



AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, January 27, 2026 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Governing Body and Town Senior Executive Leadership

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Terry Mahaffey

Council Members: Edward Gray, Arno Zegerman, Shane Reese, Sue Mu

Town Manager: Randal E. Vosburg

Deputy Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

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

English	Spanish	Chinese (Simplified)
ANNOUNCEMENTS Members of the public can access and view the meeting on the Town's YouTube Channel https://www.youtube.com/c/TownofApexGov or attend in-person. The meeting date, start time, and location details are included at the top of this agenda document.	ANUNCIOS Las personas interesadas pueden acceder y ver la reunión a través del canal de YouTube de la Ciudad en https://www.youtube.com/c/TownofApexGov o asistir en persona. En la parte superior de este documento de agenda se indican la fecha, la hora de inicio y la ubicación de la reunión.	公告 公众可通过镇政府的YouTube频道 https://www.youtube.com/c/TownofApexGov 在线旁听会议，或选择现场参与。会议日期、开始时间及地点详情见本议程文件顶部。
Accommodation Statement: Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.	Aviso sobre adaptaciones: Si necesita adaptaciones especiales para asistir a esta reunión o requiere esta información en un formato alternativo, comuníquese con la Oficina del Secretario Municipal, ubicada en el segundo piso del Ayuntamiento de Apex, en 73 Hunter Street, por correo electrónico a través de allen.coleman@apexnc.org o llamando al 919-249-1260.	便利服务声明: 如需特殊便利服务以参加本次会议，或需要将本信息提供为其他格式，请联系镇书记官办公室。 办公地址：Apex镇政府二楼（Hunter街73号） 邮箱： allen.coleman@apexnc.org 电话：919-249-1260

COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE

The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds our community together - inviting members from different faith communities to deliver the invocation at the beginning of our Council meetings, supports this unity.

Recognizing that not everyone practices the same traditions, we welcome you to have a private moment of silence.

Please stand as you are able for the Pledge of Allegiance

ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY

Members of the governing body may use this time to share updates on a variety of different topics or submit petitions for future consideration with the entire board and the community.

ADOPTION OF THE MEETING AGENDA

The Mayor will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions. Items to be pulled or added should be submitted to the Town Clerk in advance of the meeting.

CONSENT AGENDA

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

CN1 Agreement - Interlocal Agreement between Wake County and the Town of Apex - Masters Public Administration (MPA) Program Collaborative

Linda Jones, Director, Organizational Excellence Department

CN2 Annexation No. 802 - 7625, 0 Roberts Road and 8112 Green Level Church Road - 5.23 acres

Allen Coleman, Town Clerk

CN3 Annexation No. 817 - Peak City Church - 2401 and 2325 Old US 1 Highway - 23.87 acres

Allen Coleman, Town Clerk

CN4 Annexation No. 818 - Jainix LLC - 7809 Secluded Acres - 3.502 acres

Allen Coleman, Town Clerk

CN5 Annexation No. 820 - 2301 Apex Peakway - 3.803 acres

Allen Coleman, Town Clerk

CN6 Appointment to North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners - Kathy Moyer

Kathy Moyer, Director, Electric Utilities Department

CN7 Budget Ordinance Amendment No. 10 and Capital Project Ordinance Amendment No. 10 - North Carolina Department of Environmental Quality Spring 2025 Flood Resiliency Grant Award - \$2,110,854

Jessica Hoffman, Director, Budget and Performance Management Department

CN8 Capital Project Ordinance Amendment No. 6, No. 7, No. 8, and No. 9 - Interest Earned to Capital Projects

Jessica Hoffman, Director, Budget and Performance Management Department

CN9 Community Event Policy Revision - Prohibiting Selling, Giving Away, and/or Providing Samples of Firearms, Weapons, Tobacco or Vape Products, CBD, etc.

Lisa Raschke, Special Events Manager, Parks, Recreation, and Cult. Res. Department

CN10 Rezoning Case No. 25CZ16 - 3521 Old US 1 Highway (55 Auto Group) - Statement and Ordinance

Joshua Killian, Planner II, Planning Department

TOWN COUNCIL COMMITTEE REPORTS - None Scheduled

TOWN MANAGER'S REPORT

TOWN CLERK'S REPORT

PUBLIC ART MOMENT QUARTERLY - None Scheduled

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Mayor and Town Council. The speaker is requested not to address items that appear as Public Hearings. 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.

Members of the public are encouraged to view the Public Forum and Public Hearing Participation Guidelines.

PROCLAMATIONS / SPECIAL PRESENTATIONS - None Scheduled

PUBLIC HEARINGS

PH1 Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres

Dianne Khin, Director, Planning Department

PH2 Annual Operating Budget Public Hearing - Fiscal Year 2026-2027 - One of Two

Jessica Hoffman, Director, Budget and Performance Management Department

PH3 Electric Time of Use (TOU) Rate Schedule Amendments - Small, Medium, and Large General Service Rate Riders

Jon Griffin, Director, Finance Department

PH4 Rezoning Case No. 25CZ17 - 0 Smith Road

Joshua Killian, Planner II, Planning Department

PH5 Unified Development Ordinance (UDO) Amendments - January 2026

Bruce Venable, Planner III, Planning Department

REGULAR MEETING AGENDA - None Scheduled

INFORMATIONAL ITEMS

Information items focus on educating and bringing awareness to matters or topics that do not require immediate decision or action.

Information items are for informational purposes only and may not be discussed as part of the business meeting.

IN1 Town Council Meeting Follow-up Action List

Allen Coleman, Town Clerk

CLOSED SESSION - None Scheduled

ADJOURNMENT

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Linda Graham Jones, Director

Department(s): Organizational Excellence

Requested Motion

Motion to approve an Interlocal Reimbursement Agreement between Wake County and Wake County Municipal Partners for participation in an Executive Master of Public Administration (eMPA) program.

Approval Recommended?

Yes

Item Details

The eMPA program is a 36-credit hour program to be delivered by East Carolina University (ECU) starting in January 2026 on a closed cohort basis. The Program shall consist of 12 courses, and it is anticipated that admitted students will register for two courses per semester for six semesters. The admitted class shall constitute a defined group of students prescreened by the County and Municipal Parties that will progress through the program together, fostering collaboration and networking. Enrollment shall not be rolling, and substitutions or mid-cohort admissions will not be permitted.

Through an internal application and selection process, the Town of Apex invited eligible members of the Extended Leadership Team to apply for participation. The Extended Leadership Team is comprised of assistant directors, managers, and supervisors from across the organization. Sufficient interest and a strong pool of qualified candidates resulted in all available program slots being filled.

This initiative is being implemented as a pilot program. If successful, future participation opportunities may be expanded to employees who meet the following minimum criteria:

- A minimum of five years of public administration-related professional experience;
- At least three years of experience managing people or processes; and
- An undergraduate degree from a regionally accredited institution with a minimum GPA of 2.7.

The Town of Apex selected five (5) participants to ~~take part~~ in the eMPA program.

Attachments

- CN1-A1: Interlocal Reimbursement Agreement - Executive Master of Public Administration (eMPA) Program
- CN1-A2: Exhibit 1 - Semester Payment Schedule - Interlocal Reimbursement Agreement - Executive Master of Public Administration (eMPA) Program



**INTERLOCAL AGREEMENT
BETWEEN WAKE COUNTY AND WAKE COUNTY MUNICIPAL PARTIES
FOR PARTICIPATION IN eMPA PROFESSIONAL DEGREE PROGRAM**

This Interlocal Reimbursement Agreement (“Agreement”) is entered into by and between Wake County, a body corporate and politic of the State of North Carolina (“County”), and the undersigned Wake County Municipal Parties, municipal corporations organized under the laws of the State of North Carolina (“Municipality” or the “Municipal Parties”). This Agreement is entered into pursuant to N.C. Gen. Stat. § 160A-460 et seq.

RECITALS

WHEREAS, the County and the Municipal Parties are committed to enhancing public service and leadership development within local government, including cultivation of future leaders and networks within Wake County; and

WHEREAS, the County has identified the Executive Master of Public Administration (“eMPA”) degree program offered by East Carolina University (“ECU”) as a valuable resource for achieving this goal. The eMPA curriculum is designed to develop and enhance public governance skills, including management and leadership, public policy and problem-solving skills with a focus on public service perspective; and

WHEREAS, the County has agreed to execute a separate agreement with ECU (“ECU Agreement”), under which the County will pay the program costs, thereby facilitating the participation of qualified applicants from the County and the Municipal Parties; and

WHEREAS, the eMPA program will be a 36-credit hour program delivered online with periodic in-person cohort meetings and learning experiences launching in January 2026;

WHEREAS, the provision of benefits to employees of the County and Municipal parties is provided for by statute and any such undertaking or expense serves a public purpose;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the County and the undersigned Municipal Parties agree as follows:

1. Purpose, Program Description, and General Acknowledgements.
 - a. Purpose: The purpose of this Agreement is to establish the terms under which the Municipal Parties will participate in and reimburse the County for their share of costs associated with ECU eMPA program participation.
 - b. Program Description: The eMPA program is a 36-credit hour program to be delivered by ECU starting in January 2026 on a closed cohort basis. The Program shall consist of 12 courses, and it is anticipated that admitted students will register for two courses per semester for six semesters. The admitted class shall constitute a defined group of

students prescreened by the County and Municipal Parties that will progress through the program together, fostering collaboration and networking. Enrollment shall not be rolling, and substitutions or mid-cohort admissions will not be permitted.

- c. ECU retains final approval over the curriculum and course sequence to ensure compliance with applicable accreditation standards.
- d. ECU retains responsibility for the education of students enrolled in the program, including but not limited to evaluation for purpose of granting academic credit, grading, and discipline.
- e. Ownership of works created for or related to the program are governed by the *East Carolina University Copyright Regulation*. The parties acknowledge review of and acceptance of those terms.
- f. The participating Municipality acknowledges that it may receive or have access to education records, or information derived from education records, that are subject to the Family Educational Rights and Privacy Act (“FERPA”). The participating Municipality shall comply with all applicable FERPA requirements and shall use such information only for purposes consistent with this Agreement. The participating Municipality shall maintain the confidentiality of personally identifiable information and shall not disclose it without the prior written consent of the student. If the participating Municipality experiences a breach relating to this information or becomes aware that it or its employees have disclosed such information to a third party without the written consent of the student, the participating Municipality shall immediately notify the County.
- g. The Auditor of the State of North Carolina, the University’s internal auditor, and/or the Joint Legislative Commission on Governmental Operations (and legislative employees whose primary responsibility is to provide professional or administrative services to the Commission) shall have access to persons and records as a result of all agreements entered into by East Carolina University in accordance with N.C. Gen. Stat. § 147-64.7, § 143-49(9), and/or § 120-75.1.
- h. Independent Status. The Parties are independent governmental entities and nothing in this Agreement shall be construed to create a partnership, joint venture, agency, or employer-employee relationship.

2. County’s Role and Obligations.

- a. The County shall execute a separate agreement directly with ECU to establish terms and conditions of the eMPA program.
- b. The County shall pay the costs associated with the program for each semester upfront, as outlined in the ECU Agreement.

- c. The County shall submit the names of prescreened applicants to the University, as provided by the Municipal Parties.
- d. The County shall provide administrative oversight of the selection process as set forth in Section 4, including periodic reviews to verify that municipalities are meeting administrative and compliance obligations required under this Agreement.
- e. The County will coordinate with the University to identify elective courses to address workforce needs and challenges.
- f. Upon receiving notice that the University has suspended, dismissed, or expelled an enrolled student, the County will promptly notify the employing Municipality.
- g. If the University or the County determines that a Municipality has failed to comply with this Agreement, applicable law, or program requirements, the County shall provide written notice to the impacted Municipality. If the Municipality fails to cure within a reasonable period, or if the University requires suspension or removal based on participant noncompliance, the County may, in its sole discretion and to the extent consistent with University requirements, suspend or remove the Municipality from participation in the program.
- h. The County's authority to monitor compliance or enforce removal is administrative in nature and subject to and to be consistent with the University's program requirements. Such authority of the County shall not be construed as supervision or control over municipal operations or as an assumption of liability on behalf of any participating Municipality.

3. Municipality Role and Obligations.

- a. Each Municipality shall identify and recommend applicants to the County for admission into the eMPA program, including but not limited to verifying employee eligibility and compliance with all program requirements.
- b. Each Municipality shall maintain all employee records and supporting documentation required for participation.
- c. Each Municipality shall promptly comply with all requests from the County and the University for information regarding this Agreement or the eMPA program and comply with Sections 4 and 5 of this Agreement.
- d. Each Municipality will reimburse the County pursuant to terms set forth in Section 6.
- e. Each Municipality shall inform participants of program details and delivery.
- f. Each Municipality shall notify the County as soon as possible, but in no event more than three days after a participating employee is no longer employed by the Municipality.
- g. Each Municipality shall comply with all university and County requirements for program participation. Each Municipality agrees to accept and comply with all administrative and disciplinary decisions issued by the County or the University regarding program participation, including decisions concerning suspensions, removal, or other corrective actions required to maintain program integrity or compliance with university standards.
- h. Any disciplinary or employment-related action affecting individual municipal employees shall remain the sole responsibility of the Municipality. Nothing in this

Agreement authorizes the County to take or direct personnel action within the Municipality's workforce.

4. Selection Process Criteria Applicable to all Participating Parties.

- a. The County and participating Municipal Parties shall identify applicants for admission to the eMPA program. Such process shall include consideration of each potential applicant to assure they qualify for admission to the eMPA program by meeting the following criteria:
 - (i) Has at least five years of public administration-related career experience.
 - (ii) Has at least three years of experience managing people or processes; and
 - (iii) Has earned an undergraduate degree from a regionally-accredited educational institution with a minimum 2.7 GPA.
- b. The selection process shall be conducted in a manner consistent with applicable federal and state law, including constitutional requirements governing the prohibition of race-conscious admissions policies and practices. Each Municipality shall be solely responsible for ensuring that its employees, contractors, and program participants comply with all federal, state, and local law. The County's obligation to ensure compliance shall consist of verifying that participating Municipal Parties have adopted and implemented compliant policies or procedures and Municipal Parties shall provide those policies or procedures to the County before the commencement of the program; the County shall not be responsible for monitoring day-to-day conduct or employment actions of municipal personnel.
- c. The County and Municipal Parties will not discriminate on the basis of race/ethnicity, color, genetic information, national origin, religion, sex, sexual orientation, gender identity, age, disability, political affiliation or veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service) in the selection or recommendation of any applicant to the eMPA program. The County and Municipal Parties further agree to comply with the July 29, 2025 Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination issued by U.S. Attorney General, Pam Bondi and any additional related guidance or legal precedent related to college and university admission practices for all phases related to the recruitment, application, and selection of applicants for the eMPA program.
- d. The County and Municipal Parties acknowledge that any list of recommended applicants for eMPA program admission is advisory only. Applicants shall apply for the eMPA through the ECU graduate school admissions process and shall be required to meet all admissions requirements established by ECU. Applicants will be responsible for paying the application fee and submitting all required materials to ECU. All final admissions decisions are in the sole discretion of ECU.
- e. The County and each Municipality agree to maintain the following documentation and provide access to the County and/or ECU upon request to identify potential

discriminatory practices in order to ensure ongoing compliance with this Agreement and applicable law:

- i. Program materials;
- ii. Participant feedback; and
- iii. Program outcomes.

f. The County shall maintain regular communications with ECU to ensure that the oversight and auditing processes align with university requirements and expectations. Any changes to university requirements shall be promptly communicated to each Municipality to ensure continued compliance.

5. Cost and Reimbursement.

The County shall pay the tuition and fees directly to the University on behalf of the Participant(s) accepted into the program in accordance with the program's billing schedule, the agreement between the University and the County, and applicable County procedures. The Municipality shall reimburse the County for the full amount of the tuition and fees paid within 30 days of receipt of an invoice from the County pursuant to the schedule set forth in **Exhibit 1**, which is incorporated by reference herein. In the event any participant sponsored by a Municipality (i) withdraws or otherwise ceases participation in the program; (ii) fails to complete the program or does not meet academic or attendance requirements established by the University; (iii) violates the Program's rules, the County's administrative requirements, or the Municipality's own participation conditions; or (iv) becomes ineligible for County payment under the Program, the Municipality shall remain fully responsible for reimbursement to the County of all program costs paid on behalf of that participant. If the University cancels or defers the Program for any reason, Municipalities shall reimburse the County for all tuition and related fees paid on behalf of their Participants, to the extent such fees are non-refundable.

Each Municipality shall be solely responsible for determining appropriate tax treatment and benefit classification of any educational assistance or related payments made on behalf of employees under this Agreement. This includes, but is not limited to, determining whether such assistance constitutes taxable income to the employee under applicable federal, state, or local laws. The County shall have no responsibility or liability for any tax consequences or benefit determinations arising from program participation, and each Municipality agrees to communicate clearly with its participating employees regarding potential tax implications or benefit impacts.

Each Municipality shall be solely responsible for determining what constitutes compensable time under its own educational assistance or personnel policies and applicable laws.

6. Term and Termination.

This Agreement shall become effective January 1, 2026 shall remain in effect through the completion of the eMPA program, unless terminated earlier by mutual agreement in writing.

Either party may terminate this Agreement for cause upon written notice if the other party materially breaches any provision of this Agreement and fails to cure such breach within 30 days of receiving written notice. Termination shall not relieve any Municipality of its obligation to reimburse the County for tuition and fees paid for participants enrolled at the time of termination.

7. No Third-Party Beneficiaries.

Nothing in this Agreement shall be construed to create any third-party beneficiary rights in any person or entity not a party to this Agreement.

8. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. Any claim, action, or proceeding arising from or related to this Agreement shall be brought in courts located in Wake County, North Carolina.

9. No Waiver of Sovereign Immunity.

The Parties agree that nothing in this Agreement shall be construed to mandate purchase of insurance by the County pursuant to N.C.G.S. 153A-435; or to be inconsistent with Wake County's "Resolution Regarding Limited Waiver of Sovereign Immunity" enacted October 6, 2003; or to in any other way waive any party's defense of sovereign or governmental immunity from any cause of action alleged or brought against the parties for any reason if otherwise available as a matter of law.

10. Entire Agreement.

This Agreement constitutes the entire agreement between the parties regarding the subject matter herein and supersedes any prior discussions or agreements, whether oral or written.

11. Notices.

Notice to any Municipal Party or to the County shall be sufficient if sent in writing; postage prepaid, registered or certified mail and email to the County Manager of Wake County or Manager of the Municipal Parties at the addresses below:

For the County:

Wake County Manager
Wake County Justice Center
301 S. McDowell St.
Raleigh, NC 27601
David.Ellis@wake.gov

For the Municipalities:

Town of Wake Forest
Town Manager

301 S. Brooks St.
Wake Forest, NC 27587
kpadgett@wakeforestnc.gov

Town of Knightdale
Town Manager
bill.summers@knightdalenc.gov
950 Steeple Square Ct.
Knightdale, NC 27545

Town of Morrisville
Town Manager
100 Town Hall Dr.
Morrisville, NC 27560
bzuidema@morrisvillenc.gov

Town of Rolesville
Town Manager
502 Southtown Cir.
Rolesville, NC 27571
emarsh@rolesvillenc.gov

Town of Apex
Town Manager
73 Hunter St.
Apex, NC 27502
randy.vosburg@apexnc.org

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates indicated below.

WAKE COUNTY

ATTEST:

County Manager

County Clerk

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

Chief Financial Officer (or designee)

TOWN OF WAKE FOREST

Town Manager

Town Clerk

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

Chief Financial Officer (or designee)

TOWN OF KNIGHTDALE

Town Manager

Town Clerk

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

Chief Financial Officer (or designee)

TOWN OF MORRISVILLE

Town Manager

Town Clerk

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

Chief Financial Officer (or designee)

TOWN ROLEVILLE

Town Manager

Town Clerk

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

Chief Financial Officer (or designee)

TOWN OF APEX

Town Manager

Town Clerk

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

Chief Financial Officer (or designee)

Exhibit 2

Municipality	# of Candidates	Spring, Year 1 PADM 6100 PADM 6101	Summer, Year 1 PADM 6102 PADM 6110	Fall, Year 1 Elective Elective	Spring, Year 2 PADM 6120 PADM 6161	Summer, Year 2 PADM 6220 PADM 6990	Fall, Year 2 Elective Elective	Total Municipal Cost
Wake Forest	4	\$7,320	\$7,320	\$7,320	\$7,320	\$7,320	\$7,320	\$43,920
Apex	5	\$9,150	\$9,150	\$9,150	\$9,150	\$9,150	\$9,150	\$54,900
Knightdale	1	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$10,980
Morrisville	2	\$3,660	\$3,660	\$3,660	\$3,660	\$3,660	\$3,660	\$21,960
Rolesville	1	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$10,980
							TOTAL	\$142,740

To Note:

- > The total cost outlined below excludes Wake County costs of participating in 6 semesters per candidate (5 candidates at \$54,900 each).
- > East Carolina University (ECU) will invoice Wake County on the 20th day following the start of each semester.
- > Wake County will invoice participating municipalities based on their proportional share after Wake County has remitted payment to ECU each semester.
- > The agreement will impact the following fiscal years: 2025–2026, 2026–2027, and 2027–2028.
- > Book costs are not included in the calculations.

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 5.23 acres, located at 7625 Roberts Road (PIN 0723-95-2564), 0 Roberts Road (PIN 0723-95-5524), and 8112 Green Level Church Road (PIN 0723-95-2216), Annexation No. 802, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

This annexation request is associated with a proposed development at the intersection of Roberts Road and Green Level Church Road. This project is not associated with a rezoning case at this time. This area is zoned as B1, Neighborhood Business.

Attachments

- CN2-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN2-A2: Legal Description – Annexation No. 802 - 7625 and 0 Roberts Road and 8112 Green Level Church Road - 5.23 acres

- CN2-A3: Aerial Map - Annexation No. 802 - 7625 and 0 Roberts Road and 8112 Green Level Church Road - 5.23 acres
- CN2-A4: Plat Map - Annexation No. 802 - 7625 and 0 Roberts Road and 8112 Green Level Church Road - 5.23 acres
- CN2-A5: Annexation Petition - Annexation No. 802 - 7625 and 0 Roberts Road and 8112 Green Level Church Road - 5.23 acres



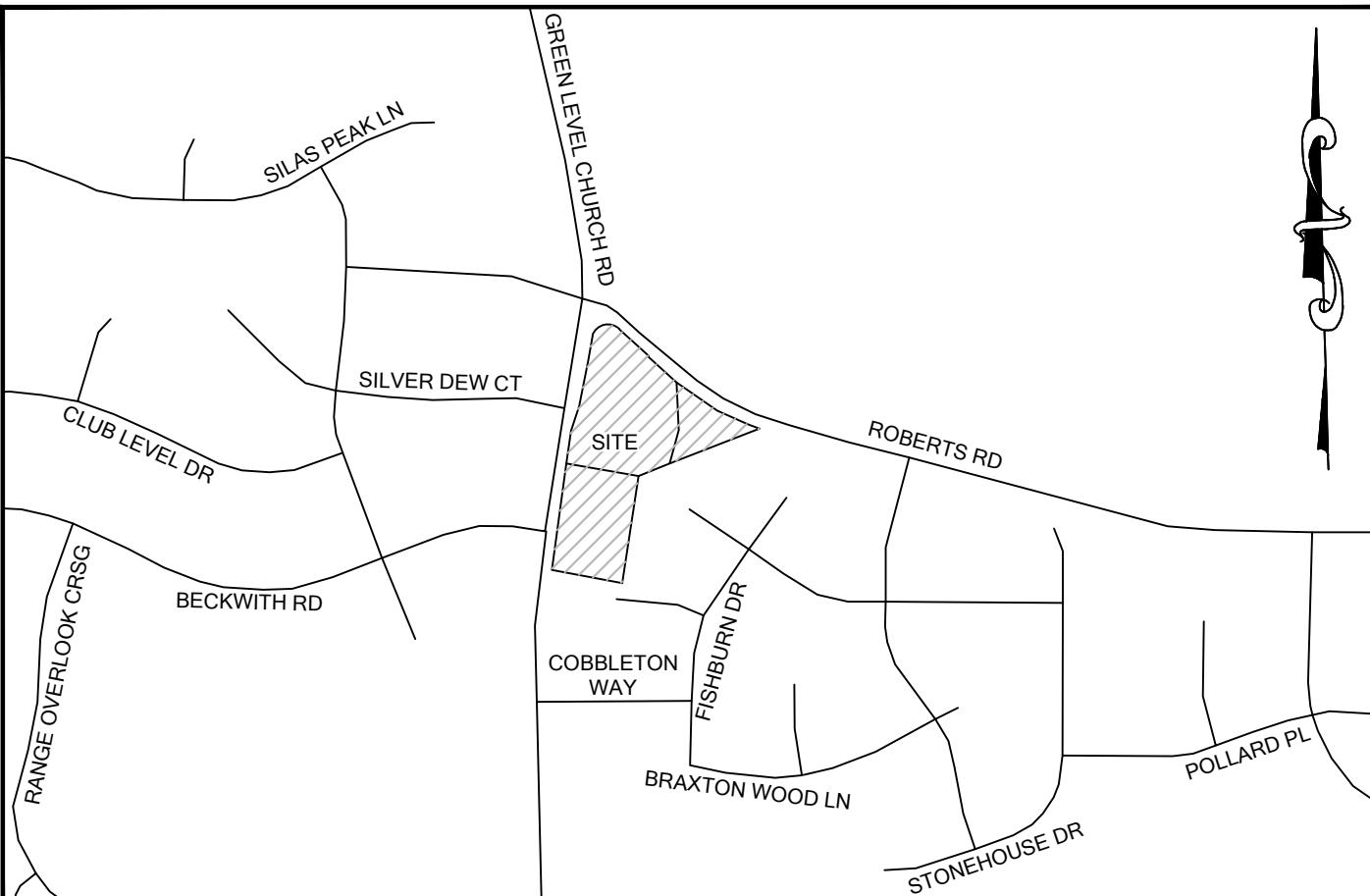
THE OUTER BOUNDARY OF THOSE THREE PARCELS NOW OR FORMERLY OF GANDHI AT ROBERS ROAD LLC, (PINS: 0723955524, 0723952564, & 0723952216) AS DESCRIBED IN DEED BOOK 19529 AT PAGE 2031 OF THE WAKE COUNTY REGISTER OF DEEDS, TOGETHER WITH THAT ADJACENT, UN-ANNEXED PORTION OF GREEN LEVEL CHURCH ROAD (AS SHOWN ON WAKE COUNTY GIS) LYING IN WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A $\frac{3}{4}$ " IRON PIPE FOUND ON THE EASTERN CORNER OF THE PARCEL DESCRIBED IN DEED BOOK 19529 AT PAGE 2031 (PIN: 0723955524) AND THE SOUTHERN RIGHT OF WAY OF ROBERTS ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N: 735,540.06' AND E: 2,029,681.54'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, S68°53'52"W A DISTANCE OF 49.99 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S69°11'18"W A DISTANCE OF 31.31 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S69°11'18"W A DISTANCE OF 71.72 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S69°11'18"W A DISTANCE OF 108.88 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S69°42'06"W A DISTANCE OF 13.54 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, S69°09'04"W A DISTANCE OF 94.57 FEET TO A 2" IRON PIPE FOUND; THENCE, S08°23'39"W A DISTANCE OF 36.78 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S08°23'39"W A DISTANCE OF 147.49 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, S08°23'39"W A DISTANCE OF 122.50 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND; THENCE, N79°30'50"W A DISTANCE OF 208.20 FEET TO A $\frac{3}{4}$ " IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF GREEN LEVEL CHURCH ROAD; THENCE, LEAVING SAID RIGHT OF WAY, N81°45'23"W A DISTANCE OF 66.76 FEET TO A COMPUTED POINT; THENCE, N05°01'50"E A DISTANCE OF 56.08 FEET TO A COMPUTED POINT; THENCE, S86°46'38"E A DISTANCE OF 5.01 FEET TO A COMPUTED POINT; THENCE, N04°54'00"E A DISTANCE OF 14.05 FEET TO A COMPUTED POINT; THENCE, N09°00'23"E A DISTANCE OF 113.70 FEET TO A COMPUTED POINT; THENCE, N09°00'19"E A DISTANCE OF 183.36 FEET TO A COMPUTED POINT; THENCE, N09°10'23"E A DISTANCE OF 16.31 FEET TO A COMPUTED POINT; THENCE, N10°38'38"E A DISTANCE OF 47.47 FEET TO A COMPUTED POINT; THENCE, S85°16'43"E A DISTANCE OF 30.21 FEET TO A COMPUTED POINT; THENCE, N09°04'59"E A DISTANCE OF 209.80 FEET TO A COMPUTED POINT; THENCE, N09°18'40"E A DISTANCE OF 86.65 FEET TO A COMPUTED POINT; THENCE, S69°35'25"E A DISTANCE OF 105.27 FEET TO A $\frac{3}{4}$ " IRON PIPE SET ON THE SOUTHERN RIGHT OF WAY OF ROBERTS ROAD; THENCE, CONTINUING WITH SAID RIGHT OF WAY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 149.84 FEET, A CHORD OF 39.98 FEET BEARING S56°24'54"E AND AN ARC LENGTH OF 40.10 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, CONTINUING WITH

SAID RIGHT OF WAY, S48°24'10"E A DISTANCE OF 93.08 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S41°59'25"W A DISTANCE OF 3.00 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S48°16'45"E A DISTANCE OF 103.79 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 732.37 FEET, A CHORD OF 204.81 FEET BEARING S57°45'57"E AND AN ARC LENGTH OF 205.48 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S66°19'15"E A DISTANCE OF 34.15 FEET TO A $\frac{3}{4}$ " IRON PIPE SET; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S68°16'55"E A DISTANCE OF 36.16 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED OUTER BOUNDARY CONTAINS 228,057 SQUARE FEET OR 5.23 ACRES, MORE OR LESS.



