

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.04 ACRES LOCATED AT 0, 0, 720 SOUTH SALEM STREET FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)**

**#23CZ14**

**WHEREAS**, P&R Properties Group, LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of July 2023 (the "Application"). The proposed conditional zoning is designated #23CZ14;

**WHEREAS**, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #23CZ14 before the Planning Board on the 8<sup>th</sup> day of January 2024;

**WHEREAS**, the Apex Planning Board held a public hearing on the 8<sup>th</sup> day of January 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ14. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #23CZ14;

**WHEREAS**, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #23CZ14 before the Apex Town Council on the 23<sup>rd</sup> day of January 2024;

**WHEREAS**, the Apex Town Council held a public hearing on the 23<sup>rd</sup> day of January 2024. Liz Loftin, Senior Planner, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #23CZ14 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

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

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will construct extensions of Topaz Lane and Regents Lane, provide a future stub street to the western property line, and will maintain compatibility with adjacent townhome development; and

**WHEREAS**, the Apex Town Council by a vote of 5 to 0 approved Application #23CZ14 rezoning the subject tract located at 0,0, 720 South Salem Street from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

**Section 2:** The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

**Ordinance Amending the Official Zoning District Map #23CZ14**

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

**Section 4:** The "Rezoned Lands" are subject to the conditions in Attachment "B" Salem Street Townhome PUD which are imposed as part of this rezoning.

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

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

Motion by Council Member Zegerman

Seconded by Council Member Gantt

With 4 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 13<sup>th</sup> day of February 2024.

TOWN OF APEX

Jacques K. Gilbert  
Jacques K. Gilbert  
Mayor

ATTEST:

Allen Coleman  
Allen Coleman, CMC, NCCCC  
Town Clerk

APPROVED AS TO FORM:

[Signature]  
Town Attorney



"Attachment A"

SALEM CREEK OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THOSE THREE PARCELS OF LAND NOW OR FORMERLY OF SALEM STREET TOWNES, LLC (PINS: 0741178829, 0741179910, & 0741179971) AS DESCRIBED IN DEED BOOK 19262 AT PAGE 540 AND IN BOOK OF MAPS 2023 AT PAGE 226 OF THE WAKE COUNTY REGISTER OF DEEDS. LYING IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PARCEL NOW OR FORMERLY OF SALEM STREET TOWNES, LLC (PIN: 0741178829) AS DESCRIBED IN DEED BOOK 19262 AT PAGE 540 AND IN BOOK OF MAPS 2023 AT PAGE 226 OF THE WAKE COUNTY REGISTER OF DEEDS, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N: 718,001.19' AND E: 2,041,782.02'; THENCE, FROM THE POINT OF BEGINNING, S88°25'51"E A DISTANCE OF 59.83 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S88°25'51"E A DISTANCE OF 31.13 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°25'51"E A DISTANCE OF 18.79 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S88°25'51"E A DISTANCE OF 77.21 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S88°25'51"E A DISTANCE OF 9.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S01°05'47"E A DISTANCE OF 140.68 FEET TO A 1/2" IRON PIPE FOUND; THENCE S01°05'57"E A DISTANCE OF 140.68 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S01°05'47"E A DISTANCE OF 21.43 FEET TO A 1" IRON PIPE FOUND; THENCE, S77°55'54"W A DISTANCE OF 12.82 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°04'39"W A DISTANCE OF 105.00 FEET TO A COMPUTED POINT; THENCE, N88°25'51"W A DISTANCE OF 96.00 FEET TO A COMPUTED POINT; THENCE, N00°04'39"E A DISTANCE OF 37.47 FEET TO A COMPUTED POINT ON THE CENTERLINE OF SOUTH SALEM STREET; THENCE, CONTINUING WITH SAID CENTERLINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2,897.00 FEET AND A CHORD OF 96.00 FEET BEARING S71°22'12"W AND AN ARC LENGTH OF 96.00 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N00°04'39"E A DISTANCE OF 30.93 FEET TO A COMPUTED POINT; THENCE, N00°04'39"E A DISTANCE OF 234.77 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 50,369 SQUARE FEET OR 1.16 ACRES, MORE OR LESS.

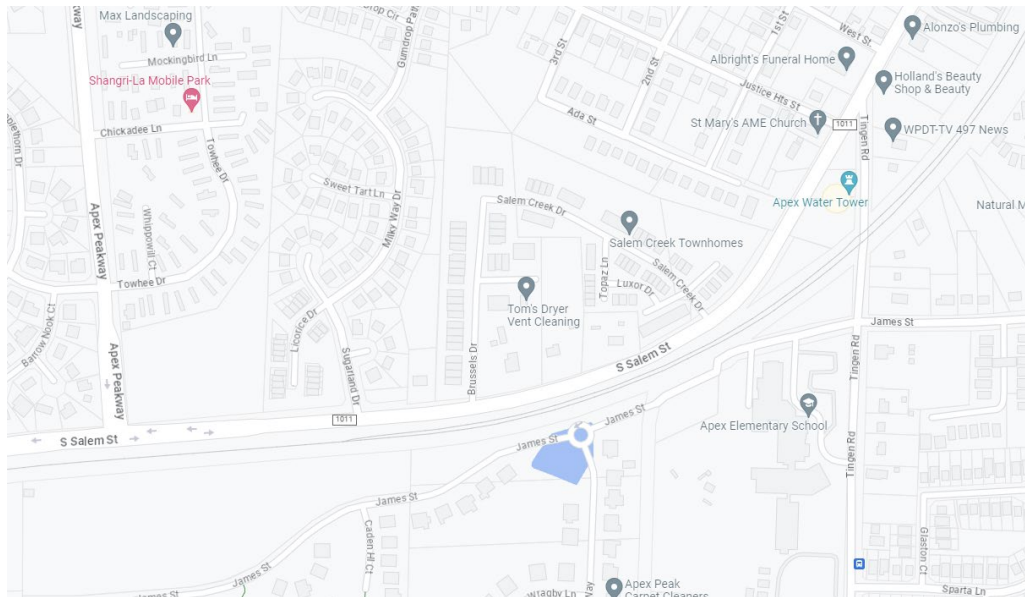
LESS AND EXCEPT THOSE PORTIONS OF THE PROPERTIES LYING WITHIN THE RIGHT OF WAY OF SOUTH SALEM STREET AND THE RIGHT OF WAY OF CSX TRANSPORTATION, INC.

