paratransit service (hereinafter the "Service") for the fixed route public bus service "GoApex."

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. Services to be Provided.

The County agrees to serve as the general Americans with Disabilities Act ("ADA") paratransit operator for the Town and shall assume full responsibility and liability associated with ADA compliance as to such service. Paratransit services shall be provided in accordance with the GoApex Paratransit Policy (hereinafter "Policy") which is attached and incorporated herein ("Attachment A"). Paratransit services provided pursuant to this Agreement will include door-to-door demand-responsive paratransit services to ADA-eligible clients. The County will operate a van/bus on demand to obtain maximum operational efficiencies and effectiveness. The County may contract with one or more service providers to provide the services contemplated by this Agreement. The County shall have the following responsibilities pursuant to this Agreement:

- a) Operate the Service in accordance with the service area, schedule, and fleet specifications described in Attachment A.
- b) Coordinate and carry out eligibility screening and determine service provisions as described in Attachment A.
- c) Manage and take trip reservations in accordance with the procedures described in Attachment A.
- d) Manage passenger no-shows and late cancellations in accordance with the policies described in Attachment A.
- e) Monitor and report Service performance in accordance with Appendix C of Attachment A.

- f) Respond to inquiries from Town of Apex staff within 10 business days.
- g) Operate the Service in accordance with all governing agency regulations. The County shall be held to the same standard and shall exercise the same degree of care, skill, and judgment in the performance of services as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. The County is responsible for the maintenance, cleaning, and safe operation of all vehicles used in providing the Service as well as any claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered for personal injury, including bodily injury or death and/or property damage, including loss of use thereof, resulting from the negligence of the County or its service provider.
- h) County will provide drivers with appropriate training to provide safe, courteous, and ADA-compliant transportation.
- i) County will ensure all drivers possess a valid driver's license as required by North Carolina law for the operation of the paratransit vehicles.
- j) Maintain insurance as described in Section 21 of this agreement.
- k) Prepare and maintain records as described in Section 3 of this Agreement.
- l) Coordinate with the Town, as necessary, to update the Policy.

2. Town Responsibilities.

The Town shall have the following responsibilities pursuant to this Agreement:

- a) Update as necessary, in coordination with the County, the Policy.
- b) Provide, annually by March 1st, as applicable, an updated list of holidays during which the Service will not operate.
- c) Establish and implement an administrative appeal process for eligibility determinations as described in Appendix C of Attachment A.
- d) Determine the fare, if any, to be charged for the Service. The initial service will be implemented fare-free. If, in its sole discretion, the Town decides to charge a fare, the Town is responsible for determining and procuring technology, developing policies and procedures, conducting public involvement and marketing, and paying any associated implementation and operating costs necessary to implement the fare.
- e) Respond to all communications and requests from the County within ten (10) business days.
- f) Establish and implement a plan for marketing the Service, including designing and printing an informational brochure.
- g) Make payment in a timely manner as defined in this Agreement for all amounts due under this Agreement.

3. Record Keeping, Reporting, and Reimbursements.

- A. The County shall keep proper program records, including any required or requested by any funding or regulatory agency, and make them available for inspection. Records shall include costs and ridership revenues reports and a description of actual services and results obtained. The County will provide the Town with monthly reports accompanied by an invoice within 15 days of the end of each month of the Service. The reports will contain the following information: total number of trips, total number of no-shows, total number of late cancellations, total number of late trips, total number of trip denials, all customer service complaints and follow-up actions, and average cost

per trip. The following details would be provided for each trip: trip cost, trip origin, trip destination, scheduled pickup time, actual pickup time, scheduled drop-off time, actual drop-time, and whether it is a standing order (subscription trip). Additional information may need to be reported to the Federal Transit Administration to meet ADA and CFR requirements. The Town retains the right to monitor and audit County records related to the Service.

B. The invoice will include the actual cost of each trip plus the portion of the annual fee prorated for each month. The cost of each paratransit trip will be adjusted to account for the number of passengers and the number of funding sources contributing to the cost of the entire trip, as this is a shared ride service. In no event shall the cost attributed to the Town exceed \$50.56 per hour per trip. The County would include trip cost details in the monthly invoice. The annual overhead fee shall include:

- \$5,000 for annual overhead to Wake County.
- \$10,400 annual overhead to GoWake Access for the processing of applications.
- \$3,660 for the cost of a part-time employee to accept trip reservations on Sunday and holidays.
- \$1,200 for the first year of service only for training.

The total annual overhead cost for the first year of Service shall be \$20,260 or \$1,688.33 per month. The total annual overhead cost for subsequent years of Service shall be \$19,060, or \$1,588.33 per month.

C. The Town shall reimburse the County within thirty (30) days of receipt of an invoice. Invoices will not be sent until services are in operation. In the event the Town finds any part of an invoice inconsistent with this Agreement, the Town shall clearly identify and provide evidence to the County of any inconsistent or erroneous expenses within 10 days of receipt of an invoice and the County will work in good faith to determine if there is an error in the invoice.

4. Compliance with ADA and Paratransit Requirements.

The County will provide the Service in a manner that complies with all applicable federal, state, and local laws, including ADA public transit requirements. The County shall follow all applicable laws, rules, policies, and regulations in the training of operators in the safe use of all ADA equipment.

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

The Parties agree that in the event that a Party substantially fails to perform in accordance with the terms of this Agreement, the non-performing Party will cure the failure to perform to the reasonable satisfaction of the complaining Party within thirty (30) days of receipt of written notice from the complaining Party. If the failure to perform is not timely cured, or cannot be cured, the Agreement will terminate at the election of the performing Party. The parties will cooperate on a winding down of the service, including reasonable notice to the public. Invoices to the Town of Apex will be prorated based on the date of termination and the County will only be paid for services performed in the manner set forth in this Agreement, and subject to the rates and amounts stated herein.

6. 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.

7. Termination Without Cause.

Any Party may terminate this Agreement at any time for any reason, provided the terminating Party provides a minimum of 90 days advance written notice to the other Parties. In this event, the Parties will cooperate on a winding down of the service, including reasonable notice to the public. Apex shall pay the County for the Service provided prior to the date of termination.

8. Customer Information and Complaint Handling.

All customer service complaints will be directed to the County and managed in accordance with the Wake County Transportation Complaint Policy, attached hereto as Attachment B. The monthly report described in Section 3 of this Agreement will include documentation of all customer service complaints and any follow-up actions that were taken. The Service shall be incorporated into the GoWake Access customer satisfaction surveys with a separate report of findings which shall be shared with the Town upon request.

9. Further Agreements.

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

10. Amendment.

This Agreement and its attachments contain the full understanding of the Parties. Any extension, modification, or addendum to this Agreement must be in writing and executed with the same formality as this Agreement.

11. Notices.

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

If to the County:

GoWake Access Transportation Manager
Wake County Government
220 Swinburne Street

Raleigh, NC 27602

With a copy to:

Transit Analyst
Wake County Government
GoWake Access
4401 Bland Road
Raleigh, NC 27609

If to Apex:

Town Manager
Town of Apex
73 Hunter Street
Apex, NC 27502

And with copy to:

Planning Director
Town of Apex
73 Hunter Street
Apex, NC 27502

12. Binding Effect.

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

13. Dispute Resolution.

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

14. Performance During Dispute.

Unless otherwise requested by the Town, County shall continue performance under this Agreement while matters in dispute are being resolved. County acknowledges that the Town, in executing this Agreement, is relying on the County as part of its compliance with applicable ADA standards and requirements.

15. Force Majeure.

Neither the County nor the Town shall be liable to the other for any failure, delay or interruption of service or for any failure or delay in the performance of any obligation under this contract due to strikes, walkouts, governmental restriction, enemy action, civil commotion, unavoidable casualty, unavailability of fuel or parts, epidemic, pandemic, or other similar acts beyond the reasonable control of the Parties.

16. Verification of Work Authorization.

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

17. Compliance with Federal Laws and Regulations.

The County shall comply with all Federal Laws and Regulations regarding the use of any grants to fund its service, operations, purchase, or maintenance of service vehicles.

18. Emergencies.

Notwithstanding anything else in this Agreement, while federal, state, or local state(s) of emergency are in effect, or when a public health emergency has been declared, the County shall comply with all guidance and recommendations of the Centers for Disease Control, the State of North Carolina, and Wake County, unless mutually agreed to by all Parties. In the event of a North Carolina State of Emergency Declaration the County shall comply with all applicable Executive Orders issued by the Governor of the State of North Carolina and the conditions of any Town of Apex State of Emergency Declaration.

19. Representations and Warranties.

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

20. Term.

This Agreement shall become effective upon execution by the last of the Parties to sign (“Effective Date”) and shall terminate on June 30, 2023. The Parties may renew this Agreement for four (4) additional one-year terms, or may otherwise amend this Agreement, in a writing made in accordance with Section 10, unless terminated earlier pursuant to the provisions of Sections 5 or 7. The parties may renew this agreement at any time prior to the expiration of the current term.

21. Insurance.

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

Minimum limits of insurance coverage are:

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

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

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

Insurers

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

Additional Insured Status

All insurance policies (except Workers Compensation and Professional Liability) shall name the Town, and the Town's elected officials, officers, employees, and volunteers as additional insureds.

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, the County's vendor(s) shall procure substitute insurance so as to assure the Town that the minimum limits of coverage are maintained continuously throughout the periods specified herein.

Primary

The County's vendor's insurance coverage shall be primary for any claims related to this Agreement.

Waiver of Subrogation

The insurer shall have no right of recovery or subrogation against the Town, or the Town's agents or agencies, it being the intention of the parties that the insurance policies shall protect the 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 acceptance of certificates of insurance shall neither relieve the County's vendor(s) of any requirement to provide the specific insurance coverage set forth herein nor shall it constitute a waiver or acknowledgement of satisfaction of the specific insurance requirements set forth in this Agreement.

Certificate Holder addresses should read:

Town of Apex
PO Box 250
Apex, NC 27502

Special Risks or Circumstances

The County's vendor, with prior written consent from the Town which shall not be unreasonably withheld, reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. Written consent from the Town may be provided by electronic communication.

22. Mutual Indemnification.

To the fullest extent permitted by law, each Party shall indemnify, defend, protect, hold harmless, and release the other, its officers, elected officials, agents, and employees, from and against any and all claims, loss, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees) arising from or in connection with, or caused by any act, omission, or negligence of, such indemnifying Party.

23. Independent Employer.

The County is solely responsible for its services and the supervision of its employees and permitted subcontractors. All persons assigned by the County to provide the Services contemplated by this Agreement shall, for all purposes of this Agreement, be considered employees or subcontractors of the County only. The County's subcontractors 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 the Town identifies any person providing Services that appears to be incompetent, disorderly, or otherwise unsatisfactory, the Town shall notify the County in writing (including through electronic mail) for the County to address according to its policies and procedures.

24. Public Records.

All parties acknowledge that records in the custody of the County or the Town may be public records and subject to public records requests. The County or the Town may provide copies of such records, including copyrighted records, in response to public record requests.

25. Non-Exclusive Remedies/No Waiver.

The selection of one or more remedies for breach shall not limit a party's right to invoke any other remedy available under Agreement or by law. No delay, omission or forbearance to exercise any right, power or remedy accruing to a party shall impair any such right, power

or remedy or shall be construed to be a waiver of any breach hereof or default. Every right, power or remedy may be exercised from time-to-time and as often as deemed expedient.

26. Survival.

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

27. No Waiver of Immunity.

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

28. Nondiscrimination.

No party shall discriminate in violation of any federal, state, or local law. The County and the Town shall comply with the Americans with Disabilities Act of 1990 ("ADA") and any nondiscrimination policy that may be in effect for either Party.

29. Electronic Version of Agreement.

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

30. No Third Party Beneficiaries.

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

31. Electronic Signatures.

The Parties acknowledge and agree that 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 a digitized or scanned signature are legally binding in the same manner as are hard copy documents executed by hand signature. If digitized or scanned signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

32. Attachments.

The following attachments are attached separately and are hereby incorporated by reference:

1. GoApex Paratransit Policy (Attachment A)
2. Wake County Complaints and Appeals Policy (Attachment B)

(SIGNATURE PAGE FOLLOWS)

In witness whereof the Parties hereto have caused this Agreement to be executed by their duly authorized officials, this _____ day of 7/1/2022, 20 .

Town of Apex

DocuSigned by:
Crosby
Catherine Crosby, Town Manager
C2037E33C2CC4B3...

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

DocuSigned by:
Vance Holloman
Vance Holloman, Finance Director
D6B60593BB1C440...

Wake County

DocuSigned by:
Dwane J Holder
Wake County, County Manager or Designee
6621E010A63479C...

DocuSigned by:
Annemarie Maiorano
Annemarie Maiorano
Deputy Director, Wake County Health and Human Services
414252170A85A23...

DocuSigned by:
Nannette M. Bowler, JD
Nannette M. Bowler
Director, Wake County Health and Human Services
414252170A85A23...

The person responsible for monitoring the contract performance requirements is

Anita Davis . ^{DS}MMB Department Head Initials

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

DocuSigned by:
[Signature] for
Chief Financial Officer



Americans with Disabilities Act Paratransit Policy

Table of Contents

Americans with Disabilities Act/Paratransit Plan.....	1
Introduction.....	3
Transit Service Providers.....	3
Transit Service Area, Trip Type, Trip Purpose, Schedule.....	3
Fleet Inventory, Vehicle Requirements, and Lift Securement and Use.....	5
Eligibility Requirements, Application Process, and Appeals.....	5
Reservations.....	6
Attachments.....	8
Appendix A: GoApex Route 1 Fixed Route Map.....	9
Appendix B: GoApex Route 1 Paratransit Service Area Map.....	10
Appendix C: GoApex Route 1 ADA Paratransit Capacity Constraints Policy and Procedures.....	11
Appendix D: GoApex Door to Door Application.....	12
Appendix E: GoApex Appeal Process.....	13
Appendix F: GoApex No Show Policy.....	15
Appendix G: GoApex Subscription Trip Policy.....	18

Introduction

The Americans with Disabilities Act of 1990 (ADA) requires that public entities that operate non-commuter fixed route transportation services also provide complementary Paratransit service for individuals whose disabilities make them unable to use the fixed route system. In addition, public entities subject to the ADA regulations must develop and administer a process for determining if individuals who request service meet the regulatory requirements for eligibility.

Essentially, the ADA requires that Paratransit service be “comparable” to the fixed route service in terms of service levels and availability. There are six (6) service criteria that are used to evaluate ADA Paratransit service comparability to the fixed route. These criteria only represent the minimum service standards and can be exceeded if the local governing body so chooses. The six (6) basic criteria for determining ADA comparability to fixed route service are as follows:

1. Availability in the same area served by the fixed route. Specifically, service must be made available to all origins and destinations within a width of $\frac{3}{4}$ of a mile on each side of each fixed route. This includes an area within $\frac{3}{4}$ miles radius at the end of each fixed route as well;
2. Available to any ADA Paratransit eligible persons at any requested time on any particular day in response to a request for service made the previous day;
3. ADA Paratransit fares that are no more than twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day on the fixed route system;
4. There can be no trip restrictions or priorities based on trip purpose;
5. Service must be made available to eligible persons on a next day basis; and
6. There can be no constraints on the amount of service that is provided to any eligible person. Specifically, there can be no operating practice that significantly limits the availability of service to ADA Paratransit eligible individuals.

ADA Paratransit service must be provided to all individuals who are unable, because of their disability, to use the fixed route system, some of the time or all of the time. The criteria for determining eligibility are also regulated by the ADA and the Town of Apex must have a documented process in place to determine if an individual qualifies for ADA paratransit service.

The purpose of this ADA Plan is to document how the Town of Apex intends to meet the requirements for providing paratransit service for the GoApex fixed route system.

Transit Service Providers

GoApex will initially consist of one fixed route that will operate from 6:00am to 10:00pm, Monday through Saturday. The fixed route service will be operated by the Town of Cary. The GoApex paratransit service will be operated by Wake County and will meet all requirements of the ADA, the Code of Federal Regulations (CFR) Title 49 (Transportation), Part 37 - Transportation Services for Individuals with Disabilities and Part 38 - Accessibility Specifications for Transportation Vehicles, and the Federal Transit Administration Circular 4710.1 – Americans with Disabilities Act Guidance.

Transit Service Area, Trip Type, Trip Purpose, Schedule

Service Area

A map of GoApex Route 1 is attached as Appendix A. This route is accessible to persons with disabilities and persons who use wheelchairs. GoWake Access will provide ADA paratransit service to origins and destinations within the paratransit service area of GoApex Route 1, which is the area within $\frac{3}{4}$ -mile of

the fixed-route service. All trip origins and destinations will be within the designated service area. A map of the paratransit service area is provided as Appendix B.

Service Type and Trip Purpose

GoApex complementary paratransit service for ADA-eligible users will be origin-to destination service. This includes:

- Paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for part of the trip;
- Service from a person’s origin to their requested destination.
- Providing transportation services only to authorized passengers.
- Providing door-to-door transportation service for clients as long as it is safe to do so, and while the vehicle remains in full view of the driver. Drivers are not permitted to enter passengers’ home or other facilities for any reason. Drivers are not permitted to sign passengers in or out of service buildings.
- Passengers in wheelchairs will be given assistance up and down suitable ramps; however, drivers are not permitted to push wheelchairs up or down any number of steps.
- Requiring all passengers, including those in wheelchairs, to wear seatbelts for their safety. Vendor reserves the right to refuse service to passengers who refuse to comply with this request.
- Children under the age of twelve (12) must be transported with adult supervision.
- Children requiring child restraint seats will be properly secured, using an appropriate child restraint seat provided by the adult, prior to departure.

Wake County will accept and handle all disability trip requests on an equal basis and will not prioritize or restrict trip purposes for paratransit riders. Paratransit service will be provided during the same time period as the GoApex fixed route system.

Since paratransit is a shared-ride service, paratransit rides between Point A and Point B will usually take longer, and involve more intermediate stops, than a taxi ride between the same two points. However, trips would be scheduled to avoid a substantial number of intermediate stops and an excessive total trip time to prevent the service from becoming prohibitively inconvenient. GoWake Access would implement the GoApex Route 1: ADA Paratransit Capacity Constraints Policy and Procedures to monitor ADA paratransit service performance to ensure that operational patterns and practices that may indicate capacity constraints are identified in a timely way. The referenced policy and procedures document is provided as Appendix C.

The Town of Apex plans to operate GoApex Route 1 as a fare-free service; therefore, a fare will not be collected from GoApex ADA paratransit passengers.

Schedule

GoApex Route 1 paratransit service is anticipated to operate Monday through Saturday from 6:00am – 10:00pm. To ensure that complementary paratransit drivers can complete their drop-offs no later than the latest fixed route drop-off, GoWake Access may establish a latest-available return-trip pickup time that reflects the likely travel times for requested trips. GoApex Route 1 paratransit service will not operate on the following holidays: New Year’s Day, Martin Luther King Jr.’s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas

Eve, and Christmas Day.

Fleet Inventory, Vehicle Requirements, and Lift Securement and Use

As required by the ADA, per agreements with the Town of Cary and Wake County, the transit fleet serving GoApex Route 1 and the complementary paratransit service will be 100% wheelchair accessible to ensure that persons needing a wheelchair have equivalent access to the transportation services as ambulatory persons.

Vehicles providing the GoApex paratransit service will have the GoWake Access brand. Each vehicle will have capacity for 8 to 10 passengers. Each vehicle will be equipped with a wheelchair lift and will be maintained consistent with the GoWake Access policies. GoWake Access will comply with accessibility specifications for transportation vehicles found in 49 CFR Part 38.

When a lift is discovered to be inoperative, GoWake Access will take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. If there is no spare vehicle to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service would reduce the transportation service GoWake Access is able to provide, GoWake Access will keep the vehicle in service with an inoperable lift for no more than five days.

In accordance with ADA regulations, GoWake Access will provide service to all individuals using mobility devices that fit within the capacity of the lift being operated. Use of the securement system on GoWake Access vehicles will be a required condition of service. All wheelchairs and mobility devices must be secured to the passenger's satisfaction before transport. When transporting passengers using mobility devices, GoWake Access can suggest but not require passengers transfer to a van/bus seat. The passenger, in this case, has the final decision as to whether a transfer is appropriate given the passengers' particular disability.

As the regulations require, a passenger who cannot enter the vehicle using the stairs or ramp, but who does not use a wheelchair, will be allowed to enter the vehicle using the lift. GoWake Access does not provide wheelchairs or other mobility devices.

Eligibility Requirements, Application Process, and Appeals

Paratransit service is available only to individuals with a disability that prevents them from using the fixed route service. The process to initiate eligibility to use paratransit service associated with GoApex Route 1 is consistent with the ADA and the CFR.

GoWake Access will coordinate eligibility screening and determine service provision using an approved Door to Door Application (see Appendix D). According to the CFR, GoWake Access will make an application determination no more than 21 days following the submission of a complete application. If, by a date 21 days following the submission of a complete application, GoWake Access has not made a determination of eligibility, the applicant will be treated as eligible and provided service until and unless GoWake Access denies the application. GoWake Access' determination concerning eligibility will be made in writing. If the determination is that the individual is ineligible, the determination will state the reasons for the finding.

The Town of Apex, in coordination with Wake County, has established an administrative appeal process for denied applicants in the Town of Apex ADA Plan in accordance with the ADA and CFR, this is outlined in Appendix E. For people granted eligibility, the documentation of eligibility will include at least the following information: the individual's name, the name of the transit provider, the telephone number of the GoWake Access paratransit coordinator, an expiration date for eligibility (if applicable), and any conditions or limitations on the individual's eligibility, including the use of a Personal Care Attendant.

Persons denied ADA paratransit eligibility or suspended from service for no-shows or other reasons will have the ability to submit an appeal following the process outlined in Appendix E.

GoWake Access will provide paratransit service for visitors in the GoApex paratransit service area in accordance with the ADA and the CFR. Individuals that other transit agencies have determined to be ADA paratransit eligible can present documentation of eligibility received from these other agencies. GoWake Access will give 'full faith and credit' to the ID card or other documentation from the other transit agency. Visitors with disabilities may not have documentation of ADA paratransit eligibility from another transit agency. For visitors whose disability is apparent, no additional documentation is required. For visitors whose disability is not apparent, requiring documentation of disability, such as a letter from a medical professional will be permitted. GoWake Access will make paratransit service available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service.

Reservations

Making Reservations and Waiting Lists

Requirements regarding trip reservation will align with the ADA, CFR, and GoWake Access Policy. Every effort will be made to not deny paratransit trips in the GoApex Route 1 paratransit service area during fixed-route operations per the ADA. If a trip is denied, then it will be reported. Waiting lists may not be used to access the ADA paratransit service. Transportation services will be provided on a coordinated, shared ride service design. Disability service will not be limited because of capacity constraints. The number of trips provided to an individual will not be restricted. System capacity will be continually monitored and evaluated to determine the need for modification of resources, such as number of drivers, number of support staff, and number of vehicles. System capacity is considered to be 1 passengers/hour. System performance is measured by the number of passengers/hour the system is carrying, the number of trip denials, and the number of late pickups the system is experiencing.

All transportation reservations must be made through the GoWake Access Call Center. All pickup and drop-off times must be established during the time of trip reservation. GoWake Access will have the option to make trip reservations up to 14 days in advance of an eligible individual's desired trips. Riders must call at least the day before the trip to schedule a ride. GoWake Access will make next-day trip reservation service available during all normal business hours of its administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day. The reservation service on any day does not have to be provided directly by a "real person". An answering machine or other technology will suffice. An individual will be able to reserve service for any time during the next day of service. If an eligible rider leaves a voicemail on a day when GoWake Access offices are not open before a day of service and the eligible rider is unable to be reached, GoWake Access will provide the trip at the time requested. GoWake Access may negotiate pickup times with the passenger, but GoWake Access will not require an eligible rider to schedule a trip to begin more than one hour before or after the individual's desired departure time. The negotiation

window of one hour before or after the individual's desired departure time can be used unless the trip has constraints with respect to when they can begin (e.g., not before the end of the individual's workday or not until after an appointment is over). When scheduling by appointment time, a rider may request either a pickup time or a drop-off time for a given trip, but not both.

Pickup Times

Pickup windows will be consistent with the FTA Circular. Pickup windows will be no longer than 30 minutes in total. GoWake Access will establish a pickup window policy for GoApex Route 1 paratransit service to "bracket" the 30-minute window around the negotiated pickup time (-15/+15 window). If GoWake Access needs to adjust the pickup window, the agency will renegotiate the pickup time with the rider. Such renegotiations with the rider will occur no later than a day before the scheduled travel day. Any negotiations are subject to rider acceptance; if the rider refuses, GoWake Access will provide the trip as previously negotiated. If GoWake Access is unable to reach the rider, the agency will provide the trip as previously negotiated. A driver is considered late if he/she arrives outside of the pickup window.

Drop-off Times

Drop-off times will be consistent under the GoWake Access policy. If the eligible individual gives a time by which they must arrive at their destination, the paratransit trip drop-off must be on time or early. If the passenger arrives at their destination past the designated drop-off time, this would be considered a late trip. If the eligible individual makes a trip reservation for a specific pickup time then a drop-off time does not apply, other than it cannot be an excessively long trip.

No Show Definition and Policy

The Town of Apex maintains a paratransit no-show policy and is included as Appendix F. This policy requests that passengers be ready to be transported within the scheduled 30-minute pick-up window. A No-Show occurs when all of the following criteria are met:

- There has been no call by the rider to cancel the scheduled trip at least 1 hour prior to the start of the pickup window.
- AND**
- The vehicle arrives at the scheduled pickup location within the 30-minute pickup window.
- AND**
- The driver has waited 5 minutes after arriving during the pickup window.

After waiting for 5 minutes, the driver is instructed to leave a No-Show tag, and proceed to the next destination.

Accompanying Passengers, Attendants and Companions

The CFR requires that paratransit service be provided to one person accompanying the eligible individual in addition to the eligible individual's Personal Care Attendant (PCA). Other accompanying passengers will be served on a space-available basis. In order to be considered "accompanying" the eligible individual, the other individual(s) must have the same origin and destination as the eligible individual. GoWake Access will require that the eligible individual reserve space for the companion(s) when the individual reserves his or her own ride.

Assistance

Drivers are trained to provide minimal assistance only. Drivers are not trained to provide medical assistance. Passengers are advised that drivers are not permitted to operate a scooter or electric wheelchair onto the lift. The passenger is responsible for getting onto the lift with minimal driver assistance for these devices.

Packages

Passengers will be transported with up to two packages, so long as they can carry them on their own. Packages must fit under seats or be secured to the satisfaction of the driver'.

Accommodating Other Mobility Devices, Life Support Equipment or Service Animals

GoWake Access will permit the use of a lift for personal transportation devices when used as a mobility device by eligible customers as long as it does not exceed the capacity of the lift utilized including the user, per 49 CFR §38. All paratransit passengers will be permitted to travel with service animals trained to assist them.

Use of Portable Oxygen/Respirator Equipment

As required by the ADA, persons using GoWake Access may bring respirator, portable oxygen, and/or other life support equipment on board our vehicles, as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into the vehicle safely without obstructing the aisle and/or blocking emergency exits.

Other Assistance

All material made available to applicants and passengers of GoApex complementary paratransit service will be provided in accessible formats upon request. For visually-impaired customers, phone calls will be made in addition to letters referenced in this document. Mobility training will be made available upon request.

Appeals Process

If you have been denied ADA paratransit eligibility or suspended from service for no-shows or other reasons you have the ability to submit an appeal. The appeal process is outlined in Appendix E.

Attachments:

Appendix A: GoApex Route 1 Fixed Route Map

Appendix B: GoApex Route 1 Paratransit Service Area Map

Appendix C: GoApex Route 1 ADA Paratransit Capacity Constraints Policy and Procedures

Appendix D: Town of Apex Door to Door Application

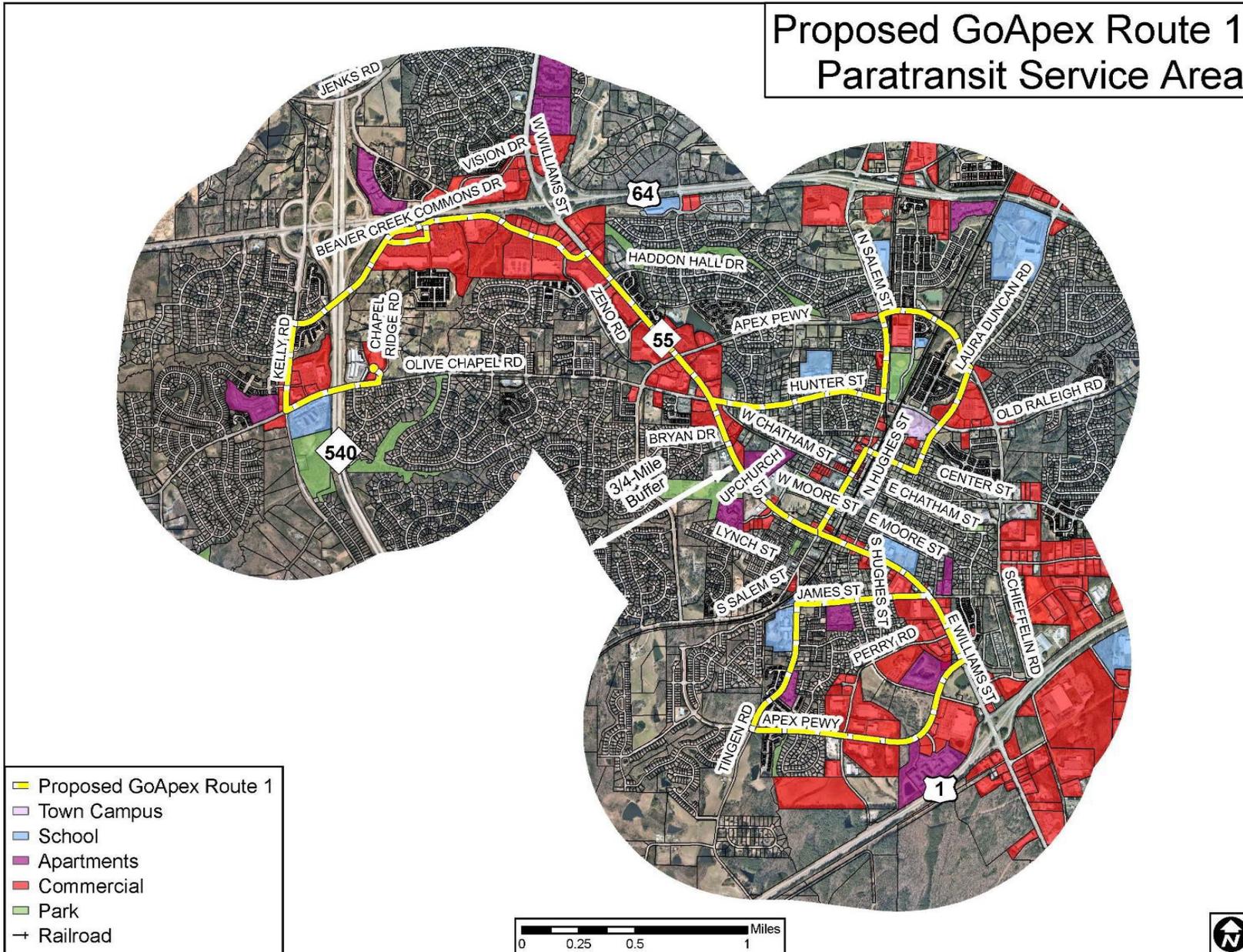
Appendix E: Town of Apex Appeal Process

Appendix F: Town of Apex No-Show Policy

Appendix G: GoApex Subscription Trip Policy

Appendix B: GoApex Route 1 Paratransit Service Area Map

Proposed GoApex Route 1 Paratransit Service Area



Appendix C: GoApex Route 1 ADA Paratransit Capacity Constraints Policy and Procedures

GoApex Route 1: ADA Paratransit Capacity Constraints Policy and Procedures

It is important for GoWake Access and the Town of Apex to monitor ADA paratransit service performance to ensure that operational patterns and practices that may indicate capacity constraints are identified in a timely way.

Excessive Trip Length Policy and Standard

The length of a GoApex paratransit client's ride should be comparable to a ride on the fixed-route service. This includes walk time at both ends of a trip, wait time for a bus, onboard ride time, and transfer time, if applicable. After a year of paratransit operations, The Town of Apex will set a standard for the percentage of ADA paratransit trips with travel times equal to or less than a similar fixed route trip.

Data Analysis Procedures

1. GoWake Access will identify the average paratransit travel time for all GoApex Route 1 paratransit trips. Average travel time can be calculated by reservations/scheduling software. Average travel time over a year's period, which would take into account seasonable variations, will be collected during the first year of service operations.
2. GoWake Access will use scheduling software to generate a list of trips with travel times exceeding that average based on an analysis of the trips taken that month.
3. The Town of Apex will compare travel times for those trips to fixed route itineraries for the same origin and destination and day of week/time of day. Fixed route itineraries should include an estimate of walk, travel, and transfer time for the fixed routes a client would use to make a comparable fixed route trip.
Travel times of comparable fixed route trips will be generated by Google Transit or some other online trip planner, as long as all the elements of the trip (walk, wait, travel, transfer) are included in the itinerary.
Depending on how many trips are on the long trips list, all trips or a sample (every Xth trip, for example) will be analyzed. A sample of 20-30 trips is sufficient.
4. The Town of Apex will calculate the percentage of paratransit trips with travel times that exceed their fixed route equivalents, based on the month's sample. This percentage will be compared against the Town of Apex's standard. The Town of Apex will share these results with GoWake Access.
5. Regardless of the percentage of trips with excessive trip length is within the standard, GoWake Access will also take a closer look at the long trips to see if there is a pattern that should be addressed. For example, clients who are the first on and the last off the vehicle on a regular run to a human service program may experience long travel times every day that could be alleviated by splitting that run in two.

Appendix D: GoApex Paratransit Service Application



Application for Paratransit Service

GoApex Paratransit is a shared ride service for persons with disabilities that prevent them from using the GoApex fixed route system. This service will be provided by GoWake Access.

Interested individuals must complete an eligibility application and receive approval from GoWake Access before reservations will be accepted.

Instructions

- Complete the eligibility application, including Section II.
- Mail Application to Attn: Kennard Coleman GoWake Access 4401 Bland Road, Raleigh, NC 27609 or email application to kennard.coleman@wakegov.com
- Once your completed application is received it will be reviewed for eligibility. You will be notified in writing of the determination of eligibility within 21 days by GoWake Access. If eligibility is not determined within 21 days of receipt of a completed application, the applicant will be treated as eligible and provided service until a final eligibility determination is made.

Application:

Date of Application: _____

Section I. General Information

Name _____

Street Address _____

City _____ State _____ Zip Code _____

Home Phone _____ Cell Phone _____

Email Address:

Preferred Contact Method Home Phone Cell Phone Email

IMPORTANT NOTE:

By providing your email address, you agree to receive email communication from GoWake Access and the Town of Apex. If you subscribe to the email service option, your email address will not be given to third parties in accordance with state law. We will only use the email to: (1) communicate with you about GoApex matters; (2) share emergency information with you; and/or (3) contact you regarding any email subscriber administrative issues that may arise. For questions, please call (919) 249-1240.

Emergency Contact Information

Name _____ Relationship _____

Address _____

Home Phone _____ Cell Phone _____

Do you require any of the following? (check all that apply)

- Manual Wheelchair Yes No
- Power Wheelchair Yes No
- Motorized Scooter Yes No
- Cane Yes No
- Walker Yes No
- Crutches Yes No
- Braces Yes No
- Service Animal Yes No
- Oxygen Yes No

Other (please explain): _____

IMPORTANT NOTE

Passengers who use wheelchairs/scooters must have a ramp if steps are present. Driver's will not "bump" passengers up/down stairs or in/out of houses/buildings. Lastly, please be aware that the lift capacity is **750lbs.**

Applicant Name _____

1. Is your condition:

Permanent Vary day to day Temporary

If Temporary, what is the anticipated end date? _____

2. If GoApex offered free training on how to ride the fixed route buses, would you be interested? Yes No

3. Do you require a Personal Care Attendant (PCA) to assist with travel?

Yes, Sometimes Yes, Always No

I understand that the purpose of the application is to determine if I am eligible for GoApex's Door to Door transportation service. I certify that the information I gave in this application is true and correct to the best of my knowledge and that the application will be returned to me if it is not complete, which delays processing. I understand that falsification or misrepresentation of facts, or changes in my medical condition, may result in changes to my certification status. I further understand that additional information from my healthcare professional related to my disability or medical condition is required for ADA complementary paratransit service and will be used to help determine my eligibility. I agree to notify GoApex if I no longer need to use the Door to Door service.

Signature of Applicant: _____ **Date:** _____

(Applicants must be 18 years of age to sign independently. Otherwise, the signature of a guardian is required.)

Applicant's Representative If someone other than the applicant has completed this application, the following information must be provided.

Printed Name: _____

Daytime Telephone Number: _____

Relationship to Applicant: _____ **Date:** _____

Authorization for Release of Information

I authorize the professional who has completed Section II of this application to release to GoWake Access, information about my disability or health condition and its effect on my ability to travel on the GoApex transit system. I understand that I may revoke this authorization at any time.

I, the applicant, understand that the purpose of this application is to determine my eligibility to use the GoApex Door to Door services. I agree to release the information requested to GoWake Access and any eligibility review panel and understand that the information contained herein will be treated confidentially, unless otherwise required by law. I understand further that GoWake Access reserves the right to request additional information at its discretion. I agree to notify GoWake Access of any changes in the status of my disability that affects my ability to use the GoApex Door to Door services. I also understand that this may affect my eligibility as a rider.

Applicant's Name: _____

Date of Birth: _____

Applicant's **Physical** Address: _____

City _____ State _____ Zip: _____

Applicant's **Mailing** Address: _____

City _____ State _____ Zip: _____

Applicant's Telephone Number: _____

Applicant's Signature _____ Date: _____

Applicant Name _____

Section II: Health Care Provider Verification

Dear Verifying Professional:

You are being asked by the applicant named in this application to provide information regarding their ability to use the public transportation services of GoApex. GoApex provides transportation services to eligible persons with disabilities who cannot use regular fixed route bus services. The information you provide will allow us to evaluate the request and determine the individual's specific needs. Thank you for your cooperation in this matter.

PLEASE NOTE: GoApex fixed route bus services available within the Town of Apex are currently accessible to persons with disabilities.

The individual applying for service under the Americans with Disabilities Act (ADA) **MUST BE UNABLE TO ACCESS THESE SERVICES** due to:

- Conditions which prevent them from getting to or from a GoApex fixed route bus stop, or transferring between vehicles **and/or**
- Conditions which prevent them from being able to get on, ride, or get off an ADA accessible vehicle

The completed application must be submitted to GoApex within thirty (30) days of completion by selected professional and can be returned to the applicant or sent to the following:

By Mail: ATTN: Kennard Coleman, GoWake Access 4401 Bland Road Raleigh, NC 27609
By Email: kennard.coleman@wakegov.com

(PLEASE PRINT)

Name of Client: _____

1. Capacity in which you know the applicant: _____

2. When was the applicant last treated or seen by you? _____

3. On average, how frequently is the applicant seen by you? _____

4. Has the applicant been diagnosed with a physical, cognitive, psychological, or other disability that would prevent them from using GoApex's fixed route bus service?

Yes No

5. Does the applicant's disability or condition prevent the use of regular fixed route bus service?

Yes, Sometimes Yes, Always No

If Sometimes, please explain: _____

6. Could the applicant use regular fixed route buses with travel training? Travel training is an instructional process where seniors, persons with disabilities and individuals learn how to navigate and ride public transit safely and independently. It can be offered through one-on-one training or group training.

Yes, Sometimes

Yes, Always

No

If Sometimes, please explain: _____

7. How far can the applicant walk/travel by themselves or with the assistance of a mobility aid? (choose one of the options below and fill in a number beside it)

_____ Feet

_____ Blocks

_____ Miles

8. What is the expected duration of this individual's condition?

Temporary: Approximate expected duration until ___/___/___

Long-term: Potential for improvement or periods of remission

Permanent: No expectation of functional improvement

Please choose the statement below which best represents your professional opinion regarding the applicant's use of public transportation:

The applicant should be able to access fixed route public transportation successfully.

The applicant can use fixed route public transportation successfully but may need to utilize Door to Door service **under certain conditions** due to a disabling condition or functional limitation.

Please explain conditions: _____

The applicant cannot use fixed route public transportation due to a disabling condition or functional limitation and requires Door to Door service **without conditions**.

Printed Name _____

Title _____

(If not a licensed physician, please indicate Title & Certification)

Organization/Practice _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____

Fax #: _____

Email address: _____

Applicant Name _____

FOR Town of Apex/GoApex USE ONLY

APPROVED _____

DENIED _____

UNCONDITIONAL _____

CONDITIONAL _____

TEMPORARY _____

ISSUED BY _____

TITLE _____

DATE _____

FILE NUMBER _____

Appendix E: GoApex Appeal Process

Denial of Paratransit Service

GoWake Access will carefully review each application to ensure that only qualified persons are approved. Upon completion of review, a letter of certification or denial will be mailed. If your application for paratransit service was denied, you have the right to appeal this decision.

ADA Application Appeals

To appeal the decision, you will need to submit your request in writing, sixty (60) days within receipt of the denial letter.

Appeals may be mailed to:

**ATTN: Christian Banks, GoWake Access
4401 Bland Road Raleigh, NC 27609**

Your appeal will be heard by an ADA Appeals Board. The ADA Appeals Board consists of individuals who are not involved in the initial certification process. Their decision is made independently of the ADA Certification Process.

Upon receipt of your letter, GoApex will set up a meeting with the ADA Appeals Board. You will be notified by mail of the date and time of this meeting. You will have the opportunity to submit any additional information and written evidence and/or arguments to support your qualifications for service. You may bring a representative with you to this meeting.

You will be notified of the Appeals Board's decision in writing within thirty (30) days of the hearing. The Board's decision is final.

Denial of Paratransit Service Due to No-Show:

If a rider has a pattern and practice of No-Shows/Late Cancellations as provided above, GoWake Access will send them a suspension letter or email, proposing to suspend service with instructions on the appeals process (with an option for an in-person appeal). The notice will specify the basis of the proposed action and set forth the proposed suspension. The notice will advise the individual of the right to appeal the assessment of any no-shows/late cancellations and/or suspensions of service by submitting a letter of appeal to GoWake Access. Individuals will have 60 days (or 90 days if the individual has a good reason for delay) from the date of the written notice to submit their request for an appeal. GoWake Access will not require such requests to include the basis or reasons for the appeal. The choice to submit written information in advance of or instead of an appeal hearing would be for the appellant to make. GoWake Access will provide the individual with a hearing to present information and arguments and review the situation and provide the individual with transportation services if the decision to suspend transportation services was wrong. A local hearing will be held within five (5) days of the individual's request unless the individual asks for it to be postponed. The hearing can be postponed (for a good reason), for as much as 10 calendar days. To the extent practicable, the individuals deciding appeals will not be those involved with the initial decision to suspend service. GoWake Access will provide written

notification of the decision and the reasons for it. GoWake Access will not be required to provide paratransit service to the individual pending the determination on appeal. However, if a decision has not been made within 30 days of the completion of the appeal process, GoWake Access will provide paratransit service from that time until and unless a decision to deny the appeal is issued. Critical needs clients such as, dialysis and chemotherapy patients will not have their paratransit services suspended. All appeals must be submitted in writing within 30 days. Please include the time, date and pickup address of the no-showed ride you are appealing.

Appendix F: GoApex No Show Policy

No-Shows and Late Cancellations

No-Show and Late Cancellation policies will be in compliance with the ADA and CFR. To avoid a No-Show or late cancellation, the client must be ready at the designated place for pickup within the pickup window given by the Customer Service Representative. All trips, including Subscription trips that are prescheduled on a recurring basis, are subject to this No-Show Policy.

No-Show

A No-Show occurs when all of the following criteria are met:

- There has been no call by the rider to cancel the scheduled trip at least 1 hour prior to the start of the pickup window.
AND
- The vehicle arrives at the scheduled pickup location within the 30-minute pickup window.
AND
- The driver has waited 5 minutes after arriving during the pickup window.

After waiting for 5 minutes, the driver is instructed to leave a No-Show tag, and proceed to the next destination.

Late Cancellation

A late cancellation occurs when the rider does not call to cancel a specific scheduled trip at least 1 hour prior to start of the pickup window. Late cancellations will be treated as “No-Shows”.

Passengers with Subscriptions trips are requested to alert GoWake Access as soon as it is known if a particular recurring trip needs to be cancelled by the passenger (for example, due to holidays). GoWake Access requests one week’s notice for known subscription trip cancellations in order to clear that time slot for other passengers to reserve. However, there will be no consequences unless the trip is cancelled less than 1 hour prior to the start of the pickup window, per the late cancellation definition above.

No-Shows Beyond Passenger’s Control

Trips cancelled for reasons that are beyond the rider’s control will not be considered “No-Shows”. This includes missed trips resulting due to sudden illness, family or personal emergency, transit connection delay, appointment delay, extreme weather conditions, operator error, paratransit lateness, or other unforeseen reasons for which it is not possible to call to cancel in time or to take trips as scheduled.

Subsequent Trips

If a rider has a No-Show for the outgoing portion of a round trip, they will still keep return trips and subsequent trips on schedules unless there was an indication from a rider or other reliable source that they will not need the return trips. GoWake Access will attempt to contact the client to see if they need the return trip to avoid another No-Show.

No-Show Notifications

GoWake Access will send a written warning after five (5) No-Shows. The written correspondence will list the total number of No-Shows and the percent of No-Shows in reference to the total number of trips booked in the calendar month. Specific dates, times, and locations of each No-Show in the calendar month will be provided in writing upon rider request.

Pattern and Practice of No-Shows

Riders may be suspended from paratransit service when they show a “pattern and practice” of No- Shows, which occurs when:

- A rider has five (5) or more No-Shows in a calendar month; AND
- The number of No-Shows represents more than 15% of the trips booked by the rider in a calendar month.

Suspension Periods

The following suspension periods shall apply:

- 1st violation: Warning Letter/Email
- 2nd violation: 7-day suspension
- 3rd violation: 14-day suspension
- 4th violation: 30-day suspension

Notification of No-Show Policy

ADA

Patron

Address

Dear

It is the policy of GoApex to inform our patrons of factors that may affect their transit services. No- shows are one of those factors.

No-Shows, as well as late cancellations, result in wasted trips which could have been used by other passengers. It is the policy of GoApex to record each customer’s no-shows and apply appropriate sanctions when customers establish a pattern of excessive No-Shows.

For your information, attached is the policy that provides what defines a No-Show and what actions may be taken.

Thank you for your patronage,

Appendix G: Subscription Service Policy

For GoApex Door to Door passengers who need a ride to the same place, at the same time, on a daily, weekly, or monthly basis, “Subscription Service” is offered as a privilege to help meet passengers’ scheduling and transit needs. This service allows a passenger to schedule their ongoing trips with one call. The passenger will then be automatically placed on the Door to Door schedule each week. Passengers may ask the GoWake Access call center representative for more details regarding this option. All GoApex Door to Door customers are able to request multiple trips in one call as long as the advance notice requirements are met (i.e., trip requests are made between one (1) and fourteen (14) days in advance). Subscription trips are different in that once the recurring reservation is set up, the customer does not have to call in to reserve those ongoing trips over time.

- This service is a privilege. Based on demand, it may be necessary to limit the number of subscription trips, to allow for providing service to the greatest number of customers. If this happens, requests may be resubmitted at a later date if the time slot becomes available.
- GoApex reserves the right to limit subscription trips to maintain 50% or less subscription trips at any given time period per Americans with Disabilities Act guidelines for paratransit service (see 49 CFR § 37.133). Subscriptions trips are taken on a first-come, first-served basis and are limited based on overall demand by time of day.
 - Time periods are considered an hourly period (ex. 8am-9am) on any given day of the week, and apply to both outgoing and return trips. For example, subscription trips may be fully booked at the 8am hour on Mondays, but be available at the 2pm hour.
- The GoApex Door to Door No Show policy applies to subscription service.

Subscription Trip Cancellations:

- If you are receiving subscription service, it is important to let GoWake Access know immediately if you do not need a ride on a particular pre-scheduled day. This way, GoWake Access can make the adjustment on their paratransit service schedule in advance.
 - For example, if a passenger has subscription service for a trip to school each weekday, they will need to cancel trips in advance of holiday and vacation times when school is not in session. This will help us avoid unnecessary trips or missed connections.
 - Trips cancelled less than one week in advance will jeopardize the ability of others to reserve that time slot and are subject to the GoApex No-Show policy.
 - Passengers cancelling one-third (33%) of their subscription trips in one month may lose the recurring time slot, even if cancellations are made with adequate notice.
- Passengers may cancel their subscription service by calling the trip reservation line. Please be clear about whether you are cancelling one trip or all subscription trips.

ATTACHMENT B – WAKE COUNTY COMPLAINTS AND APPEALS POLICY

COMPLAINTS

Was there a problem with your transportation?

For a commendation or a complaint to be filed, the customer must call the GoWake Access Call Center at (919) 212-7005 press option 4 or contact the Consumer Experience Management Team at 919-212-7155. Complaints may also be filed online:

<http://www.wakegov.com/humanservices/administration/Pages/HSComplaintForm.aspx>

Complaints must be reported within 24-48 hours after the incidence. The representative will enter the information into a database and distribute to the appropriate person. We appreciate any and all timely feedback, with as much detail as possible.

The GoWake Access staff will follow up with the appropriate persons to correct and resolve the issue. The customer will receive a phone call/letter verifying that the complaint was filed and what the corrective measures are.

If dissatisfied with the resolution, then clients may appeal actions taken on complaint resolutions within 7 days of the date of the resolution notification by addressing the Transportation Manager in writing at the address below. The appeal should include all relevant information.

**GoWake Access Services
220 Swinburne Street
PO Box 46833
Raleigh, NC 27620-6833
Attn: Anita Davis, Transportation Manager**

APPEALS

Complainant may appeal actions taken on complaint resolution within seven (7) days of date of resolution notification by addressing the Transportation Manager in writing at the address below. The appeal should include all relevant information.