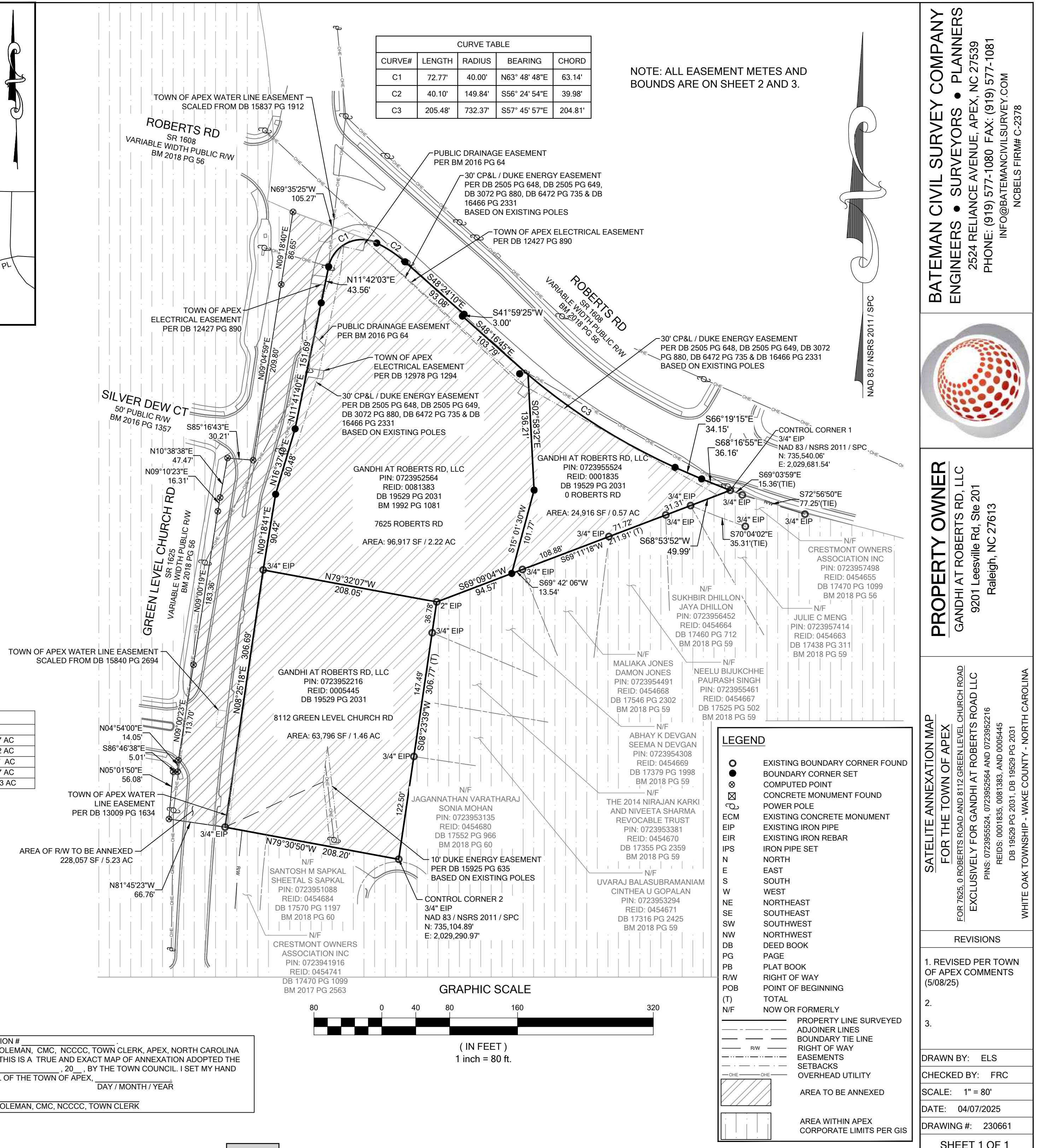


NOTES

1. THE PROPERTY LIES IN ZONE "X" PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 3720072300K DATED 07/19/2022.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ALL BEARINGS ARE BASED ON GPS OBSERVATION, NAD 83 / NSRS 2011, SPC UNLESS OTHERWISE SHOWN.
3. PARCELS ZONED "B1-CZ" FOR THE TOWN OF APEX PER WAKE COUNTY GIS.
4. AREAS COMPUTED BY COORDINATE METHOD.
5. THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY COMPANY, UNDER THE SUPERVISION OF F. REX COOPER, PLS.
6. THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
7. NO INVESTIGATION INTO THE EXISTENCE OF JURISDICTIONAL WETLANDS OR RIPARIAN BUFFERS PERFORMED BY THIS FIRM.
8. NO GRID MONUMENTS FOUND WITHIN 2,000 FEET.
9. PROPERTY OWNERS AT TIME OF PLAT:
GANDHI AT ROBERTS RD, LLC
9201 LEESVILLE RD, SUITE 201
RALEIGH, NC 27613

REFERENCES:

- BM 1992 PG 1081
- DB 19529 PG 2031
- DB 17470 PG 1099
- BM 2018 PG 56
- DB 17438 PG 311
- DB 17460 PG 712
- DB 17525 PG 502
- DB 17546 PG 2302
- DB 17379 PG 1998
- DB 17355 PG 2359
- DB 17316 PG 2425
- DB 17552 PG 966
- DB 17570 PG 1197
- BM 2015 PG 1580
- DB 18910 PG 1844
- BM 2017 PG 2115
- DB 18910 PG 1844
- BM 2016 PG 1357
- DB 17007 PG 486
- BM 2022 PG 1763
- DB 19215 PG 2590
- BM 2023 PG 942
- DB 18699 PG 1276
- BM 2008 PG 2306
- BM 2016 PG 61
- BM 2017 PG 1739
- DB 13327 PG 1146
- BM 2017 PG 2563
- DB 17470 PG 1099
- DB 12427 PG 890
- BM 2016 PG 981



NOTE: ALL EASEMENT METES AND
BOUNDS ARE ON SHEET 2 AND 3.

BATEMAN CIVIL SURVEY COMPANY
ENGINEERS • SURVEYORS • PLANNERS
2524 RELIANCE AVENUE, APEX, NC 27539
PHONE: (919) 577-1080 FAX: (919) 577-1081
INFO@BATEMANCIVILSURVEY.COM
NCBELS FIRM# C-2378



PROPERTY OWNER
GANDHI AT ROBERTS RD, LLC
9201 Leesville Rd, Ste 201

SATELLITE ANNEXATION MAP
FOR THE TOWN OF APEX

MR 7625, 0 ROBERTS ROAD AND 8112 GREEN LEVEL CHU
EXCLUSIVELY FOR GANDHI AT ROBERTS RO
P/N 2702055501 27020555204 AND 27020555001

PINS: 0/23955524, 0/23952564 AND 0/23952216
REIDS: 0001835, 0081383, AND 0005445
DB 19529 PG 2031, DB 19529 PG 2031
OAK TOWNSHIP - WAKE COUNTY - NORTH CAROLINA

WHITE

REVISIONS

1. REVISED PER TOWN
OF APEX COMMENTS
(E/08/25)

DRAWN BY: ELS
CHECKED BY: FRC
SCALE: 1" = 80'
DATE: 04/07/2025
RAWING #: 230661
SHEET 1 OF 1

GRIFFITHS

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 #: Annexation # 802
Fee Paid: \$ 300.00

Submittal Date: 4-14-2025
Check #: 6831

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

Gandhi at Roberts Rd, LLC	0723952564, 0723955524, 0723952216
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-781-5269 ext 2	gandhi10@msn.com
Phone	E-mail Address
Dilip Gandhi	
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-810-5122	
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: F. Rex Cooper, Bateman Civil Survey
Phone: 919-577-1080 ext 146 Fax: 919-577-1081
E-mail Address: r.cooper @batemancivilsurvey.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>5.23</u>	<input type="checkbox"/> Need water service due to well failure
Population of acreage to be annexed: <u>0</u>	<input type="checkbox"/> Need sewer service due to septic system failure
Existing # of housing units: <u>2</u>	<input checked="" type="checkbox"/> Water service (new construction)
Proposed # of housing units: <u>0</u>	<input checked="" type="checkbox"/> Sewer service (new construction)
Zoning District*: <u>B1-CZ</u>	<input type="checkbox"/> Receive Town Services

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: Annexation # 802

Submittal Date: 4-14-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Gandhi at Roberts Rd 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 27th day of March, 2025.

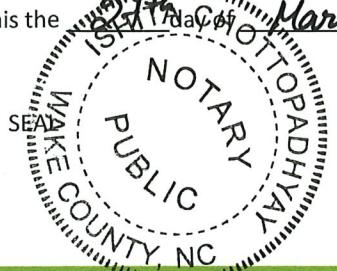
Name of Limited Liability Company GANDHI AT ROBERTS ROAD LLC

By:

Delia Gandhi
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Ishita Chotopadhyay, a Notary Public for the above State and County, this the 27th day of March, 2025.



Ishita Chotopadhyay
Notary Public

My Commission Expires: 6/22/2026

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: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 23.87 acres, Peak City Church located at 2401 Old US 1 Highway (PIN 0720-88-6397) and 2325 Old US 1 Highway (PIN 0720-87-9899), Annexation No. 817, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

This annexation request is associated with a proposed development of the Peak City Church campus. This project is not associated with a rezoning case, however, it is associated with a Special Use Permit which was approved on January 31, 2024 (Case No 24SUP01).

Link to Special Use Permit Application - <https://www.apexnc.org/DocumentCenter/View/45955/Peak-City-Church-SUP?bidId=>

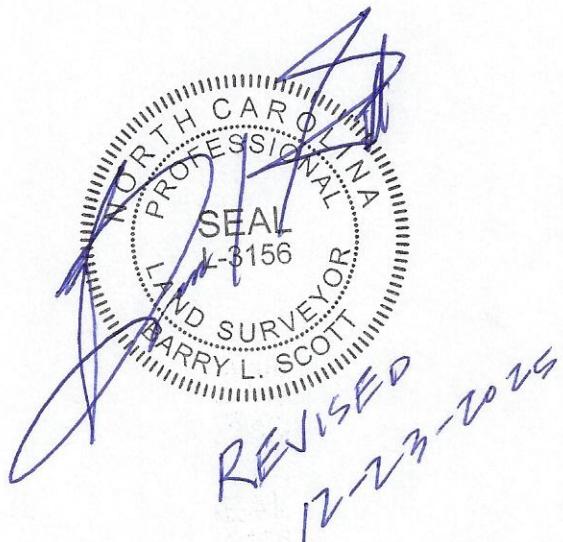
Attachments

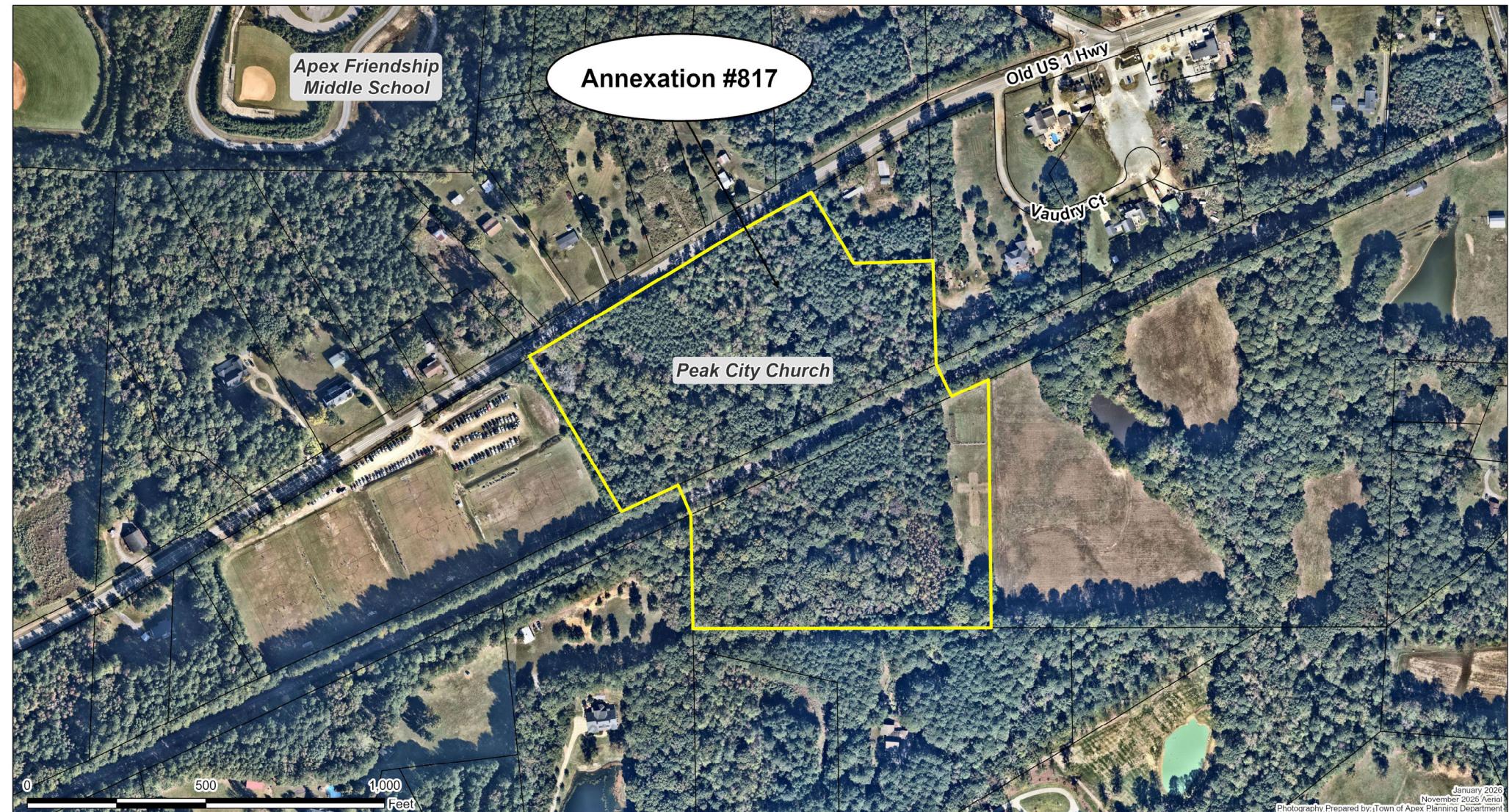
- CN3-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing

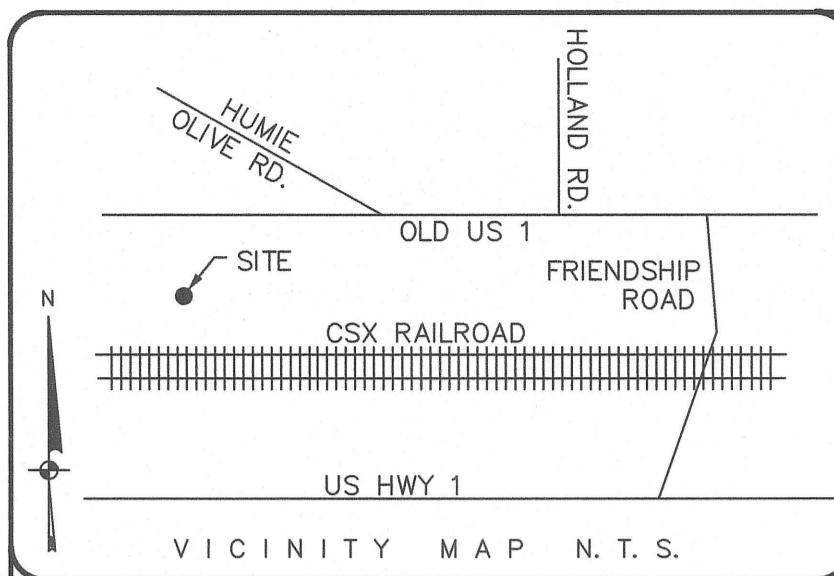
- CN3-A2: Legal Description - Annexation No. 817 - Peak City Church - 2401 and 2325 OLD US 1 Highway - 23.87 acres
- CN3-A3: Aerial Map - Annexation No. 817 - Peak City Church - 2401 and 2325 OLD US 1 Highway - 23.87 acres
- CN3-A4: Plat Map - Annexation No. 817 - Peak City Church - 2401 and 2325 OLD US 1 Highway - 23.87 acres
- CN3-A5: Annexation Petition - Annexation No. 817 - Peak City Church - 2401 and 2325 OLD US 1 Highway - 23.87 acres



Beginning at a point on the Eastern R/W of NCSR 1011(Old US Hwy. NO.1) said point having N.C. grid coordinates of N=708,350.86' and E= 2,028,122.66' (NAD '83/2011) thence runs with said R/W N 59-24'-45" E 909.57' to an existing iron pipe(eip); thence runs S 30-35'-15" E 232.10' to an eip; thence runs N 88-12'-08" E 222.36' to an eip; thence runs S 01-47'-37" E 290.40' to a point; thence runs S 25-00'-34" E 100.00' to a point; thence runs N 64-59'-26" E 122.04' to an eip; thence runs S 00-08'-54" E 698.40' to an eip; thence runs S 89-51'-06" W 835.05' to an eip; thence runs N00-56'-18" W 309.52' to an eip; thence runs N25-00'-34" W 100.00' to a point; thence runs S 64-59'-26" W 166,83' to an eip; thence runs N30-30'-34" W 499.41' to the point and place of beginning. The total area of these tracts is 1,039,579 sq. ft. or 23.87 acres.







NUMBER	BEARING	DISTANCE
L-1	N 65°01'00" E	21.44'
L-2	N 64°40'06" E	17.25'
L-5	S 42°36'56" E	0.62'
L-6	S 26°26'39" E	0.37'
L-7	S 01°02'35" E	60.07'
L-8	N 00°56'18" W	0.57'
L-9	N 30°26'18" W	15.11'

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBERANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE

LEGEND

- LINES SURVEYED
- LINES NOT SURVEYED
- E.I.P. — EXISTING IRON PIPE
- I.P.S. — EXISTING IRON PIPE SET
- C.M.S. — CONCRETE MONUMENT SET
- E.C.M. — EXISTING CONCRETE MONUMENT
- P.K.S. — EXISTING P.K. NAIL
- P.K. NAIL SET
- E.P.K. — EXISTING P.K. NAIL
- R/W — RIGHT OF WAY
- D.B. — DEED BOOK
- P.P. — POWER POLE
- O.H.W. — OVER HEAD WIRE
- R.R.S. — RAILROAD SPIKE
- (1234) — ADDRESSES

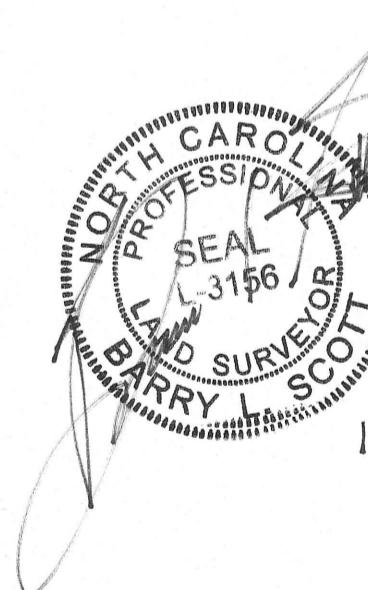
N.C. GRID
COORDINATES
N=708,350.86'
E=2,028,122.66'
(NAD 83/2011)

O a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 O b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
 O c. Any one of the following:
 1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 3. That the survey is a control survey.
 O d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.
 O e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

This parcel is located in the APEX Planning jurisdiction.

NORTH CAROLINA
WAKE COUNTY

I, Barry L. Scott, certify that this plat was drawn under my supervision from (an actual survey made under my supervision)(deed description recorded in Book 11158, page 1265 etc.) (other), that the boundaries not surveyed are clearly indicated as drawn from information found in Book SEE, page REF.; that the ratio of position or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with NCGS 47-30 amended. Witness my original signature, registration number and seal this 3rd day of August A.D. 2021.



Annexation #

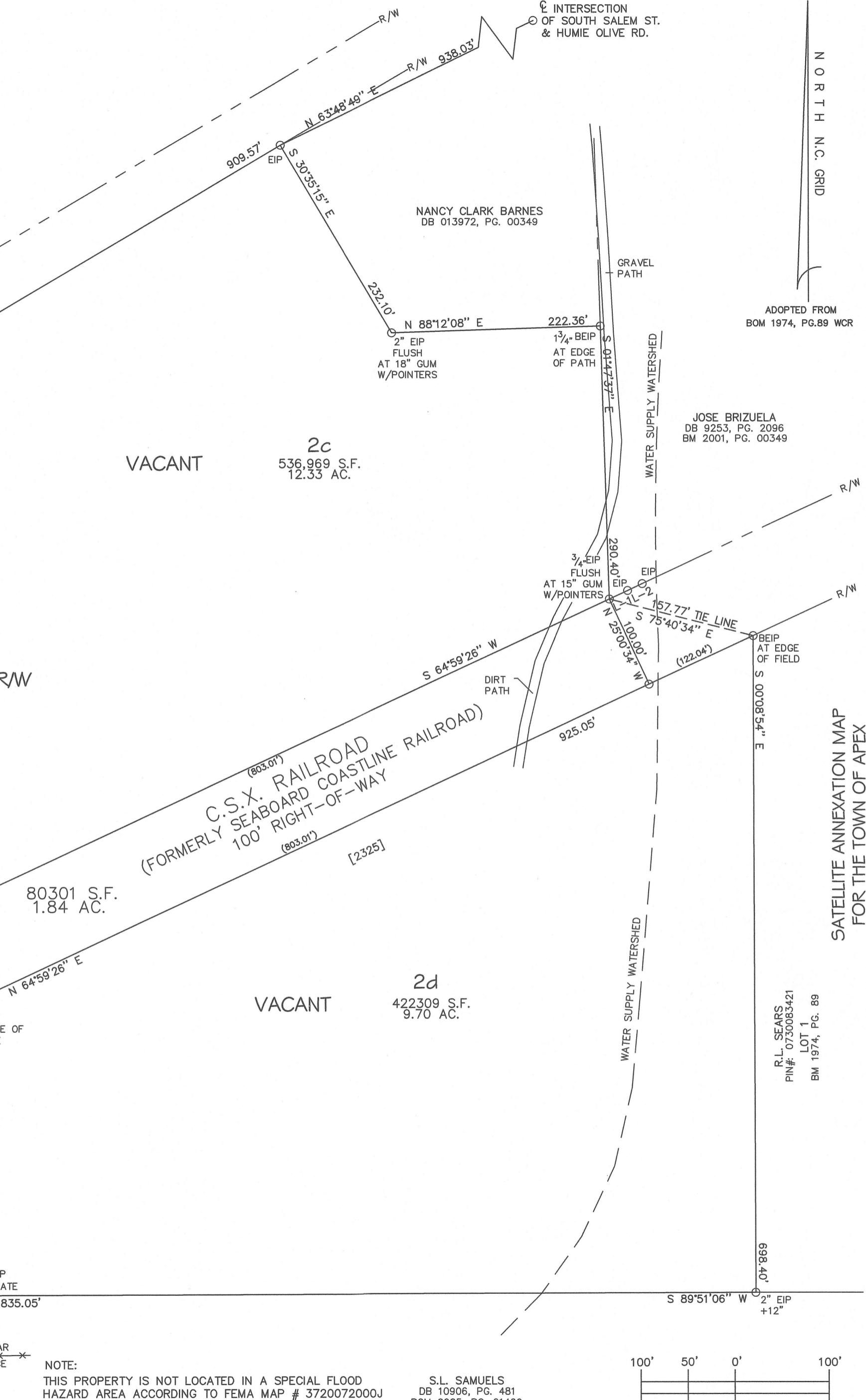
I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20_____, by the Town Council.

I set my hand and seal of the Town of Apex, _____.
DAY/MONTH/YEAR

Allen Coleman, CMC, NCCCC, Town Clerk

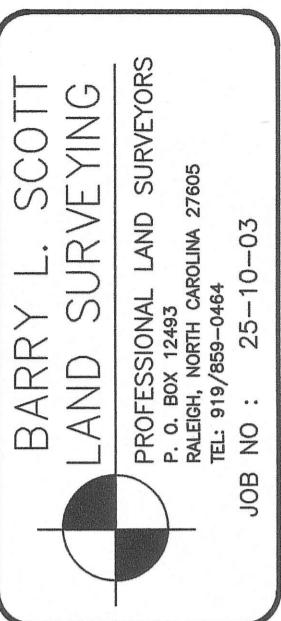
REFERENCES

- BOM 1974, PG. 89 W.C.R.
- BOM 2000, PG. 1013 W.C.R.
- BOM 2001, PG. 1491 W.C.R.
- BOM 2001, PG. 2344 W.C.R.
- BOM 2002, PG. 1334 W.C.R.
- BOM 2004, PG. 831 W.C.R.
- BARRY L. SCOTT LAND SURVEYING
JOB #: 04-12-09 DATED:
12-21-04



LOTS 2C & 2D PROPERTY OF ANNIE M. SEARS, HEIRS AS RECORDED IN B.O.M. 1974, PG. 89 W.C.R.

THIS PLAT RECORDED IN B.O.M. / P.B. / P.C. _____, P.G. _____, WAKE COUNTY REGISTRY



P E A K C I T Y C H U R C H
2 3 2 5 & 2 4 0 1 0 L D U. S. 1 H W Y. — A P E X, N. C.
PIN(S): 0720886397 & 0720879899
STATE OF NORTH CAROLINA, U.S.A.

