AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, August 12, 2025 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street
The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Governing Body and Town Senior Executive Leadership

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Edward Gray
Council Members: Audra Killingsworth; Brett D. Gantt; Terry Mahaffey; Arno Zegerman
Town Manager: Randal E. Vosburg
Deputy Town Manager: Shawn Purvis
Assistant Town Managers: Demetria John and Marty Stone
Town Clerk: Allen L. Coleman | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

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

CN1 Advisory Board Attendance Reports 2025 - Quarter 2

Allen Coleman, Town Clerk

CN2 Agreement - North Carolina Department of Transportation (NCDOT) - Review and Oversight Agreement - BO-2422 South Salem Street Bicycle Lanes

Jenna Shouse, Senior Planner, Planning Department

CN3 Agreement and Resolution - Apex Lions Club, Inc. - Jaycee Park - Boy Scout Hut Lease Agreement - August 12, 2025 through May 1, 2035

Craig Setzer, Director, Parks, Recreation, and Cultural Resources Department

CN4 Agreement - Renewal and Amendment of ADA Paratransit Service Agreement with Wake County Government - Fiscal Year 2025-2026

Katie Schwing, Senior Planner – Long Range Transit

CN5 Agreement Ratification - KONE, Inc. - Elevator Maintenance, Repair, and Emergency Communication Services - Mason Street Building - July 1, 2025 through June 30, 2026

Matt Wetherell, Facilities and Grounds Manager, Public Works Department

CN6 Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres

Allen Coleman, Town Clerk

CN7 Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres

Allen Coleman, Town Clerk

CN8 Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment 2026-1 – Cemetery Columbarium Project

Shawn Purvis, Deputy Town Manager, Town Manager's Office

CN9 Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the Electric Utilities Department

Daniel Edwards, Senior Capital Projects Manager, Town Manager's Office

CN10 Council Meeting Minutes - Various

Allen Coleman, Town Clerk

CN11 *Fee-In-Lieu of Land Dedication - Madison Downs Residential Master Subdivision Plan (MSP) - $4,244.42 SFD/unit*

Angela Reincke, Parks Planning Manager, Parks, Rec. and Cultural Res. Department

CN12 Fee-In-Lieu of Land Dedication - Veridea East Village - Block A - Multi-Family Residential - $2,516.93 MF/unit

Angela Reincke, Parks Planning Manager, Parks, Rec. and Cultural Res. Department

CN13 Fee Waiver Request - Capital Area Preservation - Utley Farms Historic Home Restoration and Preservation

Allen Coleman, Town Clerk

CN14 Ordinance Amendment - Chapter 12 Municipal Utilities and Services, Article II Electricity, Sub Section 12-19 Regulation of Load Management

Brad Holland, Senior Electric Engineer, Electric Utilities Department

CN15 Ordinance Amendment 20-165(d)&(e) - No Overnight Parking on Various Streets, Pinnacle Park

Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure Dev. Dept.

CN16 Resolution to Abandon Portion of Existing Public Utility Easement – Baucom Elementary

Steve Adams, Real Estate and Utilities Acquisition Specialist, Trans. and Infra. Dev. Dept.

CN17 Resolution to Abandon Portion of Existing Public Utility Easement – Prestwick

Steve Adams, Real Estate and Utilities Acquisition Specialist, Trans. and Infra. Dev. Dept.

CN18 Resolution - Recommending the Appointment and Removal of Review Officers for the Town of Apex

Amanda Bunce, Assistant Planning Director, Planning Department, and,

Allen Coleman, Town Clerk

CN19 Revisions to Standards Specifications and Standard Details

Chris Johnson, Director, P.E., MPA, Transportation and Infrastructure Development Dept.

CN20 Surplus Badge and Service Weapon - Former Apex Police Officer Jason Stone

Ryan Johansen, Chief, Apex Police Department

CN21 Surplus Vehicles - 2002 *Spartan* Gladiator Fire Engine, 2013 Freightliner Bucket/Chipper Truck, and 2014 Freightliner M206 Leaf Vac Truck

Steve Maynard, Purchasing and Contracts Manager, Finance Department

CN22 Tax Report – May 2025

Allen Coleman, Town Clerk

UPDATES BY TOWN MANAGER

TM1 Unified Development Ordinance (UDO) Discussion Related to Artificial Turf

Randy Vosburg, Town Manager

REGULAR MEETING AGENDA

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

PRESENTATIONS

PR1 Apex Ambassador Birthday Recognition - J.C. Knowles

Mayor Jacques K. Gilbert

PR2 Parks, Recreation, and Cultural Resources Comprehensive Fee Assessment and Recommendations

David Wood, Assistant Director, Parks, Recreation, and Cultural Resources Department

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 **Apex Transportation Plan Amendments – Ashburn PUD**

Shannon Cox, Long Range Planning Manager, Planning Department

AND

PH2 **Rezoning Case No. 24CZ10 – Ashburn PUD**

Joshua Killian, Planner II, Planning Department

PH3 **Apex Transportation Plan Amendments – New Hill Olive Chapel Road**

Jenna Shouse, Senior Planner, Planning Department

PH4 **Annexation No. 800 – Atkins, Hudson, Davidson Homes Assemblage – New Hill Olive Chapel Road – 16.80 acres**

Bruce Venable, Planner II, Planning Department

AND

PH5 **Rezoning Case No. 25CZ06 – New Hill Olive Chapel Road Assemblage**

Bruce Venable, Planner II, Planning Department

PH6 **Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres**

Dianne Khin, Director, Planning Department

PH7 **Resolution – Tax Exempt Bonds related to Grace Christian School**

Allen Coleman, Town Clerk

PH8 **Rezoning Case No. 25CZ02 – Jordan Lutheran Church**

Joshua Killian, Planner II, Planning Department

PH9 **Unified Development Ordinance (UDO) Amendments – August 2025**

Bruce Venable, Planner II, Planning Department

NEW BUSINESS

NB1 **Bicycle and Pedestrian Crossing – Tingen Road – Tunnel Alternative Discussion**

Russell Dalton, Traffic Engineering Manager, Transportation and Infra. Dev. Dept., and Jenna Shouse, Senior Planner, Planning Department

NB2 **Special Events Policy Update - Community Event Tier Structure**

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

NB3 **Unified Development Ordinance (UDO) Possible Amendment Discussion - Student Parking in Residential Areas**

Mayor Jacques K. Gilbert, Sponsor

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.

NCGS §143-318.11(a)(5):

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

CS2 Laurie Hohe, Town Attorney

RE: Town of Apex v. Abbington Community Association, Inc.

NCGS §143-318.11(a)(3):

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

CS3 Allen Coleman, Town Clerk

NCGS §143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to receive and accept the resident advisory board attendance reports for quarter two (2), which includes January through June, of calendar year 2025.

Approval Recommended?

Yes

Item Details

The Town of Apex has six (6) active resident advisory boards that are established to provide expert advice, guidance, and recommendations to the elected body on specific focus areas or identified Town priorities. Each of the resident advisory boards are listed below:

- Culture and Arts Advisory Board (formerly Public Art Committee)
- Board of Adjustment (BOA)
- Environmental Advisory Board (EAB)
- Multimodal Transportation Advisory Board (formerly Transit Advisory Committee)
- Parks and Recreation Advisory Board (PRAB)
- Planning Board

During the June 24, 2025, Regular Town Council Meeting, the Town Council adopted the new Resident Advisory Board Administrative Policy which requires a quarterly report to the elected body on resident advisory board members attendance. In addition, the attendance section of this policy references the following:

- Missing three (3) consecutive meetings shall be cause for dismissal
- Missing twenty-five (25%) of meetings within a twelve (12) month period shall be cause for dismissal

Following the acceptance of this report, the Town Clerk shall send warning letters to the following individuals who have attended fifty percent (50%) or less of the meetings held in calendar year 2025 **or** members who have missed a significant number of meetings in calendar year 2025 thus far and identified to be "at risk" for removal.

Resident Advisory Board	Member	Meetings Attended % YTD 2025	Notes
Board of Adjustment (BOA)*	NONE	N/A	N/A
Culture and Arts Advisory Board (CAAB)	Pritchard, Ewan	40%	Term Ended
Environmental Advisory Board (EAB)	Crowell, Sean	50%	Missed 3 of 6 meetings held
Environmental Advisory Board (EAB)	Schaaf, Katie	67%	Missed 2 of 6 meetings held
Multimodal Transportation Advisory Board (MTAB)**	NONE	N/A	N/A
Parks and Recreation Advisory Board (PRAB)	Lanier, Darryl	67%	Missed 2 of 6 meetings held
Parks and Recreation Advisory Board (PRAB)	Carusona, Matthew	50%	Term Ended
Parks and Recreation Advisory Board (PRAB)	Coldwell, Tom	67%	Missed 2 of 6 meetings held
Parks and Recreation Advisory Board (PRAB)	Kanters, Michael	50%	Missed 3 of 6 meetings held
Planning Board	Mitchell, Preston	67%	Missed 2 of 6 meetings held

*The Board of Adjustment (BOA) has designated alternate members who are not required to attend every meeting.

The Office of the Town Clerk is in active recruitment for all resident advisory boards and accepting applications through August 29, 2025. Residents are encouraged to apply online using the following link: https://www.cognitoforms.com/TownOfApex1/AdvisoryBoardApplicationForm

Attachments

- CN1-A1: Board of Adjustment Attendance Report 2025 – Quarter 2
- CN1-A2: Culture and Arts Advisory Board Attendance Report 2025 – Quarter 2
- CN1-A3: Environmental Advisory Board Attendance Report 2025 – Quarter 2
- CN1-A4: Multimodal Transportation Advisory Board Attendance Report 2025 – Quarter 2
- CN1-A5: Parks and Recreation Advisory Board Attendance Report 2025 – Quarter 2
- CN1-A6: Planning Board Attendance Report 2025 – Quarter 2

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025
Board of Adjustment	Carmac	Robert	Chair	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4	0	100%
Board of Adjustment	Hart	William	Board Member	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4	0	100%
Board of Adjustment	Hollenbeck	William	2nd Alternate	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4	0	100%
Board of Adjustment	Pai	Umesh	Board Member	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4	0	100%
Board of Adjustment	Sayers	Michael	1st Alternate	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4	0	100%
Board of Adjustment	Siso	Heidi-Marie	3rd Alternate	Cancelled Meeting	Present	*Absent*	Present	Present	Cancelled Meeting	4	3	1	75%
Board of Adjustment	Stocks	Ross	Board Member	Cancelled Meeting	Present	Present	Present	*Absent*	Cancelled Meeting	4	3	1	75%
Board of Adjustment	Taylor	Tracy	Vice-Chair	Cancelled Meeting	Present	Present	*Absent*	Present	Cancelled Meeting	4	3	1	75%
Total Members Present	8			0	8	7	7	7	0				

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended	[redacted]	Attendance % YTD - 2025
Current Planning Manager	Bunce	Amanda	Professional Staff	Cancelled Meeting	Present	NA	NA	NA	Cancelled Meeting	4	1		
Town Clerk	Coleman	Allen	Professional Staff	Cancelled Meeting	Present	NA	NA	NA	Cancelled Meeting	4	1		
Senior Planner	Cowles	June	Professional Staff	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4		
Deputy Town Clerk	Gentry	Ashley	Professional Staff	Cancelled Meeting	Present	NA	NA	NA	Cancelled Meeting	4	1		
Planner 1	Staudenmaier	Lauren	Board Liaison	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4		
Assistant Town Attorney	Welch	Chris	Professional Staff	Cancelled Meeting	Present	Present	Present	Present	Cancelled Meeting	4	4		

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Culture and Arts Advisory Board	Bryant	Bethany	Board Member	Present	Cancelled Meeting	Present	Present	Present	Present	5	5	0	100%	
Culture and Arts Advisory Board	Colwell	Tom	Chair	*Absent*	Cancelled Meeting	Present	Present	Present	Present	5	4	1	80%	
Culture and Arts Advisory Board	Durham	Sean	Vice-Chair	Present	Cancelled Meeting	*Absent*	*Absent*	Present	Present	5	3	2	60%	
Culture and Arts Advisory Board	Pritchard	Ewan	Board Member	*Absent*	Cancelled Meeting	*Absent*	Present	Present	*Absent*	5	2	3	40%	Term eneded/member resigned
Culture and Arts Advisory Board	Erickson	Bradley	Board Member	*Absent*	Cancelled Meeting	Present	Present	Present	Present	5	4	1	80%	
Culture and Arts Advisory Board	Kirley	Susan	Board Member	Present	Cancelled Meeting	Present	Present	*Absent*	Present	5	4	1	80%	
Culture and Arts Advisory Board	Trawick	Lafayette	Board Member	Present	Cancelled Meeting	*Absent*	Present	Present	Present	5	4	1	80%	
Culture and Arts Advisory Board	Hota	Ranjit	Board Member	NA	Cancelled Meeting	NA	NA	NA	NA	0	0	0		New member starts July
Culture and Arts Advisory Board	Vacant	Vacant	Board Member	NA	Cancelled Meeting	NA	NA	NA	NA	0	0	0		Shagufta resigned - now vacant
Culture and Arts Advisory Board	Corsetti	Juliana	Youth(Voting)	NA	Cancelled Meeting	NA	NA	NA	NA	0	0	0		New member starts July
Total Members Present	**9**			**4**	**0**	**4**	**6**	**6**	**6**					

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Town Clerk	Coleman	Allen	Staff	Present	Cancelled Meeting	NA	NA	Present	NA	5	2			
Deputy Town Clerk	Gentry	Ashley	Staff	Present	Cancelled Meeting	NA	NA	NA	Present	5	1			
Cultural Arts Center Manager	Wray	Taylor	Board Liaison	Present	Cancelled Meeting	Present	Present	*Absent*	Present	5	4			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Environmental Advisory Board	Adams	Patrick	Board Member	Present	*Absent*	Present	Absent	*Present	Present	6	5	2	83%	*Lack of quorum so meeting was a staff lead meeting
Environmental Advisory Board	Crowell	Sean	Board Member	Present	Present	*Absent*	*Absent*	*Absent*	Present	6	3	3	50%	Eligible for Removal. Warning letter to be sent pursuant to the Administrative Policy
Environmental Advisory Board	Garrison	John	Vice-Chair	Present	Present	Present	Present	*Present	Present	6	6	0	100%	*Lack of quorum so meeting was a staff lead meeting
Environmental Advisory Board	Efird	Adam	Board Member	*Absent*	NA	NA	NA	NA	NA	6	1	NA	NA	Term ended in December 2024 - replacement appointed June 2025
Environmental Advisory Board	Jenson	Bill	Board Member	Present	Present	Present	Present	*Absent*	Present	6	5	1	83%	
Environmental Advisory Board	Mason	Suzanne	Chair	Present	Present	Present	Present	*Present	Present	6	6	0	100%	*Lack of quorum so meeting was a staff lead meeting
Environmental Advisory Board	Maynard	Jason	Board Member	Present	NA	NA	NA	NA	NA	6	1	NA	NA	Term ended in December 2024 - replacement appointed June 2025
Environmental Advisory Board	Moller	Njeri	Board Member	Present	Present	Present	Present	*Absent*	Present	6	5	1	83%	
Environmental Advisory Board	Schaaf	Katie	Board Member	Present	Present	Present	Present	*Absent*	*Absent*	6	4	3	67%	
Environmental Advisory Board	Gary	Anne	Board Member	NA	NA	NA	NA	NA	NA	0	0	0		New Member - Starts July
Environmental Advisory Board	Hu	Changling	Board Member	NA	NA	NA	NA	NA	NA	0	0	0		New Member - Starts July
Environmental Advisory Board	Schwegel	Mark	Board Member	NA	NA	NA	NA	NA	NA	0	0	0		New Member - Starts July
Environmental Advisory Board	VACANT	VACANT	Youth (Voting)	NA	NA	NA	NA	NA	NA	0	0	0		Vacant
Total Members Present	**11**			**7**	**6**	**6**	**5**	**3**	**6**					

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/April)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Town Clerk	Coleman	Allen	Professional Staff	Present	NA	NA	NA	NA	NA	6	1			
Town Councilmember	Gantt	Brett	Governming Body	Present	Absent	Present	Present	Present	Present	6	6			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	Present	NA	NA	NA	NA	NA	6	1			
Environmental Programs Coordinator	Skinner	Nora	Board Liaison	Present	Present	Present	Present	Present	Present	6	6			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	April 2025 (Present/Absent)	July 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Multimodal Transportation Advisory Board	Barrett	Linda	Board Member	Present	Present	Present	3	3	0	100%	
Multimodal Transportation Advisory Board	Bryant	Nick	Vice-Chair	Present	Present	Present	3	3	0	100%	
Multimodal Transportation Advisory Board	Kirley	Patrick	Board Member	Present	Present	*Absent*	3	2	1	67%	
Multimodal Transportation Advisory Board	Perry	Wendy	Board Member	Present	Present	Present	3	3	0	100%	
Multimodal Transportation Advisory Board	Werking	Andrew	Chair	Present	Present	Present	3	3	0	100%	
Multimodal Transportation Advisory Board	Williams	Frances	Board Member	Present	Present	Present	3	3	0	100%	
Multimodal Transportation Advisory Board	Thoppe	Noah	Board Member	NA	NA	NA					New Member Starts September
Multimodal Transportation Advisory Board	Spanioli	Mark	Board Member	NA	NA	NA					New Member Starts September
Multimodal Transportation Advisory Board	VACANT	VACANT	Youth (Vothing)	NA	NA	NA					Vacant
Total Members Present	9			6	6	6	2	6	0		

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	April 2025 (Present or NA)	July 2025 (Present or NA)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Town Clerk	Coleman	Allen	Professional Staff	Present	Present	Present	3	2			Overview of December Work Session
Long-Range Planning Manager	Cox	Shannon	Professional Staff	Present	Present	Present	3	2			
Town Councilmember	Gantt	Brett	Governming Body	Present	Present	Absent	3	2			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	Present	Present	Present	3	2			Overview of December Work Session
Director of Economic Development	Helms	Joanna	Professional Staff	Present	Absent	Absent	3	1			
Parks Planning Manager	Reincke	Angela	Professional Staff	Present	Present	Present	3	2			
Sr. Planner - Long-Range Transit	Schwing	Katie	Professional Staff	Present	Present	Present	3	2			
Sr. Planner - Long-Range Transit	Shouse	Jenna	Professional Staff	Present	NA	NA	3	1			
Planner II	Watson	Chris	Board Liaison	NA	NA	NA					New Staff Member and Board Liaison

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present/Absent)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Parks and Recreation Advisory Board	Blatchford	Mary	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Parks and Recreation Advisory Board	Carusona	Matt	Vice-Chair	*Absent*	Present	Present	*Absent*	Present	*Absent*	6	3	3	50%	
Parks and Recreation Advisory Board	Colwell	Tom	Board Member	*Absent*	*Absent*	Present	Present	Present	Present	6	4	2	67%	
Parks and Recreation Advisory Board	Croom	Jeremy	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Parks and Recreation Advisory Board	Esterrich	Lisa	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Parks and Recreation Advisory Board	Kanters	Michael	Board Member	*Absent*	Present	*Absent*	Present	Present	*Absent*	6	3	3	50%	
Parks and Recreation Advisory Board	Lanier	Darryl	Chair	*Absent*	Present	Present	*Absent*	Present	Present	6	4	2	67%	
Parks and Recreation Advisory Board	Montoya	Lisa	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Parks and Recreation Advisory Board	Roach	Jeff	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Parks and Recreation Advisory Board	Baber	Robert	Board Member	NA	NA	NA	NA	NA	NA					New Members - Start August
Parks and Recreation Advisory Board	Rao	Adhvick	Youth (Non-Voting)	NA	NA	NA	NA	NA	NA					New Members - Start August
Parks and Recreation Advisory Board	Strickland	Johnnie	Board Member	NA	NA	NA	NA	NA	NA					New Members - Start August
Parks and Recreation Advisory Board	Vosburg	Nick	Board Member	NA	NA	NA	NA	NA	NA	0	0	0		New Members - Start August
Total Members Present	**10**			**5**	**8**	**8**	**7**	**9**	**7**					

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Town Clerk	Coleman	Allen	Professional Staff	NA	Present	NA	NA	NA	NA	6	2			Overview of December Work Session
Deputy Town Clerk	Gentry	Ashley	Professional Staff	NA	Present	NA	NA	Present	NA	6	2			Overview of December Work Session
Executive Assistant	Pearson	Candice	Board Liaison	Present	Present	Present	Present	Present	Present	6	6			
Planning Parks Manager	Reincke	Angela	Professional Staff	Present	Present	Present	Present	NA	Present	6	5			
Director of PRCR	Setzer	Craig	Professional Staff	Present	Present	Present	Present	Present	Present	6	6			

Office of the Town Clerk

Advisory Board	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present/Absent)	March 2025 (Present/Absent)	April 2025 (Present/Absent)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended	Total Missed	Attendance % YTD - 2025	Notes
Planning Board	Byrd	Alyssa	Board Member	Present	Present	Present	Present	Present	*Absent*	6	5	0	83%	
Planning Board	Braswell	Keith	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Planning Board	Hastings	Jeff	Board Member	Present	Present	Present	Present	Present	*Absent*	6	5	0	83%	
Planning Board	Khodaparast	Daniel	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Planning Board	Mitchell	Preston	Board Member	Present	Present	Present	*Absent*	*Absent*	Present	6	4	0	67%	
Planning Board	Rhodes	Steven	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Planning Board	Royal	Tim	Vice-Chair	Present	Present	Present	*Absent*	Present	Present	6	5	0	83%	
Planning Board	Sherman	Tina	Chair	Present	Present	*Absent*	Present	Present	Present	6	5	1	83%	
Planning Board	Soh	Sarah	Board Member	Present	Present	Present	Present	Present	Present	6	6	0	100%	
Planning Board	Petersen	Mary	Apex Historical Rep.	NA	NA	NA	NA	NA	NA	0	0	0		New Member - Starts August
Planning Board	VACANT	VACANT	Youth (Non-Voting)	NA	NA	NA	N	NA	NA	0	0	0		Vacant
Total Members Present	**11**			**9**	**9**	**8**	**7**	**8**	**7**					

Town Staff	Last Name	First Name	Position	January 2025 (Present or NA)	February 2025 (Present or NA)	March 2025 (Present or NA)	April 2025 (Present/April)	May 2025 (Present/Absent)	June 2025 (Present/Absent)	Total Held	Total Attended		Attendance % YTD - 2025	Notes
Current Planning Manager	Bunce	Amanda	Professional Staff	Present	Present	Present	Present	Present	Present	6	6			
Director of Planning	Khin	Dianne	Professional Staff	Present	Present	Present	Present	Present	Present	6	6			
Lead Planning Technician	Pederson	Jeri	Board Liaison	Present	Present	Present	Present	NA	Present	6	5			
Deputy Town Clerk	Gentry	Ashley	Professional Staff	NA	NA	NA	N	Present	NA	6	1			

| Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Jenna Shouse, Senior Planner

Department(s): Planning

Requested Motion

Motion to approve a Review and Oversight Agreement with North Carolina Department of Transportation (NCDOT) for BO-2422 South Salem Street Bicycle Lanes, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Town is beginning the design phase of BO-2422 S Salem Street Bicycle Lanes. This project includes shared lane markings along S Salem Street from Chatham Street to Apex Peakway and bicycle lanes from Apex Peakway to Pleasant Plains Road. Given future phases of this project are anticipated to receive federal funding, and the majority of S Salem Street is an NCDOT-maintained roadway, a Review and Oversight Agreement is needed for NCDOT to review the design plans and documents and provide comments and/or approval.

The agreement includes the following language under the Adjustment of Funding section:

> "Upon completion of the project, if actual costs exceed the amount of payment, the **Municipality** shall reimburse the **Department** any under payment within sixty (60) days of invoicing by the **Department**. The **Department** will charge a late payment penalty and interest on any unpaid balance due in accordance with G. S. 147-86.23. If the actual cost of the work is less than $10,000, the **Department** will reimburse the **Municipality** any overpayment."

The Town asked NCDOT to modify the Adjustment of Funding section to state:

> "If actual costs will exceed the amount of payment, the **Parties** will enter into an amendment to this Agreement prior to any such costs being incurred. If the actual cost of the work is less than $10,000, the **Department** will reimburse the **Municipality** any overpayment."

NCDOT declined to revise the Adjustment of Funding section in the agreement and maintained the original language. Initially, NCDOT proposed a $5,000 agreement and Town staff proposed increasing the estimated cost to $10,000, in the event expenses are higher than anticipated and due to the fact that NCDOT would not agree to revise the language as requested above. NCDOT staff shared they cannot confirm that expenses will not exceed $10,000. Any expense that exceeds the $10,000 provided will be billed to the Town for payment. The Agreement also requires that the Town indemnify NCDOT and the State of North Carolina.

Due to the indemnification provision and NCDOT's rejection of the Town's recommended language, the unrevised Agreement is being presented to Town Council.

Attachments

- CN2-A1: Review and Oversight Agreement - BO-2422 NCDOT

AGREEMENT OVERVIEW

NORTH CAROLINA
WAKE COUNTY

DATE: 5/29/2025

PARTIES TO THE AGREEMENT:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

TOWN OF APEX

PROJECT NUMBERS:

WBS ELEMENTS: 36249.5019

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT ("Project"): Review of project plans and documents for constructing bicycle lanes and installing shared lane markings on South Salem Street from Pleasant Plains Road to Chatham Street in Apex.

ESTIMATED COST TO OTHER PARTY: $10,000

PAYMENT TERMS: The Town of Apex will submit payment upon execution of this Agreement.

MAINTENANCE: Not Applicable

EFFECTIVE DATES OF AGREEMENT:
START: Upon Full Execution of this Agreement
END: When work is complete and all terms are met.

This Agreement is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the Town of Apex, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136-18;and,

WHEREAS, the **Municipality** has requested that the **Department** provide review of certain items related to transportation improvements that will either affect the State Highway System or will be funded in the future with Federal or State funding administered by the **Department**; and,

WHEREAS, the **Parties** hereto wish to enter into an agreement for scoped work to be performed or provided by the **Department** with reimbursement for the costs thereof by the **Municipality** as hereinafter set out.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the **Parties** do hereby covenant and agree, each with the other, as follows:

II. RESPONSIBILITIES

i. The **Municipality** will prepare plans or documents related to BO-2422 and shall submit to the Department for review and approval.

ii. The **Department** will review said plans and documents and provide comments and/or approval back to the **Municipality**, as applicable.

iii. The **Municipality** shall be responsible for payment as shown in the **COSTS AND FUNDING** Provision.

III. COSTS AND FUNDING

A. PROJECT COSTS

The **Municipality** shall reimburse the **Department** 100% of the actual cost of all work performed by the **Department**, including administrative costs. Based on the estimated cost of $10,000, the **Municipality** shall submit payment for $10,000 to the **Department's** Fiscal Section upon execution of this Agreement, per the attached “Remittance Guidance.” Both **Parties** understand that this is an estimated cost and is subject to change.

B. ADJUSTMENT OF FUNDING

Upon completion of the project, if actual costs exceed the amount of payment, the **Municipality** shall reimburse the **Department** any under payment within sixty (60) days of invoicing by the **Department**. The **Department** will charge a late payment penalty and interest on any unpaid balance due in accordance with G. S. 147-86.23. If the actual cost of

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the work is less than $10,000, the **Department** will reimburse the **Municipality** any overpayment.

IV. STANDARD PROVISIONS

A. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

B. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the **Municipality** set forth in this Agreement to other parties or entities.

C. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. OTHER AGREEMENTS

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

F. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

G. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred,

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suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

H. INDEMNIFICATION

The **Municipality** will indemnify and hold harmless the FHWA (if applicable), the **Department** and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability, including those that may be initiated by third parties, in connection with the Project activities performed pursuant to this Agreement including construction of the Project, except for those claims arising out of the errors, omissions, or negligence of the **Department**, its respective officers, directors, principals, employees, agents, successors, and assigns.

I. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

J. COUNTERPARTS AND ELECTRONIC SIGNATURES

i. This Agreement, and other documents to be delivered pursuant to this Agreement, may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document and will be effective when counterparts have been signed by each of the **Parties**. An image of a manual signature on this Agreement, or other documents to be delivered pursuant to this Agreement, will constitute an original signature for all purposes. The delivery of copies of this Agreement or other documents to be delivered pursuant to this Agreement, including executed signature pages where required, by electronic transmission will constitute effective delivery of this Agreement or such other document for all purposes.

ii. The **Parties** hereto further acknowledge and agree that this Agreement may be signed and/or transmitted by email or a PDF document or using electronic signature technology (e.g. DocuSign, Adobe Sign, or other electronic signature technology), and that such signed record shall be valid and as effective to bind the **Party(ies)** so signing as a paper copy bearing a handwritten signature. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the electronic signature technology, the **Parties** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes a signature as if actually signed in writing. The **Parties** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The

Parties acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the electronic signature technology, will have the same effect as physical delivery of the paper document bearing an original written signature.

K. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

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SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(DOCUSIGN ONLY)

TOWN OF APEX

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Fed Tax ID No: _____

Remittance Address:

_____

_____

Finance Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Print Name: _____

Title: _____

Date: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

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SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(INK SIGNATURES)

TOWN OF APEX

Attest:

By: _____

Title: _____

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Fed Tax ID No: _____

Remittance Address:

_____

_____

Finance Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

(DOCUSIGN)

DEPARTMENT OF TRANSPORTATION

By: _____

Print Name: _____

Title: _____

Date: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Craig Setzer, Director

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

Requested Motion

1. Motion to adopt a Resolution of the Apex Town Council authorizing the lease of a portion of Town property to Apex Lions Club.
2. Motion to approve a Lease Agreement between the Apex Lions Club, Inc and Town of Apex, effective until May 1, 2035, for $1.00 per year to maintain and use for the local boy scout troop, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

The original lease agreement between the Town of Apex and the Apex Lions Club expired on March 21, 2025, after a thirty (30) year term. Under the original agreement, the Apex Lions Club relocated the former Boy Scout Hut from Upchurch Street to its current location at Apex Jaycee Park.

This item includes a resolution and a proposed lease agreement to renew the Apex Lions Club's lease of the facility. The new lease term would extend through May 1, 2035, allowing the continued use of the property in support of the Club's civic activities and contributions to the community.

Attachments

- CN3-A1: Resolution - Apex Lions Club, Inc. - Jaycee Park - Boy Scout Hut Lease Agreement - August 12, 2025 through May 1, 2035
- CN3-A2: Lease Agreement - Apex Lions Club, Inc. - Jaycee Park - Boy Scout Hut Lease Agreement - August 12, 2025 through May 1, 2035
- CN3-A3: Certificate of Liability Insurance - Apex Lions Club, Inc. - Jaycee Park - Boy Scout Hut Lease Agreement - August 12, 2025 through May 1, 2035

RESOLUTION NO. 25-_____

RESOLUTION OF THE APEX TOWN COUNCIL AUTHORIZING
THE LEASE OF A PORTION OF TOWN PROPERTY TO
APEX LIONS CLUB FOR USE AS BOY SCOUT HUT

WHEREAS, the Town of Apex ("Town") owns property which is located at 451 W. Williams Street, known as Jaycee Park, and is more particularly described as PIN # 0742-00-5528 by the Wake County Revenue Department ("Property"); and

WHEREAS, the Apex Lions Club, Inc. desires to continue to lease the building on the Property known as the Boy Scout Hut, which it has leased since March 21, 1995; and

WHEREAS, the Town has received an offer from Apex Lions Club to lease the Boy Scout Hut for a term of ten years; and

WHEREAS, in consideration of leasing a portion of the Property as described in the proposed lease, Apex Lions Club shall pay $1.00 per year, maintain the Boy Scout Hut, and continue to provide the Boy Scout Hut for use by the local boy scout troop; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes the Town to enter into leases of up to 10 years upon resolution of the Town Council adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the required notice has been published and the Town Council is convened in a regular meeting.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Apex as follows:

The Town Council hereby approves the lease of a portion of the Property described above and in the proposed lease to Apex Lions Club, Inc. for a term expiring on May 1, 2035, and authorizes and directs the Town Manager to execute the lease and any instruments necessary to the lease. This Resolution is effective upon adoption.

Motion made by Council Member _____

Motion Seconded by Council Member _____

Approved by a vote of ____ to ____.

Adopted by the Apex Town Council this the 12th day of August 2025.

By:_____
Jacques K. Gilbert, Mayor

ATTEST:

_____
Allen L. Coleman, Town Clerk, CMC, NCCCC

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF WAKE

THIS LEASE AGREEMENT (hereinafter "**Agreement**") is made and entered into as of this _____day of _____2025 (the "**Effective Date**"), by and between THE TOWN OF APEX (hereinafter "**Landlord**") a North Carolina municipal corporation with its principal address at PO Box 250 Apex, NC 27502, and APEX LIONS CLUB, INC. (hereinafter "**Tenant**"), a North Carolina non-profit corporation with its principal address at 309 Holleman Street (PO Box 633) Apex NC, 27502.

W I T N E S S E T H:

WHEREAS, Landlord is the owner of that certain parcel of land located at 451 W. Williams Street, known as Jaycee Park, which includes that certain facility located therein, known as the Apex Boy Scout Hut (the "**Leased Premises**"); and

WHEREAS, Tenant leased the Leased Premises for thirty (30) years from Landlord under an Offer of Lease and Acceptance dated March 21, 1995 (the "**Expired Lease**") which expired on March 21, 2025; and

WHEREAS, Tenant and Landlord wish to enter this Agreement to renew the term of their lease until May 1, 2035, and revise the terms of the relationship between Landlord and Tenant according to the terms established by this Agreement; and

WHEREAS, Tenant is a local non-profit corporation engaged in community service, including facilitating the local Boy Scout program, and Landlord is authorized and desires to provide youth enrichment, recreation, and education programs; and

WHEREAS, Landlord has by Resolution determined that the Leased Premises will not be needed for the Landlord's use for the term of this Agreement.

NOW, THEREFORE pursuant to North Carolina General Statutes § 160A-272, and in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. **Defined Terms.** Capitalized terms used in the recitals shall have the meanings set forth therein.

2. **Leased Premises.** Landlord leases to Tenant and Tenant leases from Landlord the Leased Premises for the Tenants use as described herein.

3. **Term; Termination for Convenience.** The term of this Agreement shall be for a period that shall commence on the Effective Date set forth above and continue until May 1, 2035, the expiration date. Either party may terminate the Agreement at any time by giving the other party at least a one[illegible]n notice.

4. **Tenant's Responsibilities.** Responsibilities of the Tenant are as follows:

    a. Tenant shall pay to Landlord as rent the sum of One Dollar and 00/100 ($1.00) per year, payable in advance on the date of commencement of the Agreement and thereafter on or before the first day of each year during the term of the Agreement. All rent payable by Tenant shall be without previous demand, set off, or deduction. All money rent shall be paid to Landlord at the address to which notices to Landlord are given as set forth in the paragraph entitled "Notices" hereunder.
    b. Tenant may sub-lease the Leased Premises to a Boy Scout troop with or without consideration and without consent of the Landlord.
    c. Tenant shall make all arrangements for and pay for all utilities and services used by Tenant, including, without limitation, gas, electricity, water, sewer, and for all charges for initiation and maintenance of said services.

5. **Installation of Backflow Prevention Assembly**. Tenant shall install a backflow prevention assembly on the water service line for the Leased Premises. Tenant shall be responsible for acquiring the necessary permits to complete the installation.

6. **Tenant's Acceptance; Maintenance and Repair.** Upon occupancy of the Leased Premises, Tenant represents to the Landlord that it has examined and inspected the same, finds the leased premises to be as represented by the Landlord and satisfactory for Tenant's intended use and Tenant accepts the Leased Premises "as is." Tenant agrees to keep the Leased Premises in good order and repair and shall make any repairs to the Leased Premises necessary to keep it in such good order and repair, whether the repair is ordinary or extraordinary, structural or non-structural.

7. **Permitted Use**. Tenant shall use the Leased Premises for scout meetings and related activities. Tenant shall not use the Leased Premises in any manner that will constitute waste, nuisance, unreasonable annoyance to owners or occupants of adjacent properties or in any manner in violation of any law, regulation, or ordinance of any public authority.

8. **Destruction**. If during the term of this Agreement the Leased Premises are totally or partially destroyed from any cause, rendering the Leased Premises totally or substantially inaccessible or unusable, this Agreement shall terminate upon written notice to the other party.

9. **Insurance; Waiver of Subrogation**. Landlord shall maintain property damage insurance covering the Leased Premises through the N.C. League of Municipalities. Throughout the term of the lease, Tenant at its sole cost and expense shall keep for the mutual benefit of Landlord and Tenant (with appropriate cross-liability endorsements so showing) public liability and contents property damage insurance with combined single limited coverage of at least $1.0 million, which policies insure against all liability of Tenant, Tenant's authorized representatives, and anyone for whom Tenant is responsible arising out of or in connection with Tenant's use of the Leased Premises. All such policies shall be non-accessible and shall contain language, to the extent obtainable, without payment of a premium over that chargeable without such language, that (a) any loss shall be payable

notwithstanding any act or negligence of Landlord or Tenant that might otherwise result in forfeiture of the insurance, (b) that the policies are primary and non-contributing with any insurance that Landlord may carry, and (c) that they cannot be cancelled or changed except after 10 days' notice to Landlord. Anything in this Agreement to the contrary notwithstanding, to the extent covered by insurance, Landlord releases and waives unto Tenant, its successors and assigns, and Tenant releases and waives unto its Landlord, its successors and assigns, all rights to claim damages for any injury, loss, cost, or damage to persons or to the Leased Premises which is occasioned by fire, explosion, accident, occurrence or condition in, on or about the Leased Premises or any other casualty, if, and only if, the amount of which injury, loss, cost or damage has been paid either to Landlord, Tenant, or other damaged person, firm, or corporation, under the terms of any existing, prior, extended coverage, public liability, or other policy of insurance, to the extent such releases or waivers are permitted under applicable law. All policies of insurance carried or maintained pursuant to this Agreement shall contain or be endorsed to contain a provision whereby the insurer waives all rights of subrogation against either Tenant or Landlord provided that such a provision shall be obtainable. If insurance policies with such waiver of subrogation provisions shall not be obtainable or shall be obtainable only at a premium over that chargeable without such waiver, the party seeking such policy shall pay such additional premium. If any provision relating to a waiver of subrogation contained herein shall contravene any present of future law with respect to exculpatory agreements, the liability of the party affected shall be deemed not released but shall be secondary to the other's insurer.

10. **Indemnity**. Tenant shall hold Landlord harmless from all liability arising out of any damage or injury to any person or property occurring in, on, or about the Leased Premises, except that Landlord shall be liable to Tenant for damage resulting from the acts or omissions of Landlord or its authorized representatives. With respect to conditions or violations existing prior to the commencement of this Agreement, Landlord shall hold Tenant harmless in the event that Tenant incurs environmental liability related to the Leased Premises under an environmental law, rule, or regulation.

11. **Assignment and Subletting.** Tenant may not assign or encumber this Agreement and may not sublet any part or all of the Leased Premises without the prior written consent of Landlord, which shall be at Landlord's sole discretion, except for the use by one or more Boy Scout troops.

12. **Landlord's Remedies.** Landlord shall have the following remedies if Tenant commits a material default: (a) Landlord shall have the right to terminate this Agreement and Tenant's rights to possession of the Leased Premises and to reenter the Leased Premises upon giving 30 days’ notice of default and such default is not remedied within 30 days of such notice, and (b) upon termination, Landlord shall have the right to pursue its remedies at law or in equity to recover of Tenant all amounts of rent then due or thereafter accruing and such other damages as are caused by Tenant's default.

13. **Quiet Enjoyment.** Provided Tenant performs all his covenants, agreements and obligations hereunder, Landlord will warrant and defend Tenant in the peaceful and quiet

enjoyment of the Leased Premises, but only against the lawful claims of all persons claiming by, through, or under Landlord.

14. **Property of Tenant**. All property placed on the Leased Premises by, at the direction of or with the consent of the Tenant, their agents, licensees or invitees, shall be at the risk of the Tenant or the owner thereof and Landlord shall not be liable for any loss of or damage to said property resulting from any cause whatsoever.

15. **Surrender of Leased Premises; Holdover.** Tenant will deliver up the Leased Premises at the end of the term or upon termination hereof, in good order and condition, reasonable wear and tear excepted. If, for any reason whatsoever, Tenant does not vacate the Leased Premises and holds over after the termination of this Agreement, such holding over shall not be deemed to be a renewal of this Agreement but shall be deemed to create a tenancy-at-sufferance and by such holding over Tenant shall be deemed to have agreed to be bound by all of the terms and conditions of this Agreement except those as to the term hereof.

16. **Waiver.** The waiver by a Landlord of any breach of any covenant or agreement herein contained shall not be a waiver of any other default concerning the same or any other covenant or agreement herein contained.

17. **Notices.** All notices provided for in this Agreement shall be in writing and shall be deemed to be given when sent by certified mail, return receipt requested, addressed: a) to Landlord at P.O. Box 250, Apex North Carolina 27502 and b) to Tenant at PO Box 633 309 Holleman Street Apex, North Carolina 27502. Either party hereto may from time to time, by notice as herein provided, designate a different address to which notices to it shall be sent.

18. **Applicable Law.** This Agreement shall be governed by the laws of the State of North Carolina.

19. **Entire Agreement**. This Agreement shall constitute the entire agreement of the parties; all prior agreements between the parties, whether oral or written, are merged herein and shall be of no force and effect. This Agreement cannot be changed, modified, or discharged other than by an agreement in writing, signed by both Landlord and Tenant.

20. **Binding Effect**. Each and all of the covenants, terms, provisions, and agreements herein contained shall be binding upon and inure to the benefit of the parties hereto and, to the extent permitted by this Agreement, their respective heirs, executors, administrators, legal representatives, successors, and assigns.

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

22. **No Partnership**. This is a lease only. No partnership is created by the terms hereof.

23. **Miscellaneous.** Headings of paragraphs are for convenience only and shall not be considered in construing the meanings of the contents of such paragraph. The singular shall include the plural, and the masculine, feminine or neuter includes the other. Should Landlord institute any legal proceedings against Tenant for breach of any provision herein contained, and prevail in such action, Tenant shall in addition be liable for the costs and expenses of Landlord, including his reasonable attorneys' fees. This Agreement may not be recorded without Landlord's prior written consent, but either party agrees on request of the other to execute a memorandum hereof for recording purposes. Unless expressly provided in this Agreement that consent or approval may be made in a party's sole discretion, any consent or approval of a party required under this Agreement shall not be unreasonably withheld or delayed.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

LANDLORD: TOWN OF APEX

(SEAL)

by:_____
Randal E. Vosburg, Town Manager

ATTEST:

_____
Allen Coleman, Town Clerk

TENANT: APEX LIONS CLUB, INC.

by:_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/28/2025

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

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

PRODUCER Marsh & McLennan Agency LLC 8144 Walnut Hill Lane, 16th Floor Dallas TX 75231	**CONTACT NAME:** Laura Craig **PHONE (A/C, No, Ext):** 972-770-1402 **FAX (A/C, No):** 972-770-1699 **E-MAIL ADDRESS:** laura.craig@marshmma.com
INSURED BSALFLCA Boy Scouts of America, National Council and All of its affiliates and subsidiaries Occoneechee Council 421-Troop 209 and Pack 312 Weekly Meetings 3231 Atlantic Avenue Raleigh, NC 27604	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** Evanston Insurance Company — 35378 **INSURER B :** **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 1851896660 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X **COMMERCIAL GENERAL LIABILITY** CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			V3P0009148	3/1/2024	3/1/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG 	$ 1,000,000 $ 1,000,000 $ $ 1,000,000 $ 7,000,000 $ $
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) 	$ $ $ $ $
	UMBRELLA LIAB OCCUR **EXCESS LIAB** CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE 	$ $ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is named as an additional insured by virtue of a written or oral contract or by the issuance/existence of a permit or certificate of insurance but only with respect to operations by or on behalf of the Insured, or to facilities of, or facilities used by the Insured and then only of the limits of liability specified in such contract for the event specified. Primary and Non-Contributory applies as required by written contract or agreement. Waiver of Subrogation applies when required by written contract or agreement. Sexual Molestation coverage is incorporated in the policy and addressed by endorsement and is subject to the policy period, terms, limits and conditions of the policy.

For All Official Scouting Activities

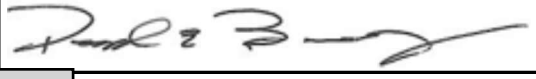
CERTIFICATE HOLDER

The Town of Apex, a North Carolina municipal corporation
P.O. Box 250
Apex NC 27502

CANCELLATION

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

AUTHORIZED REPRESENTATIVE



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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

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

Department(s): Planning

Requested Motion

Motion to approve a Renewal and Amendment No. 3 of Americans with Disabilities Act (ADA) Paratransit Services Agreement, between Wake County and the Town of Apex, effective July 1, 2025 through June 30, 2026, for GoApex Route 1 Bus also known as GoApex Door to Door, and authorizing the Town Manager to execute, or their designee, on behalf of the Town.

Approval Recommended?

Yes

Item Details

The ADA Paratransit Service Agreement between Town of Apex and Wake County establishes the terms and responsibilities for the operation of the GoApex Route 1 complementary paratransit service, known as GoApex Door to Door. The main purpose of this proposed amendment is to renew the agreement for another year, as well as to update the maximum operating cost to $105.96 per hour. This amendment also updates Attachment A, the GoApex ADA Paratransit Policy to remove the following language under the section on Schedule: *"At a to-be-determined date, GoApex Route 1 may begin operating on Sundays from 7:00am to 9:00pm and on all holidays except Thanksgiving Day and Christmas Day, and may operate a modified schedule on Christmas Eve."* This change is needed as Wake County has confirmed that they will not be able to expand paratransit service to include Sundays due to limitations of their contract with their contracted service provider. Town staff will be investigating other options.

Attachments

- CN4-A1: Agreement - Renewal and Amendment of ADA Paratransit Service Agreement with Wake County - Fiscal Year 2025-2026
- CN4-A2: Attachment A: GoApex ADA Paratransit Policy

STATE OF NORTH CAROLINA

ADA PARATRANSIT AGREEMENT AMENDMENT AND RENEWAL #3

COUNTY OF WAKE

This ADA Paratransit Services Agreement Amendment and Renewal #3 (the, or this **"Renewal #3"**) is made and entered into this ___ day of _____, 2025 by and between the Town of Apex, a municipal corporation of the State of North Carolina ("**Town**"), and Wake County, a political subdivision of the State of North Carolina ("**County**"). Town and County may hereinafter be referred to collectively as the "**Parties.**"

W I T N E S S E T H

WHEREAS the Town and County entered into an agreement entitled, "ADA Paratransit Services Agreement" on or about July 1st, 2022 (the **"Agreement"**) in which the County agreed to serve as the general Americans with Disabilities Act paratransit operator for the Town in accordance with the GoApex Paratransit Policy; and

WHEREAS the Parties entered into an ADA Paratransit Services Agreement Amendment and Renewal (hereinafter "Renewal #1") on July 1, 2023, which amended and renewed the Agreement; and

WHEREAS the Parties entered into an ADA Paratransit Services Agreement Amendment and Renewal #2 (hereinafter "Renewal #2") in February, 2025, which amended and renewed the Agreement through June 30, 2025; and

WHEREAS the Parties desire to again renew the Agreement in accordance with its terms as well as update certain provisions of the Agreement to address the increase in costs of paratransit trips and to make minor adjustments to the attachments incorporated into the Agreement as the need arises; and

WHEREAS, both Parties wish to memorialize the same through this Renewal #3 and amend certain provisions of the Agreement.

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

1. Record Keeping, Reporting and Reimbursements. Section 3 of the Agreement, entitled "Record Keeping, Reporting and Reimbursements," subsection "B" is hereby amended to read as follows:

- The invoice will include the actual cost of each trip plus the portion of the annual fee prorated for each month. The cost of each paratransit trip will be adjusted to account for the number of passengers and the number of funding sources contributing to the cost of the entire trip, as this is a shared ride service. In no event shall the cost attributed to the Town exceed $105.96 per hour per trip. The County will include trip cost details in the monthly invoice. The annual overhead fee shall include:
- $5,000 for annual overhead to Wake County.

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

The total annual overhead cost for the first year of Service shall be $20,260 or $1,688.33 per month. The total annual overhead cost for subsequent years of Service shall be $19,060.00 (Nineteen Thousand, Sixty Dollars and Zero Cents) or $1,588.33 per month.

2. Appendices. Attachment A, including all appendices of Attachment A, are hereby amended as shown in the attached which are hereby incorporated into this Renewal #3.

3. Renewal. In accordance with Section 20 of the Agreement, the Parties hereby agree to renew the Agreement, as amended, for one year beginning July 1, 2025, and ending June 30, 2026, unless further renewed or terminated in accordance with the Agreement.

4. Effective Date. This Renewal shall be effective upon execution by both Parties.

The Agreement, Renewal #1, and Renewal #2 are not otherwise modified except as provided herein.

IN WITNESS WHEREOF, the Parties have entered into this Renewal effective this ___ day of _____, 2025.

Wake County

By: _____
Wake County Manager or Designee

By: _____
Antonia Pedroza, MBA, MHA
Director, Wake County Social Services
The person responsible for monitoring Wake County's contract performance requirement is Anita Davis.

Department Head Initials: _____

By: _____
Annemarie Maiorano
Deputy Director of Operations
Wake County Social Services

Town of Apex

_____
Randal E. Vosburg, Town Manager

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

_____
Jessica Murphy-Rhem, Interim Finance Director

DRAFT

DRAFT

Attachment A

2025

Americans with Disabilities Act Paratransit Policy

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Introduction

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

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

1. Availability in the same area served by the fixed route. Specifically, service must be made available to all origins and destinations within a width of ¾ of a mile on each side of each fixed route. This includes an area within ¾ miles radius at the end of each fixed route as well;
2. Available to any ADA Paratransit eligible persons at any requested time on any particular day in response to a request for service made the previous day;
3. ADA Paratransit fares that are no more than twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day on the fixed route system;
4. There can be no trip restrictions or priorities based on trip purpose;
5. Service must be made available to eligible persons on a next day basis; and
6. There can be no constraints on the amount of service that is provided to any eligible person. Specifically, there can be no operating practice that significantly limits the availability of service to ADA Paratransit eligible individuals.

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

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

Transit Service Providers

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

Transit Service Area, Trip Type, Trip Purpose, Schedule

<u>Service Area</u>

A map of GoApex Route 1 is attached as Appendix A. This route is accessible to persons with disabilities and persons who use wheelchairs. GoWake Access will provide ADA paratransit service to origins and destinations within the paratransit service area of GoApex Route 1, which is the area within ¾-mile of

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

Service Type and Trip Purpose

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

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

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

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

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

Schedule

GoApex Door to Door paratransit service currently operates Monday through Saturday from 6:00am – 10:00pm and will not operate on the following holidays: New Year's Day, Martin Luther King Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day.

To ensure that complementary paratransit drivers can complete their drop-offs no later than the latest fixed route drop-off, GoWake Access may establish a latest-available return-trip pickup time that reflects the likely travel times for requested trips.

Fleet Inventory, Vehicle Requirements, and Lift Securement and Use

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

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

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

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

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

Eligibility Requirements, Application Process, and Appeals

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

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

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

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

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

Reservations

Making Reservations and Waiting Lists

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

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

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

Pickup Times

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

Drop-off Times

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

No Show Definition and Policy

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

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

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

Accompanying Passengers, Attendants and Companions

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

Assistance

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

Packages

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

Accommodating Other Mobility Devices, Life Support Equipment or Service Animals

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

Use of Portable Oxygen/Respirator Equipment

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

Other Assistance

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

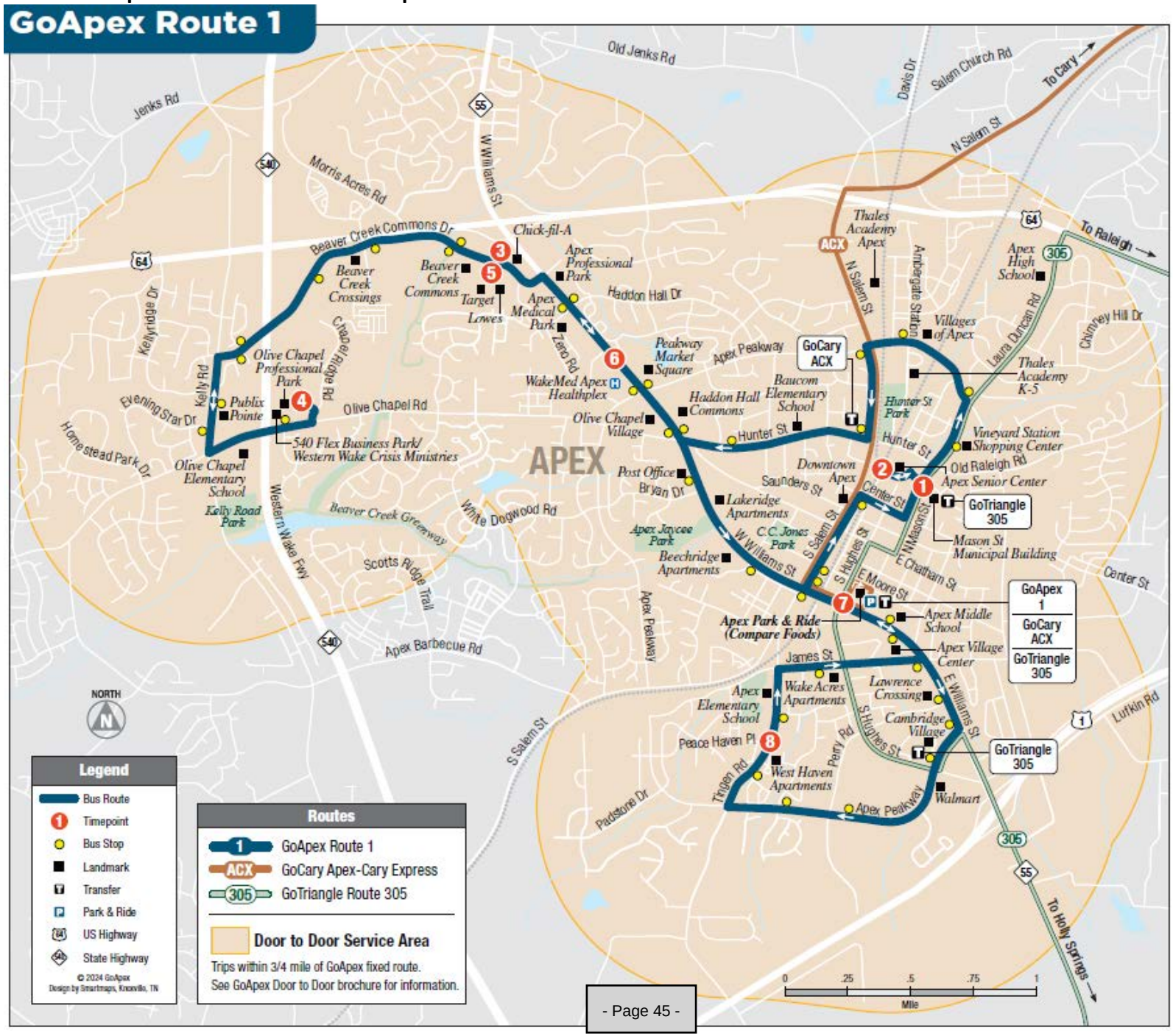
Appeals Process

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

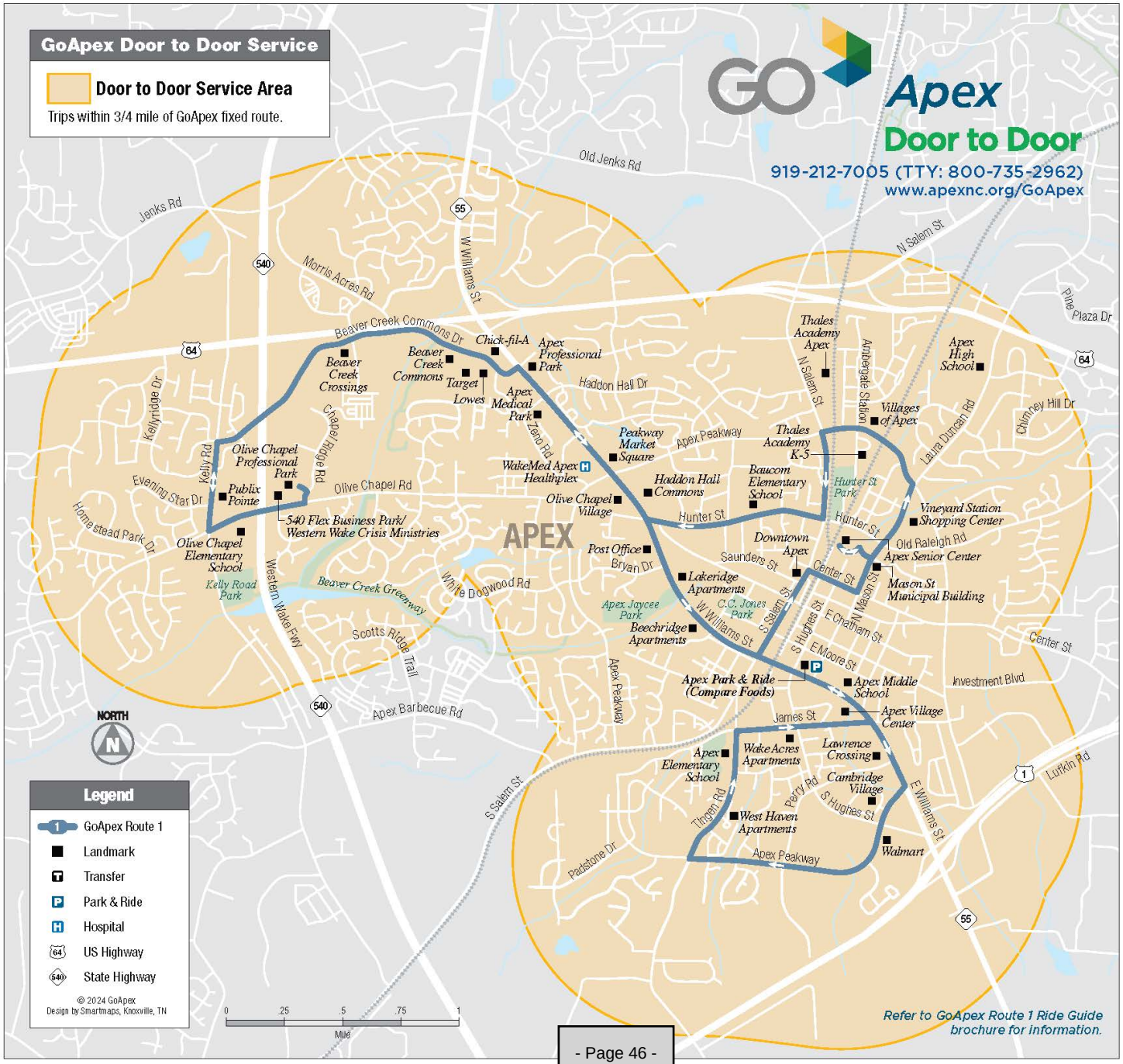
Attachments:

Appendix A: GoApex Route 1 Fixed Route Map
Appendix B: GoApex Route 1 Paratransit Service Area Map
Appendix C: GoApex Route 1 ADA Paratransit Capacity Constraints Policy and Procedures
Appendix D: Town of Apex Door to Door Application
Appendix E: Town of Apex Appeal Process
Appendix F: Town of Apex No-Show Policy
Appendix G: Subscription Service Policy

Appendix A: GoApex Route 1 Fixed Route Map



Appendix B: GoApex Route 1 Paratransit Service Area Map



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

GoApex Route 1: ADA Paratransit Capacity Constraints Policy and Procedures

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

Excessive Trip Length Policy and Standard

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

Data Analysis Procedures

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

Appendix D: GoApex Paratransit Service Application

www.apexnc.org/GoApex

Application for GoApex Door to Door Complementary ADA Paratransit Service

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

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

Instructions

Applicants should complete and sign parts A and B of the application. A qualified human services or medical professional with knowledge of your disability must then complete Part C. The fully completed, signed application must then be submitted to GoWake Access for review.

Once your completed application is received it will be reviewed for eligibility. You will be notified in writing of the determination of eligibility within 21 days by GoWake Access. If eligibility is not determined within 21 days of receipt of a completed application, the applicant will be treated as eligible and provided service until a final eligibility determination is made.

Submit your application by Mail to:

GoWake Access
Attn: GoApex ADA Eligiblity Intake
4401 Bland Rd
Raleigh, NC 27609

OR, Submit your application by Email to:
TransportationADAApplications@wake.gov

Version Effective September 2023

Application

Please complete Parts A and B, then have a medical professional with knowledge of your disability complete Part C. This application will not be reviewed for eligibility until all three parts have been completed.

Date of Application: _____

Part A. General Information (please complete all fields)

Name _____

Date of Birth _____

Physical Address _____

City _____ State _____ Zip Code _____

Mailing Address (if different) _____

City _____ State _____ Zip Code _____

Home Phone _____ Cell Phone _____

Email Address _____

Note: *By providing your email address, you agree to receive email communication from GoWake Access and/or The Town of Apex. If you subscribe to the email service option, your email address will not be given to third parties in accordance with state law. We will only use the email to: (1) communicate with you about GoApex matters; (2) share emergency information with you; and/or (3) contact you regarding any email subscriber administrative issues that may arise. For questions, please call (919) 249-1043 or (919) 212-7005.*

Part A, Continued:

Emergency Contact Information

Name _____ Relationship _____

Home Phone _____Cell Phone _____

Are you:

Deaf / Hard of Hearing ☐ Yes ☐ No

Dial 711? ☐ Yes ☐ No

Part A, Continued:

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

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

Other (please explain):

If you use a wheelchair or scooter:

What is the combined weight (_____ lbs) of the passenger and the wheelchair/scooter?

What is the length (_____ inches) and width (_____ inches) of the wheelchair/scooter?

Is your home equipped with a wheelchair ramp? ☐ Yes ☐ No

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

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

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

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

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

Printed Name: _____

Signature: _____

Daytime Telephone Number: _____

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

Applicant Name _____

Part B. Disabling Condition and Certification

1. What is the disability or health condition that prevents you from using GoApex's fixed route buses? (Please be specific but use layman's terms).

2. How does this disability or health condition limit or prevent you from using GoApex's fixed route service? Please be specific.

3. Are the conditions you described:

   ☐ Permanent ☐ Vary day to day ☐ Temporary

   If Temporary, what is the anticipated end date? _____

4. Do you have medically defined cold sensitivity? ☐ Yes ☐ No

   Above or below what temperatures? _____

   If Yes, please explain: _____

5. Do you have medically defined heat sensitivity? ☐ Yes ☐ No

   Above or below what temperatures? _____

   If Yes, please explain: _____

Part B, Continued:

6. Do other weather conditions affect your disability? ☐ Yes ☐ No

   If Yes, please explain:

7. Do you have a visual impairment? ☐ Yes ☐ No ☐ Sometimes

   If Yes or Sometimes, please explain:

8. Is your breathing affected by weather or environmental conditions?
   ☐ Yes ☐ No ☐ Sometimes

   If Yes or Sometimes, please explain:

9. Are any of the following skills affected by your disability?

   If the answer is Sometimes, Never, or Not Sure, please explain by describing the effect and the extent of limitation caused by the disability.

   Applicant can:

   a) Cross a street with ☐ 2-3 lanes ☐ 4-6 lanes ☐ Never

      Comments: _____

   b) Step on/off curbs ☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

      Comments: _____

Part B, Continued:

c) Stand on a moving bus holding onto a handrail

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

If sometimes, how long (in minutes)?_____

Comments: _____

d) Find my own way to the bus stop without assistance

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

e) Find my own way to the bus stop if I receive training

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

f) Travel alone outside the house

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

g) Leave the house on time

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

Part B, Continued:

h) Seek and act on directions

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

i) Safely and independently travel ¼ of a mile (4 blocks) without help from another person

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

j) Wait at a bus stop ☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

If sometimes, how long (in minutes)? _____

Comments: _____

k) Board the correct bus ☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

l) Transfer from one bus to another

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

m) Exit at the correct destination

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

Part B, Continued:

n) Tell/monitor time ☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

o) Walk on hills/steep terrain

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

p) Deal with unexpected situations

☐ Always ☐ Sometimes ☐ Never ☐ Not Sure

Comments: _____

10. If GoApex offered free training on how to ride the fixed route buses, would you be interested?

☐ Yes ☐ No

If No, please explain: _____

_____

11. Do you require a Personal Care Attendant (PCA) to assist with travel? A PCA is any individual who assists you with carrying out your life activities and is different than a guest or companion. Your PCA may accompany you at no additional charge.

☐ Yes, Sometimes ☐ Yes, Always ☐ No

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

☐ Feet ☐ Blocks ☐ Miles

Applicant Name _____

Authorization for Release of Information

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

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

C. Health Care Provider Verification

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

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

Dear Verifying Professional:

You are being asked by the applicant named in Part A of this application to provide information regarding their ability to use the public transportation services of GoApex, as described in Part B. GoApex provides transportation services to eligible persons with disabilities who cannot use regular fixed route bus services. The information you provide

will allow us to evaluate the request and determine the individual's specific needs. Thank you for your cooperation in this matter.

PLEASE NOTE: The GoApex fixed route bus service available within the Town of Apex is accessible to persons with disabilities.

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

- Conditions which prevent them from getting to or from a GoApex fixed route bus stop, or transferring between vehicles **and/or**

- Conditions which prevent them from being able to plan for, board, ride, or disembark an ADA accessible fixed-route vehicle

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

By Mail: GoWake Access
Attn: GoApex ADA Eligibility Intake
4401 Bland Rd
Raleigh, NC 27609

By Email: TransportationADAApplications@wake.gov

(PLEASE PRINT)

Name of Applicant: _____

1. Capacity in which you know the applicant: _____

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

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

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

   ☐ Yes ☐ No

5. Is the applicant's disability:

   ☐ Physical ☐ Cognitive ☐ Psychological ☐ Other

6. What is the applicant's disability (Please be specific but use layman's terms)?

7. What is the date of onset? _____

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

   ☐ Yes, Sometimes ☐ Yes, Always ☐ No

   If Sometimes or Always, please explain:

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

☐ Yes, Sometimes ☐ Yes, Always ☐ No

If Sometimes or Always, please explain:

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

☐ Feet ☐ Blocks ☐ Miles

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

☐ Temporary: Approximate expected duration until ____ ____ _____

☐ Long-term: Potential for improvement or periods of remission

☐ Permanent: No expectation of functional improvement

I have read Parts A and B in their entirety ☐ Yes ☐ No

I agree with the information provided in Part B ☐ Yes ☐ No

If no, please explain:

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

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

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

Please explain conditions:

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

Printed Name _____

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

Organization/Practice _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____

Fax #: _____

Email address: _____

Signature: _____ **Date**: _____

Applicant Name _____

FOR GOWAKE ACCESS USE ONLY

APPROVED ____ DENIED ____

UNCONDITIONAL ____ CONDITIONAL ____ TEMPORARY ____

ISSUED BY _____ TITLE _____

DATE _____ FILE NUMBER _____

Appendix E: GoApex Appeal Process

Denial of Paratransit Service

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

ADA Application Appeals

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

Appeals may be mailed to:

ATTN: Paris Butler, GoWake Access
4401 Bland Road Raleigh, NC 27609

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

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

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

Denial of Paratransit Service Due to No-Show:

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

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

Appendix F: GoApex No Show Policy

No-Shows and Late Cancellations

No-Show and Late Cancellation policies will be in compliance with the ADA and CFR. To avoid a No-Show or late cancellation, the client must be ready at the designated place for pickup within the pickup window given by the Customer Service Representative.

No-Show

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

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

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

Late Cancellation

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

No-Shows Beyond Passenger’s Control

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

Subsequent Trips

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

No-Show Notifications

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

Pattern and Practice of No-Shows

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

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

Suspension Periods

The following suspension periods shall apply:

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

Notification of No-Show Policy

ADA Patron Address

Dear

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

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

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

Thank you for your patronage.

Appendix G: Subscription Service Policy

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

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

Subscription Trip Cancellations:

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Matt Wetherell, Facilities and Grounds Manager

Department(s): Public Works

Requested Motion

Motion to ratify a (1) one-year service agreement between the KONE, Inc and the Town of Apex, to provide elevator maintenance, repair, and emergency communication services for Mason Street Municipal Building, effective July 1, 2025 through June 30, 2026, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

This agreement with KONE, Inc. provides the Town with monthly preventative maintenance and emergency communication services for the elevator at the Mason Street Municipal Building. These services include video communication capabilities and 24/7 emergency monitoring, ensuring the elevator remains in compliance with NC Department of Labor requirements. The agreement covers services for the entirety of FY2026.

The maintenance and emergency communication services for the elevator are no longer covered under the building's initial warranty period, and Town staff evaluated alternate service providers. However, due to proprietary communication technology installed in the elevator, other contractors were unable to provide the necessary emergency communication services. As a result, continuing service through KONE, the manufacturer and initial maintenance provider, was necessary.
To avoid a lapse in critical monthly inspections and communication services, staff executed a one-year agreement with KONE at the beginning of July. KONE required use of their standard contract, which includes

indemnification language that limits their liability except in cases of negligence. Agreements that include such indemnification clauses require ratification by Town Council. Town Legal staff has reviewed the agreement and determined the language presents minimal risk and does not preclude Council approval.

The total cost of the one-year agreement is $8,409.26.

Attachments

- CN5-A1: Agreement Ratification - KONE, Inc. - Elevator Maintenance, Repair, and Emergency Communication Services - Mason Street Building - July 1, 2025 through June 30, 2026

Dedicated to People Flow™

Purchaser ("Purchaser"):	Service Location ("Premises"):	KONE Inc. ("KONE")
Town of Apex 322 North Mason St. Apex, North Carolina 27502	Apex Municipal Bldg. - Conversion 322 North Mason St. Apex, North Carolina 27502	Carolinas Main Office 1501 Center Park Dr. Charlotte, North Carolina 28217

TENDER DATE: 02/04/2025

EFFECTIVE DATE: 07/01/2025

SCOPE OF SERVICES

1. **EQUIPMENT DESCRIPTION ("Equipment")**

Manufacturer	Type	Sub-Type	Count
KONE	Elevator	MRL	1

2. **SERVICES**

KONE will provide the labor to perform maintenance visits to examine and/or lubricate the following equipment areas per twelve month period.

- Control system
- Power unit and/or machines
- Hydraulic system accessories
- Hoistway and pit equipment
- Door equipment
- Signals and accessories
- Rails and guides

KONE will provide all lubricants, greases, and wiping cloths.

If KONE identifies items, which, in KONE's judgment, require replacement or repair, KONE will submit to Purchaser a separate proposal and contract for Purchaser's signature. KONE makes no guarantee that its examination will identify any items that require replacement or repair.

3. **TESTING**

KONE is not obligated to: perform safety tests other than those specified herein; perform any work required by new or retroactive code changes; perform tests required or correct outstanding violations or deficiencies identified prior to the effective date. Unless specifically provided for in this section; a written Maintenance Control Plan (MCP) and documented testing procedures are not included, even when required by current code, as such that code may be changed or amended from time to time by local jurisdictions. KONE is not responsible for providing documentation onsite, as all reporting and testing records are available digitally.

4. **HOURS OF SERVICE**

All services described above in this Agreement will be performed during the regular working hours of the regular working days of the elevator or escalator trade in the location where the services are performed, unless otherwise specified in the Agreement.

5. **REPORTING SERVICES**

KONE may provide Purchaser with access to KONE's online reporting tool. Based on the Purchaser's user access, Purchaser can view information about the performance and service of the Equipment. KONE may provide Purchaser with automatic email notifications that provide information on work performed.

6. **EXCLUSIONS**

This Agreement does not include hydraulic fluids.

No labor, except specified herein, parts or supplies will be furnished under this Agreement.

KONE shall not be obligated to: perform safety test other than those specified herein; install new attachments or make equipment changes, repairs or adjustments, corrected outstanding violations or deficiencies.

7. **REMOTE MONITORING**

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If the Equipment is equipped with remote monitoring capabilities, Purchaser gives KONE the right to utilize this functionality and the phone line to the Equipment to collect data related to the use and operation of the Equipment.

8. **SAFETY**

Purchaser will provide a safe workplace for KONE personnel and safe access to the equipment, property and machine room areas and keep all machine rooms and pit areas free from water, stored materials and debris; remove and dispose of any hazardous materials, water or waste according to applicable laws and regulations; post any and all instructions and warnings related to the use of the equipment. Purchaser will be solely responsible for proper use, for supervising the use of the equipment, and for taking such steps including but not limited to providing attendant personnel, warning signs and other controls necessary to ensure the safety of the user or safe operation of the equipment.

Escalator or automatic walks have the potential for end user injuries from passengers falling over the side of the escalator balustrade or autowalk platform to a lower level below when passengers ride the equipment in an unsafe manner. Therefore, although not required by ASME A17.1/CSA B44, KONE strongly recommends that you consult with your architect, structural engineer, contractor, security personnel, or other qualified building professional to review your operations and options to develop an appropriate fall protection solution to limit exposure to falls from your elevated equipment.

If in KONE's sole judgment the equipment presents a safety hazard to the riding public or KONE's technicians (including but not limited to Purchaser's act of creating or allowing unsafe practices or conditions or Purchaser's failure to authorize necessary repairs or upgrades), KONE may immediately terminate this Agreement in its entirety upon written notice. To the extent that KONE provides Purchaser with any oral or written account, report, information, or other statement identifying a safety issue with the equipment that is the subject of the Agreement or otherwise makes any recommendation or proposal to make a safety improvement or to address a safety issue related to such equipment, and Purchaser does not immediately approve KONE's proposal or recommendation, Purchaser agrees to indemnify, defend, and hold KONE harmless for any claims arising out of Purchaser's failure to comply with KONE's recommendations and proposals, and any obligation on the part of KONE to indemnify or defend Purchaser with regard to such claim shall be null and void.

9. **NOTICE OF MALFUNCTION OR INJURY**

As to any elevator or escalator equipment that is the subject of the Agreement, Purchaser will: (i) immediately shut down any such equipment that presents a potential safety hazard; and (ii) provide prompt verbal notice to KONE's Service Center of such hazard. Purchaser will immediately notify KONE's Service Center of any injury or accident in or about such equipment, followed by prompt written notice of such injury or accident. Any indemnity of Purchaser provided by KONE under the Agreement becomes null and void and will not be considered in interpreting the Agreement if Purchaser does not take the action or provide the notice required by this provision.

10. **THIRD PARTY SERVICES**

A. All services within the scope of this Agreement must be performed by KONE or its subcontractors, if any. If Purchaser causes or permits a third party to perform the same or substantially the same services required by this Agreement, Purchaser shall be deemed in breach of this Agreement and Purchaser waives all claims against KONE arising from or related to a third party's performance of such services.
B. If Purchaser determines that it requires any services outside the scope of this Agreement, Purchaser will provide KONE with an opportunity to provide a quotation for such services or to meet any offer from a third party. If KONE agrees to meet a third party offer, Purchaser will enter into a separate contract with KONE for such services. If Purchaser elects to have a third party perform the services, KONE reserves the right to adjust the price of this Agreement.
C. If a third party works on the equipment during the term of this Agreement, KONE reserves the right to inspect the equipment and may determine that re-work, different or additional work is required. Purchaser will reimburse KONE for the cost the inspection and any additional work required. If Purchaser declines to have KONE perform the additional work, KONE reserves the right to cancel the Agreement upon written notice to Purchaser.

11. **NON-KONE EQUIPMENT**

If the equipment covered under this Agreement was not manufactured by KONE (or a company acquired by KONE), Purchaser will: (i) provide KONE with a complete set of as-built wiring diagrams, (ii) Purchaser will procure and pay for replacement parts or proprietary diagnostic devices from the OEM, if requested by KONE, and (iii) provide Maintenance Control Plan (MCP) test procedures as required by current code, as that code may be changed or amended from time to time. KONE will reimburse Purchaser for the actual cost paid by Purchaser for OEM parts acquired at KONE's request. KONE is not responsible for any delays, damages, cost, or claims arising from or in connection with Purchaser's failure to provide OEM parts or proprietary diagnostic devices in a timely manner. Purchaser authorizes KONE to produce single copies of the EPROM and/or ROM chips for each unit for the sole purpose of an archive backup of the embedded software to allow for replacement of a defective or damaged chip. These will be stored on the building premises and the Purchaser retains possession.

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TERMS AND CONDITIONS

1. **TERM AND TERMINATION**

   A. This Agreement will commence on the effective date and continue for an initial period of ONE (1) year and is non-cancelable. This Agreement will thereafter automatically renew for successive terms of ONE (1) year. Either party may terminate this Agreement at the end of the initial ONE (1) year term or at the end of any subsequent ONE (1) year term by giving the other party no less than ninety (90) days nor more than one hundred twenty (120) days written notice, via certified mail, prior to the expiration date of the then current term of the Agreement.
   B. If a party materially breaches the Agreement, the other party shall provide written notice of the breach and a reasonable time under the circumstances to cure the breach, but in no event less than a thirty (30) days cure period. If the breaching party fails to cure the breach within the specified time period, the non-breaching party may terminate the Agreement upon fifteen (15) days written notice to the other party.
   C. Upon termination of the of the Agreement, a $500 decommissioning and transfer fee shall apply for any elevator phone that needs reprogramming to a different number for emergency monitoring.

2. **CANCELLATION**

   If Purchaser cancels or otherwise terminates the Agreement in any way inconsistent with the termination provisions of the Agreement, such cancellation will constitute a material breach of the Agreement. In such case, Purchaser will pay as a cancellation fee an amount equal to fifty percent (50%) of the balance of the total price owed for the remaining term of the Agreement. Notwithstanding anything to the contrary in the Agreement, the cancellation fee will be paid by Purchaser immediately upon receipt of KONE's invoice. Purchaser will reimburse KONE for all costs of collection, including without limitation court costs and reasonable attorneys' fees.

3. **ASSIGNMENT**

   Either party may assign the Agreement to a third party upon thirty (30) days prior written notice to the other party subject to the terms of this provision. If Purchaser transfers ownership of the premises on which such equipment is located to a new owner, Purchaser will promptly provide KONE with new owner's contact information and take all such actions as are necessary to assign the Agreement to the new owner. Purchaser will promptly provide KONE with a copy of such assignment. Should the new owner fail to assume this Agreement, Purchaser shall remain liable for all unpaid amounts, including those owed for the balance of the current unexpired term of this Agreement.

4. **PRICE ADJUSTMENTS**

   If the term of the Agreement exceeds one (1) year, KONE may automatically adjust the price annually effective on the first maintenance invoice in each new calendar year. This adjustment will be equal to the percentage increase or decrease in KONE's straight time hourly labor cost. KONE's straight time hourly labor cost equals the sum of the straight time hourly rate plus the cost of fringe benefits and applicable taxes, including without limitation welfare, pension, vacation, paid holidays, insurance and other union contributions, paid to personnel where the Equipment is located. KONE reserves the right to add annual surcharges to the price of the Agreement, including without limitation, cost of materials, changes to government regulations, other administrative costs, adjustments for the then current price of fuel and charges for disposal or other environmental requirements, such surcharges to be specified by KONE in its sole discretion and invoiced by KONE and paid annually by Purchaser.

5. **PAYMENT TERMS**

   Payment is due net thirty (30) days from the date of the invoice. A charge of the greater of: (i) one and one half percent (1½%); or (ii) the maximum rate permitted by applicable law, will be applied to the unpaid balance. Purchaser will reimburse KONE for all costs of collection, including without limitation court costs and reasonable attorneys' fees.

   KONE imposes a surcharge for payment made via credit card that is not greater than our cost of acceptance. The surcharge that we impose for this type of transaction is a percentage of the amount paid via credit card, which will be notified to the customer at the payment portal.

6. **SUSPENSION OF SERVICE**

   If Purchaser fails to pay any invoice within the specified payment terms or if Purchaser breaches any material provision of the Agreement, KONE may stop work or suspend its services under this Agreement and/or other contracts with the Purchaser until all invoices are current or Purchaser cures the breach. Any requests for service during the period of suspension of service or repairs necessitated by the lack of maintenance service will be invoiced by KONE and paid separately by Purchaser. If Purchaser fails to make timely payment, any indemnity provided by KONE under the Agreement is null and void as to any damages that arise during the suspension period for non-payment. Purchaser waives all claims against KONE arising from or related to suspension of service pursuant to this provision.

7. **TAXES**

   Purchaser is responsible for the payment of all federal, state, or local taxes applicable to the services or materials provided under the Agreement.

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8. **INSURANCE AND INDEMNIFICATION**

KONE will provide its standard certificate of insurance.

To the extent permitted by law, each party will indemnify, defend, and hold the other party harmless from and against any and all claims, demands, actions, suits, proceedings, judgments, damages, loss, liabilities, costs, or expenses, including without limitation court costs and reasonable attorney's fees, arising from or related to the indemnifying party's sole negligence or willful misconduct in performance of the Agreement. Each party is responsible for its share of any comparative or contributory negligence without indemnity by the other party. Each party's indemnity obligations are expressly conditioned on the indemnified party: (i) giving the indemnifying party prompt written notice of each claim; (ii) promptly tendering to the indemnifying party the defense or settlement of each claim; and (iii) cooperating with the indemnifying party at the indemnified party's expense in defending or settling each claim. If an indemnified party does not comply strictly with the terms of this provision, the indemnifying party's indemnity obligations will become null and void and will not be considered in interpreting the Agreement.

9. **LIMITATION OF LIABILITY**

A. Notwithstanding anything to the contrary in this Agreement, KONE's total liability to Purchaser under the Agreement is limited to the total amount paid by Purchaser to KONE during the calendar year in which the liability occurred.
B. In no event will either party be liable to the other party for indirect, incidental, consequential, special, exemplary, or punitive damages of any kind or nature arising from or related to performance of the Agreement, including without limitation loss of profits, loss or inaccuracy of data, or loss of use damages, even if the party has been advised of the possibility of such damages and even if under applicable law such damages would not be considered for indirect, incidental, punitive, special, or consequential damages. Each party hereby waives its rights to such damages to the fullest extent permitted by applicable law.
C. If there is any litigation between the parties with respect to this Agreement or the subject matter hereof, the prevailing party in such litigation shall be entitled to collect all of its costs and expenses in such litigation, including reasonable attorney's fees and court costs, from the other party.

10. **U.S. GOVERNMENT SALES**

If the product(s) or service(s) provided under this Agreement are for end use by a federal, state or local government customer, KONE makes no representations, certifications or warranties whatsoever with respect to the ability of its product(s), service(s) or price(s) to satisfy any applicable federal, state or local statutes or regulations, including without limitation the Federal Acquisition Regulation ("FAR").

11. **FORCE MAJEURE**

KONE shall not be liable for any loss, damage, claim, or delay due to any cause beyond KONE's control, including, but not limited to, acts of domestic or foreign government (including a change in law), strikes, lockouts, work interruption or other labor disturbance, delays caused by others, fire, explosion, theft, floods, inclement weather, riot, civil commotion, war, malicious mischief, infectious diseases, epidemic, pandemic, quarantine , border or port of entry and exit restrictions or acts of God. In the event of such delays, KONE shall be entitled to an extension in time equal to the length of such delay affecting KONE and an equitable adjustment in the Price. Customer shall compensate KONE for labor and material cost escalations resulting from Project delays not caused by KONE, which extend completion of KONE’s work beyond the end of the current calendar year. Customer is on notice that IUEC labor rates increase annually.

12. **VENUE**

The exclusive venue for any dispute between the parties shall be in the County and State of the KONE office as set forth on Page 1.

13. **PROPERTY RIGHTS**

A. KONE will provide Purchaser with any information or materials that it provides generally to all its customers in the ordinary course of its business. Any tools, devices, or other equipment that KONE uses to perform its services or monitor the Equipment remains the sole property of KONE. If this Agreement terminates or expires for any reason, Purchaser will give KONE access to the premises to remove such equipment at KONE's expense.
B. KONE retains all rights, title, and interest, including all intellectual property rights, in and to the written materials it provides to Purchaser or uses to perform its services, including without limitation shop drawings, technical documentation, and user manuals, and to any software provided with the equipment. Purchaser will not use such software except in connection with the use and operation of the Equipment. Purchaser will not reverse engineer or otherwise attempt to obtain the source code of any software in object code form.

14. **MISCELLANEOUS**

The Agreement, including any attachments, supersedes all prior written or oral negotiations, commitments, agreements, and understandings between the parties relating to the subject thereof, and constitutes the entire agreement between the parties with respect to the subject matter hereof. The Agreement is not effective until signed by KONE's authorized representative or until KONE commences work under the Agreement. The Terms and Conditions set forth herein shall prevail over and supersede any terms and conditions contained in any documents provided by Purchaser. Notwithstanding anything to the contrary in this Agreement, if Purchaser causes or permits KONE to commence performance of services, Purchaser accepts the terms and conditions of this Agreement. The Agreement may not be modified, amended, canceled, or altered by custom and usage of trade or course of dealing. Any section headings are for convenience only and will not in any way limit the scope or affect the interpretation of any provision of the Agreement. In the event any part of the Agreement is determined to be invalid or non-enforceable, the remaining part or provisions will continue in full force and effect. Failure or delay by a party to exercise any right, remedy, power, or privilege accorded by the

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Agreement does not constitute a waiver of such right, remedy, power, or privilege. A waiver is effective only if in writing and signed by the waiving party. A written waiver of default will not operate as a waiver of any other default or of the same default in the future. The terms and conditions of the Agreement that by their sense and context are intended to survive expiration or termination of the Agreement will so survive, including without limitation the making of all payments hereunder.

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PRICE

$605.00 per month payable by Purchaser annually in advance ($7,260.00 per annual installment). If Purchaser does not sign this Agreement within 45 days after the tender date above, KONE reserves the right to submit a revised price.

The price is based upon annual in advance payment. In the event Purchaser chooses one of the following payment options by initialing the selection below, a surcharge will apply as outlined:

Payment Option	Surcharge	Revised Monthly Price	Acceptance
Annual in advance payment	0% Increase	$605.00 per month	
Semi-Annual in advance payment	3% Increase	$623.15 per month	
Quarterly in advance payment	6% Increase	$641.30 per month	
Monthly in advance payment	8% Increase	$653.40 per month	

Town of Apex

Randal Vosburg

(Signature of Authorized Representative)

Randal E. Vosburg

(Print Name)

Town Manager

Title

Wednesday, July 9th, 2025 12:56 PM UTC

Date

Respectfully submitted,

Curtis Slezak

KONE Inc.

(Approved by) Authorized Representative

General Manager

Title

Tuesday, July 8th, 2025 10:04 AM UTC

Date

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

Jessica Rhem

Jessica Rhem , Interim Finance Director
Email: Jessica.Murphy-Rhem@apexnc.org
Timestamp: Wednesday, July 9th, 2025 1:39 AM UTC

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KONE Care Value Added Services

These services are offered to improve the quality and transparency of the KONE service delivery experience.

TESTING

In addition to the work described in the Services section above, the following additional services have been negotiated and are included at the determined frequency as listed. KONE is not liable for any property damage or personal injury, including death, resulting from test.

1. **ELEV 01**
   CAT1 Traction Test 12 Mo - An annual no load test as required by applicable code.

KONE Care Value Added Services

These services are offered to improve the quality and transparency of the KONE service delivery experience. Any discontinuance of these services for any reason may not necessarily result in a refund or reduction in price to any maintenance agreement in effect between KONE and the Purchaser, if applicable.

KONE shall perform the selected Value-Added Service (each a “service” and together the “services”) substantially as set forth and authorized below:

1. **Emergency Video Communication (EVC)**
   Emergency Video Communication includes hardware that enables two-way audio and text-based communication between the elevator cab and a call center, which can visually observe passengers in the cab during an emergency.

   Services:
   1. · KONE will provide cloud connectivity, software maintenance, and access to the camera and media screen for the emergency communications function for each Equipment unit.
   2. Purchaser will contact KONE if changing from KONE’s call monitoring center to a third party’s to transition the system, and for any subsequent call monitoring center changes, including testing and training and reprovisioning, chargeable at a fixed fee of $500.00. Subsequent changes will incur a fee.

   Conditons:
   1. If Customer uses KONE’s Customer Care Center, the contact list form must be completed prior to programming the phones. Purchaser may select a different call monitoring center, in which case KONE will have no responsibility for monitoring, receiving, answering, or maintaining any communications from the elevator cab, or for troubleshooting errors or service interruptions. Purchaser assumes all liability with respect to such communications, including any responsibility for retaining chat and voice logs and managing access rights for any users of the system receiving communications from the elevator car, as well as any other actions required by code or applicable law. KONE disclaims all liability for claims, losses, personal injury, and death for a lack of, or deficient, response to communications with the elevator car.
   2. The customer must provide a LAN network with internet service for the Emergency Video Communications solution to connect with Cloud services. The network should support a 4-hour power backup and DHCP service for devices. A router may be required for network interconnection. However, router delivery and configuration, as well as cables connecting solutions to the LAN network, are not included in KONE’s scope. The provided cables must reach the solution’s installed location. Specific network requirements will be detailed separately.
   3. For KONE’s Emergency Video Communication, upon expiration, termination, or cancellation of this Proposal or this contract for services, as applicable, to retain access to the communications portal, cloud connectivity, software support and other items necessary to maintain the emergency communications functionality of each unit, Purchaser shall pay KONE $50 per month, per unit of wirelessly connected equipment (“Connectivity Fee”). KONE will invoice Customer the annual amount of the Connectivity Fee in advance.
   4. All services, maintenance, updates and repairs of the hardware or other equipment will be charged and payable at the then-applicable rates for hourly labor, materials, service, and travel time and expenses.
   5. For non-payment of the Connectivity Fee or other charges, KONE will terminate the services upon thirty (30) days’ advance notice. In such event, KONE will have no responsibility for monitoring, receiving, or maintaining any communications from the elevator cab or for troubleshooting errors or service interruptions.
   6. Purchaser assumes all liability with respect to communications transmitted over the Emergency Video Communications, including any responsibility for retaining chat and voice logs and managing access rights for any users of the system receiving communications from the elevator car, as well as any other actions required by code or applicable law. Purchaser shall indemnify, defend and hold harmless KONE from and against all loss or damages, however arising or categorized, including but not limited to personal injury and death or property damage, and for any claim or demands therefor resulting from or arising out of the Emergency Communications system and/or emergency response, except for claims caused by the sole negligence of KONE.

2. **KONE Emergency Phone Monitoring (KRMS)**
   KONE shall program the elevator phone(s) listed below to call the KONE Customer Care Center (KC3) and will monitor the elevator phone(s).

   Customer shall:
   1. Provide names and phone numbers of at least (2) of its representatives for the KONE service Center to contact on a 24-hour basis, and at least one (1) police, fire or local 911 agency name and phone number.
   2. Notify KONE immediately in writing of any changes in these names or numbers. In the event of a call from the elevator, the KONE Customer Care Center will contact the points of contact in the order listed below. The local authorities will be contacted only if the previously mentioned point of contacts cannot be reached.

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3. If KONE does not provide Wireless Phone service, Customer shall provide an analog phone line to the elevator machine room (to b terminated on the appropriate phone jacks). If phone line is an extension off an existing phone system, a backup power source must also be provided. An extension, if applicable, must be a direct inward dial (DID) extension. All phones and associated equipment shall be in compliance with the requirements of ASME A17.1, local codes and applicable law, as amended. Customer shall also phone number(s) and/or extension(s) for the phone(s) being programmed.
4. **Upon termination of any reason of Emergency Phone Monitoring, no further phone services will be provided, the Purchaser is responsible for immediately reprogramming the phone to dial to a location other than a KONE designated phone number.**

3. **KONE 24/7 Connected Services (24/7 CS)**
KONE's 24/7 Connected Services uses proprietary advanced remote monitoring and analysis technologies to bring intelligent services to elevators and escalators. 24/7 Connected Services provides continuous updates on the status and condition of the equipment, allowing KONE to perform services tailored to each equipment's needs.

Conditions:
1. The remote monitoring device may be a built-in component of a new KONE elevator or installed later for the equipment. Through the 24/7 Connected Services, KONE collects, exports, and uses data generated by the equipment. KONE exclusively owns such data, the software and device used to gather and process it. Purchaser has no ownership or proprietary rights therein. Purchaser will not use the 24/7 Connected Services device, except in connection with the equipment. Purchaser will not reverse engineer or otherwise attempt to obtain the source code of any software in object code form.
2. Purchaser consents to KONE using the data collected from 24/7 Connected Services, together with any associated site or equipment-related descriptors, in its marketing materials. Including but not limited to social media, testimonials, case studies, brochures, videos, and other promotional materials, either during or after the term.
3. Repair and maintenance needs identified through the Services shall be performed based on the repair coverage agreed in the Agreement. Indicators or predictors will be reviewed for the need for immediate service, for inspection at the regular maintenance visit, or otherwise addressed at the sole discretion of KONE. Unless otherwise provided for in the Agreement, any callouts, repairs, or maintenance prompted by the KONE 24/7 Connected Services shall be performed during regular working hours of regular working days, Monday to Friday, statutory holidays excluded, of the International Union of Elevator Constructors (IUEC.) All response times generated by KONE 24/7 Connected Services shall be calculated starting at 8:00 a.m. local time the next business day.
4. In the event the 24/7 Connected Services are not provided for any reason, KONE will not necessarily pay refunds, credit, or other consideration to Purchaser, or adjust or reduce any pricing for any maintenance or service agreement, if applicable.
5. Should the Agreement expire or terminate, the Services, including phone services or data collection, will no longer be provided. Purchaser will provide KONE with access to the site to remove any device used for the collection of equipment data, in KONE's discretion. In such event, KONE shall have no obligation to collect, export, or analyze any data, or to provide the source code of any software in object code form. This provision shall survive the expiration or termination of the Agreement.
6. If the Customer uses its own SIM card, network connection, or connectivity (via wireless or wired) for the data transfer required by the Services, KONE shall not be liable for any costs of data transfer. In no event shall KONE be liable for any losses due to disruption in service. KONE does not warrant the services will be provided error-free or uninterrupted.

4. The KONE Care Values Added Services are performed on the following equipment:

Equipment Name	KONE Equipment #	Wireless Phone	Phone Monitoring	24/7 Connect	Emergency Video Communication
ELEV 01	45066927		X	X	X

5. **KONE MAKES NO EXPRESS OR IMPLIED WARRANTY; DISCLAIMS ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NON-INFRINGEMENT; AND DISCLAIMS ANY WARRANTIES ARISING BY USAGE OF TRADE OR BY COURSE OF DEALING. KONE MAKES NO WARRANTY THAT SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. KONE IS NOT LIABLE FOR ANY DAMAGES RELATING TO LACK OF NETWORK COVERAGE AT THE SITE OF THE EQUIPMENT, DUE TO TAMPERING WITH THE REMOTE MONITORING DEVICE, INTEROPERABILITY, SERVICE DEFECTS, SERVICE LEVELS, DELAYS, SERVICE ERRORS, INTERRUPTIONS OR ANY OTHER REASON OUTSIDE OF KONE'S REASONABLE CONTROL. KONE DISCLAIMS ANY LIABILITY FOR DAMAGES OR INJURIES (INCLUDING DEATH) ARISING FROM OR IN CONNECTION WITH THE OPERATION OR USE OF THE SERVICES SET FORTH HEREIN.**

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CUSTOMER INFORMATION

Who is the agreement with?		
Legal Name of the Company: Town of Apex, NC		
Address: 73 Hunter Street		
City: Apex	State: NC	Zip: 27502
Contact Name: Matt Wetherell	Title: Facilities & Grounds Manager	
Phone: 919-249-3534	Email: matt.wetherell@apexnc.org	
Federal tax ID #: 56-6001166	Email invoices only (circle one): (Yes) / No	

Where should the invoice be sent?		**Same as above** ☐
Legal Name of the Company: Town of Apex, NC		
Attention: Accounts Payable		
Address: PO Box 250		
City: Apex	State: NC	Zip: 27502
Contact Name: Brooke Streaker	Title: Accting & Financial Reporting Mgr	
Phone: 919-372-7511	Email: Apex.Invoices@apexnc.org	
Federal tax ID #: 56-6001166		

Who will be responsible for paying the invoices?		**Same as above** ☒
Legal Name of the Company:		
Attention:		
Address:		
City:	State:	Zip:
Contact Name:	Title:	
Phone:	Email:	
Federal tax ID #:		

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Will invoices need to be submitted to a third-party billing portal?	**Yes** ☐	**No** ☒
Portal Name:		
Portal type (Work order or Maintenance Billing):		
Do all invoice types use this portal?		
Are there special requirements in the portal?		
Is there a fee with the portal?	If yes, how much?	

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Remote Monitoring Service Voice Link and Wireless Phone Service

Elevator Description	Equipment #	Elevator Phone # and Extension for Caller ID
1 Eelvator #1 -MSMB	45066927	919-267-2983
First Point of Contact (Required)		
Name: Matt Wetherell	Title: Facilities & Grounds Manager	
Phone #:	Cell Phone #: 919-503-1060	
Second Point of Contact (Required)		
Name: Patrick Springle	Title: Facilities Services Supervisor	
Phone #:	Cell Phone #: 919-723-0690	
Third Point of Contact (Optional)		
Name:	Title:	
Phone #:	Cell Phone #:	
Local Emergency Authorities (Required)		
Fire Department Phone #: (919) 362-4001	Police Department Phone #: (919) 362-8661	

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KONE-Mason St Elevator FY 26

Document ID
68434382a6ca12bb97821fcf

Filename
KONE FY 26.pdf

	What	When	Where
	Signed by Randy Vosburg randy.vosburg@apexnc.org	9 Jul 2025 12:56 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Viewed by Randy Vosburg randy.vosburg@apexnc.org	9 Jul 2025 12:55 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Sent for signing by Matt Wetherell matt.wetherell@apexnc.org	9 Jul 2025 01:39 UTC	IP 136.61.32.152 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36

	What	When	Where
	Signed by Jessica Rhem Jessica.Murphy-Rhem@apexnc.org	9 Jul 2025 01:39 UTC	IP 136.61.32.152 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Commented by Jessica Rhem jessica.murphy-rhem@apexnc.org	9 Jul 2025 01:35 UTC	IP 136.61.32.152 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Sent for signing by Matt Wetherell matt.wetherell@apexnc.org	8 Jul 2025 10:04 UTC	IP 188.65.86.56 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36 Edg/138.0.0.0
	Signed by Zachary Treadway zachary.treadway@kone.com	8 Jul 2025 10:04 UTC	IP 188.65.86.56 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36 Edg/138.0.0.0
	Sent for signing by Nicole Garcia nicole.garcia@apexnc.org	3 Jul 2025 18:10 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Commented by Nicole Garcia nicole.garcia@apexnc.org	3 Jul 2025 18:03 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Commented by Nicole Garcia nicole.garcia@apexnc.org	27 Jun 2025 14:51 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/138.0.0.0 Safari/537.36
	Commented by Matt Wetherell matt.wetherell@apexnc.org	25 Jun 2025 20:47 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36

	What	When	Where
	Commented by Nicole Garcia nicole.garcia@apexnc.org	24 Jun 2025 23:05 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36
	Commented by Nicole Garcia nicole.garcia@apexnc.org	10 Jun 2025 15:50 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36
+	Created by Matt Wetherell matt.wetherell@apexnc.org	6 Jun 2025 19:37 UTC	IP 96.10.1.162 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

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 August 26, 2025, on the Question of Annexation - Apex Town Council's intent to annex 6.40 acres, located at 1211 Old Raleigh Road, Annexation No. 803, 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.

Attachments

- CN6-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN6-A2: Legal Description – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- CN6-A3: Aerial Map – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- CN6-A4: Plat Map – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres
- CN6-A5: Annexation Petition – Annexation No. 803 – 1211 Old Raleigh Road – 6.40 acres

RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S.§ 160A-31

Annexation Petition No. 803
1211 Old Raleigh Road – 6.40 acres

WHEREAS, G.S. §160A- 31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of his investigation.

This the 12th day of August, 2025.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 803
1211 Old Raleigh Road – 6.40 acres

To: The Town Council of the Town of Apex, North Carolina

I, Allen L. Coleman, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S.§ 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 12th day of August, 2025.

_____
Allen L. Coleman, CMC
Town Clerk

(Seal)

RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S.§ 160A-31 AS AMENDED

Annexation Petition No. 803
1211 Old Raleigh Road – 6.40 acres

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 26th day of August, 2025.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 12th day of August, 2025

_____
Jacques K. Gilbert,
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

Attachment: Legal Description

ANNEXATION AREA DESCRIPTION
TOWN OF APEX
(1211 Old Raleigh Road)

Being that certain tract of land located in the White Oak Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at an existing ½" iron pipe (with a cap and tack) located at the common rear corner of Lot 301 and the Open Space lot for the Shepherd's Vineyard Subdivision, Phase 6, Section 1 (Book of Maps 1989, Page 1378, Wake County Registry), said iron pipe having North Carolina state plane grid coordinates of North 722,699.96 and East 2,049,006.85;

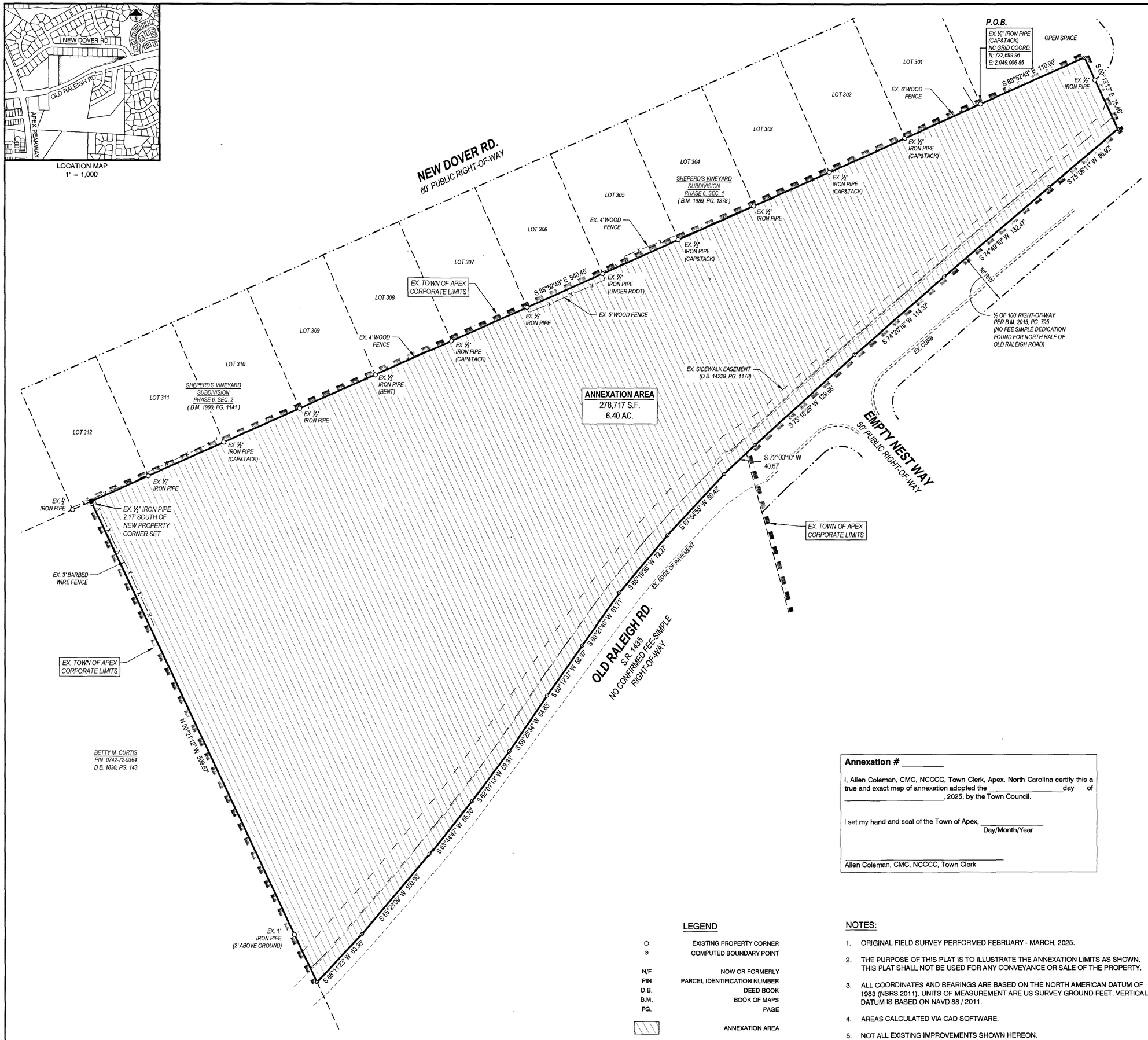
Thence from said beginning point, South 88°52'43" East a distance of 110.00 feet to a point; thence South 00°13'13" East a distance of 75.46 feet to a point in the approximate center of Old Raleigh Road; thence with the approximate center of said Old Raleigh Road; the following fourteen (14) calls:

1. South 75°06'11" West a distance of 86.92 feet to a point;
2. South 74°49'10" West a distance of 132.47 feet to a point;
3. South 74°20'16" West a distance of 114.37 feet to a point;
4. South 73°10'25" West a distance of 129.68 feet to a point;
5. South 72°00'10" West a distance of 40.67 feet to a point;
6. South 67°54'55" West a distance of 80.42 feet to a point;
7. South 65°19'36" West a distance of 72.27 feet to a point;
8. South 60°21'40" West a distance of 61.71 feet to a point;
9. South 60°12'37" West a distance of 58.97 feet to a point;
10. South 59°25'34" West a distance of 64.83 feet to a point;
11. South 62°01'13" West a distance of 59.31 feet to a point;
12. South 63°44'47" West a distance of 65.70 feet to a point;
13. South 65°23'09" West a distance of 100.90 feet to a point;
14. South 68°11'23" West a distance of 63.30 feet to a point;

Thence leaving said approximate center of Old Raleigh Road, North 00°21'12" West a distance of 509.67 feet to a new iron pipe set; thence South 88°52'43" East a distance of 940.45 feet to the original Point of Beginning.

Said tract containing 218,717 S.F. (6.40 Acres)

Annexation #803
Shepherds Vineyard
Old Cask Way
Bridgeham Way
New Dover Rd
New Chester Ct
Altair Cir
Heatherwood Dr
Heatherwood
Beringer Pl
Edwards Creek
Empty Nest Way
Creative Schools of Apex
Apex Peakway
Old Raleigh Rd
Lake Pine Animal Hospital
Vintage Grove
Vintage Grove Ln
Napa Pl
Senoma Pl
E Saint Helena Pl
W Saint Helena Pl
0
400
800
Feet
July 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department



Annexation # _____

I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____day of _____, 2025, by the Town Council.

I set my hand and seal of the Town of Apex, _____
Day/Month/Year

_____
Allen Coleman, CMC, NCCCC, Town Clerk

LEGEND

O	EXISTING PROPERTY CORNER
⊙	COMPUTED BOUNDARY POINT
N/F	NOW OR FORMERLY
PIN	PARCEL IDENTIFICATION NUMBER
D.B.	DEED BOOK
B.M.	BOOK OF MAPS
PG.	PAGE
▨	ANNEXATION AREA

NOTES:

1. ORIGINAL FIELD SURVEY PERFORMED FEBRUARY - MARCH, 2025.
2. THE PURPOSE OF THIS PLAT IS TO ILLUSTRATE THE ANNEXATION LIMITS AS SHOWN. THIS PLAT SHALL NOT BE USED FOR ANY CONVEYANCE OR SALE OF THE PROPERTY.
3. ALL COORDINATES AND BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NSRS 2011). UNITS OF MEASUREMENT ARE US SURVEY GROUND FEET. VERTICAL DATUM IS BASED ON NAVD 88 / 2011.
4. AREAS CALCULATED VIA CAD SOFTWARE.
5. NOT ALL EXISTING IMPROVEMENTS SHOWN HEREON.

NC GRID (NAD 83/2011)

0 60 120
1" = 60'

PROJECT

ANNEXATION MAP for THE TOWN OF APEX

1211 OLD RALEIGH ROAD
WHITE OAK TOWNSHIP
WAKE COUNTY
NORTH CAROLINA

OWNER

MELBA MILLER BEASLEY REVOCABLE TRUST
125 LOLLIBERRY DR
HOLLY SPRING, NC 27540

DATE

MAY 30, 2025

REVISIONS

1	APEX - 1ST REVIEW	6/10/25

SURVEYOR CERTIFICATION

I, Jeremy Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed and description recorded in Book referenced etc.)(other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book referenced; that the ratio of precision or positional accuracy as calculated exceeds 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Furthermore, I certify that this plat is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

Witness my original signature, license number and seal this 18th day of June, A.D.,2025.

Professional Land Surveyor
License Number: L-3841

NORTH CAROLINA PROFESSIONAL SEAL L-3841 LAND SURVEYOR JEREMY TAYLOR

TAYLOR LAND CONSULTANTS, PLLC
License # P-0829
1600 Olive Chapel Rd., #140
Apex, NC 27502 (919) 801-1104

SHEET TITLE

RECORD PLAT

SHEET NUMBER

1 of 1

PETITION FOR VOLUNTARY ANNEXATION

Town of Apex, North Carolina

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

ANNEXATION FEE: $300; $200.00 for well/septic failure

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

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee by one of the following forms of payment:
  - Visa or Master Card (online only);
  - In person: Cash (exact amount only); or
  - Check payable to 'Town of Apex'

ELECTRONIC SUBMITTAL REQUIREMENTS: GEOCIVIX (IDT)

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

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Planning Department and upload an electronic copy of the application, legal description and Annexation Plat via GeoCivix.
- **REVIEW BY STAFF:** The Planning Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) 18"x24" Mylar annexation plats to the Planning Department by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Planning Department, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Program Coordinator Jessica Sloan at 919-372-7478 or jessica.sloan@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

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

Please refer to the Town of Apex Fee Schedule for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Melba Miller Beasley Revocable Trust-Traci Mattachione — Owner Name (Please Print)

0742822598 — Property PIN or Deed Book & Page #

Phone

tracimatt73@gmail.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: Taylor Land Consultants, PLLC

Phone: (919) 801-1104 Fax: _____

E-mail Address: jeremy@taylorlc.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	6.40 ac.	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☑
Proposed # of housing units:	3	Sewer service (new construction)	☑
Zoning District*:	MD-CZ	Receive Town Services	☑

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

Traci Mattachione, Trustee
Please Print

Traci Mattachione, Trustee
Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Brigitte Joyce, a Notary Public for the above State and County, this the 30 day of, May, 2025.

Brytte Joyce
Notary Public

SEAL

BRIGITTE JOYCE
NOTARY PUBLIC
Harnett County
North Carolina
My Commission Expires March 21, 2028

My Commission Expires: March 21, 2028

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 #: _____ Submittal Date: _____

Complete If In A Limited Liability Company

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

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

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 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: August 12, 2025

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 August 26, 2025, on the Question of Annexation - Apex Town Council's intent to annex 26.218 acres, project commonly known as "Townes on 1011", located on Old US 1 Highway, Annexation No. 804, 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.

Attachments

- CN7-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN7-A2: Legal Description – Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres
- CN7-A3: Aerial Map – Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres
- CN7-A4: Plat Map – Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres
- CN7-A5: Annexation Petition – Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres

RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S.§ 160A-31

Annexation Petition No. 804
Townes on 1011 – Old US 1 Highway – 26.218 acres

WHEREAS, G.S. §160A- 31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of his investigation.

This the 12th day of August, 2025.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 804
Townes on 1011 – Old US 1 Highway – 26.218 acres

To: The Town Council of the Town of Apex, North Carolina

I, Allen L. Coleman, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S.§ 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 12th day of August, 2025.

_____
Allen L. Coleman, CMC
Town Clerk

(Seal)

RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S.§ 160A-31 AS AMENDED

Annexation Petition No. 804
Townes on 1011 – Old US 1 Highway – 26.218 acres

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 26th day of August, 2025.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 12th day of August, 2025

_____
Jacques K. Gilbert,
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

Attachment: Legal Description

Bohler Engineering NC, PLLC
4130 Parklake Avenue, Suite 200
Raleigh, NC 27612
919.578.9000

Date: June 9, 2025

Legal Description of a 26.218 Area to be Annexed Properties of Beazer Homes, LLC PIN: 0731-10-7868 & 0731-10-7055 DB 19381, PG 1061 Apex, NC

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found (N=709,810.61 & E=2,031,358.60), said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence leaving the northerly right-of-way of Old US Highway 1, N 06° 09’ 06” E 197.90’ to an iron pipe found;
Thence N 06° 10’ 02” E 333.26’ to an iron pipe found;
Thence N 06° 04’ 18” E 81.25’ to an iron pipe found;
Thence N 06° 10’ 51” E 417.58’ to an iron pipe found;
Thence N 06° 07’ 54” E 315.53’ to an iron pipe found;
Thence N 06° 10’ 18” E 174.26’ to an iron pipe found;
Thence N 06° 19’ 01” E 29.04’ to an iron pipe found;
Thence N 06° 06’ 28” E 383.71’ to an iron pipe found, said iron pipe also being along the southerly line of the Now or Formerly Stephen & Suzanne Dalessandro Property (DB 12878, PG 1775);

Thence S 88° 12’ 41” E 106.90’ to an iron pipe found;
Thence S 88° 11’ 41” E 199.81’ to an iron pipe found;
Thence S 88° 09’ 32” E 149.71’ to an iron pipe set, said iron pipe also being the northwestern corner of the Now or Formerly Patricia Fish Jones Property (DB 4148, PG 437);
Thence S 11° 34’ 39” E 74.91’ to an iron pipe found;
Thence S 11° 34’ 44” E 570.47’ to an iron pipe found;
Thence S 11° 38’ 55” E 160.12’ to an iron pipe found;
Thence S 11° 34’ 39” E 129.79’ to an iron pipe found;
Thence S 11° 34’ 39” E 173.36’ to a computed point, said computed point also being along the westerly line of the Now or Formerly Larry Alan Goll Property (DB 5378, PG 665);

Thence leaving the westerly line of the Now or Formerly Larry Goll Property, S 51° 59’ 24” W 317.49’ to an iron pipe found;
Thence S 11° 43’ 44” E 90.55’ to an iron pipe found;
Thence S 11° 41’ 01” E 299.45’ to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1;

Thence with the northerly right-of-way of Old US Highway 1, S 71° 12’ 22” W 180.68’ to an iron pipe found;
Thence S 71° 10’ 58” W 574.48’ to an iron pipe found, said iron pipe also being THE POINT AND PLACE OF BEGINNING and containing 1,142,058 square feet or 26.218 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.

Annexation #803
Townes on 1011
Pavia Trce
Bella Casa
Vittorio Ln
Termini Dr
Holland Rd
Vecchio Ln
Vasari Dr
Manzoni Dr
Vetrina Way
The Summit
Red Cardinal Ln
Winding Creek
Winding Creek Rd
Maggie Valley Dr
West Village
Voekler St
Stegemann St
Mars Hill Ln
Bohan Ct
Kings View Trl
Pleasant Park
Old US 1 Hwy
Pleasant Plains Rd
July 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
400
800
Feet

NOTES:

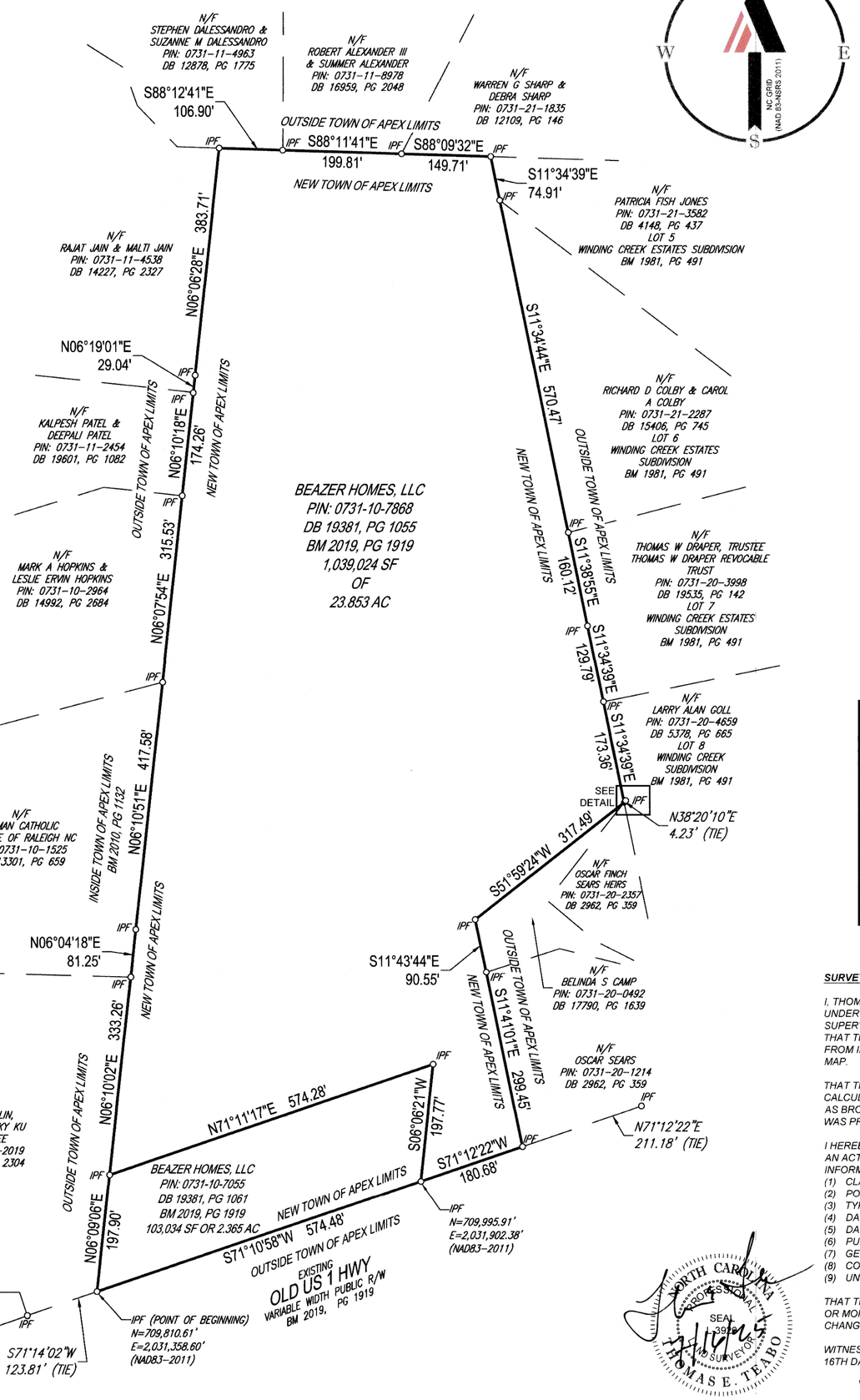
1. THE FIRM HAS RELIED UPON TITLE REPORT FURNISH BY METRO TITLE COMPANY TITLE COMMITMENT: MET2021-02442 DATED AUGUST 24, 2021 AT 5:00PM, WHILE AND IN PREPARING THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY TITLE EXCEPTIONS NOT DISCLOSED BY THE REFERENCED TITLE COMMITMENT.
2. AREAS COMPUTED BY COORDINATE METHOD.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
6. NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK.
7. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
8. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X", AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAPS 3720073100K & 3720073000K, PANELS 0731 & 0730 EFFECTIVE DATE JULY 19, 2022.

ANNEXATION #_____

I, ALLEN COLEMAN. CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 2025, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____
DAY/MONTH/YEAR

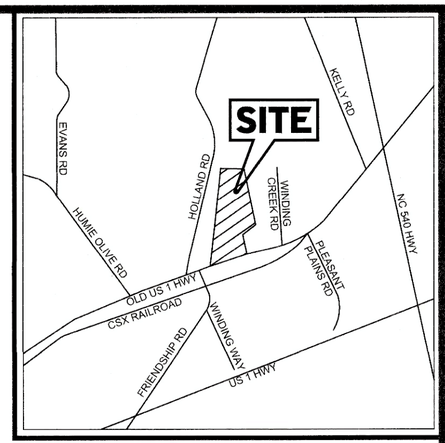
_____
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

TOTAL AREA TO BE ANNEXED=
1,142,058 SF OR 26.218 AC



LEGEND

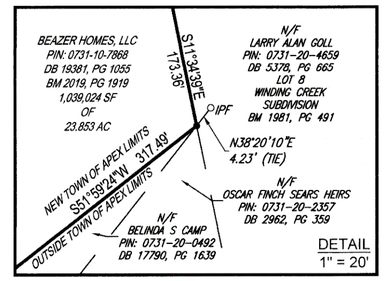
———	LINE SURVEYED
— — —	LINE NOT SURVEYED
O IPF	IRON PIPE FOUND
●	COMPUTED POINT



SITE LOCATION MAP
SCALE: N.T.S.

REFERENCES:

DB 2374, PG 459
DB 18552, PG 247
DB 17790, PG 1639
DB 11997, PG 528
DB 2962, PG 359
DB 17790, PG 1639
DB 1659, PG 1048
DB 12109, PG 146
DB 15406, PG 745
DB 4177, PG 900
DB 16959, PG 1048
DB 5578, PG 665
DB 13301, PG 659
DB 14227, PG 2327
DB 17253, PG 2601
DB 14992, PG 2684
DB 19153, PG 401
DB 5281, PG 563
BM 1981, PG 491
BM 2010, PG 1132
BM 2019, PG 247
BM 2019, PG 1919



SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1: 10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: "CLASS A"
(2) POSITIONAL ACCURACY: 0.04'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
(4) DATES OF SURVEY: 08/20/2021-05/30/2024
(5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
(6) PUBLISHED/FIXED-CONTROL USE: NCVRS
(7) GEOID MODEL: 2012 (CONUS)
(8) COMBINED GRID FACTOR(S): 0.999890272
(9) UNITS: US SURVEY FEET

THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND AND SEAL THIS 16TH DAY OF JULY A.D., 2025.

NORTH CAROLINA PROFESSIONAL SEAL 3920 LAND SURVEYOR THOMAS E. TEABO

SURVEYOR NC L-3920

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

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REVISIONS

REV	DATE	COMMENT	DRAWN BY / CHECKED BY

PROJECT No.:	NS211089
DRAWN BY:	DET
CHECKED BY:	JT / TET
DATE:	07/16/2025
CAD I.D.:	S-ANNX-PLAT
FIELD DATE:	05/30/2024
CREW CHIEF:	CC
APPROVED:	TET

PROJECT:

ANNEXATION MAP FOR THE TOWN OF APEX

FOR

BEAZER HOMES, LLC

PINS: 0731-10-7868, 0731-10-7055
DB 19381, PG 1055
TOWN OF APEX,
BUCKHORN TOWNSHIP
WAKE COUNTY, NORTH CAROLINA

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

150 75 37.5 0 150
SCALE: 1" = 150'

FINAL

SHEET NUMBER:
1
OF 1

ORG. DATE - 07/16/2025

H:\2021\NS211089\CAD\DRAWINGS\ANNEX\NS211089-ANNEX---LAYOUT SHEET 1
RJ

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 #: 804 Submittal Date: 6-2-2025

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

Beazer Homes LLC	0731-10-7868
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(919) 995-5607	daniel.zinner@beazer.com
Phone	E-mail Address
Beazer Homes LLC	0791-10-7055
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(919) 995-5607	daniel.zinner@beazer.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Bohler Engineering

Phone: (919) 578-9000 Fax:

E-mail Address: Dylan Teabo dteabo@bohlereng.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	26.218	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☑
Proposed # of housing units:	148	Sewer service (new construction)	☑
Zoning District*:	PUD	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 #: 804 Submittal Date: 6-2-2025

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 #: 804 Submittal Date: 6-2-2025

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, BEAZER HOMES 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 12 day of May, 2025.

Name of Limited Liability Company BEAZER HOMES LLC

By: Daniel Beimer
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Grant Shadduck, a Notary Public for the above State and County, this the 12th day of May, 2025.

SEAL

GRANT SHADDUCK
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires June 14, 2028

Notary Public

My Commission Expires: June 14, 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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Shawn Purvis, Deputy Town Manager

Department(s): Town Manager's Office

Requested Motion

Motion to approve Budget Ordinance Amendment No. 1 and Capital Project Ordinance No. 2026-1 and appropriating funds for the Cemetery Columbarium project.

Approval Recommended?

Yes

Item Details

Capital Project Ordinance No. 2026-1 and Budget Ordinance Amendment No. 1 appropriates $67,000 from General Fund fund balance to the General Capital Project Fund to cover change orders required for the completion of the current phase of the cemetery columbarium project.

Attachments

- CN8-A1: Budget Ordinance Amendment No. 1- Cemetery Columbarium Project
- CN8-A2: Capital Project Ordinance No. 2026-1 - Cemetery Columbarium Project

Town of Apex

Budget Ordinance Amendment No. 1

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:

General Fund

Section 1. Revenues:

48020	Fund Balance Appropriated - Amended	67,000
Total Revenues		**$67,000**

Section 2. Expenditures:

59200	Transfer to General Capital Project Fund	67,000
Total Expenditures		**$67,000**

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

Adopted this the 12th day of August 2025.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-1

200 - General Capital Project Fund

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

SECTION 1: The project authorized by this ordinance consists of general 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/County)	-	516,971.00
Interest Earned	-	701,570.00
Interest Earned - Debt Proceeds	-	42,400.00
Bond Proceeds	-	13,360,000.00
Bond Premium	-	88,700.00
Installment Purchase Agreement	-	8,700,000.00
Transfer from General Fund	67,000.00	22,811,734.00
Transfer from Electric Fund	-	1,174,400.00
Transfer from W/S Fund	-	1,361,310.00
Transfer from Cemetery Fund	-	1,121,000.00
Total Revenues		**$49,878,085**

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

Type	Increase/(Decrease)	Amended Fund Totals
General Capital Project Expenditures	67,000.00	49,878,085
Total Expenditures		**$49,878,085**

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 Town Clerk, 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 12th day of August, 2025.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Daniel Edwards, Senior Capital Projects Manager

Department(s): Town Manager's Office

Requested Motion

Motion to award a construction contract with 8M Solar, LLC for the installation of Solar PV on three (3) buildings at the Electric Utilities Department and authorize the Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

This project includes providing and installing solar PV array on three buildings at the Electric Utilities Department. The project was originally bid April 10, 2025, but the bids could not be opened because three bids were not received. The Town re-advertised and received three bids for the project on July 3, 2025. 8M Solar LLC of Raleigh, NC was the low bidder with a base bid of $238,324.00 (Electrical Operations Center building). Two alternates were also bid: A-1: $160,811.00 (Vehicle storage building) and A-2: $92,879.00 (Material storage building). Total base bid and alternates: $492,014.00.

Optima (designer of record) and Redline Design Group (Architect consultant to Optima) recommends awarding the contract for the solar system installation to 8M Solar LLC for base bid and all alternates.

Attachments

- CN9-A1: Recommendation of Award - Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the Electric Utilities Department
- CN9-A2: Certified Bid Tab - Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the Electric Utilities Department
- CN9-A3: Bid Package - Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the Electric Utilities Department
- CN9-A4: Notice of Intent to Award - Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the Electric Utilities Department
- CN9-A5: Construction Contract (for reference only)

July 13th, 2025

Daniel Edwards, CCM, PEM

Senior Capital Projects Manager
Town of Apex, NC
Via: Daniel.Edwards@apexnc.org

Re: Electric Utilities Department Solar - Bid Recommendation

Daniel,

Optima and Redline have reviewed all bids submitted for the Electric Utilities Department Solar project. Bids were received from 3 separate contractors and have been reviewed and certified on the enclosed bid tabulation. In our professional opinion, these bids are fair and reasonable for the scope of work defined.

We recommend you accept the low bid from 8M Solar LLC along with the included Add alternates:

Electric Utilities Department Solar – Bid from 8M Solar LLC:

Base Bid:	$238,324.00
Alternate A-1:	$160,811.00
Alternate A-2:	$ 92,879.00
Total Contract with alternates:	$492,014.00

Please do not hesitate to contact us if we can provide further information or assistance.

Sincerely,

Brian Bailey, AIA
Principal

REDLINE
DESIGN GROUP, P.A.

CHARLOTTE
925 tuckaseegee road
suite 110
charlotte, nc 28208

RALEIGH
6601 six forks road
suite 130
raleigh, nc 27615

704.377.2990
redlinedg.com

Bid Tabulation
Town of Apex
Electric Utilities Department Solar

July 3, 2025, 2:00 PM

Contractor	License Number	Base Bid	Alternate-1	Alternate-2
Cate Associates Inc Yes Solar Solutions	67356	$297,543	$221,264	$91,191
8M Solar	82456	$238,324	$160,811	$92,879
Miles-McClellan Const Co	63358	$369,000	$259,000	$148,000

Tabulation

Certified by: _____ Date: 07/13/2025

Brian Bailey, AIA
Principal - Redline Design Group

NORTH CAROLINA REGISTERED SEAL 12307 ARCHITECT BRIAN R. BAILEY

APEX
NORTH CAROLINA

APEX
NORTH CAROLINA

Bid Checklist

Project Title: Electric Utilities Department Solar

Bid Date/Time: July 3, 2025 @ 2:00 PM

Bid Location: Water Resources Administration Building – Main Conference Rm.
105B Upchurch Street, Apex, NC 27501

Contractor Name: 8M Solar LLC

Contactor License #: 82456

Classification and Limitation: Unlimited - General Contractors

(***Initial to verify each item is included inside the sealed bid envelope***)

✓ Form of Proposal Signed

✓ 5% Bid Bond Enclosed (***Circle One***: Cash Deposit; Certified Check; Bid Bond Form executed by Contractor and Surety)

✓ Identification of Minority Business Participation Form

✓ Affidavit A or (B)

Attach this completed checklist on the outside of your sealed bid envelope

FORM OF PROPOSAL

Electric Utilities Department Solar
Town of Apex, North Carolina

Contract:
Bidder: 8M Solar LLC
Date: 07-03-25

The undersigned, as bidder, hereby declares that the only person or persons interested in this proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company or parties making a bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud. The bidder further declares that he has examined the site of the work and the contract documents relative thereto, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed. The bidder further declares that he and his subcontractors have fully complied with NCGS 64, Article 2 in regards to E-Verification as required by Section 2.(c) of Session Law 2013-418, codified as N.C. Gen. Stat. § 143-129(j).

The Bidder proposes and agrees if this proposal is accepted to contract with the

Town of Apex

in the form of contract specified below, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary to complete the construction of

Electric Utilities Department Solar

in full in complete accordance with the plans, specifications and contract documents, to the full and entire satisfaction of the laws of the State of North Carolina, and the

Town of Apex and Optima Engineering

with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and the contract documents, for the sum of:

SINGLE PRIME CONTRACT:

Base Bid (Operations Center only):

Two hundred thirty eight thousand three hundred twenty four Dollars($) 238,324

General Subcontractor:
8M Solar LLC Lic 82456

Plumbing Subcontractor:
N/A Lic

Mechanical Subcontractor:
N/A Lic

Electrical Subcontractor:
8M Solar LLC Lic U-35668

GS143-128(d) requires all single prime bidders to identify their subcontractors for the above subdivisions of work. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be non-responsible or non-responsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor.

ALTERNATES:

Should any of the alternates as described in the contract documents be accepted, the amount written below shall be the amount to be "added to" or "deducted from" the base bid. (Strike out "Add" or "Deduct" as appropriate.)

GENERAL CONTRACT:

Alternate No. A-1 Include Vehicle Storage Building

(Add) One hundred sixty thousand eight hundred eleven Dollars($) 160,811.00

Alternate No. A-2 Include Material Storage Building

(Add) Ninty two thousand eight hundred seventy nine Dollars($) 92,879.00

UNIT PRICES

Unit prices quoted and accepted shall apply throughout the life of the contract, except as otherwise specifically noted. Unit prices shall be applied, as appropriate, to compute the total value of changes in the base bid quantity of the work all in accordance with the contract documents.

No. 1 NA (CY) Unit Price ($) N/A

The bidder further proposes and agrees hereby to commence work under this contract on a date to be specified in a written order of the designer and shall fully complete all work thereunder within the time specified in the Contract Documents. Applicable liquidated damages amount is also stated in the Contract Documents.

MINORITY BUSINESS PARTICIPATION REQUIREMENTS

Provide with the bid - Under GS 143-128.2(c) the undersigned bidder shall identify **on its bid** (Identification of Minority Business Participation Form) the minority businesses that it will use on the project with the total dollar value of the bids that will be performed by the minority businesses. **Also** list the good faith efforts (Affidavit **A**) made to solicit minority participation in the bid effort.

NOTE: A contractor that performs all of the work with its own workforce may submit an Affidavit (**B**) to that effect in lieu of Affidavit (**A**) required above. The MB Participation Form must still be submitted even if there is zero participation.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (**C**) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 10% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort and

Affidavit **D** is not necessary;

*** OR ***

If less than the 10% goal, Affidavit (**D**) of its good faith effort to meet the goal shall be provided. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must always submit **with their bid** the Identification of Minority Business Participation Form listing all MB contractors, vendors and suppliers that will be used. If there is no MB participation, then enter none or zero on the form. Affidavit A **or** Affidavit B, as applicable, also must be submitted with the bid. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder is grounds for rejection of the bid.

Proposal Signature Page

The undersigned further agrees that in the case of failure on his part to execute the said contract and the bonds within ten (10) consecutive calendar days after being given written notice of the award of contract, the certified check, cash or bid bond accompanying this bid shall be paid into the funds of the owner's account set aside for the project, as liquidated damages for such failure; otherwise the certified check, cash or bid bond accompanying this proposal shall be returned to the undersigned.

Respectfully submitted this day of 07-03-25

8MSolar LLC

(Name of firm or corporation making bid)

WITNESS:

(Proprietorship or Partnership)

By: Signature

Name: Usman Noor
Print or type

Title Principal
(Owner/Partner/Pres./V.Pres)

Address 5112 Departure Dr

Raleigh, NC 27616

ATTEST:

By:

Title:
(Corp. Sec. or Asst. Sec. only)

License No. 82456

Federal I.D. No. 81-0732563

Email Address: q.aslam@8msolar.com

(CORPORATE SEAL)

Addendum received and used in computing bid:

Addendum No. 1 ✓ Addendum No. 3 _____ Addendum No. 5_____ Addendum No. 7_____

Addendum No. 2 ✓ Addendum No. 4 _____ Addendum No. 6 _____ Addendum No. 8_____

AFFIDAVIT B

Intent to Perform Contract with Own Workforce.

Affidavit of 8M Solar LLC
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the

Town of Apex: Electric Utilities Dept Solar contract.
(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: 07-03-25 Name of Authorized Officer: Arnghan Aslam

Signature:

Title: Commercial Business Manager

KATHERINE ROLLAR
NOTARY PUBLIC
My Commission Expires
09/12/2029
WAKE COUNTY, NC

State of North Carolina, County of Wake

Subscribed and sworn to before me this 3rd day of July 2025

Notary Public Katherine Rollar

My commission expires 09/12/2029

Identification of HUB Certified/ Minority Business Participation

I, 8M Solar LLC
(Name of Bidder)

do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)
8M Solar LLC 5112 Departure Dr, Raleigh, NC 27616 919.922.8818 q.aslam@8msolar.com	Design & Installation of solar PV system	MBE	Y

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

**** HUB Certification with the state HUB Office required to be counted toward participation goals.**

The total value of minority business contracting will be ($) 492,014 .

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT 8MSolar LLC

5112 Departure Drive, Raleigh, NC 27616 as

principal, and The Ohio Casualty Insurance Company, 175 Berkely St., Boston, MA 02116, as surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto the Town of Apex in the penal sum of Five percent (5%) of the bid DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 3rd day of July 2025

WHEREAS, the said principal is herewith submitting proposal for

and the principal desires to file this bid bond in lieu of making

the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

8MSolar LLC (SEAL)

USMAN Noor (SEAL)

(SEAL)

The Ohio Casualty Insurance Company

Janet R. Davis, Attorney-In-Fact

Seal No. 5219

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8208294-018068**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Angela K. Haywood; Beverly L. Griffin; Beverly Natarelli; Cindy Sherrill; Diana Mausling; Janet Davis; Javan Norman; Julia B. Benfield; Julia B. Owen; Kelly Damico; Kristen Charles; Lori Britt; Marc D. Brady; Michael Colson; Mike Meyer; Patricia A. Peele; Peggy G. Core; Penny Turner; Shatauka Hall; Steven L. Harvin, Jr.; Thomas F. Williamson; Tina Ellison; Victor Yancey; Wade Owen Johnston; William Fryer

all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 12th day of July, 2022.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS

THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE

WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: _____
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 12th day of July, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

TERESA PASTELLA COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: _____
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 3rd day of July, 2025.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS

THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE

WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

By: _____
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

July 13th, 2025

REDLINE

Usman Noor

Principal
8M Solar, LLC
5112 Departure Dr.
Raleigh, NC 27616
a.aslam@8msolar.com

Re: Intent to Award Construction Contract for Town of Apex Electric Utilities Department Solar

Dear Usman,

Optima and Redline have recommended award of the contract for the Town of Apex Electric Utilities Department Solar project to 8M Solar, LLC in the amount of $492,014.00. This represents the base bid and alternates as summarized below:

Electric Utilities Department Solar – Bid from 8M Solar LLC:

Base Bid:	$238,324.00
Alternate A-1:	$160,811.00
Alternate A-2:	$ 92,879.00
Total Contract with alternates:	$492,014.00

The contract will be for all the work included in the Base Bid and the Bid Alternates listed above.

Final Award is contingent upon approval by the Town of Apex Town Council. We anticipate approval by the Town Council at their next meeting on August 12, 2025.

Please let us know if you have any questions. We look forward to working with you on this project!

Sincerely,

Brian Bailey, AIA
Principal

Copy: Mr. Daniel Edwards, Town of Apex

REDLINE
DESIGN GROUP, P.A.

CHARLOTTE
925 tuckaseegee road
suite 110
charlotte, nc 28208

RALEIGH
6601 six forks road
suite 130
raleigh, nc 27615

704.377.2990
redlinedg.com

TOWN OF APEX
FORMAL CONSTRUCTION CONTRACT

FOR

Construction of: Electric Utilities Department Solar, Apex, NC

SCOPE OF WORK

Construct the project in accordance with Plans titled "Electric Utilities Department Solar" dated 01/09/2025 – IFC and including up to 02/26/25 – Rev 1, including the following sheets:

E001
E002
E011
E101
E102
E103
E501
E502
E503
E504
E601
E602

PURCHASE ORDER #

STATE OF NORTH CAROLINA
COUNTY OF WAKE **FORMAL CONSTRUCTION CONTRACT**

THIS CONTRACT is entered into this the _____day of _____, 2025, by and between, _____, a _____ Corporation with its principal business offices located at _____ (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, Town is engaged in the planning, operation, and utilization of town facilities which from time to time require construction, building, design, reconfiguration, renovation, installation, evaluation, testing, and other related projects; and

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

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

WHEREAS, the Town has complied with Article 8 of Chapter 143 of the North Carolina General Statutes in announcing its need for services of the nature described in this Contract through a "Request for Proposal" and associated advertisement.

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

1. SCOPE OF SERVICES.
The Contractor agrees to provide all materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary for the construction of Solar PV Installation, located at 2850 Milano Avenue, Apex, NC 27502, consistent with the "Contract Documents." "Contract Documents" includes this Contract and the following which are hereby incorporated into this Contract as if fully contained herein:

A. General Conditions
B. Supplementary General Conditions (if any)
C. Plan sheets titled "Electric Utilities Department Solar", dated 01/09/2025 – IFC along with 02/26/25 – Rev1 including the following sheets: E001, E002, E011, E101, E102, E103, E501, E502, E503, E504, E601, E602
by Optima Engineering.
D. Bid Advertisement
E. Instructions to Bidders
F. Execution of Bid
G. Bid Form
H. Bid Form Submission

I. Bid Bond
J. Accepted Form of Proposal
K. Notice of Award
L. Performance & Payment Bonds
M. Power of Attorney
N. Notice to Proceed
O. Special Provisions
P. Addenda:
   1. No. _____ Dated: _____
   2. No. _____ Dated: _____
   3. No. _____ Dated: _____
   4. No. _____ Dated: _____
   5. No. _____ Dated: _____

Q. Certificate(s) of Insurance

2. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the work required in this Contract upon the issuance of a Notice to Proceed, and the Contractor shall complete entire work and reach Final Acceptance (as defined by the General Conditions) within 180 consecutive calendar days of the issuance of the Notice to Proceed ("time of completion"). For each day in excess thereof, liquidated damages, reasonably estimated in advance to cover the losses to be incurred by the Owner by reason of failure of Contractor to complete the Work within the time specified, such time being of the essence in this Contract and a material consideration thereof, shall be assessed in the amount of $50.00 per calendar day. If Contractor has not satisfactorily completed the work and reached Final Acceptance within the times specified in the Contract Documents, the Town may declare such delay a material breach of contract and default and may pursue all available remedies outlined in this Contract as well as all other legal and equitable remedies. Any changes to the schedule(s) provided in the Contract Documents must be agreed to in writing by the Town and the Contractor.

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

3. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor, subject to additions and deductions as provided in the Contract Documents, as follows:

_____ ($_____).

Summary of Contract Award:

Base Bid: $_____
Alternate A1: $_____
Alternate A2: $_____
Total: $_____

Contractor shall submit applications for payment reflecting work completed during the preceding calendar month to the Designer in accordance with the General Conditions. If certified by the Designer and approved by the Town, the Town will process all pay applications within 30 days after receipt from the Designer. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all applications for payment. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

Retainage:

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

a. Retainage withheld shall not exceed 5% at any time.
b. The same terms shall apply to the general contractor and subcontractors alike.
c. Following 50% completion of the project no further retainage will be withheld if the Contractor/subcontractor has performed satisfactorily and any nonconforming work identified in writing prior to that time by the architect, engineer, or Owner has been corrected by the Contractor and accepted by the architect, engineer, or Owner.
d. Town may reinstate retainage if the Contractor/subcontractor does not continue to perform satisfactorily. Following 50% completion of the project, Town is authorized to withhold additional retainage from a subsequent payment application if the amount of retainage withheld falls below 2.5%.

Upon completion, the Contractor shall submit satisfactory evidence that all payrolls, material bills and other costs incurred by the Contractor in connection with the construction of the work have been paid in full. Final payment will be made within forty-five (45) days after Final Acceptance (as defined by the General and Supplementary General Conditions) and Final Acceptance of the work by the Town and after the Town has received all required warranty information, Operation and Maintenance Manuals, releases and waivers of liens, red-line drawings have been submitted to Designer as required, and receipt by the Owner of the final pay request which shall include the Contractor's affidavit in the following form:

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

The Town, or the Designer with the Town's approval, may withhold payment for any of the following reasons:

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

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

4. SURETY.

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

5. CHANGE ORDERS.

In the event Town has changes in the work not covered by the Contract, these changes will not invalidate or relieve Contractor from any guarantee it has given in this Contract. If a bond was required these changes will not relieve the surety or sureties of said bond. Changes in work shall ***not*** proceed without a Change Order approved by the Town. Change Orders will be governed by the General Conditions and Supplementary General Conditions. Any work performed pursuant to an approved change order shall be governed by the terms of this Contract.

6. INDEMNIFICATION.

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

7. APPLICABILITY OF LAWS AND REGULATIONS.

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

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

All work under this Contract shall be performed in accordance with the North Carolina Building Code and all other applicable state or national codes.

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

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

10. INSURANCE.
Work under this Contract shall not begin until the Contractor has obtained all required insurance. The Contractor shall maintain insurance as detailed in the General Conditions and Supplementary General Conditions. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

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

12. DEFAULT.
In the event of default by the Contractor the terms in the General Conditions and Supplementary General Conditions shall control.

13. TERMINATION FOR CONVENIENCE.
Town shall have the right to terminate this Contract for the Town's convenience in accordance with the General and Supplementary General Conditions.

14. NOTICE.
Any formal notice, demand, or request required by or made in connection with this Contract shall be deemed properly made if delivered in writing in person by registered mail to the address specified below.

TO CONTRACTOR:	TO TOWN: Town of Apex Attn: Daniel Edwards PO Box 250 Apex, NC 27502 Daniel.edwards@apexnc.org

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

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

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

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

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

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

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

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

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

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

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

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

27. NONSCRIMINATION.
Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Contractor hereby warrants and agrees that Contractor will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

[The Remainder of This Page Intentionally Left Blank; Signatures Follow]

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this _____day of _____, 2025.

Contractor:_____	**Town of Apex**
_____	_____
(Print name)	Randal E. Vosburg, Town Manager
_____	
Signature	Attest:
_____	_____
Title	Allen L. Coleman, CMC, NCCCC, Town Clerk
	This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.
Attest:	
_____	_____
Secretary (if a corporation)	Antwan Morrison, Finance Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

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

- July 11, 2022 – Special Town Council Meeting Minutes
- October 25, 2022 – Regular Town Council Meeting Minutes
- June 17, 2025 – Work Session Meeting Minutes
- June 24, 2025 – Regular Town Council Meeting Minutes

Approval Recommended?

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

Item Details

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

Attachments

- CN10-A1: **DRAFT** Minutes – June 17, 2025 – Work Session Meeting Minutes
- CN10-A2: **DRAFT** Minutes – June 24, 2025 – Regular Town Council Meeting Minutes
- CN10-A3: **DRAFT** Minutes – July 11, 2022 – Special Town Council Meeting Minutes
- CN10-A4: **DRAFT** Minutes – October 25, 2022 – Regular Town Council Meeting Minutes

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, JUNE 17 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, June 17, 2025 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

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

https://www.youtube.com/watch?v=mVqldLNmE50

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Absent: None

Town Staff

Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

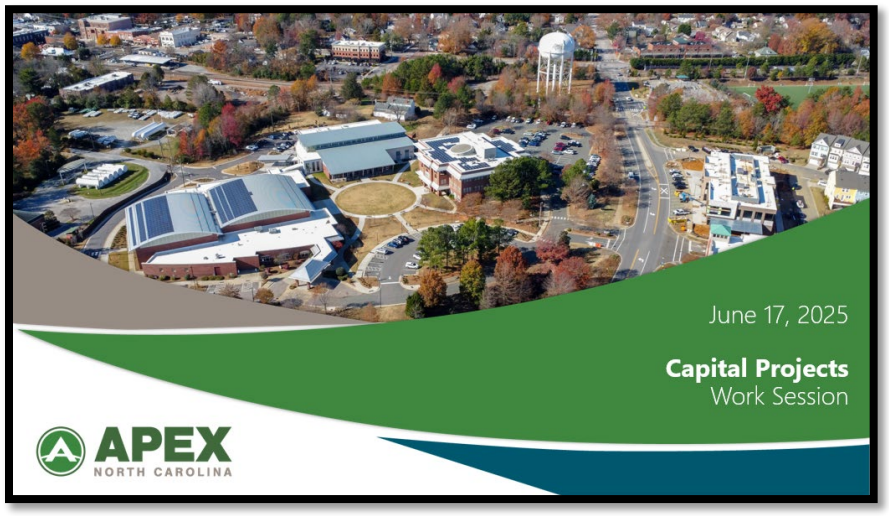
All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order at **3:30 p.m.**
Mayor Gilbert led all in attendance in the Pledge of Allegiance.

Town Manager Vosburg said that the Assistant Town Manager, Marty Stone, would be presenting the following Capital Projects and asking the Council for directions.

[SLIDE 1]

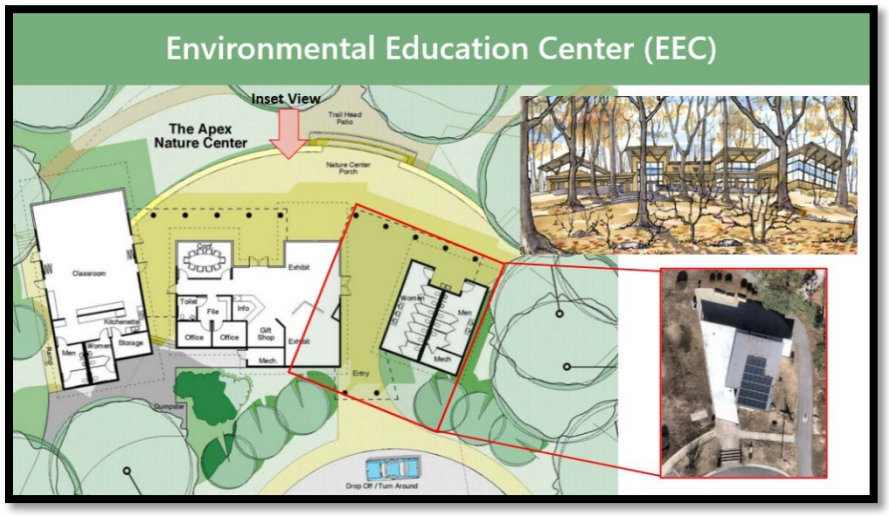


[SLIDE 2]

[ENVIRONMENTAL EDUCATION CENTER DESIGN OPTIONS]

Marty Stone, Assistant Town Manager gave the following presentation:

[SLIDE 1]



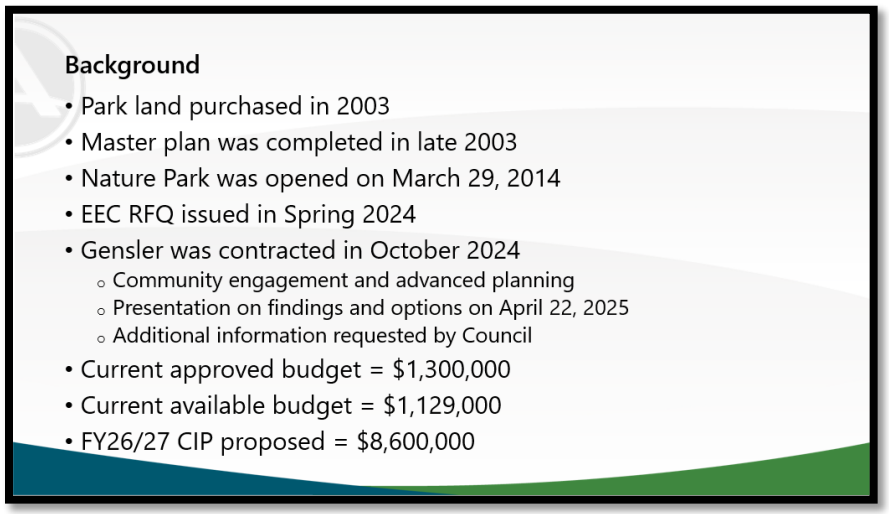
Councilmember Gantt asked why this building was the only one built in 2014.

Assistant Town Manager Stone said that it was believed to be the Council's decision because of the economics, and when the construction moved forward, the restroom facilities were built.

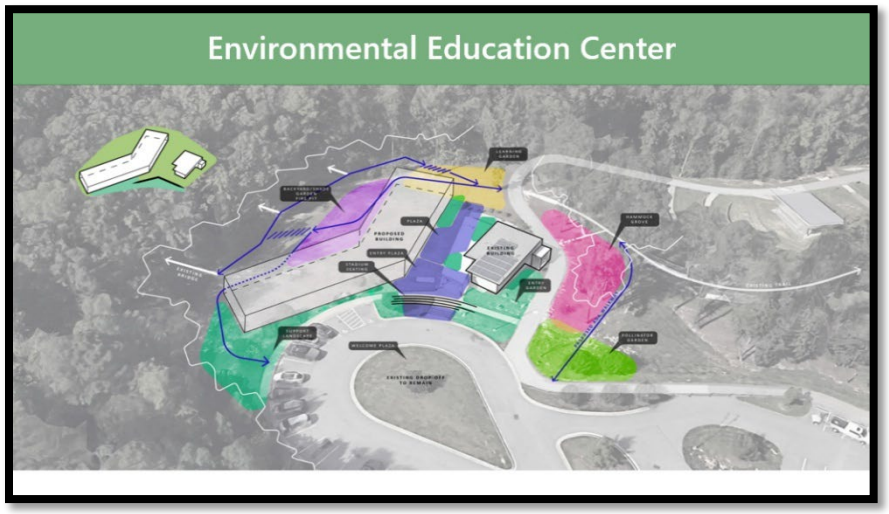
Councilmember Gantt asked why the type of building in the slide wasn't being built currently.

Assistant Town Manager Stone said that it was very similar but some of the look changed. He said this would be addressed further in the presentation.

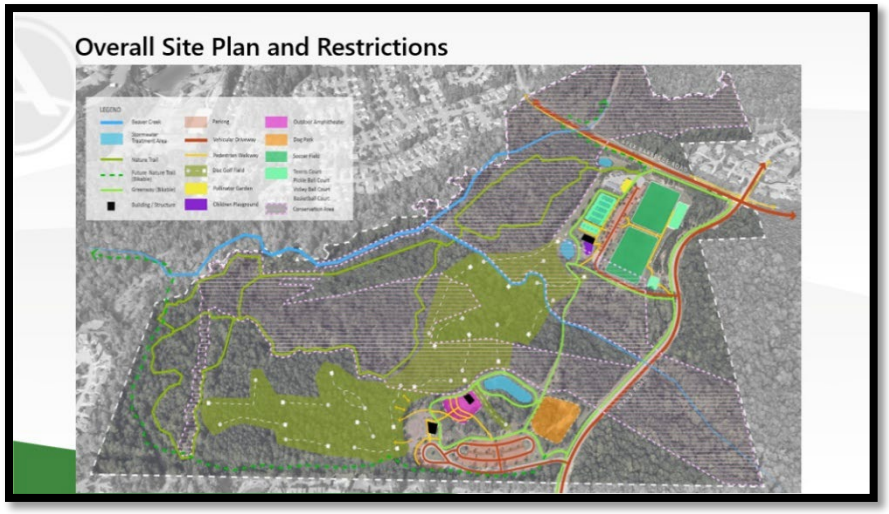
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Councilmember Gantt asked if the land across from Evans is available.

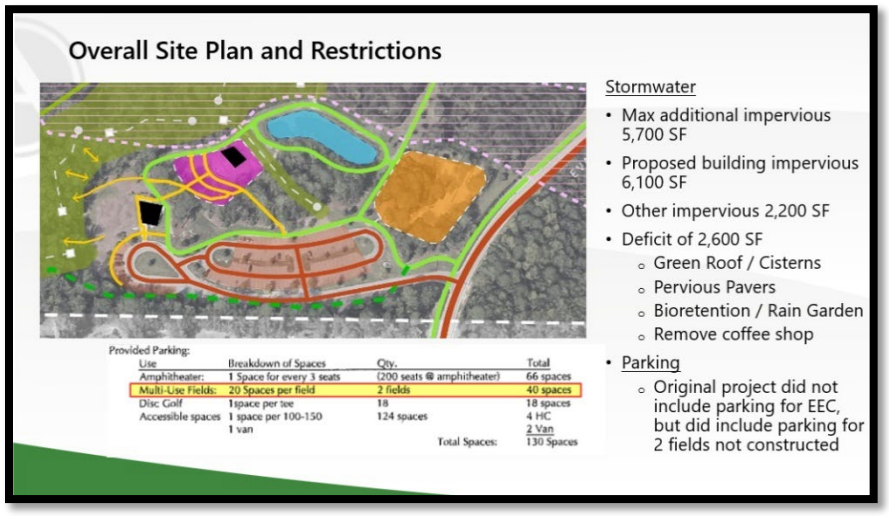
Assistant Town Manager Stone said that it could be used for something, and the park looked at possibly moving some of their maintenance facilities there.

Director Setzer said that the maintenance facility would be up to the northern side.

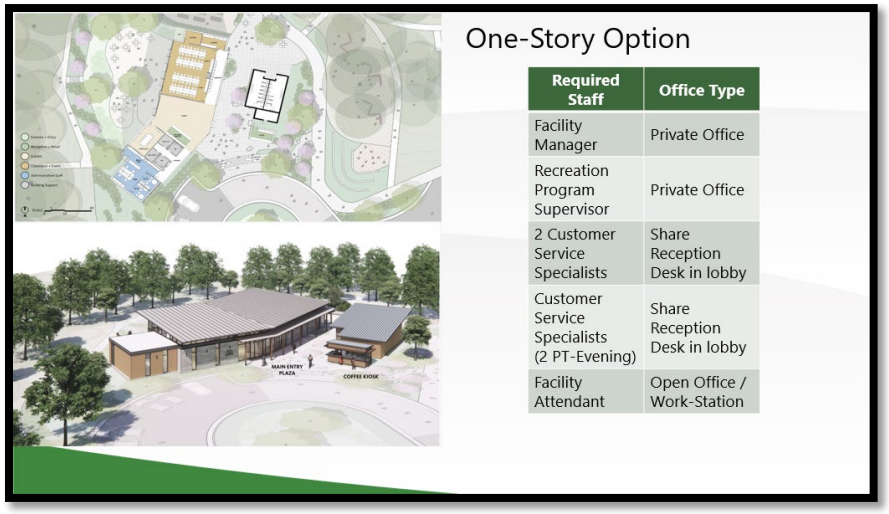
Councilmember Zegerman asked why it was important where the storm water pond was located.

Assistant Town Manager Stone explained that the stormwater pond is downhill and if a structure is built too far away it would be difficult to direct storm water back to the existing pond and they wouldn't want to have to build another one because of the trees that are on the site and wanting to conserve them.

[SLIDE 5]



[SLIDE 6]

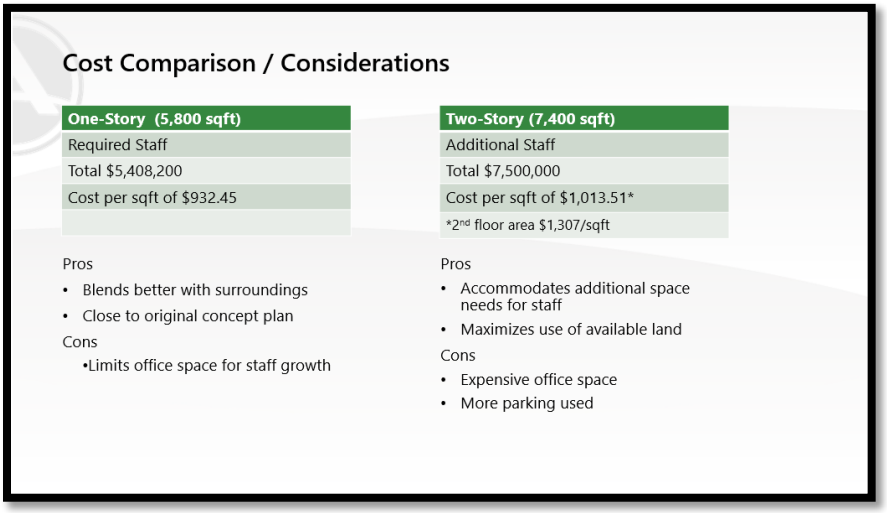


[SLIDE 7]

Councilmember Zegerman asked if there would only be two receptionists at a time, although there may be four in total.

Assistant Town Manager Stone said that is correct.

[SLIDE 8]



[SLIDE 9]

Assistant Town Manager Stone asked for directions from the Council.

Mayor Gilbert asked if there were any questions.

Councilmember Mahaffey said that the price for a 2-story to accommodate extra office space seems pricey.

Councilmember Zegerman said that he agreed, and this is not the best place to accommodate extra staff. He said that Fire Station 3 seems like a better option for that.

Assistant Town Manager Stone said that the 2-story becomes more of a focal point rather than the nature.

Councilmember Zegerman said that he liked the color scheme.

Assistant Town Manager Stone said that he did not like the roof and it would be changed from what is being presented.

Councilmember Mahaffey said that he was looking forward to the coffee shop.

Assistant Town Manager Stone said that they could look at adding it back if Council wanted.

Town Manager Vosburg said they could also look at a coffee cart type setup.

Mayor Pro-Tempore Gray said that this is a nature park and supported one story. He said that parking impacts would be something to consider, and this looked like it would accommodate it.

Councilmember Mahaffey said that looking at the future and possibly having to move staff parking across the street, moving the concession stand closer to the fields may be more successful.

Councilmember Killingsworth agreed not to add more office space considering cost and space limitation on the property. She said that she would be interested in looking at Olive Farm Park, but she supports moving forward with the Education Center here. She thanked Assistant Town Manager Stone for all of the work.

Assistant Town Manager Stone thanked the staff for getting all of the numbers together and the other data and staff working together to bring this together.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to approve the Environmental Education Center as a 1-story building at Apex Nature Park.

VOTE: UNANIMOUS (5-0)

[PLEASANT PARK FIELD DESIGN OPTIONS]

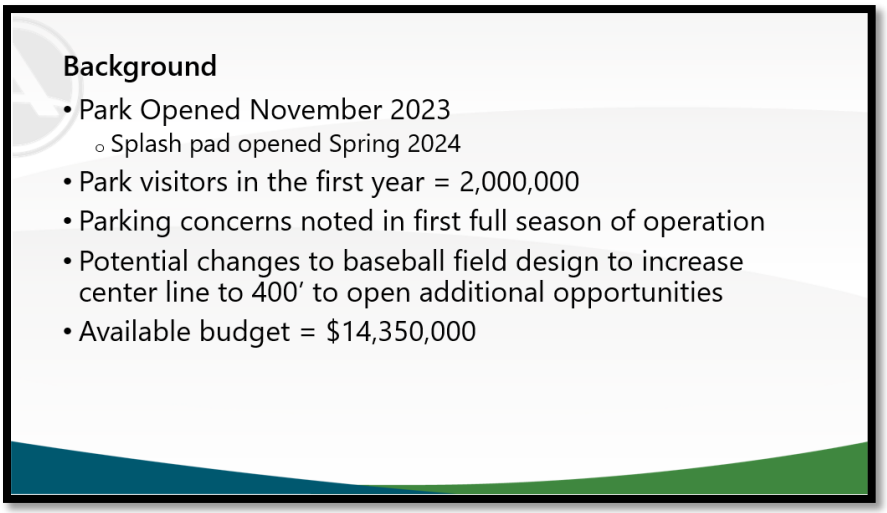
Marty Stone, Assistant Town Manager gave the following presentation:

[SLIDE 1]

Councilmember Gantt asked if the section the side to the side of the baseball/softball fields would be open field.

Assistant Town Manager Stone said yes, it would be an open field but graded more than it is currently.

[SLIDE 2]



[SLIDE 3]

[SLIDE 4]

Parking Study

- Completed by TID in June 2025
- Existing parking capacity
- Data analyzed
  - Lacrosse tournament in November 2024
  - Sunday, May 1, 2025 (weekend afternoon)
  - Wednesday, June 4, 2025 (weekday afternoon)
  - Saturday, June 7, 2025 (weekend soccer tournament)
- Results
- Summary

[SLIDE 5]

Existing Parking Capacity

Parking Lot	Total Spaces / ADA Spaces
1	131 / 6
2	135 / 7
3	125 / 0
4	121 / 5
5	327 / 8
Total	**839 /26**

[SLIDE 6]

Parking Study Results

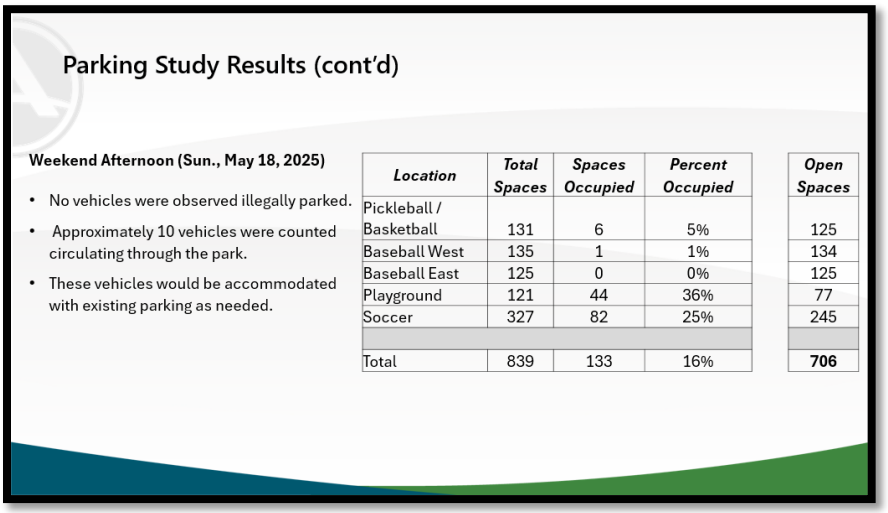
Weekend Tournament* (November 9, 2024)

- 92 vehicles were counted either circulating or parked in non-marked spots (along the back of curb on Recreation Drive, on landscaping islands, etc.)
- If all cars had been parked in marked a spaces, there would have been a **deficit of 20 spaces**

Location	*Total Spaces*	*Spaces Occupied*	*Percent Occupied*	*Open Spaces*
Pickleball / Basketball	131	71	54%	60
Baseball West	135	128	95%	7
Baseball East	125	124	99%	1
Playground	121	118	98%	3
Soccer	327	326	100%	1
Total	839	767	91%	**72**

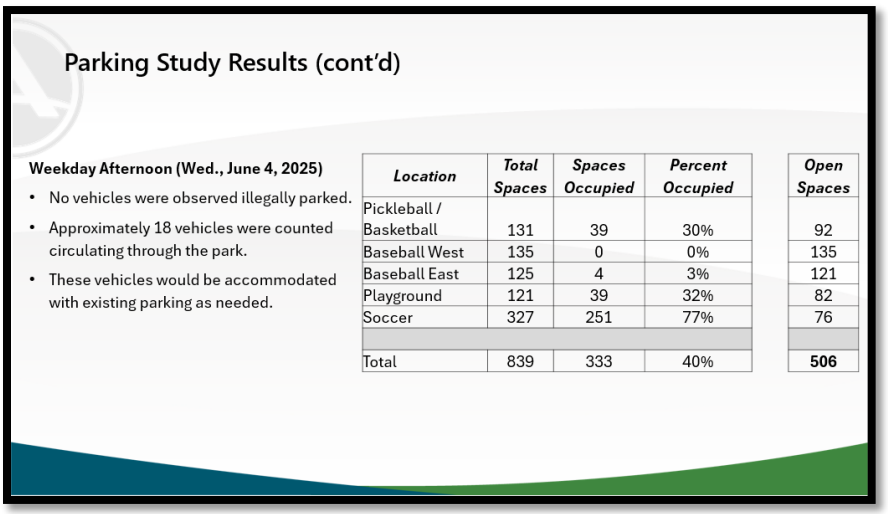
*This was a lacrosse tournament, which typically involves teams coming to the park and staying for the day.

[SLIDE 7]



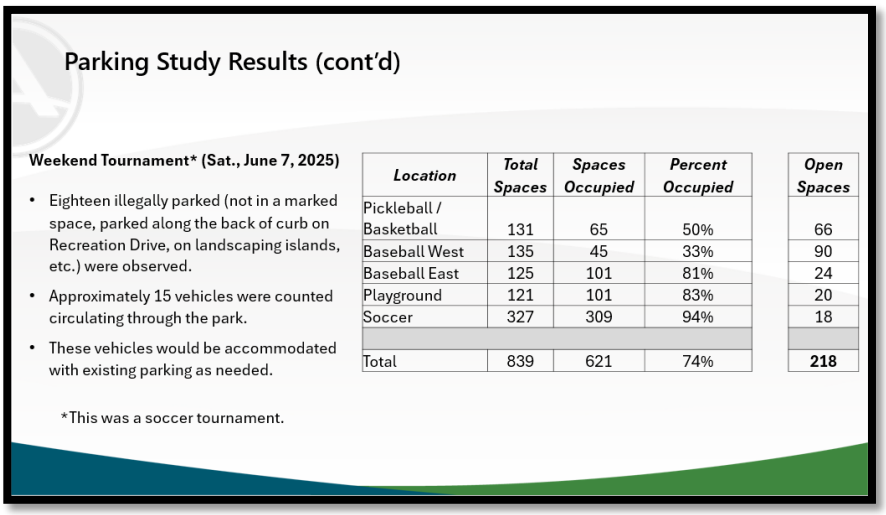
Location	Total Spaces	Spaces Occupied	Percent Occupied	Open Spaces
Pickleball / Basketball	131	6	5%	125
Baseball West	135	1	1%	134
Baseball East	125	0	0%	125
Playground	121	44	36%	77
Soccer	327	82	25%	245
Total	839	133	16%	**706**

[SLIDE 8]



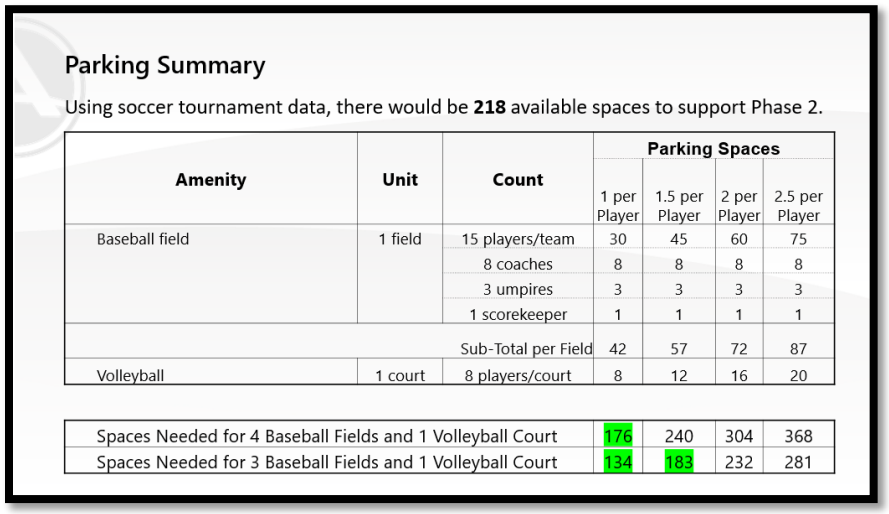
Location	Total Spaces	Spaces Occupied	Percent Occupied	Open Spaces
Pickleball / Basketball	131	39	30%	92
Baseball West	135	0	0%	135
Baseball East	125	4	3%	121
Playground	121	39	32%	82
Soccer	327	251	77%	76
Total	839	333	40%	**506**

[SLIDE 9]



Location	Total Spaces	Spaces Occupied	Percent Occupied	Open Spaces
Pickleball / Basketball	131	65	50%	66
Baseball West	135	45	33%	90
Baseball East	125	101	81%	24
Playground	121	101	83%	20
Soccer	327	309	94%	18
Total	839	621	74%	**218**

[SLIDE 10]



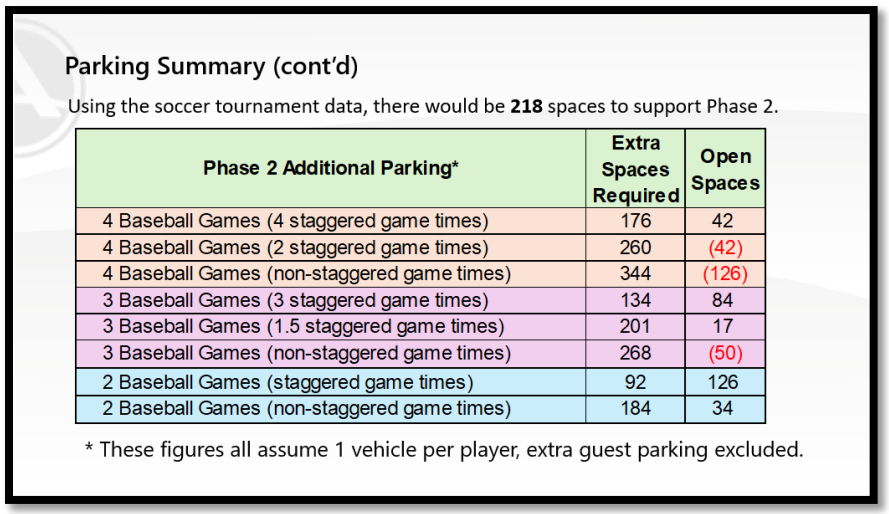
Parking Summary

Using soccer tournament data, there would be **218** available spaces to support Phase 2.

Amenity	Unit	Count	Parking Spaces			
			1 per Player	1.5 per Player	2 per Player	2.5 per Player
Baseball field	1 field	15 players/team	30	45	60	75
		8 coaches	8	8	8	8
		3 umpires	3	3	3	3
		1 scorekeeper	1	1	1	1
		Sub-Total per Field	42	57	72	87
Volleyball	1 court	8 players/court	8	12	16	20

Spaces Needed for 4 Baseball Fields and 1 Volleyball Court	176	240	304	368
Spaces Needed for 3 Baseball Fields and 1 Volleyball Court	134	183	232	281

[SLIDE 11]



Parking Summary (cont'd)

Using the soccer tournament data, there would be **218** spaces to support Phase 2.

Phase 2 Additional Parking*	Extra Spaces Required	Open Spaces
4 Baseball Games (4 staggered game times)	176	42
4 Baseball Games (2 staggered game times)	260	(42)
4 Baseball Games (non-staggered game times)	344	(126)
3 Baseball Games (3 staggered game times)	134	84
3 Baseball Games (1.5 staggered game times)	201	17
3 Baseball Games (non-staggered game times)	268	(50)
2 Baseball Games (staggered game times)	92	126
2 Baseball Games (non-staggered game times)	184	34

* These figures all assume 1 vehicle per player, extra guest parking excluded.

Councilmember Gantt asked what the frequency of tournaments were currently.

Assistant Town Manager Stone said that there are 6 to 9 tournaments total that are anticipated per year once the baseball fields are in place.

Councilmember Killingsworth said to add to that people that will be coming to the other fields or equipment.

Assistant Town Manager Stone said that the assumption for the study was that this was captured. He said that if families are going to the splashpad and the parking lot was that full then this would deter families from going.

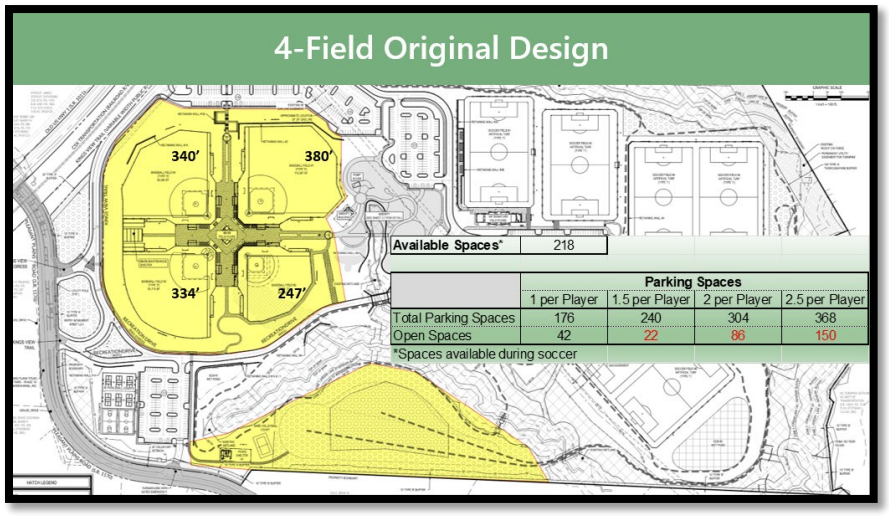
Councilmember Zegerman asked if the scenario was that every player would probably drive in their own car.

Assistant Town Manager Stone said yes, and moving in the future the one way to address this would be to have additional transit options to the field.

Town Manager Vosburg said that parking challenges also encourages people to carpool, because it's a known concern.

Councilmember Zegerman said that this happens for the downtown area too.

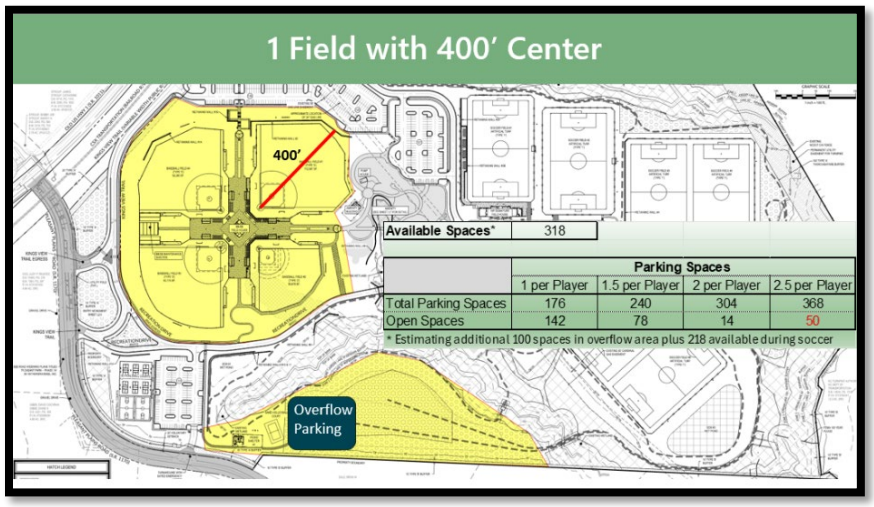
[SLIDE 12]



Councilmember Gantt asked what the lines were going up to the volleyball field.

Ms. Reincke said the shorter line is the finish line and around it is the flat part of the field, the longer line going towards the volleyball field for is lining up. The house shaped area is the flat area.

[SLIDE 13]



Councilmember Gantt asked if they created this 400' Center, would the shape of the exterior be strange.

Assistant Town Manager Stone said that it would be a bit, but right field would always be oddly shaped because they can't expand beyond where the current proposed line is.

Mayor Pro-Tempore Gray asked how much this would open Apex up for more play.

Director Setzer said that staff have been approached by some collegiate teams about Apex hosting games at this park and they all requested and prefer 400' center lines and 330' corners, and that's what is recommended by the NCAA. He said it isn't required for certain events, but it would open up more opportunities to teams and leagues with that preference.

Mayor Pro-Tempore Gray said that he was trying to get a sense of what they would be gaining from expanding 380' to 400'.

Councilmember Gantt said that it would make the shape worse, but more people may want to use it.

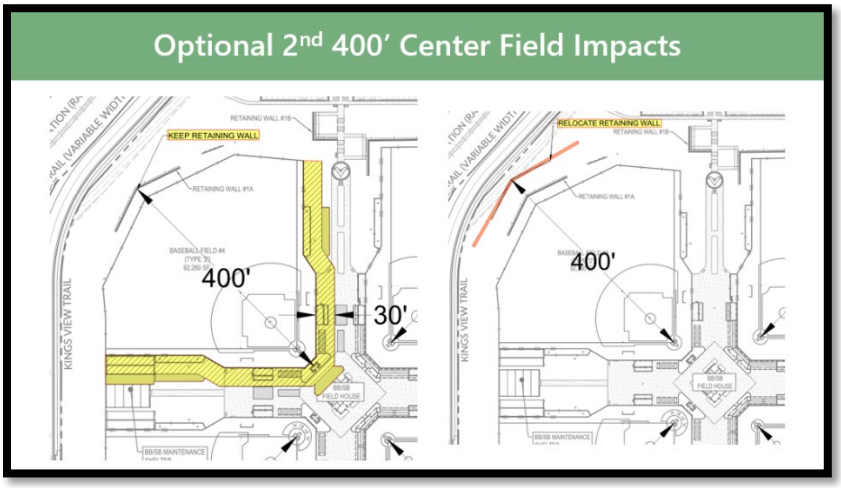
Director Setzer said that ball fields are often designed with very different lengths and shapes, and these differences give them different characters.

Ms. Reincke said that having varying fence lengths is part of the design for these fields.

Councilmember Gantt asked if adding overflow parking would mess up the field area.

Assistant Town Manager Stone said that if overflow parking is added there will be 100 added space. He said the downside is that the ordinance doesn't allow for this overflow parking, so the ordinance would have to be changed to accommodate the overflow parking, and also, the volleyball court would have to be moved as well as the shelter to build the road to get to the area.

[SLIDE 14]



Councilmember Mahaffey asked why the southwest field wouldn't work to create the 400' fence.

Assistant Town Manager Stone said that 400' from the plate there would extend to the road.

