

# STAFF REPORT

## Rezoning #21CZ25 Villages of Apex PUD Amendment

November 23, 2021 Town Council Meeting



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

### BACKGROUND INFORMATION:

**Location:** 0 Laura Duncan Road  
**Applicant:** Enclave Holdings, LLC.  
**Authorized Agent:** Curteis Calhoun  
**Owner:** Hunter Street, LLC.

### PROJECT DESCRIPTION:

**Acreage:** +/- 3.62 acres  
**PIN:** 0742621488  
**Current Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)  
**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)  
**2045 Land Use Map:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services  
**Town Limits:** Inside Corporate Limits

### ADJACENT ZONING & LAND USES:

	Zoning	Land Use
<b>North:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ04)	Villages of Apex Townhomes
<b>South:</b>	Downtown Business (B2)	Hunter St; Town Hall and Community Center
<b>East:</b>	Planned Commercial (PC)	Laura Duncan Rd; Vineyard Station Shopping Center
<b>West:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ04)	Office; Retail; Villages of Apex Townhomes

### EXISTING CONDITIONS:

The site consists of one (1) parcel totaling +/-3.62 acres. The site is an undeveloped parcel of land that is bounded by Hunter Street to the south, Laura Duncan Road to the east and the Villages of Apex South subdivision to the north and west. It is directly across the street from the Town of Apex Community Center. It is primarily wooded and includes several large wetland areas. South of the wetlands, there is also an existing 20' Town of Apex sewer easement on the property.

### NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 25, 2021. The meeting report is attached to the staff report.

### 2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning is consistent with the 2045 Land Use Map designations.

### WCPSS COORDINATION:

An increase in density is not proposed with this PUD amendment. A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current assignment area for this rezoning/development are

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anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated.

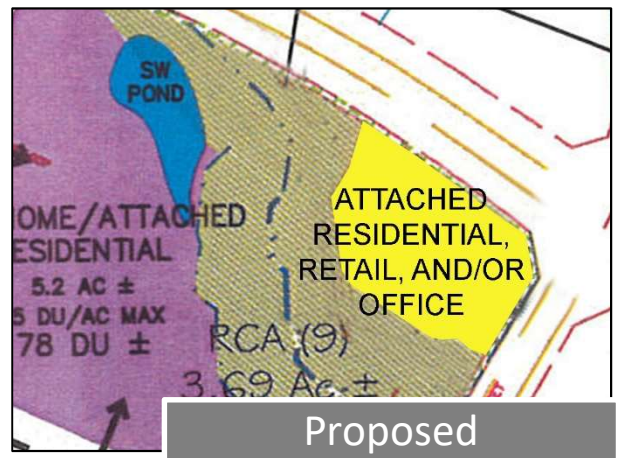
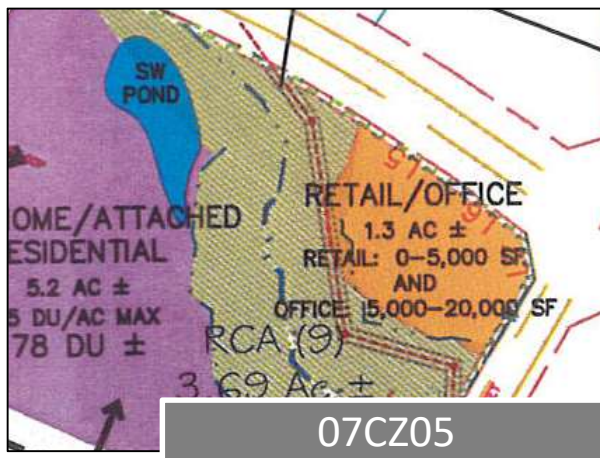
School expansion or construction within the next five years may address concerns at the elementary and high school levels. Possible long-term solutions may include bussing students out to schools with available seats (not very proximate), reassignments, or calendar changes.

### PLANNED UNIT DEVELOPMENT PLAN:

The applicant is not requesting increased density from the original approval. Under the original PUD approval, Villages of Apex South could provide another 164 dwelling units.

The intent of this PUD amendment is to amend Rezoning Case #17CZ11 Villages of Apex PUD (fka Trackside PUD) in the following ways:

1. From Rezoning Case #17CZ11 Attachment B, Site Layout Plan sheets C2.1 and C2.3 are amended to designate this property as Attached Residential, Retail, and/or Office.



2. Any multi-family units shall have a maximum of 2 bedrooms.
3. The parking and loading requirements on page 8 of the "PD Plan for PUD-CZ Trackside Development" are amended to state:
  - a. Notwithstanding the foregoing, the parking and loading requirements applicable to the attached residential section of Trackside South shall be calculated at 1.5 spaces per residential unit. This shall not apply to townhomes.
4. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
5. The maximum height for mixed-use buildings with a combination of residential and nonresidential uses shall be 5 stories (65').
6. First floor residential shall be prohibited along Hunter Street.
7. In order to help meet the Town's affordable housing goals, the applicant proposes to comply with either:
  - a. Donate \$250.00 per residential unit to the Town's Affordable Housing Fund prior to Site Plan Final Plat approval; or
  - b. At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Area Median Income as published by the U.S. Department of Housing and Urban Development for a minimum of 2 years.

The applicant will continue to work with the Town's Affordable Housing staff throughout the development review process to determine which of these options will work for both the Town and the



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developer. A decision shall be made prior to the approval of the Site Plan Final Plat.

8. The project commits to planting only native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision plan review.
9. Parks and Recreation condition #7 is removed. It stated: "A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to the developer as part of the recreation requirement." This will comply with the current Bicycle and Pedestrian System Plan Map and Parks and Recreation Master Plan Map.

### 17CZ11 DESIGN CONTROLS AND ARCHITECTURAL CONDITIONS:

Mixed Use, Condominiums, Apartments & Non-Residential Design Controls	
Front Setback:	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i>  5' from back of curb along private street/parking
Side Setback:	0' (3' per Uniform Building Code for walls with openings)
Corner Side:	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i>  5' from back of curb along private street/parking
Rear Setback:	0' (3' per Uniform Building Code for walls with openings)
Buffer (Internal):	0'
Max Height:	Hotels and any use fronting Highway 64 - 5 stories (75')  All other uses - 4 Stories (60')
Impervious Coverage:	70% of Gross Project Area
Max Density:	30 dwelling units per acre

#### Architectural Conditions:

The PUD-CZ will follow the architectural guideline outlined in the UDO. Designs for all buildings, including single-family homes, will be overseen by an architectural review committee. Buildings will vary between one and four stories (except hotel use or uses fronting US 64 may be five stories) and will have varied roof types. All single-family homes and townhomes will be on crawl space, basement or elevated slab foundations with a minimum of three steps at the front entrance.

Materials will consist of brick, masonry, stucco, wood, Hardiboard (or equal), glass and architectural metals will form the building materials palette. Potential retail and commercial uses may feature glass, brick and/or aluminum storefronts. A varied color palette will be utilized.

Townhome units will step forward and backward, as well as up and down. The side elevations of townhome end units and corner single-family homes will incorporate unique architectural elements, such as bay windows, porches and decorative trim. Retaining walls, if necessary, will have a brick or stone veneer or be composed of precast segmental concrete block, in a complementary color.

The project will be pedestrian friendly with sidewalks connecting the different uses. To minimize the effects of on-site lighting, down lighting and shielded fixtures will be utilized. Electrical transformers and HVAC units will be screened in accordance with the UDO. For transformers, screening will maintain a 3' distance on the sides for heat dissipation and 10' clearance in front for safe operation.

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### AFFORDABLE HOUSING:

The applicant met with Planner II Shelly Mayo and Housing Program Manager Christopher Valenzuela to discuss possible options to contribute to affordable housing. At this point in the development process, the applicant is certain they will be able to meet one of the proposed options but they're unable to identify which. Staff believes that this condition allows more time for the applicant to determine which option is viable during project review.

### APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

The current PUD complies with the Apex Thoroughfare and Collector Street Plan. The proposed amendment to the PUD that eliminates the greenway along the sewer easement will bring the project into compliance with the Bicycle and Pedestrian System Plan map.

A Traffic Impact Analysis has been performed as part of this PUD review consistent with the Town's standards. Based upon the Traffic Impact Analysis, the applicant proposes the following traffic improvements for this development:

1. Along Laura Duncan Road and proposed site drive:
  - a. Restripe Laura Duncan Road to provide a two-way left turn lane from the signalized intersection up to the site driveway,
    - i. Provide the northbound left turn lane with a 75-foot taper and 50 feet of storage.
    - ii. Maintain the existing storage and taper length for the southbound left turn lane at the signalized intersection.
  - b. Provide the southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.

Additionally, the applicant agreed to the following:

2. The site shall be served exclusively by a single driveway access to Laura Duncan Road.

### PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

At the time of the original rezoning, a future greenway was shown near the corner of Hunter Street and Laura Duncan Road along an existing sewer easement. Since that approval, that alignment was removed from the Parks and Recreation Greenways and Open Space Master Plan. This amendment proposes removing that condition (#7) of the original approval. This removal was recommended by the PRCR Advisory Commission.

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Villages of Apex PUD Amendment at their September 29, 2021 meeting. The Advisory Commission unanimously recommended a fee-in-lieu of dedication for 90 multi-family units.

# of Units	Fee per Unit	Total Fee
90	\$2,072.67	\$186,540.30

### APEX DOWNTOWN MASTER PLAN AND PARKING STUDY:

This parcel is a part of the 2.5 square mile area within the Apex Peakway that was studied by the 2019 Apex Downtown Master Plan and Parking Study. The study recommended increasing the number and mixture of housing units within the Peakway by 850 units and the number within 0.5 miles of downtown by 340 units. This property is within 0.5 mile of downtown and the rezoning proposes to add attached residential as a permitted use in this part of the PUD.

The Downtown Plan also recommended increasing retail, office, and restaurant opportunities within the Peakway. This project proposes a vertical mixed use building with a prohibition on first floor residential units

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along Hunter Street. This condition has been offered in order to keep the street level vibrant and encourage surrounding residents to walk to local amenities.

This proposal complies with the Apex Downtown Master Plan and Parking Study.

#### **ENVIRONMENTAL ADVISORY BOARD:**

Per UDO Sec. 2.1.9.A.2, this rezoning was exempt from review by the Environmental Advisory Board because it falls under the category of:

Rezonings to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;

#### **PLANNING BOARD RECOMMENDATION:**

Planning Board heard this proposal at their November 8, 2021 meeting. They unanimously voted to recommend approval of the conditions as proposed by applicant, except that the height should be limited to 4 stories as currently allowed and frontages along Hunter Street and Laura Duncan Road should be non-residential land uses only.

#### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of Rezoning #21CZ25 Villages of Apex PUD Amendment as proposed by the applicant.

Planning staff does not recommend limiting the Laura Duncan Road frontage to non-residential uses only. Laura Duncan is not set up for on-street parking the way Hunter Street is. Without that on-street parking, it's likely that the businesses will be primarily accessed from the parking lot and not Laura Duncan Road; staff believes it is just as appropriate to have the apartment office, tenant mailboxes, common rooms, and apartments on the first floor along that frontage.

#### **ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:**

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

The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning is consistent with the 2045 Land Use Map designations and the Apex Downtown Master Plan and Parking Study because it seeks to provide a vertical mixed use building. 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.

The proposed rezoning is reasonable and in the public interest because it will encourage infill development and mixed use development where Town services are present as well as encouraging walkability. The proposed increase in height is mitigated by the existing wetlands.

#### **PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:**

##### ***Standards***

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other



infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

1) *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town





Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

- (i) A non-residential component;
- (ii) (ii) An overall density of 7 residential units per acre or more; or
- (iii) (iii) Environmental measures including but not limited to the following:
  - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
  - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
  - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
  - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
  - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
  - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.



- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

### Legislative Considerations

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

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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.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



October 15, 2021

Nathan Bouquin, PE  
Ramey Kemp & Associates  
5808 Faringdon Place, Suite 100  
Raleigh, NC 27609

Subject: **Staff summary and comments for Trackside South – Moorhous Building  
Traffic Assessment, 09/01/2021**

Mr. Bouquin:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

#### Study Area

The Traffic Assessment proposes to study access to Parcel 3 of the development through a single full movement driveway on Laura Duncan Road, approximately 400 feet north of the Laura Duncan Road and the Hunter Street intersection. The Traffic Assessment also studies the intersection of Laura Duncan Road and Hunter Street.

#### Trip Generation

The proposed development is anticipated to be a mixed use building with 95 rental apartment units and 30,000 square feet of retail. It's projected to generate approximately 113 new trips entering and 99 new trips exiting the site during the weekday AM peak hour and 104 new trips entering and 99 new trips exiting the site during the weekday PM peak hour. The development is projected to add a total of 3,400 new weekday trips to the adjacent roadway network.

#### Existing Traffic

Due to changes in traffic during Covid-19, 2021 Existing Traffic was determined based on traffic counts collected in 2019 and a 2% growth rate.



### Background traffic

Background traffic consists of 2% annual background traffic growth compounded to build out year 2023, and the addition of traffic from the following approved developments that were not captured in the 2019 traffic counts:

- Villages of Apex South Phase
- Apex High School (not at their typical campus when counts were collected)
- Apex Peakway Lidl
- Eagles Convenience Store
- Primrose Childcare

### Trip Distribution and Assignment

- 10% to/from the east on Old Raleigh Road
- 15% to/from the west on Hunter Street
- 70% to/from the north on Laura Duncan Road
- 5% to/from the south on N Mason Street

### Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 2 describe the levels of service (LOS) for the scenarios analyzed in the Traffic Assessment. "NA" is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2021** – Existing year (2021) traffic adjusted to account for pandemic conditions.
- **No Build 2023** – Projected year (2023) with background traffic growth, background development traffic and committed improvements.
- **Build 2023** – Projected year (2023) with background traffic, background improvements, and site build-out conditions including recommended improvements where applicable.

**Laura Duncan Road/N. Mason Street and Hunter Street/Old Raleigh Road**

<b>Table 1: Weekday A.M. / P.M. Signalized Peak Hour Levels of Service Laura Duncan Road/N. Mason Street and Hunter Street/Old Raleigh Road</b>			
	<b>Existing 2021</b>	<b>No Build 2023</b>	<b>Build 2023</b>
<b><u>Overall</u></b>	<u>B / B</u>	<u>B / B</u>	<u>B / B</u>
<b><i>Eastbound (Hunter Street)</i></b>	<i>A / A</i>	<i>B / A</i>	<i>B / A</i>
<b><i>Westbound (Old Raleigh Road)</i></b>	<i>B / B</i>	<i>B / B</i>	<i>B / B</i>
<b><i>Northbound (Mason Street)</i></b>	<i>C / B</i>	<i>C / B</i>	<i>C / B</i>
<b><i>Southbound (Laura Duncan Road)</i></b>	<i>B / C</i>	<i>B / C</i>	<i>B / C</i>

Traffic Assessment recommendations:

- The Traffic Assessment recommends no improvements at this intersection.

Apex staff recommendations:

- Apex staff concur with the recommendation. The intersection level of services is anticipated to be LOS B in both peak hours and the turning movement storage bay capacities are not anticipated to be exceeded by 95<sup>th</sup> percentile queues at the intersection.

## Laura Duncan Road and Site Drive

<b>Table 2: Weekday A.M. / P.M. Peak Hour Unsignalized Levels of Service Laura Duncan Road and Site Drive</b>	
	<b>Build 2023</b>
<b>Overall</b>	<u>NA</u>
<b>Eastbound (Site Drive)</b>	<i>B / C<sup>2</sup></i>
<b>Northbound (Laura Duncan Road)</b>	<i>A / A<sup>1</sup></i>
<b>Southbound (Laura Duncan Road)</b>	<i>NA</i>

1. Level of service for major-street left turning vehicles
2. Level of service for minor-street stop controlled

### TIA recommendations:

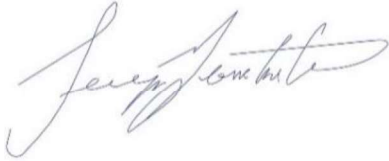
- The Traffic Assessment recommends construction of Site Drive as a full movement, stop-controlled driveway with one entering and one exiting lane, approximately 400 feet north of the signalized intersection of Laura Duncan Road/North Mason Street and Old Raleigh Road/Hunter Street. Additionally, it recommends restriping of Laura Duncan Road to provide a two-way left turn (TWLT) lane from the signalized intersection up to the site driveway, and a southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.

### Apex staff recommendations:

- Apex staff concurs with the recommendation to restripe Laura Duncan with a TWLT lane from the signalized intersection to the Site Drive. Staff recommends that the existing storage length of 167 feet and the existing taper length of 100 feet be maintained for the southbound left turn lane at the signalized intersection. Staff recommends a 75-foot taper and 50 feet of storage be striped in the TWLT lane for the northbound left turn at the Site Drive. Staff concurs with the recommendation for the southbound right turn lane. The stop-controlled Site Drive is projected to operate at LOS C or better. 95<sup>th</sup> percentile queues are not anticipated to exceed 50 feet for the northbound left turn movement or for the eastbound stop-controlled approach during both peaks.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with agency staff to discuss improvements on state maintained roadways as needed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Serge Grebenschikov".

Serge Grebenschikov  
Traffic Engineer  
919-372-7448





Villages of Apex (South, Phase 1)

Rezoning #21CZ25

Shepherds Vineyard

Metro Sta

Massapequa Sta

Grand Central Sta

Chessie Sta

Great Northern Sta

Hunter St

Apex Town Campus

Laura Duncan Rd

Vineyard Station Shopping Center

Old Mill Village

Old Raleigh Rd

Apex Parkway

September 2021  
May 2021 Aerial Photography  
Prepared by Town of Apex Planning Department

0 250 500  
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 #:	<u>21CZ25</u>	Submittal Date:	<u>9/1/2021</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Villages of Apex PUD Amendment  
Address(es): 0 Laura Duncan Road Apex, NC 27502  
PIN(s) 0742621488

Acreage: 3.62  
Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ attached residential, retail, office  
Current 2045 LUM Designation: Mixed Use: High Density Residential/Medium Density Residential/Office/Commercial  
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

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

Area classified as mixed use:	Acreage:	<u>3.62</u>
Area proposed as non-residential development:	Acreage:	<u></u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>22%</u>

### Applicant Information

Name: Enclave Holdings LLC  
Address: 3700 Western Boulevard Suite B  
City: Raleigh State: NC Zip: 27606  
Phone: 919-924-1553 E-mail: curteis@enclave-holdings.com

### Owner Information

Name: Hunter Street LLC  
Address: 227 Franconia Way  
City: Apex State: NC Zip: 27502  
Phone: 415-710-0462 E-mail: lisa.allencc@gmail.com

### Agent Information

Name: Curteis Calhoun  
Address: 3700 Western Boulevard Suite B  
City: Raleigh State: NC Zip: 27606  
Phone: 919-924-1553 E-mail: curteis@enclave-holdings.com

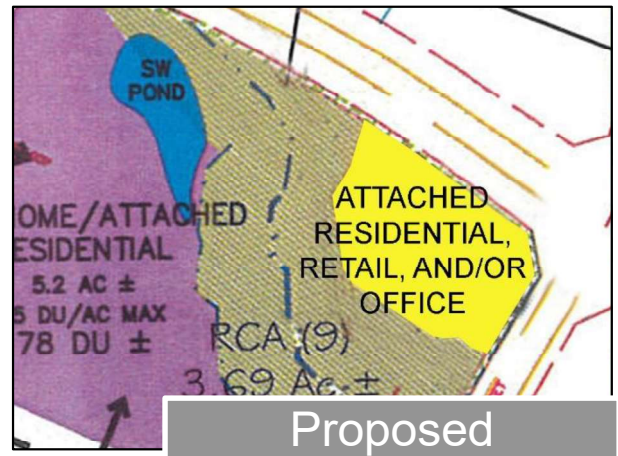
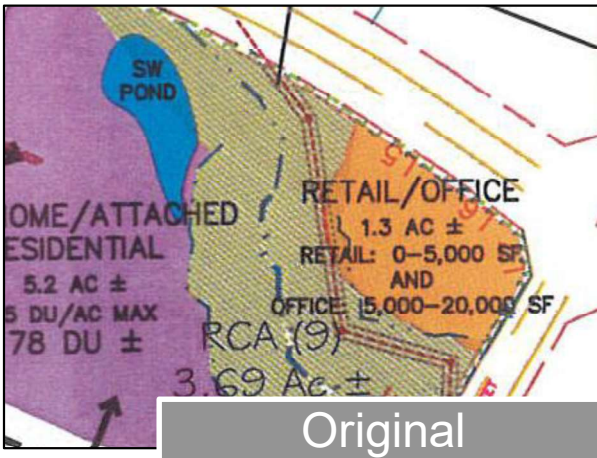
Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

September 1, 2021

To Whom It May Concern:

This application proposes to amend Rezoning Case #17CZ11 Trackside PUD in the following ways:

1. From Rezoning Case #17CZ11 Attachment B, Site Layout Plan sheets C2.1 and C2.3 are amended to designate this property as Attached Residential, Retail, and/or Office.



2. Any multi-family units shall have a maximum of 2 bedrooms.
3. The parking and loading requirements on page 8 of the "PD Plan for PUD-CZ Trackside Development" are amended to state:
  - a. Notwithstanding the foregoing, the parking and loading requirements applicable to the attached residential section of Trackside South shall be calculated at 1.5 spaces per residential unit. This shall not apply to townhomes.
4. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
5. The maximum height for mixed-use buildings with a combination of residential and non-residential uses shall be 5 stories (65').
  - a. Please see Attachment A for sample architectural elevations.
6. First floor residential shall be prohibited along Hunter Street.
7. The project commits to planting only native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision plan review.
8. In order to help meet the Town's affordable housing goals, the applicant proposes to comply with either:
  - a. Donate \$250.00 per residential unit to the Town's Affordable Housing Fund prior to Site Plan Final Plat approval.

Or

  - b. At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Area Median Income as published by the U.S. Department of Housing and Urban Development for at least 2 years.

The applicant will continue to work with the Town's Affordable housing staff throughout the development review process to determine which of these options will work for both the Town and the developer. A decision shall be made prior to the approval of the Site Plan Final Plat.

9. Parks and Recreation condition #7 is removed. It stated: "A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to the developer as part of the recreation requirement." This will comply with the current Bicycle and Pedestrian System Plan Map and

Parks and Recreation Master Plan Map.

10. Based on a review of the Traffic Impact Analysis update, the following conditions are proposed:
  - o Along Laura Duncan Road and proposed site drive:
    - Restripe Laura Duncan Road to provide a two-way left turn lane from the signalized intersection up to the site driveway,
      - Provide the northbound left turn lane with a 75-foot taper and 50 feet of storage.
      - Maintain the existing storage and taper length for the southbound left turn lane at the signalized intersection.
    - Provide the southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.
11. The site shall be exclusively served by a single driveway access to Laura Duncan Road.

No further changes are proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Curteis Calhoun', is written over a light blue rectangular background.

Curteis Calhoun  
Managing Partner, Enclave Holdings



Attachment A:

# NEW DEVELOPMENT PROPOSED STYLE





**PLANNED UNIT DEVELOPMENT APPLICATION**

Application #: 21CZ25

Submittal Date: 9/1/2021

**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.

**Yes. The proposed zoning is consistent with the 2045 land use map of commercial, high density residential, medium density residential, and office.**

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

**Yes, the proposed zoning is surrounded by commercial uses and medium density residential town homes.**

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

**Yes the uses are in compliance with the Supplemental Standards in particular multifamily, retail and office uses.**

## PETITION PROCESS INFORMATION

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

Yes, this specific design of uses is proposed due to the commercial intersection upon which it is located. Design has taken into consideration the ingress/egress, placement of trash receptacles and overall aesthetics of the surrounding area.

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.

Yes. There are a stream buffer and wetlands that are being protected in the proposed use.

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.

Yes, with the proposed density impact on public facilities will be minimized to a central building location as opposed to a larger land footprint.

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.

Yes, the health safety and welfare will be enhanced and protected given the proposed use of access to walkable services and recreation.

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

No. The proposed use is consistent with surrounding uses and does not have a detrimental affect of adjacent uses.

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.

No, the proposed use does not pose a nuisance or hazard as traffic impact and noise has been minimized in the proposed use. Although increased number of persons will be occupying the site it is not to the level of a hazard.

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.

Yes, we are seeking to contribute to the general development and consistency of the surrounding downtown plan and create a space that is mutually beneficial to Apex residents as well as those in use of the proposed development.