## Salem Street Townhomes PD Plan Text

### Section 1: Table of Contents-

- Vicinity Map
- Base Items
- Purpose Statement- Planned Unit Development Standards
- Purpose Statement- Conditional Zoning Standards
- Proposed Design Controls
- Proposed Architectural Controls
- Parking and Loading
- Sign Statement
- Natural Resource and Environmental Data
- Stormwater Requirements
- Projected must be reviewed by Parks, Recreation and Culture Commissions
- Public Facilities Requirements
- Phasing Plan
- Consistency with Land Use Plan
- Compliance with relevant portions of the UDO
- Building Elevations

### Section 2: Vicinity Map



### Section 3: Project Data

- Name of Project- Salem Street Townhomes
- Preparer's Information:

Bateman Civil Survey Company  
Phone: 919-577-1080 Fax: 919-577-1081  
[engineering@batemancivilsurvey.com](mailto:engineering@batemancivilsurvey.com)

Owner's Information:  
P&R Properties Group, LLC  
Kevin Poythress  
Phone: 919-463-5403  
[kevin@pccbuilder.com](mailto:kevin@pccbuilder.com)

- Current Zoning Designation: MD, Small Town Character Overlay District
- Proposed Zoning Designation: PUD-CZ, Small Town Character Overlay District
- Current 2045 Land Use Map Designation: Medium/High Density Residential, Office employment
- Area of Tract: 1.04 Acres
- Area designated as mixed use on 2045 LUM: 0.00 Acres
- Area of mixed use property proposed as non-residential development: 0.00 Acres
- Percent of mixed use areas proposed as non-residential development: 0.0%
- Permitted Uses:  
The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced, such references do not imply that other sections of the UDO do not apply.

Residential Uses:  
Townhouse  
Accessory Apartment

Recreation Uses:  
Recreation facility, private  
Greenway  
Park, active  
Park, passive  
Utility, minor

#### **Section 4: Purpose Statement- Planned Unit Development Standards**

The PUD-CZ proposes an 8-unit single townhome building which will serve as an extension of the existing Salem Creek Townhome community. The PUD-CZ shows a roadway pattern that interconnects Regents Lane and Topaz Lane and will provide for a future stub street on the western property line. The PUD-CZ dedicates Right-Of-Way along South Salem Street. The PUD-CZ shall contain parking, open space and buffers as shown on the plan. The proposal shall endeavor to meet all of the Legislative Considerations as detailed in Sec. 2.3.3.F 1-10 of the UDO to the extent practicable.

#### **Section 5: Purpose Statement- Conditional Zoning Standards**

The PUD-CZ proposes an 8-unit single townhome building which will serve as an extension of the existing Salem Creek Townhome community. The PUD-CZ shows a roadway pattern that interconnects Regents Lane and Topaz Lane and will provide for a future stub street on the western property line. The PUD-CZ shall contain parking, open space and buffers as shown on the plan. The proposal shall endeavor to meet all of the Legislative Considerations as detailed in Sec. 2.3.3.F 1-10 of the UDO to the extent practicable.

#### **Section 6: Proposed Design Controls**

- Maximum Square Footage per Non-Residential Use: 0 SF
- Max Densities per Residential Use: 10 DU/Acre
- Lot Sizes for Residential Use: 1,618 SF to 3,779 SF
- Maximum Height of Buildings: Max height is 37' from FFE. Number of stories varies from 1.5 to 2.5 stories.
- Front, side, and rear setbacks: 15', 0', 15'
- Amount and Percentage of Built Upon Area Allowed: 0.68 Ac., 65%
- Amount and Percentage of Built Upon Area: 0.44 Ac., 42.3%

#### **Section 7: Proposed Architectural Controls**

1. Proposed Materials-James Hardie or equal lap siding, James Hardie or equal decorative shake siding, James Hardie or equal soffits, Decorative cultured stone or brick veneer, Miratec or equal corner boards, fascia boards, frieze boards, column and window wraps. CertainTeed Landmark or equal architectural shingles, vinyl single-hung windows, vinyl shutters, decorative wood main entry doors
2. Proposed Structural Materials- Covered main entrances via porches or stoops, main roof overhangs 12".
3. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trims are permitted.

4. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
5. Garage doors must have windows, decorative details or carriage-style adornments on them.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The garage cannot protrude more than 1 foot out from the front façade or front porch.
8. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - a. Windows, bay window, recessed window, decorative window, trim around the window, wrap around porch or side porch, two or more building materials, decorative brick/stone, decorative trim, decorative shake, decorative air vents on gable, decorative gable, decorative cornice, column, portico, balcony, dormer
9. Building facades shall have horizontal relief achieved by the use of recesses and projections.
10. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

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

Parking calculations are based on Apex UDO Sec. 8.3. The required is 2 spaces/unit plus .25 per unit for guest, therefore requiring 18 spaces. Our development provides 26 spaces. Each unit provides 2 parking spaces. The mail kiosk area provides 3 parking spaces. There are an additional 7 parking spaces to accommodate for guest parking.

### **Section 9: Signage**

All signage will comply with UDO section 8.7.

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

- The site is located in a Secondary Watershed Protection Overlay District.
- The site does not contain a FEMA designated 100 year floodplain.
- Gross square footage and percent of RCA required: Exempt by being in a small town character overlay district per UDO 6.3.1.
- Gross square footage and percent of RCA provided: Exempt by being in a small town character overlay district, per UDO 6.3.1.
- The site does not contain a historic structure.