PROPERTY OF
SATellite ANNEXATION MAP
FOR THE TOWN OF APEX

P E A K C I T Y C H U R C H
2 3 2 5 & 2 4 0 1 0 L D U. S. 1 H W Y. — A P E X, N. C.
PIN# 0730083421
LOT 1
BM 1974, PG. 89
PARCEL(S):
RR: BUCKHORN
TAX MAP:
COUNTY: WAKE
TOWNSHIP:
ZONED:
TAX MAP:
TOWNSHIP:
DATE: 08-03-21
FIELD BK: M
SURVEYED BY: BLS
REVISED:
DATE: 12-21-25
DATE: 12-22-25
DATE: 12-23-25
DATE: 12-23-25

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____
Fee Paid \$ _____

Submittal Date: _____
Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Peak City Church	0720-88-6397
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(919) 289-9278	nate@peakcity.church
Phone	E-mail Address
Peak City Church	0720-87-9899
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(919) 289-9278	nate@peakcity.church
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Barry L. Scott Land Surveying
Phone: 919-455-4636 (c) 919-859-0464 (o) Fax: _____
E-mail Address: bls3156@gmail.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	23.87	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	0	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	0	Sewer service (new construction)	<input type="checkbox"/>
Zoning District*:	RR	Receive Town Services	<input type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKESworn 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 26 day of September, 2025.

Corporate Name

SEAL

By:

Attest:

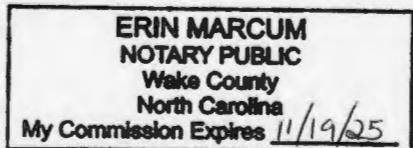
Shirley Winkler
Secretary (Signature)Peak City Church

President (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKESworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County,
this the 26th day of September, 2025.

Notary Public

SEAL

My Commission Expires: November 19, 2025

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 3.502 acres, located at 7809 Secluded Acres (PIN 0723-71-6349), Annexation No. 818, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

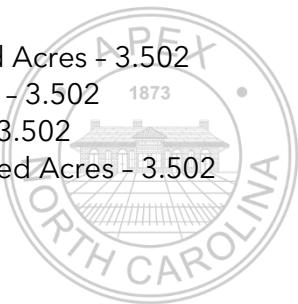
The Town Clerk certifies to the investigation of said annexation.

Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

This annexation request is not associated with a proposed or previously approved rezoning case.

Attachments

- CN4-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN4-A2: Legal Description - Annexation No. 818 - Jainix LLC - 7809 Secluded Acres - 3.502
- CN4-A3: Aerial Map - Annexation No. 818 - Jainix LLC - 7809 Secluded Acres - 3.502
- CN4-A4: Plat Map - Annexation No. 818 - Jainix LLC - 7809 Secluded Acres - 3.502
- CN4-A5: Annexation Petition - Annexation No. 818 - Jainix LLC - 7809 Secluded Acres - 3.502



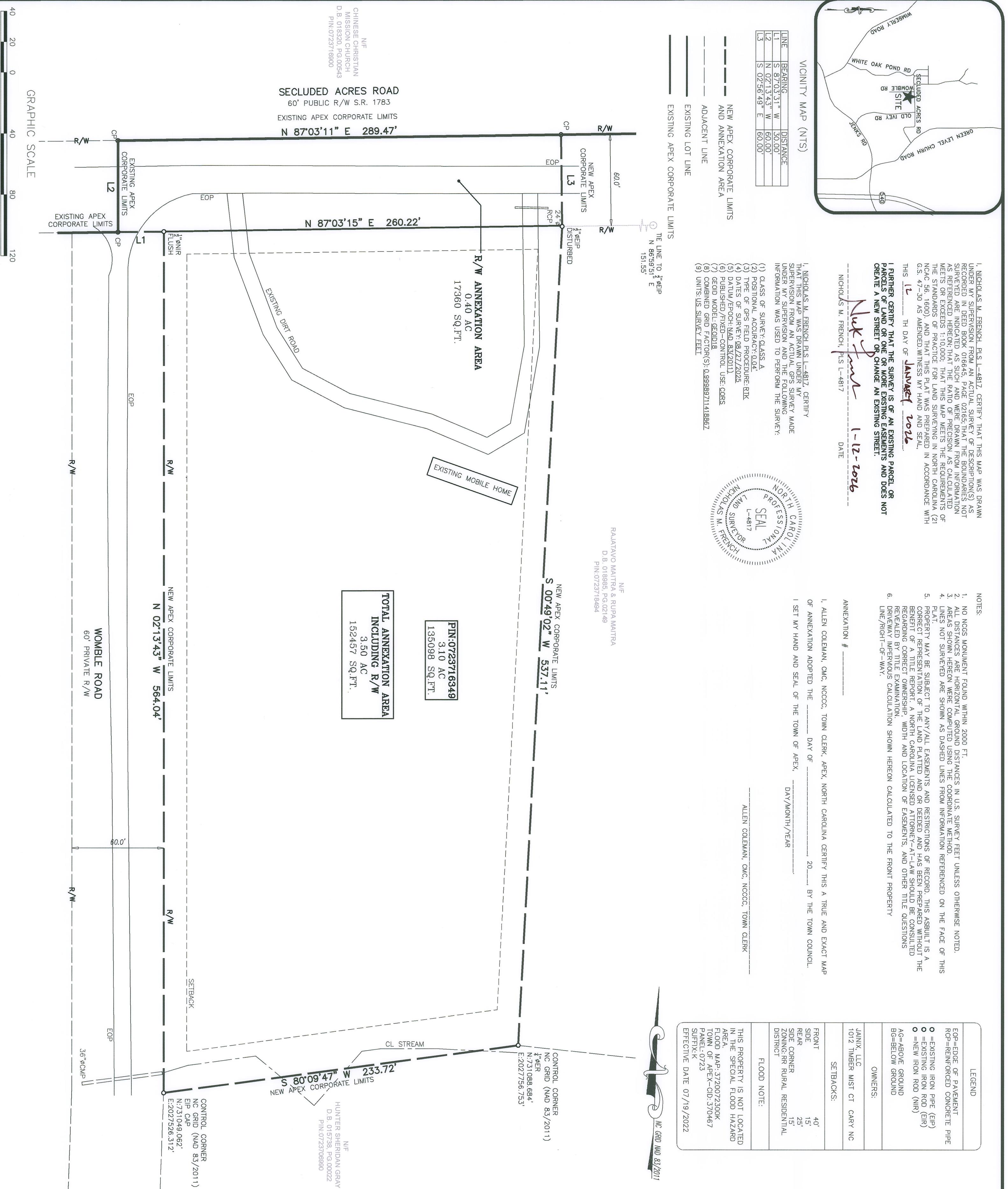
Annexation Legal Description

White Oak Township, WAKE County, North Carolina

Pin: 0723716349

Commencing at an $\frac{1}{2}$ " EIP located on the southern right of way line of Secluded Acres Road, a 60' public right of way. Thence leaving said $\frac{1}{2}$ " EIP and running with the southern right of way line of Secluded Acres Road, a 60' public right of way, S $86^{\circ}59'51''$ W 151.55' to a $\frac{1}{2}$ " EIP found disturbed, the **Point of Beginning**. Thence leaving said $\frac{1}{2}$ " EIP and running with the common property line of, now or formerly, Rajatavo and Rupa Maitra as recorded in Wake County Registry in deed book 018985 at page 021149, S $00^{\circ}49'02''$ W 537.11' to a $\frac{1}{4}$ " EIR, having a grid coordinates of, N 731088.68' E 2027756.75 bases on Nad 83/2011. Thence leaving said $\frac{1}{4}$ " EIR and running with the common property line with, now or formerly, Hunter Sheridan Gray as recorded in said Registry in deed book 015738 at page 022, S $80^{\circ}09'47''$ W 233.72' to EIP with cap, having grid coordinates of, N 731049.06 E 2027526.31, based on Nad 83/2011. Thence leaving said EIP with cap and running with the eastern right of way line of Womble Road a 60' private right of way, N $02^{\circ}13'43''$ W 564.04' to a $\frac{1}{2}$ " EIR on the southern right of way line of Secluded Acres Road, thence S $87^{\circ}03'31''$ W 30.00' to a calculated point in the center of Womble Drive road and being in the southern right of way of Secluded Acres Road, thence leaving said right of way line and running perpendicular to the northern right of way line N $02^{\circ}13'43''$ W 60.00' to a calculated point; thence along the northern right of way N $87^{\circ}03'11''$ E 289.47' to a computed point; thence S $02^{\circ}56'49''$ E 60.00' to the **Point of Beginning** containing 3.10+- Acres in existing lot, pin:0723716349 and 0.40+- Acres in right of way of Secluded Acres Road, for a total of 3.50+- Acres total Annexation for Town of Apex Corporate Limits.





ANNEXATION MAP

TOWN OF APEX
OWNER: JAINIX,LLC
7809 SECLUDED ACRES RD, APEX, NC 27523
WHITE OAK TWP., WAKE CO., N. C.
D.B.016645, PG.02165 B.M.1977, PG.607

REVISIONS:



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 #: 818 Submittal Date: Oct 28, 2025
Fee Paid \$ 300.00 Check # CC

TO THE TOWN COUNCIL, APEX, NORTH CAROLINA

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

OWNER INFORMATION

Jainix, LLC - Vipresh Bobby Jain	0723.71.6349
Owner Name (Please Print)	Property PIN or Deed Book & Page #
571 212 7326	bobby@jainix.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: ECLS Global, Inc 19 N.McKinley St, Coats, NC 27521
Phone: 910 897 3257 Fax: _____
E-mail Address: Biancam@eclsglobalinc.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>3.502</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>1</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>RR</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 Planning Department with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 818

Submittal Date: Oct 28, 2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Jainix, 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 28th day of October 2025

Name of Limited Liability Company Jainix, LLC

By:



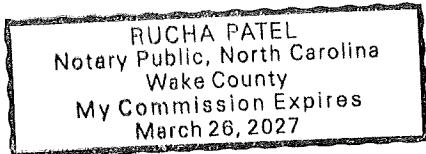
Vipresh Bobby Jain

Signature of Member/Manager

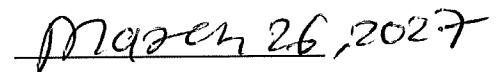
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, RUCHA PATEL, a Notary Public for the above State and County, this the 28th day of October, 2025.

SEAL


Notary Public

My Commission Expires:


March 26, 2027

COMPLETE IF IN A PARTNERSHIP

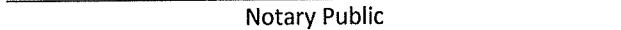
In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20____.

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: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 3.803 acres, located at 2301 Apex Peakway (PIN 0742-71-8313), Annexation No. 820, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

This annexation request is not associated with a proposed or previously approved rezoning case.

Attachments

- CN5-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN5-A2: Legal Description - Annexation No. 820 - 2301 Apex Peakway - 3.803 acres
- CN5-A3: Aerial Map - Annexation No. 820 - 2301 Apex Peakway - 3.803 acres
- CN5-A4: Plat Map - Annexation No. 820 - 2301 Apex Peakway - 3.803 acres
- CN5-A5: Annexation Petition - Annexation No. 820 - 2301 Apex Peakway - 3.803 acres



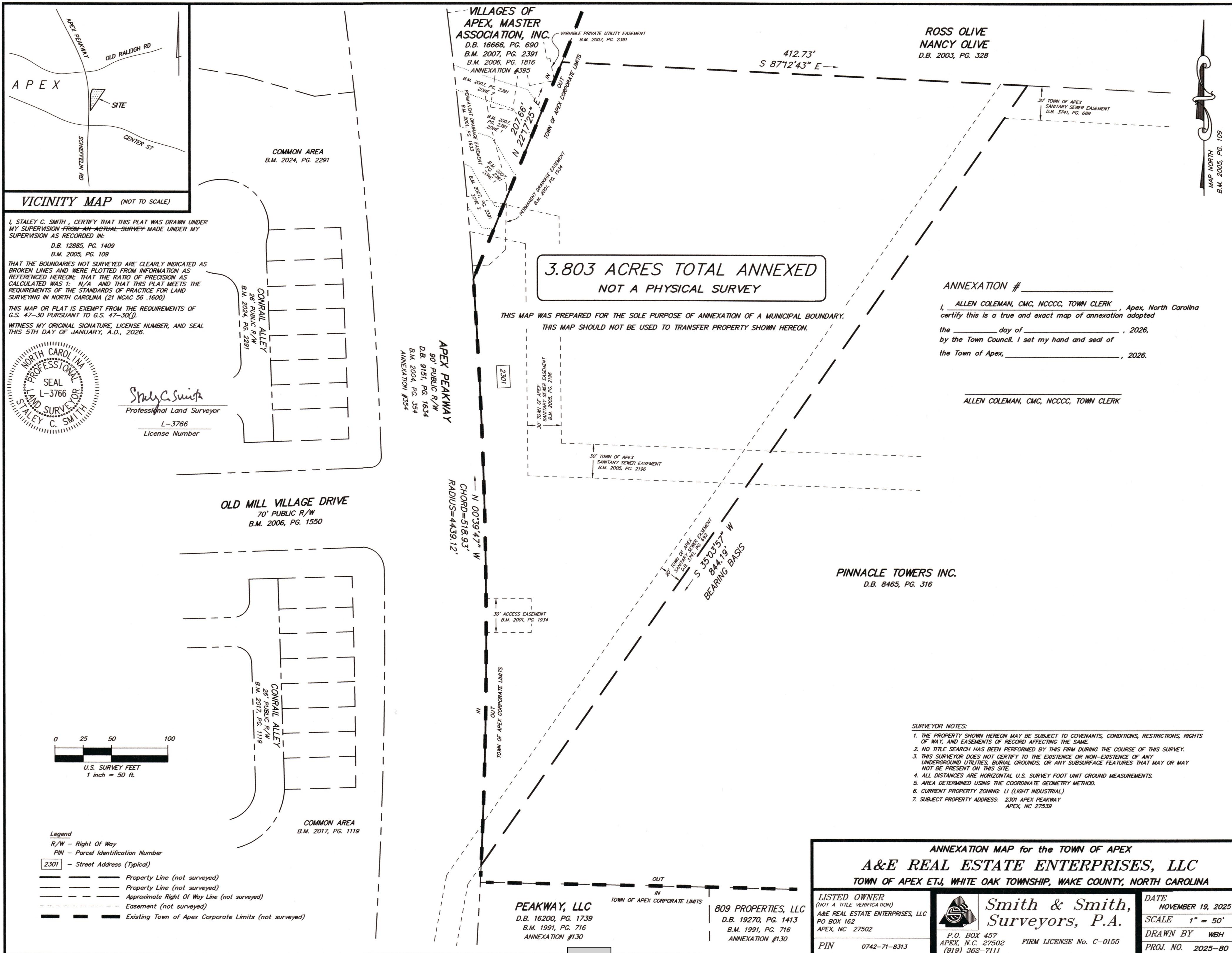
Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina, and described more fully as follows to wit:

BEGINNING at a point in the east line of Villages of Apex, Master Association, Inc. (D.B. 16666, Pg. 690), southwest corner of Ross Olive & Nancy Olive (D.B. 2003, Pg. 328); thence with Olive South $87^{\circ} 12' 43''$ East, 412.73 feet to a point; thence South $35^{\circ} 03' 57''$ West, 844.19 feet to a point, east right of way of Apex Parkway (90' public right of way ~ D.B. 9151, Pg. 1634); thence with east right of way of Apex Parkway a curve to the left North $00^{\circ} 39' 47''$ West, 518.93 feet (chord), 4439.12 feet (radius) to a point; thence North $22^{\circ} 17' 25''$ East, 207.66 feet to the BEGINNING, containing 3.803 total acres more or less.

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





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 #: 820
Fee Paid \$

Submittal Date: 11-19-2025
Check # CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

 A&E REAL ESTATE ENTERPRISES, LLC

Owner Name (Please Print)

 919-422-4353

Phone

DB 12885 PG 14D9

Property PIN or Deed Book & Page #

 John@EmpireContractorsInc.com

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: SMITH & SMITH SURVEYORS

Phone: 919-302-7111

Fax: N/A

E-mail Address: ben@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information

Total Acreage to be annexed: 3.803 AC.

Population of acreage to be annexed: 0

Existing # of housing units: 0

Proposed # of housing units: 0

Zoning District*: L1

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

Need water service due to well failure

Need sewer service due to septic system failure

Water service (new construction)

Sewer service (new construction)

Receive Town Services

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

President (Signature)

Attest: _____

Secretary (Signature) _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 820

Submittal Date: 11-19-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, A&E REAL ESTATE ENTERPRISES, 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 19th day of NOVEMBER, 2025.

Name of Limited Liability Company A&E REAL ESTATE ENTERPRISES, LLC



By:

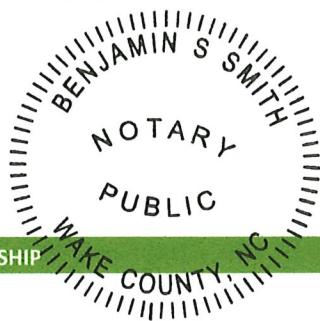
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, BENJAMIN S. SMITH, a Notary Public for the above State and County, this the 19th day of NOVEMBER, 2025.

Notary Public

SEAL



My Commission Expires:

10/10/2030

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:

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
<u>GeoCivix (IDT)</u>	Electronic Plan Review	<u>UDO</u>	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	<u>DDM</u>	Design & Development Manual
CONTACT INFORMATION			
Planning Department	(919) 249-3426	Water Resources (Utilities)	(919) 372-7478
Development Services	(919) 249-3394	Clerk's Office	(919) 249-1260

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p>Day/Month/Year _____</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Kathy Moyer, Director

Department(s): Electric Utilities

Requested Motion

- A. Motion to appoint Electric Utilities Director, Kathy Moyer, as the Commissioner for the Town of Apex on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners.
- B. Motion to appoint Deputy Town Manager, Shawn Purvis, as the second (2nd) Alternate for the Town of Apex on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners.
- C. Motion to confirm Assistant Town Manager, Marty Stone, as the first (1st) Alternate for the Town of Apex on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners.

Approval Recommended?

Yes

Item Details

The North Carolina Eastern Municipal Power Agency (NCEMPA) was formed in 1982 and provides wholesale power to thirty-two (32) cities and towns in eastern North Carolina. NCEMPA is governed by a Board of Commissioners, which consists of thirty-two (32) members elected or appointed from throughout North Carolina. The ElectriCities Board of Directors provides oversight of the NCEMPA operation.

On February 09, 2021, Deputy Town Manager Shawn Purvis was appointed as the Commissioner for the Town of Apex on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Directors. At that time, Assistant Town Manager Marty Stone and Former Finance Director Vance Holleman served as the first and second alternates, respectively. Upon Mr. Holleman's retirement, the Apex Town Council appointed Former Electric Utilities Director Eric Neumann to serve as second alternate to the Board.

On June 30, 2025, Mr. Neumann retired which necessitated a review of the current appointments. Kathy Moyer is the new Electric Utilities Director and brings a wealth of knowledge and experience with most recently serving as the Chief Operating Officer at ElectriCities of North Carolina, Inc.

Staff requests the primary Commissioner appointment for the Town of Apex on NCEMPA change to the new Electric Utilities Director, Kathy Moyer. In addition, Deputy Town Manager, Shawn Purvis is recommended to move to serve as the second (2nd) Alternate and Assistant Town Manager Marty Stone remain as the first (1st) alternate.

Upon action by the Town Council, the Town Clerk shall notify ElectriCities of North Carolina and the NCEMPA Board of Commissioners of the change in representation for the Town of Apex.

ElectriCities of North Carolina, Inc. is a membership organization that provides power supply and related critical services to over ninety (90) community owned electric systems in North Carolina, South Carolina, and Virginia, collectively known as public power. ElectriCities manages the power supply for two power agencies in North Carolina and provides technical services to assist members in operating their electric distribution systems. ElectriCities also helps these locally owned and operated public power providers thrive today and in the future by delivering innovative services, including legislative, technical, communications, and economic development expertise.

Attachments

- CN6-A1: NCEMPA Board of Commissioner Oath of Office
- CN6-A2: NCEMPA Board of Commissioner Second Alternate Oath of Office



1501.02 Apex

OATH

I, _____, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as Commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the ElectriCities' Ethical and Professional Code of Conduct, so help me God.

Commissioner

Sworn to and subscribed before me,
this _____ day of _____, 20____

Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

1501.02 Apex

OATH

I, _____, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as Second Alternate Commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the ElectriCities' Ethical and Professional Code of Conduct, so help me God.

Second Alternate Commissioner

Sworn to and subscribed before me,
this _____ day of _____, 20____

Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Jessica Hoffman, Director

Department(s): Budget and Performance Management

Requested Motion

Motion to approve Budget Ordinance Amendment No.10 and Capital Project Ordinance No. 2026-10 appropriating funds for the North Carolina Department of Environmental Quality Spring 2025 Flood Resiliency Grant award in the amount of \$2,110,854.

Approval Recommended?

Yes

Item Details

Capital Project Ordinance No. 2026-10 allocates \$2,110,854 to the Stormwater Capital Projects Fund for the Spring 2025 Flood Resiliency Grant award for the Beaver Creek Nature Park Stream and Floodplain Restoration. This grant will provide financial assistance to restore approximately 2,100 linear feet of stream channel, plant riparian buffer vegetation and add 5 acre-feet of floodplain water storage along Beaver Creek adjacent to the Apex Nature Park. Flood Resiliency grant projects require a 33.33% local match. Budget Ordinance Amendment No.10 allocates \$703,618 from Stormwater Fund fund balance to be transferred to the Stormwater Capital Project Fund to meet the Town's grant match requirement. Capital Project Ordinance No. 2026-10 allocates \$1,407,236 in grant funding and \$703,618 from the Stormwater fund.

Attachments

- CN7-A1: Budget Ordinance Amendment No. 10 - North Carolina Department of Environmental Quality Spring 2025 Flood Resiliency Grant Award - \$2,110,854
- CN7-A2: Capital Project Ordinance No. 2026-10 - North Carolina Department of Environmental Quality Spring 2025 Flood Resiliency Grant Award - \$2,110,854



Town of Apex

Budget Ordinance Amendment No. 10

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2025-2026 Budget Ordinance be adopted:

Stormwater Fund

Section 1. Revenues:

48020	Fund Blance - Amended	703,618
Total Revenues		\$703,618

Section 2. Expenditures:

59520	Transfer to Stormwater Project Fund	703,618
Total Expenditures		\$703,618

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

Adopted this the 27th day of January 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-10

510 - Stormwater Capital Project Fund

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

SECTION 1: The project authorized by this ordinance consists of stormwater capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
Grants (State/Federal)	1,407,236	1,407,236
Interest Earned	-	-
Transfer from Stormwater Fund	703,618	703,618
Total Revenues		\$2,110,854

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
Stormwater Capital Project Expenditures	2,110,854	2,110,854
Total Expenditures		\$2,110,854

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 27th day of January, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Jessica Hoffman, Director

Department(s): Budget and Performance Management

Requested Motion

Motion to approve Capital Project Ordinance No. 2026-6, No. 2026-7, No. 2026-8, and No. 2026-9 appropriating interest earnings funds for projects in the Transportation, ARPA, Water Sewer, and Electric capital funds.

Approval Recommended?

Yes

Item Details

Capital Project Ordinance No. 2026-6, 2026-7, 2026-8, 2026-9 allocate interest earned within the Transportation, ARPA, Water Sewer, and Electric Capital Project Funds. Shortly after the Town went live in the Infor ERP, an accounting error related to the Town's use of inventory caused an error to occur that left three multi-year capital projects with understated expenditures. Due to staffing turnover and vacancies, this error was not detected until October 2025 and corrected. Interest is earned within the project funds and is being allocated to the following projects within each fund:

Fund	Project	Amount
Transportation Capital Project Fund	Saunders St Parking Lot Expansion	\$102,000
ARPA Capital Fund	Saunders St Parking Lot Expansion	\$396,000
Water Sewer Capital Project Fund	Water Meter AMI	\$101,000
Electric Capital Project Fund	LED Streetlight Replacement	\$18,000

Attachments

- CN8-A1: Capital Project Ordinance Amendment No. 2026-6 - Transportation Interest Earnings
- CN8-A2: Capital Project Ordinance Amendment No. 2026-7 - ARPA Interest Earnings
- CN8-A3: Capital Project Ordinance Amendment No. 2026-8 - Water/Wastewater Interest Earnings
- CN8-A4: Capital Project Ordinance Amendment No. 2026-9 - Electric Interest Earnings





Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-6

210 - Transportation Capital Project Fund

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

SECTION 1: The project authorized by this ordinance consists of transportation capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
Grants (State/Federal)	-	21,640,989
Interest Earned	102,000	918,600
Interest Earned - Debt Proceeds	-	335,650
Developer Reimbursement	-	150,250
Payments in Lieu of Streets	-	65,000
Town of Cary Reimbursement	-	750,412
Bond Proceeds/Premium	-	60,906,265
Transfer from General Fund	-	21,342,378
Transfer from Transportation Capital Reserve	-	8,239,373
Total Revenues		\$114,348,917

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
Transportation Capital Project Expenditures	102,000	114,348,917
Total Expenditures		\$114,348,917

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 27th day of January, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-7

160 - ARPA Capital Project Fund

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

SECTION 1: The project authorized by this ordinance consists of transportation capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
Grants (State/Federal)	-	11,500,000
Interest Earned	396,000	899,819
Installment Purchase	-	4,088,000
Transfer from General Fund	-	5,397,681
Transfer from Water/Wastewater Fund	-	1,250,000
Total Revenues		\$23,135,500

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
ARPA Capital Project Expenditures	396,000	23,135,500
Total Expenditures		\$23,135,500

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 27th day of January, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-8

420 - Water/Wastewater Capital Projects Fund

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

SECTION 1: The project authorized by this ordinance consists of water and wastewater capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
State Grants	-	400,000
Interest Earned	101,000	1,620,736
Transfer from Water/Wastewater Fund	-	17,063,900
Transfer from Water/Wastewater Capital Reserve Fund	-	50,718,959
Transfer from System Development Fee Fund	-	14,055,405
Total Revenues		\$83,859,000

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
Water/Wastewater Capital Projects Expenditures	101,000	83,859,000
Total Expenditures		\$83,859,000

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section 1 of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 27th day of January, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-9

320 - Electric Capital Project Fund

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

SECTION 1: The project authorized by this ordinance consists of electric utility capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
Interest Earned	18,000	611,274
Interest Earned - Debt Proceeds	-	130,000
Bond Proceeds	-	12,200,000
Transfer from Electric Fund	-	13,010,183
Transfer from W/S Fund	-	108,363
Total Revenues		\$26,059,820

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
Electric Capital Project Expenditures	18,000	26,059,820
Total Expenditures		\$26,059,820

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 27th day of January, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Lisa Raschke, Special Events Manager

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

Requested Motion

Motion to amend the Community Special Event Policy to include a prohibition from selling, giving away, or providing samples of firearms, weapons of any kind, tobacco or vape products (including e-cigarettes), and CBD, CBD infused, or hemp-derived THC consumable products at events.

Approval Recommended?

Yes

Item Details

The Special Events Division within the Town's Parks, Recreation, and Cultural Resources Department requests the Town Council to consider an amendment to the current Community Special Event Policy.

This amendment would include a prohibition, under the regulations section of the policy, from selling, giving away, or providing samples of firearms, weapons of any kind, tobacco or vape products (including e-cigarettes), and CBD, CBD infused, or hemp-derived THC consumable products at events.

The proposed amended Community Special Events Policy is in RED text (page 9) included in the attachment. The Legal Department has reviewed the proposed language.

Attachments

- CN9-A1: Amended Community Special Events Policy - Prohibition from Selling, Giving Away, or Providing Samples of Firearms, Weapons, Tobacco or Vape Products, CBD, etc.