**DEVELOPMENT NAME APPROVAL APPLICATION**

Application #: 21CZ25

Submittal Date: 9/1/2021

**Proposed Subdivision/Development Information**

Description of location: Northwest corner of Laura Duncan & Hunter Street consisting of 3.62 acres

Nearest intersecting roads: Laura Duncan and Hunter Street

Wake County PIN(s): 0742621488

Township: White Oak

**Contact Information (as appropriate)**

Contact person: Curteis Calhoun

Phone number: 919-924-1553

Fax number: \_\_\_\_\_

Address: 3700 Western Boulevard Suite B Raleigh, NC 27606

E-mail address: curteis@enclave-holdings.com

Owner: Hunter Street LLC

Phone number: 415-710-0462

Fax number: \_\_\_\_\_

Address: 227 Franconia Way Apex, NC 27502

E-mail address: lisa.allencc@gmail.com

**Proposed Subdivision/Development Name**

1<sup>st</sup> Choice: Peak City Lofts

2<sup>nd</sup> Choice (Optional): \_\_\_\_\_

**Town of Apex Staff Approval:**

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

\_\_\_\_\_  
Date

AGENT AUTHORIZATION FORM

Application #: 21CZ25

Submittal Date: 9/1/2021

Hunter Street LLC

is the owner\* of the property for which the attached

application is being submitted:

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

The property address is: 0 Laura Duncan Road Apex, NC 27502

The agent for this project is: Curteis Calhoun

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

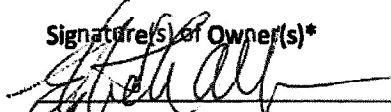
Agent Name: Curteis Calhoun

Address: 3700 Western Boulevard Suite B Raleigh, NC 27606

Telephone Number: 919-924-1553

E-Mail Address: curteis@enclave-holdings.com

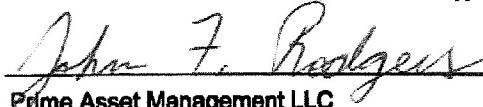
Signature(s) of Owner(s)\*

  
Elizabeth Allen

Type or print name

8/7/21

Date

  
Prime Asset Management LLC

Type or print name

8/19/21

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 #: 21CZ25 Submittal Date: 9/1/2021

The undersigned, James Curteis Calhoun (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 Laura Duncan Rd, Apex, NC 27502 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 NA, and recorded in the Wake County Register of Deeds Office on NA, in Book NA Page NA.
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 NA, 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 NA, 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 6<sup>th</sup> day of August, 2021.

*James C. Calhoun* (seal)  
JAMES CURTEIS CALHOUN  
 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 James C. Calhoun, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



*Sharon J. Pickett*  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 2-2025

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

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

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

**Insert legal description below.**

Please see attached.



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

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

BEGINNING at an iron pipe set at the northern public right of way of Hunter Street located South 26° 51' 01" East, 255.74 feet from a control existing iron pipe #2 bearing NAD 83 (2011) coordinate values of North 722,604.05 feet, East 2,045,781.07 feet (B.M. 2017, PG. 707); thence South 56° 29' 51" East, 271.13 feet to an existing iron pipe; thence North 81° 02' 24" East, 63.21 feet to an existing iron pipe at the western public right of way of Laura Duncan Road (NCSR 1308); thence North 39° 08' 49" East, 215.00 feet to an iron pipe set; thence a curve to the left North 29° 47' 45" East, 490.16 feet (chord), 1761.82 feet (radius) to an iron pipe set at the western public right of way of Laura Duncan Road; thence leaving the western public right of way of Laura Duncan Road South 49° 25' 18" West, 350.11 feet to an iron pipe set; thence North 79° 37' 44" West, 169.41 feet to an iron pipe set; thence South 75° 09' 54" West, 183.13 feet to an iron pipe set; thence South 15° 37' 53" West, 216.16 feet to the BEGINNING, containing 3.6242 total acres more or less (157,870 square feet more or less) as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Major Subdivision Final Plat Villages Of Apex South, Phase 1 ~ Section 3A ~ Lots 1, 167-168, 177-188, & 204-211", dated June 5, 2015, recorded in B.M. 2017, PG. 707.

## Wake County Residential Development Notification

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

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

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

Developer Company Information	
Company Name	Enclave Holdings LLC
Company Phone Number	919-924-1553
Developer Representative Name	Curteis Calhoun
Developer Representative Phone Number	919-924-1553
Developer Representative Email	curteis@enclave-holdings.com

New Residential Subdivision Information	
Date of Application for Subdivision	September 1, 2021
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Peak City Lofts
Address of Subdivision (if unknown enter nearest cross streets)	0 Laura Duncan Road, Apex, NC 27502
REID(s)	0445618
PIN(s)	0742621488

Projected Dates Information	
Subdivision Completion Date	May 2023
Subdivision Projected First Occupancy Date	June 2023

Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates				
								Min	Max	Low	High	Year	# Units	Year	# Units	Year
Single Family																
Townhomes																
Condos																
Apartments	90		10	20	60			500	1,100	\$995	\$2,250	2023	90			
Other																

Revised 08/10/2018

August 11, 2021

Dear Neighbor,

You are invited to a neighborhood meeting to review and discuss the development proposal at 0 Laura Duncan Road, Apex North Carolina 27502 with PIN # 0742621488.

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**

- Rezoning (including Planned Unit Development)
- Major Site Plan
- Special Use Permit
- Residential Master Subdivision Plan (excludes exempt subdivisions)

**Approving Authority**

- Town Council
- Town Council (QJPH\*)
- Town Council (QJPH\*)
- Technical Review Committee (staff)

The proposed development will be a four to five story mixed residential and commercial building consistent with the style and construction in the surrounding area.  
Estimated submittal date: September 1, 2021

**MEETING INFORMATION:**

**Property Owner name:** Hunter Street LLC

**Applicant:** Curteis Calhoun, Enclave Holdings LLC

**Contact information:** [curteis@enclave-holdings.com](mailto:curteis@enclave-holdings.com) 919.924.1553

**Meeting Address:** 53 Hunter Street, Apex, NC 27502 held in the Summit Room

**Date/Time of meeting:** August 25, 2021 at 5:00PM EST

**MEETING AGENDA TIMES:**

Welcome: 5:00pm to 5:30pm Project Presentation: 5:30pm to 6:15pm Q&A: 6:15pm to 7:00pm

Sincerely,



Curteis Calhoun

Managing Partner, Enclave Holdings

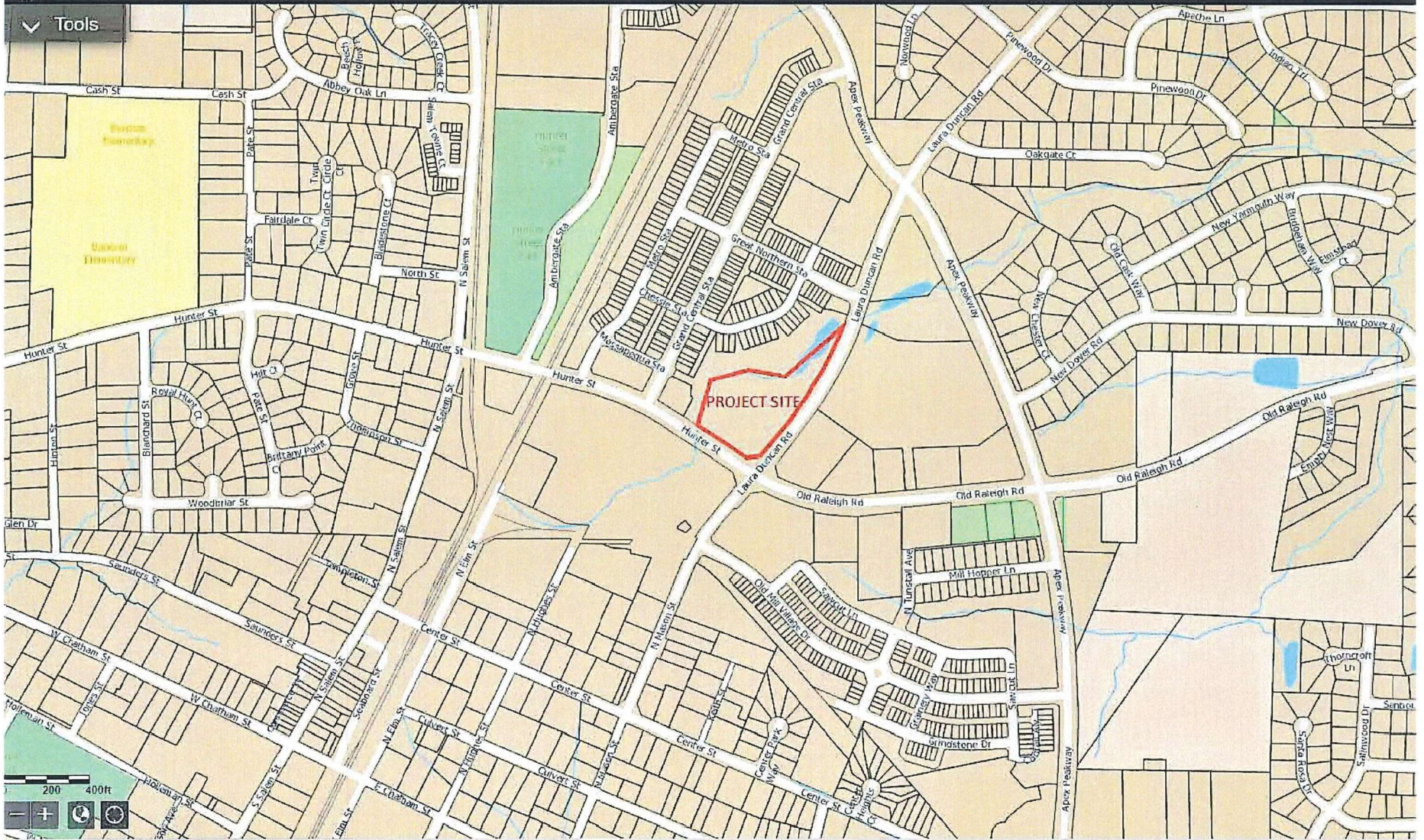


SITE_ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
0 LAURA DUNCAN RD	0742612827	APEX FIRST DEVELOPMENT LLC	56 HUNTER ST STE 110	APEX NC 27502-2325
73 HUNTER ST	0742525172	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
720 LAURA DUNCAN RD	0742628855	BROOKFIELD PROPERTIES LLC	PO BOX 17102	RALEIGH NC 27619-7102
610 LAURA DUNCAN RD	0742629439	BROOKFIELD VINEYARD STATION, LLC	PO BOX 17102	RALEIGH NC 27619-7102
530 GRAND CENTRAL STA	0742528634	BURLEIGH, MARK A BURLEIGH, SYLVIA D	530 GRAND CENTRAL STA	APEX NC 27502-1678
353 GREAT NORTHERN STA	0742635067	BUTLER, DANIEL C	353 GREAT NORTHERN STA	APEX NC 27502-2473
355 GREAT NORTHERN STA	0742635086	CAPUTO, DEAN A	355 GREAT NORTHERN STA	APEX NC 27502-2473
565 CHESSIE STA	0742621910	CARR, ROBERT	565 CHESSIE STA	APEX NC 27502-1677
350 GREAT NORTHERN STA	0742624966	CATES, ELIZABETH BROOKS NESBITT, GARY KENNETH	350 GREAT NORTHERN STA	APEX NC 27502-2473
554 GRAND CENTRAL STA	0742529960	CHAUDHARY, VINITA	3321 OGLE DR	CARY NC 27518-6412
343 GREAT NORTHERN STA	0742634171	CHAUDHRY, RAJAT CHAUDHRY, PUJA SACHDEV	343 GREAT NORTHERN STA	APEX NC 27502-2473
534 GRAND CENTRAL STA	0742528658	CHIGURUPATI, BHAVANA CHIGURUPATI, SRINIVAS	534 GRAND CENTRAL STA	APEX NC 27502-1678
554 CHESSIE STA	0742529795	CHOI, CHRIS C CHOI, SUSAN R	554 CHESSIE STA	APEX NC 27502-1677
582 CHESSIE STA	0742623858	DAIGLE, RYAN	582 CHESSIE STA	APEX NC 27502-1677
566 CHESSIE STA	0742621768	DAY, ANISHA DAY, AARON	4201 ADMIRALS WALK DR	COHOES NY 12047-3658
575 CHESSIE STA	0742622903	DE SOUZA, CLAUDIO DE SOUZA, DENISE	575 CHESSIE STA	APEX NC 27502-1677
563 CHESSIE STA	0742620889	DILEN, GREGG R DILEN, LYNN L	563 CHESSIE STA	APEX NC 27502-1677
533 GRAND CENTRAL STA	0742527713	ENCARNACION, LEONAIRA ANABEL MEJIA, RAFAEL	533 GRAND CENTRAL STA	APEX NC 27502-1678
531 GRAND CENTRAL STA	0742526790	FU, XIAOMING SHU, YI	531 GRAND CENTRAL STA	APEX NC 27502-1678
620 CHESSIE STA	0742636321	GB APEX, LLC	5858 CENTRAL AVE	ST PETERSBURG FL 33707-1720
352 GREAT NORTHERN STA	0742624985	GOYENA, JACQUELINE YUMUL	352 GREAT NORTHERN STA	APEX NC 27502-2473
578 CHESSIE STA	0742623814	GUCCIARDO, KAYREEN	578 CHESSIE STA	APEX NC 27502-1677
348 GREAT NORTHERN STA	0742624947	HABARADAS, ROMEO SOLINAP, MARIA	348 GREAT NORTHERN STA	APEX NC 27502-2473
544 GRAND CENTRAL STA	0742529709	HAIDER, NOREEN HAIDER, AIZAZ	5616 VIRGINIA CHASE DR	CENTREVILLE VA 20120-3443
542 GRAND CENTRAL STA	0742528797	HOUGHTON, KEVIN HOUGHTON, MANDY	542 GRAND CENTRAL STA	APEX NC 27502-1678
345 GREAT NORTHERN STA	0742634190	HUNT, HAL ANDREW HUNT, KRISTIN	345 GREAT NORTHERN STA	APEX NC 27502-2473
0 LAURA DUNCAN RD	0742621488	HUNTER STREET LLC	227 FRANCONIA WAY	APEX NC 27502-8601
76 HUNTER ST	0742525643	HUNTER STREET STATION LLC	106 PINEDALE SPRINGS WAY	CARY NC 27511-5679
346 GREAT NORTHERN STA	0742624928	KADAKIA, SUMIT AJAY BASNYAT, ASHAYA	2330 WEBSTER ST APT 455	OAKLAND CA 94612-3176
552 GRAND CENTRAL STA	0742529858	KASTELLEK, MICHAEL HAHN, HEATHER	552 GRAND CENTRAL STA	APEX NC 27502-1678
536 GRAND CENTRAL STA	0742528761	KELTON, HORACE ANDREW KELTON, GINA ROBINSON	536 GRAND CENTRAL STA	APEX NC 27502-1678
584 CHESSIE STA	0742623970	KRAMER, PATRICIA EILEEN KRAMER, DAVID JOHN	584 CHESSIE STA	APEX NC 27502-1677
349 GREAT NORTHERN STA	0742635028	KUO, HUNG-CHIEH LIU, HSIN-YI	4816 CORAL DR	DURHAM NC 27713-3131
568 CHESSIE STA	0742621789	LAMB, MICHAEL KENT LAMB, AMY DANE	568 CHESSIE STA	APEX NC 27502-1677
570 CHESSIE STA	0742622810	LEAP, KRISTA ELLEN	570 CHESSIE STA	APEX NC 27502-1677
541 GRAND CENTRAL STA	0742527851	LEE, KENNETH LEE, DAISY	541 GRAND CENTRAL STA	APEX NC 27502-1678
580 CHESSIE STA	0742623836	LIU, JUN XIAO, CHUNYU	580 CHESSIE STA	APEX NC 27502-1677
561 CHESSIE STA	0742620868	LUGIANO, JOSEPH LUGIANO, HANNAH	561 CHESSIE STA	APEX NC 27502-1677
540 GRAND CENTRAL STA	0742528774	MARTIN, TIMOTHY MARTIN, ROSEMARIE	540 GRAND CENTRAL STA	APEX NC 27502-1678
572 CHESSIE STA	0742622831	MCLAIN, ADAM BRUCE	209 E WIND LN	CARY NC 27518-9720
564 CHESSIE STA	0742621737	MILLER, ANGELA L. MILLER, PAUL HOWARD	564 CHESSIE STA	APEX NC 27502-1677
537 GRAND CENTRAL STA	0742527737	MOLLIN, DANIFI J	537 GRAND CENTRAL STA	APEX NC 27502-1678
576 CHESSIE STA	0742622893	NAEHRING, DAVID NAEHRING, MARY	576 CHESSIE STA	APEX NC 27502-1677
0 CHESSIE STA	0742620836	NC II LP LTD PTNRSP	THE HALLE COMPANIES	2900 LINDEN LN STE 300
344 GREAT NORTHERN STA	0742624919	NGUYEN, BINH	1114 MAGIC HOLLOW RD	DURHAM NC 27713-5862
56 HUNTER ST	0742528501	NORTH CAROLINA OFFICE I LP	THE HALLE COMPANIES	2900 LINDEN LN STE 300
577 CHESSIE STA	0742622934	NSUBUGA, PETER NSUBUGA, REBECCA JOY	577 CHESSIE STA	APEX NC 27502-1677
330 GREAT NORTHERN STA	0742633023	OWUSU-AFRIYIE, ABENA	330 GREAT NORTHERN STA	APEX NC 27502-2473
562 CHESSIE STA	0742621716	PISCITELLI, DARCY Q PISCITELLI, SCOTT R	6024 BATTLEFORD DR	RALEIGH NC 27612-6628
579 CHESSIE STA	0742622956	PUJALS, DAISY	9 SOUTH ST	MADISON NJ 07940-1509
556 GRAND CENTRAL STA	0742529972	SHUE, DANIEL SHUE, JENNIFER	556 GRAND CENTRAL STA	APEX NC 27502-1678
341 GREAT NORTHERN STA	0742634152	SUN, XIAOCHUN GUAN, CHUNHONG	341 GREAT NORTHERN STA	APEX NC 27502-2473
567 CHESSIE STA	0742621941	SUNDERMAN, PATSY A	567 CHESSIE STA	APEX NC 27502-1677
351 GREAT NORTHERN STA	0742635048	TAFT, JEFFREY PIERCE TAFT, ROSANNE DE VERA	351 GREAT NORTHERN STA	APEX NC 27502-2473
573 CHESSIE STA	0742621972	THE PETER AND CHERYL CHRISTOPOULOS TRUST	6205 HEATHERSTONE DR	RALEIGH NC 27606-8704
0 GRAND CENTRAL STA	0742527801	THE VILLAGES OF APEX MASTER ASSOCIATION INC	4700 HOMEWOOD CT STE 380	RALEIGH NC 27609-5732
535 GRAND CENTRAL STA	0742527725	THI INMAN, ANH THU	535 GRAND CENTRAL STA	APEX NC 27502-1678
545 GRAND CENTRAL STA	0742527875	VALENTA, LIBOR	4721 CORRALES DR	SAN JOSE CA 95136-2613
801 OLD RALEIGH RD	0742624236	VINEYARD DEVELOPMENT LLC	PO BOX 17102	RALEIGH NC 27619-7102
556 CHESSIE STA	0742620725	VISHWAKARMA, DINESH VISHWAKARMA, SUNITA	556 CHESSIE STA	APEX NC 27502-1677
347 GREAT NORTHERN STA	0742635009	WHITE, XIOMARA	347 GREAT NORTHERN STA	APEX NC 27502-2473
543 GRAND CENTRAL STA	0742527863	WIGGINS, WILLIAM ROBERT II	543 GRAND CENTRAL STA	APEX NC 27502-1678
342 GREAT NORTHERN STA	0742633090	WILSON, DARLENE A	342 GREAT NORTHERN STA	APEX NC 27502-2473
546 GRAND CENTRAL STA	0742529811	YE, WEIMIN MA, XUEFANG	800 NOWELL RIDGE RD	RALEIGH NC 27607-5176

532 GRAND CENTRAL STA	0742528646	YE, ZHONG HAO, LIFENG	102 MAGNOLIA SONG CT	CARY NC 27519-9119
558 CHESSIE STA	0742620755	YERDEN, ROBIN H	558 CHESSIE STA	APEX NC 27502-1677
		Current Tenant	562 Chessie STA	APEX NC 27502
		Current Tenant	566 Chessie STA	APEX NC 27502
		Current Tenant	572 Chessie STA	APEX NC 27502
		Current Tenant	573 Chessie STA	APEX NC 27502
		Current Tenant	579 Chessie STA	APEX NC 27502
		Current Tenant	532 Grand Central STA	APEX NC 27502
		Current Tenant	544 Grand Central STA	APEX NC 27502
		Current Tenant	545 Grand Central STA	APEX NC 27502
		Current Tenant	546 Grand Central STA	APEX NC 27502
		Current Tenant	554 Grand Central STA	APEX NC 27502
		Current Tenant	344 Great Northern STA	APEX NC 27502
		Current Tenant	346 Great Northern STA	APEX NC 27502
		Current Tenant	349 Great Northern STA	APEX NC 27502
		Current Tenant	10 Hunter ST	APEX NC 27502
		Current Tenant	56 Hunter ST	APEX NC 27502
		Current Tenant	610 Laura Duncan RD	APEX NC 27502
		Current Tenant	750 Laura Duncan RD	APEX NC 27502



Tools








VILLAGES OF APEX  
SOUTH TOWNHOMES

N/F  
VINEYARD STATION LLC  
PIN: 0742-62-3439  
ZONED: FC  
USE: NBHD SIC

N/F  
VINEYARD DEVELOPMENT LLC  
PIN: 0742-62-4236  
ZONED: FC  
USE: NBHD SIC

N/F  
TOWN OF APEX  
PIN: 0742-52-5165  
ZONED: B2-CU  
USE: TOWN CAMPUS

 = Proposed Building Footprint

Buildings  
 10000 SF  
 1000 SF  
 20000 SF - 1000 SF

Notes  
 10000 SF (TOTAL) (1000 SF / 10000 SF)  
 1000 SF (APPROXIMATE AT 10000 SF / 10000 SF)  
 1000 SF (APPROXIMATE AT 10000 SF / 10000 SF)  
 1000 SF (APPROXIMATE AT 10000 SF / 10000 SF)  
 1000 SF (APPROXIMATE AT 10000 SF / 10000 SF)

DRAFT WORKING  
COPY

# 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: 53 Hunter Street, Apex North Carolina 27502 (Summit Room)  
 Date of meeting: August 25, 2021 Time of meeting: 5:00PM EST  
 Property Owner(s) name(s): Hunter Street LLC  
 Applicant(s): Enclave Holdings LLC (Curteis Calhoun)

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.	Rishi GANDHI (EAGLES)	750 LAURA DUNCAN RD APEX NC	[REDACTED]	[REDACTED]	✓
2.	Kevin Houghton	547 Grand Central St			✓
3.	DAVID WAHRING	576 Chessie Station			✓
4.	MARY WAHRING	"			✓
5.	Sylvia Burleigh	530 Grand Central St			✓
6.	Mark Burleigh	" " "			✓
7.	Kent Lamb	566 Chessie Sta			✓
8.	Ang Lamb	"			
9.	Angela Miller	564 Chessie Sta			✓
10.	Paul Miller	" "			✓
11.	Robin Verden	558 Chessie Sta			✓
12.	Hannah Hugraw	561 Chessie Sta			✓
13.					
14.					

Use additional sheets, if necessary.



# 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: Moorhous Site Zoning: PUD-CZ  
 Location: 0 Laura Duncan Road Apex, NC 27502  
 Property PIN(s): 0742621488 Acreage/Square Feet: 3.62/157,687

Property Owner: Hunter Street LLC  
 Address: 227 Fanconia Way  
 City: Apex State: NC Zip: 27502  
 Phone: 415-710-0462 Email: lisa.allencc@gmail.com

Developer: Enclave Holdings LLC  
 Address: 3700 Western Boulevard Suite B  
 City: Raleigh State: NC Zip: 27606  
 Phone: 919-924-1553 Fax: \_\_\_\_\_ Email: curteis@enclave-holdings.com

Engineer: Jones & Clossen  
 Address: 221 N. Salem Street Suite 001  
 City: Apex State: NC Zip: 27502  
 Phone: 919-387-1174 Fax: \_\_\_\_\_ Email: peter@jonesclossen.com

Builder (if known): NA  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

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

### Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

### Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.



# 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): Hunter Street LLC

Applicant(s): Enclave Holdings LLC

Contact information (email/phone): curteis@enclave-holdings.com/919-924-1553

Meeting Address: 53 Hunter Street, Apex NC 27502

Date of meeting: August 25, 2021 Time of meeting: 5:00PM EST

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

Question/Concern #1:

The height of the building 4-5 stories seems high and would be taller than surrounding properties and the amount of units seems to be a lot.

Applicant's Response:

We will try to maintain the height to 4 stories which the previous development was approved at this height. If we can get the desired amount of units in 4 stories we would like to do that. We are also aware of parking requirements and if we need to increase parking and reduce the building footprint we are allowing for the possibility of 5 stories to accommodate parking. The number of units is dictated by the cost for land.

Question/Concern #2:

Water run-off is a concern given the low point of the property at Laura Duncan. What will be done to mitigate the saturation?

Applicant's Response:

The previous development has a retention pond and we will be consistent with the requirements for the water run-off requirements provided by the Water Resource Management engineers. The property is also naturally wet due to a stream and wetlands located on the back portion which we will preserve.