Wake County Human Services
Transportation Manager
220 Swinburne St
P O Box 46833
Raleigh, NC 27620-6833

The Transportation Manager will attempt to resolve the appeal by contacting the complainant and other relevant parties. If the Transportation Manager cannot resolve the complaint in three (3) business days, then the appeal will be forwarded and considered by the WCHS Deputy Director. The WCHS Deputy Director will respond to the complainant in writing within five (5) working days. The decision of the WCHS Director is final. Appeals and their final resolution will be entered into the Lotus Notes database

and will be reported as part of the GoWake Access vendor's monthly management report, which is provided to GoWake Access staff and Sponsor Agencies.

Apex ADA Paratransit Annual Cost Estimate
GoWake Access Shared Vehicle Model

<i>GoWake Access Shared Model</i>
ITEM
Operating Cost Per Day Subtotal
Annual Operating Cost
Annual Admin Fees (overhead, ADA application review, temp employee)
Contingency
Total Annual Cost
Total Annual Cost Per Trip
Additional Admin Fees Year 1 (Training)
Total Annual Cost - Year 1
Total Cost Per Trip - Year 1
ASSUMPTIONS
Paratransit Annual Ridership
Number of Days of Service
Trips Per Day
GoWake Access Average Trip Length (Hours)
Hours Per Day (Trips Per Day * Average Trip Length)
GoWake Access Paratransit Service Hourly Rate
GoWake Access Annual Overhead Fee
GoWake Access Annual Admin Fee to process ADA applications
Temporary employee from 1pm-5pm on Sundays
Temporary employee training (Year 1 only)
Contingency - potential ridership increase and increase in application submittals

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 29, 2022

Item Details

Presenter(s): Shawn Purvis, Deputy Town Manager

Department(s): Community Development & Neighborhood Connections

Requested Motion

Motion to approve development agreement with Broadstone Walk, LLC with a loan commitment of \$1,850,000 to partially fund the construction and permanent financing of a residential development which will consist of a 164-unit multifamily affordable housing apartment complex to be located on 950 South Hughes St., Apex, North Carolina to be known as Broadstone Walk Apartments, and authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

Apex Town Council approved funding a loan to DHIC (Broadstone Walk) in an amount of \$1,000,000 during its December 15, 2020 meeting, \$500,000 on November 9, 2021 and \$350,000 on January 11, 2022 for a grand total not to exceed \$1,850,000. The Town Council has awarded the project a grant of \$165,000 to cover select fees. Due to rising construction costs, decrease in equity pricing, and mortgage loan interest rate increases, DHIC Inc. stills has a funding gap. To close the funding gap DHIC is seeking to alter the affordability mix of the apartments and request additional funding form Wake County. DHIC's original proposal in December 2020 included a weighted average affordability of 58.5% with units across 70%, 60%, 50%, and 40% Area Median Income (AMI) bands. When DHIC made its second funding request in January 2022, their proposal included deeper affordability with all units at the 60% AMI level or lower. To help address the current funding gap, DHIC is proposing to shift some units back to the 70% AMI range. The new proposed weighted average affordability is 60%.

Attachments

- Development Agreement



**DEVELOPMENT AGREEMENT
INCLUDING GRANT RESTRICTIONS**

BROADSTONE WALK APARTMENTS
Apex, Wake County, North Carolina

This Development Agreement (hereinafter “Agreement”) is made and entered into this the ___ day of _____, 2022, by and between BROADSTONE WALK, LLC, a North Carolina limited liability company (hereinafter “Developer” or “Owner”) and the Town of Apex, a body corporate and politic located in the State of North Carolina (hereinafter the “Town”). The Developer and the Town may be referred collectively herein as the “Parties” or singularly, as a “Party.” This Agreement will not become effective until all conditions placed upon the Town’s funding are satisfied.

RECITALS

WHEREAS, the Apex Town Council approved funding a loan to Developer in an amount of \$1,000,000 during its December 15, 2020 meeting, \$500,000 on November 9, 2021 and \$350,000 on January 11, 2022 for a grand total not to exceed \$1,850,000.00 (hereinafter the “Loan”) to partially fund the construction and permanent financing of a residential development which will consist of a 164-unit multifamily affordable housing apartment complex to be located on 950 South Hughes St., Apex, North Carolina to be known as Broadstone Walk Apartments (hereinafter the “Project”) located on that certain real property described in **Exhibit A**, attached hereto and incorporated herein by reference (the “Real Property”). The Loan commitment was issued by the Town on July 19, 2022 and is being funded by the Town’s general fund; and

WHEREAS, the Apex Town Council further approved a grant in the amount of \$165,000 (the “Grant”) from the Town’s general fund to reimburse Borrower for water and sewer capital reimbursement fees to facilitate the construction of the Project; and

WHEREAS, upon completion of the Project, the Developer will provide income restricted affordable housing multifamily rental units to income qualifying tenant households of at least i) twenty (20) affordable rental units at or below forty percent (40%) of the Wake County Area Median Income (“AMI”) as defined and determined by the U.S. Department of Housing and Urban Development (“HUD”); ii) forty (40) affordable rental units at or below fifty percent (50%) of the Wake County AMI as defined and determined by HUD; iii) twenty four (24) affordable rental units at or below sixty percent (60%) of the Wake County AMI as defined and determined by HUD; iv) eighty (80) affordable rental units at or below seventy percent (70%) of the Wake County AMI as defined and determined by HUD. In addition, at least twenty (20) of the units will be reserved for Wake County Permanent Supportive Housing Voucher clients and at least seventeen (17) of the units will be reserved for other supportive housing clients. All income-restricted affordable housing multifamily rental units will be preserved and made affordable during the Period of Affordability, as further defined herein; and

WHEREAS, the Parties are entering into this Agreement for the purpose of memorializing the intention, terms and conditions of acceptance of the assistance being given by the Town to the Developer.

NOW THEREFORE, in consideration of the mutual promises set forth in this Agreement, the sufficiency of which is hereby acknowledged and agreed by the Parties, the Parties agree to be bound by the following terms and conditions:

**ARTICLE ONE
RESPONSIBILITIES OF THE DEVELOPER**

1. **General Information.** The Grant and Loan are jointly being provided to Developer and failure of Developer to close the Loan or comply with any requirements related to the Loan will result in a loss of the Grant; it being the intention of the Town that the Grant is being given in supplement to the Loan and not irrespective of the Loan.

2. **Pre-Development, Construction and Development Requirements.**

The Developer will perform or monitor the following tasks and such other tasks as may be necessary to develop the Project, even if not specifically set forth herein. The Developer will:

- A. Purchase, construct and operate the Project on the Real Property pursuant to the plans, designs and specifications submitted to and approved by the Town and such other governmental bodies that may be required to approve the plans, designs and specifications prior to construction and in accordance with the Project Budget, attached hereto as **Exhibit B**.
- B. Provide the Town with a construction schedule with critical path items identified before the first request for funds, a copy of which is attached hereto as **Exhibit C**. In the event that the schedule with critical path items changes, the Developer will immediately notify the Town in writing.
- C. Prepare site plans for the real property as described in **Exhibit A** (the “Real Property”), which is attached hereto and incorporated herein by reference.
- D. If requested, submit a standard Phase I and/or Phase II environmental review or its equivalent showing no unresolved environmental issues other than those reasonably acceptable to the Town. Developer will complete any and all remediation work that may be required by additional environmental testing.
- E. Prepare, advertise and receive bids for construction of the Project.
- F. If requested, and applicable, complete and provide an E-Verify Affidavit to the Town in a form consistent with that certain Affidavit attached hereto as **Exhibit E** and incorporated herein by reference.

- G. If applicable, comply with the Uniform Relocation Act as set forth in 49 CFR, part 24. To the extent temporary relocation or displacement may be required to complete the Project, the Developer will comply with the requirements set forth in 24 CFR § 92.353 regarding temporary relocation and relocation assistance.
- H. Develop and construct and the Project in accordance with the lead-based paint requirements set forth in 24 CFR 35, Subparts B, J, K, M and R, as applicable.
- I. Acquire all necessary approvals and permits from the local jurisdictions, such as, but not limited to, site plan approval, zoning, environmental permits and building permits.
- J. Monitor, manage and construct the Project in accordance with the construction schedule and all applicable building permits and requirements and consistent with the Project Budget, a copy of which Project Budget is attached hereto as **Exhibit B**. The completion date for the Project and issuance of Certificates of Occupancy should be no later than twenty-one (21) months from closing of the Construction Loan.
- K. Process payment requests from contractors, including subcontractors, in a timely manner.
- L. At the request of the Town, Developer will allow reasonable onsite inspections by the Town upon reasonable notice to include monitoring construction and progress of the Project and compliance with the Agreement.

3. **Post-Construction Expectations.**

- A. Upon completion, Developer will provide the Town the address of each unit.
- B. Developer will market and rent the Project units as low-income units in accordance with the terms and conditions of this Agreement, including but not necessarily limited to, those rules governing affordability of the units.
- C. Each year the Town will have the right to review Project unit rents for compliance. The request will include utility allowance information, budget documentation and justification for an increase. The Developer is required to provide tenants at least 30 days' written notice prior to implementing any rent increase.
- D. Developer will maintain complete records of the income qualification of tenants by examining relevant source documents evidencing annual income

for each tenant of the Project and ensuring that income qualifications are consistent with requirements for the Project. Each year, Developer will review rents to ensure compliance with any and all applicable income restrictions whether or not such income restrictions were required by the Town. Developer will notify the Town of any changes to proposed rents within thirty (30) days.

- E. If requested, Developer will submit rent rolls by the 15th of each month to the Town.
- F. If requested, Developer will submit a maintenance plan regarding the ongoing maintenance of the Project and the units for the term of the Loan.
- G. Developer will maintain the Project, including the Real Property, improvements and outbuildings, in accordance with local, state and federal Housing Quality Standards as set forth by HUD and in a manner harmonious with the surrounding neighborhoods.
- H. Developer will operate the Project in accordance with any and all requirements and expectations of any other lenders on the Project, including but not necessarily limited to the senior construction and permanent bank lender and the loan from Wake County.
- I. Developer will allow any duly authorized representative of the Town, at all reasonable times and upon reasonable notice, access to and the right to inspect, copy, audit and examine all of the books, records, and other documents relating to the Loan and the fulfillment of this Agreement throughout the Period of Affordability.
- J. The Developer will allow the Town access to any Real Property, grounds, improvements and outbuildings in the Project during regular business hours upon notice and subject to the rights of residential tenants.
- K. At the request of the Town, Developer will allow the Town to conduct onsite inspections of the Project upon reasonable notice and subject to the rights of residential tenants to ensure the Project's remains in compliance with all expectations of the Loan and this Agreement, including but not limited to verification that the Project is being operated in accordance with rent, occupancy and unit mix requirements.

4. **Affordability Requirements.**

- A. **Unit Income Restrictions.** Upon completion of the Project, the Developer will provide income restricted affordable housing multifamily rental units to income qualifying tenant households of at least i) twenty (20) affordable rental units at or below forty percent (40%) of the Wake County AMI as defined and determined by HUD; ii) forty (40) affordable rental units at or

below fifty percent (50%) of the Wake County AMI as defined and determined by HUD; iii) twenty four (24) affordable rental units at or below sixty percent (60%) of the Wake County AMI as defined and determined by HUD; and, iv) eighty (80) affordable rental units at or below seventy percent (70%) of the Wake County AMI as defined and determined by HUD. All income-restricted affordable housing multifamily rental units will be preserved and made affordable during the Period of Affordability. In addition, at least twenty (20) of the units will be reserved for Wake County Permanent Supportive Housing Voucher clients and at least seventeen (17) of the units will be reserved for other supportive housing clients

- B. Period of Affordability. The “Period of Affordability” is the amount of time that the Developer is required to maintain the rental restrictions set forth in this Agreement. The Period of Affordability will begin upon the issuance of the last Certificate of Occupancy for the Project or from the recordation of the Deed of Trust or Deed Restrictions, whichever event occurs last and will run for a period of thirty (30) years. The Period of Affordability will be evidenced by recording of deed restrictions, use restrictions or other covenants running with the land and will provide for rights of specific performance to the Town. In the event the Period of Affordability is not met, it will be deemed an Event of Default. In the event of foreclosure before the expiration of the Period of Affordability, the Loan must be repaid at foreclosure.

5. **Disbursements of Funds.**

- A. Developer must use all Loan funds, less the ten percent (10%) holdback payable after the last Certificate of Occupancy for the Project is issued, if applicable, before issuance of the last Certificate of Occupancy for the Project and if the Loan funds cannot be used within such timeframe, the Developer will notify the Town in writing within five (5) business days of any occurrence that makes it unlikely that Developer can meet the deadline for the expenditure of Loan funds.
- B. Requests for disbursements may be made in single or multiple requests but the Developer may not request disbursement of Loan funds more than once every thirty (30) calendar days. Supporting documentation (i.e. invoices, etc.) must be submitted with all Request for Disbursements. Any request for funding will be subject to review by the Town prior to disbursement. If any Loan funds are used for proscribed purposes, such expenditure will constitute an Event of Default as defined therein, and the Loan will become immediately due and payable.
- C. In addition to such other obligations of this Agreement, upon expiration of, termination of or a default under this Agreement, including failure to maintain affordability of the Project, the Developer must immediately

transfer to the Town any and all unexpended Loan funds and any accounts receivable attributable to the Loan funds.

6. **Other Provisions.**

- A. Loan Documents. The Town may enforce the terms of this Agreement through a Promissory Note, a Deed of Trust, Loan Agreement, UCC Financing Statements, Indemnity Agreement and Deed Restrictions or such other documents that it may deem appropriate to secure its interest in the Project and the Real Property, as well as any other means available by law or equity.
- B. Records and Reports. Developer will keep and maintain or will cause to be maintained at its sole expense and in accordance with generally accepted accounting principles (hereinafter “GAAP”), proper and accurate books, records and accounts reflecting all items of income and expense in connection with the operation of the Project and in connection with any services, materials, equipment or furnishings provided in connection with the development and construction of the improvements and in connection with the operation and use of the Project.
- C. Developer will provide in a timely fashion and upon reasonable advance notice, such financial information in such form as the Town may reasonably request to demonstrate compliance by Developer with any housing restrictions to facilitate annual reporting that the Town requires.
- D. The Developer will allow the Town access to any Real Property, grounds, improvements and outbuildings in the Project during regular business hours upon reasonable advance notice, subject to the rights of any residential tenants.
- E. The Developer agrees to provide all reports as requested by the Town pursuant to this Agreement on an annual basis to the Town. Failure to provide reports will be considered an event of default under the terms of this Agreement.
- F. Indemnification. The Developer agrees to defend, indemnify and hold harmless the Town from all loss, liability, claims or expenses (including reasonable attorney’s fees) arising from bodily injury, including death, to any person or persons or property damage caused in whole or in part by the negligence or misconduct of the Developer, its subcontractors, agents and employees, except to the extent the same are caused by the negligence or willful misconduct of the Town. It is the intent of this Section to require the Developer to indemnify the Town to the fullest extent permitted under North Carolina and/or federal law. Nothing in this Section shall be construed to operate as a waiver of governmental immunity.

G. Audit. The Developer will have an annual GAAP audit performed by an independent, certified public accountant (“CPA”). The Developer will provide the Town with an audit no later than six (6) months following the end of the Developer’s fiscal year. Should the Developer fail to timely submit a qualified audit as determined by the Town, the Developer will be considered to be in default of this Agreement and the Loan.

8. **Insurance Requirements.**

A. Developer’s Insurance. At all times during the term of this Agreement, the Developer will be required to obtain and continuously maintain insurance commonly required for projects of a similar nature against fire, windstorm and such other casualties and contingencies or other hazards to property and improvements at the Project against loss or damage, including but not necessarily limited to:

Builder’s Risk Insurance with limits equal to full completion replacement cost. Such insurance will be maintained during the construction of the Project, and will name the Town as a Loss Payee up to the amount of debt owed to the Town but not less than the amount of the Town Loan.

Commercial Property Insurance with limits equal to full replacement cost. Such insurance will replace Builder’s Risk Insurance at the time the Project is completed, and will name the Town as a loss payee up to the amount of debt owed to the Town.

Commercial Automobile Liability Insurance with limits of no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

Commercial General Liability Insurance with limits of no less than \$1,000,000.00 each occurrence/\$2,000,000.00 aggregate. This coverage will include contractual liability covering Developer’s indemnification obligations hereunder and will name the Town as an additional insured.

Workers’ Compensation Insurance with Coverage A statutory limits for North Carolina, Coverage B Employers’ Liability \$1,000,000.00 each accident, disease policy limit, and disease employee.

Developer will provide certificates of insurance issued by a duly authorized agent of the issuer to: Town of Apex, c/o Safety & Risk Manager, PO Box 250, Apex, NC 27502, all such insurance commonly required for projects of similar nature. Such insurance will be written by companies and in forms and amounts reasonably satisfactory to the Town, and the Town will be named as an additional insured. Insurance coverage must be in an amount sufficient to repay the Loan to Town in full if a loss occurs.

- B. Other Insurance. Developer will maintain continuously throughout the term of the Loan such other insurance as may be deemed necessary by the Town for the Project, with respect to the development, construction and operation of the Project. Developer will include all consultants or subcontractors providing project construction services as insureds; or will require any such consultants or subcontractors providing project construction services to obtain and maintain insurance which will meet the requirements set forth herein. Developer will provide certificates of insurance to the Town on an annual basis and at any time a change of insurance coverage or carriers occurs.
- C. Town's Insurance Option. At any time during the performance of this Agreement that Developer has not provided insurance coverage as required herein, the Town may provide for itself, for the Developer and for the Developer's subcontractors, any and all of the insurance coverage required pursuant to this Article. If the Town elects to provide such coverage, it will notify the Developer in writing and will provide to the Developer such certificate or certificates of insurance as may be applicable. If the Town elects to provide such coverage, it will be further entitled to increase in the Loan principal payable equal to the cost of providing such coverage to the Developer and its subcontractors plus 8% per annum interest on the increased Loan amount. The Town's failure to provide notice to the Developer or its failure to provide copies of certificates of insurance will have no bearing on its rights to increase the Loan principal as provided herein.

ARTICLE FOUR LOAN REQUIREMENTS

1. Loan Documents; Security. The Town may enforce the terms of this Agreement through a Promissory Note, a Deed of Trust, Loan Agreement, UCC Financing Statements, Indemnity Agreement and Deed Restrictions or such other documents that it may deem appropriate to secure its interest in the Project and the Real Property.
2. Appraisal of Project. Developer must submit an appraisal of the fair market value of the Project unimproved on the date of the acquisition and an appraisal of the Project's future value based on the plans and specifications submitted to the Town.
3. Title Insurance. The Developer will submit to the Town an original ALTA title insurance policy in a form satisfactory to the Town insuring the validity and priority of its lien in an amount not less than the Loan amount and subject only to permitted exceptions, to be approved by the Town. As to this requirement the Town may agree to receipt of the required policy promptly following the closing or may, should it so elect, require receipt of a binder, updating the commitment to the closing.

4. Additional Commitments.

- A. Loan Commitments. Developer must submit a copy of each and every loan commitment that will be used as a source of funding for the Project, together with any and all amendments thereto, certified by the Developer to be true, correct and complete and in full force and effect. The Developer must further notify the Town, in writing and within five (5) business days, of any changes in lending sources from the original application.
- B. Equity Commitments. The Developer must submit a copy of any equity commitment, together with any and all amendments thereto, certified by the Developer to be true, correct and complete and in full force and effect, along with a list of all the current members, partners or Board of Directors of the Developer. In the instance that the equity commitment is expired, terminated, replaced or otherwise changed in any material way, the Developer must notify the Town, in writing and within five (5) business days.
- C. Loan Documents. To the extent that there are any loans or mortgages related to the Project that will remain in force after the Loan closing. Developer must submit a copy of each and every loan document from all other funding sources.

5. Fees. Developer will pay any and all costs incurred in connection with the Loan, including, but not necessarily limited to, all insurance premium, recording costs, survey costs, taxes, appraisal fees and reasonable attorneys' fees actually incurred (of both Town and Developer).

6. Interest Rate. The interest rate on the Loan will be one percent (1%) simple interest.

7. Loan Priority. During the construction and permanent phase, the Town will occupy fourth lien position behind only the third-party bank lender (for construction and permanent), which will be in first lien position and a loan from Wake County in an amount not to exceed \$3,500,000 and a loan from DHIC, Inc. in an amount not to exceed \$171,485.00.

8. Terms of Repayment. Developer will make payments during the term of the Loan of 75% of Net Cash Flow pursuant to the Payment Schedule attached hereto as Schedule I and incorporated herein by reference, with a balloon payment for the remaining monies due pursuant to the Loan including but not necessarily limited to principal, interest and costs payable at the end of the 30-year Loan term. For purposes of this Agreement, Net Cash Flow is determined after payment of all routine operating expenses of the Project and payment of the superior debt on the Project, but does not contemplate the payment of any deferred developer fee, incentive management fees or other fees of the Developer. The 75% Net Cash Flow pursuant to this Section will be calculated and distributed on a pro rata basis (based on the outstanding principal due) between the Town of Apex and the County loan referenced in this Article Four.

Notwithstanding, but subject to the foregoing, it is the intention of the Parties that interest only payments will begin one month after the first construction draw irrespective of the payment schedule and the first payment of principal will begin one (1) month after conversion of the bond

financing on the Project from interest only to payment of principal or January 1, 2026, whichever occurs first. Where the Payment Schedule is inconsistent with this intention, the preceding sentence will control.

A 4% late fee shall be charged by the County to Developer for any payment due pursuant to the Loan that is later than the 15th day after such payment is due.

9. No Assignment. Developer will not assign any of its rights or obligations hereunder without the prior written consent of the Town. The transfer or assignment of all or part of the Project (including transfer of a beneficial interest) without the Town's prior written consent will constitute an Event of Default; provided, however, that the Event of Default will not preclude the leasing of the units in the Project in the ordinary course of business. For purposes herein, approval by HUD of a transfer of physical assets where the Loan will be repaid will constitute the approval of the transfer of physical assets by the Town and will not constitute an Event of Default.

ARTICLE FIVE GRANT REQUIREMENTS

In addition to the Loan, the Town is providing a Grant to Borrower for reimbursement of water and sewer capital reimbursement fees in order to facilitate construction of the Project. The Grant proceeds shall be used only for those purposes. In the instance of an Event of Default under this Agreement or any Loan Documents which continues past the expiration of any applicable notice and cure periods, Borrower understands that in addition to all the other liabilities and obligations of Borrower set forth elsewhere in this Agreement or the Loan Documents, the Borrower will also be required to repay the Grant to the Town.

ARTICLE SIX RELATIONSHIP OF THE PARTIES

The Developer will operate as an independent contractor, and the Town will not be responsible for any of the Developer's acts or omissions. Developer will not be treated as an employee with respect to the services performed hereunder for federal or state tax, unemployment or workers' compensation purposes. Developer agrees that neither federal, state, nor payroll tax of any kind will be withheld or paid by the Town on behalf of the Developer. Developer further agrees that it is fully responsible for the payment of any and all taxes arising from the payment of monies under this Agreement. The Developer will not be treated as an employee with respect to the services performed hereunder for purposes of eligibility for, or participation in, any employee pension, health, or other fringe benefit plan of the Town. The Town will not be liable to the Developer for any expenses paid or incurred by the Developer unless otherwise agreed in writing. Developer will supply, at its sole expense, all equipment, tools, materials and supplies required to provide the contracted services unless otherwise agreed by the Parties in writing. Developer will comply with all federal, state and local laws regarding business permits, certificates and licenses that may be required to carry out the services to be performed pursuant to this Agreement. Developer will ensure that all personnel engaged in work pursuant to this Agreement will be fully qualified and will be authorized under the state and local law to perform the services pursuant to this Agreement.

**ARTICLE SEVEN
NON-DISCRIMINATION**

The Town is a community that respects and actively works to welcome and protect all those who reside, work, do business and visit the Town. The Town has determined that discrimination in the business dealings of its citizens harms the citizens and the Town and impairs the Town's ability to attract new businesses and residents and is not consistent with the Town's purpose, vision, and identity as a Town that embraces and celebrates diversity. During the term of this Agreement and the Period of Affordability, Developer agrees to observe the provisions of Section 3-2 of Chapter 3 of the Town of Apex Code or Ordinances obligating every contractor or subcontractor under a contract or subcontract entered into pursuant to this Project with the Town to refrain from discrimination in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers on the basis of age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status. Failure to comply with these provisions will be considered an Event of Default.

**ARTICLE EIGHT
TERMINATION AND DEFAULT**

1. Events of Default. In addition to those events of default that may be set forth in any of the Loan documents, failure to perform any requirement or condition in this Agreement will constitute an "Event of Default." In an Event of Default, the Town will deliver a notice of default by hand delivery or by first class mail to the Developer at the address listed below and the Developer will have thirty (30) days to cure the default (or such longer time as permitted under the Town Loan Agreement), except for an Event of Default caused by the failure to make a payment under the Loan, in which case, cure shall be dictated by the Loan documents. If default is not cured, the Developer will be declared in default and the Town may exercise all of the rights and remedies as set forth in the Promissory Note, the Deed of Trust, any of the other Loan documents or otherwise available in law or equity, including but not necessarily limited to the Town's right to accelerate the debt and demand immediate repayment of the Loan. Failure on the part of the Developer to close the Town Loan and spend the Town funds within the one (1) year of the date of this Agreement will also constitute an Event of Default. Any cure of any default or Event of Default made or tendered by any investor member of Developer shall be deemed to be a cure by Developer and shall be accepted or rejected on the same basis as if made or tendered by Developer.

2. Termination of Agreement. The Town may terminate this Agreement upon five (5) days written notice to the Developer if the Developer fails to submit acceptable plans for development of the Project to the Town. Before exercising this right of termination, the Town will review any plans the Developer has submitted and will recommend modifications that will be required for Town approval. If the Developer fails or refuses to agree to Town's recommended modifications, the Town may exercise its right to demand repayment within thirty (30) days of all

Town funds paid to the Developer for the Project and/or the Town may terminate this Agreement and refuse to provide funding.

3. Governing Law; Venue. This Agreement constitutes a legally enforceable contract and shall be governed by and construed in accordance with the laws of the State of North Carolina. Developer agrees that it shall submit to the jurisdiction of the courts of Wake County, North Carolina and such courts shall have exclusive jurisdiction of any disputes pursuant to this Agreement or the Loan documents.

4. Assignment. This Agreement may not be assigned by Developer without the express written consent of Town, which may be granted or withheld in Town's sole discretion.

5. Amendment. This Agreement may not be amended except as agreed by the Parties in writing.

6. Successors and Assigns. This Agreement will be binding upon any of Developers successors or assigns subject to the limitations on assignment.

7. Notice. All notices required to be given hereunder shall be in writing and shall be deemed served at the earlier of (i) receipt or (ii) seventy-two (72) hours after deposit in registered, certified or first-class United States mail, postage pre-paid and addressed to the parties at the following addresses, or such other addresses as may from time to time be designated by written notice given as herein required:

To Developer:

BROADSTONE WALK, LLC
113 S. Wilmington Street
Raleigh, NC 276001

With a copy to:

Deborah McKenney
Blanco Tackabery & Matamoros, P.A.
P.O. Box 25008
Winston-Salem, NC 27114-5008 (mailing address)
404 N. Marshall Street
Winston-Salem, NC 27101 (overnight address)

and to:

Wincopin Circle LLLP
c/o Enterprise Community Asset Management, Inc.
70 Corporate Center
11000 Broken Land Parkway, Suite 700
Columbia, Maryland 21044
Attn: Asset Management

and:

Email: sshack@enterprisecommunity.com

Attn: General Counsel

To Town:

Town of Apex
Apex Town Hall
PO Box 250
Apex, NC 27502
Attn: Town Manager

With a copy to:

Town of Apex
Apex Town Hall
PO Box 250
Apex, NC 27502
Attn: Town Attorney

With a copy to:

Theresa S. Dew
Stuart Law Firm, PLLC
1033 Wade Avenue, Suite 202
Raleigh, NC 27605

Personal delivery to a party or any officer or agent of Developer at its address herein shall constitute receipt by Developer. Personal delivery to the Town shall be made only to the Town Manager and not to other officers, agents or employees unless hereafter so designated in writing by the Town. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice has been received shall also constitute receipt. No notice of change of address shall be effective until the date of receipt thereof.

ARTICLE NINE IRAN DIVESTMENT ACT

By executing this Development Agreement, Developer certifies that it is not on the State Treasurer's Iran Divestment Act ("IDA") list and will not use subcontractors on the IDA list.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement under seal as of the date written.

DEVELOPER/BORROWER:
BROADSTONE WALK, LLC

By: Broadstone Walk Development, Inc.
Its Managing Member

By: _____
Yolanda Winstead, President
Date: _____
EIN: _____

TOWN OF APEX:

By: _____
Name: Catherine H. Crosby
Title: Town Manager
Date: _____

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

D. Shawn Purvis, Deputy Town Manager
Interim Finance Director

Schedule of Exhibits:

- Exhibit A – Legal Description
- Exhibit B – Project Budget
- Exhibit C – Construction Schedule
- Exhibit D – Payment Schedule
- Exhibit E – E-Verify Affidavit

EXHIBIT A
LEGAL DESCRIPTION
(950 South Hughes Street, Apex, North Carolina, Wake County)

All those certain lots or parcels of land lying and being in the Town of Apex, Wake County, North Carolina and more particularly described as follows:

BEING all of New Lot 1, containing 14.1089 acres, as shown on a plat entitled “Recombination Plat Property of Broadstone Walk” and recorded in Book of Maps 2021, Page 2224, Wake County Registry.

**EXHIBIT B
PROJECT BUDGET**

EXHIBIT C
CONSTRUCTION SCHEDULE

EXHIBIT D
PAYMENT SCHEDULE

EXHIBIT E
E-VERIFY AFFIDAVIT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 29, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Motion to approve, and to authorize the Town Manager to sign and execute, the General Operating Agreement for Bus Operations - Community Funding Area Program for Wake Transit Fiscal Year 2023.

Approval Recommended?

Yes

Item Details

The Town of Apex's adopted budget includes funding for operating GoApex Route 1. The Planning and Community Development Department applied for and was awarded matching funding through the Wake Transit Community Funding Area Program to operate this transit service. The General Operating Agreement between Town of Apex, Capital Area Metropolitan Planning Organization, and GoTriangle establishes the terms of the funding agreement and responsibilities of each party. Based on the Special Operating Funding Agreement, up to \$408,534 of Wake Transit funds would be awarded to the Town of Apex for operating GoApex Route 1 and the complementary paratransit service in FY23. The Town of Apex funding match would be provided through local funds. The Town of Apex partners with the Town of Cary to operate the fixed route service and Wake County to operate the paratransit service.

Attachments

- General Operating Agreement for Bus Operations - Community Funding Area Program - Wake Transit FY2023.
- Exhibit A depicting the total Wake Transit bus operations appropriation.



GENERAL OPERATING AGREEMENT
FOR BUS OPERATIONS – COMMUNITY FUNDING AREA PROGRAM

WAKE TRANSIT FY 2023

This Operating Agreement ("Agreement") is made by and between Research Triangle Regional Public Transportation Authority, d/b/a GoTriangle ("GoTriangle") and the Town of Apex ("Implementing Party") and the Capital Area Metropolitan Planning Organization ("CAMPO"). The foregoing may collectively be referred to as "Parties."

WHEREAS, the Parties to Agreement, who have or may have specific roles in the implementation of public transit and the support of public transit infrastructure in the Wake County area, have determined that it is in their best interest and the best interest of the constituents they represent to coordinate future public transit planning, funding, expansion and construction; and

WHEREAS, an extensive community driven process was used to develop a strategic transit vision document that set forth an enhanced public transit plan for Wake County, referred to as the "Wake County Transit Plan" ("Wake Transit Plan"), and this plan was unveiled on or about December 8, 2015, and adopted by the GoTriangle Board of Trustees on May 25, 2016, the Capital Area Metropolitan Planning Organization's ("CAMPO") Executive Board on May 18, 2016, and the Wake County Board of Commissioners on June 6, 2016; and was subsequently updated and adopted by the CAMPO Executive Board on April 21, 2021, and the GoTriangle Board of Trustees on April 28, 2021; and

WHEREAS, in conjunction with the Wake Transit Plan, GoTriangle, Wake County, and CAMPO (collectively, "the Governance ILA Parties") adopted the Wake Transit Governance Interlocal Agreement ("Governance ILA") that creates a governance structure for the implementation of the Wake Transit Plan by and through the annual Wake Transit Work Plan; and

WHEREAS, pursuant to Section 3.02c of the Governance ILA, CAMPO has been designated as the lead agency for administering the Community Funding Area Program and has the authority to enter into this Agreement and enforce the provisions thereof and is a necessary Party to this Agreement; and

WHEREAS, the Governance ILA specifically created the Transit Planning Advisory Committee ("TPAC") and charged the TPAC with coordinating and recommending the planning and implementation aspects of the Wake Transit Work Plan; and

WHEREAS, the Governance ILA Parties, together with the Implementing Party, numerous Wake County municipalities, and other entities, entered into a Master Participation Agreement (“Participation Agreement”), which, among other purposes, established standards that govern the Participation Agreement Parties’ eligibility for inclusion of sponsored Implementation Elements in the Wake Transit Work Plan, receipt of funding allocations from Wake County Transit Tax Revenue, and confirmed the Participation Agreement Parties’ roles in carrying out TPAC responsibilities; and

WHEREAS, the FY 2023 Wake Transit Work Plan was developed and recommended by the TPAC, presented for public comment, and adopted, as required, by the Boards of CAMPO and GoTriangle; and

WHEREAS, the FY 2023 Triangle Tax District Wake Operating Ordinance was adopted by the GoTriangle Board of Trustees on June 22, 2022; and

WHEREAS, the Parties desire to implement the components of the FY 2023 Wake Transit Work Plan as adopted by GoTriangle and CAMPO; and

WHEREAS, as stated in the Participation Agreement, all Implementation Elements contained in the Wake Transit Work Plan, whether partially or fully funded with Wake County Transit Tax Revenues, will not move forward until Implementation Agreements, which shall include a Capital Funding Agreement and an Operating Agreement, are executed by and between the Implementing Party; GoTriangle, as administrator of the Special District, and CAMPO, if the Implementing Agreement involves federal or state funding that is otherwise under the distribution and program management responsibility of CAMPO or, regardless of funding source, constitutes a regionally significant project as defined in 23 CFR § 450.104; and

WHEREAS, no Implementation Elements awarded funding through the Community Funding Area Program will move forward until an Implementation Agreement, which shall include Capital Funding Agreements or Operating Agreements, is executed by and between the Implementing Party; GoTriangle, as administrator of the Special District; and CAMPO.

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to, inter alia, N.C.G.S. §§ 160A-20.1; 160A-312; 160A-313; 160A-610; 153A-275; 153A-276; and 153A-449.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants herein contained, the Parties hereto agree as follows:

2

General Operating Agreement for Bus Operations
Community Funding Area Program
GoTriangle, CAMPO, Town of Apex
November 2022 FY23
Contract # 22-046

1. **Term:**

The Agreement shall become effective upon execution by all Parties (“Effective Date”). The term of this Agreement shall be from the Effective Date until December 31, 2023. The Parties may extend the term of this Agreement or may otherwise amend this Agreement as set forth in Section 7.

2. **Purpose:**

The purpose of this Agreement is to outline the details of how the Project(s) listed in Exhibit A attached hereto and incorporated herein by reference, being an approved Project(s) in the Wake County Transit Annual Work Plan, shall be implemented, in accordance with the requirements of the Participation Agreement.

3. **Responsibilities:**

A. Responsibilities of the Implementing Party.

- (1) The Implementing Party shall provide the Projects listed in Exhibit A and fund the cost of the Projects on an up-front basis, except as provided herein. The Implementing Party is responsible for ensuring funds are available to pay for the Projects prior to requesting reimbursement from GoTriangle.
- (2) The Wake Transit Work Plan Reimbursement Request and Financial Report Template (“Reimbursement Request Template”) must be submitted by the Implementing Party at least quarterly but may be as often as is efficient and effective for the Implementing Party. The reimbursement request shall be emailed to waketransitreimbursement@gotriangle.org with a copy to CAMPO, specifically to Anna.Stokes@campo-nc.us and Evan.Koff@campo-nc.us.

All Reimbursement Requests must be made using the Wake Transit Work Plan Reimbursement Request and Financial Report template agreed to by the Parties and must include a signed statement by the Implementing Party’s Finance Officer or designee stating that funds were spent in accordance with the Wake Transit Work Plan and with all applicable laws, rules, and regulations, and that the Reimbursement Request includes items due and payable. All Reimbursement Requests shall be based on actual expenses incurred as recorded in the financial system.

- (3) In special circumstances where an advance payment may be required, Reimbursement Requests must be submitted using the Reimbursement Request Template and with a justification for the advance payment request.

Advance payments received by the Implementing Party must be disbursed within 72 hours of receipt from GoTriangle.

- (4) Any performance on which an Implementing Party receives reimbursement must be performed by June 30 of that fiscal year.
- (5) Reimbursement Requests for expenses incurred as of June 30, 2023 shall be submitted by August 10 for the fiscal year in which the work was done.
- (6) Further, the Implementing Party shall:
 - (a) Ensure that Wake Transit funds provided by GoTriangle are not misappropriated or misdirected to any other account, need, project, or line item, other than as listed in Exhibit A. The Implementing Party shall have an obligation to return any reimbursed or advanced payments that were misappropriated or expended outside the approved Project(s) listed in Exhibit A.
 - (b) Ensure that a minimum of 50 percent of the total costs associated with the project, as described in Exhibit A, are expended from the Implementing Party's funds that were demonstrated through its application to the Community Funding Area Program to be provided as the required matching funds for the program. All Reimbursement Requests submitted by the Implementing Party shall detail total costs expended for the project along with the reimbursable amount. The total of Reimbursement Requests for reimbursable costs shall not exceed the amount allocated to the project as described in Exhibit A.
 - (c) Monitor award activities, to include sub-awards, to provide reasonable assurance that funds are spent in compliance with applicable requirements. Responsibilities include accounting for receipts and expenditures, cash management, maintaining adequate financial records, and refunding disallowed expenditures.
 - (d) Maintain a financial management system adequate for monitoring the accumulation of costs.
 - (e) Meet with staff from CAMPO within sixty (60) days of the execution of this agreement to discuss the scope of work, timeline, reporting requirements, public engagement activities, reimbursement requirements for the project, as well as to discuss a schedule for any subsequent project oversight meetings.

- (7) The Implementing Party shall coordinate with CAMPO to ensure the Project is considered for inclusion in the CAMPO Transportation Improvement Program.

B. Responsibilities of GoTriangle.

- (1) GoTriangle, as administrator of the Triangle Tax District, shall have the responsibilities and duties as set forth in the Governance ILA, including appropriating funds from the FY 2023 Triangle Tax District Wake Operating Ordinance in accordance with the Governance ILA. The specific appropriation and approved project budgets are further detailed in Exhibit A and in the FY 2023 Wake Transit Work Plan.
- (2) GoTriangle, upon receipt of a Reimbursement Request, shall verify within five business days whether the Reimbursement Request is complete; is within the approved budget; is within the annual work plan; and is in accordance with the Wake Transit Billing, Payment, and Reimbursement Policy and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017 and subsequently amended and adopted by GoTriangle on June 23, 2021 and CAMPO on June 16, 2021. Payment will be remitted within thirty (30) days of verification to the Implementing Party according to the payment instructions on file.

If GoTriangle is unable to verify the Reimbursement Request, GoTriangle shall, within two (2) business days, notify the Implementing Party in writing of the deficiencies in the Reimbursement Request. The Implementing Party may thereafter submit a revised Reimbursement Request (“Revised Reimbursement Request”), which shall be verified within five business days of receipt. If the Revised Reimbursement Request is denied, CAMPO or the Implementing Party may place the item on the next TPAC agenda for discussion and a recommendation to GoTriangle, CAMPO, and the Implementing Party.

- (3) Where advance payments are requested, GoTriangle, after due consideration of the request, will remit funds via payment instructions on file.
- (4) All disbursements from GoTriangle shall be in accordance with North Carolina General Statute 159 Article 3, known as the North Carolina Budget and Fiscal Control Act, and the Wake Transit Financial Policies and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017.

C. Responsibilities of CAMPO

- (1) CAMPO shall work with the Implementing Party to have the Project

considered for inclusion in the CAMPO Transportation Improvement Program.

- (2) Within five (5) business days of receiving a Reimbursement Request from the Implementing Party, CAMPO shall verify that the Reimbursement Request is complete, is within the approved budget, and is consistent with the scope of the project as reflected in Exhibit A and any other applicable scope-related attachments or exhibits to this Agreement.
- (3) Meet with staff from the Implementing Party within sixty (60) days of the execution of this agreement to discuss scope of work, timeline, reporting requirements, public engagement activities, reimbursement requirements for the project, as well as to discuss a schedule for any subsequent project oversight meetings.

4. **Minimum Service Standards:**

For the Projects listed in Exhibit A, the Implementing Party agrees to provide for:

- A. Maintenance of all vehicles and facilities in accordance with a preventative maintenance program.
- B. Maintenance of all vehicles and facilities in a safe and dependable condition and cleaning of all vehicles and facilities regularly.
- C. Monitoring of services and responding to incidents in a timely and professional manner.
- D. Regular reviews of service including: safety, on-time performance, customer satisfaction, accessibility, cleanliness, security, and customer service training.
- E. Public engagement activities in accordance with state and federal guidelines and agency and municipal policies and procedures, if applicable.

5. **Performance Reporting:**

Unless otherwise agreed in writing between Parties, the Implementing Party shall report operating statistics and ridership to the National Transit Database and to the North Carolina Department of Transportation Public Transportation Division.

The Implementing Agency also agrees to provide quarterly and annual reporting per the Master Participation Agreement for the Reported Deliverables as identified in Exhibit A using a Reporting Template agreed to by the Parties. The Implementing Agency shall include in its quarterly reports any details of issues that may impact delivery of the Projects identified in Exhibit A

The Annual Wake Transit Report prepared by GoTriangle shall provide

6

General Operating Agreement for Bus Operations
Community Funding Area Program
GoTriangle, CAMPO, Town of Apex
November 2022 FY23
Contract # 22-046

information regarding how strategic public transit objectives have been met and shall include the performance achieved, the strategies being followed, and performance targets and key milestones for capital projects and operating services.

Quarterly Status Reports prepared by GoTriangle and/or CAMPO shall provide information regarding progress toward strategic objectives outlined in the Wake Transit Work Plan and include the performance achieved, the strategies being following, and performance targets and key milestones for Capital Projects and operating services identified in the Wake Transit Work Plan. GoTriangle shall include in its Quarterly Status Reports any details of issues that may impact delivery of funding for the Projects identified in Exhibit A.

The Parties agree to share supporting documentation, if requested, in addition to their quarterly and annual reporting, in a timely manner.

6. **Further Agreements:**

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

7. **Amendment:**

Any extension of the term of this Agreement and/or change to the content of this Agreement shall be by written amendment signed by all Parties.

8. **Breach; Termination:**

In the event that (1) the Implementing Party is not able or fails to provide a Project(s) as required by the Agreement; or (2) GoTriangle is not able or fails to provide funding for a Project(s) as required by the Agreement; or (3) GoTriangle fails to fulfill its responsibilities and duties as set out in the Governance ILA; or (4) any Party fails to fulfill a responsibility or duty of this Agreement; or (5) any Party withdraws from the Master Participation Agreement (separately each a "breach"), any Party to this Agreement shall notify the Clerk to the TPAC Committee and the other Parties to this Agreement. The Non-Breaching party may place the item on a TPAC agenda for discussion and a non-binding recommendation to the

Parties.

The Non-breaching Party may provide the Breaching Party with a period of time to cure the breach to the reasonable satisfaction of the Non-breaching Party. If the breach is not timely cured, or cannot be cured, the Non-breaching Party may (1) elect to terminate this Agreement in full; or (2) elect to terminate this Agreement only as to one or more Projects listed in Exhibit A. In the event of breach of this Agreement, the Parties shall be entitled to such legal or equitable remedy as may be available, including specific performance.

In the event the Agreement is terminated for any reason other than by the end of the Term of the Agreement:

- (a) The Implementing Party shall not be required to continue implementing the Projects, but may elect to continue implementing the Projects using funds from sources other than the Wake Transit Tax.
- (b) GoTriangle shall reimburse the Implementing Party for any expenses for the Projects that have been approved in the annual work plan and made in reliance on this Agreement, whether or not a Reimbursement Request has been made by Implementing Party at the time of termination. The Implementing Party shall have sixty (60) days after the date of termination to submit all Reimbursement Requests.
- (c) The Implementing Party shall report the final status for its deliverable and GoTriangle shall do a final quarterly report and shall issue the annual report required by this Agreement.

9. **ADA and Paratransit Requirements:**

The Implementing Party shall provide paratransit service as required by law within the ADA-required radius of the all-day fixed-route bus services implemented as Projects pursuant to this Agreement.

10. **Record Retention:**

All parties must adhere to record retention guidelines as set forth in North Carolina General Statutes or federal guidelines as appropriate

11. **Notices:**

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

If to GoTriangle:
GoTriangle
Attn: President and CEO
GoTriangle
4600 Emperor Blvd, Suite 100
Durham, NC 27703

And with a copy to:
GoTriangle
Attn: General Counsel
GoTriangle
4600 Emperor Blvd, Suite 100
Durham, NC 27703

If to Clerk to the TPAC Committee:
CAMPO
Attn: Clerk to the TPAC Committee
One City Plaza
421 Fayetteville Street, Suite 203
Raleigh, NC 27601

If to CAMPO:
CAMPO
Attn: Executive Director
One City Plaza
421 Fayetteville Street, Suite 203
Raleigh, NC 27601

If to the Town of Apex:
Town of Apex
Attn: Town Manager
P.O. Box 250
Apex, NC 27502

With a copy to:
Town of Apex
Attn: Town Attorney
P.O. Box 250
Apex, NC 27502

12. **Representations and Warranties:**

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

- A. Each Party has all necessary power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement, and the individuals signing this Agreement have the right and power to do so. This Agreement is a valid and binding obligation of each Party.
- B. To the knowledge of each Party, neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated by this Agreement, results in a breach of the terms, conditions and provisions of any agreement or instrument to which a Party is bound, or constitutes a default under any of the foregoing.
- C. To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against such party (or against any other person) affecting such Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. Neither such Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.
- D. The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Operating Agreement.

13. **Merger and Precedence:**

The provisions of this Agreement, including all Exhibits and attachments, constitute the entire agreement by and between the Parties hereto and shall supersede all previous communications, representations or agreements, either oral or written between the Parties hereto with respect to the subject matter hereof. Notwithstanding the foregoing, in the event of any inconsistency or conflict between this Agreement and the Participation Agreement or the Governance ILA, the terms of the Participation Agreement and Governance ILA have precedence.

14. **Dispute Resolution:**

In the event of conflict or default that might arise for matters associated with this Agreement, the Parties agree to informally communicate to resolve the conflict. If any such dispute cannot be informally resolved, then such dispute, or any other matter arising under this Agreement, shall be subject to resolution in a court of competent jurisdiction. Such disputes, or any other claims, disputes or other controversies arising out of, and between the Parties shall be subject to and decided exclusively by the appropriate general court of justice of Wake County, North Carolina.

15. **No Waiver of Non-Compliance with Agreement:**

No provision of this Agreement shall be deemed to have been waived by any Party hereto unless such waiver shall be in writing and executed by the same formality as this Agreement. The failure of any Party hereto at any time to require strict performance by the other of any provision hereof shall in no way affect the right of the other Party to thereafter enforce the same. In addition, no waiver or acquiescence by a Party hereto of any breach of any provision hereof by another Party shall be taken to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.

16. **Governing Law:**

The Parties intend that this Agreement be governed by the law of the State of North Carolina. Proper venue for any action shall solely be Wake County.

17. **Assignment:**

No Party may sell or assign any interest in or obligation under this Agreement without the prior express written consent of the other Parties.

18. **Independence of the Parties:**

Nothing herein shall be construed to modify, abridge, or deny the authority or discretion of any Party to independently develop, administer, or control transportation projects pursuant to enumerated authority or funding sources separate from those in this Agreement.

19. **Execution in Counterparts/Electronic Version of Agreement:**

This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Any Party may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.

20. **No Waiver of Sovereign Immunity:**

Nothing in this Agreement shall be construed to mandate purchase of insurance by any municipality pursuant to N.C.G.S. 160A-485; or to in any other way waive any Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law.

21. **No Waiver of Qualified Immunity:**

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

22. **Verification of Work Authorization; Iran Divestment Act:**

All Parties, and any permitted subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes. The Parties hereby certify that they, and all permitted subcontractors, if any, are not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.59.

23. **No third-Party Beneficiaries:**

There are no third-party beneficiaries to this Agreement.

24. **E – Verify:**

Contractor shall comply with *E-Verify*, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 *et seq.* In addition, to the best of Contractor's knowledge, any subcontractor

employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 *et seq.* In cases of conflict between this Contract and any of the above incorporated attachments or references, the terms of this Contract shall prevail.