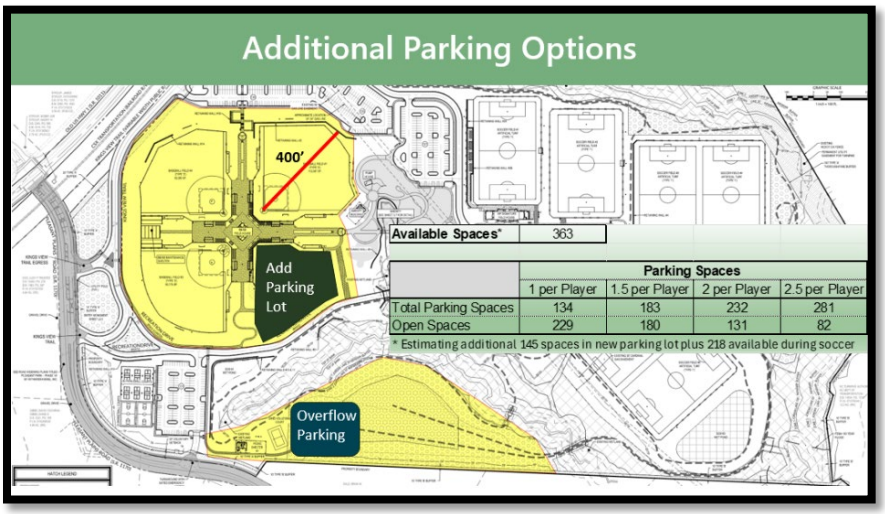
Councilmember Mahaffey said that relocating the road would also probably be a significant expense.

Assistant Town Manager Stone said that there wasn't any way to relocate the road because of tanks.

Councilmember Zegerman asked if any of the options had been priced out.

Assistant Town Manager Stone said no.

[SLIDE 15]



[SLIDE 16]

Assistant Town Manager Stone asked the Council for directions on which option.

Councilmember Zegerman suggested the option to build the original design and studio.

Assistant Town Manager Stone said that could be done.

Councilmember Zegerman asked about the cost and possibly moving the stormwater facility.

Assistant Town Manager Stone said that they may have to look at some things like that with the designer

Councilmember Zegerman said that he was trying to get a gauge on the cost.

Councilmember Mahaffey said that he was against removing one of the fields.

Councilmember Killingsworth said ignoring the parking issues wasn't a good idea and so adding overflow parking should be looked at. She said that the 400' center line was

also a good plan. She said she was in support of options 1 or 2.

Councilmember Gantt said that he is not in support of overflow parking and removing the volleyball court. He said he would be fine with option 1 or 2

Councilmember Mahaffey asked if the option of adding parking would be a good option if there was property acquisition needed.

Assistant Town Manager Stone said that it is within the current footprint but if the desire was to expand the footprint it could be looked at.

Councilmember Zegerman said that he wasn't in favor of purchasing property for a few times of the year overflow would be used.

Mayor Gilbert asked if the 6-9 times per year would be more than 6-9 days of use for the overflow parking.

Director Setzer said that it could be about 9 weekends out of the year. He said that another issue is that when the soccer clubs' practice, they bring in possibly 5 teams and this is not designed for this, so it has to be mitigated moving forward and restrict the usage to two teams on the field. He added that they will also have to bring in a parking facilitation contractor for tournaments, especially once the baseball/softball field is added.

Mayor Gilbert asked about overflow parking and if it floods with bad weather.

Assistant Town Manager Stone said that the multi-purpose fields and baseball fields are turf but if it is raining, soccer and lacrosse will play, but you would not be using overflow parking. He said that also the overflow parking lot will be expensive.

Councilmember Zegerman asked for a cost estimate for future reference for the overflow parking option.

Assistant Town Manager Stone said staff could ask the designer to design it to see how many spaces they would get and the cost, and the town could use it to bid on the project when it is moved forward.

Mayor Pro-Tempore Gray said that it was concerning that Apex would be building something knowing there would be a deficit in parking.

Assistant Town Manager Stone said this was based on soccer and tournaments and there could be normal use without issues, but it is the tournaments that would be the concern.

Mayor Pro-Tempore Gray asked Assistant Town Manager Stone to go through the worst-case parking scenario

Assistant Town Manager Stone said that the parking issue can be controlled, and they may have to close some of the other fields if there were tournaments.

Councilmember Zegerman said that is understandable.

Councilmember Gantt suggested charging for parking during tournaments and people would start carpooling.

Director Setzer said this is not a soccer complex, which don't typically have amenities such as pickle ball court or tennis courts, and it would be a challenge to charge to come into the facility to use those amenities then charge for parking just because a tournament was going on.

Mayor Gilbert said that once this is built, Parks & Rec will be getting a lot of calls for

tournament interest.

Director Setzer said yes. He said that there was $1.8 million from Wake County for this particular phase of the project. He said that he had asked Wake County about taking away a field and how that may impact the grant funding, but he has not received final word yet.

Councilmember Mahaffey asked if they moved forward with option 2 and do the design if it is decided to build it as a stage three would that be an option. He said he was concerned about parking and looking at other options and wanted reassurance that the programming can be controlled until there is a final solution. He said that his primary concern is the access to the park.

Councilmember Gantt said that they agree on that.

Councilmember Mahaffey said that moving forward with the design process the overall plan should be kept in mind to make sure that they are moving in the right direction. He said that there are two issues, parking is number two and getting a second access point is number one.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Killingsworth**, to approve the Pleasant Park Field Design Phase 2 – Option 2, to have 4 fields, modifying one to have a 400' Center.

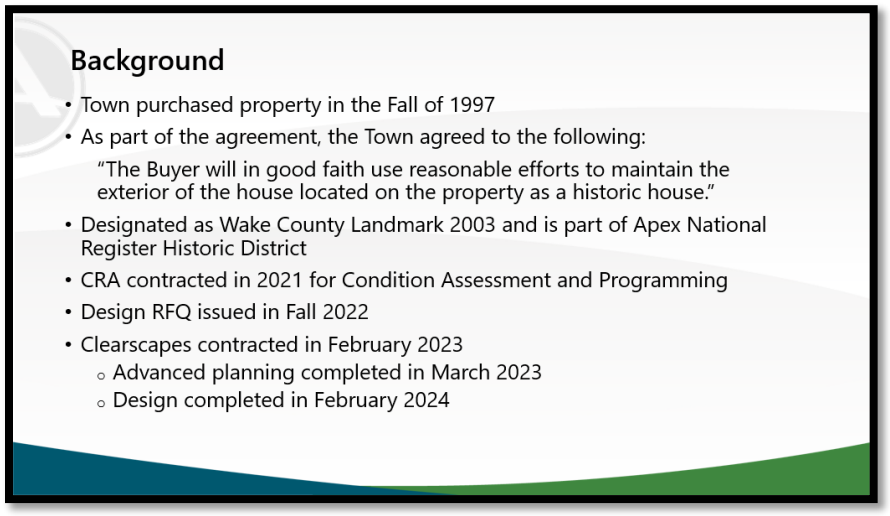
VOTE: UNANIMOUS (5-0)

[TUNSTALL HOUSE PROJECT UPDATE]

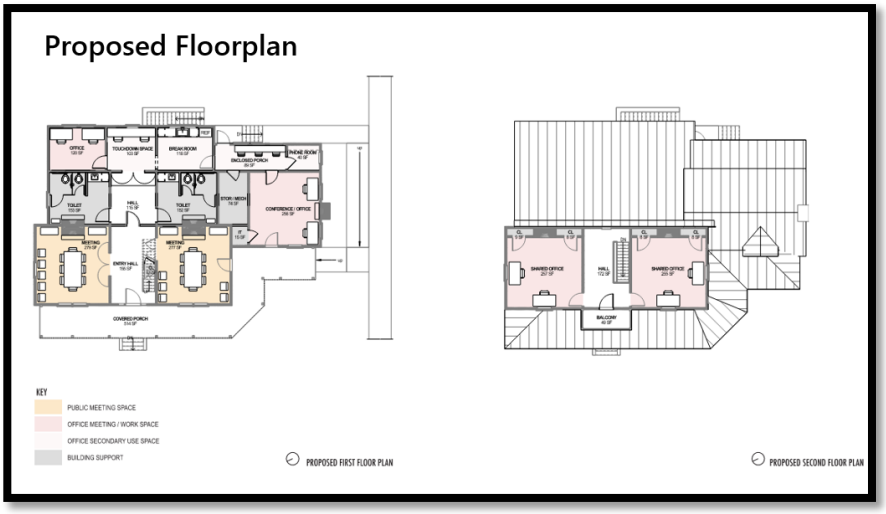
Marty Stone, Assistant Town Manager gave the following presentation:

[SLIDE 1]

[SLIDE 2]



[SLIDE 3]



Councilmember Gantt asked what the current plan of the house.

Assistant Town Manager Stone said that he did not have it but it's very similar to this, and the walls are in the same place.

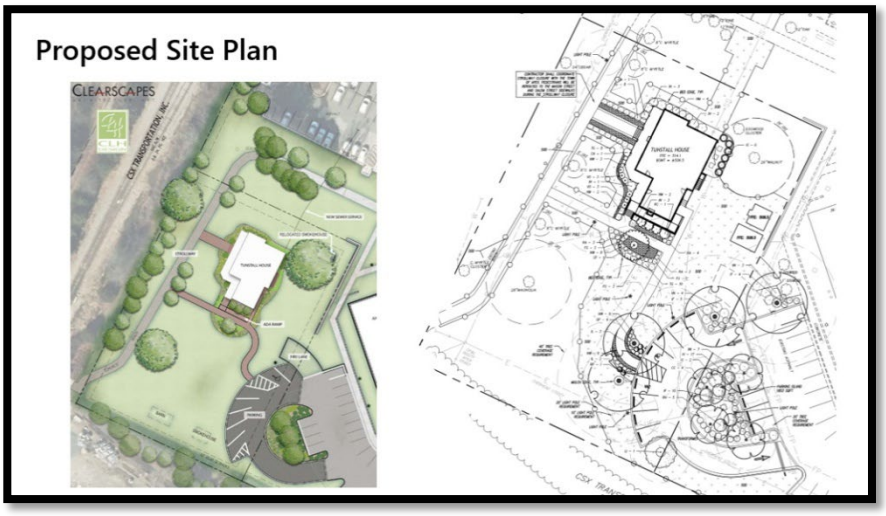
Councilmember Gantt asked if the plan was to move walls.

Assistant Town Manager Stone said that there would not be any walls moved. He said that the house was built in 4 phases, and it makes it difficult to change the load bearing walls.

Councilmember Zegerman asked with this being a historic property, could the interior character be changed, or would it need to stay the same.

Assistant Town Manager Stone said that the interior can be changed but some of the features are nice and the preference would be to keep those features, for example the fireplace.

[SLIDE 4]



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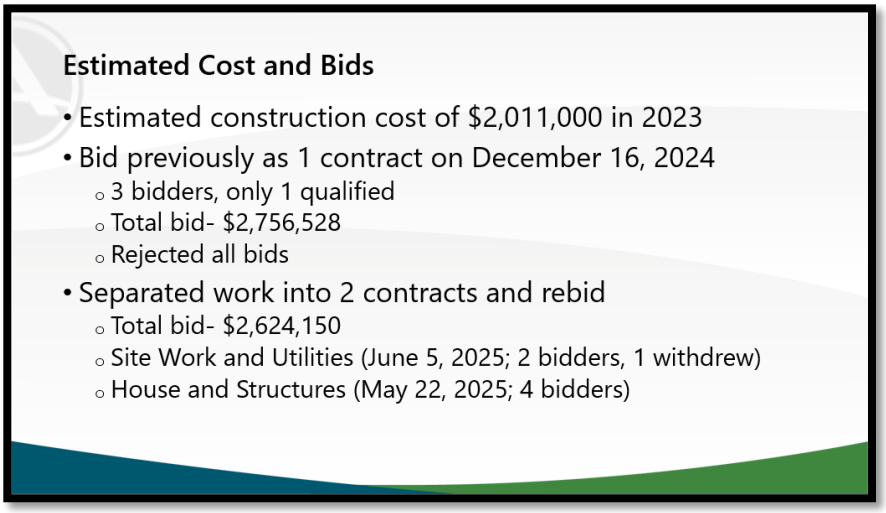

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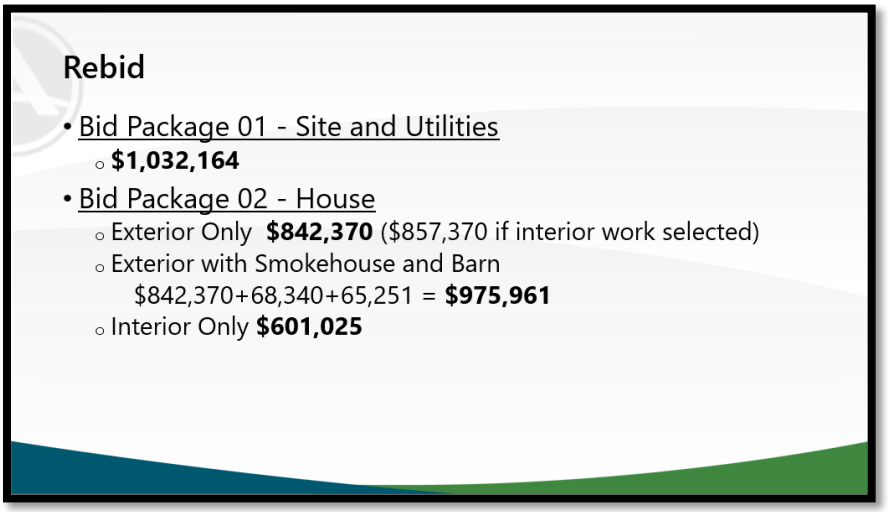
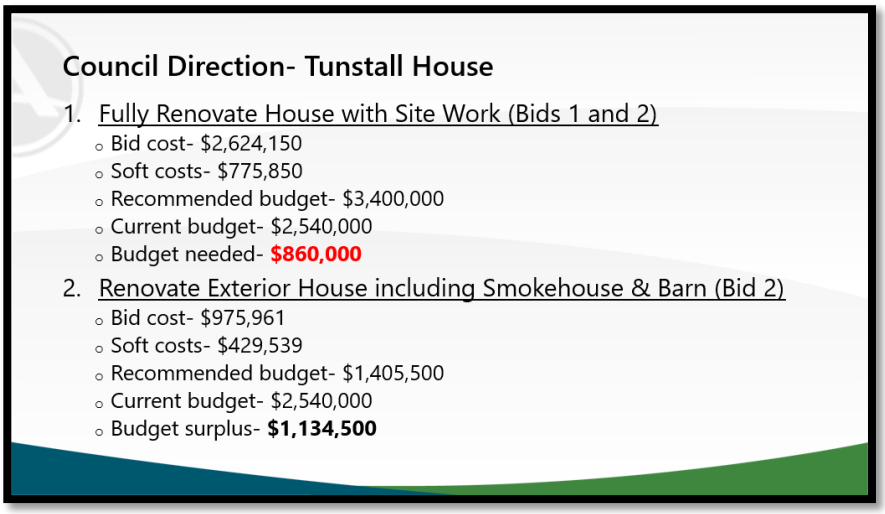


[SLIDE 7]



Councilmember Zegerman asked how much of the $775,000 is part of the early work, like design or initial setup.

Assistant Town Manager Stone said that there is $2,263,000.00 available. He said the goal is to get to the ultimate budget. He said that the bid cost and soft cost there would be a recommended budget of $3.4 million.

Councilmember Zegerman asked what had been spent and what is forecasted to complete the project.

Daniel Edwards, Senior Capital Projects Manager said that about $300,000 had been spent to date.

Councilmember Zegerman said that approximately $3.1 million would be needed.

Mr. Edwards said yes.

Assistant Town Manager Stone said that with this option and the recommended budget of $3.4 million and the current budget money that they have, there would need to be $860,000.00 to be able to move forward with the project. He said that the bid for the interior and exterior of the house expires in July, so if we are going to move forward, there will be an updated bid.

Councilmember Zegerman said that the $300,000 has already been spent and the budget amendment on the project would be $860,000, so the new spending would be closer to $560,000.

Councilmember Mahaffey asked if the contingencies would have to be covered.

Assistant Town Manager Stone said yes. He said that before the project is moved forward, they want to make sure that everything will be covered, building costs and final touches. He said that this is for the project budget not just a construction budget.

Mayor Pro-Tempore Gray asked if option# 1 included the site work zone.

Assistant Town Manager Stone said that option# 1 includes everything, parking lot, site utilities and the interior of the house with furniture, fire alarm, IT, etc. He said that option #2 would be made structurally sound, fix siding, make the porch safe and the roof and

ventilation which should prevent it from deteriorating. He said that if Council wanted to do option #2 that the inside could be done in the future.

Mayor Gilbert said it was clear that everyone wanted to move forward with this project. He asked about the public input and engagement.

Assistant Town Manager Stone said that the structure has been looked at, the exterior and then the interior and what it could be used for.

Mayor Gilbert said that it was talked about and considered looking at another site but didn't.

Director Khin said there was bidding as part of the downtown plan.

Mayor Pro-Tempore Gray said that the interior can still be decided and it's a great opportunity to have the public's input.

Assistant Town Manager Stone said the only walls moved around were to make things fit better but there were not any big structural changes.

Mr. Edwards said that there were some minor changes, like one of the bedrooms was changed into a bathroom.

Mayor Pro-Tempore Gray said that once it's built it will be a lot easier for the public to be involved with what it may be used for.

Councilmember Mahaffey said that the space and the renovation plans are flexible.

Councilmember Gantt said that the uses would be viable in the future.

Mr. Edwards said that there is an area that is at head height, and it has been flagged as a safety issue and will most likely be fixed.

Councilmember Killingsworth said that she agreed with Mayor Gilbert that there needs to be public discussion and input on the uses.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth**, to approve the Tunstall House Project, Option 1, Fully Renovate with House with Site Work (Bids 1 and 2).

VOTE: UNANIMOUS (5-0)

[ADJOURNEMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **5:32 PM.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council
Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on _____ of _____, 2025.

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 24, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 24, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=pR4ihjD6Prg

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

All other staff members are identified appropriately below.

[COMMENCEMENT]

Mayor Gilbert called the meeting to order at **6:00 p.m.** and welcomed all who were in attendance and watching.

Mayor Gilbert recognized the new Town Clerk of Wake Forest, Evelyn Wright, who was shadowing Apex's Town Clerk Allen Coleman. He also recognized Jack Otepka with 621

Productions and congratulated him on 20 years in business. He then took a moment of silence and led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert moved to the Consent Agenda. He noted that CN16 was modified with a corrected copy and requested that it be pulled from Consent Agenda and moved to New Business.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman**, to approve the Consent Agenda with Consent Item 16 moved to New Business.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Apex Chamber of Commerce - The Depot Lease Agreement - July 1, 2025 through June 30, 2028 (REF: CONT-2025-194)

Council voted to approve a revised and restated lease agreement between the Apex Chamber of Commerce and the Town of Apex; effective July 1, 2025 through June 30, 2038; and authorize the Mayor Jacques K. Gilbert, to execute on behalf of the Town.

CN2 Agreement Ratification - North Carolina Department of Transportation (NCDOT) - Supplemental Agreement No. 2 - Fred Smith Company - Beaver Creek Greenway (REF: CONT-2025-195)

Council voted to ratify an oral Change Order to the existing Greenway Construction Contract between the Town of Apex and FSC II, LLC, dba Fred Smith Company, Inc., for additional services for underground water service location as a part of the construction of the Beaver Creek Greenway.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Traffic Review and Inspection Agreement - Tunstall Avenue and Center Street Sidewalk (REF: CONT-2025-196)

Council voted to approve a Traffic Review and Inspection Agreement between North Carolina of Department of Transportation (NCDOT), to review and inspect signal upgrades at E. Williams Street at James Street and Center Street at N. Mason Street to provide signalized crosswalks as part of the Tunstall Avenue and Center Street Sidewalk Project, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Annexation No. 769 - Thriftwood Drive and Derry Down Lane – Insufficient (REF: RES-2025-036 and OTHER-2025-058)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received and to accept the Statement of Insufficiency related to Annexation Petition No. 769 – Thriftwood and Derry Down Lane.

CN5 Capital Improvement Plan (CIP) Adoption - Fiscal Year 2025-2026/2029-2030 – Capital Project Ordinance Amendments 2025-13, 2025-14, 2025-15, 2025-16, and 2025-17 (REF: ORD-2025-041, ORD-2025-042, ORD-2025-043, ORD-2025-044, and ORD-2025-045, and PLCY-2025-011)

Council voted to adopt the Fiscal Year (FY) 2025-2026/2029-2030 Capital Improvement Plan and Capital Project Ordinance Amendment No. 2025-13, 2025-14, 2025-15, 2025-16, and 2025-17.

CN6 Capital Project Ordinance Amendment No. 2025-12 – GoApex and Tunstall House Funding Allocations (REF: ORD-2025-046)

Council voted to approve Capital Project Ordinance No. 2025-12 appropriating funds for the Tunstall House Project and Go Apex Improvements.

CN7 Contract Amendment - Fred Smith Company - Change Order No. 3 - Middle Creek Greenway - Additional Costs and Extend Completion Date to September 19, 2025 (REF: CONT-2025-197)

Council voted to approve Change Order No. 3 to extend the project completion date to September 19, 2025 and to cover additional project costs for the construction of Middle Creek Greenway, and to authorize the Town Manager or their designee to execute on behalf of the Town.

CN8 Contract Amendment Ratification - Salisbury and Moore Construction Inc. - Apex Community Park Street Rinks Construction (CONT-2025-198)

Council voted to ratify a Change Order to the existing Construction Contract between the Town of Apex and Salisbury & Moore Construction, Inc, for construction of the Apex Community Park Street Hockey Rinks.

CN9 Contract Award – Down East Preservation Construction and Design LLC – Tunstall House Preservation Project – Buildings (CONT-2025-199)

Council voted to award the Tunstall House Site and Utilities Construction Contract to C.T. Wilson Construction Co., Inc. and to authorize the Town Manager to execute the contract on behalf of the Town

CN10 Contract Award – C.T. Wilson Construction Company – Tunstall House Preservation Project – Site and Utilities (REF: CONT-2025-200)

Council voted to award the Tunstall House Building Construction contract to Down East Preservation Construction and Design, LLC and to authorize the Town Manager to execute the contract on behalf of the Town.

CN11 Contract Award - Nature Trails, LLC - Design-Build Contract for Hunter Street Bike Track (REF: CONT-2025-201)

Council voted to award a Design-Build contract with Nature Trails. LLC., and the Town of Apex, for Hunter Street Park Bike Track design build project totaling $299,855.00 and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN12 Contract Multi-Year Renewal – Zencity Technologies US Inc. – July 1, 2025 through June 30, 2028 (REF: CONT-2025-202)

Council voted to approve a multi-year contract with Zencity Technologies US Inc. for a web-based platform to conduct community surveys and engage with residents, effective July 1, 2025 through June 30, 2028, and to authorize the Town Manager to execute on behalf of the Town.

CN13 CSX Transportation Inc.- Authorize Project Initiation Form - Rail Relocation Study (REF: CONT-2025-203)

Council voted to approve a New Project Initiation Form with CSX Transportation, Inc. for the Rail Switching Operations Relocation Study, and to authorize the Town Manager, or their designee, to execute the form on behalf of the Town.

CN14 Council Meeting Minutes – Various

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

May 27, 2025 – Regular Town Council Meeting Minutes

June 02, 2025 – Community Town Hall Meeting Minutes

CN15 Ordinance Amendments - Chapter 2 - Administration and Chapter 15 - Parks and Recreation - Various Sections - Resident Advisory Board Structure Changes (REF: ORD-2025-047)

Council voted to adopt an ordinance amending Chapter 2 - Administration and Chapter 15 - Parks and Recreation sections of the Apex Town Code of Ordinances to reflect various resident advisory board structure changes

~~**CN16 Resident Advisory Board Administrative Policy Adoption**~~

Council voted to move this item to New Business 3.

CN17 Resolution – Abandon Existing Sanitary Sewer Easement - 505 and 513 South Hughes Street (RES-2025-038)

Council voted to approve the Resolution to Abandon an Existing Sanitary Sewer Easement relating to the abandonment of a sewer easement across 505 and 513 South Hughes Street in Apex, North Carolina

CN18 Resolution - Establishment of Peak Plan 2055 Task Force (REF: RES-2025-039)

Council voted to adopt a resolution establishing a non-standing Peak Plan 2055 Task Force.

CN19 Resolution - Water Resources Development Grant Program - Beaver Creek Nature Park Stream and Floodplain Restoration (REF: RES-2025-040)

Council voted to approve a Resolution Entitled "Resolution Requesting Financial Assistance Through a Water Resources Development Grant Related to Beaver Creek Nature Park Stream and Floodplain Restoration".

CN20 Resolution of Support Installation of Public Art in Public Right-Of-Way - Salem Street Crosswalk Mural (REF: RES-2025-041)

Council voted to adopt a resolution titled "A Resolution of the Town Council of the Town of Apex, North Carolina, Supporting the Installation of Public Art in the Public Right-Of-Way at Salem Street Crosswalk"

CN21 Surplus Badge and Service Weapon - Former Apex Police Captain Justin Rosser

Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-797) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Captain Justin Rosser who resigned from the Apex Police Department effective June 22, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

- **E Suite to MyAccount Transition** - Migration is taking place from **June 28 to July 6** and there will be a blackout period with no online, phone, or online banking payments during this time. There will be In-person payments only at Town Hall via cash, check, or money order and account history will still be viewable in E Suite.
- **Holiday Closure** - Town Hall will be closed on **July 4th** for Independence Day.
- **Fourth of July Events** - **Fireworks Frenzy** will be on **July 3rd, 5–10 pm** at Hunter Street including a drone light show that is new this year, and the **Old-Fashioned Fourth of July** is also held on **July 4, 9 am – 1 pm** in Downtown Apex.
- **Recent Community Events** - **Pride Festival** and **Juneteenth** were both held at Town Hall campus and were very successful.
- **Next Town Council Meeting** is scheduled for **August 12** after a brief summer break.

Mayor Gilbert thanked Town Manager Vosburg and asked if there were any questions, with no questions he moved to setting the Regular Meeting Agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda with changes of Public Hearings No 1, 5, and 6 are requested to be continued until August 12, 2025 Council meeting, Consent Item number

16 is requested to be moved to New Business as well as the addition of a Closed Session Item to Consult with the Town Attorney.

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Zegerman** to approve the Regular Meeting Agenda with the changes of Public Hearings No. 1, 5, and 6 to be continued until the August 12, 2025 Council meeting, Consent Item number 16 to be moved to New Business, and the addition of a Closed Session to Consult with the Town Attorney.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert moved to Presentations.

[PRESENTATIONS]

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

Councilmember Terry Mahaffey presented the Quarterly Peak S.T.A.R. Award. He said this the Town of Apex and the Apex Public School Foundation recognize and honors one of Apex's Public School's Employee for the work done to educate Apex's students. He asked Jack Otepka with the Apex Public School Foundation to come up and speak on the award.

Jack Otepka with the Apex Public School Foundation said that they currently support 19 Wake County Public Schools and were awarded over $23,000.00 in grants this past year. He said that each Tuesday the Apex Public School Foundation celebrates exceptional education or educators. He introduced Ms. Cleo Morrisy and ESL teacher with Laurel Park Elementary as the quarterly Peak Star Award along with Laurel Park Elementary School Principal Charelle Lovett. He spoke about her dedication to helping every student feel at home, and her high energy, compassion, and inclusiveness in every space she enters. He congratulated Ms. Morrissey on being recognized for this Quarter's Peak Star Award.

Ms. Morrissey came up to receive the award and take pictures.

Ms. Lovett spoke about the Irreplaceable Report in the New Teacher Project, and it focusses on outstanding teachers in public schools. She said they are cultural carriers, consistent problem solvers and make others around them better.

PR2 Proclamations - Apex Parks and Recreation Month 2025 (REF: PRO-2025-030)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation - Apex Parks and Recreation Month 2025. He invited Director Craig Setzer and members of the Parks, Recreation, and Cultural Resources Department to accept the proclamation and take pictures. He also recognized members of the Public Art Committee for attending as well as the Advisory Board for Parks and Recreation. He invited Parks and Recreation Special Event Intern, Jacoby Kolanko to speak.

Mr. Kolanko gave information about the National Parks and Recreation monthly event, the Summer Slam Basketball Tournament on July 26th from 11:00 am to 3 pm with additional activities, free Acai samples, Food Trucks and Yard Games.

[PUBLIC FORUM]

Mayor Gilbert moved to the Public Forum and invited the first speaker up.

First to speak was **Shanae Artis** at 1118 Kissena Lane, Apex:

"I was invited here by Mr. Welch from the Housing Choice Advocates program, and they pretty much wanted me to come and just share a little bit about my homeownership journey thus far, so in 2014, I moved from New York to North Carolina, literally with only what could fit in my car, me and my 5-year-old daughter at the time, she's 16 now. We packed the car and drove down here to restart our life. We settled in Cary, North Carolina, and lived in a one-bedroom apartment with just an air mattress, a TV, and a TV stand for one whole year. While we were there, homeownership was never something I imagined for myself. My family grew up renting apartments and things like that, so it wasn't something that was the American Dream for me. It wasn't until I started going to a church here and I met a woman, an older woman but a young woman in spirit who specifically had a ministry for helping single mothers' own homes, that I even considered the idea of being a homeowner myself and so I started to get connected with different women, specifically women of color women who also had either been mothers or single mothers. I was able to see a lifestyle I did not see living in New York. This woman, she convinced me to start considering homeownership, and I took her up on the offer. She connected me with a lender and at that time, the lender let me know I needed to do some credit repair to be eligible. I was totally for it. I was working, so I had a small amount of income to do some of that work and so I started saving money and working on my credit. That took me about two years, so that lender, I don't know what happened to him, honestly. The second lender she told me about, I got connected to him, and he let me know, if you are not willing to move outside of Wake County, maybe to Rocky Mount or something like that, then I can't help you. His thought was that housing in Wake County is not affordable, but for me, being a solo parent with a child, going to Rocky Mount, I'm not from North Carolina I'm not doing that. It was already a culture shock coming all the way from New York here. So, to think that I would go to Rocky Mount on top of that was like, I'm not doing that, so we stayed where we were for a few more years. I got a better job, we got a bigger apartment, she got her own room, we modestly furnished it, and things improved. I got connected with a third lender a few years after that, and he let me know, I'll never forget, he called me, I was in Costco in Apex Pine Plaza, in my car. He called me to give me his evaluation of my situation, and he laughed at me, he said, "Ms. Artis, unfortunately, you don't make enough money. Either you need to get a better job, or you need to get a man" and I was like, excuse me? I didn't say anything. I took it for what it was worth, and I kept it pushing, but it kind of broke my spirit, because like I said, I never considered homeownership in the

first place, and then to be what I felt was a little bit close and to hear that, it was very frustrating. Long story short, I kind of let the dream go and went on about my life. At the time, I was working for a nonprofit assisting woman who were transitioning out of prison and so my role was to support them as they were preparing, and then once they got out, I would get them connected to our re-entry homes. I would literally go pick them up from prison in downtown Raleigh, take them to our transition home, support them while they were in the home, and then when they were ready to transition into their own, I would be the support for them to do that as well. While working with one of the women, she reached out to me and asked, "I want to apply for this program called Habitat for Humanity. Can you please do a landlord reference for me?" because technically, I was her landlord, being that she was in our re-entry program. I said, okay, fine. Perfect. I'll do that. I researched Habitat, because I had heard about it a little, like they build people homes and things like that, but I didn't know the gist of the program. I looked into it, did my research, signed the form, and let it go. A few months after that, I had other women coming to me going through the same program and I was like, this is amazing, these women coming out of prison are getting homes, like, what's going on? But the thought also came that that wasn't for me, because that wasn't my situation and me being someone who, yes, I may not have had the financial means at the time, I wasn't justice-involved, I wasn't in that dire need, so I didn't feel like it was for me, so I didn't go for it. Fast forward maybe a few weeks or a couple of months later, another woman I knew of, who was like a mentor to me, reached out and said, "Have you thought about applying for Habitat for Humanity?" And I said, "Actually, I have thought about that, but I don't think that's for me, I think that's for the women that I work with." She said, "I think you need to look into it, the application process is open." So, I said, "Okay, fine." In August or early September, I applied for the program, by the end of September, I got approved, by October 21, I was doing my hours. I was down here, off of Kissena Lane, helping to build the house and I remember saying to myself, I want to live here, having no idea that would actually be where I am today. I went through that program. It should have been an 18-month program, it took me six months, literally, to do my hours. I helped build my house and about three other houses on that block, which to me is just amazing but all of that to say, homeownership has given me and my daughter a sense of stability that, when we first got here, we did not have. We didn't know what to expect. I just knew I wanted better, and for me, being able to get into this space has not only been a blessing, but it's allowing me to create generational wealth for her and for the generations to come. My daughter is in a stable school environment. She goes to Apex High, she loves it, she hates it, but whatever, we know how it is being in high school, right? But she has a stable environment with kids she's going through the grades with, and she's learning and building relationships with people that hopefully she may go to college with, or she'll know years down the road. That's something I did not have, so being given an opportunity to create that for her has been such a blessing to me. Apex has welcomed us with open arms. Our community, we have about nine other Habitat homeowners, but we also have other homeowners who are not. They went the traditional way, but we all respect each other, we all look after each other. We have a community. We care for one another and I'm really appreciative of that and grateful. So, when Mr. Welch asked me if I would come and share my

story, I said, absolutely, because I really want to hopefully use my story to inspire you all and whoever makes those decisions to create opportunities like these for other people like myself, I understand there are stigmas that come with people, maybe with low income and things like that, but that's not always the case for everybody. Some people really just need an opportunity to do better for themselves and for their children, and when they get that, they're willing to give back and be the community member that they need to be to be productive. So, thank you all for welcoming me tonight. Thank you, Apex, for welcoming me into the community, and I hope we can create some more opportunities for others like me. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Mary Miskimon** of 3177 Retama Run, New Hill:

"Thank you. Good evening, Mayor Gilbert and council members. Thank you for addressing concerns over Apex's lack of reasonably priced entry-level housing, which we just heard about. I understand there were several workshops around affordable housing back in April, and I attended those, but tonight we find it's already under new business with no public hearing, so think this is a really big issue, as we've heard about, and I would have liked to have had a Public Hearing on it tonight so that more folks we already heard some, you're going to hear from me, could have addressed it. Over the past several years, I've heard from many, many Apex residents, hundreds, actually, about concerns regarding regulations that make doing business in Apex more expensive and that make housing more expensive, especially for our older folks and they have some questions which I am sharing with you tonight. Medium home prices are down in Apex over the last year. Inventory is up, and we've noticed apartments and home sellers either lowering their prices and/or offering incentives. Can you please list on the town's website your specific data that show there is a need for thousands of new affordable housing units? Can you also clearly define what you mean by affordable housing? Is it always the same definition used by the Federal Housing Administration, especially since municipalities can set their own limits? Would you please clearly post on the town's website, for each taxpayer-funded property, apartments, etc., what formula and/or guidelines were used to determine the AMI and other qualifiers for particular properties, and then justify it by showing the anticipated need? How will the taxpayer-funded, government-subsidized housing impact all housing across Apex? Can you guarantee it will not increase demand, thereby pushing up home prices further across the board? How will you prevent builders from passing along the cost of either building affordable housing or paying fees in lieu, or land in lieu, thereby raising the cost of housing across Apex? How will increasing density and otherwise altering the town's development standards, while reducing parking requirements, impact on the overall appearance of Apex and specifically its small-town appeal that is actively used as marketing to draw more residents to our area? And finally,

how will adding more subsidized housing impact an already stressed infrastructure? Since I have a little bit of time, is there another town or city upon which this affordable housing plan is based, that you can show, where it made the area more affordable while also protecting the quality of life of all residents? Thank you very much."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Dawn Cozzolino** at 3632 Bosco Road:

"I brought a little something with me tonight. I don't know if you see the New Hill horse, he's got the billboard back there, he's got his New Hill shirt on. It's not just a prop, it's a message, a symbol, a reminder that we show up. We show up at the meetings, we file public records requests, we analyze data. We propose reasonable alternatives. For years, we've engaged with the Town of Apex Town Council the right way, through the official channels, with respect, with facts, and with commitment to the truth. But what we've gotten back is often disappointing delays, deflection, misinformation, and a process that feels designed to wear down people. While there's no shortage of polished presentations and talking points, too often this chamber becomes a theater, while the real decisions happen offstage, away from public view, and that brings me to the elephant in the room, and we're not talking about Disneyland, I know you have your shirts on tonight. It's the continued and expanding use of eminent domain and forced land acquisition by the Town of Apex, not for public schools or critical infrastructure, but for private developers. Let's talk about Beverly Rubin's farm, the town took her land through a quick-take process to run sewer infrastructure, sewer that directly serves private Parkside Developers, not the surrounding community, we all have well and septic. She didn't volunteer that land, it was taken, or look at RXR Veridia development, a private development, where the town again pursued eminent domain, bypassing less disruptive routes and impacting historic farmland in New Hill and Friendship. There were other options that we have discussed time and time again that were less disruptive under utilities, not doing tree canopy destruction, but they were not chosen. And why? Because this process increasingly favors development timelines over community protection and every time, we ask for transparency, every time we ask for answers, we are told: "It's just a utility, it's not funded, it's in the Comprehensive Plan, there's nothing we can do." Well, I'm here to tell you, we see it, and we're not going away. So yes, I brought the billboard, it's a stand, it's standing up for our residents and we're going to keep showing up and I hope that you will take this discussion tonight, what you're going to hear and take things seriously. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Stitt** at 3113 Friendship Road:

"Mayor, Town Council, good evening, came with no notes tonight because there were like three different things rolling in my head, and I couldn't figure out what I wanted to talk about tonight, so, I'm going to do a short snippet of a couple topics. Pleasant Park, I did not necessarily pay attention to the agenda that today or July is the park month, but that is a heat island near my home, and I drove through it, and understandably, nobody was playing out there because there are no trees. Now, a short way down the road on Kelly Road, you have Kelly Park. Guess what? People were playing, because there were trees and so, you know, we talk about Apex being sustainable and good quality of life and how we're moving things forward, but Pleasant Park is not an example of that. We need more trees. I would love for you guys not to cut down my trees on my property that you're going to be cutting down at this point, but we need more trees, we do not need more heat islands. If you want affordable housing, it's not housing that you have to pay a lot of money to heat. If you would have trees, based on the 2018 study that the town did and then most recently the tree canopy study, if you want affordable housing, you shade your house so that it's more affordable. So, where Dawn made comments where we're told, hey, things can't be done a certain way, when you go and do these larger developments and you have to clear-cut, what about leaving enough space that that homeowner can actually plant a tree to maybe shade their house, so they have a sustainable way of cooling their house and not stressing the grid? So, you know, we talk about quality of life, we talk about, let's go to parks, we talk about sustainability but where are the results? Where are we moving the needle forward? This is my fourth year coming consistently to these meetings and raising issues and concerns that impact our community, and very little has changed and the question is, why? Because it doesn't have to be that way. So, you know, I followed the different public hearings, and most recently there was a special use permit for Peak City Church. I did get legal standing in that particular meeting because I'm directly impacted. We found out on April 8th that they are doing pretty much a 6-acre spray septic field, and the hearing was April 15th. The town knew about it months before and did not share it with us, and did not require them to share it with us. So, when we talk about a process that is stacked against people, it's these types of processes, we can raise the quality of life by actually working with each other. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Brunner** of 306 Hinton Street:

"Twenty-minute Walk here, a little bit sweaty, and that's going to be relevant for my comments, I'm age 62, phasing into retirement after 24 years with Habitat for Humanity, primarily the international headquarters. Congratulations, yay for you, love the trees, like New Hill, appreciate the parks. I'm going to begin with a compliment. I am now a bus rider, and I relinquished my car six months ago. So, I walk everywhere, probably familiar if you go down Hunter Street and I take the bus. The bus in this heat is blissfully air-conditioned, bravo and thank you for the drivers for cranking that up. But it's a little bit uncomfortable waiting for that

bus and uncovered, you know, standing up at a stop. So, we should work on some of that. I am so excited that there is going to be a bus route that will include the parks, yay to the Parks Department and the library coming in 2028. So, for me, that's three long years of very sweaty walks, particularly to the library. For me, the Eva Perry Library, my favorite place in Apex, is a four-mile loop hauling a roller cart of books. I did that through the winter and the spring, and it's not too bad if you take the shortcut, the Greenbelt through Shepherd Vineyard. It's impossible now, the heat and misery, I can't do four miles there, or I can't do that walk anymore. So, I have a suggestion. I think we should use those two lovely new passenger buses from our friends at the Parks, Recreation, and Cultural Center. I actually, when I'm waiting for the 305 bus on Mason Street, I see them, I see them just sitting in the parking lot there unused, and I think, "Oh man, couldn't that bus take me every couple weeks to the library?" So that is my request. Similarly, when I hear about the wonderful park activities, I want to go to the Apex Nature Park, I want to go to the Pollinator Fest this week but that is impossible if you're walking from downtown Apex, because our current bus route doesn't serve the park, so, you've got three years. That's all you need to do, in which you can shuttle me and other bus-dependent people to the library. The checkout period for Eva Perry Library is three weeks, so we could just even do one loop there and back every three weeks, return my books while the weather is extreme. I would do some kind of celebratory dance if you'll do that. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buck Haven Court:

" Good evening, Council members. As Council Member Ed and Brett know, I wasn't supposed to be here. My outfit at this time was supposed to be a cowboy theme for my son's swim meet, but instead, I'm in mourning garb. Today is different from my other times here, there are no smart remarks or looking to educate my community. I am here with a broken and angry heart. For the last several months, I've had the honor to be part of a group caring for a little boy from Gaza who was here in Raleigh. His name is Islam, and he is all of nine. He's here because a bomb was dropped on his house, and he lost his leg and his body was covered in scars. But that didn't stop him. I was his partner in the 5K run, and his heart demanded that we did the whole run. Three weeks ago, we threw a party for Islam and his mother, for his and her recovery, as we closed up the party, I kissed Islam's mother's cheek, today I hugged and kissed her again, but this time she's a widow. Yesterday, Israel dropped a bomb on their home, killing her beloved husband, maiming two more of her children. Her youngest, four years old, had his leg amputated, and her daughter has damage to her face and lost her eye. I just left a funeral and came here, and I'm angry. I'm angry at my fellow American. Multiple times I've come here educating my community that we are killing people. When we go to work, those taxes leave our pockets, and instead of staying in our community, it's being taken to go kill women, children, and innocent fathers. I hugged my grieving friend while knowing

that the money and the weapon to kill her husband and maim her children came out of my pocket. I have more friends who I love and know who are in Gaza that are starving right now, and I want to know how much longer we as citizens and politicians are going to stay silent while we murder innocent people. There are a million children in Gaza. What do you think 2,000-pound bombs do to children? What do you think we're going to find under this rubble, I know everybody's seen the pictures. And if you don't know, if you're not sure, you have me, a community member, that can educate you and give you the videos and the personal testimonies. Thank you."

Mayor Gilbert thanked Ms. Kennedy and asked her if she would meet him tomorrow for him to share some information with her. He called up Mr. Hastings to speak.

Next to speak was **Jeff Hastings** of Friendship Road:

"Thank you, Mayor and Town Council. Real quick, I just want to give you an update about PeakFest. I wanted to thank the town for all they've done for us over the last 45 years with PeakFest, and I just want to give you a quick update. This week, over the next 10 days, we will be giving back to the community $30,000 to the nonprofits that have signed up for our grants. I just want to say thank you for everything the town has done for the last 40-plus years and look forward to the next 40-plus years in helping out. Just very simply, I want to say thank you very much because we couldn't do it without, we couldn't do it without your help. I think it's a great event. Next year there's going to be some alterations, I'll say, because of Salem Street, but we're going to be working closely with the festival staff, with the Salem Street project and how that works but we'll make forward that it's a great event for the next years to come. So, I just want to say thank you, and sorry I didn't get here before. So, thank you all."

[PUBLIC HEARINGS]

PH1 Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres – ITEM TO BE CONTINUED

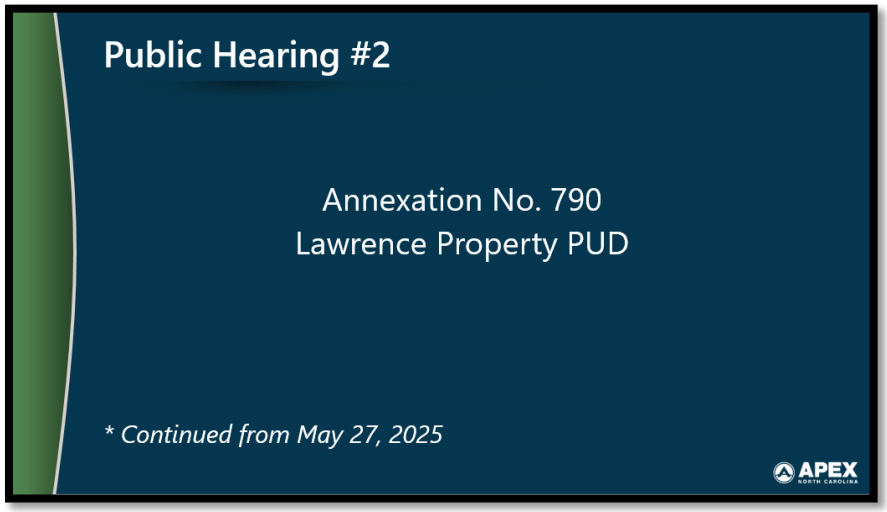
A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Zegerman** to move Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres to August 12, 2025 Council meeting.

VOTE: UNANIMOUS (5-0)

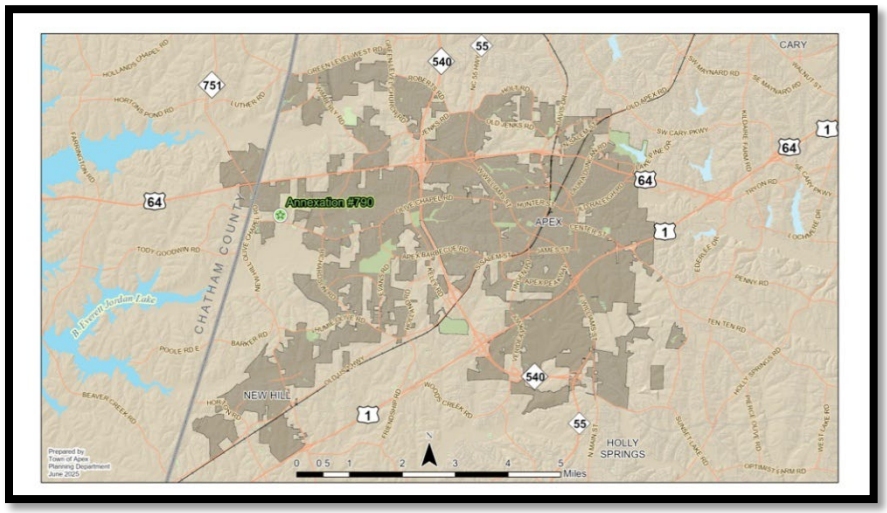
PH2 Annexation No. 790 - Lawrence Property PUD - Olive Chapel Road - 37.98 acres – Continued from May 27, 2025 (REF: ORD-2025-049)

June Cowles, Senior Planner, Planning Department gave the following presentation:

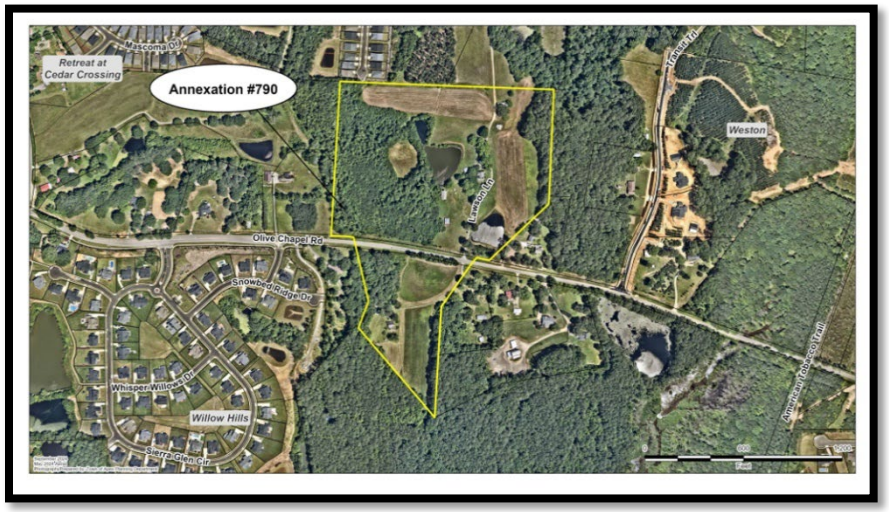
[SLIDE 1]



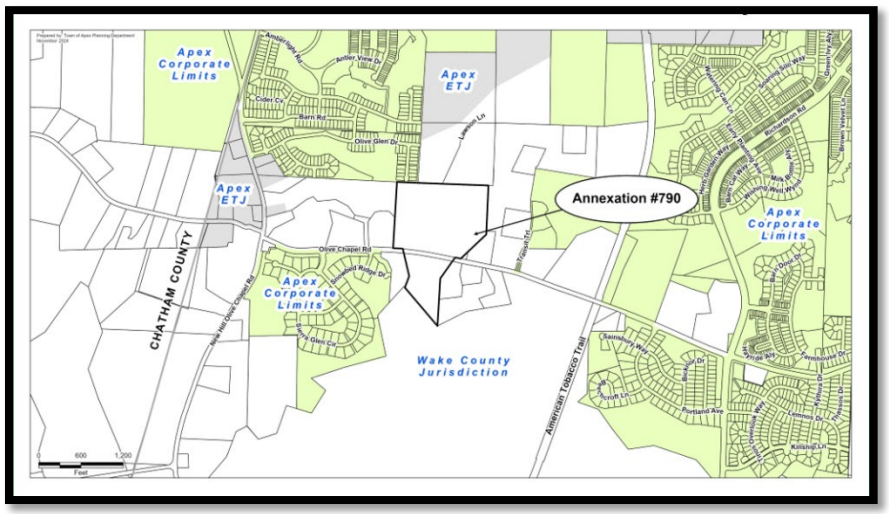
[SLIDE 2]



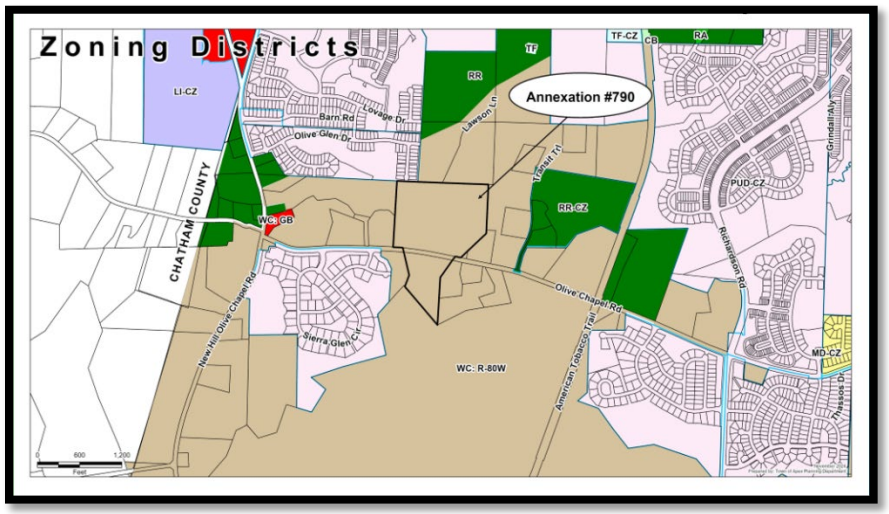
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Mayor Gilbert opened up Public Hearing and called up the first speaker.

First to speak was **Laticia Shapiro** with Morning Star:

"Good evening, Mayor, Town Council, we just wanted to let you know that we were here if you had any questions."

Mayor Gilbert called the next speaker.

Next to speak was **John Adcock** with Adcock Law Firm at 202 East Academy Street:

"Good evening. Members of the Town Council, John Adcock with the Adcock Law Firm at 202 East Academy Street in Fuquay-Varina. I represent the property owners that are subject to this, that own the property that this petition is part of. I'm just here to speak on their behalf. They're in favor of it, and to answer any questions if you have any. Thank you."

Mayor Gilbert closed the Public Hearing with no others signed up to speak.

AND

PH3 Apex Transportation Plan Amendment - 24CZ16 Lawrence PUD - Continued from May 27, 2025

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

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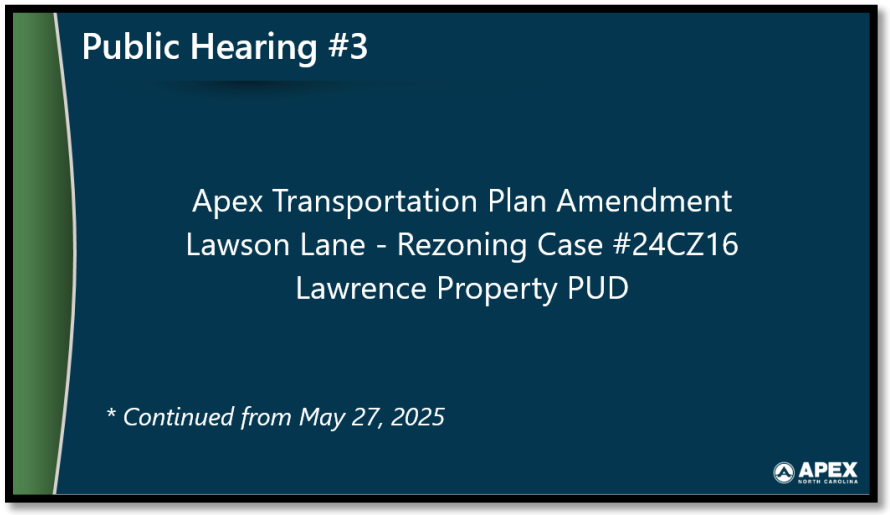

[SLIDE 2]

Mayor Gilbert asked if there were any questions for Ms. Cox.

Councilmember Zegerman asked if there are impacts to the wetland would there be mitigation or preservation that would need to be done to realign the road or any other consequences.

Ms. Cox said that she would like the applicant to respond to that.

Bob Zewalt with Kimley Horn said that there wouldn't be any impact on the wetlands. He said they had surveyed the wetlands and located the collector to not have any other impacts.

Mayor Gilbert asked if there were any other questions, with no other questions he opened up Public Hearing and called the first speaker.

First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening again. I'm here tonight to express serious concerns on any transportation planning, specifically this amendment for the thoroughfare. It seems very innocuous, but I know that it's really not that way. So, what I have tonight, and I haven't had a chance to really go through this, if you can hear me, just take a look at this. But basically, what I'm indicating here is our community on this particular map, and this is the subject of sewer and roadway taking. Okay, the whole area. So, when I see something like that, it looks like the same thing to me. I want to talk about traffic because that's always ignored. Traffic impacts, these are always ignored. My analysis on all the TIAs for our whole entire area yields over 330 new vehicle trips a day, a day, in our area. And I had to add stickies because you keep zoning and adding on new developments every week. Okay, so that one was just produced a couple weeks ago, and I want to share with you tonight, DOT AADT, annual average daily trips. This is our area. This is a map of our area. What does it show you? It's about 651,000 based on 2024 data, 651,000 daily trips. That's the baseline. This is what's happening. So, we're up to a million. We're up to a million. And you're going to do this. And you're going to keep going. So, I just want the public to know this is the end game, to take everything, make it a roadway,

and then you're going to have gridlock. Because you got service level F roads everywhere, even with mitigation. So, it's going to be a traffic light everywhere, and the roads can't handle it, and the DOT knows the roads can't handle it, and this is the DOT roads. So, I don't know how Apex has jurisdiction over something that the DOT is responsible for maintaining and maintaining Vision Zero safety. Thank you."

Mayor Gilbert thanked the speaker and closed Public Hearing.

AND

PH4 Rezoning Case No. 24CZ16 - Lawrence Property PUD – Continued from May 27, 2025 (REF: ORD-2025-050)

June Cowles, Senior Planner, Planning Department gave the following presentation:

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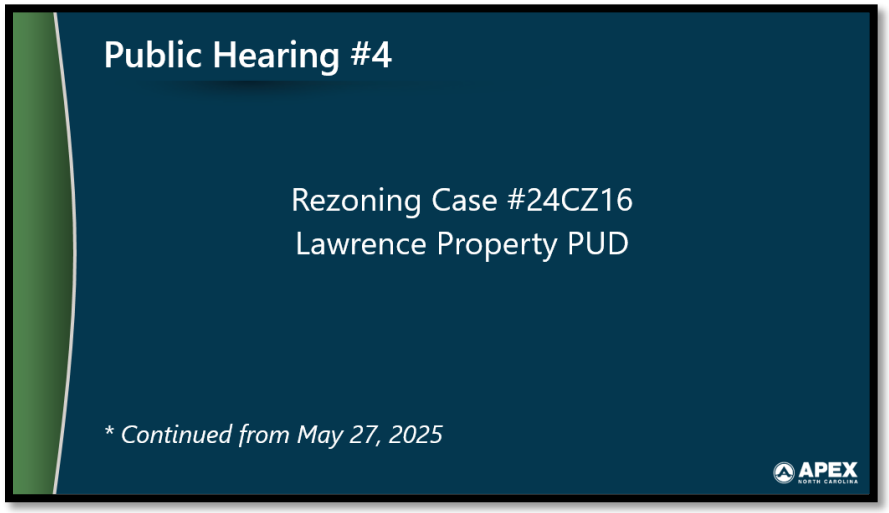

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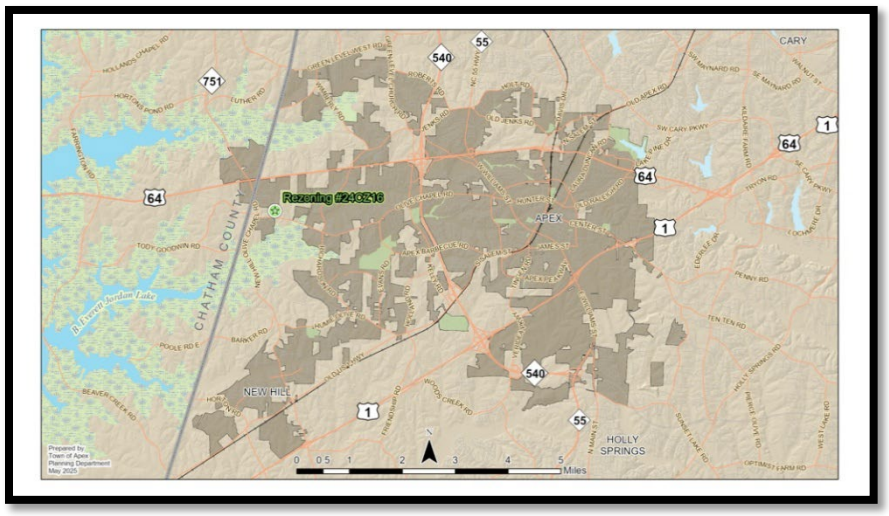

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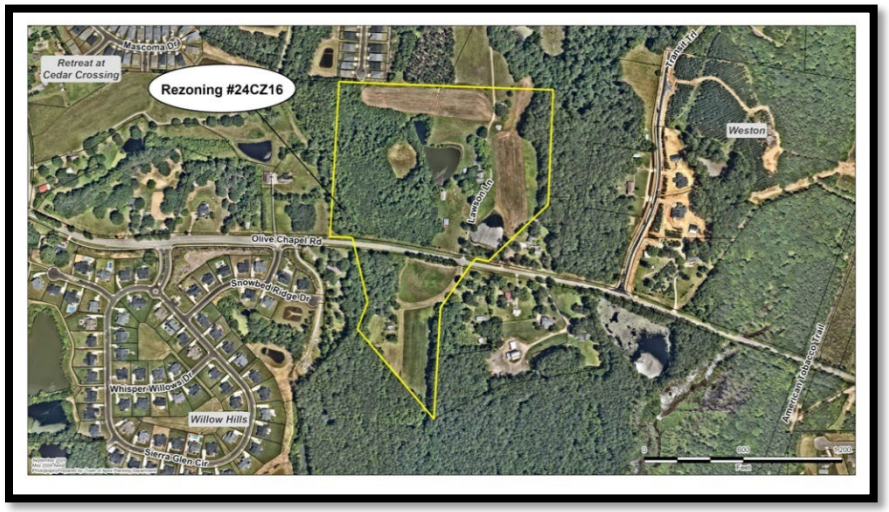

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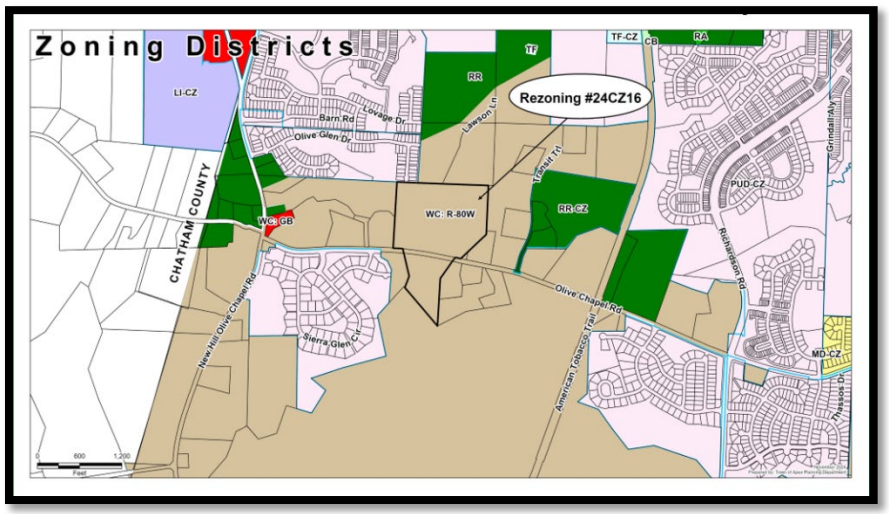

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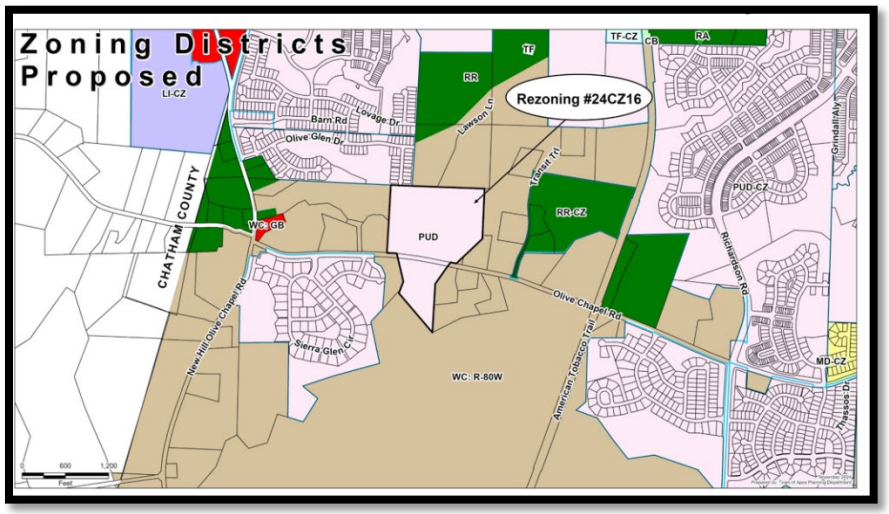

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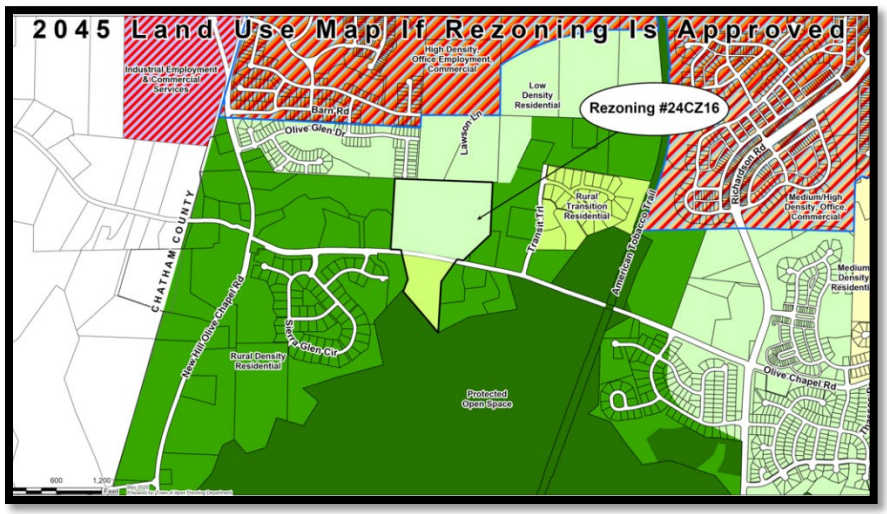

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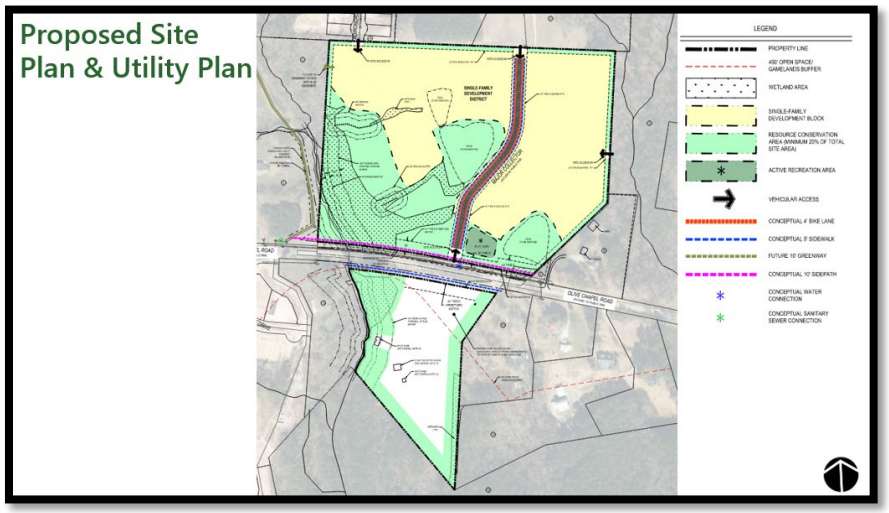

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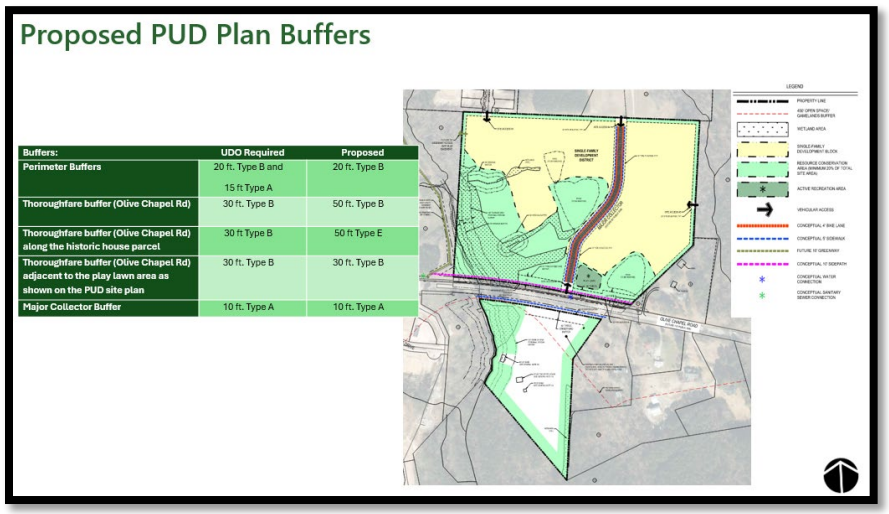

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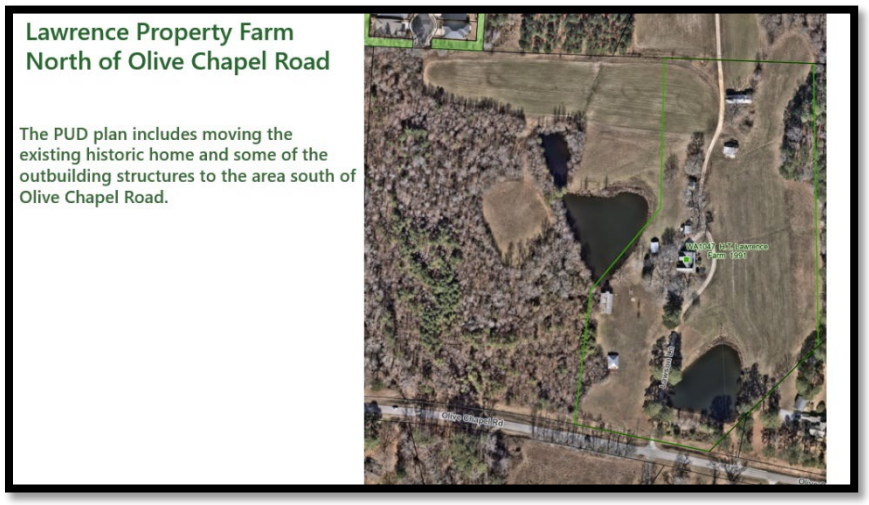

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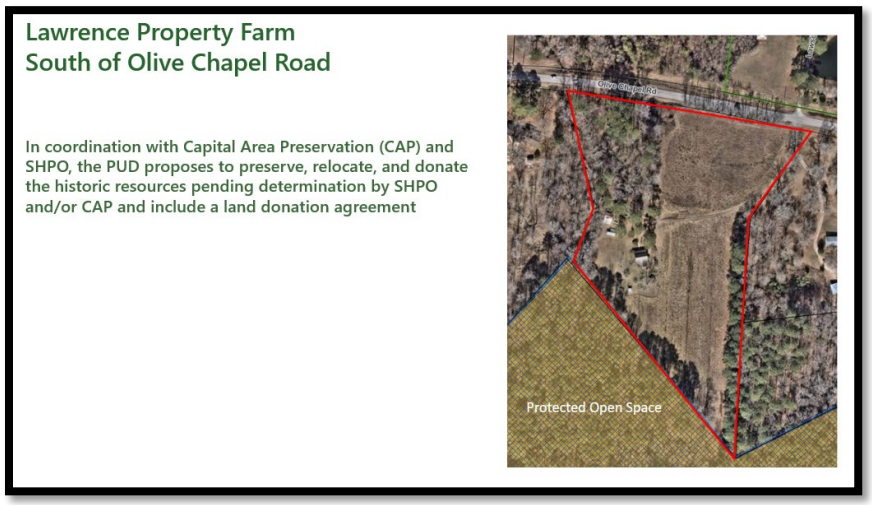

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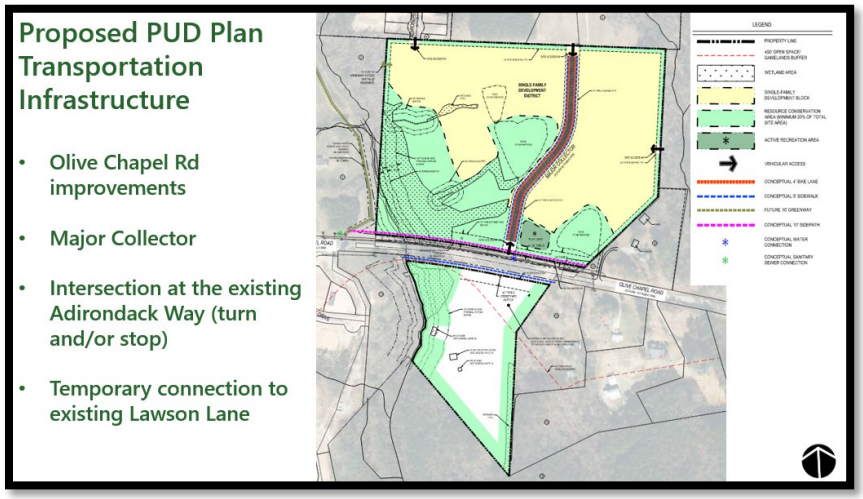

Ms. Cowles asked if there were any questions for her or the applicant.

Mayor Gilbert asked if there were any questions. He asked for the applicant to speak.

Leticia Shapiro of Morning Star Law Group, representing Baker Residential, spoke in support of a rezoning application and gave an overview of the rezoning. She gave the following presentation:

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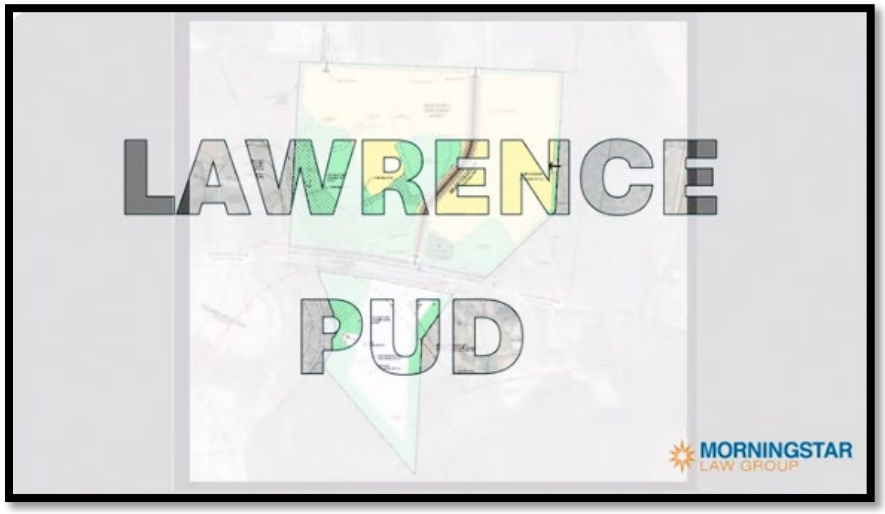

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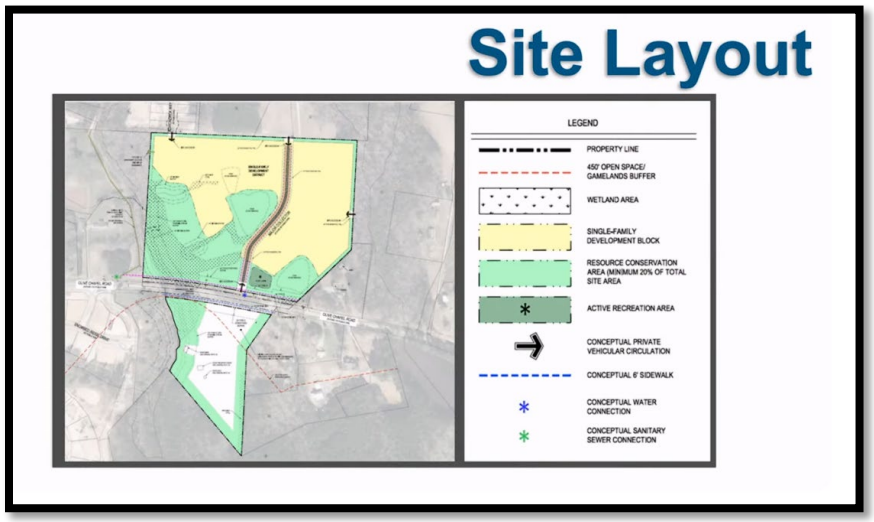

[SLIDE 4]

Ms. Shapiro asked if there were any questions.

Councilmember Zegerman asked if there was any construction on the south side of Chapel Olive Road.

Ms. Shapiro confirmed that there was no construction on the south side of Chapel Olive Road.

Mayor Gilbert said that with no other questions he would open up Public Hearing and called the first speaker.

First to speak was **Frank Aegis** of 1357 Mascoma Drive:

"Good evening, my name is Frank Aegis, 1357 Mascoma Drive, that's in the Retreat at Cedar Crossing. I'm also on the Board of Directors of the HOA at Retreat at Cedar Crossing, and I'm speaking for several of our members. I appreciate the opportunity to speak with you. Over the past six months, I've been in discussions with the Lawrence Farm project developers

and with the Town of Apex staff regarding the plans for this new subdivision, so I've been the main point of contact with the developers. The proposed development of single-family homes fits well with the character of the area. However, the Retreat residents, especially those on the connecting street Adirondack Way, Adirondack Way is going to connect into Lawrence Farms, are extremely concerned about the potential negative impacts with respect to traffic. The major roads and intersections surrounding the developments, Olive Chapel, New Hill Olive Chapel, Route 64—are increasingly congested. With the 2024 opening of the TMSA High School, morning and afternoon traffic backups around the Retreat and Deer Creek are really excessive. The roads are almost impassable. Add to that the coming construction projects in the coming years, starting in the next two years, the DOT is going to be realigning Olive Chapel and New Hill. They're going to be widening New Hill to 64 to four lanes. They're going to be adding a roundabout at Amber Light and New Hill, all should help, but in six to ten years that those are in construction, traffic is going to be increasingly problematic in our area. We feel that the opening of Adirondack Way, which is currently a closed street, is going to provide an alternate path for travelers that are westbound on Olive Chapel and northbound on New Hill, they're likely to try and bypass New Hill Chapel and go through our subdivisions, go through the Lawrence Farms, go through the Retreat, and go through Deer Creek to get to the school and to get to 64, because there is a way you can use those roads and bypass the intersection of Route 64 and 751. How many will do that? We don't know, because we don't have any data. There has been no traffic study, and there's been no traffic study that's been required for this application and this rezoning. You need data to be able to make a decision, to look at the plans and see if the plans for the roads are adequate for what the projected use of those roads is and the only way you can do that is to have the data and to have a traffic study to see what kind of traffic we can expect. Now, when I brought this to the developer and to the Town Planning, I was told, "Well, your subdivisions are too small, there's not likely to be that much traffic because it's only 55 homes," and that just ignores the fact that most of the traffic is not going to originate within the subdivision. It's going to originate outside the subdivisions, people using these as cut throughs. So, we would really feel that having a traffic study must be done so that you can understand what the levels of traffic are going to be and that the design of the roads, as they're presented to you, are adequate to handle those traffic loads. We don't want to have to come back here two years from now, three years from now, four years from now and complain about the horrendous traffic conditions and then have to try and figure out how to mitigate those. We have an opportunity now to make the right decisions, and to do that, we need to understand what's coming and so we would urge that a traffic study be required as part of this rezoning process. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Karen Foust** of 1318 Adirondack Way:

"Thank you for your time. I am actually the president and treasurer of the HOA for the Retreat at Cedar Crossing, but I also live on Adirondack Way. So, I'm going to be one of the

residents who's most impacted by the connection of the Retreat at Cedar Crossing to the new neighborhood. As Frank eloquently said, our residents are extremely concerned with the increase in traffic that will result with this connection to the new neighborhood and the Science and Math Academy. We've already seen a significant amount of increase in traffic, not necessarily on my street, but we anticipate that when the roads do connect, the residents of the new neighborhood as well as any residents coming off of Olive Chapel are going to start coming through our street. So, we just want to reinforce with you that a traffic study is needed, and if you're not willing to do that, consider traffic calming measures that will at least slow down the traffic or reduce the traffic that's coming through our street. Thank you for your time."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Lea Burnett** of 1335 Adirondack Way:

"Hello, thank you for your time. I also live at Retreat at Cedar Crossing, and I'm at 1335 Adirondack Way, which is next door to where the new development's going to be planned, so I'm at the end of the street. I don't know if y'all know this, but we are a small 55-and-up community. We only have 88 homes. It's quiet and peaceful and is perfect for our senior residents. The current traffic concerns that we have, we're at the end of our neighborhood, if we go out, we cannot turn left onto Olive Chapel. It's the same when we're coming back home, we cannot turn left into our entrance. So, this is extremely inconvenient for all of us that we cannot make a left-hand turn there. This forces us to drive into Deer Creek, which is the subdivision right next to us. Deer Creek is a large community with mostly young families. There's a multitude of small children, and they play outside, which they should, but they play in the street. They're in the street on their little bicycles or little Razor things, and they're playing ball and stuff, and balls come out into the street. There's a good deal of pedestrian traffic as well, so you can imagine, I know they've had some close calls in that neighborhood, and there are safety issues and concerns there. We don't want to go through their neighborhood, but we have no choice if we want to turn left out of our subdivision, so I know they don't want us going through their neighborhood, and I know they don't appreciate the extra traffic that we add to their neighborhood as well. In my mind, it would be better to separate, of course we can't separate from Deer Creek because that's already a done deal but to separate our community from the new proposed community, because they're going to have a main street going out of this new community, and they can go left or right, well, lucky them. There's also the TMSA high school and elementary that borders Deer Creek and of course connects to our neighborhood. There are 2,000 students in these schools combined, and they are, the vast majority, probably 99.9% of them are driven by parents."

Mayor Gilbert thanked the speaker and called the next speaker.

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

"So, you've heard a lot about traffic. I just want to quickly mention, and I'm going to run out of time about the school. So, I think it was read out loud, and that was great, but it emphasizes a serious issue here in this area. People coming from out of the area don't realize the schools are capped, and you can't go to a school that's local to you. You have to get in the car and drive your kids somewhere. So, these traffic studies too even if we have them done and there's 602 new trips for the Lawrence, it's just a traffic letter, it's not a study, but you forget that's not added, okay? And all that good stuff. But anyway, it says here on the zoning application: anticipated to have insufficient capacity for future students, transportation to schools outside the current assignment area. So where do the kids go? I don't understand it. You have no plan for that. You're not going to do a traffic study, because we know you didn't do one on Peak Landing, which is on top of a hill on Old US 1 by our area. You didn't do it. 600 feet for the closest street because it was too low in houses. Of course, Cary will put the traffic study on their website for the public to see on 100 trips. You do 10 times as many. You wait till it's a thousand cars, and yeah, of course it's a dangerous situation because of all the traffic we've had. And this is outdated, folks. This is $1.2 to $2 million of estimated crashes, not damage, lifelong injuries. I mapped this all out. Why don't you have that information? Because Apex only counts Apex roads. Most of this is NC DOT road, okay, so we're just fabricating good facts. Another thing is, okay, I'm from New Jersey, the other lady was from New York. You come down here, it's beautiful. You are happier than heck to be down here. You love the weather. You're so happy. You see the zoning maps, rural, rural, it's green everywhere. What do you do? You do amendments, and you change it like the snap of a finger. What does that allow? You talk to the developers. You figure it out, how are you going to plot this whole area and take it down? Okay, that's all this is. This is just a game. It's a game and then it's a money game. That's all you're doing. So, I hate coming up here and talking about this because it upsets me so much. This area is so freaking beautiful, and it's a disgrace what you are doing in your official capacity to it. And I'm sorry to say, but I've done all the proper channels, and I'm going to go, I'm going to go further up the chain because this is ridiculous. We've been coming here for years, and you just look at us and ignore us and think we're stupid. There're no schools, there's no safe roads. Calming a traffic situation down is not mitigating the problem, there's too much housing and there's no economic jobs to support it. Thank you."

Mayor Gilbert thanked the last speaker and closed Public Hearing.

Council moved onto votes for PH2, PH3, and PH4, which were presented and heard together.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 37.98 acres project entitled Lawrence Property PUD, located on Olive Chapel Road, Annexation No. 790, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Gantt** seconded by **Councilmember Killingsworth** to amend the Apex Transportation Plan to realign a future major collector street in the vicinity of Lawson Lane.

VOTE: UNANIMOUS (5-0)

Councilmember Mahaffey said this was well done and supported the rezoning case for Lawrence property and complimented the fact that it was preserving the property below it and the RCA on the property was 40%.

Councilmember Zegerman said that with the entire property south of Olive Chapel is preserved it gives a transition period that is envisioned when the Land Use Map was developed and with very low density housing and what is expected in the area.

Councilmember Gantt said that they stub these roads with the intent that the more connections the less pressure at the intersections with traffic. He said that with there not being a left turn off of Adirondack Road, that the neighborhood will be used for a way to get out but when the major collector is built to Highway 64, then Highway 751 will be the way to get to Highway 64 to connect to Olive Chapel Road. He said that with the additional connections that are being planned then residents in this neighborhood north and residents will be able to turn left on to Olive Chapel instead of going through the neighborhood to take a left onto New Hill Chapel Road. He said that traffic calming would be a way to slow traffic.

Councilmember Killingsworth said that her neighborhood was a perfect example of example of a neighborhood with a cut through to get to 64 to the Peakway and traffic calming is something to consider. She said that with all the conditions being offered it was a good rezoning.

Councilmember Mahaffey said that over time there has been concerns about traffic and the extension of Adirondack Way is the solution with the extra connections.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt** to approve Rezoning No. 24CZ16 – Lawrence Property PUD - Rezone approximately 41.02 acres from Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ), at 3228 Olive Chapel Road.

VOTE: UNANIMOUS (5-0)

PH5 Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive Chapel Road – 16.80 acres – ITEM TO BE CONTINUED

Dianne Khin, Director, Planning Department

PH6 Rezoning Case No. 25CZ06 New Hill Olive Chapel Assemblage – ITEM TO BE CONTINUED

Bruce Venable, Planner II, Planning Department

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to continue PH5 - Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive and PH6 - Rezoning Case No. 25CZ06 New Hill Olive Chapel Assemblage until Council meeting August 12, 2025.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Apex Affordable Housing Incentive Zoning Policy – Recommended Updates (REF: PLCY-2025-013)

Marla Newman, Director, Community Development and Neighborhood Connections gave the following presentation:

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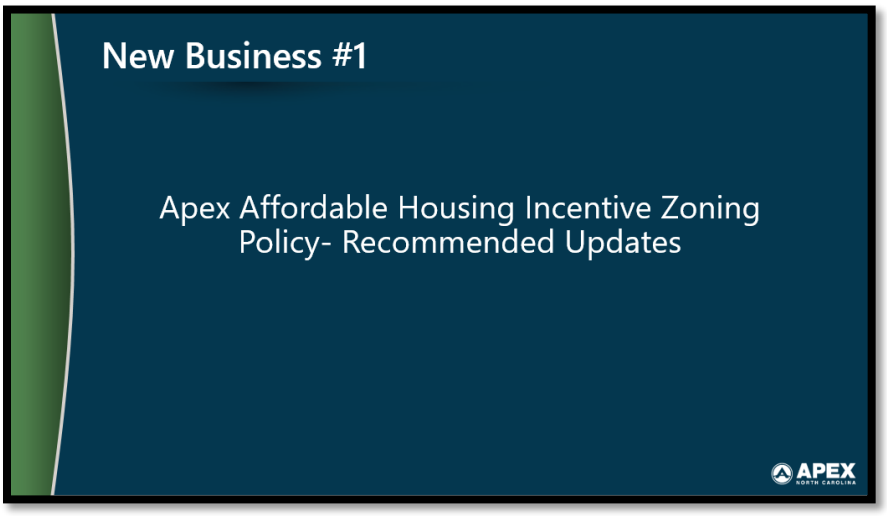

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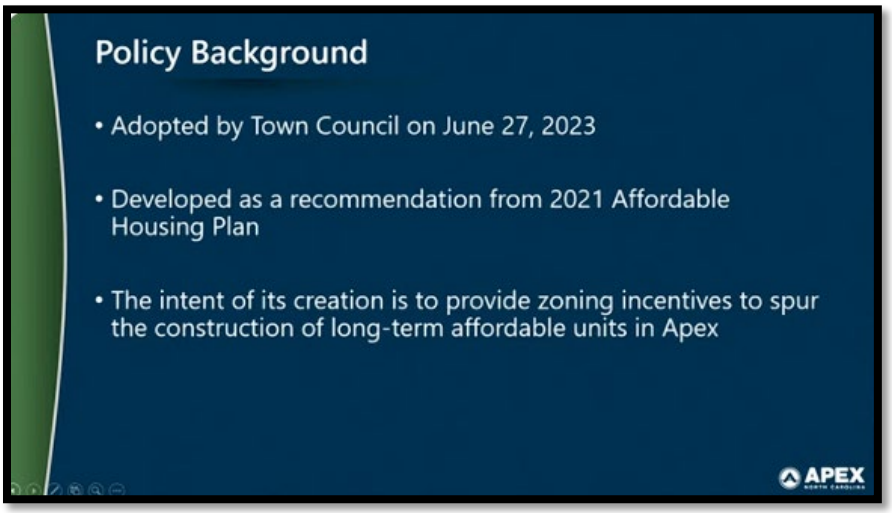

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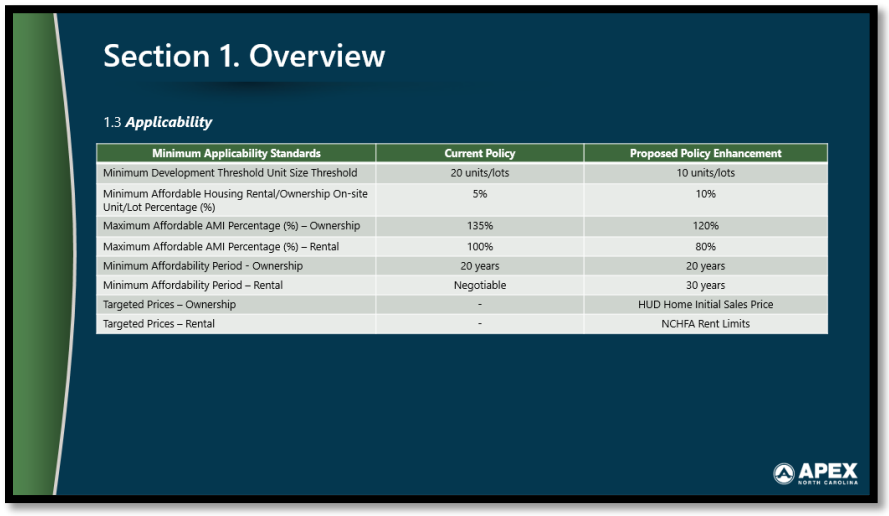

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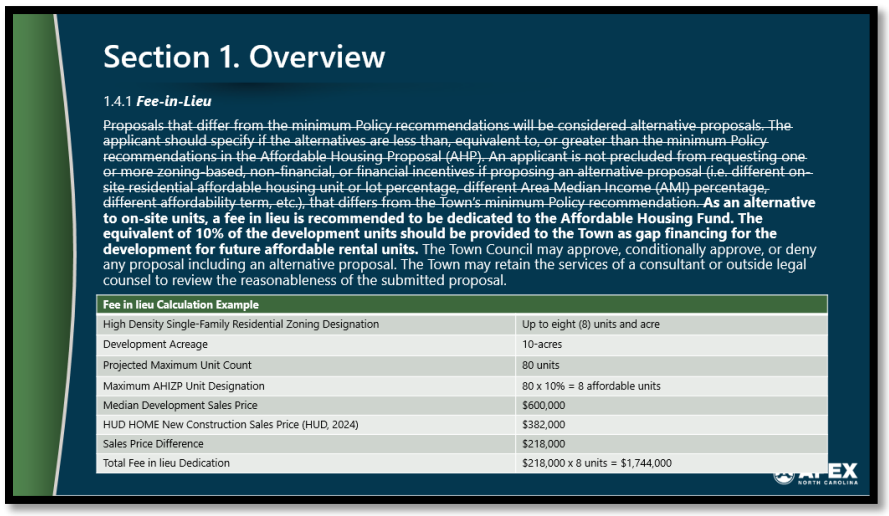

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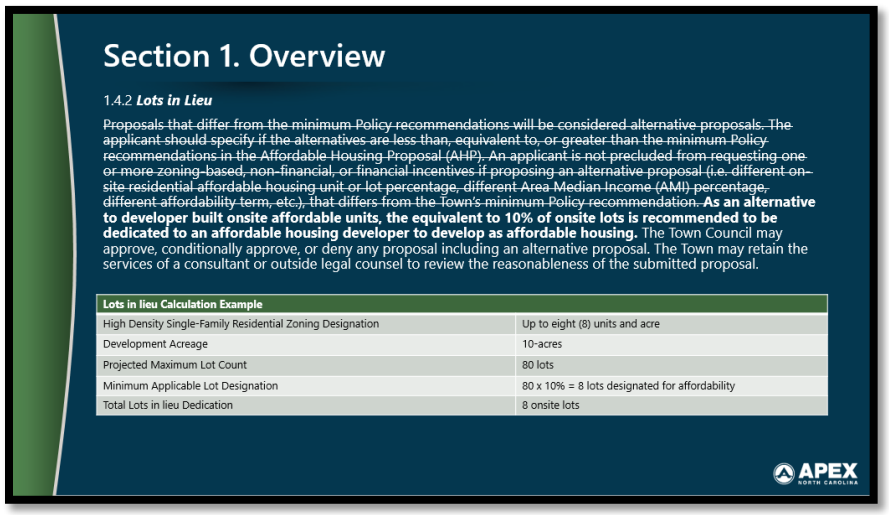

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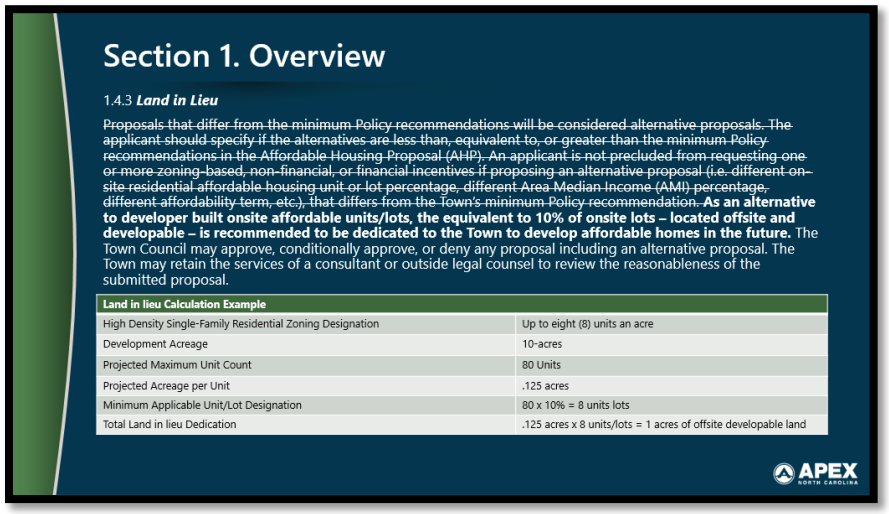

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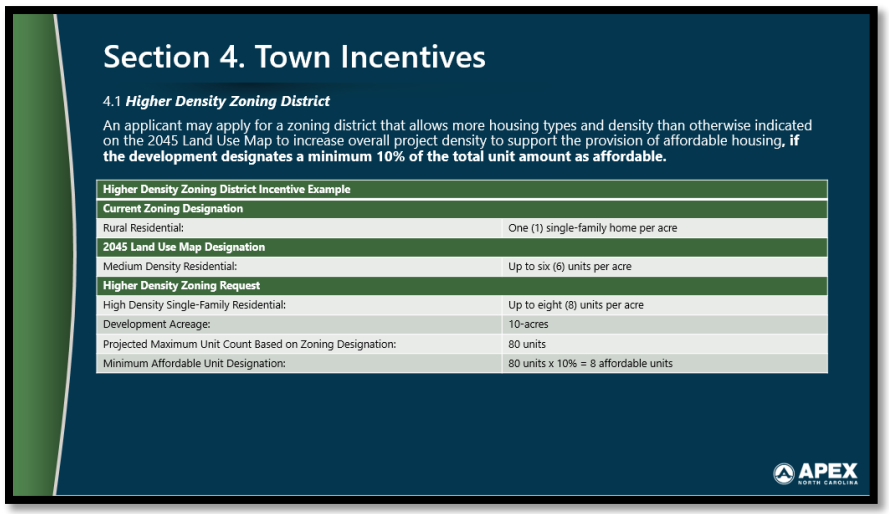

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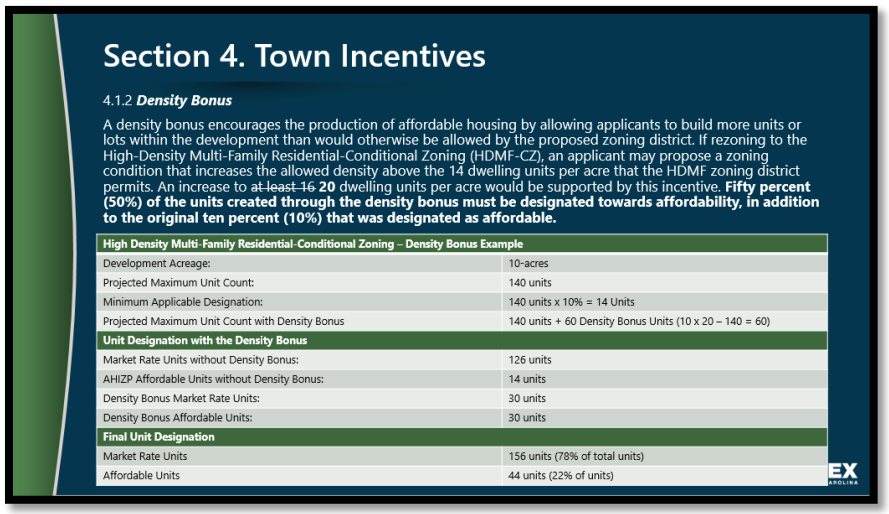

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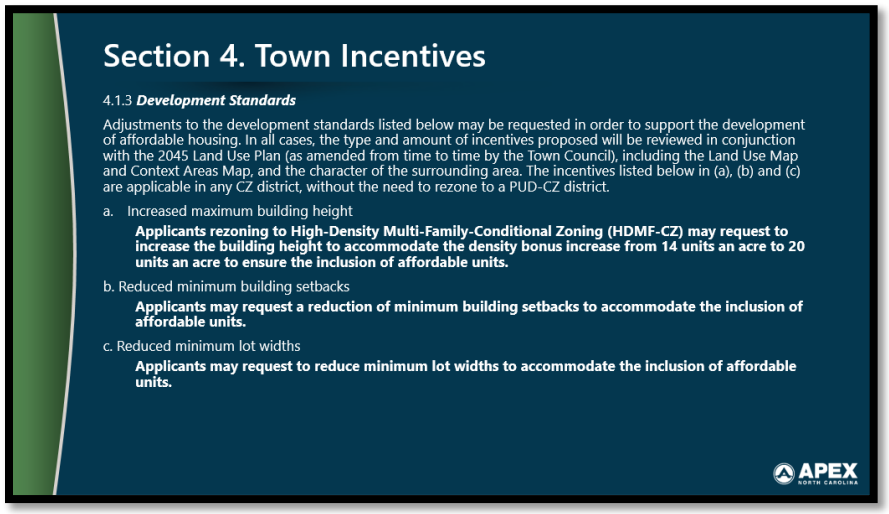

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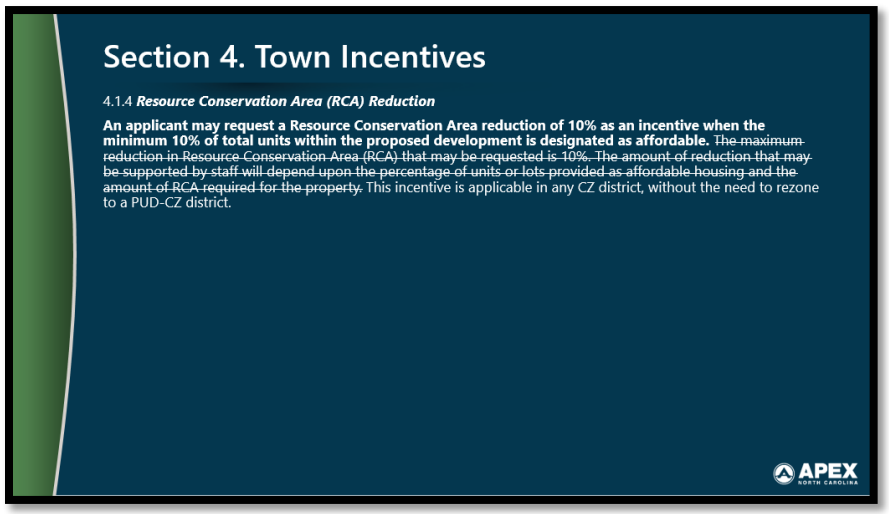

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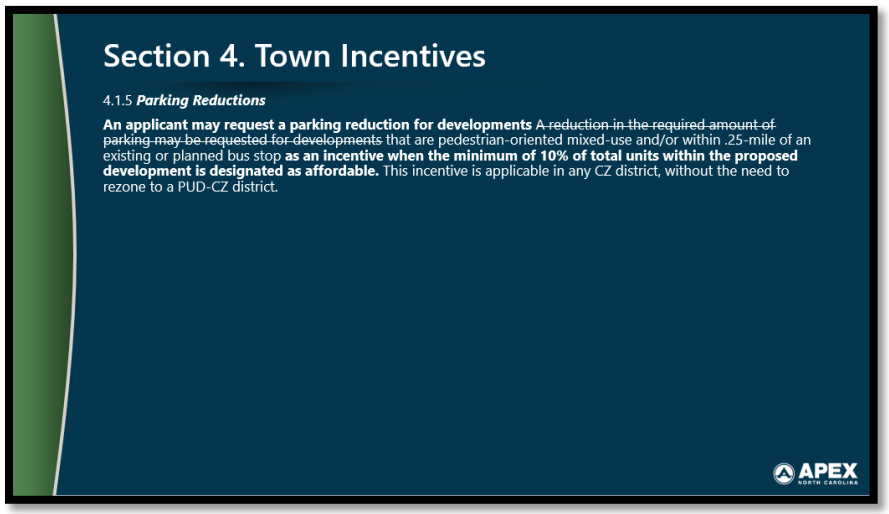

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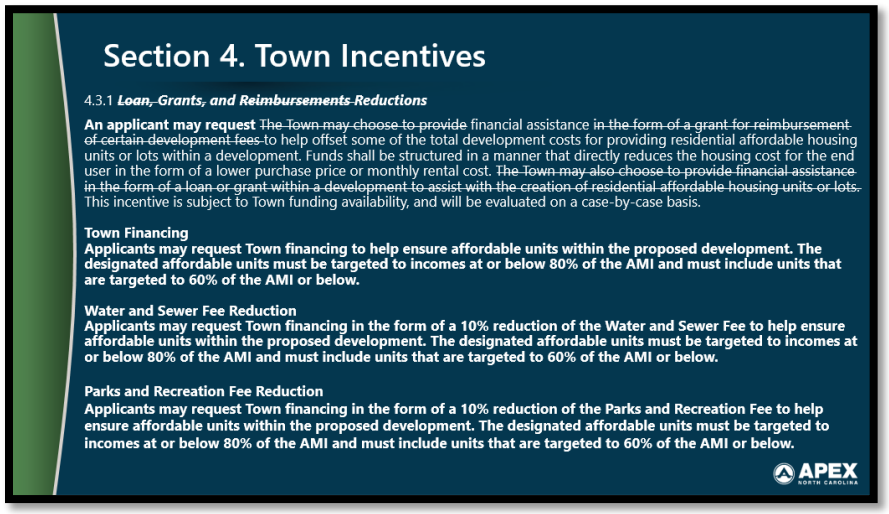

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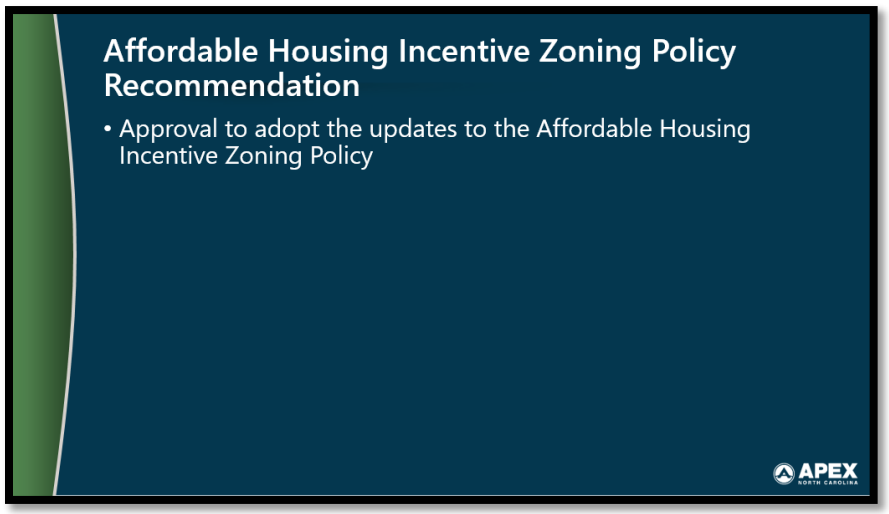


Director Newman said that they were requesting the Council to adopt these enhancements to the incentive zoning policy and would answer any questions.

Councilmember Zegerman referenced slide #4 about the summary of the changes and asked if the ownership percentages were in line with HUD standards and if so, where did this information come from.

Director Newman said that generally the HUD standards cap the threshold at 80% but workers in the community making the 120% threshold still struggle to afford living in the community and enable them to help more people.

Councilmember Zegerman asked why is the threshold 120 instead of 100.

Director Newman said that according to HUD standards moderate income is 80 to 120 and this covers people in the moderate-income range who are struggling to compete in the market.

Councilmember Zegerman said that two-income scenarios of workforce employees targeted there is still a struggle to get up to the 100% mark and 120% may still not reach

those people that is trying to be reached, and would like to be more aggressive to target the policies towards the people that need it.

Director Newman said that they are open to any adjustment if Council wants to make an adjustment.

Councilmember Zegerman said that if Council asked staff to explore 100% AMI, the change could be made at any time, and he would like to look at the pros and cons and if there is anything being missed.

Director Newman said a higher percentage enables them to help more people that are still struggling in the marketplace.

Councilmember Gantt said that the discussion was how little uptake there has been in the program. He asked if this participation would be decreased because of it being stricter.

Director Newman said that it possibly could be because there may need to be more subsidies, and it depends on what Council is willing to do for that. She said that Wake County invests significantly and NCHFA invests in affordable housing, but it would depend on what Apex would invest. She said that once it is clear on who is being served then amounts can be discussed. She said they are considering additional incentives to target more home ownership with a developer incentive with a combination of fee waivers and other incentives as a combination that enables the developer to possibly build units without costs associated with that tend to increase overall development.

Councilmember Gantt said that 120 would be more stringent and would require more subsidy to encourage purchases. He asked if the properties are selling at 80% AMI versus 100% wouldn't it be thousands of dollars that the developer will have to go lower to make this work.

Director Newman said that 80% is for rentals.

Councilmember Gantt said that is correct, but he feels reducing this is going to make it harder for developers to want to take the incentives for reducing the AMI on some of the units, as it may not make financial sense.

Director Newman said this is why the other incentives should make it more appealing.

Councilmember Killingsworth said that when the incentive zoning policy was discussed it was compared to other municipalities and Durham's wasn't being utilized, but Apex has already had 3 developers using it in the short time that Apex has offered it. She said that Apex is making strides in the right direction.

Councilmember Gantt said that it was a balance, some things make it easier, and some things make it harder.

Councilmember Zegerman said that it is a bigger benefit, making the tradeoff in terms of expenses to make it worth it.

Director Newman said when the policy was adopted the idea was to bring back results, and she recommended continuing to give it some more time with the proposed changes here.

Mayor Gilbert said that this was a good start and moving forward the town can see

how it is doing and tweak if needed.

Councilmember Zegerman asked what the conditions of lots and land in lieu are.

Director Newman said that lots in lieu are in within the same development and will be developable land, the land in lieu requirements is that it also be developable land.

Councilmember Gantt asked if the parcels were required to be identified.

Director Newman said yes, it has to be a designated parcel of land or parcels of land.

Mayor Pro-Tempore Gray said that when the nature of the overall market is being looked at it has changed since the original affordable housing plan was developed and land availability is becoming limited, and it's the right time to adjust incentives to better support the town's goals.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to approve the Apex Affordable Housing Incentive Zoning Policy Updates.

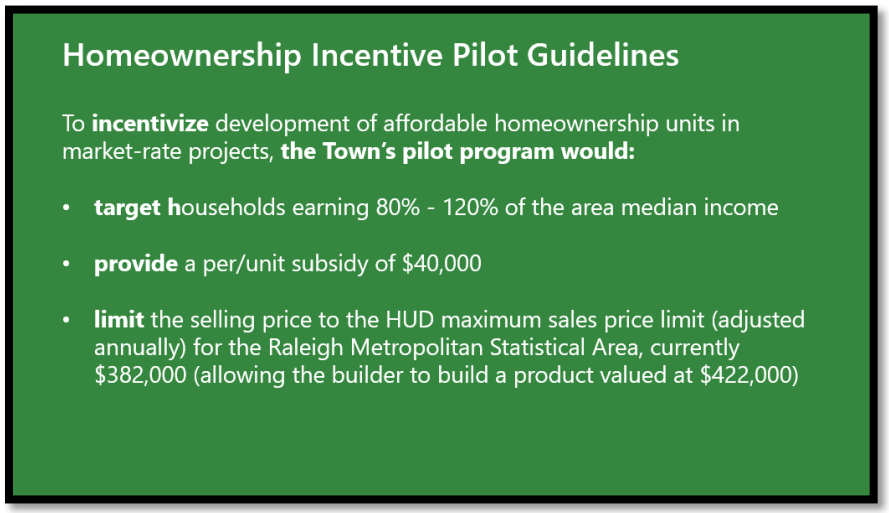
VOTE: UNANIMOUS (5-0)

NB2 Apex Homeownership Incentive Pilot Program and Budget Ordinance Amendment No. 13 (REF: ORD-2025-051, and PLCY-2025-014)

Marla Newman, Director, Community Development and Neighborhood Connections gave the following presentation:

[SLIDE 1]

[SLIDE 2]



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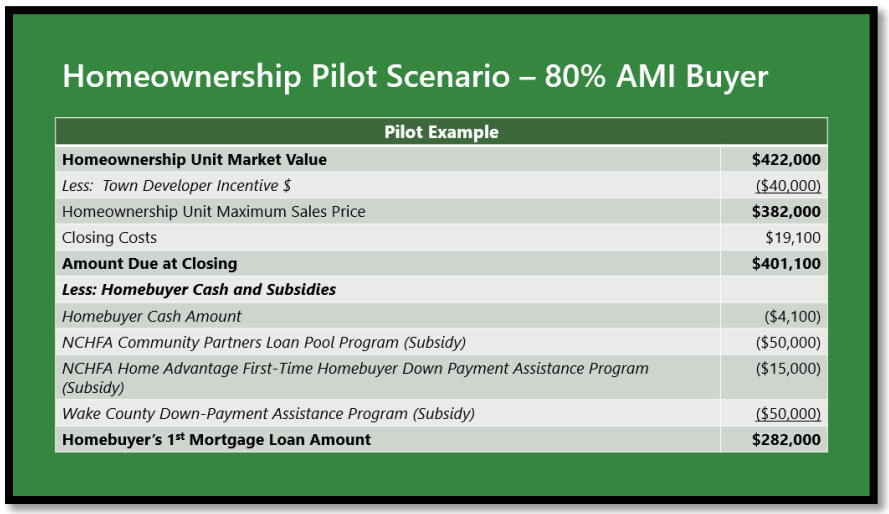


Councilmember Gantt asked if the subsidies from the County and the State are guaranteed if the qualifications are met.

Director Newman said yes, as long as the funding is still available.

Councilmember Gantt asked how long the funds usually last.

Director Newman said that was something that couldn't be predicted, but there was lots of demand for it.

[SLIDE 4]

Homeownership Pilot Scenario – 80% AMI Buyer

Homebuyer Underwriting Assumptions:

- Household Income: $97,840 (80% of the AMI)
- Household Size: 4
- Buyer Cash: $4,100
- Buyer meets industry-standard mortgage underwriting ratios

[SLIDE 5]

Homeownership Pilot Scenario – Over 80% of AMI (up to an annual income of $140,000)

Pilot Example	
Homeownership Unit Market Value (current sales price limit for the NC 1st Home Advantage Down Payment – Wake County)	**$490,000**
Less: Town Developer Incentive $	($40,000)
Homeownership Unit Maximum Sales Price	**$450,000**
Closing Costs	$22,500
Amount Due at Closing	**$472,500**
Less: Homebuyer Cash and Subsidies	
Homebuyer Cash Amount	(4,100)
NCHFA Home Advantage First-Time Homebuyer Down Payment Assistance Program (Subsidy)	($29,052)
Homebuyer's 1st Mortgage Loan Amount	**$439,348**

For both first-time and move-up home buyers, the NCHFA NC Home Advantage Mortgage™ provides qualified homebuyers whose annual income doesn't exceed $140,000 with mortgages and down payment assistance up to 3% of the loan amount. The Agency also offers a $15,000 down payment assistance option—the NC 1st Home Advantage Down Payment—just for first-time buyers and military veterans who meet additional eligibility criteria.

[SLIDE 6]

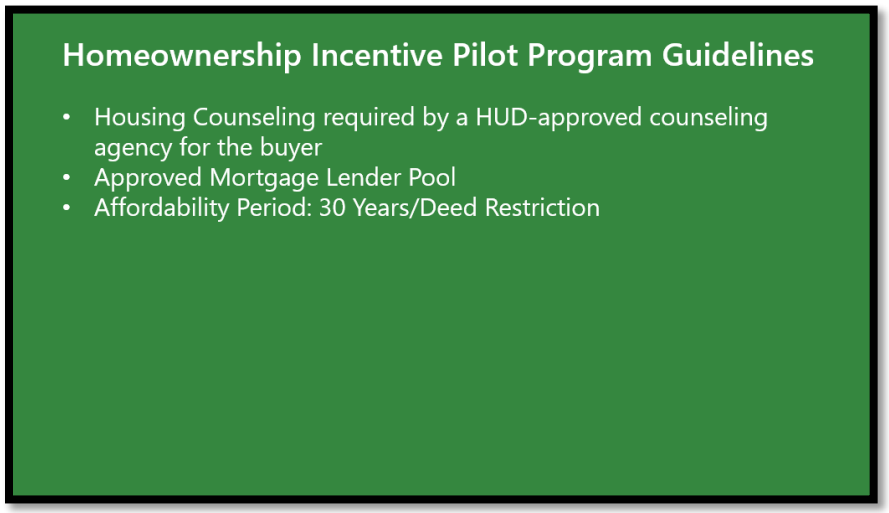
Homeownership Pilot Scenario – Over 80% AMI

Homebuyer Underwriting Assumptions:

- Household Income: does not exceed $140,000
- Buyer Cash: $4,100
- Buyer meets industry-standard mortgage underwriting ratios

*Wake County AMI: $132,700 (effective 4/1/2025)

[SLIDE 7]



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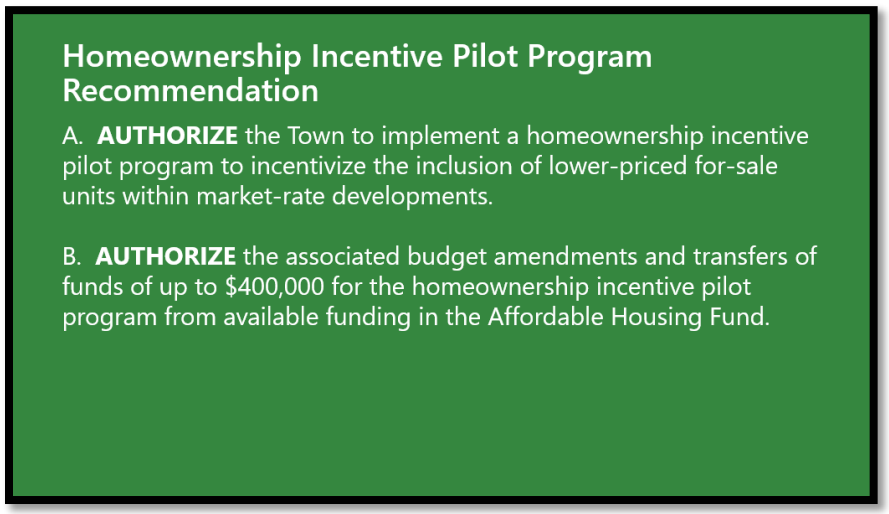

Director Newman said that she would answer any questions.

Councilmember Zegerman asked how they could align the application period with the other programs to ensure that funds are still available.

Director Newman said that NCHFA does not have a deadline. She said that the buyer would work with their lender to collaborate with the programs. She said that the Wake County funds go more quickly so possibly publicizing the program may help, but that for Apex this is on the developer's side, and they would have to work with the developer and possibly add some guidelines for the process.

Councilmember Zegerman asked what the selection process was.

Director Newman said this is why they are asking to pilot this program, but it seems that first come, first serve would be the way to disperse the funds.

Councilmember Gantt asked how the developer's process works.

Director Newman said they have a qualifying process and gave an explanation.

Councilmember Gantt asked if the developer and the home buyer must both sign documentation with Apex.

Director Newman said that they connect the developer through different non-profit organizations to work with the buyer.

Councilmember Gantt confirmed that the developer applies to the program and then staff connects the developer to the non-profit organization.

Director Newman confirmed that was the beginning of the process for the program and this happens during development.

Councilmember Killingsworth said that we weren't the first municipality to do this.

Director Newman said that is correct.

Councilmember Gantt asked why this would not be for just the 80% AMI people and below.

Director Newman said that there are a range of people who are considered "moderate income" that are in the market and are competing with those who have additional income and would be able to buy them easier.

Councilmember Gantt asked if the allowance was 80% and below and if it gets used up, then they would be getting Wake County money and they are the people in most need.

Director Newman said it would only be 80% because this housing is not feasible below 80% which those people would be eligible for Habitat and other resources.

Councilmember Gantt suggested keeping it at 80%.

Director Newman said that there were fewer resources for those from 80% to 120%.

Councilmember Mahaffey asked why this is being done on the developer side and not on the homeowner side as other programs are.

Director Newman said it is the ratios of what money comes in. She said that on the developer's side, it helps get the initial price lower and align with the HUD maximum sales price.

Mayor Gilbert asked how the developer community responded to this program.

Director Newman said that there had not been a lot of discussion but that these programs are in other areas and that staff wanted to discuss this with Council before working with the developers. She said that this is why it is a pilot program, and the funding would come from the Affordable Housing funds and not the general fund.

Councilmember Gantt suggested that after the first year and the 10 units have been allocated for staff to report back to Council on the range of the applicants and if they are all between the 80% to 120% that this program may need to be changed to target below 80% more.

Mayor Gilbert asked if there were any other questions or a motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, approve the Apex Homeownership Incentive Pilot Program and Budget Ordinance Amendment No. 13.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert called for a ten-minute recess at **8:12 p.m.**

The meeting stood in recess.

Mayor Gilbert reconvened the meeting at **8:25 p.m.,** with all voting members in attendance and seated.

NB3 – Resident Advisory Board Administrative Policy – Moved from Consent Item 16 (REF: PLCY-2025-012)

Allen Coleman, Town Clerk

Mayor Gilbert said that NB3 - had been moved. He said that under Advisory Board Administrative Policy #4 where it speaks about member taxes and not having overdue financial liability to Apex, that people with financial hardships that want to serve the Town for the right reasons being excluded does not reflect that the Council is being inclusive, and to impose that on resident boards it is not a good look. He asked for this to be consistent. He said there may be more research and may need to be brought back to Council.

Councilmember Zegerman said that the intent with updating this policy is that they are in good standing with the town and it is a common requirement. He agreed that the language does not reflect this 100%. He proposed that for now they strike the overdue financial liabilities and keep the tax requirement, which is that Advisory or Board members be current on County and Town taxes and keep the piece about the litigation against the Town and revisit other financial liability language in the future.

Mayor Gilbert said that the other piece is trying to determine what is delinquent vs. overdue with the financial obligation part, and what happens if this is the case.

Councilmember Mahaffey said that in reading the policy and how it is written it is a difference in someone that isn't paying their taxes or their bills or someone who is paying it on an approved payment plan. He asked if as long as they are keeping their payment obligation they should be covered in the policy.

Councilmember Zegerman said that the language is not clear, and the language should be worked through with the Town to align the two policies for Council and Board/Advisory members.

Councilmember Mahaffey asked if there could be aligned policies because the Council criteria is set by State statute.

Councilmember Zegerman said that to some degree it can be.

Mayor Gilbert asked if there were any other municipalities that have this policy for their residents' boards.

Town Clerk Coleman said that the only other municipality he knew of was the City of Durham, and that was for the tax piece.

Councilmember Zegerman said that they will amend the existing language "other overdue financial liability" and keep the tax liabilities.

Town Clerk Coleman asked to restate the revised number four (4) under "Membership Eligibility – 18 years of age and above" in the policy as proposed and amended for clarification. He said the amended number four shall read:

"All members shall be current on their Town of Apex and Wake County taxes, ~~and shall not have any overdue financial liability to the Town~~. The Town Clerk has been authorized to verify tax status ~~and financial liability~~ for applicants to the Town's standing Advisory Boards. If appointed, all members shall remain non-delinquent on taxes. If the member's taxes become delinquent during their term of appointment, the member shall be allowed up to 30 days to bring the taxes current.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to approve the Resident Advisory Board Administrative Policy, with the change of removing language regarding overdue financial liability other than property taxes.

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VOTE: UNANIMOUS (5-0)

NB4 Appointments - Culture and Arts Advisory Board (CAAB) – formerly referred to as the Public Art Committee (PAC).

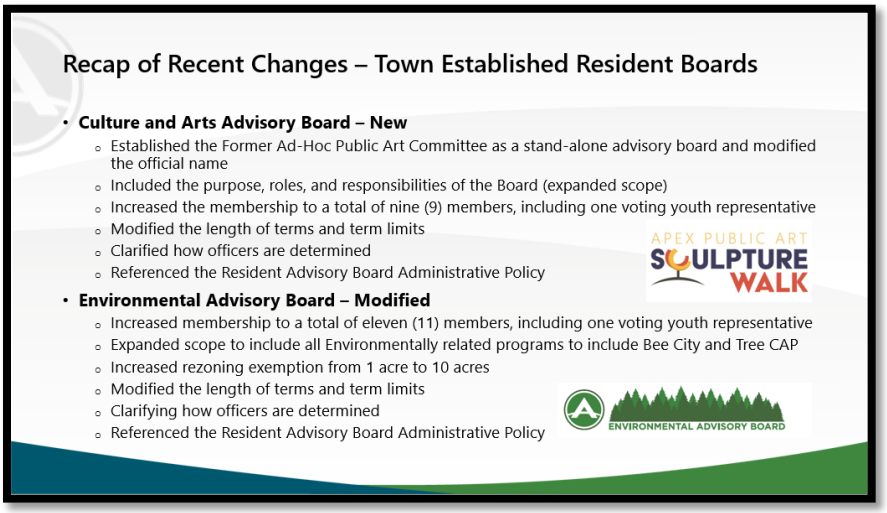
Town Clerk Allen Coleman, gave a PowerPoint presentation which provided an overview of the process for appointments, the amended scope of work for each Board, and the new membership structure for each of the Town's Resident Advisory Boards. He said this was in response to the ongoing project which started in December of 2024 and that the Town Clerk's Office has been in active recruitment to fill several vacancies. He said the vacancies were due to a variety of reasons but most particularly the newly established term limits.

[SLIDE 1]

[SLIDE 2]

[SLIDE 3]

[SLIDE 4]



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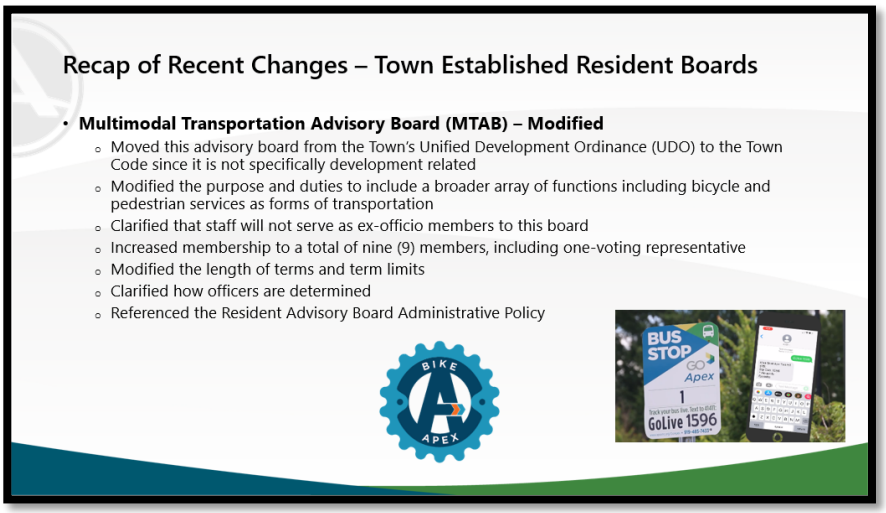

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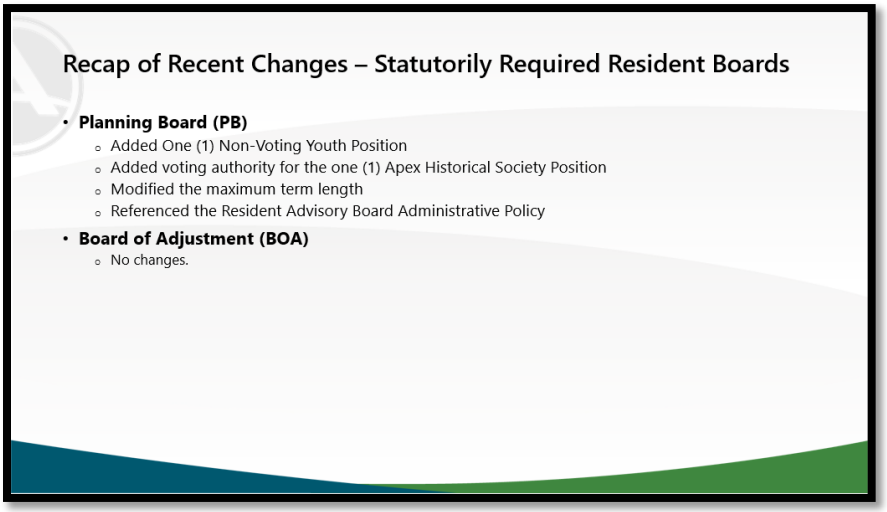
[SLIDE 7]



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[SLIDE 9]

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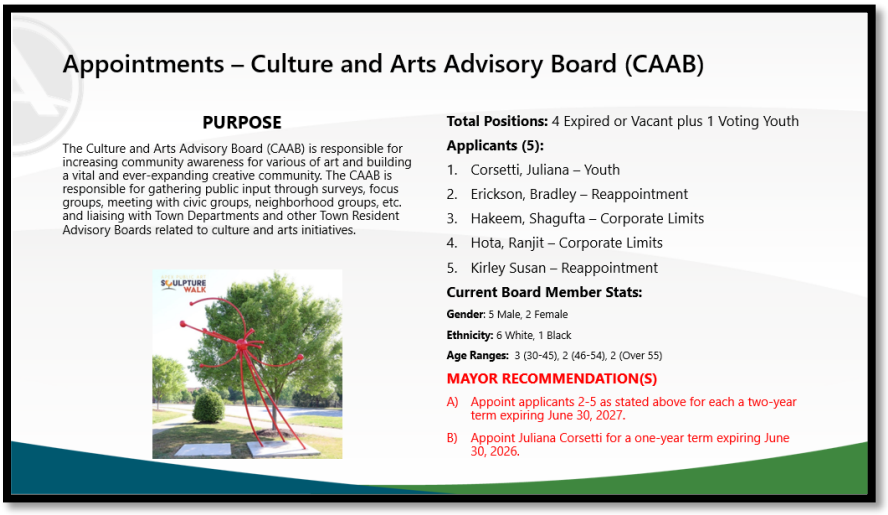
[SLIDE 11]



A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to appoint the following individuals to serve on the Town's Culture and Arts Advisory Board (CAAB):

- Reappoint Bradley Erickson to a Regular Member position for a two-year term, expiring June 30, 2027;
- Reappoint Susan Kirley to a Regular Member position for a two-year term, expiring June 30, 2027;
- Appoint Shagufta Hakeem to a Regular Member position for a two-year term expiring June 30, 2027;
- Appoint Ranjit Hota to a Regular Member position for a two-year term expiring June 30, 2027;
- Appoint Juliana Corsetti as a Voting Youth Representative for a one-year term expiring June 30, 2026.

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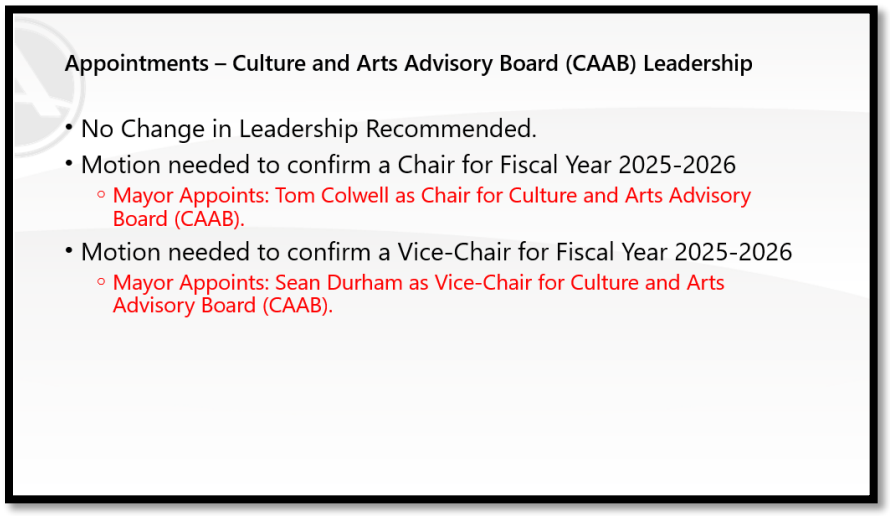
VOTE: UNANIMOUS (5-0)

NB5 Appointments – Culture and Arts Advisory Board (CAAB) – Chair and Vice Chair

[SLIDE 1]



A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**, to confirm Tom Colwell as Chair and Sean Durham as Vice-Chair of the Town's Culture and Arts Advisory Board (CAAB) for Fiscal Year 2025-2026, both expiring June 30, 2026.

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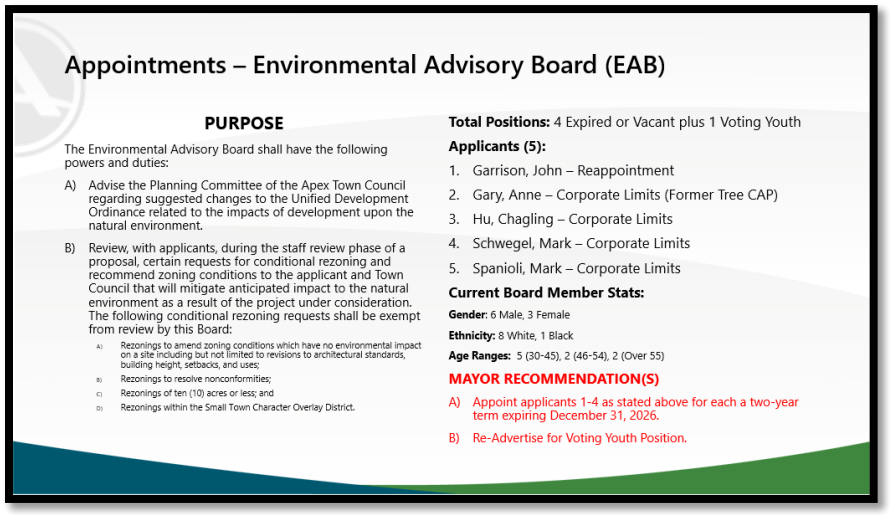
VOTE: UNANIMOUS (5-0)

NB6 Appointments - Environmental Advisory Board (EAB)

[SLIDE 1]



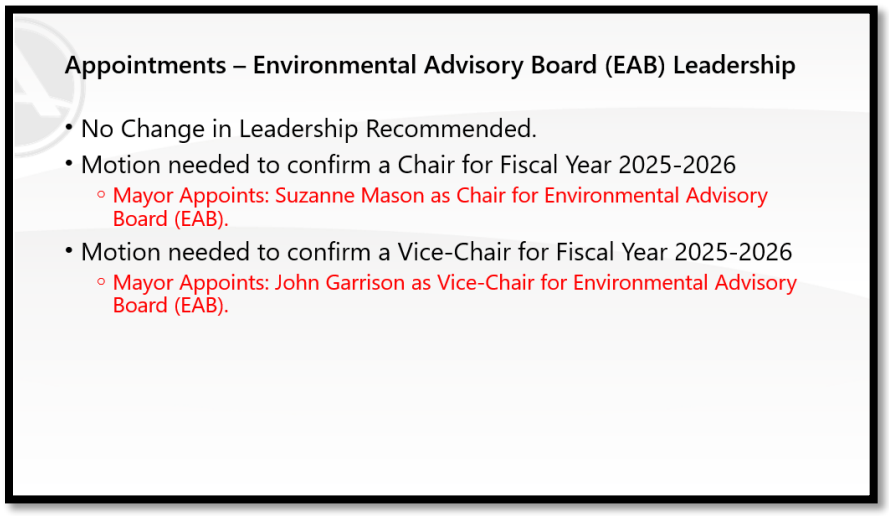
A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Environmental Advisory Board (EAB):

- Reappoint John Garrison to a Regular Member position for a two-year term, expiring December 31, 2026;
- Appoint Anne Gary to a Regular Member position for a two-year term, expiring December 31, 2026;
- Appoint Changling Hu to a Regular Member position for a two-year term, expiring December 31, 2026; and,
- Appoint Mark Schwegel to a Regular Member position for a two-year term, expiring December 31, 2026; and,
- Re-advertise for the Voting Youth Representative position

VOTE: UNANIMOUS (5-0)

NB7 Appointments - Environmental Advisory Board (EAB) – Chair and Vice-Chair

[SLIDE 1]

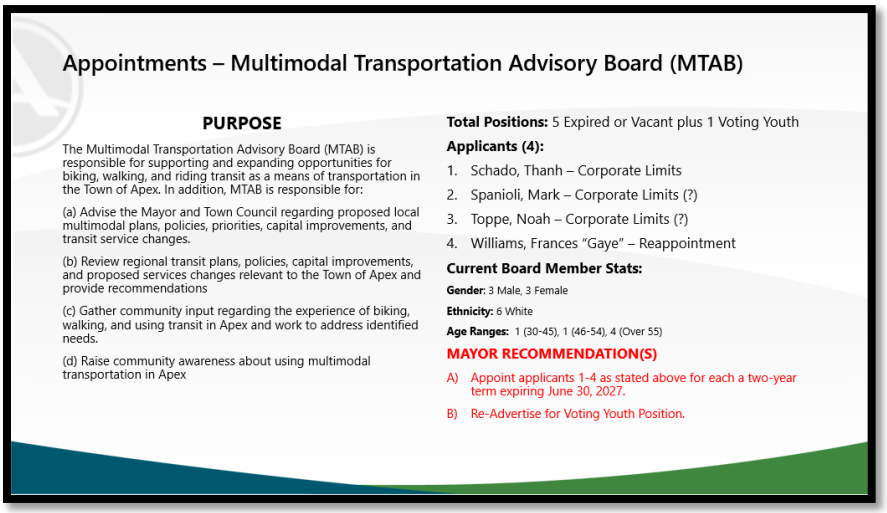


A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to confirm Suzanne Mason as Chair and John Garrison as Vice-Chair of the Town's Environmental Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB8 Appointments - Multimodal Transportation Advisory Board (MTAB) – formerly referred to as the Transit Advisory Committee (TAC)

[SLIDE 1]



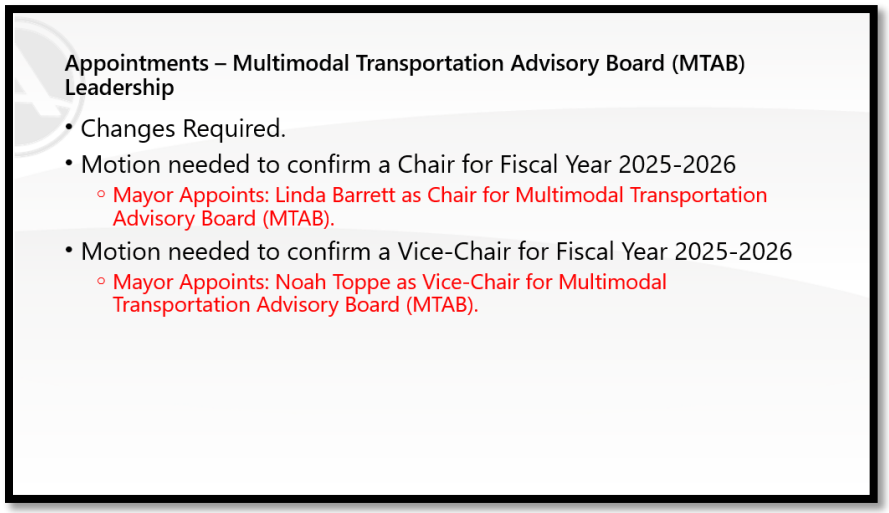
A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Multimodal Transportation Advisory Board (MTAB):

- Reappoint Gaye Williams to a Regular Member position for a two-year term, expiring July 31, 2027;
- Appoint Thanh Schado to a Regular Member position for a two-year term, expiring July 31, 2027,
- Appoint Mark Spanioli to a Regular Member position for a two-year term, expiring July 31, 2027,
- Appoint Noah Toppe to a Regular Member position for a two-year term, expiring July 31, 2027, and
- Re-advertise for a Voting Youth Representative position

VOTE: UNANIMOUS (5-0)

NB9 Appointments - Multimodal Transportation Advisory Board (MTAB) – Chair and Vice-Chair

[SLIDE 1]

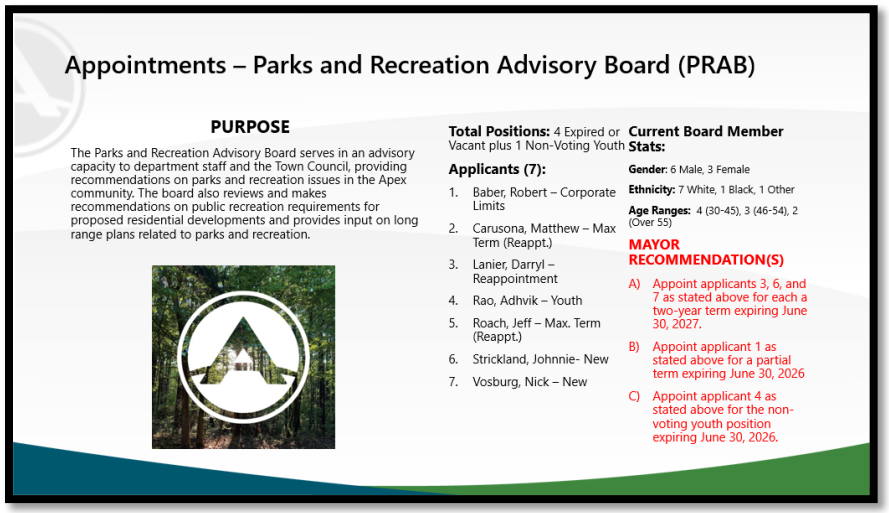


A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Gantt** to confirm Linda Barrett as Chair and Noah Thoppe as Vice-Chair for the Town's Multimodal Transportation Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB10 Appointments - Parks and Recreation Advisory Board (PRAB) – formerly referred to as a the Parks, Recreation, and Cultural Resources Advisory Commission (PRCRAC).

[SLIDE 1]



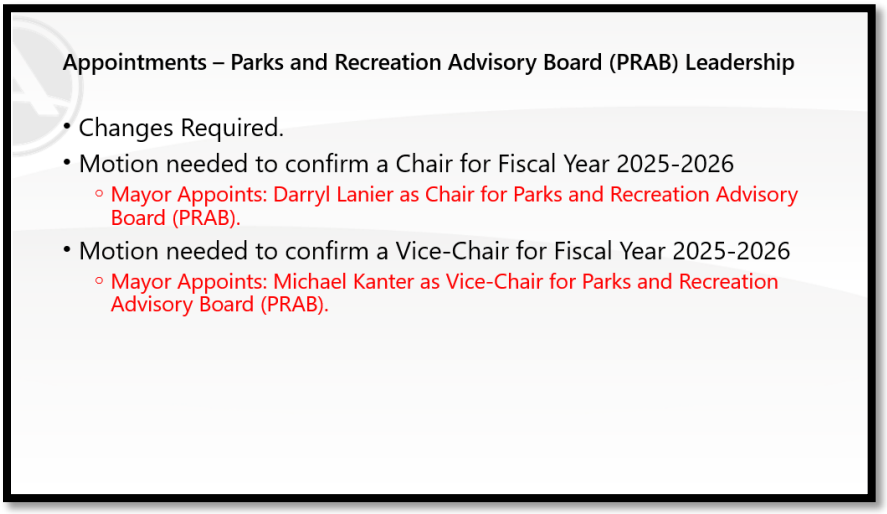
A motion was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Parks and Recreation Advisory Board (PRAB):

- Reappoint Darryl Lanier to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Robert Baber to a Regular Member position for a partial term expiring June 30, 2026 (position formerly held by Tom Colwell who transitioned to solely on the Culture and Arts Advisory Board (CAAB) effective July 1, 2025);
- Appoint Johnnie Strickland to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Nicholas Vosburg to a Regular Member position for a two-year term, expiring June 30, 2027, and
- Appoint Adhvik Rao as a Non-Voting Youth Representative for a one-year term, expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB11 Appointments - Parks and Recreation Advisory Board (PRAB) – Chair and Vice-Chair

[SLIDE 1]

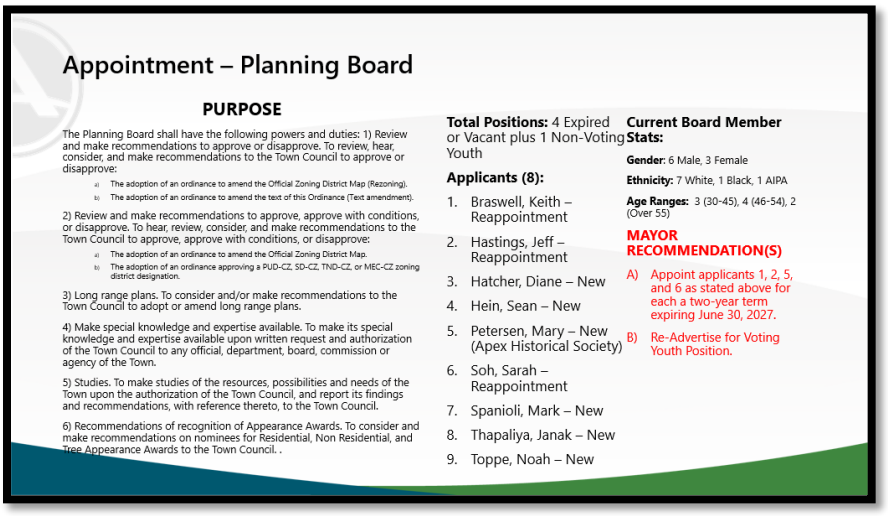


A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Gantt** to confirm Darryl Lanier as Chair and Michael Kanter as Vice-Chair for the Town's Parks and Recreation Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB12 Appointments - Planning Board

[SLIDE 1]



A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Planning Board (PB):

- Reappoint Keith Braswell to a Regular Member position for a two-year term, expiring, June 30, 2027,
- Reappoint Jeff Hastings to the Wake County Representative position for a two-year term, expiring, June 30, 2027,
- Reappoint Sarah Soh to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Mary Petersen to the Voting Apex Historical Society Representative position for a two-year term, expiring June 30, 2027; and
- Re-advertise for the Voting Youth Representative position for the Planning Board.

VOTE: UNANIMOUS (5-0)

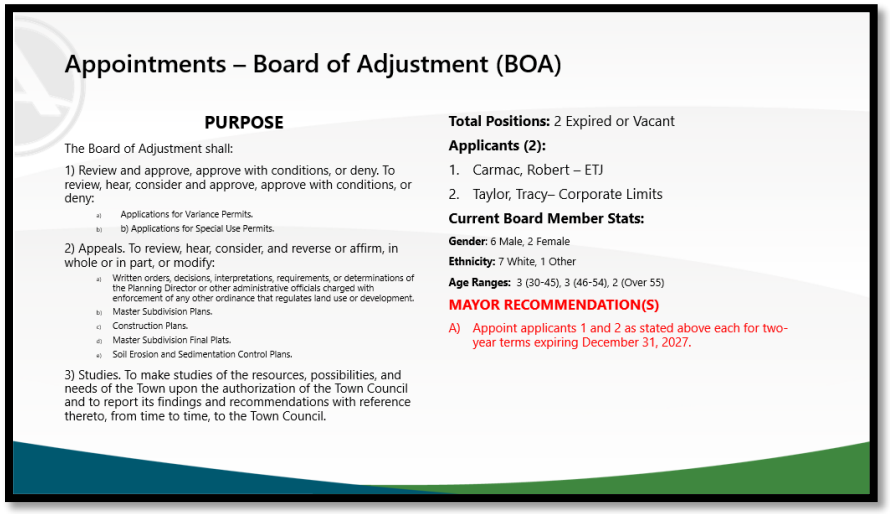
NB13 Appointments - Planning Board – Chair and Vice-Chair

[SLIDE 1]

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Killingsworth** to confirm Tina Sherman as Chair and Tim Royal as Vice-Chair for the Town's Planning Board for Calendar Year 2025, both expiring December 31, 2025.

NB14 Appointments - Board of Adjustment (BOA)

[SLIDE 1]



Town Clerk Coleman said that no additional applications had been received for the Board of Adjustment (BOA), however, a new recruitment period could be initiated. He said the Mayor's recommendation was to reappoint the two current members and it was before the Town Council for direction and guidance.

Councilmember Gantt made a motion to strike-through current Board of Adjustment Board member's name Dr. Tracy Taylor.

Mayor Gilbert said he was not accepting any amendments at this time and asked if there was a motion to approve.

Councilmember Gantt restated his position of striking through current Board of Adjustment Board members' name Dr. Tracy Taylor.

Mayor Gilbert said he was only accepting motions to approve.

Councilmember Gantt made a motion to deny the recommendation.

Mayor Gilbert announced that a motion to approve was not made and therefore the item would return to the him for further consideration. He announced the item was closed.

NB15 Appointments - Board of Adjustment (BOA) – Chair and Vice-Chair

[SLIDE 1]

Town Clerk Coleman asked Mayor and Town Council whether they would like this item to return for further consideration as both members served in leadership roles for the Town's Board of Adjustment (BOA).

Mayor Gilbert said yes.

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt** and seconded by **Mayor Pro-Tempore Ed Gray,** to enter into closed session pursuant to **NCGS §143-318.11(a)(1), NCGS §143-318.11(a)(3), and NCGS §143-318.11(a)(4).**

VOTE: UNANIMOUS (5-0)

Council entered into closed session at 8:45 p.m.

CS1 Joanna Helms, Director, Economic Development Department

NCGS §143-318.11(a)(4):

"To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment."

CS2 ADDED - Laurie Hohe, Town Attorney

RE: Samuels v. Town of Apex

NCGS §143-318.11(a)(3):

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

CS3 ADDED - Laurie Hohe, Town Attorney

NCGS §143-318.11(a)(3):

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

CS4 Allen Coleman, Town Clerk

NCGS §143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

[ADJOURNMENT]

Council returned to open session at **10:13 p.m.**

With no further business being presented by the Town Council, **Mayor Gilbert** adjourned the meeting at **10:13 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on_____.

DRAFT MEETING MINUTES

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
MONDAY, JULY 11, 2022
6:00 P.M.

The Apex Town Council met for a Special Town Council Meeting on Monday, July 11, 2022 at 6:00 p.m. The meeting was held on the 3rd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

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

The meeting recording can be viewed at the following link:
https://www.youtube.com/watch?v=8mf7C8VPn1A

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding officer)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Cheryl Stallings
Councilmember Ed Gray
Councilmember Terry Mahaffey (participated remotely)

Town Staff
Town Manager Catherine Crosby
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:05 p.m.** and announced that Councilmember Terry Mahaffey would be participating in the meeting remotely. He said all votes during the meeting would be conducted via a "roll call" method in compliance with the remote meeting statutes.

CLERK NOTE: North Carolina General Statutes 166A-19.24 provides authority for remote meetings during a Governor Issued State of Emergency. North Carolina is under a State of Emergency in response to the COVID-19 Pandemic.

Mayor Gilbert stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) – *Councilmember Mahaffey participated remotely.*

Council entered closed session at **6:06 p.m.**

****

Council returned to open session at **8:14 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:14 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.

DRAFT MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 25, 2022
6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 25, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

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

The meeting recording can be viewed at the following link:
https://www.youtube.com/watch?v=ExfAiVlcdB8

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Cheryl Stallings
Councilmember Ed Gray
Councilmember Terry Mahaffey
ABSENT: NONE

Town Staff

Town Manager Catherine Crosby
Assistant Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and said the chambers were full with a lot of faces and it was good to see so many engaged residents. He said that during tonight's meeting the Apex Chapter of Hindu Faith would be presenting the Town Council members with Rakhis which was a symbol of protection and bonds between each other. Mayor Gilbert said the Town had a core value to respect and celebrate many traditions and encouraged those watching online or in the room to observe the ceremony or take a private moment of silence.

All members of the elected body, Town Manager Catherine Crosby, Town Attorney Laurie Hohe, Town Clerk Allen Coleman, Assistant Town Manager Shawn Purvis, Assistant Town Manager Marty Stone, and Diversity, Equity, and Inclusion Director Linda Graham Jones received a Rahkis.

Mayor Gilbert led the Pledge of Allegiance following the Rahkis ceremony.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 AGREEMENT VERIZON SERVICES TELEPHONY (OCTOBER 26, 2022 THROUGH OCTOBER 25, 2025)
Council voted to approve and continue to utilize Verizon as a vendor for a three-year term (October 26, 2022 through October 25, 2025) to include telephony services and authorized the Town Manager to execute the contract on behalf of the Town.

CN2 ANNEXATION NO. 734 – UTLEY FARMS PUD – 56.59 ACRES
Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 56.59 acres, Utley Farms PUD, Annexation No. 734 into the Town Corporate limits.

CN3 ANNEXATION 744 – 7805 GREEN LEVEL CHURCH ROAD – 2.24 ACRES
Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 2.24 acres, located at 7805 Green Level Church Road, Annexation No. 744 into the Town Corporate limits.

CN4 CONSTRUCTION CONTRACT AWARD/BUDGET ORDINANCE AMENDMENT NO. 9 – HAMLETT ASSOCIATES INC. – PUBLIC WORKS OPERATIONS RENOVATION – PHASE 1
Council voted to award a building construction contract to Hamlett Associates, Inc. and authorized the Town Manager to execute the contract on behalf of the Town and approved corresponding Budget Ordinance Amendment No. 9.

CN5 COUNCIL MEETING MINUTES – AUGUST AND SEPTEMBER 2022

Council approved, as submitted, meeting minutes from the following Town Council Meetings:

- August 23, 2022 – Regular Town Council Meeting
- September 13, 2022 – Regular Town Council Meeting
- September 27, 2022 – Regular Town Council Meeting

CN6 DEVELOPER AGREEMENT – TEN TEN ROAD AT JESSIE DRIVE TURN LANE COST SHARE

Council approved a Development Agreement between the Town of Apex and Horton Park Investments, LLC. in the amount of $107,242.00 for reimbursement of 200 feet of additional storage length for the westbound left turn lane on Ten Ten Road at Jessie Drive and authorized the Town Manager to execute the contract on behalf of the Town.

CN7 ENCROACHMENT AGREEMENT – 2937 MACINTOSH WOODS DRIVE, LOT 25

Council approved an encroachment agreement between the Town and property owners Ramanpreet Singh and spouse Mandeep Kaur to install a fence that will encroach 104 linear feet onto the 40' Town of Apex Public Sanitary Sewer Easement and authorized the Town Manager to execute the same.

CN8 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – EMERGENCY VEHICLE DRIVE (EVD)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency Medical Care, Safety & Survival, and Traffic Incident Management System.
- Fireground Procedures
- Technical Rescuer and Technical Rescuer - Vehicle
- Rapid Intervention Crew
- Emergency Vehicle Drive

CN9 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – FIREFIGHTER SERIES CLASS

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to

execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency
- Medical Care, Safety & Survival, and Traffic Incident Management System.

CN10 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – FIREGROUND PROCEDURES

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Fireground Procedures

CN11 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – NORTH CAROLINA RAPID INTERVENTION CREW (NC RIC)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- North Carolina Rapid Intervention Crew (NC RIC)

CN12 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE – APEX FIRE ACADEMY TRAINING – TECHNICAL RESCUER AND TECHNICAL RESCUER – VEHICLE

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Technical Rescuer and Technical Rescuer – Vehicle

****

[PRESENTATIONS]

None.

[REGULAR MEETING AGENDA]

Mayor Gilbert announced that public hearing item no. 3 – Rezoning Case No. 22CZ09 Utley Farms PUD would be continued until November 8, 2022. He called for any other changes for the regular meeting agenda. No changes were presented.

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey** to set the regular meeting agenda as presented, noting that public hearing no. 3 would be continued until November 8, 2022.

VOTE: UNANIMOUS (5-0).

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt – 3113 Friendship Road, Apex, NC
    a. Encouraged the Town Council to review the Traffic Studies that were being obtained for the various Town projects. She said additional traffic lights and road widening projects were needed for turn lanes to prevent future accidents in the Friendship/New Hill community.
2. Veronica Pacheco – No address given – Sweetwater Neighborhood.
    a. Traffic Issue at Sweetwater – Dog was hit and killed. Dogs name was Austin.
3. Randy [Last Name Unknown] – Olive Chapel Road, Apex, NC
    a. Traffic Issue with Sweetwater at Richardson Road and Olive Chapel Road. The speaker presented a yard sign that encouraged drivers to slow down to prevent future accidents with animals and pets.
4. Ashley Solis – Resident of Sweetwater
    a. Presented petition 1,064 signatures with over ninety-five percent (95%) of individuals being Apex residents regarding traffic issues at Sweetwater. She spoke about the incident above where the dog named Austin was hit by high speed traffic. She said the petition encouraged the Town Council to consider to reducing the speed in this area from 45 miles per hour to 35 miles per hour.

[PUBLIC HEARINGS]

PH1 TRANSPORTATION PLAN AMENDMENTS – CHAPEL RIDGE ROAD
AND
PH2 REZONING CASE NO. 22CZ07 CHAPEL RIDGE NORTH PUD

Long Range Planning Manager, Shannon Cox, provided an overview of the transportation plan amendments located on Chapel Ridge Road. She said the amendments were associated the rezoning case no. 22CZ07 Chapel Ridge North PUD and that the public hearing on both items would be held at the same time. She said that their were three (3) requested amendments that affected three different maps that make up the Transportation Plan for the Town of Apex.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Rita Boykin – 1500 Clark Farm Road, Apex, NC
    a. Opposition of the proposed Transportation Plan Amendments

With no additional speakers, **Mayor Gilbert** closed the public hearing and said the next presentation would be received before a formal vote.

Planner II, Shelly Mayo, provided a PowerPoint presentation which provided an overview of the rezoning case no. 22CZ07 Chapel Ridge North PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Jamie Schweder, with Parker Poe on behalf of the applicant, presented a PowerPoint presentation related to this rezoning case.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH2). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Mike Merker – 1031 Pemberta Hill Road – Jordan Lutheran Church - (Group speaker so nine (9) minutes received.
    a. Supportive of the project on behalf of the church and it's members.
2. Rita Boykin - 1500 Clark Farm Road, Apex, NC
    a. Opposition of the proposed rezoning application.
3. Melinda Fushy – 1304 and 1301 Chapel Ridge Road (Group speaker so nine (9) minutes received).
    a. Opposition of the proposed rezoning application.
4. Mike Mohan – 1204 Chapel Ridge Road (Group speaker so nine (9) minutes received).
    a. Supportive of the project.
5. Phil Welch – 1471 Bigleaf Loop, Apex, NC
    a. Chair Western Region Affordable Housing Advocacy Group – encourage the Town Council to have the Housing Advisory Board (HAB) review the rezoning cases presented similar to the Environmental Advisory Board (EAB).

With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to proceed.

Councilmember Gantt asked the minister of Apex Lutheran Church to provide more context to his comments related to support of this project and sought clarification on whether the position was the same from the church since time had passed.

Mister Mike Mercer provided comments and said his church was still supportive of the project.

Councilmember Stallings asked for clarification related to the topography of the land since multi-story homes were being proposed in this area.

Jamie Schweder, with Parker Poe, provided responses and provided clarification on the Affordable Housing comments made previously.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth,** seconded by **Councilmember Ed Gray** to approve the transportation plan amendments associated with Chapel Ridge Road and approve rezoning application no. 22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter, seeked to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Road and 1512 Clark Farm Road. .

VOTE: UNANIMOUS (5-0).

PH3 REZONING CASE NO. 22CZ09 UTLEY FARMS PUD

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Ed Gray,** to continue the public hearing associated with rezoning case no. 22CZ09 Utley Farms PUD until November 08, 2022.

Councilmember Gantt asked for this item to be moved until the next meeting in November as November 8 was an election night.

Councilmembers engaged in discussion with staff about possible alternative options.

Councilmember Gantt withdrew his request for a different date to be considered.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]
None Scheduled.

[UPDATES BY THE TOWN MANAGER]

No updates provided.

[CLOSED SESSION]
None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:09 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Angela Reincke, Parks Planning Manager

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

Requested Motion

Motion to approve a payment of Fee-In-Lieu (FIL) of dedication for the Madison Downs Residential MSP at the 2025 rate of $4,244.42 SFD/unit.

Approval Recommended?

Yes

Item Details

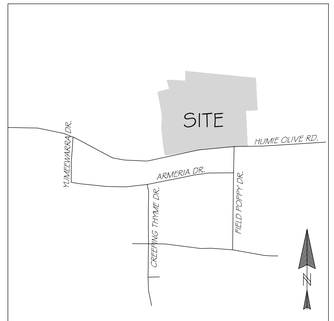
Per the Unified Development Ordinance Article 14, the Madison Downs Subdivision was reviewed by the Parks, Recreation and Cultural Resources Advisory Commission where a recommendation of a fee-in-lieu of dedication for single family detached dwelling units was made. The UDO also requires that Town Council take action for land dedication on Subdivisions at the time of Master Subdivision plan approval by the Technical Review Committee for Conditional Zoning developments. The Madison Downs Subdivision is a low-density residential property located at 8608 Humie Olive Road and is proposing 41 single family detached lots. There is not a greenway alignment on the property per the Master Plan for Parks, Recreation, Cultural Resources Greenways and Open Space plan and the Town of Apex Transportation plan. Due to the unit total, size and location of the property as it relates to the Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space staff supports a fee-in-lieu of dedication at the 2025 rate of $4,244.28 per unit.

Attachments

- CN11-A1: Madison Downs MSP - Madison Downs Residential Master Subdivision Plan (MSP) - $4,244.42 SFD/Unit

MADISON DOWNS

MASTER SUBDIVISION PLAN



VICINITY MAP
N.T.S.

SITE DATA

PROJECT NAME	MADISON DOWNS - MASTER SUBDIVISION PLAN
PREPARER'S CONTACT INFORMATION	JONES & CNOSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - WILL NORTON
OWNER / DEVELOPER CONTACT INFORMATION	JVI BUILDING & DEVELOPMENT 1600 OLIVE CHAPEL ROAD, SUITE 400 APEX, NC 27502 PHONE - (919) 387-8846 CONTACT PERSON - JOEY IANNONE
CURRENT ZONING	LD-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY
ZONING CASE NUMBER	#24CZ12
ANNEXATION NUMBER	788
WAKE COUNTY PIN	0721-00-0488
SITE ADDRESS	8608 HUMIE OLIVE ROAD
TOTAL PROJECT AREA	15.94 ACRES
MAXIMUM NUMBER OF LOTS	47 UNITS (3 UNITS/ACRE)
PROPOSED NUMBER OF UNITS	41 UNITS
MAXIMUM BUILDING HEIGHT	40' (3 STORIES)
TOTAL REQUIRED RCA / BUFFER AREA	5.58 ACRES (30% + 5% FOR MASS GRADING)
PROVIDED RCA / BUFFER AREA ON-SITE	ON-SITE: 4.53 AC. (28.3%) / OFF-SITE: 1.05 AC. (SEE NOTE 16 SHEET 4)
MAXIMUM BUILT UPON AREA	9.56 ACRES (60%)
ESTIMATED BUILT UPON AREA	5.00 ACRES (31.4%)
TOTAL DISTURBED AREA	11.93 AC (74.8%)
PUBLIC RECREATION REQUIREMENT	41 SINGLE FAM. DETACHED UNITS X $4,165.28/LOT = $170,776.48
PRCR ADVISORY COMMISION MEETING DATE	8/28/24
WATERSHED INFORMATION	JORDAN LAKE
APEX BUFFER DETERMINATION	WC-23-003
HISTORIC STRUCTURE?	NO
FEMA FLOODPLAIN INFORMATION	MAP #3720072100K (DATED JULY 19, 2022) PROJECT NOT WITHIN 100 YR. FLOOD PLAIN
CENTROID	35.702, -78.929
PUBLIC GREENWAY TRAIL CONSTRUCTION?	NO
SANITARY SEWER CAPACITY REQUEST	41 SINGLE FAMILY DETACHED UNITS @ 300 GAL/DAY = 12,300 GAL/DAY

STANDARD SPECIFICATIONS & STANDARD DETAILS
VERSION: JUNE 11, 2024

SHEET INDEX

1	COVER SHEET
2	ZONING CONDITIONS
3	OVERALL LOT LAYOUT PLAN
4	PRELIMINARY LOT LAYOUT PLAN
5	EXISTING CONDITIONS PLAN
6	PRELIMINARY GRADING & DRAINAGE PLAN
7	PRELIMINARY UTILITY PLAN
8	STAGING & DEMOLITION PLAN
9	NOTES & DETAILS SHEET
10	OFF-SITE RCA EXHIBIT
LA-1	LANDSCAPE PLAN
LA-2	EXISTING CONDITIONS & AERIAL PHOTO
LA-3	LANDSCAPE DETAILS
A-1	ARCHITECTURAL ELEVATIONS

MINIMUM BUILDING SETBACKS
(SINGLE FAMILY)

FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR IMPERVIOUS
FRONT	25'
REAR	25'
SIDE	20' AGG. TOTAL / 8' MIN.
CORNER SIDE	18'

GRADING NOTE:
THIS PROJECT WILL BE MASS GRADED. PER THE UDO DEFINITION FOR MASS GRADING, MORE THAN 50% OF THE LOTS WILL BE GRADED DURING THE INITIAL GRADING PHASE.

DRAINAGE NOTE:
90% OF PRE-DEVELOPMENT DRAINAGE AREAS TO BE PRESERVED IN THEIR NATURAL BASINS.

PARKING SUMMARY

TOTAL SPACES REQUIRED:
2 SPACES PER SINGLE FAMILY UNIT X 41 UNITS = 82 SPACES
MAIL KIOSK PARKING REQUIREMENT = 2 SPACES (1 H/C (VAN))
TOTAL REQUIRED = 84 SPACES (1 H/C (VAN))

TOTAL SPACES PROVIDED:
41 - 2 CAR DRIVEWAYS = 82 SPACES
MAIL KIOSK PARKING = 2 SPACES (1 H/C (VAN))
TOTAL PROVIDED = 84 SPACES (1 H/C (VAN))

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

N

0 150 300 600
GRAPHIC SCALE

Jones & Cnossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning
221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescnossen.com

FOR REVIEW ONLY

MADISON DOWNS
MASTER SUBDIVISION PLAN
WAKE COUNTY, NORTH CAROLINA
TOWN OF APEX

COVER SHEET

SCALE	1"=300'
DRAWN	WCN
DATE	NOVEMBER 1, 2024
REVISION	
1/3/25	PER TRC
2/6/25	PER TRC
SHEET	1
PROJECT	2336

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Angela Reincke, Parks Planning Manager

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

Requested Motion

Motion to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea East Village Multi-Family Block A Site Plan as approved 04/24/2025 by the Technical Review Committee at the 2025 rate of $2,516.93

Approval Recommended?

Yes

Item Details

Based on the Sustainable Development (SD) Plan Sections. 3.1.3, 3.4.2.1, and 3.4.2.2, and Unified Development Ordinance Sec. 7.3 and Sec. 7.5.9.B (as it existed at the time of the SD Plan approval- May 2011), Town Council needs to officially set the rates for each approved residential subdivision or site plan for Multi-family within the Veridea project. These will be the per unit rates that will be due where a fee-inlieu of dedication is being accepted. Where applicable the projects will receive credit for land dedication or construction of park amenities or greenways against the fee-in-lieu owed. It is standard practice that the Town issue credit for dedication or construction first and charge the balance of fees once all credit has been used. This will be different for Veridea as staff does not know the timing of the dedication as it relates to when the first final plat for the subdivision will be recorded. Assuming that the Veridea Master Parks Plan has not been finalized nor land dedicated prior to the first final plat (singlefamily) and building permits being issued (Condos/Apartments), units will pay a fee until the time that the acreage is dedicated, and the value is determined for credit. Dedication is credited at a per unit rate of 1/30th of an acre SFD/unit (.0333), 1/45th of an acre SFA/unit (.0223), and 1/51st of an acre MF/unit (.0196). The Veridea project must be in compliance with the SD Plan's requirement that a Parks Master Plan be approved prior to 1000 building permits. Until the time that the acreage is identified and approved with the Parks Master Plan there is not a way to calculate the credit that will be applied against fees owed. The SD Plan indicates that the dedication shall be made prior to 2000 units receiving building permits. The acreage in the Parks Master Plan for dedication needs to be of sufficient acreage to accommodate the 4 items required by the SD plan. Consistent with the standards for dedication in the UDO, the property must accommodate the footprint of

the 4 amenities, and be of a size to ensure that the amenities can be constructed and meet development standards, such as parking, buffers, utility easements, etc

Attachments

- CN12-A1: Block A Site Plan - Fee-In-Lieu of Land Dedication - Veridea East Village

TRANSPORTATION COMMITTED ELEMENTS:

THE FOLLOWING ROADWAY IMPROVEMENTS ARE RECOMMENDED TO ACCOMMODATE THE PROJECTED (2030) BUILD-OUT TRAFFIC VOLUMES OR TO SATISFY IDENTIFIED ZONING REQUIREMENTS BASED ON MAXIMUM DEVELOPMENT THRESHOLDS OUTLINED IN THE VERIDEA REZONING DOCUMENT DATED MAY 10, 2011:

NC 55 AT US 1 SOUTHBOUND RAMPS:

- RESTRIPE THE US 1 SOUTHBOUND OFF-RAMP TO PROVIDE DUAL EXCLUSIVE LEFT-TURN LANES, A SHARED THROUGH/LEFT LANE, AND ONE EXCLUSIVE RIGHT-TURN LANE
- INSTALL A BACK-OF-QUEUE DETECTOR ON THE US 1 SOUTHBOUND OFF-RAMP AND MODIFY THE EXISTING TRAFFIC SIGNAL
- MODIFY THE EXISTING TRAFFIC SIGNAL TO ACCOMMODATE THIS REVISED LANEAGE

NC 55 AT US 1 NORTHBOUND RAMPS:

- EXTEND THE STORAGE OF THE INSIDE NORTHBOUND RIGHT-TURN LANE ON NC 55 TO PROVIDE FULL STORAGE BACK TO LUFKIN ROAD
- RESTRIPE THE SOUTHBOUND APPROACH OF NC 55 TO PROVIDE THREE SOUTHBOUND THROUGH LANES AND A SINGLE EXCLUSIVE SOUTHBOUND LEFT-TURN LANE
- MODIFY THE EXISTING TRAFFIC SIGNAL TO ACCOMMODATE THE IDENTIFIED LANEAGE

NC 55 AT LUFKIN ROAD:

- CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE ON NC 55 WITH STORAGE TO PRISTINE WATER DRIVE/AQUILINE ACCESS
- PROVIDE AN ADDITIONAL SOUTHBOUND THROUGH LANE ALONG NC 55 FROM THE US 1 NORTHBOUND RAMPS THROUGH THE LUFKIN ROAD INTERSECTION, EXTENDING TO THE SHARED THROUGH/RIGHT LANE PROPOSED AS PART OF THE AQUILINE DEVELOPMENT AT PRISTINE WATER DRIVE
- MODIFY THE EXISTING TRAFFIC SIGNAL TO ACCOMMODATE THE IDENTIFIED LANEAGE

NC 55 AT PRISTINE WATER DRIVE/AQUILINE ACCESS:

- PROVIDE A THIRD NORTHBOUND THROUGH LANE ALONG NC 55 WITH APPROXIMATELY 150 FEET OF STORAGE, WHICH WILL ACT AS AN EXTENSION OF THE ADDITIONAL NORTHBOUND THROUGH LANE CONSTRUCTED AT LUFKIN ROAD
- MODIFY THE TRAFFIC SIGNAL PROPOSED AS PART OF THE AQUILINE DEVELOPMENT TO ACCOMMODATE THE IDENTIFIED LANEAGE

NC 55 PROJECT FRONTAGE:

- COMPLETE FRONTAGE WIDENING REQUIREMENTS ALONG NC 55 AS REQUIRED BY THE TOWN OF APEX

NC 55 AT NORTH RIGHT-IN/RIGHT-OUT SITE DRIVEWAY:

- CONSTRUCT THE SITE DRIVEWAY WITH ONE INGRESS LANE AND ONE EGRESS LANE
- PROVIDE AN EXCLUSIVE SOUTHBOUND RIGHT-TURN LANE ON NC 55 WITH 100 FEET OF STORAGE AND APPROPRIATE TAPERS

NC 55 AT MAJOR COLLECTOR A (SD #1):

- CONSTRUCT THIS INTERSECTION AS A TRADITIONAL RCI
- CONSTRUCT THE EASTBOUND APPROACH OF MAJOR COLLECTOR A WITH TWO RIGHT-TURN LANES (ONE WITH 200 FEET OF STORAGE)
- PROVIDE A NORTHBOUND LEFT-TURN LANE ON NC 55 WITH 150 FEET OF STORAGE AND APPROPRIATE TAPERS
- PROVIDE AN EXCLUSIVE SOUTHBOUND RIGHT-TURN LANE ON NC 55 WITH 100 FEET OF STORAGE AND APPROPRIATE TAPERS
- INSTALL A TRAFFIC SIGNAL

NC 55 AT SOUTH RIGHT-IN ONLY SITE DRIVEWAY:

- CONSTRUCT THE SITE DRIVEWAY WITH ONE INGRESS LANE
- PROVIDE AN EXCLUSIVE SOUTHBOUND RIGHT-TURN LANE ON NC 55 WITH 100 FEET OF STORAGE AND APPROPRIATE TAPERS

THOROUGHFARE A AT STREET 3 (FULL-MOVEMENT):

- CONSTRUCT THE SOUTHBOUND APPROACH OF STREET 3 WITH SEPARATE LEFT- AND RIGHT-TURN LANES, WITH 100 FEET OF STORAGE PROVIDED ON THE SOUTHBOUND LEFT-TURN LANE
- PROVIDE AN EASTBOUND LEFT-TURN LANE ON SITE DRIVEWAY #3 WITH 100 FEET OF STORAGE

THOROUGHFARE A AT COMMUNITY COLLEGE DRIVEWAY (DIRECTIONAL CROSSOVER):

- CONSTRUCT THE COMMUNITY COLLEGE DRIVEWAY WITH ONE INGRESS LANE AND ONE EGRESS LANE
- PROVIDE A WESTBOUND LEFT-TURN LANE ON THOROUGHFARE A WITH 150 FEET OF STORAGE

TECHNOLOGY DRIVE:

- REALIGN TECHNOLOGY DRIVE TO THE WEST (ASSUMED TO BE APPROXIMATELY 1,800 FEET WEST OF NC 55)

THOROUGHFARE A AT REALIGNED TECHNOLOGY DRIVE/STREET 1 (FULL-MOVEMENT)

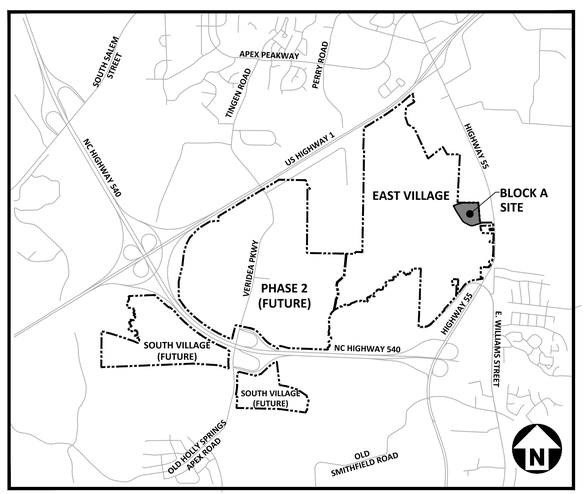
- CONSTRUCT STREET 1 AS A STOP-CONTROLLED APPROACH AT THIS FULL-MOVEMENT INTERSECTION
- ON BOTH STREET 1 AND REALIGNED TECHNOLOGY DRIVE, PROVIDE AN EXCLUSIVE LEFT-TURN LANE WITH 100 FEET OF STORAGE AND A SHARED THROUGH/RIGHT LANE
- PROVIDE AN EASTBOUND LEFT-TURN LANE ON SITE DRIVEWAY #3 WITH 100 FEET OF STORAGE
- PROVIDE A WESTBOUND LEFT-TURN LANE ON SITE DRIVEWAY #3 WITH 200 FEET OF STORAGE

JESSIE DRIVE AT THOROUGHFARE A:

- PROVIDE A LEFT-TURN LANE AND A SHARED THROUGH/RIGHT LANE ON EACH INTERSECTION APPROACH

JESSIE DRIVE AT MAJOR COLLECTOR A:

- PROVIDE A LEFT-TURN LANE AND A SHARED THROUGH/RIGHT LANE ON EACH OF THE JESSIE DRIVE APPROACHES AT THIS INTERSECTION
- PROVIDE AN EXCLUSIVE LEFT-TURN LANE WITH 100 FEET OF STORAGE AND A SHARED THROUGH/RIGHT LANE ON EACH APPROACH OF SITE DRIVEWAY #1



VICINITY MAP

N.T.S.

VERIDEA MULTI-FAMILY

PHASE 2 - BLOCK A

NC HWY 55

APEX, NORTH CAROLINA 27539

MINOR SITE PLAN

PROJECT NUMBER: RXR22003

DATE: NOVEMBER 01, 2024

REVISED: FEBRUARY, 07, 2025

REVISED: APRIL, 04, 2025

SITE DATA

PARCEL IDENTIFICATION NUMBER (PIN)	740783479	
EXISTING ZONING	SD-CZ (#09CZ07)	
CURRENT 2045 LAND USE MAP DESIGNATION	REGIONAL MIXED-USE - INDUSTRIAL EMPLOYMENT, OFFICE EMPLOYMENT, COMMERCIAL SERVICES, HIGH DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL	
AREA DESIGNATED AS MIXED USE ON 2045 LUM	ALL	
SITE AREA (EAST VILLAGE BLOCK 1A)	10.92 AC (SUSTAINABLE ZONE UC-B)	
EXISTING USE	RESIDENTIAL, AGRICULTURE, COMMERCIAL	
GRADING TYPE	MASS GRADING	
RESOURCE CONSERVATION AREA	REQUIRED (PER SD PLAN)	100 AC (OVERALL)
	PROVIDED	0 AC (BLOCK 1A EAST VILLAGE)
OPEN SPACE	REQUIRED (PER SD PLAN)	250 AC (OVERALL)
	PROVIDED	0 AC (BLOCK 1A EAST VILLAGE)
WATERSHED PROTECTION OVERLAY	CAPE FEAR SECONDARY WATERSHED PROTECTION DISTRICT	
FEMA FLOODPLAIN	N/A* *FLOODPLAIN PER FLOOD STUDY BY MCADAMS APPROVED BY TOWN OF APEX IN 2015.	
SETBACKS - PRINCIPAL BUILDING (UC -URBAN CORE - B GRID)	FRONT (PRINCIPAL)	0' MIN
	FRONT (SECONDARY)	0' MIN
	SIDE	0' MIN
	REAR	0' MIN
SETBACKS - OUTBUILDING (UC - URBAN CORE - B GRID)	FRONT	N/A
	SIDE	N/A
	REAR	N/A
BUILDING CONFIGURATION (UC - URBAN CORE - B GRID)	PRINCIPAL BUILDING	20 STORIES, 1 MIN (SEE NOTE BELOW)*
	OUTBUILDING	N/A
	*NOT IN EXCESS OF 20 STORIES WITHOUT SPECIFIC SITE PLAN REVIEW AND APPROVAL BY TOWN COUNCIL	
BICYCLE PARKING	REQUIRED: 6 SPACES OR 1 SPACE PER 30 DWELLING UNITS, WHICHEVER IS GREATER (UDO 8.3-1) 1 SPACE X (291 UNITS/30) = 9.7 > 6 = 10 SPACES REQUIRED PROVIDED: 26 SPACES	
HISTORIC STRUCTURES	N/A (HUNTER-PRICE HOUSE LOCATED OUTSIDE OF PROJECT AREA)	
ANNEXATION	116, 766	

SEWER CAPACITY REQUEST			
USE	UNITS	PER UNIT FLOW (GPD)	TOTAL FLOW (GPD)
MULTI-FAMILY	291	250	72,750
TOTAL			72,750

NOTES:

1. ADESSO BOULEVARD (FKA MAJOR COLLECTOR "A") SHALL BE ACCEPTED AND OPEN TO TRAFFIC PRIOR TO THE ISSUANCE OF CO'S FOR MORE THAN 100 RESIDENTIAL UNITS.
2. ALL EXISTING VALVES WITHIN THE TOWN WATER SYSTEM SHALL BE OPERATED ONLY BY TOWN PERSONNEL. EXISTING VALVES WILL NOT BE OPERATED WITHOUT A MINIMUM NOTICE OF 24 HOURS. TOWN PERSONNEL SHALL OPERATE ALL NEW VALVES ONCE THEY HAVE BEEN TESTED, CERTIFIED, AND ACCEPTED.

PARKS AND RECREATION SITE DATA TABLE

DATE REVIEWED BY PRCR ADVISORY COMMISSION: 10/22/2024 DATE APPROVED BY TOWN COUNCIL: TBD
OF SINGLE-FAMILY DETACHED UNITS: 0 X $3,345.49/UNIT = $0.00 # OF SINGLE-FAMILY ATTACHED UNITS: 0 X $2,240.19/UNIT = $0.00 # OF MULTI-FAMILY UNITS: 291 X $2,516.93/UNIT = $732,426.63 TOTAL FEE-IN-LIEU OF DEDICATION = $732,426.63
AND/OR ACRES OF LAND DEDICATION THE ACREAGE THAT WILL BE PROVIDED/OR NEEDED TO MEET THE REQUIREMENTS OF THE SD PLAN PER THE NUMBER OF UNITS INCLUDED IN THIS PHASE/SECTION # OF SINGLE-FAMILY DETACHED UNITS: 0 X 1/35 AC = 0 AC # OF SINGLE-FAMILY ATTACHED UNITS: 0 X 1/35 AC = 0 AC # OF MULTI-FAMILY UNITS: 291 X 1/35 AC = 5.71 AC TOTAL ACRES OF LAND DEDICATION REQUIRED: 5.71 AC *ACRES OF LAND DEDICATION TO BE PROVIDED IN FUTURE PHASES OF VERIDEA DEVELOPMENT PER SD PLAN REQUIREMENTS
PUBLIC GREENWAY TRAIL CONSTRUCTION: NO

BUILT UPON AREA (BUA) CALCULATIONS

ALLOWED IMPERVIOUS PER ZONING:				
ZONE:		TOTAL AREA:	PERCENT IMPERVIOUS:	IMPERVIOUS ACREAGE ALLOWED:
UC-B	URBAN CORE-B GRID	10.92 AC.	100%	10.92 AC.