Question/Concern #3:

Lighting from the parking lot is a concern into windows facing the property from the north. What will be done to mitigate light spreading from the area?

Applicant's Response:

We are more than happy to look into down lighting and dark sky lighting and any other technologies that are available to limit the amount of light shed on the area that is feasible for the project.

Question/Concern #4:

Limiting tree removal is a desire from the neighbors and traffic is a concern.

Applicant's Response:

We will do our best to conserve as many trees as possible and will not be cutting any trees in the wetlands area or stream buffer. We are having a traffic impact analysis conducted and will follow all procedure to accommodate for the increased amount of traffic at the site.

# 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, CURTIS CAWTON, 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 53 HUNTER ST, APEX NC 27502 (location/address) on AUGUST 25, 2021 (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.

8/27/2021  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Sekhar Pinapaka, a Notary Public for the above State and County, on this the 27 day of AUGUST, 2021.

SEAL

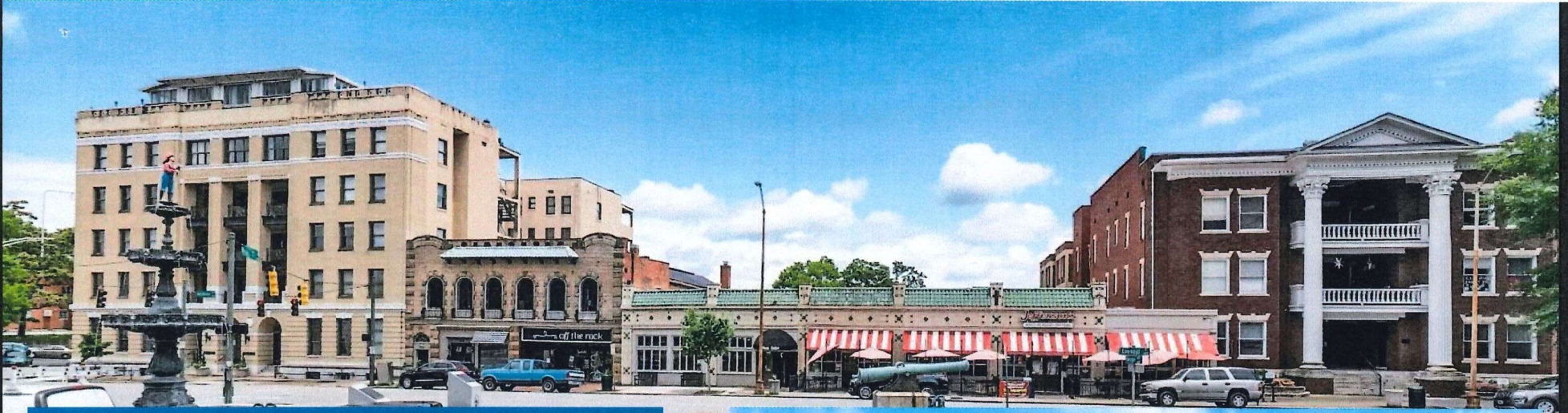
**SEKHAR PINAPAKA**  
Notary Public  
Wake Co., North Carolina  
My Commission Expires May 23, 2026

[Signature]  
Notary Public  
Sekhar Pinapaka  
Print Name

My Commission Expires: MAY 23, 2026

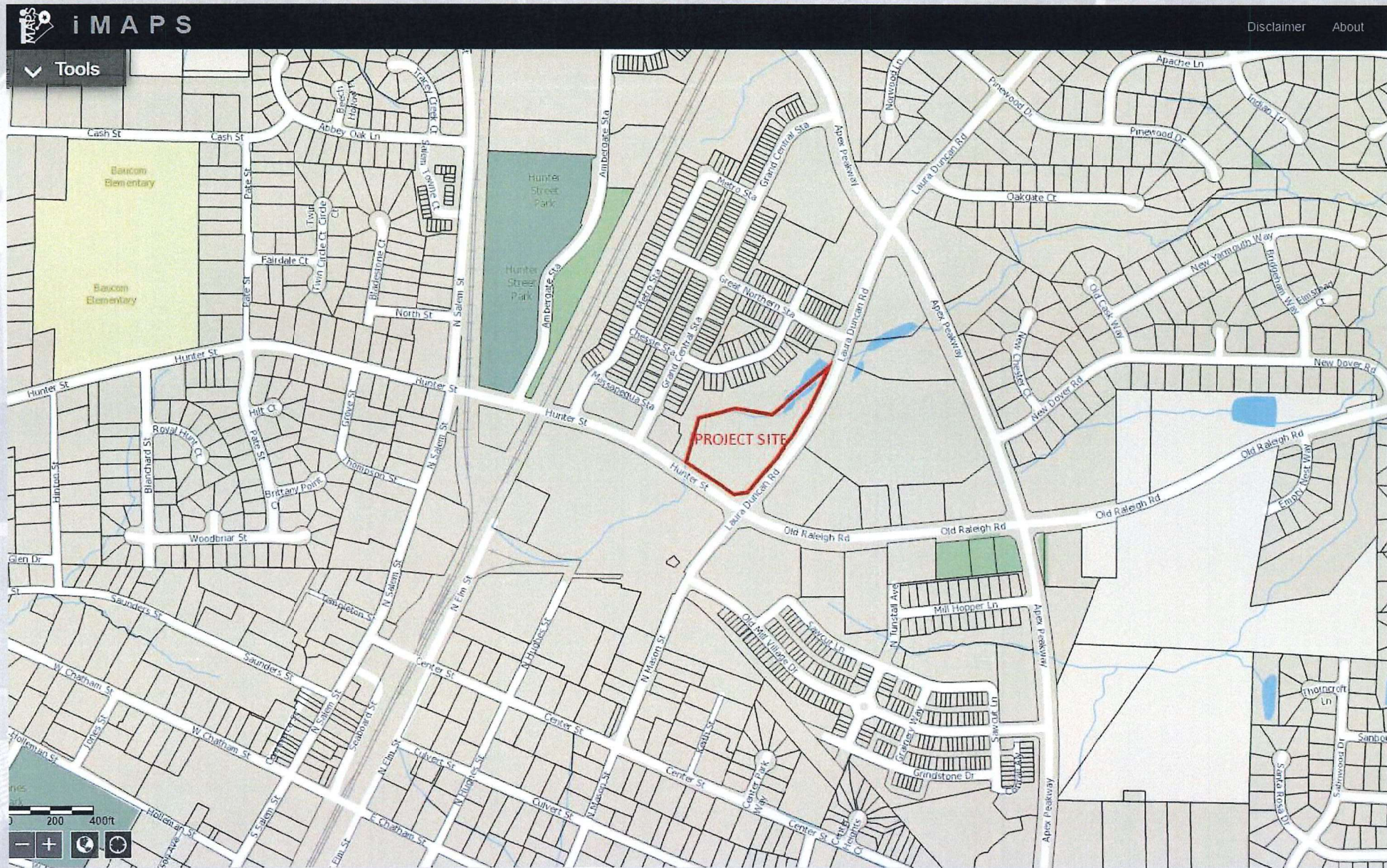






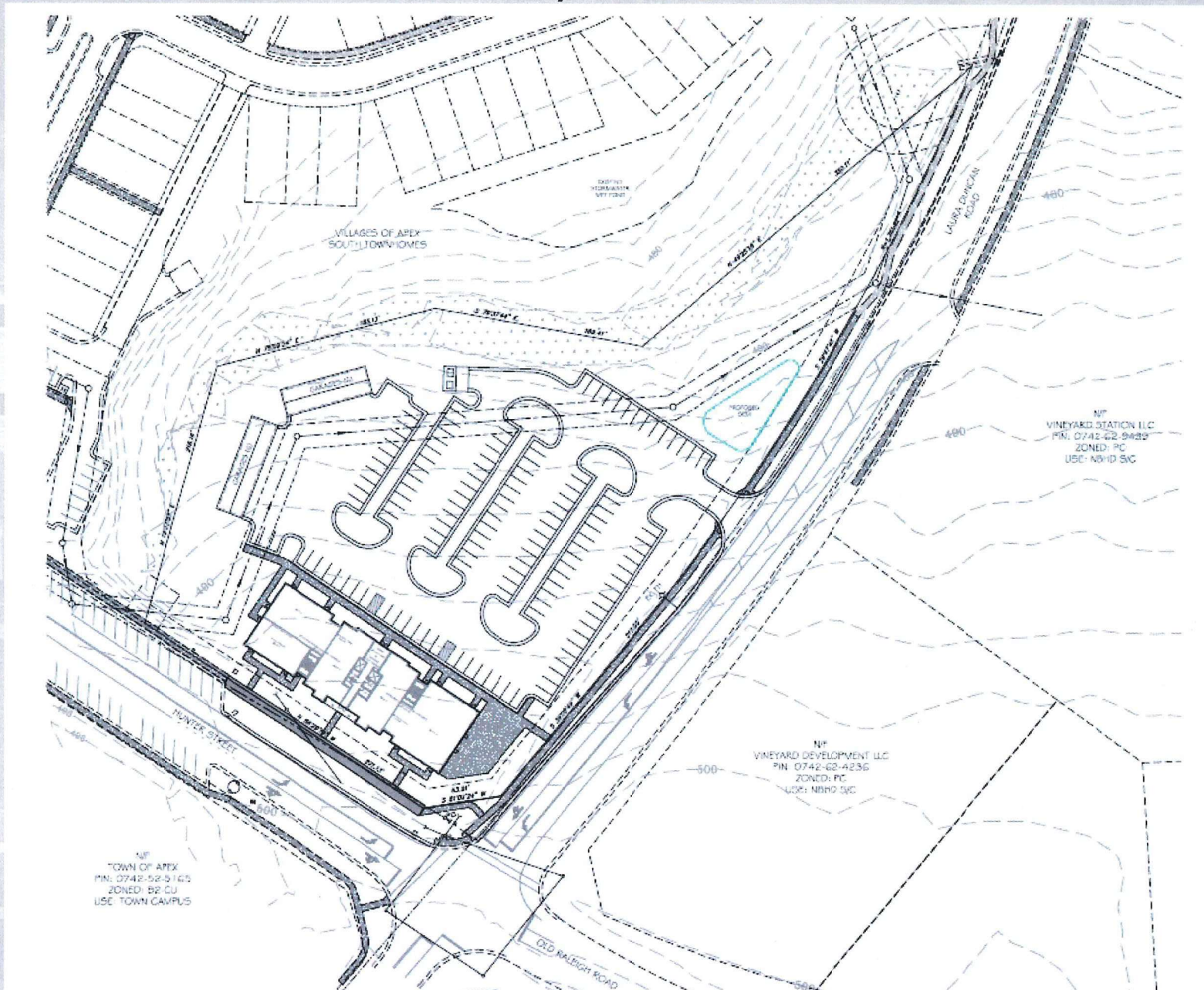


# SITE LOCATION





## PREVIOUSLY APPROVED/PERMITTED DEVELOPMENT

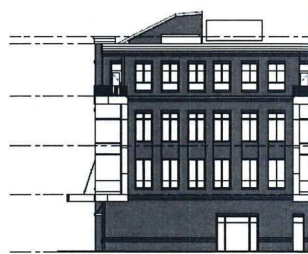




# PREVIOUSLY APPROVED/PERMITTED DEVELOPMENT



VIEW FROM CORNER OF BRUNER & LAURA DUCAN



4 WEST ELEVATION  
SCALE 3/32" = 1'-0"

3 EAST ELEVATION  
SCALE 3/32" = 1'-0"



2 NORTH ELEVATION  
SCALE 3/32" = 1'-0"



1 SOUTH ELEVATION  
SCALE 3/32" = 1'-0"

CONSTRUCTION

PROJECT TYPE: HOORIOUS  
**Moorhous**  
9 LAURA DUCAN BLVD  
- NC

DATE: 02.27.19  
BY: Jumper  
CHK: Cramer  
APP: [Signature]  
REVISION: DATE

ELEVATIONS

A2.0









## NEW DEVELOPMENT PROPOSED STYLE





August 30, 2021

Russell Dalton, PE  
Town of Apex  
73 Hunter Street  
Apex, NC 27502

**Subject:** Moorhous Building - Traffic Study Update  
Apex, North Carolina

Dear Mr. Dalton,

This letter provides a revised capacity analysis and queuing summary for the proposed Moorhous Building development located in the northwest quadrant of the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street in Apex, North Carolina. The previous Traffic Impact Analysis (TIA) report was completed by Ramey Kemp & Associates (RKA) in July of 2016. Additionally, a TIA addendum was completed by RKA in February of 2018. This traffic study update is provided to summarize the impacts of the change in density of the site.

The 2018 TIA addendum assumed that the proposed development would consist of 22,600 square feet (s.f.) of office space, 11,300 s.f. of retail, and 8 apartments in a four-story building. The proposed development is now expected to consist of a maximum of 95 rental apartments above 30,000 s.f. of retail. Site access for the proposed development is expected to match that of the 2018 TIA addendum: one (1) full movement driveway along Laura Duncan Road.

### Study Area

Based on coordination with the Town of Apex (Town) and North Carolina Department of Transportation (NCDOT), the study area consists of the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street. It should be noted that this study area matches that of the 2018 TIA addendum completed for this site.

Refer to the attachments for the approved scope. Refer to Figure 1 in the attachments for the site location map and Figure 2 for the existing lane configuration figure.

### Analysis Scenarios

All capacity analyses were performed utilizing Synchro (Version 10.3). All study intersections were analyzed during the weekday AM and PM peak hours under the following traffic scenarios:

- 2021 Existing Traffic Conditions
- 2023 No-Build Traffic Conditions
- 2023 Build Traffic Conditions

### 2021 Existing Traffic Volumes

Peak hour traffic counts from the year 2019 were grown to the year 2021 using a 2% annually compounded growth rate. This methodology was coordinated with the Town and NCDOT during scoping and was used in other traffic studies for adjacent developments in the area (Primrose Childcare).

Signal information was obtained from NCDOT and the Town and can be found in the attachments. Refer to Figure 3 in the attachments for the 2021 existing traffic volume figure.

### 2023 No-Build Traffic Volumes

Per coordination with the Town and NCDOT, no-build peak hour traffic volumes were determined according to the methodology and rationale contained within the Primrose Childcare TIA. A growth rate of 2% was used to project 2021 existing traffic volumes to the build year of 2023. Refer to Figure 4 in the attachments for the 2023 projected traffic volume figure.

Based on coordination with the Town and NCDOT, the following adjacent developments are included in this study:

- Villages of Apex South Phase\*
- Apex High School (not at their typical campus when counts were collected) \*\*
- Apex Peakway Lidl
- Eagles Convenience Store
- Primrose Childcare

\*The Villages of Apex South is a mixed-use development that was expected to be build out by 2019. At the time the traffic data was collected in the year 2019, the Villages at Apex South development was approximately 20% complete and operational, so only 80% of the site traffic associated with the development was included in this study.

\*\*Apex High School was undergoing renovations and was therefore not in session at their typical campus at the time traffic data was collected. Trips were generated for the high school using the NCDOT Municipal School Transportation (MSTA) School Traffic Calculator for a high school with 2,262 students and distributed to the roadway network appropriately. Trips were only applied to the weekday AM peak hour, as the school PM peak hour is anticipated to occur outside of the weekday PM peak hour assumed for this study. It should be noted that this methodology provides a conservative estimation because a portion of these trips exist on the roadway network for students attending the temporary school in place of Apex High School and would have been captured in the existing counts.

Although these developments may be partially built under 2021 existing conditions, the counts were collected in March of 2019. Including these developments in no-build conditions is expected to provide a conservative estimate under future traffic conditions as compared to existing conditions. Additionally, there is anticipated to be interaction between the adjacent developments, as well as between the adjacent developments and the proposed development. Residential uses are anticipated to utilize school/ daycare uses; however, no reductions in adjacent development trips were assumed to provide conservative future traffic results. Refer to Figure 5 in the attachments for adjacent development trips and Figure 6 for the 2023 no-build traffic volume figure.



**Trip Generation**

The proposed development is now expected to consist of a maximum of 95 rental apartments above 30,000 s.f. of retail. Average weekday daily, AM, and PM peak hour trips for the development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10<sup>th</sup> Edition. A summary of trip generation potential for the proposed development is shown in Table 1, on the following page.

**Table 1: Trip Generation Summary**

Land Use (ITE Code)	Intensity	Weekday Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (220)	95 units	700	10	35	35	21
Shopping Center (820)	30,000 sq. ft.	2,700	103	64	107	116
<b>Total Trips</b>		<b>3,400</b>	<b>113</b>	<b>99</b>	<b>142</b>	<b>137</b>
<i>Pass-By Trips: Shopping Center (34% PM)</i>			--	--	-38	-38
<b>Total Primary Trips</b>		<b>3,400</b>	<b>113</b>	<b>99</b>	<b>104</b>	<b>99</b>

It is estimated that the proposed development will generate approximately 3,400 total site trips on the roadway during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 212 trips (113 entering and 99 exiting) will occur during the weekday AM peak hour and 279 trips (142 entering and 137 exiting) are expected to occur during the weekday PM peak hour.

Pass-by trips were taken into consideration in this study. Pass-by trips are made by the traffic already using the adjacent roadway, entering the site as an intermediate stop on their way to another destination. Pass-by percentages are applied to site trips after adjustments for internal capture. Pass-by trips are expected to account for approximately 76 trips (38 entering and 38 exiting) during the weekday PM peak hour. It should be noted that the pass-by trips were balanced, as it is likely that these trips would enter and exit in the same hour. Additionally, internal capture for the site would also be expected; however, this was omitted for a conservative analysis.

The total primary site trips are the calculated site trips after the reduction for internal capture and pass-by trips. Primary site trips are expected to generate approximately 212 trips (113 entering and 99 exiting) during the weekday AM peak hour and 203 trips (104 entering and 99 exiting) during the weekday PM peak hour. It should be noted that this updated density is expected to generate less weekday daily, AM, and PM traffic than what was proposed in the TIA addendum.

**Trip Distribution**

Based on coordination with the Town, the regional site trip distribution percentages used in the previous TIA addendum were used for this traffic study.

Refer to Figure 7 in the attachments for the site trip distribution and Figures 8a and 8b for the residential site trip assignment and retail site trip assignment figures, respectively.

Refer to Figure 9 for the pass-by trip distribution figure and Figure 10 for the pass-by assignment figure. The total site trip assignment volumes are shown in Figure 11.

**2023 Build Traffic Volumes**

To estimate the 2023 build traffic conditions, the total site trips were added to the 2023 no-build traffic volumes. Refer to Figure 12 in the attachments for the 2023 build traffic volume figure.

**Capacity Analysis**

The study intersections were analyzed under 2021 existing, 2023 no-build and 2023 build traffic conditions to determine the potential impact of the proposed development under full buildout. Analysis was performed using the methodology outlined in the Highway Capacity Manual (HCM), 6<sup>th</sup> Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study intersection. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement. Refer to Table 2 for HCM levels of service and related average control delay per vehicle for unsignalized and signalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”.

**Table 2: Highway Capacity Manual – Levels-of-Service and Delay**

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines and Town of Apex UDO guidelines.



Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street

The existing signalized intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street was analyzed under 2021 existing, 2023 no-build and 2023 build traffic conditions with the lane configurations and traffic control shown in Table 3. Refer to Table 3 for a summary of the capacity analysis results. The Synchro capacity analysis reports are included in the attachments.

**Table 3: Analysis Summary of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT, 1 TH-RT	A	B (15)	A	B (14)
	WB	1 LT, 1 TH, 1 RT	B		B	
	NB	1 LT, 1 TH-RT	C		B	
	SB	1 LT, 1 TH-RT	B		C	
2023 No-Build	EB	1 LT, 1 TH-RT	B	B (19)	A	B (17)
	WB	1 LT, 1 TH, 1 RT	B		B	
	NB	1 LT, 1 TH-RT	C		B	
	SB	1 LT, 1 TH-RT	B		C	
2023 Build	EB	1 LT, 1 TH-RT	B	B (19)	A	B (17)
	WB	1 LT, 1 TH, 1 RT	B		B	
	NB	1 LT, 1 TH-RT	C		B	
	SB	1 LT, 1 TH-RT	B		C	

Capacity analysis of 2021 existing, 2023 no-build and 2023 build traffic conditions indicates the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street is expected to operate at an overall LOS B during the weekday AM and PM peak hours. From 2023 no-build to 2023 build traffic conditions, there are expected to be no changes to the movement levels of service. Additionally, from 2021 existing to 2023 build traffic conditions only minor increases in the overall delay (4 seconds in the weekday AM peak hour and 3 seconds in the weekday PM peak hour) are expected. Based on SimTraffic, the southbound queues along Laura Duncan Road are not expected to impact the proposed driveway as the max queue observed at that approach is approximately 217 feet during the weekday PM peak hour. Due to the minimal increase in delay and acceptable overall levels of service at this intersection, no improvements are recommended by the developer.

Laura Duncan Road and Site Drive

The proposed unsignalized intersection of Laura Duncan Road and Site Drive was analyzed under 2023 build traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the capacity analysis results. The Synchro capacity analysis reports are included in the attachments.

**Table 4: Analysis Summary of Laura Duncan Road and Site Drive**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Build	EB NB SB	<b>1 LT-RT</b> <b>1 LT, 1 TH</b> <b>1 TH, 1 RT</b>	B <sup>2</sup> A <sup>1</sup> -	N/A	C <sup>2</sup> A <sup>1</sup> -	N/A

Improvements by developer are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2023 build traffic conditions indicate the major-street left-turn movement and minor-street approach at the proposed intersection of Laura Duncan Road and Site Drive are expected to operate at LOS C or better during the weekday AM and PM peak hours.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*. A two-way left-turn lane (TWLTL) between this site drive and Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street is recommended at this intersection. A southbound right-turn lane with at least 50 feet of storage is also recommended.

It should be noted that queues from the southbound left-turn at the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street are not expected to impact the northbound left-turn at this site drive as the maximum southbound left-turn queue length is 217 feet, the maximum northbound left-turn queue length is 51 feet, and the distance between these intersections is approximately 400 feet.



**Conclusions and Recommendations**

Based on the capacity analysis results, the proposed development is not expected to have a significant impact on the study area. Refer to Figure 13 in the attachments for the recommended lane configuration figure.

The recommended roadway improvements are summarized below.

**Recommended Improvements by Developer**

Laura Duncan Road and Site Drive

- Construct eastbound approach with one ingress and one egress lane.
- Construct a TWLTL from this proposed intersection to the existing intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street.
- Construct a southbound right-turn lane with at least 50 feet of storage and appropriate decel and taper.
- Provide stop control at eastbound approach.

If you should have any questions or comments regarding this letter, please feel free to contact me at (919) 872-5115.

Sincerely,



Nate Bouquin, P.E.  
Traffic Engineering Project Manager  
**RAMEY KEMP & ASSOCIATES, INC.**

NC Corporate License #C-0910

- Attachments: Scope  
 Figures  
 Signal Plans  
 Synchro Reports



**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Rezoning Case: 21CZ25 Villages of Apex PUD Amendment

Planning Board Meeting Date: November 8, 2021



**Report Requirements:**

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

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

**PROJECT DESCRIPTION:**

**Acreage:** +/- 3.62

**PIN(s):** 0742621488

**Current Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**2045 Land Use Map:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services +

**Town Limits:** Inside Corporate Limits

**Applicable Officially Adopted Plans:**

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

2045 Land Use Map  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

---

Apex Transportation Plan  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

---

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

---





**Legislative Considerations:**

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

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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PLANNING BOARD REPORT TO TOWN COUNCIL  
Rezoning Case: 21CZ25 Villages of Apex PUD Amendment

Planning Board Meeting Date: November 8, 2021



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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PLANNING BOARD REPORT TO TOWN COUNCIL  
Rezoning Case: 21CZ25 Villages of Apex PUD Amendment

Planning Board Meeting Date: November 8, 2021



**Planning Board Recommendation:**

Motion: To recommend approval as proposed except as noted below.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Tina Sherman

*Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

Conditions as proposed by applicant, except the height should be limited to 4 stories as currently  
allowed and frontages along Hunter Street and Laura Duncan Road should be non-residential land  
uses only.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This report reflects the recommendation of the Planning Board, this the 8th day of November 2021.

Attest:

**Michael Marks** Digitally signed by Michael Marks  
Date: 2021.11.09 11:15:08 -05'00'

Michael Marks, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2021.11.08 19:25:31 -05'00'

Dianne Khin, Director of Planning and  
Community Development



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ25  
Villages of Apex PUD Amendment

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

- Applicant:** Enclave Holdings, LLC
- Authorized Agent:** Curteis Calhoun
- Property Address:** 0 Laura Duncan Road
- Acreage:** ±3.62 acres
- Property Identification Number (PIN):** 0742621488
- 2045 Land Use Map Designation:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
- Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-C2)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.rleghnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36743>.