25. **Companies Boycotting Israel Divestment Act Certification:**

Contractor certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

26. **Electronic Signatures:**

Parties acknowledge and agree that the electronic signature application Adobe Sign may be used to execute this Agreement and any associated documents. By selecting "I Agree," "I Accept," or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the Adobe Sign application, Parties consent to be legally bound by the terms and conditions of this Agreement and that such act constitutes Parties' signatures as if signed by Parties in writing. Parties also agree that no certification authority or other third-party verification is necessary to validate the electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of the electronic signature. Parties acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby, through the Adobe Sign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

SIGNATURE PAGES FOLLOW

<p>RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (d/b/a GoTriangle)</p> <p>By: _____ Charles E. Lattuca President and CEO</p> <p>This, the ___ day of _____, 2022.</p>	<p>This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.</p> <p>_____</p> <p>Sandra Freeman, Chief Financial Officer for GoTriangle</p> <p>This, the ___ day of _____, 2022.</p>
	<p>Reviewed and Approved as to legal form.</p> <p>_____</p> <p>T. Byron, Smith, General Counsel</p>

NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION "CAMPO"

By: _____
Chris Lukasina, Executive Director

<p>TOWN OF APEX</p> <p>By: _____ Catherine Crosby, Town Manager</p> <p>This, the ___ day of _____, 2022.</p>	<p>This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.</p> <p>_____ Chief Financial Officer</p> <p>This, the ___ day of _____, 2022.</p>
<p>ATTEST:</p> <p>By: _____ Allen Coleman, Town Clerk</p>	

GO FORWARD

A COMMUNITY INVESTMENT IN TRANSIT

Exhibit A

Implementing /Operating Agency	Town of Apex	Parties to Agreement:	Town of Apex, CAMPO, GoTriangle												
Total Bus Operations Appropriation	\$408,534														
Project	<u>GoApex Route 1: Fixed- Route Circulator</u>														
Project ID from Work Plan	TO005-BF														
FY 2023 Budget	\$408,534 for project or as amended by the adopted work plan														
Scope	The project description included in the FY2023 Adopted Wake Transit Work Plan, and as amended, is incorporated herein by reference.														
Expected Implementation Date	7/1/2022														
Reported Deliverables	<table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">1. Revenue hours of service</td> <td></td> </tr> <tr> <td>2. Ridership</td> <td></td> </tr> <tr> <td>3. Passenger boardings per revenue hour</td> <td style="text-align: right;">4.</td> </tr> <tr> <td>Operating cost per passenger boarding</td> <td style="text-align: right;">5.</td> </tr> <tr> <td>Farebox recovery (N/A on this project)</td> <td style="text-align: right;">6. On-</td> </tr> <tr> <td>time performance</td> <td></td> </tr> </table>			1. Revenue hours of service		2. Ridership		3. Passenger boardings per revenue hour	4.	Operating cost per passenger boarding	5.	Farebox recovery (N/A on this project)	6. On-	time performance	
1. Revenue hours of service															
2. Ridership															
3. Passenger boardings per revenue hour	4.														
Operating cost per passenger boarding	5.														
Farebox recovery (N/A on this project)	6. On-														
time performance															
Contract #	22-046														

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: November 29, 2022

Item Details

Presenter(s): Taylor Wray, Special Events Coordinator
Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to conduct a public hearing at the December 13, 2022 Town Council meeting pertaining to purchase and relocation of "Blackbird Circle" as a part of the Town's permanent Public Art collection.

Approval Recommended?

Yes

Item Details

The Public Art Committee would like to present "Blackbird Circle" to the Apex Town Council for purchase and future relocation. This work by Sally Myers has won the 2022-2023 Sculpture Walk People's Choice Award. The price of this sculpture is \$7,500. The sculpture is currently sitting in front of the Apex Professional Center with the future proposed location for such on Mason Street near the John M Brown Community Center. Timeframe for relocation: March-April 2023

Attachments

- Image of "Blackbird Circle" sculpture
- Image of proposed location





| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 29, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case #21CZ17 Ten Ten Business Park, J National Capital V, LLC., petitioner, for the property located at 2132 Ten Ten Road (PIN 0751359861).

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #21CZ17 was approved at the November 8, 2022 Town Council meeting.

Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 4.6 ACRES LOCATED AT 2132 TEN TEN ROAD FROM RESIDENTIAL AGRICULTURAL (RA) TO LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ)

#21CZ17

WHEREAS, J National Capital V, LLC., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of July 2021 (the “Application”). The proposed conditional zoning is designated #21CZ17;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ17 before the Planning Board on the 12th day of September 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of September 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ17. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 7 to 0 for the application for #21CZ17;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ17 before the Apex Town Council on the 8th day of November 2022;

WHEREAS, the Apex Town Council held a public hearing on the 8th day of November 2022. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ17 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning will amend the 2045 Land Use Plan to Industrial Employment: The 2045 Land Use Map designation of Industrial Employment is consistent with the zoning district Light Industrial-Conditional Zoning (LI-CZ);

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will permit the development of non-residential uses that are consistent with surrounding properties, especially those on the south side of Ten Ten Road. It will also encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #21CZ17 rezoning the subject tract located at 2132 Ten Ten Road from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-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 Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ) District, subject to the conditions stated herein.

Ordinance Amending the Official Zoning District Map #21CZ17

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

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

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

Permitted Uses and Limitations:

Security of caretaker quarters	Health/fitness center or spa
Government Service	Kennel
Transportation facility	Monument Sales, retail
Veterinary clinic or hospital	Repair services, limited
Vocational school	Retail sales, bulky goods
Recycling center	Retail sales, general
Recycling collection station	Self-service storage
Utility, Minor	Studio for art
Waste or wastewater plant	Upholstery shop
Wireless support structure	Pet services
Wireless communication facility	Automotive accessory sale and installation
Botanical garden	Automotive paint or body shop
Entertainment, indoor	Automotive parts
Greenway	Automotive service station
Park, active (access only)	Car wash or auto detailing
Park, passive (access only)	Repair and maintenance, general
Shooting range, indoor	Towing service
Broadcasting station (radio and television)	Towing service storage
Radio and television studio	Truck terminal
Commissary	Vehicle sales and rental, heavy (access only)
Restaurant, general	Building supplies, wholesale
Dispatching office	Laboratory, industrial research
Medical or dental office or clinic	Machine or welding shop
Medical or dental laboratory	Warehousing
Office, business or professional	Woodworking or cabinetmaking
Research facility	Wholesaling, general
Parking garage, commercial	Brewery
Parking lot, commercial	Distillery
Artisan studio	Manufacturing and processing
Funeral home	Manufacturing and processing, minor
Gas and fuel sales, retail	Microbrewery
Gas and fuel sales, wholesale	Microdistillery
Glass sales	

Special Uses:

Ordinance Amending the Official Zoning District Map #21CZ17

Airplane landing strip	Land clearing and inert debris landfill
Airport	Arena, auditorium or stadium
Chipping and mulching	Entertainment, outdoor
Communication tower, commercial	Regional recreation complex
Communication tower, constructed stealth	Adult establishment
Communication tower, public safety	Electronic gaming operations
Electrical power facility	Dry cleaning and dyeing plant
Incinerator	Laundry plant
Recycling plant	Wood or lumber processing
Sanitary landfill	

Zoning Conditions:

1. The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
2. Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
3. For any building greater than 10,000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.
4. In the event that self-storage building(s) are constructed fronting Ten Ten Road, the following architectural conditions shall apply for the building façade of the use self-service storage:
 - a. The predominant exterior materials shall be high-quality materials, including:
 - i. Brick masonry
 - ii. Stone accents
 - iii. Cementitious siding
 - iv. Aluminum storefronts with anodized or pre-finished colors
 - v. Decorative concrete block (either integrally colored or textured)
 - b. The front façade facing Ten Ten Road shall have more than one parapet height.
 - c. The front façade facing Ten Ten Road shall include a combination (at least two (2)) of the building materials listed in condition #1 (for the use self-service storage).
 - d. The front façade facing Ten Ten Road may include EIFS cornices and parapet trim.
 - e. EIFS or synthetic stucco, if used, shall not be used in the first four feet (4') above grade.
 - f. Interior Doors shall be visible on only 15% or less of the facade of each floor facing Ten Ten Road.
 - g. Spandrel glass shall be used for windows, except those at the entrance.

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.

Ordinance Amending the Official Zoning District Map #21CZ17

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the ____ day of _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Title: _____

APPROVED AS TO FORM:

Town Attorney

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ17

Submittal Date: 7/1/2021

Insert legal description below.

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE TOWNSHIP OF WHITEOAK, COUNTY OF WAKE, STATE OF NORTH CAROLINA, DESCRIBED IN DEED BOOK 12494, PAGE 1893, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING CONCRETE MONUMENT, FOUND ON THE SOUTHERN BOUNDARY OF SAID PARCEL, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES E:2054044'-N:714443';
THENCE, N 05° 48' 42" W FOR A DISTANCE OF 1965.97 FEET TO THE POINT OF BEGINNING;
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 616.87 FEET TO A POINT;
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 14.33 FEET TO A POINT;
THENCE, S 52° 52' 43" E FOR A DISTANCE OF 53.71 FEET TO A POINT;
THENCE, S 56° 29' 06" E FOR A DISTANCE OF 80.99 FEET TO A POINT;
THENCE, S 59° 15' 26" E FOR A DISTANCE OF 79.52 FEET TO A POINT;
THENCE, S 61° 39' 02" E FOR A DISTANCE OF 76.92 FEET TO A POINT;
THENCE, S 64° 52' 36" E FOR A DISTANCE OF 77.35 FEET TO A POINT;
THENCE, S 65° 55' 15" E FOR A DISTANCE OF 77.86 FEET TO A POINT;
THENCE, S 05° 54' 23" W FOR A DISTANCE OF 446.50 FEET TO A POINT;
THENCE, N 85° 02' 05" W FOR A DISTANCE OF 381.92 FEET TO THE POINT OF BEGINNING, CONTAINING 207,341 SQFT -OR- 4.76 ACRES.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 29, 2022

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated October 09, 2022.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on November 9, 2022, approved and accepted the enclosed tax report for the Town of Apex, dated October 09, 2022 for the period of September 1, 2022 through September 30, 2022.

Attachments

- Tax Report





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

TEL 919 856 6180
FAX 919 856 5699

SIG HUTCHINSON, CHAIR
SHINICA THOMAS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
MARIA CERVANIA
SUSAN EVANS
JAMES WEST

November 10, 2022

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on November 9, 2022, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yvonne Gilyard". The signature is fluid and cursive, with the first and last names being the most prominent.

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Board Report

Date : 11/09/2022

Return

Approved By : W. Pate

TO : WAKE COUNTY BOARD OF COMMISSIONERS
RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	ARNER, RYAN WILLIAM 2004 HIMALAYA WAY APEX NC, 27502	0004208261-2022-2022-000000	City County	41.91 63.33	105.24	105.24 Refund

Marcus D. Kinrade
Wake County Tax Administrator

Marcus Kinrade

CC:
*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.



Wake County Tax Administration

DATE 10/09/2022

TIME 9:31:28 PM

PAGE 1

Rebate Details
09/01/2022 - 09/30/2022
APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
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BUSINESS ACCOUNTS

825880	0.00	0.00	2.37	0.00	2.37	09/07/2022	0006967762	2022	2022	006000	AMAZON COM SERVICES INC
825881	0.00	0.00	41.01	0.00	41.01	09/07/2022	0006552843	2022	2022	000000	GENERAL PARTS
827940	1,283.64	0.00	0.00	0.00	1,283.64	09/29/2022	0006970550	2022	2022	000000	DISTRIBUTION LLC HEARTLAND DENTAL LLC
SUBTOTALS FOR BUSINESS ACCOUNTS	1,283.64	0.00	43.38	0.00	1,327.02		3	Properties Rebated			

BUSINESS REAL ESTATE ACCOUNTS

826377	19,419.31	0.00	0.00	0.00	19,419.31	09/13/2022	0000032658	2021	2021	000000	CSP COMMUNITY OWNER LLC
826379	20,415.17	0.00	0.00	0.00	20,415.17	09/13/2022	0000032658	2022	2022	000000	CSP COMMUNITY OWNER LLC
826376	18,921.38	0.00	0.00	0.00	18,921.38	09/13/2022	0000032658	2020	2020	000000	CSP COMMUNITY OWNER LLC
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	58,755.86	0.00	0.00	0.00	58,755.86		3	Properties Rebated			

INDIVIDUAL PROPERTY ACCOUNTS

825743	19.38	0.00	0.00	0.00	19.38	09/07/2022	0006974443	2022	2021	000000	WOODHOUSE, DANIEL RICHARD
826010	38.66	30.00	0.00	0.00	68.66	09/08/2022	0006975041	2022	2021	000000	WILSON, AMANDA RENEE
827692	1,360.97	210.00	0.00	0.00	1,570.97	09/29/2022	0006795036	2022	2022	000000	PENSKE TRUCK LEASING LP



REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
INDIVIDUAL REAL ESTATE ACCOUNTS										
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS										
	1,419.01	240.00	0.00	0.00	1,659.01		3	Properties Rebated		

827176	3,541.17	0.00	0.00	0.00	3,541.17	09/21/2022	0000173563	2022	2022	000000	KIRKPATRICK, TERESAL
827555	830.56	0.00	0.00	0.00	830.56	09/27/2022	0000219151	2022	2022	000000	SIT, ANITA YIN
827427	184.50	0.00	0.00	0.00	184.50	09/27/2022	0000409157	2022	2022	000000	MAJKA, PETER W JR
827174	619.69	0.00	0.00	0.00	619.69	09/21/2022	0000173563	2022	2021	000000	TAYLOR MORRISON OF CAROLINAS INC
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS											
	5,175.92	0.00	0.00	0.00	5,175.92		4	Properties Rebated			

WILDLIFE BOAT ACCOUNTS											
826374	75.69	0.00	0.00	0.00	75.69	09/13/2022	0004197170	2022	2022	000000	SIGNORELLI, STEPHEN WADE
825890	155.80	0.00	0.00	0.00	155.80	09/08/2022	0004210857	2022	2022	000000	ALBRIGHT, STEVEN MICHAEL
826250	93.71	0.00	9.37	0.00	103.08	09/12/2022	0004210294	2022	2022	000000	TAYLOR, JEREMY WADE
826393	105.77	0.00	0.00	0.00	105.77	09/13/2022	0004205051	2022	2022	000000	DEJONG, DENNIS
826253	196.63	0.00	19.66	0.00	216.29	09/12/2022	0004210838	2022	2022	000000	JOYCE, JOHN DOUGLAS
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS											
	627.60	0.00	29.03	0.00	656.63		5	Properties Rebated			



Wake County Tax Administration

Rebate Details

09/01/2022 - 09/30/2022

APEX

DATE

TIME

PAGE

10/09/2022

9:31:30 PM

3

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR FOR BILLING	OWNER
TOTAL	67,262.03	240.00	72.41	0.00	67,574.44				
REBATED FOR APEX							18	Properties Rebated for City	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 29, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Action

Recognition of Apex Friendship High School (AFHS) Juniors, Julianne Izod and Riley Jennings, on their recent achievement of winning the High School 4A Tennis State Championship.

Approval Recommended?

Yes

Item Details

Julianne Izod and Riley Jennings recently won the 2022 High School 4A Tennis State Championship. This is only the 3rd ever state championship title in Apex Friendship High School history (in any sport). Both athletes are described as having a positive attitude and displaying determination, grit, and excellence both on the court and in the classroom.

Attachments

- Letter of Honor - Julianne Izod (framed and provided under a separate cover)
- Letter of Honor - Riley Jennings (framed and provided under a separate cover)



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 29, 2022

Item Details

Presenter(s): Dianne Khin, Director
Department(s): Planning and Community Development

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 4.733 acres, located at 3075 Lufkin Road, Annexation No. 742 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2022-130
ANNEXATION PETITION NO. 742
3075 Lufkin Road - 4.733 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 November 29, 2022, 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 November 29, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, White Oak Township, Wake County, North Carolina (PIN#0751-27-7986), dated August 15, 2022" and recorded in Book of Maps book number 2022 and page number [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 29th day of November, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

LEGAL DESCRIPTION for annexation is based on a "revised" map drawn by Eric S. Smith, PLS NC #L-5259 and labeled "Annexation Plat for the Town of Apex" dated September 2022.

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being more particularly described as follows:

COMMENCING at N.C.G.S. monument "PETE" having NC Grid Coordinates: Northing 718,272.71, Easting 2,052,655.05, thence South 46° 30' 22" East 239.52 feet to an existing concrete right of way monument in the southern controlled access line of US Highway 1 and along the northern line of the property described hereinafter, THE POINT OF BEGINNING; thence along the southern controlled access line of US Highway 1 North 87° 47' 49" East 101.68 feet to an existing bar in the southern boundary line

of Ten-Ten Road (S.R. 1010 being variable width public right of way); thence following the southern boundary line of Ten-Ten Road the following two (2) courses and distances: (1) South 65° 21' 10" East 86.77 feet to an existing rebar; (2) a curve to the right having a radius of 931.65 feet, an arc length of 125.49 feet, and a chord bearing and distance of South 61° 33' 04" East 125.40 feet to an existing rebar; thence crossing the existing right of way of Lufkin Road (S.R. 1444; being a variable width public right of way and recorded in the Wake County Register of Deeds, DB.14479, PG.1588) and Ten-Ten Road the following two (2) courses and distances: (1) a curve to the right having a radius of 931.65 feet, an arc length of 142.66 feet, and a chord bearing and distance of South 53° 18' 19" East 142.52 feet to a point; (2) South 54° 32' 38" West 35.17 feet to a computed point at the intersection of the southern controlled access line of Ten-Ten Road and the southern controlled access line of Lufkin Road; thence along the said southern controlled access line of Lufkin Road South 54° 32' 38" West 47.30 to a computed point along the southern boundary line of Lufkin Road; thence along the southern boundary line of Lufkin Road the following eight (7) courses and distances: (1) South 54° 32' 38" West 36.42 feet to a computed point; (2) a curve to the right having a radius of 582.50 feet, an arc length of 133.00 feet, and a chord bearing and distance of South 61° 06' 32" West 132.71 feet to a computed point; (3) a curve to the right having a radius of 594.50 feet, an arc length of 94.08 feet, and a chord bearing and distance of South 78° 44' 58" West 93.98 feet to a computed point; (4) a curve to the right having a radius of 582.50 feet, an arc length of 78.47 feet, and a chord bearing and distance of South 80° 27' 41" West 78.41 feet to a computed point; (5) a curve to the right having a radius of 582.50 feet, an arc length of 385.29 feet, and a chord bearing and distance of North 76° 44' 57" West 378.30 feet to a computed point; (6) North 57° 45' 22" West 191.41 feet to a computed point; (7) a curve to the left having a radius of 452.50 feet, an arc length of 58.21 feet, and a chord bearing and distance of North 61° 26' 38" West 58.17 feet to a computed point; thence leaving the southern boundary line of Lufkin Road and crossing the Lufkin Road right of way North 24° 52' 06" East 65.01 feet to an existing rebar in the northern boundary line of Lufkin Road, existing rebar also being in the southern controlled access line of US Highway 1; thence along the southern controlled access line of US Highway 1 the following three (3) courses and distances: (1) a curve to the right having a radius of 4099.04 feet, an arc length of 54.67 feet, and a chord bearing and distance of South 88° 18' 39" East 54.67 feet to an existing 1" iron pipe; (2) South 86° 23' 42" East 218.38 feet to an existing iron pipe; (3) a curve to the left having a radius of 378.55 feet, an arc length of 277.64 feet, and a chord bearing and distance of North 72° 28' 15" East 271.46 feet to THE POINT OF BEGINNING, and containing 4.733 acres more or less; as depicted on a "revised" map drawn by Eric S. Smith, PLS NC #L-5259 and labeled "Annexation Plat for the Town of Apex" dated September 2022.

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. 2022-130, adopted at a meeting of the Town Council, on the 29th day of November, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 29th day of November, 2022.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (November 16, 2022) – 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 **29th day of November, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

**Annexation Petition #742
3075 Lufkin Road – 4.733 acres**





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, 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. 742" 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, November 29, 2022.

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.

###

LEGAL DESCRIPTION

Owner: Lufkin Leased Fee LLC

PIN: 0751-27-7986

LEGAL DESCRIPTION for annexation is based on a "revised" map drawn by Eric S. Smith, PLS NC #L-5259 and labeled "Annexation Plat for the Town of Apex" dated September 2022.

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being more particularly described as follows:

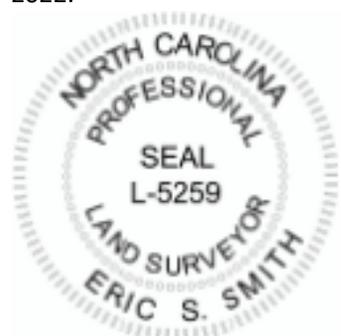
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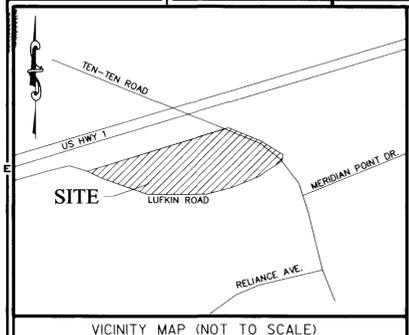
DocuSigned by:
Eric S. Smith
9C2715EF82E1443...

9/13/2022

Professional Land Surveyor
PLS # L-5259

Date

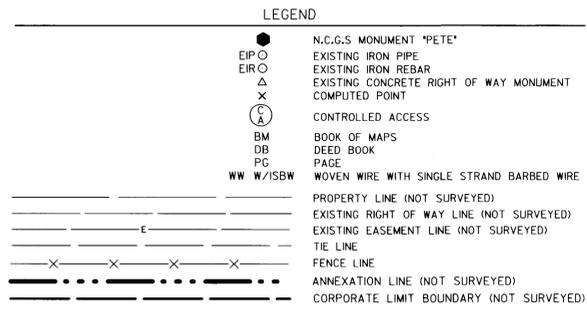




VICINITY MAP (NOT TO SCALE)

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	MEASURED		CHORD DISTANCE
			CHORD BEARING	CHORD BEARING	
C1	93.65'	125.49'	S 61° 33' 04" E		125.40'
C2	513.50'	196.41'	S 65° 38' 26" W		195.21'
C3	513.50'	100.93'	S 79° 56' 29" W		100.76'
C4	517.50'	310.81'	N 75° 01' 09" W		306.16'
C5	517.50'	66.99'	N 61° 34' 42" W		66.94'
C6	4099.04'	54.67'	S 88° 18' 39" E		54.67'
C7	378.55'	277.64'	N 72° 28' 15" E		274.46'
C8	93.65'	142.66'	S 53° 18' 19" E		142.52'
C9	582.50'	133.00'	S 61° 06' 32" W		132.71'
C10	594.50'	94.08'	S 78° 44' 58" W		93.98'
C11	582.50'	78.47'	S 80° 27' 41" W		78.41'
C12	582.50'	385.29'	N 76° 44' 57" W		378.30'
C13	452.50'	58.21'	N 61° 26' 38" W		58.17'

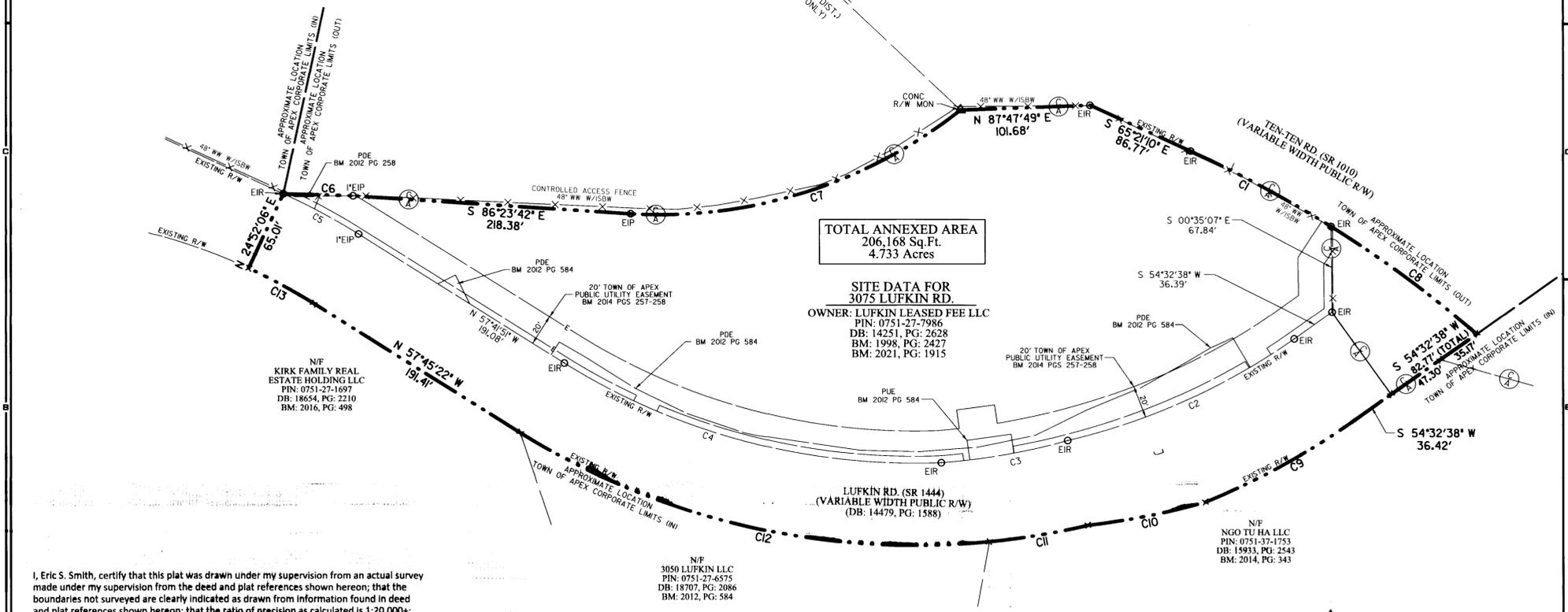
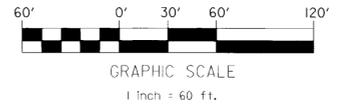


SURVEYOR'S NOTES:

- THE BASIS OF BEARINGS FOR THIS SURVEY IS NAD 83 (2011) SPCS, USING A TRIMBLE R8 GNSS GPS UNIT AND THE REAL TIME NETWORK (RTN).
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN FEET.
- ALL AREAS SHOWN WERE COMPUTED BY COORDINATE GEOMETRY UNLESS OTHERWISE SHOWN.
- THE SUBJECT AREA SHOWN HEREON IS NOT IN A FLOOD HAZARD AREA, AS DEFINED BY FEMA MAP NUMBER 3720075100J, EFFECTIVE DATE MAY 2ND, 2006.
- R/W LINES AND BOUNDARY LINES SHOWN AS BROKEN DO NOT DEPICT AN ACTUAL BOUNDARY SURVEY.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH WOULD DISCLOSE.
- THIS SURVEY IS FOR ANNEXATION PURPOSES ONLY AND IS NOT CONSIDERED A BOUNDARY SURVEY.

REFERENCES

- BM:998, PG: 2427
- BM:2011, PG: 869
- BM:2012, PG: 258
- BM:2012, PG: 584-585
- BM:2014, PG: 257-258
- BM:2016, PG: 341
- BM:2016, PG: 342
- BM:2021, PG: 915
- DB:4251, PG: 2628
- DB:4473, PG: 1588



I, Eric S. Smith, certify that this plat was drawn under my supervision from an actual survey made under my supervision from the deed and plat references shown hereon; that the boundaries not surveyed are clearly indicated as drawn from information found in deed and plat references shown hereon; that the ratio of precision as calculated is 1:20,000;

F(11)(D) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

That this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this day, September 13, 2022.

DocuSigned by:
Eric S. Smith
9C2715EF82E1443...
Professional Land Surveyor
Registration No. L-5259

9/13/2022
Date
(See Revisions)



Annexation # _____
I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 2022, by the Town Council. I set my hand and seal of the Town of Apex, _____ Day _____ Month _____ Year

Allen Coleman, CMC, NCCCC, Town Clerk

NVS
NVS ENGINEERS & CONSULTANTS, INC.
3300 REGENCY PARKWAY, SUITE 100
CARY, NC 27513
P: 919.851.1912
www.nvs.com

NO.	DATE	DESCRIPTION
1	9/13/22	CHANGED ANNEXATION BOUNDARY
1	9/13/22	REVISED ANNEXATION BOUNDARY

ANNEXATION MAP
FOR THE
TOWN OF APEX

PROJECT NO: 2022050.00
DRAWN BY: ESS
CHECKED BY: ESS
SCALE: 1" = 60'
DATE: AUG. 15, 2022



Annexation #742

0 250 500
Feet

October 2022
Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION FOR VOLUNTARY ANNEXATION
Town of Apex, North Carolina



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

ANNEXATION FEE: \$200.00

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

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

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

REVIEW AND APPROVAL PROCESS:

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

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Director Michael Deaton at 919-249-3413 or michael.deaton@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

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

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____ Submittal Date: _____
Fee Paid \$ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Lufkin Leased Fee LLC	0751277986; DB 14251, PG 2628
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-624-1299	lindsay@brookwoodcp.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Eric S. Smith, PLS
Phone: 919-858-1907 Fax: n/a
E-mail Address: erics.smith@NV5.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>3.08 4.733</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>LI-CZ</u>	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 Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

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 IN A LIMITED LIABILITY COMPANY

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

Name of Limited Liability Company Lufkin Leased Fee, LLC

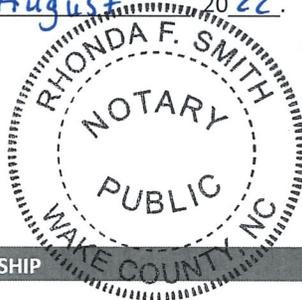
By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Rhonda F. Smith, a Notary Public for the above State and County, this the 17th day of August, 2022.

[Signature]
Notary Public

SEAL



My Commission Expires: 11-22-2026

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 29, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #21CZ18 Olive Chapel Professional Park. The applicant, Patrick Kiernan, Jones & Clossen Engineering, LLC, seeks to rezone approximately 8.7 acres from Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11) to Office & Institutional-Conditional Zoning (O&I-CZ). The proposed rezoning is located at 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on November 14, 2022 and, by a vote of 8-0, recommended approval with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as a portion of PINs 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ18 Olive Chapel Professional Park

November 29, 2022 Town Council Meeting



All property owners and tenants within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0, 0, 0, 1480, 1460, and 1400 Chapel Ridge Road
Applicant/Owner: Jones & Crossen Engineering, PLLC / Olive Chapel Professional Park, LLC

PROJECT DESCRIPTION:

Acreage: ± 8.7 acres
PINs: 0732238148, 0732238377, 0732239577, 0732331404, 0732239874, 0732249026
Current Zoning: O&I-CZ (Office and Institutional-Conditional Zoning #16CZ11)
Proposed Zoning: O&I-CZ (Office and Institutional-Conditional Zoning)
2045 Land Use Map: Office Employment
Town Limits: Within Corporate Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Single-family detached; Vacant
South:	Medium Density Residential (MD), Medium Density Residential-Conditional Use (MD-CU #94CU17)	Olive Chapel Road; Single-family detached
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ32)	Chapel Ridge Rd; Single-family detached (Future Chapel Ridge Townes)
West:	Tech/Flex-Conditional Zoning (TF-CZ #18CZ27)	540 Flex Business Park

Existing Conditions:

The subject property is located at the northwest corner of the Olive Chapel Road and Chapel Ridge Road intersection. The property is currently occupied by three of the five buildings approved for Olive Chapel Professional Park that includes office and other non-residential uses.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on July 29, 2021. The neighborhood meeting report is attached. Due to a change in the proposed uses additional meetings were held on August 31, 2022 and October 19, 2022.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Office Employment. The proposed rezoning to O&I-CZ (Office and Institutional-Conditional Zoning) is consistent with that land use classification.

STAFF REPORT

Rezoning #21CZ18 Olive Chapel Professional Park

November 29, 2022 Town Council Meeting



PERMITTED USES:

The applicant is proposing to add two uses to the list of permitted uses approved with Rezoning Case #16CZ11. These uses were added as permitted uses in the O&I zoning district in 2019. Those uses are shown in bold below:

- | | |
|--|--|
| 1. Government service | 11. Newsstand or gift shop (%) |
| 2. Veterinary clinic or hospital | 12. Pharmacy (%) |
| 3. Vocational school | 13. Printing or copying service |
| 4. Medical or dental office or clinic | 14. Studio for Art |
| 5. Medical or dental laboratory | 15. Personal service (%) |
| 6. Office, business or professional | 16. Health/fitness center or spa (limited to 2,500 SF max) |
| 7. Publishing office | 17. Real estate sales (limited to 2,500 SF max) |
| 8. Radio and television recording studio | 18. Utility, minor |
| 9. Restaurant, general (%) (limited to 1,500 SF max) | 19. Pet Services |
| 10. Financial institution | 20. Tailor Shop |

PROPOSED ZONING CONDITIONS:

1. Developer shall provide a 40 foot Type B Landscape buffer along Olive Chapel Road and preserve as much existing vegetation in the buffer as possible.
2. Developer shall provide a 40 foot Type B buffer along Chapel Ridge Road and preserve as much existing vegetation in this buffer as possible.
3. Limit the driveway access points onto Chapel Ridge Road to two.
4. Limit the closest driveway to Olive Chapel Road on Chapel Ridge Road to be within 200 feet, as long as NCDOT approves the location.
5. A 20' Type A buffer shall be provided after 50' riparian buffer from the existing pond.
6. The following uses shall be limited to the operating hours of 7am to 9pm:
 - a) Restaurant, general
 - b) Newsstand or gift shop
 - c) Pharmacy
 - d) Personal Service
 - e) Health/Fitness Center or Spa
7. All buildings shall be limited to two stories and 42 feet in height measures to the top of the roof ridge line.
8. The maximum building size is 15,000 square feet per building.
9. All buildings shall have pitched roofs with dormers, hips or gables in the roof line.
10. Exterior siding building materials allowed are brick, wood, stone, and hardiplank siding. Roofs may be constructed of asphalt shingles and or standing seam metal with a factory finish. Vinyl and EFIS may only be used as trim or accent materials.
11. All buildings shall be residential in character and shall reflect similar architecture founding the adjacent residential subdivision.
12. All buildings shall incorporate the use of patios, porches, or balconies in the design of the building. These areas to be used for entry ways, outdoor seating or pedestrian scale gathering areas.
13. The project shall incorporate amenity areas that may include outdoor picnic areas, pedestrian gathering spaces with benches, bicycle racks, planters, arbors or a trellis.

STAFF REPORT

Rezoning #21CZ18 Olive Chapel Professional Park

November 29, 2022 Town Council Meeting



ENVIRONMENTAL ADVISORY BOARD:

This rezoning was exempt from review by the Environmental Advisory Board per UDO Sec. 2.1.9.A.2.A which states: Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on November 14, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #21CZ18 Olive Chapel Professional Park with the conditions as offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable because the proposed Office & Institutional-Conditional Zoning (O&I-CZ) district is consistent with the Office Employment land use classifications on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for additional non-residential uses to serve the surrounding areas. It will also encourage compatible development of the property, increase the tax base and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. Sec. 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.

STAFF REPORT

Rezoning #21CZ18 Olive Chapel Professional Park

November 29, 2022 Town Council Meeting



- 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.

Peak 502 at
Beaver Creek

540

NC 540 Hwy SB

NC 540 Hwy NB

Publix

540 Flex and
Business Park

Olive Chapel
Professional Park

Clark Farm Rd

Barnside Ln

Chapel Ridge

Rezoning #21CZ18

Chapel Ridge Rd

Olive Chapel Rd

Ashley Downs

Ashley Downs Dr



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 #: 21CZ18 Submittal Date: 8/2/21
Fee Paid: \$1,000

Project Information

Project Name: Olive Chapel Professional Park

Address(es): 0 , 1480, 1460 & 1400 Chapel Ridge Rd

PIN(s): 0732-24-9026, 0732-33-1404, 0732-23-8148, 0732-23-8377, 0732-23-9577, 0732-23-9874

Acreage: 8.7

Current Zoning: O&I-CZ Proposed Zoning: O&I-CZ

Current 2045 LUM Classification(s): Office Employment

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

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

Area classified as mixed use: Acreage: _____

Area proposed as non-residential development: Acreage: _____

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

Applicant Information

Name: Jones & Clossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 E-mail: patrick@jonesclossen.com

Owner Information

Name: Olive Chapel Professional Park, LLC

Address: 1121 Pemberton Hill Rd

City: Apex State: NC Zip: 27502

Phone: 919-675-2750 E-mail: will@thebenefitadvisors.com

Agent Information

Name: Jones & Clossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 E-mail: patrick@jonesclossen.com

Other contacts: _____

PETITION INFORMATION

Application #: 21CZ18 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from O&I-CZ to O&I-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	<u>Pet Services</u>	21	<u>Real estate sales (limited to 2,500 SF maximum)</u>
2	<u>Tailor Shop</u>	22	<u>Utility, minor</u>
3	_____	23	_____
4	<u>Approved Uses - RZ1611</u>	24	_____
5	<u>Government Service</u>	25	_____
6	<u>Veterinary clinic or hospital</u>	26	_____
7	<u>Vocational school</u>	27	_____
8	<u>Medical or dental office or clinic</u>	28	_____
9	<u>Medical or dental laboratory</u>	29	_____
10	<u>Office, business or professional</u>	30	_____
11	<u>Publishing office</u>	31	_____
12	<u>Radio and television recording studio</u>	32	_____
13	<u>Restaurant, general(%) (limited to 1,500 SF maximum)</u>	33	_____
14	<u>Financial institution</u>	34	_____
15	<u>Newsstand or gift shop (%)</u>	35	_____
16	<u>Pharmacy (%)</u>	36	_____
17	<u>Printing and copying service</u>	37	_____
18	<u>Studio for art</u>	38	_____
19	<u>Personal service (%)</u>	39	_____
20	<u>Health/fitness center or spa (limited to 2,500 SF maximum)</u>	40	_____

PETITION INFORMATION

Application #: 21CZ18 Submittal Date: _____

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

Approved Conditions - Rezoning #16CZ11: See attached

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposed Conditional Zoning District of Office & Institutional is consistent with the current 2045 Land Use Map designation of Office Employment.

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

The proposed uses provide an appropriate transition from the more intense uses allowed in the adjacent TechFlex development to the residential uses in the adjacent Chapel Ridge Towns PUD and single-family neighborhood.

Ordinance Amending the Official Zoning District Map #16CZ11

Page Two

General Conditions

1. Developer shall provide a 40 foot Type B Landscape buffer along Olive Chapel Road and preserve as much existing vegetation in the buffer as possible.
2. Developer shall provide a 40 foot Type B buffer along Chapel Ridge Road and preserve as much existing vegetation in this buffer as possible.
3. Limit the driveway access points onto Chapel Ridge Road to two.
4. Limit the closest driveway to Olive Chapel Road on Chapel Ridge Rd to be within 200 feet as long as NCDOT approves the location.
5. A 20' Type A buffer shall be provided after the 50' riparian buffer from the existing pond.
6. The following uses shall be limited to the operating hours of 7am to 9pm:
 - a) Restaurant, general
 - b) Newsstand or gift shop
 - c) Pharmacy
 - d) Personal service
 - e) Health/fitness center or spa

Architectural Conditions

7. All buildings shall limited to two stories and 42 feet in height measured to the top of the roof ridge line.
8. The maximum building size is 15,000 square feet per building.
9. All buildings shall have pitched roofs with dormers, hips or gables in the roof line.
10. Exterior siding building materials allowed are brick, wood, stone and hardiplank siding. Roofs may be constructed of asphalt shingles and or standing seam metal with a factory finish. Vinyl and EFIS may only be used as trim or accent materials.
11. All buildings shall be residential in character and shall reflect similar architecture found in the adjacent residential subdivision.
12. All buildings shall incorporate the use of patios, porches, or balconies in the design of the building. These areas to be used for entry ways, outdoor seating or pedestrian scale gathering areas.
13. The project shall incorporate amenity areas that may include outdoor picnic areas, pedestrian gathering spaces with benches, bicycle racks, planters, arbors or a trellis.

PETITION INFORMATION

Application #: 21CZ18 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.

We have limited the uses and provided conditions to minimize the adverse impacts of traffic. Since the proposed uses are generally office uses a lot of the significant adverse impacts have been eliminated.

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

The development of this office park provides Resource Conservation Area, meets the stormwater standards, and keeps the existing pond intact.

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 office park has access to existing public streets with adequate frontage to provide several access points. The location of this office park provides good access to public infrastructure and emergency services. The office uses will have no impact on the schools or public parks.

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

The proposed office uses will provide additional opportunities for employment and services that will benefit the health and welfare of the citizens. This project should not have any effect on the safety of the citizens in this area.

PETITION INFORMATION

Application #: 21CZ18 Submittal Date: _____

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

The office uses are compatible with the TechFlex and residential existing uses in the area. Office uses are a good neighbor to residential because the peak use time for office is during the day and not at night.

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

The office uses proposed generate less traffic during the day than residential uses so this project should not create a nuisance or hazard to the surrounding area.

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.

We have limited the uses allowed and provided architectural conditions that will help ensure this is a quality project capable of meeting all the standards in the UDO.

OLIVE CHAPEL PROFESSIONAL PARK - ANNEXATION LEGAL DESCRIPTION

Beginning at a point, said point having nc grid coordinates of N-723145.48, E-2032672.14, thence N27-03-58E 239.37 feet to a point, thence S66-48-09E 19.96 feet to a point, thence N27-31-15E 39.66 Feet to a point, thence N16-25-09W 323.87 feet to a point, thence N38-32-02W 41.34 feet to a point, thence N12-10-56W 366.86 feet to a point, thence S88-29-56E 203.00 feet to a point, thence S88-29-56E 77.00 feet to a point, thence S67-29-40E 210.02 feet to a point, thence S84-59-01E 126.05 to a point in the western r.o.w. of Chapel Ridge Road, thence along the western r.o.w. of Chapel Ridge Road S10-40-35W 184.97 feet to a point, thence along a curve to the left having a radius of 424.54 feet and a chord distance of 178.88 feet and a chord bearing of S01-31-38E to a point, thence along a curve to the right having a radius of 194.00 feet and a chord distance of 98.38 feet and a chord bearing of S01-06-47 W to a point, thence continuing along a curve to the right having a radius of 194.00 feet and a chord distance of 100.55 feet and a chord bearing of S30-53-49W to a point, thence S45-51-23W 115.00 feet to a point, thence along a curve to the left having a radius of 227.00 feet and a chord distance of 188.09 feet and a chord bearing of S21-22-55W to a point, thence along a curve to the right having a radius of 30.00 feet and a chord distance of 40.86 feet and a chord bearing of S39-51-49 W to a point in the northern r.o.w. of Olive Chapel Road, thence along the northern r.o.w. of Olive Chapel Road S82-46-17W 45.14 feet to a point, thence S83-46-04W 54.06 feet to a point, thence S83-46-04W 45.61 feet to a point, thence S84-17-33W 99.92 feet to a point, thence S84.03-11W 57.76 feet to a point, thence leaving the northern r.o.w. of Olive Chapel Road N27-03-58 E 23.51 feet to the point and place of beginning containing 8.698 acres.

AGENT AUTHORIZATION FORM

Application #: 21CZ18

Submittal Date: _____

Olive Chapel Professional Park, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0,1480,1460, 1440, 1420 & 1400 Chapel Ridge 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

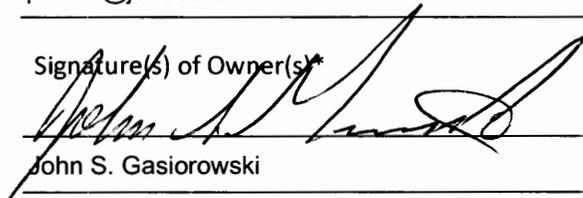
Agent Name: Patrick Kiernan

Address: PO Box 1062, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*



John S. Gasiorowski

Type or print name

8/19/2022
Date



William P. Gasiorowski

Type or print name

8/19/2022
Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ18

Submittal Date: _____

The undersigned, Olive Chapel Professional Park, LLC. (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0,1480,1460, 1440, 1420 & 1400 Chapel Ridge 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 04/15/2016, and recorded in the Wake County Register of Deeds Office on 04/15/2016, in Book 016353 Page 02520.
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 04/15/2016, 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 04/15/2016, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 19th day of August, 2024.

[Signature] / [Signature] (seal)
John S. Gasiorowski / William P Gasiorowski
 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 John S. Gasiorowski / William P. Gasiorowski, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

ANETA DENT
 Notary Public, North Carolina
 Wake County
 My Commission Expires
 August 30, 2024

[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: 08-28-2024

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ18

Submittal Date: _____

Insert legal description below.

OLIVE CHAPEL PROFESSIONAL PARK - ANNEXATION LEGAL DESCRIPTION

Beginning at a point, said point having nc grid coordinates of N-723145.48, E-2032672.14, thence N27-03-58E 239.37 feet to a point, thence S66-48-09E 19.96 feet to a point, thence N27-31-15E 39.66 Feet to a point, thence N16-25-09W 323.87 feet to a point, thence N38-32-02W 41.34 feet to a point, thence N12-10-56W 366.86 feet to a point, thence S88-29-56E 203.00 feet to a point, thence S88-29-56E 77.00 feet to a point, thence S67-29-40E 210.02 feet to a point, thence S84-59-01E 126.05 to a point in the western r.o.w. of Chapel Ridge Road, thence along the western r.o.w. of Chapel Ridge Road S10-40-35W 184.97 feet to a point, thence along a curve to the left having a radius of 424.54 feet and a chord distance of 178.88 feet and a chord bearing of S01-31-38E to a point, thence along a curve to the right having a radius of 194.00 feet and a chord distance of 98.38 feet and a chord bearing of S01-06-47 W to a point, thence continuing along a curve to the right having a radius of 194.00 feet and a chord distance of 100.55 feet and a chord bearing of S30-53-49W to a point, thence S45-51-23W 115.00 feet to a point, thence along a curve to the left having a radius of 227.00 feet and a chord distance of 188.09 feet and a chord bearing of S21-22-55W to a point, thence along a curve to the right having a radius of 30.00 feet and a chord distance of 40.86 feet and a chord bearing of S39-51-49 W to a point in the northern r.o.w. of Olive Chapel Road, thence along the northern r.o.w. of Olive Chapel Road S82-46-17W 45.14 feet to a point, thence S83-46-04W 54.06 feet to a point, thence S83-46-04W 45.61 feet to a point, thence S84-17-33W 99.92 feet to a point, thence S84.03-11W 57.76 feet to a point, thence leaving the northern r.o.w. of Olive Chapel Road N27-03-58 E 23.51 feet to the point and place of beginning containing 8.698 acres.

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.

August 16, 2022

Date

Dear Neighbor:

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

0 Chapel Ridge Rd

0732-24-9026, 0732-33-1404, 0732-23-8148

1480,1460 & 1400 Chapel Ridge Rd

0732-23-8377, 0732-23-9577, 0732-23-9874

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

See appended "Meeting Description"

Estimated submittal date: September 01, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Ring Central - see enclosed details

Date/Time of meeting**: August 31, 2022 6:00 pm-8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

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



Meeting Description

This rezoning petition is to request the addition of two uses, “Pet Services” & “Tailor Shop”, to the list of Allowable Uses for the Office & Institutional – Conditional Zoning (O&I-CZ) district for Olive Chapel Professional Park.

In the original 2016 rezoning, these were not permitted uses within the O&I zoning district (per Use Table 4.2.2), which is why they were not available to be included in the 2016 rezoning petition. A 2019 UDO Amendment (see below) revised the Use Table to add these two uses as permitted uses within the O&I zoning district, however, since Olive Chapel Professional Park was conditionally zoned as O&I-CZ, a separate rezoning petition is required to add “Pet Services” and “Tailor Shop” to the list of Allowable Uses.

The following description was provided by Town Staff at the January 15, 2019 Town Council Meeting as the reason for the UDO Amendment:

“The amendments to UDO Sec. 4.2.2 Use Table add “Pet Services” and “Tailor Shop” as permitted uses within the Office & Institutional (O&I) zoning district as they have a land use intensity comparable to office uses and are similar to other uses already permitted in the O&I zoning district”



Ring Central Meeting Details – Olive Chapel Professional Park

When: **August 31, 2022 06:00 PM Eastern Time (US and Canada)**

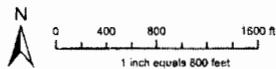
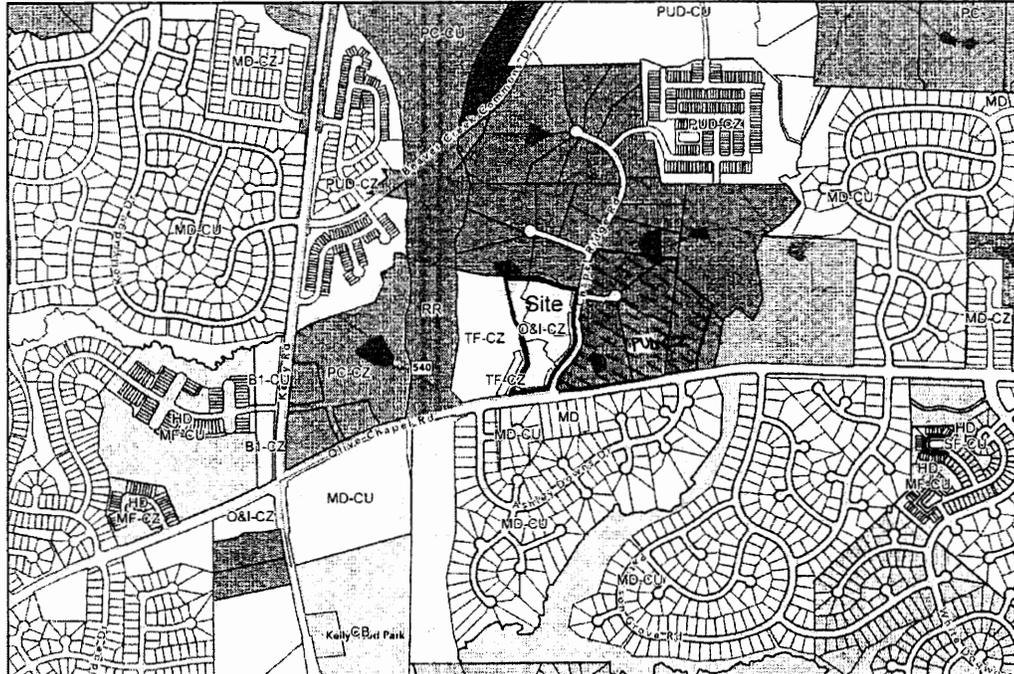
Go to: meetings.ringcentral.com/join

Enter the Meeting ID: 112611853691, then your name and the Passcode: OCPP2022

To join the meeting by phone call: 1-(650) 419-1505 and enter the Access Code/Meeting ID 112611853691 and the dial-in Passcode 62772022.

If there are any questions regarding the upcoming meeting, please contact our office.