VERIDEA EAST VILLAGE NON-RESIDENTIAL MASTER SUBDIVISION PROPOSED IMPERVIOUS:			
ZONE:		PROPOSED IMPERVIOUS	PERCENTAGE
UC-B	URBAN CORE-B GRID	8.74 AC.	80.00%

APPROVED EXCEPTIONS

THE FOLLOWING ITEM HAVE BEEN APPROVED AS EXCEPTIONS FOR THIS DRAWING BY THE TOWN OF APEX DEPARTMENT DIRECTOR(S), AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS DRAWING CONFORMS TO THE REQUIREMENTS ESTABLISHED BY THE DIRECTOR(S) ALLOWING DEVIATION FROM THE STANDARD SPECIFICATIONS AND STANDARD DETAILS OF THE TOWN OF APEX. THE SIGNATURE BELOW REPRESENTS THAT THE REQUESTING ENGINEER HAS BEEN GRANTED A VARIANCE **ONLY** FOR THE ITEMS LISTED. THE DEVELOPER/ENGINEER/CONTRACTOR IS SOLELY RESPOSIBLE FOR MEETING ALL APPLICABLE REQUIREMENTS.

(LIST ITEMS BELOW ADD NUMBER AS NEEDED)

APPROVED EXCEPTION	DIRECTOR GRANTING EXCEPTION
1. TOWN STANDARD STREET SECTIONS	
2.	
3.	
4.	

BY:_____ DATE:_____

REQUESTING ENGINEER

Veridea MU Parking Calculations

Programmed Use	Area (SF)	Dwelling Units (DU)	SD Parking Rate (Table Page 31)	SD Parking Spaces Required	Apex UDO Parking Rate (Section 8.3)	Apex UDO Parking Spaces Required	RXR Proposed Parking Rate	RXR Spaces Required
MF Residential, 1-2 Bedrooms (93% target - includes studio)	263,532	291	1/du	**291**	1.5/du	**437**	1.5/du	**437**
MF Residential, 3+ Bedrooms (7% target)		0	1/du	**0**	1.8/du	**0**		
	263,532	**291**	**Total SD Parking Required:**	**291**	**Total Apex UDO Parking Required:**	**437**	**Total RXR Parking Required:**	**437**

Total Parking Required Summary	Parking Spaces
SD Parking Required	**291**
Apex UDO Parking Required	**437**
RXR Parking Required	**437**
Total Parking Provided Summary	
Private Surface Parking Provided	403
Garage Parking Provided	0
Total Parking Provided	**403**

Accessible Parking for Physically Handicapped Persons (Per Apex UDO - 403 total parking spaces provided)		
	Required	Provided
Min. Total Number of Accessible Spaces	9 spaces (9 every 401-500 spaces)	10
Min. Number of Van-Accessible Spaces	2 spaces (2 every 401-500 spaces)	3

Electric Vehicle (EV) Charging Spaces (Per Apex UDO)		
	Required	Provided
EV Charging	15% of total required parking	44
EV Ready	30% of total required parking	88
Accessible EV Charging	2 (1 van min.)	2

SHEET INDEX

C0.10	PROJECT NOTES
C0.20	TYPICAL SECTIONS
C1.01	EXISTING CONDITIONS
C2.01	SITE PLAN
C3.01	GRADING & STORM DRAINAGE PLAN
C4.01	UTILITY PLAN
C8.00	SITE DETAILS
C8.01	SITE DETAILS
C8.02	WATER DETAILS
C8.03	STORM DRAINAGE DETAILS
C8.04	SEWER DETAILS
C8.05	UTILITY TRENCH & CROSS CONNECTION DETAILS
L2.01	BUILDING A1 COURTYARD ENLARGEMENT
L2.02	BUILDING A1 COMMUNITY SPACE ENLARGEMENT
L2.03	BUILDING A2 COURTYARD ENLARGEMENT
L4.00	HARDSCAPE NOTES & SPECIFICATIONS
L4.01	HARDSCAPE DETAILS
L5.01	LANDSCAPE PLAN
L5.02	LANDSCAPE DETAILS
L5.03	LANDSCAPE NOTES & SCHEDULE
L6.01	LIGHTING PLAN
L6.02	LIGHTING CUTSHEETS

SITE LIGHTING PHOTOMETRICS (BY TEAM LIGHTING)

7 SHEETS	VERIDEA MIXED USE - BLOCK A SITE LIGHTING LAYOUT

ARCHITECTURAL SHEET INDEX (BY PLANWORX)

A100	BUILDING TYPE A1- LEVEL 0 FLOOR PLAN
A101	BUILDING TYPE A1- LEVEL 0 FLOOR PLAN
A107	BUILDING TYPE A2- LEVEL 0 FLOOR PLAN
A108	BUILDING TYPE A2- LEVEL 0 FLOOR PLAN
A200	BUILDING TYPE A1- EXTERIOR BUILDING ELEVATIONS
A201	BUILDING TYPE A1- EXTERIOR BUILDING ELEVATIONS
A202	BUILDING TYPE A2- EXTERIOR BUILDING ELEVATIONS
A203	BUILDING TYPE A2- EXTERIOR BUILDING ELEVATIONS
A711	POOL HOUSE - EXTERIOR BUILDING ELEVATIONS
G002	SITE PLAN & PROJECT INFO

MCADAMS

The John R. McAdams Company, Inc.
621 Hillsborough Street
Suite 500
Raleigh, NC 27603

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CONTACT

DAVID BOYETTE
boyette@mcadamsco.com
PHONE: 919. 361. 5000

OWNER

RXR LENNAR APEX HOLDINGS LLC
625 RXR PLAZA
UNIONDALE, NY 11556
PHONE: 516. 506. 6774

RXR

PROJECT DIRECTORY

DEVELOPER
RXR APEX BLOCK A MULTI-FAMILY HOLDINGS LLC
625 RXR PLAZA
UNIONDALE, NY 11556
PHONE: 516. 506. 6774

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 033714 DAVID M. BOYETTE, JR. NOT FOR CONSTRUCTION

REVISIONS

NO.	DATE	
1	02. 07. 2025	REV PER TOWN AND CLIENT COMMENTS
2	04. 04. 2025	REV PER TOWN AND CLIENT COMMENTS
3		
4		
5		
6		

MINOR SITE PLAN FOR:
VERIDEA MULTI-FAMILY
PHASE 2 - BLOCK A
NC HWY 55
APEX, NORTH CAROLINA 27539
PROJECT NUMBER: RXR22003

X:\Projects\RXR\RXR22003\04-Production\Engineering\Production Drawing\Current Drawing\02-Minor Site Plan - Block A\RXR22003-MinSP-CS1.dwg, 4/4/2025 11:01:54 AM, Chris Schmidt

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk
Jeremy Bradham, Preservation Program Manager

Department(s): Town Clerk's Office
Capital Area Preservation, Inc.

Requested Motion

Motion to waive building inspections and permitting fees associated with the Utley Farms Historic Home Restoration and Preservation project located at 3720 Old Use 1 Highway, New Hill, North Carolina, for a maximum not to exceed one-thousand dollars ($1,000), and only while the home is under ownership of Capital Area Preservation Inc.

Approval Recommended?

Yes

Item Details

On July 10, 2025, Capital Area Preservation (CAP), Inc. submitted a request for building inspections and permitting fees to be waived associated with the Utley Farms Historic Home Restoration and Preservation Project. Below are the responses received associated with the request:

1. **What is the extent and purpose of the work you will be doing at Utley Farms? Moving the house? Renovations?**
   CAP RESPONSE: The purpose is to restore and preserve the house, relocate the large red barn closer to the house to move out of the way of development, and sell the property with a preservation easement and rehab agreement and eventually designate the property as an Apex Historic Landmark.
2. **Are you looking for a loan to move the house? Shouldn't the builder be paying for this? Can the builder pay the fees you are looking to have waived?**
   CAP RESPONSE: The builder has already committed to expenditures under the MOA with CAP, the State Historic Preservation Office, and the Army Corps of Engineers in the 106 process, so the budget was developed assuming no permit fees as before. We don't need a loan for this project.

3. **What exact fees are you looking to have waived? It appears that only building permit fees were waived through the attached loan agreement. Some fees (like utility-related ones) cannot be waived**.

   CAP RESPONSE: We are requesting only building permit fees (demo/footings, etc.) be waived.

4. **Have you requested other fees to be waived associated with this type of work?**

   CAP RESPONSE: Yes, inspections and permitting fees were waived on the last project at the Upchurch-Williams House on Roberts Road from calendar year 2015 through 2019.

In accordance with the Town's adopted fee schedule for fiscal year 2025-26, the following fees were quoted by the Building and Inspections Department:

The "restore and preserve" of the house could be a single trade building permit to do some basic structural repairs to a full-blown renovation which would be dictated by the square footage.

Single trade permits on the house = $375.00
A Demo Permit = $150.00
Permit to move barn = $375.00
Total = $900.00 on permit fees which could increase depending on the scope of work.

Capital Area Preservation is respectfully requesting a waiver of building and permitting fees, not to exceed $1,000.

Attachments

- CN13-A1: Memo from Capital Area Preservation – Fee Waiver Request – Utley Farms Historic Home Restoration and Preservation Project
- CN13-A2: Recorded Deed of Easement for Utley Horton Farm – Fee Waiver Request

CAPITAL AREA
PRESERVATION

PROTECT • PROMOTE • EDUCATE

P.O. Box 28072
Raleigh, NC 27611

Phone: 919.833.6404 Fax: 919.834.7314
www.cappresinc.org

July 10, 2025

Mr. Allen Coleman
Town Clerk, Town of Apex
PO Box 250
Apex, NC 27502

Dear Mr. Coleman,

Capital Area Preservation, Inc. (CAP) has recently acquired the historic Utley-Horton Farm located at 3720 Old US 1 Highway in New Hill, part of the New Hill National Register Historic District. CAP has taken on the responsibility to relocate the large red barn, currently part of the surrounding development, to our property. The house and barns are to be restored to their 1920 appearance as dictated by the recorded preservation easement (attached). The project will not be fully completed by CAP, as we will seek to find a third party to purchase the property and take the rehabilitation to full completion by adding a kitchen, bathrooms, and other final touches under the guidance of a rehabilitation agreement that will be recorded upon closing.

CAP is respectfully requesting the Town of Apex to waive its permit fees associated with relocation of the barn and its subsequent footings, demolition of modern additions in the house, and reconstruction and restoration of those spaces, in all totaling approximately $1,000 in total. This will greatly help CAP save this important historic resource on a tight budget, and we are only requesting these fees be waived during CAP's ownership. In our most recent project in Apex, the Upchurch-Williams House at 7213 Roberts Road, all associated permit fees were waived by the town from 2015-2019 while it was being restored.

Thank you so much for your time and consideration in this matter.

Sincerely,

Gary G. Roth
President & CEO

WAKE COUNTY, NC
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
06-26-2024 AT 12:18:01

BOOK: 019646 PAGE: 00592 - 00609

DEED OF EASEMENT FOR HISTORIC PRESERVATION

STATE OF NORTH CAROLINA | **PIN Portion of 0710713968**

COUNTY OF WAKE

Prepared by and After Recording Return to: **Capital Area Preservation, Inc.**
Post Office Box 28072
Capitol Station
Raleigh, North Carolina 27611

Brief Description for Index: Utley-Horton Farm Deed of Easement

THIS DEED OF EASEMENT FOR HISTORIC PRESERVATION ("Preservation Agreement") is made by and between **KB HOME RALEIGH-DURHAM, INC.**, a Delaware Corporation, with offices located at 1800 Perimeter Park Drive, suite 140 Morrisville, NC 27560 (herein after "**Grantor**") and **CAPITAL AREA PRESERVATION, INC.** (hereinafter "**Grantee**"), a North Carolina non-profit corporation with offices located at 1101 Haynes Street, Suite 001, Raleigh, Wake County, North Carolina. The Effective Date of Preservation Agreement shall be the date this Preservation Agreement is signed by the Grantor, if Grantor is the last to sign, or by Grantee, if Grantee is the last to sign.

I. RECITALS

A. The Grantee is a non-profit corporation organized under the laws of North Carolina chartered to preserve historically important real property and is a "qualified organization" as defined in Section 170(h)(3) of the Internal Revenue Code, and a qualified holder pursuant to NCGS Chapter 121, Article 4, the "North Carolina Conservation and Historic Preservation Agreements Act" (hereinafter the "**Act**").

B. The Grantee is authorized to accept and administer gifts of real and personal property, including easements for conservation purposes, in furtherance of its public purposes.

C. The Grantor is the owner of the Utley-Horton House located at 3720 Old US 1 Highway, New Hill in the planning jurisdiction of the Town of Apex, County of Wake, North Carolina, which is a house of historical, cultural, and architectural significance (hereafter the "**House**") and the 1.0 acre of land on which the House sits (hereinafter the "**Land**").

Submitted electronically by "Bagwell Holt Smith P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with [illegible]nty Register of Deeds.

D. Grantor desires to grant to Grantee, and Grantee desires to accept a Deed of Easement for Historic Preservation on the House and Land (hereinafter collectively referred to as the "**Property**"). The Legal Description of the Property is attached hereto as **Exhibit "A"** and further described in **EXHIBIT "B"** and incorporated in this agreement by reference as if fully set forth herein.

E. Grantor and Grantee agree that the site features of the Land and the interior and exterior architectural elements of the House listed below, contribute to the historic, architectural, and scenic significance of the Property, and may be hereinafter collectively referred to as the Property's "Conservation Values" and/or "Architectural Features:"

Site Features:

- Living trees greater than twelve (12) inches in diameter at a point four (4) feet above the ground
- Setting of the House
- 2-story frame gambrel-roof barn with shed additions
- Frame Smokehouse/wash house with chimney

Exterior:

- Wood siding
- Wood window sash and glass
- Door and window surrounds
- Roof
- Chimneys and foundation
- All cornerboards, trim, fascia, and soffits
- Wrap around porch
- Craftsman porch columns

Interior:

- Floor plan
- Wood flooring
- All wood trim, baseboards, and molding
- Living Room Mantel
- Door and window surrounds
- Doors and hardware

F. Grantor and Grantee desire that the House be preserved for the enjoyment and edification of future generations and shall remain on the Land.

G. Grantor and Grantee recognize that the House may need to be adapted and altered, where necessary, to provide for contemporary conveniences, and to accommodate contemporary uses, while at the same time retaining its historically and architecturally significant features.

H. The parties hereto acknowledge that the conveyance from Grantor to Grantee of this Deed of Easement pursuant to the Act will provide a method for preserving the House and the site features of the Land for the enjoyment and edification of future generations.

I. The parties hereto intend this document to be a conservation agreement as defined in the Act, and to create an interest in real property.

J. The designations Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter

gender as required by context.

NOW, THEREFORE, in consideration of the premises and the mutual benefits recited herein, together with other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, and pursuant to the Act and Section 170(h) of the Code, the parties hereto enter into this Preservation Agreement, the Grantor hereby unconditionally and irrevocably gives, grants and conveys forever and in perpetuity to the Grantee, its successors and assigns, and the Grantee hereby accepts an easement in gross, in perpetuity, in, on, and to the Property, of the nature and character and to the extent hereinafter set forth, together with the right to preserve and protect the values and to further the conservation purposes as described herein.

II. DURATION OF EASEMENT

This Preservation Agreement shall remain in effect in perpetuity unless terminated or extinguished in accordance with the terms of this Preservation Agreement. It is an easement in gross, runs with the land, and is enforceable by Grantee against Grantor, its personal representatives, heirs, successors, successors in title, assigns, lessees, agents, and licensees.

III. CONSERVATION PURPOSE

It is the purpose of this Preservation Agreement to assure that the Property will be retained and maintained forever for conservation and preservation purposes, and to prevent any use or change to the Property that will significantly impair or interfere with their Conservation Values. Grantor and Grantee agree that to preserve the House, no removal, relocation, or alteration of the House should be made except as provided for herein.

IV. GRANTOR'S RESERVATION OF RIGHTS AND DECLARATION OF WARRANTIES, COVENANTS AND OBLIGATIONS

The Grantor, for itself, its administrators, successors, successors in title and assigns, agrees as follows:

A. Title. The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Property in fee simple and has good right to grant and convey the aforesaid Preservation Agreement; that there is legal access to the Property, that the Property is free and clear of any and all encumbrances, except matters of record and survey, excluding, however, monetary encumbrances other than ad valorem taxes, none of which would nullify, impair or limit in any way the terms or effect of this Preservation Agreement; Grantor shall defend its title against the lawful claims of all persons claiming by, through, or under Grantor, except for the exceptions herein stated, and Grantor covenants that the Grantee, its successors and assigns, shall have the right to monitor and defend the terms of the aforesaid Preservation Agreement.

B. Reservation of Rights. Grantor reserves unto itself and for the benefit of its successors, successors in title and assigns all rights that are not inconsistent with the express terms of this Preservation Agreement, including, without limitation, the right to engage in all those acts and uses that (i) are permitted by law; (ii) do not substantially impair the Property; and (iii) are not inconsistent with the conservation purpose hereof.

C. Rehabilitation and Maintenance. Grantor shall continuously maintain, repair, and administer the House in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (hereinafter the "Secretary's Standards") so as to preserve the

historical integrity of features, materials, appearances, workmanship, and environment of the Property Said standards are attached hereto as **Exhibit "C"** and incorporated in this agreement by reference as if fully set forth herein. For the purpose of clarity, this obligation shall run with the land and be a present obligation on each party or parties currently holding title to the Property. Prior owners divested of interest in the Property shall have no further responsibilities or obligations under this Section.

D. Masonry. No cleaning, repointing, waterproofing, or painting of the exterior masonry of the House shall be undertaken unless the prior written approval of the Grantee shall have been obtained. No sandblasting under any circumstances.

E. Landscaping. Grantor's obligation to maintain shall also require that the Property's landscaping be maintained in good appearance. Lawn areas shall be maintained and regularly mown. Absent the express written approval of Grantee, no living trees greater than twelve (12) inches in diameter at a point four (4) feet above the ground shall be removed from the Property unless immediate removal is necessary for the protection of any persons coming onto the Property, or of the general public; for the prevention or treatment of disease; for the protection and safety of the Property or other permanent improvements on the Land. Any tree of the aforementioned size that must be removed shall be replaced within a reasonable time by a new tree of the same species. If so requested, Grantee may, in its discretion, approve the use of an alternate species. For the purpose of clarity, this obligation shall run with the land and be a present obligation on each party or parties currently holding title to the Property. Prior owners divested of interest in the Property shall have no further responsibilities or obligations under this Section.

F. Compliance with Laws. Any rehabilitation work or new construction work on the House will comply with the requirements of all applicable federal, state, and local governmental laws and ordinances. Also, that in making use of the House, Grantor shall abide by all federal, state, and local laws and ordinances. If Grantor receives a notice of violation or lien relating to the House from any governmental authority, Grantor shall immediately and in no event less than five (5) days from the date of receipt of said notice, furnish to Grantee a copy of such notice.

G. No Alterations without Approvals. Grantor shall not undertake the following without the prior written approval of Grantee: (i) Increase or decrease the height of, make additions to, change the exterior construction materials or finishes, nor move, improve, alter, reconstruct, or change the facades (including fenestration) and roofs of the House; (ii) Remove, demolish, or alter historic features, materials, and finishes located within the interior of the House; (iii) Change the floor plan of the House; (iv) Erect or allow to grow on the Property anything which would impair the visibility of the house from the public right-of-way; (v) Erect any external signs or external advertisements except a marker as permitted under Paragraph D, Section V, a sign stating solely the address of the Property, or a temporary sign to advertise the sale or rental of the Property; and (vi) Make permanent substantial topographical changes to the Property.

H. Archaeology. Archaeologically significant deposits, sites or features discovered on the Land shall not be further disturbed or excavated except by or under the supervision of a professionally qualified archaeologist and provided plans for such archaeological activity have been submitted to and approved in writing by the Grantee prior to any ground-disturbing activities. Artifacts and objects of antiquity professionally excavated from archaeological deposits, sites, or features shall be treated and preserved according to North Carolina Office of State Archaeology Curation Standards. The Grantor shall take all reasonable precautions to protect archaeological deposits, sites, or features on the Land from looting, vandalism, erosion, mutilation, or destruction from any cause.

I. No Permits without Approval. No addition to the House shall be constructed, nor shall permits for any such construction be applied for or obtained, unless the plans and designs for such structure or addition have been approved in advance in writing by Grantee.

J. Demolition/Removal. Neither the House nor any part thereof may be demolished and/or removed from the Land, except as may otherwise be allowed herein and with the express prior written permission of Grantee.

K. Timing of Requests for Approval. When seeking such approvals as are contemplated herein, Grantor shall give written notice to Grantee at least thirty (30) days prior to the anticipated date the work is to be undertaken.

L. Taxes. Grantor shall pay prior to delinquency, all taxes, special assessments and any other fees or charges that may become a lien on the Property. If the Grantee is ever required to pay any taxes or assessments on its interest in the Property, the Grantor will reimburse the Grantee for the same. If the Grantee ever elects to pay any taxes or assessments due on the Property to protect its interest in the Property, the Grantor will immediately reimburse the Grantee for the same. For the purpose of clarity, this obligation shall run with the land and be a present obligation on each party or parties currently holding title to the Property. Prior owners divested of interest in the Property shall have no further responsibilities or obligations under this Section.

M. No Subdivision. No portion of the Land may be subdivided.

N. Upkeep, Maintenance, and Insurance. Grantor shall be solely responsible for the upkeep and maintenance of the House, and the Grantee shall have no obligation therefor; (ii) Grantor shall keep insurance on the House and keep the House in good repair. The property insurance shall be obtained from an insurance company rated "A1" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged House without cost or expense to Grantor or contribution or coinsurance from Grantor. Such general liability insurance shall include Grantee's interest and name Grantee as an additional insured. Grantor shall deliver to Grantee, within ten (10) business days of Grantee's written request therefore, certificates of insurance coverage. For the purpose of clarity, this obligation shall run with the land and be a present obligation on each party or parties currently holding title to the Property. Prior owners divested of interest in the Property shall have no further responsibilities or obligations under this Section.

O. Casualty Loss. In the event that the House or any part thereof is damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify Grantee in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. Grantor shall undertake no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the House and to protect public safety, without Grantee's prior written consent. Within thirty (30) days of the date of the damage or destruction, Grantor at its expense shall submit to Grantee a written report prepared by a qualified restoration architect and an engineer who are mutually acceptable to the parties hereto, which shall include the following: (i) an assessment of the nature and extent of the damage; (ii) a determination of the feasibility of the restoration of the House and/or reconstruction of damaged or destroyed portions of the House; and (iii) a report of such restoration/reconstruction work necessary to return the House to the condition existing on the date hereof.

If, after reviewing the report prescribed hereinabove and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims, if Grantor and Grantee agree that the purpose of this Preservation Agreement will be served by such restoration/reconstruction, then Grantor and Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the House. Such restoration/reconstruction (iv) shall be in accordance with plans and specifications prepared by an architect, (v) shall comply with the Secretary's Standards, (vi) shall be approved by Grantor and Grantee, and (vii) shall provide for restoration/reconstruction of the House up to the total of the casualty insurance proceeds available to Grantor plus any deductible which shall be paid by Grantor but not more unless Grantor so elects in its sole and absolute discretion.

If, after reviewing the report and assessing the availability of insurance proceeds (net of any mortgagee's/lender's claims), the Grantor and Grantee agree that restoration/reconstruction of the House is impractical or impossible, or agree that the purpose of this Preservation Agreement would not be served by such restoration/reconstruction, the Grantor and/or Grantee may initiate a judicial proceeding for the extinguishment of this Easement, in whole or in part, in accordance with the procedures of paragraph VI D hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims prescribed herein below, Grantor and Grantee are unable to agree that the purpose of the Preservation Agreement will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the procedures of paragraph VII A hereof.

P. Liability and Indemnification. Grantor agrees to the fullest extent permitted by law, to defend, protect, indemnify and hold harmless the Grantee, its agents, directors and employees, from and against any and all third party claims, actions, liabilities, damages, fines, penalties, costs and expenses (including reasonable attorneys fees) arising out of or in connection with injury to or death of any person; damage to property; suffered as a direct or indirect result of any violation of any federal, state, or local environmental or land use law or regulation, or of the use or presence of any hazardous substance, waste or other regulated material in, on or under the property, unless such injury or damage is caused by the acts or omissions of Grantee, or any agent, director, or employee of Grantee. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien. Provided, however, that nothing contained herein shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

Q. Environmental Condition. Grantor acknowledges (i) that the Property may contain certain hazards as a result of outdated House practices or use of certain materials that may contain lead paint, asbestos, or some other hazards that may need to be removed or encapsulated before the House is usable; (ii) addressing these problems is one of the challenges of owning and restoring a historic property; (iii) Grantee does not have the resources to correct these problems and will not take responsibility for the condition of the House; and (iv) Grantee is not liable in any way for any hazards, defects, or other problems of the Property.

Grantor specifically disclaims any representation, warranty or guaranty with respect to the environmental condition of the Property, express or implied, including, but not limited to, any representation or warranty as to the Property's condition, fitness for a particular purpose, quality, freedom from defects, or contamination (whether or not detectable by inspection).

V. GRANTEE'S RIGHTS AND OBLIGATIONS

This Preservation Agreement shall be administered solely by Grantee, its successors in interest or assigns; and in all subsequent conveyances of the Property, Grantee, its successors in interest or assigns shall be the sole party entitled to administer these covenants. To ensure the effective enforcement of this Preservation Agreement, Grantee shall have, and the Grantor hereby grants the Grantee, the following rights and the Grantee hereby accepts said rights and affirms the following obligations:

A. Right of Entry. At reasonable times and upon reasonable notice, the right to enter upon the Land for the purpose of inspecting the House to determine if there is compliance by the Grantor with the terms of this Preservation Agreement, and for the purpose of enforcing the terms of this Preservation Agreement. Grantee shall have no right to enter the interior of the House without Grantor's prior written consent which shall not be unreasonably withheld or conditioned.

B. Right to Monitor and Enforce. The right to prevent any activity or use of the House that is inconsistent with the purpose of this Preservation Agreement and to require the restoration of such areas or features of the House that may be damaged by inconsistent activity or use, pursuant to the remedies set forth herein below.

C. Review of Plans. In reviewing the plans and designs for any addition or changes to the House or Land, Grantee will consider the following criteria: building materials; height, fenestration; roof shapes, forms and materials; surface textures; expression of architectural detailing; scale; relationship or any additions to the main structure; general form and proportion of structures; orientation to street; setback; spacing of buildings, defined as the distance between adjacent buildings; Land coverage; use of local or regional architectural traditions; and effect on archeological resources. Designs for additions or additional structures shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is contemporary compatible with the size, color, material and character of the Property and its environment.

D. Historical Marker. The right to place a marker on the House providing historical information and/or indicating the Grantee's ownership of this easement, and (ii) to keep such marker clean and visible.

E. Use for Education Purposes. Researchers, scholars, and groups especially interested in historic preservation shall have access to view the House by special appointment at various times and intervals during each year upon written notice and approval by Grantor which shall not be unreasonably withheld or conditioned. Grantee may make photographs, drawings, or other representations documenting the significant historical, cultural, and architectural characteristics and features of the House, and distribute them to magazines, newsletters, or publicly available publications, or use them to fulfill its charitable and educational purposes.

VI. ADMINISTRATION, ENFORCEMENT AND REMEDIES

A. Remedies; Delay no Waiver. In the event of a violation of these covenants and restrictions, all legal and equitable remedies, including injunctive relief, specific performance, and damages shall be available to Grantee; provided, however, Grantor's total liability hereunder shall in no event exceed the value of its interest in the House. No failure on the part of Grantee to enforce any covenant or restriction herein nor the waiver of any right hereunder by Grantee shall discharge or invalidate such covenant or restriction or any other covenant, condition, or restriction hereof, or affect the right of Grantee to enforce the same in event of a subsequent breach or

default.

B. Option to Purchase. In the event of a violation of covenants contained hereunder, Grantee then shall have an option to purchase the Property, provided it shall give the Grantor written notice of the nature of the violation and the Grantor shall not have corrected same within the ninety (90) days next following the giving of said notice. The purchase of the House and the Land, pursuant to the exercise of the option retained hereby shall be at a price equal to the then market value of the Property as determined by agreement of the Grantor and Grantee, or, in the absence of such an agreement, by a committee of three appraisers, one to be selected by the Grantee, one to be selected by the Grantor and the other to be designated by the two appraisers selected by Grantee and the Grantor respectively. Provided, however, that if there are any outstanding deeds of trust or other encumbrances against the Property, any right to purchase shall be subject to said deeds of trust or encumbrances, and they shall either be satisfied by the proceeds of sale or if the proceeds of sale will not satisfy the outstanding debt the assumed by Grantee as part of the purchase price.

C. Notice. Any notice which by any provision of this instrument is required or allowed to be given by either party to the other shall be in writing and shall be deemed to have been sufficiently given for all purposes when sent by certified or registered United States mail, postage prepaid, and addressed as follows:

If to Owner:
KB Home Raleigh-Durham, INC
1800 Perimeter Park Drive, Suite 140
Morrisville, NC 27560
Attn: Jimmy Gaskins
Email: jagaskins@kbhome.com

With a copy to:
KB HOME
10475 Fortune Parkway, Suite 100
Jacksonville, FL 32256
Attn: Lisa Bianchi, Esq.
Email: lbianchi@kbhome.com

If to Grantee:
Capital Area Preservation, Inc.
PO Box 28072
Raleigh, NC 27611
Attn: President & CEO
Email: info@cappresinc.org

With a copy to:
Capital City Law
Attn: Kyle Smalling
116 N. Person Street
Raleigh, NC 27601
Email: kyle@capitalcitylawnc.com

D. Changed Conditions. The grant or donation of this Preservation Agreement gives rise to a property right immediately vested in Grantee, with a fair market value equal to the proportionate value that the Preservation Agreement bears to the value of the Property as a whole. That proportionate value of Grantee's property rights shall remain constant. If a change in conditions occurs, which makes impossible or impractical any continued protection of the Property for conservation purposes, the restrictions contained herein may only be extinguished by

judicial proceeding. Upon such proceedings, such portion shall be equal to the proportionate value that Grantee's interest in the Property bears to the value of the Property as a whole as of the date of the recording of this Preservation Agreement. "Proceeds of Sale" shall mean the cash value of all money and property paid, transferred or contributed in consideration for, or as otherwise required as a condition to the sale, exchange or involuntary conversion of the conservation area, or any damages otherwise awarded as a result of judicial proceeding, *minus* the Grantor's expenses from such transaction or proceeding. Grantee shall use its share of the proceeds of sale in a manner consistent with the conservation purposes set forth herein.

E. Condemnation. Whenever all or part of the Property are taken by exercise of eminent domain by public, corporate or other authority, or by negotiated sale in lieu of condemnation, so as to abrogate the restrictions imposed by this Preservation Agreement, the Grantor shall immediately give notice to Grantee and shall take all appropriate actions at the time of such taking or sale to recover the full value of the taking and all incidental or direct damages resulting from the taking, which any proceeds recovered in such actions shall be divided in accordance with the proportionate value of Grantor's and Grantee's interests as specified herein; all expenses including attorneys' fees incurred by Grantor and Grantee in such action shall be paid out of the recovered proceeds to the extent not paid by the condemning authority. The Grantee, its successors, and assigns, shall be entitled to a portion of the proceeds of such sale, exchange, involuntary conversion of the Property, or any damage award with respect to any judicial proceeding. Such portion shall be equal to the proportionate value that Grantee's interest in the Property bears to the value of the Property as a whole as of the date of the recording of this Preservation Agreement. "Proceeds of Sale" shall mean the cash value of all money and property paid, transferred or contributed in consideration for, or as otherwise required as a condition to the sale, exchange or involuntary conversion of the conservation area, or any damages otherwise awarded as a result of judicial proceeding, *minus* the Grantor's expenses from such transaction or proceeding. Grantee shall use its share of the proceeds of sale in a manner consistent with the conservation purposes set forth herein.

F. Acts Beyond Grantor's Control. Nothing contained in this Preservation Agreement shall be construed to entitle Grantee to bring any action against Grantor for any injury or change in the Property caused by third parties, resulting from causes beyond the Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken in good faith by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to life, damage to property or harm to the Property resulting from such causes.

G. Costs of Enforcement. All costs incurred by Grantee in enforcing the terms of this Preservation Agreement against Grantor, including, but not limited to, arbitration costs, court costs, attorney fees, and any costs of restoration necessitated by Grantor's acts or omissions in violation of the terms of this Preservation Agreement, shall be borne by Grantor.

VII. ARBITRATION

A. Agreement to Arbitrate. If Grantor and Grantee are unable to resolve any controversies arising out of this Preservation Agreement, Grantor and Grantee agree that matters in dispute may be referred by either party to binding arbitration and settled in accordance with the State of North Carolina's arbitration statutes then in effect.

VIII. MISCELLANEOUS

A. Right of First Refusal. In case of any contemplated sale of the Property or any portion thereof by the Grantor or any successor in title thereto, first refusal as to any bona fide offer

of purchase must be given to Grantee, its successors or assigns. If Grantee so decides to purchase, it shall notify the then Grantor of its willingness to buy upon the same terms within thirty (30) days of receipt of written notice of such bona fide offer. Failure of Grantee to notify the then Grantor of its intention to exercise this right of first refusal within such thirty (30) day period shall free the Grantor to sell pursuant to the bona fide offer. In any event, Grantee shall have the opportunity to explain to the proposed purchaser the terms of the Preservation Agreement prior to the closing of any sale.

B. Subsequent Liens and Mortgages. Nothing in this Preservation Agreement shall be construed to prohibit Grantor's ability to use the Property as collateral for subsequent liens or mortgages. All subsequent mortgages and rights in the Property of all subsequent mortgagees are always subject to the rights of Grantee to enforce the purposes of this Preservation Agreement. Grantor will provide a copy of this Preservation Agreement to all mortgagees of the Property. The provisions as described above relate only to the purposes of the Preservation Agreement, namely the preservation of the Conservation Values of the Property.

C. Covenants Run with the Land. The Grantor hereby covenants to carry out the duties specified herein, and these restrictions shall be covenants and restrictions running with the land, which shall bind the Grantor, the Grantor's administrators, successors, successor in title and assigns, and the Grantor agrees for the Grantor's administrators, successors, successors in title and assigns that in the event the Property is sold or otherwise disposed of, the covenants and restrictions contained herein will be binding on its successor in title. Upon any such conveyance of the Property, the obligations of Grantor hereunder shall run with the land and bind the successor in title. With respect to any rights, powers, privileges, duties, obligations or liabilities of Grantor under this Preservation Agreement, the successor or successors in title to Grantor to the Property shall be bound by this Preservation Agreement, and Grantee shall then look solely to such owner or owners of the Property in connection with the performance of any responsibilities and obligations of Grantor.

D. Assignment. Upon written notice to Grantor, Grantee may convey, assign, or transfer this Preservation Agreement to a unit of federal, state, or local government or to a similar local, state, or national organization that is a *qualified organization* under Section 170(h) of the Code, and a *qualified holder* under the Act.

E. Interpretation. This Preservation Agreement shall be construed and interpreted under the laws of the State of North Carolina, and any ambiguities herein shall be resolved so as to give maximum effect to the conservation purposes protected herein.

F. Merger. The Parties agree that the terms of this Preservation Agreement shall survive any merger of the fee and easement interest in the Property or any portion thereof.

G. Entire Agreement. This Preservation Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. All recitals, exhibits, schedules and other attachments hereto are incorporated herein by reference.

H. Headings. The headings of the various sections of this Preservation Agreement have been inserted for convenience only and shall not modify, define, limit, or expand the express provisions of this Preservation Agreement.

I. Amendments. Grantor and Grantee are free to jointly amend this Preservation Agreement to meet changing conditions, provided that no amendment will be allowed that is inconsistent with the purposes of this Preservation Agreement or affects the perpetual duration of

this Preservation Agreement. Such amendment(s) require the written consent of both Grantor and Grantee and shall be effective upon recording in the public records of Wake County, North Carolina.

Signature Pages Follow

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals and if corporate, have caused this instrument to be signed and sealed by the appropriate corporate officers in accordance with the authority directed by the Board of Directors, all as of the day and year first above written.

GRANTOR:

KB HOME RALEIGH-DURHAM, INC.
a Delaware Corporation

By: _____(Seal)
Doug Schwartz, President

NORTH CAROLINA

COUNTY OF ORANGE

I, the undersigned, CHRISTOPHER A. CROWSON, a Notary Public of the County and State aforesaid, hereby certifies that Doug Schwartz, personally came before me this day and acknowledged that he is President of **KB HOME RALEIGH-DURHAM, INC.**, and that by authority duly given and as an act of the corporation, executed the forgoing and annexed instrument on behalf of the corporation.

Witness my hand and official stamp or seal, this 26th day of JUNE, 2024.

_____ SEAL
Notary Public

My commission expires: 5/7/2029

CHRISTOPHER A. CROWSON
NOTARY PUBLIC
ORANGE COUNTY, N.C.

GRANTEE:

CAPITAL AREA PRESERVATION, INC.,
a North Carolina non-profit corporation

By: Gary G. Roth (Seal)
Gary G. Roth, President & CEO

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that Gary G. Roth personally came before me this day and acknowledged that he is President & CEO of **CAPITAL AREA PRESERVATION, INC.**, a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, executed the foregoing and annexed instrument on behalf of the corporation.

Witness my hand and official stamp or seal, this 24 day of June, 2024.

Todd Bowling
Notary Public

SEAL

TODD BOWLING
NOTARY PUBLIC
WAKE COUNTY, N.C.

My commission expires: 03/19/2029

EXHIBIT A

Legal Description

COMMENCING FROM A 1/2" EXISTING IRON PIPE ON THE NORTHERN RIGHT OF WAY OF OLD US HWY 1 (NCSR 1011), SAID IRON PIPE BEING THE EASTERN PROPERTY CORNER OF PIN# 0710713968, AS RECORDED IN DEED BOOK 7883 PAGE 737 IN THE WAKE COUNTY REGISTRY, SAID IRON PIPE ALSO BEING A CONTROL CORNER WITH NORTH CAROLINA STATE PLANE COORDINATES N: 701,964.41 & E: 2,018,187.30' (NSRS 2011 / NAD 83 / SPC) AS SHOWN ON AN EXHIBIT TITLED "HISTORICAL DESIGNATION EXHIBIT" PERFORMED BY BATEMAN CIVIL SURVEY COMPANY, DATED 05/14/2024 AND RUNNING THE FOLLOWING CALLS TO THE POINT OF BEGINNING:

S44°08'00"W, A DISTANCE OF 57.13' TO A 1/2" EXISTING IRON PIPE ON THE NORTHERN RIGHT OF WAY OF OLD US HWY 1 (NCSR 1011);
THENCE, LEAVING SAID RIGHT OF WAY, S68°50'52"W, A DISTANCE OF 133.39' TO THE POINT OF BEGINNING, AND RUNNING THE FOLLOWING CALLS:

THENCE S44°45'01"W, A DISTANCE OF 30.03' TO A COMPUTED POINT;
THENCE S46°28'04"W, A DISTANCE OF 47.79' TO A COMPUTED POINT;
THENCE S55°02'07"W, A DISTANCE OF 116.95' TO A COMPUTED POINT;
THENCE N34°42'55"W, A DISTANCE OF 172.75' TO A COMPUTED POINT;
THENCE N74°37'56"W, A DISTANCE OF 68.37' TO A COMPUTED POINT;
THENCE N21°17'29"E, A DISTANCE OF 105.53' TO A COMPUTED POINT;
THENCE, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 225.00', A CHORD BEARING S77°35'52"E, AND A CHORD LENGTH OF 69.54', A DISTANCE OF 69.82' TO A COMPUTED POINT;
THENCE S86°29'13"E, A DISTANCE OF 41.47' TO A COMPUTED POINT;
THENCE, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 175.00', A CHORD BEARING S62°12'44"E, AND A CHORD LENGTH OF 143.89', A DISTANCE OF 148.29' TO A COMPUTED POINT;
THENCE S37°56'14"E, A DISTANCE OF 66.72' TO A COMPUTED POINT, SAID POINT BEING THE POINT OF BEGINNING.

BEING 43,537 SQUARE FEET MORE OR LESS.

EXHIBIT B

Subdivision Map

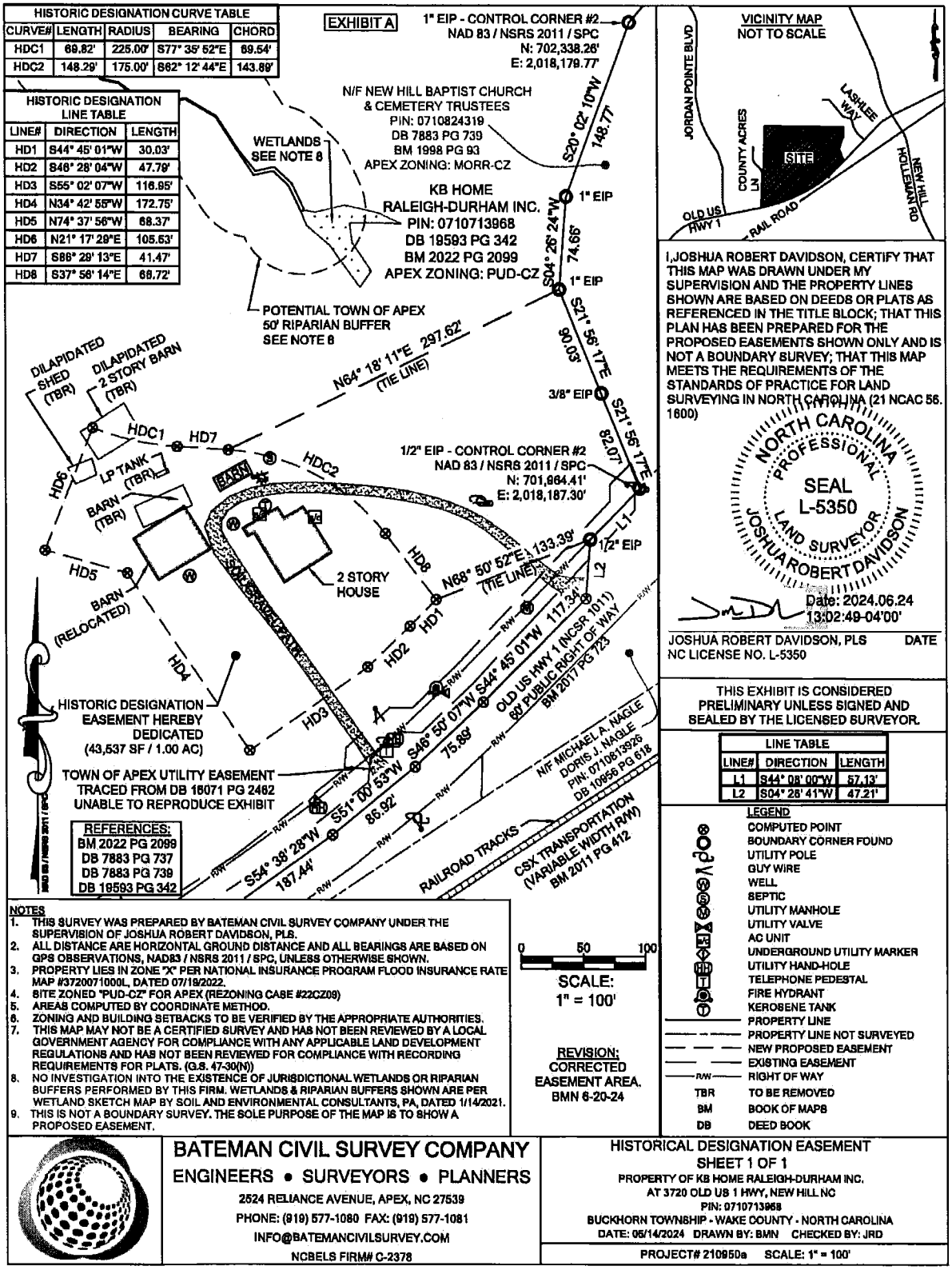


EXHIBIT C

The Secretary of the Interior's Standards for the Treatment of Historic Properties

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically will not be constructed.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

5. A reconstruction will be clearly identified as a contemporary re-creation.

6. Designs that were never executed historically will not be constructed.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Brad Holland, Senior Electrical Engineer

Department(s): Electric Utilities

Requested Motion

Motion to adopt an ordinance amending Chapter 12, Municipal Utilities and Services, Article II Electricity, Sub Section 12-19 Regulation of Load Management of the Apex Town Code of Ordinances.

Approval Recommended?

Yes

Item Details

There is a proposed amendment to Chapter 12, Article II, Section 12-19 of The Apex Code of Ordinances: Regulation of load management devices with respect to residential construction. This ordinance establishes the Town's requirement of the installation of load management devices as a condition of electric service and on all residential buildings requiring a permit issued after 1993. This requirement is fundamental to the Town's load management program which briefly curtails power to large electric loads in residences to reduce the Town's power consumption during peak system loading.

The proposed ordinance amendment clarifies and codifies that building wiring that interface with the load management device is the Owner's responsibility. Though this has been the intent since the inception of the program the clarification will alleviate unnecessary confusion, and potential legal liability to the Town. The proposed amendment also includes language to allow the program incentives to be in the form of reduced electric rates in part or in leu of monthly credits currently offered, creating billing options. The amendment also makes the incentives contingent on the council decision rather than guaranteed. Lastly the amendment disallows the request for the removal of the load management device unless authorized first by the Electric Utilities Director in exceptional circumstances. The customer may still opt out of the program but the device itself is to remain installed. This measure eliminates repeat installations due to change in ownership or a desire to rejoin the program.

Attachments

- CN14-A1: Ordinance Amendment – Chapter 12, Article II, Subsection 12-19 Regulation of Load Management

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 12-19 OF APEX TOWN CODE

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Section 12-19 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-19. Regulation of load management devices with respect to residential construction.

A load management device is an enclosed controller typically mounted on the outside wall of a home near the outdoor HVAC equipment. It uses internal circuitry and electrical relays to control the operation of central air conditioning and electric water heaters which allows the town to temporarily disconnect such systems in anticipation of peak electrical demand periods. As a condition of receiving electric service the owner of every residential property for which a building permit is issued after September 1, 1993 shall, prior to receiving a certificate of occupancy, install a load management device for said building. The load management device shall be furnished free of charge by the town.

(1) *Initial installation.* With respect to new residential construction, upon obtaining a building permit as required by state law, the owner or the owner's contractor shall install the original load management device in accordance with the town's specifications. **All air conditioning units, electric water heaters, and heating strips shall be connected to the load management device. All building wire and connections to the load management device shall be the responsibility of the owner or the owner's contractor.**

a. *Installation due to repairs and renovations requiring a building permit.* With respect to repairs and renovations requiring a building permit, the owner or the owner's contractor shall verify that all appliances previously connected to the load management device are reconnected, including appliances that were previously connected which were replaced or modified, unless the new appliance does not use electricity to operate, such as replacing heating strips with a gas furnace.

(2) *Exemptions from installation.* The following residential construction is exempt from the requirement of subsection (1):

a. Building permits for repairs and renovations to residential construction of less than $10,000.00.

b. The common areas of condominiums, cooperatives and homeowners associations.

c. Electric water heaters with tanks less than 40 gallons in capacity.

d. The electric utilities director may exempt such systems as are technically not feasible for control by load management devices.

(3) No person shall prevent, alter or impede the operation of a load management device. Such action is a violation of the electric service agreement between the consumer and the town and subjects the offender in the case of an intentional violation to a penalty of $100.00, and in the case of an unintentional violation, a penalty of $25.00. Payment is due within ten days after written notice thereof. Payment of such a penalty shall be a condition of the continued provision of electric service. Any questions or requests regarding the function, operation or maintenance of the load management device shall be directed to the town.

(4) The town **may** grant a credit against the electric bill or a reduced rate for the use of load management devices, whether installed voluntarily or involuntarily, in such amount as the town council shall determine in its schedule of electric rates.

(5) After initial load management device installation, the town shall be responsible for maintenance and/or replacement of the load management device. Replacement of the device shall be at the town's discretion. When maintenance or replacement of the load management device is required, the property owner or tenant shall contact the town to request repair of the load management device unless the repair or maintenance is initiated by the town. Reasonable access shall be granted for said maintenance or replacement. **The owner or the owner's contractor shall be responsible for any replacement or repair of the building's wiring necessitated by the maintenance, repair, or replacement of the load management device by the town.**

a. The owner shall request a new load management device when replacing the dwelling's central air conditioning unit. The town will provide the device free of charge, and the device shall be installed by the owner's HVAC contractor. Any repairs to the owner's building wiring to facilitate installation of the new load management device is the responsibility of the owner or the owner's contractor.

(6) In the event a private contractor or any other entity performing services at a location with a load management device disconnects the device, or in the event the device has already been disconnected, that private contractor or entity shall reconnect the load management device after the work is completed. The entity reconnecting the device shall contact the town electric **utilities** department with any questions about the connection, disconnection, operation or function of the load management device.

(7) Customers that began receiving electric service prior to or on September 1, 1993 that do not have a load management device may request one from the town **electric** utilities department. The device shall be furnished by the town and installed free of charge. **The owner is responsible for providing building wiring to the point of connection.**

(8) Customers may opt out of the load management program at any time by notifying the town. **Any customer opting out of the program will no longer receive the monthly credits and or reduced rates referenced in subsection (4) of this section**. **Removal of the load management device shall not be permitted unless approved in writing by the electric utilities director. Approved removals will be at the customer's expense.**

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

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

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2025.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development (for Apex Police Department)

Requested Motion

Motion to approve an Ordinance amending Section 20-165 with the addition of subsection (d) prohibiting parking on both sides of (1) Burma Drive, (2) Classic Road, (3) Goodworth Drive, (4) Pinnacle Center Drive, (5) Production Drive, and (6) Reliance Avenue, west and south of Ten Ten Road, between the hours of 10:00 p.m. and 6:00 a.m. for the purpose of prohibiting overnight parking, and relabel existing subsection (d) as subsection (e).

Approval Recommended?

Yes

Item Details

Staff have received complaints regarding overnight parking by both semi-trucks and other vehicles dropped off awaiting repairs. APD has responded and determined that an ordinance would be necessary to issue citations against such behavior to discourage overnight on-street parking. The attached letter has been provided by the president of the Pinnacle Park Owners Association supporting an overnight parking restriction. If approved, staff propose signing the above streets with signs displaying: NO PARKING, 10:00 P.M.-6:00 A.M. Apex will be responsible for maintaining the signs. After the initial installation of NO PARKING signs proposed in the attached map, Apex Police Department may request moving or adding signs as deemed necessary for enforcement based on observations.

Attachments

- CN15-A1: Ordinance Amendment 20-165(d)&(e) - No Overnight Parking on Various Streets, Pinnacle Park
- CN15-A2: Map of Proposed Ordinance Amendment
- CN15-A3: Request Letter from Pinnacle Park Owners Association

ORDINANCE NO. 2025-0812-__

AN ORDINANCE TO AMEND SECTION 20-165 OF THE CODE OF ORDINANCES OF THE TOWN OF APEX

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

Section 1. Section 20-165 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold, underlined text and deletions shown as bold, strikethrough text:

Sec. 20-165. – No parking in school zones and time designated zones.

(d) Along both sides of the following streets between the hours of 10:00 p.m. and 6:00 a.m. for the purpose of prohibiting overnight parking:

(1) Burma Drive

(2) Classic Road

(3) Goodworth Drive

(4) Pinnacle Center Drive

(5) Production Drive

(6) Reliance Avenue, west and south of Ten Ten Road

~~(d)~~(e) The chief of police or designee may in the chief's discretion, temporarily suspend the "no parking" requirement on any of the above-named streets, or on any combination of the same, if the chief of police finds that a need exists for parking on same on account of an emergency involving fire or other hazard, illness or death of a resident of the area affected by this section.

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

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

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2025.

Attest:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX, NORTH CAROLINA

_____
Jacques K. Gilbert
Mayor

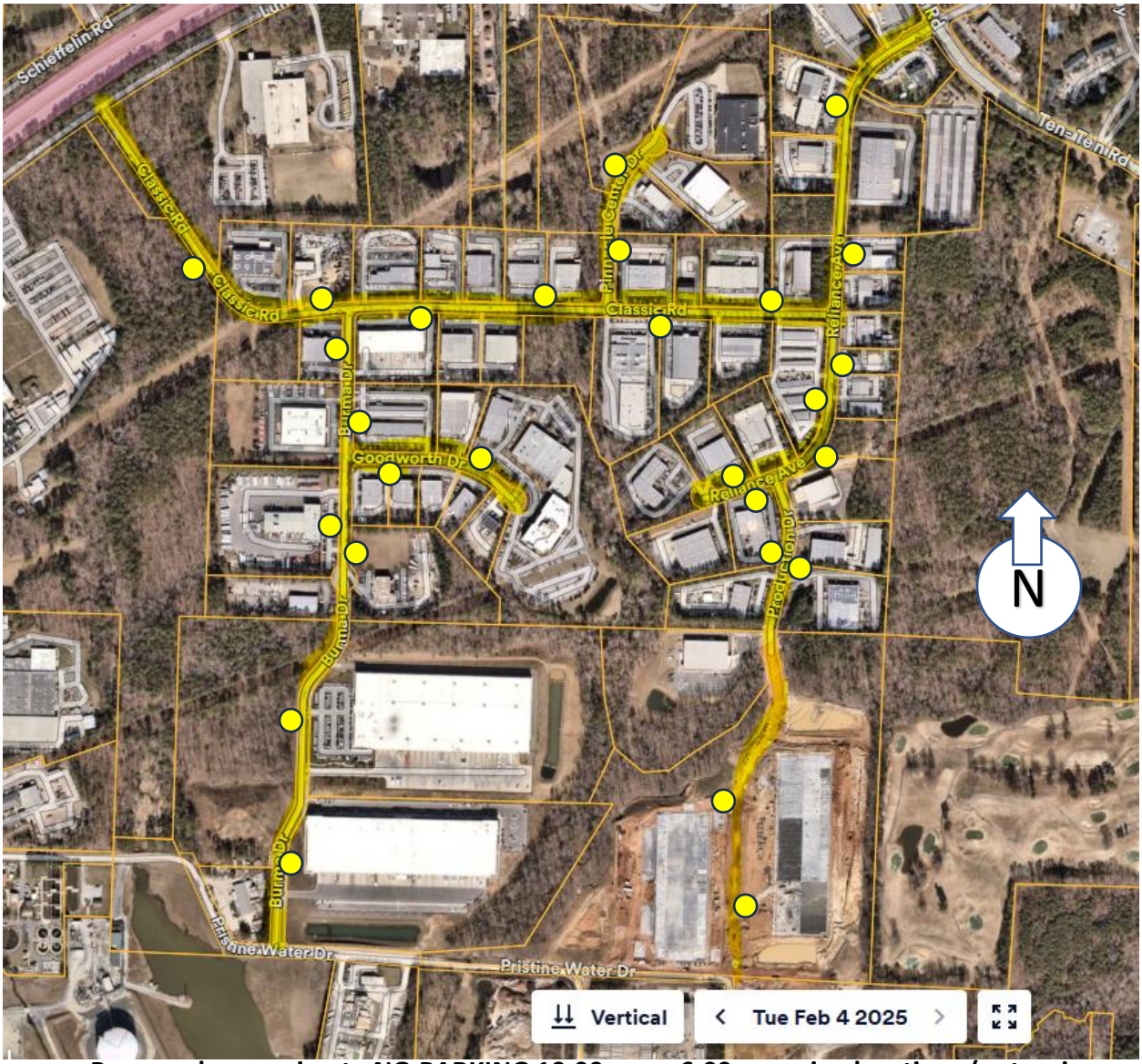
Approved As To Form:

_____
Laurie L. Hohe,
Town Attorney

Ordinance Amend 20-165(d)&(e):
(d) No Parking along both sides of the following streets between the hours of 10:00 p.m. and 6:00 a.m. for the purpose of prohibiting overnight parking:

(1) Burma Drive
(2) Classic Road
(3) Goodworth Drive
(4) Pinnacle Center Drive
(5) Production Drive
(6) Reliance Avenue, west and south of Ten Ten Road.

Relabel existing subsection (d) as subsection (e)



Proposed approximate NO PARKING 10:00 p.m.–6:00 a.m. sign locations (note: signs may be moved or added when requested by Apex Police Department as deemed necessary for enforcement)

Pinnacle Park Owners Association
(NOTE NEW ADDRESS)
101 Fern Bluff Way
Cary, NC 27518
(919) 924-6025 (Erv)
(919) 924-6100 (Sue)
eportman@weststarprecision.com Erv Portman President
sportman@weststarprecision.com Sue Portman, Secretary Treasurer

July 3, 2025

To: Apex Town council and

Town Manager Mr. Shawn Purvis;

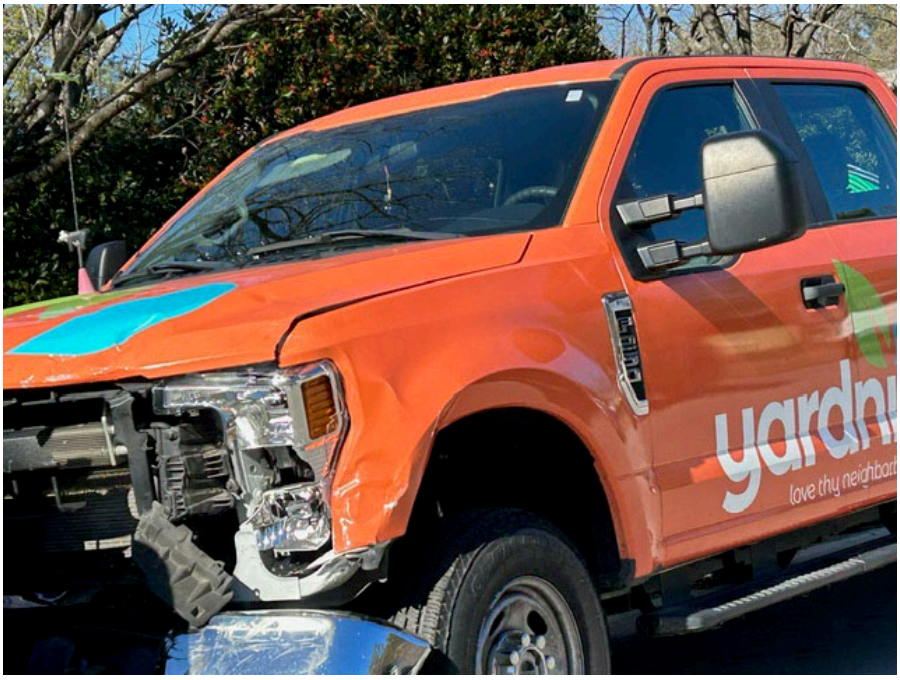
Re:Request for a no overnight parking ordinance in Pinnacle Park business park

Pinnacle Park is one of the Towns largest employment centers, and we as owners of business in it, have worked hard to keep high standards in the park. We know how important it is to the Town that we have attractive business locations to attract and retain business.

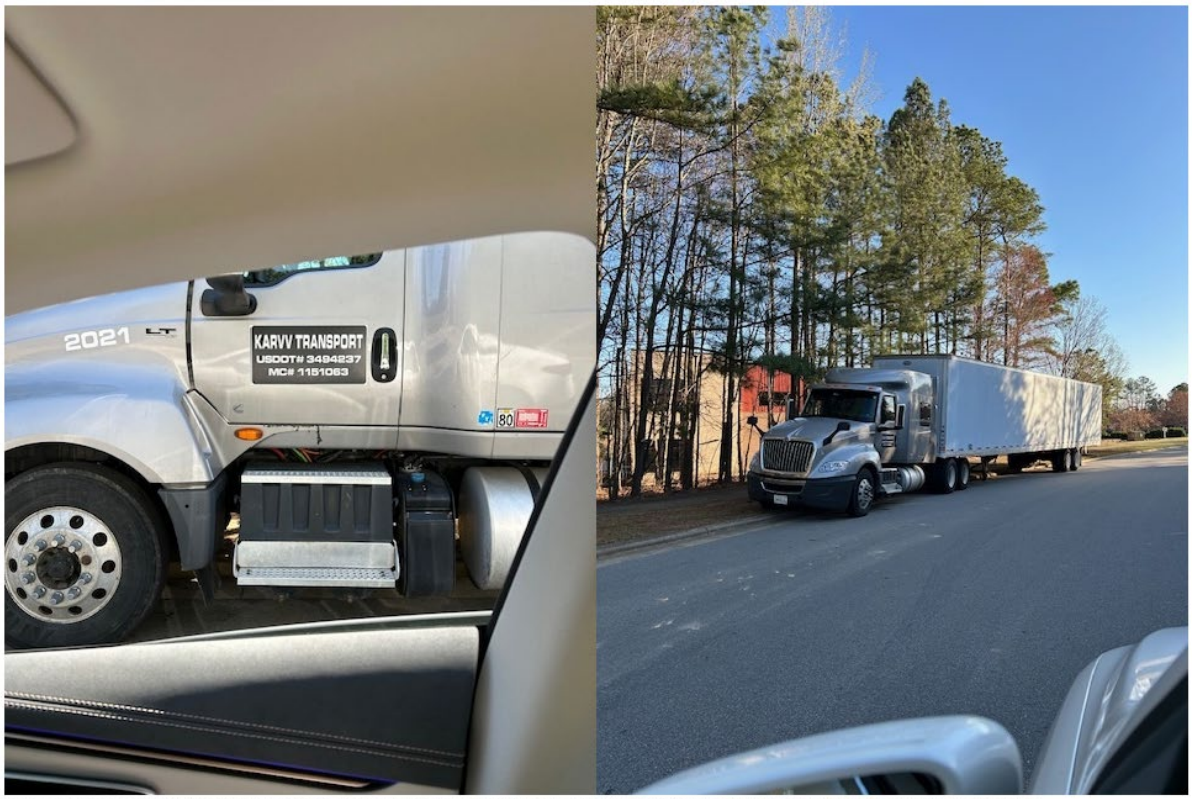
The recent expansion of business in the Cash property are also major new employers who access this new site from our streets. Apex has a lot at stake, and we know it is easy to lose a new employer if they don't like what they see on a site visit.

Over the last several years we have been working with the town to address two issues that detract from our shared goals.

1. One auto repair company on Reliance Drive storing damaged vehicles on the road or lawn or sidewalks for extended storage. The on grass and side walk is unsightly and violates the approved site plan for that location.
   Here are some photos of the issue;



2. Semi-trucks multiday storage on our streets to store their trucks on weekends and on weeks they are not being used.



This is on reliance ave near the corner of Production. It's been here every weekend for weeks, I don't know if it moves during the week or not.

Both are examples of commercial businesses using town streets to store commercial property, both have options to pay to store the vehicles but choose to use our streets to save money.

We are not opposed to street parking in Pinnacle Park, we are opposed to any business storing inventory equipment wreck cars, idle trucks, and trailers on our streets for overnight storage and storage for days, weeks and months.

Recently the town has had better results with the Auto Body shop, but over time the issue usually reappears. The overnight storage of semitrucks is an ongoing issue. Just the week the orange truck has reappeared parking on Classic Road for multi day storage.

As an owner's association we have reached out to the business to ask for cooperation. It works for a while then the problem always recurs.

The trucks are not from our business; they just use our streets to avoid paying storage fees when the trucks are idle.

Not only is this unsightly but also a safety issue, as our streets are not wide enough for parking on both sides and still having two-way traffic flow.

To resolve this unsightly recurring issue, We ask the town to adopt a "no overnight parking" ordinance to prevent this issue in the future. This solution would still allow local businesses

to have overflow parking during the day but would prevent the overnight storage of vehicles on our roads for extended periods of time.

This would eliminate the unsightly issue and minimize times when two way flow of traffic is restricted to one lane due to parking on both sides of the street.

Our objective is the same as yours, we want Apex to be successful in recruiting and

retaining great business to our area. Keeping the park attractive is key to that goal.

I appreciate your effort over the rears to reduce this problem but as we both have observed, despite your best efforts the problem returns over time. The “no overnight parking “ ordinance would give the town the enforcement needed to resolve the issue.

I hope the council will support the “no overnight parking” we are seeking for Pinnacle Park. I would be happy to appear before the council to discuss it if that would be helpful.

Erv Portman

President

Pinnacle Park Owners Association

919 924 6025

P.S. Here is the first letter I can find dating back a few years.

From: Ervin Portman <eportman@weststarprecision.com>
Sent: Monday, August 14, 2023 10:42 AM
To: All Council <AllCouncil@apexnc.org>
Subject: Overnight parking restrictions in Pinnacle Park

Notice: This message is from an external sender.
Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Mayor and members of the Council.

I am reaching out to seek your assistance with an issue we have had here in Pinnacle Park. Recently we have had an accumulation of tractor trailers using our streets to park and or store idle trucks for an extended period.

As I hope you know Pinnacle Park is a major employment center to Apex and it also serves as the entry to the new employment which will be offered in the Cash property.

Could we solicit your support to restrict parking to prohibit overnight parking? This would resolve two problems, the tractor trailers and auto collision cars sometimes left parked on the town streets.

Perhaps this would require an ordnance change?

See photos of some of the truck storage and residual trash and litter to get a feel for the issue we are trying to resolve.

Thanks for all you do for our town, I hope you can help us resolve this growing issue.

Erv Portman
919-924-6025
<image013.jpg>

<image014.jpg>

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12,2025

Item Details

Presenter(s): Steve Adams, Real Estate

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve a resolution titled "Resolution to Abandon Portion of Existing Public Utility Easement" which will abandon areas shown on the attached exhibit

Approval Recommended?

Yes

Item Details

The Town of Apex currently has a Public Waterline easement on the property at 400 Hunter Street (Baucom elementary) on Book of Maps 1997 Page 400.

As part of the new construction of the school Wake County Public Schools is installing a new waterline into a new easement and removing and abandoning the portion of existing easement no longer being utilized.

Town staff has determined that the area being abandoned is no longer needed since new waterline has been built and a new easement is being dedicated.

Staff recommends donation of the land and easements.

Attachments

- CN16-A1: Resolution to Abandon an Existing Public Utility Easement
- CN16-A2: Map showing original easement area BM1997 PG400
- CN16-A3: Exhibit A showing area to be abandoned and new dedication

RESOLUTION NO. 25-_____

Resolution to Abandon an Existing Public Utility Easement

WHEREAS, Wake County Board of Education (the **"Owner"**), is the owner of that certain tract of land in or near the Town of Apex which is described in the deed recorded in Deed Book 1579, Page 0060, Wake County Registry (the **"Subject Property"**);

WHEREAS, public utility easement interests designated as "20' PUBLIC UTILITY EASEMENT" comprising of a 20-foot utility easement across the Subject Property was dedicated to the Town by a plat recorded in Book of Maps 1997, Page 0400, Wake County Registry (the "**Easement**"), as shown on said plat prepared by Dewberry & Davis Engineers Planners Surveyors entitled "FINAL PLAT PUBLIC UTILITY EASEMENT DEDICATION TO THE TOWN OF APEX FROM WAKE COUNTY PUBLIC SCHOOL SYSTEM" dated January 13, 1997, and recorded in Book of Maps 1997, Page 0400, Wake County Registry (the "**Survey**");

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in the Easement as shown on the Survey, said survey being attached hereto as Exhibit A;

WHEREAS, the Town has no need for the Easement and it has no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Easement.

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

1. The Town Council of the Town of Apex hereby abandons any and all interest it has in the Easement as shown on Exhibit A attached hereto in accordance with Paragraph (2) below, provided however, the Town specifically retains any other easement interests it may have on the Subject Property not specifically identified as abandoned herein.

2. The Easement shall be abandoned effective upon the adoption of this Resolution by the Town of Apex Town Council.

3. That the Town Manager, or their designee, is hereby authorized to make, execute, and deliver to the owners of the Subject Property an instrument, in a form suitable for recording, releasing whatever interest the Town might have in and to the Easement.

Upon motion duly made by Council Member_____, and duly seconded by Council Member _____, the above Resolution was duly adopted by the Apex Town Council at the meeting held on the ___ day of _____ 2025, in the Town Hall.

This the ____ day of _____ 2025.

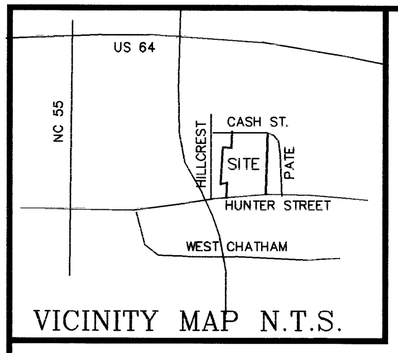
TOWN OF APEX

_____
Jacques K. Gilbert, Mayor

ATTEST:

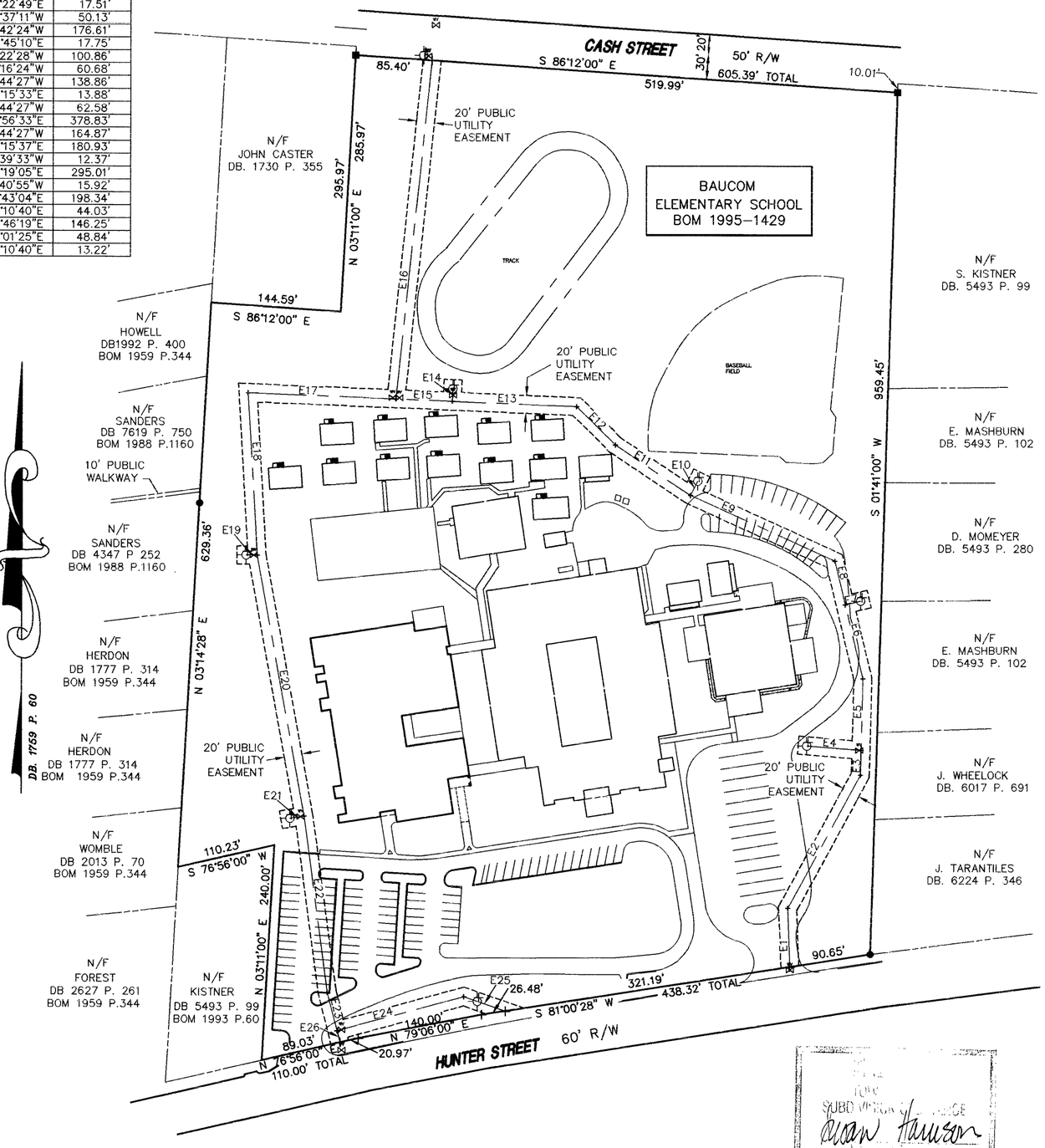
_____
Allen L. Coleman, Town Clerk, CMC, NCCCC

BOOK OF MAPS 1997 PAGE 400



VICINITY MAP N.T.S.

LINE	DIRECTION	DISTANCE
E1	N02°13'44"W	65.43'
E2	N28°31'23"E	168.87'
E3	N01°22'14"E	27.49'
E4	N85°18'18"W	60.37'
E5	N01°22'14"E	79.80'
E6	N13°37'11"W	84.35'
E7	N76°22'49"E	17.51'
E8	N13°37'11"W	50.13'
E9	N65°42'24"W	176.61'
E10	N26°45'10"E	17.75'
E11	N56°22'28"W	100.86'
E12	N45°16'24"W	60.68'
E13	N87°44'27"W	138.86'
E14	N02°15'33"E	13.88'
E15	N87°44'27"W	62.58'
E16	N05°56'33"E	378.83'
E17	N87°44'27"W	164.87'
E18	S03°15'37"E	180.93'
E19	S89°39'33"W	12.37'
E20	S10°19'05"E	295.01'
E21	S79°40'55"W	15.92'
E22	S07°43'04"E	198.34'
E23	S14°10'40"E	44.03'
E24	N74°46'19"E	146.25'
E25	S71°01'25"E	48.84'
E26	S14°10'40"E	13.22'



I, Jeffrey T. Parker, certify that this plat was drawn under my supervision from an actual survey made under my supervision, description recorded in Book of Maps 1995 Page 1429; that the boundaries not surveyed are clearly indicated as drawn lines from information found in Book and Page shown; that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 7th day of ~~January~~ FEBRUARY A.D., 1997.

Jeffrey T. Parker, PLS L-3382

NORTH CAROLINA LAND SURVEYOR L-3382 JEFFREY T. PARKER

North Carolina, Johnston County

I, a Notary Public of the County and State aforesaid, certify that Jeffrey T. Parker, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 7th day of ~~January~~, 1997.
FEBRUARY

Notary Public

CRISTINA TERCERO NOTARY PUBLIC WAKE COUNTY, N.C.

My Commission Expires 7-30-2000

THIS PARCEL IS LOCATED WITHIN THE TOWN OF APEX PLANNING JURISDICTION

I, Jeffrey T. Parker, Registered Land Surveyor No. L-3382, certify to one or more of the following as indicated thus (X):

(X) d. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision;

Jeffrey T. Parker, R.L.S. No. L-3382

SYMBOL LEGEND

- ● IRON PIPE FOUND
- ■ CONCRETE MONUMENT FOUND
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- + CALCULATED BOUNDARY POINT
- + LOCATED FIRE LINE BEND
- BOUNDARY LINE
- NON SURVEYED LINE

North Carolina, Wake County

The foregoing certificate of Cristina Tercero, Notary Public of Wake County is certified to be correct. This 12th day of MARCH

Recorded 11:25A M. in Book of Maps 1997 Page 400

LAURA M. RIDDICK
Register of Deeds

By Sharon R. Perry
~~Deputy~~ Register of Deeds

RECORDED IN BOOK OF MAPS 1997 PAGE 400

OWNER CERTIFICATION

I certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Apex, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all electrical systems which are located within the municipal electric service area, sewer and water lines to the Town of Apex.

Date Owner(s)

2/19/97
Dr. John H. Gilbert - Chairman, Wake County Board of Education

2/19/97
Dr. Jim Surratt - Superintendent, Wake County Public School System

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulation for Apex, North Carolina, with the exception of such variances, if any, as are noted and that this plat has been approved by the Town of Apex for recording in the office of the register of deed of Wake County

Date Subdivision Administrator

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to town specifications and standards or that guarantees of the installation of required improvements in an amount and manner satisfactory to the Town of Apex has been received, and that the filing fee for this plat, in the amount of _____ has been paid.

Date Subdivision Administrator

Date Director of Public Works

SUBD VERIFICATION OFFICE
Authorized Signature
Date 2-28-97

GENERAL NOTES

1. All distances are Horizontal Ground unless otherwise noted.
2. All areas computed by DMD Method unless otherwise noted.
3. This property does not lie within 2000' of a NCGS Monument.
4. This survey consists only of the existing fire line as designated by the Town of Apex, and its relationship to the property boundaries as shown.
5. Buildings and improvements shown hereon are taken from a site plan by Buffaloe Morgan and Associates, and visually verified at the time of survey.

FLOOD CERTIFICATION

This property does not lie within an area designated to have flood hazard areas, according to maps prepared by the Federal Emergency Management Agency.

DEED & PLAT REFERENCES

1. DEED 1759 P. 60
2. BOOK OF MAPS 1993 P. 60
3. BOOK OF MAPS 1986 P. 1160
4. BOOK OF MAPS 1959 P. 344
5. BOOK OF MAPS 1995 P. 1429

100 0 100 200 300
GRAPHIC SCALE - FEET

REVISIONS

FINAL PLAT
PUBLIC UTILITY EASEMENT DEDICATION
TO THE TOWN OF APEX
FROM WAKE COUNTY PUBLIC SCHOOL SYSTEM

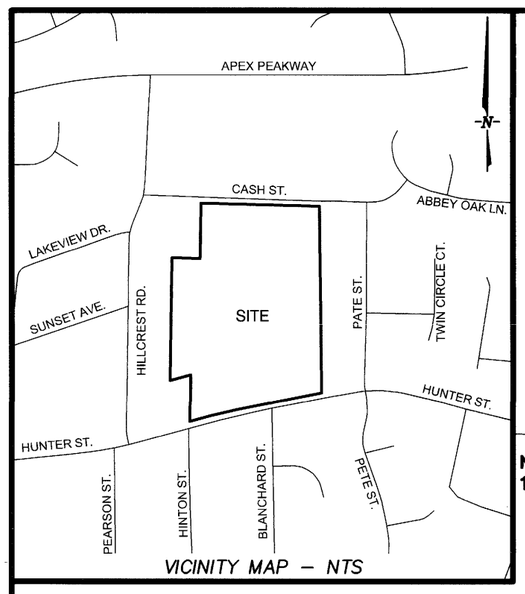
TOWN: APEX COUNTY: WAKE
TOWNSHIP: WHITE OAK NORTH CAROLINA
ZONE: R-12 TAX ID: 0742.14-33-2335

Dewberry & Davis
Engineers Planners Surveyors
5505 Creedmoor Road, Suite 150 Raleigh, NC 27612
☎ 919 881-9939 FAX 919 881-9923

SURVEY DATE 01/13/97		SCALE 1" = 100'
Surveyed By LFL	Drawn By JCJ	JOB NO. 96145
Closure By JTP	Checked By JTP	

R:\SDSKPROJ\96145\DWG\96145 1-22-97 9:06:11 am EST

BKBM2024PG01682



VICINITY MAP – NTS

TOWN OF APEX REQUIRED NOTES

1. WHERE TOWN OF APEX PUBLIC UTILITIES ARE INSTALLED WITHIN EASEMENTS CROSSING PRIVATE PROPERTY, THE TOWN'S WATER RESOURCES DEPARTMENT, TRANSPORTATION & INFRASTRUCTURE DEVELOPMENT DEPARTMENT, AND ELECTRIC UTILITIES DEPARTMENT SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF INSPECTING, REPAIRING, OR REPLACING THE SEWER MAIN AND APPURTENANCES. WHERE PAVED PRIVATE STREETS, DRIVEWAYS, PARKING LOTS, ETC. HAVE BEEN INSTALLED OVER PUBLIC SEWER MAINS, THE TOWN OF APEX SHALL NOT BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF PAVEMENT, CURBING, ETC. WHICH MUST BE REMOVED TO FACILITATE REPAIRS. THE WATER RESOURCES DEPARTMENT, TRANSPORTATION & INFRASTRUCTURE DEVELOPMENT DEPARTMENT, AND ELECTRIC UTILITIES DEPARTMENT SHALL EXCAVATE AS NECESSARY TO MAKE THE REPAIR, AND SHALL BACKFILL THE DISTURBED AREA TO APPROXIMATELY THE ORIGINAL GRADE. REPLACEMENT OF PRIVATELY OWNED PAVEMENT, CURBING, WALKWAYS, ETC. SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR HOMEOWNER'S ASSOCIATION.
2. ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
3. NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPOUNDMENT UPON THE TOWN OF APEX PUBLIC UTILITY EASEMENTS. PROHIBITED STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: BUILDINGS, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, STORAGE/TOOL SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL MECHANISMS/APPURTENANCES, DECKS, GARAGES, AND FENCES. UPON PRIOR WRITTEN APPROVAL BY THE WATER RESOURCES DEPARTMENT, TRANSPORTATION & INFRASTRUCTURE DEVELOPMENT DEPARTMENT, OR ELECTRIC UTILITIES DEPARTMENT, AS APPROPRIATE, FENCES MAY BE PERMITTED ACROSS EASEMENTS PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
4. NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE WATER RESOURCES DEPARTMENT, TRANSPORTATION & INFRASTRUCTURE DEVELOPMENT DEPARTMENT, OR ELECTRIC UTILITIES DEPARTMENT, AS APPROPRIATE.
5. CONTACT THE PLANNING DEPARTMENT TO GET A COPY OF THE ZONING CONDITIONS.

REVIEW OFFICER CERTIFICATE

I, Lauren Staudenmaier, REVIEW OFFICER FOR WAKE COUNTY, CERTIFY THAT THIS PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Lauren Staudenmaier — REVIEW OFFICER — 8/21/2024 — DATE

APPROVAL EXPIRES IF NOT RECORDED ON OR BEFORE 10/21/2024

CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS:

"I HEREBY CERTIFY THAT ALL STREETS, UTILITIES AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO TOWN SPECIFICATION AND STANDARDS OR THAT GUARANTEES OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT AND MANNER SATISFACTORY TO THE TOWN OF APEX HAS BEEN RECEIVED."

8/21/24 — DATE — Lauren Staudenmaier — SUBDIVISION ADMINISTRATOR

08/21/24 — DATE — For — WATER RESOURCES DIRECTOR

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	10.00'	31.42'	20.00'	N 45°32'39" E	180°00'00"	0.00'
C2	10.00'	31.53'	20.00'	N 05°39'05" W	180°38'14"	1798.04'
C3	10.00'	31.42'	20.00'	S 66°33'01" E	180°00'00"	0.00'
C4	10.00'	30.52'	19.98'	S 07°09'18" E	174°51'40"	222.84'
C5	10.00'	32.53'	19.97'	S 02°20'25" E	186°21'46"	179.91'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 78°44'06" W	98.00'
L2	S 78°44'06" W	20.39'
L3	S 78°44'06" W	37.62'
L4	S 78°44'06" W	20.00'
L5	S 78°44'06" W	79.75'
L6	S 78°44'06" W	30.26'
L7	S 76°49'11" W	8.32'
L8	S 74°38'00" W	7.94'
L9	S 74°38'00" W	1.98'
L10	S 74°38'00" W	20.00'
L11	S 74°38'00" W	79.97'
L12	S 74°39'32" W	110.23'
L13	N 14°44'21" W	15.93'
L14	N 22°25'27" W	6.24'
L15	N 52°39'31" W	28.99'
L16	N 32°29'42" E	23.22'
L17	S 45°00'00" E	26.34'
L18	S 44°56'09" W	31.53'
L19	S 00°03'51" E	7.65'
L20	N 14°44'21" W	17.05'
L21	N 22°25'27" W	12.99'
L22	N 52°39'31" W	24.29'
L23	S 44°27'21" E	37.13'
L24	N 44°27'21" W	37.56'
L25	N 44°19'11" E	10.83'
L26	N 84°01'47" E	4.77'
L27	S 84°01'47" W	5.24'
L28	N 07°00'35" W	64.14'
L29	N 32°29'42" E	8.86'
L30	S 23°26'59" W	34.80'
L31	N 23°26'59" E	35.12'
L32	S 45°00'00" E	11.06'
L33	N 89°09'31" W	20.54'
L34	S 89°09'31" E	19.74'
L35	S 44°56'09" W	31.53'
L36	S 00°03'51" E	19.90'
L37	N 14°37'45" W	27.92'
L38	N 75°22'15" E	16.25'
L39	S 14°37'45" E	28.03'
L40	N 03°44'34" W	32.11'
L41	N 86°15'26" E	30.00'
L42	S 03°44'34" E	28.15'
L43	N 11°56'55" W	36.45'
L44	N 78°03'05" E	20.00'
L45	S 11°56'55" E	36.68'

CASH STREET
(50' WIDTH PUBLIC RIGHT OF WAY - BM 1995 PG 1429)

IPF .75" W/ CAP & TACK

N 00°19'19" E 10.02' (TIE)

MONF "WCPSS"

S 88°29'03" E 605.36'

MONF "WCPSS" (LOCALIZED GROUND) N: 723874.58 E: 2043612.89

30' TYPE "E" PERIMETER BUFFER

20' TOWN OF APEX PUBLIC UTILITY EASEMENT BM 1997 PG 400

N 34°20'55" E (GROUND TIE) 216.02'

(112.03')

N/F KATHERINE KOSLOWSKY, BRENDAN KOSLOWSKY, PIN 0742336871, DB 18560 PG 664, BM 1996 PG 347 (LOT 7), ZONING: MD-CU RESIDENTIAL

N 00°52'15" E 285.86'

SITE DATA:
OWNER: WAKE COUNTY BOARD OF EDUCATION
PIN 0742332465
ZONE: LD (LOW DENSITY RESIDENTIAL)
ANNEXATION #: 001
WATERSHED PROTECTION AREA: SECONDARY
MINIMUM SETBACKS FRONT/SIDE/REAR: 25'
AREA: 16.890 AC. (735,734 SQ. FT.)
DB 1579 PG 60
BM 1997 PG 400
BM 1995 PG 1429

GPS#1 (60d NAIL)
GRID COORDINATES
N: 723696.228
E: 2043491.002

N/F JOHN R. GASTER, II, KAREN B. GASTER, PIN 0742239745, DB 10027 PG 2440, ZONING: LD VACANT

(3.68') IPF 1" PINCHED — S 88°30'34" E 144.78' — IPF .75" W/ CAP & TACK

N/F WAKE TRADING COMPANY, LLC. PIN 0742237555 DB 18323 PG 2405 BM 1959 PG 344 (LOT 8) ZONING: LD RESIDENTIAL

(77.97') IPF .5"

N/F KEVIN R. MORGAN, TRUSTEE, MARTHA T. MORGAN, TRUSTEE, THE MORGAN FAMILY TRUST DATED MARCH 18, 2019 PIN 0742237454 DB 17392 PG 1206 BM 1988 PG 1160 ZONING: LD RESIDENTIAL

(100.41') IPF .75" W/ CAP & TACK

(24.81') (4.07') (12.21') IPF

4' WALKWAY FOR PUBLIC USE RETAINED BY TOWN OF APEX BM 1988 PG 1160 DB 4340 PG 118

N/F INGRID G. SULLIVAN PIN 0742237362 DB 17055 PG 2226 BM 1988 PG 1160 ZONING: LD RESIDENTIAL

(121.85') (TOTAL) IPF 1" PINCHED

N 00°57'39" E 629.36'

20' TYPE "B" PERIMETER BUFFER

N/F DAVID W. WIND, KATHLEEN A. WIND, PIN 0742237250, DB 15089 PG 1100, BM 2004 PG 377 (LOT 1), ZONING: LD RESIDENTIAL

(156.88')

N/F JOHN L. HERGENROEDER, JR., LINDA M. HERGENROEDER, PIN 0742237154, DB 11006 PG 2163, BM 2004 PG 377 (LOT 2), ZONING: LD RESIDENTIAL

IPF .75" W/ CAP & TACK

N/F DIEGO CADENAS, AMY CADENAS, PIN 0742237056, DB 17995 PG 1670, BM 2004 PG 377 (LOT 3), ZONING: LD RESIDENTIAL

(71.79')

IPF .75" W/ CAP & TACK

(55.69')

N/F WILLIAMS STREET PROPERTIES, LLC. PIN 0742227947 DB 19405 PG 1169 (TRACT 4) BM 1959 PG 344 ZONING: LD RESIDENTIAL

IPF 1" PINCHED (4.33' S OF CP)

N 00°52'37" E 240.00'

N/F JOEY I. AMANCHUKWU, ALVITA D. AMANCHUKWU, PIN 0742228991, DB 17545 PG 1522, BM 1997 PG 880, ZONING: LD RESIDENTIAL

S 73°01'50" W 108.08' (TIE)

IPF .75" W/ CAP & TACK

36.08'

IPF .75" W/ CAP & TACK

CERTIFICATE OF OWNERSHIP AND DEDICATION

"I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, AND ALL SHEETS RELATED HERETO, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF APEX, AND THAT I HEREBY ADOPT THIS EASEMENT OR RIGHT-OF-WAY DEDICATION PLAT WITH MY FREE CONSENT, AND AS APPLICABLE, CERTIFY THAT THIS PLAN COMPLIES WITH BUILDING SETBACK LINES ESTABLISHED BY THE TOWN OF APEX UNIFIED DEVELOPMENT ORDINANCE AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED AND WILL MAINTAIN THE SAME TO THE STANDARDS SET FORTH BY THE TOWN OF APEX UNIFIED DEVELOPMENT ORDINANCE UNTIL THE TOWN OR HOMEOWNERS ASSOCIATION TAKES OVER THIS RESPONSIBILITY. FURTHERMORE, I HEREBY DEDICATE ALL ELECTRICAL SYSTEMS WHICH ARE LOCATED WITHIN THE MUNICIPAL ELECTRIC SERVICE AREA, SEWER AND WATER LINES TO THE TOWN OF APEX."

I CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE JURISDICTION OF THE TOWN OF APEX, AND THAT I (WE) HEREBY ADOPT THIS PLAT WITH MY (OUR) FREE CONSENT.

OWNER: THE WAKE COUNTY BOARD OF EDUCATION

BY: J. CHRISTOPHER HEAGARTY, CHAIR — 8/20/24 — DATE

ATTESTED BY: ROBERT P. TAYLOR, SECRETARY — 20 Aug 24 — DATE

BOOK:BM2024 PAGE:01682
WAKE COUNTY, NC 50
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
08/21/2024 14:36:44

N 72°00'00" E 166.21'
N 72°00'00" E 151.74'
S 67°57'08" E 171.72'
S 67°57'08" E 154.11'
S 66°58'15" E 145.63'
S 66°58'15" E 131.72'
S 00°38'17" E 121.91'
S 00°38'17" E 162.28'
S 00°35'49" E 959.51'

PROPOSED SCHOOL - NOT SURVEYED (PROVIDED BY ARCHITECT)

VARIABLE WIDTH DOMINION GAS EASEMENT (DB 19563 PG 1615)

10'

PROPOSED 20' TOA PUBLIC WATERLINE EASEMENT 41,413 SF (0.951 ACRES)

N 07°00'35" W 451.44'
N 07°00'35" W 369.72'

N 44°19'11" E 175.31'
N 44°19'11" E 146.13'

20' TOWN OF APEX PUBLIC UTILITY EASEMENT BM 1997 PG 400

PROPOSED 20' TOA PUBLIC WATERLINE EASEMENT 731 SF (0.017 ACRES)

PROPOSED 30' TOA PUBLIC SANITARY SEWER EASEMENT 904 SF (0.021 ACRES)

SEE INSET "A" THIS SHEET

SIGN EASEMENT 453 SF (0.010 ACRES)

N 00°58'02" E 154.70'
N 00°58'02" E 136.64'

30' TYPE "E" PERIMETER BUFFER

400 HUNTER STREET

54.53'

41.85'

10'X70' SIGHT TRIANGLE EASEMENT

N 07°00'35" E 62.37' (TIE)

MONF R/W

IPF 1"

S 78°44'06" W 152.29'
S 76°49'11" W 131.68'

HUNTER STREET
(60' PUBLIC RIGHT OF WAY - BM 1995 PG 1429)

4.33' TO SIGHT TRAINGLE

10'X70' SIGHT TRIANGLE EASEMENT

IPF .75" W/ CAP & TACK

IPF 1" W/ CAP & TACK

(63.94') IPF .75" W/ CAP & TACK

(64.05') IPF .75" W/ CAP & TACK

(63.98') IPF .75" W/ CAP & TACK

N/F WILLIAM M. DIGIACOMO PIN 0742336783 DB 19362 PG 2177 BM 1996 PG 347 (LOT 5) ZONING: MD-CU RESIDENTIAL

N/F JOHN M. CAMPBELL, LAURA B. CAMPBELL, PIN 0742336687, DB 7342 PG 526, BM 1996 PG 347 (LOT 4), ZONING: MD-CU RESIDENTIAL

N/F MARK W. CRAIG PIN 0742336690 DB 9186 PG 1069 BM 1996 PG 347 (LOT 3) ZONING: MD-CU RESIDENTIAL

N/F JOANNE B. PULVER, CHARLES W. PULVER, JR. PIN 0742337504 WILL BOOK 18-E PG 1420 DB 15715 PG 2023 BM 1996 PG 347 (LOT 2) ZONING: MD-CU RESIDENTIAL

N/F LARRY N. BUTLER, CHONG S. BUTLER, PIN 0742337407, DB 7089 PG 492, BM 1996 PG 347 (LOT 1), ZONING: MD-CU RESIDENTIAL

N/F B. DOUGLAS MOMEYER, MARTA T. MOMEYER, PIN 0742337338, DB 3285 PG 280, ZONING: LD RESIDENTIAL

(505.35')

N/F KELTY J. MARSHBURN PIN 0742337224 WILL BOOK 12-E PG 1094 DB 7258 PG 456 ZONING: LD RESIDENTIAL

N/F GINGA L. COLCLOUGH PIN 0742337121 DB 16851 PG 1654 ZONING: LD RESIDENTIAL

S 00°05'50" E 244.16'
S 00°05'50" E 252.17'

(150.16')

IPF 1" W/ CAP & TACK

N/F JEFFREY HUNGARTER, KATIE HUNGARTER, PIN 0742326967, DB 17622 PG 2492, BM 1993 PG 879, ZONING: MD-CU RESIDENTIAL

VARIABLE WIDTH DOMINION GAS EASEMENT (DB 19563 PG 1615)

IPF 1"

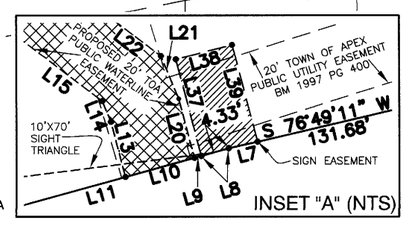
20' TYPE "B" PERIMETER BUFFER

SURVEY NOTES

1. HORIZONTAL CONTROL (NAD83/2011) ESTABLISHED BY GPS OBSERVATIONS AND COMPUTED USING NORTH CAROLINA GEODETIC SOCIETY VIRTUAL REFERENCE STATION SERVICE (VRS).
2. AREA COMPUTED BY COORDINATE METHOD.
3. ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE NOTED.
4. DASHED LINES ARE NOT SURVEYED.
5. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO ANY MATTERS THAT A COMPLETE SEARCH MAY DISCLOSE.
6. REFERENCES SHOWN HEREON.
7. PROPERTY INFORMATION PER WAKE COUNTY GEOGRAPHIC INFORMATION SYSTEM, WAKE COUNTY REGISTER OF DEEDS, AND APEX UNIFIED DEVELOPMENT ORDINANCE.
8. AREAS ARE COMPUTED BY COORDINATE METHOD.
9. NO NGS MONUMENTS ARE LOCATED WITHIN 2000' OF THIS PROPERTY.
10. BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS SITE IS IN FLOOD HAZARD AREA ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ACCORDING FLOOD INSURANCE RATE MAP NUMBER 3720074200J (PANEL 0742) BEARING AN EFFECTIVE DATE OF 05/02/06.
11. SEE DB 4597 PG 506 FOR ELECTRIC EASEMENT INFORMATION.

LEGEND

- N/F NOW OR FORMALLY
- • COMPUTED POINT
- MONF ⊡ MONUMENT FOUND
- IPF ◎ IRON PIPE FOUND
- ▲ SURVEY CONTROL
- PROPERTY LINE (NOT-SURVEYED)
- PROPERTY LINE (SURVEYED)
- EXISTING GAS EASEMENT
- PROPOSED SIGN EASEMENT
- PROPOSED UTILITY EASEMENT
- PROPOSED SANITARY SEWER EASEMENT



INSET "A" (NTS)

SURVEY CERTIFICATE

I, GARRETT J. DORSETT, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH CAROLINA, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION, USING THE REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS NOTED OR AS DASHED LINES FROM INFORMATION FOUND IN REFERENCES AS SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000 OR HIGHER. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH WITH NORTH CAROLINA GENERAL STATUTES 47-30, AS AMENDED.

I, FURTHER, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS CHECKED BELOW:

■ C. ANY ONE OF THE FOLLOWING:
X 4. THAT THE SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3

I, FURTHER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

(1) CLASS OF SURVEY: "A"
(2) POSITIONAL ACCURACY: <0.10'
(3) TYPE OF GPS FIELD PROCEDURE: VRS FOR LOCAL TRAVERSE
(4) DATES OF SURVEY: MARCH 2-30, 2021
(5) DATUM/EPOCH: NAD83(2011)/2010.0000
(6) PUBLISHED/FIXED CONTROL USED: NC VRS NETWORK
(7) GEOID MODEL: 12B
(8) COMBINED GRID FACTOR: 0.999889734637581
(9) UNITS: US SURVEY FEET
PROJECT LOCALIZED AROUND GPS #1 (60d NAIL)
(N: 723696.228, E: 2043491.002, ELEV: 499.320)

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 15TH DAY OF AUGUST AD, 2024

GARRETT J. DORSETT, PROFESSIONAL LAND SURVEYOR No. L-5351

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Susanna T. Webb, A NOTARY PUBLIC OF WAKE / Johnston COUNTY, NORTH CAROLINA, CERTIFY THAT ROBERT P. TAYLOR PERSONALLY APPEARED BEFORE ME THIS DAY AND UNDER OATH ACKNOWLEDGED THAT THE ABOVE FORM WAS EXECUTED BY HIM. I ALSO ACKNOWLEDGE THAT HE IS SECRETARY OF THE WAKE COUNTY BOARD OF EDUCATION AND THAT BY AUTHORITY DULY GIVEN AND AS THE ACT OF SAID BOARD, THE FOREGOING INSTRUMENT WAS SIGNED IN ITS NAME BY ITS CHAIR AND ATTESTED BY HIMSELF AS ITS SECRETARY.

WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS THE 20 DAY OF August, 2024.

[SIGNATURE OF NOTARY PUBLIC]

MY COMMISSION EXPIRES: 4/04/2029

SUSANNA T. WEBB NOTARY PUBLIC JOHNSTON COUNTY NORTH CAROLINA My Commission Expires 04-04-29 NOTARY SEAL

GRAPHIC SCALE
0 40 80 160
1 INCH = 80 FEET

REVISIONS			
No.	DATE	BY	DESCRIPTION

DATE:	8/15/2024
DRAWN BY:	GJD
APPROVED BY:	GJD
CHECKED BY:	ACH
PROJECT #:	50136877
SCALE:	1" = 80'
SHEET #:	1 OF 1

EASEMENT DEDICATION PLAT FOR

BAUCOM ELEMENTARY SCHOOL

ONSITE PUBLIC INFRASTRUCTURE IMPROVEMENTS

PREPARED FOR

THE WAKE COUNTY BOARD OF EDUCATION

400 HUNTER STREET, APEX, NC 27502 (PIN 0742332465)

WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL SEAL L-5351 LAND SURVEYOR GARRETT J. DORSETT 8/15/24

Dewberry®

Dewberry Engineers Inc.
2610 WYCLIFF ROAD
SUITE 410
RALEIGH, NC 27607
PHONE: 919.881.9939
FAX: 919.881.9923
NCBELS #F-0929

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Steve Adams, Real Estate

Department(s): Transportation & Infrastructure Developoment

Requested Motion

Motion to approve a resolution titled "Resolution to Abandon Portion of Existing Public Utility Easement" which will abandon areas shown on the attached exhibit

Approval Recommended?

Yes

Item Details

The Town of Apex currently has a Public Dry Utility Easement on the property recorded in Book of Maps 2024 Pages 2012-19 Prestwick Subdivision.

As part of part of the final as built mapping of the dry utilities the owner wishes to abandon the portion of existing easement no longer required and dedicate new easement capturing the exact location of the facilities.

Town staff has determined that the area being abandoned is no longer needed since new easement is being dedicated to capture the facilities and the abandonment will become effective only upon recordation of a new easement plat

Attachments

- CN17-A1: Resolution
- CN17-A2: Map showing original easement area BM2024 PG2012-2019
- CN17-A3: Exhibit A showing area to be abandoned and new dedication

RESOLUTION NO. 24-_____

A Resolution to Abandon Portions of Existing Easements

WHEREAS, Pulte Home Company, LLC (the **"Owner"**) is the owner of certain tracts of land in or near the Town of Apex which are described in the deed recorded in Deed Book 19461, Page 2753, Wake County Registry (the **"Subject Property"**);

WHEREAS, 10' public dry utility easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2024, Pages 2012 - 2019, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of public dry utility easement in those certain areas designated as "AREA #1: PuDUE To Be Abandoned (253 SF)," "AREA #2: PuDUE To Be Abandoned (252 SF)," and "AREA #3: PuDUE To Be Abandoned (489 SF), as shown on that certain survey plat entitled "EXHIBIT PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION" prepared by MSS LAND CONSULTANTS, PC, dated April 2, 2025, said survey being attached hereto as Exhibit A; (the "**Abandoned Portions of Utility Easements**");

WHEREAS, the Abandoned Portions of Utility Easements are further described as follows:

AREA #1:
COMMENCING from a point marked by an iron pipe set on the on the eastern right-of-way margin of Larkspur Bowl Way (an existing 50' public right-of-way); said point also being the northwesternmost corner of Lot 80 as shown on a plat prepared by MSS Land Consultants, PC, titled "MASTER SUBDIVISION FINAL PLAT, PRESTWICK, PHASES 1 & 2", recorded in Book of Maps 2024, pages 2012-2019; thence, along the eastern right-of-way margin of Larkspur Bowl Way, through the arc of a curve to the right, having a radius of 175.52', an arc length of 5.27', and a chord course of N 00° 31' 18" E 5.27' to a point; thence, through Open Space 3 and Lot 79 as shown on said plat, N 72° 05' 11" E 71.21' to a point; said point being the POINT OF BEGINNING; thence, from said point of beginning, through Lot 79, Lot 78, Lot 77, and Lot 76, N 00° 29' 42" E 101.32' to a point in a northern line of Lot 76; thence, along a northern line of Lot 76, S 89° 30' 18" E 2.50' to a point; thence, through Lot 76, Lot 77, Lot 78, and Lot 79, the following two courses: 1) S 00° 29' 09" W 100.48' to a point; 2) S 72° 05' 11" W 2.65' to the point of beginning, containing 253 square feet of land; BEING all of "AREA #1" as shown on an exhibit prepared by MSS Land Consultants, PC, titled "PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION", dated April 2, 2025.

AREA #2
COMMENCING from a point marked by an iron pipe set on the eastern right-of-way margin of Larkspur Bowl Way (an existing 50' public right-of-way); said point also being a western corner of Lot 80 as shown on a plat prepared by MSS Land Consultants, PC, titled "MASTER SUBDIVISION FINAL PLAT, PRESTWICK, PHASES 1 & 2",

recorded in Book of Maps 2024, pages 2012-2019; along the eastern right-of-way margin of Larkspur Bowl Way, through the arc of a curve to the left, having a radius of 175.52', an arc length of 5.22', and a chord course of S 01° 11' 27" W 5.22' to a point; thence, through Lot 80, N 72° 05' 11" E 68.40' to a point; said point being the POINT OF BEGINNING; thence, from said point of beginning, through Lot 80, Lot 81, Lot 82, and Lot 83, the following two courses: 1) N 72° 05' 11" E 2.50' to a point; 2) S 17° 54' 49" E 101.00' to a point in a southern line of Lot 83; thence, along a southern line of Lot 83, S 72° 05' 11" W 2.50' to a point; thence, through Lot 83, Lot 82, Lot 81, and Lot 80, N 17° 54' 49" W 101.00' to the point of beginning, containing 252 square feet of land; BEING all of "AREA #2" as shown on an exhibit prepared by MSS Land Consultants, PC, titled "PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION", dated April 2, 2025.

AREA #3
COMMENCING from a point marked by an iron pipe set on the northeastern right-of-way margin of Larkspur Bowl Way (an existing 50' public right-of-way); said point also being the southwesternmost corner of Lot 84 as shown on a plat prepared by MSS Land Consultants, PC, titled "MASTER SUBDIVISION FINAL PLAT, PRESTWICK, PHASES 1 & 2", recorded in Book of Maps 2024, pages 2012-2019; thence, along the northeastern right-of-way margin of Larkspur Bowl Way, through the arc of a curve to the left, having a radius of 175.52', an arc length of 2.00', and a chord course of S 59° 47' 00" E 2.00' to a point; thence, through Lot 84, N 29° 27' 01" E 68.09' to a point; said point being the POINT OF BEGINNING; thence, from said point of beginning, through Lot 84, Lot 85, Lot 86, Lot 87, and Lot 88, the following five courses: 1) N 29° 27' 01" E 3.90' to a point; 2) S 54° 05' 28" E 26.14' to a point; 3) S 59° 25' 04" E 97.05' to a point; 4) S 29° 27' 01" W 5.96' to a point; 5) N 57° 19' 50" W 123.19' to the point of beginning, containing 489 square feet of land; BEING all of "AREA #3" as shown on an exhibit prepared by MSS Land Consultants, PC, titled "PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION", dated April 2, 2025.

WHEREAS, the Town has no need for the Abandoned Portions of Utility Easements and they have no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portions of Utility Easements.

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

1. The Town Council of the Town of Apex hereby abandons any and all interest it has in the Abandoned Portions of Utility Easements as shown on Exhibit A in accordance with Paragraph (2) below, provided however, the Town specifically retains any and all property interest it may have in the property not specifically identified as abandoned herein.

2. The Abandoned Portions of Utility Easements shall be abandoned effective upon, and only upon, the recording of instruments at the Wake County Register

of Deeds that convey to the Town of Apex the areas labeled "AREA #4: PuDUE To Be Dedicated (525 SF)" and "AREA #5: PuDUE To Be Dedicated (532 SF)" as shown on Exhibit A.

3. That the Town Manager or Assistant Town Manager is hereby authorized to make, execute, and deliver to the owners of the Subject Property an instrument, in a form suitable for recording, releasing whatever interest the Town might have in and to the Abandoned Portions of Utility Easements.

Upon motion duly made by Council Member_____, and duly seconded by Council Member _____, the above Resolution was duly adopted by the Apex Town Council at the meeting held on the ___ day of _____ 2025, in the Town Hall.

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

_____

_____

and the following Council Members voted in the negative:

_____

_____

This the ____ day of _____ 2025.

TOWN OF APEX

_____
Jacques K. Gilbert, Mayor

ATTEST:

_____
Allen L. Coleman, Town Clerk, CMC, NCCCC

PROJECT DATA:

Project:	Prestwick - Phases 1 & 2
Site Addresses:	0 Morris Acres Road, 7208 Morris Acres Road, 7304 Morris Acres Road
Location:	White Oak Township, Wake County, NC
PINs:	0732382709; 0732289587; 0732382530; 0732295017
REIDs:	0205072; 0099535; 0456020; 0181252
Owner:	Pulte Home Company, LLC 1225 Crescent Green Drive, Suite 250 Cary, NC 27518 Phone: (919) 816-1100
Surveyor:	MSS Land Consultants, PC Matthew A. Hayes, PLS NC License L-4516
Survey Dates:	Parent tract (by others): 8/30/2021 & Signed 9/22/2021 Subdivision (by MSS): 02/02/2024
Plat Date:	February 2, 2024
Zoning:	PUD-CZ
Zoning Case #:	#22CZ05
Annexation:	#622 & 754
Total Area:	744,719 SF, or 17.1 Ac.±
# of Lots:	9 Single-Family 88 Townhome
Density:	6.44 dwelling units per acre
Impervious Area:	
Max. Allowed:	11.96 acres (70% of site)
Proposed:	6.81 acres (39.86% of site)
Watershed:	Jordan Lake Watershed, Primary Watershed Protection Overlay District
FEMA Info:	Subject property is not located within a flood hazard area. NFIP FIRM 3720073200K (effective date: 7/19/2022)

Minimum Building Setbacks - Single Family:
- Front: 5' from facade
  20' from garage to back of sidewalk
- Side: 5'
- Corner Side: 8'
- Rear: 10'

Minimum Building Setbacks - Townhouse (front loaded):
- Front: 10' from facade
  20' from garage to back of sidewalk
- Side: 5'
- Corner Side: 10'
- Rear: 10'
- Building to Building: 10'

Minimum Building Setbacks - Townhouse (alley loaded):
- Front: 10' from facade
- Side: 5'
- Corner Side: 10'
- Rear: 5'
- Building to Building: 10'

Resource Conservation Area (RCA):

Required:	153,331 SF / 3.52 ac.± (20% per UDO Section 8.1.2.c.4 + 5% of single family for mass grading)	
Proposed:	RCA A:	0.050 ac.±
	RCA B:	0.581 ac.± (Play Lawn - 50% of 1.162 ac.±)
	RCA C:	1.644 ac.±
	RCA D:	0.816 ac.±
	RCA E:	0.609 ac.±
	Total:	3.699 Ac.±

General Notes:
1. All distances are horizontal ground distances and areas were computed using the coordinate method, unless otherwise noted hereon.
2. Wetland areas provided to MSS Land Consultants by Withers & Ravenel.
3. This survey was prepared for the parties and purpose indicated hereon. Any extension of the use beyond the purpose agreed to between the client and surveyor exceeds the scope of the engagement. Only copies of this survey with the Land Surveyor's original signature & an original embossed, ink or scanned seal are the product of the Land Surveyor.
4. Adjoining property owner information taken from official tax records and GIS of Wake County.
5. All underground utilities shown hereon are based solely on visible ground surface evidence. Prior to any construction and/or excavation, the exact vertical & horizontal locations must be determined.
6. References:
   - DB 19461, PG 2753;
   - Boundary of parent tracts surveyed by WithersRavenel as shown on map titled "ALTA / NSPS LAND TITLE SURVEY FOR PULTE HOME COMPANY, LLC PROPERTY OF EDITH S. MORRIS" dated August 28, 2021 and signed September 22, 2021;
   - Easements in favor of Carolina Power and Light Company: DB 1131, PG 32; DB 1254, PG 27; DB 1821, PG 488; and DB 1960, PG 559.

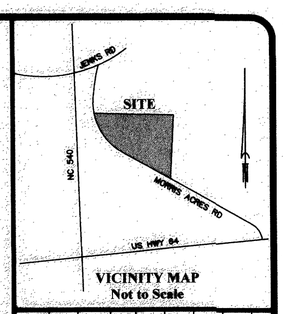
WAKE COUNTY, NC 6
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02012

AREA SUMMARY

	Square Feet	Acres+/-
Public Right-of-Way	138,450	3.18
Single Family Lots (9)	63,003	1.45
Townhome Lots (88)	185,300	4.25
Open Space Parcels (7)	357,966	8.22
Total Area of Parent Tract	**744,719**	**17.10**

OPEN SPACE SUMMARY

	Square Feet	Acres+/-
OS 1 (Includes RCA A)	16,740	0.384
OS 2 (Includes RCA E - Play Lawn)	34,418	0.790
OS 3	799	0.018
OS 4	33,739	0.775
OS 5	1,355	0.031
OS 6 (Includes RCA B)	68,797	1.579
OS 7 (Includes RCA C & D)	202,116	4.640
Total OS	8357,963	8.218



VICINITY MAP
Not to Scale

Town of Apex Notes:
1. Where Town of Apex Public Utilities are installed within public easements crossing private property, the Town of Apex shall have the right to enter upon the easement for purposes of inspecting, repairing, or replacing the utilities and appurtenances.
2. No person shall place any part of a structure, any permanent equipment, or impoundment upon the Town of Apex Public Utility Easements. Prohibited structures include, but are not limited to: buildings, houses, air conditioning units, heat pump units, decks, garages, storage/tool sheds, swimming pools, walls, retaining wall mechanisms/appurtenances, and fences. Upon prior written approval by the Water Resources Department, Public Works and Transportation Department or Electric Utilities Department, as appropriate, fences may be permitted to perpendicularly cross easements provided that a 14 foot access gate is installed across the easement.
3. Asphalt or concrete private streets, driveways, walkways, parking lots, etc. shall not be installed over Town of Apex public utilities and/or public easements without the prior written consent of the Town of Apex. Where approved private streets, driveways, walkways, parking lots, etc. have been installed and encroach upon public easements, the Town of Apex shall not be responsible for the repair or replacement of any private site elements which must be removed to facilitate repairs. The Town of Apex shall excavate as necessary to make the repair, and shall backfill the disturbed area to approximately the original grade. Replacement of privately owned site elements shall be the responsibility of the property owner and/or homeowner's association without cost to the Town of Apex.
4. The encroachment upon Town of Apex Public Easements shall not be enlarged or increased beyond the encroachment receiving Town of Apex approval as shown in the approved plot plan or other approval document issued by the Town of Apex. Property owner is responsible for any and all expenditures of labor and materials required for the installation, erection, repair, removal, and/or maintenance of the encroachments.
5. The Town of Apex shall not be required to give notice to the property owner of any inspection, repair, replacement, and/or removal of any private structures, utilities, or site elements.
6. Any unapproved encroachments into Town of Apex Public Easements may be removed by the Town of Apex without notice to property owner(s) and without cost, risk, or liability to the Town of Apex.
7. All off-site easements shall be acquired by the developer and these off-site easements shall be recorded by a deed of easement prior to utility infrastructure construction approval. These easements shall be dedicated to the Town of Apex and labeled "Town of Apex Public Utility Easement".
8. No person shall plant trees, shrubs, or other plants within a Town of Apex Public Utility Easement without prior written approval from the Water Resources Department, Public Works and Transportation Department or Electric Utilities Department, as appropriate.
9. Contact the Planning Department to get a copy of the zoning conditions.
10. WETLANDS NOTE: Certain portions of the property depicted hereon have been determined to meet the requirements for designation as a regulatory wetland and are designated hereon as "WETLANDS". No subsequent fill or alteration of any property so designated shall be permitted except in compliance with the current applicable wetlands rules adopted by the federal government and/or the State of North Carolina. Such rules may require submission of an application for fill by the property owner to the governmental agency or authority then having jurisdiction for wetlands regulations, which application shall report the name of the subdivision and may be approved or denied within the discretion and authority of such agency. This restriction shall run with the land and shall be binding on all parties and all persons having interest therein and shall inure to the benefit of, and may be enforced by any and all governmental agencies or authorities having jurisdiction for the wetlands regulations.

Surveyor's Certification:

I, Matthew A. Hayes, PLS No. L-4516, certify to the following:

That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

That this plat was drawn under my supervision from an actual survey made under my supervision (deed description(s) and/or plat reference(s) shown hereon under "References"); that the boundaries not surveyed are clearly indicated as drawn from information as shown hereon; that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration and seal.

NORTH CAROLINA PROFESSIONAL SEAL L-4516 LAND SURVEYOR MATTHEW A. HAYES

10/04/2024

Certificate of Approval for Recording:

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for Apex, North Carolina, with the exception of such variances, if any, as are noted and that this plat has been approved by the Town of Apex for recording in the office of the Register of Deeds of Wake County.

Liz Loftin — Subdivision Administrator — Date: 10-8-24

Review Officer Certificate:

I, Liz Loftin Review Officer of Wake County, certify that this Plat meets all statutory requirements for recording.

Liz Loftin — Review Officer — Date: 10-8-24

Approval expires if not recorded on or before 12-8-24

Certificate of Ownership and Dedication:

I hereby certify that I am the owner of the property shown and described herein, and all sheets related hereto, which is located in the subdivision jurisdiction of the Town of Apex, and that I hereby adopt this plan of subdivision with my free consent, certify that this plan complies with building setback lines established by the Town of Apex Unified Development Ordinance and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted and will maintain the same to the standards set forth by the Town of Apex Unified Development Ordinance until the Town or Homeowners Association takes over responsibility. Furthermore, I hereby dedicate all electrical systems which are located within the municipal electric service area, sewer and water lines to the Town of Apex.

Chi Raughley — Owner: Pulte Home Company, LLC by CHRIS RAUGHLEY, VP of Land Development — Date: 6.28.24

Notary Public Certification:

I, Sarah-Catherine Burns a Notary Public of the County of Durham

State of North Carolina, hereby certify that Chris Raughley personally appeared before me this day and under oath acknowledged that the above form was executed by him/her.

Witness my hand and seal this 28 day of June, 2024.

Notary

July 27, 2028 — My Commission Expires

Seal: SARAH-CATHERINE A. BURNS, Notary Public, North Carolina, Durham County, My Commission Expires July 27, 2028

Structural SCM Certificate:

The Operation and Maintenance Agreement for all Structural SCMs has been recorded in the Wake County Register of Deeds Book 19645 Page 1711. All future development or redevelopment activities on this property shall be consistent with this approved plan. No changes to this plan shall be permitted without the Town of Apex's prior written approval.

Chi Raughley — Owner: Pulte Home Company, LLC by CHRIS RAUGHLEY, VP of Land Development — Date: 6.28.24

Resource Conservation Area Certificate:

All buffers, Resource Conservation Area (RCA), Stormwater Control Measures (SCM) and common areas are to be maintained by the owner. All landscape buffers are reserved for the maintenance of trees and shrubs pursuant to Article 8 of the Apex Unified Development Ordinance (UDO). RCA shown hereon is being provided per the requirements of Article 8 of the UDO. No trees or plants shall be removed and no structures are to be erected inside the buffer or RCA except as approved by the Town of Apex on a site-specific development plan; supplementary or replacement plantings must be approved in writing by the Town of Apex Planning Department before they are installed. Fences shall only be permitted in buffers where they are planned and constructed as an integral part of the buffer by the developer and shown on a site-specific development plan approved by the Town of Apex. The RCA must be preserved in perpetuity and shall not be disturbed in any manner, except in the case of the operation and maintenance of private recreation areas, private play lawns, SCMs, and historic or cultural resources as approved by the Town of Apex on a site-specific development plan.

Chi Raughley — Owner: Pulte Home Company, LLC by CHRIS RAUGHLEY, VP of Land Development — Date: 6.28.24

Water Supply Watershed Certificate:

I hereby certify that the plan shown hereon complies with the Watershed Protection Overlay District Ordinance of the Town of Apex and is approved for recording in the Wake County Register of Deeds office. This property is located within a protected watershed. Development restrictions apply.

Water Resources Director — Date: 10/8/24

Certificate of Approval of the Design and Installation of Streets, Utilities and Other Required Improvements:

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Town specification and standards or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Apex has been received.

Liz Loftin — Subdivision Administrator — Date: 10-8-24

Water Resources Director — Date: 10/8/24

REVISIONS

REV.	DATE	DESCRIPTION

MASTER SUBDIVISION FINAL PLAT

PRESTWICK
PHASES 1 & 2

Lands of Pulte Home Company, LLC

Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex | White Oak Township | Wake County | North Carolina

Checked by: MAH
Drawn by: BAO
Date: Feb. 2, 2024

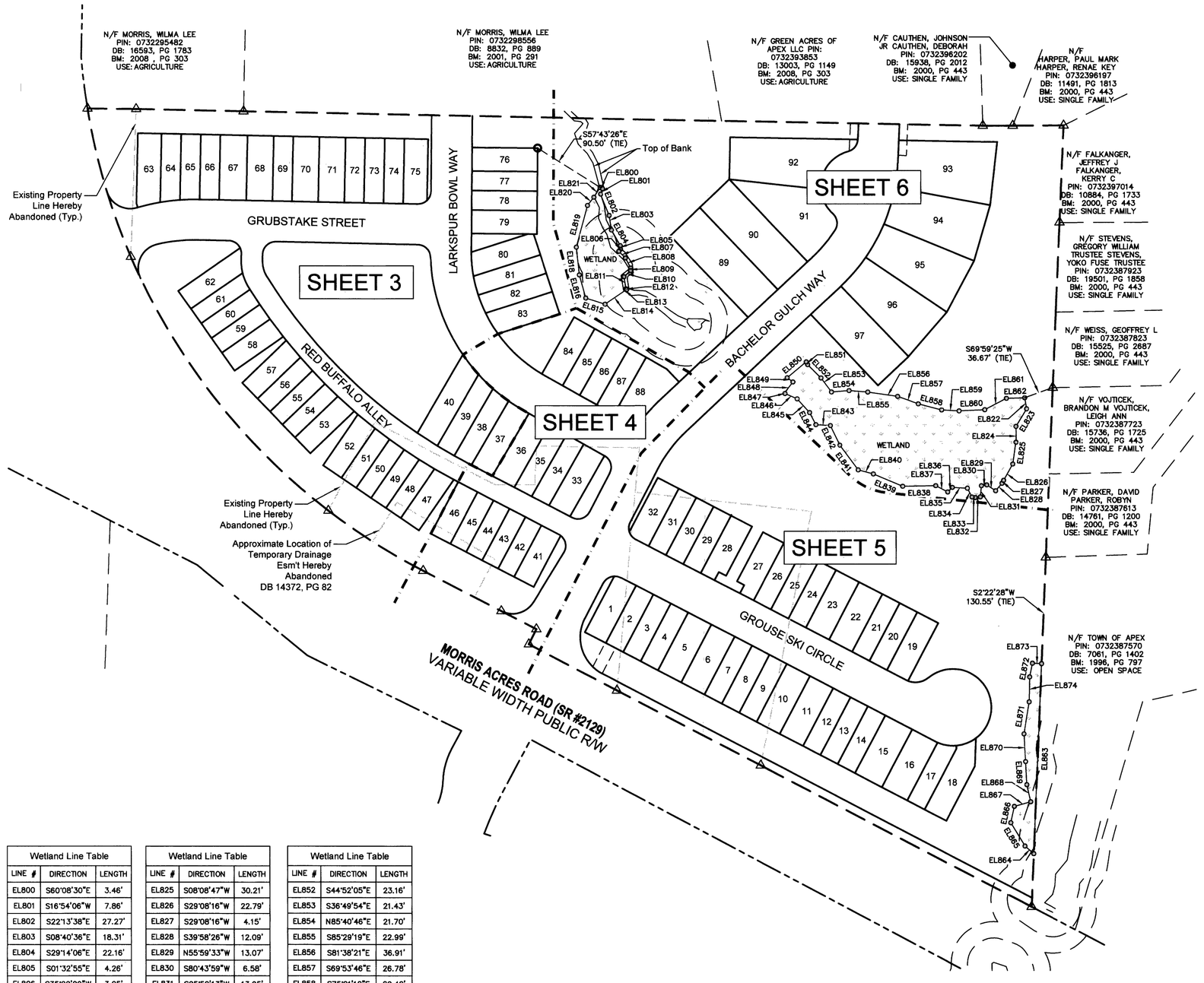
SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: govern@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg

Sheet 1 of 8



NC GRID NORTH
NAD 83 (2011)

0 50 100 200
GRAPHIC SCALE
1"=100'

Wetland Line Table		
LINE #	DIRECTION	LENGTH
EL800	S60°08'30"E	3.46'
EL801	S16°54'06"W	7.86'
EL802	S22°13'38"E	27.27'
EL803	S08°40'36"E	18.31'
EL804	S29°14'06"E	22.16'
EL805	S01°32'55"E	4.26'
EL806	S35°22'29"W	3.25'
EL807	S44°03'26"E	11.42'
EL808	S27°30'51"E	14.06'
EL809	S02°43'42"W	3.32'
EL810	S46°54'31"W	10.85'
EL811	S08°44'48"E	15.12'
EL812	S46°50'17"E	1.35'
EL813	S58°46'43"W	3.99'
EL814	S55°12'31"W	28.07'
EL815	N72°29'08"W	24.80'
EL816	N15°23'06"W	29.77'
EL817	N08°04'10"W	57.46'
EL818	N06°00'34"W	34.60'
EL819	N14°51'09"E	53.16'
EL820	N37°10'39"E	12.89'
EL821	N32°55'04"E	14.25'
EL822	S10°03'10"E	13.68'
EL823	S31°14'00"W	25.18'
EL824	S00°55'35"E	16.33'

Wetland Line Table		
LINE #	DIRECTION	LENGTH
EL825	S08°08'47"W	30.21'
EL826	S29°08'16"W	22.79'
EL827	S29°08'16"W	4.15'
EL828	S39°58'26"W	12.09'
EL829	N55°59'33"W	13.07'
EL830	S80°43'59"W	6.58'
EL831	S05°50'13"W	13.95'
EL832	S82°48'26"W	6.14'
EL833	N79°50'50"W	4.12'
EL834	N27°36'52"W	12.11'
EL835	N86°05'32"W	18.47'
EL836	S45°17'47"W	8.24'
EL837	N61°31'14"W	16.56'
EL838	S89°07'00"W	40.32'
EL839	N66°59'56"W	38.91'
EL840	N75°17'17"W	19.21'
EL841	N36°25'47"W	37.85'
EL842	N25°45'12"W	26.83'
EL843	N86°23'00"W	17.79'
EL844	N27°18'44"W	16.60'
EL845	N42°07'46"W	22.60'
EL846	N65°41'56"W	16.23'
EL848	N37°13'15"E	17.45'
EL850	N50°13'09"E	30.12'
EL851	S28°11'53"E	3.69'

Wetland Line Table		
LINE #	DIRECTION	LENGTH
EL852	S44°52'05"E	23.16'
EL853	S36°49'54"E	21.43'
EL854	N85°40'46"E	21.70'
EL855	S85°29'19"E	22.99'
EL856	S81°38'21"E	36.91'
EL857	S69°53'46"E	26.78'
EL858	S75°21'10"E	29.40'
EL859	S86°50'46"E	21.49'
EL860	N87°38'45"E	31.41'
EL861	N62°28'26"E	29.92'
EL862	N88°17'58"E	22.24'
EL863	S02°22'28"W	232.96'
EL864	N49°30'45"W	14.41'
EL865	N31°21'45"W	33.32'
EL866	N12°24'03"E	20.53'
EL867	N74°19'56"E	21.00'
EL868	N13°19'41"W	21.49'
EL869	N02°59'42"W	28.29'
EL870	N03°17'48"W	34.24'
EL871	N09°32'31"E	39.69'
EL872	N11°40'42"E	17.00'
EL873	S87°35'41"E	11.19'
EL874	N00°59'12"E	30.57'

WAKE COUNTY, NC ?
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02013

**PuAE is HOA maintained.

REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

Sheet 2 of 8

NORTH CAROLINA PROFESSIONAL SEAL L-4576 LAND SURVEYOR MATTHEW A. HAYES
8/6/2024

LEGEND

- Property Lines
- Property Lines by Others
- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- (0.00') Tie Distance (Chord Distance)
- EPIP Existing Pinched Iron Pipe
- EIP Existing Iron Pipe
- ECM Existing Concrete Marker
- R/W Right-of-Way
- JLRB Jordan Lake Riparian Buffer
- DB / PB Deed Book / Plat Book
- N/F Now or Formerly
- TOA Town of Apex
- Esm't Easement
- PrDE Private Drainage Esm't
- PuAE Public Access Esm't
- PuDE Public Drainage Esm't
- PuSWE Public Sidewalk Esm't
- PuUE Public Utility Esm't
- PuDUE Public Dry Utility Esm't
- RCA Resource Conservation Area
- SS Sanitary Sewer
- SB Setback
- STE Sight Triangle Esm't
- Wetlands
- Matchlines
- Phaselines

MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2
Lands of Pulte Home Company, LLC
Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex	White Oak Township	Wake County	North Carolina	Date: Feb 2, 2024	Drawn by: BAO	Checked by: MAH

SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: goversw@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg

Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
C1	137.84'	783.00'	N57°21'34"W	137.66'
C2	369.91'	783.00'	N38°46'57"W	366.48'
C3	29.19'	783.00'	S24°10'50"E	29.19'
C4	85.86'	783.00'	S20°03'11"E	85.82'
C5	104.83'	783.00'	N13°04'33"W	104.75'
C13	0.37'	663.00'	S62°19'22"E	0.37'
C14	5.98'	663.00'	S62°02'53"E	5.98'
C15	27.10'	663.00'	S60°37'06"E	27.10'
C16	22.03'	663.00'	S58°29'44"E	22.03'
C17	22.00'	663.00'	S56°35'35"E	22.00'
C18	22.00'	663.00'	S54°41'29"E	22.00'
C19	22.03'	663.00'	S52°47'20"E	22.03'
C20	27.11'	663.00'	S50°39'57"E	27.10'
C21	6.04'	663.00'	S49°14'00"E	6.04'
C22	27.07'	663.00'	S47°48'10"E	27.06'
C23	22.01'	663.00'	S45°40'55"E	22.01'
C24	22.00'	663.00'	S43°46'49"E	22.00'
C25	22.01'	663.00'	S41°52'42"E	22.01'
C26	27.07'	663.00'	S39°45'27"E	27.07'
C27	5.92'	663.00'	S38°19'54"E	5.92'
C28	27.02'	663.00'	S36°54'30"E	27.01'
C29	22.00'	663.00'	S34°47'25"E	22.00'
C30	22.02'	663.00'	S32°53'18"E	22.02'
C31	2.38'	663.00'	S31°50'04"E	2.38'
C32	20.19'	63.00'	S22°33'03"E	20.10'
C33	15.97'	63.00'	S06°06'25"E	15.93'
C34	7.49'	16.00'	S12°15'34"E	7.42'
C35	17.64'	16.00'	S57°15'34"E	16.76'
C36	53.93'	195.75'	N84°26'48"E	53.76'
C37	53.30'	30.00'	N25°39'09"E	46.56'
C39	46.91'	30.00'	N61°42'36"W	42.28'
C40	0.89'	245.75'	S73°35'40"W	0.89'
C41	28.11'	245.75'	S76°58'28"W	28.09'
C42	24.25'	245.75'	S83°04'40"W	24.24'
C43	24.03'	245.75'	S88°42'22"W	24.02'
C44	3.02'	245.75'	N88°08'23"W	3.02'
C45	12.27'	16.00'	S69°11'24"W	11.97'
C46	13.05'	16.00'	S23°51'17"W	12.69'
C47	8.60'	175.52'	N01°03'56"E	8.60'
C48	29.76'	175.52'	N05°11'49"W	29.73'
C49	24.08'	175.52'	N13°59'05"W	24.06'
C50	24.08'	175.52'	N21°50'38"W	24.06'
C51	29.77'	175.52'	N30°37'54"W	29.73'
C75	25.13'	16.00'	N46°09'22"E	22.63'
C76	21.24'	37.00'	N15°17'16"W	20.95'
C77	267.60'	637.00'	N43°45'59"W	265.64'
C78	29.13'	637.00'	N57°06'42"W	29.13'
C79	24.00'	637.00'	N59°30'04"W	24.00'
C80	19.55'	637.00'	N61°27'35"W	19.54'
C83	24.97'	225.99'	S57°56'47"E	24.95'
C84	24.26'	225.99'	S51°42'24"E	24.25'
C85	24.79'	225.99'	S45°29'19"E	24.78'
C86	31.13'	225.99'	S38°23'58"E	31.11'
C87	45.68'	225.99'	S28°39'45"E	45.60'
C88	81.85'	225.99'	S12°29'46"E	81.40'
C89	25.22'	16.00'	S43°41'19"E	22.69'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL100	N18°54'53"W	14.57'
EL101	N01°09'22"E	72.76'
EL102	S88°50'38"E	5.00'
EL103	S01°09'22"W	60.99'
EL104	S18°54'53"E	18.61'
EL105	N01°09'22"E	15.00'
EL106	S88°50'38"E	20.00'
EL107	S01°09'22"W	15.00'
EL108	N01°09'22"E	65.00'
EL109	S01°09'22"W	65.00'
EL110	N45°49'15"E	30.76'
EL111	N89°30'51"W	9.07'
EL112	N00°00'00"W	12.50'
EL113	N00°00'00"E	7.50'
EL114	S89°30'51"E	9.24'
EL115	N90°00'00"E	32.09'
EL116	N31°50'26"W	1.79'
EL117	S01°08'28"W	11.48'
EL118	N88°51'31"W	67.00'
EL119	N01°08'28"E	11.50'
EL120	N75°35'15"W	30.04'
EL122	N72°05'11"E	71.21'
EL123	N00°29'42"E	101.32'
EL124	N17°54'49"W	101.00'
EL125	S72°05'11"W	68.40'
EL127	N17°54'49"W	92.48'
EL128	N00°29'46"E	118.61'
EL129	S89°30'14"E	2.50'
EL130	S00°29'46"W	117.80'
EL131	S17°54'49"E	100.76'
EL133	S14°43'26"E	100.69'
EL144	N35°04'16"E	2.87'
EL151	S30°06'26"W	16.50'
EL152	N59°53'34"W	20.00'
EL153	N30°06'26"E	26.23'
EL230	N27°39'41"E	64.84'
EL231	S37°56'23"W	10.08'
EL232	S43°45'36"W	6.16'
EL233	N46°14'24"W	20.00'
EL234	N43°45'36"E	5.15'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL235	N37°56'23"E	10.07'
EL236	N43°46'49"E	63.61'
EL237	S43°46'49"W	63.94'
EL238	S41°18'48"W	35.00'
EL239	N41°18'48"E	35.00'
EL240	N51°37'30"E	61.57'
EL241	S51°37'30"W	61.44'
EL242	S52°23'09"W	35.00'
EL243	N52°23'09"E	35.00'
EL244	S07°40'59"E	11.03'
EL256	N30°42'17"E	35.88'
EL257	S30°42'17"W	35.66'
EL600	S01°08'30"W	10.02'
EL601	S80°46'06"W	17.90'
EL602	N89°44'25"W	19.13'
EL603	S71°41'08"W	6.47'
EL604	N79°32'06"W	10.81'
EL605	S82°55'16"W	19.25'
EL606	N07°24'37"W	39.23'
EL608	S88°51'32"E	66.85'
EL609	N85°54'59"E	68.29'
EL610	N89°34'13"E	11.43'
EL611	S23°10'50"E	13.80'
EL612	S29°38'19"W	77.95'
EL613	S38°59'54"W	3.02'
EL614	S62°04'43"W	3.49'
EL615	N55°54'36"W	37.35'
EL616	S42°56'24"W	9.22'
EL617	N49°22'45"W	26.94'
EL618	N41°51'26"E	2.50'
EL636	N79°01'11"W	4.65'
EL637	S47°01'07"W	16.12'
EL638	N90°00'00"W	28.82'
EL639	N40°09'21"W	16.63'
EL640	S76°03'02"W	20.87'
EL641	S88°58'39"W	7.31'
EL642	N00°00'00"E	2.76'
EL643	S76°51'33"W	2.10'
EL644	N04°59'34"E	5.18'
EL645	N15°53'35"E	9.66'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC103	40.62'	748.00'	N50°42'07"W	40.61'
EC104	385.08'	753.00'	N37°36'57"W	380.89'
EC105	377.80'	742.00'	N37°39'37"W	373.73'
EC108	106.98'	1,508.89'	S56°55'39"E	106.96'
EC109	140.15'	1,518.89'	N57°31'52"W	140.10'
EC110	112.44'	1,524.89'	N56°59'42"W	112.42'
EC111	141.64'	1,529.89'	N57°31'49"W	141.59'
EC112	46.74'	732.00'	S50°23'58"E	46.74'
EC113	124.68'	732.00'	S42°54'27"E	124.53'
EC114	137.52'	748.00'	N43°20'35"W	137.32'
EC117	122.30'	732.00'	S32°27'32"E	122.16'
EC118	386.82'	775.00'	S38°01'03"E	382.82'
EC119	21.33'	775.00'	S53°06'18"E	21.33'
EC500	123.04'	775.00'	S13°53'34"E	122.91'
EC600	32.06'	17.28'	S36°54'31"W	27.66'
EC601	52.01'	24.00'	N29°03'33"E	42.41'
EC602	5.23'	4.84'	N60°10'07"E	4.98'
EC603	84.95'	221.40'	S11°24'56"E	84.43'
EC604	38.33'	224.50'	S27°19'32"E	38.29'
EC605	4.67'	2.65'	S73°40'10"W	4.09'
EC606	165.85'	628.50'	N40°34'59"W	165.37'

WAKE COUNTY, NC 8
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02014

NORTH CAROLINA PROFESSIONAL SEAL L-4516 LAND SURVEYOR MATTHEW A. HAYES
10/09/2024

LEGEND
- Property Lines
- Property Lines by Others
- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- (0.00') Tie Distance (Chord Distance)
- EPIP Existing Pinched Iron Pipe
- EIP Existing Iron Pipe
- ECM Existing Concrete Marker
- R/W Right-of-Way
- JLRB Jordan Lake Riparian Buffer
- DB / PB Deed Book / Plat Book
- N/F Now or Formerly
- TOA Town of Apex
- Esm't Easement
- PrDE Private Drainage Esm't
- PuAE Public Access Esm't
- PuDE Public Drainage Esm't
- PuSWE Public Sidewalk Esm't
- PuUE Public Utility Esm't
- PuDUE Public Dry Utility Esm't
- RCA Resource Conservation Area
- SS Sanitary Sewer
- SB Setback
- STE Sight Triangle Esm't
- Wetlands
- Matchlines
- Phaselines

GRAPHIC SCALE 1"=40'

**PuAE is HOA maintained.

REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

Sheet 3 of 8

MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2
Lands of Pulte Home Company, LLC
Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex	White Oak Township	Wake County	North Carolina	Date: Feb 2, 2024

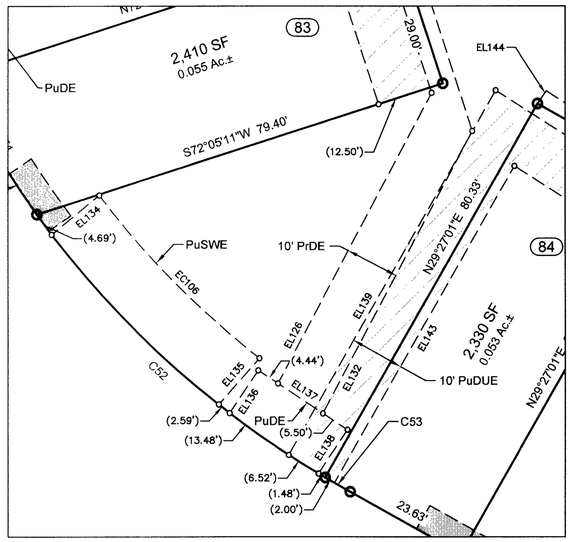
Drawn by: BAO | Checked by: MAH

SURVEYED by

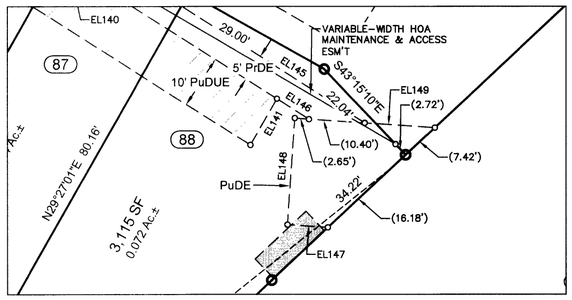
MSS LAND CONSULTANTS
6116 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: gowers@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg



Detail A
Not to Scale



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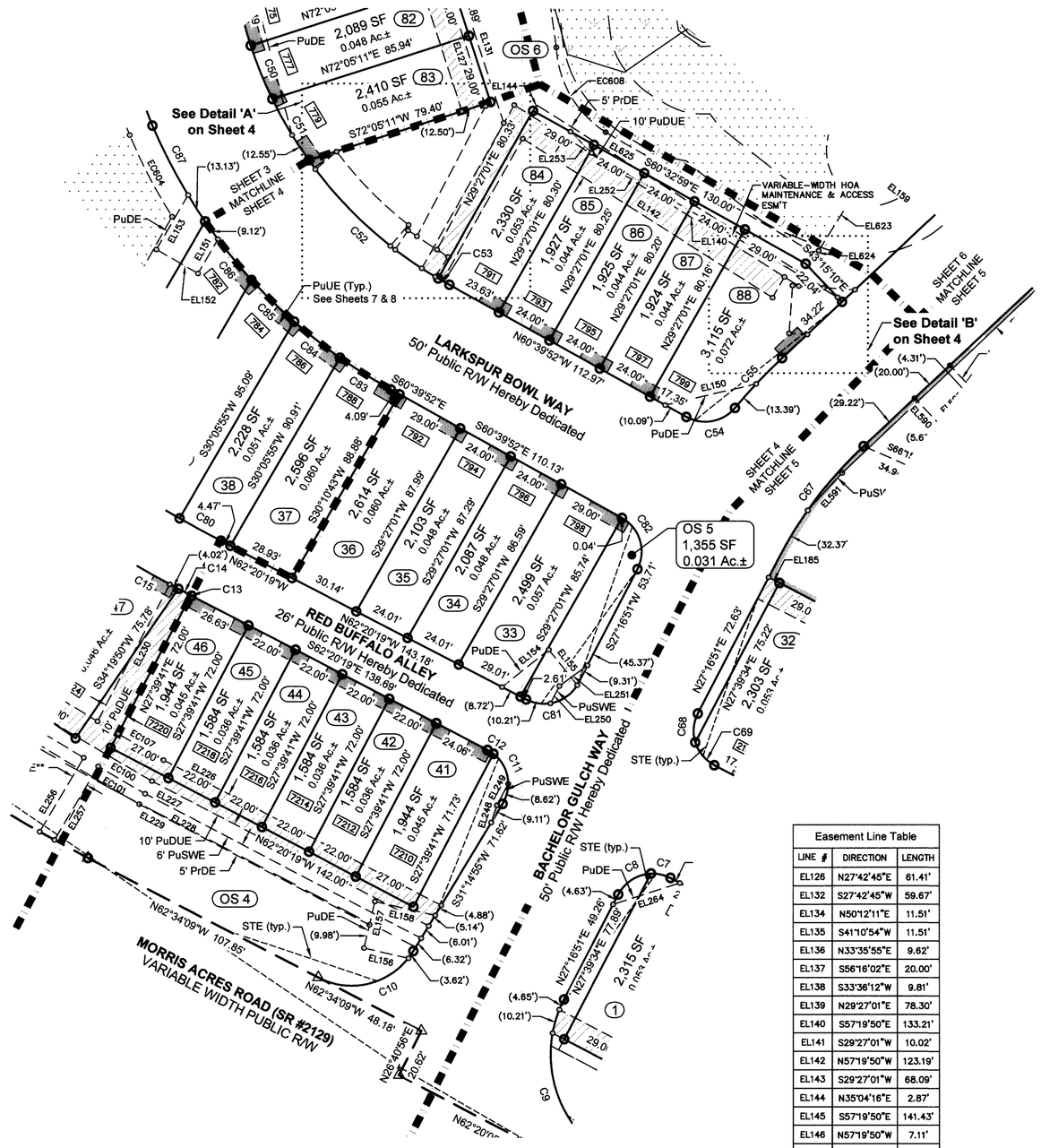
Not to Scale



Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC100	23.52'	1,524.89'	N59°44'14"W	23.52'
EC101	23.52'	1,524.89'	N59°44'14"W	23.52'
EC106	42.83'	164.02'	S44°18'27"E	42.71'
EC107	21.81'	1,508.89'	S59°45'11"E	21.81'

Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
C10	45.12'	30.00'	S74°20'23"W	40.99'
C11	23.18'	16.00'	S10°15'10"E	21.20'
C12	2.96'	16.00'	S57°02'48"E	2.95'
C13	0.37'	663.00'	S62°19'22"E	0.37'
C52	73.42'	175.52'	N47°28'24"W	72.89'
C53	5.37'	175.52'	N60°20'02"W	5.37'
C54	22.26'	16.00'	S79°28'31"W	20.51'
C55	28.56'	225.02'	S43°15'04"W	28.54'
C81	25.24'	16.00'	S72°28'16"W	22.70'
C82	24.56'	16.00'	N16°41'30"W	22.22'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL126	N27°42'45"E	61.41'
EL132	S27°42'45"W	59.67'
EL134	N50°12'11"E	11.51'
EL135	S41°10'54"W	11.51'
EL136	N33°35'55"E	9.62'
EL137	S56°16'02"E	20.00'
EL138	S33°36'12"W	9.81'
EL139	N29°27'01"E	78.30'
EL140	S57°19'50"E	133.21'
EL141	S29°27'01"W	10.02'
EL142	N57°19'50"W	123.19'
EL143	S29°27'01"W	68.09'
EL144	N35°04'16"E	2.87'
EL145	S57°19'50"E	141.43'
EL146	N57°19'50"W	7.11'
EL147	N86°04'33"W	7.55'
EL148	N03°55'27"E	20.00'
EL149	S86°04'33"E	26.08'
EL150	N76°48'14"E	38.83'
EL154	N51°26'59"E	24.87'
EL155	S38°33'01"E	18.90'
EL156	S76°55'27"E	18.92'
EL157	N13°04'33"E	20.00'
EL158	N76°55'27"W	25.64'
EL226	S62°23'43"E	130.16'
EL227	N62°23'43"W	129.72'
EL228	N62°23'43"W	129.45'
EL229	N62°23'43"W	107.95'
EL248	N17°53'23"E	7.50'
EL249	N27°54'33"E	10.13'
EL250	N27°16'51"E	8.16'
EL251	N53°33'35"E	14.48'
EL252	N59°25'04"W	118.66'
EL253	S44°43'35"E	12.47'
EL624	S12°46'08"W	1.89'
EL625	N59°45'23"W	101.92'

**PuAE is HOA maintained.

REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

Sheet 4 of 8

0 20 40 80
GRAPHIC SCALE
1"=40'

NC GRID NORTH
NAD 83 (2011)

WAKE COUNTY, NC 9
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02015

NORTH CAROLINA PROFESSIONAL SEAL L-5190 LAND SURVEYOR MATTHEW A. HAYES
10/04/2024

LEGEND
- Property Lines
- Property Lines by Others
- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- (0.00') Tie Distance (Chord Distance)
- EPIP Existing Pinched Iron Pipe
- EIP Existing Iron Pipe
- ECM Existing Concrete Marker
- R/W Right-of-Way
- JLRB Jordan Lake Riparian Buffer
- DB / PB Deed Book / Plat Book
- N/F Now or Formerly
- TOA Town of Apex
- Esm't Easement
- PrDE Private Drainage Esm't
- PuAE Public Access Esm't
- PuDE Public Drainage Esm't
- PuSWE Public Sidewalk Esm't
- PuUE Public Utility Esm't
- PuDUE Public Dry Utility Esm't
- RCA Resource Conservation Area
- SS Sanitary Sewer
- SB Setback
- STE Sight Triangle Esm't
- Wetlands
- Matchlines
- Phaselines

MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2
Lands of Pulte Home Company, LLC
Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

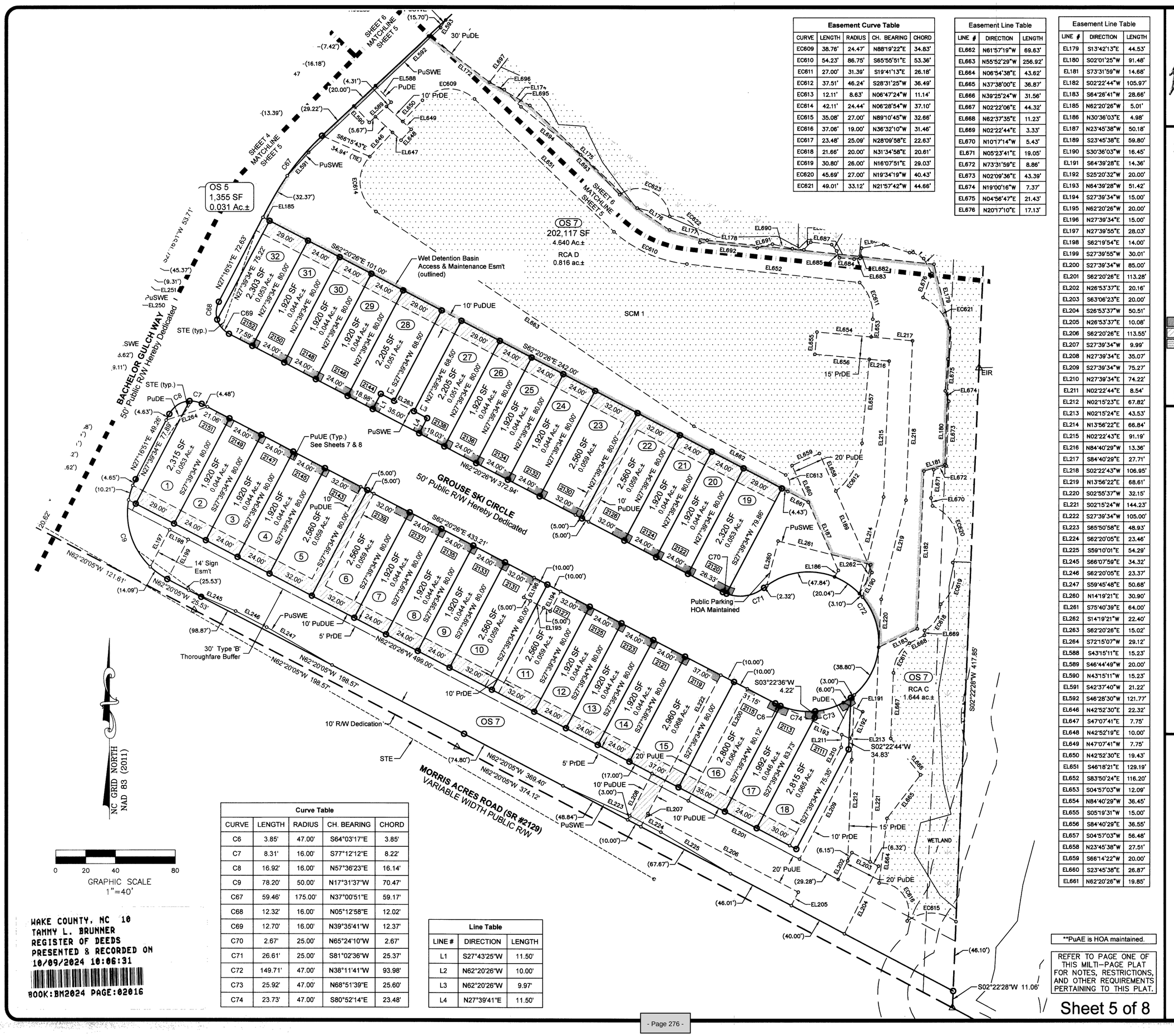
Town of Apex	White Oak Township	Wake County	North Carolina	Date: Feb 2, 2024	Drawn by: BAO	Checked by: MAH

SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: gowers@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg



Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC609	38.76'	24.47'	N88°19'22"E	34.83'
EC610	54.23'	86.75'	S65°55'51"E	53.36'
EC611	27.00'	31.39'	S19°41'13"E	26.18'
EC612	37.51'	46.24'	S28°31'25"W	36.49'
EC613	12.11'	8.63'	N06°47'24"W	11.14'
EC614	42.11'	24.44'	N06°28'54"W	37.10'
EC615	35.08'	27.00'	N89°10'45"W	32.66'
EC616	37.06'	19.00'	N36°32'10"W	31.46'
EC617	23.48'	25.09'	N28°09'58"E	22.63'
EC618	21.66'	20.00'	N31°34'58"E	20.61'
EC619	30.80'	26.00'	N16°07'51"E	29.03'
EC620	45.69'	27.00'	N19°34'19"W	40.43'
EC621	49.01'	33.12'	N21°57'42"W	44.66'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL662	N61°57'19"W	69.63'
EL663	N55°52'29"W	256.92'
EL664	N06°54'38"E	43.62'
EL665	N37°38'00"E	36.87'
EL666	N39°25'24"W	31.56'
EL667	N02°22'06"E	44.32'
EL668	N62°37'35"E	11.23'
EL669	N02°22'44"E	3.33'
EL670	N10°17'14"W	5.43'
EL671	N05°23'41"E	19.05'
EL672	N73°31'59"E	8.86'
EL673	N02°09'36"E	43.39'
EL674	N19°00'16"W	7.37'
EL675	N04°56'47"E	21.43'
EL676	N20°17'10"E	17.13'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL179	S13°42'13"E	44.53'
EL180	S02°01'25"W	91.48'
EL181	S73°31'59"W	14.68'
EL182	S02°22'44"W	105.97'
EL183	S64°26'41"W	28.66'
EL185	N62°20'26"W	5.01'
EL186	N30°36'03"E	4.98'
EL187	N23°45'38"W	50.18'
EL189	S23°45'38"E	59.80'
EL190	S30°36'03"W	16.45'
EL191	S64°39'28"E	14.36'
EL192	S25°20'32"W	20.00'
EL193	N64°39'28"W	51.42'
EL194	S27°39'34"W	15.00'
EL195	N62°20'26"W	20.00'
EL196	N27°39'34"E	15.00'
EL197	N27°39'55"E	28.03'
EL198	S62°19'54"E	14.00'
EL199	S27°39'55"W	30.01'
EL200	S27°39'34"W	85.00'
EL201	S62°20'26"E	113.28'
EL202	N26°53'37"E	20.16'
EL203	S63°06'23"E	20.00'
EL204	S26°53'37"W	50.51'
EL205	N26°53'37"E	10.08'
EL206	S62°20'26"E	113.55'
EL207	S27°39'34"W	9.99'
EL208	N27°39'34"E	35.07'
EL209	S27°39'34"W	75.27'
EL210	N27°39'34"E	74.22'
EL211	N02°22'44"E	8.54'
EL212	N02°15'23"E	67.82'
EL213	N02°15'24"E	43.53'
EL214	N13°56'22"E	66.84'
EL215	N02°22'43"W	91.19'
EL216	N84°40'29"W	13.36'
EL217	S84°40'29"E	27.71'
EL218	S02°22'43"W	106.95'
EL219	N13°56'22"E	68.61'
EL220	S02°55'37"W	32.15'
EL221	S02°15'24"W	144.23'
EL222	S27°39'34"W	105.00'
EL223	S65°50'58"E	48.93'
EL224	S62°20'05"E	23.46'
EL225	S59°10'01"E	54.29'
EL245	S66°07'59"E	34.32'
EL246	S62°20'05"E	23.37'
EL247	S59°45'48"E	50.68'
EL260	N14°19'21"E	30.90'
EL261	S75°40'39"E	64.00'
EL262	S14°19'21"W	22.40'
EL263	S62°20'26"E	15.02'
EL264	S72°15'07"W	29.12'
EL588	S43°15'11"E	15.23'
EL589	S46°44'49"W	20.00'
EL590	N43°15'11"W	15.23'
EL591	S42°37'40"W	21.22'
EL592	S46°28'30"W	121.77'
EL646	N42°52'30"E	22.32'
EL647	S47°07'41"E	7.75'
EL648	N42°52'19"E	10.00'
EL649	N47°07'41"W	7.75'
EL650	N42°52'30"E	19.43'
EL651	S46°18'21"E	129.19'
EL652	S83°50'24"E	116.20'
EL653	S04°57'03"W	12.09'
EL654	N84°40'29"W	36.45'
EL655	S05°19'31"W	15.00'
EL656	S84°40'29"E	36.55'
EL657	S04°57'03"W	56.48'
EL658	N23°45'38"W	27.51'
EL659	S66°14'22"W	20.00'
EL660	S23°45'38"E	26.87'
EL661	N62°20'26"W	19.85'

Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
C6	3.85'	47.00'	S64°03'17"E	3.85'
C7	8.31'	16.00'	S77°12'12"E	8.22'
C8	16.92'	16.00'	N57°36'23"E	16.14'
C9	78.20'	50.00'	N17°31'37"W	70.47'
C67	59.46'	175.00'	N37°00'51"E	59.17'
C68	12.32'	16.00'	N05°12'58"E	12.02'
C69	12.70'	16.00'	N39°35'41"W	12.37'
C70	2.67'	25.00'	N65°24'10"W	2.67'
C71	26.61'	25.00'	S81°02'36"W	25.37'
C72	149.71'	47.00'	N38°11'41"W	93.98'
C73	25.92'	47.00'	N68°51'39"E	25.60'
C74	23.73'	47.00'	S80°52'14"E	23.48'

Line Table		
LINE #	DIRECTION	LENGTH
L1	S27°43'25"W	11.50'
L2	N62°20'26"W	10.00'
L3	N62°20'26"W	9.97'
L4	N27°39'41"E	11.50'

WAKE COUNTY, NC 10
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02016

NORTH CAROLINA PROFESSIONAL SEAL L-4516 LAND SURVEYOR MATTHEW A. HAYES
06/04/2024

LEGEND

- Property Lines
- Property Lines by Others
- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- (0.00') Tie Distance (Chord Distance)
- EPIP Existing Pinched Iron Pipe
- EIP Existing Iron Pipe
- ECM Existing Concrete Marker
- R/W Right-of-Way
- JLRB Jordan Lake Riparian Buffer
- DB / PB Deed Book / Plat Book
- N/F Now or Formerly
- TOA Town of Apex
- Esm't Easement
- PrDE Private Drainage Esm't
- PuAE Public Access Esm't
- PuDE Public Drainage Esm't
- PuSWE Public Sidewalk Esm't
- PuUE Public Utility Esm't
- PuDUE Public Dry Utility Esm't
- RCA Resource Conservation Area
- SS Sanitary Sewer
- SB Setback
- STE Sight Triangle Esm't
- Wetlands
- Matchlines
- Phaselines

MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2

Lands of Pulte Home Company, LLC
Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex	White Oak Township	Wake County	North Carolina	Date: Feb 2, 2024
				Drawn by: BAO
				Checked by: MAH

SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: goversrv@mssland.com
Firm License #: C-2070

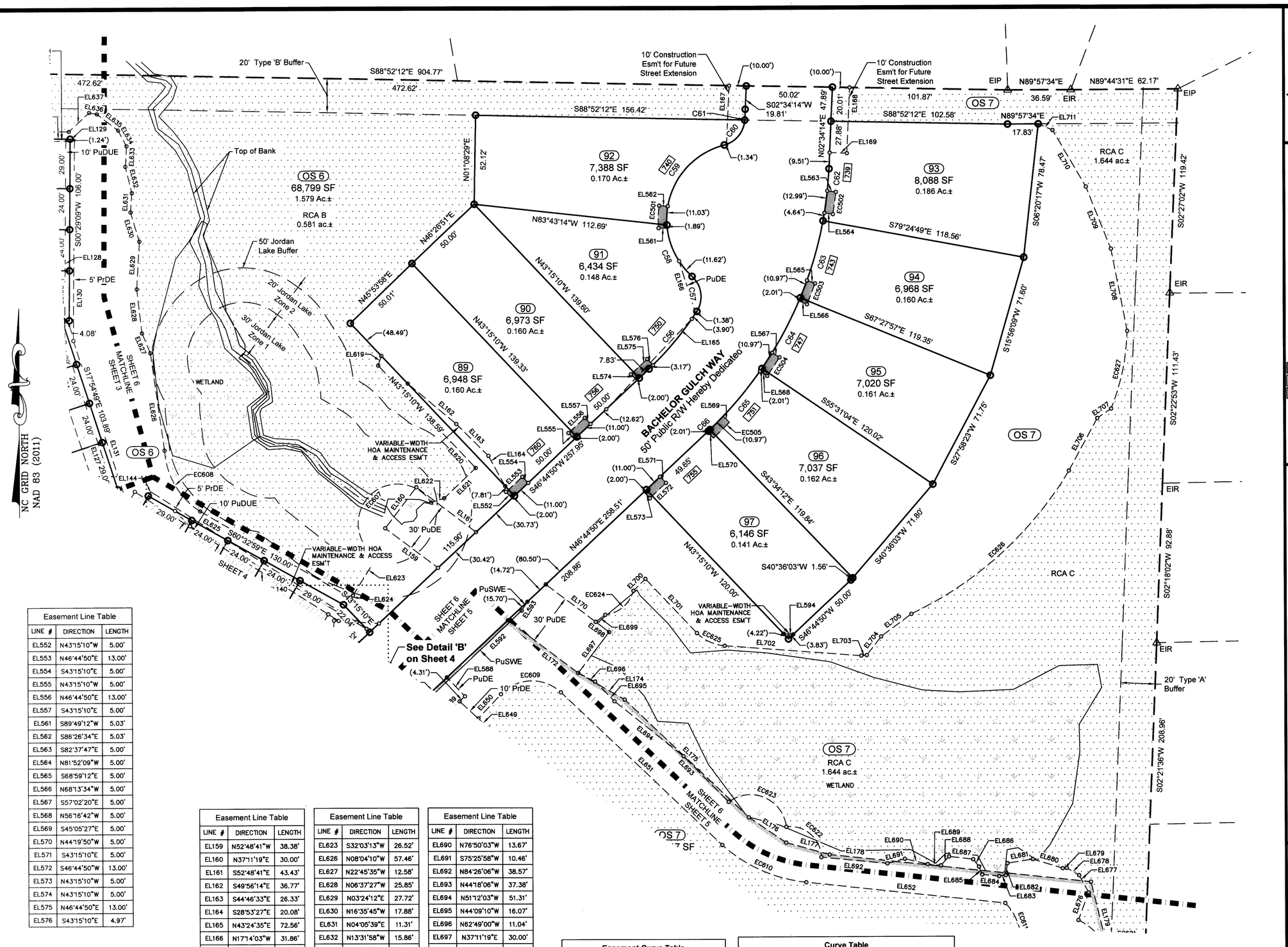
"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg

**PuAE is HOA maintained.

REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

Sheet 5 of 8



Easement Line Table		
LINE #	DIRECTION	LENGTH
EL552	N43°15'10"W	5.00'
EL553	N46°44'50"E	13.00'
EL554	S43°15'10"E	5.00'
EL555	N43°15'10"W	5.00'
EL556	N46°44'50"E	13.00'
EL557	S43°15'10"E	5.00'
EL561	S89°49'12"W	5.03'
EL562	S86°26'34"E	5.03'
EL563	S82°37'47"E	5.00'
EL564	N81°52'09"W	5.00'
EL565	S68°59'12"E	5.00'
EL566	N68°13'34"W	5.00'
EL567	S57°02'20"E	5.00'
EL568	N56°16'42"W	5.00'
EL569	S45°05'27"E	5.00'
EL570	N44°19'50"W	5.00'
EL571	S43°15'10"E	5.00'
EL572	S46°44'50"W	13.00'
EL573	N43°15'10"W	5.00'
EL574	N43°15'10"W	5.00'
EL575	N46°44'50"E	13.00'
EL576	S43°15'10"E	4.97'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL159	N52°48'41"W	38.38'
EL160	N37°11'19"E	30.00'
EL161	S52°48'41"E	43.43'
EL162	S49°56'14"E	36.77'
EL163	S44°46'33"E	26.33'
EL164	S28°53'27"E	20.08'
EL165	N43°24'35"E	72.56'
EL166	N17°14'03"W	31.86'
EL167	N02°34'14"E	34.39'
EL168	S02°34'14"W	38.63'
EL169	N87°25'46"W	10.00'
EL170	S52°48'41"E	36.42'
EL172	N52°48'41"W	51.19'
EL174	S59°54'50"E	31.14'
EL175	S46°13'47"E	99.53'
EL176	S55°38'38"E	26.17'
EL177	S74°28'19"E	26.17'
EL178	S83°53'09"E	152.55'
EL593	S33°13'43"W	6.42'
EL594	N85°29'19"W	5.70'
EL619	S18°13'43"W	5.94'
EL620	S43°15'23"E	82.28'
EL621	S46°09'20"W	25.37'
EL622	S72°01'08"W	7.99'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL623	S32°03'13"W	26.52'
EL626	N08°04'10"W	57.46'
EL627	N22°45'35"W	12.58'
EL628	N06°37'27"W	25.85'
EL629	N03°24'12"E	27.72'
EL630	N16°35'45"W	17.88'
EL631	N04°05'39"E	11.31'
EL632	N13°31'58"W	15.86'
EL633	N03°35'01"E	12.06'
EL634	N27°55'24"W	10.48'
EL635	N52°10'13"W	15.50'
EL677	N28°28'33"W	11.47'
EL678	N59°26'48"W	8.30'
EL679	S86°30'18"W	2.36'
EL680	N73°00'55"W	18.17'
EL681	S81°10'28"W	14.88'
EL682	S08°42'05"W	7.08'
EL683	S82°48'26"W	3.91'
EL684	N84°28'11"W	9.84'
EL685	N22°06'51"W	5.01'
EL686	N37°44'33"W	5.41'
EL687	N83°15'56"W	14.11'
EL688	S42°05'26"W	6.98'
EL689	N84°22'58"W	7.71'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL690	N76°50'03"W	13.67'
EL691	S75°25'58"W	10.46'
EL692	N84°26'06"W	38.57'
EL693	N44°18'06"W	37.38'
EL694	N51°12'03"W	51.31'
EL695	N44°09'10"W	16.07'
EL696	N62°49'00"W	11.04'
EL697	N37°11'19"E	30.00'
EL698	N52°48'41"W	9.72'
EL699	N53°11'27"E	6.91'
EL700	N45°15'14"E	9.83'
EL701	S43°18'49"E	43.49'
EL702	S85°33'00"E	79.60'
EL703	N84°49'05"E	3.15'
EL704	N37°39'03"E	13.77'
EL705	N53°31'59"E	21.95'
EL706	N28°21'34"E	34.76'
EL707	N55°49'34"E	9.77'
EL708	N11°01'34"W	48.79'
EL709	N21°33'13"W	39.15'
EL710	N30°08'56"W	38.28'
EL711	N66°05'01"W	9.05'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC501	13.28'	50.00'	N01°41'19"E	13.24'
EC502	13.05'	230.01'	S07°45'02"W	13.05'
EC503	13.05'	230.01'	S21°23'37"W	13.05'
EC504	13.05'	230.01'	S33°20'29"W	13.05'
EC505	13.05'	230.01'	S45°17'21"W	13.05'
EC607	82.75'	23.00'	S44°56'07"W	44.81'
EC608	42.58'	44.75'	N30°05'04"W	40.99'
EC622	30.25'	17.97'	N48°49'16"W	26.80'
EC623	44.30'	21.00'	N66°23'29"W	36.53'
EC624	22.88'	19.00'	N49°24'40"E	21.52'
EC625	18.07'	25.36'	S65°07'57"E	17.69'
EC626	125.68'	216.09'	N47°48'29"E	123.91'
EC627	46.75'	130.51'	N11°46'32"E	46.50'

Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
C56	43.81'	175.01'	S39°34'31"W	43.69'
C57	22.32'	16.00'	S07°33'07"E	20.55'
C58	34.06'	45.00'	S25°49'39"E	33.25'
C59	62.42'	45.00'	S35°35'40"W	57.54'
C60	20.12'	16.00'	S39°18'14"W	382.46'
C61	0.20'	16.00'	S02°55'17"W	382.00'
C62	30.60'	225.01'	N06°41'26"E	30.58'
C63	46.92'	225.01'	N16°33'37"E	46.84'
C64	46.92'	225.01'	N28°30'30"E	46.84'
C65	46.92'	225.01'	N40°27'22"E	46.84'
C66	1.24'	225.01'	N46°35'18"E	1.24'

0 20 40 80
GRAPHIC SCALE
1"=40'

WAKE COUNTY, NC 11
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02017

**PuAE is HOA maintained.

REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

Sheet 6 of 8

NORTH CAROLINA PROFESSIONAL SEAL L-4516 LAND SURVEYOR MATTHEW A. HAYES
8/6/2024

LEGEND
- Property Lines
- Property Lines by Others
- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- (0.00') Tie Distance (Chord Distance)
- EPIP Existing Pinched Iron Pipe
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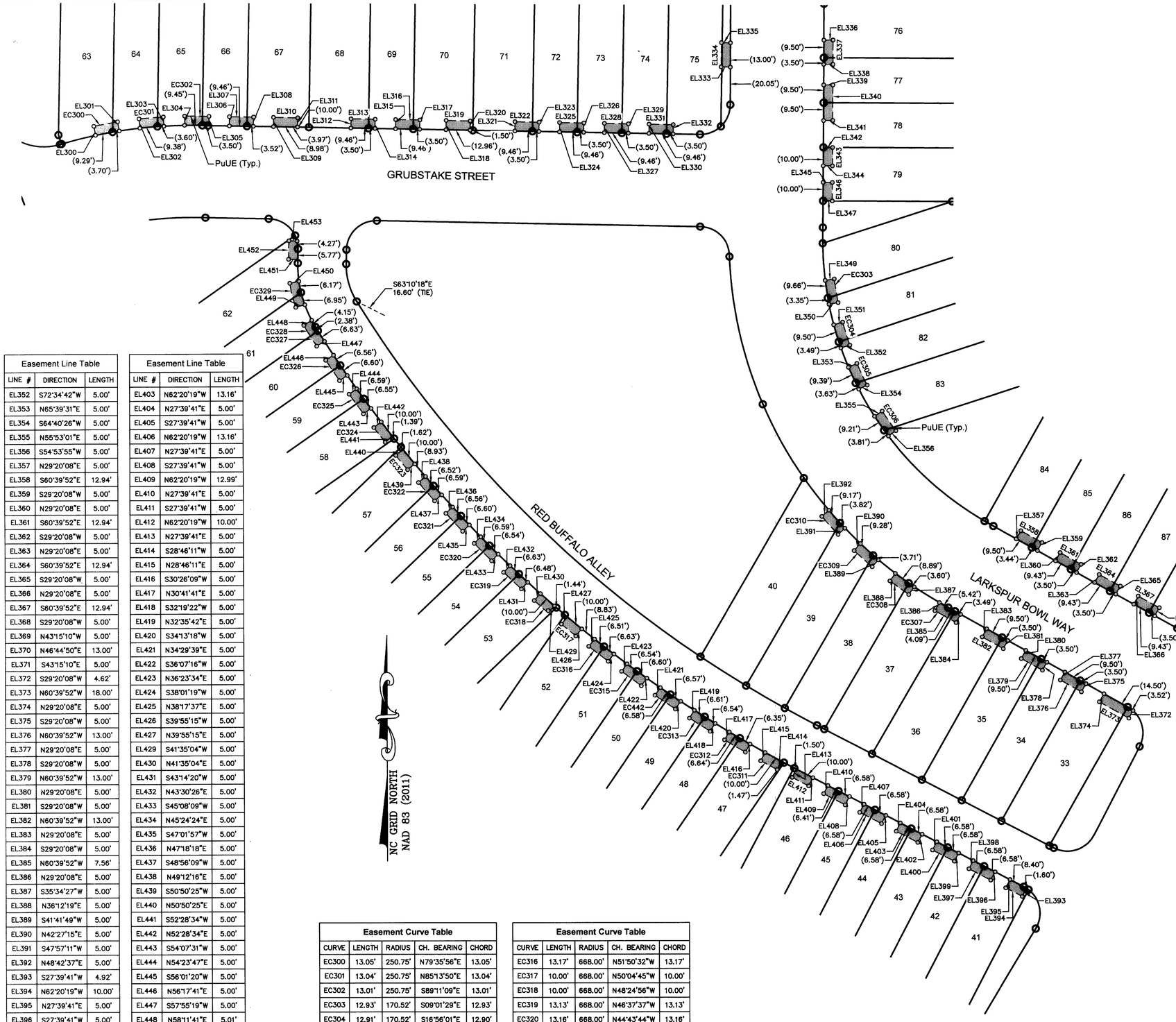
- N/F Now or Formerly
- TOA Town of Apex
- Esm't Easement
- PrDE Private Drainage Esm't
- PuAE Public Access Esm't
- PuDE Public Drainage Esm't
- PuSWE Public Sidewalk Esm't
- PuUE Public Utility Esm't
- PuDUE Public Dry Utility Esm't
- RCA Resource Conservation Area
- SS Sanitary Sewer
- SB Setback
- STE Sight Triangle Esm't
- Wetlands
- Matchlines
- Phaselines

MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2
Lands of Pulte Home Company, LLC
Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex | White Oak Township | Wake County | North Carolina | Date: Feb 2, 2024 | Drawn by: BAO | Checked by: MAH

SURVEYED by
MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464 Fax (919) 510-9102 Email: goverswe@mssland.com
Land Surveying & Planning MSS Land Consultants, P.A. Firm License #: C-2070
"Committed to Total Quality Service"
O:_PULTE\PH1-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg



Easement Line Table		
LINE #	DIRECTION	LENGTH
EL300	N10°44'58"W	5.00'
EL301	S10°03'10"E	5.00'
EL302	N05°07'00"W	5.00'
EL303	S04°25'20"E	5.00'
EL304	N00°28'14"E	5.00'
EL305	S01°09'28"W	4.99'
EL306	N01°09'22"E	5.00'
EL307	S88°50'38"E	12.98'
EL308	S01°09'22"W	5.00'
EL309	N01°09'22"E	5.00'
EL310	S88°50'38"E	12.96'
EL311	S01°09'22"W	5.00'
EL312	N01°09'22"E	5.00'
EL313	S88°50'38"E	12.96'
EL314	S01°09'22"W	5.00'
EL315	N01°09'22"E	5.00'
EL316	S88°50'38"E	12.96'
EL317	S01°09'22"W	5.00'
EL318	N01°09'22"E	5.00'
EL319	S88°50'38"E	12.96'
EL320	S01°09'22"W	5.00'
EL321	N01°09'22"E	5.00'
EL322	S88°50'38"E	12.96'
EL323	S01°09'22"W	5.00'
EL324	N01°09'22"E	5.00'
EL325	S88°50'38"E	12.96'
EL326	S01°09'22"W	5.00'
EL327	N01°09'22"E	5.00'
EL328	S88°50'38"E	12.96'
EL329	S01°09'22"W	5.00'
EL330	N01°09'22"E	5.00'
EL331	S88°50'38"E	12.96'
EL332	S01°09'22"W	5.00'
EL333	N88°50'38"W	5.02'
EL334	N01°09'22"E	13.00'
EL335	S88°50'38"E	4.87'
EL336	S89°30'51"E	5.00'
EL337	S00°29'09"W	13.00'
EL338	N89°30'51"W	5.00'
EL339	S89°30'51"E	5.00'
EL340	S00°29'09"W	19.00'
EL341	N89°30'51"W	5.00'
EL342	S89°30'44"E	5.00'
EL343	S00°29'09"W	10.00'
EL344	N89°30'51"W	5.00'
EL345	S89°30'18"E	5.00'
EL346	S00°29'09"W	10.00'
EL347	N89°30'18"W	5.00'
EL349	N81°28'04"E	5.00'
EL350	S80°28'58"W	5.00'
EL351	N73°33'16"E	5.00'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL352	S72°34'42"W	5.00'
EL353	N65°39'31"E	5.00'
EL354	S64°40'26"W	5.00'
EL355	N55°53'01"E	5.00'
EL356	S54°53'55"W	5.00'
EL357	N29°20'08"E	5.00'
EL358	S60°39'52"E	12.94'
EL359	S29°20'08"W	5.00'
EL360	N29°20'08"E	5.00'
EL361	S60°39'52"E	12.94'
EL362	S29°20'08"W	5.00'
EL363	N29°20'08"E	5.00'
EL364	S60°39'52"E	12.94'
EL365	S29°20'08"W	5.00'
EL366	N29°20'08"E	5.00'
EL367	S60°39'52"E	12.94'
EL368	S29°20'08"W	5.00'
EL369	N43°15'10"W	5.00'
EL370	N46°44'50"E	13.00'
EL371	S43°15'10"E	5.00'
EL372	S29°20'08"W	4.62'
EL373	N60°39'52"W	18.00'
EL374	N29°20'08"E	5.00'
EL375	S29°20'08"W	5.00'
EL376	N60°39'52"W	13.00'
EL377	N29°20'08"E	5.00'
EL378	S29°20'08"W	5.00'
EL379	N60°39'52"W	13.00'
EL380	N29°20'08"E	5.00'
EL381	S29°20'08"W	5.00'
EL382	N60°39'52"W	13.00'
EL383	N29°20'08"E	5.00'
EL384	S29°20'08"W	5.00'
EL385	N60°39'52"W	7.56'
EL386	N29°20'08"E	5.00'
EL387	S35°34'27"W	5.00'
EL388	N36°12'19"E	5.00'
EL389	S41°41'49"W	5.00'
EL390	N42°27'15"E	5.00'
EL391	S47°57'11"W	5.00'
EL392	N48°42'37"E	5.00'
EL393	S27°39'41"W	4.92'
EL394	N62°20'19"W	10.00'
EL395	N27°39'41"E	5.00'
EL396	S27°39'41"W	5.00'
EL397	N62°20'19"W	13.16'
EL398	N27°39'41"E	5.00'
EL399	S27°39'41"W	5.00'
EL400	N62°20'19"W	13.16'
EL401	N27°39'41"E	5.00'
EL402	S27°39'41"W	5.00'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL403	N62°20'19"W	13.16'
EL404	N27°39'41"E	5.00'
EL405	S27°39'41"W	5.00'
EL406	N62°20'19"W	13.16'
EL407	N27°39'41"E	5.00'
EL408	S27°39'41"W	5.00'
EL409	N62°20'19"W	12.99'
EL410	N27°39'41"E	5.00'
EL411	S27°39'41"W	5.00'
EL412	N62°20'19"W	10.00'
EL413	N27°39'41"E	5.00'
EL414	S28°46'11"W	5.00'
EL415	N28°46'11"E	5.00'
EL416	S30°26'09"W	5.00'
EL417	N30°41'41"E	5.00'
EL418	S32°19'22"W	5.00'
EL419	N32°35'42"E	5.00'
EL420	S34°13'18"W	5.00'
EL421	N34°29'39"E	5.00'
EL422	S36°07'16"W	5.00'
EL423	N36°23'34"E	5.00'
EL424	S38°01'19"W	5.00'
EL425	N38°17'37"E	5.00'
EL426	S39°55'15"W	5.00'
EL427	N39°55'15"E	5.00'
EL429	S41°35'04"W	5.00'
EL430	N41°35'04"E	5.00'
EL431	S43°14'20"W	5.00'
EL432	N43°30'26"E	5.00'
EL433	S45°08'09"W	5.00'
EL434	N45°24'24"E	5.00'
EL435	S47°01'57"W	5.00'
EL436	N47°18'18"E	5.00'
EL437	S48°56'09"W	5.00'
EL438	N49°12'16"E	5.00'
EL439	S50°50'25"W	5.00'
EL440	N50°50'25"E	5.00'
EL441	S52°28'34"W	5.00'
EL442	N52°28'34"E	5.00'
EL443	S54°07'31"W	5.00'
EL444	N54°23'47"E	5.00'
EL445	S56°01'20"W	5.00'
EL446	N56°17'41"E	5.00'
EL447	S57°55'19"W	5.00'
EL448	N58°11'41"E	5.01'
EL449	S74°51'37"W	5.01'
EL450	N77°41'21"E	5.01'
EL451	N88°50'38"W	5.00'
EL452	N01°09'22"E	10.00'
EL453	S88°50'38"E	4.43'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC300	13.05'	250.75'	N79°35'56"E	13.05'
EC301	13.04'	250.75'	N85°13'50"E	13.04'
EC302	13.01'	250.75'	S89°11'09"E	13.01'
EC303	12.93'	170.52'	S09°01'29"E	12.93'
EC304	12.91'	170.52'	S16°56'01"E	12.90'
EC305	12.93'	170.52'	S24°50'02"E	12.93'
EC306	12.93'	170.52'	S34°36'32"E	12.93'
EC307	5.44'	230.99'	N60°25'52"W	5.44'
EC308	12.54'	230.99'	N54°06'37"W	12.54'
EC309	13.05'	230.99'	N47°55'28"W	13.05'
EC310	13.05'	230.99'	N41°40'06"W	13.05'
EC311	10.00'	668.00'	N61°13'49"W	10.00'
EC312	13.02'	668.00'	N59°26'05"W	13.02'
EC313	13.18'	668.00'	N57°32'28"W	13.17'
EC315	13.17'	668.00'	N53°44'35"W	13.17'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC316	13.17'	668.00'	N51°50'32"W	13.17'
EC317	10.00'	668.00'	N50°04'45"W	10.00'
EC318	10.00'	668.00'	N48°24'56"W	10.00'
EC319	13.13'	668.00'	N46°37'37"W	13.13'
EC320	13.16'	668.00'	N44°43'44"W	13.16'
EC321	13.18'	668.00'	N42°49'53"W	13.18'
EC322	13.13'	668.00'	N40°55'48"W	13.13'
EC323	10.00'	668.00'	N39°09'35"W	10.00'
EC324	10.00'	668.00'	N37°31'26"W	10.00'
EC325	13.16'	668.00'	N35°44'21"W	13.16'
EC326	13.18'	668.00'	N33°50'29"W	13.18'
EC327	9.04'	668.00'	N32°07'09"W	9.04'
EC328	4.14'	68.00'	N29°59'10"W	4.14'
EC329	13.37'	68.00'	N13°43'31"W	13.35'
EC442	13.18'	668.00'	N55°38'32"W	13.18'

0 20 40 80

GRAPHIC SCALE
1"=40'

WAKE COUNTY, NC 12
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02018

NORTH CAROLINA PROFESSIONAL SEAL L-4516 LAND SURVEYOR MATTHEW A. HAYES
10/04/2024

LEGEND
- Property Lines
- Property Lines by Others
- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- (0.00') Tie Distance (Chord Distance)
- EPIP Existing Pinched Iron Pipe
- EIP Existing Iron Pipe
- ECM Existing Concrete Marker
- R/W Right-of-Way
- JLRB Jordan Lake Riparian Buffer
- DB / PB Deed Book / Plat Book
- N/F Now or Formerly
- TOA Town of Apex
- Esm't Easement
- PrDE Private Drainage Esm't
- PuAE Public Access Esm't
- PuDE Public Drainage Esm't
- PuSWE Public Sidewalk Esm't
- PuUE Public Utility Esm't
- PuDUE Public Dry Utility Esm't
- RCA Resource Conservation Area
- SS Sanitary Sewer
- SB Setback
- STE Sight Triangle Esm't
- Wetlands
- Matchlines
- Phaselines

MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2
Lands of Pulte Home Company, LLC
Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex | White Oak Township | Wake County | North Carolina | Date: Feb 2, 2024 | Drawn by: BAO | Checked by: MAH

SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: goverstreet@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Phi&2-Subd.dwg

**PuAE is HOA maintained.

REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

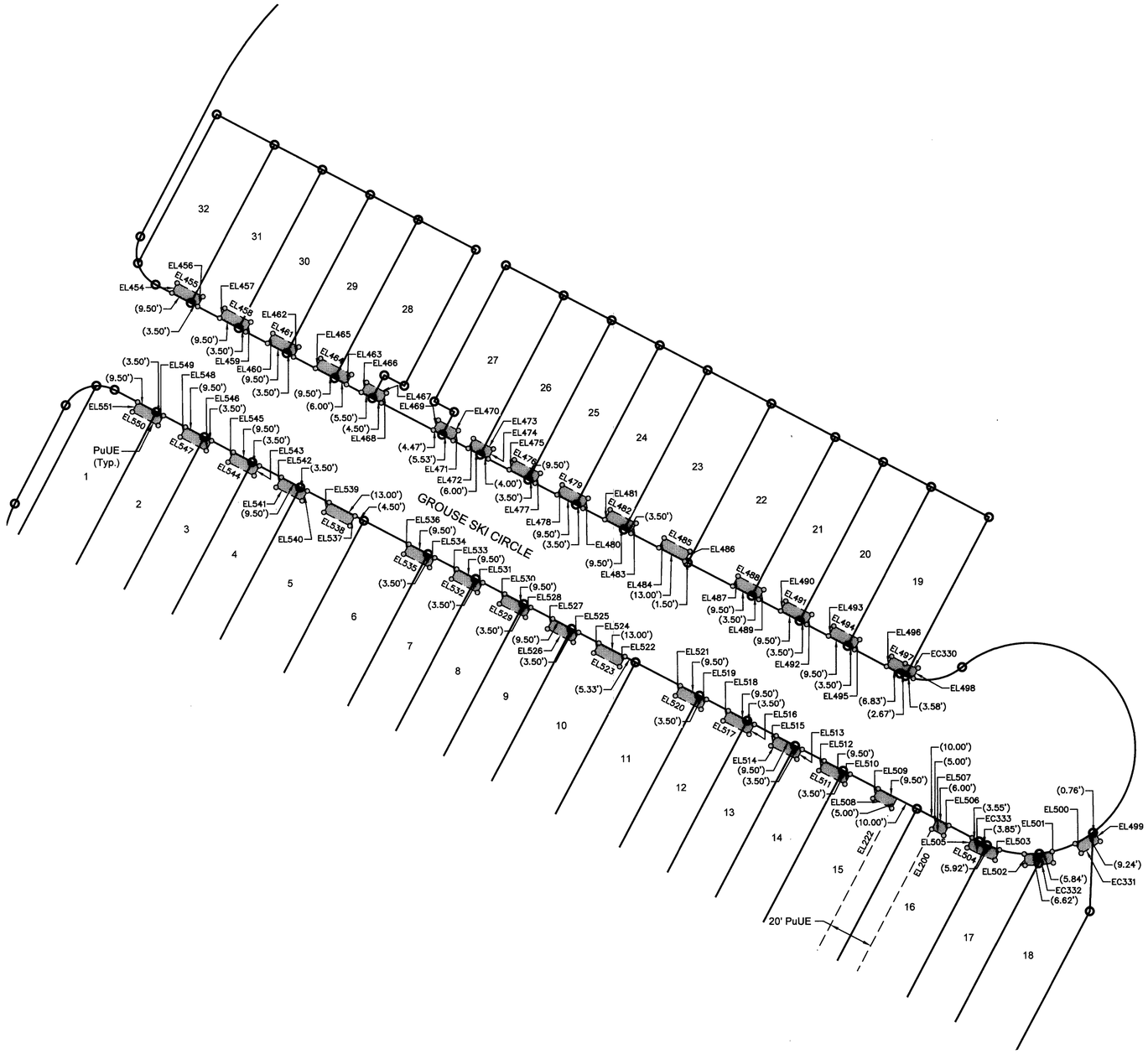
Sheet 7 of 8

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL454	N27°39'34"E	5.00'
EL455	S62°20'26"E	13.00'
EL456	S27°39'34"W	5.00'
EL457	N27°39'34"E	5.00'
EL458	S62°20'26"E	13.00'
EL459	S27°39'34"W	5.00'
EL460	N27°39'34"E	5.00'
EL461	S62°20'26"E	13.00'
EL462	S27°39'34"W	5.00'
EL463	S27°39'34"W	5.00'
EL464	S62°20'26"E	15.50'
EL465	N27°39'34"E	5.00'
EL466	N27°39'34"E	5.00'
EL467	S62°20'26"E	10.00'
EL468	S27°39'34"W	5.00'
EL469	N27°39'34"E	5.00'
EL470	S62°20'26"E	10.00'
EL471	S27°39'34"W	5.00'
EL472	N27°39'34"E	5.00'
EL473	S62°20'26"E	10.00'
EL474	S27°39'34"W	5.00'
EL475	N27°39'34"E	5.00'
EL476	S62°20'26"E	13.00'
EL477	S27°39'34"W	5.00'
EL478	N27°39'34"E	5.00'
EL479	S62°20'26"E	13.00'
EL480	S27°39'34"W	5.00'
EL481	N27°39'34"E	5.00'
EL482	S62°20'26"E	13.00'
EL483	S27°39'34"W	5.00'
EL484	N27°39'34"E	5.00'
EL485	S62°20'26"E	13.00'
EL486	S27°39'34"W	5.00'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL487	N27°39'34"E	5.00'
EL488	S62°20'26"E	13.00'
EL489	S27°39'34"W	5.00'
EL490	N27°39'34"E	5.00'
EL491	S62°20'26"E	13.00'
EL492	S27°39'34"W	5.00'
EL493	N27°39'34"E	5.00'
EL494	S62°20'26"E	13.00'
EL495	S27°39'34"W	5.00'
EL496	N27°39'34"E	5.00'
EL497	S62°20'26"E	6.83'
EL498	S24°51'19"W	5.13'
EL499	S31°45'15"E	5.02'
EL500	N31°45'15"W	5.02'
EL501	S06°20'29"E	5.02'
EL502	N03°21'26"W	5.02'
EL503	S22°29'23"W	5.01'
EL504	N62°25'35"W	3.97'
EL505	N26°31'40"E	5.00'
EL506	S27°39'28"W	5.00'
EL507	N62°20'26"W	6.00'
EL508	N62°20'26"W	9.50'
EL509	N27°39'34"E	5.00'
EL510	S27°39'34"W	5.00'
EL511	N62°20'26"W	13.00'
EL512	N27°39'34"E	5.00'
EL513	S27°39'34"W	5.00'
EL514	N62°20'26"W	13.00'
EL515	N27°39'34"E	5.00'
EL516	S27°39'34"W	5.00'
EL517	N62°20'26"W	13.00'
EL518	N27°39'34"E	5.00'
EL519	S27°39'34"W	5.00'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL520	N62°20'26"W	13.00'
EL521	N27°39'34"E	5.00'
EL522	S27°39'34"W	5.00'
EL523	N62°20'26"W	13.00'
EL524	N27°39'34"E	5.00'
EL525	S27°39'34"W	5.00'
EL526	N62°20'26"W	13.00'
EL527	N27°39'34"E	5.00'
EL528	S27°39'34"W	5.00'
EL529	N62°20'26"W	13.00'
EL530	N27°39'34"E	5.00'
EL531	S27°39'34"W	5.00'
EL532	N62°20'26"W	13.00'
EL533	N27°39'34"E	5.00'
EL534	S27°39'34"W	5.00'
EL535	N62°20'26"W	13.00'
EL536	N27°39'34"E	5.00'
EL537	S27°39'34"W	5.00'
EL538	N62°20'26"W	13.00'
EL539	N27°39'34"E	5.00'
EL540	S27°39'34"W	5.00'
EL541	N62°20'26"W	13.00'
EL542	N27°39'34"E	5.00'
EL543	S27°39'34"W	5.00'
EL544	N62°20'26"W	13.00'
EL545	N27°39'34"E	5.00'
EL546	S27°39'34"W	5.00'
EL547	N62°20'26"W	13.00'
EL548	N27°39'34"E	5.00'
EL549	S27°39'34"W	5.00'
EL550	N62°20'26"W	13.00'
EL551	N27°39'34"E	5.00'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC330	6.03'	20.00'	S70°58'53"E	6.01'
EC331	10.02'	52.00'	S58°14'45"W	10.00'
EC332	12.72'	52.00'	S85°09'02"W	12.69'
EC333	9.70'	52.00'	N67°41'04"W	9.69'



NC GRID NORTH
NAD 83 (2011)

0 20 40 80
GRAPHIC SCALE
1"=40'

WAKE COUNTY, NC 13
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/09/2024 10:06:31
BOOK:BM2024 PAGE:02019

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REFER TO PAGE ONE OF THIS MILTI-PAGE PLAT FOR NOTES, RESTRICTIONS, AND OTHER REQUIREMENTS PERTAINING TO THIS PLAT.