### **Section 11: Stormwater Management**

This site disturbs less than 1.0 acres, therefore no SCM is required for this development.

## **Section 12: Parks and Recreation**

Per Section 14.1.2 Exemptions of the UDO, only a payment of fees-in-lieu shall be required. The fee rate will be \$2,705.23 per single-family detached unit paid at the time of plat.

## **Section 13: Public Facilities**

The PD plan for the PUD-CZ demonstrates a safe and adequate on-site transportation circulation system by connecting two existing stub streets and providing for a future stub to the west. The PD Plan demonstrates a safe and adequate on-site system of potable water and wastewater lines which will provide a loop system with the existing community which is integrated into existing off-site potable water and wastewater facilities. Water and sewer infrastructure will be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications at the time of CD. There are adequate off-site facilities to serve the proposal including a potable water supply, sewage disposal, solid waste disposal, electrical supply, and fire protection.

The roads are planned and programmed for the development and the development is conveniently located in relation to schools and police protection services as permitted by the town. The developer will dedicate public right of way along South Salem Street. The developer is not proposing direct access to South Salem Street and is not proposing roadway frontage improvements along South Salem Street. The existing 5-foot sidewalk along South Salem Street shall remain. The developer shall dedicate public right-of-way extending 60 feet northward from the south side edge of asphalt (60 feet north of CSXT right of way) along the entirety of the project limits along South Salem Street. The PD Plan demonstrates compliance with the parks and recreation and open space requirements of Sec. Article 14 & Sec. 7.3.1.

## **Section 14: Phasing Plan**

This project will be constructed in one phase.

## **Section 15: Compliance with the UDO**

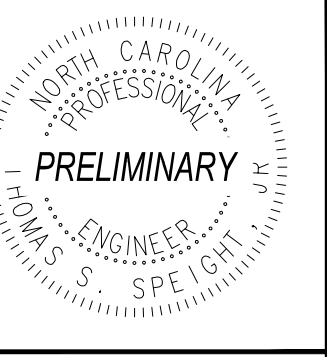
The 2045 Apex Land Use Plan shows a future land classification as Medium/High Density Residential which supports townhome use within the Town Center with a recommended density of 7-14 units per acre. This development plan shows 8 units on 1.04 acres.

## **Section 16: Compliance with the UDO**

Since this property is in the Small-Town Character Overlay District, no buffers are required per UDO Section 6.3.1.D.6. All buffers shown on the plan are being offered but not required. This development has provided a variable type A streetscape to the south along South Salem Street and an 8' planting area to the west.

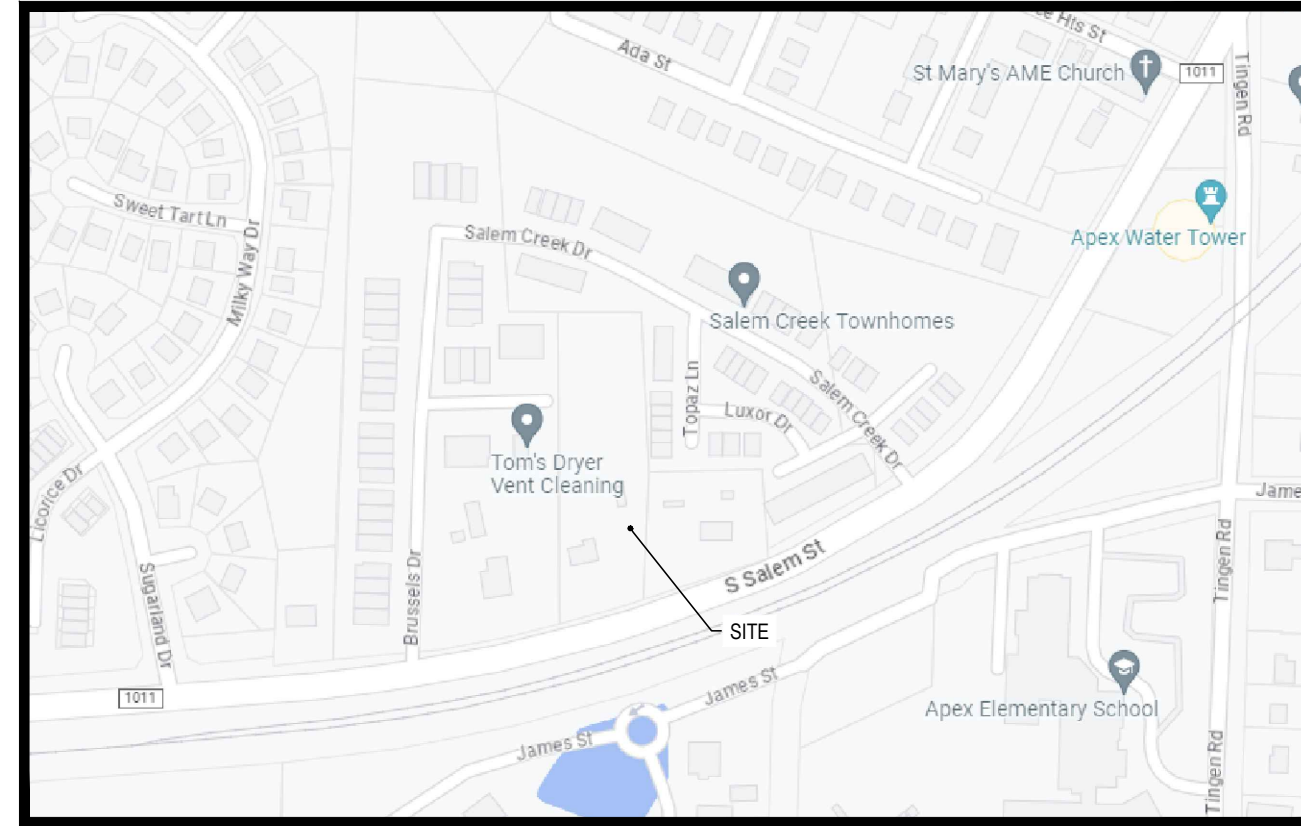
## **Section 17: Elevations**

Building elevations showing all sides of the structure have been provided in this submittal. The max height is 37' from FFE. The number of stories varies from 1.5 to 2.5 stories.