Vicinity Exhibit



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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Olive Chapel Professional Park Zoning: O&I-CZ

Location: 0,1480,1460 & 1400 Chapel Ridge Rd

Property PIN(s): 0732-24-9026, 0732-33-1404, 0732-23-8148 Acreage/Square Feet: 8.7
0732-23-8377, 0732-23-9577, 0732-23-9874

Property Owner: Olive Chapel Professional Park, LLC

Address: 1121 Pemberton Hill Rd

City: Apex State: NC Zip: 27502

Phone: _____ Email: will@thebenefitadvisors.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescrossen.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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.

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
1600 OLIVE CHAPEL RD	0732234579	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS BLVD	APEX NC 27502-6512
1600 OLIVE CHAPEL RD	0732236371	540 FLEX & BUSINESS PARK OWNERS ASSOC	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS RUN APEX NC 27502-6512
1505 OLIVE CHAPEL RD	0732322948	AIMAN, PAUL, JOHNS, KEZIA	1505 OLIVE CHAPEL RD	APEX NC 27502-6744
1408 BARNSIDE LN	0732345135	BUNN, KENNETH G, BUNN, ERICA CHRISTINE	1408 BARNSIDE LN	APEX NC 27502-8501
1505 CLARK FARM RD	0732340146	CHAGANTIPATI, RAJ KIRAN VEMURI, JYOTSNA	4016 SYKES ST	CARY NC 27519-7301
1704 ASHBARK CT	0732227949	CONTRERAS-BLANCO, ERICK I WILSON, TYLER E	1704 ASHBARK CT	APEX NC 27502-5298
1521 OLIVE CHAPEL RD	0732229953	DASHNAU, HEATHER H KAMPANAKIS, PANAGIOTIS	1521 OLIVE CHAPEL RD	APEX NC 27502-6744
1513 CLARK FARM RD	0732246233	FAULKNER, JAMES V JR FAULKNER, BARBARA B	1513 CLARK FARM RD	APEX NC 27502-8500
1722 ASHLEY DOWNS DR	0732225937	GARWATOSKI, MARK J GARWATOSKI, HEIDI J	1722 ASHLEY DOWNS DR	APEX NC 27502-5297
1409 BARNSIDE LN	0732333570	GASIOROWSKI, PROPERTIES LLC	1221 PEMBERTON HILL RD	APEX NC 27502-4280
1702 ASHBARK CT	0732228956	HOUSE, JESSE E HOUSE, REGINA B	1702 ASHBARK CT	APEX NC 27502-5298
1720 ASHLEY DOWNS DR	0732225839	KALK, PHILLIP NOWELL, SARAH	1720 ASHLEY DOWNS DR	APEX NC 27502-5297
1700 ASHBARK CT	0732228864	NAVY, FRANK NAVY, CECILIA	1700 ASHBARK CT	APEX NC 27502-5298
0 CHAPEL RIDGE RD	0732249026	OLIVE CHAPEL PROFESSIONAL PARK, LLC	1121 PEMBERTON HILL RD	APEX NC 27502-4280
1513 OLIVE CHAPEL RD	0732321905	RAO, GANESH K TRUSTEE RAO, SUSHMA G TRUSTEE	1513 OLIVE CHAPEL RD	APEX NC 27502-6744
1517 CLARK FARM RD	0732243490	ROCCOFORTE, JOHN A ROCCOFORTE, MARIE F	1517 CLARK FARM RD	APEX NC 27502-8500
1706 ASHBARK CT	0732226937	ROCK, ROBERT A JR ROCK, KIM M	1706 ASHBARK CT	APEX NC 27502-5298
1501 OLIVE CHAPEL RD	0732323917	SAVARD, TODD A SAVARD, JENNIFER	1501 OLIVE CHAPEL RD	APEX NC 27502-6744
1509 OLIVE CHAPEL RD	0732321976	SCHUMAN-HUMBERT, BRITT HUMBERT, GREGOIRE	1509 OLIVE CHAPEL RD	APEX NC 27502-6744
1517 OLIVE CHAPEL RD	0732320934	THOMAS, ALEXANDER SEBASTIAN RAMONDINO, MARISKA MICHAEL MARIA	1517 OLIVE CHAPEL RD	APEX NC 27502-6744
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		ASHLEY DOWNS HOA (RS FINCHER & COMPANY, LLC)	PO BOX 1117	APEX NC 27523
		CHAPEL RIDGE ESTATES HOA	1001-105 GOODWORTH DR	APEX NC 27539
		Current Tenant	1409 Barnside LN	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 100	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 110	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 130	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 150	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 170	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 180	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 200	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 250	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 100	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 110	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 130	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 150	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 170	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 180	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 200	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 250	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 220	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 240	APEX NC 27502
		Current Tenant	1505 Clark Farm RD	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 100	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 104	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 108	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 112	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 116	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 144	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 140	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 136	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 128	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 132	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 124	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 120	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 308	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 312	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 316	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 324	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 328	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 332	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 336	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 340	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 320	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 232	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 236	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 240	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 244	APEX NC 27502
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		Current Tenant	1600 Olive Chapel RD Suite 252	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 256	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 260	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 228	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 224	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 220	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 216	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 212	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 208	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 204	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 200	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 304	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 400	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 404	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 408	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 412	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 416	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 500	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 504	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 508	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 600	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 604	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 608	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 612	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 616	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 620	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 624	APEX NC 27502
		Current Tenant	ive Chapel RD Suite 628	APEX NC 27502
		Current Tenant	ive Chapel RD Suite 700	APEX NC 27502
		Current Tenant	ive Chapel RD Suite 704	APEX NC 27502
		Current Tenant	ive Chapel RD Suite 708	APEX NC 27502

Current Tenant
Current Tenant

1600 Olive Chapel RD Suite 712
1600 Olive Chapel RD Suite 716
1600 Olive Chapel RD Suite 720
1600 Olive Chapel RD Suite 724
1600 Olive Chapel RD Suite 728
1600 Olive Chapel RD Suite 732
1600 Olive Chapel RD Suite 736
1600 Olive Chapel RD Suite 740
1600 Olive Chapel RD Suite 264
1600 Olive Chapel RD Suite 338

APEX NC 27502
APEX NC 27502

Created by Town of Apex Planning and Community Development

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: Ring Central - see enclosed details
 Date of meeting: August 31, 2022 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Cossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	PATRICK KIERNAN (JONES & COSSON ENGR)	221 N. SALEM ST, STE 001	(919) 387-1174	PATRICK@JONESCOSSON.COM	
2.	WILL GASIOROWSKI (OLIVE CHAPEL PROF PARK, LLC)	1121 GEMBERTON HILL RD	(919) 303-9690	WILL@THEBENEFITADVISORS.COM	
3.	BARBARA FAULKNER	1513 CLARK FARM RD	(919) 362- [REDACTED]	[REDACTED]	
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Ring Central - see enclosed details

Date of meeting: August 31, 2022 Time of meeting: 6:00 pm - 8:00 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:

Summary of Discussion is attached.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Olive Chapel Professional Park Neighborhood Meeting on August 31, 2022 Summary of Meeting Chats

**Mrs. Faulkner's microphone was not enabled, so her questions and feedback were given via the chat feature. I read her comments/questions aloud, and then responded verbally. The questions and answers are transcribed below.*

Patrick Kiernan to Everyone: Hello, welcome to the Olive Chapel Professional Park Neighborhood Meeting for a new rezoning

Barbara Faulkner to Everyone: I can hear you, but your voice is really "gravelly"

Patrick Kiernan (verbally): *My apologies, I'm not sure why – I will do my best to be loud and clear, but please stop me if it becomes too difficult to hear.*

Barbara Faulkner to Everyone: Ok

**At this point, I began the meeting with a brief summary of the rezoning petition.*

Barbara Faulkner to Everyone: I just want to clarify that the Pet Services use will not have any outside area for the pets, such as kennels or play areas

Barbara Faulkner to Everyone: OUTSIDE kennels

Patrick Kiernan (verbally): *The developer is here on this call, and can provide insight if he would like, but without verifying, I am not positive whether or not this use allows for outdoor kennels. Again, without verifying, I want to say that Veterinary Services, a use already permitted within OCPP, is allowed to have outdoor kennels, but I would need to double check that it doesn't fall under supplemental standards, or would need a special use permit, etc.*

Will Gasiorowski (verbally): *The pet grooming business that we have been in communication with would not have any outdoor kennels or outdoor play areas, nor would any veterinary hospitals within this park. There will likely be indoor kennels for daycare or day boarding, but nothing would be outside.*

Barbara Faulkner to Everyone: Did you say that the prior rezoning case is no longer applicable?

Patrick Kiernan (verbally): *The original rezoning case from 2016 is still the current zoning for this business park – what I mentioned earlier in my introduction is that the rezoning petition that we filed last year in 2021, where we were pursuing a higher square footage of restaurant space, gym/healthcare facilities, real estate offices, and the addition of the beauty/barbershop use, is no longer being pursued at this time. The current rezoning petition, which we are here for tonight, takes the place of the petition that was filed last year. Please let me know if that answers your question.*

Barbara Faulkner to Everyone: yes, thank you

Barbara Faulkner to Everyone: I guess at this point, my main concern is that if no one objects to these two uses, that will somehow signal the town planning board and council that we don't object to other uses in the park, such as bigger restaurant allowance or one building dedicated to real estate. I don't want to lose our "standing" as it were to object to future uses.

Patrick Kiernan (verbally): *I understand your concern, but I do know that each rezoning case is prepared, reviewed, and voted on independently of any prior rezoning cases for the subject property. If there is no objections to this rezoning, I do not believe it would signal that the rest of the neighborhood is no longer concerned with the allowable zoning uses for the Park. Just that the merit of these two, specific uses, are not being objected.*

Barbara Faulkner to Everyone: I realize that there would need to be another rezoning request, however we got burned when the whole OCPP started that "well you didn't object to the Flex Park" so why would you object now". As you can imagine, that did not sit well with us and we now feel that we can't be flexible at all or we will be seed as being OK with everything.

Patrick Kiernan (verbally): *Sure, I can see where you're coming from. The only suggestion I can make, is that if it is important to you to have this concern heard, you can always show up to the Planning Board or Town Council meetings and speak during the Public Hearing so that it goes on record, and so that a false precedent is not assumed. You could also simply email the Council members or Town staff. Plus, this neighborhood meeting will be summarized within this rezoning petition, so it will be noted as of tomorrow's submittal day.*

Barbara Faulkner to Everyone: Personally, I do not object to the Pet Services or the Tailer shop. It's probably more of Town problem than a developer problem. Don't worry we will let the Town know how we feel.

Patrick Kiernan (verbally): *Understood. Thank you very much for your questions and your attendance. If you think of any other questions, I will be on the line until 8:00 so feel free to jump back on the call, or since you've got my email and phone number, feel free to call or email at any point.*

Barbara Faulkner to Everyone: OK, thanks for your help.

**Once Mrs. Faulker left the meeting, Mr. Gasiorowski, the developer, left the call as well. No other attendees joined the meeting.*

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, Patrick Kiernan, do hereby declare as follows:
Print Name

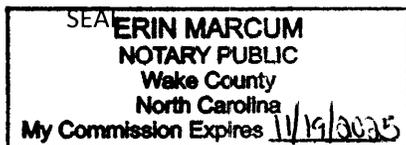
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at RingCentral (virtual) (location/address) on August 31, 2022 (date) from 6:00 pm (start time) to 8:00 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.

9/1/22
Date

By: 

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 1st day of September, 2022.




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 14, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 ,1480,1460 & 1400 Chapel Ridge Rd 0732238148, 0732238377, 0732239577
0732331404, 0732239874, 0732249026

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

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

This rezoning is for a modification of three of the current allowable uses, in order to change the square footage limitations per business; as well as the addition of one new use (Beauty and Barber Shop).

Please see attached chart for a summary of changes.

Estimated submittal date: August 02, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Crossen Engineering, PLLC
 Contact information (email/phone): patrick@jonescrossen.com/919-387-1174
 Meeting Address: Zoom - please see enclosed registration details
 Date/Time of meeting**: July 29, 2021 6:00-8:00 pm

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: 6:05 PM Question & Answer: 6:30 PM

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

Olive Chapel Professional Park

Current Allowable Uses per Rezoning Case #16CZ11	Requested Changes with New Rezoning
Government Service	
Veterinary clinic or hospital	
Vocational school	
Medical or dental office or clinic	
Medical or dental laboratory	
Office, business or professional	
Publishing Office	
Radio and television recording studio	
Restaurant, general (%) (limited to 1,500 SF max.)	Change square footage limit to 2,500 SF max.
Financial institution	
Newsstand or gift shop (%)	
Pharmacy (%)	
Printing or copying service	
Studio for art	
Personal service (%)	
Health/fitness center or spa (limited to 2,500 SF max.)	Change square footage limit to 4,000 SF max.
Real estate sales (limited to 2,500 SF max.)	Remove square footage limit
Utility, minor	
	Add Barber and Beauty shop to list of allowable uses



Jones & Crossen
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.jonescrossen.com

Zoom Meeting Details – Olive Chapel Professional Park-Rezoning

When: **July 29, 2021 06:00 PM Eastern Time** (US and Canada)

Register in advance for this meeting at www.zoom.us/join.

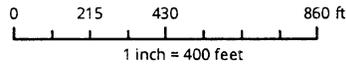
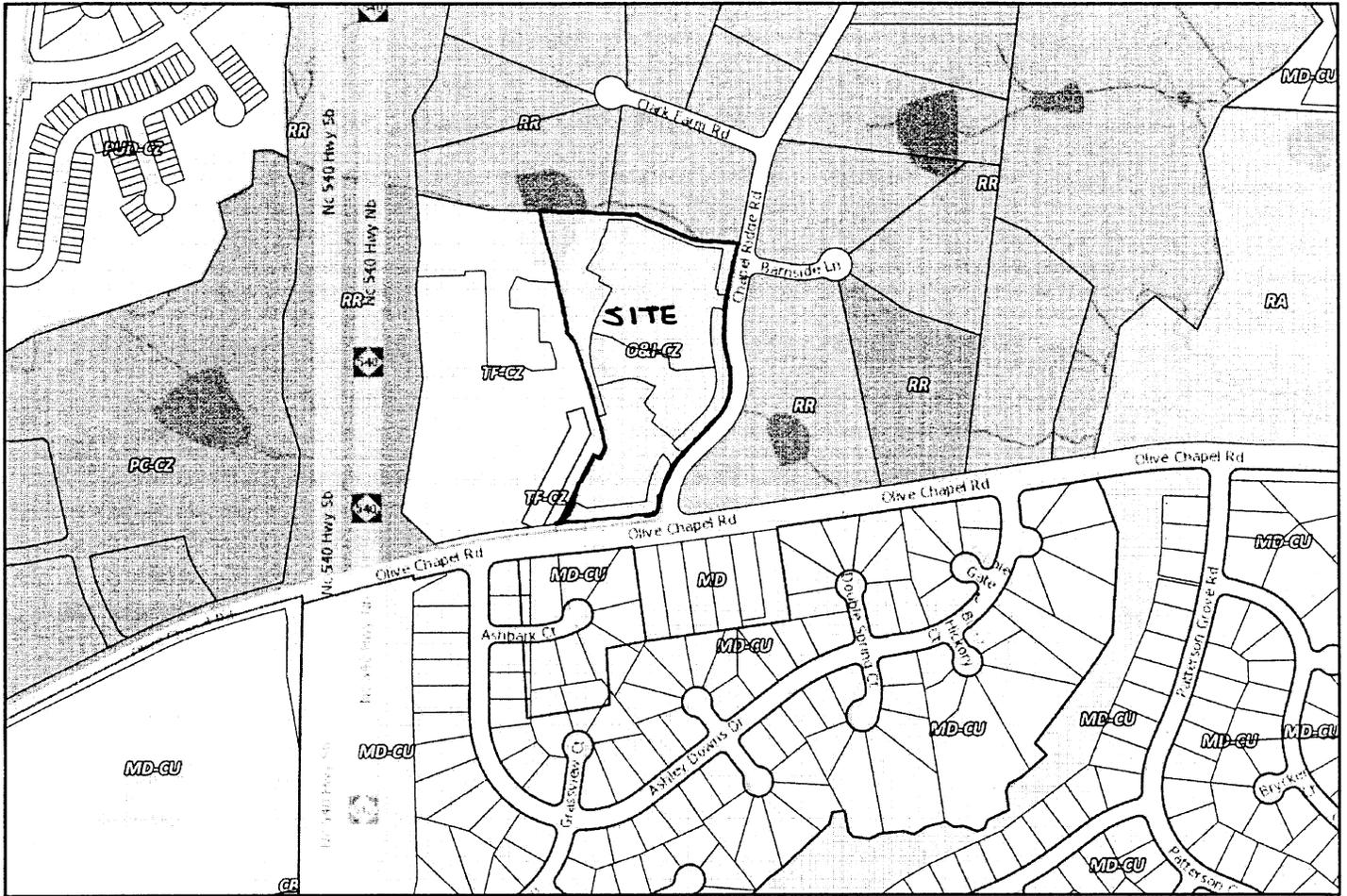
Enter the Meeting ID (and if prompted the Pass Code).

Meeting ID: 970 5998 9754 Pass Code: F079da

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting. You may join the meeting from a PC, Mac, iPad or Android device. A dial-in option is also available, if you prefer to participate by phone.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.



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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Olive Chapel Professional Park Zoning: O&I-CZ
 Location: 0,1480,1460 & 1400 Chapel Ridge Rd
 Property PIN(s): 0732238148, 0732238377, 0732239577 Acreage/Square Feet: 8.45
0732331404, 0732239874, 0732249026
 Property Owner: Olive Chapel Professional Park, LLC
 Address: 0,1480,1460 & 1400 Chapel Ridge Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-675-2750 Email: will@thebenefitadvisors

Developer: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLC
 Address: PO Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescrossen.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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.

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 - please see enclosed registration details

Date of meeting: July 29, 2021 Time of meeting: 6:00 pm

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Rita Boykin	1500 Clark Farm Rd			
2.	Anne Cain	1401 Barnside Lane			
3.	Erica Bunn	1408 Barnside Lane			
4.	Barbara Fowlkner	1513 Clark Farm Rd			
5.	Frank Bria	1516 Clark Farm Rd			
6.	Will Gasiorowski	1121 Pemberton Hill Rd	919.369.		
7.	Erin Marcum	221 N. Salem St, Ste 001			
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom - please see enclosed registration details

Date of meeting: July 29, 2021 Time of meeting: 6:00 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:

Concerns regarding removing the square footage limitation for Real Estate Sales - with no limitation it is possible a mega-real estate use could move in that would end up operating 24x7. This would increase the traffic in the area considerably and cause parking issues.

Applicant's Response:

There is no intention for a 24/7 use for the Real Estate Sales. We can discuss this with the owners and also check with the Town to discuss the traffic thresholds. We can consider other options than square footage to limit the impact to the area.

Question/Concern #2:

Is there any limit on the Barber and Beauty shop use?

Applicant's Response:

The limit being considered is 3,000 SF. There are discussions with the Town on whether that limit of 3,000 SF is per use type or per building. We can keep everyone posted on the outcome of that discussion. (Attendees expressed concern that this size limitation was concerning)

Question/Concern #3:

With the change to the square footage for Restaurants - what type of restaurants would be allowed?

Can you give some examples of restaurants that have been turned away because of the size limit? Attendees expressed the understanding that the intention of the restaurant use was to serve just the office park workers.

Applicant's Response:

We discussed the square footage of some restaurants in the area (2500 SF is smaller than many of the restaurants at Beaver Creek Commons). The owner wasn't available at that time to give examples of restaurants that were turned away.

Question/Concern #4:

Meeting attendees expressed the concern that these changes are too soon as the neighborhood hasn't changed since the original rezoning.

Applicant's Response:

We discussed the Chapel Ridge Towns PUD that has been submitted and how that would change the make up of the neighborhood, if it is approved by Town Council in the near future. The resident's concerns will be communicated to the building owners.

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, PATRICK L. KIERNAN, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom meeting (location/address) on July 29, 2021 (date) from 6:00 pm (start time) to 8:00 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.

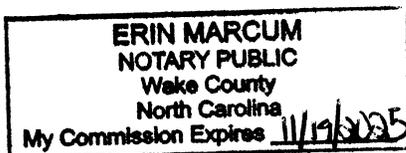
8/2/21
Date

By: *Patrick L. Kiernan*

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 2nd day of August, 2021.

SEAL



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

	A	B	C	D	E	F
1	SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS		
2	0 CHAPEL RIDGE RD	0732238148	OLIVE CHAPEL PROFESSIONAL PARK, LLC	1121 PEMBERTON HILL RD	APEX NC 27502-4280	
3	1408 BARNSIDE LN	0732345135	KENNETH & ERICA BUNN	1408 BARNSIDE LN	APEX NC 27502-8501	
4	1409 BARNSIDE LN	0732333570	GASIOROWSKI PROPERTIES LLC	1121 PEMBERTON HILL RD	APEX NC 27502-4280	
5	1501 OLIVE CHAPEL RD	0732323917	TODD & JENNIFER SAVARO	1501 OLIVE CHAPEL RD	APEX NC 27502-6744	
6	1505 CLARK FARM RD	0732340146	MOJO PROPERTY MANAGEMENT LLC	2755 E FRANKLIN BLVD	GASTONIA NC 28056-8201	
7	1505 OLIVE CHAPEL RD	0732322948	PAUL AÍMAN & KEZIA JOHNAS	1505 OLIVE CHAPEL RD	APEX NC 27502-6744	
8	1509 OLIVE CHAPEL RD	0732321976	BRITT SCHUMAN-HUMBERT & GREGOIRE HUMBERT	1509 OLIVE CHAPEL RD	APEX NC 27502-6744	
9	1513 CLARK FARM RD	0732246233	BARBARA & JAMES FAULKNER JR	1513 CLARK FARM RD	APEX NC 27502-8500	
10	1513 OLIVE CHAPEL RD	0732321905	GANESH & SUSHMA RAO	1513 OLIVE CHAPEL RD	APEX NC 27502-6744	
11	1517 CLARK FARM RD	0732243490	JOHN & MARIE ROCCOFORTE	1517 CLARK FARM RD	APEX NC 27502-8500	
12	1517 OLIVE CHAPEL RD	0732320934	ALEXANDER THOMAS & MARISKA RAMONDINO	1517 OLIVE CHAPEL RD	APEX NC 27502-6744	
13	1521 OLIVE CHAPEL RD	0732229953	HEATHER DASHNAU & PANAGIOTIS KAMPANAKIS	1521 OLIVE CHAPEL RD	APEX NC 27502-6744	
14	1600 OLIVE CHAPEL RD	0732235461	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
15	1600 OLIVE CHAPEL RD	0732236371	540 FLEX & BUSINESS PARK OWNERS ASSOC	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS RUN	APEX NC 27502-6512
16	1600 OLIVE CHAPEL RD	0732236371	PEAK INVESTMENT PROPERTIES LLC	100 PASTRO CT	APEX NC 27502-8602	
17	1600 OLIVE CHAPEL RD	0732236371	SARANGA-CHENNURI PROPERTIES LLC	1600 OLIVE CHAPEL RD STE 108	APEX NC 27502-6765	
18	1600 OLIVE CHAPEL RD	0732236371	COURTNEITHAN LAND HOLDINGS LLC	1600 OLIVE CHAPEL RD STE 112	APEX NC 27502-6765	
19	1600 OLIVE CHAPEL RD	0732236371	SCHTAKLEFF PROPERTIES LLC	1600 OLIVE CHAPEL RD STE 120	APEX NC 27502-6765	
20	1600 OLIVE CHAPEL RD	0732236371	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
21	1600 OLIVE CHAPEL RD	0732236371	MYSTIC PROPERTIES, LLC	1714 ASHLEY DOWNS DR	APEX NC 27502-5297	
22	1600 OLIVE CHAPEL RD	0732236371	PETCHETTI, MANIULA R	1621 CARY RESERVE DR	CARY NC 27519-9629	
23	1600 OLIVE CHAPEL RD	0732236371	MACKENZIE HOLDINGS, LLC	1600 OLIVE CHAPEL RD STE 140	APEX NC 27502-6766	
24	1600 OLIVE CHAPEL RD	0732236371	LEXARY HOLDINGS LLC	1600 OLIVE CHAPEL RD STE 144	APEX NC 27502-6766	
25	1700 ASHBARK CT	0732228864	FRANK & CECILIA NAVY	1700 ASHBARK CT	APEX NC 27502-5298	
26	1702 ASHBARK CT	0732228956	JESSE & REGINA HOUSE	1702 ASHBARK CT	APEX NC 27502-5298	
27	1704 ASHBARK CT	0732227949	ERICK CONTRERAS-BLANCO & TYLER WILSON	1704 ASHBARK CT	APEX NC 27502-5298	
28	1706 ASHBARK CT	0732226937	KIM & ROBERT ROCK JR	1706 ASHBARK CT	APEX NC 27502-5298	
29	1720 ASHLEY DOWNS DR	0732225839	PHILLIP KALK & SARAH NOWELL	1720 ASHLEY DOWNS DR	APEX NC 27502-5297	
30	1722 ASHLEY DOWNS DR	0732225937	MARK & HEIDI GARWATOSKI	1722 ASHLEY DOWNS DR	APEX NC 27502-5297	
31			TOWN OF APEX	PO BOX 250	APEX NC 27502	
32			ASHLEY DOWNS HOA (RS FINCHER & COMPANY, LLC)	PO BOX 1117	APEX NC 27523	
33			CHAPEL RIDGE ESTATES HOA	1001-105 GOODWORTH DR	APEX NC 27539	
34			CURRENT TENANT	1400 Chapel Ridge RD	APEX NC 27502	
35			CURRENT TENANT	1409 Barnside LN	APEX NC 27502	
36			CURRENT TENANT	1444 Chapel Ridge RD	APEX NC 27502	
37			CURRENT TENANT	1454 Chapel Ridge RD	APEX NC 27502	
38			CURRENT TENANT	1460 Chapel Ridge RD	APEX NC 27502	
39			CURRENT TENANT	1460 Chapel Ridge RD Suite 100	APEX NC 27502	
40			CURRENT TENANT	1460 Chapel Ridge RD Suite 110	APEX NC 27502	
41			CURRENT TENANT	1460 Chapel Ridge RD Suite 130	APEX NC 27502	
42			CURRENT TENANT	1460 Chapel Ridge RD Suite 150	APEX NC 27502	
43			CURRENT TENANT	1460 Chapel Ridge RD Suite 170	APEX NC 27502	
44			CURRENT TENANT	1460 Chapel Ridge RD Suite 180	APEX NC 27502	
45			CURRENT TENANT	1460 Chapel Ridge RD Suite 200	APEX NC 27502	
46			CURRENT TENANT	1460 Chapel Ridge RD Suite 250	APEX NC 27502	
47			CURRENT TENANT	1464 Chapel Ridge RD	APEX NC 27502	
48			CURRENT TENANT	1474 Chapel Ridge RD	APEX NC 27502	
49			CURRENT TENANT	1480 Chapel Ridge RD	APEX NC 27502	
50			CURRENT TENANT	1480 Chapel Ridge RD Suite 100	APEX NC 27502	
51			CURRENT TENANT	1480 Chapel Ridge RD Suite 110	APEX NC 27502	
52			CURRENT TENANT	1480 Chapel Ridge RD Suite 130	APEX NC 27502	
53			CURRENT TENANT	1480 Chapel Ridge RD Suite 150	APEX NC 27502	
54			CURRENT TENANT	1480 Chapel Ridge RD Suite 170	APEX NC 27502	
55			CURRENT TENANT	1480 Chapel Ridge RD Suite 180	APEX NC 27502	
56			CURRENT TENANT	1480 Chapel Ridge RD Suite 200	APEX NC 27502	
57			CURRENT TENANT	1480 Chapel Ridge RD Suite 220	APEX NC 27502	
58			CURRENT TENANT	1480 Chapel Ridge RD Suite 240	APEX NC 27502	
59			CURRENT TENANT	1480 Chapel Ridge RD Suite 250	APEX NC 27502	
60			CURRENT TENANT	1484 Chapel Ridge RD	APEX NC 27502	
61			CURRENT TENANT	1600 Olive Chapel RD	APEX NC 27502	
62			CURRENT TENANT	1600 Olive Chapel RD Suite 100	APEX NC 27502	
63			CURRENT TENANT	1600 Olive Chapel RD Suite 104	APEX NC 27502	
64			CURRENT TENANT	1600 Olive Chapel RD Suite 112	APEX NC 27502	
65			CURRENT TENANT	1600 Olive Chapel RD Suite 116	APEX NC 27502	
66			CURRENT TENANT	1600 Olive Chapel RD Suite 120	APEX NC 27502	
67			CURRENT TENANT	1600 Olive Chapel RD Suite 124	APEX NC 27502	
68			CURRENT TENANT	1600 Olive Chapel RD Suite 128	APEX NC 27502	
69			CURRENT TENANT	1600 Olive Chapel RD Suite 132	APEX NC 27502	

NOTICE OF NEIGHBORHOOD MEETING

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

September 23, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 Chapel Ridge Rd 0732-24-9026, 0732-33-1404, 0732-23-8148

1480,1460 & 1400 Chapel Ridge Rd 0732-23-8377, 0732-23-9577, 0732-23-9874

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

See appended "Meeting Description"

Estimated submittal date: September 01, 2022 (has been submitted)

MEETING INFORMATION:

Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Cossen Engineering, PLLC
 Contact information (email/phone): patrick@jonescossen.com/919-387-1174
 Meeting Address: Zoom - see enclosed details
 Date/Time of meeting**: October 19, 2022 6:00 pm-8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

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



This neighborhood meeting is being held as an auxiliary meeting to the one that took place on August 31st, 2022, prior to the initial submission of this rezoning petition. The initial meeting information was sent to the invitee list as provided by the Town of Apex GIS department, representing those neighbors within 300' of the subject property. The intent of Jones & Crossen Engineering is to be inclusive of all residents within the Chapel Ridge subdivision, regardless of their proximity to the Professional Park, as we understand how this development has, and will continue to, affect the entire neighborhood. The following is a copy of the original meeting description that was sent out with the first neighborhood meeting invitation package:

Meeting Description

This rezoning petition is to request the addition of two uses, "Pet Services" & "Tailor Shop", to the list of Allowable Uses for the Office & Institutional – Conditional Zoning (O&I-CZ) district for Olive Chapel Professional Park.

In the original 2016 rezoning, these were not permitted uses within the O&I zoning district (per Use Table 4.2.2), which is why they were not available to be included in the 2016 rezoning petition. A 2019 UDO Amendment (see below) revised the Use Table to add these two uses as permitted uses within the O&I zoning district, however, since Olive Chapel Professional Park was conditionally zoned as O&I-CZ, a separate rezoning petition is required to add "Pet Services" and "Tailor Shop" to the list of Allowable Uses.

The following description was provided by Town Staff at the January 15, 2019 Town Council Meeting as the reason for the UDO Amendment:

"The amendments to UDO Sec. 4.2.2 Use Table add "Pet Services" and "Tailor Shop" as permitted uses within the Office & Institutional (O&I) zoning district as they have a land use intensity comparable to office uses and are similar to other uses already permitted in the O&I zoning district"

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: Olive Chapel Professional Park Zoning: O&I-CZ

Location: 0, 1480, 1460 & 1400 Chapel Ridge Rd

Property PIN(s): 0732-24-9026, 0732-33-1404, 0732-23-8148 Acreage/Square Feet: 8.7
0732-23-8377, 0732-23-9577, 0732-23-9874

Property Owner: Olive Chapel Professional Park, LLC

Address: 1121 Pemberton Hill Rd

City: Apex State: NC Zip: 27502

Phone: _____ Email: will@thebenefitadvisors.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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
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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
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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
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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
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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
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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 Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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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
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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
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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
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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
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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
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

1532-Olive Chapel Professional Park

Parcel #	Name	Address I	Address II	City/State/Zip Code	Pin #
1	CHRISTINE & FRANK BRIA III	1516 CLARK FARM RD		APEX NC 27502-8500	0732246637
2	DAVID & ETHEL SHERRY	1512 CLARK FARM RD		APEX NC 27502-8500	0732340602
3	RITA & RAYMOND BOYKIN JR	1500 CLARK FARM RD		APEX NC 27502-8500	0732342436
4	JAMES SERINO & MELINDA BUSI	1304 CHAPEL RIDGE RD		APEX NC 27502-8503	0732343658
5	LARRY & KATHI CARLSON	1220 CHAPEL RIDGE RD		APEX NC 27502-8502	0732343920
6	MICHAEL & CATHERINE MOHAN	1204 CHAPEL RIDGE RD		APEX NC 27502-8502	0732249869
7	SU YUEH HO KAO & CHANG CHI	1200 CHAPEL RIDGE RD		APEX NC 27502-8502	0732256180
8	DOUGLAS & CARRIE COX	1205 CHAPEL RIDGE RD		APEX NC 27502-8502	0732352538
9	RONALD & KATHERINE STRINGARI	1209 CHAPEL RIDGE RD		APEX NC 27502-8502	0732354594
10	MICHAEL BISHOP	1213 CHAPEL RIDGE RD		APEX NC 27502-8502	0732356305
11	TIGH & DIANE CUNDIEFF	1225 CHAPEL RIDGE RD		APEX NC 27502-8502	0732347912
12	DANIEL E COREY II	THE DANIEL E COREY II REVOCABLE LIVING TRUST	1301 CHAPEL RIDGE RD	APEX NC 27502-8503	0732348711
13	RUSS & KRISTAL OVERTON	1305 CHAPEL RIDGE RD		APEX NC 27502-8503	0732348563
14	SARA GROVER & DAVID PRESTRUD	1313 CHAPEL RIDGE RD		APEX NC 27502-8503	0732347395
15	RAJ KIRAN CHAGANTIPATI & JYOTSNA VEMURI	4016 SYKES ST		CARY NC 27519-7301	0732340146
16	BARBARA & JAMES FAULKNER JR	1513 CLARK FARM RD		APEX NC 27502-8500	0732246233
17	JOHN & MARIE ROCCOFORTE	1517 CLARK FARM RD		APEX NC 27502-8500	0732243490

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, Patrick Kiernan, do hereby declare as follows:
Print Name

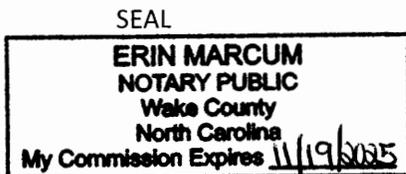
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on October 19, 2022 (date) from 6:00 pm (start time) to 8:00 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.

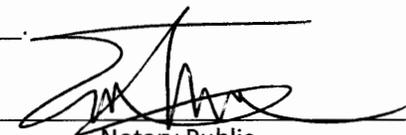
10/20/22
Date

By: 

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 20th day of October, 2022.




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

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.

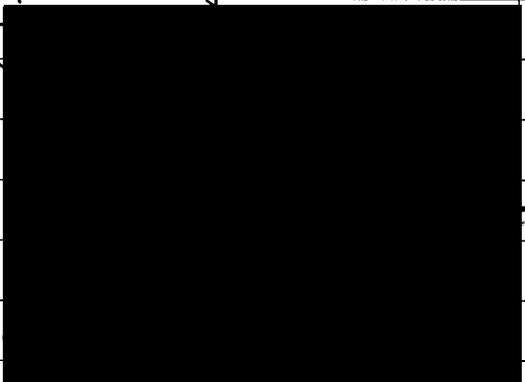
Meeting Address: Zoom - see enclosed details

Date of meeting: October 19, 2022 Time of meeting: 6:00 pm - 8:00 pm

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Patrick Kiernan (Jones & Crossen Engineering)	221 N. Salem St, Suite 200	919.387.1174	patrick@jonescrossen.com	—
2.	Barbara Fabikner	1513 Clark Farm Rd			✓
3.	Rita Boukin	1500 Clark Farm Rd			✓
4.	Melinda Busi & Jim Serino	1304 Chapel Ridge Rd			✓
5.	DAVID PRESTRUD	1313 CHAPEL RIDGE RD.			✓
6.	NANCY COREY	1301 CHAPEL RIDGE RD.			✓
7.	JIM SERINO	1304 CHAPEL RIDGE RD.			✓
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom - see enclosed details

Date of meeting: October 19, 2022 Time of meeting: 6:00 pm - 8:00 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:

What is the reason for pet crematory being part of Pet Services, and is that something that the developer will be pursuing?

Applicant's Response:

I posted the description of Pet Services within the chat, where it does mention the inclusion of pet crematory. I told them I would discuss with the developer to see if that is a specific business they have interest in, and if not, we could discuss with Town staff the possibility of a condition to exclude that type of business from the rezoning.

Question/Concern #2:

Is the developer still seeking to increase the square footage limitations for restaurants, gym/fitness centers, real estate sales, etc., per the rezoning that was proposed in 2021?

Applicant's Response:

No, this current petition to add pet services and tailor shop is essentially replacing the petition that was submitted last year. There were a number of factors leading to the decision to pull that rezoning, so for now, these two new uses are all that are being pursued.

Question/Concern #3:

There were a number of questions regarding current status of leasing for the first 3 buildings, as well as the construction timeline for the remaining buildings and for the completion of the Chapel Ridge Road widening and sidewalk.

Applicant's Response:

The Chapel Ridge widening/sidewalk will be completed as part of the Bldg. C requirements, which is the building currently under construction. So that piece should be completed soon I told them I would pass along their questions regarding leasing/construction timeline to the developer and follow up with whatever information I can provide.

Question/Concern #4:

Applicant's Response:

There were a few technical difficulties where some attendees could not hear the audio and others could not respond. For that reason, the questions all came from the Zoom chat feature, and a transcript of that chat has been included with this submittal. One neighbor asked for a follow-up phone call so she could clarify the questions proposed in the chat.

barbarafaulkner to Everyone

B I can hear you.

Melinda & Jim Busi & Serino to Everyone

M& Melinda Busi, James Serino amd Nancy Corey can all hear you 😊

rita boykin to Everyone

RB Patrick, Rita here. I cannot get audio

any suggestions - phone didn't work either

Me to Everyone

PK Rita, could you call one of the others in the meeting? Or Melinda just offered that you could join at her house?

barbarafaulkner to Everyone

B I've got Rita on the phone

rita boykin to Everyone

RB can't hear you clearly

good now thanks

rita boykin to Everyone

RB like further information on pet crematory

Me to Everyone

PK Pet services. An indoor establishment primarily engaged in services provided to companion pets which include but are not limited to: pet day spa, pet grooming, pet daycare with no outdoor play area, pet training, pet photography, leg banding, microchip services, pet crematory, and other petrelated uses.

rita boykin to Everyone

RB i'd like to know occupancy of bldg. 1, building 2, building 3, plans for building 5 specifically

yes to your answer

yes

yes

building 5

no

yes,

bldg. 5

the seem to be skipping 4

Melinda & Jim Busi & Serino to Everyone

M& The sign outside near building 3 says 80% already,,,do you have any ideas of what /who the 80% is?

rita boykin to Everyone

RB this is a pain

barbarafaulkner to Everyone

B Remember, there are restrictions as to what kind of restaurants they can have here

Melinda & Jim Busi & Serino to Everyone

M& They are doing work in that spot and have moved all the dirt to spot 4

barbarafaulkner to Everyone

B sandwich shop or daytime hours only

rita boykin to Everyone

RB the rezoning is one thing - but i'd like to know what's being planned etc when will sidewalk be built and will wooden fence be removed

shame g's aren't on this zoom call

are g's anticipating seeking rezoning fir real estate and bigger restayranr at later dater

excuse typing errors

please call me in morning so I can explain myself better about occupancy rates as this typing is too slow for me thanks rita

Melinda & Jim Busi & Serino to Everyone

M& Melinda Busi & Jim Serino 1304 Chapel Ridge Rd

Nancy Core 1301 Chapel Ridge Rd

rita boykin to Everyone

RB rita 1500 clark farm road

David Prestrud to Everyone

DP I did that when I signed in, but it's 1313 Chapel Ridge Rd.

Melinda & Jim Busi & Serino to Everyone

M& Nancy Corey 1301 Chapel Ridge Rd

David Prestrud to Everyone

DP Mine's planaarch@bellsouth.net

Melinda & Jim Busi & Serino to Everyone

M& Nancy Corey: lcorey@nc.rr.com

James Serino serinojp@aol.com

rita boykin to Everyone

RB still looking at nov. for planning and town council meetings

ok

can you call me in morning or right after this zoom?

thanks

Melinda & Jim Busi & Serino to Everyone

M& Thank you for your time 😊

rita boykin to Everyone

RB Barbara pick up phone so I can talk

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ18 Olive Chapel Professional Park

Planning Board Meeting Date: November 14, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 8.7 acres

PIN(s): 0732238148, 0732238377, 0732239577, 0732331404, 0732239874, 0732249026

Current Zoning: O&I-CZ (Office and Institutional-Conditional Zoning #16CZ11)

Proposed Zoning: O&I-CZ (Office and Institutional-Conditional Zoning)

2045 Land Use Map: Office Employment

Town Limits: Within Corporate Limits

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ18 Olive Chapel Professional Park

Planning Board Meeting Date: November 14, 2022



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: 21CZ18 Olive Chapel Professional Park

Planning Board Meeting Date: November 14, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Tim Royal

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

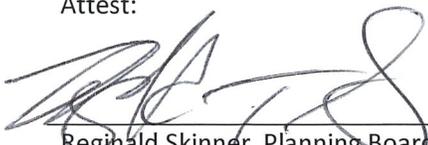
With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2022.11.14 17:03:38 -05'00'
Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ18 Olive Chapel Professional Park

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:** Patrick Kiernan, Jones & Clossen Engineering, PLLC
- Authorized Agent:** Patrick Kiernan, Jones & Clossen Engineering, PLLC
- Property Addresses:** 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road
- Acreage:** 8.7 acres
- Property Identification Numbers (PINs):** 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874
- 2045 Land Use Map Designation:** Office Employment
- Existing Zoning of Properties:** Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11)
- Proposed Zoning of Properties:** Office & Institutional-Conditional Zoning (O&I-CZ)

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

Planning Board Public Hearing Date and Time: November 14, 2022 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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 online: <https://www.apexnc.org/DocumentCenter/View/36470>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ18

Olive Chapel Professional Park

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: Patrick Kiernan, Jones & Clossen Engineering, PLLC

Agente autorizado: Patrick Kiernan, Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road

Superficie: 8.47 acres

Números de identificación de las propiedades: 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Ordenamiento territorial existente de las propiedades: Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11)

Ordenamiento territorial propuesto para las propiedades: Office & Institutional-Conditional Zoning (O&I-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: 14 de noviembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/36470>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ18
Olive Chapel Professional Park**

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:** Patrick Kiernan, Jones & Crossen Engineering, PLLC
- Authorized Agent:** Patrick Kiernan, Jones & Crossen Engineering, PLLC
- Property Address:** 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road
- Acres:** 8.7 acres
- Property Identification Numbers (PINs):** 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239674
- 2045 Land Use Map Designation:** Office Employment
- Existing Zoning of Properties:** Office & Institutional-Conditional Zoning (OI&I-CZ #16CZ11)
- Proposed Zoning of Properties:** Office & Institutional-Conditional Zoning (OI&I-CZ)

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

Planning Board Public Hearing Date and Time: November 14, 2022, 6:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/watch?v=9wofp0eeqpw>

If you are unable to attend, you may provide a written statement by email to public.hearings@apexnc.org, or submit it to the clerk of the Planning Board, Jeni Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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.apexnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/development/apex-2045-udo. 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 online: <https://www.apexnc.org/DocumentCenter/View/136470>

Dianne F. Klein, AICP
Director of Planning and Community Development

Published Dates: October 31-November 14, 2022



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ18
Olive Chapel Professional Park
Project Location: 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road
Applicant or Authorized Agent: Patrick Kiernan
Firm: Jones and Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 31, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

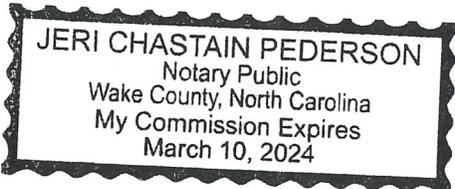
11/1/2022
Date

Shanae F. Kinn
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above

State and County, this the 1 day of November, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

SEAL



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ18 Olive Chapel Professional Park

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

- Applicant:** Patrick Kiernan, Jones & Clossen Engineering, PLLC
- Authorized Agent:** Patrick Kiernan, Jones & Clossen Engineering, PLLC
- Property Addresses:** 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road
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- Property Identification Numbers (PINs):** 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874
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- Proposed Zoning of Properties:** Office & Institutional-Conditional Zoning (O&I-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: November 29, 2022 6:00 PM

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

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.

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 online: <https://www.apexnc.org/DocumentCenter/View/36470>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ18

Olive Chapel Professional Park

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: Patrick Kiernan, Jones & Clossen Engineering, PLLC

Agente autorizado: Patrick Kiernan, Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road

Superficie: 8.47 acres

Números de identificación de las propiedades: 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Ordenamiento territorial existente de las propiedades: Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11)

Ordenamiento territorial propuesto para las propiedades: Office & Institutional-Conditional Zoning (O&I-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36470>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ18 Olive Chapel Professional Park

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

Applicant: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Property Addresses: 0, 0, 1480, 1460, & 1400 Chapel Ridge Road

Acres: 6.7 acres

Property Identification Numbers (PINs): 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874

2045 Land Use Map Designation: Office Employment

Existing Zoning of Properties: Office & Institutional-Conditional Zoning (OI&I-CZ #16CZ11)

Proposed Zoning of Properties: Office & Institutional-Conditional Zoning (OI&I-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: November 25, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/t/TownofApexlive>

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.

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://www.apexnc.org/UDO>. The 2045 Land Use Map may be viewed online at <https://www.apexnc.org/UDO>. 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 online: <https://www.apexnc.org/DevelopmentCenter/UDO/164311>

Dianne F. Kline, AICP
Director of Planning and Community Development

Published Dates: November 4-November 25, 2022



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ18
Olive Chapel Professional Park
Project Location: 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road
Applicant or Authorized Agent: Patrick Kiernan
Firm: Jones and Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 4, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

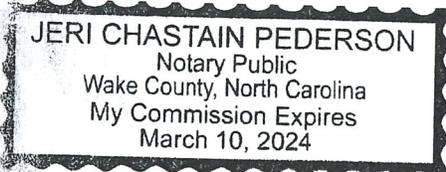
11/7/2022
Date

Jeanne Fkha
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 7th day of November, 202 2.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



540

540 Flex and Business Park

Olive Chapel Professional Park

Chapel Ridge

Barnside Ln

Rezoning #21CZ18

Chapel Ridge Rd

Olive Chapel Rd

Ashley Downs

Public Hearing Sign Posted By

[Signature]

Signature

8/15/21

Date



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 29, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ13 2021 N Salem St PUD. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 6 acres from Residential Agriculture (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on November 14, 2022 and by a vote of 8-0 recommended approval with the additional conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0742891824.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

November 29, 2022 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: 2021 North Salem Street
Applicant/Agent: Brendie Vega, WithersRavenel
Owners: Susan R. Jewett & William C. Mann

PROJECT DESCRIPTION:

Acreage: ±6 acres
PIN: 0742891824
Current Zoning: Residential Agricultural (RA)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR); Residential Agricultural (RA)	Single-family residential (Salem Woods Subdivision)
South:	Light Industrial (LI)	N. Salem Street; Office (Economy Exterminators); Vacant; Veterinary Clinic (Town & Country Veterinary Hospital)
East:	Residential Agricultural (RA)	Single-family residential
West:	Rural Residential (RR)	Single-family residential (Salem Woods Subdivision)

EXISTING CONDITIONS:

The subject property is located on the northwest side of North Salem St just east of Greenlea Dr. There are several existing structures on the property, some of which are historic. Based on the report from Capital Area Preservation (CAP), the house and two outbuildings should be preserved onsite or relocated to an appropriate location. CAP states that 90% of the original historic fabric remains intact for the 1941 period cottage, a Tudor-Revival style building that is unique in Apex. Despite vandalism, the structure remains intact and can be relocated or reused. The two outbuildings are identified as the frame wash/guest house and a tobacco curing barn.

NEIGHBORHOOD MEETING:

The applicant conducted neighborhood meetings on April 19, 2022 and June 8, 2022. The neighborhood meeting reports are attached.

WCPSS Coordination:

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

STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

November 29, 2022 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map designates the subject property as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation. The proposed rezoning includes a maximum of 40 dwelling units and maximum density of 6.7 units per acre.

PLANNED UNIT DEVELOPMENT PLAN:

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

Permitted Uses:

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

- Accessory apartment
- Townhouse
- Park, active
- Park, passive
- Utility, minor

Proposed Design Controls:

Density

The PUD Plan proposes an overall maximum residential density of 6.7 dwelling units per acre. The overall residential development shall not exceed 40 dwelling units. The minimum lot width is 20 ft.

Height

The maximum building height shall be: 42-feet; 2-stories maximum.

Setbacks

Proposed Minimum Setbacks		
Townhouse – front loaded	Front (from garage to lot line)	19'
	Front (from garage to back of sidewalk)	20'
	Side	5'
	Corner side	10'
	Rear	10'
	Building to building	10'

Buffers

The following buffers are proposed by this PUD:

Perimeter Buffers:	UDO Required	Proposed
Eastern Boundary	20' Type B	20' Type B
Northern Boundary	20' Type B	20' Type B
Southern Boundary (N. Salem Street)	30' Type B Undisturbed; 50' Type A/B Disturbed*	30' Type B Undisturbed; 50' Type B Disturbed**
Western Boundary	20' Type B	20' Type B

**Disturbed portion of 50' Thoroughfare Buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare Buffer shall be supplemented to a Type B buffer standard.*



***An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.*

Built Upon Area

The proposed maximum built upon area is 70%.

Resource Conservation Area

This PUD shall be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4 *Planned Development Districts*. The site shall dedicate a minimum of 20% of the overall site area upon site plan submittal.

Parking

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

Signage

All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

The sign(s) for *Section X. Environmental Advisory Board Recommendations* 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.

Architectural Standards

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

A. Residential Development

Single Family Attached (Townhouses):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Elevations shall have a minimum of three colors.
7. The visible side of a townhouse on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements:
 - Windows
 - Trim around the windows
 - Decorative air vents on gable
 - Decorative gable



CULTURAL RESOURCES:

According to the North Carolina Historic Preservation Office’s records, the subject site does contain historic structures. Capital Area Preservation has evaluated the site and determined that three (3) structures should be preserved on site or relocated and preserved in another location within Apex’s planning jurisdiction. These structures are the 1941 period cottage, the frame wash/guest house, and a tobacco curing barn.