APEX

NORTH CAROLINA

SPECIAL EVENTS POLICY

Adopted on:
October 10, 2023

INTRODUCTION

Special events are very important to the quality of life for the residents of Apex. These events bring special excitement and vitality to the community. Special events can produce endless benefits such as personal, social, and economic growth and development, as well as social and environmental awareness.

Much time and planning go into these events. Approval of special events will be determined once a completed application has been received, reviewed, evaluated by the appropriate Town staff, and it has been decided that use of public space and allocation of public resources are appropriate.

The Town must be very careful in which events it chooses to approve. Due to the number of requests and demands placed on Town Departments during these events, it is impossible to accept every event where a request is made. Staff time, availability of equipment, the nature of the event, and several other factors are considered.

The Town of Apex Special Event Coordinator will be the event organizers main point of contact with the Town. It is the Town of Apex Special Event Coordinator's responsibility to process applications, serve as a liaison between the Town and event organizers, conduct the Special Event Logistics Committee meetings, review event requests for compliance to Town Ordinances, and much more!

Please review the following Special Events Policy for the Town of Apex. Questions should be directed to the Town of Apex Special Events Coordinator.

Lisa.Raschke@apexnc.org 919-372-7465

An information workshop about the Special Events Policy will be held biannually:

3rd Wednesday in January at 6pm

3rd Wednesday in August at 6pm

The Halle Cultural Arts Center

These workshops are open to all event organizers who want to learn more about this policy and the process to apply for events.

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APPLICATION PROCESS

APPLICATION PROCESS

HOW TO APPLY FOR A SPECIAL EVENT

1. Read this Special Events Policy thoroughly.
2. Ask the Special Event Coordinator any questions that you may have.
3. Complete the *online* Town of Apex Special Event Application.
4. Pay the *non-refundable* \$50 Application Review Fee
[For-Profit Organizations only]

The Town of Apex assumes no liability if an event is not approved – Selling tickets, advertising, gaining sponsorship, and other activities done prior to event approval is done at the risk of the event organizer.

Applying for an event does not guarantee approval.

TIER EXPLANATION

The Town of Apex differentiates events by tiers. Each tier differs based on projected attendance, Town services, street closures, and whether alcohol will be served. The event organizer must review the table below to understand which tier their event will be classified as:

Tiers	Details	Examples
TIER 1	<ul style="list-style-type: none">• Fewer than 200 people• No Town services• No closure of public right-of-way• No inflatables, tables, food trucks, tents, alcohol	<ul style="list-style-type: none">○ Fitness class in the courtyard
TIER 2	<ul style="list-style-type: none">• 201-500 people• Minimal Town services• Possible closure of public right-of-way• No alcohol	<ul style="list-style-type: none">○ Pancake Breakfasts○ Farmers' Market○ Memorial Day Ceremony○ Veterans Day Ceremony○ WWCM Food Drive
TIER 3	<ul style="list-style-type: none">• 501-1000 people• Minimal Town services• Possible closure of public right-of-way• No alcohol	<ul style="list-style-type: none">○ Chanukah Festival
TIER 4	<ul style="list-style-type: none">• 1001 people and more, <i>or any number of people with alcohol</i>• Multiple Town services• Closure of Town parking lots, greenways, and/or streets• Alcohol can be present with proper approval & permits	<ul style="list-style-type: none">○ PeakFest○ Pride Festival○ Pig Fest○ Oktoberfest○ Christmas Parade

APPLICATION PROCESS

DEADLINES

All applications for consideration must have their applications completed and submitted online no later than the dates below:

Tier 1	Tier 2	Tier 3
14 days prior to event date	December 1*	December 1*
Tier 4		
December 1*		

**Tiers 2, 3, & 4 may apply under the "multi-year application" while maintaining the deadline of December 1 for the initial application. These applicants are required to submit their initial application by December 1. This application would reflect up to 5 years' worth of dates for the event. Once the multi-year application is approved, the Tier 4 organizations will be required to check in every 6 months prior to their event.*

PROCESS AFTER APPLICATION IS SUBMITTED

1. Upon submitting your application, you will receive a confirmation email within five business days that your application has been received.
2. An application is not considered 'complete' until all required information and documents are submitted. Incomplete applications will not be considered.
3. The application will then be reviewed by the Town of Apex's Special Event Logistics Committee consisting of members from relevant departments.
4. The application, with committee comments, will then be reviewed by Town Administration.
5. If available, the location and date will be tentatively reserved.
6. This application, with all comments, will then be reviewed by Town Council. (This step is only applicable for Tier 2, 3, & 4 events.)
7. Based on the approvers feedback, the application will be:
 - a. Approved
 - b. Approved with conditions
 - c. Denied
8. If approved, a Special Event Contract will be provided and signatures will be required from the event organizer and the Town agreeing to any stipulations put in place.
 - a. For-Profit events will be provided with the associated costs.
9. For approved events, Town staff will determine the funding required from the Town to serve the event. Town staff will process approved Tier 2, Tier 3, and Tier 4 events for a budget appropriation either as part of the annual appropriation ordinance or as an amendment thereto, as appropriate. Budget appropriations require council action.

APPLICATION PROCESS

WHEN ARE NEW APPLICATIONS REQUIRED:

- When a significant change has occurred. Please see the definition of significant change on page 16.
- When an established event skipped a year. See definition for established event on page 14.
- When this is a new event.
- When an established event is being organized by a new organizer.
- When the multi-year application has expired.



POLICY OVERVIEW

POLICY OVERVIEW

GENERAL

For purposes of this policy, "Special Event" is defined as an event, festival, parade, run, walk, or other recreational, cultural, entertainment, community, or social awareness activity. This special event will engage the community, promote tourism, showcase local talent, expose artists and performers to new audiences, invigorate community spirit, provide economic health and wellness, or cultural/social benefits to a community or organization.

For all other definitions relevant to this policy, please see page 14.

Outdoor special events held on private property require a Temporary Use Permit (issued by the Town of Apex Planning Department) and are *not covered* under the Special Event Policy. You can find a link to the Temporary Use Permit on page 17.

REGULATIONS

The regulations in this section shall apply to all accepted special events unless otherwise expressly stated.

- A) **Non-Profit & For-Profit.** *As defined in the definition section.*
 - a. All proposed events are open to the general public.
 - b. Non-Profit and For-Profit organizations are allowed to charge for entry/participation.
 - c. Non-Profit organizations are exempt from the fee structure on page 19.
 - d. For-profit organizations will not be granted any discounts and will be required to pay all fees in full.
- B) **Signs.** All special event signage must meet the requirements of the Town of Apex Sign Ordinance; Please review this ordinance link on page 17.
 - a. This includes but is not limited to flyers, yard signs, posters, banners
 - b. Yard signs are permitted on private property with owner's permission, no sooner than 1 week prior to the commencement of the event and must be removed no later than 2 days after the end of the event. Please contact the Planning Department at planninginfo@apexnc.org or 919-249-3426 at least three weeks prior to the event in order to have adequate time to apply for, and receive approval of, the required sign permit.
 - c. Over-the-street banners and light-post banners are not permitted for community events.
- C) **Conditions of Approval.** Special events shall not violate or deviate from any applicable laws, rules, regulations, Town Ordinances, conditions of approval for the site or conditions noted in the Special Events Contract.
 - a. Please review the Town ordinance section 15.9 for details on
 - i. Unlawful to operate bicycle or other wheeled vehicle
 - ii. Unlawful to throw balls, unless pursuant to an official approved festival activity.
 - iii. Unlawful to use fireworks at the special event
 - iv. Failure to cease activities
 - v. Animals at events
 - vi. Failure to comply

POLICY OVERVIEW

- D) **Obtain all other applicable permits and approvals.** The event organizer must obtain all other required permits and approvals prior to their event. This may include but is not limited to: ABC permits, Wake County Food Permits, use of private property and/or right-of-way.
- E) **Evaluation Criteria.** The Town of Apex utilizes the following criteria when evaluating and scheduling special events:
 - a. The nature of the event and how it can serve the Town of Apex and its residents;
 - b. The dates and times during which the proposed event will occur;
 - i. Including set up and breakdown times
 - c. The location(s) of the event and traffic impacts;
 - d. Whether the activities are in compliance with other applicable laws and Town ordinances;
 - e. The general health, safety, and welfare of the participants in/or attending the event and the residents of Apex;
 - f. Environmental impacts;
 - g. Economic benefits;
 - h. The impact and/or cost of the event on Town supported services;
 - i. The frequency of the event or similar events;
 - j. Awarding community grants;
 - k. Priority will be given to Apex based groups, chapters, and organizations;
 - l. The proposed event is community, art, culture, history focused and/or recreational in nature;
 - m. The proposed event has been planned to facilitate a positive impact to the community;
 - n. The proposed event is inclusive to all;
 - o. If alcohol will be served;
 - p. No political events;
 - i. Events may invite political parties as vendors if they wish. Event organizers are required to invite the full representation of political parties in order to comply with this policy
 - q. **Event organizers and vendors are prohibited from selling, giving away, or providing samples of firearms, weapons of any kind, tobacco or vape products (including e-cigarettes), and CBD, CBD infused, or hemp-derived THC consumable products at events.**

POLICY OVERVIEW

REQUIREMENTS

1. **Sanitation, Recycling, & Sustainability.** The event organizer is responsible for litter and debris cleanup of the special event site both during and after the event. The event organizer is responsible for all costs should the Town be required to clean up following the event. All organizations are responsible for site clean up after their event.
 - a. The Town of Apex requires recycling at all events.
 - b. Trash cans, liners, and dumpsters must be purchased and organized by the event organizer (for-profit organizations only).
 - c. Town of Apex will have oversight over all cleaning.
 - d. All special events must provide an appropriate number of staff or volunteers devoted to litter pick-up for the entire event area during and after the event. Event organizers should apply a "cleaner than we found it" mindset to respect the environment in which the event was held.
 - i. A cleanup plan will be required on the application.
 - e. The Event Organizer is responsible for arranging for the proper disposal of grease and other similar waste with a private service or agency in advance of the event.
 - i. Please see page 18 for Grease-Cycle's Raleigh location information to rent their grease collection containers
 - ii. Food ash collection will need to be arranged with the Special Events Coordinator
 - f. Improper disposal or spills may be classified as a hazardous waste and result in fines in accordance with Chapter 2703.3 of the North Carolina Fire Prevention Code. The entirety of the festival boundaries must be left in the same condition as prior to the event.
2. **Insurance & Liability.** Event organizers shall assume all risks to or in connection with the special event and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the special event or the conduct of the organizer's operation. The event organizer shall indemnify, defend and hold the Town harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims or suits for damages or losses (including, but not limited to, attorney's fees and other litigation expenses) for personal injury and for property damage directly or indirectly arising out of or in connection with the special event or conduct of its operation or resulting from the negligence or intentional acts or omissions of the event organizer or its officers, agents, volunteers and employees.
 - a. In addition:
 - i. If required by the Town's Safety and Risk Manager, the event organizer must furnish a fully paid liability damage insurance policy procured from a company licensed to do business in North Carolina. This policy must protect the Town of Apex, its officers, officials, employees and agents from any and all claims for damages to property and/or bodily injury

POLICY OVERVIEW

which may result from or in connection with any of the operations carried on by the organizer of the special event.

- ii. The Town of Apex must be named as an additional insured.
- iii. The Additionally Insured must read: The Town of Apex (73 Hunter Street, Apex, NC 27502)
 - 1. *Tier 1* events do not need to provide a proof of insurance.
 - 2. *Tier 2*: The Town of Apex must receive a copy of insurance policy at time of contract. Insurance requirements are as follows: A minimum of \$1,000,000 for personal injury per person, \$1,000,000 for personal injury for aggregate liability and \$1,000,000 for property damage each occurrence, or certificates of insurance acceptable to the Special Event Logistics Committee is required.
 - 3. *Tier 3*: The Town of Apex must receive a copy of insurance policy at time of contract. Insurance requirements are as follows: A minimum of \$2,000,000 for personal injury per person, \$2,000,000 for personal injury for aggregate liability and \$2,000,000 for property damage each occurrence, or certificates of insurance acceptable to the Special Event Logistics Committee is required.
 - 4. *Tier 4*: The Town of Apex must receive a copy of insurance policy at time of contract. Insurance requirements are as follows: A minimum of \$5,000,000 for personal injury per person, \$5,000,000 for personal injury for aggregate liability and \$5,000,000 for property damage each occurrence, or certificates of insurance acceptable to the Special Event Logistics Committee is required.
- b. When collecting proof of insurance, the Town of Apex Special Events Coordinator will require the Additionally Insured Endorsement sheet and the Certificate of Insurance cover sheet with the following included in the "Description of Operations"
 - i. The Town of Apex and the "Event Group Name"
 - ii. Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below in the certificate holder section.
 - iii. Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below in the certificate holder section.
 - iv. Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below in the certificate holder section.
- 3. **Electricity.** Specific requirements for the use of electricity must be submitted and approved at the time of the application. Access is not guaranteed. Anything requested beyond what already exists must be reviewed and approved by the Special Event Logistics Committee.
 - a. Power provided by extension cords from a building shall not pass through doorways or windows but shall be supplied by an exterior outlet, which is protected by a Ground Fault Circuit Interrupter (GFCI). Extension cords shall be

POLICY OVERVIEW

grounded and shall not be placed over walking surfaces. If there is anything placed over walking surfaces, "yellow jacket" covers must be provided by the event organizer.

- b. It is the responsibility of the event organizer if the event requires the use of generators; the Town will not provide this.
- c. Exterior outlets are extremely limited.
- d. The event organizer must be cognitive of the proper amps required for what is being plugged in. (Example: A stage or sound equipment cannot be plugged into a standard wall plug on the outside of a Town of Apex building. This will trip the breaker.)
- e. The Town will have an Electric Department employee on-call for all special events.

4. **Toilets.** The event organizer is responsible to provide adequate on-site toilets to facilitate the needs of their event.

- a. The number of toilets is determined by the type and size of event in consultation with the Town of Apex.
- b. Handicapped accessible toilets are required for all special events.
- c. All portable toilets must be maintained daily if contracted for a multiple day event.
- d. The use of Town of Apex restroom facilities is contingent on the normal operating hours of the building.
- e. The Special Event Logistics Committee must approve of the location and duration of any portable toilets.

5. **Noise.** Permission to include music or amplified sound, including megaphones, as part of a special event may be given, provided that compliance with the Town's noise ordinance is assured. Event organizers must be sensitive to local businesses and residences when preparing sound equipment for special events.

- a. The Town reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb non-participating persons around the event.
- b. Complaints of loud, disturbing, or unnecessary noise in violation of the noise ordinance may result in the immediate revocation of the Special Event Contract and approval.
- c. Link to the ordinance is on page 17.

6. **Food Sales.** The event organizer is responsible for arranging for all food permits and approvals from the Wake County Health Department a minimum of (4) four weeks prior to the event.

- a. In addition:
 - i. All rules and regulations regarding any food preparation and service as established by the Wake County Health Department must be followed.
 - ii. A fire inspection is required to make sure all fire safety equipment is in place. Inspectors have the right to close booths operating outside of health regulations.

POLICY OVERVIEW

- iii. All permits must be clearly displayed.
- iv. All clean-up including grease removal is the responsibility of the event organizer.
- v. All vendors at the special event must follow the Town of Apex Code of Ordinances for Transient and Mobile Food Vendors to meet National Fire Protection Association (NFPA) Recommendations for Food Truck Safety.
 - 1. Sec. 13-63. - General operating standards.
 - 2. Link to the ordinance is on page 17.

7. **Alcohol.** *Tier 4 are the only events permitted to request alcohol.* Alcoholic beverages are prohibited on Town property and rights-of way unless approved in the Special Events Contract.

- a. Please review Section 14-14 of the Apex Town Code of Ordinances for more important details.
- b. An ABC permit is required for the sales and serving of any alcoholic beverages during the special event. Applications must be submitted directly to the ABC Commission, but are subject to Apex Police Department review. This review process may take several weeks.
 - i. Please note that the event may be subject to off-duty police charges for both for-profit and non-profit events.
 - ii. Please see the Town of Apex ABC Permit information guide. Link on page 17.

8. **Tents, Stages, Inflatables, Accessories, etc.** Temporary structures, containers or storage tanks required for the event may require a safety inspection by an Apex Fire Marshal. The Town of Apex defines and classifies any structure, enclosure, or shelter constructed of canvas or pliable material supported in any manner as a tent. Temporary structures such as decks, platforms, stages and kiosks will require an inspection. Any approval of these items may be rescinded if the inspected items do not meet the standards.

- a. All tents are required to have flame retardant certification.
- b. The event organizer must provide the following:
 - i. A copy of flame-retardant certification (This should be attached to the tent, and inspector will check and approve in the field)
 - ii. A site plan showing the location of the tents
 - iii. A description of the activity(s) to be conducted under the tent(s)
 - iv. A method of providing adequate anchorage against collapse from winds or other loads. Anchorage type will be determined at time of review.
 - v. No tents may be staked into asphalt, the Town Campus Courtyard, or any other locations determined by the Special Event Logistics Committee.
 - vi. All tents must be secured or weighted down at all corners.
 - vii. No tent may be erected in front of a building used as a place of public assembly, within fifteen (15) feet of a fire hydrant, or in any way obstructing any building exit or doorway.

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- viii. Tents may not block streets such that Special Event Logistics Committee deems the layout / location dangerous or inappropriate for public safety.
- ix. All tents may be inspected and approved before occupancy or use by the public
- x. At least one UL rate 2A: 10BC extinguisher shall be provided for all tents where there is cooking. Additional extinguishers may be required after the inspection.
- c. LP Gas use shall be restricted to cylinders no larger than one, 100lb tank (24 gallons of propane). Cylinders shall not be expired and must be adequately secured to prevent over turning. Cylinders may not be secured to items such as fire hydrants, temporary electric poles or barricades. Cylinders may be secured to the grill, a tent post, a signpost or permanent electric pole.

9. Safety & Security.

- a. **Safety barricades** ensure the safety of patrons, volunteers, staff, and others during special events. Any event that involves the closure of a public street may require barricades, variable message boards, and/or Police presence.
- b. The Town can provide event organizers with a limited number of barricades or other special event related equipment.
 - i. There is a fee associated with this for For-Profit organizations. This can be requested on the application. Quality and type of barricade must be approved by the Special Event Logistics Committee.
- c. The Special Event Logistics Committee will determine type, quantity, and location of the barricades.
- d. **Weather Conditions.** It is the responsibility of the event organizer to track weather conditions and make the final call for cancelation. The Town of Apex reserves the right to cancel an event if there is a crisis or threat to public health and safety.
- e. The Special Event Logistics Committee may require the organizer to hire Wake County **EMS** or similar services.
- f. The Special Event Logistics Committee will develop an **Emergency Action Plan** for all Tier 3 and Tier 4 events.
 - i. The Emergency Action Plan in turn may dictate site plan alterations. This will be communicated to the event organizer prior to the event.
- g. **Security.** The Special Event Logistics Committee will review each application and provide requirements on the number of officers or other security needed for the event. To hire off-duty officers, the event organizer will need to contact the Apex Police Department through their Extra Duty Solutions application; this pertains to for-profit and non-profit events. The link for such can be found on page 17.
- h. **No Parking Signage.** The Apex Police Department will post "no parking" signs at least 24 hours before any parking lot closure.

POLICY OVERVIEW

10. Communications & Marketing.

- a. Community Events that fall within tiers 2-4 will be promoted by the Town of Apex.
- b. The Town will provide a standard Town of Apex graphic with limited text language on the event and refer the community to the organizer's website.
- c. The Town of Apex will create a unified plan for promotion between the Town of Apex and the community event organizers, ensuring both parties understand what group is responsible for each promotional piece.
- d. The event organizer will be responsible for providing a point of contact for the public and a URL/website for the public to access information provided for the Community Event. Without this information included in the application, the event organizer will not be able to submit their application.
- e. All events approved by the Town of Apex are required to add "*This event is not organized by the Town of Apex*" to their publications, regardless of web, social, or print.
- f. The event organizer must provide public notification to all adjacent businesses and residents of the date and time of the event with a description of the roads to be closed a minimum of thirty (30) days before the event.

11. Nondiscrimination.

The Town of Apex strives to be a welcoming and diverse community with a sense of belonging for anyone that chooses to live, work, or visit and enjoy the "Peak of Good Living". Special events are examples of how we embrace this goal. To achieve this goal, the Town's special events shall be inclusive to all.

- a. Inclusivity in events means creating an experience that's supportive of everyone in attendance, no matter their 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. An event cannot be considered a success until every attendee is empowered to participate without barriers. Additionally, the Town will uphold its nondiscrimination ordinance and policy in relation to special events.
- b. The Town will ensure that no special event excludes any person on the basis of Protected Class status, as defined in Town of Apex Code of Ordinances Section 3-3(k).
- c. For more information on the Town's nondiscrimination policy and commitment to inclusivity, please refer to Chapter 3 of the Town of Apex Code of Ordinances.

12. Town Parks.

Due to heavy use and demand the Town does not rent or close entire parks for special events. In rare cases, approved by the Director of Parks, Recreation, and Cultural Resources, the Town may close a portion or specific area within a park provided it does not disrupt the day-to-day operation or use by Apex residents. A rental fee may be charged to cover costs associated with the use of Town facilities.

POLICY OVERVIEW

13. **Event Site Plan.** Sidewalks, Greenways and Multi-Use Paths are to be used for public refuge and pedestrian traffic only and must remain clear and unobstructed in case of emergency; unless the closure permit specifically states that the sidewalk, greenway or multi-use path is to be closed.

- a. Submit a high quality 8.5" x 11" map of the proposed festival boundaries including:
 - i. Street closures
 - ii. Barricades
 1. Entrances and exits if barricades create enclosures
 - iii. Vendor locations
 - iv. Vendor driving directions
 - v. Tent locations
 1. Entrances and exits if tent is enclosed
 - vi. Restrooms
 - vii. Trash Can locations
 - viii. Dumpster locations

14. **NCDOT Roadways.** Any North Carolina Department of Transportation State Highway or road must receive permission of NCDOT to be closed. Please see the link on page 19 for NCDOT contact info.

- a. To differentiate between NCDOT roads and Town of Apex roads, please see the link on page 17 and page 18.

15. **Town Streets, Alleys, and Parking Lots.** Following council approval for the budget associated with a Tier 2, Tier 3, or Tier 4 Community Event, the Town Manager or their designee may temporarily close a public rights-of-way, including streets, alleys, and parking lots as necessary for the approved event. Pursuant to Town Code Sec. 20-17. Temporary parking restrictions may be implemented by police officers as necessary for the event.

16. **Town Facilities.** The use of inside Town Hall will not be approved. Other Town facilities will be approved based on availability and overall impact. The use of rentable Town property is subject to their individual rules, regulations, availability, and completion of rental contracts.

- a. Please see links on page 17 for more info.



DURING + AFTER EVENT

DURING + AFTER EVENT

- The event organizer must be present during the entire duration of the event (this includes set up and clean up). The event organizer may enlist a committee of people to assist with this timeline. This responsibility is on the event organization.
- **Site Visit.** The Town of Apex performs routine site visits during special events. During this visit, the Town of Apex Special Events Coordinator will continue to serve as a liaison for event organizers to address last minute event needs as they arise. The Town of Apex Special Events Coordinator and other Town staff will also ensure compliance with the regulations outlined in this Special Events Policy, Special Event Contract, and with the regulations enforced by other Town departments or partner agencies as applicable.
 - Failure to meet these conditions may result in the immediate shutting down of the event.
- **Following the Event.** The After-Action Evaluation will be emailed to the event organizer 30 days or less after the event.
 - **After-Action Evaluation.** The Special Event Logistics Committee will complete an internal evaluation form for each event to measure the success of special events and event organizers in conforming to policies and permitted activities. Events with an unsatisfactory evaluation may have additional requirements imposed for future years or may be denied for future events.
 - **Completing Payment.** Payment, as a result of the payment formula, must be paid within 120 days post event (for-profit organization only).



DEFINITIONS

DEFINITIONS

COMMUNITY EVENT

This is an event that is created, facilitated, planned, and funded by a non-profit or for-profit group outside of the Town of Apex organization.

EMERGENCY ACTION PLAN

An emergency action plan is defined as comprehensive documentation of procedures based on the required emergency standard.

ESTABLISHED EVENT

This is an event that has occurred for 2 consecutive years (or more) in a row in the same location as prior years.

EVENT ORGANIZER

The event organizer is the person whose name is on the Special Event Application. This person will be the point-of-contact with the Town of Apex Special Events Coordinator.

- The event organizer must share the event planning meeting schedule with the Town of Apex Special Events Coordinator.
 - The Town of Apex Special Events Coordinator may attend any/all planning meetings.
- The event organizer shall attend the proposed event for the full duration of set up, event time, and clean up.
- Any requested changes to the event from anyone other than the event organizer will be invalid.
- If the event organizer steps down, a new event organizer must be designated in writing. Notice of this change may be sent to Town of Apex Special Events Coordinator by email.

FESTIVAL BOUNDARIES

The festival boundaries are defined as the approved geographical location of the festival. The Festival Boundaries may not exceed the barricades as shown on the site map.

FOR-PROFIT ORGANIZATION

For this application, this is defined as an organization that is outside of the definition of non-profit organization.

(See "Non-Profit Organization" definition for what is considered a non-profit.)

DEFINITIONS

HISTORIC DOWNTOWN

The historic downtown is defined as the section of Salem Street between Hunter Street and Highway 55/Williams Street.

MINIMAL TOWN SERVICES

Minimal Town services is designated as no more than 2 departments needed the day of the event.

MULTIPLE TOWN SERVICES

Multiple Town services is designated as 3 or more departments needed the day of the event.

NON-PROFIT ORGANIZATION

For this application, this is defined as an organization under the Internal Revenue Service (IRS) status of 501(c)(3), 501(c)(6), 501(c)(19) or if they are an Apex Public School. (See "For-Profit Organization" definition for what is considered for-profit.)

PARADES, RACES, AND WALKS

Parades, races, and walks are defined as an organized activity following a set course that involve full or partial closure of any Town streets, Town property, sidewalks, and/or greenways.

- A Special Event application is required for any run or walk.
- Any Special Event with a Parade component will be required to fill out a Special Event Application in addition to the parade permit required by Article X, Chapter 20 of the Apex Town Code of Ordinances.
 - Example: Apex Christmas Parade
- Parades unrelated to a special event must follow the permit process in Article X, Chapter 20 of the Apex Town Code of Ordinances.
- The event organizer is responsible for the cost of all Town services incurred in connection with the parade, race, or walk.
- The Special Event Logistics Committee may require the organizer to provide one or more off-duty personnel as deemed necessary. The Apex Police Department will determine final safety plans for Tier 3 & 4 events.

Parades also require a permit from the Apex Police Department *after* applying as a Special Event.

See page 17 for a link.

PROTECTED CLASS

Protected Class means an individual's age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

DEFINITIONS

SIGNIFICANT CHANGE

This is any large change made to an event like a change in the outer festival boundary, alcohol, personnel, or more.

SPECIAL EVENT

A special event is defined as an organized activity that has a stationary footprint requiring the closure of streets, public spaces, or plazas. These events often contain amplified noise, food, beverage, merchandise, and other entertainment. Examples would include: festivals, markets, memorials, demonstrations, marches, and ceremonies. Special Event Contract is required for any event which is held on Town Property or any event to be held on Public Rights-of-Way.

THE TOWN

This notes the Town of Apex

TOWN EVENT

Sometimes referred to as a "Town Owned Event". This is an event that the Town of Apex Organization created, facilitated, planned, and funded.

YELLOW JACKETS

Yellow Jackets are defined as the equipment that covers cords and cables that go over walking paths with a smooth transition. These can be purchased online.



