



**Rezoning #22CZ09**

Horton Ridge Blvd

Jordan Point

Jordan Point

Clifton Oaks Dr

Johnson Grant Dr

Jordan Point Blvd

Landon Ridge Dr

Regent Pines Dr

Jordan Shires Dr

Lashlee Way

New Hill Olive Chapel Rd

New Hill Holleman Rd

Womble Cir

Country Acres Ln

Old US 1 Hwy

Horton Rd

Garris Rd

Stewart Rd

0 500 1,000  
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 #: 22CZ09 Submittal Date: 5/2/2022  
Fee Paid: \$ Check #: \_\_\_\_\_

**PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP**

Project Name: Utley Farms  
Address(es): 3720 Old US 1 Highway (Horton) & 0 New Hill Olive Chapel Rd (Wellons)  
PIN(s) 0710-71-4834 & 0710-73-6732

\_\_\_\_\_ Acreage: 56.59  
Current Zoning: R-40W & R-80W Proposed Zoning: PUD-CZ  
Current 2045 LUM Designation: Low Density Residential and Low Density/Office Employment

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

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

Area classified as mixed use: Acreage: N/A  
Area proposed as non-residential development: Acreage: N/A  
Percent of mixed use area proposed as non-residential: Percent: N/A

**Applicant Information**

Name: KB Home, Inc. - Carolinas Division (attn: Thurm Bowen)  
Address: 4506 S. Miami Blvd #100  
City: Durham State: NC Zip: 27703  
Phone: (919) 768-7976 E-mail: rtbowen@kbhome.com

**Owner Information**

Name: See attached  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent Information**

Name: Peak Engineering & Design, PLLC (attn: Jeff Roach, P.E.)  
Address: 1125 Apex Peakway  
City: Apex State: NC Zip: 27502  
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com  
Other contacts: Jason Barron - Morningstar Law Group (jbarron@morningstarlawgroup.com)

## UTLEY FARMS PUD

Property Owner – Exhibit ‘A’

Lot No.	Property Owner	Contact Information	Property Address	PIN	Real Estate ID (REID)	DB/Pg Reference	Acreage (acres)	Current Zoning
1	Horton, Myrtle H.	P.O. Box 312 New Hill, NC 27560-0312	3720 Old US 1 Highway	0710-71-4834	0033299	DB 7883 Pg 737	43.27 (39.84)	R-40W
2	Wellons, Helon Joy Johnson, Ray E.	400 Johnson Farm Road New Hill, NC 27562-8839	0 New Hill Olive Chapel Road	0710-73-6732	0043207	DB 2367 Pg 693	17.96	R-40W R/80W

AREA TOTAL: 61.24 acres  
 AREA TOTAL (MINUS R/W): 58.89 acres  
 FINAL ZONING AREA: 56.59 acres

**Applicant and Owners’ Representative:**

Mr. Thurm Bowen & Mr. Roman Acosta  
 KB Home, Inc. (Carolinas Division)  
 4506 S. Miami Blvd #100  
 Durham, NC 27703  
 (919) 768-7976 / (919) 768-7972  
[rtbowen@kbhome.com](mailto:rtbowen@kbhome.com) / [racosta@kbhome.com](mailto:racosta@kbhome.com)

**Civil Engineer and Applicant’s Representative**

Mr. Jeff Roach, P.E. - Peak Engineering & Design, PLLC  
 1125 Apex Peakway  
 Apex, NC 27502  
 (919) 439-0100  
[jroach@peakengineering.com](mailto:jroach@peakengineering.com)

## PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22C22CZ09 /09

Submittal Date: 5/2/22

### PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

### LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

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Answered within the PD Text document.

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

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Answered within the PD Text document.

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

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Answered within the PD Text document.

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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.

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Answered within the PD Text document.

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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.

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Answered within the PD Text document.

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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.

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Answered within the PD Text document.

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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.

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Answered within the PD Text document.

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

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Answered within the PD Text document.

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**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.

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Answered within the PD Text document.

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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.

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Answered within the PD Text document.

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**DEVELOPMENT NAME APPROVAL APPLICATION**

Application #: 22CZ09 Submittal Date: 5/2/22

**Proposed Subdivision/Development Information**

Description of location: north side of Old US 1 Highway west of New Hill Baptist Church & Cemetery  
Nearest intersecting roads: Old US 1 Highway west of New Hill and west of Lashlee Lane  
Wake County PIN(s): 0710-71-4834 (43.28 acres) & 0710-73-6732 (17.96 acres)  
Township: Buckhorn Township

**Contact Information (as appropriate)**

Contact person: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)  
Phone number: (919) 439-0100 Fax number: N/A  
Address: 1125 Apex Peakway, Apex, NC 27502  
E-mail address: jroach@peakengineering.com  
Owner: See attached documents  
Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**Proposed Subdivision/Development Name**

1<sup>st</sup> Choice: Utlely Farms  
2<sup>nd</sup> Choice (Optional): \_\_\_\_\_

**Town of Apex Staff Approval:**

\_\_\_\_\_  
Town of Apex Planning Department Staff Date



## UTLEY FARMS PUD

Property Owner – Exhibit ‘A’

Lot No.	Property Owner	Contact Information	Property Address	PIN	Real Estate ID (REID)	DB/Pg Reference	Acreage (acres)	Current Zoning
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AREA TOTAL: 61.24 acres  
 AREA TOTAL (MINUS R/W): 58.89 acres  
 FINAL ZONING AREA: 56.59 acres

**Applicant and Owners’ Representative:**

Mr. Thurm Bowen & Mr. Roman Acosta  
 KB Home, Inc. (Carolinas Division)  
 4506 S. Miami Blvd #100  
 Durham, NC 27703  
 (919) 768-7976 / (919) 768-7972  
[rtbowen@kbhome.com](mailto:rtbowen@kbhome.com) / [racosta@kbhome.com](mailto:racosta@kbhome.com)

**Civil Engineer and Applicant’s Representative**

Mr. Jeff Roach, P.E. - Peak Engineering & Design, PLLC  
 1125 Apex Peakway  
 Apex, NC 27502  
 (919) 439-0100  
[jroach@peakengineering.com](mailto:jroach@peakengineering.com)



**UTLEY FARMS**

**PUD ZONING DOCUMENTS**

**MYRTLE H. HORTON PROPERTY**



**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: \_\_\_\_\_

Submission Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Utlely Farms (Horton and Wellons properties)

\_\_\_\_\_  
\_\_\_\_\_  
(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.

\_\_\_\_\_, 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: \_\_\_\_\_

TOWN OF APEX

BY: [Signature] *FOR PROPERTY OWNERS*  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 4/26/2022

DATE: \_\_\_\_\_



**AGENT AUTHORIZATION FORM**

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Myrtle Holt Horton 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: 3720 Old US 1 (04710-71-4834)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E.

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

Myrtle Holt Horton

Myrtle Holt Horton

Type or print name

4-27-22

Date

\_\_\_\_\_

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

The undersigned, Myrtle Holt Horton (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

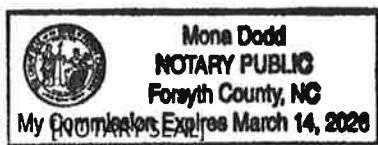
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3720 Old US 1 Highway, New Hill, NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (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 6/22/2012, and recorded in the Wake County Register of Deeds Office on 6/22/2012, in Book 13-E Page 2029.
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 6/22/2012, 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 6/22/2012, 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, 2022.

x Myrtle Holt Horton (seal)  
Myrtle Holt Horton  
Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Forsyth

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



Mona Dodd  
Notary Public  
State of North Carolina  
My Commission Expires: March 14, 2026



**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:

Submittal Date:

**Insert legal description below.**

BEING THE OUTER BOUNDARY OF 2 PARCELS; ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING. SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.

**UTLEY FARMS**

**PUD ZONING DOCUMENTS**

**HELON JOY WELLONS & RAY E. JOHNSON PROPERTY**



**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: \_\_\_\_\_

Submission Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Utlely Farms (Horton and Wellons properties)

\_\_\_\_\_  
\_\_\_\_\_  
(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.

\_\_\_\_\_, 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: \_\_\_\_\_

TOWN OF APEX

BY:  \_\_\_\_\_  
Authorized Agent *FOR PROPERTY OWNERS*

BY: \_\_\_\_\_  
Authorized Agent

DATE: *4/26/2022* \_\_\_\_\_

DATE: \_\_\_\_\_

AGENT AUTHORIZATION FORM

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

John V. Wellons Jr. is the owner\* of the property for which the attached application is being submitted: Helon J. Wellons

- 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 New Hill Olive Chapel Road (0710-73-6732)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E.