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





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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25**  
Villages of Apex PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Enclave Holdings, LLC.
- Agente autorizado:** Curteis Calhoun
- Dirección de la propiedad:** 0 Laura Duncan Road
- Superficie:** ±3.62 acres
- Número de identificación de la propiedad:** 0742621488
- Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
- Ordenamiento territorial existente de la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)
- Ordenamiento territorial propuesto para la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)
- Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre de 2021 4:30 P.M.**  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

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

Fechas de publicación: 25 de octubre – 8 de noviembre de 2021





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ25 Villages of Apex PUD Amendment

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

**Applicant:** Enclave Holdings, LLC.

**Authorized Agent:** Curteis Calhoun

**Property Address:** 0 Laura Duncan Road

**Acreage:** ±3.62 acres

**Property Identification Number (PIN):** 0742621488

**2045 Land Use Map Designation:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services

**Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36743>.

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





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25  
Villages of Apex PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Enclave Holdings, LLC.

**Agente autorizado:** Curteis Calhoun

**Dirección de la propiedad:** 0 Laura Duncan Road

**Superficie:** ±3.62 acres

**Número de identificación de la propiedad:** 0742621488

**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services

**Ordenamiento territorial existente de la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

**Ordenamiento territorial propuesto para la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre de 2021 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

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





Rezoning #21CZ25

Shepherds Vineyard

Villages of Apex (South, Phase 1)

Apex Town Campus

Old Mill Village



Public Hearing Sign Posted By

*[Handwritten Signature]*

9/14/21

Signature

Date

September 2021  
May 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department





**TOWN OF APEX**

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

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

Project Name: Conditional Zoning #21CZ25  
Villages of Apex PUD Amendment  
Project Location: 0 Laura Duncan Road  
Applicant or Authorized Agent: Curteis Calhoun  
Firm: Enclave Holdings, LLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 25, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/25/2021  
Date

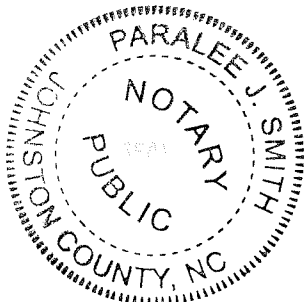
*Shane F. Khan*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J Smith, a Notary Public for the above  
State and County, this the 25 day of October, 2021.

*Paralee J Smith*  
Notary Public

My Commission Expires: 9 / 12 / 2023









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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25  
Villages of Apex PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Enclave Holdings, LLC.  
**Agente autorizado:** Curteis Calhoun  
**Dirección de la propiedad:** 0 Laura Duncan Road  
**Superficie:** 13.62 acres  
**Número de identificación de la propiedad:** 0742621488  
**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services  
**Ordenamiento territorial existente de la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)  
**Ordenamiento territorial propuesto para la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre de 2021 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.calgoboc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

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

Fechas de publicación: 1 de noviembre – 23 de noviembre de 2021





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ25 Villages of Apex PUD Amendment

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

**Applicant:** Enclave Holdings, LLC.

**Authorized Agent:** Curteis Calhoun

**Property Address:** 0 Laura Duncan Road

**Acreage:** ±3.62 acres

**Property Identification Number (PIN):** 0742621488

**2045 Land Use Map Designation:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services

**Existing Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

**Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

### **Town Council Public Hearing Date and Time: November 23, 2021 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36743>.

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





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25  
Villages of Apex PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Enclave Holdings, LLC.

**Agente autorizado:** Curteis Calhoun

**Dirección de la propiedad:** 0 Laura Duncan Road

**Superficie:** ±3.62 acres

**Número de identificación de la propiedad:** 0742621488

**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services

**Ordenamiento territorial existente de la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

**Ordenamiento territorial propuesto para la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre de 2021 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de noviembre – 23 de noviembre de 2021



**TOWN OF APEX**

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

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

Project Name: Conditional Zoning #21CZ25  
Villages of Apex PUD Amendment  
Project Location: 0 Laura Duncan Road  
Applicant or Authorized Agent: Curteis Calhoun  
Firm: Enclave Holdings, LLC.

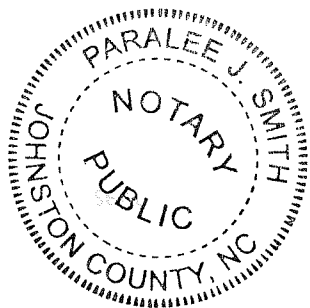
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 1, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/1/2021  
Date

Shane F. Khan  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J Smith, a Notary Public for the above  
State and County, this the 1 day of November, 202 1.



Paralee J. Smith  
Notary Public

My Commission Expires: 9, 12, 2023





**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 12.3599 ACRES LOCATED ON 76 HUNTER STREET, 0 LAURA DUNCAN ROAD, 1960 APEX PEAKWAY FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #14CZ04) TO PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING**

**#17CZ11**

**WHEREAS**, the application of Jones & Cnossen Engineering, PLLC, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 10<sup>th</sup> day of July 2017 before the Planning Board. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 18<sup>th</sup> day of July 2017, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **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 Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ04) to Planning Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

**Section 4:** The "Rezoned Lands" are subject to the conditions in Attachment "B" PUD Amendment Letter 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.



**Ordinance Amending the Official Zoning District Map #17CZ11**  
**Page Two**

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

Motion by Council Member SCHULZE

Seconded by Council Member MOYER

With 3 Council Member(s) voting "aye."

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

This the 15th day of August 2017.

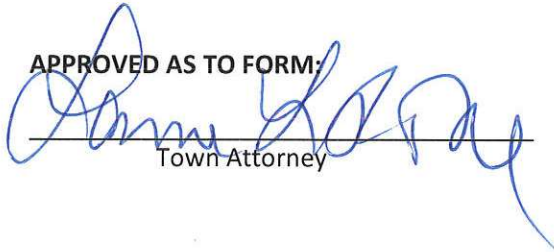
**TOWN OF APEX**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Town Attorney

## Attachment "A"

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

BEGINNING at an existing iron pipe on the western variable width public right of way for Grand Central Station (B.M. 2009, PG. 821); existing iron pipe also located South 26° 13' 14" West, 61.63 feet from control existing iron pipe #1 (B.M. 2016, PG. 854) with NAD(83/2011) coordinate values of North 722,678.93 feet, East 2,045,719.55 feet; thence from BEGINNING existing iron pipe South 26° 13' 14" West, 103.92 feet to a mathematical point on the northern 90' public right of way for Hunter Street (D.B. 5747, PG. 651); thence South 26° 22' 14" West, 45.00 feet to a mathematical point in the center of 90' public right of way for Hunter Street; thence with the center of 90' public right of way for Hunter Street a curve to the left North 69° 23' 31" West, 230.11 feet (chord) 1,145.92 feet (radius) to a mathematical point in the center of 90' public right of way for Hunter Street; thence North 14° 50' 45" East, 45.00 feet to a mathematical point on the northern 90' public right of way for Hunter Street; thence with the eastern 50' public right of way for Metro Station (B.M. 2016, PG. 934) a curve to the right North 09° 00' 06" West, 39.29 feet (chord) 34.00 feet (radius) to a mathematical point; thence with the eastern 50' public right of way for Metro Station North 26° 17' 55" East, 85.84 feet to a mathematical point; thence a curve to the right North 75° 06' 26" East, 37.63 feet (chord) 25.00 feet (radius) to a mathematical point; thence with the southern 45' public right of way for Massapequa Station a curve to the left South 59° 53' 08" East, 22.87 feet (chord) 172.50 feet (radius) to a mathematical point; thence with the southern 45' public right of way for Massapequa Station South 63° 41' 12" East, 195.89 feet to a mathematical point; thence a curve to the right South 18° 43' 59" East, 19.08 feet (chord) 13.50 feet (radius) to the BEGINNING containing 0.9933 acre (43,267 sq. ft.) more or less.

PIN 0742-52-5643



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

BEGINNING at an iron pipe set on the northern 90' public right of way for Hunter Street (D.B. 5747, PG. 651); iron pipe set also located South 63° 46' 41" East, 97.56 feet from control existing iron pipe #2 (B.M. 2017, PG. 707) with NAD(83/2011) coordinate values of North 722,604.05 feet, East 2,045,781.07 feet; thence South 04° 22' 38" West, 47.76 feet to an existing iron pipe; thence South 63° 46' 46" East, 13.40 feet to an existing iron pipe; thence South 26° 13' 12" West, 99.65 feet to an existing punch hole in sidewalk; thence South 56° 29' 51" East, 76.32 feet to an iron pipe set; thence from BEGINNING iron pipe set North 15° 37' 53" East, 216.16 feet to an iron pipe set; thence North 75° 09' 54" East, 183.13 feet to an iron pipe set; thence South 79° 37' 44" East, 169.41 feet to an iron pipe set; thence North 49° 25' 18" East, 350.11 feet to an iron pipe set on the western variable width public right of way for Laura Duncan Road; thence South 68° 12' 01" East, 30.00 feet to a mathematical point in the public right of way for Laura Duncan Road; thence a curve to the right South 29° 48' 06" West, 498.86 feet (chord) 1,791.82 feet (radius) to a mathematical point in the public right of way for Laura Duncan Road; thence South 39° 08' 49" West, 300.50 feet to a mathematical point in the public right of way for Laura Duncan Road & the center of 90' public right of way for Hunter Street (D.B. 5747, PG. 651); thence with the center of 90' public right of way for Hunter Street North 56° 29' 51" West, 339.24 feet to a mathematical point in the center of 90' public right of way for Hunter Street; thence North 33° 30' 09" East, 45.00 feet to the BEGINNING containing 4.5162 acres (196,725 sq. ft.) more or less.

PIN 0742-62-1488

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

BEGINNING at a mathematical point on the western 100' public right of way for Apex Peakway (D.B. 13953, PG. 2190); mathematical point also located South 58° 14' 54" East, 98.42 feet from an existing iron stake (B.M. 2016, PG. 935) on the eastern 100' railroad right of way for CSX Transportation, INC. (D.B. 24, PG. 162), and on the southern 100' public right of way for Apex Peakway (D.B. 13953, PG. 2190) to a mathematical point; thence a curve to the right South 33° 51' 53" East, 550.09 feet (chord) 666.20 feet (radius) to an existing iron stake on the western 100' public right of way for Apex Peakway; thence South 09° 28' 40" East, 1.79 feet to a mathematical point; thence from BEGINNING mathematical point North 80° 31' 20" East, 50.00 feet to a mathematical point in the center of 100' public right of way for Apex Peakway; thence with the center of 100' public right of way for Apex Peakway South 09° 28' 40" East, 47.71 feet to a mathematical point in the center of 100' public right of way for Apex Peakway; thence a curve to the left South 29° 34' 15" East, 482.05 feet (chord) 701.58 feet (radius) to a mathematical point in the center of 100' public right of way for Apex Peakway & being in the public right of way for Laura Duncan Road; thence a curve to the left South 25° 35' 47" West, 186.25 feet (chord) 1,359.94 feet (radius) to a mathematical point in the public right of way for Laura Duncan Road; thence South 20° 13' 56" West, 159.30 feet to a mathematical point in the public right of way for Laura Duncan Road; thence South 18° 00' 22" West, 63.17 feet to an mathematical point in the public right of way for Laura Duncan Road; thence North 71° 59' 38" West, 30.00 feet to a mathematical point on the western public right of way for Laura Duncan Road; thence leaving the western public right of way for Laura Duncan Road North 63° 46' 48" West, 455.54 feet to a mathematical point; thence a curve to the right North 18° 46' 48" West, 21.21 feet (chord) 15.00 feet (radius) to a mathematical point; thence North 26° 13' 12" East, 284.61 feet to a mathematical point; thence North 63° 46' 48" West, 106.50 feet to a mathematical point on the eastern future public right of way; thence North 26° 13' 12" East, 255.61 feet to a mathematical point; thence a curve to the right North 53° 21' 14" East, 155.06 feet (chord) 170.00 feet (radius) to a mathematical point; thence North 80° 29' 16" East, 7.81 feet to a mathematical point; thence a curve to the right South 54° 29' 42" East 35.37 feet (chord) 25.00' feet (radius) to the BEGINNING containing 6.8504 acres (298,403 sq. ft.) more or less.

Portion of PIN 0742-63-2414





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

July 24, 2017

Liz Lofton – Planner  
 Town of Apex Planning Department  
 P.O. Box 250  
 Apex, North Carolina 27502

RE: PUD Amendment Letter  
 Trakside South (Pin No.'s 0742-52-5643, 0742-63-2414 partial & 0742-62-1448)

This letter is submitted to the Town of Apex for the purpose of amending Conditional Zoning #07CZ05, Trakside Development, by the following:

1. The PD Plan for the Trakside Development shows uses for the remaining three vacant tracts in Trakside South as follows:
  - 0 Metro Station (Pin No. 0742-52-5643 on Hunter Street) – Streetfront Mixed-Use
  - 1960 Apex Peakway (Pin No. 0742-63-2414 partial) – Mixed-Use (Retail/Office/Attached Residential)
  - 0 Chessie Station (Pin No. 0742-62-1488 at Hunter Street and Laura Duncan) – Retail/Office

The Owner requests that the uses for these remaining three vacant tracts be as follows:

Mixed Use – Retail/Office/Public and Civic/Attached Residential. All residential to be on 2<sup>nd</sup> story or higher over retail/office.

2. The PD Plan for the Trakside Development shows Commercial Density as follows:

Commercial Density (Trakside South)

Description	Office	Retail	Total
Minimum	20,000 sf	60,000 sf	80,000 sf
Maximum	80,000 sf	140,000 sf	220,000 sf

The Owner requests that the Commercial Density be revised as follows:

TABLE 1

	Grand Total
Gross Minimum	80,000 sf
Gross Maximum	220,000 sf

The Commercial Density may not be less than the Gross Minimum square footage or greater than the Gross Maximum square footage.

The Commercial Density is further restricted by requiring minimum square footages by Use Category as follows:

**TABLE 2**

Use Category:	Office	Retail	Public & Civic
Use Minimum	20,000 sf *	18,000 sf	No Minimum

The Commercial Density may not be less than the Use Minimum square footages under each Use Category.

The Commercial Density must meet or exceed the Gross Minimum square footage in Table 1.

\*Note 1: there is currently over 20,000 square feet of office completed or under construction within the PUD.

The Commercial Density is further restricted by maximum square footages by Use Category as follows:

**TABLE 3**

Use Category:	Office	Retail	Public & Civic
Use Maximum **	202,000 sf	200,000 sf	182,000 sf

The Commercial Density may not be greater than the Use Maximum square footages under each Use Category.

The Commercial Density may not exceed the Gross Maximum square footage in Table 1.

\*\*Note 2: The Use Maximum square footage is determined for each Use Category by taking the Gross Maximum square footage in Table 1, and subtracting the Use Minimum square footages of the other Use Categories in Table 2.

For example, to determine the Use Maximum for the Office Use Category:

Office Use Maximum sf = Gross Maximum sf - Retail Use Minimum sf - Public & Civic Use Minimum sf

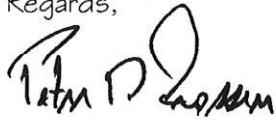
Office Use Maximum sf = 220,000 sf - 18,000 sf - 0 sf

Office Use Maximum sf = 202,000 sf

This PUD Amendment is requested to provide additional uses to create more development opportunity for the three remaining tracts in Tractside South. We will continue to work with Staff in the rezoning process and look forward to receiving your input regarding these requested changes to the PUD.

If you have any questions, please feel free to contact our office at any time.

Regards,



Peter D. Clossen, P.E.

Jones & Clossen Engineering, PLLC

Cc: Apex First Development, LLC



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #14CZ04**

NC II LP LTD Partnership, owners/applicants (the "Applicant"), submitted a completed application for a conditional zoning on the 4<sup>th</sup> day of March, 2014 (the "Application"). The proposed conditional zoning is designated #14CZ04.

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 #14CZ04 before the Planning Board held on the 14<sup>th</sup> day of April, 2014.

Pursuant to G.S. §160A-384 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 #14CZ04 before the Town Council on the 6<sup>th</sup> day of May, 2014.

The Apex Planning Board held a public hearing on the 14<sup>th</sup> day of April, 2014, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #14CZ04. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #14CZ04.

The Apex Town Council held a public hearing on the 6<sup>th</sup> day of May, 2014. Lauren Simmons, Planner, presented the Planning Board's recommendation at the public hearing.

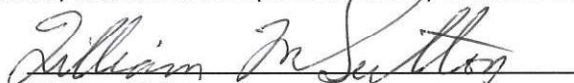
All persons who desired to present information relevant to the application for #14CZ04 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 and 0 approved Application #14CZ04.

Rezoning the subject tract at 1960 Apex Peakway, amending the previously approve zoning case #07CZ05 to remove the requirement of "live/work" townhomes, amend the "Parking and Loading Requirements" from 2 per unit to 1.8 spaces per non-townhome, attached-residential unit, add a condition to require TIA at site or subdivision plan submission, and add a condition to require additional vegetation along the Brookfield-Norwood side

The Apex Town Council finds that the approval of the rezoning is consistent with the 2030 Land Use Plan and other adopted plans in that: The 2030 Land Use Map designates this area as Mixed Use and the condition changes are consistent with the parking requirement already in place on the apartments in Trakside North.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The property is directly adjacent to property fronting a major thoroughfare (US Highway 64) and is designated at Mixed Use (High Density Residential, Medium Density Residential, Office Employment and Commercial Services) on the 2030 Land Use Map. The rezoning adds buffers for the neighbors, makes parking more flexible within the development and removes a specific use (live/work units) that the developer stated they could not market.

  
William M. Sutton  
Mayor

ATTEST:



Donna B. Hosch, CMC, NCCMC  
Town Clerk

11-19-14  
Date

#14CZ04

**AN ORDINANCE TO AMEND REZONING ORDINANCE #07CZ05 TO REMOVE A CONDITION RELATED TO "LIVE/WORK" TOWNHOMES AND TO MODIFY A CONDITION RELATED TO PARKING AND LOADING REQUIREMENTS**

**WHEREAS**, the application of NC II LP LDT Partnership, petitioner, to amend Rezoning Ordinance #07CZ05, which is applicable to lands hereinafter described, was duly filed with the office of the Planning Director and thereafter public hearings were held thereon on the 14<sup>th</sup> day of April, 2014 before the Planning Board and the 6<sup>th</sup> day of May, 2014, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes;

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

**Section 1:** The lands that are the subject of this 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:** Rezoning Ordinance #07CZ05 is amended as follows:

1. Condition No. 2 on the first page of Attachment B to Rezoning Ordinance #07CZ05, which requires certain townhomes in Trackside South to be "live/work" townhomes, is hereby deleted.
2. The following text is added at the end of the first paragraph in the "Parking and Loading Requirements" on page 8 of the "PD Plan for PUD CZ Trackside Development" which is part of Exhibit B to Rezoning Ordinance #07CZ05:

Notwithstanding the foregoing, the parking and loading requirements applicable to the attached-residential section of Trackside South, but not the townhomes, shall be calculated at 1.8 spaces per residential unit.

3. Applications for site and subdivision plans within Trackside South submitted to the Town subsequent to the adoption of this Ordinance are subject to the requirement of preparation of individual Traffic Impact Analyses in accordance with the UDO requirements.
4. Vegetation will be planted along the Brookfield-Norwood side be agreeable and reasonable to the developer, the planning staff and the neighbors to which the pond abuts.

**Section 3:** The "Rezoned Lands" shall be perpetually bound to the conditions imposed, including the uses authorized, imposed by Rezoning Ordinance #07CZ05 as amended hereby, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Rezoning Ordinance #07CZ05 shall remain in full force and effect except as amended hereby.

**Section 4:** This Ordinance will not affect vested rights, if any exist, related to the lands described in Attachment A.



**Section 5:** This ordinance is effective upon adoption.

Motion by Council Member SCHULZE

Seconded by Council Member JENKIN

With 5 Council Member(s) voting "aye."

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

This the 18<sup>th</sup> day of November 2014.

**TOWN OF APEX**

William M. Sutton  
Mayor

**ATTEST:**

Donna Hosch  
Town Clerk

**APPROVED AS TO FORM:**

Samuel Stone  
Town Attorney

## Attachment "A"

### LEGAL DESCRIPTION FOR REZONING TRACTSIDE APEX, NORTH CAROLINA

BEGINNING AT AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD (100' PRIVATE RIGHT OF WAY), SAID IRON BEING SOUTH 54 DEGREES 23 MINUTES 11 SECONDS EAST 1,686.83 FEET FROM NORTH CAROLINA GRID MONUMENT "EARL SMITH" (NAD 83), (REFERENCED TO BOOK OF MAPS 1997, PAGE 956, AND ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED), THENCE NORTH 04 DEGREES 06 MINUTES 58 SECONDS EAST ALONG THE EASTERN LINE OF SAID RIGHT OF WAY A DISTANCE OF 325.90 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 04 DEGREES 21 MINUTES 00 SECONDS EAST 65.65 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH WILLIAM J. BOOTH CELL TOWER TRACT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING SAID COMMON LINE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS EAST 53.72 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 06 DEGREES 25 MINUTES 15 SECONDS EAST 294.10 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 80 DEGREES 43 MINUTES 17 SECONDS EAST 37.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 12 DEGREES 23 MINUTES 38 SECONDS EAST 91.26 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 77 DEGREES 36 MINUTES 22 SECONDS WEST 79.92 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN SAID EASTERN CSX RAILROAD RIGHT OF WAY; THENCE WITH SAID EASTERN CSX RIGHT OF WAY, NORTH 13 DEGREES 32 MINUTES 45 SECONDS EAST 47.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 225.15 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 11 DEGREES 56 MINUTES 06 SECONDS EAST, 10.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 92.68 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 79 DEGREES 04 MINUTES 10 SECONDS EAST, 290.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 81 DEGREES 33 MINUTES 58 SECONDS EAST, 124.01 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN A COMMON LINE WITH EXTRA ATTIC SELF STORAGE TRACT; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE US HIGHWAY 654 ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREES 08 MINUTES 27 SECONDS WEST, 392.74 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMONLINE WITH EXTRA ATTIC SELF STORAGE, NORTH 89 DEGREES 01 MINUTES 08 SECONDS WEST, 49.91 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREE 06 MINUTES 56 SECONDS WEST, 409.03 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 88 DEGREES 52 MINUTES 17 SECONDS EAST, 225.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH KC2 ENTERPRISES TRACT; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 01 DEGREES 36 MINUTES 13 SECONDS WEST 137.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 255.73 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST 479.22 FEET TO A COMPUTED CORNER THAT FALLS IN THE INSIDE OF A DILAPIDATED STRUCTURE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST, 437.55 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, SOUTH 87 DEGREES 19 MINUTES 41 SECONDS EAST, 178.54 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 88 DEGREES 02 MINUTES 01 SECONDS, 80.70 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 01 DEGREES 14 MINUTES 01 SECONDS EAST, 35.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, 515.47 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 45 MINUTES 24 SECONDS EAST, 58.28 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 89 DEGREES 22 MINUTES 04 SECONDS EAST, 192.77 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, 109.17 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,204.90 FEET, CHORD BEARING OF SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST AND CHORD DISTANCE OF 109.16 FEET TO AN



EXISTING ¾" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF CSX TRANSPORTATION (100' WIDE PRIVATE RIGHT OF WAY); THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE U.S. HIGHWAY 64 THE SAID WESTERN RIGHT OF WAY OF CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 47 SECONDS WEST, 406.54 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION AS IT WIDENS TO A 200 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 86 DEGREES 53 MINUTES 29 SECONDS WEST, 55.14 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION, SOUTH 27 DEGREES 58 MINUTES 37 SECONDS WEST, 107.24 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 32 SECONDS WEST, 2,356.25 FEET TO AN EXISTING ¾" OUTSIDE DIAMETER (O.D.) IRON PIPE, SAID IRON ALSO BEING IN A COMMON LINE WITH F.BRENT NEAL, MARION HAYES MCNAIR, AND DOUGLAS W. DUNCAN TRUSTEES PROPERTY; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX AS IT NARROWS TO A 100 FOOT WIDE PRIVATE RIGHT OF WAY AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 85 DEGREES 59 MINUTES 31 SECONDS EAST, 54.40 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE LEAVING SAID WESTERN CSX RIGHT OF WAY AND CROSSING SAID 100 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 89 DEGREES 09 MINUTES 10 SECONDS EAST, 114.09 FEET TO AN EXISTING CONCRETE MONUMENT IN THE EASTERN RIGHT OF WAY OF SAID CSX AND ALSO A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN; THENCE ALONG SAID COMMON LINE WITH CSX TRANSPORTATION AND NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 53.60 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE LEAVING EASTERN RIGHT OF WAY LINE CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 324.17 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 01 DEGREES 51 MINUTES 50 SECONDS WEST, 990.53 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 87 DEGREES 18 MINUTES 31 SECONDS EAST, 322.06 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF LAURA DUNCAN ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN, SOUTH 42 DEGREES 48 MINUTES 01 SECONDS WEST, 66.41 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 00 MINUTES 51 SECONDS WEST, 92.40 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 399.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,346.23 FEET, CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 397.62 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 22 DEGREES 00 MINUTES 26 SECONDS WEST, 110.60 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD; SOUTH 19 DEGREES 48 MINUTES 39 SECONDS WEST, 283.01 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 557.87 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,682.93 FEET, CHORD BEARING OF SOUTH 28 DEGREES 46 MINUTES 59 SECONDS WEST AND CHORD DISTANCE OF 555.32 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 37 DEGREES 44 MINUTES 51 SECONDS WEST, 132.33 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 48 MINUTES 03 SECONDS WEST, 136.59 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD AS IT INTERSECTS WITH HUNTER STREET (90 FOOT WIDE PUBLIC RIGHT OF WAY), SOUTH 83 DEGREES 27 MINUTES 19 SECONDS WEST, 64.37 FEET TO A POINT IN THE SAID NORTHERN RIGHT OF WAY HUNTER STREET; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 54 DEGREES 46 MINUTES 45 SECONDS WEST, 417.20 FEET TO A POINT; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, 404.74 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,190.92 FEET, CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 30 SECONDS WEST AND CHORD DISTANCE OF 402.79 FEET TO AN EXISTING ½" REBAR; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 08 MINUTES 12 SECONDS WEST, 135.61 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET AND CROSSING SAID CSX TRANSPORTATION RIGHT OF WAY, NORTH 72 DEGREES 43 MINUTES 23 SECONDS WEST, 101.75 FEET TO A POINT IN THE WESTERN RIGHT OF WAY SAID CSX TRANSPORTATION; THENCE LEAVING SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION 100 FOOT WIDE RIGHT OF WAY ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 36 MINUTES 48 SECONDS WEST, 249.84 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF A 100 FOOT WIDE CSX TRANSPORTATION PRIVATE RIGHT OF WAY; THENCE ALONG

SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, NORTH 03 DEGREES 58 MINUTES 59 SECONDS, 1,095.49 FEET TO A POINT; THENCE LEAVING SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, SOUTH 87 DEGREES 43 MINUTES 16 SECONDS EAST, 500.77 FEET TO A POINT; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, NORTH 03 DEGREES 59 MINUTES 46 SECONDS EAST, 1,022.07 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID LAMPE ENTERPRISES 1995 LTD PARTNERSHIP; NORTH 85 DEGREES 59 MINUTES 31 SECONDS WEST, 499.97 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 36 SECONDS EAST, 1,021.63 FEET TO A EXISITNG ¾" (O.D.) RION PIPE, SAID PIPE ALSO BEING NORTH 32 DEGREES 16 MINUTES 29 SECONDS EAST, 146.51 FEET FROM CSX RAIL ROAD MILE MARKER 20 POST; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 52 SECONDS EAST, 804.57 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 173.39 ACRES FROM WHICH 5.484 ACRES IS TO BE EXCLUDED FOR BING CSX RAIL RIGHT OF WAY. TOTAL PARCEL ACRES FOR REZONING IS 167.903 ACRES.