HELPFUL LINKS

HELPFUL LINKS

**Town of Apex
Temporary Use
Permit** <http://www.apexnc.org/DocumentCenter/View/459/Temporary-Use-Permit-EVENT-Private-Property-Only-PDF>

**Town of Apex
Code of
Ordinances** <https://www.apexnc.org/149/Code-of-Ordinances>

**Town of Apex
ABC Permit
Information
Guide** <https://www.apexnc.org/787/ABC-Permits>

**Wake County
Health
Department** <http://www.wakegov.com/food/festivals/Pages/tfe.aspx>

**Town of Apex
Shelter and
Facility Rental
Details** <http://www.apexnc.org/514/Facilities-and-Rentals>

**Photos of the
Town of Apex
Shelters** <http://www.apexnc.org/DocumentCenter/View/31866/Park-Shelter-Photos>

**Apex Police
Department
Off-Duty
Request
Application** <https://extradutysolutions.com/app/apex-extra-duty-detail-application/>
Phone: 919-589-1205
Email: ApexNC@ExtraDutySolutions.com

**Group
Demonstration,
Picket, or
Parade Permit
Application** <https://www.apexnc.org/696/Forms-Permits>

HELPFUL LINKS

John M. Brown Community Center Rental Form	http://www.apexnc.org/DocumentCenter/View/9522/John-M-Brown-Community-Center-Facility-Reservation-Form Phone: (919) 249-3402
The Halle Cultural Arts Center Rental Form	http://thehalle.org/DocumentCenter/View/38273/The-Halles-Rental-Request-Form Phone: (919) 249-1120
Apex Senior Center Rental Form	http://www.apexnc.org/DocumentCenter/View/40069/Apex-Senior-Center-Facility-Reservation-Form Phone: (919) 249-3354
Apex Shelter Rental Form	http://www.apexnc.org/514/Facilities-and-Rentals Phone: (919) 249-3402
NCDOT Website	https://www.ncdot.gov/Pages/default.aspx
What is an NCDOT road and what is a Town of Apex road?	https://apexnc.maps.arcgis.com/apps/webappviewer/index.html?id=506270ba8fa546bcb790203def056a13
Town of Apex Unified Development Ordinance (UDO)	http://www.apexnc.org/DocumentCenter/View/24/Unified-Development-Ordinance-UDO-PDF
Grease-Cycle	https://grease-cycle.com/contact-us Phone: 919-817-6792



ADDENDUM A: SPECIAL EVENT POLICY FEE STRUCTURE

ADDENUM A: FEE SCHEDULE

TOWN OF APEX FEES

The Special Event Contract will contain an estimate for projected fees based on the event organizer's application.

<i>Item</i>	<i>Description</i>	<i>Fee</i>
Application Fee	To be submitted with every For-Profit application	\$50 per event
Water Barricades	Includes water. Used for streets.	\$50 per barricade
A-Frame Barricade	For light blockades. Not for traffic	\$10 per barricade
Power	Temporary and permanent electric boards	\$100 per unit / per day
External Building Power	If you plug into a Town building	\$100 per building / per day
Water	Temporary hose connection, food vendor water, dunk tank	\$50 per unit / per day
Trash Cans	Landfill trash and recycling trash	\$10 per can / per day
Utility Sinks	Includes connection	\$50 per sink / per day
Large Blockade Vehicle or Police Vehicle		\$200 per vehicle / per day
Police Off-Duty	Required for an event with alcohol	\$40.43 per hour / per officer
Police Personnel		\$70 per hour / per officer
Public Works Personnel		\$40 per hour / per person
Parks Operations Personnel		\$45 per hour / per person
Saunders Street Lot	Lot in front of the Police Station	\$100 per day
Templeton Street Lot	Lot near The Halle	\$100 per day
Town Hall Lot	Lot directly in front of Town Hall	\$100 per day
Community Center Gazebo Lot	Lot in front of the Community Center with the gazebo	\$100 per day

Community Center ATM Lot	Lot to the right of the Community Center with the ATM	\$100 per day
Senior Center Lot	Lot next to the Senior Center	\$50 per day
Town Arc Lot	Arc shaped lot between Town Hall and the Community Center	\$50 per day
Park Parking Lots	Any Town of Apex park parking lot	To be determined per event
The Depot Lot and Plaza	Depot parking lot and outdoor plaza	\$100 per day
Town Campus Courtyard	Does not include any parking lots	\$200 per day

NON-PROFIT PAYMENT FORMULA.

Events after July 1, 2024: All event organizers are exempt from this fee structure.

The event may be subject to Off-Duty Police costs.

Fee schedule is reviewed annually.

FOR-PROFIT PAYMENT FORMULA.

Events after July 1, 2024: All event organizers are required to pay 100% of their Town Fee cost.

Fees are to be collected within 120 days post event.

The event may be subject to Off-Duty Police costs.

Fee schedule is reviewed annually.

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Application #25CZ16, Sadik Bourousse, applicant, for the property located at 3521 Old US 1 Hwy (portion of PIN 0710625854).

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 25CZ16 was approved at the January 13, 2026 Town Council meeting.

Attachments

- CN10-A1: Statement of the Town Council and Ordinance – Rezoning Case No. 25CZ16 – 3521 Old US 1 Highway
- CN10-A2: Attachment A: Legal Description Statement of the Town Council and Ordinance – Rezoning Case No. 25CZ16 – 3521 Old US 1 Highway



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY .53 ACRES LOCATED AT 3521 OLD US 1 HWY FROM NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING (B1-CZ #11CZ04) TO PLANNED COMMERCIAL-CONDITIONAL ZONING (PC-CZ)

#25CZ16

WHEREAS, Sadik Bourousse, applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of October 2025 (the "Application"). The proposed conditional zoning is designated #25CZ16;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #25CZ16 before the Planning Board on the 8th day of December 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of December 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ16. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ16;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #25CZ16 before the Apex Town Council on the 13th day of January 2026;

WHEREAS, the Apex Town Council held a public hearing on the 13th day of January 2026. Joshua Killian, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ16 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Commercial-Conditional Zoning (PC-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Commercial-Conditional Zoning (PC-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in economy, infrastructure, and commercial services consistent with that contemplated by the 2045 Land Use Map.;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the proposed zoning district and conditions will allow the property to be used in a manner consistent with its original use; and

WHEREAS, the Apex Town Council unanimously approved Application #25CZ16 rezoning the subject tract located at 3521 Old US 1 Hwy from Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04) to Planned Commercial-Conditional Zoning (PC-CZ).

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

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

Ordinance Amending the Official Zoning District Map #25CZ16

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 Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04) to Planned Commercial-Conditional Zoning (PC-CZ) District, subject to the conditions stated herein.

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

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

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

- Permitted Uses
 - a. Vehicle sales and rental, light
 - b. Drop-in or short-term daycare
 - c. Veterinary clinic or hospital
 - d. Entertainment, indoor
 - e. Park, active
 - f. Restaurant, general
 - g. Office, business or professional
 - h. Book store
 - i. Grocery, specialty
 - j. Newsstand or gift shop
 - k. Printing and copying service
 - l. Retail sales, general
 - m. Drycleaners and laundry service
 - n. Church or place of worship
 - o. Government service
 - p. Park, passive
 - q. Medical or dental office or clinic
 - r. Convenience store
 - s. Financial institution
 - t. Greenhouse or nursery, retail
 - u. Health/fitness center or spa
 - v. Personal service
 - w. Real estate sales
 - x. Studio for art
 - y. Day care facility
 - z. Botanical garden
 - aa. Greenway
 - bb. Youth or day camps
 - cc. Barber and beauty shop
 - dd. Floral shop
 - ee. Laundromat
 - ff. Pharmacy
 - gg. Tailor shop

1. No existing non-conformities shall be expanded; maintenance of existing improvements shall be allowed.
2. No more than 8 vehicle spaces shall be dedicated to display, sales, or storage are allowed.
3. The use *Vehicle sales and rental, light* shall be limited to an establishment engaged in the retail sale or rental, from the premises, of new or used motorized vehicles to include cars, vans, pick-up trucks, and sport utility vehicles. No accessory uses shall be allowed when the primary use is *Vehicle sales and rental, light*.
4. The only signage allowed on the vehicle shall be located on window of a door for sale or rent and shall be limited to 8.5" X 11".
5. In the event of new construction, exterior renovations, and/or additions be made, the building shall conform to the following conditions:
 - a. The predominant exterior building material shall be high quality materials, including:

Ordinance Amending the Official Zoning District Map #25CZ16

- i. Brick masonry
- ii. Decorative concrete block (either integrally colored or textured)
- iii. Stone accents
- iv. EIFS cornices, and parapet trim
- v. Precast concrete

- b. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
- c. The building exterior shall have more than one material color.
- d. The building shall have more than one parapet height.
- e. The main entrance to the building shall be emphasized.

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

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

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the _____ day of _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ16

Submittal Date: 10-27-25

Insert legal description below.

Property Description: "New Hill"

PIN#: A portion of 0710925854

Deed Book 08524 Page 2148

Plat Map 0710 Scale 04

Metes and Bounds:

Beginning at a railroad spike set in the southern right-of-way of Old U.S. Highway #1, it being the northeast corner for the New Hill Post Office, runs thence with the right-of-way of Old U.S. Highway #1, North 68°42'22" East 100.15 feet to a computed point; runs thence South 24°28'23" East 226.75 feet to a computed point in the northern right-of-way of the CSX Railroad; runs thence South 61°33'00" West 100.24 feet to a stake, the southeast corner for the New Hill Post Office; runs thence North 24° 28' 23" West 239.26 feet to the point and place of BEGINNING, containing approximately 0.53 acres.

This legal description is not written from an actual field survey but is based on the listed metes and bounds from Wake County Book of Deeds 8524 Page 2148 and Book of Maps 2011 Page 424, as well as a calculated line splitting said property.

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 27, 2026

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

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 2.13 acres, located at 2224 Olive Chapel Road (PIN 0722-70-2657), Annexation No. 812, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

This annexation request is NOT associated with a rezoning.

Attachments

- PH1-A1: Public Hearing Notice - Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres
- PH1-A2: Annexation Ordinance - Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres
- PH1-A3: Legal Description - Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres
- PH1-A4: Aerial Map - Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres
- PH1-A5: Plat Map - Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres
- PH1-A6: Annexation Petition - Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

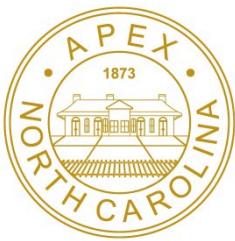
FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (January 15, 2026) – 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 **27th day of January, 2026**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 812 2224 Olive Chapel Road – 2.13 acres





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

PUBLIC NOTICE – PUBLIC HEARING

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line “Annexation Petition No. 812” 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, January 27, 2026.

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.

###

Canoy Surveying
Adam Canoy, PLS
1154 Shonele Ln
Stem, NC 27581
984.377.2626
canoysurveying@gmail.com



Legal Description of RL Property Group LLC Property

Property located at 2224 Olive Chapel Rd, Apex, NC 27502

Metes and bounds description of RL Property Group LLC Property, as described in deed book 19462, at page 1817, and book of maps 1981, at page 488, of the Wake County Register

Beginning at an Iron Pipe Found along the right-of-way of Olive Chapel Rd, State Route 1160, and being the southeast corner of Munshi Mohammad Ebne Chayen & Nasrin Sumee property, and the southwest corner of RL Property Group LLC property, as described in book of maps 1981, page 488, having NCGRID NAD83 (2011) coordinates of N: 720,457.28', E: 2,027,175.42';

Thence from said beginning point, along and with Chayen & Sumee property, leaving the right-of-way of Olive Chapel Rd, N 04°50'28" W a distance of 436.89' to an IRON PIPE FOUND;

Thence along and with the southern boundary of Woodridge Subdivision as described in book of maps 1997, page 1703, of the Wake County Register, N 82°40'00" E a distance of 199.87' to an IRON PIPE FOUND;

thence along and with the western boundary Lucas Farms Subdivision as described in book of maps 2015, page 657, of the Wake County Register, S 04°51'18" E a distance of 436.96' to an IRON PIPE FOUND along the right-of-way of Olive Chapel Rd;

thence S 04°51'18" E a distance of 30.04' to a COMPUTED POINT along the centerline of Olive Chapel Rd;

thence along and with the centerline of Olive Chapel Rd the following courses and distances, S 84°09'17" W a distance of 50.02' to a COMPUTED POINT;

thence S 83°33'41" W a distance of 49.91' to a COMPUTED POINT;

thence S 82°20'00" W a distance of 49.82' to a COMPUTED POINT;

thence S 81°12'50" W a distance of 30.37' to a COMPUTED POINT;

thence S 79°45'11" W a distance of 19.92' to a COMPUTED POINT;

thence leaving the centerline of Olive Chapel Rd, N 04°50'28" W a distance of 30.11' to an IRON PIPE FOUND along the right-of-way of Olive Chapel Rd;

which is the point of beginning,

having an area of 93012 square feet, 2.13 acres

Canoy Surveying
Adam Canoy, PLS
1154 Shonele Ln
Stem, NC 27581
984.377.2626
canoysurveying@gmail.com



For further description see map entitled Property of Clyde A Douglass, III, and Wife Amanda E Douglass; for Clyde A Douglass, III, and Wife Amanda E Douglass, prepared by Vernon Wayne Johnson, PLS-1496, said map dated May 29th, 1981, book of maps 1981, at page 488 of the Wake County Register

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 #: 812
Fee Paid \$ 300.00

Submittal Date: 8-26-2025
Check # CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

RL Property Group LLC

Owner Name (Please Print)

(630) 615-9523

Phone



Owner Name (Please Print)



Phone

Owner Name (Please Print)

Phone

0722702657

Property PIN or Deed Book & Page #

ricardo.govincorp@gmail.com

E-mail Address

Property PIN or Deed Book & Page #

E-mail Address

Property PIN or Deed Book & Page #

E-mail Address

SURVEYOR INFORMATION

Surveyor: Canoy Surveying

Phone: (984) 377-2626

Fax: _____

E-mail Address: canoysurveying@gmail.com

ANNEXATION SUMMARY CHART

Property Information

Total Acreage to be annexed: 2.13
Population of acreage to be annexed: 0
Existing # of housing units: 1
Proposed # of housing units: 4
Zoning District*: RR

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

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

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 812

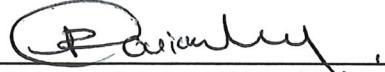
Submittal Date: 8-26-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, RL Property Group 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 26 day of August, 2025.

Name of Limited Liability Company RL Property Group LLC

By:



Signature of Member/Manager



STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, MARIA CRISTINA DEZA PALOMINO Notary Public for the above State and County, this the 26 day of August, 2025.

SEAL

MARIA CRISTINA DEZA PALOMINO
Notary Public
Wake Co., North Carolina
My Commission Expires Feb. 19, 2028.



Notary Public

My Commission Expires: Feb. 19, 2028

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By:

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

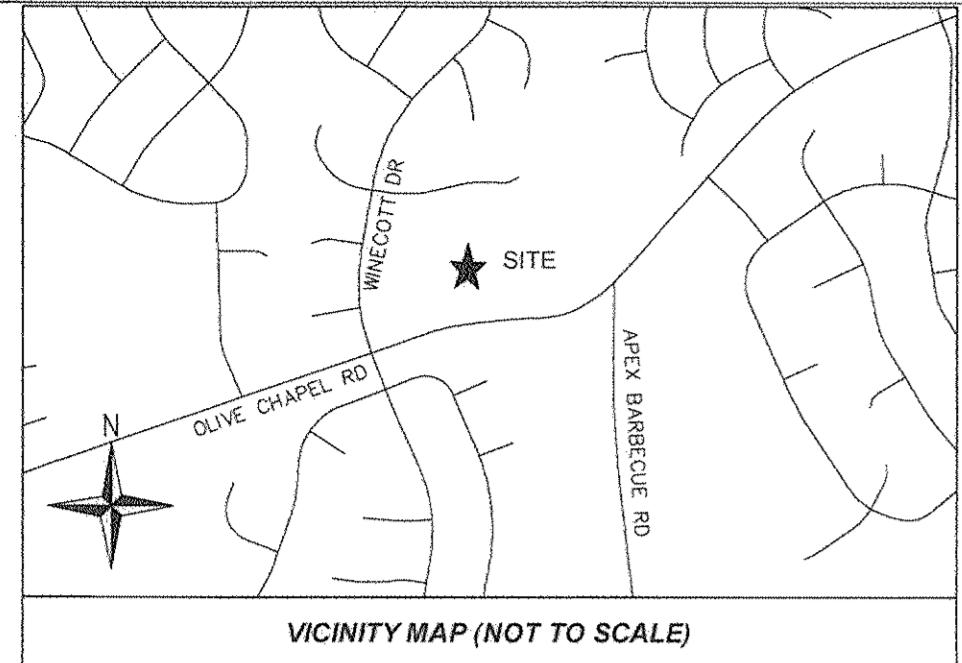
Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

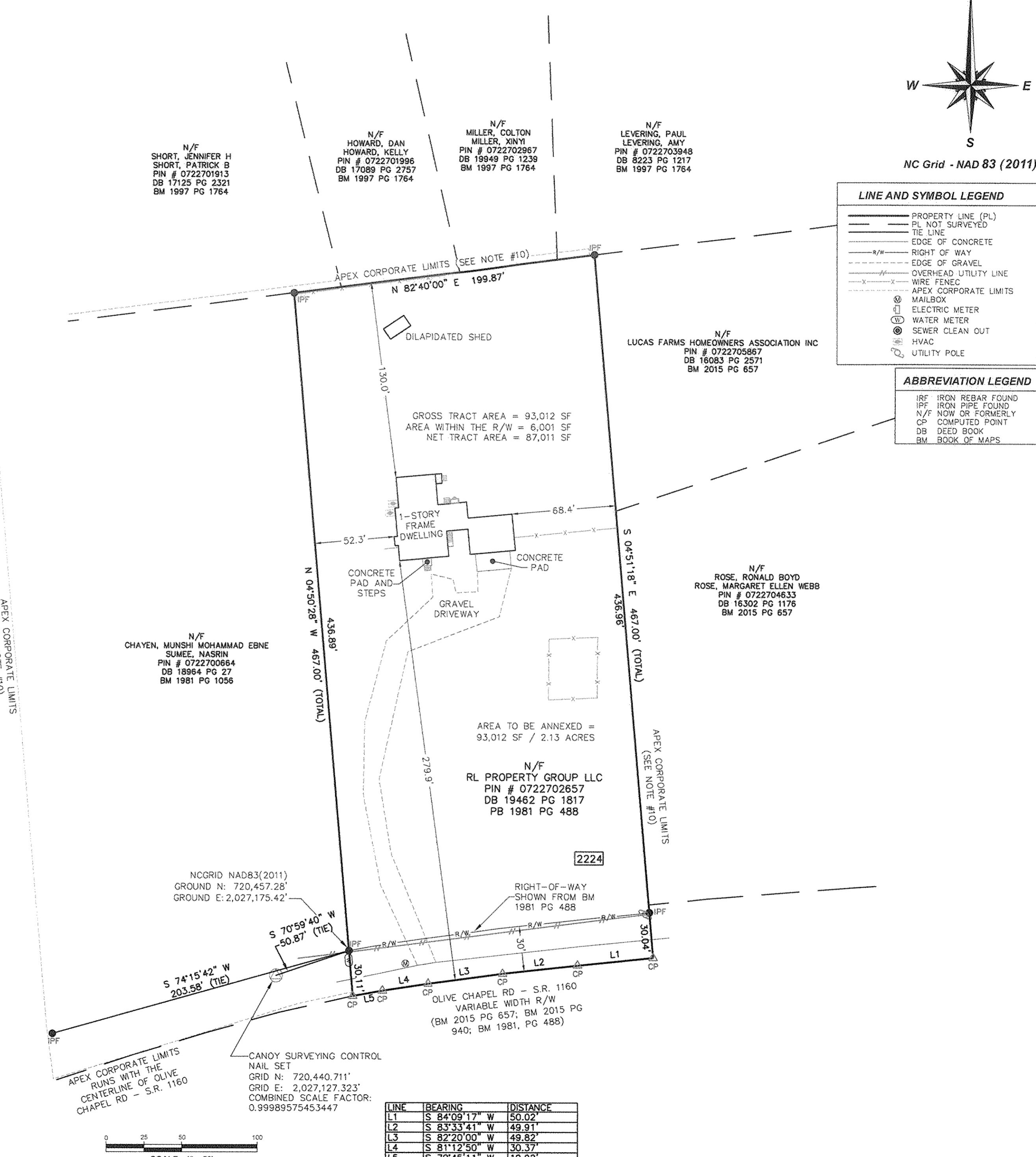




VICINITY MAP (NOT TO SCALE)

GENERAL NOTES

1. THIS IS AN ANNEXATION SURVEY OF AN EXISTING PARCEL(S) OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD83 (2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. AREA BY COORDINATE GEOMETRY.
5. REFERENCES: DB 19462 PG 1817; BM 1981 PG 488; OF THE WAKE COUNTY REGISTRY. PIN: 0722702657
6. THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
7. NO NCGS MONUMENTS FOUND WITHIN 2000 FEET.
8. NO ENVIRONMENTAL FEATURES LOCATED, OR CONSIDERED AT THE TIME OF THIS SURVEY.
9. THE DEPICTION OF SURFACE AND SUBSURFACE UTILITIES IS DERIVED SOLELY FROM VISIBLE EVIDENCE. CONTACT RELEVANT UTILITY COMPANIES FOR COMPREHENSIVE UTILITY INFORMATION AND EASEMENT DETAILS.
10. APPROXIMATE LOCATION OF APEX CORPORATE LIMITS SHOWN. DATA DOWNLOADED FROM: gisdata-apexnc.opendata.arcgis.com



Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 27, 2026

Item Details

Presenter(s): Jessica Hoffman, Director

Department(s): Budget and Performance Management

Requested Motion

Public Hearing to receive resident input regarding the formulation of the Fiscal Year 2026-2027 Annual Operating Budget. No official action is expected.

Approval Recommended?

Yes

Item Details

It has been the custom of the Apex Town Council to hold a Public Hearing in advance of the preparation of the proposed Annual Budget so that comments and suggestions of citizens can be considered while the budget document is formulated.

The Pre-Budget Hearing has been advertised on the Town's website, social media, and inside Town Hall.

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

Written comments should be mailed to:

Apex Town Clerk
Post Office Box 250
Apex, NC 27502

All comments should include your first and last name, physical address, phone number, email address, and state that the comments are directly related to the Town of Apex Fiscal Year 2026-2027 Annual Operating Budget.

Attachments

- PH2-A1: Public Notice - Fiscal Year 2026-2027 Annual Operating Budget - First Budget Public Hearing - Scheduled for January 27, 2026





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (January 14, 2026) – The Apex Town Council provides notice of a Public Hearing during it's regularly scheduled Town Council Meeting on **Tuesday, January 27, 2026 at 6:00 PM** to receive input on the town's annual operating budget for fiscal year 2026-2027. This meeting will be held at the Apex Town Hall located at 73 Hunter Street in 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 annual.budget@apexnc.org. Please use subject line “FY26-27 Budget - Public Comment” 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, January 27, 2026.

Clerk Note: This is the first of two budget public hearings offered through the Annual Budget development process. The second budget public hearing is scheduled for May 28, 2026.

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.

For more information, please contact the Town Clerk's Office at 919-249-1260.

###

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 27, 2026

Item Details

Presenter(s): Jon Griffin, Director

Department(s): Finance

Requested Motion

Public Hearing and possible motion to approve amendments to the Town's general service scheduled for electricity that impact time of use rate availability.

Approval Recommended?

Yes

Item Details

The Town of Apex currently offers a limited subset of customers access to a program that allows customers to pay varied rates throughout the day, with the intention to offer a financial incentive to shift electric use to off-peak hours. The Town purchases power wholesale via NCEMPA from Duke Energy with the costs driven by on-peak consumption. The time of use program is currently closed to new enrollees, but it is intended to re-open at a future date once the Town has completed its current metering upgrade project.

As the Town has worked through replacing its current billing system and revitalizing its metering infrastructure, staff have identified a small gap in the written language on its Time-of-Use service documents. The Time of Use service incentivizes cost savings by encouraging customers to vary their power usage throughout the day, however there are a small subset of customers signed up who cannot adjust their usage of power, e.g. service boxes operated by telecommunications companies that use a fixed set of power constantly.

The current riders as written, provide the variable rate even if the customer cannot change their use, and this provides an implicit financial subsidy to those customers. The proposed language amendment removes this option as the Town moves towards re-opening the program.

Attachments

- PH3-A1: Public Hearing Notice - General Service Schedules for Electricity - Time of Use Rate Availability
- PH3-A2: Large General Service TOU Electric Rate Rider with Changes Tracked
- PH3-A3: Medium General Service TOU Electric Rate Rider with Changes Tracked
- PH3-A4: Small General Service TOU Electric Rate Rider with Changes Tracked





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC HEARING NOTICE

APEX, N.C. (January 18, 2026) - The Apex Town Council provides notice of a Public Hearing during its regularly scheduled meeting on **Tuesday, January 27, 2026** to receive input on the Electric Utilities Department Time of Use (TOU) rate structure and administration of the program. The meeting will begin at **6:00 p.m.** and be held on the **2nd Floor Council Chambers at Apex Town Hall** located at 73 Hunter Street in Apex, North Carolina.

Pursuant to North Carolina General Statutes (NCGS) § 160A-314(a), the Town may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the Town.

Pursuant to North Carolina General Statutes (NCGS) § 160A-314(b), before the Town may revise a schedule of rates, fees, charges, or penalties, the Town Council shall hold a public hearing on the matter.

The proposed changes are necessary as the Town works to re-open the Time of Use (TOU) rate program. While some existing customers are enrolled in the Time of Use (TOU) rate program, this option is currently unavailable for new enrollment.

Type	Monthly Rate	Energy Charges
Small General Service TOU	\$33.00	All On Peak kWh - \$0.2396/kWh All Off Peak kWh - \$0.0648/kWh
Medium General Service TOU	\$95.00	All kWh - \$0.0864/kWh Demand Charges All On Peak kW - \$14.33/kW
Large General Service TOU	\$185.00	All kWh - \$0.0728/kWh Demand Charges All On Peak kW - \$14.91/kW

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"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

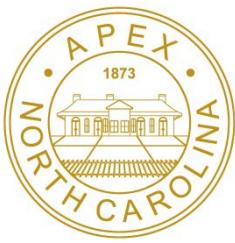
PUBLIC HEARING NOTICE CONTINUED

The Town of Apex Electric Time of Use Rate Schedule with the proposed changes, including the Peak and Off Peak times, are on file in the Office of the Town Clerk. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor during normal business hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Changes in the proposed availability language are denoted in **RED** in the chart below.

Type	Proposed Availability Language
Small General Service TOU	This schedule is available on a voluntary basis to any non-residential customer whose monthly demand is less than 20 kW, and whose load can be varied. Customers that do not have the ability to vary their power consumption i.e. single continuous loads such as telecommunications boxes, are not eligible for this rate. Should demand usage equal or exceed 20 kW during any three consecutive months, the Town may require service under the Medium General Service rate schedule or General Medium TOU rate schedule.
Medium General Service TOU	This schedule is available on a voluntary basis to any non-residential customer whose demand usage equals or is greater than 20 kW but less than 300 kW for at least three consecutive billing periods within the last twelve months, and whose load can be varied. Customers that do not have the ability to vary their power consumption i.e. single continuous loads such as telecommunications boxes, are not eligible for this rate.
Large General Service TOU	This schedule is available on a voluntary basis to any non-residential customer whose demand usage has exceeded 300 kW for at least three consecutive billing periods within the last twelve months, and whose load can be varied. Customers that do not have the ability to vary their power consumption i.e. single continuous loads such as telecommunications boxes, are not eligible for this rate.