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

Helon J. Wellons

Helon J. Wellons  
Type or print name

4/26/2022  
Date

John V. Wellons Jr.

John V. Wellons Jr.  
Type or print name

4/26/2022  
Date

Attach additional sheets if there are additional owners.

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

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**AFFIDAVIT OF OWNERSHIP**

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

The undersigned, John V. Wellons Jr (the "Affiant") first being duly sworn, hereby swears or affirms as follows: Helon J. Wellons

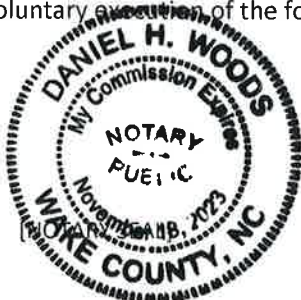
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 New Hill Olive Chapel Road, New Hill, NC and legally described in **Exhibit "A"** attached hereto and incorporated 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 10/1/2020, and recorded in the Wake County Register of Deeds Office on 10/1/2020, in Book 20-E Page 556.
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 10/1/2020, 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 10/1/2020, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

John V. Wellons Jr (seal)  
John V. Wellons Jr  
Helon J. Wellons Type or print name  
Helon J. Wellons

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that JOHN + HELON WELLONS, 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.



Daniel H. Woods  
 Notary Public DANIEL H. WOODS  
 State of North Carolina  
 My Commission Expires: 11/18/2023

**AFFIDAVIT OF OWNERSHIP**

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

The undersigned, JANET O JOHNSON  
RAY E. JOHNSON (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

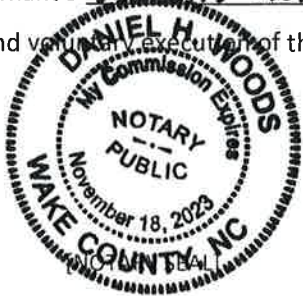
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 New Hill Olive Chapel Road, New Hill, NC and legally described in **Exhibit "A"** attached hereto and incorporated 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 10/1/2020, and recorded in the Wake County Register of Deeds Office on 10/1/2020, in Book 20-E Page 556.
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 10/1/2020, 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 10/1/2020, 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 26<sup>th</sup> day of April, 2022.

Ray E Johnson RAY E JOHNSON (seal)  
Janet O. Johnson Janet O. Johnson  
 \_\_\_\_\_  
 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 RAY & JANET JOHNSON, 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.



Daniel H. Woods  
 Notary Public DANIEL H. WOODS  
 State of North Carolina  
 My Commission Expires: 11/18/2023



**AGENT AUTHORIZATION FORM**

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

RAY E. JOHNSON Janet O. Johnson 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 New Hill Olive Chapel Road (0710-73-6732)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E.

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

*Ray E Johnson*  
RAY E JOHNSON  
 Type or print name

4/26/2022  
 Date

*Janet O Johnson*  
Janet O. Johnson  
 Type or print name

4/26/2022  
 Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:

Submittal Date:

**Insert legal description below.**

BEING THE OUTER BOUNDARY OF 2 PARCELS; ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING. SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.

Developer Company Information	
Company Name	KB Home
Company Phone Number	(919) 768-7972
Developer Representative Name	Thurm Bowen
Developer Representative Phone Number	same
Developer Representative Email	rtbowen@kbhome.com

New Residential Subdivision Information	
Date of Application for Subdivision	May 2, 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Utley Farms
Address of Subdivision (if unknown enter nearest cross streets)	3720 Old US 1 Highway, New Hill, NC
REID(s)	0033299 & 0080810
PIN(s)	0710-71-4834 & 0710-73-6732

Projected Dates Information	
Subdivision Completion Date	August 2026
Subdivision Projected First Occupancy Date	August 2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	113						113	1445	3174			2024	30	2025	50	2026	33
Townhomes																	
Condos																	
Apartments																	
Other																	

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

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:  
[studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net)



# 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 13, 2022

Date

Dear Neighbor:

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

0 New Hill Olive Chapel Road

0710-73-6732

3720 Old US 1 Highway

0710-71-4834

Address(es)

PIN(s)

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

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

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

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

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

KB Homes is proposing to annex and rezone the Property to facilitate the development of a residential

community consisting of around 110 single family detached homes. Currently, the property is zone R-80W &

R40-W in Wake County. KB Homes is proposing to rezone it to PUD-CZ in Apex.

Estimated submittal date: May 3, 2022

## MEETING INFORMATION:

Property Owner(s) name(s): Ray Wellons & Mrytle Horton

Applicant(s): KB Homes

Contact information (email/phone): jbarron@morningstarlawgroup.com/919-590-0371

Meeting Address: https://morningstarlaw.group/04272022mtg

Date/Time of meeting\*\*: Wednesday, April 27, 2022 starting at 5PM

Welcome: 5:00PM      Project Presentation: 5:03PM      Question & Answer: 5:10PM

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

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: ~~Belterra~~ Utley Farms Zoning: PUD-CZ

Location: 0 New Hill Olive Chapel Road & 3720 Old Us 1 Hwy

Property PIN(s): 0710-71-4834& 0710-73-6732 Acreage/Square Feet: 59.32 acres

Property Owner: Mrytle Horton and Ray Wellons

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: KB Homes

Address: 4506 S Miami Blvd Ste 100

City: Durham State: NC Zip: 27703

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: Peak Engineering & Design

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: \_\_\_\_\_ Email: jroach@peakengineering.com

Builder (if known): KB Homes

Address: 4506 S Miami Blvd Ste 100

City: Durham State: NC Zip: 27502

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

Town of Apex Department Contacts	
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