# SALEM STREET TOWNHOMES

APEX PUD REZONING  
 SUBMITTAL 1: 07.03.23  
 SUBMITTAL 2: 09.08.23  
 SUBMITTAL 3: 10.06.23  
 SUBMITTAL 4: 11.08.23  
 720 S SALEM STREET  
 APEX, NC 27502  
 WAKE COUNTY



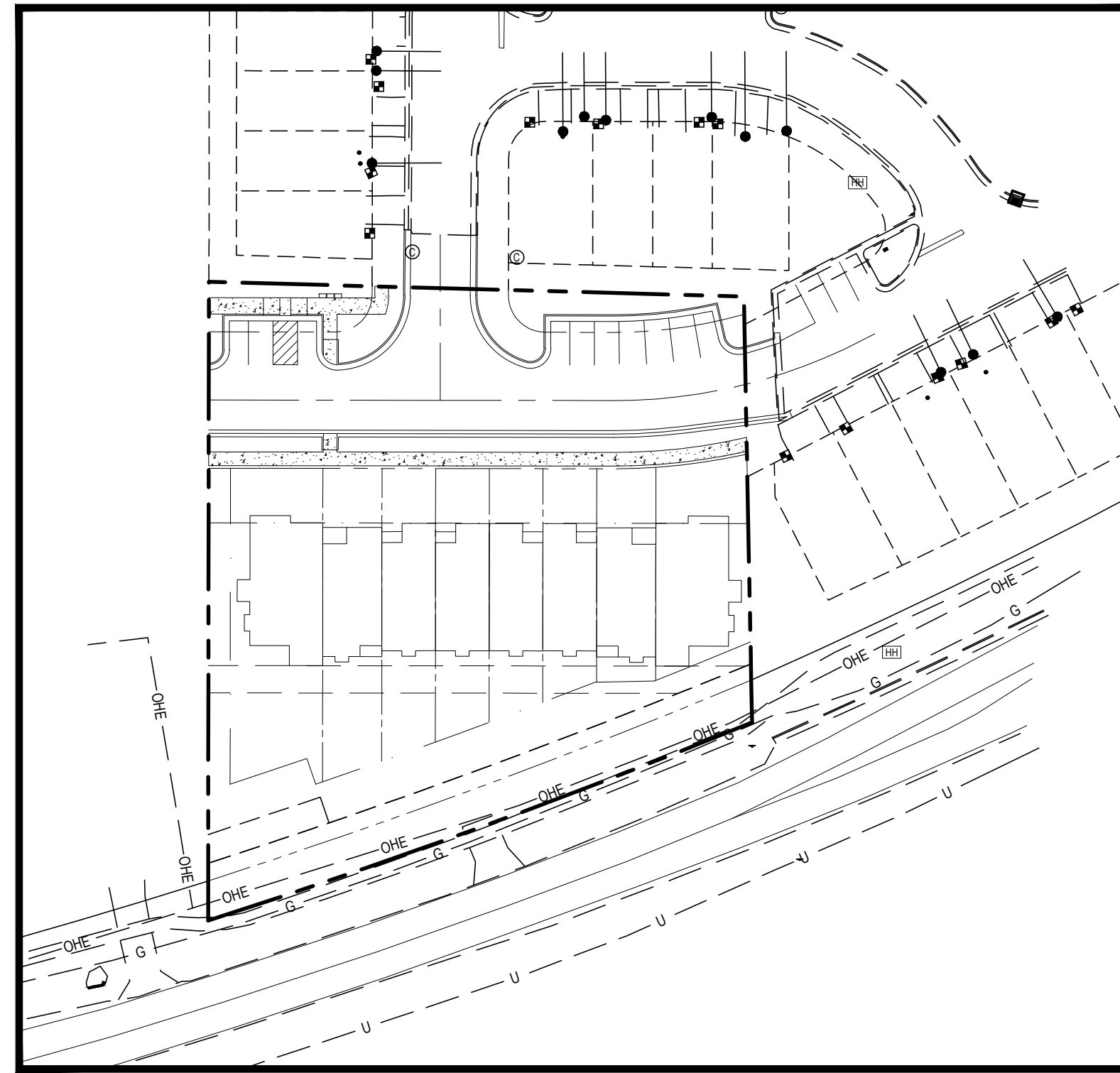
**VICINITY MAP**  
SCALE: NTS

SITE DATA	
OWNER	SALEM STREET TOWNES, LLC
SITE ADDRESS	720 SALEM STREET APEX, NC 27502
PIN	0741-17-8829, 0741-17-9910, 0741-17-9971
OVERLAY	N/A
EXISTING USE	MEDIUM DENSITY
PROPOSED USE	MEDIUM/HIGH DENSITY RESIDENTIAL
ZONING	PUD-CZ
WATERSHED	SECONDARY PROTECTION OVERLAY DISTRICT
WATERSHED WATER SUPPLY	JORDAN LAKE
RIVER BASIN	CAPE FEAR
FEMA MAP	MAP#3720074100J DATE 05.02.06
TRACT AREA	1.04 AC. (45,302 SF)

DEVELOPMENT TYPE - TOWNHOMES	
PROPOSED USE	MEDIUM/HIGH DENSITY RESIDENTIAL
DENSITY	14 UNITS / AC.
UNITS PROVIDED	8 UNITS
MIN. LOT WIDTH	18'
PROPOSED LOT WIDTH	19' 8"
PROPOSED GROSS SF BY FLOOR AREA	905-1571 SF
PROPOSED HEIGHT AND NUMBER OF STORIES	37', 2 Stories

BUILDING SETBACKS - TOWNHOMES	
PRIMARY STREET	15'
SIDE STREET	0'
REAR LOT LINE	15'