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"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

PUBLIC HEARING NOTICE CONTINUED

Residents may submit written comments regarding this matter with attention marked to the Town Clerk Allen Coleman; P.O. Box 250, Apex, North Carolina 27502 or by email at public.hearing@apexnc.org. Please use the subject line "Electric TOU Rates" 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 p.m. on Tuesday, January 27, 2026.

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 Office of the Town Clerk.

###

TOWN OF APEX
ELECTRIC RATE SCHEDULE

LARGE GENERAL SERVICE – TIME OF USE

While some existing customers are enrolled in the Time of Use (TOU) rate program, this option is currently unavailable for new enrollment.

AVAILABILITY

This schedule is available on a voluntary basis to any non-residential customer whose demand usage has exceeded 300 kW for at least three consecutive billing periods within the last twelve months, and whose load can be varied. Customers that do not have the ability to vary their power consumption i.e. single continuous loads such as telecommunications boxes, are not eligible for this rate.

TYPE OF SERVICE

Delivery of service under this schedule shall be to the customer's premises at one point of delivery through one meter.

MONTHLY RATE

Customer Charge	\$185.00
Energy Charges – All kWh	\$0.0728/kWh
Demand Charges – All On-Peak kW	\$14.91/kW

DETERMINATION OF ENERGY

The kWh of energy shall be the difference between the current month's watt-hour meter reading and the previous month's watt-hour meter reading.

DETERMINATION OF ON-PEAK BILLING DEMAND

The on-peak demand for billing purposes each month shall be the maximum kW demand registered or computed by or from the Town's metering facilities during any 15-minute interval within peak hours of the billing month. The peak hours are the hours falling within the time windows every Monday through Friday (excluding the following holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day after, and Christmas Day), listed by the month below:

October – November	7:00 am - 10:00 am 4:00 pm - 8:00 pm
December – February	7:00 am - 9:00 am
March – May	7:00 am - 9:00 am 4:00 pm - 8:00 pm

June – September

2:00 pm - 6:00 pm

PAYMENT

All bills are due and payable upon receipt. Billing dates are the 1st and 15th of the month. Bills are considered past due and delinquent 18 days after the billing date and shall be subject to a late payment charge of 1% of the unpaid balance amount if not paid by 10:00 am on the 19th day after the billing date. In addition, if any bills are not paid within 30 days of the billing date, the Town has the right to suspend service in accordance with its service policies.

SALES TAX

North Carolina sales tax of 7% will be applied to the above rates.

| *Effective* _____

TOWN OF APEX
ELECTRIC RATE SCHEDULE

MEDIUM GENERAL SERVICE - TIME OF USE

While some existing customers are enrolled in the Time of Use (TOU) rate program, this option is currently unavailable for new enrollment.

AVAILABILITY

This schedule is available on a voluntary basis to any non-residential customer whose demand usage equals or is greater than 20 kW but less than 300 kW for at least three consecutive billing periods within the last twelve months, and whose load can be varied. Customers that do not have the ability to vary their power consumption i.e. single continuous loads such as telecommunications boxes, are not eligible for this rate.

TYPE OF SERVICE

Delivery of service under this schedule shall be to the customer's premises at one point of delivery through one meter.

MONTHLY RATE

Customer Charge	\$95.00
Energy Charges – all kWh	\$0.0864/kWh
Demand Charges – all On Peak kW	\$14.33/kW

DETERMINATION OF ENERGY

The kWh of energy shall be the difference between the current month's watt-hour meter reading and the previous month's watt-hour meter reading.

DETERMINATION OF ON-PEAK BILLING DEMAND

The on-peak demand for billing purposes each month shall be the maximum kW demand registered or computed by or from the Town's metering facilities during any 15 minute interval within the peak hours of the billing month. The peak hours are the hours falling within the time windows every Monday through Friday (excluding the following holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day after, and Christmas Day), listed by the month below:

October – November	7:00 am – 10:00 am 4:00 pm – 8:00 pm
December – February	7:00 am – 9:00 am
March – May	7:00 am – 9:00 am 4:00 pm – 8:00 pm
June – September	2:00 pm – 6:00 pm

PAYMENT

All bills are due and payable upon receipt. Billing dates are the 1st and 15th of the month. Bills are considered past due and delinquent 18 days after the billing date and shall be subject to a late payment charge of 1% of the unpaid balance amount if not paid by 10:00 am on the 19th day after the billing date. In addition, if any bills are not paid within 30 days of the billing date, the Town has the right to suspend service in accordance with its service policies.

SALES TAX

North Carolina sales tax of 7% will be applied to the above rates.

| *Effective* _____

**TOWN OF APEX
ELECTRIC RATE SCHEDULE**

SMALL GENERAL SERVICE TOU

While some existing customers are enrolled in the Time of Use (TOU) rate program, this option is currently unavailable for new enrollment.

AVAILABILITY

This schedule is available on a voluntary basis to any non-residential customer whose monthly demand is less than 20 kW, and whose load can be varied. Customers that do not have the ability to vary their power consumption i.e. single continuous loads such as telecommunications boxes, are not eligible for this rate. Should demand usage equal or exceed 20 kW during any three consecutive months, the Town may require service under the Medium General Service rate schedule or General Medium TOU rate schedule.

TYPE OF SERVICE

Delivery of service under this schedule shall be to the customer's premises at one point of delivery through one meter.

MONTHLY RATE

Customer Charge	\$33.00 per month
Energy Charges	
All On Peak kWh	\$0.2396/kWh
All Off Peak kWh	\$0.0648/kWh

DETERMINATION OF ON-PEAK AND OFF-PEAK HOURS

A. On-Peak Hours

The on-peak hours occur Monday-Friday at the following times:

January 1 to March 31	6:00 am to 9:00 am
April 1 to April 15	6:00 am to 9:00 am & 1:00 pm to 6:00 pm
April 16 to September 30	1:00 pm to 6:00 pm
October 1 to October 15	6:00 am to 9:00 am & 1:00 pm to 6:00 pm
October 16 to December 31	6:00 am to 9:00 am

B. Off-Peak Hours

The off-peak hours in any month are defined as all hours not specified as on-peak hours above. In addition, the following holidays will be considered off-peak: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day plus the day after and Christmas Day. When one of these holidays falls on a Saturday, the Friday before will be considered off-peak; when the holiday falls on a Sunday, the following Monday will be considered off-peak.

MINIMUM BILL

The Minimum monthly charge shall be the Customer Charge.

TERMS OF CONTRACT

Customer's initial term of service shall be 1 year.

PAYMENT

All bills are due and payable upon receipt. Billing dates are the 1st and 15th of the month. Bills are considered past due and delinquent 18 days after the billing date and shall be subject to a late payment charge of 1% of the unpaid balance amount if not paid by 10:00 am on the 19th day after the billing date. In addition, if any bills are not paid within 30 days of the billing date, the Town has the right to suspend service in accordance with its service policies.

SALES TAX

Current North Carolina Utilities Sales Tax of 7% will be applied to the above rates.

| *Effective* _____

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 27, 2026

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Case No. #25CZ17 0 Smith Rd. The applicant, Vimb LLC, seeks to rezone approximately 5.33 acres from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ) at 0 Smith Rd.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on January 12, 2026 and unanimously voted to recommend approval of the rezoning.

Item Details

The property to be rezoned is identified as PIN 0751409074.

Attachments

- PH4-A1: Staff Report - Rezoning Case No. 25CZ17 - 0 Smith Rd
- PH4-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ17 - 0 Smith Rd



STAFF REPORT

Rezoning #25CZ17 0 Smith Rd

January 27, 2026 Town Council Meeting



All property owners, tenants, and neighborhood associations within 500 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0 Smith Road
Applicant: Vimb LLC

PROJECT DESCRIPTION:

Acreage: ± 5.33 acres
PIN: 0751409074
Current Zoning: Rural Residential (RR)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Vacant (closed Sorrell Landfill)
South:	Rural Residential (RR)	Single-family residential; Cemetery
East:	Rural Residential (RR)	Single-family residential;
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04)	Single-family residential (Horton Park PUD)

Existing Conditions:

The property to be rezoned is fully wooded with mature trees on the northern half of the parcel. The southern half of the parcel was an open field until 2006 when the current tree stand began to fill the remainder of the parcel. No water features are known to exist on this parcel.

Neighborhood Meeting:

The applicant conducted two neighborhood meetings on September 29 and December 16, 2025. Both neighborhood meeting reports are attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicated that schools at all grade levels within the current assignment area for the proposed rezoning are anticipated to have sufficient capacity for future students.

2045 Land Use Map:

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

Housing Staff Recommendation:

Consistent with the Town's Affordable Housing Incentive Zoning Policy, the proposed 0 Smith Rd project with 17 units was recommended to designate 10% (2) of the total units towards affordability.



The applicant has offered the following zoning condition in response to the Town of Apex Affordable Housing Incentive Zoning Policy:

- 10) A minimum of ten percent (10%) of the total units shall be designated as affordable housing units. These units shall be for sale units and shall be indistinguishable from the market units. If the affordable units calculation results in a fraction between 0.50 and 0.99, the number of affordable units shall be rounded up to the nearest whole number. If the calculation results in a fraction between 0.01 and 0.49, the number of affordable units shall be rounded down to the nearest whole number. The affordable units shall be subject to the following terms and conditions:
 - a. The affordable units shall be occupied by low-income households earning no more than one-hundred and twenty percent (120%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD)(the "AMI") for a period of twenty (20) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").
 - b. Following expiration of the Affordability Period, this affordable housing condition shall expire, the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the affordable units may be freely marketed and leased at market-rate rents.

Proximity to Sorrell Landfill:

This property is adjacent to the Sorrell Landfill that closed in 1994. At the time of the Horton Park Planned Unit Development rezoning in 2017, staff were unaware of North Carolina Department of Environmental Quality (NCDEQ) concerns regarding residential development adjacent to the landfill properties. Staff made Vimb LLC ("the applicant") and Patrick Kiernan, Jones and Cnossen ("authorized agent") of Rezoning Case #25CZ17 aware of the concerns and requested coordination between the agent and NCDEQ. The agent provided zoning conditions specific to NCDEQ concerns after a meeting between the two parties on November 14, 2025. The zoning conditions offered are as follows:

- The perimeter landscape buffer along the northern property line shall be a 50' Type A buffer. All other perimeter buffers shall adhere to the widths and types that are established in UDO Sec. 8.2.6.
- All homes shall be designed and constructed with a permanently installed methane monitoring device. HOA covenants shall include a requirement that homeowners will maintain the methane monitoring device to ensure effective operation.
- All homes shall be designed and constructed with a methane-resistant vapor barrier installed beneath the concrete slab or crawlspace. For homes constructed on slab foundations, a sub-slab ventilation system (passive or active) shall also be installed. Installation of the vapor barrier shall be documented by the builder and made available for inspection upon request by Town staff.
- A note shall be included in the Master Subdivision Final Plat that summarizes the methane mitigation practices required for all residential lots within the development.

In response to the zoning conditions offered by the applicant, NCDEQ Solid Waste Section Chief, Jason M. Watkins, CPM provided the following response:

"Per your [Joshua Killian] conversations with Jackie Drummond [Jaclynne Drummond, Hydrogeologist, NCDEQ Division of Waste Management], I am providing acknowledgement that we met and discussed with Patrick Kiernan the proposed zoning conditions for the 0 Smith Rd project as they pertain to the areas directly adjacent to the closed Sorrell Landfill. Patrick provided the Section with the updated language on 12/10 and after review, the Section further acknowledges the conditions address our immediate concerns to the extent feasible.



We did not conduct a review of environmental documents, etc that may have been produced as part of site assessment activities. I would recommend that if such documents exist, they should be part of the public record for the decision-making process for this project, as well as a recommendation that become standard protocol for all development projects in the future. This will provide consistency amongst developers and projects, and ensure that other review agencies, future buyers, etc. have all pertinent information available to them."

PROPOSED ZONING CONDITIONS:**Limitation of Uses:**

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

Permitted Uses and Limitations:

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

Architectural Conditions

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. 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
5. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
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. Front porches shall be a minimum of 5 feet deep.

Zoning Conditions

1. The number of resultant residential lots of this rezoning shall be limited to 17 single family units, equivalent to approximately 3.2 dwelling units per acre.



2. The perimeter landscape buffer along the northern property line shall be a 50' Type A buffer. All other perimeter buffers shall adhere to the widths and types that are established in UDO Sec. 8.2.6.
3. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
4. Developer shall install pollinator-friendly and native flora within SCM planting areas.
5. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
6. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
7. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
8. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, HOA covenants shall not prohibit clover lawns throughout the neighborhood. Additionally, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter.
9. A minimum of one pet waste station shall be installed within HOA common area.
10. A minimum of ten percent (10%) of the total units shall be designated as affordable housing units. These units shall be for sale units and shall be indistinguishable from the market units. If the affordable units calculation results in a fraction between 0.50 and 0.99, the number of affordable units shall be rounded up to the nearest whole number. If the calculation results in a fraction between 0.01 and 0.49, the number of affordable units shall be rounded down to the nearest whole number. The affordable units shall be subject to the following terms and conditions:
 - a. The affordable units shall be occupied by low-income households earning no more than one-hundred and twenty percent (120%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD) (the "AMI") for a period of twenty (20) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").
 - b. Following expiration of the Affordability Period, this affordable housing condition shall expire, the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the affordable units may be freely marketed and leased at market-rate rents.
11. A minimum of two (2) homes shall be built with solar PV systems installed at the time of construction. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
12. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Developer shall emphasize the availability of solar by providing the statement "Solar Options Available" on the development sign at the front of the subdivision.
13. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
14. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, and 25-year 24-hour storm events.
15. Developer shall extend Percussion Drive in accordance with the Apex Transportation Plan from the existing terminus west of the property boundary to the eastern property boundary as a Minor Collector Street, meaning the street shall be constructed within a 60' wide public right of way with a 27' wide curb and gutter section and 5' wide sidewalks on both sides.



16. Developer shall propose and install a traffic mini-circle or other horizontal deflection traffic calming feature subject to approval of Apex staff along Percussion Drive.
17. All homes shall be designed and constructed with a permanently installed methane monitoring device. HOA covenants shall include a requirement that homeowners will maintain the methane monitoring device to ensure effective operation.
18. All homes shall be designed and constructed with a methane-resistant vapor barrier installed beneath the concrete slab or crawlspace. For homes constructed on slab foundations, a sub-slab ventilation system (passive or active) shall also be installed. Installation of the vapor barrier shall be documented by the builder and made available for inspection upon request by Town staff.
19. A note shall be included in the Master Subdivision Final Plat that summarizes the methane mitigation practices required for all residential lots within the development.

ENVIRONMENTAL ADVISORY BOARD

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per UDO Section 2.1.9.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #25CZ17 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on January 12, 2026 and unanimously recommended approval.

ANALYSIS STATEMENT OF THE REASONABILITY OF THE PROPOSED REZONING:

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

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

The proposed rezoning is reasonable and in the public interest as the proposed density and uses are consistent with the adjacent development to the west, at least 10% of the units shall be designated as affordable housing, and conditions are offered to address the proximity to the close Sorrell landfill.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the MD-CZ designation demonstrates compliance with the following standards.

2.3.3.F:

Legislative Considerations

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

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



location and compatibility with the character of surrounding land uses.

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



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 #: #25CZ17 Submittal Date: 09/30/2025
Fee Paid: _____

Project Information

Project Name: 0 Smith Rd
Address(es): 0 Smith Rd
PIN(s): 0751-40-9074
Acreage: 5.33

Current Zoning: RR Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): Medium Density Residential

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

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

Area classified as mixed use: Acreage: _____
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Vimb LLC
Address: 9105 208th Ave NE
City: Redmond State: WA Zip: 98953
Phone: (425) 918-2352 E-mail: inder.barrenkala@gmail.com; veerakonda@gmail.com

Owner Information

Name: Dwight Wright
Address: 2010 Dezola St
City: Apex State: NC Zip: 27502
Phone: _____ E-mail: _____

Agent Information

Name: Jones & Cnossen Engineering, PLLC - Patrick Kiernan
Address: 221 N Salem St., Suite 001
City: Apex State: NC Zip: 27502
Phone: (919) 387-1174 E-mail: patrick@jonescnossen.com

Other contacts: _____

PETITION INFORMATIONApplication #: #25CZ17Submittal Date: 09/30/2025

An application has been duly filed requesting that the property described in this application be rezoned from RR 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	<hr/>
2	<u>Accessory apartment</u>	22	<hr/>
3	<u>Utility, minor</u>	23	<hr/>
4	<u>Greenway</u>	24	<hr/>
5	<u>Park, active</u>	25	<hr/>
6	<u>Park, passive</u>	26	<hr/>
7	<hr/>	27	<hr/>
8	<hr/>	28	<hr/>
9	<hr/>	29	<hr/>
10	<hr/>	30	<hr/>
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17	<hr/>	37	<hr/>
18	<hr/>	38	<hr/>
19	<hr/>	39	<hr/>
20	<hr/>	40	<hr/>

PETITION INFORMATION

Application #: #25CZ17

Submittal Date: 09/30/2025

PROPOSED CONDITIONS:

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

See attached list.

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.

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 proposed rezoning is compatible with the surrounding residential uses. Regarding size and style of residential lots, the rezoning is congruent to the recently developed Horton Park PUD, which proposed similar lot sizes to this rezoning.

PETITION INFORMATION

Application #: #25CZ17

Submittal Date: 09/30/2025

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.

This rezoning petition shall be accompanied by a Traffic Assessment letter which analyzes the very small impact that the additional residences should have on the surrounding road network. Otherwise, the site would be designed in such a way that does not become an overall nuisance to the surrounding owners, beyond the typical disruption from active construction.

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

The rezoning will adhere to all UDO standards and Town of Apex stormwater requirements. Additionally, conditions have been proposed to further minimize the impact the rezoning would have on the environment, including additional stormwater restrictions and promotion of renewable energy sources (such as solar).

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.

Since any development on this site would functionally serve as an extension of the Horton Park PUD, there should be no adverse affect on the existing public roads, potable water, wastewater facilities, parks, schools, or emergency services.

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

The development of this parcel should not have any adverse impacts to the health, safety or welfare of Apex citizens.

PETITION INFORMATIONApplication #: #25CZ17Submittal Date: 09/30/2025

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

The surrounding land uses are a mix of PUD-CZ and RR so this rezoning to Medium Density Residential should not be detrimental to the adjacent properties.

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

Residential homes are generally not a nuisance or hazard because of the character of the neighborhood. The number of units is compatible with the Land Use Plan and the overall size of the development is small.

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

The conditional zoning district will follow the standards of the Town of Apex UDO. Any deviations from the UDO are reflected in the proposed zoning conditions, but it should be noted that these conditions are generally more restrictive than the UDO would otherwise require.

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. 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
5. A varied color palette shall be utilized throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
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. Front porches shall be a minimum of 5 feet deep.

1. The number of resultant residential lots of this rezoning shall be limited to 17 single family units, equivalent to approximately 3.2 dwelling units per acre.
2. The perimeter landscape buffer along the northern property line shall be a 50' Type A buffer. All other perimeter buffers shall adhere to the widths and types that are established in UDO Sec. 8.2.6.
3. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
4. Developer shall install pollinator-friendly and native flora within SCM planting areas.
5. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S.
6. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
7. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
8. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, HOA covenants shall not prohibit clover lawns throughout the neighborhood. Additionally, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter.
9. A minimum of one pet waste station shall be installed within HOA common area.
10. A minimum of ten percent (10%) of the total units shall be designated as affordable housing units. These units shall be for sale units and shall be indistinguishable from the market units. If the affordable units calculation results in a fraction between 0.50 and 0.99, the number of affordable units shall be rounded up to the nearest whole number. If the calculation results in a fraction between 0.01 and 0.49, the number of affordable units shall be rounded down to the nearest whole number. The affordable units shall be subject to the following terms and conditions:
 - a. The affordable units shall be occupied by low-income households earning no more than one-hundred and twenty percent (120%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD)(the "AMI") for a period of twenty (20) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").
 - b. Following expiration of the Affordability Period, this affordable housing condition shall expire, the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the affordable units may be freely marketed and leased at market-rate rents. "
11. A minimum of two (2) homes shall be built with solar PV systems installed at the time of construction. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
12. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Developer shall emphasize the availability of solar by providing the statement "Solar Options Available" on the development sign at the front of the subdivision.
13. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.

#25CZ17

14. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, and 25-year 24-hour storm events.
15. Developer shall extend Percussion Drive in accordance with the Apex Transportation Plan from the existing terminus west of the property boundary to the eastern property boundary as a Minor Collector Street, meaning the street shall be constructed within a 60' wide public right of way with a 27' wide curb and gutter section and 5' wide sidewalks on both sides.
16. Developer shall propose and install a traffic mini-circle or other horizontal deflection traffic calming feature subject to approval of Apex staff along Percussion Drive.
17. All homes shall be designed and constructed with a permanently installed methane monitoring device. HOA covenants shall include a requirement that homeowners will maintain the methane monitoring device to ensure effective operation.
18. All homes shall be designed and constructed with a methane-resistant vapor barrier installed beneath the concrete slab or crawlspace. For homes constructed on slab foundations, a sub-slab ventilation system (passive or active) shall also be installed. Installation of the vapor barrier shall be documented by the builder and made available for inspection upon request by Town staff.
19. A note shall be included in the Master Subdivision Final Plat that summarizes the methane mitigation practices required for all residential lots within the development.

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

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe northeast corner for NEW LOT 1 (B.M. 2025, PG. 225); thence South 16° 27' 15" West, 147.98 feet to an existing iron pipe; thence South 16° 26' 12" West, 151.00 feet to an existing iron pipe; thence South 16° 28' 56" West, 388.68 feet to an existing iron pipe; thence North 61° 43' 09" West, 432.98 feet to an existing iron pipe; thence North 24° 42' 08" East, 517.78 feet to an existing iron pipe; thence South 87° 26' 29" East, 360.19 feet to the BEGINNING, containing 5.3288 total acres (232,124 square feet) more or less.

The sole purpose of this land description is to be included in a 2025 rezoning application in the Town of Apex and for no other purpose.

PRELIMINARY

Wake County Residential Development Notification

Developer Company Information	
Company Name	Vimb LLC
Company Phone Number	(425) 918-2352
Developer Representative Name	Inder Barrenkala
Developer Representative Phone Number	(425) 918-2352
Developer Representative Email	inder.barrenkala@gmail.com

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

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

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

New Residential Subdivision Information	
Date of Application for Subdivision	TBD
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	0 Smith Rd (Percussion Dr & Redpoll Dr)
REID(s)	0524806
PIN(s)	0751-40-9074

Projected Dates Information	
Subdivision Completion Date	~2028
Subdivision Projected First Occupancy Date	~2027

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	17				TBD	TBD				~\$500K		2027	9	2028	8		
Townhomes																	
Condos																	
Apartments																	
Other																	

NOTICE OF NEIGHBORHOOD MEETING

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

September 12, 2025

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 Smith Rd 0751-40-9074

Address(es)

PIN(s)

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

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

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

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

The following is a description of the proposal including any proposed long range plan amendments (also see attached map(s) and/or plan sheet(s)):

This parcel is proposed to be rezoned to Medium Density Residential - Conditional Zoning (MD-CZ) to allow for the development of 17 single family lots. This zoning is consistent with the 2045 Land Use Map designation.

Estimated submittal date: October 01, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	Dwight Wright
Applicant(s):	Jones & Clossen Engineering, PLLC - Patrick Kiernan
Contact information (email/phone):	patrick@jonesclossen.com/(919) 387-1174
Meeting Address:	Zoom - see enclosed details
Date/Time of meeting**:	September 29, 2025

Welcome: 6:00-6:05 pm Project Presentation: 6:05-6:20 pm Question & Answer: 6:20-7:00 pm

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

#25CZ17



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

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

Zoom Meeting Details – O Smith Road Rezoning

When: **September 29, 2025 - 6:00 PM Eastern Time** (US and Canada)

Register using the QR code:

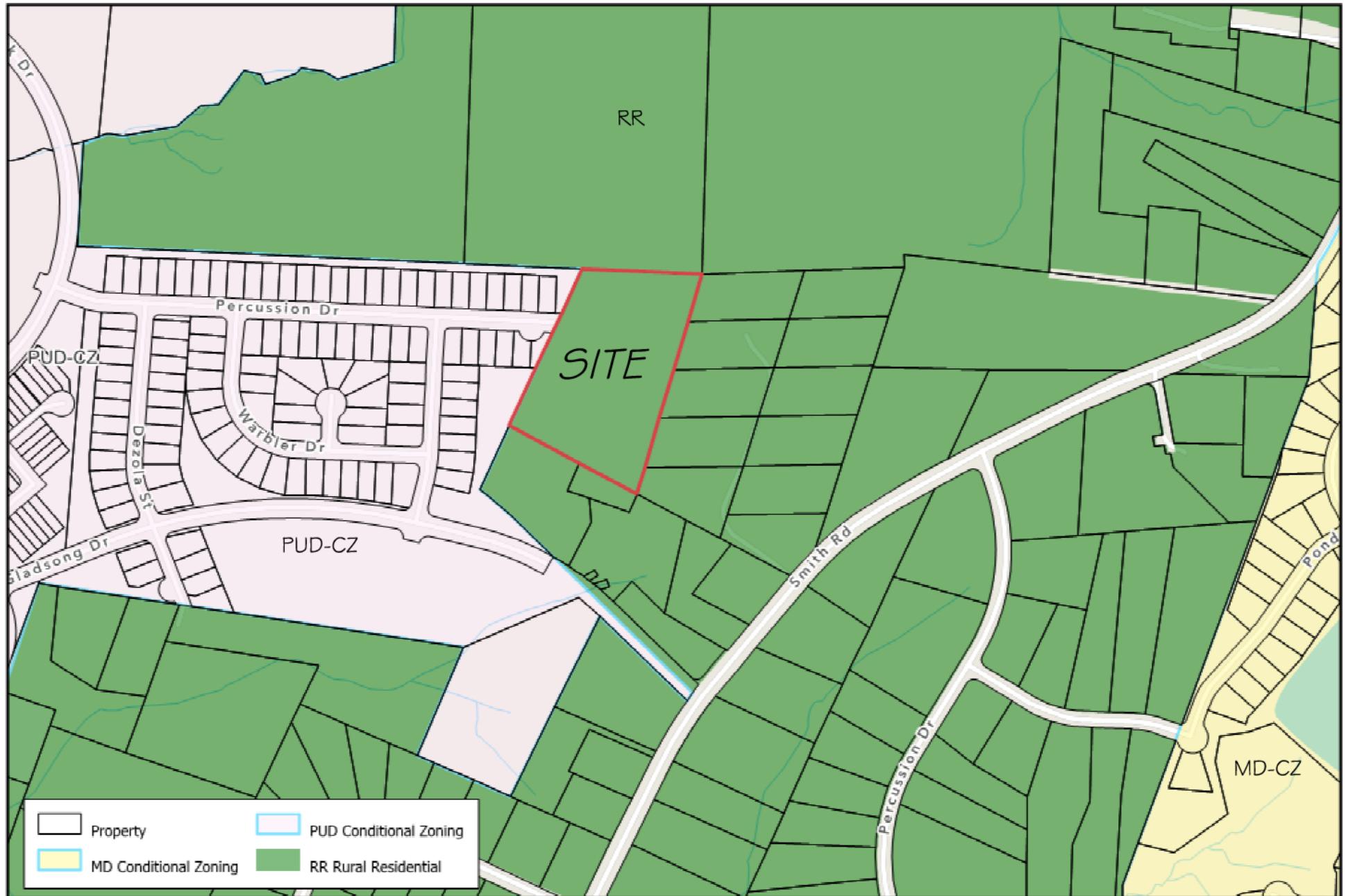


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 822 8477 3494 and then the Passcode 861973:

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

Or join the meeting by phone:

dial (309) 205-3325 or (646) 931-3860 and enter the Meeting ID 822 8477 3494 and the Passcode 861973. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.