Sheet 8 of 8

NORTH CAROLINA PROFESSIONAL SEAL L-4516 LAND SURVEYOR MATTHEW A. HATCH
10/04/2024

LEGEND

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MASTER SUBDIVISION FINAL PLAT
PRESTWICK PHASE 1 & 2

Lands of Pulte Home Company, LLC

Site Address: 0, 7208 & 7304 Morris Acres Road, Apex, NC

Town of Apex	White Oak Township	Wake County	North Carolina

Date: Feb 2, 2024
Drawn by: BAO
Checked by: MAH

SURVEYED by

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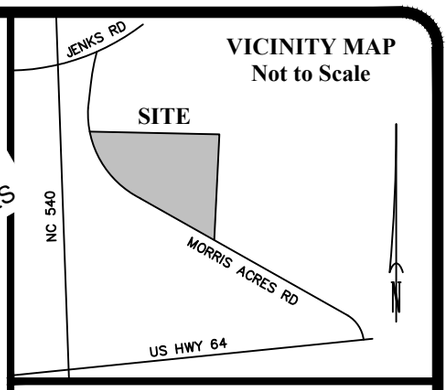
"Committed to Total Quality Service"

O:_PULTE\PHI-23-07\DWG\Boundary\Prestwick-Ph1&2-Subd.dwg

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

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND AREAS WERE COMPUTED USING THE COORDINATE METHOD, UNLESS OTHERWISE NOTED HEREON.
I CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN HEREON; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; THAT THIS PLAT ME THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR AN SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

NORTH CARO PROFESS PRELIMINARY NOT FOR RECORDATION, CONVEYANCES, OR SALES SURVEYOR HEW A. HAYES

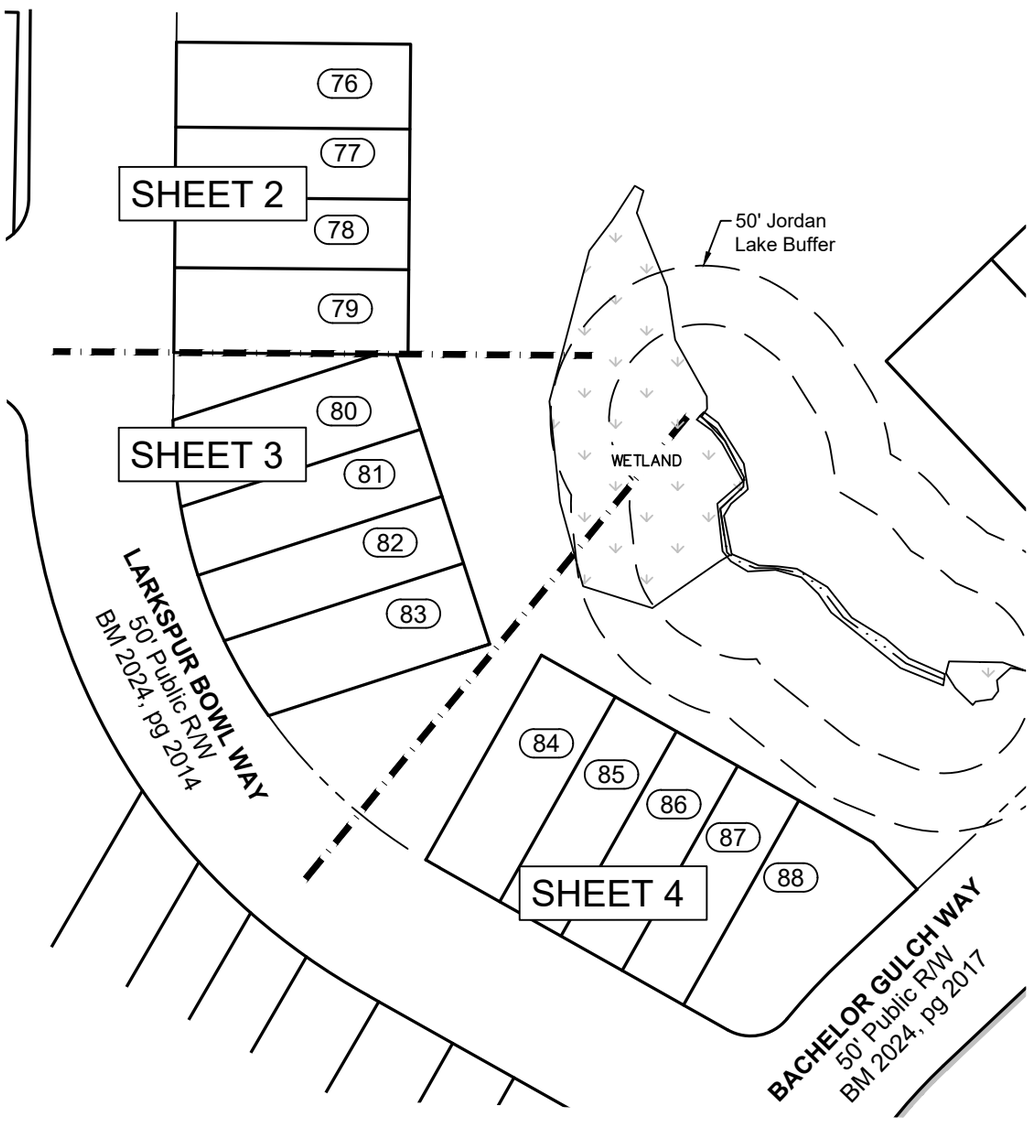


LEGEND

○	Mathematical Point
◎	Iron Pipe Set
Esm't	Easement
R/W	Right-of-Way
BM	Book of Maps
DB	Deed Book
PuDUE	Public Dry Utility Easement
PuDE	Public Drainage Easement
PuSWE	Public Sidewalk Easement
PrDE	Private Drainage Easement

0 30 60
GRAPHIC SCALE
1" = 60'

NC GRID NORTH
NAD 83 (2011)



OVERALL PLAN

EXHIBIT
PUBLIC DRY UTILITY EASEMENT
FOR PRESTWICK SUBDIVISION
Town of Apex, White OakTwsp.,
Wake County, North Carolina
Prepared for Pulte Home Company, LLC
04/02/2025 - Sheet 1 of 4

MSS LAND CONSULTANTS, PC
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Raleigh, NC 27612
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hayesm@mssland.com

O:_PULTE\PHI-23-07\DWG\Boundary\EXHIBIT_PuDryUtilEsmt.dwg, 1, 4/8/2025 5:42:51 PM, hayesm, 1:1

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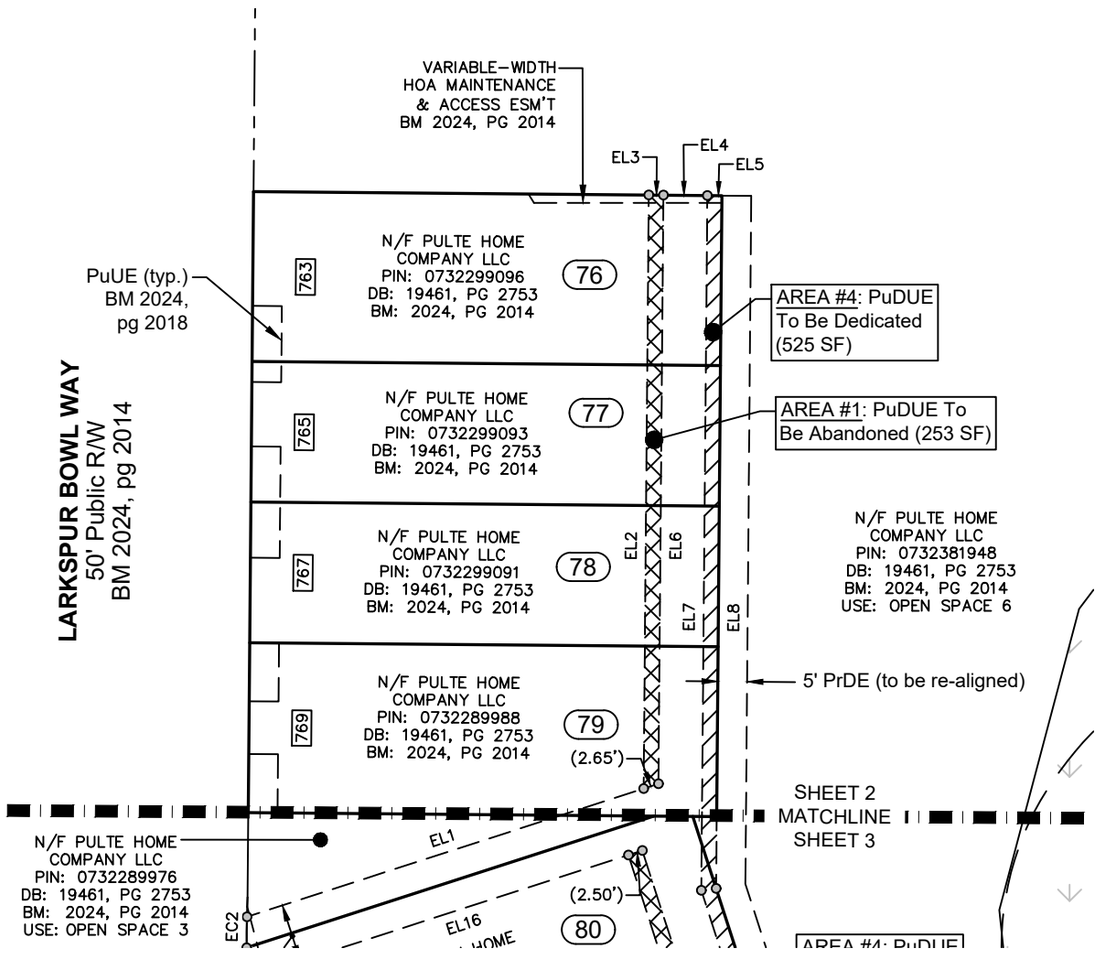
NORTH CAROLINA PROFESSIONAL SURVEYOR
PRELIMINARY
NOT FOR RECORDATION, CONVEYANCES, OR SALES
HEW A. HAYES

0 15 30
GRAPHIC SCALE
1" = 30'

NC GRID NORTH
NAD 83 (2011)



Easement Line Table		
LINE #	DIRECTION	LENGTH
EL2	N00°29'42"E	101.32'
EL3	S89°30'18"E	2.50'
EL4	S89°30'18"E	7.50'
EL5	S89°30'18"E	2.50'
EL6	S00°29'09"W	100.48'
EL7	N00°29'46"E	118.61'
EL8	S00°29'09"W	118.26'

EXHIBIT
PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION
Town of Apex, White OakTwsp.,
Wake County, North Carolina
Prepared for Pulte Home Company, LLC
04/02/2025 - Sheet 2 of 4

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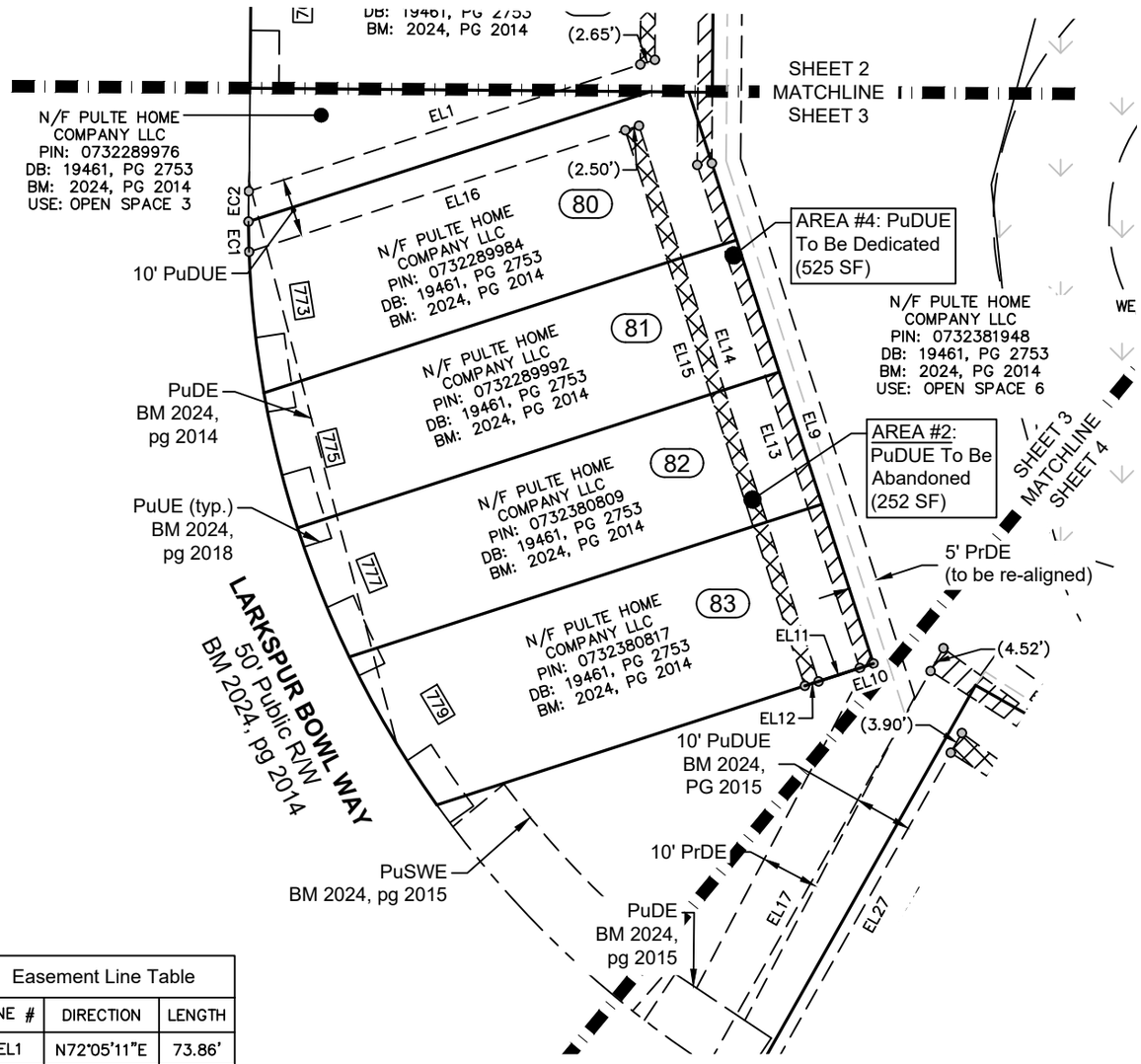
NORTH CAROLINA PROFESSIONAL SURVEYOR HEW A. HAYES

PRELIMINARY
NOT FOR RECORDATION, CONVEYANCES, OR SALES

NC GRID NORTH
NAD 83 (2011)

0 15 30
GRAPHIC SCALE
1" = 30'



Easement Line Table		
LINE #	DIRECTION	LENGTH
EL1	N72°05'11"E	73.86'
EL9	S17°54'49"E	90.97'
EL10	S72°05'11"W	2.50'
EL11	S72°05'11"W	7.50'
EL12	S72°05'11"W	2.50'
EL13	N17°54'49"W	91.44'
EL14	S17°54'49"E	101.00'
EL15	N17°54'49"W	101.00'
EL16	S72°05'11"W	70.90'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC1	5.22'	175.52'	N01°11'27"W	5.22'
EC2	5.27'	175.52'	N00°31'18"E	5.27'

EXHIBIT
PUBLIC DRY UTILITY EASEMENT
FOR PRESTWICK SUBDIVISION
Town of Apex, White OakTwsp.,
Wake County, North Carolina
Prepared for Pulte Home Company, LLC
04/02/2025 - Sheet 3 of 4

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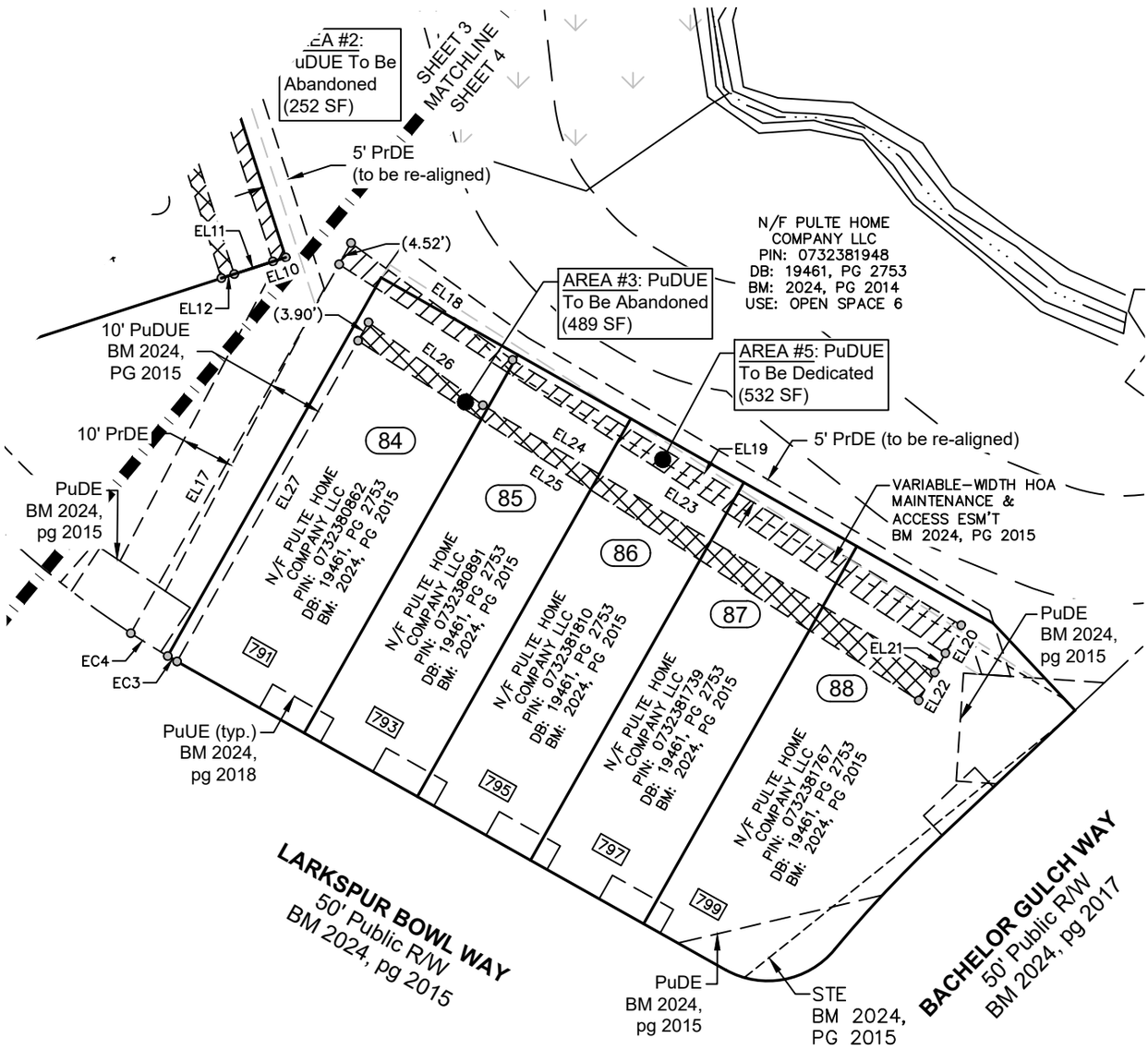
NORTH CARO... PROFESS... PRELIMINARY NOT FOR RECORDATION, CONVEYANCES, OR SALES SURVEYOR HEW A. HAYES

NC GRID NORTH NAD 83 (2011)

0 15 30

GRAPHIC SCALE
1" = 30'



Easement Line Table		
LINE #	DIRECTION	LENGTH
EL17	N29°27'01"E	82.82'
EL18	S54°05'28"E	36.87'
EL19	S59°25'04"E	96.38'
EL20	S29°27'01"W	5.95'
EL21	S29°27'01"W	4.05'
EL22	S29°27'01"W	5.96'

Easement Line Table		
LINE #	DIRECTION	LENGTH
EL23	N57°19'50"W	133.21'
EL24	S59°25'04"E	97.05'
EL25	N57°19'50"W	123.19'
EL26	S54°05'28"E	26.14'
EL27	S29°27'01"W	71.99'

Easement Curve Table				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
EC3	2.00'	175.52'	N59°47'00"W	2.00'
EC4	8.01'	175.52'	N58°09'00"W	8.01'

EXHIBIT
PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION
Town of Apex, White OakTwsp.,
Wake County, North Carolina
Prepared for Pulte Home Company, LLC
04/02/2025 - Sheet 4 of 4

surveyors & planners MSS land consultants, pc
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Amanda Bunce, Assistant Director, and,
Allen Coleman, Town Clerk

Department(s): Planning, and,
Town Clerk's Office

Requested Motion

Motion to approve a "Resolution Recommending the Appointment and Removal of Review Officers for the Town of Apex" pursuant to N.C.G.S § 47-30.2.

Approval Recommended?

The Planning Department and Town Clerk recommends approval.

Item Details

North Carolina General Statutes (NCGS), Chapter 47, Article 2 (§47-30.2 Review Officer) requires the Board of Commissioners of each county, by resolution, designate by name one or more persons experienced in mapping or land records management to be appointed as a "Review Officer" to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording.

This action would recommend for appointment or reaffirm the list of Review Officers for the Town of Apex.

Name (alphabetical by last name)	**Position**	**Action**
Elise Bielen	Senior Planner	Initial Appointment
Bruce Venable	Planner II	Initial Appointment
Nick Baker	Planner II	Initial Appointment
Liz Loftin	Senior Planner	Remove Appointment
Katherine Mayo	Planner II	Remove Appointment

Attachments

- CN18-A1: Resolution Recommending the Appointment and Removal of Review Officers for the Town of Apex

RESOLUTION NO. 2025-_____

RESOLUTION RECOMMENDING THE APPOINTMENT AND THE REMOVAL OF REVIEW OFFICERS FOR THE TOWN OF APEX

WHEREAS, Article 2 of Chapter 47 (§47-30.2 Review Officer) of the North Carolina General Statutes requires the Board of Commissioners of each county, by resolution, designate by name one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

WHEREAS, the review of statutory requirements is of a technical nature; and

WHEREAS, one of the services of the Town of Apex staff provides to the community is a similar technical process for subdivision plat review in order to verify compliance with the Town's development regulations; and

WHEREAS, it appears most efficient for the Town of Apex to avoid adding another layer of development review by providing for the certification of statutory compliance for all maps or plats to be presented to the register of deeds for recording within the context of subdivision review procedures;

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF APEX:

1. That the following persons are recommended to be appointed by the Wake County Board of Commissioners to serve as Review Officers for all lands within the municipal and extraterritorial jurisdiction of the Town of Apex in order to certify each map and plat presented to the Wake County Register of Deeds for recording satisfies the statutory requirements for recording, and, that these persons shall act as Review Officers until such time as the Town Council of the Town of Apex and the Wake County Board of Commissioners removes the designation by resolution and causes said resolution to be recorded by the Wake County Registry and indexed in the Grantor Index:

NAME	POSITION/TITLE
Elise Bielen	Senior Planner
Bruce Venable	Planner II
Nick Baker	Planner II

RESOLUTION NO. 2025-_____

RESOLUTION RECOMMENDING THE APPOINTMENT AND THE REMOVAL OF REVIEW OFFICERS FOR THE TOWN OF APEX

2. That Liz Loftin and Katherine Mayo are recommended to be removed by the Wake County Board of Commissioners as Review Officers for all lands within the municipal and extraterritorial jurisdiction of the Town of Apex as they are no longer employed by the Town of Apex.

3. That the Town Clerk is hereby authorized to submit a signed copy of this resolution to the Wake County Board of Commissioners for approval.

4. Upon approval by the Wake County Board of Commissioners, the Town Clerk shall cause a certified copy to be recorded at the Wake County Register of Deeds.

A motion was made by Council Member _____ and seconded by Council Member _____ to adopt this resolution, and upon being put to a vote was unanimously approved and duly adopted, this the 26th day of June 2025.

Attest:

_____	_____
Allen Coleman, CMC	Jacques K. Gilbert
Town Clerk	Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Chris Johnson, Director

Department(s): Transportation and Infrastructure Development

Requested Motion

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

Approval Recommended?

Yes

Item Details

Proposed revisions to the Town Standard Specifications and Standard Details have been drafted to include Section 200 General Provisions, Section 300 Streets, Section 400 Soil Erosion & Sedimentation Control, Section 500 Storm Drainage, and Section 900 Greenway Trails, as requested by the Water Resources Department.

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

Attachments

- CN19-A1: Summary of Revisions - Revisions to Standard Specifications & Standard Details
- CN19-A2: Standard Specifications - Revisions to Standard Specifications & Standard Details
- CN19-A3: Standard Details - Revisions to Standard Specifications & Standard Details

Town of Apex
Standard Specifications & Standard Details
Summary of Revisions
August 12, 2025

❖ Standard Specifications

➢ Section 400|Soil Erosion & Sedimentation Control

Table of Contents

1. **ADD** section "*407 Temporary Matting/Blankets*"

401 General Requirements

2. **REVISE** "*All S&E measures shall be installed prior to clearing operations and in no case shall an area, where work is completed, remain denuded for more than 14 calendar days.*" to "*Prior to logging and grading operations, all S&E measures shall be installed in order to be issued a Certificate of Compliance by the TOWN. Areas where active construction ceases, meaning no substantial or significant progress is made in any area for more than 14 calendar days, all disturbed areas must be seeded and mulched unless written approval is granted by the TOWN.*" in the third paragraph.

3. **ADD** "*Incidental grading shall not constitute substantial or significant progress in construction activity.*" to the end of the third paragraph.

4. **REVISE** "*Prior to the issuance of the Certificate of Compliance, the permanent outlet structure for all temporary sediment basins (future Stormwater Control Structures -SCM's) must be installed with the skimmer attached to the bottom drain."* to "*Prior to the issuance of the Certificate of Compliance, the permanent outlet structure for all temporary sediment basins (future Stormwater Control Measures - SCM's) must be installed with the skimmer attached to the bottom drain."* in item 4.

402 Construction Sequence and Schedule

5. **REVISE** "*See the Town website for a sample construction sequence.*" to "*See the Town's website for the standard construction sequence.*"

403 Seeding & Mulching

6. **REVISE** "*(3:1 MAX.)"* to *"(3:1 and Flatter)"* in the title of the first table.

7. **REVISE** "*SLOPES*" to "*SHOULDERS, SIDE DITCHES, SLOPES*" in the title of the second table.

8. **REVISE** the second table from:

Date	Type	Planting/Acre
Mar 1 - April 15	Sericea Lespedeza (scarified) **and**	50 lbs.
Mar 1 - April 15	ADD Tall Fescue ***and***	120 lbs.
Mar 1 - June 30	ADD Weeping Love grass ***or***	10 lbs.
Mar 1 - June 30	ADD Hulled Common Bermuda Grass	25 lbs.
June 1 - Sep 1	*** Tall Fescue ***and***	120 lbs.
	*** Brown top Millet ***or***	35 lbs.

	*** Sorghum-Sudan Hybrids	30 lbs.
Sep 1 - Mar 1	Sericea Lespedeza (unhulled-unscarified) **and**	70 lbs.
	Tall Fescue	120 lbs.
Nov 1 - Mar 1	ADD Abruzzi Rye	25 lbs.

to:

Date	**Type**	**Planting/Acre**
Mar 1 - April 15	Tall Fescue ***and***	120 lbs.
Mar 1 - June 30	ADD German or Browntop Millet ***or***	10 lbs.
Mar 1 - June 30	ADD Hulled Common Bermuda Grass	25 lbs.
June 1 - Sep 1	*** Tall Fescue ***and***	120 lbs.
	*** Brown top Millet ***or***	35 lbs.
	*** Sorghum-Sudan Hybrids	30 lbs.
Sep 1 - Mar 1	Tall Fescue	120 lbs.
Nov 1 - Mar 1	ADD Rye Grain	25 lbs.

9. **REVISE** "*Temporary - Reseed according to optimum season for desired permanent vegetation.*" to "*Temporary – Re-seed according to optimum season for desired permanent vegetation.*" in the second paragraph.

10. **REVISE** "*A Conservation Engineer or Soil Conservation Service shall be consulted for additional information concerning other alternatives for vegetation of denuded areas*." to "*A Conservation Engineer or Natural Resources Conservation Service (NRCS) shall be consulted for additional information concerning other alternatives for vegetation of denuded areas.*" in the third paragraph.

11. **REVISE** "*Fertilizer - 1,000 lb/acre - 10-10-10*" to "*Fertilizer - 1,000 lb/acre - 10-10-10 (Fall) – 5-10-10 (Spring)"* after item 9.

<u>405 Inlet Protection</u>

12. **REVISE** "*The devices shall be installed across the grate and throat and must be a product approved by the Town's Stormwater Engineering Manager*." to "*The devices shall be installed across the grate and throat and must be a product approved by the TOWN Stormwater Engineering Manager or his/her designee*." in the first paragraph.

<u>406 Computations</u>

13. **REVISE** "*All computations and assumptions used to formulate an S&E plan shall be reviewed by the Town*." to "*All computations and assumptions used to formulate an S&E plan shall be reviewed by the TOWN*."

14. **ADD** section "*<u>407 Temporary Matting/Blankets</u>*"

15. **ADD** *"All temporary matting/blankets used shall be made of biodegradable materials that do not contain plastic netting."* to the new section 407.

- Section 500|Storm Drainage

Table of Contents

16. **ADD** subsection *"F. Reinforced Concrete Box Culvert (RCBC)"* to 502 Materials – Storm Drainage Pipe

17. **REVISE** "*506 Stormwater Control Measures (SCMs) within the Primary and Secondary Watershed Protection Overlay Districts*" to "*506 Stormwater Control Measures (SCMs)*"

501 Design

18. **REVISE** all occurrences of "*rights-of-way*" to "*right-of-way*"

19. **ADD** "*The following Standard Specifications and associated Standard Detail Drawings shall apply to all storm drainage system development. Any deviations from this specification, or sections noting approval required by the ENGINEER, shall require submittal of an Exception Review Request for consideration."* to subsection A.

20. **REVISE** "*Storm drainage facilities shall be designed to dispose of stormwater…"* to *"Storm drainage facilities shall be designed to convey stormwater…"* in subsection A.

21. **REVISE** the Table from:

Drainage Structure	***Design Storm Event - Return Frequency***
Roadside Ditches	10-year storm
Curb Inlet	4 inches/hour
Storm Sewer Collector	10-year storm
Cross Street Storm Drainage	25-year storm
Greenways	25-year storm
Structures in Floodplain	100-year storm*

to:

Drainage Structure	***Design Storm Event - Return Frequency***
Roadside Ditches	10-year
Curb Inlet Gutter Spread	4 inches/hour

Drop Inlet Ponding (sag condition)	100-year
Storm Sewer Collector	10-year
Cross Street Storm Drainage	25-year
Greenways	25-year
Offsite Bypass System	25-year
Structures in Floodplain	100-year*

22. **REVISE** *"*Drainage structures in the floodplain should pass 100-year storm without over-topping the roadway or in the alternative, the structures may be designed to pass only the 25-year event, in which case, the downstream roadway embankment shall be fully protected from the residual flow which may overtop the roadway during a 100-year event.*" to "**Drainage structures in the floodplain, and all culverts under roads located at stream crossings shall pass 100-year storm without over-topping the roadway.*"

23. **REVISE** subsection A.1. "*Runoff rates shall be calculated by the Rational Method (for drainage areas less than 2 square miles), SCS Method (for drainage areas greater than 2 square miles) or other acceptable procedures. Runoff computations shall be based on rainfall data for the last 30 years published by the National Weather Service for this area.*" to "*Runoff rates shall be calculated by the Rational Method (for drainage areas less than 100 acres), SCS Method or other acceptable procedures. Runoff computations shall be based on rainfall data published by the National Weather Service NOAA Atlas 14 for this area*."

24. **REVISE** *"A Hydraulic Grade Line (HGL) study shall be performed for all public storm drainage systems."* to "*A Hydraulic Grade Line (HGL) study shall be performed for all public storm drainage systems using the design storm table in 501.A."* in subsection A.6.

25. **REVISE** *"The HGL shall be required to stay within the pipe to ensure no surcharge on the system."* to *"The HGL shall be required to stay within the crown of the pipe to ensure no surcharge on the system."* in subsection A.6.

26. **REMOVE** "*or the slope which will produce a velocity of 2.5 fps when flowing full, whichever is greater for all proposed pipes and culverts*" from "*The minimum allowable slope is 0.50% or the slope which will produce a velocity of 2.5 fps when flowing full, whichever is greater for all proposed pipes and culverts.*" from A.6.

27. **REMOVE** *"Maximum allowable outlet velocity will be 2.5 feet per second (refer to "Code of Ordinances, Town of Apex, North Carolina"; Chapter 5, Article X, Sec. 5-149). Exiting velocities shall be in conformance with the sedimentation and erosion guidelines and outlet protection used whenever the velocity exceeds the allowable limit. Pipe outlets, flared end sections and head walls shall be provided, with rip-rap aprons designed to reduce velocity and dissipate energy so that downstream damage from erosion does not occur."* from subsection A.

28. **REVISE** "*Manholes or structures shall be installed at each deflection of line or grade."* to "A*ccessible drainage structures shall be installed at each deflection of line, grade, and change in pipe material.*" in subsection B.

29. **REVISE** "N*o inaccessible junction boxes shall be permitted."* to "*No inaccessible drainage structures shall be permitted.*" in subsection B.

30. **ADD** "*Open-throated yard inlets shall have a manhole lid incorporated into the concrete lid for accessibility.*" in subsection B.

31. **REVISE** "*The maximum distance between access openings shall not exceed 400 feet, for pipes 30 inches and smaller.*" to "*The maximum distance between structures shall not exceed 400 feet*." in subsection B.

32. **REMOVE** "For pipes 36 inches and larger, t*he maximum distance between access openings shall not exceed 500 feet.*" in subsection B.

33. **REVISE** "*Inlet spacing shall be sufficient to limit spread to no more than half of a through lane during a 4-inch per hour rain storm*." to "*Inlet spacing shall be sufficient to limit gutter spread to no more than half the width of a through lane during a 4-inch per hour rain event.*" in subsection B.

34. **ADD** "*The width of the gutter may be added to the width of the lane. For curb inlets located in a sag condition, a 50% clogging factor shall be applied when calculating spread.*" in subsection B.

35. **REVISE** "*No catch basin shall be installed in the radius of a curve*." to "*No catch basin shall be installed in an intersection corner radius or in a driveway apron.*" in subsection B.

36. **ADD** "*Proposed driveway locations shall be shown on construction drawings to demonstrate they do not conflict with catch basin locations." in subsection B.*

37. **REVISE** "*Stormwater that is piped or is conveyed as open channel flow and originates within or passes through the public street rights-of-way shall be conveyed through a contiguous public drainage easement.*" to "*Stormwater that is piped, or is conveyed as open channel flow, and originates within or passes through the public street rights-of-way shall be conveyed through a contiguous public drainage easement.*" in subsection B.

38. **REVISE** "*The public drainage easement must extend from the public street rights-of-way through points downstream, to the point of open discharge.*" to "*The public drainage easement shall extend from the public street rights-of-way the minimum needed distance needed directly from public street rights-of-way to a point of open discharge adjacent to the public street rights-of-way.*" in subsection B.

39. **ADD** "*Stormwater conveyance systems that originate within or pass through the public street rights-of-way shall be designed to minimize crossing through private property for distances greater than minimal distance needed to daylight the pipe to open discharge. At the discretion of the TOWN, if the point of open discharge extends into private property greater than that minimal distance needed to daylight, a drainage structure shall be provided within 10 feet of the public*

street rights-of-way to transition the public drainage easement to a private drainage easement. Pipes shall not outfall in the front yard of a lot but should instead extend to the rear third of the lot or property line in residential subdivisions." to subsection B.

40. **ADD** "*To the maximum extent practicable, the storm drainage system in these natural drainage ways shall be designed to bypass the off-site flow around the on-site SCMs, and to where the natural drainage way currently discharges."* in subsection B.

41. **REVISE** "*Connection of plastic pipe to TOWN infrastructure is prohibited."* to *"Connection of plastic pipe, such as HDPE or PVC, to TOWN infrastructure is prohibited."* in subsection B.

42. **ADD** "*Private storm drainage systems, whether piped or open channel flow, that cross more than two lots shall be located within a private drainage easement.*" in subsection B.

43. **REVISE "***No structures or equipment such as buildings, fences, playsets, pools, HVAC units, etc. shall be placed within any public easement."* to "*No encroachments are allowed within any public easement, unless approved in accordance with Section 200."* in subsection C.

44. **MOVE** "Pipes shall not outfall in the front yard of a lot but should instead extend to the rear third of the lot or property line in residential subdivisions." to subsection B from subsection C.

<u>502 Materials – Storm Drainage Pipe</u>

45. **ADD** "*Pipe producer/supplier shall be on the NCDOT approved producer/supplier list.*" to subsection A.

46. **REVISE "***All RCP installed on thoroughfare routes shall be approved and stamped by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery."* to *"All RCP installed on thoroughfare routes shall be approved and marked by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery."* in subsection B.

47. **ADD** "*Inspection, evaluation, and acceptance of RCP materials shall be guided by AASHTO R73."* in subsection B.

48. **ADD** subsection F "Reinforced Concrete Box Culvert (RCBC)"

49. **ADD** "*RCBC shall conform to ASTM C1433, C1504, or C1786. Joints shall be sealed in conformance with ASTM C990 (preformed flexible sealant) and/or C877 (external sealing bands), based on manufacturer's recommendations for the specific application. Inspection, evaluation, and acceptance of RCBC materials shall be in accordance with AASHTO R73.*" to new subsection F.

<u>503 Materials – Storm Drainage Structures</u>

50. **REVISE "***All precast manholes installed on thoroughfare routes shall be approved and stamped by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery."* to *"All precast manholes installed on thoroughfare routes shall be approved and marked by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery."* in subsection C.

506 Stormwater Control Measures (SCMs) within the Primary and Secondary Watershed Protection Overlay Districts

51. **REVISE** "*Stormwater Control Measures (SCMs) within the Primary and Secondary Watershed Protection Overlay Districts*" to "*Stormwater Control Measures (SCMs)*"

507 Construction Methods

52. **ADD** "*When backfilling around corrugated pipe, the maximum stone diameter of the fill shall be less than the width of the pipe corrugations."* to subsection C.

508 Inspection Prior to Acceptance

53. **REVISE** *"When inspection indicates possible excessive deflection in PP, CSP, or CAP, the contractor shall complete a deflection test by mandrel using a rigid device approved by the INSPECTOR."* to "*When inspection indicates possible excessive deflection in PP, CSP, or CAP, the contractor shall complete a deflection test using a laser profiler device, or by mandrel using a rigid device approved by the INSPECTOR."*

54. **ADD** "*Cracks and gaps sahll be measured during video inspections using a laser micrometer, or similar with prior approval by the INSPECTOR.*"

509 Maintenance of Municipal Separate Storm Sewer System (MS4)

55. **REVISE** "*The TOWN shall maintain all piping and structures within TOWN identified easements.*" to "*The TOWN shall maintain all piping and structures within TOWN street rights-of-way and Town of Apex Public Drainage easements.*"

56. **REMOVE** "*Town of Apex Public Utility Easement*" from the second sentence.

- Section 900|Greenway Trails

903 Greenway Trails

57. **REVISE** "*After asphalt surface course is installed, the top 2 inches of granite screenings shall be placed. All granite screenings shall be compacted to at least 95 percent of their standard Proctor maximum dry density. Crushed Granite Screenings shall meet the following minimum gradation criteria:*" to "*After asphalt surface course is installed, the edge of pavement shall be backfilled with 2 inches of aggregate base course and seeded using an approved seed mix. All aggregate base course as part of the 2-foot shoulder shall be compacted to at least 95 percent of standard Proctor maximum dry density.*"

909 Greenway Structures

58. **REVISE** "*Railings and Accessories*" to "*Bridge Railings and Accessories*".

59. **ADD** "*12) Pedestrian Rail*

Wherever the top grade of the boardwalk decking exceeds 30 inches from finished ground level or any other hazardous drop-off exists, pedestrian rails shall be provided. Where boardwalk decking height is 30 inches or less from finished ground level, a toe-rail may be installed per Standard Detail. Design considerations should be made to avoid multiple transitions between pedestrian rail and toe-rail." In subsection A.

❖ Standard Details

- Section 200|General Provisions
  1. 200.05 Handrail: Deleted sleeves from footings; added handrail diameter label.
- Section 300|Streets
  2. 300.09 (13 of 14) Curb Ramp (Detectable Warning - Cast-In-Place): Deleted "retrofit only" label (not applicable).
  3. 300.34 Crosswalk Lighting Guidance: Added context specific lighting recommendations based on roadway designation and crosswalk type; added wattage input per Electric Utilities Department.
- Section 500|Storm Drainage
  4. 500.01 Yard Inlet w/ Concrete Slab: Revised to include manhole frame & cover and standard steps.
  5. 500.09 Storm Drain Pipe Bedding & Backfilling: Revised to clarify stone bedding requirement and add temporary surface water diversion.
- Section 900|Greenway Trails
  6. 900.01 Greenway Sections: Replaced 2-inch granite screening shoulder with aggregate base course shoulder with seeding.
  7. 900.02 Timber Boardwalk (2 of 3): Added additional elements, views, and requirements to include a toe-rail detail.
  8. 900.02 Timber Boardwalk (3 of 3): Modified approach rail.
  9. 900.03 Greenway Signage (1 of 2): Revised wording on the directional sign and ID sign.
  10. 900.03 Greenway Signage (2 of 2): Added Future Trail Extension sign.
  11. 900.05 Bench, Trash, Recycling, Dog Station: Added requirement to bolt down trash and recycling receptacles; revised model number of Dog Station.
  12. 900.06 Bollard: Added note indicating removeable bollards should be mounted using lidded ground sleeve; added note indicating the use of NCDOT approved paint for pavement striping when applied to concrete.

SECTION 400
SOIL EROSION & SEDIMENTATION CONTROL

401 General Requirements

402 Construction Sequence and Schedule

403 Seeding & Mulching

404 Construction Entrances

405 Inlet Protection

406 Computations

407 Temporary Matting/Blankets

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401 General Requirements

Temporary soil erosion and sedimentation control (S&E) measures shall be provided in accordance with the S&E plan approved by the Town of Apex. After the performance guarantee has been paid and the perimeter silt/tree fence has been inspected by the zoning compliance officer the S&E letter of plan approval will be issued to permit the CONTRACTOR to grade only enough as to install the S&E measures. The contractor/developer must receive a certificate of coverage from the North Carolina Department of Environmental Quality (NCDEQ) prior to installing measures. Once the S&E measures are installed and found to be acceptable with the approved S&E plan, a certificate of compliance will be issued so the CONTRACTOR can continue land disturbing activities on the applicable phase of the site. The S&E plan shall be in accordance with the North Carolina Division of Energy, Mineral and Land Resources (NCDEMLR) Erosion and Sediment Control Planning and Design manual (latest revisions) and the Town of Apex Standard Specifications and Details. The CONTRACTOR/DEVELOPER should also be familiar with the Town of Apex S&E Ordinance. The approved S&E Plan shall be kept on site by the CONTRACTOR at all times while work is being performed. For land disturbing projects equaling 1 acre or more, the NPDES Stormwater Discharge Permit (NCG 010000) issued by the NCDEQ shall be maintained on site and adhered to. The Town Construction Site Waste Management Plan is issued with the letter of plan approval and must be followed for the life of the project.

For areas of single-family development within a project, all logging and grading activities are limited to a maximum of 20 acres at one time.

Prior to logging and grading operations, ~~All~~ all S&E measures shall be installed ~~prior to clearing operations~~ in order to be issued a Certificate of Compliance by the TOWN.~~, and~~

~~in no case shall an area, where work is completed, remain denuded~~ Areas where active construction ceases, meaning no substantial or significant progress is made in any area for more than 14 calendar days, all disturbed areas must be seeded and mulched unless written approval is granted by the TOWN. Ground cover shall be established in graded slopes and fills within 14 calendar days for slopes 3:1 or flatter and within 7 calendar days for slopes steeper than 3:1. Incidental grading shall not constitute substantial or significant progress in construction activity.

S&E measures shall be coordinated with all other work on the project to ensure economical, effective, and continuous S&E throughout the construction and post construction period and to minimize siltation of streams, lakes, reservoirs, and other water impoundments, ground surfaces, roadways, or other properties.

Minimum design criteria for S&E devices shall be the following:

1. Required Volume – 3600 ft^3 per disturbed acre.
2. Required Surface Area – Shall be based on 435.6 ft^2/cfs and the peak flow rate from a 25-year, 24-hour storm event (Q_{25}).
3. The outlet structure from a sediment basin shall only withdraw water from the surface.
4. Prior to the issuance of the Certificate of Compliance, the permanent outlet structure for all temporary sediment basins (future Stormwater Control ~~Structures~~Measures - SCM's) must be installed with the skimmer attached to the bottom drain.

402 Construction Sequence and Schedule

The PROJECT ENGINEER will include a construction sequence schedule or work schedule that coordinates the timing of the land-disturbing activities and the installation of erosion and sedimentation control measures. See the Town's website for ~~a sample~~the standard construction sequence.

403 Seeding & Mulching

Seeding and mulching shall be carried out immediately behind construction in accordance with the following specifications:

SHOULDERS, SIDE DITCHES, SLOPES (3:1 ~~MAX.~~and Flatter)

Date	Type	Planting/Acre
Aug 15 - Nov 1	Tall Fescue	300 lbs.
Nov 1 - Mar 1	Tall Fescue & Abruzzi Rye	300 lbs.
Mar 1 - Apr 15	Tall Fescue	300 lbs.
Apr 15 - June 30	Hulled Common Bermuda grass	25 lbs.
July 15 - Aug 15	Tall Fescue ***and***	35 lbs.

	*** Brown top Millet ***or***	
	*** Sorghum-Sudan Hybrids	

SHOULDERS, SIDE DITCHES, SLOPES (3:1 to 2:1)

Date	Type	Planting/Acre
Mar 1 - April 15	~~ADD~~ Tall Fescue ***and***	120 lbs.
Mar 1 - June 30	ADD ~~Weeping Love grass~~German or Browntop Millet ***or***	10 lbs.
Mar 1 - June 30	ADD Hulled Common Bermuda Grass	25 lbs.
June 1 - Sep 1	*** Tall Fescue ***and***	120 lbs.
	*** Brown top Millet ***or***	35 lbs.
	*** Sorghum-Sudan Hybrids	30 lbs.
Sep 1 - Mar 1	~~Sericea Lespedeza (unhulled-unscarified) ***and***~~	~~70 lbs.~~
	Tall Fescue	120 lbs.
Nov 1 - Mar 1	ADD ~~Abruzzi~~ Rye Grain	25 lbs.

***Temporary~~--~~ – Re-seed according to optimum season for desired permanent vegetation. Do not allow temporary cover to grow over 12 inches in height before mowing, otherwise fescue may be shaded out.

A Conservation Engineer or ~~Soil~~ Natural Resources Conservation Service (NRCS) shall be consulted for additional information concerning other alternatives for vegetation of denuded areas. The above vegetation rates are those which do well under local conditions; other seeding rate combinations are possible. Any variation from this list shall be pre-approved by the TOWN.

SEEDBED PREPARATION

1. Chisel compacted areas and spread topsoil 3 inches deep over adverse soil conditions, with stockpiled topsoil. CONTRACTOR shall reserve sufficient topsoil for seedbed preparation.

2. Rip the entire area to 6 inch depth.

3. Remove all loose rock, roots, and other obstructions leaving surface reasonably smooth and uniform.

4. Apply agricultural lime, fertilizer, and super-phosphate uniformly and mix with soil (see below*).

5. Continue tillage until a well-pulverized, firm, reasonably uniform seedbed is prepared 4 to 6 inches deep.

6. Seed on a freshly prepared seedbed and cover seed lightly with seeding equipment or cultipack after seeding.

7. Mulch immediately after seeding and anchor mulch.

8. Inspect all seeded areas and make necessary repairs or reseedings within the planting season, if possible. If stand is less than 60% established, the entire area shall be reseeded according to specifications using the original lime, fertilizer and seeding rates.

9. Consult a Conservation Inspector on maintenance treatment and fertilization after permanent cover is established.

*Apply: Agricultural Limestone - 2 tons/acre (3 tons/acre in clay soils)
Fertilizer - 1,000 lb/acre - 10-10-10 (Fall) – 5-10-10 (Spring)
Super-phosphate - 500 lb/acre - 20% analysis
Mulch - 2 tons/acre - small grain straw
Anchor - Asphalt Emulsion @ 300 gals/acre

404 Construction Entrances

Gravel construction entrance pads (see detail 400.06) shall be constructed at each point of construction access to the site, including residential lots. The gravel pads shall be maintained in such a manner as to prevent the deposition of mud and debris onto existing public roadways or properties adjacent to the site.

Special Note: It shall be the developer's responsibility to see that the construction entrance pads are properly maintained so that mud is not tracked onto adjacent streets. In the event that the gravel construction entrances are not properly maintained, or are otherwise ineffective, the TOWN may issue a Notice of Violation, Stop Work Order, and/or assess a penalty which shall remain in effect until such time as the pads are restored and replenished and until any resulting mud and debris has been removed from the adjacent streets by the CONTRACTOR.

405 Inlet Protection

In addition to the inlet protection standard details presented herein and to further protect the water quality of receiving streams, filtering inlet protection devices shall be used at all catch basins along roadways that have just received the first lift of asphalt. The devices shall be installed across the grate and throat and must be a product approved by the ~~Town's *Stormwater Engineering Manager*~~ TOWN Stormwater Engineering Manager or his/her designee. The filtering inlet protection device will be subject to periodic inspection and must be properly maintained throughout construction.

For stub streets and street phasing lines draining away from the site, and other areas as directed by the TOWN, asphalt diversions or other TOWN approved alternative shall be installed to direct runoff into inlets until the final lift of asphalt is installed. Cold patch asphalt shall not be used.

Unless inlets are located at the street stub, erosion control measures shall be installed at the edge of stub streets draining away from the site to prevent erosion.

406 Computations

All computations and assumptions used to formulate an S&E plan shall be reviewed by the T~~own~~OWN. S&E measures, structures and devices shall be planned, designed and constructed to control the calculated peak runoff from a 25-year frequency storm. Runoff rates shall be calculated using the USDA Soil Conservation Service Method, the Rational Method or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for this area.

407 Temporary Matting/Blankets

All temporary matting/blankets used shall be made of biodegradable materials that do not contain plastic netting.

SECTION 500
STORM DRAINAGE

501 Design
- A. General
- B. Location
- C. Easements
- D. Depth of Cover

502 Materials – Storm Drainage Pipe
- A. General
- B. Reinforced Concrete Pipe (RCP)
- C. Polypropylene Pipe (PP)
- D. Corrugated Steel Pipe - Type 2 (CSP)
- E. Corrugated Aluminum Alloy Pipe (CAAP)
- F. Reinforced Concrete Box Culvert (RCBC)

503 Materials - Storm Drainage Structures
- A. General
- B. Concrete Brick Masonry Units
- C. Precast Concrete Manholes
- D. Mortar
- E. Castings
- F. Portland Cement Concrete
- G. Reinforcing Steel
- H. Connections

504 Miscellaneous Materials
- A. Rip Rap

505 Inlets and Outlets
- A. Headwalls, Endwalls, and Flared End Sections
- B. Dissipaters and Scour Protection

506 Stormwater Control Measures (SCMs) ~~within the Primary and Secondary Watershed Protection Overlay Districts~~

507 Construction Methods
- A. Trenching & Bedding for Storm Sewers
- B. Pipe Laying
- C. Backfilling
- D. Masonry Structures
- E. Concrete Construction
- F. Installation of Precast Concrete Structures

508 Inspection Prior to Acceptance

509 Maintenance of Municipal Separate Storm Sewer System (MS4)

501 Design

A. General

The following Standard Specifications and associated Standard Detail Drawings shall apply to all storm drainage system development. Any deviations from this specification, or sections noting approval required by the ENGINEER, shall require submittal of an Exception Review Request for consideration.

Storm drainage facilities shall be designed to ~~dispose of~~convey stormwater generated upon or passing through the project location. The determination of the quantities of water which must be accommodated will be based upon peak flows from storms having the following return periods:

Drainage Structure	***Design Storm Event - Return Frequency***
Roadside Ditches	10-year ~~storm~~
Curb Inlet Gutter Spread	4 inches/hour
Drop Inlet Ponding (sag condition)	100-year
Storm Sewer Collector	10-year ~~storm~~
Cross Street Storm Drainage	25-year ~~storm~~
Greenways	25-year ~~storm~~
Offsite Bypass System	25-year
Structures in Floodplain	100-year ~~storm~~*

*Drainage structures in the floodplain, and all culverts under roads located at stream crossings ~~should~~shall pass 100-year storm without over-topping the roadway. ~~-- or in the alternative, the structures may be designed to pass only the 25-year event, in which case, the downstream roadway embankment shall be fully protected from the residual flow which may overtop the roadway during a 100-year event.~~

1. Runoff rates shall be calculated by the Rational Method (for drainage areas less than ~~2 square miles~~100 acres), SCS Method ~~(for drainage areas greater than 2 square miles)~~ or other acceptable procedures. Runoff computations shall be based

on rainfall data ~~for the last 30 years~~ published by the National Weather Service NOAA Atlas 14 for this area.

2. Time of concentration (tc) shall be determined using standard acceptable methods and the storm duration shall equal tc.
3. Pipe shall be sized in accordance with the Manning Equation and applicable nomographs to carry the design flow and to provide a velocity of at least 2.5 feet per second during the 2-year storm event.
4. Culverts shall be sized in accordance with the Energy Equation and applicable nomographs to carry the design flow and to provide a velocity between 2-10 feet per second during the 2-year storm event.
5. Channels and ditches shall be designed to carry the design flow at nonerosive velocities. Calculations indicating design velocities shall be provided along with typical channel cross-sections. The maximum allowable design velocity in grass channels is 4 feet per second.
6. A Hydraulic Grade Line (HGL) study shall be performed for all public storm drainage systems using the design storm table in 501.A. Where the public storm drainage system conveys stormwater into a private SCM, the Q_{10} staging elevation shall be used as the starting point for the study. The study or plans shall include storm pipe profiles that show inverts, slopes, proposed finished grade and HGL. The HGL shall be required to stay within the crown of the pipe to ensure no surcharge on the system. ASTM Standard C443 (O Ring or Single Groove) water tight sealed pipe shall be used in cases where it is not practicable.
7. Stream crossings will necessitate a backwater study on the 100-year storm event. The localized 100-year flood elevation at each crossing is not allowed to stage onto an individual lot.
8. The minimum allowable slope is 0.50% ~~or the slope which will produce a velocity of 2.5 fps when flowing full, whichever is greater for all proposed pipes and culverts~~.
9. The following criteria for headwater shall be used (based on the design storm):
    a. Minimum 12 inch freeboard for culverts up to 36”
    b. Minimum 18 inch freeboard for culverts greater than 36”
    c. Elevations established will delineate localized floodplain
    d. HW/D ≤ 1.2

Prediction of the peak flow rates shall be calculated using the procedure in the USDA Soil Conservation Service Method, the Rational Method, or other acceptable calculation procedures as determined by the TOWN. The size of stormwater conduits shall be determined by utilizing the standard energy equation for inlet control or outlet control and headwater nomographs as published by various federal agencies – US FHWA - H.E.C. #5, Soil Conservation Service, etc. The minimum pipe size to be used shall be 15-inch diameter.

Discharge from the stormwater drainage systems shall not be of such a velocity as to cause damage after leaving the pipe. ~~Maximum allowable outlet velocity will be 2.5 feet per second (refer to “Code of Ordinances, Town of Apex, North Carolina”; Chapter 5, Article X, Sec. 5-149). Exiting velocities shall be in conformance with the sedimentation and erosion guidelines and outlet protection used whenever the velocity exceeds the~~

~~allowable limit. Pipe outlets, flared end sections and head walls shall be provided, with rip-rap aprons designed to reduce velocity and dissipate energy so that downstream damage from erosion does not occur.~~ Calculations shall be submitted with plan review.

B. Location

~~Manholes or~~~~Accessable~~Accessible drainage structures shall be installed at each deflection of line, ~~or~~ grade, and change in pipe material. Acute angle junctions (angles less than 90 degrees) between pipe runs should be avoided. No inaccessible ~~junction boxes~~~~sdrainage~~drainage structures shall be permitted. Open-throated yard inlets shall have a manhole lid incorporated into the concrete lid for accessibility. The maximum distance between ~~access openings~~structures shall not exceed 400 feet. ~~for pipes 30 inches and smaller. .For pipes 36 inches and larger, the maximum distance between access openings may be increased to 500 feet.~~

Stormwater shall not be allowed to flow across the roadway. Any deviation shall require pre-approval by the ENGINEER. Catch basins shall be provided to intercept the flow prior to the radius of an intersection, or the design of the roadway shall indicate a continuous grade around the radius to allow the flow to continue down the intersecting street. Inlet spacing shall be sufficient to limit gutter spread to no more than half the width of a through lane during a 4-inch per hour rain ~~storm~~event. The width of the gutter may be added to the width of the lane. For curb inlets located in a sag condition, a 50% clogging factor shall be applied when calculating spread. No catch basin shall be installed in ~~the radius of a curve~~an intersection corner radius or in a driveway apron. Proposed driveway locations shall be shown on construction drawings to demonstrate they do not conflict with catch basin locations.

Stormwater that is piped, or is conveyed as open channel flow, and originates within or passes through the public street right~~s~~-of-way shall be conveyed through a contiguous public drainage easement. The public drainage easement ~~must~~ shall extend from the public street right~~s~~-of-way the minimum distance needed directly from public street right-of-way ~~through points downstream,~~ to ~~the~~ a point of open discharge adjacent to the public street right-of-way. Stormwater conveyance systems that originate within or pass through the public street right-of-way shall be designed to minimize distance crossing through private property to the discharge point. At the discretion of the TOWN, if the point of open discharge extends into private property greater than that minimal distance needed to daylight, a drainage structure shall be provided within 10 feet of the public street right-of-way to transition the public drainage easement to a private drainage easement. Pipes shall not outfall in the front yard of a lot but should instead extend to the rear third of the lot or property line in residential subdivisions.

In natural drainage ways, a storm drain main shall be extended to the property lines to readily enable future connection to adjoining upstream property. Storm design shall account for future upstream development based on the current land use plan and shall include an evaluation of the existing downstream storm capacity. To the maximum extent

practicable, the storm drainage system in these natural drainage ways shall be designed to bypass the off-site flow around the on-site SCMs, and to where the natural drainage way currently discharges.

Private storm drainage systems will be permitted, provided that: (1) such systems collect and discharge impounded stormwater wholly within the same lot; or (2) such systems collect water from one single lot and discharge into the public storm drainage system; or (3) such systems are properly engineered and approved on the signed set of construction drawings. Private storm drainage systems that connect to the public storm drainage system shall have the connecting leg of such a system, which crosses into the public street rights-of-way or easement, constructed in accordance with TOWN specifications, including but not limited to: the necessary easements, piping, inlets and junction boxes. Connection of plastic pipe, such as HDPE or PVC, to TOWN infrastructure is prohibited. Piped private storm drainage systems may not cross property lines, convey stormwater from one lot to another unless criterion #3 is met, or point discharge adjacent to curb. Private storm drainage systems, whether piped or open channel flow, that cross more than two lots shall be located within a private drainage easement. Where permitted by topography and site conditions, storm drainage systems that serve a single non-residential lot (i.e., parking lots, private streets, vehicular use areas), shall be privately maintained.

C. Easements

All storm sewers shall be installed in dedicated street rights-of-way or easements. Minimum width of permanent storm drainage easements for public storm drain pipe shall be 20 feet. Where storm drain pipes are installed at a depth in excess of 10 feet or for pipes greater than or equal to 36-inch diameter, the easement widths shall be increased in accordance with the following table:

Pipe Diameter (in)	***Pipe Depth (D, ft)***	***Easement Width (ft)***
36 -- 48	10 < D ≤ 15	30
54 -- 72	15 < D ≤ 20	40
> 72	> 20	To be determined by the TOWN

No structures or equipment such as buildings, fences, playsets, pools, HVAC units, etc. shall be placedencroachments are allowed within any public easement, unless approved in accordance with Section 200. The Town of Apex is not liable for any damage to personal property located on public easements that may occur resulting from enactment of official duties.

Where multiple pipes are installed, the edges of the easement shall be a minimum of 10 feet from the centerline of the outside pipe with 3 feet clearance between the exterior of the parallel storm sewer pipes. Pipes shall not outfall in the front yard of a lot, but should

~~extend to the rear third of the lot or property line in residential subdivisions.~~

D. Depth of Cover

Cover heights shall be as follows:

- Reinforced Concrete Pipe (RCP)
- Polypropylene Pipe (PP)
- Corrugated Steel Pipe - Type 2 (CSP)
- Corrugated Aluminum Alloy Pipe (CAAP)

	RCP	
CLASS	***MIN (ft)***	***MAX (ft)***
III	2	20
IV	1	30

	PP		***CSP***		***CAAP***	
Pipe Diameter (in)	***MIN (in)***	***MAX (ft)***	***MIN (in)***	***MAX (ft)***	***MIN (in)***	***MAX (ft)***
15	12	28	12	158	12	98
18	12	28	12	131	12	81
21	--	--	12	113	12	69
24	12	26	12	98	12	60
30	12	26	12	79	12	57
36	12	20	12	65	12	47
42	12	20	12	55	12	40
48	12	20	12	48	12	35
54	--	--	12	56	15	31
60	24	20	12	50	15	28

502 Materials – Storm Drainage Pipe

A. General

All storm sewer pipes to be installed in projects within the jurisdictional limits of the TOWN shall conform to the specifications presented herein. In special cases where material other than those listed below is requested, the applicant's plan submittal must contain a formal request to use other material and complete background data to justify its use. Pipe producer/supplier shall be on the NCDOT approved producer/supplier list.

B. Reinforced Concrete Pipe (RCP)

RCP shall be as per ASTM C76 (or the latest revision), Class III or Class IV with a minimum 15-inch diameter. All joints shall include rubber gaskets conforming to ASTM C

1628. All RCP installed on thoroughfare routes shall be approved and ~~stamped~~marked by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery.

Inspection, evaluation, and acceptance of RCP materials shall be guided by AASHTO R73.

Any of the following criteria will be grounds for rejection of RCP material:

1) Any fracture or crack that visibly passes through the wall of pipe;
2) Any fracture or crack that is 0.01 inch wide or greater at the surface and 12 inches or longer regardless of position in the wall of the pipe;
3) Offsets in form seam that would prevent adequate concrete cover over reinforcing steel;
4) Delamination in the body of the pipe when viewed from the ends;
5) Evidence of inadequate concrete cover for reinforcing steel;
6) Any severe surface condition that affects the majority of the pipe section surface and could reduce the durability and service life of the pipe;
7) Damaged or cracked ends where such damage would prevent making a satisfactory joint.

C. Polypropylene Pipe (PP)

The pipe and fittings shall be an annular corrugated wall and a smooth interior wall (double-wall) or pipe and fittings with an annular corrugated wall and a smooth interior and exterior wall (triple-wall), conforming to the requirements of ASTM F2764 and AASHTO Specifications M330 (latest edition) for Polypropylene Pipe.

Bell and spigot joints are required on all pipes. Bells shall cover at least two full corrugations on each section of pipe. The spigot shall be double-gasketed. The bell and spigot joint shall have "O"-ring rubber gaskets meeting ASTM F477 with the gaskets factory installed and placed on the spigot end of the pipe. Pipe joints shall meet all requirements of AASHTO M330. Transitions from PP to RCP shall be made with the appropriate adapter. Refer to Section 505 A.

D. Corrugated Steel Pipe - Type 2 (CSP)

Aluminized Steel Type 2 pipe shall be 14 gauge minimum for 15-inch and 18-inch diameters, 12 gauge for all other sizes. Coils shall conform to the applicable requirements of ASTM A929. CSP shall be manufactured in accordance with the applicable requirements of ASTM A760. All fabrication of the product shall occur within the United States. Coupling bands shall be made of the same base metal and coatings as the CSP to a minimum of 18 gauge.

E. Corrugated Aluminum Alloy Pipe (CAAP)

Aluminum pipe shall be 14 gauge minimum. Coils shall conform to the applicable requirements of ASTM B744. CAAP shall be manufactured in accordance with the

applicable requirements of ASTM B745. All fabrication of the product shall occur within the United States. Coupling bands shall be made of the same base metal and coatings as the CAAP to a minimum of 18 gauge.

F. Reinforced Concrete Box Culvert (RCBC)

RCBC shall conform to ASTM C1433, C1504, or C1786. Joints shall be sealed in conformance with ASTM C990 (preformed flexible sealant) and/or C877 (external sealing bands), based on manufacturer's recommendations for the specific application.

Inspection, evaluation, and acceptance of RCBC materials shall be in accordance with AASHTO R73.

503 Materials - Storm Drainage Structures

A. General

All structures (manholes, curb inlets, catch basins, junction boxes, etc.) shall be constructed of concrete brick masonry units, cast-in-place reinforced concrete, or pre-cast concrete. Structures shall be repaired and re-built with solid concrete brick and mortar. Materials such as broken concrete pipe, clay brick, and rock are prohibited. Structure walls shall be repaired to original manufacturer conditions. Waffle boxes are not permitted. All pre-cast boxes shall be solid boxes.

Curb inlets in streets with curb and gutter shall be NCDOT type standard frame, grate, and hood.

B. Concrete Brick Masonry Units

Concrete brick masonry units shall be solid units meeting the requirements of ASTM C55, Grade S-II. Clay brick shall not be permitted for any drainage structure.

C. Precast Concrete Manholes

Pre-cast concrete manholes shall meet the requirements of ASTM C478. Manholes shall have joints sealed with a pre-formed rope-type gasket per ASTM C990. Manhole base diameters shall conform to the following for the various storm sewer pipe sizes:

Pipe Diameter (in)	*Manhole Base Diameter (ft)*
15 - 36	5
42 - 48	6
54	8

For pipes greater than 54 inches, manhole base sections shall be sized as required and shall be approved by the ENGINEER. All precast manholes installed on thoroughfare routes shall be approved and ~~stamped~~marked by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery.

Transition reducing slabs may be used to enable the use of 4-feet diameter eccentric cones at the top. All pre-cast manholes for storm sewers in traffic areas shall be of the eccentric type for ease of access. Manholes in non-traffic areas shall be flat-top type.

D.~~——~~Mortar

Mortar shall be proportioned as shown below for either Mix No. 1 or Mix No. 2. All proportions are by volume. Water shall be added only in the amount required to make a workable mixture.

MIX NO. 1	1 part Portland Cement 1/4 part Hydrated Lime 3 3/4 parts Mortar Sand (maximum)
MIX NO. 2	1 part Portland Cement 1 part Masonry Cement 6 parts Mortar Sand (maximum)

Portland cement shall be ASTM C-150, Type 1. Hydrated lime shall conform to ASTM C207, Type S. Masonry cement shall meet the requirements of ASTM C91. Mortar sand shall be standard size 4S, per requirements of the NCDOT.

E. Castings

1) General – All castings shall meet the requirements of ASTM A48, Grade 35B iron and shall be manufactured in the USA. Country of origin shall be embossed on each casting.

   At a minimum, manufacturers shall submit the following to substantiate to the ENGINEER that castings meet the minimum criteria:

   a. Bar tensile test reports from an independent testing laboratory. The results must confirm that the material meets ASTM A48 Class 35B.
   b. Casting proof load test report on the subject casting. Proof load tests shall be conducted in accordance with AASHTO M306, Section 7.0. During proof load testing, castings shall maintain a 40,000 lb proof load for one minute without experiencing any cracking or detrimental deflection.
   c. A written statement of certification by a qualified licensed engineer, employed by the producing foundry, that castings meet these specifications.

2) Curb Inlet - Grates, frames, and hoods shall be in accordance with NCDOT

Standard 840.02 and 840.03. Curb inlet hoods shall be embossed with “Dump No Waste! Drains to Waterways”.

3) Grates & Frames - Cast iron grates and frames for yard inlets shall be of the size indicated on the approved plans. Grates and frames shall be in compliance with NCDOT Standards.

4) Manhole Rings & Cover - Cast iron manhole rings and covers shall be in compliance with the Standard Detail with the words “STORM SEWER” cast on the cover. Covers shall have two 1-inch holes. Manhole castings shall be machined to provide a continuous bearing around the full periphery of the frame.

F. Portland Cement Concrete

Portland cement concrete used for storm drainage structures, end walls, etc. shall conform to the technical requirements presented in Section 200 of these Specifications, and shall have a minimum compressive strength of 3,000 psi at 28 days. Primary structures, such as box culverts, may require concrete having a compressive strength greater than 3,000 psi, and may require the submission of mix designs and testing of the concrete by an independent laboratory. These special requirements may be imposed by the ENGINEER for all such structures where deemed necessary.

G. Reinforcing Steel

Reinforcing steel shall be new billet steel conforming to ASTM A615 for grade 60. Reinforcing steel shall be deformed per current ASTM standards.

H. Connections

All storm drain connections shall be made with non-shrink grout.

504 Miscellaneous Materials

A. Rip Rap

Riprap shall be large aggregate of the size and class shown on the approved drawings. Stormwater calculations shall be submitted with the construction plan review application.

505 Inlets and Outlets

A. Headwalls, Endwalls, and Flared End Sections

Headwalls, endwalls, and flared end sections shall be constructed of structural cast-in-place concrete or pre-cast concrete in accordance with NCDOT Roadway Standard Drawings and shall be installed at all discharge points and inlets where there is not a structure. Details and design of headwalls, endwalls, and flared end sections shall be in accordance with NCDOT requirements. Details shall be shown on all plan submissions.

Flared end sections shall be installed on single pipe culverts up to and including 36 inches in diameter, and on multiple pipe culverts less than 30 inches in diameter. Flared end sections shall also be installed at the outlet point of all storm drainage systems. Dissimilar pipe couplers shall be used to connect PP, CSP, or CAAP pipe to end sections.

Headwall and endwall shall be installed on single pipe culverts greater than 36 inches in diameter, and on multiple pipe culverts greater than and including 30 inches in diameter.

The slope from pipe invert to top of berm shall not exceed 2:1. Any deviation from NCDOT standard drawings requires pre-approval of the Transportation & Infrastructure Development Director.

B. Dissipaters and Scour Protection

Energy dissipaters shall be installed at all discharge points and shall be properly sized to ensure that stormwater is released at a non-erosive velocity.

Scour protection shall be provided for all drainage ways where, in the opinion of the ENGINEER, erosive velocities or other factors require the use of protective measures. All protective measures shall be shown on all plan submissions.

Additional information on the impact of stormwater discharge onto adjacent properties may be required by the ENGINEER.

506 Stormwater Control Measures (SCMs) ~~within the Primary and Secondary Watershed Protection Overlay Districts~~

Stormwater Control Measures (SCMs) shall be designed and constructed per the guidelines and minimum design criteria (MDC) presented in the State of North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual, latest revisions. These structures shall be designed to meet all stormwater requirements presented in Section 6.1 of the TOWN Unified Development Ordinance (UDO).

In addition to the guidelines and MDC presented in the NCDEQ Stormwater Design Manual, the following specifications shall be used for all SCMs:

1. The invert elevation for the inlet to the SCM shall be set no lower than the normal/permanent pool elevation controlled by the water quality orifice(s). Refer to Section 501.B.6 of this document for inlet pipe network HGL requirements.
2. The outlet structure shall be constructed of precast reinforced concrete and the outlet pipe shall be either reinforced concrete pipe (RCP) or polypropylene pipe (PP).
3. All vegetated side slopes (interior & exterior) and tops of dams shall be sodded with non-clumping turf grass.
4. All SCM side slopes stabilized with vegetated cover shall be no steeper than 3:1 (horizontal to vertical).
5. When the proposed impervious area is unknown for residential subdivision

projects, a 70% impervious assumption per lot should be made when sizing proposed SCMs.

Prior to the approval of a final plat (with respect to a subdivision), issuance of a certificate of occupancy (with respect to a site plan), or commencement of a use for any development upon which an SCM is required, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as-built" plans and corresponding as-built supplements for all SCMs.

The "as-built" plans shall show the final design specifications for all SCMs and practices and the field location, size, elevations, and planted vegetation of all measures, controls, and devices, as installed. The designer of the SCMs shall certify, under seal, that the as-built SCMs, controls, and devices are in compliance with the approved plans and designs as required by the TOWN UDO. Dam compaction geotechnical reports, and photographic evidence of the outlet pipe cradle and anti-seep device installation shall be included with the SCM as-builts. See Section 106 of this document for additional "as-built" submittal requirements.

A final inspection and approval by the TOWN Stormwater Engineering Manager or his/her designee must occur before the release of any performance and/or maintenance securities.

507 Construction Methods

A. Trenching & Bedding for Storm Sewers

The trench shall be constructed per the Standard Detail. Where the foundation is found to be of poor supporting value, the pipe foundation shall be conditioned by undercutting the unacceptable material to the required depth as directed by the INSPECTOR, and backfilling with stone or other approved material. Where necessary, surface water shall be temporarily diverted in order to maintain the pipe foundation in a dry condition. The flow of water from such temporary diversions shall be directed into suitable erosion control devices.

B. Pipe Laying

Concrete pipe culverts shall be laid carefully with bells or grooves upgrade and ends fully and closely jointed.

C. Backfilling

The trench shall be backfilled per the Standard Detail. The backfill materials shall be moistened when necessary in the opinion of the INSPECTOR to obtain maximum compaction. Water setting or puddling shall not be permitted. When backfilling around corrugated pipe, the maximum stone diameter of the fill shall be less than the width of the pipe corrugations.

All trash, forms, debris, etc., shall be cleared from the backfill material before backfilling. Backfilling around structures shall be done symmetrically and thoroughly compacted in 6-inch layers with mechanical tampers to the specified 95% density (Standard Proctor).

D. Masonry Structures

Excavations shall be made to the required depth, and the foundation, on which the brick masonry is to be laid, shall be approved by the TOWN. The brick shall be laid so that they will be thoroughly bonded into the mortar by means of the “shove-joint” method. Buttered or plastered joints will not be permitted. The headers and stretchers shall be so arranged as to thoroughly bond the mass. Brickwork shall be of alternate headers and stretchers with consecutive courses breaking joint. All mortar joints shall be at least 3/8 inches in thickness. The joints shall be completely filled with mortar. No spalls or bats shall be used except for shaping around irregular openings or when unavoidable to finish out a course. All details of construction shall be in accordance with approved practice and to the satisfaction of the ENGINEER.

Steps as shown on the plans shall be placed in all catch basins and inlets when they are greater than five feet in depth. The steps shall be set in the masonry as the work is built up, thoroughly bonded, and accurately spaced and aligned.

Inverts in the structures shall be shaped to form a smooth and regular surface free from sharp or jagged edges. They shall be sloped adequately to prevent sedimentation. The castings shall be set in full mortar beds. All castings when set shall conform to the finish grade shown on the drawings. Any castings not conforming shall be adjusted to the correct grade.

Two (2) 2-inch diameter weep holes shall be installed above the upstream pipe invert in all storm drain structures. Protect weep holes with screen wire or fabric outside the structure to prevent clogging.

E. Concrete Construction

The forming, placing, finishing, and curing of Portland cement concrete shall be performed in strict accordance with all applicable requirements as contained in the Standard Specifications for Road & Structures latest edition, as published by the NCDOT and pertinent ACI (American Concrete Institute) codes and guidelines.

F. Installation of Precast Concrete Structures

Pre-cast concrete manholes, junction boxes, etc. shall be installed level and upon a firm, dry foundation, approved by the INSPECTOR. Structures shall be backfilled with suitable materials, symmetrically placed and thoroughly compacted so as to prevent displacement. Castings shall be set in full mortar beds to the required finished grade. Refer to the Standard Detail.

Two (2) 2-inch diameter weep holes shall be installed above the upstream pipe invert in all storm drain structures. Protect weep holes with screen wire or fabric outside the structure to prevent clogging.

508 Inspection Prior to Acceptance

Prior to acceptance of any development with public storm drainage infrastructure, the utility contractor shall arrange a camera inspection of all public storm drainage lines with a 3rd party camera service and then coordinate the results with the Infrastructure Inspector or Manager within the *Water Resources Department*. Any discrepancies found in violation of these Specifications shall be repaired to the satisfaction of the INSPECTOR prior to acceptance and prior to issuance of any Certificates of Occupancy. When inspection indicates possible excessive deflection in PP, CSP, or CAP, the contractor shall complete a deflection test using a laser profiler device, or by mandrel using a rigid device approved by the INSPECTOR. The mandrel size shall be clearly labeled and shall be sized so as to provide a diameter of at least 95% of the inside pipe diameter. If deflection exceeds 5%, the pipe shall be evaluated to determine what corrective measures are required. Cracks and gaps shall be measured during video inspections using a laser micrometer, or similar with prior approval by the INSPECTOR.

Video Assessment and Cleaning

a) As a final measure required for acceptance the Contractor shall clean and televise all newly installed public storm drain lines installed from the upstream to downstream manhole with no reverse setups or cutaways. Throughout shooting, the camera shall be panned and tilted for a complete view of the line. Lighting shall be adequate to view the entire storm drain line from beginning to end. The video inspection shall be submitted to the Town on a CD/DVD and formatted with software compatible and readable by the Town. The Town shall not be responsible for purchasing additional software necessary to view the CD/DVD.

b) The camera shall be advanced at a uniform rate not to exceed 20 feet per minute that allows a full and thorough inspection of the new storm drain line. The camera shall be a color, pan and tilt camera capable of producing a five hundred line resolution picture. Lighting for the camera shall be sufficient to yield a clear picture of the entire periphery of the pipe. The picture quality shall be acceptable and sufficient to allow a complete inspection with no lapses in coverage. The length of the storm drain line shall be measured and recorded on the video screen. The distance counter shall be calibrated before shooting the inspection video.

c) The Contractor shall clean the storm drain lines ahead of video inspection with a high-velocity water jet. The video inspection shall take place within 2-hours of cleaning operations as witnessed by the Town.

All construction debris shall be collected in the downstream manhole and shall not be released into the storm drain system.

d) The TOWN shall be present throughout the cleaning and televising of the storm drain lines to verify that the video work complies with the Specifications. The camera operator shall stop, reverse, pan, and tilt the camera to view any area of interest during the inspection as directed from the Town.

e) It is recommended that site grading and all utilities be installed and complete prior to final inspection to ensure that damages to the storm drain lines do not occur. Damages found after final inspection would requiring re-inspection by the Town.

f) Prior to submitting the CD/DVD to the TOWN, the Contractor shall label the CD/DVD with the following information:

- Name of the Project/Development.
- Name and contact information of responsible party.
- Date of televising.
- Manhole identification as shown on the design plans.

509 Maintenance of Municipal Separate Storm Sewer System (MS4)

The TOWN shall maintain all piping and structures within TOWN street right-of-way and Town of Apex Public Drainage E~~e~~asements.~~identified easements~~. The easements must be labeled as the following: ~~"Town of Apex Public Utility Easement" or~~ "Town of Apex Public Drainage Easement". Easements labeled as "Drainage Easement" or "Private" shall be maintained by the responsible party or property owner where such system is located.

TOWN maintenance will stop just beyond one half the distance of the total recorded easement width which is measured from the end of the pipe or the center of a flared end section. TOWN maintenance responsibilities are summarized in the following table.

Easement Width (ft)	***Maintenance Distance (ft)***
20	10
30	15
40	20

When an approved private drainage system is designed and installed onto private property and connects to the TOWN street right~~s~~-of-way, a TOWN approved stormwater structure will be required and placed no further than 10 feet from the recorded or proposed

street rights-of-way. A TOWN approved easement will be placed around the stormwater structure that meets the current TOWN specifications. The TOWN shall stop all maintenance activities at this point. A private easement boundary shall be shown beyond this point and recorded to describe and allow ownership inspection and maintenance activities. The TOWN shall not be responsible for any infrastructure, grassed swales, or other stormwater conveyances located within private easements.

SECTION 900
GREENWAY TRAILS

901 General

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- B. Record Drawings
- C. Easements, Encroachments, and Permits
- D. Plan Notes

903 Greenway Trails
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- B. Easements
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907 Street Crossings
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8) **Finishes**
9) **Delivery and Erection**
10) **Quality**
11) **Pre-Engineered Bridges**

B. Underpasses, Tunnels, and Culverts

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901 General

All construction shall conform to the requirements and dimensions on the approved construction plans, Town Standard Details, the Unified Development Ordinance, the latest edition of AASHTO Guide for the Development of Bicycle Facilities, Section 405 of 2009 ANSI A117.1., and the Shared Use Path Accessibility Guidelines as published by the United States Access Board, or as stated in these Specifications, whichever, in the opinion of the ENGINEER, is applicable. Any conflicting requirements or lack of information shall be brought to the attention of the Town prior to construction.

902 Greenway Design Plans

A. General

Greenway designs shall be on a separate plan and profile sheet. Plan view grading shall be at a maximum scale of 1 inch equals 40 feet with 1 foot contours shown. Cross sections shall be provided at a minimum of every 50 feet. Plan and profile for greenway trails, and an Engineer-sealed estimate of probable cost, which is approved by the Director of Parks, Recreation, and Cultural Resources, and the Director of Water Resources or their designee, are required for Construction Plan approval. The total length of greenway trail to be constructed shall be listed on the plan sheet. The length of each trail section with a running slope in excess of 5 percent shall be indicated, and the overall percentage of the designed trail that exceeds 8.33 percent shall be indicated. All trail amenities, fences, storm drainage, proximate utilities, easements, details, notes, and any other requirements shall be shown on these plans.

B. Record Drawings

Record drawings will be required prior to acceptance of routine maintenance/warranty of the greenway by the Town (refer to Unified Development Ordinance Section 14.1.5.C.5 Performance Guarantee).

C. Easements, Encroachments, and Permits

Greenway easements shall be dedicated with the first final subdivision plat submitted for the development. All easements, encroachments, and/or permits required for on-site and

off-site facilities must be obtained by applicant prior to beginning work. Easements within which shoulders, swales, or appurtenances are not contained will require amendment via recorded plat. All required permitting, certifications, and geotechnical reports shall be submitted to the Town prior to the Town's acceptance of routine maintenance/warranty on public or private greenway trails.

D. Plan Notes

The following notes shall be included on all greenway design plans:

1. Contractor shall confine construction activity within limits of disturbance.
2. Contractor shall retain a North Carolina Professional Land Surveyor to stake centerline of the trail as shown on the Layout Plan. The trail shall be staked at 50 foot intervals in the field.
3. Staked centerline of the trail shall be approved by the Parks and Greenways Planner or designee for Town projects.
4. Erect tree protection fence along limit of disturbance for approval by Site Inspector.
5. Install required erosion control measures prior to construction.
6. Contractor shall call for utility locations prior to construction.
7. All disturbed areas shall be seeded per North Carolina Department of Environmental Quality Temporary and Permanent Seeding Specifications.
8. Grade side slopes and adjacent ground to drain. Ensure that there is no standing water on the uphill side of the trail. Install a diversion ditch as needed to direct water to culverts.
9. Additional culverts will be added as needed during construction to prevent erosion and standing water on the greenway trail.
10. The Infrastructure Inspector shall inspect proof-roll of Town maintained greenway trails prior to placement of fabric and stone. The trail shall also be proof-rolled prior to paving. A minimum of 100 percent compaction is required. All private greenway trails shall be proof-rolled by a NC-licensed Geotechnical Engineer who shall provide a report to the Infrastructure Inspector.
11. All trails that intersect with a curbed road shall have an accessible Greenway Curb Ramp as specified on plans. Ramp widths shall be same width as trail, and include a level landing at top of ramp in accordance with the Standard Detail. If intersecting a road with no curb and gutter, a detectable warning surface shall be installed in accordance with the Detail. The centerline of all Greenway Curb Ramps perpendicular to roadway shall align with centerline of trail.
12. The contractor shall ensure that all access points leading to the trail are posted with signs that read Trail Closed for Construction. Barriers shall be installed at the ends of any incomplete greenway segments that have a longitudinal slope greater than 3:1, or other hazardous conditions.
13. Asphalt technicians shall verify asphalt depth on site and provide certification in writing to the Infrastructure Inspector via email for review and approval.
14. All greenway bridges, boardwalks, and retaining walls will require Town of Apex building permits.

15. All trail intersections with roadways, sidewalks, or other trails shall include 3.5 feet minimum edge radii.
16. One trash and recycle receptacle with concrete slab and one dog station with concrete slab shall be installed at each access entrance after trail has been paved prior to trail acceptance by Town, and benches may be provided along trails.
17. Developer/applicant shall obtain Wake County and NCDOT Rail Division approval for trail connections and alterations within the American Tobacco Trail corridor; if any changes are requested by Wake County or NCDOT, these changes must be reviewed and approved by Town of Apex Technical Review Committee staff as a revision to approved plans. See NCDOT Rail Corridor Preservation Policy, Adopted Policy # A.09.0102, as updated.
18. Adequate sight distance shall be provided for trail users at trail entrances and intersections.

903 Greenway Trails

A. General

All proposed greenways shall conform to the Bicycle and Pedestrian System Plan Map. Town greenway trails are intended to accommodate multiple user types including pedestrians, bicyclists, non-motorized scooters, and rollerbladers among others.

B. Easements

Public Greenway Easements (PGE) shall be 20 feet minimum width with the trail centered within the easement and encompass swales and culverts for maintenance. Trail connections to neighborhoods shall be publicly owned and maintained. PGEs may not be located within residential lots. Shared public greenway and water or sanitary sewer easements shall be 30 feet minimum width, but could be greater depending on the utility line size and depth in accordance with Section 700. No greenway trails or easements shall be co-located within any stormwater control measures (SCMs) or access easements, except private trails as approved by Town staff. No shrub or tree plantings, or private fences are allowed within the greenway easement.

C. Design Speed

In establishing horizontal and vertical curvature for paved greenway trails, a design speed of 18 mph shall be used. For greenway connector trails (short lengths of publicly maintained paved trail from a neighborhood to the main greenway trail), street-side greenways, and private trails, a design speed of 12 mph may be used.

D. Horizontal Alignment

All public greenway and private trails shall be designed with a centerline alignment and stationing every 100 feet. All tangent sections of public greenways shall be connected

with horizontal curves. Greenway trail alignments shall have a minimum horizontal curve radius of 60 feet to meet the 18 mph design speed at a 20 degree lean angle. Greenway connector trails and street-side greenways shall have a minimum horizontal curve radius of 27 feet to meet the 12 mph design speed at a 20 degree lean angle. Minimum lateral clearances shall be met on all horizontal curves to provide adequate stopping sight distance.

E. Cross Slope

All public greenway and private trails shall have 1 percent minimum and 2 percent maximum cross slope with slope towards the downstream side. On vertical slopes with grades in excess of 5 percent, cross slopes shall be sloped to the inside of downhill curves.

F. Vertical Alignment

All vertical tangent sections shall be connected with vertical curves. Vertical curves shall be designed to provide adequate stopping sight distance on the trail. Unless necessitated by exceptional topography, greenway trail grades shall not be less than ½ percent. Maximum grades on greenways shall be 5 percent. Where topography necessitates grades to be in excess of 5 percent, Shared Use Path Accessibility Guidelines shall be applied to determine maximum length of grade and spacing of flat landings:

- Grades greater than 5 percent and up to a maximum of 8.33 percent shall be allowed for a maximum of 200 feet before requiring a landing 10 feet long with maximum slope of 2 percent in all directions.
- Grades greater than 8.33 percent and up to a maximum of 10 percent shall be allowed for a maximum of 30 feet before requiring a 10-foot landing.
- Grades greater than 10 percent and up to 12 percent shall be allowed for a maximum of 10 feet before requiring a 10-foot landing.
- No more than 30 percent of a greenway may exceed 8.33 percent.
- Grades that approach roadway or greenway crossings shall be limited to 5 percent maximum at least 10 feet ahead of the intersection or back of landings associated with curb ramps.

In all instances where grades exceed 8.33 percent, a metal handrail shall be installed on both sides, offset 1 foot from the edge of the trail.

G. Side Slopes

Side slope should be 3:1 or flatter. Where fill slopes are steeper than 3:1, or where the trail is adjacent to a body of water, provide 5 feet graded shoulder width adjacent to the edge of paved trail for recovery, graded at 6:1 or flatter. Where a recovery area of 5 feet cannot be provided, a physical barrier such as safety rail shall be provided in the following circumstances:

- Slopes 3:1 or steeper, with a drop of 6 feet or more;
- Slopes 3:1 or steeper, adjacent to a parallel body of water;
- Slopes 2:1 or steeper, with a drop of 4 feet or more;
- Slopes 1:1 or steeper, with a drop of 1 foot or more.

Fill slopes steeper than 3:1 shall be engineered. Safety rail shall be located 1 foot minimum offset from trail edge where required.

H. Pavement Structure

Public greenway trails shall be constructed from either hot-mix asphalt (HMA) material or Portland cement concrete (PCC). For asphalt greenway construction a woven geotextile fabric shall be used below the aggregate base course, with the following properties:

	TYPICAL	TEST
Tensile Strength	200 lbs	ASTM D4632-86
Elongation at Break	15%	ASTM D4632
Puncture Strength	100 lbs	ASTM D0751
Mullen Burst	400 psi	ASTM D0751/3786
Trapezoid Tear	75 lbs	ASTM D4533

After asphalt surface course is installed, the ~~top 2 inches of granite screenings~~ edge of pavement shall be ~~placed~~ backfilled with 2 inches of aggregate base course and seeded using an approved seed mix. All ~~granite screenings~~ aggregate base course as part of the 2-foot shoulder shall be compacted to at least 95 percent of their standard Proctor maximum dry density. ~~Crushed Granite Screenings shall meet the following minimum gradation criteria:~~

~~SIEVE SIZE~~	~~PERCENT PASSING~~
~~1"~~	~~100%~~
~~0.50"~~	~~100%~~
~~#4~~	~~95-100%~~
~~#10~~	~~60-85%~~
~~#40~~	~~20-50%~~
~~#200~~	~~4-12%~~

I. Drainage

Site drainage should be collected on the uphill side of the trail in a grassed diversion ditch sized appropriately with minimum 1 foot depth, and piped to direct water under the trail to a creek or storm drain culvert, to eliminate flow across the trail. A Class B rip-rap dissipater with filter fabric shall be installed at upstream and downstream ends of all culverts. When culverts are located within the Town of Apex 100 foot Riparian Buffer area, properly sized culverts will be permitted to address natural swale and drainage draws.

SCM outlets/culverts shall be extended under greenways located at toe of slope of SCMs with a yard inlet or catch basin installed on the upstream side of the greenway. When dealing with drainage situations that cannot meet the requirements stated above due to topography or regulatory issues, a series of 8-inch pipes may be considered as an alternative solution.

J. Clearances

A minimum lateral clearance of 5 feet shall be maintained from the edge of the trail and vertical clearance of 10 feet from the trail surface, whenever possible. In shared greenway and utility corridors, the edge of pavement should be a minimum of 2 feet from the edge of any utility surface covers/plates (e.g. water valve covers, blow-offs, manholes), and boardwalk and bridge footings should be no closer than 4 feet from any utility.

Trees shall be limbed up a vertical distance of 10 feet from the forest floor, within 5 feet from the outside edge of the trail. Tree limbs and dead trees that present a danger to pedestrians utilizing the trail shall be removed during construction, as directed by the Parks and Greenways Planner or other Town staff. Minimum vertical clearance from trail surface to the lowest horizontal structural member of bridges shall be 10 feet.

904 Proof-Rolling of Subgrades for Greenways

The Infrastructure Inspector shall oversee the proof-roll of public greenway trails. Private trails shall be proof-rolled under supervision of a NC-licensed Geotechnical Engineer and a report shall be submitted to the Zoning Compliance Officer for acceptance. Public greenway and private trail proof-rolls shall be performed on the exposed subgrade soils along the full length of the proposed paved trail after clearing, grubbing, and topsoil removal are complete.

Proof-rolling shall be performed using a fully-loaded tandem-axle dump truck or equipment with minimum 10 ton static weight approved by Geotechnical Engineer. The Infrastructure Inspector for public trails, or Geotechnical Technician for private trails, shall assess problems including rutting, deflection, or pumping of subgrade soils and shall determine if the subgrade soils are suitable to allow placement of geotextile fabric and stone base. The Geotechnical Technician may require an NC-Licensed Geotechnical Engineer to evaluate and determine the need for remedial measures. The aggregate base course shall also be proof-rolled prior to asphalt or concrete placement. A minimum of 100 percent compaction is required.

905 Trail Amenities

All trailhead/trail access points shall have one trash receptacle, one recycling receptacle, and one dog station per Standard Detail which shall be shown on the approved plans and

field located by the Parks and Greenway Planner or designee once the trail has been paved. Bollards shall be provided per Standard Detail.

906 Signage

A. Regulatory and Warning

Greenway signage shall be established in accordance with MUTCD: Traffic Control for Bicycle Facilities, Part 9. Greenway signage shall be located where necessary in accordance with Standard Details and approved plans. Coordination with the Town Transportation and Engineering staff is required to determine vehicular sign needs for all greenway crossings of roadways.

B. Wayfinding

All trail access points, intersections, and trailheads shall utilize the appropriate Wayfinding signs per Standard Detail. Wording on the sign and exact placement will be determined by the Parks and Greenways Planner. A proof of the proposed signage shall be submitted to the Parks and Greenways Planner for approval prior to ordering materials.

907 Street Crossings

A. At-Grade Crossings

When greenway trails cross a major collector road or higher order facility it is preferred that the crossing occurs at a signalized intersection with a crosswalk or via grade-separated crossing. This may require that the trail be extended a longer distance than would typically be required. Greenway trail crossings at mid-block or at unsignalized intersections shall be evaluated on a case-by-case basis per the North Carolina Pedestrian Crossing Guidance. Final greenway trail mid-block and unsignalized crossing designs shall be approved by Transportation and Engineering staff. Where roadway crossings are approved, a 10 feet wide high-visibility crosswalk with fluorescent yellow-green pedestrian crossing warning signs and downward arrow plaques shall be used. Site-specific supplemental signage and markings may be required.

Where a pedestrian crossing island is deemed necessary per Town engineering review, the island shall be raised, 6 feet minimum width, and 6 feet across to meet Public Right-of-Way Accessibility Guidelines. Angled crosswalks in the median that orient a pedestrian’s attention toward oncoming traffic are preferred.

Crosswalk lighting needs shall be evaluated on a case-by-case basis. Where crosswalk lighting is deemed necessary, luminaires should provide 20 vertical lux at the crosswalk. Luminaries should be placed 10 feet in front of the crosswalk. On two directional roadways without the presence of a refuge median, 2 luminaries (1 on either side of the crossing) shall be provided.

B. Grade-Separated Crossings

Grade-separated crossings such as pedestrian tunnels and bridges are required when crossing controlled access facilities such as interstates, highways, and railroads. Consideration for grade separated crossings shall also be given when all of the following conditions prevail:

- A significant greenway corridor with high user volumes;
- Crossing of a facility with speed limit of 45 mph or higher;
- Crossing of a facility with 4 or more travel lanes;
- Absence of a signalized crossing within 1,000 feet.

908 Retaining Walls

Refer to Section 200 for retaining wall specifications. Building permits for retaining walls must be obtained in accordance with local permitting authorities. Wherever possible, retaining walls should be located outside of Public Greenway Easements. In residential developments, retaining walls which cannot be located outside of the Public Greenway Easement shall be located in a Retaining Wall Easement and shall be privately maintained. All retaining walls shall be installed at the lines, grades, and depths as shown on the approved plans. The base block size shall be commercial grade block. Compact, mini-block, or garden size block is not acceptable. Block retaining walls shall have a cap unit on the top of the wall and shall be integrally tinted medium or dark brown or rust color (per UDO Section 8.1). The selected retaining wall system shall be joined, pinned, and/or secured in accordance with the manufacturer's recommendations. Retaining walls with a vertical drop of 1 foot or more located adjacent to a trail shall provide safety railing per Standard Detail. For retaining walls that require screening with plantings, no plantings shall be located such that they will encroach into the trail or the 2-foot shoulders when plant reaches maturity. Trails shall maintain 2-foot level shoulders free of walls or fencing with a 3:1 or flatter side slope beyond the shoulder to the top of the adjacent retaining wall.

909 Greenway Structures

Greenway structures are required to be certified by a North Carolina Professional Engineer and shall include all necessary plan documents with the final Construction Plan set for approval. Working drawings shall be submitted by the manufacturer to the Town for review prior to manufacturing of any pre-fabricated structure.

A Town of Apex building permit must be obtained and approved Construction Plans must be submitted with the building permit application for all greenway structures.

Site soil properties are assumed to support foundation loads. Prior to construction, the contractor shall submit a geotechnical report to the Infrastructure Inspector and building permit authorities, indicating that the soil properties can support the foundation loads.

All required geotechnical reports and a sealed certification from a Structural Engineer (stating that boardwalk and/or bridge structures, including to outside ends of boardwalk approach ramps, were constructed in accordance with sealed designs) shall be submitted to the Infrastructure Inspector prior to Town's acceptance of the structure for maintenance.

All pedestrian structures, underpasses, and tunnels crossing roads owned and maintained by the NC Department of Transportation must receive NCDOT approval prior to beginning any work within the right of way.

All trail overpasses (over roadways and railways) shall meet current AASHTO and ADA standards for slopes per Section 903 F.

A. Boardwalks & Bridges

Boardwalks and bridges shall be designed in accordance with the AASHTO Standard Specifications for Highway Bridges, current edition. Design Live Load shall be for an AASHTO H5 vehicle with an evenly distributed load of 85 lbs/sqft or a concentrated load of 10,000 pounds at mid-span. Typical maximum longitudinal slope in any direction should not exceed 4 percent. Metal plaques shall be permanently affixed to both ends of structures indicating maximum weight capacity of structure and inside clear width.

Greenway bridges can either be constructed with a pre-engineered laminated beam construction or with structural steel with wooden decking and handrails. Typically, pre-engineered laminated beam bridges shall be utilized at locations that have adequate crane access for installation. Both styles of bridge shall be designed to meet or surpass the design requirements listed below.

Boardwalks and bridges that encroach FEMA floodway or non-encroachment area require a Conditional Letter of Map Revision prior to construction.

1) Clearance
   Abutments shall not be located within the FEMA floodway and shall be located a minimum of 5 feet from the top of the stream bank. Boardwalks/bridges and abutments shall not be located within a sanitary sewer easement where crossing a waterway. In shared utility and greenway corridors boardwalk structures shall be located a minimum of 10 feet from the center of all existing sewer lines, and bridges and abutments shall be located a minimum of 20 feet from the center of all sewer lines. The lowest horizontal component of structures shall be a minimum of 4 feet above normal water level, and shall be above the 25-year storm elevation; elevation above the 100-year storm should be evaluated for feasibility. Minimum pile penetration for piers shall be 10 feet or a depth recommended by a North Carolina Professional Engineer. Illustrate

how high-water levels will pass without damaging bridge. Provide a section of the proposed bridge with the construction documents.

2) Footings and Wing Walls
Footings and wing walls shall be constructed with reinforced concrete as designed and sealed by a North Carolina Professional Engineer. A representative of the Geotechnical Engineer's staff shall approve the footing excavation bottoms prior to constructing bridge footings and placement of rebar and concrete. Tops of footings shall be 2 feet below adjacent creek bed elevation. Rip-rap stone shall be used to armor slopes and protect wing walls for bridge crossings per Standard Detail.

3) Concrete Approach
Approach slabs and everything between slabs shall be included in all required bridge and boardwalk certifications, and shall be considered part of bridge/ boardwalk structure. Bridge and boardwalk railings shall extend 8 feet minimum beyond the ends of bridge/ boardwalk per Standard Detail. Rip-rap stone shall be used to armor slopes for bridge/ boardwalk crossings, including areas around wing walls and end bents to reduce erosion at structures per Standard Detail.

4) Handrails
A handrail shall be installed on the railing of both sides of bridges and boardwalks that exceed a 5 percent running slope (approved only on a case-by-case basis). Handrails shall be designed and located in accordance with ADA and AASHTO requirements. Handrails must be of uniform height, 34 to 38 inches from the finished surface.

5) Materials
All structural members shall have a minimum nominal thickness of material of at least 2 inches. All hardware and fabricated connections shall be hot-dipped galvanized after fabrication in accordance with ASTM A153. Small members shall have pre-drilled holes to prevent splitting during construction. All members shall be screwed or bolted together. Joist hangers shall be galvanized. Treated lumber shall be used and be in accordance with the most current NCDOT Standard Specifications for Roads and Structures (Section 1082). For boardwalks, Southern Yellow Pine, Grade No. 2, shall be used except for top rail and routed handrail which shall be Southern Yellow Pine, Grade No. 1. For bridges Southern Yellow Pine, Grade No. 1, shall be used.

Structural bridge components shall be fabricated from laminating lumber. Laminating lumber shall be Southern Pine Kiln Dried and graded to meet the requirements of Standard Specifications for Structural Glued Laminated Timber (AITC 117). Lumber combination shall be used for identification. Laminated

components shall be per AITC architectural appearance grade. Miscellaneous solid sawn lumber for decking shall be Southern Pine graded in accordance with Southern Pine Inspections Bureau. Preservative treatment for glulam components shall consist of pressure treated laminated lumber (treated prior to gluing) with pentachlorophenol type C in accordance with AITC 109 and AWPA C28. Exterior stringers and all other glulam components shall be 0.6 pcf retention. Solid sawn decking shall be pressure treated in accordance with C2 for above ground use. Laminated lumber handrail posts shall be fastened to the exterior beam with galvanized steel carriage bolts. Handrails must be metal and meet current requirements as stated in the ADA Accessibility Guidelines (ADAAG).

Adhesives shall be wet-use (waterproof) complying with ANSI/AITC A190.1 – latest edition. Each bearing and template shall be fabricated to accommodate 1¾-inch diameter anchor bolt. Anchor bolts shall be aligned longitudinally with the bridge. All steel for bearing connection plates shall be ASTM A36. Minimum yield (F_y) shall be greater than 36,000 psi. The manufacturer shall furnish all connecting steel and hardware. Decking shall be secured using stainless steel deck screws. Pre-engineered bridge manufacturer is not responsible for the template, setting plates, or anchor bolts.

6) Fabrication

Workmanship, fabrication, and shop connections shall be in accordance with the latest version of American Institute of Timber Construction and all related Interim Specifications. Bridges may be assembled at the site or at the manufacturer. At the End Bents, the bridge shall be fabricated to produce a 6-inch longitudinal distance from centerline of anchor bolts to end of beam. A 1-inch open joint shall exist between the end of the bridge and the end bent backwall.

7) Bridge Railings and Accessories

Structural bridge railings fabricated from laminated lumber shall have a smooth inside surface with no protrusions or depressions and all members, railings, corners, and ends of lumber shall be sanded smooth and edges eased. Finished railing height shall be 42 inches or higher in high hazard situations. Maximum spacing of railings shall be such that a 3½-inch sphere shall not pass between the members.

8) Finishes

All glulam materials shall receive one factory applied coat of clear penetrating sealer.

9) Delivery and Erection

Bridges or bridge components will be delivered by truck to a location nearest to the site accessible by roads. The contractor shall provide for the installation of anchor bolts to be installed. The information required to develop the template shall include the size, configuration, and spacing of the bolts as they shall be installed in the footing.

10) Quality

The bridge manufacturer shall maintain records assuring that all lumber, bolts, and materials used are in accordance with the material specified and certified by a North Carolina Professional Engineer. A copy of the records shall be provided to the owner. The bridge shall be identified and marked (on both ends) with a permanent metal nameplate showing the manufacturer's name, location, date of manufacture, maximum load carrying capacity, and inside clearance width. Structural materials shall be traceable to the bridge.

11) Pre-Engineered Bridges

The manufacturer shall have 5 years minimum experience in design and fabrication of pre-engineered pedestrian bridges. The design shall be in accordance with the American Institute of Timber Construction, AITC 117-2001, or latest edition, the total bridge dead load applied to the End Bent shall not exceed 37,000 pounds and shall be designed for a minimum wind load of 30 pounds (approximately 120 mph). The wind is calculated on the entire vertical surface of the bridge as is fully enclosed. All bridges shall be designed for seismic loads of the intensity required by local codes. Bridge camber at center of the bridge span shall be a maximum of 2.5 percent of the total bridge span. This should produce a localized deck slope of 12:1. Bridge shall be cambered to offset full dead load deflections. Bridge span shall be defined as the distance from center to center of the bearings. The bridge being designed shall have bearing elevations that are equal. Manufacturer shall provide for one deck plank at each end of the bridge to span the 1-inch gap as described below to prevent debris from falling through the gap. This deck plank shall match the decking of the bridge and shall be installed at the site after the backwall is installed.

12) Pedestrian Rail

Wherever the top grade of the boardwalk decking exceeds 30 inches from finished ground level or any other hazardous drop-off exists, pedestrian rails shall be provided. Where boardwalk decking height is 30 inches or less from finished ground level, a toe-rail may be installed per Standard Detail. Design considerations should be made to avoid multiple transitions between pedestrian rail and toe-rail.

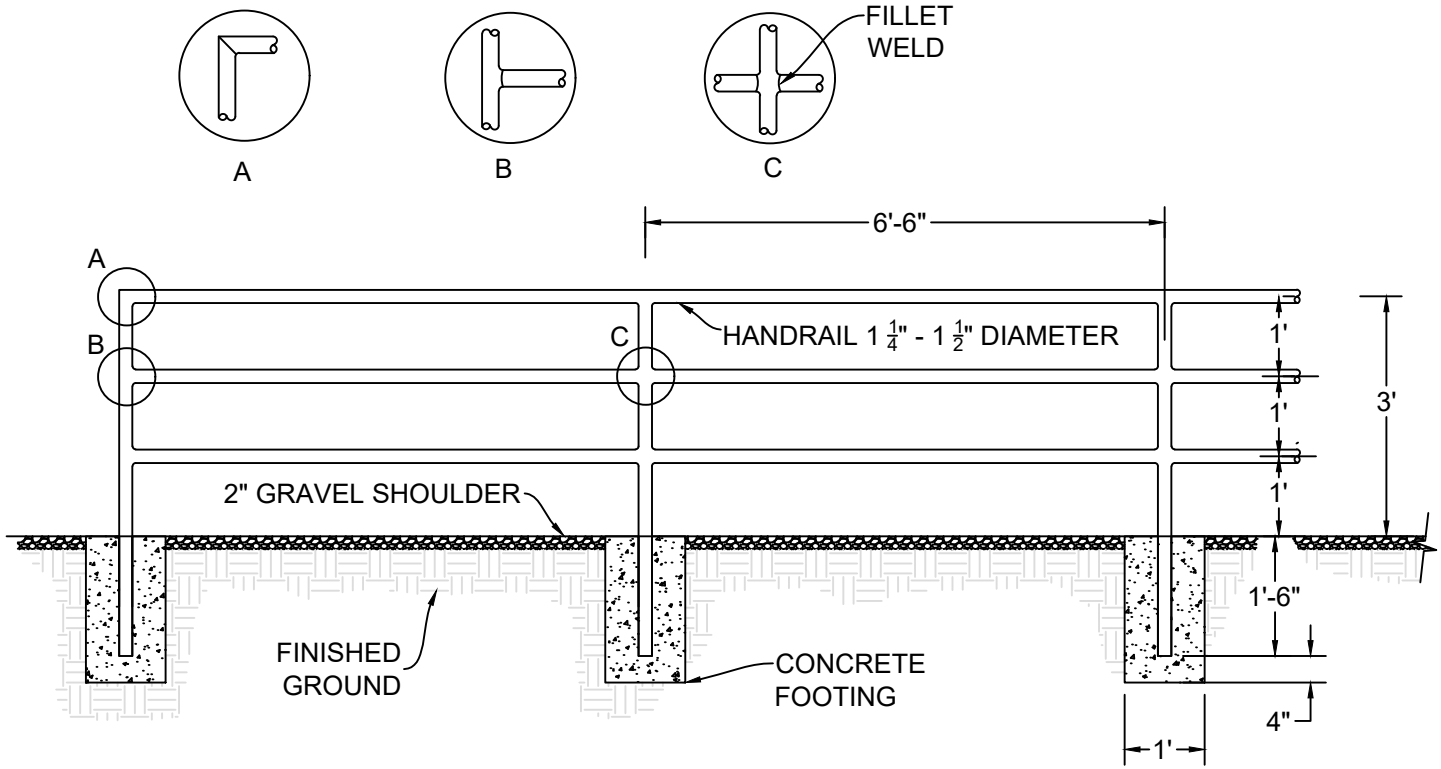
B. Underpasses, Tunnels, and Culverts

Greenway tunnels shall be 12 feet x 12 feet reinforced cast-in-place concrete structures as specified by NCDOT. Tunnels shall exhibit a 1 percent minimum longitudinal slope; 2 percent maximum cross slope. Headwalls with wing-walls are required at both ends of the tunnel.

Special consideration shall be placed on the drainage design at the entrance to the tunnel. Where necessary trench drains should be incorporated at the tunnel entrance to intercept water from pooling within the tunnel.

Contractor/applicant shall be responsible for coordinating review and approval by NCDOT (where crossing NCDOT roadways) and for obtaining any required encroachment permits prior to beginning any work.

All tunnels shall be lighted. Power meter for tunnel lighting shall be located above the 100-year flood elevation and minimum 10 feet above trail surface.

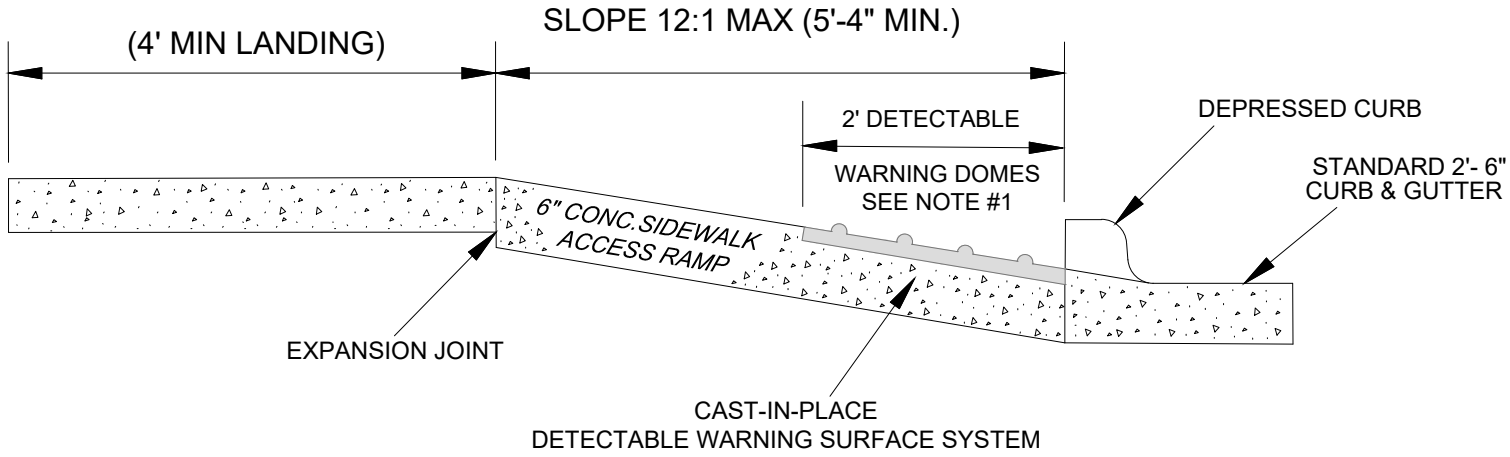


NOTES:

1. METAL HANDRAIL SHALL BE INSTALLED 1 FOOT FROM THE EDGE OF PAVED TRAIL ON CENTER.
2. PROVIDE FLARED END RAIL TREATMENTS AT 15 DEGREES AWAY FROM THE TRAIL BEYOND THE AREA OF NEED. FLARED END TREATMENTS SHALL EXTEND TWO FEET MINIMUM FROM THE EDGE OF TRAIL.
3. THE TOP RAIL SHALL BE INSTALLED AT A HEIGHT OF 3 FEET FROM THE FINISHED GROUND.
4. ALL CONCRETE FOOTINGS FOR HANDRAIL SHALL MEET 3,600 PSI COMPRESSIVE STRENGTH.
5. ALL HANDRAIL METAL JOINTS SHALL HAVE A ½ INCH WIDE FILLET WELD.
6. PRIME AND PAINT METAL HANDRAIL WITH BLACK ALL WEATHER ENAMEL PAINT AFTER INSTALLATION.

TOWN OF APEX STANDARDS	HANDRAIL	STD. NO.
EFFECTIVE: AUGUST 12, 2025		200.05
		SHEET 1 OF 1

RAMP SECTION
WITH DETECTABLE WARNING SURFACE
CAST-IN-PLACE SYSTEM



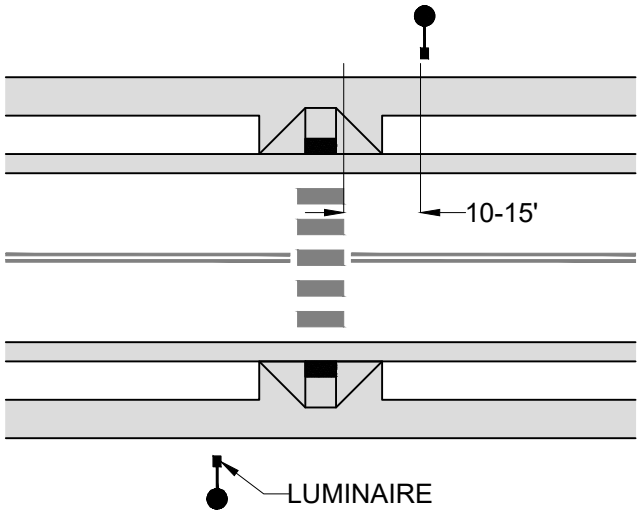
NOTES:

1. DETECTABLE WARNING DOMES SHALL COVER 2'-0" LENGTH AND FULL WIDTH OF THE RAMP FLOOR AS SHOWN ON DETAIL.

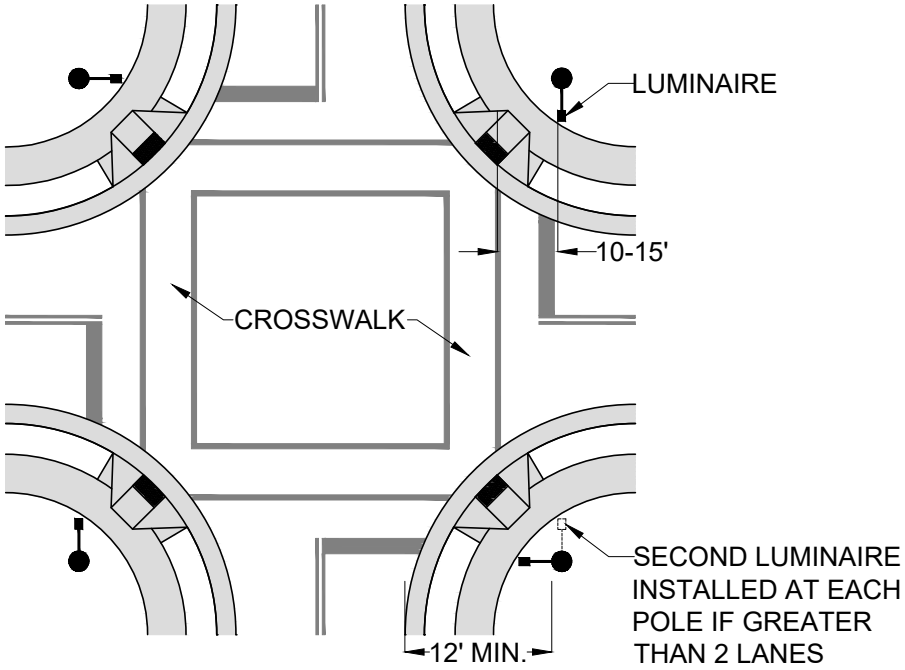
2. WARNING AREA SHALL BE CHARCOAL, OR BLACK FOR CONTRAST.

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

MID-BLOCK CROSSWALK LIGHTING LAYOUT



INTERSECTION LIGHTING LAYOUT



NOTES:

1. LUMINAIRIES TO BE PLACED A MINIMUM OF 12' FROM THE FACE OF CURB OR EDGE OF TRAVEL LANE. ALL LUMINARIES WITHIN THE ROADWAY CLEAR ZONE SHALL BE PLACED ON A BREAKAWAY BASE.
2. LUMINAIRES FOR CROSSWALKS ARE TO BE LOCATED BETWEEN 10-15 FEET FROM THE CROSSWALK WHERE POSSIBLE.
3. LUMINAIRES SHOULD BE PLACED PRIOR TO THE CROSSWALK FROM THE DRIVERS' PERSPECTIVE.
4. LUMINAIRE TYPE BY ROADWAY DESIGNATION AND CROSSWALK TYPE:
   A. ACROSS THOROUGHFARES AND AT SIGNALIZED INTERSECTIONS: COBRA-HEAD LED, ROADWAY DISTRIBUTION III, 3000K, WITH ~18,000 LUMEN OUTPUT/~150 WATT INPUT.
   B. ACROSS MAJOR COLLECTOR STREETS AND YIELD-CONTROLLED OR HIGH-VISIBILITY CROSSWALKS ACROSS MINOR COLLECTOR STREETS AND RESIDENTIAL STREETS: COBRA-HEAD LED, ROADWAY DISTRIBUTION III, 3000K, WITH ~7,000 LUMEN OUTPUT/ ~50 WATT INPUT.
   C. TWO-BAR CROSSWALKS ACROSS RESIDENTIAL AND MINOR COLLECTOR STREETS: LUMINAIRES TO BE LANTERN STYLE, LED, ROADWAY DISTRIBUTION III, 3000K, WITH ~5,000 LUMEN OUTPUT/ ~50 WATT INPUT. MULTIPLE LUMINAIRES MAY BE NEEDED DEPENDING ON THE ROADWAY CONFIGURATION.

TOWN OF APEX STANDARDS

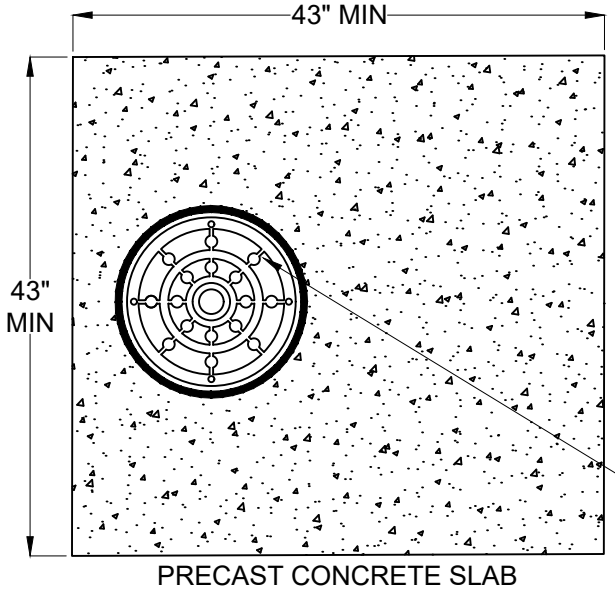
EFFECTIVE: AUGUST 12, 2025

CROSSWALK LIGHTING GUIDANCE

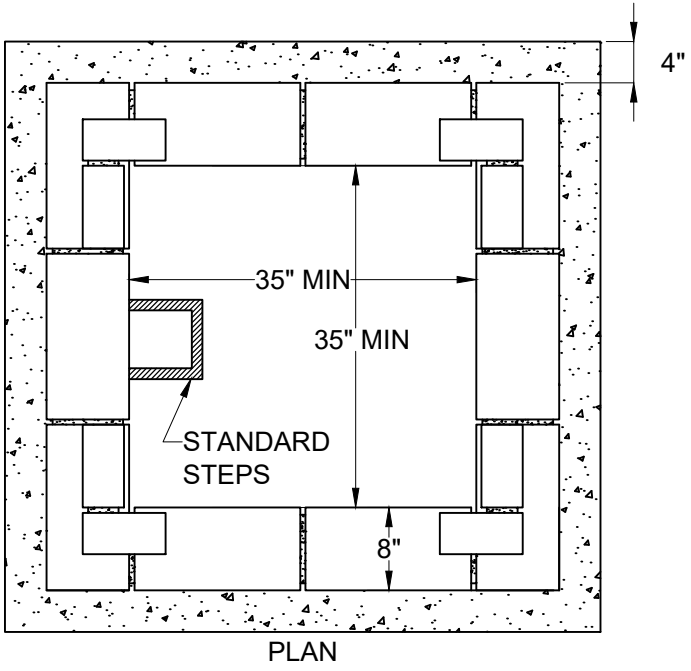
STD. NO.

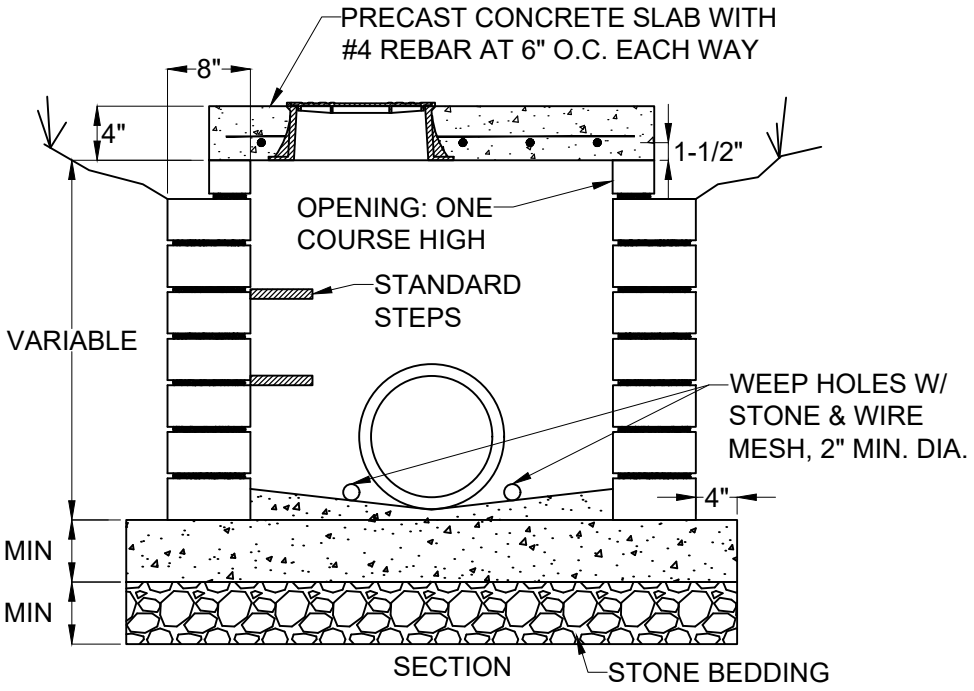
300.34

SHEET 1 OF 1

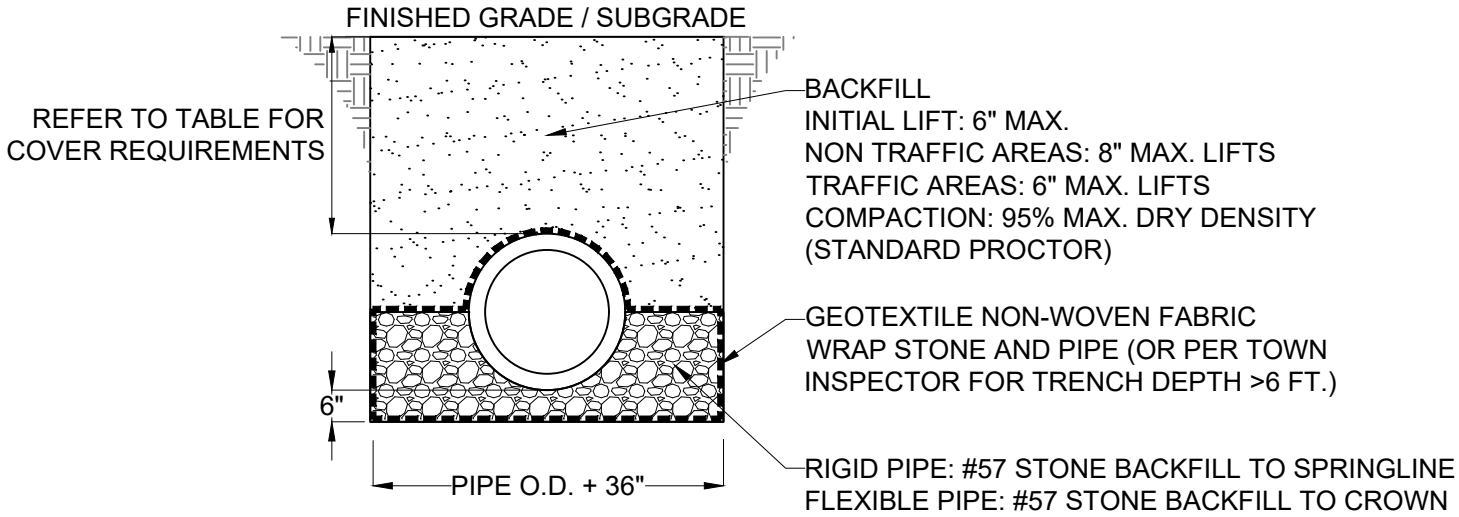


NOTES:
1. EITHER SOLID BLOCK OR PRECAST CONCRETE MAY BE USED.
2. CAST IN PLACE DESIGNS TO BE SUBMITTED.
3. CONCRETE WALLS TO BE 6" THICK MIN.
4. STEPS REQUIRED AT 16" O.C. THROUGHOUT, WHERE DEPTH EXCEEDS 3'.
5. USE ONLY 3000 PSI CONCRETE MIX.
6. INSIDE DIMENSION FOR ≥ 24" PIPE, USE PIPE DIAMETER PLUS 12".





TOWN OF APEX STANDARDS	YARD INLET W/ CONCRETE SLAB	STD. NO.
EFFECTIVE: AUGUST 12, 2025		500.01
		SHEET 1 OF 1



	RCP	
CLASS	***MIN (ft)***	***MAX (ft)***
III	2	20
IV	1	30

	PP		***CSP***		***CAAP***	
Pipe Diameter (in)	***MIN (in)***	***MAX (ft)***	***MIN (in)***	***MAX (ft)***	***MIN (in)***	***MAX (ft)***
15	12	28	12	158	12	98
18	12	28	12	131	12	81
21			12	113	12	69
24	12	26	12	98	12	60
30	12	26	12	79	12	57
36	12	20	12	65	12	47
42	12	20	12	55	12	40
48	12	20	12	48	12	35
54			12	56	15	31
60	24	20	12	50	15	28

NOTES:

1. EXCAVATE TO 6 INCHES BELOW THE PROPOSED PIPE ELEVATION.
2. PROVIDE 6 INCHES STONE BEDDING.
3. WHERE BELL AND SPIGOT PIPE IS USED, PROVIDE RECESSES TO RECEIVE PIPE BELL.
4. UNDERCUT UNSUITABLE MATERIAL AS DIRECTED BY THE ENGINEER AND BACKFILL WITH STONE OR OTHER APPROVED MATERIAL.
5. BACKFILL MATERIAL SHALL BE APPROVED SUITABLE MATERIAL.
6. MAX. BACKFILL LIFTS ARE STATED IN UNCOMPACTED DEPTHS.
7. WHERE NECESSARY, TEMPORARILY DIVERT SURFACE WATER TO MAINTAIN A DRY CONDITION IN THE PIPE FOUNDATION. DIRECT THIS TEMPORARY FLOW INTO SUITABLE EROSION CONTROL DEVICES.

TOWN OF APEX STANDARDS

EFFECTIVE: AUGUST 12, 2025

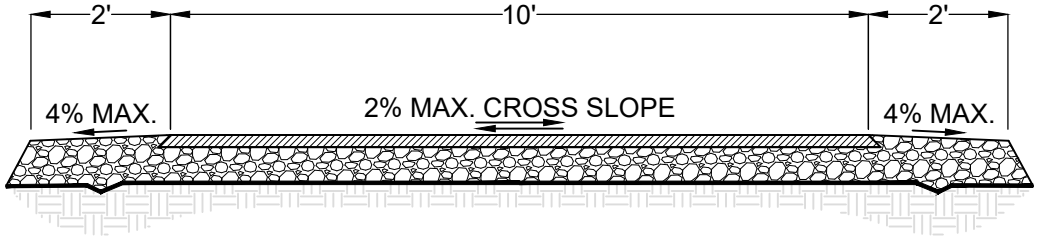
STORM DRAIN PIPE BEDDING & BACKFILLING

STD. NO.

500.09

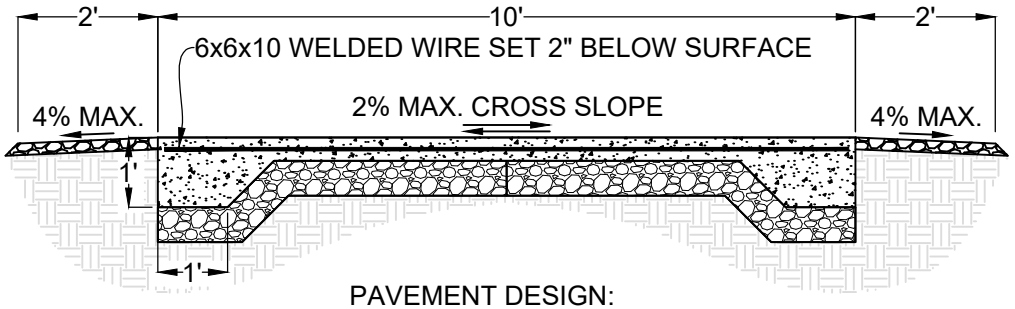
SHEET 1 OF 1

ASPHALT PAVED PATH

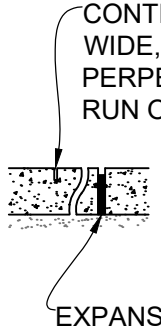


PAVEMENT DESIGN:
2" ASPHALT CONCRETE SURFACE COURSE
6" AGGREGATE BASE COURSE
WOVEN GEOTEXTILE FABRIC
2" AGGREGATE BASE COURSE SEEDED SHOULDER

CONCRETE PAVED PATH



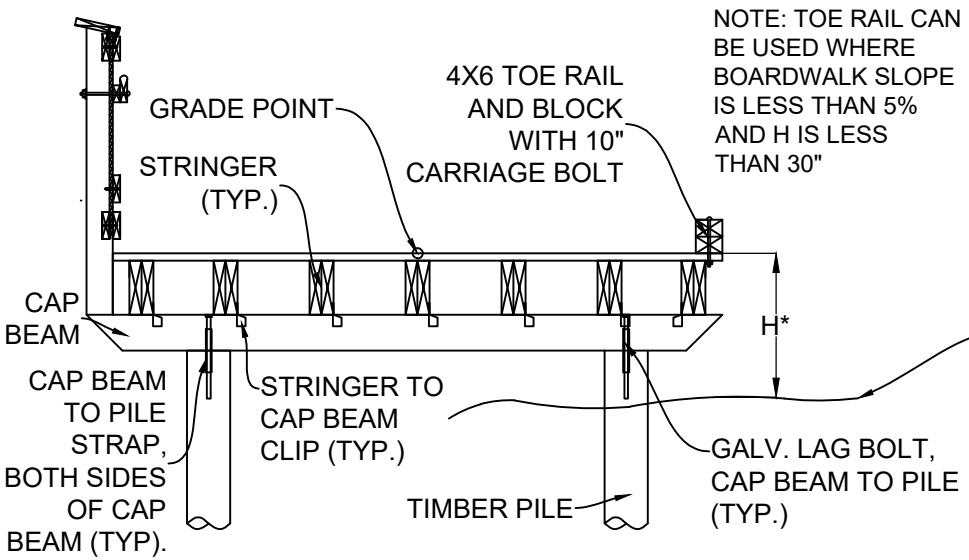
PAVEMENT DESIGN:
4" CONCRETE
6" AGGREGATE BASE COURSE
2" AGGREGATE BASE COURSE SEEDED SHOULDER



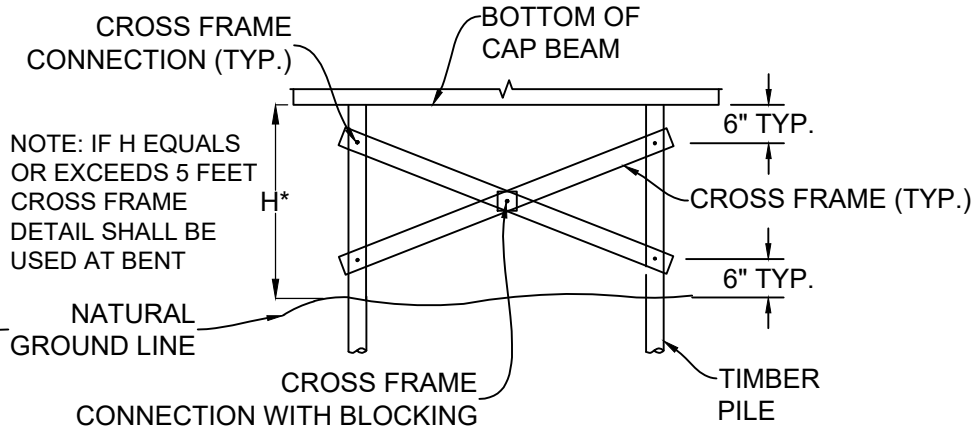
NOTES:

1. ALL LOCATION & SIZES OF DRAIN PIPE TO BE VERIFIED AND APPROVED BY THE TOWN OF APEX ENGINEER.
2. SUBGRADE SHALL BE STABLE AND COMPACTED.
3. IN LOW LYING AREAS PRONE TO FLOODING, A 4-INCH DEEP GRAVEL SHOULDER MAY BE USED SUBJECT TO REVIEW AND APPROVAL.

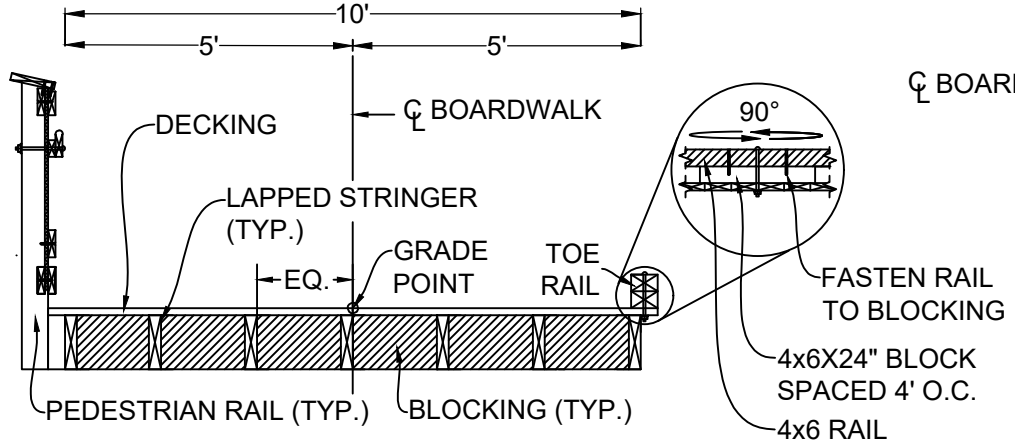
TOWN OF APEX STANDARDS	GREENWAY SECTIONS	STD. NO.
EFFECTIVE: AUGUST 12, 2025		900.01
		SHEET 1 OF 1



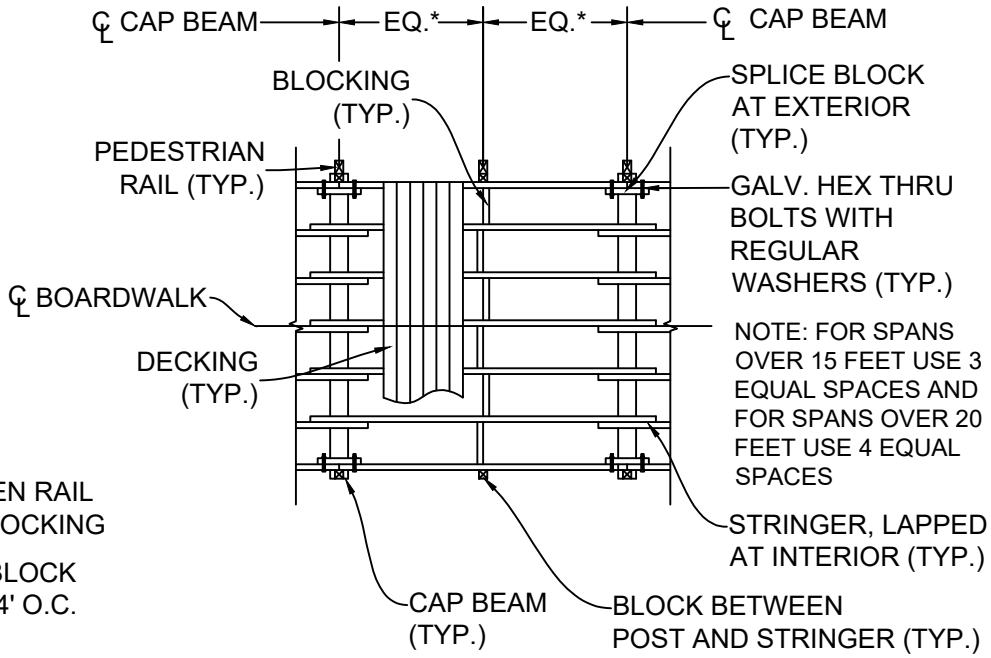
TIMBER BOARDWALK BENT ELEVATION



CROSS FRAME DETAIL

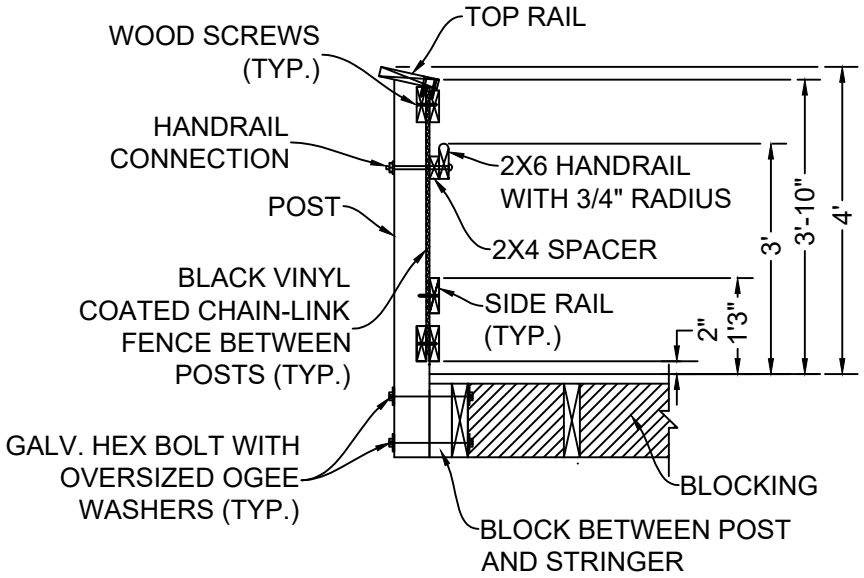


TYPICAL SECTION THROUGH MIDSPAN

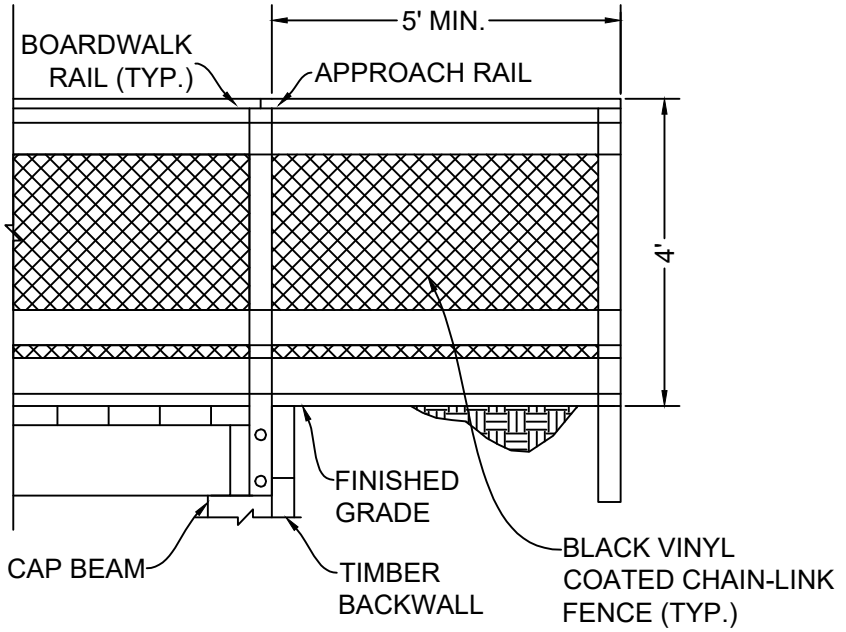


TIMBER BOARDWALK DECK FRAMING PLAN (10 FT SPAN TYP.)

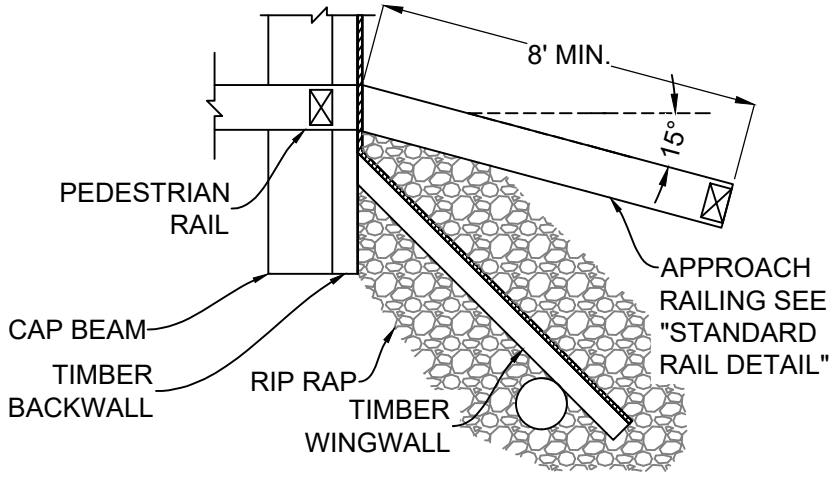
TOWN OF APEX STANDARDS	BOARDWALK	STD. NO.
EFFECTIVE: AUGUST 12, 2025	- Page 338 -	900.02
		SHEET 2 OF 3



PEDESTRIAN RAIL DETAIL



STANDARD RAIL DETAIL



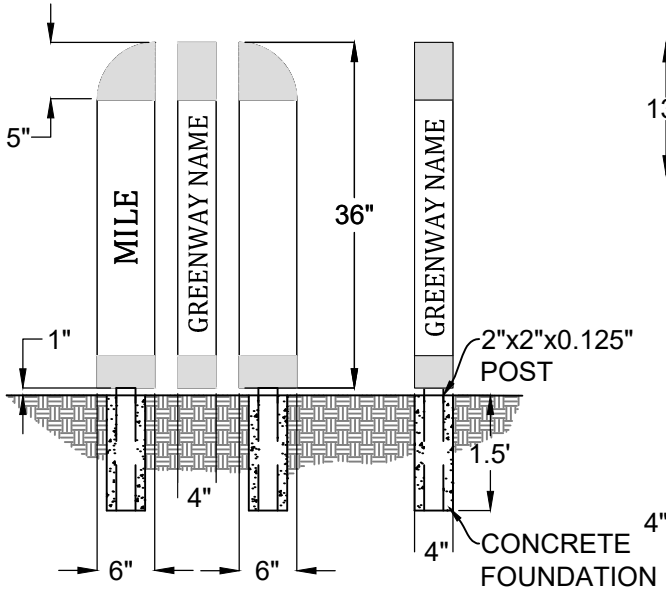
TYPICAL APPROACH RAIL PLAN (TOP VIEW)

NOTES:

1. ALL FENCE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 1050 OF THE NCDOT STANDARD SPECIFICATIONS.
2. GALVANIZE ALL STEEL PARTS AND HARDWARE IN ACCORDANCE WITH ARTICLE 1079 OF THE NCDOT STANDARD SPECIFICATIONS.
3. ALL CHAIN LINK FENCE FABRIC, POSTS, RAILS, FITTING HARDWARE, AND ACCESSORIES SHALL BE BLACK VINYL COATED IN ACCORDANCE WITH ARTICLE 1050 OF THE NCDOT STANDARD SPECIFICATIONS.
4. PROVIDE A MINIMUM OF 2 FEET OF RIP RAP AROUND THE TIMBER WINGWALL TO PREVENT WASHOUT OF EARTH MATERIALS.
5. APPROACH RAIL TO BOARDWALKS SHALL BE A MINIMUM OF 8 FEET IN LENGTH, FLARED TO PROVIDE A 2-FOOT LATERAL OFFSET.

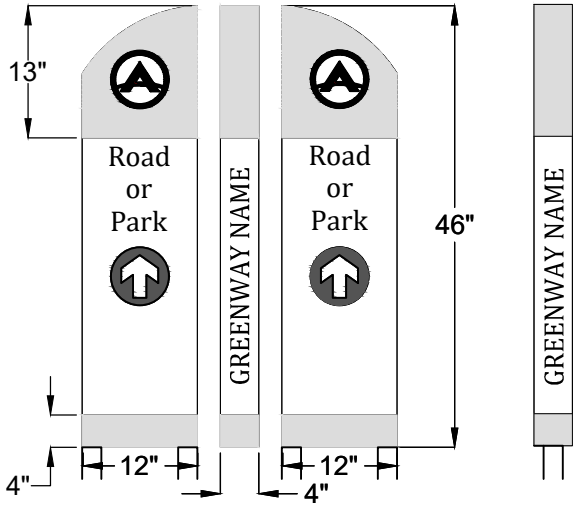
WAYFINDING

MILEAGE
36" x 6" x 4"



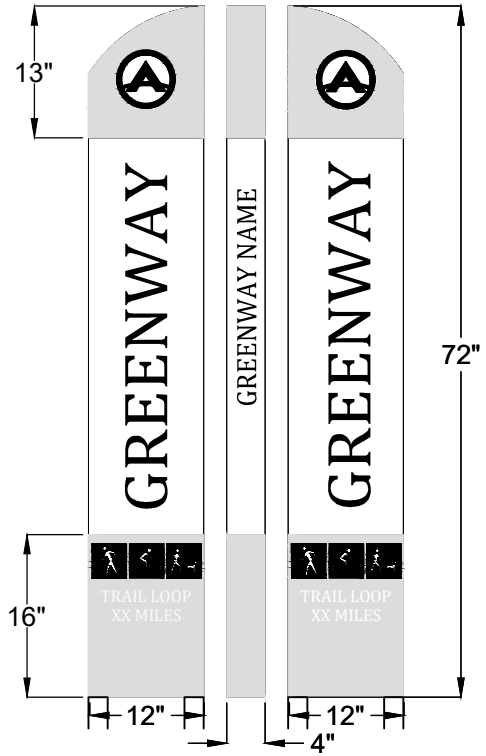
SINGLE-SIDED
MILEAGE NUMBER: TBD

DIRECTIONAL
46" x 12" x 4"



LOCATE AT STREET/SIDEWALK
DOUBLE-SIDED
ARROW DIRECTION: TBD

ID SIGN
72" x 12" x 4"

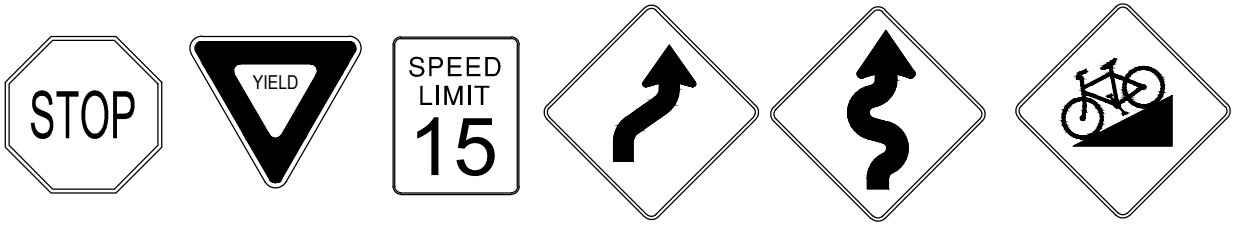


LOCATED AT TRAIL START
DOUBLE-SIDED
LOOP REFERENCE: TBD

NOTES:

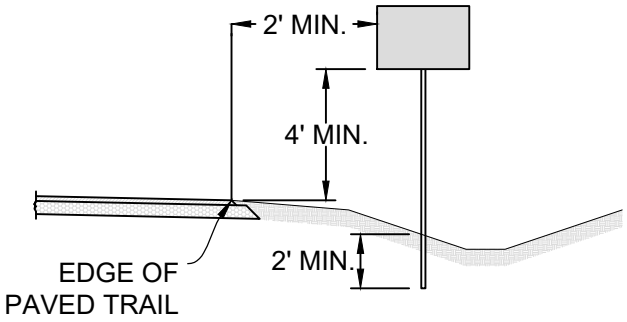
1. WAYFINDING SIGNAGE SHALL BE MOUNTED ON A 1" X 4" X 0.125" ALUMINUM C-CHANNEL FRAME.
2. SIGN FACES SHALL BE 0.080" MILL FINISHED (MF) ALUMINUM EPOXIED TO THE FRAME.
3. THE EXTERIOR OF THE SIGN SHALL HAVE A MINIMUM OF TWO $\frac{1}{4}$" DRAIN HOLES ALONG THE BOTTOM KEPT FREE OF DEBRIS.
4. MILEAGE SIGNS SHALL BE MOUNTED ON A SINGLE STUB MOUNT. DIRECTIONAL AND ID SIGNS SHALL BE MOUNTED ON A DOUBLE STUB MOUNT WITH 2" X 2" X 0.125" ALUMINUM TUBE POSTS. A VERTICAL CLEARANCE OF ONE (1) INCH SHALL BE MAINTAINED BETWEEN THE BOTTOM OF THE SIGN AND GROUND SURFACE. POSTS SHALL BE DRIVEN MINIMUM 18 INCHES INTO THE GROUND AND ENCASED IN CONCRETE.
5. THE COLOR SCHEME OF SIGN FACES SHALL BE WHITE SATIN AND GREEN (PMS 7743 C SATIN). THE CUT AND PRINTED VINYL SHALL BE BLACK AND WHITE.

TYPICAL GREENWAY REGULATORY AND WARNING SIGNAGE



SIGN TYPE	SIGN SIZE
R1-1 (STOP)	18" x 18"
R1-2 (YIELD)	18" x 18" x 18"
R2-1 (SPEED LIMIT)	18" x 18"
W1-4 (CURVE WARNING)	18" x 18"
W1-5 (CURVES WARNING)	18" x 18"
W7-5 (SLOPE/HILL WARNING)	18" x 18"
FUTURE TRAIL EXTENSION	30" x 18"

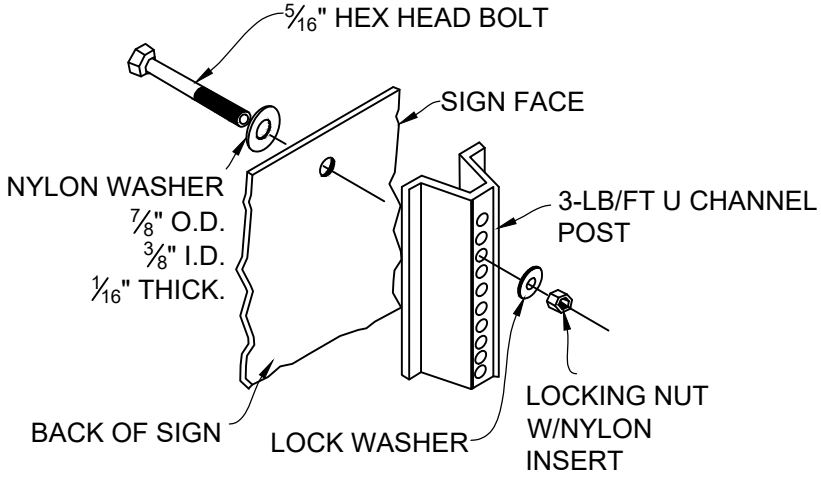
* FOR OTHER TYPES OF SIGNAGE CONSULT THE MUTCD



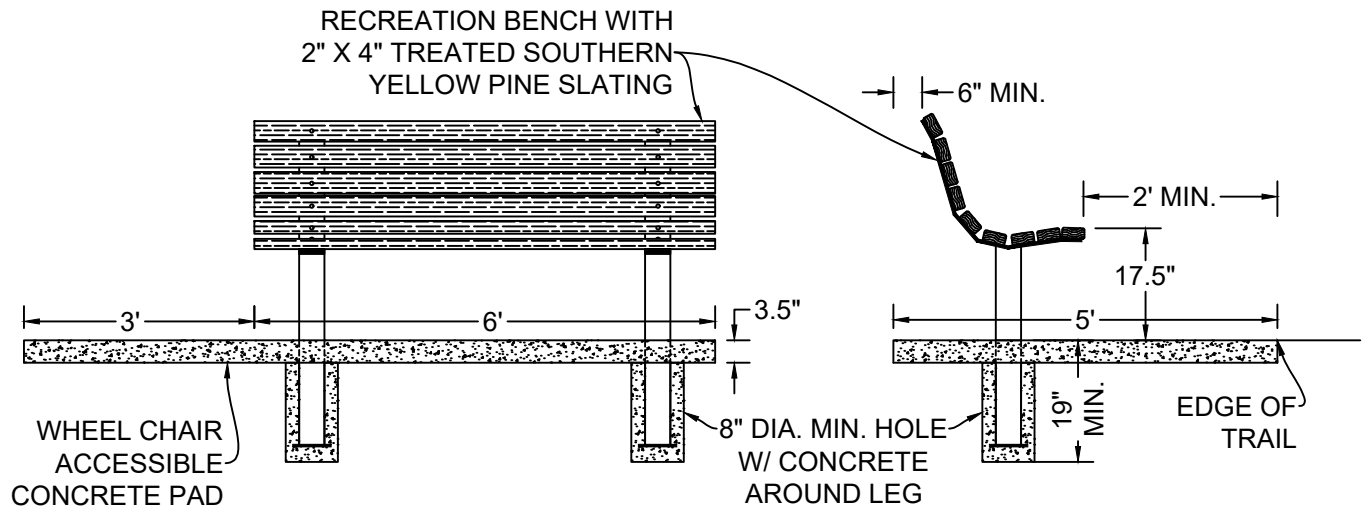
SIGN PLACEMENT

NOTES:

1. SHEETING MATERIAL FOR ALL SIGNS SHALL BE HIGH INTENSITY PRISMATIC (HIP) TYPE IV MULTI-LAYER SHEETING.
2. A STOP SIGN SHALL BE INSTALLED WHENEVER A PUBLIC GREENWAY INTERSECTS A ROADWAY (EXCEPT FOR STREET-SIDE GREENWAYS), AND SHALL BE INSTALLED FOR PRIVATE GREENWAYS AS INDICATED ON PLANS.
3. A YIELD SIGN SHALL BE INSTALLED ON THE MINOR APPROACHES AT CROSSINGS OF TWO GREENWAYS, OR WHERE INDICATED ON THE PLANS.
4. STEEP SLOPE/HILL WARNING SIGNAGE SHALL BE INSTALLED AT A MINIMUM DISTANCE OF 50 FEET APPROACHING DOWNHILL SLOPES THAT EXCEED 5 PERCENT.
5. CURVE WARNING (W1-4) SIGNAGE SHALL BE INSTALLED AT A MINIMUM DISTANCE OF 50 FEET APPROACHING HORIZONTAL CURVES WITH A RADIUS OF LESS THAN 50 FEET. MULTIPLE CURVES (W1-5) SIGNAGE SHALL BE INSTALLED WHERE A COMBINATION OF SLOPE EXCEEDS 5 PERCENT AND HORIZONTAL CENTERLINE CURVE RADIUS IS LESS THAN 50 FEET.
6. REFER TO MUTCD FOR ALL OTHER GUIDANCE.



SIGN MOUNTING DETAIL

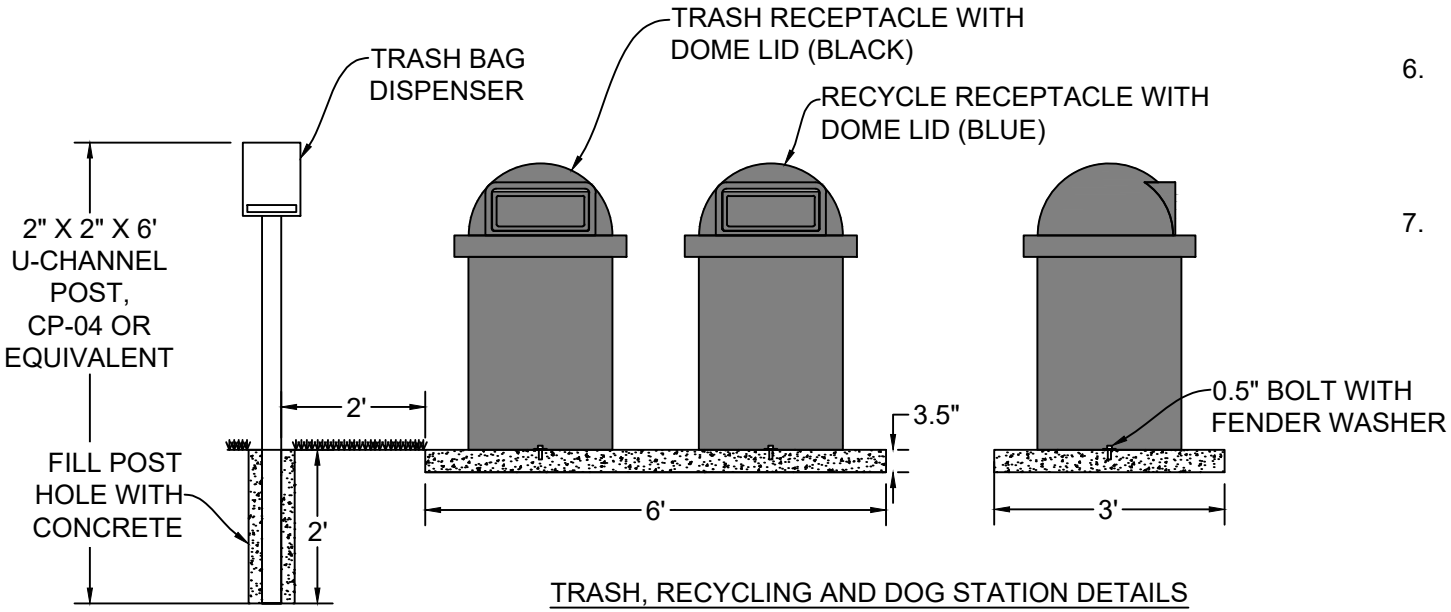


BENCH DETAILS
(FRONT VIEW)

BENCH DETAILS
(SIDE VIEW)

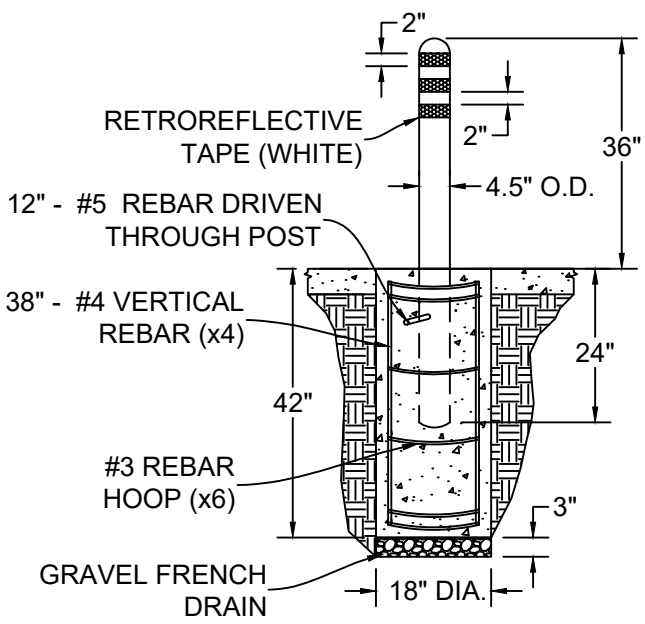
NOTES:

1. BENCHES SHALL BE KAY PARK RECREATION MODEL NO 6CB2SYPIG OR EQUIVALENT.
2. BENCHES TO BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND DETAILS.
3. BENCHES SHALL BE MOUNTED IN CONCRETE AND PAD POURED AFTER BENCHES ARE SECURED.
4. TRASH RECEPTACLE SHALL BE OCC OUTDOORS REC-S8331A-00-092 (BLACK) WITH DOME LID AND PUSH DOOR (BLACK) OR EQUIVALENT.
5. RECYCLING RECEPTACLE SHALL BE OCC OUTDOORS REC-S8331A-00-055 (BLUE) WITH DOME LID AND PUSH DOOR (BLUE) OR EQUIVALENT.
6. DOG STATION SHALL BE CROWN PRODUCTS REGAL PET WASTE STATION, ID NO. PP-H-DSP, COLOR HUNTER GREEN, OR EQUIVALENT.
7. DOG STATION, TRASH AND RECYCLE RECEPTACLES TO BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND DETAILS.

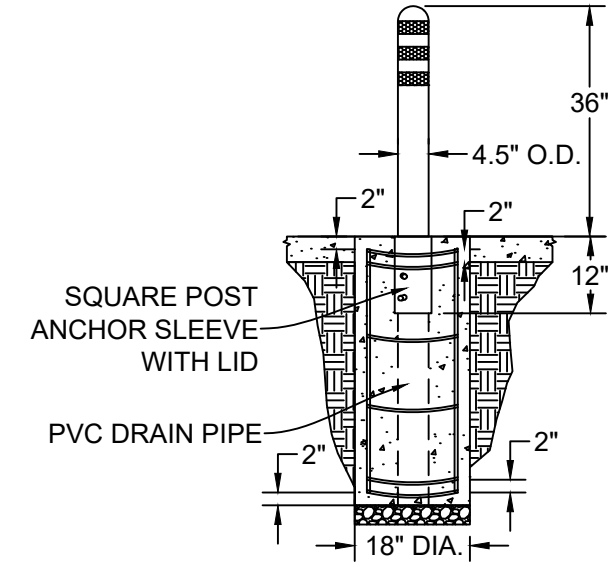


TRASH, RECYCLING AND DOG STATION DETAILS

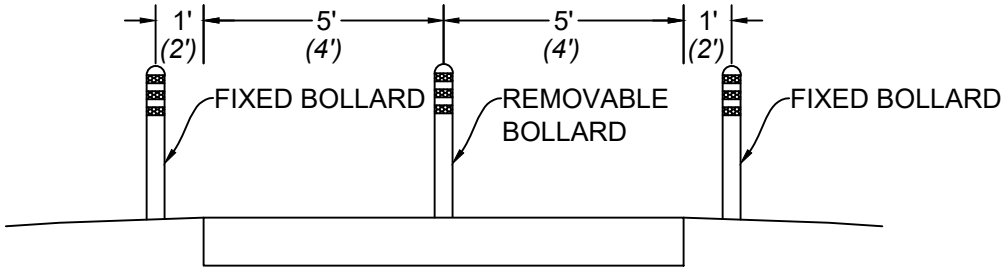
TOWN OF APEX STANDARDS	BENCH, TRASH, RECYCLING, DOG STATION	STD. NO.
EFFECTIVE: AUGUST 12, 2025	- Page 342 -	900.05
		SHEET 1 OF 1



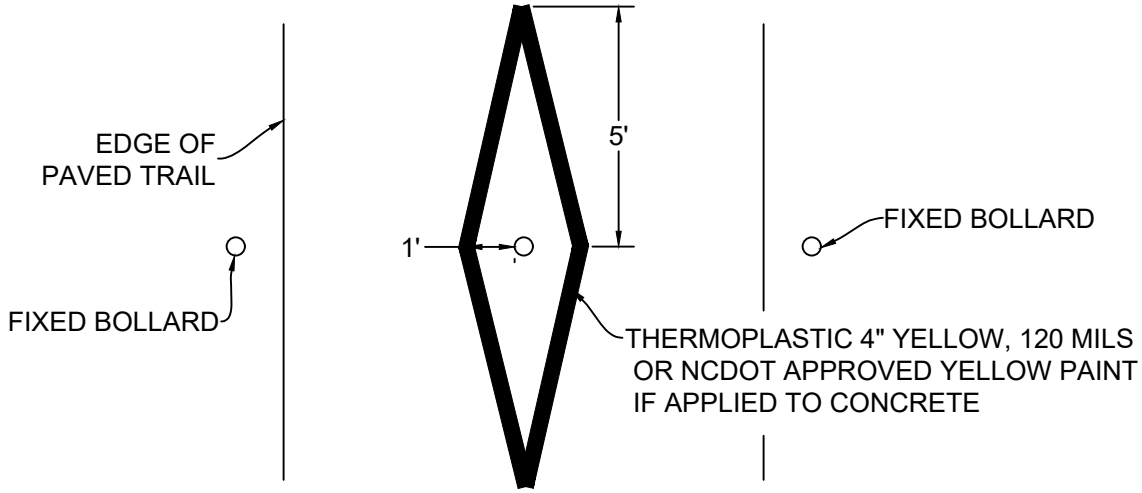
FIXED BOLLARD



REMOVABLE BOLLARD



TYPICAL BOLLARD PLACEMENT AT ENTRANCE



PAVEMENT MARKING DETAIL (TOP VIEW)

NOTES:

1. FIXED BOLLARDS SHALL BE TRAFFICGUARD MODEL RFP4560R; REMOVABLE BOLLARDS SHALL BE TRAFFICGUARD MODEL TL1004RL, OR APPROVED EQUAL. BOLLARDS SHALL BE FINISHED WITH POWDER COATED BLACK PAINT. REMOVABLE BOLLARDS SHALL BE INSTALLED UTILIZING THE LIDDED GROUND SLEEVE ONLY.
2. BOLLARDS AND SIGNS SHALL BE INSTALLED PER MANUFACTURER DETAILS AND SPECIFICATIONS.
3. CONCRETE FOUNDATIONS SHALL BE CONSTRUCTED TO WITHSTAND 6,000 LBS OF STATIC LOAD AT 27 INCHES ABOVE GRADE PER MANUFACTURER SPECIFICATIONS.
4. BOLLARDS SHALL BE INSTALLED OUTSIDE THE CLEAR ZONE WHEN ADJACENT TO ROADWAY. BOLLARDS SHALL BE INSTALLED MINIMUM 10 FEET FROM THE BACK OF CURB RAMP WHEN APPLICABLE.
5. PROVIDE A 2-FOOT SEPARATION BETWEEN TRAIL AND BOLLARDS WHEN TRAIL IS 8 FEET IN WIDTH.
6. FIXED BOLLARDS SHALL NOT BE REQUIRED WHEN MOTOR VEHICLE ACCESS IS BLOCKED BY PEDESTRIAN RAILING OR FENCING.

TOWN OF APEX STANDARDS	BOLLARD	STD. NO.
EFFECTIVE: AUGUST 12, 2025	- Page 343 -	900.06
		SHEET 1 OF 1

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Chief Ryan Johansen

Department(s): Apex Police Department

Requested Motion

Motion to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-824) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Officer Jason Stone who retired from the Apex Police Department effective August 1, 2025.

Approval Recommended?

Yes

Item Details

North Carolina General Statute 20-187.2(a) allows the governing body of a municipality to, upon request, declare as surplus the badge and side arm of a retiring police officer. The statute states that the badge is to be awarded at "no cost" to the retiring member and that the side arm be awarded "at a price determined by such governing body".

Apex Police Officer Jason Stone retired from the Apex Police Department effective August 1, 2025, and has made a request to be awarded his badge and service handgun.

In recognition of his over twenty-seven (27) years of service in law enforcement to the Apex Police Department, Chief Johansen requests that one "Police Officer" badge and one handgun (described below) be declared "surplus", that the price for such handgun be set at $1.00 (One Dollar) and that the badge and handgun be awarded to Former Apex Police Officer Jason Stone.

- Glock Model 17 9mm handgun, Serial Number XTA-824

Attachments

N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Steve Maynard, Purchasing and Contracts Manager

Department(s): Finance

Requested Motion

Motion to declare the following vehicle as surplus, authorize the sale of said vehicle, and authorize the Purchasing and Contracts Manager and the Town Manager, or their designee, to sign documents necessary to complete the sale:

Vehicle: 2002 Spartan Gladiator FF Custom Cab Fire Engine, VIN No. 4S7AT33972C042429

Vehicle: 2013 Freightliner M206 Bucket/Chipper Truck, VIN No. 1FVDCYDT6DHFG9649

Vehicle: 2014 Freightliner M206 Leaf Vac Truck, VIN No. 1FVACY0EHFW2024

Approval Recommended?

Yes

Item Details

State law (G.S. 160a-265) provides authority to local governments to sell personal property that is no longer in use. The Town must receive consideration or compensation for the property. Per Town's policy property estimated at $30,000 and greater must be declared surplus by Town Council.

With the truck value being above $30,000, the sale of the fire struck will be through Auctions International.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated June 05, 2025.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on July 7, 2025, approved and accepted the enclosed tax report for the Town of Apex, dated June 5, 2025 for the period of May 1, 2025 through May 31, 2025.