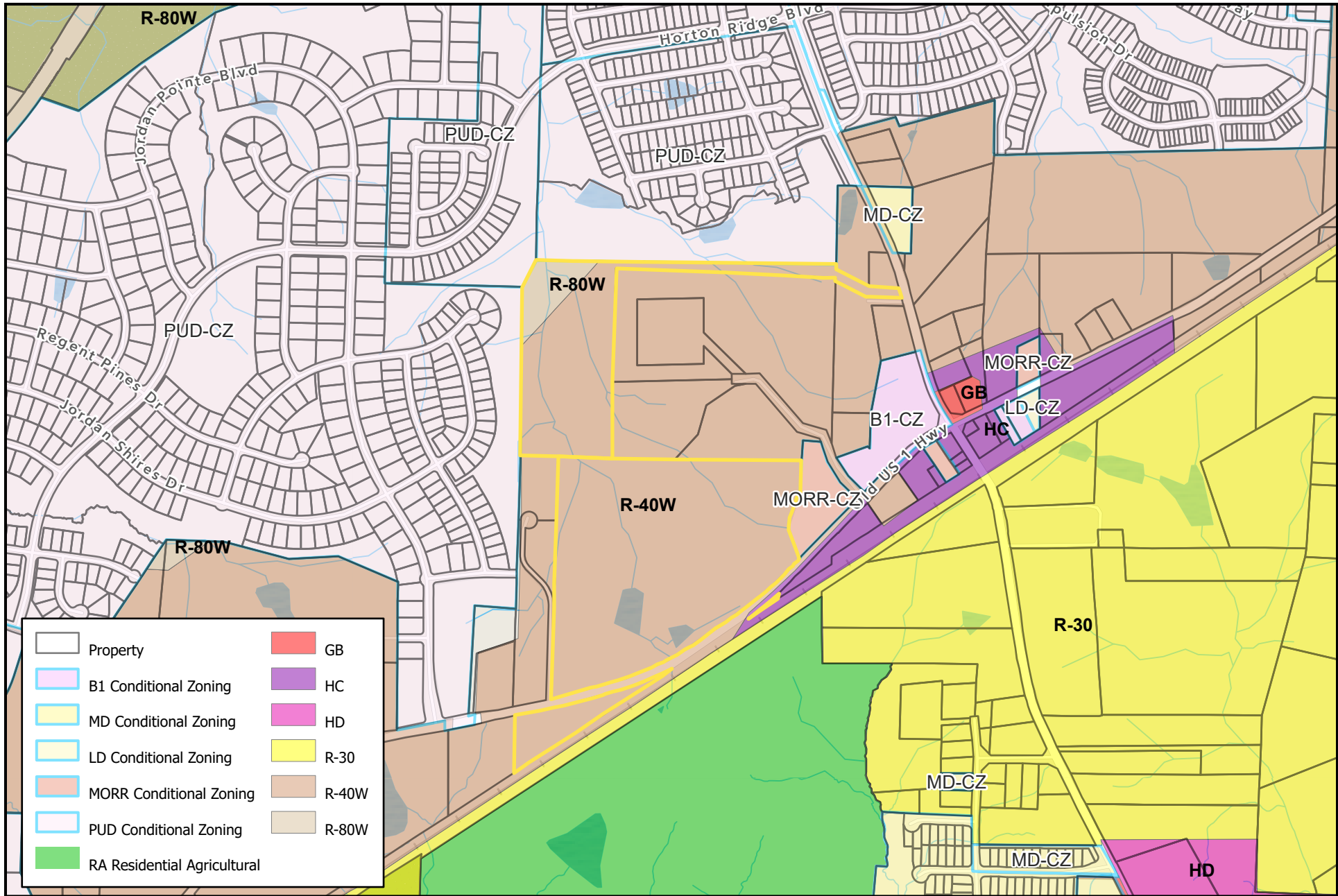
SITE ADDRESS	OWNER	MAILING ADDRESS	
3500 RECLAMATION RD	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
2625 NEW HILL OLIVE CHAPEL RD	ATKINS, LAURA B	PO BOX 217	NEW HILL NC 27562-0217
3437 JORDAN SHIRES DR	BOISVERT-ROACH, NOELLE ROACH, SHAD	3437 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3429 JORDAN SHIRES DR	BOWERS, SARA BOWERS, MATTHEW	3429 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2704 NEW HILL OLIVE CHAPEL RD	BROADWELL, ANNIE RUTH L	2704 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9176
2508 LASHLEE WAY	BURROUGHS, RICHARD S TRUSTEE	2508 LASHLEE WAY	NEW HILL NC 27562-9607
3507 JOHNSON GRANT DR	CAPANO, NICHOLAS G JR CAPANO, THERESA F	3507 JOHNSON GRANT DR	NEW HILL NC 27562-9313
3413 JORDAN SHIRES DR	CLARK, MARSLYN KAY CLARK, JEFFERY ALAN	3413 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3409 JORDAN SHIRES DR	COSTAKES, GREGORY EUBANKS, AMBER	3409 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2609 NEW HILL OLIVE CHAPEL RD	CUSUMANO, JOSEPH DAVID CUSUMANO, REAGAN LAYNE	2609 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9175
2620 NEW HILL OLIVE CHAPEL RD	DHILLON, HARDIP SINGH DHILLON, GURMINDER KAUR	5785 OLD US 1 HWY	NEW HILL NC 27562-8965
3445 JORDAN SHIRES DR	DICUS, DERRIN LEE DICUS, ANDREA KAY	3445 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3401 JORDAN SHIRES DR	EHRHARDT, VINCENT ROBERT SANTAMARIA, AMANDA DELIA	3401 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3912 OLD US 1 HWY	ESKRIDGE, CAMPBELL D JR ESKRIDGE, JO ANN	PO BOX 187	NEW HILL NC 27562-0187
0 OLD US 1 HWY	ESKRIDGE, CAMPBELL D JR ESKRIDGE, JOANN	PO BOX 187	NEW HILL NC 27562-0187
2912 NEW HILL HOLLEMAN RD	GARDNER, THELMA D	2912 NEW HILL HOLLEMAN RD	NEW HILL NC 27562-9242
3405 JORDAN SHIRES DR	HAROLD, ADAM J HAROLD, LAUREN E	3405 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3433 JORDAN SHIRES DR	HENAO, MANUEL IGNACIO MALDONADO, MONICA	3433 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2537 LASHLEE WAY	HEPBURN, DAVID M	1976 OLD BYRE WAY	APEX NC 27502-9113
2600 NEW HILL OLIVE CHAPEL RD	HICKS, MICHAEL N HICKS, ASHLEY FAY	2600 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9174
2937 LONDON RIDGE DR	HOPFER, PAUL A HOPFER, ELIZABETH N	2937 LONDON RIDGE DR	NEW HILL NC 27562-9305
3720 OLD US 1 HWY	HORTON, MRYTLE H	PO BOX 312	NEW HILL NC 27562-0312
2701 NEW HILL OLIVE CHAPEL RD	HUDSON, CLAUDE LEE JR HUDSON, JUDY A	PO BOX 7	NEW HILL NC 27562-0007
0 JOHNSON GRANT DR	JORDAN POINTE HOMEOWNERS ASSOCIATION INC	PPM	11010 RAVEN RIDGE RD
2713 LADOGA PL	KB HOME RALEIGH-DURHAM INC	4506 S MIAMI BLVD STE 100	DURHAM NC 27703-8001
3425 JORDAN SHIRES DR	LISI, BETHANY A BUIE, RYAN P	3425 JORDAN SHIRES DR	NEW HILL NC 27562-9310
8621 ATHLETE DR	MARTIN, ANDREW T	105 DUNEDIN CT	CARY NC 27511-6405
3500 JOHNSON GRANT DR	MEYERS, BRADLEY C JOHNSTON-MEYERS, ERIN E	3500 JOHNSON GRANT DR	NEW HILL NC 27562-9313
2509 LASHLEE WAY	MILLER, RALPH G JR MILLER, DENISE A	2509 LASHLEE WAY	NEW HILL NC 27562-9608
3421 JORDAN SHIRES DR	NAFKE, ALEXA J	3421 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3701 OLD US 1 HWY	NAGLE, MICHAEL A NAGLE, DORIS J	3701 OLD US 1 HWY # 1	NEW HILL NC 27562-9763
3700 OLD US 1 HWY	NEW HILL BAPTIST CHURCH & CEMETERY TRUSTEES	3700 OLD US 1 HWY	NEW HILL NC 27562-9762

RALEIGH NC 27614-8837

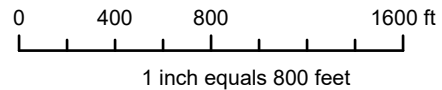
Mailing list provided by the Town  
of Apex Addressing and GIS staff.







**Parcel and Current Zoning Map**



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

# 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: See attached information regarding the neighborhood meeting and sign in sheet

Date of meeting: April 27, 2022 Time of meeting: 5:00 - 7:00

Property Owner(s) name(s): See attached documents

Applicant(s): \_\_\_\_\_

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.*



**UTLEY FARMS – NEIGHBORHOOD MEETING ATTENDEE LIST**

<b>Name</b>	<b>email address</b>	<b>Address 1</b>	<b>Address 2</b>
David Hepburn		1976 Old Byre Way	Apex, NC 27502
Neal Zipser		5020 Darcy Woods Ln	Fuquay Varina, NC 27526
Cheryl Zipser		5020 Darcy Woods Ln	Fuquay Varina, NC 27526
Martin Skou		3900 Old US 1 Highway	New Hill, NC 27562
David Horton		1581 Martin Road	Mount Airy, NC 27030
Andrew MacNair			Apex, NC 27539
Daniel Strandh		3501 Johnson Grant Dr	New Hill, NC 27562
Leslie Fetzer		4208 Olive Branch Ln	New Hill, NC 27562
Cate Vetter		3449 Jordan Shires Dr	New Hill, NC 27562
Billy Jones		1024 Bolejack Road	Germanton, NC 27019
Jeff Roach		1125 Apex Peakway	Apex, NC 27502
Jason Barron		421 Fayetteville St Suite 350	Raleigh, NC 27601
Roman Acosta		4506 S. Miami Blvd	Durham, NC 27703
Thurm Bowen		4506 S. Miami Blvd	Durham, NC 27703
Doug Schwartz		4506 S. Miami Boulevard	Durham, NC 27703

# 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): Horton and Wellons/Johnson

Applicant(s): \_\_\_\_\_

Contact information (email/phone): Jeff Roach, Peak Engineering & Design & Jason Barron (Morningstar Law)

Meeting Address: VIRTUAL MEETING

Date of meeting: April 27, 2022 Time of meeting: 5:00 - 7:00

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

Question/Concern #1:

See attached list of comments/questions from the neighborhood meeting

Applicant's Response:

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Question/Concern #2:

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Applicant's Response:

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Question/Concern #3:

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Applicant's Response:

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Question/Concern #4:

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Applicant's Response:

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## UTLEY FARMS

### NEIGHBORHOOD MEETING REPORT

- Q. Looking for the timeline. When will clearing begin? Start of construction?
- A. "Zoning - Takes about 4 to 5.5 months;
  - B. Subdivision Process - Takes about 9 - 12 months;
  - C. Build out - Start about Fall of 2023. About an 11 month development cycle."
- Q. What privacy barriers will be put in place between neighboring land?
- A. Proposing perimeter buffers consistent with the Town's ordinances. 10-ft buffer along along most of the boundary. Along US-1, a 30-ft buffer. 20-ft buffer in some areas.
- Q. Has apex already annexed the property?
- A. No. We will be applying for annexation which should be voted upon at the same time as the rezoning.
- Q. Also it seems this is a done deal if the land has already purchased by a developer. True?
- A. The developer is under contract to purchase the land and has not yet purchased it. The developer would not close on the property if the rezoning is not approved.
- Q. Units would be in the 'yellow' sections, correct?
- A. Yes. Single-family homes are proposed in the areas shaded in yellow.
- Q. Or rather - Not 'below' the red asterisks in the section w/ the 'arm' branch.
- A. There will not be anything developed on the west side of the stream
- Q. Will there be a wood fence with landscaping around the buffer zone?
- A. Our plans do not include a wood fence at this time.
- Q. So historic home would go across US1?
- A. That is what we believe but this has not yet been decided.
- Q. 10 foot buffer on country acres land seems narrow.
- A. This was discussed with the attendees and due to the existing stream buffer and adjacent access easement (Country Acres Lane), the 10' buffer is proposed in this location. We will continue to evaluate buffers throughout the development during zoning and MSP designs.
- Q. This question is probably for Jeff, I'm wondering about the availability of water and sewer access for the future commercial properties to the north/east off Lashlee Way (Hepburn), plus Patel's gas station on the corner of NHOC and Old US1, plus Martin's property behind Miss Annie's property on NHOC Rd.
- A. This project does not contemplate extending sewer towards Patel's gas station. The property in question is not upstream of the Utley Farm project and therefore will not be served through this development.

Q. On the Wellon's property, will all the trees be left in place to the west side of the larger creek? (between the creek and Jordan Pointe)

A. Yes. Anything shown in grey will be left along except where sewer crosses over. Specifically in a location along the western boundary of the Wellons property abutting the Jordan Pointe HOA property.

Q. Our Country Acres road is a legal easement that is to be maintained by our neighbor and us. It appears you have a road joining to our easement. Does that mean that be taken by the City and they would pave and manage the road?

A. No, it does not. We will not be sending traffic towards a privately maintained road. We will be providing street stubs to some adjacent properties to allow for future connectivity. This is one of those street stubs for future connection by others.

Q. Are you aware of the sewer odor from Jordan Pointe. Will this development use this as air relief ?

A. The pump station west of Jordan Point is a public pump station. The sewage from this project should be going north towards Beaver Creek. We are not aware of an odor issue or from where it may be stemming. Contact public works about this.

\*\* Additional information was provided and the Town of Apex Public Works Department contacted concerning the Air Release Value (ARV) on Old US 1 near 3900 Old US 1 property. This has been an ongoing discussion with the property owner and Town of Apex staff.

Q. The easement along Country Acres Lane is our property. Why only 10 feet?

A. The use adjacent to Utley Farms is a roadway access. Any redevelopment of the property would be in keeping with the proposed Utley Farms density/use which would require the 10' buffer. Being adjacent to the street dictates the 10' buffer as a reasonable transition between uses.

Q. If I understand correctly where the existing historic house temporary move was contemplated, across US 1 that is not part of the current property under contract.

A. The property on the south side of Old US 1 **IS** part of the Horton property. The attendees were shown the Wake County GIS website for the property boundaries.

Q. We have tried.

A. A question concerning the Jordan Pointe pump station odor. Comment addressed above with a conversation with staff after the neighborhood meeting.

Q. If construction vehicles do use our road, who do we contact to prevent that? It can be expensive to maintain if big construction vehicles use it. It can get quite muddy and create ruts, and we would want recourse. We had to chain our driveway to prevent Jordan Pointe construction folks from driving up and down our driveway, thinking it was an access.

A. This project has direct access and a large amount of frontage on Old US 1. The construction vehicles will not be directed to Country Acres Ln so we do not expect this to be an issue during construction. Signage will be posted on the site to notify contractors of the project access points.

Q. We live on Old US 1. There have been several exchanges with govt. folks regarding the smell in JP.

A. (live answered) See above response concerning the Jordan Pointe pump station odor.

Q. 3900 Old US 1. Air release is on our property (concerning the pump station ARV)

A. Comment related to the Jordan Pointe pump station ARV.



Q. Is the being recorded? If so will it be made available?

A. Yes.

Q. Just to be clear no land will be moved or trees taken down until fall 2023?

A. yes, it will take that long to go through the design and approval process (estimated approval time)

Q. Is the Wellons section of the neighborhood going to be developed at roughly the same time? It looks like there is no access to the wellons side from the horton side.

A. no, construction will not occur until access can be provided. Access from Horton to Wellons is restricted by buffers and other environmental features.

Q. And we presume all 2 story homes?

A. Yes, with the possibility of a ranch plans.

Q. How frequent will meetings like this be held so neighbors can stay informed?

A. No additional rezoning neighborhood meeting, but we are happy to meet to discuss further if folks desire. The design team and builder is also available to answer questions via email/phone.

Q. So to know when you are close to taking down trees, starting construction, etc. We can learn this by attending public hearings?

A. In addition to those public meetings, there also will be a neighborhood meeting for the subdivision that will occur after the rezoning. The design team also provided a link to the Town's Interactive Development Map and contacts for Jason Barron (Morningstar Law Group) and Jeff Roach (Peak Engineering & Design) to answer additional questions after this meeting.

Q. So roughly 9-12 months before commencement of activities would be the Master Subdivision meeting?  
And thank you!

A. That is correct.

Q. Do you know if the sewer air relief from new development will also be going to the one on our property? 3900 old us 1 We believe our sewer line with go north of Jordan Pointe. It will follow the same path, but we are not pumping directly to that point. So will get worse with new homes!

A. This was answered above and the Town contacted to determine what is going on. We hope that is not the case and will work with the town to help you get to the root of the issue.

Q. Maybe town of apex could move it to their land? (Jordan Pointe pump station question)

A. We are not sure, but will work with you and the Town to get to the root of the issue

Q. It can be moved but they didn't want to spend the \$\$\$. FYI (Jordan Pointe pump station ARV question)

A. Good to know. Thanks.

Q. Thank you all! Was helpful. very welcome

Q. In Martin's defense, that valve can smell pretty ripe. Anyone that lives along that row of homes on country acres and old US1 may have certain times of day they would not be comfortable sitting in their new backyard. 🤢

A. Understand. We will talk with staff to see what the situation is. Thanks

Q. Is there somewhere we can get a PDF or equivalent of the map you showed? I took a screenshot but the image is scaled down.

A. Yes, we will send a pdf to everyone after the meeting. Please remember that the sketch are preliminary and WILL CHANGE through the Master Subdivision Plan design reviews.

Q. Thanks guys, signing off now. Will follow up with Jeff.

A. Thanks. I will let him know to be on the lookout.

Q. Did you say you'll send out the recording?

A. Yes, we will send out the recording as well as the maps that were shared.

Q. I remember seeing the 2045 map of Apex that showed the entire North-west corner of the Old US 1\_New Hill Olive Chapel Road intersection (to include the horton and wellons property) as commercial/business. It sounds like you're anticipating the Lashlee properties to become residential neighborhoods as well at some point. Should be assume any of the north-west corner of that intersection becomes commercial?

A. yes, the Town updated its plans to shift the residential limits to the east. These parcels (north of the Horton property) are now designated low density residential.

Q. Gotcha. Thanks. Gas/grocery/coffee? (corner of Old US 1 and NHOC/NHH Road)

A. Not sure what type, but the land use plan calls for commercial for the parcels in the vicinity of the intersection of NHOC and Old HWY1.

Q. Did you mention anything regarding entrances to the property from Old US 1? Jordan point has a short dedicated turn lane to enter the neighborhood from the westbound direction. Would there be the same type of setup for Wellons property? I would guess in the future the road would need to be widened to handle the traffic increase. Any idea on future outlook in that regard?

A. Widening will occur along the frontage of our site, with two anticipated access points along Old HWY 1. We will know more details on turn lanes into the site when we get into the subdivision stage, as NCDOT will have to approve driveway permits for the property. This is also being reviewed as part of the TIA related to the zoning application but it will take some time to get the final improvements confirmed with Town and NCDOT staff.

# 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, Jeffrey A. Roach, P.E., do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at a ZOOM meetings (location/address) on April 27, 2022 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

April 28, 2022

Date

By: 

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 28 day of APRIL, 2022.