0 200 400 800 ft
1 inch equals 400 feet

Disclaimer

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

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: 0 Smith Rd Zoning: RR

Location: 0 Smith Rd

Property PIN(s): 0751-40-9074 Acreage/Square Feet: 5.32

Property Owner: Dwight Wright

Address: 2010 Dezola St

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: Gnanender Barrenkala and Sravan Konda

Address: 9105 208th Ave NE

City: Redmond State: WA Zip: 98953

Phone: (425) 918-2352 Fax: _____ Email: inder.barrenkala@gmail.com
sravansalkonda@gmail.com

Engineer: Jones & Clossen Engineering, PLLC - Patrick Kiernan

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 Fax: _____ Email: patrick@jonesclossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

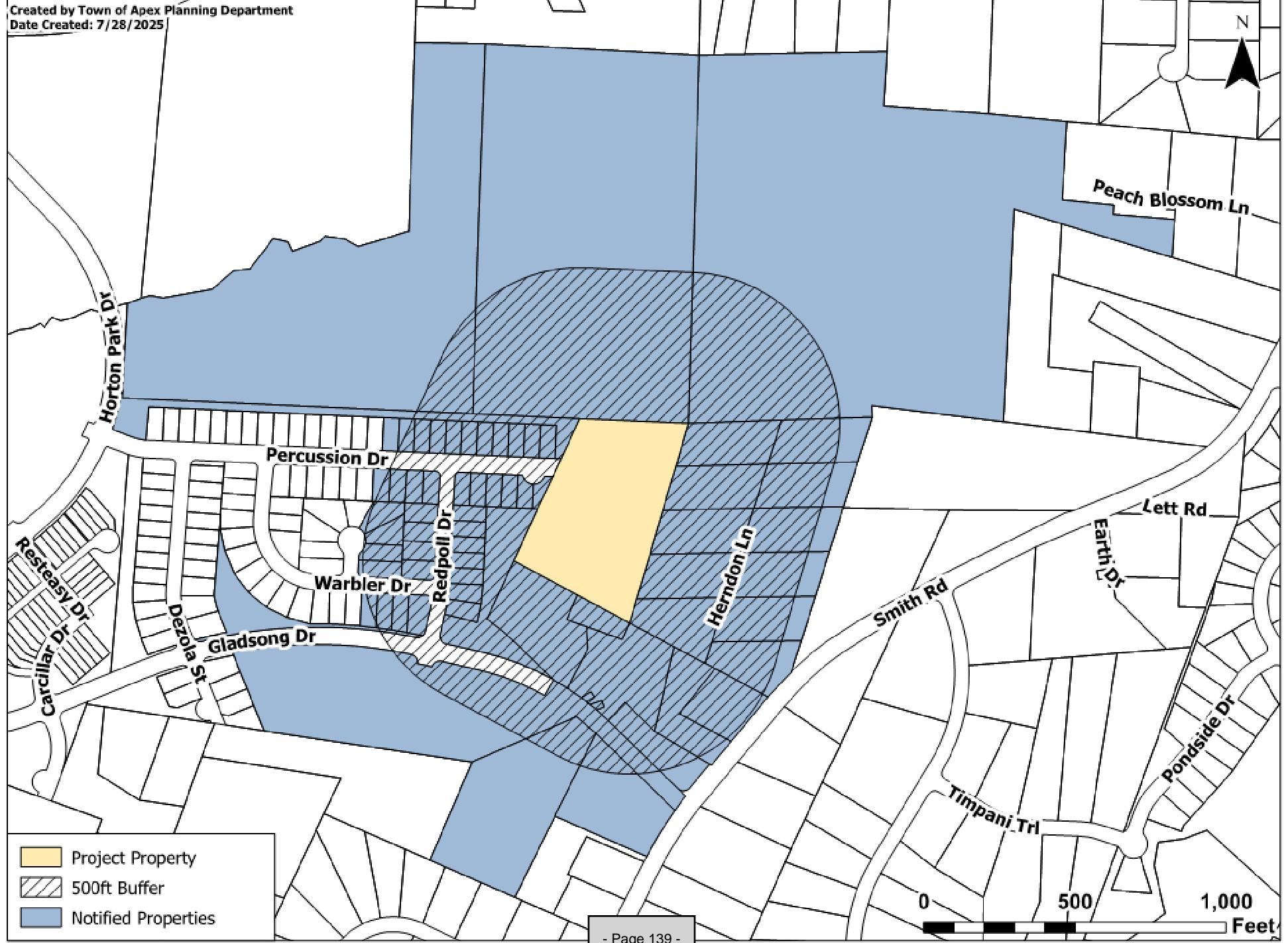
Town of Apex Department Contacts		
Planning Department Main Number (Provide development name or location to be routed to correct planner)		<u>(919) 249-3426</u>
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Manager		<u>(919) 372-7468</u>
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager		<u>(919) 249-3358</u>
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)		<u>(919) 249-3537</u> <u>(919) 946-4394</u>
Electric Utilities Division Jared Harris, Electric Technical Services Manager		<u>(919) 372-7466</u>

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS
5112 HERNDON LN	0750592844	BROWN, KENNETH LAMONT BROWN, MARION R	236 HOWARD RD
5108 HERNDON LN	0750592995	BROWN, TONY	11021 ASTOR HILL DR
5109 HERNDON LN	0750595987	CHASE, CARA MARIE SMITH, MIA	5109 HERNDON LN
7561 PERCUSSION DR	0751402279	D R HORTON INC	1341 HORTON CIR
5101 HERNDON LN	0751506258	DYE, BRANDON JERMAINE	5101 HERNDON LN
8128 SMITH RD	0750591257	EVENSON, DONNA MARTIN TRUSTEE TRUSTEE OF MARILYN B MARTIN FAMILY TRUST	2201 CANDUN DR STE 103
7572 PERCUSSION DR	0751404102	GORANTLA, NAGARJUNA	7572 PERCUSSION DR
5013 JESSIE DR	0751407981	GRIFFIN, JOSEPH A	2153 MAZEFIELD LN
5104 HERNDON LN	0751503134	HERNDON, GARY K HERNDON, DIANNE R	5100 HERNDON LN
5100 HERNDON LN	0751503287	HERNDON, GARY KENNETH HERNDON, DIANNE R	5100 HERNDON LN
5113 HERNDON LN	0750595845	HERNDON, ROBERT HEIRS	JOHNNY MCEACHIN
8252 SMITH RD	0750493450	HORTON PARK INVESTMENTS LLC	6908 N RIDGE DR
0 DEZOLA ST	0750495371	HORTON, KIMBERLY A HORTON, LOOMIS III	4801 SW 202ND AVE
0 HERNDON LN	0750499710	HORTON, WILLIAM SR HEIRS HORTON, LOOMIS JR HEIRS	WILLIAM HORTON JR
7562 PERCUSSION DR	0751402192	HUSSEIN, OMNIA GALAL, KAREEM	7564 PERCUSSION DR
5015 JESSIE DR	0751400697	KK LAND INC	2203 GOODELL HERDOWAY
5105 HERNDON LN	0751506114	ORTIZ, PATRICIA MARTINEZ	1411 OAKMENN RD
5106 SMITH RD	0750592861	RICHARDSON, DONALD F	16300 MAN BUREN ST NW
5115 HERNDON LN	0750592619	RUSHING, JOHN RUSHING, KELLI KAE	5116 HERNDON LN
5121 HERNDON LN	0750594559	SOCH, SHELLY RMAZ, ZAHID	5433 DEN HEDER WAY
0 SMITH RD	0751505692	SORRELL GRADING COMPANY	929 TYLER DEWAR LN
7560 PERCUSSION DR	0751402133	SUNKARA, SNEHA BOLLA, PAVAN	7560 PERCUSSION DR
8140 SMITH RD	0750497687	WRIGHT, DWIGHT MARVIN	5010 DEZOLA ST
		APEX TOWN OF	PO BOX 250
		Current Tenant	5108 Herndon LN
		Current Tenant	7561 Percussion DR
		Current Tenant	7565 Percussion DR
		Current Tenant	7568 Percussion DR
		Current Tenant	7569 Percussion DR
		Current Tenant	7573 Percussion DR
		Current Tenant	7577 Percussion DR
		Current Tenant	7580 Percussion DR
		Current Tenant	7581 Percussion DR
		Current Tenant	7584 Percussion DR
		Current Tenant	7585 Percussion DR
		Current Tenant	7589 Percussion DR
		Current Tenant	7590 Percussion DR
		Current Tenant	7592 Percussion DR
		Current Tenant	7593 Percussion DR
		Current Tenant	7596 Percussion DR
		Current Tenant	7597 Percussion DR
		Current Tenant	7601 Percussion DR
		Current Tenant	2205 Red Admiral CT
		Current Tenant	2209 Red Admiral CT
		Current Tenant	2213 Red Admiral CT
		Current Tenant	2217 Red Admiral CT
		Current Tenant	2210 Redoc II DR
		Current Tenant	2211 Redoc II DR
		Current Tenant	2213 Redoc II DR
		Current Tenant	2214 Redoc II DR
		Current Tenant	2217 Redoc II DR
		Current Tenant	2218 Redoc II DR
		Current Tenant	2221 Redoc II DR
		Current Tenant	2222 Redoc II DR
		Current Tenant	2225 Redoc II DR
		Current Tenant	2228 Redoc II DR
		Current Tenant	2233 Redoc II DR
		Current Tenant	8120 Smith RD
		Current Tenant	8124 Smith RD
		Current Tenant	8128 Smith RD
		Current Tenant	8134 Smith RD
		Current Tenant	8140 Smith RD
		Current Tenant	2252 Wartler DR
		Current Tenant	2255 Wartler DR
		Current Tenant	2260 Wartler DR
		Current Tenant	2264 Wartler DR

Created by Town of Apex Planning Department
Date Created: 7/28/2025

#25CZ17 Notified Properties within 500ft of the Project Property

Created by Town of Apex Planning Department
Date Created: 7/28/2025



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

Date of meeting: September 29, 2025 Time of meeting: 6:00 - 7:00 pm

Property Owner(s) name(s): Dwight Wright

Applicant(s): Jones & Clossen Engineering, PLLC - Patrick Kiernan

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 & Clossen Engineering	221 N Salem, Suite 001, Apex			<input type="checkbox"/>
2.	Dwight Wright	2010 Dezola St			<input checked="" type="checkbox"/>
3.	Devang Patel	1028 Dominion Oak			<input type="checkbox"/>
4.	Veera Konda	Carol Stream, IL 60188			<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Dwight Wright

Applicant(s): Jones & Clossen Engineering, PLLC - Patrick Kiernan

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

Meeting Address: Zoom

Date of meeting: September 29, 2025 Time of meeting: 6:00 - 7:00 pm

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

All questions were asked by Mr. Wright (seller and adjacent owner).

Question/Concern #1:

If all goes to plan, when could I expect to see construction beginning?

Applicant's Response:

Between the rezoning, MSP, and CDs, those three processes typically take around a year or so. So, it's possible that you could start seeing some activity around this time next year.

Question/Concern #2:

Will there be a road connecting to the southern property line? [the property to the south belongs to Mr. Wright, so he was asking about a street stub to his own residence).

Applicant's Response:

Originally we thought the Apex ordinances would require this connection, but we learned at our pre-app meeting that this street stub would not be physically possible, given the existence of an existing cemetery, as well as the angle of the HOA property (landscape buffer) for Horton Park. Instead our north-south street would end in a cul-de-sac as it approaches the southern boundary.

Question/Concern #3:

What will the setbacks be along that property line?

Applicant's Response:

At this point we are just planning to follow the typical Medium Density required buffers, according to Apex ordinances. That would indicate a 20' buffer along that property line before the start of the next private lot. Depending on the layout, additional building setbacks would then be applied inside that private property line.

Question/Concern #4:

How will the site be designed? Will you keep the trees and the hills, or will everything be cleared and flat?

Applicant's Response:

We will do our best to design our roads following the existing topography. That gives the best chance at preserving trees, where feasible. It's too early to know exactly how it will be designed, but based on my early knowledge of the existing topography, the ridgeline that runs through the middle of the project should set up nicely for a design that follows the natural grade.

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, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 500 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 September 29, 2025 (date) from 6:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

9/30/25

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 30th day of September, 2025.

SEAL

ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina

My Commission Expires 11/19/25

Erin Marcum
Notary Public

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.

December 01, 2025

Date

Dear Neighbor:

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

0 Smith Rd

0751-40-9074

Address(es)

PIN(s)

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

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

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

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

The following is a description of the proposal including any proposed long range plan amendments (also see attached map(s) and/or plan sheet(s)):

This parcel is proposed to be rezoned to Medium Density Residential - Conditional Zoning (MD-CZ) to allow for the development of 17 single family lots. This zoning is consistent with the 2045 Land Use Map designation.

Estimated submittal date: project submitted October 01, 2025 *This is the second required neighborhood meeting.*

MEETING INFORMATION:

Property Owner(s) name(s):

Dwight Wright

Applicant(s):

Jones & Clossen Engineering, PLLC - Patrick Kieman

Contact information (email/phone):

patrick@jonesclossen.com/(919) 387-1174

Meeting Address:

Zoom - see enclosed details

Date/Time of meeting**:

December 16, 2025

Welcome: 6:00-6:05 pm Project Presentation: 6:05-6:20 pm Question & Answer: 6:20-7:00 pm

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



Jones & Clossen
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.jonescnlossen.com

Zoom Meeting Details – O Smith Road Rezoning

Second Neighborhood Meeting

When: December 16, 2025 - 6:00 PM Eastern Time (US and Canada)

Register using the QR code:

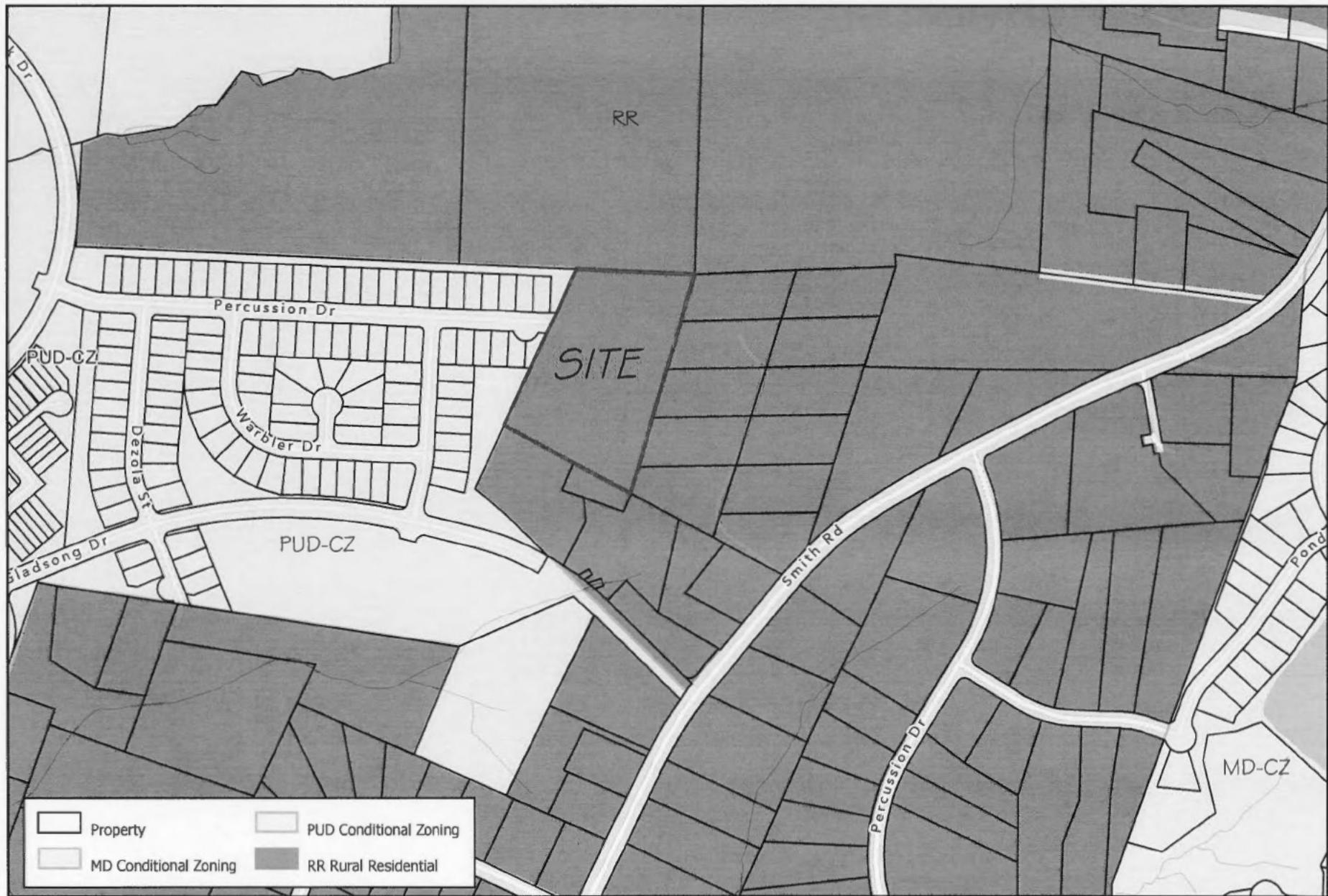


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 893 1148 9170 and then the Passcode: 789981

Provide your First & Last Name, Email address and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on December 16th.

Or join the meeting by phone:

dial (301) 715-8592 or (305-224-1968) and enter the Meeting ID 893 1148 9170 and the Passcode 789981. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.



N

0 200 400 800 ft
1 inch equals 400 feet

Disclaimer

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

#25CZ17

PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: 0 Smith Rd Zoning: RR

Location: 0 Smith Rd

Property PIN(s): 0751-40-9074 Acreage/Square Feet: 5.32

Property Owner: Dwight Wright

Address: 2010 Dezola St

City: Apex State: NC Zip: 27502

Phone: Email:

Developer: Gnanender Barrenkala and Veera Konda

Address: 9105 208th Ave NE

City: Redmond State: WA Zip: 98953

Phone: (425) 918-2352 Fax: Email: nder.barrenkala@gmail.com
veerakonda@gmail.com

Engineer: Jones & Clossen Engineering, PLLC - Patrick Kiernan

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 Fax: Email: patrick@jonesclossen.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

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Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reinke, Parks Planning Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

#25CZ17 Notified Properties within 500ft of the Project Property

Created by Town of Apex Planning Department
Date Created: 11/21/2025



#25CZ17

7213 RED ADMIRAL CT	0750492940	AGARWAL, PRAHAN KUMAR GOYAL, BAPANA	2213 RED ADMIRAL CT	APEX NC 27539-3641
6112 HERNDON LN	0750529244	BROWN, KENNETH LAMONT BROWN, MARION R	238 HOWARD RD	FUQUAY VARINA NC 27519-5669
5108 HERNDON LN	0750529295	BROWN, TONY	11021 ASTOR HILL DR	RALEIGH NC 27613-5669
5109 HERNDON LN	0750595987	CHASE, CARA MARIE SMITH, MIA	5109 HERNDON LN	APEX NC 27539-6582
7561 PERCUSSION DR	0761412279	D R HORTON INC	1341 HORTON CIR	ARLINGTON TX 76011-4310
5101 HERNDON LN	0751506258	DYE, BRANDON JERMAINE	5101 HERNDON LN	APEX NC 27539-6582
8128 SMITH RD	0750591257	EVANSON, DONNA MARTIN TRUSTEE TRUSTEE OF MARILYN B MARTIN FAMILY TRUST	2201 CANDUN DR STE 103	APEX NC 27523-8413
7603 PERCUSSION DR	07614107297	GILMAN, MATTHEW RYAN GILMAN, MARIA YEVNA	7601 PERCUSSION DR	APEX NC 27539-3635
7672 PERCUSSION DR	0761404102	GORANTLA, NAGARJUNA	7572 PERCUSSION DR	APEX NC 27539-3634
5013 JESSIE DR	0761407981	GRIFFIN, JOSEPH A	2153 MAIZEFIELD LN	FUQUAY VARINA NC 27526-5351
7666 PERCUSSION DR	0761403228	HAMAN, DEIRDRE HYBLOP, LYNN	7565 PERCUSSION DR	APEX NC 27539-3634
5104 HERNDON LN	0761503134	HERNDON, GARY V HERNDON, DIANNE R	5100 HERNDON LN	APEX NC 27539-6505
5100 HERNDON LN	0761503287	HERNDON, GARY V KENNETH HERNDON, DIANNE R	5100 HERNDON LN	APEX NC 27539-6505
5113 HERNDON LN	0761509645	HERNDON, ROBERT HEIRS	JOHNNY MCCEACHIN	81 MOSSY LN
8252 SMITH RD	0760493450	HORTON PARK INVESTMENTS LLC	6908 N RIDGE DR	RALEIGH NC 27615-7033
0 DEZOLLA ST	0760496371	HORTON, KIMBERLY A HORTON, LOOMIS III	4801 SW 202ND AVE	SOUTHWEST RANCHES FL 33302-1034
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7568 PERCUSSION DR	0761403142	KALATHUR, RAJA SEKHAR REDDY KALATHUR, BINDU MADHAVI	7568 PERCUSSION DR	APEX NC 27539-3634
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7568 PERCUSSION DR	0761406268	MACKIE, ROBERT	7565 PERCUSSION DR	APEX NC 27539-3634
7564 PERCUSSION DR	0761405151	MIN, YU KEUN HA, JYEON	7568 PERCUSSION DR	APEX NC 27539-3634
5105 HERNDON LN	0761506114	ORTIZ, PATRICIA MARTINEZ	1411 OQUINN RD.	SANFORD NC 27330-9090
7562 PERCUSSION DR	0761406181	PETKAR, DEVENDRA PETKAR, DHANASHRI	7562 PERCUSSION DR	APEX NC 27539-3634
2235 RED ADMIRAL CT	0761402043	RAHIMI, KHALIL MUSA	2205 RED ADMIRAL CT	APEX NC 27539-3041
8124 SMITH RD	0760592961	RICHARDSON, DONALD F	1630 VAN BUREN ST NW	WASHINGTON DC 20012-2838
5118 HERNDON LN	0760592619	RUSHING, JOHN RUSHING, KELLI KAE	5118 HERNDON LN	APEX NC 27539-6505
7566 PERCUSSION DR	0761406111	SKUTHAHA, JERRY SKUTHAN, ALYSHA	7568 PERCUSSION DR	APEX NC 27539-3634
5121 HERNDON LN	0760594559	SOCH, SHELLY RIAZ, ZAHID	5433 DEN HEIDER WAY	RALEIGH NC 27605-6584
0 SMITH RD	0761505692	SORRELL GRADING COMPANY	929 TYLER DEWAR LN	FUQUAY VARINA NC 27526-6434
7560 PERCUSSION DR	0761402133	SUNKARA, SNEHA BOLLA, PAVAN	7560 PERCUSSION DR	APEX NC 27539-3634
7569 PERCUSSION DR	0761403279	WIMPEY, MICHAEL SHAUN WIMPEY, MARISKE DEIRDRE	7568 PERCUSSION DR	APEX NC 27539-3634
8140 SMITH RD	0760407967	WRIGHT, DWIGHT MARVIN	5010 DEZOLLA ST	APEX NC 27539-9500
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	5108 Herndon LN	APEX NC 27539
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		Current Tenant	2217 Redpoll DR	APEX NC 27539
		Current Tenant	2218 Redpoll DR	APEX NC 27539
		Current Tenant	2221 Redpoll DR	APEX NC 27539
		Current Tenant	2222 Redpoll DR	APEX NC 27539
		Current Tenant	2225 Redpoll DR	APEX NC 27539
		Current Tenant	2229 Redpoll DR	APEX NC 27539
		Current Tenant	2233 Redpoll DR	APEX NC 27539
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		Current Tenant	2252 Wardler DR	APEX NC 27539
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		Current Tenant	2260 Wardler DR	APEX NC 27539
		Current Tenant	2264 Wardler DR	APEX NC 27539

MARTINSBURG WV 25404-736

Created by Town of Apex Planning Department
Data Created: 11/21/2025

NEIGHBORHOOD MEETING SIGN-IN SHEET

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Meeting Address: Zoom

Date of meeting: December 16, 2025 Time of meeting: 6:00 - 7:00 pm

Property Owner(s) name(s): Dwight Wright

Applicant(s): Jones & Clossen Engineering, PLLC - Patrick Kiernan

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 & Clossen Engineering	221 N Salem, Suite 001, Apex			<input checked="" type="checkbox"/>
2.	Veera Konda	1304 Sheffield Ct			<input type="checkbox"/>
3.	Devang Patel	1028 Dominion Oak Circle			<input type="checkbox"/>
4.	Dwight Wright	2010 Dezola St			<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.	-				<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Applicant(s): Jones & Cnossen Engineering, PLLC - Patrick Kiernan

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

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All questions were asked by Mr. Wright (seller and adjacent owner).

Question/Concern #1:

When will the plans be done and construction begin?

Applicant's Response:

Assuming a successful Town Council meeting on Jan. 26th, we would anticipate having approved construction drawings near the end of 2026. So, we would anticipate construction starting sometime around the start of 2027.

Question/Concern #2:

How many lots do we anticipate being created?

Applicant's Response:

We have a zoning condition which limits the number of lots to be a max. of 17.

Question/Concern #3:

What are the buffers/setbacks against the cemetery? [also some discussion about access to the cemetery, but ultimately concluded that access is already present from PIN 0750497667]

Applicant's Response:

The buffer to the south and east are both 20', so that's what it would be up against the cemetery.

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

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 500 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 December 16, 2025 (date) from 6:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

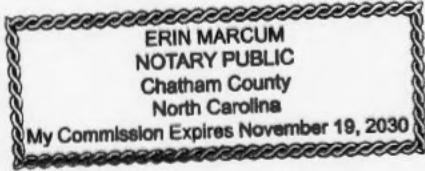
12/17/25
Date

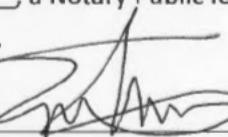
By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE CHATHAM

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 17th day of December, 2025.

SEAL




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2030



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #25CZ17 0 Smith Rd

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: Vimb LLC

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

Property Address: 0 Smith Road

Acreage: ± 5.33 acres

Property Identification Number (PIN): 0751409074

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Rural Residential (RR)

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

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: January 12, 2026 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on [https://www.apexnc.org/DocumentCenter/View/52119/](http://www.apexnc.org/DocumentCenter/View/52119/).

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

PUBLIC NOTIFICATION

OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ17

0 Smith Rd

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: Vimb LLC

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

Property Address: 0 Smith Road

Acreage: ± 5.33 acres

Property Identification Number (PIN): 0751409074

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Rural Residential (RR)

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

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: January 12, 2026 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on <https://www.apexnc.org/DocumentCenter/View/52119/>.

Dianne F. Khin, AICP
Planning Director

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ17
0 Smith Rd

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: Vimb LLC
Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Dirección de la propiedad: 0 Smith Road
Superficie: ± 5.33 acres
Números de identificación de la propiedad: 0751409074
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: 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: 12 de enero de 2026 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/52119>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2025 – 12 de enero de 2026
Publicado en línea: 2 de enero - 12 de enero de 2026

- Page 154 -



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ17

0 Smith Rd

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: Vimb LLC

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

Dirección de la propiedad: 0 Smith Road

Superficie: ± 5.33 acres

Números de identificación de la propiedad: 0751409074

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: 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: 12 de enero de 2026 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (322 N. Mason Street) o por correo USPS a P.O. Box 250, Apex, NC 27502, al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: [https://www.apexnc.org/DocumentCenter/View/52119](http://www.apexnc.org/DocumentCenter/View/52119).

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

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

Project Name: Conditional Zoning #25CZ17 0 Smith Rd

Project Location: 0 Smtih Rd

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

Planning Board January 12, 2026

Public Hearing Date:

Project Planner: Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 19, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 500' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 500' of the land subject to notification.