Attachments

- CN22-A1: Tax Report for May 2025

WAKE COUNTY
NORTH CAROLINA

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

TEL 919 856 6180
FAX 919 856 5699

SUSAN P. EVANS, CHAIR
DON MIAL, VICE-CHAIR
VICKIE ADAMSON
SAFIYAH JACKSON
CHERYL STALLINGS
SHINICA THOMAS
TARA WATERS

July 8, 2025

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

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on July 7, 2025, approved and accepted the enclosed tax report for the Town of Apex.

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

Sincerely,

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Wake County Board of Commissioners Report

Date: 07/07/2025

Approved by: DocuSigned by: Kim Lorbacher 48E02362258A4D9...

Consideration of Requests for Taxes, Interest and Penalties **BETWEEN $100 AND $500 FOR APEX**

No.	Payee	Account Number	Tax & Penalty Rebated		Total Rebated	Total Refunded
1	CORELOGIC 3001 HACKBERRY DR IRVING TX 75063 0156	0000217792-2024-2024-000000	**City** County	**153.00** 231.08	384.08	384.08
			City County	**153.00** 231.08	384.08	384.08

*Total refunded may differ from total rebated due to to payee's remittance of interest or application of payment to other balances owed by the taxpayer.

Marcus D. Kinrade
Wake County Tax Administrator

Signed by: Marcus Kinrade 03C5063B04D7486...

WAKE COUNTY TAX ADMINISTRATION

05/01/2025 - 05/31/2025

Rebate Detail Report

APEX

DATE 06/05/2025 TIME 3:10:06 PM

REBATE NUM	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
921035	220.76	0.00	22.08	0.00	242.84	5/28/2025	0006962288	2024	2024	000000	NEBOLISA JUICE CAFE INC
SUBTOTALS FOR BUSINESS ACCOUNTS	**220.76**	**0.00**	**22.08**	**0.00**	**242.84**	**242.84**		**1 Properties Rebated**			
BUSINESS REAL ESTATE ACCOUNTS											
920865	808.46	0.00	0.00	0.00	808.46	5/27/2025	0000222117	2024	2024	000000	PONS FAMILY LLC
920860	3,549.75	0.00	0.00	0.00	3,549.75	5/27/2025	0000148944	2024	2024	000000	KEPE1 STC LLC
SUBTOTALS FOR B SS REAL E ACCOUNTS	**4,358.21**	**0.00**	**0.00**	**0.00**	**4,358.21**	**4,358.21**		**2 Properties Rebated**			
I DUAL PROPERTY ACCOUNTS											
919297	152.28	30.00	0.00	0.00	182.28	5/13/2025	0007028022	2024	2023	000000	FLORES, TANYA HANSEN
919285	3.40	0.00	0.34	0.00	3.74	5/22/2025	0006753004	2024	2024	000000	DUNSHIE, CHRISTOPHER JON
918972	3.40	0.00	0.34	0.00	3.74	5/13/2025	0006862746	2024	2024	000000	ARNOLD, RICHARD HENRY JR
919449	3.70	0.00	0.00	0.00	3.70	5/14/2025	0007010091	2024	2023	000000	NEARY, RONALD SCOTT
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**162.78**	**30.00**	**0.68**	**0.00**	**193.46**	**193.46**		**4 Properties Rebated**			
INDIVIDUAL REAL ESTATE ACCOUNT											
919781	153.00	0.00	0.00	0.00	153.00	5/21/2025	0000217792	2024	2024	000000	RODRIGUEZ, VALERIE NICOLE
919778	557.25	0.00	0.00	0.00	557.25	5/15/2025	0000009076	2024	2024	000000	PACE, JOHN R
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	**710.25**	**0.00**	**0.00**	**0.00**	**710.25**	**710.25**		**2 Properties Rebated**			

TOTAL REBATED FORAPEX	**5,452.00**	**30.00**	**22.76**	**0.00**	**5,504.76**	**5,504.76**	**9 Properties Rebated for City**

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: UPDATES BY TOWN MANAGER

Meeting Date: August 12, 2025

Item Details

Presenter(s): Randy Vosburg, Town Manager

Department(s): Town Manager's Office

Requested Motion

Discussion and direction associated with a possible Unified Development Ordinance (UDO) related to Artificial Turf.

Approval Recommended?

TBD

Item Details

Direction is requested from the governing body related to sections in the Town's Unified Development Ordinance (UDO) related to artificial turf and the application of said sections.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 12, 2025

Item Details

Presenter(s): Mayor Jacques K. Gilbert (sponsor)

Department(s): Governing Body

Requested Motion

A Mayoral Letter of Honor to be issued in recognition of Apex Ambassador, Mister J.C. Knowles, Ninety Seventh (97th) Birthday.

Approval Recommended?

Yes

Item Details

Born on June 28, 1928, in the town of Wallace in Duplin County, JC and his twin sister, Ruby Lee, were raised and educated at Oxford Orphanage. As a young man, he served our country in the Merchant Marines and the U.S. Army before embarking on a journey that would bring him to Apex.

Depending on who you talk to, JC Knowles is a businessman, an auctioneer, a school board member, an historian, an educator, a North Carolina scholar, a Sunday School teacher, an antiques appraiser, a publisher, a writer, a radio show host, an innovator and an influencer. He has received countless local and state awards, including the prestigious Order of the Long Leaf Pine bestowed upon him by Governor Beverly Purdue, and he's a devoted husband, father and grandfather. The title for which JC is most widely known, however, is Apex Ambassador.

Attachments

- PR1-A1: Mayoral Letter of Honor *(to be provided under separate cover)*

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: August 12, 2025

Item Details

Presenter(s): David Wood, Assistant Director, and
Leon Younger and Philip Parnin, PROS Consulting Inc.

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

Requested Motion

Receive as information an update on the progress and implementation of the Parks, Recreation, and Cultural Resources Pricing Policy.

Approval Recommended?

N/A

Item Details

PROS Consulting will be presenting initial findings and recommendations towards creating an updated pricing policy for the Parks Recreation and Cultural Resources department. Final policy changes will be brought to Council at the September 9th regular meeting for consideration.

The intent of conducting a fee study is to perform a comprehensive review of our existing fees and policies ensuring equitable high-quality services for all residents while being fiscally sustainable meeting the ever-growing needs of Apex residents.

PROS Consulting is a full-service agency, providing a full range of planning, assessment, business development, operational best practices, and training services backed by decades of leadership within parks and recreation systems across the country.

Attachments

- PR1-A1: PowerPoint Presentation – Pricing Policy Recommendations – Parks, Recreation, and Cultural Resources Comprehensive Fee Assessment and Recommendations
- PR1-A2: Price Policy Document – Parks, Recreation, and Cultural Resources Comprehensive Fee Assessment and Recommendations

Apex Pricing Policy

Leon Younger,
PROS Consulting

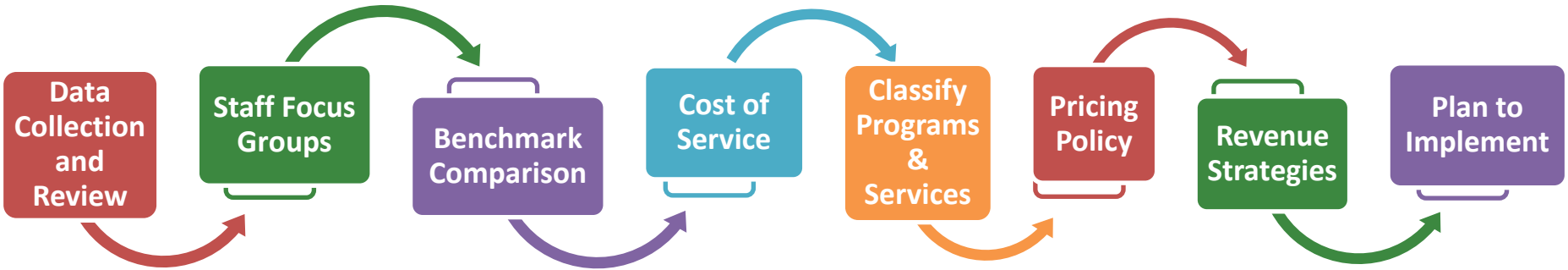
Philip Parnin,
PROS Consulting

Apex Town Council – August 12

Agenda

- The Process
- Current Pricing Policy Highlights
- Why the Assessment
- Recommended Changes
- Supporting Factors

Process


Data Collection and Review
Staff Focus Groups
Benchmark Comparison
Cost of Service
Classify Programs & Services
Pricing Policy
Revenue Strategies
Plan to Implement

Why Assess Pricing Policy

- Hasn’t been comprehensively reviewed and updated since 2010.
- Best practice is to review annually etc.
- 2023 Master Plan Recommended annual review

Important Note:

The Pricing Policy does not override the p[illegible]s outlined in the Community Special Events Policy, which shall take precedence in cases where the two policies differ.

Existing Pricing Policy

Program fees are charged to recover costs of providing services. These fees cover direct costs such as instructor/entertainment contracts, part-time staff, supplies, equipment, referees, uniforms. A 10% administrative fee is added to cover overhead and an additional 10% maintenance fee for athletic programs.

Non-Resident Fees:

- $15 for Halle and JMBCC programs
- $10 for Senior and Specialized Recreation
- $25 for Athletic Programs

Benchmarking Non-Resident Fees

Apex

Non-resident fees are typically higher than resident fees; specific amounts vary by program.

Parks & Recreation Non-Resident Fees Comparison	
Municipality	**Non-Resident Fee Structure**
Cary	Non-resident fees are typically higher than resident fees; specific amounts vary by program.
Holly Springs	Non-resident fees are generally higher than resident fees; specific amounts vary by program.
Fuquay-Varina	Non-resident fees are higher than resident fees; specific amounts vary by program.
Morrisville	Non-resident fees are 30% higher than resident fees.
Garner	Non-resident fees are 40% higher than resident fees.
Wake Forest	Non-resident fees are higher than resident fees; specific amounts vary by program.
Wendell	Non-resident fees are higher than resident fees; specific amounts vary by program.
Rolesville	Non-resident fees are higher than resident fees; specific amounts vary by program.

Existing Pricing Policy

Cost Recovery:

100% of Direct Costs – fees based on program attendance minimums – Most fee based programs (JMBCC, Halle, Adult Athletics)

50% of Direct Costs for Youth Athletics

35% of Direct Costs for Senior* and Specialized Programs

* Senior Trip related fees such as admissions, meals, lodging capture 100% of costs

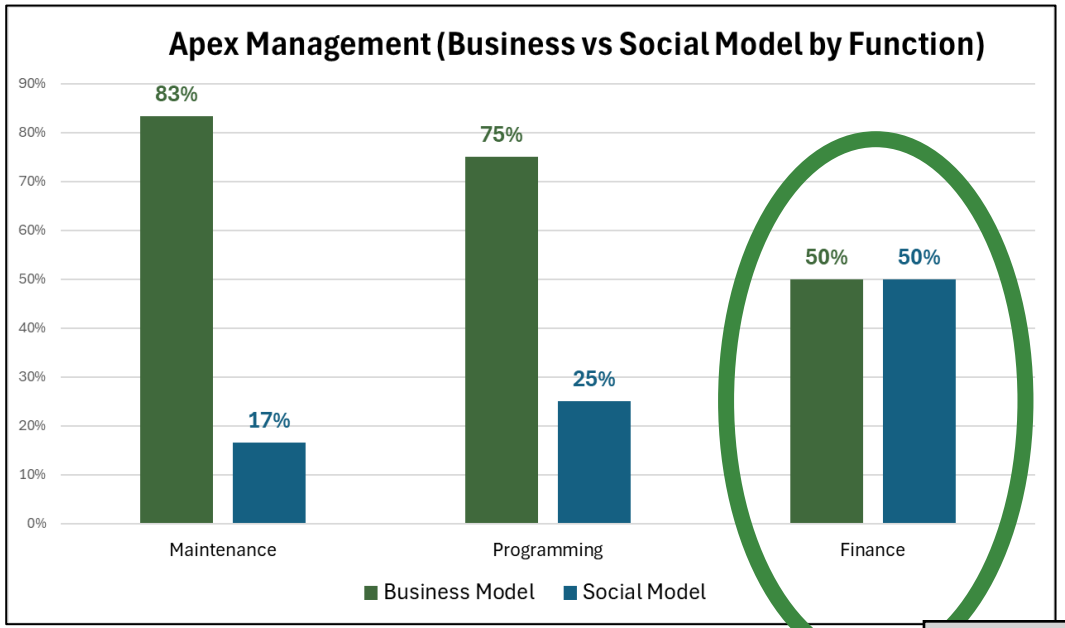
Financial Model

Parks and Recreation Agencies operate principally between two models

Business Model - Outcome and results driven

Social Model - Personality driven

Financial Model by Function

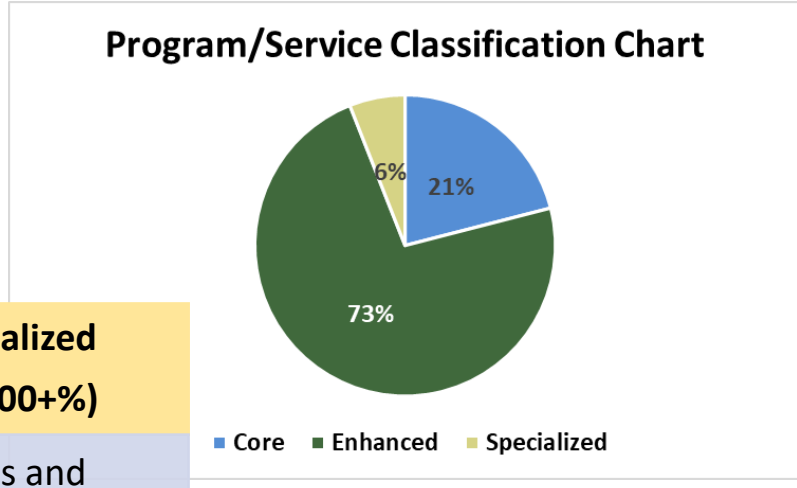


Maintenance Business Model	
Yes	Maintenance Business Model
X	Maintenance standards are set and budgeted to performance measures
X	Cost of Service is performed on all parks and facilities
X	Design standards are in place so not to over design parks
X	Classification of parks are in place to designate use
	Life cycle management is followed
X	Work order management is in place
	Matrix managed as a group vs. cylinder (NEED
X	Track hours to produce a task
X	Formal partnership agreements in place with
X	Staff are accountable to budgets
X	Use technology to support decision making
X	Communicate standards to the community
X	Build volunteer support
X	Balanced allocation of budget to support proa (Budgets are 60% to 65% labor and 35% to 40

Business/ Finance Business Model	
Yes	Programming Business Model
X	Budget are tied to overall vision and priorities of department and supported by efficient management practices
X	Systems are defined to support consistent operations and accountability
	Proactive strategy to support earned income development to offset operating costs
X	Contracts are established to support compliance to clearly defined requirements and expectations with formal review and reports
X	Standards, ordinances and policies are established to guide balanced
	easures at core business and staff levels
	established systems/ management approach
	haking
	on business approach to parks and recreation

Programming Business Model	
Yes	Programming Business Model
	Core businesses are clearly defined and managed
X	Costs of service is known for all programs, services and facilities
X	Program standards are established and supported by policy
X	Cost recovery goals established for each core business supported by policy to guide staff management
X	Programs and services are priced based on established policies
	Facilities and programs are designed to recover operating costs
X	Formal partnership agreements are in place, supported by policies and performance outcomes
X	Formal performance measures are developed and linked to established vision, budgets and standards
X	Formal customer feedback process is in place and consistently applied
X	Proactive marketing strategy tied to program lifecycle and age segment participation
X	Entitlement is managed and controlled based on cost and return on investment
	Economic impacts are tracked on land, facilities and programs/events

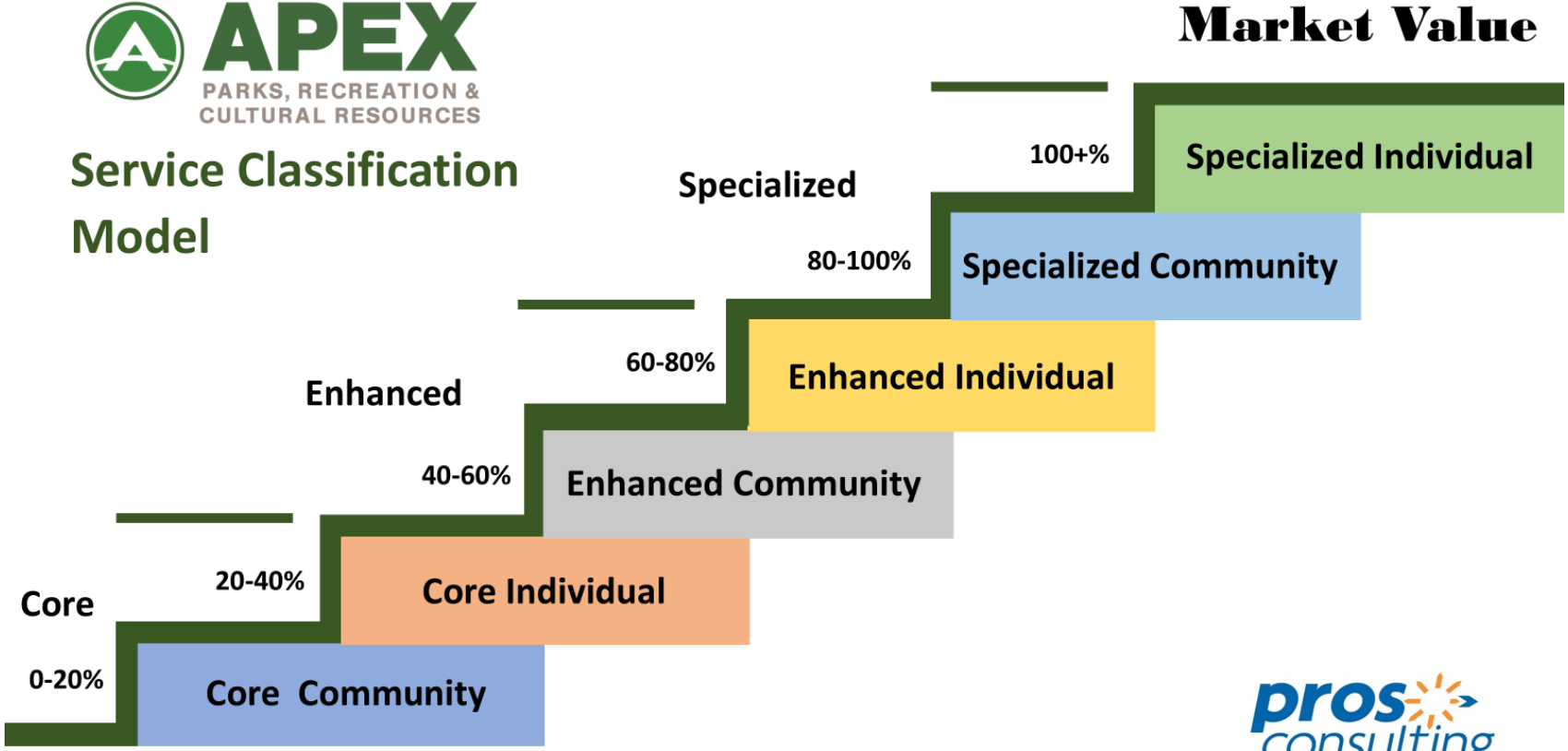
Classifications



Core (0-40%)	Enhanced (40-80%)	Specialized (80-100+%)
• Programs and services that provide significant community-wide benefit and align closely with the Department's mission to serve the public good.	• Programs that offer a mix of community and individual benefit. These services provide enrichment beyond essential offerings.	• Programs and rentals that provide high individual/private benefit with minimal community-wide impact. These offerings are typically exclusive, optional, and customized

APEX
PARKS, RECREATION & CULTURAL RESOURCES

Service Classification Model



pros consulting INC.

Percentages represent direct and indirect cost recovery

The Policy

Purpose of the Policy

- Establishes a transparent and consistent approach to setting fees across Dept. divisions
- Balances public benefit and individual use based on exclusivity
- Supports financial sustainability of services
- Informs planning - budget process and cost recovery goals

Policy Oversight

- Reviewed annually with Town budget process
- Adjustments made based on economic shifts and community needs

Waivers

- One waiver per nonprofit/civic group per year to allow fund raising during a rental, must be approved by Department Director.
- 25% Non-Profit discount allowed for all Facility and Park Shelter rentals, Monday-Thursday.
- Encourages mission-driven use of Town facilities

Financial Equity and Access

- Acknowledges economic disparities
- Provides financial assistance to reduce barriers
- Promotes equitable public service delivery
- Ensures taxpayer equity for Apex residents
- Additional fee for non-residents per program, passes, and facility rentals

Apex Non-Resident Fees

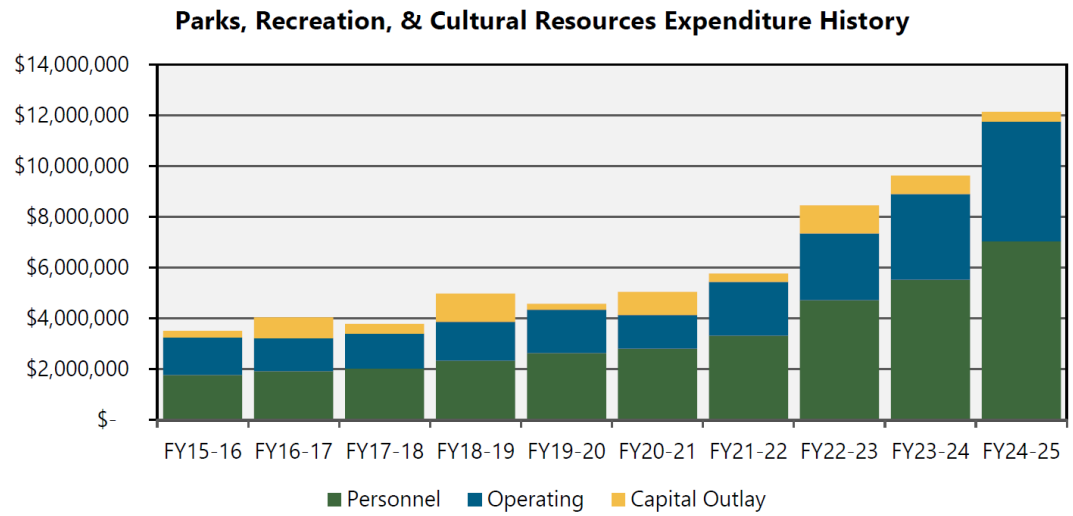
Apex Current Policy & Proposed Changes	
Currently	**Proposed**
Programs	
$15 Halle and JMBCC (Contracted Programs/Camps)	$25 Additional surcharge for Non-Residents
$10 Senior Center and Specialized Recreation Programs	
$25 for Athletic Leagues	
Rentals	
50% more -JMBCC, Halle and S.C. room rates, Nature Park Amphitheatre	50% Higher fee (surcharge) for Non-Residents
$15 more – Park Shelters	
Passes/ Permits	
$20 Open Gym, $10 Senior Exercise, $10-$25 Fishing, $35 Boat Permit	No Proposed Changes
100% more Dog Passes	

Apex Primetime/ Non-Primetime

Apex Current Pricing & Pricing with Proposed Changes			
Facility	**Currently**	**Weekday**	**Weekend**
Community Center Summit Room	$35R/ $52.50NR	$35R/ $52.50NR	$47.50R/ $71NR
Community Room Arts & Crafts Room	$21R/ $31.50NR	$21R/ $31.50NR	$28.50R/ $32.50NR
Senior Center Salem Meeting Room	$100R/ $150 NR	$100R/ $150 NR	$135R/ $202.5 NR
Senior Center Hunter Exercise Room	$30R/ $45NR	$30R/ $45NR	$40.50R/ $61NR
Amphitheater (whole day)	$250R/ $375NR	$250R/ $375NR	$337.50R/ $506.50NR
Halle Cultural Arts Center - Studio Gallery	$50R/ $75NR	$50R/ $75NR	$67.50R/ $101.50NR
Apex Community Park - Small Shelter	$20/ $30NR	$20/ $30NR	$27R/ $40.50NR
No Change to Outdoor Sports Fields or Sport Courts			

Why the Change

User fees are implemented to help fund expanding services, **increasing operational costs**, and reduce financial ask of tax base.



Apex Parks, Recreation & Cultural Resources Budgets				
FY20-21 Actual	FY21-22 Actual	FY22-23 Actual	FY23-24 Actual	FY24-25 Estimated
$ 4,577,781.00	$ 5,441,981.00	$ 7,351,354.00	$ 8,802,273.00	$ 10,903,623.00

* Budgets are operations and do not include capital outlays

58% Cost Increase 2020-2025 Operationally

Progress in a better financial structure has already begun to track expenses by core program area

Line Item Expenditures

Parks, Recreation, & Cultural Resources Expenditures					
Line Item	FY22-23 Actual	FY23-24 Budget	FY23-24 Estimate	FY24-25 Budget	Percent Change
Salaries	3,003,668	3,514,200	3,461,887	4,372,500	24.42%
Part-Time Salaries	402,972	462,300	426,262	560,000	21.13%
FICA	247,220	290,550	289,531	377,400	29.89%
Group Insurance	487,249	659,100	650,127	836,700	26.95%
General Retirement	355,261	475,200	445,806	596,000	25.42%
401K General	146,441	184,500	166,151	218,700	18.54%
Workers Comp	73,256	98,500	77,030	75,200	-23.65%
Postage	814	1,400	1,000	1,400	0.00%
Telephone & Communication	32,470	44,400	35,000	46,700	5.18%
Printing	25,668	48,100	32,000	52,500	9.15%
Utilities	189,882	210,000	350,000	263,800	25.62%
Travel and Training	24,008	87,400	55,000	65,000	-25.63%
Maintenance & Repair - Building	144,962	226,500	226,500	474,100	109.32%
Maintenance & Repair - Equipment	16,425	40,800	40,800	35,400	-13.24%
Maintenance & Repair - Vehicle	7,635	16,000	12,000	19,500	21.88%
Rental - Equipment	15,627	19,500	19,500	19,500	0.00%
Rental - Vehicle	-	6,900	1,000	1,500	-78.26%
Rental - Facilities	47,203	71,400	70,857	76,400	7.00%
Advertising	33,452	79,200	60,000	97,600	23.23%
Automotive Supplies	10,071	14,500	14,500	14,500	0.00%
Motor Fuel	46,431	44,500	41,000	37,600	-15.51%
Office Supplies	8,442	9,515	9,515	13,800	45.03%
Janitorial Supplies	17,144	31,500	31,500	61,500	95.24%
Departmental Supplies	331,514	465,895	465,000	679,900	45.93%
Medical Supplies	19,314	-	-	-	-
Technology Hardware & Accessories	24	39,200	27,000	33,700	-14.03%
Athletic Supplies	185,387	103,450	103,450	183,700	77.57%
Senior Activities	174,625	238,200	225,000	300,100	25.99%
Meeting & Event Provisions	25,909	42,500	42,500	56,400	32.71%
Community Outreach Materials	1,872	4,000	4,000	12,000	200.00%
Uniforms	18,030	23,000	20,000	22,900	-0.43%
Contracted Services	416,605	475,100	460,000	623,200	31.17%
Personal Protective Equipment	9,775	13,600	11,000	15,700	15.44%
Software License & Maintenance	27,632	112,600	100,000	141,200	25.40%
Contracted Services - Instructors	482,162	686,900	540,000	854,500	24.40%
Professional Services	143,814	101,080	101,080	115,200	13.97%
Pro. Services - Engineer/Survey	29,955	42,000	40,827	40,000	-4.76%
Landfill Tipping Fees	300	-	-	-	-
Dues and Subscriptions	3,266	15,400	13,000	4,300	-72.08%
Operating Licenses & Permits	1,366	-	-	-	-
Special Programs	96,705	185,400	173,400	278,000	49.95%
Insurance - General Liability	46,797	54,935	54,931	72,000	31.06%
Capital Outlay - Land	630,316	-	-	-	-
Capital Outlay - Easements	-	10,000	10,000	10,000	0.00%
Capi[illegible]nts	293,190	556,750	250,000	312,000	-43.96%
Capi[illegible]	175,476	471,400	465,977	65,000	-86.21%
Tota[illegible]	**$8,450,336**	**$10,277,375**	**$9,624,132**	**$12,137,100**	**18.10%**

System-Wide Challenges

Comments reflect PROS Consulting Review of the Pricing Policy and staff input on pricing programs and services.

Why the Change

- Lack of a formal, standardized pricing policy implementation across all divisions.
- Uncertainty in application of indirect costs.
- No centralized costing model or implementation to track full program expenses.
- Pricing set ad hoc or by comparison to nearby communities without internal benchmarks.

Implementation

Program Development Worksheet (Step 1)

APEX PARKS, RECREATION & CULTURAL RESOURCES

Program Identification

Program/ Event Idea *(Name or Concept):* _____ **Date** _____

Supervisor(s) _____

Strategic Plan Alignment: _____

Internal Factors

Age Segment:	Primary	Secondary
	Select	Select

Community Need	Notes:
Select	

Classification:	Essential Community	Essential Individual	Important Community	Important Individual	Value-Added Community	Value-Added Community
Cost Recovery Range:	0-20%	20-40%	40-60%	60-80%	80-100%	100% & Up

Core/ Non-Core	Core/ Non-Core
	Select

Core Program Area:
Select

Market - Similar Providers

Number of Competitors:	

Competitive Pricing	Notes:
Select	

Growth Potential:	Notes:
Select	

Partnership/ Sponsorship

Potential Partnership/ Sponsorship/ Grants:	Notes:
Select	

Potential Partners/ Sponsors:	Names of Potential Partners/Sponsors/Grantors	Notes
Potential Partners:		
Service Delivery Partner		
Service Enhancement Partner		
Other		

Pricing Calculation Worksheet (Step 3)

APEX PARKS, RECREATION & CULTURAL RESOURCES

Program Idea *(Name or Concept):* _____ **Date** _____

Core Program Area: Select **Supervisor** _____

Step 1: Calculate Direct Costs

(These are expenses tied directly to delivering the program)

Direct Cost Items	Description	Estimated Costs	Actual Costs
Staff Wages	LSE, training, screenings, facilitators, aides		
Supplies & Materials	Consumables used in program (incl. clothing)		
Equipment	Rental or purchase		
Transportation	Vehicle rental, mileage reimbursement		
Facility Use (if applicable)	Rental or internal usage allocation		
Contracted Services	Entertainment, instructors, refs, etc.		
Admission/Tickets/Entry Fees	Field trips, special events, lodging		
Marketing Costs	Costs from Marketing Tab		
Other (specify):			
	TOTAL DIRECT COSTS (A)		

Step 2: Choose the Indirect Costs that Apply (Flexibility)

(Percentage of overhead expenses that support the program)

Indirect Cost Items	Description	Estimated Costs	Costs Included
Administration/ Operational	staff, technology, bank fees	15%	15%
Maintenance & Utilities	Facility use upkeep, electricity, HVAC	10%	10%
Other (specify):			
	Total Indirect Cost Percentage (B)	25%	25%

Step 3: Add Direct Costs and Multiply by Total Indirect Cost Percentage

Cost Item	Cost
Direct Costs (A)	$0.00
Indirect Cost Percentage (B)	25%
	$0.00
Total Service Costs	$0.00

Participant Fee Calculation	
Total Service Cost	$0.00
Minimum # of Participants	24
Cost per Resident Participant	$0.00
Non-Resident Rate	$ 25.00
Cost per Non-Resident Participant	$25.00

Step 4: Add ACTUAL Direct Costs and Multiply by Total Indirect Cost Percentage

Cost Item	Cost
Actual Direct Costs (A)	$0.00
Indirect Cost Percentage (B)	25%
	$0.00
Actual Total Service Costs (C)	$0.00

Cost Recovery Calculation	
Total Revenue	$2,698.00
Actual Direct Costs (C)	$0.00
Difference	$2,698.00
Cost Recovery	#DIV/0!

Next Steps

- Questions/ Comments from Council
- Formal Adoption and Documentation
  (Parks & Recreation Advisory Board & Town Council)
- Staff Training and Operational Alignment
- System Integration and Fee Adjustments
- Monitor, Evaluate, and Annual Review for adjustments

Thank You For Your Time & Engagement

Comments or Questions?

CHAPTER ONE –PRICING POLICY

1.1 INTRODUCTION

The Town of Apex ("Town") Department of Parks, Recreation and Cultural Resources ("Department") provides and manages a diverse array of recreation and leisure services, programs, facilities and special events. This Pricing Policy does not override the provisions outlined in the Community Special Events Policy, which shall take precedence in cases where the two policies differ. In addition, the Department maintains and manages public park land, trails, open space, landscaping and trees.

A combination of taxation, grants, donations, and user fees fund Department asset development and services. Taxation primarily involves the General Fund and funding for the development and maintenance of parks, trails and recreation facilities and the preservation and maintenance of open space.

1.2 PHILOSOPHY

The Department's Mission is to provide exceptional public service that fosters opportunity for the individual and community to live, thrive, and reach their peak.

The Department Vision Statement is to create more opportunities for the community to grow emotionally, socially, and physically, while also expanding equitable access to recreational facilities and opportunities.

The Department establishes the following pricing policy guidelines for the development of pricing recreation and park-related services. Services are defined as a course/program/event, facility rental, and usership/membership/daily drop-in services. This does not refer to products or real property.

The Department attempts to balance the cost-to-benefit ratio by providing certain basic facilities and services for use or participation with minimal or no fee. Enhanced or specialized facilities and programs are provided through fees to the user and/or participant to recover all or an appropriate portion of the costs.

A sound and consistent pricing policy provides the framework for the operation and management of revenues and pricing to balance the demand for services with available resources. Pricing is necessary to complement tax revenues to provide and sustain quality parks and recreation experiences. The purpose of enhancing fees and charges is not about charging more; it is about pricing smarter.

1.3 PURPOSE

- To establish a basis of fees and rationale for the pricing structure.
- To ensure both the Apex citizens and Department staff are aware of all associated costs and how the pricing structure is set.
- To demonstrated consistency, structure, and uniformity throughout the parks system.
- To provide justification for potential future price increases.
- To demonstrate fiscal management, consistency, and responsibility with the use of Department funds and user fees.
- To implement a methodology to best serve the Department in meeting cost recovery goals for program services while remaining affordable.
-

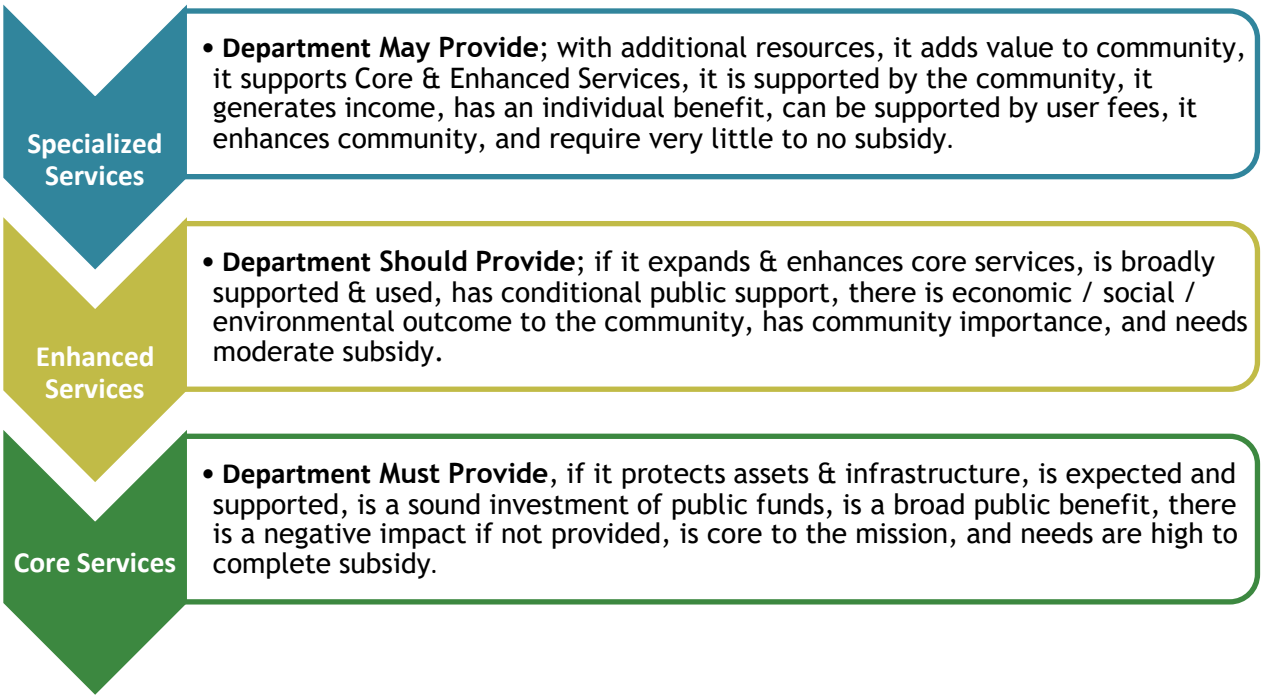
1.4 SERVICE CLASSIFICATION & COST RECOVERY

Services provided by the Department may be broadly identified as Core, Enhanced, and Specialized programs and services. In this section, these categories are defined and identified with a listing of typical services in each classification. These classifications determine, in part, how much of each service's cost will be recovered through user fees and charges.

Classifying services informs how each program serves the overall organization mission, the goals, and objectives of each Core Program Area. Additionally, it also assists with how programs should be funded regarding Department usership dollars and/or user fees and charges. How a program is classified can help to determine the most appropriate management, funding, and marketing strategies.

Program classifications are based on the degree to which the program provides community (public) benefit versus an individual (private) benefit. Community benefit can be described as everyone receiving the same level of benefit with equal access, whereas a private benefit can be described as the user receiving exclusive benefits above what a general taxpayer receives for their personal benefit.

This plan proposes a classification method based on three indicators: Core, Enhanced, and Specialized. Where a program or service is classified depends upon alignment with the organizational mission, how the public perceives a program, legal mandates, financial sustainability goal, personal benefit, competition in the marketplace, and access by participants. The following infographic describes each of the three broader program classifications and cost recovery range.



1.4.1 COST RECOVERY GUIDELINES

The Department will use the best practice cost recovery by core program area (right) to set annual cost recovery goals. In some instances, there will be no change in cost recovery goals, unless economic impacts to the Department suggest that an increase in the goal is needed.

Apex Parks, Recreation & Cultural Resources Cost Recovery	
Core Program Area	Best Practices (Direct and Indirect)
Adult Athletics	100% +
Adult Non-Athletic Programs	100% +
Cultural and Performing Arts	75-100%
Senior Programming	25 -50%
Special Events	0-25%
Specialized Recreation	25-50%
Summer and Track Out Camps	50-100%
Youth and Teen Non-Athletic Program	50- 100%
Youth Athletics	50-100%

Cost Recovery Guidelines include:

Direct Costs: Will be defined as any expenditure related to the implementation of the service or program. Includes all contractors, part-time staffing costs, limited-service employees, and all supplies costs.

Indirect Costs: Will be defined as any costs other than capital expenses not applied to direct costs. These include utilities, maintenance, custodial, depreciation, and administration costs.

Capital Costs: will be defined as improvements or renovations to a facility that is not otherwise classified as facility maintenance.

DETERMINING DIRECT AND INDIRECT COSTS

To determine appropriate pricing, the Department calculates both direct costs—which include expenses such as contractors, part-time staff, limited-service employees (LSE), and program supplies—and an established percentage of indirect costs. Indirect costs represent shared departmental support and infrastructure and include administration staff support, technology systems, facility maintenance and utilities, and general management oversight. These are in addition to the direct costs.

By applying the following pricing classification framework, the Department ensures consistent, data-informed pricing decisions that promote accessibility, sustain high-quality services, and allocate tax dollars effectively based on the nature and benefit of each offering.

1.5 PRICING BY CLASSIFICATIONS

The Department will implement a structured pricing classification model to guide equitable and responsible cost recovery for all programs, facilities, and services. This model categorizes offerings based on the proportion of public (community) versus private (individual) benefit, with cost recovery goals increasing as the individual benefit becomes more predominant. Cost Recovery Goals shall be set annually during the Town's budget process.

1.5.1 CLASSIFICATIONS AND COST RECOVERY GOALS FOR ALL PROGRAMS, FACILITIES, AND SERVICES:

CORE COMMUNITY (0-20% COST RECOVERY):

Mostly Community Benefit Programs. These programs and services listed are completely for Apex community benefit. These programs are targeted to recover at the most 20% (direct and indirect) of costs or less based on recommendations of the staff. 80% to 100% of direct costs and indirect costs within this tier may be subsidized.

Examples include but are not limited to:

- Programs that are self-directed, do not require supervision, or minimal supervision like open gym
- Community-wide events
- Activity that is non-registered based
- Community Mandate Services
- Specialized Recreation services that are inclusive and adaptive recreation opportunities for people with disabilities
- This would include unreserved outdoor spaces
- Volunteer programs such as adopt a trail and adopt a pollinator garden

CORE INDIVIDUAL (20%-40% COST RECOVERY):

Core programs and classes. These programs have considerable Apex community benefit. These programs and services are targeted to recover 20% to 40% direct and indirect cost recovery based on the recommendation of the staff. 60% to 80% of the direct costs and indirect costs within this tier may be subsidized.

Examples include but are not limited to:

- Senior drop-in activity programs
- Senior basic group fitness
- Specialized Recreation services that are inclusive and adaptive recreation opportunities for people with disabilities
- Drop-in programs requiring supervision by staff Classes, programs, workshops, and clinics focused on life-skills

ENHANCED COMMUNITY (40%-60% COST RECOVERY):

These programs and services provide a balance of community and individual benefit and are primarily supported by a combination of taxpayer dollars and user fees at 40% to 60% direct and indirect cost recovery level of true costs (both direct and indirect costs). 40% to 60% of the direct costs and indirect costs within this tier may be subsidized. These programs have a combined public good and private good.

Examples include but are not limited to:

- Senior pottery
- Pickleball clinic
- Leagues for youth in all sports regardless if it is indoors or outdoors.
- Permit Services-non rental permit services issued to businesses or individual groups for non-exclusive use of parks property for a special activity permit.
- Classes, programs, workshops, and clinics for intermediate skill-level focused activities.

ENHANCED INDIVIDUAL (60%-80% COST RECOVERY):

These Programs are 60%-80% cost recovery level of true costs (both direct and indirect). These programs are expected to be provided by Department. 20% to 40% of the direct costs and indirect costs within this tier may be subsidized.

Examples include but are not limited to:

- Coach clinics for youth in all sports.
- Engineering for kids
- Disc golf tournament

- Athletic programs for adult

SPECIALIZED COMMUNITY (80%-100% COST RECOVERY):

These programs have high individual benefit and should incur minimal subsidy from Department dollars and have a cost recovery goal of 80% to 100% (direct and indirect). Programs that fall into this category include specialized programs, specialty camps, and fee-based special events.

Examples include but are not limited to:

- Rentals of school facility spaces
- Yoga/ stretch group fitness classes.
- Cardio Classes
- Organized senior/ specialized recreation trips
- Rental of park facility space for events
- Exclusive Use Permits- for non-profit/civic rentals for exclusive use of spaces and facilities on a one-time or on-going basis.
- Equipment Rentals- various Parks owned equipment available to renters for exclusive use. This would include but not limited to banquet chairs/tables, audio/video equipment, sports equipment, stage, etc.
- Food and Vending Sales: sale of food and vending services including food trucks will recover 100%+ of the cost to provide the service.

SPECIALIZED INDIVIDUAL (100%+ COST RECOVERY):

These programs include activities with high individual only focus. These would include specialized trips, competition for adult sports leagues, and specialized classes. Cost recovery level should be 100%+ of direct and indirect costs.

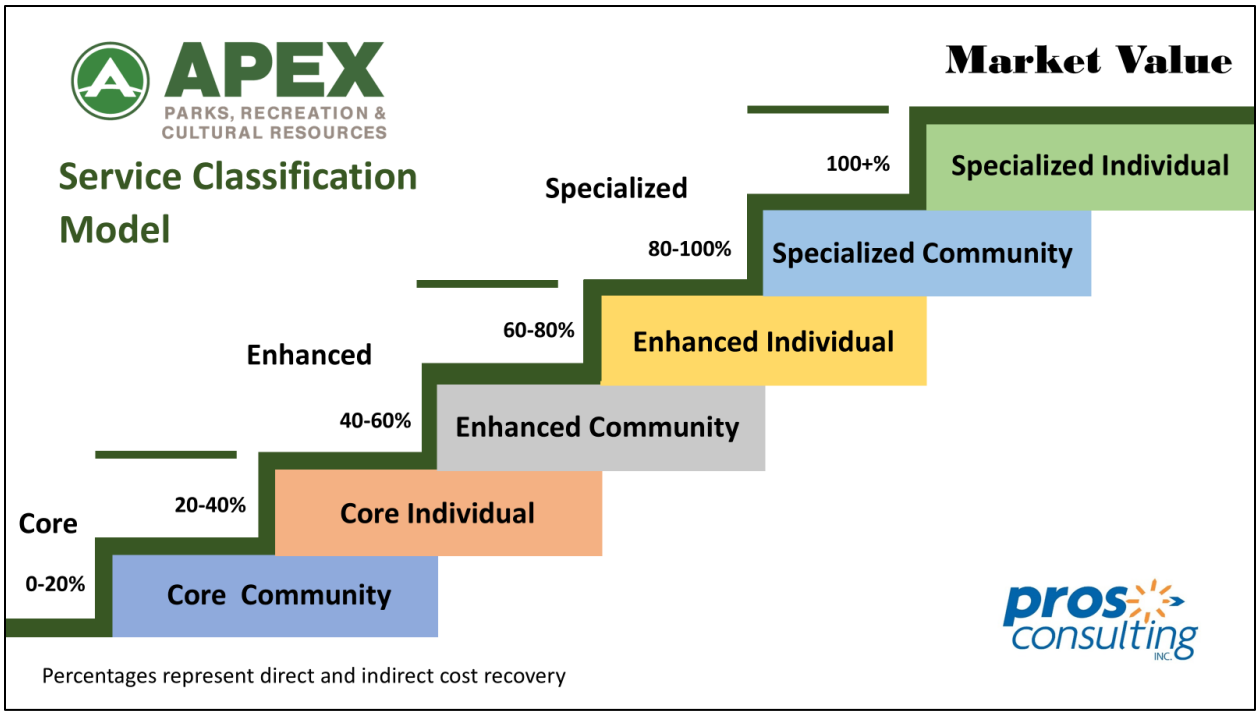
Examples include but are not limited to:

- Adult Advanced Competition Sports Leagues and Tournaments- Scheduled one-time sporting and multi-game events for various age groups that are organized and or managed by the Department. The games are typically officiated and scored, providing a team experience for participants with the intent of playing a game/match to win or to compete.
- Organized Trips- youth, teen, and adult trips.
- Exclusive User Permits - Private/for-Profit-Rentals for exclusive use of spaces is prohibited under this policy except when approved by the Director of Parks, Recreation and Cultural Resources or designee. There must be economic impact for the Town through visitor direct spending for events to be approved and be in one or more of the following locations:
    - Apex Nature Park & Seymour Athletic Fields (multipurpose fields)
    - Apex Nature Park Disc Golf Course
    - Apex Community Park Street Hockey Rink
    - Hunter Street Park Multipurpose Field
    - Hunter Street Park Skate Plaza
    - Pleasant Park Multipurpose fields
    - Salem Pond Park
    - The Halle Cultural Arts Center

- This would include tournament use of sports fields for team's private gain, race permits, private room rentals for weddings, reunions, youth parties, and special events held on Department property.
- Concessions and Vending-in house contracted, or private food, beverage and retail sold for individual use or consumption on Department property.
- Equipment Rentals- various Parks owned equipment available to renters for exclusive use. This would include but not limited to banquet chairs/tables, audio/video equipment, sports equipment, stage, etc.

1.5.2 TIERED SERVICE CLASSIFICATION MODEL

The Service Classification Model provides a structured framework for evaluating and categorizing the programs, services, and facilities offered by the Town of Apex Parks, Recreation, and Cultural Resources Department. This model is organized into three primary service categories—Core, Enhanced, and Specialized—and further distinguishes services based on the level of benefit received by the general community versus individual users. By analyzing each service along the spectrum of public good to private benefit, the model helps determine appropriate cost recovery expectations and resource allocation. Services that primarily benefit the broader community, such as public parks and inclusive events, are categorized differently from those offering high individual benefit, such as specialized programming or exclusive rentals, ensuring a fair, equitable, and fiscally responsible approach to delivering recreation services.



1.6 RESIDENTS FACING FINANCIAL LIMITATIONS

This section of the revenue and pricing policy recognizes and acknowledges the wealth and economic disparities of Town residents. Residents who face temporary or long-term financial limitations often face higher rates of poverty, unemployment, and limited access to necessities. Traditional pricing models often disproportionately burden these residents, further exacerbating existing inequalities and impacting their access to parks and recreation programs and municipal services. As part of its service delivery mission, the Town will ensure that recreation programs and services are available to all residents, including when residents face financial limitations. The Town is committed to ensuring equitable access to services and resources while also generating sufficient revenue to sustain operations.

Our pricing policy aims to achieve the following objectives residents facing financial limitations:

- Reduce the financial burden on residents when they face financial limitations.
- Promote equitable access to services and resources for all residents.

1.7 GENERAL GUIDELINES FOR USE OF TOWN PROPERTY:

1.7.1 WAIVER OF FEES AND CHARGES

The Town of Apex Parks, Recreation, and Cultural Resources Department is committed to promoting community engagement through public programs, special events, and facility access while maintaining fiscal responsibility and equitable practices. In recognition of occasional financial barriers for community-serving groups, a limited waiver policy has been established for facility rental fees. Fees may be waived or reduced by the Director of Parks, Recreation and Cultural Resources upon completion of the appropriate form per the approved Waiver policy.

- One waiver per organization per calendar year may be granted up to 100% of the fee.
- This waiver cap applies to all types of requests, including:
    - Non-profit organizations conducting community fundraisers on Town property
    - Civic groups or other mission-aligned organizations requesting reduced fees for non-revenue-generating community events

1.7.2 PROFIT MAKING

No person shall solicit, peddle, beg, or conduct private fundraising activities within any public park or on any public greenway, or sell, merchandise, wares, or distribute any product samples, informational literature of any type therein. This subsection shall not apply to:

- Any concession franchise granted by the parks and recreation and cultural resources department for a park; or
- Any solicitation or sale of goods by nonprofit or civic groups, provided that written permission is obtained in advance from the director of parks, recreation, and cultural resources or the director's designee. Such groups must provide proof of their approved 501-C3 nonprofit designation and must provide insurance, Hold Harmless, and other documentation as required by the town. No such permission shall be issued to any group more than once during a 12-month period.

1.7.3 NON-PROFIT ORGANIZATIONS

Non-profit organizations are able to receive a 25% discount for facility rentals Monday through Thursday. Non-profit organizations that propose to use public recreation facilities for fundraising will only be allowed one fundraising event in a 12-month period. Non-profit proposals require approval by the Director of Parks, Recreation and Cultural Resources.

1.7.4 NON-RESIDENT SURCHARGE

To ensure equity and acknowledge the tax contributions made by residents of the Town of Apex, a non-resident fee structure is applied to individuals who reside outside the Town's corporate limits. This policy helps recover costs for services and facilities that are primarily supported by local tax revenue.

Program Registration Fees

- A $25 non-resident fee will be added to the base registration cost for all programs.
- This policy applies uniformly across all program types, including but not limited to athletics, recreation classes, special events, and camps.

1.7.5 FACILITY USE & RENTALS

DOG PARK USE

Non-residents will be charged a fee that is 100% higher than the standard resident rate for the use of any Apex dog parks.

TOWN FACILITIES

The fees for facility rentals shall be established using the primetime/ non-primetime pricing strategy. Primetime is designated as weekends (Friday-Sunday) and will be a 35% higher fee than weekdays, for the exclusive use of the facility and removing the ability for residents to have access. Non-primetime is designated as weekdays (Monday-Thursday).

Non-residents will be charged a rental rate that is 50% higher than the standard resident rate for the exclusive use of Town facilities.

- This surcharge applies to rentals of community rooms, shelters, gymnasiums, and other reservable spaces.
- During the annual budget process a market analysis is completed to determine if the rental rates, passes, and permits are in line with market value.
- The increased rate reflects the Town's commitment to maintaining high-quality facilities while ensuring fair use of taxpayer-supported resources.

1.7.6 FIELD/COURT RENTAL

SINGLE DAY FIELD RENTALS

When available, athletic fields and courts may be reserved on an hourly basis. Reserved hours of use must include set-up and clean-up time. Users may not access field prior to their documented rental time,

and the field must be vacated at the time listed on the rental agreement. All rentals include the full field/court. It is not possible to reserve only a portion of a field/court.

If the field/court is available, the renter will be emailed an electronic rental agreement to sign. Upon receiving the signed agreement, town staff will set up the rental to take payment. Reservations will be temporarily held for 2 business days. If the agreement is not signed and payment received within that time period, the reservation will be released.

HOURLY RENTAL FEES

- Turf Multipurpose Fields (per field): $100 per hour
- Grass Multipurpose, Baseball & Softball Fields (per field): $40 per hour
- Street Hockey Rinks (per court): $40 per hour
- Lights (per field): $20 per hour
- Sand Volleyball Courts (per court): $15 per hour (Apex residents), $22.50 per hour (non-Apex residents)

LONG-TERM (MULTIPLE DAY) FIELD RENTALS

Each fall and spring, the Town accepts requests from groups interested in renting fields for multiple dates during the approaching six months. All requests must be submitted by email. Requests for field rental between January-June are due by November 1st. Requests for field rental between July-December are due by May 1st.

- All requests from the same group should come from one designated person. For example, requests by different teams from the same school should all come from the athletic director, not each individual coach.
- Fields shall be assigned to rental groups as fairly as possible. All Town of Apex programs will have priority for field use. In allocating field space to rental groups and individuals, several factors will be considered, including the number of Apex residents in the organization, total hours requested, and previous compliance with rental policies.
- Once long-term field reservation requests are approved by the Town, the group will be given a due date for payment. An initial minimum of payment of $1,000 will be required to secure the reservation (or full amount if less than $1,000). Subsequent monthly payments must take place no later than 30 days before all rental dates in the upcoming month.

1.7.7 ADDITIONAL INSURED

Any group or individual, at the sole discretion of the Town, may be required to submit to the Town of Apex an insurance policy, naming the Town of Apex as an additional insured, as part of the application process.

1.7.8 ADMISSIONS INTO TOWN PARKS

No group or agency may charge an admission fee for entrance into a Town-owned parks & recreation facility unless such a charge is mandated by an organization the Town is affiliated with through its Parks, Recreation, and Cultural Resources Department. This rule does not apply to the Halle Cultural Arts Center. Approval of such activities shall be at the discretion of the Director of Parks, Recreation, and Cultural Resources.

1.7.9 RENTAL TIME PERIOD

No park facility may be rented beyond ½ (30 minutes) hour prior to the park closing time except as provided for under rules governing the John M Brown Community Center and/or the Halle Cultural Arts Center.

1.7.10 JURISDICTIONAL LAWS

User groups must abide by and enforce all local, state, and federal laws while utilizing town-owned and maintained parks and recreation facilities. User also agrees to abide all Parks, Recreation, and Cultural Resources Department facility and equipment use regulations and guidelines. Failure to do so may result in immediate revocation of use privileges, forfeiture of damage deposits, and forfeiture of all fees paid.

1.7.11 LEAVE NO TRACE

The user must leave the area / facility clean upon completion of the activity and is responsible for any damage / misuse of the facility.

1.7.12 CODE OF CONDUCT

The user is responsible for the conduct of spectators; participants and all parties associated with its use of the facility. Misconduct while on Town property and damage to Town facilities will result in the user's privileges being revoked immediately.

PERMITTING AND REGULATORY OVERSIGHT

Certain events and activities may trigger the need for:

- Health inspections: Temporary food vendors/food trucks
- Alcohol licensing enforcement: time and oversight from police
- Special use and occupancy permits: temporary structures like tents or inflatables
- Noise permits: Especially for amplified live music

1.8 POLICY REVIEW

The Town of Apex Parks, Recreation, and Cultural Resources is reviewed annually during preparation of the budget by Department staff.

APPENDIX A – DEFINITIONS

- **Administrative Charges** – Non-refundable fees are assessed for class or program registration refunds after grace periods, administrative tasks and ancillary program tasks.
- **Charges for Services (User Fees)** – Fees that Department charges users of park related services, such as use of a community center, dog parks, and other facilities that includes admissions or memberships, and facility permits.
- **Concessions** – Revenue generated through the sale of prepared or pre-packaged food, beverages or merchandise that was originally purchased with intent for resale.
- **Contract** – A formal agreement between two parties for the provision of a service, manufacture or production of an item, or construction of a facility. All contracts require: (1) a date that the agreement is made; (2) consideration, meaning each party receives something from the other party; and (3) signatures of both parties (Example: Vending Contract).
- **Cost Recovery** – Recovery of direct AND indirect (overhead) operational costs (not inclusive of capital improvement projects). Percentage of cost recovery may vary.
- **Direct Costs** – Costs that are directly and exclusively attributable to a program or service. Examples include staff salaries and fringe benefits (that portion of an employee's time solely dedicated to a program), transportation (vehicle rental, fuel), admission to entertainment venues (theater, entry fees, etc.), consumable materials and supplies, food and drink, contract costs (program not provided by staff), rent, and necessary utilities (water, etc.).
- **Distressed Areas -** A geographic area that is designated as a distressed area by the Town, based on indicators of economic distress or dislocation, including but not limited to unemployment, poverty, crime, lacking access to quality-of-life facilities, below median household income, vacancies, and job loss.
- **Donation/Gift** – Any form of cash or in-kind products or services given by an organization, individual or business without any specific goal or anticipated return. The donation may have a specific use designated by the donor or may be made with no specific use and be used for the general good of Department.
- **Expense or Cost vs Fee:** Expense or Cost is defined as the "expense to offer the service" whereas the Fee is defined as the "price advertised to Department Users" for the service. Similarly, Expenses or Costs are the incurred expenses by Department and fees are what Department charge the users
- **Indirect Costs** – Costs that can be attributed to more than one program, service, or facility. Examples include shared administrative staff salaries and fringe benefits, depreciation for equipment used in more than one program, depreciation for buildings, marketing, and advertising, legal, technology, insurance and risk management, and general utilities.
- **Leases and Rentals** – Revenues received from the use of Department property or equipment through a formal agreement. These may be short term (Example: Baseball/softball field rental) or Indoor Meeting Space.)
- **Life Skills - The abilities that enable individuals to effectively cope with the demands and challenges known in everyday life (i.e., cooking, financials, gardening, nutrition, etc.).**
- **Partnership** – A collaborative effort to achieve mutually agreed upon goals and objectives by matching Department community resources to the identified needs of the Department. These are not monetary in nature but have value.

- **Permit Fees** – The class of permits, fees and licenses which includes such levies as user permits to cover the costs of processing requests for a special event permit or reservation for a park facility.
- Private Gains – Refers to financial benefits or advantages derived from personal or business activities. Essentially, it is any increase in wealth (monetary earnings) from the use of public property that an individual or organization receives over another.
- **Service:** Defined as an "individual facility rental, course/program/event, usership/pass/daily drop-in, This does not refer to products or property.
- **Sponsorship** – A negotiated agreement with a business entity whereby the business pays a fee in cash, products, services, or a combination thereof, for the sole rights to the commercial and marketable assets associated with Department (Example: Sponsoring teams in sports leagues or special events).

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for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 12, 2025

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning Department

Requested Motion

Public hearing and possible motion to amend the Apex Transportation Plan along Hammocks Beach Trail and Mt. Zion Church Road for consistency with the proposed rezoning 24CZ10 Ashburn Planned Unit Development (PUD).

Approval Recommended?

Planning Department staff recommend approval of the proposed amendment.

The Planning Board considered and unanimously recommended approval of the proposed amendment at their July 14, 2025 meeting.

Item Details

The purpose of the public hearing is to consider amendments to the Thoroughfare and Collector Street Plan map and the Bicycle and Pedestrian System Plan map of the Apex Transportation Plan associated with 24CZ10 Ashburn PUD. The proposed amendments would: (1) realign the minor collector street along Hammocks Beach Trail, (2) add a future roundabout at Hammocks Beach Trail and Mt. Zion Church Road, and (2) shift the location of the side path along Hammocks Beach Trail.

Attachments

- PH1-A1: Staff Report - Apex Transportation Plan Amendments - Ashburn PUD
- PH1-A2: Amendment Request by Applicant - Apex Transportation Plan Amendments - Ashburn PUD
- PH1-A3: Planning Board Report to Town Council - Apex Transportation Plan Amendments - Ashburn PUD

Purpose of the Apex Transportation Plan

The Thoroughfare and Collector Street Plan Map, Transit Plan Map, and Bicycle and Pedestrian System Plan Map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not provide a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Thoroughfare and Collector Street Plan Map and Bicycle and Pedestrian System Plan Map in order to make a decision.

A map of the proposed amendments to the Transportation Plan is displayed in Figure 1.

Figure 1. Proposed amendments to the Thoroughfare and Collector Street Plan Map and Bicycle and Pedestrian System Plan Map

Explanation of Proposed Amendments

The amendments are associated with the proposed rezoning, 24CZ10 Ashburn Planned Unit Development (PUD), which is located on both sides of Mount Zion Church Road, at Hammocks Beach Trail.

The primary amendment is to realign the future minor collector street to follow Mount Zion Church Road to a proposed roundabout, and then follow Hammocks Beach Trail north to connect to Milano Avenue. The Transportation Plan currently shows the minor collector street continuing directly along Hammocks Beach Trail without a roundabout. If amended, the new alignment and roundabout would allow for construction of the minor collector street within the property controlled by the rezoning, while avoiding and minimizing impacts to other adjacent properties. A secondary amendment is proposed to shift the planned side path north of the roundabout

from the east side of Hammocks Beach Trail to the west of Hammocks Beach Trail. This amendment is also intended to minimize impacts of the road construction on properties outside of the area to be rezoned. Per the minor collector street standard, a sidewalk would still be constructed on the east side of Hammocks Beach Trail. The request for the amendments from the applicant is provided as Attachment 2.

Staff Recommendation:
Planning Department staff recommend approval of the proposed amendments. The amendments are consistent with the concept of this connection included in the Transportation Plan and minimize impacts to adjacent properties. The roundabout may help to calm traffic on the minor collector street. The amendment was reviewed by staff in Transportation and Infrastructure Development; Parks, Recreation, and Cultural Resources; Police; and Fire. All were supportive or had no concerns.

Planning Board Recommendation:
The Planning Board unanimously recommended approval of the proposed amendments at their July 14, 2025 meeting.

Date : April 30, 2025

To : June Cowles

Copy : Jenna Shouse
Shannon Cox

From : Thomas F. Craven, PE

Re : Ashburn Subdivision
Mt Zion Church Road and Hammocks Beach Trail
Rezoning # 24CZ10Ashburn PUD and Ashburn Master Subdivision Plan

In order to facilitate the construction of Hammocks Beach Trail north from Mt Zion Church Road within the property currently controlled by the applicant, a Transportation Plan Amendment is necessary to address several changes.

1. A roundabout is proposed to be constructed on Mt Zion Church Road to provide a suitable street connection between the existing Mt Zion Church Road, the proposed extension of Hammocks Beach Trail and the extension of Baronial Street.
2. Realign the location of the Hammocks Beach Trail extension as a Minor Collector to accommodate the proposed Mt Zion Church Road roundabout and shift it off the property line with the Bella Casa Homeowners Association to minimize the impact of the road construction.
3. Shift the side path along Hammocks Beach Trail from the east side of the road to the west side of the road to lessen the impact of the construction along the property east of the proposed Hammocks Beach Trail extension owned by the Bella Casa Homeowners Association. A sidewalk will be constructed along the east side of Hammocks Beach Trail.
4. Improve the existing Mt Zion Church Road between the southern property line of Ashburn and the proposed roundabout on Mt Zion Church Road as a Minor Collector with a side path along the east side of the road and a sidewalk along the west side of the road.

We respectfully request your consideration of these proposed Transportation Plan Amendments.

3803-B Computer Drive, Suite 104, Raleig - Page 393 - hone: (919) 781-0300 Fax (919) 782-1288
NCBEES C-0448

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: July 14, 2025

Long range plan(s) proposed to be amended:

Transportation Plan

Description of the proposed amendment(s):

Amend the Thoroughfare and Collector Street Plan Map and the Bicycle and Pedestrian System Plan Map for consistency with the proposed rezoning 24CZ10 Ashburn Planned Unit Development (PUD). This includes: realigning the minor collector street along Hammocks Beach Trail, adding a future roundabout at Hammocks Beach Trail and Mt. Zion Church Road, and shifting the alignment of the future side path to the west side of Hammocks Beach Trail.

Planning Board recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member:

Seconded by Planning Board member:

☑ Approval of the proposed amendment(s) as presented

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

☐ Denial of the proposed amendment(s)

With 6 Planning Board member(s) voting "aye"

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

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of July 2025.

Attest:

Keith Braswell, Acting Planning Board Chair

Dianne Khin, Planning Director

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for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 12, 2025

Item Details

Presenter: Joshua Killian, Planner II

Department: Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application #24CZ10 Ashburn PUD. The applicant, Mike Jordan, Ashburn Development, seeks to rezone approximately 15.3 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 0 Mt. Zion Church Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on July 14, 2025 and by a vote of 6-0 recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0721448562 & 0721442048

Attachments

- PH2-A1: Staff Report - Rezoning Case No. 24CZ10 Ashburn PUD
  - Application - Rezoning Case No. 24CZ10 Ashburn PUD
- PH2-A2: Planning Board Report to Town Council - Rezoning Case No. 24CZ10 Ashburn PUD
- PH2-A3: Attachment A – Legal Description - Rezoning Case No. 24CZ10 Ashburn PUD
- PH2-A4: Attachment B – PUD Text and Plan Sheets - Rezoning Case No. 24CZ10 Ashburn PUD

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 & 0 Mt. Zion Church Rd
Applicant:	Ashburn Development
Authorized Agent:	Charles R. Walker III, PLA
Owners:	Anthony and Delois Richardson
PROJECT DESCRIPTION:	
Acreage:	+/- 15.3 acres
PINs:	0721448562 & 0721442048
Current Zoning:	Rural Residential (#07ETJ24)
Proposed Zoning:	Planned Unit Development–Conditional Zoning (PUD-CZ)
2045 Land Use Map:	Medium Density Residential
Town Limits:	In ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (#14CZ10)	Single-family residential & Townhomes (Parkside at Bella Casa)
South:	Rural Residential (07ETJ24); Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10)	Single-family residential; Vacant
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10)	Single-family residential (Parkside at Bella Casa); Mt Zion Church Rd
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10 & #15CZ18)	Townhomes (Bella Casa); Single-family residential (Buckhorn Preserve); Mt. Zion Church Rd

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 15.3 acres. The proposed Ashburn PUD is in the southwest region of Apex, south of Milano Ave, and bisected by Mt. Zion Church Road. The existing Bella Casa and Buckhorn Preserve PUD subdivisions surround the proposed project site to the west, north, and east. The two parcels south of the project western parcel include single-family homes. The lots that are subject to the Ashburn PUD are vacant and wooded with a few areas cleared for existing utility easements and two stream branches on the western parcel.

NEIGHBORHOOD MEETING:

The applicant conducted three neighborhood meetings on October 11, 2023, May 22, 2024, and May 16, 2025. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning is consistent with the 2045 Land Use Map designation. This designation supports the residential uses and density proposed with Ashburn PUD.

WCPSS COORDINATION:

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

PLANNED UNIT DEVELOPMENT PLAN:

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

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. Accessory apartment
2. Single-family
3. Townhouse
4. Recreation Facility, private
5. Park, active
6. Utility, minor

Architectural Conditions:

Townhomes

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it shall be broken horizontally and vertically between, at a minimum, every other unit.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 2 feet out from the front façade or front porch.
6. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

Windows	Decorative shake
Bay window	Decorative air vents on gable
Recessed window	Decorative gable
Decorative window	Decorative cornice
Trim around the windows	Column
Wrap around porch or side porch	Portico
Two or more building materials	Balcony
Decorative brick/stone	Dormer
Decorative trim	

7. Building front facades shall have horizontal relief achieved by the use of recesses and projections.
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. The rear and side elevations of the units that front on the public right-of-way shall have trim around the windows.

Single-family

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 50% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage, if used, shall be accessed by a rear alley, regardless whether it is attached or detached.
6. Garages, if used, will front and be limited to access to public rear alleys.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

Windows	Decorative shake
Bay window	Decorative air vents on gable
Recessed window	Decorative gable
Decorative window	Decorative cornice
Trim around the windows	Column
Wrap around porch or side porch	Portico
Two or more building materials	Balcony
Decorative brick/stone	Dormer
Decorative trim	

8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. The rear and side elevations of the units that front on public right-of-way shall have trim around the windows.

Proposed Design Controls:

Maximum Density	4.8/acre
Maximum Residential Units	74
Minimum Lot Width	
Single-family	30 ft
Townhomes	20 ft
Maximum Building Height	
Single-family	42 ft
Townhomes	45 ft
Maximum Built-Upon Area	70%

Building Setbacks	**Single-Family**	**Townhomes**
Front	10 ft	20 ft
Side	3 ft	0 ft
Rear	20 ft	15 ft
Rear Garage	5 ft	N/A
Corner	8 ft	12 ft
Minimum Building Separation	N/A	8 ft
Buffer/RCA Setbacks	Buildings	Parking
	10 ft	5 ft

Proposed RCA & Buffers:

The proposed PUD complies with the UDO requirements for Resource Conservation Area (RCA). Because the project is planned to be mass graded, the applicant is proposing an additional 5% RCA within the single-family detached areas as required per Section 7.2.5.B of the Town's UDO. All perimeter buffers will comply with the Section 8.2 of the UDO.

Public Facilities:

The Ashburn PUD will be served by Town of Apex water, sanitary sewer, and electrical systems. The utility design will be finalized at Master Subdivision Plan review. A conceptual Layout and Utility Plan is included in the PUD Plan for reference. There is an existing 30-foot Town of Apex Sanitary Sewer easement running north-south within the eastern portion of the property. Five (5) water connections have been identified on the Layout and Utility Plan Sheet: from the north on Blue Jay Point, Mt. Zion Church Road, and Hammocks Beach Trail; from the west on Baronial Street; and from the south Mt. Zion Church Road. Sewer connections are provided from all of the listed streets excluding Mt. Zion Church Rd with an additional connection from the existing on-site easement. The ultimate design for the utilities shall meet the current Town of Apex Master Water and Sewer Plans for approval.

Apex Transportation Plan/Access and Circulation:

Per the Apex Thoroughfare and Collector Street Plan map, Hammocks Beach Trail is designated as a minor collector and has been accommodated within this PUD with a transportation plan amendment. The developer will dedicate right-of-way within the development as opposed to utilizing the alignment currently shown on the Transportation Plan. If the Transportation Plan amendment is approved, the minor collector designation will continue on Mt. Zion Church Rd to a future roundabout, and then follow Hammocks Beach Trl north within the PUD to meet the existing stub street.

The Apex Bicycle and Pedestrian Plan shows a future side path along the east side of Hammocks Beach Trl. The previously mentioned Transportation Plan amendment includes installing the side path on the east side of Mt. Zion Church Rd and continuing north of the roundabout. From that point, the side path will shift from the east side to the west side of Hammocks Beach Trl. A sidewalk will be constructed on the east side of Hammocks Beach Trl per the minor collector street standard. The PUD will provide sidewalks along both sides of all other internal streets including Mt. Zion Church Rd.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on September 19, 2024. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
The project shall install at least three (3) pet waste stations units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	Added
No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road crossings, utility infrastructure, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The grading shall be designed to minimize impacts to the riparian buffer.	Added

EAB Suggested Condition	Applicant's Response
In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.	Added
All homes shall have a 220/240 outlet in garages for electric vehicle charging.	Added
A solar PV system of at least 4 kW shall be installed on at least 10% of the homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development.	Not Added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Ashburn Planned Unit Development at their October 30, 2024 meeting. The Advisory Commission unanimously recommended a fee-in-lieu of dedication.

Single-family detached Units: $4,244.42 x 21 = $ 89,132.82
Townhome Units: $2,858.65 x 51 = $ 145,791.15

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

HOUSING STAFF RECOMMENDATION:

Based on the adopted 2021 Apex Affordable Housing Plan and the adopted 2023 Affordable Housing Incentive Zoning Policy, the Housing Program recommended at least 5% (4 units for this development) of the residential units or lots be designated as affordable or workforce housing. This Policy recommendation applies to residential and mixed-use rezoning applications that propose 20 or more residential units. The applicant has chosen not to provide any affordable housing units within this development.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #24CZ10 Ashburn PUD as proposed.

PLANNING BOARD RECOMMENDATION:

Planning Board held a public hearing on July 14, 2025 for Rezoning #24CZ10 and unanimously voted to recommend approval of the rezoning as presented.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Medium Density Residential. Density within the area designated as Medium Density on the 2045 Land Use Map shall not exceed 7 units per acre, with a maximum of 107 residential units in this area. The overall gross density shall not exceed 4.8 units per acre per the PUD. The proposed rezoning is consistent with the 2045 Land Use Map designations. The Ashburn PUD will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will permit a variety of housing types as an infill development, utilizing existing street stubs to provide additional vehicular and pedestrian ingress and egress to the existing residential developments.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

1. *Planned Unit Development (PUD-CZ) District*

7. In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:
    a) *Development parameters*
        (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table.*
        (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
        (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
        (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
        (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
        (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
        (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative

of the residential structures to be built to ensure the Standards of this Section are met.

b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

(i) A non-residential component; (ii) An overall density of 7 residential units per acre or more; or (iii) Environmental measures including but not limited to the following:

a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;

b. The installation of a geothermal system for a certain number or percentage of units within the development; or

c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).

d) *Landscaping*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision and* Article 14: *Parks, Recreation, Greenways, and Open Space*.

(i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.

(ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently

integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.

(iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

(iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.

g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.

h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.

i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.

k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3(F):

The applicant shall propose site-specific standards and conditions that take into account the following 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.

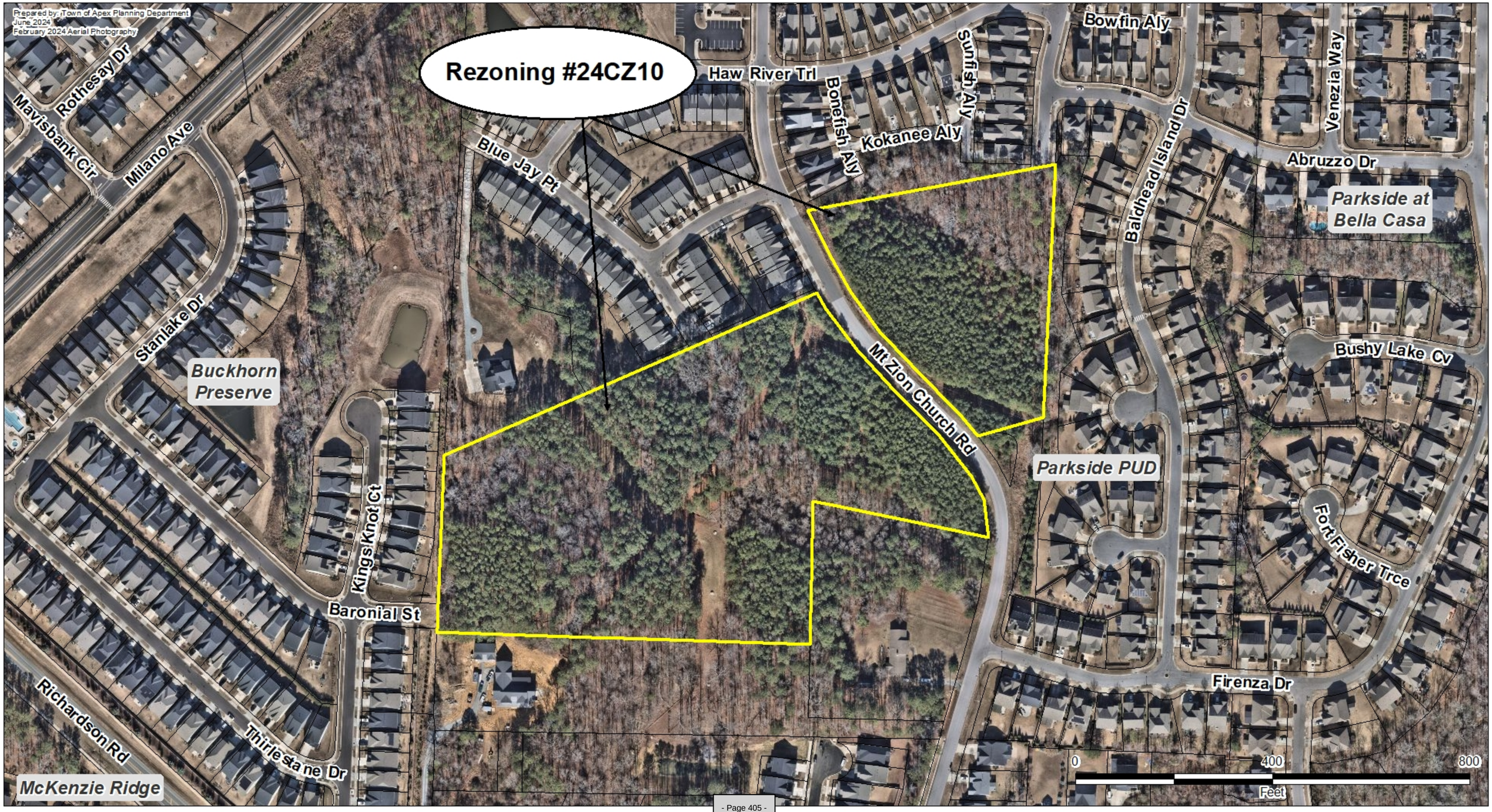
6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

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.


Prepared by: Town of Apex Planning Department
June 2024
February 2024 Aerial Photography
Rezoning #24CZ10
Haw River Trl
Bowfin Aly
Sunfish Aly
Bonefish Aly
Kokanee Aly
Venezia Way
Abruzzo Dr
Baldhead Island Dr
Parkside at Bella Casa
Blue Jay Pt
Rothesay Dr
Mavisbank Cir
Milano Ave
Stanlake Dr
Buckhorn Preserve
Mt Zion Church Rd
Parkside PUD
Bushy Lake Cv
Fort Fisher Trce
Kings Knot Ct
Baronial St
Firenza Dr
Richardson Rd
Thirlestane Dr
McKenzie Ridge
0
400
800
Feet

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: #24CZ10 Submittal Date:

Fee Paid $ 1753.00 Check #

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Ashburn

Address(es): 0 Mt. Zion Church Rd

PIN(s) 0721448562

0721442048 Acreage: 15.3

Current Zoning: RR Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density Residential

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

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Ashburn Development LLC

Address: 933 Old Knight Road

City: Knightdale State: NC Zip: 27545

Phone: 919-422-3933 E-mail: mike.jordan@jvmgmt.net

Owner Information

Name: Anthony and Delois Richardson

Address: 1825 Car Creek Rd.

City: Sanford State: NC Zip: 27332

Phone: 919-266-4500 E-mail: George@hamrick-galanis.com (Commisioner)

Agent Information

Name: Entitlement Preservation Group / Charles R. Walker III, PLA

Address: 275 North Pea Ridge Rd

City: Pittsboro State: NC Zip: 27312

Phone: 919-625-9760 E-mail: cwalker@epgrouponline.com

Other contacts: Tommy Craven, Priest Craven and Associates Inc 919-781-0300

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: #24CZ10 Submittal Date: _____

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met be the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

See attached

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

See attached

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

See attached

PETITION PROCESS INFORMATION

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

See attached

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.

See attached

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.

See attached

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.

See attached

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

See attached

PETITION PROCESS INFORMATION

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

See attached

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.

See attached

6.0 PUD Legislative and Compatibility Statements

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

The 2045 LUM calls for medium-density residential in this area. The tracts total approximately 15.3 AC and the proposal is to not exceed 74 total units. That yields a density of 4.8 units/ AC which meets that standard.

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

As with the existing properties, the Project will consist of both townhomes and single-family alley-loaded lots. Proposed townhomes will be adjacent to existing townhomes and proposed single-family alley-loaded style lots will be adjacent to existing similar development. The more rural properties to the south will be separated by the extension of Baronial Street and the larger standard single-family lots will also be separated by the extension of Hammocks Beach Trail to the east.

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

Dimensional criteria. Single-family alley loaded lots shall meet the following require-ments:

Minimum Lot Size	3800 SQ. FT.
Minimum Lot Width	30 FT.
Minimum Lot Setbacks	
Front	10 FT.
Rear Garage (if option is used)	5 FT. from alley
Side	3 FT.
Rear	20 FT.
Corner Side	8 FT.
Maximum Building Height	50 FT.

Dimensional criteria. Townhomes shall meet the following requirements:

Minimum Lot Size	1800 SQ. FT.
Minimum Lot Width	20 FT.
Minimum Lot Setbacks	
Front	20 FT.
Rear	15 FT.
Corner Side	12 FT.
Maximum Building Height	50 FT.
Minimum Buffer/RCA Setback	10 FT. buildings, 5FT. parking areas

Both uses will have a maximum built-upon area of 70 percent

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

The PUD has a goal to minimize adverse impacts on surrounding landowners while providing the opportunity for new varied housing in the area. Trash will be contained in Town-approved trash cans within the garages of the units until the day before being collected by the Town. Traffic increase in this area will be minimal, projected traffic as per the TIA. The PUD will exceed the required minimum parking for this type of construction. Finally, after construction, this Project should not have any different levels of noise, odor, glare, and vibration than its existing neighbors.

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

The design of the PUD shall meet all minimum requirements as set by the Apex UDO including Resource Conservation Areas, Stormwater treatment, and Supplemental Landscaping

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

The PUD will be extending public water and sewer through these tracts and will provide stubs for future use. The Project will be extending three existing roads, creating a new roundabout connection, and will improve Mt. Zion Church Road along its frontage. The PUD will pay all required facility fees and will provide an expanded tax base once it is complete.

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

As designed, this PUD should not have detrimental impacts on the health, safety, or welfare of the surrounding properties, Town, or ETJ.

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

As previously stated, this PUD should not have detrimental impacts on the health, safety, or welfare of the surrounding properties, Town, or ETJ.

9. Not constitute a 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.

As previously stated, the impact to traffic will be minimal as per the TIA. The number of people projected to use this PUD will be similar in levels found with the existing surrounding development.

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

The PUD follows the other provisions of the Ordinance with one exception:

> The Transportation Plan shows Hammocks Beach Trail connecting directly with Firenza Drive. After identifying right-of-way restrictions and RCA concerns in Bella Casa the design shown has been accepted by the Town Transportation Department and the HOA of Bella Casa.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: #24CZ10 Submittal Date: _____

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: $500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A $500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: #24CZ10 Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: Adjacent to Bella Casa

Nearest intersecting roads: Mt. Zion Church Rd and Milano Ave

Wake County PIN(s): 0721448562 and 0721442048

Township: Buckhorn

Contact Information (as appropriate)

Contact person: Charles R Walker III,PLA

Phone number: 919-625-9760 Fax number: _____

Address: 275 North Pea Ridge Rd Pittsboro NC 27312

E-mail address: cwalker@epgrouponline.com

Owner: George Hamrick

Phone number: 919-266-4500 Fax number: _____

Address: 7417 Knightdale Blvd Suite 103 Knightdale 27545

E-mail address: George@hamrick-galanis.com

Proposed Subdivision/Development Name

1st Choice: Ashburn

2nd Choice *(Optional)*: _____

Town of Apex Staff Approval:

_____ _____

Town of Apex Planning Department Staff Date

#24CZ10

STREET NAME APPROVAL APPLICATION

Application #: N/A extending existing streets Submittal Date: _____

Wake County Approval Date: _____

Guidelines:

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

Information:

Description of location: _____

Nearest intersecting roads: _____

Wake County PIN(s): _____

Township: _____

Contact information (as appropriate)

Contact person: _____

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Owner: _____

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

STREET NAME APPROVAL APPLICATION

Application #: #24CZ10 Submittal Date: 5/2/2025

# of roads to be named: 3 (2 Street, 1 Alley)

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

Example:	Road Name	Suffix
	Hunter	Street

1	Ashburn Valley Drive (new street stub)	11	
2	Ashburn Bally Lane (new street stub)	12	
3	Angel Falls Drive (new street stub)	13	
4	Whitewell Lane (new street stub)	14	
5	Ashburn Glen Alley (new alley)	15	
6	Ashburn Peak Alley (new alley)	16	
7		17	
8		18	
9		19	
10		20	

TOWN OF APEX STAFF APPROVAL

Town of Apex Staff Approval Date

WAKE COUNTY STAFF APPROVAL:

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

Comments:

Wake County GIS Staff Approval Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: #24CZ10 Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Ashburn Subdivision

_____

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

Michael Jordan, Manager, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: Ashburn Development LLC	TOWN OF APEX
BY: _____ Authorized Agent	BY: _____ Authorized Agent
DATE: _____	DATE: _____

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

See attached

Legal Description TRACT 1

Beginning at a CONTROL CORNER IRON PIPE SET having coordinates of **N:714695.43, E:2024516.24**; thence with a bearing of **N 79°30'09" E** a distance of **511.74** feet to a IRON ROD FOUND; thence with a bearing of **S 02°38'21" W** a distance of **514.71** feet to a IRON PIPE FOUND; thence with a bearing of **S 74°13'11" W** a distance of **134.17** feet to a IRON PIPE SET; thence and along the Eastern Right of Way of Mount Zion Church Road with a bearing of **N 39°46'07" W** a distance of **14.76** feet to a COMPUTED POINT; thence with a bearing of **N 43°16'07" W** a distance of **28.65** feet to a COMPUTED POINT; thence with a bearing of **N 45°10'11" W** a distance of **27.50** feet to a COMPUTED POINT; thence with a bearing of **N 44°59'53" W** a distance of **53.64** feet to a COMPUTED POINT; thence with a bearing of **N 45°28'43" W** a distance of **53.65** feet to a COMPUTED POINT; thence with a bearing of **N 45°53'23" W** a distance of **53.67** feet to a COMPUTED POINT; thence with a bearing of **N 43°26'50" W** a distance of **52.19** feet to a COMPUTED POINT; thence with a bearing of **N 41°14'19" W** a distance of **25.43** feet to a COMPUTED POINT; thence with a bearing of **N 37°36'11" W** a distance of **25.39** feet to a COMPUTED POINT; thence with a bearing of **N 34°00'02" W** a distance of **25.89** feet to a COMPUTED POINT; thence with a bearing of **N 32°05'39" W** a distance of **24.72** feet to a COMPUTED POINT; thence with a bearing of **N 27°36'38" W** a distance of **26.31** feet to a COMPUTED POINT; thence with a bearing of **N 29°18'23" W** a distance of **13.26** feet to a COMPUTED POINT; thence with a bearing of **N 28°41'19" W** a distance of **51.85** feet to a COMPUTED POINT; thence with a bearing of **N 27°09'54" W** a distance of **104.55** feet to a IRON PIPE SET; which is the Point of beginning, containing approximately 175,840.87 square feet or 4.0367 acres, as shown on a survey entitled " Boundary Survey For Ashburn Development, LLC " by Daniel J. Burud, Professional Land Surveyor of Priest Craven and Associates, Inc. dated 10/18/2022.

Legal Description TRACT 2

COMMENCING at a IRON PIPE FOUND having coordinates of **N:713838.8111, E:2023762.5241E**; thence with a bearing of **N 02°48'41" E** a distance of **360.92** feet to a IRON PIPE FOUND; thence with a bearing of **N 66°29'35" E** a distance of **824.42** feet to a IRON PIPE FOUND; thence and along the Western Right of Way of Mount Zion Church Road with a bearing of **S 29°25'34" E** a distance of **12.05** feet to a COMPUTED POINT; thence with a bearing of **S 27°36'38" E** a distance of **28.74** feet to a COMPUTED POINT; thence with a bearing of **S 32°05'39" E** a distance of **28.07** feet to a COMPUTED POINT; thence with a bearing of **S 34°00'02" E** a distance of **28.78** feet to a COMPUTED POINT; thence with a bearing of **S 37°36'11" E** a distance of **29.18** feet to a COMPUTED POINT; thence with a bearing of **S 41°14'19" E** a distance of **28.49** feet to a COMPUTED POINT; thence with a bearing of **S 43°26'50" E** a distance of **54.62** feet to a COMPUTED POINT; thence with a bearing of **S 45°53'23" E** a distance of **54.73** feet to a COMPUTED POINT; thence with a bearing of **S 45°28'43" E** a distance of **53.19** feet to a COMPUTED POINT; thence with a bearing of **S 44°59'53" E** a distance of **53.48** feet to a COMPUTED POINT; thence with a bearing of **S 45°10'11" E** a distance of **26.59** feet to a COMPUTED POINT; thence with a bearing of **S 43°16'07" E** a distance of **25.82** feet to a COMPUTED POINT; thence with a bearing of **S 39°46'07" E** a distance of **25.44** feet to a COMPUTED POINT; thence with a bearing of **S 35°33'43" E** a distance of **24.72** feet to a COMPUTED POINT; thence with a bearing of **S 32°15'36" E** a distance of **25.41** feet to a COMPUTED POINT; thence with a bearing of **S 26°39'44" E** a distance of **24.07** feet to a COMPUTED POINT; thence with a bearing of **S 20°21'19" E** a distance of **23.32** feet to a COMPUTED POINT; thence with a bearing of **S 12°34'16" E** a distance of **23.56** feet to a COMPUTED POINT; thence with a bearing of **S 04°55'42" E** a distance of **23.24** feet to a COMPUTED POINT; thence with a bearing of **S 01°38'37" W** a distance of **24.73** feet to a COMPUTED POINT; thence with a bearing of **S 04°32'08" W** a distance of **3.05** feet to a IRON PIPE SET; thence with a bearing of **N 78°15'38" W** a distance of **361.61** feet to a IRON PIPE FOUND; thence with a bearing of **S 01°09'18" W** a distance of **290.68** feet to a IRON ROD FOUND; thence with a bearing of **N 88°08'03" W** a distance of **759.49** feet to a IRON PIPE FOUND; which is the Point of Beginning, containing approximately 491,617.13 square feet or 11.2860 acres, as shown on a survey entitled "Boundary Survey For Ashburn Development, LLC " by Daniel J. Burud, Professional Land Surveyor of Priest Craven and Associates, Inc. dated 10/18/2022.

AGENT AUTHORIZATION FORM

Application #: #24CZ10 Submittal Date: _____

Delois Richardson is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Mt. Zion Church Rd

The agent for this project is: Charles R. Walker III, PLA

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

Agent Name: Charles R. Walker III, PLA Principal Entitlement Preservation Group

Address: 275 North Pea Ridge Rd., Pittsboro NC 27312

Telephone Number: 919-625-9760

E-Mail Address: cwalker@epgrouponline.com

Signature(s) of Owner(s)*

DeLois Richardson

Delois Richardson — Type or print name

4/3/25 — Date

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #240210 Submittal Date: _____

The undersigned, Delois Richardson (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Mt. Zion Church Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 2/25/2016, and recorded in the Wake County Register of Deeds Office on 1/16/2003, in Book 2003 pg 77 Page 2000 pg 2192.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 2/25/2016, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 2/25/2016, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 3 day of April, 2025.

DeLois Richardson (seal)

Delois Richardson

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

Deborah L Newman

Notary Public
State of North Carolina
My Commission Expires: 2/6/29

[NOTARY SEAL]

DEBORAH L NEWMAN
Notary Public, North Carolina
Wake County
My Commission Expires
February 06, 2029

Legal Description TRACT 2

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#24CZ10

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

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

Town of Apex staff will enter this information into the online WCPSS form.

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

Developer Company *Information*	
Company *Name*	Ashburn Development LLC
Company Phone *Number*	919-422-3433
Developer Representative *Name*	Charles R. Walker III,PLA
Developer Representative *Phone Number*	919-625-9760
Developer Representative *Email*	cwalker@epgrouponline.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	2/2/2024
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Ashburn
Address of Subdivision (if unknown enter nearest cross streets)	0 Mt. Zion Church Rd
REID(s)	0310483 and 0059856
PIN(s)	0721448562 and 0721442048

Projected Dates *Information*	
Subdivision *Completion Date*	approximately 9/25
Subdivision *Projected First Occupancy Date*	approximately 6/26

Lot by Lot Development *Information*

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	up to 21						21	2000	4000	550K	1.1M	TBD					
Townhomes	up to 58					58		1600	3000	495K	900K	TBD					
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

1ST NEIGHBORHOOD MEETING

#24CZ10

ENTITLEMENT PRESERVATION GROUP

DATE: SEPTEMBER 22, 2023

RE: *MT ZION CHURCH ROAD SUBDIVISION,* 0 MT ZION CHURCH ROAD

DEAR NEIGHBORS,

BEFORE THE SUBMITTAL OF ANY REZONING APPLICATION, THE TOWN OF APEX REQUIRES THAT A NEIGHBORHOOD MEETING BE HELD FOR ALL PROPERTY OWNERS AND RESIDENTS WITHIN 300 FEET OF THE AREA REQUESTED FOR REZONING.

YOU ARE INVITED TO ATTEND A NEIGHBORHOOD MEETING ON OCTOBER 11, 2023, FROM 6:30 P.M. TO 8:30 P.M. WE PROPOSE THE MEETING BE HELD VIRTUALLY. YOU CAN PARTICIPATE ONLINE OR BY TELEPHONE. TO PARTICIPATE VISIT: HTTPS://MSTEAMS.LINK/JXXO , OR CALL: +1 929-352-2213 286849854#.
ALTERNATIVELY, YOU CAN VISIT:
HTTPS://WWW.MICROSOFT.COM/EN-US/MICROSOFT-TEAMS/JOIN-A-MEETING AND ENTER MEETING ID: 261 467 500 49 AND PASSCODE: SNCEW5

PLEASE NOTE THE TOWN OF APEX REQUIRES A LIST OF ATTENDEES TO BE COLLECTED AND PROVIDED TO THE TOWN. THE CHAT FEATURE WILL BE ENABLED FOR THE MEETING, AND WE ASK THAT YOU ENTER YOUR NAME AND CONTACT INFORMATION WHEN YOU ARRIVE. YOU ARE ALSO WELCOME TO USE THIS FEATURE TO SUBMIT QUESTIONS THROUGHOUT THE MEETING.

THE PURPOSE OF THIS MEETING IS TO DISCUSS A POTENTIAL REZONING OF PROPERTY LOCATED AT 0 MT ZION CHURCH ROAD WITH PIN'S 0721-44-8562 & 0721-44-2048. THIS SITE IS CURRENTLY ZONED RR (RURAL RESIDENTIAL) AND IS PROPOSED TO BE REZONED TO PUD-CZ. WHICH IS A MULTI STYLE SUBDIVISION DESIGNATION THAT IS PROPOSED TO CONTAIN UP TO 22 ALLEY-LOADED SINGLE FAMILY DETACHED LOTS AND UP TO 63 TOWNHOMES FOR A TOTAL OF UP TO 85 HOMES.

PLEASE REVIEW THE ATTACHED MEETING NOTICE, VICINITY MAP, PRELIMINARY PLAN AND CONTACT INFORMATION. ZONING CONDITIONS ARE BEING CREATED AND WILL BE READY FOR DISCUSSION AT THE MEETING.

THESE CONDITIONS WILL INTEND TO CONTINUE STYLES OF HOUSING SIMILAR TO THE EXISTING ADJOINING HOMES NORTH OF THIS PROPOSAL AND HONOR THE CURRENT 2045 LUM MEDIUM DENSITY RESIDENTIAL DESIGNATION.

IF YOU HAVE ANY CONCERNS OR QUESTIONS ABOUT THIS PARTICULAR REZONING OR ITS DETAILS, PLEASE DO NOT HESITATE TO CONTACT ME AT CWALKER@EPGROUPONLINE.COM OR (919) 625-9760.

SINCERELY,

CHARLES R. WALKER III, PLA
PRINCIPAL

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 20, 2023 (1st. meeting) May 21, 2024 (2nd. meeting)
Date

Dear Neighbor:

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

Address(es)	PIN(s)
0 Mt. Zion Church Road	0721442048
0 Mt. Zion Church Road	0721448562

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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☑	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

A residential community of single family detached homes and townhomes

Estimated submittal date: June 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s): Anthony and Delois Richardson

Applicant(s): Charles R. Walker, III PLA Entitlement Preservation Group

Contact information (email/phone): cwalker@epgrouponline.com - 919-625-9760

Meeting Address: Online - Details Attached

Date/Time of meeting**: 6:30 p.m.

Welcome: 6:30p.m. Project Presentation: 6:35p.m. Question & Answer: 6:45p.m.

**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.

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: Mt. Zion Church Road Zoning: RR to PUD-CZ

Location: 0 Mt. Zion Church Road

Property PIN(s): 0721442048-0721448562 Acreage/Square Feet: 15.32 AC Total

Property Owner: Anthony and Delois Richardson

Address: 1825 Carr Creek Road

City: Sanford State: NC Zip: 27609

Phone: _____ Email: _____

Developer: Ashburn Development, LLC

Address: 933 Old Knight Road

City: Knightdale State: NC Zip: 27545

Phone: 919-422-3933 Fax: _____ Email: Mike.Jordan@JVMGMT.net

Engineer: Priest, Craven & Associates, Inc.

Address: 3803 B Computer Drive, Suite 104

City: Raleigh State: NC Zip: 27609

Phone: 919-781-0300 Fax: 919-782-1288 Email: pca@priestcraven.com

Builder (if known): To Be Determined

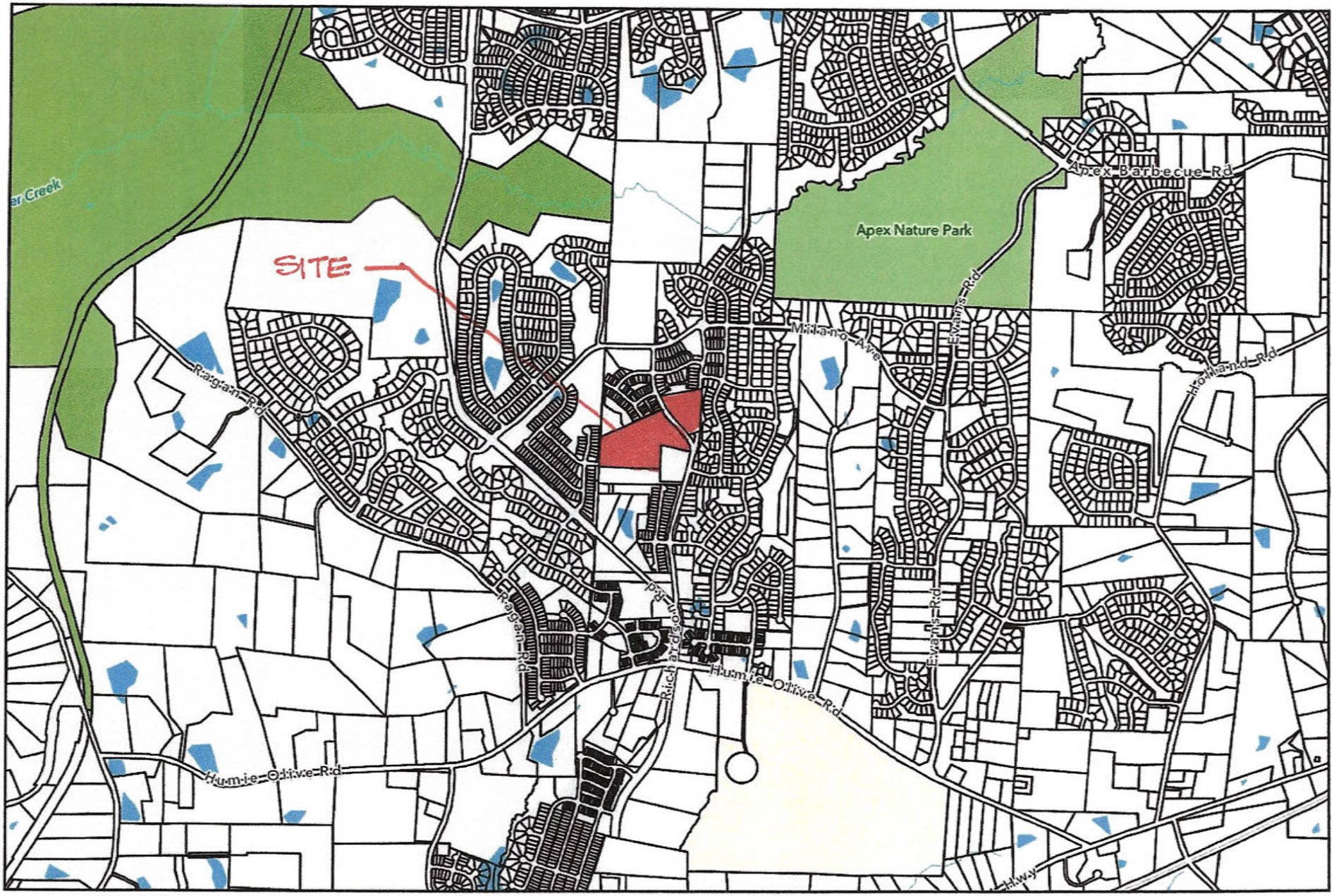
Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

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



VICINITY MAP

N

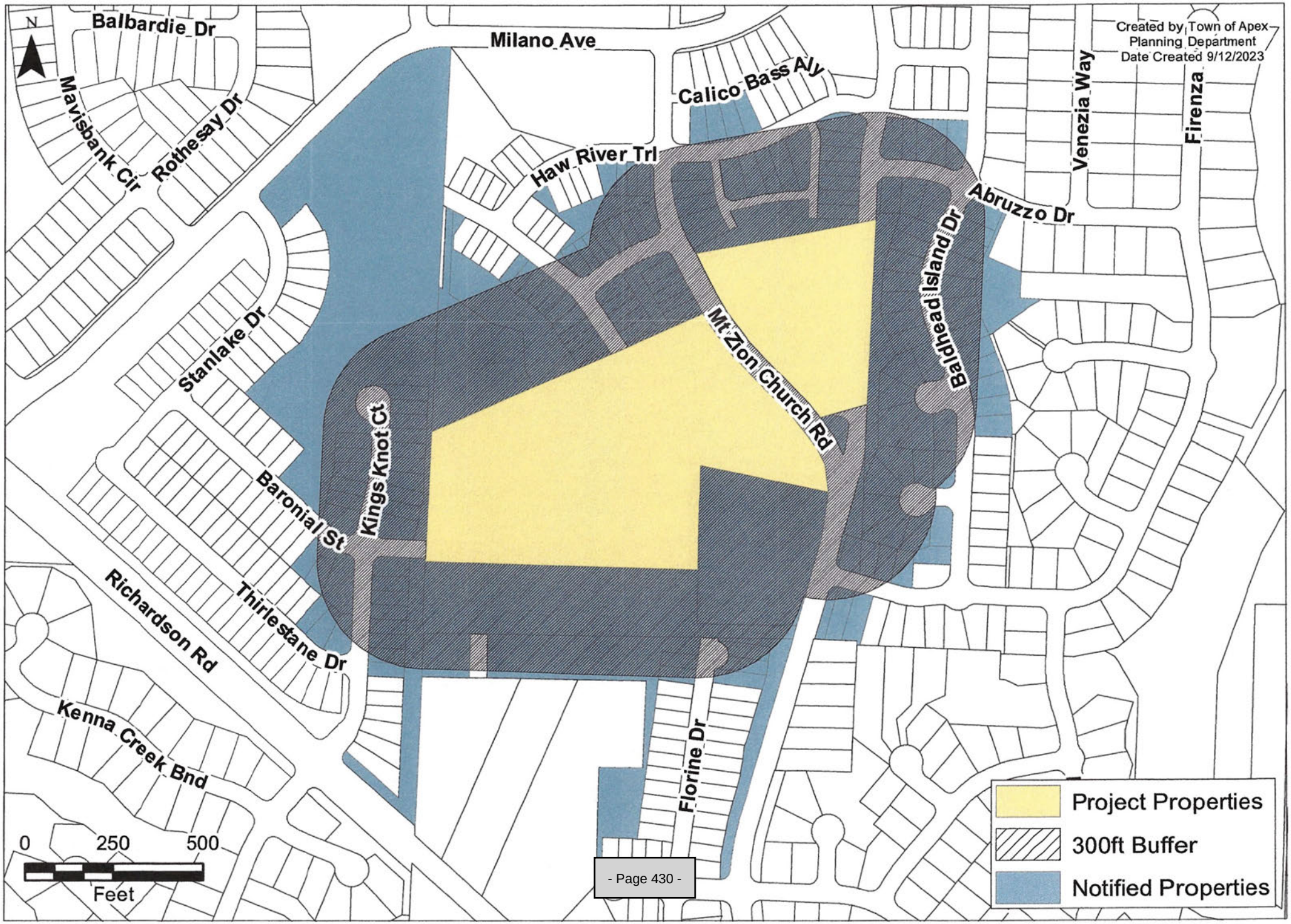
0 800 1,600 3,200 ft

1 inch equals 1,600 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.*

Notified Properties Within 300ft of the Project Properties



SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
1860 BLUE JAY PT	0721348491	ADKINS, CHRISTOPHER ADKINS, CHRISTINA	1860 BLUE JAY PT	APEX NC 27502-9711
2900 THIRLESTANE DR	0721335623	AHMAD, OMAR SHEMNA, RUHINA RIYAZ	2900 THIRLESTANE DR	APEX NC 27502-2527
1955 BALDHEAD ISLAND DR	0721543246	ALLEN, CLINTON MAYO ALLEN, HOLLIE GOODWIN	1955 BALDHEAD ISLAND DR	APEX NC 27502-8567
2328 MT ZION CHURCH RD	0721444631	ANDERSON, DAISY	2328 MT ZION CHURCH RD	APEX NC 27502-9706
2321 MT ZION CHURCH RD	0721445729	ARORA, AKASH LAHIRI, SHINJINI	2321 MOUNT ZION CHURCH RD	APEX NC 27502-9509
1854 HAMMOCKS BEACH TRL	0721449917	ATCHESON, CARLA THURSTON ATCHESON, DANIEL PATRICK	1854 HAMMOCKS BEACH TRL	APEX NC 27502-9694
2701 ELK KNOB TRL	0721531993	ATHOTA, SUDHEER PARUCHURI, JAYASREE	2701 ELK KNOB TRL	APEX NC 27502-8568
1935 KINGS KNOT CT	0721336998	BAKSHI, PARTH ATUL KAPADIA, PRACHI NIKHIL	1935 KINGS KNOT CT	APEX NC 27502-2518
1961 KINGS KNOT CT	0721336855	BALAKRISHNAN, SYAM SUNDER BALAKRISHNAN, MAYA	1961 KINGS KNOT CT	APEX NC 27502-2518
2326 MT ZION CHURCH RD	0721444614	BANA, VIMAL /TR BANA, SONIA /TR	1056 BENDER RIDGE DR	MORRISVILLE NC 27560-8187
2708 SUGAR MOUNTAIN WAY	0721540360	BEATON, STEVEN B BEATON, MALLORY	2708 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
1850 HAMMOCKS BEACH TRL	0721459025	BELICIC, BRIAN BELICIC, BARBARA JEAN	1850 HAMMOCKS BEACH TRL	APEX NC 27502-9694
0 HAMMOCKS BEACH TRL	0721447727	BELLA CASA HOMEOWNERS ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 FIRENZA DR	0721439827	BELLA CASA HOMEOWNERS ASSOCIATION, INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210 CARY NC 27513-9676
0 CROWDERS RIDGE LN	0721443588	BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
2758 ABRUZZO DR	0721550061	BENNETT, CHARLOT LEAH	2758 ABRUZZO DR	APEX NC 27502-4743
1892 BLUE JAY PT	0721440588	BOBBA, JAYAKRISHNA KODALI, YAMINI	1892 BLUE JAY PT	APEX NC 27502-9711
1906 BLUE JAY PT	0721441495	BOWDITCH, THOMAS ROBERT	1906 BLUE JAY PT	APEX NC 27502-9712
1947 BALDHEAD ISLAND DR	0721543317	BRADLEY, LINC JABBAR BRADLEY, LISA ANN	1947 BALDHEAD ISLAND DR	APEX NC 27502-8567
0 BARONIAL ST	0721345696	BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	COMMUNITY ASSOCIATION MGMT	PO BOX 79032 CHARLOTTE NC 28271-0030
0 KINGS KNOT CT	0721336396	BUCKHORN PRESERVE HOMEOWNERS ASSOCIATION INC	COMMUNITY ASSOCIATION MANAGEMENT	PO BOX 79032 CHARLOTTE NC 28271-0030
2754 ABRUZZO DR	0721551051	BULLOCK, ROBERT SAMUEL II TRUSTEE TRUSTEE OF ROBERT SAMUEL BULLOCK II LIVING TRUST	2754 ABRUZZO DR	APEX NC 27502-4743
1905 BALDHEAD ISLAND DR	0721542795	BUSTAMANTE, GEORGE ANTHONY BUSTAMANTE, ADA KAREM	1905 BALDHEAD ISLAND DR	APEX NC 27502-8567
1858 HAMMOCKS BEACH TRL	0721449819	CAFFERA, LINDA	1858 HAMMOCKS BEACH TRL	APEX NC 27502-9694
2709 ELK KNOB TRL	0721530952	CANNON, BENJAMIN LOUIS CANNON, STEPHANIE LYNN	2709 ELK KNOB TRL	APEX NC 27502-8568
1884 BLUE JAY PT	0721440604	CHAKRAVARTHY, PRAVEEN KANNAN MURUKANDY, PARVATHY	1884 BLUE JAY PT	APEX NC 27502-9711
2756 ABRUZZO DR	0721551011	CHALBEY, PRAVIN CHAUBEY, MICHELLE	110 SUMMER STATION DR	GUYTON GA 31312-7146
2812 CROWDERS RIDGE LN	0721442731	CHEN, XUEYI	2812 CROWDERS RIDGE LN	APEX NC 27502-9710
1959 BALDHEAD ISLAND DR	0721543241	CHENNUPALLI, DEGURA RAM CHENNUPALLI, JYOTHI SYAMALA	1959 BALDHEAD ISLAND DR	APEX NC 27502-8567
1943 BALDHEAD ISLAND DR	0721542492	CLARK, JOHN MICHAEL III CLARK, JENNIFER MARIE	1943 BALDHEAD ISLAND DR	APEX NC 27502-8567
2712 ELK KNOB TRL	0721540036	CREEHAN, BRAD CREEHAN, HEATHER	2712 ELK KNOB TRL	APEX NC 27502-8568
2805 CROWDERS RIDGE LN	0721442795	CRESPO, JORGE GUAN, ZE MIN	369 AURORA AVE	CLIFFSIDE PARK NJ 07010-2110
2705 ELK KNOB TRL	0721531931	DEERING, MICHELLE DEERING, SCOTT E	1463 HAMLETS CHAPEL RD	PITTSBORO NC 27312-8776
2708 ELK KNOB TRL	0721540171	DION,JAMES J JR DION, NATALIE	2708 ELK KNOB TRL	APEX NC 27502-8568
1953 KINGS KNOT CT	0721336763	DUMBRE, SUHAS LAXMAN BHALERAO, SMITA	1953 KINGS KNOT CT	APEX NC 27502-2518
2751 ABRUZZO DR	0721541883	DUMITRACHE, ALEXANDRU DUMITRACHE, ANCA	2751 ABRUZZO DR	APEX NC 27502-4742
2802 CROWDERS RIDGE LN	0721443757	DWYER, JUDY	2802 CROWDERS RIDGE LN	APEX NC 27502-9710
1939 BALDHEAD ISLAND DR	0721542477	ENGMAN, DUWAYNE ENGMAN, AMY COOK	1939 BALDHEAD ISLAND DR	APEX NC 27502-8567
1915 KINGS KNOT CT	0721347118	ERL, MALLORY MARSHBURN, WILLIAM GM	1915 KINGS KNOT CT	APEX NC 27502-2518
1919 KINGS KNOT CT	0721347114	EVANS, BRANDON L	1919 KINGS KNOT CT	APEX NC 27502-2518
1903 KINGS KNOT CT	0721347300	FELIZA LAO, MA YNNA BAGAYAWA SIQUIOCO, EDUARD JOSEPH	1903 KINGS KNOT CT	APEX NC 27502-2518
2705 RICHARDSON RD	0721431773	FMR INVESTMENTS LLC	PO BOX 1328	CARY NC 27512-1328
2713 ELK KNOB TRL	0721530928	FULLER, GEORGE JACK III JENKINS-FULLER, MONIQUE S	2713 ELK KNOB TRL	APEX NC 27502-8568
1931 KINGS KNOT CT	0721347002	GADDAM, KISHORE-REDDI PULAGAM, SOUJANYA	1931 KINGS KNOT CT	APEX NC 27502-2518
1934 BALDHEAD ISLAND DR	0721541415	GALKOWSKI, JAMES M GALKOWSKI, LORRAINE	1934 BALDHEAD ISLAND DR	APEX NC 27502-8567
2821 HAW RIVER TRL	0721447912	GONG, ZHIHONG	1428 COMMONS FORD PL	APEX NC 27539-6908
2334 MT ZION CHURCH RD	0721444573	GROSS, MATTHEW J GAUSE, INDIA D	2334 MT ZION CHURCH RD	APEX NC 27502-9706
2700 ELK KNOB TRL	0721542009	GUZMAN, SOLEDAD BARRA PEREZ, CLAUDIO	2700 ELK KNOB TRL	APEX NC 27502-8568
1907 BLUE JAY PT	0721443531	HND INVESTMENT TRUST	202 OSWEGO CT	MORRISVILLE NC 27560-8662
1939 KINGS KNOT CT	0721336973	HOSMANI, PRASHANT SIDHARAM ALLISHE, MAHESHWARI MALLINATH	1939 KINGS KNOT CT	APEX NC 27502-2518
2827 HAW RIVER TRL	0721446910	HU, HJAZHI	2827 HAW RIVER TRL	APEX NC 27502-9697
2853 HAW RIVER TRL	0721443930	HUANG, RONG	9109 COBALT RIDGE WAY	CARY NC 27519-9397
1901 BALDHEAD ISLAND DR	0721543810	ILIEV, STILIYAN KOLEV ILIEVA, TSVETELINA GEORGIEVA	1901 BALDHEAD ISLAND DR	APEX NC 27502-8567
1908 BLUE JAY PT	0721442412	JI, IN HWAN LIM, SORI	1908 BLUE JAY PT	APEX NC 27502-9712
1990 FIRENZA DR	0721439845	JOSEPH, KARREL K BOYER, SAMANTHA G	1990 FIRENZA DR	APEX NC 27502-9667
1862 HAMMOCKS BEACH TRL	0721449811	KANDURI, RAJAGOPALA A KANDURI, ANURADHA	1862 HAMMOCKS BEACH TRL	APEX NC 27502-9694
2815 HAW RIVER TRL	0721448906	KARTALA, SHARAT CHANDRA KOUSH	2815 HAW RIVER TRL	APEX NC 27502-9697
1973 KINGS KNOT CT	0721336553	KASIREDDY, CHANDANA ALSURI, MARUTHI RAM	1973 KINGS KNOT CT	APEX NC 27502-2518
1896 BLUE JAY PT	0721441534	KING, JASON KING, KISHA	1012 BEYER PL	DURHAM NC 27703-6517
2828 HAW RIVER TRL	0721455066	KORAN, STEVEN	2828 HAW RIVER TRL	APEX NC 27502-9697
2901 BARONIAL ST	0721335727	KRIMERMAN, DIMITRY KRIMERMAN, YULIA	2901 BARONIAL ST	APEX NC 27502-2517
1986 FIRENZA DR	0721439894	KUE, JIA KUE, JODY	1986 FIRENZA DR	APEX NC 27502-9667
1922 BALDHEAD ISLAND DR	0721540681	KURRE, VIJAYA KUMAR	1922 BALDHEAD ISLAND DR	APEX NC 27502-8567
1904 BLUE JAY PT	0721441478	LANDE, PRAFULLA BHONSLE, NISHIGANDHA	6086 LAKEVIEW CIR	SAN RAMON CA 94582-4867
2330 MT ZION CHURCH RD	0721444549	LAUTEMANN, ROBIN LAUTEMANN, CHRISTOPHER	920 VISTA DE LEJOS DR	SANTA BARBARA CA 93110-2019
2816 CROWDERS RIDGE LN	0721441687	LEE, HI KWAN LEE, BOO SUN	2816 CROWDERS RIDGE LN	APEX NC 27502-9710
2755 ABRUZZO DR	0721541825	LEVAVA, MADHUSUDHANACHARI KADARI, HEMALATHA	2755 ABRUZZO DR	APEX NC 27502-4742
1982 FIRENZA DR	0721530843	LI, JIAN SUN, JIANWEI	1020 TIMBER MIST CT	CARY NC 27519-7510
1888 BLUE JAY PT	0721440651	LI, QIAO WU, PING	206 FAIRFIELD DR	HORSEHEADS NY 14845-2286
1923 KINGS KNOT CT	0721347110	LI, ZHILI, JIE	1923 KINGS KNOT CT	APEX NC 27502-2518
2820 HAW RIVER TRL	0721456058	LIANG, IRENE PAN, FANG	4010 REEDLAND CIR	SAN RAMON CA 94582-5580
1926 KINGS KNOT CT	0721345059	LIU, LI ELLER, BRIAN	1926 KINGS KNOT CT	APEX NC 27502-2518
2705 SUGAR MOUNTAIN WAY	0721541139	LUND, LONGZHI HU	2705 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
1949 KINGS KNOT CT	0721336767	MADDUKURI, SRIKANTH KUMAR VELICHETI, HEMA VENKATA SIRISHA	1949 KINGS KNOT CT	APEX NC 27502-2518
1918 BALDHEAD ISLAND DR	0721540696	MADDURI, JAIBHARATH KALVAKOTA, SRI HARSHA	1918 BALDHEAD ISLAND DR	APEX NC 27502-8567
2800 CROWDERS RIDGE LN	0721443789	MALDONADO, JOSE MARTORELLI-MALDONADO, ANNMARIE	2800 CROWDERS RIDGE LN	APEX NC 27502-9710
1940 KINGS KNOT CT	0721335925	MANGAL, SHARAD GARG, REKHA	1940 KINGS KNOT CT	APEX NC 27502-2518
2857 HAW RIVER TRL	0721442960	MARGE, ROBERT E MARGE, MARIA N	2857 HAW RIVER TRL	APEX NC 27502-9697
2704 SUGAR MOUNTAIN WAY	0721540397	MCGOWAN, SHANNON	2704 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
2909 BARONIAL ST	0721334834	MEKALA, VIJAYA KRISHNA	2909 BARONIAL ST	APEX NC 27502-2517
1915 BALDHEAD ISLAND DR	0721542645	MILLER, JASON ROY MILLER, SUZANNE MARTIN	1915 BALDHEAD ISLAND DR	APEX NC 27502-8567
2830 HAW RIVER TRL	0721455025	MILLER, TRACEY SUZANNE MILLER, EDWARD LOUIS III	1000 COLWORTH WAY	RALEIGH NC 27614-8244
1929 BALDHEAD ISLAND DR	0721542544	MODRAK, ERIC MODRAK, RACHEL DAWN	1929 BALDHEAD ISLAND DR	APEX NC 27502-8567
1978 FIRENZA DR	0721530891	MOUNTAINLAND ESTATES LLC	PO BOX 4836	LOGAN UT 84323-4836
1886 BLUE JAY PT	0721440833	NALLUSAMY, ARUNAGIRI KRISHNASAMI, YASODA	1886 BLUE JAY PT	APEX NC 27502-9711
2319 MT ZION CHURCH RD	0721445813	NASH,THOMAS E NASH, LISA Y	2319 MOUNT ZION CHURCH RD	APEX NC 27502-9509
2709 SUGAR MOUNTAIN WAY	0721540272	NATARAJAN, PRADEEP KUMAR	306 ASHDOWN FOREST LN	CARY NC 27519-1530
1852 HAMMOCKS BEACH TRL	0721459021	NATIONS, KELLEY	1852 HAMMOCKS BEACH TRL	APEX NC 27502-9694
1920 KINGS KNOT CT	0721345153	NGUYEN, THAI SY TRAN, TINA HUYNH NHU	1920 KINGS KNOT CT	APEX NC 27502-2518
2759 ABRUZZO DR	0721540865	NIETMANN, JAMES TRUSTEE NIETMANN, JANA TRUSTEE	2759 ABRUZZO DR	APEX NC 27502-4742
2910 THIRLESTANE DR	0721334685	NIXON, JOSEPH D NIXON, MONICA J	2910 THIRLESTANE DR	APEX NC 27502-2527
1945 KINGS KNOT CT	0721336862	PAKA, SHARATH PEDDAPALLY, SRILAXMI	1945 KINGS KNOT CT	APEX NC 27502-2518
1911 KINGS KNOT CT	0721347212	PATEL, CHARMI M PATEL, SANGITABEN M	1911 KINGS KNOT CT	APEX NC 27502-2518
2001 FLORINE DR	0721436558	PILLARISHETTY, VAMSHIDHAR CHINNAM, JYOTHI	2001 FLORINE DR	APEX NC 27502-8056
1965 KINGS KNOT CT	0721336651	PINEYRO, KENDRA N SMITH, HARRISON M	1965 KINGS KNOT CT	APEX NC 27502-2518
2824 HAW RIVER TRL	0721456017	POLASIK, STEVEN JOHN POLASIK, ALISON KAYE	2824 HAW RIVER TRL	APEX NC 27502-9697
2317 MT ZION CHURCH RD	0721445807	POLING, JEREMY K POLING, NORMA LYNN	2317 MT ZION CHURCH RD	APEX NC 27502-9706
2750 ABRUZZO DR	0721552040	PRINCE-HENRY, STARLA MICHELLE HENRY, WILLIAM TODD	2750 ABRUZZO DR	APEX NC 27502-4743
1969 KINGS KNOT CT	0721336557	RACHAKONDA, SRINIVAS RACHAKONDA, DEVI	1969 KINGS KNOT CT	APEX NC 27502-2518
2814 CROWDERS RIDGE LN	0721442609	RBCLL LLC	2814 ASHLEY ROSE DR	CARY NC 27519-7503
1894 BLUE JAY PT	0721441516	REID, TAMMY	1894 BLUE JAY PT	APEX NC 27502-9711

1985 FIRENZA DR	0721439668	REILLY, DANIEL THOMAS REILLY, KIMBERLY	1985 FIRENZA DR	APEX NC 27502-9668	
0 MT ZION CHURCH RD	0721448562	RICHARDSON, ANTHONY RICHARDSON, DELOIS	1825 CAR CREEK RD	SANFORD NC 27332	
2432 MT ZION CHURCH RD	0721436885	RICHARDSON, DOROTHY MAE HEIRS	CHARLES WALDEN	2432 MOUNT ZION CHURCH RD	APEX NC 27502-9637
1927 KINGS KNOT CT	0721347006	RYU, WON HEE SHIN, HEEWON	1927 KINGS KNOT CT	APEX NC 27502-2518	
1932 KINGS KNOT CT	0721345044	SACRAPANI, VISHWANATH KOTYADA, MANJESHWARI	1932 KINGS KNOT CT	APEX NC 27502-2518	
1856 HAMMOCKS BEACH TRL	0721449913	SAMS, JOHN T SAMS, PHYLLIS	1856 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
1989 FIRENZA DR	0721439619	SANDERS, DANIEL SANDERS, CHARLA	1989 FIRENZA DR	APEX NC 27502-9688	
1902 BLUE JAY PT	0721441561	SARRO, GERALD SARRO, NORMA LEE	1902 BLUE JAY PT	APEX NC 27502-9712	
1914 BALDHEAD ISLAND DR	0721541712	SCHMELZER, ADAM HENRY SCHMELZER, MARGARET CAROLINE	1914 BALDHEAD ISLAND DR	APEX NC 27502-8567	
2315 MT ZION CHURCH RD	0721445902	SCHMOELLER, EDWARD J SCHMOELLER, CYNTHIA A	2315 MOUNT ZION CHURCH RD	APEX NC 27502-9509	
1909 BALDHEAD ISLAND DR	0721542770	SCHNOKE, MICHAEL CURTIS SCHNOKE, HEATHER MICHELLE	1909 BALDHEAD ISLAND DR	APEX NC 27502-8567	
2700 SUGAR MOUNTAIN WAY	0721541369	SEOW, SOON WEI SU, YING	2700 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
2905 BARONIAL ST	0721334871	SHAH, BHAVIN RAVINDRA SHAH, CHARVI VIRENDRA	2905 BARONIAL ST	APEX NC 27502-2517	
2855 HAW RIVER TRL	0721443900	SHAH, DHYEY	2855 HAW RIVER TRL	APEX NC 27502-9697	
2851 HAW RIVER TRL	0721443960	SHELLER, DAVID A	2851 HAW RIVER TRL	APEX NC 27502-9697	
1951 BALDHEAD ISLAND DR	0721543332	SOPRANO, GIANCARLO SOPRANO, HEATHER	1951 BALDHEAD ISLAND DR	APEX NC 27502-8567	
1905 BLUE JAY PT	0721443513	SRIVASTAVA, JYOTI SRIVASTAVA, TARUN	3320 COOKEFIELD CT	RALEIGH NC 27606-4875	
1923 BALDHEAD ISLAND DR	0721542630	SUEKO LASSITER, ERICA LYNN LASSITER, JEFFREY WAYNE JR	1923 BALDHEAD ISLAND DR	APEX NC 27502-8567	
1926 BALDHEAD ISLAND DR	0721540586	SUPRAMANIAN, MURUGESAN PITCHAI, BHARATHI	1926 BALDHEAD ISLAND DR	APEX NC 27502-8567	
1936 KINGS KNOT CT	0721345030	TADIPATRI, MOHAMMED ESHAK SHAIK, MOUNISHA	1936 KINGS KNOT CT	APEX NC 27502-2518	
2810 CROWDERS RIDGE LN	0721442763	TAUSS, SONJA WILLIAM HOLLAND, EVAN FRANK	2810 CROWDERS RIDGE LN	APEX NC 27502-9710	
1860 HAMMOCKS BEACH TRL	0721449815	TIFFANY, JAMES M	1860 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
1916 KINGS KNOT CT	0721345167	TING, SHUE YING SARAH YEUNG, CHUN MAN JEFFREY	1916 KINGS KNOT CT	APEX NC 27502-2518	
0 FLORINE DR	0721338527	TRI POINTE HOMES HOLDINGS INC	5440 WADE PARK BLVD STE 400	RALEIGH NC 27607-6067	
1901 BLUE JAY PT	0721442579	TUMMINELLI, JOSEPH T	1901 BLUE JAY PT	APEX NC 27502-9712	
1930 BALDHEAD ISLAND DR	0721540590	URUKADLE, RAJENDRA PRASAD	1930 BALDHEAD ISLAND DR	APEX NC 27502-8567	
2323 MT ZION CHURCH RD	0721445745	VARDIS, JOYCE VARDIS, CHRISTOPHER W	2323 MT ZION CHURCH RD	APEX NC 27502-9706	
1907 KINGS KNOT CT	0721347216	VELU, DURAISINGAM NAGARAJAN, ANANDHI	1907 KINGS KNOT CT	APEX NC 27502-2518	
2704 ELK KNOB TRL	0721541150	WALKER, LAURIEANN	2704 ELK KNOB TRL	APEX NC 27502-8588	
2819 HAW RIVER TRL	0721447953	WANG, HAO JIANG, LING	1761 LORENZEN DR	SAN JOSE CA 95124-1741	
0 MT ZION CHURCH RD	0721449210	WINDY ROAD PROPERTIES LLC	218 EDINBURGH DR	CARY NC 27511-6408	
2701 SUGAR MOUNTAIN WAY	0721542200	WOOLLEY, STEVEN WOOLLEY, TAMMY S	2701 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
2918 THIRLESTANE DR	0721334658	WU, TONG	2918 THIRLESTANE DR	APEX NC 27502-2527	
2804 CROWDERS RIDGE LN	0721443726	XU, WEILI	315 S SALEM ST STE 324	APEX NC 27502-1863	
1957 KINGS KNOT CT	0721336669	YASA, JAIPAL REDDY PALLE, RAJITHA	1957 KINGS KNOT CT	APEX NC 27502-2518	
1910 BALDHEAD ISLAND DR	0721541736	YELURI, MARUTHI SEKHAR YELURI, VENKATA PRASANNA RANI	1910 BALDHEAD ISLAND DR	APEX NC 27502-8567	
2332 MT ZION CHURCH RD	0721444566	YU, FEI GONG, FENGYUAN	200 HAWTHORN WOODS RD	APEX NC 27523-9611	
1903 BLUE JAY PT	0721442596	ZHUKOV, OLEKSANDR ZHUKOVA, VIKTORIYA	1903 BLUE JAY PT	APEX NC 27502-9712	
1988 BALDHEAD ISLAND DR	0721531875	ZYALENKA, VALERIY KURNIKAVA, VIKTORYIA	1988 BALDHEAD ISLAND DR	APEX NC 27502-8567	
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		Current Tenant	2752 Abruzzo DR	APEX NC 27502	
		Current Tenant	2756 Abruzzo DR	APEX NC 27502	
		Current Tenant	1888 Blue Jay PT	APEX NC 27502	
		Current Tenant	1896 Blue Jay PT	APEX NC 27502	
		Current Tenant	1904 Blue Jay PT	APEX NC 27502	
		Current Tenant	1905 Blue Jay PT	APEX NC 27502	
		Current Tenant	1907 Blue Jay PT	APEX NC 27502	
		Current Tenant	1909 Blue Jay PT	APEX NC 27502	
		Current Tenant	2804 Crowders Ridge LN	APEX NC 27502	
		Current Tenant	2806 Crowders Ridge LN	APEX NC 27502	
		Current Tenant	2814 Crowders Ridge LN	APEX NC 27502	
		Current Tenant	2705 Elk Knob TRL	APEX NC 27502	
		Current Tenant	1978 Firenza DR	APEX NC 27502	
		Current Tenant	1982 Firenza DR	APEX NC 27502	
		Current Tenant	2005 Florine DR	APEX NC 27502	
		Current Tenant	2006 Florine DR	APEX NC 27502	
		Current Tenant	2009 Florine DR	APEX NC 27502	
		Current Tenant	2010 Florine DR	APEX NC 27502	
		Current Tenant	2819 Haw River TRL	APEX NC 27502	
		Current Tenant	2820 Haw River TRL	APEX NC 27502	
		Current Tenant	2821 Haw River TRL	APEX NC 27502	
		Current Tenant	2823 Haw River TRL	APEX NC 27502	
		Current Tenant	2830 Haw River TRL	APEX NC 27502	
		Current Tenant	2853 Haw River TRL	APEX NC 27502	
		Current Tenant	2315 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2319 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2321 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2326 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2330 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2332 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2432 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2504 Mt Zion Church RD	APEX NC 27502	
		Current Tenant	2709 Sugar Mountain WAY	APEX NC 27502	

Created by Town of Apex Planning Department
Date Created: 9/12/2023

NEIGHBORHOOD MEETING SIGN-IN SHEET

See Attached Mtg Held 10/11/2023

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: Virtually

Date of meeting: 10/11/2023 Time of meeting: 6:30 PM

Property Owner(s) name(s): Anthony snd Delois Richardson

Applicant(s): Entitlement Preservation Group / Charles R. Walker III, PLA

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.					☐
2.					☐
3.					☐
4.					☐
5.					☐
6.					☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Anthony and Delois Richardson

Applicant(s): Entitlement Preservation Group / Charles R. Walker III, PLA

Contact information (email/phone): cwalker@epgrouponline.com

Meeting Address: Virtual

Date of meeting: 10/11/2023 Time of meeting: 6:30 to 8:30

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

Question/Concern #1:
The need for the extension of Hammocks Beach Trail behind existing lots?

Applicant's Response:
We have to extend the road by Town Code and the extension is shown as required by the Town's Transportation Plan.

Question/Concern #2:
Separation of new vs existing townhomes on the west border?

Applicant's Response:
We exceed the Code and have placed most of the required RCA in this area.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

CHAT ROOM RECORD FOR NEIGHBORHOOD MTG 10/11/2023 ASHBURN

[9/5 8:23 AM]
Ben Williams joined the conversation.
[9/20 1:49 PM]
Ben Williams named the meeting Mt. Zion Church Road Neighborhood Meeting.
[10/11 5:36 PM]
[10/11 6:01 PM]
10/11 6:01 PM Meeting started
[10/11 6:30 PM]
Jim Galkowski (Guest) and 3 others were invited to the meeting.
[10/11 6:31 PM] Ben Williams
Testing Chat.
[10/11 6:31 PM] Jim Galkowski (Guest)
Jim Galkowski, 919 633 9104 [redacted] 1934 Baldhead Island diive, yes for updates please
[10/11 6:31 PM] Chris A (Guest)
Chris Adkins 1860 Blue Jay [redacted] (919) 412-6921 and please include in updates
[10/11 6:32 PM] Shari Ellis
Shari Ellis-[redacted]
[10/11 6:32 PM] Cindy Schmoeller (Guest)
Cindy Schmoeller 8476508363 [redacted] for updates. We live on Mt Zion Church Rd
[10/11 6:36 PM] Jim Galkowski (Guest)

1. Thank you for the notification and including the community impacted by this development in this meeting. We do hope that Mr. and Mrs Richardson are able to realize their plans for their properties. We respect their rights to develop this land and that the proposed re zoning from RR to PUD is c/w the town's land use plan. We like that the proposed concept design by Mr Walker of the 22 SFR also aligns with the existing homes in the community. We also want to recognize the time that Mr Zegerman and Mr Mahaffey gave to the community.

[10/11 6:36 PM] Jim Galkowski (Guest)

1. Most all town streets run in front of or alongside houses, this development is proposing to have a street run literally in our backyards. Could the town council or staff provide us examples in the Town of Apex, where streets like this already exist so we can 'visit' and get a sense of how this would appear?

[10/11 6:36 PM] Jim Galkowski (Guest)

1. Is this road extension needed when there are no less than 7 existing options on Hammock Beach Trail to exit the community? The road extension will serve only 8 homes or 36% of the proposed 22 homes.
2. Using the public alley will gain these new owners access to their properties and allow for more of a 'yard' and less impervious surface to manage. These 8 homes could exit this parcel via the public alley way, in front of the proposed mail drop area and onto a small stub of the road without constructing the entirety of the road extension. Service vehicles would still be able to enter and use the public alley this same way.

[10/11 6:37 PM] Jim Galkowski (Guest)

who were the HOA reps you met with as my contact wtih Bella casa manager said HOA was taking no action or involvment with this issue

[10/11 6:37 PM] Jim Galkowski (Guest)

1. These Single family homes will be constructed facing into backyards of the Bella Casa Community – would the developer consider re design of the proposed layout to have these houses face West and place the public alley along the RCA instead of the Road extension?

[10/11 6:38 PM] Jim Galkowski (Guest)

1. What is the proposed width of the Hammock Beach Trail road? It appears to have a 50 Ft Right of way and then some figures 27-8-8 ? so is road 27, and each sidewalk, curb and gutter 8 feet with another 7 foot of ? buffer?

[10/11 6:38 PM]
Brad Beaton (Guest) was invited to the meeting.

[10/11 6:38 PM]
Brad Beaton (Guest) was invited to the meeting.

[10/11 6:38 PM] Jim Galkowski (Guest)

1. The proposed Hammock Beach Trail road empties onto Mt Zion Road at what appears to be a very acute angle (140 degrees) in order to look Northwest down the road for traffic coming? Is that correct as that angle would be beyond the range of a normal human's neck rotation?

[10/11 6:38 PM] Jim Galkowski (Guest)

1. It appears on the drawings we received that the proposed extension for Hammock Beach Trail has sidewalks on both sides of the road- is this correct?

[10/11 6:38 PM] Jim Galkowski (Guest)

1. There are no less than 20 children living adjacent to this proposed development- can the applicant speak to the proposed buffers between the development and the road, and the road/RCA area?

[10/11 6:49 PM] Ben Williams
Just reminder to please add your name and contact information to this chat and also to let us know if you would like to be included in plan updates by email.

[10/11 6:51 PM] Brad Beaton (Guest)
Thanks Ben, yes would like to be include in plan updates :
Brad Beaton
bradbeaton@gmail.com

[10/11 6:51 PM] Shari Ellis
Please include me in the plan update emails: [redacted] thank you.

[10/11 7:04 PM] Shari Ellis
Do you need our mailing address as well?

[10/11 7:04 PM] Ben Williams
yes please.

[10/11 7:04 PM] Arno Zegerman
Arno Zegerman - [redacted]

[10/11 7:05 PM] Brad Beaton (Guest)
Brad Beaton
2708 Sugar Mountain Way
Apex, NC 27502
[redacted]

[10/11 7:05 PM] Shari Ellis
Shari Ellis - Compass 3800 Glenwood Ave Suite 150 Raleigh NC 27612
[10/11 7:05 PM] Ben Williams
[redacted]
[10/11 7:06 PM] Cindy Schmoeller (Guest)
2315 Mt Zion Church Rd Cindy and Ed Schmoeller
[10/11 7:06 PM] Jim Galkowski (Guest)
our mailign addresses are 1934 baldhead Island Drive Apex NC 27502 along with 1930, 1926, 1924, 1920 as my neighbors are not able to get on call but will also write an email to Mr Walker
[10/11 7:06 PM]
Brad Beaton (Guest) left the chat.
[10/11 7:07 PM]
Cindy Schmoeller (Guest) left the chat.
[10/11 7:11 PM]
Hosmani Prashant USRE (External) was invited to the meeting.
[10/11 7:12 PM] Jim Galkowski (Guest)
addign a few more addresses, 1918, 1914, 1910 Baldhead Island Drive Apex NC 27502
[10/11 7:13 PM] Hosmani Prashant USRE
1939 kings knot ct
[10/11 7:18 PM]
Murugesan S (Guest) was invited to the meeting.
[10/11 7:18 PM] Arno Zegerman
Richardson Rd will ultimately become a thoroughfare street, like it is north of Olive-Chapel. South of Olive-Chapel, Richardson Rd is a State-owned road. The Town has no control over that road at this time.
[10/11 7:26 PM] Shari Ellis
Could you please introduce yourselves again for the people who signed in late? Thank you.
[10/11 7:26 PM]
Madhu Levaka (Guest) was invited to the meeting.
[10/11 7:26 PM] Chris A (Guest)
Ben are you a Sanderson grad? Class of 91?
like 1
[10/11 7:27 PM] Chris A (Guest)
Ha! Thought so!
[10/11 7:28 PM] Hosmani Prashant USRE
prashant.hosmani@gmail.com
[10/11 7:28 PM] Murugesan S (Guest)
Murugesan Supramanian ([redacted]) 1926 Baldhead Island Dr, Apex, NC 27502
[10/11 7:29 PM] Shari Ellis
Thank you for the information and your time.
[10/11 7:29 PM]
Madhu Levaka (Guest) left the chat.
[10/11 7:29 PM]
Murugesan S (Guest) left the chat.
[10/11 7:29 PM]
Unknown User left the chat.
[10/11 7:29 PM]
Shari Ellis (Guest) left the chat.
[10/11 7:29 PM]

Jim Galkowski (Guest) left the chat.
[10/11 7:29 PM]
Chris A (Guest) left the chat.
[10/11 7:31 PM]
10/11 7:31 PM Meeting ended: 1h 30m 20s
[10/11 7:35 PM]
[10/11 7:37 PM]
10/11 7:37 PM Meeting ended: 1m 52s

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, Charles R. Walker III, PLA, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Virtually (location/address) on 10/11/2023 (date) from 6:30 (start time) to 8:00 (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.

1.30.24
Date

By: Charles R. Walker III

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Deborah C. Newman, a Notary Public for the above State and County, on this the 30 day of January, 20 24.

SEAL

DEBORAH L. NEWMAN
Notary Public, North Carolina
Wake County
My Commission Expires
2/6/29

Deborah C. Newman
Notary Public

Deborah C. Newman
Print Name

My Commission Expires: 2-6-29

2ND NEIGHBORHOOD MEETING

ENTITLEMENT PRESERVATION GROUP

DATE: MAY 2, 2024

RE: *ASHBURN SUBDIVISION,* 0 MT ZION CHURCH ROAD

DEAR NEIGHBORS,

WE HAVE REVISED THE PROPOSAL FOR THIS PROJECT. AT THAT TIME, IT WAS LISTED AS THE "MT. ZION SUBDIVISION". WE RESUBMITTED THE PLANS AND THE TOWN STAFF HAS ASKED US TO HAVE A SECOND NEIGHBORHOOD MEETING BEFORE THE SUBMITTAL OF REVISED REZONING APPLICATION MOVES FORWARD. THE TOWN OF APEX STILL REQUIRES THAT A NEIGHBORHOOD MEETING BE HELD FOR ALL PROPERTY OWNERS AND RESIDENTS WITHIN 500 FEET OF THE AREA REQUESTED FOR REZONING.

YOU ARE INVITED TO ATTEND A NEIGHBORHOOD MEETING AGAIN ON MAY 21, 2024, FROM 6:30 P.M. TO 8:00 P.M. WE PROPOSE THE MEETING BE HELD VIRTUALLY. YOU CAN PARTICIPATE ONLINE OR BY TELEPHONE.

To join by phone, call: **+1 929-352-2213** and enter **752857745#**
Alternatively, you can join online at,
https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting
and enter Meeting ID: **265 863 182 676** and Passcode: **8JA9ik**

PLEASE NOTE THE TOWN OF APEX STILL REQUIRES A LIST OF ATTENDEES TO BE COLLECTED AND PROVIDED TO THE TOWN. THE CHAT FEATURE WILL BE ENABLED FOR THE MEETING, AND WE ASK THAT YOU ENTER YOUR NAME AND CONTACT INFORMATION WHEN YOU ARRIVE. YOU ARE ALSO WELCOME TO USE THIS FEATURE TO SUBMIT QUESTIONS THROUGHOUT THE MEETING.

THE PURPOSE OF THIS MEETING IS TO AGAIN DISCUSS A POTENTIAL REZONING OF PROPERTY LOCATED AT 0 MT ZION CHURCH ROAD WITH PIN'S 0721-44-8562 & 0721-44-2048. THIS SITE IS CURRENTLY ZONED RR (RURAL RESIDENTIAL) AND IS PROPOSED TO BE REZONED TO PUD-CZ. WHICH IS A MULTI-STYLE SUBDIVISION DESIGNATION THAT IS PROPOSED TO CONTAIN UP TO 21 ALLEY-LOADED SINGLE FAMILY DETACHED LOTS AND UP TO 58 TOWNHOMES.

PLEASE REVIEW THE ATTACHED PRELIMINARY GRAPHICS.

REVISED ZONING CONDITIONS HAVE BEEN CREATED AND WILL BE READY FOR DISCUSSION AT THE MEETING.

THESE CONDITIONS WILL INTEND TO CONTINUE STYLES OF HOUSING SIMILAR THE EXISTING ADJOINING HOMES NORTH OF THIS PROPOSAL AND HONOR THE CURRENT 2045 LUM MEDIUM DENSITY RESIDENTIAL DESIGNATION.

IF YOU HAVE ANY CONCERNS OR QUESTIONS ABOUT THIS PARTICULAR REZONING OR ITS DETAILS, PLEASE DO NOT HESITATE TO CONTACT ME AT CWALKER@EPGROUPONLINE.COM OR (919) 625-9760.

SINCERELY,

Charles R. Walker III

CHARLES R. WALKER III, PLA
PRINCIPAL

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 20, 2023 (1st. meeting) May 21, 2024 (2nd. meeting)
Date

Dear Neighbor:

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

Address(es)	PIN(s)
0 Mt. Zion Church Road	0721442048
0 Mt. Zion Church Road	0721448562

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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☑	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

A residential community of single family detached homes and townhomes

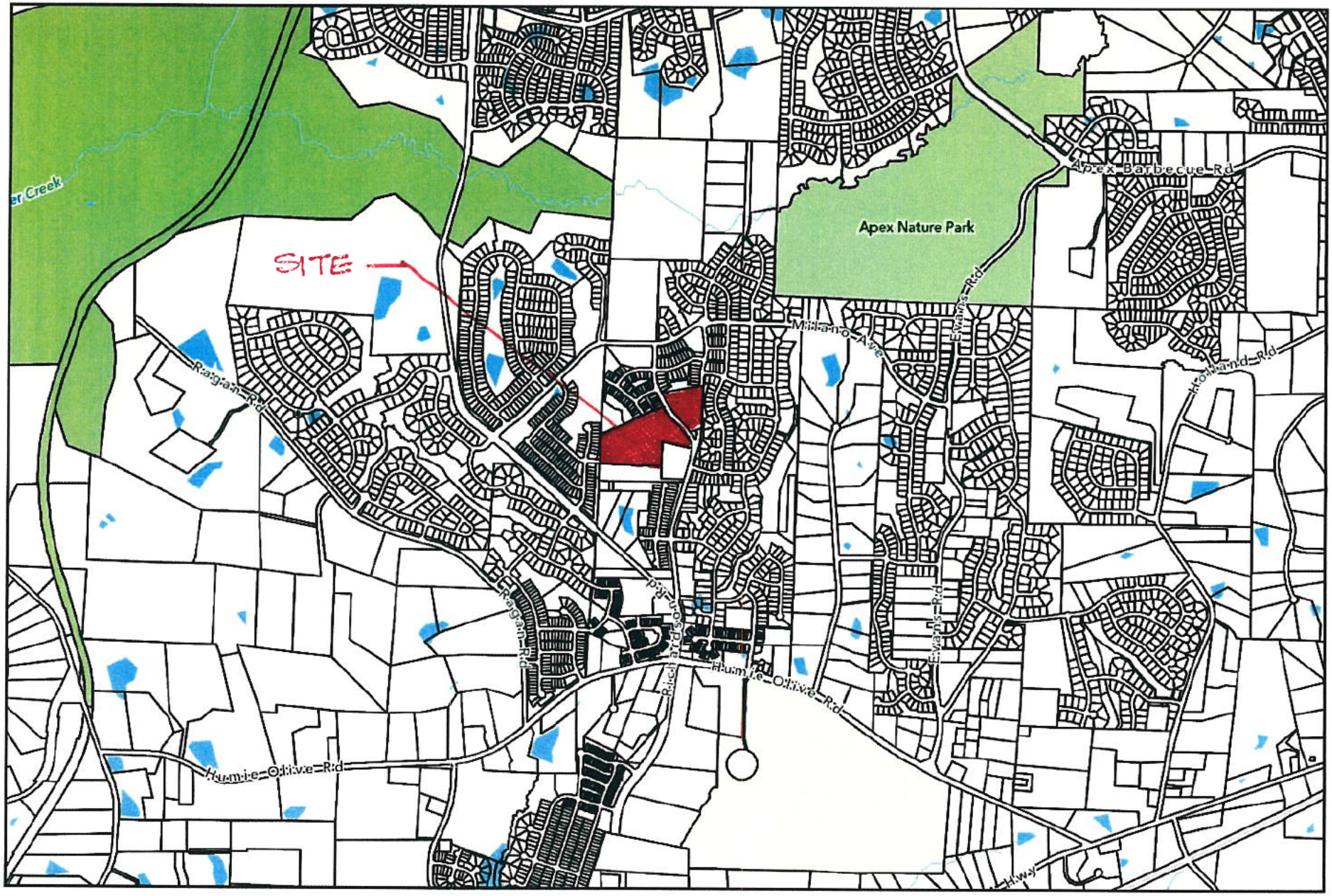
Estimated submittal date: June 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):	Anthony and Delois Richardson
Applicant(s):	Charles R. Walker, III PLA Entitlement Preservation Group
Contact information (email/phone):	cwalker@epgrouponline.com - 919-625-9760
Meeting Address:	Online - Details Attached
Date/Time of meeting**:	6:30 p.m.

Welcome: 6:30p.m. Project Presentation: 6:35p.m. Question & Answer: 6:45p.m.

**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.



VICINITY MAP

N

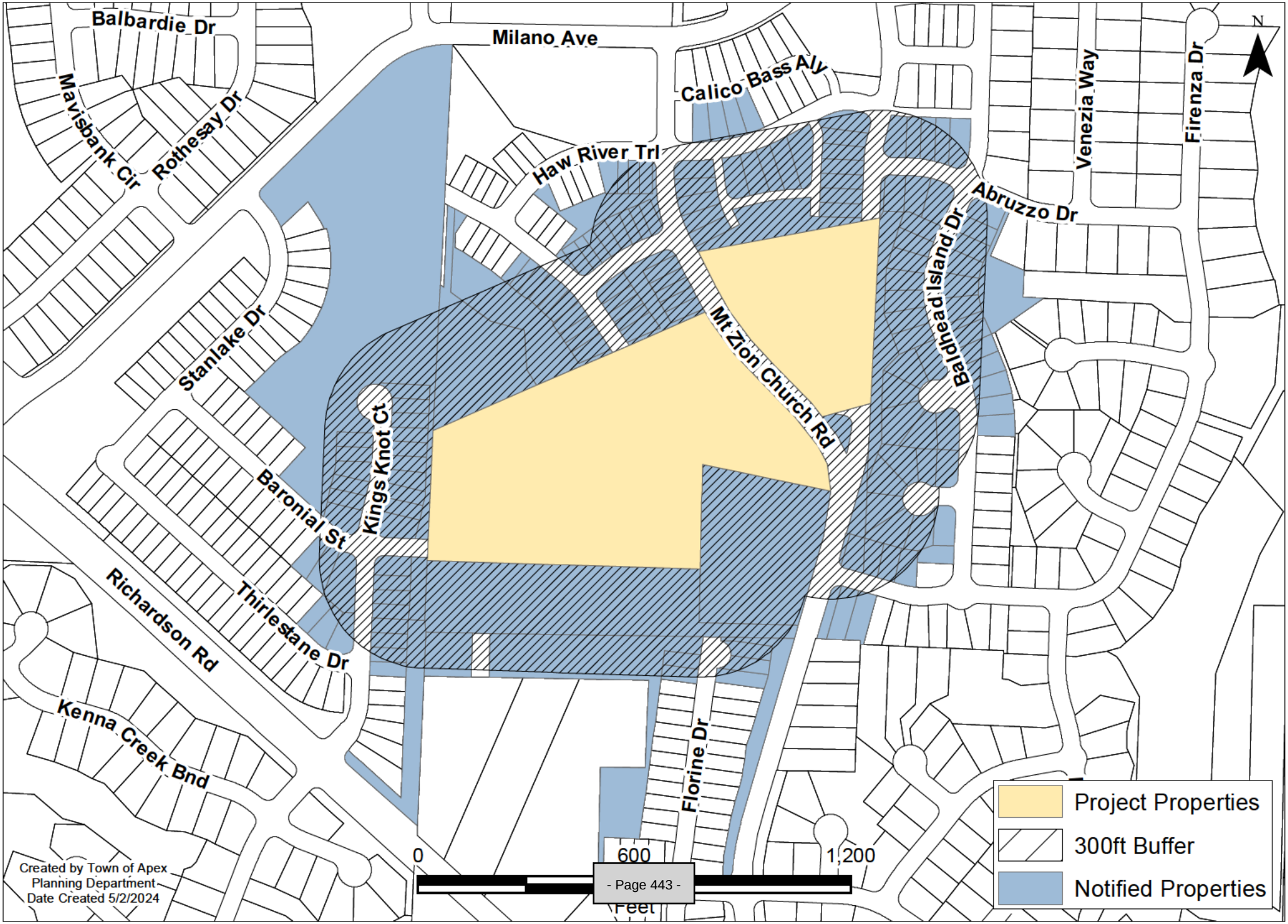
0 800 1,600 3,200 ft

1 inch equals 1,600 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.*

Notified Properties within 300ft of the Project Properties



LOT AREA TABLE:
SIGN LEGEND:
SITE LABELING LEGEND:
REQUIRED PLAN NOTES:
GENERAL NOTES:
HATCH LEGEND
PRELIMINARY FOR REVIEW ONLY
ASHBURN
RESIDENTIAL MASTER SUBDIVISION PLANS
APEX, NC
WAKE, NORTH CAROLINA
PRELIMINARY SUBDIVISION LAYOUT PLAN
PRIEST, CRAVEN & ASSOCIATES, INC.
LAND USE CONSULTANTS PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
SHEET #
C2.00

2705 RICHARDSON RD	0721431773	2705 RICHARDSON ROAD LLC	2705 RICHARDSON RD	APEX NC 27502-7880
1860 BLUE JAY PT	0721348491	ADKINS, CHRISTOPHER BRETT TRUSTEE ADKINS, CHRISTINA MILLER TRUSTEE	1860 BLUE JAY PT	APEX NC 27502-9711
2900 THIRLESTANE DR	0721335623	AHMAD, OMAR SHEMNA, RUHINA RIYAZ	2900 THIRLESTANE DR	APEX NC 27502-2527
1955 BALDHEAD ISLAND DR	0721543246	ALLEN, CLINTON MAYO ALLEN, HOLLIE GOODWIN	1955 BALDHEAD ISLAND DR	APEX NC 27502-8567
2328 MT ZION CHURCH RD	0721444631	ANDERSON, DAISY	2328 MT ZION CHURCH RD	APEX NC 27502-9706
2321 MT ZION CHURCH RD	0721445729	ARORA, AKASH LAHIRI, SHINJINI	2321 MOUNT ZION CHURCH RD	APEX NC 27502-9509
1854 HAMMOCKS BEACH TRL	0721449917	ATCHESON, CARLA THURSTON ATCHESON, DANIEL PATRICK	1854 HAMMOCKS BEACH TRL	APEX NC 27502-9694
2701 ELK KNOB TRL	0721531993	ATHOTA, SUDHEER PARUCHURI, JAYASREE	2701 ELK KNOB TRL	APEX NC 27502-8568
1935 KINGS KNOT CT	0721336998	BAKSHI, PARTH ATUL KAPADIA, PRACHI NIKHIL	1935 KINGS KNOT CT	APEX NC 27502-2518
1961 KINGS KNOT CT	0721336655	BALAKRISHNAN, SYAM SUNDER BALAKRISHNAN, MAYA	1961 KINGS KNOT CT	APEX NC 27502-2518
2326 MT ZION CHURCH RD	0721444614	BANA, VIMAL /TR BANA, SONIA /TR	1056 BENDER RIDGE DR	MORRISVILLE NC 27560-8187
2708 SUGAR MOUNTAIN WAY	0721540360	BEATON, STEVEN B BEATON, MALLORY	2708 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
1850 HAMMOCKS BEACH TRL	0721459025	BELICIC, BRIAN BELICIC, BARBARA JEAN	1850 HAMMOCKS BEACH TRL	APEX NC 27502-9694
0 HAMMOCKS BEACH TRL	0721447727	BELLA CASA HOMEOWNERS ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
0 FIRENZA DR	0721439827	BELLA CASA HOMEOWNERS ASSOCIATION, INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210
0 CROWDERS RIDGE LN	0721443588	BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
2758 ABRUZZO DR	0721550061	BENNETT, CHARLOT LEAH	2758 ABRUZZO DR	APEX NC 27502-4743
1892 BLUE JAY PT	0721440588	BOBBA, JAYAKRISHNA KODALI, YAMINI	1892 BLUE JAY PT	APEX NC 27502-9711
1906 BLUE JAY PT	0721441495	BOWDITCH, THOMAS ROBERT	1906 BLUE JAY PT	APEX NC 27502-9712
1947 BALDHEAD ISLAND DR	0721543317	BRADLEY, LINC JABBAR BRADLEY, LISA ANN	1947 BALDHEAD ISLAND DR	APEX NC 27502-8567
0 BARONIAL ST	0721345696	BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	COMMUNITY ASSOCIATION MGMT	PO BOX 79032
0 KINGS KNOT CT	0721336396	BUCKHORN PRESERVE HOMEOWNERS ASSOCIATION INC	COMMUNITY ASSOCIATION MANAGEMENT	PO BOX 79032
2754 ABRUZZO DR	0721551051	BULLOCK, ROBERT SAMUEL II TRUSTEE TRUSTEE OF ROBERT SAMUEL BULLOCK II LIVING TRUST	2754 ABRUZZO DR	APEX NC 27502-4743
1905 BALDHEAD ISLAND DR	0721542795	BUSTAMANTE, GEORGE ANTHONY BUSTAMANTE, ADA KAREM	1905 BALDHEAD ISLAND DR	APEX NC 27502-8567
1858 HAMMOCKS BEACH TRL	0721449819	CAFFERA, LINDA	1858 HAMMOCKS BEACH TRL	APEX NC 27502-9694
2709 ELK KNOB TRL	0721530952	CANNON, BENJAMIN LOUIS CANNON, STEPHANIE LYNN	2709 ELK KNOB TRL	APEX NC 27502-8568
1884 BLUE JAY PT	0721440604	CHAKRAVARTHY, PRAVEEN KANNAN MURUKANDY, PARVATHY	112 BROAD HOLLOW ST	HOLLY SPRINGS NC 27540-4990
2756 ABRUZZO DR	0721551011	CHAUBEY, PRAVIN CHAUBEY, MICHELLE	2756 ABRUZZO DR	APEX NC 27502-4743
2006 FLORINE DR	0721434576	CHAVES, BERNARDO MEDRADO PENNA ALVES, CAROLINA MEDRADO RIBEIRO	2006 FLORINE DR	APEX NC 27502-8056
2812 CROWDERS RIDGE LN	0721442731	CHEN, XUEYI	2812 CROWDERS RIDGE LN	APEX NC 27502-9710
1959 BALDHEAD ISLAND DR	0721543241	CHENNUPALLI, DEGURA RAM CHENNUPALLI, JYOTHI SYAMALA	1959 BALDHEAD ISLAND DR	APEX NC 27502-8567
1943 BALDHEAD ISLAND DR	0721542492	CLARK, JOHN MICHAEL III CLARK, JENNIFER MARIE	1943 BALDHEAD ISLAND DR	APEX NC 27502-8567
2712 ELK KNOB TRL	0721540036	CREEHAN, BRAD CREEHAN, HEATHER	2712 ELK KNOB TRL	APEX NC 27502-8568
2806 CROWDERS RIDGE LN	0721442795	CRESPO, JORGE GUAN, ZE MIN	369 AURORA AVE	CLIFFSIDE PARK NJ 07010-2110
2705 ELK KNOB TRL	0721531931	DEERING, MICHELLE DEERING, SCOTT E	1463 HAMLETS CHAPEL RD	PITTSBORO NC 27312-8776
2708 ELK KNOB TRL	0721540171	DION, JAMES J JR DION, NATALIE	2708 ELK KNOB TRL	APEX NC 27502-8568
1953 KINGS KNOT CT	0721336763	DUMBRE, SUHAS LAXMAN BHALERAO, SMITA	1953 KINGS KNOT CT	APEX NC 27502-2518
2751 ABRUZZO DR	0721541883	DUMITRACHE, ALEXANDRU DUMITRACHE, ANCA	2751 ABRUZZO DR	APEX NC 27502-4742
2802 CROWDERS RIDGE LN	0721443757	DWYER, JUDY	2802 CROWDERS RIDGE LN	APEX NC 27502-9710
1939 BALDHEAD ISLAND DR	0721542477	ENGMAN, DUWAYNE ENGMAN, AMY COOK	1939 BALDHEAD ISLAND DR	APEX NC 27502-8567
1915 KINGS KNOT CT	0721347118	ERL, MALLORY MARSHBURN, WILLIAM GM	1915 KINGS KNOT CT	APEX NC 27502-2518
1919 KINGS KNOT CT	0721347114	EVANS, BRANDON L	1919 KINGS KNOT CT	APEX NC 27502-2518
1903 KINGS KNOT CT	0721347300	FELIZIA LAO, MA YNNA BAGAYAWA SIQUIOCO, EDUARD JOSEPH	1903 KINGS KNOT CT	APEX NC 27502-2518
2713 ELK KNOB TRL	0721530928	FULLER, GEORGE JACK III JENKINS-FULLER, MONIQUE S	2713 ELK KNOB TRL	APEX NC 27502-8568
1931 KINGS KNOT CT	0721347002	GADDAM, KISHORE-REDDI PULAGAM, SOUJANYA	1931 KINGS KNOT CT	APEX NC 27502-2518
1934 BALDHEAD ISLAND DR	0721541415	GALKOWSKI, JAMES M GALKOWSKI, LORRAINE	1934 BALDHEAD ISLAND DR	APEX NC 27502-8567
2821 HAW RIVER TRL	0721447912	GONG, ZHIHONG	1428 COMMONS FORD PL	APEX NC 27539-6908
2334 MT ZION CHURCH RD	0721444573	GROSS, MATTHEW J GAUSE, INDIA D	2334 MT ZION CHURCH RD	APEX NC 27502-9706
2010 FLORINE DR	0721434563	GURUMURTHY, ANANTHARAMAN RAMPRASAD, AARTHI	2010 FLORINE DR	APEX NC 27502-8056
2700 ELK KNOB TRL	0721542009	GUZMAN, SOLEDAD BARRA PEREZ, CLAUDIO	2700 ELK KNOB TRL	APEX NC 27502-8568
1907 BLUE JAY PT	0721443531	HND INVESTMENT TRUST	202 OSWEGO CT	MORRISVILLE NC 27560-8662
1939 KINGS KNOT CT	0721336973	HOSMANI, PRASHANT SIDHARAM ALLISHE, MAHESHWARI MALLINATH	1939 KINGS KNOT CT	APEX NC 27502-2518
2827 HAW RIVER TRL	0721446910	HU, HUAZHI	2827 HAW RIVER TRL	APEX NC 27502-9697
2853 HAW RIVER TRL	0721443930	HUANG, RONG	9109 COBALT RIDGE WAY	CARY NC 27519-9397
1901 BALDHEAD ISLAND DR	0721543810	ILIEV, STILIYAN KOLEV ILIEVA, TSVETELINA GEORGIEVA	1901 BALDHEAD ISLAND DR	APEX NC 27502-8567
1908 BLUE JAY PT	0721442412	JI, IN HWAN LIM, SORI	1908 BLUE JAY PT	APEX NC 27502-9712
1990 FIRENZA DR	0721439845	JOSEPH, KARREL K BOYER, SAMANTHA G	1990 FIRENZA DR	APEX NC 27502-9667
1862 HAMMOCKS BEACH TRL	0721449811	KANDURI, RAJAGOPALA A KANDURI, ANURADHA	1862 HAMMOCKS BEACH TRL	APEX NC 27502-9694
2815 HAW RIVER TRL	0721448906	KARTALA, SHARAT CHANDRA KOUSH	2815 HAW RIVER TRL	APEX NC 27502-9697
1973 KINGS KNOT CT	0721336553	KASIREDDY, CHANDANA ALSURI, MARUTHI RAM	1973 KINGS KNOT CT	APEX NC 27502-2518
1896 BLUE JAY PT	0721441534	KING, JASON KING, KISHA	1012 BEYER PL	DURHAM NC 27703-6517
2828 HAW RIVER TRL	0721455066	KORAN, STEVEN	2828 HAW RIVER TRL	APEX NC 27502-9697
2901 BARONIAL ST	0721335727	KRIMERMAN, DIMITRY CO-TRUSTEE KRIMERMAN, YULIA CO-TRUSTEE	2901 BARONIAL ST	APEX NC 27502-2517
1986 FIRENZA DR	0721439894	KUE, XIA KUE, JODY	1986 FIRENZA DR	APEX NC 27502-9667
1922 BALDHEAD ISLAND DR	0721540681	KURRE, VIJAYA KUMAR	1922 BALDHEAD ISLAND DR	APEX NC 27502-8567
1904 BLUE JAY PT	0721441478	LANDE, PRAFULLA BHONSLE, NISHIGANDHA	6086 LAKEVIEW CIR	SAN RAMON CA 94582-4867
2330 MT ZION CHURCH RD	0721444549	LAUTEMANN, ROBIN LAUTEMANN, CHRISTOPHER	920 VISTA DE LEJOS DR	SANTA BARBARA CA 93110-2019
2816 CROWDERS RIDGE LN	0721441687	LEE, HI KWAN LEE, BOO SUN	2816 CROWDERS RIDGE LN	APEX NC 27502-9710
2755 ABRUZZO DR	0721541825	LEVAKA, MADHUSUDHANACHARI KADARI, HEMALATHA	2755 ABRUZZO DR	APEX NC 27502-4742
1982 FIRENZA DR	0721530843	LI, JIAN SUN, JIANWEI	1020 TIMBER MIST CT	CARY NC 27519-7510
1888 BLUE JAY PT	0721440651	LI, QIAO WU, PING	206 FAIRFIELD DR	HORSEHEADS NY 14845-2286
1923 KINGS KNOT CT	0721347110	LI, ZHI LI, JIE	1923 KINGS KNOT CT	APEX NC 27502-2518
2820 HAW RIVER TRL	0721456058	LIANG, IRENE PAN, FANG	4010 REEDLAND CIR	SAN RAMON CA 94582-5580
1926 KINGS KNOT CT	0721345059	LIU, LU ELLER, BRIAN	1926 KINGS KNOT CT	APEX NC 27502-2518
2705 SUGAR MOUNTAIN WAY	0721541139	LUND, LONGZHI HU	2705 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
1949 KINGS KNOT CT	0721336767	MADDUKURI, SRIKANTH KUMAR VELICHETI, HEMA VENKATA SIRISHA	1949 KINGS KNOT CT	APEX NC 27502-2518
1918 BALDHEAD ISLAND DR	0721540696	MADDURI, JAIBHARATH KALVAKOTA, SRI HARSHA	1918 BALDHEAD ISLAND DR	APEX NC 27502-8567
2800 CROWDERS RIDGE LN	0721443789	MALDONADO, JOSE MARTORELLI-MALDONADO, ANNMARIE	2800 CROWDERS RIDGE LN	APEX NC 27502-9710
1940 KINGS KNOT CT	0721335925	MANGAL, SHARAD GARG, REKHA	1940 KINGS KNOT CT	APEX NC 27502-2518
2857 HAW RIVER TRL	0721442960	MARGE, ROBERT E MARGE, MARIA N	2857 HAW RIVER TRL	APEX NC 27502-9697
2704 SUGAR MOUNTAIN WAY	0721540397	MCGOWAN, SHANNON	2704 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
2909 BARONIAL ST	0721334834	MEKALA, VIJAYA KRISHNA	2909 BARONIAL ST	APEX NC 27502-2517
1915 BALDHEAD ISLAND DR	0721542645	MILLER, JASON ROY MILLER, SUZANNE MARTIN	1915 BALDHEAD ISLAND DR	APEX NC 27502-8567
2830 HAW RIVER TRL	0721455025	MILLER, TRACEY SUZANNE MILLER, EDWARD LOUIS III	1000 COLWORTH WAY	RALEIGH NC 27614-8244
1929 BALDHEAD ISLAND DR	0721542544	MODRAK, ERIC MODRAK, RACHEL DAWN	1929 BALDHEAD ISLAND DR	APEX NC 27502-8567
1978 FIRENZA DR	0721530891	MOUNTAINLAND ESTATES LLC	PO BOX 4836	LOGAN UT 84323-4836

1886 BLUE JAY PT	0721440633	NALLUSAMY, ARUNAGIRI KRISHNASAMI, YASODA	1886 BLUE JAY PT	APEX NC 27502-9711
2319 MT ZION CHURCH RD	0721445813	NASH, THOMAS E NASH, LISA Y	2319 MOUNT ZION CHURCH RD	APEX NC 27502-9509
2709 SUGAR MOUNTAIN WAY	0721540272	NATARAJAN, PRADEEP KUMAR	306 ASHDOWN FOREST LN	CARY NC 27519-1530
1852 HAMMOCKS BEACH TRL	0721459021	NATIONS, KELLEY	1852 HAMMOCKS BEACH TRL	APEX NC 27502-9694
1920 KINGS KNOT CT	0721345153	NGUYEN, THAI SY TRAN, TINA HUYNH NHU	1920 KINGS KNOT CT	APEX NC 27502-2518
2759 ABRUZZO DR	0721540865	NIETMANN, JAMES TRUSTEE NIETMANN, JANA TRUSTEE	2759 ABRUZZO DR	APEX NC 27502-4742
2910 THIRLESTANE DR	0721334685	NIXON, JOSEPH D NIXON, MONICA J	2910 THIRLESTANE DR	APEX NC 27502-2527
1945 KINGS KNOT CT	0721336862	PAKA, SHARATH KUMAR CO-TRUSTEES PEDDAPALLY, SRILAXMI CO-TRUSTEES	1945 KINGS KNOT CT	APEX NC 27502-2518
1911 KINGS KNOT CT	0721347212	PATEL, CHARMI M PATEL, SANGITABEN M	1911 KINGS KNOT CT	APEX NC 27502-2518
2001 FLORINE DR	0721436558	PILLARISHETTY, VAMSHIDHAR CHINNAM, JYOTHI	2001 FLORINE DR	APEX NC 27502-8056
1965 KINGS KNOT CT	0721336651	PINEYRO, KENDRA N SMITH, HARRISON M	1965 KINGS KNOT CT	APEX NC 27502-2518
2824 HAW RIVER TRL	0721456017	POLASIK, STEVEN JOHN POLASIK, ALISON KAYE	2824 HAW RIVER TRL	APEX NC 27502-9697
2317 MT ZION CHURCH RD	0721445807	POLING, JEREMY K POLING, NORMA LYNN	2317 MT ZION CHURCH RD	APEX NC 27502-9706
2750 ABRUZZO DR	0721552040	PRINCE-HENRY, STARLA MICHELLE HENRY, WILLIAM TODD	2750 ABRUZZO DR	APEX NC 27502-4743
1969 KINGS KNOT CT	0721336557	RACHAKONDA, SRINIVAS RACHAKONDA, DEVI	1969 KINGS KNOT CT	APEX NC 27502-2518
2814 CROWDERS RIDGE LN	0721442609	RBCLL LLC	7025 ASHLEY ROSE DR	CARY NC 27519-7503
1894 BLUE JAY PT	0721441516	REID, TAMMY	1894 BLUE JAY PT	APEX NC 27502-9711
1985 FIRENZA DR	0721439668	REILLY, DANIEL THOMAS REILLY, KIMBERLY	1985 FIRENZA DR	APEX NC 27502-9668
0 MT ZION CHURCH RD	0721448562	RICHARDSON, ANTHONY RICHARDSON, DELOIS	1825 CAR CREEK RD	SANFORD NC 27332
2432 MT ZION CHURCH RD	0721436885	RICHARDSON, DOROTHY MAE HEIRS	CHARLES WALDEN	2432 MOUNT ZION CHURCH RD
1927 KINGS KNOT CT	0721347006	RYU, WON HEE SHIN, HEEWON	1927 KINGS KNOT CT	APEX NC 27502-2518
1932 KINGS KNOT CT	0721345044	SACRAPANI, VISHWANATH KOTYADA, MANJESHWARI	1932 KINGS KNOT CT	APEX NC 27502-2518
1856 HAMMOCKS BEACH TRL	0721449913	SAMS, JOHN T SAMS, PHYLLIS	1856 HAMMOCKS BEACH TRL	APEX NC 27502-9694
1989 FIRENZA DR	0721439619	SANDERS, DANIEL SANDERS, CHARLA	1989 FIRENZA DR	APEX NC 27502-9668
1902 BLUE JAY PT	0721441561	SARRO, GERALD SARRO, NORMA LEE	1902 BLUE JAY PT	APEX NC 27502-9712
1914 BALDHEAD ISLAND DR	0721541712	SCHMELZER, ADAM HENRY SCHMELZER, MARGARET CAROLINE	1914 BALDHEAD ISLAND DR	APEX NC 27502-8567
2315 MT ZION CHURCH RD	0721445902	SCHMOELLER, EDWARD J SCHMOELLER, CYNTHIA A	2315 MOUNT ZION CHURCH RD	APEX NC 27502-9509
1909 BALDHEAD ISLAND DR	0721542770	SCHNOKE, MICHAEL CURTIS SCHNOKE, HEATHER MICHELLE	1909 BALDHEAD ISLAND DR	APEX NC 27502-8567
2700 SUGAR MOUNTAIN WAY	0721541369	SEOW, SOON WEI SU, YING	2700 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
2905 BARONIAL ST	0721334871	SHAH, BHAVIN RAVINDRA SHAH, CHARVI VIRENDRA	2905 BARONIAL ST	APEX NC 27502-2517
2855 HAW RIVER TRL	0721443900	SHAH, DHYEY	2855 HAW RIVER TRL	APEX NC 27502-9697
2851 HAW RIVER TRL	0721443960	SHELLER, DAVID A	2851 HAW RIVER TRL	APEX NC 27502-9697
1951 BALDHEAD ISLAND DR	0721543332	SOPRANO, GIANCARLO SOPRANO, HEATHER	1951 BALDHEAD ISLAND DR	APEX NC 27502-8567
1905 BLUE JAY PT	0721443513	SRIVASTAVA, JYOTI SRIVASTAVA, TARUN	3320 COOKEFIELD CT	RALEIGH NC 27606-4875
1923 BALDHEAD ISLAND DR	0721542630	SUEKO LASSITER, ERICA LYNN LASSITER, JEFFREY WAYNE JR	1923 BALDHEAD ISLAND DR	APEX NC 27502-8567
2005 FLORINE DR	0721436554	SUN, HEQING	2005 FLORINE DR	APEX NC 27502-8056
1926 BALDHEAD ISLAND DR	0721540586	SUPRAMANIAN, MURUGESAN PITCHAI, BHARATHI	1926 BALDHEAD ISLAND DR	APEX NC 27502-8567
1936 KINGS KNOT CT	0721345030	TADIPATRI, MOHAMMED ESHAK SHAIK, MOUNISHA	1936 KINGS KNOT CT	APEX NC 27502-2518
2810 CROWDERS RIDGE LN	0721442763	TAUSS, SONJA WILLIAM HOLLAND, EVAN FRANK	2810 CROWDERS RIDGE LN	APEX NC 27502-9710
1860 HAMMOCKS BEACH TRL	0721449815	TIFFANY, JAMES M	1860 HAMMOCKS BEACH TRL	APEX NC 27502-9694
1916 KINGS KNOT CT	0721345167	TING, SHUE YING SARAH YEUNG, CHUN MAN JEFFREY	1916 KINGS KNOT CT	APEX NC 27502-2518
0 FLORINE DR	0721338527	TRI POINTE HOMES HOLDINGS INC	5440 WADE PARK BLVD STE 400	RALEIGH NC 27607-6067
1901 BLUE JAY PT	0721442579	TUMMINELLI, JOSEPH T	1901 BLUE JAY PT	APEX NC 27502-9712
1930 BALDHEAD ISLAND DR	0721540590	URUKADLE, RAJENDRA PRASAD	1930 BALDHEAD ISLAND DR	APEX NC 27502-8567
2323 MT ZION CHURCH RD	0721445745	VARDIS, JOYCE VARDIS, CHRISTOPHER W	2323 MT ZION CHURCH RD	APEX NC 27502-9706
2009 FLORINE DR	0721436531	VAZQUEZ, JAVIER LAVECCHIA, LAUREN	2009 FLORINE DR	APEX NC 27502-8056
1907 KINGS KNOT CT	0721347216	VELU, DURAISINGAM NAGARAJAN, ANANDHI	1907 KINGS KNOT CT	APEX NC 27502-2518
2704 ELK KNOB TRL	0721541150	WALKER, LAURIEANN	2704 ELK KNOB TRL	APEX NC 27502-8568
2819 HAW RIVER TRL	0721447953	WANG, HAO JIANG, LING	1761 LORENZEN DR	SAN JOSE CA 95124-1741
0 MT ZION CHURCH RD	0721449210	WINDY ROAD PROPERTIES LLC	218 EDINBURGH DR	CARY NC 27511-6408
2701 SUGAR MOUNTAIN WAY	0721542200	WOOLLEY, STEVEN WOOLLEY, TAMMY S	2701 SUGAR MOUNTAIN WAY	APEX NC 27502-8570
2918 THIRLESTANE DR	0721334658	WU, TONG	2918 THIRLESTANE DR	APEX NC 27502-2527
2804 CROWDERS RIDGE LN	0721443726	XU, WEILI	315 S SALEM ST STE 324	APEX NC 27502-1863
1957 KINGS KNOT CT	0721336669	YASA, JAIPAL REDDY PALLE, RAJITHA	1957 KINGS KNOT CT	APEX NC 27502-2518
1910 BALDHEAD ISLAND DR	0721541736	YELURI, MARUTHI SEKHAR YELURI, VENKATA PRASANNA RANI	1910 BALDHEAD ISLAND DR	APEX NC 27502-8567
2332 MT ZION CHURCH RD	0721444566	YU, FEI GONG, FENGYUAN	200 HAWTHORN WOODS RD	APEX NC 27523-9611
1903 BLUE JAY PT	0721442596	ZHUKOV, OLEKSANDR ZHUKOVA, VIKTORIYA	1903 BLUE JAY PT	APEX NC 27502-9712
1988 BALDHEAD ISLAND DR	0721531875	ZYALENKA, VALERIY KURNIKAVA, VIKTORYIA	1988 BALDHEAD ISLAND DR	APEX NC 27502-8567
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	2752 Abruzzo DR	
		Current Tenant	1884 Blue Jay PT	
		Current Tenant	1888 Blue Jay PT	
		Current Tenant	1896 Blue Jay PT	
		Current Tenant	1904 Blue Jay PT	
		Current Tenant	1905 Blue Jay PT	
		Current Tenant	1907 Blue Jay PT	
		Current Tenant	1909 Blue Jay PT	
		Current Tenant	2804 Crowders Ridge LN	
		Current Tenant	2806 Crowders Ridge LN	
		Current Tenant	2814 Crowders Ridge LN	
		Current Tenant	2705 Elk Knob TRL	
		Current Tenant	1978 Firenza DR	
		Current Tenant	1982 Firenza DR	
		Current Tenant	2819 Haw River TRL	
		Current Tenant	2820 Haw River TRL	
		Current Tenant	2821 Haw River TRL	
		Current Tenant	2823 Haw River TRL	
		Current Tenant	2830 Haw River TRL	
		Current Tenant	2853 Haw River TRL	
		Current Tenant	2315 Mt Zion Church RD	
		Current Tenant	2319 Mt Zion Church RD	
		Current Tenant	2321 Mt Zion Church RD	
		Current Tenant	2326 Mt Zion Church RD	
		Current Tenant	2330 Mt Zion Church RD	
		Current Tenant	2332 Mt Zion Church RD	
		Current Tenant	2432 Mt Zion Church RD	
		Current Tenant	2504 Mt Zion Church RD	
		Current Tenant	2709 Sugar Mountain WAY	

Created by Town of Apex Planning Department
Date Created: 5/2/2024

NEIGHBORHOOD MEETING SIGN-IN SHEET

See attached Meeting Held 5/21/2024

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

Meeting Address: Virtual

Date of meeting: 5/21/2024 Time of meeting: 6:30 PM

Property Owner(s) name(s): George Hamrick

Applicant(s): Entitlement Preservation Group / Charles R. Walker III, PLA

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
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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): George Hamrick

Applicant(s): Entitlement Preservation Group / Charles R. Walker

Contact information (email/phone): cwalker@epgrouponline.com

Meeting Address: Virtual

Date of meeting: 5/21/2024 Time of meeting: 6:30 PM

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

Question/Concern #1: This question came in an e-mail: A group of neighbors that back-up to Hammock Beach Trail on the west or excuse me on the east side of Hammock Beach Trail have requested that Ashburn install a fence and landscaping along the east side of Hammock Beach Trail. There is a very thin separation of open space between Hamrick Beach Trail which we will be constructing and the back of those homes.

Applicant's Response:

Ashburn has agreed to install a 6-foot tall enclosed privacy fence with an evergreen hedge that is planted 5 feet on center for the length of the road from the connection point at the north to where the road starts to turn away from Bella Casa near the south. Can you slide the site plan over so you can see it and start at the north there on Hamrick Beach and slide the cursor down and it would stop right in there where the new street starts to move away from the property line.