PARKING	
PARKING CALCS.	2 SPACE / UNIT PLUS .25 PER UNIT FOR GUEST
PARKING REQUIRED	18 SPACES
PARKING PROVIDED	26 SPACES



**PROJECT PLAN**  
SCALE: 1" = 50'

**OWNER:**  
 P&R PROPERTIES GROUP, LLC  
 KEVIN POYTHRESS  
 1011 CLASSIC ROAD  
 APEX, NC 27536  
 P: 919.463.5403

**DEVELOPER:**  
 THE COLEY GROUP  
 CONTACT: SCOTT MOORE  
 4350 LASSITER AT NORTH HILLS AVE, SUITE 256  
 RALEIGH, NC 27609  
 P: 919.526.0401

**ENGINEER:**  
 BATEMAN CIVIL SURVEY COMPANY  
 THOMAS S. SPEIGHT, JR., P.E.  
 2524 RELIANCE AVE.  
 APEX, NC 27539



**Bateman Civil Survey Company**  
 Engineers • Surveyors • Planners  
 2524 Reliance Avenue, Apex, North Carolina 27539  
 Phone: 919.577.1080 Fax: 919.577.1081  
 NCBELS FIRM No. C-2378

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
C000	COVER
C100	EXISTING CONDITIONS
C101	TREE SURVEY
C200	OVERALL SITE PLAN
C400	UTILITY AND STORMWATER PLAN

**NOTES:**  
 • THIS PROJECT WILL BE COMPLETED IN ONE PHASE  
 • THIS PROJECT WILL BE REQUESTING FULL TOWN SERVICES (WATER, SEWER, AND ELECTRIC)  
 • THE DISTURBED ACREAGE ON THIS PROJECT IS LESS THAN 1 ACRE. THEREFORE, NO SCM IS REQUIRED.

REV#	DATE	DESCRIPTION

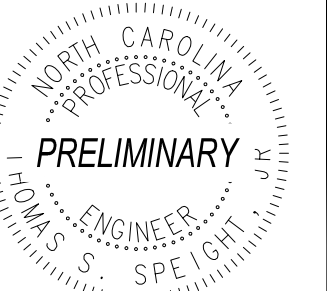


**KNOW WHAT IS BELOW  
CALL BEFORE YOU DIG**

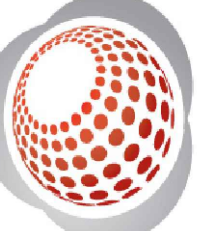
Date:	xx.xx.23
Project #:	P230023
SHEET	C000

P230023\_SALEM\_STREET\_TOWNHOMES

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 2524 Reliance Avenue, Apex, North Carolina 27539  
 Phone: 919.577.1080 Fax: 919.577.1081  
 NCBELS FIRM No. C-2376

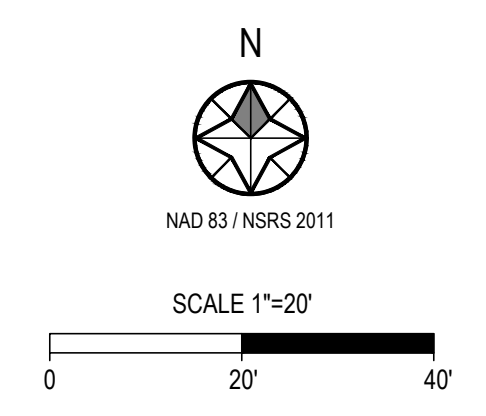
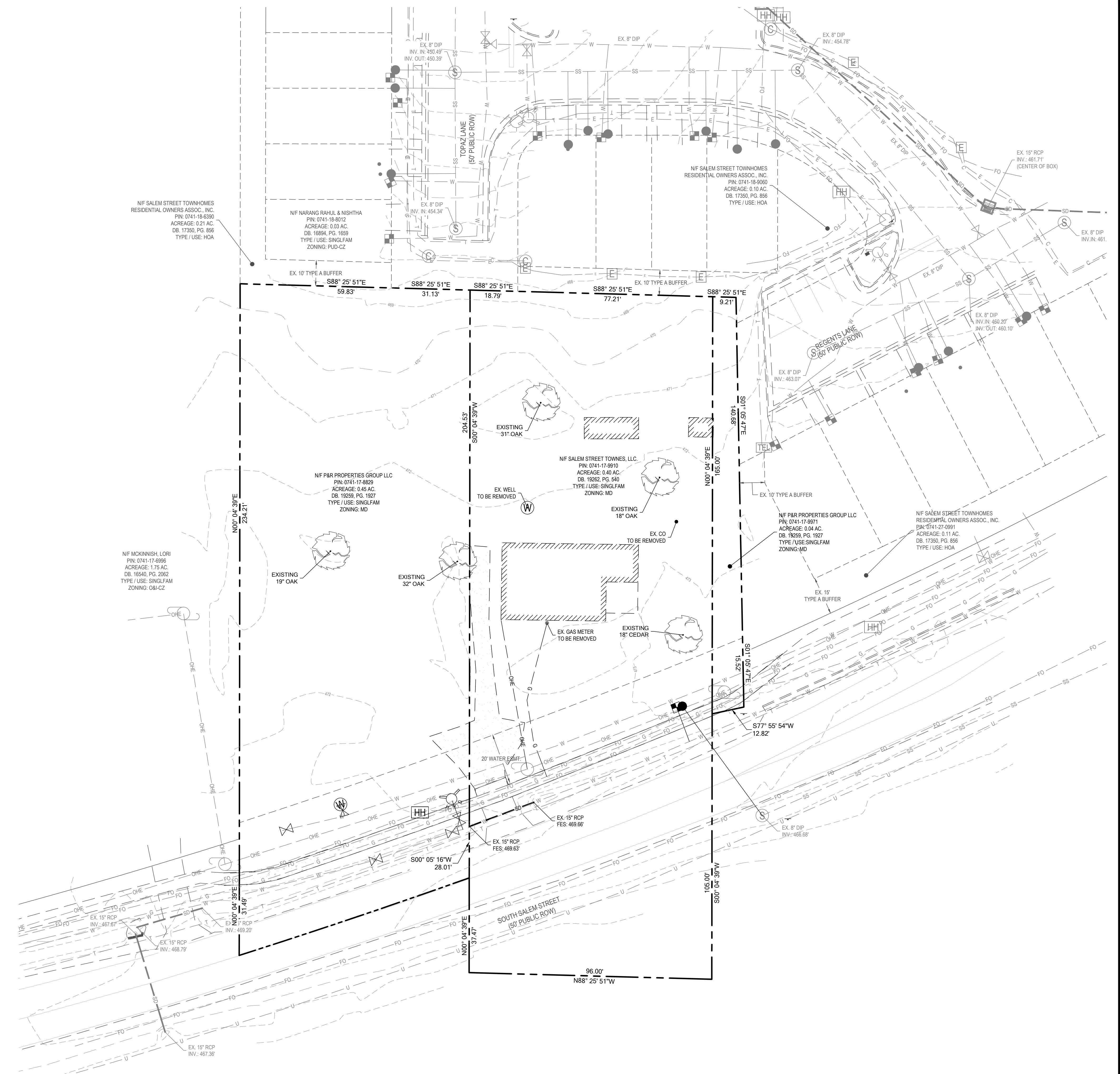