PUBLIC FACILITIES:

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park. A capacity study shall be provided during Construction Drawing submittal.

Extension of water shall be provided to the proposed development with access to water via a 12” waterline on N. Salem St.

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

STORMWATER MANAGEMENT:

This proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

AFFORDABLE HOUSING:

Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership unit (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one- hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD).

The Affordable Housing Units shall be occupied by low or median-income households earning no more than one hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e., resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Units to memorialize the affordable housing terms and conditions.

The Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the Affordable Housing Unit lot prior to the issuance of a building permit for such lot to memorialize the affordable housing terms and conditions of the approved zoning condition.

Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer. Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.



APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan and the Town of Apex Standard Specification and Standard Details. Development frontage improvements along North Salem Street shall be constructed based on a minimum 41’ back-to-back curb and gutter 3-lane thoroughfare on minimum 80’ right-of-way (40’ from roadway center line) with 5’ sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.

A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

A minimum 5’ sidewalk shall be provided along the frontage of N Salem St., and along both sides of all internal streets, including cul-de-sac(s).

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 21, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant’s response to each condition.

EAB Suggested Condition	Applicant’s Response
Install signage near environmental sensitive areas in order to:	
- Reduce pet waste near SCM drainage areas	Added
- Eliminate fertilizer near SCM drainage areas	Added
Install pervious surface and pavements where practicable (e.g. when parking maximums are exceeded).	Added
Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not be disturbed.	Added
Install pet waste stations in neighborhoods	Added
Existing trees greater than 12” in diameter that are removed by site development shall be replaced by planting a 1.5” caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.	Not Added
Increase the buffer around the whole development to a minimum 30 feet wide type “A” buffer.	Not Added
Prewire all homes for solar photovoltaic (PV) installations per town specifications.	Added
Minimize the extent possible protrusions on south facing roofs and/or attempt to concentrate protrusions in one location.	Not Added

STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

November 29, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
Install a solar PV system of minimum 4 kilowatts on 14 homes. Suggest the homes with south facing roofs.	Added PV systems on 4 homes
For non-residential common area, include International Dark Sky Association compliance standards.	
- Outdoor lighting shall be shielded in a way that focuses lighting to the ground.	Not Added
- Lighting that minimizes the emission of blue light to reduce glare shall be used.	Added
- Lighting with a color temperature of 3000K or less shall be used for outside installations.	Added

The applicant has provided the following EAB Conditions:

1. The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to, amenity centers, sidewalks, greenways, or side paths.
2. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, amenity centers, sidewalks, greenways, or side paths.
3. The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
4. The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.
5. A minimum of 4 native hardwood tree species shall be used for the landscaping on site.
6. All homes shall be pre-configured with conduit for a solar energy system.
7. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
8. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
9. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
10. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.
11. A minimum 4kW solar PV system shall be installed on at least four (4) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the 2021 N. Salem St PUD project at their February 23, 2022 meeting. The Commission made a unanimous recommendation for a fee-in-lieu of dedication. The recommendation is based on 2022 rates and proposed maximum lot count provided:

Single-family attached Units: $\$2,528.25 \times 40 = \$101,130$

Staff note: The fee-in-lieu rate is based on the date of PUD approval, not on the date of the Commission's recommendation.



PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on November 14, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ13 2021 N Salem St PUD 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 designates the site as Medium Density Residential. The proposed PUD is consistent with that land use classification. The proposed rezoning allows for a maximum of 6.7 dwelling units per acre, which contributes to an overall density that supports future transit within the Transit Oriented Development (TOD) Context Area, as adopted with Advance Apex.

The proposed rezoning is reasonable and in the public interest because it encourages compact infill development, serves future transit with the provision of a bus stop on North Salem Street, and provides one affordable housing unit.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments.

1) *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

(a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.



- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
 - (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
 - (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
 - (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component; or
 - (ii) An overall density of 7 residential units per acre or more; or



- (iii) Environmental measures including but not limited to the following:
 - (a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - (b) The installation of a geothermal system for a certain number or percentage of units within the development; or
 - (c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.



- (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use Map.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

November 29, 2022 Town Council Meeting



- 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.



St. James Village

Salem Church Rd

Salem Pointe Pl
Salem Pointe

Rezoning #22CZ13

Salem Woods

Bay Bouquet Ln

Ellington Place

Claude Laurel Dr

Salem Woods

Pinedale Rd

Greenlea Dr

N Salem St

Ellington Cove

Ramblewood

Townes at North Salem



PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING DISTRICT PETITION



PD PLAN/PUD-CZ PETITION SUBMISSION:

Application and fee are due by 12:00 pm on the first business day of each month. See the [Planned Unit Development Schedule](#) on the website for more details.

PD PLAN/PUD-CZ PETITION FEES:

PUD-CZ Request: \$1,600.00 + \$10 an acre
 PD Plan Amendment not requiring full TRC Review: \$600.00
 Late Fee: \$300

PRE-APPLICATION MEETING: Separate pre-application meetings with the Technical Review Committee (TRC) and the Environmental Advisory Board (EAB) are required to be scheduled prior to the submittal of a PD Plan for PUD-CZ. Pre-application meetings with the TRC are typically scheduled during regular business hours on the 1st, 2nd, and 5th Thursdays of the month and pre-application meetings with the EAB are held at 6 p.m. on the 3rd Thursday of the month during the regularly scheduled EAB meeting.

To schedule a meeting, applicants must e-mail a pdf map of the parcel(s) to be rezoned, a proposed site layout sheet for PUD-CZ, TND-CZ, or MEC-CZ applications, and the [Rezoning Pre-Application Meeting Request](#) form to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

PURPOSE OF A PUD-CZ (UDO Sec. 3.3.3.C): The purpose of the PUD-CZ is to permit variations in order to allow flexibility for landowners to creatively plan for a site specific, higher quality overall development of their land in a way that is not possible through the strict application of the minimum standards of the Unified Development Ordinance (UDO). This is done through the application of performance standards that: integrate and mix uses where a mix of uses is proposed, possess interconnectivity, reflect the small-town character of Apex, expand opportunities for public transportation, preserve of natural features, integrate resource conservation area into plan for development, and that public facilities are available.

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to the PUD is outside the corporate limits and ETJ, an [annexation petition](#) is **REQUIRED** to be submitted on the same day as this application.

Electronic Submittal Requirements (submit in IDT): [Click here to access IDT Plans Website](#)

- PUD-CZ Application including sheets listed below
- PD Plan Text (pdf & Word versions)
- Colored Rendering of Building Elevations – 11"x17"
- Transportation Impact Analysis, if required
- Site Plan Set
 - 24" x 36" size
 - Scale not less than: 1"= 50' horizontal, 1"= 5' vertical
 - Saved as pdf – no scanned plans

Hard Copy Submittal Requirements: Submit to Planning Department

- One (1) complete PUD-CZ Application
- Written Metes and Bounds Legal Description
- Certified List of Neighboring Property Owners
- Development Name Approval Application
- Town of Apex Utilities Offer & Agreement
- Agent Authorization Form
- Affidavit of Ownership
- WCPSS Residential Development Notice Form
- Neighborhood Meeting Packet
- Notification list including property owners of the land subject to the application, all property owners and tenants abutting and located within 300 feet of the land subject to the application, and any neighborhood association that represents citizens within the notification area. This list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request.
- One (1) bound copy of the Transportation Impact Analysis and one (1) copy of the TIA & traffic analysis files on disk or FTP site at first submittal (if required)
- If applicable: Annexation Petition, map, legal description and \$200.00 fee
- Two (2) sets of envelopes addressed to property owners subject to the application and to those on the notification list.
 - Addresses must be from the notification list obtained by emailing addressing.team@apexnc.org
 - Affixed with first class stamps and the following return address: Town of Apex
 Planning and Community Development
 P.O. Box 250
 Apex, NC 27502
- Petition Fee by one of the following forms of payment:
 - Visa or Master Card;
 - Cash (exact amount only); or
 - Check payable to 'Town of Apex'

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the “Neighborhood Meeting Packet” forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

REVIEW FOR SUFFICIENCY: Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to TRC staff for review.

REVIEW BY STAFF: TRC staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods.

1. A written notice will be prepared by Planning staff and sent to property owners, tenants, and neighborhood associations abutting and within 300 feet of the land subject to the application not more than 25 days nor less than 10 days prior to the public hearings, as required by the UDO.
2. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings.
3. A public hearing sign will be posted at the land subject to the application at least 10 days prior to the public hearings.

1ST PUBLIC HEARING/PLANNING BOARD MEETING: The Planning Board will consider the application, relevant support materials, the Staff Report, and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions, or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Planned Unit Development Schedule.

2ND PUBLIC HEARING/TOWN COUNCIL MEETING: The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation, and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions, or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Planned Unit Development Schedule.

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: 22CZ13 Submittal Date: 5/2/22
Fee Paid: \$ Check #: _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: 2021 N Salem St.
Address(es): 2021 N Salem St., Apex, NC 27523
PIN(s) 0742891824

_____ Acreage: 6.00
Current Zoning: RA - Residential Agriculture Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Medium Density Residential

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

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

Area classified as mixed use:	Acreage:	<u>0.00</u>
Area proposed as non-residential development:	Acreage:	<u>0.00</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0.00</u>

Applicant Information

Name: Brendie Vega, WithersRavenel
Address: 115 MacKenan Dr.
City: Cary State: NC Zip: 27511
Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Owner Information

Name: Susan R. Jewett & William C. Mann
Address: 200 Singleton St.
City: Raleigh State: NC Zip: 27606
Phone: _____ E-mail: _____

Agent Information

Name: Brendie Vega, WithersRavenel
Address: 115 MacKenan Dr.
City: Cary State: NC Zip: 27511
Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ13 Submittal Date: 5/2/22

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposal is consistent with the 2045 Land Use Map. Planned Unit Development is an allowable zoning district in the Medium Density Residential land use map classification and the proposed conditions maintain the density within the 3-7 dwelling units per acre range.

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

The PUD-CZ district is appropriate for the proposed location because it will be compatible with the surrounding uses. There is an existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place.

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

There are no supplemental standards listed for attached townhouse units.

PETITION PROCESS INFORMATION

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

The development will minimize adverse impact. It will have landscaped buffers on all sides which will ameliorate any disturbance to neighbors and visually screen the development. Limiting the permitting uses to townhouse units will significantly reduce any impacts to surrounding properties.

Adding less than 40 units will create minimal disturbance. Traffic will be directed away from adjacent properties onto N. Salem Street. This should not impact the road's capacity.

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

The development minimizes environmental impacts. The site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impacts. SCMs will be provided in compliance with Town standards.

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 site will have minimal impact on public facilities. Based on discussions with the Town, it is our understanding that there will be sufficient public facilities to accommodate the 40 or less units in the development. Further discussion can be held at the construction phase.

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

The proposed CZ district will prove beneficial for residents of the Town in relation health, safety, and/or welfare. The land use will assist in satisfying housing needs and promoting density, a goal of the Town's comprehensive plan. Additionally, the development will decrease potential overcrowding and increase the tax base, supporting public services and as a result the health, safety, and welfare of all residents.

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

The CZ district's land use is not substantially detrimental to adjacent properties. Instead, the land use assist in solidifying the residential nature of the area, increasing land values and the subsequent desirability to reside in neighboring properties.

PETITION PROCESS INFORMATION

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

The proposed CZ will not constitute a nuisance or hazard as residential traffic generates modest noise and therefore the land use is consistent with the character of traffic in the vicinity of the proposed rezoning. Moreover, traffic generated by the 40 or less units will minimally impact surrounding roads in the metrics of both noise and volume, by redirecting traffic

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 proposed Conditional Zoning District land use will comply with all standards imposed on it by all other applicable provisions of the Town's ordinance, for use, layout, and general development characteristics. Close consideration was given to the ordinance in the development of this proposal.

Beginning at a point, said point being an existing iron pipe at the easternmost corner of Lot 8 as shown on a plat recorded in Book of Maps 1985, Page 2255 in the Wake County Registry, said point also being on the northern right of way margin of N. Salem Street as shown on said plat and having North Carolina State Plane coordinates of N=729,563.29 and E=2,047,973.17; Thence, along the eastern line of said Lot 8 N13°33'06"W, 239.13 feet to a point, said point being an existing iron pipe at the northernmost corner of said Lot 8, said point also being at the easternmost corner of Lot 9 as shown on a plat recorded in Book of Maps 1986, Page 427 in said registry; Thence, along the eastern line of said Lot 9 N13°32'12"W, 109.19 feet to a point, said point being at the northeast corner of said Lot 9, said point also being at the southeast corner of Lot 10 as shown on said Book of Maps 1986, Page 427; Thence, along the eastern line of said Lot 10 N13°32'45"W, 212.95 feet to a point, said point being an existing iron pipe on the southern line of Lot 26 as shown on a plat recorded in Book of Maps 1994, Page 1633 in said registry; Thence, along said southern line of Lot 26 S87°59'52"E, 131.75 feet to a point, said point being an existing iron pipe at the southeast corner of said Lot 26, said point also being at the southwest corner of Lot 28 as shown on said Book of Maps 1994, Page 1633; Thence, along the southern line of said Lot 28 S88°00'52"E, 176.57 feet to an existing iron pipe at the southeast corner of said Lot 28; Thence, N03°09'22"W, 59.47 feet to an existing iron pipe at the southernmost corner of Lot 29 as shown on said plat; Thence, N02°52'45"W, 89.97 feet to an existing iron pipe; Thence, S88°06'26"E, 110.25 feet to a point, said point being an iron pipe set at the southeast corner of said Lot 29, said point also being on the western line of the David H. & Rose M. Abbott tract as recorded in Book 6171, Page 674 in said registry; Thence, along said western line S02°53'46"E, 149.64 feet to an existing iron pipe; Thence, cornering and along the southern line of said Abbott tract S89°37'55"E, 412.11 feet to an existing iron pipe at the southeast corner of said Abbott tract, said point also being on said northern right of way margin of N. Salem Street; Thence, along said right of way the following courses and distances: Thence, S46°40'56"W, 159.24 feet to a point; Thence, along a curve to the right having a radius of 11,364.91 feet, an arc length of 171.93 and a chord of S48°42'54"W, 171.93 feet to a point; Thence, along a curve to the right having a radius of 3,609.06 feet, an arc length of 167.35 and a chord of S49°17'16"W, 167.33 feet to a point; Thence, along a curve to the right having a radius of 1,885.59 feet, an arc length of 168.45 and a chord of S53°33'30"W, 168.39 feet to a point; Thence, S59°10'30"W, 218.52 feet to a point; Thence, N13°33'06"W, 15.83 feet to the Place and Point of Beginning, containing an area of 263,285 square feet or 6.04 acres, more or less.

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13

Submittal Date: 5/2/22

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13 Submittal Date: 5/2/22

Proposed Subdivision/Development Information

Description of location: 2021 North Salem Street

Nearest intersecting roads: N Salem Street and Greenlea Drive

Wake County PIN(s): 0742891824

Township: White Oak

Contact Information (as appropriate)

Contact person: Brendie Vega

Phone number: (919) 469-3340 Fax number: _____

Address: 115 MacKenan Drive

E-mail address: bvega@withersravenel.com

Owner: Susan R. Jewett & William C. Mann

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: _____

2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

AGENT AUTHORIZATION FORM

Application #: 22CZ13 Submittal Date: 22CZ13

_____ 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: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

Susan Castlebury

4/29/2022

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 22CZ13

Submittal Date: 22CZ13

_____ 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.
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- Subdivision
- Variance
- Other: _____

The property address is: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

William C. Mann 4-30-22

William C Mann

4/30/2022

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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FILED

STATE OF NORTH CAROLINA
COUNTY OF WAKE

2021 JUN 17 PM 2:00
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
WAKE CO., C.S.C. 20-CVS-6957

BY _____

WILLIAM C. MANN and SUSAN
CASTLEBURY,

Plaintiff,

v.

SUSAN RAWLINGS JEWETT, ANN SINCLAIR
FREEMAN GAZENBEEK, JUDITH LOUISE
FREEMAN, JOY RUTH FREEMAN TILLEY,
WILLIAM HARDIN FREEMAN, ALBERT
WOMBLE, CHARLES MANN, RACHEL
JORDAN, GERALD MANN, PHILIP MANN,
KENNETH MANN, and DAVID MANN,

Defendants.

CONSENT JUDGMENT

This matter appearing before the Court after resolution by the appropriate parties at a mediated settlement conference, and with the consent of the appropriate parties, the Court enters the following:

FINDINGS OF FACT

1. Plaintiffs filed suit asserting causes of action for Quiet Title and Declaratory Judgment regarding proper title in a parcel of Wake County real property located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and further described in that deed recorded in the Wake County Registry in Book 686, Page 436 (the "Property").

2. The following Defendants did not answer, plead, or appear: ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUIS FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, and DAVID

MANN. They each were subsequently found in Default upon motion of Plaintiffs. (These specific defendants are collectively referred to as the “Defaulting Defendants.”)

3. Defendant SUSAN RAWLINGS JEWETT (“Jewett”) answered Plaintiffs’ Complaint and asserted Counterclaims against Plaintiffs, identical Crossclaims against Defaulting Defendants, and Affirmative Defenses. Jewett’s Counterclaims and Crossclaims sought relief under claims to Quiet Title and for Declaratory Judgment regarding ownership of the Property; Adverse Possession after both twenty and seven years; Betterments; and Waiver, Estoppel, and/or Laches.

4. Plaintiffs filed a Reply to Jewett’s Counterclaims and Affirmative Defenses. Defaulting Defendants did not.

5. Upon motion by Jewett, Defaulting Defendants were also found in default on Jewett’s crossclaims.

CONCLUSIONS OF LAW

6. The Court has jurisdiction over the subject matter and parties to this case.

7. All necessary parties have been joined and properly served.

8. Plaintiffs and Defaulting Defendants are cousins, identically situated, and the proper residuary heirs under the will of Pauline Bradley, probated in Wake County file 82-E-527.

9. Jewett is the heir under the will of Marsha Reams, probated in Wake County file 09-E-1938.

10. The matters for which the Parties sought declaratory relief are appropriate for determination pursuant to N.C.G.S. § 1-253.

NOW WHEREFORE, with the Consent of the appropriate parties, the Court hereby orders and adjudges as follows:

1. The Property is to be sold to satisfy the claims of the various parties.
2. Private sale of the Property is authorized.
3. Title to the real property located in Wake County located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and more further described in that deed recorded with the Wake County Registry in Book 686, Page 436 is vested in fee simple to the following parties as tenants-in-common: WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.
4. A Memorandum is to be recorded with the Wake County Register of Deeds to provide notice of this Judgment.
5. The Plaintiffs shall have full authority to list, contract for, sell, and convey fee simple title to the Property without need of joinder by any other party. Plaintiffs' execution of all documents, governmental applications, and authorizations related to the sale of the Property shall be binding upon Defaulting Defendants and of the nature of acting as attorneys-in-fact as described in N.C.G.S. § 32C-2-204(2) for Defaulting Defendants.
6. Jewett shall bear no expense related to the listing, contract for, or sale of the Property.
7. Jewett shall receive the first \$180,000.00 realized from the closing of the sale of the property with no offset of any kind.
8. The Property shall be listed for sale by a licensed real estate broker within sixty (60) days after entry of this Judgment.

9. The Property shall remain continuously listed and good faith efforts made to effectuate a sale until a sale is finalized.

10. The sale must be to a third-party and cannot be to any Party to this action.

11. The Property shall not be sold for a sum insufficient to pay Jewett \$180,000.00.

12. Jewett shall be paid from the proceeds from closing directly by the closing attorney, payment to be made to Jewett and delivered to her attorney, Sandra Martin Clark, Manning Fulton & Skinner, PO Box 20389, Raleigh, NC 27619-0389

13. The proceeds of the sale, after Jewett shall be paid \$180,000.00, shall first go to Plaintiffs for attorney fees and costs incurred in this matter. Thereafter, the remaining proceeds shall be evenly divided between WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.

14. Entry of this Judgment, along with the contemporaneous entry of a Consent Declaratory Judgment resolves all outstanding claims of the parties and constitutes a final Judgment.

15. The Parties hereto, their heirs, purchasers, and assigns, and anyone claiming through them (including the Defaulting Defendants), agree and are deemed to release each other from any and all claims relating to the ownership, occupancy, rents, profits, proceeds or condition of the Property, except as specifically set forth above.

This 12 day of May, 2021.

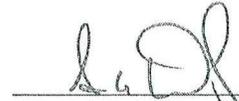
CONSENTED TO:

Plaintiffs:



WILLIAM C. MANN

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP



SEAN G. DELANEY

SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

SUSAN RAWLINGS JEWETT

WILLIAM C. SMITH

20 cws 6957

This 15 day of May, 2021.

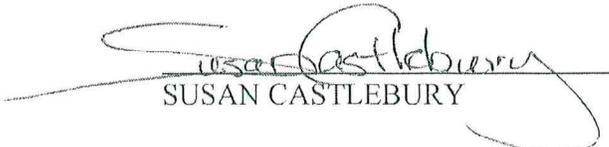
CONSENTED TO:

Plaintiffs:

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

WILLIAM C. MANN

SEAN G. DELANEY



SUSAN CASTLEBURY

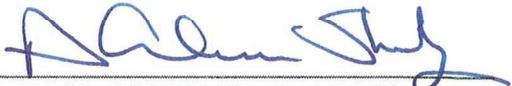
Defendant:

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

SUSAN RAWLINGS JEWETT

WILLIAM C. SMITH

This 7 day of ~~May~~ ^{July}, 2021.


SUPERIOR COURT JUDGE PRESIDING

CONSENTED TO:

Plaintiffs:

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

WILLIAM C. MANN

SEAN G. DELANEY

SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.



SUSAN RAWLINGS JEWETT



WILLIAM C. SMITH

Prepared by: Sean G. Delaney, Esq.
Return to : Hatch, Little & Bunn, LLP, P.O. Box 527, Raleigh, NC 27602

MEMORANDUM OF TITLE BY JUDGMENT

Property: 2021 North Salem Street, Apex, NC 27523
Real Estate ID: 0007533
PIN: 0742891824
Mailing Address: 200 Singleton Street, Raleigh, NC 27606

This Notice is made and given this 8th day of July, 2021. By Judgment entered by the Superior Court of Wake County in file number 20-CVS-6957, title to the above-described property is vested in the following individuals:

WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN
GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY,
WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL
JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN,
AND DAVID MANN.

Attention is directed to the final Judgment entered in 20-CVS-6957 for full explanation of the rights and powers of the parties.

HATCH, LITTLE & BUNN, LLP
*Attorneys for William C. Mann and
Susan Castlebury*



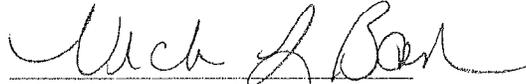
Sean G. Delaney

Submitted electronically by "Hatch Little and Bunn LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **SEAN G. DELANEY**

Date: July 8, 2021

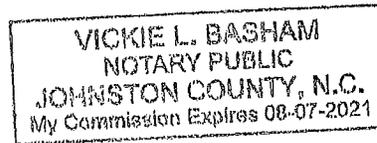


Official Signature of Notary



Printed Name of Notary Public

My Commission expires: _____



AFFIDAVIT OF OWNERSHIP

Application #: 22CZ13

Submittal Date: 5-2-22

The undersigned, Brendie Vega (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

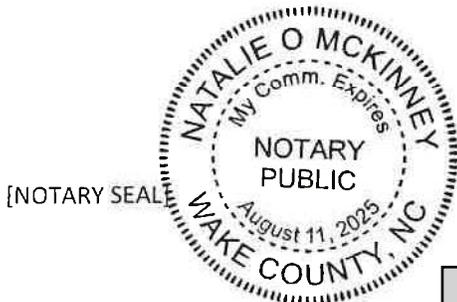
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2021 N Salem St., Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/2009, and recorded in the Wake County Register of Deeds Office on 6/11/2009, in Book 09-E Page 1938.
- 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).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, 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 _____, 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 2nd day of May, 2022.

Brendie Vega (seal)
Brendie Vega
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 Brendie Vega, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Brendie Vega, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Natalie O. McKinney
Notary Public
State of North Carolina
My Commission Expires: 8/11/2025

Developer Company Information	
Company Name	Baker Residential
Company Phone Number	9842752223
Developer Representative Name	Mark Bowles
Developer Representative Phone Number	9196561291
Developer Representative Email	mbowles@bakerresidential.com

New Residential Subdivision Information	
Date of Application for Subdivision	May 2, 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	2021 N Salem St., Apex, NC 27523
REID(s)	0007533
PIN(s)	0742891824

Projected Dates Information	
Subdivision Completion Date	2026
Subdivision Projected First Occupancy Date	2024

Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates				
								Min	Max	Low	High	Year	# Units	Year	# Units	Year
Single Family																
Townhomes					10	30		2,100	2,100	\$400k	\$500k	2026	40			
Condos																
Apartments																
Other																

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

Town of Apex staff will enter this information into the online WCPSS form.

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



SPANGLER ENVIRONMENTAL, INC.

Environmental Planning Environmental Permitting Environmental Consulting Environmental Construction Management Expert Testimony

15 December 2021

Mr. V. Mark Bowles
Director of Land Acquisition, Raleigh
Baker Residential
7001 Weston Parkway, Suite 150
Cary, NC 27513

RE: **2021 N Salem St. – Wetland/Stream Delineation Memo**

Mr. Bowles:

Upon your authorization Spangler Environmental, Inc. (SEI) visited the subject property, located at 2021 N Salem St., Wake County, North Carolina (Wake County PIN# 0742891824) on 30 November 2021 to determine if the subject property contains Waters of the United States (WOTUS), or waters of the state subject to the Clean Water Act (CWA), the Isolated Wetland and other state Rules, the Neuse Buffer Rules and/or Wake County ordinances.

Wetland Delineation/Stream Determination:

During the field investigation SEI did not identify any wetland or stream features in the project area. The 1970 Natural Resources Conservation Service Soil Survey map (Sheet 56) and the 2019 Cary, NC USGS Quadrangle do not depict any stream features within the property, and therefore no NC Protected Riparian Buffer areas are located on the site.

Attached is a map showing the property boundary over an aerial photo, as well as USGS and NRCS maps.

Conclusions & Recommendations:

Based on the absence of wetland and stream features delineated by SEI during the site reconnaissance, we recommend that additional steps be taken to obtain regulatory confirmation prior to site development activities. Specifically, we recommend that a Preliminary Jurisdictional Determination (PJD) be requested from USACE. Should you wish to proceed with the PJD, please advise and we will provide scope and fee for this.

Please feel free to contact us should you have questions regarding these data or recommendations.

Sincerely,
Spangler Environmental, Inc.

Lisa Long

Lisa Long
Environmental Scientist – Land & Water Resources

Ward Marotti
Director – Land & Water Resources

Attachments:

- Stream and Wetland Delineation Map
- USGS Topographic Map
- NRCS Soil Survey Map

References:

- Wake County GIS website.
- USGS Cary, NC 7.5 Minute Topographic Quadrangle (2019).
- Natural Resource Conservation Service. Soil Survey of Wake County (1970) (Sheet 56).

Vega, Brendie

Subject: FW: 2021 N. Salem street pics
Attachments: House 2.jpg; House 4.jpg; House 6.jpg; 2021 N Salem Street letter 6-8-22.pdf



From: Scott Thompson <scott@jsthompson.com>
Sent: Wednesday, June 8, 2022 4:54 PM
To: Scott Thompson <scott@jsthompson.com>
Subject: 2021 N. Salem street pics







































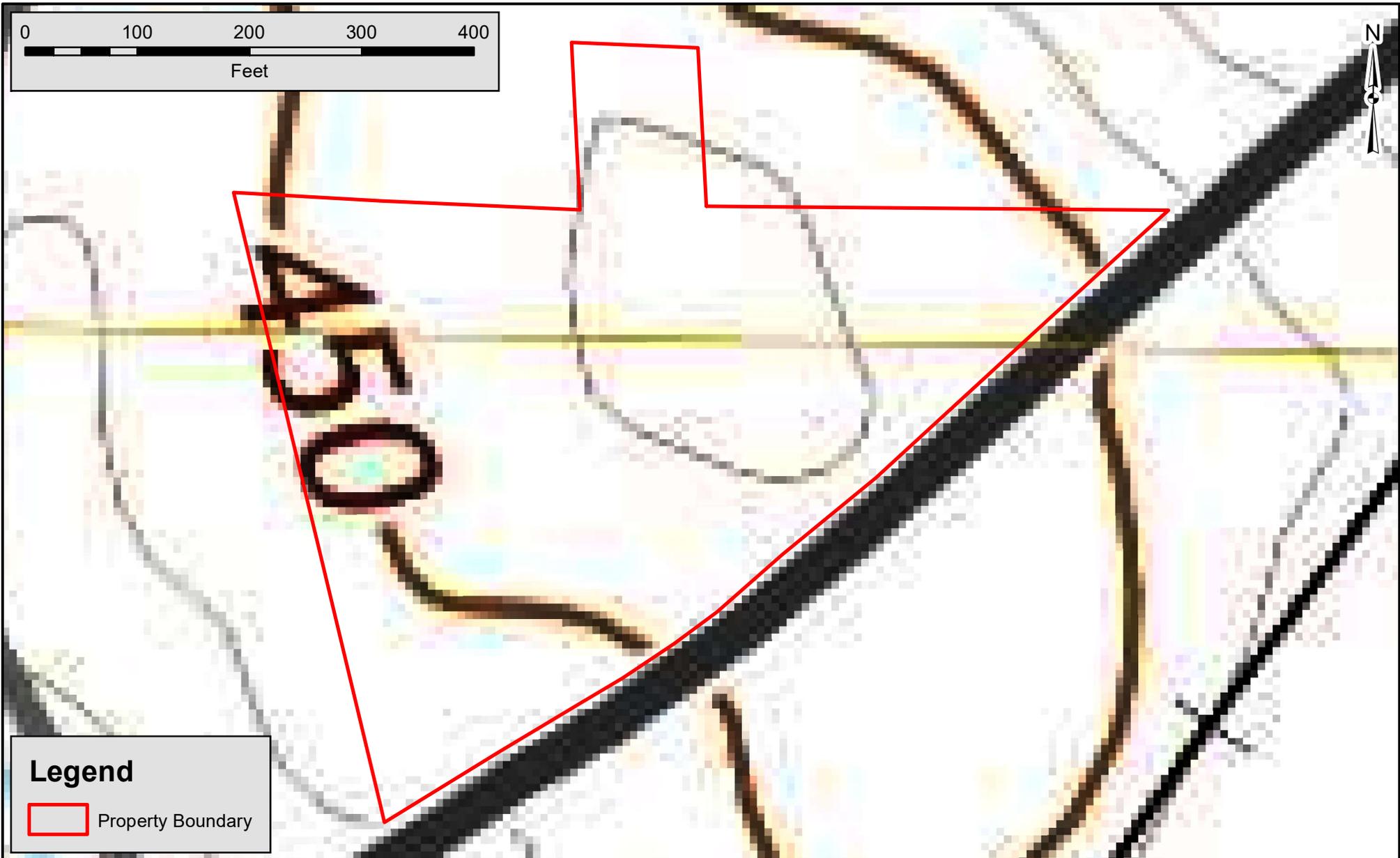
Sincerely,

Scott

(Sent from my cell phone; please pardon typos and brevity)

J. Scott Thompson, PE
President
J.S. Thompson Engineering, Inc.
606 Wade Avenue
Raleigh, NC. 27605

----- This message may contain proprietary information of Baker Residential. The information in this email and in any attachments is confidential and intended solely for the attention and use of the named addressee(s). This e-mail is not intended to create or constitute a legal agreement between sender and receiver or to modify any agreement which may already exist. Only authorized persons of the organization have the ability to enter the Company into a binding agreement. If you received this message in error, please notify the sender and destroy the message.



Legend

 Property Boundary

2021 N Salem St

2021 N Salem St
 Apex, NC
 6.0 acres December 2021 20211116



4338 Bland Road (919) 875-4288
 Raleigh, North Carolina www.SpanglerEnvironmental.com

USGS Topographic Map

Map Source:
 USGS Cary, NC 7.5 Minute
 Topographic Quadrangle (2019)



2021 N Salem St

2021 N Salem St
 Apex, NC
 6.0 acres December 2021 20211116



4338 Bland Road Raleigh, North Carol
 (919) 875-4288
 Environmental.com

NRCS Soil Survey Map

Map Source:
 NRCS 1970 Soil Survey of
 Wake County (Sheet 56)

April 4, 2022

RE: 2021 N Salem St. (PIN 0742891824)

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on April 19, 2022, at the Halle Cultural Arts Center of Apex. Additional details follow.

Event: 2021 N Salem St. Neighborhood Meeting
Location: Halle Cultural Arts Center of Apex
Address: 237 N Salem St., Apex, NC, 27502
Time: 6 pm - 8 pm

The purpose of this meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development - Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at bvega@withersravenel.com or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,
WithersRavenel



Brendie Vega, AICP
Director of Planning

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.

04/04/2022

Date

Dear Neighbor:

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

2021 North Salem St.

0742891824

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is about 30 townhouse units.

Estimated submittal date: May 2, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

Meeting Address: The Halle Cultural Arts Center, 237 N. Salem St., Apex, NC 27502

Date/Time of meeting***: April 19th 6 pm - 8 pm

Welcome: 6 pm Project Presentation: 6:15 pm Question & Answer: 6:45 pm

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

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: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: _____ Email: _____

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

Phone: _____ Fax: _____ Email: _____

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: _____ Fax: _____ Email: bvega@withersravenel.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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

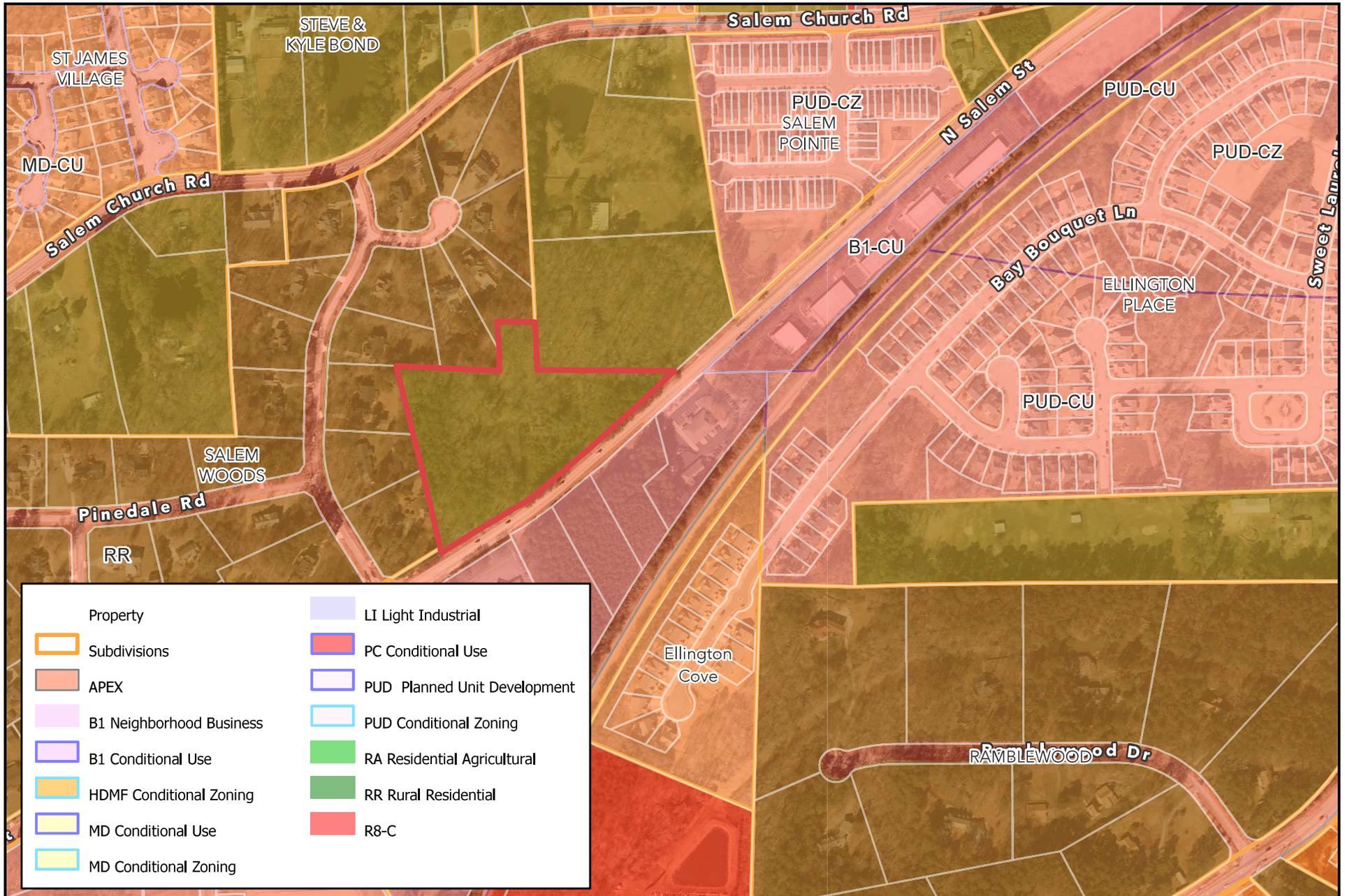
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

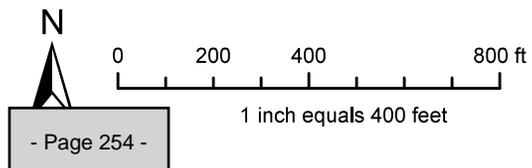
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.



Zoning Exhibit



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

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

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 disc used to third parties.

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St., Apex, NC 27502
 Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.
 Property Owner(s) name(s): Susan R Jewett and William C Mann
 Applicant(s): WithersRavenel

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	John C. Economy EXT	1000 CARR FINE COURT 2160 N. SALEM ST	919-669-2800		s.com
2.	ANN MORGAN Ann Morgan	2729 TOWNEDGE CT RALEIGH, NC 27612	919-781-6691		yes
3.	Gregory Collins Economy EXT	2307 Eagle Watch Ct. Apex, NC 27502	919-961-5729		for
4.	WILLIAM R. MANN	RALEIGH, N.C. 27606 200 SINGLETON ST.	919-851-3745		yes
5.	Judy Heilsnis	1506 Fair Weather Ct	919-924-4841		yes
6.	Brendie Vega	1375 Wilmington Rle	919 535 5212		
7.	Caroline Richardson	1375 Wilmington St.	803 603 2883		venel.com
8.	Mark Bowles	7001 Weston Pkwy Cary 27513	919-656-1291		
9.	ED TANG	115 Macken Dr.	919-238-0338		
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Susan R Jewett and William C Mann
Applicant(s): WithersRavenel
Contact information (email/phone): bvega@withersravenel.com
Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502
Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:

Traffic. Residents expressed concern about the visibility along N Salem St. They also were worried about increased traffic volumes.

Applicant's Response:

The applicant explained that they would be working closely with NCDOT and the Town of Apex to determine a safe location for neighborhood access along N Salem St. The applicant explained that a TIA would not be required for a project of this size.

Question/Concern #2:

Buffers and RCAs. Residents asked about the placement, width, and opacity of the perimeter and streetscape buffers on the site.

Applicant's Response:

The applicant displayed a concept plan with the required buffers. They explained that Resource Conservation Areas would not be disturbed.

Question/Concern #3:

Density. The neighbors asked for an explanation of how the density was calculated.

Applicant's Response:

The applicant explained that the density was based on gross, not net, acreage.

Question/Concern #4:

Timeline. Residents wanted to know the timeline for approvals and construction.

Applicant's Response:

The builder provided a tentative timeline. Rezoning would be addressed by Council in the fall. Construction would likely begin approximately one year later at the earliest.

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): Susan R Jewett and William C Mann
Applicant(s): WithersRavenel
Contact information (email/phone): bvega@withersravenel.com
Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502
Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:
Housing Product. Residents asked about the product type.

Applicant's Response:
The builder explained that the townhome product would be two stories with an attic on some units. The builder also provided examples of its existing developments including McKenzie Ridge and Weddington. The homes are planned to have slab foundations.

Question/Concern #2:
Stormwater Management. Residents asked about plans for stormwater runoff.

Applicant's Response:
The applicant shared that there would be at least two stormwater ponds on the side to collect and treat runoff. The locations shown on the existing concept plan are approximate.

Question/Concern #3:
Tree Health. One resident shared that her property was experiencing tree decay and disease. She asked how the applicant would protect existing trees.

Applicant's Response:
The applicant explained that tree protection fencing would be required during construction. In addition, disturbance is not permitted in Resource Conservation Areas and most buffers.

Question/Concern #4:

Applicant's Response:

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

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

I, Brendie Vega, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 237 N Salem St, Apex, NC 27502 (location/address) on April 19, 2022 (date) from 6 p.m. (start time) to 8 p.m. (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.

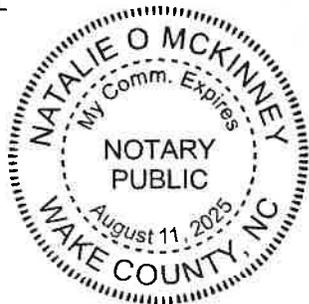
5/2/2022
Date

By: Brendie Vega

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Natalie O. McKinney, a Notary Public for the above State and County, on this the 2nd day of May, 2022.

SEAL



Natalie O. McKinney
Notary Public
Natalie O. McKinney
Print Name

My Commission Expires: 8/11/2025

May 24, 2022

RE: 2021 N Salem St. (PIN 0742891824)

Neighboring Residents and Property Owners:

You are invited to attend a virtual neighborhood meeting on June 8th, 2022. Additional details follow.

Event: 2021 N Salem St. Neighborhood Meeting
Location: Virtual
Address: WebEx - Register at <https://bit.ly/3ISXWdL>
Time: 5:00 pm - 7:00 pm

Dear resident,

On April 19th, 2022 we held a neighborhood meeting for a rezoning of 2021 N. Salem St. One of the residents in attendance at that neighborhood meeting pointed out that the mailing included “30 dwelling units,” as the proposed number of townhomes to be in the rezoning. We sincerely apologize for this error as we are requesting up to 40 dwelling units as part of our rezoning request. In light of the error on the notice, we will be holding a second neighborhood meeting. This meeting will be virtual.

The purpose of the meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex’s extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex’s corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at bvega@withersravenel.com or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,
WithersRavenel



Brendie Vega, AICP
Director of Planning

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.

05/24/2022

Date



Use the QR code or register at: <https://bit.ly/3ISXWdL>

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at 2021 North Salem St. 0742891824

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is up to 40 townhouse units.

Estimated submittal date: June 2022

MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

Meeting Address: <https://bit.ly/3ISXWdL> or call-in at US Toll +1-415-655-0001 / Access Code: 24303922232

Date/Time of meeting***: June 8th, 2022 / 5:00 pm - 7:00 pm

Welcome: 5:00 pm Project Presentation: 5:15 pm Question & Answer: 5:30 pm

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: _____ Email: _____

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

Phone: _____ Fax: _____ Email: _____

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: 919-535-5212 Fax: _____ Email: bvega@withersravenel.com

Builder (if known): Baker Residential

Address: same as developer

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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.

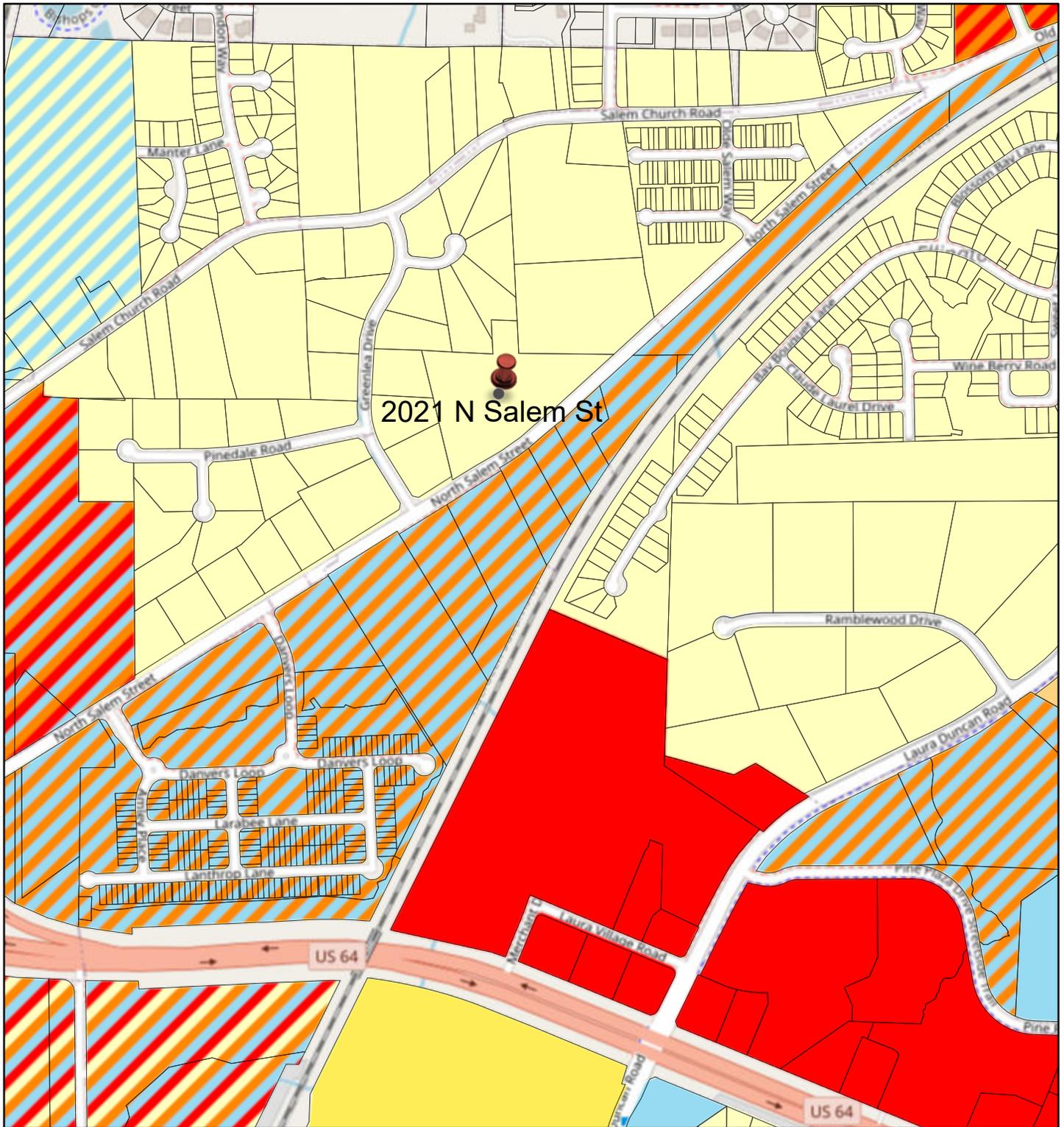
Stormwater Control Measures: Jessica Bolin 919-249-3537

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.

2021 N Salem Street - Future Land Use Map



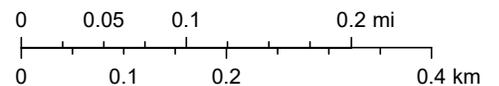
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Future Land Use

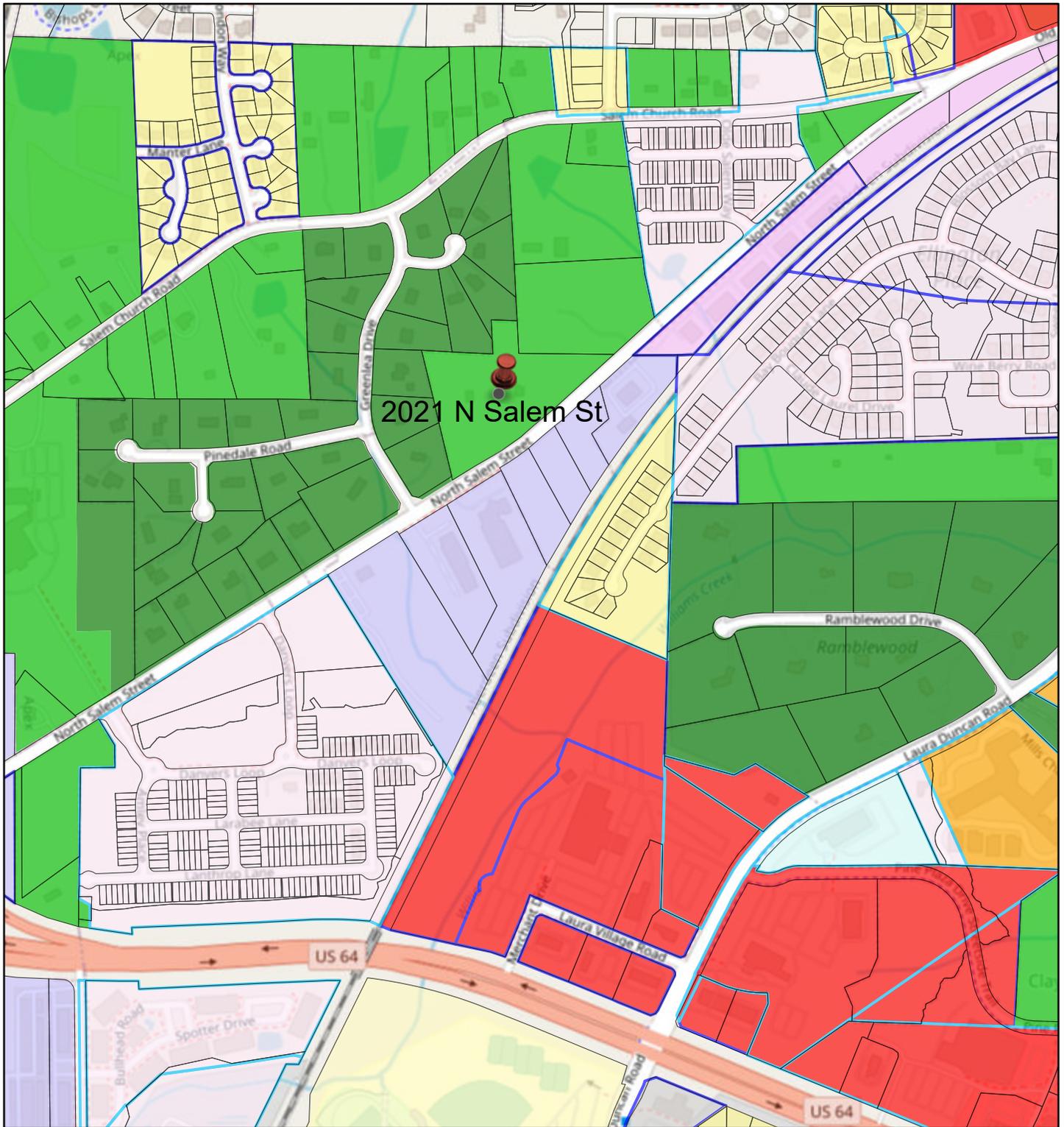
- Protected Open Space
- Rural Density Residential
- Golf Course
- Low Density Residential
- Low Density Residential, Office Employment
- Low Density Residential, Commercial Services

Medium Density Residential



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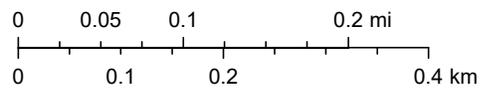
2021 N Salem St Zoning



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- Parcels (Zoom In to See)
- MD Conditional Zoning
- LD Low Density Residential
- LI Light Industrial
- B1 Neighborhood Business
- LI Conditional Use
- HDMF Conditional Zoning
- O&I Conditional Use
- MD Medium Density Residential
- PC Planned Commercial
- MD Conditional Use



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Attendance Count	Event Name	Event Start Date	Event Start Time	Event End Time	Event/Recording Duration	User Type	FirstName
1	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Brendie
2	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Host	WithersRavenel
3	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Rose
4	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	christian
6	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Ann
7	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Ed

LastName	Email	Attended	Join Time	Registration Date/Time	Registration ID	Okay to send email	Phone
Vega		Yes	4:55 pm New York Time			0 No	1-
Raleigh		Yes	4:48 pm New York Time			0 No	1-
Motley-Abbott		Yes	4:55 pm New York Time	June 8, 2022 4:06 pm New York Time	815956	No	1-
campbell		Yes	5:03 pm New York Time	June 8, 2022 5:03 pm New York Time	885048	No	1-
Morgan		Yes	5:00 pm New York Time	June 8, 2022 2:31 pm New York Time	203194	No	1-9197816691
Tang		Yes	5:01 pm New York Time			0 No	1-

All sessions in Eastern Daylight Time (New York, GMT-04:00)

Session detail for 'N. Salem St. Neighborhood Meeting':

*Attention to Duration ratio: Attentiveness based on total duration of the event.