Question/Concern #2: Parth Bakshi " I have a question I am a resident of the Buckhorn Preserve and a bunch of us have the same concern that your townhomes on the Buckhorn side are very close to our property and there are not many trees around there and so our privacy and all of that we would like to have a fence as well and some landscaping to protect the privacy of the neighbors on the Buckhorn side.

Applicant's Response:

That is all a part of our resource conversation area, our RCA area, most of which is being left natural. The cross-hatch green area is being left in an undisturbed condition and the pure green area that's labeled play lawn area is part of the RCA that has to be graded and left in an area that can be used for recreational purposes. The homes there where townhome number 79 is, is quite a distance off that property line and a good deal of that separation will be left in a natural condition. Looks to be about 50 feet, we can't measure it with our computer here but that's about 50 feet of separation, and about half of that will be left wooded.

Question/Concern #3:

Jim Galkowski: will the Resource conservation area (RCA) behind the baldhead island homes be left as is? or will it be cleared and then those evergreens planted ?

Applicant's Response:

There was a construction easement or a slope easement that Bella Casa agreed to so that it would facilitate the construction of Hammocks Beach Trail that the Town is requiring to be constructed along there. There is an easement that will be cleared and graded in and there may require some replanting that goes along with that easement agreement.

Question/Concern #4:

Mark Donaldson: Are you planning on providing any amenities, such as playgrounds, pool, etc? Note that residents will not be able to use Bella Casa amenities...!

Applicant's Response:

There are no plans for a pool or recreational center or a clubhouse as part of Ashburn. There is a substantial amount of open space and an open play area that is part of the RCA, but there is not an amenity center, and certainly the residents will know they are not allowed to use Bella Casa's recreational area.

Question/Concern #5

Linda Caffera: *speaking about suggestion that zoning dictates 5.2 homes per acre, that's if you change the zoning, right now the zoning the way it is doesnt dictate such an overintensification of land use.*

Applicant's Response:

No, the current rural residential zoning would not allow that density, but as the towns future land use map points out, the anticipation is that this property would be developed at a medium density. A medium residential density and the 5.2 acres proposed here complies with that designation. The current zoning, would not allow it but that's why we are going through the zoning process and 5.2 units per acre is certainly not intensive. It is relative to how each individual feels about it but based on what is developed all around this property, 5.2 units to the acre is not excessive or over intense. It's in accordance with what's developed around it and in accordance with the towns future land use plan.

Question/Concern #6

Linc Bradley: *Are there any considerations for increased traffic on both Richardson and Mt. Zion roads?*

Applicant's Response:

There will be some increase in traffic obviously, but it won't be significant and the connection with Hammocks Beach will provide some additional relief and other access around and through the vicinity of this development. It is not large enough to require a transportation impact analysis based on the town's regulations, so the anticipation there is, is that it will not have a significant impact on the surrounding street system. There will be improvements along Mt Zion Church Road, it will be widened curb and gutter and a sidewalk will be installed and then Hammocks Beach Trail will also be connected up to help provide additional relief for traffic

Question/Concern #7

Parth Bakshi: *Are you planning to do all phases in one go?*

Applicant's Response:

I don't know if they have actually decided precisely how the construction will be staged but I would expect the first phase will have some or all of the single family detached and some group of townhomes and then later phase will finish out the townhomes

Question/Concern #8

Heather Soprano: *What does the current zoning allow? I.e #homes per acre*

Applicant's Response:

The current zoning rural residential RR, which is essentially a holding district. All of the property in the vicinity was at one time zoned rural residential and as each neighborhood developed, they came in and asked for a zoning change to the zoning that it is currently to allow its development to take place. This piece is not different from Bella Casa or Buckhorn. It's coming in currently in a rural residential holding district. The town governs every aspect of development and as part of it's long range planning has set expectations about what the future land uses for the undeveloped property in town will be, and the future land use expectation for this tract is medium density residential. So as to if the town wants it to be rezoned, that depends on exactly who with the town you're talking to, but the town expects that most of the property in it borders is going to be developed at one point in time. They have rules and regulations and processes in place that govern that development very stringently, and we will be going through that process and complying with every regulation that exists.

Question/Concern #9

Parth Bakshi: *Will you be using existing roads to move materials. I.e through Buckhorn and bella casa.*

Applicant's Response:

Yes. There is no other way to get to the site than to use the existing roads. Certainly, Mt. Zion Church Road will be used for construction access and then due to the constraints of the connections you can see where the access will be, and the roads that will be used for each phase of the development. But yes we will be using the existing roads just like the construction traffic did when your neighborhoods were being constructed.

Question/Concern #10

J. Nietmann: *Can you please share any information on timing (start time, length of project, etc.)?*

Applicant's Response:

Nothing official, but to put it in some generic terms, we think this zoning process will take 4 to 6 months by the time the staff does their reviews and we make changes in accordance with their requirements. Then, it goes to the planning and zoning board and to the council, 6 months. It will then take another 4 to 6 months to get the construction drawings approved assuming that the town council decided to rezone the property, so that's a year. Normally, we will say 10 months to 12 months before any site work could begin. It will probably take 8 months whatever the first phase is to be constructed, and get ready for vertical construction to start. Then vertical construction of the homes is a probably a 3 to 4 month process. So if you add all that up, you're pretty close to 2 years before there is a house ready for purchase in the neighborhood. Then there will be, depending on what the housing market and interest rates and all the things that impact housing sales are at that time, for 79 homes, a year and a half to two years for full development, build out, and sales for the neighborhood.

Question/Concern #11

Linda Caffera:*Why cant the developers culdesac into the small triangular area off Mt Zion Church Road? Instead of invading into Hammocks Beach Trail. And 10 homes with more property will definitely generate less traffic.*

Applicant's Response:

Well the street pattern is not ours. Everywhere there is a road stubbed to the site, we have to connect to it. Everywhere that the town thinks a street should be connected to in the future, we have to provide a stub to that location. Hammocks Beach Trail is on the town's street plan, and they are requiring us to construct it in the alignment that it is shown so we really don't have any choice in that respect.

Question/Concern #12

Drs. Scott & Michelle Deering: *what will be the price point for these homes and what will be the impact on the Apex Friendship schools?*

Applicant's Response:

The price point has not been determined. Who knows how the cost of materials and labor and construction costs might change over the next two years. But they would certainly be on par with the home prices in the neighborhood and new construction typically is more expensive than existing homes in the neighborhood. The price point will not be determined until vertical construction of the homes is pretty far along. What will it do to the schools in the network? As part of this zoning process we complete informational worksheets for Wake Co Schools that tells them how many homes, how many bedrooms, that sort of thing that they use in their projections of student population. I think Wake Co Schools are now beginning to grow again. I know in the past couple of years that the student population has dropped considerably in some cases. I do believe they are back in to some positive numbers on student population growth now but the 79 lots will not have a signific impact on the school system and as we all know Wake Co is constantly building and renovating schools and also reassigning students to schools based on what happens with new development and we expect that will continue

Question/Concern #13

Heather Soprano: *If this project is approved...what is the expected price range of these single family homes and townhomes? Are any of these deemed affordable housing?*

Applicant's Response:

No, this is privately developed housing. It's not government assisted, it's not low income, it's not designated as affordable.

Question/Concern #14

Christie Adkins: *If the RCA is to remain protected why are they marking trees over a certain diameter? Are the townhomes slated to be two story or three story?*

Applicant's Response:

The town has requirements that trees over a certain diameter have to be located in the field and shown on our development plans and labeled. It's just a tree inventory and part of the process, and we locate those trees throughout the site and even in areas that are outside of the RCA area, so we know where those trees are. The town can see it and decide whether a tree, a specific tree, needs to be tried to be saved and included in the RCA or if there is justification for taking it out. The townhomes can be either two or three story depending on the architectural styles and plans that are developed.

Question/Concern #15

Stephanie T: *What department do you submit the school worksheets to? I was recently on a call with Wake County schools and they show that Apex Friendship middle and high have caps still and are over capacity. I didn't hear any plans for new middle and high schools*

Applicant's Response:

We submit it to the Wake Co Public School System. It is a standard form and goes to an e-mail address that they provide or an online information sheet now. We can get that information for you.

Question/Concern #16

Linda Caffera: *I spoke to transportation and planning last week, and neither of them indicated it is the Towns wishes to spend taxpayer money and even build a road. That it may not be built. They also indicated they do not have a desire or mandate for this amount of homes; that it is soley the owners, developers, etc.*

Applicant's Response:

As far as their statement that they don't want to build the roads, I whole heartly agree with that. The town doesn't want to build the roads. The private developers build the roads, and that's what is happening here. I believe you are exactly right, the town itself, especially the transportation department, doesn't care whether there are homes built here or not.

Question/Concern #17

Jim Galkowski: *i understand you all are the design team but your materials reference Ashburn Development LLC That entity is new and only incorporated Dec 2023. Who are the developer team that manage Ashburn Development LLC?*

Applicant's Response:

Yes most real estate development is done through LLC's that are created for that single development and that's what Ashburn Development LLC is. Mike Jordan is a manager of Ashburn Development LLC. He has done a tremendous amount of development in the Triangle in Wake Forest, Raleigh and Knightdale. This may be his 1st project in Apex, but he certainly has been active in this area.

Question/Concern #18

Mark Donaldson: *It looks like the intent of the single family homes is to have rear alley loading. So does that mean no garages face the streetside?*

Applicant's Response:

Yes on the single family the garage entrances, and driveways will come off the alley and into the rear of the home, so no garages will face the public street in the single family detached portion. The townhomes, however, are front loaded driveways that come off the street and will go to the garage that's on the front of the townhome.

Question/Concern #19

Heather Soprano: *What are the next steps after this meeting?*

Applicant's Response:

We will take the questions and the list of attendees from this meeting we will include that in the meeting notice portion of our application to the town. The filing deadline for that is June 1st or the 1st working day of the month. We will file the rezoning and subdivision application on the 1st of the month and it will go through a series of staff reviews. Once it clears those staff reviews, there will be a public hearing and the council will then send it to the planning board. The planning board will make a recommendation back to the council and the council will either approve it or deny it. If they approve it, we will then begin work on the construction drawings for the detailed construction of the streets in the ne[illegible]will go through a round of staff reviews until all of their comments have been addressed and only then would they issue grading permits and co[illegible]gin.

Question/Concern #20

Murugesan Supramanian: *what are the next steps? Will you incorporate the feedback/concerns received today and setup a followup meeting with your solution/proposal?*

There will be at least one public hearing, forgive me I don't know, I am not sure if it's a joint planning board and town council public hearing or if there are separate functions, but there will be other hearings other opportunities for you to provide input in a public forum. Whether we hold another neighborhood meeting to respond to these question or just respond to them in the public hearing I am not certain yet. But we will address the comments and can certainly get the responses back to those of you who give us your e-mail address. If you don't get it there it will be part of our presentation at the public hearings.

Question/Concern #21

Heather Soprano: *What is the average sf of these single family homes and townhomes?*

Applicant's Response:

That is going to depend on the number of stories and the depth of the unit, but they may have even put on a condition. The architectural's are not complete and are still just generic. They are changing, and it's probably going to be awhile before the actual size of the units are nailed down. So I don't have an answer for you on that

Question/Concern #22

Linda Caffera: *Why cant you put less homes bigger homes with more property. You didnt really answer why the necessity to dump over 200 cars conservatively into Bella Casa community and Buckhorn*

Applicant's Response:

The housing market and the pricing that's necessary is just not conducive to do a large lot subdivision on this property, and that's not the intent of the development. The intent is to do something that's similar to what's been done in the neighborhoods around the property. It is to do something that is in compliance with the future land use map which suggests the medium density residential. So the intent is to be like what is around us and not be completely different from it.

Question/Concern #23

Heather Soprano: *Can you share the conditions?*

Applicant's Response:

Sure, Heather if you can send up your e-mail we can forward you the application the PUD document that is going in that will have the condition and justifications. Actually, once they are on file the town will put them up on the website and they will be available to you that way as well.

Question/Concern #24

Parth Bakshi: *I would suggest that you increase RCA sq feet between Buckhorn and Ashburn. The houses are too close and would invade each other's privacy and also protect some of the beautiful tree tops canopy we have around this area*

Applicant's Response:

Please refer to the answer provided for Question #2.

CHAT ROOM RECORD FOR NEIGHBORHOOD MTG 5/22/2024 ASHBURN

[5/22 6:22 PM] Meeting started
[5/22 6:22 PM] Recording has started
Jim Galkowski (Unverified) was invited to the meeting.
Heather Soprano (External) was invited to the meeting.
Parth Bakshi (External) was invited to the meeting.
Drs. Scott & Michelle Deering (Unverified) was invited to the meeting.
Linda Caffera (Unverified) was invited to the meeting.
J. Nietmann (Unverified) was invited to the meeting.
Murugesan Supramanian (Unverified) was invited to the meeting.

[5/22 6:31 PM] Drs. Scott & Michelle Deering: Deering family present

[5/22 6:31 PM]
Adam Schmelzer (Unverified) was invited to the meeting.

[5/22 6:31 PM] Jim Galkowski: Jim Galkowski
[5/22 6:31 PM] Heather Soprano: Heather Soprano [redacted]
[5/22 6:31 PM] Parth Bakshi: Parth Bakshi
[5/22 6:31 PM] Murugesan Supramanian: Murugesan Supramanian
[5/22 6:31 PM] J. Nietmann: Jana Nietmann
[5/22 6:34 PM] Christie Adkins: *Christie Adkins*
[5/22 6:35 PM] Parth Bakshi: Parth Bakshi (2159321395 [redacted])
[5/22 6:35 PM] Jim Galkowski: Email [redacted] c 919 633 9104
[5/22 6:35 PM] Christie Adkins: [redacted] /9196088339)
[5/22 6:35 PM] Adam Schmelzer: Adam Schmelzer [redacted]

[5/22 6:35 PM]
Shannon McGowan (Unverified) was invited to the meeting.

[5/22 6:36 PM] Drs. Scott & Michelle Deering: Deering family; [redacted] and [redacted]

[5/22 6:36 PM]
Linc Bradley (Unverified) was invited to the meeting.
Mark Donaldson (Unverified) was invited to the meeting.
Stephanie T (Unverified) was invited to the meeting.

[5/22 6:42 PM] Jim Galkowski:
will the Resource conservation area (RCA) behind the baldhead island homes be left as is? or will it be cleared and then those evergreens planted ?

[5/22 6:43 PM] Mark Donaldson:
Are you planning on providing any amenities, such as playgrounds, pool, etc? Note that residents will not be able to use Bella Casa amenities...!

[5/22 6:44 PM] Linda Caffera:

speaking about suggestion that zoning dictates 5.2 homes per acre, that's if you change the zoning, right now t he zoning the way it is doesnt dictate such an *overintensification of land use.*

[5/22 6:45 PM] Linc Bradley:

Are there any considerations for increased traffic on both Richardson and Mt. Zion roads?

[5/22 6:47 PM] Mark Donaldson:

Yes,,,,that area that Jim references is in fact RCA and will remain

[5/22 6:48 PM] Mark Donaldson:

It is included within the BC property...

[5/22 6:50 PM] Parth Bakshi (External):

Are you planning to do all phases in one go?

[5/22 6:51 PM] Heather Soprano (External):

What does the current zoning allow? I.e #homes per acre

[5/22 6:51 PM] Parth Bakshi (External):

Will you be using existing tar roads to move materials. I.e through Buckhorn and bella casa.

[5/22 6:51 PM] J. Nietmann:

Can you please share any information on timing (start time, length of project, etc.)?

[5/22 6:52 PM] Linda Caffera:

Why cant the developers culdesac into the small triangular area o*ff* Mt Zion Church Road? Instead of invading into Hammocks Beach Trail. And 10 homes with more property will de*fi*nitely generate less tra*ffi*c.

[5/22 6:53 PM] Drs. Scott & Michelle Deering:

what will be the price point for these homes and what will be the impact on the Apex Friendship schools?

[5/22 6:53 PM]

Raj (Unverified) was invited to the meeting.

[5/22 6:58 PM] Heather Soprano (External)

If this project is approved...what is the expected price range of these single family homes and townhomes?

Are any of these deemed a*ff*ordable housing?

[5/22 6:58 PM] Christie Adkins:

If the RCA is to remain protected why are they marking trees over a certain diameter?

Are the townhomes slated to be two story or three story?

[5/22 7:01 PM] Stephanie T:

What department do you submit the school worksheets to? I was recently on a call with Wake County schools and they show that Apex Friendship middle and *high have caps still and are over capacity. I didn't hear any plans for new middle* and high schools

[5/22 7:02 PM] Linda Caffera:

I spoke to transportation and planning last week, and neither of them indicated it is the Towns wishes to spend taxpayer money and even build a road. That it may not be built. They also indicated they do not have a desire or mandate for this amount of homes; that it is soley the owners, developers, etc.

[5/22 7:02 PM]

Shannon McGowan (Unverified) left the chat.
Shannon McGowan (Unverified) was invited to the meeting.
Shannon McGowan (Unverified) left the chat.
Shannon McGowan (Unverified) was invited to the meeting.

[5/22 7:04 PM] Jim Galkowski:

i understand you all are the design team but your materials reference Ashburn Developm*ent LLC That entity is new and only incorporated Dec 2023. Who are* the developer team that manage Ashburn Development LLC?

[5/22 7:08 PM] Mark Donaldson:

It looks like the intent of the single family homes is to have rear alley loading. So does that mean no garages face the streetside?

[5/22 7:08 PM] Heather Soprano (External)

What are the next steps after this meeting?

[5/22 7:08 PM] Murugesan Supramanian:

what are the next steps? Will you incorporate the feedback/concerns received *today and setup a followup meeting with your solution/proposal?*

[5/22 7:08 PM]

Hosmani Prashant USRE (External) was invited to the meeting.
Hosmani Prashant USRE (External) was invited to the meeting.
Chris Adkins (Unverified) was invited to the meeting.

[5/22 7:09 PM] Heather Soprano (External):

What is the average sf of these single family homes and townhomes?

[5/22 7:10 PM] Linda Caffera:
Why cant you put less homes bigger homes with more property. You didnt really *answer why the necessity to dump over 200 cars conservatively into Bella Casa* community and Buckhorn

[5/22 7:10 PM]
Unknown User left the chat.
Linc Bradley (Unverified) left the chat.

[5/22 7:13 PM] Heather Soprano (External):
Can you share the conditions?

[5/22 7:13 PM] Parth Bakshi (External):
I would suggest that you increase RCA sq feet between Buckhorn and Ashburn. The houses are too close and would invade each other's privacy and also protect *some of the beautiful tree tops canopy we have around this area*

[5/22 7:13 PM]
Unknown User left the chat.
Adam Schmelzer (Unverified) left the chat.

[5/22 7:15 PM] Heather Soprano (External)
Yup! It's above in the chat. Thanks

[5/22 7:16 PM] Drs. Scott & Michelle Deering:
thank you for meeting with us.

[5/22 7:17 PM] Shannon McGowan:
[redacted]Shannon McGowan

[5/22 7:17 PM] Murugesan Supramanian:
Murugesan Supramanian ([redacted]

[5/22 7:17 PM] J. Nietmann:
Jana Nietmann [redacted])

[5/22 7:18 PM] Stephanie T:
Thank you

[5/22 7:18 PM]
Jim Galkowski (Unverified) left the chat.
Shannon McGowan (Unverified) left the chat.

[5/22 7:18 PM] Murugesan Supramanian:
Thank You!

[5/22 7:18 PM]
Murugesan Supramanian (Unverified) left the chat.
Stephanie T (Unverified) left the chat.
J. Nietmann (Unverified) left the chat.
Drs. Scott & Michelle Deering (Unverified) left the chat.
Chris Adkins (Unverified) left the chat.
Mark Donaldson (Unverified) left the chat.
Raj (Unverified) left the chat.
Christie (Unverified) left the chat.

[5/22 7:23 PM] Meeting ended: 1h 1m 18s

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, THOMAS F CRAVEN, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at ON LINE (location/address) on MAY 21 (date) from 6:30 (start time) to 7:20 (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

5/23/24
Date

By: THOMAS F CRAVEN
PRIEST, CRAVEN & ASSOCIATES

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Thomas F. Craven, a Notary Public for the above State and County, on this the 23 day of May, 2024.

SEAL

MARY ANN WEAVER
My Comm. Expires
NOTARY PUBLIC
October 25 2027
GRANVILLE COUNTY, NC

Mary Ann Weaver
Notary Public

Mary Ann Weaver
Print Name

My Commission Expires Oct. 25, 2027

NOTICE OF NEIGHBORHOOD MEETING

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

See attached, 1st Meeting held 10/11/2023
Date 2nd Meeting held 5/22/2024
3rd Meeting held 4/16/2025

Dear Neighbor:

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

Address(es)	PIN(s)
0 Mt. Zion Church Road	0721442048
0 Mt. Zion Church Road	0721448562

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
☒	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☒	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

A residential community of single family detached homes and townhomes.

Estimated submittal date: 4/22/2025 (Resubmittal) 6/3/2024 (Original Submittal)

MEETING INFORMATION:

Property Owner(s) name(s):	Anthony and Delois Richardson
Applicant(s):	Charles R. Walker, III PLA Entitlement Preservation Group
Contact information (email/phone):	cwalker@epgrouponline.com - 919-625-9760
Meeting Address:	Online - Details Attached
Date/Time of meeting**:	6:00 p.m.

Welcome: 6:00 p.m. Project Presentation: 6:05 p.m. Question & Answer: 6:15 p.m.

**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.

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: Mt. Zion Church Road Zoning: RR to PUD-CZ

Location: 0 Mt. Zion Church Road

Property PIN(s): 0721442048-0721448562 Acreage/Square Feet: 15.32 AC Total

Property Owner: Anthony and Delois Richardson

Address: 1825 Carr Creek Road

City: Sanford State: NC Zip: 27609

Phone: _____ Email: _____

Developer: Ashburn Development, LLC

Address: 933 Old Knight Road

City: Knightdale State: NC Zip: 27545

Phone: 919-422-3933 Fax: _____ Email: Mike.Jordan@JVMGMT.net

Engineer: Priest, Craven & Associates, Inc.

Address: 3803 B Computer Drive, Suite 104

City: Raleigh State: NC Zip: 27609

Phone: 919-781-0300 Fax: 919-782-1288 Email: pca@priestcraven.com

Builder (if known): To Be Determined

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

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

3rd Neighborhood Meeting

DATE: MARCH 26, 2025

RE: ***ASHBURN SUBDIVISION,*** 0 MT ZION CHURCH ROAD

DEAR NEIGHBORS,

WE HAVE REVISED THE PROPOSAL FOR THIS PROJECT BASED ON REVIEW COMMENTS BY THE TOWN STAFF. IT WAS INITIALLY LISTED AS THE "MT. ZION SUBDIVISION". IT NOW GOES BY THE NAME OF ASHBURN. WE RESUBMITTED THE PLANS FOR CONTINUED REVIEW AND THE TOWN STAFF HAS ASKED US TO HAVE A THIRD NEIGHBORHOOD MEETING BEFORE THE SUBMITTAL OF THE REVISED REZONING APPLICATION MOVES FORWARD. THE TOWN OF APEX STILL REQUIRES THAT A NEIGHBORHOOD MEETING BE HELD FOR ALL PROPERTY OWNERS AND RESIDENTS WITHIN 500 FEET OF THE AREA REQUESTED FOR REZONING.

YOU ARE INVITED TO ATTEND A NEIGHBORHOOD MEETING AGAIN ON APRIL 16, 2025, FROM 6:00 P.M. TO 7:00 P.M. WE PROPOSE THE MEETING BE HELD VIRTUALLY. YOU CAN PARTICIPATE ONLINE OR BY TELEPHONE.

To join by phone, call: **+1 929-352-2213** and enter **752857745#**
Alternatively, you can join online at,
https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting
and enter Meeting ID: **259 723 230 789** and Passcode: **it2Et2SK**

PLEASE NOTE THE TOWN OF APEX STILL REQUIRES A LIST OF ATTENDEES TO BE COLLECTED AND PROVIDED TO THE TOWN. THE CHAT FEATURE WILL BE ENABLED FOR THE MEETING, AND WE ASK THAT YOU ENTER YOUR NAME AND CONTACT INFORMATION WHEN YOU ARRIVE. YOU ARE ALSO WELCOME TO USE THIS FEATURE TO SUBMIT QUESTIONS THROUGHOUT THE MEETING.

THE PURPOSE OF THIS MEETING IS TO AGAIN DISCUSS A POTENTIAL REZONING OF PROPERTY LOCATED AT 0 MT ZION CHURCH ROAD WITH PIN'S 0721-44-8562 & 0721-44-2048. THIS SITE IS CURRENTLY ZONED RR (RURAL RESIDENTIAL) AND IS PROPOSED TO BE REZONED TO PUD-CZ. WHICH IS A MULTI-STYLE SUBDIVISION DESIGNATION THAT IS PROPOSED TO CONTAIN UP TO 21 ALLEY-LOADED SINGLE FAMILY DETACHED LOTS AND UP TO 58 TOWNHOMES.

PLEASE REVIEW THE ATTACHED PRELIMINARY GRAPHICS.

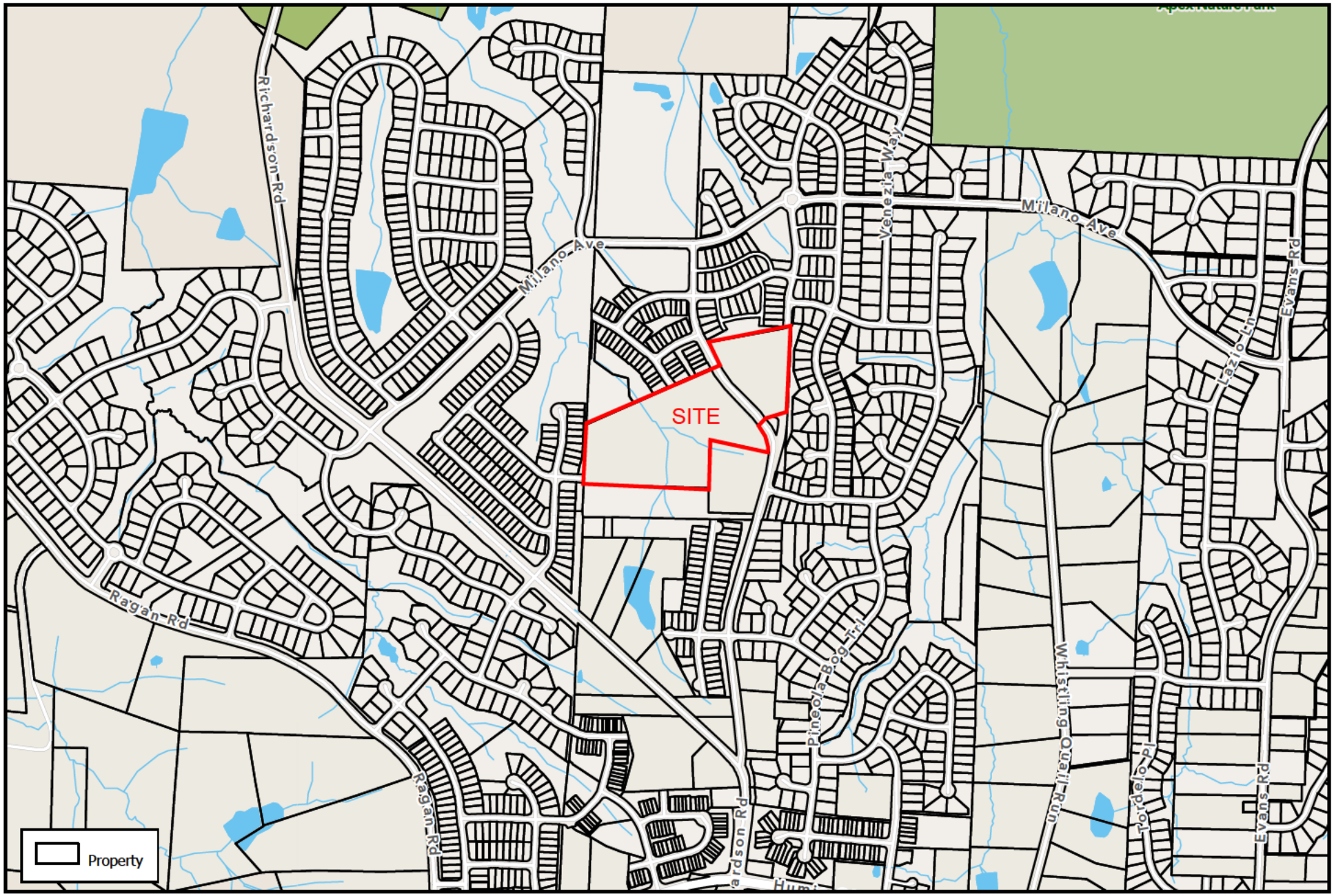
REVISED ZONING CONDITIONS HAVE BEEN CREATED AND WILL BE READY FOR DISCUSSION AT THE MEETING.

THESE CONDITIONS WILL INTEND TO CONTINUE STYLES OF HOUSING SIMILAR TO THE EXISTING ADJOINING HOMES NORTH OF THIS PROPOSAL AND HONOR THE CURRENT 2045 LUM MEDIUM DENSITY RESIDENTIAL DESIGNATION.

IF YOU HAVE ANY CONCERNS OR QUESTIONS ABOUT THIS PARTICULAR REZONING OR ITS DETAILS, PLEASE DO NOT HESITATE TO CONTACT ME AT CWALKER@EPGROUPONLINE.COM OR (919) 625-9760.

SINCERELY,

CHARLES R. WALKER III, PLA
PRINCIPAL



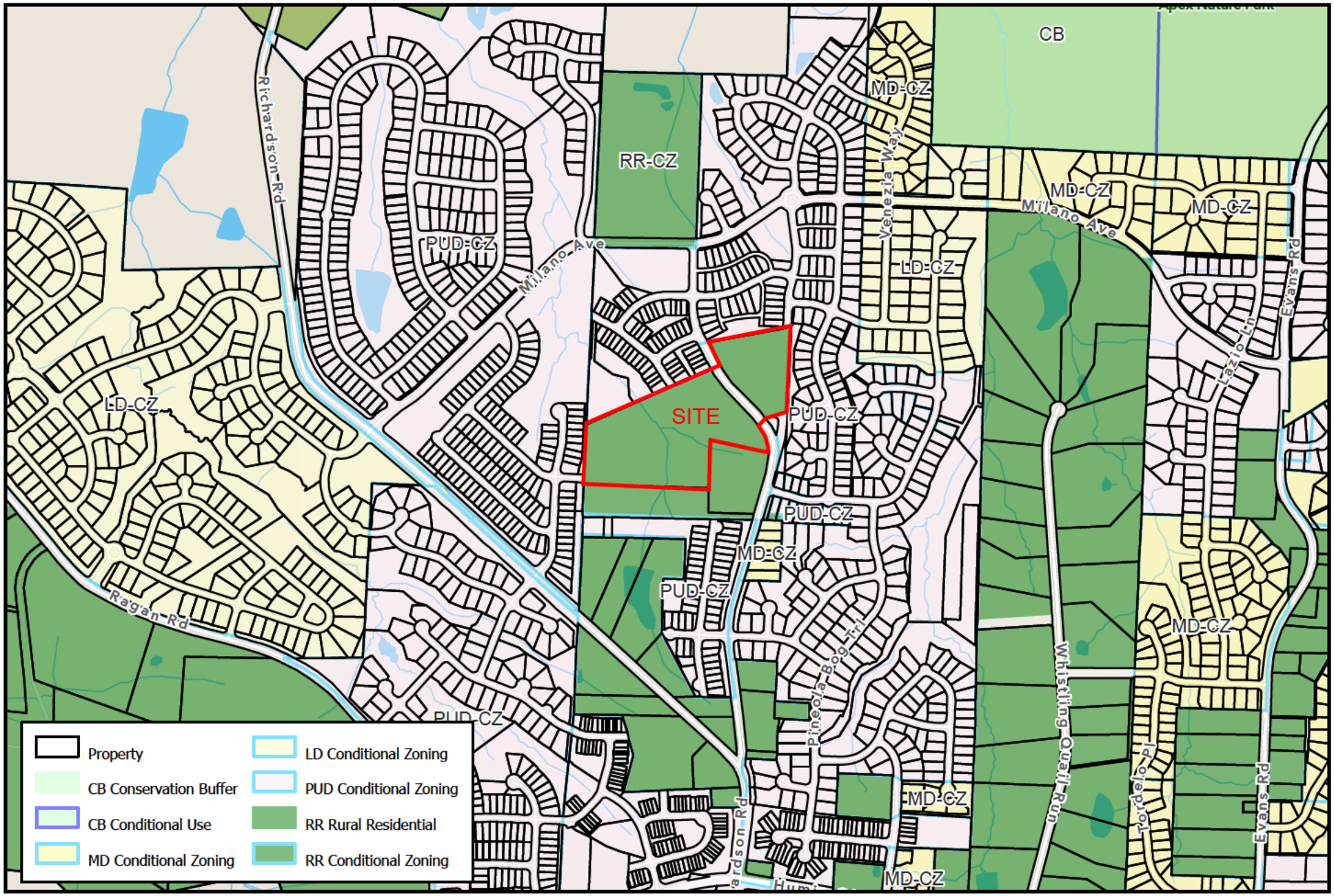
Ashburn Vicinity Map

N

0 400 800 1,600 ft

1 inch equals 800 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.*



Ashburn Zoning Map

N

0 400 800 1,600 ft

1 inch equals 800 feet

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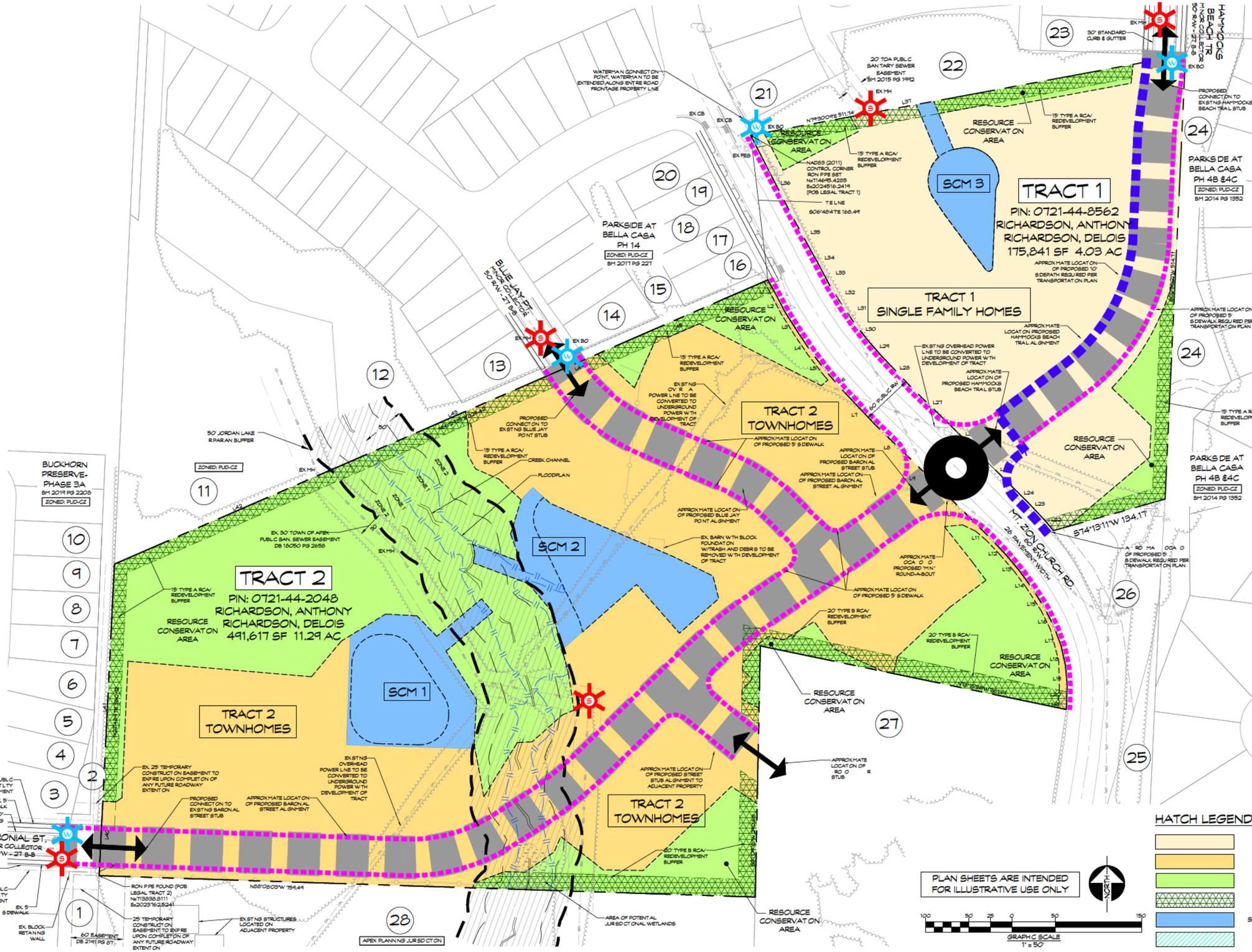

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    c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
16. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

LEGEND:

- PROJECT BOUNDARY
- POTENTIAL ROADWAY ACCESS POINT
- POTENTIAL ROADWAY ALIGNMENT
- POTENTIAL 10' SIDEPATH ALIGNMENT
- POTENTIAL 5' SIDEWALK ALIGNMENT
- SANITARY SEWER CONNECTION POINT
- WATER MAIN CONNECTION POINT

ASHBURN

PLANNED UNIT DEVELOPMENT REZONING PLANS

APEX, NC — WAKE, NORTH CAROLINA

SCALE	1" 50'
DATE	JUNE 3, 2024
PROJECT NUMBER	2022-008.001
CLIENT	ENTITLEMENT PRESERVATION GROUP
PLAN TYPE	PRELIMINARY

PRELIMINARY LAYOUT AND UTILITY PLAN

TOWN COMMENTS	2/1/2025
TOWN COMMENTS	3/1/2025

RELEASED FOR CONSTRUCTION DATE (SEE COVER) ☐ NO ☐ YES

PRIEST, CRAVEN & ASSOCIATES, INC.
LAND USE CONSULTANTS PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803-B Computer Drive, Suite 104 Raleigh, N.C. 27609, Phone 919 / 781-0300, Fax 919 / 782-1288, Email PCA@PriestCraven.com / Firm #: C-0488

SHEET # PD2.0

LOT AREA TABLE:

LOT NO.	AREA (AC)	AREA (SF)
1	0.14	6,316
2	0.09	4,098
3	0.09	3,826
4	0.09	3,810
5	0.09	3,810
6	0.09	3,776
7	0.08	3,609
8	0.07	3,247
9	0.09	3,880
10	0.09	3,843
11	0.09	3,894
12	0.08	3,351
13	0.09	3,767
14	0.09	3,894
15	0.12	5,219
16	0.12	5,246
17	0.10	4,452
18	0.11	4,613
19	0.09	3,937
20	0.10	4,351
21	0.13	5,704
22	0.05	2,181
23	0.05	1,996
24	0.05	1,991
25	0.05	1,981
26	0.05	1,982
27	0.05	1,982
28	0.05	2,202
29	0.05	2,186
30	0.05	1,981
31	0.05	1,980
32	0.05	2,135
33	0.05	1,974
34	0.05	1,974
35	0.05	1,974
36	0.05	1,985
37	0.05	2,188
38	0.05	2,012
39	0.04	1,930
40	0.05	2,124
41	0.05	2,160
42	0.05	1,980
43	0.05	1,980
44	0.05	1,980
45	0.05	2,176
46	0.05	2,194
47	0.05	1,971
48	0.05	1,981
49	0.05	2,229
50	0.04	1,941
51	0.05	1,967
52	0.05	1,993
53	0.05	2,203
54	0.05	2,074
55	0.05	1,984
56	0.05	1,980
57	0.05	1,980
58	0.05	2,160
59	0.05	2,160
60	0.05	1,980
61	0.05	1,980
62	0.05	2,160
63	0.05	2,160
64	0.05	1,980
65	0.05	1,980
66	0.05	1,980
67	0.05	2,160
68	0.05	2,194
69	0.05	1,991
70	0.05	1,991
71	0.05	1,996
72	0.05	2,000
73	0.05	2,161

OPEN SPACE AREA TABLE:

OS NO.	AREA (AC)	AREA (SF)
1000	1.58	68,873
1001	0.34	14,805
1002	0.26	11,315
1003	0.39	16,861
1004	0.13	5,623
1005	0.01	614
1006	0.04	1,672
1007	0.03	1,375
1008	0.01	524
1009	0.03	1,045
1010	0.01	3,041
1011	0.20	8,810

SIGN LEGEND:

1. STOP R1-1
2. SPEED LIMIT 25 R2-1
3. OM4-2 (ALTERNATIVE 1) — FUTURE ROAD EXTENSION
4. RT-8A (TO BE USED WITH SPACES INDICATED AS VAN ACCESSIBLE) — RESERVED PARKING — VAN ACCESSIBLE; RT-8E
5. R1-2
6. W2-6
7. W11-2 AHEAD W16-9P

NORTH

GRAPHIC SCALE 1" = 50'

SITE LABELING LEGEND:

1. 30" STANDARD CURB & GUTTER
2. 30" VALLEY CURB & GUTTER
3. 5' CONCRETE SIDEWALK
4. 6' CONCRETE SIDEWALK
5. 10' ASPHALT PATH
6. TOWN STD CURB RAMP
7. 11' WIDE VAN ACCESSIBLE SPACE
8. 5' WIDE ACCESSIBLE SPACE AISLE
9. 8' WIDE STANDARD ACCESSIBLE SPACE
10. 9' WIDE x 18' DEEP PARKING SPACE
11. 10' WIDE CROSSWALK
12. 24" WIDE WHITE THERMOPLASTIC STOP BAR
13. CURB TRANSITION 30" STD ↔ 30" VALLEY
14. 10' TOWN OF APEX PUBLIC DRY UTILITY EASEMENT

RWE — SEGMENTAL BLOCK RETAINING WALL WITH FENCE/FALL PROTECTION (IF REQ'D) (DESIGN BY OTHERS)

REQUIRED PLAN NOTES:

1. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF BEST MEASURES, OR GRADING, SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES
2. TREE PROTECTION FENCING MUST BE PLACED:
   A) ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT,
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3. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
4. IF BUILDINGS ARE TO BE DEMOLISHED, A COPY OF THE DEMOLITION NOTIFICATION FROM THE NC HEALTH HAZARD CONTROL UNIT AND AN ASBESTOS INSPECTION REPORT FROM A NC ACCREDITED ASBESTOS INSPECTOR MUST ACCOMPANY THE APPLICATION FOR THE DEMOLITION PERMIT WHICH MUST BE OBTAINED PRIOR TO START OF THE DEMOLITION.
5. ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENCROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (I.E. RCA, THE CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY EASEMENTS AND RIGHTS-OF-WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.
6. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS, GREENWAY TRAILS, AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND STANDARD DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
7. THE SCREENING OF LOADING DOCKS, ROLL-OUT CONTAINERS, DUMPSTERS, OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND INFLAMMABLES ON THE ROOF, GROUND OR BUILDINGS SHALL MEET THE REQUIREMENT OF SEC. 8.2.5 OF THE UDO. SPECIFICALLY, SCREENING MUST BE DONE SO THAT:
   A) IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPING,
   B) SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE AND ARE SIMILAR IN MATERIAL AND COLOR,
   C) SCREENING ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED,
   D) ANY GROUND-MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX (6) FEET TALL OR HIGHER MUST BE FENCED AND LANDSCAPED,
   E) DUMPSTER ENCLOSURES MEET THE REQUIREMENTS PLUS BE EIGHT (8) FEET TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS GREATER, AND BE BUILT OF MASONRY MATERIAL WITH OPAQUE GATES. WHERE PRACTICABLE, SHRUBS OR OTHER PLANTS MUST BE PLANTED OUTSIDE THE ENCLOSURE TO VISUALLY SOFTEN THE APPEARANCE.
8. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
9. PRIOR TO SCHEDULING A FINAL SITE INSPECTION, ALL SITE ITEMS (E.G. LIGHTING, LANDSCAPING, MULCHING, SCREENING FOR DUMPSTERS, MECHANICAL EQUIPMENT, HVAC, ETC., SEEDING & SITE STABILIZATION, AND PARKING AND PAVEMENT MARKING) MUST BE COMPLETED.
10. INDIVIDUAL SIGNS ARE NOT APPROVED AS PART OF SITE PLAN APPROVAL PROCESS. A SEPARATE SIGN PERMIT MUST BE OBTAINED PRIOR TO INSTALLATION OF THE SIGN. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.
11. RETAINING SYSTEMS PROVIDING A CUMULATIVE VERTICAL RELIEF (GREATER THAN FIVE (5) FEET IN HEIGHT WITHIN A HORIZONTAL DISTANCE OF 50 FEET OR LESS, INCLUDING RETAINING WALLS OR MECHANICALLY STABILIZED EARTH WALLS, SHALL BE DESIGNED AND CONSTRUCTED UNDER THE RESPONSIBLE CHARGE OF A REGISTERED PROFESSIONAL ENGINEER AND COMPLY WITH ALL ASPECTS WITHIN THE NC BUILDING CODE SEC. 1610. RETAINING SYSTEMS EXISTING THESE CRITERIA WILL REQUIRE A SEPARATE BUILDING PERMIT PRIOR TO START OF WORK. RETAINING STRUCTURE MATERIALS MUST BE AN INTEGRALLY TINTED MEDIUM OR DARK BROWN OR RUST COLOR.

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HATCH LEGEND

- WETLANDS
- PUDE = TOA PUBLIC DRAINAGE EASEMENT
- PRDE = PRIVATE DRAINAGE EASEMENT
- PRIVATE SCM MAINTENANCE & ACCESS ESMT
- TOA PUBLIC UTILITY SANITARY SEWER EASEMENT
- TOA PUBLIC UTILITY WATER EASEMENT
- TOWN OF APEX (TOA) PUBLIC DRY UTILITY EASEMENT
- SDE = 10' X 70' SIGHT DISTANCE ESMT
- RESOURCE CONSERVATION AREA (RCA)
- OPEN SPACE AREA

PRELIMINARY FOR REVIEW ONLY

ASHBURN
RESIDENTIAL MASTER SUBDIVISION PLANS
APEX, NC — WAKE, NORTH CAROLINA

SCALE:	1"=50'
DATE:	JUNE 3, 2024
PROJECT NUMBER:	2022-008.001
CLIENT:	ENTITLEMENT PRESERVATION GROUP
PLAN TYPE:	PRELIMINARY

PRELIMINARY SUBDIVISION LAYOUT PLAN

REVISION #1	TOWN STAFF REVIEW	02/07/2025
REVISION #2	TOWN STAFF REVIEW	03/07/2025

RELEASED FOR CONSTRUCTION: (SEE COVER) ■ NO □ YES

PRIEST, CRAVEN & ASSOCIATES, INC.
LAND USE CONSULTANTS PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803-B Computer Drive, Suite 104 Raleigh, N.C. 27609 . Phone 919 / 781-0300 . Fax 919 / 782-1288 . Email PCA@PriestCraven.com / Firm #: C-0488

SHEET # C2.00

N:\PROJECTS\ENGINEERING\2022-008.001 ASHBURN - APEX DRAWINGS\SHEET PRELIMINARY\C2.00 SUBDIVISION LAYOUT.DWG, Mar 07, 2025 - 8:52 AM,

2705 RICHARDSON ROAD LLC	2705 RICHARDSON RD	APEX NC 27502-7880	
ADKINS, CHRISTOPHER BRETT TRUSTEE ADKINS, CHRISTINA MILLER TRUSTEE	1860 BLUE JAY PT	APEX NC 27502-9711	
AHMAD, OMAR SHEMNA, RUHINA RIYAZ	2900 THIRLESTANE DR	APEX NC 27502-2527	
ALLEN, CLINTON MAYO ALLEN, HOLLIE GOODWIN	1955 BALDHEAD ISLAND DR	APEX NC 27502-8567	
ANDERSON, DAISY	2328 MT ZION CHURCH RD	APEX NC 27502-9706	
ARORA, AKASH LAHIRI, SHINJINI	2321 MOUNT ZION CHURCH RD	APEX NC 27502-9509	
ATCHESON, CARLA THURSTON ATCHESON, DANIEL PATRICK	1854 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
ATHOTA, SUDHEER PARUCHURI, JAYASREE	2701 ELK KNOB TRL	APEX NC 27502-8568	
AYMES, SHANNON AYMES, ROBERT	1978 FIRENZA DR	APEX NC 27502-9667	
BAKSHI, PARTH ATUL KAPADIA, PRACHI NIKHIL	1935 KINGS KNOT CT	APEX NC 27502-2518	
BALAKRISHNAN, SYAM SUNDER BALAKRISHNAN, MAYA	1961 KINGS KNOT CT	APEX NC 27502-2518	
BANA, VIMAL /TR BANA, SONIA /TR	1056 BENDER RIDGE DR	MORRISVILLE NC 27560-8187	
BEATON, STEVEN B BEATON, MALLORY	2708 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
BELICIC, BRIAN BELICIC, BARBARA JEAN	1850 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
BELLA CASA HOMEOWNERS ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	
BELLA CASA HOMEOWNERS ASSOCIATION, INC	OMEGA ASSOCIATION MANAGEMENT	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	
BENNETT, CHARLOT LEAH	2758 ABRUZZO DR	APEX NC 27502-4743	
BOBBA, JAYAKRISHNA KODALI, YAMINI	1892 BLUE JAY PT	APEX NC 27502-9711	
BOWDITCH, THOMAS ROBERT	1906 BLUE JAY PT	APEX NC 27502-9712	
BRADLEY, LINC JABBAR BRADLEY, LISA ANN	1947 BALDHEAD ISLAND DR	APEX NC 27502-8567	
BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	COMMUNITY ASSOCIATION MGMT	PO BOX 79032	CHARLOTTE NC 28271-0030
BUCKHORN PRESERVE HOMEOWNERS ASSOCIATION INC	COMMUNITY ASSOCIATION MANAGEMENT	PO BOX 79032	CHARLOTTE NC 28271-0030
BULLOCK, ROBERT SAMUEL II TRUSTEE TRUSTEE OF ROBERT SAMUEL BULLOCK II LIVING TRUST	2754 ABRUZZO DR	APEX NC 27502-4743	
BUSTAMANTE, GEORGE ANTHONY BUSTAMANTE, ADA KAREM	1905 BALDHEAD ISLAND DR	APEX NC 27502-8567	
CAFFERA, LINDA	1858 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
CANNON, BENJAMIN LOUIS CANNON, STEPHANIE LYNN	2709 ELK KNOB TRL	APEX NC 27502-8568	
CHAKRAVARTHY, PRAVEEN KANNAN MURUKANDY, PARVATHY	112 BROAD HOLLOW ST	HOLLY SPRINGS NC 27540-4990	
CHAUBEY, PRAVIN CHAUBEY, MICHELLE	2756 ABRUZZO DR	APEX NC 27502-4743	
CHAVES, BERNARDO MEDRADO PENNA ALVES, CAROLINA MEDRADO RIBEIRO	2006 FLORINE DR	APEX NC 27502-8056	
CHEN, XUEYI	2812 CROWDERS RIDGE LN	APEX NC 27502-9710	
CHENNUPALLI, DEGURA RAM CHENNUPALLI, JYOTHI SYAMALA	1959 BALDHEAD ISLAND DR	APEX NC 27502-8567	
CLARK, JOHN MICHAEL III CLARK, JENNIFER MARIE	1943 BALDHEAD ISLAND DR	APEX NC 27502-8567	
CREEHAN, BRAD CREEHAN, HEATHER	2712 ELK KNOB TRL	APEX NC 27502-8568	
CRESPO, JORGE GUAN, ZE MIN	369 AURORA AVE	CLIFFSIDE PARK NJ 07010-2110	
DEERING, MICHELLE DEERING, SCOTT E	1463 HAMLETS CHAPEL RD	PITTSBORO NC 27312-8776	
DION, JAMES J JR DION, NATALIE	2708 ELK KNOB TRL	APEX NC 27502-8568	
DUMBRE, SUHAS LAXMAN BHALERAO, SMITA	1953 KINGS KNOT CT	APEX NC 27502-2518	
DUMITRACHE, ALEXANDRU DUMITRACHE, ANCA	2751 ABRUZZO DR	APEX NC 27502-4742	
DWYER, JUDY	2802 CROWDERS RIDGE LN	APEX NC 27502-9710	
ENGMAN, DUWAYNE ENGMAN, AMY COOK	1939 BALDHEAD ISLAND DR	APEX NC 27502-8567	
ERL, MALLORY MARSHBURN, WILLIAM GM	1915 KINGS KNOT CT	APEX NC 27502-2518	
EVANS, BRANDON L	1919 KINGS KNOT CT	APEX NC 27502-2518	
FELIZIA LAO, MA YNNA BAGAYAWA SIQUIOCO, EDUARD JOSEPH	1903 KINGS KNOT CT	APEX NC 27502-2518	
FULLER, GEORGE JACK III JENKINS-FULLER, MONIQUE S	2713 ELK KNOB TRL	APEX NC 27502-8568	
GADDAM, KISHORE-REDDI PULAGAM, SOUJANYA	1931 KINGS KNOT CT	APEX NC 27502-2518	
GALKOWSKI, JAMES M GALKOWSKI, LORRAINE	1934 BALDHEAD ISLAND DR	APEX NC 27502-8567	
GONG, ZHIHONG	1428 COMMONS FORD PL	APEX NC 27539-6908	
GROSS, MATTHEW J GAUSE, INDIA D	2334 MT ZION CHURCH RD	APEX NC 27502-9706	
GURUMURTHY, ANANTHARAMAN RAMPRASAD, AARTHI	2010 FLORINE DR	APEX NC 27502-8056	
GUZMAN, SOLEDAD BARRA PEREZ, CLAUDIO	2700 ELK KNOB TRL	APEX NC 27502-8568	
HND INVESTMENT TRUST	202 OSWEGO CT	MORRISVILLE NC 27560-8662	
HOANG, NHI YEN LE, NHAT MINH	2319 MT ZION CHURCH RD	APEX NC 27502-9706	
HOSMANI, PRASHANT SIDHARAM ALLISHE, MAHESHWARI MALLINATH	1939 KINGS KNOT CT	APEX NC 27502-2518	
HU, HUAZHI	2827 HAW RIVER TRL	APEX NC 27502-9697	
HUANG, RONG	9109 COBALT RIDGE WAY	CARY NC 27519-9397	
ILIEV, STILIYAN KOLEV ILIEVA, TSVETELINA GEORGIEVA	1901 BALDHEAD ISLAND DR	APEX NC 27502-8567	
JI, IN HWAN LIM, SORI	1908 BLUE JAY PT	APEX NC 27502-9712	
JOSEPH, KARREL K BOYER, SAMANTHA G	1990 FIRENZA DR	APEX NC 27502-9667	
KANDURI, RAJAGOPALA A KANDURI, ANURADHA	1862 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
KARTALA, SHARAT CHANDRA KOUSH	2815 HAW RIVER TRL	APEX NC 27502-9697	
KASIREDDY, CHANDANA ALSURI, MARUTHI RAM	1973 KINGS KNOT CT	APEX NC 27502-2518	
KORAN, STEVEN	2828 HAW RIVER TRL	APEX NC 27502-9697	
KRIMERMAN, DIMITRY CO-TRUSTEE KRIMERMAN, YULIA CO-TRUSTEE	2901 BARONIAL ST	APEX NC 27502-2517	
KUE, XIA KUE, JODY	1986 FIRENZA DR	APEX NC 27502-9667	
KURRE, VIJAYA KUMAR	1922 BALDHEAD ISLAND DR	APEX NC 27502-8567	
LANDE, PRAFULLA BHONSLE, NISHIGANDHA	6086 LAKEVIEW CIR	SAN RAMON CA 94582-4867	
LAUTEMANN, ROBIN LAUTEMANN, CHRISTOPHER	920 VISTA DE LEJOS DR	SANTA BARBARA CA 93110-2019	
LEE, HI KWAN LEE, BOO SUN	2816 CROWDERS RIDGE LN	APEX NC 27502-9710	
LEVAKA, MADHUSUDHANACHARI KADARI, HEMALATHA	2755 ABRUZZO DR	APEX NC 27502-4742	
LI, JIAN SUN, JIANWEI	1020 TIMBER MIST CT	CARY NC 27519-7510	
LI, QIAO WU, PING	206 FAIRFIELD DR	HORSEHEADS NY 14845-2286	

LI, ZHI LI, JIE	1923 KINGS KNOT CT	APEX NC 27502-2518	
LIANG, IRENE PAN, FANG	4010 REEDLAND CIR	SAN RAMON CA 94582-5580	
LIU, LU ELLER, BRIAN	1926 KINGS KNOT CT	APEX NC 27502-2518	
LUND, LONGZHI HU	2705 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
MADDUKURI, SRIKANTH KUMAR VELICHETI, HEMA VENKATA SIRISHA	1949 KINGS KNOT CT	APEX NC 27502-2518	
MADDURI, JAIBHARATH KALVAKOTA, SRI HARSHA	1918 BALDHEAD ISLAND DR	APEX NC 27502-8567	
MALDONADO, JOSE MARTORELLI-MALDONADO, ANNMARIE	2800 CROWDERS RIDGE LN	APEX NC 27502-9710	
MANGAL, SHARAD GARG, REKHA	1940 KINGS KNOT CT	APEX NC 27502-2518	
MARGE, ROBERT E MARGE, MARIA N	2857 HAW RIVER TRL	APEX NC 27502-9697	
MCGOWAN, SHANNON	2704 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
MEKALA, VIJAYA KRISHNA	2909 BARONIAL ST	APEX NC 27502-2517	
MILLER, JASON ROY MILLER, SUZANNE MARTIN	1915 BALDHEAD ISLAND DR	APEX NC 27502-8567	
MILLER, TRACEY SUZANNE MILLER, EDWARD LOUIS III	1000 COLWORTH WAY	RALEIGH NC 27614-8244	
MODRAK, ERIC MODRAK, RACHEL DAWN	1929 BALDHEAD ISLAND DR	APEX NC 27502-8567	
NALLUSAMY, ARUNAGIRI KRISHNASAMI, YASODA	1886 BLUE JAY PT	APEX NC 27502-9711	
NATARAJAN, PRADEEP KUMAR	306 ASHDOWN FOREST LN	CARY NC 27519-1530	
NATIONS, KELLEY	1852 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
NGUYEN, THAI SY TRAN, TINA HUYNH NHU	1920 KINGS KNOT CT	APEX NC 27502-2518	
NIETMANN, JAMES TRUSTEE NIETMANN, JANA TRUSTEE	2759 ABRUZZO DR	APEX NC 27502-4742	
NILSSON, KARL ROBERT	1856 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
NIXON, JOSEPH D NIXON, MONICA J	2910 THIRLESTANE DR	APEX NC 27502-2527	
PAKA, SHARATH KUMAR CO-TRUSTEES PEDDAPALLY, SRILAXMI CO-TRUSTEES	1945 KINGS KNOT CT	APEX NC 27502-2518	
PATEL, CHARMI M PATEL, SANGITABEN M	1911 KINGS KNOT CT	APEX NC 27502-2518	
PILLARISHETTY, VAMSHIDHAR CHINNAM, JYOTHI	2001 FLORINE DR	APEX NC 27502-8056	
PINEYRO, KENDRA N SMITH, HARRISON M	1965 KINGS KNOT CT	APEX NC 27502-2518	
POLASIK, STEVEN JOHN POLASIK, ALISON KAYE	2824 HAW RIVER TRL	APEX NC 27502-9697	
POLING, JEREMY K POLING, NORMA LYNN	2317 MT ZION CHURCH RD	APEX NC 27502-9706	
PRINCE-HENRY, STARLA MICHELLE HENRY, WILLIAM TODD	2750 ABRUZZO DR	APEX NC 27502-4743	
RACHAKONDA, SRINIVAS RACHAKONDA, DEVI	1969 KINGS KNOT CT	APEX NC 27502-2518	
RAPALO, ROBERTO MANUEL RAPALO, DALILA	1896 BLUE JAY PT	APEX NC 27502-9711	
RBCLL LLC	7025 ASHLEY ROSE DR	CARY NC 27519-7503	
REID, TAMMY	1894 BLUE JAY PT	APEX NC 27502-9711	
REILLY, DANIEL THOMAS REILLY, KIMBERLY	1985 FIRENZA DR	APEX NC 27502-9668	
RICHARDSON, ANTHONY RICHARDSON, DELOIS	1825 CAR CREEK RD	SANFORD NC 27332	
RICHARDSON, DOROTHY MAE HEIRS	CHARLES WALDEN	2432 MOUNT ZION CHURCH RD	APEX NC 27502-9637
RYU, WON HEE SHIN, HEEWON	1927 KINGS KNOT CT	APEX NC 27502-2518	
SACRAPANI, VISHWANATH KOTYADA, MANJESHWARI	1932 KINGS KNOT CT	APEX NC 27502-2518	
SANDERS, DANIEL SANDERS, CHARLA	1989 FIRENZA DR	APEX NC 27502-9668	
SARRO, GERALD SARRO, NORMA LEE	1902 BLUE JAY PT	APEX NC 27502-9712	
SCHMELZER, ADAM HENRY SCHMELZER, MARGARET CAROLINE	1914 BALDHEAD ISLAND DR	APEX NC 27502-8567	
SCHMOELLER, EDWARD J SCHMOELLER, CYNTHIA A	2315 MOUNT ZION CHURCH RD	APEX NC 27502-9509	
SCHNOKE, MICHAEL CURTIS SCHNOKE, HEATHER MICHELLE	1909 BALDHEAD ISLAND DR	APEX NC 27502-8567	
SEOW, SOON WEI SU, YING	2700 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
SHAH, BHAVIN RAVINDRA SHAH, CHARVI VIRENDRA	2905 BARONIAL ST	APEX NC 27502-2517	
SHAH, DHYEY	2855 HAW RIVER TRL	APEX NC 27502-9697	
SHELLER, DAVID A	2851 HAW RIVER TRL	APEX NC 27502-9697	
SOPRANO, GIANCARLO SOPRANO, HEATHER	1951 BALDHEAD ISLAND DR	APEX NC 27502-8567	
SRIVASTAVA, JYOTI SRIVASTAVA, TARUN	3320 COOKEFIELD CT	RALEIGH NC 27606-4875	
SUEKO LASSITER, ERICA LYNN LASSITER, JEFFREY WAYNE JR	1923 BALDHEAD ISLAND DR	APEX NC 27502-8567	
SUN, HEQING	2005 FLORINE DR	APEX NC 27502-8056	
SUPRAMANIAN, MURUGESAN PITCHAI, BHARATHI	1926 BALDHEAD ISLAND DR	APEX NC 27502-8567	
TADIPATRI, MOHAMMED ESHAK SHAIK, MOUNISHA	1936 KINGS KNOT CT	APEX NC 27502-2518	
TAUSS, SONJA WILLIAM HOLLAND, EVAN FRANK	2810 CROWDERS RIDGE LN	APEX NC 27502-9710	
TIFFANY, JAMES M	1860 HAMMOCKS BEACH TRL	APEX NC 27502-9694	
TING, SHUE YING SARAH YEUNG, CHUN MAN JEFFREY	1916 KINGS KNOT CT	APEX NC 27502-2518	
TRI POINTE HOMES HOLDINGS INC	5440 WADE PARK BLVD STE 400	RALEIGH NC 27607-6067	
TUMMINELLI, JOSEPH T	1901 BLUE JAY PT	APEX NC 27502-9712	
URUKADLE, RAJENDRA PRASAD	1930 BALDHEAD ISLAND DR	APEX NC 27502-8567	
VAZQUEZ, JAVIER LAVECCHIA, LAUREN	2009 FLORINE DR	APEX NC 27502-8056	
VELU, DURAISINGAM NAGARAJAN, ANANDHI	1907 KINGS KNOT CT	APEX NC 27502-2518	
WALKER, LAURIEANN	2704 ELK KNOB TRL	APEX NC 27502-8568	
WANG, HAO JIANG, LING	1761 LORENZEN DR	SAN JOSE CA 95124-1741	
WINDY ROAD PROPERTIES LLC	218 EDINBURGH DR	CARY NC 27511-6408	
WOOLLEY, STEVEN WOOLLEY, TAMMY S	2701 SUGAR MOUNTAIN WAY	APEX NC 27502-8570	
WU, TONG	2918 THIRLESTANE DR	APEX NC 27502-2527	
XU, WEILI	315 S SALEM ST STE 324	APEX NC 27502-1863	
YASA, JAIPAL REDDY CO-TRUSTEES PALLE, RAJITHA CO-TRUSTEES	1957 KINGS KNOT CT	APEX NC 27502-2518	
YELURI, MARUTHI SEKHAR YELURI, VENKATA PRASANNA RANI	1910 BALDHEAD ISLAND DR	APEX NC 27502-8567	
YU, FEI GONG, FENGYUAN	200 HAWTHORN WOODS RD	APEX NC 27523-9611	
ZHANG, HUA SHI, LINGLING	2323 MT ZION CHURCH RD	APEX NC 27502-9706	
ZHUKOV, OLEKSANDR ZHUKOVA, VIKTORIYA	1903 BLUE JAY PT	APEX NC 27502-9712	
ZYALENKA, VALERIY KURNIKAVA, VIKTORYIA	1988 BALDHEAD ISLA	APEX NC 27502-8567	

APEX TOWN OF	PO BOX 250	APEX NC 27502
Current Tenant	2752 Abruzzo DR	APEX NC 27502
Current Tenant	1884 Blue Jay PT	APEX NC 27502
Current Tenant	1888 Blue Jay PT	APEX NC 27502
Current Tenant	1904 Blue Jay PT	APEX NC 27502
Current Tenant	1905 Blue Jay PT	APEX NC 27502
Current Tenant	1907 Blue Jay PT	APEX NC 27502
Current Tenant	1909 Blue Jay PT	APEX NC 27502
Current Tenant	2804 Crowders Ridge LN	APEX NC 27502
Current Tenant	2806 Crowders Ridge LN	APEX NC 27502
Current Tenant	2814 Crowders Ridge LN	APEX NC 27502
Current Tenant	2705 Elk Knob TRL	APEX NC 27502
Current Tenant	1982 Firenza DR	APEX NC 27502
Current Tenant	2819 Haw River TRL	APEX NC 27502
Current Tenant	2820 Haw River TRL	APEX NC 27502
Current Tenant	2821 Haw River TRL	APEX NC 27502
Current Tenant	2823 Haw River TRL	APEX NC 27502
Current Tenant	2830 Haw River TRL	APEX NC 27502
Current Tenant	2853 Haw River TRL	APEX NC 27502
Current Tenant	2315 Mt Zion Church RD	APEX NC 27502
Current Tenant	2321 Mt Zion Church RD	APEX NC 27502
Current Tenant	2326 Mt Zion Church RD	APEX NC 27502
Current Tenant	2330 Mt Zion Church RD	APEX NC 27502
Current Tenant	2332 Mt Zion Church RD	APEX NC 27502
Current Tenant	2432 Mt Zion Church RD	APEX NC 27502
Current Tenant	2504 Mt Zion Church RD	APEX NC 27502
Current Tenant	2709 Sugar Mountain WAY	APEX NC 27502

NEIGHBORHOOD MEETING SIGN-IN SHEET

See attached Meeting Held 4/17/2025

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

Meeting Address: Virtual

Date of meeting: 4/16/2024 Time of meeting: 6:00 PM

Property Owner(s) name(s): Anthony and Delois Richardson

Applicant(s): Entitlement Preservation Group / Charles R. Walker III, PLA

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.					☐
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14.					☐

Use additional sheets, if necessary.

1. Summary

Meeting title	Ashburn Subdivision - 3rd Neighborhood Meeting
Attended participants	10
Start time	4/16/25, 5:43:30 PM
End time	4/16/25, 7:03:32 PM
Meeting duration	1h 20m 1s
Average attendance time	36m 19s

2. Participants

Name	First Join	Last Leave	In-Meeting Duration	Email	Participant ID (UPN)	Role
Ben Williams	4/16/25, 5:43:32 PM	4/16/25, 7:03:21 PM	1h 19m 49s	[redacted]	[redacted]	Organizer
Tommy Craven, Chuck Walker, Greg Elkins	4/16/25, 5:44:02 PM	4/16/25, 7:03:32 PM	1h 19m 30s			Presenters
Amy Foster	4/16/25, 6:01:02 PM	4/16/25, 6:35:25 PM	34m 23s			
Brandon Poythress	4/16/25, 6:01:03 PM	4/16/25, 6:34:19 PM	33m 15s			
Mark Donaldson (Unverified)	4/16/25, 6:01:06 PM	4/16/25, 6:32:50 PM	31m 44s			
James galkowski (Unverified)	4/16/25, 6:01:44 PM	4/16/25, 6:36:00 PM	34m 16s			
Chris Adkins (Unverified)	4/16/25, 6:02:04 PM	4/16/25, 6:37:42 PM	31m 36s			
Heather Soprano (External)	4/16/25, 6:03:26 PM	4/16/25, 6:10:42 PM	7m 16s	[redacted]	[redacted]	
Edward Schmoeller	4/16/25, 6:07:10 PM	4/16/25, 6:34:30 PM	27m 20s			
Chris Adkins (Unverified)	4/16/25, 6:18:56 PM	4/16/25, 6:22:53 PM	3m 57s			

3. In-Meeting Activities

Name	Join Time	Leave Time	Duration	Email	Role
Ben Williams	4/16/25, 5:43:32 PM	4/16/25, 7:03:21 PM	1h 19m 49s	[redacted]	Organizer
Tommy Craven, Chuck Walker, Greg Elkins	4/16/25, 5:44:02 PM	4/16/25, 7:03:32 PM	1h 19m 30s		Presenter
Amy Foster	4/16/25, 6:01:02 PM	4/16/25, 6:35:25 PM	34m 23s		
Brandon Poythress	4/16/25, 6:01:03 PM	4/16/25, 6:34:19 PM	33m 15s		
Mark Donaldson (Unverified)	4/16/25, 6:01:06 PM	4/16/25, 6:32:50 PM	31m 44s		
James galkowski (Unverified)	4/16/25, 6:01:44 PM	4/16/25, 6:36:00 PM	34m 16s		
Chris Adkins (Unverified)	4/16/25, 6:02:04 PM	4/16/25, 6:37:42 PM	35m 38s		
Heather Soprano (External)	4/16/25, 6:03:26 PM	4/16/25, 6:10:42 PM	7m 16s	[redacted]	
Edward Schmoeller	4/16/25, 6:07:10 PM	4/16/25, 6:34:30 PM	27m 20s		

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): Anthony and Delois Richardson

Applicant(s): Entitlement Preservation Group, Charles R. Walker III, PLA

Contact information (email/phone): 919-625-9760

Meeting Address: Virtual

Date of meeting: 4/16/2025 Time of meeting: 6:00 p.m.

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

Question/Concern #1:

Please see attached list beginning after this page.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

List of Participant Concerns & EPG/PCA Responses

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1. Zoning Difference: Rural Residential vs. PUD CZI

- **Concern (Amy Foster):** What is the difference between rural residential and the PUD CZ?
- **Response (EPG/PCA):** Rural residential is a low-density zoning usually on the town's outskirts. The plan adheres to the future land use plan, which calls for medium density. The proposed development mixes single-family homes and townhomes.

---

2. Roundabout Phase

- **Concern (Mark Donaldson):** In which phase will the roundabout be constructed?
- **Response (EPG/PCA):** No later than Phase 2, as both sides of the street rely on connecting to Mount Zion Church Road.

---

3. Property Border Details

- **Concern (Brandon Poythress):** Requested a clearer PDF showing the retaining wall and border with his property.
- **Response (EPG/PCA):** Retaining wall will be on the developer’s side of the property line. Construction won’t cross the boundary.

---

4. Elevation & Grading Near Brandon's Property

- **Concern:** How will the grading be handled near the retaining wall?
- **Response:** Street will be below the wall; grading details aren't final yet. They'll ensure a proper grade transition.

---

5. Utility Easement Concerns

- **Concern:** Utilities (water, sewer, gas) run through the area where the wall connects.
- **Response:** EPG/PCA acknowledged and agreed to note it for the construction drawing phase.

---

6. Retaining Wall Fence

- **Concern:** Will a fence be required on the retaining wall for safety?
- **Response:** Not determined yet. The town of Apex will dictate fencing needs based on standards.

---

7. Pedestrian Access / Possible Staircase

- **Concern:** Would a staircase near the retaining wall be possible for neighborhood kids?
- **Response:** Developer will look into it during construction planning.

---

8. Traffic Circle Distance

- **Concern (James):** How far is the traffic circle from the intersection of Mount Zion and Firenze?
- **Response:** It will be before the curve approaching Firenze from Mount Zion.

---

9. Phase Details

- **Concern (Mark):** Which phases contain single-family homes?
- **Response:** Both Phases 1 and 2 will include single-family homes.

---

10. Fence and Landscaping Commitment

- **Concern (James):** Will there be a 6-foot vinyl fence and plantings behind homes near Bald Head Island Drive?
- **Response:** Yes, that commitment remains in the plan.

---

11. Sidewalks & Multi-use Paths

- **Concern (Amy):** Will sidewalks be present throughout the development?
- **Response:** Yes, either sidewalks or multi-use paths on both sides of the streets.

---

12. Access to Digital Plans

- **Concern (Brandon):** Can he get a digital version of the plans in PDF?
- **Response:** Yes. If he provides an email, they'll send the PDF. Also, might be available via the town website.

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13. Distance to Play Area

- **Concern (Chris Adkins):** How far is the wooded buffer between his house and the proposed play area?
- **Response:** Estimated to be over 100–150 feet.

---

14. Traffic Impact on Mount Zion & Richardson

- **Concern (Amy):** Will the project address traffic issues at Mount Zion and Richardson?
- **Response:** The traffic increase doesn't warrant TIA-level improvements; only planned improvement is the roundabout.

---

15. Construction Timeline

- **Concern (Brandon & Edward):** When will construction begin and how long will it last?
- **Response:** Estimated start in 15–18 months. Build-out around 2 years.

---

16. Mail Depot Location

- **Concern (James):** Where will the Phase 1 & 2 mail depot be located?
- **Response:** Indicated on the map near the traffic circle.

---

17. Townhome Driveway Location

- **Concern (Brandon):** Will townhome driveways be in front of each unit?
- **Response:** Yes, all townhomes are front-loaded.

---

18. What Happens if Zoning Isn't Approved

- **Concern:** What’s next if the zoning isn’t approved?
- **Response:** The project wouldn’t move forward in its current form; contract purchase would be canceled.

---

19. Stormwater Control Ponds

- **Concern (Brandon):** Will the stormwater ponds outlet to the creek?
- **Response:** Yes.

---

20. Distance from Property to Retaining Wall

- **Concern (Brandon):** Rough estimate of distance from his property line to the retaining wall?
- **Response:** About 10 feet.

---

21. Builder Info

- **Concern:** Will homes be custom or sold to large builders like Pulte or Lennar?
- **Response:** Not finalized, but developers tend to use regional builders.

---

22. Total Number of Single-Family Homes

- **Concern (Edward):** Count of single-family homes?
- **Response:** 21 (including 3 on the south side of the road).

---

23. Lot Size & Home Dimensions

- **Concern:** Dimensions of townhome and single-family lots?
- **Response:** Townhomes approx. 90'x22–24'; single-family lots approx. 30’x115'–130'.

---

24. Style of Homes

- **Concern (Edward):** Will homes match Bella Casa style?
- **Response:** Similar but more updated/urban. EPG/PCA offered to share visuals via email.

---

25. Tree Preservation in Conservation Areas

- **Concern (Brandon):** Will forested conservation areas remain intact?
- **Response:** Yes, those areas are protected and required to be saved.

Transcript

April 16, 2025, 9:43PM

BW Ben Williams 0:08

We are going to record, so I got that set up just now and what I want to do is mute.
You can join whenever you want.
Alright, I got that muted.
Hey, it's up and I wanna turn down the sound.
No.

GE EPG/PCA 1:15

All right, you're in.
Cool.
Yeah, you're bottom right?
Oh yeah, and you're seeing me and I.
Good morning or good afternoon.
I'm sorry. It's been a long day.

BP Brandon Poythress 17:36

Good afternoon.

AF Amy Foster 17:36

Hi.

GE EPG/PCA 17:39

Appreciate you coming in for the what is this the third meeting?
I think so.
Third meeting, yes.
For Ashburn, we are in the we believe we are in the short rows of plan evolution and we're we're doing our last bit of tweaks with the town staff and then we'll be moving forward fairly soon into the public hearing process.
I we assume that you guys have looked through the the letter we sent within and it did have the updated plan correct, yes, yes.

So I guess the best thing to do is to find out if any of you have any specific questions on the state of the site plan now.

MD Mark Donaldson 18:13
Popcorn. I have no idea.

BP Brandon Poythress 18:28
Hey there.

AF Amy Foster 18:28
I have a number of questions. I see that.
The I I see some of the changes that happen, but what specifically is the difference between the rural residential and the PUD Czi tried to look it up and I found some information but it wasn't.

GE EPG/PCA 18:46
And Amy, thanks for your question.

AF Amy Foster 18:46
Fully.

GE EPG/PCA 18:48
I I do want to say before we get started, I know people will be coming in, as you know.
As we as we already started, but feel free to type any of the questions that that you have into the chat feature that that helps us.
We'll you know if your question if you got your question on your mind while we're answering one, if you'll just type it in there, I'll introduce the questions and and we'll we'll get those answered.

AF Amy Foster 19:04
Ah.

GE EPG/PCA 19:12
This is also being recorded, so we'll so we'll be able.

Able to respond to those questions as well, but just just if you guys can use the chat feature that would be fantastic.
And Amy, to answer your question, in general, the rural residential is a is a very low density zoning that kind of sits out in the outskirts of the town until a zoning case like this comes through. We have to adhere to the future land use plan which called. For medium density residential in this area.
And that was the genesis of the site plan and the zoning case that we have today, which is a mixture of single family homes and townhomes.
You want to go ahead and share the layout. Some of the questions that are coming in are are specific to the layout.
Are they muted?
'Cause I see lines through their mics.
They've muted themselves, OK.
I'm sorry. Well, that's good.
Which is you, me, me, me, me, me questions. Or do you wanna talk a little bit about the? I just wanna say this is this is the state-of-the-art of the plan as it stands right now.
Go ahead and tell me some questions, Ben, and we'll kind of go from there.
Mark's question is what phase is the roundabout included?
That would be done.
I would say no later than phase two.
Because because both both sides of the street rely on connecting to Mountain Zion Church Road, so it will be fairly fairly early in the process.
Anymore. Yeah. Brandon has a question, he says.
My question is that the neighbor along the South side of the project.
My question is, as the neighbor along the South side of the project, how is the border with?
How is the border with my property?
I sent a couple of emails requesting a larger map and PDF that I can zoom into in order to see if I could understand the retaining wall and how the border with my property will be handled.
OK.
He's the one that lives on in, in the house.
What's the same?
You hear me?

BP Brandon Poythress 21:34
Yes, yes. How are you?

GE EPG/PCA 21:36
I'm fine.
Are you the? Is that?
Are you the one that built the house on the South side of the project?

BP Brandon Poythress 21:42
Correct.
Can you hear me OK?

GE EPG/PCA 21:51
Brandon.
He's asking if we can hear him.
We can't hear you at the moment.
We had you for a second, but we've lost you now.

BP Brandon Poythress 22:07
Are you?
Am I here now?

GE EPG/PCA 22:08
There you go. We got you.
Go ahead.

BP Brandon Poythress 22:10
OK. Yes.

GE EPG/PCA 22:12
You are the one that built the house on the to the South of this project. OK, OK.

BP Brandon Poythress 22:14
That's that's correct. That's correct, yes.

GE EPG/PCA 22:19
The street that comes through the the existing townhome is required because of grading on.
Has some retaining wall needs that run along the right of way.

BP Brandon Poythress 22:33
Right.

GE EPG/PCA 22:34
Between between the street and your house would be a retaining wall almost to the Creek, but the construction would be held completely on our side and would not go, would not cross your boundary.

BP Brandon Poythress 22:45
What do they? What do you guys currently show as far as what are they doing?
Any kind of vegetative buffer, anything. Or do you have any elevation?
I know this is early in the process, but do you have a sense of, you know, that street Baronial street is obviously way at its current ending of asphalt? Is a lot lower than my than my property level up at my house level, where the retaining wall will?
Be do you know?
At this point, if you're from the property line to the wall.
Going to decrease elevation as much as you can before the wall, it's going to be relatively flat.

GE EPG/PCA 23:22
We have to.
We have to obviously meet the grades of the existing asphalt, so it's going to be up to us to grade the to make that grade connection and then ultimately lead to the roundabout at Mount Zion Church Road. The retaining wall in that area, Ben.
Or Greg, the retaining wall is holding is is holding the street and the street would be below the retaining wall.
Is that correct? Correct he?
Would he wouldn't see it from his property.
There you go.

And whether how steep we grade down from the property line, I don't think we we come to that conclusion yet.

BP Brandon Poythress 23:57
You don't have that info yet, OK?
I just wanna make a note for you because we're. I just want you to think about this as you're going to construction drawings.
My existing water and sewer.
Go through a separate recorded easement.
That pretty much outlines the existing temporary construction easement.
So if you're connecting one retaining wall that exists to the other.
I believe that depending on how far down you have to go on your, you know on that grading, right? Just know that.
Make a note that in that little corner where your cursor is over there, right near the two joining of the retaining walls, it appears that the existing retaining wall is going to join your retaining wall.
Roll right off the end of that retaining wall is where my water, sewer, and gas.
All travel.

GE EPG/PCA 24:43
OK.
So we get to blow up your house and then hose it down.

BP Brandon Poythress 24:47
There you go.
So just wanted, you know, you'll see the meter there and the stub ups there, but I just wanted you to realize that it it's about 3 foot deep or 4 foot deep there.
I just don't have your grading's going to take place. Just wanted you to know that.
And then are you planning, I'm assuming do you anticipate that, that the retaining wall height will be such that it will require a fence similar to the one that's on the above the retain wall that's existing for the existing neighborhood?

GE EPG/PCA 25:14
We have not gotten that far into the process.

Brandon Poythress 25:17
OK.

EPG/PCA 25:18
Boronia is a town of Apex will be a town of Apex Rd.
So we will be building the road to their standards, so I'm sure if they feel the need for retaining wall, I'm sure there are a fence on top of the retaining wall. I'm sure they will tell us.

Brandon Poythress 25:33
OK. And then I'll ask my probably what is my last question, which is?
Something to consider also and not obviously not a make it or break it kind of thing, but.
We've my children and the children in the neighborhood play a lot together and they cross right at the end of said retaining wall.
Not necessarily asking you as the developers to do anything special, but if it was something that depending on how the construction drawings go, kind of where I'm talking about the utilities go.
Even if we had to participate some way.
But maybe even doing a a staircase there or something may be beneficial.
I realize I'm talking about two children, but there's a ton of back and forth. There's probably usually at my house.
There's between 10 and 15 of the kids from that neighborhood, so.

EPG/PCA 26:24
Well, I promise you we'll look into that further down through the construction drawing process. I don't.
I'd be.
I would be afraid to start throwing this into the part of the zoning case because I don't know what the staff would start doing to us and we're so close to getting to public hearing. I'm I'm just a little afraid of that.

Brandon Poythress 26:37
That's right.

Understood. OK.
I appreciate you guys answering my questions.
I realize that some of the info you may not have at this stage, so.

GE EPG/PCA 26:48
All right.
Thank you.
Thank you, Brandon.
What's the next one Ben James wants to know how far from the intersection of Mount Zion to, and I don't how to pronounce the street name, Fornsia frenzy, FIRENZE.
Will the traffic circle be located? So how far from the intersection of Mount Zion?
Will that traffic circle be located?
If you're driving Mount Zion Church Road and you're driving toward that entrance, which is part of Bella Casa, the the roundabout will be in place before the curve before the curve to get to forensia.
OK.
Mark said, just to be clear, phase one and phase two are single family homes.
Phase One is phase one is single family homes.
Phase two starts the townhomes.
On the West side of on the West side of Mount Mount Zion or townhomes on the east side are single family homes.
Maybe talking about these eight that are part of phase two as well, I apologize.
I'm sorry, I didn't realize we'd broken up phase two up in that area.
Yes, phase one and two will include single family homes. I apologize.
All right, James has another question.
Will the developer still on in your statement of placing A6 foot, vinyl fence and plantings every six feet towards the homes on on rear lots of bald head Island Drive where Hammock Beach extension is.
Yes.
Yes, we promised a fence implanting there and that is still the case, OK.
Amy notes that it's hard to read our version.
I assume sidewalks will be in all areas of the development.
Mount Zion, Bald head, etc.
All the streets within this project will have sidewalk on both sides.

Or a multi use path or excuse me, I forgot we have a multi use path and part of it.
Yes, there will be pedestrian.
There'll be pedestrian ways on both sides of the road.
In some cases it'll be a multi use path and in some cases it will be a sidewalk.
So where would that multi use path be?
It is on.
It is currently on the West side of Hammocks Beach Rd.
And Brandon has said, is it possible to get the digital version of the plans in Apdf?
If we have your e-mail, yes, can they also download them from the town?
I'm. I'm not sure you know a lot of times they have that development activity websites on each of the town's websites.
We'll just get just who asked for that.
Brandon Brennan, if you in your in the.
In the chat area, just type in your e-mail address and we will get it to you.
You did it great.
Yeah, and and I don't think I said this at the beginning of the meeting, but if everyone will take an opportunity, if you're willing to disclose your e-mail addresses, that's the best way we can keep that line of communication open.
And I would assume we'll just say this. Anyone who puts their e-mail address into the chat will will get the same emails.
Including the the layout.
Another question.
OK.

ES Edward Schmoeller 31:04
OK.

GE EPG/PCA 31:05
Uh.

CA Chris Adkins 31:05
My chats not working.
Can I just verbally ask a question?

GE EPG/PCA 31:08
Sure, sure.

CA Chris Adkins 31:10
My computer does not like Microsoft Teams never does.

GE EPG/PCA 31:14
Sorry, sorry Chris.

CA Chris Adkins 31:16
That's all right.
So I'm the house.
That's where that circled 11 is above phase four.

GE EPG/PCA 31:24
Yes.

CA Chris Adkins 31:25
Do you know like the how many feet is from the property line to the beginning of that play area where they're still wooded area?

GE EPG/PCA 31:36
I would say it's over 100 feet.

CA Chris Adkins 31:39
OK.
I mean, I see the 2.47 acres, but there's really no measurement or anything there.

GE EPG/PCA 31:45
Yeah, I would say.
Yeah, I'd say over 100 feet.

CA Chris Adkins 31:49
OK.

GE EPG/PCA 31:52

And yeah, I was a little closer to 150.

Yeah, but is that all he had, Chris?

CA Chris Adkins 31:58

All right. Thanks. Yep, that's it.

Thank you.

GE EPG/PCA 32:01

OK.

And.

Amy notes.

Not sure where this ends, but considering there will be, there will now be eighty additional homes.

With increased traffic and cars, does this project do anything to address the intersection out at Mount Zion and Richardson?

No, the the the traffic counts that this thing generates doesn't even show up on a Tia as far as new traffic is concerned.

But there is but the the improvements that you see, including the roundabout and and the completion of Mount Zion across our front is is the limitation of the transportation issues.

And Brandon asks when is construction planning to start after public hearings are completed by phase? I would say you're we're probably 15 to 18 months away before Bulldogger shows up.

And what do you think?

The build out will be two years.

You mean how long?

Yeah, about two years.

That'll be that would include house completion.

Edward asked.

If you will zoom into the to the traffic circle.

ES Edward Schmoeller 33:35

OK.

It's not saying we're OK.

GE EPG/PCA 33:41

Did that help?

James would like to know where the Postal mail depot for phase one and two will be.

In that area right there.

ES Edward Schmoeller 34:06

Or by the circle.

Oh no.

GE EPG/PCA 34:11

I'm sorry.

ES Edward Schmoeller 34:19

I know I had on my mic on.

GE EPG/PCA 34:22

Oh, OK.

ES Edward Schmoeller 34:24

But anyway, this is Edward.

GE EPG/PCA 34:25

Don't.

ES Edward Schmoeller 34:26

So the circle's gone beyond Mount Zion.

GE EPG/PCA 34:29

Yes.

ES Edward Schmoeller 34:30

OK.

Thank you.
Sorry, I didn't realize I was not on mute.

GE EPG/PCA 34:34
No problem, no problem.
Just don't curse at us.
That's all we ask.

ES Edward Schmoeller 34:37
And I'm not going to do that.
Thank you.
And hammock speech, right?
Hammock speech.
Yeah. Hammond speech is gonna meet up. That's where the new circle's gonna.
Church Road, which will slow down the traffic on Mount Zion. Mm hmm.
It's one good thing, yeah.
I'll try to figure out how to mute.
Just give me a second.

GE EPG/PCA 35:01
It should be located across the top of your screen, towards the right near the button that says leave.

ES Edward Schmoeller 35:08
Yeah, I I just.
You know, I'm so used to zoom. I used to use teams and zoom on my job, but mostly zoom.
Anyway, I'll try to figure out.
Sorry about that.

GE EPG/PCA 35:20
No problem.
So we took out the little Half Moon behind the those three lots.
No, I think we've got OK Christmas pay. An older. All right, that's fine.

ES Edward Schmoeller 35:42

In here.

Control shift.

M.

GE EPG/PCA 35:54

I was gonna say if if I can meet people, but if they don't have unmute then that's dangerous, OK?

I think we mailed.

I think we mailed this plan, OK?

It was before we all right.

It's just something I noticed that's.

Boronial ends into Richardson on the right of this drawing, correct.

Left no.

Boronia goes picks up from existing the the existing end of boronia across our site and we'll meet up at the traffic circle at Mount Zion.

Richardson Richardson is further South.

And you guys are welcome.

I mean, you know, given the fact that we're waiting for you to type in questions, I mean there haven't been the chat's great, but you're also willing, I mean perfectly perfectly fine to unmute and and chat with us if it's quicker to get your answers.

ES Edward Schmoeller 37:34

So just to clarify, I think what was conveyed.

Again, this is Edward.

The start of construction is about 18 months out from here this month.

GE EPG/PCA 37:47

Yes, that would be.

That would be a conservative estimate.

Yes, 15 to 18.

ES Edward Schmoeller 37:53

OK.
Thank you.

GE EPG/PCA 38:08
Brandon wants to know if the driveways for the townhomes will be in front of each unit, specifically on boronial.
Yes. Yeah, all the townhomes. All the townhomes are front loaded. All the single families are alley loaded.
I don't believe we could have beaten you into submission that quickly.
If the new zoning is not approved, what would be next?
Then the contractor purchase would would would be cancelled.
This development would not move forward, not in this form, no.
Is that a concern?
That we won't get approved.
That we won't get zoning.
We are always we are always hopeful that we have done our job to generate a project that we hope that the staff and the Council will support.
You know, comment from James that looked like a lot of work with the town and the staff to adjust the plan.
Thank you for keeping good communication open.
Well, we we know that that's.
That's helpful for everyone involved and we don't have a problem with that, but we, we sure do.
Appreciate your recognition.
Thank you.
And Brandon wants to know if the seven control pond outlet will the seven control ponds outlet to the Creek.
Yes.
Ultimately they will, yes.

BP Brandon Poythress 42:06
Hi. Hey, this is Brandon again.
Do you have if do you?
I assume I might be able to see it better on the digital plan.
Do you estimate a distance from that property line that shares my property to the

retaining wall roughly?
Do you think that's 10 feet 20 feet?
Do you know from this drawing?

GE EPG/PCA 42:27
Closer to 10 than 20, yeah.

BP Brandon Poythress 42:30
Got it.
And then that that hatched area right north of that is the sidewalk, correct?

GE EPG/PCA 42:35
Correct.

BP Brandon Poythress 42:39
Thank you.

GE EPG/PCA 42:48
Hey, Cortana on top of that.
Yeah, that's what it looked like, yeah.

BP Brandon Poythress 43:31
Do you?
Do you guys already know?
And if you can't disclose, I totally am fine.
Do you already know if who your buyer are you?
Are you?
Are these gonna be customers?
This probably just gonna be flipped to like a Pulte or a Lenore.

GE EPG/PCA 43:45
That has not been completely figured out yet, but I will tell you that the people that the developers of this project tend to use regional builders.

BP Brandon Poythress 43:55
Great.

GE EPG/PCA 43:58
Can't guarantee that, but that that's their that's their tendency.

BP Brandon Poythress 44:02
I got you.

ES Edward Schmoeller 44:15
Another quick question for you gentlemen.
I counted 18 homes on that one side. Is that correct?

GE EPG/PCA 44:25
I'm sorry which side this the the single family.

ES Edward Schmoeller 44:28
That's single family.
Yes, all 21. Wow. OK, thanks.

GE EPG/PCA 44:29
21.
You're missing the three on the South side of the road.

ES Edward Schmoeller 44:38
Oh, OK.
Yes, I do encounter.

BP Brandon Poythress 45:04
You know what size?
The pads look to be are they 40 foot deep?
What are the the townhome pads are those trying to figure out? What approximate sizes may be of those homes?

I realize it was multiple stories.
Different. OK. They're 90 feet by 2022 or 24.

GE EPG/PCA 45:22
That would be the lot, yes.

BP Brandon Poythress 45:24
Yeah.

ES Edward Schmoeller 45:31
And what about the single family homes average size for that?

GE EPG/PCA 45:38
Zoom up on the do you have those right?
There they usually they start.
They're probably the minimum is about 1:15 and go up to 130 maybe.
One thirtyish something along there.

BP Brandon Poythress 45:59
OK.
So these are going to be kind of those like homes that are going way up Richardson that are skinny and close together.

GE EPG/PCA 46:05
Yes.

BP Brandon Poythress 46:06
Yeah.

GE EPG/PCA 46:08
And served by an ally.
So we're not, we're not putting any more driveways on Mount Zion.

ES Edward Schmoeller 46:25

So they got a roundabout is alley on a single family home side.
Is that what it is?

GE EPG/PCA 46:32
All the single family homes are alley served, yes.

ES Edward Schmoeller 46:35
OK.
So that's a alley between them, with SCM in the middle. OK.

GE EPG/PCA 46:40
Yes, right.
The stormwater pond in the middle of the loop and it's a it's a a loop back on Hammock Beach.

ES Edward Schmoeller 46:47
OK.
Thank you.

BP Brandon Poythress 47:01
So after this meeting, when do you anticipate you're gonna be able to submit plans and go for public hearing?

GE EPG/PCA 47:08
Like 30 days from public hearing. Is that right?
I don't know that I've seen a date, but yeah, I think we're expecting about 30 days.
Yeah, the staff is.
The staff is gonna tell us what that date is, but we anticipate it would be the next 30 to 45 days.

BP Brandon Poythress 47:27
Gotcha.

ES Edward Schmoeller 47:35
The hi, this is Edward again.

GE EPG/PCA 47:37
Yes.

ES Edward Schmoeller 47:38
Do you know if the homes are going to be styled as such as the Bella Casa townhomes and also Bella Casa homes that are in the area there going to be somewhat the same style I guess?

GE EPG/PCA 47:53
I think there probably will be a little bit more of a of an urban update than what's in Bella Casa in that area. The the health, the the homes are a few years older.
So it my guess it would be more things like angular buildings if you give us the. If you give us your e-mail address, there are some representative architecture in the in the PUD book that goes to staff.
We could.
We could possibly snip out those pages and send those to you.
To what the idea is right now.

ES Edward Schmoeller 48:32
OK.
Great. Thank you.

GE EPG/PCA 48:34
You're welcome.
And others has taken quite a while with and having our third neighborhood meeting.
I just hope.
I hope you hear believe that we've been.
I want every step of the way that we believe that we've been, we have improved the site and the site plan.

BP Brandon Poythress 49:41
Yeah, looks like a nice plan on your resource conservation areas.
Are you not planning?

Are you leaving existing forest in those different areas, or just depend on your final grading plan?

GE EPG/PCA 49:52
Those areas are required to be saved.

BP Brandon Poythress 49:57
So your limits are grading are the where the shading changes.

GE EPG/PCA 49:58
Before.
Yes.

BP Brandon Poythress 50:31
Great. Well, I think I've had all my questions answered, so I'm probably going to go ahead and disconnect and look forward to seeing how you guys progress.

GE EPG/PCA 50:38
Thank Miranda.
Thank you for your participation, Brandon.

ES Edward Schmoeller 50:44
We're going to be dropping off too, so thanks again for holding these meetings. I really appreciate it.

GE EPG/PCA 50:49
Thanks Edward.
Edward, thank you.

ES Edward Schmoeller 50:51
Mm hmm.

GE EPG/PCA 51:04
After everyone abandons us before saving.

AF Amy Foster 51:23

I don't think I have any other questions either either. So thank you for. Thank you for holding this and appreciate all you're doing.

GE EPG/PCA 51:33

Thank you very much.

Just also three.

Or is it 222?

Yeah. We have Chris and James with us.

Still. OK. Chris James, do you have any questions for us?

OK.

Chris, it's all up to you.

Do you have any other questions?

Everyone has left the meeting. We're gonna keep this open until 7:00 to meet the town standards.

Ben Williams stopped transcription

Chat Room Text

Ben Williams joined the conversation.
Ben Williams joined the conversation.
Monday, March 24
Ben Williams named the meeting Ashburn Subdivision - 3rd Neighborhood Meeting.
Ben Williams named the meeting Ashburn Subdivision - 3rd Neighborhood Meeting.
Tommy Craven and 2 others were invited to the meeting.
Tommy Craven and 2 others were invited to the meeting.
Wednesday, April 2
Yesterday
Meeting started at Yesterday 5:43 PM
Yesterday 5:43 PM Meeting started
Ben Williams started recording to the cloud
Yesterday 5:43 PM Ben Williams started recording to the cloud
Unknown User and 2 others were invited to the meeting.
Mark Donaldson (Unverified) and 2 others were invited to the meeting.
Unknown User was invited to the meeting.
James galkowski (Unverified) was invited to the meeting.
Unknown User was invited to the meeting.
Chris Adkins (Unverified) was invited to the meeting.
What phase is the roundabout included? by Unknown User
Mark Donaldson (Unverified)
Yesterday 6:02 PM

What phase is the roundabout included?

Heather Soprano (External) was invited to the meeting.
Heather Soprano (External) was invited to the meeting.
Thank you by Amy Foster
Amy Foster (External)
Yesterday 6:03 PM

Thank you

My question as the neighbor along the south... by Brandon Poythress
Brandon Poythress (External)
Yesterday 6:04 PM

My question as the neighbor along the south side of the project is how is the border with my property. I sent a couple of emails requesting a larger map in a .pdf that I could zoom into in order to see if I can understand the retaining wall and how the border with my property will be handled.

How far from intersection of Mt zion to Fir... by Unknown User
James galkowski (Unverified)
Yesterday 6:04 PM

How far from intersection of Mt zion to Firenze will traffic circle be located

can you hear me? by Brandon Poythress
Brandon Poythress (External)
Yesterday 6:05 PM

can you hear me?

So, to be clear....Phase 1 and Phase 2 are ... by Unknown User
Mark Donaldson (Unverified)
Yesterday 6:05 PM

So, to be clear....Phase 1 and Phase 2 are the single family homes?

Edward Schmoeller (External) was invited to the meeting.
Edward Schmoeller (External) was invited to the meeting.
Will the developer still honor your stateme... by Unknown User
James galkowski (Unverified)
Yesterday 6:07 PM

Will the developer still honor your statement of placing a 6 ft vinyl fence and plantings every 6 feet towards the homes on rear lots of baldhead island drive where hammock beach extension is denited?

It's hard to read our version. I assume sid... by Amy Foster
Amy Foster (External)
Yesterday 6:11 PM

It's hard to read our version. I assume sidewalks will be put in all areas of development? Mt. Zion, Baldhead, etc.?

Where would be the multiuse path? by Edward Schmoeller
Edward Schmoeller (External)
Yesterday 6:13 PM

Where would be the multiuse path?

thx by Edward Schmoeller
Edward Schmoeller (External)
Yesterday 6:13 PM

thx

Is it possible to get the digital version o... by Brandon Poythress

Brandon Poythress (External)
Yesterday 6:13 PM

Is it possible to get the digital version of this plan in pdf?

Assuming town approval next month, when do ... by Unknown User
Mark Donaldson (Unverified)
Yesterday 6:13 PM

Assuming town approval next month, when do you anticipate construction to start?

Link brandon@halliam.com by Brandon Poythress
Brandon Poythress (External)
Yesterday 6:13[redacted]

[redacted] ... me too, please

Edward Schmoeller[redacted]

TY for answering my 2 questions[redacted]

Not sure where this ends, but considering there will now be 80 additional homes with increased traffic and cars, does this project do anything to address the intersection at Mt. Zion and Richardson?

When is construction planning to start after public hearings are completed? By phase.

would you mind showing the circle. Since you have zoomed into the PDF?

Where is postal mail depot for the phase 1-2

Thank you

so, the cicrle would be on Mt Zion. Yes

Yes, like the traffic circle

*I like the traffic circle there

Chris Adkins (Unverified) was invited to the meeting.

Chris Adkins (Unverified) left the chat.

I figured it out. THX

Baronial ends into Richardson on the right of this drawing, correct?

*left

end of the day, sorry!

Ahhh, Baronial is in Buckhorn, got it.

The driveways for the townhomes be in front of each unit, is that correct on Baronial St.

Thanks

Chris Adkins (Unverified) left the chat.

Chris Adkins (Unverified) was invited to the meeting.

If the new zoning isn't approved, what would be next?

Or is that even a concern?

You all lots of work w town staff to adjust plan. TY for keeping good communication open

Will the sediment control ponds outlet to the existing creek?

Yes, appreciate these meetings.

yes, thank you for holding these meetings.

ASHBURN

PROPOSED PLANNED UNIT DEVELOPMENT
APEX, NORTH CAROLINA

ORIGINAL SUBMITTAL JUNE 3,2024
RESUBMITTAL FEBRUARY 7, 2025
RESUBMITTAL MARCH 7, 2025
RESUBMITTAL APRIL 4, 2025
RESUBMITTAL MAY 2, 2025
RESUBMITTAL JUNE 6, 2025

Developer/Applicant:
Ashburn Development LLC
933 Old Knight Road, Knightdale N. Carolina
(919) 422-3933 - Mike Jordan - Mike.Jordan@jvmgmt.net

Master Planning/Authorized Agent:
Entitlement Preservation Group
275 North Pea Ridge Road, Pittsboro N. Carolina
(919) 625-9760 cwalker@epgrouponline.com

Engineering/Surveying
Priest Craven and Associates Inc
3803 B Computer Drive Suite 104, Raleigh N. Carolina
(919) 919-781-0300 PCA@PriestCraven.com Firm#: C-0488

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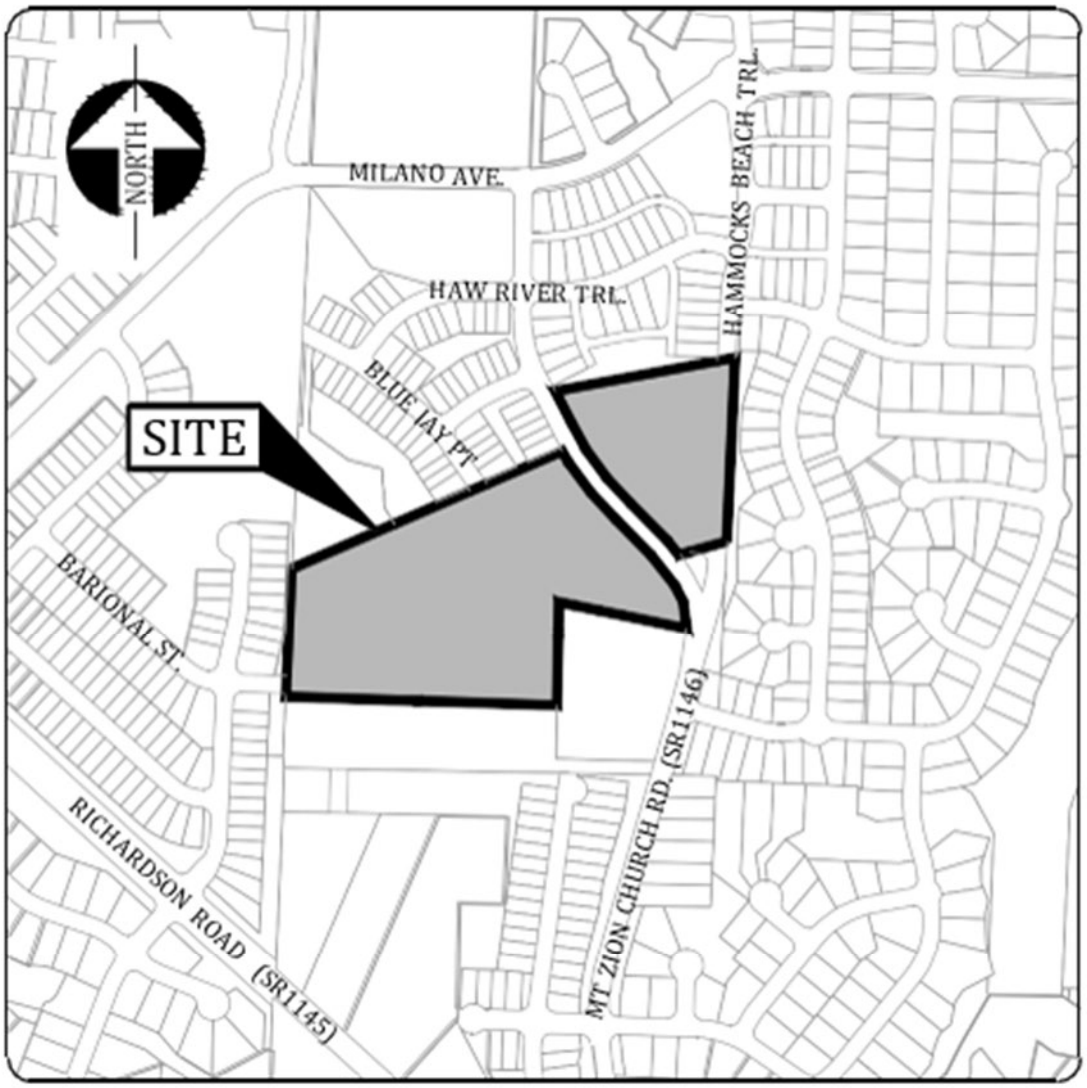
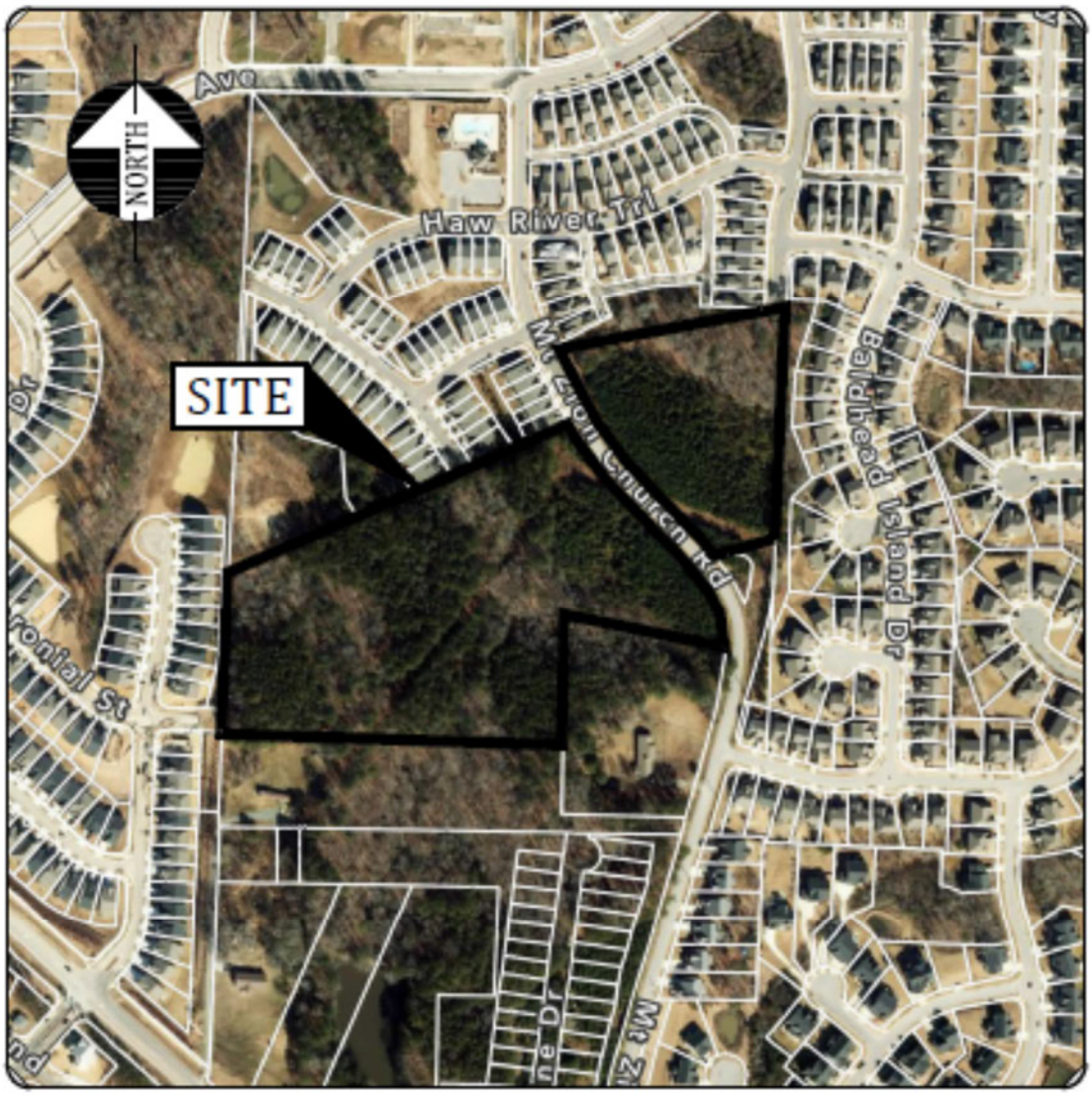
2.0 – Vicinity Maps



VICINITY MAP


NORTH
Ave
Haw River Trl
SITE
Mt Zion Church Rd
Bearhead Island Dr
ronial St

AERIAL MAP

3.0 –Overall PUD Data

Name of PUD	Ashburn
Property Owners	Anthony and Delois Richardson 1825 Car Creek Road Sanford, NC 27332
Prepared by	Entitlement Preservation Group 275 North Pea Ridge Road Pittsboro, N. Carolina 27312 919-625-9760 cwalker@epgrouponline.com Priest Craven and Associates Inc 3803 Computer Drive Suite 104 Raleigh, N. Carolina 27609 919-718-3800 PCA@PriestCraven.com
Developer	Ashburn Development LLC 933 Old Knight Road, Knightdale N. Carolina Mike.Jordan@jvmgmt.net
2045 LUM Designation	Medium Density Residential
Total Acreage	15.3
Area designated Mixed Use on LUM	none
Proposed Building Heights	Max 42 ft. Single Family Detached Max 45 ft. Townhomes
Watershed Protection Overlay	Primary, Jordan Lake Basin
Current Zoning	Rural Residential (RR)
Proposed Zoning	Planned Unit Development (PUD-CZ)
Site Address	0 Mt. Zion Church Road (both tracts)
Property Identification Number	0721448562 and 0721442048

4.0 Purpose Statement and PUD Standards

This document and the accompanying exhibits submitted herewith (collectively, the "PUD") are provided pursuant to the Town of Apex Unified Development Ordinance ("UDO") Planned Unit Development provisions. This PUD addresses the development of approximately 15.3 acres on Mt. Zion Church Road, near the intersection of Mt. Zion Church Road and Milano Avenue. The Properties are currently vacant.

Ashburn is a proposed Planned Unit Development in the Buckhorn Township in Apex, N. Carolina.

The tracts are surrounded on three sides by the existing Bella Casa and Buckhorn Preserve subdivisions that were constructed over the last 10 years and existing rural properties to the South. Currently, both Bella Casa and Buckhorn Preserve have a combination of townhomes and alley-loaded, single-family detached style lots.

The goals of the PUD, in return for greater flexibility in site design requirements, are to deliver exceptional quality community designs that preserve critical environmental resources; provide high-quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area, and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high-quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

Ashburn PUD will have both single-family detached, alley-loaded and townhomes in the community, it is designed to respect environmental features, extend existing development styles and have a well-connected pedestrian network. The PUD will match the density envisioned by the Medium Density Residential Land Use Map ("LUM") designation and will be generally consistent with the Apex Comprehensive Plan's ("Peak Plan") goals for accommodating a mix of housing types to serve the Town's growing and increasingly diverse population, as well as a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

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

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

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

RESPONSE: The Ashburn PUD will have both residential single-family detached and townhomes in the community. It is not shown as a mixed-use designation on the 2045 LUM.

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

RESPONSE: This PUD specifies intensity and dimensional standards for the PUD. The PUD's standards, which includes multiple pedestrian connections are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Ashburn will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code. The proposed PUD will comply with all applicable Supplemental Use Standards in UDO Section 4.4.

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

RESPONSE: Ashburn PUD will feature sidewalks throughout. Sidewalks will connect the PUD and the adjacent Bella Casa and Buckhorn Preserve neighborhoods improving pedestrian connectivity.

Specifically:
Transportation Plan, the proposed PUD street network, will require an amendment to the current Transportation Plan. Hammocks Beach Trail and Baronial Street extensions will now intersect Mt. Zion Church Road with a small roundabout as specified by the Town Staff.

Parks Plan, the PUD is not part of the current New Park Search Area, meaning the developers of the PUD will pay a fee-in-lieu for local improvements.

Greenway Plan, does not designate any extensions in the area; however, as part of the Transportation amendment, the cross section of Hammocks Beach Trail within the PUD will now include a ten-foot wide pedestrian path.

(v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is

not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

RESPONSE: The proposed street layout has been designed to enhance pedestrian and vehicular connectivity while protecting as much sensitive environmental features possible and being mindful of existing residential development. Generally, the Development will extend three existing streets: Hammocks Beach Trail, Blue Jay Point and Baronial Street and adding two direct connections to Mt. Zion Church Road. The Development will also provide a stub street to the southern property line.

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

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This PUD is surrounded by single-family lots, single family lots that are alley loaded and townhomes. This PUD will extend existing alley-loaded lots from Bella Casa and extend existing townhome areas from Buckhorn Preserve.
Ashburn PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 4.8 units/acre, together with the offered architectural conditions, will ensure the PUD is compatible with existing neighborhoods in the area.

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

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

5.0 Consistency with Conditional Zoning Standards

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

6.0 Proposed Design Controls

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

Residential Uses	
Single-Family	Permitted
Townhomes	Permitted
Accessory Apts.	
HOA shall not restrict the construction of ADU	Permitted
Recreational	
Parks, active	Permitted
Recreational, private facility	Permitted
Utilities	
Minor	Permitted

OVERALL

Total Project Area	15.3 Acres
Maximum Built-Upon Area	70%
Maximum Residential Units	74
Maximum Residential Density and Buffers)	4.8 Dwelling Units /AC (incl. RCA, ROW

SINGLE-FAMILY

Minimum Lot Size	3800 SQ. FT.
Minimum Lot Width	30 FT.
Minimum Lot Setbacks	
Front	10 FT.
Corner	8 FT.
Side	3 FT.
Rear	20 FT.
Rear Detached Garage	5 FT. from alley easement
Maximum Building Height	42 FT.
RCA	1.41 AC (35%)

TOWNHOME

Minimum Lot Size	1800 SQ. FT.
Minimum Lot Width	20 FT.
Minimum Lot Setbacks	
Front	20 FT.
Corner	12 FT.
Side	0 FT.
Rear	15 FT.
Min. Building Separation	8 FT.

Maximum Building Height	Up to 45 FT. from FFE to highest peak
RCA	3.39 AC (30%)
Minimum Buffer/RCA Setback	10 FT. buildings, 5FT. parking areas

7.0 Proposed Architectural Controls

Townhomes

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. The roofline cannot be a single mass; it shall be broken horizontally and vertically between, at a minimum, every other unit.

3. Garage doors shall have windows, decorative details or carriage-style adornments on them.

4. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

5. The garage cannot protrude more than 2 feet out from the front façade or front porch.

6. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

- Windows
- Bay window
- Recessed window
- Decorative window
- Trim around the windows
- Wrap around porch or side porch
- Two or more building materials
- Decorative brick/stone
- Decorative trim
- Decorative shake
- Decorative air vents on gable
- Decorative gable
- Decorative cornice
- Column

Portico
Balcony
Dormer

7. Building front facades shall have horizontal relief achieved by the use of recesses and projections.

8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

9. The rear and side elevations of the units that front on the public right-of-way shall have trim around the windows.

Single-Family Detached

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. The roof shall be pitched at 5:12 or greater for 50% of the building designs.

3. Eaves shall project at least 12 inches from the wall of the structure.

4. Garage doors shall have windows, decorative details or carriage-style adornments on them.

5. The garage, if used, shall be accessed by a rear alley, regardless whether it is attached or detached.

6. Garages, if used, will front and be limited to access to public rear alleys.

7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
   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

8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

9. The rear and side elevations of the units that front on public right-of-way shall have trim around the windows.

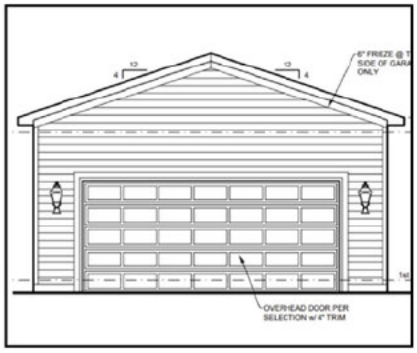
8.0 Conceptual Building Elevations

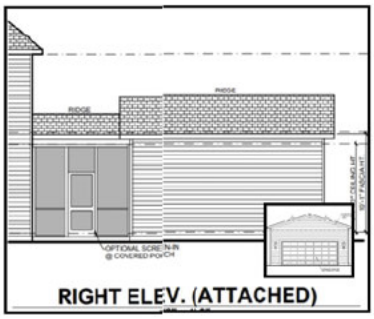
While building elevations are conceptual, actual elevations shall be substantially consistent with those provided.

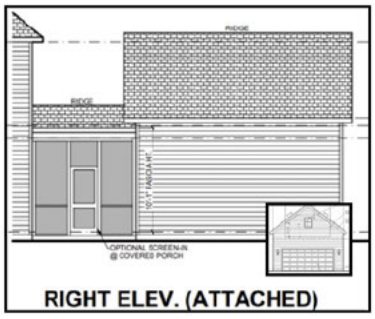
Townhomes

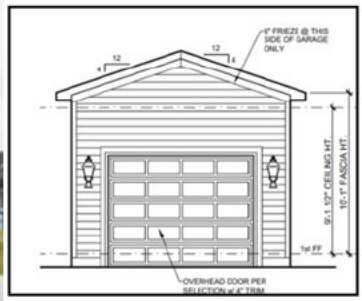
Single-Family Detached

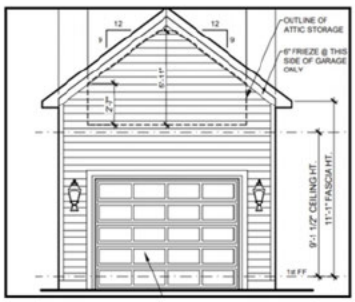
Detached Garage Units

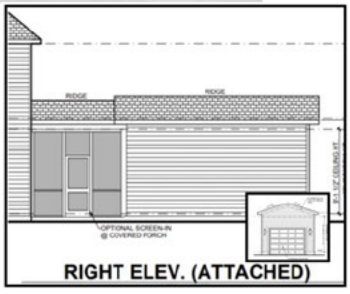


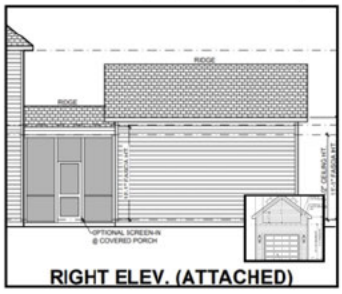












9.0 Proposed Parking

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

10.0 Proposed Signage

Signage shall comply with UDO Section 8.7.

In addition, the PUD shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), sidewalks, or side paths.

11.0 Natural Resource and Environmental Data

The Property is within the Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

RESOURCE CONSERVATION AREA (RCA)
The PUD will be mass graded, it shall designate a minimum of 30% of the Property as RCA on the townhome portion of the PUD and 35% on the single-family portion.

FLOODPLAIN
The PUD is not located in a designated current or future 100-year floodplain as shown on the Town of Apex's Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072100K with an effective date of July 19, 2022.

HISTORIC STRUCTURES
There are no known historic structures present on the Property.

ENVIRONMENTAL COMMITMENTS SUMMARY
The following environmental conditions shall apply to the Development:

- The PUD shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to,

but outside of public property and/or public easement(s), sidewalks, or side paths.

- The PUD shall install at least three (3) pet waste stations units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.

- The PUD shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.

- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25-year storm events.

- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.

- No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road crossings, utility infrastructure, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The grading shall be designed to minimize impacts to the riparian buffer.

- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on Single-family lots, Townhome lots, or street lighting.

- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.

- The PUD shall preserve at least 15% of existing tree canopy.

- At least 50% of the total units shall include solar conduit in building design.

- The developer shall install at least 2 electric vehicle charging stations in common area parking lots.

- All homes shall have a 220/240 outlet in garages for electric vehicle charging.

- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall not restrict clover lawns throughout the neighborhood.

- Homeowner Association covenants shall not restrict solar panel installation throughout the neighborhood.

12.0 Stormwater Management

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25-year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The PUD shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

13.0 Parks, Recreation and Cultural Resources Commission

This PUD was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on 10/30/24, and a fee-in-lieu of dedication was recommended.

Single-family detached Units: $ 4,244.42 x 21 = $ 89,132.82

Townhome Units: $ 2,858.65 x 51 = $ 145,791.15

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

14.0 Public Facilities

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

Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

The planting in the proposed Roundabout will replace the requirement of the entrance landscape median.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply. Access and improvements proposed along NCDOT roadways are subject to Town of Apex and NCDOT review and approval at the time of site and subdivision plans.

1. Developer shall extend Baronial Street from its existing stub to Mt Zion Church Rd as a Residential Street typical section, a 27-foot-wide curb and gutter street, and dedicate a 50-foot-wide right of way, with 5-foot-wide sidewalks on both sides.
2. Developer shall construct and dedicate right of way for a Residential Street stub street from Baronial Street to Parcel PIN 0721436885.
3. Developer shall extend Blue Jay Point from its existing stub to Baronial St as a Residential Street typical section, a 27-foot-wide curb and gutter street, and dedicate a 50-foot-wide right of way, with 5-foot-wide sidewalks on both sides.
4. Developer shall extend Hammocks Beach Trail based on a Minor Collector Street typical section, a 27-foot-wide curb and gutter street, and dedicate a reduced (50-foot-wide) right of way, with a 5-foot-wide sidewalk on the east side and 10-foot-wide Side Path on the west side.
5. Developer shall construct a single-lane, four legged mini roundabout at the intersection of Mt Zion Church Rd and the extensions of Hammocks Beach Trail and Baronial Street.
6. Developer shall construct improvements and dedicate right of way along Mt. Zion Church Road, for the entire project frontage, is based on a Residential Street typical section north of the mini-roundabout and based on the Minor Collector Street typical section south of the mini-roundabout. North of the mini-roundabout Developer shall construct 5-foot-wide sidewalks on both sides. South of the mini-roundabout Developer shall construct a 5-foot-wide sidewalk on the west side and a 10-foot-wide Side Path on the east side.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer. A conceptual utility plan is included in the PUD Concept Plan for reference. An exception will be needed that the Water Main along Mt. Zion will be installed within the NCDOT right-of-way.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

15.0 Phasing Plan

The PUD will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

16.0 Consistency with Land Use Plan

The PUD proposes density than is recommended by the Medium Density Residential Land Use Map designation, it is generally consistent with the goals of the 2045 Land Use Map. The Medium Density Residential designation recommends “single-family and townhome residential uses” that will extend existing similar development/ The proposed maximum density of 4.8 units/acre is consistent with recommended density for Medium Density Residential, as defined in the Comp Plan. The PUD, together with conditions of this PUD, will extend a mixture of single-family and townhome housing, and providing more pedestrian connections.

- Protection of environmental and natural resources.
- A variety of housing types are available to a range of incomes.
- Extend medium density residential uses

17.0 Compliance with UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Ashburn. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

ASHBURN

APEX, NC

REZONING: 24CZ10

Know what's below. Call before you dig. 811

VERTICAL DATUM - NAVD88
HORIZONTAL DATUM - NAD83

PLANNED UNIT DEVELOPMENT PLAN DRAWINGS FOR A MEDIUM DENSITY RESIDENTIAL DEVELOPMENT

PROJECT STATISTICS

PROPERTY OWNER	ANTHONY & DELOIS RICHARDSON 1825 CAR CREEK RD. SANFORD, NC 27332
DEVELOPER	ASHBURN DEVELOPMENT, LLC 933 OLD KNIGHT ROAD KNIGHTDALE, NC 27545
APPLICANT	ENTITLEMENT PRESERVATION GROUP 275 NORTH PEA RIDGE RD PITTSBORO, NC 27312
EXISTING USE	VACANT
PROPOSED USE(S)	SINGLE FAMILY, TOWNHOUSE
EXISTING ZONING	RR
PROPOSED ZONING	PUD-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
WATERSHED PROTECTION OVERLAY DISTRICT	PRIMARY
RIVER BASIN	CAPE FEAR
FEMA FLOOD PANEL *THIS SITE DOES NOT CONTAIN FEMA DESIGNATED FLOOD ZONES*	2100K
HISTORIC STRUCTURES LOCATED ON SITE	NONE

AREA CALCULATIONS

AREA DESIGNATED AS MIXED USE ON 2045 LAND USE MAP	NA/0.00 AC
AREAS OF MIXED USE PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	0.00 AC/0%
GROSS AREA OF PROJECT BASED ON SURVEY	15.32 AC
AREA IN TRACT 1 (SINGLE FAMILY)	4.03 AC
AREA IN TRACT 2 (TOWNHOMES)	11.29 AC
PLAY AREA REQUIRED (0.006 AC PER D.U., 0.3 AC MIN.)	0.006 AC PER DWELLING UNIT, 0.3 AC MINIMUM
RESOURCE CONSERVATION AREA REQUIRED OVER ENTIRE DEVELOPMENT	*30% PER 8.1.2.C 4.80 AC
AREA REQUIRED IN SINGLE FAMILY TRACT	35% 1.41 AC
AREA REQUIRED IN TOWNHOME TRACT	30% 3.39 AC
*5% ADDITIONAL RCA REQUIRED FOR SINGLE FAMILY TRACT PER 7.2.5.B.8	
MAXIMUM BUILT UPON AREA	70% 10.72 AC

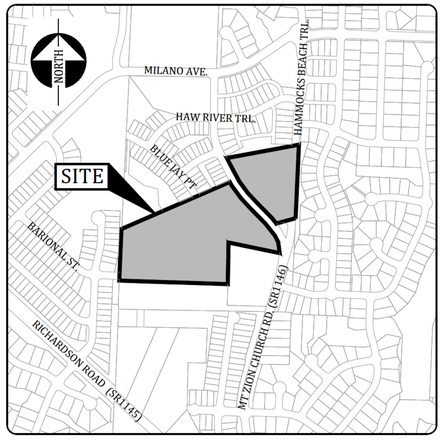
BUILDING SETBACK REQUIREMENTS

SINGLE FAMILY (REAR ALLEY) SETBACKS		TOWNHOUSE SETBACKS	
FRONT	10'	FRONT	20'
CORNER	8'	CORNER	12'
SIDE	3'	SIDE	0'
REAR	20'	REAR	15'
REAR DETACHED GARAGE	5'	MIN. BUILDING SEPARATION	8'

FROM BUFFER OR RCA 10'

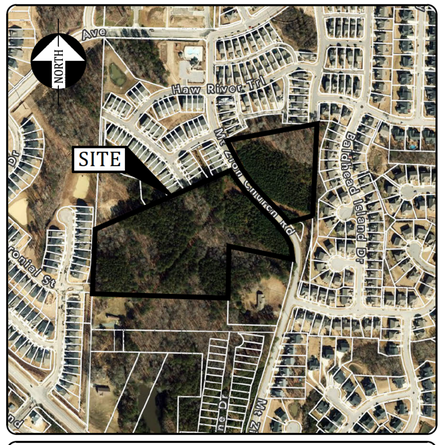
MAXIMUM ALLOWABLE BUILDING HEIGHT

UP TO 42' FOR DETACHED SINGLE FAMILY HOMES
UP TO 45' FROM FFE TO HIGHEST PEAK FOR TOWNHOMES



VICINITY MAP

1"= 500'



AERIAL MAP

1"= 400'

PARKS AND RECREATION SITE DATA TABLE

DATE REVIEWED BY PRCR ADVISORY COMMISSION: 10/30/2024

☒ **FEE-IN-LIEU OF DEDICATION:**

21	SINGLE-FAMILY DETACHED UNITS X $4,244.42 PER UNIT =	$ 89,132.82
51	SINGLE-FAMILY ATTACHED UNITS X $2,858.65 PER UNIT =	$ 145,791.15
0	MULTI-FAMILY UNITS X $2,516.93 PER UNIT =	$
	TOTAL FEE-IN-LIEU:	$ 234,923.97

☐ **ACRES OF LAND DEDICATION** _____

☐ **PUBLIC GREENWAY TRAIL CONSTRUCTION** YES ☐ NO ☒

SHEET LIST

SHEET #	SHEET TITLE
PD0.0	COVER SHEET
PD1.0	EXISTING CONDITIONS PLAN
PD2.0	PRELIMINARY LAYOUT AND UTILITY PLAN

DEVELOPER

ASHBURN DEVELOPMENT, LLC
933 OLD KNIGHT ROAD
KNIGHTDALE, NC 27545

APPLICANT

ENTITLEMENT PRESERVATION GROUP
CHARLES R. WALKER III, PLA
275 NORTH PEA RIDGE ROAD
PITTSBORO, NORTH CAROLINA 27312
PHONE: 919-625-9760
EMAIL: CWALKER@EPGROUPONLINE.COM

PLANS PREPARED BY:

PRIEST, CRAVEN & ASSOCIATES, INC.
PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803 - B COMPUTER DRIVE, SUITE 104, RALEIGH, N.C. 27609
PHONE 919 / 781-0300 FAX 919 / 782-1288
EMAIL PCA@PRIESTCRAVEN.COM FIRM#: C-0488

GENERAL NOTES:

1. BOUNDARY INFORMATION IS TAKEN FROM A SURVEY BY THIS OFFICE.
2. SITE TOPOGRAPHIC INFORMATION IS TAKEN FROM A COMBINATION OF DATA FROM A SURVEY PERFORMED BY THIS OFFICE AND TOWN OF APEX LIDAR DATA.
3. PLANEMETRIC AND TOPOGRAPHIC INFORMATION FOR AREAS OUTSIDE OF THIS SITE ARE TAKEN FROM TOWN OF APEX AND WAKE COUNTY GIS INFORMATION.
4. THERE ARE NO FEMA DESIGNATED FLOOD ZONES LOCATED ON THIS PROPERTY PER FEMA MAP 3720072100K, DATED 7/19/22.
5. FLOODPLAIN INFORMATION IS TAKEN FROM A FLOOD STUDY PREPARED BY PRIEST, CRAVEN & ASSOCIATES, INC. AND SUBMITTED WITH THE MASTER SUBDIVISION PLAN STORMWATER IMPACT ANALYSIS, SCM DESIGN CALCULATIONS AND FLOOD STUDY.
6. EXISTING UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL EXISTING ABOVE AND BELOW GROUND UTILITY FIELD LOCATION PRIOR TO ANY CONSTRUCTION.
7. NO NEW BUFFER IMPACTS SHALL OCCUR PRIOR TO APPROVAL FROM NCDEQ.
8. WETLAND AND STREAM BUFFER LOCATIONS ARE SUBJECT TO FIELD VERIFICATION.

UTILITY EXCEPTION TABLE

The following items have been approved as exceptions for this drawing by the Town of Apex Department Director(s), and to the best of my knowledge and belief, this drawing conforms to the requirements established by the Director(s) allowing deviation from the Standard Specifications and Standard Details of the Town of Apex. The signature below represents that the requesting Engineer has been granted a variance ONLY for the items listed. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

APPROVED EXCEPTION	DIRECTOR GRANTING EXCEPTION
1.	
2.	
3.	

By: _____ Date: _____
Requesting Engineer

PROPOSED SEWER FLOWS:

NUMBER OF SINGLE FAMILY HOMES:	51 UNITS
NUMBER OF TOWNHOMES:	21 UNITS
AVG DAILY FLOW PER HOME:	300 GPD/UNIT
TOTAL AVERAGE DAILY FLOW:	21,600 GPD (15.0 GPM)

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 040144 THOMAS F. CRAVEN

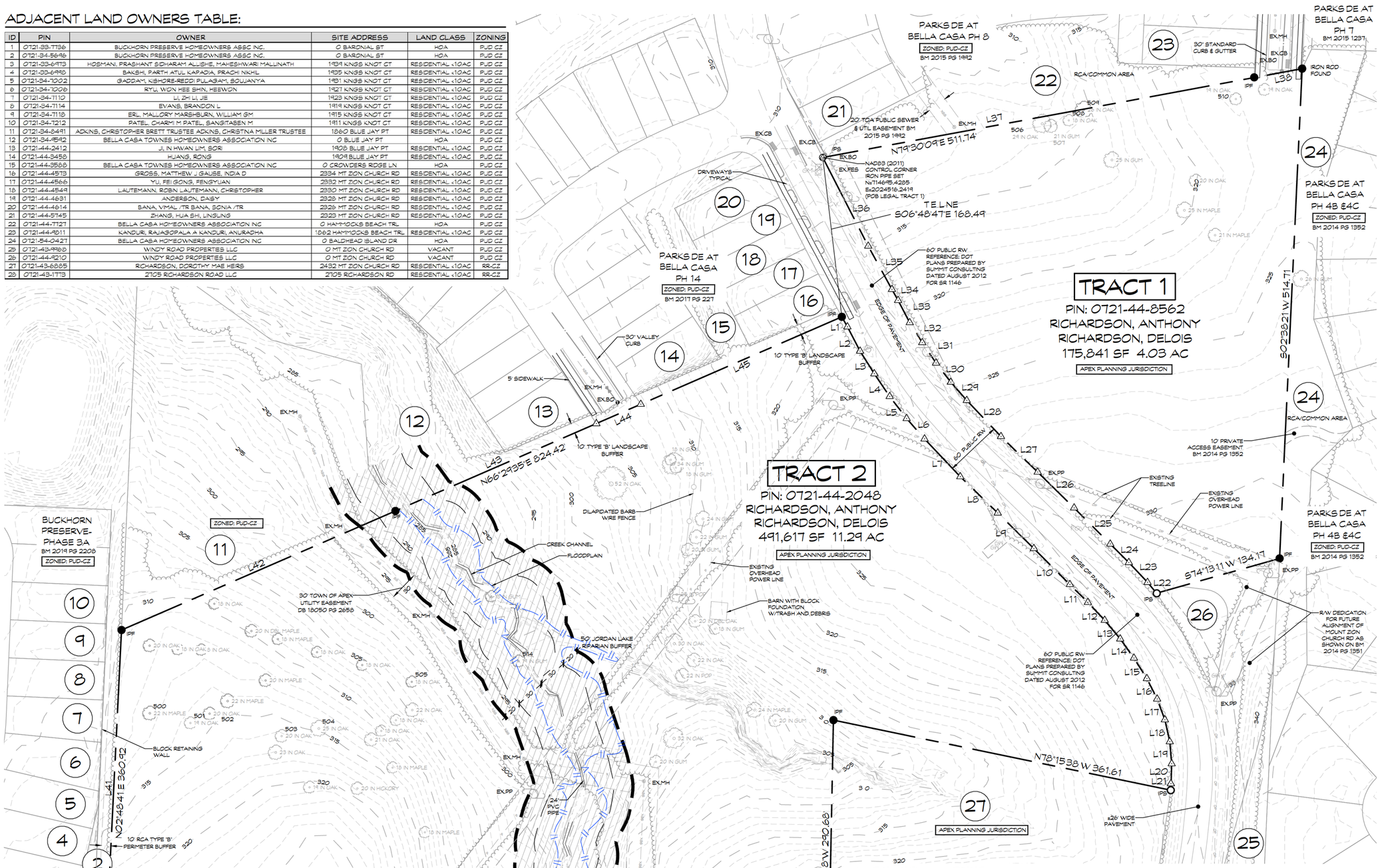
PRELIMINARY FOR REVIEW ONLY

REVISIONS:	SUBMITTAL DATE:	6/3/2024	
REVISION 1	TOWN STAFF REVIEW:	2/7/2025	SHEET #
REVISION 2	TOWN STAFF REVIEW:	3/7/2025	
REVISION 3	TOWN STAFF REVIEW:	4/4/2025	
REVISION 4	TOWN STAFF REVIEW:	5/2/2025	
REVISION 5	TOWN STAFF REVIEW:	6/5/2025	PD0.0
RELEASED FOR CONSTRUCTION DATE:		NOT RELEASED	

24CZ10

ADJACENT LAND OWNERS TABLE:

ID	PIN	OWNER	SITE ADDRESS	LAND CLASS	ZONING
1	0721-33-7736	BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	0 BARONIAL ST	HOA	PUD CZ
2	0721-34-5646	BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	0 BARONIAL ST	HOA	PUD CZ
3	0721-33-6713	HOSMANI, PRASHANT SIDHARAM ALLISHE; MAHESHWARI MALLINATH	1934 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
4	0721-33-6995	BAKSHI, PARTH ATUL KAPADIA, PRACHI NIKHIL	1935 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
5	0721-34-7002	GADDAM, KISHORE-REDDY PULAGAM, SOUJANYA	1951 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
6	0721-34-7006	RYU, WON HEE SHIN, HEEWON	1927 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
7	0721-34-7110	LI, ZHI LI, JE	1923 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
8	0721-34-7114	EVANS, BRANDON L	1919 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
9	0721-34-7116	ERL, MALLORY MARSHBURN, WILLIAM GM	1915 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
10	0721-34-7212	PATEL, CHARMI M PATEL, SANGITABEN M	1911 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
11	0721-34-6441	ADKINS, CHRISTOPHER BRETT TRUSTEE ADKINS, CHRISTINA MILLER TRUSTEE	1860 BLUE JAY PT	RESIDENTIAL <10AC	PUD CZ
12	0721-34-5542	BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	0 BLUE JAY PT	HOA	PUD CZ
13	0721-44-2412	JI, N HWAN LIM, SORI	1909 BLUE JAY PT	RESIDENTIAL <10AC	PUD CZ
14	0721-44-3456	HUANG, RONG	1909 BLUE JAY PT	RESIDENTIAL <10AC	PUD CZ
15	0721-44-3568	BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	0 CROWDERS RIDGE LN	HOA	PUD CZ
16	0721-44-4573	GROSS, MATTHEW J; GAUSE, INDIA D	2334 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
17	0721-44-4566	YU, FEI GONG, FENGYUAN	2332 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
18	0721-44-4549	LAUTEMANN, ROBIN LAUTEMANN, CHRISTOPHER	2330 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
19	0721-44-4631	ANDERSON, DAISY	2328 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
20	0721-44-4614	BANA, VIMAL /TR BANA, SONIA /TR	2326 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
21	0721-44-5745	ZHANG, HUA SHI, LINGLING	2323 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
22	0721-44-7121	BELLA CASA HOMEOWNERS ASSOCIATION INC	0 HAMMOCKS BEACH TRL	HOA	PUD CZ
23	0721-44-4611	KANDURI, RAJAGOPALA A KANDURI, ANURADHA	1862 HAMMOCKS BEACH TRL	RESIDENTIAL <10AC	PUD CZ
24	0721-54-0421	BELLA CASA HOMEOWNERS ASSOCIATION INC	0 BALDHEAD ISLAND DR	HOA	PUD CZ
25	0721-43-9968	WINDY ROAD PROPERTIES LLC	0 MT ZION CHURCH RD	VACANT	PUD CZ
26	0721-44-4210	WINDY ROAD PROPERTIES LLC	0 MT ZION CHURCH RD	VACANT	PUD CZ
27	0721-43-6885	RICHARDSON, DOROTHY MAE HEIRS	2432 MT ZION CHURCH RD	RESIDENTIAL <10AC	RR-CZ
28	0721-43-1773	2705 RICHARDSON ROAD LLC	2705 RICHARDSON RD	RESIDENTIAL <10AC	RR-CZ



LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S29°25'34"E	12.05	L24	N45°10'11"W	27.50
L2	S27°36'38"E	28.74	L25	N44°54'53"W	53.64
L3	S32°05'39"E	28.07	L26	N45°28'43"W	53.65
L4	S34°00'02"E	28.78	L27	N45°53'23"W	53.67
L5	S37°36'11"E	29.18	L28	N43°26'50"W	52.19
L6	S41°14'19"E	28.49	L29	N41°14'19"W	25.43
L7	S43°26'50"E	54.62	L30	N37°36'11"W	25.39
L8	S45°53'23"E	54.73	L31	N34°00'02"W	25.84
L9	S45°28'43"E	53.19	L32	N32°05'39"W	24.72
L10	S44°54'53"E	53.48	L33	N27°36'38"W	26.31
L11	S45°10'11"E	26.54	L34	N29°18'23"W	13.26
L12	S43°16'07"E	25.82	L35	N28°41'19"W	51.85
L13	S39°46'07"E	25.44	L36	N27°09'54"W	104.55
L14	S35°33'43"E	24.72	L37	N79°30'09"E	460.35
L15	S32°15'36"E	25.41	L38	N79°30'09"E	51.39
L16	S26°39'44"E	24.07	L39	N02°48'41"E	8.62
L17	S20°21'19"E	23.52	L40	N02°48'41"E	50.00
L18	S12°34'16"E	23.56	L41	N02°48'41"E	302.30
L19	S04°55'42"E	23.24	L42	N66°29'35"E	313.49
L20	S01°38'37"W	24.73	L43	N66°29'35"E	230.03
L21	N04°32'08"E	3.05	L44	N66°29'35"E	50.81
L22	N39°46'07"W	14.76	L45	N66°29'35"E	230.09
L23	N43°16'07"W	28.65			

SURVEY LINETYPES

- PROPERTY LINE
- P/L NOT SURVEYED
- EASEMENT
- ADJOINER
- FENCE LINE
- SANITARY SEWER (XSS)
- STORM SEWER (XST)
- UNDERGROUND POWER (UPL)
- FIBER OPTIC/COMMUNICATION (XFO)
- TRAFFIC SIGNAL (TS)
- WATERLINE (XWL)
- UNDERGROUND TELEPHONE (UT)
- 100 YR FLOODPLAIN
- GUARD RAIL

SURVEY SYMBOL LEGEND

- AC UNIT
- BACK FLOW VALVE (BFV)
- BOLLARD
- CABLE PEDESTAL
- CABLE VAULT (CV)
- CATCH BASIN
- CLEAN OUT
- COMMUNICATION BOX (CB)
- CURB INLET
- ELECTRIC BOX
- ELECTRICAL VAULT (EV)
- FIRE HYDRANT
- FENCE LINE (FL)
- FIBER OPTIC (FO)
- FIBER OPTIC VAULT (FOV)
- FLARED END SECTION
- GAS (G)
- GAS VALVE
- GRATED INLET
- GUY WIRE (GW)
- IRRIGATION VALVE (IV)
- LIGHT POLE
- OVERHANG (OH)
- OVERHEAD ELECTRIC (OE)
- REINFORCED CONCRETE DRAINAGE PIPE (RCP)
- SEWER MANHOLE (S)
- STORM MANHOLE (D)
- STORM JUNCTION BOX (JB)
- SWAMP
- TELEPHONE PEDESTAL (T)
- TELEPHONE MANHOLE (T)
- TEMPORARY BENCHMARK
- TREE
- UNDERGROUND ELECTRIC (UE)
- UNDERGROUND POWER (UP)
- UNDERGROUND TELEPHONE (UT)
- UTILITY POLE
- WATER LINE (WL)
- WATER LINE HOTBOX (HB)
- WATER LINE MANHOLE (A)
- WATER METER
- WATER VALVE
- WELL (W)
- YARD INLET

PROPERTY CORNERS

- CONC MONUMENT SET
- CONC MONUMENT FOUND
- PROP CORNER FOUND
- COMPUTED POINT
- CONTROL CORNER
- IRON PIPE SET
- IRON PIPE FOUND (PF)

HATCH LEGEND

- TRASH/DEBRIS
- EXISTING RIPRAP

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7. NO NEW BUFFER IMPACTS SHALL OCCUR PRIOR TO APPROVAL FROM NCDEQ.
8. WETLAND AND STREAM BUFFER LOCATIONS ARE SUBJECT TO FIELD VERIFICATION.
9. STREAM BUFFER WHERE CONFIRMED BY THE TOWN OF APEX WITH BUFFER CALL 19-007.

REFERENCES:

BM 2019 PG 2208
BM 2017 PG 227
BM 2015 PG 1992
BM 2015 1237
BM 2014 PG 1352
BM 2013 PG 1590

811 Know what's below. Call before you dig.

NORTH

100 50 25 0 50 150
GRAPHIC SCALE
1" = 50'

PRELIMINARY FOR REVIEW ONLY

ASHBURN

PLANNED UNIT DEVELOPMENT REZONING PLANS

APEX, NC — WAKE, NORTH CAROLINA

SCALE	1"=50'
DATE	JUNE 3, 2024
PROJECT NUMBER	2022-008.001
CLIENT	ENTITLEMENT PRESERVATION GROUP
PLAN TYPE	PRELIMINARY

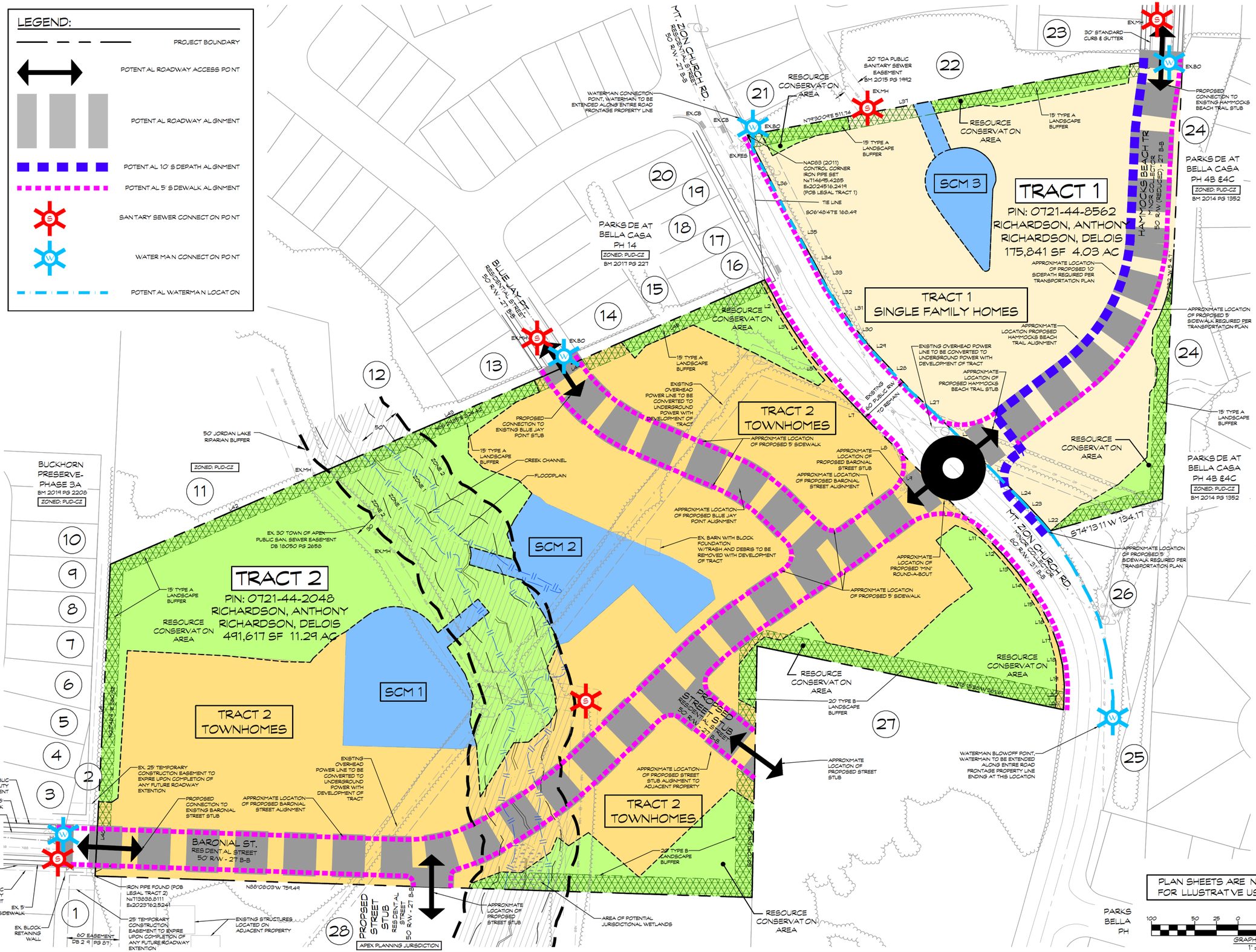
EXISTING CONDITIONS PLAN

OWNER COMMENTS	2.7.2025
OWNER COMMENTS	3.7.2025
OWNER COMMENTS	4.4.2025
OWNER COMMENTS	5.2.2025
OWNER COMMENTS	6.5.2025

RELEASED FOR CONSTRUCTION DATE (SEE COVER) ■ NO □ YES

PRIEST, CRAVEN & ASSOCIATES, INC.
LAND USE CONSULTANTS PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803 - B Computer Drive, Suite 104 Raleigh, N.C. 27609 . Phone 919 / 781-0300 . Fax 919 / 782-1288 . Email PCA@PriestCraven.com / Firm #: C-0488

SHEET # PD1.0



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7. NO NEW BUFFER IMPACTS SHALL OCCUR PRIOR TO APPROVAL FROM NCDEQ.
8. WETLAND AND STREAM BUFFER LOCATIONS ARE SUBJECT TO FIELD VERIFICATION.
9. FINAL LOCATION OF DEVELOPMENT ACCESS AND STREET STUB LOCATIONS TO BE COORDINATED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
8. FINAL LOCATION OF OPEN SPACE, RESOURCE CONSERVATION AREAS, AND PLAY LAWN TO BE COORDINATED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
9. ALL PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN TO BE COORDINATED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
10. REFER TO PD TEXT DOCUMENTS FOR A DETAILED LISTING OF ALLOWABLE USES, DESIGN INFORMATION STANDARDS, AND ZONING CONDITIONS.
11. ALL CONSTRUCTION AND MATERIALS TO BE IN STRICT ACCORDANCE WITH THE ACCEPTED POLICIES OF THE TOWN OF APEX, AND UNLESS SPECIFIED, DEFERS TO THE NC DEPT. OF TRANSPORTATION (NCDOT) STANDARDS, SPECIFICATION, AND DETAILS.
12. THIS PROJECT SHALL UTILIZE FULL TOWN SERVICES - WATER, SEWER, AND ELECTRICITY.
13. THIS PROJECT SHALL NOT UTILIZE PRIVATE SEWAGE DISPOSAL (SEPTIC SYSTEM).
14. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF SEE MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT.
15. TREE PROTECTION FENCING MUST BE PLACED:
    a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
    b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
    c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
16. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

UTILITY NOTES:

1. ALL DEVELOPMENT / REZONING PLANS MUST MEET THE NEW / CURRENT TOWN OF APEX MASTER WATER AND SEWER PLANS. REZONING OR NEW SITE DEVELOPMENT PLANS DO NOT GUARANTEE THE UTILITY LOCATION, ALIGNMENTS, AND DESIGN FOR TOWN APPROVAL. UTILITY DESIGNS WILL BE SUBJECT TO CHANGE UNTIL CONSTRUCTION DESIGNS ARE APPROVED.
2. THIS PLAN SET WILL BE UNDER THE NEW 2024 SPEC (EFFECTIVE DATE: JUNE 11, 2024), SINCE THIS PLAN WAS NOT INCD REVIEW BEFORE THE EFFECTIVE DATE.
3. ANY REQUESTED UTILITY EXCEPTION MUST BE FILED ON THE EXCEPTION FORM THAT IS LOCATED IN THE CD PROJECT PACKET. NO EXCEPTIONS WILL BE APPROVED UNLESS THIS FORM(S) IS COMPLETED AND SIGNED BY TOWN ADMINISTRATION.
4. IN PREPARING ENGINEERING DESIGN PLANS, ALL ELEVATIONS SHALL BE TIED TO NGRD SYSTEM AND THE BENCHMARK SHALL BE DESCRIBED ON THE PLANS. A FIELD SURVEY OF ALL WATERWAYS AND WATERBODIES WITHIN PROJECT AREA MUST BE PERFORMED, INCLUDING BUT NOT LIMITED TO: CREEKS, STREAMS, RIVERS, LAKES, PONDS, DITCHES, AND CULVERTS. SURVEY MUST INCLUDE ADEQUATE POINTS TO ACCURATELY REPRESENT THE CROSS SECTION OF THE WATERWAY/WATERBODY, I.E. TOP OF BANK, TOE, CENTERLINE, ETC. 700-2 TOWN OF APEX STANDARD SPECIFICATIONS AND DETAILS: ADOPTED FEBRUARY 23, 2021

HATCH LEGEND

- SINGLE FAMILY HOME AREA
- TOWNHOME AREA
- RESOURCE CONSERVATION AREA
- PERIMETER BUFFER AREA
- STORMWATER CONTROL MEASURE AREA

ASHBURN

PLANNED UNIT DEVELOPMENT REZONING PLANS

APEX NC — WAKE NORTH CAROLINA

SCALE	1"=50'
DATE	JUNE 3 2024
PROJECT NUMBER	2022-008.001
CLIENT	ENTITLEMENT PRESERVATION GROUP
PLAN TYPE	PRELIMINARY

PRELIMINARY LAYOUT AND UTILITY PLAN

OWN COMMENTS	2.7.2025
OWN COMMENTS	3.7.2025
OWN COMMENTS	4.4.2025
OWN COMMENTS	5.2.2025
OWN COMMENTS	6.5.2025

RELEASED FOR CONSTRUCTION DATE (SEE COVER) ■ NO ☐ YES

PRIEST, CRAVEN & ASSOCIATES, INC.
LAND USE CONSULTANTS PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803 - B Computer Drive, Suite 104 Raleigh, N.C. 27609 . Phone 919 / 781-0300 . Fax 919 / 782-1288 . Email PCA@PriestCraven.com / Firm #: C-0488

SHEET # PD2.0

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ10
Ashburn PUD

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

Applicant: Mike Jordan, JV Management and Ashburn Development LLC
Authorized Agent: Charles R. Walker III, Entitlement Preservation Group
Property Addresses: 0 & 0 Mt Zion Church Rd
Acreage: ±15.3 acres
Property Identification Numbers (PINs): 0721442048 & 0721448562
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

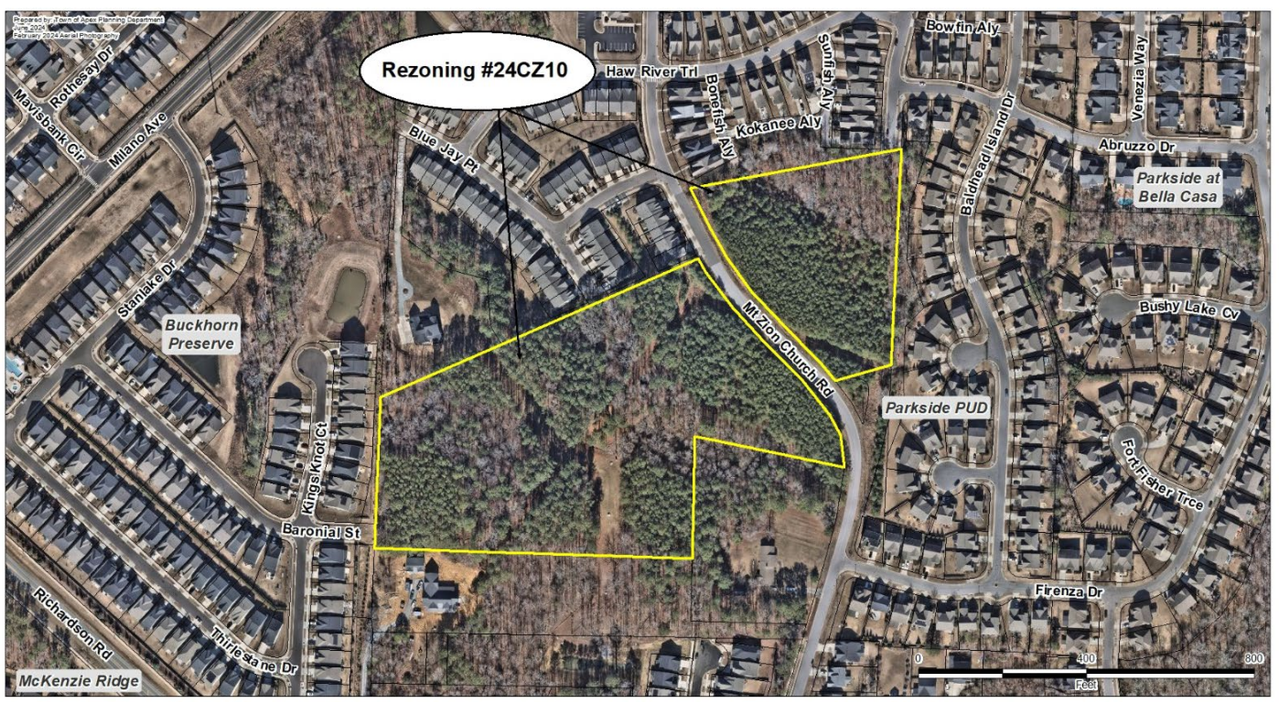
Planning Board Public Hearing Date and Time: July 14, 2025 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/47319.

Dianne F. Khin, AICP
Planning Director

Published Dates: June 27 - July 14, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ10
Ashburn PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mike Jordan, JV Management and Ashburn Development LLC
Agente autorizado: Charles R. Walker III, Entitlement Preservation Group
Dirección de las propiedades: 0 & 0 Mt Zion Church Rd
Superficie: ±15.3 acres
Números de identificación de las propiedades: 0721442048 & 0721448562
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

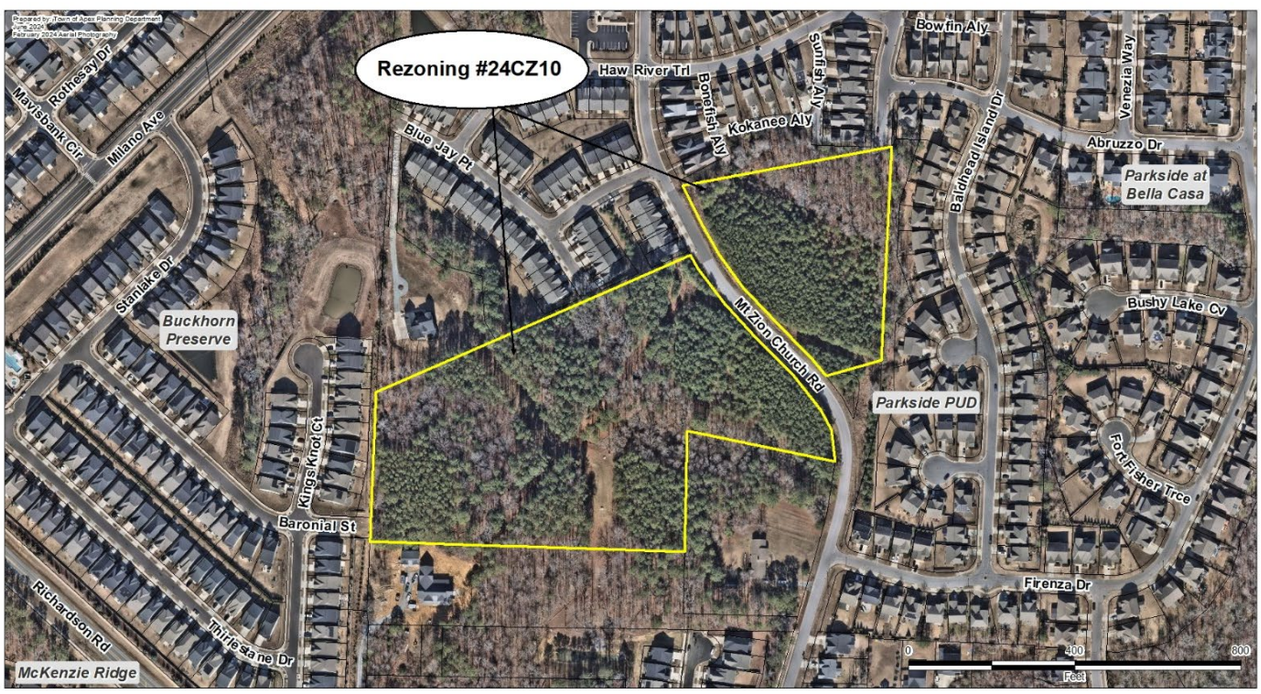
Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de julio de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la 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 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/47319.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de junio – 14 de julio de 2025

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All tools | Edit | Convert | E-Sign | 24CZ10 Ashbur... ... | Share

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ10
Ashburn PUD

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

Applicant: Mike Jordan, JV Management and Ashburn Development LLC
Authorized Agent: Charles R. Walker III, Entitlement Preservation Group
Property Addresses: 0 & 0 Mt Zion Church Rd
Acreage: ±15.3 acres
Property Identification Numbers (PINs): 0721442048 & 0721448562
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: July 14, 2025 4:30 PM

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

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

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

Vicinity Map:

Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/47319.

Dianne F. Khin, AICP
Planning Director

Published Dates: June 27 - July 14, 2025

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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 #24CZ10
Ashburn PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mike Jordan, JV Management and Ashburn Development LLC
Agente autorizado: Charles R. Walker III, Entitlement Preservation Group
Dirección de las propiedades: 0 & 0 Mt Zion Church Rd
Superficie: ±15.3 acres
Números de identificación de las propiedades: 0721442048 & 0721448562
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de julio de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la 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 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/47319.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de junio – 14 de julio de 2025

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12:27 PM
6/27/2025

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #24CZ10 Ashburn PUD
Project Location:	0 & 0 Mt. Zion Church Rd
Authorized Agent:	Charles R. Walker III, PLA
Firm:	Entitlement Preservation Group
Planning Board Public Hearing Date:	July 14, 2025
Project Planner:	Joshua Killian, Planner II

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 June 27, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

6/30/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 30th day of June, 2025.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

Notary Public

My Commission Expires: 10/3/2027

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ10
Ashburn PUD

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

Applicants: Mike Jordan, JV Management and Ashburn Development LLC
Authorized Agent: Charles R. Walker III, Entitlement Preservation Group
Property Addresses: 0 & 0 Mt Zion Church Rd
Acreage: ±15.3 acres
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2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

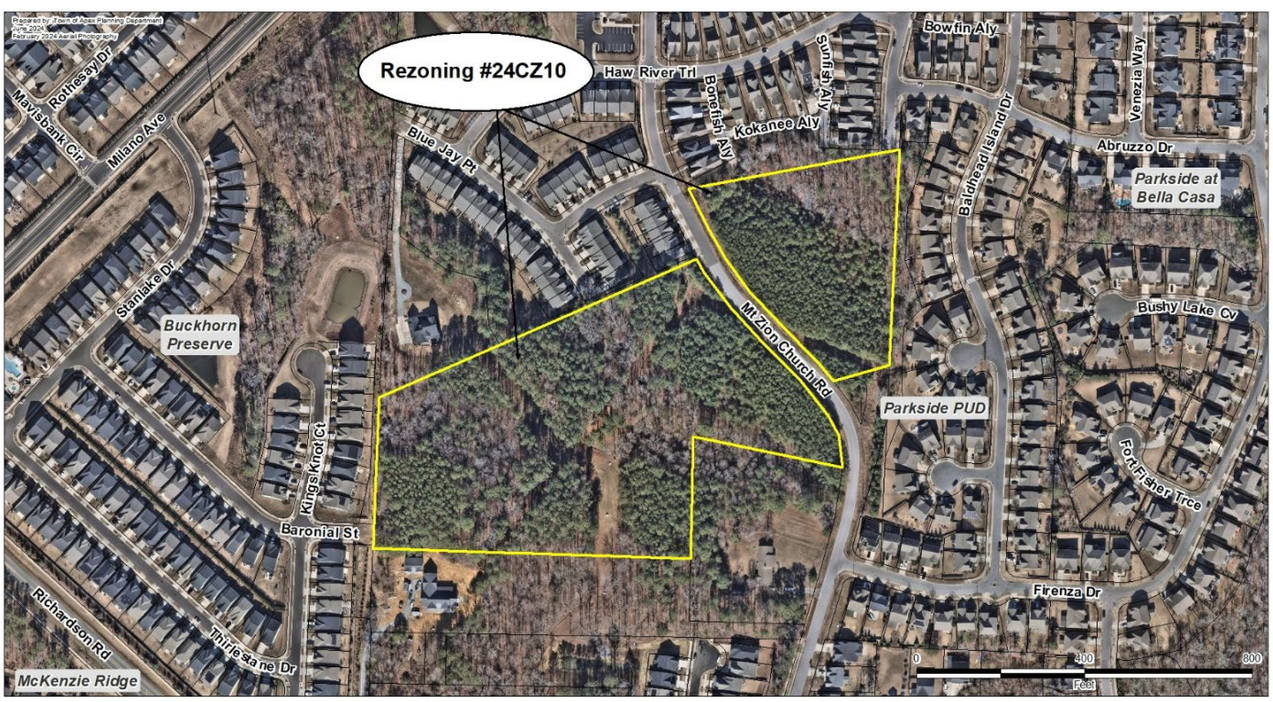
Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: August 12, 2025 6:00 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (322 N Mason 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-line: https://www.apexnc.org/DocumentCenter/View/47319.

Dianne F. Khin, AICP
Planning Director

Published Dates: July 21 - August 12, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ10
Ashburn PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mike Jordan, JV Management and Ashburn Development LLC
Agente autorizado: Charles R. Walker III, Entitlement Preservation Group
Dirección de las propiedades: 0 & 0 Mt Zion Church Rd
Superficie: ±15.3 acres
Números de identificación de las propiedades: 0721442048 & 0721448562
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Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

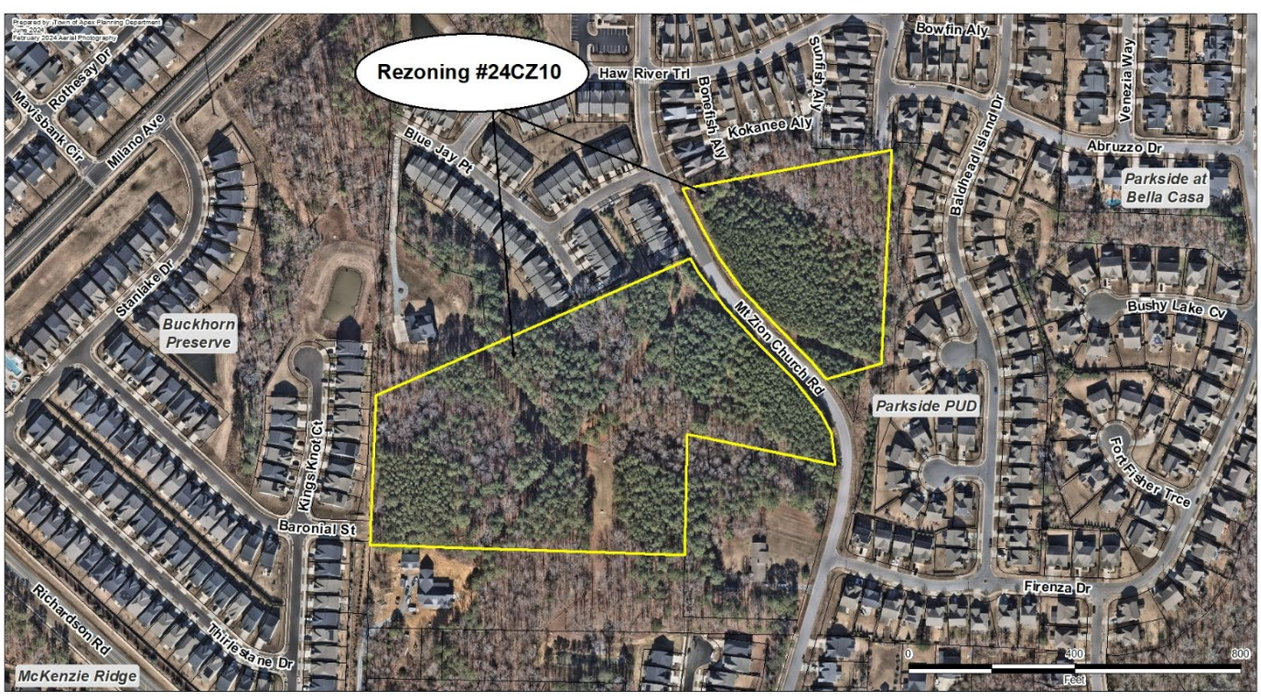
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 12 de agosto de 2025 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (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 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/47319.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 21 de julio - 12 de agosto de 2025

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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 #24CZ10
Ashburn PUD

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

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

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: August 12, 2025 6:00 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

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Vicinity Map:

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Dianne F. Khin, AICP
Planning Director

Published Dates: July 21 - August 12, 2025

Reminders: 2 | All folders are up to date. | Microsoft Exchange | 100%
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ythm files Conditions Rezoning-PUD Zoning Verification Applications & Sched... All Bookmarks
All tools Edit Convert E-Sign 24CZ10 T...N Com... Share

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ10
Ashburn PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mike Jordan, JV Management and Ashburn Development LLC
Agente autorizado: Charles R. Walker III, Entitlement Preservation Group
Dirección de las propiedades: 0 & 0 Mt Zion Church Rd
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Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
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Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 12 de agosto de 2025 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (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 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/47319.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 21 de julio - 12 de agosto de 2025

Reminders: 2 All folders are up to date. d to: Microsoft Exchange 100%
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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #24CZ10 Ashburn PUD
Project Location:	0 & 0 Mt. Zion Church Rd
Authorized Agent:	Charles R. Walker III, PLA
Firm:	Entitlement Preservation Group
Town Council Public Hearing Date:	August 12, 2025
Project Planner:	Joshua Killian, Planner II

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 July 21, 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.

7/21/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 21st day of July, 2025.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

SEAL

Notary Public

My Commission Expires: 10/3/2027

WAKE COUNTY
PUBLIC SCHOOL SYSTEM

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

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

July 26, 2024

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

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

- Date of application: June 3, 2024
- Name of development: 24CZ10 Ashburn PUD
- Address of rezoning: 0 Mt Zion Church Rd (PINs 07214485622, 0721442048)
- Total number of proposed residential units: 85 max
- Type(s) of residential units proposed: up to 22 single-family dwelling and up to 63 townhomes

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

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

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

☒ Elementary ☒ Middle ☒ High

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

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

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

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

☐ Elementary ☐ Middle ☒ High

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

Sincerely,

8.30.24
Susan W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #24CZ10 Ashburn PUD

Planning Board Meeting Date: July 14, 2025

Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: +/- 15.3 acres

PIN(s): 0721448562 & 0721442048

Current Zoning: Rural Residential (#07ETJ24)

Proposed Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: In ETJ

Applicable Officially Adopted Plans:

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

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

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

Legislative Considerations:

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

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

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

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

As presented.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of July 2025.

Attest:

Keith Braswell, Acting Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2025.07.14 17:30:12 -04'00'

Dianne Khin, Planning Director

Legal Description TRACT 1

Beginning at a CONTROL CORNER IRON PIPE SET having coordinates of **N:714695.43, E:2024516.24**; thence with a bearing of **N 79°30'09" E** a distance of **511.74** feet to a IRON ROD FOUND; thence with a bearing of **S 02°38'21" W** a distance of **514.71** feet to a IRON PIPE FOUND; thence with a bearing of **S 74°13'11" W** a distance of **134.17** feet to a IRON PIPE SET; thence and along the Eastern Right of Way of Mount Zion Church Road with a bearing of **N 39°46'07" W** a distance of **14.76** feet to a COMPUTED POINT; thence with a bearing of **N 43°16'07" W** a distance of **28.65** feet to a COMPUTED POINT; thence with a bearing of **N 45°10'11" W** a distance of **27.50** feet to a COMPUTED POINT; thence with a bearing of **N 44°59'53" W** a distance of **53.64** feet to a COMPUTED POINT; thence with a bearing of **N 45°28'43" W** a distance of **53.65** feet to a COMPUTED POINT; thence with a bearing of **N 45°53'23" W** a distance of **53.67** feet to a COMPUTED POINT; thence with a bearing of **N 43°26'50" W** a distance of **52.19** feet to a COMPUTED POINT; thence with a bearing of **N 41°14'19" W** a distance of **25.43** feet to a COMPUTED POINT; thence with a bearing of **N 37°36'11" W** a distance of **25.39** feet to a COMPUTED POINT; thence with a bearing of **N 34°00'02" W** a distance of **25.89** feet to a COMPUTED POINT; thence with a bearing of **N 32°05'39" W** a distance of **24.72** feet to a COMPUTED POINT; thence with a bearing of **N 27°36'38" W** a distance of **26.31** feet to a COMPUTED POINT; thence with a bearing of **N 29°18'23" W** a distance of **13.26** feet to a COMPUTED POINT; thence with a bearing of **N 28°41'19" W** a distance of **51.85** feet to a COMPUTED POINT; thence with a bearing of **N 27°09'54" W** a distance of **104.55** feet to a IRON PIPE SET; which is the Point of beginning, containing approximately 175,840.87 square feet or 4.0367 acres, as shown on a survey entitled " Boundary Survey For Ashburn Development, LLC " by Daniel J. Burud, Professional Land Surveyor of Priest Craven and Associates, Inc. dated 10/18/2022.

Legal Description TRACT 2

COMMENCING at a IRON PIPE FOUND having coordinates of **N:713838.8111, E:2023762.5241E**; thence with a bearing of **N 02°48'41" E** a distance of **360.92** feet to a IRON PIPE FOUND; thence with a bearing of **N 66°29'35" E** a distance of **824.42** feet to a IRON PIPE FOUND; thence and along the Western Right of Way of Mount Zion Church Road with a bearing of **S 29°25'34" E** a distance of **12.05** feet to a COMPUTED POINT; thence with a bearing of **S 27°36'38" E** a distance of **28.74** feet to a COMPUTED POINT; thence with a bearing of **S 32°05'39" E** a distance of **28.07** feet to a COMPUTED POINT; thence with a bearing of **S 34°00'02" E** a distance of **28.78** feet to a COMPUTED POINT; thence with a bearing of **S 37°36'11" E** a distance of **29.18** feet to a COMPUTED POINT; thence with a bearing of **S 41°14'19" E** a distance of **28.49** feet to a COMPUTED POINT; thence with a bearing of **S 43°26'50" E** a distance of **54.62** feet to a COMPUTED POINT; thence with a bearing of **S 45°53'23" E** a distance of **54.73** feet to a COMPUTED POINT; thence with a bearing of **S 45°28'43" E** a distance of **53.19** feet to a COMPUTED POINT; thence with a bearing of **S 44°59'53" E** a distance of **53.48** feet to a COMPUTED POINT; thence with a bearing of **S 45°10'11" E** a distance of **26.59** feet to a COMPUTED POINT; thence with a bearing of **S 43°16'07" E** a distance of **25.82** feet to a COMPUTED POINT; thence with a bearing of **S 39°46'07" E** a distance of **25.44** feet to a COMPUTED POINT; thence with a bearing of **S 35°33'43" E** a distance of **24.72** feet to a COMPUTED POINT; thence with a bearing of **S 32°15'36" E** a distance of **25.41** feet to a COMPUTED POINT; thence with a bearing of **S 26°39'44" E** a distance of **24.07** feet to a COMPUTED POINT; thence with a bearing of **S 20°21'19" E** a distance of **23.32** feet to a COMPUTED POINT; thence with a bearing of **S 12°34'16" E** a distance of **23.56** feet to a COMPUTED POINT; thence with a bearing of **S 04°55'42" E** a distance of **23.24** feet to a COMPUTED POINT; thence with a bearing of **S 01°38'37" W** a distance of **24.73** feet to a COMPUTED POINT; thence with a bearing of **S 04°32'08" W** a distance of **3.05** feet to a IRON PIPE SET; thence with a bearing of **N 78°15'38" W** a distance of **361.61** feet to a IRON PIPE FOUND; thence with a bearing of **S 01°09'18" W** a distance of **290.68** feet to a IRON ROD FOUND; thence with a bearing of **N 88°08'03" W** a distance of **759.49** feet to a IRON PIPE FOUND; which is the Point of Beginning, containing approximately 491,617.13 square feet or 11.2860 acres, as shown on a survey entitled "Boundary Survey For Ashburn Development, LLC " by Daniel J. Burud, Professional Land Surveyor of Priest Craven and Associates, Inc. dated 10/18/2022.