Notary Public

DANIEL H. WOODS

Print Name

My Commission Expires: 11/18/2023

# Utley Farms PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: April 29, 2022

Resubmitted: August 12, 2022

Resubmitted: September 9, 2022

PREPARED BY:





**Section 1: Table of Contents – PUD Text**

Section 1: Table of Contents

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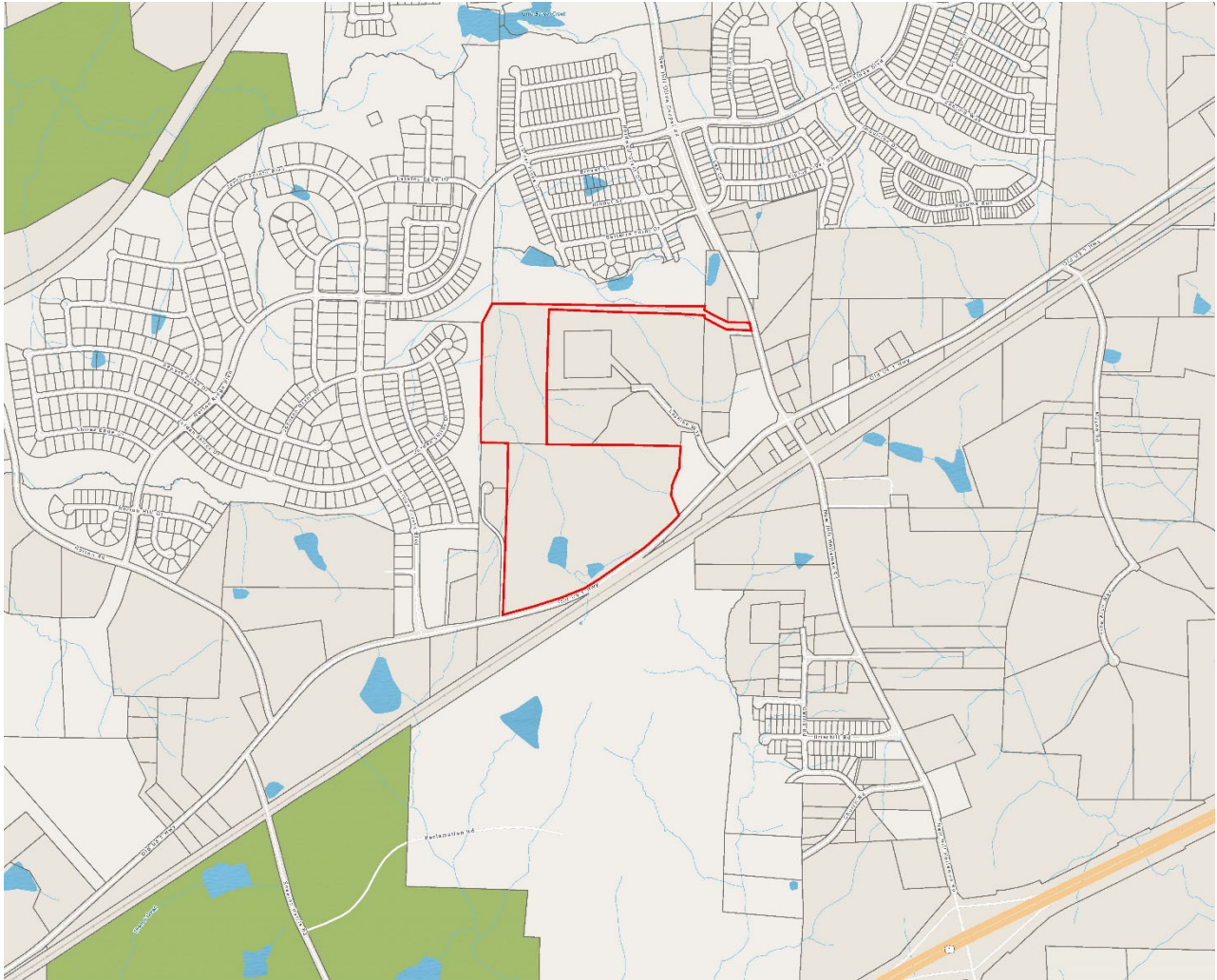
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

## Section 2: Vicinity Map



The Utley Farms PUD is located in New Hill, Buckhorn Township, and is anticipated to be developed within the Town of Apex corporate limits. The property sits along the north side of Old US 1 Highway, with limited frontage along New Hill Olive Chapel Road. North and west of the site have been developed for single-family homes located within Belterra and Jordan Pointe, respectively. To the west of the site are rural developments on large lots. To the east are parcels planned for office and commercial uses.

### **Section 3: Project Data**

**A. Name of Project:**

Utley Farms PUD

**B. Property Owners:**

**Myrtle H. Morton**

PO Box 312

New Hill, NC 27562-0312

**Helon J. Wellons**

**Raye E. Johnson**

400 Johnson Farm Road

New Hill, NC 27562-8839

**Prepared By:**

Jason Barron and Nil Ghosh

Morningstar Law Group

421 Fayetteville St | Ste 530

Raleigh, NC 27601

**C. Current Zoning Designation:**

R-40W and R-80W (Wake County)

**D. Proposed Zoning Designation:**

Planned Unit Development – Conditional Zoning (PUD-CZ)

**E. Current 2045 Land Use Map Designation:**

Low Density Residential

**F. Proposed Use**

- Single-family Residential

**G. Size of Project**

A total of +/-56.59 acres

## Section 4: Purpose Statement

The Utlely Farms PUD development will be a single-family detached residential community developed at low density residential along Old US 1 Highway west of its intersection with New Hill Olive Chapel Road. The intent is for the site to develop consistent with the land use intensities contemplated by the recent updates to the Town's 2045 Land Use Designation Map.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer low density housing in an area that was very recently updated by the Town to include such uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Preserve the existing historic home on the property along with two existing barns.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.



## Section 5: Permitted Uses

The subject property 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, except as modified herein. 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. Specifically, the permitted uses include:

- Single-family
- Greenway
- Recreation facility, private
- Accessory apartment
- Park, active
- Park, passive
- Utility, minor

Additionally, the following conditions shall apply:

- A. A maximum of 113 residential units shall be permitted upon the property.
- B. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- C. All residential dwellings and any amenity constructed on the property shall provide solar conduit for the installation of rooftop solar panels.
- D. Stormwater controls for development shall be increased to the 25-year storm as provided for in this PUD.
- E. There shall not be any tree clearing, stormwater control measures (SCM), or other infrastructure in either zone of riparian buffers except for UDO permitted crossings and utilities.
- F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by selecting and installing 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. Subject to

## Utley Farms PUD

Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)

- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
  - a. The project within an amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
- P. A minimum 4kW solar PV system shall be installed on at least 3 homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
- Q. Of the permitted residential single family detached dwellings, at least two (2) restricted median-income affordable housing single family detached ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by households earning no more than one-hundred percent (100% - Median-Income) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. The two (2) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. lot reservation agreement) shall be recorded against the two (2) Affordable Housing Unit lots prior to the issuance of a building permit for such lots and a separate restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years shall be recorded against each of the Affordable Housing Units at purchase closing 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.

## Section 6: Proposed Design Controls

### A. Residential Densities and Design Controls

Maximum Density:	2.0 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	113
Minimum Lot Size:	6,000 SF
Maximum Built-Upon Area:	60%
Minimum Lot Width:	50 feet
Maximum Building Height:	36 feet, no more than 2 stories

*Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.*

#### Minimum Building Setbacks:

	Single-family (feet)	Private Recreation Facility
<b>Front</b>	10	10
<b>Front (garage)</b>	20 (from sidewalk or back-of-curb where no sidewalk exists)	N/A
<b>Side</b>	5	10
<b>Side (corner)</b>	10	10
<b>Rear</b>	10	10
<b>Building-to-buffer/RCA</b>	10	10
<b>Parking-to-buffer/RCA</b>	5	5

## Utlely Farms PUD

### B. Buffers

Perimeter Buffers: as per Sheet C100 of PUD Plan as noted below.

<b>Location</b>	<b>Buffer Provided</b>	<b>UDO Standard</b>	<b>Property Notes</b>
North (Belterra)	10' Type B	10' Type B	
Northern boundary (ex properties)	10' Type B & 20' Type B	20' Type B	Includes Miller, Vitek, & Burroughs property
West (Jordan Pointe & Country Acres Lane)	10' Type B	10' Type B & 20' Type B	Includes Jordan Pointe & Country Acres Lane property
East (ex properties)	10' Type B	20' Type B & 20' Type A	MORR-CZ for the ex Church and Cemetery
Old US 1 Highway	30' Type B	30' Type B	Frontage
New Hill Olive Chapel Road	30' Type B	30' Type B	Frontage

*Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.*

#### Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type B Buffer shall be established along Old US 1 Highway.