**SOUTH SALEM STREET  
 REZONING**  
 720 SALEM STREET  
 APEX, NC 27502  
 WAKE COUNTY

**EXISTING CONDITIONS**

Design By: MEM  
 Date: 02.XX.22  
 Project #: P230023

SHEET  
 C100



REV#	DATE	DESCRIPTION

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 2524 Reliance Avenue, Apex, North Carolina 27539  
 Phone: 919.577.1080 Fax: 919.577.1081  
 NCBELS FIRM No. C-2376

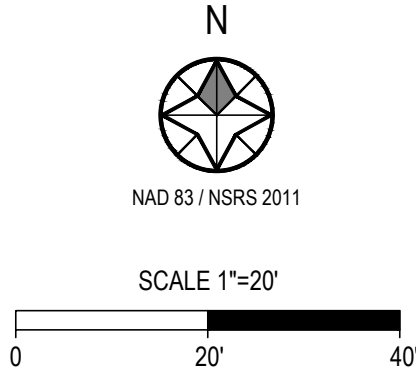
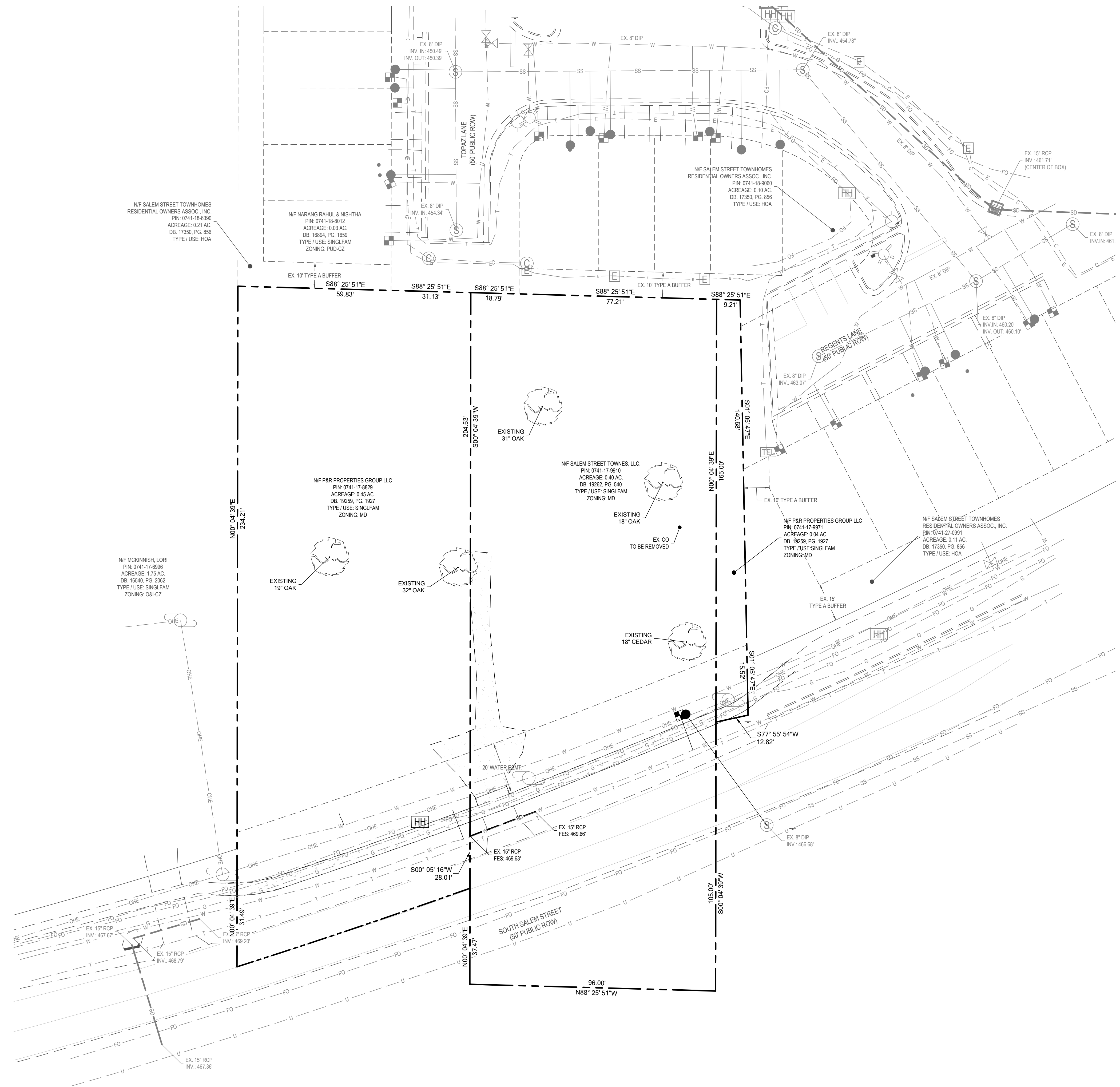