**Attention to Attendance ratio: Attentiveness based on how long participant was in the event.

Participant	Audio Type	Name	Date	Invited	Registered	Start time	End time	Duration	*Attention to Duration ratio	**Attention to Attendance ratio
1		WithersRavenel Raleigh	6/8/2022	No	No	4:48 PM	7:02 PM	135 mins	100%	100%
2		WithersRavenel Raleigh	6/8/2022	No	No	4:56 PM	7:02 PM	127 mins	94%	100%
3		christian campbell	6/8/2022	No	Yes	5:05 PM	6:08 PM	64 mins	47%	100%
4		christian campbell	6/8/2022	No	Yes	5:03 PM	5:05 PM	3 mins	2%	100%
5		Ed Tang	6/8/2022	Yes	No	5:01 PM	5:44 PM	43 mins	32%	100%
6		ann morgan	6/8/2022	No	Yes	5:06 PM	6:51 PM	106 mins	79%	100%
7		Rose Motley-Abbott	6/8/2022	No	Yes	5:00 PM	5:43 PM	44 mins	32%	100%
8	Call-in	Call-in User_2	6/8/2022			5:01 PM	5:52 PM	51 mins		

June 10, 2022

**RE: Baker Residential – 2021 N. Salem St.
Neighborhood Meeting Summary
2021 North Salem Street PUD Project No. 22CZ13
WR Project No. 02211366.00**

1. Rose: What are the structures CAP has identified
 - ▶ **Brendie: There are about 7 structures**
 - ▶ **The 2-story brick house and the tobacco barn**
2. Rose: what about the trees
 - ▶ **We are looking at a stormwater pond on the NE**
 - ▶ **There will have that 20-foot buffer and houses have to be at least 10 feet from it**
3. Rose: For the peninsula, you said the trees would be undisturbed?
 - ▶ **Brendie: Yes, that is what we anticipate at this time**
4. David: Where will the entrance be located? It wouldn't be where the old driveway was, correct?
 - ▶ **Brendie: correct, we have shown it where we think site distance will be best but it is subject to Apex and NCDOT approval**
 - 1) Rose's husband, David: that's good
5. Rose: would trees be preserved?
 - ▶ **Brendie: yes, there will be trees preserved, at this time it is too early to tell which but we will try to save those in the peninsula and those in the perimeter buffers**
 - a. Rose: what will that mean?
 - ▶ **Brendie: Those that we can save we will have tree protection fencing around them**
6. Rose Abbott: it was originally 30, not 40 townhomes?
 - ▶ **Brendie: It was always intended to be 40 units, the first letter unfortunately went out with a typo. We discovered the typo at the first neighborhood meeting when a neighbor brought it up.**
7. Rose's husband, David: what are you planning to do with the pump house?
 - ▶ **Brendie: it will be removed, and this project will connect to public utilities**
8. Rose: when is the public hearing?
 - ▶ **Brendie: we have submitted our application, we have received comments and we will resubmit the application on Friday, once we have addressed comments we will move to public hearings, We submitted last month in May, August 8th and 23rd will be the earliest we can go. It's always possible we could get delayed. You will get a letter about 2 weeks prior to the hearing from the Town of Apex and you can also sign up on the Town's website for alerts on public hearings.**

9. Rose's husband, David: do you have any info on active construction?

- ▶ **Brendie: Infrastructure, and road improvements will start first, once complete and inspected, then it will go into vertical construction of the homes. The road work could be as soon as next summer.**
- ▶ **Ed: Home construction may end in 2025.**

10. David Abbott: Is that a 3-lane section for N Salem?

- ▶ **Ed: yes, the town has amended the Transportation plan in this area to a 3-lane section.**

11. Rose: Baker is the builder?

- ▶ **Brendie: yes, Baker is the developer and builder.**

Sincerely,

WithersRavenel



Brendie Vega, AICP, CNU-A
Director of Planning

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, Edward Tang, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual via WebEx (location/address) on June 8, 2022 (date) from 5:00 PM EST (start time) to 7:00 PM EST (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.

8/1/2022

Date

By: Edward Tang

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Karen Hancock, a Notary Public for the above State and County, on this the 1st day of August, 2022.

SEAL



Karen Hancock
Notary Public
Karen Hancock
Print Name

My Commission Expires: 5-13-2025

2021 N SALEM ST

PLANNED UNIT DEVELOPMENT

Apex, North Carolina

First Submittal ♦ May 2, 2022

Second Submittal ♦ June 10, 2022

Third Submittal ♦ July 8, 2022

Fourth Submittal ♦ July 25, 2022

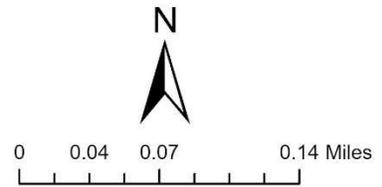
TABLE OF CONTENTS

I.	Vicinity Map	3
II.	Project Information.....	4
III.	Purpose Statement	5
IV.	Permitted Uses.....	6
V.	Proposed Conditions.....	6
VI.	Design Controls	7
VII.	Architectural Controls.....	8
VIII.	Signage	8
IX.	Parking and Loading.....	8
X.	Environmental Advisory Board Recommendations.....	9
XI.	Natural Resource and Environmental Data	9
XII.	Stormwater Management	10
XIII.	Public Facilities Requirements	10
XIV.	Phasing.....	11
XV.	Affordable Housing	11
XVI.	Consistency with Advance Apex 2045	12
XVII.	Consistency with the UDO	13
XVIII.	Consistency with Thoroughfare and Collector Street Plan Map	13
XIX.	Consistency with the Parks & Recreation Master Plan	13
XX.	Consistency with the BicyCle and Pedestrian System Plan	13

I. VICINITY MAP



N. Salem St. Parcel



II. PROJECT INFORMATION

Project	2021 N Salem St. PUD
PIN	0742891824
Preparer Information	<p>WithersRavenel 115 MacKenan Drive Cary, NC 27511</p> <p>Brendie Vega, AICP, CNU-A Ed Tang, PE P: 919.469.3340 F: 919.467.6008 bvega@withersravenel.com etang@withersravenel.com</p>
Current Zoning Designation	Residential Agriculture (RA)
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)
Current 2045 Land Use Map Designation	Medium Density Residential
Area of Tract	6.00 acres

III. PURPOSE STATEMENT

A. Unified Development Ordinance (UDO) Sections 2.3.4.F.1.

- ◆ The PD Plan encourages cluster and compact development to the greatest extent possible. The PD plan will provide the required right-of-way dedication to the recently adopted amendment for a 3-lane section along North Salem Street. The layout provides one point of access to N. Salem St. and a stub to the eastern parcel which remains a single-family, large lot residential home. The internal pedestrian network will connect to the sidewalk provided along N. Salem St.
- ◆ The development is compatible in character with the townhomes in the area with a density between 3-7 dwelling units per acre.
- ◆ The site is near several commercial areas which allow future residents to access many necessities while minimizing vehicle trips traveled and trip length.
- ◆ The PD Plan proposes architectural standards that are exceptional and provide high-quality design while incorporating energy saving features.

B. Conditional Zoning Standards - UDO Sections 2.3.3.F.1-10

- ◆ The PUD Plan is consistent with the 2045 Land Use Map, which has identified this area as Medium Density Residential which allows for single-family homes, duplexes, and townhouses. The proposed conditions maintain the density within the 3-7 dwelling units per acre range required by the zoning district.
- ◆ The proposed development is adjacent to existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place. Therefore, the proposed development is consistent with the developing residential character of the area.
- ◆ The zoning district supplemental standards do not apply to the uses in this proposed development.
- ◆ Adverse impacts will be minimal since there are currently similar residences in the surrounding area that are served by the Town.
- ◆ The proposed District will meet or exceed the Town's requirements which are meant to protect the health, safety, and welfare of the Town and ETJ residents.
- ◆ There will be no substantial detriment to the adjacent properties. The addition of residential at a slightly higher density than what is existing will not be a substantial detriment to adjacent properties.
- ◆ The use will not constitute a nuisance or hazard as residential uses are inherently intended for the use, enjoyment, and safety of residents in their homes.
- ◆ The proposed Conditional Zoning district use will meet or exceed the applicable provisions of the Ordinance except where noted in this document and as permitted by the Conditional Zoning process.

IV. PERMITTED USES

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

- ◆ Townhouse
- ◆ Accessory apartment
- ◆ Utility, Minor
- ◆ Park, Active
- ◆ Park, Passive

V. PROPOSED CONDITIONS

1. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
2. The development shall provide an amenity pad and lighting consistent with the Town of Apex standards to accommodate a future bus stop and shelter along the North Salem Street frontage. The location of the bus stop along the project's frontage is subject to review and approval by the Town of Apex and NCDOT. Additional right-of-way dedication required to accommodate the bus stop will be determined at time of subdivision plan. If additional right-of-way is required, it may encroach into the required buffer and shall not impact the site's calculation of RCA.

VI. DESIGN CONTROLS

A. Intensity and Density

Maximum Density	6.7 dwelling units per acre		
Maximum Dwelling Units	40		
Maximum Building Height	42 ft; 2 stories maximum		
Setbacks, Townhouses	Front: 19 ft from garage to lot line and 20ft from garage to back of sidewalk	Side: 5 ft Corner Side: 10 ft Building to Building: 10 ft	Rear: 10 ft
Minimum Lot Width	20 ft		
Maximum Built Upon Area Permitted	70%		
Maximum Built Upon Area Proposed	Up to 70%		

B. Perimeter Buffers

North	20 ft Type B
South (N. Salem St.)	30 ft Undisturbed Type B* 50 ft Disturbed Type B *
East	20 ft Type B
West	20 ft Type B

*An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.

VII. ARCHITECTURAL CONTROLS

Townhouses

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details, or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Elevations shall have a minimum of three colors.
7. The visible side of a townhome on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements:
 - Windows
 - Trim around the windows
 - Decorative air vents on gable
 - Decorative gable

VIII. SIGNAGE

All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

The sign(s) for *Section X. Environmental Advisory Board Recommendations* 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.

IX. PARKING AND LOADING

The parking requirements of the Town of Apex UDO Section 8.3 will be met.

X. ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS

The 2021 N. Salem St. PUD was heard at the EAB on April 21, 2022. The applicant has agreed to the following conditions:

Water Quality

The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

Planting and Landscaping

The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.

The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.

A minimum of 4 native hardwood tree species shall be used for the landscaping on site.

Waste Reduction

The project shall install at least one (1) pet waste station per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways or side paths.

Clean Energy

All homes shall be pre-configured with conduit for a solar energy system.

XI. NATURAL RESOURCE AND ENVIRONMENTAL DATA

A. Watershed

The property in the PD Plan is located in the Primary Overlay District and the Williams Creek Basin (Neuse River Basin).

B. FEMA Floodplain

No regulatory FEMA mapped floodplain exists on site.

C. Resource Conservation Area

The site is subject to the Resource Conservation Area requirements outlined in the Town of Apex UDO in Section 8.1. A minimum of 20% of the overall site area will be set aside to satisfy the requirements for the resource conservation area (RCA) upon subdivision plan submittal.

D. Cultural Resources

According to the North Carolina Historic Preservation Office's records, the subject site does contain historic structures.

XII. STORMWATER MANAGEMENT

The proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

XIII. PUBLIC FACILITIES REQUIREMENTS

A. Sanitary Sewer Service

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park.

A capacity study shall be provided during Construction Drawing submittal.

B. Water Service

Extension of water shall be provided to the proposed development with access to water 12" water line on N. Salem St.

C. Gas and Electric Service

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

D. Roadways

The subdivision will have an internal public roadway network. The transportation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details.

Development frontage improvements along North Salem Street shall be constructed based on a minimum 41' back-to-back curb and gutter 3-lane thoroughfare on minimum 80' right-of-way (40' from roadway center line) with 5' sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.

A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

E. Transit

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the future Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is proposed to be located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

F. Pedestrian Facilities

A minimum 5' sidewalk shall be provided along the frontage of N Salem St., in accordance with the Transportation Plan & UDO.

Sidewalks shall be provided on both sides of all internal streets, including cul-de-sac(s).

G. Parks and Recreation Dedication

A fee-in-lieu of dedication will be provided per UDO Section 14.1.2 Exemptions.

XIV. PHASING

The site is anticipated to be completed in one phase.

XV. AFFORDABLE HOUSING

Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based

upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD).

- The Affordable Housing Unit shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Unit to memorialize the affordable housing terms and conditions.
- The Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may be amended from time to time.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the Affordable Housing Unit lot prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.

XVI. CONSISTENCY WITH ADVANCE APEX 2045

The proposed development is consistent with the Advance Apex 2045 Plan and Future Land Use Map.

The Apex 2045 Future Land Use Map identifies the subject parcels as Medium Density Residential. Medium Density Residential lands are characterized by single-family homes, duplexes, quadplexes, and townhomes with densities no less than three (3) and no more than seven (7) dwelling units per acre. Medium Density Residential provides a transition from the more urbanized areas of Apex to low-density neighborhoods.

The proposed density of 6.7 dwelling units per acre meet the Medium Density Residential standards. The proposed townhome use also meets the Medium Density Residential standards. Lastly, if established, the proposed development will soften the land use transition between large rural lands and residential neighborhoods and commercial areas.

XVII. CONSISTENCY WITH THE UDO

The proposed development is consistent with all applicable requirements of the Town of Apex UDO.

XVIII. CONSISTENCY WITH THOROUGHFARE AND COLLECTOR STREET PLAN MAP

The proposed development will be consistent with the Thoroughfare and Collector Street Plan.

XIX. CONSISTENCY WITH THE PARKS & RECREATION MASTER PLAN

The proposed development is in the extraterritorial jurisdiction and is not located within any future Parks & Recreation trails or projects.

XX. CONSISTENCY WITH THE BICYCLE AND PEDESTRIAN SYSTEM PLAN

The proposed development will comply with the BPS Plan.

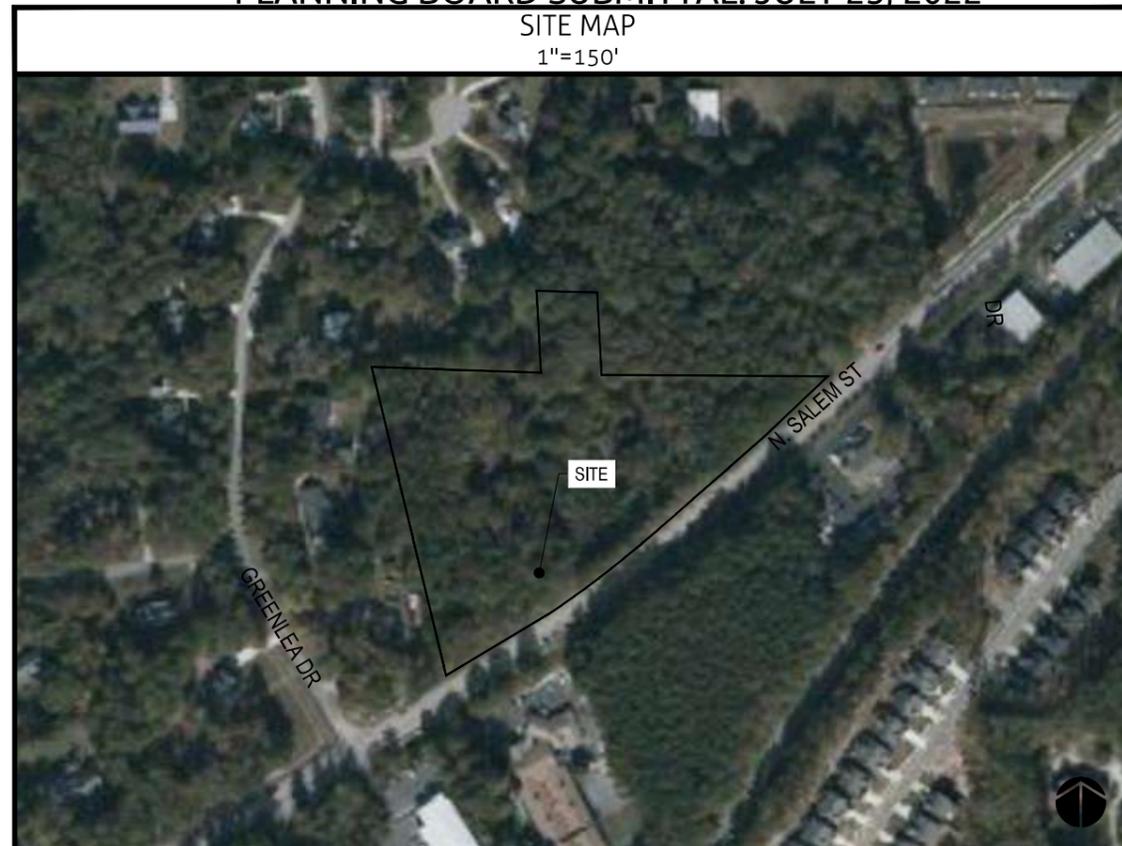
PLANNED UNIT DEVELOPMENT

2021 N. SALEM STREET

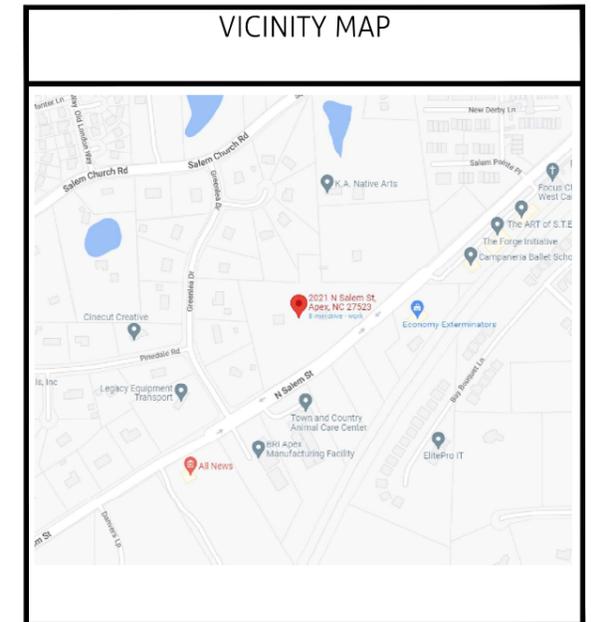
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

1ST SUBMITTAL: MAY 2, 2022
 2ND SUBMITTAL: JUNE 10, 2022
 3RD SUBMITTAL: JULY 8, 2022
 PLANNING BOARD SUBMITTAL: JULY 25, 2022

SITE DATA	
LAND OWNERS:	SUSAN JEWETT AND WILLIAM C. MANN 200 SINGLETON ST RALEIGH, NC 27606
2045 LAND USE PLAN DESIGNATION	CURRENT: MEDIUM DENSITY RESIDENTIAL PROPOSED: NO CHANGE
SITE ZONING	CURRENT: RESIDENTIAL AGRICULTURAL (RA) PROPOSED: PUD-CZ
AREA OF TRACTS IN PROPOSED PUD	0742-89-1824, 6.04 AC.
REQUESTED SEWER CAPACITY	300 GPD PER DWELLING UNIT X 40 UNITS = 12,000 GPD
PARKING REQUIREMENTS	TOWNHOMES: 2 SPACES PER UNIT PLUS 0.25 FOR GUEST PARKING
PARKING PROVIDED	TOWNHOMES: 2 SPACES PER UNIT X 40 UNITS = 80 SPACES TOWNHOMES GUEST PARKING: 0.25 FOR GUEST PARKING X 40 UNITS = 10 SPACES TOTAL = 90 SPACES
RESIDENTIAL DENSITY	MAXIMUM: 6.7 DU/ACRE
PROPOSED UNITS	MAXIMUM: 40 UNITS
BUILDING HEIGHT	MAXIMUM: 42 FT - 2.5 STORY
TOWNHOUSE SETBACKS	FRONT: 20 FT** REAR: 10 FT SIDE: 5 FT 10 FT BUILDING TO BUILDING CORNER SIDE: 10 FT
WATERSHED	PROPERTY LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
REQUIRED RCA	20% PER UDO SECTION 8.1.2.C.4
MAX. BUILT UPON AREA	70% IMPERVIOUS
HISTORIC STRUCTURES	ACCORDING TO THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE'S RECORDS, THE SUBJECT SITE DOES NOT CONTAIN HISTORIC STRUCTURES.
COMMUNITY AMENITIES	PERMANENT FEATURES MAY INCLUDE, BUT NOT LIMITED TO: FIRE PIT WITH SEATING, BENCHES ALONG PEDESTRIAN PATHWAYS, LAWN GAME SPACES, PEDESTRIAN PLAZAS WITH PLANTERS. COMMUNITY AMENITIES SHALL MEET THE REQUIREMENTS OF UDO SECTION 6.4
SITE BUFFERS	NORTH: 20' TYPE B BUFFER WEST: 20' TYPE B BUFFER SOUTH (N. SALEM ST): UNITS ORIENTED AWAY FROM THE STREET. 30' TYPE B BUFFER
**19' FROM GARAGE TO LOT LINE AND 20' FROM GARAGE TO BACK OF SIDEWALK	



INDEX OF SHEETS	
0	COVER
1	EXISTING CONDITIONS
2	CONCEPTUAL PUD PLAN
3	CONCEPTUAL UTILITY PLAN
4	CONCEPTUAL STORMWATER PLAN
5	ARCHITECTURAL ELEVATIONS



NOTE: THE PARCEL AT 2021 N. SALEM STREET DOES NOT ABUT AN EXISTING OR PLANNED PARK OR GREENWAY. PER UDO SECTION 14.1.2, THE PROPOSED SUBDIVISION MEETS THE EXEMPTION FOR SUBDIVISIONS CONTAINING 45 SINGLE FAMILY, ATTACHED UNITS OR LESS AND ONLY THE PAYMENT OF FEES-INCLUDED SHALL FOLLOW THE PUBLISHED TOWN OF APEX FEE SCHEDULE. THE RATE OF THE FEE IS SET AT THE TIME OF TOWN COUNCIL APPROVAL OF THE REZONING, IS BASED ON A MAXIMUM OF 40 ATTACHED UNITS AND RUNS WITH THE LIFE OF THE PROJECT. IF APPROVED IN 2022, THE RATE WOULD BE \$2,528.25 FOR SINGLE FAMILY ATTACHED UNITS.

TRANSPORTATION ZONING CONDITIONS

- DEVELOPMENT FRONTAGE IMPROVEMENTS ON N. SALEM STREET, SHALL BE CONSTRUCTED BASED ON A MINIMUM 41' BACK TO BACK CURB AND GUTTER 3-LANE THOROUGHFARE ON A MINIMUM 80' ROW (40' FROM ROADWAY CENTERLINE) WITH 5' SIDEWALK. A MAXIMUM OF ONE (1) ACCESS POINT SHALL BE PROPOSED ON N. SALEM STREET, TO BE LOCATED A MINIMUM OF 500 FT EAST OF GREENLEA DRIVE, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.
- A CENTER LEFT TURN LANE SHALL BE EXTENDED ALONG THE PROPERTY FRONTAGE BETWEEN GREENLEA DRIVE AND THE ECONOMY EXTERMINATORS DRIVEWAY AND PROVIDE A LEFT TURN LANE FOR ACCESS TO THE DEVELOPMENT, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.

PREPARED BY:



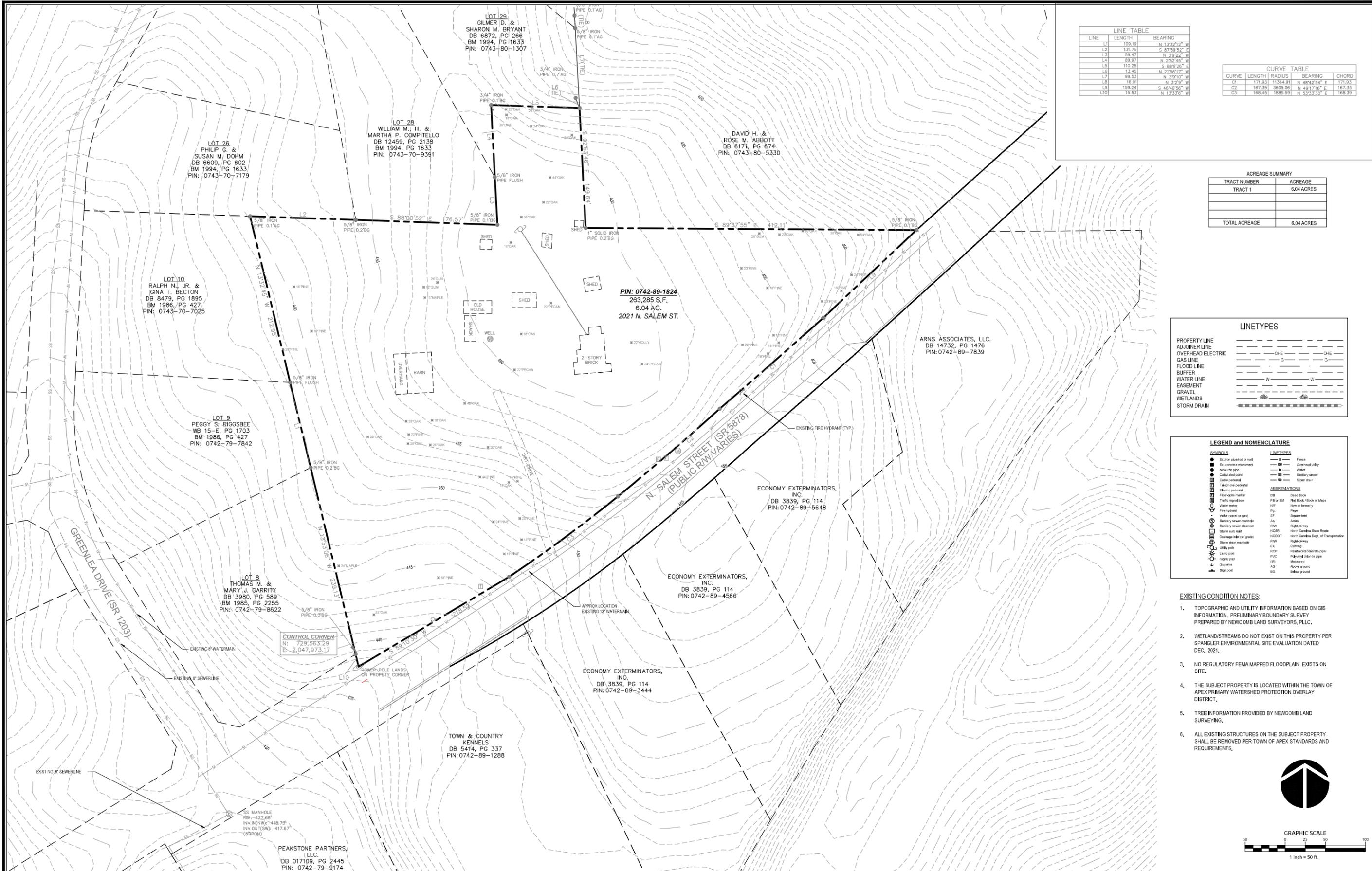
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

PLANNER: BRENDIE VEGA, AICP
 BVEGA@WITHERSRAVENEL.COM

CIVIL ENGINEER: ED TANG, PE
 ETANG@WITHERSRAVENEL.COM

DEVELOPER

BAKER RESIDENTIAL OF THE CAROLINAS
 7001 WESTON PKWY, SUITE 150
 CARY, NC 27513
 ATTN: MARK BOWLES



LINE	LENGTH	BEARING
L1	109.19	N 13°32'12\"
L2	131.75	S 87°59'52\" E
L3	59.47	N 3°32'22\" W
L4	89.97	N 2°32'45\" W
L5	110.25	S 88°30'21\" E
L6	13.45	N 21°56'17\" W
L7	99.53	N 3°31'10\" W
L8	16.01	N 3°29'2\" W
L9	159.24	S 46°40'56\" W
L10	15.83	N 13°33'6\" W

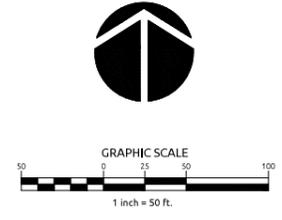
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	171.93	11364.91	N 48°42'54\" E	171.93
C2	167.35	3609.06	N 49°17'16\" E	167.35
C3	168.45	1885.59	N 53°33'30\" E	168.39

ACREAGE SUMMARY	
TRACT NUMBER	ACREAGE
TRACT 1	6.04 ACRES
TOTAL ACREAGE	6.04 ACRES

LINETYPES	
PROPERTY LINE	---
ADJOINER LINE	---
OVERHEAD ELECTRIC	---OHE---OHE
GAS LINE	---G---G
FLOOD LINE	---
BUFFER	---
WATER LINE	---
EASEMENT	---
GRAVEL	---
WETLANDS	---
STORM DRAIN	---

LEGEND and NOMENCLATURE	
SYMBOLS	LINETYPES
● Ex. iron pipehead or nail	---X--- Fence
● Ex. concrete monument	---O--- Overhead utility
● New iron pipe	---V--- Water
● Calculated point	---S--- Sanitary sewer
● Curb pedestal	---SD--- Storm drain
● Telephone pedestal	
● Electric pedestal	
● Fiberoptic meter	
● Traffic signal box	
● Water meter	
● Fire hydrant	
● Valve meter or post	
● Sanitary sewer manhole	
● Sanitary sewer cleanout	
● Storm curb inlet	
● Drainage inlet (w/ grate)	
● Storm drain manhole	
● Utility pole	
● Lamp post	
● Signal pole	
● Guy wire	
● Sign post	
	DB Dead Book
	FB or BM Field Book Block of Maps
	HF or HMF Now or formerly
	HP Page
	SF Square feet
	AC Acres
	R/W Right-of-way
	NCOR North Carolina State Route
	NCDOT North Carolina Dept. of Transportation
	EW Ending
	RCP Reinforced concrete pipe
	PVC Polyvinyl chloride pipe
	MM Manhole
	AG Above ground
	BG Below ground

- EXISTING CONDITION NOTES:**
1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON GIS INFORMATION, PRELIMINARY BOUNDARY SURVEY PREPARED BY NEWCOMB LAND SURVEYORS, PLLC.
 2. WETLAND/STREAMS DO NOT EXIST ON THIS PROPERTY PER SPANGLER ENVIRONMENTAL SITE EVALUATION DATED DEC. 2021.
 3. NO REGULATORY FEMA MAPPED FLOODPLAIN EXISTS ON SITE.
 4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
 5. TREE INFORMATION PROVIDED BY NEWCOMB LAND SURVEYING.
 6. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.



No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAROLINA

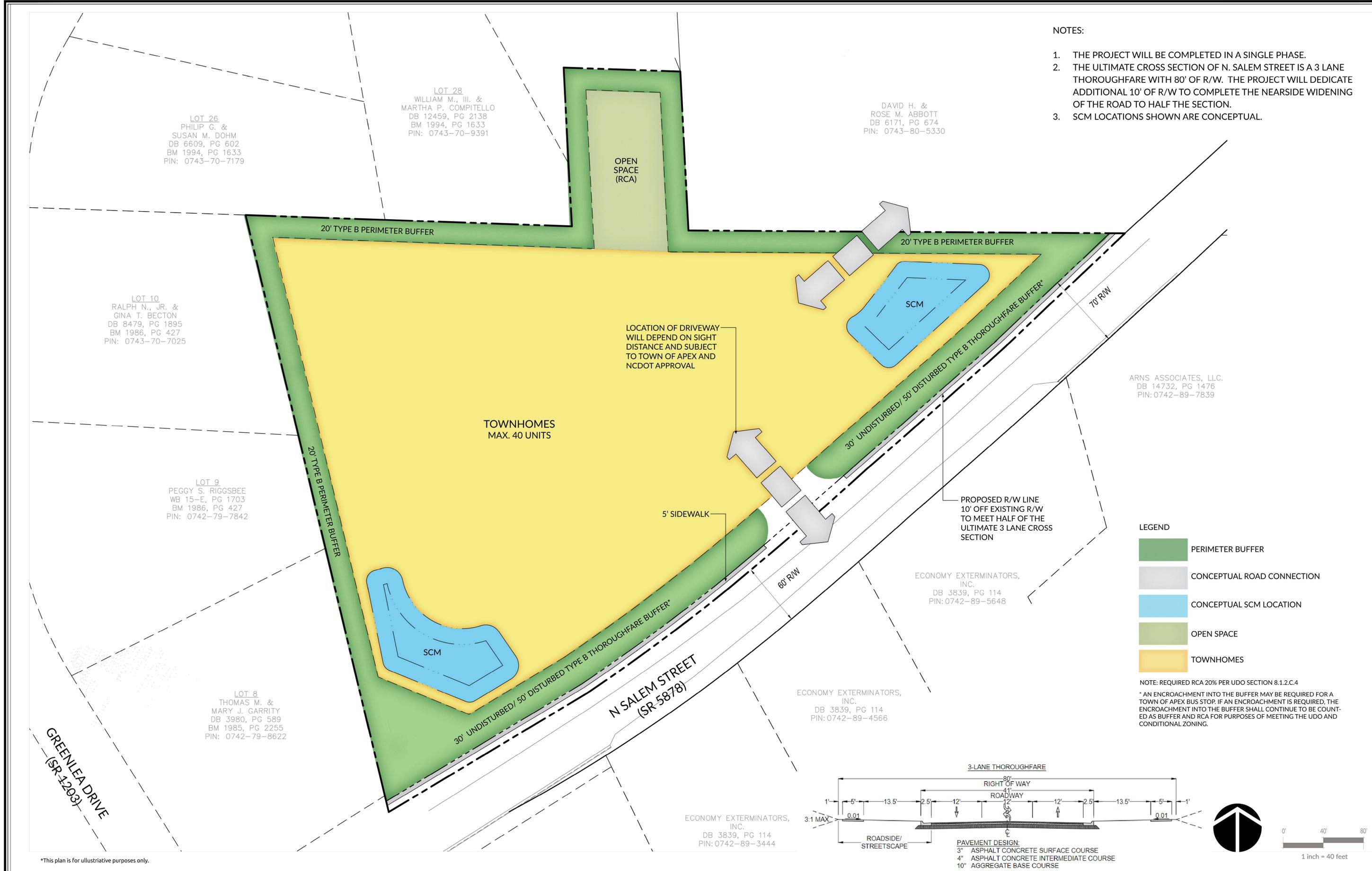
EXISTING CONDITIONS

WithersRavenel
 Engineers | Planners | Surveyors
 115 MacKenran Drive | Cary, NC 27511 | T: 919.469.3340 | License #: F-1479 | www.withersravenel.com

Sheet No. **1**

NOTES:

1. THE PROJECT WILL BE COMPLETED IN A SINGLE PHASE.
2. THE ULTIMATE CROSS SECTION OF N. SALEM STREET IS A 3 LANE THOROUGHFARE WITH 80' OF R/W. THE PROJECT WILL DEDICATE ADDITIONAL 10' OF R/W TO COMPLETE THE NEARSIDE WIDENING OF THE ROAD TO HALF THE SECTION.
3. SCM LOCATIONS SHOWN ARE CONCEPTUAL.



LEGEND

- PERIMETER BUFFER
- CONCEPTUAL ROAD CONNECTION
- CONCEPTUAL SCM LOCATION
- OPEN SPACE
- TOWNHOMES

NOTE: REQUIRED RCA 20% PER UDO SECTION 8.1.2.C.4
 * AN ENCROACHMENT INTO THE BUFFER MAY BE REQUIRED FOR A TOWN OF APEX BUS STOP. IF AN ENCROACHMENT IS REQUIRED, THE ENCROACHMENT INTO THE BUFFER SHALL CONTINUE TO BE COUNTED AS BUFFER AND RCA FOR PURPOSES OF MEETING THE UDO AND CONDITIONAL ZONING.

*This plan is for illustrative purposes only.

No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	07/29/2022
Checked By	ET	Job No.	02211366.0

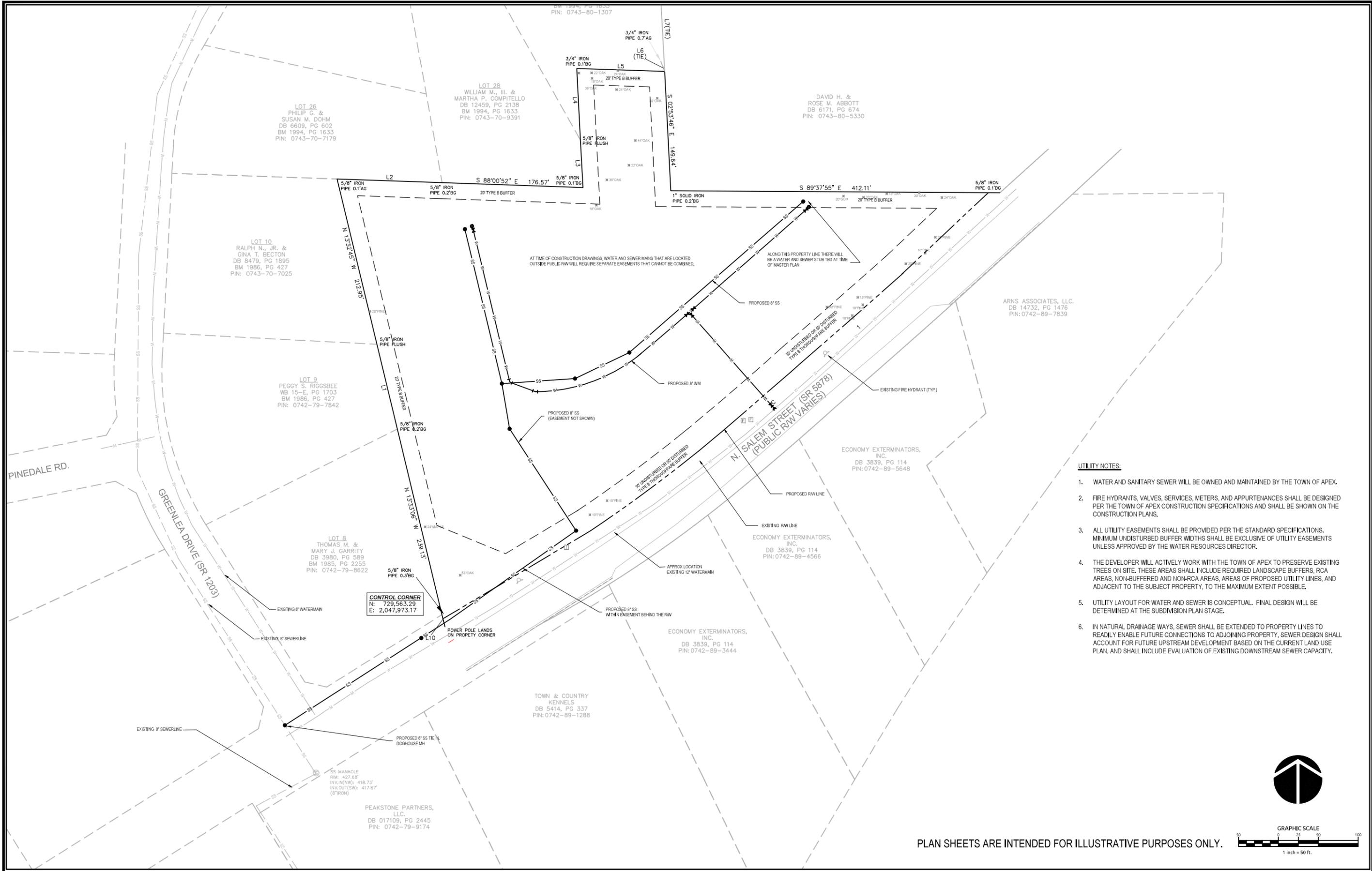
2021 N. SALEM STREET PUD
 APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL PUD & PHASING PLAN

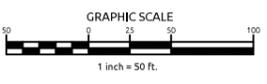
WithersRavenel
 Engineers | Planners | Surveyors
 115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

Sheet No.
2

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- UTILITY NOTES:**
1. WATER AND SANITARY SEWER WILL BE OWNED AND MAINTAINED BY THE TOWN OF APEX.
 2. FIRE HYDRANTS, VALVES, SERVICES, METERS, AND APPURTENANCES SHALL BE DESIGNED PER THE TOWN OF APEX CONSTRUCTION SPECIFICATIONS AND SHALL BE SHOWN ON THE CONSTRUCTION PLANS.
 3. ALL UTILITY EASEMENTS SHALL BE PROVIDED PER THE STANDARD SPECIFICATIONS. MINIMUM UNDISTURBED BUFFER WIDTHS SHALL BE EXCLUSIVE OF UTILITY EASEMENTS UNLESS APPROVED BY THE WATER RESOURCES DIRECTOR.
 4. THE DEVELOPER WILL ACTIVELY WORK WITH THE TOWN OF APEX TO PRESERVE EXISTING TREES ON SITE. THESE AREAS SHALL INCLUDE REQUIRED LANDSCAPE BUFFERS, RCA AREAS, NON-BUFFERED AND NON-RCA AREAS, AREAS OF PROPOSED UTILITY LINES, AND ADJACENT TO THE SUBJECT PROPERTY, TO THE MAXIMUM EXTENT POSSIBLE.
 5. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED AT THE SUBMISSION PLAN STAGE.
 6. IN NATURAL DRAINAGE WAYS, SEWER SHALL BE EXTENDED TO PROPERTY LINES TO READILY ENABLE FUTURE CONNECTIONS TO ADJOINING PROPERTY. SEWER DESIGN SHALL ACCOUNT FOR FUTURE UPSTREAM DEVELOPMENT BASED ON THE CURRENT LAND USE PLAN, AND SHALL INCLUDE EVALUATION OF EXISTING DOWNSTREAM SEWER CAPACITY.



PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.

No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	02211366.0

2021 N. SALEM STREET PUD

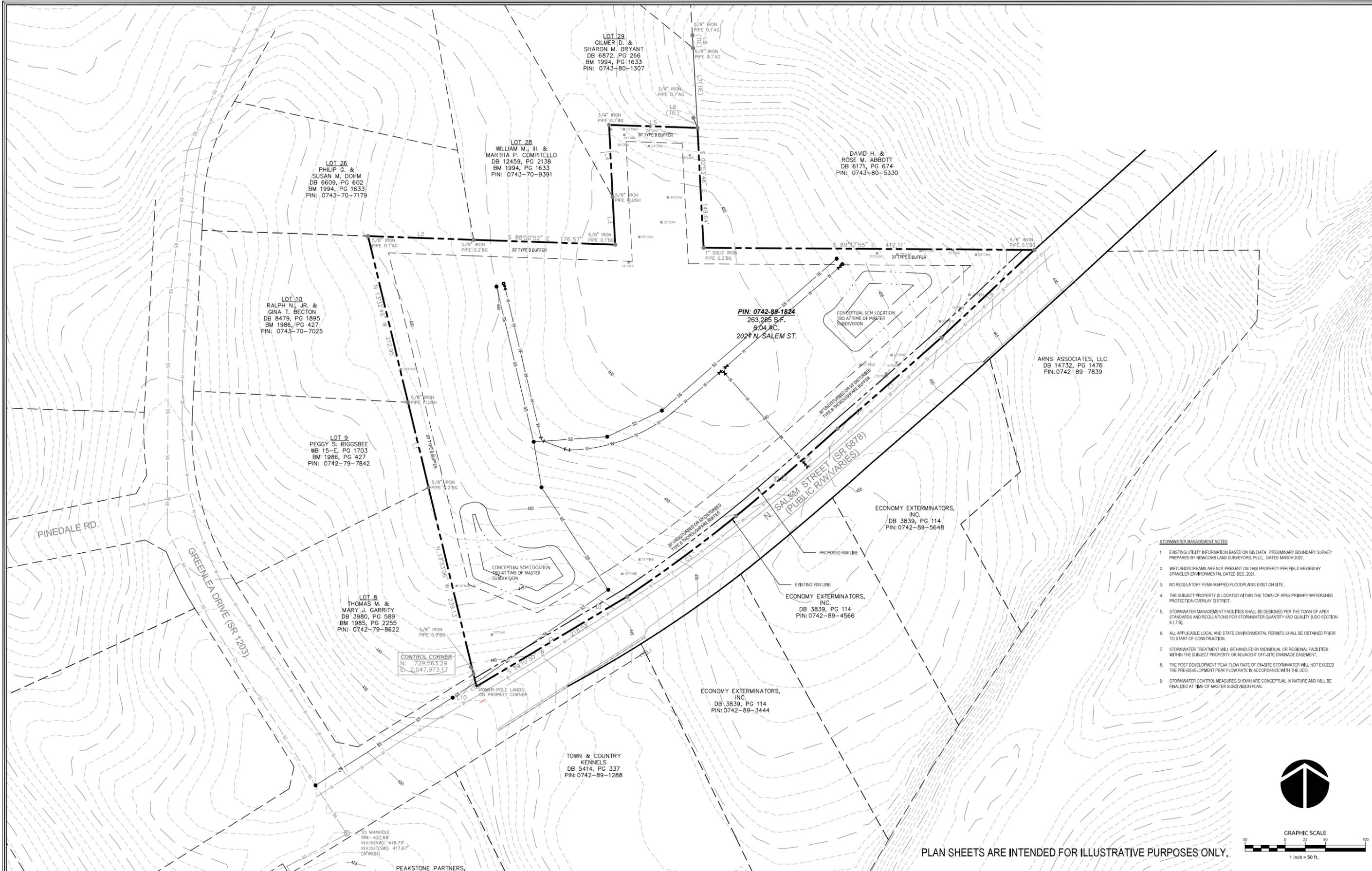
APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL UTILITY PLAN

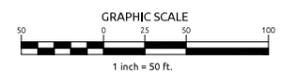

WithersRavenel
 Engineers | Planners | Surveyors
 115 MacKenan Drive | Cary, NC 27511 | T: 919.469.3340 | F: 919.469.3341 | www.withersravenel.com

Sheet No.
3

K:\2022\100211366\2022\100211366.dwg (100211366.dwg) - 04/20/2022 10:17:10 AM - 17:00:00



- STORMWATER MANAGEMENT NOTES**
1. EXISTING UTILITY INFORMATION BASED ON GIS DATA. PRELIMINARY BOUNDARY SURVEY PREPARED BY NEWCOMB LAND SURVEYORS, PLLC, DATED MARCH 2022.
 2. WETLANDS/STREAMS ARE NOT PRESENT ON THIS PROPERTY PER FIELD REVIEW BY SPANGLER ENVIRONMENTAL DATED DEC. 2021.
 3. NO REGULATORY FEMA MAPPED FLOODPLAINS EXIST ON SITE.
 4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
 5. STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED PER THE TOWN OF APEX STANDARDS AND REGULATIONS FOR STORMWATER QUANTITY AND QUALITY (UDO SECTION 6.1.7.B).
 6. ALL APPLICABLE LOCAL AND STATE ENVIRONMENTAL PERMITS SHALL BE OBTAINED PRIOR TO START OF CONSTRUCTION.
 7. STORMWATER TREATMENT WILL BE HANDLED BY INDIVIDUAL OR REGIONAL FACILITIES WITHIN THE SUBJECT PROPERTY OR ADJACENT OFF-SITE DRAINAGE EASEMENT.
 8. THE POST DEVELOPMENT PEAK FLOW RATE OF ON-SITE STORMWATER WILL NOT EXCEED THE PRE-DEVELOPMENT PEAK FLOW RATE IN ACCORDANCE WITH THE UDO.
 9. STORMWATER CONTROL MEASURES SHOWN ARE CONCEPTUAL IN NATURE AND WILL BE FINALIZED AT TIME OF MASTER SUBDIVISION PLAN.



PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.

No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	0221366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL STORMWATER PLAN

WithersRavenel
Engineers | Planners | Surveyors

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

Sheet No.
4

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±6 acres

PIN(s): 0742891824

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



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: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



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: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Ryan Akers

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented (including 5 new conditions attached). Planning Board cautions Council that not preserving historic house at this site would set precedent for future historic properties.

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

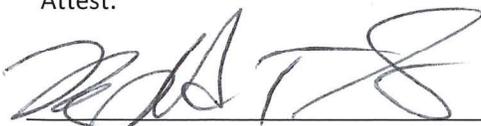
With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:



 Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2022.11.14 18:02:42
-05'00'

 Dianne Khin, Director of Planning and
 Community Development

2021 N Salem St PUD

Zoning Conditions

New Conditions as of November 11, 2022

1. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
2. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
3. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
4. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.
5. A minimum 4kW solar PV system shall be installed on at least four (4) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #22CZ13
 2021 N SALEM ST PUD**

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

- Applicant/Authorized Agent:** Brendie Vega, WithersRavenel
- Property Address:** 2021 N Salem Street
- Acreage:** ±6 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit <https://www.apexnc.org/> on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
 Director of Planning and Community Development



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

Solicitante/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite <https://www.apexnc.org/> el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/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/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Brendle Vega, WithersRavenel
Property Address: 2021 N Salem Street
Acreage: ±6 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

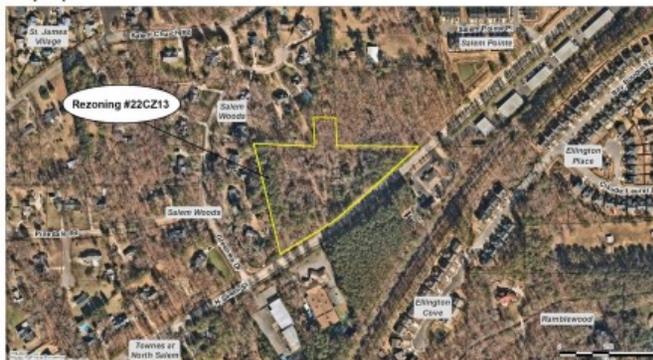
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Vicinity Map:



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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 26 – August 8, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de julio - 8 de agosto de 2022



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13
2021 N Salem St PUD
Project Location: 2021 N Salem Street
Applicant or Authorized Agent: Brendie Vega
Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 26, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/26/2022
Date

Shianne F. Khan
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 26 day of July, 2022.



Joshua Killian
Notary Public

My Commission Expires: 6/19/2027



TOWN OF APEX

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

CONTINUED

**PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD**

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

- Applicant:** Brendie Vega, WithersRavenel
- Property Addresses:** 2021 N Salem Street
- Acreage:** ±6 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: ~~August 8, 2022~~ **September 12, 2022 4:30 PM**

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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 online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

- Solicitante:** Brendie Vega, WithersRavenel
- Dirección de la propiedad:** 2021 N Salem Street
- Superficie:** ±6 acres
- Números de identificación de la propiedad:** 0742891824
- Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential
- Ordenamiento territorial existente de la propiedad:** Residential Agrícola (RA)
- Ordenamiento territorial propuesto para la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~8 de agosto~~ **12 de septiembre de 2022 4:30 P.M.**
 Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/39392>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario

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

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
 ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
 2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

Solicitante: Brendie Vega, WithersRavenel
Dirección de la propiedad: 2021 N Salem Street
Superficie: ±5 acres
Números de identificación de la propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~8 de agosto~~ **12 de septiembre de 2022 4:30 P.M.**
 Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/TownofApexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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.apexnc.org/Mapas>. 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/38392>.

Dianna F. Kline, AICP
 Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de julio - ~~8 de agosto~~ **12 de septiembre de 2022**



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

Applicant: Brendie Vega, WithersRavenel

Property Addresses: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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 online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

Solicitante: Brendie Vega, WithersRavenel

Dirección de la propiedad: 2021 N Salem Street

Superficie: ±6 acres

Números de identificación de la propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de octubre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

**PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Brendie Vega, WithersRavenel
- Property Addresses:** 2021 N Salem Street
- Acres:** ±6 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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.ralcoinc.gov/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <http://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 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: Brendie Vega, WithersRavenel
Dirección de la propiedad: 2021 N Salem Street
Superficie: ±6 acres
Números de identificación de la propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de octubre de 2022 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/39392>.

Dianne F. Khin, AICP
Desarrollo Comunitario



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 #22CZ13
2021 N Salem St PUD
Project Location: 2021 N Salem Street
Applicant or Authorized Agent: Brendie Vega
Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 23, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022
Date

Sharon F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above
State and County, this the 3 day of October, 2022

Joshua Killian
Notary Public



My Commission Expires: 6 / 17 / 2027



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

- Applicant/Authorized Agent:** Brendie Vega, WithersRavenel
- Property Address:** 2021 N Salem Street
- Acreage:** ±6 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM

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

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.

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/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

- Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel
- Dirección de las propiedad:** 2021 N Salem Street
- Superficie:** ±6 acres
- Número de identificación de las propiedad:** 0742891824
- Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential
- Ordenamiento territorial existente de las propiedad:** Residential Agrícola (RA)
- Ordenamiento territorial propuesto para las propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de octubre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD

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

- Applicant/Authorized Agent:** Brendie Vega, WithersRavenel
- Property Address:** 2021 N Salem Street
- Acreage:** 16 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM

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

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.

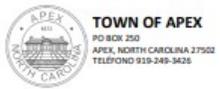
Vicinity Map:



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.calgisnc.gov/imap>. 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/29397>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: October 3 - 25, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

Solicitante/Agente autorizado: Brendie Vega, WithersRavenel
Dirección de las propiedad: 2021 N Salem Street
Superficie: 16 acres
Número de identificación de las propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de octubre de 2022 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 3 – 25 de octubre de 2022



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13
2021 N Salem St PUD
Project Location: 2021 N Salem St
Applicant or Authorized Agent: Brendie Vega
Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 3, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022
Date

Shane F. Khan
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above
State and County, this the 3 day of October, 2022.



Joshua Killian
Notary Public

My Commission Expires: 6 / 17 / 2027



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #22CZ13
 2021 N SALEM ST PUD**

**This item will not be heard on October 25, 2022;
 it will be re-advertised at a later date.**

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

- Applicant/Authorized Agent:** Brendie Vega, WithersRavenel
- Property Address:** 2021 N Salem Street
- Acreage:** ±6 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: ~~October 25, 2022~~ 6:00 PM

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

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.

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/39392>.

Dianne F. Khin, AICP
 Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

**Este asunto no será presentado el 25 de octubre de 2022;
se volverá a anunciar en otra fecha posterior.**

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

Solicitante/Agente autorizado: Brendie Vega, WithersRavenel
Dirección de las propiedad: 2021 N Salem Street
Superficie: ±6 acres
Número de identificación de las propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: ~~25 de octubre de 2022~~ 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



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

CONTINUED
PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
 CONDITIONAL ZONING #22CZ13

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: Brendie Vega, WithersRavenel
Property Addresses: 2021 N Salem Street
Acreage: ±6 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: ~~October 10, 2022~~ **November 14, 2022 4:30 PM**

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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 online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
 Director of Planning and Community Development



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

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
 ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
 2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

- Solicitante:** Brendie Vega, WithersRavenel
- Dirección de la propiedad:** 2021 N Salem Street
- Superficie:** ±6 acres
- Números de identificación de la propiedad:** 0742891824
- Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential
- Ordenamiento territorial existente de la propiedad:** Residential Agrícola (RA)
- Ordenamiento territorial propuesto para la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~10 de octubre de 2022~~ **14 de noviembre de 2022**
4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

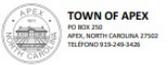
De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

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/39392>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario



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

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDU) 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: Brendie Vega, WithersRavenel
Dirección de la propiedad: 2021 N Salem Street
Superficie: 16 acres
Números de identificación de la propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

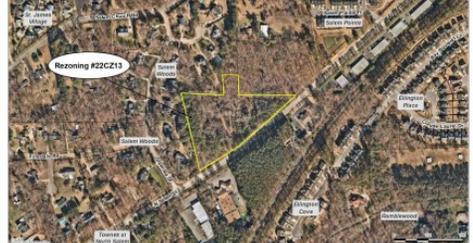
Fecha y hora de la audiencia pública de la Junta de Planificación: ~~30 de octubre de 2022~~ **14 de noviembre de 2022**
4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/t/townofapex>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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 Condicionado 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.apexnc.gov/imag>. 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/3883>.

Dianne F. Kbin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 23 de septiembre ~~30 de octubre~~ **14 de noviembre** de 2022



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

CONTINUED
PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13

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: Brendie Vega, WithersRavenel
Property Addresses: 2021 N Salem Street
Acreage: :16 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: ~~October 16, 2022~~ **November 14, 2022 4:30 PM**

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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.townofapex.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/476. 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 online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: September 23 ~~October 16~~ November 14, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

Solicitante/Agente autorizado: Brendie Vega, WithersRavenel
Dirección de las propiedad: 2021 N Salem Street
Superficie: ±6 acres
Número de identificación de las propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedad: Residential Agrícola (RA)
Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

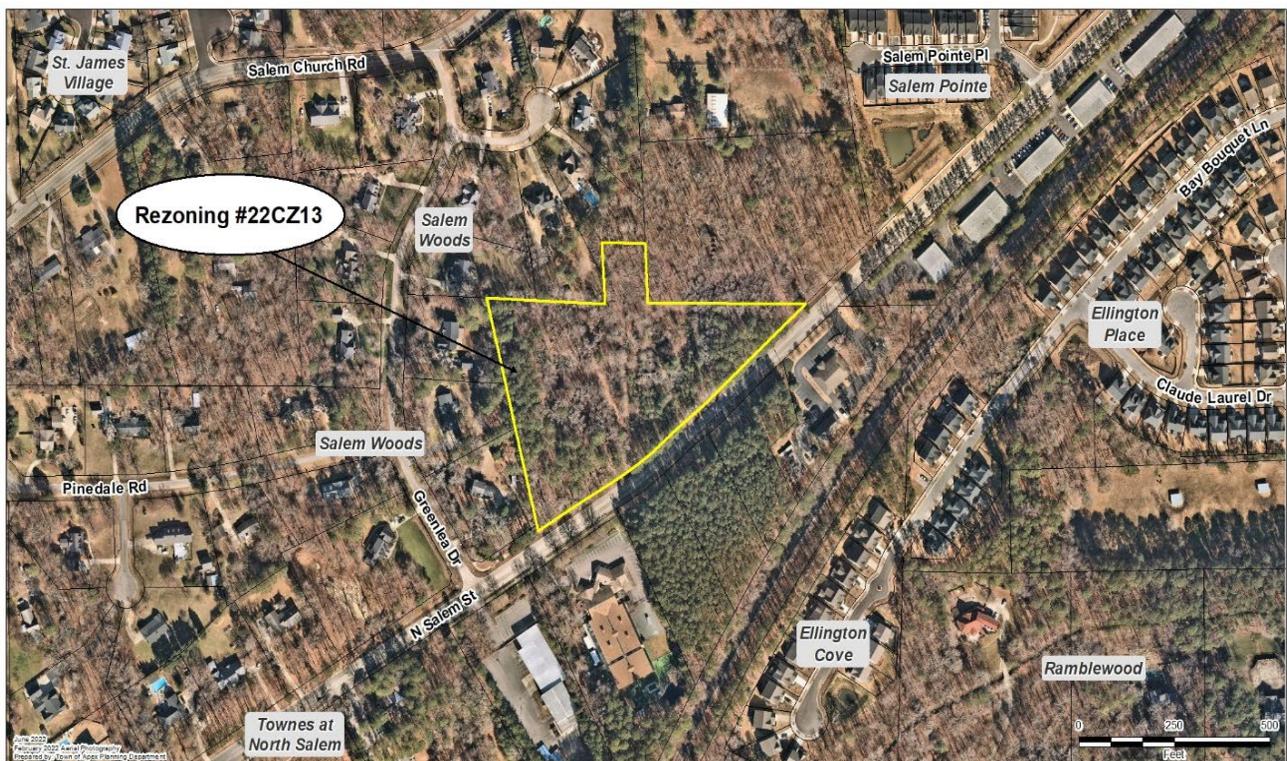
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

- Applicant/Authorized Agent:** Brendie Vega, WithersRavenel
- Property Address:** 2021 N Salem Street
- Acreage:** ±6 acres
- Property Identification Number (PIN):** 0742891824
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

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

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.

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/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD**

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

Applicant/Authorized Agent: Brendie Vega, WithersRavenel
Property Address: 2021 N Salem Street
Acreage: ±6 acres

Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/TownofApexNow>.

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.

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/imag>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/41396. 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/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 7 - 29, 2022



TOWN OF APEX
P.O. BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDU) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante/Agente autorizado: Brendie Vega, WithersRavenel
Dirección de las propiedades: 2021 N Salem Street
Superficie: 15 acres
Número de identificación de las propiedades: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022, 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/TownofApex>.

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.apexnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/472. 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/3939>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 7 - 29 de noviembre de 2022



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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice
 Section 2.2.11
 Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13
 2021 N Salem St PUD

Project Location: 2021 N Salem St

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 7, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/7/2022
 Date

Jeanne Fikhen
 Director of Planning and Community Development

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

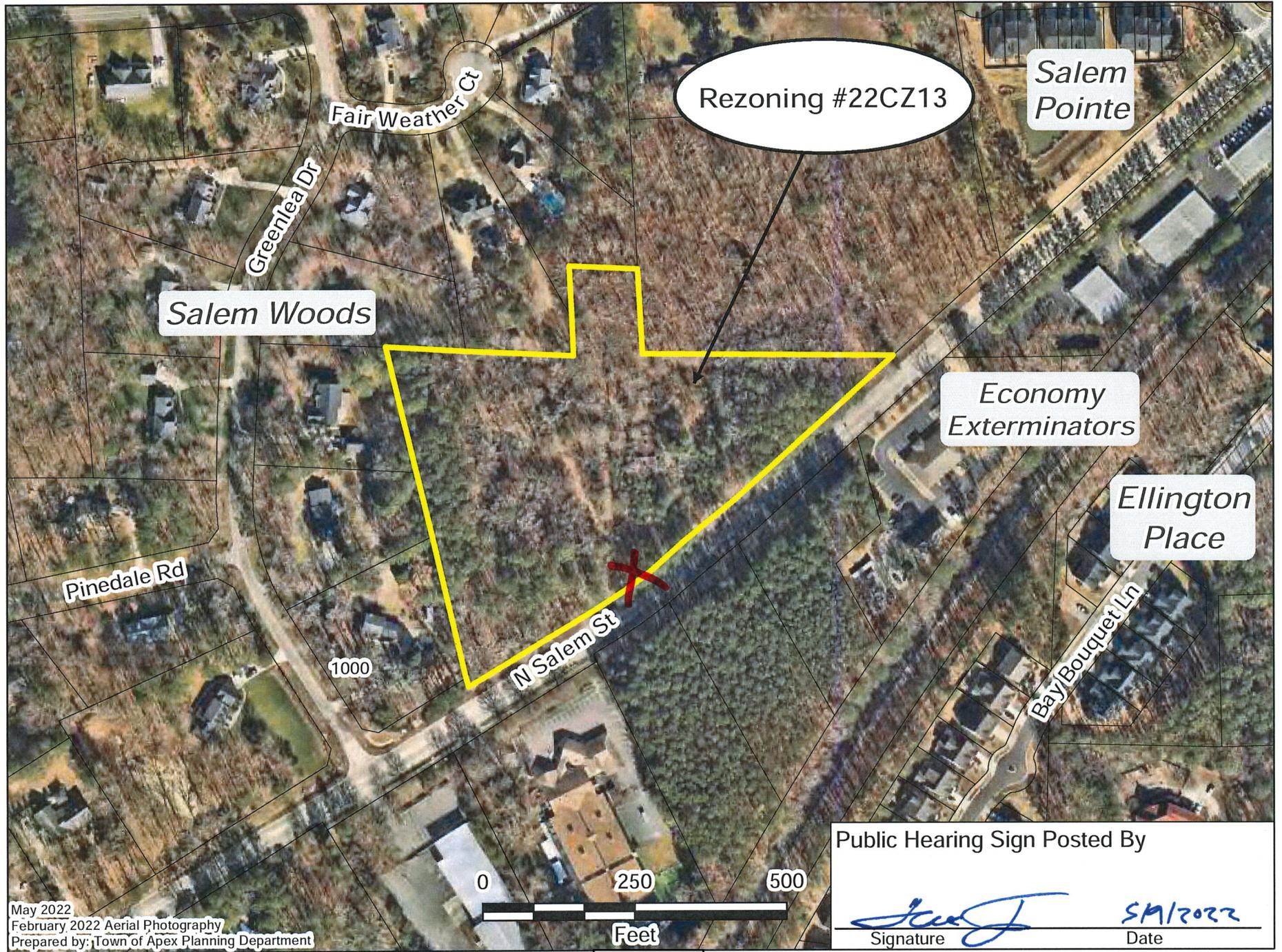
State and County, this the 7th day of November, 2022.



Jeri Chastain Pederson
 Notary Public

My Commission Expires: 3 / 10 / 2024

SEAL



May 2022
 February 2022 Aerial Photography
 Prepared by: Town of Apex Planning Department



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

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

June 24, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
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: May 1, 2022
- Name of development: 22CZ13 2021 N. Salem St PUD
- Address of rezoning: 2021 N. Salem St.
- Total number of proposed residential units: 40
- Type(s) of residential units proposed: Townhomes

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
 - Elementary Middle High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
 - Elementary Middle High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan W. Pullium



Apex Historic Resource Report

Property Name: Pauline & Lexi Bradley Farm

Survey Number: WA4795

Location: 2021 N. Salem Street

PIN Number: 0742891824

Date of Visit: January 19, 2022

Updated: August 1, 2022

Classification:

- Local Inventory
- Study List for the National Register of Historic Places
- National Register of Historic Places (Individual/District)
- Apex Historic Landmark

Observations:

After examination of the property, we are of the opinion that 90% of the original historic fabric remains intact for the 1941 period cottage. Nearly everything original to this main house appears to be present, but recent acts of vandalism have damaged some of those original elements and humidity has deteriorated the drywall. This Tudor-Revival style building is unique in Apex, specifically the use of textured colored bricks and a mix of ashlar stone in a grand entry and front-facing chimney with an exemplary front entry door. Wood floors, windows, a mantle, and custom built-ins all appear to be original and have survived over the years despite the recent acts of vandalism.

In a letter dated August 1, 2022, Mike Blake of Wolfe House and Building Movers stated that the building can be relocated (see attached). Based on this letter and the conclusions of CAP's previous report, the building should be relocated and reused either on site or relocated to an appropriate setting somewhere else in the jurisdiction of Apex.

There is a large collection of outbuildings on this property as well. Many are deteriorated, but there are a few buildings in somewhat good condition. Particularly, the frame wash/guest house, and a tobacco curing barn constructed of hand-hewn logs with chinking. The large cattle barn, previously believed to be in good condition, has been heavily damaged in recent months such that it is no longer a candidate for preservation. The other two buildings described above should be relocated with the house or to another appropriate setting.

Historic Integrity:

House

- Yes
- No

Outbuildings (frame wash/guest house, tobacco curing barn)

- Yes
- No

I, Jeremy Bradham, inspected the above property, state that this report provides an accurate representation of the historic integrity of the property as of:

Date 8/1/2022

Signature _____

08/01/22

Mr. Mark Bowles
Baker Residential
7001 Weston Parkway Suite 150
Cary NC, 27512

Reference - evaluation of 2021 N Salem Street, Apex NC for relocation.

This home is a overall 45 x 56 foot brick veneer home. Mr. Bowles stated there was interested parties in saving the home on site and off site.

The home has been unoccupied for a period of time; The home was open; doors, windows and basement allowing moisture in all areas of the home. All interior walls and floors contained moisture. Generally we guarantee drywall for relocation (some minor cracks) but do the dampness the dry wall will probably need to be replaced at the new site. Would recommend experts in moisture examine the home. Probably all interior will need to be replaced. Would recommend checking for termites and powder post beetles. The owners or owners contractor will, clear all trees away from the home, remove all debris from around and underneath home , including but not limited to heat and air systems including ductwork, remove any piping hanging lower than two inches, make sure all wiring is tacked up in a proper manner; mark any underground tanks including but not limited to gas, septic, water, oil; disconnect all utilities at the street and at the home, prepare ingress or egress to the new site, grading a route 15 feet wider than the home for on site relocation, have the new footing in the ground ahead of time, top of interior grade to be flush with top of footings, new foundation plans to be reviewed before work begins; this allows Wolfe miss where new interior piers will be constructed with our steel layout. (as much as possible) A ten percent deposit and contracts signed to be place on our work schedule.

You have two options as in move with the brick or without the brick. As stated earlier this home as well as could be seen has some foundation failure, showing brick separation. We lift from the top of the vents up or the bottom of the floor joist. We need approximately 3.5 feet of crawlspace to remove our steel. If we carry the brick veneer, your new foundation will not match the existing brick veneer- Measures will be required to either paint or some type of foundation coating to make the existing brick work with the old brick. This home is approximately 30 feet tall as is - add 5 more feet for relocation over the road. The wires will be very expensive to move to allow the home to relocate over NC roads. (many thousands) Wolfe will cut holes into the foundation wall to allow ingress of a latticework of steel beams. These beams will support the home during the relocation process. We will install several timber cribs in the the basement to support steel and to allow us to roll off of the basement. We will lift the home using the Buckingham Unified Jacking System. This system facilitates all jacks lifting in unison with equal amounts of extension. After lifting approximately six feet, we will install the Buckingham Self-Propelled Dolly System (wheel configurations). We will relocate the home to the new site and leave in level position over



(610) 488-1020

a footing that has been prepared by others. After sufficient foundation has been constructed by others to support the home we will remove our equipment.

Our estimate for relocation on site with the brick is \$96,400.00

Without the brick 84,500.00

To estimate off site I will need a location.

The only insurance that covers a home being relocated is for the mover to have either a cargo or riggers endorsement attached to their GL Policy, General liability or Builders risk will not cover the home. The state of NC requires a mover to have \$50,000.00 of cargo or riggers if moving on NC roads. None is required if working off road. Wolfe House Building movers carries \$1,000,000.00 per occurrence of cargo.

We appreciate the opportunity of submitting this proposal and look forward to working with you on this project,

Sincerely,

Wolfe House Building Movers By Mike Blake

Sarah Van Every

From: Liz Loftin
Sent: Monday, October 10, 2022 11:17 AM
To: Amanda Bunce; Dianne Khin; Sarah Van Every
Subject: FW: 2021 N Salem St

Please see Jeremy's response below.



Liz Loftin, AICP
Senior Planner
PO Box 250 | 73 Hunter Street | Apex, NC 27502
919-249-3439 | www.apexnc.org

Email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Jeremy Bradham <jbradham@cappresinc.org>
Sent: Monday, October 10, 2022 11:11 AM
To: Liz Loftin <Liz.Loftin@apexnc.org>
Cc: Gary Roth <groth@cappresinc.org>
Subject: Re: 2021 N Salem St

Notice: This message is from an external sender.

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Hey Liz,

This issue of integrity in respect to the interior is something new and has come out of nowhere. It was not brought up once in the past 7 months since our initial review and numerous subsequent discussions with the developer. Our 90% figure is based on the fact that 90% of original fabric remains. Most everything was intact, and we made it known during the initial evaluation. Moisture mitigation is a part of restoration, but that does not render the historic materials a loss. Everything we stated continues to be true, and drywall is usually something that always has to be replaced. The house mover's opinion revolves around liability for materials so that he is not responsible for materials damaged during the move that he believes are vulnerable when moving (ie. drywall).

Over the past 7 months, the developer has repeatedly expressed concerns about structural integrity with respect to moving the house. First, there was the concern of it could even be moved with potential settling and cracks in respect to the house's structural integrity. Once a letter from a house mover confirmed that it could be moved, the concerns then shifted to having to move the structure and pay for the move and find a new suitable location for the house. The move has been the only significant issue brought forward in these past 7 months, never an issue of the interior's integrity as now suggested.

In the end, this situation is very much like the Phillips House with Staley Smith and the Crossroads Dealership. Both houses have basements and the same level of integrity, and the only difference is that the Phillips House had a new lot nearby to which it could be moved.

If they were to provide a report from another qualified historic preservation expert, one that also meets the Secretary of Interior's Professional Qualification Standards, to provide a second opinion that states otherwise, then they should try to do so. If the same logic were applied to every other house saved in Apex under the Apex UDO, then all the interiors would have been gutted, but that has never been needed in many of these other houses that were neglected (Tom Olive House, Mills House, Phillips House, Upchurch-Williams House). We have seen other houses in far worse shape that were restored under a rehab agreement and easement, and all original architectural elements were repaired and nothing needed to be gutted as suggested by the house mover here.

Please let me know if you have any further questions!

Jeremy E. Bradham
Preservation Specialist
Capital Area Preservation, Inc.

On Oct 10, 2022, at 8:54 AM, Liz Loftin <Liz.Loftin@apexnc.org> wrote:

Good Morning,
I just received the email below concerning the rezoning on North Salem and the Planning Board meeting is today at 4:30pm. Since this will come up as a question, are you able to elaborate and provide something in writing that we can pass along to the Board?

Link to Planning Board agenda and the item is #4:
<https://www.apexnc.org/DocumentCenter/View/41079/10102022-PB-Agenda>



Liz Loftin, AICP
Senior Planner
PO Box 250 | 73 Hunter Street | Apex, NC 27502
919-249-3439 | www.apexnc.org

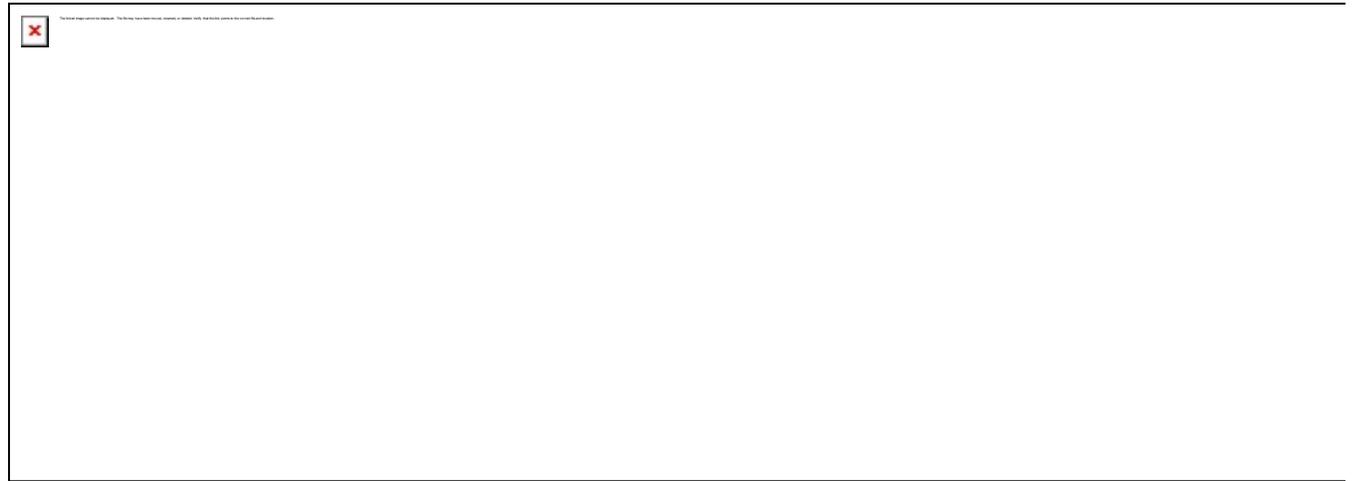
Email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Vega, Brendie <bvega@withersravenel.com>
Sent: Friday, October 7, 2022 5:35 PM
To: Sarah Van Every <Sarah.VanEvery@apexnc.org>
Cc: Amanda Bunce <Amanda.Bunce@apexnc.org>; Tang, Ed <etang@withersravenel.com>; Cowles, June <jcowles@withersravenel.com>; Mark Bowles <mbowles@bakerresidential.com>; Jason Barron <jbarron@morningstarlawgroup.com>
Subject: N Salem St

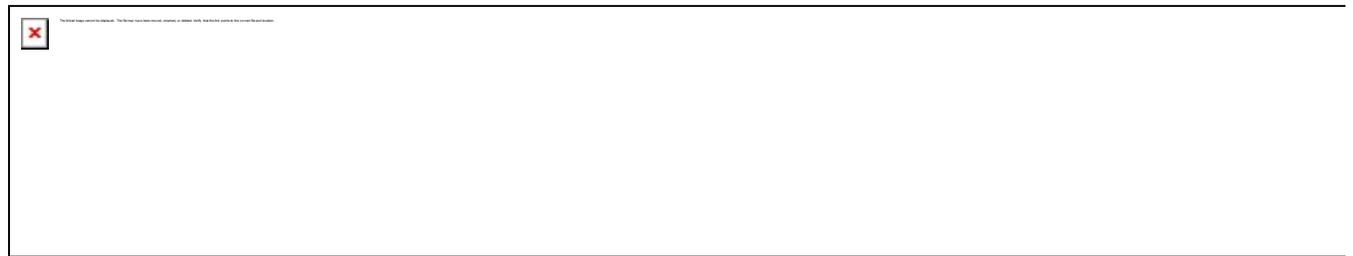
Notice: This message is from an external sender.
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Hi Sarah,

I know you all have a very full agenda on Monday. I did want to let you know that we disagree with CAPs assessment that 90% of the original historic fabric remains intact... They talk about the wood floors, mantles, etc.



They reference the August letter from Mike Blake, who stated that the interior will probably all “interior will need to be replaced.” Due to moisture damage, the things CAP listed as surviving probably have moisture and mold that has to be removed.



I think having to gut the interior due to moisture damage, plus the visible structural damage do not amount to 90% of the fabric being intact. **If you could please quantify that for the Planning Board, on how they got to 90% and how you all are supporting it?** We will be bringing it up on Monday.

Thank you,

Brendie Vega, AICP, CNU-A

Director of Planning

WithersRavenel



137 S Wilmington Street | Suite 200 | Raleigh, NC 27601

Office: 919.469.3340 | Direct: 919.535.5212

Mobile: 919.656.8976

bvega@withersravenel.com



[CONFIDENTIALITY AND NONDISCLOSURE](#)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 29, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II
Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to approve Rezoning Application #22CZ18 Humie Olive Place. The applicant, Construction Masters, LLC, seeks to rezone approximately 2.0 acres from Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on November 14, 2022 and by a vote of 6-2 recommended approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305.

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #22CZ18 Humie Olive Place

November 29, 2022 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:

Address: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
Applicant: Peter Crossen, Jones & Crossen Engineering, PLLC
Owner: Construction Masters, LLC

PROJECT DESCRIPTION:

Acreage: +/- 2.00 acres
PIN: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305
Current Zoning: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10)	Townhomes
South:	Rural Residential (RR)	Humie Olive Rd; Apex Friendship High School
East:	Rural Residential (RR)	Single-family Residential
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10); Rural Residential (RR)	Blazing Trail Dr; Townhomes; Single-family Residential

BACKGROUND:

The site consists of one (1) parcel totaling +/- 2.00 acres and is located at the northeast corner of Humie Olive Road and Blazing Trail Drive. The current zoning was approved by Town Council on November 20, 2018. This application proposes to amend the conditions of the previous rezoning. A Master Subdivision Plan was approved on April 25, 2019. The subdivision is currently under construction. Since the rezoning and subdivision approval, a new stream buffer evaluation indicates the intermittent stream on the eastern side of the property has dried up. Because of that, the applicant wishes to amend their project to add four (4) more units to the subdivision.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 31, 2022. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to MD-CZ is consistent with the Medium Density Residential land use classification.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar

STAFF REPORT

Rezoning #22CZ18 Humie Olive Place

November 29, 2022 Town Council Meeting



changes.

PROPOSED ZONING CONDITIONS:

This rezoning case proposes to keep all of the conditions that were adopted in Rezoning Case #16CZ27, with the exception of amending condition 5.

In rezoning case #16CZ27, condition 5 read:

5. The density for the parcel shall be limited to no more than 4.5 units per acre.

The applicant requests that this condition be amended to:

5. The density for the parcel shall be limited to no more than 6 units per acre. The maximum number of units shall be 12.

In addition, the applicant is proposing the following new conditions:

1. One (1) new duplex building shall provide active PV solar for a total of two (2) systems.
2. The project shall install at least one (1) pet waste station in a location that is publicly accessible, such as a side path, sidewalk or SCM.
3. All RCA landscape plantings shall be native species. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

HOUSING STAFF RECOMMENDATION:

Staff is very proactive in (1) providing affordable housing documentation upfront to applicants, (2) reviewing applicant financial and project documentation and (3) working with applicants early in the process on the affordable housing rezoning condition to determine if there are opportunities to provide affordable units on-site. Currently, the Town has limitations in regards to affordable housing such as:

- (1) the inability to implement and enforce mandatory Inclusionary Housing Zoning,
- (2) no adopted Affordable Housing Incentive Zoning Policy to-date,
- (3) the inability to collect fee-in-lieu of onsite units or a donation to the Affordable Housing Fund, and
- (4) restrictive use of the Town's Affordable Housing Fund per North Carolina General Statutes.

Per North Carolina General Statute §157-3, if the Town chooses to provide financial assistance (i.e. Affordable Housing Fund grant for fee reimbursement), at least 20% of the total housing units within the development must be set-aside as affordable housing units for the exclusive use of persons of low-income earning no more than 60% of the Area Median Income (AMI). This proposed development does not meet the North Carolina General Statute §157-3 threshold and would not qualify to receive financial assistance from the Town's Affordable Housing Fund.

After staff met with the applicant, the applicant concluded that providing on-site affordable housing units was not financially feasible based on the economics of their financial pro-forma in this proposed development. Due to the applicant's analysis of their pro-forma and the limitations listed above, staff concluded that it was not recommended to request on-site affordable housing units in this proposed development.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on July 21, 2022. The zoning conditions suggested by the EAB are listed below with the applicant's response to each condition.

STAFF REPORT

Rezoning #22CZ18 Humie Olive Place

November 29, 2022 Town Council Meeting



EAB Suggested Conditions	Applicant's Response
Pet waste station shall be installed in the development.	Added
Install a solar PV system on one duplex building for a total of two systems.	Added
Install a minimum 4-kilowatt (kW) solar PV system on each of three duplex buildings for a total of six systems. The remainder of duplex buildings that do not have solar PV systems installed shall include solar conduit in the building design to facilitate future rooftop solar installations.	Not added
Plant native-only flora in the planned RCA area.	Added
Add informational signage or other marking at the boundary of the RCA indicating that the area beyond the sign is RCA and is not to be disturbed.	Not Added

Parks, Recreation, and Cultural Resources Advisory Commission:

This project will have less than 30 Single Family Detached units and or 45 Single Family Attached units, therefore, the project did not need to be reviewed by the PRCR Advisory Commission per the UDO, Sec. 14.1.2 *Exemptions*. A fee-in-lieu will be presented by PRCR Staff to the Town Council at the time of the Master Subdivision Plan approval.

The fee-in-lieu rate is updated with the previous year's CPI in January of each year and is assigned based on the date of Town Council action/approval of the recommendation at the time of Master Subdivision Plan approval. The current 2022 rate is \$2,528.25 per Single Family Attached unit, which is paid at the time of first final plat. Duplexes are charged per unit at the Single Family Attached unit rate.

Planning Board Recommendation:

The Planning Board held a Public Hearing on November 14, 2022. By a vote of 6 to 2, the Planning Board recommended approving the rezoning with the conditions proposed by the applicant. The dissenting votes were because those members did not believe there was enough data to merit dismissing the existing stream and worried that additional site work and time would cause it to return and negatively impact the homes built on it.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ18 Humie Olive Place as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning district is consistent with the Medium Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is in the public interest because in addition to single-family dwellings, it allows for a different housing type while maintaining the character of the adjacent neighborhoods. Duplexes provide opportunities for people, including teachers and other school staff, to rent in an area where they otherwise may not be able to afford to live. It may also provide a home owner with the supplemental income needed to buy a home in an area that is otherwise not affordable.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Medium Density Residential-Conditional Zoning designation demonstrates compliance with the following standards. 2.3.3.F:

The applicant shall propose site-specific standards and conditions that take into account the following

STAFF REPORT

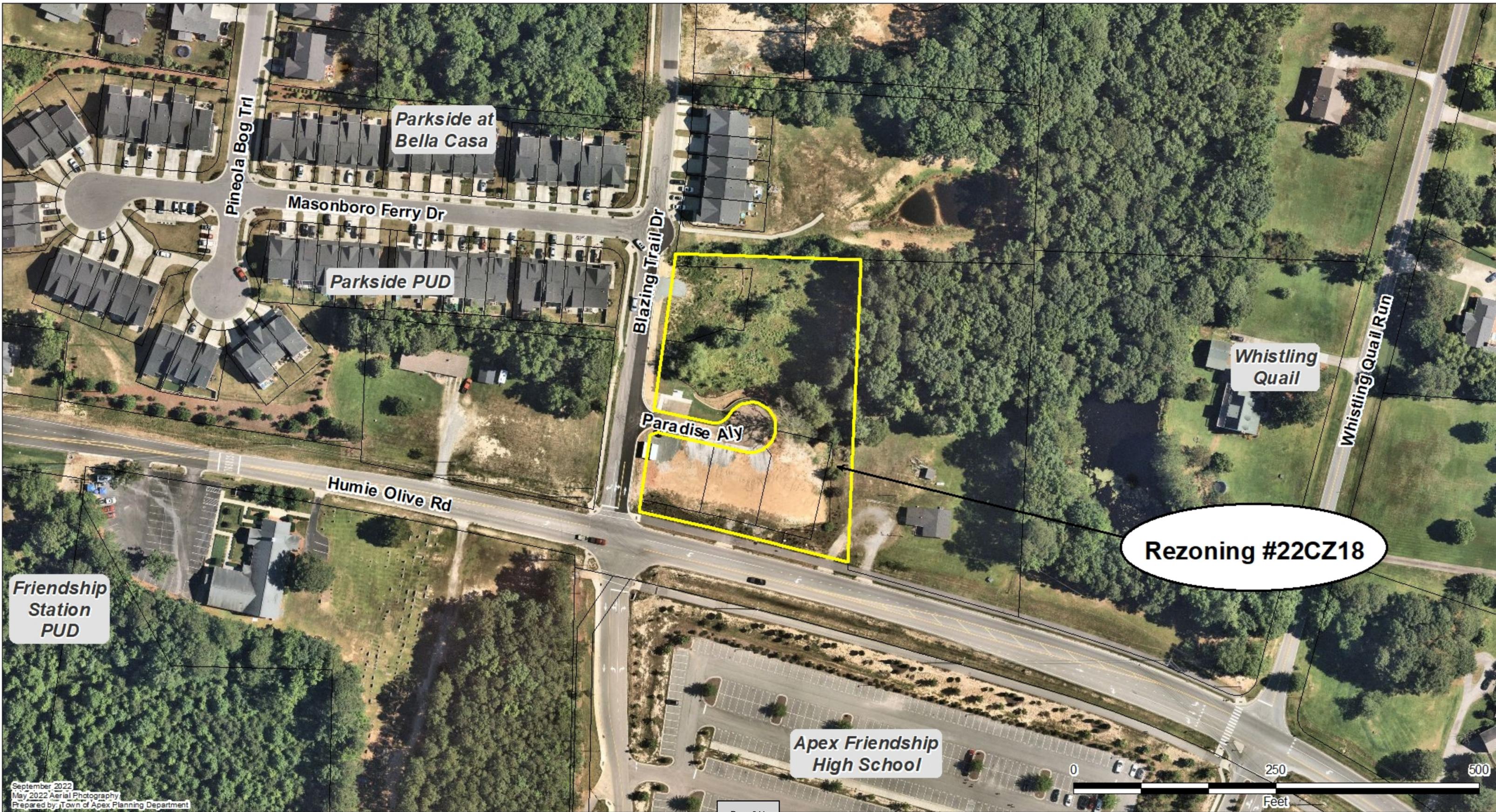
Rezoning #22CZ18 Humie Olive Place

November 29, 2022 Town Council Meeting



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.



Parkside at Bella Casa

Masonboro Ferry Dr

Parkside PUD

Paradise Aly

Humie Olive Rd

Blazing Trail Dr

Whistling Quail

Whistling Quail Run

Friendship Station PUD

Apex Friendship High School

Rezoning #22CZ18



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 #: 22CZ18 Submittal Date: 9/1/2022
Fee Paid: _____

Project Information

Project Name: Humie Olive Place
Address(es): 2157 & 0 Blazing Trail; 7994, 7988 & 7982 Humie Olive Rd
PIN(s): 0721- 51-6598, 51-7488, 51-6357, 51-7335, 51-8305
Acreage: 2
Current Zoning: MD-CZ Proposed Zoning: MD-CZ
Current 2045 LUM Classification(s): _____
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: Construction Masters LLC
Address: 7904 Humie Olive Rd
City: Apex State: NC Zip: 27502
Phone: 919-995-5876 E-mail: office@conzalpm.com

Owner Information

Name: Construction Masters LLC
Address: 7904 Humie Olive Rd
City: Apex State: NC Zip: 27502
Phone: 919-995-5876 E-mail: office@conzalpm.com

Agent Information

Name: Jones & Cnossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: peter@jonescnossen.com

Other contacts: _____

PETITION INFORMATION

Application #: 22CZ18 Submittal Date: 9/1/2022

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

PROPOSED USES:

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

1	<u>Single family</u>	21	_____
2	<u>Duplex</u>	22	_____
3	<u>Accessory apartment</u>	23	_____
4	<u>Day care facility (s)</u>	24	_____
5	<u>Utility, minor</u>	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PETITION INFORMATION

Application #:

22CZ18

Submittal Date:

9/1/2022

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See Attached

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

These properties are designated as Medium Density Residential on the 2045 Land Use map. This rezoning is consistent with 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.

The limited uses and density for this parcel are compatible with the adjacent Parkside at Bella Casa development and surrounding area.

Zoning Conditions for Rezoning Case #22CZ18 Humie Olive Place

Conditions continued from Rezoning Case #16CZ27:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family and duplex homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The garages for duplex units shall be on opposite sides of the structure.
6. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
7. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
8. Eaves shall project at least 12 inches from the wall of the structure.
9. 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
10. The roofline for duplexes must be broken up vertically between each unit.
11. All rear elevations for duplexes shall include the following:
 - A change in roofline plus an additional projection on the rear façade such as, but not limited to, a bay window, cantilever, fireplace, or enclosed porch.
 - Windows on at least 30% of the rear façade (not including the roof). The building plans shall include the calculation of the rear wall area and the percent of that area that is windows.
12. All duplex units shall be two stories.

Additional Conditions:

1. The density for the parcel shall be limited to no more than 6 units per acre. The maximum number of units shall be 12.
2. One (1) new duplex building shall provide active PV solar for a total of two (2) systems.
3. The project shall install at least one (1) pet waste station in a location that is publicly accessible, such as a sidepath, sidewalk or SCM.
4. All RCA landscape plantings shall be native species. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

PETITION INFORMATION

Application #: 22CZ18 Submittal Date: 9/1/2022

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

The uses proposed that do fall under the supplemental standards will comply with the standards outlined in the 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.

This development will add additional lots to an existing development accessed by an existing Town of Apex public alley. As such, no addition public infrastructure is required so there should be no adverse impact to adjacent lands.

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

This project will adhere to all required buffering, will be dedicating Resource Conservation Area and will be adhering the 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 conditional zoning will allow additional lots to be developed using existing Town of Apex infrastructure, so there should be no adverse impact on 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 and welfare of Apex citizens.

PETITION INFORMATION

Application #: 22CZ18 Submittal Date: 9/1/2022

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

This rezoning is consistent with the adjacent development standards and will not
have a negative affect on the development potential of other adjacent parcels.

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

Residential homes generally do not constitute a nuisance or hazard because of the
character of the neighborhood. This is a small parcel 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.

We are providing architectural design conditions as well as a condition
limiting the overall density.

RWK, PA

ENGINEERING ~ SURVEYING

P.O. BOX 444

GARNER, NC 27529

PHONE (919) 779-4854

FAX (919) 779-4056

LAND DESCRIPTION FOR

ANNEXATION OF WAKE COUNTY PIN#: 0721517458

7904 HUMIE OLIVE ROAD (NCSR 1142)

APEX, NORTH CAROLINA

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL IN AN ASPHALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;

THENCE N08°03'22"E A DISTANCE OF 330.58' WITH THE EAST RIGHT-OF-WAY OF BLAZING TRAIL DRIVE TO AN EIP IN THE LINE OF LANDS SHOWN AS "HOA COMMON AREA" OF PARKSIDE AT BELLA CASA RECORDED IN BOOK OF MAPS 2016 PAGE 157 AND RUNS;

THENCE S88°16'53"E A DISTANCE OF 227.95' TO AN EIP IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS;

THENCE S02°26'32"W A DISTANCE OF 383.21' WITH ELVIN'S WEST LINE TO A PK NAIL SET IN THE NORTH RIGHT-OF-WAY LINE OF HUMIE OLIVE ROAD AND RUNS;

THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;

THENCE N77°19'42"W A DISTANCE OF 90.71' CONTINUING WITH HUMIE OLIVE ROAD TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 2.000 ACRES OR 87,122 SQUARE FEET.

AGENT AUTHORIZATION FORM

Application #: 22CZ18

Submittal Date: 9/1/2022

Construction Masters LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 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: Peter Crossen

Address: PO Box 1062, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: peter@jonescrossen.com

Signature(s) of Owner(s)*


Mohamed Elledady, owner of Construction Masters
Type or print name

8/29/22
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ18

Submittal Date: 9/1/2022

The undersigned, Construction Masters LLC (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 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 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 11/16/2019, and recorded in the Wake County Register of Deeds Office on 12/11/2019, in Book 017680 Page 00223.
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 11/16/2019, 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 11/16/2019, 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 29 day of August, 2022.


 _____ (seal)
Mohamed Elfadaly, owner of Construction Masters LLC
 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 Mohamed Elfadaly, 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 <u>11/11/2025</u>
--

[NOTARY SEAL]



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

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ18

Submittal Date: 9/1/2022

Insert legal description below.

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT A PK NAIL IN AN ASHPALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;
THENCE N08°03'22"E A DISTANCE OF 330.58' WITH THE EAST RIGHT-OF-WAY OF BLAZING TRAIL DRIVE TO AN EIP IN THE LINE OF LANDS SHOWN AS "HOA COMMON AREA" OF PARKSIDE AT BELLA CASA RECORDED IN BOOK OF MAPS 2016 PAGE 157 AND RUNS;
THENCE S88°16'53"E A DISTANCE OF 227.95' TO AN EIP IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS;
THENCE S02°26'32"W A DISTANCE OF 383.21' WITH ELVIN'S WEST LINE TO A PK NAIL SET IN THE NORTH RIGHT-OF-WAY LINE OF HUMIE OLIVE ROAD AND RUNS;
THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;
THENCE N77°19'42"W A DISTANCE OF 90.71' CONTINUING WITH HUMIE OLIVE ROAD TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 2.000 ACRES OR 87,122 SQUARE FEET.

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.

August 16, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
2155, 2157 & 0 Blazing Trail 0721-51-6598, 0721-51-7488

7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd 0721-51-6357, 0721-51-7335, 0721-51-8305

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

A rezoning of the property is being submitted to increase the density from 4.5 units/acre to 6 units/acre. This increase in density will allow the maximum number of units to increase from 9 units to 12 units. All other existing conditions for this property are to remain.

Estimated submittal date: September 01, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Construction Masters LLC
 Applicant(s): Construction Masters LLC
 Contact information (email/phone): peter@jonescrossen.com/919-387-1174
 Meeting Address: Zoom meeting - see enclosed registration details
 Date/Time of meeting**: August 31, 2022 6:00 pm - 8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

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



Jones & Crossen
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.jonescrossen.com

Zoom Meeting Details – Humie Olive Place

When: **August 31, 2022 06:00 PM Eastern Time (US and Canada)**

Register in advance for this meeting:

Zoom.com

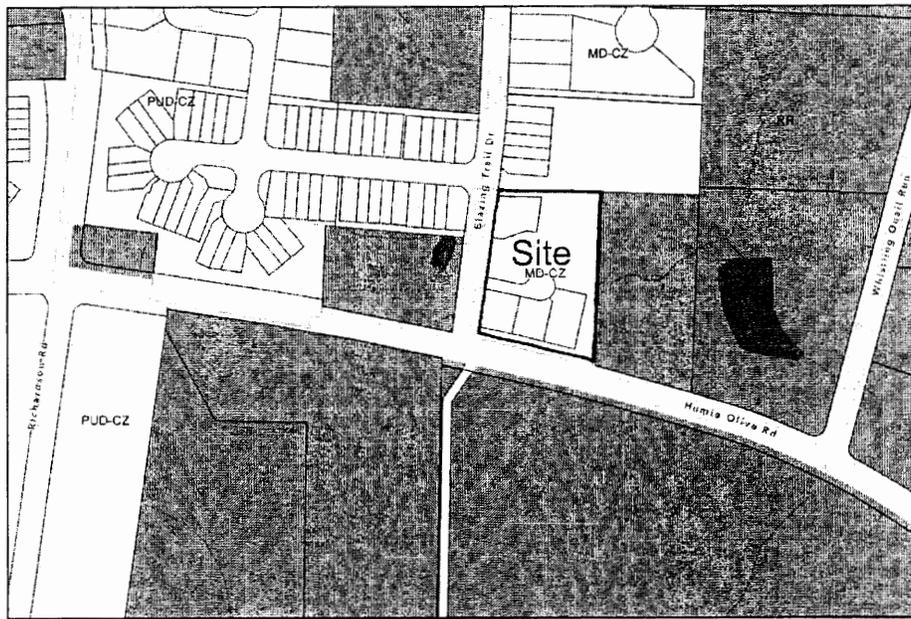
Meeting ID: 837 7149 3602

Passcode: 265510

The Meeting Registration form will request your First and Last Name, Email address and Street Address to help us with attendance at the meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

Phone dial-in option: Call 1-301-715-8592 or 1-309-205-3325 and enter the Meeting ID and Passcode to join the meeting. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

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: Humie Olive Place Zoning: MD-CZ
 Location: 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd
 Property PIN(s): 0721-51-6598, 0721-51-7488 Acreage/Square Feet: 2
0721-51-6357, 0721-51-7335, 0721-51-8305
 Property Owner: Construction Masters LLC
 Address: 7904 Humie Olive Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-995-5876 Email: office@conzalpm.com

Developer: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLc
 Address: PO Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: _____ Email: peter@jonescrossen.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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.