#### Adjacent property redevelopment buffer:

The buffer can be removed in those locations along the following parcels or portion of parcels if the Wellons property is redeveloped in conjunction with the adjacent N/F Andrew Martin (PIN 0710-83-5242), the N/F Ralph Miller property (PIN 0710-83-0487), and/or the N/F Richard Vitek property (PIN 0710-72-4872) as the Wellons property is too narrow to develop independent of such properties.

### Section 7: Proposed Architectural Controls

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 Master Subdivision submittal.

## Utlely Farms PUD

Except with respect to the existing historic home, the following conditions shall apply:

### Single-family Residential:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B. Primary building materials shall be brick, stone, and fiber cement siding.
- C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- G. Front facing garage doors must have windows, decorative details, or carriage-style adornments.
- H. Entrances for units with front-facing garages shall have a prominent covered porch/stoop area leading to the front door.
- I. Porches constructed with a dwelling unit shall be a minimum of six feet (6') deep.
- J. The front façade of any front-loaded garage shall not protrude farther than one (1) foot forward of (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.

### **Section 8: Parking and Loading**

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

### **Section 9: Signage**

All signage for this PUD shall comply with Apex UDO Section 8.7, *Signs*, of the Town of Apex UDO.

### **Section 10: Natural Resource and Environmental Data**

#### **A. River Basins and Watershed Protection Overlay Districts**

The project is located within the Little Beaver Creek Basin and Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.



**B. Resource Conservation Areas (RCA) – Required and Provided**

This PUD will be subject to, and meet the requirements of, Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*. Per UDO Section 7.2.5.B.8, if any mass grading is proposed in the single-family sections of the PUD, the following provision will apply to lot coverage area for single-family: An additional five percent (5%) Resource Conservation Area (RCA) shall be set aside. This requirement is added to the standard RCA percentage requirement found in Sec. 8.1.2.C Size of the RCA.

**C. Historic structures**

The North Carolina State Historic Preservation Office (SHPO) shows the properties within the new Hill Historic District and the existing Utlely-Horton Farm (Nommie Horton Farm – SHPO ID WA1098). In coordination with Capital Area Preservation, the PUD proposes to retain and preserve the historic home (in its current location) and two barns on the property (one relocation and one preservation).

**Section 11: Stormwater Management**

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 10-year, and 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the storm events previously noted.

**Section 12: Parks and Recreation**

Utlely Farms PUD #22CZ09 was reviewed at the August 31, 2022 PRCR Advisory Commission. Following is the recommendation which was provided:

*Staff recommends a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be deposited with the Town at the time the first final subdivision plat is approved for the units within each phase.*

The language has been added to the PUD Drawing documents as well as the PD Text.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer’s estimate of probable cost for greenway construction.

**Section 13: Public Facilities**

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

## Utley Farms PUD

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to sheet C100 of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity.

- **Potential Access Points:**

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

- a. Old US 1 and New Hill Olive Chapel Road/New-Hill Holleman Road.
  - With sufficient right-of-way along Old US 1 and New Hill Holleman Road, the Developer shall construct an eastbound right turn lane with 175 feet of storage and appropriate deceleration length and taper.
- b. Old US 1 and Site Driveways  
The Developer shall construct two access points on Old US 1 consisting of:
  - Site Drive 1: A full-movement stop-controlled public street intersection approximately 1,200 feet west of the intersection of New Hill Olive Chapel Road, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.
  - Site Drive 2: A full-movement stop-controlled public street intersection approximately 1,050 feet west of the intersection of Old US 1 and Site Drive 1, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.

## Utlely Farms PUD

- **Wayfinding Improvements**

Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

- **Water and Sanitary Sewer**

All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town Water and Sewer Master Plans.

- **Other Utilities**

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

### **Section 14: Phasing Plan**

This PUD and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

### **Section 15: Consistency with the 2045 Land Use Map**

The proposed land use is consistent with the Town of Apex's 2045 Land Use Map.

### **Section 16: Compliance with the 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). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

### **Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan**

Development plans submitted pursuant to this rezoning shall comply with the adopted Advance Apex: The 2045 Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town's adopted Bicycle and Pedestrian System Plan in effect at the time of the development plan submittal.



# <REZONING>

# UTLEY FARMS PUD

3720 OLD US 1 HIGHWAY  
 NEW HILL, NORTH CAROLINA 27562  
 PROJECT NUMBER: 210504  
 DATE MAY 2, 2022

RIPARIAN BUFFERS AND WETLANDS:  
 RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY  
 S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF  
 ENGINEERS AND TOWN OF APEX.



NC License #P-0673

## OWNER

**MYRTLE H. HORTON**  
 3720 OLD US 1 HIGHWAY  
 NEW HILL, NC 27562

**HELON J. WELLONS/RAY E. JOHNSON**  
 0 NEW HILL OLIVE CHAPEL ROAD  
 NEW HILL, NC 27562

## APPLICANT

**KB HOME - RALEIGH**  
 THURM BOWEN / ROMAN ACOSTA  
 4506 S. MIAMI BLVD #100  
 DURHAM, NC 27703  
 P: (919) 768-7976  
 www.KBHome.com

## ENGINEER/LAND PLANNER

**PEAK ENGINEERING & DESIGN, PLLC**  
 JEFF ROACH, P.E.  
 1125 APEX PEAKWAY  
 APEX, NC 27502  
 P: (919) 439-0100  
 www.PeakEngineering.com

## SURVEYOR

**BATEMAN CIVIL SURVEY COMPANY**  
 STEVEN CARSON  
 2524 RELIANCE AVENUE  
 APX, NC 27502  
 P: (919) 577-1080  
 www.batemancivilsurvey.com

## ENVIRONMENTAL CONSULTANT

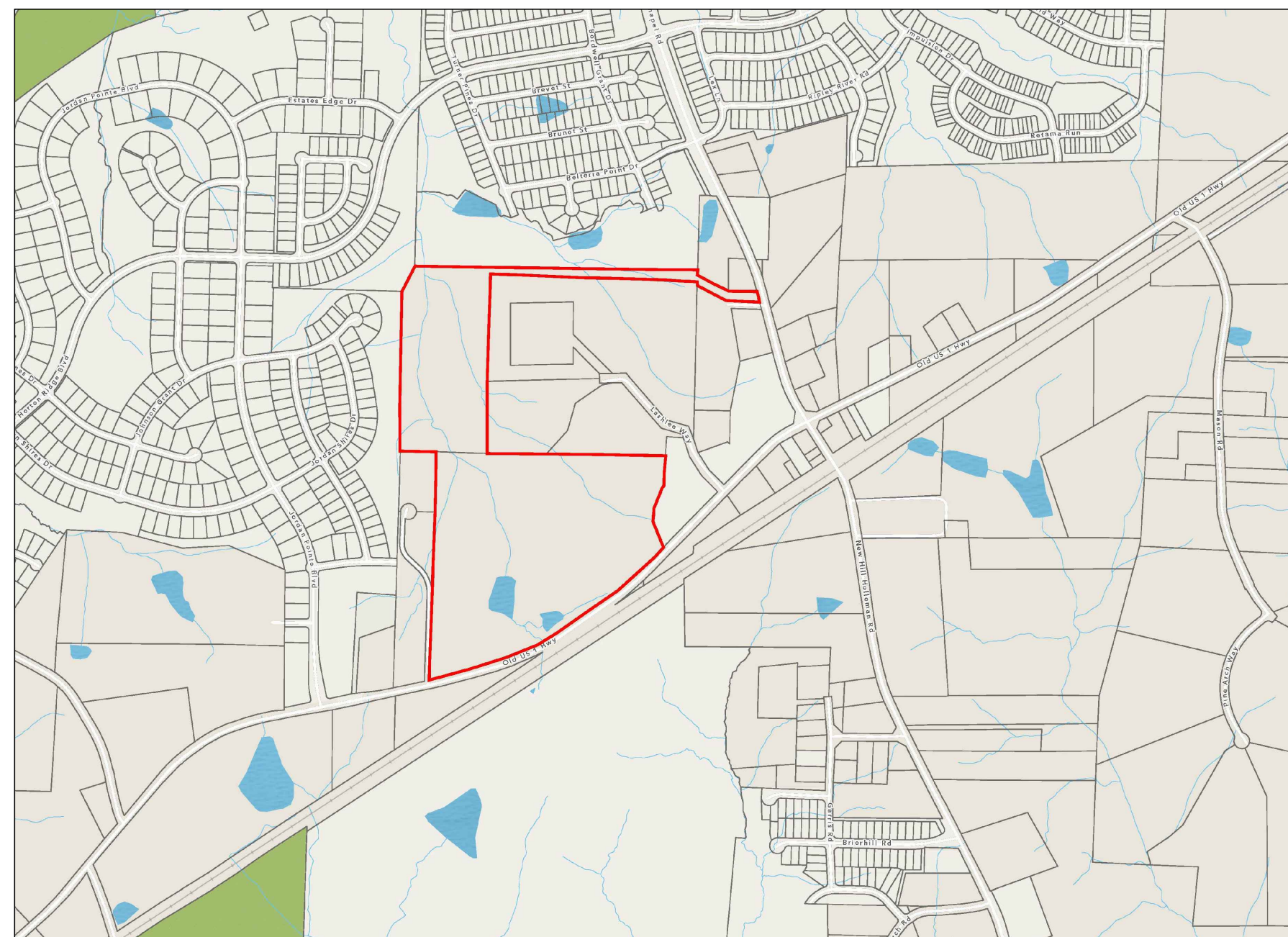
**SOIL & ENVIRONMENTAL CONSULTANTS, PA**  
 STEVEN BALL, RF, PWS  
 8412 FALLS OF NEUSE ROAD, SUITE 104  
 RALEIGH, NC 27615  
 P: (919) 846-5900  
 www.SandEC.com