THIS BOUNDARY DESCRIPTION WAS PREPARED BY TIMOTHY E. BOWES, PLS L-3455 OF BBM ASSOCIATES, INC. OUR ADDRESS IS 407 GORMAN STREET, SUITE 101 RALEIGH NC 27607. OUR TELEPHONE NUMBER IS (919) 833-7336 AND OUR FAX NUMBER IS (919) 833-7337. THE DESCRIPTION PREPARED EMBODIES THE SURVEYOR'S OPINION OF THE LOCATION OF THE BOUNDARY LINES OF THE TRACT AND IS NOT TO BE CONSTRUED AS A CERTIFICATION TO QUALITY OF TITLE TO THE PROPERTY.



**BEFORE THE TOWN COUNCIL OF THE TOWN OF APEX  
APPLICATION FOR CONDITIONAL ZONING PERMIT #07CZ05**

**FINDINGS OF FACT**

Apex First Development, LLC and F. Brent Neal, Marion Hays McNair, and Douglas W. Duncan, Trustees of the Laura T. Duncan Family Trust, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning permit on the 5<sup>th</sup> day of February, 2007. The proposed conditional zoning permit is designated #07CZ05.

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 #07CZ05 before the Planning Board held on the 9<sup>th</sup> day of April, 2007.

Pursuant to G.S. §160A-384 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 #07CZ05 before the Town Council on the 1<sup>st</sup> day of May, 2007.

The Apex Planning Board held a public hearing on the 9<sup>th</sup> day of April, 2007, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning permit #07CZ05. The Apex Planning Board unanimously recommended approval of the application for #07CZ05.

The Apex Town Council held a public hearing on the 1<sup>st</sup> and 15<sup>th</sup> day of May, 2007.. The Applicant established by testifying all matters in the application for the proposed conditional zoning and established that granting the proposed conditional zoning is in the public interest. Dianne Khin presented the Planning Board's recommendation at the public hearing.

All persons who desired to present evidence relevant to the application for #07CZ05 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning permit is sought, were allowed to present evidence at the public hearing before the Apex Town Council.

Based on the competent and material evidence in the record, the Town Council finds that the proposed use reflected in conditional zoning application #07CZ05 is reasonable and in the public interest because it:

1. Is appropriate for its location and is consistent with the 2025 Land Use Plan;
2. Is appropriate for its location and is compatible with the character of surrounding land uses;
3. Complies with Section 4.4 of the Unified Development Ordinance;
4. Will have minimal adverse effects on surrounding lands and will not create or constitute a nuisance;
5. Will have minimal environmental impacts and will not cause significant deterioration of water and air resources, wildlife habitat, scenic and other natural resources;
6. Will not have a significant adverse impact on public facilities and services;
7. Will not adversely affect the health, safety or welfare of the residents of the Town or its extraterritorial jurisdiction;

**Town of Apex/Findings of Fact - #07CZ05**  
**Page Two**

8. Will not be substantially detrimental to adjacent properties;
9. Will not constitute a nuisance or hazard due to traffic impact or noise because of the number of persons who will be using the conditional use; and
10. Complies with all applicable provisions of the Unified Development Ordinance for use and general development characteristics.
11. Is consistent with the Apex Transportation Plan, the Apex Parks, Recreation, Open Space, and Greenways Plan, and all other applicable officially adopted plans.

**CONCLUSIONS OF LAW**

1. The Applicant submitted a completed application for the conditional zoning permit;
2. The matters stated in the application are supported by competent and substantial evidence;
3. Granting conditional zoning permit #07CZ05 is in the public interest;
4. Granting conditional zoning permit #07CZ05 will not adversely affect the health, safety or welfare of the residents of Apex or its extraterritorial jurisdiction, will not be substantially detrimental to the use of or development of adjacent properties, and will not create or constitute a nuisance or hazard; and
5. The Applicant is entitled in law and in fact to the granting of conditional zoning permit #07CZ05.

**DECISION**

The Apex Town Council hereby grants conditional zoning permit #07CZ05. A certified copy of the pertinent minutes of the Apex Town Council meeting of May 1<sup>st</sup> & 15<sup>th</sup> 2007, including the findings of fact and conclusions of law herein, shall constitute conditional zoning permit #07CZ05.



**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP  
#07CZ05**

**WHEREAS**, the application of Apex First Development, LLC and F. Brent Neal, Marion Hays McNair, and Douglas W. Duncan, Trustees of the Laura T. Duncan Family Trust, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 9<sup>th</sup> day of April, 2007 before the Planning Board and the 1<sup>st</sup> & 15<sup>th</sup> day of May, 2007, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX**

**Section 1:** 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 lands hereinafter described from LI, MD & RA (Light Industrial, Medium Density Residential, and Residential Agricultural) to PUD-CZ (Planned Unit Development Conditional Zoning) District, said lands so rezoned being described as follows:

**See Attachment "A"**

**Section 2:** 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 directed by this Ordinance.

**Section 3:** A Conditional Zoning Permit is hereby issued whereby the previously described property and the subject of the previously mentioned change in zoning classification is subject to the following limitations:

**See Attachment "B"**

**Section 4:** This property shall be perpetually bound to 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 rezoning permit shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

**Ordinance Amending the Official Zoning District Map #07CZ05**

**Page Two**

**Section 5:** This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member Gene Schulze

Seconded by Council Member Mike Jones

With 5 Council Member(s) voting "aye."

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

This the 5<sup>th</sup> day of June, 2007.

**ATTEST:**

Georgia A. Cranglist  
Town Clerk

Keith A. Warkentin  
TOWN OF APEX  
Mayor

**APPROVED AS TO FORM:**

Ken C. Erdman  
Town Attorney

## Attachment "A"

### LEGAL DESCRIPTION FOR REZONING TRACTSIDE APEX, NORTH CAROLINA

BEGINNING AT AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD (100' PRIVATE RIGHT OF WAY), SAID IRON BEING SOUTH 54 DEGREES 23 MINUTES 11 SECONDS EAST 1,686.83 FEET FROM NORTH CAROLINA GRID MONUMENT "EARL SMITH" (NAD 83), (REFERENCED TO BOOK OF MAPS 1997, PAGE 956, AND ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED), THENCE NORTH 04 DEGREES 06 MINUTES 58 SECONDS EAST ALONG THE EASTERN LINE OF SAID RIGHT OF WAY A DISTANCE OF 325.90 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 04 DEGREES 21 MINUTES 00 SECONDS EAST 65.65 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH WILLIAM J. BOOTH CELL TOWER TRACT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING SAID COMMON LINE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS EAST 53.72 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 06 DEGREES 25 MINUTES 15 SECONDS EAST 294.10 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 80 DEGREES 43 MINUTES 17 SECONDS EAST 37.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 12 DEGREES 23 MINUTES 38 SECONDS EAST 91.26 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 77 DEGREES 36 MINUTES 22 SECONDS WEST 79.92 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN SAID EASTERN CSX RAILROAD RIGHT OF WAY; THENCE WITH SAID EASTERN CSX RIGHT OF WAY, NORTH 13 DEGREES 32 MINUTES 45 SECONDS EAST 47.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 225.15 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 11 DEGREES 56 MINUTES 06 SECONDS EAST, 10.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 92.68 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 79 DEGREES 04 MINUTES 10 SECONDS EAST, 290.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 81 DEGREES 33 MINUTES 58 SECONDS EAST, 124.01 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN A COMMON LINE WITH EXTRA ATTIC SELF STORAGE TRACT; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE US HIGHWAY 654 ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREES 08 MINUTES 27 SECONDS WEST, 392.74 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMONLINE WITH EXTRA ATTIC SELF STORAGE, NORTH 89 DEGREES 01 MINUTES 08 SECONDS WEST, 49.91 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREE 06 MINUTES 56 SECONDS WEST, 409.03 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 88 DEGREES 52 MINUTES 17 SECONDS EAST, 225.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH KC2 ENTERPRISES TRACT; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 01 DEGREES 36 MINUTES 13 SECONDS WEST 137.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 255.73 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST 479.22 FEET TO A COMPUTED CORNER THAT FALLS IN THE INSIDE OF A DILAPIDATED STRUCTURE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST, 437.55 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, SOUTH 87 DEGREES 19 MINUTES 41 SECONDS EAST, 178.54 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 88 DEGREES 02 MINUTES 01 SECONDS, 80.70 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 01 DEGREES 14 MINUTES 01 SECONDS EAST, 35.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, 515.47 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 45 MINUTES 24 SECONDS EAST, 58.28 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 89 DEGREES 22 MINUTES 04 SECONDS EAST, 192.77 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, 109.17 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,204.90 FEET, CHORD BEARING OF SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST AND CHORD DISTANCE OF 109.16 FEET TO AN



EXISTING 3/4" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF CSX TRANSPORTATION (100' WIDE PRIVATE RIGHT OF WAY); THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE U.S. HIGHWAY 64 THE SAID WESTERN RIGHT OF WAY OF CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 47 SECONDS WEST, 406.54 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION AS IT WIDENS TO A 200 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 86 DEGREES 53 MINUTES 29 SECONDS WEST, 55.14 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION, SOUTH 27 DEGREES 58 MINUTES 37 SECONDS WEST, 107.24 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 32 SECONDS WEST, 2,356.25 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE, SAID IRON ALSO BEING IN A COMMON LINE WITH F.BRENT NEAL, MARION HAYES MCNAIR, AND DOUGLAS W. DUNCAN TRUSTEES PROPERTY; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX AS IT NARROWS TO A 100 FOOT WIDE PRIVATE RIGHT OF WAY AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 85 DEGREES 59 MINUTES 31 SECONDS EAST, 54.40 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE LEAVING SAID WESTERN CSX RIGHT OF WAY AND CROSSING SAID 100 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 89 DEGREES 09 MINUTES 10 SECONDS EAST, 114.09 FEET TO AN EXISTING CONCRETE MONUMENT IN THE EASTERN RIGHT OF WAY OF SAID CSX AND ALSO A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN; THENCE ALONG SAID COMMON LINE WITH CSX TRANSPORTATION AND NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 53.60 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE LEAVING EASTERN RIGHT OF WAY LINE CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 324.17 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 01 DEGREES 51 MINUTES 50 SECONDS WEST, 990.53 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 87 DEGREES 18 MINUTES 31 SECONDS EAST, 322.06 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF LAURA DUNCAN ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN, SOUTH 42 DEGREES 48 MINUTES 01 SECONDS WEST, 66.41 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 00 MINUTES 51 SECONDS WEST, 92.40 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 399.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,346.23 FEET, CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 397.62 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 22 DEGREES 00 MINUTES 26 SECONDS WEST, 110.60 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD; SOUTH 19 DEGREES 48 MINUTES 39 SECONDS WEST, 283.01 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 557.87 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,682.93 FEET, CHORD BEARING OF SOUTH 28 DEGREES 46 MINUTES 59 SECONDS WEST AND CHORD DISTANCE OF 555.32 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 37 DEGREES 44 MINUTES 51 SECONDS WEST, 132.33 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 48 MINUTES 03 SECONDS WEST, 136.59 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD AS IT INTERSECTS WITH HUNTER STREET (90 FOOT WIDE PUBLIC RIGHT OF WAY), SOUTH 83 DEGREES 27 MINUTES 19 SECONDS WEST, 64.37 FEET TO A POINT IN THE SAID NORTHERN RIGHT OF WAY HUNTER STREET; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 54 DEGREES 46 MINUTES 45 SECONDS WEST, 417.20 FEET TO A POINT; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, 404.74 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,190.92 FEET, CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 30 SECONDS WEST AND CHORD DISTANCE OF 402.79 FEET TO AN EXISTING 1/2" REBAR; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 08 MINUTES 12 SECONDS WEST, 135.61 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET AND CROSSING SAID CSX TRANSPORTATION RIGHT OF WAY, NORTH 72 DEGREES 43 MINUTES 23 SECONDS WEST, 101.75 FEET TO A POINT IN THE WESTERN RIGHT OF WAY SAID CSX TRANSPORTATION; THENCE LEAVING SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION 100 FOOT WIDE RIGHT OF WAY ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 36 MINUTES 48 SECONDS WEST, 249.84 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF A 100 FOOT WIDE CSX TRANSPORTATION PRIVATE RIGHT OF WAY; THENCE ALONG

SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, NORTH 03 DEGREES 58 MINUTES 59 SECONDS, 1,095.49 FEET TO A POINT; THENCE LEAVING SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, SOUTH 87 DEGREES 43 MINUTES 16 SECONDS EAST, 500.77 FEET TO A POINT; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, NORTH 03 DEGREES 59 MINUTES 46 SECONDS EAST, 1,022.07 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID LAMPE ENTERPRISES 1995 LTD PARTNERSHIP; NORTH 85 DEGREES 59 MINUTES 31 SECONDS WEST, 499.97 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 36 SECONDS EAST, 1,021.63 FEET TO A EXISTING ¾" (O.D.) RION PIPE, SAID PIPE ALSO BEING NORTH 32 DEGREES 16 MINUTES 29 SECONDS EAST, 146.51 FEET FROM CSX RAIL ROAD MILE MARKER 20 POST; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 52 SECONDS EAST, 804.57 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 173.39 ACRES FROM WHICH 5.484 ACRES IS TO BE EXCLUDED FOR BING CSX RAIL RIGHT OF WAY. TOTAL PARCEL ACRES FOR REZONING IS 167.903 ACRES.

THIS BOUNDARY DESCRIPTION WAS PREPARED BY TIMOTHY E. BOWES, PLS L-3455 OF BBM ASSOCIATES, INC. OUR ADDRESS IS 407 GORMAN STREET, SUITE 101 RALEIGH NC 27607. OUR TELEPHONE NUMBER IS (919) 833-7336 AND OUR FAX NUMBER IS (919) 833-7337. THE DESCRIPTION PREPARED EMBODIES THE SURVEYOR'S OPINION OF THE LOCATION OF THE BOUNDARY LINES OF THE TRACT AND IS NOT TO BE CONSTRUED AS A CERTIFICATION TO QUALITY OF TITLE TO THE PROPERTY.

Attachment "B"



May 22, 2007

Ms. Dianne Khin  
Planning Director  
Town of Apex  
73 Hunter Street  
Apex, NC 27502

**SUBJECT: CONDITIONS OF REZONING  
TRACKSIDE DEVELOPMENT- APEX, NORTH CAROLINA  
BBM PROJECT # AFD001.000**

Dear Dianne:

BBM Associates, authorized agent for Apex First Development, respectfully requests the following additional zoning conditions be added to the PUD-CZ request for the Trackside Development.

1. The 8-acre tract between the Guy C. Lee property and the eastern rail line will be designated mixed-use and have a maximum residential density of 10 dwelling units/acre.
2. Within Trackside South, all townhomes fronting the western side of Town Hall Drive will be "live/work" townhomes. For purposes of this zoning document, live/work townhomes are defined as individually owned townhomes that have a first floor business space with a second and third floor residence, each with a separate street-front entrance.
3. Gasoline sales shall be prohibited.
4. Freestanding restaurants with drive-thru windows shall be prohibited, with the exception of a coffee house. For purposes of this zoning document, a coffee house is defined as a retail outlet that sells coffee/tea and ancillary products, breads and desserts as more than 50% of their sales. Restaurants with drive-thru windows shall be allowed in-line with other commercial space.
5. The 40' Type-A buffers fronting Highway 64 will be supplemented with additional plantings of loblolly pines and magnolias in the Highway 64 right-of-way, subject to the approval of an encroachment agreement by NCDOT.

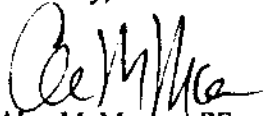


**Ms. Dianne Khin**  
**May 22, 2007**  
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6. The pond in the southeastern corner of Trackside South will be sized to provide volume control for the 10-year, 24-hour storm.
7. A 10-ft. wide, asphalt multi-use path will be constructed along the eastern side of the road connecting the public park to the Apex Peakway.

We trust this information is sufficient to be considered by the Town Council. Please feel free to contact me at 919-833-7336 or [amaness@bbmassociates.com](mailto:amaness@bbmassociates.com) with any questions.

Sincerely,



Alan M. Maness, PE  
President



# PD PLAN for PUD-CZ Trackside Development Apex, North Carolina

## Prepared for:

Apex First Development, LLC  
733 Center Street  
Apex, NC 27502  
Phone: 919-363-0404  
Fax: 919-362-7822

## Prepared by:

BBM Associates, Inc.  
407 Gorman Street, Suite 101  
Raleigh, NC 27607  
Phone: 919-833-7336  
Fax: 919-833-7337

February 5, 2007  
Revised: March 16, 2007  
Revised: April 02, 2007  
Revised: May 15, 2007



5-15-07

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**PROJECT DATA**

**Trackside North**

PIN: 0742-55-5453

PIN: 0742-56-4866

Owner (1):

Apex First Development, LLC  
315 S. Salem Street, Suite 200 B  
Apex, NC 27502  
Ph: 919-363-0404  
Fax: 919-362-7822

**Trackside South**

PIN: 0742-54-7499

PIN: 0742-63-0040

Owner (2):

F. Brent Neal, Marion Hays McNair, and  
Douglas W. Duncan, Trustees of the  
Laura T. Duncan Family Trust, Douglass  
W. Duncan, Trustee  
Suite 806, 11 Piedmont Center  
3495 Piedmont Road  
Atlanta, GA 30305  
Ph: 404-262-2000  
Fax: 404-262-2897

Area of Tract: 93.25

Area of Tract: 76.38 Ac

Current Zoning: LI & MD  
Proposed Zoning: PUD-CZ

Current Zoning: RA  
Proposed Zoning: PUD-CZ

Current Land Use: Agriculture  
Proposed Land Use: Mixed-Use &  
Residential

Current Land Use: Agriculture  
Proposed Land Use: Mixed-Use &  
Residential

Current 2025 Land Use Designation:  
Mixed Use – Office & Institutional,  
Commercial, High and Medium Density  
Residential

Current 2025 Land Use Designation:  
Mixed Use – Office & Institutional,  
Commercial, High and Medium Density  
Residential

**Residential Density**

Description	Maximum Density*	Acreage	Units
Trackside North	6.84 du/ac	93.25 Ac.	638 units
Trackside South	5.96 du/ac	76.38 Ac.	455 units**
Total	6.44 du/ac	169.63 Ac.	1093 units

\*Individual densities for different sections of the development are indicated on the development plan and range between 3.12 du/ac and 30 du/ac.

\*\*Residential may increase to 600 units in lieu of office or commercial space within Trackside South. There will be a minimum of 80,000 S.F. and a maximum of 220,000 S.F. of commercial space.

**Commercial Density (Trackside South)**

Description	Office	Retail	Total
Minimum	20,000 SF	60,000 SF	80,000 SF
Maximum	80,000 SF	140,000 SF.	220,000 SF

## **PURPOSE**

Trackside is a 169.63-acre Planned Unit Development in Apex, North Carolina. The property is bounded by US Highway 64 to the north, a CSX rail line to the west, Laura Duncan Road to the east and Hunter Street to the south. The property is divided into Trackside North and Trackside South by the future Apex Peakway.

The subject properties, which comprise 4 parcels, are under a single unified control. The owner or contract option holder of all of parcels is Apex First Development, LLC. This single entity will be the sole party from which the Town will accept decisions regarding the Planned Unit Development and PD Plan.

The development plan incorporates a mixture of single family residential, attached residential, retail and office uses. The request is to change the zoning from LI - Light Industrial, MD - Medium Density Residential and RA – Residential Agricultural to PUD-CZ, Planned Unit Development, Conditional Zoning.

Trackside North is a 93.25-acre development located between US Highway 64 and the future Apex Peakway. Trackside South is a 76.38-acre development located between the future Apex Peakway and Hunter Street. The Trackside property was designated as a mixed-use node on the 2025 Land Use Plan.

The Trackside Development was designed to meet the development parameters found in UDO Sec. 2.3.4(F)(1)(a)(iv)-(vi). As such, the development incorporates sidewalk improvements as required by the Apex Transportation Plan and the Town of Apex Standard Specifications and Construction Details. Furthermore, the planning of a 12.98-acre park area south of the future Apex Peakway will be coordinated with the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan.

Trackside's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned public park, as well as the open space provided to meet Parks and Recreation's requirements. Trackside North and Trackside South will be connected in order to promote pedestrian connectivity. The proposed development also has been designed to provide an efficient compact network of streets that are efficient in distributing all traffic. The design of the Trackside Development promotes interconnectivity within the tract and land use patterns that promote expanded opportunities for public transportation. Planned roadways are consistent with the Town's thoroughfare plan. Cul-de-sacs have been limited, and have only been provided where environmental constraints have deemed necessary. These environmental factors include wetlands and streams, which would be significantly impacted by further roadway development.

The Trackside Development is compatible with the character of the surrounding land uses. The proposed mixed-use development provides a place where residents can shop, work and recreate within walking distance of their home. It is also consistent with residential neighborhoods located to the east and west of the proposed site. There is no question that the development would enhance the value of surrounding properties.



**PERMITTED USES**

Proposed Uses shall be limited to those approved for PUD-CZ districts as specified in Sec. 4.2.2 of the Town of Apex Unified Development Ordinance, except for the following:

Water and Wastewater Treatment

**DESIGN CONTROLS**

***Single-Family & Townhomes***

Front Setback:	5' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i>  10' from back of curb along private street/parking
Side Setback:	0' (3' per Uniform Building Code for walls w/ openings)
Corner Side	5' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i>  10' from back of curb along private street/parking
Rear Setback	5' (3' per Uniform Building Code for walls w/ openings)
Buffer (Internal)	0'
Max Height	3 Stories (45')
Impervious Coverage	70% of Gross Project Area
Max Density	15 du/ac

Additional design controls for the residential portion of Trackside North include:

1. Steps, stoops and awnings must be a minimum of 3' from the property line.
2. All houses will be a minimum of 3 steps up to the front door.
3. Neo-Traditional homes will have rear garages, either detached or attached. Garages for the Neo-Traditional homes will be accessed from a rear alley.