**SOUTH SALEM STREET  
 REZONING**  
 720 SALEM STREET  
 APEX, NC 27502  
 WAKE COUNTY

TREE SURVEY

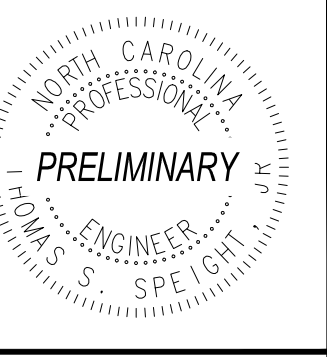
Design By: MEM  
 Date: 02.XX.22  
 Project #: P230023

SHEET  
 C101



REV#	DATE	DESCRIPTION

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 2524 Reliance Avenue, Apex, North Carolina 27539  
 Phone: 919.577.1080 Fax: 919.577.1081  
 NCBELS FIRM No. C-2376



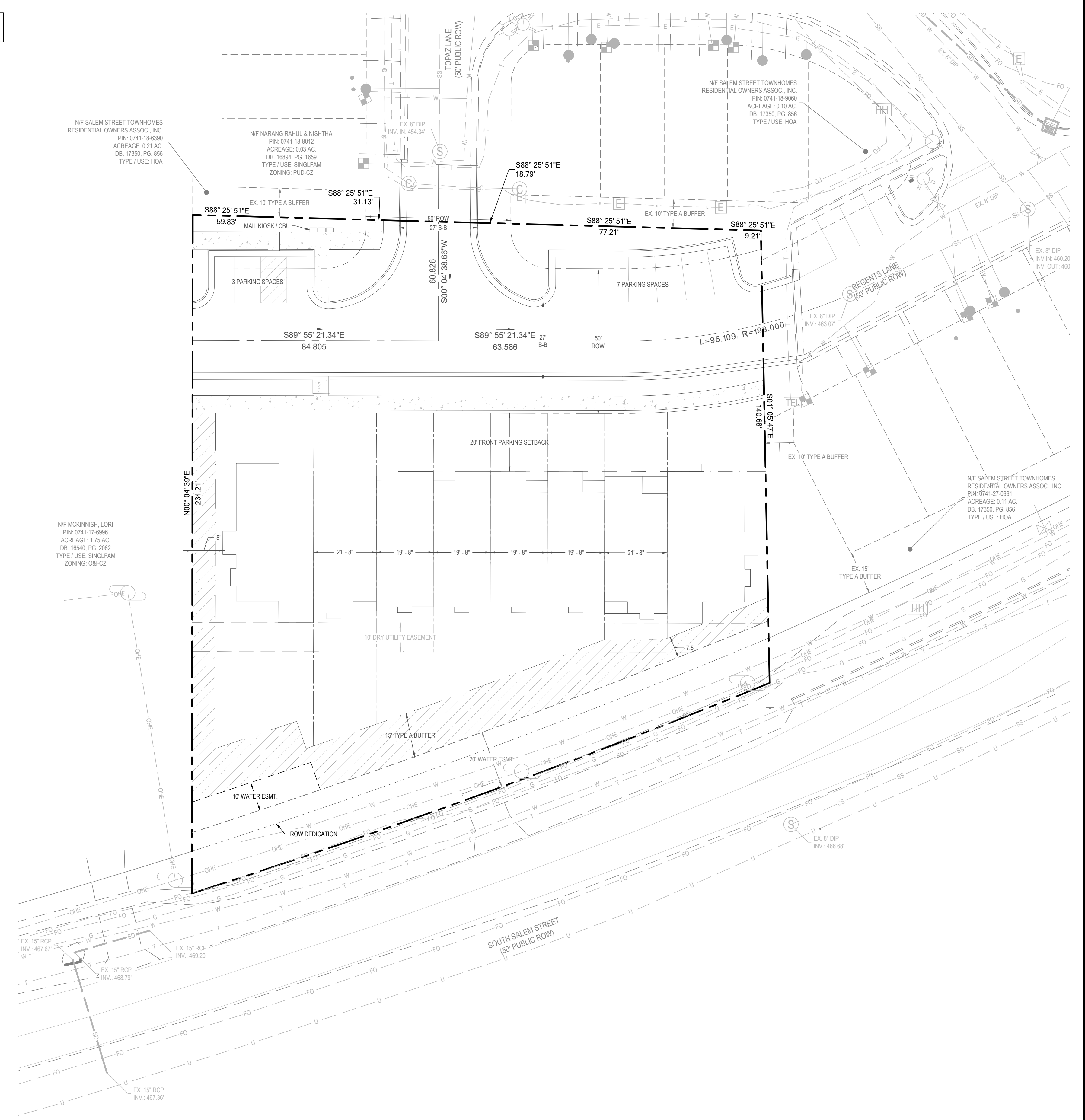
**SOUTH SALEM STREET  
 REZONING**  
 720 SALEM STREET  
 APEX, NC 27502  
 WAKE COUNTY

OVERALL SITE PLAN

Design By: MEM  
 Date: 02.XX.22  
 Project #: P230023

SHEET  
 C200

NOTE:  
 PLAN SHEETS ARE INTENDED FOR  
 ILLUSTRATIVE USE ONLY.