## TRAFFIC ENGINEER

**RAMEY KEMP & ASSOCIATES, INC.**  
 RYNAL STEPHENSON, P.E.  
 5805 FARINGDON PLACE, SUITE 100  
 RALEIGH, NC 27609  
 P: (919) 872-5115  
 www.RameyKemp.com



**PROJECT AERIAL** NOT TO SCALE



**VICINITY MAP** NOT TO SCALE



## SITE INFORMATION:

Property Owner	Site Address	PIN	REID	Deeded Acreage	Deed Book/Plat Book
HORTON, MYRTLE H. PO BOX 312 NEW HILL, NC 27562-0312	3720 OLD US 1 HWY	0710-71-4834	0033299 (area included in development)	43.27 acres 39.84 acres	DB 7883 PG 737/DB 686 PG 49 DB 422 PG 84/DB 730 PG 122 DB 7556 PG 521/DB 6711 PG 832
WELLONS, HELON J. JOHNSON, RAY E. 400 JOHNSON FARM ROAD NEW HILL, NC 27562-8839	0 NEW HILL OLIVE CHAPEL RD	0710-73-6732	0080810	17.96 acres	DB 02367 PG 0693

**Total Deeded Acreage: 61.24 acres**  
**Total Project Acreage: 56.59 acres**  
 (area south of Old US 1 Highway centerline is excluded from the N/F Myrtle H. Horton property for this development)

Township: Buckhorn Township

Flood Zone Information: Firm Panel 3720071000K dated February 2, 2007 does not show the presence of flood zones on the properties.

Watershed Information: Primary Watershed Protection Overlay District, Little Beaver Creek Basin, Cape Fear River Basin.

Historical: NC SHPO shows the properties within the New Hill Historic District and the existing Utley-Horton Farm (Nommie Horton Farm) - SHPO ID WA1098

Annexation: annexation required as the property is located OUTSIDE of the Apex ETJ

Existing Zoning: R-40W and R-80W  
 Proposed Zoning: PUD - CZ (Planned Unit Development - Conditional Zoning)  
 2045 Land Use Map: Low Density Residential

Existing Use: Single Family Residential and vacant  
 Proposed Uses: Single-family Park, active  
 Greenway Park, passive  
 Recreation facility, private Utility, minor  
 Accessory apartment

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

Maximum Number of Lots: 113 dwelling units  
 Proposed Project Density: 2.00 dwelling units/acre or less (< 3.0 units/acre for Low Density Residential districts)

Lots:

	Min Lot Size	Min Lot Width	Max Building Height
Single-family detached	6,000 SF	50 feet	36 feet

Building Setbacks (minimum setbacks unless otherwise noted):

	Residential	Private Recreation Facility
Front:	10 feet	10 feet
Front (garage):	20 feet from sidewalk or back-of-curb	N/A
Rear:	10 feet	10 feet
Side:	5 feet	10 feet
Side (Corner Lot):	10 feet	10 feet
From Buffer or RCA	10 feet	10 feet
Parking setback to buffer or RCA	5 feet	5 feet

Parking Requirements:  
 Single Family Detached: 2 spaces/dwelling unit required  
 Single Family parking provided by driveway and garage (min 2 spaces/lot)

Private Recreation Facility: Parking shall be based upon size and use within the recreation facility

Maximum Built Upon Area: 33.96 acres or 60%

RCA Required: UDO Section 8.1

Grading:  
 Site to be "Mass Graded"  
 % of lots graded prior to first plat: 50% (limited by Apex UDO to a maximum acreage for mass grading)  
 maximum of 20 acres of clearing for single-family detached developments

% of pre-development drainage areas preserved within their natural basins: 90%

## PARKS AND RECREATION DATA TABLE:

DATE REVIEWED BY PRCR ADVISORY COMMISSION: **AUGUST 31, 2022**

FEES-IN-LIEU:

SINGLE-FAMILY DETACHED UNITS	\$3,753.89 / DWELLING UNIT x 113 UNITS = \$424,189.57
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT

ACRES OF LAND DEDICATION: n/a ACRES  
 PUBLIC GREENWAY TRAIL CONSTRUCTION YES  NO

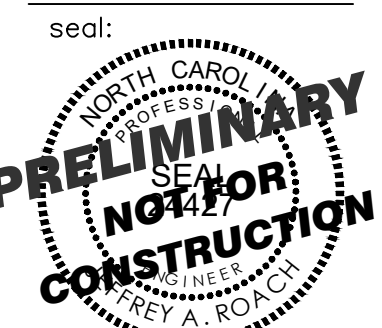
Following is the recommendation from the PRCR Advisory Commission:  
 Staff recommends a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be deposited with the Town at the time the first final subdivision plat is approved for the units within each phase.

## INDEX OF DRAWINGS:

C000	COVER SHEET
C002	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN/UTILITY PLAN
C120	BUILDING ELEVATIONS

**REZONING CASE # 22CZ09**  
 (SUBMITTED ON MAY 2, 2022)

Project:  
**UTLEY FARMS PUD**  
**3720 OLD US 1 HIGHWAY**  
**BUCKHORN TOWNSHIP**  
**NEW HILL, NORTH CAROLINA 27562**



NO.	DATE	REVISION
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS

title:  
**PUD COVER SHEET**

proj #:  
**210504**

date:  
**MAY 2, 2022**

dwg by: chkd by:  
**FS JR**

scale:  
**As Noted**

sheet:  
**C000**  
 (PUD PLAN)





**RIPARIAN BUFFERS AND WETLANDS:**  
 RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

- EXISTING CONDITIONS NOTES:**
- BOUNDARY SURVEY PROVIDED BY BATEMAN CIVIL SURVEY COMPANY).
  - TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS AND SURVEYOR DATA.
  - NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.
  - HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY AS NOTED WITHIN THE SITE DATA TABLE.
  - NO GREENWAY OR TRAILS ARE LOCATED ON THIS SITE. GREENWAY OR TRAILS MAY BE PLANNED FOR THIS SITE AS PER THE GREENWAY MASTER PLAN.
  - TREE SURVEY INFORMATION PROVIDED BY S&EC, INC.
  - 100-YR FLOOD PLAIN IS NOT LOCATED ON OR WITHIN 100' OF THIS PROPERTY.
  - PROPERTIES ARE LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, LITTLE BEAVER CREEK BASIN, AND THE CAPE FEAR RIVER BASIN.

FUTURE DEVELOPMENT

SINGLE FAMILY - DETACHED

BUFFERS/RCA

HISTORIC PRESERVATION AREA

PROJECT PERIMETER BOUNDARY

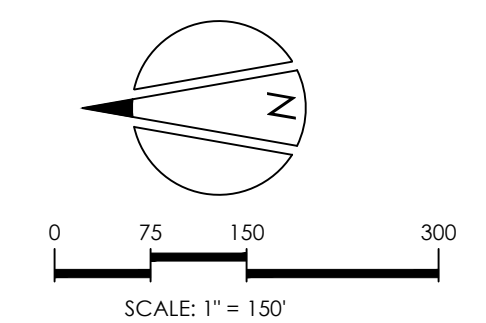
PROPOSED WATER CONNECTIONS

PROPOSED SEWER CONNECTIONS

POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

- SITE AND UTILITY NOTES:**
- DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
  - FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
  - ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
  - REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
  - ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
  - PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
  - ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
  - PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
  - THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
  - THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.