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
2131 BLAZING TRAIL DR	0721517954	A SQUARED LLC	51 KILMAYNE DR STE 100	CARY NC 27511-7719
2706 MASONBORO FERRY DR	0721515724	JANA A ACKLEY	2706 MASONBORO FERRY DR	APEX NC 27502-3683
2710 MASONBORO FERRY DR	0721514775	ADM & PWM LLC	1967 MOSTYN LN	APEX NC 27502-6509
7917 HUMIE OLIVE RD	0721505118	ARCH PARTNERS LLC	828 HIGHLAND LN NE APT 2305	ATLANTA GA 30306-4379
2149 BLAZING TRAIL DR	0721517619	RAJAN BHANOT & PREETI CHAUHAN	2149 BLAZING TRAIL DR	APEX NC 27502-3679
8013 HUMIE OLIVE RD	0721514143	CHRISTIAN CHAPEL CHURCH	PO BOX 22	APEX NC 27502-0022
7994 HUMIE OLIVE RD	0721516357	CONSTRUCTION MASTERS LLC	7904 HUMIE OLIVE RD	APEX NC 27502-9604
2716 MASONBORO FERRY DR	0721514735	CHRISTINA L & DOUGLAS M DENDULK	105 DUMONT CT	APEX NC 27523-3858
2703 MASONBORO FERRY DR	0721515569	BALAJI & RUPALI DESHPANDE	17 CROYDON AVE	RONKONKOMA NY 11779-1947
2717 MASONBORO FERRY DR	0721513681	JAMELL E DUDLEY & MORGEN E MCVANE	2717 MASONBORO FERRY DR	APEX NC 27502-3683
2728 WHISTLING QUAIL RUN	0721612452	BRIAN & TRISHA EASON	2728 WHISTLING QUAIL RUN	APEX NC 27502-8401
0 LAKE WACCAMAW TRL	0721610803	FAITHWILL HOMES LLC	2101 DELLA CT	APEX NC 27502-9708
2147 BLAZING TRAIL DR	0721517722	PIERRE ALAIN GREMAUD & ROSEMARY ANN LOYCANO	2147 BLAZING TRAIL DR	APEX NC 27502-3679
2141 BLAZING TRAIL DR	0721517820	JULIE A. HAIGHT	2141 BLAZING TRAIL DR	APEX NC 27502-3679
2712 WHISTLING QUAIL RUN	0721613839	STEVEN & CHRISTINA HARDESTY	2712 WHISTLING QUAIL RUN	APEX NC 27502-8401
2718 MASONBORO FERRY DR	0721513796	THOMAS MICHAEL HOWARD TRUSTEE & JACQUELYN NICOLE HOWARD TRUSTEE	2754 LAKE WACCAMAW TRL	APEX NC 27502-8555
2705 MASONBORO FERRY DR	0721515630	RAYMOND JIANG & JULIA YANG	190 DILLON AVE UNIT 301	CAMPBELL CA 95008-3096
2720 MASONBORO FERRY DR	0721513776	WILLIAM J KAVENEY	4046 MAIDSTONE DR	MOUNT PLEASANT SC 29466-7583
2143 BLAZING TRAIL DR	0721517727	MICHAEL JOHN & JULIANNE KELLY	2143 BLAZING TRAIL DR	APEX NC 27502-3679
2704 MASONBORO FERRY DR	0721515754	BLAKE JOHN LUTZ TRUSTEE & JENNIFER LEE LUTZ TRUSTEE	3519 ESTATES EDGE DR	NEW HILL NC 27562-9320
2715 MASONBORO FERRY DR	0721514611	JOHN F & KRISTEN M MCCLURE	2715 MASONBORO FERRY DR	APEX NC 27502-3683
2709 BLAZING TRAIL DR	0721514966	NARENDRA VAMAN & PRUTHVI DESHPANDE PALEKAR	121 AMIABLE LOOP	CARY NC 27519-5578
2719 MASONBORO FERRY DR	0721513661	ROBERT JAMES POHLMAN	2179 MASONBORO FERRY DR	APEX NC 27502
2708 MASONBORO FERRY DR	0721515705	FRED WILLIAM & SHARON RONECKER	2708 MASONBORO FERRY DR	APEX NC 27502-3683
2702 MASONBORO FERRY DR	0721515784	HEATHER L SCHUMM	2702 MASONBORO FERRY DR	APEX NC 27502-3683
8008 HUMIE OLIVE RD	0721514434	ANNIE MAE SCOTT	8008 HUMIE OLIVE RD	APEX NC 27502-9635
7900 HUMIE OLIVE RD	0721519475	ELVIN SCOTT	7900 HUMIE OLIVE RD	APEX NC 27502-9604
0 BLAZING TRAIL DR	0721518752	THE TOWNES AT BELLA CASA ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210
7801 HUMIE OLIVE RD	0720694728	THE WAKE COUNTY BOARD OF EDUCATION	ATTN: BETTY L PARKER	111 CORNING RD STE 100
2713 MASONBORO FERRY DR	0721514641	BRENT & ASHLEY WINSTON	2713 MASONBORO FERRY DR	APEX NC 27502-3683
2709 MASONBORO FERRY DR	0721514670	HUIJUN XIONG & GUANYING WANG	2709 MASONBORO FERRY DR	APEX NC 27502-3683
2145 BLAZING TRAIL DR	0721517724	GUOHUA YANG & HUI ZHENG	3016 NASHVILLE DR	SAN JOSE CA 95133-2059
		TOWN OF APEX	PO BOX 250	APEX NC 27502-0250
		Current Tenant	2145 Blazing Trail DR	APEX NC 27502
		Current Tenant	2155 Blazing Trail DR	APEX NC 27502
		Current Tenant	2157 Blazing Trail DR	APEX NC 27502
		Current Tenant	2708 Blazing Trail DR	APEX NC 27502
		Current Tenant	7982 Humie Olive RD	APEX NC 27502
		Current Tenant	7984 Humie Olive RD	APEX NC 27502
		Current Tenant	7988 Humie Olive RD	APEX NC 27502
		Current Tenant	7990 Humie Olive RD	APEX NC 27502
		Current Tenant	7994 Humie Olive RD	APEX NC 27502
		Current Tenant	7996 Humie Olive RD	APEX NC 27502
		Current Tenant	2703 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2704 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2705 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2707 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2710 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2716 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2718 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2719 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2720 Masonboro Ferry DR	APEX NC 27502

Created by Town of Apex Planning and Community Development

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom meeting - see enclosed registration details

Date of meeting: August 31, 2022 Time of meeting: 6:00-8:00 pm

Property Owner(s) name(s): Construction Masters LLC

Applicant(s): Construction Masters LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Peter Cnossen	221 N. Salem St.			—
2.	Mohamed Elfadaly	property owner			—
3.	Nicole Dozier	2600 Monte Terrace			
4.	Marcia Baltimore	2006 Lazio Lane			
5.	Ed Franzone	2746 Lake Waxcomaw Trail			
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Construction Masters LLC

Applicant(s): Construction Masters LLC

Contact information (email/phone): peter@jonescrossen.com/919-387-1174

Meeting Address: Zoom meeting - see enclosed registration details

Date of meeting: August 31, 2022 Time of meeting: 6:00-8:00 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 development offer affordable housing units? And if not, what benefit is this rezoning for more density to the Town of Apex?

Applicant's Response:

The development did not intend to offer affordable housing as a commitment to provide active solar on one duplex had already been made at the EAB. However, after lengthy discussion, the owner made a commitment to contact the Town's Housing Program Manager to discuss options to provide an affordable component to the rezoning.

Question/Concern #2:

Who is responsible for maintenance of the area outside the road along Blazing Trail Drive?

Applicant's Response:

Blazing Trail Drive and Paradise Alley are both constructed within public right-of-way owned and maintained by the Town of Apex. All area outside the public right-of-way and lots will be owned and maintained by the Humie Olive Place HOA.

Question/Concern #3:

Is this development a part of the Bella Casa HOA?

Applicant's Response:

No, this development will have its own HOA.

Question/Concern #4:

Will a traffic signal be installed at the intersection of Humie Olive Road and Blazing Trail Drive?

Applicant's Response:

Humie Olive Road is maintained by NCDOT and no knowledge of a warrant study for providing a signalized intersection was known. The neighbor added a comment that the new Blazing Trail Drive pavement markings by the Humie Olive Place development have been beneficial.

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, Peter Crossen, do hereby declare as follows:
Print Name

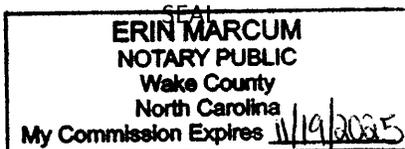
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom/virtual (location/address) on August 31, 2022 (date) from 6:00 pm (start time) to 8:00 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.

9/18/2022
Date

By: Peter Crossen

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 15th day of September, 2022.



[Signature]
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 2.00

PIN(s): 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Current Zoning: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

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

2045 Land Use Map: Medium Density Residential

Town Limits: Inside Corporate Limits

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



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: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



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: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Alyssa Byrd

Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

Approval with conditions: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

Denial: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 2 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached "Dissenting Member Comments" documents from Tina Sherman and Daniel Khodaparast.

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:

Handwritten signature of Regina Skinner, Planning Board Chair.

Dianne Khin

Digitally signed by Dianne Khin Date: 2022.11.14 17:32:33 -05'00'

Dianne Khin, Director of Planning and Community Development

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 11/14/22

Rezoning # 04-22C218

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

Concerned about long-term environmental impacts
~~to the~~

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: DANIEL KHODAPARAST

Meeting Date: 11/14/2022

Rezoning # ~~22C.218~~ ~~22C.201~~ 22C.218

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

I DO NOT BELIEVE THERE IS ENOUGH DATA TO MERIT DISMISSAL OF THE EXISTING STREAM, DESPITE IT BEING DRY. I WORRY THAT FURTHER SITE WORK AND TIME WILL CAUSE IT TO RETURN AND NEGATIVELY IMPACT THE HOMES BUILT ON THE OLD STREAM BED.

**TOWN OF APEX**

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ18
Humie Olive Place**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Construction Masters, LLC

Authorized Agent: Jones & Crossen Engineering, PLLC

Property Addresses: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd

Acreage: ±2.00 acres

Property Identification Numbers (PINs): 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Current 2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

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

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

Planning Board Public Hearing Date and Time: November 14, 2022 4-30 PM

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

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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.cylexinc.com/frames>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4376. 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/40721>.

Dianne F. Khin, AICP
Director of Planning and Community Development





TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-369-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ18
Humie Olive Place

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: Construction Masters, LLC

Agente autorizado: Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de noviembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/channel/UC6mmlfapzqgq>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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.zalio.com/apex>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/472>. 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/40721>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #22CZ18
 Humie Olive Place**

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:** Construction Masters, LLC
- Authorized Agent:** Jones & Crossen Engineering, PLLC
- Property Addresses:** 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
- Acreage:** ±2.00 acres
- Property Identification Numbers (PINs):** 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305
- Current 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)
- Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ)

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

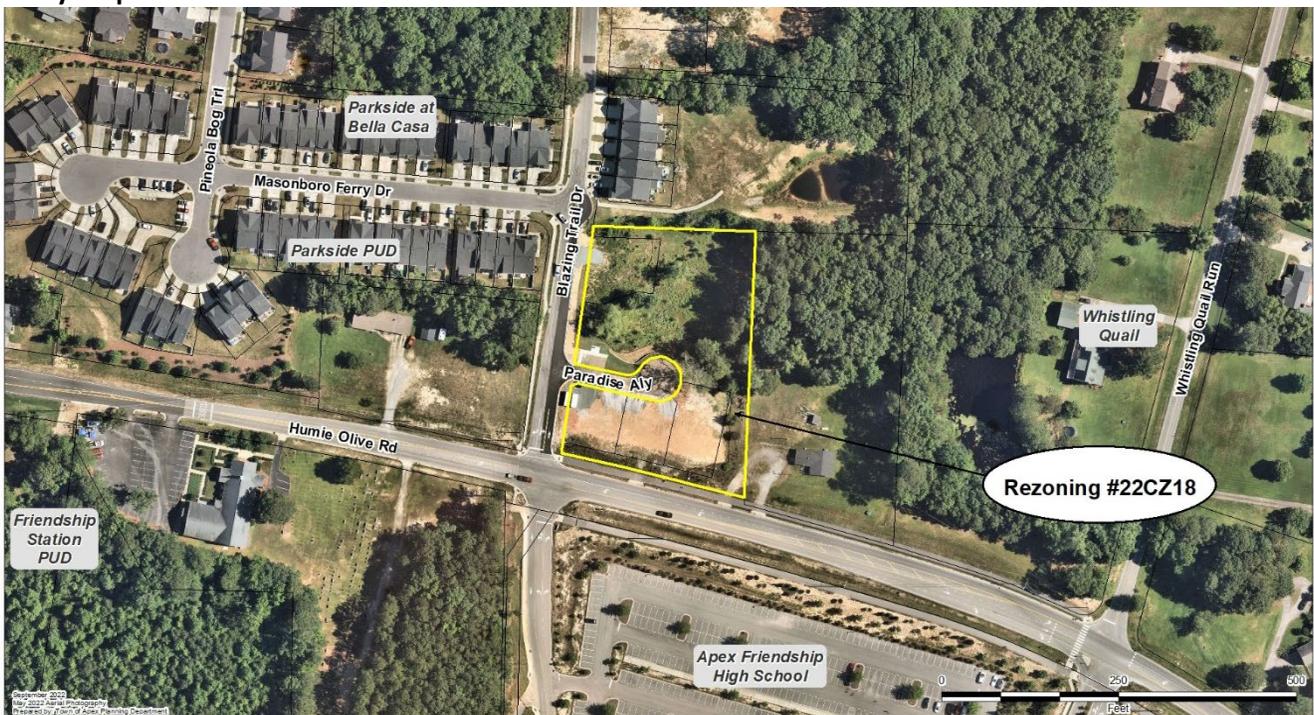
Planning Board Public Hearing Date and Time: November 14, 2022 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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/40721>.

Dianne F. Khin, AICP
 Director of Planning and Community Development



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL ##22CZ18

Humie Olive Place

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: Construction Masters, LLC

Agente autorizado: Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de noviembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/40721>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



Rezoning #22CZ18

Apex Friendship High School



Public Hearing Sign Posted By

Signature *[Handwritten Signature]* Date 9/9/2022

September 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department



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 #22CZ18
Humie Olive Place
Project Location: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
Applicant or Authorized Agent: Peter Clossen, PE
Firm: Jones & Clossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 28, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

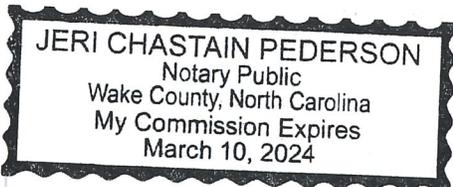
11/1/2022
Date

Shanne F. Khen
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above

State and County, this the 1 day of November, 202 2.



Jeri Chastain Pederson
Notary Public

Commission Expires: 03/10/2024

SEAL



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ18
Humie Olive Place

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

- Applicant:** Construction Masters, LLC
- Authorized Agent:** Jones & Crossen Engineering, PLLC
- Property Addresses:** 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
- Acreage:** ±2.00 acres
- Property Identification Numbers (PINs):** 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305
- Current 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ #16C227)
- Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ)

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

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

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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/imap>. 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/40721>.

Dianne F. Khin, AICP
Director of Planning and Community Development

**TOWN OF APEX**

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ18
 Humie Olive Place

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: Construction Masters, LLC

Agente autorizado: Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/imag>. 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/40721>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 4 de noviembre - 29 de noviembre de 2022



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ18 Humie Olive Place

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

Applicant: Construction Masters, LLC

Authorized Agent: Jones & Crossen Engineering, PLLC

Property Addresses: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd

Acreage: ±2.00 acres

Property Identification Numbers (PINs): 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Current 2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

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

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

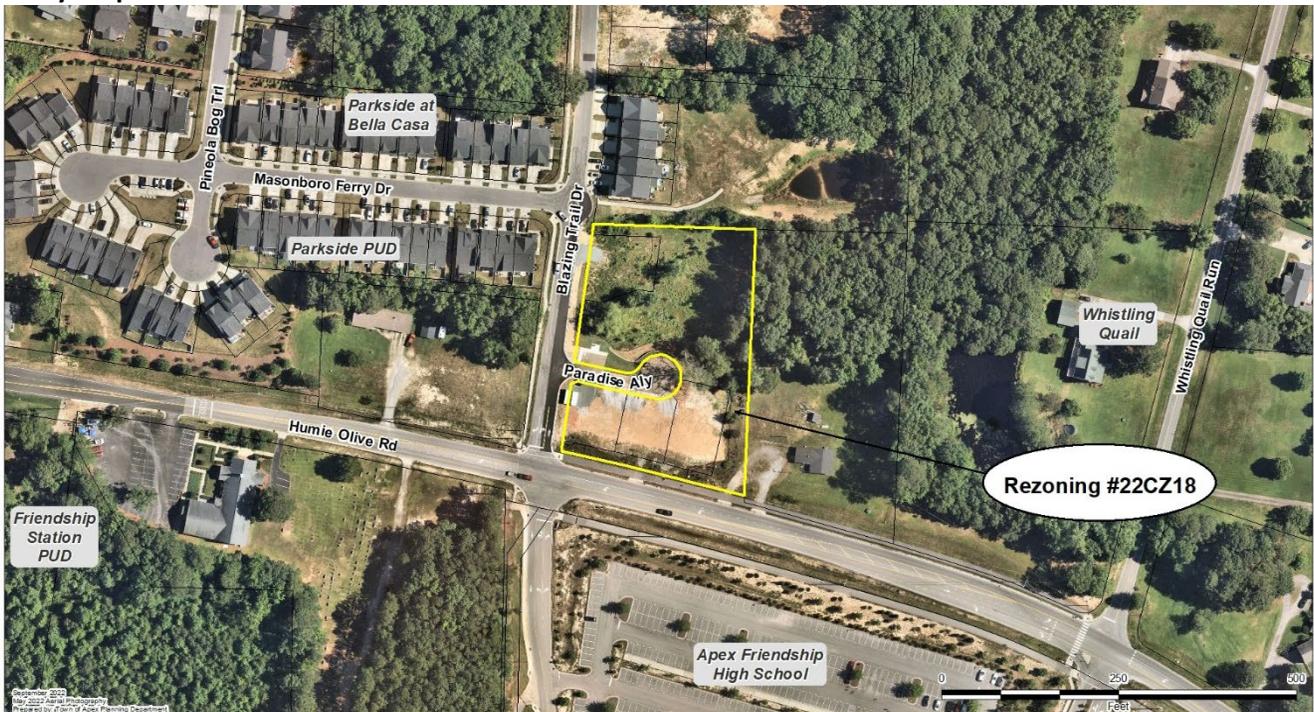
Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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/40721>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ18

Humie Olive Place

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: Construction Masters, LLC

Agente autorizado: Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

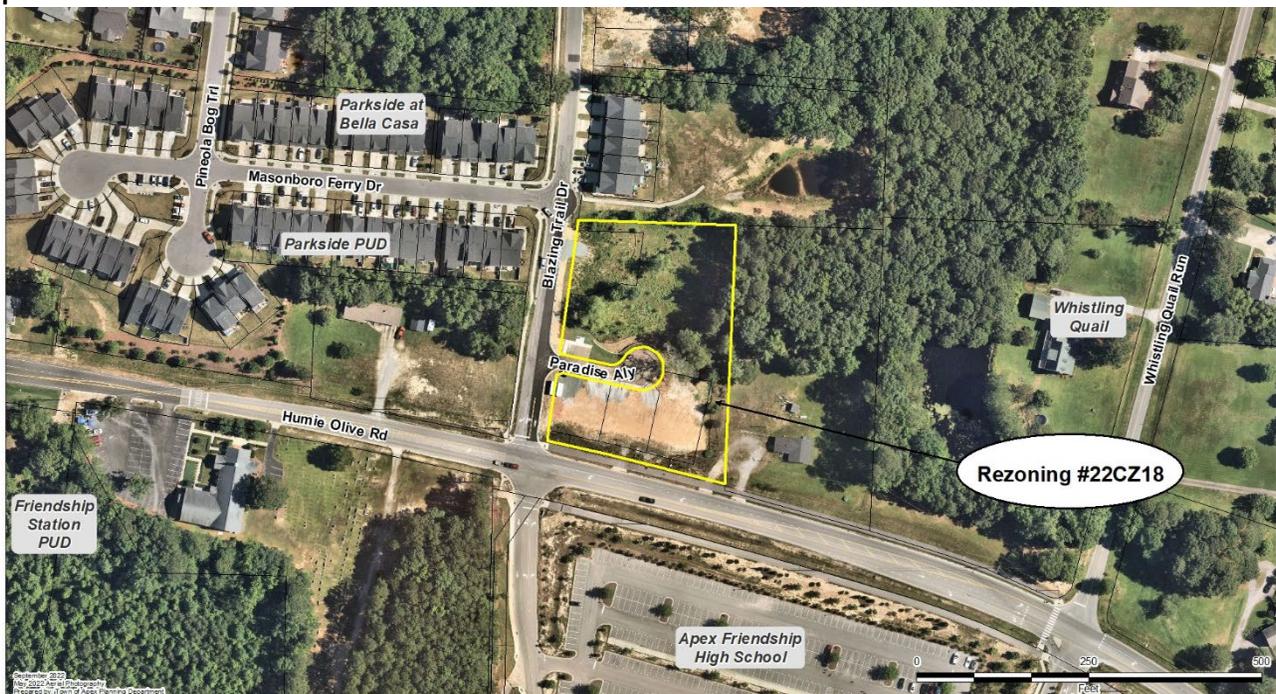
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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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/40721>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



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 #22CZ18
Humie Olive Place
Project Location: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
Applicant or Authorized Agent: Peter Clossen, PE
Firm: Jones & Clossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 4, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

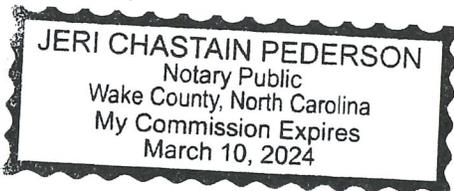
11/7/2022
Date

Maime F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 7th day of November, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

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

October 20, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: September 1, 2022
- Name of development: 22CZ18 Humie Olive Place
- Address of rezoning: 0 & 2157 Blazing Trail Dr; 7982, 7988, & 7994 Humie Olive Rd
- Total number of proposed residential units: 12 (6 are currently approved)
- Type(s) of residential units proposed: Duplexes

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,


| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 29, 2022

Item Details

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

Department(s): Planning & Community Development

Requested Motion

Public hearing and possible motion to amend the Thoroughfare and Collector Street Plan map and the Bicycle and Pedestrian System Plan map within the approved Legacy Planned Unit Development.

Approval Recommended?

Planning and Community Development Department staff recommend approval of the proposed amendments.

The Planning Board unanimously recommended approval of the proposed amendments at their November 14, 2022 meeting.

Item Details

The purpose of this hearing is to consider removal of a future roundabout and a realignment of a future greenway within the approved Legacy Planned Unit Development.

Attachments

- Staff Report
- Planning Board Report to Town Council





The Thoroughfare and Collector Street Plan map, Transit Plan map, and Bicycle and Pedestrian System Plan map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not require a schedule for implementation nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Transportation Plan in the vicinity of the American Tobacco Trail and US 64 Hwy, within the approved Legacy Planned Unit Development.

The proposed amendment to the Thoroughfare and Collector Street Plan map would remove a future roundabout along a future major collector street (see Figure 1). The proposed amendment to the Bicycle and Pedestrian System Plan map would realign a proposed greenway (see Figure 1).

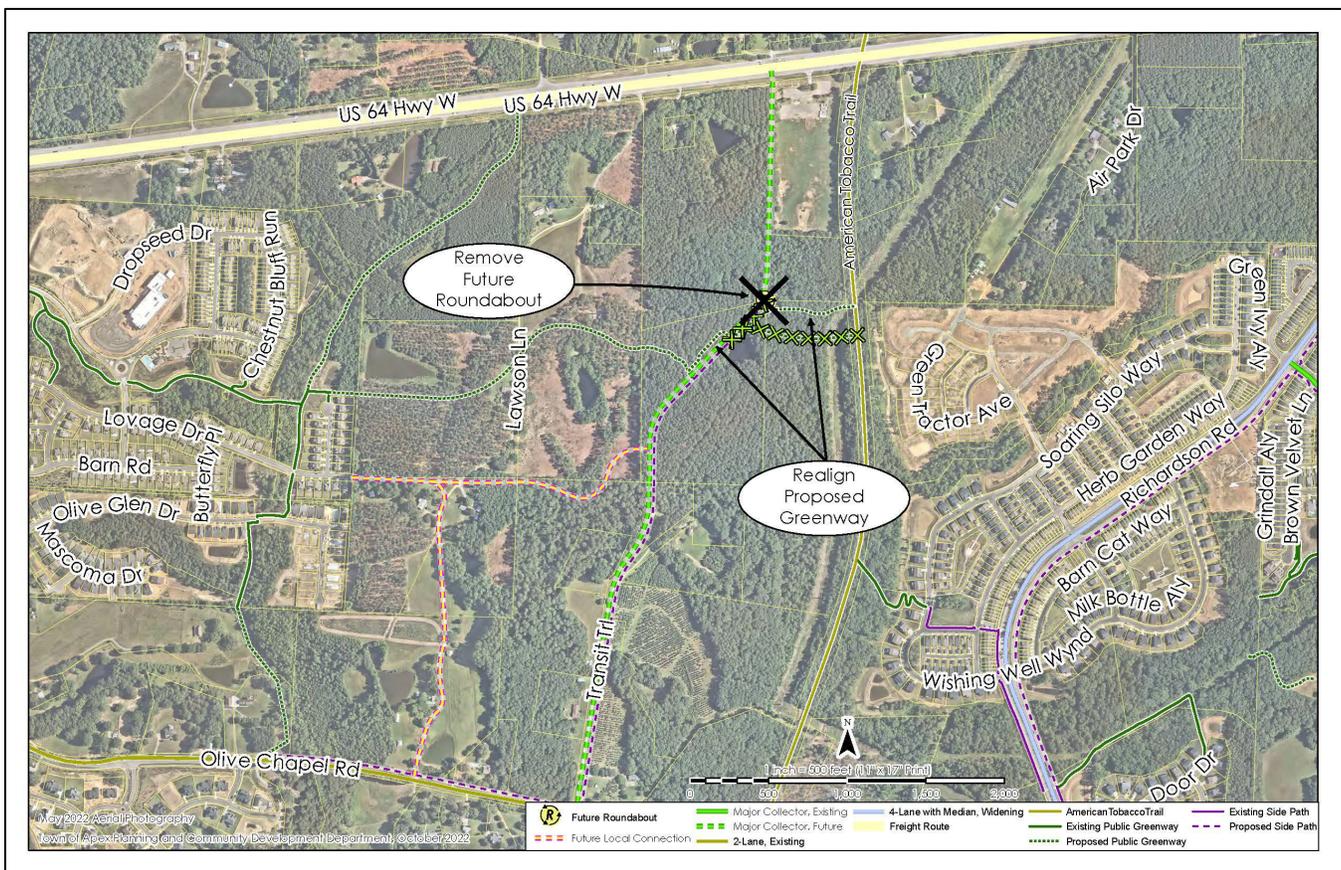


Figure 1. Proposed amendments to the Thoroughfare and Collector Street Plan map and Bicycle and Pedestrian System Plan map

The proposed amendments are requested by the developer of the Legacy Station development. An explanation for the request is provided as Attachment 1. In summary, a three-legged intersection was anticipated at the time of rezoning, but is no longer proposed, eliminating the need for a roundabout. The slight shift in the alignment of the greenway reflects further site work completed as part of the major site plan process.

Programmed Projects:

No municipal or state projects are programmed to complete the facilities addressed by these amendments. This transportation network is being constructed as part of the Legacy Station project.

Staff Recommendation:

Planning staff recommend supporting the proposed amendments. Staff from Public Works and Transportation; Fire; Police; and Parks, Recreation, and Cultural Resources are also supportive of the proposed amendments.

Planning Board Recommendation:

The Planning Board considered the proposed amendments at their November 14, 2022 meeting and unanimously recommended approval.

Attachment 1

September 28, 2022

Ms. Shannon Cox, AICP
Town of Apex
Long Range Planning Manager
73 Hunter Street
Apex, NC 27502

**RE: Transportation Plan Amendment
Removal of Roundabout on Major Collector Road
Legacy Station Major Site Plan**

Dear Ms. Cox:

Please let this letter serve as a request for an amendment to the Comprehensive Transportation Plan (CTP) to delete the roundabout shown on the approved CTP along the major collector road between US 64 and Olive Chapel Road as it relates to the Legacy Station Major Site Plan.

As you recall, during the rezoning process for the Legacy PUD project that was approved on September 28, 2021 the original plan anticipated a roundabout located about mid-way between US 64 and Olive Chapel Road in order to provide a 3 legged "intersection" where the collector road and the future school/single family tract meet. Since the school site and/or single family site has not been designed yet and due to the final location of the greenway connection to the ATT that runs along the collector road as more of a sidepath as well as proposed RCA in this vicinity, it is our opinion that the roundabout is no longer needed. In lieu of the roundabout, a horizontal curve that meets the town's design criteria is put in this location since there is no third leg of the roundabout (see Figure 1 below). If there was a third leg, that leg would likely conflict with RCA as well as safe pedestrian access along the side path that connect to the ATT.

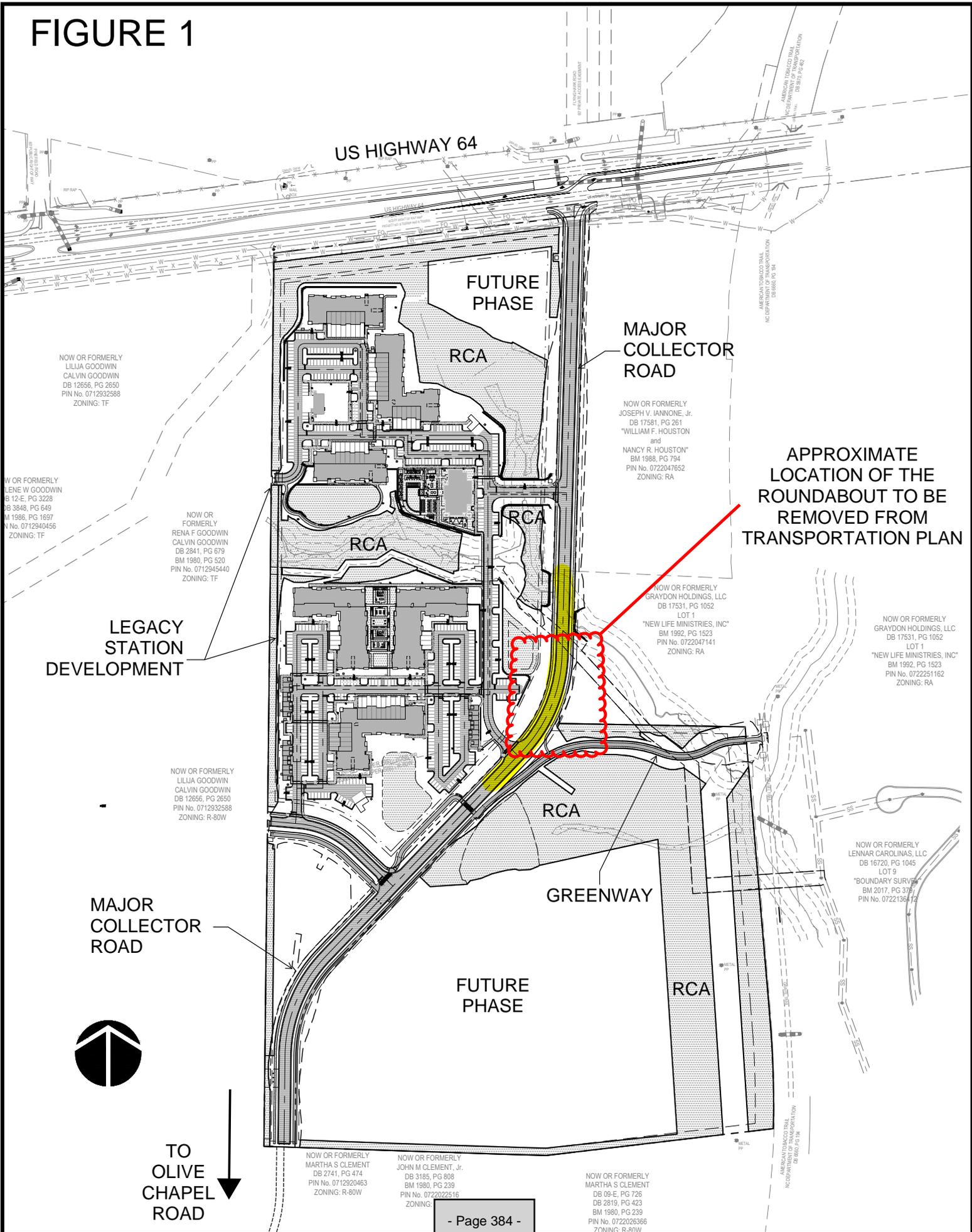
For these reasons we respectfully request removal of the roundabout from the CTP.

Sincerely,
WithersRavenel



James Clark, PE
Project Manager

FIGURE 1



PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: November 14, 2022



Long range plan(s) proposed to be amended:

Thoroughfare and Collector Street Plan map and Bicycle and Pedestrian System plan map.

Description of the proposed amendment(s):

Remove future roundabout along a future major collector street within the Legacy Station development.
Slightly shift a future greenway within the Legacy Station development.

Planning Board recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Tina Sherman

Approval of the proposed amendment(s) as presented

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

Denial of the proposed amendment(s)

With 8 Planning Board member(s) voting "aye"

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

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.11.14 16:42:58
-05'00'

Dianne Khin, Director of Planning and Community Development

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 29, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval. The Planning Board heard these amendments at their November 14, 2022 meeting and unanimously recommended approval.

Item Details

Summary of UDO Amendments

Requested by Planning Staff:

1. Amendment to various sections of the UDO in order to change all references to "Director of Planning and Community Development" to "Planning Director" and "Department of Planning and Community Development" to "Planning Department".
2. Amendments to Sec. 8.2.6 *Buffering* in order to clarify buffer planting requirements.

Attachments

- Staff Report
- Planning Board Report to Town Council
- Public Notice
- Ordinance





Requested by Planning Staff:

1. **Amendments to Articles 1-4 & 6-12 in order to change all references to “Director of Planning and Community Development” to “Planning Director” and “Department of Planning and Community Development” to “Planning Department”.**

2. **Amendments to Sec. 8.2.6 *Buffering* in order to clarify buffer planting requirements.**

8.2.6.B *Buffering, Landscape Buffers Between Uses*

...

5) *Types of Buffers*

a) Type A: Opaque

This buffer functions as an opaque screen from the ground to a height of at least **six (6)** feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet **apart** at time of planting. Screening plants for the Type A buffer shall be evergreen and between 5 and 6 feet tall at the time of installation **and spaced no further than six (6) feet apart** (see Plant Standards Sec. 8.2.2.B). At least 50% of the required trees and 100% of the required shrubs shall be evergreen species. Opaque fencing may be used to meet the opacity requirement provided that it is planned as an integral part of the buffer and is located immediately adjacent to the individual lots. Where a fence is used, shrubs shall be clustered so that there is a minimum of three (3) small evergreen shrubs spaced every 20 feet.

...

8.2.6.C *Buffering, General Buffering Requirements*

1) *Location of Buffers*

- a) The buffers required by this Section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Buffers shall not include any portion of an existing public or private street, proposed public street, existing or proposed private easement, or right-of-way. The required buffer width does not just determine a simple setback but is to be totally planted to meet the requirements for the applicable buffer type. Therefore, the plants comprising the buffer shall be spread across the entire width of the buffer and not just planted in a row or rows. **Increased buffer width indicates an increase in the number of plants. For example, a 20-foot wide buffer should have approximately twice the number of plants as a 10-foot wide buffer.**

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their November 14, 2022 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: November 14, 2022



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Daniel Khodaparast

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

Denial of the proposed UDO amendment(s)

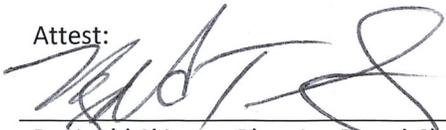
With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin
Digitally signed by Dianne Khin
Date: 2022.11.14 18:20:14 -05'00'
Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to change all references to "Director of Planning and Community Development" to "Planning Director" and "Department of Planning and Community Development" to "Planning Department".
2. Amendments to Sec. 8.2.6 *Buffering* in order to clarify buffer planting requirements.

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

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

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

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
Director of Planning and Community Development

Published Dates: November 7-29, 2022



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el personal de planificación:

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO) para cambiar todas las referencias de “Director de Planificación y Desarrollo Comunitario” a “Director de Planificación” y de “Departamento de Planificación y Desarrollo Comunitario” a “Departamento de Planificación”.
2. Enmiendas a la Sección. 8.2.6 *Márgenes* para aclarar los requisitos de plantación de márgenes.

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: 29 de noviembre de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario

Fechas de publicación: 7-29 de noviembre de 2022



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §1600-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to change all references to "Director of Planning and Community Development" to "Planning Director" and "Department of Planning and Community Development" to "Planning Department".
2. Amendments to Sec. 8.2.6 *Buffering* in order to clarify buffer planting requirements.

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

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

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The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 7-29, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
modificación de la Ordenanza
de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el personal de planificación:

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO) para cambiar todas las referencias de "Director de Planificación y Desarrollo Comunitario" a "Director de Planificación" y de "Departamento de Planificación y Desarrollo Comunitario" a "Departamento de Planificación".
2. Enmiendas a la Sección. 8.2.6 *Márgenes* para aclarar los requisitos de plantación de márgenes.

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: 29 de noviembre de 2022 6:00 PM

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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 y Desarrollo Comunitario

Fechas de publicación: 7-29 de noviembre de 2022

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Articles 1-4 and 6-12 of the Unified Development Ordinance are amended to change all references to “Director of Planning and Community Development” to “Planning Director” and “Department of Planning and Community Development” to “Planning Department”.

Section 2. Section 8.2.6 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.6.B *Buffering, Landscape Buffers Between Uses*

...

5) *Types of Buffers*

a) Type A: Opaque

This buffer functions as an opaque screen from the ground to a height of at least **six (6)** feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet **apart** at time of planting. Screening plants for the Type A buffer shall be evergreen and between 5 and 6 feet tall at the time of installation **and spaced no further than six (6) feet apart** (see Plant Standards Sec. 8.2.2.B). At least 50% of the required trees and 100% of the required shrubs shall be evergreen species. Opaque fencing may be used to meet the opacity requirement provided that it is planned as an integral part of the buffer and is located immediately adjacent to the individual lots. Where a fence is used, shrubs shall be clustered so that there is a minimum of three (3) small evergreen shrubs spaced every 20 feet.

...

8.2.6.C *Buffering, General Buffering Requirements*

1) *Location of Buffers*

a) The buffers required by this Section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Buffers shall not include any portion of an existing public or private street, proposed public street, existing or proposed private easement, or right-of-way. The required buffer width does not just determine a simple setback but is to be totally planted to meet the requirements for the applicable buffer type. Therefore, the plants comprising the buffer shall be spread across the entire width of the buffer and not just planted in a row or rows. **Increased buffer width indicates an increase in the number of plants. For example, a 20-foot wide buffer should have approximately twice the number of plants as a 10-foot wide buffer.**

...

Section 3. The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish

the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 4. 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 5. The ordinance shall be effective upon enactment on the ____ day of _____ 2022.

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: NEW BUSINESS
Meeting Date: November 29, 2022

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to accept the resignation of Apex Town Councilmember Cheryl Stallings effective Sunday, December 4, 2022 at 11:59 p.m.

Approval Recommended?

Yes

Item Details

On November 8, 2022, Apex Town Councilmember Cheryl Stallings was elected to the Wake County Board of Commissioners effective Monday, December 5, 2022. Councilmember Stallings has submitted a resignation from her elected seat on the Apex Town Council effective Sunday, December 4, 2022 at 11:59 PM.

Attachments

- Resignation Letter - Cheryl Stallings Apex Town Councilmember



Cheryl Stallings
2009 Abby Knoll Drive
Apex, NC 27502

November 22, 2022

Town of Apex
73 Hunter Street
Apex, NC 27502

Dear Mayor Gilbert, Mayor Pro Tem Killingsworth, and Members of Council:

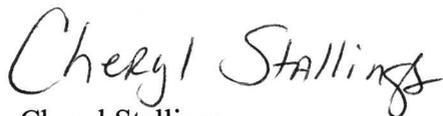
It is with mixed emotions that I tender my resignation as an Apex Councilmember effective December 4th, 2022 at 11:59 pm. Because I was recently elected to the Wake County Board of Commissioners, District 3 seat, I must resign my position with the Town Council prior to being sworn into my new role.

It has been an honor and a privilege to work with all of you, as well as our dedicated Town staff, over the years in service to the people of Apex. I look forward to watching the Town continue to thrive as we honor our past, present, and potential as a welcoming community to all.

I will remain steadfast and involved, and I will continue to represent and work for the Apex and greater Wake County community. I am committed to the work of a healthy and sustainable economy, community, and environment for all.

A special thanks is also extended to the people of Apex for allowing me this opportunity to serve on the Town Council. I look forward to continued service as your next Wake County Commissioner.

Sincerely,



Cheryl Stallings
Town Councilmember

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: November 29, 2022

Item Details

Presenter(s): Terry Mahaffey, Chair, Rules Committee
Allen Coleman, Town Clerk

Department(s): Governing Body & Town Clerk's Office

Requested Motion

A) Possible motion to approve the following policies related to the Governing Body:

- Resignation of Mayor or Member of Town Council
- Filling Vacancies

B) Possible motion to approve a process and schedule to fill a temporary At-Large seat on the Apex Town Council

Approval Recommended?

Yes

Item Details

On June 14, 2022, the Apex Town Council unanimously voted to direct the Town Clerk to investigate and develop a process for filling a vacancy on the Town Council. Council provided broad parameters and directed the Clerk to provide a recommended application, screening and approval process. A total of eighteen (18) communities (municipal and county) throughout the state of North Carolina provided responses for consideration and those responses were consolidated and shared with the Town Council's Ad-Hoc Rules Committee. After multiple meetings, the Rules Committee recommended the attached policy, process, and schedule.

For additional background:

On November 8, 2022, Apex Town Councilmember Cheryl Stallings was elected to the Wake County Board of Commissioners effective Monday, December 5, 2022. Councilmember Stallings has submitted a resignation from her elected seat on the Apex Town Council effective Sunday, December 4, 2022 at 11:59 PM.

According to North Carolina General Statutes (NCGS) § 160A-63 and the Apex Town Code of Ordinances, the Apex Town Council has the authority to appoint a qualified individual to fill Stallings unexpired term until residents have the opportunity to elect a successor in the 2023 Apex municipal elections.

Attachments

- DRAFT Policy - Resignation of Mayor or Member of Town Council and Filling Vacancies
- DRAFT Process Timeline for Selecting and Appointing a Candidate to Fill a Temporary At-Large Town Council Seat





DRAFT
TOWN OF APEX
GOVERNING BODY POLICIES &
RULES OF PROCEDURE

CHAPTER xx | SECTION xx – Resignation of Mayor or Member of Town Council

Resignation of members of the Town Council or in the Office of the Mayor shall be in writing and shall specify the date that the resignation becomes effective. A resignation that fails to specify an effective date shall be effective when accepted by the Town Council. The written resignation shall be filed with the Town Clerk who shall record the date and time the resignation is filed. The Town Clerk shall present the resignation to the next regular meeting of the Town Council. At such meeting or at such later time as the Town Council may decide, the Town Council shall vote on the question of accepting the resignation. A resignation may be withdrawn by the maker at any time prior to the time the Town Council votes to accept it. A resignation may not be withdrawn, once it has been accepted by the Town Council, except by an approving vote of the Town Council.

CHAPTER xx | SECTION xx – Filling Vacancies

The Town Council shall identify and appoint a qualified person to fill an existing vacancy in the office of the Mayor or Council Member. The individual who has resigned or announced their intention to resign shall not participate in the process of filling their vacancy. The Mayor, Mayor Pro-Tempore, or other presiding officer will serve as the chairperson over this process.

The Town Clerk shall give public notice of the vacancy. The notice shall invite applications from persons who are interested in filling the vacancy. The form of the application shall be as prescribed by the Town Council and shall be provided by the Town Clerk. Completed applications shall be filed with the Town Clerk on or before the date specified in the application. All applications and candidate information are public records and subject to release pursuant to North Carolina Public Records Act.

The Town Clerk shall investigate the tax records and voting records of each applicant to ensure that all Wake County taxes are current and that the applicant is a qualified voter in the Town of Apex Corporate Limits. The Town Clerk shall also determine that each applicant satisfies all residency requirements to fill the vacancy. The applications and the information gathered by the Town Clerk with respect to applicant tax records, voting records and residency shall be provided to the Town Council.

The Town Council shall develop criteria to be used as a basis for evaluating the applications. The Town Council shall evaluate the applications based on the criteria and shall narrow the field of applicants to such number as the Town Council deems appropriate.



DRAFT
TOWN OF APEX
GOVERNING BODY POLICIES &
RULES OF PROCEDURE

The Town Council shall use the responses to the questionnaire as a basis for further narrowing the field of applicants to a final field of not less than three nor more than seven candidates. These candidates shall be invited to appear before the Town Council to be interviewed.

The Council shall schedule all meetings of the Town Council for the purpose of filling a vacancy under this subsection. All such Town Council meetings shall be called and held consistent with the State's Open Meetings Law. The Mayor or presiding officer shall attempt to obtain livestreaming or television coverage of the interviews.

Following the conclusion of the interviews and in an open meeting, the Town Council shall proceed to fill the vacancy by nomination and ballot method. Each Council member may nominate a candidate to fill the vacancy. Following the nominations, each Council member will vote by secret ballot for the person they would like to fill the vacancy. Although, the ballots may be marked secretly, each ballot must contain the Council member name for the record. The person who receives a majority of votes will be selected to fill the vacancy. If no candidate receives a majority of votes, those candidates who receive zero votes will be removed from consideration and the Council members will take a second vote. If no candidate receives a majority of votes in the second round of votes, the two candidates who received the most votes will remain on the ballot for the remaining rounds until a candidate receives a majority vote.

The Town Council is authorized to modify the procedure prescribed by this section (consistent with the general spirit and intent thereof) to address unexpected situations or to make timely progress.

DRAFT



**TOWN OF APEX
PROCESS TIMELINE FOR SELECTING AND APPOINTING
A CANDIDATE TO FILL A TEMPORARY
AT-LARGE TOWN COUNCIL SEAT**

Tuesday, November 29 (Regular Meeting):

The Apex Town Council approves the selection process and schedule for appointing a qualified candidate to temporarily fill an At-Large seat vacated by a resignation.

9:00 AM Wednesday, November 30 – 5:00 PM Friday, December 9, 2022:

Town Clerk's Office and Communications' Department to advertise position and solicit applications from qualified candidates through the Media, Town's Website, and Social Media. Applications available on Town's website and by email.

5:00 PM Friday, December 9, 2022:

All completed applications with accompanying resumes must be submitted and received by the Town Clerk.

Monday, December 12 – Tuesday, December 13, 2022:

The Town Clerk's Office to verify each application is complete and meets the established qualifying criteria. The Wake County Tax Administration and Board of Elections will assist the Clerk's Office with the verification process.

Tuesday, December 13, 2022:

Eligible applicants are shared with the Mayor and Town Council. The Town Clerk's Office in partnership with the Communications' Department will issue a press release notifying the public who is eligible and applied for consideration.

Friday, December 16, 2022:

The Mayor and each Town Council member will provide the Town Clerk with up to seven (7) candidates to be interviewed by the close of business day Friday, December 16, 2022.

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Friday, December 16, 2022:

The Town Clerk's Office in partnership with the Communications' Department will issue a press release notifying the public the candidates selected to be interviewed.

Friday, January 6, 2023 (Special Meeting):

Candidate interviews to be conducted by the Mayor and Town Council. This will be a called special meeting of the Council, which will be livestreamed/recorded and open to the public. As in other Council meetings the Town Manager, Town Attorney, and Town Clerk will also be present. At the conclusion of the interviews, Council will deliberate and conduct a public hearing to receive feedback on the potential candidates.

Tuesday, January 10, 2023 (Regular Meeting):

The Mayor and Town Council will vote to appoint a qualified candidate to fill the vacancy by nomination and ballot method. The candidate appointed to the At-Large Town Councilmember seat will serve until the next municipal election (November 2023).

Thursday, January 12, 2023 (Council Strategic Planning Meeting):

The individual selected and appointed to fill the vacancy will be sworn in by the Mayor and/or Town Clerk. The newly sworn-in Councilmember will participate in the Strategic Planning Meeting and all future meetings of the Apex Town Council.

Monday, January 16, 2022:

New Councilmember Orientation process begins, coordinated by the Town Clerk.

Questions regarding the application process and timeline should be directed to the Town Clerk Allen Coleman allen.coleman@apexnc.org, 919-249-1260, or 73 Hunter Street, Apex, NC 27502.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION
Meeting Date: November 29, 2022

Item Details

Presenter(s): Laurie Hohe
Department(s): Town Attorney

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(6) for a personnel matter.

Approval Recommended?

Yes.

Item Details

Attachments