ASHBURN

PROPOSED PLANNED UNIT DEVELOPMENT
APEX, NORTH CAROLINA

ORIGINAL SUBMITTAL JUNE 3,2024
RESUBMITTAL FEBRUARY 7, 2025
RESUBMITTAL MARCH 7, 2025
RESUBMITTAL APRIL 4, 2025
RESUBMITTAL MAY 2, 2025
RESUBMITTAL JUNE 6, 2025

Developer/Applicant:
Ashburn Development LLC
933 Old Knight Road, Knightdale N. Carolina
(919) 422-3933 - Mike Jordan - Mike.Jordan@jvmgmt.net

Master Planning/Authorized Agent:
Entitlement Preservation Group
275 North Pea Ridge Road, Pittsboro N. Carolina
(919) 625-9760 cwalker@epgrouponline.com

Engineering/Surveying
Priest Craven and Associates Inc
3803 B Computer Drive Suite 104, Raleigh N. Carolina
(919) 919-781-0300 PCA@PriestCraven.com Firm#: C-0488

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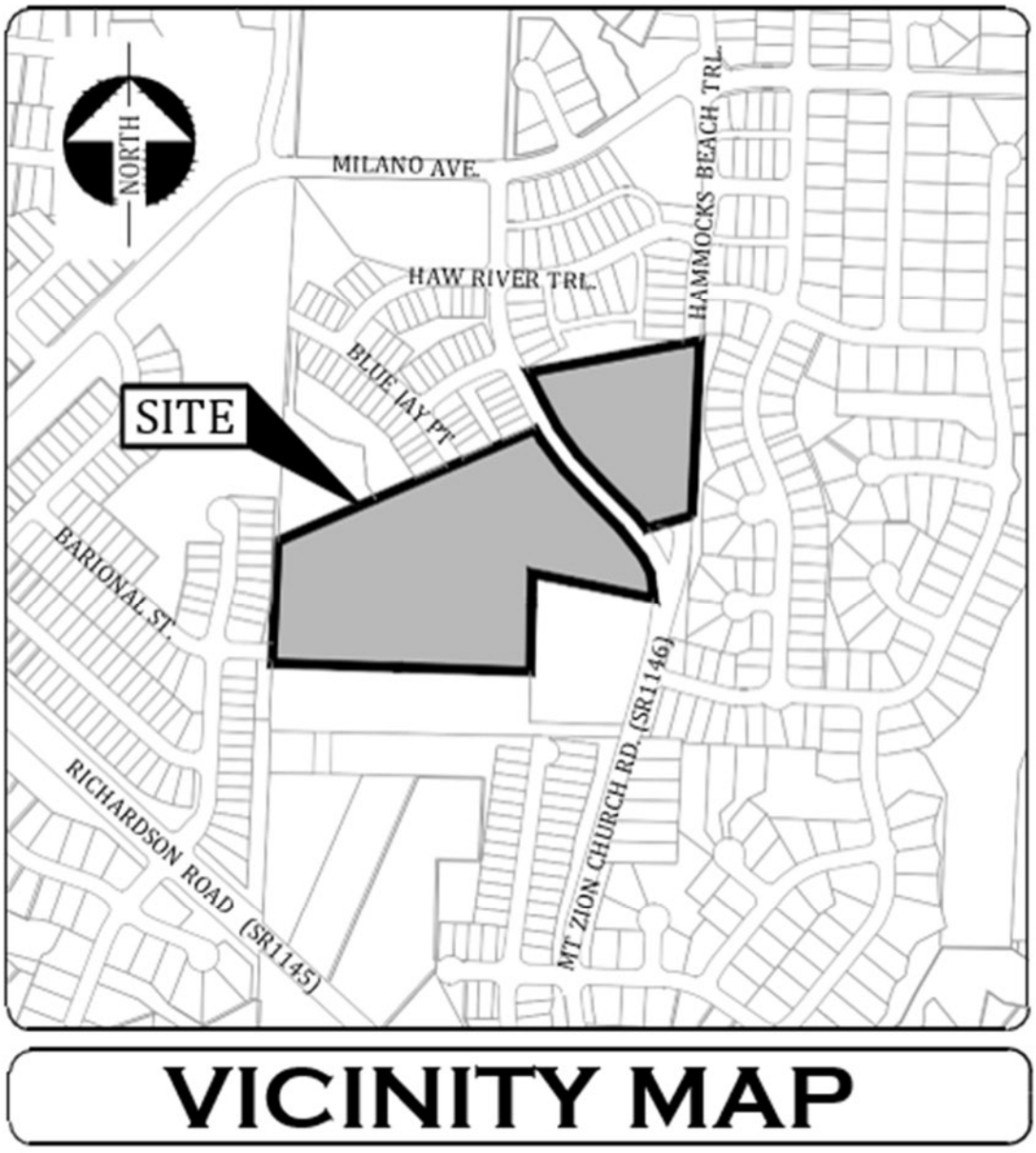
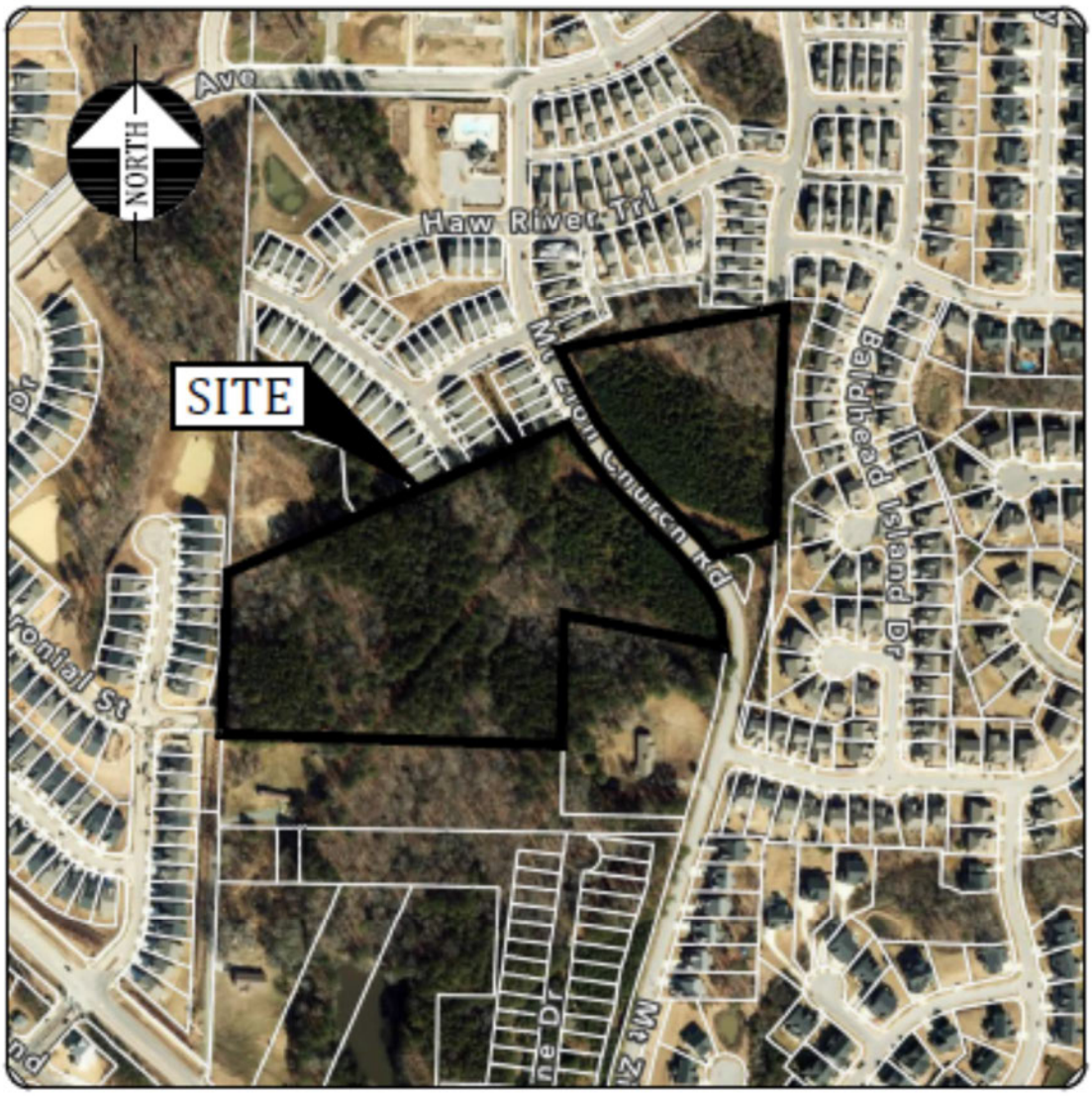
2.0 – Vicinity Maps



VICINITY MAP


NORTH
Haw River Trl
SITE
Mt Zion Church Rd
Beaufort Island Dr
Mt Zion

AERIAL MAP

3.0 –Overall PUD Data

Name of PUD	Ashburn
Property Owners	Anthony and Delois Richardson 1825 Car Creek Road Sanford, NC 27332
Prepared by	Entitlement Preservation Group 275 North Pea Ridge Road Pittsboro, N. Carolina 27312 919-625-9760 cwalker@epgrouponline.com Priest Craven and Associates Inc 3803 Computer Drive Suite 104 Raleigh, N. Carolina 27609 919-718-3800 PCA@PriestCraven.com
Developer	Ashburn Development LLC 933 Old Knight Road, Knightdale N. Carolina Mike.Jordan@jvmgmt.net
2045 LUM Designation	Medium Density Residential
Total Acreage	15.3
Area designated Mixed Use on LUM	none
Proposed Building Heights	Max 42 ft. Single Family Detached Max 45 ft. Townhomes
Watershed Protection Overlay	Primary, Jordan Lake Basin
Current Zoning	Rural Residential (RR)
Proposed Zoning	Planned Unit Development (PUD-CZ)
Site Address	0 Mt. Zion Church Road (both tracts)
Property Identification Number	0721448562 and 0721442048

4.0 Purpose Statement and PUD Standards

This document and the accompanying exhibits submitted herewith (collectively, the "PUD") are provided pursuant to the Town of Apex Unified Development Ordinance ("UDO") Planned Unit Development provisions. This PUD addresses the development of approximately 15.3 acres on Mt. Zion Church Road, near the intersection of Mt. Zion Church Road and Milano Avenue. The Properties are currently vacant.

Ashburn is a proposed Planned Unit Development in the Buckhorn Township in Apex, N. Carolina.

The tracts are surrounded on three sides by the existing Bella Casa and Buckhorn Preserve subdivisions that were constructed over the last 10 years and existing rural properties to the South. Currently, both Bella Casa and Buckhorn Preserve have a combination of townhomes and alley-loaded, single-family detached style lots.

The goals of the PUD, in return for greater flexibility in site design requirements, are to deliver exceptional quality community designs that preserve critical environmental resources; provide high-quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area, and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high-quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

Ashburn PUD will have both single-family detached, alley-loaded and townhomes in the community, it is designed to respect environmental features, extend existing development styles and have a well-connected pedestrian network. The PUD will match the density envisioned by the Medium Density Residential Land Use Map ("LUM") designation and will be generally consistent with the Apex Comprehensive Plan's ("Peak Plan") goals for accommodating a mix of housing types to serve the Town's growing and increasingly diverse population, as well as a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

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

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

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

RESPONSE: The Ashburn PUD will have both residential single-family detached and townhomes in the community. It is not shown as a mixed-use designation on the 2045 LUM.

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

RESPONSE: This PUD specifies intensity and dimensional standards for the PUD. The PUD's standards, which includes multiple pedestrian connections are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Ashburn will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code. The proposed PUD will comply with all applicable Supplemental Use Standards in UDO Section 4.4.

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

RESPONSE: Ashburn PUD will feature sidewalks throughout. Sidewalks will connect the PUD and the adjacent Bella Casa and Buckhorn Preserve neighborhoods improving pedestrian connectivity.

Specifically:
Transportation Plan, the proposed PUD street network, will require an amendment to the current Transportation Plan. Hammocks Beach Trail and Baronial Street extensions will now intersect Mt. Zion Church Road with a small roundabout as specified by the Town Staff.

Parks Plan, the PUD is not part of the current New Park Search Area, meaning the developers of the PUD will pay a fee-in-lieu for local improvements.

Greenway Plan, does not designate any extensions in the area; however, as part of the Transportation amendment, the cross section of Hammocks Beach Trail within the PUD will now include a ten-foot wide pedestrian path.

(v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is

not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

RESPONSE: The proposed street layout has been designed to enhance pedestrian and vehicular connectivity while protecting as much sensitive environmental features possible and being mindful of existing residential development. Generally, the Development will extend three existing streets: Hammocks Beach Trail, Blue Jay Point and Baronial Street and adding two direct connections to Mt. Zion Church Road. The Development will also provide a stub street to the southern property line.

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

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This PUD is surrounded by single-family lots, single family lots that are alley loaded and townhomes. This PUD will extend existing alley-loaded lots from Bella Casa and extend existing townhome areas from Buckhorn Preserve.
Ashburn PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 4.8 units/acre, together with the offered architectural conditions, will ensure the PUD is compatible with existing neighborhoods in the area.

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

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

5.0 Consistency with Conditional Zoning Standards

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

6.0 Proposed Design Controls

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

Residential Uses	
Single-Family	Permitted
Townhomes	Permitted
Accessory Apts.	
HOA shall not restrict the construction of ADU	Permitted
Recreational	
Parks, active	Permitted
Recreational, private facility	Permitted
Utilities	
Minor	Permitted

OVERALL

Total Project Area	15.3 Acres
Maximum Built-Upon Area	70%
Maximum Residential Units	74
Maximum Residential Density and Buffers)	4.8 Dwelling Units /AC (incl. RCA, ROW

SINGLE-FAMILY

Minimum Lot Size	3800 SQ. FT.
Minimum Lot Width	30 FT.
Minimum Lot Setbacks	
Front	10 FT.
Corner	8 FT.
Side	3 FT.
Rear	20 FT.
Rear Detached Garage	5 FT. from alley easement
Maximum Building Height	42 FT.
RCA	1.41 AC (35%)

TOWNHOME

Minimum Lot Size	1800 SQ. FT.
Minimum Lot Width	20 FT.
Minimum Lot Setbacks	
Front	20 FT.
Corner	12 FT.
Side	0 FT.
Rear	15 FT.
Min. Building Separation	8 FT.

Maximum Building Height	Up to 45 FT. from FFE to highest peak
RCA	3.39 AC (30%)
Minimum Buffer/RCA Setback	10 FT. buildings, 5FT. parking areas

7.0 Proposed Architectural Controls

Townhomes

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. The roofline cannot be a single mass; it shall be broken horizontally and vertically between, at a minimum, every other unit.

3. Garage doors shall have windows, decorative details or carriage-style adornments on them.

4. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

5. The garage cannot protrude more than 2 feet out from the front façade or front porch.

6. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

- Windows
- Bay window
- Recessed window
- Decorative window
- Trim around the windows
- Wrap around porch or side porch
- Two or more building materials
- Decorative brick/stone
- Decorative trim
- Decorative shake
- Decorative air vents on gable
- Decorative gable
- Decorative cornice
- Column

Portico
Balcony
Dormer

7. Building front facades shall have horizontal relief achieved by the use of recesses and projections.

8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

9. The rear and side elevations of the units that front on the public right-of-way shall have trim around the windows.

Single-Family Detached

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. The roof shall be pitched at 5:12 or greater for 50% of the building designs.

3. Eaves shall project at least 12 inches from the wall of the structure.

4. Garage doors shall have windows, decorative details or carriage-style adornments on them.

5. The garage, if used, shall be accessed by a rear alley, regardless whether it is attached or detached.

6. Garages, if used, will front and be limited to access to public rear alleys.

7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
   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

8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

9. The rear and side elevations of the units that front on public right-of-way shall have trim around the windows.

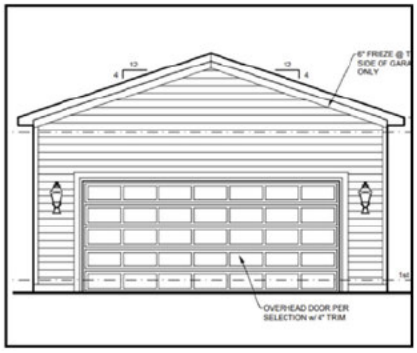
8.0 Conceptual Building Elevations

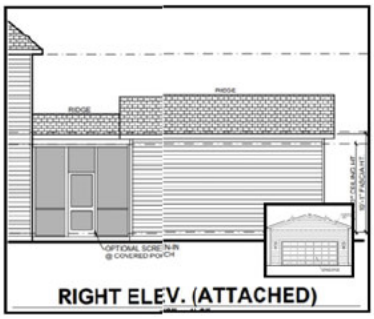
While building elevations are conceptual, actual elevations shall be substantially consistent with those provided.

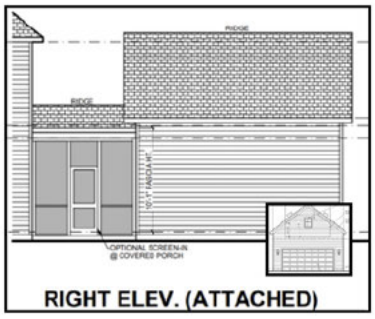
Townhomes

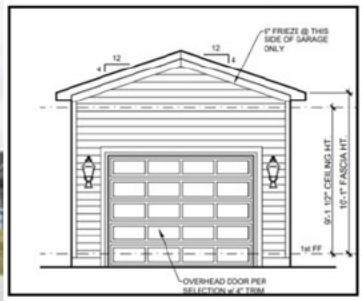
Single-Family Detached

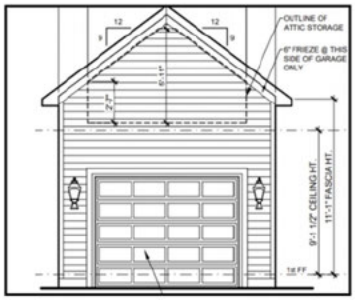
Detached Garage Units

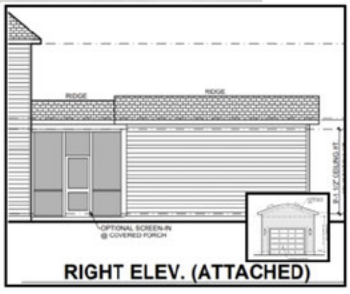


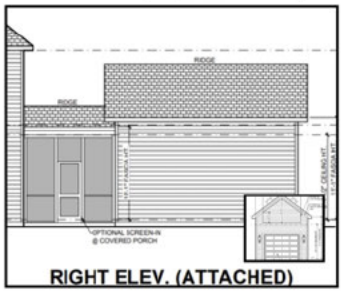












9.0 Proposed Parking

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

10.0 Proposed Signage

Signage shall comply with UDO Section 8.7.

In addition, the PUD shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), sidewalks, or side paths.

11.0 Natural Resource and Environmental Data

The Property is within the Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

RESOURCE CONSERVATION AREA (RCA)
The PUD will be mass graded, it shall designate a minimum of 30% of the Property as RCA on the townhome portion of the PUD and 35% on the single-family portion.

FLOODPLAIN
The PUD is not located in a designated current or future 100-year floodplain as shown on the Town of Apex's Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072100K with an effective date of July 19, 2022.

HISTORIC STRUCTURES
There are no known historic structures present on the Property.

ENVIRONMENTAL COMMITMENTS SUMMARY
The following environmental conditions shall apply to the Development:

- The PUD shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to,

but outside of public property and/or public easement(s), sidewalks, or side paths.

- The PUD shall install at least three (3) pet waste stations units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.

- The PUD shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.

- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25-year storm events.

- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.

- No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road crossings, utility infrastructure, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The grading shall be designed to minimize impacts to the riparian buffer.

- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on Single-family lots, Townhome lots, or street lighting.

- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.

- The PUD shall preserve at least 15% of existing tree canopy.

- At least 50% of the total units shall include solar conduit in building design.

- The developer shall install at least 2 electric vehicle charging stations in common area parking lots.

- All homes shall have a 220/240 outlet in garages for electric vehicle charging.

- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall not restrict clover lawns throughout the neighborhood.

- Homeowner Association covenants shall not restrict solar panel installation throughout the neighborhood.

12.0 Stormwater Management

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25-year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The PUD shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

13.0 Parks, Recreation and Cultural Resources Commission

This PUD was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on 10/30/24, and a fee-in-lieu of dedication was recommended.

Single-family detached Units: $ 4,244.42 x 21 = $ 89,132.82

Townhome Units: $ 2,858.65 x 51 = $ 145,791.15

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

14.0 Public Facilities

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

Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE
Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

The planting in the proposed Roundabout will replace the requirement of the entrance landscape median.

TRANSPORTATION IMPROVEMENTS
The following conditions regarding transportation improvements apply. Access and improvements proposed along NCDOT roadways are subject to Town of Apex and NCDOT review and approval at the time of site and subdivision plans.

1. Developer shall extend Baronial Street from its existing stub to Mt Zion Church Rd as a Residential Street typical section, a 27-foot-wide curb and gutter street, and dedicate a 50-foot-wide right of way, with 5-foot-wide sidewalks on both sides.
2. Developer shall construct and dedicate right of way for a Residential Street stub street from Baronial Street to Parcel PIN 0721436885.
3. Developer shall extend Blue Jay Point from its existing stub to Baronial St as a Residential Street typical section, a 27-foot-wide curb and gutter street, and dedicate a 50-foot-wide right of way, with 5-foot-wide sidewalks on both sides.
4. Developer shall extend Hammocks Beach Trail based on a Minor Collector Street typical section, a 27-foot-wide curb and gutter street, and dedicate a reduced (50-foot-wide) right of way, with a 5-foot-wide sidewalk on the east side and 10-foot-wide Side Path on the west side.
5. Developer shall construct a single-lane, four legged mini roundabout at the intersection of Mt Zion Church Rd and the extensions of Hammocks Beach Trail and Baronial Street.
6. Developer shall construct improvements and dedicate right of way along Mt. Zion Church Road, for the entire project frontage, is based on a Residential Street typical section north of the mini-roundabout and based on the Minor Collector Street typical section south of the mini-roundabout. North of the mini-roundabout Developer shall construct 5-foot-wide sidewalks on both sides. South of the mini-roundabout Developer shall construct a 5-foot-wide sidewalk on the west side and a 10-foot-wide Side Path on the east side.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer. A conceptual utility plan is included in the PUD Concept Plan for reference. An exception will be needed that the Water Main along Mt. Zion will be installed within the NCDOT right-of-way.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

15.0 Phasing Plan

The PUD will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

16.0 Consistency with Land Use Plan

The PUD proposes density than is recommended by the Medium Density Residential Land Use Map designation, it is generally consistent with the goals of the 2045 Land Use Map. The Medium Density Residential designation recommends “single-family and townhome residential uses” that will extend existing similar development/ The proposed maximum density of 4.8 units/acre is consistent with recommended density for Medium Density Residential, as defined in the Comp Plan. The PUD, together with conditions of this PUD, will extend a mixture of single-family and townhome housing, and providing more pedestrian connections.

- Protection of environmental and natural resources.
- A variety of housing types are available to a range of incomes.
- Extend medium density residential uses

17.0 Compliance with UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Ashburn. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

ASHBURN

APEX, NC

REZONING: 24CZ10

VERTICAL DATUM - NAVD88
HORIZONTAL DATUM - NAD83

PLANNED UNIT DEVELOPMENT PLAN DRAWINGS FOR A MEDIUM DENSITY RESIDENTIAL DEVELOPMENT

PROJECT STATISTICS

PROPERTY OWNER	ANTHONY & DELOIS RICHARDSON 1825 CAR CREEK RD. SANFORD, NC 27332
DEVELOPER	ASHBURN DEVELOPMENT, LLC 933 OLD KNIGHT ROAD KNIGHTDALE, NC 27545
APPLICANT	ENTITLEMENT PRESERVATION GROUP 275 NORTH PEA RIDGE RD PITTSBORO, NC 27312
EXISTING USE	VACANT
PROPOSED USE(S)	SINGLE FAMILY, TOWNHOUSE
EXISTING ZONING	RR
PROPOSED ZONING	PUD-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
WATERSHED PROTECTION OVERLAY DISTRICT	PRIMARY
RIVER BASIN	CAPE FEAR
FEMA FLOOD PANEL *THIS SITE DOES NOT CONTAIN FEMA DESIGNATED FLOOD ZONES*	2100K
HISTORIC STRUCTURES LOCATED ON SITE	NONE

AREA CALCULATIONS

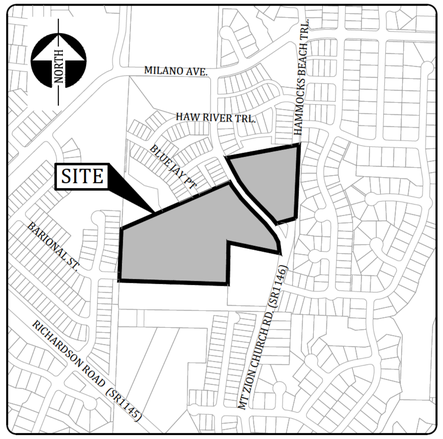
AREA DESIGNATED AS MIXED USE ON 2045 LAND USE MAP	NA/0.00 AC
AREAS OF MIXED USE PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	0.00 AC/0%
GROSS AREA OF PROJECT BASED ON SURVEY	15.32 AC
AREA IN TRACT 1 (SINGLE FAMILY)	4.03 AC
AREA IN TRACT 2 (TOWNHOMES)	11.29 AC
PLAY AREA REQUIRED (0.006 AC PER D.U., 0.3 AC MIN.)	0.006 AC PER DWELLING UNIT, 0.3 AC MINIMUM
RESOURCE CONSERVATION AREA REQUIRED OVER ENTIRE DEVELOPMENT	*30% PER 8.1.2.C 4.80 AC
AREA REQUIRED IN SINGLE FAMILY TRACT	35% 1.41 AC
AREA REQUIRED IN TOWNHOME TRACT	30% 3.39 AC
*5% ADDITIONAL RCA REQUIRED FOR SINGLE FAMILY TRACT PER 7.2.5.B.8	
MAXIMUM BUILT UPON AREA	70% 10.72 AC

BUILDING SETBACK REQUIREMENTS

SINGLE FAMILY (REAR ALLEY) SETBACKS		TOWNHOUSE SETBACKS	
FRONT	10'	FRONT	20'
CORNER	8'	CORNER	12'
SIDE	3'	SIDE	0'
REAR	20'	REAR	15'
REAR DETACHED GARAGE	5'	MIN. BUILDING SEPARATION	8'

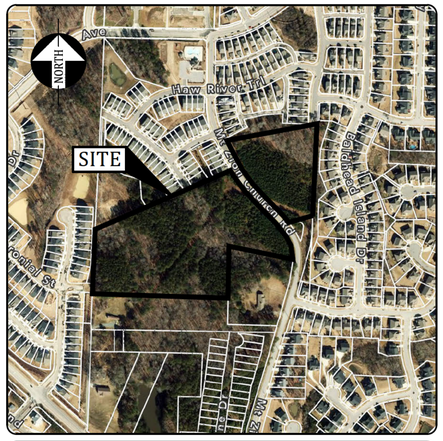
FROM BUFFER OR RCA 10'

MAXIMUM ALLOWABLE BUILDING HEIGHT
UP TO 42' FOR DETACHED SINGLE FAMILY HOMES
UP TO 45' FROM FFE TO HIGHEST PEAK FOR TOWNHOMES



VICINITY MAP

1"= 500'



AERIAL MAP

1"= 400'

PARKS AND RECREATION SITE DATA TABLE

DATE REVIEWED BY PRCR ADVISORY COMMISSION: 10/30/2024

☒ **FEE-IN-LIEU OF DEDICATION:**

21	SINGLE-FAMILY DETACHED UNITS X $4,244.42 PER UNIT =	$ 89,132.82
51	SINGLE-FAMILY ATTACHED UNITS X $2,858.65 PER UNIT =	$ 145,791.15
0	MULTI-FAMILY UNITS X $2,516.93 PER UNIT =	$
	TOTAL FEE-IN-LIEU:	$ 234,923.97

☐ **ACRES OF LAND DEDICATION** _____

☐ **PUBLIC GREENWAY TRAIL CONSTRUCTION** YES ☐ NO ☒

SHEET LIST

SHEET #	SHEET TITLE
PD0.0	COVER SHEET
PD1.0	EXISTING CONDITIONS PLAN
PD2.0	PRELIMINARY LAYOUT AND UTILITY PLAN

DEVELOPER

ASHBURN DEVELOPMENT, LLC
933 OLD KNIGHT ROAD
KNIGHTDALE, NC 27545

APPLICANT

ENTITLEMENT PRESERVATION GROUP
CHARLES R. WALKER III, PLA
275 NORTH PEA RIDGE ROAD
PITTSBORO, NORTH CAROLINA 27312
PHONE: 919-625-9760
EMAIL: CWALKER@EPGROUPONLINE.COM

PLANS PREPARED BY:

PRIEST, CRAVEN & ASSOCIATES, INC.
PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803 - B COMPUTER DRIVE, SUITE 104, RALEIGH, N.C. 27609
PHONE 919 / 781-0300 FAX 919 / 782-1288
EMAIL PCA@PRIESTCRAVEN.COM FIRM#: C-0488

GENERAL NOTES:

1. BOUNDARY INFORMATION IS TAKEN FROM A SURVEY BY THIS OFFICE.
2. SITE TOPOGRAPHIC INFORMATION IS TAKEN FROM A COMBINATION OF DATA FROM A SURVEY PERFORMED BY THIS OFFICE AND TOWN OF APEX LIDAR DATA.
3. PLANEMETRIC AND TOPOGRAPHIC INFORMATION FOR AREAS OUTSIDE OF THIS SITE ARE TAKEN FROM TOWN OF APEX AND WAKE COUNTY GIS INFORMATION.
4. THERE ARE NO FEMA DESIGNATED FLOOD ZONES LOCATED ON THIS PROPERTY PER FEMA MAP 3720072100K, DATED 7/19/22.
5. FLOODPLAIN INFORMATION IS TAKEN FROM A FLOOD STUDY PREPARED BY PRIEST, CRAVEN & ASSOCIATES, INC. AND SUBMITTED WITH THE MASTER SUBDIVISION PLAN STORMWATER IMPACT ANALYSIS, SCM DESIGN CALCULATIONS AND FLOOD STUDY.
6. EXISTING UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL EXISTING ABOVE AND BELOW GROUND UTILITY FIELD LOCATION PRIOR TO ANY CONSTRUCTION.
7. NO NEW BUFFER IMPACTS SHALL OCCUR PRIOR TO APPROVAL FROM NCDEQ.
8. WETLAND AND STREAM BUFFER LOCATIONS ARE SUBJECT TO FIELD VERIFICATION.

UTILITY EXCEPTION TABLE

The following items have been approved as exceptions for this drawing by the Town of Apex Department Director(s), and to the best of my knowledge and belief, this drawing conforms to the requirements established by the Director(s) allowing deviation from the Standard Specifications and Standard Details of the Town of Apex. The signature below represents that the requesting Engineer has been granted a variance ONLY for the items listed. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

APPROVED EXCEPTION	DIRECTOR GRANTING EXCEPTION
1.	
2.	
3.	

By: _____ Date: _____
Requesting Engineer

PROPOSED SEWER FLOWS:

NUMBER OF SINGLE FAMILY HOMES:	51 UNITS
NUMBER OF TOWNHOMES:	21 UNITS
AVG DAILY FLOW PER HOME:	300 GPD/UNIT
TOTAL AVERAGE DAILY FLOW:	21,600 GPD (15.0 GPM)

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 040144 THOMAS F. CRAVEN

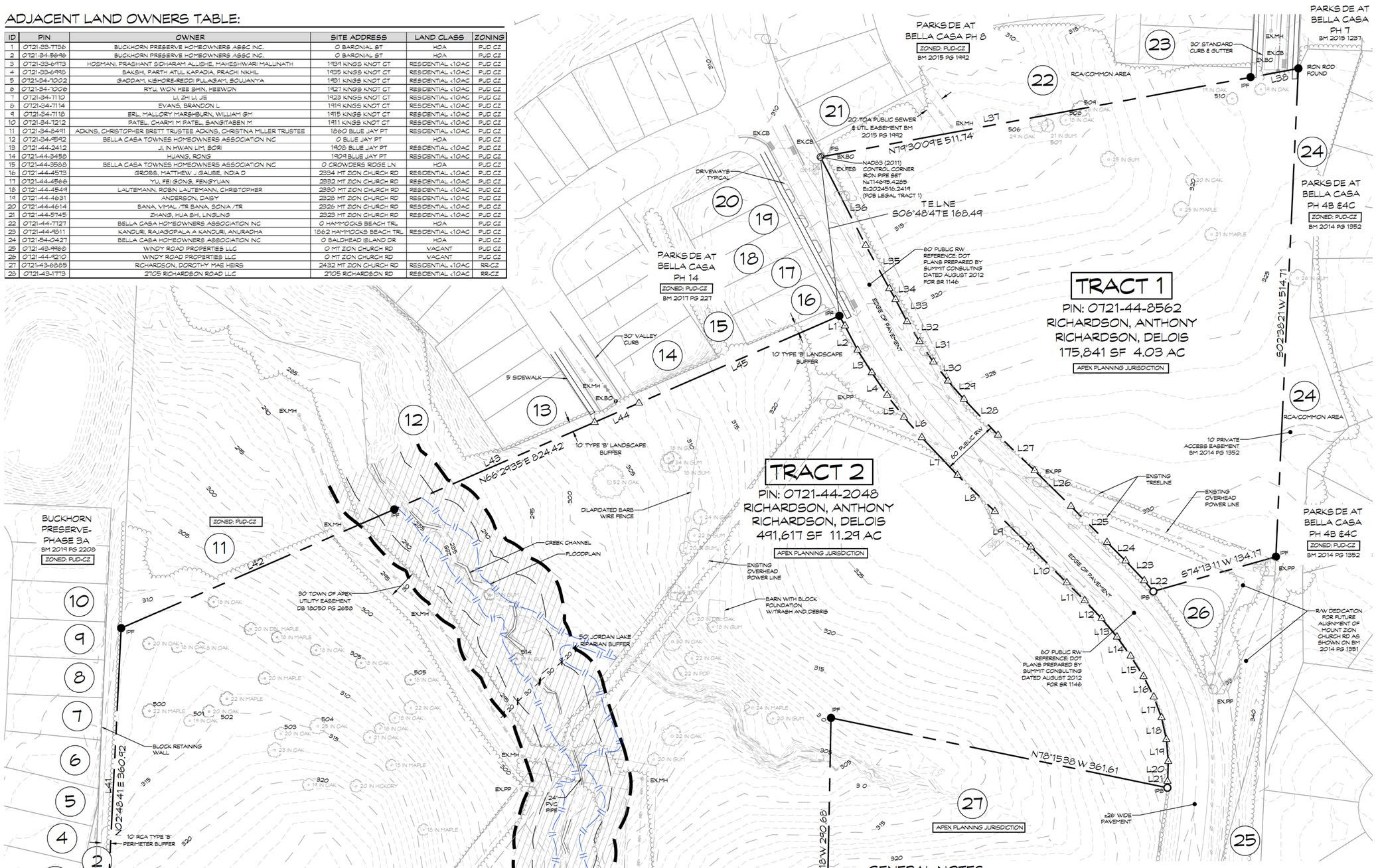
PRELIMINARY FOR REVIEW ONLY

REVISIONS:	SUBMITTAL DATE:	6/3/2024	
REVISION 1	TOWN STAFF REVIEW:	2/7/2025	SHEET #
REVISION 2	TOWN STAFF REVIEW:	3/7/2025	
REVISION 3	TOWN STAFF REVIEW:	4/4/2025	
REVISION 4	TOWN STAFF REVIEW:	5/2/2025	
REVISION 5	TOWN STAFF REVIEW:	6/5/2025	PD0.0
RELEASED FOR CONSTRUCTION DATE:		NOT RELEASED	

24CZ10

ADJACENT LAND OWNERS TABLE:

ID	PIN	OWNER	SITE ADDRESS	LAND CLASS	ZONING
1	0721-33-7736	BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	0 BARONIAL ST	HOA	PUD CZ
2	0721-34-5646	BUCKHORN PRESERVE HOMEOWNERS ASSC INC.	0 BARONIAL ST	HOA	PUD CZ
3	0721-33-6713	HOSMANI, PRASHANT SIDHARAM ALLISHE; MAHESHWARI MALLINATH	1934 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
4	0721-33-6995	BAKSHI, PARTH ATUL KAPADIA, PRACHI NIKHIL	1935 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
5	0721-34-7002	GADDAM, KISHORE-REDDY PULAGAM, SOUJANYA	1951 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
6	0721-34-7006	RYU, WON HEE SHIN, HEEWON	1927 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
7	0721-34-7110	LI, ZHI LI, JE	1923 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
8	0721-34-7114	EVANS, BRANDON L	1919 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
9	0721-34-7116	ERL, MALLORY MARSHBURN, WILLIAM GM	1915 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
10	0721-34-7212	PATEL, CHARMI M PATEL, SANGITABEN M	1911 KINGS KNOT CT	RESIDENTIAL <10AC	PUD CZ
11	0721-34-6441	ADKINS, CHRISTOPHER BRETT TRUSTEE ADKINS, CHRISTINA MILLER TRUSTEE	1860 BLUE JAY PT	RESIDENTIAL <10AC	PUD CZ
12	0721-34-5542	BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	0 BLUE JAY PT	HOA	PUD CZ
13	0721-44-2412	JI, N HWAN LIM, SORI	1909 BLUE JAY PT	RESIDENTIAL <10AC	PUD CZ
14	0721-44-3456	HUANG, RONG	1909 BLUE JAY PT	RESIDENTIAL <10AC	PUD CZ
15	0721-44-3568	BELLA CASA TOWNES HOMEOWNERS ASSOCIATION INC	0 CROWDERS RIDGE LN	HOA	PUD CZ
16	0721-44-4573	GROSS, MATTHEW J; GAUSE, INDIA D	2334 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
17	0721-44-4566	YU, FEI GONG, FENGYUAN	2332 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
18	0721-44-4549	LAUTEMANN, ROBIN LAUTEMANN, CHRISTOPHER	2330 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
19	0721-44-4631	ANDERSON, DAISY	2328 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
20	0721-44-4614	BANA, VIMAL /TR BANA, SONIA /TR	2326 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
21	0721-44-5745	ZHANG, HUA SHI, LINGLING	2323 MT ZION CHURCH RD	RESIDENTIAL <10AC	PUD CZ
22	0721-44-7121	BELLA CASA HOMEOWNERS ASSOCIATION INC	0 HAMMOCKS BEACH TRL	HOA	PUD CZ
23	0721-44-4611	KANDURI, RAJAGOPALA A KANDURI, ANURADHA	1862 HAMMOCKS BEACH TRL	RESIDENTIAL <10AC	PUD CZ
24	0721-54-0421	BELLA CASA HOMEOWNERS ASSOCIATION INC	0 BALDHEAD ISLAND DR	HOA	PUD CZ
25	0721-43-9968	WINDY ROAD PROPERTIES LLC	0 MT ZION CHURCH RD	VACANT	PUD CZ
26	0721-44-4210	WINDY ROAD PROPERTIES LLC	0 MT ZION CHURCH RD	VACANT	PUD CZ
27	0721-43-6885	RICHARDSON, DOROTHY MAE HEIRS	2432 MT ZION CHURCH RD	RESIDENTIAL <10AC	RR-CZ
28	0721-43-1773	2705 RICHARDSON ROAD LLC	2705 RICHARDSON RD	RESIDENTIAL <10AC	RR-CZ


PARKS DE AT BELLA CASA PH 8
ZONED: PUD-CZ
BM 2015 PG 1992
PARKS DE AT BELLA CASA PH 7
BM 2015 1237
PARKS DE AT BELLA CASA PH 14
ZONED: PUD-CZ
BM 2017 PG 227
PARKS DE AT BELLA CASA PH 4B &4C
ZONED: PUD-CZ
BM 2014 PG 1352
BUCKHORN PRESERVE- PHASE 3A
BM 2019 PG 2208
ZONED: PUD-CZ
TRACT 1
PIN: 0721-44-8562
RICHARDSON, ANTHONY
RICHARDSON, DELOIS
175,841 SF 4.03 AC
APEX PLANNING JURISDICTION
TRACT 2
PIN: 0721-44-2048
RICHARDSON, ANTHONY
RICHARDSON, DELOIS
491,617 SF 11.29 AC
APEX PLANNING JURISDICTION
RCA/COMMON AREA
20' TOA PUBLIC SEWER & UTIL EASEMENT BM 2015 PG 1992
NAD83 (2011) CONTROL CORNER IRON PIPE SET N=714645.4285 E=2024516.2419 (POB LEGAL TRACT 1)
TIE LINE S06°48'47"E 168.49
60' PUBLIC R/W REFERENCE: DOT PLANS PREPARED BY SUMMIT CONSULTING DATED AUGUST 2012 FOR SR 1146
10' TYPE 'B' LANDSCAPE BUFFER
5' SIDEWALK
30" VALLEY CURB
EDGE OF PAVEMENT
10' PRIVATE ACCESS EASEMENT BM 2014 PG 1352
EXISTING TREELINE
EXISTING OVERHEAD POWER LINE
DILAPIDATED BARB WIRE FENCE
CREEK CHANNEL
FLOODPLAIN
50' JORDAN LAKE RIPARIAN BUFFER
30' TOWN OF APEX UTILITY EASEMENT DB 18050 PG 2658
BARN WITH BLOCK FOUNDATION W/TRASH AND DEBRIS
24" PVC PIPE
BLOCK RETAINING WALL
10' RCA TYPE 'B' PERIMETER BUFFER
25' TEMPORARY CONSTRUCTION EASEMENT TO EXPIRE UPON COMPLETION OF ANY FUTURE ROADWAY EXTENTION
IRON PIPE FOUND (POB LEGAL TRACT 2) N=713838.8117 E=2023162.5241
OLD DILAPIDATED BARB WIRE FENCE ENCROACHES ONTO ADJOINER
60' EASEMENT DB 2 9 PG 87
AREA OF POTENTIAL JURISDICTIONAL WETLANDS
IRON ROD FOUND
R/W DEDICATION FOR FUTURE ALIGNMENT OF MOUNT ZION CHURCH RD AS SHOWN ON BM 2014 PG 1351
60' PUBLIC R/W REFERENCE DOT PLANS PREPARED BY SUMMIT CONSULTING DATED AUGUST 2012 FOR SR 1146
±26' WIDE PAVEMENT
N78°15'38"W 361.61
S01°09'13"W 240.68
S02°38'21"W 514.71
S74°13'11"W 134.17
N66°29'35"E 824.42
N88°08'03"W 759.49
N02°46'41"E 360.92
APEX PLANNING JURISDICTION
EX.MH
EX.CB
EX.PP
EX.FES
IPS
IPF
PP
DRIVEWAYS TYPICAL
BLOCK RETAINING WALL
5' PUBLIC UTILITY EASEMENT
30" STND. C&G
21 IN OAK
18 IN OAK
20 IN MAPLE
22 IN MAPLE
20 IN GUM
22 IN POP
20 IN HICKORY
18 IN GUM
25 IN GUM
20 IN OAK
25 IN MAPLE
21 IN MAPLE
26 IN GUM
32 IN OAK
18 IN MAPLE
20 IN DBL MAPLE
24 IN MAPLE
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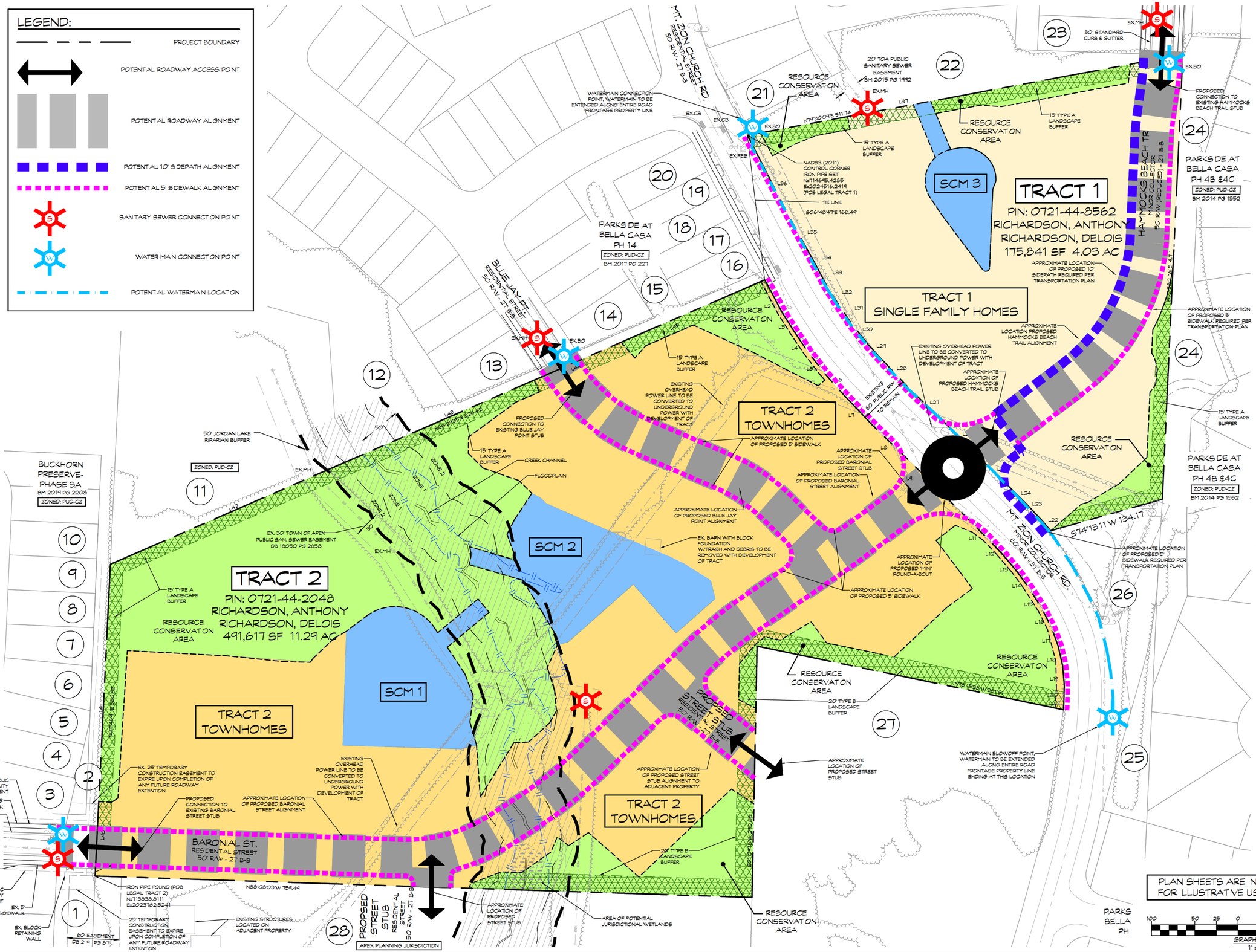
18 IN GUM



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7. NO NEW BUFFER IMPACTS SHALL OCCUR PRIOR TO APPROVAL FROM NCDEQ.
8. WETLAND AND STREAM BUFFER LOCATIONS ARE SUBJECT TO FIELD VERIFICATION.
9. FINAL LOCATION OF DEVELOPMENT ACCESS AND STREET STUB LOCATIONS TO BE COORDINATED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
8. FINAL LOCATION OF OPEN SPACE, RESOURCE CONSERVATION AREAS, AND PLAY LAWN TO BE COORDINATED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
9. ALL PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN TO BE COORDINATED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
10. REFER TO PD TEXT DOCUMENTS FOR A DETAILED LISTING OF ALLOWABLE USES, DESIGN INFORMATION STANDARDS, AND ZONING CONDITIONS.
11. ALL CONSTRUCTION AND MATERIALS TO BE IN STRICT ACCORDANCE WITH THE ACCEPTED POLICIES OF THE TOWN OF APEX, AND UNLESS SPECIFIED, DEFERS TO THE NC DEPT. OF TRANSPORTATION (NCDOT) STANDARDS, SPECIFICATION, AND DETAILS.
12. THIS PROJECT SHALL UTILIZE FULL TOWN SERVICES - WATER, SEWER, AND ELECTRICITY.
13. THIS PROJECT SHALL NOT UTILIZE PRIVATE SEWAGE DISPOSAL (SEPTIC SYSTEM).
14. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF SEE MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT.
15. TREE PROTECTION FENCING MUST BE PLACED:
    a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
    b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
    c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
16. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

UTILITY NOTES:

1. ALL DEVELOPMENT / REZONING PLANS MUST MEET THE NEW / CURRENT TOWN OF APEX MASTER WATER AND SEWER PLANS. REZONING OR NEW SITE DEVELOPMENT PLANS DO NOT GUARANTEE THE UTILITY LOCATION, ALIGNMENTS, AND DESIGN FOR TOWN APPROVAL. UTILITY DESIGNS WILL BE SUBJECT TO CHANGE UNTIL CONSTRUCTION DESIGNS ARE APPROVED.
2. THIS PLAN SET WILL BE UNDER THE NEW 2024 SPEC (EFFECTIVE DATE: JUNE 11, 2024), SINCE THIS PLAN WAS NOT INCEPTED BEFORE THE EFFECTIVE DATE.
3. ANY REQUESTED UTILITY EXCEPTION MUST BE FILED ON THE EXCEPTION FORM THAT IS LOCATED IN THE CD PROJECT PACKET. NO EXCEPTIONS WILL BE APPROVED UNLESS THIS FORM(S) IS COMPLETED AND SIGNED BY TOWN ADMINISTRATION.
4. IN PREPARING ENGINEERING DESIGN PLANS, ALL ELEVATIONS SHALL BE TIED TO NGRID SYSTEM AND THE BENCHMARK SHALL BE DESCRIBED ON THE PLANS. A FIELD SURVEY OF ALL WATERWAYS AND WATERBODIES WITHIN PROJECT AREA MUST BE PERFORMED, INCLUDING BUT NOT LIMITED TO: CREEKS, STREAMS, RIVERS, LAKES, PONDS, DITCHES, AND CULVERTS. SURVEY MUST INCLUDE ADEQUATE POINTS TO ACCURATELY REPRESENT THE CROSS SECTION OF THE WATERWAY/WATERBODY, I.E. TOP OF BANK, TOE, CENTERLINE, ETC. 700-2 TOWN OF APEX STANDARD SPECIFICATIONS AND DETAILS: ADOPTED FEBRUARY 23, 2021

HATCH LEGEND

- SINGLE FAMILY HOME AREA
- TOWNHOME AREA
- RESOURCE CONSERVATION AREA
- PERIMETER BUFFER AREA
- STORMWATER CONTROL MEASURE AREA

ASHBURN

PLANNED UNIT DEVELOPMENT REZONING PLANS

APEX NC — WAKE NORTH CAROLINA

SCALE	1"=50'
DATE	JUNE 3 2024
PROJECT NUMBER	2022-008.001
CLIENT	ENTITLEMENT PRESERVATION GROUP
PLAN TYPE	PRELIMINARY

PRELIMINARY LAYOUT AND UTILITY PLAN

OWNER COMMENTS	2.7.2025
OWNER COMMENTS	3.7.2025
OWNER COMMENTS	4.4.2025
OWNER COMMENTS	5.2.2025
OWNER COMMENTS	6.5.2025

RELEASED FOR CONSTRUCTION DATE (SEE COVER) ■ NO ☐ YES

PRIEST, CRAVEN & ASSOCIATES, INC.
LAND USE CONSULTANTS PLANNERS / LANDSCAPE DESIGNERS / SURVEYORS / ENGINEERS
3803 - B Computer Drive, Suite 104 Raleigh, N.C. 27609 . Phone 919 / 781-0300 . Fax 919 / 782-1288 . Email PCA@PriestCraven.com / Firm #: C-0488

SHEET # PD2.0

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 12, 2025

Item Details

Presenter(s): Jenna Shouse, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion to amend the Apex Transportation Plan to modify planned bicycle facilities along New Hill Olive Chapel Road in the vicinity of US 64.

Approval Recommended?

Planning Department staff; Parks, Recreation, and Cultural Resources Department staff; and Transportation Infrastructure and Development Department staff recommend approval of the proposed amendments.

Item Details

The purpose of this hearing is to consider amendments to the Bicycle and Pedestrian System Plan Map of the Apex Transportation Plan along New Hill Olive Chapel Road in the vicinity of US 64. The amendments include: (1) Adding proposed side path between New Hill Road and Amberlight Road, and (2) Removing proposed paved shoulder between New Hill Road and US 64. These amendments are associated with Apex Gateway Phase 2C.

Attachments

- PH3-A1: Staff Report - Apex Transportation Plan Amendments - New Hill Olive Chapel Road
- PH3-A2: Planning Board Report to Town Council - Apex Transportation Plan Amendments - New Hill Olive Chapel Road

The Bicycle and Pedestrian System Plan Map (Plan) represents a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, and recreation. The Plan does not require a schedule for implementation, nor does it set aside funding for improvements. Instead, it helps the Town establish long term priorities and identify requirements for new development. The Plan was last amended on May 27, 2025.

The purpose of the public hearing is to consider amendments to the Bicycle and Pedestrian System Plan Map along New Hill Olive Chapel Road to make a decision.

A map of the proposed Plan amendments are displayed in Figure 1.

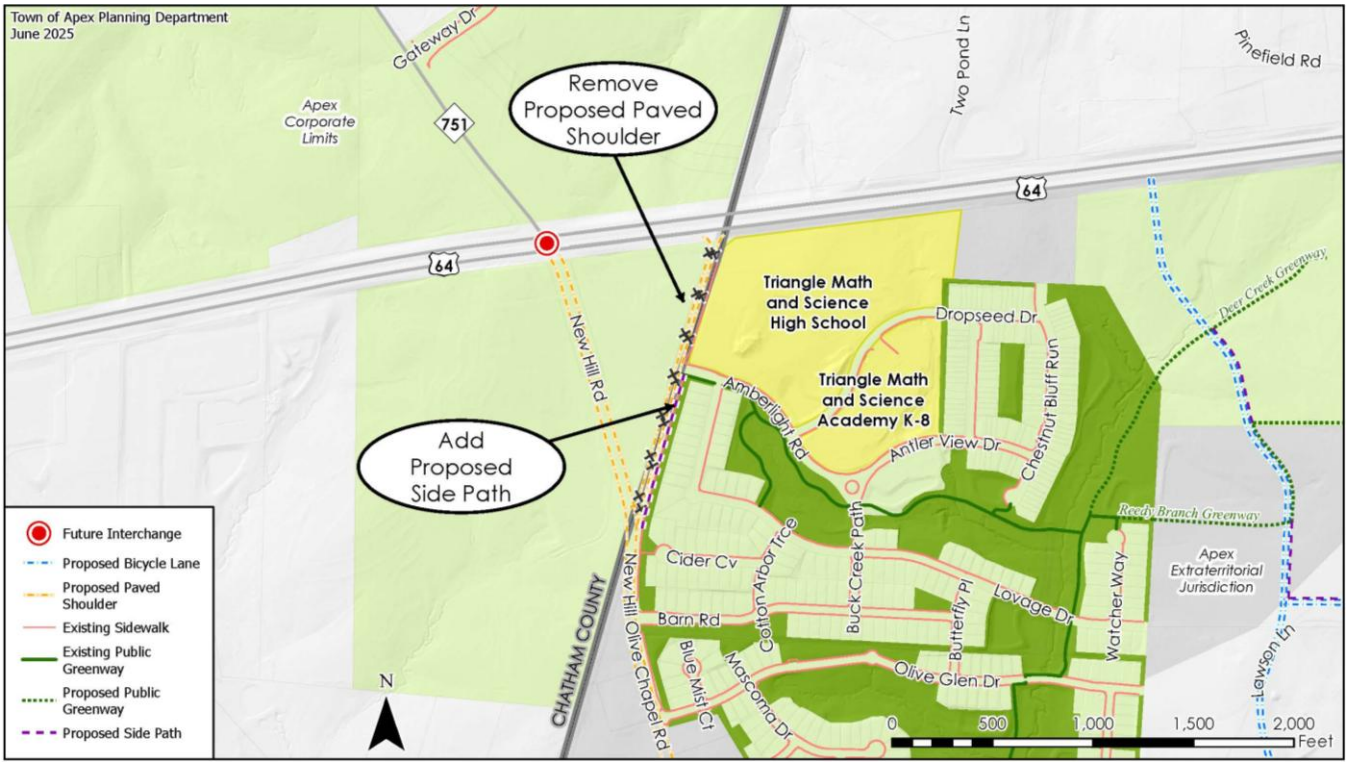


Figure 1. Proposed amendments to the Bicycle and Pedestrian System Plan Map

Explanation of Proposed Amendments
The proposed amendments to the Plan are associated with Apex Gateway – Phase 2C. This development plans to reconstruct New Hill Olive Chapel Road between New Hill Road and US 64, as displayed in Figure 2.

<u>Add Proposed Side Path</u>
The addition of side path is proposed along the east side of New Hill Olive Chapel Road between New Hill Road and Amberlight Road to provide an off-road bicycle and pedestrian connection to the existing greenway and sidewalk along Amberlight Road that connects to the Triangle Math and Science Academy K-8 and High School. This would replace the paved shoulder treatment, which is typically used in rural contexts, and is no longer applicable to this section of New Hill Olive Chapel Road, which is an entry to the Triangle Math and Science

Academy and a residential neighborhood. The proposed side path is displayed on the Apex Gateway – Phase 2C Construction Drawing Submittal in Figure 2.

Remove Proposed Paved Shoulder

While New Hill Road continues north of US 64 as NC 751, New Hill Olive Chapel Road dead ends at US 64. Bicycle facilities are not planned along US 64 due to safety concerns associated with the high-speed vehicular traffic and conflicts with future interchanges. Given the proposed addition of side path to New Hill Olive Chapel Road, and the lack of a connecting bicycle facility to the north, it is recommended to remove the proposed paved shoulder from this roadway. Proposed Paved Shoulder is maintained along New Hill Road and along New Hill Olive Chapel Road, south of New Hill Road.

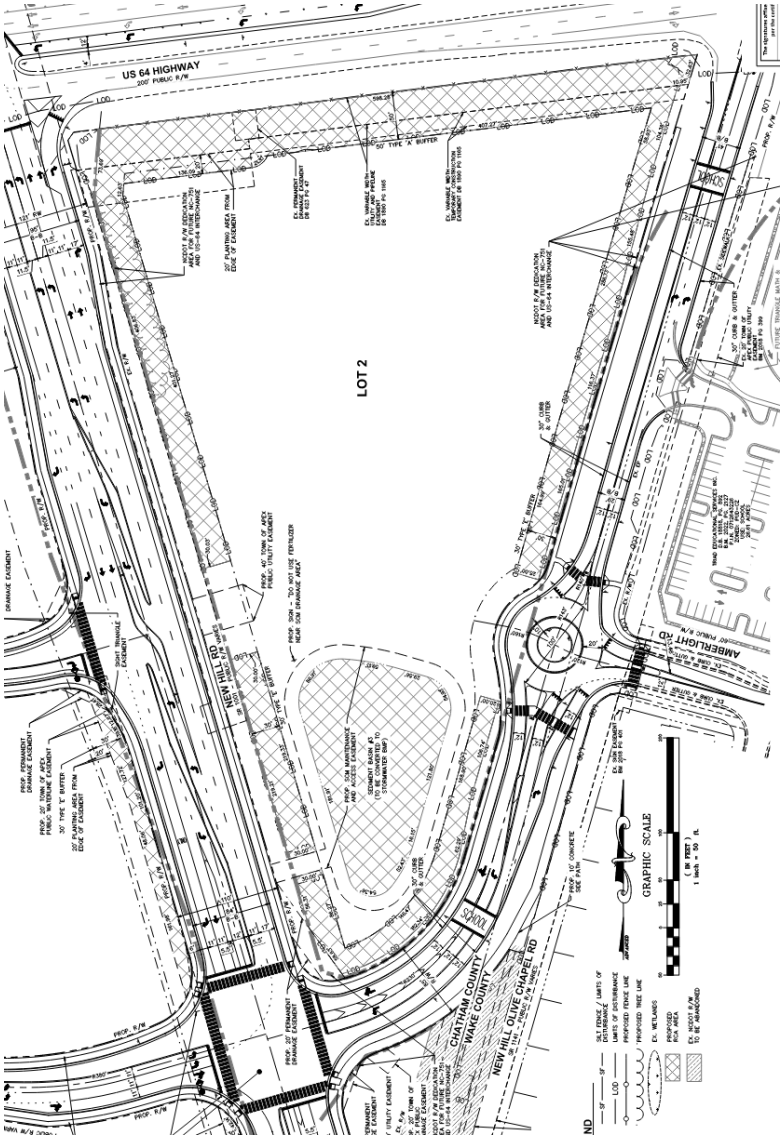


Figure 2. Apex Gateway - Phase 2C Construction Drawing Submittal Excerpt

Staff Recommendation:
Planning Department staff; Parks, Recreation, and Cultural Resources Department staff; and Transportation Infrastructure and Development staff recommend approval of the proposed amendments.

Planning Board Recommendation:
At their July 14, 2025, meeting, the Planning Board considered and unanimously recommended approval of the proposed amendments.

PLANNING BOARD REPORT TO TOWN COUNCIL
Long Range Plan Amendments
Planning Board Meeting Date: July 14, 2025

Long range plan(s) proposed to be amended:

Bicycle and Pedestrian System Plan Map

Description of the proposed amendment(s):

(1) Remove Proposed Paved Shoulder along New Hill Olive Chapel Road between New Hill Road and US 64 and (2) Add Proposed Side Path along the east side of New Hill Olive Chapel Road between New Hill Road and Amberlight Road.

Planning Board recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Preston Mitchell

Seconded by Planning Board member: Jeff Hastings

☑ Approval of the proposed amendment(s) as presented

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

☐ Denial of the proposed amendment(s)

With 6 Planning Board member(s) voting "aye"

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

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of July 2025.

Attest:

Keith Braswell, Acting Planning Board Chair

Dianne Khin, Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12, 2025

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 16.80 acres project entitled Atkins, Hudson, and Davidson Assemblage, located on New Hill Olive Chapel Road, Annexation No. 800, into the Town Corporate limits

Approval Recommended?

Yes

Item Details

The annexation petition has been certified and a public hearing notice has been posted.

This item was continued from the June 24, 2025, Town Council Meeting.

Attachments

- PH4-A1: Annexation Ordinance – Annexation No. 800 – Atkins, Hudson, and Davidson Assemblage – 16.80 acres
- PH4-A2: Public Hearing Notice – Annexation No. 800 – Atkins, Hudson, and Davidson Assemblage – 16.80 acres
- PH4-A3: Legal Description – Annexation No. 800 – Atkins, Hudson, and Davidson Assemblage – 16.80 acres
- PH4-A4: Aerial Map – Annexation No. 800 – Atkins, Hudson, and Davidson Assemblage – 16.80 acres
- PH4-A5: Plat Map – Annexation No. 800 – Atkins, Hudson, and Davidson Assemblage – 16.80 acres
- PH4-A6: Annexation Petition – Annexation No. 800 – Atkins, Hudson, and Davidson Assemblage – 16.80 acres

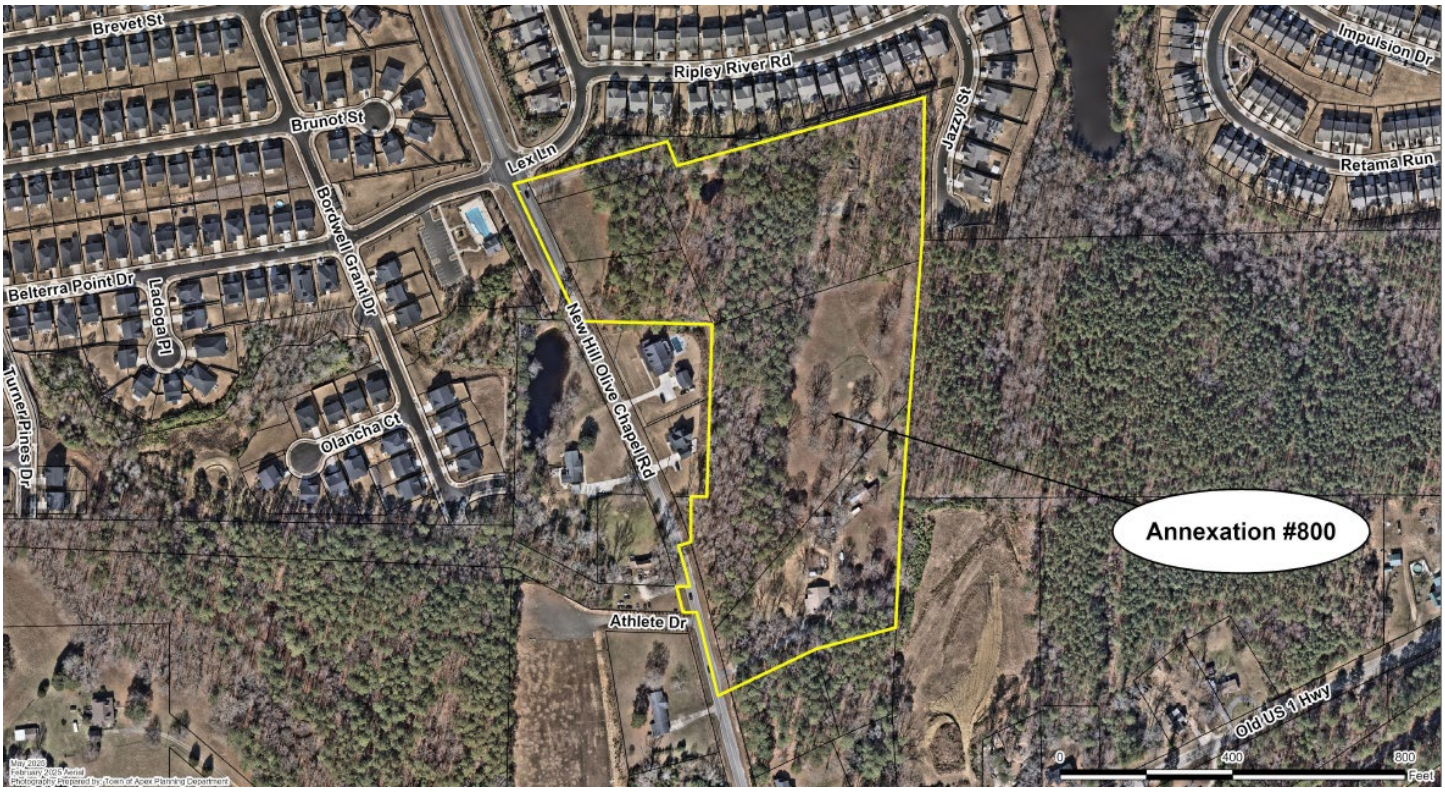
Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (June 13, 2025) – 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 **12th day of August, 2025**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 800
Atkins, Hudson, and Davidson Homes Assemblage – New Hill Olive Chapel Road
16.80 acres



CONTINUED – 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. 800" 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, August 12, 2025.

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.

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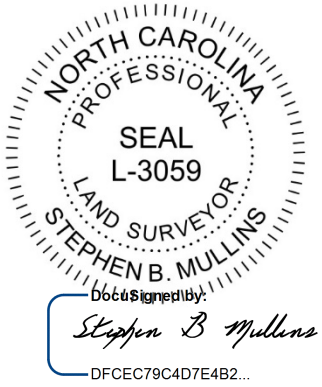
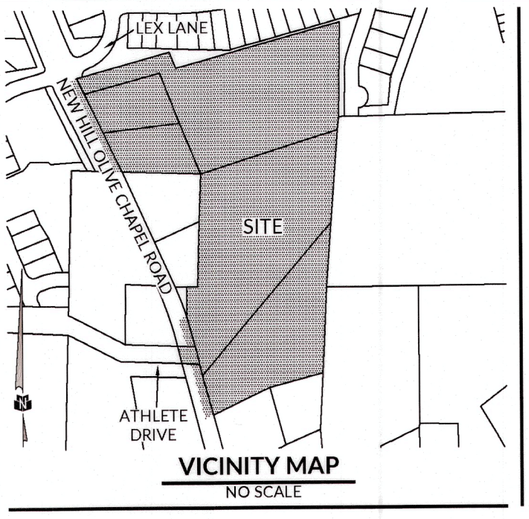
Annexation Legal Description – March 19, 2025

Beginning at a nail at the base of a bent existing iron pipe on the eastern right of way of New Hill Olive Chapel Road (SR 1141) (Variable Width Public R/W), said pipe having NC grid coordinates (NAD 83 – 2011) of N=703,360.81, E=2,018,923.15, thence from said beginning point leaving said right of way South 64°27'48" West 30.61 feet to a point on the centerline of New Hill Olive Chapel Road (SR 1141) (Variable Width Public R/W), thence with said centerline North 14°04'26" West 149.95 feet to a point, thence North 14°39'29" West 48.03 feet to a point, thence leaving said centerline North 87°51'48" West 32.09 feet to a point on the western right of way of New Hill Olive Chapel Road (SR 1141) (Variable Width Public R/W), thence with said right of way North 14°34'44" West 62.65 feet to a point, thence leaving said right of way South 87°51'48" East 32.05 feet to a point on the centerline of New Hill Olive Chapel Road (SR 1141) (Variable Width Public R/W), thence with said centerline North 15°38'26" West 37.13 feet to a point, thence North 16°22'40" West 61.91 feet to a point, thence leaving said centerline North 73°37'26" East 30.00 feet to a new iron pipe on the eastern right of way of New Hill Olive Chapel Road (SR 1141) (Variable Width Public R/W), thence leaving said right of way North 00°31'52" East 105.40 feet to a new iron pipe, thence South 89°34'15" East 36.59 feet to an existing iron pipe, thence North 01°44'29" East 395.75 feet to a point, thence North 88°33'47" West 310.47 feet to a point on the centerline of New Hill Olive Chapel Road (SR 1141) (Variable Width Public R/W), thence with said centerline North 25°18'32" West 350.53 feet to a point, thence leaving said centerline North 74°34'16" East 369.83 feet to an existing iron pipe, thence South 21°41'09" East 60.15 feet to an existing iron pipe, thence North 74°36'43" East 595.80 feet to an existing iron pipe, thence South 01°00'40" West 330.93 feet to an existing iron pipe, thence South 04°29'17" West 44.76 feet to an existing iron pipe, thence South 04°26'16" West 325.00 feet to a new iron pipe, thence South 04°26'16" West 271.14 feet to a new iron pipe, thence South 02°35'58" West 254.54 feet to an existing iron pipe, thence South 75°01’05" West 192.41 feet to an existing iron pipe, thence South 64°27’48" West 220.47 feet to the point and place of beginning, containing 16.80 acres (731,724 sq ft) more or less.



Brevet St
Brunot St
Bordwell Grant Dr
Lex Ln
Ripley River Rd
Jazzy St
Impulsion Dr
Retama Run
Belterra Point Dr
Ladoga Pl
Turner Pines Dr
Olancha Ct
New Hill Olive Chapel Rd
Athlete Dr
Old US 1 Hwy
Annexation #800
0
400
800
Feet
May 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department



VICINITY MAP
NO SCALE

ANNEXATION LEGAL DESCRIPTION

BEGINNING AT A NAIL AT THE BASE OF A BENT EXISTING IRON PIPE ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD (SR 1141) (VARIABLE WIDTH PUBLIC R/W), SAID PIPE HAVING NC GRID COORDINATES (NAD 83 - 2011) OF N=703,360.81, E=2,018,923.15, THENCE FROM SAID BEGINNING POINT LEAVING SAID RIGHT OF WAY SOUTH 64°27'48" WEST 30.61 FEET TO A POINT ON THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD (SR 1141) (VARIABLE WIDTH PUBLIC R/W), THENCE WITH SAID CENTERLINE NORTH 14°04'26" WEST 149.95 FEET TO A POINT, THENCE NORTH 14°39'29" WEST 48.03 FEET TO A POINT, THENCE LEAVING SAID CENTERLINE NORTH 87°51'48" WEST 32.09 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD (SR 1141) (VARIABLE WIDTH PUBLIC R/W), THENCE WITH SAID RIGHT OF WAY NORTH 14°34'44" WEST 62.65 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY SOUTH 87°51'48" EAST 32.05 FEET TO A POINT ON THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD (SR 1141) (VARIABLE WIDTH PUBLIC R/W), THENCE WITH SAID CENTERLINE NORTH 15°38'26" WEST 37.13 FEET TO A POINT, THENCE NORTH 16°22'40" WEST 61.91 FEET TO A POINT, THENCE LEAVING SAID CENTERLINE NORTH 73°37'26" EAST 30.00 FEET TO A NEW IRON PIPE ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD (SR 1141) (VARIABLE WIDTH PUBLIC R/W), THENCE LEAVING SAID RIGHT OF WAY NORTH 00°31'52" EAST 105.40 FEET TO A NEW IRON PIPE, THENCE SOUTH 89°34'15" EAST 36.59 FEET TO AN EXISTING IRON PIPE, THENCE NORTH 01°44'29" EAST 395.75 FEET TO A POINT, THENCE NORTH 88°33'47" WEST 310.47 FEET TO A POINT ON THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD (SR 1141) (VARIABLE WIDTH PUBLIC R/W), THENCE WITH SAID CENTERLINE NORTH 25°18'32" WEST 350.53 FEET TO A POINT, THENCE LEAVING SAID CENTERLINE NORTH 74°34'16" EAST 369.83 FEET TO AN EXISTING IRON PIPE, THENCE SOUTH 21°41'09" EAST 60.15 FEET TO AN EXISTING IRON PIPE, THENCE NORTH 74°36'43" EAST 595.80 FEET TO AN EXISTING IRON PIPE, THENCE SOUTH 01°00'40" WEST 330.93 FEET TO AN EXISTING IRON PIPE, THENCE SOUTH 04°29'17" WEST 44.76 FEET TO AN EXISTING IRON PIPE, THENCE SOUTH 04°26'16" WEST 325.00 FEET TO A NEW IRON PIPE, THENCE SOUTH 04°26'16" WEST 271.14 FEET TO A NEW IRON PIPE, THENCE SOUTH 02°35'58" WEST 254.54 FEET TO AN EXISTING IRON PIPE, THENCE SOUTH 75°01'05" WEST 192.41 FEET TO AN EXISTING IRON PIPE, THENCE SOUTH 64°27'48" WEST 220.47 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 16.80 ACRES (731,724 SQ FT) MORE OR LESS.

DRIVEWAY EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
D1	N 74°34'16" E	180.00'
D2	S 15°25'44" E	15.00'
D3	S 74°34'16" W	177.39'
D4	N 25°18'32" W	15.23'

TCE LINE TABLE		
LINE	BEARING	DISTANCE
T1	S 24°38'57" E	60.83'
T2	S 24°38'57" E	89.61'
T3	S 18°56'41" E	60.05'
T4	S 18°56'41" E	61.91'
T5	N 25°49'38" W	64.02'
T6	N 25°41'59" W	149.61'
T7	N 23°21'49" W	60.62'
T8	S 36°28'40" E	29.16'
T9	S 53°31'20" W	47.81'
T10	N 13°53'09" W	32.65'
T11	N 13°53'09" W	10.67'
T12	N 53°31'20" E	14.00'

ELECTRIC EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
E1	S 15°43'03" E	21.08'
E2	S 15°43'03" E	193.71'
E3	S 15°44'05" E	31.65'
E4	S 40°28'12" W	24.06'
E5	N 15°44'00" W	58.97'
E6	N 15°43'03" W	140.71'
E7	N 00°00'00" W	6.48'
E8	N 00°06'42" E	8.49'

SEWER EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
S1	S 00°54'41" E	2.65'
S2	N 74°11'00" W	4.96'
S3	S 01°10'00" W	188.66'
S4	S 21°40'33" E	204.89'
S5	S 68°20'19" W	20.00'
S6	N 21°40'33" W	214.79'
S7	N 01°10'00" E	180.68'
S8	N 74°11'00" W	7.86'
S9	N 00°54'41" W	17.57'

LEGEND

ADJOINER
BOUNDARY
BUILDING
BUILDING OVERHANG
CONCRETE
DRIVEWAY EASEMENT — AE
EDGE OF PAVEMENT
FENCE (WIRE) — XX
FENCE (WOOD)
GRAVEL
GRAVEYARD — LA
RETAINING WALL
RIGHT OF WAY R/W
RIPRAP
STORM DRAIN LINE — SD
WETLAND
ELECTRIC EASEMENT
WATER EASEMENT — WE — (WLE)
TEMPORARY CONSTRUCTION EASEMENT — (TCE)

ADDRESS NUMBER ####
AIR CONDITIONER
CATCH BASIN
CLEANOUT
COMPUTED POINT ●
CORNER NOT FOUND ○ CNF
DROP INLET
ELECTRIC PEDESTAL E
EXISTING IRON PIPE ○ EIP
FIRE HYDRANT
FLARED END SECTION FES
GAS METER
GUY WIRE
IRON PIPE SET ◉ IPS
LIGHT POLE
MAILBOX
POST
PROPANE TANK
ROOF DRAIN
SANITARY SEWER MANHOLE S
SIGN
SPIGOT
STORM PIPE •
TELEPHONE STRUCTURE T
TRANSFORMER
WATER VALVE
WELL W
WETLAND FLAG

ANNEXATION #: _____

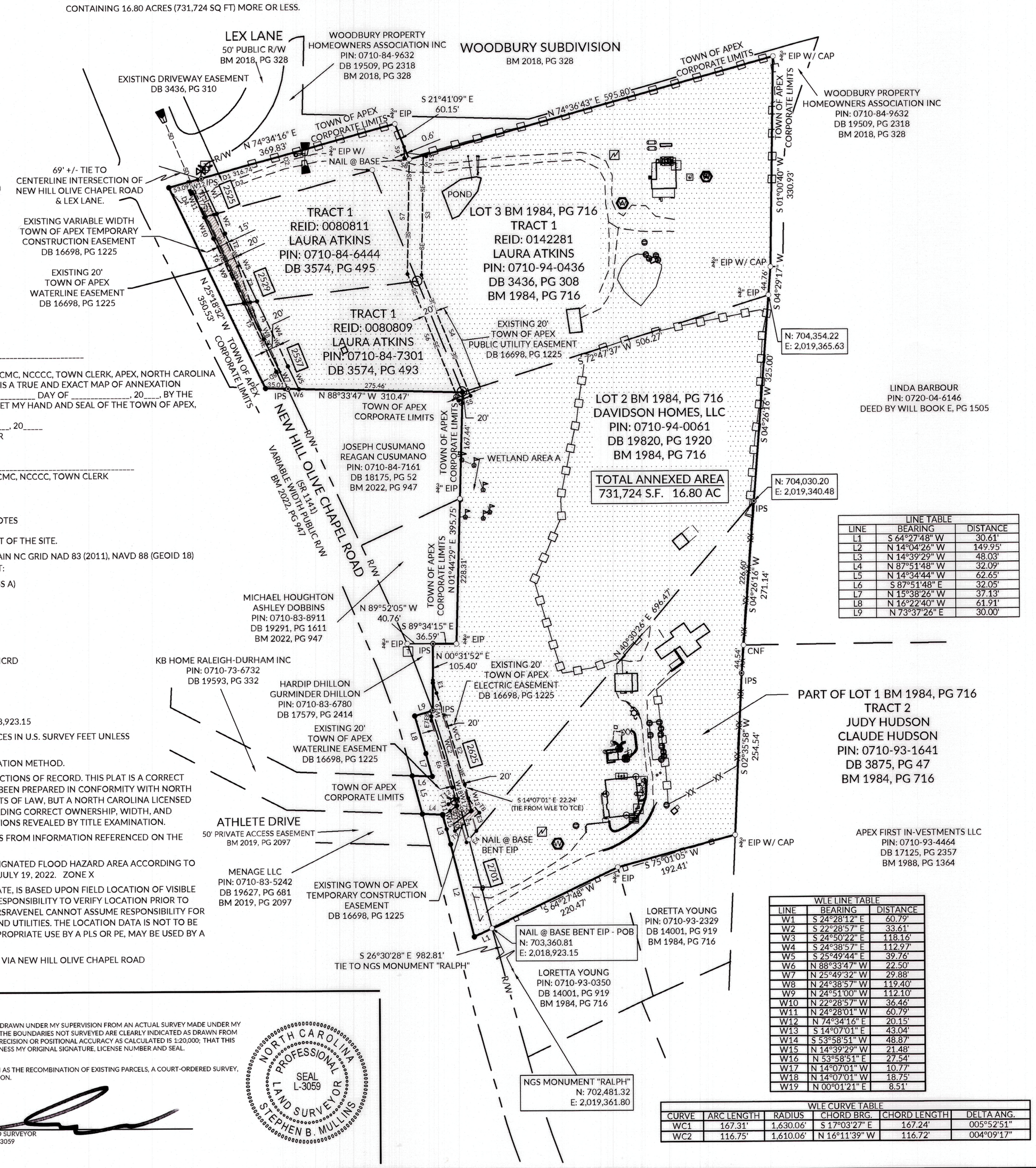
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THAT THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX,

_____, 20_____
DAY/MONTH/YEAR

_____
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

GENERAL NOTES

1. NGS MONUMENT "RALPH" FOUND WITHIN 2,000 FEET OF THE SITE.
2. THE FOLLOWING INFORMATION WAS USED TO OBTAIN NC GRID NAD 83 (2011), NAVD 88 (GEOID 18) STATE PLANE COORDINATES (SPC) FOR THIS PROJECT:
   - 2.1. CLASS OF SURVEY: URBAN LAND SURVEYS (CLASS A)
   - 2.2. POSITIONAL ACCURACY: 0.03' (H), 0.07' (V)
   - 2.3. GPS FIELD PROCEDURE: VRS
   - 2.4. DATE OF SURVEY: 1-27-2025
   - 2.5. DATUM/EPOCH: NAD 83 (2011), EPOCH 2010.00
   - 2.6. PUBLISHED DATE/FIXED CONTROL USED: VRS, NCRD
   - 2.7. GEOID MODEL: GEOID 18
   - 2.8. COMBINED GRID FACTOR: 0.9998843208
   - 2.9. UNITS: U.S. SURVEY FEET
   - 2.10. GRID/GROUND POINT: Y(N) 703,360.81 X(E) 2,018,923.15
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
4. ALL AREAS DERIVED BY THE COORDINATE COMPUTATION METHOD.
5. PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH NORTH CAROLINA STANDARDS, G.S. 89C, AND REQUIREMENTS OF LAW, BUT A NORTH CAROLINA LICENSED ATTORNEY-AT-LAW SHOULD BE CONSULTED REGARDING CORRECT OWNERSHIP, WIDTH, AND LOCATION OF EASEMENTS AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION.
6. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.
7. SUBJECT PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP 3720071000L DATED JULY 19, 2022. ZONE X
8. LOCATION OF UTILITIES, WHETHER PUBLIC OR PRIVATE, IS BASED UPON FIELD LOCATION OF VISIBLE APPURTENANCES ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY LOCATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. WITHERSRAVENEL CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR OMISSION OF UNDERGROUND UTILITIES. THE LOCATION DATA IS NOT TO BE RELIED UPON FOR ACCURACY AND IS ONLY FOR APPROPRIATE USE BY A PLS OR PE, MAY BE USED BY A PE FOR PRELIMINARY PLANNING PURPOSES.
9. PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY VIA NEW HILL OLIVE CHAPEL ROAD
10. GRAVEYARD PLOTTED ON SURVEY.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 64°27'48" W	30.61'
L2	N 14°04'26" W	149.95'
L3	N 14°39'29" W	48.03'
L4	N 87°51'48" W	32.09'
L5	N 14°34'44" W	62.65'
L6	S 87°51'48" E	32.05'
L7	N 15°38'26" W	37.13'
L8	N 16°22'40" W	61.91'
L9	N 73°37'26" E	30.00'

WLE LINE TABLE		
LINE	BEARING	DISTANCE
W1	S 24°28'12" E	60.79'
W2	S 22°28'57" E	33.61'
W3	S 24°50'22" E	118.16'
W4	S 24°38'57" E	112.97'
W5	S 25°49'44" E	39.76'
W6	N 88°33'47" W	22.50'
W7	N 25°49'32" W	29.88'
W8	N 24°38'57" W	119.40'
W9	N 24°51'00" W	112.10'
W10	N 22°28'57" W	36.46'
W11	N 24°28'01" W	60.79'
W12	N 74°34'16" E	20.15'
W13	S 14°07'01" E	43.04'
W14	S 53°58'51" W	48.87'
W15	N 14°39'29" W	21.48'
W16	N 53°58'51" E	27.54'
W17	N 14°07'01" W	10.77'
W18	N 14°07'01" W	18.75'
W19	N 00°01'21" E	8.51'

WLE CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD BRG.	CHORD LENGTH	DELTA ANG.
WC1	167.31'	1,630.06'	S 17°03'27" E	167.24'	005°52'51"
WC2	116.75'	1,610.06'	N 16°11'39" W	116.72'	004°09'17"

SURVEYOR'S CERTIFICATE

I, STEPHEN B. MULLINS, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:20,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

I ALSO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

THIS 19th DAY OF MAY A.D., 2025.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L-3059

NORTH CAROLINA PROFESSIONAL SEAL L-3059 LAND SURVEYOR STEPHEN B. MULLINS

ANNEXATION PLAT FOR THE TOWN OF APEX
ATKINS/HUDSON LOTS
PROPERTY OF
LAURA ATKINS, JUDY HUDSON, CLAUDE HUDSON, & DAVIDSON HOMES, LLC

2525, 2529, 2537, 2625, & 2701 NEW HILL OLIVE CHAPEL ROAD
BUCKHORN TOWNSHIP | WAKE COUNTY | NORTH CAROLINA
P.I.N. SEE MAP
ZONING: R-40W

WR Job No.:	24-1118A
DATE:	2/18/2025
SURVEYED BY:	WR
DRAWN BY:	TA
CHECK & CLOSURE BY:	BURB

0 60 120
SCALE: 1 inch = 120 ft.

SHEET: 1 OF 1

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

PETITION FOR VOLUNTARY ANNEXATION

Town of Apex, North Carolina

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

ANNEXATION FEE: $300; $200.00 for well/septic failure

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

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee by one of the following forms of payment:
  - Visa or Master Card (online only);
  - In person: Cash (exact amount only); or
  - Check payable to 'Town of Apex'

ELECTRONIC SUBMITTAL REQUIREMENTS: GEOCIVIX (IDT)

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

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Planning Department and upload an electronic copy of the application, legal description and Annexation Plat via GeoCivix.
- **REVIEW BY STAFF:** The Planning Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION**: After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) 18"x24" Mylar annexation plats to the Planning Department by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT**: A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Planning Department, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Program Coordinator Jessica Sloan at 919-372-7478 or jessica.sloan@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

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

Please refer to the Town of Apex Fee Schedule for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #:		Submittal Date:	
Fee Paid	$	Check #	

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

ATKINS, LAURA B	0710940436, 0710847301, 0710846444
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
HUDSON, CLAUDE LEE JR HUDSON, JUDY A	0710931641
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
DAVIDSON HOMES LLC	0710940061
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: WithersRavenel - Stephen B Mullins

Phone: 919-469-3340 Fax: n/a

E-mail Address: smullins@withersravenel.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	~16.80	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☑
Proposed # of housing units:	~40	Sewer service (new construction)	☑
Zoning District*:	MD-CZ	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, DAVIDSON HOMES 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 17TH day of FEBRUARY, 2025.

Name of Limited Liability Company DAVIDSON HOMES LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Nancy J. Marihew a Notary Public for the above State and County, this the 17th day of February, 2025

_____
Notary Public

SEAL

NANCY J. MARIHEW
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires June 6th, 2028

My Commission Expires: June 6th, 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: _____

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.)

Harold Lee Atkins
Please Print

Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

STATE OF ~~NORTH CAROLINA~~ Virginia
COUNTY OF ~~WAKE~~
City Rockingham

Sworn and subscribed before me, Deborah Morrissey, a Notary Public for the above State and County, this the 18 day of, February, 2025.

Notary Public

SEAL

DEBORAH F MORRISSEY
NOTARY PUBLIC
REGISTRATION # 7372282
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
SEPTEMBER 30, 2026

My Commission Expires: 9/30/26

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 #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Jacque D Atkins Bass
Please Print

Signature

Jerry R. Bass
Please Print

Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

STATE OF ~~NORTH CAROLINA~~ Texas
COUNTY OF ~~WAKE~~ Liberty

Sworn and subscribed before me, Judy Compton, a Notary Public for the above State and County, this the 18 day of, Feb., 20 25.

SEAL

JUDY COMPTON
Notary Public, State of Texas
Comm. Expires 06-20-2025
Notary ID 10341864

_____
Notary Public

My Commission Expires: 06-20-25

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 #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Janet Atkins Keller
Please Print

Janet Atkins Keller
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__.

See Attached Certificate

LISA DETRICK, Notary Public
Notary Public

FEB 18 2025

SEAL

[ ] Acknowledgment
[X] Jurat
[ ] Copy Certification

My Commission Expires: 12/02/2026

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: _____

CALIFORNIA NOTARIAL CERTIFCIATE JURAT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to (or affirmed before me on this 18 day of Feb. 2025

by Janet Atkins Keller

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

SIGNATURE _____

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: Petition for Voluntary Annexation

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.)

Judy A Hudson
Please Print

Judy A Hudson
Signature

Claude Lee Hudson, Jr.
Please Print

Claude Lee Hudson Jr
Signature

_____
Please Print

_____
Signature

_____
Please Print

_____
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Gabriella McCreary, a Notary Public for the above State and County, this the 19 day of, February, 2025.

Gabriella McCreary
Notary Public

SEAL

GABRIELLA MCCREARY
My Commission Expires
NOTARY PUBLIC
October 16, 2027
WAKE COUNTY, NC

My Commission Expires: 10-16-27

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____.

SEAL

Corporate Name _____

Attest:

By: _____
President (Signature)

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

_____
Notary Public

My Commission Expires: _____

Petition for Voluntary Annexation

Application #: _____ Submittal Date: _____

Complete If Signed By Individuals:

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

Please Print	Signature
Sheryl A. Craver	Sheryl A. Craver
_____	_____
_____	_____
_____	_____

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ GUILFORD

Sworn and subscribed before me, AKEIA WILSON, a Notary Public for the above State and County, this the 10th day of January, 2025

AKEIA WILSON NOTARY PUBLIC GUILFORD COUNTY, NC

SEAL

Akeia Wilson
Notary Public

My Commission Expires: 2-9-2027

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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 12, 2025

Item Details

Presenter(s): Bruce Venable, Planner II

Department(s): Planning

Requested Motion

This item was continued at the June 24, 2025 Town Council meeting

Public hearing and possible motion concerning Rezoning Application #25CZ06 New Hill Olive Chapel Assemblage and Ordinance. The applicant, Mark Altman, Davidson Homes, LLC seeks to rezone approximately 16.51 acres from Wake County Residential-40 Watershed (R-40W) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd .

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a public hearing on June 9, 2025 and unanimously recommended approval of the rezoning.

Item Details

The properties to be rezoned are identified as PINs 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301.

Attachments

- PH5-A1: Staff Report - Rezoning Case No. 25CZ06 - New Hill Olive Chapel Road Assemblage
  - Application
- PH5-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ06 - New Hill Olive Chapel Road Assemblage
- PH5-A3: Statement of Town Council and Ordinance - Rezoning Case No. 25CZ06 - New Hill Olive Chapel Road Assemblage
- PH5-A4: Attachment A: Legal Description - Rezoning Case No. 25CZ06 - New Hill Olive Chapel Road Assemblage

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

BACKGROUND INFORMATION:	
Location:	2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
Applicant:	Mark Altman, Davidson Homes, LLC
Authorized Agents:	Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Owners:	Harold L. Atkins (Laura B. Atkins Estate), Sheryl Atkins Craver, Judy Atkins Hudson, Claude Lee Hudson Jr., Janet Atkins Keller, Jacque Diane Atkins Bass, & Davidson Homes, LLC
PROJECT DESCRIPTION:	
Acreage:	+/- 16.51 acres
PINs:	0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Current Zoning:	Wake County Residential-40W (R-40W)
Proposed Zoning:	Medium Density Residential-Conditional Zoning (MD-CZ)
Current 2045 Land Use Map:	Medium Density Residential, Medium Density Residential/ Commercial Services, and Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to:	Medium Density Residential
Town Limits:	Outside Corporate Limits and ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01)	HOA open space and Single-family Residential (Woodbury Estates)
South:	Wake County Residential-40 Watershed (R-40W)	Vacant; Single-family Residential
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01)	HOA open space and Single-family Residential (Woodbury Estates); Large lot Single-family Residential
West:	Medium Density Residential-Conditional Zoning (MD-CZ #20CZ16); Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ17 & 24CZ19)	Large lot Single-family Residential; New Hill Olive Chapel Road; Single-family Residential (Belterra); Future Commercial (New Hill Commons PUD)

EXISTING CONDITIONS:

The site consists of five (5) parcels totaling +/- 16.51 acres located east of New Hill Olive Chapel Road. The northern and southernmost properties contain single-family dwellings and accessory buildings. The largest property in the middle of the assemblage contains a barn and fenced horse ring. All parcels are moderately to heavily wooded.

NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on February 26, 2025 and May 7, 2025. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject site as Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services (see Figure 1: Current 2045 Land Use Map). The proposed rezoning is not consistent with the Office Employment/Commercial Services designation on the southern part of the area to be rezoned. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Medium Density Residential per NCGS 160D-605(a). The development will be served by a public street that will align with future commercial and residential development on the west side of New Hill Olive Chapel Rd. The location of that street will not allow for sufficient area for non-residential development within the area proposed to be rezoned. The rezoning does include zoning conditions requiring public street access to the area designated Office Employment/Commercial Services to the south as well as a public street stub to the east.

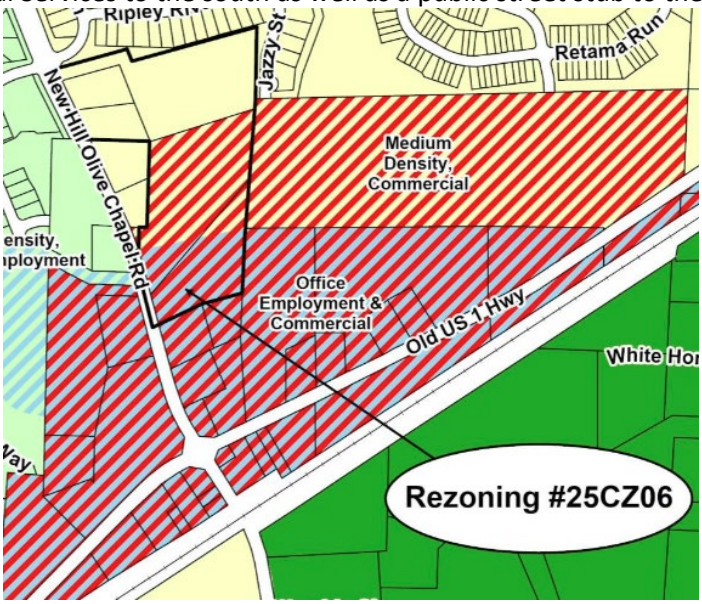


Figure 1: Current 2045 Land Use Map

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that middle schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PROPOSED ZONING CONDITIONS:

The applicant is proposing a Medium Density Residential-Conditional Zoning with uses and development standards as follows:

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.

Residential

- Single-family detached
- Accessory Apartment

Utilities

- Utility, minor

Architectural Conditions:

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

Single-family detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. Garage doors shall have windows, decorative details or carriage-style adornments.

3. 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:
   - Window;
   - Bay Window;
   - Recessed window;
   - Decorative window;
   - Trim around the windows:
   - Wrap around porch or side porch;
   - Two or more building materials;
   - Decorative brink/stone;
   - Decorative trim;
   - Decorative shake;
   - Decorative air vents on gable;
   - Decorative cornice;
   - Column;
   - Portico;
   - Balcony; or
   - Dormer

4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

5. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

6. Primary building materials shall be brick, stone, and fiber cement siding.

7. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

8. Front porches shall be a minimum of 6 feet deep.

9. The front façade of any front loaded garage shall not protrude further than five (5) feet forward beyond (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right of way from which the dwelling unit is addressed. Living space above garage shall not be considered part of the front façade.

Additional Conditions:

10. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

11. To reduce irrigation requirements, the project shall select and plant only warm season grasses.

12. The project shall install at least two (2) pet waste stations per 20 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.

13. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

14. Building setbacks shall be as required by Article 5 of the Unified Development Ordinance except the minimum side setback shall be five (5) feet.

15. Developer shall widen New Hill Olive Chapel Rd and dedicate public right of way along the entire project frontage based on a minimum two-lane 36-foot-wide 2-lane rural thoroughfare, inclusive of 12-foot-wide travel lanes and 6-foot-wide paved shoulders, roadside ditch, and construct 10-foot-wide Side Path on 110-foot-wide right of way. Additionally, developer shall construct a left turn lane meeting minimum NCDOT standards on New Hill Olive Chapel Rd for full movement access if/when proposed, subject to Apex and NCDOT review and approval.

16. A stub street shall be provided to the south, to PIN 0710932329, and to the east for future connectivity.

17. Subject to the Applicant obtaining necessary easements from property owners of PIN 0710836780, PIN 0710838911 and PIN 0710847161 at appraised fair market value; or, subject to approval of construction within the existing right of way, an off-site side path shall be constructed along New Hill Olive Chapel Road along the frontages of PIN 0710836780, PIN 0710838911 and PIN 0710847161.

18. Affordable Housing
The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the "Affordable Units"). The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the "Initial Sales Price"). The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted

for family size as most recently published by HUD (the "Income Limit")(. For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x's) one-hundred thirty five percent (135%) times (x's) the annual median-income limit {135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.

19. Homeowners Association will not restrict the construction of accessory apartments.

Affordable Housing:

Housing Staff Statement
Based on the adopted 2021 Apex Affordable Housing Plan and the adopted 2023 Affordable Housing Incentive Zoning Policy, the Housing Program recommends at least 5% of the residential units or lots be designated as affordable or workforce housing. This Policy recommendation applies to residential and mixed-use rezoning applications that propose 20 or more residential units. Applicants that meet the 5% unit recommendation may request incentives based on the policy.

Housing Staff has indicated that the 30-year affordability term is sufficient based upon the number of units offered and the AMI limits proposed.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) reviewed this rezoning on February 27, 2025. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Conditions	Applicant's Response
The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native or a native of North Carolina.	No
No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development	No
In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during winter on areas without turf grass, including individual homes and HOA owned common areas.	No
No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.	No
HOA covenants shall not prohibit Clover, non-turf or native grass lawns.	No
A solar PV system of at least 4kW shall be installed on at least 10% of the homes (4 homes) within the development.	No
220v outlets shall be installed in all garages.	No
All homes shall be pre-configured with conduit for a solar energy system.	No

The following environmental conditions have been proposed by the applicant:

- The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- To reduce irrigation requirements, the project shall select and plant only warm season grasses.
- The project shall install at least two (2) pet waste stations per 20 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.
- The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #25CZ06 New Hill Olive Chapel Road Assemblage as proposed.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on June 9, 2025, and unanimously recommended approval of the rezoning.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is not consistent with the Town of Apex 2045 Land Use Map, which designates the subject properties as Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services. The development will be served by a public street that will align with future commercial and residential development on the west side of New Hill Olive Chapel Rd. The location of that street will not allow for sufficient area for non-residential development within the area proposed to be rezoned. The rezoning does include zoning conditions requiring public street access to the area designated Office Employment/Commercial Services to the south as well as a public street stub to the east. Approval of the rezoning to MD-CZ will automatically amend the Land Use Map to Medium Density Residential. While this represents a shift from the original intent for mixed-use, the proposed MD-CZ zoning will maintain the character and appearance of the surrounding area.

The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is reasonable and in the public interest in that: The rezoning will allow for the development of residential development, including affordable units, consistent with the character of the development to the north, which supports the continued residential growth in this area. Additionally, the rezoning will promote compatible development with surrounding land uses and contribute to an increased tax base, supporting the Town's long-term fiscal sustainability.

Legislative Considerations

The Town Council shall find the Medium Density-Conditional Zoning (MD-CZ) designation demonstrates compliance with the following standards. 2.3.3(F):

The applicant shall propose site-specific standards and conditions that take into account the following 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.

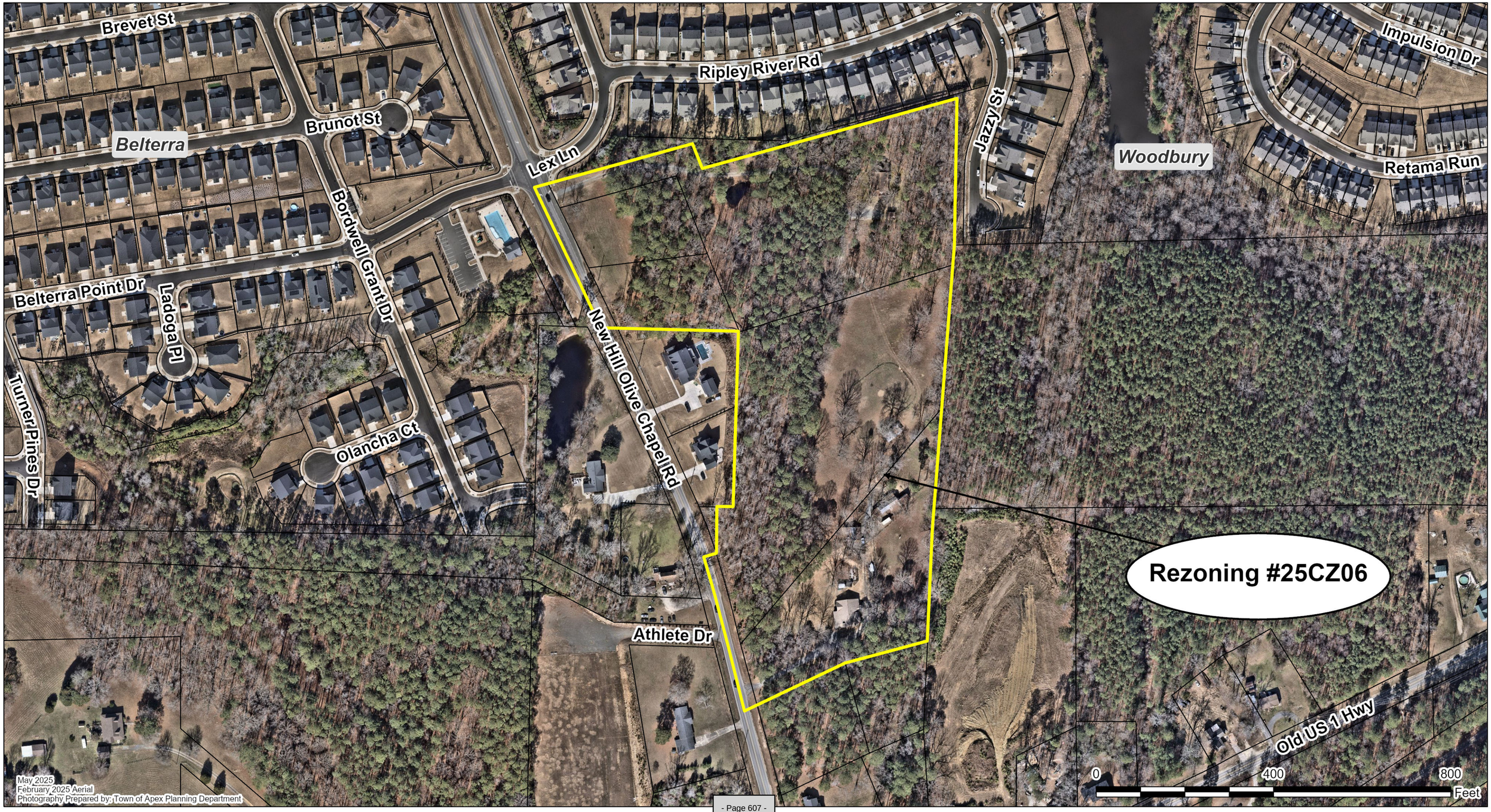
6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

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.


Brevet St
Belterra
Brunot St
Bordwell Grant Dr
Lex Ln
Ripley River Rd
Jazzy St
Woodbury
Impulsion Dr
Retama Run
Belterra Point Dr
Ladoga Pl
Turner Pines Dr
Olancha Ct
New Hill Olive Chapel Rd
Athlete Dr
Old US 1 Hwy
Rezoning #25CZ06
0
400
800
Feet
May 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department

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 #: 25CZ06 Submittal Date:

Fee Paid:

Project Information

Project Name: New Hill Olive Chapel Road Assemblage

Address(es): 2701, 2625, 2525, 2529, 2537 New Hill Olive Chapel Rd

PIN(s): 0710931641, 0710940061, 0710940436, 0710846444; 0710847301

Acreage: 16.51

Current Zoning: Wake County Residential 40 (R-40W) Proposed Zoning: Medium Density Residential District - Conditional Zoning (MD-CZ)

Current 2045 LUM Classification(s): Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/ Commercial Services

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

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Mark Altman c/o Davidson Homes, LLC

Address: 1903 N. Harrison Avenue, Suite 200

City: Cary State: NC Zip: 27513

Phone: 919-868-2147 E-mail: maltman@davidsonhomes.com

Owner Information

Name: See Attached Owner Information List

Address:

City: State: Zip:

Phone: E-mail:

Agent Information

Name: Leticia Shapiro Attorney - Morningstar Law Group

Address: 434 Fayetteville Street, Suite 2200

City: Raleigh State: NC Zip: 27601

Phone: 919-590-0366 E-mail: tshapiro@morningstarlawgroup.com

Other contacts: Jason Barron - Morningstar Law Group

434 Fayetteville Street, Suite 2200, Raleigh NC 27601

jbarron@morningstarlawgroup.com

919-590-0371

PETITION INFORMATION

Application #: 25CZ06 Submittal Date:

An application has been duly filed requesting that the property described in this application be rezoned from R-40W 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	Single family, detached	21	
2	Accessory Apartment	22	
3	Utility, minor	23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: 25CZ06 Submittal Date:

PROPOSED CONDITIONS:

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

See attached Proposed Zoning Conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed rezoning seeks to develop a single family community with a maximum of 42 single family lots. The Future Land Use Map designates this area as Medium Density Residential, Office Employment, and Commercial Services. This rezoning request would change the property's Future Land Use designation to Medium Density Residential, consistent with nearby development.

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 site is compatible with adjacent medium density residential conditional zoning to the west and planned unit development Jordan Vistas to the west, New Hill Estates to the north, and Woodbury to the northeast. As such, the proposed development is ideal for single family residential and is consistent with the character of surrounding land uses.

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

The proposed Medium Density Residential Conditional Zoning district will comply with any applicable standards in UDO Section 4.4.

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

Development of the property consistent with the proposed rezoning will comply with the Town UDO requirements, while facilitating the development of a single family community that will include buffers and RCA located to help minimize any adverse effects on adjacent properties.

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

The development of the property with meet or exceed UDO required RCA for this area.

The development of the property will meet the UDO stormwater requirements.

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

To the applicant's knowledge, there are sufficient public facilities and services to serve the development consistent with the proposed rezoning. The project will connect to public utilities to serve the single-family dwelling units. Road frontage improvements will be made along New Hill Olive Chapel Rd. and will including new internal streets that stub to the east and south connecting future development. The project will be served by the nearby fire station. The Wake County Residential Development Notification form is included.

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.

There will be no adverse impact to health, safety, and welfare as a result of the proposed rezoning.

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

The proposed single family community will be of similar size, scale, and quality of existing nearby neighborhoods. Uses that could be harmful to adjacent properties will be prohibited. Other conditions including but not limited to minimum architectural requirements will ensure the project will not be 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 t.affic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The proposed development will not create a nuisance or hazard due to traffic or noise. Development of the property will be similar in size, scale, and quality of existing homes in the area.

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

The proposed zoning district will comply with all standards required by the UDO and additional standards set forth in zoning conditions which either meet or exceed the base requirements of the UDO.

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Davidson Homes, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2625 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

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

Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville Street, Suite 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*

BRAD NELSON 2/26/25

Type or print name Date

_____

Type or print name Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, BRAD NELSON of Davidson Homes LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2625 New Hill Olive Chapel Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/31/25, and recorded in the Wake County Register of Deeds Office on 1/31/25, in Book 019820 Page 01920-01923.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1/31/25, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1/31/25, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26th day of FEBRUARY, 2025.

BN Nelson (seal)

BRAD NELSON

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

NANCY J. MARIHEW
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires June 6th, 2028

[NOTARY SEAL]

Nancy J. Marihew
Notary Public
State of North Carolina
My Commission Expires: June 6th, 2028

4220 Neal Road, Durham N

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Harold L. Atkins is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Mark Altman - Davidson Homes LLC

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

Agent Name: Mark Altman - Davidson Homes LLC

Address: 1903 N. Harrison Avenue,Suite 200, Cary, NC 27513

Telephone Number: 919-868-2147

E-Mail Address: maltman@davidsonhomes.com

Signature(s) of Owner(s)*

Harold L. Atkins — 2/28/2025

Type or print name — Date

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Harold L. Atkins is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

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

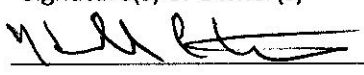
Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*



Harold L. Atkins — Type or print name

2/28/2025 — Date

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, Harold L. Atkins (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2525, 2529, and 2537 New Hill Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by ~~deed dated XXXXXXXXXXXXXXXX and recorded in the Wake County Register of Deeds Office on XXXXXXXXXX in Book XXXXXXXXX Page XXXXXXXXX~~ the Estate of Laura Burbank Atkins File # 23E005712-910, Wake County Clerk of Superior Court, Estates Division.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/12/23, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/12/23, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28 day of February, 2025.

(seal)

Harold L. Atkins

Type or print name

STATE OF ~~NORTH CAROLINA~~ Virginia 02/28/25 CJB

City ~~COUNTY~~ OF Poquoson

I, the undersigned, a Notary Public in and for the City State ~~County~~ of Poquoson VA, hereby certify that Harold Atkins, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's driver's license personally appeared before me this day and acknowledged the ~~due and voluntary execution~~ of the foregoing Affidavit.

Chrystal J. Bucchioni
Commonwealth of Virginia
Notary Public
Commission No. 7947308
My Commission Expires 06/30/25

Notary Public
State of ~~North Carolina~~ Virginia
My Commission Expires: 06/30/25

[NOTARY SEAL]

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Sheryl Atkins Craver is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Mark Altman - Davidson Homes LLC

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

Agent Name: Mark Altman - Davidson Homes LLC

Address: 1903 N. Harrison Avenue,Suite 200, Cary, NC 27513

Telephone Number: 919-868-2147

E-Mail Address: maltman@davidsonhomes.com

Signature(s) of Owner(s)*

Sheryl Atkins Craver

Sheryl Atkins Craver — 2-28-25

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Sheryl Atkins Craver is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

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

Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*

Sheryl Atkins Craver

Sheryl Atkins Craver — 2-28-25

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, Sheryl A. Craver (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2525, 2529, and 2537 New Hill Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by ~~deed dated XXXXXXXXXXXXXXXX and recorded in the Wake County Register of Deeds Office on XXXXXXXXXX in Book XXXXXXXXX Page XXXXXXXXX~~ the Estate of Laura Burbank Atkins File # 23E005712-910, Wake County Clerk of Superior Court, Estates Division.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/12/23, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/12/23, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28 day of February, 2025

Sheryl Atkins Craver (seal)

Sheryl Atkins Craver

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Randolph

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

CONNIE CODY NOTARY PUBLIC GUILFORD COUNTY, NC [NOTARY SEAL]

Connie Cody

Notary Public
State of North Carolina
My Commission Expires: 12-01-2029

Last Updated: August 30, 2019

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Judy Atkins Hudson and Claude Lee Hudson, Jr. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2701 New Hill Olive Chapel Road

The agent for this project is: Mark Altman - Davidson Homes LLC

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

Agent Name: Mark Altman - Davidson Homes LLC

Address: 1903 N. Harrison Avenue,Suite 200, Cary, NC 27513

Telephone Number: 919-868-2147

E-Mail Address: maltman@davidsonhomes.com

Signature(s) of Owner(s)*

Judy Atkins Hudson — 2/27/25

Type or print name — Date

Claude Lee Hudson, Jr. — 2/27/25

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Judy Atkins Hudson and Claude Lee Hudson, Jr. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2701 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

- [ ] I am the owner of the property and will be acting as my own agent

Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*

Judy Atkins Hudson

Judy Atkins Hudson — Type or print name — 2/25/25 — Date

Claude Lee Hudson, Jr.

Claude Lee Hudson, Jr. — Type or print name — Feb. 27, 2025 — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, Judy Atkins Hudson and Claude Lee Hudson, Jr. (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2701New Hill Olive Chapel Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/21/86, and recorded in the Wake County Register of Deeds Office on 11/21/86, in Book 3875 Page 47.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/21/86, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/21/86, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 27 day of February, 2025.

Judy Atkins Hudson Claude Lee Hudson (seal)

Judy Atkins Hudson and Claude Lee Hudson Jr

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Judy Atkins Hudson & Claude Lee Hudson Jr, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC DL, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

GABRIELLA MCCREARY NOTARY PUBLIC My Commission Expires October 16, 2027 WAKE COUNTY, NC [NOTARY SEAL]

Gabriella McCreary
Notary Public
State of North Carolina
My Commission Expires: 10-16-27

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Judy Atkins Hudson is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Mark Altman - Davidson Homes LLC

- [ ] I am the owner of the property and will be acting as my own agent

Agent Name: Mark Altman - Davidson Homes LLC

Address: 1903 N. Harrison Avenue,Suite 200, Cary, NC 27513

Telephone Number: 919-868-2147

E-Mail Address: maltman@davidsonhomes.com

Signature(s) of Owner(s)*

Judy Atkins Hudson

Judy Atkins Hudson — Type or print name

2/27/25 — Date

_____

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Judy Atkins Hudson is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

- [ ] I am the owner of the property and will be acting as my own agent

Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*

Judy Atkins Hudson

Judy Atkins Hudson 2/27/25

Type or print name Date

_____

_____ _____

Type or print name Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, Judy Atkins Hudson (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2525, 2529, and 2537 New Hill Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by ~~deed, dated XXXXXXXXXXXXXXXXX and recorded in the Wake County Register of Deeds Office on XXXXXXXXXXX, in Book XXXXXXXXXX Page XXXXXXXXX~~ the Estate of Laura Burbank Atkins File # 23E005712-910, Wake County Clerk of Superior Court, Estates Division.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/12/23, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/12/23, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 27 day of February, 2025.

Judy Atkins Hudson (seal)

Judy Atkins Hudson

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

Gabriella McCreary

Notary Public
State of North Carolina
My Commission Expires: 10-16-27

GABRIELLA MCCREARY NOTARY PUBLIC WAKE COUNTY, NC My Commission Expires October 16, 2027 [NOTARY SEAL]

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Janet Atkins Keller is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Mark Altman - Davidson Homes LLC

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

Agent Name: Mark Altman - Davidson Homes LLC

Address: 1903 N. Harrison Avenue,Suite 200, Cary, NC 27513

Telephone Number: 919-868-2147

E-Mail Address: maltman@davidsonhomes.com

Signature(s) of Owner(s)*

Janet Atkins Keller

Janet Atkins Keller — 2-27-2025

Type or print name — Date

_____ _____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Janet Atkins Keller is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

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

Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*

Janet Atkins Keller — 2/27/2025

Janet Atkins Keller
Type or print name — Date

_____ _____

_____
Type or print name — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, Janet Atkins Keller (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2525, 2529, and 2537 New Hill Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed ~~dated XXXXXXXXXXXXXXXXX and recorded in the Wake County Register of Deeds Office on XXXXXXXXXXX in Book XXXXXXXXXX Page XXXXXXXXXX~~ the Estate of Laura Burbank Atkins File # 23E005712-910, Wake County Clerk of Superior Court, Estates Division.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/12/23, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/12/23, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 27th day of February, 2025.

Janet Atkins Keller (seal)

Janet Atkins Keller

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF _____

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

Sandhya Chowhan-Pawar, Notary Public

Notary Public
State of North Carolina
My Commission Expires: 03/29/27

[NOTARY SEAL]

See Attached Certificate

FEB 27 2025

[X] Acknowledgment
[ ] Jurat
[ ] Copy Certificat

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange

On Feb 27th, 2025 before me Sandhya Chowhan-Pawar, Notary Public, personally appeared

Janet Atkins Keller

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE Sandhya Chowhan-Pawar

SANDHYA CHOWHAN-PAWAR
Commission # 2440073
Notary Public - California
ORANGE County
My Comm. Expires MAR 29, 2027

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: Affidavit of Ownership

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Jacque Diane Atkins Bass is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Mark Altman - Davidson Homes LLC

- [ ] I am the owner of the property and will be acting as my own agent

Agent Name: Mark Altman - Davidson Homes LLC

Address: 1903 N. Harrison Avenue,Suite 200, Cary, NC 27513

Telephone Number: 919-868-2147

E-Mail Address: maltman@davidsonhomes.com

Signature(s) of Owner(s)*

Jacque Diane Atkins Bass

Type or print name Date

_____

_____

Type or print name Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 25CZ06 Submittal Date: _____

Jacque Diane Atkins Bass is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2525, 2529, and 2537 New Hill Olive Chapel Road

The agent for this project is: Leticia Shapiro and Jason Barron - Morningstar Law Group

- [ ] I am the owner of the property and will be acting as my own agent

Agent Name: Leticia Shapiro and Jason Barron - Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0366; 919-590-0371

E-Mail Address: tshapiro@morningstarlawgroup.com; jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)*

Jacque Diane Atkins Bass

Type or print name Date

_____

Type or print name Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 25CZ06 Submittal Date: _____

The undersigned, Jacque Diane Atkins Bass (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2525, 2529, and 2537 New Hill Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by ~~deed~~ ~~dated~~ ~~and recorded in the Wake County Register of Deeds Office on~~ ~~in Book~~ ~~Page~~ the Estate of Laura Burbank Atkins File # 23E005712-910, Wake County Clerk of Superior Court, Estates Division.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/12/23, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/12/23, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 1st day of March, 2025.

_____ (seal)

State: Texas
County: Harris

Jacque Diane Atkins Bass

Type or print name

STATE OF ~~NORTH~~ TX CAROLINA
COUNTY OF Harris

This instrument has been acknowledged by me on 3/11/25.

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

_____

ASHLEY GUERRA
Notary Public, State of Texas
Comm. Expires 10-06-2028
Notary ID 132712117

[NOTARY SEAL]

Notary Public
State of North ~~Carolina~~ TX
My Commission Expires: 10/6/28

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 25CZ06 Submittal Date:

Insert legal description below.

See attached Rezoning Legal Description.

Rezoning Legal Description – April 30th, 2025

ATKINS TRACT 1 – PIN: 0710-94-0436, 0710-84-7301, 0710-84-6444

Beginning at an existing iron pipe located in the southeast corner of the Laura Atkins property, PIN 0710-94-0436, said pipe having NC grid coordinates (NAD 83 – 2011) of N=704,354.22, E=2,019,365.63, thence South 72°47'37" West 506.27 feet to a point, thence North 88°33'47" West 275.46 feet to a new iron pipe in the Eastern Right of Way of New Hill Olive Chapel Road (Variable Width R/W), thence North 88°33'47" West 35.01 feet to a point in the centerline of New Hill Olive Chapel Road, thence North 25°18'32" West 350.53 feet along the centerline of New Hill Olive Chapel Road to a point, thence North 74°34'16" East 53.09 feet to a new iron pipe in the Eastern Right of Way of New Hill Olive Chapel Road, thence North 74°34'16" East 316.74 feet to an existing iron pipe, thence South 21°41'09" East 60.15 feet to a nail at the base of an existing iron pipe, thence North 74°36'43" East 595.80 feet to an existing iron pipe, thence South 01°00'40" West 330.93 feet to an existing iron pipe, thence South 04°29'17" West 44.76 feet to an existing iron pipe, the point and place of beginning, containing 7.65 acres (333,360 sq ft) more or less.

ATKINS LOT 2 – PIN: 0710-94-0061

Beginning at a nail at the base of an existing iron pipe on the eastern right of way of New Hill Olive Chapel Rd (SR 1141) (Variable Width Public R/W), said nail having NC grid coordinates (NAD 83 – 2011) of N=703,500.66, E=2,018,888.09, thence from said beginning point with said right of way North 14°39'29" West 80.03 feet to a point, thence North 14°34'10" West 35.78 feet to a point, thence North 15°47'40" West 32.61 feet to a point, thence North 16°22'34" West 62.21 feet to a new iron pipe, thence leaving said right of way North 00°31'52" East 105.40 feet to a new iron pipe, thence South 89°34'15" East 36.59 feet to an existing iron pipe, thence North 01°44'29" East 395.75 feet to a point, thence North 72°47'37" East 506.27 feet to an existing iron pipe, thence South 04°26'16" West 325.00 feet to a new iron pipe, thence South 40°30'26" West 696.47 feet to the point and place of beginning, containing 5.77 acres (251,219 sq ft) more or less.

HUDSON TRACT 2 – PIN: 0710-93-1641

Beginning at a new iron pipe located in the Northeast corner of the Judy & Claude Hudson property, PIN 0710-93-1641, said pipe having NC grid coordinates (NAD 83 – 2011) of N=704,030.20, E=2,019,340.48, thence South 04°26'16" West 271.14 feet to a new iron pipe, thence South 02°35'58" West 254.54 feet to an existing iron pipe, thence South 75°01'05" West 192.41 feet to an existing iron pipe, thence South 64°27'48" West 220.47 feet to a nail at the base of an existing bent iron pipe in the Eastern Right of Way of New Hill Chapel Road (Variable Width R/W), thence North 14°04'28" West 144.17 feet along the Right of Way of New Hill Chapel Road to a nail at the base of an existing bent iron pipe, thence North 40°30'26" East 696.47 feet to a new iron pipe, the point and place of beginning, containing 3.09 acres (134,503 sq ft) more or less.

NORTH CAROLINA PROFESSIONAL SEAL L-3059 LAND SURVEYOR STEPHEN B. MULLINS

DocuSigned by:
Stephen B Mullins
DFCEC79C4D7E4B2...
5/2/2025

NEW HILL OLIVE CHAPEL ROAD
PROPERTY OWNER INFORMATION EXHIBIT

Property Owner(s)	PIN	REID	Property Address
Hudson, Claude Lee Jr Hudson, Judy A	0710931641	0142279	2701 New Hill Olive Chapel Road
Davidson Homes, LLC	0710940061	0142280	2625 New Hill Olive Chapel Road
Atkins, Laura B	0710940436	0142281	2525 New Hill Olive Chapel Road
Atkins, Laura B	0710846444	0080811	2529 New Hill Olive Chapel Road
Atkins, Laura B	0710847301	0080809	2537 New Hill Olive Chapel Road

NEW HILL OLIVE CHAPEL ROAD ASSEMBLAGE
PROPOSED REZONING CONDITIONS

1. Homeowners Association will not restrict the construction of accessory apartments.
2. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
3. Garage doors shall have windows, decorative details or carriage-style adornments.
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:
    - Window;
    - Bay Window;
    - Recessed window;
    - Decorative window;
    - Trim around the windows:
    - Wrap around porch or side porch;
    - Two or more building materials;
    - Decorative brink/sone;
    - Decorative trim;
    - Decorative shake;
    - Decorative air vents on gable;
    - Decorative cornice;
    - Column;
    - Portico;
    - Balcony; or
    - Dormer
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. Primary building materials shall be brick, stone, and fiber cement siding.
8. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.
10. The front façade of any front loaded garage shall not protrude further than five (5) feet forward beyond (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right of way from which the dwelling unit is addressed. Living space above garage shall not be considered part of the front façade.
11. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

12. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
13. The project shall install at least two (2) pet waste stations per 20 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.
14. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.
15. Building setbacks shall be as required by Article 5 of the Unified Development Ordinance except the minimum side setback shall be five (5) feet.
16. Developer shall widen New Hill Olive Chapel Rd and dedicate public right of way along the entire project frontage based on a minimum two-lane 36-foot-wide 2-lane rural thoroughfare, inclusive of 12-foot-wide travel lanes and 6-foot-wide paved shoulders, roadside ditch, and construct 10-foot-wide Side Path on 110-foot-wide right of way. Additionally, developer shall construct a left turn lane meeting minimum NCDOT standards on New Hill Olive Chapel Rd for full movement access if/when proposed, subject to Apex and NCDOT review and approval.
17. A stub street shall be provided to the south, to PIN 0710932329, and to the east for future connectivity.
18. Subject to the Applicant obtaining necessary easements from property owners of PIN 0710836780, PIN 0710838911 and PIN 0710847161 at appraised fair market value; or, subject to approval of construction within the existing right of way, an off-site side path shall be constructed along New Hill Olive Chapel Road along the frontages of PIN 0710836780, PIN 0710838911 and PIN 0710847161.
19. Affordable Housing
    The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the "Affordable Units"). The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the "Initial Sales Price").
    The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the "Income Limit")(. For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x's) one-hundred thirty five percent (135%) times (x's) the annual median-income limit {135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.

A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the "Affordability Period") shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
The Affordable Units may be provided in multiple phases or in one single phase.
Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the "First Sale").
Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

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

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

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

Developer Company *Information*	
Company *Name*	Davidson Homes LLC
Company Phone *Number*	
Developer Representative *Name*	Kim Mulder
Developer Representative *Phone Number*	919-255-2602
Developer Representative *Email*	kmulder@davidsonhomes.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	New Hill (Apex)
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	2525, 2029, 2537, 2625 & 2701 New Hill Olive Chapel Rd
REID(s)	0142281, 0080811, 0080809, 0142280, 0142279
PIN(s)	0710940436, 0710846444, 0710847301, 0710940061, 0710931641

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

Lot by Lot Development *Information*

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	42																
Townhomes																	
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

Instruction Packet and Affidavit for
Neighborhood Meetings

Town of Apex
Planning Dept
PO Box 250
Apex, NC 27502

T: 919-249-3426
F: 919-267-4987

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types and any long range plan amendments directly associated with such projects prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7.B. The intent of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A pre-application neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezonings (including Planned Unit Developments);
- Major Site Plans;
- Minor Site Plans for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", and "Convenience store with gas sales";
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning; Major Site Plan; Minor Site Plans for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"; residential Master Subdivision Plan (excluding exempt subdivisions); or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. **The notices for this Neighborhood Meeting shall not be mailed until after the pre-application meeting with the Technical Review Committee has been held.** This meeting may be held in-person or virtually. Virtual meetings shall provide a dial-in option in addition to a link to participate by internet. The applicant shall submit all forms included in this packet with the initial application submittal.

A second Neighborhood Meeting is required for all Rezonings (including Planned Unit Developments). This meeting shall be held in the month preceding the anticipated public hearing date.

The Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners and tenants abutting and within 300 feet of the subject property, and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance

of the neighborhood meeting, not including the day of mailing. **The applicant shall send an email to addressing.team@apexnc.org to request the notification list as early as possible in order to receive the list in time for the mailing. The list will be provided within 5-10 business days of the initial request.** The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors. An updated list shall be provided by Planning staff prior to the required 2nd meeting for Rezoning applications.

- The applicant shall include with the meeting notice a vicinity map in addition to the materials listed under "Mailing and handout requirements" below.

The meeting must be held within specific timeframes and meet certain requirements:

- For all applications except Rezonings, the meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- For Rezonings, two (2) meetings are required. The first meeting must be held prior to submittal of the application and the second meeting must be held in the month preceding the anticipated public hearing date. The meetings must be held for a minimum of one (1) hour each, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- Meetings cannot be held on Town recognized holidays (http://www.apexnc.org/calendar.aspx).
- In-person meetings:
  - Meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
  - A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Virtual meetings:
  - Meeting shall be held via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice. A dial-in option shall be provided.
  - An attendance sheet must be used to log known attendees at the virtual meeting. Note if no one attended.
- Mailing and handout requirements to help facilitate discussion:
  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ):
    - A vicinity map and existing zoning map of the area; and
    - An exhibit(s) showing any proposed long range plan amendment(s), if applicable.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Minor Site Plans for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", and "Convenience store with gas sales"; residential Master Subdivision Plans; and Special Use Permits:
    - A vicinity map and preliminary plans of the proposed development. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the "send plans" box on the sign-in sheet; applicant shall provide reduced copies upon request. For virtual meetings, the applicant must ask meeting participants if they would like any materials emailed/mailed to them; and
    - An exhibit showing any proposed long range plan amendment(s), if applicable.
  - Printed copies (handouts) must equal the number of notices required to be sent.
  - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
  - "Common Construction Issues & Who to Call" sheet (attached) must be included as part of the mailing/handout.
  - A copy of the handout must be included as part of the Neighborhood Meeting report.

- The agenda of the meeting shall include:
    - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
    - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
    - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. For in-person meetings, provide blank comment sheets or notecards for neighbors to submit written comments. For virtual meetings, copy all questions and answers entered into the meeting's chat feature before closing the meeting and save them into a document. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the "Send Plans & Updates" box on the sign-in sheet or who otherwise request to be updated of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to the Planning Department, neighbors, and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One (1) reduced copy of the maps and/or plans included in the invitation and presented to the neighbors at the Neighborhood Meeting.

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.

February 11, 2025

Date

Dear Neighbor:

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

2701, 2625, 2525, 2529, 2537 New Hill Olive Chapel Rd

Address(es)

0710931641, 0710940061, 0710940436, 0710846444
0710847301

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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant seeks to rezone the property to Medium Density Residential- Conditional Use (MD-CZ), and amend the Land Use Map Designation to Low Density Residential to facilitate the development of a single-family dwelling community.

Estimated submittal date: March 3, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	See Attachment A
Applicant(s):	Jason Barron, Morningstar Law Group
Contact information (email/phone):	jbarron@morningstarlawgroup.com/919-590-0371
Meeting Address:	https://morningstarlaw.group/02262025.mtg
Date/Time of meeting**:	February 26, 2025 5:30pm-6:30pm

Welcome: 5:30pm-5:35pm Project Presentation: 5:35pm-5:45 Question & Answer: 5:45pm-6:30pm

**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.

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: New Olive Chapel Road Assemblage Rezoning Zoning: Medium Density Residential

Location: See Attachment A

Property PIN(s): See Attachment A Acreage/Square Feet: 16.7

Property Owner: See Attachment A

Address:

City: State: Zip:

Phone: Email:

Developer: Perry Verille c/o Davidson Homes

Address: 1903 North Harrison Avenue, Suite 200

City: Raleigh State: NC Zip: 27513

Phone: (919) 650-9205 Fax: Email: pverille@davidsonhomesllc.com

Engineer: Withers Ravenel c/o Ed Tang

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 Fax: Email: etang@withersravenel.com

Builder (if known): Perry Verille c/o Davidson Homes

Address: 1903 North Harrison Avenue, Suite 200

City: Raleigh State: NC Zip: 27513

Phone: (919) 650-9205 Fax: Email: pverille@davidsonhomesllc.com

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

How to Participate in the February 26, 2025 Neighborhood Meeting

To participate by PC, Mac, iPad, iPhone or Android device, go to https://morningstarlaw.group/02262025.mtg to register for the meeting. (Registration is necessary as we are required by the Town of Apex to have a record of attendance.)

- Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
- Dial one of the following numbers:
  - +1 929 436 2866
  - +1 301 715 8592
  - +1 305 224 1968
  - +1 312 626 6799
  - +1 646 931 3860
  - +1 719 359 4580
  - +1 253 205 0468
  - +1 253 215 8782
  - +1 346 248 7799
  - +1 360 209 5623
- Webinar ID: 873 7689 7010
- Passcode: 919361
- For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.

REGISTRATION QR

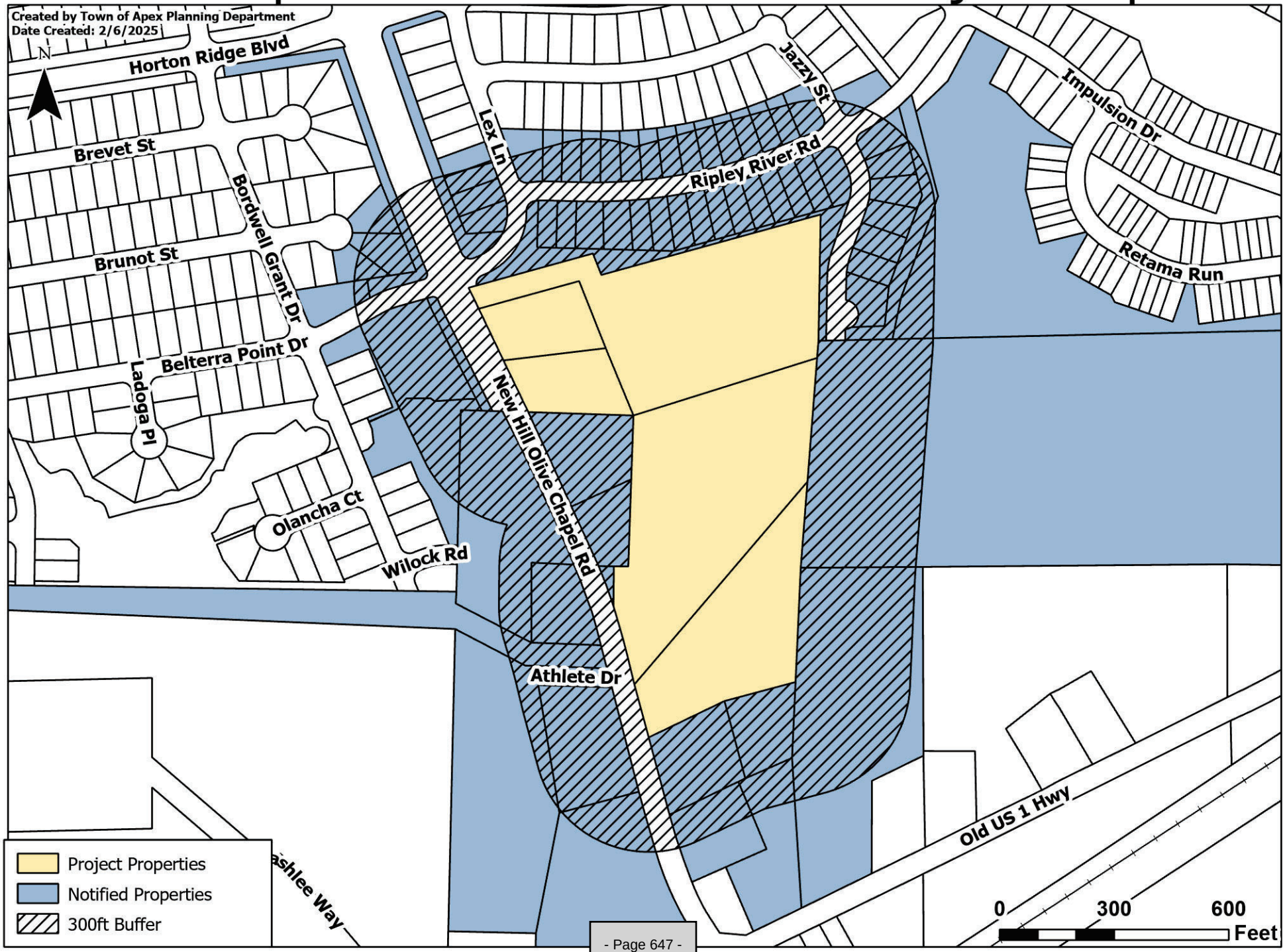
If you have difficulty registering, you may call Leticia Shapiro at **(919) 590-0366** or email **tshapiro@morningstarlawgroup.com** prior to the meeting for assistance. If you have difficulty connecting during the meeting, please email **tshapiro@morningstarlawgroup.com** and the meeting link will be sent to help assist.

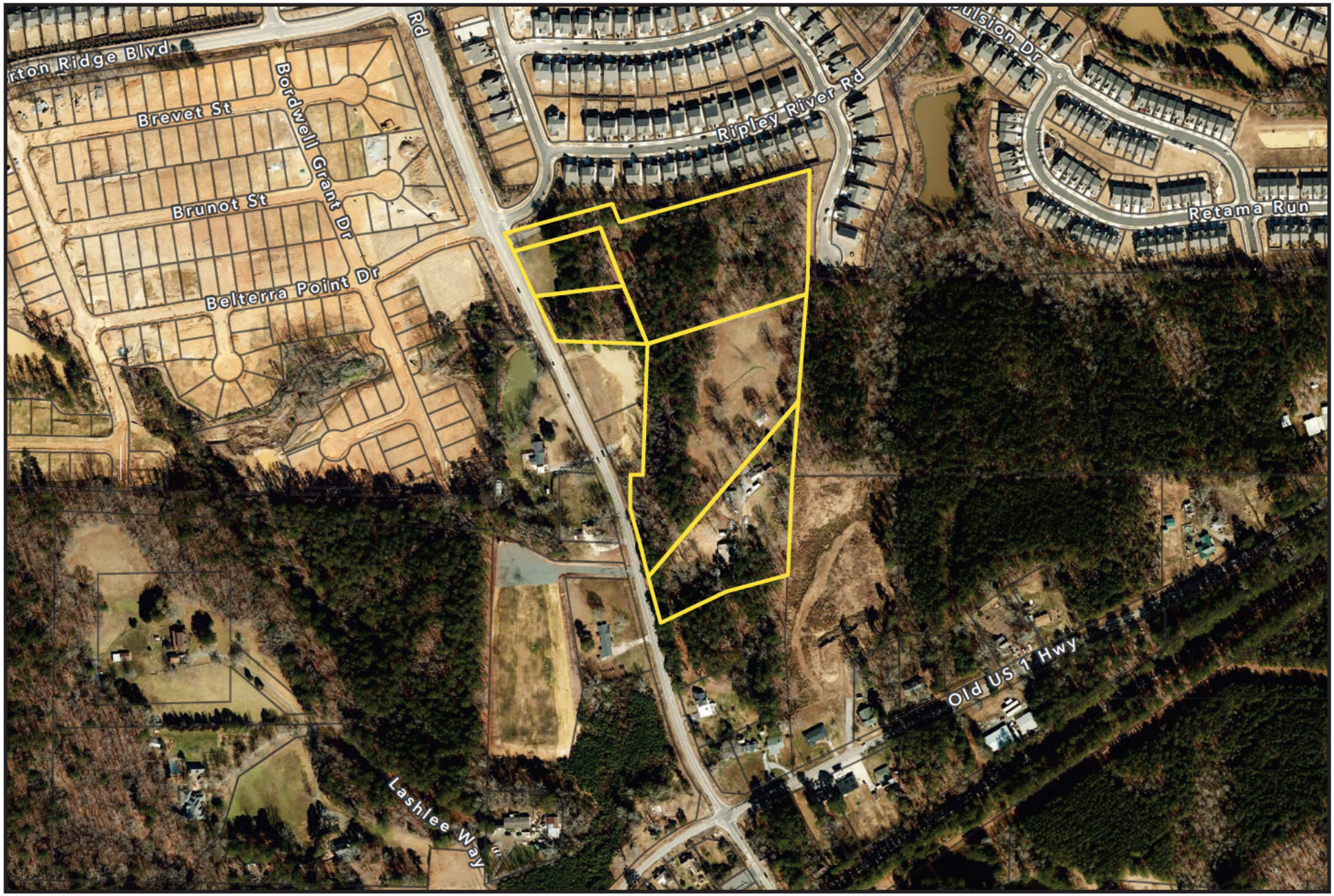
During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or the Q&A features. We will not use the Chat feature. If you use Raise Hand, a panelist will either unmute you to allow you to speak to solicit your questions/comments.

If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at **tshapiro@morningstarlawgroup.com**.

Notified Properties within 300ft of the Project Properties





Vicinity Map

N

0 200 400 800 ft

1 inch equals 400 feet

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

Attachment A

Property Information

Property Owner(s)	County Parcel Number(s)	Real Estate ID(s)	Property Address	Deeded Acres
Hudson, Claude Lee Jr Hudson, Judy A	0710931641	0142279	2701 New Hill Olive Chapel Road	3.18
Hudson, Judy A Hudson, Claude Lee	0710940061	0142280	2526 New Hill Olive Chapel Road	5.87
Atkins, Laura B	0710940436	0142281	2525 New Hill Olive Chapel Road	5.42
Atkins, Laura B	0710846444	0080811	2529 New Hill Olive Chapel Road	1.14
Atkins, Laura B	0710847301	0080809	2537 New Hill Olive Chapel Road	1.09
				TOTAL: 16.7

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
3235 RIPLEY RIVER RD	0710943851	ALBRECHT, PHILLIP M ALBRECHT, RACHEL M	3235 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3520 OLD US 1 HWY	0710934464	APEX FIRST IN-VESTMENTS LLC	5448 APEX PEAKWAY # 222	APEX NC 27502-3924
2525 NEW HILL OLIVE CHAPEL RD	0710940436	ATKINS, LAURA B	PO BOX 217	NEW HILL NC 27562-0217
2725 JAZZY ST	0710944590	BAPAT, VIKRAM KHAN, ZARINA S	2725 JAZZY ST	NEW HILL NC 27562-9328
3312 OLD US 1 HWY	0720046146	BARBOUR, LINDA BARKER	PO BOX 252	NEW HILL NC 27562-0252
2713 JAZZY ST	0710945752	BAUTISTA MENDOZA, ROBERTO I BAUTISTA, EMILY	2713 JAZZY ST	NEW HILL NC 27562-9328
3272 RIPLEY RIVER RD	0710848878	BRANCH, PETER J BRANCH, TONI ANN	3272 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2704 NEW HILL OLIVE CHAPEL RD	0710837363	BROADWELL, ANNIE RUTH L TRUSTEE BROADWELL FAMILY TRUST	2704 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9176
3268 RIPLEY RIVER RD	0710849828	BULUSU, SUNIL GUNTURU, MADHAVI	3268 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3267 RIPLEY RIVER RD	0710849750	BYLER, BRIAN D BYLER, ALLISON C	3267 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2701 JAZZY ST	0710945933	CARPENTER, DAVID H BEAULIEU, TAMMY M	2701 JAZZY ST	NEW HILL NC 27562-9328
3300 BRUNOT ST	0710842702	CHERUKU, SACHIN REDDY MANDALA, SRIASHA REDDY	3300 BRUNOT ST	NEW HILL NC 27562-7701
3285 RIPLEY RIVER RD	0710847700	CHU, CLIFFORD S CHU, CATHERINE	3285 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2609 NEW HILL OLIVE CHAPEL RD	0710847161	CUSUMANO, JOSEPH DAVID CUSUMANO, REAGAN LAYNE	2609 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9175
2625 NEW HILL OLIVE CHAPEL RD	0710940061	DAVIDSON HOMES LLC	336 JAMES RECORD RD	HUNTSVILLE AL 35824
3305 BRUNOT ST	0710841559	DEY, VICTOR DEY, LIPIKA	3305 BRUNOT ST	NEW HILL NC 27562-7701
2620 NEW HILL OLIVE CHAPEL RD	0710836780	DHILLON, HARDIP SINGH DHILLON, GURMINDER KAUR	5785 OLD US 1 HWY	NEW HILL NC 27562-8965
3276 RIPLEY RIVER RD	0710848827	DIAZ, ARTURO VARGAS SALINAS PALMA, IVETTE S	3276 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3259 RIPLEY RIVER RD	0710940752	DOSSLIN, FNU ANISH SUDARSHAN, SAHANA	3259 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3279 RIPLEY RIVER RD	0710847760	GALLIGAN, MICHAEL JOSEPH GALLIGAN, SHANNON	3279 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2717 JAZZY ST	0710945625	GOYANI, JAYDEEP HIMMATBHAI GOYANI, NEHABEN JAYDEEP	2717 JAZZY ST	NEW HILL NC 27562-9328
3284 RIPLEY RIVER RD	0710847828	HARRISON, JILL MARIE HARRISON, BRYAN A	3284 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3247 RIPLEY RIVER RD	0710942706	HESEN, ERIC M HESEN, KIMBERLY E	3247 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2600 NEW HILL OLIVE CHAPEL RD	0710835932	HICKS, MICHAEL N HICKS, ASHLEY FAY	2600 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9174
2619 NEW HILL OLIVE CHAPEL RD	0710838911	HOUGHTON, MICHAEL J DOBBINS, ASHLEY M	2619 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9175
2701 NEW HILL OLIVE CHAPEL RD	0710931641	HUDSON, CLAUDE LEE JR HUDSON, JUDY A	PO BOX 7	NEW HILL NC 27562-0007
2709 JAZZY ST	0710945779	JOHNSTON, JOHN REED IV JOHNSTON, CYNTHIA L	2709 JAZZY ST	NEW HILL NC 27562-9328
0 BELTERRA POINT DR	0710840590	KB HOME RALEIGH-DURHAM INC	1800 PERIMETER PARK DR STE 140	MORRISVILLE NC 27560-8464
2685 JAZZY ST	0710954084	KEANE, DEREK KEANE, JESSICA	2685 JAZZY ST	NEW HILL NC 27562-9327
3244 RIPLEY RIVER RD	0710941974	KIPROVSKI, BORIS KIPROVSKI, PAOLA A	3244 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2705 JAZZY ST	0710945866	LEAL, KEITH LEAL, ERIN M	2705 JAZZY ST	NEW HILL NC 27562-9328
3239 RIPLEY RIVER RD	0710943709	LEWIS, KEITH AUSTIN CO-TRUSTEES LEWIS, AMBER DAWN CO-TRUSTEES	3239 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3240 RIPLEY RIVER RD	0710942925	LU, YUANCHEN HU, RUI	3240 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3255 RIPLEY RIVER RD	0710941703	MARIAN, VLAD MARIAN, RALUCA IOANA	3255 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3248 RIPLEY RIVER RD	0710941932	MCALLISTER, JESSICA LOUISE MCALLISTER, WILLIAM CRAWFORD JR	3248 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3231 RIPLEY RIVER RD	0710944803	MCLENDON, KEITH O'BRIEN MCLENDON, SHARON HASTY	3231 RIPLEY RIVER RD	NEW HILL NC 27562-9329
8621 ATHLETE DR	0710835242	MENAGE LLC	255 OAK HAVEN LN	APEX NC 27523-5803
2628 LEX LN	0710844852	NAGESH, RAJ HARRIS, RACHAEL	2628 LEX LN	NEW HILL NC 27562-9326
3271 RIPLEY RIVER RD	0710849700	NANDAKUMAR, SRIRAMKUMAR TRUSTEE SAMPATH, PAVITHRA TRUSTEE	3271 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3230 RIPLEY RIVER RD	0710953030	NGUYEN, NGUYEN VO NGUYEN, THINH D	3230 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2636 LEX LN	0710844791	NUKALA, HARISH REDDY YERVA, THANVI	2636 LEX LN	NEW HILL NC 27562-9326
3258 RIPLEY RIVER RD	0710940920	OTT, CHAD OTT, LAURA	3258 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2721 JAZZY ST	0710945509	RODRIGUEZ FUENTES, PATRICIA Y MEDINA, MARCOS RODRIGUEZ	2721 JAZZY ST	NEW HILL NC 27562-9328
2632 LEX LN	0710844777	SANDHU, GURSHARAN SANDHU, RAJNEET KAUR	2632 LEX LN	NEW HILL NC 27562-9326
3288 RIPLEY RIVER RD	0710846878	SATOO, NIGEL CASTILLO, JERIKA	3288 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3600 OLD US 1 HWY	0710827861	SHRI VARNI LLC	1812 VENEZIA WAY	APEX NC 27502-4740
3236 RIPLEY RIVER RD	0710942977	SRISKANDA, AHILA NESA	3236 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3262 RIPLEY RIVER RD	0710849879	STEINBACK, ZACHARY DANIEL STEINBACK, MORGAN ALISE	3262 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3289 RIPLEY RIVER RD	0710846750	SUMMERS, DESMOND LEE, REBECCA W	3289 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3292 RIPLEY RIVER RD	0710846809	SUTER, JOHN ERIC SUTER, LINDSAY JANE	3292 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3280 RIPLEY RIVER RD	0710847878	SYAL, SAMIR MORGAN, DANA	3280 RIPLEY RIVER RD	NEW HILL NC 27562-9329

2624 LEX LN	0710844847	TENN, DAVID LEE, ELENA C	2624 LEX LN	NEW HILL NC 27562-9326
3263 RIPLEY RIVER RD	0710940701	TIERNEY, CLINTON A TIERNEY, JENNIFER M	3263 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3251 RIPLEY RIVER RD	0710941754	TRIPATHI, RAKESH KADEL, ANJANA	3251 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3252 RIPLEY RIVER RD	0710940981	UPTON, DAVID MARSHALL UPTON, ELIZABETH BERGER	3252 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3301 BRUNOT ST	0710842633	VENKANNA, RAJU KATTIMANI CHANDRAPPA, BINDU GOVINAKOVI	3301 BRUNOT ST	NEW HILL NC 27562-7701
3243 RIPLEY RIVER RD	0710942757	WILLIAMS, JEREMY K WILLIAMS, JULIE R	3243 RIPLEY RIVER RD	NEW HILL NC 27562-9329
0 LEX LN	0710844664	WOODBURY PROPERTY HOMEOWNERS ASSOCIATION INC	PO BOX 97243	RALEIGH NC 27624-7243
3528 OLD US 1 HWY	0710932040	WTR HISTORIC PROPERTIES LLC	2717 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9177
3275 RIPLEY RIVER RD	0710848740	XIA, LIJUN LIU, RONG	3275 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2709 NEW HILL OLIVE CHAPEL RD	0710930350	YOUNG, LORETTA ROUNDY	2717 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9177
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	2525 New Hill Olive Chapel RD	NEW HIL NC 27562
		Current Tenant	2620 New Hill Olive Chapel RD	NEW HIL NC 27562
		Current Tenant	2701 New Hill Olive Chapel RD	NEW HIL NC 27562
		Current Tenant	3312 Old Us 1 HWY	NEW HIL NC 27562
		Current Tenant	3520 Old Us 1 HWY	NEW HIL NC 27562
		Current Tenant	3528 Old Us 1 HWY	NEW HIL NC 27562

Created by Town of Apex Planning Department
Date Created: 2/6/2025

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 am to 8:30 pm so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday-Friday from 8:00 am to 5:00 pm. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	Infrastructure Inspections	919-249-3386

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Infrastructure Inspections	919-249-3386

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

Parking Violations:	Non-Emergency Police	919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road:	Water Resources	919-362-8166

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams:	Water Resources	919-362-8166

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

Dust:	Water Resources	919-362-8166

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	Water Resources	919-362-8166

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	Water Resources	919-362-8166

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Water Resources	919-362-8166

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed.

Electric Utility Installation:	Rodney Smith	919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual - Zoom Platform

Date of meeting: February 26, 2025 Time of meeting: 5:30pm-6:30pm

Property Owner(s) name(s): See Attached Property Owner Information Exhibit

Applicant(s): Davidson Homes, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Mark Altman, Davidson Homes, LLC			[redacted]	
2.	Ed Tang, Withersravenel			[redacted]	
3.	Leticia Shapiro, Morningstar Law Group			[redacted]	
4.	Joseph Cusumano			[redacted]	
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See Attached Property Owner Information Exhibit

Applicant(s): Davidson Homes, LLC

Contact information (email/phone): Mark Altman, Davidson Homes LLC, maltman@davidsonhomes.com

Meeting Address: Virtual-Zoom Platform

Date of meeting: February 26, 2025 Time of meeting: 5:30pm - 6:30pm

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. The applicant provided a presentation discussing current zoning, proposed zoning, long range land use amendment, the rezoning process, and neighbor engagement. Following the presentation:

Question/Concern #1:

Participant asked if there will be townhomes.

Applicant's Response:

Response: No, the proposed development is a single family community.

Question/Concern #2:

Participant stated that he would like to see less density here.

Applicant's Response:

Response: Thank you. We will note this in the report.

Question/Concern #3:

Applicant's Response:

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, Leticia Shapiro, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Virtual - Zoom Platform (location/address) on February 26, 2025 (date) from 5:30pm (start time) to 6:30pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

March 3, 2025
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 3 day of March, 2025.

SEAL

JULIA OGDEN
NOTARY PUBLIC
WAKE COUNTY, N.C.

_____
Notary Public

Julia Ogden
Print Name

My Commission Expires: June 23, 2029

APEX ENVIRONMENTAL ADVISORY BOARD
Suggested Zoning Conditions

Project Name: New Hill Olive Chapel Road Assemblage Date:

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

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

This document is divided into two parts:

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

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

Part I – Residential

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

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

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

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

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

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

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

WASTE MANAGEMENT (15)	YES	NO	N/A
Goal 15. Encourage the proper disposal of pet waste to reduce environmental impacts. ***Numbers shown may be changed based on project.*** The project shall install at least one (1) pet waste station per 20 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there fewer than 25 homes, at least one (1) pet waste station shall be installed.	☑	☐	☐

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

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWHs.	☐	☑	☐
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	☐	☑	☐
Goal 18. Encourage clean transportation. The developer shall install at least _____electric vehicle charging station in amenity centers or common area parking lots.	☐	☑	☐

Part II - Non-Residential

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

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

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

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.			
Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. The Department of Public Works & Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW. *Option 6.1:* Install pervious pavements where practicable (e.g. when parking maximums are exceeded). a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	☐	☐	☑
AND/OR			
b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	☐	☐	☑
Option 6.2: Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens. To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.	☐	☐	☑
Option 6.3: Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation. The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.	☐	☐	☑
Goal 7. Stormwater re-use application: Integrate irrigation from the SCM (wet pond) on site.			
At least one _____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	☐	☐	☑

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
Goal 8. Preserve tree canopy and prioritize medium to large, healthy, desirable species. *Option 8.1:* Preserve existing trees (percentage-based). Numbers shown may be changed based on project**.** The EAB's preference is for a minimum of 50%. a. The project shall preserve a minimum of _____% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.	☐	☐	☑
OR			
b. The project shall preserve a minimum of _____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to	☐	☐	☑

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. *Option 8.2:* Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	☐	☐	☑
Goal 9. Plant trees for improved energy efficiency. *Option 9.1:* Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	☐	☐	☑
Option 9.2: Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	☐	☐	☑
Goal 10. Increase biodiversity. *Option 10.1:* Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species). a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.	☐	☐	☑
OR			
b. The project shall ensure that _____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	☐	☐	☑
Option 10.2: Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	☐	☐	☑
Option 10.3: Increase the number of native tree and shrub species selected. a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.	☐	☐	☑
OR			
b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.	☐	☐	☑
Goal 11. Implement green infrastructure. *Option 11.1:* Plant rain gardens. The project shall install one or more rain gardens throughout the site.	☐	☐	☑
Option 11.2: Install vegetated rooftops. a. The project shall install a vegetated rooftop, aka green roof, on each building.	☐	☐	☑
OR			
b. The project shall install a vegetated rooftop, aka green roof, on at least _____ft^2 of each building.	☐	☐	☑

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
Option 11.3: Implement xeriscaping in design. a. The project commits to planting _____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review. **OR** b. The project commits to planting only drought tolerant plants. At least _____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review. **OR** c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	☐ ☐ ☐	☐ ☐ ☐	☑ ☑ ☑
Goal 12. Install community gardens and native pollinator demonstration gardens. The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.	☐	☐	☑
Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings. To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.	☐	☐	☑
Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a _____-foot buffer along the _____perimeter of the property. The applicant is proposing a _____-foot buffer in that location, which would be an increase of _____-feet above the requirement.	☐	☐	☑
Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed. a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. **OR** b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	☐ ☐	☐ ☐	☑ ☑

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for _____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	☐	☐	☑

WASTE REDUCTION (17)	YES	NO	N/A
Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.			

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	☐	☐	☑

CLEAN ENERGY (18-20)	YES	NO	N/A
Goal 18. Install rooftop solar on buildings.			
a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area.	☐	☐	☑
OR			
b. A solar PV system of at least 3.5kW shall be installed on at least _____% of or _____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time.	☐	☐	☑
OR			
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWHs.	☐	☐	☑
Goal 19. Include solar conduit in building design.			
The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.	☐	☐	☑
Goal 20. Encourage clean transportation.			
a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet.	☐	☐	☑
AND/OR			
b. EV charging spaces shall be located such that the cords shall not cause a trip hazard.	☐	☐	☑
AND/OR			
c. The developer shall provide 5% of all parking spaces as EV charging spaces.	☐	☐	☑

LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
Goal 21. Include energy efficient lighting in building design.			
Option 21.1: *Increase the use of LEDs.* The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures.	☐	☐	☑
Option 21.2: Lower maximum foot-candles outside of buildings. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.	☐	☐	☑
Goal 22. Install timers or light sensors or smart lighting technology.			
a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.	☐	☐	☑
Goal 23. Include International Dark Sky Association compliance standards.			
The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.	☐	☐	☑

Applicant Clarification/Additional Language:
Additional Board Recommendations:

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.

April 22, 2025
Date

Dear Neighbor:

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

2701, 2625, 2525, 2529, 2537 New Hill Olive Chapel Rd (Address(es))

0710931641, 0710940061, 0710940436, 0710846444
0710847301 (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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant seeks to rezone the property to Medium Density Residential- Conditional Use (MD-CZ), and amend the Land Use Map Designation to Low Density Residential to facilitate the development of a single-family dwelling community.

Estimated submittal date: Application submitted March 3, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	See Attachment A
Applicant(s):	Jason Barron, Morningstar Law Group
Contact information (email/phone):	jbarron@morningstarlawgroup.com/919-590-0371
Meeting Address:	https://morningstarlaw.group/02262025.mtg
Date/Time of meeting**:	May 7, 2025 5:30pm-6:30pm

Welcome: 5:30pm-5:35pm Project Presentation: 5:35pm-5:45 Question & Answer: 5:45pm-6:30pm

**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.

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: New Olive Chapel Road Assemblage Rezoning Zoning: Medium Density Residential

Location: See Attachment A

Property PIN(s): See Attachment A Acreage/Square Feet: 15.87

Property Owner: See Attachment A

Address:

City: State: Zip:

Phone: Email:

Developer: Perry Verille c/o Davidson Homes

Address: 1903 North Harrison Avenue, Suite 200

City: Raleigh State: NC Zip: 27513

Phone: (919) 650-9205 Fax: Email: pverille@davidsonhomesllc.com

Engineer: Withers Ravenal c/o Ed Tang

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 Fax: Email: etang@withersravenel.com

Builder (if known): Perry Verille c/o Davidson Homes

Address: 1903 North Harrison Avenue, Suite 200

City: Raleigh State: NC Zip: 27513

Phone: (919) 650-9205 Fax: Email: pverille@davidsonhomesllc.com

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 am to 8:30 pm so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday-Friday from 8:00 am to 5:00 pm. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	Infrastructure Inspections	919-249-3386

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Infrastructure Inspections	919-249-3386

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

Parking Violations:	Non-Emergency Police	919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road:	Water Resources	919-362-8166

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams:	Water Resources	919-362-8166

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

Dust:	Water Resources	919-362-8166

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	Water Resources	919-362-8166

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	Water Resources	919-362-8166

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Water Resources	919-362-8166

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at https://www.apexnc.org/1173/ or by calling the number listed.

Electric Utility Installation:	Rodney Smith	919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

How to Participate in the May 7, 2025 Neighborhood Meeting

To participate by PC, Mac, iPad, iPhone or Android device, go to https://morningstarlaw.group/05072025.mtg to register for the meeting. (Registration is necessary as we are required by the Town of Apex to have a record of attendance.)

- Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
- Dial one of the following numbers:
  - +1 929 436 2866
  - +1 301 715 8592
  - +1 305 224 1968
  - +1 312 626 6799
  - +1 646 931 3860
  - +1 719 359 4580
  - +1 253 205 0468
  - +1 253 215 8782
  - +1 346 248 7799
  - +1 360 209 5623
- Webinar ID: 843 2947 1360
- Passcode: 064440
- For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.

REGISTRATION QR

If you have difficulty registering, you may call Leticia Shapiro at **(919) 590-0366** or email **tshapiro@morningstarlawgroup.com** prior to the meeting for assistance. If you have difficulty connecting during the meeting, please email **tshapiro@morningstarlawgroup.com** and the meeting link will be sent to help assist.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or the Q&A features. We will not use the Chat feature. If you use Raise Hand, a panelist will either unmute you to allow you to speak to solicit your questions/comments.

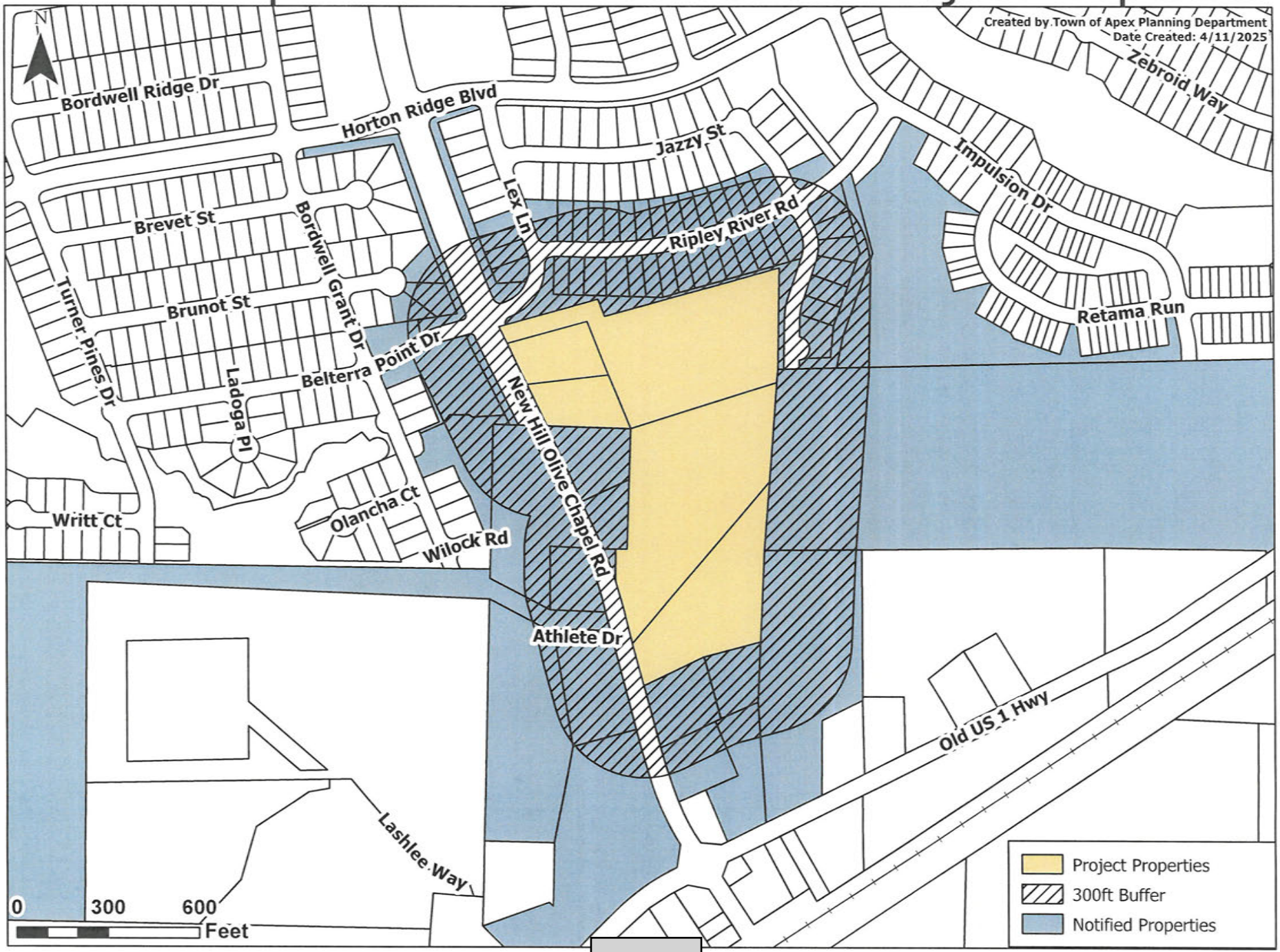
If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at **tshapiro@morningstarlawgroup.com**.

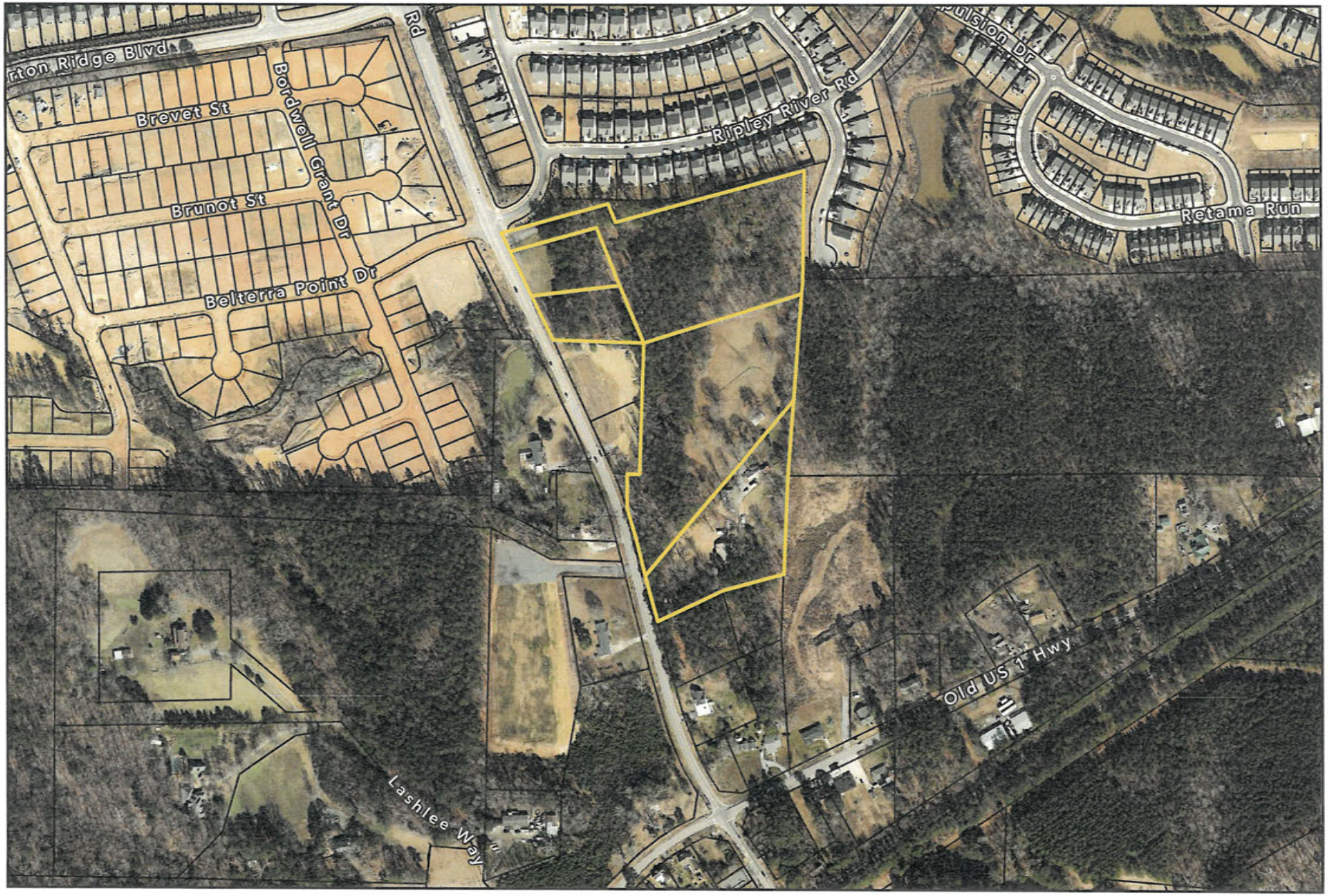
Attachment A

Property Information

Property Owner(s)	County Parcel Number(s)	Real Estate ID(s)	Property Address	Deeded Acres
Hudson, Claude Lee Jr Hudson, Judy A	0710931641	0142279	2701 New Hill Olive Chapel Road	3.18
Davidson Homes LLC	0710940061	0142280	2625 New Hill Olive Chapel Road	5.87
Atkins, Laura B	0710940436	0142281	2525 New Hill Olive Chapel Road	5.42
Atkins, Laura B	0710846444	0080811	2529 New Hill Olive Chapel Road	1.14
Atkins, Laura B	0710847301	0080809	2537 New Hill Olive Chapel Road	1.09
			Total acerage w/o ROW dedication. (Site Area 15.87 acres)	TOTAL: 16.7

Notified Properties within 300ft of the Project Properties





Vicinity Map

N

0 200 400 800 ft

1 inch equals 400 feet

Disclaimer

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

PROPOSED LONG RANGE MAP AMENDMENT

Current 2045 Land Use Map:

- Medium Density Residential
- Office Employment
- Commercial Services

Proposed 2045 Land Use Map:

- Medium Density Residential

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
3235 RIPLEY RIVER RD	0710943851	ALBRECHT, PHILLIP M ALBRECHT, RACHEL M	3235 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3520 OLD US 1 HWY	0710934464	APEX FIRST IN-VESTMENTS LLC	5448 APEX PEAKWAY # 222	APEX NC 27502-3924
2525 NEW HILL OLIVE CHAPEL RD	0710940436	ATKINS, LAURA B	PO BOX 217	NEW HILL NC 27562-0217
2725 JAZZY ST	0710944590	BAPAT, VIKRAM KHAN, ZARINA S	2725 JAZZY ST	NEW HILL NC 27562-9328
3312 OLD US 1 HWY	0720046146	BARBOUR, LINDA BARKER	PO BOX 252	NEW HILL NC 27562-0252
2713 JAZZY ST	0710945752	BAUTISTA MENDOZA, ROBERTO I BAUTISTA, EMILY	2713 JAZZY ST	NEW HILL NC 27562-9328
3272 RIPLEY RIVER RD	0710848878	BRANCH, PETER J BRANCH, TONI ANN	3272 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2704 NEW HILL OLIVE CHAPEL RD	0710837363	BROADWELL, ANNIE RUTH L TRUSTEE BROADWELL FAMILY TRUST	2704 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9176
3268 RIPLEY RIVER RD	0710849828	BULUSU, SUNIL GUNTURU, MADHAVI	3268 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3267 RIPLEY RIVER RD	0710849750	BYLER, BRIAN D BYLER, ALLISON C	3267 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2701 JAZZY ST	0710945933	CARPENTER, DAVID H BEAULIEU, TAMMY M	2701 JAZZY ST	NEW HILL NC 27562-9328
3300 BRUNOT ST	0710842702	CHERUKU, SACHIN REDDY MANDALA, SRIASHA REDDY	3300 BRUNOT ST	NEW HILL NC 27562-7701
3285 RIPLEY RIVER RD	0710847700	CHU, CLIFFORD S CHU, CATHERINE	3285 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2609 NEW HILL OLIVE CHAPEL RD	0710847161	CUSUMANO, JOSEPH DAVID CUSUMANO, REAGAN LAYNE	2609 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9175
2625 NEW HILL OLIVE CHAPEL RD	0710940061	DAVIDSON HOMES LLC	336 JAMES RECORD RD SW	HUNTSVILLE AL 35824-1514
3305 BRUNOT ST	0710841559	DEY, VICTOR DEY, LIPIKA	3305 BRUNOT ST	NEW HILL NC 27562-7701
2620 NEW HILL OLIVE CHAPEL RD	0710836780	DHILLON, HARDIP SINGH DHILLON, GURMINDER KAUR	5785 OLD US 1 HWY	NEW HILL NC 27562-8965
3276 RIPLEY RIVER RD	0710848827	DIAZ, ARTURO VARGAS SALINAS PALMA, IVETTE S	3276 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3259 RIPLEY RIVER RD	0710940752	DOSSLIN, FNU ANISH SUDARSHAN, SAHANA	3259 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3279 RIPLEY RIVER RD	0710847760	GALLIGAN, MICHAEL JOSEPH GALLIGAN, SHANNON	3279 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2717 JAZZY ST	0710945625	GOYANI, JAYDEEP HIMMATBHAI GOYANI, NEHABEN JAYDEEP	2717 JAZZY ST	NEW HILL NC 27562-9328
3284 RIPLEY RIVER RD	0710847828	HARRISON, JILL MARIE HARRISON, BRYAN A	3284 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3247 RIPLEY RIVER RD	0710942706	HESEN, ERIC M HESEN, KIMBERLY E	3247 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2600 NEW HILL OLIVE CHAPEL RD	0710835932	HICKS, MICHAEL N HICKS, ASHLEY FAY	2600 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9174
2619 NEW HILL OLIVE CHAPEL RD	0710838911	HOUGHTON, MICHAEL J DOBBINS, ASHLEY M	2619 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9175
2701 NEW HILL OLIVE CHAPEL RD	0710931641	HUDSON, CLAUDE LEE JR HUDSON, JUDY A	PO BOX 7	NEW HILL NC 27562-0007
2709 JAZZY ST	0710945779	JOHNSTON, JOHN REED IV JOHNSTON, CYNTHIA L	2709 JAZZY ST	NEW HILL NC 27562-9328
0 BELTERRA POINT DR	0710840590	KB HOME RALEIGH-DURHAM INC	1800 PERIMETER PARK DR STE 140	MORRISVILLE NC 27560-8464
2685 JAZZY ST	0710954084	KEANE, DEREK KEANE, JESSICA	2685 JAZZY ST	NEW HILL NC 27562-9327
3244 RIPLEY RIVER RD	0710941974	KIPROVSKI, BORIS KIPROVSKI, PAOLA A	3244 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2705 JAZZY ST	0710945866	LEAL, KEITH LEAL, ERIN M	2705 JAZZY ST	NEW HILL NC 27562-9328
3239 RIPLEY RIVER RD	0710943709	LEWIS, KEITH AUSTIN CO-TRUSTEES LEWIS, AMBER DAWN CO-TRUSTEES	3239 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3240 RIPLEY RIVER RD	0710942925	LU, YUANCHEN HU, RUI	3240 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3255 RIPLEY RIVER RD	0710941703	MARIAN, VLAD MARIAN, RALUCA IOANA	3255 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3248 RIPLEY RIVER RD	0710941932	MCALLISTER, JESSICA LOUISE MCALLISTER, WILLIAM CRAWFORD JR	3248 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3231 RIPLEY RIVER RD	0710944803	MCLENDON, KEITH O'BRIEN MCLENDON, SHARON HASTY	3231 RIPLEY RIVER RD	NEW HILL NC 27562-9329
8621 ATHLETE DR	0710835242	MENAGE LLC	255 OAK HAVEN LN	APEX NC 27523-5803
2628 LEX LN	0710844852	NAGESH, RAJ HARRIS, RACHAEL	2628 LEX LN	NEW HILL NC 27562-9326
3271 RIPLEY RIVER RD	0710849700	NANDAKUMAR, SRIRAMKUMAR TRUSTEE SAMPATH, PAVITHRA TRUSTEE	3271 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3230 RIPLEY RIVER RD	0710953030	NGUYEN, NGUYEN VO NGUYEN, THINH D	3230 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2636 LEX LN	0710844791	NUKALA, HARISH REDDY YERVA, THANVI	2636 LEX LN	NEW HILL NC 27562-9326
2721 JAZZY ST	0710945509	RODRIGUEZ FUENTES, PATRICIA Y MEDINA, MARCOS RODRIGUEZ	2721 JAZZY ST	NEW HILL NC 27562-9328
2632 LEX LN	0710844777	SANDHU, GURSHARAN SANDHU, RAJNEET KAUR	2632 LEX LN	NEW HILL NC 27562-9326
3288 RIPLEY RIVER RD	0710846878	SATOO, NIGEL CASTILLO, JERIKA	3288 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3600 OLD US 1 HWY	0710827861	SHRI VARNI LLC	1812 VENEZIA WAY	APEX NC 27502-4740
3236 RIPLEY RIVER RD	0710942977	SRISKANDA, AHILA NESA	3236 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3262 RIPLEY RIVER RD	0710849879	STEINBACK, ZACHARY DANIEL STEINBACK, MORGAN ALISE	3262 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3289 RIPLEY RIVER RD	0710846750	SUMMERS, DESMOND LEE, REBECCA W	3289 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3292 RIPLEY RIVER RD	0710846809	SUTER, JOHN ERIC SUTER, LINDSAY JANE	3292 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3258 RIPLEY RIVER RD	0710940920	SUTHERLAND, ALDEN JAMES SUTHERLAND, TAMMY LARAE	3258 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3280 RIPLEY RIVER RD	0710847878	SYAL, SAMIR MORGAN, DANA	3280 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2624 LEX LN	0710844847	TENN, DAVID LEE, ELENA C	2624 LEX LN	NEW HILL NC 27562-9326
3263 RIPLEY RIVER RD	0710940701	TIERNEY, CLINTON A TIERNEY, JENNIFER M	3263 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3251 RIPLEY RIVER RD	0710941754	TRIPATHI, RAKESH KADEL, ANJANA	3251 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3252 RIPLEY RIVER RD	0710940981	UPTON, DAVID MARSHALL UPTON, ELIZABETH BERGER	3252 RIPLEY RIVER RD	NEW HILL NC 27562-9329
3301 BRUNOT ST	0710842633	VENKANNA, RAJU KATTIMANI CHANDRAPPA, BINDU GOVINAKOVI	3301 BRUNOT ST	NEW HILL NC 27562-7701
3243 RIPLEY RIVER RD	0710942757	WILLIAMS, JEREMY K WILLIAMS, JULIE R	3243 RIPLEY RIVER RD	NEW HILL NC 27562-9329
0 LEX LN	0710844664	WOODBURY PROPERTY HOMEOWNERS ASSOCIATION INC	PO BOX 97243	RALEIGH NC 27624-7243
3528 OLD US 1 HWY	0710932040	WTR HISTORIC PROPERTIES LLC	2717 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9177
3275 RIPLEY RIVER RD	0710848740	XIA, LIJUN LIU, RONG	3275 RIPLEY RIVER RD	NEW HILL NC 27562-9329
2709 NEW HILL OLIVE CHAPEL RD	0710930350	YOUNG, LORETTA ROUNDY	2717 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9177
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	2525 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2620 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	2701 New Hill Olive Chapel RD	NEW HILL NC 27562
		Current Tenant	3312 Old US 1 HWY	NEW HILL NC 27562
		Current Tenant	3520 Old US 1 HWY	NEW HILL NC 27562
		Current Tenant	3528 Old US 1 HWY	NEW HILL NC 27562
Created by Town of Apex Planning Department				
Date Created: 4/11/2025				

New Hill Olive Chapel Rd Neighborhood Meeting

Rezoning

5/7/2025, 5:30pm – 6:30pm

The applicant provided a summary of the Town of Apex rezoning process and long range plan amendment regarding the relevant parcels showing an aerial view for context. In addition, the applicant presented the overall plan for development. After the applicant's presentation, participants asked the following questions:

1. Is the updated site plan available? **Not at this time. The site plan is still in process.**
2. Did Apex's required connections affect the site layout?
   The applicant is required to accommodate the UDO required connections as it develops the site plan.
3. Is there concern about connecting US-1 through the subdivision? **It would direct business traffic through a residential area and may not be feasible due to a stream on the south side**
4. Are there environmental barriers to building the connector?
   Yes, there is an intermittent stream to the south.
5. Is Lenar trying to acquire land to the east of the site?
   We are not aware of this.
6. Will Davidson Homes need to widen New Hill Olive Chapel Road?
   Yes, there are required frontage improvements.
7. That means giving up a little bit of a right-a-way, correct?
   Yes, that is for any project.
8. Is the Town planning to acquire the remaining frontage?
   No confirmed plans.
9. Has the second neighborhood meeting already occurred?
   This is the second neighborhood meeting.
10. Are there plans to upgrade Richardson Road?
    Not related to this project.

Registration Report

Report generated time	5/21/2025 10:46

Topic	ID	Scheduled Time	Duration (minutes)	# Registrants	# Cancelled registrants	# Approved registrants	# Denied registrants	
New Hill Olive Chapel Rd Neighborhood Meeting	843 2947 1360	5/7/2025 17:30	60	2	0	2	0	

Attendee Details

First Name	Last Name	Email	Registration Time	Approval Status
Joanna	M	[redacted]	5/1/2025 17:05	approved
Colin	MacNair		5/7/2025 17:35	approved

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, Leticia L. Shapiro, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at virtual Zoom platform (location/address) on May 7, 2025 (date) from 5:30pm (start time) to 6:30pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

May 21, 2025
Date

By: Leticia L. Shapiro

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Paula H. Zorio, a Notary Public for the above State and County, on this the 21st day of May, 2025.

SEAL

PAULA H. ZORIO
NOTARY PUBLIC
WAKE COUNTY, N.C.