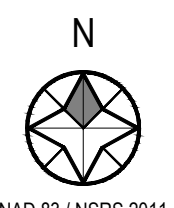


NF SALEM STREET TOWNHOMES  
 RESIDENTIAL OWNERS ASSOC., INC.  
 PIN: 0741-18-8390  
 ACREAGE: 0.21 AC.  
 DB: 17350, PG. 856  
 TYPE / USE: HOA

NF NARANG RAHUL & NISHITA  
 PIN: 0741-18-8012  
 ACREAGE: 0.03 AC.  
 DB: 18894, PG. 1659  
 TYPE / USE: SINGLEFAM  
 ZONING: PUD-CZ

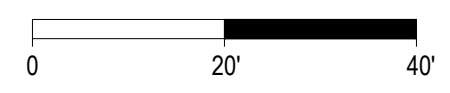
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 RESIDENTIAL OWNERS ASSOC., INC.  
 PIN: 0741-18-8060  
 ACREAGE: 0.10 AC.  
 DB: 17350, PG. 856  
 TYPE / USE: HOA

NF MCKINNSH, LORI  
 PIN: 0741-17-8996  
 ACREAGE: 1.75 AC.  
 DB: 18540, PG. 2062  
 TYPE / USE: SINGLEFAM  
 ZONING: O&I-CZ



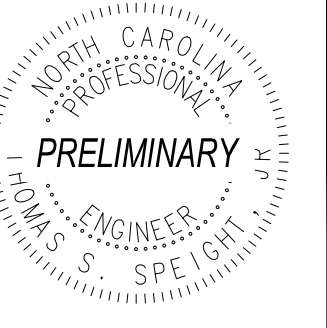
NAD 83 / NSRS 2011

SCALE 1"=20'



REV#	DATE	DESCRIPTION

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 NCBELS FIRM No. C-2376



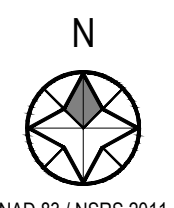
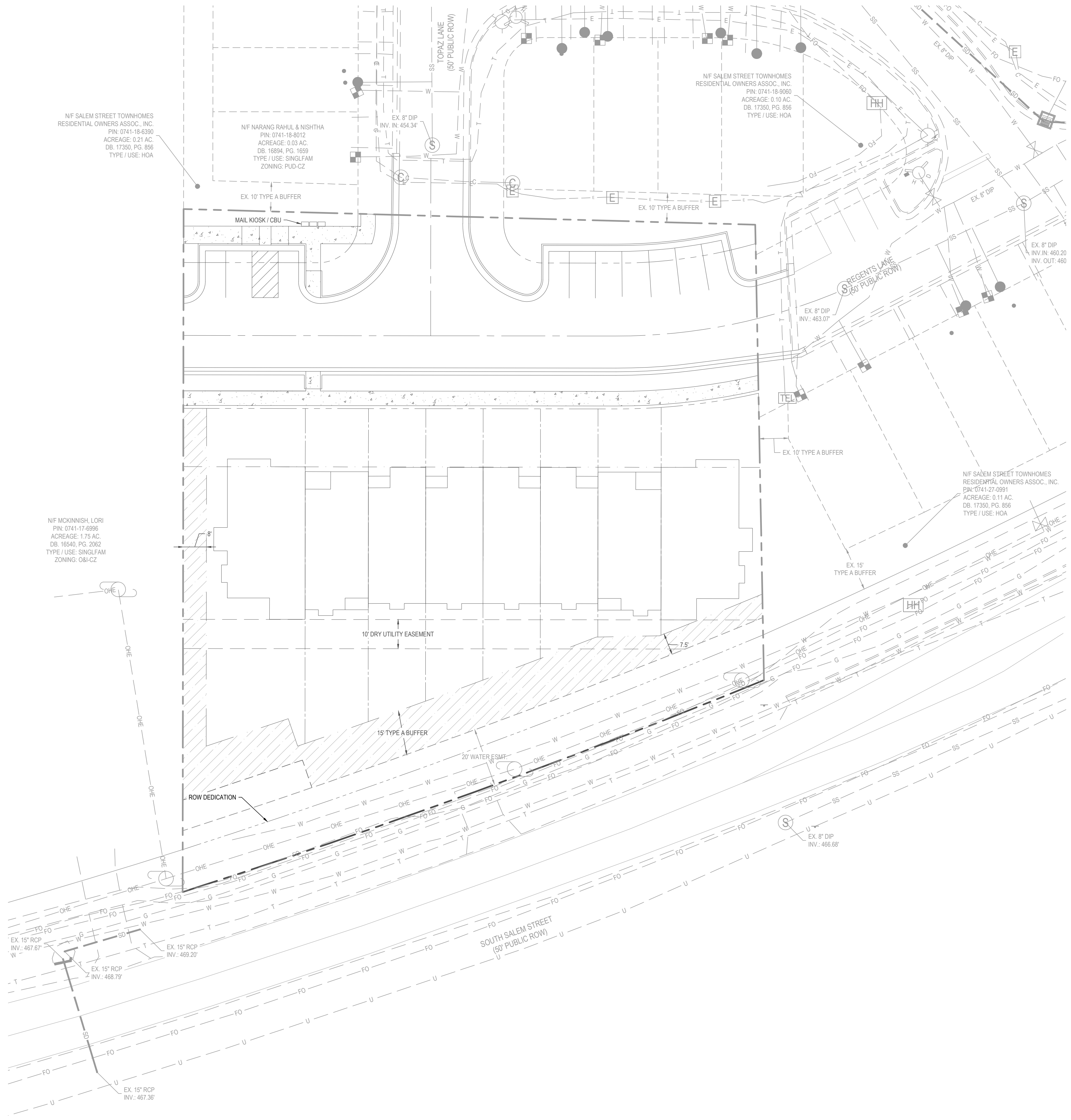
**SOUTH SALEM STREET  
 REZONING**  
 720 SALEM STREET  
 APEX, NC 27502  
 WAKE COUNTY

**UTILITY AND STORMWATER PLAN**

Design By: MEM  
 Date: 02.XX.22  
 Project #: P230023

SHEET  
 C400

NOTE:  
 PLAN SHEETS ARE INTENDED FOR  
 ILLUSTRATIVE USE ONLY.



NAD 83 / NSRS 2011  
 SCALE 1"=20'  
 0 20' 40'

REV#	DATE	DESCRIPTION

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