***Mixed Use, Condominiums, Apartments, & Non-Residential***

Front Setback:	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i>  5' from back of curb along private street/parking
Side Setback:	0' (3' per Uniform Building Code for walls w/ openings)

Corner Side	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i>  5' from back of curb along private street/parking
Rear Setback	0' (3' per Uniform Building Code for walls w/ openings)
Buffer (Internal)	0'
Max Height	Hotels and any use fronting Highway 64 - 5 stories (75') All other uses - 4 Stories (60')
Impervious Coverage	70% of Gross Project Area
Max Density	30 du/ac

### **ARCHITECTURAL STANDARDS**

The PUD-CZ will follow the architectural guideline outlined in the UDO. Designs for all buildings, including single-family homes, will be overseen by an architectural review committee. Buildings will vary between one and four stories (except hotel use or uses fronting US 64 may be five stories) and will have varied roof types. All single-family homes and townhomes will be on crawl space, basement or elevated slab foundations with a minimum of three steps at the front entrance.

Materials will consist of brick, masonry, stucco, wood, Hardi-board (or equal), glass and architectural metals will form the building materials palette. Potential retail and commercial uses may feature glass, brick and/or aluminum storefronts. A varied color palette will be utilized.

Townhome units will step forward and backward, as well as up and down. The side elevations of townhome end units and corner single-family homes will incorporate unique architectural elements, such as bay windows, porches and decorative trim. Retaining walls, if necessary, will have a brick or stone veneer or be composed of precast segmental concrete block, in a complementary color.

The project will be pedestrian friendly with sidewalks connecting the different uses. To minimize the affects of on-site lighting, down lighting and shielded fixtures will be utilized. Electrical transformers and HVAC units will be screened in accordance with the UDO. For transformers, screening will maintain a 3' distance on the sides for heat dissipation and 10' clearance in front for safe operation.

## **ACCESS AND CIRCULATION**

The design of the Trackside development allows for a safe and adequate on-site transportation circulation system. Plans will promote interconnectivity within the tract and land use patterns that promote expanded opportunities for public transportation. Planned roadways are consistent with the Town's Transportation Plan and Standard Specifications and Construction Details and show required right-of-way widths and road sections.

Please see the accompanying Traffic Impact Analysis prepared for the development by Ramey Kemp & Associates. All recommendations as set forth in the Addendum to the Traffic Impact Analysis addressing Town of Apex review comments will be incorporated into future site plans.

The Town of Apex plans to construct the Apex Peakway from North Salem Street to New Dover Road east of Laura Duncan Road. This project in combination with the active project to construct the Peakway from Hillcrest Road to North Salem Street (right-of-way being acquired) and the active project to construct the Peakway from Olive Chapel Road to South Salem Street (under construction) will provide a minimum 2-lane contiguous section of the Peakway from South Salem Street in the west to Center Street in the east. The completion of these projects cumulatively is anticipated prior to 2009.

The Trackside project shall dedicate a 100' right-of-way corridor and permanent slope easements and construction easements required to provide the grade separation of the Apex Peakway over the railroad tracks based on the ultimate four-lane divided section. This includes the portion of the Peakway through the proposed Trackside development from the western railroad track (immediately east of Guy C. Lee) to Laura Duncan Road.

Trackside North includes collector streets on 60' right-of-way from the Apex Peakway in the south to US 64 in the north. This project will upgrade the existing access at US 64 including:

- (1) lengthen the existing right-turn deceleration lane on US 64 to 300' plus a 100' taper and meet all additional NCDOT requirements in the driveway permit issued August 22, 2005
- (2) dedicate 40' additional right-of-way (for a total 60') along the existing paved access road currently serving Bradley Carpets
- (3) upgrade that access road to collector street standards.

The remainder of the roadway is designated as a new location collector street on 60' right-of-way. Right-of-way will be increased to both north and south of the future Apex Peakway to accommodate turn bays on the minor street approaches to the Peakway.

Trackside South will involve the construction of a new Town of Apex Public street from a point opposite the Hunter Street entrance to the Town Hall campus north to a full access intersection with the Apex Peakway. Another public street will connect this new road to Laura Duncan Road in the east. Other minor street construction is anticipated as the site plans are finalized.



The development will also provide the following:

1. improvements on Laura Duncan Road. These include left turn lanes serving all site driveways and curb and gutter with sidewalk along the development frontage based on the Transportation Plan.
2. the dedication of additional right-of-way as needed along the property frontage to provide at least half of a 65' R/W north of the Apex Peakway and half of a 75' R/W south of the Peakway.
3. improvements on Hunter Street to provide diagonal parking along the street. Half of a 43' back-to-back roadway with curb and gutter and sidewalk with dedication of half of an 80' right-of-way will be provided along the property frontage on Hunter Street.
4. turn lanes and signalization at the intersection of North Salem Street and the Apex Peakway according to the recommendations in the Traffic Impact Analysis when in excess of the Town's scope of work.
5. The development will contribute to design and construction of a roundabout, subject to a development agreement with the Town of Apex, at the intersection of Laura Duncan Road and Hunter Street prior to or during development of the outparcel on the northwest corner of the intersection.
6. turn lanes and signalization at the intersection of Laura Duncan Road and the Apex Peakway according to the recommendations in the Traffic Impact Analysis when in excess of the Town's scope of work.
7. geometric improvements at the intersection of US 64 and Laura Duncan Road during the first phase of the southern site according to the recommendations in the Traffic Impact Analysis.

#### **PARKING AND LOADING REQUIREMENTS**

Parking and loading requirements will meet or exceed the requirements of Sec 8.3 of the Apex UDO. All townhomes will be provided with a minimum ratio of 2 parking spaces per unit with an additional 0.25 spaces per unit for guests.

Parking will be demonstrated in detail during Site Plan approval.

#### **SIGNS**

All signage will comply with Sec. 8.7 of the Apex UDO.

#### **NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**

The site lies within the Williams Creek Basin (Neuse River Basin) and therefore is part of the Primary Watershed Protection Overlay District. As such, the proposed development will comply with all state and local Watershed Protection Overlay District regulations. There is no FEMA designated 100-year floodplain within the property. There is no "Historic Structure" located on the site as defined by UDO Sec 12.2. Furthermore, this plan will comply with all riparian buffer rules enforced by the State of North Carolina (Neuse Rules) and the Town of Apex.

### **STORMWATER MANAGEMENT**

Trackside North will comply with the Town's requirements for stormwater management. The developers will maintain all storm water facilities. Stormwater conditions shall meet Sec. 2.3.4(F)(1)(h) and Sec. 6.1.7 of the Apex UDO. All stormwater will drain to proposed stormwater BMPs located throughout the site. The BMPs will capture and settle 85% of the Total Suspended Solids (TSS) for the site, treat for Nitrogen, and limit the post-development runoff rates to pre-development runoff rates for the 1-year, 10-year and 25-year design storms.

### **PARKS AND RECREATION**

Trackside will incorporate the following amenities for active and passive recreation:

1. A Public Park dedication of 12.98 acres, as shown on the development plan
2. Provision of a 20 foot public greenway easement around the existing on-site pond within RCA area 5 and construction of a 10 foot wide public greenway trail built to Town standards within that public greenway easement.
3. Work with staff to design the park and greenway trail previously mentioned. Prior to construction, the developer will present to the Town / Construction Mgt. a cost estimate for the project to be certified by the Town and upon completion, the developer will present invoices for the construction for certification by Construction Management.
4. Based on maximum anticipated densities, the developer would receive a credit for 454 units (12.98 acres divided by  $\frac{1}{35}$  acre) and pay a fee-in-lieu of \$691,361.76 for 769 remaining units. The fee will be adjusted based on actual number of units permitted.
5. The fee in lieu would then be used to design and construct a new public park on the 12.98 acres and the planned greenway trails. Once completed, the Town would then be responsible for the maintenance of the completed public park and the public greenway trail.
6. The developer, builder or Home Owner's Association will maintain two flat open space areas within Trackside North (.75 and .43 acres) to lawn quality. Both areas are to be approved by the Town.
7. A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to developer as part of recreation requirement.
8. All public park requirements and public greenway construction must be completed at the time 50% of the Certificates of Occupancy for the entire development are issued.

The Apex Parks and Recreation Advisory Committee unanimously approved the preceding conditions at their February 28, 2007 meeting.

## **PUBLIC FACILITIES**

All improvements standards applicable to the public facilities that will serve the Trackside site shall comply with Article 7: *Subdivision* of the UDO. All on-site potable water and wastewater lines will be designed according to sound engineering standards and provided by the developer. All easement acquisition will occur at the construction document submittal stage. Routing of other utilities, to include electricity, phone, cable and gas, will be in keeping with the Town of Apex standards, Sec. 2.3.4.(F)(1)(f) of the UDO.

The Trackside North development will be served by the proposed sewer system extension and pump station, which will eventually serve the upper portion of the William's Creek drainage basin. The sanitary sewer system extension and pump station are currently under design. The developer will be responsible for designing and constructing the sanitary sewer outfall from the Trackside site to the existing Laura Village pump station. The Town will be responsible for constructing the sanitary sewer outfall from the existing Laura Village pump station to the new William's Creek pump station. Construction of the sanitary sewer infrastructure is anticipated to begin around February 2007, with a completion date of February 2008. Offsite potable water will be supplied by an existing 12" DI water line located to the north of Highway 64 and a new 12" DI water line to be constructed under the new Apex Peakway.

The Trackside South development will be served primarily by an existing Town of Apex sanitary sewer outfall running through the southeast corner of the property. Portions of the site will be served by existing sanitary sewer lines along Laura Duncan Road and new mains to be extended from the Trackside North development. Offsite potable water will be supplied by an existing 16" DI water line located under Hunter Street, an existing 12" DI water line under Laura Duncan Road and a new 12" DI water line to be constructed under the new Apex Peakway.

The Applicant acknowledges that approval of this application does not indicate, imply or otherwise suggest that sewer, water or other municipal utilities are or will be available to the property. In addition, applicant acknowledges that any references in this application, which anticipate completion of such utilities, do not imply or otherwise suggest that the Town will build such utilities on any particular schedule or that the utilities will be built at all. The applicant assumes all risk that utilities will not be completed on schedule or may never be completed.

## **PHASING**

A Master Subdivision Plan has been submitted along with this rezoning request for Trackside North. It is anticipated that the completion of Trackside North will occur in year 2011. Build out of Trackside North will take place in four phases. Phase 1 includes collector streets on 60' right-of-way from the Apex Peakway in the south to US 64 in the north and the private recreation facility.

Completion of Trackside South is anticipated to occur by 2015. The Applicant is prepared to proceed with site plan submittal for Trackside South upon approval of rezoning. Trackside South will not proceed to site plan approval stage until the Town of Apex is ready to proceed with the approval and construction of the Apex Peakway.



### **CONSISTENCY WITH LAND USE PLANS**

Trackside North is consistent with the 2025 Land Use Plan of the Town of Apex.

### **COMPLIES WITH THE UDO**

Trackside North complies with all relevant sections of the Town of Apex UDO.

### **RESOURCE CONSERVATION AREA**

The Resource Conservation Area is as identified on the PD Plan. The required RCA and buffers (equal to 20% of the total site acreage) is 33.58 acres. The provided RCA and buffers is 37.78 acres or 22.5% of the site. The PD Plan for PUD is in compliance with Sec 8.1.2, *Resource Conservation Area* of the UDO.

### **LANDSCAPING**

The Landscape Plan, which will be submitted at the Site Plan stage, will demonstrate compliance with the standards set forth in Sections 8.1 Resource Conservation and 8.2 Landscaping, Buffering and Screening, of the Town of Apex's Unified Development Ordinance. Specifically as follows:

- Resource Conservation Area - Undisturbed forested area has been set aside, delineated and described on the plans. It meets the required percentage of overall land area. Proposed conceptual storm water retention ponds, while not in the RCA, will be planted according to the Town's standards.
- Landscape Buffers – The east and west property lines, which are adjacent to railroad tracks, will be provided with a 30' deep revegetated buffer planting consisting of oak, maple, elm, pine, cedar, redbud, dogwood and wax myrtle located in the Trackside property. The railroads' common boundary with our property is vegetated as well. The existing Highway 64 buffer will be supplemented in similar fashion. Trees of various installation sizes will be randomly planted on 8-10' centers.
- Streetscape Buffers – The Apex Peakway will be planted according to code for a thoroughfare. Large maturing trees will be planted 30' o/c and will be interplanted with small growing trees. Internal streetscapes without lot frontage will be planted 50' o/c with large maturing trees. These locations will be typically adjacent to forested RCA's.
- Buffers along Hunter Street will be Pedestrian-oriented streetscape buffers per UDO Section 8.2.6 (Article 8, Page 31):
  - "Pedestrian-oriented streetscape buffers shall be allowed in lieu of standard landscaped thoroughfare buffers when such buffers are located inside the Apex Peakway. Pedestrian-oriented streetscape buffers shall contain both hardscape elements (such as but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical minimum island widths or sizes."
- Building Landscaping Requirements – The streetscape for each building lot will contain one tree per lot, and two trees for corner lots. In almost all cases the

small lot size requires the use of a small maturing tree. Larger trees are used where room allows. It is noted at the site plan submittal stage that all mechanical units and utilities will be screened with evergreen shrubs.

- Single-Family Residential Grading and Topography Conservation- The application of Section 8.1.5 of the UDO to the Subdivision Plan will be required and fulfilled by the plan. Specifically, should Subsection (D) on Select Grading apply to the proposed grading methodology, generic details will be provided, as per code, showing supplemental plantings to be done on each residential lot impacted by select grading.
- Standards for residential unit plantings will meet the UDO requirements.

# **PD PLAN for PUD-CZ Trackside Development Apex, North Carolina**

## **Prepared for:**

Apex First Development, LLC  
733 Center Street  
Apex, NC 27502  
Phone: 919-363-0404  
Fax: 919-362-7822

## **Prepared by:**

BBM Associates, Inc.  
407 Gorman Street, Suite 101  
Raleigh, NC 27607  
Phone: 919-833-7336  
Fax: 919-833-7337

February 5, 2007  
Revised: March 16, 2007  
Revised: April 02, 2007  
Revised: May 15, 2007





407 Gorman Street  
 Suite 101  
 Raleigh, North Carolina 27607

919-833-7336  
 Fax: 919-833-7337  
 www.bbmassociates.com

**DRAWING INDEX**  
 001 TREE SURVEY  
 011 EXISTING DEMOGRAPHIC PLAN  
 013 PHASING PLAN  
 021 LAYOUT PLAN  
 041 CONCEPTUAL UTILITY PLAN

# TRACKSIDE

## APEX FIRST DEVELOPMENT, LLC

### APEX NORTH CAROLINA



**SITE DATA**

PROPOSED USE, RESIDENTIAL  
 TRACKSIDE NORTH  
 SITE ACREAGE: 65.28 AC  
 TRACKSIDE SOUTH  
 SITE ACREAGE: 25.82 AC  
 TOTAL ACREAGE: 91.10 AC

**OWNER INFORMATION**

TRACKSIDE NORTH  
 APEX 1ST DEVELOPMENT, LLC  
 808 1/2 CENTER STREET  
 APEX, NC 27603  
 PHONE: (919) 367-6001  
 FAX: (919) 367-7022

TRACKSIDE SOUTH  
 F. BRENT HCAL, WARREN HAYES MCKNIE, AND  
 DOUGLAS W. DUNCAN, TRUSTEES OF THE  
 LAURA T. DUNCAN FAMILY TRUST, DOUGLASS  
 W. DUNCAN TRUSTEE  
 SUITE 909, 11 FREDRICK CENTER  
 3405 FREDRICK ROAD  
 ATLANTA, GA 30309  
 PHONE: (404) 282-2000  
 FAX: (404) 282-2887

**FLOOD PLAIN**

THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN.

**WATERSHED**

THIS SITE IS WITHIN THE WILLIAMS CREEK BASIN AND THEREFORE IS PART OF THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.

**RESOURCE CONSERVATION AREA**

AREA OF SITE = 91.10 AC  
 RCA REQUIRED (30%) = 27.33 AC  
 PROPOSED RCA = 43.81 AC

**PROPOSED DENSITY**

TRACKSIDE NORTH 6.34 DU/AC  
 TOTAL PHASE 1 638 UNITS  
 TRACKSIDE SOUTH 7.52 DU/AC  
 TOTAL PHASE 2 202 UNITS  
 TOTAL DEVELOPMENT 1233 UNITS

**BUILDING CRITERIA**

STORIES (TOWNHOMES) 1-3  
 MAX HEIGHT 48'  
 STORIES (HOTELS AND USES REQUIRING 80 FT BA) 1-5 STORIES  
 MAX HEIGHT 72'  
 TRACKSIDE SOUTH MIN COMMERCIAL MAX COMMERCIAL 80,000 SF 20,000 SF

**PARKING**

1 SPACE/200 SF OF OFFICE/RETAIL, 3.25 SPACES PER RESIDENTIAL UNIT

**DESIGN CONTROLS**

SEE DESIGN CONTROLS SECTION OF PD PLAN TEXT

**SETBACKS**

SINGLE FAMILY & TOWNHOMES  
 FRONT: 5' FROM PUBLIC R/W  
 SIDE: 5'  
 CORNER SIDE: 5' FROM PUBLIC R/W  
 REAR: 5'

MIXED USE, CONDOMINIUM, APARTMENTS & NON-RESIDENTIAL  
 FRONT: 5' FROM PUBLIC R/W  
 SIDE: 5'  
 CORNER SIDE: 5' FROM PUBLIC R/W  
 REAR: 5'

**MISC. SITE INFORMATION**

ZONING AND LAND USE:  
 CURRENT ZONING: U1, M1 & RA  
 PROPOSED ZONING: PD-C2  
 CURRENT USE: AGRICULTURE

**PERMITTED USES BY LOT**

SEE PERMITTED USES SECTION OF PD PLAN TEXT

**2025 LAND USE PLAN DESIGNATION**

CURRENT: MIXED USE  
 PROPOSED: MIXED USE

**HISTORIC STRUCTURES**

NONE



PD PLAN SUBMITTAL  
 APRIL 02, 2007





**GRAPHIC SCALE**



( IN FEET )  
1 inch = 400 ft.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1348.23	18°59'00"	S31°34'13"W	367.82
C2	557.87	1682.63	18°58'34"	N28°47'06"E	555.32
C3	404.74	1190.02	19°28'20"	N64°30'24"W	402.78
C4	109.17	2204.90	2°50'12"	S89°58'55"E	109.16

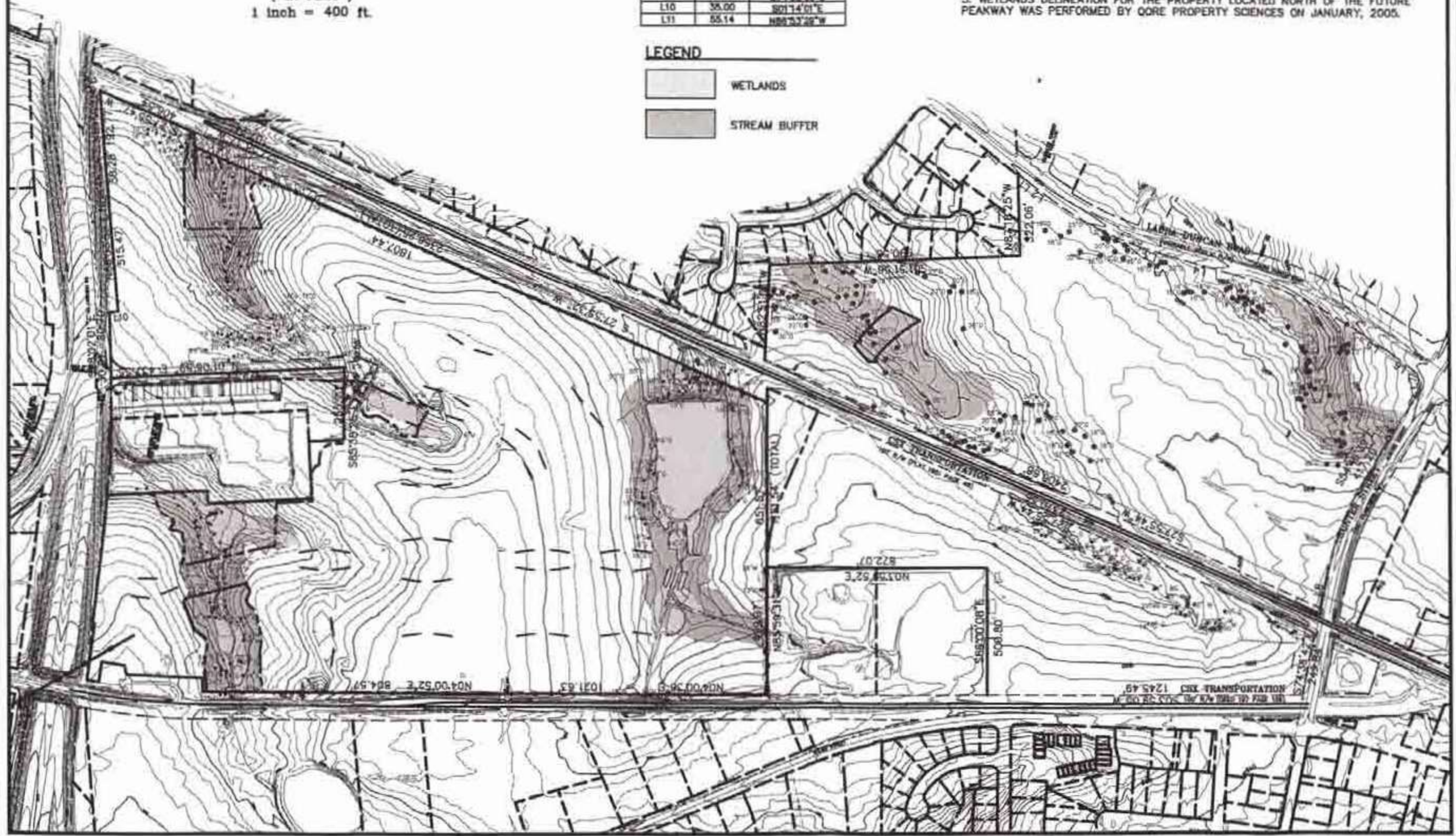
LINE TABLE		
LINE	LENGTH	BEARING
L1	86.41	S42°46'07"W
L2	92.40	N41°00'57"E
L3	110.60	N22°30'32"E
L4	283.01	N18°48'45"E
L5	132.33	N37°44'57"E
L6	136.59	N41°48'08"E
L7	64.37	N83°27'30"E
L8	135.81	S74°38'00"E
L10	35.00	S01°14'01"E
L11	55.14	N89°57'29"W

**GENERAL NOTES**

- EXISTING SITE SURVEY INFORMATION FOR PROPERTY LOCATED NORTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY BBM ASSOCIATES, INC. DATED JULY, 2004. EXISTING SURVEY INFORMATION FOR PROPERTY LOCATED SOUTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY JOHN R. MCADAMS, CO, INC. DATED SEPTEMBER, 2005.
- EXISTING SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
- THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN. REFERENCE: FEMA PANEL 370487 0479 E, EFFECTIVE MARCH 3, 1992.
- STREAM DETERMINATION WAS PERFORMED ON PROPERTY LOCATED NORTH OF FUTURE PEAKWAY BY NCDENR/DWQ ON MARCH, 2005
- WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY QORE PROPERTY SCIENCES ON JANUARY, 2005.