Notary Public

Paula H. Zorio
Print Name

My Commission Expires: 3/26/29

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ06
New Hill Olive Chapel Road Assemblage

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: Mark Altman, Davidson Homes, LLC
Authorized Agents: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Property Addresses: 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
Acreage: ± 16.51 acres
Property Identification Numbers (PINs): 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Current 2045 Land Use Map Designation: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium Density Residential
Existing Zoning of Properties: Wake County Residential-40 Watershed (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

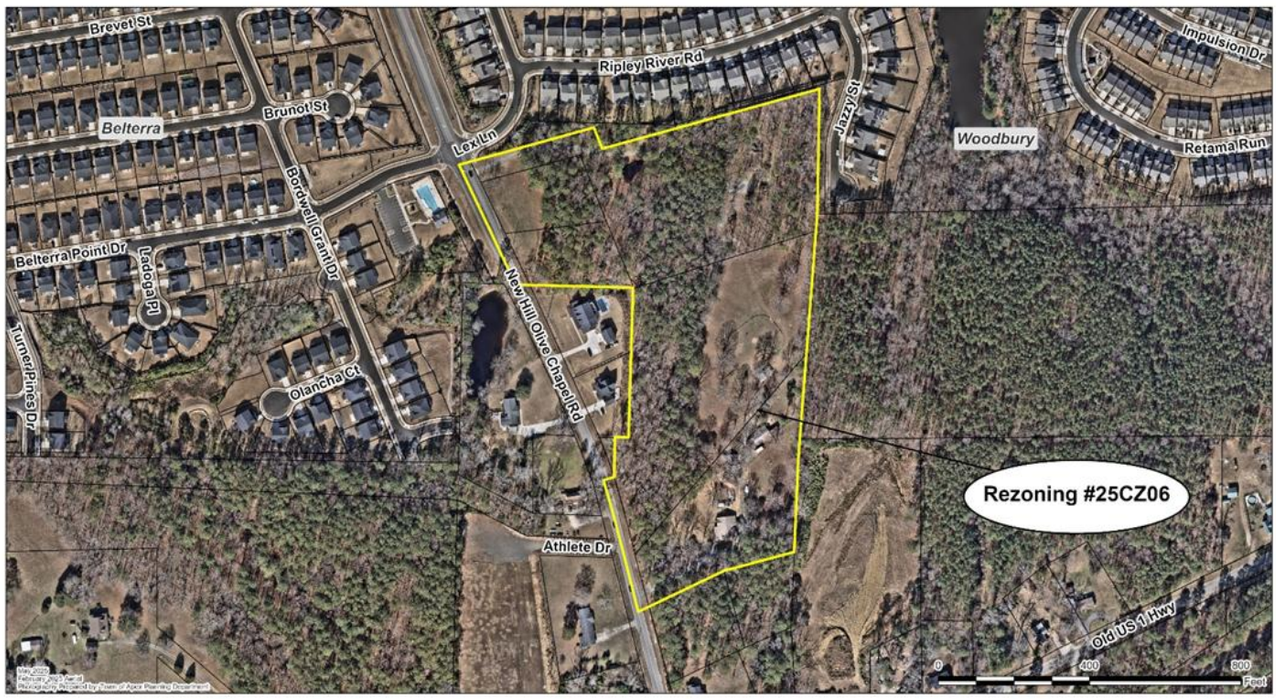
Planning Board Public Hearing Date and Time: June 9, 2025 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Planning Director

Published Dates: May 23, 2025 – June 9, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ06
New Hill Olive Chapel Road Assemblage
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mark Altman, Davidson Homes, LLC
Agente autorizado: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Dirección de las propiedades: 2525, 2529,2537, 2625 & 2701 New Hill Olive Chapel Rd
Superficie: ± 16.51 acres
Números de identificación de las propiedades: 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
Si el cambio de zonificación es aprobado como se propone, el Mapa de Uso del Suelo para 2045 cambiará a: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-40 Watershed (R-40W)
Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

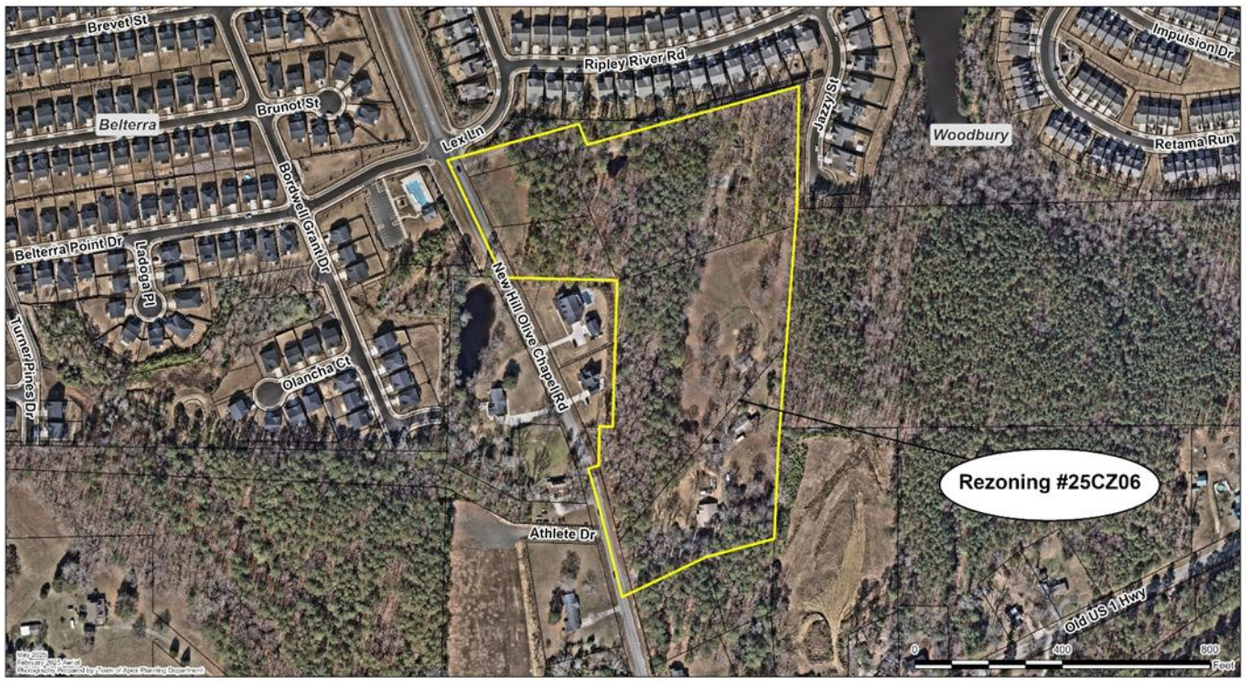
Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de junio de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la 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 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de mayo 2025 - 9 de junio 2025

https://www.apexnc.org/DocumentCenter/View/50802/25CZ06-...
WebEdits Municode PlanView iMAPS GeoCivix Thor-Coll Plan 2045 LUM Other favorites
2 of 2

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ06
New Hill Olive Chapel Road Assemblage
(Desarrollo de Unidad Planificada)

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Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

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

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de mayo 2025 - 9 de junio 2025

66°F Sunny
10:17 AM 5/23/2025

https://www.apexnc.org/DocumentCenter/View/50802/25CZ06-...
WebEdits Municode PlanView iMAPS GeoCivix Thor-Coll Plan 2045 LUM Other favorites
1 of 2

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ06
New Hill Olive Chapel Road Assemblage

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: Mark Altman, Davidson Homes, LLC
Authorized Agents: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Property Addresses: 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
Acreage: ± 16.51 acres
Property Identification Numbers (PINs): 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Current 2045 Land Use Map Designation: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium Density Residential
Existing Zoning of Properties: Wake County Residential-40 Watershed (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Planning Board Public Hearing Date and Time: June 9, 2025 4:30 PM

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

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

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

Vicinity Map:

Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Planning Director

Published Dates: May 23, 2025 – June 9, 2025

66°F Sunny
10:16 AM 5/23/2025

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ06 New Hill Olive Chapel Road Assemblage
Project Location:	2525, 2529,2537, 2625 & 2701 New Hill Olive Chapel Rd
Applicant or Authorized Agents:	Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Firm:	Davidson Homes, LLC and Morningstar Law Group
Planning Board Public Hearing Date:	June 9, 2025
Project Planner:	Bruce Venable

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 May 23, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

6/2/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 2nd day of June, 2025.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

Notary Public

My Commission Expires: 10/3/2027

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ06
New Hill Olive Chapel Road Assemblage

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: Mark Altman, Davidson Homes, LLC
Authorized Agents: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Property Addresses: 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
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If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium Density Residential
Existing Zoning of Properties: Wake County Residential-40 Watershed (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

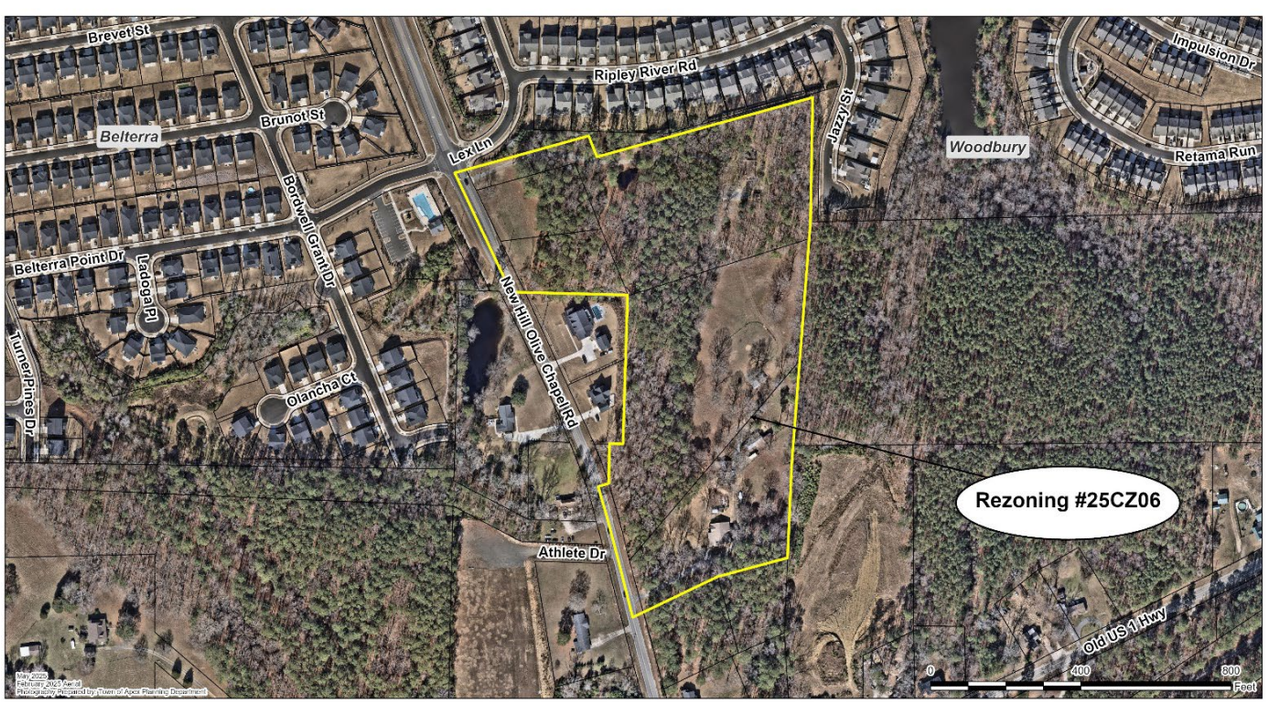
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: June 24, 2025, 6:00 PM

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Planning Director

Published Dates: May 30, 2025 – June 24, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ06
New Hill Olive Chapel Road Assemblage
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mark Altman, Davidson Homes, LLC
Agente autorizado: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Dirección de las propiedades: 2525, 2529,2537, 2625 & 2701 New Hill Olive Chapel Rd
Superficie: ± 16.51 acres
Números de identificación de las propiedades: 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
Si el cambio de zonificación es aprobado como se propone, el Mapa de Uso del Suelo para 2045 cambiará a: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-40 Watershed (R-40W)
Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

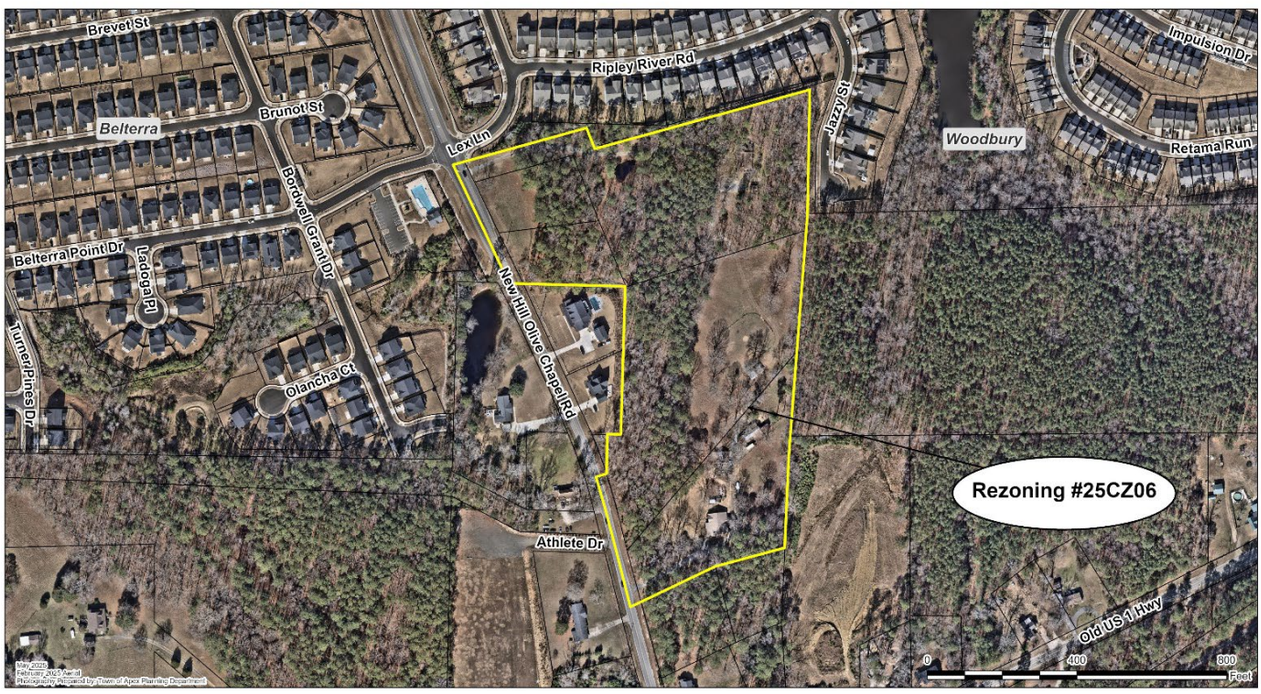
Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de junio de 2025, 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración por escrito por correo electrónico a public.hearing@apexnc.org, o presentarla en la Oficina del Secretario Municipal (73 Hunter Street o por correo USPS - 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 el registro. Las declaraciones escritas se entregarán al Concejo Municipal antes de su votación. Por favor, incluya el nombre de la Audiencia Pública en la línea de asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 30 de mayo 2025 – 24 de junio 2025

https://www.apexnc.org/DocumentCenter/View/50862/25CZ06...
WebEdits Municode PlanView iMAPS GeoCivix Infor Thor-Coll Plan Other favorites
1 of 2

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

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ06
New Hill Olive Chapel Road Assemblage

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: Mark Altman, Davidson Homes, LLC
Authorized Agents: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Property Addresses: 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
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Existing Zoning of Properties: Wake County Residential-40 Watershed (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Town Council Public Hearing Date and Time: June 24, 2025, 6:00 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board 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:

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Dianne F. Khin, AICP
Planning Director

Published Dates: May 30, 2025 – June 24, 2025

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5/30/2025

https://www.apexnc.org/DocumentCenter/View/50862/25CZ06...
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2 of 2

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ06
New Hill Olive Chapel Road Assemblage
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mark Altman, Davidson Homes, LLC
Agente autorizado: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Dirección de las propiedades: 2525, 2529,2537, 2625 & 2701 New Hill Olive Chapel Rd
Superficie: ± 16.51 acres
Números de identificación de las propiedades: 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
Si el cambio de zonificación es aprobado como se propone, el Mapa de Uso del Suelo para 2045 cambiará a: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-40 Watershed (R-40W)
Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de junio de 2025, 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Si no puede asistir, puede enviar una declaración por escrito por correo electrónico a public.hearing@apexnc.org, o presentarla en la Oficina del Secretario Municipal (73 Hunter Street o por correo USPS - 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 el registro. Las declaraciones escritas se entregarán al Concejo Municipal antes de su votación. Por favor, incluya el nombre de la Audiencia Pública en la línea de asunto.

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP

Fechas de publicación: 30 de mayo 2025 – 24 de junio 2025

69°F Cloudy
8:29 AM 5/30/2025

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ06 New Hill Olive Chapel Road Assemblage
Project Location:	2525, 2529,2537, 2625 & 2701 New Hill Olive Chapel Rd
Applicant or Authorized Agents:	Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Firm:	Davidson Homes, LLC and Morningstar Law Group
Town Council Public Hearing Date:	June 24, 2025
Project Planner:	Bruce Venable

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 May 30, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

6/2/2025
Date

Planning Director

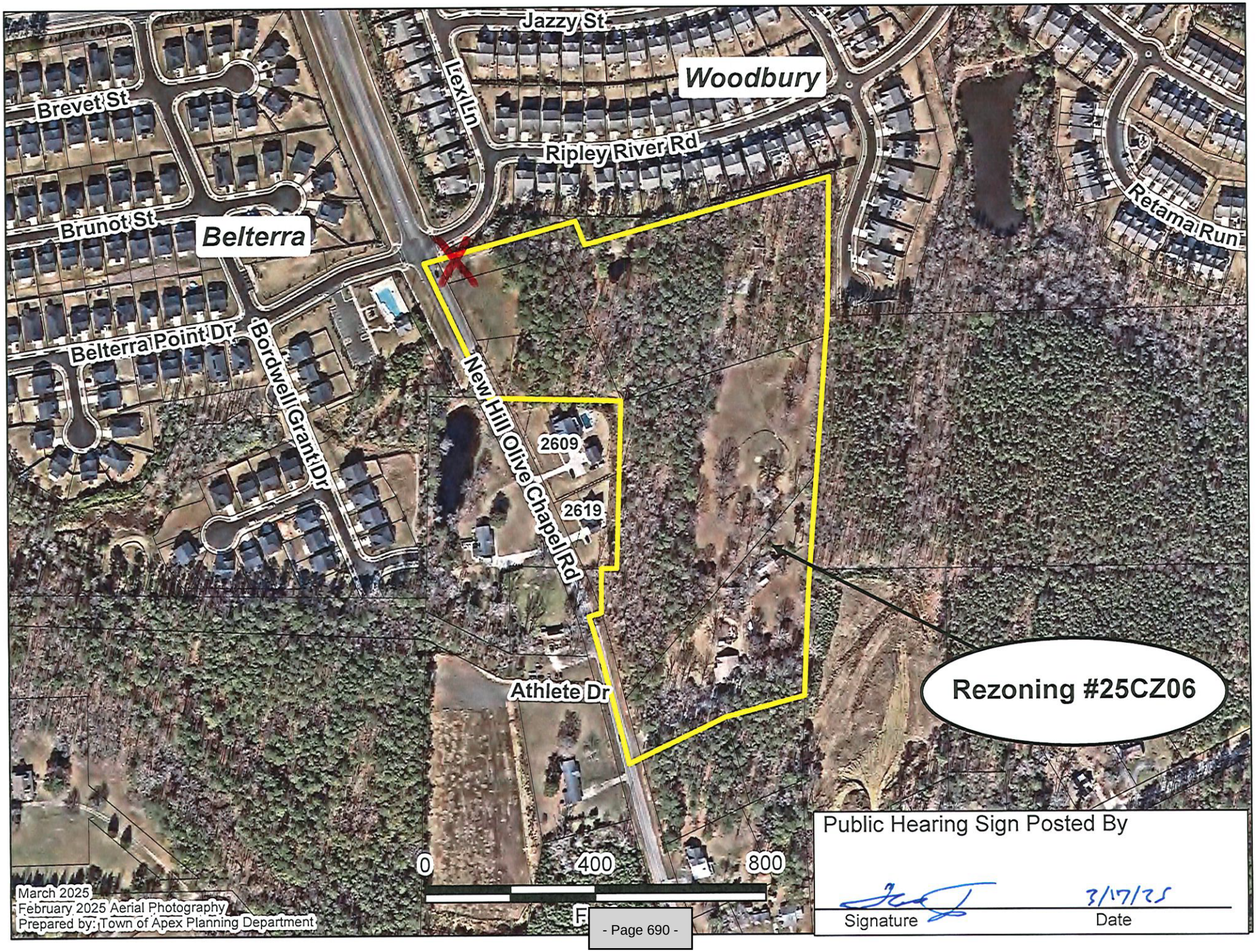
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above State and County, this the 2nd day of June, 2025.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

Notary Public

My Commission Expires: 10/3/2027



Public Hearing Sign Posted By

Signature

3/17/25
Date

WAKE COUNTY PUBLIC SCHOOL SYSTEM

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

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

April 8, 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: March 3, 2025
- Name of development: 25CZ06 New Hill Olive Chapel Rd Assemblage
- Address of rezoning: 2701, 2625, 2525, 2529, 2537, New Hill Olive Chapel Rd
- Total number of proposed residential units: 42
- 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 reassignment 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

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

CONTINUED
PUBLIC NOTIFICATION OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ06
New Hill Olive Chapel Road Assemblage

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: Mark Altman, Davidson Homes, LLC
Authorized Agents: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Property Addresses: 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
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Property Identification Numbers (PINs): 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Current 2045 Land Use Map Designation: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
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Existing Zoning of Properties: Wake County Residential-40 Watershed (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Town Council Public Hearing Date and Time: ~~June 24, 2025~~ August 12, 2025, 6:00 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board 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:

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Dianne F. Khin, AICP
Planning Director

Published Dates: May 30, 2025 – ~~June 24, 2025~~ August 12

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

CONTINUÓ

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ06
New Hill Olive Chapel Road Assemblage
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mark Altman, Davidson Homes, LLC
Agente autorizado: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
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Ordenamiento territorial existente de las propiedades: Wake County Residential-40 Watershed (R-40W)
Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública del Consejo Municipal: ~~24 de junio de 2025,~~ 12 de agosto, 2025 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración por escrito por correo electrónico a public.hearing@apexnc.org, o presentarla en la Oficina del Secretario Municipal (73 Hunter Street o por correo USPS - 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 el registro. Las declaraciones escritas se entregarán al Concejo Municipal antes de su votación. Por favor, incluya el nombre de la Audiencia Pública en la línea de asunto.

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 30 de mayo 2025 – ~~24 de junio~~ 12 [illegible] 2025

https://www.apexnc.org/DocumentCenter/View/51173/25CZ06-New-Hill-Olive-Chapel-Road-Assemblage-PB-Public-Notice-Combined-Cont?bidId=

Town of Apex, Nort... | Planning Departme... | 2045LUM_04092024... | Development in Apex | iMAPS | Home | Books! Online Recor... | PL Team - Internal -... | Lighting Info | Form-Based-Code.p... | Design and Develop... | Other favorites

Draw | 1 of 2

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

CONTINUED
PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #25CZ06
New Hill Olive Chapel Road Assemblage

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: Mark Altman, Davidson Homes, LLC
Authorized Agents: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Property Addresses: 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd
Acreage: ± 16.51 acres
Property Identification Numbers (PINs): 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Current 2045 Land Use Map Designation: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium Density Residential
Existing Zoning of Properties: Wake County Residential-40 Watershed (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Town Council Public Hearing Date and Time: ~~June 24, 2025~~ August 12, 2025, 6:00 PM

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

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

Vicinity Map:

Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Planning Director

Published Dates: May 30, 2025 – ~~June 24, 2025~~ August 12, 2025

Search

9:51 AM
6/26/2025

https://www.apexnc.org/DocumentCenter/View/51173/25CZ06-New-Hill-Olive-Chapel-Road-Assemblage-PB-Public-Notice-Combined-Cont?bidId=

Town of Apex, Nort... Planning Departme... 2045LUM_04092024... Development in Apex iMAPS Home Books! Online Recor... PL Team - Internal -... Lighting Info Form-Based-Code.p... Design and Develop... Other favorites

Draw 2 of 2

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

CONTINUO

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ06
New Hill Olive Chapel Road Assemblage
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Mark Altman, Davidson Homes, LLC
Agente autorizado: Mark Altman, Davidson Homes, LLC; Leticia Shapiro & Jason Barron, Morningstar Law Group
Dirección de las propiedades: 2525, 2529,2537, 2625 & 2701 New Hill Olive Chapel Rd
Superficie: ± 16.51 acres
Números de identificación de las propiedades: 0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services
Si el cambio de zonificación es aprobado como se propone, el Mapa de Uso del Suelo para 2045 cambiará a: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-40 Watershed (R-40W)
Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública del Consejo Municipal: ~~24 de junio de 2025,~~ 12 de agosto, 2025 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Si no puede asistir, puede enviar una declaración por escrito por correo electrónico a public.hearing@apexnc.org, o presentarla en la Oficina del Secretario Municipal (73 Hunter Street o por correo USPS - 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 el registro. Las declaraciones escritas se entregarán al Concejo Municipal antes de su votación. Por favor, incluya el nombre de la Audiencia Pública en la línea de asunto.

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/50015.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 30 de mayo 2025 – ~~24 de junio~~ 12 de agosto 2025

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PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 25CZ06 New Hill Olive Chapel Road Assemblage

Planning Board Meeting Date: June 9, 2025

Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage:	+/- 16.51 acres
PIN(s):	0710931641, 0710940061, 0710940436, 0710846444, & 0710847301
Current Zoning:	Wake County Residential-40W (R-40W)
Proposed Zoning:	Medium Density Residential-Conditional Zoning (MD-CZ)
Current 2045 Land Use Map:	Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium Density Residential

Town Limits:	Outside Corporate limits and ETJ

Applicable Officially Adopted Plans:

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

☑ 2045 Land Use Map
☐ Consistent ☑ Inconsistent Reason: 2045 LUM will be automatically amended if the rezoning is approved as proposed.

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

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

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☐ Consistent ☑ Inconsistent Reason: The 2045 LUM will automatically be amended if the rezoning is amended as proposed.

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

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

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: Recommend approval

Introduced by Planning Board member: Preston Mitchell

Seconded by Planning Board member: Keith Braswell

☑ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of June 2025.

Attest:

Tina Sherman, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2025.06.09 16:51:07 -04'00'

Amanda Bunce, Assistant Planning Director

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 16.51 ACRES LOCATED AT 2525, 2529, 2537, 2625, & 2701 NEW HILL OLIVE CHAPEL RD FROM WAKE COUNTY RESIDENTIAL-40 WATERSHED (R-40W) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ #25CZ06)

#25CZ06

WHEREAS, Mark Altman, Davidson Homes, LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of March 2025 (the "Application"). The proposed conditional zoning is designated #25CZ06;

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 #25CZ06 before the Planning Board on the 9th day of June 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of June 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ06. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ06;

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 #25CZ06 before the Apex Town Council on the 12th day of August 2025;

WHEREAS, the Apex Town Council held a public hearing on the 12th day of August 2025. Bruce Venable, 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 #25CZ06 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 not consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Medium Density Residential, Medium Density Residential/Commercial Services, and Office Employment/ Commercial Services and approval of this rezoning will automatically amend the 2045 Land Use Map to Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district Medium Density Residential-Conditional Zoning (MD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will allow for the development of residential development, including affordable units, consistent with the character of the development to the north, which supports the continued residential growth in this area. Additionally, the rezoning will promote compatible development with surrounding land uses and contribute to an increased tax base; and

WHEREAS, the Apex Town Council by a vote of ___ to ____ approved Application #25CZ06 rezoning the subject tract located at 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd From Wake County Residential-40 Watershed (R-40W) To Medium Density Residential-Conditional Zoning (MD-CZ).

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Wake County R-40W to Medium Density Residential-Conditional Zoning (MD-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.

1. Single-family detached
2. Accessory Apartment
3. Utility, Minor

Zoning Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. Garage doors shall have windows, decorative details or carriage-style adornments.

3. 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:
   - Window;
   - Bay Window;
   - Recessed window;
   - Decorative window;
   - Trim around the windows:
   - Wrap around porch or side porch;
   - Two or more building materials;
   - Decorative brink/stone;
   - Decorative trim;
   - Decorative shake;
   - Decorative air vents on gable;
   - Decorative cornice;
   - Column;
   - Portico;
   - Balcony; or
   - Dormer

4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

5. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

6. Primary building materials shall be brick, stone, and fiber cement siding.

7. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

8. Front porches shall be a minimum of 6 feet deep.

9. The front façade of any front loaded garage shall not protrude further than five (5) feet forward beyond (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right of way from which the dwelling unit is addressed. Living space above garage shall not be considered part of the front façade.

10. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

11. To reduce irrigation requirements, the project shall select and plant only warm season grasses.

12. The project shall install at least two (2) pet waste stations per 20 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.

13. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

14. Building setbacks shall be as required by Article 5 of the Unified Development Ordinance except the minimum side setback shall be five (5) feet.

15. Developer shall widen New Hill Olive Chapel Rd and dedicate public right of way along the entire project frontage based on a minimum two-lane 36-foot-wide 2-lane rural thoroughfare, inclusive of 12-foot-wide travel lanes and 6-foot-wide paved shoulders, roadside ditch, and construct 10-foot-wide Side Path on 110-foot-wide right of way. Additionally, developer shall construct a left turn lane meeting minimum NCDOT standards on New Hill Olive Chapel Rd for full movement access if/when proposed, subject to Apex and NCDOT review and approval.

16. A stub street shall be provided to the south, to PIN 0710932329, and to the east for future connectivity.

17. Subject to the Applicant obtaining necessary easements from property owners of PIN 0710836780, PIN 0710838911 and PIN 0710847161 at appraised fair market value; or, subject to approval of construction within the existing right of way, an off-site side path shall be constructed along New Hill Olive Chapel Road along the frontages of PIN 0710836780, PIN 0710838911 and PIN 0710847161.

18. Affordable Housing

    The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the "Affordable Units"). The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the "Initial Sales Price"). The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the "Income Limit")(. For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x's) one-hundred thirty five percent (135%) times (x's) the annual median-income limit {135% AMI Category), based on a family size that is equal to the

actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.

19. Homeowners Association will not restrict the construction of accessory apartments.

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

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

Motion by Council Member_____

Seconded by Council Member_____

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

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

This the _____ day of _____ 2025.

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

Attachment "A"

Rezoning Legal Description – April 30th, 2025

ATKINS TRACT 1 – PIN: 0710-94-0436, 0710-84-7301, 0710-84-6444

Beginning at an existing iron pipe located in the southeast corner of the Laura Atkins property, PIN 0710-94-0436, said pipe having NC grid coordinates (NAD 83 – 2011) of N=704,354.22, E=2,019,365.63, thence South 72°47'37" West 506.27 feet to a point, thence North 88°33'47" West 275.46 feet to a new iron pipe in the Eastern Right of Way of New Hill Olive Chapel Road (Variable Width R/W), thence North 88°33'47" West 35.01 feet to a point in the centerline of New Hill Olive Chapel Road, thence North 25°18'32" West 350.53 feet along the centerline of New Hill Olive Chapel Road to a point, thence North 74°34'16" East 53.09 feet to a new iron pipe in the Eastern Right of Way of New Hill Olive Chapel Road, thence North 74°34'16" East 316.74 feet to an existing iron pipe, thence South 21°41'09" East 60.15 feet to a nail at the base of an existing iron pipe, thence North 74°36'43" East 595.80 feet to an existing iron pipe, thence South 01°00'40" West 330.93 feet to an existing iron pipe, thence South 04°29'17" West 44.76 feet to an existing iron pipe, the point and place of beginning, containing 7.65 acres (333,360 sq ft) more or less.

ATKINS LOT 2 – PIN: 0710-94-0061

Beginning at a nail at the base of an existing iron pipe on the eastern right of way of New Hill Olive Chapel Rd (SR 1141) (Variable Width Public R/W), said nail having NC grid coordinates (NAD 83 – 2011) of N=703,500.66, E=2,018,888.09, thence from said beginning point with said right of way North 14°39'29" West 80.03 feet to a point, thence North 14°34'10" West 35.78 feet to a point, thence North 15°47'40" West 32.61 feet to a point, thence North 16°22'34" West 62.21 feet to a new iron pipe, thence leaving said right of way North 00°31'52" East 105.40 feet to a new iron pipe, thence South 89°34'15" East 36.59 feet to an existing iron pipe, thence North 01°44'29" East 395.75 feet to a point, thence North 72°47'37" East 506.27 feet to an existing iron pipe, thence South 04°26'16" West 325.00 feet to a new iron pipe, thence South 40°30'26" West 696.47 feet to the point and place of beginning, containing 5.77 acres (251,219 sq ft) more or less.

HUDSON TRACT 2 – PIN: 0710-93-1641

Beginning at a new iron pipe located in the Northeast corner of the Judy & Claude Hudson property, PIN 0710-93-1641, said pipe having NC grid coordinates (NAD 83 – 2011) of N=704,030.20, E=2,019,340.48, thence South 04°26'16" West 271.14 feet to a new iron pipe, thence South 02°35'58" West 254.54 feet to an existing iron pipe, thence South 75°01'05" West 192.41 feet to an existing iron pipe, thence South 64°27'48" West 220.47 feet to a nail at the base of an existing bent iron pipe in the Eastern Right of Way of New Hill Chapel Road (Variable Width R/W), thence North 14°04'28" West 144.17 feet along the Right of Way of New Hill Chapel Road to a nail at the base of an existing bent iron pipe, thence North 40°30'26" East 696.47 feet to a new iron pipe, the point and place of beginning, containing 3.09 acres (134,503 sq ft) more or less.

NORTH CAROLINA PROFESSIONAL SEAL L-3059 LAND SURVEYOR STEPHEN B. MULLINS

DocuSigned by:
Stephen B Mullins
DFCEC79C4D7E4B2...
5/2/2025

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 12 2025

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 4.0626 acres project entitled Saint Paul American Orthodox Church, located on Kelly Road and Holland Road, Annexation No. 799, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The annexation petition has been certified and a public hearing notice has been posted.

This item was continued from the June 24, 2025, Town Council Meeting.

Attachments

- PH6-A1: Annexation Ordinance – Annexation No. 799 – Saint Paul American Orthodox Church – 4.0626 acres
- PH6-A2: Public Hearing Notice – Annexation No. 799 – Saint Paul American Orthodox Church – 4.0626 acres
- PH6-A3: Legal Description – Annexation No. 799 – Saint Paul American Orthodox Church – 4.0626 acres
- PH6-A4: Aerial Map – Annexation No. 799 – Saint Paul American Orthodox Church – 4.0626 acres
- PH6-A5: Plat Map – Annexation No. 799 – Saint Paul American Orthodox Church – 4.0626 acres
- PH6-A6: Annexation Petition – Annexation No. 799 – Saint Paul American Orthodox Church – 4.0626 acres

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (June 13, 2025) – 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 **12th day of August, 2025**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Satellite Annexation No. 799
Saint Paul American Orthodox Church – 4.0626 acres

CONTINUED – 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. 799" 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, August 12, 2025.

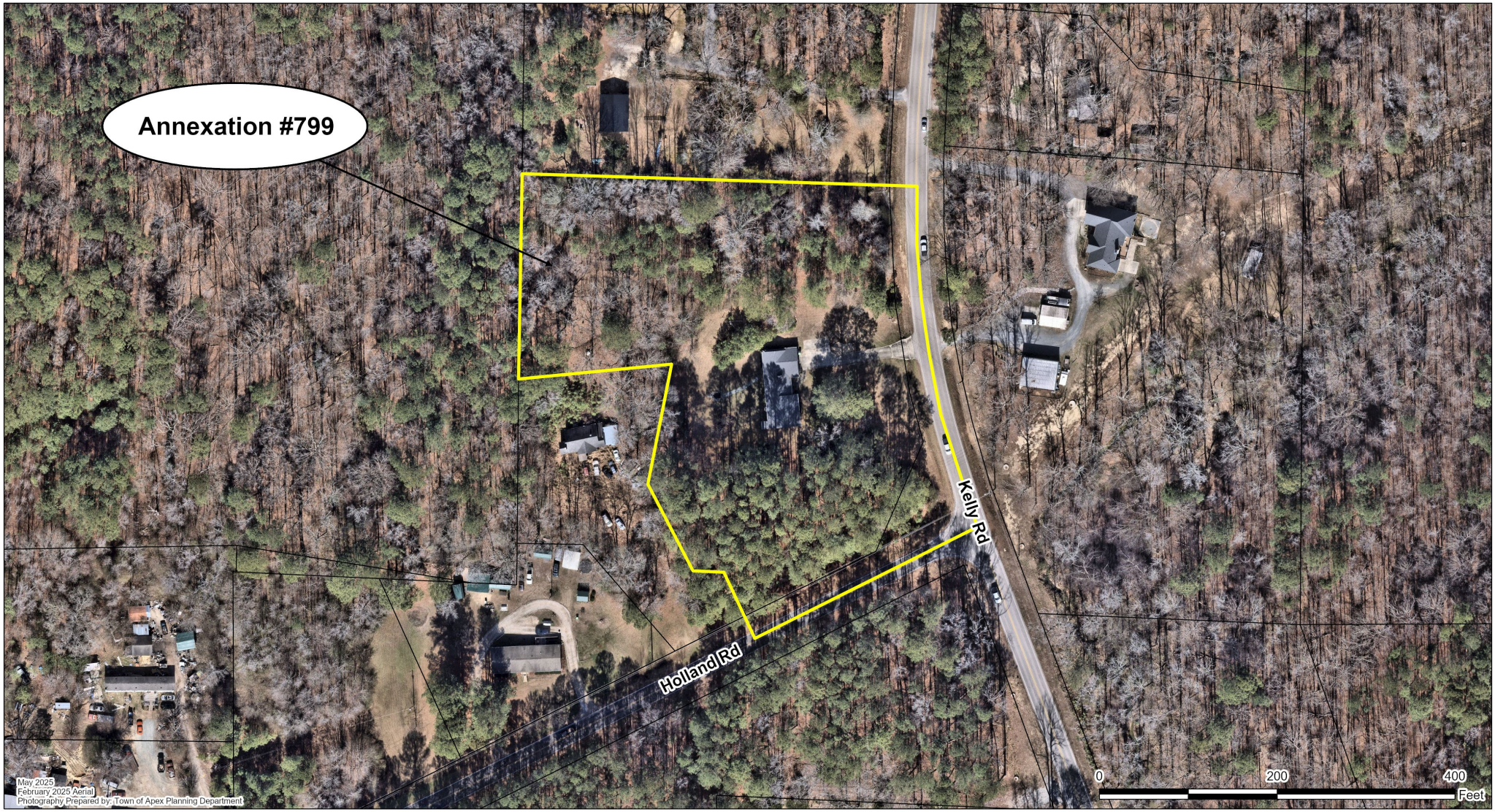
Members of the public can access and view the meeting on the Town's YouTube Channel https://www.youtube.com/c/TownofApexGov or attend in-person.

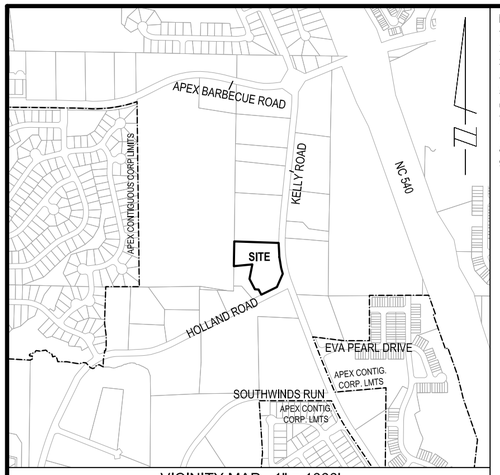
Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.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

###

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF HOLLAND ROAD, AND BEING LOCATED ON THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY REENAMOL VARGHESE AND BENNAN VARGHESE AS RECORDED IN DEED BOOK 14500, PAGE 350, WAKE COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 715628.93 FEET E: 2032731.16 FEET; THENCE LEAVING SAID NORTHWESTERN RIGHT-OF-WAY LINE ALONG AND WITH SAID EASTERN PROPERTY LINE N 27°17'42"W 54.84' TO AN EXISTING IRON PIPE; THENCE N 87°26'02"W 34.60' TO AN EXISTING IRON PIPE; THENCE N 27°29'48"W 110.06' TO AN EXISTING IRON PIPE; THENCE N 11°16'12"E 137.78' TO AN EXISTING IRON PIPE; THENCE S 84°19'52"W 173.20' TO AN EXISTING IRON PIPE AND BEING LOCATED ON THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY DOROTHY M. MILLS AND DAVID G. MILLS TRUSTEE AS RECORDED IN DEED BOOK 16500, PAGE 2141, WAKE COUNTY REGISTRY; THENCE ALONG AND WITH SAID EASTERN PROPERTY LINE N 01°06'36"E 230.65' TO AN EXISTING IRON PIPE AND BEING THE SOUTHWESTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY ROBERT SCOTT ROSE AND DEBORAH LYNN ROSE AS RECORDED IN DEED BOOK 4679, PAGE 545, WAKE COUNTY REGISTRY; THENCE ALONG AND WITH SAID SOUTHERN PROPERTY LINE S 88°03'38"E 412.38' TO AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF KELLY ROAD; THENCE LEAVING SAID SOUTHERN PROPERTY LINE AND LEAVING SAID WESTERN RIGHT-OF-WAY LINE S 88°03'38"E 30.11' TO A POINT LOCATED IN THE CENTERLINE OF KELLY ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 03°01'30"E 61.08' TO A POINT; THENCE S 02°56'14"E 66.44' TO A POINT; THENCE S 09°13'25"E 99.66' TO A POINT; THENCE S 15°35'03"E 54.56' TO A POINT; THENCE S 17°30'00"E 115.33' TO A POINT LOCATED AT THE INTERSECTION OF KELLY ROAD AND HOLLY ROAD; THENCE TRANSITIONING FROM SAID CENTERLINE OF KELLY ROAD ALONG AND WITH THE CENTERLINE OF HOLLAND ROAD S 64°57'00"W 114.45' TO A POINT; THENCE ALONG AND WITH SAID CENTERLINE OF HOLLAND ROAD S 63°47'14"W 161.90' TO A POINT; THENCE LEAVING SAID CENTERLINE OF HOLLAND ROAD N 27°17'42"W 30.01' TO THE POINT OF BEGINNING, CONTAINING 4.0626 ACRES.


Annexation #799
Kelly Rd
Holland Rd
May 2025
February 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
200
400
Feet



VICINITY MAP - 1" = 1000'

NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
4. OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
6. NO NCGS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
7. NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720073100K DATED JULY 19, 2022. PROPERTY LIES IN ZONE "X".
8. PROPERTY IS ZONED "MD-CZ".
9. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 96) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '88 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY. CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOID12A AND UNITS IN FEET.

I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

8 DAY OF MAY, A.D., 2025.

DAN GREGORY, PLS L-5240

NORTH CAROLINA PROFESSIONAL SEAL L-5240 LAND SURVEYOR DAN GREGORY

ANNEXATION #_____

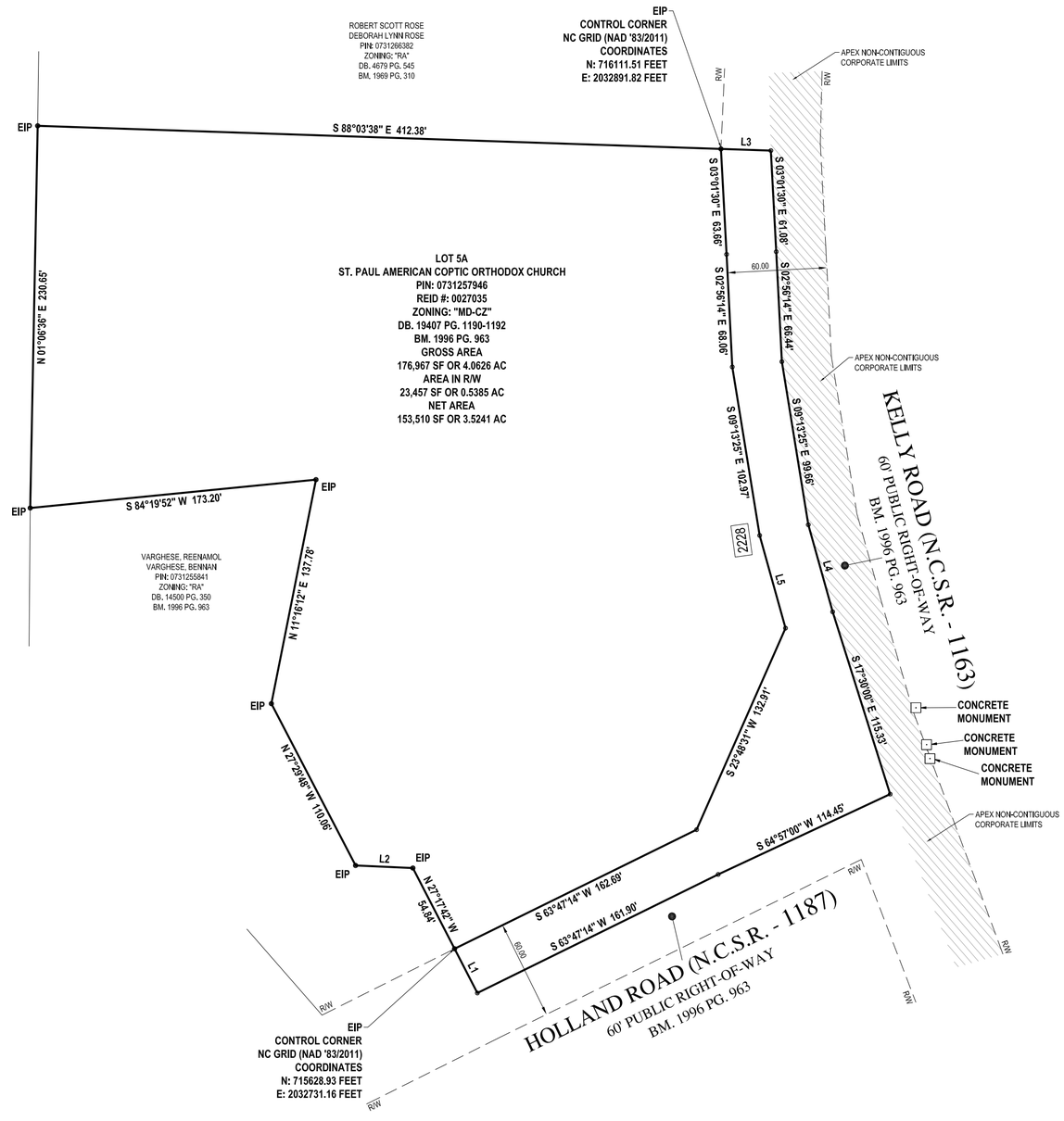
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF

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

-SEAL-



REFERENCES

DB. 1600 PG. 497
DB. 1800 PG. 347
DB. 3920 PG. 154-155
DB. 5800 PG. 663
DB. 12201 PG. 2043-2046
DB. 12799 PG. 1358-1362
DB. 19252 PG. 1353-1358
DB. 19407 PG. 1190-1192
BM. 1987 PG. 83
BM. 1996 PG. 963

LEGEND
- EIP = EXISTING IRON PIPE
- IPS = IRON PIPE SET
- CP = CALCULATED POINT
- PK = PK NAIL
- R/W = RIGHT-OF-WAY
- XXXX DENOTES ADDRESS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 27°17'42" W	30.01'
L2	N 87°26'02" W	34.60'
L3	S 88°03'38" E	30.11'
L4	S 15°35'03" E	54.56'
L5	S 15°35'03" E	58.07'

HATCH LEGEND
= APEX CORPORATE LIMITS

OWNER(S):

ST PAUL AMERICAN COPTIC ORTHODOX CHURCH
2510 PINEY PLAINS ROAD
CARY, NC 27518-6870

AREA WITHIN LOT 5A	**153,510 SF OR 3.5241 AC**
AREA WITHIN RIGHT-OF-WAY	**23,457 SF OR 0.5385 AC**
TOTAL AREA TO BE ANNEXED	**176,967 SF OR 4.0626 AC**

SCALE: 1" = 60'
0 30 60 120 180 240

REV.	DATE	DESCRIPTION	BY
1	03-18-2025	REVISED PER COMMENTS #1	AMH

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
- 6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
- TELEPHONE: (919)851-4422 OR (800)354-1879
FAX: (919)851-8968
- CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

SURVEYED BY: AQ
DRAWN BY: AMH
CHECKED BY: DG
DATE: 02-26-2025

SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX OF 2228 KELLY ROAD

BUCKHORN TWSP WAKE COUNTY NORTH CAROLINA

SHEET 1 OF 1

R:\2024\24224 - 2228 Kelly Rd (St Pauls ACOC Church - Apex)\SURVEY\24224CARLSON\dwg\24224 KELLY - ANNEX.dwg, 5/8/2025 11:23:15 AM, Austin

PETITION FOR VOLUNTARY ANNEXATION
Town of Apex, North Carolina

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

ANNEXATION FEE: $300; $200.00 for well/septic failure

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

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee by one of the following forms of payment:
  - Visa or Master Card (online only);
  - In person: Cash (exact amount only); or
  - Check payable to 'Town of Apex'

ELECTRONIC SUBMITTAL REQUIREMENTS: GEOCIVIX (IDT)

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

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Planning Department and upload an electronic copy of the application, legal description and Annexation Plat via GeoCivix.
- **REVIEW BY STAFF:** The Planning Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) 18"x24" Mylar annexation plats to the Planning Department by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Planning Department, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Program Coordinator Jessica Sloan at 919-372-7478 or jessica.sloan@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

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

Please refer to the Town of Apex Fee Schedule for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: Annexation #799 Submittal Date: 3-7-2025

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

St Paul American Coptic Orthodox Church, attn John Perna	PIN 0731-25-7946
Owner Name (Please Print)	Property PIN or Deed Book & Page #
908-295-8119	jperna@pernalaw.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: Bass, Nixon & Kennedy, Inc, Attn Dan Gregory, PLS

Phone: 919-857-4422 Fax:

E-mail Address: dan.gregory@bnkinc.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	4.0626	Need water service due to well failure	☐
Population of acreage to be annexed:		Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☑
Proposed # of housing units:	0	Sewer service (new construction)	☑
Zoning District*:	MD-CZ	Receive Town Services	☐

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the 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 27th day of February, 2025.

Corporate Name St. Paul American Coptic Orthodox Church SEAL

SEAL

By: _____
Chairman (Signature)

Attest: _____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Nermin S. Saad, a Notary Public for the above State and County, this the 27th day of February, 2025.

_____
Notary Public Nermin S. Saad

SEAL

NERMIN S. SAAD NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: August 17, 2025

Application #: _____ Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

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

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

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 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: NEW BUSINESS

Meeting Date: August 12, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk, and,
Andy Walsh, Associate (External Party)

Department(s): Town Clerk's Office
Parker Poe

Requested Motion

Public Hearing and possible motion to approve a Resolution approving in principle, solely for purposes of meeting the requirements of the Internal Revenue Code and for the Bonds to be Issued by the Public Finance Authority to Grace Christian School, the issuance of Educational Facilities Revenue Bonds (the "Bonds") by the Authority which in no way obligates the Town for repayment of said bonds or creates any liability to the Town.

Approval Recommended?

Yes

Item Details

Greater Raleigh Area Christian Education, Inc. d/b/a GRACE Christian School ("GRACE", or the "School") is an independent coeducational non-denominational Christian classical day school for students from Transitional Kindergarten through 12th grade. For the 2024-25 academic year, the School enrolled 909 students. The School is currently located on two campuses in southwestern Raleigh. GRACE is organized as a North Carolina non-profit corporation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Following an extensive analysis of the School's programing and growth opportunities, in 2022 GRACE purchased approximately 52 acres of land within the Veridea master planned community in Apex, North Carolina, which land is comprised of two contiguous parcels—one approximately 29.19 acre parcel (the "East Parcel") and another approximately 23.67 acre parcel (the "West Parcel"). The present street address is 2728 Veridea Parkway in Apex, and the East Parcel and the West Parcel are described in more detail on the slide titled "Project Legal Description."

Due to constraints imposed by the fragmented nature of its current campuses, GRACE's leadership believes that building a new, unified campus on the parcels that the School purchased ($6.0 million in 2022) in the Town of Apex (10 miles away from its existing campuses) is the most prudent path to ensure the continued growth and long-term success of the School. Grace's existing campuses are broken apart—the Upper School campus, Lower School campus, and athletic facilities are all segregated from one another by a major highway and a road that each present a danger to students, as well as contribute to delays with morning drop-off and afternoon pick-up. The School's new campus will unify the Upper and Lower Schools, and though a two-lane road will separate this new academic space from the future athletic facilities, the School believes the crossing is much more traversable for students.

The new campus is designed to allow for the continued growth of the School (initial construction will provide a capacity of up to 1,250 students) and to improve its programmatic offering through the cross-curricular opportunities provided by unifying the School's academic space across all divisions. Additionally, GRACE believes that the new location will enhance school spirit with much-improved athletics facilities while eliminating lease expense associated with its current facilities. The demography of the chosen site, in the School's view, is highly favorable—the Apex area is affluent, a significant number of current students hail from Apex (approximately 21%), and the area currently faces a dearth of independent school offerings.

In accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, Grace Christian School request that the Town Council take the following actions:

1. That the Town Council hold a public hearing on the proposed issuance of the Bonds by the Public Finance Authority and the Project refinanced; and
2. At the conclusion of a public hearing, the Council adopt the attached resolution which:
    a. Provides that the Bonds do not constitute a debt of the Town; nor require a pledge of the faith and credit or taxing power of the Town; nor affect the Town's debt ratios or legal debt limit; and
    b. Provides that the Town has made no financial analysis of the Bonds, Grace Christian School or the Project being refinanced; and
    c. Approves solely for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance of the Bonds by the Public Finance Authority for the benefit of Grace Christian School.

<u>Attachments</u>

- PH7-A1: PowerPoint Presentation - Resolution - Tax Exempt Bonds related to Grace Christian School
- PH7-A2: Public Hearing Notice - Resolution - Tax Exempt Bonds related to Grace Christian School
- PH7-A3: Resolution - Tax Exempt Bonds related to Grace Christian School

GRACE
CHRISTIAN SCHOOL

Grace Christian School

Town of Apex – TEFRA Information

July 8, 2025

Introduction

- Greater Raleigh Area Christian Education, Inc. d/b/a GRACE Christian School ("GRACE", or the "School") is an independent coeducational non-denominational Christian classical day school for students from Transitional Kindergarten through 12th grade. For the 2024-25 academic year, the School enrolled 909 students. The School is currently located on two campuses in southwestern Raleigh. GRACE is organized as a North Carolina non-profit corporation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

- Following an extensive analysis of the School's programing and growth opportunities, in 2022 GRACE purchased approximately 52 acres of land within the Veridea master planned community in Apex, North Carolina, which land is comprised of two contiguous parcels—one approximately 29.19 acre parcel (the "East Parcel") and another approximately 23.67 acre parcel (the "West Parcel"). The present street address is 2728 Veridea Parkway in Apex, and the East Parcel and the West Parcel are described in more detail on the slide titled "Project Legal Description."

Project Overview

- Due to constraints imposed by the fragmented nature of its current campuses, GRACE's leadership believes that building a new, unified campus on the parcels that the School purchased ($6.0 million in 2022) in the Town of Apex (10 miles away from its existing campuses) is the most prudent path to ensure the continued growth and long-term success of the School. Grace's existing campuses are broken apart—the Upper School campus, Lower School campus, and athletic facilities are all segregated from one another by a major highway and a road that each present a danger to students, as well as contribute to delays with morning drop-off and afternoon pick-up. The School's new campus will unify the Upper and Lower Schools, and though a two-lane road will separate this new academic space from the future athletic facilities, the School believes the crossing is much more traversable for students.

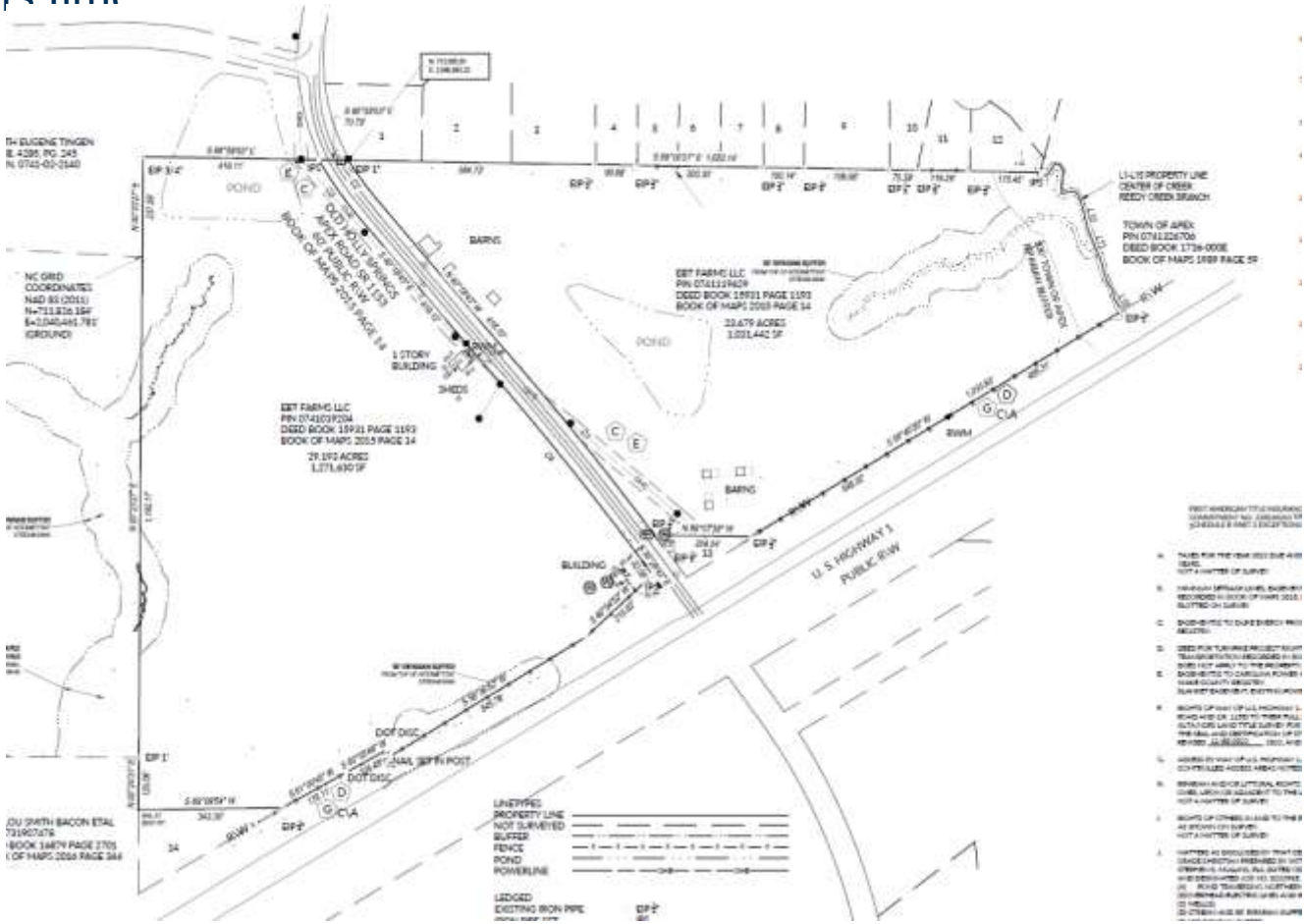
- The new campus is designed to allow for the continued growth of the School (initial construction will provide a capacity of up to 1,250 students) and to improve its programmatic offering through the cross-curricular opportunities provided by unifying the School's academic space across all divisions. Additionally, GRACE believes that the new location will enhance school spirit with much-improved athletics facilities while eliminating lease expense associated with its current facilities. The demography of the chosen site, in the School's view, is highly favorable—the Apex area is affluent, a significant number of current students hail from Apex (approximately 21%), and the area currently faces a dearth of independent school offerings.

Project Overview

- GRACE's leadership selected the 52-acre property off Veridea Parkway in Apex as the site of the new campus. GRACE has engaged Little Diversified Architectural Consulting as Architect and NEMA Management as owner's representative. The School is currently in the process of finalizing a guaranteed maximum price contract with Clancy & Theys Construction Company. While preliminary site work has begun, construction is expected to begin in August 2025 and conclude in April 2027. The total project cost is anticipated to be approximately $90.6 million, including contingency. The site is outlined in yellow in the schematic below.

Project Legal Description

- The East Parcel and the West Parcel are depicted in the 2022 survey below. Both the East Parcel and the West Parcel are bounded on the south by U.S. Highway 1, and are separated from one another by Veridea Parkway. Construction of the new campus will occur on the East Parcel. The School does not anticipate development of the West Parcel at this time.



Project Renderings

Project Renderings

Project Renderings

Proposed Financing

- The School is an organization authorized under Section 501(c)(3) of the Internal Revenue Code and is permitted to finance the Project with tax-exempt bonds. By financing with tax-exempt bonds, the School will save over $40,000,000 in debt service payments rather than financing through traditional banking methods.
- To issue tax-exempt bonds, the School has elected to do the financing through a conduit issuer, the National Finance Authority (the "Issuer"), a body politic and corporate, created and existing under the laws of the State of New Hampshire.
- The revenue bonds are expected to be issued by the Issuer in a maximum amount not to exceed $135,000,000 (the "Bonds").
- The proceeds of the Bonds will be loaned to the School and used to (1) finance and refinance the acquisition, relocation and construction of the School's new campus (collectively, the "Project") and (2) pay certain fees and costs associated with the issuance of the Bonds. The School will repay the Bonds via repayments to the Issuer on the loan.
- The Project will be owned and operated by the School.
- The Bonds are expected to mature in approximately 40 years from the date of issuance.
- As part of the tax-exempt financing requirements using a conduit issuer, the School is subject to the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") requirements (cont.).

TEFRA Requirements

- Section 147(f) of the Internal Revenue Code provides that a Private Activity Bond may not be tax-exempt unless the Issue of the Bonds receives public approval by the applicable elected representative following a public hearing for which reasonable public notice was provided.
  - A notice of a TEFRA hearing, which, under the Treasury Regulations, must be published one time, at least seven days prior to the TEFRA hearing, in a newspaper of general circulation in the geographical jurisdiction of the Issuer of the tax-exempt bonds and in any "host jurisdiction". The notice was published in the News and Observer on August 3rd.
  - The Town is the host jurisdiction because it is the geographic jurisdiction which contains the site of the Project.
- The public hearing is required to give the public an opportunity to comment on the proposed private activity bond issue and the Project to be located within the Town.
- The Town Council is also asked to provide approval for the issuance of the Bonds by the Authority (the Issuer) to finance the improvements to the School.
  - Importantly, this approval **in no way obligates or involves the Town, Wake County or the State, in the debt itself**, it is merely satisfying IRS regulations to provide the public in the Town awareness of the project and to allow the public to comment on the Project.
- The Town Council's approval of the issuance of the Bonds and the financing of the Project is solely for purposes of Section 147(f) of the Code and shall not be construed as approval of the Project for any other purpose including, but not limited to, zoning, land use, permitting or any other aspect of the Project that may require approval by the Town or any department of the Town.

NOTICE OF A PUBLIC HEARING REGARDING TAX-EXEMPT BONDS TO BE ISSUED BY THE NATIONAL FINANCE AUTHORITY ON BEHALF OF GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC. D/B/A GRACE CHRISTIAN SCHOOL

NOTICE IS HEREBY GIVEN that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "***Code***"), the Town Council of the Town of Apex, North Carolina, will hold a public hearing at its regularly scheduled meeting on **August 12, 2025, at 6:00 P.M. in the Town Hall Council Chambers located at 73 Hunter Street, Apex, North Carolina 27502,** or as soon as practicable thereafter, concerning the proposed issuance by the New Hampshire Business Finance Authority operating under the name the National Finance Authority (the "***Authority***"), a body politic and corporate, created and existing under New Hampshire RSA 162-A:3 and authorized by the Constitution and laws of the State of New Hampshire, of its revenue bonds, in one or more series (the "***Bonds***").

The Bonds are expected to be issued by the Authority pursuant to New Hampshire RSA 162-S, in a maximum aggregate principal amount not to exceed $135,000,000. The proceeds of the Bonds will be loaned to Greater Raleigh Area Christian Education, Inc. d/b/a GRACE Christian School (the "***School***"), a North Carolina non-profit corporation, and used to (1) finance and refinance the costs of the acquisition, relocation and construction of the School's new campus, including but not limited to the upper school building, lower school building and athletic facilities to be located thereon (collectively, the "***Project***") and (2) pay certain fees and costs associated with the issuance of the Bonds.

The Project will be owned and operated by the School and the Project will be the School's main campus, to be located at approximately 2728 Veridea Parkway, Apex, North Carolina 27502, consisting of approximately 52 acres of land comprised of two contiguous parcels bounded on the south by U.S. Highway 1 and separated from one another by Veridea Parkway.

The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the School to the Authority.

At the time and place fixed for the public hearing, all persons who appear will be given a reasonable opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Bonds, the location and nature of the Project and other related matters.

Any person wishing to submit written comments regarding the proposed issuance of the Bonds, the location and nature of the Project and other related matters should do so by submitting comments to the Town Clerk at the address set forth above.

Additional information concerning the Project may be obtained from Brandon K. Lewisohn, Esq., 620 S. Tryon Street, Suite 800, Charlotte, North Carolina 28202; Email Address: brandonlewisohn@parkerpoe.com.

Dated: August 3, 2025

TOWN OF APEX, NORTH CAROLINA

/s/ Allen Coleman, Town Clerk

EXTRACTS FROM MINUTES OF TOWN COUNCIL

A regular meeting of the Town Council (the "*Town Council*") of the Town of Apex, North Carolina (the "*Town*") was held in the Town Hall Council Chambers, 73 Hunter Street, Apex, North Carolina 27502 at 6:00 p.m. on August 12, 2025, after proper notice, and was called to order by the Mayor.

Present:_____
_____
_____

Absent: _____
_____
_____

* * * * *

At _____:_____ p.m., the Mayor announced that the Town Council would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Business Finance Authority operating under the name the National Finance Authority (the "*Authority*"), a body politic and corporate, created and existing under New Hampshire RSA 162-A:3 and authorized by the Constitution and laws of the State of New Hampshire (the "*Authority*"), of its Revenue Bonds (GRACE Christian School), Series 2025 (the "*2025 Bonds*"), in an aggregate principal amount not to exceed $135,000,000, the proceeds of which will be loaned to Greater Raleigh Area Christian Education, Inc. d/b/a GRACE Christian School (the "*School*"), a North Carolina non-profit corporation, to enable the School to (1) finance and refinance the costs of the acquisition, relocation and construction of the School's new campus, including but not limited to the upper school building, lower school building and athletic facilities to be located thereon (collectively, the "*Project*") and (2) pay certain costs incurred in connection with the issuance of the 2025 Bonds.

The Project will be owned and operated by the School and will be located within the Town on the School's main campus to be located at approximately 2728 Veridea Parkway, Apex, North Carolina 27502, consisting of approximately 52 acres of land comprised of two contiguous parcels bounded on the south by U.S. Highway 1 and separated from one another by Veridea Parkway.

On August 3, 2025, a notice of public hearing was published in The News & Observer, a copy of the affidavit of publication being attached, setting forth a general, functional description of the type and use of the Project to be financed, the maximum aggregate principal amount of the 2025 Bonds, the initial owner, operator or manager of the Project and the location of the Project, among other things.

The names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the 2025 Bonds or who responded in writing to the notice of public hearing are as follows: **[None]**

The Mayor inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing. The Mayor determined that no other persons who wished to speak at the public hearing were found.

After the Town Council had heard all persons who had requested to be heard, the Mayor closed the public hearing.

Council Member _____ introduced the following resolution, a copy of which had been distributed to each Council Member and the title of which appeared on the agenda:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APEX, NORTH CAROLINA, APPROVING IN PRINCIPLE THE ISSUANCE BY THE NATIONAL FINANCE AUTHORITY OF ITS REVENUE BONDS (GRACE CHRISTIAN SCHOOL), SERIES 2025 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $135,000,000

WHEREAS, Greater Raleigh Area Christian Education, Inc. d/b/a GRACE Christian School (the "***School***"), a North Carolina non-profit corporation, has requested that the New Hampshire Business Finance Authority operating under the name the National Finance Authority (the "***Authority***"), a body politic and corporate, created and existing under New Hampshire RSA 162-A:3 and authorized by the Constitution and laws of the State of New Hampshire, issue its Revenue Bonds (GRACE Christian School), Series 2025 (the "***2025 Bonds***"), in an aggregate principal amount not to exceed $135,000,000 to enable the School to (1) finance and refinance the costs of the acquisition, relocation and construction of the School's new campus, including but not limited to a upper school building, lower school building and athletic facilities to be located thereon (collectively, the "***Project***") and (2) pay certain costs incurred in connection with the issuance of the 2025 Bonds;

WHEREAS, the Project will be owned and operated by the School and will be located within the Town of Apex, North Carolina (the "***Town***") on the School's main campus at approximately 2728 Veridea Parkway, Apex, North Carolina 27502, consisting of approximately 52 acres of land comprised of two contiguous parcels bounded on the south by U.S. Highway 1 and separated from one another by Veridea Parkway;

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "***Code***"), prior to their issuance, the 2025 Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is or will be located, after a public hearing held following reasonable public notice;

WHEREAS, the Town Council of the Town of Apex (the "***Town Council***") is the "applicable elected representative" of the Town for the Project;

WHEREAS, the School has requested that the Town Council approve the Authority's issuance of the 2025 Bonds and the financing of the Project in order to satisfy the requirements of Section 147(f) of the Code; and

WHEREAS, the Town Council, following notice duly given in The News & Observer in the form attached hereto as Exhibit A (the "***TEFRA Notice***"), held a public hearing on August 12, 2025 regarding the Authority's issuance of the 2025 Bonds and the financing of the Project and now desires to approve the Authority's issuance of the 2025 Bonds and the financing of the Project in accordance with the Code;

BE IT RESOLVED by the Town Council as follows:

Section 1. The Authority's proposed issuance of the 2025 Bonds in an aggregate principal amount not to exceed $135,000,000 to be used to finance the Project is hereby approved by the Town Council for purposes of Section 147(f) of the Code,.

Section 2. The Town has no responsibility for the payment of the principal of or interest on the 2025 Bonds or for any costs incurred by the School with respect to the 2025 Bonds or the Project.

Section 3. The Town Council's approval of the issuance of the 2025 Bonds and the financing of the Project is solely for purposes of Section 147(f) of the Code and shall not be construed as approval of

the Project for any other purpose including, but not limited to, zoning, land use, permitting or any other aspect of the Project that may require approval by the Town or any department of the Town.

Section 4. This resolution is effective immediately on its passage.

On motion of Council Member_____, seconded by Council Member _____, the foregoing resolution entitled "**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APEX, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE NATIONAL FINANCE AUTHORITY OF ITS REVENUE BONDS (GRACE CHRISTIAN SCHOOL), SERIES 2025 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $135,000,000**" was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
) ss:
TOWN OF APEX)

I, *Allen Coleman*, Town Clerk of the Town of Apex, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true copy of so much of the proceedings of the Town Council of the Town of Apex, North Carolina at a regular meeting held on August 12, 2025, as it relates to the adoption of a resolution entitled "**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APEX, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE NATIONAL FINANCE AUTHORITY OF ITS REVENUE BONDS (GRACE CHRISTIAN SCHOOL), SERIES 2025 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $135,000,000**," and the holding of a public hearing related thereto, and that said proceedings will be recorded in the minutes of the Town Council of the Town of Apex, North Carolina.

WITNESS my hand and the seal of the Town of Apex, North Carolina, this the ___ day of August, 2025.

_____
Allen Coleman
Town Clerk
Town of Apex, North Carolina

(SEAL)

Exhibit A

Form of TEFRA Notice

NOTICE OF A PUBLIC HEARING REGARDING TAX-EXEMPT BONDS TO BE ISSUED BY THE NATIONAL FINANCE AUTHORITY ON BEHALF OF GREATER RALEIGH AREA CHRISTIAN EDUCATION, INC. D/B/A GRACE CHRISTIAN SCHOOL

NOTICE IS HEREBY GIVEN that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "***Code***"), the Town Council of the Town of Apex, North Carolina, will hold a public hearing at its regularly scheduled meeting on **August 12, 2025, at 6:00 P.M. in the Town Hall Council Chambers located at 73 Hunter Street, Apex, North Carolina 27502,** or as soon as practicable thereafter, concerning the proposed issuance by the New Hampshire Business Finance Authority operating under the name the National Finance Authority (the "***Authority***"), a body politic and corporate, created and existing under New Hampshire RSA 162-A:3 and authorized by the Constitution and laws of the State of New Hampshire, of its revenue bonds, in one or more series (the "***Bonds***").

The Bonds are expected to be issued by the Authority pursuant to New Hampshire RSA 162-S, in a maximum aggregate principal amount not to exceed $135,000,000. The proceeds of the Bonds will be loaned to Greater Raleigh Area Christian Education, Inc. d/b/a GRACE Christian School (the "***School***"), a North Carolina non-profit corporation, and used to (1) finance and refinance the costs of the acquisition, relocation and construction of the School's new campus, including but not limited to the upper school building, lower school building and athletic facilities to be located thereon (collectively, the "***Project***") and (2) pay certain fees and costs associated with the issuance of the Bonds.

The Project will be owned and operated by the School and the Project will be the School's main campus, to be located at approximately 2728 Veridea Parkway, Apex, North Carolina 27502, consisting of approximately 52 acres of land comprised of two contiguous parcels bounded on the south by U.S. Highway 1 and separated from one another by Veridea Parkway.

The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the School to the Authority.

At the time and place fixed for the public hearing, all persons who appear will be given a reasonable opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Bonds, the location and nature of the Project and other related matters.

Any person wishing to submit written comments regarding the proposed issuance of the Bonds, the location and nature of the Project and other related matters should do so by submitting comments to the Town Clerk at the address set forth above.

Additional information concerning the Project may be obtained from Brandon K. Lewisohn, Esq., 620 S. Tryon Street, Suite 800, Charlotte, North Carolina 28202; Email Address: brandonlewisohn@parkerpoe.com.

Dated: August 3, 2025

TOWN OF APEX, NORTH CAROLINA

/s/ Allen Coleman, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 12, 2025

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application #25CZ02 Jordan Lutheran Church. The applicant, Rev. Michael Merker, seeks to rezone approximately 6.22 acres from Rural Residential (RR) to Planned Commercial-Conditional Zoning (PC-CZ). The proposed rezoning is located at 1201 Chapel Ridge Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on July 14, 2025 and unanimously voted to recommend approval of the rezoning.

Item Details

The property to be rezoned is identified as PIN 0732258464.

Attachments

- PH8-A1: Staff Report - Rezoning Case No. 25CZ02 - Jordan Lutheran Church
  - Application
- PH8-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ02 - Jordan Lutheran Church

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: 1201 Chapel Ridge Rd
Applicant: Rev. Michael S. Merker

PROJECT DESCRIPTION:

Acreage: ± 6.22 acres
PIN: 0732258464
Current Zoning: Rural Residential (RR)
Proposed Zoning: Planned Commercial-Conditional Zoning (PC-CZ)

Current 2045 Land Use Map: Medium Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services
Town Limits: Town Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Use (PUD-CU #06CU17)	Chapel Ridge Rd; Commercial (Beaver Creek Commons)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ07)	Multi-family (Chapel Ridge North Apartments)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ07)	Chapel Ridge Rd; Multi-family (Chapel Ridge North Apartments)
West:	Planned Commercial-Conditional Use (PC-CU #94CU20)	Vacant; Beaver Creek Commons Dr

Existing Conditions:
The subject property is a total of +/- 6.22 acres and located west of Chapel Ridge North and east of Beaver Creek Commons Drive. The parcel includes existing vegetation and wetlands along its southern boundary. The pond that was located along the southern property line has been drained, and the home located on the site has been removed as part of the Chapel Ridge North apartment development. Additionally, the northern area has been disturbed due to the alignment and construction of the Chapel Ridge Road extension to Beaver Creek Commons Drive.

Background:
Jordan Lutheran Church originally received Minor Site Plan in October 2019 and received Construction Drawing approval in March 2022. Per UDO Section 2.3.6.I, a development approval for Minor Site Plans shall automatically expire at the end of three (3) years after the date of approval. Jordan Lutheran Church was required to start the entire process over due to the Minor Site Plan expiration.

In August 2021, the UDO was amended to change the use "Church or place of worship" to be allowed in the Rural Residential zoning district only with approval of a Special Use Permit. The property could either proceed with the Special Use Permit (SUP) process or rezone the property to a zoning district that permits the use "Church or place of worship" by right.

Due to the choice of rezoning rather than Special Use Permit, conditions have been offered to better accommodate a future sewer easement to allow public infrastructure per the Apex Sewer Master Plan.

Neighborhood Meeting:
The applicant conducted neighborhood meetings on December 16, 2024 and June 23, 2025. Both neighborhood meeting reports are attached.

WCPSS Coordination:
A Letter of Impact from Wake County Public School System (WCPSS) was not requested for this rezoning since no increase in the number of residential units was proposed.

2045 Land Use Map:
The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to Planned Commercial-Conditional Zoning (PC-CZ) is not consistent with this land use classification. If this rezoning is approved as requested, the 2045 Land Use Map will be changed to Commercial Services per NCGS 160D-505(a). This land use classification is consistent with the Commercial Services designations of the parcel to the West and High Density Residential/Commercial Services designation of the property to the North.

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.

1. Church or place of worship
2. Nursing or convalescent facility
3. Assembly hall, nonprofit
4. Assembly hall, for-profit
5. Daycare facility
6. Drop-in or short term day care
7. Communication tower, commercial (s)
8. Communication tower, constructed stealth (s)
9. Communication tower, camouflage stealth (s)
10. Communication tower, public safety (s)
11. Wireless support structure
12. Wireless communication facility
13. Park, active
14. Park, passive
15. Youth or day camp
16. Office, business or professional
17. Bookstore
18. Health, fitness center or spa
19. Personal service
20. Studio for art

Zoning Conditions:

1. The predominant exterior building materials shall be high quality materials including no fewer than 3 of the following:
    1. Brick masonry
    2. Decorative concrete block (either integrally colored or textured)
    3. Stone accents

4. Aluminum storefronts with anodized or pre-finished colors
5. EIFS cornices, and parapet trim
6. Precast concrete
7. Metal panel system
8. Fiber cement siding

2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. The main entrance to the building shall be emphasized.
6. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
7. The new construction will include solar conduit.
8. No driveway shall be allowed on Beaver Creek Commons Drive.
9. The minimum planting area required when any public easement overlaps a required perimeter buffer shall be 10 feet.
10. Any areas disturbed for the construction of Chapel Ridge Road along the northern property line may be designated as Resource Conservation Area if the area is replanted to meet the standards of UDO Sec. 8.1.2.B.1.i.
11. In consideration of the dedication of the onsite 30' public sewer easement along the western portion of the site and consisting of approximately 19,000 square feet, and due to related site constraints, grading and replanting shall be allowed in the east and south property buffer yards in addition to previously approved grading in the buffer yards for the Chapel Ridge North Apartment project needed to construct roads and drain a pond. The disturbed area within the east buffer shall be replanted to the 30' Type D buffer standard and the disturbed area along the south buffer shall be replanted to the 15' Type A buffer standard as required by UDO Sec. 8.2.6.B.5. Such areas shall qualify to be dedicated as Resource Conservation Area. The previously approved grading by Chapel Ridge North is 37.6% of the east buffer yard and 16.1% of the south buffer yard. The additional grading and replanting areas requested are 24% of the east buffer yard and 3% of the south buffer yard. This results in a total disturbance of 61.6% of the east buffer yard including the Chapel Ridge North project and the total disturbance of 19.1% of the south buffer yard including the Chapel Ridge North project. The above described easement shall be dedicated at the earlier of 6 months after zoning approval or at the time of site plan submittal.
12. The project shall ensure that 70% of the landscaping shall be native species in the perimeter buffers.
13. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 25% of the plant material of its type within a single development site.
14. To reduce irrigation requirements, the project shall select and plant only warm season grasses.

ENVIRONMENTAL ADVISORY BOARD

This rezoning was reviewed by the Apex Environmental Advisory Board (EAB) on February 27, 2025. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and 100-year storm events in accordance with the Unified Development Ordinance.	Not Added
No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	Not Added
The project shall ensure that 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	Modified
No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.	Modified
To reduce irrigation requirements, the project shall select and plant only warm season grasses.	Added
A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area.	Modified

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #25CZ02 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
Planning Board held a public hearing on July 14, 2025 for Rezoning #25CZ02 and unanimously voted to recommend approval of the rezoning as presented.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. This designation does not include the non-residential uses proposed by this rezoning. If the property is to be rezoned as proposed, the 2045 Land Use Map will automatically be amended to Commercial Services per NCGS 160D-505(a). 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.

The proposed rezoning is reasonable and in the public interest as the proposed zoning district and conditions will restrict vehicular access to Beaver Creek Commons Drive and require dedication of a 30' public sewer easement to facilitate the construction of public infrastructure as described on the Sewer System Master Plan.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the PC-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.

Photography Prepared by: Town of Apex Planning Department
March 2025
February 2025 Aerial
Rezoning #25CZ02
RAMP NC 540 NB to US 64 EB
540
NC 540 Hwy NB
Beaver Creek Commons Dr
Jordan Lutheran Church
Chapel Ridge North
Chapel Ridge Rd
Ackerman Hill Dr
0
200
400
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: #25CZ02 Submittal Date:

Fee Paid:

Project Information

Project Name: Jordan Lutheran Church

Address(es): 1201 Chapel Ridge Road

PIN(s): 0732258464

Acreage: 6.22

Current Zoning: Rural Residential Proposed Zoning: Planned Commercial Conditional Zoning

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: Rev. Michael S. Merker

Address: 1031 Pemberton Hill Rd., Suite 202

City: Apex State: NC Zip: 27502

Phone: 919-819-2436 E-mail: pastor@jordanapex.org

Owner Information

Name: Jordan Lutheran Church, Inc.

Address: 1031 Pemberton Hill Rd., Suite 202

City: Apex State: NC Zip: 27502

Phone: 919-303-1613 E-mail: pastor@jordanapex.org

Agent Information

Name: Rev. Michael S. Merker

Address: 1031 Pemberton Hill Rd., Suite 202

City: Apex State: NC Zip: 27502

Phone: 919-819-2436 E-mail: pastor@jordanapex.org

Other contacts:

PETITION INFORMATION

Application #: #25CZ02 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from RR to PC-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	Church or Place of Worship	21	
2	Nursing or Convalescent Facility	22	
3	Assembly Hall, nonprofit	23	
4	Assembly Hall, for profit	24	
5	Daycare facilty	25	
6	Drop-in or short term day care	26	
7	Communication tower, commercial (S)	27	
8	Communication tower, constructed stealth (S)	28	
9	Communication tower, camouflage stealth (S)	29	
10	Communication tower, public safety (S)	30	
11	Wireless support structure	31	
12	Wireless communication facility	32	
13	Park, active	33	
14	Park, passive	34	
15	Youth or day camp	35	
16	Office, business or professional	36	
17	Bookstore	37	
18	Health, fitness center or spa	38	
19	Personal service	39	
20	Studio for art	40	

PETITION INFORMATION

Application #: #25CZ02 Submittal Date:

PROPOSED CONDITIONS:

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

See Attached:

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

Rezoning does not meet the present 2045 Land Use map. The proposed changes would be in line with the adjoining properties of high density residential and the Beaver Creek Crossing shopping complex. A 2045 Land Use Map modification would be needed.

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

PC is compatible to the High Density residential and shopping complex which adjoin the property. Jordan Lutheran will access the area from Chapel Ridge Road using two road access points created as part of the Chapel Ridge north extension project.

PETITION INFORMATION

Application #: #25CZ02 Submittal Date:

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

Will review upon Minor Site Plan submission and will adhere to future Town Council conditions. Jordan Lutheran notes awareness that certain auxiliary uses will be handled in a way not detrimental to the neighboring properties.

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

The design will include perimeter buffers, architectural controls, and utility connections to avoid impacts on surrounding properties.

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

The site is proposed to meet UDO standards for design controls including minimization of environmental sensitive areas, limited site impacts and reduction of clearing perimeter vegetation.

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

The site is close to public facilities, including, water, sewer, electric and telephone. The site is adjacent to public infrastructure including direct access to Chapel Ridge Road for emergency vehicles and personnel.

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

The proposed use will not be detrimental to the health, safety and welfare of Apex residents, and the use will provide a variety of services to Apex residents.

PETITION INFORMATION

Application #: #25CZ02 Submittal Date:

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

The uses proposed will not be detrimental to adjacent properties. Any zoning districts marked as special use (S) Jordan Lutheran will ensure receive needed follow-up and approvals prior to implementation.

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

The proposed list of uses does not constitute a nuisance or hazard based upon the anticipated number of congregants and members of the public projected to utilize the offered services based on present plans.

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

The proposed development will meet standards within pertaining sections of the Town of Apex UDO.

AGENT AUTHORIZATION FORM

Application #: #25CZ02 Submittal Date: _____

Jordan Lutheran Church, Inc. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1201 Chapel Ridge Rd, Apex, NC 27502

The agent for this project is: Rev. Michael Scott Merker

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

Agent Name: Rev. Michael Scott Merker

Address: 1031 Pemberton Hill Rd., Suite 202 Apex, NC 27502

Telephone Number: 919-303-1613

E-Mail Address: pastor@jordanapex.org

Signature(s) of Owner(s)*

Michael Schelter — Type or print name — 4/25/25 — Date

Rebecca Kitzmiller — Type or print name — 4/27/2025 — Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: #25CZ02 Submittal Date: _____

The undersigned, Michael Merker (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1201 Chapel Ridge Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 9/16/2019, and recorded in the Wake County Register of Deeds Office on 9/16/2019, in Book 017576 Page 01305.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/16/2019, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/16/2019, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 27 day of April, 2025.

Michael Merker (seal)

Michael Merker

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

GAIL L. DUQUE NOTARY [NOTARY SEAL] PUBLIC WAKE COUNTY, NC

Gail L. Duque
Notary Public
State of North Carolina
My Commission Expires: Dec. 4, 2029

Last Updated: August 30, 2019

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #25CZ02 Submittal Date: _____

Insert legal description below.

Legal Description
Jordan Lutheran Church, Inc.

BEGINNING at an existing iron pipe having NC Grid Coordinates of N - 725,229.62 E - 2,033,153.88 NAD 83 (2012B), on the western right of way of Chapel Ridge Road, and being North 65 degrees 04 minutes 24 seconds West - 345.50 feet from the intersection of Chapel Ridge Road and Ackerman Hill Drive:
Thence South 84 degrees 44 minutes 16 seconds West - 165.05 feet to an existing iron pipe;
Thence crossing a pond, North 89 degrees 19 minutes 00 seconds West - 516.35 feet to an iron stake set;
Thence North 14 degrees 02 minutes 35 seconds East - 49.56 feet to an iron stake set;
Thence North 19 degrees 52 minutes 06 seconds East - 68.19 feet to an iron stake set;
Thence North 19 degrees 14 minutes 38 seconds East - 62.17 feet to an iron stake set, on the southern right of way of Beaver Creek Commons Drive;
Thence along said right of way, along a curve to the left having a radius of 889.50 feet, an arc length of 316.35 feet, a chord bearing and distance of North 39 degrees 21 minutes 36 seconds East - 314.69 feet to an iron stake set;
Thence along said right of way, North 29 degrees 10 minutes 16 seconds East - 133.27 feet to an iron stake set;
Thence leaving said right of way, North 88 degrees 41 minutes 57 seconds East - 308.19 feet to an existing iron pipe, the corner between Lot 4 and Lot 5;
Thence the following calls along the lot line between Lot 4 and Lot 5:
South 03 degrees 08 minutes 46 seconds East - 329.74 feet to an existing iron pipe;
South 23 degrees 19 minutes 50 seconds East - 162.12 feet to an iron stake set on the western right of way of Chapel Ridge Road;
Thence along the western right of way of Chapel Ridge Road along a curve to the left having a radius of 50.00 feet, an arc length of 62.76 feet, a chord bearing and distance of South 30 degrees 41 minutes 41 second West - 58.72 feet to an existing iron pipe, the point of BEGINNING, containing 6.22 acres more or less, and being the residual area of Lot 4 Chapel Ridge Subdivision, Phase II. As recorded in Book of Maps 1987 Page 556 in the Wake County Register of Deeds.

Conditions Offered from Jordan Lutheran Church for conditional rezoning:

The following architectural conditions are being offered:

1. The predominant exterior building materials shall be high quality materials including no fewer than 3 of the following:
    1. Brick masonry
    2. Decorative concrete block (either integrally colored or textured)
    3. Stone accents
    4. Aluminum storefronts with anodized or pre-finished colors
    5. EIFS cornices, and parapet trim
    6. Precast concrete
    7. Metal panel system
    8. Fiber cement siding

2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.

3. The building exterior shall have more than one material color.

4. The building shall have more than one parapet height.

5. The main entrance to the building shall be emphasized.

6. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

7. The new construction will include solar conduit.

The following site conditions are being offered:

8. No driveway shall be allowed on Beaver Creek Commons Drive

9. The minimum planting area required when any public easement overlaps a required perimeter buffer shall be 10 feet.

10. Any areas disturbed for the construction of Chapel Ridge Road along the northern property line may be designated as Resource Conservation Area if the area is replanted to meet the standards of UDO Sec. 8.1.2.B.1.i.

11. In consideration of the dedication of the onsite 30' public sewer easement along the western portion of the site and consisting of approximately 19,000 square feet, and due to related site constraints, grading and replanting shall be allowed in the east and south property buffer yards in addition to previously approved grading in the buffer yards for the Chapel Ridge North Apartment project needed to construct roads and drain a pond. The disturbed area within the east buffer shall be replanted to the 30' Type D buffer standard and the disturbed area along the south buffer shall be replanted to the 15' Type A buffer standard as required by UDO Sec. 8.2.6.B.5. Such areas shall qualify to be dedicated as Resource Conservation Area. The previously approved grading by Chapel Ridge North is 37.6% of the east buffer yard and 16.1% of the south buffer yard. The additional grading and replanting areas requested are 24% of the east buffer yard and 3% of the south buffer yard. This results in a total disturbance of 61.6% of the east buffer yard including the Chapel Ridge North project and the total disturbance of 19.1% of the south buffer yard including the Chapel Ridge North project. The above described easement shall be dedicated at the earlier of 6 months after zoning approval or at the time of site plan submittal.

12. The project shall ensure that 70% of the landscaping shall be native species in the perimeter buffers.

12. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 25% of the plant material of its type within a single development site.

13. To reduce irrigation requirements, the project shall select and plant only warm season grasses.

#25CZ02

NOTICE OF NEIGHBORHOOD MEETING

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

November 27, 2024
Date

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

1201 Chapel Ridge Road, Apex NC 27502	0732258464000
1201 Chapel Ridge Road, Apex NC 27502	
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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
To change the current zoning from Rural Residential (RR) to Planned Commercial-Conditional Zoning. This will permit Jordan Lutheran Church to use the site as "Church or place of worship" by right. When purchased in 2019 this usage was permitted changes to zoning code now make this rezoning necessary.

Estimated submittal date: 1/2/2025

MEETING INFORMATION:

Property Owner(s) name(s):	Jordan Lutheran Church, Inc.
Applicant(s):	Rev. Michael Scott Merker
Contact information (email/phone):	pastor@jordanapex.org / 919-819-2436
Meeting Address:	1031 Pemberton Hill Road, Suite 202 Apex, NC 27502
Date/Time of meeting**:	Monday, December 16, 7-9 p.m.

Welcome: 7 p.m. Project Presentation: 7:15 p.m. Question & Answer: 7:30-8:00 p.m.

**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.

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: Jordan Lutheran Church Zoning: Rural Residential

Location: 1201 Chapel Ridge Road

Property PIN(s): 0732258464000 Acreage/Square Feet: 6.19 acres

Property Owner: Jordan Lutheran Church, Inc.

Address: 1031 Pemberton Hill Rd., Suite 202

City: Apex State: NC Zip: 27502

Phone: (919)819-2436 Email: pastor@jordanapex.org

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): _____

Address: _____

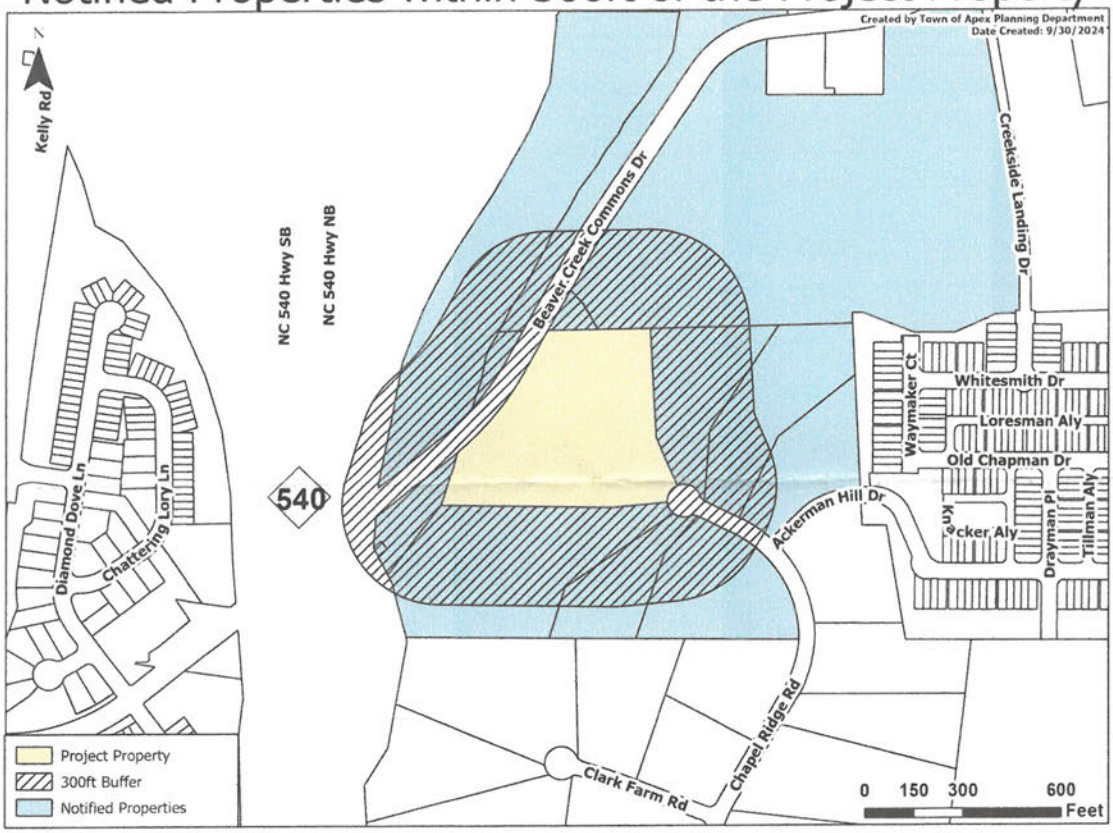
City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

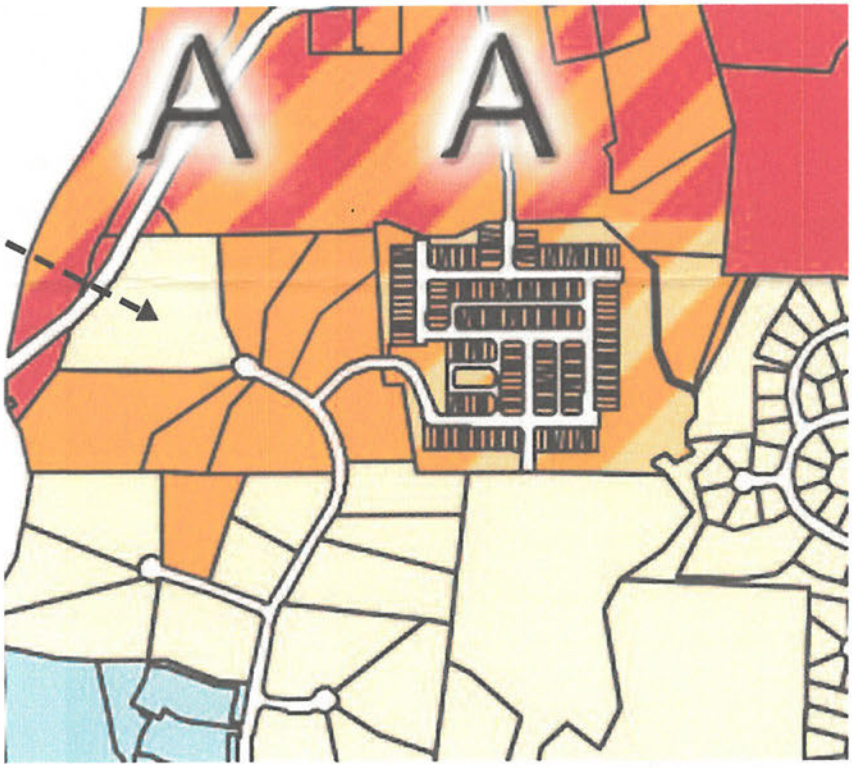
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Notified Properties within 300ft of the Project Property



Proposed Change to 2045 Land Use Map from Medium Density Residential to Commercial Services



Future Land Classifications

- Protected Open Space
- Rural Density Residential — One dwelling unit per five acres
- Rural Transition Residential — One dwelling unit per one acre
- Low Density Residential — Single-family homes or a mix of single-family homes with duplexes and/or townhomes
- Medium Density Residential — Single-family homes, duplexes, and townhomes
- Medium/High Density Residential — Single-family homes, duplexes, triplexes, quadplexes, and townhomes*
- High Density Residential — Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment
- A — Areas with High Density Residential striping where only apartments are allowed as residential land use

2045 Land Use Map
Town of Apex, North Carolina

#25CZ02

SITE ADDRESS	PIN NUMBER	OWNER
0 BEAVER CREEK COMMONS DR	0732256646	APEX TOWN OF
0 US 64 HWY W	0732252089	BEAVER CREEK LAND HOLDINGS LLC
0 BEAVER CREEK COMMONS DR	0732361412	CTO21 APEX LLC
1220 CHAPEL RIDGE RD	0732343920	HS CHAPEL RIDGE LLC
1213 CHAPEL RIDGE RD	0732356305	HS CHAPEL RIDGE LLC
1611 BEAVER CREEK COMMONS DR	0732258464	JORDAN LUTHERAN CHURCH INC
0 BEAVER CREEK COMMONS DR	0732266081	SHREE GOPALPRABHU LLC
		Current Tenant
		Current Tenant
		Current Tenant

#25CZ02

MAILING ADDRESS	
PO BOX 250	APEX NC 27502-0250
2574 CORLEY WOOD DR	RALEIGH NC 27606-4266
1140 N WILLIAMSON BLVD STE 140	DAYTONA BEACH FL 32114-8112
555 FAYETTEVILLE ST STE 300	RALEIGH NC 27601-3066
1055 THOMAS JEFFERSON ST NW STE 600	WASHINGTON DC 20007-5258
1031 PEMBERTON HILL RD STE 202	APEX NC 27502-4278
3716 LINVILLE GORGE WAY	CARY NC 27519-9619
1521 Beaver Creek Commons DR	APEX NC 27502
1531 Beaver Creek Commons DR	APEX NC 27502
1541 Beaver Creek Commons DR	APEX NC 27502
1551 Beaver Creek Commons DR	APEX NC 27502
1553 Beaver Creek Commons DR	APEX NC 27502
1555 Beaver Creek Commons DR	APEX NC 27502
1561 Beaver Creek Commons DR	APEX NC 27502
1571 Beaver Creek Commons DR	APEX NC 27502
1575 Beaver Creek Commons DR	APEX NC 27502
1583 Creekside Landing DR	APEX NC 27502
1585 Beaver Creek Commons DR	APEX NC 27502
1587 Beaver Creek Commons DR	APEX NC 27502
1591 Beaver Creek Commons DR	APEX NC 27502
1595 Beaver Creek Commons DR	APEX NC 27502
1200 Chapel Ridge	APEX NC 27502
1201 Chapel Ridge	APEX NC 27502
1204 Chapel Ridge	APEX NC 27502
1205 Chapel Ridge	APEX NC 27502
1209 Chapel Ridge	APEX NC 27502
1213 Chapel Ridge	APEX NC 27502
1220 Chapel Ridge	APEX NC 27502
2001 Creekside Landing DR	APEX NC 27502
2005 Creekside Landing DR	APEX NC 27502
2009 Creekside Landing DR	APEX NC 27502
2013 Creekside Landing DR	APEX NC 27502
2017 Creekside Landing DR	APEX NC 27502
2021 Creekside Landing DR	APEX NC 27502
2025 Creekside Landing DR	APEX NC 27502
2033 Creekside Landing DR	APEX NC 27502
2037 Creekside Landing DR	APEX NC 27502
2045 Creekside Landing DR	APEX NC 27502

#25CZ02

PIN	Owner	Mailing Address 1	Mailing Address 2
0732340146	CHAGANTIPATI, RAJ KIRAN VEMURI, JYOTSNA	4016 SYKES ST	CARY NC 27519-7301
0732342436	BOYKIN, V RAYMOND JR BOYKIN, RITA L	1500 CLARK FARM RD	APEX NC 27502-8500
0732246233	FAULKNER, JAMES V JR FAULKNER, BARBARA B	1513 CLARK FARM RD	APEX NC 27502-8500
0732243490	ROCCOFORTE, JOHN A ROCCOFORTE, MARIE F	1517 CLARK FARM RD	APEX NC 27502-8500
0732246637	BRIA, FRANK A III BRIA, CHRISTINE	1516 CLARK FARM RD	APEX NC 27502-8500
0732343658	SERINO, JAMES PATRICK TRUSTEE BUSI, MELINDA J/	1304 CHAPEL RIDGE RD	APEX NC 27502-8503
0732348711	COREY, DANIEL E II THE DANIEL E COREY II REVOCAI	1301 CHAPEL RIDGE RD	APEX NC 27502-8503
0732348563	OVERTON, RUSS OVERTON, KRISTAL RAWLS	1305 CHAPEL RIDGE RD	APEX NC 27502-8503
0732347395	GROVER, SARA W PRESTRUD, DAVID G	1313 CHAPEL RIDGE RD	APEX NC 27502-8503

#25CZ02

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: 1031 Pemberton Hill Rd Ste 202
Date of meeting: 12/16/2024 Time of meeting: 7pm
Property Owner(s) name(s): Jordan Lutheran Church
Applicant(s): Jordan Lutheran Church

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.	Michael Merker / Jordan	1905 Loganwood Drive Apex	919 8192436	[redacted]	
2.	Rebecca Kitchen / Jordan	104 Wethridge Ct	919-454 7206		
3.	Bowdewijn Hassath	1123 Farrington Post	919 586. 1912		
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Jordan Lutheran Church

Applicant(s): Jordan Lutheran Church, Michael Merker

Contact information (email/phone): pastor@jordanapex.org

Meeting Address: 1031 Pemberton Hill Rd, Suite 202

Date of meeting: 12/16/2024 Time of meeting: 7p.m.

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

No one from the public attended

Question/Concern #1:

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

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, Michael Merker, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 1031 Pemberton Hill Rd Ste 202 Apex NC 27502 (location/address) on 12/16/2024 (date) from 7p.m. (start time) to 8p.m. (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

12/21/24
Date

By: Michael Merker

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Gail L. Duque, a Notary Public for the above State and County, on this the 21st day of Dec, 2024.

SEAL

GAIL L. DUQUE NOTARY PUBLIC WAKE COUNTY, NC

Gail L. Duque
Notary Public

Gail L. Duque
Print Name

My Commission Expires: Dec. 4, 2029

NOTICE OF NEIGHBORHOOD MEETING

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

June 3, 2025
Date

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

1201 Chapel Ridge Road, Apex NC 27502 | 0732258464000
1201 Chapel Ridge Road, Apex NC 27502 |
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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	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)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
To change the current zoning from Rural Residential (RR) to Planned Commercial-Conditional Zoning. This will permit Jordan Lutheran Church to use the site as "Church or place of worship" by right. When purchased in 2019 this usage was permitted, changes to zoning code now make this rezoning necessary. This will be the 2nd Neighborhood Meeting.

Estimated submittal date: 1/2/2025

MEETING INFORMATION:

Property Owner(s) name(s): Jordan Lutheran Church, Inc.
Applicant(s): Rev. Michael Scott Merker
Contact information (email/phone): pastor@jordanapex.org / 919-819-2436
Meeting Address: 1031 Pemberton Hill Road, Suite 202 Apex, NC 27502
Date/Time of meeting**: Monday, June 23, 6-7 p.m.

Welcome: 6 p.m. Project Presentation: 6:15 p.m. Question & Answer: 6:15-7:00 p.m.

**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.

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: Jordan Lutheran Church Zoning: Rural Residential

Location: 1201 Chapel Ridge Road

Property PIN(s): 0732258464000 Acreage/Square Feet: 6.22 acres

Property Owner: Jordan Lutheran Church, Inc.

Address: 1031 Pemberton Hill Rd., Suite 202

City: Apex State: NC Zip: 27502

Phone: (919)819-2436 Email: pastor@jordanapex.org

Developer:

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer:

Address:

City: State: Zip:

Phone: Fax: Email:

Builder (if known):

Address:

City: State: Zip:

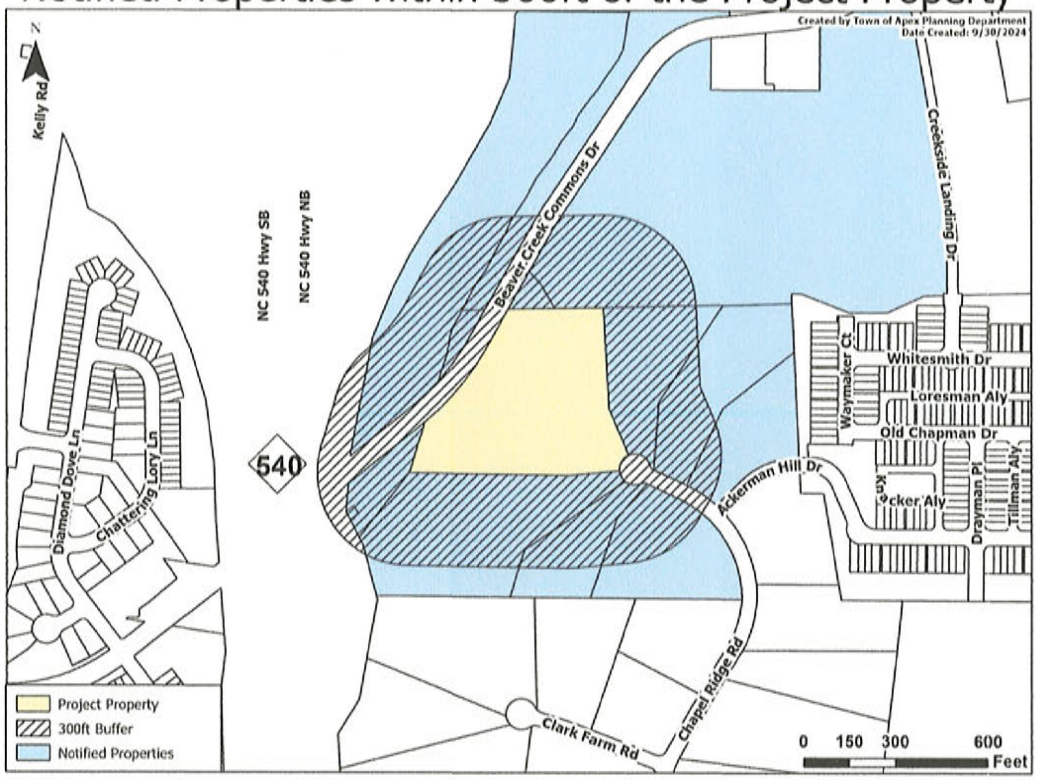
Phone: Fax: Email:

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

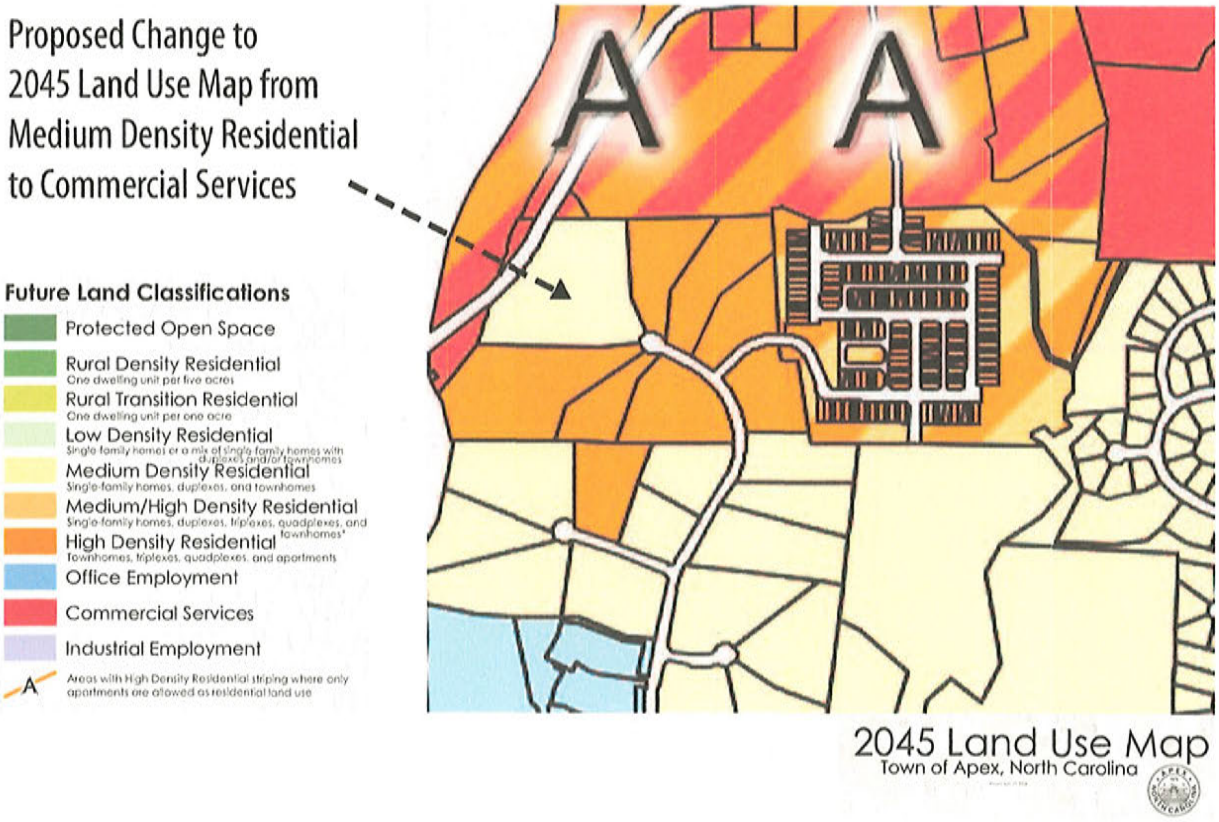
Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

#25CZ02

Notified Properties within 300ft of the Project Property



Proposed Change to 2045 Land Use Map from Medium Density Residential to Commercial Services



SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
0 BEAVER CREEK COMMONS DR	0732256646	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
0 US 64 HWY W	0732252089	BEAVER CREEK LAND HOLDINGS LLC	2574 CORLEY WOOD DR	RALEIGH NC 27606-4266
0 BEAVER CREEK COMMONS DR	0732361412	CTO21 APEX LLC	1140 N WILLIAMSON BLVD STE 140	DAYTONA BEACH FL 32114-8112
1204 CHAPEL RIDGE RD	0732249927	HS CHAPEL RIDGE LLC	555 FAYETTEVILLE ST STE 300	RALEIGH NC 27601-3066
1201 CHAPEL RIDGE RD	0732258464	JORDAN LUTHERAN CHURCH INC	1031 PEMBERTON HILL RD STE 202	APEX NC 27502-4278
0 BEAVER CREEK COMMONS DR	0732266081	SHREE GOPALPRABHU LLC	3716 LINVILLE GORGE WAY	CARY NC 27519-9619
		Current Tenant	1521 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1531 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1541 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1551 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1553 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1555 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1561 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1571 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1575 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1583 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1585 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1587 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1591 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1595 Beaver Creek Commons DR	APEX NC 27502
		Current Tenant	1200 Chapel Ridge RD	APEX NC 27502
		Current Tenant	1201 Chapel Ridge RD	APEX NC 27502
		Current Tenant	1204 Chapel Ridge RD	APEX NC 27502
		Current Tenant	1205 Chapel Ridge RD	APEX NC 27502
		Current Tenant	1209 Chapel Ridge RD	APEX NC 27502
		Current Tenant	1213 Chapel Ridge RD	APEX NC 27502
		Current Tenant	1220 Chapel Ridge RD	APEX NC 27502
		Current Tenant	2001 Creekside Landing DR	APEX NC 27502
		Current Tenant	2005 Creekside Landing DR	APEX NC 27502
		Current Tenant	2009 Creekside Landing DR	APEX NC 27502
		Current Tenant	2013 Creekside Landing DR	APEX NC 27502
		Current Tenant	2017 Creekside Landing DR	APEX NC 27502
		Current Tenant	2021 Creekside Landing DR	APEX NC 27502
		Current Tenant	2025 Creekside Landing DR	APEX NC 27502
		Current Tenant	2033 Creekside Landing DR	APEX NC 27502
		Current Tenant	2037 Creekside Landing DR	APEX NC 27502
		Current Tenant	2045 Creekside Landing DR	APEX NC 27502

Created by Town of Apex Planning Department
Date Created: 5/7/2025

Additional Notifications Shared to Neighbors Beyond Required Radius

PIN	Owner	Mailing Address 1	Mailing Address 2
0732340146	CHAGANTIPATI, RAJ KIRAN VEMURI, JYOTSNA	4016 SYKES ST	CARY NC 27519-7301
0732342436	BOYKIN, V RAYMOND JR BOYKIN, RITA L	1500 CLARK FARM RD	APEX NC 27502-8500
0732246233	FAULKNER, JAMES V JR FAULKNER, BARBARA B	1513 CLARK FARM RD	APEX NC 27502-8500
0732243490	ROCCOFORTE, JOHN A ROCCOFORTE, MARIE F	1517 CLARK FARM RD	APEX NC 27502-8500
0732246637	BRIA, FRANK A III BRIA, CHRISTINE	1516 CLARK FARM RD	APEX NC 27502-8500
0732343658	SERINO, JAMES PATRICK TRUSTEE BUSI, MELINDA JANE TRUSTEE	1304 CHAPEL RIDGE RD	APEX NC 27502-8503
0732348711	COREY, DANIEL E II THE DANIEL E COREY II REVOCABLE LIVING TRUST	1301 CHAPEL RIDGE RD	APEX NC 27502-8503
0732348563	OVERTON, RUSS OVERTON, KRISTAL RAWLS	1305 CHAPEL RIDGE RD	APEX NC 27502-8503
0732347395	GROVER, SARA W PRESTRUD, DAVID G	1313 CHAPEL RIDGE RD	APEX NC 27502-8503
0732340503	CURRENT RESIDENT	1512 CLARK FARM ROAD	APEX NC 27502

#25CZ02

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: 1031 Pemberton Hill Road Suite 202 Apex, NC 27502
Date of meeting: June 23, 2025 Time of meeting: 6-7 p.m.
Property Owner(s) name(s): Jordan Lutheran Church, Inc.
Applicant(s): Rev. Michael Scott Merker

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.	Boubacar Hamadi	1122 Farrington Post Pittsboro, NC 27312	919.861.19[illegible]	[redacted]	
2.					
3.	Michael Merker Jordan Lutha	1031 Pemberton Hill Rd Ste 202 Apex NC 27502	919 819 2436		
4.	Nancy Corey	1301 Chapel Ridge Rd	[illegible]		
5.	Melinda Busi	1304 Chapel Ridge Rd	919-219-1026		
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Jordan Lutheran Church, Inc.

Applicant(s): Rev. Michael Scott Merker

Contact information (email/phone): pastor@jordanapex.org 919-819-2436

Meeting Address: 1031 Pemberton Hill Road Suite 202 Apex NC 27502

Date of meeting: June 23, 2025 Time of meeting: 6:00 - 7:00 P.M.

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

Question/Concern #1:
Where will entrances for the Jordan Lutheran project be located? (Nancy Corey)

Applicant's Response:
Two entrances are planned along the eastern boundary of the Jordan Lutheran property along the Chapel Ridge north extension.

Question/Concern #2:
Where will future signage for the congregation be located? (Melinda Busi)

Applicant's Response:
Signage placement is not part of the rezoning process. Future signage placement will follow the Town of Apex Uniform Development Ordinance. Signs will be located on property owned by the congregation.

Question/Concern #3:
Do you see speed bumps on Chapel Ridge Road? (Melinda Busi)

Applicant's Response:
Road development is not part of this rezoning case, the Chapel Ridge north extension is occurring through an adjoining development. You may contact the Town of Apex to learn more about the road development.

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, Michael Scott Merker, 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~~ 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

300 Feet notification area

3. The meeting was conducted at 1031 Pemberton Hill Rd Ste 202 Apex NC 27502 (location/address) on June 23, 2025 (date) from 6:00 p.m. (start time) to 7:00 p.m. (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

6/24/2025
Date

By: Michael Scott Merker

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Gail L. Duque, a Notary Public for the above State and County, on this the 24th day of June, 2025.

SEAL

GAIL L. DUQUE NOTARY PUBLIC WAKE COUNTY, NC

Gail L. Duque
Notary Public

Gail L. Duque
Print Name

My Commission Expires: Dec. 4, 2029

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ02
Jordan Lutheran Church

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

Applicant/Authorized Agent: Rev. Michael S. Merker
Property Address: 1201 Chapel Ridge Rd
Acreage: ±6.22 acres
Property Identification Number (PIN): 0732258464
Current 2045 Land Use Map Designation: Medium Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Planned Commercial-Conditional Zoning (PC-CZ)

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

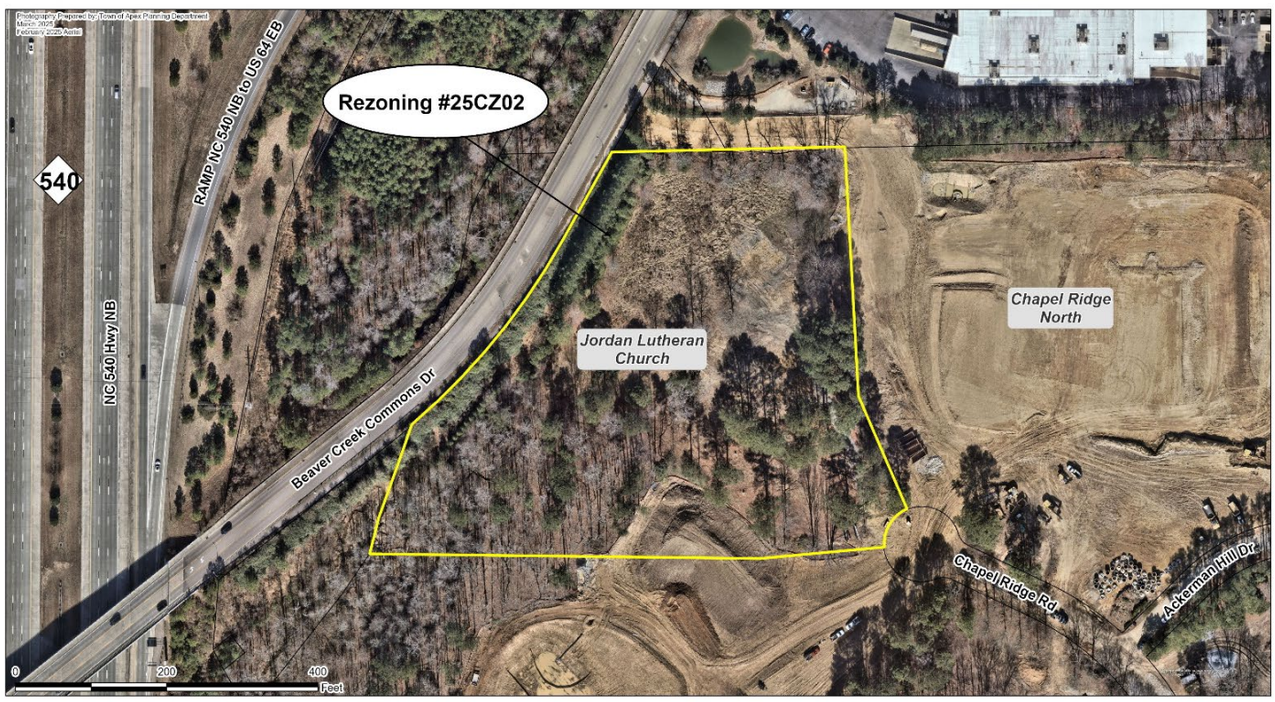
Planning Board Public Hearing Date and Time: July 14, 2025 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/49356.

Dianne F. Khin, AICP
Planning Director

Published Dates: June 27 - July 14, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ02
Jordan Lutheran Church

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante/Agente autorizado: Rev. Michael S. Merker
Dirección de la propiedad: 1201 Chapel Ridge Rd
Superficie: ±6.22 acres
Números de identificación de la propiedad: 0732258464
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Commercial Services
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Planned Commercial-Conditional Zoning (PC-CZ)

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

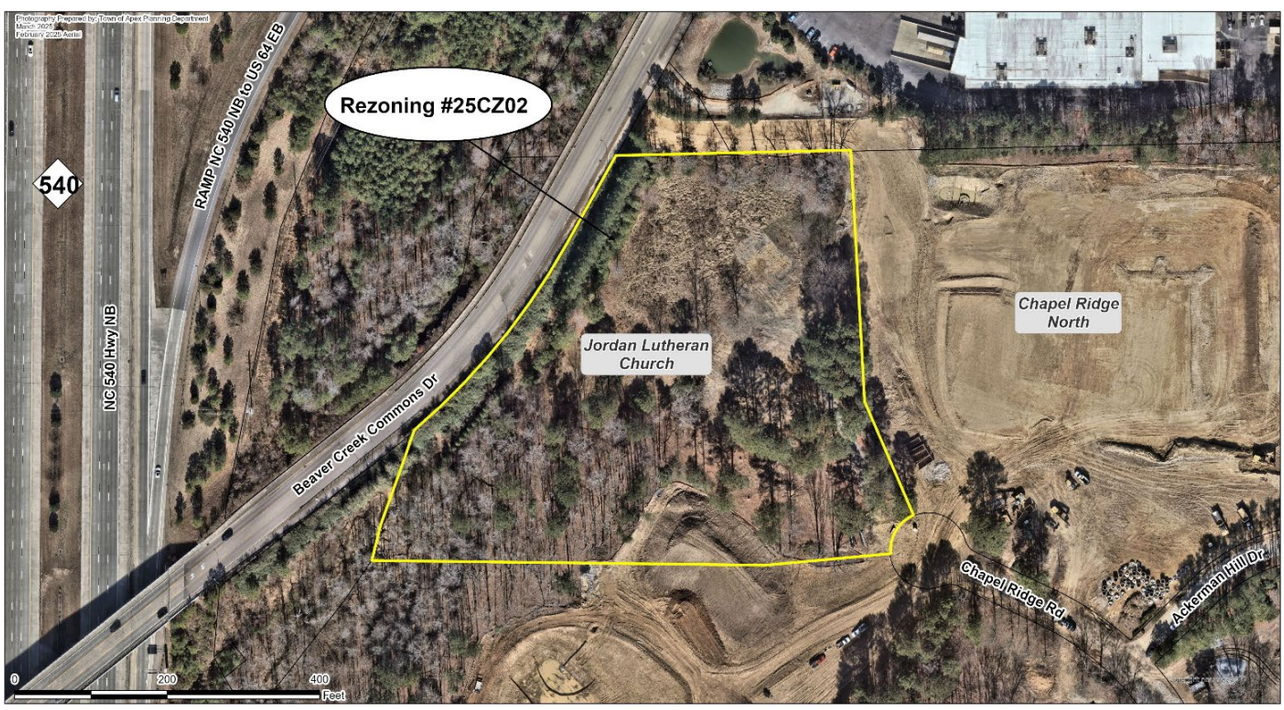
Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de julio de 2025 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la 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 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/49356.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de junio – 14 de julio de 2025

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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 #25CZ02
Jordan Lutheran Church

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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:

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Dianne F. Khin, AICP
Planning Director

Published Dates: June 27 - July 14, 2025

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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 #25CZ02
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Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de junio – 14 de julio de 2025

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ02 Jordan Lutheran Church
Project Location:	1201 Chapel Ridge Rd
Authorized Agent:	Rev. Michael S. Merker
Planning Board Public Hearing Date:	July 14, 2025
Project Planner:	Joshua Killian, Planner II

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 June 27, 2025, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

6/30/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 30th day of JUNE, 2025.

Notary Public

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

My Commission Expires: 10/3/2027

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ02
Jordan Lutheran Church

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: Rev. Michael S. Merker
Property Address: 1201 Chapel Ridge Rd
Acreage: ±6.22 acres
Property Identification Number (PIN): 0732258464
Current 2045 Land Use Map Designation: Medium Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Planned Commercial-Conditional Zoning (PC-CZ)

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

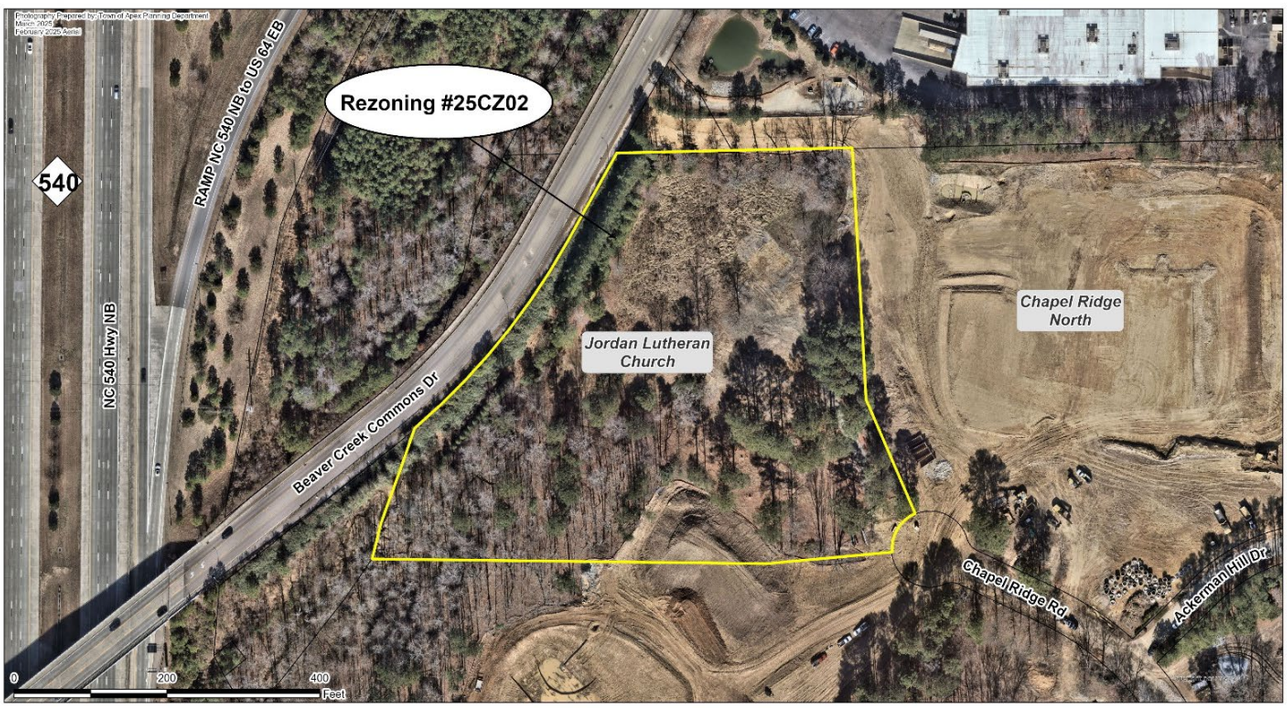
Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: August 12, 2025 6:00 PM

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 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-line: https://www.apexnc.org/DocumentCenter/View/49356.

Dianne F. Khin, AICP
Planning Director

Published Dates: July 21 – August 12, 2025

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ02
Jordan Lutheran Church

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: Rev. Michael S. Merker
Dirección de la propiedad: 1201 Chapel Ridge Rd
Superficie: ±6.22 acres
Números de identificación de la propiedad: 0732258464
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Commercial Services
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Planned Commercial-Conditional Zoning (PC-CZ)

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

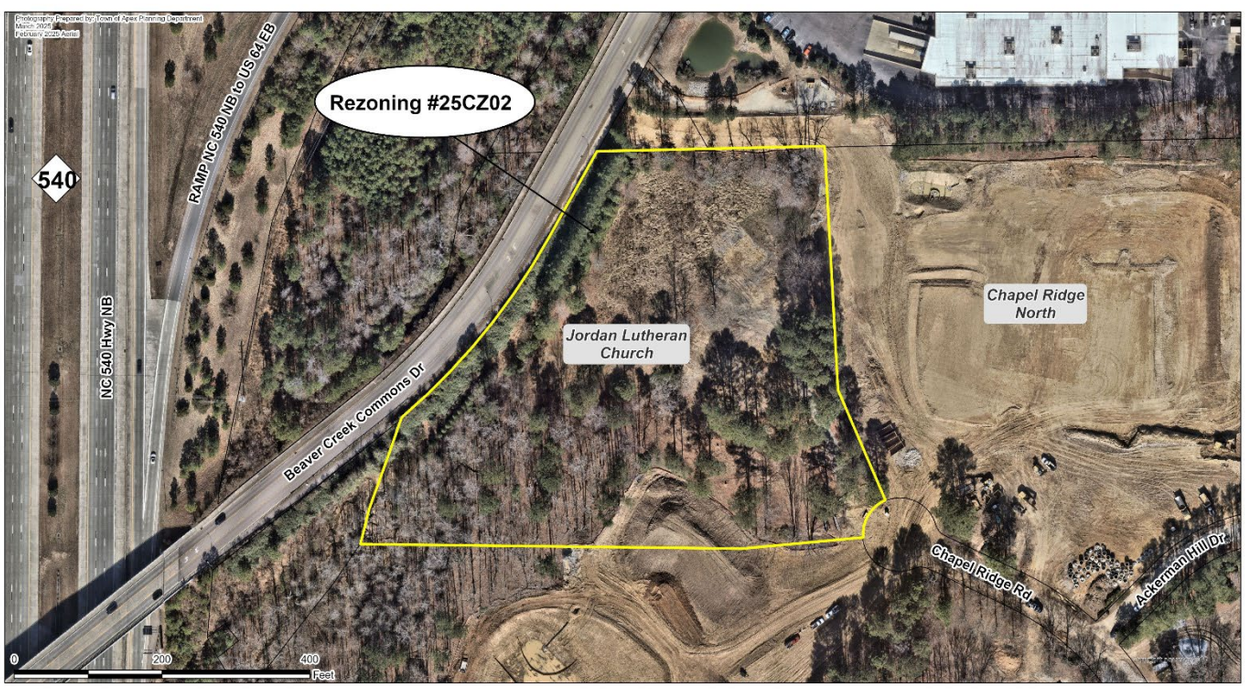
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 12 de agosto de 2025 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 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/49356.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 21 de julio - 12 de agosto de 2025

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All tools | Edit | Convert | E-Sign | 25CZ02 TCPN Co... | Share

TOWN OF APEX
POST OFFICE BOX 250
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PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ02
Jordan Lutheran Church

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

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Town Council Public Hearing Date and Time: August 12, 2025 6:00 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

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Dianne F. Khin, AICP
Planning Director

Published Dates: July 21 – August 12, 2025

Reminders: 2 | All folders are up to date. | d to: Microsoft Exchange | 100%
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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 #25CZ02
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Cámara del Consejo, 2º piso
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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/49356.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 21 de julio - 12 de agosto de 2025

Reminders: 2 All folders are up to date. Microsoft Exchange 100%
Search 11:58 AM 7/21/2025

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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ02 Jordan Lutheran Church
Project Location:	1201 Chapel Ridge Rd
Authorized Agent:	Rev. Michael S. Merker
Town Council Public Hearing Date:	August 12, 2025
Project Planner:	Joshua Killian, Planner II

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 July 21, 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.

7/21/2025
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 21st day of July, 2025.

Notary Public

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027

My Commission Expires: 10/3/2027

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ02 Jordan Lutheran Church

Planning Board Meeting Date: July 14, 2025

Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ± 6.22 acres

PIN(s): 0732258464

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Commercial-Conditional Zoning (PC-CZ)

Current 2045 Land Use Map: Medium Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services

Town Limits: Town Limits

Applicable Officially Adopted Plans:

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

☑ 2045 Land Use Map

☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan

☑ Consistent ☐ Inconsistent Reason: _____

☐ Parks, Recreation, Open Space, and Greenways Plan

☐ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

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

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

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

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

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

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Preston Mitchell

Seconded by Planning Board member: Jeff Hastings

☐ *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:

As presented.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of July 2025.

Attest:

Keith Braswell, Acting Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2025.07.14 18:07:46 -04'00'

Dianne Khin, Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 12, 2025

Item Details

Presenter(s): Bruce Venable, Planner II

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 July 14, 2025, meeting and unanimously recommended approval.

Item Details

Requested by Planning Staff:

1. Amendments to Sec. 8.3.4.E *Location, Residential Driveway Standards* in order to change the residential parking standard that measures the length of the driveway from the back of curb to the ultimate right-of-way line.

2. Amendments to Sec. 5.1 *Table of Intensity and Dimensional Standards* in order to revise the maximum built-upon area percentages for developments in the B1 Neighborhood Business District and the TF Tech/Flex District. The purpose of this amendment is to ensure that all permitted uses within each district are subject to consistent maximum built-upon area standards, eliminating discrepancies between uses in the same zoning category.

Attachments

- PH9-A1: Staff Report - Unified Development Ordinance (UDO) Amendments - August 2025
- PH9-A2: Planning Board Report to Town Council - Unified Development Ordinance (UDO) Amendments - August 2025
- PH9-A3: Public Notice - Unified Development Ordinance (UDO) Amendments – August 2025
- PH9-A4: Ordinance - Unified Development Ordinance (UDO) Amendments - August 2025

Requested by Planning Staff:

1. Amendments to Sec. 8.3.4.E *Location, Residential Driveway Standards* in order to change the residential parking standard that measures the length of the driveway from the back of curb to the ultimate right-of-way line.

Background: Planning staff, in coordination with the Transportation and Infrastructure Development staff, is proposing this amendment to clarify and standardize how residential driveway lengths are measured. Under the current language, the driveway length is measured from the back of curb, which can lead to inconsistent measurements and conflicts with right-of-way standards.

This amendment will shift the starting point of measurement to the ultimate right-of-way (ROW) line, rather than the back of curb, to better align with industry practices and ensure consistency in the review of residential development plans. Measuring from the ROW line also provides greater predictability for driveway lengths across various lot configurations.

8.3.4 Location

…

E) Residential Driveway Standards

…

2) Length

Driveways serving all residential properties shall have a minimum length of 20 feet, measured from the **ultimate right-of-way or from the back of sidewalk if the sidewalk is located on private property** . ~~back of the sidewalk or, where no sidewalk exists, from the back of the curb.~~ Driveways accessed from an alley shall be exempt from the minimum length requirement set forth in this ~~s~~**S**ection.

…

2. Amendments to Sec. 5.1 *Table of Intensity and Dimensional Standards* in order to revise the maximum built-upon area percentages for developments in the B1 Neighborhood Business District and the TF Tech/Flex District. The purpose of this amendment is to ensure that all permitted uses within each district are subject to consistent maximum built-upon area standards, eliminating discrepancies between uses in the same zoning category.

5.1.2 Business Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
…									
B1									
Office, business or professional	___	20	20	20	20	48	70	___	___
Medical or Dental Office or Clinic	___	20	20	20	20	48	70	___	___

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
Government services	___	20	15	25	15	48	70	___	___
School	___	50	50	50	50	5 stories and 75	70	___	___
All other uses	___	25	15	20	15	36	~~65~~ **70**	___	___
…									
TF									
School	___	25	25	25	25	5 stories and 75	70	___	___
All other uses	___	20	20	20	20	48	~~65~~ **70**	___	___
…									

*See Sec 6.1, *Watershed Protection Overlay Districts*.
**These setbacks are for the perimeter of entire project only.
***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Upon Area requirements.

PLANNING STAFF RECOMMENDATION:
Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:
The Planning Board reviewed these amendments at their July 14, 2025, meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments
Planning Board Meeting Date: July 14, 2025

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Jeff Hastings

Seconded by Planning Board member: Mary Petersen

☑ 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 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of July 2025.

Attest:

Keith Braswell, Acting Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2025.07.14 18:11:19 -04'00'

Dianne Khin, Planning Director

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

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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

Requested by Planning Staff:

1. Amendments to Sec. 8.3.4.E *Location, Residential Driveway Standards* in order to change the residential parking standard that measures the length of the driveway from the back of curb to the ultimate right-of-way line.

2. Amendments to Sec. 5.1 *Table of Intensity and Dimensional Standards* in order to revise the maximum built-upon area percentages for developments in the B1 Neighborhood Business District and the TF Tech/Flex District. The purpose of this amendment is to ensure that all permitted uses within each district are subject to consistent maximum built-upon area standards, eliminating discrepancies between uses in the same zoning category.

Public Hearing Location: Apex Town Hall
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73 Hunter Street, Apex, North Carolina

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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: July 18, 2025 - August 12, 2025

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:

A solicitud del personal de Planificación:

1. Enmiendas a la sección 8.3.4.E, *Ubicación, Normas para entradas residenciales,* con el fin de modificar la norma de estacionamiento residencial en la que se mide la longitud de la entrada de las viviendas desde la parte posterior del bordillo hasta la línea final del derecho de paso.

2. Enmiendas a la sección 5.1, *Tabla de estándares de intensidad y dimensiones*, con el fin de revisar los porcentajes máximos de área construida para desarrollos en el Distrito Comercial Vecinal B1 y el Distrito TF Tech/Flex. El propósito de esta enmienda es garantizar que todos los usos permitidos dentro de cada distrito estén sujetos a normas coherentes de superficie máxima construida eliminando las discrepancias entre los usos dentro de la misma categoría de zonificación.

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: 12 de agosto de 2025, 6:00 p. m.

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

Si no puede asistir, puede proporcionar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la Oficina de la Secretaria 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 18 de julio de 2025 al 12 de agosto de 2025

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. Section 8.3.4.E.2 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:

8.3.4 Location

…

E) Residential Driveway Standards

…

2) Length

Driveways serving all residential properties shall have a minimum length of 20 feet, measured from the **ultimate right-of-way or from the back of sidewalk if the sidewalk is located on private property** . ~~back of the sidewalk or, where no sidewalk exists, from the back of the curb.~~ Driveways accessed from an alley shall be exempt from the minimum length requirement set forth in this ~~s~~**S**ection.

…

Section 2. Section 5.1.2 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:

5.1.2 Business Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
…									
B1									
Office, business or professional	___	20	20	20	20	48	70	___	___
Medical or Dental Office or Clinic	___	20	20	20	20	48	70	___	___
Government services	___	20	15	25	15	48	70	___	___
School	___	50	50	50	50	5 stories and 75	70	___	___
All other uses	___	25	15	20	15	36	~~65~~ **70**	___	___
…									
TF									
School	___	25	25	25	25	5 stories and 75	70	___	___
All other uses	___	20	20	20	20	48	~~65~~ **70**	___	___
…									

*See Sec 6.1, *Watershed Protection Overlay Districts*.
**These setbacks are for the perimeter of entire project only.
***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Upon Area requirements.

Section 3. 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 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 5. The ordinances shall be effective upon enactment on the ____ day of _____2025.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

Approved as to Form:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 12, 2025

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager, and Jenna Shouse, Senior Planner

Department(s): Transportation and Infrastructure Development, and Planning

Requested Motion

Possible motion to recommend the tunnel alternative, identified as Alternative 4, as the preferred alternative for the grade-separated bicycle and pedestrian crossing of Tingen Road.

Approval Recommended?

Yes

Item Details

A feasibility study is underway for project BO-2416, Tingen Road Bicycle and Pedestrian Bridge. Four design alternatives, including three bridges and one tunnel, were presented at a public design charette on May 22, 2025. Most design charrette attendees and online comment form respondents preferred the tunnel alternative, Alternative 4. Staff recommend Alternative 4 as the preferred alternative. The next step in the feasibility study process is to complete the functional design and prepare a construction cost estimate for the preferred alternative. This information will be presented at a second public engagement opportunity before returning to Town Council for a recommendation on whether or not to proceed with the final design and right of way phases. More information is available on the project website at: https://publicinput.com/w54851.

Attachments

- NB1-A1: Design Charrette Public Engagement Summary – Bicycle and Pedestrian Crossing – Tunnel Alternative Discussion

Memorandum

To: Russell Dalton
Town of Apex
73 Hunter Street
Apex, NC 27502

Date: July 29, 2025

Project #: BO-2416 Tingen Road Bicycle and Pedestrian Crossing

From: VHB Engineering NC, P.C.

Re: Public Engagement Summary

Engagement Activities Summary

Public engagement for BO-2416 has included outreach to identified key stakeholders for targeted input and as well as a public meeting. This round of engagement solicited feedback on high-level design concepts for four crossing alternatives.

Project Website

The Town's Sidewalk, Bike, and Transit Projects website includes a project overview and notification of the public meeting, along with a link to the project specific information website which is also hosted by the Town within the Apex, NC Engagement Hub through PublicInput.com. The project website informed the public about the feasibility study, provided illustrations of the feasibility design alternatives, and included information about the design charrette. The website was advertised by postcards mailed to nearby property owners and current residents. The site also included project staff contact information and a digital comment form. The "Get Involved" page includes all materials that were used at the design charrette and public meeting, including an option to provide comments.

The online comment form was open from June 3 – June 17, 2025. 17 individuals submitted responses.

Stakeholder Design Charrette

In addition to the website, a Stakeholder Design Charrette was conducted on May 22, 2025 at the Town's Senior Center. The Town hosted a Design Charrette from 1-3 PM, inviting a group of key stakeholders to meet with the project team and provide input on the project and conceptual design options from the perspective of their role in the community. 17 people attended the meeting, including representatives from the Town, Apex Elementary School, NCDOT Rail Division, CAMPO and the Justice Heights neighborhood. The project team presented project background, conducted a virtual site visit, and held interactive discussions regarding project vision and design concept reviews. Attendees were also asked to complete a short input survey at the end of the formal meeting.

During an open discussion about the need and vision for the project from the standpoint of the key stakeholders, attendees discussed valuable benefits, potential impacts or burdens, as summarized below.

Valuable Benefits

- Maintenance of multimodal connectivity, both in the immediate project vicinity and as part of the regional greenway network
- Provision of a safe crossing of the railroad
- Act as a gateway to Downtown Apex, supporting local businesses
- Serve the local community that depends on multimodal travel options, not vehicles only
- Keep pedestrian/bicycle travel routes to Downtown Apex shorter, avoiding Apex Peakway or NC 55 options

Memorandum

Potential Impacts or Burdens

- A need to protect and secure the water supply infrastructure, given the proximity to the water tower
- Project cost implications, including construction and maintenance costs, as well as competing for priority with other projects for funding
- Design constraints in the area that could affect/dictate grade and accessibility
- Potential visual and property impacts affecting local neighborhood
- Need for safety and security considerations for future users
- Complexity of construction

Finally, stakeholders defined user experience, cost and safety as the primary evaluation criteria to be considered in selecting a preferred alternative.

Community Benefits & Public Art

Overall, the stakeholder group agreed that the crossing project was needed and would be a positive addition to the community and the overall active transportation network within Apex as well as regionally by providing a safe and consistent access option. The crossing could provide numerous benefits such as a parking demand reduction in Downtown if residents are choosing to walk or bike and the opportunity to create an inviting public space by incorporating art alongside a functional connective design. The public art could highlight the history and culture of the project area. Some stakeholders voiced a preference for a bridge option, which is likely more expensive, but could provide a greater visual impact, creating a "gateway" into Downtown from the project area.

Preliminary, relative cost comparisons show that the tunnel, Alternative 4, is likely to be the most cost-effective option, which was also appealing to the stakeholders.

Direct Route & Safety

During the stakeholder charrette, it was also discussed that the tunnel option would provide the most direct route with the shortest overall crossing distance and structure length. Comments were made about how people may decide to make an unsafe, at-grade option if a bridge with a long or steep path was constructed. While attempts would be made to block these unsanctioned crossings, such as bollards, guard rail or fencing, it is unlikely that all unsafe crossings would be prevented. It was also noted that a bridge may be perceived as a safer option by the public compared to a tunnel.

Pedestrian Crossings of S Salem Street at Tingen Road/Justice Heights Street

Another open discussion topic was the desire to maintain the pedestrian crossing features at the existing S. Salem Street/Tingen Road/Justice Heights Street intersection. There was a general consensus that some kind of signalized crossing was preferred at this location to maintain connectivity for underserved neighborhoods in the vicinity, connecting these neighborhoods with each other as well as destinations such as Downtown and West Street Park. It was noted that the existing pedestrian infrastructure could likely remain; but coordination with NCDOT should be pursued if the project moves forward. The eventual connection of Justice Heights Street to Apex Peakway may provide continued justification for signalized pedestrian crossings at this location, due to conflicts between pedestrian and vehicular movements.

Memorandum

Design Considerations

Regardless of the alternative chosen, it should be noted that there is a 16" waterline present in the project area, and coordination should be undertaken early and often to ensure the protection of that waterline and the overall security of the water tower as a primary source of water for the Town.

A few design specific comments were also offered, including the minimization of crossings needed for pedestrians to cross from the project to the west side of Salem Street and the suggestion to include "runnels" in the design which are channels designed alongside or within staircases to allow cyclists to easily wheel their bikes up or down the steps.

Key Takeaways & Next Steps

Input from the discussions as well as the survey was recorded, reviewed and is being incorporated into project development. In general, it is agreed the crossing is needed and is a viable project that will work in coordination with the overall greenway and pedestrian connectivity plans of the Town, with cost and safety implications being key considerations.

Public Design Charrette

Following the Stakeholder Design Charette, an open-house style public meeting was held from 4-6 PM. 46 people attended the meeting. The project team facilitated conversations at six information stations including:

- Sign-in/Welcome Table
- Project Overview
- Purpose and Vision
- Virtual Site Visit
- Alternative Designs
- Comment Table

These stations had a combination of hardcopy, large format information boards, digital visuals and options for attendees to provide input on the boards with markers, sticky notes and colored dots.

Specifically, at the Purpose and Vision station, attendees could write their thoughts on the same questions posed to the stakeholders at their meeting and tag them onto a board. These responses are summarized below.

<u>Valuable Benefits</u>

- Maintenance of multimodal connectivity, both in the immediate project vicinity and as part of the regional greenway network; connect multiple local neighborhoods to downtown and each other, creating a sense of community
- Provide safe access to Apex Elementary School and Downtown Apex
- Create an inviting space through visual interest using art
- Encourage an overall decrease in traffic if more people bike and walk due to the crossing
- Less noise from the trains as-grade crossings will no longer occur.

<u>Potential Impacts or Burdens</u>

- Need for safety and security considerations for future users; cleanliness of crossing structure
- Need connectivity to proposed side paths

Memorandum

- Potential visual and property impacts affecting local neighborhood; increased light at entrance points to a tunnel; maintain as many trees as possible
- Concern if the crossing produces a new roadway crossing that is not at a signal
- Concern that grades, even 5%, are too steep for bikers
- Cost, obtaining funding
- Construction impacts on traffic, particularly around Apex Elementary School

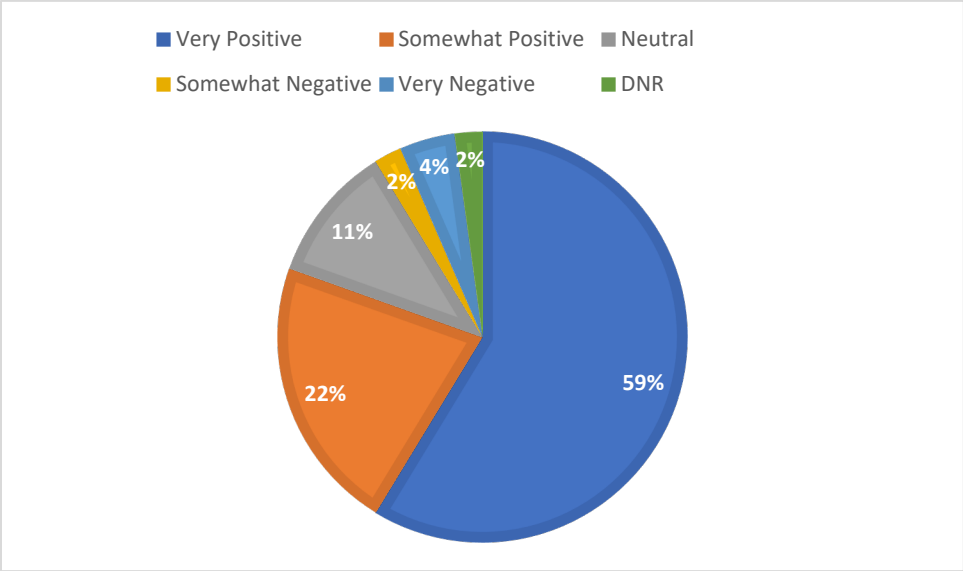
Attendees noted generally the same primary evaluation criteria that were important to be considered in selecting a preferred alternative as the stakeholders, including safety and cost.

Public Meeting Comments and Response to Comments

Of the 46 public meeting attendees, 30 completed comment forms at the meeting and 26 provided an open-ended comment form response. In addition to the comments received in person at the public meeting, comments were also received via the online comment form.

Respondents were asked to give their overall impression and support of the project. Of the 46 individual responses (30 from the in-person meeting and 17 online submittals), 81% responded with "very positive" or "somewhat positive" support for the project, as shown in Table 1.

Table 1 – Overall Impression of the Proposed Project



Respondents were also asked to rank their preference for the presented alternatives. In person meeting respondents ranked only their top preference, while those submitting via the website had the option to rank some or all alternatives in preference order. Table 2 summarizes the preference rankings received at the public meeting and via the website. Table 3 presents a summary of the top preference only for those rankings.

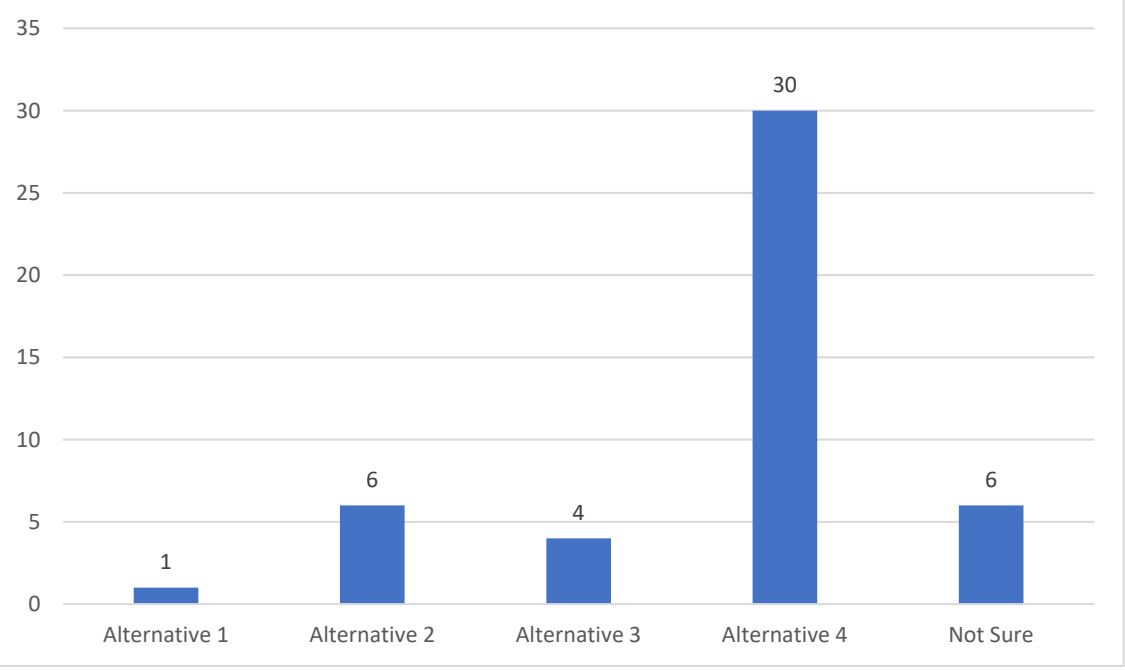
Memorandum

Table 2 – Alternative Preferences

Alternative	Public Meeting Responses (top preference)	Website Responses*			
		Rank 1	Rank 2	Rank 3	Rank 4
Alternative 1 - North Overpass Loop	1	0	3	3	1
Alternative 2 - Bridge without Loops	4	2	3	2	0
Alternative 3 - North and South Overpass Loops	3	1	1	2	3
Alternative 4 - Tunnel	19	11	2	0	2
Not sure/Did not respond	3	3	1	1	0
Total Respondents	**30**	**17**	**10***	**8***	**6***

*Some, but not all, respondents gave rankings to all alternatives. Every commentor provided at least a top choice, while some ranked 2, 3 or all 4 in preference order; thus, the total respondent counts per rank do not each add to 17.

Table 3 – Top Alternative Preference



Results taken from in-person and website responses to alternative ranking question

Table 4 summarizes of all open-ended comments received and responses to those comments, as needed. Comments were grouped into themes and sub-themes:

Memorandum

Table 4 – Public Comments and Responses

Comment	Frequency	Response
1. Project Costs		
a. Is the cost a good investment? Is the cost justified given the limited number of users?	4	The current at-grade crossing of the CSX railroad is required to be permanently closed, and CSX has indicated the intent to install fencing, which would sever pedestrian connectivity if left unaddressed. If Town Council recommends proceeding with final design, construction of the project would ultimately be subject to the Town's annual Capital Improvement Program (CIP) prioritization. The CIP prioritization process considers the availability of both local and non-local funding and compares against the needs for other capital projects based on a variety of factors. The project inventoried existing and planned active transportation infrastructure, pedestrian activity centers, and transit-oriented development within the study area. The area features an existing sidewalk network, crossing improvements at signalized intersection, an elementary school, and a planned mobility hub as part of the S-Line at E. Moore Street. Preserving north-south pedestrian connectivity aligns with the Town of Apex's Vision Zero, a commitment to eliminating traffic deaths and serious injuries, and the Advance Apex: The 2045 Transportation Plan's recommendation to provide sidewalks in areas within ½ mile of existing and planned schools, ensuring a safe route to school is available.
2. Pedestrian Network Connectivity and Safety Concerns		
a. Children should have safe access to Apex Elementary; if a bridge alternative is selected, ensure that children cannot jump.	5	The current at-grade crossing of the CSX railroad is required to be permanently closed, which would sever north-south pedestrian connectivity. The project team examined a quarter-mile walkshed and determined the neighborhoods north of the CSX railroad would lose efficient access to Apex Elementary School under the No-Action alternative, as the nearest railroad crossing would be along E. Williams Street. The construction of a pedestrian crossing would support a safer and more efficient route to Apex Elementary School. The bridge alternatives include a minimum railing height of 54 inches. The portion over the railroad and/or roadway could be fully enclosed if it is determined necessary by local officials and the community.
b. Avoid creating a space for panhandlers.	1	A key objective of the feasibility study is to enhance pedestrian and bicycle safety. The proj[illegible]landscaping, which promotes visibility and accessibility, an effective

Memorandum

Comment	Frequency	Response
		practice in crime prevention through environmental design (CPTED). The project will continue to work with local authorities to incorporate CPTED.
c. Requests that the tunnel alternative include adequate or abundant lighting and art to reduce crime, improve safety, visibility, and comfort for pedestrians and bicyclists. General tunnel safety concern.	10	The Town of Apex and the project design team are committed to developing a pedestrian crossing that is safe and welcoming to all users. The shortest feasible tunnel length would be used to allow pedestrians and bicyclists to see from end to end, ensure it feels open, and maximize the amount of natural light. To ensure the tunnel is inviting, Alternative 4 – Tunnel would include lighting and staff recommend that artwork either be included or accommodated for future installation in the tunnel design. Staff will work with the Public Art Committee to identify potential public art locations and process to incorporate art either as part of the project or following the project. In response to feedback from residents, the project team is examining motion-activated lighting. Lastly, regular maintenance of tunnels, including cleaning, repairing, and landscaping, is an effective practice of CPTED that has been shown to deter crime.
3.Design Comments, Concerns or Recommendations		
a. Will the project connect to the sidewalk or, better yet, a greenway? Will pedestrian access to Justice Heights Street be maintained?	4	The project would connect to the existing sidewalk network along S. Salem Street to the north, James Street to the south, and Tingen Road to the south. A pedestrian crossing would preserve north-south pedestrian connectivity, and in the long term, could provide a north-south connection for planned greenways in the vicinity of the railroad crossing. A map of the Town's existing and planned greenways is available online at: https://www.apexnc.org/DocumentCenter/View/31725/Bicycle-and-Pedestrian-System-Plan-Map-PDF. A sidewalk connection would be maintained to Justice Heights Street at the intersection with Tingen Road.
b. Repurpose Tingen Road to provide the pedestrian and bicycle path.	1	The current at-grade crossing of the CSX railroad is required to be permanently closed, and without a pedestrian crossing of the CSX railroad, any pedestrian and bicycle improvements along Tingen Road would lack north-south connectivity.
c. Utilize the existing right-of-way along Tingen Road, as it would shorten the crossing and save money.	1	The crossing of CSX railroad needs to be approximately perpendicular and that requires a shift either east or west of the existing crossing. The design team examined the nearest possible perpendicular crossing, minimizing impacts to homes, businesses, and utilities. Constructing the pedestrian crossing west of Tingen Road would avoid residential relocations and minimize utility relocations, thereby reducing construction costs. In addition, Alternative 2 – Bridge without Loops examined a direct approach and a limited

Memorandum

Comment	Frequency	Response
		bridge length. The resulting approach grade is 8 percent, which is considered steep and may be difficult for some users to travel.
d. Recommendations on where the project should connect to existing sidewalks. (1) A connection to the west side of S. Salem Street would provide better access and reduce the need for additional sidewalk construction. (2) A connection to Tingen Road instead of Salem Street would provide more direct access downtown.	5	(1) The project team examined a midblock crossing of S. Salem Street. It was determined that maintaining pedestrian crossings at Tingen Road and S. Salem Street, a signalized crosswalk, would be the safer option. (2) Under each alternative, pedestrian access to Tingen Road is maintained. Alternative 3 – North and South Overpass Loops and Alternative 4 – Tunnel would construct additional sidewalk along S. Salem Street that would connect pedestrians to Tingen Road.
e. Recommendation for the design to account for the high speeds encountered on grades, especially as related to braking and turning speeds for skateboards, rollerbladers and other users that do not have mechanical braking systems, noting that the tunnel alternative is safest for these users.	3	The design team will work to minimize the grades used in the design, especially for alternative user needs.
f. Concern regarding impacts on trees affecting wildlife, noise, and/or community character.	3	Construction of a pedestrian crossing would result in the removal of trees. The project team is working to minimize tree removal to the extent possible. If the design of the pedestrian crossing is advanced, the project will conduct ecological surveys to ensure that no adverse impacts on wildlife or essential/critical habitats occur. Following construction, the project would include tree replanting and landscaping to help reduce the number of trees removed.
g. Comments that expressed a preference for the shortest path.	5	The project team will consider travel distance as a major factor when selecting the preferred alternative. Path lengths from James St to S. Salem Street (Bicycle/ADA, Walk with staircase): • Alt 1 – North Overpass Loop: 1,880 ft, 850 ft • Alt 2 – Bridge without Loops: 1,355 ft, 880ft • Alt 3 – North and South Overpass Loops: 2,020 ft, 1,520 ft • Alt 4 – Tunnel: 1,115 ft, 780 ft
h. Comments that expressed project support.	11	Thank you for your comment.

Memorandum

Comment	Frequency	Response
i. Comments that are not related to design or funding of the potential pedestrian and bicycle crossing.	5	Thank you for your comment.

Table 5 outlines the reasons for support or opposition for each alternative as included in the written comments received at the public meeting and online submittals.

Table 5 – Public Comment on Reasons for Support or Opposition of Crossing Alternatives

Alternative	**Reasons to Support**	**Reasons to Oppose**
Alternative 1 - North Overpass Loop	n/a	Expensive (4) Long/steep crossing distance (4) User safety
Alternative 2 - Bridge without Loops	Shortest bridge option	Expensive (3) Long/steep crossing distance (3) User safety
Alternative 3 - North and South Overpass Loops	Enhances community character	Expensive (3) Long/steep crossing distance (3) User safety (3)
Alternative 4 - Tunnel	Lowest cost/cost effective (4) Positive visual impact, opportunity to incorporate art (3) Simplest solution (2) Lowest overall impact Most direct/shortest crossing option Safest option	User safety (3) Expensive (2) Long crossing distance Potential Vandalism Potential smell Negative visual impact Drainage concerns

(X) indicates total number of times reason was mentioned

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 12, 2025

Item Details

Presenter(s): Lisa Raschke, Special Events Manager

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

Requested Motion

Discussion and possible motion to authorize a new tier structure related to Community Events and approve an amendment to the Special Events Policy.

Approval Recommended?

Yes

Item Details

In 2024, the governing body received several presentations related to the Special Events program within the Parks, Recreation, and Cultural Resources Department. Direction was provided during those meetings for staff to investigate a tiered system and corresponding budget thresholds. The purpose of this presentation is to discuss the recommended changes and provide any additional comments or direction to staff. If supported, the requested action is to authorize the new tiered structure related to Community Events and approve an amendment to the Special Events Policy.

Attachments

- NB2-A1: PowerPoint Presentation: Special Events Policy Update – Community Event Tier Structure

April 8, 2025

Special Event Updates

Town Council Meeting

APEX
NORTH CAROLINA

CURRENT TIER EVENT BREAKDOWN

TIER 1	TIER 2	TIER 3	TIER 4
• Fewer than 200 people • No Town services • No closure of public right-of-way • No inflatables, tables, food trucks, tents, alcohol	• 201-500 people • Minimal Town services • Possible closure of public right-of-way • No alcohol	• 501-1000 people • Minimal Town services • Possible closure of public right-of-way • No alcohol	• 1001 people and more, or any number of people with alcohol • Multiple Town services • Closure of Town parking lots, greenways, and/or streets • Alcohol can be present with proper approval & permits
Application Submission Deadline: 14 days prior to the event date	Application Submission Deadline: December 1	Application Submission Deadline: December 1	Application Submission Deadline: December 1

TIER 1 EVENTS
- Ethos Business Fair
- Leon Herndon Memorial Event
- International Day of Yoga
- Fall Pride Picnic
- Gingerbread Competition

TIER 2 EVENTS
- Memorial Day Ceremony
- Patriots Day Ceremony
- TransAmerica Motorcycle Event
- Triangle Yoga Festival
- Fall Car Show
- Hum Sub Anniversary Events
- Chanukah Festival

TIER 3 EVENTS
- Veterans Day Ceremony
- Run the Peak
- Oktoberfest
- Peak City Fitness Festival
- Juneteenth Festival

TIER 4 EVENTS
- PigFest
- PeakFest
- Pride Festival
- Festa Italiana
- Rotary Christmas Parade

PROPOSED NEW TIERS

TIER 1	TIER 2	TIER 3	TIER 4
BUDGET THRESHHOLD $500.00	**BUDGET THRESHHOLD** $3500.00	**BUDGET THRESHHOLD** $10,000.00	**BUDGET THRESHHOLD** 50,000.00
• Up to 2 Town services • No closure of public right-of-way • Up to 3 event hours • No Town resources • No inflatables, tables, food trucks, tents, alcohol	• Up to 5 Town services • Up to 2 closures • Up to 4 event hours • Up to 2 Town resources • Alcohol can be present with proper approval & permits	• Up to 6 Town services • Up to 4 closures • Up to 6 event hours • Up to 3 Town resources • Alcohol can be present with proper approval & permits	• Up to 7 Town services • 8 plus closures • Up to 9 event hours, per day • Up to 4 Town resources • Alcohol can be present with proper approval & permits
Application Submission Deadline: 14 days prior to the event date	Application Submission Deadline: December 1	Application Submission Deadline: December 1	Application Submission Deadline: December 1

ADDITIONAL ITEMS
If an Event Organizer would like additional items, there would be an option to pay for them or ask Council for a special dispensation.

TIER 1 EVENTS
- Ethos Business Fair
- Leon Herndon Memorial Event
- International Day of Yoga
- Fall Pride Picnic
- Gingerbread Competition
- Gingerbread Lane

TIER 2 EVENTS
- Memorial Day Ceremony
- Patriots Day Ceremony
- TransAmerica Motorcycle Event
- Triangle Yoga Festival
- Fall Car Show
- Hum Sub Anniversary Events
- Chanukah Festival

TIER 3 EVENTS
- Veterans Day Ceremony
- Run the Peak
- Oktoberfest
- Peak City Fitness Festival
- Juneteenth Festival

TIER 4 EVENTS
- PigFest
- PeakFest
- Pride Festival
- Festa Italiana
- Rotary Christmas Parade

TIER OPTIONS

TOWN SERVICES	TOWN SPACES	CLOSURES	RESOURCES
• Park Operations • Special Event Team • Police • Fire • Public Works • Electric • Communications • Water Resources	• Town Courtyard • Arc Lot (Inner/Outer) • Town Hall Lot • Gazebo Lot • ATM Lot • Senior Center Room(s) • Community Center Room(s) • Halle Auditorium and Room(s) • Depot Lot • Depot Rooms • Nature Park Amphitheatre • Park Shelters • Athletic Fields • Pollinator Garden	• Salem St from Center St to Saunders St • Salem St beyond Center St • Salem St beyond Saunders St • Service Memorial • Saunders Street • Ambergate Dr • Hunter St	• A-Frame barricade • PRCR barricade • Water barricade • Vehicle barricade • External building power • Temporary and permanent electric boards • Water • AV equipment • Tech equipment • Tables and chairs • Trash/Recycling Cans • Utility sinks • Tents

RESOURCE RATES

TOWN SPACES	RATES
Town Courtyard	$200 per hour
Arc Lot (Inner)	$100 per hour
Arc Lot (Outer)	$50 per hour
Town Hall Lot	$200 per hour
Gazebo Lot	$100 per hour
Senior Center Room(s)	$100 per hour
Community Center Room(s)	$35 per hour
Halle Auditorium	$100 per hour
Halle Room(s)	$50 per hour
Depot Lot	$100 per hour
Depot Room(s)	$25 per hour
Nature Park Amphitheatre	$125 per hour
Park Shelters	$20 per hour
Athletic Fields	$100 per hour

CLOSURES	RATES
Salem St from Center St to Saunders St	$250 per hour
Salem St beyond Center St	$250 per hour
Salem St beyond Saunders St	$250 per hour
Service Memorial	$100 per hour
Saunders Street	$100 per hour
Ambergate Dr	$150 per hour
Hunter St	$250 per hour

RESOURCES	RATES
A-Frame barricade	$10 per barricade
PRCR barricade	$10 per barricade
Water barricade	$50 per barricade, filled
Vehicle barricade	$200 per vehicle, per day
External building power	$100 per building, per day
Temporary/Permanent electric boards	$100 per unit, per day
Water	$50 per unit
AV equipment w/Town staffed technician	$75 per hour, per day
Tech equipment	$100 per item, per day
Tables and chairs	$5 per table/chair combo (1 table, two chairs)
Tents	$250 per tent
Trash/Recycling cans	$10 per can, per day
Utility sinks	$50 per sink, per day

TIER 1 EVENT EXAMPLES

LEON HERNDON PARKINSON WALK			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 214.38	$ -	
POLICE	$ -	$ -	
FIRE	$ -	$ -	
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 214.38	$ -	$ 214.38

GINGERBREAD COMPETITION			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 214.38		
POLICE	$ -	$ -	
FIRE	$ -		
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 214.38	$ -	$ 214.38

FALL PRIDE PICNIC			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 214.38	$ -	
POLICE	$ -	$ -	
FIRE	$ -	$ -	
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 214.38	$ -	$ 214.38

ETHOS BUSINESS FAIR			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 383.72	$ -	
POLICE	$ -	$ -	
FIRE	$ -	$ -	
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 383.72	$ -	$ 383.72

TIER 2 EVENT EXAMPLES

CHANUKAH FESTIVAL			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 447.67	$ -	
POLICE	$ 647.04	$ 183.23	
FIRE	$ 584.58	$ 441.10	
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 1,835.07	$ 624.33	$ 2,459.40

PATRIOTS DAY CEREMONY			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 191.86	$ -	
POLICE	$ 1,319.95	$ 137.23	
FIRE	$ 1,117.42	$ 532.74	
ELECTRIC	$ 107.16	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 2,801.95	$ 669.97	$ 3,471.92

FALL CAR SHOW			
	PERSONNEL	RESOURCES	
PRCR OPS	$ 842.20	$ 808.16	
PRCR	$ 383.72	$ -	
POLICE	$ 1,321.03	$ -	
FIRE	$ 2,046.02	$ 173.47	
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 4,592.97	$ 981.63	$ 5,574.60

YOGA FESTIVAL			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 678.00	$ -	
POLICE	$ -	$ -	
FIRE	$ -		
ELECTRIC	$ -	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 678.00	$ -	$ 678.00

TIER 3 EVENT EXAMPLES

RUN THE PEAK			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 383.72	$ -	
POLICE	$ 3,954.59	$ 687.30	
FIRE	$ 109.78	$ -	
ELECTRIC	$ -	$ -	
PUBLIC WORKS			
TOTAL	$ 4,448.09	$ 687.30	$ 5,135.39

VETERANS DAY CEREMONY			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 191.86	$ -	
POLICE	$ 1,319.95	$ 137.23	
FIRE	$ 1,117.42	$ 266.37	
ELECTRIC	$ 160.75	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 2,789.98	$ 403.60	$ 3,193.58

OKTOBERFEST			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 639.53	$ -	
POLICE	$ 2,657.92	$ 366.56	
FIRE	$ 2,046.02	$ 173.47	
ELECTRIC	$ 684.47	$ -	
PUBLIC WORKS	$ 1,887.75	$ 405.54	
TOTAL	$ 8,046.81	$ 945.57	$ 8,992.38

PEAK CITY FITNESS FESTIVAL			
	PERSONNEL	RESOURCES	
PRCR OPS	$ 2,739.84	$ 808.16	
PRCR	$ 639.53	$ -	
POLICE	$ 1,779.36	$ 366.56	
FIRE	$ 219.56	$ -	
ELECTRIC	$ 1,026.71	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 6,601.68	$ 1,174.72	$ 7,776.40

TIER 4 EVENT EXAMPLES

PEAKFEST			
	PERSONNEL	RESOURCES	
PRCR OPS	$ 10,655.26	$ 3,375.55	
PRCR	$ 1,090.52	$ -	
POLICE	$ 27,723.31	$ 3,528.14	
FIRE	$ 7,821.81	$ 4,079.90	
ELECTRIC	$ 6,599.82	$ -	
PUBLIC WORKS	$ 2,445.75	$ 4,620.40	
TOTAL	$ 56,533.15	$ 15,603.99	$ 72,137.14

PRIDE FESTIVAL			
	PERSONNEL	RESOURCES	
PRCR OPS	$ 3,883.27	$ 1,032.48	
PRCR	$ 639.53	$ -	
POLICE	$ 11,345.25	$ 678.30	
FIRE	$ 1,753.73	$ 1,040.82	
ELECTRIC	$ 1,026.71	$ -	
PUBLIC WORKS	$ -	$ -	
TOTAL	$ 18,845.37	$ 2,751.60	$ 21,596.97

ROTARY CHRISTMAS PARADE			
	PERSONNEL	RESOURCES	
PRCR OPS	$ 1,602.59	$ -	
PRCR	$ 511.63	$ -	
POLICE	$ 26,853.11	$ 4,673.64	
FIRE	$ 3,216.55	$ 477.98	
ELECTRIC	$ 3,634.85	$ -	
PUBLIC WORKS	$ 9,992.45		
TOTAL	$ 45,942.30	$ 5,151.62	$ 51,093.92

FESTA ITALIANA - ON CAMPUS			
	PERSONNEL	RESOURCES	
PRCR OPS	$ 7,622.37	$ 3,375.55	
PRCR	$ 1,090.52	$ -	
POLICE	$ 4082.05	$ 678.30	
FIRE	$ 3807.15	$ 4,079.90	
ELECTRIC	$ 7,367.26	$ -	
PUBLIC WORKS	$ 10,376.76	$ 1,343.28	
TOTAL	$ 34,346.11	$ 9,477.03	$ 43,823.14

TIER 4 EVENT EXAMPLES

2024 PIGFEST			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 1,308.63	$ -	
POLICE	$ 12,250.43	$ 2,203.48	
FIRE	$ 4,385.71	$ -	
ELECTRIC	$ 2,174.41	$ 4,720.00	
PUBLIC WORKS	$ 12,857.37	$ 3,763.35	
WATER RESOURCES	$ 5,488.48	$ -	
TOTAL	$ 38,530.59	$ 10,686.83	$ 49,217.42

2025 PROJECTED PIGFEST			
	PERSONNEL	RESOURCES	
PRCR OPS	$ -	$ -	
PRCR	$ 1,308.63	$ -	
POLICE	$ 5,647.20	$ 2,203.48	
FIRE	$ 4,385.71	$ -	
ELECTRIC	$ 2,174.41	$ 4,720.00	
PUBLIC WORKS	$ 12,857.37	$ 3,763.35	
WATER RESOURCES	$ -	$ -	
TOTAL	$ 26,373.32	$ 10,686.83	$ 37,060.15

WALKS AND RACES

We would like to modify the for PARADES, RACES, AND WALKS section of the Community Special Event Policy to read:

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 Community 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.

Any walk less than 100 expected participants will be considered a Tier 1 event. Any walk greater that 100 expected participants will be assigned to Tier 2 – Tier 4 based on the event requirements. All races, of any nature, will be assigned to Tier 3 – 4 based on the event requirements. All race, walk and parade organizers will need to abide by the Town of Apex Walk/Race/Parade Organizer PRCR Guidelines and Checklist.

Redundancy: Tier 1 walks will be approved on a first come, first serve basis. The same shelter, greenway, park or other Town space cannot be effected two consecutive weekends. Tier 1 walks will be limited to 2 per month, per space and not on consecutive weekends. Each organization can have a maximum of one race, walk or run per fiscal year.

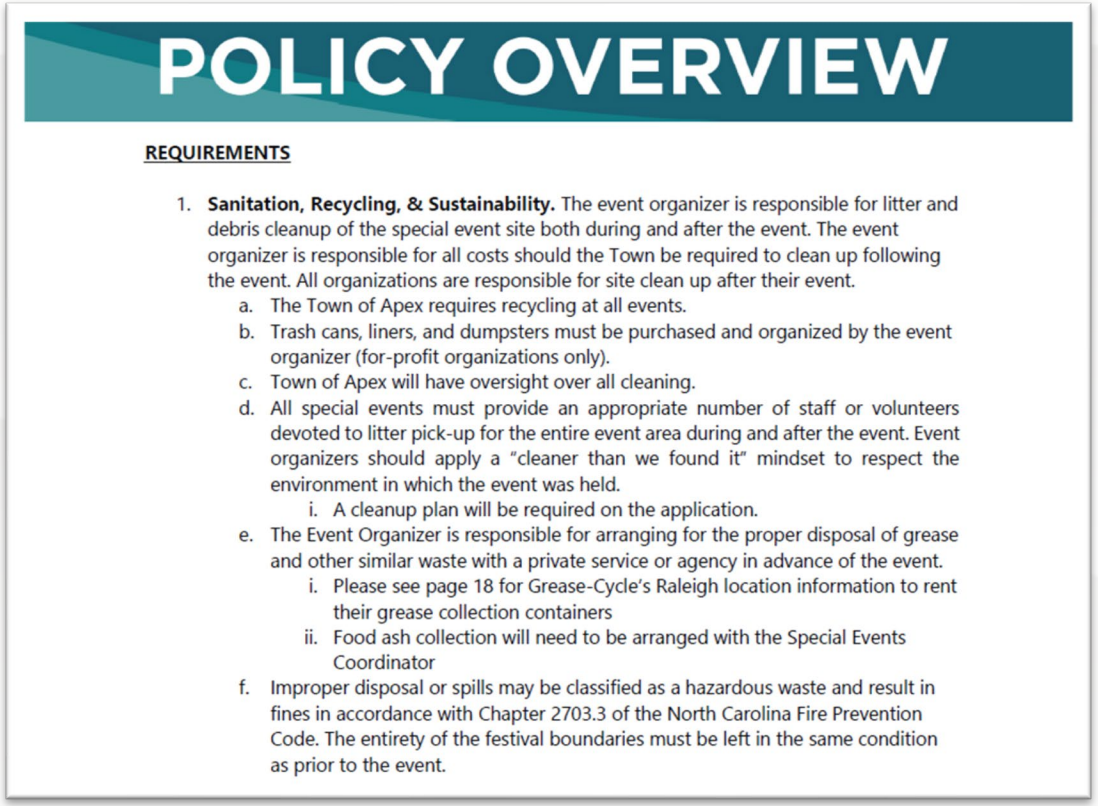
Walks and Races at the Tier 2 – Tier 4 level will be essentially new events. Do we want to have a set number per month or per year?

NEW EVENTS

- The Special Events Team is currently slated to work 54 events, 30+ of those on weekends and holidays such as Memorial Day, July 4, and Veterans Day.
- We have four event seasons with several back-to-back weekdays and/or weekends
  - Spring (8)
  - Summer (5)
  - Fall (8)
  - Winter (6)
- The Saunders Street Lot is still under construction.
- The Special Events Team is now responsible for walks and races in Town parks.
- The Town has received several applications for new events, specifically an Asian American Pacific Islanders event with Shop Local Raleigh, but with the current calendar, there is limited date availability along with staff constraints.
- We do not have a clear system for what the Town should and should not provide for community events.
- I would recommend re-evaluating our current special events, taking into consideration
  - How many events the Town hosts per Community organization. For example, we have one organization with 5 separate events.
  - Staff hours/Event hours
  - Town resources required

POLICY CHANGES

- Special Event Presentation (attached)
- Additional edits requested for the Community Special Event Policy (see below)
- Change Special Event Coordinator to Special Event Team
- Remove the word contracts for Special Events
- Add in language about requiring Community Event Organizers to offer the Town one vendor space, if requested.
- Specifically state the Community Event Organizers are required to get recycling dumpsters
- Remove mention of cleanup plan p. 11
- Removing the following sentence re: alcohol if we change the Tier system " Tier 4 are the only events permitted to request alcohol" p. 14
- Change After Action Evaluation to After Action Meeting p. 19
- Remove the (for-profit organizations only) from section b.



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.

DECISIONS POINTS

- Does the Town want to move to a new tier system with budget thresholds?
- Walks and Races at the Tier 2 – Tier 4 level will be essentially new events. What ratio of walk/races to special events does the Town want to create? How many should the team be prepared to take on?
- How would you like to move forward on adding new events, especially with the new race and walk addition and the Asian American Pacific Islanders Month event? Should we create criteria to drop events or add more resources to continue adding to our event portfolio?

QUESTIONS?

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 12, 2025

Item Details

Presenter(s): Mayor Jacques K. Gilbert (sponsor)

Department(s): Governing Body

Requested Motion

Discussion and possible motion to initiate an amendment to the Unified Development Ordinance (UDO) related to student parking in residential areas.

Approval Recommended?

TBD

Item Details

On Sunday, July 20, 2025, Honorable Mayor Jacques K. Gilbert submitted a request to sponsor an item on the upcoming August Regular Town Council Meeting agenda. More specifically, he requested a discussion item to consider amending the Town's current Unified Development Ordinance (UDO) to address a specific use case and allow for broader consideration of similar circumstances in the future.

The proposed amendment summary is as follows:
Unified Development Ordinance (UDO) Language Proposed:

4.2.1.I Prohibited Uses in Residential Districts

In addition to the uses listed in subsection H above, parking that is not accessory to the residential use is prohibited, **except for student parking on residential property meeting the accessory use standards in Sec. 4.5 Accessory Uses and Structures**. This includes, but is not limited to, student parking, parking for a nearby special event, and off-site parking for another use. For the purpose of this Section, student parking is defined as parking at a residence or on a residential lot, for the purpose of coming and going from a vehicle to a school or from a school to a vehicle. This definition of student parking shall not apply to students who reside at the home.

4.5.7 Accessory Uses and Structures, Student Parking on Residential Property

Add new accessory use with the standards listed above

Conditions associated with the proposed amendment:

- Allow only in ETJ in the Rural Residential (RR) and Residential Agricultural (RA) zoning districts.
- The "student parking on residential property" accessory use shall be located on a lot with an existing, conforming residential use to avoid a vacant lot from being used solely for student parking.
- The accessory use must be clearly incidental and subordinate to the existing, conforming residential use (e.g. under 50% of the lot area to be used for student parking; 40% is recommended as the standard).
- Allow only within 100' of a high school if located on the same side of the street as the high school; or if located across the street, allow only within 100' of a signalized crosswalk serving a high school.
- No more than one property can be used in this manner within 1,000' of the same accessory use.
- The parking area shall be surfaced with number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric. This surface is exempt by the State from built-upon area calculations.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 12, 2025

Item Details

Presenter(s): Steve Adams, Real Estate and Utilities Acquisition Specialist

Department(s): Transportation and Infrastructure Development

Requested Motion

Possible motion to enter into closed session pursuant to NCGS § 143-318.11(a)(5) to discuss matters related to acquisition of real property.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(5)

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

Attachments

- N/A

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for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 12, 2025

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal

Requested Motion

Possible motion to enter into closed session pursuant to NCGS 143-318.11(a)(3) to discuss the town's handling of the matter of the Town of Apex v. Abbington Community Association, Inc.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(3)

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

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 12, 2025

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to enter into closed session pursuant to NCGS § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

Attachments

- N/A