12/22/2025
Date


Diane Y. Killian
Planning Director

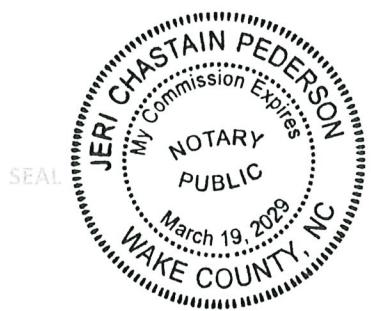
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me,

Jeri Chastain Pederson, a Notary Public for the above

State and County, this the

22 day of December, 2025.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/19/2029

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #25CZ17
0 Smith Rd

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: Vimb LLC
Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Property Address: 0 Smith Road
Acreage: ± 5.33 acres
Property Identification Number (PIN): 0751409074
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Town Council Public Hearing Date and Time: January 27, 2026 at 6:00 pm
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on <https://www.apexnc.org/DocumentCenter/View/52119>.

Dianne F. Khin, AICP
Planning Director

Published Dates: January 7 – January 27, 2026

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TOWN OF APEX

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

PUBLIC NOTIFICATION

OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ17

0 Smith Rd

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: Vimb LLC

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

Property Address: 0 Smith Road

Acreage: ± 5.33 acres

Property Identification Number (PIN): 0751409074

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Rural Residential (RR)

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

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: January 27, 2026 at 6:00 pm

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

<https://www.youtube.com/c/townofapexgov>.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on [https://www.apexnc.org/DocumentCenter/View/52119](http://www.apexnc.org/DocumentCenter/View/52119).

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ17
0 Smith Rd

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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Vimb LLC

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

Dirección de la propiedad: 0 Smith Road

Superficie: ± 5.33 acres

Números de identificación de la propiedad: 0751409074

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: 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 del Consejo Municipal: 27 de enero de 2026 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial 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.raleighnc.gov/lmaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/52119>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ17

0 Smith Rd

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: Vimb LLC

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

Dirección de la propiedad: 0 Smith Road

Superficie: ± 5.33 acres

Números de identificación de la propiedad: 0751409074

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: 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 del Consejo Municipal: 27 de enero de 2026 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/52119>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

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

Project Name: Conditional Zoning #25CZ17 0 Smith Rd

Project Location: 0 Smtih Rd

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

Town Council January 27, 2026

Public Hearing Date:

Project Planner: Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 7, 2026, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 500' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 500' of the land subject to notification.

1/7/2026
Date


Shaine F. Khan

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 7th day of January, 2026.


Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028



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

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

October 31, 2025

Dianne Khin, AICP
Director, Planning Department
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: October 1, 2025
- Name of development: 25CZ17 0 Smith Rd
- Address of rezoning: 0 Smith Rd (PIN 0751409074)
- Total number of proposed residential units: 17
- Type(s) of residential units proposed: Single family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

Elementary

Middle

High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

Not applicable – existing school capacity is anticipated to be sufficient.

School expansion or construction within the next five years is not anticipated to address concerns.

School expansion or construction within the next five years may address concerns at these grade levels:

Elementary

Middle

High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,


Susan W. Pullium, MSA
Senior Director

Public Hearing Sign Posted By:

Signature

10/17/25

Date

Rezoning #25CZ17



October 2025
May 2025 Aerial Photography
Prepared by: Town of Apex Planning Department

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ17 0 Smith Rd

Planning Board Meeting Date: January 12, 2026



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ±5.33

PIN(s): 0751409074

Current Zoning: Rural Residential (RR)

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

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map

Consistent

Inconsistent

Reason: _____

Apex Transportation Plan

Consistent

Inconsistent

Reason: _____

Parks, Recreation, Open Space, and Greenways Plan

Consistent

Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ17 O Smith Rd

Planning Board Meeting Date: January 12, 2026



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: #25CZ17 0 Smith Rd

Planning Board Meeting Date: January 12, 2026



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: #25CZ17 0 Smith Rd

Planning Board Meeting Date: January 12, 2026



Planning Board Recommendation:

Motion: Recommend approval

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Mary Petersen

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of January 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2026.01.12 16:56:06
-05'00'

Amanda Bunce, Assistant Planning Director

Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: January 27, 2026

Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

Requested Motion

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

Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their January 12, 2026, meeting and unanimously recommended approval.

Item Details

Requested by Planning Committee and Planning Staff:

1. Amendments to Secs. 8.2.2.B *General Landscaping Design Standards, Plant Materials* and 12.2 *Terms Defined* to add language permitting the use of artificial turf as a planting material in limited circumstances. The amendments would provide the opportunity for artificial turf to be used within high-activity or heavily trafficked areas where the establishment or long-term maintenance of natural vegetation is impractical, provided it meets applicable drainage and installation standards.

Requested by Planning Staff:

2. Amendments to Sec. 8.3.6 *Off-Street Parking and Loading, Parking Lot Design Standards* to allow gravel overflow parking for "Churches and places of worship" and "Assembly all, non-profit" uses located in the Residential Agricultural (RA) and Rural Residential (RR) zoning districts, subject to specific design and performance standards.
3. Amendments to Sec. 8.3.9.C *Off-Street Alternatives, Shared Parking*, Table 8.3-8: *Shared Parking Demand by Land Use and Time of Day*, to amend the required number of weekend daytime parking spaces for the "Medical/Dental Office" and "Bank" land use categories to better reflect observed demand patterns and ensure consistency with current parking utilization standards

4. Amendment to Sec. 2.3.6.C.1 *Site Plan, Exemptions*, to clarify that all developments qualifying as "exempt" under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO.

Attachments

- PH5-A1: PB Report to TC - Unified Development Ordinance (UDO) Amendments-Staff - January 2026
- PH5-A2: Staff Report - Unified Development Ordinance (UDO) Amendments-Staff - January 2026
- PH5-A3: Public Notice - Unified Development Ordinance (UDO) Amendments-Staff - January 2026
- PH5-A4: Ordinance - Unified Development Ordinance (UDO) Amendments-Staff - January 2026



PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: January 12, 2026



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: Recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Kristy Yule

Approval of the proposed UDO amendment(s)
 Approval of the proposed UDO amendment(s) with the following conditions:

Denial of the proposed UDO amendment(s)

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of January 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda Bunce
Date: 2026.01.12 17:16:50 -05'00'

Amanda Bunce, Assistant Planning Director

STAFF REPORT

Draft Amendments to the Unified Development Ordinance

January 27, 2026 Town Council Meeting



Requested by Planning Committee and Planning Staff:

1. **Amendments to Secs. 8.2.2 *General Landscaping Design Standards, Plant Materials*; and 12.2 *Terms Defined*, to add language permitting the use of artificial turf as a planting material in limited circumstances. The amendments would provide the opportunity for artificial turf to be used within high-activity or heavily trafficked areas where the establishment or long-term maintenance of natural vegetation is impractical, provided it meets applicable drainage and installation standards.**

Background: At their September 18, and November 6, 2025, meeting, the Planning Committee directed staff to prepare a new UDO amendment addressing the use of artificial turf on non-residential sites in a manner consistent with N.C.G.S. §143-214.7D (Limitations on Built-Upon Area Requirements). The statute allows artificial turf to be considered a pervious planting material when it is manufactured to allow water to drain through the backing and installed over a pervious surface in accordance with the manufacturer's specifications. The amendments proposed herein satisfy that directive by aligning the UDO with state law and providing limited flexibility for site design in areas subject to heavy use or maintenance constraints.

8.2.2 General Landscaping Design Standards

...

B) *Plant Materials*

...

3) *Plant Sizes and Standards*

...

- g) Grass shall be planted in species normally grown as permanent lawns in the Town and region. In swales or other areas subject to erosion, solid sod, erosion-reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be free and clean of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide 75% complete coverage after two growing seasons.

h) *Artificial Turf*

- (i) As an alternative to grass, artificial turf meeting the requirements of N.C.G.S. §143-214.7D may be permitted as pervious where its use enhances site durability, minimizes erosion, or addresses maintenance constraints, provided it is installed to ensure adequate drainage and long-term performance. Artificial turf shall be a natural grass color and shall be limited to areas where the Planning Director or designee determines that natural vegetation is impractical to establish or sustain, including but not limited to:

- (a) Athletic fields;

- (b) Narrow pedestrian corridors between buildings or courtyards;
- (c) Roof terraces;
- (d) Shaded gathering areas;
- (e) Small or confined areas subject to high foot traffic; or
- (f) Common areas intended for a high volume of foot traffic.

(ii) Artificial turf that does not meet the requirements of N.C.G.S. §143-214.7D may be permitted as impervious provided that the total built-upon area does not exceed the limitations in Sec. 5.1 *Table of Intensity and Dimensional Standards*.

(iii) Artificial turf shall be prohibited within required landscape buffers, Resource Conservation Area (RCA), privately-owned play lawns, riparian buffers, floodplains, and any areas prohibited by state law, and shall not be credited toward required landscape materials or minimum planting area calculations.

i) **Existing Installations of Artificial Turf**
Artificial turf installed prior to January 27, 2026, may remain in place, provided it is maintained in good condition and does not create drainage, erosion, or stormwater compliance issues. Existing artificial turf installations shall be subject to the following provisions:

- (i) **Maintenance.** Existing artificial turf shall be maintained in good condition, free of tears, fading, deterioration, or drainage deficiencies.
- (ii) **Expansion.** Expansion of artificial turf areas beyond their originally installed footprint shall not be permitted except in conformance with current Ordinance requirements.

12.2 Terms Defined

...

Artificial Turf

Artificial turf means a surface composed of synthetic fibers designed to replicate the appearance and function of natural grass. It is typically used in locations where natural grass would otherwise be installed, including sports fields, residential areas, and commercial developments.

...

Grass

Grass means natural, living vegetation consisting of perennial turf-forming species suitable for

use as groundcover in lawns, landscaped areas, and open spaces. Grass does not include artificial or synthetic turf.

...

Requested by Planning Staff:

2. **Amendments to Sec. 8.3.6 Off-Street Parking and Loading, Parking Lot Design Standards, to allow gravel overflow parking for “Church or places of worship”, and “Assembly hall, nonprofit” uses located in the Residential Agricultural (RA) and Rural Residential (RR) zoning districts, subject to specific design and performance standards.**

Background: Staff propose amendments to the UDO to provide flexibility for overflow parking at “Church or places of worship”, and “Assembly hall, nonprofit” uses located in the Residential Agricultural (RA) and Rural Residential (RR) districts. These uses often experience peak parking demand during limited times (e.g., services or special events), leading to underutilized paved areas and higher construction costs. The proposed amendments would allow gravel overflow parking, provided it complies with N.C.G.S. 143-214.7D, resulting in a more flexible, rural-compatible solution while maintaining safety and environmental standards.

8.3.6 Parking Lot Design Standards

...

D) *Surfacing and Maintenance*

All off-street parking areas shall be paved and kept in a dust-free condition at all times. Permeable pavement, if used, shall comply with the North Carolina Department of Environmental Quality's Minimum Design Criteria in the NCDEQ Stormwater Design Manual.

1) *Exceptions*

Parking for the following shall be gravel or paved and kept in a dust-free condition at all times:

- a) All uses in the CB Conservation Buffer zoning district;
- b) Athletic Fields only under the category of “Entertainment, ~~O~~outdoor” where allowed;
- c) Uses associated with Landmark and other historic structures. Exposed aggregate concrete, or similar, may be used for paving and railroad ties or landscape timbers may be used in lieu of concrete wheel stops;
- d) Land clearing and inert debris landfills; and
- e) All Agricultural uses; and
- f) Overflow parking areas serving a “Church or place of worship” or an “Assembly Hall, nonprofit” use that is located within the Residential Agricultural (RA) or Rural Residential (RR) zoning district, provided the overflow area does not exceed 25% of the total number of required or provided parking spaces onsite, whichever is greater, and complies with the gravel construction standards listed below.**

2) In order to be considered pervious, gravel parking areas shall be constructed and maintained in compliance with N.C.G.S. 143-214.7D, including all applicable stormwater, sedimentation, and erosion control requirements, and shall remain in a stable, dust-free condition. Otherwise, gravel parking shall at a minimum meet the following specifications:

- a) Compacted Subgrade;
- b) 6 Inches Aggregate Base Course;
- c) 1.5 Inches #78M Stone; and
- d) Drive aisles must be repaired or replaced with #78M Stone every six (6) months.

3. **Amendments to Sec. 8.3.9.C Off-Street Alternatives, Shared Parking, Table 8.3-8: Shared Parking Demand by Land Use and Time of Day**, to amend the required number of weekend daytime parking spaces for the “Medical/Dental Office” and “Bank” land use categories to better reflect observed demand patterns and ensure consistency with current parking utilization standards

Background: Staff propose to amend this section of the UDO to update the shared parking requirements of Table 8.3-8: *Shared Parking Demand by Land Use and Time of Day*, which currently requires 100% of the required parking spaces for the “Medical/dental office” and “Bank” uses. The new standards of 10% for “Medical/dental offices” and 5% for “Banks” more accurately reflect realistic weekend demand.

8.3.9 Off-Street Parking Alternative

...

C) *Shared Parking*

...

Table 8.3-8: Shared Parking Demand by Land Use and Time of Day

Land Use	Weekday		Weekend		Nighttime
	Daytime (6am-5pm)	Evening (5pm-12am)	Daytime (6am-5pm)	Evening (5pm-12am)	(12am-6am)
Residential	60%	100%	80%	100%	100%
Office/warehouse/ industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	70%	100%	100%	70%	10%
Hotel/motel	75%	100%	75%	100%	100%
Entertainment	40%	100%	80%	100%	10%
Church or place of worship	10%	10%	100% during regularly scheduled worship/ service times, including 1 hour before and after such times; otherwise 10%	10%	5%
Bank	100%	5%	400% <u>5%</u>	5%	5%
Health/fitness centers and spas	70%	100%	80%	60%	5%
Medical/dental office	100%	50%	400% <u>10%</u>	5%	5%

...

4. **Amendment to Sec. 2.3.6.C.1 *Site Plan, Exemptions*, to clarify that all developments qualifying as “exempt” under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO.**

Background: Staff propose to amend Sec. 2.3.6.C.1 of the Unified Development Ordinance (UDO) to ensure consistent application of site plan requirements. Under current language, exempt developments are not required to submit a standard site plan; however, ambiguity exists regarding whether administrative approval is necessary before construction begins. This amendment explicitly requires that exempt developments secure administrative approval of an Exempt Site Plan from the Planning Director prior to construction, unless otherwise expressly exempted by the provisions of the UDO. The change eliminates uncertainty surrounding the term “administrative approval,” promotes uniform interpretation, and strengthens compliance with the Town’s development review process.

2.3.6 *Site Plan*

C) *Exemptions*

- 1) Any development or activity that is exempt from site plan review pursuant to Subsection 2.3.6.C.2.b., d., e., f., g., h., i., or j. below shall not be undertaken without an administrative approval of an Exempt Site Plan by the Planning Director. Any proposed expansion exempt under 2.3.6.C.2.g. must meet all applicable provisions of this Ordinance to the extent of the expansion and not increase any nonconformity. The application for administrative approval shall be in a form approved by the Planning Director

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board received a presentation as a new business item during their January 12, 2026, meeting, and voted unanimously to recommend approval.



TOWN OF APEX

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

PUBLIC NOTIFICATION

OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance that are applicable Town-wide:

Requested by Planning Committee and Planning Staff:

1. Amendments to Secs. 8.2.2.B *General Landscaping Design Standards, Plant Materials* and 12.2 *Terms Defined* to add language permitting the use of artificial turf as a planting material in limited circumstances. The amendments would provide the opportunity for artificial turf to be used within high-activity or heavily trafficked areas where the establishment or long-term maintenance of natural vegetation is impractical, provided it meets applicable drainage and installation standards.

Requested by Planning Staff:

2. Amendments to Sec. 8.3.6 *Off-Street Parking and Loading, Parking Lot Design Standards* to allow gravel overflow parking for Churches and Places of Worship and Assembly Hall, Non-Profit uses located in the Residential Agricultural (RA) and Rural Residential (RR) zoning districts, subject to specific design and performance standards.
3. Amendments to Sec. 8.3.9.C *Off-Street Alternatives, Shared Parking, Table 8.3-8: Shared Parking Demand by Land Use and Time of Day*, to amend the required number of weekend daytime parking spaces for the "Medical/Dental Office" and "Bank" land use categories to better reflect observed demand patterns and ensure consistency with current parking utilization standards
4. Amendment to Sec. 2.3.6.C.1 *Site Plan, Exemptions*, to clarify that all developments qualifying as "exempt" under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO.

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

Town Council Public Hearing Date and Time: January 27, 2026, 6:00 PM

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

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

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: January 2, 2026 – January 27, 2026



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza
de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a todo el pueblo:

Solicitado por el Comité de Planificación y el Personal de Planificación:

1. Modificaciones a las secciones 8.2.2.B *Normas generales de diseño paisajístico, materiales vegetales* y 12.2 *Términos definidos* para añadir una cláusula que permita el uso de césped artificial como material vegetal en circunstancias limitadas. Las modificaciones permitirían el uso de césped artificial en zonas de alta actividad o muy transitadas en las que no es viable el establecimiento o el mantenimiento a largo plazo de vegetación natural, siempre que se cumplan las normas de drenaje e instalación aplicables.

Solicitado por el Personal de Planificación:

2. Enmiendas a la sección 8.3.6 *Estacionamiento y carga fuera de la vía pública, normas de diseño de estacionamientos* para permitir el estacionamiento adicional con grava para iglesias y lugares de culto y salas de reuniones, usos sin ánimo de lucro ubicados en los distritos de zonificación residencial agrícola (RA) y residencial rural (RR), sujetos a normas específicas de diseño y rendimiento.
3. Enmiendas a la sección 8.3.9.C *Alternativas fuera de la vía pública, estacionamiento compartido*, tabla 8.3-8: *Demanda de estacionamiento compartido por uso del suelo y hora del día*, para modificar el número requerido de espacios de estacionamiento diurnos durante el fin de semana para las categorías de uso del suelo «Consultorio médico/dentista» y «Banco», con el fin de reflejar mejor los patrones de demanda observados y garantizar la coherencia con las normas actuales de utilización de estacionamiento.
4. Enmienda a la Sección 2.3.6.C.1 *Plan del emplazamiento, exenciones*, para aclarar que todas las urbanizaciones que reúnan los requisitos para ser consideradas «exentas» en virtud de esta sección deberán obtener la aprobación administrativa de un plan del emplazamiento exento por parte del director de planificación antes de iniciar cualquier actividad de construcción, salvo que las disposiciones de esta UDO establezcan expresamente lo contrario.

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2.º piso
73 Hunter Street, Apex, North Carolina

Fecha y hora de la audiencia pública del Consejo Municipal: **27 de enero de 2026, 6:00 p. m.**

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

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

Se puede acceder a la UDO en línea en <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: del 2 de enero de 2026 al 27 de enero de 2026

https://www.apexnc.org/DocumentCenter/View/52950/UDO_Legal_Ad_-Jan-2026-Combined?bidId=

Team Apex Landing... Town of Apex, Nort... Planning Departme... 2045LUM_04092024... Development in Apex iMAPS Home Books! Online Recor... PL Team - Internal ... Design and Develop... Watershed Protect... Apex Utility Distribu...

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARING
AMENDMENTS TO THE UNIFIED
DEVELOPMENT ORDINANCE (UDO)**

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Requested by Planning Committee and Planning Staff:

1. Amendments to Secs. 8.2.2.B *General Landscaping Design Standards, Plant Materials and 12.2 Terms Defined* to add language permitting the use of artificial turf as a planting material in limited circumstances. The amendments would provide the opportunity for artificial turf to be used within high-activity or heavily trafficked areas where the establishment or long-term maintenance of natural vegetation is impractical, provided it meets applicable drainage and installation standards.

Requested by Planning Staff:

2. Amendments to Sec. 8.3.6 *Off-Street Parking and Loading, Parking Lot Design Standards* to allow gravel overflow parking for Churches and Places of Worship and Assembly Hall, Non-Profit uses located in the Residential Agricultural (RA) and Rural Residential (RR) zoning districts, subject to specific design and performance standards.
3. Amendments to Sec. 8.3.9.C *Off-Street Alternatives, Shared Parking, Table 8.3-8: Shared Parking Demand by Land Use and Time of Day*, to amend the required number of weekend daytime parking spaces for the "Medical/Dental Office" and "Bank" land use categories to better reflect observed demand patterns and ensure consistency with current parking utilization standards
4. Amendment to Sec. 2.3.6.C.1 *Site Plan, Exemptions*, to clarify that all developments qualifying as "exempt" under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO.

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

Town Council Public Hearing Date and Time: January 27, 2026, 6:00 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

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

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza
de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a todo el pueblo:

licitado por el Comité de Planificación y el Personal de Planificación:

dificaciones a las secciones 8.2.2.B *Normas generales de diseño paisajístico, materiales vegetales* 8.2 *Términos definidos* para añadir una cláusula que permita el uso de césped artificial como material vegetal en circunstancias limitadas. Las modificaciones permitirían el uso de césped artificial en zonas de alta actividad o muy transitadas en las que no es viable el establecimiento o el mantenimiento a largo plazo de vegetación natural, siempre que se cumplan las normas de drenaje y estabilización aplicables.

licitado por el Personal de Planificación:

Enmiendas a la sección 8.3.6 *Estacionamiento y carga fuera de la vía pública, normas de diseño de estacionamientos* para permitir el estacionamiento adicional con grava para iglesias y lugares de culto y salas de reuniones, usos sin ánimo de lucro ubicados en los distritos de zonificación residencial agrícola (RA) y residencial rural (RR), sujetos a normas específicas de diseño y rendimiento.

lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2.º piso
73 Hunter Street, Apex, North Carolina

Fecha y hora de la audiencia pública del Consejo Municipal: 27 de enero de 2026, 6:00 p. m.

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

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

Se puede acceder a la UDO en línea en <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

fechas de publicación: del 2 de enero de 2026 al 27 de enero de 2026

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Sections 8.2.2 and 12.2 of the Unified Development Ordinance are now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.2 General Landscaping Design Standards

...

B) *Plant Materials*

...

3) *Plant Sizes and Standards*

...

g) Grass shall be planted in species normally grown as permanent lawns in the Town and region. In swales or other areas subject to erosion, solid sod, erosion-reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be free and clean of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide 75% complete coverage after two growing seasons.

h) *Artificial Turf*

(i) As an alternative to grass, artificial turf meeting the requirements of N.C.G.S. §143-214.7D may be permitted as pervious where its use enhances site durability, minimizes erosion, or addresses maintenance constraints, provided it is installed to ensure adequate drainage and long-term performance. Artificial turf shall be a natural grass color and shall be limited to areas where the Planning Director or designee determines that natural vegetation is impractical to establish or sustain, including but not limited to:

(a) Athletic fields;

(b) Narrow pedestrian corridors between buildings or courtyards;

(c) Roof terraces;

(d) Shaded gathering areas;

(e) Small or confined areas subject to high foot traffic; or

(f) Common areas intended for a high volume of foot traffic.

(ii) Artificial turf that does not meet the requirements of N.C.G.S. §143-214.7D may be permitted as impervious provided that the

total built-upon area does not exceed the limitations in Sec. 5.1
Table of Intensity and Dimensional Standards.

(iii) Artificial turf shall be prohibited within required landscape buffers, Resource Conservation Area (RCA), privately-owned play lawns, riparian buffers, floodplains, and any areas prohibited by state law, and shall not be credited toward required landscape materials or minimum planting area calculations.

i) Existing Installations of Artificial Turf
Artificial turf installed prior to January 27, 2026, may remain in place, provided it is maintained in good condition and does not create drainage, erosion, or stormwater compliance issues. Existing artificial turf installations shall be subject to the following provisions:

- (i) Maintenance. Existing artificial turf shall be maintained in good condition, free of tears, fading, deterioration, or drainage deficiencies.
- (ii) Expansion. Expansion of artificial turf areas beyond their originally installed footprint shall not be permitted except in conformance with current Ordinance requirements.

12.2 Terms Defined

...

Artificial Turf

Artificial turf means a surface composed of synthetic fibers designed to replicate the appearance and function of natural grass. It is typically used in locations where natural grass would otherwise be installed, including sports fields, residential areas, and commercial developments.

...

Grass

Grass means natural, living vegetation consisting of perennial turf-forming species suitable for use as groundcover in lawns, landscaped areas, and open spaces. Grass does not include artificial or synthetic turf.

...

Section 2 Section 8.3.6 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.3.6 Parking Lot Design Standards

...

D) Surfacing and Maintenance

All off-street parking areas shall be paved and kept in a dust-free condition at all times. Permeable pavement, if used, shall comply with the North Carolina Department of

Environmental Quality's Minimum Design Criteria in the NCDEQ Stormwater Design Manual.

1) *Exceptions*

Parking for the following shall be gravel or paved and kept in a dust-free condition at all times:

- a) All uses in the CB Conservation Buffer zoning district;
- b) Athletic Fields only under the category of "Entertainment, ~~O~~outdoor" where allowed;
- c) Uses associated with Landmark and other historic structures. Exposed aggregate concrete, or similar, may be used for paving and railroad ties or landscape timbers may be used in lieu of concrete wheel stops;
- d) Land clearing and inert debris landfills; ~~and~~
- e) All Agricultural uses; ~~and~~
- f) Overflow parking areas serving a "Church or place of worship" or an "Assembly Hall, nonprofit" use that is located within the Residential Agricultural (RA) or Rural Residential (RR) zoning district, provided the overflow area does not exceed 25% of the total number of required or provided parking spaces onsite, whichever is greater, and complies with the gravel construction standards listed below.**

2) **In order to be considered pervious, gravel parking areas shall be constructed and maintained in compliance with N.C.G.S. 143-214.7D, including all applicable stormwater, sedimentation, and erosion control requirements, and shall remain in a stable, dust-free condition. Otherwise, ~~G~~ravel parking shall at a minimum meet the following specifications:**

- a) Compacted Subgrade;
- b) 6 Inches Aggregate Base Course;
- c) 1.5 Inches #78M Stone; and
- d) Drive aisles must be repaired or replaced with #78M Stone every six (6) months.

Section 3. Section 8.3.9, of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.3.9 Off-Street Parking Alternative

...

C) *Shared Parking*

...

Table 8.3-8: Shared Parking Demand by Land Use and Time of Day

Land Use	Weekday		Weekend		Nighttime
	Daytime (6am-5pm)	Evening (5pm-12am)	Daytime (6am-5pm)	Evening (5pm-12am)	(12am-6am)
Residential	60%	100%	80%	100%	100%
Office/warehouse/ industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	70%	100%	100%	70%	10%
Hotel/motel	75%	100%	75%	100%	100%
Entertainment	40%	100%	80%	100%	10%
Church or place of worship	10%	10%	100% during regularly scheduled worship/ service times, including 1 hour before and after such times; otherwise 10%	10%	5%
Bank	100%	5%	100% 5%	5%	5%
Health/fitness centers and spas	70%	100%	80%	60%	5%
Medical/dental office	100%	50%	100% 10%	5%	5%

...

Section 4. Section 2.3.6 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.3.6 Site Plan

Exemptions

- 1) Any development or activity that is exempt from site plan review pursuant to Subsection 2.3.6.C.2.b., d., e., f., g., h., i., or j. below shall not be undertaken without an administrative approval **of an Exempt Site Plan** by the Planning Director. Any proposed expansion exempt under 2.3.6.C.2.g. must meet all applicable provisions of this Ordinance to the extent of the expansion and not increase any nonconformity. The application for administrative approval shall be in a form approved by the Planning Director

Section 5. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 6. 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 7. The ordinances shall be effective upon enactment on the _____ day of _____ 2026.

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