**LEGEND**

- WETLANDS
- STREAM BUFFER



407 Gosman St  
Suite 101  
Raleigh, North Carolina 27607  
919-833-7234  
Fax: 919-833-7337  
www.bbmapc.com

**TRACKSIDE REZONING  
PLANNED DEVELOPMENT PLAN  
APEX, NORTH CAROLINA**

TITLE SEQUENCE		
NO.	DATE	DESCRIPTION
1	02/08/03	PC PLAN SUBMITTAL
2	03/18/03	PC PLAN SUBMITTAL
3	04/02/03	PC PLAN SUBMITTAL

**EXISTING  
CONDITIONS  
PLAN  
C1.1**

PROJECT NO. W0004.000  
DESIGNED BY AAM  
CHECKED BY AAM  
DATE: 05/05/04



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1346.23	16°59'00"	S31°54'13"W	397.62
C2	557.87	1682.93	18°58'34"	N28°47'00"E	555.32
C3	404.74	1190.62	18°38'20"	N64°30'24"W	402.79
C4	109.17	2204.90	2°30'12"	S89°58'30"E	109.16

LINE TABLE		
LINE	LENGTH	BEARING
L1	88.41	S42°48'07"W
L2	92.40	N41°00'57"E
L3	110.80	N22°30'32"E
L4	283.01	N18°48'45"E
L5	132.33	N37°44'37"E
L6	136.59	N41°48'09"E
L7	84.37	N63°27'20"E
L8	135.61	S74°08'08"E
L10	30.00	S01°14'01"E
L11	55.14	N86°33'28"W

**LEGEND**

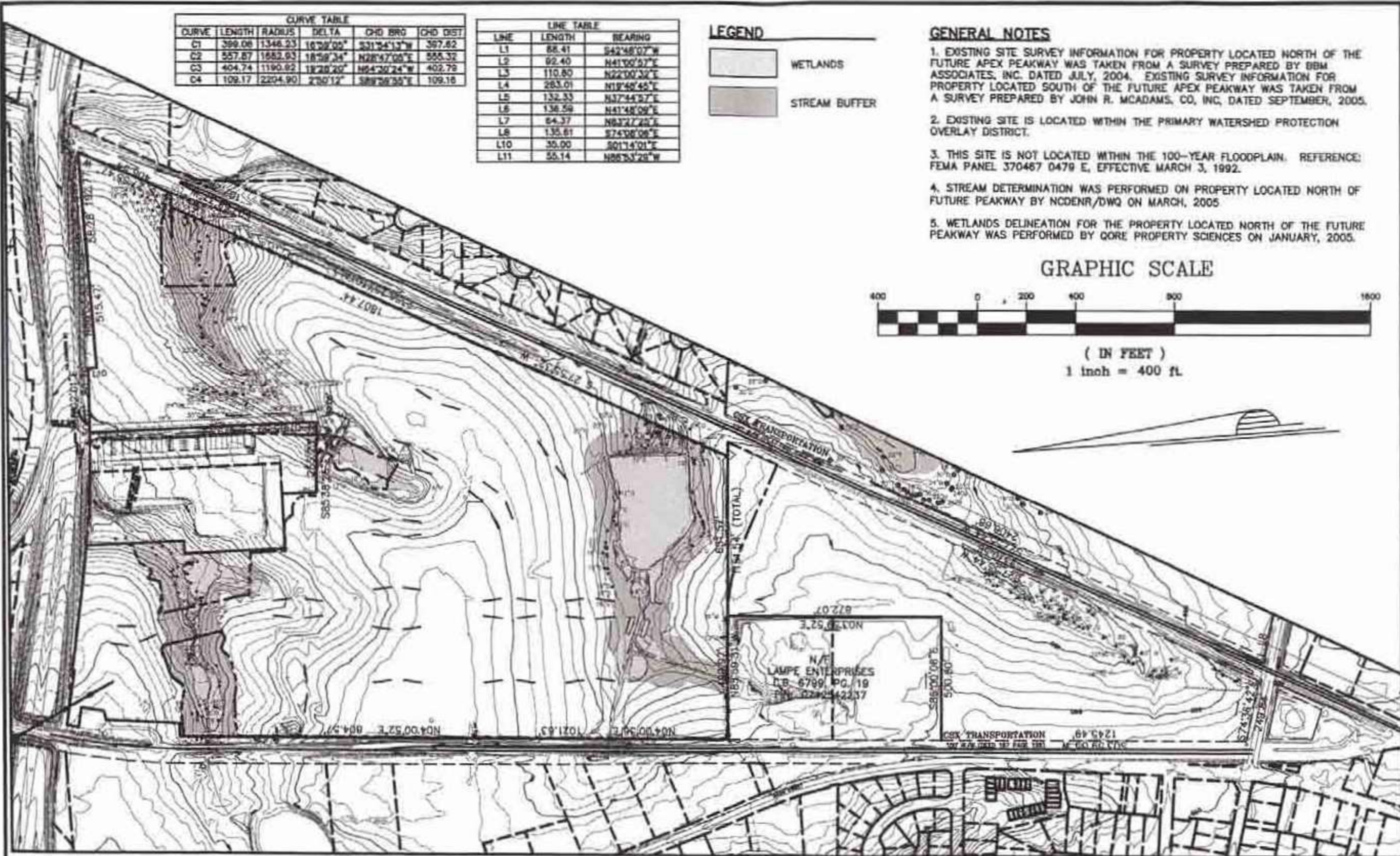
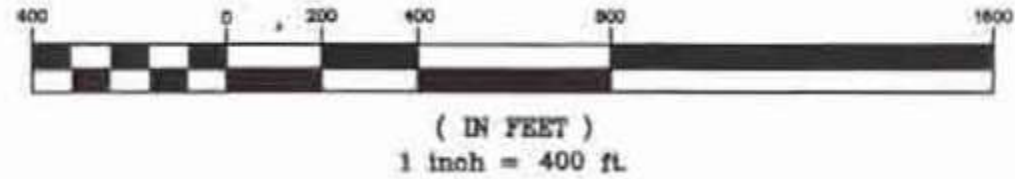
 WETLANDS

 STREAM BUFFER

**GENERAL NOTES**

- EXISTING SITE SURVEY INFORMATION FOR PROPERTY LOCATED NORTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY BBM ASSOCIATES, INC. DATED JULY, 2004. EXISTING SURVEY INFORMATION FOR PROPERTY LOCATED SOUTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY JOHN R. MCADAMS, CO, INC. DATED SEPTEMBER, 2005.
- EXISTING SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
- THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN. REFERENCE: FEMA PANEL 370467 0479 E, EFFECTIVE MARCH 3, 1992.
- STREAM DETERMINATION WAS PERFORMED ON PROPERTY LOCATED NORTH OF FUTURE PEAKWAY BY NCDENR/DWQ ON MARCH, 2005
- WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY CORE PROPERTY SCIENCES ON JANUARY, 2005.

**GRAPHIC SCALE**



407 German St.  
Suite 101  
Raleigh, North Carolina 27607  
919.833.7370  
Fax: 919.837.7211  
www.bbmassociates.com

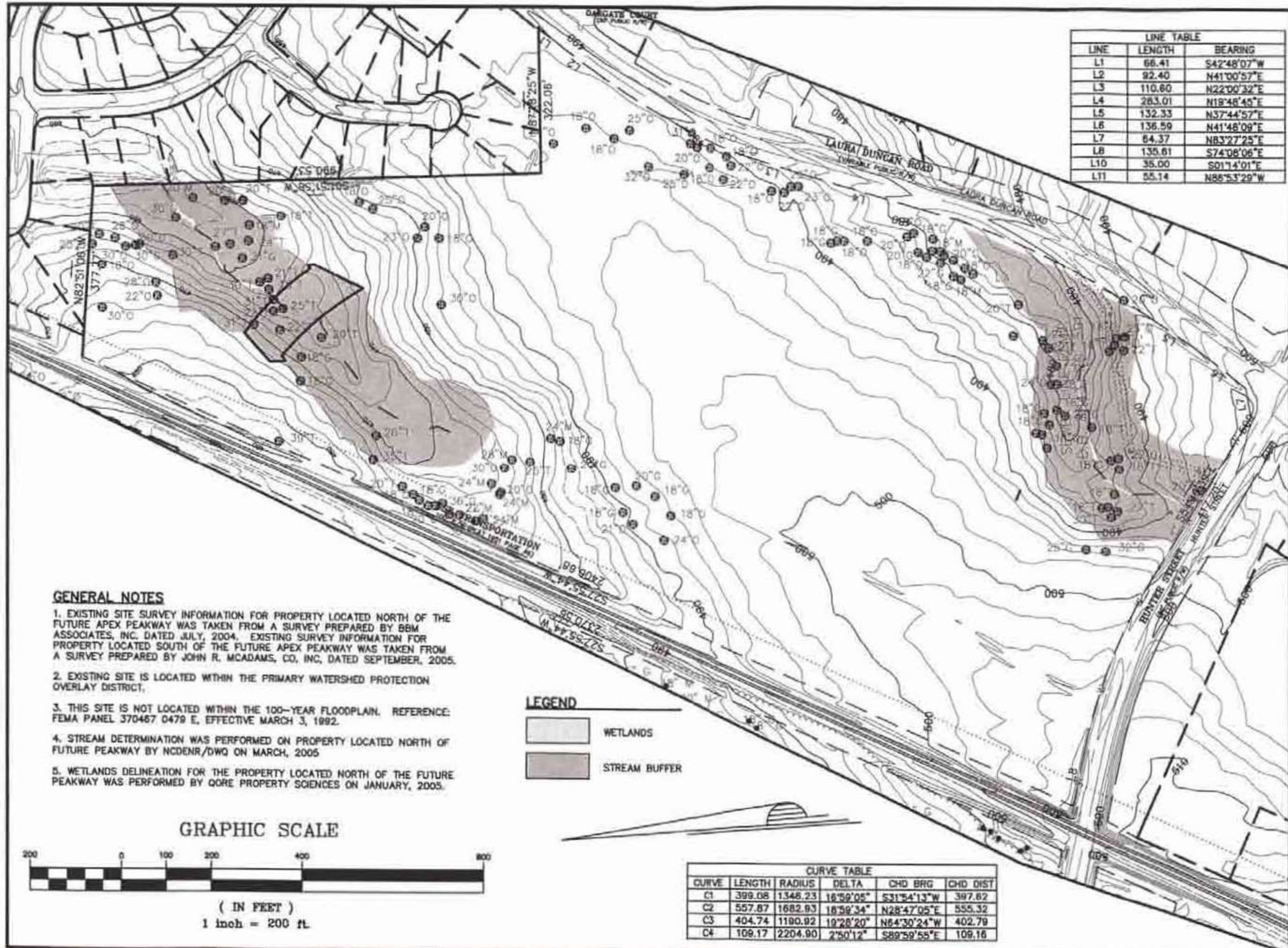
**TRACKSIDE REZONING**  
**PLANNED DEVELOPMENT PLAN**  
**APEX, NORTH CAROLINA**

ISSUE SEQUENCE		
NO.	DATE	DESCRIPTION
1	07/05/07	POPLANSUBMITTAL
2	03/18/07	POPLANSUBMITTAL
3	04/02/07	PO PLANSUBMITTAL

EXISTING  
CONDITIONS  
PLAN  
**C1.2**

PROJECT NO.: W0004200  
DESIGNED BY: JAM  
CHECKED BY: AMM  
DATE: 06/23/04





LINE TABLE		
LINE	LENGTH	BEARING
L1	66.41	S42°48'07"W
L2	92.40	N41°00'57"E
L3	110.60	N22°00'32"E
L4	283.01	N19°48'45"E
L5	132.33	N57°44'57"E
L6	136.59	N41°48'09"E
L7	64.37	N83°27'25"E
L8	130.61	S74°08'06"E
L10	35.00	S01°14'01"E
L11	55.14	N86°53'29"W

**GENERAL NOTES**

1. EXISTING SITE SURVEY INFORMATION FOR PROPERTY LOCATED NORTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY BBM ASSOCIATES, INC. DATED JULY, 2004. EXISTING SURVEY INFORMATION FOR PROPERTY LOCATED SOUTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY JOHN R. MCADAMS, CO, INC. DATED SEPTEMBER, 2005.
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5. WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY QORE PROPERTY SCIENCES ON JANUARY, 2005.

**LEGEND**

- WETLANDS
- STREAM BUFFER

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 200 ft.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1348.23	18°59'05"	S31°54'13"W	397.82
C2	557.87	1682.93	18°58'34"	N28°47'05"E	555.32
C3	404.74	1190.92	19°28'20"	N64°30'24"W	402.79
C4	109.17	2204.90	2°50'12"	S89°59'55"E	109.16



407 Horton St  
Suite 101  
Raleigh, North Carolina 27601  
919-833-7336  
Fax: 919-833-7337  
www.bbmnc.com

**TRACKSIDE REZONING  
PLANNED DEVELOPMENT PLAN  
APEX, NORTH CAROLINA**

BIDULE SEQUENCE		
NO.	DATE	DESCRIPTION
A	03/02/07	PD SUBMITTAL
A	03/18/07	PD SUBMITTAL
A	04/02/07	PD SUBMITTAL

**EXISTING  
CONDITIONS  
PLAN  
C1.3**

PROJECT NO.  
DRAWN BY  
CHECKED BY  
DATE

PROJECT NO.  
DATE



GRAPHIC SCALE



( 1" = 40' )  
 1 inch = 40 ft

CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	309.08	1346.23	16°59'05"	S31°54'13"W	397.82
C2	557.67	1682.93	16°59'34"	N28°47'05"E	555.32
C3	404.74	1190.62	19°28'20"	N64°30'24"W	402.79
C4	109.17	2204.60	2°50'12"	S89°59'55"E	109.18

LINE	LENGTH	BEARING
L1	68.41	S42°48'07"W
L2	62.40	N41°00'57"E
L3	110.80	N22°00'32"E
L4	283.01	N19°48'45"E
L5	132.33	N37°44'57"E
L6	136.59	N41°48'09"E
L7	64.37	N83°27'25"E
L8	135.61	S74°08'08"E
L10	35.00	S01°14'01"E
L11	55.14	N88°53'29"W

**SITE DATA**

**TRACKSIDE DEVELOPMENT**

LAND OWNER :  
 APEX FIRST DEVELOPMENT, LLC  
 809-1/2 CENTER STREET  
 APEX, NC 27502  
 PHONE : (919) 363-0404  
 FAX : (919) 362-7822

ZONING AND LAND USE:  
 CURRENT ZONING : LI-MD AND RA  
 PROPOSED ZONING : PU2-CU  
 CURRENT USE : AGRICULTURE

PIN:  
 0742-55-5453      0742-54-7499  
 0742-56-4866      0742-63-0040

TRACT AREA:  
 TRACKSIDE NORTH:      93.25 AC  
 TRACKSIDE SOUTH:      74.67 AC

TOTAL PROJECT ACREAGE:      167.92 AC

**RESOURCE CONSERVATION AREA**

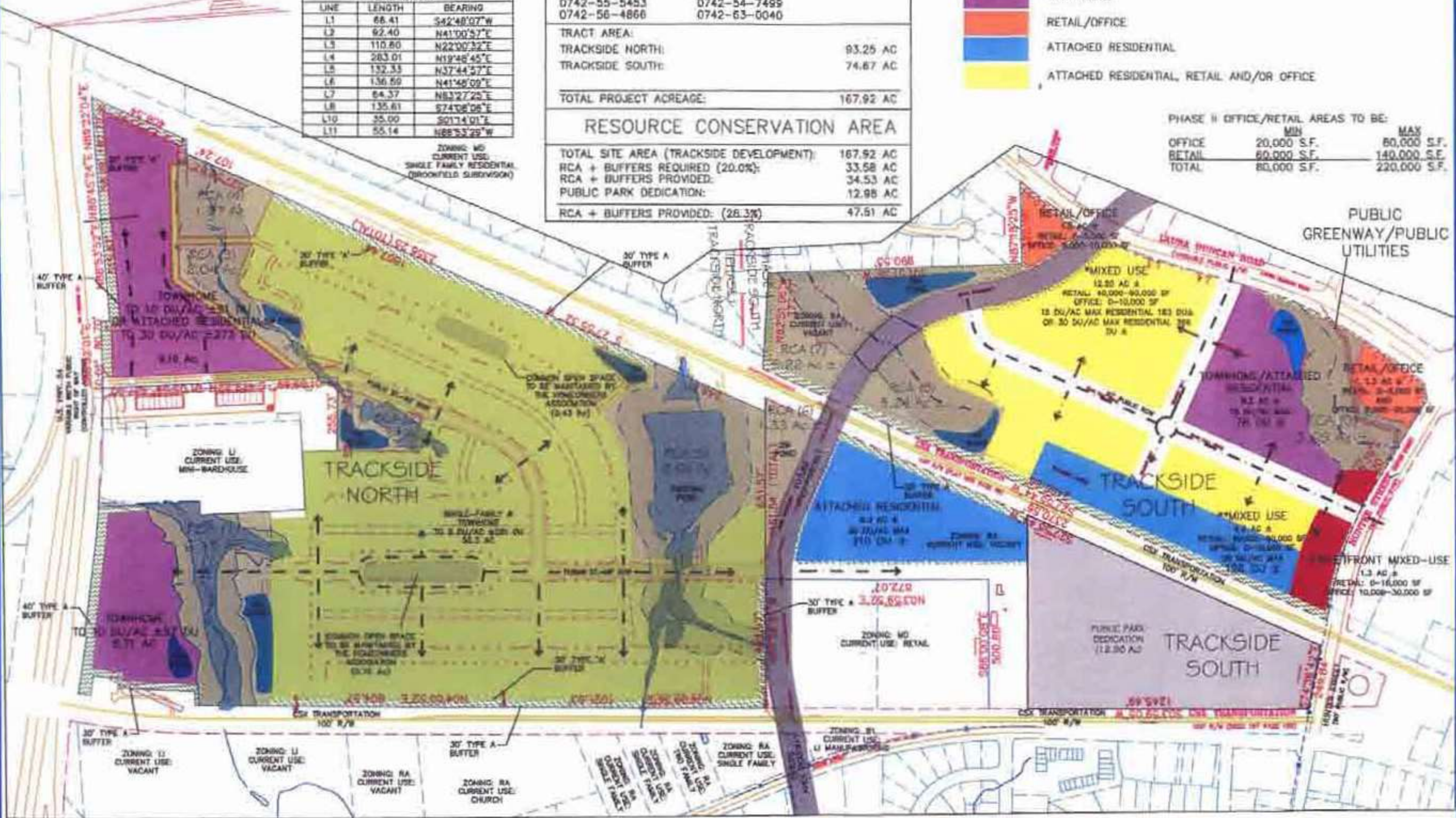
TOTAL SITE AREA (TRACKSIDE DEVELOPMENT):      167.92 AC  
 RCA + BUFFERS REQUIRED (20.0%):      33.58 AC  
 RCA + BUFFERS PROVIDED:      34.53 AC  
 PUBLIC PARK DEDICATION:      12.98 AC  
 RCA + BUFFERS PROVIDED: (26.3%)      47.51 AC

LEGEND

- DEDICATED PARKS AND RECREATION SPACE.
- STREAM BUFFER.
- PROPOSED RESOURCE CONSERVATION AREA.
- PROPOSED BUFFER.
- SINGLE FAMILY AND TOWNHOUSE
- STREETFRONT MIXED USE
- TOWNHOUSE
- RETAIL/OFFICE
- ATTACHED RESIDENTIAL
- ATTACHED RESIDENTIAL, RETAIL AND/OR OFFICE

PHASE II OFFICE/RETAIL AREAS TO BE:

	MIN	MAX
OFFICE	20,000 S.F.	60,000 S.F.
RETAIL	60,000 S.F.	140,000 S.F.
TOTAL	80,000 S.F.	220,000 S.F.



BBM ARCHITECTS  
 801 Summit St.  
 Suite 211  
 Raleigh, North Carolina 27601  
 919.832.2746  
 Fax: 919.832.7771  
 www.bbmarchitects.com

TRACKSIDE REZONING  
 PLANNED DEVELOPMENT PLAN  
 APEX, NORTH CAROLINA

REVISIONS

NO.	DATE	DESCRIPTION

SITE LAYOUT PLAN  
 C2.1



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	299.08	1346.23	18°59'00"	S31°54'13"W	397.62
C2	557.87	1882.93	18°58'34"	N28°47'05"E	555.32
C3	404.74	1190.97	19°28'20"	N64°30'24"W	402.79
C4	109.17	2204.90	2°30'12"	S88°56'55"E	109.16

LINE TABLE		
LINE	LENGTH	BEARING
L1	86.41	S42°48'07"W
L2	92.40	N41°50'57"E
L3	110.60	N22°30'32"E
L4	263.01	N19°48'45"E
L5	132.33	N37°44'57"E
L6	136.59	N41°48'09"E
L7	64.37	N83°27'25"E
L8	135.61	S74°08'06"E
L10	35.00	S01°14'01"E
L11	55.14	N88°53'29"W

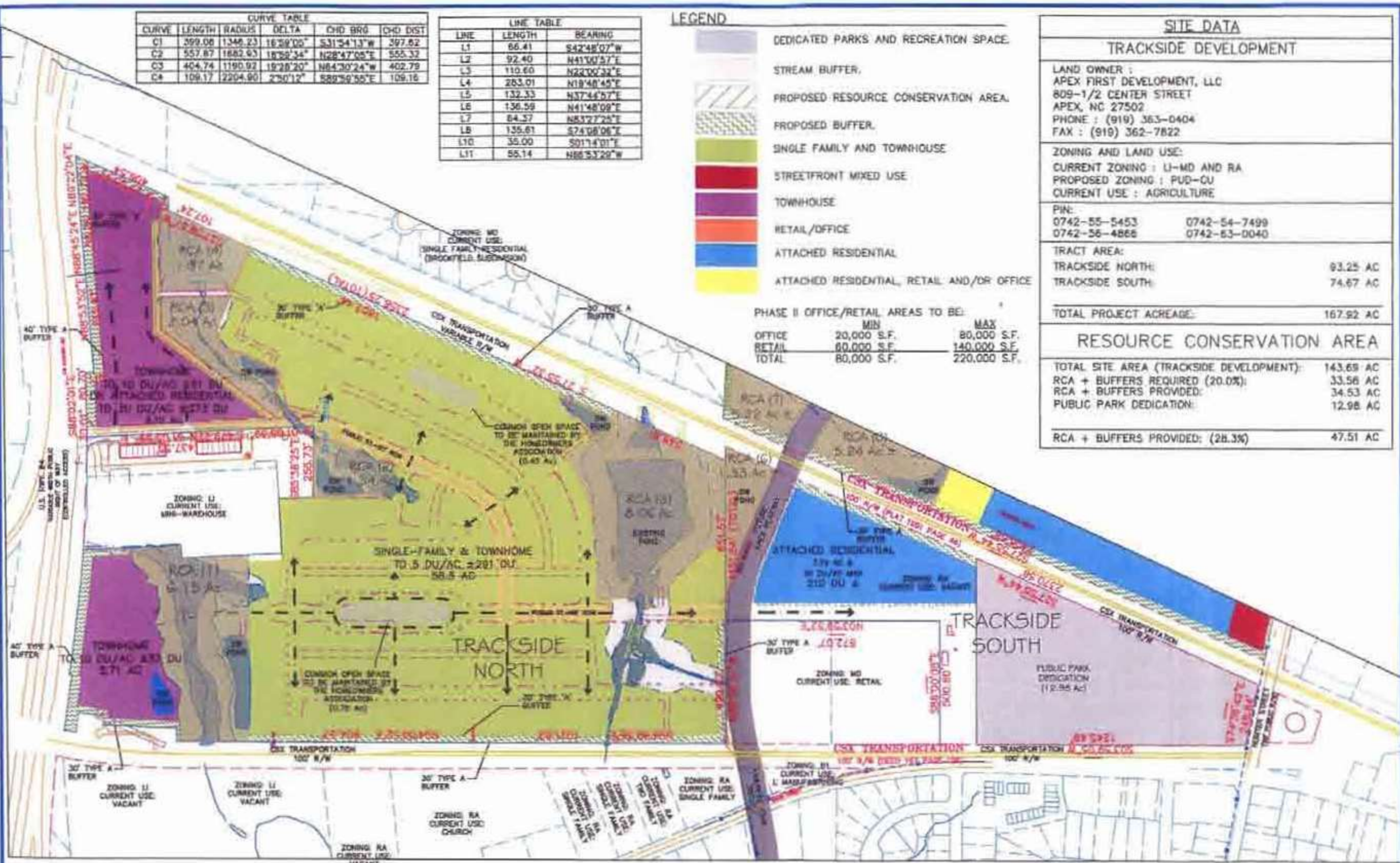
**LEGEND**

- DEDICATED PARKS AND RECREATION SPACE
- STREAM BUFFER
- PROPOSED RESOURCE CONSERVATION AREA
- PROPOSED BUFFER
- SINGLE FAMILY AND TOWNHOUSE
- STREETFRONT MIXED USE
- TOWNHOUSE
- RETAIL/OFFICE
- ATTACHED RESIDENTIAL
- ATTACHED RESIDENTIAL, RETAIL AND/OR OFFICE

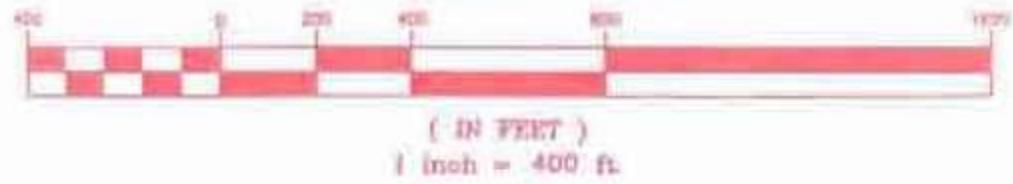
PHASE II OFFICE/RETAIL AREAS TO BE:

	MIN	MAX
OFFICE	20,000 S.F.	80,000 S.F.
RETAIL	80,000 S.F.	140,000 S.F.
TOTAL	80,000 S.F.	220,000 S.F.