**1** EXISTING CONDITIONS PLAN  
 C001 SCALE: 1"=150'



NO.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

title:  
 EXISTING CONDITIONS PLAN

proj #:  
 210504

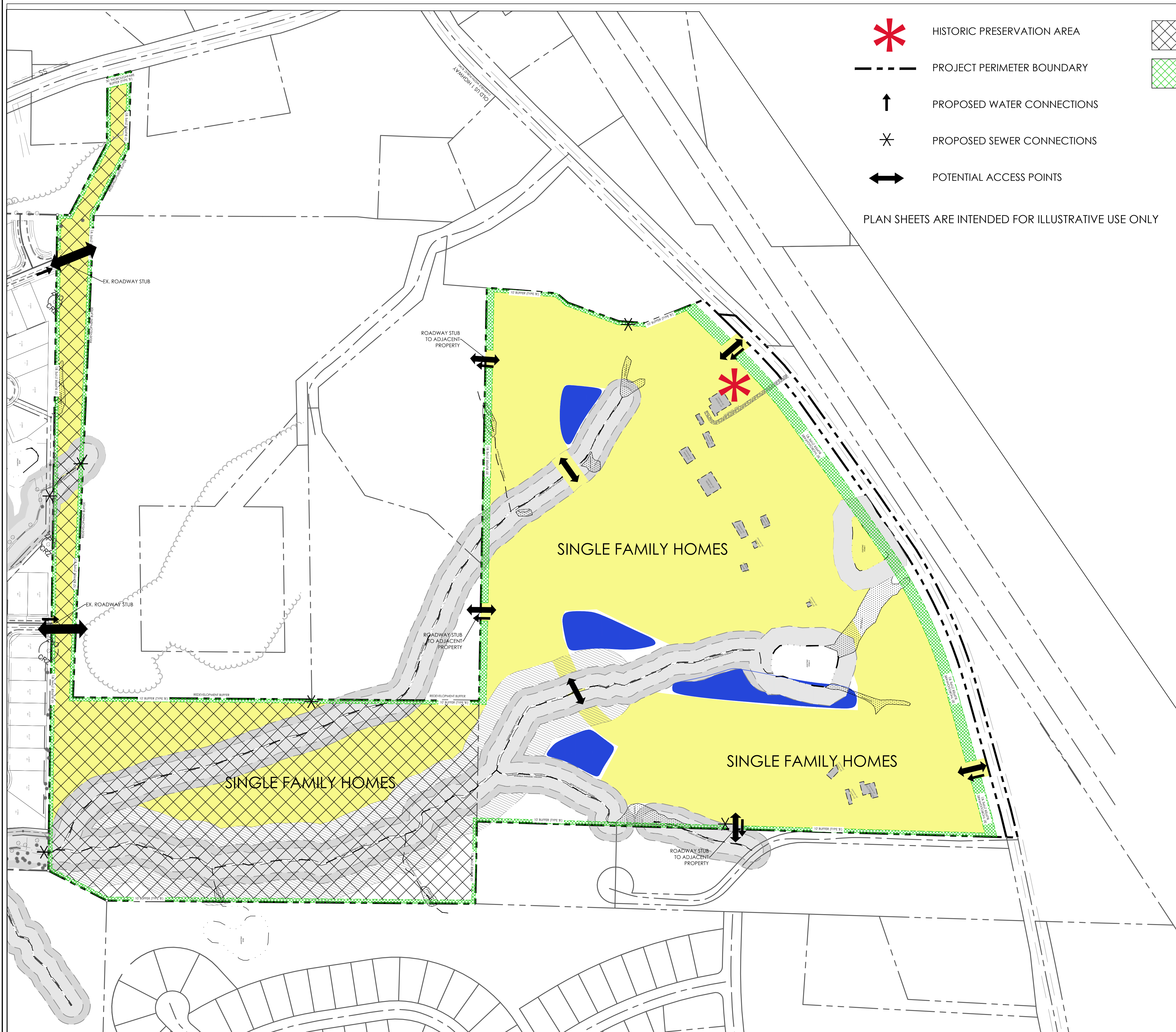
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 MAY 2, 2022






dwg by: chkd by:  
 FS JR

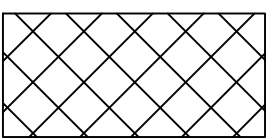

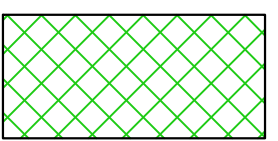
scale:  
 As Noted

sheet:  
**C001**  
 (PUD PLAN)





-  HISTORIC PRESERVATION AREA
-  PROJECT PERIMETER BOUNDARY
-  PROPOSED WATER CONNECTIONS
-  PROPOSED SEWER CONNECTIONS
-  POTENTIAL ACCESS POINTS

-  FUTURE DEVELOPMENT
-  SINGLE FAMILY - DETACHED
-  BUFFERS/RCA

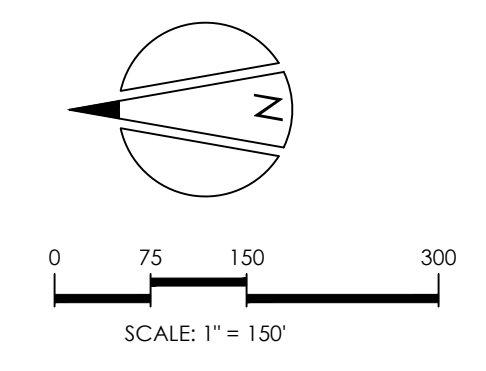
PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

**SITE AND UTILITY NOTES:**

1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
12. 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.
13. 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.).

**POTENTIAL ACCESS POINTS:**

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

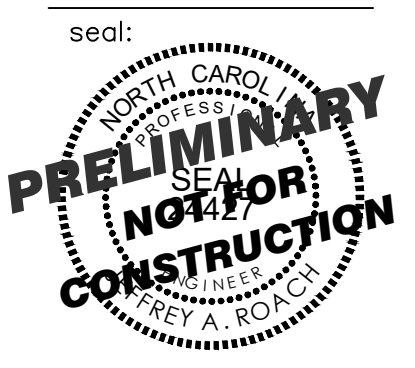


**CONCEPTUAL SITE PLAN/  
CONCEPTUAL UTILITY PLAN**  
SCALE: 1"=150'



NC License #P-0673

Project:  
**UTLEY FARMS PUD**  
3720 OLD US 1 HIGHWAY  
BUCKHORN TOWNSHIP  
NEW HILL, NORTH CAROLINA 27562



NO.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

title:  
**CONCEPTUAL SITE PLAN/  
UTILITY PLAN**

proj #:  
**210504**  
date:  
**MAY 2, 2022**  
dwg by: chkd by:  
**FS JR**  
scale:  
**As Noted**

sheet:  
**C100**  
(PUD PLAN)





SINGLE FAMILY DETACHED  
MODEL 1455



SINGLE FAMILY DETACHED  
MODEL 1582



SINGLE FAMILY DETACHED  
MODEL 2177



SINGLE FAMILY DETACHED  
MODEL 2160 & 2338



SINGLE FAMILY DETACHED  
MODEL 2539



SINGLE FAMILY DETACHED  
MODEL 2723

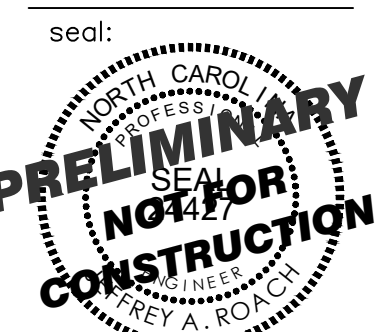


SINGLE FAMILY DETACHED  
MODEL 3174

TYPICAL BUILDING ELEVATIONS. WINDOW CONFIGURATIONS, DOOR STYLES, COLORS, AND OTHER ARCHITECTURAL STANDARDS WILL VARY FROM HOME-TO-HOME.

ELEVATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. CONDITIONS ARE INCLUDED WITHIN THE ZONING PD TEXT DOCUMENT.

**1** CONCEPTUAL BUILDING ELEVATIONS  
C120 SCALE: 1"=N/A



NO.	DATE	REVISION
1	AUGUST 15, 2022	TOWN OF APEX - 1ST ZONING CONDUCTS
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING CONDUCTS

title:  
**CONCEPTUAL BUILDING ELEVATIONS**

proj #:  
210504  
date:  
MAY 2, 2022  
dwg by: FS  
chkd by: JR  
scale:  
As Noted

sheet:  
**C120**  
(PUD PLAN)