SITE DATA	
<b>TRACKSIDE DEVELOPMENT</b>	
LAND OWNER : APEX FIRST DEVELOPMENT, LLC 809-1/2 CENTER STREET APEX, NC 27502 PHONE : (919) 363-0404 FAX : (919) 362-7822	
ZONING AND LAND USE: CURRENT ZONING : LI-MD AND RA PROPOSED ZONING : PUD-CU CURRENT USE : AGRICULTURE	
PIN: 0742-55-5453      0742-54-7499 0742-56-4866      0742-63-0040	
TRACT AREA:	
TRACKSIDE NORTH:	93.25 AC
TRACKSIDE SOUTH:	74.67 AC
TOTAL PROJECT ACREAGE:	167.92 AC
<b>RESOURCE CONSERVATION AREA</b>	
TOTAL SITE AREA (TRACKSIDE DEVELOPMENT):	143.69 AC
RCA + BUFFERS REQUIRED (20.0%):	33.56 AC
RCA + BUFFERS PROVIDED:	34.53 AC
PUBLIC PARK DEDICATION:	12.98 AC
RCA + BUFFERS PROVIDED: (28.3%)	47.51 AC



**GRAPHIC SCALE**



BBM ASSOCIATES, INC.  
1177 Orange St.  
Suite 101  
Raleigh, North Carolina 27601  
919-871-7770  
Fax: 919-871-7444  
www.bbmassociates.com

**TRACKSIDE REZONING  
PLANNED DEVELOPMENT PLAN  
APEX, NORTH CAROLINA**

NO.	DATE	DESCRIPTION
1		PRELIMINARY PLAN SUBMITTAL
2		REVISIONS TO PRELIMINARY PLAN SUBMITTAL
3		FINAL PLAN SUBMITTAL

**SITE LAYOUT PLAN  
C2.2**

PROJECT NO: 1000000000  
DATE: 01/15/10  
DRAWN BY: JMM  
CHECKED BY: JMM  
SCALE: AS SHOWN







## GENERAL NOTES

1. THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN. REFERENCE: FEMA PANEL 370467 0479 E, EFFECTIVE MARCH 3, 1992.
2. STREAM DETERMINATION WAS PERFORMED ON PROPERTY LOCATED NORTH OF FUTURE PEAKWAY BY NCDENR/DWQ ON MARCH, 2005.
3. WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY QORE PROPERTY SCIENCES ON JANUARY, 2005.
4. GRAY/DASHED LINES REPRESENT SECONDARY CIRCULATION WHICH MAY BE PUBLIC OR PRIVATE STREETS.
5. ALL INTERNAL PEDESTRIAN TRAFFIC WILL CONNECT WITH PUBLIC STREET RIGHT-OF-WAY. SIDEWALK TO BE 5' IN WIDTH AND BE LOCATED ON BOTH SIDES OF ALL STREETS. SIDEWALK ALONG HUNTER STREET WILL BE IN ACCORDANCE WITH THE URBAN LANDSCAPE PLAN.
6. MAIL KIOSK LOCATIONS WILL BE DETERMINED AT SITE PLAN SUBMITTAL STAGE.
7. WITHIN MIXED-USE DISTRICTS IDENTIFIED, IT IS ENVISIONED THAT RESIDENTIAL, OFFICE AND RETAIL WILL BE PLANNED IN CLOSE JUXTAPOSITION TO ONE ANOTHER. VERTICAL MIXING OF USES WILL BE REQUIRED IN THE STREETFRONT MIXED USE AREAS. RETAIL FLOOR AREA SHOWN MAY CONVERT TO OFFICE DEPENDING ON MARKET DEMAND. RESIDENTIAL DENSITY WILL BE PROPORTIONATELY LESS IF RETAIL/OFFICE USES ARE LESS THAN THE MAXIMUM SPECIFIED. THE INTENT OF THE MIXED-USE DISTRICT IS TO MAXIMIZE THE YIELD/INTENSITY ON THE SITE WITHIN THE LIMITS OF THE MAXIMUM HEIGHT SPECIFIED.
8. BUILDING FOOTPRINTS WILL GENERALLY FRONT STREETS CREATING AN ARCHITECTURAL EDGE AND HELPING TO SCREEN LARGER PARKING AND SERVICE AREAS ORIENTED TO THE REAR.
9. STREETS MAY BE PUBLIC OR PRIVATE AND MAY HAVE ON-STREET PARKING.

\*NOTE: RESIDENTIAL MAY INCREASE TO 700 DU IN LIEU OF OFFICE OR COMMERCIAL SPACE WITHIN TRACKSIDE SOUTH. THERE WILL BE A MINIMUM OF 80,000 S.F. AND A MAXIMUM OF 220,000 S.F. OF COMMERCIAL SPACE.

\*\*RESIDENTIAL FLOOR AREA SHOWN MAY BE CONVERTED TO OFFICE OR RESIDENTIAL PROVIDING THAT THE TOTAL TRAFFIC IMPACT AND THAT ON OTHER UTILITIES DOES NOT TRIGGER ADDITIONAL IMPROVEMENTS AND THE REQUESTED CHANGE MEETS WITH THE APPROVAL OF THE TOWN MANAGER.

## TOWN GENERAL NOTES

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL 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.)
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF PUD-CU PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.



807 Oldman Rd.  
Suite 101  
Raleigh, North Carolina 27607

919-833-7334  
Fax: 919-833-7337  
www.bbmassociates.com

TRACKSIDE REZONING  
PLANNED DEVELOPMENT PLAN  
APEX, NORTH CAROLINA

ISSUE SEQUENCE		
NO.	DATE	DESCRIPTION
1	02/25/07	POPLANSUBMITTAL
2	03/28/07	PD PLAN SUBMITTAL
3	04/02/07	PO PLAN SUBMITTAL

LAYOUT  
PLAN  
NOTES  
C2.4

PROJECT NO. W8004.000  
DRAWN BY: JAM  
DATE: 08/28/04





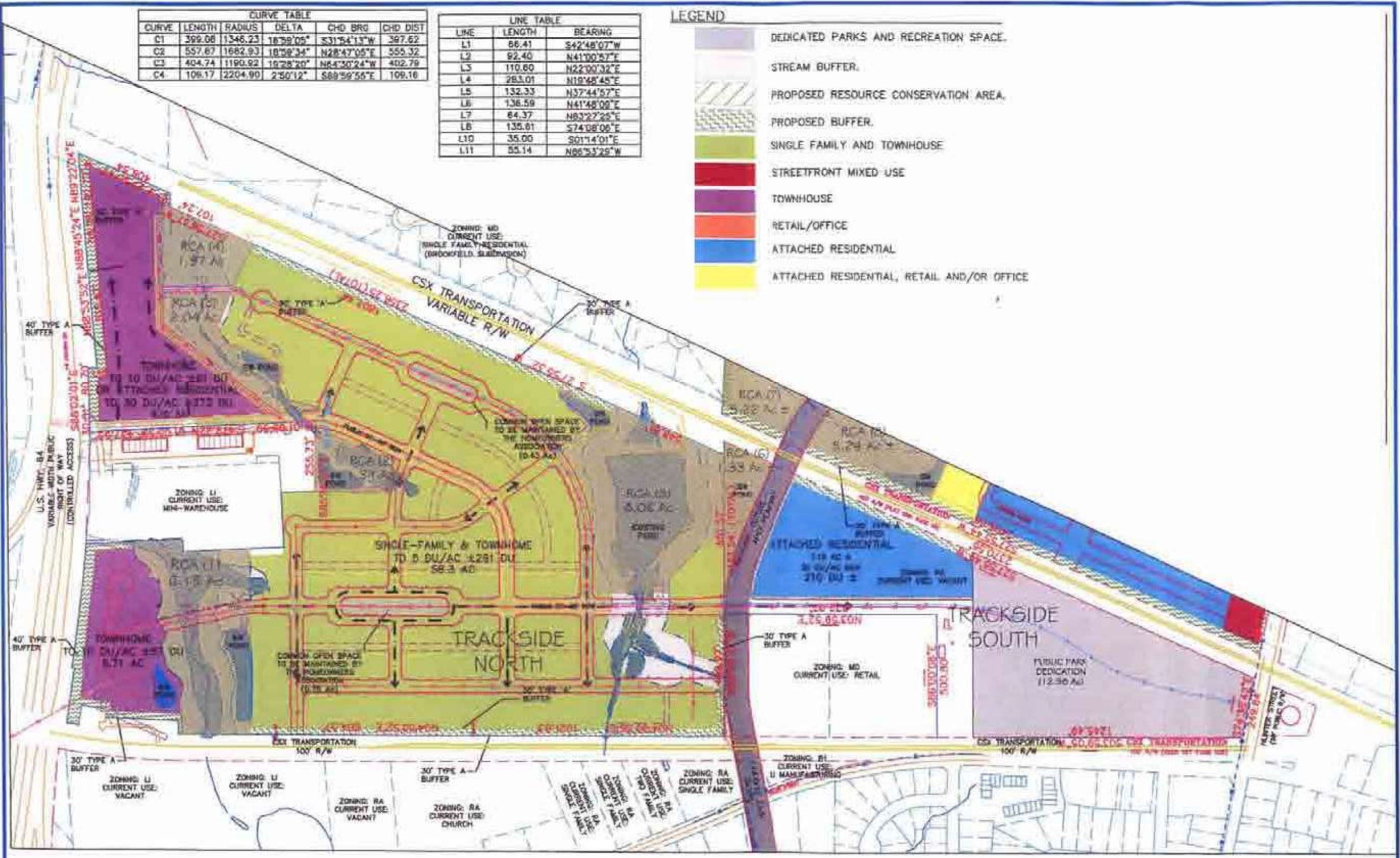


CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1346.23	18°39'09"	S31°54'13"W	397.62
C2	557.67	1682.93	18°39'34"	N28°47'09"E	555.32
C3	404.74	1190.92	19°28'20"	N64°30'24"W	402.79
C4	106.17	2204.90	2°50'12"	S89°59'56"E	109.18

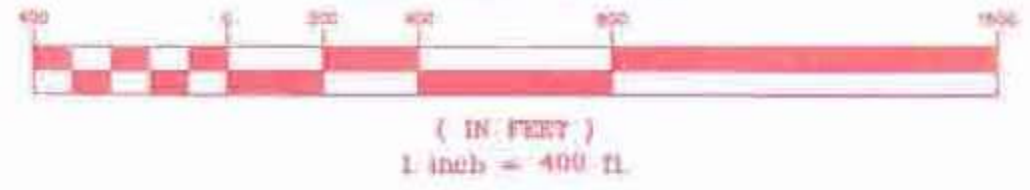
LINE TABLE		
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L6	136.59	N41°48'09"E
L7	84.37	N83°22'35"E
L8	135.01	S74°08'06"E
L10	35.00	S01°14'01"E
L11	55.14	N66°53'29"W

**LEGEND**

- DEDICATED PARKS AND RECREATION SPACE.
- STREAM BUFFER.
- PROPOSED RESOURCE CONSERVATION AREA.
- PROPOSED BUFFER.
- SINGLE FAMILY AND TOWNHOUSE
- STREETFRONT MIXED USE
- TOWNHOUSE
- RETAIL/OFFICE
- ATTACHED RESIDENTIAL
- ATTACHED RESIDENTIAL, RETAIL AND/OR OFFICE



**GRAPHIC SCALE**



**TRACKSIDE REZONING  
PLANNED DEVELOPMENT PLAN  
APEX, NORTH CAROLINA**

NO.	DATE	DESCRIPTION
1	09/20/07	PRELIMINARY PLAN SUBMITTAL
2	10/16/07	PRELIMINARY PLAN SUBMITTAL
3	04/23/07	PRELIMINARY PLAN SUBMITTAL

**CONCEPTUAL  
UTILITY PLAN  
C4.2**

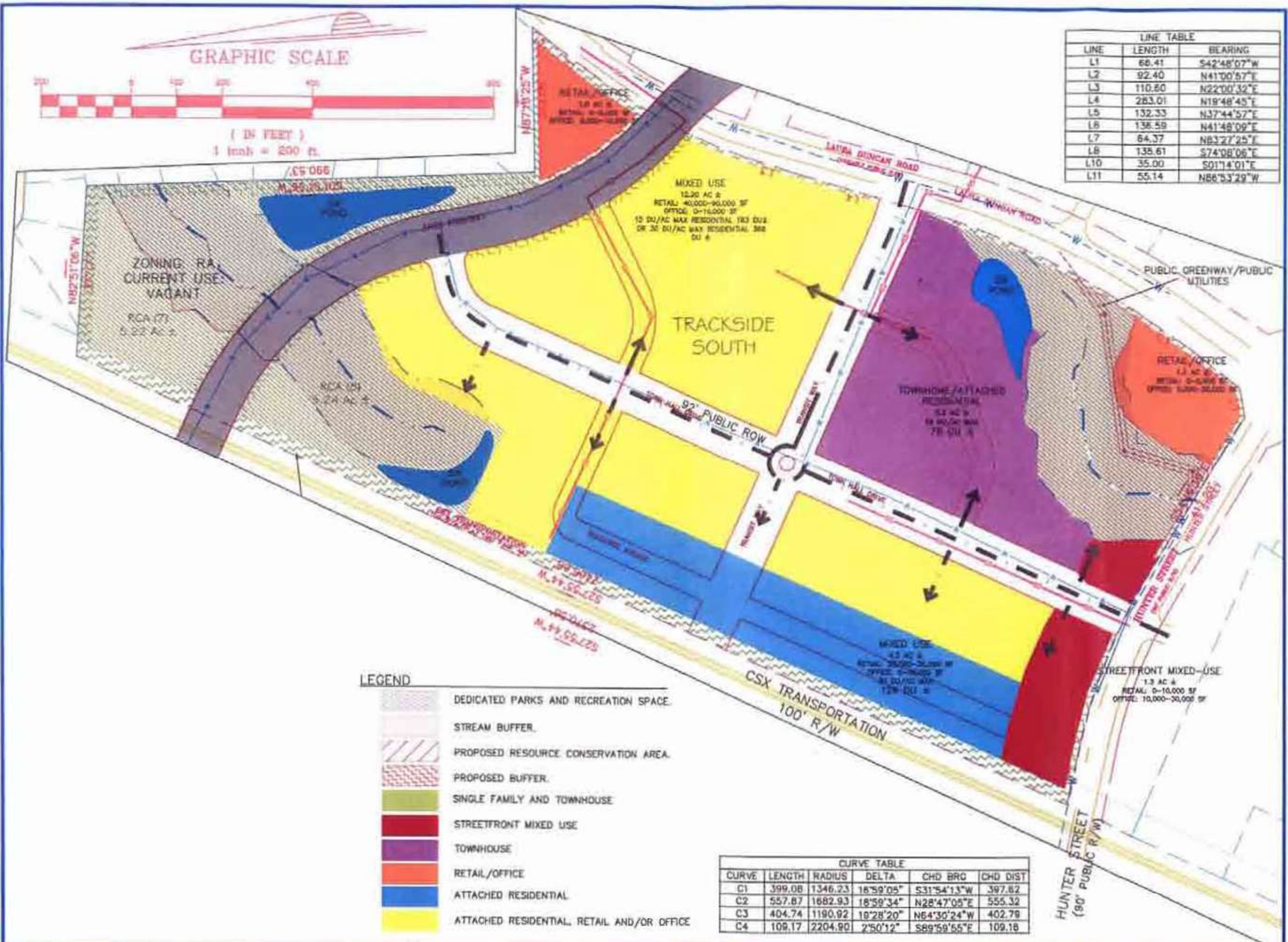
PROJECT NO. 09004-002  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 09/23/04



**GRAPHIC SCALE**



LINE	LENGTH	BEARING
L1	66.41	S42°48'07"W
L2	92.40	N41°00'57"E
L3	110.60	N22°00'32"E
L4	263.01	N19°48'45"E
L5	132.33	N37°44'57"E
L6	138.59	N41°48'09"E
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**LEGEND**

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- STREAM BUFFER.
- PROPOSED RESOURCE CONSERVATION AREA.
- PROPOSED BUFFER.
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CURVE TABLE					
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C2	557.87	1682.93	18°59'34"	N28°47'05"E	555.32
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C4	109.17	2204.90	2°50'12"	S69°59'55"E	109.18

BBM  
ENGINEERS SURVEYORS  
PLANNERS

407 Clanton St.  
Suite 100  
Raleigh, North Carolina 27607

919-833-2228  
Tel: 919-833-7227  
www.bbmnc.com

**TRACKSIDE REZONING  
PLANNED DEVELOPMENT PLAN  
APEX, NORTH CAROLINA**

ISSUE RESOLUTION	
NO.	DESCRIPTION

**CONCEPTUAL  
UTILITY  
PLAN  
C4.3**

PROJECT NO. 1000000000  
DATE: 08/20/2018  
DRAWN BY: JAC  
CHECKED BY: JAC  
SCALE: AS SHOWN









Condominiums over Retail or Residential

5 February 2007

## Trackside

Apex, North Carolina

Perry Cox  
architects





Entry at Hunter Street

5 February 2007

## Trackside

Apex, North Carolina

  
Perry Cox  
architect llc



Entry at Hunter Street

5 February 2007

## Trackside

Apex, North Carolina



Perry Cox  
architect llc





Townhouses

5 February 2007

## Trackside

Apex, North Carolina

Perry Cox  
architect



















**LEGAL DESCRIPTION FOR REZONING  
TRACTSIDE  
APEX, NORTH CAROLINA**

BEGINNING AT AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD (100' PRIVATE RIGHT OF WAY), SAID IRON BEING SOUTH 54 DEGREES 23 MINUTES 11 SECONDS EAST 1,686.83 FEET FROM NORTH CAROLINA GRID MONUMENT "EARL SMITH" (NAD 83), (REFERENCED TO BOOK OF MAPS 1997, PAGE 956, AND ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED), THENCE NORTH 04 DEGREES 06 MINUTES 58 SECONDS EAST ALONG THE EASTERN LINE OF SAID RIGHT OF WAY A DISTANCE OF 325.90 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 04 DEGREES 21 MINUTES 00 SECONDS EAST 65.65 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH WILLIAM J. BOOTH CELL TOWER TRACT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING SAID COMMON LINE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS EAST 53.72 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 06 DEGREES 25 MINUTES 15 SECONDS EAST 294.10 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 80 DEGREES 43 MINUTES 17 SECONDS EAST 37.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 12 DEGREES 23 MINUTES 38 SECONDS EAST 91.26 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 77 DEGREES 36 MINUTES 22 SECONDS WEST 79.92 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN SAID EASTERN CSX RAILROAD RIGHT OF WAY; THENCE WITH SAID EASTERN CSX RIGHT OF WAY, NORTH 13 DEGREES 32 MINUTES 45 SECONDS EAST 47.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 225.15 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 11 DEGREES 56 MINUTES 06 SECONDS EAST, 10.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 92.68 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 79 DEGREES 04 MINUTES 10 SECONDS EAST, 290.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 81 DEGREES 33 MINUTES 58 SECONDS EAST, 124.01 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN A COMMON LINE WITH EXTRA ATTIC SELF STORAGE TRACT; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE US HIGHWAY 654 ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREES 08 MINUTES 27 SECONDS WEST, 392.74 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMONLINE WITH EXTRA ATTIC SELF STORAGE, NORTH 89 DEGREES 01 MINUTES 08 SECONDS WEST, 49.91 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREE 06 MINUTES 56 SECONDS WEST, 409.03 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE. THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 88 DEGREES 52 MINUTES 17 SECONDS EAST, 225.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH KC2 ENTERPRISES TRACT. THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 01 DEGREES 36 MINUTES 13 SECONDS WEST 137.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 255.73 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST 479.22 FEET TO A COMPUTED CORNER THAT FALLS IN THE INSIDE OF A DILAPIDATED STRUCTURE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST, 437.55 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, SOUTH 87 DEGREES 19 MINUTES 41 SECONDS EAST, 178.54 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 88 DEGREES 02 MINUTES 01 SECONDS, 80.70 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 01 DEGREES 14 MINUTES 01 SECONDS EAST, 35.00 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, 515.47 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 45 MINUTES 24 SECONDS EAST, 58.28 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 89 DEGREES 22 MINUTES 04 SECONDS EAST, 192.77 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, 109.17 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,204.90 FEET, CHORD BEARING OF SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST AND CHORD DISTANCE OF 109.16 FEET TO AN



EXISTING 1/2" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF CSX TRANSPORTATION (100' WIDE PRIVATE RIGHT OF WAY); THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE U.S. HIGHWAY 64 THE SAID WESTERN RIGHT OF WAY OF CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 47 SECONDS WEST, 406.54 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION AS IT WIDENS TO A 200 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 86 DEGREES 53 MINUTES 29 SECONDS WEST, 55.14 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION, SOUTH 27 DEGREES 58 MINUTES 37 SECONDS WEST, 107.24 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 32 SECONDS WEST, 2,356.25 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE, SAID IRON ALSO BEING IN A COMMON LINE WITH F.BRENT NEAL, MARION HAYES MCNAIR, AND DOUGLAS W. DUNCAN TRUSTEES PROPERTY; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX AS IT NARROWS TO A 100 FOOT WIDE PRIVATE RIGHT OF WAY AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 85 DEGREES 59 MINUTES 31 SECONDS EAST, 54.40 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE LEAVING SAID WESTERN CSX RIGHT OF WAY AND CROSSING SAID 100 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 89 DEGREES 09 MINUTES 10 SECONDS EAST, 114.09 FEET TO AN EXISTING CONCRETE MONUMENT IN THE EASTERN RIGHT OF WAY OF SAID CSX AND ALSO A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN; THENCE ALONG SAID COMMON LINE WITH CSX TRANSPORTATION AND NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 53.60 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE LEAVING EASTERN RIGHT OF WAY LINE CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 324.17 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 01 DEGREES 51 MINUTES 50 SECONDS WEST, 990.53 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 87 DEGREES 18 MINUTES 31 SECONDS EAST, 322.06 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF LAURA DUNCAN ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN, SOUTH 42 DEGREES 48 MINUTES 01 SECONDS WEST, 66.41 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 00 MINUTES 51 SECONDS WEST, 92.40 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 399.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,346.23 FEET, CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 397.62 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 22 DEGREES 00 MINUTES 26 SECONDS WEST, 110.60 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD; SOUTH 19 DEGREES 48 MINUTES 39 SECONDS WEST, 283.01 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 557.87 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,682.93 FEET, CHORD BEARING OF SOUTH 28 DEGREES 46 MINUTES 59 SECONDS WEST AND CHORD DISTANCE OF 555.32 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 37 DEGREES 44 MINUTES 51 SECONDS WEST, 132.33 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 48 MINUTES 03 SECONDS WEST, 136.59 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD AS IT INTERSECTS WITH HUNTER STREET (90 FOOT WIDE PUBLIC RIGHT OF WAY), SOUTH 83 DEGREES 27 MINUTES 19 SECONDS WEST, 64.37 FEET TO A POINT IN THE SAID NORTHERN RIGHT OF WAY HUNTER STREET; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 54 DEGREES 46 MINUTES 45 SECONDS WEST, 417.20 FEET TO A POINT; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, 404.74 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,190.92 FEET, CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 30 SECONDS WEST AND CHORD DISTANCE OF 402.79 FEET TO AN EXISTING 1/2" REBAR; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 08 MINUTES 12 SECONDS WEST, 135.61 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET AND CROSSING SAID CSX TRANSPORTATION RIGHT OF WAY, NORTH 72 DEGREES 43 MINUTES 23 SECONDS WEST, 101.75 FEET TO A POINT IN THE WESTERN RIGHT OF WAY SAID CSX TRANSPORTATION; THENCE LEAVING SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION 100 FOOT WIDE RIGHT OF WAY ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 36 MINUTES 48 SECONDS WEST, 249.84 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF A 100 FOOT WIDE CSX TRANSPORTATION PRIVATE RIGHT OF WAY; THENCE ALONG

SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, NORTH 03 DEGREES 58 MINUTES 59 SECONDS, 1,095.49 FEET TO A POINT; THENCE LEAVING SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, SOUTH 87 DEGREES 43 MINUTES 16 SECONDS EAST, 500.77 FEET TO A POINT; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, NORTH 03 DEGREES 59 MINUTES 46 SECONDS EAST, 1,022.07 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID LAMPE ENTERPRISES 1995 LTD PARTNERSHIP; NORTH 85 DEGREES 59 MINUTES 31 SECONDS WEST, 499.97 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 36 SECONDS EAST, 1,021.63 FEET TO A EXISTING 3/4" (O.D.) IRON PIPE, SAID PIPE ALSO BEING NORTH 32 DEGREES 16 MINUTES 29 SECONDS EAST, 146.51 FEET FROM CSX RAIL ROAD MILE MARKER 20 POST; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 52 SECONDS EAST, 804.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 173.39 ACRES FROM WHICH 5.484 ACRES IS TO BE EXCLUDED FOR BING CSX RAIL RIGHT OF WAY. TOTAL PARCEL ACRES FOR REZONING IS 167.903 ACRES.

THIS BOUNDARY DESCRIPTION WAS PREPARED BY TIMOTHY E. BOWES, PLS L-3455 OF BBM ASSOCIATES, INC. OUR ADDRESS IS 407 GORMAN STREET, SUITE 101 RALEIGH NC 27607. OUR TELEPHONE NUMBER IS (919) 833-7336 AND OUR FAX NUMBER IS (919) 833-7337. THE DESCRIPTION PREPARED EMBODIES THE SURVEYOR'S OPINION OF THE LOCATION OF THE BOUNDARY LINES OF THE TRACT AND IS NOT TO BE CONSTRUED AS A CERTIFICATION TO QUALITY OF TITLE TO THE PROPERTY.